

Date: January 9, 2008

Item No. 3

File No. 07080a

**SUNSHINE ORDINANCE TASK FORCE**  
**COMPLIANCE AMENDMENTS COMMITTEE**  
**AGENDA PACKET CONTENTS LIST\***

- Order Of Determination Dan Boreen v. SF Fire Department**
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Completed by: Frank Darby

Date: January 3, 2008

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

**SUNSHINE ORDINANCE  
TASK FORCE**



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
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**ORDER OF DETERMINATION**

November 27, 2007

November 29, 2007

Dan Boreen  
3305 Third Street  
San Francisco, CA 94124

Rob Boughn  
San Francisco Fire Department  
698 2<sup>nd</sup> Street  
San Francisco, CA 94107

Re: Complaint #07080a by Dan Boreen against the Fire Department for violation of Sections 67.24-67.27; 67.29-5 of the Sunshine Ordinance, and CPRA Section 6254 for alleged failure to provide records, failure to keep withholding to a minimum, failure to justify withholding, and untimely response.

Based on the information provided to the Task Force from the Complainant Dan Boreen, Respondent Rob Boughn, and hearing public comment, the following Order of Determination is adopted:

The Sunshine Ordinance Task Force finds the Fire Department in violation of Sections 67.26 and 67.27 for failure to keep withholding to a minimum and failure to justify withholding. The Fire Department is instructed to provide the "City-paid benefit" type the Department redacted from the time rolls provided to Mr. Boreen within 5 days after the issuance of this Order of Determination.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on November 27, 2007 by the following vote: ( Comstock / Pilpel )  
Ayes: Craven, Knee, Cauthen, Chu, Comstock, Pilpel, Wolfe, Chan, Goldman, Williams

A handwritten signature in black ink, appearing to read "D. Comstock".

Doug Comstock, Chair  
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney

Item # 9  
File # 0780

## PAY TYPE VALUES

38M	STANDBY PAY
38T	STANDBY PAY (PLUMBERS)
	ADMIN LEAVE W/ PAY
AE	ADMINISTRATIVE LEAVE EARNED
AW	UNPAID AWOL
DP	DISABILITY LEAVE PAY
EP	EDUCATIONAL LEAVE W/ PAY
EX	EXECUTIVE LEAVE PAY
FH	FLOATING HOLIDAY PAY
FP	FUNERAL PAY
H	WATCH OFF
HE	HOLIDAY EARNED (IN-BANK)
HI	HOLIDAY (IN LIEU) LV PAY
HTC	HOLIDAY TIME COMING (OUT-BANK)
IDV	INDIVIDUAL DAY OF VACATION
JD	JURY DUTY LEAVE PAY
LH	LEGAL HOLIDAY LEAVE PAY
LP	LONGEVITY LEAVE PAY
ML	UNPAID MILITARY LEAVE
MP	MILITARY LEAVE PAY
OE	COMP TIME EARNED
OS	OVERTIME AT STRAIGHT TIME
OT	OVERTIME
OU	OVERTIME USED (OUT-BANK)
PB	PARENTAL LEAVE
	UNPAID PARENTAL LEAVE
PI	PARENTAL LEAVE
REG	NORMAL SHIFT or DAY OF WORK
SD	UNPAID SDI LV WHEN SUPP
SE	TIME EARNED STRAIGHT
SL	UNPAID SICK LEAVE
SN	UNPAID SUSPENSION
SP	SICK PAY
SPI	SICK PAY (INJURY)
TC	COMP TIME PAY (OUT-BANK)
TRO	TRADE OFF
TRW	TRADE WORK
VA	VACATION
VC	UNPAID WORKERS COMP LV
MDO	WORK DAY OFF
VS	WORKERS COMP SUPP LV PAY





# SAN FRANCISCO FIRE DEPARTMENT



December 28, 2007

FROM: Rhab Boughn, SFFD Compliance and Public Records Officer  
TO: Sunshine Ordinance Task Force, C & A Committee Members  
SUBJECT: Complaint No. 07080  
ENCLOSURES: None

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Dear Sunshine Ordinance Task Force Members,

This purpose of this letter is to provide supporting information to be considered for the next Compliance & Amendments Committee meeting to be held on January 9, 2008, regarding charges against the San Francisco Fire Department made by complainant Dan Boreen.

At the previous C & A Committee Meeting held on December 12, 2007, four (4) separate complaint items were reviewed for compliance. Those items involved the following subject matter: a) Non-disclosure of all 'Pay Type' codes; b) Chief of Department (Department Head) Calendar containing redactions; c) Form and content of non-Department Head Calendar; and d) Time Rolls not being signed by an officer. To date, the Minutes of that meeting have not been made available; therefore I shall hereby review the results of the December 12, 2007 meeting and include any additional comments. An e-mail reviewing the results of the December 12, 2007 meeting was also sent to the SOTF on December 13, 2007.

a) PAY TYPE-

"TO BE CONTINUED AT NEXT C&A COMMITTEE MEETING (January 9, 2008)"

SOTF Members request the Department to:

- Provide response to SOTF & Mr. Boreen by December 31, 2007
- Response to include:
  - Pay Type code redaction key (if any)
  - Legal justifications and legend/key for any & all redactions
  - All responsive documents requested by Mr. Boreen adjusted & provided

Since the resolution of this matter involves the review and interpretation of several legal statutes, it is beyond the scope of the Department and the Public Records Officer. This matter is therefore being addressed by the Office of the City Attorney. To date, the Department has not received a response from the City Attorney's Office, as a final determination has not yet been made.

b) CHIEF OF DEPARTMENT [DEPARTMENT HEAD] CALENDAR-

"TABLED"

SOTF Members would like to receive:

- Department Head Calendar Procedures- Write-Up of how calendars are to be maintained in the future (what/what not to include)
- Redactions are to be "keyed" [per (§67.26) (§67.27(d))] - include in procedure
- Copy of SFFD Public Records Request Policy & Procedures

The Department is still in the process of reviewing and creating a written procedure for maintaining and providing the Chief of Department Calendar. The Department anticipates the completion of this review prior to the January 9, 2008 Meeting.

The SFFD Public Records Request Policy & Procedures is available at the following URL: [http://www.sfgov.org/site/sffd\\_page.asp?id=66933](http://www.sfgov.org/site/sffd_page.asp?id=66933). This policy and procedure is currently under review and shall be revised in 2008.

In addition, during the December 12, 2007 Meeting, a Committee Member referenced a legal case regarding "substantial misconduct" that, she alluded, broadens the interpretation of the SF Sunshine Ordinance, §67.24(c)(7), and occluded any justifications for such withholdings. If the Department is expected to re-interpret the SF Sunshine Ordinance beyond what is clearly stated in §67.24(c)(7) in order to be in compliance, I suggest the Committee provide the Department with clear legal justification in support of the allegations, and provide guidelines that must be adhered to by all City Departments.

c) NON-DEPARTMENT HEAD CALENDAR-

"TABLED"

SOTF Members would like to receive:

- Copy of Deputy Chief of Administration's Calendar presented to Mr. Boreen at the December 12, 2007 Meeting
- Non-Department Head Calendar Procedures- Write-Up of how calendars are to be maintained in the future (what/what not to include)
- Redactions are to be "keyed" [per (§67.26) (§67.27(d))] - include in procedure

The SOTF was sent a copy of the Deputy Chief of Administration's Calendar via US Mail on December 21, 2007.

The Department is still in the process of reviewing and creating a written procedure for maintaining and providing Non-Department Head Calendars. The Department anticipates the completion of this review prior to the January 9, 2008 Meeting.

d) UNSIGNED TIME ROLLS-

“NO FURTHER ACTION”

- SOTF Members suggested to Mr. Boreen that the issue of Time Rolls not being signed by officers is not within the scope of the Task Force, but should be taken up in another venue.

This item therefore requires no further action on the part of the Department.

I hope the information provided has been helpful and will aid in your determination on these four (4) separate complaint items. If you have any questions or comments, please feel free to contact me at (415) 558-3384 or at [FirePublicRecords@sfgov.org](mailto:FirePublicRecords@sfgov.org).

Thank You

Rhab Boughn  
Compliance & Public Records Officer

Cc: Chief of Department, J. Hayes-White  
Deputy Chief of Operations, R. Kochevar  
Deputy Chief of Administration, G. Massetani  
Assistant Deputy Chief of Support Services, L. Kalos  
Deputy City Attorney, K. Porter