

CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR

Sent via Electronic Mail and U.S. Mail

ELIZABETH SALVESON PRESIDENT

> KATE FAVETTI VICE PRESIDENT

DOUGLAS S. CHAN COMMISSIONER

F. X. CROWLEY COMMISSIONER

JACQUELINE P. MINOR
COMMISSIONER

SANDRA ENG ACTING EXECUTIVE OFFICER March 5, 2020

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Alejandro Alvarez

SUBJECT:

REQUEST FOR HEARING BY ALEJANDRO ALVAREZ ON HIS FUTURE EMPLOYMENT RESTRICTIONS WITH THE CITY AND COUNTY OF SAN FRANCISCO.

Dear Alejandro Alvarez:

The above matter will be considered by the Civil Service Commission at a meeting to be held on <u>March 16, 2020 at 2:00 p.m. in Room 400</u>, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

The agenda will be posted for your review on the Civil Service Commission's website at www.sfgov.org/CivilService under "Meetings" no later than end of day on Wednesday, March 11, 2020. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is again attached for your review; however, a hard copy is also available for your review at the Civil Service Commission's office located at 25 Van Ness Avenue, Suite 720, San Francisco.

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, March 10, 2020** (as a reminder, we require an original and nine copies of any supplemental materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Again, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

CALENDA SUPPORTS

CSC Notice of Meeting – Request for Hearing by Alejandro Alvarez March 5, 2020 Page 2

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

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

You may contact me at (415) 252-3247 or at <u>Sandra.Eng@sfgov.org</u> if you have any questions.

CIVIL SERVICE COMMISSION

SANDRA ENG

Acting Executive Officer

Attachment

Cc: Kimberly Ackerman, Municipal Transportation Agency
Terrance Fahey, Municipal Transportation Agency
Christine Cayabyab, Municipal Transportation Agency
Commission File
Commissioners' Binder
Chron



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR

Sent via Electronic Mail and U.S. Mail

ELIZABETH SALVESON PRESIDENT

NOTICE OF CIVIL SERVICE COMMISSION MEETING

December 5, 2019

Alejandro Alvarez

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

Dear Alejandro Alvarez:

The above matter will be considered by the Civil Service Commission at a meeting to be held on December 16, 20192 at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

The agenda will be posted for your review on the Civil Service Commission's website at www.sfgov.org/CivilService under "Meetings" no later than end of day on Wednesday, December 11, 2019. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is again attached for your review; however, a hard copy is also available for your review at the Civil Service Commission's office located at 25 Van Ness Avenue, Suite 720, San Francisco.

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KATE FAVETTI VICE PRESIDENT

> DOUGLAS S. CHAN COMMISSIONER

> > F. X. CROWLEY COMMISSIONER

JACOUELINE P. MINOR COMMISSIONER

SANDRA ENG ACTING EXECUTIVE OFFICER

THIS DOCUMENT

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You may contact me at (415) 252-3247 or at <u>Sandra.Eng@sfgo</u>v.org if you have any questions.

CIVIL SERVICE COMMISSION

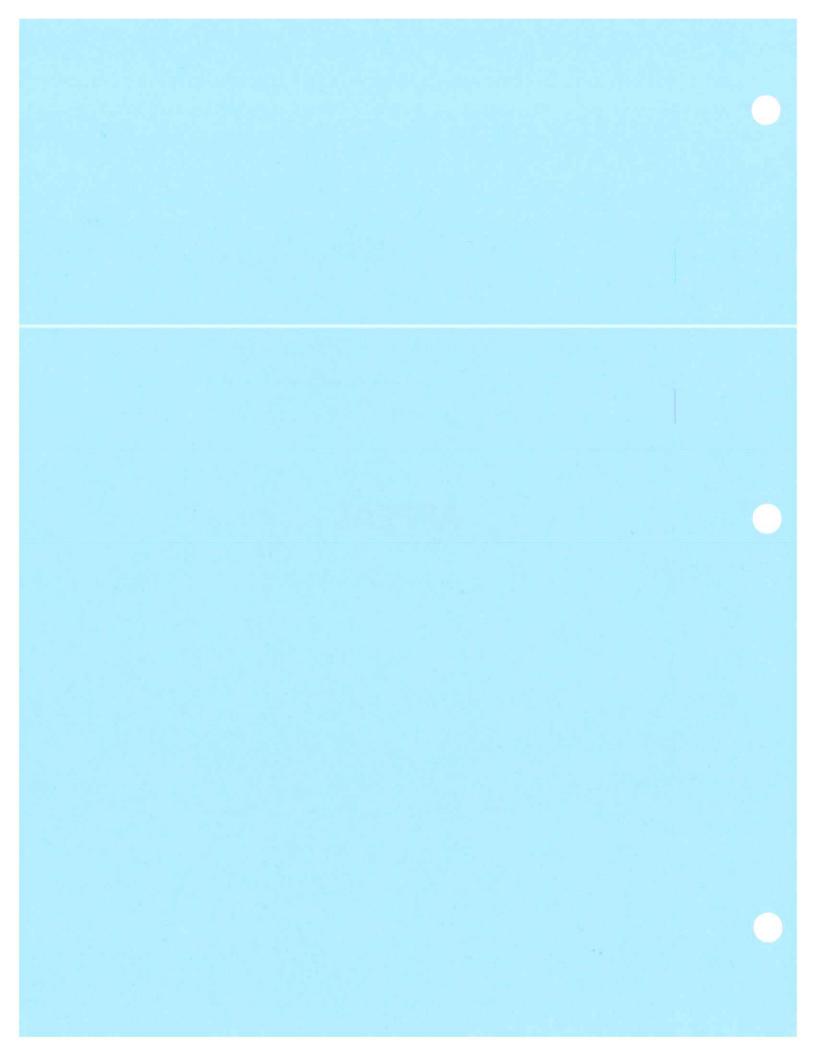
SANDRA ENG

Acting Executive Officer

Attachment

Cc: Kimberly Ackerman, Municipal Transportation Agency
Terrance Fahey, Municipal Transportation Agency
Christine Cayabyab, Municipal Transportation Agency
Commission File
Commissioners' Binder
Chron







INSTRUCTIONS:

Submit an original copy of this form to the Executive Officer of the Civil Service Commission at the address above within the

designated number of days following the postmarked mailing

date or email date (whichever is applicable) of the Department

of Human Resources' or Municipal Transportation Agency's

representative's original signature is required. (E-mail is not

notification to the appellant. The appellant's/authorized

CIVIL SERVICE COMMISSION City and County of San Francisco

25 Van Ness Avenue, Suite 720 San Francisco, California 94102-6033 Executive Officer (415) 252-3247

CSC Register No.
0194-17- 7
TO: XE REIGKIN
CC. D. ELLIGON
M. HELMS

APPEAL TO THE CIVIL SERVICE COMMISSION

TYPE OF APPEAL: (Check One)

7th working day) - Limited application

Officer Action) (30 Calendar days)

Personal Service Contracts (Posting Period)

Examination Matters (by close of business on 5th working

Employee Compensation Matters (by close of business on

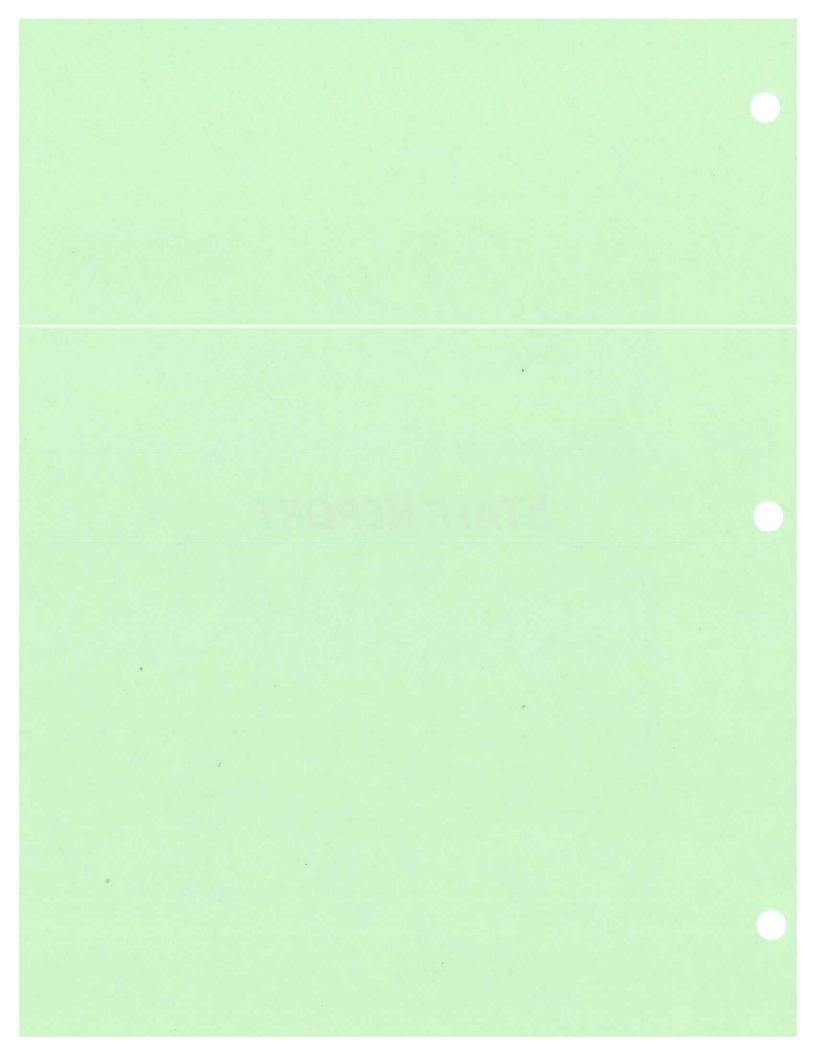
Other Matters (i.e., Human Resources Director/Executive

	Cympinity.	CCCOMMINICALARIA	ons (See Notice to
Employee)_			
/WSYLVANIA Work Address	AVE	SF, CA 9410	7 (415) Work Telephone
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Department		···	
, — - <u>r</u> ,			•
City	State	Zip	Home Telephone
		(415)	810-4500
Telephone Num	iber of Re	presentative (ir	cluding Area Code)
s staff report at the and staff report, p	olease pro	vide your email	address below.
E REVERSE S	SIDE. (U	se additional	page(s) if necessary)
l .			-
Check One:	Yes	; (No)
. ,	Yes		No) 21 0VN17- Date
	Work Address Department City Telephone Num department will see notified approx s staff report at the and staff report, p	Work Address Department City State Telephone Number of Redepartment will submit a state approximately on staff report at the Commit and staff report, please programment approximate ap	WSYLVANIA AVE SF. CA 9416 Work Address Department City State Zip

My employment with the SFMTA Track Department was recently terminated on June 16, 2017.

I am appealing this decision via my Union Grievance procedures. The notification indicated that I am to be permanently restricted from employment with the CCSF. I wish to appeal this decision.

STAFF REPORT





CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22MTA)

Applicable to S.F. Municipal Transportation Agency Service-Critical Classes 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: 0194 - 17 - 7
2.	For Civil Service Commission Meeting of: <u>December 16, 2019</u>
3.	Check One: Ratification Agenda Consent Agenda Regular Agenda Separation AgendaXX
4.	Subject: Request by Alejandro Alvarez re: Restriction on Future Employability
5.	Recommendation: <u>Uphold the decision of the Director of SFMTA</u> Cancel any current examination and eligibility status; Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of two years' work experience outside the City and County Service; Must participate in an appropriate substance abuse program and receive a release to work from certified substance abuse professional for any safety sensitive positions.
6.	Report prepared by: <u>Christine Cayabyab</u> Telephone number: <u>415.646.2058</u>
7.	Notifications: (Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).
8.	Reviewed and approved for Civil Service Commission Agenda:
9.	Municipal Transportation Agency Director: Kimberly W. Ackerman Date: 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 En : Hd &= 330 cm ²
Attacl	3010 000

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LIST OF PERSONS TO BE NOTIFIED

Alejandro Alvarez

Terrance Fahey Maintenance of Way 700 Pennsylvania Avenue San Francisco, CA 94107

Christine Cayabyab Employee & Labor Relations, HR I South Van Ness Ave. 6th Floor San Francisco, CA 94103

Kimberly W. Ackerman Director of Human Resources 1 South Van Ness Ave. 6th Floor San Francisco, CA 94103



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE MAYOR

NOTICE OF RECEIPT OF APPEAL

DATE:

June 23, 2017

REGISTER NO .:

0194-17-7

APPELLANT:

ALEJANDRO F. ALVAREZ

DOUGLAS S. CHAN COMMISSIONER

KATE FAVETTI

VICE PRESIDENT

PRESIDENT

GINA M. ROCCANOVA

F. X. CROWLEY COMMISSIONER

SCOTT R. HELDFOND COMMISSIONER Ed Reiskin
Director of Transportation
Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

Dear Mr. Reiskin:

The Civil Service Commission has received the attached letter from Mr. Alejandro F. Alvarez, requesting a hearing on his future employment restrictions as a 7458 Switch Repairer with the City and County of San Francisco. Your review and action are required.

MICHAEL L. BROWN EXECUTIVE OFFICER

If this matter is not timely or appropriate, please submit CSC Form 13 "Action Request on Pending Appeal/Request," with supporting information and documentation to my attention at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. CSC Form 13 is available on the Civil Service Commission's website at www.sfgov.org/CivilService under "Forms."

In the event that Mr. Alvarez's appeal is timely and appropriate, the department is required to submit a staff report in response to the appeal within sixty (60) days so that the matter may be resolved in a timely manner. Accordingly, the staff report is due no later than 11 a.m. on September 7, 2017 so that it may be heard by the Civil Service Commission at its meeting on September 18, 2017. If you will be unable to transmit the staff report by the September 7th deadline, or if required departmental representatives will not be available to attend the September 18th meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

You may contact me at Michael.Brown@sfgov.org or (415) 252-3250 if you have any questions. For more information regarding staff report requirements.

Appellant: Alejandro F. Alvarez June 23, 2017 Page 2 of 2

meeting procedures or future meeting dates, please visit the Commission's website at www.sfgov.org/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN

Executive Officer

Attachment

Cc: Donald Ellison, Municipal Transportation Agency
Mike Helms, Municipal Transportation Agency
Derek Kim, Municipal Transportation Agency



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE MAYOR

Sent via Email/U.S. Mail

June 23, 2017

GINA M. ROCCANOVA PRESIDENT

> KATE FAVETTI VICE PRESIDENT

DOUGLAS S. CHAN COMMISSIONER

> F. X. CROWLEY COMMISSIONER

SCOTT R. HELDFOND COMMISSIONER

MICHAEL L. BROWN EXECUTIVE OFFICER Alejandro F. Alvarez

Subject:

Register No. 0194-17-7: Request for Hearing on Future Employment Restrictions as a 7458 Switch Repairer with the City and County of San Francisco

Dear Mr. Alvarez:

This is in response to your appeal submitted to the Civil Service Commission on June 21, 2017 requesting a hearing on your future employment restrictions as a 7458 Switch Repairer with the City and County of San Francisco. Your appeal has been forwarded to the Municipal Transportation Agency for investigation and response to the Civil Service Commission.

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will receive notice of the meeting and the department's staff report on your appeal two Fridays before the hearing date via email, as you have requested on your appeal form. A hard copy of the report will also be available for your review at the Commission's offices located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.

The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. However, the Commission <u>CANNOT</u> reverse the department's decision to terminate your employment. In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. 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 (note that the Commission requires an original and nine copies of any supplemental/rebuttal materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). 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.

You may contact me by email at Michael.Brown@sfgov.org or by phone at (415) 252-3247 if you have any questions. You may also access the Civil Service Commission's meeting calendar, and information regarding staff reports and meeting procedures, on the Commission's website at www.sfgov.org/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN Executive Officer



INSTRUCTIONS:

Submit an original copy of this form to the Executive Officer of

the Civil Service Commission at the address above within the designated number of days following the postmarked mailing

date or email date (whichever is applicable) of the Department

of Human Resources' or Municipal Transportation Agency's

notification to the appellant. The appellant's/authorized

CIVIL SERVICE COMMISSION City and County of San Francisco

25 Van Ness Avenue, Suite 720 San Francisco, California 94102-6033 **Executive Officer** (415) 252-3247

(CSC Registe	r No.
0191	<u> </u>	7
То:	X B. RE	SKIN
CC:	D. ELI	1GON
	A LA	1.40

APPEAL TO THE CIVIL SERVICE COMMISSION

TYPE OF APPEAL: (Check One)

7th working day) - Limited application

Personal Service Contracts (Posting Period)

Examination Matters (by close of business on 5th working

Employee Compensation Matters (by close of business on

notification to the appellant. The appellant's/authorized representative's original signature is required. (E-mail is not accepted.) It is recommended that you include all relevant information and documentation in support of your appeal.	Officer Acti	on) (30 Caler	dar days)	Director/Executive
ALEJANDRO FEDERICO ALVAREZ				(415)
Full Name of Appellant	Work Address			Work Telephone
7458 SWITCH REPAIRER				0 8
7458 SWITCH REPAIRER Job Code Title	Department			
	ACCUSED NO.	CA	E Maria	现在是 国际原则
Residence Address	City	State	Zip	Home Telephone
VINCE COURTNEY				310-4500
VINCE COURTNEY Full Name of Authorized Representative (if any)	Telephone Nun	ber of Renres	sentative (inc	luding Area Code)
COMPLETE THE BASIS OF THIS APPEAL ON TH	E REVERSE S	SIDE. (Use a	dditional pa	nge(s) if necessary)
Does the basis of this appeal include new information not previously presented in the appeal to the Human Resources Director? If so, please specify.	Check One:	Yes	(N	9
Original Signature of Appellant or Authorized Representative		S SHIL, THOS		21 JVN 17
	ed by Civil Se	rvice Comm	ission:	2000

My employment with the SFMTA Track Department was recently terminated on June 16, 2017.

I am appealing this decision via my Union Grievance procedures. The notification indicated that I am to be permanently restricted from employment with the CCSF. I wish to appeal this decision.



London Breed, Mayor

Malcolm Heinicke, Chair Gwyneth Borden, Vice Chair Cheryl Brinkman, Director Amanda Eaken, Director Steve Heminger, Director Cristina Rubke, Director Art Torres, Director

Tom Maguire, Interim Director of Transportation

MEMORANDUM

DATE:

November 21, 2019

TO:

The Civil Service Commission

FROM:

Kimberly W. Ackerman

Director of Human Resources and

SUBJECT:

Future Employment Restrictions - Alejandro F. Alvarez (ALVAREZ) Former

7458 Switch Repairer - San Francisco Municipal Transportation Agency

(SFMTA)

Overview:

Alejandro F. Alvarez submitted a letter to Civil Service Commission (CSC) regarding his future employability with the City and County of San Francisco, SFMTA. In accordance with the Civil Service Rules, the SFMTA has submitted this staff report for the Commission's review and consideration on this matter. For the reasons cited herein, SFMTA recommends CSC to approve the future employability restrictions.

Standards/Authority:

In accordance with the official San Francisco Municipal Railway Rail Rule Book (Exhibit 1):

Section 1. Definitions - Absent Without Leave

Section 2.8.14 - Falsification of Reports

Section 2.8.6, Paragraph G - Dishonesty

Section 2.8.6, Paragraph B and C - Workplace Safety Issues

SFMTA Roadway Worker Protection (RWP) Plan (Exhibit 2)

<u>Track Switch Inspection and Maintenance SOP</u> (Exhibit 3) Section 6.0 Records

R.TR.PR.002 R1

City and County of San Francisco Employee Handbook (Exhibit 4)
Use of City and County Property for Business Purposes Only
City Vehicles

Background:

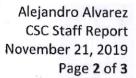
Alejandro F. Alvarez was appointed as a Switch Repairer effective December 4, 1996, accumulating more than twenty (20) years of service with the SFMTA, he was dismissed effective June 17, 2017. During his tenure with the SFMTA, ALVAREZ on numerous occasions violated the San Francisco Municipal Railway Rail Rule Book and City and County of San Francisco policies.

San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7th Floor

San Francisco, CA 94103

SFMTA.com





In 2006 ALVAREZ received a twenty-day (20) suspension for being away from his assigned work area during working hours, and failure to follow department safety procedures resulting in a collision. At the request of the union and with the agreement of SFMTA only a five-day suspension was imposed, and fifteen-days (15) were held in abeyance for a period of two-years of the date of the skelly for insubordination and inattention to duty. (Exhibit 5)

In 2007 ALVAREZ received a five-day suspension for insubordination and inattention to duties for being away from his assigned work area during working hours. At the request of the union and with the agreement of SFMTA only a one-day suspension was imposed, and four-days were held in abeyance for a period of one year from the date of the skelly for false statement of incident, insubordination and inattention to duty. (Exhibit 6)

In 2007 ALVAREZ received an eight-day suspension when he stopped at Cala Foods to pick up an item, and when he returned to his vehicle, the passenger window was smashed, and the Muni two-way radio had been stolen. Four-days suspension was for the current incident of false statement of incident, insubordination and inattention to duty, and four-days, were held in abeyance from a previous similar incident in March 2007. (Exhibit 7)

In 2016 ALVAREZ received a written warning for violation of General Notice 2016-35 when he was observed using his cell phone on the trackway at Metro Green Yard. (Exhibit 8)

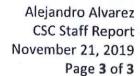
In 2016 ALVAREZ received a written warning for driving his vehicle onto the trackway on Metro Green yard while a test car was in operation and without notifying Meet and Greet before doing so. (Exhibit 9)

The incident that led to the dismissal of Alvarez occurred on February 23, 2017, the Maintenance of Way division received notice of a complaint from the Department of Human Resources regarding "potential misuse of SFMTA and City and County of San Francisco (City) resources and workplace safety." An investigatory interview was held with employees who had been assigned to partner with ALVAREZ, a supervisor and ALVAREZ. The investigation was able to substantiate the complaint. ALVREZ, also admitted to the misuse of SFMTA and City property, falsification of reports and dishonesty. ALVAREZ was dismissed from his position effective close of business June 16, 2017, after a Skelly decision was rendered. (Exhibit 10)

Analysis and Recommendation:

ALVAREZ violated the SFMTA's San Francisco Municipal Railway Rules and Instructions Handbook from as early as 2006 and continued to do so until his dismissal in 2017. ALVAREZ over the years had not changed his behavior, although SFMTA had made every attempt to bring that change in him but was unsuccessful.

Based on the foregoing, the SFMTA recommends that the Civil Service Commission approve ALVAREZ's future employability restrictions. These restrictions are standard and applied consistently in similar situations.





No future employment with the City and County of San Francisco

Attachments:

- CSC letters dated June 23, 2017 Register No: 0194-17-7
- Memorandum from SFMTA to CSC, Pages 1 3
- Exhibit 1: Excerpt from the <u>San Francisco Municipal Railway Rail Rule Book</u>, Pages 1 - 5
- Exhibit 2: Excerpt from the <u>SFMTA Roadway Worker Protection</u> (RWP) <u>Plan</u>, Pages 6 13
- Exhibit 3: Except from the <u>Track Switch Inspection and Maintenance SOP</u>, Pages 14 16
- Exhibit 4: Excerpt from the <u>City and County of San Francisco Employee Handbook</u>, Page 17 - 19
- Exhibit 5: 20-Day Suspension 2006 Insubordination and Inattention to duty, Pages 20 69
- Exhibit 6: Five-Day Suspension 2007 Inattention to Duty, Pages 70 76
- Exhibit 7: Four-Day Suspension 2007 Insubordination and Inattention to Duty, Pages 77 - 90
- Exhibit 8: Written Warning 2016 Cell Phone Violation, Pages 91 96
- Exhibit 9: Written Warning 2016 Safety Violation, Pages 97 101
- Exhibit 10: Dismissal 2017 Misuse of City Property Pages 102 214
- Exhibit 11: Dismissal effective cob June 17, 2017, Pages 215 226

EXHIBIT 1

1. DEFINITIONS

Absence Without Leave (AWOL) - Failure to report for duty or noti-V Division Dispatcher at time indicated on schedules or detail list.

Accident - An unforeseen event or occurrence which results in njury or property damage. Active Cab - Operating compartment of a rail vehicle from which control of the vehicle is achieved.

Aspect - The appearance or sound of a signal that conveys an ndication. Aspect, Clear – The aspect of a signal that conveys an indication that the train is cleared to proceed. Automatic Speed Control (ASC) - A train control system that prevents trains from exceeding permissible speeds.

Automatic Train Control System (ATCS) - A moving block signal safely by controlling train separation, speed regulation and prosystem that allows the maximum number of trains to operate grammed stopping. ATCS Territory - Area of mainline track controlled by ATCS, inclusive from West Portal or Duboce Portal to Ferry Portal in the subway.

tem which maintains safe train operation through a combination of Automatic Train Protection (ATP) - A train control system sub-sysrain detection, separation, speed regulation and signals.

nstruction or authorization is given for appropriate rail operations. Authorization Time - Time issued by proper authority whenever

Ballast - Selected material placed on railway track for the purpose of holding the track in line and used to facilitate drainage of water to distribute the load from the railroad ties and also keep down regetation that might interfere with the track structure. Backing Up - Reverse movement of a train from the operating cab.

when it is stopped at a station platform, in a terminal or at some Berth - Space designated for a train of given length to occupy other designated location.

which is controlled by fixed signals, ATCS or OCC Authorization. Block - A length of mainline track of defined limits, the use of

Block, Disturbed - A status of block that prevents automatic train operation in the area of the disturbed block.

Blue Flag – Blue Flag/Blue Light displayed on both ends of a rail dication that employees are on or about the vehicle engaged in vehicle, vehicle master controller or on a track, which is an inmaintenance activities.

cated in tunnels or subways and designated by a blue light, which Blue Light Phone - An emergency communication telephone loprovides direct communication to Operations Control Center (OCC) or any local emergency number. Boundary Block - A block specifically included to establish the end of a train entering/exiting ATCS territory. Brake - Electric or pneumatic device which slows or stops a train.

current, produced by motors, acts as a generator, providing con-Brake, Dynamic - Primary braking system where the electric trolled braking.

ment specified by the uniform policy shall be worn while on Only those articles of clothing, headgear and issued equipduty. No substitutions allowed. 2.6.4

SFMTA Property 2.7

- Employees are responsible for SFMTA property issued and personal use and shall immediately report lost or defective shall return such property when scheduled or requested. Employees shall not take or convert SFMTA property for equipment to the proper authority. 2.7.1
- Unauthorized material shall not be posted or allowed to be posted on SFMTA property or vehicles. 2.7.2
- Employees shall not duplicate or give away SFMTA keys to anyone. 2.73
- All keys will be signed for and remain property of the SFMTA and must be surrendered upon request. Items not returned will be charged to the employee. 2.74

Conduct 2.8

- Employees shall not commit any act which will bring discredit upon the SFMTA. 2.8.1
- anguage are prohibited while on SFMTA property or while Employees shall conduct themselves in a respectful, courteous and civil manner. Boisterous actions and profane wearing the SFMTA uniform. 2.8.2
- Employees shall avoid disputes with any person, no matter what the provocation. 2.8.3
- transfer rule, employees are to courteously request the pas-When a passenger presents an invalid transfer or abuses a 2.8.4

senger to retain the invalid transfer and pay the fare, issue them a valid transfer and then refer the passenger to the Customer Service Department.

- Requests for confidential information, interviews, records or required by the riding public or as part of normal operations. requests of similar nature shall be referred to management. SFMTA operations or personnel, except what is normally Employees shall not provide any information regarding 2.8.5
- Employees who are: 2.8.6
- Careless regarding the safety of themselves;
- Careless regarding the safety of others;
- C. Indifferent in the performance of their duties

Or commit acts of:

- Inattention to duties;
- Discourtesy to the public or other employees of the SFMTA
- Incompetence;
- Dishonesty;
- Intemperance;
- Insubordination;
- Vandalism to SFMTA property;
- Fighting;
- Misconduct;
- Conduct unbecoming of an SFMTA employee;

Rule violations;

- Excessive absenteeism;
- Negligence;
- Interfering with revenue service operations;
- Profanity and vulgarity;
- Substance abuse;
- I. Mishandling fares;
- . Theft.
- Abandonment of vehicles;
- W. Willful abuse of SFMTA Property

Or Who:

- Commit acts of unsafe operation;
- Do not properly account for passengers;
- Knowingly make false reports or statements
- AA. Knowingly conceal facts concerning matters under investigation;
- BB. Fail to report an accident, incident or injury;
- CC. Fail to make proper efforts to procure witnesses

Are subject to disciplinary action up to, and including, termination

- 2.8.7 Employees, on or off-duty, are not to engage in unnecessary conversation with the Operator in charge of the rail vehicle.
- 2.8.8 Rail Operators, upon request, are to give their identification number and vehicle number.

- 2.8.9 Employees, other than Operators, are required to give their name and division upon request.
- 2.8.10 Employees are prohibited from fighting, horseplay or any form of practical joking on or about SFMTA property.
- 2.8.11 Employees while on SFMTA property or in vehicles, on or off-duty, shall not use, carry or have in their possession, any device or classified object under the laws of this state as a deadly weapon or any self-defense device capable of inflicting bodily harm.
- 2.8.12 Employees shall not gamble while on duty, in uniform or on SFMTA property.
- 2.8.13 Employees, without authorization from OCC, shall not stop trains, in or out of service, enroute between yards, terminals and any other unauthorized location to enter an establishment except to report an emergency.
- 2.8.14 Employees shall not falsify or knowingly omit information from any official report or intentionally cause inaccurate, false or improper information to be entered onto any document.
- 2.8.15 Employees shall not wear sunglasses, prescription sunglasses or colored glasses during hours of darkness, while in underground sections or in other circumstances where visibility is reduced.
- 2.8.16 Employees are not authorized to eat, drink, smoke or read non-agency materials in any cab of a train or other SFMTA vehicle while the vehicle is in service. Food and beverages carried by the employee shall be kept packaged and out of sight at all times.

- Rule violations;
- Excessive absenteeism;
- Negligence;

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- O. Interfering with revenue service operations;
- R. Profanity and vulgarity;
- Substance abuse;
- . Mishandling fares;
- J. Theft;
- V. Abandonment of vehicles;
- W. Willful abuse of SFMTA Property

OrWho:

- X. Commit acts of unsafe operation;
- Do not properly account for passengers;
- Knowingly make false reports or statements
- AA. Knowingly conceal facts concerning matters under investigation;
- BB. Fail to report an accident, incident or injury;
- CC. Fail to make proper efforts to procure witnesses
- Are subject to disciplinary action up to, and including, termination 2.8.7 Employees, on or off-duty, are not to engage in unnecessary conversation with the Operator in charge of the rail vehicle.
- 2.8.8 Rail Operators, upon request, are to give their identification number and vehicle number.

- 2.8.9 Employees, other than Operators, are required to give their name and division upon request.
- 2.8.10 Employees are prohibited from fighting, horseplay or any form of practical joking on or about SFMTA property.
- 2.8.11 Employees while on SFMTA property or in vehicles, on or off-duty, shall not use, carry or have in their possession, any device or classified object under the laws of this state as a deadly weapon or any self-defense device capable of inflicting bodily harm.
- 2.8.12 Employees shall not gamble while on duty, in uniform or on SFMTA property.
- 2.8.13 Employees, without authorization from OCC, shall not stop trains, in or out of service, enroute between yards, terminals and any other unauthorized location to enter an establishment except to report an emergency.
- 2.8.14 Employees shall not falsify or knowingly omit information from any official report or intentionally cause inaccurate, false or improper information to be entered onto any document.
- 2.8.15 Employees shall not wear sunglasses, prescription sunglasses or colored glasses during hours of darkness, while in underground sections or in other circumstances where visibility is reduced.
- 2.8.16 Employees are not authorized to eat, drink, smoke or read non-agency materials in any cab of a train or other SFMTA vehicle while the vehicle is in service. Food and beverages carried by the employee shall be kept packaged and out of sight at all times.

EXHIBIT 2

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

ROADWAY WORKER PROTECTION PLAN



APPROVED BY: DATE: 20714 Edward D. Reiskin, Director of Transportation ORIGINATED BY: DATE: 2-7-14 Melvyn Henry, Chief Safety Officer					
ORIGINATED BY: May DATE: 2-7-14	APPROVED			Carried	
		Edward D. Reiskin, I	Director of Trans	portation	
Melvyn Henry, Chief Safety Officer	ORIGINATED	BY: Mef.	1	DATE: 2-7-14	
		Melvyn Henry, Chief	Safety Officer		

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

ROADWAY WORKER PROTECTION PLAN



- 4.4 All Roadway Workers have the right and responsibility to report unsafe acts or conditions. SFMTA shall provide opportunities for Roadway Workers to report any unsafe acts or conditions that could result in an accident or incident, and shall not discourage such reporting.
- 4.5 SFMTA shall ensure that every Roadway Worker knows they have a responsibility to ascertain that Track Zone safety is established and understood prior to entering the Track Zone.
- **4.6** SFMTA shall ensure that every Roadway Worker knows they have a duty to warn other Roadway Workers and Employees in an unprotected Track Zone to move to a predetermined place of safety.
- 4.7 Each Roadway Worker shall have the understanding that safety is their responsibility. Employees will be held accountable for his or her actions at a work site. Compliance with roadway worker protection rules are designed to keep Employees safe and must be followed consistent with this plan.

5. JOB SAFETY BRIEFING

- 5.1 Prior to the commencement of any work within the SFMTA right-of-way a Job Safety Briefing for each Roadway Worker must be completed by the WIC. The job briefing must include a discussion and explanation of the job function, rules, and procedures for carrying out job duties. The job safety briefing shall include the following aspects as applicable:
- a. The general work plan.
- b. The hazards involved and the means by which safety is to be provided to the Roadway Workers through compliance with these roadway worker safety rules and procedures. Special attention shall be given to the presence of roadway maintenance machines, to the presence of any adjacent tracks, and to any need to widen the Track Zone according to the provisions of the Track Zone definition in section 2.18.b.
- c. "Personal protective equipment"
- d. Identification and location of key personnel such as a Watchperson and a Worker in Charge.
- e. Appropriate flags and proper flag placement.
- f. A "Place of Safety" shall be predetermined that will allow Roadway Workers to move to the safe area at least 15 seconds before any approaching Rail Transit Vehicle moving at the maximum speed authorized on that track can pass the location of the Roadway Worker.
- g. Train Approach Warning to be used.

The following chart identifies the travel distance of a train at the maximum permitted speed as designated in the current speed bulletin to provide roadway workers adequate time to occupy a previously arranged place of safety fifteen (15) seconds in advance of the arrival of a train.

Maximum Speed in MPH	Distance in Feet	Maximum Speed in MPH	Distance in Feet
5	110	35	770
10	220	40	. 880
15	330	45	990
20	440	50	1,100
25	550	55	1,210
30	660	60	1,320

- h. The means for determining if and how the 15-second rule will be met, including:
 - 1) Determination of sight distance.
 - 2) Visibility conditions.
 - 3) Ambient noise interference.
 - 4) Maximum rail transit vehicle speeds.
 - 5) Time needed to disengage from the work.
 - 6) Location of places of safety.
 - 7) Time to get to the place of safety.
 - 8) Adjacent tracks, the hazards associated, and provisions to address those hazards.
- The means of communication among the Roadway Workers to be used in the job performance, including communication with any roadway maintenance machine operators.
- j. Acknowledgement by each employee that they understand the rules to be used and sign a Job Briefing.
- k. If a Watchperson is being used, each Employee, including the Watchperson, must receive a review of the Watchperson's duties, a minimum to include the information in the definition herein of a watchperson, as follows: The watchperson's sole duty is to provide effective warning in compliance with the 15-second rule to roadway workers of approaching rail transit vehicles, including trains or any on-track equipment, does not perform or assist in any other work aside from the watchperson duty, and remains clear of the track zone.
- **5.2** If there are any changes in the scope of work or crew after the initial Job Safety Briefing, a follow-up Job Safety Briefing shall be conducted.
- **5.3** In the case of an individual Roadway Worker moving from one location to another (Section 6.1) or performing a minor task (Section 6.2), the Job Safety Briefing will be a discussion, between the Roadway Worker and the Employee providing the authorization to enter the roadway, of the protection to be used.

Job Briefing Card

Keep in pocket and reference at job site as needed.

SFMTA EMPLOYEE/CONTRACTOR JOB BRIEFING CARD - SIDE 1

The Worker in Charge must provide a Job Briefing prior to the commence work begins in the hazard envelope of the track. The job briefing is complete when each employee acknowledges understanding of the On-Track Safety Protection procedures and instructions. Employees have the right to refuse work for which they have not been briefed.

The job briefing must include the following:

- Designated Worker-in-Charge (WIC).
- Type of On-Track Safety Protection provided.
- Track limits and time limits of approved access.
- Track(s) that may be fouled.
- On-Track Safety Protection provided in adjacent tracks, if any.
- Procedure to arrange for On-Track Safety Protection on other tracks, if necessary.
- Method of warning when On-Track Safety Protection is provided by a lookout.
- Designated place of safety where workers clear for trains.
- Designated work zones around machines.
- Safe working / traveling distances between machines.

WIC must give a Follow-up Job Briefing whenever:

- Working conditions or procedures change.
- Other workers enter the working limits.
- On-Track Safety Protection is changed, extended or about to be released.

JOB BRIEFING CARD - SIDE 2 SAN FRANCISCO MUNICIPAL RAILWAY QUALIFICATIONS FOR ON-TRACK WORKERS

	Equalification's	
Operating Rules	Confirmed by	DATE
On-Track Safety		
Oll-Hack Safety	30 V	
Worker-in-Charge	******	
		6
Flagperson	4 21	
8 ±		
Traffic flagger	-	

ON-TRACK READINESS CHECKLIST

TYPE OF WORK	TASKS TO PERFORM PRIOR TO ENTERING THE HAZARD ENVELOPE
Before Planned Work	 □ Verify RWP Safety Training □ Define Work Limits □ Confirm Correct Hazard Envelope ✓ Freight Track: 25 feet of the field side of rail. ✓ Exclusive and Semi Exclusive ROW: 10 feet from rail. ✓ Shared ROW or In Street 48 inches of the rail. ✓ On Street Low or High Platforms. With equipment - 48 inches from platform edge. ✓ On Street Low or High Platforms. Without equipment - 30 inches from platform edge. □ Select Level of Track Protection: Train Approach or Track Out of Service. □ Determine if Traffic Control SOP OS.PR.014 is required. □ OCC Permit Approval is completed/approved and in your possession.
Start of Planned Work	□ Assign Worker-In-Charge □ Conduct Job Briefing □ Inform Crew of Work Limits □ Note OCC Permit Approval – any other permits □ Don High Visibility Work Clothing or vest with Reflectorized Striping □ Test Horn or Whistle to be used for TAW □ Set Up Track Protection
During Planned Work	☐ Implement steps above for Planned Work as conditions change, ensure Job Briefings are held in conjunction with condition changes ☐ Contact OCC if conditions change from Permit Approval ☐ Watch out that work site boundaries are clear and maintained ☐ Inform OCC when work is concluded.
Unplanned Work And Incidents	 □ Contact OCC about Incident and follow OCC's instructions. Repeat the instruction. State that you are canceling your work plan. Set agreement on next step. Example: You will call OCC in 5 minutes. □ Designate/confirm Worker-In-Charge. Prepare to meet incident commander. □ Confirm Track Protection – Train Approach Warning or Track Out of Service □ Define Working Limits □ Contact OCC with status report; new personnel on scene or other changes □ Secure a plan with OCC of next step. Conduct Job Briefing and subsequent briefings as necessary.

EXHIBIT 3

Title:	as a second for the second second second	Document Type:
	Track Switch Inspection and Maintenance	Procedure
Unit/Function:	Track Maintenance	Document Number: R.TR.PR.002
Effective Date:	1/15/15	Revision Number:

Track Switch Inspection & Maintenance

APPROVED BY

. Halley, Transit Ujirector

DATE:

1/15/15

APPROVED BY:

T. Fahey, Dep. Dir., Maintenance of Way

DATE:

1/15/15

APPROVED BY:

M. Carrasco Supervisor, Track Maintenance

DATE:

1/15/15



Original Date/Prior Revision Date: Next Review Date: Page 1 of 24

Title:	0	Document Type:
	Track Switch Inspection and Maintenance	Procedure
Unit/Function:		Document Number:
	Track Maintenance	R.TR.PR.002
Effective Date:		Revision Number:
	1/15/15	1

Tighten back Heel Block Bolts and loosely to allow switch to throw without binding. Oil slides and plates and lube fittings.

5.0 DEFINITIONS

5.1 Cotter Pin

A short strip of soft, folded metal that is inserted through a bolt head or nut to Prevent bolt rotation and/or disengagement from its connection.

5.2 Connecting Rod

A rod that transmits linear mechanical motion either within the switch, or, to some part of the track switch assembly.

5.3 Special Trackwork

All rails, track structures and fittings that are curved or fabricated before laying or is otherwise modified and different from plain, tangent track.

5.4 Switch

A pair of switch points with their fastenings and operating rods providing the means for establishing a route from one track to another.

5.5 Turnout

A piece of special trackwork containing a switch and frog, often with guard rails, that is used to divert trains from one track to the other.

6.0 RECORDS

Deficiencies identified during inspection and maintenance shall be corrected and documented by Track Maintenance Workers, on the appropriate Maintenance & Inspection Checklists (see Appendix A or D). The Track Department shall keep detailed records utilizing the most current approved forms for all periodic and special track inspections. Each inspection/maintenance record shall be prepared and signed, on the day the inspection, by the person making the inspection. Such Checklist records shall be turned in by the recording track maintenance workers, to their supervisor, at the end of their daily shift. Records are maintained at 700 Pennsylvania, by the Track/Signal Maintenance Planner, and shall be kept on file for seven years.

7.0 LIST OF APPENDICES & REFERENCES

7.1 Appendices

- 7.1.1 Appendix A System-wide Track Switch Types and Locations
- 7.1.2 Appendix B Track Switch Inspection General Check List Guidance

The list provides a guide for each inspection item. Track Department forms and maintenance logs are used during the inspection (See SOP R.TR.PR.001 Track Inspection & Maintenance)



Original Date/Prior Revision Date:	Next Review Date:		Page 13 of 24
7/26/02	6	1/15/18	

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EXHIBIT 4

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, email, 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.

Catastrophic Event While on Duty: Should a catastrophic event occur while you are on duty, report immediately to your supervisor or designated areas for assignment.

Catastrophic Event While off Duty: Should a catastrophic event occur while you are off duty, you should ensure the safety of your family and follow your department's instructions. In the event that phone lines are down, you are required to listen to the radio for any reporting instructions.

In the event of an emergency, the City may contact you via its two-way emergency communication system on your home phone, cell phone, work phone, and/or work email. Please be aware that the system uses an electronic communication, so you may think it is an unsolicited "robo-call." Do NOT hang up; you are required to listen to the entire message, follow the instructions and report for your emergency assignment if so directed.

Use of Public Transportation

City employees are encouraged to use public transit—not only for the journey between home and work, but also during the course of the business day. San Francisco Municipal Transportation Agency offers frequent service in the City on its buses, streetcars and cable cars. Although a City automobile may be available for your use for work-related travel, congestion and parking usually make public transportation a more convenient way to travel.

Call the San Francisco Municipal Transportation Agency Telephone Information Center at (415) 673-MUNI for the latest information on fares and schedules, or call (415) 923-6336 for computerized schedule information.

City Vehicles

City vehicles are a resource whose use is limited by law. Like all City resources, City vehicles are to be used for City business only. Except where explicitly authorized to do so, employees may not take City vehicles home. City vehicles may not be used for personal business. Any citations you receive while using a City vehicle are your responsibility. Employees who violate the Vehicle Code or any other applicable laws and City policies in City vehicles may be subject to disciplinary action, up to and including termination.

Improving the Quality of Your Workplace

Be conscientious about the public's and clients' perceptions of your activities and your work environment. Do your part in maintaining a clean and orderly workspace, particularly if you have interaction with the public.

Keep in mind how your actions may be interpreted by the public. For example, if you are on break, a member of the public may not know this. Therefore, you should avoid reading newspapers or magazines at your desk or eating your lunch in a high visibility area. Keep non-business visitors and personal visiting to an absolute minimum. Improve the quality of your workplace by striving to maintain high standards and providing the best service possible.

EXHIBIT 5

EMPLOYEE CONFERENCE NOTIFICATION

Date: January 31, 2006	
TO : ALEJANDRO ALVAREZ SHIFT/WORK HOURS: 1/7:30am to 4:00pm	•
FROM: KEN BUTORI DIVISON/TEL. NO. TRACK MAINTENANCE/(415)401-31	85
SUBJECT: Employee Conference Notification	
You are hereby notified that an employee conference has been scheduled on (date)02-15-2006 , (time) 10:00am , at (place) 700 Pennsylvania . The subject of this conference will be 25-day suspension regarding your inattention to duties, failure to follow safety policy.	5
You have the right to have representation at this conference. Please advise me at(415)401-3185by02-08-2006, of your choice of representative. If you fail to do so, you will be considered to have waived your right to representation.	
You must give the department 24 hours notice, if you wish to reschedule this conference. If you fail to doso, the conference will be held as scheduled.	
Places call we do you have any seastless	51
Please call me if you have any questions.	
Employee's Acknowledgement:	
The propertions of plans makes as the latter or representations and the contractions of	
Refused to Juga 1.31.04	3
(Signature of Employee	
a. F. alvarey Stiloto WITNESSED BY: Zower 2	

How to complete EMPLOYEE CONFERENCE NOTIFICATION

DATE: February 7,2006

TO: Alejandro Alyarez

SHIFT & WORK HOURS: 7:30 - 4:00

FROM: Ken Butori

DIVISION & TEL. NO. Track Department 401-3185

DAYS OFF: Sat. & Sun

SUBJECT: EMPLOYEE CONFERENCE NOTIFICATION

You are hereby notified that an employee conference has been scheduled on: February 22, 2006, at 9:00 AM at D210 Conference Room. The Subject of this conference will a 25-DAY SUSPENSION regarding your: INATTENTION TO DUTIES & FAILURE TO FOLLOW SAFETY PROCEDURES, WHICH CONTRIBUTED TO A LRV & MUNI VEHICLE ACCIDENT

You have the right to have representation at this conference. Please advise me at 401-3185 WITHIN 5-DAYS AFTER RECEIVING THIS FORM, of your choice of representative.

You must give the department 48 hours notice, if you wish to reschedule this conference. If you fail to do so, the conference will be held as scheduled.

Please call me at 401-3185 between 7:30 AM_TO 4:00 PM if you have any questions.

Employee's acknowledgement:

(Signature of Employee)

WITNESSED BY



REVENUE VEHICLE ACCIDENT/INCIDENT REPORT

(CONFIDENTIAL TO THE	CITY ATTORNE	Y) INSPEC	CTOR NAME:	W. Wi	lians	
EVENT TYPE: COLLISI	ON (object, vehicle TY INCIDENT				FIRE DE	WIREMENT OTHER
OPERATOR NAME	Last	First	D NO.		CTUAL DAY W	
RUN 65 LINE	Last	VEHICLE NUI	1BERS 14	8/	CTUAL DATE Z	90.06
	TIME	XAM [PM		RADIO	Shop G
LOCATION REVENUE de	1 100			From	MEET	WD GRE
ROUTE DIRECTION: INBOL	IND OUTBOUND			From	At	Suga Jour
DID OPERATOR BEGIN WO	RK ON THE PREV	IOUS DAY? YE	S NO			
DELAY FROM 9.00 AM	то 9:40	LINE DEL	AY?	LINE DEL	AY ENDED AT_	
OTHER VEHICLES INVOLVE Driver's Name ALVAREZ		ANDRO	Owner's Nam			
Muni Employ		CONTRACTOR		ess TRI	ACK INSU	ection.
THE PARTY OF THE P	ASI BAT OILL HAS		Vehicle G	MC	# 735-07	3
Driver's Telephone # (M	lake	M oddi	Year
Driver's License#	State				218 5	
(List other involved vehicles in investi			Insurance Co		Policy #_	*
OTHER PERSONS INVOLVE Injured Party or Owner of Da Name			DOB		-	
Telephone # ()						-
Owner Contact Info_ (List other involved persons in the Involved POLICE INVESTIGATOR #_		STAR N	O(s)	P	DLICE CASE#_	
EMERGENCY RESPONSE U	NIT NUMBER	EMERG	ENCY HOSE	AL USED	Sed a Man	
CLAIMS INVESTIGATOR		E				
CONSEQUENCES OF INCIDE			ch category)			
	Patro Transit Passenger (On Vehicle/ Boarding/Alighting)		Transit Employee	Other Worker	Trespassers	Others
Refused Aid	^	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \				
atalities		1	7			
Injuries (Treated and Released)		101				
Injuries (Transported for medical treatment away from scene)		Page	23			

MOT	OR VEHICLE TOWED? YES NO VEHICLE REMOVED FROM SERVICE? YES NO	×
	TRIBUTORY FACTORS (check all that apply): Vehicle Double Parked	de
C	DID THIS ACCIDENT INVOLVE A FATALITY? (If "YES," drug and alcohol tests are required of driver and anyone else who could have contributed to the accident.)	YES NO
· 1	VAS THERE AN INJURY FOR WHICH THE INDIVIDUAL RECEIVED IMMEDIATE MEDICAL REATMENT AWAY FROM THE SCENE? (If "YES," drug and alcohol tests are required of driver* and anyone else who could have contributed to the accident.)	YES NO
(3)	F THE ACCIDENT INVOLVED A ROAD SERVICE VEHICLE (Diesel, Bus, Van, Automobile, etc.), WAS THERE DISABLING DAMAGE TO ANY VEHICLE (i.e., WAS ANY VEHICLE TOWED AWAY, NCLUDING NON-MUNI VEHICLE)? (If "YES," drug and alcohol tests are required of driver and anyone else who could have contributed to the accident.)	(YES NO
G G	 "Disabling Damage" means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated. "DISABLING DAMAGE" <u>DOES NOT INCLUDE</u>: Damage which can be remedied temporarily at the scene of the occurrence without special tools or parts; Tire disablement without other damage even if no spare tire is available; or Damage to headlights, tail-lights, turn signals, horn, or windshield wipers that makes them inoperative. 	
	F ACCIDENT INVOLVED A RAIL VEHICLE (LRV, Trolley Bus, Cable Car), DID THE RAIL VEHICLE HAVE TO BE REMOVED FROM SERVICE (EVEN IF IN THE YARD)? (If "YES," drug and alcohol tests are required of driver* and anyone else who could have contributed to the accident.)	(YES) NO
(5)	CAN THE DRIVER'S PERFORMANCE BE COMPLETELY DISCOUNTED AS A CONTRIBUTING FACTOR TO THE ACCIDENT? (If "YES," no testing is required unless the accident involves a fatality.) IF YOU ANSWER "YES," YOU MUST EXPLAIN WHY NO TEST IS REQUIRED.	YES NO
120 120	COULD ANY OTHER SAFETY-SENSITIVE EMPLOYEE HAVE CONTRIBUTED TO THE ACCIDENT (e.g., MECHANIC, INSPECTOR)?	VES NO
(7)	WAS TESTING PERFORMED WITHIN TWO (2) HOURS AFTER THE ACCIDENT? IF NO, EXPLANATION IS REQUIRED.	(YES)NO
	IF THE ANSWER TO #7 IS "NO," WERE TESTS PERFORMED WITHIN EIGHT (8) HOURS AFTER THE ACCIDENT? IF NO, EXPLANATION IS REQUIRED.	YES NO

^{*} The term driver includes an operator of a non-revenue vehicle if that operator is required to hold a commercial driver's license to operate the vehicle involved.

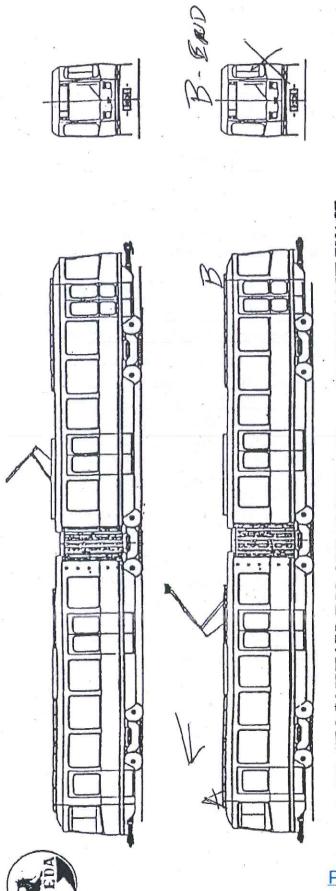
THER DETAILS If any of the following (Fire, Security Incrovide additional details. FIRE Was fire suppression used? YES NO Fire Type: Primary Event Secondary Event Fire Details: Smoking Materials (ie, cigate Smoking Materials (ie, cigate Security in Investigator's Remarks) Fuel Type (if Fuel is Involved): Biodiesel Compressed Natural Gas Propane Gasoline Other (specify in Investigator's Remarks) Fire Location: In-vehicle - Boarding and alighting vehicle In-vehicle - Other In revenue facility - Associated with elevators In revenue facility - Ramps In revenue facility - Ramps In revenue facility - Stairways In revenue facility - Other (specify in Investigator's Remarks) In revenue facility - Other (specify in Investigator's Remarks In revenue facility - Other (specify in Investigator's Remarks In revenue facility - Other (specify in Investigator's Remarks In non-revenue location Other location (specify in Investigator's Remarks)	SECURITY INCIDENT Security Incident Type: Homicide Aggravated Assault Assault on Operator Assault on Passenger Bombing Arson
Was fire suppression used? YES NO Fire Type:	Security Incident Type: Homicide Aggravated Assault Assault on Operator Assault on Passenger Bombing Arson Bomb Threat Chemical or Biological Release Hijacking Sabotage Other (specify in Investigator's Remarks) Security Incident Location In vehicle Revenue Facility - Transit Center Revenue Facility-Other (specify in Remarks) Revenue facility-Platform Right of Way/Roadway/Grade Crossing Non-revenue Facility Private Property- Shopping center Right of Way/Roadway/Intersection Private Property-Non-profit facility
Was fire suppression used?	Homicide Aggravated Assault Assault on Operator Assault on Passenger Bombing Arson Bomb Threat Chemical or Biological Release Hijacking Sabotage Other (specify in Investigator's Remarks) Security Incident Location In vehicle Revenue Facility – Transit Center Revenue Facility-Other (specify in Remarks) Revenue facility-Platform Right of Way/Roadway/Grade Crossing Non-revenue Facility Private Property- Shopping center Right of Way/Roadway/Intersection Private Property-Non-profit facility
Primary Event ☐ Secondary Event Fire Deteils: ☐ Fuel Fire ☐ Smoking Materials (ie, cigaterial Fire - Cable Fire ☐ Compressed Natural Gasterial Fire - Other ☐ Battery Fire (specify in Investigator's Remarks) Fuel Type (if Fuel is Involved): ☐ Biodlesel ☐ Compressed Natural Gasterial	Assault on Operator Assault on Passenger Bombing Arson Bomb Threat Chemical or Biological Release Hijacking Sabotage Other (specify in Investigator's Remarks) Security Incident Location In vehicle Revenue Facility – Transit Center Revenue Facility-Other (specify in Remarks) Revenue Facility-Platform Right of Way/Roadway/Grade Crossing Non-revenue Facility Private Property- Shopping center Right of Way/Roadway/Intersection Private Property-Non-profit facility
□ Fuel Fire □ Cable Fire □ Compressed Natural Gas □ Electrical Fire - Other □ Battery Fire (specify in Investigator's Remarks) Fuel Type (if Fuel is Involved): □ Biodlesel □ Compressed Natural Gas □ Propane □ Gasoline □ Other (specify in Investigator's Remarks) Fire Location: □ In-vehicle - Boarding and alighting vehicle □ in-vehicle - Other □ In revenue facility - Associated with elevators □ In revenue facility - Ramps □ In revenue facility - Ramps □ In revenue facility - Platforms/stops/waiting areas □ In revenue facility - Other (specify in Investigator's Remarks) □ In revenue facility - Other (specify in Investigator's Remarks) □ In non-revenue location □ Other location (specify in Investigator's Remarks)	Arson Bomb Threat Chemical or Biological Release Hijacking Sabotage Other (specify in Investigator's Remarks) Security Incident Location In vehicle Revenue Facility – Transit Center Revenue Facility-Other (specify in Remarks) Revenue facility-Platform Right of Way/Roadway/Grade Crossing Non-revenue Facility Private Property- Shopping center Right of Way/Roadway/Intersection Private Property-Non-profit facility
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☐ In revenue facility — Platforms/stops/waiting areas ☐ In revenue facility — Other (specify in Investigator's Remarks ☐ In non-revenue location ☐ Other location (specify in Investigator's Remarks)	
EVACUATION	
Evacuation Initiator: Control Center Initiated Passenger Initiated Evacuation Cause:	□ Operator Initiated □ Other
Fuel Type (if applicable):	☐ Hazardous Conditions ☐ Other (specify in Investigator's remarks ☐ Gasoline ☐ Other (specify in Investigator's Remarks)

Page 25

OPERATOR'S VERSION AS TAKEN BY INVESTIGATOR OPERATOR SIGNED Shall She Will She Shall She Will She		
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SAN FRANCISCO MUNICIPAL RAILWAY SUPERVISORS SUPPLEMENTAL FORM

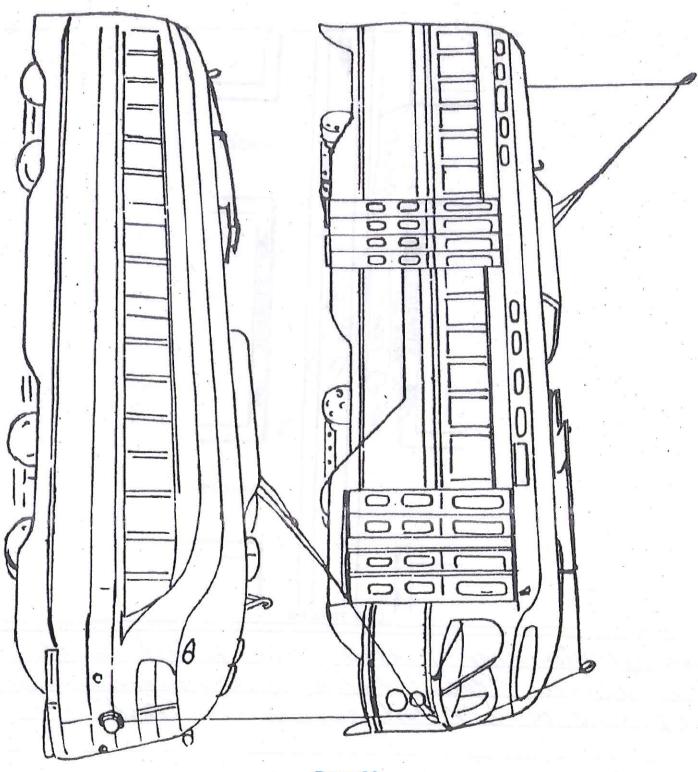
DATE OF INCIDENT: 1-25-66 LINE/RUN: 1/65	
LOCATION DIRECTION: MEKRO YMED / INBOLIND	
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LOCATION DIRECTION: MEKRO YMED / INBOUND	
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CYNANA DAL DACED ON THE DUVILLAL EVIDENCE AT THE SCENE THE	
SUMMARY: BASED ON THE PHYSICAL EVIDENCE AT THE SCENE, THE STATEMENTS MADE, AND MY TRAINING AND EXPERIENCE:	
STATEMENTS MADE, AND MIT TRAINING AND EXPERIENCE:	
The operator was fearing The YARD IN CAR 1481, There w.	100
11/1 - 11 - 11 - 11 - 11 - 11	1
Mointance TRUCK PARKED TO The Kight Next to the west	-
	(on)
END OF The LRV PASSED The TRUCK, The operation	
dooken in This REPARVIEW MIRROR AND SAW A	
TRACK WORKER HAND Motion, He Took This FOR A	0
CLERE AND MAVED FORWARD MAKING CONTRACTURITY	
the Toluck.	
The operator AND The TRACK Worker Both KNOW	-,
That A HAND SigNAL MOVING UP AND DOWN MEANS	
PROCKED, AND A NAND SIGNAL MENING FROM SIDE	
To Sive (Kight To Left) MERNIS 3, TOP	
Both Employees Ignored This Kule AND IF SIG	1/196
WAS NOT CHARE The LKY Shorts NOT MOVE.	7
THE TRUCK WAS PARKED IN The No YARKING ZONE B	y
ALEJANDER ALVAREZ, HE THEN WENTINTO THE YARD TO WORK	
FRANCISCO AGILAR (NON-DRIVER) GAVE THE MAND MOTIONS	
TRUCK WHE PARKED INSINE CLEARANCE HINES.	
TRYCK WAS FARKED INSINE CCEARANCE HINES.	
PREPARED BY Alians DATE: 1-25-06	



INPORTANT: FILL IN THE NUMBER OF EACH CAR AND MARK WITH (x) THE EXACT LOCATION OF ACCIDENT.

ON SEATING DIAGRAM INJURED PASSENGER SHOW OLD DAMAGE SHOW LOCATION OF MARKING VEHICLES BY MARKING WITH AN "O." OF CONTACT BY SHOW POINT(S) WITH AN "X." - IST CAR NO. - 2ND CAR NO. -- 3RD CAR NO. -

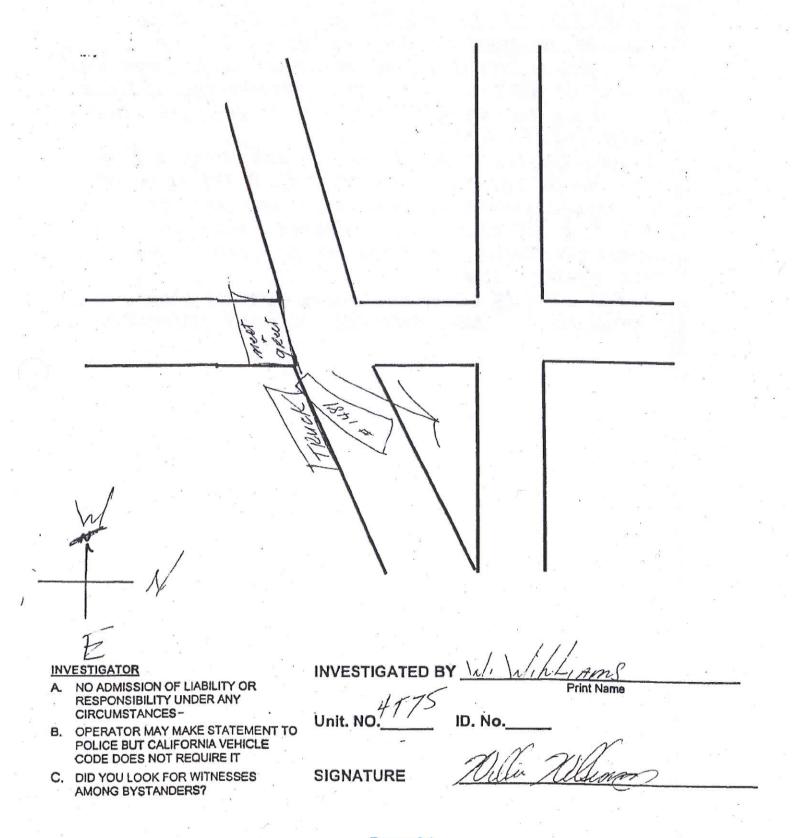
Page 28



Page 29

-m 6 165 (R20611)	SAN FRANCISCO MUNICIF RAILWAY
AGRAM OF ACCIDENT	Location RADIO Shop CARAGE DOOR AT Meet-G
ite	N
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ar- No	Division
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A MAINTANCE TRUC	K below in 12 Northing love
Kight KEAR OF LKV	AND MISHED INCL INO
Pole	
• /	Page 30

INCIDENT DIAGRAM INCLUDE VEHICLE POSITIONS, ESTIMATE OF DISTANCE FROM CURB OR CORNER, PERTINENT TRAFFIC CONTROL DEVICES, SKID MARKS, CAR TRACKS, ETC.



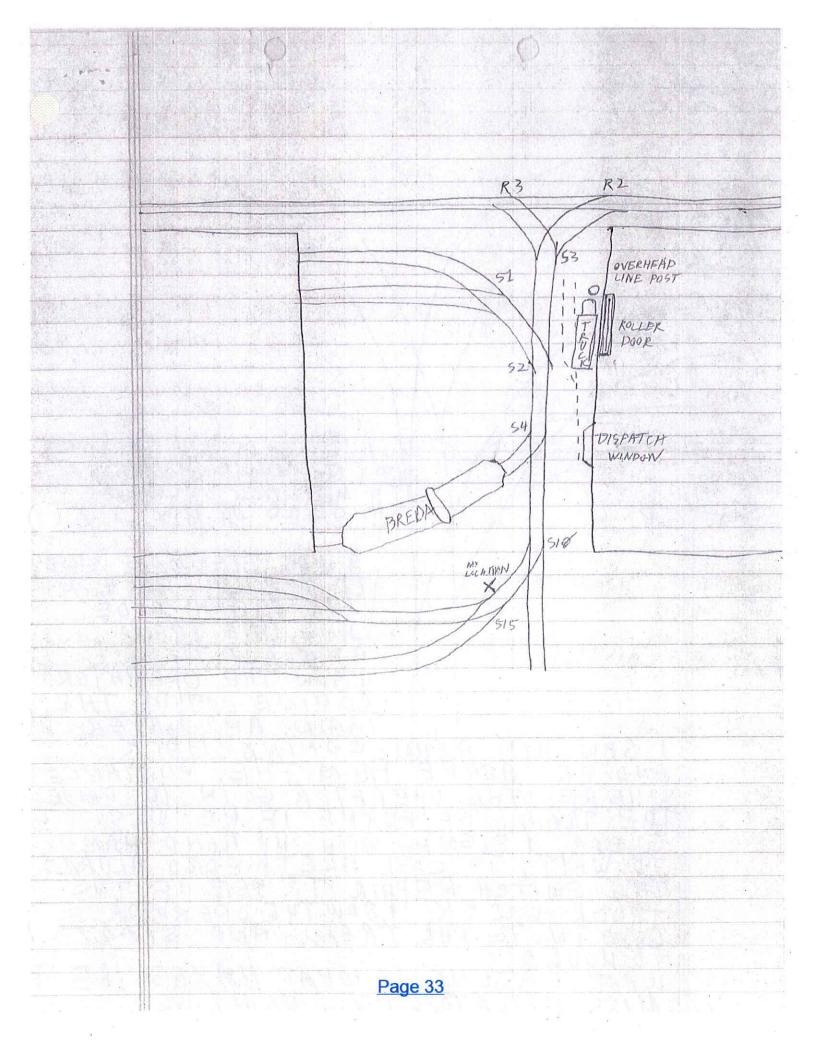
Page 31

I PARKED TRUCK #073 AS CLOSE TO ROLLER
DOORS AT MIGREEN BUILDING BY THE RADIO SHOP.
THERE WAS A OVERHEAD LINE, SUPPORT BOLE AMON 6-12"
IN FRONT OF THE TRUCK, UPON EXITING THE VEHICLE
I CHECKED TO ENSURE TRUCK WAS INSIDE. THE FIRST
YELLOW SAFFTY LINE.

Level Tractification in the

I GUEGGTINATED THAT I HAP AN ADDITIONAL 2-3" OF SPACE INGIDE THE FIRST YELLOW LINE AT THE REAR OF THE TRUCK, CONPIDENT THE TRUCK WAS PARKED GAPELY, I PROCEEDED TO COMMENCE WORK ON NEARBY SWITCHES, STARTING AT S-1, PROCEEDING BACK TOWARDS S-10.

I WAS AT S-15 CLEANING SNITCH, WITH MY BACK TURNED TO VEHICLE, WHEN THE ACCIDENT HAPPENED.



This is the Explanati of what Happely, yesterday around 9.20 A. H. & WAS STANDING CLOSE THE RIGTH GIDE AND ONE TRAIN APPROACH TO SO. -I SAW THE OPERATOR COMINIS DUT DE THE I SAW HIM AGAIN COMING BACK AND HE ASKME FROM THE DISTANCE WHERE THE OPERATOR SO IN TO DRIVE THE TRAIN, HE ASKME IF HE Was CLEAR I SIENAL WITH MY RAND HAND TO WAIT TO CALL ALETANDRO ALVARE THE SWITCH REPAIR TO SEE IF THE TRUCK Was OK I SAWTHE OPERATOR SOIN IN TO THE TRAIN, AND START WHAT I ASSUMFAGE 34 WHAT MAYBE HE MISSUNTERTOODS MY SIGNAL, OR

MAYBE,	PHE	DON'T	HEHRM	E.
			ALAT ST	

tension of transfer



SAN FRANCISCO MUNICIPAL RAILWAY METRO RAIL OPERATIONS

425 Geneva Avenue, San Francisco, CA 94112 e-mail Pasquale_Pirone@ci.sf.ca.us Office (415) 337-2269 Fax (415) 337-2262

TRANSIT MANAGER'S INCIDENT REPORT

NAME: Susan Labo

CLASS: 9140

RUN	LINE	VEHICL	DAY: Wednesday
65	J	1481	DATE: January 25, 2006
A CONTRACTOR OF THE PARTY OF TH	TANK THE COURT NO. TO SERVE THE COURT OF THE	1	

SUBJECT: LRV and Track Dept. Vehicle Collision

LOCATION: Metro Yard

DELAY FROM: 9:00am TO: 9:40am LINE DELAY: Y

LRV and Track Dept. Truck 073 were involved in a collision on track near Meet and Greet, adjacent to Radio Shop Garage Door. Truck 073 was parked in an area marked "NO PARKING", and driver's side tires were on clearance line closest to track, but over the clearance line closest to building.

Inspectors R. Parson and W. Williams responded and interviewed involved parties. Ken Butori arrived and his crew was sent for 799. Stated to me that as he was pulling out, he observed truck, and looked at Mr. Aguilar, the trackman who was standing at the rear of the truck. He reported that Mr. Aguilar made a hand signal that looked like "AOK" motioning him to move forward. Said he moved forward, loaded his passengers, then looked at Mr. Aguilar again, and again interpreted Mr. Aguilar's gestures as "move forward". Collision occurred with extensive damage to truck and LRV A end ADA door. Truck was reportedly initially parked in "NO PARKING" area by trackman A. Alvarez. MRU Foreman B. Topps responded and took photographs. LRV was taken out of service and Operator was taken for 799 by Inspector Parson. Inspector report completed by Student Inspector W. Williams.

Operator proceeded while not following proper hand signaling procedures and trackman did not provide proper hand signals. Truck was parked in area clearly marked "NO PARKING". Dual clearance line issue should be corrected to eliminate confusion.

NON-RE ENUE VEHICLE ACCIDENT REPORT (CONFIDENTIAL TO THE CITY ATTORN.

CITY VEHICLE CITY VEHICLE DRIVER'S NAME: ALVAREZ	ALEJAN DRO	F c.s. class # 7458
DIVISION / WORKSITE: TRACK DATE: \$\frac{1}{25} 25 \ 26 \ 26 \ 26 \ 26 \ 26 \ 26 \ 26 \	WORK PHONE (4/5 TIME OF OCCURREN UCK Year Lice Class A B C Veh	CE: 09/5 AM PM nse Plate = (E) 3797/6 lcle Number 073 FAR BY 84 SCING
Weather Conditions CLFAR Vehicle Lights = City Traffic Controls: Signals () Signs () Yield	Vehicle ON OFF () Other (Explain)	Other Vehicle ON OFF
DIRECTION OF TRAVEL: City Vehicle	d Speed 8 MPH	Did Police Respond? NO Any Citations Issued? NO To You? NO To Other Driver? NO
PERFORMING MAINTENANCE ON SWITC BACK WAS TO ACCIDENT, SO I DID	IT STO WHEN ACC NOT SEE ACTUAL	IDENT ITA PPENED.
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		- Ademospherica - Ademospheric
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CityStateZip	CityHome Phone () Business Address City	State ZIp
Business Phone ()	Business Phone ()

PASSENGERS IN CITY VEHICLE	Name
Home Address	
City State Zip	City
Home Phone ()	CityStateZip
is Passenger a City Employee? YES NO	Is Passenger a City Employee? YES NO
OTHER VEHICLE: Make BREDA Type SR LRV Year	
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City	Cloto
D03111033 MUU1833	
City	Chata
Civilal Civilal	Dhone /
Address	CIA
Insurance Company (If Known)	Policy Number State Zip
Number of people in other vehicle Describe of	damage from this accident AND any obvious OLD Damage:
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State 7in	nome Address
Home Phone ()	CityStateZip
NJURED PERSONS CITY VEHICLE	
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U.S. Department of Transportation (DOT)



San Francisco Municipal Railway · Geneva Carhouse 2301 San Jose Avenue, San Francisco, CA 94112

REPAIR ESTIMATE

2 8		Coach#	1481B-Lt.Ft.
Date:	1/26/2006	Accident Report	#
Claim No.		Date of Accident	1/25/2006
Ren Ren	Description of Damage	Darte Da	to Labor Daint

Rep	2	Description of Damage	Parts Number	Pai		Labor Hours	Paint Hours
	V	B2-Door Assy.	59346532-10	\$	6,444.00	29	white a first that the same is a second or same in the
	V	B2-Door Decal.	076-90-6040	\$	10.80		2
	V	Auxiliary Switch Assy.	STU12867	\$	176.18	2	
٧		B2-Door Eckart Mechanism. *	100000000000000000000000000000000000000		***		
V		B2-Door Post.				16	8
	V	B2-Door Post Decal.	076-90-6040	\$	8.00		2
	V	B2-Door Opening Seal.	59336912	\$	56.25	8	
	V	B2-Door Opening Channel.	R07354157	\$	139.05	Inc.	
	V	B2-Door Opening Stainless Step Cover.	Pre-Fab.	\$	342.00	8	
	V	"Push to Open" Sticker.	076-90-6051		1.03		
	V	"Push to Open when Lit" Sticker.	076-90-2537	\$	1.31		17
		*Some Patts and Labor pending upon open	ina				
		damaged area or mechanism.					
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	-		1	-			
			1				
		Totals		3	7,178.62	63	12

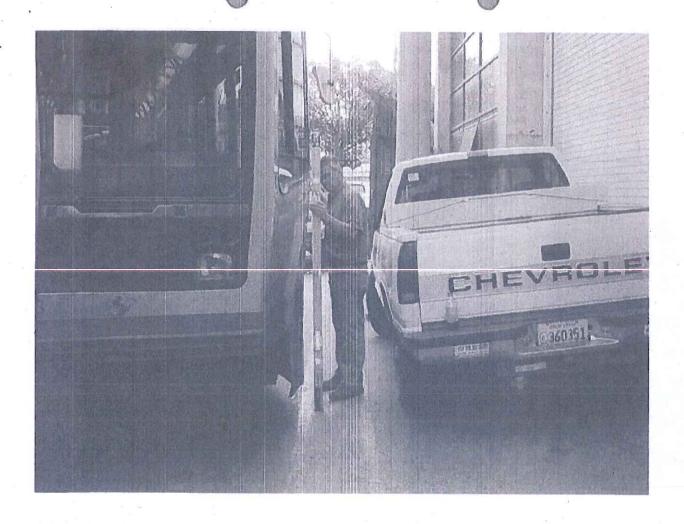
Parts:		Total: \$7,178.62
Paint Supplies/Materials:	Total: \$300.00	
Tax for Parts & Materials @ 8.50	%	Total: \$635.68
Body Shop/Mechanical Labor:	63 hours @ \$55.00	Total: \$3,465.00
Paint Shop Labor:	12 hours @ \$55.00	Total: \$660.00
Loss of Use & Revenue:	75 hours @ \$32.53	Total: \$2,439.75

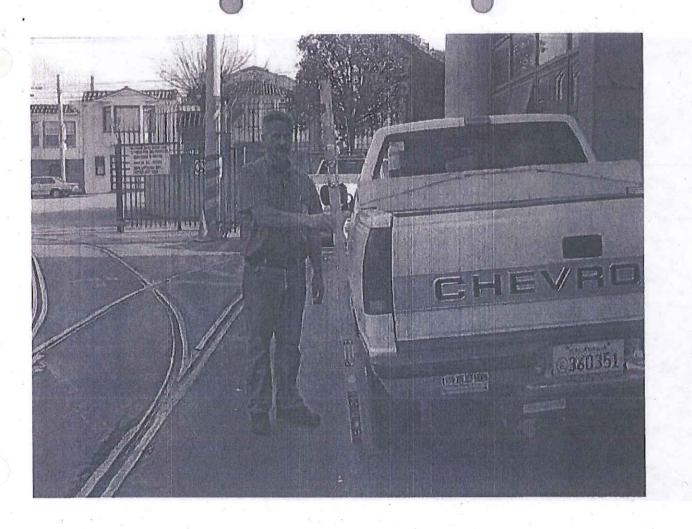
Total Estimate: \$14,679.05

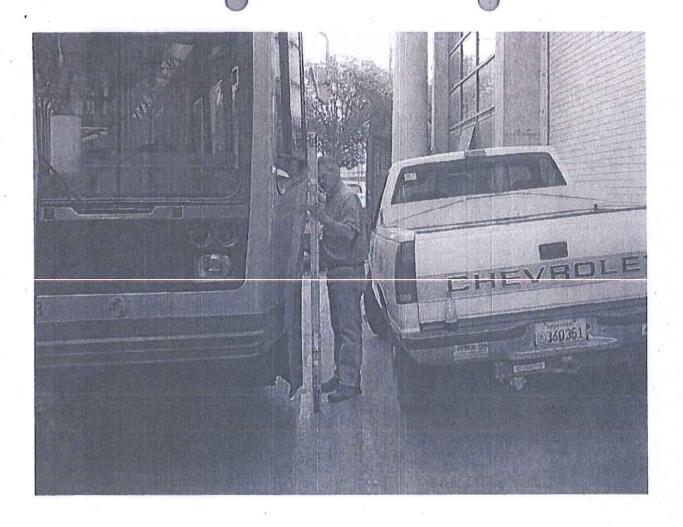
Prepared By: JOSE GRANADOS.-

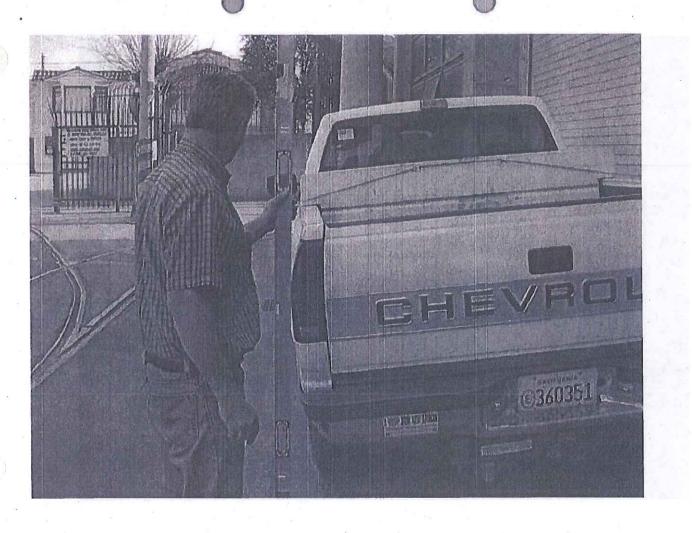


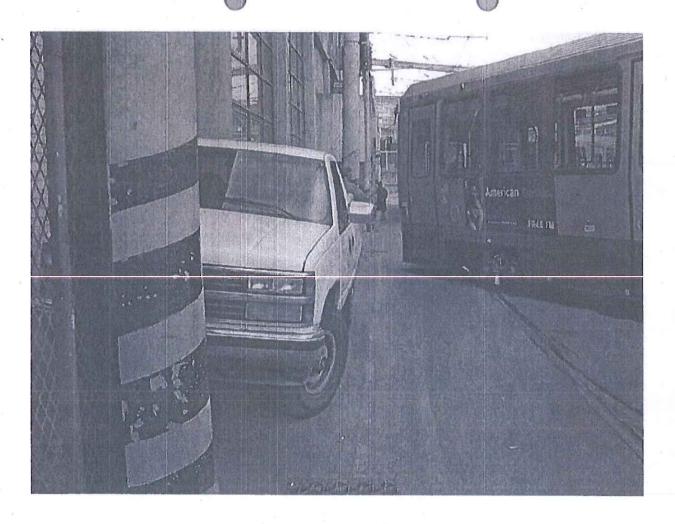


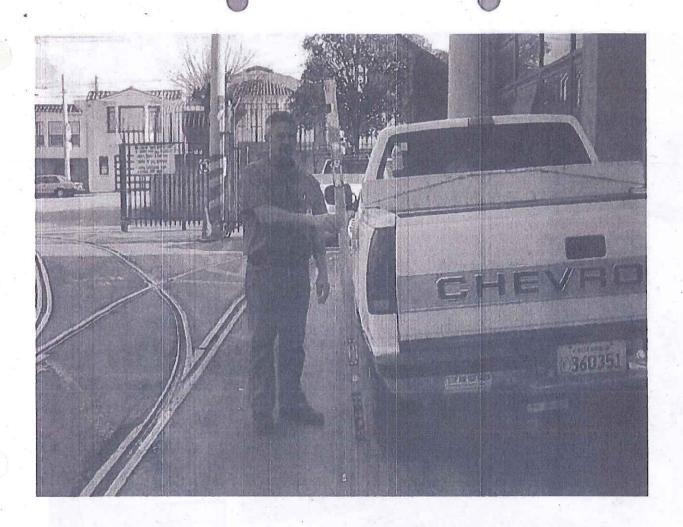


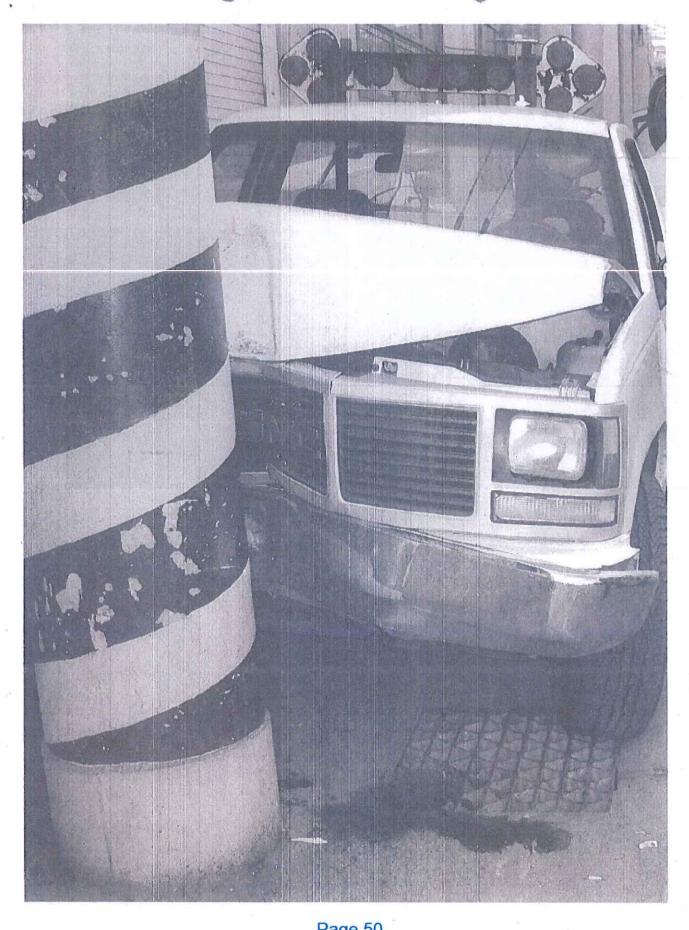




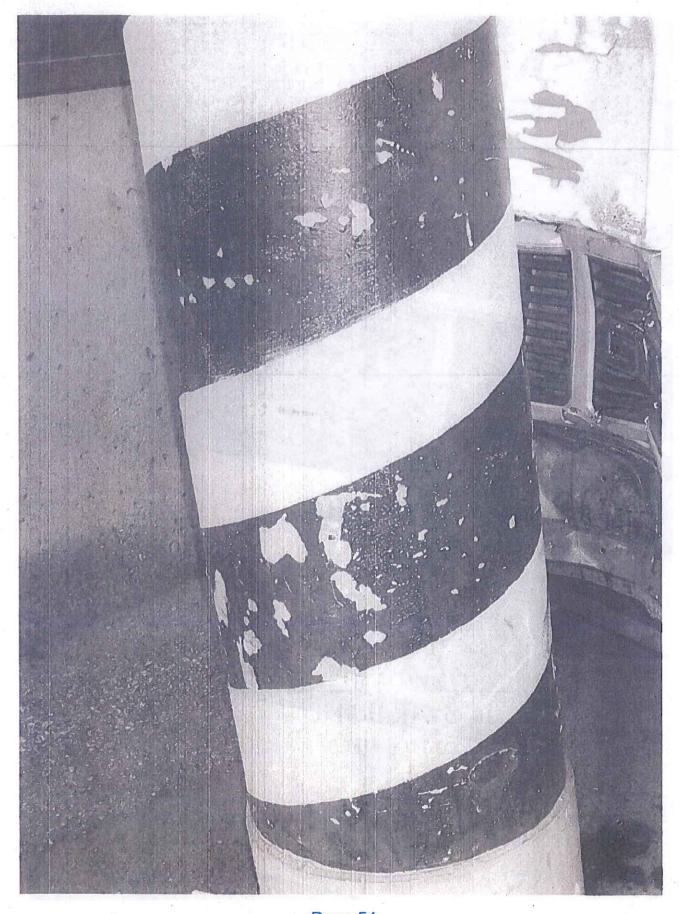




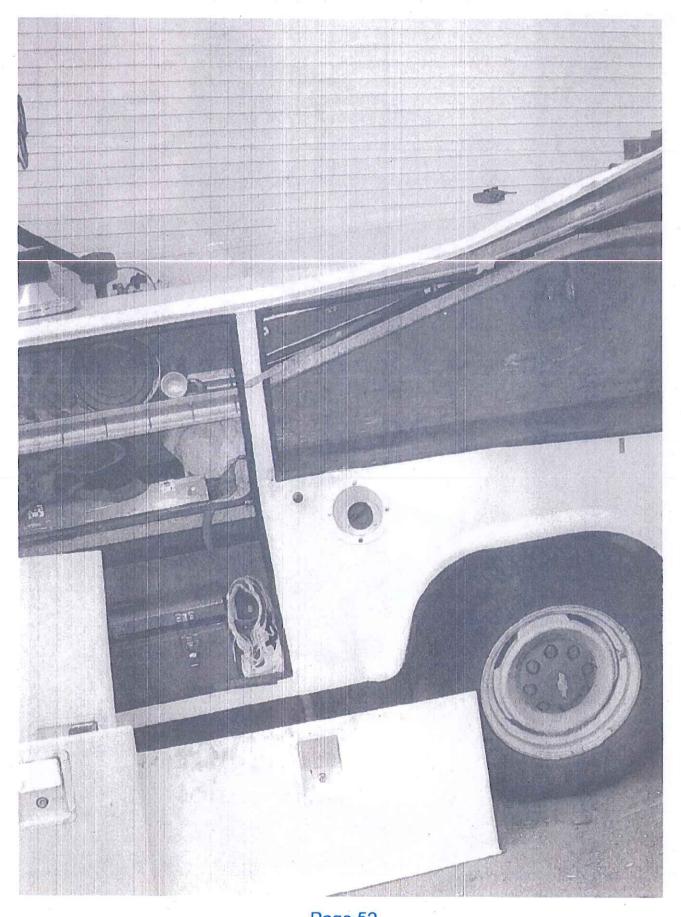




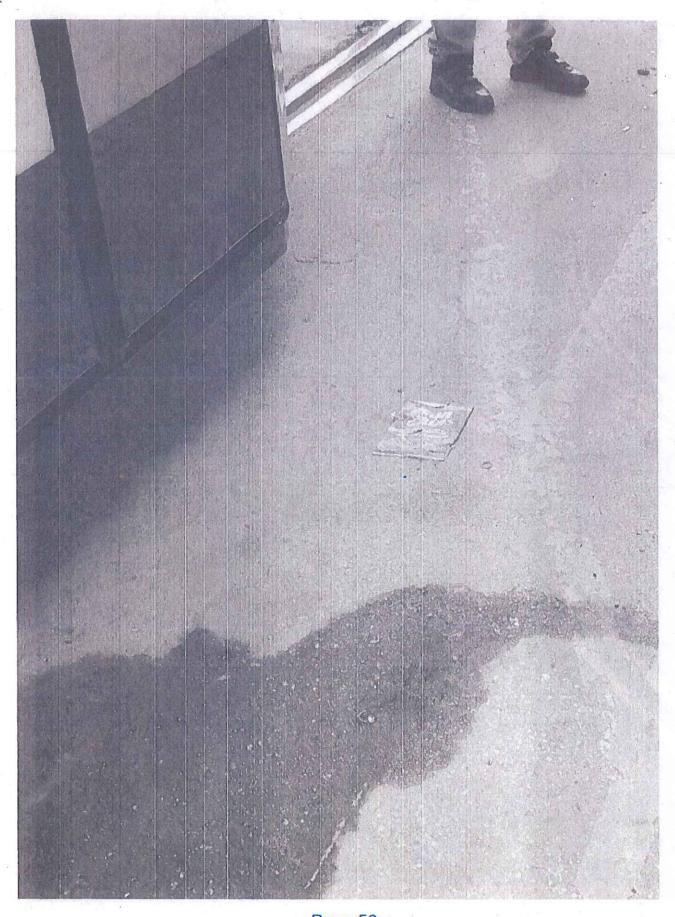
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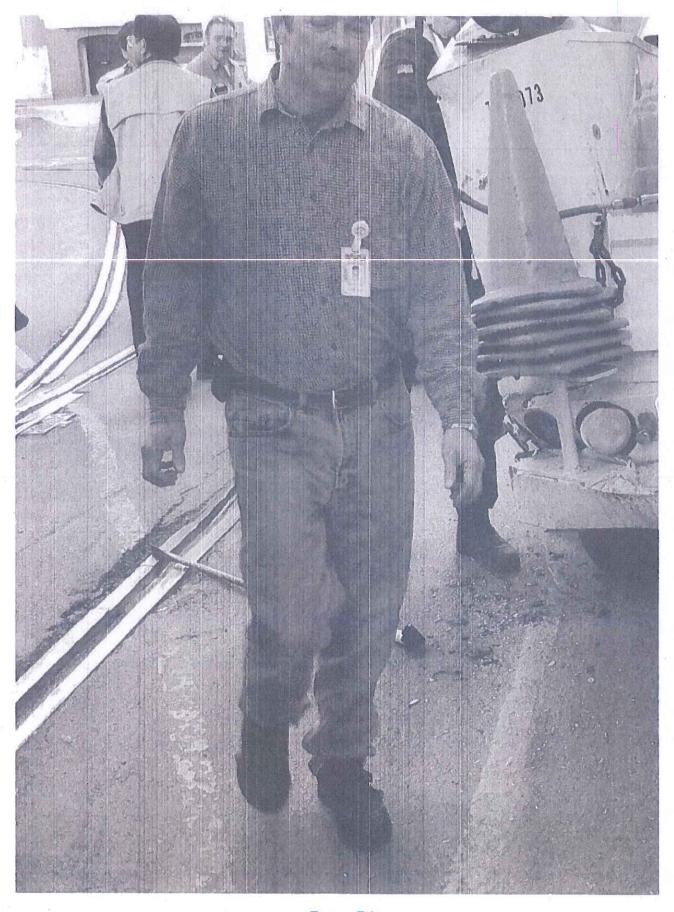
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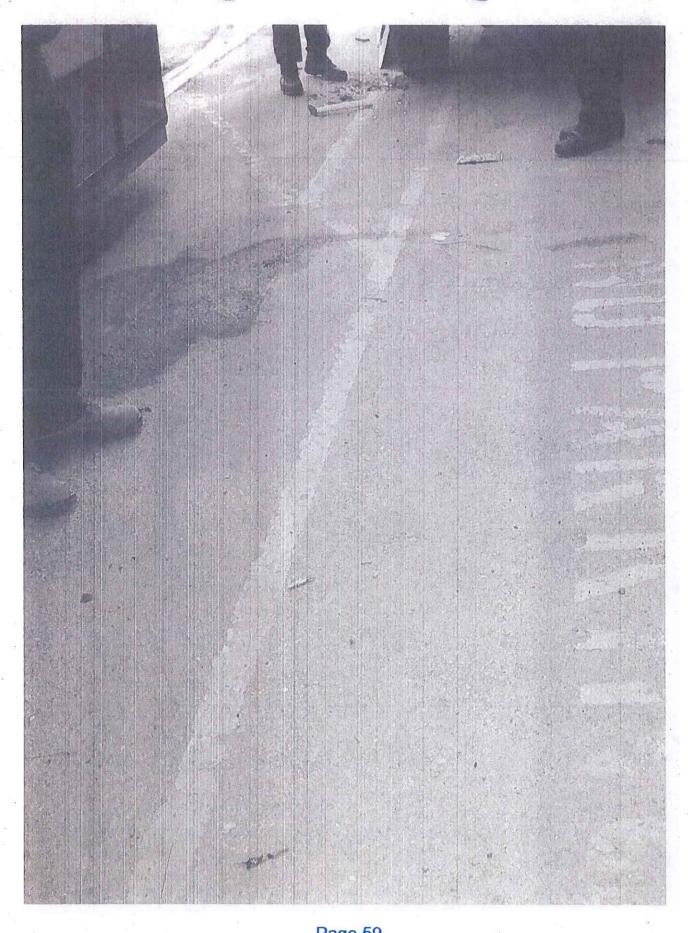
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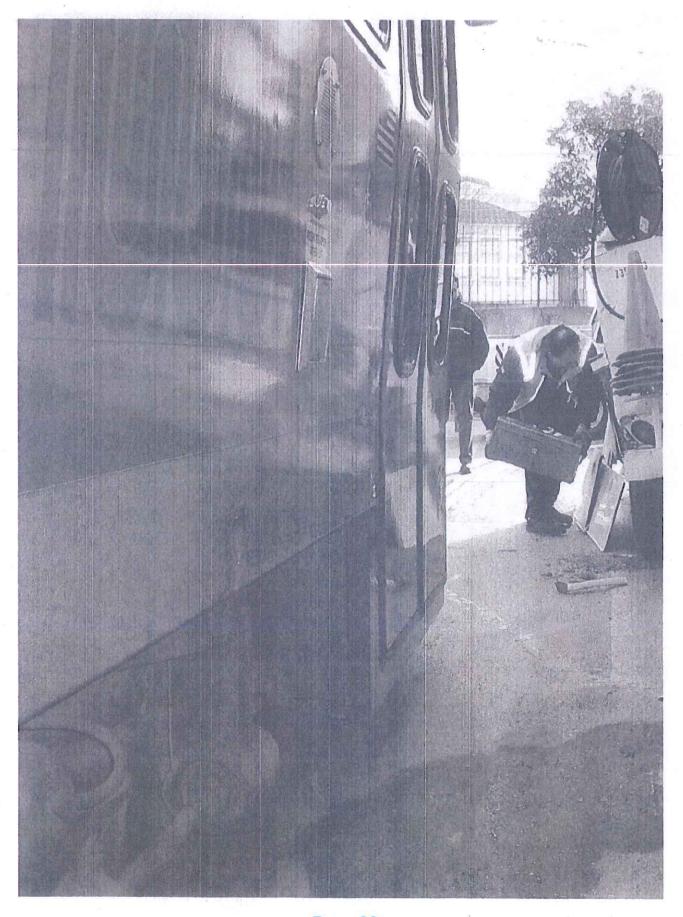
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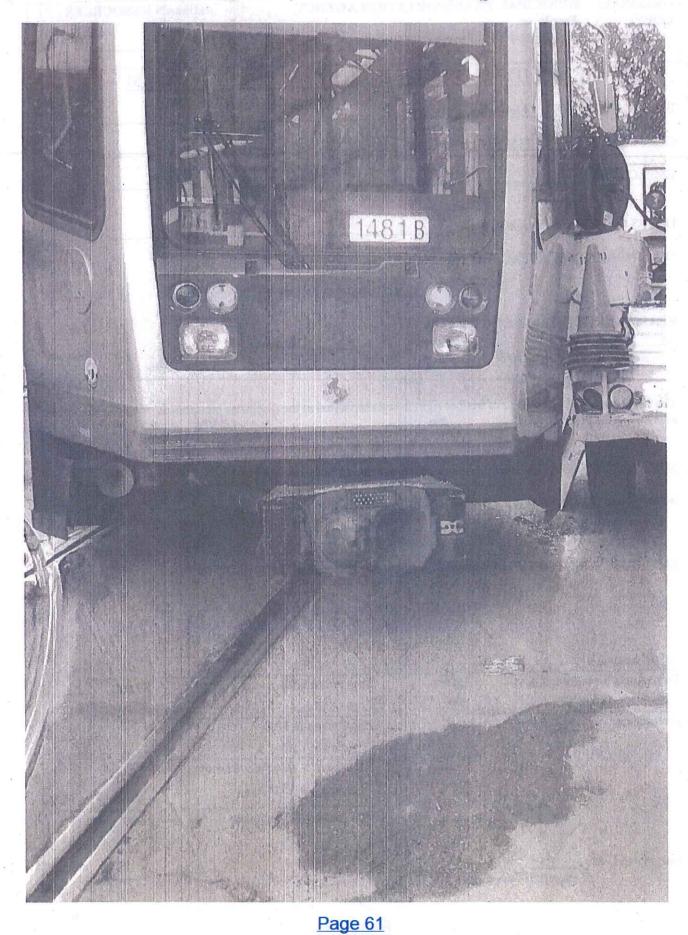
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ORIGINAL: COPY:	MUNICIPAL TRANSPORTAT Employee Employee File	ION AGENCY HUMAN DATE: 2/23/06	RESOURCES
	EMPLOYEE DISCIPLI	NARY CONFERENCE FO	RM
EMPLOYEE N	IAME Alejandro F. Alvarez		
CLASS & TIT	LE 7458 Switch Repairer		
EMPLOYEES		Days Off	
DAMES OF SE	Shift	Days Off	
	EVIOUS CONFERENCE		
DOCUMENTA	ATION ATTACHED (Check One)	Yes X No	
	RECO	MMENDATION	
X Suspens 20 No. of D	CONFERENCE (Check One) sion Released MPOSE 5 days, h ays found of 2 year	old 15 days in abeyouce	, for a
The employee r	nust be advised of his/her right to re	presentation at the discipline conference.	Was the employee
SUPERVISOR'	S STATEMENT: (Attack additional	al sheets, as necessary.)	
6.	uties & Failure to Follow Safety Pro		
D. T. DO LEE D	Action additional sile	eets, as necessary.)	
alexand	nature Date	obler Bat	I 2306
Employee's Sig	nature Bate		Date
Print Name	F. ALVAREZ	KER' Briton', ACS'T. TRANKE	Scipt.
		401 3185	
		Supervisor's Telephone Number	
Bargaining Unit	200	Unit Manager's Signature MTA HR	2-23-06 Date
ourgaining Offit	Laborers Union, L-261		
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SAN FRANCISCO MUNICIPAL RAILWAY



700 PENNSYLVANIA AVENUE, SAN FRANCISCO, CA 94107-3443



MEMORANDUM

February 26, 2007

To:

Alejandro Alvarez - 7458 Switch Repairer

From:

Robert Ramirez RM

Track Superintendent

Subject:

INATTENTION TO DUTIES/INSUBORDINATION

I held a meeting with all of the Switch Repairers and their helpers including you with specific instruction to stay on your routes and maintain your assigned switches.

You and the other Switch Repairmen attended a class on the new T-3 Switch Training in the morning of February 15, 2007. At about 1:30pm, I observed that drove the truck assigned to you at Church and Duboce Street. He ended up parking to the SafeWay Parking Lot. I called you on my cell phone and you would not answer. Finally, you answered my call approximately at around 2:30 pm. You told me that you were at your mother's house for lunch. I have verbally warned you several times about being away from your assigned work areas during work hours.

This inattention and insubordination to duties will not be tolerated and continuation of such behaviors will result in disciplinary action.

CC:

Wai Tom Ken Butori Pers File

STATEMENT OF KEN BUTORILL

On Monday, February 26, 2007, I received a call from Alejandro Alvarez informing me that his vehicle wouldn't start. I call for a tow truck and send him another vehicle to use.

The following morning, I instructed Mr. Alvarez to take the spare set of vehicle keys to non-revenue and remove the keys with the toolbox keys attached. I also instructed him to remove the wrenches and tools he would need to make any necessary adjustments to the switches on his route. He left the yard.

The following morning, Wednesday, 2-28, he asked if his vehicle was in the yard. I replied that it wasn't ready yet. He then stated that he needed his truck with his tools. I asked him what he had on the vehicle he was using. He replied that he had 2 brooms.

I asked him if he went to Non-Revenue the previous day to take the tools out of his vehicle. He replied that he did not. He stated that it would be r difficult o get to the wrenches, as they would be all over the place. I asked him how he would make any adjustments to the switches, to which he replied, "I'll have another truck follow me around."

At this point I told him he might as well have stayed home if he could perform his own work. What's the point of coming in to work if you don't have any tools with you?

I then re-instructed him to go to non-revenue and take out the tools he needed to make any necessary adjustments.

On Wednesday there was a derailment in Metro Yard, Mr. Alvarez's assigned area. I'm waiting for a report from Bob Ramirez on the cause of the derailment.

Additionally, I received a phone call Wednesday night from Rigo Hernandez. He told me that Bob Ramirez asked him to go to Metro, Switch N-10 had a reported problem. Rigo responded and found the switch had not been lubricated.

SAN FRANCISCO MUNICIPAL RAILWAY



700 PENNSYLVANIA AVENUE, SAN FRANCISCO, CA 94107-3443



January 27, 2006

Statement of Supervisor regarding accident investigation involving vehicle 073 and LRV 1481, Re: Mr. Alejandro Alvarez

Charges: Inattention to Duties, Failure to follow Safety procedures.

On January 25, 2006 at approximately 09:10 I received a call from Alejandro Alvarez informing me that his vehicle, 073, had just been wrecked. I asked what happened and he stated that an LRV had just hit 073 and wrecked it. I asked how the LRV happened to hit the vehicle and he stated that he was parked and the LRV hit it. I told him I would go there.

When I arrived at Green Center, I saw the front end of vehicle 073 crushed into an overhead line support pole. The vehicle has been hit at the left rear corner by the LRV. The vehicle was bent in the middle, and the utility body was raised up at an angle. The area directly behind the vehicle was painted "NO PARKING" in large yellow block letters, as it is along that complete side of the building. The vehicle was parked in front of a roll-up door, which is a driveway into the radio shop.

I walked over and looked at the location of the vehicles wheels. The wheels on the left side were just inside the yellow clearance line. I sprayed orange paint around the wheels to show their location after the accident, and as a reference to where the vehicle was parked. The vehicle wheels were inside the yellow line. When I looked at the vehicle from the rear, it appeared the vehicle was leaning over the clearance line.

The next day, I went to Green center and took more measurements. I found that the driveway in which the vehicle was parked was angled. The driveway slopes toward the track way approximately 8 inches, in the seven-foot wide driveway. This is an approximately a 10% grade. Based on measurement I took at the scene, it seems that while the vehicles tires may have been inside the yellow line, due to the angle of the driveway, the top of the truck utility body was tilted and leaning inside the clearance line.

In order to check the clearance at the accident location, I held a 6' level on the inside edge the yellow line while an LRV was passing by. When held level and straight inside the yellow line, the vehicle never hit the level. I then parked my vehicle, which is approximately 3-4 inches narrower than vehicle 073, inside the yellow line and held the level against the side of my vehicle. Due to the slope of the driveway, the top of the level was clearly over the yellow line. Had the complete vehicle been inside of the yellow line, the accident would not have occurred.

Additionally, when questioned by Mr. Bob Ramirez the next day, Mr. Alvarez stated that he did not put out an orange safety cone at the left rear of the vehicle.

The attached photos show the vehicle at the accident scene, an LRV passing the accident scene and clearing the yellow line and the angle of a vehicle parked in the exact location.

The MRO inspector asked if I was going to have the vehicle driver drug tested. I wasn't sure, because he hadn't been driving the vehicle at the time of the accident. I checked my MTA post-accident guideline and it stated that if the non-revenue vehicle was towed from the scene, the driver must be tested. I had no suspicion that Mr. Alvarez was under any influence, but informed him and he agreed. I drove him to be test location. After the test was completed, he filled out an accident report. I also had Mr. Aguilar make a statement regarding the accident.

The estimated cost for LRV repairs is \$ 14, 679.05. The cost for replacing vehicle 073 is estimated at \$ 35,000.00.

Based on these facts, I have determined that Mr. Alejandro Alvarez was a primary contributor to the accident by not clearing the yellow line with the body of the vehicle.

I am therefore recommending a 20-day suspension for Mr. Alvarez.

Mr. Alvarez has had two other accidents i	in the last 4 years.	One, in June of 2002, involved him
backing up into another vehicle. The other	er occurred on Sep	tember 6, 2005. In that accident he
backed into a pole at Green Rail Center.		filled out an incident report
for pain in his neck and back.	later went on v	vorkers Compensation for that injury.

I gave Mr. Alvarez a verbal instruction regarding his driving and particularly backing up. I made a note on the incident report.

As of February 13,2006, I have not heard from the drug test laboratory regarding Mr. Alvarez test. I am sure he did not test positive for any substances.

Ken Butori

Assistant Track Superintendent/

Equipment Supervisor



SAN FRANCISCO MUNICIPAL RAILWAY



Track Signals and Communications Unit ● 700 Pennsylvania Ave. San Francisco, CA 94107 Phone (415) 695-6689

March 7, 2006

S.F. PUBLIC TRANS. DEPT MUNICIPAL RAILWAY RECEIVED

MAR 1 3 2005

To:

Mabel Sha

Senior Personnel Officer

Through:

Fred Stephens

From:

Wai Tom Wall on

Senior Operations Manager, Track, Signal and Communication

Subject:

Skelly Hearing for Alejandro Alvarez

On Thursday, February 23, 2006 a Skelly hearing was held at Muni Track Department, at 700 Pennsylvania Avenue regarding Alejandro Alvarez Inattention to Duties and Failure to Follow Safety Procedures.

Present at the hearing were Wai Tom, Senior Operations Manager; Robert Ramirez, Superintendent of Track Maintenance Unit, Ken Butori, Assistant Superintendent of Track Maintenance Unit; Parveen Boparai, Senior Personnel Analyst; Vince Courtney, Union Local 261 Representative; and Alejandro Alvarez.

Ken Butori read the charges that Alejandro Alvarez had parked Track Maintenance vehicle 073 in a no parking area that resulted with an LRV hitting the vehicle. Vince Courtney stated he would recommend, and Mr. Alvarez would agree to a 3-day suspension with 17 days held in abeyance for two years. Additionally, if Mr. Alvarez violated any safety procedures during the next two years, the remaining 17 days would be imposed.

Based on the facts and information presented during the Skelly, we recommended a five-day suspension, with the remaining 15-days held in abeyance for two-years. Mr. Courtney, and Mr. Alvarez, both agreed to the terms. We are therefore recommending, based on the attached agreement, which Alejandro Alvarez is given a 5 consecutive working days suspension, with 15 days held in abeyance for two (2) years. Mr. Alvarez must also attend a safety class for reinstruction regarding safety procedures.

Diana Buchbinder Parveen Boparai Robert Ramirez Ken Butori File



Municipal Transportation Agency

CERTIFLED MAIL -RETURN RECEIPT REQUESTED & REGULAR MAIL San Francisco Municipal Rolling



Gavin Newsom, Mayer Cleopatra Vaughne, Chairm an Michael Kasolsa, Vice Chairm an Shirley Broyer Black Wil Din Rev. Dr. James McCray, Jr. Peter Mezey

Nathaniel P. Ford, Sr., Executive Director

March 16, 2006

Mr. Alejandro F. Alvarez

RE: NOTICE OF SUSPENSION

Switch Repairer, job code 7458 - PCS

Dear Mr. Alvarez:

Your suspension has been recommended by Mr. Wai Tom, Sr. Operations Manager, Track, Signal & Communication, in his memo of March 7, 2006, concurred by Mr. Fred Stephens, General Manager. A copy of the recommendation is attached.

REASON FOR SUSPENSION: Inattention to Duties and Failure to Follow Safety Procedures.

A Skelly meeting was held on February 23, 2006, to discuss the charges and give you an opportunity to respond to the above charges and as more fully described in the documentation provided to you earlier.

Present at the conference were yourself, Mr. Wai Tom, Sr. Ops. Mgr., as the Skelly Officer, Mr. Robert Ramirez, Superintendent, Track Maintenance, Mr. Ken Butori, Asst. Superintendent, Track Maintenance Unit, and Ms. Parveen Boparai from Human Resources. You were represented by Mr. Vince Courtney, Union Representative, Laborers Union Local 261.

At the meeting, it was Mr. Tom's recommendation to suspend you for twenty days, however, taking the Union's request into consideration to hold the suspension in abeyance, Mr. Wai is recommending 20 days suspension, of the 20 days, five (5) days suspension will be imposed and holding fifteen (15) days in abeyance for a period of two (2) year from the date of the skelly.

After a thorough review of the recommendation for suspension and supporting documentation, I am upholding the recommendation for twenty days suspension, imposing five (5) days suspension and holding fifteen (15) days in abeyance for a period of two (2) year.

HUMAN RESOURCES DIVISION

Page 2 Alejandro Alvarez - 7458

If at any time during this period, an Inattention to Duties and Failure to Follow Safety Procedures occurs, the fifteen days suspension held in abeyance will be imposed immediately including any other disciplinary actions that may be warranted.

DATE (S) OF SUSPENSION:

Monday to Friday, April 3, 4, 5, 6 & 7, 2006. (5 days) and holding fifteen (15) days suspension in abeyance for a period of two (2) year.

Future Inattention to Duties & Failure to Follow Safety Procedures will not be tolerated and you may be subject to more severe disciplinary action up to and including dismissal.

You are also strongly advised to seek assistance from the City's Employee Assistance Program (EAP), telephone: 554- 9580, at 1390 Mission St., 4th Floor, Ste. 400, San Francisco, CA 94103.

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

If you have any questions, please call Parveen Boparai, Sr. Personnel Analyst at 554-4160.

Reviewed:

Mabel Sha, HR Manager

MTA, Human Resources

Approved:

Nathaniel P. Ford, St., Executive Director

Municipal Transportation Agency

Attachment(s)

D. Buchbinder, Acting DGM, MTA, HR

W. Tom, Sr. Ops. Mgr.

R. Ramirez, Superintendent

K. Butori, Asst. Superintendent

V. Courtney, Union Rep., L-261

P. Boparai, MTA, HR

Personnel File

Chron File

EXHIBIT 6

VEHICLE SAFETY, MAINTENANCE AND DAILY INSPECTION

All employees must observe the following rules:

- The use of Muni vehicles is restricted to official Muni Business. Employees may
 use the vehicle, during the course of their normal travel, to go to lunch.
- The driver is primarily responsible for the safe operation and the condition of the vehicle. No one may operate a Muni vehicle, including a forklift, without a driver's license.
- 3. The employee that is authorized to remove the key from the lock box is responsible for the vehicle, and shall not give the vehicle to another employee. Employees that remove the keys, and must leave work early for any reason, shall notify Ken Butori and inform him of the change of vehicle operator.
- 4. The driver must fillout the log completely, every day. This includes when using a vehicle Include the mileage when service is due from the window sticker. If the sticker is missing report that. Mileage sheets must be turned in every week. No exceptions.
- 5. Vehicle fluids MUST be checked every time a vehicle is fueled up.
- 6. All items listed on the vehicle checklist must be checked before leaving the shop. All defects must be recorded. Any defects that effect the safe operation must be reported immediately, and the vehicle will be sent to Non-revenue for repair.
- 7. Never leave the keys in an unattended vehicle. Whenever a vehicle is left unattended it must be locked. All toolboxes must be locked. Operators are responsible for securing tools on and off the work site. Report any theft to your immediate supervisor immediately.
- 8. Every vehicle must be equipped with the following items: 6 road flares or a reflective triangular road kit, 1st aid kit, fire extinguisher, safety cones, wheel chock and backup alarm.
- 9. All drivers must use a wheel chock whenever the vehicle is parked on a grade. Vans, compressors and trailers must use a wheel chock. The only exception to this rule will be cars and light pickup trucks.

- 10. Whenever towable equipment is to be used, the person, or crew, using it must perform a check of the oil, water and fuel. All compressors shall be checked for compressor turbine oil through a sight glass. Before leaving the yard start the equipment to insure proper operation. For compressors, the proper method is to check all fluids and start the compressor with the air valves closed. Let it run for 2 to 3 minutes and check the air pressure and engine monitoring gauges. When the compressor/trailer is hooked to the truck, check the lights, insert safety pin in the pintle hook or trailer ball connection and attach the safety chains.
- 10. Always assist the driver when loading and unloading any equipment. ALWAYS assist a driver when backing up a compressor or trailer. You may see a person or object they can't see thru the mirrors.
- Never bring any vehicle into the yard, at the end of the shift, with less than ½ tank of fuel. These are emergency vehicles and must respond immediately when necessary. Fuel keys are to be used to fuel Muni vehicles only.
- 12. Employees are not allowed to have spare keys to vehicles. Employees that are found to have spare keys will be disciplined. All keys are to be locked in the office every night.
- Vehicles must be washed at least once every two-weeks. Interiors of vehicles must be cleaned of papers, food, debris, etc. every day.
- 14. The operator of the vehicle is responsible for any citations received while under their control.
- 15. All City vehicles with an "E" license may park up to the maximum posted time limit at general parking meters without depositing any money. Vehicles left longer than the posted time limit are subject to citation & towing.
 - Parking in Red, Blue (unless you have an authorized placard), bus, truck or loading zone (trucks exempted) is not allowed.
- 16. Employees must never sleep in the vehicles.

Employees that violate these policies will be subject to disciplinary actions.

MINI

SAN FRANCISCO MUNICIPAL RAILWAY

COMMUNICATION - 700 PENNSYLVANIA AVENUE + SAN FRANCISCO, CA 94107 +415-401-3103



November 5, 2007

TO:

Rumi Ueno

Employee Relation Manager

FROM:

Wai Tom Was

Senior Operations Manager

SUBJECT:

Skelly Hearing for Alejandro Alvarez

On Thursday, October 25, 2007 a Skelly hearing was held at Muni Track Department, at 700 Pennsylvania Avenue regarding Alejandro Alvarez for Insubordination and Inattention to duties.

Present at the hearing were Wai Tom, Senior Operations Manager; Robert Ramirez, Superintendent of Track Maintenance Unit; Ken Butori, Assistant Superintendent of Track Maintenance Unit; Vince Courtney, Union Local 261 Representative; and Alejandro Alvarez.

Ken Butori read the charges that Alejandro Alvarez had failed to follow departmental procedures, resulting in the insubordination and inattention to duties charges. Alejandro admitted his written report was not accurate and did not describe as how the incident actually occurred. Alejandro stated that after dropping off Alejandro did enter into Cala Food to check on a milk product he was interested in purchasing. In addition, when asked if his statement made during this Skelly hearing is 100% accurate, Alejandro replied, "for the most part".

Based on the facts and information presented during the Skelly, we are recommending that Alejandro Alvarez be given four days suspension for submitted a false statement of incident, insubordination and inattention to duty. Since Alejandro has four days abeyance from previous similar incident in March 2007, a total of eight days of suspension is recommended.

P. Bopari

R. Ramirez

K. Butori

V. Courtney

File

ORIGINAL: COPY:	Employee			RESOURCES
	Employee File	D	ATE:	-
	3.	4	78383	
	EMPLOYEE DISC	IPLINARY CON	FERENCE FORM	n H
EMPLOYEE N	NAME: ALEJANDI	RO ALVAREZ		
CLASS & TIT	E: 7458 - SWITC	H REPAIRER		
EMPLOYEES	DAY	d entered	SATURDAY AND SU	INDAY
	Shift		Days Off	
DATES OF PI	REVIOUS CONFERENCE:	The state of the s	37 II	
DOCUMENTA	TION ATTACHED (Check	One) Yes X	No	727
8	R	ECOMMENDATION	1	
REASON FOR X Suspen	R CONFERENCE (Check O	ne) Dismissal		
No. of Days				
The employee employee adv	must be advised of his/her ised? (Check One) Yes	right to representation		ference. Was the
SUPERVISOF	R'S STATEMENT: (Attach a	additional sheets, as		
EMPLOYEE'S	RESPONSE: (Attach addi	tional sheets, as nec	cessary.)	
<u>Alejana</u> Employee's Si	My J. (Marg 12) gnature		r's Signature	11/1/07 Date
ALEJANDRO Print Name	ALVAREZ		TORI / ASST. TRACK S	SUPT
* *		wa	1-3185 r's Telephone Number ger's Signature	///7/07 Date
Bargaining Un	t & Signature	· .		

U.S. CERTIFIED MAIL RETURN RECEIPT REQUESTED & U.S. REGULAR MAIL

November 27, 2007

Mr. Alejandro F. Alvarez

RE:

NOTICE OF SUSPENSION

Switch Repairer, job code 7458 - PCS

Dear Mr. Alvarez:

Your suspension has been recommended by Mr. Wai Tom, Sr. Operations Manager, Signal & Track Maintenance Unit, in his memo of November 5, 2007. A copy of the recommendation is attached.

Gavin Newsom | Mayor

Rev. Dr. James McCray Jr. | Chairman Cameron Beach | Director Shirley Breyer Black | Director Wil Din | Director Peter Mezey | Director Tom Nolan | Director Leah Shahum | Director

Nathaniel P. Ford, Sr. | Executive Director/CEO

REASON FOR SUSPENSION: Inattention to Duties and Insubordinate Behavior

A Skelly meeting was held on October 25, 2007, to discuss the charges and provide you an opportunity to respond to the above charges, as more fully described in the documentation provided to you earlier.

You were present at the conference as well as, Mr. Robert Ramirez, Superintendent, Track Maintenance, Mr. Ken Butori, Assistant Superintendent and Mr. Wai Tom, Sr. Operations Manager. You were represented by Mr. Vince Courtney, Union Representative, Laborers, Local 261.

At the meeting you did not dispute the charges and admitted that your written report was not accurate. Mr. Wai has recommended imposing the 4 day suspension held in abeyance from the March 2007 skelly, wherein you were suspended for 5 days, of which only 1 day was imposed and 4 days were held in abeyance. In addition, he is recommending 4 days suspension for the above charges.

After a thorough review of the recommendation for suspension and supporting documentation, I am upholding the recommendation for the 4 day suspension held in abeyance from the March 2007 Skelly hearing, in addition, I am also upholding the recommendation of a 4 day suspension.

Page 2 Alejandro Alvarez November 27, 2007

DATE(S) OF SUSPENSION:

December 10, 11, 12, & 13, 2007

January 14, 15, 16, & 17, 2008 (8 days total)

PREVIOUS SUSPENSIONS: 5 day suspension for insubordinate behavior and inattention to duties, imposed 1 day and held 4 in abeyance for 1 year; 20 day suspension, for Inattention to duties and failure to follow safety procedures, imposed 5 days, held 15 days in abeyance for 2 years.

Future inattention to duties and insubordinate behavior will not be tolerated and you may be subject to more severe disciplinary action up to and including dismissal.

You are also strongly advised to seek assistance from the City's Employee Assistance Program (EAP), telephone: 554-9580, at 1390 Mission St., 4th Floor, Ste. 400, San Francisco, CA 94103.

If you have any questions, please call Parveen Boparai, Sr. Personnel Analyst at 554-4160.

Reviewed:

Rumi Ueno, Employee Relations Manager

MTA Human Resources

Approved:

Nathaniel P. Ford, Sr., Executive Director/CEO Municipal Transportation Agency

Attachment(s)

CC:

V. Rambo, HR Director, MTA

W. Tom, Sr. Operations Manager, Signal & Track Maintenance

R. Ramirez, Superintendent, Track Maintenance

K. Butori, Assistant Superintendent, Track Maintenance

V. Courtney, Union Représentative, Laborers, Local 261

P. Boparai, MTA, HR

M. Shaikh, Payroll Supervisor, MTA

Personnel File V

Chron File

EXHIBIT 7







700 PENNSYLVANIA AVENUE, SAN FRANCISCO, CA 94107-3443

MEMORANDUM

February 26, 2007

To:

Alejandro Alvarez - 7458 Switch Repairer

From:

Robert Ramirez 2~

Track Superintendent

Subject:

INATTENTION TO DUTIES/INSUBORDINATION

I held a meeting with all of the Switch Repairers and their helpers including you with specific instruction to stay on your routes and maintain your assigned switches.

You and the other Switch Repairmen attended a class on the new T-3 Switch Training in the morning of February 15, 2007. At about 1:30pm, I observed that drove the truck assigned to you at Church and Duboce Street. He ended up parking to the Safe Way Parking Lot. I called you on my cell phone and you would not answer. Finally, you answered my call approximately at around 2:30 pm. You told me that you were at your mother's house for lunch. I have verbally warned you several times about being away from your assigned work areas during work hours.

This inattention and insubordination to duties will not be tolerated and continuation of such behaviors will result in disciplinary action.

CC:

Wai Tom Ken Butori Pers File

EMPLOYEE CONFERENCE NOTIFICATION

3.30.07- V.C
DATE: March 8, 2007
TO: Alejandro Alvarez SHIFT & WORK HOURS: 1 7:30 - 4:00 PM
FROM: Ken Butori , DIVISION & TEL. NO. Track Department 401-3185
DAYS OFF: Sat. & Sunday
SUBJECT: EMPLOYEE CONFERENCE NOTIFICATION
You are hereby notified that an employee conference has been scheduled on (date) 3-20-2007 (time) 8:00 AM , at 700 Penn. Conf Room . The Subject of this
conference will be suspension regarding your insubordination and
inattention to duties
Van bara tha data ta
You have the right to have representation at this conference. Please advise me at
You must give the department 48 hours notice, if you wish to reschedule this
conference. If you fail to do so, the conference will be held as scheduled.
y survival and any une definer street will be from all soften and any
Please call me at 401-3185 between 7:30 a.m. to 4:00 p.m. if you have any questions.
THUS ASSETTED PROTUS HIS
(Signature of Employee)
WITNESSED BY:

ORIGINAL: COPY:	MUNICIPAL TRANSPORTATION Employee	AGENCY HUMAN RESOURCES					
corr.	Employee File	DATE:					
EMPLOYEE DISCIPLINARY CONFERENCE FORM							
EMPLOYEE NAME: ALEJANDRO ALVAREZ							
CLASS & TITLE: 7458 - SWITCH REPAIRER							
EMPLOYEES	S DAY Shift	SATURDAY AND SUNDAY Days Off					
DATES OF P	REVIOUS CONFERENCE: Ma	arch 20, 2007					
	ATION ATTACHED (Check One)						
	RECOM	HENDATION					
REASON FOR CONFERENCE (Check One) X Suspension Released Dismissal No. of Days Impose day suspension and hold 4 days in abeyonce The employee must be advised of his/her right to representation at the discipline conference. Was the employee advised? (Check One) Yes x No Date Initial							
SUPERVISOR'S STATEMENT: (Attach additional sheets, as necessary.)							
EMPLOYEE'S	S RESPONSE: (Attach additional sh	neets, as necessary.)					
Employee's S ALEJANDRO Print Name	Signature Date O ALVAREZ	Supervisor's Signature Date KEN BUTORI / ASST. TRACK SUPT Print Name & Title (415) 401-3185 Supervisor's Telephone Number Unit Manager's Signature Date	7				
Bargaining U	nit & Signature						