



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

November 21, 2013

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Lock Kwan

SUBJECT: REQUEST FOR HEARING BY LOCK KWAN ON HIS FUTURE EMPLOYMENT RESTRICTIONS WITH THE CITY AND COUNTY OF SAN FRANCISCO.

Dear Mr. Kwan:

As you are aware, the Civil Service Commission ("Commission") acted at its meeting of October 21, 2013 to continue your appeal to a future meeting date to be scheduled within 60 days, in order to allow you and the Public Utilities Commission ("PUC") an opportunity to address the questions and concerns raised by the Commission during the meeting. [The minutes and audio recording for the October 21st meeting are available on the Commission's website at www.sfgov.org/Civil_Service.] In accordance with the Commission's acting, your appeal is scheduled to be heard at the Commission meeting of **Monday, December 16, 2013 at 2:00 p.m.** in Room 400 on the Fourth Floor of City Hall, located at 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Separations Agenda. The agenda will be posted for your review on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting Materials" no later than end of day on Wednesday, December 11, 2013. Please refer to the attached Notice for procedural and other information about Commission hearings.

A copy of the department's original staff report on your appeal has already been provided to you; however, we can provide you at your request with another copy via email and/or make a hard copy available to you for your review at our offices located in suite 720 of 25 Van Ness Avenue, San Francisco. Any supplemental report that the PUC wishes to submit on your appeal would be due to the Commission by **Thursday, December 5, 2013**. We will email you a copy of any such supplemental report once we receive it and/or make available a hard copy for your review at our offices upon your request. 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,**

THIS DOCUMENT IS UNCLASSIFIED
DATE 11/21/13 BY 12

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

JAMES C. JOHNSTON
EXECUTIVE OFFICER

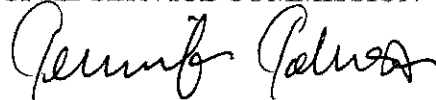
December 10, 2013 (as a reminder, we require an original and eight copies of any supplemental materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered at the bottom of the page). Again, please be sure to redact your submission for any confidential or sensitive information (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 testimony provided at its meetings. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance. Where applicable, the Commission has the authority to uphold, increase, reduce, or modify any restrictions recommended by the department.

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

You may contact me at Jennifer.Johnston@sfgov.org or (415) 252-3247 should you have any questions.

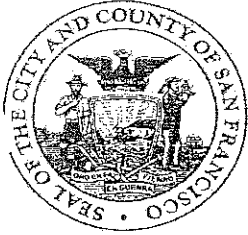
CIVIL SERVICE COMMISSION



JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Micki Callahan, Department of Human Resources
Donna Kotake, Department of Human Resources
Linda Marini, Public Utilities Commission
Lori Reglar, Public Utilities Commission
Justine Hinderliter, Public Utilities Commission
Commission File
Commissioner's Binder
Chron



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

October 24, 2013

Sent via Electronic Mail

SCOTT R. HELDFOND
PRESIDENT

NOTICE OF CIVIL SERVICE COMMISSION ACTION

E. DENNIS NORMANDY
VICE PRESIDENT

Lock Kwan

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

SUBJECT: REQUEST FOR HEARING BY LOCK KWAN, CLASS 5207
ASSOCIATE ENGINEER, PUBLIC UTILITIES COMMISSION
ON HIS FUTURE EMPLOYMENT RESTRICTIONS WITH THE
CITY AND COUNTY OF SAN FRANCISCO.

GINA M. ROCCANOVA
COMMISSIONER

Dear Mr. Kwan:

At its meeting of **October 21, 2013** the Civil Service Commission had for its consideration the above matter.

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

The Commission continued the item to a future meeting date within 60 days so that the San Francisco Public Utilities Commission and Lock Kwan may address the questions raised by the Commission.

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

JENNIFER JOHNSTON
Executive Officer

Cc: Micki Callahan, Department of Human Resources
Donna Kotake, Department of Human Resources
Linda Marini, Public Utilities Commission
Lori Reglar, Employees Relations & EEO Programs Manager
Commission File
Chron.



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

October 10, 2013

Sent via Electronic Mail

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SCOTT R. HELDFOND
PRESIDENT

Lock Kwan

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

**SUBJECT: REQUEST FOR HEARING BY LOCK KWAN, CLASS 5207
ASSOCIATE ENGINEER, PUBLIC UTILITIES COMMISSION ON
HIS FUTURE EMPLOYMENT RESTRICTIONS WITH THE CITY
AND COUNTY OF SAN FRANCISCO.**

Dear Mr.Kwan:

The above matter will be considered by the Civil Service Commission at a meeting to be held on **October 21, 2013 at 2:00 p.m. in Room 400**, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the separations agenda. The agenda will be posted for your review on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting Materials" no later than end of day on Wednesday, October 16, 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 has already been provided to you, and I have attached a copy of the department's supplemental submission. However, hard copies of both documents are available for your review at the Civil Service Commission's office located at 25 Van Ness Avenue, Suite 720.

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, October 15, 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 (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

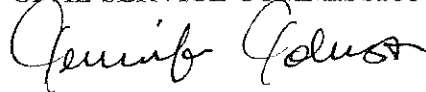
Attendance by you or an authorized representative is recommended. Should you or a representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance. Where applicable, the Commission has the authority to uphold, increase, reduce, or modify any restrictions recommended by the department.

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.

Should you have any questions regarding the hearing proceedings you may contact me at (415) 252-3247.

CIVIL SERVICE COMMISSION

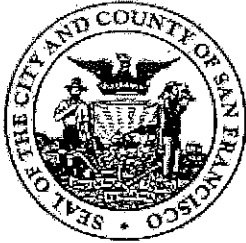


JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Micki Callahan, Department of Human Resources
Donna Kotake, Department of Human Resources
Linda Marini, Public Utilities Commission
Lori Reglar, Employees Relations & EEO Programs Manager
Commission File
Commissioner's Binder
Chron

**ORIGINAL APPEAL
SUBMITTED BY
APPELLANT**



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

al

CSC Register No.
 0046-12-7
 To: X M. CALLAHAN
 D. KOTAKE
 CC: L. MARINI
 M. DE VERA

APPEAL TO THE CIVIL SERVICE COMMISSION

<p>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.)</p>	<p>TYPE OF APPEAL: (Check One)</p> <p><input type="checkbox"/> Examination Matters (by Noon on 5th working day)</p> <p><input type="checkbox"/> Employee Compensation Matters (by Noon on 7th 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 checked="" type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
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Lock Kwan One Montgomery St., Suite 900, SF, CA 94104 415-243-3876

Full Name of Appellant	Work Address	Work Telephone
5207 Associate Engineer	Public Utilities Commission	

Job Code	Title	Department

Residence Address	City	State	Zip	Home Telephone
N/A				

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 new 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>
---	--

Lock Kwan 2/28/12
 Original Signature of Appellant or Authorized Representative Date

RECEIVED
 EXECUTIVE OFFICER
 CIVIL SERVICE COMMISSION
 SAN FRANCISCO
 2012 FEB 28 AM 11:48

State the basis of this appeal in detail:

5207 Associate Engineer appeals the City's decision to impose a restriction of no future employment with the City and County of San Francisco. It is the grievant's belief that the restriction was without just cause. The grievant was informed by the City of the restriction seven months after initial satisfactory services resignation.

I request that the Commission entertain this appeal and allow the grievant the opportunity to present detail and facts which would legitimately challenge the City's decision to impose the restriction.

Thank you.

Sincerely, Lock Kwan, P.E.

Hinderliter, Justine

From: Kwan, Lock
Sent: Friday, May 27, 2011 4:00 PM
To: Carlomagno, Brian
Cc: Reynoso, Elizabeth
Subject: RE: Bye Lock

Hello Brian and Liz.

Today is my official last day. It's been great working with you.

I had a great run with the City. Now, I will try something else. SSIP is \$6B so I will return as an URS consultant.

Best wishes to you and your family in the future. Viva la musketeers.

Lock.

From: Carlomagno, Brian
Sent: Friday, May 27, 2011 11:47 AM
To: Kwan, Lock
Cc: Reynoso, Elizabeth
Subject: Bye Lock

Hi Lock-

It was brought to my attention that you've accepted an opportunity outside the City.

The three mechanical musketeers (You, Liz and I) will be down to two!

Good luck in your future endeavors, and stay in touch.

Have a good weekend!

Brian Carlomagno
Project Manager
San Francisco Water Power Sewer
Project Management Bureau
1145 Market Street, 10th Floor
San Francisco, CA 94103-1513
Office: (415) 551-4583
Fax: (415) 551-4609
bcarlomagno@sfgwater.org

EMPLOYEE INFORMATION

1. First Loc	2. Middle	3. Last Kwan
4. Address	5. City/State	6. Zip
7. Social Security Number/Employee Number 4 [REDACTED]		
8. City Department (employed by) <u>PUC</u>		

OFFSET INFORMATION

9. Offset Amount 6,409.60	10. Bi-weekly Deduction (up to 25% of gross earnings) -
11. Basis of Offset - state in detail reason for offset request. Attach additional pages if necessary. Employee part of an internal investigation. He was overpaid 16 hours LH, 40 hours WK and 72hours SP, His time was still recorded after he had resigned. Requesting that offset be taken from his lump sum pay out for vacation. See attached documents.	

12. WCAB (workers' compensation) Case No. [if any]:

13. The Employee named above will repay the City the Total Amount stated above (#9) by means of bi-weekly payroll deductions as follows, or as a one-time deduction of the amount in full:

_____ bi-weekly installments of \$ _____ each =	=	\$ _____
Plus one final installment of \$ _____ =	=	\$ _____
Total (must equal Total Offset Amount/see #9.):	=	\$ _____

REQUESTING DEPARTMENT/ ORGANIZATION INFORMATION

14. Name of Individual Requesting Offset Kerry Wilhite	15. Date 1/25/12
16. Requester's Department/Organization/Email Contact Info: HRS-PUC	17. Requester's Phone Number
18. Make check payable to: Remaining amount should be payable to Loc Kwan \$2818.72	19. Mailing address for check: HRS-PUC attn.: Kerry

Please send completed form to #9 CON, Controller's Office, 1 Dr. Carlton B. Goodlett Place, City Hall, Room 316, San Francisco, CA 94102, Attn: Offsets Coordinator

<p>Please Note: Offsets are governed under Section 10.27 through 10.27-7 of the San Francisco Administrative Code. Form must be completed in its entirety in order to be processed. Incomplete forms will be returned to the requesting department unprocessed. Requesting department should attach any document that substantiates request for offset. Questions concerning this form or the offset process should be directed to the Controller's Office at 415-554-7500.</p>	<p>FOR CONTROLLER'S OFFICE USE</p>
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Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

January 27, 2012

Loc Kwan

Re: Declaration of Offset - CCSF

Dear Mr. Kwan:

This letter concerns the request for an offset that has been made by the San Francisco Public Utilities Commission (PUC) in the amount of \$6,409.60 against any monies that may become due to you from the City and County of San Francisco, including the Retirement System.

Under Section 10.27 et seq. of the San Francisco Administrative Code, I do hereby declare an offset in the amount of \$6,409.60.

The amount of \$6,409.60 will be deducted from your salary warrant to satisfy this offset request.

Sincerely,


Ben Rosenfield
Controller

Cc: Kerry Wilhite, PUC Payroll
Rowena Siu, Controller's PPSD
Lilian Yin, Controller's PPSD
Debra Nebreda, Controller's PPSD
Maria Newport, Retirement System
Jeffrey Smejkal, TTX/BDR

Reference: 4 [REDACTED]

AMENDED

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES

SEPARATION REPORT (SR)

NAME (LAST, FIRST, M.I.) Kwan, Lock K.		DATE OF BIRTH [REDACTED]	SOCIAL SECURITY NO. 4 [REDACTED]	DHR USE ONLY SR-	
CLASS NO. 5207	TITLE Associate Engineer	RANK 3	LIST 052217	CERTIFICATION OR 07/11/2005	DHR RQ NUMBER 1108204
HOME ADDRESS (REQUIRED)			DATE ISSUED 2/10/2012	DATE EFFECTIVE 05/27/2011 07/28/2011	DEPT. RQ NO. P2747
HOME TELEPHONE NUMBER:					
TYPE OF APPOINTMENT <input checked="" type="checkbox"/> PERMANENT (PCS) <input type="checkbox"/> EXEMPT-PERM. (PEX) <input type="checkbox"/> TEMPORARY (TCS) <input type="checkbox"/> EXEMPT-TEMP. (TEX) <input type="checkbox"/> PROVISIONAL (TPV) <input type="checkbox"/> RETIREE (REX) <input type="checkbox"/> LIMITED TENURE (TLT) <input type="checkbox"/> NON-CIVIL SERVICE (NCS)		WORK SCHEDULE <input checked="" type="checkbox"/> FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> SCHOOL TERM/FULL-TIME <input type="checkbox"/> SCHOOL TERM/PART-TIME <input type="checkbox"/> AS NEEDED (Irregular)		IS THE EMPLOYEE SERVING A PROBATIONARY PERIOD AT THE TIME OF SEPARATION? <input type="checkbox"/> YES IF YES, SPECIFY: <input type="checkbox"/> ENTRANCE <input checked="" type="checkbox"/> NO <input type="checkbox"/> PROMOTIVE	
IS THIS A COMPLETE SEPARATION FROM CITY & COUNTY SERVICE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, RETURNING TO PCS POSITION? YES NO DEPT CLASS			IF ACCEPTING OTHER EMPLOYMENT: (Check One Below) NEW DEPT: CLASS: STATUS: <input type="checkbox"/> PROMOTIVE <input type="checkbox"/> STATUS GRANT		

1 REASSIGNMENT

NEW REQUISITION	DEPT REQ NBR	DHR REQ NBR	DEPT	CLASS	WORK SCHED
-----------------	--------------	-------------	------	-------	------------

2 LEAVE/SUSPENSION OVER 5 DAYS

<input type="checkbox"/> MILITARY LEAVE (ATTACH ORDERS) LESS THAN 180 DAYS	<input type="checkbox"/> SUSPENSION	APPROVED DURATION START DATE
<input type="checkbox"/> MORE THAN 180 DAYS	<input type="checkbox"/> OTHER-SPECIFY	
<input type="checkbox"/> UNPAID ADMINISTRATIVE LEAVE		END DATE

3 RESIGNATION

SATISFACTORY SERVICES (TER: RSS)
 UNSATISFACTORY SERVICES (TER: RUS)

BY THE APPOINTEE: I HEREBY FREELY AND VOLUNTARILY RESIGN FROM THE ABOVE POSITION. I REQUEST APPROVAL OF THIS RESIGNATION AS OF THE EFFECTIVE DATE WITH THE FULL UNDERSTANDING THAT ONCE APPROVED, I MAY ACQUIRE ANOTHER POSITION IN THIS CLASS ONLY AS PROVIDED IN THE RULES OF THE CIVIL SERVICE COMMISSION (SEE EMPLOYEE COPY AND CSC RULES 114 & 119)

SIGNATURE _____ DATE _____

4 LAY-OFF

<input type="checkbox"/> INVOLUNTARY LEAVE (PCS_LIL)	REASON <input type="checkbox"/> LACK OF WORK <input type="checkbox"/> LACK OF FUNDS <input type="checkbox"/> A.S.O. <input type="checkbox"/> OTHER <input type="checkbox"/> DISPLACED <input type="checkbox"/> RETRENCHMENT BY ELIG. <input type="checkbox"/> BY HOLDOVER	METHOD <input type="checkbox"/> HAND DELIVERED <input type="checkbox"/> CERTIFIED MAIL
<input type="checkbox"/> INVOLUNTARY LAY-OFF (PCS_LIO)		
<input type="checkbox"/> VOLUNTARY LAY-OFF (PCS_LVO)		
<input type="checkbox"/> ELECTIVE INVOLUNTARY LVE (PCS_EIL)		
PV & EX ONLY: <input type="checkbox"/> INVOL. (NHI) <input type="checkbox"/> VOL. (NHV)		

5 TERMINATION

RELEASE FR APPOINTMENT
 REACHED LEGAL LIMIT (LLT)
 SETTLEMENT AGREEMENT (RZA)
 RELEASE OF NCS, TPV, EX (RLS)

RELEASE FROM PROBATION
 DISCIPLINARY (RFC)
 NON-DISCIPLINARY (RFP)

DISMISSAL OF A PCS (DPE)
 DISMISSAL OF A TLT (TLT)

TERMINATED FOR CAUSE (TFC)
(TPV, NCS, & EXEMPTS ONLY)

DEATH OF AN EMPLOYEE (DEA)
 AUTOMATIC RESIGNATION (ARS)
 NEVER REPORTED TO WORK (DSH)
OTHER (Specify) _____

6 TRANSFER

ADMIN (ADM) LIMITED TERM (LTT)
 EE REQUEST (EER) FUNCTION (TOF)

7 RETIREMENT

NORMAL-RMT DISABILITY-RTD ERP-ERT

BY THE APPOINTEE: I ACKNOWLEDGE RECEIPT OF THE DHR INFORMATION LEAFLET.

SIGNATURE _____ DATE _____

APPOINTING OFFICER SIGNATURE <i>Linda Marini</i>		TELEPHONE NUMBER (415) 554-1670	
NAME/TITLE Linda Marini, Director, HRS/PUC			
DEPARTMENT NO. 40	DEPARTMENT NAME PUC	PERSONNEL FILE FORWARDED? YES _____ NO _____	FORWARDED TO DEPT: CONTACT: _____

DHR USE	
ACTION PENDING:	<input type="checkbox"/> YES <input type="checkbox"/> NO
ANALYST:	DATE: _____
RQ STATUS:	<input type="checkbox"/> YES <input type="checkbox"/> NO
CANCEL RQ:	Date _____
DOC. #:	Date _____
SR POSTED:	Date _____
CN POSTED:	Date _____
Holdover Canvass	_____

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF FUTURE EMPLOYMENT RESTRICTIONS**

Via Certified Mail

Jack Kwan
NAME OF EMPLOYEE

San Carlos CA 94070
CITY STATE ZIP CODE

February 13, 2012
MAILING DATE

SFPUC/WWE
DEPARTMENT/DIVISION

PCS
TYPE OF APPOINTMENT

Resignation
TYPE OF SEPARATION
(Do not use for release from probation)

This notice is to inform you that a future employment restriction is being imposed along with your separation from employment in **Class 5297, Associate Engineer**, effective (*) **May 27, 2011** for the reasons outlined in the attached document(s).

You may request a hearing before the Civil Service Commission on your future employability with the civil service system of the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to terminate your employment.

You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission with 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by **March 4, 2012**. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action to confirm the restriction(s) in effect on the date of your separation (*).

The items checked below are the recommendations made by the department on your employability for positions covered by the San Francisco civil service system:

<input type="checkbox"/>	No restrictions on future employability.	<input type="checkbox"/>	Cancel any current examination and eligibility status.
<input checked="" type="checkbox"/>	No future employment with this department.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input checked="" type="checkbox"/>	No future employment with the City and County of San Francisco.		
<input type="checkbox"/>	Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of _____ year(s) of work experience outside the City and County service.		
<input type="checkbox"/>	OTHER (specify):		

(*) Note: Future Employment Restriction(s) effective immediately.

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

(SEE REVERSE SIDE)

MUST BE COMPLETED BY DEPARTMENT:

Rank: 3 List # 052217
SSN: 4 XXXXXXXXXX
Employee Organization: Local 21

METHOD OF SERVICE: U.S. Mail
Certified Mail: X Hand Delivered _____
Certified Mail #: 70100290000204157446


SIGNATURE OF APPOINTING OFFICER

Linda Marini
NAME
Director, Human Resource Services, SFPUC
TITLE

Attachments(s)

INFORMATION FOR THE FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as an official notice of future employment restrictions to the former employee, the Civil Service Commission, and the Department of Human Resources.
2. If there are no restrictions imposed with the separation, the box indicating "No restrictions on future employability" would be checked.
3. A separated employee may request a hearing before the Civil Service Commission only for review of any restrictions on their future employability with the City and County of San Francisco.
4. Such appeals or requests for hearing must be in writing and received from the employee or the employee's representative within twenty (20) calendar days from the mailing date of this notice, or the effective date of the separation, whichever is later. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
5. An employee who requests a hearing within the time limits is entitled to:
 - a. Representation by an attorney or authorized representative of his/her own choice.
 - b. Notification of date, time, and place of hearing at a reasonable time in advance.
 - c. Inspection by the employee's attorney or authorized representative of those records and materials on file with the Civil Service Commission which relate to the restrictions on future employability.
6. Any interested party may request that the hearing be continued (postponed).
7. The decision of the Civil Service Commission is final and not subject to review.
8. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.



San Francisco
Water Power Sewer
 Services of the San Francisco Public Utilities Commission

1155 Market Street, 8th Floor
 San Francisco, CA 94103
 T 415.554.1670
 F 415.554.1529
 TTY 415.554.3488

Via **CERTIFIED MAIL** # 70100290000204157446

February 13, 2012

Lock Kwan

Re: Resignation (Unsatisfactory Service)

Dear Mr. Kwan:

The San Francisco Public Utilities Commission ("SFPUC") is in receipt of your letter of resignation dated July 27, 2011. At the time of your resignation from your position as a Class 5207 Associate Engineer, the Department was in the process of conducting an investigation involving your potential misconduct.

In light of the findings in the attached letter dated January 27, 2012 and accompanying documents, the SFPUC has accepted your resignation effective May 27, 2011 and it has designated your service as "unsatisfactory." Further, restrictions are being placed on your future employability with the SFPUC and the City and County of San Francisco. Enclosed please find a copy of the Notice of Future Employment Restrictions.

Pursuant to Civil Service Commission Rule 122, Article V: Resignation, you may request a hearing for review of this certification with the Civil Service Commission.

Sincerely,

LINDA MARINI
 Director, Human Resource Services, SFPUC

Enclosures: Letter dated January 27, 2012 (with attachments)
 Amended Separation Report
 Notice of Future Employment Restrictions

cc: Sharon Jenkins (L21)

Edwin M. Lee
 Mayor

Anson Moran
 President

Art Torres
 Vice President

Ann Moller Caen
 Commissioner

Francesca Vietor
 Commissioner

Vince Courtney
 Commissioner

Ed Harrington
 General Manager





CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

REQUEST FOR HEARING ON FUTURE EMPLOYMENT RESTRICTIONS

E. DENNIS NORMANDY
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

SCOTT R. HELDFOND
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

DATE: March 1, 2012

REGISTER NO.: 0046-12-7

APPELLANT: LOCK KWAN

Micki Callahan
Human Resources Director
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Lock Kwan, requesting a hearing on his future employment restrictions as a 5297 Associate Engineer with the City and County of San Francisco, which 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 April 2, 2012 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

Handwritten signature of Anita Sanchez in cursive.

ANITA SANCHEZ
Executive Officer

Attachment

c: Donna Kotake, Department of Human Resources
Marie De Vera, Department of Human Resources
Linda Marini, Public Utilities Commission



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

DATE: March 1, 2012

REGISTER NO.: 0046-12-7

APPELLANT: LOCK KWAN

E. DENNIS NORMANDY
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

SCOTT R. HELDFOND
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

Lock Kwan

Dear Mr. Kwan:

The Civil Service Commission has received your letter requesting a hearing on your future employment restrictions as a 5297 Associate Engineer with the City and County of San Francisco.

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. In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. In addition, you will be notified and provided a copy of the staff report of your matter when it is received in the Commission office.

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
Donna Kotake, Department of Human Resources
Marie De Vera, Department of Human Resources
Linda Marini, Public Utilities Commission

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: 0046 - 12 - 7
2. For Civil Service Commission Meeting of: September 16, 2013
3. Check One:
Ratification Agenda
Consent Agenda
Regular Agenda
Human Resources Directors Report
4. Subject: Appeal by Lock Kwan of the restrictions on his future employment with the City and County of San Francisco.
5. Recommendation: Deny the appeal and adopt the report.
6. Report prepared by: Justine Hinderliter Sr. Personnel Analyst, SFPUC; Tel. Number: 415 554-

1656

7. Notifications: See Attached.
8. Reviewed and approved for Civil Service Commission Agenda:
Human Resources Director: De A Kelle FOR
LICKI CALAHAN
Date: 09/05/13
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.

CSC RECEIPT STAMP

Attachment

NOTIFICATIONS

Lock Kwan



Linda Marini

Human Resource Services Director
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

Lori Reglar

Employee Relations & EEO Programs Manager
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

Donna Kotake

Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103



MEMORANDUM

Date: August 29, 2013
 To: Civil Service Commission
 Through: Micki Callahan, Director - DHR
 From: Justine Hinderliter, Sr. Personnel Analyst - SFPUC
 Subject: Staff Report -- Restrictions of Future Employment on Lock Kwan

AUTHORITY

Civil Service Rule 122.9 Procedure for Review of Resignation – Services Unsatisfactory

122.9.5 Commission Review

The Commission shall consider the resignations of persons whose services have been designated as unsatisfactory provided that a request for review is made in writing and is received in the Commission office within twenty (20) calendar days of the date of mailing of the Notice of Separation designating the services as unsatisfactory. In the event the 20th day falls on a non-business day, the deadline shall be extended to the close of business on the first (1st) business day following the 20th day. The Commission shall take one or more of the following actions:

1. Accept the resignation as certified;
2. Remove the name of the resignee from other eligible lists on which the eligible's name appears;
3. Restrict participation in future examinations as it deems just;
4. Restrict future employment as it deems just;
5. Accept the resignation as certified and order that future employment be without restriction including the right to request reappointment; or
6. Remand the resignation to the appointing officer for reconsideration.

SUMMARY

On May 27, 2011, Lock Kwan (hereinafter referred to as Appellant) worked his last day at the San Francisco Public Utilities Commission (hereinafter referred to as the Department or the SFPUC). Shortly thereafter, SFPUC's Human Resource Services (hereinafter referred to as HRS) received a report that Appellant was seen at a SFPUC facility and that Appellant should not be present at the facility because he was no longer an SFPUC employee. HRS then inspected the details of Appellant's work status and verified that he had in fact resigned and had not been working for the SFPUC since May 27, 2011. However, HRS also discovered that Appellant had continued to be paid as if he continued to be an SFPUC employee well after his last day of work.

As a result of this discovery, the SFPUC conducted an investigation to determine if Appellant had (1) fraudulently received wages after his last day of work with the SFPUC and (2) accessed City property and resources without authorization. The investigation revealed that Appellant received over 125 hours of wages and paid time off after he had resigned from the Department. The investigation also showed that in

Edwin M. Lee
 Mayor
 Art Torres
 President
 Vince Courtney
 Vice President
 Ann Moller Gaen
 Commissioner
 Francesca Vietor
 Commissioner
 Anson Moran
 Commissioner
 Harlan L. Kelly, Jr.
 General Manager



order to perpetrate this payroll fraud, Appellant had accessed the Department's property without authorization after his last day of work, used the SFPUC's computers and network to log-on to the SFPUC's online payroll system, and made time entries, which resulted in the SFPUC paying him for time to which he was not entitled.

As a result of the investigation findings, the Department notified Appellant on February 13, 2012, that it would be designating Appellant's services as "unsatisfactory" and would seek restrictions on his future employment with the Department and the City and County of San Francisco (hereinafter referred to as the City). (Attachments A and B).

ISSUE ON APPEAL TO THE CIVIL SERVICE COMMISSION

By his appeal of February 28, 2012, Appellant requested a hearing before the Civil Service Commission concerning the Department's recommendation that Appellant be restricted from future employment with the City and the Department. Appellant states that the restriction is without just cause. (Attachment C.)

FINDINGS and ANALYSIS

Appellant Fraudulently Induced the SFPUC to Pay Him as if He had Been Working After His Actual Last Day of Work with the SFPUC

The investigation revealed that Appellant's last day of work with the SFPUC was May 27, 2011. In early May 2011, Appellant informed one of his supervisors, Bonnie Jones, Class 5211 Senior Engineer, that he was leaving the SFPUC to begin working at a private company. Appellant also informed his direct supervisor, Domingo Jolis, Class 5211 Senior Engineer, and colleagues that his last day of work would be May 27, 2011, and he sent an email to colleagues confirming that his last day of work was May 27, 2011. (Attachment D.) The investigation also verified that Appellant had not submitted a request for leave to account for any time off after May 27, 2011 with HRS or with a supervisor.

Despite the fact that Appellant's last day of actual work was May 27, 2011, SFPUC payroll records show that Appellant received payments¹ following his last day of work, including:

- wages for forty (40) hours of work *not* performed;
- seventy-two (72) hours of unauthorized sick pay;
- sixteen (16) hours of legal holiday pay to which only employees are entitled;
- one hundred twelve (112) hours of vacation pay. (Attachment E.)

SFPUC network user access reports show that Appellant (or someone acting at his direction and using his log-in credentials) had accessed the Department's network and used his log-in credentials on an SFPUC computer physically located at 1145 Market Street on June 2, 2011 and another SFPUC computer physically located at the Oceanside Plant on June 14, 2011. (Attachment F.)²

SFPUC eTime reports pertaining to Appellant's eTime activity between May 28, 2011 and July 27, 2011 show that Appellant's eTime log-in credentials were used to access the eTime system and to record time entries on June 2nd, June 14th, and July 6th.³

¹ Appellant received these inappropriate payments between May 28, 2011 and July 8, 2011. There is no record of any payments made to Appellant after July 8, 2011.

² When he was an SFPUC employee, Appellant reported to and worked at the Oceanside Plant.

³ With the exception of June 27-30, 2011 when Appellant's time was entered by the timekeeper in his former work group, Appellant's own log-in credentials were used to enter time entries.

(Attachment G.)

Appellant Intentionally Deceived SFPUC Staff

Investigative interviews of departmental personnel revealed that Appellant also led his work group's timekeeper, Ella Empleo, Class 1446 Secretary II, to believe he was on approved leave after May 27, 2011, when in fact, he was not. During her interview, the timekeeper stated that prior to his last day of work on May 27, 2011, Appellant told her that he was planning on taking a leave of absence from his job with the SFPUC in order to take a new job with a private company. Since she was not the appropriate person who would have processed or approved a request for leave,⁴ she stated that she informed Appellant that he would need to fill out leave paperwork with HRS if he wanted to request a leave.

However, the investigation revealed that Appellant did not contact anyone in HRS to discuss leave options and had not submitted a request for any type of leave from the SFPUC. Instead, Appellant inputted time entries into the eTime system as if he continued to be an SFPUC employee. (Attachments E, F, G.) Moreover, once the Department began investigating Appellant's work status, he immediately submitted a letter to Bonnie Jones, Class 5211 Senior Engineer, claiming a "formal resignation date" of July 27, 2011—two months after his actual last day with the SFPUC. (Attachment H.)

SFPUC's Investigative Conclusions

The investigation concluded that Appellant had resigned effective May 27, 2011, had not performed any work after that date, and thus did not earn and was not entitled to the 40 hours of work pay, 72 hours of sick pay, or 16 hours of legal holiday pay he fraudulently inputted into eTime and was erroneously paid.⁵

Based on the investigation's findings that Appellant had engaged in misconduct, SFPUC's Payroll Manager, Kerry Wilhite, sent a "Request for Employee Offset" to the City's Controller's Office to recover the overpayments. (Attachment I.) On January 27, 2012, the City's Controller's Office sent a letter to Appellant declaring an offset of \$6,409.60 to be deducted from his salary warrant to collect the funds Appellant had fraudulently induced the SFPUC to pay him. (Attachment J.)

Appellant's Misconduct Violated Multiple City and SFPUC Policies

As a result of his fraudulent behavior, Appellant received compensation for hours he never worked, sick pay he was never authorized to take, and legal holiday pay to which only employees are entitled. His misconduct not only violated the trust bestowed upon public employees but violated several SFPUC and City policies.

First, it constitutes a misuse of City resources and violates the City's policy entitled "Use of City and County Property for Business Purposes Only," which provides that

entries. During an investigative interview, the timekeeper stated that while she never entered eTime data under any log-in credential except her own, she had no recollection regarding why she entered data in eTime on Appellant's behalf for June 27, 28, 29, and 30, 2011. The timekeeper believes she likely referred to the preceding pay period, saw which codes were being used at that time, and reentered the same information for June 27 – 30, 2011. The timekeeper stated that she assumed that "whatever was going on with [Appellant] and his leave must be okay."

⁴ Requests for leave are processed by the SFPUC's Leaves Coordinator and approved by the requesting employee's supervisor(s).

⁵ Appellant would have been entitled to his accrued vacation pay upon his resignation.

"all City equipment, devices, and materials (e.g., photocopier, telephones, computers, vehicles, stationery, fax machines, etc.) must be used only for conducting City business. Use of City property for personal, political, employee organization, or other non-City business is strictly prohibited." (Attachment K.)

Second, Appellant's misconduct is contrary to the SFPUC's Statement of Incompatible Activities ("SIA"), which is intended to "guide ... employees of the [SFPUC] ... about the kinds of activities that are incompatible with their public duties and therefore prohibited." (Attachment L.) The SIA was adopted under the provisions of San Francisco's Campaign & Governmental Conduct Code, Section 3.218. According to the SIA:

No officer or employee may use City resources, including, without limitation, facilities, telephone, computer, copier, fax machine, e-mail, internet access, stationery and supplies, for any non-City purpose, including any political activity or personal purpose.

Third, Appellant violated the SFPUC's ITAC Policy and Procedure, which sets forth guidelines for appropriate use of computer resources, and provides that employees are prohibited from using their SFPUC computers for anything other than City business. Additionally, the ITAC Policy and Procedure prohibits employees from sharing their user log-in credentials or passwords except as required by a supervisor. (Attachment M.)

Fourth, his misconduct constitutes "Falsification of Records" (intentional adjustment to or manipulation of City records or documents in order to deceive), "Dishonesty" (not telling the truth in order to deceive, cheat, or defraud), and "Misappropriation of Public Funds" pursuant to the SFPUC Employee Handbook. (Attachment N.)

By accessing the SFPUC's facilities, network and eTime system—after he was no longer an SFPUC employee—and inputting work hours that he did not work, as well as unauthorized sick and vacation time⁶, Appellant misused City and SFPUC resources for personal gain. This misconduct also shows that he was dishonest and that he intentionally manipulated City records in order to deceive and misappropriate public funds. In fact, based on the investigation findings into Appellant's fraudulent behavior, the Department would have issued a Notice of Proposed Discipline seeking to dismiss Appellant had he remained an SFPUC employee at the time of the investigation.

APPELLANT'S APPEAL

In Appellant's February 28, 2012 appeal, he does not specify why he believes the restrictions on future employment are inappropriate; he merely claims that the restrictions are without just cause. However, the eTime reports, user access reports, and Appellant's own email to colleagues, as well as information obtained from other SFPUC staff, independently and collectively, show that Appellant intended to fraudulently accept unauthorized compensation and acted to recover funds for both unapproved leave time and time not worked. These facts support the request for restrictions on his future employment with the Department and the City.

Appellant also states that he was "informed by the City of the restriction seven months after initial satisfactory services resignation." However, the Department's initial "satisfactory" designation regarding Appellant's services was based on Appellant's own fraudulent and deceptive behavior. It was not until the Department was alerted to

⁶ The eTime system automatically inputs legal holidays. . .

the issue and had time to investigate his misconduct that it was able to properly characterize Appellant's services and request the appropriate restrictions.

CONCLUSION

Appellant engaged in deceptive and misleading behavior in order to receive payments to which he was not entitled—specifically, Appellant continued to use his log-in credentials to access the SFPUC network and eTime system to fraudulently receive over \$6,000 of compensation after his last day with the Department.

Moreover, the impact of Appellant's misconduct is not limited to the over \$6,000 windfall he received in fraudulent payments. Appellant also inflated his service credit for retirement, caused the City to pay employer's portion of FICA⁷ and FUTA⁸ taxes unnecessarily, inflated his gross wages for 2011 and also impacted Appellant's retirement health benefits, Social Security benefits, and Medicare benefits.

A position in government is a position of public trust. As a public employee, Appellant's behavior is directed by the Government Code and the Political Report Act of 1974. As an SFPUC employee, Appellant was accountable to the San Francisco constituents and SFPUC ratepayers. His misconduct is contrary to the interests of the public, and his actions violated the trust commensurate with his position as a City employee. As a result, it is in the best interests of the City and its constituents that Appellant be restricted from future employment within both the San Francisco Public Utilities Commission and the City and County of San Francisco.

RECOMMENDATION

For all of the reasons set forth above, the Department recommends that the Civil Service Commission approve the recommendation of the San Francisco Public Utilities Commission to restrict the future employment of Lock Kwan as follows:

Cancel any current examination and eligibility status; No future employment with the San Francisco Public Utilities Commission; No future employment with the City and County of San Francisco.

ATTACHMENTS

Attached to this report are the following exhibits:

Attachment A: February 13, 2012 Letter to Lock Kwan Re: Resignation (Unsatisfactory Services) (without attachments) and Amended Separation Report

Attachment B: Notice of Future Employment Restrictions (dated February 13, 2012) and certified mail receipt

Attachment C: Copy of Lock Kwan's Appeal to the Civil Service Commission

Attachment D: May 27, 2011 Email from Brian Carlomagno to Lock Kwan

Attachment E: Lock Kwan payroll records

Attachment F: User Activity Report for Lock Kwan (May 27-July 28, 2011)

⁷ Federal Insurance Contributions Act tax.

⁸ Federal Unemployment Tax Act tax. 5

Attachment G: Lock Kwan eTime records (May 13-July 27, 2011)

Attachment H: July 27, 2011 Letter by Lock Kwan

Attachment I: Request for Employment Offset

Attachment J: January 27, 2012 Letter by Ben Rosenfield

Attachment K: City Employee Handbook (excerpt)

Attachment L: SFPUC's Statement of Incompatible Activities

Attachment M: SFPUC's ITAC Policy and Procedure

Attachment N: SFPUC Employee Handbook (excerpt)

NOTIFICATIONS

Micki Callahan, Director, Department of Human Resources
1 South Van Ness, 4th Flr.
San Francisco, CA 94103

Linda Marini, Director, HRS, SFPUC
525 Golden Gate Avenue, 3rd Flr.
San Francisco, CA 94102

Lori Regler, Manager, Employee Relations and EEO Programs, SFPUC
525 Golden Gate Avenue, 3rd Flr.
San Francisco, CA 94102

Lock Kwan

Attachment A



**San Francisco
Water Power Sewer**

Services of the San Francisco Public Utilities Commission

1155 Market Street, 8th Floor

San Francisco, CA 94103

T 415.554.1670

F 415.554.1529

TTY 415.554.3488

Via CERTIFIED MAIL # 70100290000204157446

February 13, 2012

Lock Kwan



Re: Resignation (Unsatisfactory Service)

Dear Mr. Kwan:

The San Francisco Public Utilities Commission ("SFPUC") is in receipt of your letter of resignation dated July 27, 2011. At the time of your resignation from your position as a Class 5207 Associate Engineer, the Department was in the process of conducting an investigation involving your potential misconduct.

In light of the findings in the attached letter dated January 27, 2012 and accompanying documents, the SFPUC has accepted your resignation effective May 27, 2011 and it has designated your service as "unsatisfactory." Further, restrictions are being placed on your future employability with the SFPUC and the City and County of San Francisco. Enclosed please find a copy of the Notice of Future Employment Restrictions.

Pursuant to Civil Service Commission Rule 122, Article V: Resignation, you may request a hearing for review of this certification with the Civil Service Commission.

Sincerely,

LINDA MARINI

Director, Human Resource Services, SFPUC

Enclosures: Letter dated January 27, 2012 (with attachments)
Amended Separation Report
Notice of Future Employment Restrictions

cc: Sharon Jenkins (L21)

Edwin M. Lee
Mayor

Anson Moran
President

Art Torres
Vice President

Ann Moller Caen
Commissioner

Francesca Vietor
Commissioner

Vince Courtney
Commissioner

Ed Harrington
General Manager



AMENDED

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF HUMAN RESOURCES				SEPARATION REPORT (SR)			
NAME (LAST, FIRST, MI) Kwan, Lock K.			DATE OF BIRTH [REDACTED]	SOCIAL SECURITY NO. 4 [REDACTED]	DHR USE ONLY SR-		
CLASS NO. 5207	TITLE Associate Engineer	RANK 3	LIST 052217	CERTIFICATION OR 07/11/2005	DHR RQ NUMBER 1108204		
HOME ADDRESS (REQUIRED) [REDACTED]			DATE ISSUED 2/10/2012	DATE EFFECTIVE 05/27/2011 07/28/2011	DEPT. RQ NO. P2747		
HOME TELEPHONE NUMBER: [REDACTED]							
TYPE OF APPOINTMENT <input checked="" type="checkbox"/> PERMANENT (PCS) <input type="checkbox"/> EXEMPT-PERM. (PEX) <input type="checkbox"/> TEMPORARY (TCS) <input type="checkbox"/> EXEMPT-TEMP. (TEX) <input type="checkbox"/> PROVISIONAL (TPV) <input type="checkbox"/> RETIREE (REX) <input type="checkbox"/> LIMITED TENURE (TLT) <input type="checkbox"/> NON-CIVIL SERVICE (NCS)		WORK SCHEDULE <input checked="" type="checkbox"/> FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> SCHOOL TERM/FULL-TIME <input type="checkbox"/> SCHOOL TERM/PART-TIME <input type="checkbox"/> AS NEEDED (Irregular)		IS THE EMPLOYEE SERVING A PROBATIONARY PERIOD AT THE TIME OF SEPARATION? <input type="checkbox"/> YES IF YES, SPECIFY _____ <input type="checkbox"/> ENTRANCE <input checked="" type="checkbox"/> NO <input type="checkbox"/> PROMOTIVE			
IS THIS A COMPLETE SEPARATION FROM CITY & COUNTY SERVICE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			IF NO, RETURNING TO PCS POSITION? <input type="checkbox"/> YES <input type="checkbox"/> NO DEPT _____ <input type="checkbox"/> YES <input type="checkbox"/> NO CLASS _____		IF ACCEPTING OTHER EMPLOYMENT: (Check One Below) NEW DEPT: _____ <input type="checkbox"/> PROMOTIVE CLASS: _____ <input type="checkbox"/> STATUS GRANT STATUS: _____		

1 <input type="checkbox"/> REASSIGNMENT					
NEW REQUISITION	DEPT REQ NBR	DHR REQ NBR	DEPT	CLASS	WORK SCHED

2 <input type="checkbox"/> LEAVE/SUSPENSION OVER 5 DAYS			APPROVED DURATION START DATE
<input type="checkbox"/> MILITARY LEAVE (ATTACH ORDERS) LESS THAN 180 DAYS	<input type="checkbox"/> SUSPENSION		END DATE
<input type="checkbox"/> UNPAID ADMINISTRATIVE LEAVE	<input type="checkbox"/> OTHER-SPECIFY		

3 <input checked="" type="checkbox"/> RESIGNATION		BY THE APPOINTEE: I HEREBY FREELY AND VOLUNTARILY RESIGN FROM THE ABOVE POSITION. I REQUEST APPROVAL OF THIS RESIGNATION AS OF THE EFFECTIVE DATE WITH THE FULL UNDERSTANDING THAT ONCE APPROVED, I MAY ACQUIRE ANOTHER POSITION IN THIS CLASS ONLY AS PROVIDED IN THE RULES OF THE CIVIL SERVICE COMMISSION (SEE EMPLOYEE COPY AND CSC RULES 114 & 119)
<input checked="" type="checkbox"/> SATISFACTORY SERVICES (TER: RSS)	SIGNATURE _____ DATE _____	
<input checked="" type="checkbox"/> UNSATISFACTORY SERVICES (TER: RUS)		

5 <input type="checkbox"/> TERMINATION	
<input type="checkbox"/> RELEASE FR APPOINTMENT	<input type="checkbox"/> REACHED LEGAL LIMIT (LLT)
<input type="checkbox"/> SETTLEMENT AGREEMENT (RZA)	<input type="checkbox"/> RELEASE OF NCS, TPV, EX (RLS)
<input type="checkbox"/> RELEASE FROM PROBATION	<input type="checkbox"/> DISCIPLINARY (RFC)
<input type="checkbox"/> DISMISSAL OF A PCS (DPE)	<input type="checkbox"/> NON-DISCIPLINARY (RFP)
<input type="checkbox"/> DISMISSAL OF A TLT (TLT)	<input type="checkbox"/> TERMINATED FOR CAUSE (TFC) (TPV, NCS, & EXEMPTS ONLY)
<input type="checkbox"/> DEATH OF AN EMPLOYEE (DEA)	<input type="checkbox"/> AUTOMATIC RESIGNATION (ARS)
<input type="checkbox"/> NEVER REPORTED TO WORK (DSH)	<input type="checkbox"/> OTHER (Specify) _____

6 <input type="checkbox"/> TRANSFER	
<input type="checkbox"/> ADMIN (ADM)	<input type="checkbox"/> LIMITED TERM (LTT)
<input type="checkbox"/> EE REQUEST (EER)	<input type="checkbox"/> FUNCTION (TOF)

7 <input type="checkbox"/> RETIREMENT		
<input type="checkbox"/> NORMAL-RMT	<input type="checkbox"/> DISABILITY-RTD	<input type="checkbox"/> ERP-ERT

4 <input type="checkbox"/> LAY-OFF		REASON	METHOD
<input type="checkbox"/> INVOLUNTARY LEAVE (PCS_LIL)	<input type="checkbox"/> INVOLUNTARY LAY-OFF (PCS_LIO)	<input type="checkbox"/> LACK OF WORK <input type="checkbox"/> LACK OF FUNDS	<input type="checkbox"/> HAND DELIVERED <input type="checkbox"/> CERTIFIED MAIL
<input type="checkbox"/> VOLUNTARY LAY-OFF (PCS_LVO)	<input type="checkbox"/> ELECTIVE INVOLUNTARY LVE (PCS_EIL)	<input type="checkbox"/> A.S.O. <input type="checkbox"/> OTHER	<input type="checkbox"/> DISPLACED <input type="checkbox"/> RETRENCHMENT
PV & EX ONLY: <input type="checkbox"/> INVOL. (NHI) <input type="checkbox"/> VOL. (NHV)		<input type="checkbox"/> BY ELIG. <input type="checkbox"/> BY HOLDOVER	

BY THE APPOINTEE: I ACKNOWLEDGE RECEIPT OF THE DHR INFORMATION LEAFLET.	
SIGNATURE _____	DATE _____

APPOINTING OFFICER SIGNATURE <i>Linda Marini</i>		TELEPHONE NUMBER (415) 554-1670	
NAME/TITLE Linda Marini, Director, HRS/PUC			
DEPARTMENT NO. 40	DEPARTMENT NAME PUC	PERSONNEL FILE FORWARDED? YES _____ NO _____	FORWARDED TO DEPT: _____ CONTACT: _____

DHR USE	
ACTION PENDING:	<input type="checkbox"/> YES <input type="checkbox"/> NO
ANALYST:	DATE: _____
RQ STATUS:	<input type="checkbox"/> YES <input type="checkbox"/> NO
CANCEL RQ:	Date _____
DOC. #:	Date _____
SR POSTED	Date _____
CN POSTED	Date _____
Holdover Canvass	_____

Attachment B

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF FUTURE EMPLOYMENT RESTRICTIONS**

Via Certified Mail

Lock Kwan
NAME OF EMPLOYEE

████████████████████
ADDRESS

██████████ ██████████ ██████████
CITY STATE ZIP CODE

February 13, 2012
MAILING DATE

SFPUC/WWE
DEPARTMENT/DIVISION

PCS
TYPE OF APPOINTMENT

Resignation
TYPE OF SEPARATION
(Do not use for release from probation)

This notice is to inform you that a future employment restriction is being imposed along with your separation from employment in **Class 5297, Associate Engineer**, effective (*) **May 27, 2011** for the reasons outlined in the attached document(s).

You may request a hearing before the Civil Service Commission on your future employability with the civil service system of the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. However, the Commission **CANNOT** reverse the department's decision to terminate your employment.

You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission with 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by **March 4, 2012**. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action to confirm the restriction(s) in effect on the date of your separation (*).

The items checked below are the recommendations made by the department on your employability for positions covered by the San Francisco civil service system:

<input type="checkbox"/>	No restrictions on future employability.	<input type="checkbox"/>	Cancel any current examination and eligibility status.
<input checked="" type="checkbox"/>	No future employment with this department.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input checked="" type="checkbox"/>	No future employment with the City and County of San Francisco.		
<input type="checkbox"/>	Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of _____ year(s) of work experience outside the City and County service.		
<input type="checkbox"/>	OTHER (specify):		

(*) Note: Future Employment Restriction(s) effective immediately.

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

(SEE REVERSE SIDE)

MUST BE COMPLETED BY DEPARTMENT:

Rank: 3 List # 052217
SSN: 4 ██████████
Employee Organization: Local 21

METHOD OF SERVICE: U.S. Mail
Certified Mail: X Hand Delivered _____
Certified Mail #: 70100290000204157446


SIGNATURE OF APPOINTING OFFICER

Linda Marini
NAME

Director, Human Resource Services, SFPUC
TITLE

Attachments(s)

INFORMATION FOR THE FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as an official notice of future employment restrictions to the former employee, the Civil Service Commission, and the Department of Human Resources.
2. If there are no restrictions imposed with the separation, the box indicating "No restrictions on future employability" would be checked.
3. A separated employee may request a hearing before the Civil Service Commission only for review of any restrictions on their future employability with the City and County of San Francisco.
4. Such appeals or requests for hearing must be in writing and received from the employee or the employee's representative within twenty (20) calendar days from the mailing date of this notice, or the effective date of the separation, whichever is later. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
5. An employee who requests a hearing within the time limits is entitled to:
 - a. Representation by an attorney or authorized representative of his/her own choice.
 - b. Notification of date, time, and place of hearing at a reasonable time in advance.
 - c. Inspection by the employee's attorney or authorized representative of those records and materials on file with the Civil Service Commission which relate to the restrictions on future employability.
6. Any interested party may request that the hearing be continued (postponed).
7. The decision of the Civil Service Commission is final and not subject to review.
8. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lock Kwai
[Redacted Address]

2. Article Number

(Transfer from service label)

7010 0290 0002 0415 7446

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X. *Lock Kwai*

Agent

Address

B. Received by (Printed Name)

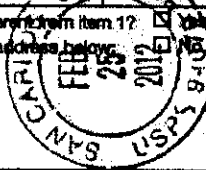
Lock Kwai

C. Date of Delivery

8/25/12

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:



3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

Attachment C



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

al

CSC Register No.
 0046-12-7
 To: *X M. CALLAHAN*
D. KOTAKE
 CC: *L. MARINI*
M. DE VERA

APPEAL TO THE CIVIL SERVICE COMMISSION

<p>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.)</p>	<p>TYPE OF APPEAL: (Check One)</p> <p><input type="checkbox"/> Examination Matters (by Noon on 5th working day)</p> <p><input type="checkbox"/> Employee Compensation Matters (by Noon on 7th 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 checked="" type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
--	--

Lock Kwan		[REDACTED]		[REDACTED]	
Full Name of Appellant		Work Address		Work Telephone	
5207	Associate Engineer	Public Utilities Commission			
Job Code		Department			
[REDACTED]	Title	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Residence Address		City	State	Zip	Home Telephone
N/A					
Full Name of Authorized Representative (if any)			Telephone Number (including Area Code)		

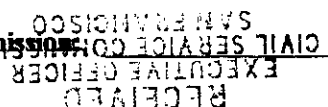
COMPLETE THE BASIS OF THIS APPEAL ON THE REVERSE SIDE. (Use additional page(s) if necessary)

<p>Does the basis of this appeal include new 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>
---	---

Lock Kwan _____ Date 2/28/12

Original Signature of Appellant or Authorized Representative

2012 FEB 28 AM 11:48



State the basis of this appeal in detail:

5207 Associate Engineer appeals the City's decision to impose a restriction of no future employment with the City and County of San Francisco. It is the grievant's belief that the restriction was without just cause. The grievant was informed by the City of the restriction seven months after initial satisfactory services resignation.

I request that the Commission entertain this appeal and allow the grievant the opportunity to present detail and facts which would legitimately challenge the City's decision to impose the restriction.

Thank you.

Sincerely, Lock Kwan, P.E.

Attachment D

Hinderliter, Justine

From: Kwan, Lock
Sent: Friday, May 27, 2011 4:00 PM
To: Carlomagno, Brian
Cc: Reynoso, Elizabeth
Subject: RE: Bye Lock

Hello Brian and Liz.

Today is my official last day. It's been great working with you.

I had a great run with the City. Now, I will try something else. SSIP is \$6B so I will return as an URS consultant.

Best wishes to you and your family in the future. Viva la musketeers.

Lock.


From: Carlomagno, Brian
Sent: Friday, May 27, 2011 11:47 AM
To: Kwan, Lock
Cc: Reynoso, Elizabeth
Subject: Bye Lock

Hi Lock-

It was brought to my attention that you've accepted an opportunity outside the City.

The three mechanical musketeers (You, Liz and I) will be down to two!

Good luck in your future endeavors, and stay in touch.

Have a good weekend!

Brian Carlomagno
Project Manager
San Francisco Water Power Sewer
Project Management Bureau
1145 Market Street, 10th Floor
San Francisco, CA 94103-1513
Office: (415) 551-4583
Fax: (415) 551-4609
bcarlomagno@sfgwater.org

Attachment E

PAYROLL AND DEDUCTION REGISTER AS OF 05/13/2011
 NET PAY
 CHECK DT
 NET CHECK
 CHECK NO

DEP DIV SEC PWP RATE/AMT CUR REG O/T GROSS RESIDENT WORK OASDI TAX HI TAX CHECK
 EMPLOYEE NAME YTD ROSTER AUTO
 EMP NUMBER SSN ES ST LOC EX ST LOC ST LOC CLASS CD DEPOSIT DEP DISTRIB NET CHECK CHECK NO

92 06 50.350000 4028.00 214.37 154.40 53.30 2753.72
 KWAN, LOCK K 38114.95 2410.85 1713.15 591.44 05/24/2011
 *****750403 ***** 1 80.00 .00 2 10 5 0 5207 0260 40 92 29660 .00 26781

CUR VAC PAY SICK PAY LEGL HOL OTHR HOL
 YTD 1611.20 2567.85 1611.20 402.80

CUR
 YTD

*****1
 *****1

PAYROLL AND DEDUCTION REGISTER AS OF 05/27/2011

DEP DIV SEC PWP	RATE/AMT	CUR REG	O/T	GROSS	FED TAX	OASDI TAX	HI TAX	CHECK	NET PAY
EMPLOYEE NAME		YTD		RESIDENT	WORK	ROSTER AUTO	CHECK	CHECK DT	
EMP NUMBER	SSN ES	MS	EX ST LOC	ST LOC CLASS CD	DEPOSIT DEP	DISTRIB	NET CHECK	CHECK NO	

***** 1

[REDACTED]

92 06	50.350000	4028.00	.00	4028.00	214.37	154.40	53.31		2753.70
KWAN, LOCK K		42142.95	.00	48336.00	2625.22	1867.55	644.75		06/07/2011
****750403	****-****-**** 1	80.00	.00 2	10 5	5	0 5207 0260	40 92	29660	.00

CUR	VAC PAY	SICK PAY	LEGL HOL	OTHR HOL					
YTD	1611.20	2567.85	1611.20	402.80					

CUR [REDACTED]

YTD [REDACTED]

[REDACTED]

PAYROLL AND DEDUCTION REGISTER AS OF 06/10/2011

DEP DIV SEC PWP RATE/AMT CUR REG O/T GROSS FED TAX OASDI TAX HI TAX NET PAY
EMPLOYEE NAME YTD RESIDENT WORK ROSTER AUTO CHECK CHECK DT
EMP NUMBER SSN ES ----HOURS----- MS EX ST LOC ST LOC CLASS CD DEPOSIT DEP DISTRIB NET CHECK CHECK NO

Table with 15 columns: DEP DIV SEC PWP RATE/AMT CUR REG O/T GROSS FED TAX OASDI TAX HI TAX NET PAY. The data rows are completely redacted with black boxes.

92 06 50.350000 1611.20 .00 4028.00 214.37 154.40 53.30 2753.72
KWAN, LOCK K 43754.15 .00 52364.00 2839.59 2021.95 698.05 06/21/2011
*****750403 ***** 1 32.00 .00 2 10 5 0 5207 0260 40 92 29660 .00 26883

CUR YTD VAC PAY SICK PAY LEGL HOL OTHR HOL
805.60 1208.40 402.80
2416.80 3776.25 2014.00 402.80

CUR YTD

Table with 15 columns: DEP DIV SEC PWP RATE/AMT CUR REG O/T GROSS FED TAX OASDI TAX HI TAX NET PAY. The data rows are completely redacted with black boxes.

PAYROLL AND DEDUCTION REGISTER AS OF 06/24/2011

DEP DIV SEC PWP	RATE/AMT	CUR REG	O/T	GROSS	FED TAX	WORK	OASDI TAX	HI TAX	CHECK	NET PAY
EMPLOYEE NAME	SSN	ES	MS	RESIDENT	EX ST LOC	ST LOC	CLASS CD	DEPOSIT DEP	DISTRIB	CHECK DT
EMP NUMBER										NET CHECK

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

92 06	50.350000	.00	.00	4028.00	250.06	164.38	56.76	2918.69
KWAN, LOCK K	43754.15	.00	.00	56392.00	3089.65	2186.33	754.81	07/05/2011
*****750403	.00	.00	.00	10 5	5	0	5207 0260 40 92	29660 .00

CUR	VAC PAY	SICK PAY	LEGL HOL	OTHR HOL	
YTD	1611.20	2416.80	2014.00	402.80	
	4028.00	6193.05			

CUR	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
YTD	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

PAYROLL AND DEDUCTION REGISTER AS OF 06/30/2011

DEP DIV SEC PWP RATE/AMT CUR REG O/T GROSS RESIDENT WORK OASDI TAX HI TAX CHECK NET PAY
 EMPLOYEE NAME YTD ST LOC CLASS CD DEPOSIT DEP DISTRIB NET CHECK CHECK DT
 EMP NUMBER SSN ES

[REDACTED TABLE CONTENTS]

92 06	50.350000	.00	1611.20	.00	67.67	23.36	1353.48
KWAN, LOCK K	43754.15	.00	58003.20	3089.65	2254.00	778.17	07/18/2011
*****750403	.00	.00	10 5	5 0	5207 0260 40	92 29660	.00 26182
VAC PAY	1611.20	.00	2014.00	402.80			
YTD	5639.20	6193.05					

CO. NO. 1 CITY & COUNTY OF SAN FRANCISCO

REPORT 10 C&C SAN FRANCISCO
RUN ON 07/14/2011 AT 17:17:08
REL 11.12.54 PAGE14532

PAYROLL AND DEDUCTION REGISTER AS OF 07/08/2011

DEP DIV SEC PWP RATE/AMT CUR REG O/T GROSS RESIDENT WORK OASDI TAX HI TAX CHECK NET PAY
EMPLOYEE NAME YTD ES -----HOURS----- MS EX ST LOC ST LOC CLASS CD DEPOSIT DEP DISTRIB NET CHECK CHECK DT
EMP NUMBER SSN

[REDACTED]

92 06 50.350000 402.80 .00 2416.80 39.46 96.72 33.39 1880.15
KWAN, LOCK K 44156.95 .00 60420.00 3129.11 2350.72 811.56 07/19/2011
*****750403 ***-**-**** 1 8.00 .00 2 10 5 0 5207 0260 40 92 29660 .00 26477

CUR VAC PAY SICK PAY LEGL HOL OTHR HOL
YTD 1611.20 402.80
7250.40 6193.05 2416.80 402.80

CUR YTD

[REDACTED]

Attachment F



User Activity Per Computer

Report Date/Time: 12/11/2011 7:07 PM

Report Parameters: User Name: LKwan, User Domain: All, User OU: All, User Group: All, Computer Name: All, Activity Start Date: 05/27/2011 00:00:00, Activity End Date: 07/28/2011 00:00:00, Total Working Hours For Period: 40

User (on Computer): AD1LKwan on AD1MXL0070MX9

Event	Event Time	Computer Name	Computer Domain	Connection Type	Authenticating Server	Local Privilege	Domain Privilege
Unlock	6/2/2011 9:31:01 AM	MXL0070MX9	AD1	LAN	SFWATERDC1	User	User
Lock	6/2/2011 9:41:31 AM	MXL0070MX9	AD1	LAN	SFWATERDC1	User	User
Unlock	6/2/2011 10:37:30 AM	MXL0070MX9	AD1	LAN	SFWATERDC1	User	User
Lock	6/2/2011 11:19:30 AM	MXL0070MX9	AD1	LAN	SFWATERDC1	User	User
Unlock	6/2/2011 11:20:30 AM	MXL0070MX9	AD1	LAN	SFWATERDC1	User	User
Logoff	6/2/2011 11:28:07 AM	MXL0070MX9	AD1	LAN	SFWATERDC1	User	User

Total Active Time During Session: 1.0 hours

Total Active Time During Period Specified: 1.0 hours

Total Inactive Time During Period Specified: 39.0 hours

User (on Computer): AD1LKwan on AD1MXL0150JSB

Event	Event Time	Computer Name	Computer Domain	Connection Type	Authenticating Server	Local Privilege	Domain Privilege
Logon	6/14/2011 8:48:25 AM	MXL0150JSB	AD1	LAN	OSPCDC01	User	User
Logoff	6/14/2011 8:55:26 AM	MXL0150JSB	AD1	LAN	OSPCDC01	User	User

Total Active Time During Session: 0.1 hours

Total Active Time During Period Specified: 0.1 hours

Total Inactive Time During Period Specified: 39.9 hours

User (on Computer): AD1LKwan on AD1MXL0150JSV

Event	Event Time	Computer Name	Computer Domain	Connection Type	Authenticating Server	Local Privilege	Domain Privilege
Unlock	5/27/2011 8:23:01 AM	MXL0150JSV	AD1	LAN	OSPCDC01	User	User
Logoff	5/27/2011 4:31:25 PM	MXL0150JSV	AD1	LAN	OSPCDC01	User	User

User Activity Per Computer

Report Date/Time: 12/11/2011 7:07 PM

Report Parameters: User Name: LKwan, User Domain: All, User OU: All, User Group: All, Computer Name: All, Activity Start Date: 05/27/2011 00:00:00, Activity End Date: 07/28/2011 00:00:00, Total Working Hours For Period: 40

Total Active Time During Session: 8.1 hours

Total Active Time During Period Specified: 8.1 hours

Total Inactive Time During Period Specified: 31.9 hours

Attachment G



San Francisco
Water and Sewer
Services of the San Francisco Public Utilities Commission

e:Time



Time Group: eTimecard



Home

Timesheet: 29660-64

My Time

Employee: Lock Kwan

My Information

Pay Period:

Screen

Time Group

Access List

Timesheet Search

Administration

Premium Requests

Authorize Projects

Reports

FAMIS Cross-Ref

P3E Projects

P3E Assignments

Tutorials

Screen Help

Log Off

eTime Card							
Date	Shift	Charge To	Reg	OT/OE	Phase	Discipline	Premium Pr
5-14-11 - Sat	1	Day Off					DO: 0:00
5-15-11 - Sun	1	Day Off					DO: 0:00
5-16-11 - Mon	1	470710: CEC - PIER BIOFUEL CONVERSION					WK: 8:00
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					WK: 0:00
		Work Time					
5-17-11 - Tue	1	470710: CEC - PIER BIOFUEL CONVERSION					WK: 8:00
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					WK: 0:00
		Work Time					
5-18-11 - Wed	1	470710: CEC - PIER BIOFUEL CONVERSION					WK: 8:00
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					WK: 0:00
		Work Time					
5-19-11 - Thu	1	470710: CEC - PIER BIOFUEL CONVERSION					WK: 8:00
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					WK: 0:00
		Work Time					
5-20-11 - Fri	1	470710: CEC - PIER BIOFUEL CONVERSION					WK: 8:00
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					WK: 0:00
		Work Time					
5-21-11 - Sat	1	Day Off					DO: 0:00
	1	470710: CEC - PIER BIOFUEL CONVERSION					WK: 0:00
5-22-11 - Sun	1	Day Off					DO: 0:00
	1	470710: CEC - PIER BIOFUEL CONVERSION					WK: 0:00
5-23-11 - Mon	1	470710: CEC - PIER BIOFUEL CONVERSION					WK: 8:00
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					WK: 0:00
		Work Time					
5-24-11 - Tue	1	470710: CEC - PIER					WK:

		BIOFUEL CONVERSION	8:00
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	WK: 0:00
		Work Time	
5-25-11 - Wed	1	470710: CEC - PIER	WK:
		BIOFUEL CONVERSION	8:00
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	WK: 0:00
		Work Time	
5-26-11 - Thu	1	470710: CEC - PIER	WK:
		BIOFUEL CONVERSION	8:00
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	WK: 0:00
		Work Time	
5-27-11 - Fri	1	470710: CEC - PIER	WK:
		BIOFUEL CONVERSION	8:00
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	WK: 0:00
		Work Time	

Pay Period Totals	
Activity	Time
WK - Work Time	80:00

Please direct all questions and concerns to your HRS Payroll Staff when encountering problems or diffi etimecard.
 For eTime password reset, please contact your time approver or Payroll Staff.
 If you encounter any other technical problem, contact eTime Technical Support.

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San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

e:Time



Time Group: eTimecard

Home

My Time

My Information

Time Group

Access List

Timesheet Search

Administration

Premium Requests

Authorize Projects

Reports

FAMIS Cross-Ref

P3E Projects

P3E Assignments

Tutorials

Screen Help

Log Off

Timesheet: 29660-64

Employee: Lock Kwan

Pay Period: 2011-13: 05-28-2011 - 06-10-2011 ▾

Screen

- blank -

Date	Shift	Charge To	Reg	OT/OE	Phase	Discipline	Premium	Pr
5-28-11 - Sat	1	Day Off			DO:			
					0:00			
5-29-11 - Sun	1	Day Off			DO:			
					0:00			
5-30-11 - Mon	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT			LH:			
		Legal Holiday Leave Pay			8:00			
5-31-11 - Tue	1	470710: CEC - PIER BIOFUEL CONVERSION			WK:			
					8:00			
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT			WK:			
		Work Time			0:00			
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT			SP:			
		Sick Leave Pay			0:00			
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT			VA:			
		Vacation Leave Pay			0:00			
6-1-11 - Wed	1	470710: CEC - PIER BIOFUEL CONVERSION			WK:			
					8:00			
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT			WK:			
		Work Time			0:00			
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT			SP:			
		Sick Leave Pay			0:00			
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT			VA:			
		Vacation Leave Pay			0:00			
6-2-11 - Thu	1	470710: CEC - PIER BIOFUEL CONVERSION			WK:			
					8:00			
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT			WK:			
		Work Time			0:00			
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT			SP:			
		Sick Leave Pay			0:00			
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT			VA:			
		Vacation Leave Pay			0:00			
		470710: CEC - PIER			WK:			

6-3-11 - Fri	1	BIOFUEL CONVERSION	8:00
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	WK:
			0:00
		Work Time	
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	SP:
			0:00
		Sick Leave Pay	
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	VA:
			0:00
		Vacation Leave Pay	
6-4-11 - Sat	1	Day Off	DO:
			0:00
	1	470710: CEC - PIER	WK:
		BIOFUEL CONVERSION	0:00
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	SP:
			0:00
		Sick Leave Pay	
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	VA:
			0:00
		Vacation Leave Pay	
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	WK:
			0:00
		Work Time	
6-5-11 - Sun	1	Day Off	DO:
			0:00
	1	470710: CEC - PIER	WK:
		BIOFUEL CONVERSION	0:00
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	SP:
			0:00
		Sick Leave Pay	
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	VA:
			0:00
		Vacation Leave Pay	
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	WK:
			0:00
		Work Time	
6-6-11 - Mon	1	470710: CEC - PIER	WK:
		BIOFUEL CONVERSION	0:00
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	WK:
			0:00
		Work Time	
		920601: CWP-ENVIRON	
	1	ENGINEERING/TREATMENT	SP:
			8:00
		Sick Leave Pay	

		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	VA: 0:00
			Vacation Leave Pay	
6-7-11 - Tue		1	470710: CEC - PIER BIOFUEL CONVERSION	WK: 0:00
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	WK: 0:00
			Work Time	
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	SP: 8:00
			Sick Leave Pay	
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	VA: 0:00
			Vacation Leave Pay	
6-8-11 - Wed		1	470710: CEC - PIER BIOFUEL CONVERSION	WK: 0:00
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	WK: 0:00
			Work Time	
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	SP: 8:00
			Sick Leave Pay	
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	VA: 0:00
			Vacation Leave Pay	
6-9-11 - Thu		1	470710: CEC - PIER BIOFUEL CONVERSION	WK: 0:00
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	WK: 0:00
			Work Time	
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	SP: 0:00
			Sick Leave Pay	
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	VA: 8:00
			Vacation Leave Pay	
6-10-11 - Fri		1	470710: CEC - PIER BIOFUEL CONVERSION	WK: 0:00
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	WK: 0:00
			Work Time	
		1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	SP: 0:00

Sick Leave Pay	
920601: CWP-ENVIRON	
1	ENGINEERING/TREATMENT VA: 8:00
Vacation Leave Pay	
Pay Period Totals	
Activity	Time
VA - Vacation Leave Pay	16:00
WK - Work Time	32:00
SP - Sick Leave Pay	24:00
LH - Legal Holiday Leave Pay	8:00
Regular Time (Paid/Non-Paid) Total:	80:00

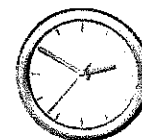
Please direct all questions and concerns to your HRS Payroll Staff when encountering problems or difficulties with eTimecard.
 For eTime password reset, please contact your time approver or Payroll Staff.
 If you encounter any other technical problem, contact eTime Technical Support.

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San Francisco
Water & Sewer
Services of the San Francisco Public Utilities Commission

e:Time



Time Group: eTimecard



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Timesheet: 29660-64

Employee: Lock Kwan

Pay Period: 2011-14: 06-11-2011 - 06-24-2011 ▾

Screen

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eTime Card									
Date	Shift	Charge To	Reg	OT/OE	Phase	Discipline	Premium	Pr	
6-11-11 - Sat	1	Day Off					DO:		
							0:00		
6-12-11 - Sun	1	Day Off					DO:		
							0:00		
6-13-11 - Mon	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					WK:		
		Work Time					0:00		
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					SP:		
		Sick Leave Pay					8:00		
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					VA:		
		Vacation Leave Pay					0:00		
6-14-11 - Tue	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					WK:		
		Work Time					0:00		
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					SP:		
		Sick Leave Pay					8:00		
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					VA:		
		Vacation Leave Pay					0:00		
6-15-11 - Wed	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					WK:		
		Work Time					0:00		
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					SP:		
		Sick Leave Pay					8:00		
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					VA:		
		Vacation Leave Pay					0:00		
6-16-11 - Thu	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					WK:		
		Work Time					0:00		
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					SP:		
		Sick Leave Pay					0:00		
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT					VA:		
		Vacation Leave Pay					8:00		

		920601: CWP-ENVIRON	
6-17-11 - Fri	1	ENGINEERING/TREATMENT WK:	
			0:00
		Work Time	
	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT SP:	
			0:00
		Sick Leave Pay	
	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT VA:	
			8:00
		Vacation Leave Pay	
6-18-11 - Sat	1		DO:
		Day Off	0:00
	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT SP:	
			0:00
		Sick Leave Pay	
	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT VA:	
			0:00
		Vacation Leave Pay	
	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT WK:	
			0:00
		Work Time	
6-19-11 - Sun	1		DO:
		Day Off	0:00
	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT SP:	
			0:00
		Sick Leave Pay	
	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT VA:	
			0:00
		Vacation Leave Pay	
	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT WK:	
			0:00
		Work Time	
6-20-11 - Mon	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT WK:	
			0:00
		Work Time	
	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT SP:	
			8:00
		Sick Leave Pay	
	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT VA:	
			0:00
		Vacation Leave Pay	
6-21-11 - Tue	1	920601: CWP-ENVIRON	
		ENGINEERING/TREATMENT WK:	
			0:00
		Work Time	

1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT SP: 8:00
 Sick Leave Pay
 1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT VA: 0:00
 Vacation Leave Pay
 6-22-11 - Wed 1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT WK: 0:00
 Work Time
 1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT SP: 8:00
 Sick Leave Pay
 1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT VA: 0:00
 Vacation Leave Pay
 6-23-11 - Thu 1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT WK: 0:00
 Work Time
 1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT SP: 0:00
 Sick Leave Pay
 1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT VA: 8:00
 Vacation Leave Pay
 6-24-11 - Fri 1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT WK: 0:00
 Work Time
 1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT SP: 0:00
 Sick Leave Pay
 1 920601: CWP-ENVIRON
 ENGINEERING/TREATMENT VA: 8:00
 Vacation Leave Pay

Pay Period Totals	
Activity	Time
VA - Vacation Leave Pay	32:00
WK - Work Time	0:00
SP - Sick Leave Pay	48:00
Regular Time (Paid/Non-Paid) Total:	80:00

Please direct all questions and concerns to your HRS Payroll Staff when encountering problems or difficulties with eTimecard.

For eTime password reset, please contact your time approver or Payroll Staff.
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San Francisco
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e:Time



Time Group: eTimecard



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- Tutorials
- Screen Help
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Timesheet: 29660-64

Employee: Lock Kwan

Pay Period: 2011-15: 06-25-2011 - 06-30-2011 ▾

Screen

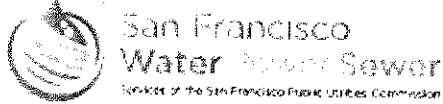
eTime Card									
Date	Shift	Charge To	Reg	OT/OE	Phase	Discipline	Premium	Pr	
6-25-11 - Sat	1	Day Off						DO:	
								0:00	
6-26-11 - Sun	1	Day Off						DO:	
								0:00	
6-27-11 - Mon	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT						WK:	
		Work Time						0:00	
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT						VA:	
		Vacation Leave Pay						8:00	
6-28-11 - Tue	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT						WK:	
		Work Time						0:00	
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT						VA:	
		Vacation Leave Pay						8:00	
6-29-11 - Wed	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT						WK:	
		Work Time						0:00	
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT						VA:	
		Vacation Leave Pay						8:00	
6-30-11 - Thu	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT						WK:	
		Work Time						0:00	
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT						VA:	
		Vacation Leave Pay						8:00	

Pay Period Totals	
Activity	Time
VA - Vacation Leave Pay	32:00
WK - Work Time	0:00
Regular Time (Paid/Non-Paid) Total:	32:00

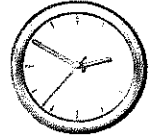
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 If you encounter any other technical problem, contact eTime Technical Support.

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e:Time



Time Group: eTimecard



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- Timesheet Search
- Administration
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- Authorize Projects
- Reports
- FAMIS Cross-Ref
- P3E Projects
- P3E Assignments
- Tutorials
- Screen Help
- Log Off

Timesheet: 29660-64

Employee: Lock Kwan

Pay Period: ▼

Screen

eTime Card									
Date	Shift	Charge To	Reg	OT/OE	Phase	Discipline	Premium	Prei	T
7-1-11 - Fri	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	WK:	8:00					
		Work Time							
7-2-11 - Sat	1	Day Off	DO:	0:00					
7-3-11 - Sun	1	Day Off	DO:	0:00					
7-4-11 - Mon	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	LH:	8:00					
		Legal Holiday Leave Pay							
7-5-11 - Tue	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	WK:	0:00					
		Work Time							
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	SP:	0:00					
		Sick Leave Pay							
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	VA:	8:00					
		Vacation Leave Pay							
7-6-11 - Wed	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	WK:	0:00					
		Work Time							
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	SP:	0:00					
		Sick Leave Pay							
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	VA:	8:00					
		Vacation Leave Pay							
7-7-11 - Thu	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	WK:	0:00					
		Work Time							
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	SP:	0:00					
		Sick Leave Pay							
	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	VA:	8:00					
		Vacation Leave Pay							
7-8-11 - Fri	1	920601: CWP-ENVIRON ENGINEERING/TREATMENT	WK:	0:00					
		Work Time							

1 920601: CWP-ENVIRON
ENGINEERING/TREATMENT SP: 0:00
Sick Leave Pay

1 920601: CWP-ENVIRON
ENGINEERING/TREATMENT VA: 8:00
Vacation Leave Pay

Pay Period Totals	
Activity	Time
VA - Vacation Leave Pay	32:00
WK - Work Time	8:00
SP - Sick Leave Pay	0:00
LH - Legal Holiday Leave Pay	8:00
Regular Time (Paid/Non-Paid) Total:	48:00

Please direct all questions and concerns to your HRS Payroll Staff when encountering problems or difficulties with eTimecard.

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If you encounter any other technical problem, contact eTime Technical Support.

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Attachment H

27 July 2011

Ridd 8/1/11
sc

Ms. Bonnie Jones, PE

San Francisco Public Utilities Commission

Wastewater Enterprise

1155 Market St, 6th Floor

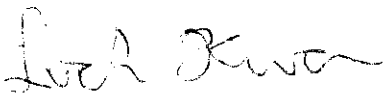
San Francisco, CA 94102

Dearest Ms. Jones:

This is my formal notification that I am resigning from CCSF SFPUC WWE as a 5207 Associate Mechanical Engineer. 27 July 2011 will be my last day of employment.

I appreciate all the learning opportunities given to me under your management. I wish you the very best in the future in all your endeavors. I hope we will have the opportunity to work together again in the future.

Sincerely,



Lock Kwan, PE

cc: Mr. Brian Henderson, PE

Attachment I

Controller's Office	REQUEST FOR EMPLOYEE OFFSET CCSF	City and County of San Francisco
----------------------------	---	---

EMPLOYEE INFORMATION		
1. First Loc	2. Middle	3. Last Kwan
4. Address [REDACTED]	5. City/State [REDACTED]	6. Zip [REDACTED]
7. Social Security Number/Employee Number 4 [REDACTED]		
8. City Department (employed by) <u> PUC </u>		

OFFSET INFORMATION	
9. Offset Amount 6,409.60	10. Bi-weekly Deduction (up to 25% of gross earnings) -
11. Basis of Offset - state in detail reason for offset request. Attach additional pages if necessary. Employee part of an internal investigation. He was overpaid 16 hours LH, 40 hours WK and 72hours SP, His time was still recorded after he had resigned. Requesting that offset be taken from his lump sum pay out for vacation. See attached documents.	
12. WCAB (workers' compensation) Case No. [if any]:	
13. The Employee named above will repay the City the Total Amount stated above (#9) by means of bi-weekly payroll deductions as follows, or as a one-time deduction of the amount in full: _____ bi-weekly installments of \$ _____ each = \$ _____ Plus one final installment of \$ _____ = \$ _____ Total (must equal Total Offset Amount/see #9.): = \$ _____	

REQUESTING DEPARTMENT / ORGANIZATION INFORMATION	
14. Name of Individual Requesting Offset Kerry Wilhite	15. Date 1/25/12
16. Requester's Department/Organization/ <u>Email</u> Contact Info: HRS-PUC	17. Requester's Phone Number 415-554-1651
18. Make check payable to: Remaining amount should be payable to Loc Kwan \$2818.72	19. Mailing address for check: HRS-PUC attn.: Kerry

Please send completed form to #9 CON, Controller's Office, 1 Dr. Carlton B. Goodlett Place, City Hall, Room 316, San Francisco, CA 94102, Attn: Offsets Coordinator

<p>Please Note: Offsets are governed under Section 10.27 through 10.27-7 of the San Francisco Administrative Code. Form must be completed in its entirety in order to be processed. Incomplete forms will be returned to the requesting department unprocessed. Requesting department should attach any document that substantiates request for offset. Questions concerning this form or the offset process should be directed to the Controller's Office at 415-554-7500.</p>	FOR CONTROLLER'S OFFICE USE
--	------------------------------------

Attachment J



Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

January 27, 2012

Loc Kwan
[REDACTED]

Re: Declaration of Offset - CCSF

Dear Mr. Kwan:

This letter concerns the request for an offset that has been made by the San Francisco Public Utilities Commission (PUC) in the amount of \$6,409.60 against any monies that may become due to you from the City and County of San Francisco, including the Retirement System.

Under Section 10.27 et seq. of the San Francisco Administrative Code, I do hereby declare an offset in the amount of \$6,409.60.

The amount of \$6,409.60 will be deducted from your salary warrant to satisfy this offset request.

Sincerely,


Ben Rosenfield
Controller

Cc: Kerry Wilhite, PUC Payroll
Rowena Siu, Controller's PPSD
Lilian Yin, Controller's PPSD
Debra Nebreda, Controller's PPSD
Maria Newport, Retirement System
Jeffrey Smejkal, TTX/BDR

Reference: 4 [REDACTED]

Attachment K

Employee Handbook

City and County of San Francisco



Mayor Edwin M. Lee

Micki Callahan
Human Resources Director

January 2012

Use of City and County Property for Business Purposes Only

No officer or employee may use, nor allow any other person to use, City resources for any non-City business purpose. Use of City resources for personal, political, employee organization or other non-City business is strictly prohibited. City resources include, but are not limited to, facilities, equipment, devices, telephones, computers, copier, fax machine, e-mail, internet access, supplies and any time for which you are receiving compensation from the City. Inappropriate uses of City resources include, but are not limited to: online gambling; viewing sports events online; playing games, streaming video or music on a work computer; viewing or distributing materials that are not related to City business or that are sexually explicit; and frequent talking on a personal cell phone or texting during work hours.

Your use of the internet may be monitored by departmental Information Technology staff or other City staff as necessary at any time. This may include monitoring the amount of time you spend on the Internet, the Internet websites you visit and/or the content of the information you send, receive and view using the internet. Monitoring may occur either routinely or as a result of a concern that you may be using the Internet inappropriately, and may occur at any time and without warning or notice.

Further, the City's E-Mail system may only be used for authorized official communications. The City may also monitor your E-Mail usage at any time and without warning or notice.

Inappropriate use of City resources may result in discipline, up to and including termination of employment.

Work Site Security

To prevent and discourage unauthorized access to your work site, do not leave your office area unattended. Do not prop open doors or windows that are normally kept locked. Lock all office doors after business hours or when you leave. Prevent and discourage theft by securing your valuables.

Work-site keys and passes may not be shared, may not be duplicated without permission and must be returned upon separation.

Computers and Data Information Systems

City employees with access to computer files and records may not release or disseminate information without authorization. The release or dissemination of such material may be grounds for disciplinary action and termination. Passwords exist for the protection of City documents and information. You are required to provide your computer password to your supervisor or other person designated by your department. You may not share your password with any unauthorized persons.

Because City computers may be accessed by other authorized users, do not store on your work computer any information you do not intend to share with others.

The use of unauthorized programs and copies of commercial software packages is prohibited. Computer programs utilized by the City may not be duplicated or altered for personal use.

Attachment L



San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

San Francisco Public Utilities
Commission

Statement of Incompatible Activities

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San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102
T 415.554-1617
F 415.554-1662
TTY 415.554.1672

SAN FRANCISCO PUBLIC UTILITIES COMMISSION
STATEMENT OF INCOMPATIBLE ACTIVITIES

I. INTRODUCTION

This Statement of Incompatible Activities is intended to guide officers and employees of the San Francisco Public Utilities Commission ("Department" or "PUC"), the PUC Revenue Bond Oversight Committee ("Committee"), the PUC Rate Fairness Board ("Board"), and the Residential Users Appeals Board ("Appeals Board") about the kinds of activities that are incompatible with their public duties and therefore prohibited. For the purposes of this Statement, and except where otherwise provided, "officer" shall mean a member of the Public Utilities Commission, the Committee, the Board, or the Appeals Board and the General Manager of the PUC; and "employee" shall mean all employees of the Department.

This Statement is adopted under the provisions of San Francisco Campaign & Governmental Conduct Code ("C&GC Code") section 3.218. Engaging in the activities that are prohibited by this Statement may subject an officer or employee to discipline, up to and including possible termination of employment or removal from office, as well as to monetary fines and penalties. (C&GC Code § 3.242; Charter § 15.105.) Before an officer or employee is subjected to discipline or penalties for violation of this Statement, the officer or employee will have an opportunity to explain why the activity should not be deemed to be incompatible with his or her City duties. (C&GC Code § 3.218.) Nothing in this document shall modify or reduce any due process rights provided pursuant to the officer's or employee's collective bargaining agreement.

In addition to this Statement, officers and employees are subject to Department policies and State and local laws and rules governing the conduct of public officers and employees, including but not limited to:

- Political Reform Act, California Government Code § 87100 *et seq.*;
- California Government Code § 1090;
- San Francisco Charter;
- San Francisco Campaign and Governmental Conduct Code;
- San Francisco Sunshine Ordinance;
- Applicable Civil Service Rules; and
- San Francisco Administrative Code §§ 5.30-5.36.

Nothing in this Statement shall exempt any officer or employee from applicable provisions of law, or limit his or her liability for violations of law. Examples provided in this Statement are for illustration purposes only, and are not intended to limit application of this Statement. Nothing in this Statement shall interfere with the rights of employees under a collective bargaining agreement or Memorandum of Understanding applicable to that employee.

Nothing in this Statement shall be construed to prohibit or discourage any City officer or employee from bringing to the City's and/or public's attention matters of actual or perceived malfeasance or misappropriation in the conduct of City business, or from filing a complaint alleging that a City officer or employee has engaged in improper governmental activity by violating local campaign finance, lobbying, conflicts of interest or governmental ethics laws, regulations or rules; violating the California Penal Code by misusing City resources; creating a specified and substantial danger to public health or safety by failing to perform duties required by the officer's or employee's City position; or abusing his or her City position to advance a private interest.

No amendment to any Statement of Incompatible Activities shall become operative until the City and County has satisfied the meet and confer requirements of State law and the collective bargaining agreement.

If an employee has questions about this Statement, the questions should be directed to the employee's supervisor or to the General Manager. Similarly, questions about other applicable laws governing the conduct of public employees should be directed to the employee's supervisor or the General Manager, although the supervisor or General Manager may determine that the question must be addressed to the Ethics Commission or City Attorney. Employees may also contact their unions for advice or information about their rights and responsibilities under these and other laws.

If a City officer has questions about this Statement, the questions should be directed to the officer's appointing authority, the Ethics Commission or the City Attorney.

II. MISSION OF THE SAN FRANCISCO PUBLIC UTILITIES COMMISSION, THE PUC BOND OVERSIGHT COMMITTEE THE PUC RATE FAIRNESS BOARD AND RESIDENTIAL USERS APPEALS BOARD

The mission of the PUC is to serve San Francisco and its Bay Area customers with reliable, high quality and affordable water, while maximizing benefits from power operations and responsibly managing the resources entrusted to its care.

Under Charter Article VIII B: Public Utilities, the PUC has exclusive control of water, wastewater and power assets owned or maintained by the City. To reach that goal, the Charter gives the PUC a number of specific powers: a) authority to enter into joint powers agreements; b) authority to issue revenue bonds; c) authority to set rates; d) authority to enter into individual employment contracts with the General Manager and a deputy director; e) authority to enter into contract for the purchase or sale of water; f) authority to enter into project labor agreements for the Capital Improvement Project; and g) authority to transfer surplus revenues between utilities.

The mission of the Revenue Bond Oversight Committee is to review and report on the expenditure of proceeds of revenue bond proceeds issued by the PUC. (SF Admin. Code §§ 5.30-5.36.)

Edwin M. Lee
Mayor

Francesca Viator
President

Anson Moran
Vice President

Ann Moiler Caan
Commissioner

Art Torres
Commissioner

Vince Courtney
Commissioner

Ed Harrington
General Manager



The mission of the Rate Fairness Board is to review the five-year rate forecast of the PUC and prepare rate policy recommendations for the PUC's consideration, including recommendations to reallocate costs among various retail utility customer classifications, subject to any outstanding bond requirements. (Charter § 8B.125.)

The mission of the Residential Users Appeals Board is to provide residential users, who are dissatisfied with the department's wastewater volume (flow factor) calculations, an opportunity to have a public hearing in front of an independent appeals board. The Board is to determine the correctness of the Department's calculation of the volume of wastewater discharged in the City's sewer system for the purpose of assessing residential appellant's wastewater service charges. (Public Works Code, Art. 4.2, §§ 149.1-149.4.)

III. RESTRICTIONS ON INCOMPATIBLE ACTIVITIES

This section prohibits outside activities, including self-employment, that are incompatible with the mission of the Department, the Committee, the Board and the Appeals Board. Under subsection C, an officer or employee may seek an advance written determination whether a proposed outside activity is incompatible and therefore prohibited by this Statement. Outside activities other than those expressly identified here may be determined to be incompatible and therefore prohibited. For an advance written determination request from an employee, if the General Manager delegates the decision-making to a designee and if the designee determines that the proposed activity is incompatible under this Statement, the employee may appeal that determination to the General Manager.

A. RESTRICTIONS THAT APPLY TO ALL OFFICERS AND EMPLOYEES

1. ACTIVITIES THAT CONFLICT WITH OFFICIAL DUTIES

No officer or employee may engage in an outside activity (regardless of whether the activity is compensated) that conflicts with his or her City duties. An outside activity conflicts with City duties when the ability of the officer or employee to perform the duties of his or her City position is materially impaired. Outside activities that materially impair the ability of an officer or employee to perform his or her City duties include, but are not limited to, activities that disqualify the officer or employee from City assignments or responsibilities on a regular basis. Unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section.

- a. No officer or employee may directly or indirectly solicit or accept personal loans (other than loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to the officer's or employee's official status), gifts, gratuities, business, compensation, or favors from public jurisdictions, water or power agencies, private

Edwin M. Lee
Mayor

Francesca Vietor
President

Anson Moran
Vice President

Ann Moller Caan
Commissioner

Art Torres
Commissioner

Vince Courtney
Commissioner

Ed Harrington
General Manager



business firms or their agents that have a contract with the PUC, that have had a contract with the PUC during the past 12 months, or that are seeking to enter into a contract with the PUC.

b. Except as authorized by Charter, no officer or employee may contract with the PUC, or any of its enterprises, bureaus or departments, in any capacity. This prohibition does not apply to employment of or compensation received by an officer's or employee's spouse or registered domestic partner.

c. No officer or employee may be a registered lobbyist (as defined in the San Francisco Campaign and Governmental Conduct Code), or be employed by a registered lobbyist, or receive or accept compensation from such a registered lobbyist involved in activities directly related to the PUC's water, power or wastewater enterprise programs. This prohibition does not apply to employment of or compensation received by an officer's or employee's spouse or registered domestic partner.

2. ACTIVITIES WITH EXCESSIVE TIME DEMANDS

Neither the General Manager nor any employee may engage in outside activity (regardless of whether the activity is compensated) that would cause the General Manager or employee to be absent from his or her assignments on a regular basis, or otherwise require a time commitment that is demonstrated to interfere with the General Manager's or employee's performance of his or her City duties.

Example. An employee wants to take time off every Tuesday and Thursday from 2:00 to 5:00 to attend classes offered by a vocational or educational institution in a field unrelated to the employee's position or career path in the PUC. Because the employee's duties require the employee to be at on-site during regular business hours and because this outside activity would require the employee to be absent from the office during regular business hours on a regular basis, the General Manager or his/her designee may, pursuant to subsection C, determine that the employee may not engage in this activity.

3. ACTIVITIES THAT ARE SUBJECT TO REVIEW BY THE DEPARTMENT

Unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, no officer or employee may engage in an outside activity (regardless of whether the activity is compensated) that is subject to the control, inspection, review, audit or enforcement of the Department. In addition to any activity permitted pursuant to subsection C, nothing in this subsection prohibits the following activities: appearing before one's own department or commission on behalf of oneself; filing or otherwise pursuing claims against the City on one's own behalf; running for City elective office; or making a public records disclosure request pursuant to the Sunshine Ordinance or Public Records Act. Unless (a) otherwise noted in this section or (b) an advance written

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determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section:

Assistance in Responding to City Bids, RFQs and RFPs. No officer or employee may knowingly provide selective assistance (i.e., assistance that is not generally available to all competitors) to individuals or entities in a manner that confers a competitive advantage on a bidder or proposer who is competing for a City contract. Nothing in this Statement prohibits an officer or employee from providing general information about a bid for a City contract, a Department Request for Qualifications or Request for Proposals or corresponding application process that is available to any member of the public. Nothing in this Statement prohibits an officer or employee from speaking to or meeting with individual applicants regarding the individual's application, provided that such assistance is provided on an impartial basis to all applicants who request it.

B. RESTRICTIONS THAT APPLY TO EMPLOYEES AND BOARD/COMMITTEE MEMBERS IN SPECIFIED POSITIONS

In addition to the restrictions that apply to all officers and employees of the Department, unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section for individual officers and employees holding specific positions.

I. MEMBERS OF THE BOND OVERSIGHT COMMITTEE, RATE FAIRNESS BOARD, OR RESIDENTIAL USERS APPEALS BOARD

a. No member of the Committee, Board, or Appeals Board may be employed by or receive compensation from any vendor, contractor or consultant of the City that performs work funded by bonds issued by the City, PUC revenue bonds or other forms of PUC indebtedness. This prohibition does not apply to employment of or compensation received by a member's spouse or registered domestic partner.

b. No member of the Committee, Board, or Appeals Board may be employed by or receive any compensation or benefit from any party serving as an initial purchaser or underwriter of PUC revenue bonds or other forms of PUC indebtedness. This prohibition does not apply to employment of or compensation received by a member's spouse or registered domestic partner.

c. No member of the Committee, Board, or Appeals Board may directly own any PUC revenue bonds or other forms of indebtedness; provided, however, that PUC revenue or other forms of PUC indebtedness indirectly held in a non-directed mutual fund shall not be deemed to violate these provisions.

C. ADVANCE WRITTEN DETERMINATION

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As set forth below, an employee of the Department or the General Manager or a member of the Public Utilities Commission, Committee, Board or Appeals Board may seek an advance written determination whether a proposed outside activity conflicts with the mission of the Department, imposes excessive time demands, is subject to review by the Department, or is otherwise incompatible and therefore prohibited by section III of this Statement. For the purposes of this section, an employee or other person seeking an advance written determination shall be called "the requestor"; the individual or entity that provides an advance written determination shall be called "the decision-maker."

1. PURPOSE

This subsection permits an officer or employee to seek an advance written determination regarding his or her obligations under subsections A or B of this section. A written determination by the decision-maker that an activity is not incompatible under subsection A or B provides the requestor immunity from any subsequent enforcement action for a violation of this Statement if the material facts are as presented in the requestor's written submission. A written determination cannot exempt the requestor from any applicable law.

If an individual has not requested an advance written determination under subsection C as to whether an activity is incompatible with this Statement, and the individual engages in that activity, the individual will not be immune from any subsequent enforcement action brought pursuant to this Statement.

Similarly, if an individual has requested an advance written determination under subsection C as to whether an activity is incompatible with this Statement, and the individual engages in that activity, the individual will not be immune from any subsequent enforcement action brought pursuant to this Statement if:

- (a) the requestor is an *employee* who has not received a determination under subsection C from the decision-maker, and 20 working days have not yet elapsed since the request was made; or
- (b) the requestor is an *officer* who has not received a determination under subsection C from the decision-maker; or
- (c) the requestor has received a determination under subsection C that an activity is incompatible.

In addition to the advance written determination process set forth below, the San Francisco Charter also permits any person to seek a written opinion from the Ethics Commission with respect to that person's duties under provisions of the Charter or any City ordinance relating to conflicts of interest and governmental ethics. Any person who acts in good faith on an opinion issued by the Commission and concurred in by the City Attorney and District Attorney is immune from criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. Nothing in this subsection precludes a person from requesting a written opinion from the Ethics Commission regarding that person's duties under this Statement.

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2. THE DECISION-MAKER

Decision-maker for request by an employee: An employee of the Department may seek an advance written determination from the General Manager or his or her designee. The General Manager or his or her designee will be deemed the decision-maker for the employee's request.

Decision-maker for request by the General Manager: The General Manager may seek an advance written determination from his or her appointing authority. The appointing authority will be deemed the decision-maker for the General Manager's request.

Decision-maker for request by a member of the Public Utilities Commission: A member of the Public Utilities Commission may seek an advance written determination from his or her appointing authority or from his or her commission, or the Ethics Commission. The appointing authority, Public Utilities Commission or Ethics Commission will be deemed the decision-maker for the member's request.

Decision-maker for request by a member of the Committee: A member of the Committee may seek an advance written determination from his or her appointing authority or from his or her committee, or the Ethics Commission. The appointing authority, Committee or Ethics Commission will be deemed the decision-maker for the member's request.

Decision-maker for request by a member of the Board: A member of the Board may seek an advance written determination from his or her appointing authority or from his or her board, or the Ethics Commission. The appointing authority, Board or Ethics Commission will be deemed the decision-maker for the member's request.

Decision-maker for request by a member of the Appeals Board: A member of the Appeals Board may seek an advance written determination from his or her appointing authority or from his or her board, or the Ethics Commission. The appointing authority, Appeals Board or Ethics Commission will be deemed the decision-maker for the member's request.

3. THE PROCESS

The requestor must provide, in writing, a description of the proposed activity and an explanation of why the activity is not incompatible under this Statement. The written material must describe the proposed activity in sufficient detail for the decision-maker to make a fully informed determination whether it is incompatible under this Statement.

When making a determination under this subsection, the decision-maker may consider any relevant factors including, but not limited to, the impact on the requestor's ability to perform his or her job, the impact upon the Department as a whole, compliance with applicable laws and rules and the spirit and intent of this Statement. The decision-maker shall consider all relevant written materials submitted by the requestor. The decision-maker shall also consider whether the written material provided by the requestor is sufficiently specific and detailed to

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enable the decision-maker to make a fully informed determination. The decision-maker may request additional information from the requestor if the decision-maker deems such information necessary. For an advance written determination request from an employee, if the General Manager delegates the decision-making to a designee and if the designee determines that the proposed activity is incompatible under this Statement, the employee may appeal that determination to the General Manager.

The decision-maker shall respond to the request by providing a written determination to the requestor by mail, email, personal delivery, or other reliable means. For a request by an employee, the decision-maker shall provide the determination within a reasonable period of time depending on the circumstances and the complexity of the request, but not later than 20 working days from the date of the request. If the decision-maker does not provide a written determination to the employee within 20 working days from the date of the employee's request, the proposed activity will be determined not to violate this Statement.

The decision-maker may revoke the determination at any time based on changed facts or circumstances or other good cause, by providing advance written notice to the requestor. The written notice shall specify the changed facts or circumstances or other good cause that warrants revocation of the advance written determination.

4. DETERMINATIONS ARE PUBLIC RECORDS

To assure that these rules are enforced equally, requests for advance written determinations and written determinations, including approvals and denials, are public records to the extent permitted by law.

IV. RESTRICTIONS ON USE OF CITY RESOURCES, CITY WORK-PRODUCT AND PRESTIGE

A. USE OF CITY RESOURCES

No officer or employee may use City resources, including, without limitation, facilities, telephone, computer, copier, fax machine, e-mail, internet access, stationery and supplies, for any non-City purpose, including any political activity or personal purpose. No officer or employee may allow any other person to use City resources, including, without limitation, facilities, telephone, computer, copier, fax machine, e-mail, internet access, stationery and supplies, for any non-City purpose, including any political activity or personal purpose. Notwithstanding these general prohibitions, any incidental and minimal use of City resources does not constitute a violation of this section. Nothing in this subsection shall be interpreted or applied to interfere with, restrict or supersede any rights or entitlements of employees, recognized employee organizations, or their members under state law or regulation or pursuant to provisions of a collective bargaining agreement to use City facilities, equipment or resources, as defined herein.

Example: An officer or employee may use the telephone to make occasional calls to arrange medical appointments or speak with a child

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care provider, because this is an incidental and minimal use of City resources for a personal purpose.

Nothing in this Statement shall exempt any officer or employee from complying with more restrictive policies of the Department regarding use of City resources, including, without limitation, the Department's e-mail policy.

B. USE OF CITY WORK-PRODUCT

No officer or employee may, in exchange for anything of value and without appropriate authorization, sell, publish or otherwise use any non-public materials that were prepared on City time or while using City facilities, property (including without limitation, intellectual property), equipment and/or materials. For the purpose of this prohibition, appropriate authorization includes authorization granted by law, including the Sunshine Ordinance, California Public Records Act, the Ralph M. Brown Act as well as whistleblower and improper government activities provisions, or by a supervisor of the officer or employee, including but not limited to the officer's or employee's appointing authority. Nothing in this subsection shall be interpreted or applied to interfere with, restrict or supersede any rights or entitlements of employees, recognized employee organizations, or their members under state law or regulation or pursuant to provisions of a collective bargaining agreement to use public materials for collective bargaining agreement negotiations.

C. USE OF PRESTIGE OF THE OFFICE

No officer or employee may use his or her City title or designation in any communication for any private gain or advantage. The following activities are expressly prohibited by this section.

1. USING CITY BUSINESS CARDS

No officer or employee may use his or her City business cards for any purpose that may lead the recipient of the card to think that the officer or employee is acting in an official capacity when the officer or employee is not.

Example of inappropriate use: An employee's friend is having a dispute with his new neighbor who is constructing a fence that the friend believes encroaches on his property. The friend invites the employee over to view the disputed fence. When the neighbor introduces herself, the employee should not hand the neighbor her business card while suggesting that she could help resolve the dispute. Use of a City business card under these circumstances might lead a member of the public to believe that the employee was acting in an official capacity.

Example of acceptable use: An employee is at a party and runs into an old friend who has just moved to town. The friend suggests meeting for dinner and asks how to get in touch with the employee to set up a meeting time. The employee hands the friend the employee's business card and says that he can be reached at the number on the card. Use of a City business card under these circumstances would not lead a member of the public to believe that the employee was acting in an official

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capacity. Nor would use of the telephone to set up a meeting time constitute a misuse of resources under subsection A, above.

2. USING CITY LETTERHEAD, CITY TITLE, OR E-MAIL

No officer or employee may use City letterhead, City title, City e-mail, or any other City resource, for any communication that may lead the recipient of the communication to think that the officer or employee is acting in an official capacity when the officer or employee is not. (Use of e-mail or letterhead in violation of this section could also violate subsection A of this section, which prohibits use of these resources for any non-City purpose.)

Example: An officer or employee is contesting a parking ticket. The officer or employee should not send a letter on City letterhead to the office that issued the ticket contesting the legal basis for the ticket.

3. HOLDING ONESELF OUT, WITHOUT AUTHORIZATION, AS A REPRESENTATIVE OF THE DEPARTMENT

No officer or employee may hold himself or herself out as a representative of the Department, or as an agent acting on behalf of the Department, unless authorized to do so.

Example: An employee who lives in San Francisco wants to attend a public meeting of a Commission that is considering a land use matter that will affect the employee's neighborhood. The employee may attend the meeting and speak during public comment, but should make clear that he is speaking in his private capacity and not as a representative of the Department.

V. PROHIBITION ON GIFTS FOR ASSISTANCE WITH CITY SERVICES

State and local law place monetary limits on the value of gifts an officer or employee may accept in a calendar year. (Political Reform Act, Gov't Code § 89503, C&GC Code §§ 3.1-101 and 3.216.) This section imposes additional limits by prohibiting an officer or employee from accepting any gift that is given in exchange for doing the officer's or employee's City job.

No officer or employee may receive or accept gifts from anyone other than the City for the performance of a specific service or act the officer or employee would be expected to render or perform in the regular course of his or her City duties; or for advice about the processes of the City directly related to the officer's or employee's duties and responsibilities, or the processes of the entity they serve.

Example: A member of the public who regularly works with and receives assistance from the Department owns season tickets to the Giants and sends a pair of tickets to an employee of the Department in appreciation for the employee's work. Because the gift is given for the performance of a service the employee is expected to perform in the regular course of City duties, the employee is not permitted to accept the tickets.

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Example: A member of the public requests assistance in resolving an issue or complaint that is related to the City and County of San Francisco, but that does not directly involve the Department. The employee directs the member of the public to the appropriate department and officer to resolve the matter. The member of the public offers the employee a gift in appreciation for this assistance. The employee may not accept the gift, or anything of value from anyone other than the City, for providing this kind of assistance with City services.

As used in this Statement, the term gift has the same meaning as under the Political Reform Act, including the Act's exceptions to the gift limit. (See Gov't Code §§ 82028, 89503; 2 Cal. Code Regs. §§ 18940-18950.4.) For example, under the Act, a gift that, within 30 days of receipt, is returned, or donated by the officer or employee to a 501(c)(3) organization or federal, state or local government without the officer or employee taking a tax deduction for the donation, will not be deemed to have been accepted. In addition to the exceptions contained in the Act, nothing in this Statement shall preclude an employee's receipt of a bona fide award, or free admission to a testimonial dinner or similar event, to recognize exceptional service by that employee, and which is not provided in return for the rendering of service in a particular matter. Such awards are subject to the limitation on gifts imposed by the Political Reform Act and local law.

In addition, the following gifts are de minimis and therefore exempt from the restrictions on gifts imposed by section V of this Statement:

- i. Gifts, other than cash, with an aggregate value of \$25 or less per occasion; and
- ii. Gifts such as food and drink, without regard to value, to be shared in the office among officers or employees.

Example: A member of the public who regularly works with and receives assistance from the Department sends a \$15 basket of fruit to an employee as a holiday gift. Although the fruit may in fact be offered in exchange for performing services that the employee is expected to perform in the regular course of City duties, the employee may accept the fruit because the value is de minimis. (Because the reporting requirement is cumulative, an employee may be required to report even de minimis gifts on his or her Statement of Economic Interests if, over the course of a year, the gifts equal or exceed \$50.)

Example: A member of the public who regularly works with and receives assistance from the Department sends a \$150 basket of fruit to the Department as a holiday gift. Although the fruit may in fact be offered in exchange for performing services that the Department is expected to perform in the regular course of City duties, the Department may accept the fruit basket because it is a gift to the office to be shared among officers and employees.

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VI. AMENDMENT OF STATEMENT

Once a Statement of Incompatible Activities is approved by the Ethics Commission, the Department may, subject to the approval of the Ethics Commission, amend the Statement. (C&GC Code § 3.218(b).) In addition, the Ethics Commission may at any time amend the Statement on its own initiative. No Statement of Incompatible Activities or any amendment thereto shall become operative until the City and County of San Francisco has satisfied the meet and confer requirements of State law and the collective bargaining agreement.

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Attachment M



ITAC POLICY & PROCEDURE

ITAC Policy Number #1

Classification

Date

Use of Computers, E-mail and Internet Policy

Page

Approved by:

Scott Mac Donald, Assistant General Manager, Business Services: _____

Context	<p>The personal computer has joined the telephone as an essential business tool that is easily subject to inappropriate, non-business use. There are two areas of concern that need attention. One is the use of E-mail and the other is the use of the Internet. Both can be very useful tools in our day-to-day business. The City is working on a comprehensive computer use policy for some time. While that is being developed, the following basic principles apply and will serve as the SFPUC's policy in this area.</p> <p>This policy is required at this time because the SFPUC has launched a new and improved Intranet designed to serve as a communications medium for all SFPUC employees. The Intranet provides access to information contained on the internet and other non-SFPUC networks and in making this available throughout the organization, it is imperative that all employees use these resources in a manner that is consistent with SFPUC and City Policy.</p>
Computer Use Policy	<p>The SFPUC's computer resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way. Use of any SFPUC resources for illegal activity is grounds for immediate dismissal, and we will cooperate with any legitimate law enforcement activity.</p>
E-Mail Policy	<p>Introduction:</p> <p>E-mail will be used as a business memorandum system. E-mail is not secure, so if you don't want someone to read it, don't type it on e-mail. Remember also that it lacks the personal interface that often helps the receiver to understand the meaning. It should be used for the exchange of information but should not replace conversations or meetings that are required to conduct business, especially those about topics on which recipient(s) may disagree. It is a tool intended to support the sharing of information in a work group to assure all team members are aware of the current status of work projects or subjects of interest to the group. It is not intended to circumvent the supervisory chain nor replace any process that requires documents to be submitted in writing, such as the filing of a grievance. Those processes should be used and hard copy documents submitted as required.</p> <p>Management and Administration</p> <ol style="list-style-type: none"> 1. SFPUC has software and systems in place that can monitor and record all e-mail usage. You should be aware that SFPUC's security systems are capable of recording (for each and every user) each email message, and

	<p>each file transfer into and out of our networks, and management reserves the right to do so at any time. No employee should have any expectation of privacy as to his or her e-mail usage. Managers have the capability to monitor e-mail activity and may do so at any time.</p> <ol style="list-style-type: none"> 2. Management reserves the right to inspect any and all files stored on the network (including all "pcs," "C" drives, laptops, etc.) in order to assure compliance with policy. 3. Language in e-mail messages or attached documents will be professional and courteous. The SFPUC policies on sexual harassment and all forms of discrimination apply to written messages. No jokes that could be perceived as vulgarity or slurs will be used in e-mail messages. (See also relevant policies such as prohibition of sexual harassment, policy on slurs, mistreatment of persons, etc.) E-mail will not be used for chain letters, petitions or as a personal platform within the business environment. 4. E-mail will be addressed under the same protocol that you would use to address a memorandum or business letter. It is not intended to give direct access to all levels of management within the SFPUC. Issues requiring processing through the supervisory chain should not be addressed to levels above the immediate supervisor. The use of "ALL" addresses will be restricted to supervisors or managers within their division or bureau (unless as otherwise specifically allowed within their work unit). Use of ALL outside of a division or bureau must be authorized by the appropriate management official having responsibility for the group to be contacted.
<p>Internet Policy:</p>	<p>Introduction:</p> <p>The browser installed on your computer is our avenue to the SFPUC <i>Intranet</i> and the Internet. The <i>Intranet</i> will be a regularly used tool for most employees of the SFPUC. We encourage employees to learn what the Internet is all about but we are also concerned about the possible abuse of the system. The Internet is intended for business use, but can be an attractive nuisance to those who have access to it. The idea of surfing the net and seeing what one can see is an exciting one. With that in mind we have developed a policy that allows full business use that, if used properly, will not impact your ability to get your job done or add costs to our doing business. It is our hope that a common sense approach will be appreciated and valued so that abuse will not occur.</p> <p>Management and Administration</p> <ol style="list-style-type: none"> 1. PUC has software and systems in place that can monitor and record all Internet usage. You should be aware that SFPUC's security systems are capable of recording (for each and every user) each Web site visit, each chat, newsgroup or e-mail message, and each file transfer into and out of our internet networks, and we reserve the right to do so at any time. No employee should have any expectation of privacy as to his or her Internet usage. Managers can review Internet activity at any time. 2. Management reserves the right to inspect any and all files stored on any part of the computer or the network in order to assure compliance with policy. 3. The display of any kind of sexually explicit image or document on any

SFPUC system is a violation of SFPUC's policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using the network or computer resources.

4. The SFPUC uses independently supplied software and data to identify inappropriate or sexually explicit Internet sites. Management will block access from within the networks to all such known sites. If you find yourself connected accidentally to a site that contains sexually explicit or offensive material including any site that promotes hate speech against any specific group or groups, you must disconnect from that site immediately regardless of whether that site had been previously deemed acceptable by any screening or rating program.
5. Any software or files downloaded via the Internet into the SFPUC network becomes the property of the SFPUC. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.
6. No employee may use SFPUC facilities knowingly to download or distribute pirated software.
7. No employee may use the SFPUC's Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code.
8. No employee may use the SFPUC's Internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
9. Each employee using the Internet facilities of the SFPUC shall identify himself or herself honestly, accurately and completely (including one's company affiliation and function where requested) when participating in chats or newsgroups, or when setting up approved accounts on outside computer systems.
10. Only those employees or officials who are duly authorized to speak to the media, to analysts or in public gatherings on behalf of the SFPUC may speak/write in the name of the SFPUC to any newsgroup or chat room. Other employees may participate in newsgroups or chats in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves. Where an individual participate is identified as an employee or agent of the SFPUC, the employee must refrain from any unauthorized political advocacy and must refrain from the unauthorized endorsement or appearance of endorsement by the SFPUC of any commercial product or service not sold or serviced by the SFPUC. Only those managers and SFPUC officials who are authorized to speak to the media, to analysts or in public gatherings on behalf of the SFPUC may grant such authority to newsgroup or chat room participants.
11. The SFPUC retains the copyright to any material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his or her duties.
12. Employees are reminded that chats and newsgroups are public forums where it is inappropriate to reveal confidential information, customer data, trade secrets, and any other material covered by security procedures. (Sunshine Ordinance Requests and other Public Information requests should be forwarded to the General Manager's office for response.)

Employees releasing protected information via a newsgroup or chat – whether or not the release is inadvertent – will be subject to all penalties under the existing policies and procedures.

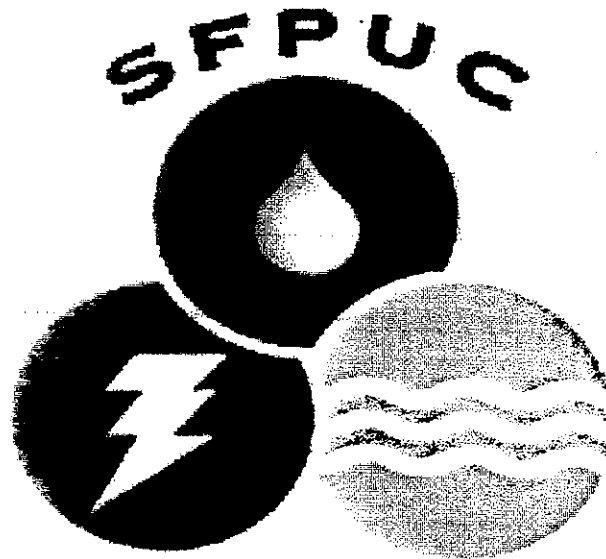
13. Use of SFPUC Internet access facilities to commit infractions such as misuse of SFPUC assets or resources, sexual harassment, unauthorized public speaking and misappropriation or theft of intellectual property are also prohibited by general City policy, and will be sanctioned under the relevant provision of the City Charter, Administrative Code or applicable personnel policies or procedures.
14. The SFPUC reserves the right to restrict Internet access to any employee.
15. Users should not store, print, or redistribute any document or graphic file that is not directly related to the User's job or SFPUC's business activities.
16. The SFPUC will comply with reasonable requests from law enforcement and regulatory agencies of logs, diaries and archives on individuals' Internet activities.
17. If an employee knowingly represents the SFPUC internationally, such employees with Internet access must take particular care to understand the copyright, trademark, libel, slander and public speech control laws of all countries in which the SFPUC maintains a business presence, so that our use of the Internet does not inadvertently violate any laws that might be enforceable against us.
18. Employees with Internet access may download only software with direct business use and must arrange to have such software properly licensed and registered. Downloaded software must be used only under terms of its license.
19. Employees with Internet access may not use SFPUC Internet facilities to download entertainment software or games, or to play games against opponents over the Internet.
20. Employees with Internet access may not use SFPUC Internet facilities to deliberately download and store images or videos unless there is an explicit business-related use for the material.
21. Employees with Internet access may not upload any software licensed to the SFPUC or data owned or licensed by the SFPUC without explicit authorization from the manager responsible for the software or data.

Security:

1. User IDs and passwords help maintain individual accountability for Internet resources usage. Any employee who obtains a password or ID for an Internet resource must keep that password confidential. SFPUC policy prohibits the sharing of user IDs or passwords obtained for access to Internet sites except as required by your supervisor.
2. Any file that is introduced from an unknown source via floppy, zip, or other media must be scanned for viruses before it is run or accessed. Employees should do this by contacting their Network Administrator, who will either run

	<p>the scan or provide the resources to do so. Downloaded files are scanned by the WAN servers but 100% prevention cannot be guaranteed. Downloaded files should not be opened unless they are from a familiar source.</p> <ol style="list-style-type: none"> 3. The SFPUC has installed a variety of firewalls, proxies, and internet address screening programs and other security systems to assure the safety and security of the SFPUC's networks. Employees may not attempt to disable, defeat or circumvent and SFPUC security facility. 4. All Internet access or exchange of E-mail messages will be via the SFPUC-provided Network. Employees are not authorized to individual connect via telephone line to any independent data connections.
<p>Responsibilities</p>	<p>ITAC is responsible for reviewing and recommending a Policies and Procedures use of computer, internet and other communications systems SFPUC-wide.</p> <p>Assistant General Manager for Finance and Administration is responsible for setting the standards for computer equipment and software for the SFPUC in consultation with ITAC.</p> <p>ITS (formerly BMIS) is responsible for Managing IT resources for the SFPUC, including desktop PCs, network access and protocols, and software installation management.</p> <p>Department Managers and Supervisors are responsible for:</p> <ol style="list-style-type: none"> 1. Making sure that employees are aware of the policy and taking reasonable steps to ensure that the policy is adhered to. 2. Resolving questions regarding the interpretation of the policy with appropriate staff, including the Bureau of Personnel and Training and/or the ITS. 3. Determining what kind of software (within SFPUC Standards) and internet access are required by employees to perform the functions of their job. 4. Taking appropriate disciplinary action when violations of this policy are discovered, including dismissal if warranted. <p>Employees are responsible for:</p> <ol style="list-style-type: none"> 1. Following the letter and intent of this policy. 2. Presenting any questions that may exist regarding the interpretation of policy or use of systems or equipment to their supervisor for resolution.

Attachment N



WATER
WASTEWATER
POWER

EMPLOYEE MANUAL

**CITY AND COUNTY OF SAN FRANCISCO
PUBLIC UTILITIES COMMISSION**

HUMAN RESOURCE SERVICES

January, 2008

11.2 Definition of Terms

This section defines common terms that apply to disciplinary problems. For more information, or for definitions of terms not listed here, please contact your designated personnel analyst at HRS.

Abandonment of Job or Position: Absence from work without authorized leave for more than 5 consecutive days. This problem is usually handled administratively, rather than as a disciplinary action.

Absence without Leave (AWOL): Absence from the work site during working hours without the supervisor's permission.

Appointing Officer: For disciplinary actions, the General Manager is the Appointing Officer and the authority cannot be delegated.

Discourteous Treatment of Others: Rude or abusive behavior toward coworkers, supervisors, the public, or other individuals in the course of duties.

Dishonesty: Not telling the truth in order to deceive, cheat, or defraud.

Dismissal: Discharging or firing a permanent Civil Service employee.

Excessive Absenteeism: Unreasonable or unacceptable use of sick leave, especially if it interferes with the employee's ability to perform his/her duties. Specific policies regarding excessive use of sick leave specify more than one day per month, 3-4 days per quarter, or more than the earned 13 days per year. Generally speaking, an employee is excessively absent when s/he uses more than the maximum number of earned sick leave days per year without reasonable justification. Sick leave taken in conjunction with days off, paydays, and medical documentation submitted by employees is considered and evaluated on an individual basis.

Excessive Tardiness: When an employee reports to work unacceptably late or is late to work too often.

Failure to Follow Rules and Regulations: When an employee disobeys rules and regulations.

Falsification of Records: Intentional adjustment to or manipulation of City records or documents in order to deceive.

Fighting: Verbally or physically attacking or abusing another person.

Gambling: Gambling means playing for money. Gambling on the premises is forbidden at all times.

Habitual Intemperance: Excessive use of alcohol or drugs that impact the employee's ability to perform duties and responsibilities safely and effectively.



Inattention to Duties: Failure to perform assigned duties at an acceptable level for reasons such as undue carelessness, negligence, or intentional disregard. Failure to report an illegal act related to the activities of the Public Utilities Commission to a supervisor.

Incompetence: Lacking the ability or qualities needed to perform assigned duties at an acceptable level.

Immoral Conduct: Acts conflicting with general principles of right and wrong, whether on or off the job, that directly relate to the employee's ability to perform duties and responsibilities and/or reflect poorly on the organization.

Insubordination: When an employee disobeys authority, refuses to follow a reasonable directive from a duly authorized supervisor or manager, or will not comply with established procedures.

Official Employee Personnel File (OPEF): This is the personnel file kept at HRS, where formal records for each SFPUC employee are kept. Employees may make an appointment to see this file by contacting HRS.

Onsite Personnel File: This file contains the unofficial personnel records that an employee's supervisor keeps at the workplace. Use it to house notes pertaining to an employee's performance, both good and bad, and to house official documents until they are ready to be sent to HRS.

Release from Probation: A non-punitive separation when an applicant does not pass probation.

Sexual Harassment: Unwelcome advances, requests for sexual favors, and other spoken or physical conduct of a sexual nature that impact the employment condition and/or create an intimidating, hostile, or offensive working environment. Acts may be verbal, physical, graphic, or retaliatory in nature.

Substance Abuse: See Habitual Intemperance.

Termination: Discharging, or firing, a temporary employee.

11.2.1.1 *Special Circumstances*

The City Charter considers the following conduct or performance problems to be most serious, and possible grounds for termination:

- Misappropriation of public funds or property
- Misuse or destruction of public property
- Drug addiction or habitual intemperance
- Mistreatment of persons



- Immorality
- Acts constituting a felony or misdemeanor involving moral turpitude (inherent baseness, depravity, or perversion)
- Acts that present immediate danger to public health and safety

11.3 Progressive Discipline

11.3.1 Employee Conferences

The purpose of discipline is not to punish but to correct poor performance. Employee conferences provide a forum for clearly communicating the nature of a problem and how to correct it.

Employee conferences can be either informal for minor disciplinary action (oral warnings and letters of instruction) or formal for more serious disciplinary action (written warning, suspension and termination/dismissal.) At the employee conference, your supervisor will:

- Collect information and facts about the instance of misconduct or performance deficiency.
- Allow you the chance to respond to the charges.
- Develop a plan of action to correct the problem.
- Discuss the need to take more serious formal action.

11.4 Types of Corrective Disciplinary Action

The SFPUC's progressive discipline program consists of five major steps:

- Oral warning
- Letter of instruction
- Written warning
- Suspension
- Dismissal/Termination





MEMORANDUM

Date: October 10, 2013
To: Civil Service Commission
Through: Micki Callahan, Director - DHR
From: Justine Hinderliter, Sr. Personnel Analyst - SFPUC
Subject: Supplemental Information to Staff Report (Restrictions of Future Employment on Lock Kwan)

The enclosed Addendum-Attachment was inadvertently not included in the SFPUC's August 29, 2013 Staff Report -- Restrictions of Future Employment on Lock Kwan. The Addendum- Attachment is an email sent by Lock Kwan (Appellant) to one of his supervisors, Bonnie Jones, and confirms Appellant's resignation date as May 27, 2011.

Edwin M. Lee
 Mayor

Art Torres
 President

Vince Courtney
 Vice President

Ann Moller Caen
 Commissioner

Francesca Viator
 Commissioner

Anson Moran
 Commissioner

Harlan L. Kelly, Jr.
 General Manager

ATTACHMENT

Attached to this Supplemental Information Memorandum is the following exhibit:

Addendum- Attachment: May 27, 2011 Email from Lock Kwan to Bonnie Jones



Addendum-Attachment

From: Kwan, Lock
Sent: Friday, May 27, 2011 3:22 PM
To: Jones, Bonnie
Subject: thanks for everything

Dearest Bonnie.

It was great working for you. You were one of the best supervisors I had the pleasure to work for. Your positive disposition on life is infectious.

I wish you and your family the best in the future.

I do not like to address rumors; however, for reason unknown, there is a rumor that I am leaving because I do not like your management. This is absolutely positively false. The originator should be band from OSP to 1145 Market.

Thank you for everything.

Lock Kwan, P.E.
Lock_Kwan@yahoo.com

**ADDITIONAL INFORMATION
SUBMITTED BY APPELLANT**

Date: 14 October 2013
To: Civil Service Commission
From: Lock Kwan
Subject: Register Number 0046-12-7

SUMMARY

The SFPUC's Human Resource Services (HRS) and Department of Human Resources (DHR) (hereinafter referred to as Appellee) charges brought against Lock Kwan (herein referred to as Lock) are without just cause. Lock resigned to his supervisors Ms. Bonnie Jones and Mr. Brian Henderson on 27 July 2011 (Appellee's Attachment H) and DHR on 28 July 2011 with "satisfactory services". After over six (6) months, the Appellee notified Lock that his resignation date and service were amended to 27 May 2011 and "unsatisfactory", respectively. After over two (2) years on 29 August 2013, the Appellee brought the case to the Civil Service Commission with the recommendation to "Deny the appeal and adopt the report". The Appellee has not acted on good faith, within reasonable time, and has denied Lock due process.

The Appellee's entire case is based on the Appellee's claim of 27 May 2011 separation date from an email to Mr. Brian Carlomagno and Ms. Elizabeth Reynoso (Appellee's Attachment D). Since Mr. Carlomagno or Ms. Reynoso was not Lock's supervisor or agents of HRS or DHR, Mr. Carlomagno and Ms. Reynoso were not the appropriate people that would have processed or approved resignation requests; therefore, the Appellee's claim of 27 May 2011 as the resignation date has no grounds. Without the claimed 27 May 2011 resignation date, the Appellee has no case. In addition, the evidences will prove that Lock's separation date was 27 July 2011, that his supervisors approved his time after 27 May 2011, and that all actions were sanctioned by his supervisors.

EVIDENCE

In the Appellee's staff report, it was stated that:

"In early May 2011, Appellant informed one of his supervisors, Bonnie Jones, Class 5211 Senior Engineer, that he was leaving the SFPUC to begin working at a private company. Appellant also informed his direct supervisor, Domingo Jolis, Class 5211 Senior Engineer, and colleagues that his last day of work would be May 27, 2011, and he sent an email to colleagues confirming that his last day of work was May 27, 2011".

The Appellee initially implied that Lock's supervisors received a resignation similar to the 27 May 2011 email to Mr. Brian Carlomagno and Ms. Elizabeth Reynoso (Appellee's Attachment D). Once challenged, on 10 October 2013, the Appellee submitted additional evidence claiming "The enclosed Addendum-Attachment was inadvertently not included in the SFPUC's August 29, 2013 Staff Report..."

The Appellee had over two (2) years to build their case against Lock and only concluded on 10 October 2013. Whereas, it was not until 5 September 2013 with the notification of the Civil Service Meeting by the Civil Service Commission that Lock became fully aware of the Appellee's case against him. Lock was allowed a onetime document request and one (1) postponement of his Civil Service Commission Meeting. If the Appellee had acted on good faith, within reasonable time, and provided Lock's initial document and information requests

from February 2012 through Mr. Ging Louie of IFPTE Local 21 (Attachment 1), Lock would had a better chance for his appeal.

In the Appellee's Addendum-Attachment from 10 October 2013, it was stated that:

"...an email sent by Lock Kwan (Appellant) to one of his supervisors, Bonnie Jones, and confirms Appellant's resignation date as May 27, 2011."

This document does not confirm an unequivocal 27 May 2013 resignation. If for example Ms. Bonnie Jones was to take a two month vacation as some supervisors do, then the statements are perpetuable. In fact after that email, Ms. Bonnie Jones specifically asked Lock to work the week of 31 May 2011 to 3 June 2011 on the Fats, Oils, and Grease to Biodiesel Project (Project) because either Ms. Bonnie Jones, Ms. Natalie Sierra, Mr. Alexandre Miot, and/or Mr. Anthony Ringo was on vacation. However, there is no proof of vacation usages because the Appellee clearly stated that "Due to privacy concerns, the SFPUC will not disclose employees' use or balances pertaining to sick pay or vacation pay" because of "...information protected by federal and state privacy laws including but not limited to, California Government Code section 6254." However, Lock's use and balances pertaining to sick pay or vacation pay have become public information (Appellee's Attachment E).

No matter, Lock's supervisors including Mr. Domingo Jolis and Mr. Brian Henderson approved Lock's time entries in the payroll system after 27 May 2011 (Attachment 2) because there was no resignation on 27 May 2011. If Lock's supervisors accepted the Appellee's claim of a 27 May 2011 resignation, they would have knowingly committed fraud or gross negligence and became accomplices in approving Lock's time entries after 27 May 2011. The Appellee should investigate Lock's supervisors' misconduct that is contrary to the interests to the public, and their actions violated the trust commensurate with their position as City employees.

Lock's supervisors' approvals of Lock's time entries should have been discovered during the Appellee's investigations; however, the Appellee either did not discover it due to negligence or committed spoliation of evidence and tried to provided overwhelming documentations to deceive (Appellee's Attachments E, F, and G).

Lock requested a "List of Lock Kwan's time sheet (e-time) between 5/27/11 and 7/28/11 reviewers, approvers, and signatories." (Attachment 3) The Appellee provided a report and stated "A copy of a report reflecting requested time sheet information is provided with this response..." Again Lock requested the same document adding "Report provided...is edited, redacted, or incomplete. Provide time sheet (e-time) reviewers, approvers, and signatory." To such, the Appellee replied "The report provided...provides you all available information responsive to the specific timeframe you request for documents, i.e., 5/27/11 through 7/28/11." However, the report provided by the Appellee was only from 5/27/11 to 7/9/11 (Attachment 2). The remaining pages and dates were omitted either because of the Appellee's negligence or purposeful because the Appellee is engaging in obstructive and/or deceptive practices. The omitted pages might have contained other approving supervisors named including but not limited to Ms. Bonnie Jones. The Appellee's negligence and deception continues in their staff report statement:

"...the investigation revealed that Appellant did not contact anyone in HRS to discuss leave options and had not submitted a request for any type of leave from the SFPUC."

Again during their investigation, the Appellee should have discovered communications between Lock and the Appellee. In fact, Lock was in contact with HRS to discuss leave options. However, HRS was non-responsive until Mr. Ify Omokaro of HRS finally replied regarding leave option (Attachment 4). However due to the Appellee denial of additional document search request and time passage of over two years, no additional evidence could be provided; although, more evidences should exist.

Lock was seeking leave. However in attempts to retain Lock's employment for years of extemporary performance (Attachment 5), supervisors including Ms. Bonnie Jones offered the following arrangements:

1. Two separate 5241 Full Engineer promotions;
2. Sign-off for medical leave;
3. Sign-off for leave of absence;
4. Special working conditions

Lock's email to his wife regarding decline of 1 of 2 of the 5241 Full Engineer promotion positions (Attachment 6). Lock would have been qualified for medical leave because his wife was diagnose and going through aggressive surgeries, chemotherapy, and radiation treatments for Stage 3 cancer. As mentioned (Attachment 4), Lock was in contact with HRS; however, he did not receive information in a timely manner. Through phone conversations, Mr Ify Omokaro of HRS stated that HRS was going through reorganization and that he was HRS new appointed leave coordinator. Lock never requested for medical leave with Ms. Ella Empleo as the Appellee stated in their staff report because Ms. Ella Empleo was not the appropriate person who would have processed or approved such a request.

The special working conditions arrangements are very common and include but are not limited to the following:

1. Sick balance usage before separation from the City;
2. 1.5 times compensatory time banking for overtime work for Category Z exempt employees; and
3. Temporary leave from employment for working at other companies.

Again the Appellee should have uncovered such details through their investigation, interviews with Lock's supervisors and Ms. Ella Empleo, and having full access to Lock's SFPUC email account.

The Appellee's staff report stated that:

"SFPUC network user access reports show that Appellant (or someone acting at his direction and using his log-in credentials) had accessed the Department's network and used his log-in credentials on an SFPUC computer..."

This is the only portion of the Appellee's investigation that is accurate. Ms. Ella Empleo having Lock's payroll system password entered time for Lock when Lock was unable to himself. Additionally, Ms. Ella Empleo having administrative privilege entered time for Lock with her own password (Attachment 2). Ms. Ella Empleo having entered time entries and supervisors having approved time entries would have knowingly committed fraud or gross negligence and became accomplices if they accepted the 27 May 2011 resignation as the Appellee claimed. However, there was no resignation on 27 May 2011 and everyone acted in good faith with the exception of the Appellee.

The forty (40) hours of work was performed on the Project. The Project required daily logs that Lock would have to have completed. The daily operation logs would prove work performed by Lock; however, Lock would have no access to the operation logs because of proprietary equipment performance data. Additionally, Lock could not have retained any proprietary equipment performance data as stipulated by his nondisclosure agreement with the Project equipment providers. More so, information might have been destroyed resulting from threat of potential lawsuit and undisclosed settlement(s). The forty (40) hours of work was performed covering coworkers on vacations. Additionally, Lock should have created a document titled "*FOG Recovery Facility Brown Grease Transfer Standard Operating Procedures Manual*" dated June 2011 in June 2011.

The Appellee's staff report stated that:

"...once the Department began investigating Appellant's work status, he immediately submitted a letter to Bonnie Jones, Class 5211 Senior Engineer, claiming a "formal resignation date of July 27, 2011..."

This is pure speculation and conjecture on the Appellee's part and implies causation between the Appellee's investigation and Lock's resignation on 27 July 2011. How would Lock have become aware of an Appellee's active investigation? Anyone who had helped in informing Lock would become an accomplice. In fact, Lock only became aware of the Appellee's investigation over six (6) months after his 27 July 2011 resignation by the Appellee's letter (Appellee's Attachment A). If the Appellee was actively investigating prior to 27 July 2011, the Appellee should have given an "unsatisfactory services" and separation date of "27 May 2011" in Lock's 28 July 2011 separation report. However, it is because the Appellee either did not begin their investigation until after 28 July 2011 therefore actively committed perjury or engaged in active deception and entrapment by giving a "satisfactory services" in Lock's 28 July 2011 separation report. By not informing Lock of the Appellee's investigation for over six (6) months and bring to the Civil Service Commission for over two (2) years, the Appellee ensured that Lock have a very limited breadth of available documentations in support of his appeal and no access to union representation. There should be a statute of limitation to the Appellee's retaliatory actions.

But why would the Appellee retaliate? It is because during Lock's over thirteen years of public services to the City, Lock was also a IFPTE Local 21 union steward, delegate, and two times union treasurer that diligently fought against inefficiencies, wastes, and corruption (Attachment 7). One of the most if not the most number of received complaints was DHR dereliction of duties. On many occasions, Lock engaged with DHR on DHR's negligence (Attachment 8). During the engagements, Ms. Linda Marini was the DHR Director and Ms. Linda Marini is the current HRS Director whose department is leading the case against Lock.

By not providing a timely due process, not providing documents, and committing deceptive acts or perjury, the Appellee built their case against Lock.

Lock's supervisors approved his time entries in the payroll system. Lock performed the forty (40) hours of work. Lock's resignation date was 27 July 2011.

RECOMMENDATION

For all the reasons set forth above, the Civil of Service Commission should deny the Appellee's request to restrict the future employment of Lock Kwan and the following:

1. Dismiss charges against Lock without prejudice;
2. Written apology from the Appellee;
3. Restore Lock's original DHR separation report date and service to 28 July 2011 and satisfactory, respectively;
4. Repayment of Lock's "Request from Employee Offset" (Appellee's Attachment I) with interest; and
5. Payout Lock's remaining vacation balance with interest.

ATTACHMENTS

Attached are the following exhibits:

Attachment 1: Request for information and Documentation around February 2012

Attachment 2: Supervisors' Approval of Lock's Time Entries in the Payroll System after 27 May 2011

Attachment 3: Request for Information and Documentations on 3 September 2013

Attachment 4: Discussion of Leave with Mr. Ify Omokaro of HRS

Attachment 5: Performance Plan and Appraisal Reports with "Exceeded Expectations"

Attachment 6: Decline of Promotion

Attachment 7: Lock Kwan as Active Union Member and Treasurer

Attachment 8: Engagements with DHR on DHR's Dereliction of Duties with Ms. Linda Marini as DHR Director

Attachment 1

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Compose

Search results | Delete | Move | Spam | More | Collapse

Inbox (99+)

L21 expat requesting information (5)

Drafts (6)

Sent

Spam (44)

Trash (4)

Folders

Messenger

Calendar

Contacts

Notepad

Send Feedback

Me Hello Ging. I hope you are well. Sorry for contacting only when I need something. I finally have my

Ging Louie To Me

Hey Lock!

Long time no talk. I never did receive any information from PUC.

I will request it again and pester them for it. When is your appeal being heard before the Civil Service Commission?

Ging

Ging M. Louie
Union Representative/Organizer
IFPTE Local 21
1182 Market Street, Suite 425
San Francisco, CA 94102
415.864.2100 (phone)
415.864.2166 (fax)

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http://www.ifpte21.org/content/donate-tj-anthony-fund

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Show message history

Me Hello Ging. Glad to hear from you. I received my hearing letter last Friday 9/6 with 1

Ging Louie

Me

7

ging Search Mail Search Web



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Search results | Delete | Move

Compose

Inbox (99+)

Drafts (5)

Sent

Spam (44)

Trash (4)

Folders

Messenger

Calendar

Contacts

Notepad

Send Feedback

how to request for information (5)

Me Snippet unavailable

Fri 11 2011 at 8:31 AM

Ging Louie

Fri 15 2011 at 11:04 AM

To: Me

I can request the information, but I guess I need to know why you need it.

Ging M. Louie
Union Representative/Organizer
IFPTE Local 21
1182 Market Street, Suite 425
San Francisco, CA 94102
415.864.2100 (phone)
415.864.2166 (fax)

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Reply, Reply All or Forward | More



Attachment 2

27-MAY-2011 12.00 AM WK
 27-MAY-2011 12.00 AM WK
 28-MAY-2011 12.00 AM DO
 29-MAY-2011 12.00 AM DO
 30-MAY-2011 12.00 AM LH
 31-MAY-2011 12.00 AM SP
 31-MAY-2011 12.00 AM VA
 31-MAY-2011 12.00 AM WK
 01-JUN-2011 12.00 AM SP

0 Kwan, Lock K
 480 Kwan, Lock K
 0 System
 0 System
 480 Kwan, Lock K
 0 Kwan, Lock K
 0 Kwan, Lock K
 0 Kwan, Lock K
 0 Kwan, Lock K
 480 Kwan, Lock K
 0 Kwan, Lock K

26-MAY-2011 01.04 PM Jolis, Domingo
 26-MAY-2011 01.04 PM Jolis, Domingo
 13-JUN-2011 09.47 AM NP Approver
 13-JUN-2011 09.47 AM NP Approver
 06-JUN-2011 08.53 AM Jolis, Domingo
 06-JUN-2011 08.53 AM Jolis, Domingo
 06-JUN-2011 08.53 AM Jolis, Domingo
 06-JUN-2011 08.53 AM Jolis, Domingo
 06-JUN-2011 08.53 AM Jolis, Domingo
 06-JUN-2011 08.53 AM Jolis, Domingo

26-MAY-2011 01.04 PM
 26-MAY-2011 01.04 PM
 09-JUL-2003 03.07 PM
 09-JUL-2003 03.07 PM
 06-JUN-2011 08.53 AM
 06-JUN-2011 08.53 AM
 06-JUN-2011 08.53 AM
 06-JUN-2011 08.53 AM
 06-JUN-2011 08.53 AM
 06-JUN-2011 08.53 AM

22-JUN-2011 12.00 AM	VA	0 Kwan, Lock K	14-JUN-2011 08.52 AM	Np Approver	09-JUL-2003 03.07 PM
23-JUN-2011 12.00 AM	VA	480 Kwan, Lock K	14-JUN-2011 08.54 AM	Np Approver	09-JUL-2003 03.07 PM
23-JUN-2011 12.00 AM	WK	0 Kwan, Lock K	14-JUN-2011 08.54 AM	Np Approver	09-JUL-2003 03.07 PM
23-JUN-2011 12.00 AM	SP	0 Kwan, Lock K	14-JUN-2011 08.52 AM	Np Approver	09-JUL-2003 03.07 PM
24-JUN-2011 12.00 AM	VA	480 Kwan, Lock K	14-JUN-2011 08.54 AM	Np Approver	09-JUL-2003 03.07 PM
24-JUN-2011 12.00 AM	WK	0 Kwan, Lock K	14-JUN-2011 08.54 AM	Np Approver	09-JUL-2003 03.07 PM
24-JUN-2011 12.00 AM	SP	0 Kwan, Lock K	14-JUN-2011 08.52 AM	Np Approver	09-JUL-2003 03.07 PM
25-JUN-2011 12.00 AM	DO	0 System	04-JUL-2011 09.46 AM	Np Approver	09-JUL-2003 03.07 PM
26-JUN-2011 12.00 AM	DO	0 System	04-JUL-2011 09.46 AM	Np Approver	09-JUL-2003 03.07 PM
27-JUN-2011 12.00 AM	VA	480 Empleo, Majella J	30-JUN-2011 02.32 PM	Henderson, Brian J	30-JUN-2011 02.32 PM
27-JUN-2011 12.00 AM	WK	0 Empleo, Majella J	30-JUN-2011 02.32 PM	Henderson, Brian J	30-JUN-2011 02.32 PM
28-JUN-2011 12.00 AM	VA	480 Empleo, Majella J	30-JUN-2011 02.32 PM	Henderson, Brian J	30-JUN-2011 02.32 PM
28-JUN-2011 12.00 AM	WK	0 Empleo, Majella J	30-JUN-2011 02.32 PM	Henderson, Brian J	30-JUN-2011 02.32 PM
29-JUN-2011 12.00 AM	WK	0 Empleo, Majella J	30-JUN-2011 02.32 PM	Henderson, Brian J	30-JUN-2011 02.32 PM
29-JUN-2011 12.00 AM	VA	480 Empleo, Majella J	30-JUN-2011 02.32 PM	Henderson, Brian J	30-JUN-2011 02.32 PM
30-JUN-2011 12.00 AM	VA	480 Empleo, Majella J	30-JUN-2011 02.32 PM	Henderson, Brian J	30-JUN-2011 02.32 PM
30-JUN-2011 12.00 AM	WK	0 Empleo, Majella J	30-JUN-2011 02.32 PM	Henderson, Brian J	30-JUN-2011 02.32 PM
01-JUL-2011 12.00 AM	WK	480 Kwan, Lock K	06-JUL-2011 08.36 AM	Np Approver	09-JUL-2003 03.07 PM
02-JUL-2011 12.00 AM	DO	0 System	11-JUL-2011 09.47 AM	Np Approver	09-JUL-2003 03.07 PM
03-JUL-2011 12.00 AM	DO	0 System	11-JUL-2011 09.47 AM	Np Approver	09-JUL-2003 03.07 PM
04-JUL-2011 12.00 AM	LH	480 Kwan, Lock K	06-JUL-2011 08.36 AM	Np Approver	09-JUL-2003 03.07 PM
05-JUL-2011 12.00 AM	WK	0 Kwan, Lock K	06-JUL-2011 08.41 AM	Np Approver	09-JUL-2003 03.07 PM
05-JUL-2011 12.00 AM	SP	0 Kwan, Lock K	06-JUL-2011 08.38 AM	Np Approver	09-JUL-2003 03.07 PM
05-JUL-2011 12.00 AM	VA	480 Kwan, Lock K	06-JUL-2011 08.41 AM	Np Approver	09-JUL-2003 03.07 PM
06-JUL-2011 12.00 AM	WK	0 Kwan, Lock K	06-JUL-2011 08.41 AM	Np Approver	09-JUL-2003 03.07 PM
06-JUL-2011 12.00 AM	VA	480 Kwan, Lock K	06-JUL-2011 08.41 AM	Np Approver	09-JUL-2003 03.07 PM
06-JUL-2011 12.00 AM	SP	0 Kwan, Lock K	06-JUL-2011 08.38 AM	Np Approver	09-JUL-2003 03.07 PM
07-JUL-2011 12.00 AM	SP	0 Kwan, Lock K	06-JUL-2011 08.38 AM	Np Approver	09-JUL-2003 03.07 PM
07-JUL-2011 12.00 AM	WK	0 Kwan, Lock K	06-JUL-2011 08.41 AM	Np Approver	09-JUL-2003 03.07 PM
07-JUL-2011 12.00 AM	VA	480 Kwan, Lock K	06-JUL-2011 08.41 AM	Np Approver	09-JUL-2003 03.07 PM
08-JUL-2011 12.00 AM	WK	0 Kwan, Lock K	06-JUL-2011 08.41 AM	Np Approver	09-JUL-2003 03.07 PM
08-JUL-2011 12.00 AM	VA	480 Kwan, Lock K	06-JUL-2011 08.41 AM	Np Approver	09-JUL-2003 03.07 PM
08-JUL-2011 12.00 AM	SP	0 Kwan, Lock K	06-JUL-2011 08.38 AM	Np Approver	09-JUL-2003 03.07 PM

Attachment 3

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Inbox (99+)

Document Request for CSC Register No. 0046-12-7 (2)

Drafts (6)

Sent

Spam (43)

Trash (4)

Folders

Messenger

Calendar

Contacts

Notepad

Send Feedback

Me Hello Ms. Marini, Regarding Civil Service Commission Register Number 0046-12-7, Ms. Eng of the

Sep 13

Me To lmarini@swater.org, Eng, Sandra

Sep 13

Hide message history

Hello Ms. Marini,

Regarding Civil Service Commission Register Number 0046-12-7, Ms. Eng of the Civil Service Commission informed that I can make document requests directly from you. Please provide the below documents listed below by close of business on Friday September 27, 2013. Please indicate method to pick up documents on said date.

Thank you. Lock.

Documents requested:

1. Original email from Mr. Brian Carlomagno to Mr. Justine Hinderliter.
2. List of Lock Kwan's time sheet (e-time) between 5/27/11 and 7/28/11 reviewers, approvers, and signatories.
3. Direct supervisor Mr. Domingo Jols, Class 5211 Senior Engineer, vacation and sick usages or balances for 2009, 2010, and 2011.
4. Ms. Karen Kubick of the SFPUC was employed by a private consultant firm between her City employment. Please indicate Ms. Kubick's method of leave and her vacation and sick usage or balances during that period if she did not separate from the City.
5. Lock Kwan's performance evaluation for 2009, 2010, and 2011.
6. All emails from Lock Kwan's email account with Mr. Gregory Suhr in the "to", "from", and "cc" lines.
7. List of all SFPUC employees that left (including retirees, resignations, terminations, etc.) the City and their vacation and sick usages or balances for their last 4 months of employment for the last 6 years.

Reply, Reply All or Forward | More

15



San Francisco
Water Power Sewer

Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102
T 415.554.1670
F 415.554.1520
TTY 415.554.167.

Via Regular Mail and Email

September 26, 2013

Lock Kwan

Re: San Francisco Public Utilities Commission (SFPUC) Response to Request for Documents

Dear Mr. Kwan:

This letter is in response to your request for documents to Linda Marini dated September 13, 2013.

1. Original email from Mr. Brian Carlomagno to Mr. Justine Hinderliter.

SFPUC Response: No such document exists. The email to which the SFPUC believes you are referring is Attachment C to the SFPUC's Staff Report – Restrictions of Future Employment on Lock Kwan. The SFPUC Staff Report Attachment C is in fact the original email dated May 27, 2011, which was between you, Brian Carlomagno and Elizabeth Reynoso. It was never sent to Justine Hinderliter, but rather it was printed via Ms. Hinderliter's SFPUC email account. A copy of the May 27, 2011 email between you, Brian Carlomagno and Elizabeth Reynoso is provided with this response. (Attachment 1.)

2. List of Lock Kwan's time sheet (e-time) between 5/27/11 and 7/28/11 reviewers, approvers, and signatories.

SFPUC Response: A copy of a report reflecting requested time sheet information is provided with this response. (Attachment 2.)

3. Direct supervisor Mr. Domingo Jolis, Class 5211 Senior Engineer, vacation and sick usages or balances for 2009, 2010, and 2011.

Objection: This request calls for information protected by federal and state privacy laws including but not limited to, California Government Code section 6254.

SFPUC Response: Due to privacy concerns, the SFPUC will not disclose employees' use or balances pertaining to sick pay or vacation pay.

4. Ms. Karen Kubick of the SFPUC was employed by a private consultant firm between her City employment. Please indicate Ms. Kubick's method of leave and her vacation and sick usage or balances during that period if she did not separate from the City.

Objection: This request calls for information protected by federal and state privacy laws including but not limited to, California Government Code section 6254.

SFPUC Response: Due to privacy concerns, the SFPUC will not disclose employees' use or balances pertaining to sick pay or vacation pay nor will the SFPUC disclose information pertaining to the "method" of leave (i.e., type of leave).

Edwin M. Lee
Mayor

Art Torres
President

Vince Courtney
Vice President

Ann Moller Caen
Commissioner

Francesca Vietor
Commissioner

Anson Moran
Commissioner

Harlan L. Kelly, Jr.
General Manager



16

5. Lock Kwan's performance evaluation for 2009, 2010, and 2011.

SFPUC Response: Under Labor Code Section 1198.5, a copy of your FY 2009 and FY 2010 performance evaluations are provided with this response. You were not issued a performance evaluation for FY 2011. (Attachment 3.)

6. All emails from Lock Kwan's email account with Mr. Gregory Suhr in the "to", "from", and "cc" lines.

SFPUC Response: A copy of all emails found in your SFPUC email account with "Suhr, Greg" listed in the "To," "From," or "Cc" address lines is provided with this response. (Attachment 4.)

7. List of all SFPUC employees that left (including retirees, resignations, terminations, etc.) the City and their vacation and sick usages or balances for their last 4 months of employment for the last 6 years.

Objection: This request calls for information protected by federal and state privacy laws including but not limited to, California Government Code section 6254.

SFPUC Response: Due to privacy concerns, the SFPUC will not disclose the basis for an employees' separation from City employment. Nor will it disclose an employees' use of, or balances pertaining to, sick or vacation pay. A copy of two reports (spanning July 1, 2007 through September 20, 2013) reflecting the names of employees who separated from the SFPUC and their respective date of separation is provided with this response. (Attachment 5A and 5B.) Attachment 5A reflects employees who fully separated from the SFPUC within the identified date range; Attachment 5B reflects employees who separated from the SFPUC within the identified date range but who have since assumed another appointment with the SFPUC.

Sincerely,



Justine Hinderliter
Sr. Personnel Analyst
Employee Relations/EEO Programs

Enclosures

cc: Linda Marini, HRS (without attachments)

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Inbox (99+)

SFPUC Response to Request for Documents by... (6)

Drafts (6)

Hinderliter, Justine

Sep 26

Sent

To Me, Marini, Linda

Spam (43)

Mr. Kwan,

Trash (4)

Attached please find the SFPUC's Response to your request for documents dated September 13, 2013 and responsive documents. I will also mail you the SFPUC's Response and responsive documents via regular mail.

Folders

Thank you, Justine

Messenger

Calendar

Contacts

Notepad

Justine Hinderliter

Sr. Personnel Analyst Employee Relations/EEO Programs, HRS Tel: (415) 554-... Fax: (415) 554-1529 jhinderliter@sflower.org

Send Feedback

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



2 Attachments Download all

SFPUC Response t...pdf Download

Attachments 1_5B t...pdf Download

Reply, Reply All or Forward | More

- Me Dear Ms. Hinderliter: Please provide the belc Oct 10 at 2:13 AM
Me Hello Ms. Eng. Ms. Marini's office has not prc Oct 10 at 2:30 AM
Me On Thursday, October 10, 2013 2:30 AM, Loc Oct 10 at 9:23 AM
Johnston, Jennifer Dear Mr. Kwan: I write in res; Oct 10 at 4:07 PM
Hinderliter, Justine Dear Mr. Kwan: On Septemb Oct 10 at 5:04 PM

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SFPUC Response to Request for Documents by Lock Kwan dated September 13 2013 (6)

Drafts (6)

Hinderliter, Justine Mr. Kwan, Attached please find the SFPUC's Response to your request for docu

Sep 26

Sent

Me

Oct 10 at 2:15 AM

Spam (43)

To Hinderliter, Justine, Marini, Linda

Trash (4)

Dear Ms. Hinderliter:

Folders

Please provide the below documents that were originally requested on 13 September 2013 regarding Civil Service Commission Register Number 0046-12-7

Messenger

1. Original email from Mr. Brian Carlomagno to Mr. Justine Hinderliter.

Calendar

Response to SFPUC: "No such document exists...It was never sent to Justine Hinderliter, but rather it was printed via Ms. Hinderliter's SFPUC email account..." Because Ms. Hinderliter could not have printed said document via Ms. Hinderliter's SFPUC email account without having received said document or someone having sent said document to Ms. Hinderliter's SFPUC email account, provide the original document and the origin of the document.

Contacts

2. List of Lock Kwan's time sheet (e-time) between 5/27/11 and 7/28/11 reviewers, approvers, and signatories.

Notepad

Response to SFPUC: Report provided in Attachment 2 is edited, redacted, or incomplete. Provide time sheet (e-time) reviewers, approvers, and signatories.

Send Feedback

Response to SFPUC:

6. All emails from Lock Kwan's email account with Mr. Gregory Suhr in the "to", "from", and "cc" lines.

Response to SFPUC: 9 emails were provided in Attachment 4. I worked for Police Chief Shur for years and there are more than 9 emails. Provide all emails.

7. List of all SFPUC employees that left (including retirees, resignations, terminations, etc.) the City and their vacation and sick usages or balances for their last 4 months of employment for the last 6 years.

Response to SFPUC: Reports provided in Attachment 5A and 5B are either edited, redacted, or incomplete containing blank fields for first names, last names, or first and last names. Provide complete names of employees that left the City within said time. With the employee personal information redacted due privacy concerns, provide vacation and sick usage or balances for the employees that separated from the City for their last 4 months of employment for the last 6 years.

Thank you, Lock

Dear Ms. Hinderliter:

Please provide the below documents that were originally requested on 13 September 2013 regarding Civil Service Commission Register Number 0046-12-7

1. Original email from Mr. Brian Carlomagno to Mr. Justine Hinderliter.

Response to SFPUC: "No such document exists...It was never sent to Justine Hinderliter, but rather it was printed via Ms. Hinderliter's SFPUC email account..." Because Ms. Hinderliter could not have printed said document via Ms. Hinderliter's SFPUC email account without having received said document or someone having sent said document to Ms. Hinderliter's SFPUC email account, provide the original document and the origin of the document.

2. List of Lock Kwan's time sheet (e-time) between 5/27/11 and 7/28/11 reviewers, approvers, and signatories.

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SFPUC Response to Request for Documents by Lock Kwan dated September 13 2013 (6)

Drafts (6)

Hinderliter, Justine Mr. Kwan, Attached please find the SFPUC's Response to your request for docum Sep 26

Sent

Me Dear Ms. Hinderliter: Please provide the below documents that were originally requested on 13 Se Oct 10 at 2:13 AM

Spam (43)

Me Hello Ms. Eng. Ms. Marini's office has not provided all of the requested documents from 13 Septe Oct 10 at 2:30 AM

Trash (4)

Me On Thursday, October 10, 2013 2:30 AM, Lock Kwan <lock_kwan@yahoo.com> wrote: Hello Ms. En Oct 10 at 9:23 AM

Folders

Johnston, Jennifer Dear Mr. Kwan: I write in response to your email received earlier today requesting Oct 10 at 4:07 PM

Messenger

Hinderliter, Justine Oct 10 at 5:05 PM

Calendar

To Me, Marini, Linda, jennifer.johnston@sfgov.org

Contacts

Dear Mr. Kwan:

Notepad

Send Feedback

On September 13, 2013, you requested documents from the SFPUC related to the Civil Service Commission appeal regarding restrictions on your future employment set for October 21, 2013. On September 26, 2013, the SFPUC fully responded to your request for documents and provided you with all non-privileged and non-confidential documents it can reasonably obtain, as well as an explanation of applicable privileges and privacy protections for those documents that it was unable to produce. However, I write in response to your email received earlier today to provide you additional information/explanation regarding those documents that it was unable to produce. For consistency, I have detailed my responses pursuant to your requests and as numbered in your below email.

1. As part of its investigation, the SFPUC IT Department copied your former SFPUC Outlook account and placed it on a disc. The SFPUC accessed this disc using my Outlook application and therefore, was able to print emails contained on the disc. Thus, the emails were not sent to me, but I was able to print them by accessing the disc that contained your former SFPUC Outlook account.

2. The report provided in Attachment 2 provides you all available information responsive to the specific timeframe you articulated in your request for documents, i.e., 5/27/11 through 7/28/11.

6. A copy of all emails that existed in your former SFPUC Outlook account at the time of the SFPUC's investigation with "Suhr, Greg" listed in the "To," "From," or "Cc" address lines were provided with the SFPUC's response on September 26, 2013.

7. The reports provided in Attachments 5A and 5B are not redacted, edited, or incomplete. Some employees have more than one separation date during the relevant timeframe, but the employees' name was not repeated in those circumstances. And, as stated in the SFPUC's response provided to you on September 26, 2013, due to privacy concerns, the SFPUC will not disclose employees' use of, or balances pertaining to, sick or vacation pay.

Sincerely,

Justine Hinderliter
Sr. Personnel Analyst
Employee Relations/EEO Programs, HRS
Tel: (415) 554-... Fax: (415) 554-1529
jhinderliter@sfgwater.org

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



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SFPUC Response to Request for Documents by Lock Kwan dated September 13 2013 (6)

Drafts (6)

Hinderliter, Justine Mr. Kwan, Attached please find the SFPUC's Response to your request for docu

Sent

Me Dear Ms. Hinderliter: Please provide the below documents that were originally requested on 13 Oct 10 at 2:13 AM

Spam (43)

Me Hello Ms. Eng. Ms. Marini's office has not provided all of the requested documents from 13 Sept Oct 10 at 2:30 AM

Trash (4)

Me On Thursday, October 10, 2013 2:30 AM, Lock Kwan <lock_kwan@yahoo.com> wrote: Hello Ms. E Oct 10 at 9:23 AM

Folders

Johnston, Jennifer Oct 10 at 4:07 PM

Messenger

To: Me, Maglalang, Jennifer, Kotake, Donna, and 1 More...

Calendar

Contacts

Notepad

Send Feedback

Dear Mr. Kwan:

I write in response to your email received earlier today requesting another postponement of your appeal (Register Number 0044-12-7) because you believe that the Public Utilities Commission ("PUC") has not fully responded to your request for records/information. I have thoroughly reviewed your request for information and the PUC's response thereto, along with your follow-up communication to the PUC sent earlier this morning, and I have discussed the matter with PUC staff. In light of the circumstances and this office's policy regarding postponements, I am unable to grant your request.

First, this office has already granted you a one-month postponement. Your appeal was originally scheduled to be heard at the Civil Service Commission meeting of September 16, 2013, and Commission staff agreed to reschedule the matter to the Commission meeting of October 21, 2013. Further, I note that you received the PUC's response to your request two weeks ago on September 26th, but you are only now raising objections to that response. The PUC has already taken measures to ensure that necessary representatives are able to attend the Commission meeting.

Even if this office were to grant you another request for postponement, the PUC has advised that its response will not substantively change with additional time. That is, it is the PUC's position that it has fully responded to your request and has provided you with all non-privileged and non-confidential documents it can reasonably obtain, as well as an explanation of applicable privileges and privacy protections for those documents that it was unable to produce. Moreover, it is unclear how the requested documents and information are essential to your appeal (particularly those that date back six years). However, I have asked the PUC to respond to your follow-up electronic communication from earlier this morning; you should receive their response shortly.

As indicated in the attached notice, your appeal is scheduled for the Civil Service Commission meeting of October 21, 2013 as you originally requested. You may at that time relay your request for postponement to the Civil Service Commission, but should be prepared to present your appeal in the event that your request is denied. Also attached is a supplemental submission that the PUC inadvertently omitted from its original staff report dated August 29, 2013. Again, please note in the attached meeting notice the applicable deadlines to submit additional information.

Sincerely,

Jennifer Johnston
Executive Officer
Civil Service Commission
Phone: (415) 252-...
Fax: (415) 252-3260
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102
www.sfgov.org/Civil_Service

From: Lock Kwan [mailto:...]
Sent: Thursday, October 10, 2013 2:30 AM
To: Eng, Sandra
Subject: Fw: SFPUC Response to Request for Documents by Lock Kwan dated September 13 2013

Hello Ms. Eng.

21

Attachment 4

Omokaro

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Lock

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[No Subject]

Drafts (5)

Omokaro, Ify

Thu 7, 2011 at 11:55 AM

Sent

To: Me

Spam (41)

Hi Lock:

Trash

Please see attached. Please be sure to have your wife's doctor to complete the FMLA 2. Let me know if you have any questions or need any additional information, thanks.

Folders

Ify

Messenger

Ify Omokaro

Calendar

Leave Coordinator

Contacts

Public Utilities Commission

Notepad

1155 Market Street, 8th/F

San Francisco, CA 94103

Tel: 415-934-XXXX

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FMLA2 form.pdf Download

FMLA 1A form.pdf Download

RFL form.pdf Download

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23

Attachment 5

2010 PUC

PUBLIC UTILITIES COMMISSION
H. R. S.

Performance Plan and Appraisal Report

I. EMPLOYEE IDENTIFICATION INFORMATION

1. LAST NAME, FIRST NAME, MIDDLE INITIAL KWAN, LOCK	2. JOB CODE NUMBER AND TITLE 5207 – Associate Mechanical Engineer	3. STATUS <input checked="" type="checkbox"/> Permanent (PCS) <input type="checkbox"/> Provisional (TPV) <input type="checkbox"/> Permanent Exempt (PEX) <input type="checkbox"/> Temporary Exempt (TEX) <input type="checkbox"/> Temporary Civil Service (TCS) <input type="checkbox"/> Limited Tenure (Restricted Use) (TLT) <input type="checkbox"/> Non Civil Service (Restricted Use) (NCS)
4. WORK LOCATION & DIVISION WWE 1145 Market Street – 5 th floor San Francisco, CA 94103	5. DEPARTMENT SFPUC	6. REASON FOR REPORT <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Dept. Review Period <input type="checkbox"/> Probationary <input type="checkbox"/> Unscheduled
	7. REVIEW PERIOD 07/01/09 – 06/30/10	8. PROBATION START AND END DATE

25

II. PERFORMANCE PLAN – JOB DESCRIPTION

REVIEW OF DUTIES & RESPONSIBILITIES BASED ON JOB DESCRIPTION

FUNCTIONAL/WORKING JOB TITLE (If different from city job code title)	
Key/Critical Job Elements/Duties and Responsibilities (1 per box)	Comments on Actual Performance of Each Key/Critical Job Element/Duty
<p>1. Reviews and prepares contract plans for engineering projects, detail mechanical engineering, contract documents, and other related documents.</p> <p>Projects: FOG to biodiesel</p>	<p>COMMENTS:</p> <p>Mr. Kwan was the lead reviewer and designer of layouts for the FOG to biodiesel project.</p>
<p>2. Makes regular contacts with Contractors, operating departments, consultants, regulatory agencies, and other engineering disciplines to obtain technical data and information.</p> <p>Promote regular contact with operating departments and allow them to contact engineering staff to discuss project issues and concerns.</p>	<p>COMMENTS:</p> <p>Mr. Kwan works well with contractors, operations personnel, consultants, and State California Energy Staff.</p> <p>Mr. Kwan has developed professional working relationships and has specifically coordinated the activities of FOG to biodiesel project. He prepares & reports to CEC staff.</p>
<p>3. Prepares and analyzes cost estimates for engineering projects, engineering reports, and related activities</p>	<p>COMMENTS:</p> <p>Mr. Kwan prepares and reports for submission to the CEC or the FOG to biodiesel program.</p>
<p>4. As a liaison, he coordinates the review of engineering reports and design documents.</p> <p>a. Have weekly meeting with WWE Staff to check status and resolve problems and issues.</p> <p>b. Develop minutes to inform staff and other interested parties of project status.</p> <p>c. Meet with operating departments to present project status and address operation</p>	<p>COMMENTS:</p> <p>As liaison for the North Shore Force Main and Mission Bay small pump station, Mr. Kwan coordinated review with operations personnel.</p>
<p>5.</p>	<p>COMMENTS:</p>
<p>6.</p>	<p>COMMENTS:</p>
<p>7.</p>	<p>COMMENTS:</p>

25 26

<p>8. Statement of Incompatible Activities: Fully comply with the department's Statement of Incompatible Activities as approved by the Ethics Commission. Compliance includes, but is not limited to: Restrictions on Incompatible Activities; Restrictions on Use of City Resources, City Work-Product and Prestige; and Prohibition on Gifts for Assistance with City Services.</p>	<p>COMMENTS:</p>
<p>9. Use of City and County Property for Business Purposes Only: All City equipment, devices, and materials (i.e., photocopier, telephones, computers, vehicles, stationery, fax machines, etc.) must be used only for conducting City business.</p>	
<p>10. Take all necessary steps to prepare yourself for an emergency, in your capacity as a Disaster Service Worker.</p> <ul style="list-style-type: none"> • Provide updated personal contact information to your department by completing and filing an updated PUC Employee Data Request Change Card so that you can be contacted in the event of an emergency; • Report in and respond promptly to instructions by the City and/or your department in the event of an emergency; and • Carry out disaster-related drills or emergency exercises as notified; and carry out disaster-related work assignments as required. 	
<p>11. Disaster Service Worker Training:</p> <ul style="list-style-type: none"> • Complete the Disaster Service Worker Personal Preparedness Training (PPT); • Complete the Department of Human Resources Disaster Service Worker Awareness Training (DAT); and • Complete the National Incident Management System training as required. 	

27

III. PERFORMANCE PLAN – KEY OBJECTIVES

Goals (Individual, Unit or Team, Department) Specify:	
Goal #1:	
1. UEB Mission State and Objectives: clear understanding and support of objective and mission	REVIEW OF ACTUAL PERFORMANCE: Mr. Kwan has read viewed and received a copy of SFPUC Mission Statement. Mr. Kwan has a clear understanding of the Mission Statement and supports its objective in daily pursuit.
2. Continue to work on assigned projects and serve as a Project Engineer, developing into a project manager.	REVIEW OF ACTUAL PERFORMANCE: Mr. Kwan has an extraordinary amount of responsibility as both designer and review to ensure the FOC to biodiesel demonstration plant is installed and operation by <u>November 2009</u> .
<i>Summer 2010</i>	
Goal #2:	
1.	REVIEW OF ACTUAL PERFORMANCE:
2.	REVIEW OF ACTUAL PERFORMANCE:
Goal #3:	
1.	REVIEW OF ACTUAL PERFORMANCE:
Goal #4:	
1.	REVIEW OF ACTUAL PERFORMANCE:
2.	REVIEW OF ACTUAL PERFORMANCE:

528

V. SIGNATURE PAGE

PERFORMANCE PLAN

A. Performance Plan/Key Objectives Sign-Off (At Beginning of Appraisal Year)

1. EMPLOYEE SIGNATURE	2. SUPERVISOR SIGNATURE	3. MEETING DATE
1. REVIEWER SIGNATURE	2. REVIEW DATE	

B. Mid-Period Performance Review Meeting

1. EMPLOYEE SIGNATURE	2. SUPERVISOR SIGNATURE	3. MEETING DATE
-----------------------	-------------------------	-----------------

PERFORMANCE APPRAISAL REPORT

C. Employee's Statement

1. <input checked="" type="checkbox"/> I AGREE WITH THIS REPORT. <input type="checkbox"/> I DO NOT AGREE WITH THIS REPORT: SECT. _____ NO. _____ <input type="checkbox"/> I HAVE ATTACHED A REBUTTAL. <input type="checkbox"/> I HAVE ATTACHED A REBUTTAL AND REQUEST A CONFERENCE WITH THE REVIEWER.	2. APPRAISAL CONFERENCE DATE 3. SIGNATURE CERTIFIES I HAVE READ THE REPORT <i>Loe Juan</i> <input type="checkbox"/> DECLINED TO SIGN. DATE: 7/9/10
--	---

D. Reporting Supervisor/Manager

1. NAME AND WORK ADDRESS Jonathan Loiacono, P.E. 1145 Market Street - 5 th flr San Francisco, CA 94103	2. JOB CODE NUMBER AND TITLE 5212 / 5508 PM IV	3. DATE OF CONFERENCE REPORT WITH AND SIGNATURE OF FORMER SUPERVISOR* 6/25/10 <i>Jonathan Loiacono</i>
4. CURRENT REPORTING SUPERVISOR SIGNATURE/DATE <i>Tommy T. Moala</i>		

* If another supervisor supervised the employee during part of the report period, the current supervisor should do the appraisal. If either the employee or the current supervisor requests the former supervisor to provide information or participate in the appraisal meeting, the former supervisor must sign and date Box 3.

E. Reviewer's Certification

1. NAME AND WORK ADDRESS Tommy T. Moala, AGM 1155 Market Street - 11 th floor San Francisco, CA 94102	2. JOB CODE NUMBER AND TITLE Assistant General Manager Wastewater Enterprise
3. <input type="checkbox"/> EMPLOYEE-REQUESTED CONFERENCE WITH REVIEWER Date:	4. SIGNATURES OF ATTENDEES:
5. <input type="checkbox"/> I CERTIFY THAT I HAVE REVIEWED THIS REPORT. (Print/Type) <i>Moala</i>	6. REVIEWER SIGNATURE & DATE <i>Moala</i> 7.15.2010

29

IV. APPRAISAL REPORT SUMMARY

A. OVERALL PERFORMANCE RATING

The appraisal report on overall performance should include a consideration of all items in the Job Description, Departmental policies and procedures, and the Performance Plan's Key Objectives for the review period. Circle the appropriate number on the continuum.

Did Not Meet Expectations	Met Expectations	Exceeded Expectations
Performance of job duties needs improvement; did not meet many or majority of objectives.	Performed key/critical job duties competently and effectively; met the objectives. (Meets Competent and Effective requirement)	Performed key/critical job duties with exceptional competence and effectiveness; exceeded the objectives.
1	2	3

B. COMMENTS REGARDING OVERALL PERFORMANCE

Mr. Kwan consistently performed above the level of an associate engineer. He has reviewed and worked with both vendors for the development of the fats, oils and grease conversion to brown grease, and the brown grease conversion to biofuels. He also prepared the reports for the California Energy Commission, which are required for the demonstration project.

C. EMPLOYEE GUIDELINES -- PERFORMANCE PLAN AND APPRAISAL REPORT

1. Employee should review his/her employee organization's Memorandum of Understanding with the City and County of San Francisco for information that may add to or modify the following list of guidelines.
2. Employee has the right to read the Performance Plan and Appraisal Report.
3. Employee has the right to receive a copy of the Performance Plan and Appraisal Report.
4. Employee has the right to discuss the report with the Reporting Supervisor or Manager.
5. Employee has the right to attach a rebuttal to the Performance Appraisal Plan and Report. Unless otherwise provided in the collective bargaining agreement that applies to the employee's Job Code, the rebuttal must be presented within 5 working days of the report date. The rebuttal should only address the items presented in the report. The 5 days may be extended at the discretion of the Reviewer for up to 30 days.
6. Employee may request a conference, if requested, with the Reviewer (Reporter's supervisor or manager).

VI. EXPLANATIONS OF SECTIONS

I. EMPLOYEE IDENTIFICATION INFORMATION — Basic information about the employee, his/her status, and the review period.

II. PERFORMANCE PLAN: JOB DESCRIPTION — A list of the duties and responsibilities based on the job description. Comments may include clarification of job description items, address mid-year progress, and appraise the performance of the duties and responsibilities. If appropriate, the job description may be a source of Key Objectives for the review period.

III. PERFORMANCE PLAN: KEY OBJECTIVES — Most important goals and objectives for the review period and comments regarding the appraisal of the performance of the goals and objectives.

IV. APPRAISAL REPORT SUMMARY

A. Overall Performance Rating — Reporting Supervisor's/Manager's rating of the employee's overall performance over the appraisal review period. The purpose of the continuum line is to give supervisors a way to show employees how the supervisor sees their overall performance across the scale.

B. Comments Regarding Overall Performance — Narrative explanation of the rating of overall performance during the appraisal report review period.

- | | | |
|--|--------------------------------------|--|
| ◆ Demonstration of Dept values | ◆ Attendance And Punctuality | ◆ Effectiveness Of Working With Others |
| ◆ Overall Performance of Job Description | ◆ Quantity Of Work Performed | ◆ Use Of Materials And Equipment |
| ◆ Results of Performance Objectives | ◆ Quality Of Work Performed | ◆ Safety |
| ◆ Knowledge Of Job | ◆ Adaptability To The Work Situation | ◆ Performance Plans |
| ◆ Employee's Strengths | | |
| ◆ Achievements | | |

In addition to the areas above, the following areas may be addressed for supervisors/managers:

- | | | |
|----------------------------------|---------------------------------|-------------------|
| ◆ Communication | ◆ Planning | ◆ Decision Making |
| ◆ Directing and Motivating Staff | ◆ Training and Developing Staff | |

C. Employee Guidelines — Guidelines for employees regarding the Performance Plan and Appraisal Report.

V. SIGNATURE PAGE

A. Performance Plan/Key Objectives Sign-Off — Signatures of the supervisor and the employee, and the date they met to finalize the plan, the signature of the reviewer, and the date of the review.

B. Mid-Period Performance Review Meeting — Signatures of the supervisor and the employee and the date they met to review progress on the plan.

C. Employee's Statement — Employee's opportunity to respond to the PPA Report using a checklist, signature and date. Signing the report only certifies that the employee has read it. It does not indicate, unless marked, that the employee agrees with the report.

D. Reporting Supervisor/Manager — Information regarding the reviewer of the report. This is the person who directly supervises the employee's performance. Box 3:

E. Reviewer's Certification — Information regarding the reviewer of the report. This is the person who directly supervises the reporting supervisor/manager.

VI. EXPLANATION OF SECTIONS — Basic information about what should be included in each section of the Performance Plan and Appraisal Report.

Blank

920601

32



CITY AND COUNTY OF SAN FRANCISCO
 DEPARTMENT OF HUMAN RESOURCES, WINE

2009 AUG 5 8:27
 ADMINISTRATION

Performance Plan and Appraisal Report

I. EMPLOYEE IDENTIFICATION INFORMATION

1. LAST NAME, FIRST NAME, MIDDLE INITIAL KWAN, LOCK	2. JOB CODE NUMBER AND TITLE 5207 Associate Mechanical Engineer	3. STATUS <input checked="" type="checkbox"/> Permanent (PCS) <input type="checkbox"/> Provisional (TPV) <input type="checkbox"/> Permanent Exempt (PEX) <input type="checkbox"/> Temporary Exempt (TEX) <input type="checkbox"/> Temporary Civil Service (TCS) <input type="checkbox"/> Limited Tenure (Restricted Use) (TLT) <input type="checkbox"/> Non Civil Service (Restricted Use) (NCS)
4. WORK LOCATION & DIVISION WWE 1145 Market Street – 5 th floor San Francisco, CA 94103	5. DEPARTMENT SFPUC	6. REASON FOR REPORT <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Dept. Review Period <input type="checkbox"/> Probationary <input type="checkbox"/> Unscheduled
	7. REVIEW PERIOD 07/08 to 06/09	8. PROBATION START AND END DATE

33

II. EXPLANATIONS OF SECTIONS

- I. **EMPLOYEE IDENTIFICATION INFORMATION** — Basic information about the employee, his/her status, and the review period.
- II. **EXPLANATION OF SECTIONS** — Basic information about what should be included in each section of the Performance Plan and Appraisal Report.
- III. **PERFORMANCE PLAN:** — A list of the key/critical job elements/duties and responsibilities based on the job description. Comments must address mid-year progress, and appraise the performance of the duties and responsibilities. If appropriate, the job description may be a source of Key Objectives for the review period.
- IV. **PERFORMANCE PLAN: KEY OBJECTIVES** — Most important objectives for the review period and comments regarding the appraisal of the performance of the objectives.
- V. **APPRAISAL REPORT SUMMARY**

A. Overall Performance Rating — Reporting Supervisor's/Manager's rating of the employee's overall performance over the appraisal review period. The purpose of the continuum line is to give supervisors a way to show employees how the supervisor sees their overall performance across the scale.

B. Comments Regarding Overall Performance — Narrative explanation of the rating of overall performance during the appraisal report review period.

- | | | |
|---|--------------------------------------|--|
| ◆ Demonstration of City and Department Mission, Vision and Values | ◆ Attendance And Punctuality | ◆ Effectiveness Of Working With Others |
| ◆ Overall Performance of Job Description | ◆ Quantity Of Work Performed | ◆ Use Of Materials And Equipment |
| ◆ Results of Performance Objectives | ◆ Quality Of Work Performed | ◆ Safety |
| ◆ Knowledge Of Job | ◆ Adaptability To The Work Situation | ◆ Performance Plans |
| ◆ Employee's Strengths | | |
| ◆ Achievements | | |

In addition to the areas above, the following areas may be addressed for supervisors/managers:

- | | | |
|----------------------------------|---------------------------------|-------------------|
| ◆ Communication | ◆ Planning | ◆ Decision Making |
| ◆ Directing and Motivating Staff | ◆ Training and Developing Staff | |

C. Employee Guidelines — Guidelines for employees regarding the Performance Plan and Appraisal Report.

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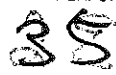
D. Reporting Supervisor/Manager — Information regarding the reviewer of the report. This is the person who directly supervises the employee's performance.

E. Reviewer's Certification — Information regarding the reviewer of the report. This is the person who directly supervises the reporting supervisor/manager.

VI. PERFORMANCE PLAN – JOB DESCRIPTION

REVIEW OF DUTIES & RESPONSIBILITIES BASED ON JOB DESCRIPTION

FUNCTIONAL/WORKING JOB TITLE (if different from city job code title)	
<i>Associate Mechanical Engineer</i>	
Key/Critical Job Elements/Duties and Responsibilities (1 per box)	Comments on Actual Performance of Each Key/Critical Job Element/Duty
1. Reviews and prepares contract plans for engineering projects, detail mechanical engineering, contract documents, and other related documents. Projects: FOG to biodiesel	Mr. Kwan was the lead reviewer and designer of layouts for the FOG to biodiesel project
2. Makes regular contacts with Contractors, operating departments, consultants, regulatory agencies, and other engineering disciplines to obtain technical data and information. Promote regular contact with operating departments and allow them to contact engineering staff to discuss project issues and concerns.	Mr. Kwan works well with contractors, operations personnel, consultants, and State California Energy Staff. Mr. Kwan has developed professional working relationships and has specifically coordinated the activities of FOG to biodiesel project. He prepares & reports to CEC staff.
3. Prepares and analyzes cost estimates for engineering projects, engineering reports, and related activities.	Mr. Kwan prepares and reports for submission to the CEC or the FOG to biodiesel program.
4. As a liaison, he coordinates the review of engineering reports and design documents. a. Have weekly meeting with WWE Staff to check status and resolve problems and issues. b. Develop minutes to inform staff and other interested parties of project status. c. Meet with operating departments to present project status and address operational concerns and issues.	As liaison for the North Shore Force Main and Mission Bay small pump station, Mr. Kwan coordinated review with operations personnel.
5.	



IV. PERFORMANCE PLAN – KEY OBJECTIVES

Goals (Individual, Unit or Team, Department, City & County: Specify	
<p>1. Take all necessary steps to prepare yourself for an emergency, in your capacity as a Disaster Service Worker.</p> <ul style="list-style-type: none"> • Provide updated personal contact information to your department by completing and filing an updated PUC Employee Data Request Change Card so that you can be contacted in the event of an emergency; • Report in and respond promptly to instructions by the City and/or your department in the event of an emergency; • Complete the Department of Human Resources Disaster Service Worker Awareness Training (DAT) within 60 calendar days of hire; • Complete the Disaster Service Worker Personal Preparedness Training (PPT) within 60 calendar days of hire, whichever comes later; • Complete the National Incident Management System training (if NIMS is required of your classification) within 60 calendar days of hire, whichever comes later; and • Carry out disaster-related work assignments as required. 	<p>REVIEW OF ACTUAL PERFORMANCE:</p> <p><i>Lock has completed all training related to disaster service worker and is willing to carry out disaster related work assignments</i></p>
<p>2. UEB Mission State and Objectives: clear understanding and support of objective and mission</p>	<p>Mr. Kwan has read reviewed and received a copy of the SFPUC Mission Statement. Mr. Kwan has a clear understanding of the Mission Statement and supports its objective in daily pursuit.</p>
<p>3. Continue to work on assigned projects and serve as a Project Engineer, developing into a project manager.</p>	<p>Mr. Kwan has an extraordinary amount of responsibility as both designer and review to ensure that the FOC to biodiesel demonstration plant is installed and operation by November 2009.</p>
<p>4.</p>	<p>REVIEW OF ACTUAL PERFORMANCE:</p>
<p>5.</p>	<p>REVIEW OF ACTUAL PERFORMANCE:</p>
<p>6.</p>	<p>REVIEW OF ACTUAL PERFORMANCE:</p>

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V. APPRAISAL REPORT SUMMARY

A. OVERALL PERFORMANCE RATING

The appraisal report on overall performance should include a consideration of all items in the Job Description, Departmental policies and procedures, and the Performance Plan's Key Objectives for the review period. Circle the appropriate number on the continuum.

Did Not Meet Expectations	Met Expectations	Exceeded Expectations
Performance of key/critical job duties needs improvement; did not meet many or majority of objectives.	Performed key/critical job duties competently and effectively; met the objectives. (Meets Competent and Effective requirement)	Performed key/critical job duties with exceptional competence and effectiveness; exceeded the objectives.
1 ————— 2 ————— 3 ————— 4 ————— 5 ————— 6 ————— 7 ————— 8 ————— 9		

B. COMMENTS REGARDING OVERALL PERFORMANCE

Mr. Kwan consistently performed above the level of an associate engineer. He has reviewed and worked with both vendors for the development of the fats, oils and grease conversion to brown grease, and the brown grease conversion to biofuels. He also prepared the reports for the California Energy Commission, which are required for the demonstration project.

C. EMPLOYEE GUIDELINES -- PERFORMANCE PLAN AND APPRAISAL REPORT

1. Employee should review his/her employee organization's Memorandum of Understanding with the City and County of San Francisco for information that may add to or modify the following list of guidelines.
2. Employee has the right to read the Performance Plan and Appraisal Report.
3. Employee has the right to receive a copy of the Performance Plan and Appraisal Report.
4. Employee has the right to discuss the report with the Reporting Supervisor or Manager.
5. Employee has the right to attach a rebuttal to the Performance Plan and Appraisal Report. Unless otherwise provided in the collective bargaining agreement that applies to the employee's Job Code, the rebuttal must be presented within 5 working days of the report date. The rebuttal should only address the items presented in the report. The 5 days may be extended at the discretion of the Reviewer for up to 30 days.
6. Employee has the right to a conference, if requested, with the Reviewer (Appraiser's supervisor or manager).

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VI. SIGNATURE PAGE

PERFORMANCE PLAN

A. Performance Plan/Key Objectives Sign-Off (At Beginning of Appraisal Year)

1. EMPLOYEE SIGNATURE <i>Josh Kwan</i>	2. SUPERVISOR SIGNATURE <i>Janette Loiacono</i>	3. MEETING DATE 7/24/09
1. REVIEWER SIGNATURE	2. REVIEW DATE	

B. Mid-Period Performance Review Meeting

1. EMPLOYEE SIGNATURE <i>Josh Kwan</i>	2. SUPERVISOR SIGNATURE <i>Janette Loiacono</i>	3. MEETING DATE 7/24/09
---	--	----------------------------

PERFORMANCE APPRAISAL REPORT

C. Employee's Statement

<input checked="" type="checkbox"/> I AGREE WITH THIS REPORT. <input type="checkbox"/> I DO NOT AGREE WITH THIS REPORT: SECT. ____ NO. ____ <input type="checkbox"/> I HAVE ATTACHED A REBUTTAL. <input type="checkbox"/> I HAVE ATTACHED A REBUTTAL AND REQUEST A CONFERENCE WITH THE REVIEWER.	2. APPRAISAL CONFERENCE DATE 7/24/09 3. SIGNATURE CERTIFIES I HAVE READ THE REPORT <i>Josh Kwan</i> <input type="checkbox"/> DECLINED TO SIGN. DATE: 7/24/09
---	--

D. Reporting Supervisor/Manager

1. NAME AND WORK ADDRESS Jon Loiacono, P.E. 1145 Market Street - 5 th San Francisco, CA 94103	2. JOB CODE NUMBER AND TITLE 5212/5508 PM IV	3. DATE OF CONFERENCE WITH EMPLOYEE 7/24/09
		4. Current Reporting Supervisor SIGNATURE & DATE <i>Janette Loiacono</i> 7/24/09

E. Reviewer's Certification

1. NAME AND WORK ADDRESS Tommy Moala, AGM 1155 Market Street - 11 th San Francisco, CA 94103	2. JOB CODE NUMBER AND TITLE AGM / WWE	4. SIGNATURE & DATE <i>Tommy T. Moala</i> 7/11/09
3. <input checked="" type="checkbox"/> I CERTIFY THAT I HAVE REVIEWED THIS REPORT. (Print/Type) <i>Tommy T. Moala</i>		

TOOLS FOR COMPLETING THE FORM USING MICROSOFT WORD.

1. The following symbol can be copied over the blank box when you want to mark it with a check or .

2. The following symbol can be copied over the number when you want to mark it:

① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨

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Attachment 6

5241

Search Mail

Search Web



Duraskirt - A+ BBB Rating - Duraskirt Mobile - Manufactured Home Skirting Kits - Sponsored

Compose

Search results | Delete Move More

Inbox (99+)

i declined the 5241 Full Engineer Position (4)

Drafts (5)

Sent

Me May 19, 2011 at 1:49 PM

Spam (41)

To fisa kwan

Trash

Hey Babe.

Folders

I just declined the 5241 Full Engineer (\$125k) position that I interviewed for three weeks ago.

Messenger

I know I am doing the right thing.

Calendar

Happy anniversary!

Contacts

[Reply](#), [Reply All](#) or [Forward](#) | [More](#)

Notepad

Lisa Kwan Snippet unavailable May 19, 2011 at 1:52 PM

Send Feedback

Lisa Kwan Snippet unavailable May 19, 2011 at 2:14 PM

Me Snippet unavailable May 20, 2011 at 11:25 AM

40

Attachment 7



Election Guide

Executive Committee Officer Election

SAVE THE DATE

Monday, November 8

Ballots will be mailed to all members in good standing. Please make sure that your current address is on file at the union office.

Monday, November 29

In order to be counted ballots must be received by 5:00 pm to the Local 21 Post Office Box. Ballots will not be accepted at the Local 21 office.

Tuesday, November 30

Ballots will be counted by the Elections Committee.

Meet the Candidate Forums

See flier on back page for more details.

Thursday, November 4

*San Francisco— Local 21's Office
(1182 Market Street, Room 425)*

Friday, November 5

*East Bay— Richmond Public Library
(325 Civic Center Plaza; Madeline F. Whittlesey Community Room)*

Monday, November 8

*Oakland— City Hall
(1 Frank Ogawa Plaza, Hearing Rm 4)*

Wednesday, November 10

*San Jose— Local 21's San Jose Office
(675 North Street, Room 715)*

Monday, November 15

*East Bay— San Leandro City Hall
(S. Offices Conference; 835 E. 14th St.)*

In accordance with the Local 21 bylaws (Article XIII), members will soon decide on the Local 21 Executive leadership, who will be responsible for guiding the direction of the union for the next two year. All members may cast a ballot for the union-wide offices: President, Executive Vice President, At-Large Vice President, Vice President for Membership and Organization, Vice President for Legislative and Political Action, Treasurer and Secretary.

The employer or geographic area vice presidents (East Bay, Oakland, San Francisco, South Bay) will appear on ballots for those specific employer or geographic areas only. For example, only members employed by the City & County of San Francisco will vote for the San Francisco Vice President; members employed by the City of Oakland will vote for the Oakland Vice President. (A complete listing of the chapters eligible to vote for an area vice president can be found on the Union Officer Election Guide posted on the Local 21 website at <http://ifpte21.org/election-10/21-ElectionGuidelines.pdf>).

Voting procedure. California Elections Company (CEC) will conduct the union-wide election. Working with information provided by Local 21 office staff, CEC will create and mail the local union officer ballot. Alongside the Local 21 Election Committee (Mikhael Hart, chair, Lisa Del Puerto, Sue Guest, Tedman Lee, Orin Johnson), CEC will tabulate ballots and officially certify the election results on November 30, 2010.

Voting deadline. Ballots must be received at the election P.O. Box in San Francisco by no later than 5:00 p.m. on Monday, November 29, in order to be counted. Ballots cannot be accepted at the union office — they must be returned via the U.S. Postal Service to the address on the postage paid return envelope.

Voter eligibility. October 8, 2010 was the cut-off date to be eligible to vote in this election; members joining after the cutoff date will not be eligible to vote in this election.

Election results. The Elections Committee will count the ballots on Tuesday, November 30. Results will be posted on Local 21 website within the week. An email announcing the results will also be sent to all members the following day. According to the Local 21 bylaws, in the event that no candidate receives a majority of the votes, the Election Committee will conduct a runoff election. Members will be notified of the new election date, which must be mailed within 30 days of the determination that a runoff is needed.



Main Office: 1182 Market Street, Room 425 San Francisco, CA 94102 T: 415 864-2100 F: 415 864-2166
South Bay Office: 675 N. First Street, Room 715 San Jose. CA 95112 T: 408 291-2200 F: 408 291-2203
www.ifpte21.org

Lock Kwan- City & County of San Francisco, Professional Engineers, Associate Engineer



I will continue to provide fiscal responsibility, accountability, and management of membership dues. I am qualified by:

- Current Treasurer, *1st term Treasurer*
- Professional Engineer Chapter Delegate, 2 Terms;
- Local 21 member since 1999; and
- Business Owner

We must protect our eroding jobs and benefits as this recession continues. Please elect me and these tireless leaders to fight the good fight: Dean Coate for President, Maria Ryan for Executive VP, Tamerat Awetu for San Francisco VP, Jeff Levin for Oakland VP, Ananth Prasad for South Bay VP, John Mukhar for Membership VP, Tom Manley for Legislative and Political

Action VP, Tim Paez for Secretary. Thank you.

Meet the Candidates Before You Cast Your Vote

IFPTE Local 21's Election Committee is holding Executive Officer elections in November. Elected Leaders will serve a two year term on Local 21's Executive Committee, starting in 2011. We are holding pre-election forums in each of the Local 21 regions.

Join Us at these Upcoming Election Forums to Meet the Candidates & Ask Them Questions!

San Francisco — Thursday, November 4, Noon-1 pm
Local 21's Main Office, 1182 Market St., Rm 425

Oakland — Monday, November 8, Noon-1 pm
City Hall, 1 Frank Ogawa Plaza, Hearing Rm 4

San Jose — Wednesday, November 10, Noon-1 pm
Local 21's San Jose Office, 675 N. 1st Street, Suite 715

East Bay — Monday, November 15, Noon-1 pm
San Leandro City Hall, 835 E. 14th St., S. Offices Conf Rm

Your participation as a voter and Local 21 member is crucial! The more that members take an active role and participate in the Union, the more effective we will be in our efforts to preserve and protect the public services we work hard to provide. Please join us as we prepare to elect our leadership Board for the next two years.

Join US in making our Union strong!

We're all in this Together!

Kwan, Lock

From: Union21 <union21@ifpte21.org>
Sent: Tuesday, November 30, 2010 3:34 PM
Subject: Executive Committee Officer Election Results
Attachments: image002.jpg; image003.gif; image004.jpg; image005.gif; 20101130152026843.pdf



PROFESSIONAL & TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO
An Organization of Professional, Technical, and Administrative Employees

To: Local 21 Members
From: The Election Committee
Subject: **Executive Committee Officer Election Results**

The Election Committee would like to announce the results for the Executive Officer election. The Election Committee is made up of the following Local 21 members: Mikhael Hart, (Chair); Sue Guest; Lisa Del Puerto; Tedman Lee and Orin Johnson.

A total of 1,092 ballots were counted (there were 6,164 eligible voters) for a 18% voter turnout. Please see the attached official cumulative report from the ballot tabulation.

Election Results:

Election Results: Candidates are listed in order of the number of votes they received. To win, a candidate needed to receive a majority of the votes cast in the race. (* = winner of race)

President:

Dean Coate*: 604 votes (58.3%)

Richard Isen: 431 votes (41.6%)

Executive Vice President:

Maria Ryan*: 896 votes (100%)

Vice President for Membership & Organization:

John Mukhar*: 548 votes (53.9%)

Jeff Johnson: 468 votes (46%)

Vice President for Legislative & Political Action:

Tom Manley*: 626 votes (62.0%)

Joseph (Joe) Tham: 383 votes (37.9%)

At-Large Vice President:

Jeffrey Lee*: 809 votes (100%)

Secretary:

Renee Sykes*: 861 votes (100%)

Treasurer:

Lock Kwan*: 870 votes (100%)

Vice President for San Francisco:

Mary Marzotto*: 364 votes (68.8%)

Tamerat Awetu: 165 votes (31.1%)

Vice President for East Bay:

Anne Henny*: 191 votes (100%)

Vice President for Oakland:

Jeff Levin*: 102 votes (100%)

Vice President for South Bay:

Ananth Prasad*: 150 votes (100%)

2nd Term Treasurer
w/ 2nd in votes w/ 870
because of Lock's
effectiveness.

The officers will be installed at the Local 21 Delegate Assembly on January 22, 2011.

Please Do Not Reply - This email is sent from a post only address and is not monitored for replies. It has been sent to all members for whom we have a current email address on file.

Attachment 8

46

[REDACTED]

From: [REDACTED]
Sent: Thursday, August 28, 2008 2:04 PM
To: Kwan, Lock
Subject: RE: Questions regarding the engineering lists

wow, WWE. nice man, you moved to the next trough!

haha no problem about the email, I appreciate the good recommendation. I am also glad you sent it only to Rosie and Susan. I was afraid you were going to send it to everyone at DHR, Local 21, all the managers, harlan, hahaha.

I'll let you know. [REDACTED] got his ranking, so I guess they are moving on the associate civil, but I've yet to get anything. lol.

-----Original Message-----

From: Kwan, Lock
Sent: Thursday, August 28, 2008 1:53 PM
To: [REDACTED]
Subject: FW: Questions regarding the engineering lists

sorry buddy. i sent before you met with her. i set you up. i was going to do all along but did not want to tell you. you are welcome. but i still want to know the DHR policy on getting on the list.

where is the 5207 list online? please let me know.

it's done. i am in WWE special project. the exact details to be worked out by the managers. Lock.

-----Original Message-----

From: Kwan, Lock
Sent: Thursday, August 28, 2008 10:03 AM
To: Espinueva, Rosie; Yee, Susan
Subject: RE: Questions regarding the engineering lists

Hello Susan and Rosie. I believe by way of the below DHR message, I am to take a hike.

Again, I believe the oversight is on the DHR side because "George" is not yet on the list after six months whereas others are.

Where is the fairness? I do not want events like this to turn good engineers into bad and turn good engineers away from the City. We all have a job to do and we should do it to the fullest.

"George" will review himself to Susan soon. Afterward, I wish to meet with you to discuss this issue at your earliest convenience.

George is one of the best, most talented and dedicated young engineers I have had the pleasure to work with. For pass projects, he worked weekends and after hours without extra compensation. Because he know I sleep later/don't sleep, on numerous occasions, he has called me pass 1:00 am in the morning at home to discuss project details. Afterward, I just turned my home phone off after hours. I just do not want a great engineer to leave the City for the greener pastures.

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Thank you for your attention into this matter. Sincerely, Lock.

-----Original Message-----

From: Ana Borja-Valdes [mailto:Ana.Borja-Valdes@sfgov.org]
Sent: Thursday, August 28, 2008 9:02 AM
To: Kwan, Lock; Espinueva, Rosie
Cc: Michail, Dalia; Louie, Lillian; Espinueva, Rosie
Subject: RE: Questions regarding the engineering lists

Mr. Kwan,

by way of this message I am referring you to Rosie Espinueva from your department to discuss issues and questions you may have about engineering exams and lists.

Thank you,
Ana G. Borja-Valdes, MPA
Principal Personnel Analyst
Recruitment and Assessment Services
Department of Human Resources
44 Gough Street
San Francisco, CA 94103
Phone 415-557-4870
Fax 415-557-4870

"Kwan, Lock"
<LKwan@sfgov.org>
To
"Ana Borja-Valdes"
<Ana.Borja-Valdes@sfgov.org>
08/27/2008 02:36 PM
cc
"Michail, Dalia"
<Dalia.Michail-Goodman@sfgov.org>,
"Louie, Lillian"
<Lillian.Louie@sfgov.org>,
"Espinueva, Rosie"
<respinueva@sfgov.org>
Subject
RE: Questions regarding the
engineering lists

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Thank you Ms. Borja-Valdes for your explanation.

However, I do not understand "...applications are processed based on departmental needs".
By department, are you referring to DHR or engineering departments?

Again, my understanding is that after DHR receive a certain numbers of applications, the applications are processed and names added to the list. So are you saying that the engineering departments upon needs will have to request DHR to process the applications for the engineering lists?

If you can provide me with the DHR policy on getting on the engineering list, that will clarify most of my questions.

Thank you again. Lock.

-----Original Message-----

From: Ana Borja-Valdes [mailto:Ana.Borja-Valdes@sfgov.org]
Sent: Wednesday, August 27, 2008 10:00 AM
To: Kwan, Lock
Cc: Michail, Dalia; Louie, Lillian; Espinueva, Rosie
Subject: Fw: Questions regarding the engineering lists

Mr. Kwan,
staff from DHR (including myself) meet with engineering managers, departmental HR staff and Local 21 Union Rep every two months to discuss recruitment and staffing issues.

In general, for engineering classes, applications are processed based on departmental needs.

For any other questions, I would like to refer you to Ging Louie.

Ana G. Borja-Valdes, MPA
Principal Personnel Analyst
Recruitment and Assessment Services
Department of Human Resources
44 Gough Street
San Francisco, CA 94103
Phone 415-557-
Fax 415-557-4870

----- Forwarded by Ana Borja-Valdes/DHR/SFGOV on 08/27/2008 08:48 AM

Dalia

Michail/DHR/SFGOV

To
08/27/2008 08:44 Ana Borja-Valdes/DHR/SFGOV@SFGOV

AM

cc
Lillian Louie/DHR/SFGOV@SFGOV

3
49

Subject

Fw: Questions regarding the
engineering lists

FYI, please let me know if the three of us need to get together to prepare a response.

Thank You,

Dalia

----- Forwarded by Dalia Michail/DHR/SFGOV on 08/27/2008 08:45 AM -----

"Kwan, Lock"

<LKwan@sfgwater.org

g>

To

"Michail, Dalia"

08/27/2008 08:13 <Dalia.Michail-Goodman@sfgov.org>

AM

cc

"Espinueva, Rosie"

<respinueva@sfgwater.org>,

<glouie@ifpte21.org>

Subject

Questions regarding the engineering
lists

50

Hello Ms. Michail.

I hope all is well. I would like to introduce myself, I am one of the Local 21 steward for SFPUC EMB. I apologize to trouble you in your busy schedule but I have a several questions regarding policies.

It has come to my attention that some engineers are waiting for a relatively long time to get on the engineering list i.e. 5207 and 5241 engineering lists after applying online.

My questions are as follows:

- 1) What is the official policy for getting on the 5207/5241 engineering lists after receiving and verifying that the applications are complete and correct? From previous conversations with Linda, my understanding of the unofficial policy is that because of efficiency of mean, HRS wait until three (3) complete and correct applications are received before being processed.

- 2) If the official/unofficial policy is to wait until three (3) complete and correct applications are received before being processed, what happens if there is a great lapse of time before a third application is received? I would assume that there should be policy to process a sole application after a reasonable period of time.

- 3) Does the loudest wheel get the oil? In particular, two engineers have the same requirements for the 5207 and applied at the same time. However, the engineer that is more "proactive" has been flexed to a 5207 and the other engineer that is less "proactive" has not made the list.

I hope you can provide some clarification which I can disseminate to my representatives. I have cc'ed Ms. Espinueva of SFPUC HRS and Mr. Louie of Local 21.

Thanks you for your time in advance. Lock.

Lock Kwan, P.E.
SFPUC Homeland Security
1145 Market St, 10th Fl
SF, CA, 94103
Tel: (415) 551-
Fax: (415) 551-4609

**SUPPLEMENTAL STAFF REPORT
SUBMITTED ON DECEMBER 6, 2013**



MEMORANDUM

Date: December 5, 2013
 To: Honorable Civil Service Commission
 Through: Micki Callahan, Director - DHR
 From: Justine Hinderliter, Sr. Personnel Analyst - SFPUC
 Subject: Supplemental Staff Report -- Restrictions of Future Employment on Lock Kwan

During the Civil Service Commission meeting on October 21, 2013, Appellant Lock Kwan made a number of claims in support of his appeal of the recommendation of the San Francisco Public Utilities Commission ("SFPUC" or the "Department") that he be restricted from future employment with the City and the Department. The Department's recommendation was based on the investigation it conducted following Mr. Kwan's resignation from employment with the SFPUC.

The investigation revealed that although Mr. Kwan had submitted a formal resignation letter dated July 27, 2011, he in fact had resigned from the Department and stopped working on May 27, 2011. After his last day of work with the SFPUC on May 27th, he accessed the SFPUC's property and resources without authorization and made time entries into the SFPUC's online timekeeping system, which resulted in the SFPUC paying him for over 125 hours of time to which he was not entitled.

Because the Department did not have the opportunity to interview Mr. Kwan during its investigation, the Department heard many of his claims for the first time at the October 21st meeting. Pursuant to the Commission's request, the SFPUC has conducted a follow up investigation, and has determined that the evidence refutes each of Mr. Kwan's new claims.

A. Mr. Kwan's Claims Are Not Supported by the Evidence.

1. *Mr. Kwan claimed that he resigned on July 27, 2011.*

Mr. Kwan claimed that he did not resign on May 27, 2011 and instead resigned on July 27, 2011. Although Mr. Kwan submitted a formal resignation letter dated July 27, 2011, the letter was dated two months after Mr. Kwan worked his last day, resigned from the SFPUC, and started a new job with a private consulting firm, URS—a SFPUC consultant.

Not only did URS verify that Mr. Kwan began with the company on June 6, 2011 as a Wastewater Engineer, but Mr. Kwan himself sent emails while he was a SFPUC

Edwin M. Lee
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 General Manager



employee confirming that he was leaving employment with the SFPUC as of May 27, 2011, to take another job with URS. Specifically:

- On May 26, 2011, he sent an email to his wife and told her that his “going away lunch” was that day. (Attachment AA.)
- On May 27, 2011, he wrote an email to colleagues stating “Today is my official last day...I had a great run with the City. Now, I will try something else. SSIP is \$6B so I will return as an URS consultant.” (See Attachment D to SFPUC’s Staff Report dated August 29, 2013.)
- On May 27, 2011, he wrote an email to one of his supervisors, Bonnie Jones, confirming his last day was that same day. (See Addendum-Attachment to SFPUC’s Supplemental Information to Staff Report dated October 10, 2013.)
- Also on May 27, 2011, Mr. Kwan sent an email to Ms. Jones and seven other employees thanking them for “the wonderful picture box” and stating “it was a pleasure working for/with you....It’s good to leave on a high note.” (Attachment BB.)

Additionally, on June 2, 2011, after he had resigned from the SFPUC, he accessed SFPUC property on Market Street, logged onto the SFPUC’s system, and sent emails including one to his wife stating “Hi babe. Weird emailing from my old work...See you at home in the afternoon.” (Attachment CC.)

As evidenced by the above emails, Mr. Kwan represented to multiple co-workers and supervisors that his last day of employment with the SFPUC was May 27, 2011.

Ms. Jones and Brian Henderson, Principal Engineer, stated that they understood that Mr. Kwan left the SFPUC to take a new job at URS, and Tommy Moala, Assistant General Manager of the WWE, certifies in his statement that he understood Mr. Kwan was leaving his employment with the SFPUC to accept a position with URS. (Attachment DD.) Ms. Jones also stated that she understood Mr. Kwan to have resigned before Memorial Day, May 30, 2011.

2. Mr. Kwan claimed that Bonnie Jones “suffered him to work” on May 31-June 3 and July 1, 2011.

During the October 21st meeting, Mr. Kwan claimed that one of his supervisors, Bonnie Jones, specifically asked him to work on May 31-June 3 and July 1, 2011. He also claimed that Ms. Jones gave him permission to come onto the SFPUC’s Oceanside Plant on those days in order to perform this work.

Mr. Kwan’s claim is not supported by the evidence. According to Ms. Jones, she did not ask Mr. Kwan to come into work on May 31-June 3 or July 1, 2011, and she did not give Mr. Kwan permission to come onto Oceanside Plant property after he left employment with the SFPUC in May 2011. Again, Ms. Jones understood that Mr. Kwan left employment with the SFPUC before May 30, 2011 to accept a position with URS.

3. Mr. Kwan claimed that he worked to provide coverage for absent employees who were assigned to the Fats, Oils, Grease to Biodiesel Project at Oceanside Plant.

The evidence shows this claim to be false. In his October 14, 2013 written response submitted to the Commission, Mr. Kwan claimed that “Ms. Bonnie Jones specifically asked [him] to work the week of 31 May 2011 to 3 June 2011 on the Fats, Oils, and Grease to Biodiesel Project [the Project] because either Ms. Bonnie Jones, Ms. Natalie Sierra, Mr. Alex Miot and/or Mr. Anthony Ringo was on vacation.” (See Appellant’s Response, p. 2.) During the October 21st meeting, he stated that he knew Mr. Miot was not present during the week of Memorial Day 2011 (i.e., May 30-June 3) and believed that Ms. Jones may not have been present either, presumably implying that his presence at work was needed for the Project due to the absence of his colleagues during this timeframe.

However, Daily Attendance Records for Mr. Miot, Mr. Ringo, Ms. Jones, and Ms. Sierra show that each of these employees was present in the workplace from May 31-June 3, 2011. (Attachment EE.)

Moreover, in addition to Ms. Jones’ statement as detailed above, she also stated that neither she nor Ms. Sierra worked in the field for the Project, meaning they did not perform the duties (receive and process the material) that Mr. Kwan claims he was performing on May 31-June 3, 2011. Therefore, their absences in the workplace would not have affected coverage for this work.

At the October 21st meeting, Mr. Kwan also claimed that he worked on July 1, 2011 to provide coverage for his co-workers Mr. Miot or Mr. Ringo. Daily Attendance Records show that Mr. Miot was out of the office and Mr. Ringo was in the office. (Attachment EE.)

Although Mr. Miot was indeed out of the office on July 1st, Mr. Ringo was present at work and Ms. Jones stated that she did not ask or instruct Mr. Kwan to work on July 1st (to provide coverage for Mr. Miot or otherwise). Moreover, and as further described below, the handwritten, daily logs completed on the days that Mr. Kwan now claims he was directed to work by Ms. Jones, were only completed by Mr. Ringo, and not by Mr. Kwan. (Attachment FF.)

4. Mr. Kwan claimed that he worked on May 31-June 3 and July 1, 2011 and completed handwritten, daily logs, but claims he did not access the SFPUC’s computer network because he was working in the field at Oceanside Plant.

Mr. Kwan claimed that he performed 40 hours of work on the Project on May 31- June 2 and July 1, 2011, evidenced by his completion of handwritten logs for the Project on those days. But there are no logs created by Mr. Kwan on May 31- June 3 or July 1, 2011. The only logs created on those days were by Mr. Ringo. (Attachment FF.)

During the October 21st meeting, Commissioner Roccanova asked Mr. Kwan to explain his lack of computer activity during the days following his last day of actual work (May 27, 2011). Mr. Kwan stated that he was working at Oceanside Plant “out in the field,” “in the middle of the parking lot” and he did not “log in [using the computer] because there was nobody in the office.” He further claimed that “[i]f there was nobody in the office, there’s no reason for me to go into the office to log in. I just do my job, process the paper, turn it in, somebody enters it.”

However, there is a record of Mr. Kwan accessing the SFPUC’s computer system on June 2, 2011—a day that he now claims he was “suffered to work” at the Oceanside Plant by Ms. Jones. He accessed a computer located at the SFPUC’s former headquarters—1145 and 1155 Market Street—not at the Oceanside Plant and was active on the system for no more than one hour during the timeframe 9:31 a.m. to 11:28 a.m. (See Attachment F to the SFPUC’s August 29, 2013 Staff Report.)

Moreover, the Daily Attendance Logs show that there were indeed employees present in the workplace on the days in question—Ms. Jones and Mr. Ringo were present on all the days in question—which invalidates his claim that there was no reason for him to go into the office and log in. (Attachment EE.)

Thus, Mr. Kwan’s claim is refuted by the evidence.

5. Mr. Kwan claimed that his supervisors offered him “incentives” and “deals” to remain a SFPUC employee.

Mr. Kwan claimed that his supervisors—Ms. Jones, Mr. Henderson, and Mr. Moala—offered him “deals” to remain an employee with the SFPUC. He specifically stated that Ms. Jones offered him a promotion and a leave of absence/sick leave to entice him to stay.

According to Ms. Jones and Mr. Henderson, they did not offer Mr. Kwan “deals” or incentives to induce him to remain a SFPUC employee rather than resign to accept a position with URS. Mr. Moala has provided a statement also certifying that he did not offer Mr. Kwan “deals” or incentives to remain a SFPUC employee. (Attachment DD.) Additionally, Ms. Jones stated that in early May 2011, in response to Mr. Kwan stating that his wife was ill, she reminded Mr. Kwan of his ability to inquire with Human Resources regarding potential leave options or to contact his union for help. She stated she did not offer to allow him to burn down his sick time as Mr. Kwan now claims.

Mr. Kwan’s claim is not supported by the evidence.

B. Argument

Even assuming that Mr. Kwan’s claims are true—that he resigned on July 27, 2011 and continued to work between May 27 and July 27, 2011—such claims are not only inconsistent with the evidence but also internally inconsistent.

If Ms. Jones directed him to work from May 31-June 3, 2011 to perform work on the Project as he now claims, the Project is located in the parking lot at Oceanside Plant—which is located on the Great Highway—and therefore he could not simultaneously log on to a computer located at one of SFPUC's former Market Street buildings on June 2, 2011, as the evidence shows.

Additionally, Mr. Kwan's eTime records for June 14, 2011 reflect that he was coded as "SP" (i.e., sick pay) for eight hours, but computer activity records show that Mr. Kwan accessed a computer located at Oceanside Plant that same morning for approximately ten minutes. (See Attachments F and G to the SFPUC's Staff Report dated August 29, 2013.) He could not have simultaneously been sick and logging in at the Oceanside Plant.

Moreover, even if Mr. Kwan remained a SFPUC employee until July 27, 2011—the date he submitted a formal resignation letter—his eTime records show that he did not have any time entries, and therefore received no wages, from July 8th to July 27th. Yet he did not raise this issue to anyone, did not call his supervisors, or the SFPUC Payroll Division to rectify his non-payments. It seems inconceivable that he would not inquire and attempt to remedy unpaid wages.

Nor was he subject to AWOL processes, which would have been the logical next step when an employee did not come to work, was not on an approved leave of absence, and did not call in daily to inform his supervisors of his whereabouts. The AWOL procedure did not occur because his supervisors understood he had resigned on or around May 27, 2011.

Furthermore, if it is true that he did not resign until July 27, 2011, he violated a number of City and SFPUC policies. By starting a new job with URS on June 6, 2011, while still a SFPUC employee and without obtaining approval prior to engaging in this outside employment, Mr. Kwan was in violation of Civil Service Rule Series 118, Conflict of Interest, specifically Civil Service Rule 118.2, which requires the approval of the City's Human Resources Director before receiving payment to perform duties for a second employer.

His actions also violated the SFPUC's Statement of Incompatible Activities, Section III.A(1)-(2), in that accepting a position with and working for URS while simultaneously employed by the SFPUC, would present a conflict of interest and require a time commitment that would interfere with his ability to perform his regular duties associated with his position at the SFPUC.

C. Conclusion

The SFPUC's recommendation to restrict Mr. Kwan's future employment with the Department and the City was based on the findings that he engaged in fraudulent, unethical, and deceptive conduct. Specifically, after Mr. Kwan had resigned effective May 27, 2011, began work with SFPUC's consultant, URS, and had not performed any work for SFPUC; he fraudulently accessed SFPUC's property and used the

Department's computer system to enter time to which he was not entitled. As a result, he was erroneously paid for over 125 hours, defrauding the SFPUC and the City of more than \$6,000.

While a review of this matter and Mr. Kwan's most recent claims revealed areas for improvement regarding SFPUC employee processing controls, this does not excuse Mr. Kwan's fraudulent conduct, which formed the basis for the SFPUC's recommendation that he be restricted from future employment with the Department and the City.

His supervisors mistakenly trusted him and although they expected professionalism and honesty from Mr. Kwan, he instead saw an opportunity for personal gain and took advantage of it. He accessed the SFPUC's property without authorization and fraudulently entered time for pay to which he was not entitled. Additionally, when these facts were discovered, he attempted to deflect blame with a number of claims that have all been refuted by the evidence. For these reasons, Mr. Kwan's appeal should be denied.

The SFPUC respectfully requests that the Commission approve its recommendation to restrict the future employment of Lock Kwan.

ATTACHMENTS

- Attachment AA: May 26, 2011 email by Lock Kwan
- Attachment BB: May 27, 2011 email by Lock Kwan
- Attachment CC: June 2, 2011 email by Lock Kwan
- Attachment DD: Statement by Tommy T. Moala, AGM, WWE (dated December 4, 2013)
- Attachment EE: Summary Chart Regarding Daily Attendance (for Lock Kwan, Bonnie Jones, Natalie Sierra, Alex Miot, and Anthony Ringo.) and redacted Daily Attendance Reports (for Bonnie Jones, Natalie Sierra, Alex Miot and Anthony Ringo)
- Attachment FF: Handwritten Daily Logs for May 31-June 3 and July 1, 2011

ATTACHMENT AA

From: Lisa Kwan [lisa.kwan@gmail.com]

Sent: Thursday, May 26, 2011 11:22 AM

To: Kwan, Lock

Subject: Re: thu 26may11

6:30

On May 26, 2011 11:20 AM, "Kwan, Lock" <LKwan@sfwater.org> wrote:

> Babe. What time is the open house? Meet at home first for dinner.

>

>

>

> I am pretty stinky from troubleshooting/working/dismantling the
> equipment. Ugh.

>

>

>

> My going away lunch is today.

>



ATTACHMENT BB

From: Kwan, Lock

Sent: Friday, May 27, 2011 4:15 PM

To: Jones, Bonnie; Sierra, Natalie; Ving, Karri; Noibi, Morayo; Lukicheva, Irina; Jolis, Domenec; Miot, Alexandre; Zhang, Yanming

Subject: Thanks for everything

Hello All.

It was my pleasure working for/with you. I wish you the best in the future.

It's good to leave on a high note. OSP and FOG-to-Biodiesel Demonstration Project were awesome.

Thanks for the wonderful picture box. Love it. Son Dharan wanted to open the box to smell the grease trap waste. That boy is strange but the apple doesn't fall far from the tree.

Lock.


ATTACHMENT CC

[REDACTED]

From: Kwan, Lock
Sent: Thursday, June 02, 2011 11:01 AM
To: Lisa Kwan
Subject: hi

Hi babe. Weird emailing from my old work.

Ask mei and james to pick out some lights and I can help them install.

See you at home in the afternoon.

ATTACHMENT DD



**San Francisco
Water Power Sewer**
Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.1670
F 415.554.167
TTY 415.554.1674

I, Tommy T. Moala, declare as follows:

I am the Assistant General Manager of the San Francisco Public Utilities Commission (SFPUC), Wastewater Enterprise (WWE) and have served in this capacity since 2007. I have been a City employee since 1990. I have personal knowledge of the matters set forth herein and if called as a witness would competently testify as follows:

Lock Kwan began working for projects for the WWE, Engineering Division as a Class 5207 Associate Engineer in approximately late 2008/early 2009.

When I learned that Mr. Kwan would be leaving his employment with the WWE, Engineering Division, I did not offer him any "deals" or incentives to stay on as an employee.

Similarly, I did not offer him a promotion or imply to him that I would promote him if he remained an employee.

I understood Mr. Kwan was leaving employment with the SFPUC to accept a position with a private consulting firm, URS.

I declare that the foregoing is true and correct.

Executed on December 4, 2013, at the City and County of San Francisco, California.

Tommy T. Moala

Edwin M. Lee
Mayor

Vince Courtney
President

Ann Meller Caen
Vice President

Francesca Vietor
Commissioner

Anson Moran
Commissioner

Art Torres
Commissioner

Harlan L. Kelly, Jr.
General Manager



ATTACHMENT EE

SUMMARY CHART REGARDING DAILY ATTENDANCE

(for Lock Kwan, Bonnie Jones, Natalie Sierra, Alex Miot & Anthony Ringo)

Date	Day of Week	Lock Kwan Hours	Lock Kwan Code	Bonnie Jones WK	Natalie Sierra WK	Alex Miot WK	Anthony Ringo WK
5/30/2011	Monday	0 LH		0	0	0	0
5/31/2011	Tuesday	8 wk		9	9	9	8
6/1/2011	Wednesday	8 wk		9	9	9	8
6/2/2011	Thursday	8 wk		9	9	9	8
6/3/2011	Friday	8 wk		8	0	9	8
6/6/2011	Monday	8 sp		9	9	0	8
6/7/2011	Tuesday	8 sp		9	9	9	8
6/8/2011	Wednesday	8 sp		9	9	9	8
6/9/2011	Thursday	8 va		9	9	9	8
6/10/2011	Friday	8 va		0	8	9	8
6/13/2011	Monday	8 sp		2	9	9	0
6/14/2011	Tuesday	8 sp		9	9	9	8
6/15/2011	Wednesday	8 sp		9	9	9	8
6/16/2011	Thursday	8 va		7	9	9	8
6/17/2011	Friday	8 va		8	0	9	8
6/20/2011	Monday	8 sp		9	9	0	8
6/21/2011	Tuesday	8 sp		9	5	0	8
6/22/2011	Wednesday	8 sp		9	9	9	8
6/23/2011	Thursday	8 va		9	9	0	8
6/24/2011	Friday	8 va		0	4	0	8
6/27/2011	Monday	8 va		9	0	0	8
6/28/2011	Tuesday	8 va		9	0	0	8
6/29/2011	Wednesday	8 va		9	0	0	8
6/30/2011	Thursday	8 va		9	0	0	8
7/1/2011	Friday	8 wk		6	0	0	8
7/4/2011	Monday	8 LH		0	0	0	0
7/5/2011	Tuesday	8 va		9	9	0	8
7/6/2011	Wednesday	8 va		9	0	0	8
7/7/2011	Thursday	8 va		9	0	9	8
7/8/2011	Friday	8 va		0	0	9	8

Miot, Alexandre

	WK								
7/7/11	9.00								
7/8/11	9.00								
7/11/11	9.00								
7/12/11	9.00								
Miot, Alexandre									

Jones, Bonnie

	WK						
7/12/11	9.00						
Jones, Bonnie							

ATTACHMENT FF

UNLOADING LOG

OPERATOR A. [Signature]

DATE 31 May 11

HAULER INFO

Company Got grease
 Driver Jesus
 Truck ID# T-1

Restaurant
 1 _____
 2 _____
 3 _____
 4 _____

Notes: _____

3498
 490
 3008

UNLOADING INFO

Time 1
 Temperature _____
 Filter Info 1

	Start	Stop	Total
PT200 Vol	<u>490</u>	<u>3498</u>	<u>3008</u>
PT210 Vol			
PT220 Vol			
PT230 Vol			
Total			<u>3008</u>

	Start	Stop	Total
Total			

Notes New Vendor "got grease"

Restaurant Types:

Cafeteria, Food Court, Franchise "Sit Down", Franchise Fast Food, Hotel, Independent Local, Institutional, Steak House

Locations:

Alameda County, Central Valley, Marin County, Napa County, San Francisco County, San Mateo County, Santa Clara County, Santa Cruz County, Solano County, Sonoma County

OSP FOG SYSTEM TRAP WASTE MANIFEST

DATE: **6-31-11**

HAULER INFO

Company Name	GOT GREASE	
Driver Name	JESUS ZAVALA	
Tank/Truck ID#	T-1	Tank Volume 3000 gal

UNLOADING INFO

Estimated Total Volume	3,000
------------------------	--------------

COLLECTION INFO

Load#	Restaurant Type (see key)	Trap Volume (gallons)	Frequency of trap service	Approximate Location
1	INDEP. LOCAL	1,500	EVERY 3 MONTH	ALAMEDA COUNTY
2	CAFETERIA	1,500	ONCE MONTH	DOWNTOWN
3				
4				
5				
6				

Restaurant Types

SF Areas

Outside SF Areas

1	Indepent Local	1	Downtown	11	San Mateo County
2	Franchise Fast Food	2	Potrero Hills	12	Alameda County
3	Franchise "Sit Down"	3	Excelsior/Bayview	13	Santa Clara County
4	Food Court	4	Castro/Noe Valley	14	Santa Cruze County
5	Cafeteria	5	Twin Peaks	15	Solano County
6	Institutional	6	Sunset	16	Napa County
7	Hotel	7	Richmond/Laurel Heights	17	Sonoma County
8	Steak House	8	Marina/Presidio	18	Marin County
9		9	Pacific heights	19	Central Valley
10		10	The Haight	20	Other

Notes

UNLOADING LOG

OPERATOR A. Rigo

DATE 1 June 11

HAULER INFO

Company A.1
 Driver Fernande
 Truck ID# 73#17

A1
mel
#26

Restaurant
 1 Sit down Milpiedina 1/4
 2
 3
 4

Sit down Stanford 1/4

Notes: _____

1668
 486

 1182

 3934
 371

UNLOADING INFO

Time 8:52 | 9:30

10:15 | 10:34

Temperature _____

Filter Info 1

1

3563

	Start	Stop	Total
② → PT200 Vol			
① → PT210 Vol	<u>371</u>	<u>3934</u>	<u>3563</u>
PT220 Vol			
PT230 Vol			
	Total		<u>3563</u>

	Start	Stop	Total
	<u>486</u>	<u>1668</u>	<u>1182</u>
	Total		<u>1182</u>

Notes Pos 4500gal #1 Truck ⇒ 3563 real gal

Truck #2 3000 possible ⇒ 1182 real gal

Restaurant Types:

Cafeteria, Food Court, Franchise "Sit Down", Franchise Fast Food, Hotel, Independ Local, Institutional, Steak House

Locations:

Alameda County, Central Valley, Marin County, Napa County, San Francisco County, San Mateo County, Santa Clara County, Santa Cruz County, Solano County, Sonoma County

FOG RECOVERY DAILY LOG

OPERATOR: [Signature]

DATE: 1 June 11

INITIAL METER READINGS

Elec.	<u>14874.0</u>	Make-Up Water	<u>36.0</u>
Wash Water	<u>13371.0</u>	Seal Water	<u>112.0</u>
Vol (gal)	<u>3464 373 343 587 1941 546 231 3386</u>		
Temp (°F)	<u>162 163 161 148 150 142 142 161</u>		

SECONDARY SEPARATOR TRANSFERS

PT240

Vol, Initial	<u>1941</u>
Vol, Grit to WW	
Vol, WW to Raf	
Vol, Raf to BG	

PT250

Vol, Initial	<u>545</u>
Vol, Grit to WW	<u>506</u>
Vol, WW to Raf	<u>305</u>
Vol, Raf to BG	<u>NO</u>

SECONDARY SEPARATOR DISCHARGE

- PT240 Grit & WW-->PT230
- PT240 Raf-->PT230
- PT240 Oil-->PT260

- PT250 Grit & WW-->PT230
- PT250 Raf-->PT230
- PT250 Oil-->PT260

PT230 Discharge	<u>1</u>
PT240-->PT260	<u>1</u>

PT230 Discharge	<u>545 126 OF</u>
PT250-->PT260	<u>1</u>

Notes: PT250 did not show any grease - pumped Tot To dig. 545 gal.

PRIMARY SEPARATOR TRANSFERS

PT200

Vol, Initial	<u>3462</u>
Vol, Grit to WW	<u>2585</u>
Vol, WW to Raf	<u>825</u>
Vol, Raf to BG	<u>NO</u>

PT230 Discharge 3266 | 151 OF

Circle: Raf / BG (Both sent to PT240 / PT250 with Vol 195 | 136 OF)

PT210

Vol, Initial	<u>370 = 0</u>
Vol, Grit to WW	
Vol, WW to Raf	
Vol, Raf to BG	

PT230 Discharge 1

Circle: Raf / BG / Both sent to PT240 / PT250 with Vol 1

PT220

Vol, Initial	<u>346 = 0</u>
Vol, Grit to WW	
Vol, WW to Raf	
Vol, Raf to BG	

PT230 Discharge 1

Circle: Raf / BG / Both sent to PT240 / PT250 with Vol 1

PT270

Vol Initial	
-------------	--

Vol Final

FOG RECOVERY DAILY LOG

OPERATOR: [Signature]

DATE: 2 June 11

INITIAL METER READINGS

Elec.	14941.8		Make-Up Water	36.0
Wash Water	13539.0		Seal Water	112.0
Vol (gal)	1686	1394	229	616
Temp (°F)	162	176	161	149
			159	170
			176	160

SECONDARY SEPARATOR TRANSFERS

PT240 Vol. Initial 1931

SS1 Vol. Grit to WW 1903

Vol. WW to Raf 1740

Vol. Raf to BG ND

PT250 Vol. Initial 777

SS2 Vol. Grit to WW

Vol. WW to Raf

Vol. Raf to BG

SECONDARY SEPARATOR DISCHARGE

- PT240 Grit & WW-->PT230
- PT240 Raf-->PT230
- PT240 Oil-->PT260

- PT250 Grit & WW-->PT230
- PT250 Raf-->PT230
- PT250 Oil-->PT260

PT230 Discharge 1931 | 125 OF

PT240-->PT260 1

PT230 Discharge 1

PT250-->PT260 1

Notes: Tot sent to dig

4050

PRIMARY SEPARATOR TRANSFERS

PT200 Vol. Initial 1685

PS1 Vol. Grit to WW 34

Vol. WW to Raf

Vol. Raf to BG

PT230 Discharge 1

Notes:

Circle: Raf / BG / Both sent to PT240 / PT250 with Vol 1

PT210 Vol. Initial 3987

PS2 Vol. Grit to WW 3499

Vol. WW to Raf NP

Vol. Raf to BG ND

PT230 Discharge 3987 | 165 OF

Notes: No change in TPE
6.9 - pumped Tot To Digester.

Circle: Raf / BG / Both sent to PT240 / PT250 with Vol 0

PT220 Vol. Initial 229=0

PS3 Vol. Grit to WW

Vol. WW to Raf

Vol. Raf to BG

PT230 Discharge 1

Notes:

Circle: Raf / BG / Both sent to PT240 / PT250 with Vol 1

PT270 Vol. Initial

Vol. Final

FOG RECOVERY DAILY LOG

OPERATOR: A. [Signature]

DATE: 3 June 11

INITIAL METER READINGS

Elec.	15017.2							Make-Up Water	36.0
Wash Water	13796.0							Seal Water	113.0
Vol (gal)	1608	374	230	1455	922	763	232	13379	
Temp (°F)	161	152	147	163	164	158	130	159	

SECONDARY SEPARATOR TRANSFERS

1165
763
402

PT240 Vol. Initial	920
Vol. Grit to WW	
Vol. WW to Raf	
Vol. Raf to BG	

PT250 Vol. Initial	759
Vol. Grit to WW	
Vol. WW to Raf	
Vol. Raf to BG	

SECONDARY SEPARATOR DISCHARGE

1606
402
204

<input type="checkbox"/> PT240 Grit & WW-->PT230	
<input type="checkbox"/> PT240 Raf-->PT230	
<input type="checkbox"/> PT240 Oil-->PT260	
PT230 Discharge	1
PT240-->PT260	1

<input type="checkbox"/> PT250 Grit & WW-->PT230	
<input type="checkbox"/> PT250 Raf-->PT230	
<input type="checkbox"/> PT250 Oil-->PT260	
PT230 Discharge	1
PT250-->PT260	1

Notes:

PRIMARY SEPARATOR TRANSFERS

→

PT200 Vol. Initial	1606
Vol. Grit to WW	1232
Vol. WW to Raf	460
Vol. Raf to BG	ND

PT230 Discharge 1204 / 1370 F

Notes:

Circle: Raf / BG / Both sent to PT240 / PT250 with Vol 402 / 11250 F

PT210 Vol. Initial	376=0
Vol. Grit to WW	
Vol. WW to Raf	
Vol. Raf to BG	

PT230 Discharge 1

Notes:

Circle: Raf / BG / Both sent to PT240 / PT250 with Vol 1

PT220 Vol. Initial	229=0
Vol. Grit to WW	
Vol. WW to Raf	
Vol. Raf to BG	

PT230 Discharge 1

Notes:

Circle: Raf / BG / Both sent to PT240 / PT250 with Vol 1

PT270 Vol. Initial	
--------------------	--

Vol. Final 1

FOG RECOVERY OPERATION DAILY LOG

OPERATOR: A. [Signature]

DATE: 1 July 11

INITIAL METER READINGS

START TIME: 1

Elec.	<u>16896.0</u>	Make-Up Water	<u>125.0</u>
Wash Water	<u>16287.0</u>	Seal Water	<u>36.0</u>
Vol (gal)	<u>406 1383 13670 927 1054 544 1806 2534</u>		
Temp (°F)	<u>162 176 176 147 146 145 178 161</u>		

SECONDARY SEPARATOR TRANSFERS

	Transfer to PT240	Transfer to PT250	TPE	DCE
Vol Grit + WW + Raf + BG	<u>1053</u>	<u>543</u>	To PT230	-3.4mA >20mA
Vol. WW + Raf + BG			To PT230	>5.0mA >20mA
Vol. Raf + BG			To PT230	-3.4mA >20mA
Vol. BG			To PT260	-3.4mA <5mA
Vol. PT230 before Discharge			Sample	<u>Y / N</u>
Vol. PT240/PT250 to PT260				

Notes: Transferred Pt 250 into Pt 240 = 1619 gal Tot now in Pt 240.

PRIMARY SEPARATOR TRANSFERS

PT200

Vol Grit + WW + Raf + BG	<u>405 = 0</u>	To PT230	PT230 Discharge	
Vol. WW + Raf + BG		To PT230	Sample	<u>Y / N</u>
Vol. Raf + BG		To PT240 / PT250		
Vol. BG		To PT240 / PT250		

Circle: Raf & BG sent to PT240 / PT250 with Vol 2858 / 167

PT210

Vol Grit + WW + Raf + BG	<u>3832</u>	To PT230	PT230 Discharge	<u>2858 / 167</u>
Vol. WW + Raf + BG		To PT230	Sample	<u>Y / N</u>
Vol. Raf + BG	<u>974</u>	To PT240 / PT250		
Vol. BG		To PT240 / PT250		

Circle: Raf & BG sent to PT240 / PT250 with Vol 974 / 147

PT220

Vol Grit + WW + Raf + BG	<u>3670</u>	To PT230	PT230 Discharge	<u>2992 / 168</u>
Vol. WW + Raf + BG		To PT230	Sample	<u>Y / N</u>
Vol. Raf + BG	<u>684 678</u>	To PT240 / PT250		
Vol. BG		To PT240 / PT250		

Circle: Raf & BG sent to PT240 / PT250 with Vol 678 / 146

PT260

Vol. 1

PT270

Vol. 1

How long was spent unclogging the lines today?

- 0 min
 Less than 15min
 Between 15min & 30min
 More than 30min

END TIME:

TRAP WASTE DELIVERY LOG

OPERATOR: A. [Signature]

DATE: July 11

HAULER INFO

Company Name: Got Grease
 Driver Name: JOSUS
 Tank/Truck ID#: T-1

Transfer Station? Y / N

Y / N

	Type #	Location #	Trap Volume	Last Cleaning
1 st Restaurant:				
2 nd Restaurant:				
3 rd Restaurant:				
4 th Restaurant:				

	Type #	Location #	Trap Volume	Last Cleaning

UNLOADING INFO

Time: 1135
 Temperature: °F
 Filter Used: # 1

	Start	Stop	Difference
PT200 Vol.:			
PT210 Vol.:			
PT220 Vol.:	<u>406</u>	<u>3680</u>	<u>3274</u>
Total:			

	Start	Stop	Difference
Total:			

Was the Truck rinsed? Y / N
 WW Recycled Vol.?
 W2 Water Vol.?

Y / N

Restaurant Types

a	Indepent Local
b	Franchise Fast Food
c	Franchise "Sit Down"
d	Food Court
e	Cafeteria
f	Institutional
g	Hotel
h	Steak House

Locations

San Francisco	1	Napa County	10
Marin County	2	Sacramento County	11
San Mateo County	3	Contra Costa County	12
Alameda County	4	San Joaquin County	13
Santa Clara County	5	Stanislaus County	14
Santa Cruze County	6	Merced County	15
Monterey County	7	Fresno County	16
Solano County	8	San Benedito County	17
Napa County	9	Other County	18

Notes _____

OSP FOG SYSTEM TRAP WASTE MANIFEST

DATE: 7-01-11

HAULER INFO

Company Name	<u>GOT GREASE</u>	
Driver Name	<u>JEFF ZAVALLA</u>	
Tank/Truck ID#	<u>T-1</u>	Tank Volume <u>4000</u> gal

UNLOADING INFO

Estimated Total Volume	<u>3700</u>
------------------------	-------------

COLLECTION INFO

Load#	Restaurant Type (see key)	Trap Volume (gallons)	Frequency of trap service	Approximate Location (see key)
1	<u>INDEP LOCAL</u>	<u>3500</u>	<u>QUARTERLY</u>	<u>ALAMEDA CO.</u>
2				
3				
4				
5				
6				

Restaurant Types		SF Areas		Outside SF Areas	
1	Indepent Local	1	Downtown	11	San Mateo County
2	Franchise Fast Food	2	Potrero Hills	12	Alamada County
3	Franchise "Sit Down"	3	Excelsior/Bayview	13	Santa Clara County
4	Food Court	4	Castro/Noe Valley	14	Santa Cruze County
5	Cafeteria	5	Twin Peaks	15	Solano County
6	Institutional	6	Sunset	16	Napa County
7	Hotel	7	Richmond/Laurel Heights	17	Sonoma County
8	Steak House	8	Marina/Presidio	18	Marin County
9		9	Pacific heights	19	Central Valley
10		10	The Haight	20	Other

Notes Tuesday 10-11 AM

OSP FOG SYSTEM TRAP WASTE MANIFEST

DATE: 5-3-1991

HAULER INFO

Company Name	<u>EPS</u>		
Driver Name	<u>Tim</u>		
Tank/Truck ID#	<u>20</u>	Tank Volume	<u>5000</u> gal

UNLOADING INFO

Estimated Total Volume	<u>4,600</u>
------------------------	--------------

COLLECTION INFO

Load#	Restaurant Type (see key)	Trap Volume (gallons)	Frequency of trap service	Approximate Location
1	<u>3</u>	<u>1500</u>	<u>4x w year</u>	<u>17</u>
2	<u>3</u>	<u>3,000</u>	<u>4x year</u>	<u>13</u>
3				
4				
5				
6				

Restaurant Types		SF Areas		Outside SF Areas	
1	Indepent Local	1	Downtown	11	San Mateo County
2	Franchise Fast Food	2	Potrero Hills	12	Alamada County
3	Franchise "Sit Down"	3	Excelsior/Bayview	13	Santa Clara County
4	Food Court	4	Castro/Noe Valley	14	Santa Cruze County
5	Cafeteria	5	Twin Peaks	15	Solano County
6	Institutional	6	Sunset	16	Napa County
7	Hotel	7	Richmond/Laurel Heights	17	Sonoma County
8	Steak House	8	Marina/Presidio	18	Marin County
9		9	Pacific heights	19	Central Valley
10		10	The Haight	20	Other

Notes

UNLOADING LOG

OPERATOR *[Signature]*

DATE 3 June 11

HAULER INFO

Company EPS
 Driver Tim
 Truck ID# 23

Restaurant
 1 _____
 2 _____
 3 _____
 4 _____

Notes: _____

4000
 372

 3628

UNLOADING INFO

Time 0641 1715

Temperature _____

Filter Info 1

	Start	Stop	Total
PT200 Vol			
→ PT210 Vol	372	4000	3628
PT220 Vol	229		
PT230 Vol			
	Total		

1		
1		
Start	Stop	Total
Total		

Notes _____

Restaurant Types:

Cafeteria, Food Court, Franchise "Sit Down", Franchise Fast Food, Hotel, Independent Local, Institutional, Steak House

Locations:

Alameda County, Central Valley, Marin County, Napa County, San Francisco County, San Mateo County,
 Santa Clara County, Santa Cruz County, Solano County, Sonoma County

**ADDITIONAL INFORMATION
SUBMITTED BY THE APPELLANT ON
DECEMBER 10, 2013**

MEMORANDUM

Date: December 9, 2013
To: Honorable Civil Service Commission
From: Lock Kwan, PE
Subject: Register Number 0046-12-7

The case can be summarized by the following:

1. If Lock resigned July 27, 2011, he is innocent; or
2. If Lock resigned May 27, 2011, he is guilty.

To this date, the Appellee denies document requests, intimidates, and misdirects the fact that the formal SFPUC termination process was triggered only after Lock's resignation letter submitted on July 27, 2011 to Ms. Jones and Mr. Henderson.

The Appellee owns a budget of more than \$6.3 billion for consulting and construction work. With a call and "conversation", Lock, an at-will consultant, would be terminated by any current or future employers. Lock has been in fear of his career since Ms. Marini's Re: Resignation (Unsatisfactory Service) notification received on February 13, 2012. The unreasonable length between February 2012 and now caused Lock mental anguish for said period and so forth. Because SFPUC and the City yield so much power, there are federal, state, and City laws, rules, policies, etc. to prevent abuses, due process, etc. summarized as follow:

1. The burden of proof must rest with the City [City and County of San Francisco] department or agency;
2. Claims must be supported by documents from formal policies and procedures; and
3. Investigations, evidences including exculpatory, etc. are required to be disclosed to the defendant [Appellant]

After the December 16, 2013 CSC meeting, the Appellee could continue to harass and defame or retaliate as they have. Lock has made peace that his career is forfeited. Nonetheless, Lock will prove the following:

1. Lock's resignation date of July 27, 2011;
2. Lock's supervisors were aware and approved of all of Lock's actions; and
3. There are special working conditions

A. THE APPELLEE'S DENIAL OF DOCUMENTS

The Appellee continued to deny Lock access to investigation documents.

Of the twenty-one documents requested (Attachment 9), the majority of the requests were denied (Attachment 10). Of the many denied documents, document request no. 19 is discussed in detail.

Request: "Chronology of all activity related to the investigation of Lock Kwan undertaken by the PUC, including, but not limited to, meetings, investigatory interviews, telephone conversations, drafting and delivery of correspondence. For each of the aforementioned include (if applicable) and provide (if applicable): date, venue,

description of activity/event, participants, and documents either disseminated at said event or generated from said event.”

SFPUC Response: “Objection: This request calls for information protected by the federal and state privacy laws including but not limited to, California Government Code section 6254.”

Discussion: Whose privacy is the Appellee trying to protect? The Appellee is not protecting Lock’s privacy because Lock’s vacation and sick usages are now on public record and Offset garnished without due process. Is the Appellee trying to protect Lock’s accusers, the Appellee’s witnesses? Lock’s 5th and 6th Amendment rights were violated.

The California Government Code Section 6254 does not supersede the Constitution of the United States or applies in this circumstance. The Appellee could have provided redacted documents but chose to obstruct. Where are Lock’s rights? The only thing the Appellee is protecting is their lack of real evidence, due process, and ineptitude.

B. TERMINATION PROCESS

Despite Ms. Hinderliter’s October 21, 2013 testimony that there is no formal termination process, there absolutely is a termination process now and in 2011 as the Commission correctly asserted.

The termination process was commenced by Lock’s July 27, 2011 resignation letter to Ms. Bonnie Jones and Mr. Henderson (Appellee’s Attachment H). Ms. Jones signed the “Processing Form – To Be Used At Commencement Of And Departure From Each Position Held In PUC” on July 27, 2011 (Attachment 11). The DHR Separation Report with “Satisfactory Services” resignation was completed July 28, 2011. Ms. Espinueva signed the “Termination Report” on August 4, 2011 (Attachment 11). By these actions, Lock’s July 27, 2011 resignation was legally accepted.

C. REBUTTAL TO APPELLEE’S ATTACHMENT DD AND EE

Appellee Attachment EE was intentionally redacted to be misleading.

The Appellee’s Attachment EE “Alexandre Miot” is resubmitted as Attachment 12 but 1) with only the employee’s sick and vacation usages columns hidden for privacy concerns; 2) reformatted to fit on one page for viewability; and 3) with days of the week added; otherwise, Attachment 12 contents the exact data as the Appellee’s Attachment EE.

Comparing Attachments EE and 12, the Appellee has redacted damning evidence that illustrated special working conditions i.e. “deals”. Mr. Miot, a Category Z exempted employee limited to 40 hrs work week without comp, overtime, and telecommuting options, worked in excess of a 40 hrs work week including Saturdays, Sundays, and July 4, 2011, a national holiday.

On July 4, 2011, Mr. Miot charged a minimum of 16 hrs with 8 hrs for legal holiday. Are we to believe that while Mr. Miot was out between 6/22/11 to 7/3/11 but physically returned to work 7/4/11 only to go out again until

7/6/11. On 7/4/11, Mr. Miot could not have simultaneously been working and on legal holiday and maybe even on vacation or sick at the same time.

The evidence shows that Mr. Miot had special working conditions i.e. "deals". More so prior to this "deal", Mr. Miot was allowed to "bank" any hours beyond the 8 hr work day. Meaning that if Mr. Miot was out for any reason, Mr. Miot can charge work as long as he has a "balance". Therefore, Mr. Miot would not have to be physically at work or telecommuting but still charge time to work hours but his timesheet will show otherwise as the case for July 4, 2011. Mr. Miot being concerned about the legitimacy of the "balance" kept email accounting records that were sent to his supervisors including Ms. Jones and Ms. Sierra for confirmation. When Lock inquired Mr. Miot of the legality of the "deal", Mr. Miot showed him the emails and stated the supervisors approved.

Ms. Sierra left the City approximately the same time for a private consulting firm with contracts with the City and was also a beneficiary of such deals. Ms. Sierra, another Category Z employee, was allowed to work remotely from Philadelphia during her transition.

From Appellee's Attachment DD, Mr. Moala declared that he "did not offer him [Lock] any "deals" or incentives to stay on as an employee" or "did not offer him [Lock] a promotion or imply to him [Lock] that I would promote him [Lock] if he remained an employee". However, Mr. Moala's statements do not preclude Mr. Moala's staff including but not limited to Ms. Jones from making "deals" independently or at his directions. As Lock stated in his October 14, 2013 supplemental materials and October 21, 2013 testimony, Lock's "deals" were:

1. Two separate 5241 Full Engineer promotion;
2. Sign-off for medical leave;
3. Sign-off for leave of absence; and
4. Special working conditions

In particular, the 5241 Full Engineer promotion was to replace Mr. Douglas Lipps as the OSP full mechanical engineer when Mr. Lipps left OSP for the downtown office.

The "special working condition" was for Lock to return to work for SFPUC if his position with the private consulting firm did not work out similar to SSIP Director Ms. Karen Kubick when she was previously employed by both SFPUC and a private consulting firm as confirmed by Ms. Jones statement "...when Karen Kubick was on leave & worked for RMC..." (Attachment 13).

Lock attended his own going lunch smelling like rancid sewer grease and an open sewer from "troubleshooting/working/dismantling the equipment" (Attachment AA). Lock worked 10-12 hrs work days without additional compensation for the biodiesel project. The "deals" were a reward for his efforts.

With light of these new evidences, special working conditions i.e. "deals" for Lock is not out of the realm of possibility independent of Lock supervisors' denial.

D. REBUTTAL TO APPELLEE'S CLAIM OF MAY 27, 2011 RESIGNATION

Appellee claims Lock resigned to coworkers and supervisors on May 27, 2011 because of his emails. Additionally, "Ms. Jones and Brian Henderson, Principal Engineer, stated that they understood that Mr. Kwan left the SFPUC to take a new job at URS, and Tommy Moala, Assistant General Manager of the WWE, certifies in his statement that he understood Mr. Kwan was leaving his employment with the SFPUC to accept a position with URS (Attachment DD). Ms. Jones also stated that she understood Mr. Kwan to have resigned before Memorial Day, May 30, 2011."

If the above claims were truthful, how can all of these subsequent actions take place by all parties listed here:

1. Ms. Jones, Mr. Henderson, and/or Mr. Moala did not start the termination process until July 27, 2011;
2. Mr. Henderson, Mr. Jolis, and robo signer approved Lock's timesheet including between 5/31/11 to 6/3/11 and 7/1/11;
3. Ms. Empleo entered Lock's timesheet;
4. No parties questioned Lock's timecard between 5/30/11 to 7/8/11;
5. The "security officer" having known that Lock resigned and seen Lock illegally on the premises reported to HRS and/or DHR that triggered this investigation per Ms. Hinderliter's testimony. However, the "security officer" did not call the Police to have Lock arrested for trespassing or attempt to revoke Lock's network or properties accesses;
6. Lock was able to "...accessed SFPUC property on Market Street, logged onto the SFPUC's system..." on June 2, 2011 for the purposes to use the SFPUC computer between "9:31 a.m. to 11:28 a.m." for non-work related activities and to send his wife an email;
7. Ms. Jones sent her June 21, 2011 email (Attachment 13);
8. Mr. Omokaro provided Lock leave forms on July 7, 2011 (Attachment 4);
9. Ms. Jones and Mr. Henderson accepted Lock's July 27, 2011 resignation especially since:
 - a. Lock already resigned on May 27, 2011; and
 - b. In direct conflict of the AWOL processes from 7/8/11 to 7/27/11;
10. Ms. Jones completed the "Processing Form – To Be Used At Commencement Of And Departure From Each Position Held In PUC" afterward;
11. DHR completed the Separation Report afterward;
12. Ms. Espinueva completed the Termination Report afterward; and
13. No parties informed Lock of his misconduct investigation.

The Appellee adds "...he [Lock] saw an opportunity for personal gain and took advantage of it". This is absolutely ridiculous and/or a systemic failure.

Ms. Jones stated in an email to Lock June 21, 2011, "...technically [you] are still a SFPUC employee" (Attachment 13). In addition to Ms. Jones acknowledging Lock as "still a SFPUC employee", Ms. Jones knowledge prior discussions, understanding, and agreement of Lock employment with URS with "...which is what your understanding was..." for Ms. Jones' statement in its entirety "My understanding when Karen Kubick was on leave & worked for RMC that she didn't work on any city projects, which is what your understanding was when you took the URS job."

Ms. Jones might have been in a potential "awkward position" because Casper, a URS manager, requested Lock to work on SFPUC projects. However, Lock did not work as a consultant or subconsultant for the SFPUC and the City or receive any payment or compensation directly or indirectly as a consultant or subconsultant from the SFPUC and the City for a period exceeding one year. Instead, Lock worked as a consultant and superintendent for the NASA Offshore Membrane Enclosure for Growing algae (OMEGA) Project.

E. REBUTTAL OF BIODIESEL LOGS AND OTHER RECORDS

According to the Appellee, Lock was not working because Lock's name was not on the July 1, 2011 Biodiesel Project logs as Lock had claimed. However, the Biodiesel Project was sufficiently busy to required Mr. Miot to work Saturdays, Sundays, and work weeks in excess of 40 hrs (Attachment 12) and required Mr. Miot to return to work after nine days of being out (June 23 to July 3, 2011) to work on July 4, 2011 only to go out again. If the Biodiesel Project was sufficient busy to require Mr. Miot and Mr. Ringo to 40 hrs and more work weeks, it is possible that Lock was asked back come back July 1, 2011 to work.

"...According to Ms. Jones, she did not ask Mr. Kwan to come into work on May 31-June 3 or July 1, 2011, and she did not give Mr. Kwan permission to come onto Oceanside Plant property..." However, Ms. Jones statements and actions as listed above showed otherwise.

From Ms. Hinderliter's October 21, 2013 testimony, Lock's misconduct was triggered when a "security officer" reported Lock to HRS and/or DHR after seeing Lock illegally on SFPUC property. Most recently, Ms. Hinderliter claims that Lock did not work because Lock's name was not on the May 31 to June 3, 2011 Biodiesel Project logs as Lock had claimed. Lock would not be at the OSP property if he was not working. Then when did the "security officer" observed Lock's trespassing? By Ms. Hinderliter's own account, there was only less than a two hour window (9:31 a.m. to 11:28 a.m.) that the "security officer" could have observed Lock. The only plausible explanation for a "security officer" to have seen Lock on SFPUC or City property was if Lock was on a property for an extended length of time working.

The events in question occurred 2.5 years ago. If any the following events had occurred:

1. The Appellee notified Lock of their investigation between May 27, 2011 to February 13, 2011;
2. Granted Lock's 5th Amendment right with his initial February 15, 2012 request for information (Attachment 1); and
3. Granted Lock's 6th Amendment rights and not waited 2.5 yrs to schedule the first CSC meeting

Then all parties involved would have more accurate recollection and documentation to support their claims. But what is the excuse for Ms. Hinderliter, a Senior Personnel Analyst, for now knowing the formal termination process?

The "security officer", Ms. Jones, and/or any number of Lock's supervisors could have started the formal termination process, revolt network access, and/or revolt property access. But not one of them did until Lock submitted his resignation letter on July 27, 2011.

F.

REBUTTAL OF OTHER APPELLEE'S CLAIMS

SFPUC Claim: The Appellee contacted Lock during their investigation.

Rebuttal: There is no evidence to substantiate Appellee's claims. Lock contacted DHR regularly to inquire about vacation payout after July 27, 2011 and until January 27, 2012 receipt of Declaration of Offset (Appellee's Attachment J). DHR was mostly non-responsive. However the two times SFPUC HRS returned Lock's voicemails, the DHR analyst never mentioned the investigation and simply said that they are still working on it. Additionally, SFPUC DHR Mr. Omokara could have informed Lock of his investigation on July 7, 2011 (Attachment 4).

SFPUC Claim: "his eTime records show that he did not have any time entries, and therefore received no wages, from July 8th to July 27th. Yet he did not raise this issue to anyone, did not call his supervisors, or the SFPUC Payroll Division to rectify his non-payments. It seems inconceivable that he would not inquire and attempt to remedy unpaid wages."

Rebuttal: As inconceivable as it seems, Lock is fortunate to be able to work for passion and has only become aware of the non-payment by the Appellee's statements. Lock assumed the Appellee did not provide his 7/8/11 - 7/28/11 timesheet to obstruct him; therefore, Lock made multiple timesheet requests of his timesheet for said period including his last request on 10/24/11.

SFPUC Claim: The Appellee stated that their investigation of Lock's misconduct started prior to 27 July 2011.

Rebuttal: There is no evidence to substantiate Appellee's claims.

SFPUC Claim: "The Appellant did not contact anyone in HRS to discuss leave options..."

Rebuttal: The Appellant contacted HRS per Attachment 4.

SFPUC Claim: There is no formal termination process.

Rebuttal: There is formal termination process.

SFPUC Claim: There are no special working conditions i.e. "deals".

Rebuttal: Evidence of "deals" per Section D and Attachment 12

F.

CONCLUSION

SFPUC has a formal termination process. The trigger for Lock's formal termination process was his resignation letter dated July 27, 2011 to Ms. Jones and Mr. Henderson. Therefore, Lock's July 27, 2011 resignation is official and legal.

So many happenstance events would all have to occur for the Appellee's version of their May 27, 2011 resignation theory. Lock masterminded these chains of events to game the SFPUC and the City of \$6k and some change that the SFPUC offset without due process, and to break into SFPUC facilities to use SFPUC computers to send an email to his wife. SFPUC claims are absolutely absurd.

If Lock defrauded SFPUC and the City, then this should also be a criminal case where Lock's 5th and 6th Amendments would be observed. However, SFPUC has not brought forth a criminal case because of their lack of evidence; therefore, using the CSC for their political agenda while committing fraud and deceit: fraud by alluding to wild accusations without clear supporting evidence and deceit by not granting Lock access to evidence by hiding under "protection of privacy" shield hence preventing Lock from getting due process.

Even assuming the Appellee's claims are true and there are massive system failures, who in addition to Lock would be punished with a public record? Other parties including HR should be reprimanded on public record.

The burden of proof must rest with SFPUC and the City. SFPUC has not provided documentation or paper trail to show that Lock's termination process was initiated on May 27, 2011 by any of his supervisors or HR representatives. All other evidence submitted by the Appellee are circumstantial at best. Therefore the Commission should exonerate Lock.

G.

ATTACHMENTS

- Attachment 9: Document Requests, October 24, 2013
- Attachment 10: SFPUC Response for Document Requests, October 24, 2013
- Attachment 11: Termination Report, August 4, 2011
- Attachment 12: Mr. Alexandre Miot's Attendance Log
- Attachment 13: Ms. Bonnie Jones' June 21, 2011 Email

Attachment 9

Register No. 0046-12-7 Documents Request

Doc Request No.	Document(s) Request	Relevant Dates / Time Frame	Notes
12	Provide corroborating evidence that Lock Kwan's potential misconduct investigation commenced prior to resignation.		From Ms. Linda Marini's 13 February 2012 letter to Lock Kwan, it was stated that "At The Time of your resignation for your position..., the Department was in the process of conducting an investigation involving your potential misconduct."
13	Provide corroborating evidence to Ms. Justine Hinderliter's 22 October 2013 testimony claims that HRS and / or DHR tried on numerous occasions to contact Lock Kwan during investigation.		
14	Supervisor handbook or similar manager documents with instruction or guidance for dealing with employee termination or separation	Pre May 2011	
15	Provide corroborating evidence to Ms. Justine Hinderliter's 22 October 2013 testimony claims that Lock Kwan's supervisors were reprimanded for approving Lock Kwan's time entries after 27 May 2011.		
16	Provide corroborating evidence to Ms. Justine Hinderliter's 22 October 2013 testimony claims that a security officer witnessed Lock Kwan illegally entry into City premises. Additionally, provide 1) actions taken by the security officer to protect City's interests other than to contact HRS / DHR; and 2) the nature on how the security officer became aware of Lock Kwan's resignation on 27 May 2011.		
17	Ms. Michele Modena's vacation and sick leave usages for her last six (6) months before her separation from the City.		
18	Procedures for offsets	Pre May 2011	
19	Chronology of all activity related to the investigation of Lock Kwan undertaken by PUC, including, but not limited to, meetings, investigatory interviews, telephone conversations, drafting and delivery of correspondence. For each of the aforementioned include (if applicable) and provide (if applicable): date, venue, description of activity/event, participants, and documents either disseminated at said event or generated from said event.		

10/24/13
9

Register No. 0046-12-7 Documents Request

Doc Request No.	Document(s) Request	Relevant Dates / Time Frame	Notes
01	Timesheet for Lock Kwan	5/27/11 - 7/28/11	Include reviewers, approvers, and signatories.
02	Trap waste receiving logs for Fats, Oils, and Grease (FOG)-to-Biodiesel Demonstration Project	5/30/11 - 6/3/11; 6/27/11 - 7/1/11; & 7/4/11 - 7/8/11	Handwritten logs
03	Brown grease transfer logs for Fats, Oils, and Grease (FOG)-to-Biodiesel Demonstration Project	5/30/11 - 6/3/11; 6/27/11 - 7/1/11; & 7/4/11 - 7/8/11	Handwritten logs
04	Vacation and sick leave usages for the following employees: <ol style="list-style-type: none"> 1. Carlomagno, Brian 2. DCunha, Leswin 3. Jones, Bonnie 4. Lipps, Douglas 5. Lukicheva, Irina 6. Miot, Alexandre 7. Noibi, Maroyo 8. Reynoso, Elizabeth 9. Ringo, Anthony 10. Sierra, Natalie 11. Wilson, Bradley 12. Zhang, Yanming 	Pay periods for: 5/28/11-6/10/11; 6/11/11-6/24/11; & 6/25/11-7/12/11	
05	HRS and/or DHR separation and termination procedures	Pre May 2011	Include all closeout documents/forms
06	HRS and/or DHR separation and termination procedures	Current	Include all closeout documents/forms
07	Service request to remove Lock Kwan from the City's payroll system		Including all signatures and approvers and dates
08	Service request to remove Lock Kwan from the City's email system		Including all signatures and approvers and dates
09	Service request to remove Lock Kwan from the City's security access system (security access card)		Including all signatures and approvers and dates
10	Service request for Lock Kwan's appointment with HRS for separation report 7/28/11.		Including All Signatures and Approvers and Dates
11	Provide corroborating evidence to Ms. Justine Hinderliter's 22 October 2013 testimony claim that through interviews, Lock's supervisors' understandings were that Lock Kwan resigned on May 27, 2011.		

Register No. 0046-12-7 Documents Request

Doc Request No.	Document(s) Request	Relevant Dates / Time Frame	Notes
20	Information pertaining to restrictions on future employment imposed upon all former PUC workers for the three (3) year period covering August 1, 2009 through July 30, 2012. For each restriction include, class of individual, date restriction imposed, and supporting documentation submitted to Civil Service Commission in support of restriction.		

11

Attachment 10



Via Regular Mail and Email

November 14, 2013

Lock Kwan

Re: San Francisco Public Utilities Commission (SFPUC) Response to Second Request for Documents (dated October 25, 2013)

Dear Mr. Kwan:

This letter is in response to your request for documents dated October 25, 2013.

1. Timesheet for Lock Kwan for 5/27/11 - 7/28/11.

SFPUC Response: All non-privileged/non-confidential documents responsive to this request have been produced. Please refer to Attachment 2 of the SFPUC's September 26, 2013 Response to your Request for Documents dated September 13, 2013 and to Attachment G of the SFPUC's August 29, 2013 Staff Report.

2. Trap waste receiving logs for Fats, Oils, and Grease (FOG) to Biodiesel Demonstration Project for 5/30/11 - 6/3/11; 6/27/11 - 7/1/11; and 7/4/11 - 7/8/11.

SFPUC Response: A copy of the "trap waste receiving logs" for the identified timeframe is provided with this response was provided to you via email by the SFPUC's Public Records Coordinator on November 13, 2013.

3. Brown grease transfer logs for Fats, Oils, and Grease (FOG) to Biodiesel Demonstration Project for 5/30/11 - 6/3/11; 6/27/11 - 7/1/11; and 7/4/11 - 7/8/11.

SFPUC Response: A copy of the "brown grease transfer logs" for the identified timeframe is provided with this response was provided to you via email by the SFPUC's Public Records Coordinator on November 13, 2013.

4. Vacation and sick leave usages for the following employees for Pay periods 5/28/11 - 6/10/11; 6/11/11 - 6/24/11; and 6/25/11 - 7/12/11:

- Carlomagno, Brian
- DCunha, Leswin
- Jones, Bonnie
- Lipps, Douglas
- Lukicheva, Irina
- Miot, Alexandre
- Noibi, Maroyo[sic]
- Reynoso, Elizabeth
- Ringo, Anthony
- Sierra, Natalie
- Wilson, Bradley
- Zhang, Yanming

Edwin M. Lee
 Mayor

Vince Courtney
 President

Ann Moller Caen
 Vice President

Francesca Vietor
 Commissioner

Anson Moran
 Commissioner

Art Torres
 Commissioner

Harlan L. Kelly, Jr.
 General Manager



Objection: This request calls for information protected by federal and state privacy laws including but not limited to, California Government Code section 6254.

SFPUC Response: Due to privacy concerns, the SFPUC will not disclose employees' use or balances pertaining to sick pay or vacation pay. However, the SFPUC will and has provided reports reflecting the above-referenced employees' attendance at work for the SFPUC during the identified timeframe. These reports were provided to you via email by the SFPUC's Public Records Coordinator on November 4, 2013.

There were no documents pertaining to Noibi, Maroyo[sic] and DCunha, Leswin because they were not SFPUC employees during the identified timeframe. Similarly, there were no documents pertaining to Reynoso, Elizabeth because she is not an SFPUC employee.

5. HRS and/or DHR separation and termination procedures (pre-May 2011).

SFPUC Response: A copy of the relevant procedures is attached hereto.

6. HRS and/or DHR separation and termination procedures (current).

SFPUC Response: A copy of the relevant procedures is attached hereto.

7. Service request to remove Lock Kwan from the City's payroll system.

SFPUC Response: There are no documents in existence pertaining to this request.

8. Service request to remove Lock Kwan from the City's email system.

SFPUC Response: There are no documents in existence pertaining to this request.

9. Service request to remove Lock Kwan from the City's security access system (security access card).

SFPUC Response: There are no documents in existence pertaining to this request.

10. Service request for Lock Kwan's appointment with HRS for separation report 7/28/11.

SFPUC Response: There are no documents in existence pertaining to this request; however, all non-privileged/non-confidential documents pertaining to your resignation letter dated July 27, 2011 were provided to you via email by the SFPUC's Public Records Coordinator on November 13, 2013.

11. Provide corroborating evidence to Ms. Justine Hinderliter's 22 October 2013 testimony claim that through interviews, Lock's supervisors' understandings were that Lock Kwan resigned on May 27, 2011.

Objection: This request calls for information protected by federal and state privacy laws including but not limited to, California Government Code section 6254.

12. Provide corroborating evidence that Lock Kwan's potential misconduct investigation commenced prior to resignation.

SFPUC Response: There are no documents in existence pertaining to this request.

13. Provide corroborating evidence to Ms. Justine Hinderliter's 22 October 2013 testimony claims that HRS and / or DHR tried on numerous occasions to contact Lock Kwan during investigation.

Objection: This request calls for information protected by federal and state privacy laws including but not limited to, California Government Code section 6254.

14. Supervisor handbook or similar manager documents with instruction or guidance for dealing with employee termination or separation.

SFPUC Response: See SFPUC response to numbers (5) and (6) above.

15. Provide corroborating evidence to Ms. Justine Hinderliter's 22 October 2013 testimony claims that Lock Kwan's supervisors were reprimanded for approving Lock Kwan's time entries after 27 May 2011.

SFPUC Response: There are no documents in existence pertaining to this request.

16. Provide corroborating evidence to Ms. Justine Hinderliter's 22 October 2013 testimony claims that a security officer witnessed Lock Kwan illegally entry into City premises. Additionally, provide 1) actions taken by the security officer to protect City's interests other than to contact HRS / DHR; and 2) the nature on how the security officer became aware of Lock Kwan's resignation on 27 May 2011.

Objection: This request calls for information protected by federal and state privacy laws including but not limited to, California Government Code section 6254.

17. Ms. Michele Modena's vacation and sick leave usages for her last six (6) months before her separation from the City.

Objection: This request calls for information protected by federal and state privacy laws including but not limited to, California Government Code section 6254.

18. Procedures for offsets (pre-May 2011).

SFPUC Response: All non-privileged/non-confidential documents responsive to this request were provided to you via email by the SFPUC Public Records Coordinator on November 13, 2013.

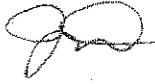
19. Chronology of all activity related to the investigation of Lock Kwan undertaken by PUC, including, but not limited to, meetings, investigatory interviews, telephone conversations, drafting and delivery of correspondence. For each of the forementioned[sic] include (if applicable) and provide (if applicable): date, venue, description of activity/event, participants, and documents either disseminated at said event or generated from said event.

Objection: This request calls for information protected by federal and state privacy laws including but not limited to, California Government Code section 6254.

20. Information pertaining to restrictions on future employment imposed upon all former PUC workers for the three (3) year period covering August 1, 2009 through July 30, 2012. For each restriction include, class of individual, date restriction imposed, and supporting documentation submitted to Civil Service Commission in support of restriction.

Objection: This request calls for information protected by federal and state privacy laws including but not limited to, California Government Code section 6254.

Sincerely,



Justine Hinderliter
Sr. Personnel Analyst
Employee Relations/EEO Programs

Enclosures

cc: Linda Marini, HRS (without attachments)

Attachment 11

TERMINATION REPORT

DATE : 04-AUG-2011

Name : Lock K Kwan SSN : ██████████ EMPL Rcd# : 0

Address : ██████████
 ██████████

TER Reason : RSS Resign - Satisfactory Service
Effective Date : 28-JUL-2011

Terminated From Current Position
Job Code : 5207
Job Title : Assoc Engineer
Department : CWP
Appt Status : PCS
Appt Date : 15-AUG-2005
Dept Sen Date : 11-JUL-2005
City Sen Date : 11-JUL-2005
Rank : 3
List : 052217

Appointing Officer Name : (PRINT) Rosie Espinueva

Signature *Rosie Espinueva* Date 5/4/11

Submitted by : Rosie R Espinueva Date Issued : 04-AUG-2011

SFTERM.06

27 July 2011

Rec'd 8/1/11
JC

Ms. Bonnie Jones, PE

San Francisco Public Utilities Commission

Wastewater Enterprise

1155 Market St, 6th Floor

San Francisco, CA 94102

Dearest Ms. Jones:

This is my formal notification that I am resigning from CCSF SFPUC WWE as a 5207 Associate Mechanical Engineer. 27 July 2011 will be my last day of employment.

I appreciate all the learning opportunities given to me under your management. I wish you the very best in the future in all your endeavors. I hope we will have the opportunity to work together again in the future.

Sincerely,



Lock Kwan, PE

cc: Mr. Brian Henderson, PE

PROCESSING FORM - TO BE USED AT COMMENCEMENT OF AND DEPARTURE FROM EACH POSITION HELD IN PUC

Employee Name: Lock Kwan Employee ID# [REDACTED]

Employee Address: [REDACTED]

FOR COMPLETION BY HUMAN RESOURCE SERVICES PROCESSING UNIT

Employee Date of Hire: _____
 Job Classification: 5207 Status (Circle One): (PCS) TCS PE TE PV
 Division or Bureau: PUC / wastewater enterprise Badge Assigned: Date: 10/25/2004

SUPERVISOR'S RESPONSIBILITIES

Equipment or access: Whenever equipment is assigned or access is provided, the employee's supervisor is responsible for indicating such on the form below. Each employee's direct supervisor should maintain and update this form as needed. Use the list below to check off every assignment of equipment, keys, tools, access codes, etc. made and include identifying information such as number, security code, etc. as appropriate.

When the employee transfers positions (lateral or promotive) or separates from employment, the supervisor should complete the column on the right, initialing that each item has been returned and the date that it was returned. This column should also be utilized to indicate that turnover reports are completed and to describe necessary logistical details (such as security codes, vehicle locations, etc.)

When all items are appropriately returned, the supervisor should sign and initial in the space indicated and send the form to the Human Resource Services (BPT). **THE EMPLOYEE IS REQUIRED TO RETURN TO BPT (WITH THEIR FORM) BEFORE DEPARTURE PROCESSING IS COMPLETED.**

FOR COMPLETION BY THE DIVISION/BUREAU SUPERVISOR

Upon beginning tenure (check)	New Employee checklist for supervisors:	Upon departure (Date and Initials)
	Assignment of work hours and work location:	
	Emergency contact and next of kin:	
	Add employee to time sheet	
	Verify Driver's license: Number: _____	
	Business cards ordered	
	Other? (List)	

Upon beginning tenure (Check)	Identification/Code	Upon Departure (Date & initials)
	Phone Assigned? (Y/N) Number: _____ Voice Mail access granted? (Y/N) Employee's Password: _____ Upon departure: changed back to default password, which is _____ and change voicemail to default message. Computer Number (Property of CCSF/PUC Tag #) _____	
	Computer Passwords: Sign on access granted? (Y/N) Employee's Password: _____ Upon departure: changed back to default password, which is _____ Screen Saver access granted? (Y/N) Employee's Password: _____ Upon departure: changed back to default password, which is _____ Other access privileges assigned?(Y/N) ____ If yes, what? _____ Upon departure: changed back to default, which is _____ Notification made to ITS (923-2576) of employee separation on _____; Notification made to Accounting (487-5275) for FAMIS deletion on _____;	
	Building/Site Security Codes Assigned (List):	
	Pager: Number _____	
	Radio: ID# _____	
	Cellular Phone: Number _____	
	Laptop and other computer equipment (list) assigned: Upon departure: Equipment returned? Passwords set to default, which is _____	
	Automobile: License/Key number/Vehicle Location	
	Locker: Number and key/combination:	
	Keys: (Note each... include gas keys, file cabinet keys, etc.)	
	OSD	7/26/11 <i>mt</i>
	Locker	7/26/11 <i>mt</i>
	Tools/Equipment: (Note each)	
	Safety Equipment (Note each type)	


Upon beginning tenure (Check)	Identification/Code	Upon Departure (Date & initials)
	Turnover Report/Employee Debrief Submitted. (A "turnover report" should be prepared by the departing employee to describe the status of works in process, the location of information, agency contact, etc.) (*Required at supervisor's discretion.) This report should also include any contact lists the employee was on (with the Mayor's Office, DHR, routing, email, etc.)	
	Work/Protective Clothing/Uniforms (List each item)	
	Rain Gear	
	Office Equipment (List each - calculators flashlights etc.)	
	ID Card/Badge	7/26/11 BMS
	Laundry service	
	Parking Permit	
	Manuals	
	Other	

IS THERE ANYTHING THAT HAS NOT BEEN PROPERLY RETURNED? The cost of all lost or damaged items will be assessed at the time an employee separates from the PUC for any reason, including leaves of absence of more than six months duration. The employee is responsible for these costs prior to their departure. Failure to meet this responsibility may result in delayed processing, either at the time the costs are assessed and/or before the employee returns to work.

Note here any unreturned, damaged, or lost items and the cost:

I CERTIFY THAT THE ABOVE EMPLOYEE HAS COMPLETED ALL NECESSARY UNIT STEPS FOR DEPARTURE AND CAN PROCEED TO BPT FOR FINAL DEPARTURE PROCEDURES.

NAME OF SUPERVISOR (PLEASE PRINT) Bonnie M. Jones

SIGNATURE OF SUPERVISOR  DATE: 7/26/11

Attachment 12

Miot, Alexandre

Date	Day	WK	OE	HE	LH	38E	Summary
5/2/11	Mon	9.00					9.00
5/3/11	Tue	9.00					9.00
5/4/11	Wed	9.00					9.00
5/5/11	Thu	9.00					9.00
5/6/11	Fri	9.00					9.00
5/10/11	Tue	9.00					9.00
5/11/11	Wed	9.00					9.00
5/12/11	Thu	9.00					9.00
5/13/11	Fri	8.00					8.00
5/16/11	Mon	9.00					9.00
5/17/11	Tue	9.00					9.00
5/18/11	Wed	9.00					9.00
5/19/11	Thu	9.00					9.00
5/20/11	Fri	9.00					9.00
5/24/11	Tue	9.00					9.00
5/25/11	Wed	9.00					9.00
5/26/11	Thu	9.00					9.00
5/27/11	Fri	8.00					8.00
5/30/11	Mon				8.00		8.00
5/31/11	Tue	9.00					9.00
6/1/11	Wed	9.00					9.00
6/2/11	Thu	9.00					9.00
6/3/11	Fri	9.00					9.00
6/7/11	Tue	9.00					9.00
6/8/11	Wed	9.00					9.00
6/9/11	Thu	9.00					9.00
6/10/11	Fri	9.00					9.00
6/13/11	Mon	9.00					9.00
6/14/11	Tue	9.00					9.00
6/15/11	Wed	9.00					9.00
6/16/11	Thu	9.00					9.00
6/17/11	Fri	9.00					9.00
6/18/11	Sat	4.50	4.50				9.00
6/19/11	Sun	4.50	4.50				9.00

Date	Day	WK	OE	HE	LH	38E	Summary
6/21/11	Tue		9.00				9.00
6/22/11	Wed	9.00					9.00
6/23/11	Thu						
6/24/11	Fri						
6/27/11	Mon						
6/28/11	Tue						
6/29/11	Wed						
6/30/11	Thu						
7/1/11	Fri						
7/4/11	Mon			8.00	8.00		
7/5/11	Tue						
7/6/11	Wed						
7/7/11	Thu	9.00					9.00
7/8/11	Fri	9.00					9.00
7/11/11	Mon	9.00					9.00
7/12/11	Tue	9.00					9.00
7/13/11	Wed						
7/14/11	Thu						
7/15/11	Fri						
7/18/11	Mon		9.00				9.00
7/19/11	Tue	9.00					9.00
7/20/11	Wed	9.00					9.00
7/21/11	Thu	9.00	2.00				11.00
7/22/11	Fri	8.00					8.00
7/23/11	Sat					69.00	69.00
7/24/11	Sun					30.00	30.00
7/25/11	Mon	9.00					9.00
7/26/11	Tue	9.00					9.00
7/27/11	Wed	9.00	3.00				12.00
7/28/11	Thu	9.00					9.00
7/29/11	Fri	9.00	2.00				11.00
7/30/11	Sat		7.00				7.00
7/31/11	Sun		8.00				8.00

Attachment 13

jones bonnie casper

Search Mail

Search Web



Compose

Search results | Delete | Move | Spam | More | Collapse All

Inbox (99+)

touching base

Drafts (8)

Jones, Bonnie

Jun 21, 2011

Sent

To

Spam (61)

Dear Lock,

Trash (2)

Casper contacted me today about adding you to TO 24 for helping write the Final Report.

Folders

This puts me in an awkward position because according to Ella you are still on vacation from SFPUC & technically still a SFPUC employee.

Recent

When your leave of absence starts you should review with HR the rules regarding SFPUC employment. A recent memo from Darwin circulated prohibiting work for one year on a scope you developed. We discussed this before you left & we figured your case didn't match the circumstances of the memo, but I think we need to be clear about the rules & what is allowed if you are on leave.

Messenger

Calendar

Contacts

Notepad

My understanding when Karen Kubick was on leave & worked for RMC that she didn't work on any city projects, which is what your understanding was when you took the URS job.

Yahoo Mail for Mobile

Anyway, please keep me informed about your status & your discussion with HR.

Send Feedback

Bonnie Jones
Senior Engineer
SFPUC; W WE Engineering
p. 415-934-5764
c. 415-713-3914

Pollution is nothing but the resources we are not harvesting.
Buckminster Fuller
** Please consider the environment before printing this email **

Reply, Reply All or Forward | More

ADDITIONAL INFORMATION

SFPUC RESPONSE TO ADDITIONAL

INFORMATION SUBMITTED BY LOCK KWAN



MEMORANDUM

Date: December 10, 2013
 To: Honorable Civil Service Commission
 Through: Micki Callahan, Director - DHR
 From: Justine Hinderliter, Sr. Personnel Analyst - SFPUC
 Subject: SFPUC Response to Additional Information submitted by Lock Kwan

On December 9, 2010, Appellant Lock Kwan submitted additional new claims in support of his appeal on the San Francisco Public Utilities Commission ("SFPUC" or the "Department") recommendation that future restrictions be placed on his future employment with the City and the Department. Although the SFPUC will provide a more comprehensive response to his additional new claims at the upcoming December 16, 2013 meeting, the Department would like to note the following points:

Mr. Kwan Continues to Change His Story

During the Civil Service Commission meeting on October 21, 2013, Mr. Kwan specifically claimed that Bonnie Jones, Class 5211 Senior Engineer, suffered him to work on May 31-June 3 and July 1, 2011 and that his performance of that work was evidenced by handwritten, daily logs that he completed on those days.

The SFPUC's Attachment FF irrefutably shows that not one of the logs documented during this timeframe was created by Mr. Kwan. Once confronted with the evidence that disproves his claims, Mr. Kwan changed his story and in his December 9, 2013 submission he now states that "it is possible that [he] was asked to [come back July 1, 2011 to work]" because he claims the "Biodiesel Project was sufficiently busy." (See Mr. Kwan's submission dated December 9, 2013, p. 5.)

Mr. Kwan Has No Evidence of "Deals" and "Special Working Conditions"

Mr. Kwan claims that Ms. Jones, Mr. Henderson, and Mr. Moala offered him "deals" or "incentives" to remain an SFPUC employee past the May 27, 2011 date, and states that the specific "deals" offered were: "(1) two separate 5241 Full Engineer promotion; (2) sign-off for medical leave; (3) sign-off for leave of absence; and (4) special working conditions." (See Mr. Kwan's submission dated December 9, 2013, p. 3.) However, Mr. Moala has submitted a statement certifying that he did not offer Mr. Kwan any "deals" and Ms. Jones and Mr. Henderson will both testify that they did not offer any "deals" or "incentives." Moreover, Mr. Kwan has submitted no evidence of these "deals."

In his December 9th submission, Mr. Kwan now claims that evidence of "deals" and "special working conditions" is contained in his Attachment 12, which he claims is the "unredacted" version of his former co-worker, Alex Miot's, attendance records during

2013 DEC 11 AM 9:09
 RECEIVED
 DEPARTMENT OF
 CIVIL SERVICE COMMISSION

- Edwin M. Lee
Mayor
- Vince Courtney
President
- Ann Moller Caen
Vice President
- Francesca Viator
Commissioner
- Anson Moran
Commissioner
- Art Torres
Commissioner
- Harlan L. Kelly, Jr.
General Manager



the relevant timeframe. Even assuming that Mr. Kwan's Attachment 12 contains true and correct data, his claims are without merit.

Mr. Kwan argues that because Mr. Miot charged 16 hours on July 4, 2011, that he was subject to a "special working condition" because he "could not have simultaneously been working and on legal holiday." (See Mr. Kwan's submission, pp. 2-3.) However, working on holidays is often required due to operational needs and permissible under the governing Memoranda of Understanding.

Mr. Kwan also claims that because "Mr. Miot, a Category Z exempted employee limited to 40 [hours] work week," was allowed to 'bank' any hours beyond the 8 hour work day" is evidence of "special working conditions" or "deals." However, under the relevant Memorandum of Understanding (IFPTE, Local 21), category Z (FLSA-exempt) employees are permitted to earn compensatory time if they work in excess of a regular work schedule.

Therefore, Mr. Kwan's claims are once again not supported by the evidence.

Mr. Kwan Represented to the SFPUC that he Resigned from Employment on May 27, 2011

Mr. Kwan states that Ms. Jones acknowledged to him that he was "technically still a SFPUC employee" on June 21, 2011, and implies that, as a result, he did not resign from the SFPUC on May 27, 2011. However, Ms. Jones' June 21st email in fact states that the group's timekeeper, Ella Empleo, informed her that he was "technically" still a SFPUC employee and instead reflects that Ms. Jones had the understanding that Mr. Kwan was no longer a SFPUC employee; and she specifically asked and expected Mr. Kwan to contact Human Resources to determine his actual status. (See Attachment 13 to Mr. Kwan's submission dated December 9, 2013.) Mr. Kwan did not contact HR to determine his employment status.

Conclusion

Through all of his claims and stories, Mr. Kwan has never refuted the key facts established by the evidence:

- Mr. Kwan led his colleagues and supervisors to believe that he was leaving SFPUC employment on May 27, 2011;
- Mr. Kwan's co-workers held a goodbye party in his honor on May 26, 2011;
- Mr. Kwan left SFPUC employment on May 27, 2011;
- Mr. Kwan began work with URS on June 6, 2011;
- No one directed Mr. Kwan to work on any day after 27, 2011;
- Mr. Kwan fraudulently accessed the SFPUC's property and used the Department's computer system to enter time to which he was not entitled; and
- As a result of his fraudulent behavior, Mr. Kwan was erroneously paid more than \$6,000.

The SFPUC respectfully requests that the Commission approve its recommendation to restrict the future employment of Lock Kwan.

ITEM #13

**PUBLIC COMMENT ON ALL MATTERS
PERTAINING TO ITEMS # 14 THROUGH #18.**

**PUBLIC VIEWING MATERIALS FOR
ITEM #16**

**APPEAL BY JASON CARDOZA OF HIS BACKGROUND
REJECTION FOR A 1934 STOREKEEPER POSITION
WITH THE SAN FRANCISCO POLICE DEPARTMENT.**

(FILE No. 0205-13-4)

**REDACTED PURSUANT TO
PERSONNEL EXCEPTION (GOV. CODE § 54957(B)(1),
ADMIN CODE § 67.10(B))**

**PUBLIC VIEWING MATERIALS FOR
ITEM #17**

**APPEAL BY AARON LAMPKIN OF HIS BACKGROUND
REJECTION FOR A 9209 POLICE SERVICE AIDE
POSITION WITH THE SAN FRANCISCO POLICE
DEPARTMENT.**

(FILE NO. 0185-13-4)

**REDACTED PURSUANT TO
PERSONNEL EXCEPTION (GOV. CODE § 54957(B)(1),
ADMIN CODE § 67.10(B)**

**Commissioners'
Announcements/
Request**

Adjournment