

CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

July 11, 2014

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: REVIEW OF PROPOSED AMENDMENTS TO VOLUMES I AND IV OF CIVIL SERVICE RULE SERIES 11A, POSITION-BASED TESTING; 12, ELIGIBLE LISTS; AND 13, CERTIFICATION OF ELIGIBLES—AFFECTING ALL MISCELLANEOUS EMPLOYEES AND SERVICE-CRITICAL EMPLOYEES OF THE MUNICIPAL TRANSPORTATION AGENCY.

The above matter will be considered by the Civil Service Commission at a meeting to be held on July 21, 2014 at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings. The meeting agenda and all meeting materials will be posted on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting" no later than end of day on Thursday, July 17, 2014. If you would like a copy of the Executive Officer's staff report on the above-captioned matter emailed to you in advance of July 17th, please contact the Civil Service Commission's Office at CivilService@sfgov.org or (415) 252-3247.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting.

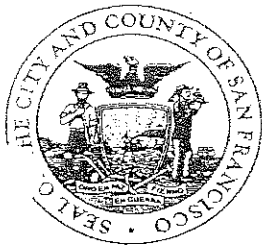
All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

Attachment

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 9



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

FER C. JOHNSTON
EXECUTIVE OFFICER

July 14, 2014

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: PROPOSED AMENDMENTS TO VOLUMES I AND IV OF CIVIL SERVICE RULE SERIES: 11A-POSITION-BASED TESTING, 12- ELIGIBLE LISTS AND 13-CERTIFICATION OF ELIGIBLES; AND PROPOSED AMENDMENTS TO CIVIL SERVICE ADVISER NO. 008, SELECTION FROM CIVIL SERVICE ELIGIBLE LISTS— AFFECTING ALL MISCELLANEOUS EMPLOYEES AND SERVICE-CRITICAL EMPLOYEES OF THE MUNICIPAL TRANSPORTATION AGENCY.

At its meeting of July 7, 2014 the Civil Service Commission had for its consideration the above matter.

The Commission accepted the Department of Human Resources' staff report; accepted the Executive Officer's staff report; and continued the matter to the next Civil Service Commission meeting on July 21, 2014, so that the Department of Human Resources can work with the Executive Officer to redraft the proposal using formal Civil Service Rule language, and to add definitions and clearly distinguish the proposed changes.

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

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

SCOTT R. HELDFOND
PRESIDENT

June 26, 2014

E. DENNIS NORMANDY
VICE PRESIDENT

NOTICE OF CIVIL SERVICE COMMISSION MEETING

DOUGLAS S. CHAN
COMMISSIONER

SUBJECT: PROPOSED AMENDMENTS TO VOLUMES I AND IV OF CIVIL SERVICE RULE SERIES: 11A-POSITION-BASED TESTING, 12-ELIGIBLE LISTS AND 13-CERTIFICATION OF ELIGIBLES; AND PROPOSED AMENDMENTS TO CIVIL SERVICE ADVISER NO. 008, SELECTION FROM CIVIL SERVICE ELIGIBLE LISTS— AFFECTING ALL MISCELLANEOUS EMPLOYEES AND SERVICE-CRITICAL EMPLOYEES OF THE MUNICIPAL TRANSPORTATION AGENCY.

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

The above matter will be considered by the Civil Service Commission at a meeting to be held on **July 7, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings. The meeting agenda and all meeting materials will be posted on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting Information" no later than end of day on Thursday, July 3, 2014. If you would like a copy of the Department of Human Resources' or the Executive Officer's staff reports on the above-captioned matters emailed to you in advance of July 3rd, please contact the Civil Service Commission's Office at CivilService@sfgov.org or (415) 252-3247.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting.

All 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.

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 6

Attachment

Executive Officer's
Staff Report




CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Date: July 21, 2014

To: Civil Service Commission

From: Jennifer Johnston, Executive Officer 

Subject: **Proposed Revisions to the Civil Service Rules on Certifications and Referrals**

I. Overview

At its meeting of July 7, 2014, the Civil Service Commission ("Commission") accepted the Department of Human Resources' ("DHR") memorandum dated June 26, 2014, which proposed revisions to Civil Service Rule 113—Certification of Eligibles and Civil Service Adviser No. 008/2000—Selection from Civil Service Eligible Lists. The Commission also accepted the Executive Officer's staff report dated July 7, 2014, which recommended revisions to Civil Service Rules 111A—Position-Based Testing and 112—Eligible Lists, so that the Rules remain internally consistent; and conveyed the Municipal Transportation Agency's ("MTA") request to make parallel revisions to all three Civil Service Rules in Volume IV so that they would also apply to service-critical employees of the MTA.

Although the Commission approved DHR's and the MTA's proposals to make the Notice of Inquiry optional instead of mandatory in Civil Service Rule Volumes I and IV, and to clarify and confirm in the Civil Service Adviser an appointing officer's discretion in the civil service selection process, the Commission directed the Executive Officer to work with DHR to redraft the proposed Civil Service Rule amendments to include formal, more appropriate Rule language; to include definitions of applicable new or revised terminology; and to clearly distinguish the proposed changes. The Commission also emphasized the need to ensure that the Commission's and DHR's authority and purview over the civil service selection process remains unaffected by the proposed revisions.

II. Revised Civil Service Rules

The Executive Officer revised the proposed Civil Service Rule amendments per the Commission's directives and based on further discussions with DHR and Commissioner Kate Favetti. Attachments A and B reflect the redlined and final proposed versions of the three Civil Service Rule amendments in Volumes I and IV, respectively, to clearly distinguish the proposed revisions as requested. The substantive revisions to DHR's/MTA's initial proposed amendments are as follows:

- The provisions regarding the certification of eligibles have been revised in Civil Service Rules 111A, 411A, 112 and 412 so that they are consistent with the provisions in Civil Service Rules 113 and 413 (see comments "JJ1" and "JJ2" in the redlined versions of Rules 111A, 411A, 112 and 412);
- Article II in Rules 113 and 413 now includes the new definitions of "Notice of

Certification" and "Notice of Inquiry;"

- Article II in Rules 113 and 413 also now includes the definition of "Certification Date" to ensure that there is no confusion between the Certification Date and the date that the Notice of Certification or Notice of Inquiry are sent;¹
- The term "Optional Departmental Inquiry" has been simplified and condensed to "Notice of Inquiry;"
- The term "post-referral selection process" has been simplified and condensed to "selection process;"
- As indicated in comments "JJ2" and "JJ3" in the redlined versions of Rules 113 and 413, the provisions on the Notice of Inquiry have been revised to make it clear that although the appointing officer has the discretion to issue a Notice of Inquiry, the Commission and DHR retain their authority and oversight;
- Rules 113 and 413 specify that eligibles are required to respond to a Notice of Inquiry within five days (unless the response period time limit is extended by the Human Resources Director);
- The procedural language in Rules 113 and 413 has been replaced with more appropriate and clearer Civil Service Rule language; and,
- Provisions applicable to temporary civil service appointments/appointees have been unstricken (i.e., will no longer be deleted).

III. Authority over the Permanent Civil Service Selection Process²

As indicated, the Commission expressed concerns about clarifying that the revisions to the Civil Service Rules and Adviser will not erode or in any way affect the Commission's and DHR's authority over civil service appointments.

Although the Charter, Civil Service Rules and Administrative Code afford appointing officers a great deal of discretion in selecting the best qualified eligible candidate for a position, appointing officers must continue to adhere to applicable Civil Service Rules and Commission policies that regulate how that decision is made. Specifically, the following Civil Service Rules will still govern the selection process, irrespective of the proposed amendments:

Civil Service Rule Series 01.3, Merit System Principles

"As applied to employee classifications under the competitive civil service selection, appointment and removal procedures. The principles of the City and County's merit system include: 1) Recruitment, employment, retention, and promotion of employees on the basis of qualifications and

¹ As noted in comment "JJ1" and as reflected in the proposed language in Attachment B, the definition of "Certification Date" for MTA service-critical classes is different that it is for non-service critical employees.

² See Attachment C for excerpts of all pertinent Charter, Administrative Code and Civil Service Rule provisions governing civil service selections/appointments.

performance; and, 2) High performance and ethical standards, consistent with hiring qualified individuals who have successfully completed the examination process, been placed on an eligible list and completed the probationary period. Further, it is the goal and policy of the Civil Service Commission to provide fair treatment of applicants in all aspects of employment without regard to [membership in a protected category] and otherwise prohibited nepotism or favoritism.”

Civil Service Rule Series 03.1, Policies for Equal Employment Opportunities

“Equal Employment Opportunity. It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment; [and] that selection of employees to positions in the City and County be made on the basis of merit [...]. Vigorous enforcement of the laws against discrimination shall be carried out at every level of each department. All persons shall have equal access to employment within the City and County, limited only by their ability to do the job. No person shall be appointed, reduced, removed, or in any way favored or discriminated against in employment or opportunity for employment because of [membership in a protected category] or other non-merit factors or any other category provided by ordinance.”

Civil Service Rule Series 13.1, General Policy

“Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, [membership in a protected category], or other non-merit factors or otherwise prohibited nepotism or favoritism. [Appointing officers, the MTA Director of Transportation, and their designees] shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. [Appointing officers, the MTA Director of Transportation, and their designees] shall also be responsible for maintaining documentation of selection criteria. [Departments and the MTA Director of Transportation] shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures.”

Implementing this Rule, the [Human Resources Director/MTA Director of Transportation] shall [...] adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco.”

Additionally, the Commission's and DHR's oversight of, and authority over the selection process will in no way be diminished or otherwise affected by the proposed Rule amendments. Specifically, the following Charter provisions will continue to apply:

Charter Section 10.101, General Powers and Duties [of the Civil Service Commission]:

“The Commission shall establish an inspection service for the purpose of investigating the conduct or an action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the Commission in making its investigations and any person hindering the Commission or its agents shall be subject to suspension. [...] The Commission shall have the power to inquire into the operation of the civil service merit system to ensure compliance with merit principles and rules established by the Commission. After such inquiry, the Commission may direct the Human Resources Director to take such action as the Commission believes necessary to carry out the civil service provisions of this Charter.”

Charter Section 10.102, Department of Human Resources:

"Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test [...]."

Once the proposed Rule amendments have been adopted, DHR will establish new policies and procedures to implement those new provisions in accordance with Civil Service Rule 113.1.3, which provides, "Implementing this Rule [governing the selection of employees from eligible lists], the Human Resources Director shall: 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco; and, 2) ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all decentralized units as delegated by the Human Resources Director; and, 3) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations."

Likewise, the Director of Transportation will establish parallel policies and procedures to implement those new provisions for MTA Service-Critical classifications in accordance with Civil Service Rule 413.1.3, which provides, "Implementing this Rule [governing the selection of employees from eligible lists], the MTA Director of Transportation/Designee shall: 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco; and 2) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations."

IV. Recommendation

The Executive Officer recommends that the Commission adopt this staff report and direct the Executive Officer to:

- Post the proposed revisions to Civil Service Rules 111A–Position-Based Testing, 112–Eligible Lists and 113–Certification of Eligibles, as reflected in Attachment A; and,
- Post the proposed revisions to Civil Service Rules 411A–Position-Based Testing, 412–Eligible Lists and 413–Certification of Eligibles, as reflected in Attachment B; and,
- Meet and discuss the Rule amendments with any interested stakeholders.

V. Attachments

Attachment A: Proposed Revisions to Volume I of the Civil Service Rules (redlined and final revised versions: Rule 111A at pages 7 through 10; Rule 112 at pages 11 through 18; and Rule 113 at pages 19 through 32)

Attachment B: Proposed Revisions to Volume IV of the Civil Service Rules (redlined and final revised versions: Rule 411A at pages 35 through 38; Rule 412 at pages 39 through 46; and Rule 413 at pages 47 through 60)

Attachment C: Provisions Governing Civil Service Selections/Appointments (pages 61 through 66)

ATTACHMENT A

**Redlined and Clean Versions of
Proposed Amendments to Volume I
Civil Service Rules 111A, 112 and 113**

Rule 111A Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.23 Eligible Lists

- 111A.23.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.
- 111A.23.2 The Human Resources Director shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 111A.24 Adoption and Posting of Eligible List

- 111A.24.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.
- 111A.24.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 111A.24.3 The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire.~~ Resolutions of appeals shall not affect earlier hires from the eligible list.

Comment [J1]: This is a non-substantive change, intended to create consistency in the Rule language.

Sec. 111A.25 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Human Resources Director is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

[...]

Rule 111A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.28 Certification

~~111A.28.1~~ The Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Department of Human Resources, the initial notice Notice of certification Certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

Comment [JJ2]: See comment JJ1 above.

~~111A.28.2~~ If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).

Comment [JJ3]: This will no longer apply to Notice of Certification, but will apply to Notice of Inquiry under Rule 113, Article V as revised.

Sec. 111A.29 Certification of Eligibles – Minimum Allowable Certification Rule

111A.29.1 The minimum (i.e. most restrictive) certification rule shall be the Rule of Three Scores.

111A.29.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Department of Human Resources shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

Sec 111A.5 Civil Service Commission Rules for Position-Based Testing
111A.5.I All examination provisions for Position-Based Testing are specified in Rule 111A. Provisions specified in Civil Service Commission Rule 105.12.1, 105.12.4 and 105.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 110, 111 Articles I and II, 112 Articles I – IV, and 113 Articles II and VI, do not apply to the Position-Based Testing Program.

[...]

Rule 111A

Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.23 Eligible Lists

- 111A.23.1** The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.
- 111A.23.2** The Human Resources Director shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 111A.24 Adoption and Posting of Eligible List

- 111A.24.1** After the period for Review of Ratings, the eligible list shall be adopted and posted.
- 111A.24.2** Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 111A.24.3** The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Resolutions of appeals shall not affect earlier hires from the eligible list.

Sec. 111A.25 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Human Resources Director is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

[...]

Rule 111A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.28 Certification

The Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of Certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

Sec. 111A.29 Certification of Eligibles – Minimum Allowable Certification Rule

111A.29.1 The minimum (i.e. most restrictive) certification rule shall be the Rule of Three Scores.

111A.29.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Department of Human Resources shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

[...]

Rule 112 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

[...]

Sec.112.11 Adoption of Eligible List

112.11.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

112.11.2 The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles who are reachable for certification may be certified.~~ The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

Comment [JJ1]: This is a non-substantive change, intended to create consistency in the Rule language.

Sec.112.12 Maintenance of Eligibility

112.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

112.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County Service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, such promotive credit points and the previous rank shall be restored.

112.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with promotive credit points and previous rank restored.

Attachment A: Proposed Amendments to Rule 112 (Redlined Version)

112.12.4 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec.112.13 The Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial ~~notice~~ Notice of certification ~~Certification~~ to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 112 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 112, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

[...]

Sec.112.17 Official Adoption Date

- 112.17.1 Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Department of Human Resources during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.
- 112.17.2 If protests are received during the posting period, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.
- 112.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 112.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec.112.18 Duration of Eligibles

- 112.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 112.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Sec.112.19 Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial notice-Notice of certification-Certification to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of the eligible list.

Comment [J22]: This language mirrors the language in Section 112.13 above.

Rule 112 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

[...]

Sec.112.11 Adoption of Eligible List

112.11.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

112.11.2 The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

Sec.112.12 Maintenance of Eligibility

112.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

112.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County Service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, such promotive credit points and the previous rank shall be restored.

112.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with promotive credit points and previous rank restored.

112.12.4 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Attachment A: Proposed Amendments to Rule 112 (Clean Version)

Sec.112.13 The Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of Certification to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 112 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 112, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

[...]

Sec.112.17 Official Adoption Date

- 112.17.1 Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Department of Human Resources during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.
- 112.17.2 If protests are received during the posting period, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.
- 112.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 112.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec.112.18 Duration of Eligibles

- 112.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 112.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Sec.112.19 Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of Certification to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of the eligible list.

Rule 113 Certification of Eligibles

Article II: Definitions

Applicability: Article II, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.2 Certification Rules

113.2.1 Rule of Three Scores

The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

~~Sec. 113.32.2 Rule of Three or More Scores~~

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

~~Sec. 113.2.34 Rule of the List~~

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 113.3 Certification Date

The Certification Date is the date on which the Department of Human Resources certifies to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule as provided under this Article II.

Sec. 113.4 Notice of Certification

Eligibles on the eligible list shall be simultaneously notified each time that the Department of Human Resources certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 113.5 Notice of Inquiry

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue

Comment [11]: Although Civil Service Rule 102.5 also includes the definition for "Certification Date" ("The date on which the Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill a position."), the definition is included here to clarify that the Certification Date is not the date of the Notice of Certification or the date of the Notice of Inquiry.

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a Notice of Inquiry to those eligibles for the purpose of:

- 1) Assessing the eligibles' interest in the specific position in the department and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Comment [302]: The purpose of this language is to make it clear that the department has the discretion to issue a Notice of Inquiry but that the Commission and Department of Human Resources retain oversight.

Sec. 113.56 Exhaustion of the List

113.56.1 Rule of Three Scores

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.56.2 Rule of Three or More Scores

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.56.3 Rule of the List

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Rule 113 Certification of Eligibles

Article V: Administration of Certifications

Applicability: Article V, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.10 Response Period

~~113.10.1 Notice of Inquiry~~

- ~~1) Eligibles are required to respond in writing to the Department of Human Resources within five (5) business days of the date of such notice.~~
- ~~2) The Human Resources Director may authorize that eligibles be polled by telephone; provided, however, that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.~~

~~113.10.2 Notice of Certification~~

- ~~1) Eligibles are required to respond to the appointing officer or designated representative within five (5) business days after the date of such Notice.~~
- ~~2) Eligibles are required to notify the Department of Human Resources as to their certification status within seven (7) business days after the date of the Notice of Certification.~~
- ~~3) Departments are required to notify the Department of Human Resources of the results of a certification within twenty (20) business days after the date of the Notice of Certification.~~

~~113.10.3 Extensions~~

Notice of Certification

For each available position, the Department of Human Resources shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The Department of Human Resources shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

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Sec. 113.11 Notice of Inquiry

~~113.11.1~~ As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.

Comment [J13]: See J11 notation above.

~~113.11.2~~ Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limits may be extended by the Human Resources Director.

~~113.11.3~~ If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Comment [J14]: Article III, Rules 113.6.1(4), 113.7.1(4) and 113.8.1(4) provide, "If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s)."

Sec. 113.112 Effect of Failure to Respond Certification Results

~~Departments are required to notify the Department of Human Resources of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the Human Resources Director.~~

Comment [J15]: See the stricken language in 113.10.2(3) above.

~~113.11.1~~ An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

~~113.11.2~~ Unless the Human Resources Director determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.

Sec. 113.1213 Waivers

113.1213.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.

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~~3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.~~

~~4) 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.~~

Comment [J16]: Note that the provisions regarding temporary positions are no longer stricken as initially proposed by DHR.

53) For reasons prescribed elsewhere in these Rules.

64) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

113.1213.2 Waiver of Part-Time Employment

Any part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

Comment [J17]: As noted in J16 above, the provisions making these provisions inapplicable to temporary positions have been removed.

113.1213.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

113.1213.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.

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2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.

3) Unless otherwise provided in the examination announcement, eligibles may refuse ~~consideration for temporary or permanent appointment from two (2) Notices of Certification offers of employment resulting from certification off of the eligible list.~~ Refusal of ~~consideration from the~~ third (3rd) ~~Notice of Certification offer of employment~~ shall result in the removal of the eligible's name from that eligible list and all other lists in that class. ~~The non-selection by the department of an available eligible shall not be recorded as a refusal.~~

~~4) Unless otherwise ordered by the Human Resources Director, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.~~

113.1213.5 Withdrawal of Waivers

1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.

2) Such requests must be received in the Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer next in line for certification whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.

5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

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Sec. 113114.13 Change of Address

~~In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits. Eligibles are responsible for notifying the Department of Human Resources of any change of address.~~

Rule 113

Certification of Eligibles

Article II: Definitions

Applicability: Article II, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.2 Certification Rules

113.2.1 **Rule of Three Scores**

The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

113.2.2 **Rule of Three or More Scores**

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

113.2.3 **Rule of the List**

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 113.3 **Certification Date**

The Certification Date is the date on which the Department of Human Resources certifies to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule as provided under this Article II.

Sec. 113.4 **Notice of Certification**

Eligibles on the eligible list shall be simultaneously notified each time that the Department of Human Resources certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 113.5 **Notice of Inquiry**

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue

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a Notice of Inquiry to those eligibles for the purpose of:

- 1) Assessing the eligibles' interest in the specific position in the department; and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Sec. 113.6 Exhaustion of the List

113.6.1 Rule of Three Scores

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.6.2 Rule of Three or More Scores

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.6.3 Rule of the List

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Rule 113

Certification of Eligibles

Article V: Administration of Certifications

Applicability: Article V, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.10 **Notice of Certification**

For each available position, the Department of Human Resources shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The Department of Human Resources shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 113.11 **Notice of Inquiry**

- 113.11.1 As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.
- 113.11.2 Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limit is extended by the Human Resources Director.
- 113.11.3 If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Sec. 113.12 **Certification Results**

Departments are required to notify the Department of Human Resources of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the Human Resources Director.

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Sec. 113.13 Waivers

113.13.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.
- 3) For reasons prescribed elsewhere in these Rules.
- 4) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

113.13.2 Waiver of Part-Time Employment

Any part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

113.13.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

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113.13.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse two (2) offers of employment resulting from certification off of the eligible list. Refusal of a third (3rd) offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class.

113.13.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.
- 2) Such requests must be received in the Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer .
- 5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 114.13 Change of Address

Eligibles are responsible for notifying the Department of Human Resources of any change of address.

ATTACHMENT B

**Redlined and Clean Versions of
Proposed Amendments to Volume IV
Civil Service Rules 411A, 412 and 413**

Rule 411A Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.24 Eligible Lists

- 411A.24.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.
- 411A.24.2 The Director of Transportation shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 411A.25 Adoption and Posting of Eligible List

- 411A.25.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.
- 411A.25.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 411A.25.3 The Director of Transportation may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire. Resolutions of appeals shall not affect earlier hires from the eligible list.~~

Comment [D1]: This is a non-substantive change, intended to create consistency in the Rule language.

Sec. 411A.26 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Director of Transportation is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

[...]

Rule 411A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.29 Certification

~~411A.29.1~~ The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule that are reachable within the applicable certification rule. ~~Except for~~ circumstances beyond the control of the Municipal Transportation Agency, the initial ~~notice~~ Notice of certification-Certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

Comment [JJ2]: See comment JJ1 above.

~~411A.29.2~~ If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).

Comment [JJ3]: This will no longer apply to Notice of Certification, but will apply to Notices of Inquiry under Rule 413, Article revised.

Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule

411A.30.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.30.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Municipal Transportation Agency shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

Sec 411A.6 Civil Service Commission Rules for Position-Based Testing

411A.6.1 All examination provisions for Position-Based Testing are specified in Rule 411A. Provisions specified in Civil Service Commission Rule 405.12.1, 405.12.4 and 405.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 410, 411 Articles I and II, 412 Articles I – IV, and 413 Article III, do not apply to the Position-Based Testing Program.

[...]

Rule 411A Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.24 Eligible Lists

411A.24.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.

411A.24.2 The Director of Transportation shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 411A.25 Adoption and Posting of Eligible List

411A.25.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.

411A.25.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

411A.25.3 The Director of Transportation may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Resolutions of appeals shall not affect earlier hires from the eligible list.

Sec. 411A.26 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Director of Transportation is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

[...]

Rule 411A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.29 Certification

The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Except for circumstances beyond the control of the Municipal Transportation Agency, the initial Notice of Certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule

411A.30.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.30.2 The most restrictive formula for application of the Rule of Three Scores shall be:

- 1)** When there is one (1) approved personnel requisition on file for a class, the Municipal Transportation Agency shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

- 2)** When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

[...]

Attachment B: Proposed Amendments to Rule 412 (Redlined Version)

**Rule 412
Eligible Lists**

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.11 Adoption of Eligible List

412.11.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

412.11.2 The MTA Director of Transportation/Designee may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles who are reachable for certification may be certified.~~ The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

Comment [JJ1]: This is a non-substantive change, intended to create consistency in the Rule language.

Sec. 412.12 Maintenance of Eligibility

412.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

412.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.

412.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible list with promotive credit points and previous rank restored.

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412.12.4 The MTA Director of Transportation/Designee is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec. 412.13 The Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial ~~notice~~ Notice of certification-Certification to eligibles as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 412 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.17 **Official Adoption Date**

412.17.1 A tentative eligible list shall be posted. Any protests must be filed in the office of the MTA Director of Transportation/Designee during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.

412.17.2 If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.

412.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.

412.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec. 412.18 **Duration of Eligibles**

412.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

412.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Attachment B: Proposed Amendments to Rule 412 (Redlined Version)

Sec. 412.19 Use of Eligible Lists

Except for circumstances beyond the control of the MTA. The initial notice
Notice of certification-Certification to eligibles as provided in Civil Service Rule
413 shall be issued within thirty (30) days from the date of adoption of the
eligible list.

Comment [JJ2]: This language mirrors the language in Section 412.13 above.

Rule 412 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.11 Adoption of Eligible List

- 412.11.1** If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

- 412.11.2** The MTA Director of Transportation/Designee may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

Sec. 412.12 Maintenance of Eligibility

- 412.12.1** Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

- 412.12.2** Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.

- 412.12.3** Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible list with promotive credit points and previous rank restored.

Attachment B: Proposed Amendments to Rule 412 (Clean Version)

412.12.4 The MTA Director of Transportation/Designee is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec. 412.13 The Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligibles as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 412 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.17 **Official Adoption Date**

- 412.17.1** A tentative eligible list shall be posted. Any protests must be filed in the office of the MTA Director of Transportation/Designee during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.

- 412.17.2** If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.

- 412.17.3** Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.

- 412.17.4** Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec. 412.18 **Duration of Eligibles**

- 412.18.1** As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

- 412.18.2** Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Attachment B: Proposed Amendments to Rule 412 (Clean Version)

Sec. 412.19 Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligibles as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of the eligible list.

Rule 413 Certification of Eligibles

Article II: Definitions

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.2 Certification Rules

413.2.1 Rule of Three Scores

The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

~~Sec. 413.2.23~~ Rule of Three or More Scores

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

~~Sec. 413.243~~ Rule of the List

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 413.3 Notice of Certification

Eligibles on the eligible list shall be simultaneously notified each time that the MTA Director of Transportation/Designee certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 413.4 Certification Date

The Certification Date is the date on which the MTA Director of Transportation/Designee issues the Notice of Certification to eligibles as provided under this Article II.

Sec. 413.5 Notice of Inquiry

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue a Notice of Inquiry to those eligibles for the purpose of:

Comment [111]: The definition of "Certification Date" in Volume IV for service-critical classes is different than it is in Volume I and IV for non-service-critical classes (it is the date of the Notice of Certification, not the date that the list of available eligibles is certified to the appointing officer). Therefore, the proposed revised language is different.

The applicable Civil Service Rule provisions are as follows:

Volume I

Sec. 102.5 Certification Date

The date on which the Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill a position.

Volume IV

Sec. 402.5 Certification Date

402.5.1 The date on which the City's Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill a position.

402.5.2 Certification Date - MTA

The date the MTA Director of Transportation/Designee issues a notice to eligibles from which appointments may be made to fill a Service-Critical position at the MTA.

Comment [112]: The purpose of this language is to make it clear that the department has the discretion to issue a Notice of Inquiry but that the Commission and Department of Human Resources retain oversight.

Attachment B: Proposed Amendments to Rule 413 (Redlined Version)

- 1) Assessing the eligibles' interest in the specific position in the department;
and/or
- 2) Requesting additional information or submissions from the eligibles as part
of the selection process.

Sec. 413.56 Exhaustion of the List

413.56.1 Rule of Three Scores

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.56.2 Rule of Three or More Scores

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.5.36 Rule of the List

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Rule 413 Certification of Eligibles

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.10 Response Period

~~413.10.1 Notice of Inquiry~~

- ~~1) Eligibles are required to respond in writing to the Office of the MTA Director of Transportation/Designee within five (5) business days of the date of such notice.~~
- ~~2) The MTA Director of Transportation/Designee may authorize that eligibles be polled by telephone; provided, however, that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.~~

~~413.10.2 Notice of Certification~~

- ~~1) Eligibles are required to respond to the Office of the MTA Director of Transportation/Designee within five (5) business days after the date of such Notice.~~
- ~~2) Eligibles are required to notify the MTA Director of Transportation/Designee as to their certification status within seven (7) business days after the date of the Notice of Certification.~~
- ~~3) MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within twenty (20) business days after the date of the Notice of Certification.~~

~~413.10.3 Extensions~~

Notice of Certification

For each available position, the MTA Director of Transportation/Designee shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Attachment B: Proposed Amendments to Rule 413 (Redlined Version)

Sec. 413.11 Notice of Inquiry

~~413.11.1~~ As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.

Comment [J3]: See comment J1 above.

~~413.11.2~~ Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limits may be extended by the MTA Director of Transportation/Designee.

~~413.11.3~~ If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Comment [J4]: Article III, Rules 413.6.1(4), 413.7.1(4) and 413.8.1(4) provide, "If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s)."

Sec. 413.112 Effect of Failure to Respond Certification Results

~~MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee.~~

Comment [J5]: See the stricken language 413.10.2(3) above.

~~413.11.1~~ An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

~~413.11.2~~ Unless the MTA Director of Transportation/Designee determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.

Sec. 413.1213 Waivers

413.1213.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) ~~For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.~~

Attachment B: Proposed Amendments to Rule 413 (Redlined Version)

~~3) For failure to notify the MTA as to the eligible's status within seven (7) days following certification.~~

~~4) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the MTA Director of Transportation/Designee.~~

Comment [J16]: Note that the provisions regarding temporary positions are no longer stricken as initially proposed.

~~5) For reasons prescribed elsewhere in these Rules.~~

~~6) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the MTA to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or MTA Director of Transportation/Designee may not be removed unless ordered by the Civil Service Commission or MTA Director of Transportation/Designee.~~

413.4213.2 Waiver of Part-Time Employment

~~Any part-time position may be declared by the MTA Director of Transportation/Designee to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.~~

Comment [J17]: As noted in J16 above, the provisions making these provisions inapplicable to temporary positions have been removed.

413.4213.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

413.4213.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.

Attachment B: Proposed Amendments to Rule 413 (Redlined Version)

2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.

3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) offers of employment resulting from certification off of the eligible list Notices of Certification. Refusal of consideration from the third (3rd) Notice of Certification offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.

~~4) Unless otherwise ordered by the MTA Director of Transportation/Designee, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.~~

413.1213.5 Withdrawal of Waivers

1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.

2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer next in line for certification to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.

5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Attachment B: Proposed Amendments to Rule 413 (Redlined Version)

Sec. 413.1314 Change of Address

~~In all cases of change of address, the Office of the MTA Director of Transportation/Designee must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits. Eligibles are responsible for notifying the Office of the MTA Director of Transportation/Designee of any change of address.~~

Rule 413

Certification of Eligibles

Article II: Definitions

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.2 **Certification Rules**

413.2.1 **Rule of Three Scores**

The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

413.2.2 **Rule of Three or More Scores**

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

413.2.3 **Rule of the List**

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 413.3 **Notice of Certification**

Eligibles on the eligible list shall be simultaneously notified each time that the MTA Director of Transportation/Designee certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 413.4 **Certification Date**

The Certification Date is the date on which the MTA Director of Transportation/Designee issues the Notice of Certification to eligibles as provided under this Article II.

Sec. 413.5 **Notice of Inquiry**

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue a Notice of Inquiry to those eligibles for the purpose of:

Attachment B: Proposed Amendments to Rule 413 (Clean Version)

- 1) Assessing the eligibles' interest in the specific position in the department; and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Sec. 413.6 Exhaustion of the List

413.6.1 Rule of Three Scores

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.6.2 Rule of Three or More Scores

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.5.6 Rule of the List

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Rule 413

Certification of Eligibles

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.10 **Notice of Certification**

For each available position, the MTA Director of Transportation/Designee shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 413.11 **Notice of Inquiry**

- 413.11.1 As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.
- 413.11.2 Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limit is extended by the MTA Director of Transportation/Designee.
- 413.11.3 If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Sec. 413.12 **Certification Results**

MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee.

Attachment B: Proposed Amendments to Rule 413 (Clean Version)

Sec. 413.13 Waivers

413.13.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the MTA Director of Transportation/Designee.
- 3) For reasons prescribed elsewhere in these Rules.
- 4) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the MTA to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or MTA Director of Transportation/Designee may not be removed unless ordered by the Civil Service Commission or MTA Director of Transportation/Designee.

413.13.2 Waiver of Part-Time Employment

Any part-time position may be declared by the MTA Director of Transportation/Designee to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

413.13.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

Attachment B: Proposed Amendments to Rule 413 (Clean Version)

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

413.13.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse two (2) offers of employment resulting from certification off of the eligible list. Refusal of a third (3rd) offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class.

413.13.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.
- 2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer .
- 5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Attachment B: Proposed Amendments to Rule 413 (Clean Version)

Sec. 413.14 Change of Address

Eligibles are responsible for notifying the Office of the MTA Director of Transportation/Designee of any change of address.

ATTACHMENT C

Provisions Governing Civil Service Selections/Appointments

I. Selections from the Eligible List/Civil Service Appointments

- Administrative Code Section 2A.30, Department Heads:
“The department head shall act as the ‘appointing officer’ under the civil service provisions of the Charter for the appointing, disciplining and removal of such officers, assistants and employees as may be authorized.”
- Charter Section 8A.100, Preamble [to Charter Section VIIIA, The Municipal Transportation Agency]:
“[This] Article is intended to strengthen the Municipal Transportation Agency’s authority to: 1) manage its employees; [...] and 3) protect the Agency’s right to select, train, promote, demote, discipline, layoff and terminate employees, managers, and supervisors based upon the highest standards of customer service, efficiency and competency.”
- Charter Section A8.329, Certification of Eligibles:
“Whenever a [civil service position] is to be filled, the appointing officer shall make a requisition to the department of human resources for a person to fill it. Thereupon, the department shall certify to the appointing officer the names and addresses of all those persons meeting the certification rule established for that classification. The Civil Service Commission shall establish certification rules. Certification rules shall not be more restrictive than the certification of all candidates receiving the three highest scores on the list of eligibles for such positions. The appointing officer shall fill the position by the appointment of one of the persons certified.”
- Civil Service Rule Series 13, Certification of Eligibles; Article I, General Principles:
Volume I – Section 113.1, General Policy:
“The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize multicultural diversity of the work force in the City and County of San Francisco.

Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, [membership in a protected category], or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointing officers and their designees shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. Appointing officers/designees shall also be responsible for maintaining documentation of selection criteria. Departments shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures.”

Volume IV -- Section 413.1, General Policy:

“The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from civil service eligible lists and considers this broadening as an

Attachment C: Relevant Provisions Governing Civil Service Appointments

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increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize multicultural diversity of the work force in the City and County of San Francisco. Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. The MTA Director of Transportation/Designee shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. The MTA Director of Transportation/Designee shall also be responsible for maintaining documentation of selection criteria. The MTA Director of Transportation/Designee shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures.”

- Civil Service Rule Series 01.3, Merit System Principles (Volumes I and IV):

“As applied to employee classifications under the competitive civil service selection, appointment and removal procedures. The principles of the City and County’s merit system include:

- 1) Recruitment, employment, retention, and promotion of employees on the basis of qualifications and performance; and,
- 2) High performance and ethical standards, consistent with hiring qualified individuals who have successfully completed the examination process, been placed on an eligible list and completed the probationary period.

Further, it is the goal and policy of the Civil Service Commission to provide fair treatment of applicants in all aspects of employment without regard to [membership in a protected category] and otherwise prohibited nepotism or favoritism.”

- Civil Service Rule Series 03.1, Policies for Equal Employment Opportunities (Volumes I and IV):

“Equal Employment Opportunity. It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment; that selection of employees to positions in the City and County be made on the basis of merit; and that continuing programs be maintained to afford equal employment opportunities at all levels. Vigorous enforcement of the laws against discrimination shall be carried out at every level of each department. All persons shall have equal access to employment within the City and County, limited only by their ability to do the job.

No person shall be appointed, reduced, removed, or in any way favored or discriminated against in employment or opportunity for employment because of [membership in a protected category] or other non-merit factors or any other category provided by ordinance.”

II. Oversight on Civil Service Selection and Appointment Processes

- Charter Section 10.101, General Powers and Duties [of the Civil Service Commission]:
“The Civil Service Commission shall adopt rules, policies and procedures to carry out the civil service merit system provisions of this charter and, except as otherwise provided in this Charter, such rules shall govern applications; examinations; eligibility; duration of eligible lists; certification of eligibles; [...]; appointments; promotions; provided, however, that the minimum rule for the certification of eligibles shall be the Rule of Three Scores [...].”

“The Commission shall establish an inspection service for the purpose of investigating the conduct or an action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the Commission in making its investigations and any person hindering the Commission or its agents shall be subject to suspension.”

“The Commission shall have the power to inquire into the operation of the civil service merit system to ensure compliance with merit principles and rules established by the Commission. After such inquiry, the Commission may direct the Human Resources Director to take such action as the Commission believes necessary to carry out the civil service provisions of this Charter.”
- Charter Section 10.102, Department of Human Resources:
“Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the Civil Service Commission, including but not limited to authority to recruit, select, certify, appoint, [...] and other related personnel activities in order to maintain an effective and responsive work force.”
- Charter Section 10.103, Human Resources Director:
“The Human Resources Director shall verify that all persons whose names appear on City and County payrolls have been legally appointed to or employed in positions legally established under this Charter. [...] Consistent with the foregoing and other applicable provisions of this Charter, the Human Resources Director may delegate to the various appointing officers appropriate personnel responsibilities, and shall consult with appointing officers with respect to Civil Service Commission rules affecting their operations.”
- Charter Section 8A.100, Preamble [to Charter Section VIIIA, The Municipal Transportation Agency]:
“[This] Article is intended to ensure sufficient oversight of the Municipal Transportation Agency by, among other things, preserving the role of [...] the Civil Service Commission, as to merit system issues. [...]”
- Charter Section 8A.104, Personnel and Merit System [of the MTA]
“Except as otherwise provided in this Section, the Agency shall be governed by the rules of

Attachment C: Relevant Provisions Governing Civil Service Appointments

Page 4 of 4

the civil service system administered by the City and appeals provided in civil service rules shall be heard by the City's Civil Service Commission. [...] Effective July 1, 2000, except for the administration of health services, the Agency shall assume all powers and duties vested in the Department of Human Resources and the Director of Human Resources under Articles X and XI of this Charter in connection with job classifications within the Agency performing "service-critical" functions. Except for the matters set forth in subsection (f), the Department of Human Resources and the Director of Human Resources shall maintain all powers and duties under Articles X and XI as to all other Agency employees. In addition, the Agency shall, with respect to all Agency employees, succeed to the powers and duties of the Director of Human Resources under Article X to review and resolve allegations of discrimination, as defined in Article XVII, against employees or job applicants, or allegations of nepotism or other prohibited forms of favoritism. To the extent resolution of a discrimination complaint or request for accommodation involves matters or employees beyond the Agency's jurisdiction, the Agency shall coordinate with and be subject to applicable determinations of the Director of Human Resources."

- Civil Service Rule Series 13, Certification of Eligibles; Article I, General Principles;

Volume I – Section 113.1.3 - Implementation of the Rule by the Human Resources Director.

"Implementing this Rule, the Human Resources Director shall:

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco, and
- 2) ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all decentralized units as delegated by the Human Resources Director, and
- 3) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations."

Volume IV – Section 413.1.3 - Implementation of the Rule by the MTA Director of Transportation/Designee.

"Implementing this Rule, the MTA Director of Transportation/Designee shall:

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco, and
- 2) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations."

- END -
66

Department of Human Resources'
Presentation to the
Civil Service Commission

July 7, 2014



CIVIL SERVICE RULE 113

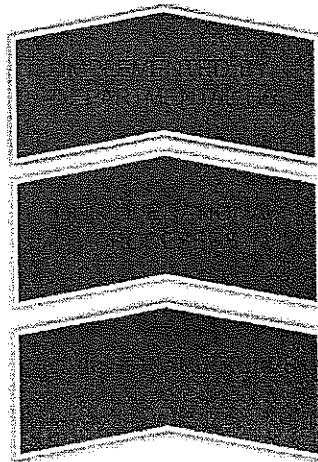
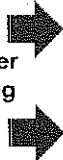
Certification of Eligibles

Presented by the Department of Human Resources
July 7, 2014



Request for Revision to Rule 113

Faster
Hiring



❖ Implemented throughout City department by HR professionals

❖ Operationalized through processes developed at DHR

❖ Foundation of Merit principles
All persons shall have equal opportunity in employment; that selection of employees be made on the basis of merit.



Faster Hiring

- ❖ The SF Charter, Article X, Section 10.103, provides:
"The Human Resources Director shall promote effective and efficient management through personnel programs that encourage productivity, job satisfaction and exemplary performance."

- ❖ Civil Service Rule 101.2 Purpose, provides:
*These Rules are prescribed for the purpose of implementing the Charter provisions, assuring continuance of the merit system, **prompting efficiency** in the dispatch of public business, and assuring all persons in the classified service and all persons seeking admission thereto fair and impartial treatment.*

- ❖ 2012 Civil Grand Jury report: Déjà Vu All Over Again
Findings were related to the process of hiring information technology personnel. Recommended "the Mayor develop methods for speeding up the hiring process for IT personnel" and directed DHR to implement this recommendation.

- ❖ City Departments' Hiring Needs
DHR's hiring processes have and continue to be the focus of city departments' frustration with hiring delays.



Process Improvements and Technology

- ❖ Implementation of eMerge PeopleSoft and SMART ERP
DHR collaborated with eMerge to design and implement new process improvements for more efficient position requests.

- ❖ Electronic Referral Project – JobAps
DHR and eMerge have worked collaboratively to update processes for issuing referrals through the JobAps System. DHR has completed the as-is process mapping and is not focusing on the to-be systems processes for departmental referral dispositions and data management.

- ❖ Request to Hire (RTH) Project – SMART ERP
The Request to Hire Project is a collaboration between eMerge and DHR. The project will deliver an electronic process for hiring departments to transition a candidate (post referral) through the pre-employment process to appointment using system validation logic.



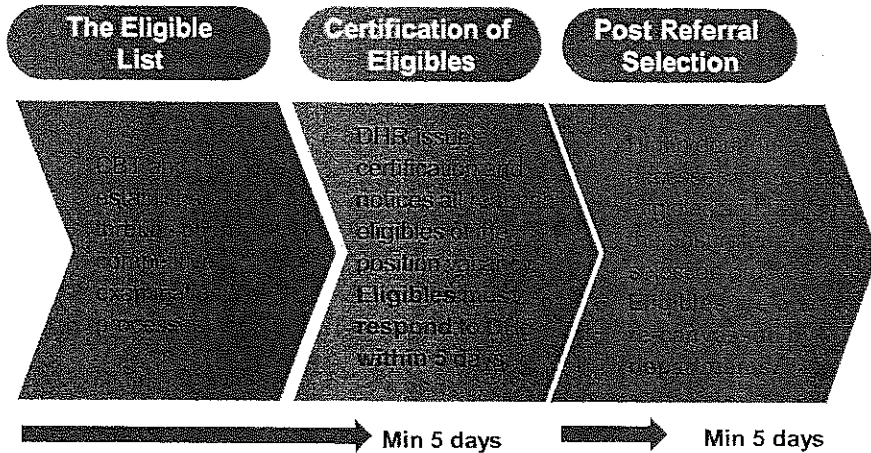
Process Improvements and Efficiency Approach

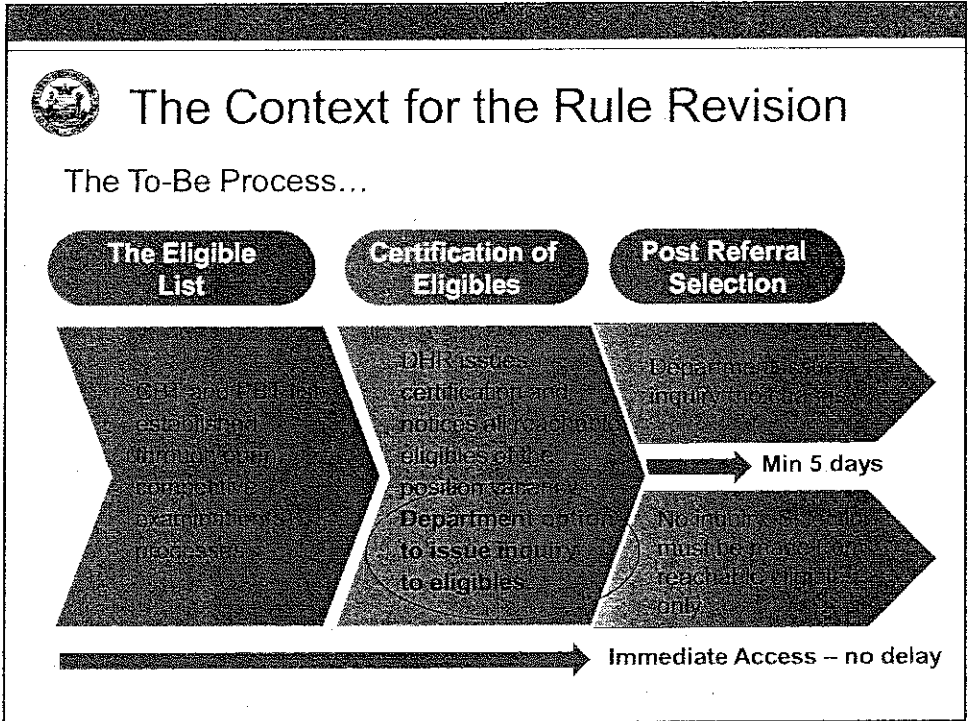
- ❖ Establish a City HR Advisory Group to guide DHR process improvements to meet hiring needs.
- ❖ Complete as-is process mapping and explore to-be process improvement to address departmental hiring concerns.
- ❖ Seek systems solutions to increase efficiency.
- ❖ Recommend updates to rules to ensure consistency with updated processes.



The Context for the Rule Revision

The As-Is Process...





Post-Referral Selection Process

❖ CSC Advisor provides: As-Is...

An appointing officer has the discretion and authority to select the candidate that s/he believes is the best-suited to perform the duties of the specific position to be filled, as determined based on documented non-discriminatory and merit-based criteria.

- Highly structured interview questions with strict rating guidelines
- Predefined benchmark responses to structured interview questions
- Eligibles' responses are "scored" and often "fail" in the process
- Hiring departments seek alternates on the Eligibles List and the certification rule to address failed scores

DHR will NOT
Eligibles List
CHF



Post-Referral Selection Process

- ❖ CSC Advisor provides: To-Be...

An appointing officer has the discretion and authority to select the candidate that s/he believes is the best-suited to perform the duties of the specific position to be filled, as determined based on documented non-discriminatory and merit-based criteria.

- Greater flexibility and discretion to appointment officers
 - Process must be job-related and merit-based
 - Selection process can include:
 - Performance on the examination (rank on list)
 - Structured interview panel (diverse as possible)
 - Performance assessments
 - Application review
 - Written supplemental
 - Published desired qualifications
 - All eligibles noticed of the final selection decision (system delivered)
- DHR will NOT process AP without CHF



Recommendations

- ❖ Civil Service Commission accept the recommendation to revise Rule 113 to provide the flexibility/option for hiring departments to issue an inquiry or not as part of the certification process.
- ❖ Civil Service Commission update its policy as articulated in the proposed Civil Service Advisory to clarify the post – referral selection process.

• DHR will NOT process AP without CHF

Questions?

Human Resources' Previous Staff Report from
July 7, 2014

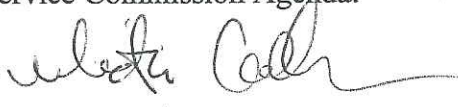


CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

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

1. Civil Service Commission Register Number: ____ - ____ =
2. For Civil Service Commission Meeting of: July 7, 2014
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda X
 Human Resources Director's Report
4. Subject: Recommendations for revision to Civil Service Rule 113 Certification of Eligibles and
update to Civil Service Commission Policy on the Referral and Post-Referral Selection Processes
5. Recommendation: Adopt the report
6. Report prepared by: Ted Yamasaki Telephone number: 415 557-4915
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in
IV. Commission Report Format -A).**
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: 
Date: 6/27/14
9. Submit the original time-stamped copy of this form and person(s) to be notified
(see Item 7 above) along with the required copies of the report to:

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

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

Attachment

CSC-22 (11/97)

CSC RECEIPT STAMP

THIS DOCUMENT SUPPORTS
CALENDAR ITEM

Notification List
CSR 113 & CSC Policy

Ted Yamasaki
Managing Deputy Director
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

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

Donna Kotake
Workforce Development Director
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103



Date: June 26, 2014

To: Honorable Civil Service Commission

Through: Micki Callahan, Human Resources Director

From: Ted Yamasaki, Managing Deputy Director
Department of Human Resources

Subject: **Recommendations for Revision to Civil Service Commission Rule 113 Certification of Eligibles, and update to Civil Service Commission Policy on Referral and Post-Referral Selection Processes as Articulated in Civil Service Adviser No. 008-2000**

I. Overview

The Department of Human Resources (“DHR”) in consultation with other City departments is requesting that the Civil Service Commission (“Commission”) revise Rule 113 Certification of Eligibles to: 1) ensure consistency with updated processes, and 2) provide flexibility to hiring departments to more efficiently manage communications with reachable eligibles.

In addition, we request that the Commission update its policies as articulated in Civil Service Adviser No. 008/2000 to: 1) clarify the process improvements described above; and 2) clarify and confirm the discretion afforded to appointing officers to select the reachable eligible they deem best qualified for a position based on documented non-discriminatory, merit-based selection criteria.

See Attachment A for the proposed revisions to Civil Service Commission Rule 113 and Attachment B for Civil Service Adviser No. 008/2000.

II. Authority

Pursuant to Charter Section 10.100, the Commission is specifically “charged with the duty of providing qualified persons for appointment to the service of the City and County.” Under Charter Section 10.101, the Commission is responsible for adopting rules, policies and procedures to carry out the civil service merit system provisions of the Charter, including those governing examinations, eligibility, certification of eligibles and appointments.

Charter Section 10.102 provides that, “Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the Civil Service Commission, including but not limited to authority to recruit, select, certify, appoint [...] and other related personnel activities in order to maintain an effective and responsive work force.”

III. Background

A. Establishment of an Eligible List

As required under Civil Service Rules 110.9, 110.15, and 111A.11, “Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement for the examination.” The minimum qualifications must be based on job-related criteria. The human resources analyst assigned to the examination will review all applications to ensure that candidates meet the minimum qualifications to participate in the examination; candidates who do not meet those standards are not permitted to proceed in the examination process.

The Department of Human Resources adheres to the core principles that all examinations must be fair, merit-based, and competitive. Examinations must adequately rate the capacity of applicants to perform the duties of the examined position/classification based on job-related criteria. Candidates who are successful in all phases of the examination as detailed in the examination announcement (referred to as “eligibles”) are placed on the eligible list in rank order based on their performance (i.e., their scores on the examination). Tie scores are placed at the same rank on the eligible list.

B. Certification/Referral of Eligibles

Pursuant to Charter Section A8.329, Certification of Eligibles, “Whenever a position controlled by the civil service provisions of this Charter is to be filled, the appointing officer shall make a requisition to [DHR] for a person to fill it. Thereupon, [DHR] shall certify to the appointing officer the names and addresses of all those persons meeting the certification rule established for that classification.” The certification rule is determined in advance of the examination, and must be specified on the examination announcement. For most miscellaneous non-managerial classifications, the default certification rule is the Rule of Three Scores, unless the department and the union agree to a broader certification. The other two most commonly applied certification rules are the Rule of Five Scores and the Rule of Ten Scores.

The Department of Human Resources Client Services Operations team is responsible for the certification of eligibles from an eligible list to the hiring department. The certification process is completed through the JobAps System, interfaced with the eMerge PeopleSoft system. The JobAps system and the workflows for delivering certifications to hiring departments have been under critical review as part of DHR’s ongoing process improvement commitment to expedite City hiring. To that end, new processes have been designed and will be implemented as new system designs and related programming are completed. It is important to note that the process improvements are designed to ensure that all reachable eligibles are given equal opportunities for consideration by the hiring department(s).

The Commission’s policy as articulated in Civil Service Adviser No. 008/2000 requires DHR/the department to notify all reachable eligibles of any vacancy and to allow them at least five business days (or more, if candidates are required to submit additional materials with their response) to respond indicating their interest in pursuing the position. This notice is commonly referred to as a “canvas” or “Notice of Inquiry.” Pursuant to Commission policy, this notification requirement does not apply if the department wishes to appoint a reachable eligible who is a current Provisional employee¹ in the department, already performing competently

¹ As authorized under Charter Section 10.105, a “Provisional” appointment is an appointment made in a permanent or temporary civil service position for which there is no current eligible list. These appointments are limited to three years duration (or until an eligible list is adopted). Provisional appointees serve at the discretion of the appointing officer and acquire no rights to or preference for permanent appointment to their positions.

and effectively in the position to be filled.

In the event that all of the eligibles in a rank within the certification rule either decline or fail to timely respond to the Notice of Inquiry, Civil Service Rule 113.6 provides that the department may request supplementary certification (alternates) from the next highest score.

C. The “Post-Referral Selection Process”

Once a referral of reachable eligibles is provided to the hiring department, an appointing officer is afforded discretion and latitude in selecting the candidate from amongst the reachable eligibles that is determined to be the best-suited to perform the duties of the specific position to be filled, provided that the selection process is based on documented non-discriminatory, merit-based criteria.

As provided in Civil Service Rule 113.1.2, “Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, [membership in a protected category], political affiliation, [...] or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointing officers and their designees shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. Appointing officers/designees shall also be responsible for maintaining documentation of selection criteria.” The department’s documented non-discriminatory, merit-based screening process for selecting amongst the reachable eligibles is referred to as the “post-referral selection process.”

IV. Recommendations for Revision to Civil Service Commission Rule 113 Certification of Eligibles and update to Civil Service Commission Policy on Referral and Post-Referral Selection Processes as Articulated in Civil Service Adviser No. 008-2000

A. Revision Recommendations to Civil Service Rule 113, Certification of Eligibles:

The primary focus of the proposed revision to Rule 113 is to harmonize the language of the rule with updated operational processes. Specifically, the rule revision includes:

1. A requirement for a Notice of Certification. The Department of Human Resources will send a notice of certification to both the hiring department and the individual eligibles. The notice of certification to the eligibles will be informational only and will not require a response.
2. Optional Departmental Inquiry. Hiring departments will have the option to send an inquiry to the reachable eligibles to:
 - a. Assess eligibles’ interest in the position vacancy in the department, and/or
 - b. Request additional job-related information from reachable eligibles to be used by the hiring department as part of the post referral selection process.
 - c. Eligibles must be given a minimum of five (5) days to respond to such a Departmental Inquiry.
 - d. There is no penalty to the eligible for not responding to a hiring department’s inquiry.
3. Certification Results. Hiring departments will be required to notify the Department of Human Resources of the final selection of the incumbent within 60 calendar days of the Notice of

Certification.

4. Elimination of Penalties for Non-Response of Eligibles. Given the discretion proposed to allow hiring departments the option to issue a departmental inquiry, the Department of Human Resources requests that the penalty (placing a reachable eligible under general waiver) for non-response by the eligible be eliminated. In essence, a reachable eligible may simply not respond to a departmental inquiry. As a result of the non-response, the hiring department will not consider that eligible for the position vacancy.

B. Proposed update to Civil Service Commission Policy on Referral and Post-Referral Selection Processes as Articulated in Civil Service Adviser No. 008-2000

The Department of Human Resources proposes that the Commission's policy as articulated in Civil Service Adviser No. 008/2000 be updated to reflect the proposed changes to Rule 113 identified above.

In addition, we request that the Commission policy provide the discretion to the hiring department who may feel that it has sufficient information to make a selection based on the candidates' application materials and performance in the examination be relieved of the obligation to issue an inquiry to all reachable eligibles. For example, the department may wish to only consider the top-scoring candidate (e.g., when there is a degree of high confidence in the testing instrument, such as when the department is making a selection from an eligible list resulting from a PBT it recently administered).

If a hiring department elects not to send a Departmental Inquiry to all reachable eligibles, the selection of an eligible may only be made from the initially reachable ranks under the applicable certification rule (i.e., they would not be able to request supplemental certification to identify alternates). This option would be most appropriate when the hiring department has determined that it has sufficient information to make a merit-based, objective determination on whom the best-qualified reachable candidate(s) is/are based on what the candidates have already submitted and/or their performance on the examination. Therefore, a Departmental Inquiry would be unnecessary.

If, however, the hiring department elects to administer a Departmental Inquiry to all reachable eligibles, the department could access available alternates (supplemental certification) if all of the eligibles in a reachable rank are either non-responsive to the inquiry or indicate that they are not interested in the position.

In either instance, hiring departments are still required to administer a documented, non-discriminatory, merit-based screening processes for selecting amongst the reachable eligibles.

V. Request for Clarification and Confirmation of the Commission's Policy on the Post-Referral Selection Process

As indicated in Adviser 008/2000 and the Civil Service Rules, an appointing officer has the discretion and authority to select the candidate that he or she believes is the best-suited to perform the duties of the specific position to be filled, as determined based on documented non-discriminatory and merit-based criteria.

However, the Civil Service Adviser also states that, "The Civil Service Commission and the Department of Human Resources highly recommend that the department head/designee interview the remaining candidates

in order to select the best-qualified individual. The interview panel should be diverse and must ask job-related questions.”

Given this, hiring departments will often develop and administer extensive post-referral selection processes (irrespective of the type of position to be filled), including highly-structured tape-recorded panel interviews conducted by subject matter experts. Departments will often establish strict rating standards and benchmark responses in order to eliminate flexibility and discretion on the part of the interviewer, because it is believed that these extensive processes are required.

In other words, hiring departments engaged in the post-referral selection process, in an abundance of caution, are essentially administering a highly structured examination instrument more appropriately administered as part of the examination process. That said, hiring departments report that the more extensive and comprehensive the processes they utilize, the more challenges they receive.

Given this, the Department of Human Resources, in collaboration with City departments, respectfully requests that the Adviser 008/2000 be revised as reflected in Attachment A to clarify that such selection processes can include, but are not limited to: performance on the examination; structured panel interviews; performance assessments; examination application materials; written supplemental submissions; and/or, possession of desirable qualifications as posted on the examination announcement.

In determining the appropriate post-referral selection screening criteria and mechanisms, it is advisable for the department to give consideration to the level of confidence in the testing instrument (the examination), how long ago the examination was administered, whether the examination included an interview panel in which the hiring manager/supervisor (the appointing officer’s designee) participated, the propensity for or likelihood of complaints or appeals, the type of position to be filled, and the level of responsibility of that position, etc.

For example, a department may choose to appoint the individual in Rank 1 on the eligible list, based on the fact that he or she performed so successfully on the examination. This would be particularly appropriate if the hiring department is selecting from a recently-established eligible list pursuant to a PBT administered by that same department. Or, a department may wish to only consider candidates in the first three reachable ranks, based on the fact that they performed so successfully on the examination. In this latter case, the hiring department must administer and document the non-discriminatory, merit-based criteria used to further screen from the reachable eligibles in the top three ranks.

Attachments:

- A. Proposed revisions to Civil Service Commission Rule 113
- B. Proposed revisions to Civil Service Adviser No. 008/2000

**Proposed Amendments to Civil Service Rule 113
Certification of Eligibles**

Article V: Administration of Certifications

Applicability: Article V, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.10 Response-Period Notice of Certification

113.10.1 For each available position, the ~~Inquiry~~

- ~~1) Eligibles are required to respond in writing to the Department of Human Resources within five (5) business days of the date of such notice.~~
- ~~2) The Human Resources Director may authorize that eligibles be polled by telephone; provided, however, that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.~~

~~shall certify~~

~~**113.10.2** Notice of Certification~~

- ~~1) Eligibles are required to respond to the appointing officer or designated representative within five (5) business days after the datenames of such Notice.~~
- ~~2) Eligiblesall eligibles who are requiredreachable pursuant to notify the Department of Human Resources as to theirreestablished certification status within seven (7) business days after the date of the Notice of Certification rule.~~

113.10.2 The Department of Human Resources shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 113.11 Optional Departmental Inquiry

113.11.1 Upon receipt of the Notice of Certification by the Department of Human Resources, the hiring department may choose to issue at its option a Departmental Inquiry to all reachable eligibles for the purpose of:

- 1) Assessing the interest of all reachable eligibles in the specific position in the department; and/or
- 2) Requesting additional information or submissions from all reachable eligibles as part of a post-referral selection process

113.11.2 In the event that a hiring department elects to send the optional Departmental Inquiry to all reachable eligibles:

1) Eligibles shall be afforded at minimum five (5) business days to respond to a Departmental Inquiry.

2) If all eligibles at a score waive the opportunity and/or fail to respond within the time limit established in the Departmental Inquiry, the hiring department may request from the Department of Human Resources a supplementary certification(s) from the next highest score(s) in accordance with the provisions of this Civil Service Rule.

3) Response time limits may be extended by the Human Resources Director.

Sec. -

3)113.12 Certification Results

Departments are required to notify the Department of Human Resources of the results of a certification within ~~twenty (20) business~~sixty (60) calendar days ~~after of~~ the date of the Notice of Certification. This deadline may be extended by the Human Resources Director.

~~113.11.33 Response period
time limits may be extended by the Human Resources Director.~~

Sec. 12Sec. 113.11 Effect of Failure to Respond

~~113.11.1~~ An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

113.13Sec. 113.11 Effect of Failure to Respond (cont.)

~~113.11.2~~ Unless the Human Resources Director determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.

Sec. 113.123 Waivers

113.1213.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

1) At the eligible's written request. Such waivers shall be effective on the next business day.

~~2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.~~

~~3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.~~

~~4~~

~~2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.~~

53) For reasons prescribed elsewhere in these Rules.

64) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

113.1213.2 Waiver of Part-Time Employment

Any permanent part-time position may be declared by the Human Resources Director to be under conditional waiver ~~and eligibles may then waive certification without penalty for.~~ An eligible who accepts appointment to a full permanent part-time position. ~~An eligible who accepts such appointment shall retain eligibility for appointment to a permanent full-time position.~~

~~113.12~~113.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

1) the eligible to be effective the next business day;

_____ 2) the Civil Service Commission; or

_____ ~~3~~or3) the Human Resources Director.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

113.1213.4 Effects of Waivers

1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.

2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.

3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) ~~Notices offers of Certification employment resulting from certification off of the eligible list.~~ Refusal of consideration from the a third (3rd) ~~Notice offer of Certification employment~~ shall result in the removal of the eligible's ~~eligible's~~ name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.

_____ 4) ~~Unless otherwise ordered by the Human Resources Director, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.~~

~~113.12~~113.5 Withdrawal of Waivers

1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.

~~113.12.5~~ Withdrawal of Waivers (cont.)

2) Such requests must be received in Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

 3.

 3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles next in line whose names have been certified to the hiring department for certification consideration and to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices sent.

5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 113.1314 Change of Address

 ~~In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.~~

 It is the responsibility of eligibles to notify the Department of Human Resources of any change of address.

The Civil Service Commission has established the Civil Service Adviser to enhance delivery of information on important employment issues and policies affecting the merit system of the City and County of San Francisco.

SELECTION FROM CIVIL SERVICE ELIGIBLE LISTS

Civil Service Adviser

What is the City policy on the selection from civil service eligible lists?

The City's policy as adopted by the Civil Service Commission requires that the selection of eligibles from civil service eligible lists must be based on merit and fitness without regard to race, religion, sex, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointments are made with due consideration to providing equal employment opportunity.

What is the department head's responsibility when making a selection from an eligible list?

The Department Head is responsible for selecting the best qualified, reachable eligible utilizing uniform non-discriminatory merit based selection procedures.

The Department of Human Resources refers the list of eligibles to a department upon receipt of an approved requisition. ~~With a limited exception (addressed in response to the next question heading), eligibles referred to a department by the Department of Human Resources must be notified of the available vacancy by the department. Eligibles must be given a minimum of five (5) business days to respond to the notification. When a department requests supplemental information a longer response period should be provided.~~

In the event that a department chooses to send a Notification of Inquiry, eligibles will be given a minimum of five (5) business days to respond and to submit any supplemental information requested by the department. However, there is no requirement for a department to send a Notice of Inquiry. A longer response period should be provided if the department requests supplemental information.

The department head/designee may determine the appropriate method to screen ~~that list of reachable eligibles who have expressed interest. This screening process (referred to as the "post-referral selection process") must be non-discriminatory and merit system compliant, and could include by way of example but not limitation to:~~ performance on the examination; structured panel interviews; performance assessments; reviews of application materials, resumes, updated applications, writing exercises or work samples; skills checklists; and performance review ~~possession of desirable qualifications described on the examination announcement, etc.~~ In determining the appropriate post-referral selection screening criteria and processes, the department will give consideration to the complexity of the exam instrument (e.g. whether it was a T&E, or a multi-component exam), how long ago the examination was administered, whether the examination included an interview

panel on which the hiring manager/supervisor (the appointing officer's designee) participated, the propensity for or likelihood of complaints, the type of position to be filled and the level of responsibility of that position, etc.

Although not required, ~~the~~ Civil Service Commission and the Department of Human Resources highly recommend that the department head/designee interview the remaining candidates in order to select the best-qualified individual. The interview panel should be as diverse as possible and must ask job-related questions.

The department is required to maintain documentation of all screening and selection criteria and may be subject to audit by the Department of Human Resources or the Civil Service Commission.

DHR notifies all reachable eligibles when their names are referred to a department for consideration. Departments are required to notify all unsuccessful reachable eligibles that they were not selected for the position.

Are Provisional Employees Guaranteed Permanent Civil Service Appointment?

NO. The Civil Service Commission Rules that regulate the merit system specifically state that provisional employees shall not acquire the right or preference for permanent civil service appointment (Rule 14). This means that provisional employees must successfully compete in a civil service examination process and be reachable on an eligible list to be considered for permanent civil service appointment (Rule 14). A provisional employee who was hired pursuant to a valid recruitment and selection process may be selected for permanent appointment without the department engaging in any further post-referral selection process (including interviewing that individual or any other candidate) if the provisional employee: a) successfully completed the examination process; b) is on the eligible list; c) is reachable on the eligible list; and d) is performing competently and effectively in the department. The department head/designee may also decide that another reachable eligible is the best qualified for the job, in which case, the provisional employee would be displaced.

Questions:

Department of Human Resources: 557-4800
 Merit System Services 557-4923
 Employee Relations Division 557-4990
 Internal Services 557-4849
 Equal Employment Opportunity 557-4832



The San Francisco Civil Service Commission

Karen Clopton E. Dennis Normandy, President
 Rosabella Safont Douglas S. Chan, Vice President
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 Mergan R. Geronno Scott R. Heldfond, Member
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Executive Officer's Previous Staff Report from
July 7, 2014



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Date: July 7, 2014

To: Civil Service Commission

From: Jennifer Johnston, Executive Officer

Subject: **Proposed Revisions to the Civil Service Rules on Certifications and Referrals**

I. Overview

This staff report is submitted in response to the Department of Human Resources' ("DHR") proposed revisions to Civil Service Rule 113—Certification of Eligibles in Volume I and Civil Service Adviser No. 008/2000—Selection from Civil Service Eligible Lists, as reflected in its memorandum to the Civil Service Commission ("Commission") dated June 26, 2014.

The revisions to Civil Service Rule 113 that DHR is proposing have been reviewed and approved by the members of the Commission's Committee on Policy Procedures and Rules (COPAR).¹ However, in considering DHR's proposed amendments, the Executive Officer recommends that the Commission also consider revising other sections of the Civil Service Rules to ensure that they are consistent with those amendments. Specifically, the proposed amendments to Civil Service Rule 113, if approved, will also require revisions to Civil Service Rule 111A—Position-Based Testing (see Attachment A) and Civil Service Rule 112—Eligible Lists (see Attachment B).

Additionally, the Municipal Transportation Agency ("MTA") has requested parallel revisions to the Civil Service Rules for service-critical employees in Volume IV (see Attachment C). However, the Executive Officer does not recommend making similar revisions to the Civil Service Rules applicable to uniformed members of the San Francisco Police Department (Volume II) or the San Francisco Fire Department (Volume III), since some of the Rule provisions on certifications and referrals applicable to those employees are significantly different than those in Volumes I and IV.

II. Authority

Charter Section 10.101, General Powers and Duties, provides as follows:

"Changes to the rules may be proposed by members of the Commission, the Executive Assistant or the Human Resources Director and approved or rejected by the Commission. The Commission may, upon ten days' notice, make changes in the rules, which changes

¹ COPAR has been regularly convened by the Executive Officer since at least 1995. It is intended to provide a forum for senior-level human resources managers to discuss subjects of common interest under the Civil Service Commission's jurisdiction.

shall thereupon be printed and be in force; provided that no such changes in rules shall affect a case pending before the Commission.”

Civil Service Rule Series 01.5, Amendment of Rules, provides:

“The Commission may at any time amend these Rules. Any such proposed amendment shall be posted for a minimum of ten (10) consecutive calendar days prior to adoption. Upon adoption, changes in the Rules shall be in effect and shall be printed. No change in the Rules shall affect a case pending before the Civil Service Commission.”

III. Recommendation

In the event that the Commission approves the proposed revisions to Civil Service Rule 113 and Civil Service Adviser 08, the Executive Officer recommends that the Commission adopt this staff report and direct the Executive Officer to:

- Post the proposed revisions to Civil Service Rule Series 13–Certification of Eligibles (as reflected in the attachment to DHR’s staff report), 11A–Position-Based Testing (Attachment A) and 12–Eligible Lists (Attachment B) in Volumes I and IV;
- Post the proposed revisions to Civil Service Adviser–08 Selection from Civil Service Eligible Lists (as reflected in the attachment to DHR’s staff report); and
- Meet and discuss the proposed revisions to the Rules and the Adviser with any interested stakeholders.

IV. Attachments

- Attachment A: Proposed Revisions to Civil Service Rule 111A–Position-Based Testing
- Attachment B: Proposed Revisions to Civil Service Rule 112–Eligible Lists
- Attachment C: Proposed Parallel Revisions to the Civil Service Rules in Volume IV

ATTACHMENT A

Rule 111A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.28 Certification and Use of the Eligible List

111A.28.1 The Department of Human Resources shall certify to the appointing officer the names of eligibles that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Department of Human Resources, the initial ~~Notice of Certification~~ Notice of Certification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

~~111A.28.2 If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).~~

Sec. 111A.29 Certification of Eligibles -- Minimum Allowable Certification Rule

111A.29.1 The minimum (i.e. most restrictive) certification rule shall be the Rule of Three Scores.

111A.29.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Department of Human Resources shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

[...]

Comment [J11]: This is covered under k. 113 as revised.

Sec 111A.5 Civil Service Commission Rules for Position-Based Testing

111A.5.1 All examination provisions for Position-Based Testing are specified in Rule 111A. Provisions specified in Civil Service Commission Rule 105.12.1, 105.12.4 and 105.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 110, 111 Articles I and II, 112 Articles I - IV, and 113 Articles II and VI, do not apply to the Position-Based Testing Program.

ATTACHMENT B

Attachment B

**Rule 112
Eligible Lists**

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

[...]

Sec.112.12 Maintenance of Eligibility

112.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

112.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County Service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, such promotive credit points and the previous rank shall be restored.

112.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with promotive credit points and previous rank restored.

112.12.4 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec.112.13 The Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial ~~n~~Notice of Certification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within thirty (30) days from the date of adoption of an eligible list.

[...]

Rule 112 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 112, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

[...]

Sec.112.17 Official Adoption Date

- 112.17.1 Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Department of Human Resources during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.
- 112.17.2 If protests are received during the posting period, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.
- 112.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 112.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec.112.18 Duration of Eligibles

- 112.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 112.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Sec.112.19 Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of certification Certification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within thirty (30) days from the date of adoption of the eligible list.

Comment [331]: This language mirrors the language in Section 112.15

ATTACHMENT C

Rule 411A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.29 Certification and Use of the Eligible List

411A.29.1 The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Municipal Transportation Agency, the initial ~~an~~ Notice of eCertification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

~~**411A.29.2** If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).~~

Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule

411A.30.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.30.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Municipal Transportation Agency shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

[...]

Rule 412 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.12 Maintenance of Eligibility

- 412.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.
- 412.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.
- 412.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible list with promotive credit points and previous rank restored.
- 412.12.4 The MTA Director of Transportation/Designee is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec. 412.13 The Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within thirty (30) days from the date of adoption of an eligible list.

[...]

Rule 412 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.17 Official Adoption Date

- 412.17.1 A tentative eligible list shall be posted. Any protests must be filed in the office of the MTA Director of Transportation/Designee during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.
- 412.17.2 If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.
- 412.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 412.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec. 412.18 Duration of Eligibles

- 412.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 412.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Sec. 412.19 Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial notice of Certification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within thirty (30) days from the date of adoption of the eligible list.

[...]

Rule 413 Certification of Eligibles

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.10 Response Period/Notice of Certification

~~413.10.1~~ ~~Notice of Inquiry~~

- ~~1) Eligibles are required to respond in writing to the Office of the MTA Director of Transportation/Designee within five (5) business days of the date of such notice.~~
- ~~2) The MTA Director of Transportation/Designee may authorize that eligibles be polled by telephone; provided, however, that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.~~

~~413.10.2~~ ~~Notice of Certification~~

- ~~1) Eligibles are required to respond to the Office of the MTA Director of Transportation/Designee within five (5) business days after the date of such Notice.~~
- ~~2) Eligibles are required to notify the MTA Director of Transportation/Designee as to their certification status within seven (7) business days after the date of the Notice of Certification.~~

413.10.1 For each available position, the MTA Director of Transportation/Designee shall certify to the hiring MTA department(s) the names of all eligibles who are reachable pursuant to the established certification rule.

413.10.2 The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring MTA department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 413.11 Optional Departmental Inquiry

413.11.1 Upon receipt of the Notice of Certification by the MTA Director of Transportation/Designee, the hiring MTA department may choose to issue at its option a Departmental Inquiry to all reachable eligibles for the purpose of:

- 1) Assessing the interest of all reachable eligibles in the specific position in the department; and/or
- 2) Requesting additional information or submissions from all reachable eligibles as part of a post-referral selection process

413.11.2 In the event that the hiring department elects to send the optional Departmental Inquiry to all reachable eligibles:

- 1) Eligibles shall be afforded at minimum five (5) business days to respond to a Departmental Inquiry. Response period time limits may be extended by the MTA Director of Transportation/Designee.
- 2) If all eligibles at a score waive the opportunity and/or fail to respond within the time limit established in the Departmental Inquiry, the hiring department may request from the MTA Director of Transportation/Designee a supplementary certification(s) from the next highest score(s) in accordance with the provisions of this Civil Service Rule.

Sec. 413.12 Certification Results

~~3)~~ MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within ~~twenty (20) business~~ sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee.

~~413.10.3 Extensions~~

~~Response period time limits may be extended by the MTA Director of Transportation/Designee.~~

~~Sec. 413.11 Effect of Failure to Respond~~

~~413.11.1 An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.~~

~~Sec. 413.11 Effect of Failure to Respond (cont.)~~

~~413.11.2 Unless the MTA Director of Transportation/Designee determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.~~

Sec. 413.1213 Waivers

413.1213.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) ~~For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.~~
- 3) ~~For failure to notify the MTA as to the eligible's status within seven (7) days following certification.~~

42) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. ~~A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class.~~ Such waiver may not be withdrawn unless ordered by the MTA Director of Transportation/Designee.

53) For reasons prescribed elsewhere in these Rules.

64) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the MTA to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or MTA Director of Transportation/Designee may not be removed unless ordered by the Civil Service Commission or MTA Director of Transportation/Designee.

413.123.2 Waiver of Part-Time Employment

Any permanent part-time position may be declared by the MTA Director of Transportation/Designee to be under conditional waiver ~~and eligibles may then waive certification without penalty for.~~ An eligible who accepts appointment to a full permanent part-time position. ~~An eligible who accepts such appointment shall retain eligibility for appointment to a permanent full-time position.~~

413.123.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

413.123.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) Notices of Certification offers of employment resulting from certification off of the eligible list. ~~Refusal of consideration from the third (3rd) Notice of Certification offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.~~

~~4) Unless otherwise ordered by the MTA Director of Transportation/Designee, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.~~

413.123.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.
- 2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.
- 4) ~~Withdrawal of waivers shall not interfere with nor affect the rights of eligibles next in line whose names have been certified to the MTA hiring department for certification consideration and to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.~~
- 5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 413.143 Change of Address

~~In all cases of change of address, the Office of the MTA Director of Transportation/Designee must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits. It is the responsibility of eligibles to notify the MTA of any change of address.~~

[...]



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent Via U.S. Mail

July 8, 2014

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

Manuel Bermudez

NOTICE OF CIVIL SERVICE COMMISSION MEETING

**SUBJECT: REQUEST FOR HEARING BY MANUEL BERMUDEZ ON HIS
FUTURE RESTRICTIONS WITH THE SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY.**

Dear Mr. Bermudez:

The above matter will be considered by the Civil Service Commission at a meeting to be held on July 21, 2014 at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

The agenda will be posted for your review on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting" no later than end of day on Wednesday, July 16, 2014. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is available for your review at the Civil Service Commission's office located at 25 Van Ness Avenue, Suite 720, San Francisco. If, however, you would like an electronic copy of the staff report, you may email your request to CivilService@sfgov.org.

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, July 15, 2014 (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.

It is important that you or an authorized representative attend the hearing on your appeal. 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.

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 10

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 Jennifer.Johnston@sfgov.org if you have any questions.

CIVIL SERVICE COMMISSION

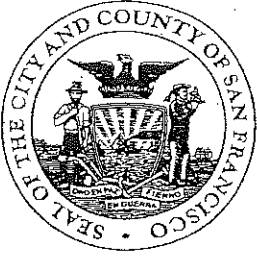


JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Donald Ellison, Municipal Transportation Agency
Chris Iborra, Municipal Transportation Agency
Christina Penland, Municipal Transportation Agency
Commission File
Commissioners' Binder
Chron

Appeal



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

CSC Register No.
0008-14-7
 To: X. E. REISKIN
 CC: D. ELWIS
C. BORRA

APPEAL TO THE CIVIL SERVICE COMMISSION

<p>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 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.</p>	<p>TYPE OF APPEAL: (Check One)</p> <p><input type="checkbox"/> Examination Matters (by close of business on 5th working day)</p> <p><input type="checkbox"/> Employee Compensation Matters (by close of business on 7th working day) - Limited application</p> <p><input type="checkbox"/> Personal Service Contracts (Posting Period)</p> <p><input type="checkbox"/> Other Matters (i.e., Human Resources Director/Executive Officer Action) (30 Calendar days)</p> <p><input checked="" type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
--	---

MANUEL BERMUDEZ 2500 - MARIPOSA ST. SF CA 94110
 Full Name of Appellant Work Address Work Telephone

9163 TRANSIT OPERATOR
 Job Code Title Department

Residence Address City State Zip Home Telephone

Full Name of Authorized Representative (if any) Telephone Number of Representative (including Area Code)

NOTE: If this is deemed to be a timely and appealable matter, the department will submit a staff report to the Civil Service Commission to request that it be scheduled for hearing. You will be notified approximately one week in advance of the hearing date, at which time you will be able to pick-up a copy of the department's staff report at the Commission's offices. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please provide your email address below.

Email: _____

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

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

[Signature] 2014 JAN 22 PM 3:12 1/22/14
 Original Signature of Appellant or Authorized Representative Date

State the basis of this appeal in detail. For more information about appeal rights and deadlines, please review the Civil Service Rules located on the Civil Service Commission's website at www.sfgov.org/Civil_Service.

I AM REQUESTING A HEARING REVIEW TO REMOVE THE
RESTRICTION ON FUTURE EMPLOYABILITY.

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF SEPARATION FROM EMPLOYMENT**

Via Certified Mail

Manuel Bermudez
NAME OF EMPLOYEE

January 8, 2014
MAILING DATE

ADDRESS

SFMTA
DEPARTMENT/DIVISION

CITY CA STATE ZIP CODE

PCS
TYPE OF APPOINTMENT

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

This notice is to inform you that you are separated from your employment in Class: 9163, Title: Transit Operator, effective COB January 3, 2014. For the reasons outlined in the attached document(s).

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

You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission within 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by January 29, 2014. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

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

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input checked="" type="checkbox"/>	Accept the resignation as certified.	<input checked="" type="checkbox"/>	No future employment with this Department.
<input type="checkbox"/>	Dismiss from City and County service.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input type="checkbox"/>	Approve the separation.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Other (specify):		

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

SEE REVERSE SIDE

MUST BE COMPLETED BY DEPARTMENT:

Rank: 92 List # E148

SSN: _____

Employee Organization TWU 250-A

METHOD OF SERVICE:

Certified Mail Hand Delivered _____

Certified Mail # 7011 2000 0002 7825 9710

Attachment(s) Notice of Dismissal, Separation Report


SIGNATURE OF APPOINTING OFFICER

NAME Donald E. Ellison

TITLE Director, Human Resources



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Action Request on Pending Appeal

Applicable to Municipal Transportation Agency Service-Critical Classes

DATE: March 25, 2014

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

FROM: Donald E. Ellison, SFMTA Director of Human Resources
(Name) *Donald E. Ellison*
San Francisco Municipal Transportation Agency
(Department)
1 South Van Ness Avenue, 6th Floor, San Francisco, CA 94103
(Address)
(415) 701-5378
(Telephone)

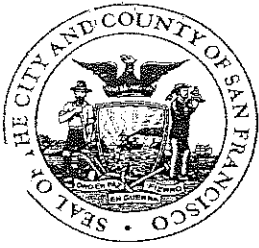
SUBJECT: 0008-14-7
(CSC Register No.)
Manuel Bermudez
(Appellant's Name)
April 7, 2014
(Tentative CSC Hearing Date)

The following action on the appeal/request cited above is requested: (check appropriate box)

- Appeal not timely. Copy of documentation attached. Please notify appellant; close file.
- Resolved administratively. Copy of documentation attached. Please notify appellant; close file.
- Scheduling problem; tentative CSC date not feasible for the reasons given under AOther \cong and note approximate date of CSC meeting when you will be prepared to proceed. Reschedule CSC hearing date; notify appellant if required.
- Other; *describe*: Due to schedule conflicts resulting from Agency-wide bargaining, requesting to reschedule Bermudez hearing for the July 21, 2014 CSC meeting.

(Please add additional pages if necessary)

cc: MTA Director/Designee
CSC-13MTA (9/2000)



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

NOTICE OF RECEIPT OF APPEAL

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

DATE: January 23, 2014

REGISTER NO.: 0008-14-7

APPELLANT: MANUEL BERMUDEZ

Ed Reiskin
Director of Transportation
Municipal Transportation Agency
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Dear Mr. Reiskin:

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

The Civil Service Commission has received the attached letter from Mr. Manuel Bermudez, requesting a hearing on his future employability with the Municipal Transportation Agency. Your review and action are required.

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/Civil_Service under "Procedures and Forms."

In the event that Mr. Bermudez's appeal is timely and appropriate, the Municipal Transportation Agency 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 March 27, 2014** so that it may be heard by the Civil Service Commission at its meeting on April 7, 2014. If you will be unable to transmit the Department's staff report by the March 27th deadline, or if required departmental representatives will not be available to attend the April 7th 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.

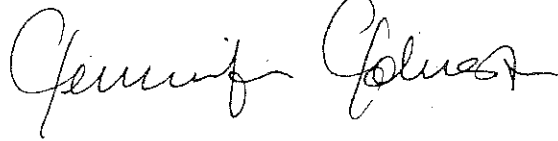
You may contact me at Jennifer.Johnston@sfgov.org or (415) 252-3250 if you have any questions. For more information regarding staff report requirements,

Appellant: Manuel Bermudez
January 23, 2014
Page 2

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

Sincerely,

CIVIL SERVICE COMMISSION

A handwritten signature in black ink, appearing to read "Jennifer Johnston", written in a cursive style.

JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Donna Kotake, Department of Human Resources
Donald Ellison, Municipal Transportation Agency
Chris Iborra, Municipal Transportation Agency



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via U.S. Mail

January 23, 2014

Manuel Bermudez

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

Subject: Register No. 0008-14-7: Request for Hearing on your future employability with the Municipal Transportation Agency

Dear Mr. Bermudez:

This is in response to your appeal submitted to the Civil Service Commission on January 22, 2014 regarding your request for hearing on your future employability the Municipal Transportation Agency. 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 be notified approximately one week in advance of the hearing date, at which time you will be able to pick up a copy of the department's staff report at the Commission's offices located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please submit your request to CivilService@sfgov.org (this will also result in your receiving the meeting notice and staff report a few days sooner).

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 eight 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 Jennifer.Johnston@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/Civil_Service.

Sincerely,

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

J FER C. JOHNSTON
EXECUTIVE OFFICER

Staff Report

LIST OF PERSONS TO BE NOTIFIED

Manuel Bermudez

[REDACTED]
[REDACTED]

Christina Penland
Employee & Labor Relations
1 South Van Ness Ave, 7th Floor
San Francisco, CA 94103

Chris Iborra
Employee & Labor Relations, HR
1 South Van Ness Ave. 6th Floor
San Francisco, CA 94103

Donald E. Ellison
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

SCOTT R. HELDFOND
PRESIDENT

DATE: January 23, 2014

E. DENNIS NORMANDY
VICE PRESIDENT

REGISTER NO.: 0008-14-7

DOUGLAS S. CHAN
COMMISSIONER

APPELLANT: MANUEL BERMUDEZ

KATE FAVETTI
COMMISSIONER

Ed Reiskin
Director of Transportation
Municipal Transportation Agency
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

GINA M. ROCCANOVA
COMMISSIONER

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EXECUTIVE OFFICER

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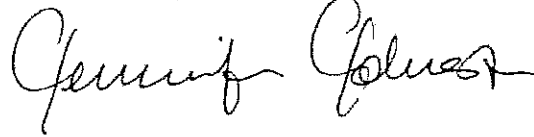
You may contact me at Jennifer.Johnston@sfgov.org or (415) 252-3250 if you have any questions. For more information regarding staff report requirements,

Appellant: Manuel Bermudez
January 23, 2014
Page 2

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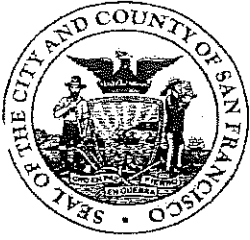
CIVIL SERVICE COMMISSION

A handwritten signature in black ink, appearing to read "Jennifer Johnston". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Johnston".

JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Donna Kotake, Department of Human Resources
Donald Ellison, Municipal Transportation Agency
Chris Iborra, Municipal Transportation Agency



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via U.S. Mail

January 23, 2014

Manuel Bermudez
[REDACTED]
[REDACTED]

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GENA M. ROCCANOVA
COMMISSIONER

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

Subject: **Register No. 0008-14-7: Request for Hearing on your future employability with the Municipal Transportation Agency**

Dear Mr. Bermudez:

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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 be notified approximately one week in advance of the hearing date, at which time you will be able to pick up a copy of the department's staff report at the Commission's offices located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please submit your request to CivilService@sfgov.org (this will also result in your receiving the meeting notice and staff report a few days sooner).

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Sincerely,

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer



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

CSC Register No.
 0008-14-7
 To: X E. REISKIN
 CC: D. ELLISON
 C. BORRA

APPEAL TO THE CIVIL SERVICE COMMISSION

<p>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 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.</p>	<p>TYPE OF APPEAL: (Check One)</p> <p><input type="checkbox"/> Examination Matters (by close of business on 5th working day)</p> <p><input type="checkbox"/> Employee Compensation Matters (by close of business on 7th working day) - Limited application</p> <p><input type="checkbox"/> Personal Service Contracts (Posting Period)</p> <p><input type="checkbox"/> Other Matters (i.e., Human Resources Director/Executive Officer Action) (30 Calendar days)</p> <p><input checked="" type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
---	---

MANUEL BERMUDEZ 2500 - MARIPOSA ST. SF CA. 94110
 Full Name of Appellant Work Address Work Telephone
 9163 TRANSIT OPERATOR [REDACTED]
 Job Code Title Department
 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
 Residence Address City State Zip Home Telephone

Full Name of Authorized Representative (if any) Telephone Number of Representative (including Area Code)

NOTE: If this is deemed to be a timely and appealable matter, the department will submit a staff report to the Civil Service Commission to request that it be scheduled for hearing. You will be notified approximately one week in advance of the hearing date, at which time you will be able to pick-up a copy of the department's staff report at the Commission's offices. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please provide your email address below.

Email:

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

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

[Signature] 2106 WA 322481 107 1/22/14
 Original Signature of Appellant or Authorized Representative Date

State the basis of this appeal in detail. For more information about appeal rights and deadlines, please review the Civil Service Rules located on the Civil Service Commission's website at www.sfgov.org/Civil_Service.

I AM REQUESTING A HEARING REVIEW TO REMOVE THE
RESTRICTION ON FUTURE EMPLOYABILITY

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF SEPARATION FROM EMPLOYMENT**

Via Certified Mail

Manuel Bermudez
NAME OF EMPLOYEE

[REDACTED]
ADDRESS

[REDACTED]
CITY STATE ZIP CODE

January 8, 2014
MAILING DATE

SFMTA
DEPARTMENT/DIVISION

PCS
TYPE OF APPOINTMENT

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

This notice is to inform you that you are separated from your employment in Class: 9163, Title: Transit Operator, effective COB January 3, 2014. For the reasons outlined in the attached document(s).

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<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input checked="" type="checkbox"/>	Accept the resignation as certified.	<input checked="" type="checkbox"/>	No future employment with this Department.
<input type="checkbox"/>	Dismiss from City and County service.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input type="checkbox"/>	Approve the separation.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Other (specify):		

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

SEE REVERSE SIDE

MUST BE COMPLETED BY DEPARTMENT:

Rank: 92 List # E148

SSN: [REDACTED]

Employee Organization TWU 250-A

METHOD OF SERVICE:

Certified Mail Hand Delivered

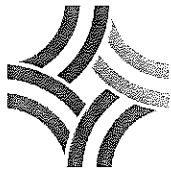
Certified Mail # 7011 2000 0002 7825 9710

Attachment(s) Notice of Dismissal, Separation Report

Donald E. Ellison
SIGNATURE OF APPOINTING OFFICER

NAME Donald E. Ellison


TITLE Director, Human Resources



MEMORANDUM

DATE: July 7, 2014

TO: The Civil Service Commission

FROM: Donald E. Ellison 
Director of Human Resources

SUBJECT: Future Employment Restrictions – Manuel Bermudez Former 9163 Transit Operator
– San Francisco Municipal Transportation Agency

Overview

Manuel Bermudez (Appellant) submitted an appeal to the Civil Service Commission (CSC) regarding his future employability with the City and County of San Francisco (CCSF) and the San Francisco Municipal Transportation Agency (SFMTA). The SFMTA has submitted this staff report for the CSC's review and consideration on this matter.

Standards/Authority

The San Francisco Municipal Railway Rules and Instructions Handbook sets forth the standards that govern the conduct of employees in the performance of their duties. All employees are held accountable for compliance with all rules in the handbook. Adherence to the rules is essential to safety and safety is the primary importance in the performance of duties. Violation of any rule in the handbook is sufficient cause for disciplinary action up to and including dismissal.

Rule 2.8 Conduct

Rule 2.13 I. Dishonesty

Rule 2.15 Schedules

Rule 4.17 Passing up Passengers

Rule 4.20 Federal Law Requires Compliance with the Americans with Disabilities Act

(Exhibit 1)

Background

Appellant was appointed to Job Code 9163, Transit Operator by the SFMTA on December 30, 1998. Appellant voluntarily resigned from his position as a 9163 Transit Operator, effective the close of business on January 3, 2014. **(Exhibit 2).**

The SFMTA designated the Appellant's service as unsatisfactory, and given the Appellant's long history of progressive disciplinary action, the SFMTA determined that the Appellant should be restricted from any future employment with the SFMTA **(Exhibit 3)**.

In 2013 alone, Appellant has received three separate 5-day suspensions, one 2-day suspension and numerous warnings, coachings and counselings for a variety of rule violations of the San Francisco Municipal Railway Rules and Instructions Handbook. At the time of his resignation, Appellant owed two separate 5-day suspensions and had one pending disciplinary hearing for a new infraction that had occurred.

5-day Suspension

On October 1, 2013, Appellant "became abusive" when a patron asked if something was wrong with the bus because of the slow, halting manner in which Appellant was driving it. Appellant responded, "You want me to hit the car! You treat me like shit I treat you like shit!" Appellant then refused to reveal his identification number to the patron when asked and when the patron said he was going to file a complaint, Appellant told the patron to file one with "President Obama as well." Appellant was charged with discourteous treatment and issued a 10-day suspension. The suspension was appealed and reduced to 5-days as a means of settling the grievance. The 5-day suspension was pending at the time of resignation. **(Exhibit 4)**

5-day Suspension

On September 24, 2013, Appellant claimed he was having break issues and pulled his coach into the yard from his assigned run. Appellant was unreasonably delayed for 40 minutes before pulling back out and resuming his assignment and he failed to contact central control to notify them of the delay. Appellant has a history of claiming equipment problems, 50 separate occasions in 2013, most of which were unfounded. A functional test of the breaks found no defects. The investigation concluded that Appellant used equipment issues as an excuse to avoid his assignments. Appellant was charged with dishonesty and issued a 7-day suspension. The suspension was appealed and reduced to 5-days as a means of settling the grievance. The 5-day suspension was pending at the time of resignation. **(Exhibit 5)**

5-day Suspension

On June 14, 2013, Appellant was observed arriving late to his relief point by two minutes, and then he maintained 4 minutes behind schedule to the end of the line. 13 minutes of recovery time were built into his schedule, therefore he should have been able to leave the terminal on time, however at the end of the line Appellant was also observed leaving the terminal 4 minutes late. Additionally, the stop announcer was not working and Appellant failed to announce stops as is required.

Appellant was charged with failing to maintain schedules and announce stops and issued a 5-day suspension. The suspension was appealed and upheld by the Step 2 Grievance Hearing Officer, who determined the 5-day suspension was warranted considering the Appellant "has received seven separate caution and reinstructions for schedule violations and seven separate warnings for

transfer misuse, lateness and schedule violations” in addition to “... a two-day suspension for a schedule violation.” The 5-day suspension was served on October 21, 2013 – October 25, 2013. **(Exhibit 6)**

2-day Suspension

On May 28, 2013, a customer service complaint revealed that Appellant did not stop to pick up intending passengers which he did not have authorization to do. Appellant was issued a 2-day suspension that was not appealed. The suspension was served on July 10, 2013 – July 11, 2013. **(Exhibit 7)**

In addition Appellant received Oral and Written Warnings as follows:

- July 1, 2013 – Warning for pattern absenteeism
- June 21, 2013 – Warning for customer service complaint
- June 3, 2013 – Warning for customer service complaint
- May 29, 2013 – Caution and Reinstruct for customer service complaint
- May 6, 2013 – Warning for transfer misuse
- April 25, 2013 – Final Warning for failing to follow orders and passing up passengers
- April 4, 2013 Oral warning for lateness
- March 5, 2013 – Warning for customer service complaint
- February 27, 2013 – Written Warning for schedule violation
- January 11, 2013 – Final warning for schedule violation
- January 8, 2013 – Warning for schedule violation
- January 7, 2013 – Final Warning for pattern absenteeism

Findings and Analysis

The Proposed Future Employment Restrictions are Justified below:

1. Violation of Rule 2.8 of the handbook: Conduct – As the primary customer service contact for the Agency, Operators are held to a high standard with regard to their conduct with the public. They are to demonstrate polite, respectful behavior in their dealings with the public; boisterous, profane or vulgar language is forbidden; they are to avoid disputes with any person, no matter what the provocation; and they are not to be quarrelsome. Appellant was discourteous in the manner in which he treated the patron and his behavior is unacceptable.
2. Violation of Rule 2.13 of the handbook : I. Dishonesty – Appellant was dishonest in claiming unfounded coach defects and creating unnecessary delays in resuming service in order to avoid run assignments.
3. Violation of Rule 2.15 of the handbook. Schedules – Appellant demonstrated disregard for his duties by not adhering to schedules, by arriving to relief points late, and by departing terminals late. Operators must adhere to schedules, shall not operate ahead of schedule and must leave terminals as scheduled unless authorized adjustments have been made. This is in Appellant displayed insubordinate behavior by failing to follow orders.

4. Violation of Rule 4.17 of the handbook: Passing up Passangers – Appellant is neglectful in the performance of his duties by not stopping and passing up intending passengers. Passing up passengers is not permitted and unless specifically authorized, Operators are to stop for intending passengers when there is room enough to board.
5. Violation of Rule 4.20 of the handbook: Federal Law Requires Compliance with the Americans with Disabilities Act – Appellant was inattentive to his responsibilities of announcing stops as is required.

Conclusion

Throughout his career with the Agency, Appellant had been coached, counseled, warned and suspended numerous times for a variety of rule violations of the San Francisco Municipal Railway Rules and Instructions Handbook. In 2013 alone, Appellant's employment record reflects 17 instances in which the Agency has addressed performance issues with him and issued progressive levels of discipline.

Appellant has demonstrated a neglectful attitude toward his duties and responsibilities as a 9163 Transit Operator. A system of progressive discipline has been used, but to no avail. Despite the Agency's efforts to work with Appellant, his unprofessional and inappropriate conduct continued through violation after violation. In fact, at the time of his resignation, Appellant had two separate 5-day suspensions pending and one pending disciplinary hearing for a new infraction that had occurred.

Recommendation

Based on the foregoing, the SFMTA recommends that the CSC approve Appellant's future employability restrictions that prohibit future employment with the SFMTA.

Attachments

- Exhibit 1 – Excerpts from Rules and Instruction Handbook (Pages 5-10)
- Exhibit 2 – Letter of Resignation (Page 11)
- Exhibit 3 – Notice of Resignation – Unsatisfactory Services (Pages 12-16)
- Exhibit 4 – 5 day suspension from October 2013 and Supporting Documents (Pages 17-28)
- Exhibit 5 – 5 day suspension from September 2013 and Supporting Documents (Pages 29-50)
- Exhibit 6 – 5 day suspension from June 2013 and Supporting Documents (Pages 51-60)
- Exhibit 7 – 2 day suspension from May 2013 and Supporting Documents (Pages 61-69)

Future Employment Restrictions – Manuel Bermudez Former 9163 Transit Operator
– San Francisco Municipal Transportation Agency
Civil Service Commission Hearing Date: July 21, 2014
Register No. 0008-14-7

Exhibit 1

San Francisco Municipal Railway

Rules and Instructions Handbook



task for which the property was issued or upon demand by proper authority.

2.7.7 Employees must not duplicate or cause to be duplicated any Railway keys for any person without their supervisor's approval.

2.7.8 Operators must not loan or give any Railway keys to any person without their supervisor's approval.

2.8 **Conduct**

2.8.1 Polite, respectful behavior is required of all employees in their dealings with the public, their subordinates and each other.

2.8.2 Boisterous, profane or vulgar language is forbidden.

2.8.3 Avoid disputes with any person, no matter what the provocation.

2.8.4 When a passenger presents an invalid transfer or abuses a transfer rule, employees are to courteously request the passenger to retain the invalid transfer and pay the fare and then refer the passenger to the Passenger Service Department.

2.8.5 Politely refer a complainant to the Passenger Service Department if unable to resolve the matter satisfactorily.

2.8.6 Information concerning the business of the Railway is to be given only to properly authorized representatives of the Railway and peace officers in performance of their duties who present proper credentials.

2.8.7 Employees are not to, give presents to their superiors and supervisors are not to accept presents from subordinates.

2.11.6 Employees in uniform, while off duty, must respect their uniform and refrain from the use of intoxicants or show evidence of the use of alcoholic liquor. Frequenting bars or taverns when in uniform is to be avoided.

2.12 Training

2.12.1 Employees must attend training sessions as directed by their supervisors.

2.13 Discipline

2.13.1 Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal.

A. Inattention to duties;

B. Incompetence;

C. Substance Abuse;

D. Immoral Conduct;

E. Insubordination;

F. Discourteous treatment of the public or other employees of the SF MUNI Railway;

G. Fighting;

H. Mishandling fares;

I. Dishonesty;

J. Abandonment of vehicle;

K. Willful abuse of railway property.

2.14 Traffic Laws

2.14.1 Employees must comply with the laws, ordinances, and regulations of the state of California and the city and county of San Francisco.

2.14.2 Employees shall be familiar with and obey all such laws, ordinances, and regulations applicable to their responsibilities, including the signing of traffic citations.

2.15 Schedules

2.15.1 Operators shall not operate ahead of schedule.

2.15.2 Operators must leave terminals as scheduled unless authorized adjustments to their schedule have been made by authorized Railway personnel.

2.15.3 Operators working 'owl' runs must wait up to three (3) minutes past the scheduled connection time. If the connection is not made, employees are to radio OCC for instructions.

2.15.4 Operators must wait for passengers transferring from other lines when visible during early and late hours.

2.15.5 Operators must operate equipment in accordance with the timetables in effect. Schedules must be maintained with respect to leaving times, destinations, time points and transfer connections.

2.15.6 Turning in car or coach ahead of schedule, whether or not relief is involved, is prohibited without proper authorization.

2.16 Limitation on Driving Hours

2.16.1 No operator shall knowingly request additional work that would cause the operator to exceed the maximum time on the vehicle of 10 hours.

2.16.2 The only exception, other than a declared emergency, is that the operator shall be allowed to drive to the relief point or pull in to the appropriate garage after notifying OCC.

2.17 Routes

2.17.1 Deviating from established routes, or turning back before reaching the scheduled terminal, is prohibited, except when directed by emergency services personnel, proper authority, or OCC.

4.15.5 At multiple coach loading stops, operators whose coaches are in the third or greater position must stop in the first or second position before proceeding. When a disabled person is observed in any position of a multiple coach zone all operators are to stop, open doors, and announce the line and destination of the vehicle. No pass up of a disabled person is permitted.

4.16 Designated Stops

4.16.1 Cars and coaches will stop at all designated stops where passengers are waiting to board or alight between the hours of 6:30 A.M. and 8:30 P.M. At other hours, in addition to the above, stops will be made for boarding passengers and on verbal request of alighting passengers at the nearside of streets between designated stops.

4.16.2 Whenever a request is made in advance for a particular stop, operator and/or conductor must acknowledge the request of the passenger and announce same.

4.16.3 Between 8:30 P.M. and 6:30 A.M., stops will be made for boarding passengers and on verbal requests from alighting passengers at the nearside of streets between designated stops, except on Market Street or Ocean Avenue, Judah, West Portal, and Lincoln Lane (North side only).

4.17 Passing Up Passengers

4.17.1 Operators on Cable Cars, coaches, and electric cars, in revenue service, or on pull-out and pull-in trips, are to stop for intending passengers, when there is room enough to board, except as follows:

- A. When a number of coaches or electric cars having the same destination are bunched due to an unusual delay. In such instances, the operator on the first coach or electric car may pass up every

other stopping point where persons are waiting to board;

- B. When coach or electric car is loaded to capacity;
- C. When coach or electric car is disabled;
- D. When transferring motor coaches between garages;
- E. When motor coaches are operating during out of service trips;
- F. When operating Limited Stop and Express trips in areas where stops are not required;
- G. When directed by authorized official.

4.18 Standing Load Line

4.18.1 Operator is prohibited from moving a coach or electric car when passengers are standing in front of the designated standing load line.

4.19 Stops

4.19.1 All cars and coaches must be brought to a full stop at all places where traffic regulations or safety rules require stops be made.

4.20 Federal Law Requires Compliance with the Americans with Disabilities Act

4.20.1 Operators must **always** announce stops, at least at transfer points with other fixed routes, major intersections and destination points, all MUNI Metro stations in the subway, and at intervals along a route sufficient to permit individuals to be oriented to their location.

4.20.2 Operators must announce their route and destination to blind or vision impaired passengers at all stops served by multiple lines or destinations.

4.20.3 Operators must announce any stops at the request of any passenger.

Future Employment Restrictions – Manuel Bermudez Former 9163 Transit Operator
– San Francisco Municipal Transportation Agency
Civil Service Commission Hearing Date: July 21, 2014
Register No. 0008-14-7

Exhibit 2



SFMTA

Municipal
Transportation
Agency

LETTER OF RESIGNATION

(must be filled out COMPLETELY and signed)

Date: 1/2/14

MANUEL BERMUDEZ
NAME (Please Print)

[Redacted]
Social Security Number

9163 TRANSIT OPERATOR
Class & Title

POTRERO
Division

01/03/2014
Last/Day Worked (cob)

1/2/14
Effective Date

I am voluntarily resigning from my position with the San Francisco Municipal Transportation Agency.

[Handwritten Signature]
Employee Signature

Please indicate your current mailing address and phone number

Address:	[Redacted]
City, State Zip:	[Redacted]
Telephone:	[Redacted]

Services designated as: Satisfactory Unsatisfactory (documentation required)

Name of Division Official designating services	<u>Sandra Brett</u>
Division Official Title	<u>Superintendent</u>
Signature of Division Official	<i>[Handwritten Signature]</i>
Signature of Personnel Liaison	

PLEASE FORWARD ORIGINAL TO HUMAN RESOURCES

Future Employment Restrictions – Manuel Bermudez Former 9163 Transit Operator
– San Francisco Municipal Transportation Agency
Civil Service Commission Hearing Date: July 21, 2014
Register No. 0008-14-7

Exhibit 3



SFMTA
Municipal
Transportation
Agency

Erwin M. Lee, Mayor
Tom Lohan, Chairman
Malcolm Hancock, Director
Joel Ramos, Deputy
Edward D. Reixen, Board of Transportation
Cheryl Berkman, Vice Chairman
Jerry Lee, Director
Christina Fuhler, Deputy

Certified Mail #7011 2000 0002 7825 9710
Return Receipt Requested & U.S. Mail

January 8, 2014

Manuel Bermudez



RE: Notice of Resignation – Unsatisfactory Services
Transit Operator, Job Code 9163 – Permanent Civil Service (PCS)

Dear Mr. Bermudez:

On January 2, 2014, you voluntarily resigned from your PCS position as a Transit Operator, Job Code 9163 with an effective date of January 2, 2014. Payroll records, however, reflect your last day worked is January 3, 2014. The SFMTA, therefore, accepts your resignation effective the close of business on January 3, 2014 and has designated your resignation as unsatisfactory.

This letter is therefore to advise you that your services will be deemed unsatisfactory and that the SFMTA is recommending to the Civil Service Commission to accept the resignation as certified and that your future employment will be restricted as follows:

1. Cancel any current examination and eligibility status; and
2. No future employment with the SFMTA.

If you have any questions regarding this matter, please contact Christina Penland, Employee & Labor Relations Unit at 415-701-5378.

Sincerely,

Donald E. Ellison
Director of Human Resources

Manuel Bermudez – 9163 Resignation
January 8, 2013

2

Enclosures: Letter of Resignation, Separation Report, Notice of Separation from Employment

cc: Sarita Britt, Potrero Division
Chris Iborra, Employee & Labor Relations
Mike Keohane, HR Payroll
James Cerenio, HR Operations
Marites Bobila, DHR Client Services
Ron Austin, TWU, Local 250-A (9163)
Personnel File
Chron File



LETTER OF RESIGNATION
(must be filled out COMPLETELY and signed)

Date: 1/2/14

MANUEL BERMUDEZ
NAME (Please Print)

[REDACTED]
Social Security Number

9163 TRANSIT OPERATOR
Class & Title

POTRETO
Division

01/03/2014
Last/Day Worked (cob)

1/2/14 C.O.B. 11/3/2014 (CP)
Effective Date

I am voluntarily resigning from my position with the San Francisco Municipal Transportation Agency.

[Handwritten Signature]
Employee Signature

Please indicate your current mailing address and phone number

Address:	[REDACTED]
City, State Zip:	[REDACTED]
Telephone:	[REDACTED]

Services designated as: Satisfactory Unsatisfactory (documentation required)

Name of Division Official designating services	<u>Scarita Brett</u>
Division Official Title	<u>Superintendent</u>
Signature of Division Official	<u>Scarita Brett</u>
Signature of Personnel Liaison	

PLEASE FORWARD ORIGINAL TO HUMAN RESOURCES

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF SEPARATION FROM EMPLOYMENT**

Via Certified Mail

Manuel Bermudez
NAME OF EMPLOYEE

██
ADDRESS

██
CITY STATE ZIP CODE

January 8, 2014
MAILING DATE

SFMTA
DEPARTMENT/DIVISION

PCS
TYPE OF APPOINTMENT

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

This notice is to inform you that you are separated from your employment in Class: 9163, Title: Transit Operator, effective COB January 3, 2014. For the reasons outlined in the attached document(s).

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

You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission within 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by January 29, 2014. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

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

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input checked="" type="checkbox"/>	Accept the resignation as certified.	<input checked="" type="checkbox"/>	No future employment with this Department.
<input type="checkbox"/>	Dismiss from City and County service.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input type="checkbox"/>	Approve the separation.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Other (specify):		

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

SEE REVERSE SIDE

MUST BE COMPLETED BY DEPARTMENT:

Rank: 92 List # E148
SSN: ██████████
Employee Organization TWU 250-A
METHOD OF SERVICE:
Certified Mail Hand Delivered
Certified Mail # 7011 2000 0002 7825 9710
Attachment(s) Notice of Dismissal, Separation Report

Donald E. Ellison
SIGNATURE OF APPOINTING OFFICER

NAME Donald E. Ellison
TITLE Director, Human Resources

16

Future Employment Restrictions – Manuel Bermudez Former 9163 Transit Operator
– San Francisco Municipal Transportation Agency
Civil Service Commission Hearing Date: July 21, 2014
Register No. 0008-14-7

Exhibit 4



SFMTA
 Municipal
 Transportation
 Agency

December 4, 2013

Manuel Bermudez
 [REDACTED]

Re: Pre Step 2 Settlement Agreement for Manuel Bermudez #1836

Dear Mr. Bermudez:

A Step 2 hearing was scheduled for December 4, 2013, based on the grievance the Union had filed on your behalf to appeal the proposed recommendation of a 10-day suspension.

Prior to the Step 2 hearing, an agreement was reached between the Agency and Ron Austin, Union Representative, TWU 250-A. The Agency agreed to reduce the proposed 10-day suspension to a 5-day suspension and the Union agreed to pull the grievance.

This is a non-precedent setting agreement that is specific only to this employee and only to the above stated grievance, and cannot be used or cited for any other purpose.

This agreement is executed by the following representatives:

Sarita Britt
 Potrero Superintendent

Ron Austin
 Executive Vice-President
 TWU Local 250-A

Cc: Christina Penland, Employee and Labor Relations
 Eric Williams, TWU, Local 250-A
 Robert Gainer, Division Chair
 Employee File
 Chron File

TRANSPORT WORKERS UNION - LOCAL 250-A

GRIEVANCE FORM

Step 1

Employee's Name Manuel Bermudez Date 10-31-13

Classification 9163 Cap No. 1836 or 1836 Division Potrero
Badge No.

NATURE OF GRIEVANCE: PSR'S

RULE VIOLATION: _____

SETTLEMENT DESIRED: Punishment is too harsh

Mr Bermudez - Is going thru personal problems

(Signature of Employee)

[Signature]
(Signature of Representative)

MANAGEMENT'S REPLY: Grievance Denied Operator has been conferenced and warned numerous times. Customer Service Complaint was verified by Complaintant in front of the Union

11-4-13
(Date)

[Signature]
(Signature of Management Rep.)

Superintendent
(Title)



SFMTA
Municipal
Transportation
Agency

Edwin M. Lee, Mayor

Tom Nolan, Chairman

Malcolm Henicke, Director

Joél Ramos, Director

Edward D. Reiskin, Director of Transportation

Cheryl Brinkman, Vice-Chairman

Jerry Lee, Director

Cristina Rubike, Director

-516-

Skelly Decision

October 29, 2013

Bermudez, Manuel, # 1836

SUBJECT: Notice of Recommended Disciplinary Action – Skelly Hearing Officer Decision

Dear Mr. Bermudez:

You received a letter of Proposed Recommended Disciplinary issued by Potrero Superintendent Proposing that you be suspended for ten (10)-days from your position as a 9163 Transit Operator for a Customer Service Report (CSR) #440264.

Hearing:

A hearing was held on Tuesday, October 29, 2013, Present was myself and your Union Representative, Robert Gainer.

You presented the following responses to the Charges:

You stated that the accusations were false.

Hearing Officer's Decision:

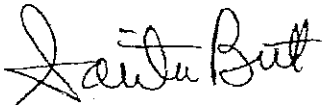
After reviewing the charging letter, and the documentary evidence, I have decided to **sustain** the recommended disciplinary action of a ten (10)-day suspension.

Right of Appeal:

You may appeal this action within Five (5) days of receiving this notice of Recommended Disciplinary Action, in accordance with Article 22 of the 2011- 2014 MOU between TWU Local 250 – A and the San Francisco Municipal Transportation Agency.

You have the right to be represented in your appeal by your Union Representative, or other Representative of your choice.

Sincerely,



Sarita Britt
Superintendent
Potrero Division

Cc TWU Local 250A
Division Union Chair
Employee -
Labor Relations



October 21, 2013

-424-

SKELLY LETTER

Bermudez, Manuel, # 1836



SUBJECT: Recommended Disciplinary Action – ten (10)-Day Suspension/ Customer Service Complaint # 440264 Violation

Dear Mr. Bermudez:

This is to advise you that I am recommending you be **suspended for ten (10)-days** from your position as a Transit Operator (9163).

Edwin M. Lee
Mayor

Tom Nolan
Chairman

Cheryl Brinkman
Vice-Chairman

Leona Bridges
Director

Malcolm Heinicke
Director

Jerry Lee
Director

Joël Ramos
Director

Cristina Rubke
Director

Edward D. Reiskin
Director of
Transportation

The Facts Upon which These Charges Are Based:

On Tuesday, October 1, 2013, you were detailed to run 386, line 49 Coach #7032, at 11:35 AM. Patron stated that you became abusive when they asked you if something was wrong with the bus. You pulled the coach out of the zone at Grove and Van Ness Street and responded, "You want me to hit the car?" "You treat me like shit and I treat you like shit." You refused to give them your ID number and asked them if they were going to file a complaint. When Patron responded yes you told him to file one with President Obama as well.

I have determined you have violated the following rules that are listed in the San Francisco Municipal Railway Rules and Instructions Handbook.

- | | |
|-------------------|--|
| Rule 2.8 | CONDUCT |
| Rule 2.8.1 | Polite, respectful behavior is required of all employees in their dealings with the public, their subordinates and each other. |
| Rule 2.8.2 | Boisterous, profane or vulgar language is forbidden. |





- Rule 2.8.3 Avoid disputes with any person, no matter what the provocation
- Rule 2.8.11 Quarrelsome employees will not be retained in the service.
- Rule 2.13 **DISCIPLINE**
- 2.13.1- Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal.
- 2.13.1A **Inattention to Duties.**
- 2.13.1 F Discourteous treatment of the public or other employees of the SF MUNI Railway;

Past Record/Disciplinary History:

9/24/13	Dishonesty Violation	Suspension 7-days (Pending)
7/1/13	Pattern Absenteeism	Conferenced/Warning
6/21/13	CSC # 434078	Conferenced/Warning
6/14/13	Leaving Terminal Late	Skelly/Pending 5-days suspension
6/3/13	CSC # 433053	Conferenced/Warning
5/29/13	CSC #432796	Conferenced/Caution and Reinspect
5/28/13	CSC #432732	Skelly/Suspended 2/Days
5/6/13	Transfer Misuse	Warning
4/25/13	Orders Violation	Final Warning
4/4/13	Lateness Violation	Oral Warning
3/5/13	CSR # 428000	Conference/Warning
2/27/13	Schedule Violation	2-day susp./Reduced Written Warning
1/11/13	Schedule Violation	Final Warning
1/8/13	Schedule Violation	Warning
1/7/13	Pattern Absenteeism	Final Warning
11/27/12	CSR # 417663	Warning

Material Upon Which Charges Are Based

- CSC Report # 440264
- Previous CSC History

Investigative Conference:

On Friday, October 18, 2013, you had an Investigative Conference. Present were you, Acting Superintendent Paulette Davis and your Union Representatives Robert Gainer and Brian Gordon. Patron was called and verified the complaint. The Patron stated that you were rude. The coach stopped slowly so he thought something was wrong. Patron also stated in the phone conference that the ID number on your shirt was not available.

You stated that you do not remember the incident.

Basis for Recommendation

This is your fifth (5) Customer Service Complaint (CSC) in the past six months. Each time you were conferenced and warned, after which you continue to receive CSC's. You had an Investigative conference in the presence of your Union representative for this current CSC, in which the complainant confirmed that you were rude and used inappropriate language. You have been disciplined for various other violations such as: Transfer Misuse, Orders, Lateness, Safety /Traffic Laws, and Pre-op violations, you have three Schedule violations. You have a pending Dishonesty Violation wherein you have a recommended seven (7)-day suspension.

Your many Customer Service Complaints and other violations do not leave a positive image for other employees at the San Francisco Municipal Transportation Agency.

Right of Response:

You have the right to provide a response to this recommended action. Your response maybe written or oral. A hearing is scheduled for Monday, October 28, 2013, at 10:00 A.M @ Mariposa Street – Room 204 in the Superintendent's Office.

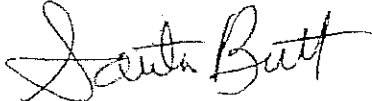
This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or Transcript of the proceeding.

You are entitled to bring a representative of you choosing with you to the hearing. Your Union representative is **Robert Gainer**, and he can be reached at **415-554-9273**

If you choose to respond in writing, your written response should be directed to **Sarita Britt**. **Ms. Britt must receive your written response by 5:00 pm, October 25, 2013.**

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Sarita Britt
Superintendent
Potrero Division

Attachments:

- CSC # 440264
- Previous CSC History

TWU Local 250-A
Operator Personnel File
Christina Penland (Labor Relations)

386

NAME Bermudez, Manuel **ID NO.** 1836 **DATE** 10/14/13

You are to report to the Division Superintendent at 9:15 AM

on Friday, October 18, 2013 for the following reason(s):

Conferences

CSR #440264

Note: You are entitled to bring a Union Representative with you to the meeting.

Edwin M. Lee
for

Tom Nolan
Chairman

Cheryl Brinkman
Vice-Chairman

Leona Bridges
Director

Malcolm Heinicke
Director

Jerry Lee
Director

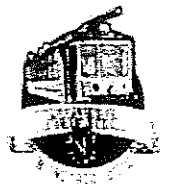
Joël Ramos
Director

Cristina Rubke
Director

Edward D. Reiskin
Director of
Transportation


SUPERINTENDENT

Cc Division Union Rep



PSR
for Identified Operators

From : 04-01-13
Badge : 1836

Feedback Id	Badge Number	Division	Date Received	Date Logged	ADA	Method Received By	Feedback Subtype	Vehicle Number	Resolution Code
431196	1836	POT	04-30-13	04-30-13	<input checked="" type="checkbox"/>	A-311	606 LIFT/SEC DEFECT	7003	NoMerDrp
431993	1836	POT	05-15-13	05-15-13	<input type="checkbox"/>	A-311	205 OFFRTE/DIDNTCOMP	7105	NoMerDrp
432732	1836	POT	05-28-13	05-28-13	<input type="checkbox"/>	A-311	201 PASSUP/DIDNT W8	7010	NoMerDrp
432796	1836	POT	05-29-13	05-29-13	<input type="checkbox"/>	A-311	201 PASSUP/DIDNT W8	7045	NoActPos
433053	1836	POT	06-03-13	06-03-13	<input type="checkbox"/>	A-311	301 DISCOURTESY	7043	Cnferncd
433421	1836	POT	06-10-13	06-10-13	<input type="checkbox"/>	A-311	301 DISCOURTESY	7116	Cnferncd
434078	1836	POT	06-21-13	06-21-13	<input checked="" type="checkbox"/>	A-311	301 DISCOURTESY	7011	Cnferncd
434857	1836	POT	07-05-13	07-05-13	<input checked="" type="checkbox"/>	A-311	201 PASSUP/DIDNT W8	5407	NoMerDrp
440264	1836	POT	10-01-13	10-01-13	<input type="checkbox"/>	A-311	301 DISCOURTESY	7032	EscDcpln
440499	1836	POT	10-04-13	10-04-13	<input type="checkbox"/>	A-311	301 DISCOURTESY	7049	Supt2Rev
440894	1836	POT	10-10-13	10-10-13	<input type="checkbox"/>	A-311	102 SPEEDING	7102	EscDcpln

INCIDENT DETAIL	
Category DISCOURTEOUS/INSENSITIVE/INAPPROPRIATE CONDUCT	Type 301 DISCOURTESY
ADA?	Title VI? Other Disc.
Trapeze Line/Route 49 MISSION/VAN NESS	Direction INBOUND
Incident Date 10-01-2013	Incident Time 11:35
Vehicle Number 7032	Location MCALLISTER/VAN NESS
Department POT OPS	Division POTRERO
Employee ID 1836 Manuel Bermudez <i>ID Confirmed</i>	
Employee Physical Description late 50s latino american, darkish grey hair.	
<p>Incident Details Patron states "Driver became abusive when I asked if something was wrong with the bus." "He approached the stop very slowly." "He haltingly pulled out of bus stop at Grove and Van Ness and said to me " you want me to hit the car." He said " you treat me like shit I treat you like shit." He refused to give me his id number and he asked me if I was gonna file a complaint, when I said yes, he told me to file one with President Obama as well."</p> <p style="text-align: right;"><i>Conference</i></p>	
AGENCY HANDLING AND RESOLUTION DETAILS	
Date Logged 10-01-2013	
Date Closed	
Resolution Code A-1 Fwded: Supt to Review	



SFMTA
Municipal
Transportation
Agency

Edwin M. Lee, *Mayor*

Tom Nolan, *Chairman*

Malcolm Heinicke, *Director*

Joé Ramos, *Director*

Edward D. Reiskin, *Director of Transportation*

Cheryl Brinkman, *Vice-Chairman*

Jerry Lee, *Director*

Cristina Rubke, *Director*

-809-

DATE: 12/10/13

NAME Bermudez, Manuel ID NO. 1836 DIVISION Potrero

REGULAR DAY OFF S/S

THIS IS TO INFORM YOU THAT YOU WILL BE SUSPENDED 10 DAYS
On the following day(s):

Tuesday, January 14, 2014 through Friday, January 17, 2014

Monday, January 20, 2014 through Friday, January 24, 2014

Monday, January 27, 2014

For the following reason(s):

Dishonesty Violation 9/24/13

CSR #440264 Violation 10/1/13

BY Santa Brito
DIVISION SUPERINTENDENT

CC:

ORIG TO EMPLOYEE

DISPATCHER

UNION REP. LOCAL 250A

28

Future Employment Restrictions – Manuel Bermudez Former 9163 Transit Operator
– San Francisco Municipal Transportation Agency
Civil Service Commission Hearing Date: July 21, 2014
Register No. 0008-14-7

Exhibit 5



SFMTA
Municipal
Transportation
Agency

Eric Williams, President
 Cheryl Bonhag, Vice President
 Mary Lee, Clerk
 Debra Pyle, Director
 To: San Francisco Department of Public Works

December 4, 2013

Manuel Bermudez
 [Redacted]

Re: Pre Step 2 Settlement Agreement for Manuel Bermudez #1836

Dear Mr. Bermudez:

A Step 2 hearing was scheduled for December 4, 2013, based on the grievance the Union had filed on your behalf to appeal the proposed recommendation of a 7-day suspension.

Prior to the Step 2 hearing, an agreement was reached between the Agency and Ron Austin, Union Representative, TWU 250-A. The Agency agreed to reduce the proposed 7-day suspension to a 5-day suspension and the Union agreed to pull the grievance.

This is a non-precedent setting agreement that is specific only to this employee and only to the above stated grievance, and cannot be used or cited for any other purpose.

This agreement is executed by the following representatives:

Sarita Britt
Potrero Superintendent

Ron Austin
Executive Vice-President
TWU Local 250-A

Cc: Christina Penland, Employee and Labor Relations
 Eric Williams, TWU, Local 250-A
 Robert Gainer, Division Chair
 Employee File
 Chron File

29

TRANSPORT WORKERS UNION - LOCAL 250-A
GRIEVANCE FORM

Step 1

Employee's Name MANUEL BERMUDEZ Date Oct 2, '13

Classification 9163 Cap No. 1836 or 1836 Division POTRERO
Badge No.

NATURE OF GRIEVANCE: I BELIEVE THE DECISION THAT WAS
MADE IS UNFAIR, I NEED ANOTHER REVIEW OF THE
CASE I DO NOT DESERVE 7 DAY SUSPENSION

RULE VIOLATION: 2.13.1A - 2.13.1A - 4.13.1.1 - 4.12, 12.1

SETTLEMENT DESIRED: DO NOT WANT THE 7 days

[Signature]
(Signature of Employee)

[Signature]
(Signature of Representative)

MANAGEMENT'S REPLY: Grievance Denied operator has a
history of pulling in and the shop is saying there was
nothing wrong with the coach. There was a test done on the
coach

10-4-13 Received
(Date)

[Signature]
(Signature of Management Rep.)

Superintendent
(Title)



-310-

Skelly Decision

October 1, 2013

Bermudez, Manuel # 1836

**SUBJECT: Notice of Recommended Disciplinary Action – Skelly Hearing
Officer Decision**

Dear Mr. Bermudez:

You received a letter of Proposed Recommended Disciplinary issued by Potrero Superintendent Proposing that you be suspended for Seven (7)-days from your position as a 9163 Transit Operator for a Dishonesty Violation.

Hearing:

A hearing was held on Tuesday, October 1, 2013; Present was you, myself and your Union Representative, **Robert Gainer**.

You presented the following responses to the Charges:

You stated the yard starter Barbara George was not there and she was not at the tower when it happened also; the tower told you to wait for her.

You also stated the Shop checked your coach while you were on the line and said there was a problem and that the brake pedal was hot.

Superintendent's Response:

I spoke with Barbara George and she said this was not true; you did not have to wait thirty minutes.

After reviewing the charging letter, and the documentary evidence, I have decided to **sustain** the recommended disciplinary action of a Seven (7)-day suspension.

Right of Appeal:

You may appeal this action within Five (5) days of receiving this notice of Recommended Disciplinary Action, in accordance with Article 22 of the 2011-

Edwin M. Lee
Mayor

Tom Nolan
Chairman

Cheryl Brinkman
Vice-Chairman

Leona Bridges
Director

Malcolm Heinicke
Director

Jerry Lee
Director

Joél Ramos
Director

Cristina Rubke
Director

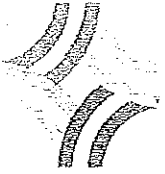
Edward D. Reiskin
Director of
Transportation

One South Van Ness Ave.
Seventh Floor
San Francisco, CA 94103

Tele: 415.701.4500

www.sfmta.com





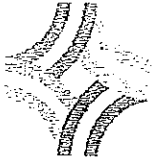
2014 MOU between TWU Local 250 -- A and the San Francisco Municipal
Transportation Agency.

You have the right to be represented in your appeal by your Union Representative,
or other Representative of your choice.

Sincerely,

Sarita Britt
Superintendent
Potrero Division

Cc TWU Local 250A
Division Union Chair
Employee -



September 27, 2013

-274-

SKELLY LETTER

Bermudez, Manuel, # 1836



SUBJECT: Recommended Disciplinary Action – Seven (7)-Day Suspension/ Dishonesty Violation

Dear Mr. Bermudez:

This is to advise you that I am recommending you be suspended for Seven (7)-days from your position as a Transit Operator (9163).

The Facts Upon which These Charges Are Based:

On Tuesday, September 24, 2013, you were detailed to run 384, line 49 Coach #7031/ at 1:20 PM you stated that your brakes were slack and you pulled into the Potrero yard. You then pulled out at 2:00 PM more than the time allotted. An inspection and functional test was done to coach 7031 and no defect was found. You did not call Central Control as to why you were late pulling back out.

I have determined you have violated the following rules that are listed in the San Francisco Municipal Railway Rules and Instructions Handbook.

Edwin M. Lee
Mayor

Tom Nolan
Chairman

Cheryl Brinkman
Vice-Chairman

Leona Bridges
Director

Malcolm Heinicke
Director

Jerry Lee
Director

Joël Ramos
Director

Cristina Rubke
Director

Edward D. Reiskin
Director of
Transportation

- | | |
|------------------|--|
| Rule 2.13 | DISCIPLINE |
| 2.13.1- | Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal. |
| 2.13.1A | Inattention to Duties. |
| 2.13.1 I | Dishonesty |
| Rule 4.12 | Operations Control Center Notification |

One South Van Ness Ave.
Seventh Floor
San Francisco, CA 94103

Tele: 415.701.4500

www.sfmta.com





Rule 4.12.1 Operators are to immediately notify OCC when any difficulty occurs which might disrupt the operators' schedule or cause a delay.

Past Record/Disciplinary History:

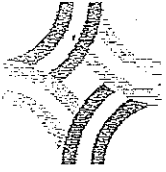
7/1/13	Pattern Absenteeism	Conferenced/Warning
6/21/13	CSC # 434078	Conferenced/Warning
6/14/13	Leaving Terminal Late	Skelly/Pending 5-days suspension
6/3/13	CSC # 433053	Conferenced/Warning
5/29/13	CSC #432796	Conferenced/Caution and Reconstruct
5/28/13	CSC #432732	Skelly/Suspended 2/Days
5/6/13	Transfer Misuse	Warning
4/25/13	Orders Violation	Final Warning
4/4/13	Lateness Violation	Oral Warning
3/5/13	CSR # 428000	Conference/Warning
2/27/13	Schedule Violation	2-day susp./Reduced Written Warning
1/11/13	Schedule Violation	Final Warning
1/8/13	Schedule Violation	Warning
1/7/13	Pattern Absenteeism	Final Warning
11/27/12	CSR # 417663	Warning
10/26/12	Pattern Absenteeism	Warning
10/2/12	Safety/Traffic Law	Warned
9/4/12	CSC # 417663	Warning
8/29/13	Pre-Op Violation	Caution and Reconstruct
6/20/12	CSC # 412375	Caution and Reconstruct

Material Upon Which Charges Are Based

- Express Work Order sheet from the Shop
- Equipment Department Turn-In Report
- Email from Wong, Woon
- Central Control Log

Basis for Recommendation

Over the past year and a half you have had numerous violations and have been disciplined with conferences, warnings and suspensions. You have eight Customer Service Complaints (CSC) each time you were conferenced, warned and finally suspended after which you continue to receive CSC's. You have a five (5) day pending suspension for leaving the terminal late. You were brought in to see the Superintendent for Pattern Absenteeism. You have been disciplined for various other violations such as: Transfer Misuse, Orders, Lateness, Safety /Traffic Laws, and Pre-p violations, and finally, you have three Schedule violations. Your many



violations do not leave a positive image for other employees at the San Francisco Municipal Transportation Agency.

Right of Response:

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Tuesday, October 1, 2013, at 9:30 A.M. @ Mariposa Street – Room 204 in the Superintendent's Office.** This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or Transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union representative is **Robert Gainer**, and he can be reached at **415-554-9273**

If you choose to respond in writing, your written response should be directed to **Sarita Britt**. Ms. Britt must receive your written response by **5:00 pm, September 30, 2013**.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,

Sarita Britt
Superintendent
Potrero Division

Attachments:

- Express Work Order sheet from the Shop
- Equipment Department Turn-In Report
- Email from Wong, Woon
- Central Control Log

Christina Penland (Labor Relations)
TWU Local 250-A
Operator Personnel File

EQUIPMENT DEPARTMENT

TURN-IN REPORT

POTRERO

CAR HOUSE

DATE

9-24-2013

CAR/COACH NO.	TIME	LINE	DEFECT REPORT	ACTUAL DEFECT
7003	1100	325 49	P.I. INDUCT SHORTCIRCUIT	7118 @ 11 ²⁵ A
715	1105	304 14	P.I. AIR COMPRESSOR B/B	7105 @ 11 ²⁵ A
7129	1220		TRAINING	
		367 14	LPO RELIEF COACH B/B	7114 @ 1 ²⁵ P
7031	120	384 49	P.I. SLACK BRAKES	7009 ¹⁴ @ 2 ⁰⁰ P
7011	215 P	346 14	P.I. AIR COMPRESSOR	# @ 210
7101	220 P	337 49	P.I. AIR LEAK	7109 @ 2 ⁴⁵ P
7116	255 P	301 14	P.I. Hot Tire ³⁶⁷	# @ 12 ³⁸ P
	300 P	434 14	LPO per dispatch	7116 @ 3 ¹⁵ P
7059	415 P	417 49	P.I. Hot Body	7111 @ 4 ⁴⁵ P

CARS OR COACHES WERE IN FOR GENERAL INSPECTION ON THIS DATE. BEFORE PLACING THESE VEHICLES IN SERVICE, I, PERSONALLY, INSPECTED THEM TO INSURE THAT THE WORK WAS PERFORMED PROPERLY.

SUPERVISOR _____

D-303

SAN FRANCISCO MUNICIPAL RAILWAY
EQUIPMENT DEPARTMENT

TURN-IN REPORT

POTRERO

CAR HOUSE

DATE

9-24-2013

CAR/COACH NO.	TIME	LINE	DEFECT REPORT	ACTUAL DEFECT
5417	435 P	370 24	P.I. RADIUS TURNING	5463 @ 505 P
5452	605 P	397 22	P.I. DISPATCHER POWER NO ROLLING	# @ 728 P

Britt, Sarita

From: Wong, Woon
Sent: Wednesday, September 25, 2013 7:30 AM
To: Britt, Sarita
Subject: Coach 7031 - Operator ID 1836

Sarita,

Per your request yesterday.
We inspected and functional test the coach 7031, no defect found on it.
The coach was pulled in by 1836.

Woon

00:33 001	R	OPERATOR FL	19	2538	455	14L	6236	MISSION & 16TH STREET NEAR (IB) 1312084 - SI FLYNN N/R [EOR 12:29] VEH DELAY: 02:56	DIRTY VEHICLE - VOMIT	IB	09:33		14
03:15 002	R	OPERATOR WO	77	4261	264	N	8504	JUDAH & LA PLAYA (IB) 1312033 - SFPD CAD# 248 CLEARED, NO ARREST, VEH DELAY: 00:19	PASSENGER INCIDENT - OPERATOR/PASSENGER ALTERCATION	IB	03:19	03:38	38
04:48 003	R	OPERATOR ME	86	1786	6	L	1530	WEST PORTAL STATION (IB) 1312225 - [LRV2=1527]MRU 4S24 CLEARED. OPERATOR UNABLE TO REGAIN AUTO MODE. VEH DELAY: 00:08	ATCS - FAILED ENTRY DOOR PROBLEMS	IB	04:48	04:54	85
05:20 004	R	OPERATOR ME	86	1483	12	M	1456	MMT NEAR POCKET (OB) 1312034 - [LRV2=1483]MRU 4S23 CLEARED. VEH DELAY: 00:08	OPERATOR - (OTHER) LOCKED OUT OF CABS	OB	05:20	05:28	86
05:20 005	R	OPERATOR PO	11	1225	321	49	7012	26TH STREET & MISSION (PO) 1312035 - SI POTRERO 7041 @06:00 VEH DELAY: 00:40	EQUIPMENT - ARTICULATED JOINT DAMP FAIL LIGHT	PO	05:20		14
05:33 006	R	OPERATOR GV	88	12340	155	F	1055	SAN JOSE & SENECA (PO) 1312038 - M/S* PCC SHOP CLEARED VEH DELAY: 00:20	EQUIPMENT - (OTHER) BROKEN TROLLEY ROPE	PO	05:33	05:53	85
06:00 007	R	OPERATOR PO	14	3394	9	49	7132	MISSION & 11TH STREET (IB) 1312039 - INSP. W. WOON RESP. SI POTRERO 7128 @07:18 VEH DELAY: 00:13	EQUIPMENT - (OTHER) UNLOCKED VIDEO DOOR	IB	07:05		14
06:15 008	R	OPERATOR ME	78	2645	50	N	1419	METRO (PO) 1312037 - [LRV2=1488]T40,53* SI GREEN 1415 @06:41 VEH DELAY: 00:24	EQUIPMENT - DOORS/STEPS	PO	06:17		85
06:25 009	R	OPERATOR PO	16	2391	314	49	7120	VAN NESS & NORTH POINT (OB) 1312036 - PRES. SHOP 092 CLEARED SI POTRERO 5475 @08:58 VEH DELAY: 02:33	EQUIPMENT - RESTRICTIVE MODE	OB	06:25	07:53	14
06:44 010	R	OPERATOR ME	75	0931	010	J	1414	METRO TERMINAL (IB) 1312053 - OPERATOR CLEARED, INSP T JULIAN & B UPCHURCH*. SI GREEN 1432 @08:10 VEH DELAY: 00:48	ATCS - TIME OUT IN MOTION	IB	07:22		87
06:50 011	R	OPERATOR FL	19	2479	404	8X	6295	GENEVA & SANTOS (OB) 1312041 - INSP. A LEDBETTER CLEARED. PARTIALLY CLOTHED ERRATIC MALE PASSENGER BOARDS COACH AND VERBALLY THREATENS TO ROB PASSENGERS EXITS AND REBOARDS 415/8X/6212. SFPD NOTIFIED. NO RESPONSE. VIDEO*, 1M1 M. ESPINOSA* VEH DELAY: 00:30	PASSENGER INCIDENT - PASSENGER/PASSENGER ALTERCATION VERBAL - OP INTERVIEW	OB	06:50	07:20	14
07:04 012	R	OPERATOR WO	19	4002	34	9	8637	MAIN & MISSION (OB) 1312043 - RCS 853 CLEARED. VEH DELAY: 01:00	EQUIPMENT - BELL CORD/CHIME/STOP REQUEST	OB	07:06	08:06	14
07:09 013	R	OPERATOR CA	26	1452	007	61	CAJ	CALIFORNIA & STICKTON (OB) 1312233 - SHOP TRUCK 665 CLEARED VEH DELAY: 00:09	EQUIPMENT - GRIP	OB	07:11	07:20	26
07:10 014	R	OPERATOR FL	19	2934	415	8X	6212	PHELAN LOOP (IB) 1312042 - INSP. V. TURNIPSEED CLEARED. ERRATIC PASSENGER EXITS 404/8X/6295 AND BOARDS CONTINUING TO VERBALLY THREATEN TO ROB PASSENGERS AND EXITS AT SUNNYDALE PROJECTS WITHOUT FURTHER INCIDENT. VIDEO*, 1M1 M ESPINOSA*. VEH DELAY: 00:57	OPERATOR - INTERVIEW RE: TAG #1312041	IB	07:10	08:07	14
07:11 015	R	OPERATOR WO	11	8345	62	67	8437	FOLSOM & RIPLEY (IB) 1312094 - RCS 201 RESP. SI WOODS N/R VEH DELAY: 01:44	EQUIPMENT - NO LOW POWER	IB	07:11	08:55	14
07:13 016	T	DISPATCHER FL	19	1293	455	14L	6404	MISSION & MAIN (OB) 1312088 - SI FLYNN 6404 @09:54 VEH DELAY: 01:52	RANDOM 799 TEST	OB	08:02		14
07:18 017	R	OPERATOR WO	11	2055	78	88	8437	BALBOA BART (OH) 1312049 - RCS 201 CLEARED VEH DELAY: 01:00	EQUIPMENT - (OTHER) UNLOCKED REAR COMPARTMENT DOOR	DH	07:18	08:18	14
07:29 018	R	OPERATOR FL	19	1039	480	1BX	6204	DAVIS & PINE (DH) 1312044 - RCS 091 CLEARED VEH DELAY: 00:14	EQUIPMENT - OIL PRESSURE LEAK LIGHT	DH	08:05	08:19	14
07:30 019	R	OPERATOR GV	78	2368	158	F	1008	17TH ST & CASTRO ST (IB) 1312045 - MRU 4S55 RESPONDED, PCC SHOP(4V1) REPAIRED, INSP E IRBY & R DONALDSON*. VEH DELAY: 00:31	EQUIPMENT - DOORS/STEPS DEFECTIVE DOOR	IB	07:57	08:28	87
07:38 020	R	OPERATOR ME	78	1083	24	N	1544	DUBOCE PORTAL (OB) 1312040 - [LRV2=1436]4S55,4S31 CLEARED VEH DELAY: 00:04 LINE DELAY: 00:04	EQUIPMENT - (OTHER) MASTER CONTROL LOCK	OB LD	07:38 07:38	07:42 07:42	85
07:43 021	R	OPERATOR PR	30	2225	44	45	5807	LYON & GREENWICH (IB) 1312054 - PRESIDIO 092 RESP. SI PRESIDIO 5568 @09:14 VEH DELAY: 01:24	EQUIPMENT - RETRIEVER	IB	07:50	08:31	30
07:49 022	R	OPERATOR PO	16	4109	337	33	5455	SACRAMENTO & CHERRY (OB) 1312072 - PRES. SHOP 092 CLEARED VEH DELAY: 01:11	EQUIPMENT - SHOES/POLES/PANTOGRAPH	OB	07:49	09:00	14
07:50 023	R	OPERATOR WO	11	2628	140	44	8178	MIDDLE POINT & WEST POINT (IB) 1312092 - RCS 853 RESP. COURTESY TOWED TO WOODS YARD SI WOODS N/R VEH	EQUIPMENT - STALLED	IB	07:50	11:52	14

DELAY: 04:02													
07:52 024	R CA	OPERATOR	26	3012	011	01	0057	CALIFORNIA BETWEEN LEAVENWORTH & HYDE (OB)	BUMPER BAR #1339	OB	07:52	08:50	26
1312236 - INSP AREVALO, R (BT35), CABLE MACHINERY, SHOP TRUCK 665 RESP. 8M8*, 3 SHUTTLES IN PLACE. PAGE SENT OUT. NO INJURY, NO 799. VEH DELAY: 00:58													
07:53 025	R WO	OPERATOR	16	2584	16	29	0619	GENEVA & MISSION (IB)	OPERATOR - NECESSITY	IB	07:23	08:25	14
1312050 - OP CLEARED VEH DELAY: 01:02													
07:54 026	R WO	OPERATOR	19	1906	106	29	0438	BAKER BEACH (OB)	EQUIPMENT - CHECK ENGINE LIGHT	OB	08:26	08:48	14
1312076 - RCS 091 CLEARED VEH DELAY: 01:22													
08:15 027	R PR	OPERATOR	26	1557	001	31	5525	CABRILLO & LA PLAYA (IB)	OPERATOR - NECESSITY	IB	08:15	08:23	26
1312172 - OPERATOR CLEARED VEH DELAY: 00:08													
08:17 028	R ME	SFPD	78	2115	053	N	1480		SFPD ACTIVITY - (OTHER) REQUEST STOP TRAIN FOR PASSENGER REPORTED ACTING SUSPICIOUS BY ANOTHER PASSENGER.	LD	08:17	08:25	87
1312048 - [LRV2=1624]SFPD UNIT(4T62B) RESPONDED, INSP T JULIAN ON SCENE, INSP B UPCHURCH*, LSGP*, NO ARREST, NO MERIT. VEH DELAY: 00:08 LINE DELAY: 00:08													
08:18 029	R PO	OPERATOR	30	4103	366	41	7105	LYON & GREENWICH (IB)	OPERATOR - NECESSITY	IB	08:17	08:28	30
1312047 - OPERATOR CLEARED VEH DELAY: 00:11													
08:23 030	R CAL CA	POWELL & CALIFORNIA (IB,OB)	30				61		SFPD ACTIVITY - DETOUR/BLOCKING ROUTE	IB LD	08:23 08:27		30 08:33
1312046 - SFPD CLEARED. INSP R AREVALO RESP. LINE DELAY: 00:06													
08:24 031	R ME	OPERATOR	78	2016	005	L	1424	TARAVAL ST & 19TH AVE (IB)	EQUIPMENT - DOORS/STEPS NO GREEN DOOR LIGHT	IB LD	08:24 08:24	08:32 08:32	87
1312051 - [LRV2=1495]MRU 4S24 & INSP D CASTRO CLEARED, LSGP*, 311*, LSGP*, ADGP*, VEH DELAY: 00:08 LINE DELAY: 00:08													
08:26 032	R FL	OPERATOR	19	2683	440	39L	6253	GEARY & 33RD AVENUE (OB)	VEHICLE INCIDENT - (OTHER) AND (REAR DOORS FORCED OPEN)	OB	08:26	09:05	33
1312057 - INSP. R. BONES 1T64 RESPONDED, SHOP TRUCK 091 CLEARED VIDEO* NO PROBLEM FOUND ON THE REAR DOORS. VEH DELAY: 00:39													
08:29 033	R WO	OPERATOR	33	8288	307	23	8449	GREAT HIGHWAY & SLOAT (IB)	OPERATOR - NECESSITY	IB	08:29	08:32	14
1312055 - OP CLEARED VEH DELAY: 00:03													
08:35 034	R PO	OPERATOR	16	2744	362	22	5451	20TH STREET & 3RD STREET (OB)	VANDALISM - (OTHER) BROKEN DOOR GLASS	OB	08:45		14
1312070 - VIDEO*, CLAIMS 6A42* SI POTRERO 5433 @09:28 VEH DELAY: 00:43													
08:38 035	R FL	OPERATOR	19	2770	410	8X	6297	VISITATION & SCHERWIN (IB)	EQUIPMENT - DOORS/STEPS	IB	08:38	09:46	14
1312074 - RCS 201 CLEARED VEH DELAY: 01:08													
08:38 036	R PO	OPERATOR	16	2357	373	49	7009	VAN NESS & UNION (OB)	EQUIPMENT - BRAKES BURNING SMELL	OB	08:38	10:13	26
1312269 - SHOP TRUCK 092 RESP SI POTRERO 7101 @11:25 VEH DELAY: 02:47													
08:43 037	R PR	OPERATOR	26	2866	003	31	5506	CABRILLO & LA PLAYA (IB)	OPERATOR - NECESSITY	IB	08:42	08:46	26
1312170 - OPERATOR CLEARED VEH DELAY: 00:04													
08:47 038	R ME	OPERATOR	78	1697	015	M	1490	WEST PORTAL AVE & SLOAT BLVD (OB)	EQUIPMENT - BRAKES BRAKE FAULT LEAD CAR #1490	OB	08:26	09:30	87
1312058 - [LRV2=1464]OPERATOR CLEARED, PULLED-IN IN SERVICE, DROPPED OFF DEFECTIVE CAR #1490, INSP D CASTRO*, SI GREEN 1464 @09:30 VEH DELAY: 00:04													
08:47 039	R WO	OPERATOR	33	1213	22	9	2640	MAIN & MISSION (OB)	VANDALISM - GRAFFITI MINOR ON WINDOW GLASS	OB	08:47	09:43	14
1312077 - INSP. K. JOMOC RESP. VIDEO*, VEH DELAY: 00:56													
08:50 040	R ME	OPERATOR	78	1083	024	N	1544	KING ST & 6TH ST (OB)	EQUIPMENT - (OTHER) DEFECTIVE MASTER CONTROLLER B-END #1544	OB	09:12	09:22	87
1312080 - [LRV2=1435]MRU 4S26 UNCOUPLED & PULLED-IN DEFECTIVE TRAIN #1544B, INSP G PINTO ASSISTED. CT 1436 @09:22 VEH DELAY: 00:10													
08:54 041	R ME	INSP H VONG	78	2880	075	M	1444	EMBARCADERO STATION (OB)	ORDERS - ROUTE CHANGE FOR SERVICE GAP ON L-LINE	OB	08:54		87
1312052 - OPERATOR* BY OCC.													
08:54 042	R WO	OPERATOR	30	0813	127	108	8106	FOLSOM & BEAL (OB)	VEHICLE INCIDENT - MUNI/AUTO COLLISION BIKE RACK	OB	08:54	09:58	33
1312065 - INSP W. WOON #1T61 CLEARED, VIDEO*, CLAIMS 6A42 NO DAMAGE NO 799 VEH DELAY: 01:04													
08:54 043	R WO	OPERATOR	30	0813	127	108	8106	FOLSOM & BEALE (OB)	VEHICLE INCIDENT - MUNI/AUTO COLLISION - MINOR, NO INJURIES	OB	08:54	09:58	14
1312066 - INSP. W. WOON CLEARED. SFPD RESP. VIDEO*, S/S*, CLAIMS 6A42*. NO OF 799 VEH DELAY: 01:04													

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08:55 044	R	OPERATOR CA	26	1983	017	31	0054	CALIFORNIA & FRONT (OB) 1312169 - INSP 4C55 CLEARED VEH DELAY: 00:08	EQUIPMENT - GRIP	OB	08:58	09:06	26
09:00 045	R	OPERATOR WO	11	4289	85	37	8521	MARKET & CASTRO (IB) 1312071 - OP CLEARED VEH DELAY: 00:26	OPERATOR - NECESSITY	IB	09:00	09:26	14
09:03 046	R	OPERATOR WO	11	1378	110	108	8380	TRANSBAY (OB) 1312059 - OPERATOR CLEARED VEH DELAY: 00:08	OPERATOR - NECESSITY	OB	09:10	09:18	33
09:04 047	R	OPERATOR PO	16	2287	328	49	7003	PHELAN LOOP (IB) 1312085 - POT. SHIOP 094 CLEARED VEH DELAY: 00:50	EQUIPMENT - INDUCTIVE COIL	IB	09:12	10:02	14
09:08 048	R	OPERATOR WO	33	1864	04	9	8632	SUNNYDALE & MC LAREN SCHOOL (IB) 1312062 - OPERATOR CLEARED VEH DELAY: 00:18	OPERATOR - NECESSITY	IB	09:08	09:26	33
09:12 049	R	OPERATOR FL	33	0780	492	8X	6226	COLUMBUS & PACIFIC (IB) 1312096 - RCS 201 CLEARED VEH DELAY: 03:22	EQUIPMENT - NO/LOW POWER	IB	09:12	12:34	14
09:15 050	R	OPERATOR WO	33	4138	43	37	8511	MASONIC & HAIGHT (OB) 1312061 - OPERATOR CLEARED VEH DELAY: 00:07	OPERATOR - NECESSITY	OB	09:16	09:23	33
09:18 051	R	OPERATOR WO	11	4309	87	44	8191	NEW HALL & FAIRFAX (OB) 1312081 - INSP. S. HOOKS CLEARED. VIDEO*, CLAIMS 6A42*, S/S* SI WOODS N/R	PASSENGER INCIDENT - PASSENGER/PASSENGER ALTERCATION PASSENGER SPITS ON PASSENGER	OB	09:18		14
09:21 052	R	OPERATOR ME	87	3062	039	IN	1416	DUBOCE PORTAL RIGHT (IB) 1312056 - [LRV2=1550] OPERATOR CLEARED, GAINED AUTO MODE CIVIC CENTER STATION. VEH DELAY: 00:02 LINE DELAY: 00:02	ATCS - FAILED ENTRY	IB LD	09:21 09:21	09:23 09:23	87
09:22 053	R	OPERATOR ME	75	2635	57	K	1431	WEST PORTAL (IB) 1312086 - 4S24, C32* M/SHOP SI GREEN N/R [EOR 11:49] VEH DELAY: 02:27	EQUIPMENT - (OTHER) BY PASS STATUS	IB	09:22		85
09:30 054	R	OPERATOR PO	16	3231	356	6	5449	FERRY TERMINAL (OB) 1312082 - OP CLEARED VEH DELAY: 00:10	OPERATOR - NECESSITY	OB	09:30	09:40	14
09:37 055	R	OPERATOR PO	16	0846	387	49	7030	VAN NESS & MCALLISTER (OB) 1312101 - SHOP TRUCK 072, COURTESY TOW RESP. SI POTRERO N/R [EOR 10:45] VEH DELAY: 01:08	EQUIPMENT - NO/LOW POWER NO POWER	OB	09:37	10:11	26
09:40 056	R	OPERATOR PR	30	1995	94	1	5605	SACRAMENTO & POWELL (OB) 1312069 - T70 INSP. K.JOMOC VIDEO*, S/S*, CLAIMS 6A42*. NO OP 799 VEH DELAY: 00:43	VEHICLE INCIDENT - MUN/AUTO COLLISION TAXI BACKS INTO COACH	OB	09:40	10:23	14
09:45 057	R	OPERATOR PO	16	2533	304	14	7155	MISSION & SILVER (IB) 1312102 - SHOP TRUCK 094 RESP SI POTRERO 7105 @11:22 VEH DELAY: 01:37	EQUIPMENT - PROPULSION/NO FORWARD MOTION NO FORWARD MOTION	IB	09:45	10:32	26
09:49 058	R	OPERATOR WO	11	2111	35	18	8801	19TH AVENUE & BUCKINGHAM (IB) 1312087 - INSP. A LEDBETTER CLEARED VEH DELAY: 00:02	VANDALISM - GRAFFITI MINOR	IB	10:40	10:42	14
09:57 059	R	INSP H VONG ME	78	2139	038	J	1460	CHURCH ST & DAY ST (OB) 1312064 - OPERATOR CLEARED, FOLLOWER RUN 45/J/1474 DIRECTLY BEHIND TO ACCOMMODATE PASSENGERS.	ORDERS - SWITCHBACK 29-MINUTES LATE	OB	09:57		87
09:58 060	R	OPERATOR PR	30	4363	67	1	5519	SACRAMENTO & MASON (OB) 1312063 - OPERATOR CLEARED VEH DELAY: 00:07	VEHICLE BLOCKED - AUTO	OB	09:58	10:05	30
09:58 061	R	OPERATOR KI	11	3014	638	47	8340	BEACH & POWELL (OB) 1312083 - OP CLEARED VEH DELAY: 00:20	OPERATOR - NECESSITY	OB	09:54	10:14	14
10:00 062	R	OPERATOR ME	75	1600	8	K	1496	VAN NESS (IB) 1312075 - 4C53, 4S23* CLEARED SI MME 1488 @10:58 VEH DELAY: 00:22	EQUIPMENT - DOORS/STEPS DOORS	IB	10:36		85
10:11 063	R	4C30 ME	87	3480	75	L	1444	EMBARCADERO (IB) 1312068 - 18 MIN. LATE LSCP*	(OTHER) SWITCHBACK AT HARRISON	IB	10:11		85
10:16 064	R	OPERATOR CA	33	2441	13	50	15	WASHINGTON & MASON (IB) 1312073 - CABLE SHOP CLEARED VEH DELAY: 00:08	EQUIPMENT - GRIP	IB	10:35	10:43	33
10:18 065	R	OPERATOR WO	19	2823	145	48	8156	20TH STREET & 3RD STREET (OB) 1312090 - SI WOODS 8184 @10:46 VEH DELAY: 00:28	EQUIPMENT - BRAKES	OB	10:18		14
10:19 066	R	4S25 ME	85	2790	23	L	1485	1312105 - [LRV2=1487] INSPECTORS H. VONG 4C30 AND D. CASTRO 4C32 NOTIFIED SI GREEN 1400 > 1447 @11:00 VEH DELAY: 00:41	(OTHER) SHOP REQUEST		10:19		79
10:22 067	R	OPERATOR ME	87	2406	61	L	1403	MMT NEAR POCKET (OB) 1312067 - [LRV2=1420] 4S23* OPERATOR CLEARED VEH DELAY: 00:06	EQUIPMENT - PROPULSION/NO FORWARD MOTION	OB	10:22	10:28	85
10:25	R	OPERATOR	19	2132	024	60	0916	JACKSON & MASON (OB)	EQUIPMENT - GRIP	OB	10:25		26

069	CA									1312271 - INSP AEVALO, R (8T35)*, SI CABLE CAR 0027 @11:14 VEH DELAY: 00:49				
10:29	R	OPERATOR	87	1429	7	N	1501	KING & 6TH (OB)	OPERATOR - NECESSITY	OB	10:29		85	
069	ME							1312079 - [LRV2=1475]4C53* VEH DELAY: 00:10						
10:31	R	OPERATOR	87	2678	158	F	1040	JEFFERSON & TAYLOR (IB)	VEHICLE BLOCKED - (OTHER) DELIVERY TRUCK	IB	10:31	10:50	85	
070	GV							1312080 - SFPD CAD#1132 LSGP* 4C65* VEH DELAY: 00:19						
10:33	R	4T40	87	1083	24	N	1481	JUDAH & SUNSET (OB)	ORDERS - SWITCHBACK SWITCHBACK OB/IB	OB	10:33		85	
071	ME							1312078 - [LRV2=1533]FLOWER 66N/1436 2 MIN.						
10:53	R	OPERATOR	16	1683	301	14	7116	MISSION & SAN JOSE (IB)	FRONT WHEEL LOST SCREW	IB	11:07	14:19	26	
072	PO							1312115 - INSP LEDBETTER, A (1T87) RESP SI POTRERO N/R [EOR 12:38] VEH DELAY: 01:31						
10:57	R	OPERATOR	87	1111	71	M	1420	BEACH YARD (IB)	EQUIPMENT - (OTHER) MASTER CONTROLLER	IB	11:26		85	
073	ME							1312091 - [LRV2=1403]OPERATOR DROP OFF 1403. SINGLE CAR IN SERVICE SI GREEN 1505 @11:57 VEH DELAY: 00:31						
11:12	R	OPERATOR	30	2421	386	33	5410	25TH STREET & POTRERO (IB)	OPERATOR - NECESSITY	IB	11:05	11:35	14	
074	PO							1312089 - OP CLEARED VEH DELAY: 00:30						
11:13	R	OPERATOR	19	3199	28	9	8659	MAIN & MISSION (OB)	EQUIPMENT - DOORS/STEPS	OB	11:30	12:05	14	
075	WO							1312093 - RCS 091 CLEARED VEH DELAY: 00:35						
11:34	R	OPERATOR	26	1013	010	60	0018	JACKSON & MASON (OB)	OPERATOR - ILL ON RUN	OB	11:34	11:38	26	
076	CA							1312268 - INSP AREVALO, R (8T35) RESP, & HELPED GRIPMAN TO PULL CAR IN PRIOR AMBULANCE ARRIVED. AID REFUSED. DISP*, 8M8* VEH DELAY: 00:04						
11:36	R	20/60/10	33	2441	13	60	15	HYDE & BEACH (IB)	EQUIPMENT - BRAKES	IB	11:40	12:00	30	
077	CA							1312098 - CABLE SHOP 665 RESP. SI CABLE CAR 11 @12:52 VEH DELAY: 01:12						
11:45	R	OPERATOR	30	1563	89	1	5634	CALIFORNIA STREET & 28T AVE (OB)	EQUIPMENT - RESTRICTIVE MODE	OB	11:45		27	
078	PR							1312147 - PRESIDIO SHOP TRUCK #092 SI TOWED INTO PRESIDIO						
12:22	R	OPERATOR	16	1936	384	49	7031	OTIS & SOUTH VAN NESS (OB)	EQUIPMENT - BRAKES	OB	12:22	13:03	26	
079	PO							1312112 - SHOP TRUCK 094 RESP SI POTRERO 7049 @13:56 VEH DELAY: 01:34						
12:23	R	OPERATOR	19	1312	138	48	8653	22ND STREET & PENNSYLVANIA (IB)	VANDALISM - GRAFFITI	IB	13:02		26	
080	WO							1312108 - N/R, EOR. SI WOODS N/R						
12:25	R	OPERATOR	30	2467	17	1	5494	CALIFORNIA & 6TH AVE (IB)	OPERATOR - NECESSITY	IB	12:25	12:29	30	
081	PR							1312095 - OPERATOR CLEARED VEH DELAY: 00:04						
12:25	R	OPERATOR	30	3528	123	3	5638	FILLMORE & SUTTER (IB)	EQUIPMENT - RESTRICTIVE MODE	IB	12:05	12:53	14	
082	PR							1312097 - T62 INSP. B. LUM RESP. POT. SHOP 094 CLEARED VEH DELAY: 00:48						
12:28	R	OPERATOR	30	1925	16	59	25	POWELL & MARKET (OB)	EQUIPMENT - GRIP	OB	12:35		30	
083	CA							1312099 - SI CABLE CAR 25 @13:17 VEH DELAY: 00:42						
12:35	R	OPERATOR	19	2686	456	38	6294	GEARY & DIVISADERO (OB)	VEHICLE INCIDENT - MUNIAUTO COLLISION NO INJURY	OB	12:35	13:15	26	
084	FL							1312104 - INSP LUM, B (1T62) RESP. NO INJURY, NO 799 VIDEO*, CLAIM 6A42*, SYSTEM SAFETY*. VEH DELAY: 00:40						
12:35	R	OPERATOR	16	3414	339	49	7108	VAN NESS & NORTH POINT (OB)	EQUIPMENT - AIR SYSTEMS AIR LEAK	OB	12:35	13:50	26	
085	PO							1312111 - SHOP TRUCK 092 CLEARED VEH DELAY: 01:15						
12:37	R	OPERATOR	19	3847	451	38	6279	GEARY & 20TH AVE (OB)	EQUIPMENT - LIFT/RAMP LIFT STUCK	OB	12:37	13:40	26	
086	FL							1312118 - RCS 091 CLEARED VEH DELAY: 01:03						
12:44	R	OPERATOR	19	4283	445	8X	6266	6TH STREET & BRYANT (IB)	EQUIPMENT - (OTHER) REAR DOORS FORCED TO OPEN	IB	12:44	13:34	26	
087	FL							1312100 - INSP KING, T (1T81B), RCS 853 RESP. VIDEO*. VEH DELAY: 00:50						
13:09	R	OPERATOR	30	3806	346	14	7011	MISSION & EXCELSIOR (OB)	EQUIPMENT - AIR SYSTEMS LOW AIR	OB	13:09	13:42	26	
088	PO							1312114 - SHOP TRUCK 094 RESP SI POTRERO N/R [EOR 14:10] VEH DELAY: 01:01						
13:11	R	OPERATOR	16				61	CALIFORNIA & SANSOME (OB)	(OTHER) SMOKE FROM CHANNEL	OB	13:12	13:32	26	
089	CA							1312281 - INSP AEVALO, R (8T35), CABLE MACHINERY RESP. VEH DELAY: 00:20						
13:16	R	OPERATOR	24	2772	672	47	8216	POWELL & BEACH (OB)	OPERATOR - NECESSITY	OB	13:20	13:28	26	
090	KT							1312103 - OPERATOR CLEARED VEH DELAY: 00:08						
13:16	R	OPERATOR	28	1995	140	5	5635	MCALLISTER STREET & PIERCE STREET (IB)	EQUIPMENT - BRAKES	IB	13:16	13:53	27	
091	PR							1312318 - PRESIDIO SHOP TRUCK #092 SENT COACH INTO THE SHOP, SI PRESIDIO 5582 @14:21 VEH DELAY: 01:05						
13:20	R	OPERATOR	26	2354	023	59	0007	COLUMBUS & LOMBARD (IB)	(OTHER) BLOCKING BY AMBULANCE	IB	13:20	13:24	26	
092	CA							1312279 - OPERATOR CLEARED VEH DELAY: 00:04						
13:34	R	OPERATOR	30	2364	425	14L	6403	MISSION & MAIN (OB)	OPERATOR - NECESSITY	OB	13:34	13:44	26	
093	FL							1312109 - OPERATOR CLEARED VEH DELAY: 00:10						

13:43 094	R	OPERATOR ME	79	1445	80	J	1412	DUBOCE & D-4 (IB)	ATCS - FAILED ENTRY	IB	13:43		79
								1312106 -RE-ENTRY SUCCESSFUL @ VANNES					
13:52 095	R	OPERATOR PR	26	2703	91		5612	LYON STREET & GREENWICH STREET (IB)	EQUIPMENT - ROPE	IB	13:11	15:58	27
								1312321 - PRESIDIO SHOP TRUCK #092 SENT COACH INTO SHOP. SI PRESIDIO 5637 @16:20N/R [EOR 19:12] VEH DELAY: 06:01					
13:54 096	R	OPERATOR PR	27	4392	138	30	5664	VAN NESS & NORTH POINT (IB)	EQUIPMENT - SHOES/POLES/PANTOGRAPH TROLLEY SHOES	IB	13:54	14:22	26
								1312113 - SHOP TRUCK 092 CLEARED VEH DELAY: 00:28					
13:55 097	R	OPERATOR WO	24	2416	112	27	6627	JONES & SUTTNER (OB)	EQUIPMENT - DOORS/STEPS REAR DOORS	OB	13:55	15:05	26
								1312128 - RCS 853 RESP SI WOODS 8425 @15:45 VEH DELAY: 01:50					
13:58 098	R	OPERATOR WO	24	2665	078	36	8616	VALENCIA & CESAR CHAVEZ (IB)	EQUIPMENT - (OTHER) OP SEAT	IB	13:55		26
								1312123 - SI WOODS 8530 @14:51 VEH DELAY: 00:56					
14:15 099	R	OPERATOR PR	27	2514	521	21	5624	MARKET & 7TH STREET (OB)	EQUIPMENT - ROPE TROLLEY ROPE	OB	14:15	14:46	26
								1312122 - SHOP TRUCK 094 CLEARED VEH DELAY: 00:31					
14:17 100	R	OPERATOR ME	78	1274	95	L	1454	EMBARCADERO (IB)	EQUIPMENT - (OTHER) ALLEGED AIR LEAK	IB LD	14:17 14:17	14:38	79
								1312110 - [LRV2=1473]INSPECTOR E. IRBY 4C55 AND 4S49 RESPONDED AND REPAIRED - SWITCHBACK @ HARRISON FOR REPAIRS - SWITCHBACK @ SUNSET FOR TIME AND PLACE - LSGP - BACK IN SERVICE SI GREEN 1454 @1473 @14:38 VEH DELAY: 00:21					
14:31 101	R	311 PR	27	2193	013	31	5510	MARKET & TURK (OB)	(OTHER) ALLEGE ACCIDENT (COACH / AUTO),	OB	08:30		26
								1312134 - SYSTEM SAFETY*, VIDEO*, CLAIM 6A46*, DISP*					
14:32 102	T	COCC #23 ME	95	1274	95	L	1454		ORDERS - SWITCHBACK AIR LEAK, ROUTED OUT FERRY PORTAL AFTER REPAIRS BY SHOP S/B ORDER ISSUED BY CCO.		14:32		95
								1312107 - [LRV2=1473]					
14:35 103	R	OPERATOR PO	22	2216	376	24	5417	PALOU & INDUSTRIAL (OB)	EQUIPMENT - STEERING	OB	14:35		33
								1312139 - SHOP TRUCK 094 RESPONDED SI POTRERO 5463 @16:51 VEH DELAY: 02:16					
14:36 104	R	OPERATOR FL	15	2306	490	14L	6206	MISSION & MAIN (OB)	DIRTY VEHICLE - BLOOD	OB	14:36		26
								1312129 - SI FLYNN 6206 @15:20 VEH DELAY: 00:44					
14:43 105	R	OPERATOR PR	27	2984	104	30	5521	NORTH POINT & VAN NESS (IB)	EQUIPMENT - AIR SYSTEMS LOW AIR	IB	15:01	15:47	26
								1312127 - SHOP TRUCK 092 CLEARED VEH DELAY: 00:46					
14:44 106	R	OPERATOR ME	28	3421	028	N	1414	SAN JOSE AVE & SANTA ROSA ST (IB)	EQUIPMENT - DOORS/STEPS TRAINLINE NO GREEN DOOR LIGHT	IB LD	14:44 14:44	15:38 14:57	87
								1312119 - [LRV2=1456]MRU 4S35 & MRU 4S56 CLEARED, SENT-IN NOT IN SERVICE, INSP J CHAVEZ ON SCENE, METRO SHOP* SI GREEN VEH DELAY: 00:54 LINE DELAY: 00:13					
14:49 107	R	OPERATOR PO	22	3335	375	14	7117	MISSION & 14TH STREET (OB)	PASSENGER INCIDENT - OPERATOR/PASSENGER ALTERCATION	OB	14:49	15:30	26
								1312126 - INSP SOLIGER, C (1T63B) RESP. VIDEO*, VEH DELAY: 00:41					
15:02 108	R	OPERATOR PR	11	1652	35	31	5525	BALBOA AVE & PARK PRESIDIO AVE (IB)	(OTHER) EMERGENCY ALARM	IB	15:02	15:14	27
								1312316 - NO MERIT, SFPD UNIT #3G2A VEH DELAY: 00:12					
15:08 109	R	MRU 4S46 ME	23	3581	065	N	1524	KING ST & 6TH ST (OB)	EQUIPMENT - (OTHER) H-VAC LEAKING	OB	15:08	16:03	79
								1312131 - [LRV2=1480]FOLLOWER 39-N (+5) - LSGP - INSPECTORS G. PITTS 4C30 AND J. CHAVEZ 4T40 NOTIFIED - SWITCHBACK @ HARRISON, DEADHEAD TO CHURCH/DUBOCE AND SWITCHBACK @ DUBOCE/FILLMORE SI MME 1480 @16:06 VEH DELAY: 00:58					
15:08 110	R	COCC #23 ME	95	3581	65	N	1524	8TH ST. & KING (OB)	ORDERS - (OTHER) SENT IN WITH HVAC LEAK TO MME (S/B AT HARRISON), FOLLOWER 39/N /1440&1457 MOVED UP 5 MINUTES OB&IB.	OB	15:08		95
								1312117 - [LRV2=1580]DEADHEAD FROM MME TO CHURCH & DUBOCE & SWITCH BACK AT FILLMORE FOR 4:40 IB TIME. CT 1480 @04:04 VEH DELAY: 12:56					
15:10 111	R	OPERATOR WO	33	3403	093	37	8511	PARKRIDGE & NURNETT (IB)	EQUIPMENT - DOORS/STEPS REAR DOORS	IB	15:10	15:44	26
								1312130 - RCS 853 RESP SI WOODS N/R VEH DELAY: 00:34					
15:23 112	R	OPERATOR KI	33	1771	665	43	8001	GEARY & MASONIC (OB)	VEHICLE INCIDENT - MUN/AUTO COLLISION NO INJURY	OB	15:23	16:05	26
								1312133 - INSP GIANG, J (1T62B) RESP. NO INJURY, NO 799. VIDEO*, SYATEM SAFETY*, CLAIM 6A46*. VEH DELAY: 00:43					
15:27 113	R	OPERATOR WO	33	8345	062	29	8192	SAN JOSE & MOUNT VERNON (OB)	(OTHER) OP GOT LOST	OB	15:27	15:55	26
								1312132 - OPERATOR CLEARED VEH DELAY: 00:28					
15:28 114	R	OPERATOR PR	11	3408	600	5	5574	CABRILLO & LAPLAYA (IB)	OPERATOR - NECESSITY	IB	15:14	15:42	27
								1312312 - OPERATOR CLEARED VEH DELAY: 00:28					
15:36	T	4-C-2	20	1111	71	J	1412		ORDERS - DEADHEAD DELAYED BY PULL OUT BO		15:36		95

Time	Code	Operator	Station	Line	Car	Side	Event	Time	Time	Time	
115	ME						TRAIN 28/N/1436&1414 IB AT GLEN PARK				
15:36	T	4-C-2	20	1111	71	J	1412	1312120 -			
116	ME						(OB)	ORDERS - DEADHEAD DELAYED BY PULL OUT BO	OB	15:36	
								TRAIN 28/N/1436&1414. (PER 4-T-40).		195	
								1312121 -			
15:39	R	OPERATOR	27	1458	12	59	17	POWELL STREET & MARKET	OPERATOR - NECESSITY	OB	15:39
117	CA							STREET (OB)		15:49	
								1312145 - OPERATOR CLEARED VEH DELAY: 00:10		27	
15:41	R	OPERATOR	22	2836	419	49	7059	MISSION & 26TH STREET (IB)	EQUIPMENT - HOT VEHICLE	IB	15:41
118	PO							1312138 - SHOP TRUCK 094 RESPONDED SI POTRERO 7111 @16:48 VEH DELAY: 01:07		16:01	
										33	
15:42	R	OPERATOR	23	725	103	L	1437	VANNESS (IB)	(OTHER) CAB RELAYS FAILING DERAIL MALARM	IB	15:42
119	ME							1312179 - NO INTERIOR OR HEAD LIGHTS - 4S49 AND INSPECTOR J. CASTILLO 4T78	LD	15:55	
								RESPONDED SI MME 1491 @16:49 VEH DELAY: 01:07		79	
15:45	R	OPERATOR	11	2132	24	6D	27	POWELL STREET & CALIFORNIA	(OTHER) DEBRIS IN CHANNEL (SMOKING)	OB	15:45
120	CA							STREET (OB)		16:13	
								1312311 - SMOKE IN THE CHANNEL DID NOT CAUSE A LINE DELAY OR VEHICLE DELAY.		27	
								CAB/E MACHINEY CLEARED. VEH DELAY: 00:28			
15:49	R	OPERATOR	24	0869	136	9	8659	BAYSHORE & SILVER (IB)	EQUIPMENT - STALLED	IB	15:57
121	WO							1312141 - SHOP TRUCK 091 RESPONDED SI WOODS N/R VEH DELAY: 00:49		16:48	
										33	
15:49	R	OPERATOR	24	0869	136	9	8659	MAYSHORE & SILVER (IB)	PASSENGER INCIDENT - OPERATOR/PASSENGER	IB	15:49
122	WO								ALTERCATION PASS SPIT AT OPERATOR	16:28	
								1312148 - INSP SOLIGER, C (1T63B), SFPD UNIT 3C43A RESP. ONE PASS REMOVED BY		26	
								PD. WOODS SUPT*, 4MM*, SYSTEM SAFETY*, VIDEO*, WORKERS COMP*, PEER			
								ASSISTANT*, DAVID HILL*, VEH DELAY: 00:39			
16:03	R	MGR D	20	505	108	KT	1489	BAYSHORE BLVD & SUNNYDALE	ORDERS - (OTHER) SHUTTLE BETWEEN DUBOCE	OB	16:03
123	TYLER							AVE (OB)	AVE/FILLMORE ST, BAYSHORE BLVD/SUNNYDALE		87
	ME								AVE.		
								1312124 - OPERATOR* BY OCC, INSP J CASTILLO, G PITTS*			
16:08	R	OPERATOR	24	1875	143	48	8660	GREAT HIGH WAY & REVERA (IB)	EQUIPMENT - RADIO	IB	16:08
124	WO							1312152 - SI WOODS 8414 @17:25 VEH DELAY: 01:17		26	
16:20	R	OPERATOR	24	3077	304	48	8406	20TH STREET & 3RD STREET (IB)	OPERATOR - NECESSITY	IB	17:20
125	WO							1312154 - OPERATOR CLEARED VEH DELAY: 00:09		17:29	
										26	
16:27	R	OPERATOR	79	1313	87	N	1416	FERRY PORTAL & T-20 (OB)	ATCS - FAILED ENTRY	OB	16:27
126	ME							1312135 - [LRV2=1550]RE-ENTRY SUCCESSFUL @ MONTGOMERY		79	
16:30	R	OPERATOR	22	3017	538	BX	8244	KEARNY & NORTH POINT (OB)	EQUIPMENT - (OTHER) FUEL LIGHT	OB	16:30
127	FL							1312153 - RCS 853 CLEARED VEH DELAY: 00:53		17:23	
										26	
16:35	R	OPERATOR	79	3214	79	KT	1476	FERRY PORTAL & T-20 (OB)	ATCS - FAILED ENTRY	OB	16:35
128	ME							1312136 - RE-ENTRY SUCCESSFUL @ MONTGOMERY		79	
16:40	T	4-T-40	95	2476	99	J	1432	(IB)	ORDERS - DEADHEAD DELAYED EARLIER BY	IB	16:40
129	ME								28/N/1436&1414. FOLLOWER 10/11/J/1519 LESS		95
									THAN FIVE MINUTES BEHIND..		
								1312140 -			
16:40	T	4-C-2	23	2311	105	N	1415	JUDAH & LA PLAYA (IB)	ORDERS - ROUTE CHANGE LPO IB AS A 'JA' TO	IB	16:40
130	ME								MMT FOR 6:15 OB TIME. PER 4-T-40.		95
								1312143 - [LRV2=1419]			
16:48	R	OPERATOR	27	1823	74	1	5588	CALIFORNIA STREET & PRESIDIO	DIRTY VEHICLE - VOMIT	OB	16:48
131	PR							AVE (OB)		27	
								1312149 - SI PRESIDIO 5610 @17:23 VEH DELAY: 00:35			
16:48	R	OPERATOR	15	8349	575	BX	6215	KEARNY & NORTH POINT (OB)	EQUIPMENT - (OTHER) RIGHT SIDE MIRROR	OB	16:48
132	FL								LOOSE	17:09	
								1312150 - RCS 853 CLEARED VEH DELAY: 00:21		26	
16:50	R	OPERATOR	16	2045	474	BX	6421	UNION & COLOMBUS (IB)	VEHICLE INCIDENT - MUNI/AUTO COLLISION	IB	16:50
133	FL								(AUTO HIT AND RUN)	17:05	
								1312142 - INSP. D. FONG 1T68 CLEARED, NO DAMAGE NO 799 VEH DELAY: 00:15		33	
16:58	R	OPERATOR	27	2147	99	30	5616	MASON STREET & GEARY BLVD (IB)	PASSENGER INCIDENT - (OTHER) (JUVENILE	IB	16:59
134	PR								DISTURBANCE)	27	
								1312144 - SYSEM SAFETY*, VIDEO*, 6A46*, MUNI SECURITY REMOVED JUVENILES			
17:01	R	OPERATOR	15	2616	546	38	6245	TRANSBAY TERM (OB)	(OTHER) REAR WINDOW BROKEN	OB	16:01
135	FL									26	
								1312155 - SI FLYNN 6406 @17:45 VEH DELAY: 01:44			
17:02	R	OPERATOR	27	2044	105	5	5593	LA PLAYA & CABRILLO (IB)	EQUIPMENT - SHOES/POLES/PANTOGRAPH	IB	17:02
136	PR								TROLLEY SHOES	17:50	

AND CLEARED - NO DELAY VEH DELAY: 00:07 LINE DELAY: 00:07											
19:33 156	R	4-C-2 ME	23	0508	108	KT	1489	EMBARCADERO	ORDERS - ROUTE CHANGE OB AS AN 'A'. PER 4-C-2.	19:33	95
1312185 -											
19:49 157	R	OPERATOR WO	24	3252	248	27	8438	CESAR CHAVEZ & MISSION (IB)	OPERATOR - NECESSITY	IB	19:49 20:14 26
1312187 - OPERATOR CLEARED VEH DELAY: 00:25											
19:59 158	R	OPERATOR WO	24	4262	244	27	8152	TRANSBAY TERMINAL (OB)	OPERATOR - NECESSITY	OB	19:59 20:20 36
1312331 - VEH DELAY: 00:21											
20:01 159	R	OPERATOR FL	22	2824	524	38L	6254	GEARY & LAGUNA (IB)	(OTHER) RENDERING AID (CITIZEN FELL INFRONT OF COACH)	IB	20:01 20:38 28
1312189 - INSP GIANG, J (1T62B) RESP. MEDIC 93 TRANSPORTED INJURED CITIZEN TO ST MARY'S HOSP. VIDEO*, CLAIM 6A46*. VEH DELAY: 00:37											
20:13 160	R	4-T-40 ME	95	0508	108	KT	1489	(OB)	ORDERS - SWITCHBACK FOLLOWER 100N/1478&1515 IMMEDIATELY BEHIND.	OB	20:13 95
1312188 -											
20:18 161	R	OPERATOR FL	24	4152	549	38	6216	GEARY & POWELL (OB)	EQUIPMENT - CHECK ENGINE	OB	20:18 21:15 38
1312211 - RCS TRK 091 RESP SI FLYNN 6204 @21:35 VEH DELAY: 01:17											
20:19 162	R	OPERATOR ME	23	2476	99	J	1432	DUBOCE & CHURCH (OB)	(OTHER) LOCKED MASTER CONTROLLER	OB	20:18 20:22 79
1312197 - INSPECTOR J. CHAVEZ 4T40 AND 4S36 RESPONDED AND CLEARED - LSGP/ADGP VEH DELAY: 00:04 LINE DELAY: 00:04											
20:21 163	R	OPERATOR KI	24	2477	724	43	8125	GENEVA & CASTILLO (PI)	EQUIPMENT - (OTHER) LOUD NOSE FROM COACH	PI	20:21 20:57 26
1312158 - RCS 853 CLEARED VEH DELAY: 00:36											
20:23 164	R	OPERATOR WO	24	4262	244	27	8425	CESAR CHAVEZ & VALENCIA (IB)	OPERATOR - NECESSITY	IB	20:23 20:36 36
1312332 - VEH DELAY: 00:13											
20:34 165	R	OPERATOR PO	22	3093	439	49	7124	OCEAN & SAN JOSE (IB)	EQUIPMENT - ROPE ROPE STUCK ON O/H	IB	20:34 21:27 38
1312208 - RCS 094 CLEARED. VEH DELAY: 00:53											
20:35 166	R	OPERATOR ME	23	2283	134	KT	1512	EMBARCADERO & FOLSOM (OB)	DIRTY VEHICLE - VOMIT	OB	20:35 79
1312199 - INSPECTOR J. CASTILLO 4T78 RESPONDED SI GREEN 1473 @21:40 VEH DELAY: 01:05											
20:40 167	T	4-T-40 ME	95	2085	120	J	1474	(OB)	ORDERS - SWITCHBACK LEADER WILL WAIT AT GLEN PARK TO TAKE PASSENGERS (101/11/1519)	OB	20:40 95
1312190 -											
20:40 168	R	OPERATOR WO	36	1736	238	9	8435	POTRERO & 16TH STREET (OB)	EQUIPMENT - PROPULSION/NO FORWARD MOTION	OB	20:40 21:15 38
1312210 - RCS TRK 201 VEH DELAY: 00:35											
20:44 169	R	OPERATOR PR	15	4403	181	30	5576	KEARNY & MARKET (OB)	OPERATOR - INTERVIEW OPERATOR REQUESTED INSPECTOR BECAUSE HE WAS UPSET THAT ANOTHER OPERATOR MADE AN ALLEGATION AGAINST HIM	OB	21:00 21:23 36
1312207 - INSP R. HOSKIN RESP TO 181/30/5576 AND INSP D. FONG RESP TO RUN 163/45/5568 / OPERATOR ID #2353 AT LYON/GREENWHICH TO INTERVIEW SECOND OPERATOR VIDEO* CLAIMS 6A46*, S/SAFETY* VEH DELAY: 00:23											
20:49 170	R	OPERATOR ME	23	3591	133	L	1450	WAWONA & 46TH (IB)	EQUIPMENT - BRAKES EMERGENCY ON SURFACE	IB	20:49 79
1312206 - 4S35 RESPONDED - INSPECTORS L. KUO 4C32, G. PITTS 4C30 NOTIFIED SI GREEN 1502 @21:58 VEH DELAY: 01:09											
21:00 171	T	4-C-32 ME	95	1869	132	M	1451		ORDERS - SWITCHBACK FOLLOWER 117M/1510&1526 IMMEDIATELY BEHIND.		21:00 95
1312192 - (LRV2=1521)											
21:06 172	R	OPERATOR PO	22	4388	443	14	7105	STEUART & MISSION (OB)	OPERATOR - NECESSITY	OB	21:06 21:13 26
1312191 - OPERATOR CLEARED VEH DELAY: 00:07											
21:12 173	R	OPERATOR ME	23	3046	94	KT	1487	3RD & 25TH (OB)	SIGNALS - NO PERMISSIVE SIGNAL	OB	21:12 21:20 79
1312195 - INSPECTOR J. CASTILLO 4T78 AND SIGNAL 501 RESPONDED - LSGP/ADGP VEH DELAY: 00:08 LINE DELAY: 00:08											
21:15 174	R	OPERATOR KI	15	2138	731	12	8120	LYON & GREENWICH (IB)	VEHICLE INCIDENT - MUNI/AUTO COLLISION OPERATOR STATED: VAN ROLLED BACKWARDS INTO THE BIKE RACK AT STOCKTON AND PACIFIC, OPERATOR CONTINUED IN SERVICE WITH OUT NOTIFYING OCC.	IB	21:15 21:39 22
1312201 - OPERATOR INTERVIEWED BY INSP J. GIANG, S/S*. VIDEO* CLAIMS 6A45*. VEH DELAY: 00:24											

21:18 175	R	11F70	23						KING & 3RD	(OTHER) POP OFFICER 11F70 REPORTED CO-WORKER 11F81 COMPLAINING OF CHEST PAIN	21:18	79		
									1312198 - INSPECTORS K. ARNOLD 4T70, J. CASTILLO 4T78, H. LEUNG 4C55 RESPONDED - ENGINE 8 AND MEDIC 82 RESPONDED AND TRANSPORTED ILL OFFICER TO KAISER - 11M6 NOTIFIED					
21:19 176	R	OPERATOR PR	22	4228	156	31	5528		LA PLAYA & CABRILLO (IB)	OPERATOR - NECESSITY	IB	21:19	21:36	36
									1312209 - VEH DELAY: 00:17					
21:46 177	R	OPERATOR ME	23	2019	115	KT	1407		BAYSHORE & SUNNYDALE (IB)	SIGNALS - NO PERMISSIVE SIGNAL	IB	21:46	22:42	79
									1312203 - NO LINE DELAY - SIGNAL 500 RESPONDED AND CLEARED - KT - LINE SWITCHBACK AT THE PLATFORM INBOUND TO OUTBOUND VEH DELAY: 00:55					
22:00 178	T	4-C-32 ME	95	2283	134	KT	1473			PULLED OUT NEW CAR TO GET BACK ON SCHEDULE. FOLLOWER 110/KT/1471 ABOUT 5 MINUTES BEHIND. ORDER CHANGED TO SWITCHBACK AT EVANS, PER 4-C 32, DUE TO BASEBALL TRAFFIC CONGESTION.		22:00		95
									1312200 -					
22:05 179	T	SFPD KI	35	4142	749	19	8235		25TH STREET & RHODE ISLAND (IB)	PASSENGER INCIDENT - PASSENGER/PASSENGER ALTERCATION I PHONE STOLEN	IB	22:05	22:45	36
									1312204 - INSP C. SOLINGER RESP SFPD 7C11E RESP, CASE #130-806-403 NO ARREST, VIDEO* CLAIMS 6A48* S/SAFETY* VEH DELAY: 00:40					
22:32 180	R	OPERATOR ME	79	13591	133	L	1502		WEST PORTAL (IB)	ATCS - FAILED ENTRY	IB	22:32		79
									1312202 - RE-ENTRY SUCCESSFUL @ CASTRO					
22:40 181	R	4-T-40 ME	95	1164	135	N	1481			ORDERS - SWITCHBACK FOLLOWER 954/SS/1547&1528 IMMEDIATELY BEHIND.		22:40		95
									1312205 - [LRV2=1533]					
22:42 182	R	OPERATOR PO	38	2734	456	49	7122		MISSION & SILVER (OB)	EQUIPMENT - SHOES/POLES/PANTOGRAPH T-POLE	OB	22:42	23:50	38
									1312213 - RCS 094 CLEARED, VEH DELAY: 01:08					
23:17 183	R	OPERATOR ME	79	2082	116	N	1405		FERRY PORTAL & T-20	ATCS - FAILED ENTRY		23:17		79
									1312212 - [LRV2=1545]RE-ENTRY SUCCESSFUL @ MONTGOMERY					
23:36 184	R	OPERATOR PO	38	1814	446	22	5480		3RD STREET & 20TH STREET (IB)	DIRTY VEHICLE - URINE	IB	23:36		38
									1312214 - SI POTRERO 5406 @00:02 VEH DELAY: 00:26					
23:40 185	R	OPERATOR PR	38	4493	181	30	5576		5TH STREET & BRANAN (IB)	EQUIPMENT - SHOES/POLES/PANTOGRAPH T-POLE	IB	23:40	00:19	38
									1312215 - RCS 094 CEARED, VEH DELAY: 00:39					

SUMMARY OF INCIDENTS & DELAYS. SERVICE LOSS OVER 4 MINUTES			
DIV	INC	VEH	LINE
CA	9	4:44	0:00
FL	21	21:17	0:00
GV	3	1:10	0:00
KI	7	2:59	0:00
ME	26	29:51	0:44
PO	26	28:48	0:00
PR	17	15:23	0:00
WO	30	24:26	0:00
TOTAL	139	128:38	0:44

Manuel Bermudez #1836

Tue Jan 01, 2013 Through Sun Sep 29, 2013 (49 incidents)

Time Date	Call From	To	OP#	Run	Line	Veh	Location	Nature of Occurrence	Action Taken	DI	Start	End	CC
12:28	R	OPERATOR	1836	378	22	5457	FILMORE STREET & BAY STREET (OB)	HORN		OB	12:43	14:18	27
13:20	R	OPERATOR	1836	378	22	5457	POTRERO SHOP TRUCK #403 REPAIRED Van delay: 01:35	RESTRICTED MODE		IB	14:35	15:30	27
13:35	R	OPERATOR	1836	378	22	5457	PRESIDIO SHOP TRUCK #402 REPAIRED Van delay: 00:55	POLE STUCK IN THE OVERHEAD DURING SWITCHBACK		OB	17:30	18:49	11
13:37	R	OPERATOR	1836	378	22	5457	UNIT #7 INSP J GANG, PRESIDIO SHOP TRUCK #392, OHL TRUCK #819 RESP AND CLEARED Van delay: 01:19	POLES DROPPING/ RETRIEVER		OB	13:17	14:16	19
13:37	R	OPERATOR	1836	378	22	5457	SUTTER & FILMORE (OB)	BRAKE PADEL COVER		OB	12:43	14:07	34
13:37	R	OPERATOR	1836	378	22	5424	PRES SHOP TRUCK #972 CLEARED, Van delay: 00:59	BRAKE PADEL COVER		OB	12:43	14:07	34
12:44	R	OPERATOR	1836	378	22	5424	FILMORE & BAY (OB)	MISSING BRAKE PEDAL COVER		OB	12:38	16:03	34
12:36	R	OPERATOR	1836	378	22	5463	POTRERO SHOP 099 CLEARED Van delay: 01:24			OB	12:36	13:23	18
12:36	R	OPERATOR	1836	378	22	5463	PRESIDIO SHOP 012 CLEARED Van delay: 03:27	PICK POCKET		OB	13:23	14:03	18
13:21	R	OPERATOR	1836	378	22	5463	FILMORE & GROVE (OB)			OB	12:48	13:29	18
13:12	R	OPERATOR	1836	378	22	5463	FILMORE & GROVE (OB)			OB	12:48	13:29	18
12:48	R	OPERATOR	1836	378	22	5463	# B CHOWN CLEARED, VIDEO, SFPD 3577 RESP, CASE # 130-089-093 Van delay: 00:40	BRAKE PADLE		OB	8:23	9:39	27
13:12	R	OPERATOR	1836	378	22	5463	FILMORE & BAY (OB)	STEERING		OB	12:36	13:52	24
12:36	R	OPERATOR	1836	378	22	5445	MAIN STREET & HOWARD STREET (OB)	BRAKE PEDAL RUBBER PAD MISSING.		OB	12:36	13:52	24
12:36	R	OPERATOR	1836	378	22	5445	POTRERO SHOP TRUCK #403 REPAIRED Van delay: 01:36			OB	15:26	15:40	30
12:36	R	OPERATOR	1836	378	22	5445	FILMORE & BAY (OB)			OB	14:56	15:40	34
14:48	R	OPERATOR	1836	378	22	5445	SHOP TRUCK #92 Van delay: 01:16	INTOXICATED PASSENGER		OB	12:43	13:57	28
12:37	R	OPERATOR	1836	378	22	5422	SFPD ENGINE & RESP, MERIC 38 REMOVED THE PASSENGER, INSP H LEUNG RESP Van delay: 00:14	DIRTY COACH (SPILLED LIQUID)		OB	11:53	14:09	27
12:37	R	OPERATOR	1836	378	22	5422	OPERATOR CLEARED SI POTRERO 5401 @16:12 Van delay: 01:16	INP PADLE COVER		OB	12:43	13:57	28
14:48	R	OPERATOR	1836	378	22	5445	FILMORE & BAY (OB)			OB	12:43	13:57	28
11:45	R	OPERATOR	1836	384	49	5432	SHOP TRUCK 092 CLEARED Van delay: 01:14	BRAKE MISSING COVER		OB	11:53	14:09	27
11:45	R	OPERATOR	1836	384	49	5432	VAN NISS & NORTH POINT (OB)			OB	13:17	16:50	38
11:45	R	OPERATOR	1836	384	49	5432	#72 CLEARED Van delay: 02:16	JAMMED RETRIEVER		OB	13:17	16:50	38
13:17	R	OPERATOR	1836	384	49	7030	PHILAN LOOP (IB)	REPORT TO POTRERO DISPATCHER AT END OF SHIFT - MAIL		OB	18:05	18:07	34
13:17	R	OPERATOR	1836	384	49	7030	POT SHOP 093 CLEARED, Van delay: 03:33			OB	14:30	15:00	30
18:05	T	POTRERO DISPA	1836	384	49	7054	OPERATOR, POTRERO DISPATCHER Van delay: 00:02	OPERATOR - OTHER ALLEGED OPERATOR NOT PICKING UP PASSENGER		OB	17:48	18:38	11
18:05	T	POTRERO DISPA	1836	384	49	7054	REPORT TO POTRERO DISPATCHER AT END OF SHIFT - MAIL			OB	17:48	18:38	11
4/25/2013	R	OPERATOR	1836	384	49	7012	MISSION & 16TH STREET (OB)	VEHICLE INCIDENT - MANUAL COLLISION NON-INJURY		OB	12:12	13:26	11
4/25/2013	R	OPERATOR	1836	384	49	7012	UNIT #16 A. VELAZQUEZ, SFPD #3018D, VIDEO, SIS, 5445, NO CP 799 MINOR DAMAGE TO BOTH COACH AND AUTO, Van delay: 00:50			OB	12:12	13:26	11
12:15	R	OPERATOR	1836	373	49	7032	PHILAN LOOP & 12121328 (IB)	EQUIPMENT - SHOES/POLES/PANTOGRAPH		OB	14:31	15:59	24
4/28/2013	R	OPERATOR	1836	384	49	7022	POTRERO SHOP TRUCK #494 RESP AND CLEARED Van delay: 01:14	EQUIPMENT - BRAKES		OB	13:04	14:56	15
4/28/2013	R	OPERATOR	1836	384	49	5428	VAN NISS & NORTH POINT (OB)	EQUIPMENT - BRAKES		OB	13:04	14:56	15
4/28/2013	R	OPERATOR	1836	384	49	5428	SHOP TRUCK #472 SI POTRERO 7105 @17:28 Van delay: 02:57	EQUIPMENT - BRAKES		OB	13:04	14:56	15
4/28/2013	R	OPERATOR	1836	384	49	5428	PHILAN LOOP (IB)	DIRTY VEHICLE - OTHER SODA		OB	13:00	14:26	34
4/28/2013	R	OPERATOR	1836	384	49	7003	SHOP 094, Van delay: 01:52			OB	13:00	14:26	34
4/28/2013	R	OPERATOR	1836	384	49	7003	PRESIA & MISSION (IB)			OB	13:00	14:26	34
4/30/2013	R	OPERATOR	1836	384	49	7010	SI POTRERO 7111 @16:50 Van delay: 01:20	EQUIPMENT - DOORS/STERS		OB	13:00	14:26	34
4/30/2013	R	OPERATOR	1836	384	49	7010	MISSION & RICHLAND (OB)			OB	13:00	14:26	34
5/2/2013	R	OPERATOR	1836	384	49	7010	POTRERO SHOP 094 CLEARED Van delay: 01:26			OB	13:00	14:26	34

Time	Activity	Operator	Unit	Location	Equipment	Notes	Start	End	Duration
11:44	OPERATOR	PO	16	VAN NESS & NORTH POINT (IB)	EQUIPMENT - BRAKES		11:53		30
5/6/2013	OPERATOR	PO	16	POTRERO #80 RESP. SI POTRERO 7124 @ 14:36 Van delay: -43			11:46	12:20	26
11:46	OPERATOR	PO	16	MISSION & 3RD STREET (OB)	VANDALISM - OTHER BROKEN REAR DOOR GLASS		11:46		
5/6/2013	OPERATOR	PO	26	INSR JONES, R (UNIT 7) RESP. SI POTRERO 7036 @ 12:52 Van delay: 01:06	PASSENGER INCIDENT - OPERATOR/PASSENGER ALTERCATION		16:14	16:55	22
16:14	OPERATOR	PO	26	MISSION & RANDALL (IB)	VERBAL		14:36	14:58	30
5/14/2013	OPERATOR	PO	34	INSR M. WILSON RESP. SYSTEM SAFETY. CLAIMS 6442- VIDEO. SFPD UNIT 3H1 TO RESP. NO ARREST. Van delay: 00:41	OPERATOR - NECESSITY		16:27	17:25	39
14:36	OPERATOR	PO	34	VAN NESS & NORTH POINT (OB)	EQUIPMENT - DOORSTERS DOOR WILL NOT CLOSE		16:27		
5/16/2013	OPERATOR	PO	34	OPERATOR CLEARED Van delay: 00:22			15:14		96
16:27	OPERATOR	PO	34	MISSION & 30TH STREET (IB)	SWITCHBACK, 19 MINUTES BEHIND SCHEDULE, FOLLOWER 1		16:26		95
5/17/2013	OPERATOR	PO	11	POT SHOP #94 CLEARED. Van delay: 00:38	BLOCK BEHIND		17:40	18:15	38
16:14	OPERATOR	PO	11	PERSIA ST & MISSION ST (IB)	ORDERS - SWITCHBACK RUMING 21 MINUTES BEHIND SCHEDULE. FOLLOWER WAS TWO BLOCKS BEHIND.		17:40		
5/22/2013	OPERATOR	PO	22	1230051	ORDERS - SWITCHBACK RUMING 21 MINUTES BEHIND SCHEDULE. FOLLOWER WAS TWO BLOCKS BEHIND.		17:40	18:15	38
16:24	OPERATOR	PO	22	1230050	EQUIPMENT - AIR SYSTEMS LOW AIR PRESSURE.		17:24		96
5/24/2013	OPERATOR	PO	18	1292267	ORDERS - SWITCHBACK COACH WAS DELAYED DUE TO FIRE. DOWN 41 MINUTES. FOLLOWER RIGHT BEHIND		11:57	12:39	22
17:40	OPERATOR	PO	18	1294102	EQUIPMENT - BRAKES		15:20		96
5/24/2013	OPERATOR	PO	15	1294643	ORDERS - SWITCHBACK 17 MINUTES BEHIND SCHEDULE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		17:40		
5/24/2013	OPERATOR	PO	15	1294643	ORDERS - SWITCHBACK 17 MINUTES BEHIND SCHEDULE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		17:40		
17:24	OPERATOR	PO	15	1294643	ORDERS - SWITCHBACK 17 MINUTES BEHIND SCHEDULE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		17:40		
5/13/2013	OPERATOR	PO	12	1294102	EQUIPMENT - BRAKES		17:46		96
11:57	OPERATOR	PO	12	1294643	ORDERS - SWITCHBACK 17 MINUTES BEHIND SCHEDULE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		13:00	13:32	26
5/18/2013	OPERATOR	PO	18	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		12:07	13:25	24
15:20	OPERATOR	PO	18	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		12:17	12:38	27
5/19/2013	OPERATOR	PO	18	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		12:17	12:38	27
17:46	OPERATOR	PO	18	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		12:17	12:38	27
5/19/2013	OPERATOR	PO	11	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		12:17	12:38	27
13:00	OPERATOR	PO	11	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		12:17	12:38	27
5/24/2013	OPERATOR	PO	30	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		9:46	10:06	12
12:07	OPERATOR	PO	30	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		9:46	10:06	12
5/26/2013	OPERATOR	PO	26	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		7:51	7:52	30
12:17	OPERATOR	PO	26	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		7:51	7:52	30
7/2/2013	OPERATOR	PO	26	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		7:51	7:52	30
7:37	OPERATOR	PO	26	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		7:51	7:52	30
7/5/2013	OPERATOR	PO	26	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		7:51	7:52	30
9:46	OPERATOR	PO	26	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		7:51	7:52	30
7/9/2013	OPERATOR	PO	19	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		7:51	7:52	30
7:54	OPERATOR	PO	19	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		7:51	7:52	30
7/17/2013	OPERATOR	PO	19	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		7:51	7:52	30
7:54	OPERATOR	PO	19	1292267	ORDERS - SWITCHBACK 18 MINUTES LATE. FOLLOWER BEHIND, UNIT 18 MISS 30TH TO GIVE VERBAL ORDER		7:51	7:52	30
7/17/2013	OPERATOR	PO	16	1300161	OPERATOR - INTERVIEW SEE TAG 1300161.		10:35	10:40	30
10:34	OPERATOR	PO	16	1300161	OPERATOR - INTERVIEW SEE TAG 1300161.		10:35	10:40	30
7/17/2013	OPERATOR	PO	19	1300162	OPERATOR - INTERVIEW SEE TAG 1300162.		10:35	10:40	30
7:54	OPERATOR	PO	19	1300162	OPERATOR - INTERVIEW SEE TAG 1300162.		10:35	10:40	30
11:58	OPERATOR	PO	22	1300176	OPERATOR - INTERVIEW SEE TAG 1300176.		16:31	17:23	18
8/29/2013	OPERATOR	PO	22	1300176	OPERATOR - INTERVIEW SEE TAG 1300176.		16:31	17:23	18
16:31	OPERATOR	PO	34	1307612	EQUIPMENT - PROPULSION AND FORWARD MOTION		16:31	17:23	18
8/29/2013	OPERATOR	PO	34	1307612	EQUIPMENT - PROPULSION AND FORWARD MOTION		16:31	17:23	18

1409	T	HALEY JOHN JR	14	1836	384	49	7057	VAN NESS & NORTH POINT (B)	VANDALISM - GRAFFITI	1B	14:26	15:28	24
9/4/2013		PO			1300845			CAR CLEANERS Veh delay: 01:02					
15:34	R	OPERATOR	38	1836	384	49	7107	PHELAN LOOP (B)	EQUIPMENT - HORN	1B	15:34	16:35	22
9/6/2013		PO			1309075			SHOP 094 CLEARED Veh delay: 01:01					
15:46	R	OPERATOR	11	1836	384	49	7041	PHELAN LOOP (B)	EQUIPMENT - NO LOW POWER	1B	15:46	16:28	33
9/18/2013		PO			1371114			SHOP TRUCK 094 RESPONDED SI POTRERO NIR (see 18:33) Veh delay: 02:47					
16:45	R	OPERATOR	38	1836	384	49	7118	MISSION & SILVER (B)	PASSENGER INCIDENT - OPERATOR/PASSENGER ALTERCATION	1B	18:45	19:08	33
9/19/2013		PO			1371311			INSP. L WILSON 1163 RESPONDED. SFPD 3H18D CLEARED Veh delay: 00:23	VERBAL				

Future Employment Restrictions – Manuel Bermudez Former 9163 Transit Operator
– San Francisco Municipal Transportation Agency
Civil Service Commission Hearing Date: July 21, 2014
Register No. 0008-14-7

Exhibit 6



**NOTICE OF
SUSPENSION**

-308 -

DATE: 10/1/13

NAME Bermudez, Manuel ID NO. 1836 DIVISION Potrero

REGULAR DAY OFF S/S

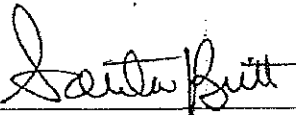
THIS IS TO INFORM YOU THAT YOU WILL BE SUSPENDED 5 DAYS

On the following day(s):

- Monday, October 21, 2013
- Tuesday, October 22, 2013
- Wednesday, October 23, 2013
- Thursday, October 24, 2013
- Friday, October 25, 2013

For the following reason(s):

Leaving the terminal late and
not announcing stops Violation 6/14/13

BY 
DIVISION SUPERINTENDENT

Cc: Local 250A
Operator
Labor Relations

Office copy



SFMTA
Municipal
Transportation
Agency

Edwin M. Lee, *Mayor*
Tom Nolan, *Chairman* Cheryl Brinkman, *Vice Chairman*
Malcolm Heinicke, *Director* Jerry Lee, *Director*
Joel Ramos, *Director* Cristina Rubke, *Director*
Edward D. Peiskin, *Director of Transportation*

Via U.S. Regular Mail

September 27, 2013

Ronald Austin, Staff Representative
TWU Local 250-A



Re: Step 2 Hearing Decision: Manual Bermudez, Grievance #151-13-PO

Dear Mr. Austin:

On September 25, 2013 in accordance with the Transport Workers Union (TWU) Local 250-A (Class 9163) current Memorandum of Understanding (MOU), a Step 2 Hearing was held at One South Van Ness, San Francisco, CA 94103. The grievance was filed to appeal the proposed five-day suspension for Operator Manual Bermudez from his 9163 Transit Operator position with the Agency.

Present at the hearing were:

Ronald Austin	Staff Representative, TWU Local 250-A
Manual Bermudez	Transit Operator
Robert Gainer	Chairperson, Potrero Division
Christina Penland	Senior Analyst, Labor Relations
Sarita Britt	Superintendent, Potrero Division
Mike Helms	Hearing Officer

Background:

The Agency contends that on June 14, 2013 Operator Bermudez did not announce stops as required and did not report to Central Control to receive proper authorization to leave the terminal at a later time.

Union's Position:

To grant the grievance; Operator Bermudez stated he was late due to other operators and claimed that he did call central control. He further stated that he did nothing wrong and that all charges should be denied.

Agency's Position:

To deny the grievance; Operator Bermudez violated all rules as stated in the July 16, 2013 Skelly Decision Letter by Sarita Britt, Superintendent, Potrero Division.

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Step 2 Decision:

Operator Bermudez is a 14-year employee. In the past 13 months, Operator Bermudez has received seven separate caution and reinstructions for schedules and seven separate warnings for transfer misuse, lateness, and schedules. He has also received a two-day suspension for a schedule violation.

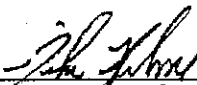
After listening to all arguments, reviewing all facts brought forth and reading all information provided concerning the allegations against Operator Bermudez, I have determined he was in violation of the rules as stated in the July 16, 2013 letter from Sarita Britt, Superintendent, Potrero Division. It is the Agency's decision to uphold the proposed five-day suspension.

The Union or grievant may, at any time within seven days after the mailing of the Step 2 decision, appeal from such decision to the impartial Hearing Officer by filing a written notice of the appeal with the Executive Director/CEO or his designee as stated in the current MOU that is in effect between the Agency and TWU Local 250-A (Class 9163).


The decision is specific only to this employee and only to the above stated grievance, and cannot be used or cited for any other purpose.

Recommended by:

Approved by:



Mike Harris
Step 2 Hearing Officer



Donald E. Ellison
Director, Human Resources

cc: Donald E. Ellison, Human Resources
Chris Iborra, Employee & Labor Relations
Sarita Britt, Potrero Division
Christina Penland, Senior Personnel Analyst
[REDACTED]
Employee File
Chron File

TRANSPORT WORKERS UNION - LOCAL 250-A
GRIEVANCE FORM

Step 1

Employee's Name Manuel Bermudez Date July 17, 13

Classification 9163 Cap No. 1836 or 1836 Division POT
Badge No.

NATURE OF GRIEVANCE: Disagree w/ 5 day susp.
Rule 2.13.1A, 2.15, 2.15.2

RULE VIOLATION:

SETTLEMENT DESIRED: Operator does not agree w/ susp. when
other operators leave ^{left terminal} late too. And he always call C.C.
Relief person always arrives late.
[Signature] (Signature of Employee) [Signature] (Signature of Representative)

MANAGEMENT'S REPLY: Denied a Manager from
SFMTA rode his bus and observed him
leaving the terminal late. This is in response
to complaints from his co-workers

7-22-13
(Date)

[Signature]
(Signature of Management Rep.)
Superintendent
(Title)



-715-

Skelly Decision

July 18, 2013

Bermudez, Manuel # 1836

SUBJECT: Notice of Recommended Disciplinary Action – Skelly Hearing Officer Decision

Dear Mr. Bermudez:

You received a letter of Proposed Recommended Disciplinary issued by Potrero Superintendent Proposing that you be suspended for five (5)-days from your position as a 9163 Transit Operator for a Leaving that Terminal Late, and Not Announcing Stops Violations.

Hearing:

A hearing was held on Wednesday, July 17, 2013; Present was you, myself, and your Union Representative, Brian Gordon.

You presented the following responses to the Charges:

You stated that the run which you relieve comes late every day and that you normally do not arrive at the terminal until 11:47 AM/ 11:50 AM.

Superintendent's Response:

Your departure time was at 11:53 AM; there is no excuse to leave behind your scheduled departure time.

After reviewing the charging letter, and the documentary evidence, I have decided to **sustain** the recommended disciplinary action of a five (5)-day suspension.

Right of Appeal:

You may appeal this action within Five (5) days of receiving this notice of Recommended Disciplinary Action, in accordance with Article 22 of the 2011-2014 MOU between TWU Local 250 – A and the San Francisco Municipal Transportation Agency.

Dwain M. Lee
Mayor

Tom Nolan
Chairman

Cheryl Brinkman
Vice-Chairman

Leona Bridges
Director

Malcolm Helnicke
Director

Jerry Lee
Director

Joél Ramos
Director

Cristina Rubke
Director

Edward D. Reiskin
Director of
Transportation

One South Van Ness Ave.
Seventh Floor
San Francisco, CA 94103

Tele: 415.701.4500

www.sfmta.com

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You have the right to be represented in your appeal by your Union Representative, or other Representative of your choice.

Sincerely,

Sammy Au
Assistant Superintendent
Potrero Division

Cc TWU Local 250A
Division Union Chair
Christina Penland (Labor Relations)



-700-

July 16, 2013

Skelly Letter
(Rescheduled Due to Suspension: 7/10/13 and 7/11/13)

Bermudez, Manuel, #1836

**SUBJECT: Proposed Disciplinary Action – Five (5) Day
Suspension/Leaving the terminal late/Not
announcing stops.**

Dear Mr. Bermudez:

You received a letter of Proposed Recommended Disciplinary Action, issued by the Potrero Superintendent, recommending you be suspended from your position as a 9163 transit Operator for Five (5) days.

Edwin M. Lee
Mayor

Tom Nolan
Chairman

Cheryl Brinkman
Vice-Chairman

Leona Bridges
Director

Malcolm Heinicke
Director

Jerry Lee
Director

Joél Ramos
Director

Cristina Rubke
Director

Edward D. Reiskin
Director of
Transportation

The Facts Upon Which These Charges Are Based:

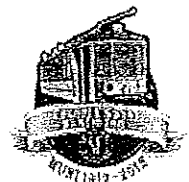
On Friday, June 14, 2013 you made a scheduled relief at Market and Van Ness; inbound. You were detailed to run 384, line 49, coach # 7190 at 11:18 AM. You continued in service and were four minutes behind schedule all the way to the end of the line. At the end of the line two coaches were observed facing outbound. The first coach left at 11:47 AM and the second coach (7049) left at 11:47 AM. Your coach (7190) was scheduled to leave the terminal at 11:53 AM; but you did not leave until 11:57 AM, four minutes behind the scheduled time. Patron also noticed that your stop announcer was not working and that you failed to announce the stops as mandated by law.

You are Hereby Charged with Violating the Following Rules of the San Francisco Municipal Railway Rules and Instruction Handbook:

- | | |
|------------------|--|
| Rule 2.13 | DISCIPLINE |
| 2.13.1- | Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal. |
| 2.13.1A | Inattention to Duties. |

Rule 2.15 SCHEDULES

One South Van Ness Ave.
Seventh Floor
San Francisco, CA 94103
Tele: 415.701.4500
www.sfmla.com



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2.15.2 Operators must leave terminals as scheduled unless authorized adjustments to their schedule have been made by authorized Railway personnel.

2.15.5 Operators must operate equipment in accordance with the timetables in effect. Schedules must be maintained with respect to leaving times, destinations, time points and transfer connections.

Rule 4.20- FEDERAL LAW REQUIRES

4.20.1 Operators must **always** announce stops, at least at transfer points with other fixed routes, major intersections and destination points, all MUNI Metro stations in the subway, and at intervals along a route sufficient to permit individuals to be oriented to their location.

Material Upon Which Charges Are Based

- Investigation of facts
- Letter from Patron Employee/Labor Relations Manager

Basis for Recommendation:

An Investigative Conference was held on Tuesday, July 2, 2013. Present was you, your Union Representative Robert Gainer, Brian Gordon and Assistant Superintendent Sammy Au.

At the hearing you stated that the run which you relieved usually comes late. You did not give any other reason why you did not leave at the scheduled departure time.

Past Record/Disciplinary History:

6/3/13	CSR # 433053	Conference
5/29/13	CSR # 432796	Conference
5/28/13	CSR # 432732	Conference
5/6/13	Transfer Misuse	Warning
4/25/13	Orders	Final Warning
4/4/13	Lateness	Oral Warning
3/5/13	CSR # 428000	Conference/Warning
2/27/13	Schedules	Skelly/2 Day Suspension (Pending)
1/11/13	Schedules	Final Warning
1/8/13	Schedules	Warning

1/7/13	Absenteeism	Final Warning
11/27/12	CSR # 422845	Conference
10/26/12	Pattern Absenteeism	Warning
10/2/12	Safety/Traffic Law	Warned
9/4/12	CSR # 417663	Warning
8/29/13	Pre-Op	Caution and Reinstruct
6/20/12	CSR # 412375	Caution and Reinstruct

Right of Response:

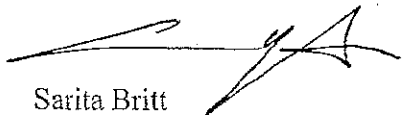
You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Wednesday, July 17, 2013, at 11:30 AM** at 2500 Mariposa Street, Rm. 204 in the Superintendent's Office. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a Representative of your choosing with you to the hearing. Your Union Representative is Robert Gainer, and he can be reached at 415-554-9273

If you choose to respond in writing, your written response must be directed to Sarita Britt.

Ms. Britt must receive your written response by **5:00 PM July 16, 2013**. If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,

 FOR
 Sarita Britt
 Superintendent
 Potrero Division

Cc Division Union Chair
 Employee -

Attachments:

Letter from Patron (Employee/Labor Relations Manager)

Bermudez
Manuel

Britt, Sarita

From: Iborra, Chris
Sent: Friday, June 14, 2013 12:50 PM
To: Britt, Sarita
Subject: Coach 7109

Sarita,

I boarded coach 7190 on the 49 Line inbound at Market and Van Ness inbound at 11:15AM. Operator waited for his relief until 11:18A when the relief operator showed up. The relief operator continued in service and was 4 minutes behind the schedule all the way to the end of the line. I noticed heavy traffic at the beginning and he was getting almost all the red lights. Upon the arrival of the coach at the end of the line at 11:44A, I observed 2 coaches already facing outbound. The first one left at 11:47A and the second one w/coach 7049 left at 11:47A, they were almost back to back.

Coach 7109 was scheduled to leave the terminal, outbound, at 11:53A, but left at 11:57A, four minutes behind the scheduled time.

You need to talk to this Operator, I believe he is under the impression that he is to take 13 minutes (per the schedule) at the end of the line before departure. The 13 minutes are "recovery time". Operator, on the outbound trip, was 4 minutes behind all the way to Oak Street and Van Ness, where I got off at 12:20P.

I also noticed that the automatic stop announcer was not working and operator failed to announce the stops as mandated by law.

Chris Iborra
Employee/Labor Relations Manager
Office: 415.701.5374
One South Van Ness
San Francisco, CA 94103



*****Confidentiality Notice*****

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60

Future Employment Restrictions – Manuel Bermudez Former 9163 Transit Operator
– San Francisco Municipal Transportation Agency
Civil Service Commission Hearing Date: July 21, 2014
Register No. 0008-14-7

Exhibit 7



**NOTICE OF
SUSPENSION**

-624-

DATE: 7/3/13

NAME Bermudez, Manuel ID NO. 1836 DIVISION Potrero

REGULAR DAY OFF S/S

THIS IS TO INFORM YOU THAT YOU WILL BE SUSPENDED 2 DAYS
On the following day(s):

- Wednesday, July 10, 2013
- Thursday, July 11, 2013

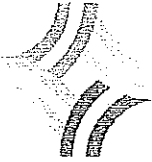
For the following reason(s):

Passing up Passenger Violation 5/28/13

D-12 ORIG TO EMPLOYEE
COPIES TO: DISPATCHER
 UNION REP LOCAL 250A

BY *Scuta Berry*
DIVISION SUPERINTENDENT

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-512-

Skelly Decision

June 20, 2013

Bermudez, Manuel # 1836

SUBJECT: Notice of Recommended Disciplinary Action – Skelly Hearing Officer Decision

Dear Mr. Bermudez:

You received a letter of Proposed Recommended Disciplinary issued by Potrero Superintendent Proposing that you be suspended for two (2)-days from your position as a 9163 Transit Operator A Passing up Passengers Violation.

Hearing:

A hearing was held on Wednesday, June 19, 2013; Present was you, myself and your Union Representative, **Robert Gainer**.

You presented the following responses to the Charges:

Operator stated that he has been getting the bus late from his relief person. According to Next Bus Operator Bermudez is leaving the terminal late.

Superintendent's Response:

After reviewing the charging letter, and the documentary evidence, I have decided to **sustain** the recommended disciplinary action of a two (2)-day suspension.

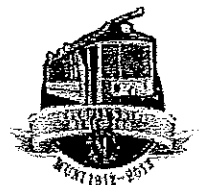
Right of Appeal:

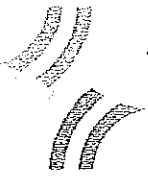
You may appeal this action within Five (5) days of receiving this notice of Recommended Disciplinary Action, in accordance with Article 27 of the 2011-2014 MOU between TWU Local 250 – A and the San Francisco Municipal Transportation Agency.

You have the right to be represented in your appeal by your Union Representative, or other Representative of your choice.

Twin M. Lee
Mayor
Tom Nolan
Chairman
Cheryl Brinkman
Vice-Chairman
Leona Bridges
Director
Malcolm Heinicke
Director
Jerry Lee
Director
Joël Ramos
Director
Cristina Rubke
Director
Edward D. Reiskin
Director of Transportation
One South Van Ness Ave.
Seventh Floor
San Francisco, CA 94103
Tele: 415.701.4500
www.sfmta.com

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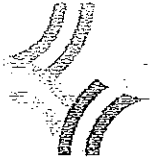


Sincerely,



Sarita Britt
Superintendent
Potrero Division

Cc TWU Local 250A
Division Union Chair
Employee -



-464-

June 17, 2013

Skelly Letter

Bermudez, Manuel, #1836

**SUBJECT: Recommended Disciplinary Action – Two (2)-Day Suspension
Passing up Passengers Violation**

Dear Mr. Bermudez:

You received a letter of Proposed Recommended Disciplinary Action, issued by the Potrero Superintendent, to Recommend you be suspended from your position as a 9163 transit Operator for Two (2) days.

This action is based on the following charges:

Edwin M. Lee
Mayor
Tom Nolan
Chairman
Cheryl Brinkman
Vice-Chairman
Leona Bridges
Director
Malcolm Heinicke
Director
Jerry Lee
Director
Joël Ramos
Director
Cristina Rubke
Director
Edward D. Reiskin
Director of
Transportation

- **RULE – 2.13.1A -Inattention to Duties;**
- **RULE – 4.17.1- Operators on Cable Cars, coaches, and electric cars, in revenue service, or on pull-out and pull-in trips, are to stop for intending passengers, when there is room enough to board, except as follows:**
 - A. When a number of coaches or electric cars having the same destination are bunched due to an unusual delay. In such instances, the operator on the first coach or electric car may pass up every other stopping point where persons are waiting to board;
 - B. When coach or electric car is loaded to capacity;
 - C. When coach or electric car is disabled;
 - D. When transferring motor coaches between garages;
 - E. When motor coaches are operating during out of service trips;
 - F. When operating Limited Stop and Express trips in areas where stops are not required;
 - G. When directed by authorized official.

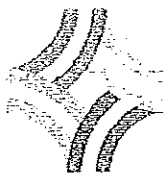
The Facts Upon Which These Charges Are Based:

CSR # 432732 Report– Tuesday, May 28, 2013, Operator was detailed to Run 384/ Run 49 / Coach 7010/ Location O’Farrell & Van Ness Streets; OB/Time 2:54 PM/Patron states that Operator drove passed the O’Farrell & Van Ness stop without stopping.

One South Van Ness Ave.
Seventh Floor
San Francisco, CA 94103
Tela: 415.701.4500
www.sfmta.com



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Materials Upon Which Charges are Based:

Customer Service Report # 432732

Basis for Recommendation/Conclusions:

Customer Service Report 432732

Above Violations

Investigative Conference 6/14/13

Investigative Conference Results:

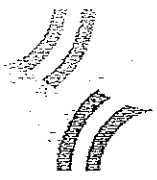
An Investigative Conference was held on Friday, June 14, 2013. Present was Operator Bermudez, Union Representative Brian Gordon and Assistant Superintendent Sammy Au. Compliant was called and verified what happened. Operator states he is getting the bus late from his relief person. Operator Bermudez is leaving the terminal late according to Next Bus.

Past Record/Disciplinary History:

6/3/13	CSR # 433053	Conference
5/29/13	CSR # 432796	Conference
5/28/13	CSR # 432732	Conference
5/6/13	Transfer Misuse	Warning
4/25/13	Orders	Final Warning
4/4/13	Lateness	Oral Warning
3/5/13	CSR # 42800	Conference/Warning
2/27/13	Schedules	Skelly/2 Day Suspension (Pending)
1/11/13	Schedules	Final Warning
1/8/13	Schedules	Warning
1/7/13	Absenteeism	Final Warning
11/27/12	CSR # 422845	Conference
10/26/12	Pattern Absenteeism	Warning
10/2/12	Safety/Traffic Law	Warned
9/4/12	CSR # 417663	Warning
8/29/13	Pre-Op	Caution and Reinstruct
6/20/12	CSR # 412375	Caution and Reinstruct

Right of Response:

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Wednesday, June 19, 2013, at 9:30 AM** at 2500 Mariposa Street, Rm. 204 in the Superintendent's Office. This stage of the process is your opportunity to respond to the charges and



recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a Representative of your choosing with you to the hearing. Your Union Representative is Robert Gainer, and he can be reached at 415-554-9273

If you choose to respond in writing, your written response must be directed to Sarita Britt.

Ms. Britt must receive your written response by **5:00 PM June 18, 2013**. If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,

Sarita Britt
Superintendent
Potrero Division

Cc Division Union Chair
Employee --



**NOTICE TO REPORT TO
DIVISION SUPERINTENDENT**

-071s-

NAME Bermudez, Manuel ID NO. 1836 DATE 6/6/13

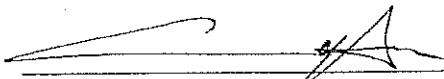
You are to report to the Division Superintendent at 8:50AM
on Friday, June 14, 2013 for the following reason(s):

Reason for Conference: INATTENTIVENESS/NEGLIENCE

CSR #432732

Note: You are entitled to bring a Union Representative with you to the meeting.

cc Division Union Rep


Sammy Au
Assistant Division Superintendent

FILE COPY

INCIDENT DETAIL	
Category INATTENTIVENESS/NEGLIGENCE	Type 201 PASSUP/DIDNT W8
ADA?	Title VI? Other Disc.
Trapeze Line/Route 49	Direction OUTBOUND
Incident Date 05-28-2013	Incident Time 14:54
Vehicle Number 7010	Location OFARRELL/VANESSA
Department POT OPS	Division POTRERO
Employee ID 1836 Manuel Bermudez	ID CONFIRMED
Employee Physical Description na	

Incident Details Patron stated " It Muni bus 7010 and it drove right pass the Ofarrell & Van ness stop without stopping. For what I can tell it wasn't full. As far as I can tell there was no reason why it would drive right past us. Offarrell & Vanessa. Towards Market."

CONFERENCE

AGENCY HANDLING AND RESOLUTION DETAILS

Date Logged 05-28-2013
Date Closed
Resolution Code A-1 Fwded: Supt to Review

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CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent Via U.S. Mail

July 10, 2014

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

IFER C. JOHNSTON
EXECUTIVE OFFICER

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Onorio Antonucci

**SUBJECT: REQUEST FOR HEARING BY ONORIO ANTONUCCI ON HIS
FUTURE EMPLOYMENT RESTRICTIONS WITH THE
RECREATION AND PARK DEPARTMENT.**

Dear Mr. Antonucci:

The above matter will be considered by the Civil Service Commission at a meeting to be held on **July 21, 2014 at 2:00 p.m.** in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

The agenda will be posted for your review on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting" no later than end of day on Wednesday, July 16, 2014. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is available for your review at the Civil Service Commission's office located at 25 Van Ness Avenue, Suite 720, San Francisco. If, however, you would like an electronic copy of the staff report, you may email your request to CivilService@sfgov.org.

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, July 15, 2014** (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.

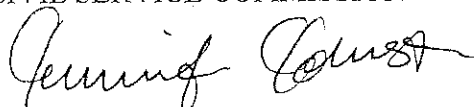
It is important that you or an authorized representative attend the hearing on your appeal. Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. Where applicable, the Commission has the authority to uphold, 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.

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 11

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 Jennifer.Johnston@sfgov.org if you have any questions.

CIVIL SERVICE COMMISSION

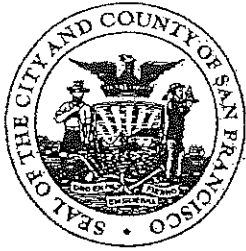


JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Donna Kotake, Department of Human Resources
Kin Gee, Recreation and Park Department
Margot Reed, Recreation and Park Department
Sylvia Courtney, Laborers' Local 261
Commission File
Commissioners' Binder
Chron

Appeal



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

CSC Register No.
 0322-11-7
 To: *M. CALLAHAN*
 D. KOTAKE
 CC: *K. GEE*
M. DE VERA

APPEAL TO THE CIVIL SERVICE COMMISSION

<p>INSTRUCTIONS: Submit an original copy of this form to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102-6033. Appeal must be received by the Executive Officer within the designated number of days following the postmarked mailing date of notification from the Department of Human Resources to the appellant. Original signature of appellant or authorized representative required for appeals. (E-mail not accepted.) *COB=Close of Business</p>	<p>TYPE OF APPEAL: (Check One)</p> <p><input type="checkbox"/> Examination Matters (by COB* on 5th working day)</p> <p><input type="checkbox"/> Employee Compensation Matters (by COB* on 7th working day) - Limited application</p> <p><input type="checkbox"/> Personal Service Contracts (Posting Period)</p> <p><input type="checkbox"/> Other Matters (30 Calendar days) (i.e., Human Resources Director/ Executive Officer Action)</p> <p><input checked="" type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
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Onofio Antonucci *501 Stanyon St.*
 Full Name of Appellant Work Address Work Telephone

3434 *Arborist Technician* *Recreation and Park*
 Job Code Title Department

Residence Address City State Zip Home Telephone

Full Name of Authorized Representative (if any) Telephone Number (including Area Code)

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

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

[Signature]
 Original Signature of Appellant or Authorized Representative *11-30-11*
 Date

NOV 30 AM 8:13
 RECEIVED
 EXECUTIVE OFFICER
 CIVIL SERVICE COMMISSION

I am appealing the decision of Phillip Ginsburg and Dennis Kern because I feel I'm facing double jeopardy. First of all, the only other disciplinary action I ever faced in my 17 years with the city was a failed drug test in 2001. After my suspension, I abided by the return-to-work agreement signed by Kin Gee. It stated, among other things, that I was subject to extra drug testing for up to 5 years. I passed up to 30 drug tests until August 2011. I also received a letter from our substance abuse professional, SAP, that I successfully completed and complied in full with the program. That was in 2003. For these reasons I considered the 2001 failure to be closed and not to be considered with recent events. I feel this is one example of double jeopardy.

Another example is this. While on vacation this summer I made some bad choices that resulted in a failed test for which I was punished with 30 days off. I also attended extensive treatment as recommended by the SAP. After 30 days, he recommended, along with a number of passed drug tests, that I return to Recreation & Parks. I did return and was still fired. I feel that I did the departmental procedures to no avail.

In conclusion, I believe the 2001 incident should have been retired and not considered recently. I also believe that I have complied with all R&P protocols recently and returned, only to be further punished. I might add that I have no driving violations, public or private, no write-ups, no fender-benders, or even a parking ticket during my time at Recreation & Parks. I consider myself a dedicated and loyal employee, and would appreciate a chance to return.



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

REQUEST FOR HEARING ON
FUTURE EMPLOYMENT RESTRICTIONS

E. DENNIS NORMANDY
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

DATE: December 2, 2011

REGISTER NO.: 0322-11-7

APPELLANT: ONORIO ANTONUCCI

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

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Onorio Antonucci, requesting a hearing on his future employment restrictions as a 3434 Arborist Technician with the Recreation and Park Department, which is transmitted to you for review and action as is appropriate.

This matter has been tentatively scheduled for hearing by the Civil Service Commission at 2:00 p.m. on January 9, 2012 in Room 400, 4th Floor, City Hall, 1 Dr. Carlton B. Goodlett Place. If you are unable to proceed on this date or if for any reason the appeal is not timely or appropriate, please notify me by use of the "Action Request on Pending Appeal/Request" (CSC Form Number 13).

Sincerely,

CIVIL SERVICE COMMISSION

ANITA SANCHEZ
Executive Officer

Attachment

c: Donna Kotake, Department of Human Resources
Marie De Vera, Department of Human Resources
Kin Gee, Recreation and Park Department



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

DATE: December 2, 2011
REGISTER NO.: 0322-11-7
APPELLANT: ONORIO ANTONUCCI

E. DENNIS NORMANDY
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

MARY Y. JUNG
COMMISSIONER

Onorio Antonucci

Dear Mr. Antonucci:

The Civil Service Commission has received your letter requesting a hearing on your future employment restrictions with the Recreation and Park Department.

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

If timely and appropriate, this matter will be scheduled for hearing by the Civil Service Commission in the near future. You will be notified approximately one week in advance of the hearing date. In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. In addition, you will be notified and provided a copy of the staff report of your matter when it is received in the Commission office.

The Civil Service Commission meets on the 1st and 3rd Mondays of each month. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date.

Sincerely,

CIVIL SERVICE COMMISSION

A handwritten signature in black ink that reads "Anita Sanchez" followed by the initials "FDR".

ANITA SANCHEZ
Executive Officer

c: Micki Callahan, Human Resources Director
Donna Kotake, Department of Human Resources
Marie De Vera, Department of Human Resources
Kin Gee, Recreation and Park Department

M. Callahan
D. Katake

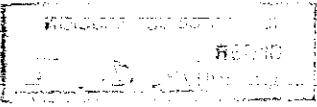
RE: D. Antonucci
Additional
Information

To whom it may concern,

I am submitting additional information. The 1st page is regarding my 2001 return-to-work agreement. On the reverse it states the conditions. The second page discusses the unions argument for me and the later pages discuss my current compliance. Please contact me with questions.

Jan. 5 2012

RECEIVED
EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION
SAN FRANCISCO
2012 JAN -5 AM 8:25



Handwritten text, possibly a name or title, located below the stamp.

Handwritten text, possibly a date or reference number.

Handwritten text, possibly a signature or initials.

Handwritten text, possibly a name or title, located in the middle of the page.



October 26, 2001

Mr. Onorio Antonucci

Rohnert Park, Ca 94928

Dear Mr. Antonucci:

On October 19th, a Skelly hearing was held with you, your union representative Mary White, Kin Gee and myself, to discuss the 30 day suspension for the charge of Acts which present an immediate danger to the public and safety. You were notified previously of this hearing when we met on October 4, 2001, to discuss your unpaid administrative leave for failing your random drug test.

In this meeting you indicated that you had contacted both the medical review officer and have met with the Substance Abuse Professional (SAP) and that you expect to be released back to work within the 30 days of administrative leave. It was also discussed that upon your release by the SAP, the 30 day unpaid administrative leave will be converted to a 30-day suspension.

As you know, you picked-up chain-of-custody forms from Senior Personnel Analyst Terrence Daniel on Thursday October 25, 2001 so that you could take a return to work drug test as part of the conditions you need to meet in order to return to work in a safety sensitive position. As Mr. Daniel explained to you yesterday, the Department will need confirmation from your Substance Abuse Professional that you successfully completed your return to work drug test. The Department will contact you as soon as we have the results from your Substance Abuse Professional to confirm your return to work. The first day you are eligible to return to work is October 31, 2001. As discussed previously, upon your return to work your 30-day unpaid administrative leave will be converted to a 30-day suspension.

Sincerely,

Kelly Cornell
Tree Topper Supervisor II

C: Kin Gee, Senior Departmental Personnel Officer

RECEIVED
EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION
SAN FRANCISCO
2001 JAN -5 AM 8:25



RETURN-TO-WORK AGREEMENT

October 30, 2001

Mr. Onorio Antonucci, class 3435 Arborist Technician with the Urban Forestry Program, has agreed upon the following. Mr. Antonucci will:

- 1. Be allowed to return to work upon his release by the Substance Abuse Professional (SAP) after taking a Return-To-Duty alcohol and/or drug test with negative test result(s).
2. Comply with all conditions of the SAP's Return-To-Duty Stipulations exactly as specified. Failure to do so will result in appropriate and immediate disciplinary action that may include dismissal.
3. Be subject to unannounced follow-up testing for at least twelve (12) months, but not more than sixty (60) months.
4. Adhere to all Department policies, regulations, and procedures, including attendance in all respects. Meet and maintain the Department's standard of a rate of absence for sick leave of no more than 1 day per month; there will be no instances of being Absent Without Leave (AWOL).
5. Request all elective time off (vacation, floating holidays, personal leave, etc.) in writing at least five (5) working days in advance of the time off requested.
6. Have no instance of insubordinate behavior.
7. Not leave his assigned work area without his supervisor's approval.
8. Execute all duties and responsibilities in a correct and professional manner.
9. Establish and maintain a positive working relationship with colleagues, his supervisor, and Department management.
10. Meet with the Assistant Superintendent periodically from the date that he returns to work to review his compliance with the Return-To-Work Agreement and, based on this, to decide if any of the Agreement's conditions should be modified.

The Return-To-Work Agreement will be in force for twelve (12) months from the date of Mr. Antonucci's signature. The employee will continue to comply with the stipulations of the Return-To-Work Agreement until the SAP deems it no longer necessary.

This is to certify that I have read, understood, and agree to all the conditions listed in this document. I also understand that failure to adhere to the above conditions, exactly as stated, will result in immediate disciplinary action that may include dismissal.

ONORIO ANTONUCCI, 3435 ARBORIST TECHNICIAN

DATE

10-31-01

KIN GEE, SENIOR DEPARTMENTAL PERSONNEL OFFICER

DATE

10-31-01



LABORERS' INTERNATIONAL UNION OF NORTH AMERICA
LOCAL UNION NO. 261

October 17, 2011

RAMON HERNANDEZ
Business Manager

DAVID DE LA TORRE
Secretary-Treasurer

JESUS VILLALOBOS
President

JAVIER FLORES
Vice President

VINCE COURTNEY
Recording Secretary

OSCAR DE LA TORRE
Executive Board

JOSE DE LA MORA
Executive Board

Dennis Kern, Director of Operations
San Francisco Recreation & Park Department
McClaren Lodge
501 Stanyan Street
San Francisco, California 94117

Re: **Onorio Antonucci**
Arborist Technician

Dear Mr. Kern:

Thank you for your courtesy during the Skelly hearing on October 12, 2011. As you are aware, I represented Mr. Antonucci in the unanticipated and unavoidable absence of his union representative in my capacity as counsel for Laborers' Local 261. Due to the severity of the discipline and the complexity of the issues, and because our request for a continuance was declined, we responded on Mr. Antonucci's behalf and requested an opportunity to submit a supplemental written response, which you agreed to accept. Our further response follows.

It was your expressed view at the Skelly hearing that Mr. Antonucci has violated the Department's substance abuse policy for a second time. We are steadfast in our belief that Mr. Antonucci fully complied with the conditions of his Return to Work agreement in 2001 and that by its express terms, the plan stated he was to be subject to unannounced testing for a period of no less than one year and no more than five years. He had no positive tests during that time, nor since, until the August 2011 incident. We emphasize our position that the prior event should be disregarded since ten years have passed. Mr. Antonucci has been randomly tested more than thirty times with no positive results until August 2011.

As both sides acknowledged, the level of test results and the impact on Mr. Antonucci's job performance is a scientific question and fundamentally a matter for experts to decide, and it is our position that Mr. Antonucci was not under the influence of any alcohol or drug at work. You expressed the opinion that because of the "drug free workplace" policy and the nature of Mr. Antonucci's position, the presence of cocaine metabolites in Mr. Antonucci's test constitutes a violation. Mr. Antonucci has never been told what level of cocaine metabolites was present, and I could find nothing in the materials supporting the proposed discipline which defined the test results. Looking further into the significance of a finding of cocaine metabolites, it appears that it is a residual measure of what remains in the system

sometime after ingestion of the drug. It is therefore evident that Mr. Antonucci was not under the influence at work. The substance abuse policy upon which we assume you are relying is part of the Skelly package, Section 4.0 of the Energetix Substance Abuse Policy Training Manual; it states specifically that use, sale or possession of alcohol or illegal drugs will not be tolerated "on company property" and that no employee "shall report to work while under the influence of alcohol or any illegal drug." Mr. Antonucci did not violate either standard.

We ask you to consider Mr. Antonucci's longstanding good record, which is the best evidence of his reliability and credibility. His professional counselor recommends ongoing treatment and testing and considers Mr. Antonucci to be engaged and committed to the program.

Finally, we wish to call to your attention the fact that suspending Mr. Antonucci for thirty days and also moving for his termination constitutes double punishment for the same offense. Your recommendation for termination is after Mr. Antonucci's completion of the period of administrative leave as to which there is a simultaneous recommendation for conversion of that period of time to a thirty suspension. The termination recommendation is apparently based on the allegation that this was Mr. Antonucci's second offense, which we have addressed above.

In closing, we ask you to consider that Mr. Antonucci is deserving of a chance to retain his employment. He has been forthright and cooperative and explained the personal problems which led up to this situation; there can be no doubt, based on all the circumstances, that he is committed to his job and will follow through with whatever is expected of him. Please contact me if you have any questions.

Yours truly,

Sylvia Courtney/cb

Sylvia Courtney
Attorney at Law
Laborers' Local 261

cc: Katherine Dere
Kelly Cornell
Onorio Antonucci

SC:cbOpe3iu-af/cio

National Counseling Resource

A Provider of Substance Abuse Professional Services

Department of Transportation
Initial Evaluation

Date of Initial Evaluation: August 29, 2011

Employee Name: Onorio Antonucci

Social Security

Employer Information:

San Francisco Recreation & Parks Dept.
McLaren Lodge-Golden Gate Park, 501 Stanyan St.
San Francisco, CA 94117

Date of test: 8-19-11, Notified 8-24-11

Reason For Assessment: DOT, FMCSA, Random

Type of Drug: Cocaine

SAP's Treatment / Education Recommendation: Kaiser Vallejo, IRP, Phase 1, eight weeks, four days weekly, plus attend three twelve step meetings weekly. Remain drug & alcohol free, while in treatment. Further treatment pending ongoing assessment.

SAP Name: Duncan McPherson, LAADAC, NCAC II, SAP, ICRC

SAP Signature: 

National Counseling Resource

A Provider of Substance Abuse Professional Services

Department of Transportation Follow-Up Evaluation

Date Follow-Up Eval: 9/21/2011

Employee Name: Onorio Antonucci

Social Security #

Employer Information:

San Francisco Recreation & Parks Dept.
McLaren Lodge-Golden Gate Park, 501 Stanyan St.
San Francisco, CA 94117

Date of test: 8-19-11, Notified 8-24-11

Reason For Initial Assessment: DOT, FMCSA, Random

Type of Drug: Cocaine

SAP's Treatment / Education Recommendations: Kaiser Vallejo, IRP, Phase 1, eight weeks, four days weekly, plus attend three twelve step meetings weekly. Remain drug & alcohol free, while in treatment. 9-21-11 transferring to S.F. Kaiser Evening Program.

Dates of Participation in TX Plan: Intake 9-1-11 started pgrm. On 9-7-11 thru 9-21-11

Clinical Characterization of Employee's Participation in Program: Perfect attendance, learning from meetings. Nor likes what he is learning, finds it interesting.

SAP's Clinical Determination as to whether Employee has Demonstrated Successful Compliance: Yes, Employer may return Nor to Safety Sensitive Duty, following a clean test.

Follow-Up Testing Plan: 12 drug and alcohol tests in first year, six drug & alcohol tests in year two.

Employee's Continuing (Aftercare) Treatment Needs After Return to Safety Sensitive Duties: Complete S.F. Kaiser TX. Program, and 2 meetings weekly through treatment.

SAP Name: Duncan McPherson, LAADAC, NCAC II, SAP, ICRC

SAP Signature: 

The Permanente Medical Group, Inc.
1201 FILLMORE STREET
SAN FRANCISCO, CALIFORNIA 94115-4110

ANTIOCH	RANCHO CORDOVA
DAVIS	REDWOOD CITY
FAIRFIELD	RICHMOND
FREMONT	ROSEVILLE
FRESNO	SACRAMENTO
GILROY	SAN FRANCISCO
HAYWARD	SAN JOSE
MARTINEZ	SAN RAFAEL
MILPITAS	SANTA CLARA
MOUNTAIN VIEW	SANTA ROSA
NAPA	S. SACRAMENTO
NOVATO	S. SAN FRANCISCO
OAKLAND	STOCKTON
PETALUMA	VALLEJO
PLEASANTON	WALNUT CREEK

November 14, 2011

To: Dept of Recreation & Parks, City and County of SF
Dennis Kern, Director of Operations, Human Resources
501 Stanyan Street
SF, CA

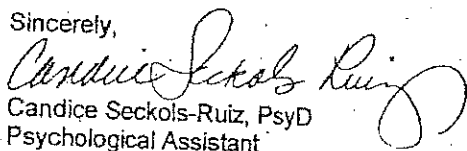
FAX: 415-666-7050

Re: Onorio Antonucci, III

This letter is being written at the request of the patient, Mr. Onorio Antonucci, III. Mr. Antonucci was evaluated at San Francisco Kaiser Permanente Chemical Dependency Recovery Program (CDRP) on 9/28/11. Mr. Antonucci began the Evening Intensive Recovery Program on 10/4/11. Currently, his treatment plan includes two chemical dependency education groups and one recovery topic process group per week. Mr. Antonucci also meets with me for individual counseling every two weeks. Additionally, CDRP conducts (non-forensic) urine screens and all three of Mr. Antonucci's urine screens (9/28/11, 10/19/11, & 11/1/11) have come back negative for drugs and alcohol. He has been compliant with all aspects of treatment.

Please feel free to contact me with any concerns.

Sincerely,



Candice Seckols-Ruiz, PsyD
Psychological Assistant
Supervised by George Young, PhD



The Permanente Medical Group, Inc.

1801 FILLMORE STREET
SAN FRANCISCO, CALIFORNIA 94115-4110

- ANTIOCH
- DAVIS
- FAIRFIELD
- FREMONT
- FRESNO
- GILROY
- HAYWARD
- MARTINEZ
- MILPITAS
- MOUNTAIN VIEW
- NAPA
- NOVATO
- OAKLAND
- PETALUMA
- PLEASANTON
- RANCHO CORDOVA
- REDWOOD CITY
- RICHMOND
- ROSEVILLE
- SACRAMENTO
- SAN FRANCISCO
- SAN JOSE
- SAN RAFAEL
- SANTA CLARA
- SANTA ROSA
- S. SACRAMENTO
- S. SAN FRANCISCO
- STOCKTON
- VALLEJO
- WALNUT CREEK

CDRP TREATMENT STATUS REPORT

PATIENT NAME Onorio Antonucci, III Date 11/14/11

REFERRING PROVIDER or EMPLOYER (EAP/SAP/P.O.) Department of Recreation - Parks, City + County of SF

ADDRESS 501 Stanyan St, SF CA

PHONE _____ FAX 415-666-7050

CASE MGR. Candice Seckols Ruiz PHONE 415-833-9455 FAX (415) 833-9427

PATIENT C/D DIAGNOSIS Abuse

1. CURRENT TREATMENT PLAN: DAY TX _____ IOP _____ EDUCATION _____ OTHER Evening JRP

DESCRIPTION Education groups, Recovery topic groups, outside AA meetings

START DATE 9/28/11 REVIEW DATE 11/14/11 OF *CLOSE DATE _____

2. TREATMENT COMPLIANCE: Y N _____ 12-STEP/SELF HELP COMPLIANCE Y N _____ OTHER COMPLIANCE Y _____ N _____

3. * IF CASE CLOSED, WAS TREATMENT COMPLETION SATISFACTORY N/A Y _____ N _____

UA RESULTS SINCE LAST REPORT **						
DATE <u>9/28</u>	DATE <u>10/19</u>	DATE <u>11/1</u>	DATE _____	DATE _____	DATE _____	DATE _____
<u>Clean</u>	<u>Clean</u>	<u>Clean</u>				

** Any observed or reported relapse/urine not detected by Urinalysis Y _____ N
DETAILS _____

4. IS IT CLINICALLY APPROPRIATE FOR PATIENT TO RESUME THE DUTIES or RESPONSIBILITIES, WHICH THEIR CHEMICAL DEPENDENCE LEFT THEM UNABLE TO ADEQUATELY PERFORM? yes

(For safety sensitive patients this is not a "fitness for duty" recommendation)

5 ADDITIONAL ASSESSMENT of PATIENTS' PROGNOSIS, MOTIVATION, SOBRIETY or STABILITY of RECOVERY _____

Patient is Compliant and engaged in recovery program.

CASE MANAGER SIGNATURE Candice Ruiz, PhD



UNIVERSITY SERVICES MRO
Toxicology Services Group

C & C OF SF
REC & PARK DEPT.
2011 OCT 11 PM 1:46

*Return
to
[unclear]*

*** Medical Review Officer Final Report ***

TO: SAN FRAN RECREATION & PARK
KIN GEE
501 STANYAN STREET
SAN FRANCISCO, CA 94117

FOR: SAN FRAN RECREATION & PARK
KIN GEE
501 STANYAN STREET
SAN FRANCISCO, CA 94117

Date Reported: 09/30/2011

Date MRO Verified: 09/30/2011

This test was conducted in accordance with 49 CFR Part 40 and Part 382.

Name of Individual Tested: ANTONUCCI , ONORIO

Identification Number: [redacted]

Specimen Number: 1994841

Collection Date: 09/22/2011 09:07 AM

Date Ply2 Received: 9/23/11 5:25:28PM

Reason for Test: RANDOM SELECTION
FHWA/FMCSA

Lab Acct #: 80248779

Specimen Type: URINE

Lab Accession #: 120966X

Collection Location: CONCENTRA

2 CONNECTICUT ST

SAN FRANCISCO, CA 94107

Laboratory Performing Analysis: QUEST DIAGNOSTICS

Status of Drug Test: NEGATIVE

Benjamin Gerson

BENJAMIN GERSON, MD

Drugs Tested: Amphetamines (Amphetamine, Methamphetamine, Ecstasy), Cocaine, Marijuana, Phencyclidine, Opiates (Codeine, Morphine, 6-MAM)



Kaiser Permanente Medical Center
800 Sereno Drive
Vallejo, CA 94589
(707) 651-1050

12/8/2011

Onorio Antonucci III

110013546157

Dear Onorio Antonucci III,

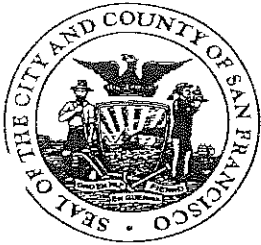
This is to verify that you did participate in the Intensive Recovery Program Phase I (IRP) at CDRP in Vallejo. You attended 12 Groups & 12 Educations from September 1, 2011 through September 24, 2011. Your drug test given was negative. After your stay in IRP, you transitioned to CDRP in San Francisco for Continuing Care.

It was my pleasure to have worked with you as your Primary Therapist.

Sincerely,

A handwritten signature in cursive script that reads "Amber Steward-Davis, MFT".

Amber Steward-Davis, MFT



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

January 6, 2012

E. DENNIS NORMANDY
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

SCOTT R. HELDFOND
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

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

Dear Ms. Callahan:

I am forwarding for your review, additional information submitted by Onorio Antonucci on his request for a hearing on his future employment restrictions as a 3434 Arborist Technician with the Recreation and Park Department. This matter was forwarded to the Department of Human Resources on December 2, 2011 with CSC Register No. 0322-11-7.

Sincerely,

CIVIL SERVICE COMMISSION

A handwritten signature in cursive script that reads "Anita Sanchez" followed by the initials "FDR".

ANITA SANCHEZ
Executive Officer

Attachment

c: Donna Kotake, Department of Human Resources

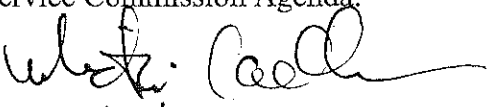
Staff Report



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

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

1. Civil Service Commission Register Number: 0322 - 11 - 7
2. For Civil Service Commission Meeting of: July 21, 2014
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda X
 Human Resources Director's Report
4. Subject: Appeal of Onorio Antonucci on his Future Employment Restrictions with the Recreation & Park Department and the City and County of San Francisco
5. Recommendation: Deny the appeal and adopt the report.
6. Report prepared by: Margot Reed Telephone number: 415 831-6836
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).**
8. Reviewed and approved for Civil Service Commission Agenda:
Human Resources Director: 
Date: 7/10/14
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

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

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

Attachment

<u>CSC RECEIPT STAMP</u>

Notification List

Onorio Antonucci

Onorio Antonucci



Sylvia Courtney
Attorney at Law
Laborers' Local 261
3271 -18th Street
San Francisco, CA 94110

Kin Gee
Department Personnel Officer
Recreation and Park Department
501 Stanyan Street
San Francisco, CA 94117

Margot Reed
Personnel Analyst
Recreation and Park Department
501 Stanyan Street
San Francisco, CA 94117

Donna Kotake
Workforce Development Director
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103



Edwin M. Lee, Mayor
Philip A. Ginsburg, General Manager

MEMORANDUM

June 24, 2014.

TO: The Honorable Civil Service Commission
Scott R. Heldfond, President
E. Dennis Normandy, Vice President
Douglas S. Chan, Commissioner
Kate Favetti, Commissioner
Gina M. Roccanova, Commissioner

THROUGH: Micki Callahan, Human Resources Director

FROM: Margot Reed, Personnel Analyst
Recreation and Parks Department

SUBJECT: APPEAL BY ONTORIO ANTONUCCI REGARDING RESTRICTIONS ON
FUTURE EMPLOYABILITY

RECOMMENDATION: ADOPT REPORT. UPHOLD THE RECREATION AND PARKS
DEPARTMENT'S DECISION TO IMPOSE RESTRICTIONS AGAINST
ONTORIO ANTONUCCI'S FUTURE EMPLOYABILITY WITH THE CITY
AND COUNTY OF SAN FRANCISCO.

Background

During his tenure as a 3434 Arborist Technician for the Recreation and Parks Department (Department), from September 14, 1998 until his termination on August 25, 2011 (see attachment A), Mr. Ontorio Antonucci received two positive drug tests pursuant to the Omnibus Transportation Employee Testing Act of 1991 and regulations of the Federal highway Administration mandated random drug testing (attachment B). The first drug test on September 28, 2001 revealed a positive for marijuana (attachment C). After being placed on unpaid administrative leave pursuant to Charter Section A8.341 (attachment D), on November 7, 2001, Mr. Antonucci was suspended for thirty (30) days based on the charge of Unprofessional Conduct for his positive drug test result of marijuana (attachment E). Mr. Antonucci was allowed to return to work as a 3435 Arborist Technician upon his release by the Substance Abuse Professional (SAP) after taking a Return-to-Duty alcohol and/or drug test with negative test result(s) and other conditions outlined in his Return-to-Work Agreement dated October 30, 2001 (attachment F). Mr. Antonucci's 2001 positive drug test, suspension and attendance in the City's Employee Assistance Program drug program was a factor in the dismissal recommendation (see

attachment G). The second positive drug test identified cocaine in Mr. Antonucci's system, occurred on August 19, 2011 (attachment H). Pursuant to Charter Section A8.341 and pending the completion of the investigation, Mr. Antonucci was again placed on unpaid administrative leave (see attachment I).

According to the job specifications for Mr. Antonucci's position as an Arborist Technician (3434), "Nature of the work involves exposure to a high risk of physical injury to the employee and constant vigilance to public safety (attachment J). The Department recommended that Mr. Antonucci be terminated based on the sustained charge of Unprofessional Conduct – committing acts that cause an immediate danger to the public's health and safety. The Department held a Skelly meeting on October 13, 2011 (attachment K). Director of Operations, Dennis Kern, served as the reviewer/Skelly officer at the meeting and Mr. Kern prepared his written decision supporting the dismissal recommendation (attachment L). Mr. Antonucci was represented by Ms. Sylvia Courtney, the attorney representing Laborers Local 261, who later filed a written response which was considered in Mr. Kern's decision (attachment M). Also present at this meeting were Ms. Ellen Barrett (Mr. Antonucci's supporter), Arborist Technician II Kelly Cornell and Senior Personnel Analyst Katherine Dere. The City imposed future employment restrictions (attachment N) and on November 30, 2011, Mr. Antonucci filed an appeal with the Civil Service regarding his future employment restrictions (attachment O).

Authority/Standards/Basis for Recommendation

Pursuant to Civil Service Rule 122, Article I, persons who are terminated from employment and have restrictions placed on their future employment may appeal those future employment restrictions to the Commission for review. Mr. Antonucci filed his written appeal within the 20-day appeal period of the mailing date of the Notice of Future Employment Restrictions which specified his future employment restrictions.

Issue

Whether or not the proposed restrictions on Mr. Antonucci's future employment with the City are appropriate given his documented history of testing positive for controlled substances during mandatory random drug testing.

Findings and Analysis

On October 1, 2001, Mr. Antonucci served a thirty (30) day suspension under Charter Section A8.341 for acts which present an immediate danger to the public's health and safety. This was based on the positive results for marijuana from Mr. Antonucci's September 26, 2001, random drug test. Then on August 24, 2011, the Department was notified that Mr. Antonucci's August 19, 2011, Department of Transportation (D.O.T.) test was positive for cocaine (attachment P).

Mr. Antonucci freely admits that he used the cocaine that resulted in the positive drug test and offered as an explanation that he was 'off duty' at the time. However, duty status for the 3434 classification is not the standard for the Department of Transportation mandated drug-testing program pursuant to the Omnibus Transportation Employee Testing Act of 1991. Rather, Mr.

Antonucci was to be drug-free whenever the random mandatory testing is conducted. The Controlled Substances Prohibited Conduct includes testing positive for controlled substances per D.O.T. [382.215]. Further, an employee with this violation must be immediately removed from safety-sensitive functions, including driving, and cannot return to safety-sensitive duty until and unless he/she successfully completes a SAP return-to-duty process.

3434 Arborist Technician work is necessarily higher risk than other classifications due to the requirements of aerial tree maintenance; either in the harness or on the end of a belaying rope for a fellow Arborist Technician. Additionally, the classification drives and operates heavy equipment in parks and on public roadways. The fact that this is Mr. Antonucci's second positive drug test in ten years demonstrates that this type of behavior is not a one-time occurrence. Further, after at least thirty (30) random drug tests between 2001 and 2011, Mr. Antonucci was obviously aware of the possibility of being drug tested and showed a serious lack of judgment by engaging in the illegal activity. Finally, as a long term employee, Mr. Antonucci knew full well the possible ramifications of his actions.

After a thorough investigation and a review of the facts and the argument to mitigate presented by Ms. Sylvia Courtney of LIUNA L261 at the Skelly meeting regarding this matter, Mr. Antonucci was dismissed from his position as 3434 Arborist Technician. The disciplinary charge reviewed was Unprofessional Conduct causing immediate danger to public health and safety as a result of Mr. Antonucci testing positive for cocaine during a mandatory random drug test. The Department sustained the charge and recommended termination with an additional recommendation to apply conditions regarding Mr. Antonucci's future employment with the City and County of San Francisco. The Union withdrew its request to arbitrate the matter with prejudice.

Recommendation

For the reasons listed above, we respectfully request that the following restrictions on Mr. Antonucci's future employment be upheld: No future employment with the Department and future employment with the City subject to satisfactory completion of one (1) year of work experience outside the City, and that Mr. Antonucci's be appeal be denied.

ATTACHMENT A

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES

SEPARATION REPORT (SR)

NAME (LAST, FIRST, MI.) Antonucci, Onorio	DATE OF BIRTH	SOCIAL SECURITY NO.	DHR USE ONLY SR
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CLASS NO. 3434	TITLE Arborist Technician	RANK 10	LIST 14409	CERTIFICATION OR START WORK DATE 9/14/98	DHR RQ NUMBER 1029074
--------------------------	-------------------------------------	-------------------	----------------------	--	---------------------------------

HOME ADDRESS (REQUIRED)	DATE ISSUED 8/24/11	DATE EFFECTIVE 8/25/11	DEPT. RQ NO. P4781
HOME TELEPHONE NUMBER			

TYPE OF APPOINTMENT <input checked="" type="checkbox"/> PERMANENT (PCS) <input type="checkbox"/> EXEMPT-PERM. (PEX) <input type="checkbox"/> TEMPORARY (TCS) <input type="checkbox"/> EXEMPT-TEMP. (TEX) <input type="checkbox"/> PROVISIONAL (TPV) <input type="checkbox"/> RETIREE (REX) <input type="checkbox"/> LIMITED TENURE (TLT) <input type="checkbox"/> NON-CIVIL SERVICE (NCS)	WORK SCHEDULE <input checked="" type="checkbox"/> FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> SCHOOL TERM/FULL-TIME <input type="checkbox"/> SCHOOL TERM/PART-TIME <input type="checkbox"/> AS NEEDED (Irregular)	IS THE EMPLOYEE SERVING A PROBATIONARY PERIOD AT THE TIME OF SEPARATION? <input type="checkbox"/> YES IF YES, SPECIFY TYPE: <input type="checkbox"/> ENTRANCE <input type="checkbox"/> PROMOTIVE <input checked="" type="checkbox"/> NO
--	--	--

IS THIS A COMPLETE SEPARATION FROM CITY & COUNTY SERVICE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, RETURNING TO PCS POSITION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO DEPT: _____ CLASS: _____	IF ACCEPTING OTHER EMPLOYMENT: (Check One Below) <input type="checkbox"/> PROMOTIVE NEW DEPT: _____ CLASS: _____ <input type="checkbox"/> STATUS GRANT STATUS: _____
---	--

1. REASSIGNMENT

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

5. TERMINATION

- RELEASE FROM APPOINTMENT
- REACHED LEGAL LIMIT (LLT)
- SETTLEMENT AGREEMENT (RZA)
- RELEASE OF NCS, TPV, EX (RLS)
- RELEASE FROM PROBATION
- DISCIPLINARY (RFC)
- NON-DISCIPLINARY (RFP)
- DISMISSAL OF A PCS (DPE)
- DISMISSAL OF A TLT (TLT)
- TERMINATED FOR CAUSE (TPC) (TPV, NCS, & EXEMPTS ONLY)
- DEATH OF AN EMPLOYEE (DEA)
- AUTOMATIC RESIGNATION (ARS)
- NEVER REPORTED TO WORK (DSH)
- OTHER (Specify)

LEAVE/SUSPENSION OVER 5 DAYS

<input type="checkbox"/> MILITARY LEAVE (ATTACH ORDERS) LESS THAN 180 DAYS	<input type="checkbox"/> SUSPENSION	APPROVED DURATION START DATE 8/25/11
<input type="checkbox"/> MORE THAN 180 DAYS	<input type="checkbox"/> OTHER SPECIFY	END DATE 9/24/11

UNPAID ADMINISTRATIVE LEAVE

3. RESIGNATION

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

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

SIGNATURE _____ DATE _____

6. TRANSFER

ADMIN (ADM) LIMITED TERM (LT)
 EER REQUEST (EER) FUNCTION (TOP)

4. LAY-OFF

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

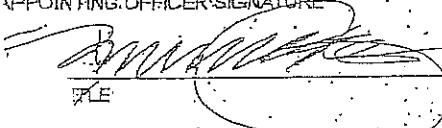
IPV & EX ONLY: INVOL (NH) VOL (NHM)

7. RETIREMENT

NORMAL-RMT DISABILITY-RTD ERP-ERT

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

SIGNATURE _____ DATE _____

APPOINTING OFFICER SIGNATURE  Philip Ginsburg, General Manager	TELEPHONE NUMBER (415) 831-2730		
DEPARTMENT NO. 42	DEPARTMENT NAME Recreation & Park	PERSONNEL FILE FORWARDED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	FORWARDED TO DEPT: _____ CONTACT: _____

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

Positive
William Kerekes
to:
Kin. gee, Katherine Dere
08/24/2011 06:26 AM
Cc:
Lillian.chow
Show Details

Good morning - this was just posted
Pls ensure employee is removed from Safety Sensitive duties immediately. If you intend to have him returned to duty, he must go thru
the DOT process including an interview with the Substance Abuse Professional - Duncan Mc Pherson
franks
bill

SAN FRAN
RECREATION FHWA/FMCSA xxx8335 1994824 ANTONUCCI, 2011- CONCENTRA RANDOM 2011-
& PARK ONORIO 08-19 - SAN SELECTION 08-24 Positive
08:42:00 FRANCISCO 08:35:00 COCAINE

A8.341 REMOVAL OR DISCHARGE OF PERMANENT, NON-PROBATIONARY EMPLOYEES

A. Any person employed under the civil service provisions of this Charter, exclusive of members of the uniformed ranks of the police and fire departments as provided under Section 8.343 hereof, in a position defined by the commission as "permanent" may be removed or discharged by the appointing officer for just cause, after being provided with written notice of the charges, copies of all documentation upon which the charges are based and after an opportunity to respond to the charges before the appointing officer or his or her designee. Pending investigation of conduct involving misappropriation of public funds or property, misuse or destruction of public property, drug addiction or habitual intemperance, mistreatment of persons, immorality, acts which would constitute a felony or misdemeanor involving moral turpitude, or acts which present an immediate danger to the public health and safety the appointing officer may place the accused person on unpaid administrative leave for no more than 30 days unless the investigation shall be delayed beyond such time by the act of the accused person. When the appointing officer imposes discharge or removal he or she shall, in writing, notify the person removed or discharged of the right to appeal the discharge or removal by mailing such statement to his last known address. The employee shall have thirty days from the date of mailing of the notice to file an appeal of the matter in writing with the appointing officer. Upon receipt of a timely appeal, the appeal shall be conducted forthwith by a qualified and unbiased hearing officer who shall be employed under contract by the City and County and selected by procedures set forth in the rules of the civil service commission. The hearing officer shall publicly hear and determine the appeal, and may approve the discharge or removal, or exonerate, or suspend the accused.

If the employee is exonerated the hearing officer may, at his or her discretion, order payment of salary to the employee for the period of the discharge or removal or unpaid administrative leave, and the report of such period of discharge or removal or unpaid administrative leave shall thereupon be expunged from the record of service of such employee.

The civil service commission shall immediately be notified of the charges when made, of the action of the appointing officer to remove or discharge, of the appeal, and of the finding thereon. The finding of the hearing officer shall be final.

The civil service commission may remove or discharge an employee for any charge filed by a citizen or by any member of or authorized agent of the commission when the appointing officer neglects or refuses to take such action against the employee within 30 days of notification to the department head of the occurrence or event giving rise to the charge. Removal or discharge may be made for any cause after the employee is provided with written notice of the charges, copies of all documentation upon which the charges are based and after the employee has had the opportunity to respond to the charges before the civil service commission or its designee. The decision of the civil service commission shall be final.

Nothing in this section shall limit or restrict rules adopted by the commission governing dismissal of probationary employees, lay-offs or reduction in force or providing for the removal of any appointee who has abandoned his or her position as defined by civil service commission rule.

B. Notwithstanding the provisions of Subsection A above, a recognized employee organization and any affected City department may agree to alternative procedures, including final and binding arbitration by a neutral arbitrator jointly selected by the employee organization and the City, to deal with charges brought against individual employees, the resolution of such charges and the appropriate discipline, if any, to be imposed on the employee. Said alternative procedures shall be included in a Memorandum of Understanding between the City and the employee organization which shall be effective when ratified by the Board of Supervisors.

ATTACHMENT B

ENERGETIX CORPORATION

DOT EMPLOYEE

SUBSTANCE ABUSE TRAINING MANUAL

Energetix Corp. 2005. This training manual is only to be used by Energetix clients. Use by any other party is prohibited except by express written permission.

TABLE OF CONTENTS

SECTION

- 1.0 INTRODUCTION
- 2.0 EMPLOYEE INSTRUCTIONS
- 3.0 EMPLOYEE TRAINING LEARNING OBJECTIVES
- 4.0 YOUR COMPANY'S SUBSTANCE ABUSE POLICY
- 5.0 WHAT IS SUBSTANCE ABUSE?
- 6.0 WHY SUBSTANCE ABUSE IS A HEALTH AND SAFETY HAZARD
- 7.0 WHERE TO GET HELP
- 8.0 DRUG/ALCOHOL TYPES TESTED
- 9.0 SIX REASONS YOU COULD BE TESTED
- 10.0 HOW A TYPICAL RANDOM DRUG/ALCOHOL TEST WORKS
- 11.0 ACTIONS THAT YOUR COMPANY MAY TAKE FOR POSITIVE TESTS OR REFUSALS
- 12.0 HOW TO GET MORE INFORMATION
- 13.0 SUMMARY OF FIVE DRUG AND ALCOHOL TYPES

Attachment 1 - Donor Information Sheets - Drug and Alcohol Tests

RECORD OF RECEIPT OF EMPLOYEE ANTI-DRUG/ALCOHOL MANUAL

"By signing below, I acknowledge that I have received the attached Employee Training Manual which covers the following information:"

- Introduction
- Employee instructions
- Employee training learning objectives
- Your company's substance abuse policy
- What is substance abuse?
- Why substance abuse is a health and safety hazard
- Where to get help
- Drug and Alcohol types tested
- Six reasons you could be tested
- How a typical random drug/alcohol test works
- Actions that your company may take for positive tests or refusals
- How to get more information
- Summary of five drug types and alcohol
- Donor Information Sheet - drug/alcohol

NAME

(Please Print)

SIGNATURE/DATE

1.0 INTRODUCTION

The employees are your company's most important assets. Their health, safety and emotional well being are of paramount importance. Unfortunately, alcohol and drug abuse are a problem in America today. Substance abuse is on the rise, threatening our families and sometimes our safety at work. Workers who abuse substances are less productive than their fellow drug-free workers, and represent a real risk to co-workers and the public.

In order to deter substance abuse in the workplace, your company has implemented an anti-drug and alcohol program that includes employee training and drug/alcohol testing. This program is required by Federal regulations issued by the U. S. Department of Transportation (DOT). The primary purpose of the program is to educate employees about the risks of substance abuse. It also provides a deterrent to abuse through testing. We all need to learn and be aware of the symptoms associated with substance abuse. They can include financial, marital, legal or career related problems. Most importantly, we need to know how a struggling individual can get help.

The transportation modalities covered by the DOT regulations are the Federal Aviation Administration (FAA), Federal Motor Carrier Safety Administration (FMCSA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and Research & Special Programs Administration (RSPA), and the U.S. Coast Guard.

2.0 EMPLOYEE INSTRUCTIONS

This training is being provided as part of your company's DOT anti-drug program.

1. Please complete the acknowledgment form and return it your company's Substance Abuse Program Manager.
2. Please read the attached Employee Training Manual. Supervisors who will have the authority to initiate reasonable-suspicion testing must receive both the Employee and the Supervisor Training Manuals.
3. If you have any questions on the training or any aspect of the anti-drug and alcohol program, please do not hesitate to ask your Substance Abuse Program Manager. All questions will be kept in strict confidence.

3.0 EMPLOYEE TRAINING LEARNING OBJECTIVES

By the end of this training, you should be able to:

- Objective 1: Identify the regulations that require your company to implement this program.
- Objective 2: State and explain your company's substance abuse policy.
- Objective 3: Define "substance abuse" and name at least four substances that are abused in America.
- Objective 4: Describe the health and safety hazards associated with substance abuse.
- Objective 5: List the referral and personal assistance resources available to employees.
- Objective 6: Identify the five drug types that are tested.
- Objective 7: List and describe the sequence of events of a drug and alcohol test, from random selection through reporting of test results to the employee and your Company.
- Objective 8: List the minimum actions that your company will take in the event of a confirmed and verified positive test result.

Complete dependency - drinking from morning to night

Symptoms of delirium tremens (DT's), characterized by delirium, muscle tremors, confusion and hallucinations, can occur after several years of addiction.

6.0 WHY SUBSTANCE ABUSE IS A HEALTH AND SAFETY HAZARD

Substance abusers, compared to non-users:

- are 1/3 less productive
- use 3 times more medical benefits
- are 4 times more likely to have an accident at work
- are 2 times more likely to take a week's sick time per year
- are 5 times more likely to file a Workman's Compensation claim

Cocaine has killed over 100,000 people just since 1986! Substance abusers inflict a terrible burden on their families and on the companies they work for. Each abuser affects about five other people around them, lowering their well-being and productivity as well as that of the abuser. Substance abusers are the cause of neglect, anger, physical abuse, suspicion, mistrust, guilt, fear and sometimes financial ruin. Drug use is most prevalent among young adults. Studies have shown that at least 1 in 4 working males from 18 to 34 years old use marijuana at least once per month. As many as 1 in 11 use cocaine. The government estimates that \$100 billion dollars is wasted in the US because of drugs each year. One more depressing statistic; on average, 15 out of every 100 8th graders across the country smoke marijuana, and 5 use crack cocaine - average only 13 years old!

7.0 WHERE TO GET HELP

There are many resources available to those who may need help in coping with a personal problem, drug-related or not. Below are some national help-line numbers that are staffed by trained and sympathetic individuals. They are often people who experienced the same problem themselves, and got through it. Most of them operate 24 hours a day, and you do not need to give your name.

Alcohol and Drug Referral Hotline	1-800-252-6465
National Institute of Drug Abuse (NIDA)	1-800-662-4357
Drug Information Line	1-800-241-7946
Alcoholics Anonymous	1-800-344-2666
National Child Abuse Hotline	1-800-422-4453
National AIDS Hotline	1-800-342-2437
National Cocaine Hotline	1-800-262-2463
National Hepatitis Hotline	1-800-223-0179
National Runaway and Suicide Hotline	1-800-621-4000
Sexually Transmitted Diseases Hotline	1-800-227-8922
Narcotics Anonymous	1-800-780-3951

Additional resources include:

- a. Employee Assistance Programs (EAP) are offered by many employers today as an employee benefit. The EAP is free to the employee, and is completely confidential. Look for posters in your workplace. If your company does not have an EAP, perhaps you have a family member who works for a company that does.
- b. Professional Counselors at mental health centers treat drug abusers, and the cost is usually covered by your medical benefits program.
- c. Religious clerics are often trained as counselors. They are willing to listen to and help individuals, whether or not the individual is a member of their congregation.
- d. Community and professional clubs (Kiwanis, Lions, Rotary, Chambers of Commerce, etc.) sometimes have referral services for community members.
- e. Local clinics and hospitals have crisis lines that can be called anonymously. They may also have out-

Objective 9: Define the role and responsibilities of the Medical Review Officer (MRO).

Objective 10: List the types of drug/alcohol tests, including random testing, that must be conducted.

Objective 11: Identify your company's Substance Abuse Program Manager, who can answer your questions.

4.0 YOUR COMPANY'S SUBSTANCE ABUSE POLICY

Your company has implemented a DOT anti-drug and alcohol program for employees engaged in safety sensitive activities as defined by the DOT. Your company has declared itself a drug and alcohol free workplace, which means that the use of alcohol or the use, manufacture, possession, sale or purchase of illegal drugs on company property is prohibited and will not be tolerated. Furthermore, no employee shall report to work while under the influence of alcohol or any illegal drug. Your company further recognizes that illegal drug use is a hazard to fellow employees and the public. Your company acknowledges that substance abuse is a compulsive disease that can be cured. It strongly urges individuals who may have a substance abuse problem to seek and obtain help. This training identifies such resources.

5.0 WHAT IS SUBSTANCE ABUSE?

A drug is defined as any substance that produces physical, mental, emotional, or behavioral changes in the user. Drug abuse is the use of a drug for other than medicinal purposes. Many legal, as well as illegal, drugs are mood-altering, or psychoactive, and it is this effect that users seek. The substances that are abused the most are nicotine (tobacco smoking or chewing), alcohol, marijuana, cocaine, and legal over-the-counter or prescription drugs. This training will primarily be concerned with alcohol and the five DOT drugs since they are by far the most abused illegal substances. What is use versus abuse? Taking an antihistamine under the guidance of a doctor is substance use, not abuse. Mainlining heroin clearly is abuse. But, is drinking a beer with dinner considered substance abuse? No. Is drinking a six-pack every night considered abuse? Quite possibly. The difference, therefore, between use and abuse is not always clear. Common sense is the best guide.

Some drugs, like PCP (angel dust), have no legal uses. Any use of PCP is illegal. On the other hand, there are legal uses of cocaine, marijuana (or THC), and amphetamines. Drug dependence is a psychological desire to feel the effects of the drug, to feel good. Drug addiction is the chemical need of the body to continue receiving the drug. Most drugs have elements of both. For example, cigarette smokers will psychologically crave a cigarette. They will also experience an actual chemical withdrawal when they quit. Substance abusers may know logically that what they are doing is destructive, yet they want and need that next "hit" or "fix" and it is a difficult cycle to break. Drug abuse is a compulsive disease and abusers have great difficulty changing their habits.

Alcohol is one of the oldest drugs known to humankind and is considered the most abused drug in the nation. Excessive drinking results in job, social, health or legal problems. Problems can result from a pattern of regular drinking or from just one instance. People who drink regularly build up a tolerance - they need more and more alcohol to get the same effect. Some people become addicted to alcohol. If they stop, they will suffer severe withdrawal symptoms. Psychologically, they need it just to feel "normal".

Alcoholism is a progressive disease. The body becomes increasingly dependent on the use of alcohol. This dependency can lead to uncontrollable drinking habits that interfere with normal life patterns. The progressive stages of alcoholism vary, but the following is a typical pattern:

- Social drinking and occasional use to escape tensions and frustrations
- Increased tolerance and a progressive preoccupation with alcohol - inability to stop at one drink, drinking alone and experiencing feelings of embarrassment and guilt
- Complete change of behavior toward family
- Concealment of drinking habits

pockets, and wash their hands. The technician provides a Chain-of-Custody (COC) Form. This form is vital to the process and ensures that someone always has custody of the bottles, and is fully responsible for them. The top copy of the form will accompany the sealed specimen bottles to the lab doing the analysis. The employee voids into the cup. The technician reads the temperature, then pours 30ml into one bottle (primary) and 15ml into the other bottle (split). This is a split specimen. (The employee can challenge the test result by requesting within 72 hours that the second bottle be tested by another certified laboratory.) The specimen collection itself is done in a controlled manner, but is not directly observed under normal circumstances (note that there are situations in which an observed collection is required). The employee is given full privacy. After the bottles are filled, they are sealed in front of the employee. The employee then initials the tamper-evident bottle seals.

C1. Specimen Bottle and Chain-of-Custody Form are Shipped to Lab: The bottles and COC form are placed in a bag, then sent to the laboratory by overnight courier, where the COC form and bottles are scrutinized carefully for correct information, and matched against the bottle seal. All information must be on the form for the analysis to proceed.

D1. Analysis by the Lab: The lab draws off a small portion of the urine specimen (called an aliquot) and performs what is called an immunoassay screen test. This screen test "screens out" the negative (drug-free) tests. Most specimens, over 97% of them, will test negative and be discarded after the screen test. If the analysis yields no drugs present, the employer will be informed that the test is negative. Over-the-counter drugs like Advil and Sudafed do not interfere with the test or give a false result.

E1. Non-negative Tests (positive, adulterated, substituted, invalid) - If, on the other hand, the screen test is presumptive positive, it means that the screen test discovered the presence of one of the five drugs (marijuana, cocaine, or crack, amphetamines, PCP and opiates). Additionally, the screening process can result in the identification of adulterants or substituted urine. The specimen is then retested using an entirely different test method called gas chromatography (GC)/mass spectrometry (MS). Each of these tests (screen, GC/MS) is a separate and distinct test method. Together, they are a very accurate way to identify unknown substances. They are definitive in determining the presence and quantity of an illegal drug in the specimen. If the specimen again tests positive/adulterated/substituted on the GC / MS tests, the specimen becomes a "confirmed positive/adulterated/substituted test". Also, if the laboratory cannot determine what is interfering with the analysis, the test may be declared invalid. However, the employer is not yet notified that a "non-negative" test has been identified. A doctor gets involved first.

F1. Medical Review Officer - The lab reports all drug tests (even negatives) in a confidential manner to the designated Medical Review Officer, or MRO. The MRO is a fully-certified physician with knowledge of illicit drugs and how they are metabolized by the human body. For confirmed non-negative drug tests (e.g. positives), the MRO contacts the employee by telephone and has a confidential discussion with him or her. The employer is not notified of the positive/adulterated/substituted/invalid test result until the employee has the opportunity to talk with the MRO. Depending upon which drug (or other interfering chemical) was discovered, the MRO will ask questions to find out whether the substance was legally prescribed. THC (active ingredient in marijuana) can be administered for an eye condition called glaucoma, or for suppressing nausea from cancer treatment. Likewise, cocaine is occasionally used during nasal surgery. If the employee can explain a positive/adulterated/substituted test through a copy of a prescription, the name of a doctor, and a copy of the label of the bottle then the MRO may change the test result to a "Negative". This is done despite the fact that the laboratory did correctly determine the test as positive. The employer will never know that the employee was under suspicion of a non-negative test.

On the other hand, if the employee cannot explain or justify to the MRO why the test was non-negative, the MRO will inform the employee that the employer will be notified of the non-negative test result. After MRO verification of a positive result, the MRO will notify the employer of the positive result. Upon notification from the MRO of a positive result, the employer must remove that employee from their safety-sensitive duties. An adulterated or substituted result is defined as a refusal to test. A refusal to test is the same as a positive test.

During medical review with the employee, the MRO will inform the employee of the right to split

analysis. After MRO verification of a non-negative result, the employee will be informed by the MRO that he or she will have 72 hours to provide a request for a split analysis at a second DEHS certified lab. If the split analysis fails to reconfirm the drug or adulterant/substitution, the results of both tests are cancelled. An additional observed test may be required in certain circumstances. The employer may choose to pass the cost of the requested split analysis to the employee as long as it does not impede the testing process. Split sampling is to be conducted on all tests, not only randoms.

Alcohol Test

B2. Employee Goes To Collection Site: The Substance Abuse Program Manager in each company/location is notified of the names that were selected from their company. The employee is directed to go to the local clinic that is the company's designated collection site. There a Breath Alcohol Technician (BAT) checks the employee's ID, and explains the breath testing process.

C2. Initial Test (Screen): The BAT conducts the initial test called a screen. The BAT tells the employee to blow forcefully for about 6 seconds. The BAT shows the employee the test result on EBT. If the result is less than .02, the result is negative, and no further testing is required. The following information is recorded/printed in log book or on test form: test number, date of test, name of location of test, quantified test result, initials of employee taking tests (log book), and employee (form).
BAT,
signatures of BAT

D2. Initial Tests Equal to or Greater Than .02 - A confirmation test will be required for a screen result that is 0.02 or greater and will be conducted as follows: mandatory 15* minute waiting period before confirmation test begins after completion of screening test (30 min. to complete confirmation test); BAT shall instruct employee not to eat, drink, or put any object or substance in his/her mouth, and, to the extent possible, not belch during waiting period; BAT conducts an air blank on the EBT prior to running confirmation test to ensure there is no residual alcohol in the EBT; EBT used for confirmation test must be able to sequentially number tests and print crucial test information. The confirmation test can produce the following results: Breath alcohol level less than .02 is a negative, breath alcohol level of 0.02 or above, but less than 0.04, mandates employee removal from safety sensitive duties. A breath alcohol level of 0.04 or greater mandates removal from duty, evaluation by SAP, treatment, and return-to-duty/follow-up testing.

* Transient mouth alcohol (mouthwash, etc.) can cause a result greater than .02; but this will dissipate within 15 minutes and will not cause a positive confirmation test.

Please note that if an employee refuses to submit to a required alcohol test or refuses to sign Block 2 of the alcohol test form, it will be treated the same as a positive test.

If the employee is unable to complete the breath test because he/she cannot provide adequate breath (attempts determined by the BAT), the employer must send the employee to a physician to determine if there is a legitimate problem. If a valid reason is not present, the test will be treated as a REFUSAL.

E2. Test Completion - At the conclusion of the test, the BAT will transmit the results confidentially to a designated representative of the employer. The employee will also receive a copy of the test result. In the case of a confirmation test result that is .02 or greater, the transmission must be immediate so the employer can prevent the employee from performing safety-sensitive duties. In that case, the BAT will recommend that the employer wait for the employer to transport the employee from the clinic.

(Step G applies to drug and alcohol testing)

G: Substance Abuse Professional If an employee covered by the drug and alcohol testing regulations has a positive drug or alcohol test (or refuses to test), he/she must be referred for evaluation to a substance abuse professional (SAP). The following professionals are qualified to act in this capacity: licensed physicians, licensed or certified psychologists, licensed or certified social workers, licensed or certified EAP's, counselors certified by the NAADAC. The initial, critical decision for which the SAP is responsible is what type of treatment the employee needs to resolve the problems with drug abuse. The employee will be required to complete the treatment, after which the SAP will inform the employer that the employee is ready for a return to duty test. If the employee receives a negative

result, he or she can be returned to safety sensitive duties. However, the employee will still be required to pass at least six follow up tests in the next 12 months. The employee can receive more follow up tests for a period up to 60 months. Remember that an employer is not required to permit an employee to return to their safety sensitive job.

That is how a random test is conducted. Great care is taken throughout the procedure to safeguard the employee's rights. All clinic technicians who conduct urine specimen collection and breath testing must be trained and certified, as does the MRO and SAP. The labs are continually monitored by both the Federal government and by ENERGETIX. If the lab makes mistakes in attributing a positive test incorrectly (commonly called a false positive), the lab can be shut down immediately. If any doubt occurs as to the validity of the test, either the lab or the MRO will invalidate the test, and the test will be reported to the employer as cancelled.

11.0 ACTIONS THAT YOUR COMPANY MAY TAKE FOR POSITIVE TESTS/REFUSALS

An employee who tests positive or who refuses to submit to a test must be immediately removed from safety sensitive duties. If your company chooses to return the employee who tests positive to duty (your company is not legally obligated to retain such individuals), the employee must be successfully rehabilitated (company or self paid) before he or she can resume the safety sensitive position. After returning to duty (approved by SAP and negative return to duty test), the employee will be subject to follow up tests - at least six in the first 12 months (up to a maximum of 60 months), as determined by the SAP.

In the case of two verified positive test results (FAA only), the employee involved will be barred from performing the same duties for any FAA company.

12.0 HOW TO GET MORE INFORMATION

Your first resource for more information is within your company. You can either ask your Supervisor or your company's Substance Abuse Program Manager. The second resource is to call one of the national helplines, especially the NIDA Drug Abuse Information and Treatment Referral Line (1-800-662-HELP or 4357). NIDA has a large library of pamphlets brochures, and videos that you can receive at no charge.

13.0 SUMMARY OF FIVE DRUG TYPES AND ALCOHOL

DRUGS

Here is some information on the five drug types that are being tested for in your company's program.

MARIJUANA

Marijuana, an illegal drug in most States, is the most abused substance after nicotine and alcohol (which are legal for adults). Marijuana and cocaine are by far the most used drugs.

Associated Terms: Grass, bone, pot, reefer, or dope. A joint is a rolled marijuana cigarette. Hash is the concentrated form of marijuana made from the tops of the plant. Being high on marijuana is commonly referred to as being stoned.

Appearance: Green, like ground oregano or thyme. Personal "stash" are usually kept in plastic zip-lock sandwich bags.

How Drug is Made: Marijuana is a hemp plant that has been dried, crushed and the seeds removed before being smoked, much like tobacco. The plant was historically used to make hemp rope. It can grow in a wide variety of climates, from tropical to temperate zones. Much of the marijuana used is "homegrown" in the US.

How Drug is Taken: Usually smoked in a pot pipe, bong (water pipe) or as a joint (marijuana cigarette). Has a distinctive odor when burning, like burning grass or rope.

Effects: Marijuana produces a temporary mellow euphoria or high for up to 5 hours, followed by drowsiness. Marijuana impairs concentration, learning and perceptual/motor skills. One study conducted on experienced pilots in a flight simulator demonstrated impairment for 24 hours after the immediate high had passed (American Journal of Psychiatry, 1985).

General: Marijuana's active ingredient, THC, is prescribed in rare instances to manage the symptoms of glaucoma (painful eyeball pressure) and to suppress the nausea associated with cancer treatment (chemo and radiation therapy). Chronic users develop tolerance to THC requiring more frequent use and higher doses to achieve the same high. It is estimated that 66 million Americans, fully one quarter of the country's entire population have tried marijuana at least once in their lives.

COCAINE AND CRACK

Crack cocaine is the fastest-growing substance of abuse. Cocaine and marijuana are by far the most used drugs.

Associated Terms: Coke, crack, rock, snow, toot, nose candy or Lady. Lines are finely crushed cocaine powder laid out in parallel line on a flat surface. Snorting is the inhalation of the crushed cocaine powder through a tube into a nostril. Freebasing is the separation of the active ingredient from the salt base, and inhaling the resultant highly volatile fumes. Crack (or rock) is a purified form of cocaine for smoking much like freebasing.

Appearance: Cocaine - Finely-ground white powder typically stored in a small glass vials or folded glossy paper (such as used in expensive magazines). Crack - Small white chips having the appearance of slivers of soap or broken porcelain. Sold in small glass vials.

How Drug is Made: Cocaine is made from the coca bushes' leaves, most often grown in the Andean countries of South America. The leaves are processed with a variety of chemicals, including acid, and then dried to yield a white powder. Before being sold on the street, cocaine is often diluted, or cut, with other white crystalline powders, such as sugar or crushed aspirin tablets. Crack is made by further processing cocaine.

How Drug is Taken: Cocaine - Cocaine is usually finely ground with a razor blade on a flat surface such as glass, and snorted deep into a nostril through a tube. The cocaine powder is deposited on the membrane tissues of the nose and sumps, and absorbed into the blood stream. It only takes a few minutes to travel to the brain and create the high. Crack- Cocaine rocks are placed in a pipe (usually glass) and heated with a butane flame. The resultant fumes are inhaled. The onset of the high only takes seconds and is very intense. The crash, or post-high depression, is also more pronounced than for snorting.

Effects: Cocaine and crack temporarily produce an elevated mood for 10 to 20 minutes. The user then emotionally crashes and becomes severely depressed. The user then craves another dose to bring him or her up again. Chronic use will cause damage to the nasal passages, malnutrition, heart disease, and ultimately death. The user's personality will change drastically as casual use becomes chemical addiction. Crack users report that addiction occurs after only one or two episodes.

General: Cocaine is used as a topical pain killer for nasal surgery. Cocaine and crack are highly addictive psychologically and chemically. Research has discovered that an addicted animal will prefer cocaine to food, even if starved. It inhibits the release of a natural chemical in the brain (dopamine) that produces the normal sensation of joy or pleasure. The coke user relies on the cocaine to "feel good", since his or her brain is incapable of producing dopamine, and will stay depressed until cocaine is taken again.

The vicious cycle is very difficult to break, explaining the low success rate of rehabilitation (more than 70% of treated users relapse). For addicts, only inpatient care under continuous psychological and medical supervision for at least 60 days, coupled with strong, loving support has shown to be effective. The recovered user must then never re-enter the social setting that led to the experimentation with the drug. 10% of the entire population has tried cocaine, with close to 6 million users in any given month. Crack use is growing faster than any other

patient care.

- f. Family and close friends are sometimes the best support around (provided they are not a part of the problem). However, it is important to recognize when professional help is needed. Substance abuse treatment needs a combination of medical care and emotional support.
- g. Support group meetings with other people recovering from the same problem are effective in avoiding relapse.
- h. Yellow Pages - Look in the Yellow Pages under "Drug Abuse" for local help centers.

If you know someone who is suffering from substance abuse, offer them your warm support and guide them to a resource to get help. With professional care and loving support, recovery can be total and complete. Don't give up on someone who seems "too far gone".

8.0 SUBSTANCE ABUSE TESTING - TEST CATEGORIES

Well-publicized accidents such as the Prince William Sound oil spill or the New York subway crash where drugs or alcohol were cited as the cause resulted in Congress passing stringent drug and alcohol testing laws. These laws resulted in Federal regulations that were issued by the U.S. Department of Transportation. As part of the DOT anti-drug program, your company is testing for several drug types. They are marijuana, cocaine, opiates, amphetamine and phenylcyclidine (PCP). The list of drug types tested may be expanded in the future if a particular drug is increasingly abused. Additional information is located at the end of this Employee Training Manual.

Your urine specimen also receives "validity" testing. The laboratory is authorized to analyze for adulterated or substituted urine. If the laboratory has determined that you have tampered with your urine specimen, your test will be reported as a "refusal to test". The consequences will be the same as if you tested positive.

As part of the DOT anti-alcohol program, your company is testing for the presence of alcohol. Current practice for blood alcohol concentration (BAC) measurement is through evidential breath testing (EBT) for both screening and confirmatory testing.

Prohibited Use

Safety sensitive employees are prohibited from: 1) unauthorized or illegal use of the previously mentioned drugs, 2) performing safety sensitive functions with a breath alcohol concentration of .02 or greater, 3) using alcohol on the job, 4) using alcohol within 4 hours of reporting for duty (8 hours for flight crew members and air traffic controllers), 5) using alcohol during the 8 hours after an accident when their involvement has not been discounted as a contributing factor or until they are tested.

Consequences of Violation

An employee shall be immediately removed from a safety-sensitive function for violation of the rule. Any employee who refuses to test or has a confirmed positive drug test or positive breath alcohol test that is .04 or greater must be removed from safety sensitive duties. This is defined as positive test requiring that the employee be referred to a Substance Abuse Professional. The employee must complete the Return to Duty process contained in the DOT regulations before they return to safety sensitive work.

Any employee who has a confirmed breath alcohol test that is .02 or greater, but less than .04 must also be removed from safety sensitive duties for a period of time (e.g. 8 hours) as defined by the DOT modality. This is not a positive DOT alcohol test, but it still requires this action.

9.0 SIX REASONS YOU COULD BE TESTED

- a. Pre-employment - Pre-employment testing of an individual is required only prior to the first time the

individual performs a safety sensitive function. If an employee is out of the drug testing pool for a considerable length of time (such as a seasonal driver), the individual may be required to submit to pre-employment testing prior to returning to work (DOT modality dependent). An employer must have proof that the employee had a negative test result prior to the employee performing a safety sensitive function. PRE-EMPLOYMENT ALCOHOL TESTING IS OPTIONAL.

- b. Random - Many of the employees in the employee pool will be tested each year completely at random. Each safety sensitive employee is always available for selection, even if a particular employee has been previously tested. Consequently, an employee could be selected more than once in a given year. Random drug testing rates range by modality from 50% to 25% annually.
- c. Periodic (FAA only) - This is "one time only" drug test. It is required of those people who hold a Part 67 Medical Certificate (pilots) and must be taken within one year of the date that their anti-drug plan has been implemented.
- d. Post-Accident - Certain employees who may have contributed to an accident must be drug tested. A testable accident is defined as any accident causing significant damage, injury or loss of life, as defined by each DOT modality. (See your company policy.)
- e. Reasonable-Suspicion - Supervisors can require a reasonable-suspicion test of an employee if there is reason to believe that the employee is using drugs. Supervisors are required to receive Supervisor Training before determining reasonable-suspicion. If specific signs and symptoms are evident while the employee is on duty, the Supervisor can require a reasonable-suspicion test. Care must be taken that reasonable-suspicion testing is not used to harass individual employees. The Supervisor must fully document the reason for the reasonable-suspicion test.
- f. Return-to-Duty/Follow-up - In the event of a positive drug test (or a refusal to test), and if your company chooses to retain the employee, the employee must successfully complete a drug treatment program, as determined by a mental health expert called a Substance Abuse Professional (SAP). The SAP controls the return to duty process. After successful treatment, the SAP will inform the employer that the employee is then ready for a return-to-duty test. The result must be negative for the employee to return-to-duty. The employee will also be subject to a minimum of six follow up tests within the first 12 months after returning to duty. Follow-up testing is permitted to extend as long as 60 months.

10.0 HOW A RANDOM DRUG OR ALCOHOL TEST WORKS

The program relies on urine analysis to detect the presence and quantity of illicit substance (drug) and breath testing for the presence of alcohol. The sequence of events in performing a drug or alcohol test has been very carefully defined by the DOT. One goal of the entire program is to protect the employee's confidentiality and to check, double-check and re-check all analysis that determine a positive, adulterated, or substituted test. Your company's program is being administered by an outside firm called ENERGETIX. Let's go through a random test (the procedures described below are the procedures followed for all test types, excluding the random selection portion):

- A. Employee is Randomly Selected - Safety sensitive employees are randomly selected from a single company pool, or a pool of many safety sensitive employees from many similar transportation companies. The computer selects by social security number only, and disregards where employees work, their job category, or geographical location. The computer does not care whether a person was already picked, so individuals could be picked more than once. After an employee is selected, their name is returned to the pool for future possible selection. This provides an on-going deterrence and prevents a "safe period" from developing.

Drug Test

- B.1. Employee Goes To Collection Site: The Substance Abuse Program Manager in each company is notified of the names that were selected from their company. The employee is then directed to go to the local clinic that is the company's designated collection site. The Collection Technician checks the employee's ID, and explains the collection process. The Employee chooses a specimen kit that includes a cup and two bottles. The employee will be asked to remove his/her coat, empty their

drug.

OPIATES

While marijuana, cocaine and PCP are specific drugs, opiates are a class of drugs. The most common opiates are raw opium, heroin, morphine and codeine.

Associated Terms: Heroin - Smack, horse, H, hard stuff, scag or scat. Mainlining is the injection of heroin (or other drugs) directly into a vein. Needle tracks are the puncture marks left by the needle usually found on the forearms or legs. Opium - Black Tar. Morphine and Codeine - Morpho, M cotics and dope.

Appearance: Heroin - white to dark brown powder to tar. Opium - dark brown chunks of powder. Morphine and Codeine "legal looking" (prescription) pills, tablets and injection liquids.

How Drug is Taken: Opium is the raw product from which the other opiates are made. Opium and its derivatives are made from a specific poppy plant. The poppy grower makes vertical razor cuts in the seed pod beneath the flower while it is still in the ground. A dark fluid oozes out, and this is collected and chemically processed into raw opium. Heroin is then made reacting the natural morphine from the raw opium with acetic acid. The poppy plant is indigenous to the Middle Eastern countries of the Mediterranean, through it has been transplanted to other sub-tropical areas of the world. The active ingredients of opium have been manufactured synthetically and this is the opiate form found in many legally-prescribed narcotic opiates.

How Drug is Taken: Heroin - heroin is taken by turning it into a liquid through heating it in a spoon over a candle, drawing it up into a syringe, and injecting it into a vein ("mainlining"). Opium - Raw opium is mostly smoked, as was done in the "opium dens" of the East. It can also be eaten.

Morphine and Codeine - Morphine and codeine are usually taken as abused prescribed drugs. They can be taken orally or injected. Abuse of morphine and codeine are limited by drug accessibility, making use more prevalent in the health care professions, versus other sectors of society.

Effects: All of the opiates bring on a short-lived state of euphoria, which passes and leaves the user craving another dose. Within minutes of injection, heroin changes to morphine, and later codeine in the body. Therefore, a heroin user will test positive for both codeine and morphine.

General: Public awareness of heroin as a hard drug is widespread, though it is not generally recognized that most heroin users are ordinary people who have become addicted. Heroin is primarily an urban drug, though its use has spread to smaller mid-continent communities. Since heroin is primarily injected intravenously, there is an additional risk of infection, especially by the HIV virus (AIDS), when hypodermic needles are shared. Abuse of legally prescribed opiate drugs is growing fastest in the health care professions. A typical dose of heroin costs \$10, with an addicted user requiring close to \$100 per day.

AMPHETAMINE AND METHAMPHETAMINE

Amphetamine and methamphetamine are manufactured legally and are prescribed for medical conditions. They are also heavily controlled substances.

Associated Terms: Speed, co-pilot, uppers, dexies, black beanies, pep pills, bennies, meth, and wake-up are among the terms used to describe amphetamine and methamphetamine. The trade names include benzedrine, bipheteramines, dexedrine, synatan, appetrol, methedrine and desoxyyn.

Appearance: These drugs are in the form of pills, tablets or caplets of varying colors, shapes and sizes.

How Drug is Made: These drugs are most often legally made by pharmaceutical companies and controlled by the FDA. They are completely synthetic drugs developed for legally prescribed uses, such as appetite suppression, narcolepsy (involuntary sleep), and as antidepressants.

How Drug is Taken: They are nearly always taken orally.

Effects: Abused primarily to increase alertness, these drugs cause symptoms often related to excessive caffeine

intake, such as restlessness and insomnia. Amphetamines cause increase heart rate, which can result in heart attacks. Amphetamines and methamphetamine are addicting.

General: These drugs are typically used to ward off fatigue over long periods of time. They are not normally used as "recreational drugs"; they are not as psychoactive or mood altering as marijuana, cocaine or opiates. However, strong diet pills are abused by millions of people, who develop mild addictions to them, diminishing job productivity.

DOT Breath Alcohol Testing Summary

The collection of a breath sample from you will be conducted under procedures strictly mandated by the US Department of Transportation (DOT). The DOT regulations provide for your privacy and dignity. A breath alcohol level of 0.02 or greater, but less than 0.04, mandates employee removal from safety sensitive duties. A breath alcohol level of 0.04 or greater is considered a positive and mandates removal from duty, evaluation, treatment, and return-to-duty/follow-up testing. Please take a few minutes to read the following information, which describes your role in the collection process.

- You will be asked to show photo identification to the Breath Alcohol Technician (BAT). If you do not have a photo ID, an employer representative will be asked to confirm your identity.
- You may ask the BAT to show his/her identification.
- The BAT must use a Federal DOT alcohol test form (ATF). You must sign Step 2 of the Breath Alcohol Form. **Not signing is considered a refusal to test.**
- You will be given a sealed mouth piece to open.
- You will be instructed to blow forcefully for about 6 seconds or until the technician tells you to stop. This test is called the initial screen. If the test result is less than .02, the test is negative. **NOTE:** If you cannot provide a breath specimen, you will be given multiple tries to provide a sample, as determined by the BAT. If you cannot complete the test, your employer must send you to a physician to confirm a medical problem. If no problem exists, your test will be treated as a **REFUSAL**.
- The BAT shows employee the test result on EBT.
- The following information is recorded/printed on the test form:
 - test number, date of test, name of BAT, location of test, quantified test result, signatures of BAT and employee.
- A confirmation test will be required for screen test results 0.02 or greater and will be conducted as follows:
 - mandatory 15-minute waiting period for confirmation test begins with completion of screening test;
 - BAT shall instruct employee not to eat, drink, or put any object or substance in his/her mouth, and, to the extent possible, not belch during waiting period; room air (air blank) must be tested prior to running confirmation test; EBT used for confirmation test must be able to sequentially number tests and print crucial test information.
- If the confirmation test is less than .02, the test is negative and the employee can return to work. If the confirmation test is .02 or greater, the employer will be informed. The employee cannot perform safety sensitive duties.
- At the conclusion of the test, the BAT will transmit the results confidentially to a designated representative of the employer.
- You will be given a copy of the completed form after the Technician has completed the test (s).

- The results of the laboratory analysis will be forwarded to your employer's MRO. If the laboratory results are negative, the MRO will notify your employer. If the laboratory results are positive, or indicate adulteration or substitution, the MRO will contact you at the telephone number you provided. This will give you the opportunity to discuss the test results and to submit information demonstrating why the test result is not in violation of DOT regulations. (Neither the collection site nor the laboratory is authorized to provide any information. Everything originates from the MRO.)
- If you disagree with the test result, you can request that your split specimen (second bottle collected) be tested by another Federal laboratory. This request must be submitted to the MRO within 72 hours after you have been notified of the test result. This represents your only opportunity to challenge the test result.

ATTACHMENT C

DATCO Services Corporation

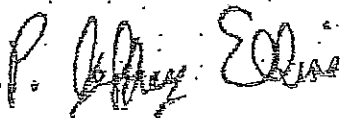
Monday, October 01, 2001
Ref: Raridom (September - 2001)

Kin Gee
Recreation and Parks Department
City and County of San Francisco
501 Stanyan Street
San Francisco, CA 94117

Dear Mr. Gee,

After a random controlled substance test conducted on September 26, 2001, it has been determined that your employee, **Onario Antonucci**, Social Security Number [redacted], failed his urinalysis test. Under the Federal Medical Review Guidelines, the MRO is required to attempt to contact the donor. Accordingly, as a result of that process, the test has been confirmed **positive for Marijuana**. Federal law requires that you immediately remove this individual from any safety sensitive function and administer the consequences of this violation in accordance with City policy. According to City Procedures, referral to Dr. Michael Meredith, the City approved Substance Abuse Professional (SAP) has occurred. Dr. Meredith can be reached at (707) 435-8042 or (800) 742-1112, extension 12.

Sincerely,



P. Jeffrey Ellins
President

cc: Jose Lebron

ATTACHMENT D



October 1, 2001

CERTIFIED MAIL

Mr. Onorio Antonucci III

Class 3435 Arborist Technician

By receipt of this letter, you are hereby notified that effective October 1, 2001, I am placing you on unpaid administrative leave pending the completion of an investigation.

This action, as authorized under Charter Section A8.341, is being taken based on the following charge:

Acts which present an immediate danger to the public health and safety.

On September 26, 2001, you were notified that your employee number had been randomly selected by computer for random drug testing. The Omnibus Transportation Employee Testing Act of 1991 and regulations of the Federal Highway Administration mandate random drug testing.

DATCO, the City's contractor of the drug testing program, contacted the Recreation and Park Department on September 28, 2001 (confirmed in writing on October 1, 2001) to inform us that the Medical Review Officer (MRO) had declared your controlled substance test as positive for marijuana. As a result of this, the Recreation and Park Department is referring you to Mr. Michael Meredith, Substance Abuse Professional. His telephone number is: 1-800-742-1112.

This administrative leave will be in effect for a period of up to thirty (30) days. Prior to the end of that period, a meeting will be scheduled with you and appropriate department managers to consider both the results of our investigation and a future course of action. You should be aware that additional charges, or modification of the charges listed above, could result from our investigation of your activities:

A meeting is scheduled to discuss the above on Thursday, October 4, 2001 at 10:00 am in the Personnel Office, McLaren Lodge. You may bring a representative to the meeting.

If you or your representative have any questions, or if you need any additional information, you may contact Kim Gee at 831-2776.

Elizabeth Goldstein
General Manager

- Copy: Onorio Antonucci III, Regular Mail
- Kim Gee, Sr. Departmental Personnel Officer
- Dan McKenna, Acting Superintendent
- Kelly Cornell, Tree-Topper Supervisor
- Jose Lebron, DHR
- Dot file

ATTACHMENT E



October 26, 2001

Mr. Onorio Antonucci

Dear Mr. Antonucci:

On October 19th, a Skelly hearing was held with you, your union representative Mary White, Kin Gee and myself, to discuss the 30 day suspension for the charge of: Acts which present an immediate danger to the public and safety. You were notified previously of this hearing when we met on October 4, 2001, to discuss your unpaid administrative leave for failing your random drug test.

In this meeting you indicated that you had contacted both the medical review officer and have met with the Substance Abuse Professional (SAP) and that you expect to be released back to work within the 30 days of administrative leave. It was also discussed that upon your release by the SAP, the 30 day unpaid administrative leave will be converted to a 30-day suspension.

As you know, you picked-up chain-of-custody forms from Senior Personnel Analyst Terrence Daniel on Thursday October 25, 2001 so that you could take a return to work drug test as part of the conditions you need to meet in order to return to work in a safety sensitive position. As Mr. Daniel explained to you yesterday, the Department will need confirmation from your Substance Abuse Professional that you successfully completed your return to work drug test. The Department will contact you as soon as we have the results from your Substance Abuse Professional to confirm your return to work. The first day you are eligible to return to work is October 31, 2001. As discussed previously, upon your return to work your 30-day unpaid administrative leave will be converted to a 30-day suspension.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Cornell".

Kelly Cornell
Tree Topper Supervisor II

C: Kin Gee, Senior Departmental Personnel Officer

5

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF HUMAN RESOURCES				SEPARATION REPORT (SR) AMENDED			
NAME (LAST, FIRST, M.I.) ANTONUCCIII, ONORIO			DATE OF BIRTH		SOCIAL SECURITY NO.		DHR USE ONLY SR-
CLASS NO. 3435	TITLE ARBORIST TECHNICIAN		RANK N/A	LIST N/A	CERTIFICATION START WORK DATE 7/1/00		DHR REQ NUMBER 1046874
HOME ADDRESS - COMPLETE FOR PARTS 3, 4, OR 5 ONLY				DATE ISSUED 11/7/01		DATE EFFECTIVE 10/1/01	DEPT. REQ NO. DP90035
HOME TELEPHONE NUMBER:				IS THE EMPLOYEE SERVING A PROBATIONARY PERIOD AT THE TIME OF SEPARATION?			
TYPE OF APPOINTMENT		WORK SCHEDULE		YES IF YES, SPECIFY		ENTRANCE	
PERMANENT EXEMPT-PERM.		XX FULL-TIME		XX NO TYPE:		PROMOTIVE	
TEMPORARY (TCS) EXEMPT-TEMP.		PART-TIME					
XX PROVISIONAL		SCHOOL TERM					
LIMITED TENURE (LT)		AS NEEDED					
NON-CIVIL SERVICE (NCS)							
IS THIS A COMPLETE SEPARATION FROM CITY & COUNTY SERVICE?				IF NO, RETURNING TO PCS POSITION?		OR ACCEPTING OTHER EMPLOYMENT?	
YES XX NO				YES XX NO		YES NEW DEPT	
				DEPT CLASS		OR NO CLASS STATUS	

1	REASSIGNMENT	DISTRIBUTE COPIES A-C ONLY							
NEW ACQUISITION	DEPT REQ NBR	DHR REQ NBR	DEPT	DIV	CLASS	POSITION NUMBER	REQ TYPE	WORK SCHED	WORK SHIFT

2	XX LEAVE/SUSPENSION OVER 5 DAYS	APPROVED DURATION	
PERSONAL LEAVE	LEAVE TO ACCEPT A TEMPORARY APPOINTMENT	START DATE 10/1/01	
SICK LEAVE	DEPT. CLASS NO.	END DATE 10/30/01	
XX SUSPENSION	OTHER-SPECIFY	COB	
MILITARY (ATTACH COPY OF ORDERS)			
UNPAID ADMINISTRATIVE LEAVE			

5	DISCHARGE
DISMISSAL	
TERMINATION	
AUTOMATIC RESIGNATION	

3	RESIGNATION	BY THE APPOINTEE: I HEREBY FREELY AND VOLUNTARILY RESIGN FROM THE ABOVE POSITION. I REQUEST APPROVAL OF THIS RESIGNATION AS OF THE EFFECTIVE DATE WITH THE FULL UNDERSTANDING THAT ONCE APPROVED, I MAY ACQUIRE ANOTHER POSITION IN THIS CLASS ONLY AS PROVIDED IN THE RULES OF THE CIVIL SERVICE COMMISSION. (SEE EMPLOYEE COPY AND CSC RULES 14 & 19)	
SATISFACTORY SERVICES	UNSATISFACTORY SERVICES	SIGNATURE	DATE
TO ACCEPT ANOTHER CIVIL SERVICE POSITION (NOT A SEPARATION FROM THE CITY AND COUNTY SERVICE)			

6	OTHER
REINSTATEMENT	
TRANSFER	
RETIREMENT	
RELEASE FROM PROBATIONARY:	
NON-DISCIPLINARY	
DISCIPLINARY	
REACHED PERMISSIBLE TIME LIMIT	
DEATH	OTHER

4	LAY-OFF	REASON	METHOD OF NOTICE	BY THE APPOINTEE: I ACKNOWLEDGE RECEIPT OF THE DHR INFORMATION LEAFLET.	
INVOLUNTARY LEAVE	LACK OF WORK	HAND DELIVERED	SIGNATURE	DATE	
INVOLUNTARY LAY-OFF	LACK OF FUNDS	CERTIFIED MAIL			
VOLUNTARY LAY-OFF	DISPLACED				
ELECTIVE INVOLUNTARY LEAVE	RETRENCHMENT				

APPOINTING OFFICER SIGNATURE		TELEPHONE NUMBER	
NAME/TITLE KIN GEE, SENIOR DEPARTMENTAL PERSONNEL OFFICER			
DEPARTMENT NO. 42	DEPARTMENT NAME RECREATION AND PARK	PERSONNEL FILE FORWARDED YES NO XX	FORWARDED TO:

DHR USE
REQ STATUS
CANCEL: YES
DOC. #:
SR POSTED Date
CN POSTED Date
Holdover Canvass

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ATTACHMENT F



RETURN-TO-WORK AGREEMENT

October 30, 2001

Mr. Onorio Antonucci, class 3435 Arborist Technician with the Urban Forestry Program, has agreed upon the following. Mr. Antonucci will:

1. Be allowed to return to work upon his release by the Substance Abuse Professional (SAP) after taking a Return-To-Duty alcohol and/or drug test with negative test result(s).
2. Comply with all conditions of the SAP's Return-To-Duty Stipulations exactly as specified. Failure to do so will result in appropriate and immediate disciplinary action that may include dismissal.
3. Be subject to unannounced follow-up testing for at least twelve (12) months, but not more than sixty (60) months.
4. Adhere to all Department policies, regulations, and procedures, including attendance in all respects. Meet and maintain the Department's standard of a rate of absence for sick leave of no more than 1 day per month; there will be no instances of being Absent Without Leave (AWOL).
5. Request all elective time off (vacation, floating holidays, personal leave, etc.) in writing at least five (5) working days in advance of the time off requested.
6. Have no instance of insubordinate behavior.
7. Not leave his assigned work area without his supervisor's approval.
8. Execute all duties and responsibilities in a correct and professional manner.
9. Establish and maintain a positive working relationship with colleagues, his supervisor, and Department management.
10. Meet with the Assistant Superintendent periodically from the date that he returns to work to review his compliance with the Return-To-Work Agreement and, based on this, to decide if any of the Agreement's conditions should be modified.

The Return-To-Work Agreement will be in force for twelve (12) months from the date of Mr. Antonucci's signature. The employee will continue to comply with the stipulations of the Return-To-Work Agreement until the SAP deems it no longer necessary.

This is to certify that I have read, understood, and agree to all the conditions listed in this document. I also understand that failure to adhere to the above conditions, exactly as stated, will result in immediate disciplinary action that may include dismissal.

Onorio Antonucci
ONORIO ANTONUCCI, 3435 ARBORIST TECHNICIAN

10-31-01
DATE

Kin Gee
KIN GEE, SENIOR DEPARTMENTAL PERSONNEL OFFICER

10-31-01
DATE



November 7, 2001

Mr. Onorio Antonucci

Dear Mr. Antonucci:

On October 1, 2001, you tested positive on a random drug test and was placed on unpaid administrative leave for acts which present an immediate danger to the public health and safety. You were subsequently returned to work on October 31, 2001, after meeting the conditions prescribed by the Substance Abuse Professional, passing a follow-up drug test and signing a return-to-work agreement.

This letter is to inform you that the time you served while on unpaid administrative leave will be converted to a 30-day suspension. Attached is an amended Civil Service Separation Report reflecting this change.

Please feel free to call Mr. Kin Gee at 415/831-2776 should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Goldstein", with a long horizontal line extending to the right.

Elizabeth Goldstein
General Manager

EG:KG:nj

Attachment

cc: Kin Gee
Kelly Cornell
Personnel File
Department of Human Resources

ATTACHMENT G



Edwin M. Lee, Mayor
Philip A. Ginsburg, General Manager

VIA REGULAR AND CERTIFIED MAIL – RETURN RECEIPT NO. 7007 0710 0002 9382 5146

Amended* (November 28, 2011)
November 18, 2011

Ontorio Antonucci

Subject: Notice of Dismissal

Dear Mr. Antonucci:

Based on the findings from the October 13, 2011, Skelly meeting on the following recommendations, you are being dismissed from your position as a 3434 Arborist Technician effective close of business today. The reason supporting this dismissal is that you had a second positive drug test occur on August 19, 2011, during your course of your employment with this department. The charge against you is Unprofessional Conduct – committing acts that cause an immediate danger to the public health and safety.

Director of Operations Dennis Kern served as the reviewer/ skelly officer at the October 13, 2011, skelly meeting and Mr. Kern has prepared his written decision supporting the dismissal recommendation. A copy of his decision is attached for your reference. You were represented by Sylvia Courtney, the attorney representing Laborers Local 261, who later provided a written response which was considered in Mr. Kern's decision. Also present at this meeting were Ellen Barrett (your supporter), Arborist Technician II Kelly Cornell and Senior Personnel Analyst Katherine Dere. I understand that in November 7, 2001, you were suspended for thirty (30) days based on the charge of Unprofessional Conduct for your positive drug test result of marijuana and that was a factor in the dismissal recommendation. I then reviewed the record and have approved of Mr. Kern's decision approving the recommendation for your dismissal.

In the near future, the Department is notifying you of our recommendation regarding your future employability to the Civil Service Commission. Our recommendation is that the City restrict your future employment with the following conditions: 1) never to work for Recreation and Park & 2) provide verification of one (1) year of satisfactory service with an outside employer. If you wish to discuss that recommendation, please contact Ms. Dere at (415) 831-2705 within five (5) days of this notice. Otherwise, we will proceed with sending you the Department's written recommendation of restrictions for your future employment within the City. That notice will provide you with the applicable procedures should you wish to appeal the Department's recommendations if you so choose.

**error on Antoucci – should be Antonucci*

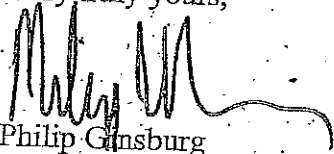
Ontorio Antonucci

November 18, 2011

Lastly, based on that August 19, 2011, positive test for cocaine, you were placed on unpaid administrative leave (August 25 to September 25) pursuant to Charter Section A8.341. which allowed you to participate in rehabilitation pending the final determination of our course of action. Now, the Department must also revise that period of unpaid administrative leave, to a thirty (30) day suspension. Note that you were allowed to return to work on September 25, 2011, and have been working in a non-safety sensitive temporary assignment pending the outcome of the October 13, 2011, skelly meeting.

If you have any questions, please contact Ms. Dere at (415)831-2705.

Very truly yours,



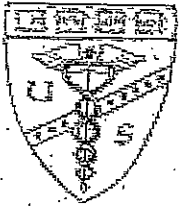
Philip Ginsburg
General Manager

Attachments

cc: Employee Personnel File
Dennis Kern

Vince Courtney, Laborers Local 261
Kelly Cornell

ATTACHMENT H



University Services®

Toxicology Services Group
Established 1967
www.uservices.com

77
O & C OF SF
REC & PARK DE

2011 SEP 13 PM 2:14

September 6, 2011

ONORIO ANTONUCCI

Company: SAN FRANCISCO
Employee #:
Specimen #: 1994824

Dear ONORIO ANTONUCCI:

As per your request, I have ordered the split specimen, which was collected on August 19, 2011 to be tested. The specimen was sent to CLINICAL REFERENCE LABORATORY. The specimen has been analyzed and reconfirmed for COCAINE METABOLITES.

If I can be of any further assistance, please feel free to contact me at (800) 624-3784.

Sincerely,

Randy Barnett, DO
Medical Review Officer

Cc:

C & C OF SF
RECREATION & PARK DEPT
DONOR INFORMATION FORM
For Urine Drug Screening and Breath Alcohol Testing

2011 AUG 22 AM 9:10

This form should be completed by the designated manager and donor prior to the donor's specimen collection and/or breath alcohol test appointment. The donor should provide this form to the collection site at the time that the service is performed (Any questions – contact Energetix Corp. 516-505-0362)

COMPANY INFORMATION:

Worksite Address: **SF Recreation & Park**
Street: **501 Stanyan Street**
City: **SF**
State: **CA**
ZIP: **94117**

SS# Employee/Donor: _____
Signature: **ANTONUCCI III,**
[Signature]
Date: **8-19-11**

Primary Contact:

Name: **Katherine Dere**
Phone: **415-831-2705** FAX **415-831-2097**

COLLECTION SITE INFORMATION:

Name: **Concentra Medical Clinic**
Street: **2 Connecticut Street**
City: **San Francisco**
State: **CA** Zip: **94107**
Appt Date: **415-621-5055**

TESTS REQUESTED

- Drug Screen (5 Panel Split)
- Breath Alcohol
- DOT Non-DOT
- Direct Observation Test (clinic to inform DER)

REASONS FOR TEST(S):

- Pre-Employment
- Post Accident
- Follow-up
- Random
- Reasonable Suspicion/Cause
- Return to Duty

NOTIFICATION:

Time of Notification by Supervisor: **7:15 AM**
Time of Arrival at Collection Site (Clinic or on-site): **8:15**
Time of return to work: **ON Desk 9:50 AM**
Supervisor signature / date (return this form to your DER): *[Signature]*

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DONOR INFORMATION SHEETS

DOT Urine Specimen Collection Summary

The collection of your urine specimen will be conducted under procedures strictly mandated by the US Department of Transportation (DOT). The DOT regulations provide for your privacy and dignity, unless there is reason to believe that the specimen was altered or substituted. Your specimen will be tested for marijuana, cocaine, phencyclidine (PCP), opiates and amphetamines. It will also be subject to validity testing to determine if the specimen was adulterated or substituted. Please take a few minutes to read the following information that describes your role in the collection process.

- You will be asked to show photo identification to the Collector Technician. If you do not have a photo ID, an employer representative will have to confirm your identity.
- You may ask the Collection Technician to show his/her identification.
- Remove any unnecessary outer garments, e.g. coat, jacket and anything from your pockets. All personal belongings (e.g. purse, briefcase) must remain with the outer garment outside of the collection room. You may retain your wallet, and you may ask for a receipt for any personal belongings.
- When instructed by Collection Technician, wash and dry your hands.
- The Collection Technician must use a Federal DOT Custody and Control form to document the specimen collection process.
- You may provide the specimen in the privacy of a bathroom stall or otherwise partitioned area that allows for individual privacy.
- You must provide at least 45ml of urine in your specimen collection cup. If you cannot meet this requirement, or if you are just not able to provide a specimen you will be given a 3 hour period during which you can provide the specimen. During that period, you will be offered up to 40 ounces of liquid. If you are unable to provide a sample within the 3 hour period, your employer must send you to a physician to determine if there is a legitimate reason why you could not physically provide a sample. If the physician identifies a legitimate reason, you will be excused from the test. If there is no legitimate reason, your test will be treated as a REFUSAL (same as a positive).
- You should observe the entire collection procedure. The only time you and the Collection Technician should be separated is when you proceed into the restroom (unless an OBSERVED collection is required). The Collection Technician will check the specimen for volume, temperature, and color. Then, the technician will transfer 30 ml to the primary bottle and 15 ml to the split (second) bottle. The Collection Technician will then seal the bottles with tamper-proof seals.
- You should initial each bottle seal after it is placed on the specimen bottle to certify that it is your specimen.
- You should complete the information on the copies 2-5 of the Custody and Control Form. You will be given a copy of the completed form after the Collection Technician has completed his/her certification. If you do not sign the form, your specimen will still be processed. The technician will note this on the form and contact your employer.

(You should NOT list medications/prescriptions on any other copy of the form except the copy which you are given for your records. In the event that you are taking any prescription medications, the Medical Review Officer (MRO) will call you to ask what they are.)

- You may then wash your hands again.
- If you do anything to tamper or otherwise attempt to adulterate or alter the specimen, you will be subject to a OBSERVED specimen collection by a person of the same gender. An observed collection will also be performed if the specimen temperature is less than 90 degrees F or greater than 100 degrees F. Your employer/MRO, under certain circumstances, may also require that you undergo an OBSERVED collection.

PHENCYCLIDINE (PCP)

There is no legal use of PCP. All PCP is manufactured in illegal home labs. PCP abuse is a fraction of that of cocaine or marijuana, but its violent effects are devastating. Washington, DC, Los Angeles, and New Orleans have the highest incidences of PCP use.

Associated Terms: Angel dust, crystal, rocket fuel, dummy dust, krystal joints, KJs, DOA, zombies, super cools.

Appearance: Pure PCP is a white crystalline powder that dissolves easily in water. It is also sold as tablets of many colors.

How Drug is Made: These drugs are completely illegal. There is no legal use of PCP. Originally designed for veterinary purposes (the "horse pill"), PCP is no longer manufactured legally.

How Drug is Taken: PCP is added to mint leaves, parsley or marijuana and smoked as krystal joints or KJs. Liquid PCP can be injected, and is also applied with an eye dropper directly to the eyes. It can even be absorbed directly through the skin.

Effects: The user experiences a false sense of unlimited power and strength, while losing basic motor skills and becoming confused and disoriented. An expert varsity swimmer under the effects of PCP jumped into a pool, could not recall how to swim and drowned. Hallucinations are common, as is schizophrenic and unexplainable violent behavior.

General: PCP has been shown to be addictive, though it is not a common drug of abuse. It appeared on the West Coast in the Seventies and is used primarily with marijuana. Users sprinkle angel dust or spray PCP solutions on a joint and smoke it, with violent results.

ALCOHOL

Alcohol abuse is the most common and the most costly form of drug abuse. Mixing alcohol with other drugs is dangerous: It intensifies the effects of other depressants, making an overdose much more likely. The results of mixing other drugs with alcohol are unpredictable and can be deadly!

Slang Terms: Booze, juice, sauce, brew, vino.

Appearance and Source: Liquid consumed as a beverage - wine, beer and hard liquors.

How Alcohol is Taken: Swallowed.

Effects: In general, a 12 oz. beer (5% alcohol), a 5 oz. glass of wine (12% alcohol), and a 1 1/2 oz. shot of 80 proof liquor (40% alcohol) all contain the same amount of alcohol. Consumption of this quantity will generally yield a .02 or greater alcohol test result within 30 to 60 minutes after consumption. The negative effects of alcohol consumption are: greatly impaired driving ability; reduced coordination and reflex action; impaired vision and judgement; inability to divide attention; lowers inhibitions; "hangovers" from over-indulgence include: headaches, unsettled digestion, nausea, unclear thinking, aching muscles; dehydration.

ATTACHMENT I



Edwin M. Lee, Mayor
Philip A. Ginsburg, General Manager

VIA REGULAR AND CERTIFIED MAIL – RETURN RECEIPT: 7005 1160 0000 3392 8878

August 24, 2011

Onorio Antonucci

Dear Mr. Antonucci:

You are hereby notified that effective August 25, you are being placed on unpaid administrative leave from your permanent position as a 3434 Tree Topper, based on the following charge: Acts that present an immediate danger to the public health and safety.

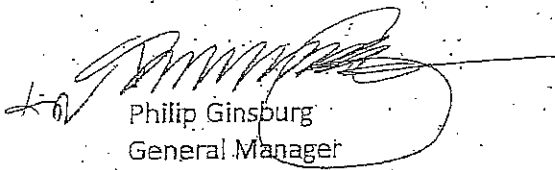
A copy of Charter Section A8.341, "Removal or Discharge of Permanent Non-Probationary Employees" is enclosed for your review. The purpose of this action is to allow the Department the opportunity to complete its investigation regarding your conduct.

Today, Energetix, the City's contractor for the Department of Transportation's Drug Policy, has notified the Department that you have had a confirmed positive test for cocaine. As a result, you are directed to contact the Energetix Substance Abuse Professional (SAP) Duncan McPherson at (916) 961-1010.

This administrative leave will be in effect for a period of up to thirty (30) days. Prior to the end of the period, a meeting will be scheduled with you and Mr. Corniell to consider both the results of our investigation and the future course of action. You should be aware that additional charges, or modification of the charges listed above, could result from our investigation of your activities.

A meeting to discuss the action of placing you on unpaid administrative leave is scheduled for August 26, 2011, at 1:30 p.m. in the McLaren Lodge Annex 2nd floor conference room. The purpose of this meeting is to discuss the matter of placing you on unpaid administrative leave. Your attendance at the meeting on August 26th is not mandatory. However, you must remain available to meet with the Department while you are on unpaid administrative leave because we may be scheduling a meeting with you in the near future as part of our investigation into this matter. You may bring a representative of your choice to the meeting on August 26th.

Once the investigation is completed, and charges, if any, are formalized, you will be provided with notice of such charges and an employee conference will be scheduled. If you have any questions, please contact Katherine Dere at (415) 831-2705.


Philip Ginsburg
General Manager

Attachments; Energetix email & Energetix Employee Manual

cc: Vince Courtney, Laborers' Local 261
Kelly Cornell
Employee Personnel File

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES

SEPARATION REPORT (SR)

NAME (LAST, FIRST, M.I.) Antonucci, Onorio		DATE OF BIRTH	SOCIAL SECURITY NO.	DHR USE ONLY SR-
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CLASS NO. 3434	TITLE Arborist Technician	RANK 10	LIST 14409	CERTIFICATION OR START WORK DATE 9/14/98	DHR RQ NUMBER 1029074
--------------------------	-------------------------------------	-------------------	----------------------	--	---------------------------------

HOME ADDRESS (REQUIRED)	DATE ISSUED 8/24/11	DATE EFFECTIVE 8/25/11	DEPT. RQ NO. P4781
-------------------------	-------------------------------	----------------------------------	------------------------------

HOME TELEPHONE NUMBER:	TYPE OF APPOINTMENT <input checked="" type="checkbox"/> PERMANENT (PCS) EXEMPT-PERM. (PEX) <input type="checkbox"/> TEMPORARY (TCS) EXEMPT-TEMP. (TEX) <input type="checkbox"/> PROVISIONAL (FPV) RETIREE (REX) <input type="checkbox"/> LIMITED TENURE (TLT) <input type="checkbox"/> NON-CIVIL SERVICE (NCS)	WORK SCHEDULE <input checked="" type="checkbox"/> FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> SCHOOL TERM/FULL-TIME <input type="checkbox"/> SCHOOL TERM/PART-TIME <input type="checkbox"/> AS NEEDED (Irregular)	IS THE EMPLOYEE SERVING A PROBATIONARY PERIOD AT THE TIME OF SEPARATION? <input type="checkbox"/> YES IF YES, SPECIFY ENTRANCE TYPE: _____ <input checked="" type="checkbox"/> NO <input type="checkbox"/> PROMOTIVE
------------------------	--	--	---

IS THIS A COMPLETE SEPARATION FROM CITY & COUNTY SERVICE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, RETURNING TO PCS POSITION? YES/NO: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO DEPT: _____ CLASS: _____	IF ACCEPTING OTHER EMPLOYMENT: (Check One Below) NEW DEPT: _____ <input type="checkbox"/> PROMOTIVE CLASS: _____ <input type="checkbox"/> STATUS GRANT STATUS: _____
---	---

1 REASSIGNMENT

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

5 TERMINATION

RELEASE FROM APPOINTMENT

REACHED LEGAL LIMIT (LLT)

SETTLEMENT AGREEMENT (RZA)

RELEASE OF NCS, TPV, EX (RLS)

RELEASE FROM PROBATION

DISCIPLINARY (RFC)

NON-DISCIPLINARY (RFP)

DISMISSAL OF A PCS (DPE)

DISMISSAL OF A TLT (TLT)

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

DEATH OF AN EMPLOYEE (DEA)

AUTOMATIC RESIGNATION (ARS)

NEVER REPORTED TO WORK (DSH)

OTHER (Specify)

LEAVE/SUSPENSION OVER 5 DAYS

MILITARY LEAVE (ATTACH ORDERS) SUSPENSION

LESS THAN 180 DAYS MORE THAN 180 DAYS OTHER-SPECIFY

UNPAID ADMINISTRATIVE LEAVE

APPROVED DURATION START DATE: **8/25/11**

END DATE: **9/24/11**

3 RESIGNATION

SATISFACTORY SERVICES (TER: RSS)

UNSATISFACTORY SERVICES (TER: RUS)

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

SIGNATURE: _____ DATE: _____

6 TRANSFER

ADMIN (ADM) LIMITED TERM (LT)

EE REQUEST (EER) FUNCTION (TOP)

7 RETIREMENT

NORMAL-RMT DISABILITY-RTD ERP-ERT

4 LAY-OFF

INVOLUNTARY LEAVE (PCS_LIL)

INVOLUNTARY LAY-OFF (PCS_LIO)

VOLUNTARY LAY-OFF (PCS_LVO)

ELECTIVE INVOLUNTARY LVE (PCS_EIL)


TPV/EX ONLY: INVOL (NHI) VOL (NHM)

REASON
 LACK OF WORK
 LACK OF FUNDS
 A.S.O. OTHER
 DISPLACED RETRENCHMENT
 BY ELIG. BY HOLDOVER

METHOD
 HAND DELIVERED
 CERTIFIED MAIL

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

SIGNATURE: _____ DATE: _____

APPOINTING OFFICER SIGNATURE: 

TELEPHONE NUMBER: **(415) 831-2730**

FILE: _____

Philip Ginsburg, General Manager

DEPARTMENT NO. 42	DEPARTMENT NAME Recreation & Park	PERSONNEL FILE FORWARDED? YES <input type="checkbox"/> NO	FORWARDED TO DEPT: _____ CONTACT: _____
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DHR USE

ACTION PENDING: YES NO

ANALYST: _____ DATE: _____

RQ STATUS:

CANCEL RQ: YES NO

DOC. #: _____ Date: _____

SR POSTED _____ Date: _____

CN POSTED _____ Date: _____

Holdover Capvass _____

Positive
William Kerekcs

to:
kin.gcc, Katherine Dere
08/24/2011 06:26 AM

Cc:
Hillian.chow
Show Details

Good morning - this was just posted
Pls ensure employee is removed from Safety Sensitive duties immediately. If you intend to have him returned to duty, he must go thru
the DOT process including an interview with the Substance Abuse Professional - Duncan Mc Pherson
thanks
bill

SAN FRAN	ANTONUCCI	2011-	CONCENTRA	RANDOM	2011-	Positive
RECREATION FHWA/FMCSA xxxx8335 1994824	ONORIO	08-19	- SAN	SELECTION	08-24	COCAINE
& PARK		08:42:00	FRANCISCO		08:35:00	

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ATTACHMENT J



Department of Human Resources

Arborist Technician (#3434)

We are currently accepting applications for this position. To apply, please close this pop-up window and then click on the link for Employment Opportunities.

\$26.75-\$36.66 Hourly / \$4,637.00-\$6,355.00 Monthly / \$55,640.00-\$76,258.00 Yearly



[Email Me when a Job Opens for the above position\(s\)](#)

Definition

Under general supervision, performs duties involving the maintenance and removal of trees and other vegetation and performs related duties as required. The essential functions of this class include climbing up trees and/or using aerial lift equipment to reach dead, damaged or unwanted limbs or tree tops for removal and pruning, or for purposes of complete tree removal; performing various types of rigging with cranes, skidders, tractors and other heavy equipment; preparing brush for disposal; operating chipper and driving aerial lift equipment vehicles, heavy loader trucks or other required vehicles. Nature of the work involves exposure to a high risk of physical injury to the employee and constant vigilance to public safety. Positions in this job code require considerable physical demands, manual dexterity with frequent exposure to arduous and disagreeable working conditions, including inclement weather.

Supervision Exercised

: None

Examples of Important and Essential Duties

According to Civil Service Commission Rule 9, the duties specified below are representative of the duties assigned to this class and are not intended to be an inclusive list.

1. Assesses and evaluates condition of trees and other vegetation; maintains tree inventories.
2. Climbs trees and removes dead, diseased or otherwise damaged or unwanted limbs or tree tops; prunes, fells and cuts up trees; piles trimmings for pick up and disposal.
3. Performs various types of rigging in connection with this work; operates chain and hand saws, aerial ladder truck, chipper, and other equipment.
4. Drives heavy equipment.
5. Performs related duties as assigned.

Knowledge, Skills and Abilities

Knowledge of: methods, materials and equipment used in trimming and caring for trees; mechanical aptitude in the use of power saws and other equipment.

Ability to: perform necessary roping and rigging connected with this work.

Experience and Training

Three (3) years of verifiable experience as a Tree Topper. Duties must include climbing trees of considerable height for purposes of removing tree limbs or tops.

Experience pruning trees or pruning from a ladder is not qualifying experience, AND

Some positions require possession of a Class B driver's license to operate various job related equipment. Possession of a valid Class B license will be required at the time of appointment for these positions.

Note: The City and County of San Francisco's Substance Abuse Policy, in compliance with the Department of Transportation Omnibus Transportation Employee Testing Act of 1991 applying the Federal Highway Administration regulations, requires drug and/or alcohol testing for employees in "safety sensitive" positions. Arborist Technician positions are "safety sensitive" positions. The selected applicants will be required to take and pass a pre-employment drug test as a condition of hire and shall be required to submit to random drug and/or alcohol tests, post accident tests and reasonable cause tests during employment. Prior to appointment, if appropriate, each applicant will be required to sign a consent form authorizing the City to contact his/her employer(s) for the immediately preceding two years concerning his/her drug and alcohol testing results under the DOT. Failure to sign this form will automatically disqualify applicants from taking the examination.

Disaster Service Workers

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

CLASS: 3434
EEOC: 8

EST:

REV:
MEDICAL:

FORMERLY JOB TITLE:

REPLACES JOB TITLE:

ATTACHMENT K



Edwin M. Lee, Mayor
Philip A. Ginsburg, General Manager

October 1, 2011

Ontorio Antoucci

Subject: Scheduling of Skelly Meeting

Dear Mr. Antoucci

This is to notify you that we have re-scheduled you for a Skelly meeting on the September 23, 2011, dismissal recommendations from Treetopper Supervisor Kelly Cornell. At that time, you had already received written notice and the supporting documentation with regard to this matter. Originally, the meeting for this recommendation for your dismissal was based on the charge of Unprofessional Conduct (committing acts that potentially endanger public health and safety) was set for September 30th. However, I was notified by your representative Vince Courtney of Laborers Local 261, that he was unavailable that date. **Since this is the second time that the Department has attempted to schedule this meeting, we will be unable to accommodate any further rescheduling requests.** Note that the Reviewer (Skelly Officer) for this matter will be Director of Operations Dennis Kern. That meeting is now rescheduled for:

Place: Commission Conference Room

Date: Thursday, October 13 Time: 12:00 pm.

Note that you have the right to bring representation to the Reviewer meeting. This appointment has been placed on Mr. Courtney's calendar. If you so choose, you may also respond to these charges in writing in lieu of a meeting. If you choose to respond in writing, your letter must be received by this office no later than 5:00 p.m. on October 13, 2011. If you do not appear on or respond in writing by that date, the record will show that we gave you the opportunity to show cause on this matter and we will proceed with your disciplinary action.

Yours truly,

Katherine Dere
Human Resources

cc: Vince Courtney, Laborers 261 Kelly Cornell

(A)

A8.341 REMOVAL OR DISCHARGE OF PERMANENT, NON-PROBATIONARY EMPLOYEES

A. Any person employed under the civil service provisions of this Charter, exclusive of members of the uniformed ranks of the police and fire departments as provided under Section 8.343 hereof, in a position defined by the commission as "permanent" may be removed or discharged by the appointing officer for just cause, after being provided with written notice of the charges, copies of all documentation upon which the charges are based and after an opportunity to respond to the charges before the appointing officer or his or her designee. Pending investigation of conduct involving misappropriation of public funds or property, misuse or destruction of public property, drug addiction or habitual intemperance, mistreatment of persons, immorality, acts which would constitute a felony or misdemeanor involving moral turpitude, or acts which present an immediate danger to the public health and safety the appointing officer may place the accused person on unpaid administrative leave for no more than 30 days unless the investigation shall be delayed beyond such time by the act of the accused person. When the appointing officer imposes discharge or removal he or she shall, in writing, notify the person removed or discharged of the right to appeal the discharge or removal by mailing such statement to his last known address. The employee shall have thirty days from the date of mailing of the notice to file an appeal of the matter in writing with the appointing officer. Upon receipt of a timely appeal, the appeal shall be conducted forthwith by a qualified and unbiased hearing officer who shall be employed under contract by the City and County and selected by procedures set forth in the rules of the civil service commission. The hearing officer shall publicly hear and determine the appeal, and may approve the discharge or removal, or exonerate, or suspend the accused.

If the employee is exonerated the hearing officer may, at his or her discretion, order payment of salary to the employee for the period of the discharge or removal or unpaid administrative leave, and the report of such period of discharge or removal or unpaid administrative leave shall thereupon be expunged from the record of service of such employee.

The civil service commission shall immediately be notified of the charges when made, of the action of the appointing officer to remove or discharge, of the appeal, and of the finding thereon. The finding of the hearing officer shall be final.

The civil service commission may remove or discharge an employee for any charge filed by a citizen or by any member of or authorized agent of the commission when the appointing officer neglects or refuses to take such action against the employee within 30 days of notification to the department head of the occurrence or event giving rise to the charge. Removal or discharge may be made for any cause after the employee is provided with written notice of the charges, copies of all documentation upon which the charges are based and after the employee has had the opportunity to respond to the charges before the civil service commission or its designee. The decision of the civil service commission shall be final.

Nothing in this section shall limit or restrict rules adopted by the commission governing dismissal of probationary employees, lay-offs or reduction in force or providing for the removal of any appointee who has abandoned his or her position as defined by civil service commission rule.

B. Notwithstanding the provisions of Subsection A above, a recognized employee organization and any affected City department may agree to alternative procedures, including final and binding arbitration by a neutral arbitrator jointly selected by the employee organization and the City, to deal with charges brought against individual employees, the resolution of such charges and the appropriate discipline, if any, to be imposed on the employee. Said alternative procedures shall be included in a Memorandum of Understanding between the City and the employee organization which shall be effective when ratified by the Board of Supervisors.

ATTACHMENT L



Edwin M. Lee, Mayor
Philip A. Ginsburg, General Manager

From: Dennis Kern
Director of Operations

To: Philip A. Ginsburg
General Manager

Date: November 10, 2011

Subject: Disciplinary Recommendation in the case of Ontorio Antonucci

On October 13, 2011, I served as the Skelly Officer reviewing the case of Ontorio Antonucci, a 3434 Arborist Technician assigned to the Urban Forestry unit. The disciplinary charge under review was Unprofessional Conduct causing immediate danger to public health and safety as a result of Mr. Antonucci testing positive for cocaine during a mandatory random drug test. A summation of the record of the Skelly meeting is attached.

Finding: It is my finding that the charge is sustained. Mr. Antonucci freely admits that he used the cocaine that resulted in the positive drug test and offers as explanation that he was 'off duty' at the time. However, duty status is not the standard for the Department of Transportation-mandated drug testing for the 3434 classification; rather, he is to be drug-free whenever the random mandatory testing is conducted.

3434 Arborist Technician work is necessarily higher risk than other classifications due to the requirement for aerial tree maintenance – either in the harness or on the end of a belaying rope for a fellow Arborist Technician. Additionally, the classification drives and operates heavy equipment in parks and on public roadways. The fact that this is Mr. Antonucci's second positive drug test in ten years demonstrates to me that this type of behavior is not a one-time occurrence. In the Skelly meeting, Ms. Courtney opined that Mr. Antonucci would do anything to prove to the Department that there would be no further recurrence of drug use, rather than face termination. In response, I stated that Mr. Antonucci most likely held a similar position ten years ago when he faced discipline for his first positive drug test. Neither Mr. Antonucci nor Ms. Courtney denied that to be the case.

Recommendation: Termination

ATTACHMENT M

Summary of Ontario Antonucci Skelly October 13, 2011, Meeting

Attendees: Ontario (Nor) Antonucci, Laborers Local 261 Representative Sylvia Courtney, Ellen Barrett (Antonucci support), Director of Operations Dennis Kern (Skelly Officer), Treetopper II Supervisor Kelly Cornell and Katherine Dere of Human Resources

Review of the September 23, 2011 Employee Performance Management Form – the charge was Unprofessional Conduct – committing acts that cause an immediate danger to the public health and safety.

On September 6, 2011, Mr. Antonucci received written notice that the results of his request for the split specimen test was positive for cocaine.

Mr. Kern explained that this was not a legal evidentiary hearing. Ms. Courtney explained that she was a last minute replacement for Laborers Local 261 Business Representative Vince Courtney. Due to that situation, Ms. Courtney asked to have more time to present Mr. Antonucci's case and to provide a written response. Mr. Kern granted an extension on the written response (which was received by the Department on October 17, 2011). She emphasized that Mr. Antonucci is a long term employee, this was an off duty situation and the recommendation of discharge is a serious consequence not appropriate to this case. Ms. Courtney also said Mr. Antonucci was compliant with the last chance agreement in 2001 and 2003, that he was tested 30 times clean and this again was an off duty situation which turned out to be position. Ms. Courtney asserted that Mr. Antonucci was not under the influence while he was at work.

Mr. Antonucci said that he went through a difficult year as his sister was dying and his parents were fighting about the welfare of her daughter (his niece). He admitted that he did drink but never at work since his number one rule was that he continually observes safety rules as he was driving a big vehicle. He said that during the summer, his supervisor, Brian Spigelman retired, and his co-worker (Bruce Porteous) had hip problems. He also had to contend with two cranky laborers on his own while working the entire Parks & Squares area. He just went on a brief vacation in August when the co-worker came back. He reported that he was on vacation up at Mt. Shasta when he met his brother-in-law and took the cocaine which he admitted that he should not have. He said that the Substance Abuse Professional (SAP) Duncan McPherson said that he had done well in rehabilitation and had recommended in his September 21, 2011, follow up evaluation that the Department "may return Nor (Mr. Antonucci) to Safety Sensitive Duty, following a clean test." Mr. Antonucci said that as of that date, he had been 44 days sober, as he was going to the rehabilitation programs at night and hopes to continue doing so. This situation has shown Mr. Antonucci how his problem adversely affected his relationship with his wife and son. Now, he is trying to do what is right and consider the larger picture.

Mr. Antonucci said that he does a good job as a Tree Topper, and cited the example of where there was a large Eucalyptus tree branch belonging to a RPD tree hanging over a house on Shotwell Street in the Bernal Heights area. He said that Mr. Kern was worried about the tree branch being lowered over the house when Mr. Antonucci's crew was cutting it. Mr. Antonucci reported that after the cutting, he ensured that not one stick from that branch fell on that house's roof. Mr. Antonucci said that he has never been in a fender bender accident nor has he ever been in an argument with a member of the public. He claims to have diffused arguments with any co-workers.

Ms. Courtney reiterated again that Mr. Antonucci has been tested 30 times without incident before the August positive test. Ms. Courtney said that "some people have a problem and some people mess up"

Mr. Kern reiterated the charge as unprofessional conduct causing immediate danger to the public health and safety. He said that the charge is not about Mr. Antonucci's work performance or his technical ability as an arborist technician. This is only about the results of his drug testing. He reminded all of the parties present that Mr. Antonucci should be more aware than any attendees about the basis for the safety sensitive designation given to this job. Mr. Kern said that the matter at hand was the positive drug test results were reconfirmed by the split sample testing. Mr. Kern also stated that though the Substance Abuse Professional may have an opinion that Mr. Antonucci could be returned to safety sensitive duty, this is a contemplative decision that the Department must make if we return Mr. Antonucci as a treetopper.

Ms. Courtney reminded the attendees that this is the result of Mr. Antonucci's off duty conduct. Mr. Kern rebutted that it does not matter whether or not this was off duty incident as the test which Mr. Antonucci took while being on duty resulted in a positive test. Mr. Kern referred to the job description which cites that the tree topper is subject to the DOT requirement for safety sensitive random drug testing.

Mr. Antonucci said that his first positive test was only for marijuana. Mr. Kern rebutted that though that was ten years ago, now it is for a more serious type of drug - cocaine. Ms. Courtney said that even felonies are sometimes expired within ten years. Mr. Kern replied that the charge is the actual test result for cocaine now and that there may have been residual effects of that drug in Mr. Antonucci's system while he was on duty. Ms. Courtney stated that she can find an expert to rebut that opinion. Mr. Kern said that while he is not an expert, the standard is what it is - from the DOT's random testing program.

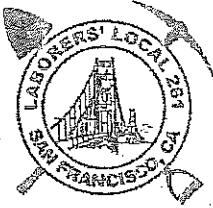
Mr. Antonucci said that he gave up pot (marijuana) back then and this time, he was well away from the City and not thinking about the City (job?), when he took the cocaine.

Mr. Kern said that this is not about a custodian or even a recreation director - this is a tree topper and the inherent safety element that others who work with Mr. Antonucci have to rely upon.

Mr. Antonucci said that before ten years ago, tree toppers were not subject to drug testing. It was only because of the Class B license that they are now being tested. Ms. Courtney said that Mr. Antonucci has had a "clean" disciplinary history and never been in any accidents or safety violations. Mr. Kern reminded the attendees that the frame of reference is the two positive drug tests.

Ms. Courtney said that it is unfair to Mr. Antonucci to go back that far and that Mr. Antonucci's discharge is not an appropriate remedy. Mr. Antonucci presented to Mr. Kern a letter from his co-workers attesting to his work performance and he apologized for making people go through this process. He said that he only wants to return back to his job. Ms. Courtney said that the Union would present a written response (received on October 17, 2011). Mr. Kern said that he wanted to issue a decision by next week.

(M)



LABORERS' INTERNATIONAL UNION OF NORTH AMERICA
LOCAL UNION NO. 261

October 17, 2011

RAMON HERNANDEZ
Business Manager

DAVID DE LA TORRE
Secretary-Treasurer

JESUS VILLALOBOS
President

JAVIER FLORES
Vice President

VINCE COURTNEY
Recording Secretary

OSCAR DE LA TORRE
Executive Board

JOSE DE LA MORA
Executive Board

Dennis Kern, Director of Operations
San Francisco Recreation & Park Department
McClaren Lodge
501 Stanyan Street
San Francisco, California 94117

**Re: Onorio Antonucci
Arborist Technician**

Dear Mr. Kern:

Thank you for your courtesy during the Skelly hearing on October 12, 2011. As you are aware, I represented Mr. Antonucci in the unanticipated and unavoidable absence of his union representative in my capacity as counsel for Laborers' Local 261. Due to the severity of the discipline and the complexity of the issues, and because our request for a continuance was declined, we responded on Mr. Antonucci's behalf and requested an opportunity to submit a supplemental written response, which you agreed to accept. Our further response follows.

It was your expressed view at the Skelly hearing that Mr. Antonucci has violated the Department's substance abuse policy for a second time. We are steadfast in our belief that Mr. Antonucci fully complied with the conditions of his Return to Work agreement in 2001 and that by its express terms, the plan stated he was to be subject to unannounced testing for a period of no less than one year and no more than five years. He had no positive tests during that time, nor since, until the August 2011 incident. We emphasize our position that the prior event should be disregarded since ten years have passed. Mr. Antonucci has been randomly tested more than thirty times with no positive results until August 2011.

As both sides acknowledged, the level of test results and the impact on Mr. Antonucci's job performance is a scientific question and fundamentally a matter for experts to decide, and it is our position that Mr. Antonucci was not under the influence of any alcohol or drug at work. You expressed the opinion that because of the "drug free workplace" policy and the nature of Mr. Antonucci's position, the presence of cocaine metabolites in Mr. Antonucci's test constitutes a violation. Mr. Antonucci has never been told what level of cocaine metabolites was present, and I could find nothing in the materials supporting the proposed discipline which defined the test results. Looking further into the significance of a finding of cocaine metabolites, it appears that it is a residual measure of what remains in the system

sometime after ingestion of the drug. It is therefore evident that Mr. Antonucci was not under the influence at work. The substance abuse policy upon which we assume you are relying is part of the Skelly package, Section 4.0 of the Energetix Substance Abuse Policy Training Manual; it states specifically that use, sale or possession of alcohol or illegal drugs will not be tolerated "on company property" and that no employee "shall report to work while under the influence or alcohol or any illegal drug." Mr. Antonucci did not violate either standard.

We ask you to consider Mr. Antonucci's longstanding good record, which is the best evidence of his reliability and credibility. His professional counselor recommends ongoing treatment and testing and considers Mr. Antonucci to be engaged and committed to the program.

Finally, we wish to call to your attention the fact that suspending Mr. Antonucci for thirty days and also moving for his termination constitutes double punishment for the same offense. Your recommendation for termination is after Mr. Antonucci's completion of the period of administrative leave as to which there is a simultaneous recommendation for conversion of that period of time to a thirty suspension. The termination recommendation is apparently based on the allegation that this was Mr. Antonucci's second offense, which we have addressed above.

In closing, we ask you to consider that Mr. Antonucci is deserving of a chance to retain his employment. He has been forthright and cooperative and explained the personal problems which led up to this situation; there can be no doubt, based on all the circumstances, that he is committed to his job and will follow through with whatever is expected of him. Please contact me if you have any questions.

Yours truly,

Sylvia Courtney/cb
Sylvia Courtney
Attorney at Law
Laborers' Local 261

cc: Katherine Dere
Kelly Cornell
Onodio Antonucci

SC:cbOpc3iu-af/cio

ATTACHMENT N

Positive
William Kerekes

to:
King, Katherine Dere
08/24/2011 06:26 AM

Cc:
Hilian.chow
Show Details

Good morning - this was just posted.
Pls ensure employee is removed from Safety Sensitive duties immediately. If you intend to have him returned to duty, he must go thru the DOT process including an interview with the Substance Abuse Professional - Duncan Mc Pherson

thanks

bill

SAN FRAN	RECREATION FHWA/FMCSA xxx8335 1994824	& PARK	ANTONUCCI,	2011-08-19	CONCENTRA	RANDOM	2011-08-24	Positive
			ONORIO	08:42:00	- SAN FRANCISCO	SELECTION	08:35:00	COCAINE

69

ATTACHMENT O

NOTICE OF FUTURE EMPLOYMENT RESTRICTIONS

Via Certified Mail

Ontorio Antonucci
NAME OF EMPLOYEE

MAILING DATE _____

ADDRESS _____

Recreation and Park
DEPARTMENT/DIVISION

CITY _____ STATE _____ ZIP CODE _____

Permanent Civil Service (PCS)
TYPE OF APPOINTMENT

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

This notice is to inform you that a future employment restriction is being imposed along with your separation from employment in Class 3434 Title Arborist Technician effective(*) November 18, 2011 for the reasons outlined in the attached document(s).

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

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

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

<input type="checkbox"/>	No restrictions on future employability.	<input type="checkbox"/>	Cancel any current examination and eligibility status.
<input checked="" type="checkbox"/>	No future employment with this department.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input type="checkbox"/>	No future employment with the City and County of San Francisco.		
<input checked="" type="checkbox"/>	Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of <u>1</u> year(s) work experience outside the City and County service.		
<input type="checkbox"/>	OTHER (specify): _____		

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

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

(SEE REVERSE SIDE)

MUST BE COMPLETED BY DEPARTMENT:

Rank: 10 List # 14409
SSN: _____
Employee Organization: Laborers Local 261

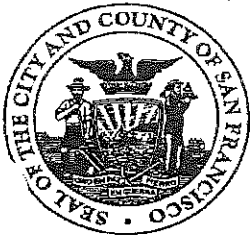
SIGNATURE OF APPOINTING OFFICER _____

METHOD OF SERVICE: _____
Certified Mail _____ Hand Delivered _____
Certified Mail # 7007 0710 0002 9382 5160

Philip A. Ginsburg
NAME

General Manager
TITLE

Attachment(s)



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

EDWIN M. LEE
MAYOR

**REQUEST FOR HEARING ON
FUTURE EMPLOYMENT RESTRICTIONS**

E. DENNIS NORMANDY
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

DATE: December 2, 2011
REGISTER NO.: 0322-11-7
APPELLANT: ONORIO ANTONUCCI

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

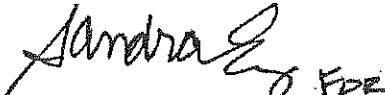
Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Onorio Antonucci, requesting a hearing on his future employment restrictions as a 3434 Arborist Technician with the Recreation and Park Department, which is transmitted to you for review and action as is appropriate.

This matter has been tentatively scheduled for hearing by the Civil Service Commission at 2:00 p.m. on January 9, 2012 in Room 400, 4th Floor, City Hall, 1 Dr. Carlton B. Goodlett Place. If you are unable to proceed on this date or if for any reason the appeal is not timely or appropriate, please notify me by use of the "Action Request on Pending Appeal/Request" (CSC Form Number 13).

Sincerely,

CIVIL SERVICE COMMISSION


ANITA SANCHEZ
Executive Officer

Attachment

c: / Donna Kotake, Department of Human Resources
Marie De Vera, Department of Human Resources
Kin Gee, Recreation and Park Department



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

DATE: December 2, 2011
REGISTER NO.: 0322-11-7
APPELLANT: ONORIO ANTONUCCI

E. DENNIS NORMANDY
PRESIDENT

KATE FAVETH
VICE PRESIDENT

MARY Y. JUNG
COMMISSIONER

Onorio Antonucci

Dear Mr. Antonucci:

The Civil Service Commission has received your letter requesting a hearing on your future employment restrictions with the Recreation and Park Department.

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

If timely and appropriate, this matter will be scheduled for hearing by the Civil Service Commission in the near future. You will be notified approximately one week in advance of the hearing date. In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. In addition, you will be notified and provided a copy of the staff report of your matter when it is received in the Commission office.

The Civil Service Commission meets on the 1st and 3rd Mondays of each month. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date.

Sincerely,

CIVIL SERVICE COMMISSION

ANITA SANCHEZ
Executive Officer

- c: Micki Callahan, Human Resources Director
- Donna Kotake, Department of Human Resources
- Marie De Vera, Department of Human Resources
- Kin Gee, Recreation and Park Department



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

CSC Register No.
0322-11-7
 To: Y. M. CALLAHAN
D. KOTAKE
 CC: W. GEE
M. DE VERA

APPEAL TO THE CIVIL SERVICE COMMISSION

INSTRUCTIONS: Submit an original copy of this form to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102-6033. Appeal must be received by the Executive Officer within the designated number of days following the postmarked mailing date of notification from the Department of Human Resources to the appellant. Original signature of appellant or authorized representative required for appeals. (E-mail not accepted.) *COB=Close of Business	TYPE OF APPEAL: (Check One)
	<input type="checkbox"/> Examination Matters (by COB* on 5 th working day) <input type="checkbox"/> Employee Compensation Matters (by COB* on 7 th working day) - Limited application <input type="checkbox"/> Personal Service Contracts (Posting Period) <input type="checkbox"/> Other Matters (30 Calendar days) (i.e., Human Resources Director/ Executive Officer Action) <input checked="" type="checkbox"/> Future Employability Recommendations (See Notice to Employee)

Onorio Antonucci 501. Stanyan St.
 Full Name of Appellant Work Address Work Telephone

3434 Arborist Technician Recreation and Park
 Job Code Title Department

1234 San Francisco CA 94115
 Residence Address City State Zip Home Telephone

Full Name of Authorized Representative (if any) Telephone Number (including Area Code)

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

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

[Signature] 11-30-11
 Original Signature of Appellant or Authorized Representative Date

CSC-12 (07/07)

Date Received by Civil Service Commission
 RECEIVED
 EXECUTIVE OFFICER
 CIVIL SERVICE COMMISSION
 SAN FRANCISCO
 2011 NOV 30 AM 8:13

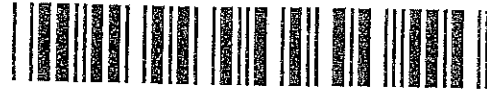
I am appealing the decision of Phillip Ginsburg and Dennis Kern because I feel I'm facing double jeopardy. First of all, the only other disciplinary action I ever faced in my 17 years with the city was a failed drug test in 2001. After my suspension, I abided by the return-to-work agreement signed by Kin Gee. It stated, among other things, that I was subject to extra drug testing for up to 5 years. I passed up to 30 drug tests until August 2011. I also received a letter from our substance abuse professional, SAP, that I successfully completed and complied in full with the program. That was in 2003. For these reasons I considered the 2001 failure to be closed and not to be considered with recent events. I feel this is one example of double jeopardy.

Another example is this. While on vacation this summer I made some bad choices that resulted in a failed test for which I was punished with 30 days off. I also attended extensive treatment as recommended by the SAP. After 30 days, he recommended, along with a number of passed drug tests, that I return to Recreation & Parks. I did return and was still fired. I feel that I did the departmental procedures to no avail.

In conclusion, I believe the 2001 incident should have been retired and not considered recently. I also believe that I have complied with all R&P protocols recently and returned, only to be further punished. I might add that I have no driving violations, public or private, no write-ups, no fender-benders, or even a parking ticket during my time at Recreation & Parks. I consider myself a dedicated and loyal employee, and would appreciate a chance to return.

**ADDITIONAL INFORMATION SUBMITTED
BY APPELLANT**

DATCO Services Corporation



Monday, December 15,

03
REC 23 AM 9:25
SF REC-PARK

Kin Gee
Recreation and Parks Department
City and County of San Francisco
501 Stanyan Street
San Francisco, CA 94117

Re: Onario Antonucci

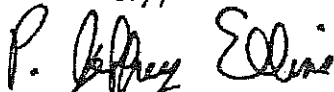
4

Dear Mr. Johnson:

Please be advised that **Mr. Onario Antonucci (Social Security Number [redacted])** has: (1) successfully completed his Substance Abuse Professional programming, and (2) complied in full with all recommendations and testing protocol. Accordingly, the Substance Abuse Professional has released Mr. Antonucci from any further programming or testing.

I can be reached by telephone at (530) 268-8101 or by fax at (530) 268-9060 if you should have any questions or comment.

Sincerely,


P. Jeffrey Ellins
President

National Counseling Resource

A Provider of Substance Abuse Professional Services

Department of Transportation Follow-Up Evaluation

Date Follow-Up Eval: 9/21/2011

Employee Name: Onorio Antonucci

Social Security #:

Employer Information:

San Francisco Recreation & Parks Dept.
McLaren Lodge-Golden Gate Park, 501 Stanyan St.
San Francisco, CA 94117

Date of test: 8-19-11, Notified 8-24-11

Reason For Initial Assessment: DOT, FMCSA, Random

Type of Drug: Cocaine

SAP's Treatment / Education Recommendations: Kaiser Vallejo, IRP, Phase 1, eight weeks, four days weekly, plus attend three twelve step meetings weekly. Remain drug & alcohol free, while in treatment. 9-21-11 transferring to S.F. Kaiser Evening Program.

Dates of Participation in TX Plan: Intake 9-1-11 started pgm. On 9-7-11 thru 9-21-11

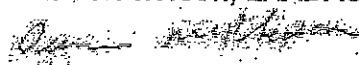
Clinical Characterization of Employee's Participation in Program: Perfect attendance, learning from meetings. Not likes what he is learning, finds it interesting.

SAP's Clinical Determination as to whether Employee has Demonstrated Successful Compliance: Yes, Employer may return Not to Safety Sensitive Duty, following a clean test.

Follow-Up Testing Plan: 12 drug and alcohol tests in first year, six drug & alcohol tests in year two.

Employee's Continuing (Aftercare) Treatment Needs After Return to Safety Sensitive Duties: Complete S.F. Kaiser TX. Program, and 2 meetings weekly through treatment.

SAP Name: Duncan McPherson, LAADAC, NCAC II, SAP, ICRC

SAP Signature: 

**Commissioners'
Announcements/
Request**

Adjournment