

**SUNSHINE ORDINANCE  
TASK FORCE**



City Hall  
1 Dr Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-7724  
Fax No. (415) 554-7854  
TTD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION**  
October 31, 2018

**DATE DECISION ISSUED**  
October 3, 2018

**CASE TITLE – Deonte Walker and Tamara Reed v. San Francisco Municipal Transportation Agency (File No. 18058)**

**FACTS OF THE CASE**

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

Complaint filed by Deonte Walker and Tamara Reed against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On August 21, 2018, the Education, Outreach and Training Committee acting in its capacity to hear petitions/complaints heard the matter.

Tamara Reed and Deonte Walker (Petitioners) provided a summary of their complaint and requested the Committee find a violation. Ms. Reed stated that in early April both she and Mr. Walker went to Human Resources and explained that Mr. Walker needed his personnel records as well as other documents. Ms. Reed stated that she had also emailed Donald Ellison (SFMTA) explaining the documents she needed and did not receive a response. Ms. Reed stated that some of the requested documents included a copy of Mr. Walker's personnel file, the Memorandum of Understanding (MOU), timesheets for day shifts switch repairs and supervisors, the AWOL policy and definition, Job Classification No. 7458 Service List test, Mr. Walker's workers comp form signed by both Mr. Walker and his supervisor, Mr. Walker's leaves that were in the system and vacation schedule. Ms. Reed stated that she received the MOU, Civil Service List, timesheets but still does not have the leaves policy, AWOL documents and disabled worker policy. There were no speakers on behalf of the Petitioner.

Donald Ellison, Director of Human Resources and Cheryl Lynn Norona, Labor Representative, San Francisco Municipal Transportation Agency (SFMTA)

(Respondents) provided a summary of the department's position. Mr. Ellison acknowledged that the SFMTA's response was not timely but all requested documents have been provided. Mr. Ellison stated that the timeliness issue was an issue because the request was not made through the SFMTA's public records requests system on their website. Ms. Norona stated that all documents were provided by their public records manager, Caroline Celaya, who was able to enter them into the system and provided them to Ms. Reed. There were no speakers on behalf of the Respondent.

A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

Member B. Wolfe stated that on May 11, 2018, the SFMTA indicated to the Petitioner stated that they have 14 days to respond is not in the Sunshine Ordinance. Member B. Wolfe stated that when making a public records request the Respondent has 10 day to provide the requested records. Member B. Wolfe stated that when making an immediate disclosure request, one must respond by the end of the next business day and determine if they have the records and if so, when someone can expect to receive them. If the documents are voluminous, the documents would come on a rolling basis. Member B. Wolfe requested that the above information be noted for the full SOTF.

Member B. Wolfe, seconded by Chair J. Wolf, moved to find that the records are public and referred the matter to the SOTF for hearing.

On October 3, 2018, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Member J. Wolf provided a summary of the Education, Outreach and Training Committee hearing.

Tamara Reed and Deonte Walker (Petitioner) provided a summary of the complaint and requested the Committee find a violation. Ms. Reed provided a timeline of when emails were sent requesting documents and what was and was not received.

Donald Ellison, Director of Human Resources, San Francisco Municipal Transportation Agency (SFMTA) (Respondent), provided a summary of the department's position.

Mr. Ellison stated the following documents were requested and provided if they existed:

- approved leave
- vacation hours provided
- AWOL leave
- temp exempt disabled worker policies
- DWC - workers comp forms

- time cards
- sick pay and vacation time before and after the leave
- Mr. Walker's personnel file (cannot be provided but can be viewed in the SFMTA Office)

In response to questions from the SOTF Mr. Ellison stated that there is a disability leave and AWOL policy listed in the Memorandum of Understanding which was provided.

Chair B. Wolfe stated that Ms. Reed wants copies of the following documents:

- Access to Mr. Walker's personnel file
- Workers compensation form with the signatures of Mr. Walker and his supervisor
- Updated and approved leaves and vacation schedule
- AWOL policy/dates and documentation
- Page numbers of the MOU related to the leave policy/requests

Chair Wolfe suggested that the parties consult with each other to determine if there are any other documents not yet provided.

#### FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the San Francisco Municipal Transportation Agency violated Administrative Code (Sunshine Ordinance), Section 67.21.

#### DECISION AND ORDER OF DETERMINATIONS

Member Tesfai, seconded by Member Hinze, moved to find that the San Francisco Municipal Transportation Agency violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner and to refer the matter to the Compliance and Amendments Committee to ensure that the remaining documents have been provided.

The motion PASSED by the following vote:

Ayes: 7 - Tesfai, Hinze J. Wolf, Cannata, Cate, LaHood, B. Wolfe

Noes: 0 - None

Absent: 2 - Hyland, Chopra



Bruce Wolfe, Chair

Sunshine Ordinance Task Force

cc. Tamara Reed and Deonte Walker (Petitioner/Complainant)  
Donald Ellison, San Francisco Municipal Transportation Agency (Respondent)