

Date: October 27, 2009

Item No. 19 & 20

File No. 09061

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Alvin Xex against the Human Services Agency**
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Completed by: Chris Rustom

Date: Oct. 21, 2009

***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.

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DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

DIRECT DIAL: (415) 554-3914
E-MAIL: jerry.threet@sfgov.org

MEMORANDUM

October 27, 2009:

ALVIN XEX v. HUMAN SERVICES AGENCY (09061)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant Alvin Xex alleges that he requested public records by 9/15/09 from James Wheely of the Human Services Agency ("HSA") concerning the number of individuals screened and employed in 2009 under the "Stimulus Jobs Now (Recovery Act)" administered by the City, but HSA failed to respond to his request. Mr. Xex further alleged that he also requested information regarding the number of female employees and black employees screened and employed under the same program in 2009, but received no response. He further alleges that he requested the "name or number or legal ruling on citations allowing for any ethnic, racial and sexual 'preference'" but received no response.

COMPLAINANT FILES COMPLAINT:

On 9/17/2009, Mr. Xex filed a Complaint against the HSA for its alleged violations of "Sections 67.25, et al." the Sunshine Ordinance.

JURISDICTION

The HSA is a City department under the San Francisco City Charter and thus the Task Force has jurisdiction over this issue.

APPLICABLE STATUTORY SECTION(S):

Section 67 of the San Francisco Administrative Code:

Section 67.21 deals with requirements that record custodians provide timely responses to public records requests, including assisting the requester in identifying whether responsive records exist.

Section 67.25 deals with specific categories of public records and the conditions under which they may be released, including personnel records.

MEMORANDUM

Section 67.27 deals with withholding of information by a custodian of records and the requirement that such withholding be justified to the requester in writing.

Sections 6250, et seq. of the Cal. Government Code (the "Public Records Act")

Section 6253 deals with requirements for agencies in responding to a public records request, including "unusual circumstances" that may justify an extension of no more than 14 additional days to respond to the request.

Section 6253.1 deals with requirements for agencies to assist a member of the public in making a focused and effective request for reasonably identifiable records.

Section 6254 deals with records exempt from disclosure, including personnel records

APPLICABLE CASE LAW:

None.

ISSUES TO BE DETERMINED**1. FACTUAL ISSUES**

A. Uncontested Facts: Mr. Xex requested information from HSA concerning the number of individuals, female employees, and black employees screened and employed in 2009 under the "Stimulus Jobs Now (Recovery Act)," as well as the "name or number or legal ruling on citations allowing for any ethnic, racial and sexual 'preference.'"

B. Contested facts/ Facts in dispute:

Mr. Xex alleges that he received no response to the above requests. It is unclear whether this is contested by HSA. It also is unclear whether the agency administers the program in question or keeps the information requested, or if so, whether it is in a form readily available for production to a requester.

QUESTIONS THAT MAY ASSIST IN DETERMINING FACTS:

- Does HSA administer the program in question?
- Does HSA keep the information requested?
- If so, is the information readily available for production to a requester?
- Did HSA respond to the request of Mr. Xex?
- Did HSA direct Mr. Xex to seek the records at some other agency where they are kept?

MEMORANDUM**LEGAL ISSUES/LEGAL DETERMINATIONS:**

- Were sections of the Sunshine Ordinance, Brown Act, and/or California Constitution Article I, Section three violated?

SUGGESTED ANALYSIS**Under Section 67.21 of the Ordinance:**

- Did the HSA respond to Mr. Xex's request without unreasonable delay?
- Did the HSA respond to Mr. Xex's request within 10 days?
- Did HSA assist Mr. Xex in locating and identifying the records he sought?

Under Section 6253 of the Public Records Act:

- Did Mr. Xex's request "reasonably describe an identifiable record or records"?
- If so, did HSA "make the records promptly available [. . .] upon payment of fees covering direct costs of duplication"?
- Did HSA "within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and [. . .] promptly notify [Mr. Xex] of the determination and the reasons therefor"?
- If not, did HSA notify Mr. Xex in writing that there were unusual circumstances that justified a longer time to respond to his request and inform him when the response would be completed?
- If so, did the "unusual circumstances" cited come within the allowable categories of this section?

Under Section 6253.1 of the Public Records Act:

- Did HSA "assist [Mr. Xex to] make a focused and effective request that reasonably describes an identifiable record or records, [. . .] to the extent reasonable under the circumstances, by assisting him "to identify records and information that are responsive to the request or to the purpose of the request, if stated"?
- Did HSA "assist [Mr. Xex to] make a focused and effective request that reasonably describes an identifiable record or records, [. . .] to the extent reasonable under the circumstances, by assisting him to "[d]escribe the information technology and physical location in which the records exist"?
- Did HSA "assist [Mr. Xex to] make a focused and effective request that reasonably describes an identifiable record or records, [. . .] to the extent reasonable under the circumstances, by "[p]rovid[ing] suggestions for overcoming any practical basis for denying access to the records or information sought"?
- Was HSA "unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from [Mr. Xex that would] help identify the record or records"?

MEMORANDUM**CONCLUSION**

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

ATTACHED STATUTORY SECTION FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED

Section 67.21 (a): "Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) **shall**, at normal times and during normal and reasonable hours of operation, **without unreasonable delay**, and without requiring an appointment, **permit the public record**, or any segregable portion of a record, **to be inspected and examined by any person and shall furnish one copy** thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page."

Section 67.21 (b): "A custodian of a public record **shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request**. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian **shall justify withholding any record by demonstrating, in writing** as soon as possible and **within ten days** following receipt of a request, that the record in question is **exempt under express provisions of this ordinance**."

Section 67.21 (c): "A custodian of a public record **shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian**, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). **A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person**."

MEMORANDUM**SECTIONS 6253 ET SEQ. OF THE CAL. GOVERNMENT CODE**

Section 6253 provides, in pertinent part:

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

MEMORANDUM

Section 6253.1 provides, in pertinent part:

(a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

- (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
 - (2) Describe the information technology and physical location in which the records exist.
 - (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- (b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
- 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.
- 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
- 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property

MEMORANDUM

without due process of law, or denied equal protection of the laws, as provided by Section 7.

5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

CONT. (OVER)



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2009 SEP 22 PM 2:30

BY: bc

SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
<http://www.sfgov.org/sunshine>

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission HSA (San Francisco)

Name of individual contacted at Department or Commission JAMES WHEARLY, ET AL

Alleged violation public records access
 Alleged violation of public meeting. Date of meeting _____

Sunshine Ordinance Section 07.25, ET AL
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

I REQUESTED DATA FROM HUMAN SERVICE AGENCY,
NUMBER OF INDIVIDUALS SCREENED AND EMPLOYED
FOR STIMULUS JOBS NOW (RECOVERY ACT)
PROGRAM, ADMINISTERED BY CITY - 2009 DATA
NEEDED. FOR 9/15/09, NO RESPONSE!

Do you want a public hearing before the Sunshine Ordinance Task Force? yes no
Do you also want a pre-hearing conference before the Complaint Committee? yes no

(Optional) Name JA ALWIN Address _____

Telephone No. 415 [REDACTED] E-Mail Address [REDACTED]@AOL.COM

Date 9/17/09 JA ALWIN
Signature

I request confidentiality of my personal information: yes no

¹ NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).

07/31/08


cc: [REDACTED]
SEE BACK FOR ADDITIONAL REQUESTS. 9-4.

(over)

2) Number of females sentenced
and employed by SANE for 2009

3) Number of Black males
sentenced and employed by SANE
for 2009

4) Name or number of
legal ruling on citation
allowing for any ethnic,
racial, and sexual "preferences"

Call 415 
if any clarification
needed!!

Pamela
Tebo/DHS/CCSF@CCSF
10/14/2009 05:44 PM

To SOTF/BOS/SFGOV@SFGOV
cc SOTF/SOTF/SFGOV@SFGOV, Trent
Rhorer/DHS/CCSF@CCSF
bcc
Subject Re: Sunshine Complaint Received: #09061_Alvin Xex v
Human Services

This email is in response to Complaints #09061 and #09063, Alvin Xex v. Human Services. This is one complaint and perhaps should be calendared as one item.

However, due to the baseless nature of this complaint, at this time, HSA will respond in writing in lieu of sending a representative to the hearing.

HSA has provided all documents responsive to Alvin Xex's information requests in a timely manner. When documents were not available, we explained in writing what was not available. The following is a summary of information HSA provided to Alvin Xex in response to his inquiries:

Alvin Xex began calling Human Services Agency in mid-August requesting information about the race and gender of people hired under the JOBS NOW! program. Alvin Xex called several different staff asking the same questions, each staff member responded however, Mr. Xex claimed we did not answer his questions. Therefore, we began to reply in writing.

on 8/19/09 we sent an email to Alvin Xex providing the ethnic and gender breakdown of people hired under the JOBS NOW! program

on 8/21/09 we sent an email to Alvin Xex providing additional information on ARRA funds

on 9/14/09 we send an email to Alvin Xex provided written responses to a series of questions he had related to JOBS NOW!

on 9/15/09 we provided additional information he requested

on 9/15/09 we responded by letting Alvin Xex know, we provided him with all of the information responsive to his request and we informed him that if he believes HSA is discriminating, he should file a complaint with our Civil Rights Division.

on 9/16/09, I notified our Civil Rights Division that Alvin Xex is claiming discrimination under the JOBS NOW! program

on 10/2/09, Alvin Xex threatened to file a complaint with the Sunshine Task Force. Although it's unclear why, since we provided the information he requested.

on 10/2/09, we responded to Alvin Xex informing him (again) that we provided all the information we have responsive to his inquiries; further I informed him that I notified our Civil Rights Division that he is claiming discrimination under the JOBS NOW! program.

on 10/5/09 our Civil Rights Division informed Alvin Xex they found no evidence of discrimination; however provided information on how he could further pursue his claims of discrimination.

Alvin Xex has since requested updated ethnic and gender breakdown of JOBS NOW! participants. We provided the updated information. He continues to ask the same questions about the program; we continue to provide the information we have.

Please let me know if you would like a copy of any of the emails mentioned above. Again, at this time, we are submitting our response in writing in lieu of sending personnel to the hearing, as we see nothing of merit to his complaints.

Sincerely,

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120
(415) 557-6540 - Phone
(415) 431-9270 - Fax
SOTF/BOS/SFGOV@SFGOV

SOTF/BOS/SFGOV@SFGOV

Sent by: SOTF@SFGOV

10/07/2009 02:19 PM

To Trent Rhorer/DHS/CCSF@CCSF, Pamela
Tebo/DHS/CCSF@CCSF

cc

Subject Sunshine Complaint Received: #09061_Alvin Xex v Human
Services

This e-mail is to confirm that the attached complaint has been received. The Department is required to submit a response to the charges to the Task Force within five business days of receipt of this notice. Please refer to complaint number #09061 when submitting any new information and/or supporting documents pertaining to this complaint.

A hearing is scheduled with the Sunshine Ordinance Task Force, regarding the above titled complaint, to hear the merits of the complaint and to issue a determination.

Date: Tuesday, October 27, 2009
Location: City Hall, Room 408
Time: 4:00 P.M.

Complainants: Your attendance is required at this hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, attendance by the custodian of records or a representative of your department, who can speak to the matter, is required at the hearing.

Any support documents to be considered by committee members, prior to the meeting, must be submitted by 4:00 P.M. Tuesday, October 20, 2009.

Also, attached is the Sunshine Ordinance Task Force's complaint procedures.



09061_Complaint.pdf 1_Complaint Procedures_4-28-09_Final.pdf

Chris Rustom
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
OFC: (415) 554-7724
FAX: (415) 554-7854
SOTF@sfgov.org



██████████@aol.com
10/20/2009 10:30 AM

To sotf@sfgov.org
cc
bcc
Subject Fwd: Re: Sunshine Complaint Received: #09061_Alvin Xex v
Human Services

Forward: 10.20.09 to Mr. Rustom.

-----0 1 Message-----

From: ██████████@aol.com
To: sotf@sfgov.org
Sent: Tue, Oct 20, 2009 9:02 am
Subject: Re: Sunshine Complaint Received: #09061_Alvin Xex v Human
Services

Reply: 10.20.09, Mr. Alvin Xex will attend and I expect HSA and Ms.Tebo
to comply fully with Sunshine Laws! All info requested not given yet!!

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

From: SOTF <sotf@sfgov.org>
To: Pamela Tebo <Pamela.Tebo@sfgov.org>
Cc: Jerry.Threet@sfgov.org
Sent: Mon, Oct 19, 2009 1:47 pm
Subject: Re: Sunshine Complaint Received: #09061_Alvin Xex v Human
Services

Ms. Pamela Tebo,

As you indicate that you plan on not sending a representative, could you
send me a copy of the documents provided to the complainant so that the
Task Force can see what was provided?

Chris Rustom
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
SOTF@SFGov.org
OFC: (415) 554-7724
FAX: (415) 554-7854

Complete a SOTF Customer Satisfaction Survey by clicking the link below.
http://www.sfgov.org/site/sunshine_form.asp?id=34307

Pamela

Tebo/DHS/CCSF@CCS

F

To



██████████@aol.com
10/20/2009 10:39 AM

To soif@sfgov.org
cc
bcc

Subject Fwd: Re: Response to your information request

Forward: 10.20.09 to Mr. Rustom; N.B., I dispute the assertion by Ms. Tebo's 10.14.09 e-mail claiming no list, titles and "preferences" per jobs to let!

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

From la <Pamela.Tebo@sfgov.org>
To: ██████████ <██████████@aol.com>
Cc: ly ██████████ enga@asm.ca.gov
Sent: Wed, Oct 14, 2009 2:10 pm
Subject: Re: Response to your information request

Dear Mr. Alvin, On 10/13/09 I sent you the following response to your informatino request. Please be advised the department has no additional documements responsive to your requests. Further, in acccordance with Admin code, 67.21 (1), the department has no duty to create documents.

Thank you,

Dear Mr. Alvin,

We do not have a "list" of job titles or qualifications or preferences for individual job postings. However, if you are interested, I can contact our staff to get copies of the indivudial job postings you are referring to. Please keep in mind, in compliance with Admin Code 67.28 (c), we charge a fee of 10 cents per page plus postage.

During conversations you had with our staff over the past few months, they verbally responded to your questions regarding bi-lingual preferences; and on Sept 14, 2009, I sent you an email confirming our response. We have no additional documents that are responsive to this request.

Further on Oct 5, 2009, our Employee Relations Division staff addressed your allegation of discrimination. If you believe that the recruitment practices of the JOBS NOW! program are discriminatory, please file a complaint by following the instructions provided in that email.

Thank you,

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120

[REDACTED]@aol.com

To 10/14/2009 02:30

PM

Pamela.Tebo@sfgov.org,

kimberly.alvarenga@asm.ca.gov

cc

Subject

Re: Response to your information
request

Reply: 10.14.09, Send the list of job announcements clearly asking/stating a bilingual "preference!" Also, let me know of HSA's investigation into possible Unruh conflicts, caused by negative impacts to non-bilingual Jobs Now applicants. Sunshine Laws (67.25, et al) request.

Sincerely,

Mr. Alvin

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

From Pamela Tebo <Pamela.Tebo@sfgov.org>

To: [REDACTED]@aol.com

Sent Oct 13, 2009 9:13 am

Subject: Re: Response to your information request

Dear Mr. Alvin,

We do not have a "list" of

job titles or qualifications or preferences for individual job postings. However, if you are interested, I can contact our staff to get copies of the individual job postings you are referring to. Please keep in mind, in compliance with Admin Code 67.28 (c), we charge a fee of 10 cents per page plus postage.

During conversations you had with our staff over the past few months, they verbally responded to your questions regarding bi-lingual preferences; and on Sept 14, 2009, I sent you an email confirming our response. We have no additional documents that are responsive to this request.

Further on Oct 5, 2009, our Employee Relations Division staff addressed your allegation of discrimination. If you believe that the recruitment practices of the JOBS NOW! program are discriminatory, please file a complaint by following the instructions provided in that email.

Thank you,

Pamela Tebo

Office of the Executive Director

SF Human Services Agency

P.O. Box 7988

San Francisco, CA 94120

██████████@aol.com

10/09/2009 12:14 PM

To
Pamela.Tebo@sfgov.org

cc

Subject
Re: Response to your information request

Reply: 10.09.09, I see flyers in several San Francisco locations

clearly indicating a "bilingual" or "Cantonese" preference for example!

Also, can a

non-bilingual and otherwise qualified citizen apply for these jobs administered by HSA? What measures does HSA take to halt an employer from

using language to discriminate against applicants? Last, I need the names of all

job titles, classifications or categories of jobs to let and administered by HSA or any of HSA's agents, under the auspices of the Recovery Act or any "stimulus plan," to date. Sunshine Laws request!

Sincerely,

Mr. Alvin

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

From: Pamela Tebo <Pamela.Tebo@sfgov.org>

To: [REDACTED]@aol.com

Sent: Fri, Oct 9, 2009 10:22 am

Subject: Response to your information request

Dear Alvin - On 10/8/09, I received a voicemail message from you. The following information is in response to your inquiry about the JOBS NOW! program. Your questions are in black, and my responses are in red.

How many jobs have been created as of 10/8/09: We do not have a complete list of jobs not filled; however as of 10/9/09, HSA has placed 529 people in positions under the JOBS NOW! program

Provide a list of job titles: We do not have a list of job titles under the JOBS NOW! program

How many jobs list "preferences": We do not have a list of jobs indicating employer 'preferences'.

=0

How many women have been hired under
the JOBS NOW! Program as of 10/8/09: As
of 10-09-09, 404 women have been hired.

How many black males have been hired
under the JOBS NOW! Program as of 10/8/09: As
of 10-09-09, 62 black men have been hired.

Thank you,

Pamela Tebo

Office of the Executive Director

SF Human Services Agency

P.O. Box 7988

San Francisco, CA 94120



██████████@aol.com
10/20/2009 10:42 AM

To soft@sfgov.org
cc
bcc
Subject Fwd: Re: Your request for information

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

From: bvd384@aol.com
To: soft@sfgov.org
Sent: Tue, Oct 20, 2009 9:33 am
Subject: Fwd: Re: Your request for information

Forward: 10.20.09 to Mr. Rustom, add to prior complaint for information or consider new complaint.

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

From: ██████████@aol.com
To: Pamela Tebo <Pamela.Tebo@sfgov.org>; tabate@sfchronicle.com
Sent: Tue, Oct 20, 2009 9:17 am
Subject: Re: Your request for information

Reply: 10.20.09, Send information (not "baseless") I requested of Mr. Whelley verbally (lawful) on 10.14.09, recorded on his answering machine! Also, number of jobs to let, as of today 10.20. 09, and number of Jobs Now or Stimulus (Recovery Act) jobs actually filled for same date. Lastly, Ms. Laxamana, your co-worker promised me she would investigate my allegations and legitimate fears as a citizen and taxpayer, I want the results and data supplied by any HSA employee or agent to date. Sunshine Laws request made.

Sincerely,

Mr. Alvin

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

From: Pamela Tebo <Pamela.Tebo@sfgov.org>
To: ██████████@aol.com
Sent: Oct 19, 2009 10:01 am
Subject: Your request for information

Mr. Alvin,

Recently - on Oct 14, 2009 - you verbally requested information from James Whelley of the Human Services Agency. To be sure we are responding to your requests appropriately and thoroughly, please submit all of your public records requests to me in writing at this email address, or at the mailing address below.

Thank you very much.

Pamela Tebo

Office of the Executive Director

SF Human Services Agency

P.O. Box 7988

San Francisco, CA 94120

=

Pamela
Tebbo/DHS/CCSF@CCSF
10/14/2009 05:44 PM

To SOTF/BOS/SFGOV@SFGOV
cc SOTF/SOTF/SFGOV@SFGOV, Trent
Rhorer/DHS/CCSF@CCSF
bcc
Subject Re: Sunshine Complaint Received: #09061_Alvin Xex v
Human Services

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However, due to the baseless nature of this complaint, at this time, HSA will respond in writing in lieu of sending a representative to the hearing.

HSA has provided all documents responsive to Alvin Xex's information requests in a timely manner. When documents were not available, we explained in writing what was not available. The following is a summary of information HSA provided to Alvin Xex in response to his inquiries:

Alvin Xex began calling Human Services Agency in mid-August requesting information about the race and gender of people hired under the JOBS NOW! program. Alvin Xex called several different staff asking the same questions, each staff member responded however, Mr. Xex claimed we did not answer his questions. Therefore, we began to reply in writing.

on 8/19/09 we sent an email to Alvin Xex providing the ethnic and gender breakdown of people hired under the JOBS NOW! program

on 8/21/09 we sent an email to Alvin Xex providing additional information on ARRA funds

on 9/14/09 we send an email to Alvin Xex provided written responses to a series of questions he had related to JOBS NOW!

on 9/15/09 we provided additional information he requested

on 9/15/09 we responded by letting Alvin Xex know, we provided him with all of the information responsive to his request and we informed him that if he believes HSA is discriminating, he should file a complaint with our Civil Rights Division.

on 9/16/09, I notified our Civil Rights Division that Alvin Xex is claiming discrimination under the JOBS NOW! program

on 10/2/09, Alvin Xex threatened to file a complaint with the Sunshine Task Force. Although it's unclear why, since we provided the information he requested.

on 10/2/09, we responded to Alvin Xex informing him (again) that we provided all the information we have responsive to his inquiries; further I informed him that I notified our Civil Rights Division that he is claiming discrimination under the JOBS NOW! program.

on 10/5/09 our Civil Rights Division informed Alvin Xex they found no evidence of discrimination; however provided information on how he could further pursue his claims of discrimination.

Alvin Xex has since requested updated ethnic and gender breakdown of JOBS NOW! participants. We provided the updated information. He continues to ask the same questions about the program; we continue to provide the information we have.

Please let me know if you would like a copy of any of the emails mentioned above. Again, at this time, we are submitting our response in writing in lieu of sending personnel to the hearing, as we see nothing of merit to his complaints.

Sincerely,

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120
(415) 557-6540 - Phone
(415) 431-9270 - Fax
SOTF/BOS/SFGOV@SFGOV

SOTF/BOS/SFGOV@SFGOV

Sent by: SOTF@SFGOV

10/07/2009 02:19 PM

To Trent Rhorer/DHS/CCSF@CCSF, Pamela
Tebo/DHS/CCSF@CCSF

cc

Subject Sunshine Complaint Received: #09061_Alvin Xex v Human
Services

This e-mail is to confirm that the attached complaint has been received. The Department is required to submit a response to the charges to the Task Force within five business days of receipt of this notice. Please refer to complaint number #09061 when submitting any new information and/or supporting documents pertaining to this complaint.

A hearing is scheduled with the Sunshine Ordinance Task Force, regarding the above titled complaint, to hear the merits of the complaint and to issue a determination.

Date: Tuesday, October 27, 2009
Location: City Hall, Room 408
Time: 4:00 P.M.

Complainants: Your attendance is required at this hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, attendance by the custodian of records or a representative of your department, who can speak to the matter, is required at the hearing.

Any support documents to be considered by committee members, prior to the meeting, must be submitted by 4:00 P.M. Tuesday, October 20, 2009.

Also, attached is the Sunshine Ordinance Task Force's complaint procedures.



09061_Complaint.pdf 1_Complaint Procedures_4-28-09_Final.pdf

Chris Rustom
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
OFC: (415) 554-7724
FAX: (415) 554-7854
SOTF@sfgov.org

October 20, 2009

Re: Complaint #09061 and Complaint #09063

Dear Chris,

Attached please find copies of email correspondence the Human Services Agency (HSA) had with Alvin Xex.

It is important to note, during the past two months Alvin Xex has called several different HSA staff with the same or similar questions. Our staff provided verbal responses, but Alvin Xex continued to call back claiming no one answered his questions. Our staff felt they provided all the information he requested, therefore, we began providing only written responses to Alvin Xex.

Alvin Xex continued calling different staff with the same or similar questions. If staff answered his calls they would provide verbal information; if staff received a voicemail they would forward it to me and I would respond in writing. However, since Alvin Xex's questions varied from staff to staff and sometimes I received voicemail messages a few days after he left messages, responding to his ongoing requests became increasingly difficult. Therefore on 9/15/09 and again on 10/19/09, we requested he put all of his information requests in writing.

Also, Alvin Xex claims we discriminate through the JOBS NOW! Program and I have forwarded his accusations to our Civil Rights division for investigation. I have included in the attached packet their response to his discrimination claims.

Thank you,



Pamela Tebo
SF Human Services Agency

attachments

Pamela Tebo/DHS/CCSF
10/14/2009 05:44 PM

To SOTF/BOS/SFGOV@SFGOV
cc SOTF/SOTF/SFGOV@SFGOV, Trent
Rhorer/DHS/CCSF@CCSF
bcc pamela.tebo@sfgov.org
Subject Re: Sunshine Complaint Received: #09061_Alvin Xex v
Human Services

This email is in response to Complaints #09061 and #09063, Alvin Xex v. Human Services. This is one complaint and perhaps should be calendared as one item.

However, due to the baseless nature of this complaint, at this time, HSA will respond in writing in lieu of sending a representative to the hearing.

HSA has provided all documents responsive to Alvin Xex's information requests in a timely manner. When documents were not available, we explained in writing what was not available. The following is a summary of information HSA provided to Alvin Xex in response to his inquiries:

Alvin Xex began calling Human Services Agency in mid-August requesting information about the race and gender of people hired under the JOBS NOW! program. Alvin Xex called several different staff asking the same questions, each staff member responded however, Mr. Xex claimed we did not answer his questions. Therefore, we began to reply in writing.

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Alvin Xex has since requested updated ethnic and gender breakdown of JOBS NOW! participants. We provided the updated information. He continues to ask the same questions about the program; we continue to provide the information we have.

Please let me know if you would like a copy of any of the emails mentioned above. Again, at this time, we are submitting our response in writing in lieu of sending personnel to the hearing, as we see nothing of merit to his complaints.

Sincerely,

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120
(415) 557-6540 - Phone
(415) 431-9270 - Fax
SOTF/BOS/SFGOV@SFGOV

SOTF/BOS/SFGOV@SFGOV

V

Sent by: SOTF@SFGOV

10/07/2009 02:19 PM

To Trent Rhorer/DHS/CCSF@CCSF, Pamela
Tebo/DHS/CCSF@CCSF

cc

Subject Sunshine Complaint Received: #09061_Alvin Xex v Human
Services

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Date: Tuesday, October 27, 2009
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09061_Complaint.pdf 1_Complaint Procedures_4-28-09_Final.pdf

Chris Rustom
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
OFC: (415) 554-7724
FAX: (415) 554-7854
SOTF@sfgov.org



David Curto
 <David.Curto@sfgov.org>
 08/19/2009 09:26 AM

To: [REDACTED]@aol.com
 cc: James Whelley <James.Whelley@sfgov.org>, pamelatebo@sfgov.org
 bcc:

Subject: Information per your sunshine request

For Follow Up: Normal Priority Follow up on 09/30/2009 at 10:13 AM
 History: This message has been replied to and forwarded.

Dear Alvin

Pursuant to your request, we have the following data to share with you. We have just began the JOBS NOW PROGRAM at the end of May 2009, so we do not have a lot of data available at this time. This program ends on September 30, 2010 and is funded under the American Recovery and Reinvestment Act of 2009.

We do not screen nor track the ethnicity of any of the employers who participate in this program. We are grateful to have them participate and provide job opportunities to our clients under this program.

The following table (Clients Served) lists the number of clients currently working with the department in seeking employment and is sorted by both gender and ethnicity.

The bottom table (Clients Placed) lists the number of clients placed into subsidized (Stimulus Funded) employment.

(Embedded image moved to file: pic06309.jpg)

Of the African American clients placed into jobs to date 112 total, 7 were males and 105 were female.

I trust this answers your request. and thank-you for your inquiry.

Dave Curto
 Director of Contracts
 Human Services Agency



415-557-5581 pic06309.jpg

Clients Served	
Gender	#
Female	268
Male	51
Total	319
Ethnicity	#
African American	158
Caucasian	28
Chinese	16
Filipino	21
Hispanic/Latino	64
Pacific Islander	12
Vietnamese	7
Other/Undisclosed	13
Total	319

Clients Placed	
Gender	#
Female	187
Male	28
Total	215
Ethnicity	#
African American	112
Caucasian	14
Chinese	16
Filipino	15
Hispanic/Latino	44
Pacific Islander	5
Vietnamese	3
Other/Undisclosed	6
Total	215

Attachment
to 8/19/09
email



David Curto
 <David.Curto@sfgov.org>
 08/19/2009 03:55 PM

To [redacted] <[redacted]@aol.com>
 cc James Whelly <James.Whelly@sfgov.org>, pamelatebo@sfgov.org
 bcc

Subject Re: Information per your sunshine request

For Follow Up: P Normal Priority Follow up on 09/30/2009 at 10:00 AM

Hi Alvin,
 There are no set number of positions open for Stimulus funded jobs. There is also not a list of Stimulus funded jobs ready to fill. The number of jobs is uncapped and depends upon employer's abilities to offer jobs using these wage subsidies. We will be developing a list once the employers have given us the number of jobs they can offer. At this point in time we are recruiting both employers and job seekers.

Why so few African American males have been placed is a function of the number of African American Males in the program who are seeking employment.

We have no control over the number of any particular group seeking employment. Of those who do come in and seek employment, they are being placed. No one is being denied any opportunities under this program but they do need to apply.

Please go to the City's website WWW.SFGOV.org and read the Mayor's JOBS NOW Announcement. this may help alleviate your concerns.

I hope this helps

Dave Curto
 Director of Contracts
 Human Services Agency
 415-557-5581

Dave Curto
 Director of Contracts
 Human Services Agency
 415-557-5581

[redacted]@aol.com

08/19/2009 01:22 PM

To David.Curto@sfgov.org
 cc

Subject
 Re: Information per your sunshine request

Reply: I need to know why (as usual) so few Black men benefit from Stimulus type programs--this time in San Francisco! Also, why San Francisco's stimulus effort directors (or administrators) did not address this ongoing problem? Lastly, the title and number of current (as of 8.19.09) open positions. Sunshine Laws request.

Sincerely,

Alvin-----

415/230/1421

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

From: David Curto <David.Curto@sfgov.org>

To: [REDACTED]@aol.com

Cc: James Whelley <James.Whelley@sfgov.org>; pamela.tebo@sfgov.org

Sent: Wed, Aug 19, 2009 9:26 am

Subject: Information per your sunshine request

Dear Alvin

Pursuant to your request, we have the following data to share with you. We have just began the JOBS NOW PROGRAM at the end of May 2009, so we do not have a lot of data available at this time. This program ends on September 30, 2010 and is funded under the American Recovery and Reinvestment Act of 2009.

We do not screen nor track the ethnicity of any of the employers who participate in this program. We are grateful to have them participate and provide job opportunities to our clients under this program.

The following table (Clients Served) lists the number of clients currently working with the department in seeking employment and is sorted by both gender and ethnicity.

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(Embedded image moved to file: pic06309.jpg)

Of the African American clients placed into jobs to date 112 total, 7 were males and 105 were female.

I trust this answers your request. and thank-you for your inquiry.

Dave Curto

Director of Contracts
Human Services Agency
415-557-5581



Pamela Tebo/DHS/CCSF
08/21/2009 03:43 PM

To [REDACTED]@aol.com
cc
bcc David Curto/DHS/CCSF@CCSF; James
Whelly/DHS/CCSF@CCSF
Subject Response to your Sunshine Request

For Follow Up: Normal Priority. Follow up on: 09/30/2009 at 10:00 AM

Dear Alvin,

The following is in response to the voicemail message you left for Jim Whelly on August 20, 2009:

You have asked for a list of all ARRA funds being administered by the City & County of San Francisco. The Human Services Agency does not have this information; we are only aware of those ARRA funds that our agency is administering. However, we suggest you visit www.RecoverySF.org to find this information. ARRA funds being administered by HSA include the following. More detailed information can be found on our website at www.sfhsa.org in the "What's New" section.

- Temporary Assistance to Needy Families Emergency Contingency Funds (TANF ECF) made available through the U.S. Department of Health and Human Services
- Homelessness Prevention and Rapid Rehousing Program (HPRP) funds made available through the U.S. Department of Housing & Urban Development
- Senior Nutrition funds made available through the federal Administration on Aging
- Federal Medical Assistance Percentage (FMAP) funds for the In-Home Supportive Services and Child Welfare programs

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120

Pamela Tebo/DHS/CCSF
09/14/2009 05:37 PM

To [REDACTED]@aol.com

cc

bcc James Whelly/DHS/CCSF@CCSF; Tony Lugo/DHS/CCSF@CCSF; Hope
Kamimoto/DHS/CCSF@CCSF; David Curto/DHS/CCSF@CCSF
Subject Your request for information

For Follow Up: P - Normal Priority Follow up on 09/30/2009 at 10:02 AM

Dear Mr. Alvin,

I believe you spoke with at least two staff from the Human Services Agency who responded to your questions. For your convenience, I will put in writing our response. Please note, our response is in red.

I understand your questions are in reference to JOBS NOW! Job Announcement, JN 162, Drop In Coordinator/ Receptionist.

1. 'Bilingual person preferred' on the Job Announcement
Why is it preferred and who decides that?

Requirements for specific jobs are determined by the employer seeking employees under the JOBS NOW! program. Other than that, the department has no documents responsive to this request.

2. What are the languages preferred?

Language was not specified by employer. Other than that, the department has no documents responsive to this request..

3. There's no E-mail of FAX listed on the announcement to respond to, such as sending in your resume. Why?

If you are interested in applying for a job through the JOBS NOW! program, please call 1-877-JOB1NOW (1-877-562-1669) or email JobsNow@sfgov.org

4. Such preferences locks out those that needs the jobs, such as Blacks.

Please see below. For your convenience, I have cut and pasted from our website, eligibility requirements for JOBS NOW!



Who is eligible to be a JOBS NOW! employee?

Unemployed and underemployed San Francisco parents are eligible for the program. If you are a CalWORKs participant, you are eligible for the program. If you are working or were recently working, and your income in the past month was less than 200% of the federal poverty level, you are eligible. The table below shows the maximum income you can earn in a month or year and be eligible for the program.

Family Size	Maximum Gross Income in the Past Month
1	\$1,805
2	\$2,428
3	\$3,052
4	\$3,675
5	\$4,298
6	\$4,922
7	\$5,545
8	\$6,168

In addition to the income requirements, you must meet a few other criteria. To enroll, you must:

- o Be a resident of San Francisco
 - o Show proof of right to work
 - o Be a parent of at least one child under age 18 (even if you do not live with that child).
- Enrollment into the program is fast and easy. If you are a CalWORKs clients, call your employment specialist. If not, call the JOBS NOW! hotline (1-877-JOB1NOW) or [email us](mailto:us).

Thank you,

Pamela Tebo

SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120



██████████@aol.com
09/15/2009 11:01 AM

To Pamela.Tebo@sfgov.org
cc
bcc
Subject Re: Your request for information

History: This message has been forwarded

Reply: 9/15/09; I need to know (given the clear history of American racial discrimination), the effects of a preference indication, per the California Unruh law as monitored by HSA. Also, if HSA monitors employers requesting applicants per Recovery Act for fair and non-discriminatory hiring. Lastly, some Jobs Now postings clearly indicate "preference," so, give me reasons why HSA will not "prefer" applicants historically (past and present) not hired by white and other employers. Again, I make a Sunshine Laws (67.25, et al) request for data.

Sincerely,

Alvin

bcc

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

From: Pamela Tebo <Pamela.Tebo@sfgov.org>

To: ██████████@aol.com

Sent: Mon, Sep 14, 2009 5:37 pm

Subject: Your request for information

Dear Mr. Alvin,

I believe you spoke with at least two staff from the Human Services Agency who responded to your questions.

For your convenience, I will put in writing our response.

Please note, our response is in red.

I understand your questions are in reference to JOBS NOW! Job Announcement, JN 162, Drop In Coordinator/ Receptionist.

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Why is it preferred and who decides that?

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Othis request.

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In addition to the income requirements, you must meet a few other criteria. To enroll, you must:

Be a resident of San Francisco

Show proof of right to work

Be a parent of at least one
child under age 18 (even if you do not live with that child). Enrollment
into the program is fast and easy. If you are a CalWORKs clients, call
your employment specialist. If not, call the JOBS NOW! hotline
(1-877-JOB1NOW)
or email
us.

Thank you,

Pamela Tebo

SF Human Services Agency

P.O. Box 7988

San Francisco, CA 94120



Pamela Tebo/DHS/CCSF
09/15/2009 02:36 PM

To [redacted]@aol.com@sfgov
cc
bcc Tony Lugo/DHS/CCSF@CCSF; James
Whelly/DHS/CCSF@CCSF; Hope
Kamimoto/DHS/CCSF@CCSF
Subject Re: Your request for information

For Follow Up: Normal Priority Follow up on 09/30/2009 at 10:00 AM

Mr. Alvin -

Please note, employers have the right to specify any qualification that are needed to fill a position. If you feel the Human Services Agency (H.S.A.) is discriminating against you, call (415) 557-6574 to file a complaint.

H.S.A. has already provided you with information you requested and we have no additional documents responsive to your request. Although the Sunshine Ordinance requires H.S.A. respond to public records requests or requests for oral information, it does not require that department engage in any extended dialogue with individuals who may or may not agree with the department's responses to a request, or a department's practices or procedures. Please be advised, we must conserve staff resources to remain available to perform many public duties. Our office will not engage in any ongoing dialogue, but will limit our responses to the extent the law requires.

Thank you,

Pamela Tebo
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120

[redacted]@aol.com



[redacted]@aol.com
09/15/2009 12:05 PM

To Pamela.Tebo@sfgov.org
cc
Subject Re: Your request for information

Reply: 9/15/09, second request for info (today), response did not answer fair and clear queries for data--will send demand to Task Force, et al.

Sincerely,

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

From: [redacted]@aol.com
To: Pamela.Tebo@sfgov.org
Sent: Tue, Sep 15, 2009 11:01 am
Subject: Re: Your request for information

Reply: 9/15/09; I need to know (given the clear history of American racial discrimination), the effects of a preference indication, per the

California Unruh law as monitored by HSA. Also, if HSA monitors employers requesting applicants per Recovery Act for fair and non-discriminatory hiring. Lastly, some Jobs Now postings clearly indicate "preference," so, give me reasons why HSA will not "prefer" applicants historically (past and present) not hired by white and other employers. Again, I make a Sunshine Laws (67.25, et al) request for data.

Sincerely,

Alvin

bcc

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

From: Pamela Tebo <Pamela.Tebo@sfgov.org>

To: [REDACTED]@aol.com

Sent: Mon, Sep 14, 2009 5:37 pm

Subject: Your request for information

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to this request..

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(1-877-562-1669) or email JobsNow@sfgov.org

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those that needs the jobs, such as Blacks.

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Thank you,

Pamela Tebo


SF Human Services Agency

P.O. Box 7988

San Francisco, CA 94120



Pamela Tebo/DHS/CCSF
09/15/2009 05:11 PM

To [REDACTED]@aol.com
cc James Whelley/DHS/CCSF@CCSF
bcc
Subject Your request for information 

Mr. Alvin,

Recently you have verbally requested documents from different staff at Human Services. To be sure we are responding to your requests appropriately and thoroughly, please submit all of your public records requests to me in writing at this email address, or at the address below.

Thank you very much.

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120



Pamela Tebo/DHS/CCSF
10/02/2009 01:38 PM

To [redacted]@aol.com@SFGOV
cc
bcc Frank Darby/BOS/SFGOV@SFGOV; Chris
Rustom/BOS/SFGOV@SFGOV
Subject Re: Fwd: Re: Your request for information

Dear Alvin, We have responded to your repeated sunshine requests verbally and in writing. We have provided all of the information we have available and responded to the best of our ability. Also, since you claim discrimination, I forwarded your complaints to our Civil Rights Division as well so they can investigate.

Thank you,

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120

[redacted]@aol.com



[redacted]@aol.com
10/02/2009 12:23 PM

To pamela.tebo@sfgov.org
cc
Subject Fwd: Re: Your request for information

Reply: I will send this legal query to STF today, agency and administrators refuse to answer in allotted time, etc.

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

From: [redacted]@aol.com
To: Pamela.Tebo@sfgov.org
Sent: Tue, Sep 15, 2009 10:01 am
Subject: Re: Your request for information

Reply: 9/15/09; I need to know (given the clear history of American racial discrimination), the effects of a preference indication, per the California Unruh law as monitored by HSA. Also, if HSA monitors employers requesting applicants per Recovery Act for fair and non-discriminatory hiring. Lastly, some Jobs Now postings clearly indicate "preference," so, give me reasons why HSA will not "prefer" applicants historically (past and present) not hired by white and other employers. Again, I make a Sunshine Laws (67.25, et al) request for data.

Sincerely,

Alvin

bcc

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

From: Pamela Tebo <Pamela.Tebo@sfgov.org>

To: [REDACTED]@aol.com

Sent: Mon, Sep 14, 2009 5:37 pm

Subject: Your request for information

Dear Mr. Alvin,

I believe you spoke with at least two staff from the Human Services Agency who responded to your questions.

For your convenience, I will put in writing our response.

Please note, our response is in red.

I understand your questions are in reference to JOBS NOW! Job Announcement, JN 162, Drop In Coordinator/ Receptionist.

1. 'Bilingual person preferred' on the Job Announcement

Why is it preferred and who decides that?

Requirements for specific jobs are determined by the employer seeking employees under the JOBS NOW! program. Other than that, the department has no documents responsive to=2
Othis request.

2. What are the languages preferred?

Language was not specified by employer. Other than that, the department has no documents responsive to this request..

3. There's no E-mail of FAX listed on the announcement to respond to, such as sending in your resume. Why?

If you are interested in

applying for a job through the JOBS NOW! program, please call
1-877-JOB1NOW
(1-877-562-1669) or email JobsNow@sfgov.org

4. Such preferences locks out
those that needs the jobs, such as Blacks.

Please see below. For
your convenience, I have cut and pasted from our website, eligibility
requirements
for JOBS NOW!

Who is eligible
to be a JOBS NOW! employee?

Unemployed and underemployed San
Francisco parents are eligible for the program. If you are a CalWORKs
participant, you are eligible for the program. If you are working
or were recently working, and your income in the past month was less
than 200% of the federal poverty level, you are eligible. The table
below shows the maximum income you can
earn in a month or year and be
eligible
for the program.

Family Size

Maximum
Gross Income in the Past Month

1

\$1,805

2

\$2,428

3

\$3,052

4

\$3,675

5

\$4,298

6

\$4,922

7

\$5,545

8

\$6,168

In addition to the income requirements, you must meet a few other criteria. To enroll, you must:

Be a resident of San Francisco

Show proof of right to work

Be a parent of at least one child under age 18 (even if you do not live with that child). Enrollment into the program is fast and easy. If you are a CalWORKs clients, call your employment specialist. If not, call the JOBS NOW! hotline (1-877-JOB1NOW) or email us.

Thank you,

Pamela Tebo

SF Human Services Agency

P.O. Box 7988

San Francisco, CA 94120



Arlene Laxamana/DHS/CCSF

To [redacted]@aol.com

cc

10/05/2009 10:40 AM

bcc Pamela Tebo/DHS/CCSF

Subject HSA Response regarding discrimination

History: This message has been forwarded

Dear Mr. Alvin,

I am writing in response to your allegation of discrimination. Specifically, you stated that you believed that the recruitment practices of the JOBSNow program are discriminatory.

Upon careful review of the recruitment and selection process, I did not find evidence of discrimination. Nevertheless, I will continue to monitor the process.

It is the policy of the Human Services Agency that no person shall be discriminated against in employment on the basis of race, color, religion, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, gender identity, marital or domestic partner status, other non-merit factors, or any other categories prohibited by law.

I have attached a form for your use should you decide to file a discrimination complaint with the HSA EEO office or other Agencies where a complaint of discrimination may be filed. Included are instructions on how to file a discrimination complaint.



FORM 8020 How to file a discrimination complaint.doc

Arlene Laxamana

Employee Relations Division

Human Services Agency

1650 Mission street, 2nd Floor

San Francisco, CA 94103

415 557-5665 direct/ 415 557-5873 fax

Arlene.Laxamana@sfgov.org



CITY AND COUNTY OF SAN FRANCISCO
 DEPARTMENT OF HUMAN RESOURCES HUMAN SERVICES AGENCY

CHARGE OF DISCRIMINATION

1. Complainant: _____
 Address: _____ Work Phone: _____
 _____ Home Phone: _____

2. Respondent Program: _____
 Worksite: _____ Telephone No.: _____
 Address: _____

3. Complainant's Current Employment Status (circle one): Classification: _____
 PCS TCS LT NCS PV PC TE PROB NOT A CITY EMPLOYEE

<p>4. Basis of Discrimination (specify):</p> <p><input type="checkbox"/> Race: _____</p> <p><input type="checkbox"/> Color: _____</p> <p><input type="checkbox"/> Religion: _____</p> <p><input type="checkbox"/> Creed: _____</p> <p><input type="checkbox"/> Sex: _____</p> <p><input type="checkbox"/> National Origin _____</p> <p><input type="checkbox"/> Ethnicity: _____</p> <p><input type="checkbox"/> Age: _____</p> <p><input type="checkbox"/> Disability/Medical Condition: _____</p> <p><input type="checkbox"/> Political Affiliation: _____</p> <p><input type="checkbox"/> Sexual Orientation: _____</p> <p><input type="checkbox"/> Ancestry: _____</p> <p><input type="checkbox"/> Marital or Domestic Partner Status: _____</p> <p><input type="checkbox"/> Gender Identity: _____</p> <p><input type="checkbox"/> Parental Status: _____</p> <p><input type="checkbox"/> Other Non-Merit Factors: _____</p> <p><input type="checkbox"/> Retaliation:*</p>	<p>5. Issue complained of:</p> <p><input type="checkbox"/> Denial of Employment</p> <p><input type="checkbox"/> Denial of Training</p> <p><input type="checkbox"/> Denial of Promotion</p> <p><input type="checkbox"/> Denial of Reasonable Accommodation</p> <p><input type="checkbox"/> Termination</p> <p><input type="checkbox"/> Lay-off</p> <p><input type="checkbox"/> Constructive Discharge</p> <p><input type="checkbox"/> Disciplinary Action</p> <p><input type="checkbox"/> Harassment</p> <p><input type="checkbox"/> Work Assignment</p> <p><input type="checkbox"/> Sexual Harassment</p> <p><input type="checkbox"/> Compensation</p> <p><input type="checkbox"/> Other (please specify): _____</p>
---	--

(*Discrimination against a person for opposing any practice forbidden by the anti-discrimination laws, and/or filing a complaint, making a charge, testifying, assisting, or participating in an investigation pursuant to the anti-discrimination laws.)

6. Have you filed this complaint with any other local, state or federal agency? Yes No
 If yes, please specify: _____
 Have you filed a grievance or lawsuit on this subject? Yes No
 If yes, please specify: _____

DHS Form 8020 Charge of Discrimination 2/06

7. Are you represented by a Union or an Attorney? Yes No

Name: _____ Organization/Firm: _____
Address: _____ Phone No.: _____

8. Please provide the date(s) the action(s) in question took place.

9. Provide the names of the individual(s) accused of discrimination:

10. Provide the names and daytime phone numbers of any witnesses to the alleged discriminatory actions(s):

11. Describe specifically and in detail the circumstances of the alleged discrimination:

12. What actions have you taken to resolve this issue? Please specify:

13. Remedy or corrective action desired: _____

14. Are you willing to participate in an informal resolution process? Yes No

Signature

Date



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES **HUMAN SERVICES AGENCY**

HOW TO FILE A DISCRIMINATION COMPLAINT

AUTHORITY:

The authority to investigate complaints of employment discrimination stems from the San Francisco Charter, Section 10.103, and Civil Service Commission Rules (Volume I, Rule 103; Volume II, Rule 203; Volume III, Rule 303; Volume IV, Rule 403). The HSA Civil Rights Officer is responsible for the review and resolution of complaints within HSA. The Officer may designate personnel to investigate complaints and make recommendations for resolution. For complaints submitted directly to the Department of Human Resources, the Human Resources Director is responsible for the review and resolution of complaints and may designate DHR personnel to investigate complaints and make recommendations for resolution.

The role of the Equal Employment Opportunity ("EEO") investigator is that of an objective third party, representing neither the complainant (employee/applicant), nor the respondent (department).

COMPLAINT PROCESS:

Basis: Discrimination complaints submitted for investigation must be based on a violation of civil rights on account of one or more of the following: RACE, COLOR, RELIGION, CREED, SEX, NATIONAL ORIGIN, ETHNICITY, AGE, DISABILITY or MEDICAL CONDITION, ACQUIRED IMMUNE DEFICIENCY (AIDS/HIV) or AIDS RELATED CONDITIONS, POLITICAL AFFILIATION, SEXUAL ORIENTATION, ANCESTRY, MARITAL or DOMESTIC PARTNER STATUS, GENDER IDENTITY, PARENTAL STATUS, OTHER NON-MERIT FACTORS.

RETALIATION against any employee or applicant for having made a good faith complaint or report of discrimination, or for participating or aiding in an investigation of employment discrimination is also prohibited.

Issues: Actions complained of may include the following: DENIAL OF EMPLOYMENT, DENIAL OF TRAINING, DENIAL OF PROMOTION, DENIAL OF REASONABLE ACCOMODATION (for disability or religion), TERMINATION, LAY-OFF, CONSTRUCTIVE DISCHARGE, DISCIPLINARY ACTION, HARASSMENT, WORK ASSIGNMENT, SEXUAL HARASSMENT and COMPENSATION.

Other issues, such as a disagreement regarding Department rules or regulations affecting working conditions, may be subject to review through the Employee Grievance procedure under HSA Employee and Labor Relations.

Filing: Submit Form 8020 or a letter or other document that describes your complaint of discrimination. You may wish to contact the HSA EEO/Civil Rights Office or the EEO Office in the Department of Human Resources, or your employee representative, to assist you in submitting a complaint. All complaints must be signed by the person making the complaint and sent to either:

Director, Department of Human Resources
Attention: EEO Division
44 Gough Street
San Francisco, CA 94103
Phone: 415-557-4800

HSA Office of Civil Rights
P.O. Box 7988
San Francisco, CA 94120
Phone: 415-557-5751 or 415-558-5878

The letter of complaint should include the following:

1. Name, address and daytime phone number;
2. The basis for the complaint: i.e. race, religion, etc.
3. The discriminatory action: i.e. denial of employment or reasonable accommodation, termination, etc.;
4. The date(s) the alleged discriminatory action (s) took place;
5. The City and County Department and work unit accused of discrimination;

6. The names of the individuals accused of discrimination;
7. The names and daytime phone numbers of any witnesses to the alleged discriminatory action;
8. A detailed explanation of the sequence of events which you believe to be discriminatory; and,
9. The specific action(s) you are seeking to correct the alleged discrimination.

If you are a current City and County employee, please also include your current Civil Service classification and the Department where you are employed.

Complaints of sexual harassment may also be made by calling the Department of Human Resources Harassment Helpline at 415-557-4900.

Filing Deadline:

Letters of complaint must be filed within one hundred eighty (180) calendar days of the date the discriminatory action or the alleged harassment took place, or the date the employee/applicant should have first become aware of the violation. A complaint is considered filed on the date it is received by the HSA Office of Civil Rights or the EEO Division of the Department of Human Resources. Therefore, time is an important factor when filing a complaint.

Investigation:

The HSA Civil Rights Officer or the DHR Human Resources Director may refer the complaint to an EEO investigator to review for timeliness and jurisdiction. The investigator will then contact the person filing the complaint, either by mail or phone, to schedule an intake interview. Intake interviews afford the investigator an opportunity to clarify the issues involved and also allow the person filing the complaint an opportunity to present the complaint in more detail.

The investigation may include reviewing and obtaining copies of relevant documents such as personnel files, attendance reports and performance evaluations; interviewing co-workers and supervisors; and other actions considered necessary in order to obtain relevant information.

It is important to remember that the individual who brings the complaint is responsible for substantiating the charges. Therefore, it is necessary to cooperate with the investigator by providing any written material, names of individuals to interview or any other information that would assist the investigation.

Note: During the intake interview, the entire complaint process will be explained in more detail by the assigned investigator. Any questions regarding the process can be asked during the intake interview.

Alternative Dispute Resolution:

Complainants may be asked to consider resolving their complaint through an alternative dispute resolution process facilitated by trained staff. HSA sponsors a voluntary Peer Mediation Program for the resolution of disputes.

Action and Appeal Procedures:

The HSA Civil Rights Officer or the DHR Human Resources Director will review the complaint and investigative report, and shall make a finding on the charges. The HSA Officer's determination will be sent to the HSA Deputy Director and/or the HSA Employee & Labor Relations Unit, as appropriate. For complaints submitted directly to DHR, the DHR Director's determination will be sent to the complainant and respondent Department. In either case, the decision shall be final, unless it is appealed to the Civil Service Commission and is reversed or modified.

Other Agencies Where a Complaint of Discrimination May Be Filed

California State Department of Fair Employment & Housing (DFEH)

1515 Clay Street, Suite 701, Oakland, CA 94612

1-800-884-1684 or 510-622-2973

(Time Limit: Must file within one year from date of discriminatory action)

U.S. Equal Employment Opportunity Commission (EEOC)

350 The Embarcadero – Suite 500

San Francisco, CA 94105

415-625-5600 or 1-800-669-4000

(Time Limit: Must file within 300 days from date of discriminatory action)

Filing a discrimination complaint with the HSA EEO/Civil Rights Unit or the DHR EEO Unit does not bar the Complainant from filing a complaint of discrimination with any of the two agencies listed above.



Pamela Tebo/DHS/CCSF
10/09/2009 11:22 AM

To [REDACTED]@aol.com
cc

bcc James Whelley/DHS/CCSF@CCSF

Subject Response to your information request

Dear Alvin - On 10/8/09, I received a voicemail message from you. The following information is in response to your inquiry about the JOBS NOW! program. Your questions are in black, and my responses are in red.

How many jobs have been created as of 10/8/09: We do not have a complete list of jobs not filled; however as of 10/9/09, HSA has placed 529 people in positions under the JOBS NOW! program

Provide a list of job titles: We do not have a list of job titles under the JOBS NOW! program

How many jobs list "preferences": We do not have a list of jobs indicating employer 'preferences'.

How many women have been hired under the JOBS NOW! Program as of 10/8/09: As of 10-09-09, 404 women have been hired.

How many black males have been hired under the JOBS NOW! Program as of 10/8/09: As of 10-09-09, 62 black men have been hired.

Thank you,

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120



Pamela Tebo/DHS/CCSF
10/13/2009 10:13 AM

To [redacted]@aol.com
cc
bcc James Whelley/DHS/CCSF@CCSF; Arlene Laxamana/DHS/CCSF@CCSF; Luenna Kim/DHS/CCSF@CCSF
Subject Re: Response to your information request

Dear Mr. Alvin,

We do not have a "list" of job titles or qualifications or preferences for individual job postings. However, if you are interested, I can contact our staff to get copies of the individual job postings you are referring to. Please keep in mind, in compliance with Admin Code 67.28 (c), we charge a fee of 10 cents per page plus postage.

During conversations you had with our staff over the past few months, they verbally responded to your questions regarding bi-lingual preferences; and on Sept 14, 2009, I sent you an email confirming our response. We have no additional documents that are responsive to this request.

Further on Oct 5, 2009, our Employee Relations Division staff addressed your allegation of discrimination. If you believe that the recruitment practices of the JOBS NOW! program are discriminatory, please file a complaint by following the instructions provided in that email.

Thank you,

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120

[redacted]@aol.com



[redacted]@aol.com
10/09/2009 12:14 PM

To Pamela.Tebo@sfgov.org
cc
Subject Re: Response to your information request

Reply: 10.09.09, I see flyers in several San Francisco locations clearly indicating a "bilingual" or "Cantonese" preference for example! Also, can a non-bilingual and otherwise qualified citizen apply for these jobs administered by HSA? What measures does HSA take to halt an employer from using language to discriminate against applicants? Last, I need the names of all job titles, classifications or categories of jobs to let and administered by HSA or any of HSA's agents, under the auspices of the Recovery Act or any "stimulus plan," to date. Sunshine Laws request!

Sincerely,

Mr. Alvin

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

From: Pamela Tebo <Pamela.Tebo@sfgov.org>

To: [REDACTED]@aol.com

Sent: Fri, Oct 9, 2009 10:22 am

Subject: Response to your information request

Dear Alvin - On 10/8/09, I received a voicemail message from you. The following information is in response to your inquiry about the JOBS NOW! program. Your questions are in black, and my reponses are in red.

How many jobs have been created as of 10/8/09: We do not have a complete list of jobs not filled; however as of 10/9/09, HSA has placed 529 people in positions under the JOBS NOW! program

Provide a list of job titles: We do not have a list of job titles under the JOBS NOW! program

How many jobs list "preferences": We do not have a list of jobs indicating employer 'preferences'.

=0
AHow many women have been hired under the JOBS NOW! Program as of 10/8/09: As of 10-09-09, 404 women have been hired.

How many black males have been hired under the JOBS NOW! Program as of 10/8/09: As of 10-09-09, 62 black men have been hired.

Thank you,

Pamela Tebo

Office of the Executive Director

SF Human Services Agency

P.O. Box 7988

San Francisco, CA 94120



Pamela Tebo/DHS/CCSF
10/13/2009 02:03 PM

To [REDACTED]@aol.com
cc
bcc Luenna Kim/DHS/CCSF@CCSF
Subject Fw: HSA Response regarding discrimination

Dear Mr. Alvin,

Ms. Kim from our staff informed me you called her requesting a copy of Form 8020. Below is a copy of an email our staff sent to you on October 5, 2009, which includes Form 8020.

Thank you,

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120

----- Forwarded by Pamela Tebo/DHS/CCSF on 10/13/2009 01:47 PM -----

Arlene Laxamana/DHS/CCSF



10/05/2009 10:40 AM

To [REDACTED]@aol.com
cc
Subject HSA Response regarding discrimination

Dear Mr. Alvin,

I am writing in response to your allegation of discrimination. Specifically, you stated that you believed that the recruitment practices of the JOBSNow program are discriminatory.

Upon careful review of the recruitment and selection process, I did not find evidence of discrimination. Nevertheless, I will continue to monitor the process.

It is the policy of the Human Services Agency that no person shall be discriminated against in employment on the basis of race, color, religion, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, gender identity, marital or domestic partner status, other non-merit factors, or any other categories prohibited by law.

I have attached a form for your use should you decide to file a discrimination complaint with the HSA EEO office or other Agencies where a complaint of discrimination may be filed. Included are instructions on how to file a discrimination complaint.



FORM 8020 How to file a discrimination complaint.doc

Arlene Laxamana
Employee Relations Division

Human Services Agency

1650 Mission street, 2nd Floor

San Francisco, CA 94103

415 557-5665 direct/ 415 557-5873 fax

Arlene.Laxamana@sfgov.org



CITY AND COUNTY OF SAN FRANCISCO
 DEPARTMENT OF HUMAN RESOURCES HUMAN SERVICES AGENCY

CHARGE OF DISCRIMINATION

1. Complainant: _____
 Address: _____ Work Phone: _____
 _____ Home Phone: _____

2. Respondent Program: _____
 Worksite: _____ Telephone No.: _____
 Address: _____

3. Complainant's Current Employment Status (circle one): Classification: _____
 PCS TCS LT NCS PV PC TE PROB NOT A CITY EMPLOYEE

<p>4. Basis of Discrimination (specify):</p> <p><input type="checkbox"/> Race: _____</p> <p><input type="checkbox"/> Color: _____</p> <p><input type="checkbox"/> Religion: _____</p> <p><input type="checkbox"/> Creed: _____</p> <p><input type="checkbox"/> Sex: _____</p> <p><input type="checkbox"/> National Origin _____</p> <p><input type="checkbox"/> Ethnicity: _____</p> <p><input type="checkbox"/> Age: _____</p> <p><input type="checkbox"/> Disability/Medical Condition: _____</p> <p><input type="checkbox"/> Political Affiliation: _____</p> <p><input type="checkbox"/> Sexual Orientation: _____</p> <p><input type="checkbox"/> Ancestry: _____</p> <p><input type="checkbox"/> Marital or Domestic Partner Status: _____</p> <p><input type="checkbox"/> Gender Identity: _____</p> <p><input type="checkbox"/> Parental Status: _____</p> <p><input type="checkbox"/> Other Non-Merit Factors: _____</p> <p><input type="checkbox"/> Retaliation:*</p>	<p>5. Issue complained of:</p> <p><input type="checkbox"/> Denial of Employment</p> <p><input type="checkbox"/> Denial of Training</p> <p><input type="checkbox"/> Denial of Promotion</p> <p><input type="checkbox"/> Denial of Reasonable Accommodation</p> <p><input type="checkbox"/> Termination</p> <p><input type="checkbox"/> Lay-off</p> <p><input type="checkbox"/> Constructive Discharge</p> <p><input type="checkbox"/> Disciplinary Action</p> <p><input type="checkbox"/> Harassment</p> <p><input type="checkbox"/> Work Assignment</p> <p><input type="checkbox"/> Sexual Harassment</p> <p><input type="checkbox"/> Compensation</p> <p><input type="checkbox"/> Other (please specify): _____</p>
---	--

(*Discrimination against a person for opposing any practice forbidden by the anti-discrimination laws, and/or filing a complaint, making a charge, testifying, assisting, or participating in an investigation pursuant to the anti-discrimination laws.)

6. Have you filed this complaint with any other local, state or federal agency? Yes No
 If yes, please specify: _____
 Have you filed a grievance or lawsuit on this subject? Yes No
 If yes, please specify: _____

DHS Form 8020 Charge of Discrimination 2/06
 7. Are you represented by a Union or an Attorney? Yes No

Name: _____ Organization/Firm: _____
Address: _____ Phone No.: _____

8. Please provide the date(s) the action(s) in question took place.

9. Provide the names of the individual(s) accused of discrimination:

10. Provide the names and daytime phone numbers of any witnesses to the alleged discriminatory actions(s):

11. Describe specifically and in detail the circumstances of the alleged discrimination:

12. What actions have you taken to resolve this issue? Please specify:

13. Remedy or corrective action desired: _____

14. Are you willing to participate in an informal resolution process? Yes No

Signature

Date



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES **HUMAN SERVICES AGENCY**

HOW TO FILE A DISCRIMINATION COMPLAINT

AUTHORITY:

The authority to investigate complaints of employment discrimination stems from the San Francisco Charter, Section 10.103, and Civil Service Commission Rules (Volume I, Rule 103; Volume II, Rule 203; Volume III, Rule 303; Volume IV, Rule 403). The HSA Civil Rights Officer is responsible for the review and resolution of complaints within HSA. The Officer may designate personnel to investigate complaints and make recommendations for resolution. For complaints submitted directly to the Department of Human Resources, the Human Resources Director is responsible for the review and resolution of complaints and may designate DHR personnel to investigate complaints and make recommendations for resolution.

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COMPLAINT PROCESS:

Basis: Discrimination complaints submitted for investigation must be based on a violation of civil rights on account of one or more of the following: RACE, COLOR, RELIGION, CREED, SEX, NATIONAL ORIGIN, ETHNICITY, AGE, DISABILITY or MEDICAL CONDITION, ACQUIRED IMMUNE DEFICIENCY (AIDS/HIV) or AIDS RELATED CONDITIONS, POLITICAL AFFILIATION, SEXUAL ORIENTATION, ANCESTRY, MARITAL or DOMESTIC PARTNER STATUS, GENDER IDENTITY, PARENTAL STATUS, OTHER NON-MERIT FACTORS.

RETALIATION against any employee or applicant for having made a good faith complaint or report of discrimination, or for participating or aiding in an investigation of employment discrimination is also prohibited.

Issues: Actions complained of may include the following: DENIAL OF EMPLOYMENT, DENIAL OF TRAINING, DENIAL OF PROMOTION, DENIAL OF REASONABLE ACCOMODATION (for disability or religion), TERMINATION, LAY-OFF, CONSTRUCTIVE DISCHARGE, DISCIPLINARY ACTION, HARASSMENT, WORK ASSIGNMENT, SEXUAL HARASSMENT and COMPENSATION.

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Director, Department of Human Resources
Attention: EEO Division
44 Gough Street
San Francisco, CA 94103
Phone: 415-557-4800

HSA Office of Civil Rights
P.O. Box 7988
San Francisco, CA 94120

Phone: 415-557-5751 or 415-558-5878

The letter of complaint should include the following:

1. Name, address and daytime phone number;
2. The basis for the complaint: i.e. race, religion, etc.
3. The discriminatory action: i.e. denial of employment or reasonable accommodation, termination, etc.;
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8. A detailed explanation of the sequence of events which you believe to be discriminatory; and,
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If you are a current City and County employee, please also include your current Civil Service classification and the Department where you are employed.

Complaints of sexual harassment may also be made by calling the Department of Human Resources Harassment Helpline at 415-557-4900.

Filing Deadline:

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Investigation:

The HSA Civil Rights Officer or the DHR Human Resources Director may refer the complaint to an EEO investigator to review for timeliness and jurisdiction. The investigator will then contact the person filing the complaint, either by mail or phone, to schedule an intake interview. Intake interviews afford the investigator an opportunity to clarify the issues involved and also allow the person filing the complaint an opportunity to present the complaint in more detail.

The investigation may include reviewing and obtaining copies of relevant documents such as personnel files, attendance reports and performance evaluations; interviewing co-workers and supervisors; and other actions considered necessary in order to obtain relevant information.

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1515 Clay Street, Suite 701, Oakland, CA 94612

1-800-884-1684 or 510-622-2973

(Time Limit: Must file within one year from date of discriminatory action)

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350 The Embarcadero – Suite 500

San Francisco, CA 94105

415-625-5600 or 1-800-669-4000

(Time Limit: Must file within 300 days from date of discriminatory action)

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Pamela Tebo/DHS/CCSF
10/14/2009 03:10 PM

To [redacted]@aol.com@SFGOV
cc kimberly.alvarenga@asm.ca.gov

bcc

Subject Re: Response to your information request

Dear Mr. Alvin, On 10/13/09 I sent you the following response to your informatino request. Please be advised the department has no additional documements responsive to your requests. Further, in accordance with Admin code, 67.21 (l), the department has no duty to create documents.

Thank you,

Dear Mr. Alvin,

We do not have a "list" of job titles or qualifications or preferences for individual job postings. However, if you are interested, I can contact our staff to get copies of the indivudial job postings you are referring to. Please keep in mind, in compliance with Admin Code 67.28 (c), we charge a fee of 10 cents per page plus postage.

During conversations you had with our staff over the past few months, they verbally responded to your questions regarding bi-lingual preferences; and on Sept 14, 2009, I sent you an email confirming our response. We have no additional documents that are responsive to this request.

Further on Oct 5, 2009, our Employee Relations Division staff addressed your allegation of discrimination. If you believe that the recruitment practices of the JOBS NOW! program are discriminatory, please file a complaint by following the instructions provided in that email.

Thank you,

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120

[redacted]@aol.com



[redacted]@aol.com
10/14/2009 02:30 PM

To Pamela.Tebo@sfgov.org, kimberly.alvarenga@asm.ca.gov
cc

Subject Re: Response to your information request

Reply: 10.14.09, Send the list of job announcements clearly asking/stating a bilingual "preference!" Also, let me know of HSA's investigation into possible Unruh conflicts, caused by negative impacts to non-bilingual Jobs Now applicants. Sunshine Laws (67.25, et al) request.

Sincerely,

Mr. Alvin

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

From: Pamela Tebo <Pamela.Tebo@sfgov.org>
To: [REDACTED]@aol.com
Sent: Tue, Oct 13, 2009 9:13 am
Subject: Re: Response to your information request

Dear Mr. Alvin,

We do not have a "list" of job titles or qualifications or preferences for individual job postings. However, if you are interested, I can contact our staff to get copies of the individual job postings you are referring to. Please keep in mind, in compliance with Admin Code 67.28 (c), we charge a fee of 10 cents per page plus postage.

During conversations you had with our staff over the past few months, they verbally responded to your questions regarding bi-lingual preferences; and on Sept 14, 2009, I sent you an email confirming our response. We have no additional documents that are responsive to this request.

Further on Oct 5, 2009, our Employee Relations Division staff addressed your allegation of discrimination. If you believe that the recruitment practices of the JOBS NOW! program are discriminatory, please file a complaint by following the instructions provided in that email.

Thank you,

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120

[REDACTED]@aol.com

10/09/2009 12:14 PM

To
Pamela.Tebo@sfgov.org

cc

Subject
Re: Response to your information request

Reply: 10.09.09, I see flyers in several San Francisco locations

clearly indicating a "bilingual" or "Cantonese" preference for example!

Also, can a

non-bilingual and otherwise qualified citizen apply for these jobs administered by HSA? What measures does HSA take to halt an employer from

using language to discriminate against applicants? Last, I need the names of all

job titles, classifications or categories of jobs to let and administered by HSA or any of HSA's agents, under the auspices of the Recovery Act or any "stimulus plan," to date. Sunshine Laws request!

Sincerely,

Mr. Alvin

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

From: Pamela Tebo <Pamela.Tebo@sfgov.org>

To: [REDACTED]@aol.com

Sent: Fri, Oct 9, 2009 10:22 am

Subject: Response to your information request

Dear Alvin - On 10/8/09, I received
a voicemail message from you. The following information is in response
to your inquiry about the JOBS NOW! program. Your questions are in
black,
and my reponses are in red.

How many jobs have been created as of

10/8/09: We do

not have a complete list of jobs not filled; however as of 10/9/09, HSA
has placed 529 people in positions under the JOBS NOW! program

Provide a list of job titles: We

do not have a list of job titles under the JOBS NOW! program

How many jobs list "preferences":

We do not have
a list of jobs indicating employer 'preferences'.

=0

AHow many women have been hired under
the JOBS NOW! Program as of 10/8/09: As
of 10-09-09, 404 women have been hired.

How many black males have been hired
under the JOBS NOW! Program as of 10/8/09: As
of 10-09-09, 62 black men have been hired.

Thank you,

Pamela Tebo

Office of the Executive Director

SF Human Services Agency

P.O. Box 7988

San Francisco, CA 94120



Arlene Laxamana/DHS/CCSF
10/15/2009 02:34 PM

To [redacted]@aol.com
cc Pamela Tebo/DHS/CCSF@CCSF
bcc

Subject Your sunshine request

History: This message has been replied to.

Dear Mr. Alvin,

I received your voicemail and email message of October 14, 2009, asking for information via the Sunshine Ordinance.

As all sunshine requests go through Pamela Tebo, I have cc'd her on this email. When making future sunshine requests, please contact Ms. Tebo directly.

If you decide to file a discrimination complaint with the Human Services Agency's EEO office or other Agencies where a complaint of discrimination may be filed, I am again attaching Form 8020 for your use.

Thank you.



FORM 8020 How to file a discrimination complaint.doc

Arlene Laxamana
Employee Relations Division
Human Services Agency
1650 Mission street, 2nd Floor
San Francisco, CA 94103
415 557-5665 direct/ 415 557-5873 fax
Arlene.Laxamana@sfgov.org

[redacted]@aol.com



[redacted]@aol.com
10/14/2009 02:51 PM

To Arlene.Laxamana@sfgov.org,
kimberly.alvarenga@asm.ca.gov
cc

Subject Re: HSA Response regarding discrimination

Reply:10.14.09, I would like to know the results of your and HSA's monitoring (Unruh?) mentioned in your past e-mail to me. Also, what

"preference," such as bilingual or female, can a employer request when using the JOBS NOW program to hire applicants? Sunshine Laws request.

Sincerely,

Alvin Xex

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

From: Arlene Laxamana <Arlene.Laxamana@sfgov.org>
To: [REDACTED]@aol.com
Sent: Mon, Oct 5, 2009 9:40 am
Subject: HSA Response regarding discrimination

Dear Mr. Alvin,

I am writing in response to your allegation of discrimination. Specifically, you stated that you believed that the recruitment practices of the JOBSNow program are discriminatory.

Upon careful review of the recruitment and selection process, I did not find evidence of discrimination. Nevertheless, I will continue to monitor the process.

It is the policy of the Human Services Agency that no person shall be discriminated against in employment on the basis of race, color, religion, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, gender identity, marital or domestic partner status, other non-merit factors, or any other categories prohibited by law.

I have attached a form for your use should you decide to file a discrimination complaint with the HSA EEO office or other Agencies where a complaint of discrimination may be filed. Included are instructions on how to file a discrimination complaint.

(See attached file: FORM 8020 How to file a discrimination complaint.doc)

Arlene Laxamana

Employee Relations Division

Human Services Agency

1650 Mission street, 2nd Floor

San Francisco, CA 94103

415 557-5665 direct/ 415 557-5873 fax

Arlene.Laxamana@sfgov.org

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