



**CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED  
MAYOR**

*Sent via Electronic Mail*

January 26, 2023

**NOTICE OF CIVIL SERVICE COMMISSION MEETING**

Christopher Lamar



**SUBJECT: APPEAL BY CHRISTOPHER LAMAR OF HUMAN RESOURCES DIRECTOR'S FINDING OF INSUFFICIENT EVIDENCE TO SUBSTANTIATE ALLEGATIONS OF DISCRIMINATION OR HARASSMENT BASED ON RACE AND AGE**

Dear Christopher Lamar:

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **February 6, at 2:00 p.m.** You will receive a separate email invite from a Civil Service Commission staff member to join and participate in the meeting.

The agenda will be posted for your review on the Civil Service Commission's website at [www.sf.gov/CivilService](http://www.sf.gov/CivilService) under "Meetings" no later than end of day on Friday, January 20, 2023. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, please submit one hardcopy 3-hole punch, double-sided and numbered at the bottom of each page to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at [civilservice@sfgov.org](mailto:civilservice@sfgov.org) by **5:00 p.m. on Tuesday, January 31, 2023**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

It is important that you or an authorized representative attend the hearing on your appeal. Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance. As a reminder, you are to be honest and forthright during all testimony and in all documentation that you provide to the Civil Service Commission.

You may contact me at (628) 652-1100 or at [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) if you have any questions.

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Attachment

Cc: Patrick O'Riordan, Department of Building Inspection  
Carol Isen, Department of Human Resources  
Yvonne Lim, Department of Building Inspection  
Amalia Martinez, Department of Human Resources  
Estevan Villarreal, Department of Human Resources  
Mawuli Tugbenyoh, Department of Human Resources  
Alison B. Kwan, Department of Human Resources  
Commission File  
Commissioners' Binder  
Chron

## **NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES**

### **A. Commission Office**

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**Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)**

Government’s duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people’s business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people’s review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Victor Young, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: [soff@sfgov.org](mailto:soff@sfgov.org), or on the City’s website at [www.sfgov.org/bdsupvrs/sunshine](http://www.sfgov.org/bdsupvrs/sunshine).

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Ben Man  
[REDACTED]

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Dear Ben Man:

As you may be aware, Christopher Lamar filed the above-referenced discrimination complaint with the Department of Human Resources ("DHR"). The Department of Human Resources reviewed Christopher Lamar's allegations, and the Human Resources Director determined that there was insufficient evidence to establish his claims of harassment and discrimination. Christopher Lamar has appealed that determination to the Civil Service Commission.

In accordance with the City Charter and Civil Service Rules, the Commission may sustain, modify, or reverse the Human Resources Director's determination; and may effectuate an appropriate remedy in the event that it finds discrimination in the work environment. Any such finding is binding on City departments. The Commission may not impose discipline on an employee, but in an appropriate case may recommend that the department consider discipline.

The Equal Employment Opportunity Division of DHR will present and defend the Human Resources Director's determination on Christopher Lamar's complaint at the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **February 6, 2023, at 2:00 p.m.** The Commission will have received the DHR staff report, which reviews the evidence pertaining to the complaint and supports the Human Resources Director's determination, in advance of the meeting. You will have an opportunity to address Christopher Lamar's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. You will be receiving a meeting invite to join the meeting through Cisco WebEx on your computer or you may listen/respond to the meeting by phone. The Commission will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

The February 6, 2023, meeting agenda will be posted on the Civil Service Commission's website at [www.sf.gov/CivilService](http://www.sf.gov/CivilService) under "Meetings" no later than end of day on Wednesday, February 1, 2023.

You may contact me at [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) or (628) 652-1100 should you have any questions.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Attachment

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Carol Isen, Department of Human Resources  
Yvonne Lim, Department of Building Inspection  
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Derek Cheung  
[REDACTED]

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Dear Derek Cheung:

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/s/

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Executive Officer

Attachment

Cc: Dennis Herrera, Public Utilities Commission  
Carol Isen, Department of Human Resources  
Wendy Macy, Public Utilities Commission  
Rachel Gardunio, Public Utilities Commission  
Amalia Martinez, Department of Human Resources  
Jennifer Burke, Department of Human Resources  
Mawuli Tugbenyoh, Department of Human Resources  
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**CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED  
MAYOR**

*Sent via Electronic Mail*

January 26, 2023

**NOTICE OF CIVIL SERVICE COMMISSION MEETING**

Maria Ragasa  
[REDACTED]

**SUBJECT: APPEAL BY CHRISTOPHER LAMAR OF HUMAN RESOURCES DIRECTOR'S FINDING OF INSUFFICIENT EVIDENCE TO SUBSTANTIATE ALLEGATIONS OF DISCRIMINATION OR HARASSMENT BASED ON RACE AND AGE**

Dear Maria Ragasa:

As you may be aware, Christopher Lamar filed the above-referenced discrimination complaint with the Department of Human Resources ("DHR"). The Department of Human Resources reviewed Christopher Lamar's allegations, and the Human Resources Director determined that there was insufficient evidence to establish his claims of harassment and discrimination. Christopher Lamar has appealed that determination to the Civil Service Commission.

In accordance with the City Charter and Civil Service Rules, the Commission may sustain, modify, or reverse the Human Resources Director's determination; and may effectuate an appropriate remedy in the event that it finds discrimination in the work environment. Any such finding is binding on City departments. The Commission may not impose discipline on an employee, but in an appropriate case may recommend that the department consider discipline.

The Equal Employment Opportunity Division of DHR will present and defend the Human Resources Director's determination on Christopher Lamar's complaint at the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **February 6, 2023, at 2:00 p.m.** The Commission will have received the DHR staff report, which reviews the evidence pertaining to the complaint and supports the Human Resources Director's determination, in advance of the meeting. You will have an opportunity to address Christopher Lamar's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. You will be receiving a meeting invite to join the meeting through Cisco WebEx on your computer or you may listen/respond to the meeting by phone. The Commission will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

The February 6, 2023, meeting agenda will be posted on the Civil Service Commission's website at [www.sf.gov/CivilService](http://www.sf.gov/CivilService) under "Meetings" no later than end of day on Wednesday, February 1, 2023.

You may contact me at [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) or (628) 652-1100 should you have any questions.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Attachment

Cc: Patrick O'Riordan, Department of Building Inspection  
Carol Isen, Department of Human Resources  
Yvonne Lim, Department of Building Inspection  
Amalia Martinez, Department of Human Resources  
Estevan Villarreal, Department of Human Resources  
Mawuli Tugbenyoh, Department of Human Resources  
Alison B. Kwan, Department of Human Resources  
Commission File  
Commissioners' Binder  
Chron

## **NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES**

### **A. Commission Office**

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is [civilservice@sfgov.org](mailto:civilservice@sfgov.org) and the web address is [www.sfgov.org/civilservice/](http://www.sfgov.org/civilservice/). Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

### **B. Policy Requiring Written Reports**

It is the policy of the Civil Service Commission that except for appeals filed under Civil Service Commission Rule 111A Position-Based Testing, all items appearing on its agenda be supported by a written report prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Officer. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

### **C. Policy on Written Submissions by Appellants**

All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4<sup>th</sup>) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original copy on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

### **D. Policy on Materials being Considered by the Commission**

Copies of all staff reports and materials being considered by the Civil Service Commission are available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at <https://sf.gov/civilservice> and in its office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If any materials related to an item on this agenda have been distributed to the Civil Service Commission after distribution of the agenda packet, those materials will be available for public inspection at the Civil Service Commission's during normal office hours (8:00 a.m. to 5:00 p.m. Monday through Friday).

### **E. Policy and Procedure for Hearings to be Scheduled after 5:00 p.m. and Requests for Postponement**

**A request to hear an item after 5:00 p.m. should be directed to the Executive Officer as soon as possible following the receipt of notification of an upcoming hearing. Requests may be made by telephone at (628) 652-1100 and confirmed in writing or by fax at (628) 652-1109.**

A request for a postponement (continuance) to delay an item to another meeting may be directed to the Commission Executive Officer by telephone or in writing. Before acting, the Executive Officer may refer certain requests to another City official for recommendation. Telephone requests must be confirmed in writing prior to the meeting. Immediately following the "Announcement of Changes" portion of the agenda at the beginning of the meeting, the Commission will consider a request for a postponement that has been previously denied. Appeals filed under Civil Service Commission Rule 111A Position-Based Testing shall be considered on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Department of Human Resources.

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# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

1. Civil Service Commission Register Number: 0124-22-6
2. For Civil Service Commission Meeting of: February 6, 2023
3. Check One:            Ratification Agenda  
                                 Consent Agenda  
                                 Regular Agenda                    X  
                                 Human Resources Director's Report
4. Subject:                Appeal by Christopher Lamar of Human Resources Director's finding of insufficient evidence to substantiate allegations of discrimination or harassment based on race and age.
5. Recommendation:     Adopt the report, uphold the decision of the Human Resources Director and deny the appeal by Christopher Lamar.
6. Report prepared by: Estevan Villarreal, DHR EEO Telephone number: 415-662-0020
7. Notifications:         Please see attached.
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: Carol Isen

A handwritten signature in blue ink, appearing to read "Carol Isen", written over a horizontal line.

Date: January 26, 2023

9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

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

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

**CSC RECEIPT STAMP**

Attachment

**NOTIFICATIONS**

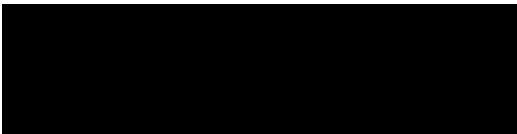
**Christopher Lamar (Appellant)**



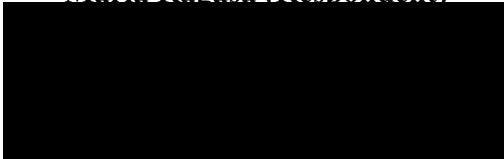
**Ben Man (Respondent)**



**Derek Cheung (Respondent)**



**Maria Ragasa (Respondent)**



**Patrick O’Riordan**

Director  
Department of Building Inspection  
1660 Mission Street, 3rd Floor  
San Francisco, CA 94103

**Yvonne Lim**

Human Resources Manager  
Department of Building Inspection  
1660 Mission Street, 3rd Floor  
San Francisco, CA 94103

**Carol Isen**

Human Resources Director  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

**Amalia Martinez**

Equal Employment Opportunity Director  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

**Mawuli Tugbenyoh**

Chief of Policy  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

**Estevan Villarreal**

EEO Programs Senior Specialist  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

**Alison B. Kwan**

EEO Programs Manager  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103



## CIVIL SERVICE COMMISSION REPORT

### MEMORANDUM

TO: Civil Service Commission

THROUGH: Carol Isen, Human Resources Director

THROUGH: Amalia Martinez, EEO Director

FROM: Estevan Villarreal, EEO Programs Senior Specialist

DATE: January 26, 2023

EEO FILE NO: 3956

REGISTER NO: 0124-22-6

APPELLANT: Christopher Lamar

---

#### **I. AUTHORITY**

The San Francisco Charter, Section 10.103, and the Civil Service Rules provide that the Human Resources Director shall review and resolve complaints of employment discrimination. Pursuant to the Civil Service Rules, Section 103.3, the Civil Service Commission shall review and resolve appeals of the Human Resources Director's determinations.

#### **II. BACKGROUND**

Since November 2, 2020, Appellant Christopher Lamar (Lamar) has been employed as a permanent civil service (PCS) 6321 Permit Technician with the Department of Building Inspection (DBI). From November 2, 2020 to May 3, 2021, Lamar worked in the Initial Plan Review Division (IPR) as a probationary employee. During this period, Lamar reported to Ben Man (Man), 6323 Permit Technician III, and Derek Cheung (Cheung), 6322 Permit Technician II, was Lamar's mentor. On May 3, 2021, Lamar passed probation and began working with the Central Permit Bureau (CPB), reporting to Michelle Yu (Yu), 5241 Engineer.

##### **A. Appellant's Complaint, EEO File No. 3956**

On May 14, 2021, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received from Michele Nieve (Nieve), DBI Human Resources Manager, an e-mail reporting Lamar's allegation that between November 2, 2020 and May 1, 2021, Man, Cheung, and Maria Ragasa (Ragasa), 6323 Permit Technician III, discriminated against and harassed Lamar based on Lamar's race (Black) and age (over 50). **See Exhibit (Ex.) A.** Nieve conducted the investigation into Lamar's allegations, and DHR EEO completed the investigative report. **See Ex. B, C.**

**B. Human Resources Director's Determination**

In a letter dated August 2, 2022, the Human Resources Director informed Lamar that based on the investigative findings, the evidence was insufficient to substantiate Lamar's allegations of race and age-based discrimination and harassment, although the investigation did substantiate that Man engaged in conduct violating the City's Policy Regarding the Treatment of Co-Workers and Members of the Public (Respect Policy), and that Lamar and another co-worker received insufficient training. See Ex. D. The Human Resources Director advised DBI to take appropriate action to address these matters, and between August 12 and October 20, 2022, DBI confirmed completion of these actions. See Ex. E and F.

**III. ISSUE ON APPEAL TO THE CIVIL SERVICE COMMISSION**

On August 15, 2022, Lamar appealed the Human Resources Director's determination. See Ex. G. On September 1, 2022, Lamar submitted additional information in support of his appeal. See Ex. H, Att. 1-3.

The issue on appeal is whether the Commission should uphold the Human Resources Director's determination. As explained in greater detail below, the Human Resources Director correctly determined that the evidence was not sufficient to substantiate Lamar's allegations of discrimination and harassment based on race and age, and we respectfully request the Commission uphold this determination.

**IV. ANALYSIS & FINDINGS**

Lamar is a member of a protected category based on his race (Black) and age (over 50 years old). However, as explained in greater detail below, while the evidence substantiated some of the alleged conduct, the evidence did not substantiate that Lamar's race or age was the basis for this conduct.

**A. The Investigation Did Not Substantiate Lamar's Discrimination Allegations**

Lamar alleged that Man, Cheung, and Ragasa discriminated against Lamar based on Lamar's race and age by subjecting Lamar to the following conduct:

- (1) Man and Cheung did not provide Lamar sufficient training. They only provided Lamar a five-page document explaining division processes, but they did not provide one-on-one training and only provided feedback during monthly evaluations, rather than contemporaneously.
- (2) Whenever Lamar made an error on a permit, Man required Lamar to e-mail DBI Management Information Services (MIS) to delete the permit. However, Man did not require other staff to e-mail MIS and did not show Lamar how to change the form using the drop-down menu.
- (3) On December 28, 2020, Man and Ragasa asked Lamar why he left work early on December 24, 2020. They told Lamar they did not give him permission to leave early, however Lamar's co-workers received permission to leave early that day.

While the investigation established that Lamar received insufficient training, the investigation did not substantiate that this was due to Lamar's race and age as a non-Black co-worker also received insufficient training. Further, as Lamar passed probation, the insufficient training did not cause him to suffer any adverse employment action. See Ex. B, C.

Next, the investigation established a legitimate business reason why Man required Lamar to e-mail MIS to delete a permit with an error. Multiple witnesses corroborated that MIS must be notified if an error is

discovered after fees are paid and the permit is issued, which was the case in Lamar's permit errors. Moreover, there was no evidence of race or age-based animus. **See Ex. B, C.** In his appeal, Lamar provided new information that whenever Lamar incorrectly used a plumbing application rather than a mechanical application, Man required Lamar, but not other Permit Technician Is, to e-mail Man to report the error before e-mailing MIS for assistance. **See Ex. H.2.** However, Lamar also acknowledged that he repeatedly made this same error, and it is reasonable for Man to monitor Lamar, a probationary employee, to evaluate Lamar's progress and performance and provide feedback on the same. Further, e-mailing Man did not result in any adverse employment action as Lamar passed probation.

Lastly, although the investigation substantiated that on December 28, 2020, Man and Ragasa told Lamar he did not have permission to leave early on Christmas Eve while other employees did, the investigation did not substantiate this was due to Lamar's race or age, or that their conduct was improper. The investigation found that not all employees were permitted to leave early due to the legitimate, non-discriminatory business reason of ensuring that some employees remained in-office to assist potential customers as IPR is a public-facing unit. **See Ex. B, C.** The investigation also found that employees received permission to leave early for one of two holidays each year and Lamar acknowledged he received permission to leave early on Thanksgiving Eve. **See Ex. B, C, H.2.** Additionally, although Man and Ragasa told Lamar that he did not have permission to leave early on December 24, 2020, they did not prevent him from leaving early or discipline him for doing so. Thus, Lamar did not suffer an adverse employment action. **See Ex. B, C.** Finally, there was no evidence of any race or age-based animus

Accordingly, the evidence did not substantiate that Man, Cheung, or Ragasa subjected Lamar to race or age-based discrimination.

#### **B. The Investigation Did Not Substantiate Lamar's Harassment Allegations**

Lamar alleged that Man, Cheung, and Ragasa subjected Lamar to the following unwelcome conduct based on Lamar's race and age:

- (1) Man, Cheung, and Ragasa were hostile in their daily interactions with Lamar and addressed Lamar's performance in a degrading manner.
- (2) Man and Ragasa made derogatory comments about Lamar's typing abilities, and specifically that Ragasa said, "Even inspectors can type faster than you [Lamar]."
- (3) Man compared Lamar's performance to a higher performing Black co-worker and said, "Maybe DBI is not the place for you."
- (4) Man, in reference to Lamar going to co-workers with questions about a work, made the following comments: "Why would you go to a brother or sister when you can come to the parent (Man)? Let's make it official; you only come to me with questions ... It must be a cultural thing."

The investigation did not substantiate Lamar's allegation that Man, Cheung, and Ragasa were hostile in their daily interactions with Lamar and addressed Lamar's performance in a degrading manner. On appeal, Lamar described the conduct as follows: he was "harassed, ridiculed, bullied and shamed in front of co-workers on numerous occasions" and they "Degrad[ed] [Lamar], being condescending, confrontational and shaming in front of others as witnessed by other employees." **See Ex. G, H.2.** Yet, despite Lamar's repeated assertions as to the severity and pervasiveness of this conduct and the presence of multiple witnesses, no witnesses confirmed these allegations, and the investigation found no evidence of any race or age-based animus. **See Ex. B, C.**

Next, the investigation substantiated that Ragasa made a comment about Lamar's typing, as Ragasa acknowledged doing so, however, the evidence did not substantiate that Ragasa's conduct was based on Lamar's race or sex and the example Lamar provided did not reference Lamar's race or age. **See Ex. B, C.**

Similarly, while Man partially admitted referencing a Black female co-worker in relation to Lamar's performance, the investigation found that Man also referenced other non-Black co-workers, and that this was in the context of advising Lamar that he could improve his performance by observing co-workers. Accordingly, this comment was not race or age-related. Moreover, it is not inappropriate for a supervisor to suggest an employee observe a higher performing co-worker. Additionally, there was otherwise no evidence of age-based animus. **See Ex. B, C.**

Finally, while the investigation substantiated that Man made a comment referencing "culture," the evidence did not substantiate that this comment was race or age-related. While Man admitted to referencing "culture," he explained that it was the context of DBI/IPR's workplace culture, which is unrelated to Lamar's race or age. **See Ex. B.** Moreover, the investigation found no evidence of race or age-based animus. **See Ex. B, C.** Accordingly, the evidence was not sufficient to substantiate that Man made an inappropriate race-based comment. **See Ex. B, C.**

Based on the foregoing, the Human Resources Director correctly determined that the evidence was insufficient to substantiate Lamar's allegations of race or age-based harassment. Nonetheless, the Human Resources Director also determined that the evidence was sufficient to substantiate that Man engaged in unprofessional behavior in violation of the City's Respect Policy, and DBI took appropriate action to address this conduct. **See Ex. E, F.**

## **V. RECOMMENDATION**

For all the reasons set forth above, the Human Resources Director's determination for EEO File No. 3956 should be upheld, and the appeal should be denied.

## **VI. APPENDIX/ATTACHMENTS TO REPORT**

Attached to this report are the following exhibits:

- Exhibit A:** A.1 – E-mail Notice of EEO Complaint by C. Lamar, dated May 14, 2021  
A.2 – Department Report of Complaint Form for C. Lamar, dated May 10, 2021  
A.3 – Summary of Allegations by C. Lamar, dated May 10, 2021
- Exhibit B:** DBI Investigative Report, dated April 5, 2022
- Exhibit C:** DHR EEO Investigative Report for EEO File No. 3956, dated August 2, 2022
- Exhibit D:** Determination Letter for EEO File No. 3956, dated August 2, 2022
- Exhibit E:** Department Determination Letter for EEO File No. 3956, dated August 2, 2022
- Exhibit F:** DBI Confirmation of Completion of Recommended Actions, dated October 20, 2022
- Exhibit G:** Notice of Appeal by C. Lamar, Register No. 0124-22-6, dated August 18, 2022

- Exhibit H:
- H.1 – E-mail Submitting Appeal Supporting Documents, dated September 1, 2022
  - H.2 – Letter of Support for Appeal by C. Lamar, dated August 31, 2022
  - H.3 – Additional Documents Supporting Appeal by C. Lamar, dated August 31, 2022



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**EXHIBIT A: Report of Complaint by C.  
Lamar, EEO File No. 3956, Attachments 1-3**

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# **EXHIBIT A, Attachment 1**

E-mail Notice of EEO Complaint by C. Lamar

May 14, 2021

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**From:** [Nieve, Michele \(DBI\)](#)  
**To:** [DeWit, Rikki \(HRD\)](#); [Love, Kimberly \(HRD\)](#)  
**Cc:** [Sugarman, Peggy \(HRD\)](#)  
**Subject:** Department Report of Complaint - DBI - C. Lamar  
**Date:** Friday, May 14, 2021 6:10:53 PM  
**Attachments:** [Report of Discrimination Lamar 05.14.2021.pdf](#)  
[Department-Report-of-Complaint DBI Christopher Lamar 05.14.2021.pdf](#)

---

Hello EEO,

Please see the Department Report of Complaint. Please let me know if you have any questions.

Thank you,

***Michele Nieve***

Manager, Human Resources & Payroll Division

Department of Building Inspection

49 South Van Ness Avenue, Suite 512

San Francisco, CA 94103

Email: [Michele.nieve@sfgov.org](mailto:Michele.nieve@sfgov.org)

Desk: (628) 652-3582

DBI | Protecting Building & Life Safety

[Subscribe](#) for customer updates or visit our [website](#) for the latest information.

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We have moved to our new office location at 49 South Van Ness. Our office remains partially closed to the public. For information about applying for a permit, click [here](#). You can [schedule an inspection](#) or [file a building construction or housing complaint](#) online or by phone. We are hosting virtual [Building Inspection Commission meetings](#), [Director's Hearings](#) and [other advisory group meetings](#).

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# **EXHIBIT A, Attachment 2**

Department Report of Complaint Form for C. Lamar

May 10, 2021

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DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT

\* Report Within Five Working Days of Receipt of Complaint\*

Return to: Linda C. Simon, Director, DHR EEO Division, One South Van Ness, 4th Floor, San Francisco, CA 94103; linda.simon@sfgov.org

1. Department/Worksite: Department of Building Inspection/ 49 South Van Ness

2. Complainant: Christopher Lamar Tel. No. (Work): Division Move;New # in Progress

Address: [Redacted] Tel. No. (Home): [Redacted]

[Redacted] DSW #: [Redacted]

3. Complaint Filing Date: 05/10/2021

4. Complainant's Current Employment Status (circle one): Classification: 6321

TCS LT NCS PV PE TE PROB NOT A CITY EMPLOYEE

5. Basis of Discrimination (specify):

- Checked: Race
Color
Religion
Creed
Sex
National Origin
Ethnicity
Age
Disability/Medical Condition:
Harassment
Political Affiliation
Sexual Orientation
Ancestry
Marital or Domestic Partner Status
Gender Identity
Parental Status
Veteran Status
Other Non-Merit Factors
Retaliation

6. Issue complained of:

- Checked: Denial of Training - Inadequate training
Other (please specify):

Hosility & degradation, derogatory comments regarding "culture" and "ability". Comparative statements to other African American staff members.

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s), provide DSW # for Accused/Respondent(s): (Attach letter of complaint)

See attached

Blank lines for describing the circumstances of the alleged discrimination.

8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes  No

If yes, please specify: \_\_\_\_\_

9. Is the Complainant represented by a Union or an Attorney? Yes  No

Name: Dennis Wong Organization/Firm: SEIU 1021

Address: 350 Rhode Island St. #100, SF CA 94103 Phone No.: 415-216-9030

\*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

Department immediately reassigned Christopher Lamar to a different DBI division and reporting manager

and will conduct internal investigation.

\*10a. Name, position, and phone number of person who will implement recommended steps:

Michele Nieve, Manager HR/Payroll Division; (628) 652-3582 Office/Work Cell (415)636-1259

11. Completed by: Michele Nieve Date: 05/14/2021

Address: 49 South Van Ness, 5th Floor, SF 94103 Tel. No. 628-652-3582

\*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

**\*Subject to the Human Resources Director's approval**

### HUMAN RESOURCES DIRECTOR REVIEW

Complaint is assigned EEO File Number: \_\_\_\_\_

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: \_\_\_\_\_  
and/or the following actions are to be taken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
for Micki Callahan, Human Resources Director

\_\_\_\_\_  
Date

# **EXHIBIT A, Attachment 3**

Summary of Allegations by C. Lamar

May 10, 2021



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Christopher Lamar – PCS 6321 Permit Technician I

Department of Building Inspection

Report Date: 5/10/2021

Employee reported his direct supervisor, Ben Man (0441159) and assigned mentor, Derek Cheung (158763) did not provide adequate training and support during his onboarding and probationary period, were hostile in their daily dealings with the employee, and spoke to the employee in a degrading manner when addressing performance errors. It was reported Ben and another supervisor, Maria Ragasa (026858) made derogatory comments regarding employees typing abilities. Ben made comparative statements to employee during his performance review on how well another employee was doing [the other employee is also African American] and told him during his last progress evaluation "maybe DBI is not a place for you." Employee stated that he received five sheets of paper explaining the processes he was to learn but did not receive hands on training. The employee states he was not given the tools to do his job efficiently.

The employee reported that his supervisor made him email DBI MIS division and cc the supervisor to delete forms whenever employee noticed he made a form error instead of showing employee how to easily use the drop down option to change the form. Employee stated that Ben would not address any errors immediately with the employee but instead would wait until the end of the month during the employee's evaluation to address.

It was further reported that Ben told the employee "why would you go to a brother or sister when you can come to the parent?" referring to himself as the parent, when employee asked a co-worker a questions about a process. Ben followed with, "It must be a cultural thing."

On the day before Christmas 2020, while employee was at lunch, staff in the employee's division were told they could leave early. When employee returned from lunch, most of the staff were gone and employee was told they were allowed to leave for the day. Employee left early and the following Monday was approached by two supervisors, Ben and Maria about leaving early. It was reported the supervisors told employee, "we heard you left early the day before Christmas. We didn't tell you you could leave early."

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**EXHIBIT B:**

DBI Investigative Report

April 5, 2022

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**CONFIDENTIAL**

**DATE:** April 5, 2022  
**TO:** Rikki De Wit, EEO Programs Manager  
**FROM:** Michele Nieve, Manager HR & Payroll Division  
**SUBJECT:** Investigatory Report for Christopher Lamar Complaint of Discrimination

---

**Background**

On May 10, 2021 Department of Building Inspection ("DBI" or "Department") employee Christopher Lamar ("Lamar"), classification 6321 Permit Technician I in the Initial Plan Review ("IPR") division reported his direct supervisor, Ben Man ("Man") and assigned mentor, Derek Cheung ("Cheung") did not provide adequate training and support during his onboarding and probationary period and did not provide Lamar with the tools to do his job efficiently. It was reported that Man and Cheung were hostile in their daily dealings with Lamar; spoke to Lamar in a degrading manner when addressing performance errors; failed to immediately address Lamar's work errors, but instead waited until the end of the month to review the errors with Lamar.

It was further reported that Man and another Permit Services supervisor, Maria Ragasa ("Ragasa") made derogatory comments regarding Lamar's typing abilities and that Man made comparative statements to Lamar during his performance review on how well another African American employee was doing. Lamar alleged he received this behavior from Man, Cheung, and Ragasa based on his race (Black) and age (55 years old at time of the complaint).

Based on the allegations, DBI Human Resources submitted a Department EEO Complaint Report to City & County of San Francisco Department of Human Resources ("DHR") and conducted a formal investigation.

**Previous Disciplinary Action**

**Man:**

None on record

**Cheung:**

None on record

**Human Resources and Payroll Division  
1660 Mission Street – San Francisco CA 94103  
Office (415) 558-6675 – FAX (415) 558-6636 - www.sfdbi.org**

**Ragasa:**

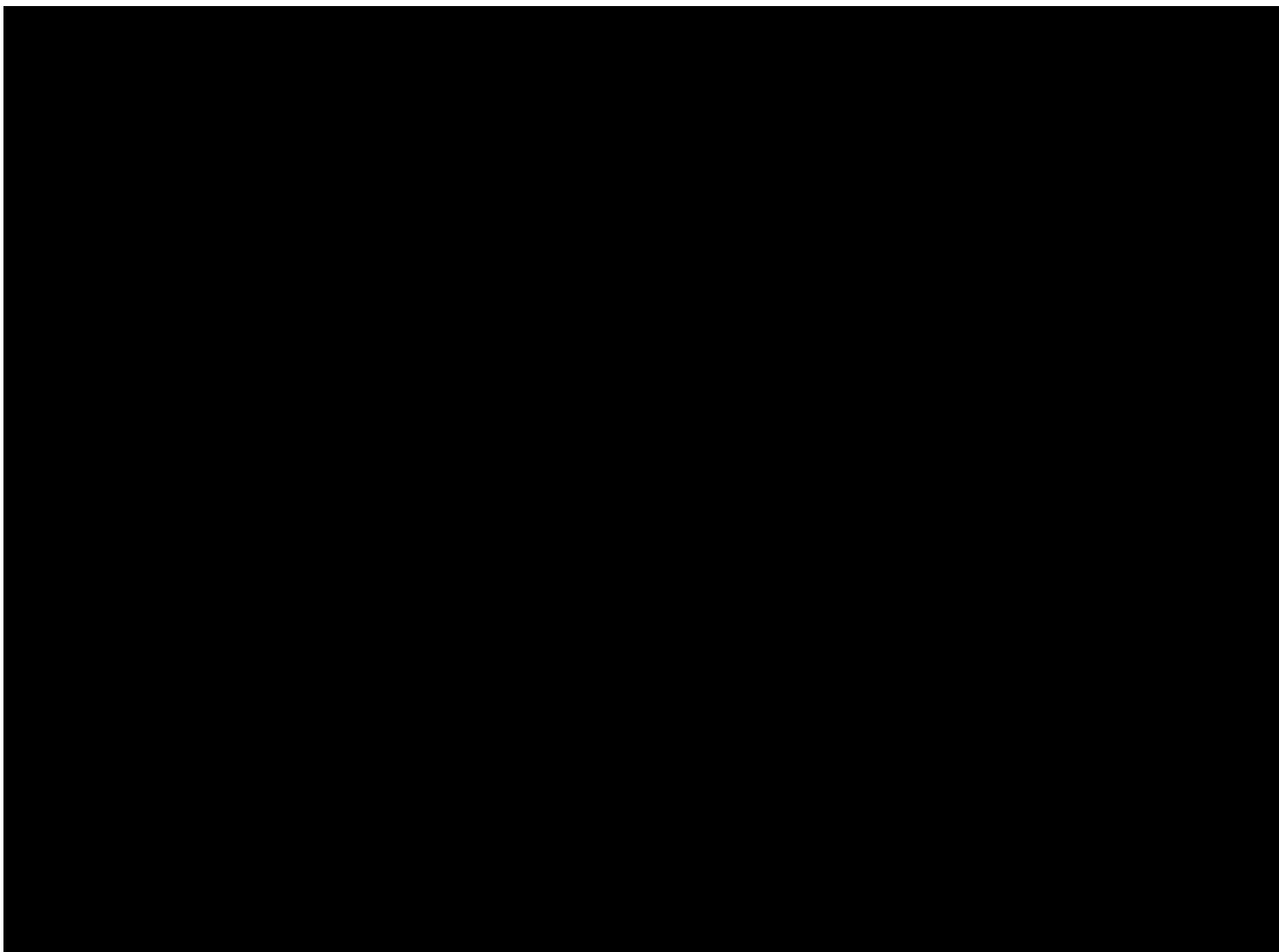
None on record

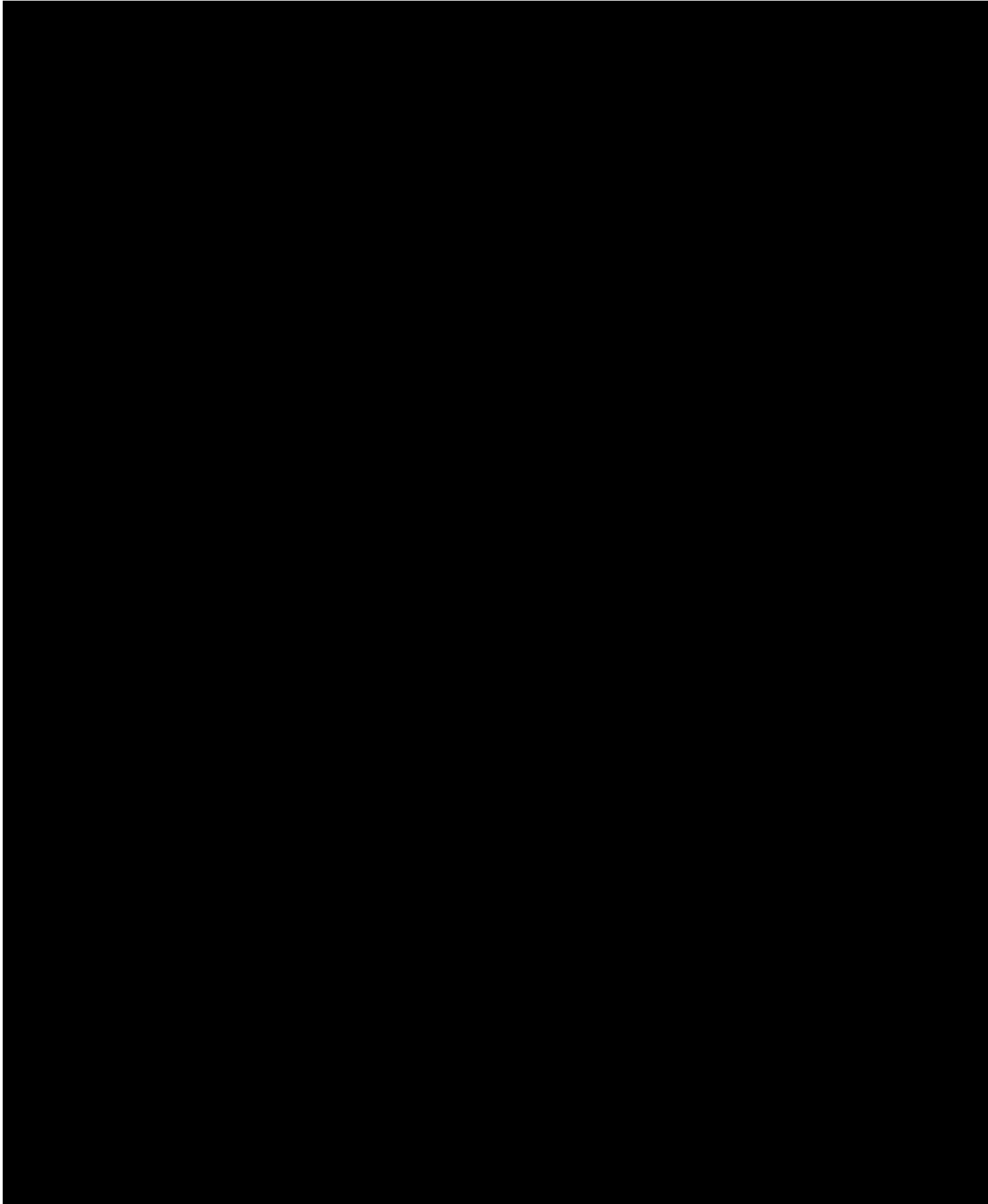
**Allegations**

- Discrimination based on race
- Discrimination based on age
- Failure to adequately train and provide support
- Disparate treatment
- Unprofessional Conduct

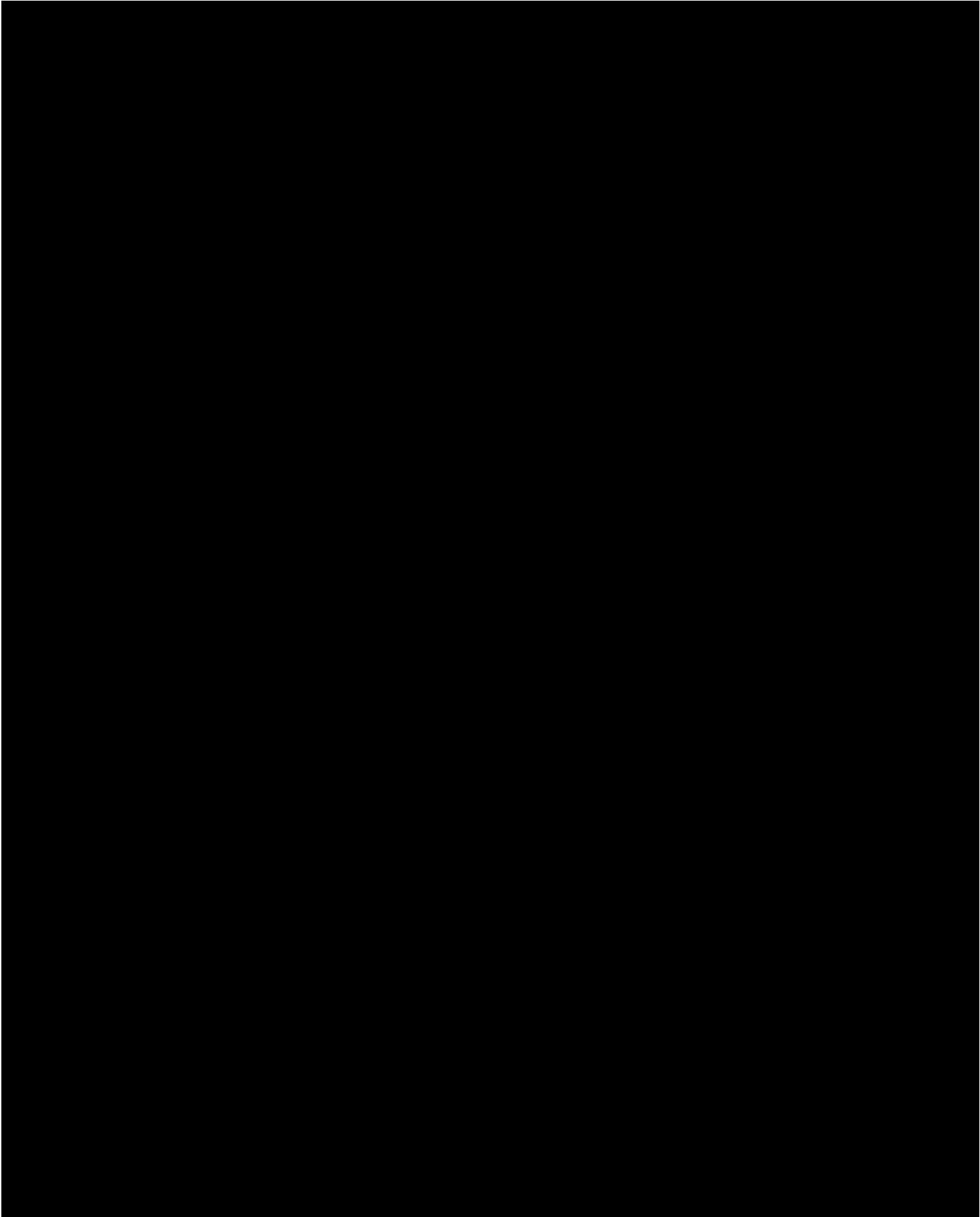
**Policies**

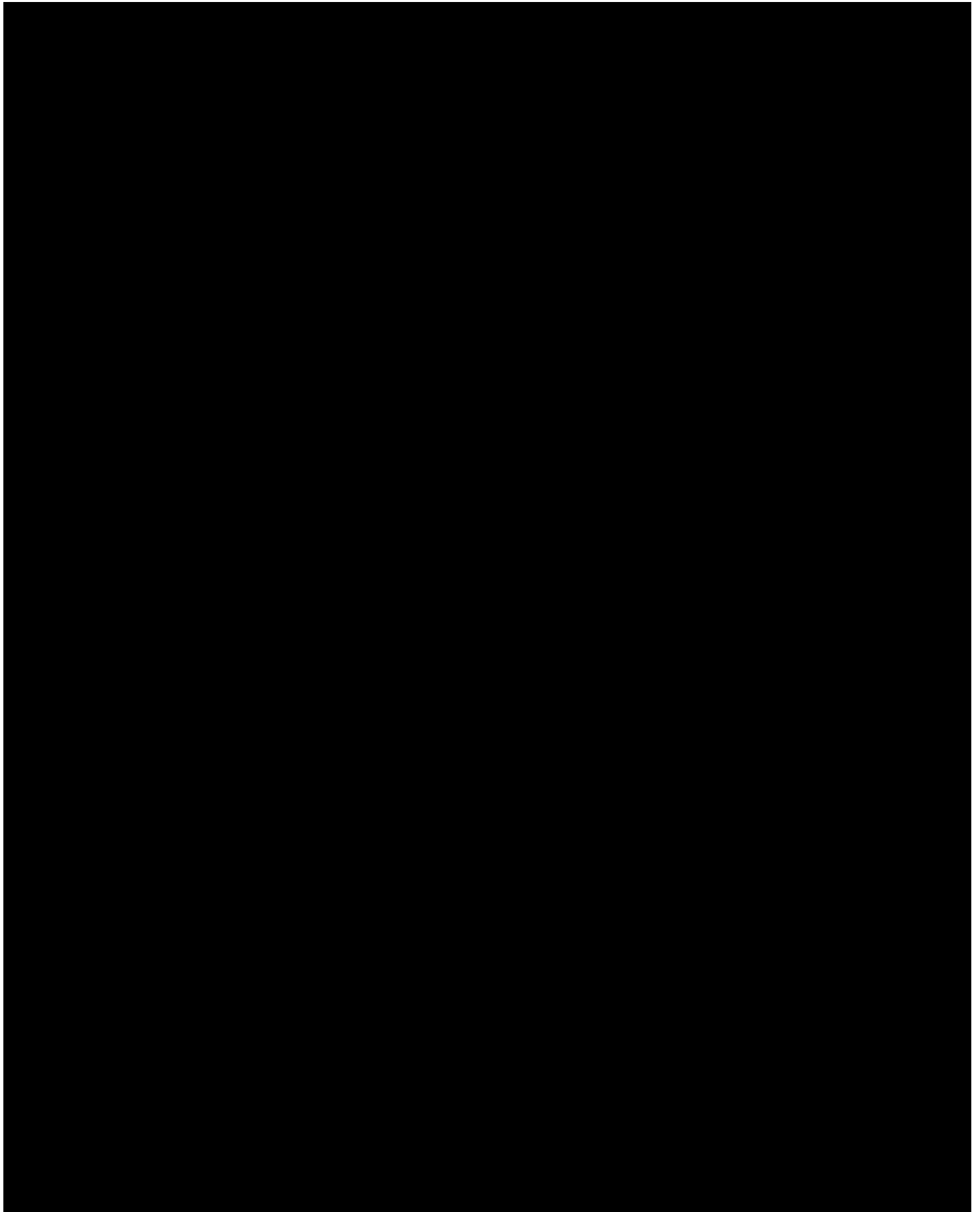
- CCSF Equal Employment Opportunity (“EEO”) Policy
- CCSF Policy Regarding the Treatment of Co-Workers and the Public
- DBI Code of Professional Conduct

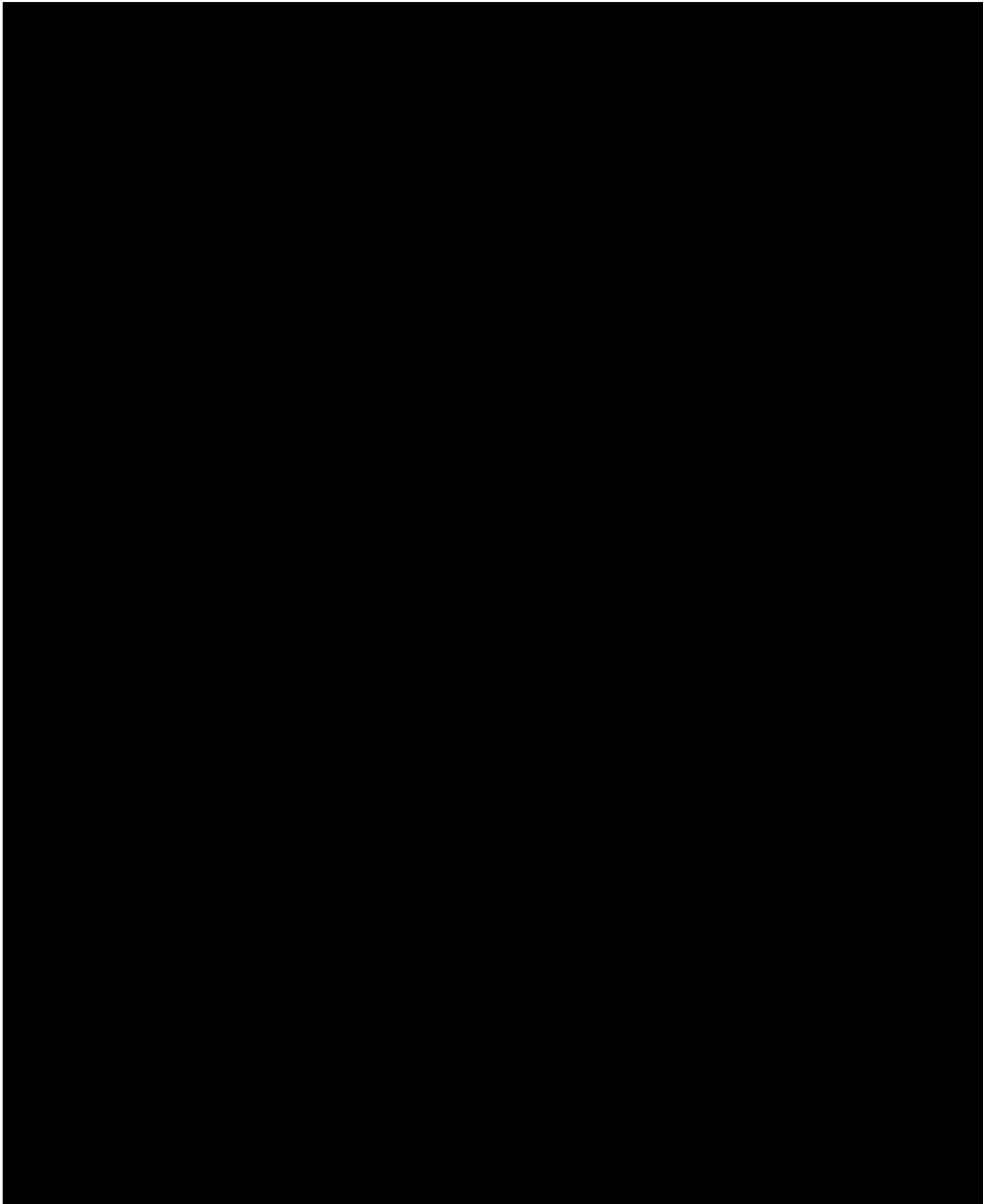


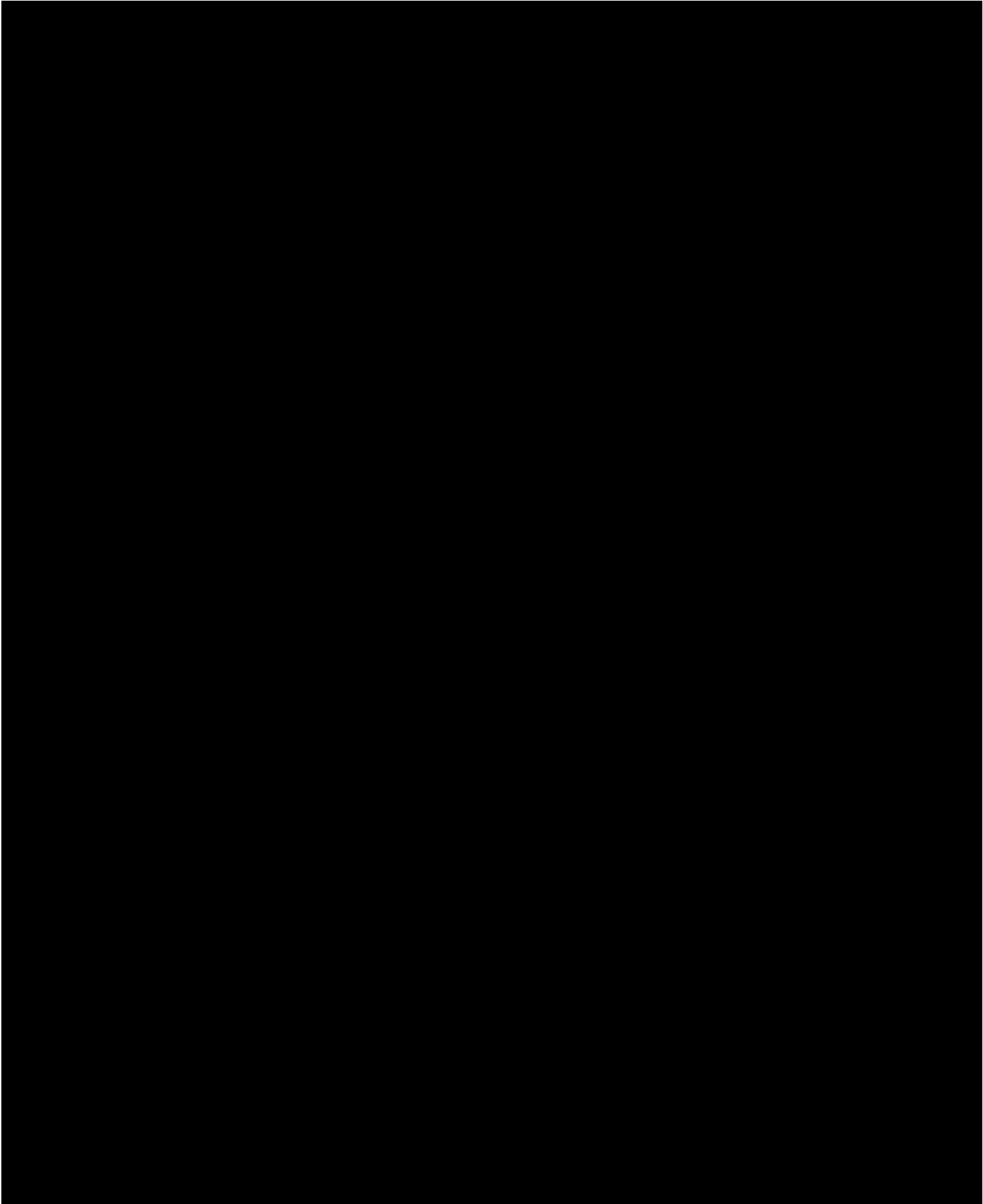


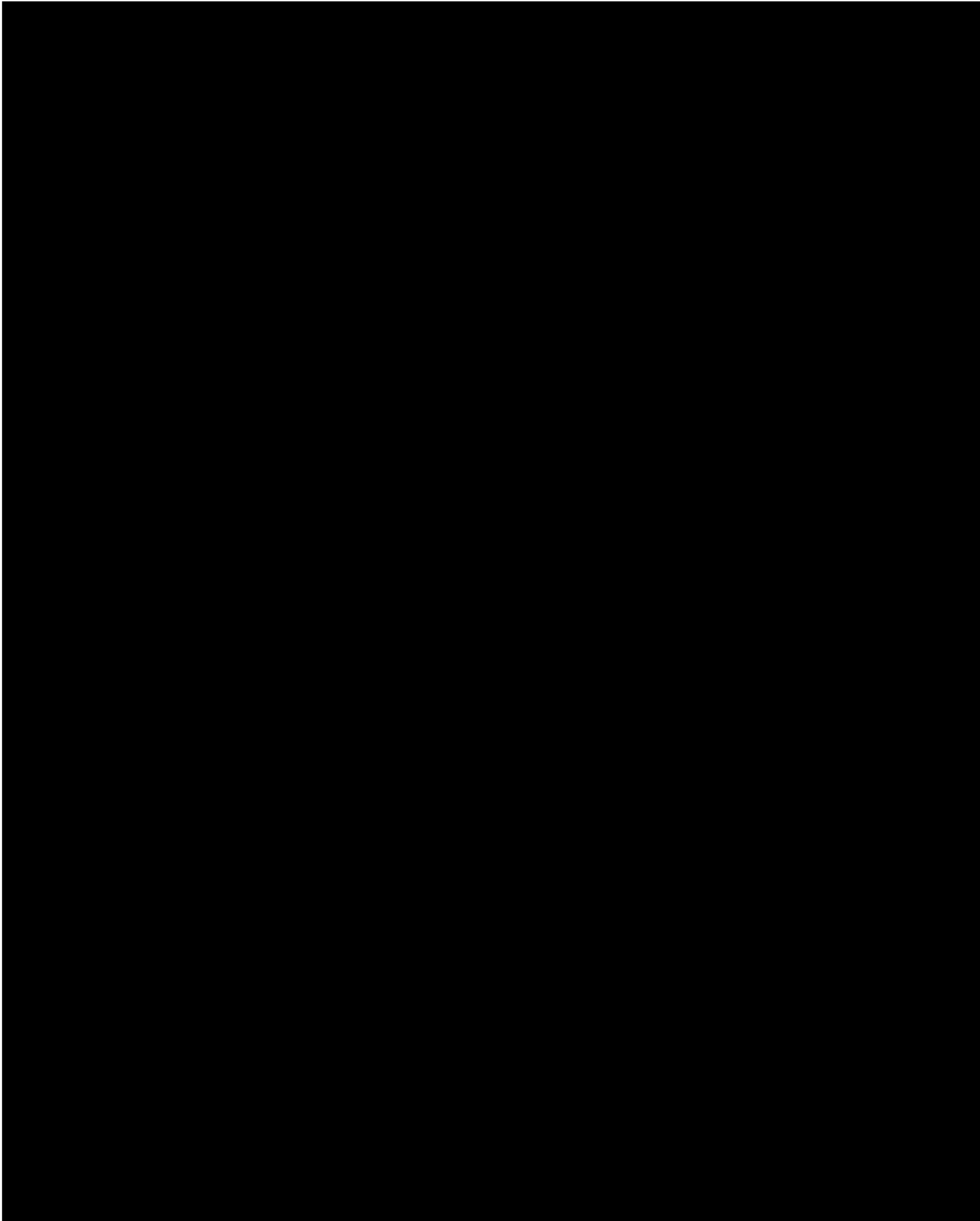


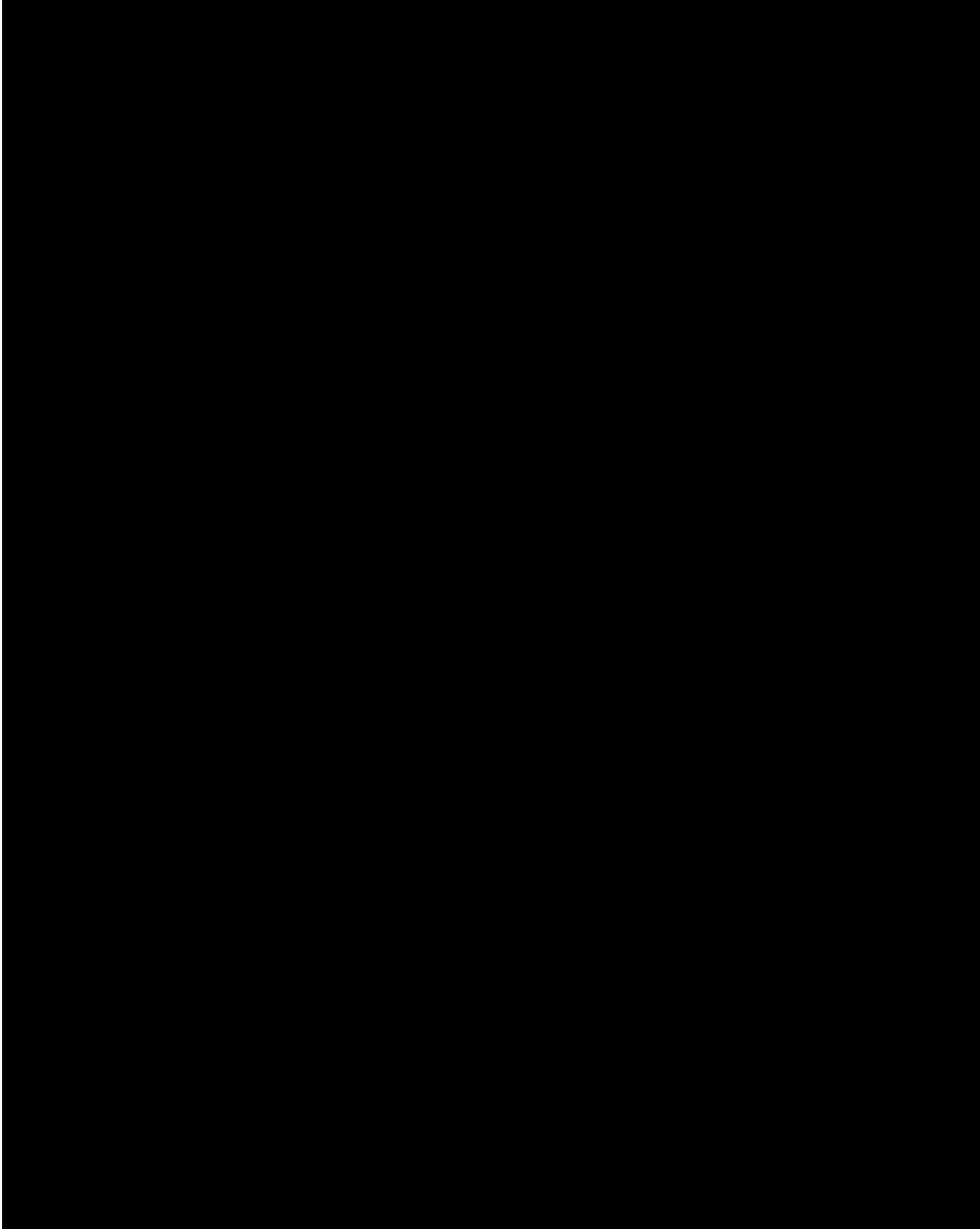


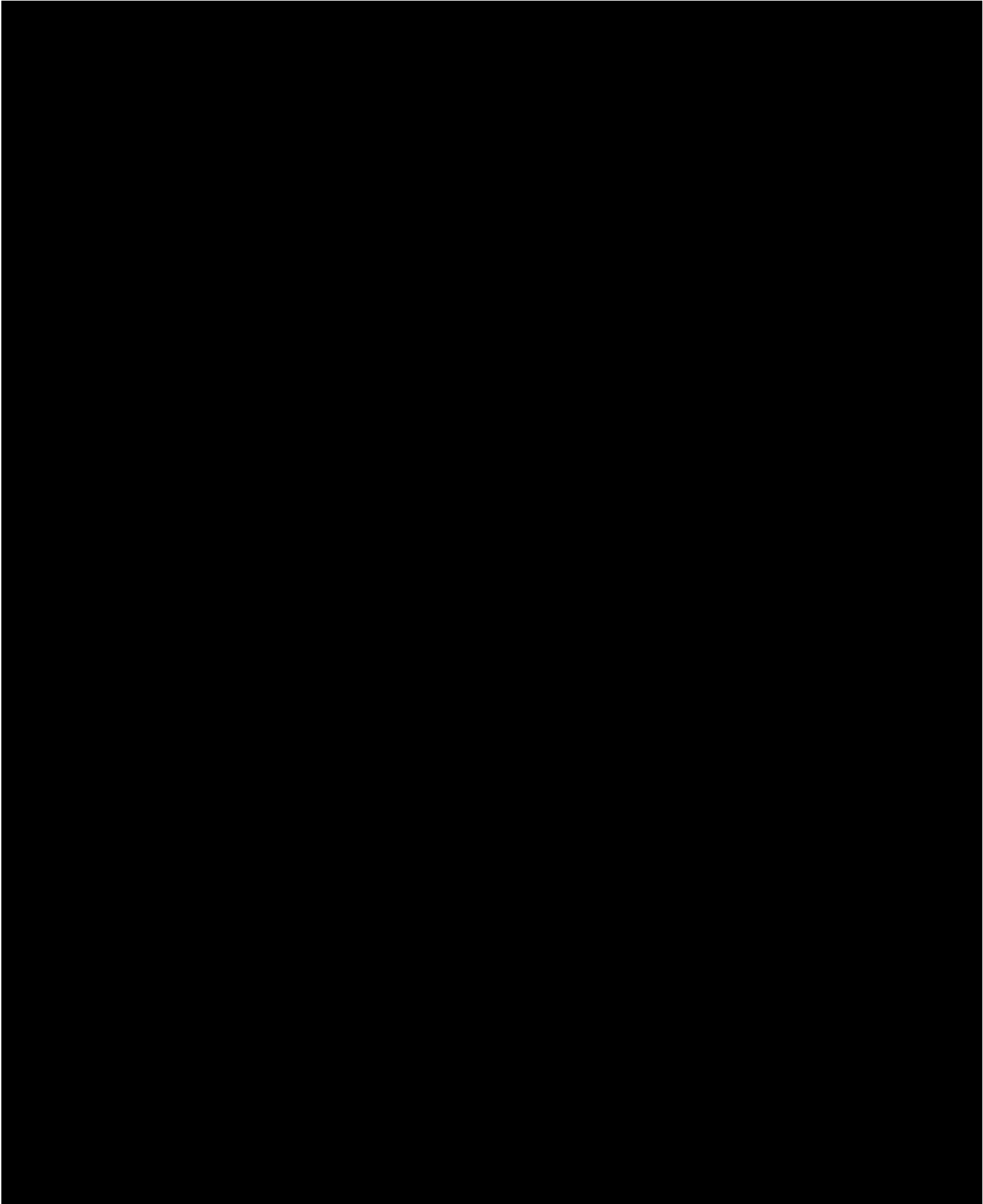


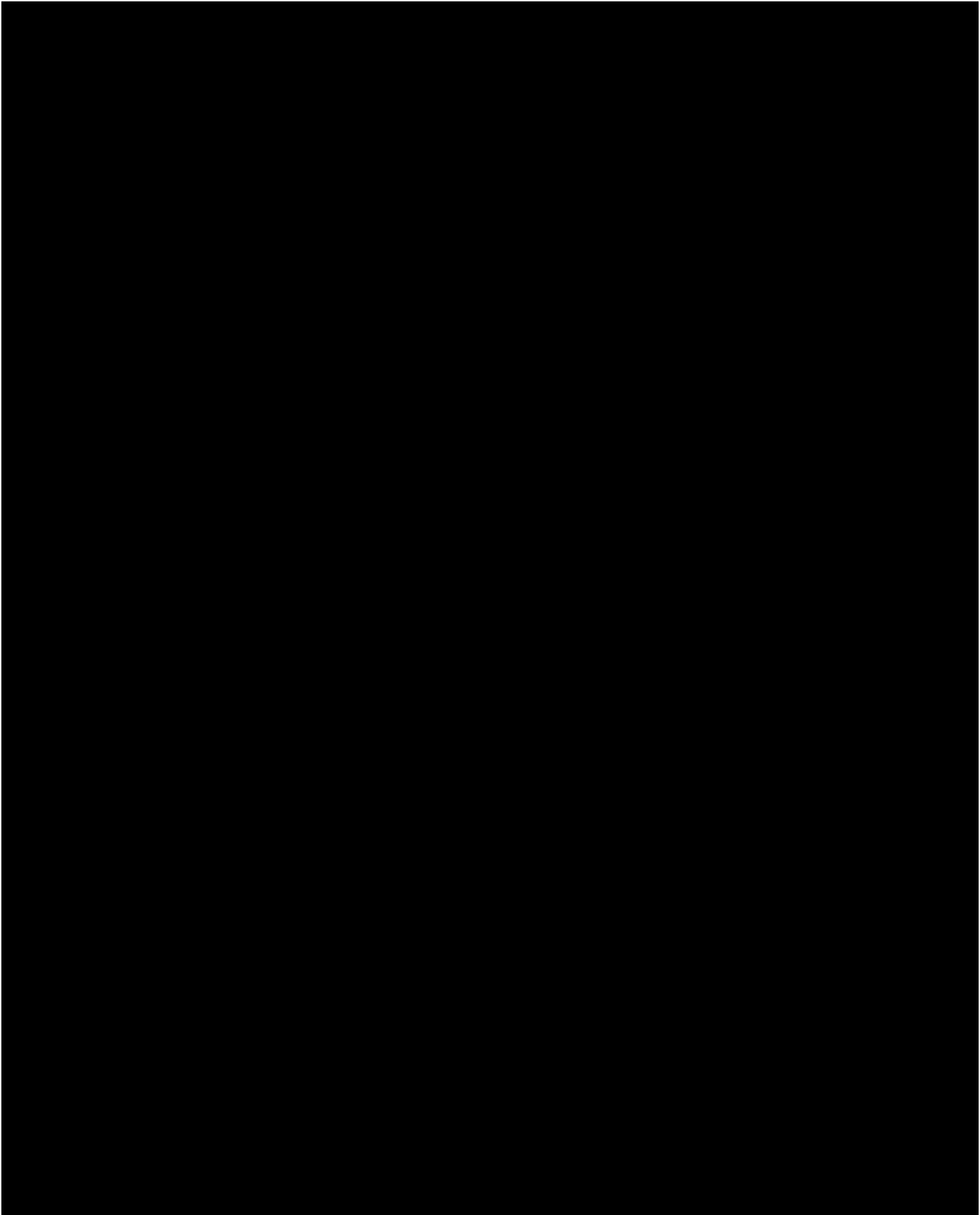




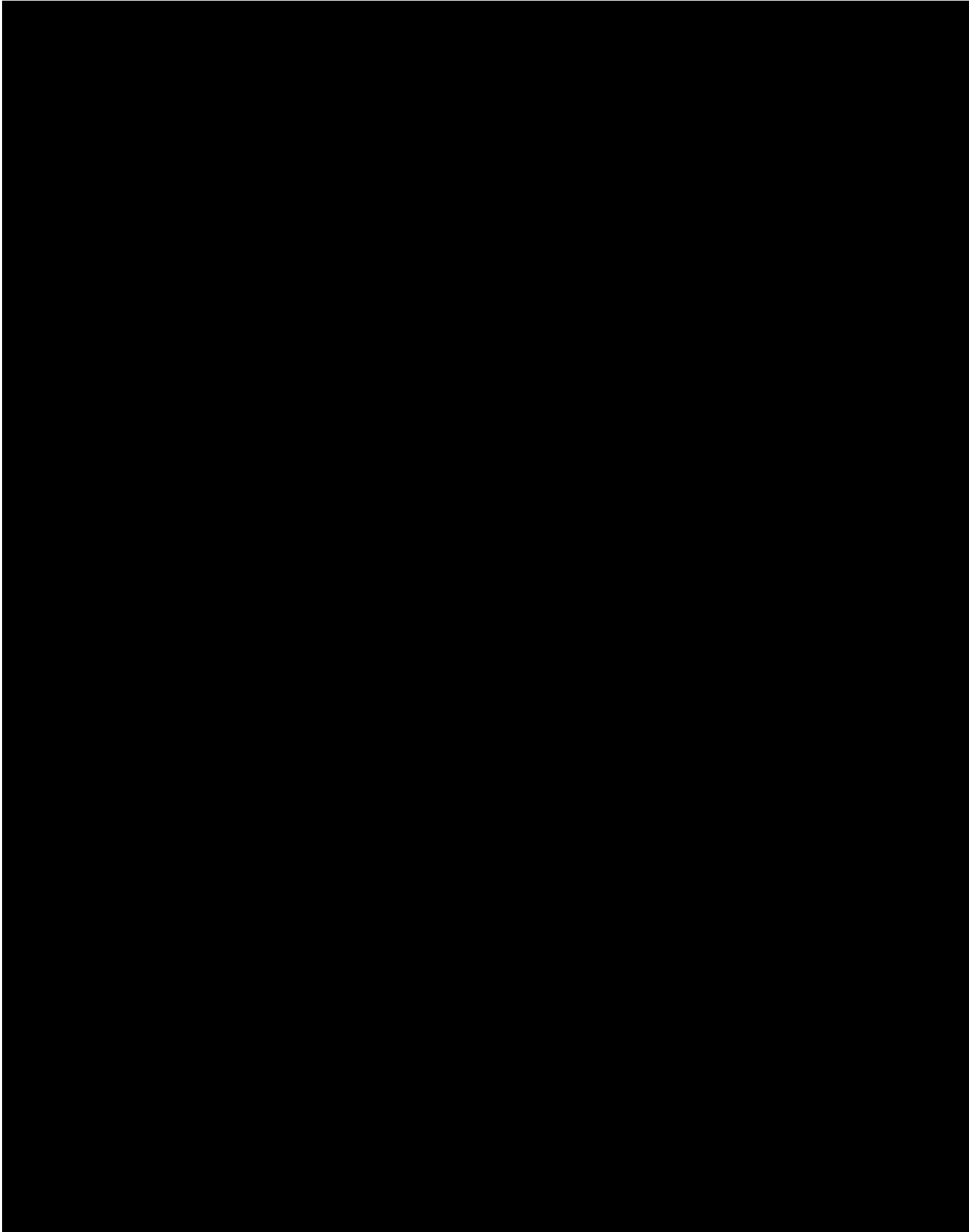


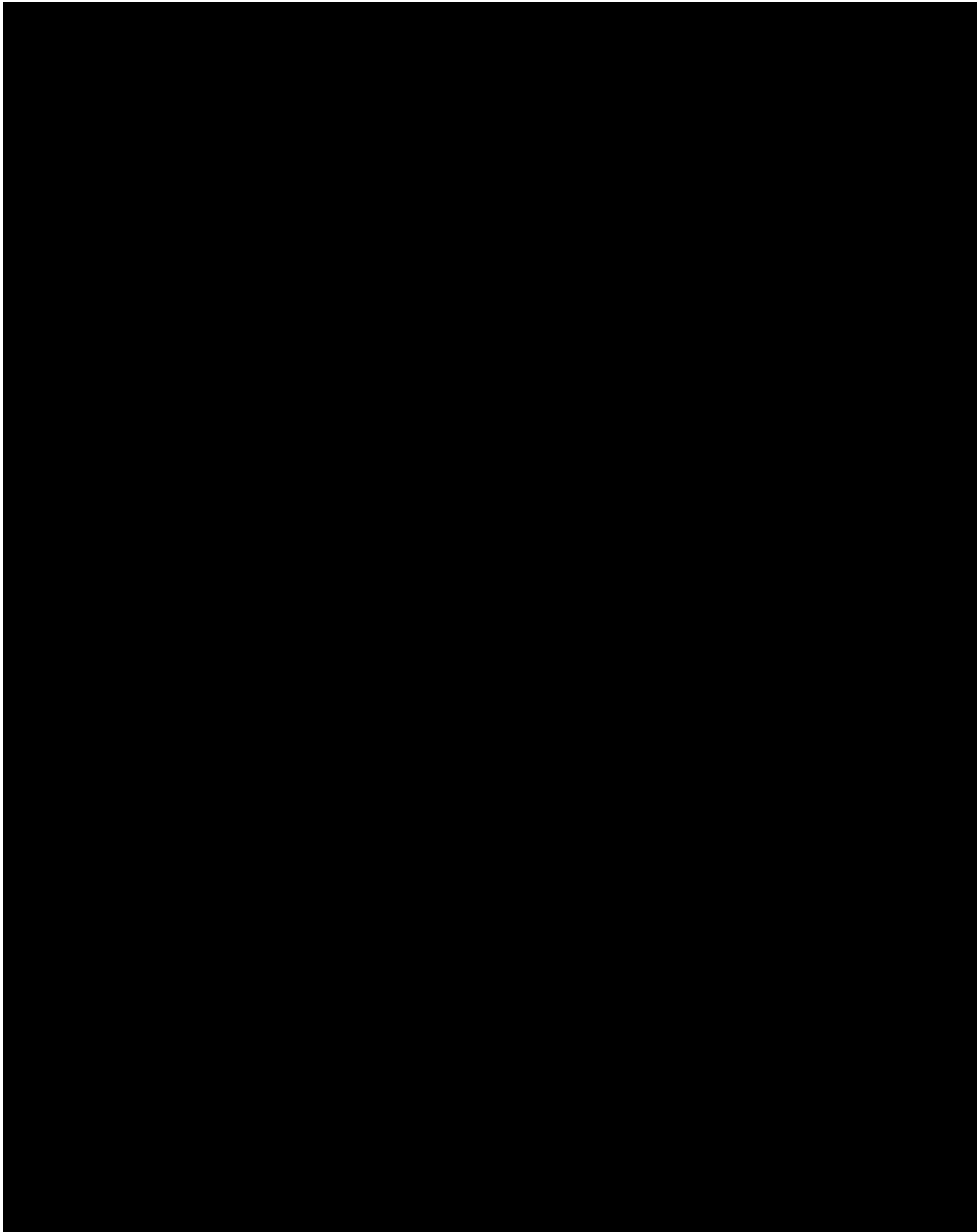


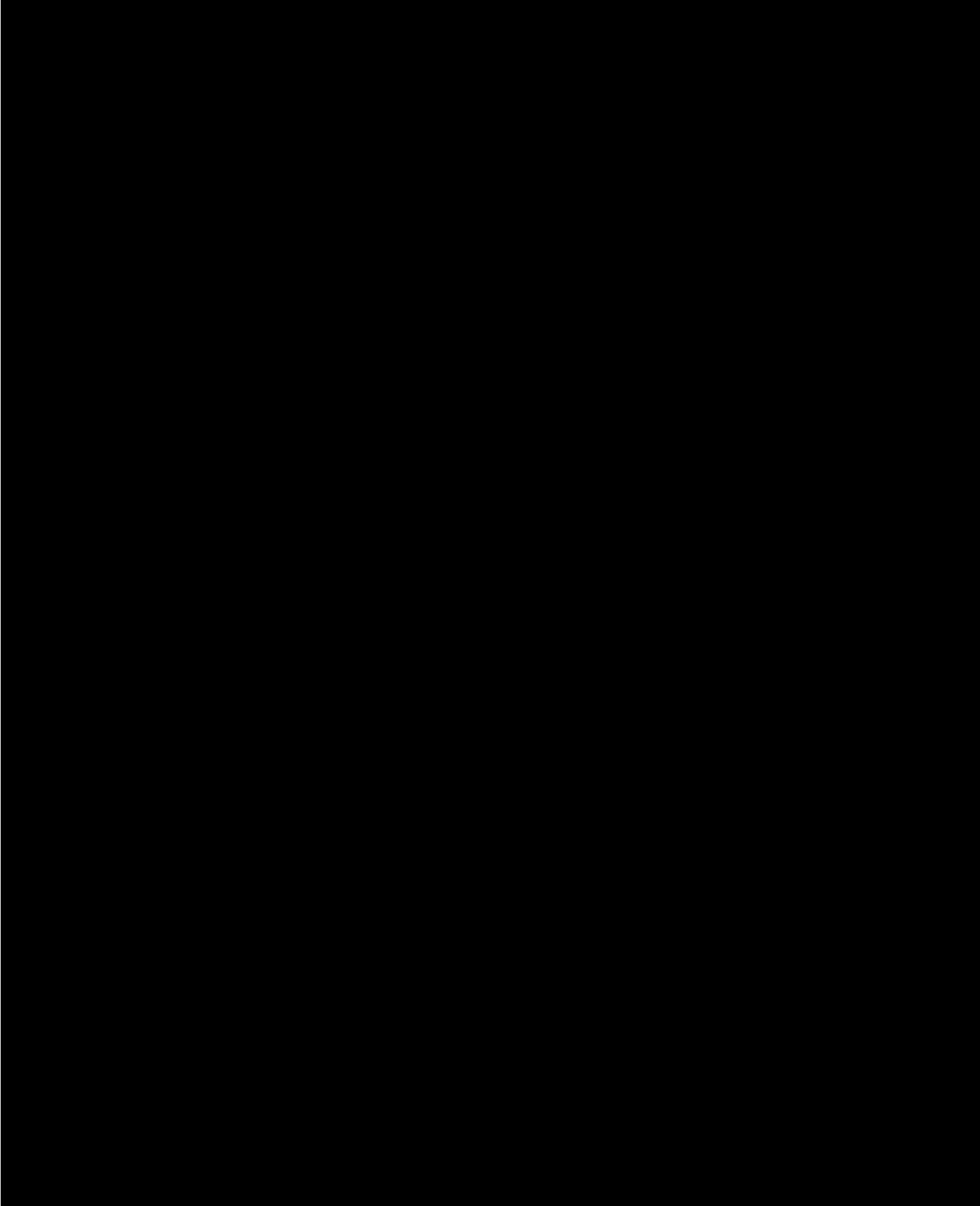


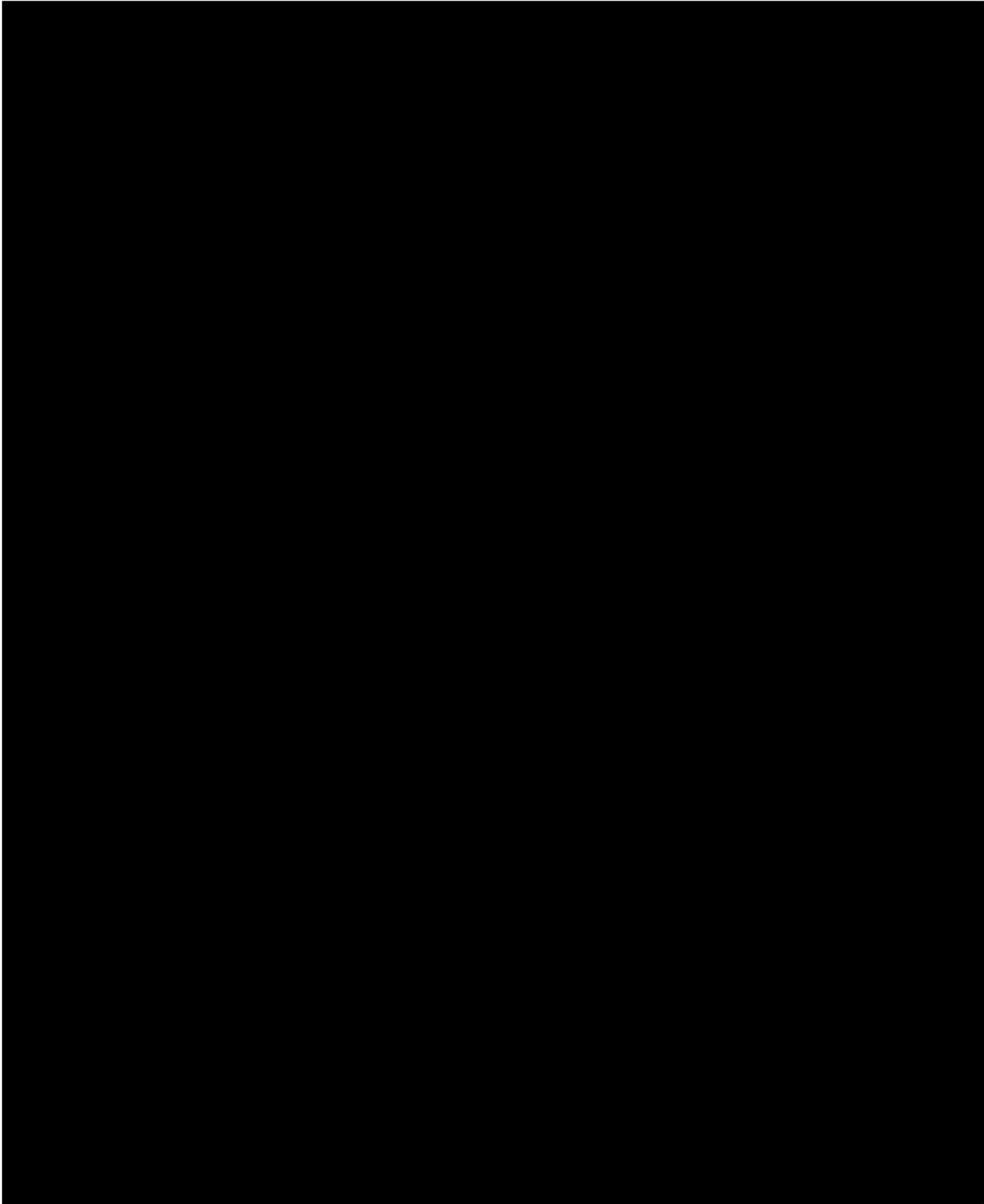


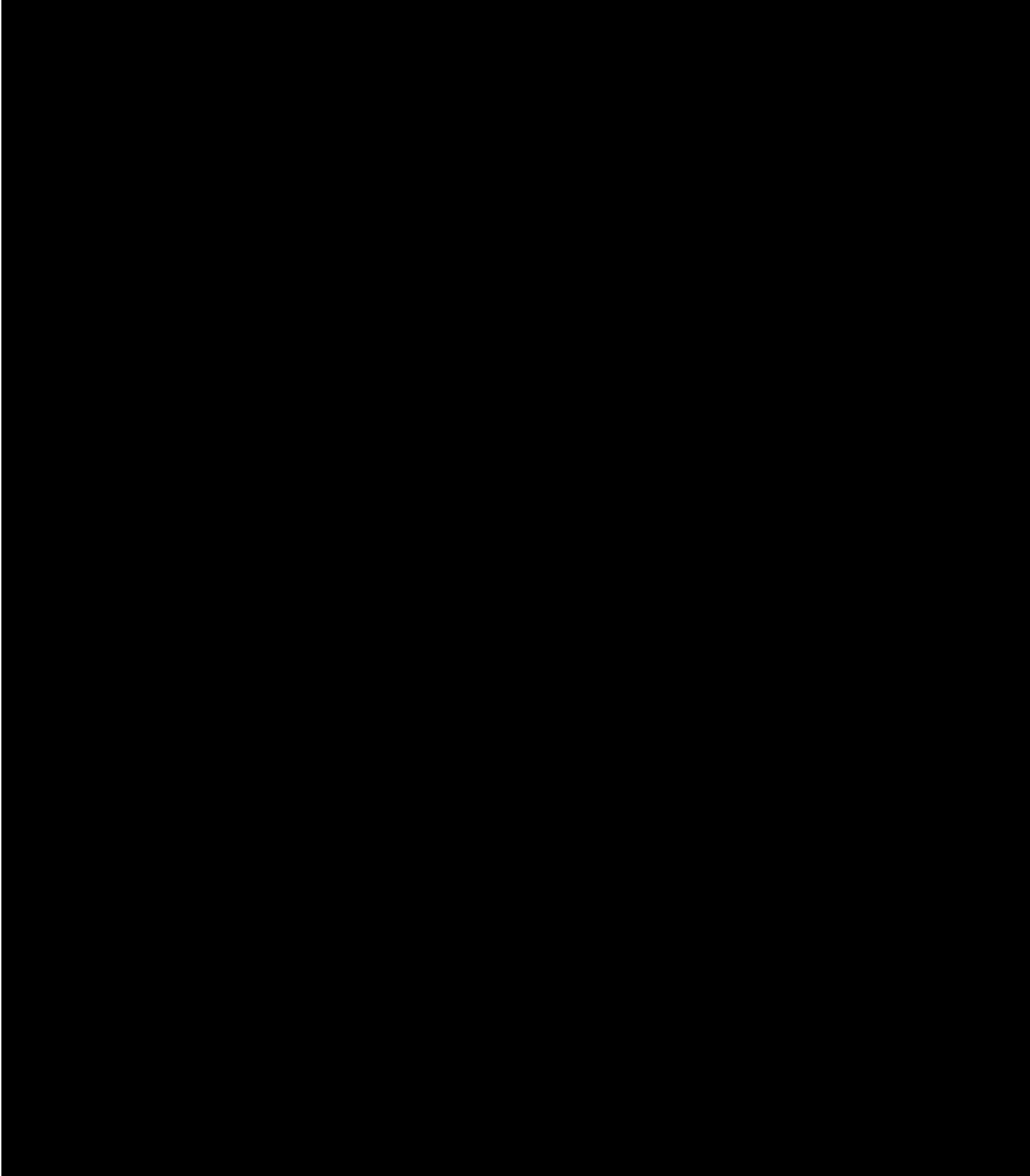






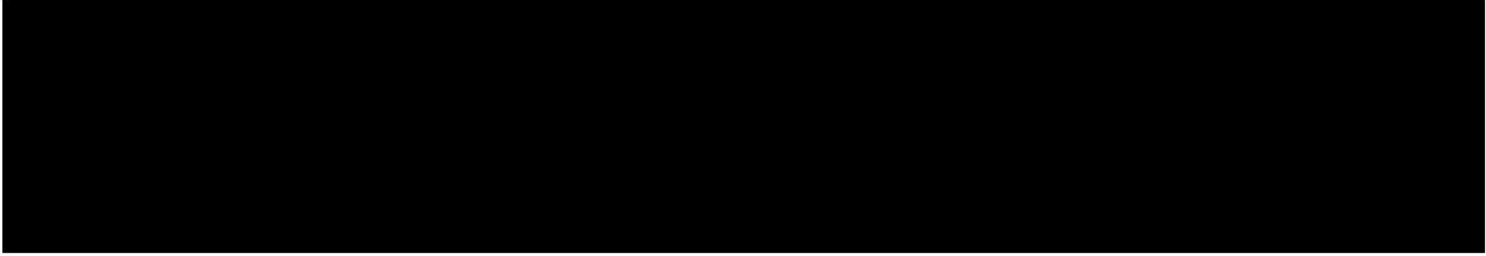






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<sup>2</sup> DBI Human Resources suggested that MIS could train Lamar in Microsoft, if needed.



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# **EXHIBIT C:**

DHR EEO Investigative Report for EEO File No 3956

August 2, 2022



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**INVESTIGATIVE REPORT**

To: Alison Kwan, EEO Programs Manager  
From: Estevan Villarreal, EEO Programs Senior Specialist  
Re: Christopher Lamar, EEO File No. 3956  
Complaint of Discrimination Harassment Based on Race (African American) and Age (Over 50)  
Date: August 2, 2022

---

**I. SUMMARY**

Christopher Lamar (Lamar), 6321 Permit Technician with the Department of Building Inspection (DBI), alleged that from November 2, 2020 to May 1, 2021, Ben Man (Man), 6323 Permit Technician III, Derek Cheung (Cheung), 6322 Permit Technician II, and Maria Ragasa (Ragasa), 6323 Permit Technician III, discriminated against and harassed Lamar based on Lamar's race (Black) and age (then 55 years-old).

**II. BACKGROUND & ALLEGATIONS**

From November 2, 2020 to May 3, 2021, Lamar worked as a probationary Permit Technician in DBI's Initial Plan Review Division (IPR); Man was Lamar's supervisor and Cheung was Lamar's mentor. On May 3, 2021, Lamar passed probation and began working with the Central Permit Bureau (CPB) and reporting to Michelle Yu (Yu), 5241 Engineer.

**A. Discrimination Based on Race and Age**

Lamar alleged that from November 2, 2020 to May 1, 2021, Man, Cheung, and Ragasa discriminated against Lamar by subjecting Lamar to the following conduct based on Lamar's race and age:

- (1) Man and Cheung did not provide Lamar sufficient training; they provided Lamar a five-page document explaining division processes, but did not provide one-on-one training and provided feedback only during monthly evaluations rather than contemporaneously.
- (2) Whenever Lamar made an error on a permit, Man required Lamar to email DBI Management Information Services (MIS) to delete the permit; Man did not require other staff to email MIS and did not show Lamar how to change the form using the drop-down menu.
- (3) On December 28, 2020, Man and Ragasa asked Lamar why he left work early on December 24, 2020; Man and Ragasa told Lamar that they did not give him permission to leave early, however Lamar's co-workers received permission to leave early that day.

**B. Harassment Based on Race and Age**

Lamar alleged that from November 2, 2020 to May 1, 2021, Man, Cheung, and Ragasa harassed Lamar by subjecting Lamar to the following unwelcome conduct based on Lamar's race and age:

- (1) Man, Cheung, and Ragasa were hostile in their daily interactions with Lamar and addressed Lamar's performance in a degrading manner.
- (2) Man and Ragasa made derogatory comments about Lamar's typing abilities; specifically, Ragasa said, "Even inspectors can type faster than you [Lamar]."
- (3) Man compared Lamar's performance to an African American co-worker, [REDACTED], 6321 Permit Technician I, and said, "Maybe DBI is not the place for you."
- (4) Man, in reference to Lamar going to co-workers with questions about a work, made the following unwelcome comments: "Why would you go to a brother or sister when you can come to the parent (Man)? Let's make it official, you only come to me with questions ... It must be a cultural thing."

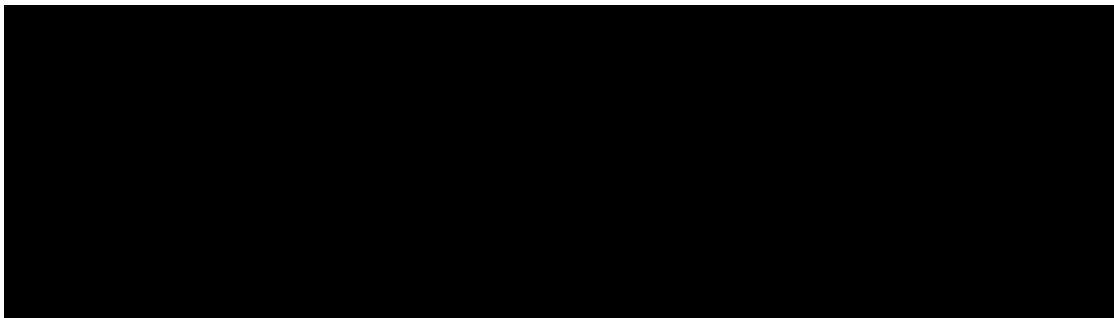
**III. REPORTING**

On May 14, 2021, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received from Michele Nieve (Nieve), DBI Human Resources Manager, an email reporting Lamar's allegation that between November 2, 2020 and May 1, 2021, Man, Cheung, and Maria Ragasa (Ragasa), 6323 Permit Technician III, discriminated against and harassed Lamar on account of Lamar's race (Black) and age (then 55 years-old). **See Exhibit (Ex.) A, Attachments (Att.) 1-2.**

On April 5, 2022, Nieve submitted to DeWit DBI's preliminary investigative report, which included summaries of all witness interviews conducted. **See Ex. B.**

**IV. INVESTIGATION**

DBI interviewed with the following individuals:



- (9) Maria Ragasa (Ragasa), 6323 Permit Technician III
- (10) Derek Cheung (Cheung), 6322 Permit Technician II
- (11) Ben Man (Man), 6323 Permit Technician III

**See Ex. B.**

## V. INVESTIGATIVE FINDINGS

### Credibility Analysis

As explained in greater detail below, while the investigation substantiated some of Lamar's allegations, one of Lamar's allegations was not substantiated because witnesses did not recall conduct that they should have recalled based on the nature, degree, and frequency that Lamar alleged. See Section V.B.1. Similarly, the investigation found no evidence to support Lamar's multiple allegation that facially neutral conduct was based on Lamar's race or age. See Sections V.A.1-3 & V.B.1-3. Accordingly, the investigation found that Lamar's descriptions of conduct were unreliable.

#### A. Discrimination Based on Race and Age

##### Investigative Standard

To sustain a complaint of discrimination in violation of the City's EEO Policy, the investigation must substantiate all of the following: Complainant is member of a protected category; Complainant suffered an adverse employment action; and Complainant suffered an adverse employment action because of Complainant's membership in a protected category.

##### 1. The Evidence Did Not Substantiate that Man and Cheung Did Not Provide Lamar Sufficient Training Based on Lamar's Race and Age

The evidence substantiated Lamar's allegation that Man and Cheung did not provide Lamar sufficient training, but did not substantiate a causal link between this conduct and Lamar's race or age.

Man, Cheung, and Ragasa maintained that Man and Cheung provided Lamar with standard training and this was sufficient, however multiple witnesses provided information that suggested Lamar's training was insufficient.

- (1) ██████ could not speak to the level of training Lamar received, but recalled only one instance of Cheung providing Lamar one-on-one training.
- (2) ██████ observed ██████ training Lamar on multiple occasions and thus believed ██████, not Man or Cheung, was in charge of Lamar's training.
- (3) ██████ worked in the same room as Lamar but did not know who directly supervised Lamar or what level of training Lamar received.
- (4) ██████ joined IPR at the same time as Lamar, and while he could not speak to what training Lamar received, ██████ own training was minimal/insufficient and did not include one-on-one or shadowing opportunities.
- (5) ██████ stated that Lamar did not receive sufficient training or receive one-on-one or shadow opportunities and that Cheung was not available to Lamar.
- (6) ██████ believed Lamar's training was insufficient because Lamar continually made mistakes.
- (7) ██████ did not have much interaction with Lamar; she sometimes heard Lamar ask Cheung questions, but she did not see anyone provide Lamar with one-on-one training.
- (8) ██████ believed Lamar did not receive sufficient training and did not know who was assigned to train Lamar.



See Ex. B.

Based on these witness account, there was not a clear understanding as to who was training Lamar, and multiple co-workers agreed that Lamar did not receive sufficient training. Moreover, a similarly situated co-worker, [REDACTED] also reported receiving insufficient training. As such, the evidence substantiated that Man and Cheung did not provide Lamar with sufficient training.

However, the evidence did not substantiate a causal link between Lamar's insufficient training and Lamar's race or age. While multiple witnesses provided possible reasons why Man and Cheung provided Lamar insufficient training, none attributed their conduct to Lamar's race or age: [REDACTED] attributed Cheung's absence to Cheung's involvement with the Electronic Plan Review ("EPR") project, [REDACTED] attributed the lack of training to the stress of the pandemic and the overwhelming workload of the IPR unit, and [REDACTED] attributed the lack of training to the pandemic and the department moving to a new building. Additionally, [REDACTED] (White), also reported receiving insufficient training in the IPR unit, thus this conduct did not correlate to Lamar's race. Moreover, the investigation found no evidence of race or age-based animus. See Ex. B. Also, Lamar nonetheless passed probation, thus Lamar did not suffer an adverse employment action. Accordingly, the evidence was not sufficient to substantiate Lamar's discrimination allegation.

2. The Evidence Did Not Substantiate that Man Required Lamar to Email MIS to Delete Permit Errors Based on Lamar's Race and Age

The evidence substantiated Lamar's allegation that Man required Lamar to email MIS to delete permit errors, but did not substantiate a causal link between this conduct and Lamar's race, nor that this conduct was improper.

Man explained and [REDACTED] all confirmed that MIS must be notified if an error is discovered after fees are paid and the permit is issued, thus the evidence substantiated that there was legitimate business reason why Man required Lamar to email MIS. See Ex. B. When provided the opportunity to respond to this evidence, Lamar alleged that Man required Lamar to email MIS for errors on permits that had not been issued, however DBI's review of Lamar's MIS requests found that the majority of Lamar's MIS requests were for permits that had been issued. See Ex. B. Moreover, the investigation found no evidence of race or age-based animus. Accordingly, the evidence was not sufficient to substantiate Lamar's discrimination allegation.

3. The Evidence Did Not Substantiate that Man and Ragasa Did Not Give Lamar Permission to Leave Early Based on Lamar's Race and Age

The investigation substantiated Lamar's allegation that Man and Ragasa told Lamar he did not have permission to leave early on December 24, 2020, but did not substantiate a causal link between this conduct and Lamar's race or age, nor that this conduct was an adverse employment action or was otherwise improper.

While most of the witnesses were either not present or could not recall whether staff were released early on December 24, 2020, [REDACTED] confirmed that on December 24, 2020, an unnamed supervisor informed employees that they could go home early, and that [REDACTED] subsequently shared this information with Lamar,

who was not present. Similarly, although no witnesses could confirm that Ragasa and Man met with Lamar on December 28, 2020, [REDACTED] recalled that on December 28, 2020, Man asked [REDACTED] if she told Lamar staff were allowed to leave early and said, "He [Lamar] shouldn't have gone." Additionally, Man acknowledged that on December 28, 2020, he spoke with Lamar about being unable to locate him on the December 24, 2020, and Ragasa acknowledged that on December 28, 2020, she "may have" spoken to Lamar about leaving early without permission. **See Ex. B.** This evidence was sufficient to substantiate that multiple employees received permission to leave early on December 24, 2020, and on December 28, 2020, Ragasa and Man told Lamar he did not have permission to leave early that day.

However, the investigation did not find a causal link between Ragasa's and Man's conduct and Lamar's race or age. The investigation found no evidence of race or age-based animus, and multiple witnesses provided non-discriminatory reasons why some employees received permission to leave early while others did not:

- (1) [REDACTED] confirmed that not all employees are released early on a holiday; some employees remain in the office to assist potential customers.
- (2) [REDACTED], Ragasa, Cheung explained that one group of employees is allowed to leave early for one holiday while a different group is allowed to leave early the following holiday.

**See Ex. B.**

Based on the above, investigation found that IPR standard practice is for an employee to receive permission to leave early for one of two holidays each year, for the legitimate business reason of ensuring some employees remain in-office to assist potential customers. Moreover, while Man and Ragasa told Lamar that he did not have permission to leave early on December 24, 2022, they did not prevent him from leaving early, and Lamar was not disciplined for doing so, thus Lamar did not suffer an adverse employment action. Additionally, the investigation found no evidence of race or age-based animus. Accordingly, the evidence was not sufficient to substantiate Lamar's discrimination allegation.

**B. The Investigation Did Not Substantiate Lamar's Harassment Allegations**

**Investigative Standard**

To sustain a complaint of harassment in violation of City's Equal Employment Opportunity Policy (EEO Policy), an investigation must establish all of the following: (1) the complainant was subjected to physical, verbal, or visual conduct on account of their membership in a protected category or that was sexual in nature; and (2) the conduct was unwelcome.

1. The Evidence Did Not Substantiate that Man, Cheung, and Ragasa were Hostile and Degrading in Their Interactions with Lamar Based on Lamar's Race and Age

The investigation did not substantiate Lamar's allegation that Man, Cheung, and Ragasa were hostile in their daily interactions with Lamar and addressed Lamar's performance in a degrading manner.

Lamar described the hostility as "daily," however no witnesses recalled Man, Ragasa, or Cheung making unprofessional comments about Lamar or his performance; although [REDACTED] confirmed that Man spoke to Lamar with a "lot of judgement," an "agitated tone," and "*undertone* of degradation," no other witness confirmed this, and [REDACTED] also confirmed that she never witnessed Man, Cheung or Ragasa become overtly



frustrated with Lamar. See Ex. B. As such, while the evidence was sufficient to establish that Man's interactions with Lamar were unprofessional, it was not sufficient to substantiate Lamar's allegation that Man's, Cheung's, or Ragasa's conduct rose to the level of hostile or degrading. Additionally, the investigation found no evidence of race or age-based animus. Accordingly, the evidence was sufficient to substantiate that Man's conduct violated the City's Respect Policy, but was not sufficient to substantiate Lamar's harassment allegation

2. The Evidence Did Not Substantiate that Man and Ragasa Made Negative Comments About Lamar's Typing Based on Lamar's Race and Age

The investigation substantiated Lamar's allegation that Ragasa made negative comments about Lamar's typing, but did not substantiate that Man made negative comments about Lamar's typing, nor that there a causal link between Ragasa's conduct and Lamar's race or age, nor that Ragasa's conduct was improper.

No witnesses recalled Man or Ragasa making comments about Lamar's typing, however when asked about this allegation Ragasa said, "I don't think so, not in front of him [Lamar]." See Ex. B. This admission substantiates that Ragasa made comments about Lamar's typing, which in turn is sufficient to substantiate Lamar's allegation that Ragasa made such a comment in Lamar's presence. However, given that Lamar did not provide any specific examples of this conduct by Man and no witnesses confirmed this allegation, the evidence was not sufficient to substantiate that Man engaged in this conduct.

Additionally, the evidence also did not substantiate that Ragasa's conduct rose to the level of a violation of the City's EEO Policy. Lamar referenced only one comment, Ragasa saying, "Even inspectors can type faster than you [Lamar]." This comment does not rise to the level of harassment; it did not contain any offensive or inappropriate language, and it did not reference Lamar's race or age. Accordingly, the evidence was not sufficient to substantiate Lamar's harassment allegation.

3. The Evidence did not Substantiate that Man Compared Lamar's Performance to a Co-worker's Based on Lamar's Race and Age

The investigation substantiated that Man mentioned [REDACTED] when discussing Lamar's performance, but did not substantiate a causal link between this conduct and Lamar's race or age, nor that this conduct was improper.

Lamar alleged that Man compared Lamar's performance to [REDACTED]s and only [REDACTED]. Man admitted mentioning [REDACTED], but asserted that he named multiple employees when suggesting Lamar talk to other new hires to see what they do. See Ex. B. Man's admission that he mentioned [REDACTED] lends credibility to his denial that he mentioned only [REDACTED]. Additionally, no witnesses confirmed this allegation. See Ex. B. Moreover, as discussed in the credibility section, the investigation found that Lamar's allegations were not reliable. As such, while the evidence was sufficient to substantiate that Man mentioned [REDACTED], it was not sufficient to substantiate that Man did not also mention other employees.

The evidence also did not establish a causal link between Man's conduct and Lamar's race or age. While [REDACTED] is the same race as Lamar, that, without more, does not suggest Man's comment was based on Lamar's race or age. Additionally, the investigation found evidence of non-discriminatory reasons why Man referenced [REDACTED]. Lamar acknowledged that Man specifically said, "Sit with [REDACTED] to see what

she does, *since she seemed to get it*”; this language suggests Man referenced ██████ based on ██████ job performance, not her race. Also, Man referenced ██████ to Nieve when discussing IPR employees who received standardized training. **See Ex. B.** As Nieve is ██████, this reference to ██████ again correlates to ██████ as an exemplar of performance, not race. Additionally, the investigation did not substantiate Lamar’s allegation that ██████ was the only employee who Man mentioned. **See Section V, Credibility.** The investigation also found no evidence of race or age-based animus. Moreover, it is not inappropriate for a supervisor to suggest an employee observe a higher performing co-worker. Accordingly, the evidence was not sufficient to substantiate Lamar’s harassment allegation.

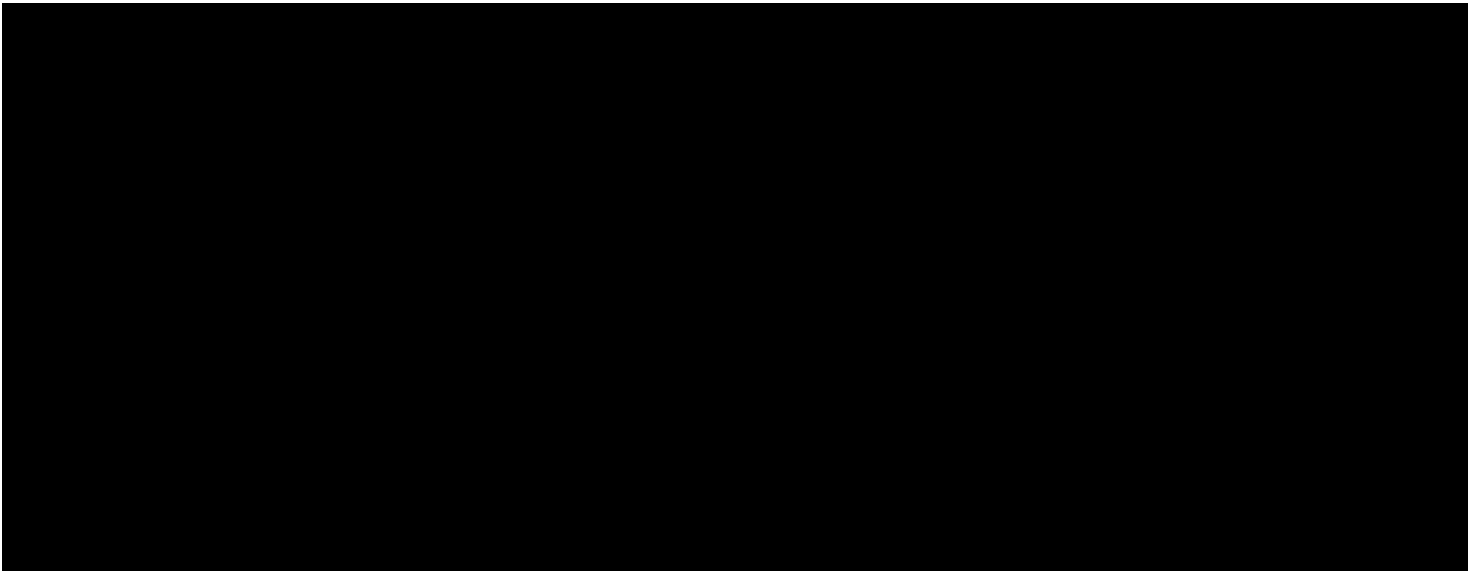
4. The Evidence Did Not Substantiate that Man Made Comments About Lamar Asking Co-workers Questions Based on Lamar’s Race and Age

The investigation substantiated that Man made a comment referencing “culture,” but did not substantiate a causal link between this conduct and Lamar’s race or age, nor that this conduct was improper.

Lamar alleged that Man made the comments, “Why would you go to a sister or brother when you could go the parent” and, “It must be a cultural thing.” However, no witness confirmed this allegation. **See Ex. B.** Moreover, while Man denied making these specific comments, he acknowledged that he told Lamar that IPR had a “good culture to help” each other, and that he may have “reconfirm[ed]” with Lamar that he should go to his mentor, Cheung, or a supervisor for help. **See Ex. B.** Man’s partial admission lends credence to his denial of other aspects. Additionally, the investigation found that Lamar’s descriptions and characterizations of events were unreliable. **See Section V, Credibility.** Accordingly, the evidence was not sufficient to substantiate that Man made an inappropriate race-based comment.

**VI. RECOMMENDED ACTIONS**

Based on the investigative findings, DHR EEO recommends the following actions:



5. DBI should review the training and support provided to Permit Technician I’s during probation to ensure that future hires receive adequate training and support.



**VII. ATTACHMENTS**

Attached to this report are the following exhibits:

Exhibit A:       A.1 – Department Report of Complaint Form for C. Lamar (May 10, 2021)  
                      A.2 – Summary of Allegations by C. Lamar (May 10, 2021)

Exhibit B:       DBI Investigative Report (March 16, 2022)

# **EXHIBIT A: Allegations, Attachments 1-2**

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# **EXHIBIT A, Attachment 1**

Department Report of Complaint Form for C. Lamar

(May 10, 2021)

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DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT

\* Report Within Five Working Days of Receipt of Complaint\*

Return to: Linda C. Simon, Director, DHR EEO Division, One South Van Ness, 4th Floor, San Francisco, CA 94103; linda.simon@sfgov.org

1. Department/Worksite: Department of Building Inspection/ 49 South Van Ness

2. Complainant: Christopher Lamar Tel. No. (Work): Division Move;New # in Progress

Address: [Redacted] Tel. No. (Home): [Redacted]

Personal E-mail: [Redacted] DSW #: [Redacted]

3. Complaint Filing Date: 05/10/2021

4. Complainant's Current Employment Status (circle one): Classification: 6321

TCS LT NCS PV PE TE PROB NOT A CITY EMPLOYEE

- 5. Basis of Discrimination (specify):
[X] Race:
[ ] Color:
[ ] Religion:
[ ] Creed:
[ ] Sex:
[ ] National Origin:
[ ] Ethnicity:
[X] Age:
[ ] Disability/Medical Condition:

Harassment

- [ ] Political Affiliation:
[ ] Sexual Orientation:
[ ] Ancestry:
[ ] Marital or Domestic Partner Status:
[ ] Gender Identity:
[ ] Parental Status:
[ ] Veteran Status:
[ ] Other Non-Merit Factors:
[ ] Retaliation:

- 6. Issue complained of:
[ ] Denial of Employment
[X] Denial of Training - Inadequate training
[ ] Denial of Promotion
[ ] Denial of Reasonable Accommodation
[ ] Termination
[ ] Lay-off
[ ] Constructive Discharge
[ ] Disciplinary Action

- [ ] Work Assignment
[ ] Sexual Harassment
[ ] Compensation
[X] Other (please specify):
Hostility & degradation, derogatory comments regarding "culture" and "ability". Comparative statements to other African American staff members.

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s), provide DSW # for Accused/Respondent(s): (Attach letter of complaint)

See attached

[Blank lines for description of discrimination]

8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes  No

If yes, please specify: \_\_\_\_\_

9. Is the Complainant represented by a Union or an Attorney? Yes  No

Name: Dennis Wong Organization/Firm: SEIU 1021

Address: 350 Rhode Island St. #100, SF CA 94103 Phone No.: 415-216-9030

\*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

Department immediately reassigned Christopher Lamar to a different DBI division and reporting manager and will conduct internal investigation.

\*10a. Name, position, and phone number of person who will implement recommended steps:

Michele Nieve, Manager HR/Payroll Division; (628) 652-3582 Office/Work Cell (415)636-1259

11. Completed by: Michele Nieve Date: 05/14/2021

Address: 49 South Van Ness, 5th Floor, SF 94103 Tel. No. 628-652-3582

\*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

**\*Subject to the Human Resources Director's approval**

### HUMAN RESOURCES DIRECTOR REVIEW

Complaint is assigned EEO File Number: \_\_\_\_\_

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: \_\_\_\_\_  
and/or the following actions are to be taken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
for Micki Callahan, Human Resources Director

\_\_\_\_\_  
Date

# **EXHIBIT A, Attachment 2**

Summary of Allegations by C. Lamar

(May 10, 2021)



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Christopher Lamar – PCS 6321 Permit Technician I

Department of Building Inspection

Report Date: 5/10/2021

Employee reported his direct supervisor, Ben Man (0441159) and assigned mentor, Derek Cheung (158763) did not provide adequate training and support during his onboarding and probationary period, were hostile in their daily dealings with the employee, and spoke to the employee in a degrading manner when addressing performance errors. It was reported Ben and another supervisor, Maria Ragasa (026858) made derogatory comments regarding employees typing abilities. Ben made comparative statements to employee during his performance review on how well another employee was doing [the other employee is also African American] and told him during his last progress evaluation "maybe DBI is not a place for you." Employee stated that he received five sheets of paper explaining the processes he was to learn but did not receive hands on training. The employee states he was not given the tools to do his job efficiently.

The employee reported that his supervisor made him email DBI MIS division and cc the supervisor to delete forms whenever employee noticed he made a form error instead of showing employee how to easily use the drop down option to change the form. Employee stated that Ben would not address any errors immediately with the employee but instead would wait until the end of the month during the employee's evaluation to address.

It was further reported that Ben told the employee "why would you go to a brother or sister when you can come to the parent?" referring to himself as the parent, when employee asked a co-worker a questions about a process. Ben followed with, "It must be a cultural thing."

On the day before Christmas 2020, while employee was at lunch, staff in the employee's division were told they could leave early. When employee returned from lunch, most of the staff were gone and employee was told they were allowed to leave for the day. Employee left early and the following Monday was approached by two supervisors, Ben and Maria about leaving early. It was reported the supervisors told employee, "we heard you left early the day before Christmas. We didn't tell you you could leave early."

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# **EXHIBIT B**

DBI Investigative Report

(March 16, 2022)

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**CONFIDENTIAL**

**DATE:** April 5, 2022  
**TO:** Rikki De Wit, EEO Programs Manager  
**FROM:** Michele Nieve, Manager HR & Payroll Division  
**SUBJECT:** Investigatory Report for Christopher Lamar Complaint of Discrimination

---

**Background**

On May 10, 2021 Department of Building Inspection ("DBI" or "Department") employee Christopher Lamar ("Lamar"), classification 6321 Permit Technician I in the Initial Plan Review ("IPR") division reported his direct supervisor, Ben Man ("Man") and assigned mentor, Derek Cheung ("Cheung") did not provide adequate training and support during his onboarding and probationary period and did not provide Lamar with the tools to do his job efficiently. It was reported that Man and Cheung were hostile in their daily dealings with Lamar; spoke to Lamar in a degrading manner when addressing performance errors; failed to immediately address Lamar's work errors, but instead waited until the end of the month to review the errors with Lamar.

It was further reported that Man and another Permit Services supervisor, Maria Ragasa ("Ragasa") made derogatory comments regarding Lamar's typing abilities and that Man made comparative statements to Lamar during his performance review on how well another African American employee was doing. Lamar alleged he received this behavior from Man, Cheung, and Ragasa based on his race (Black) and age (55 years old at time of the complaint).

Based on the allegations, DBI Human Resources submitted a Department EEO Complaint Report to City & County of San Francisco Department of Human Resources ("DHR") and conducted a formal investigation.

**Previous Disciplinary Action**

**Man:**

None on record

**Cheung:**

None on record

**Human Resources and Payroll Division  
1660 Mission Street – San Francisco CA 94103  
Office (415) 558-6675 – FAX (415) 558-6636 - www.sfdbi.org**

**Ragasa:**

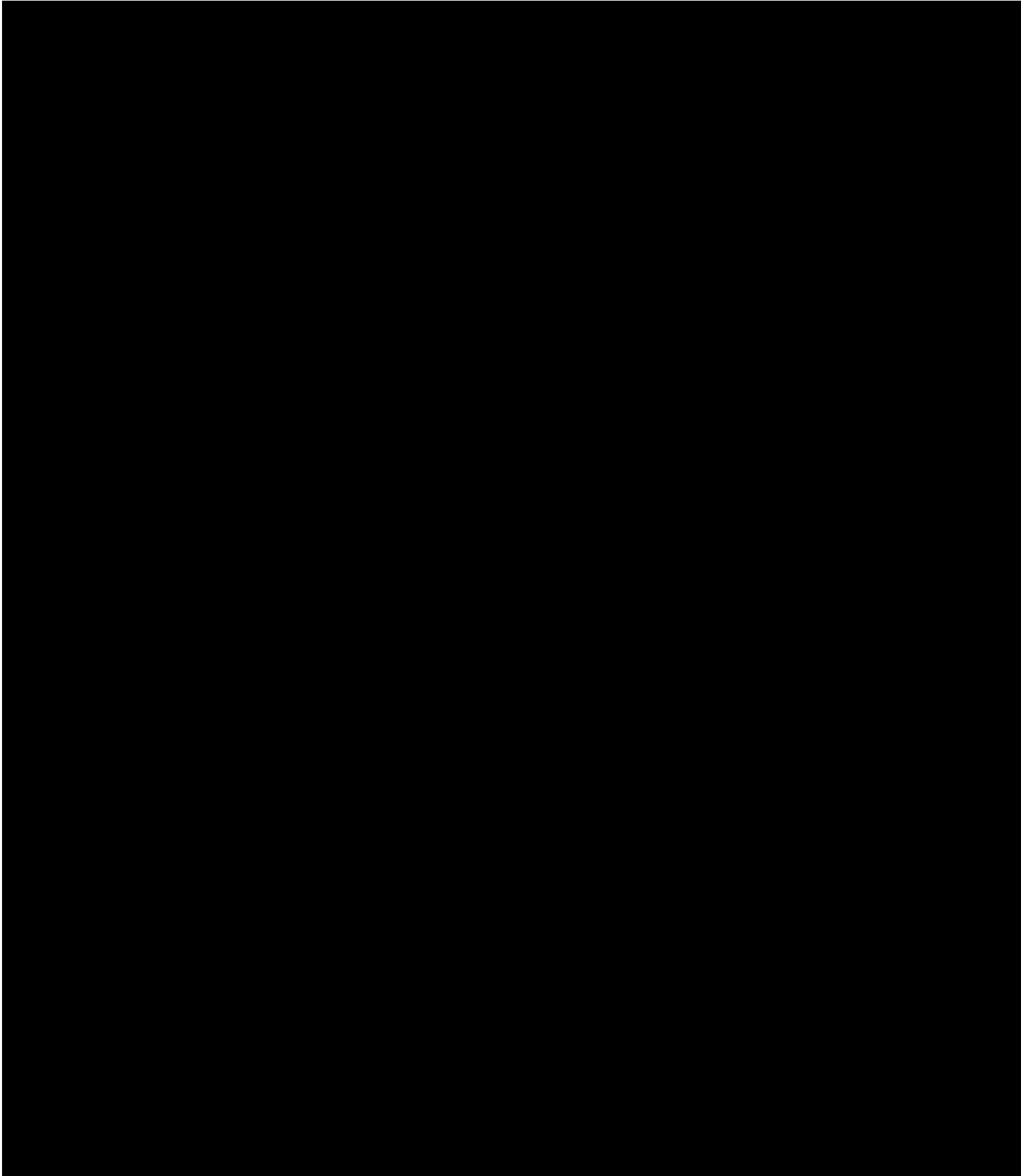
None on record

**Allegations**

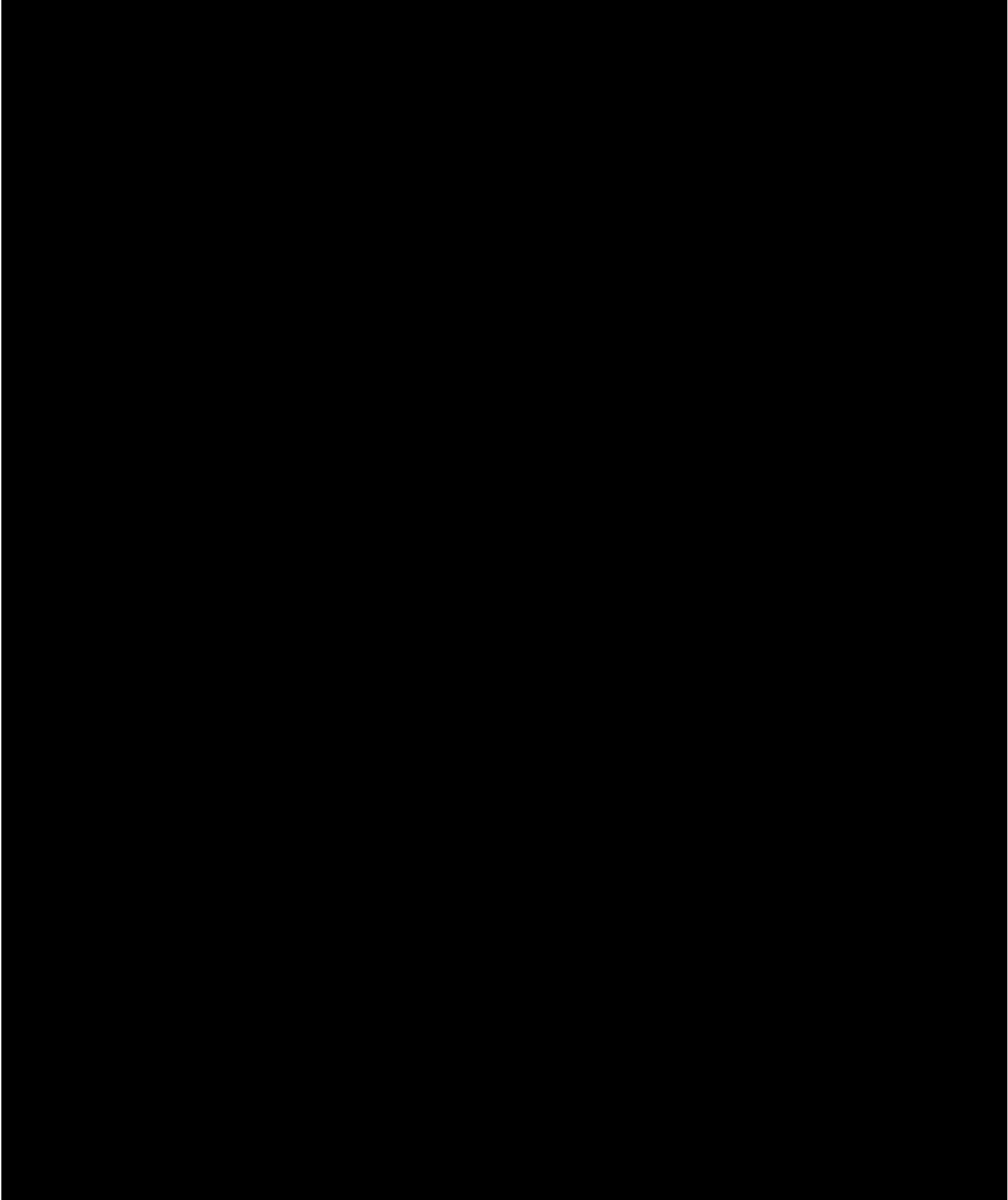
- Discrimination based on race
- Discrimination based on age
- Failure to adequately train and provide support
- Disparate treatment
- Unprofessional Conduct

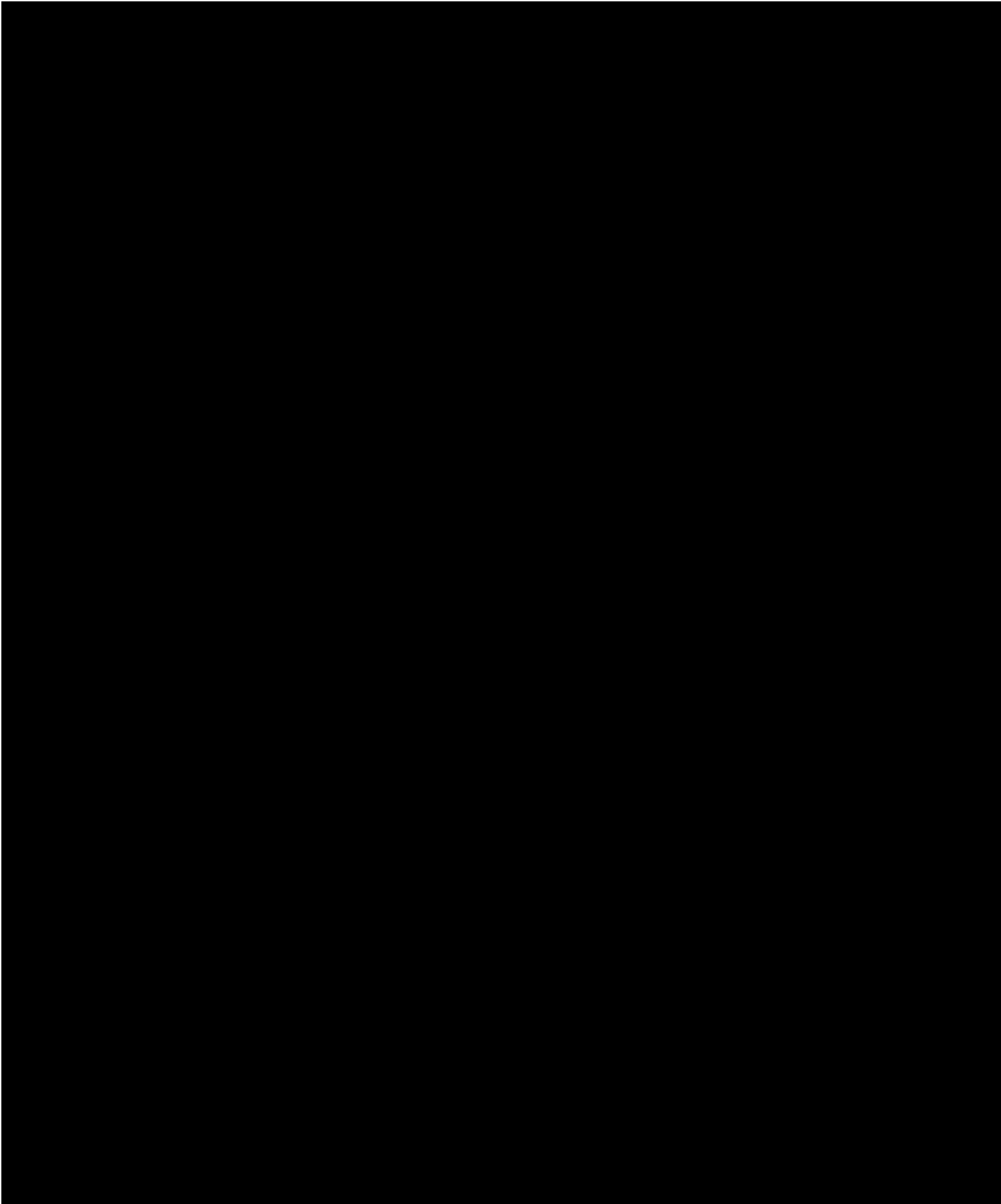
**Policies**

- CCSF Equal Employment Opportunity (“EEO”) Policy
- CCSF Policy Regarding the Treatment of Co-Workers and the Public
- DBI Code of Professional Conduct



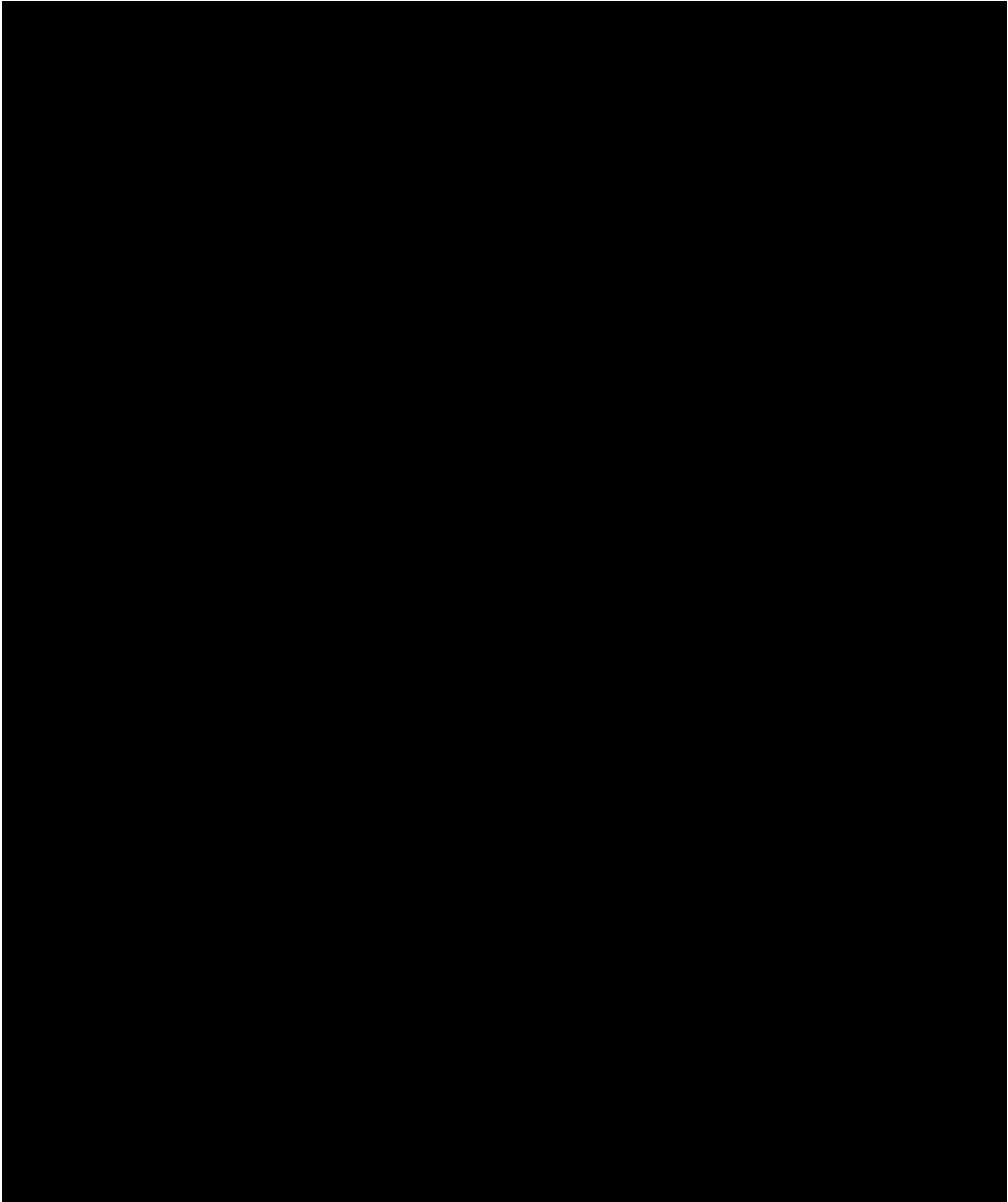










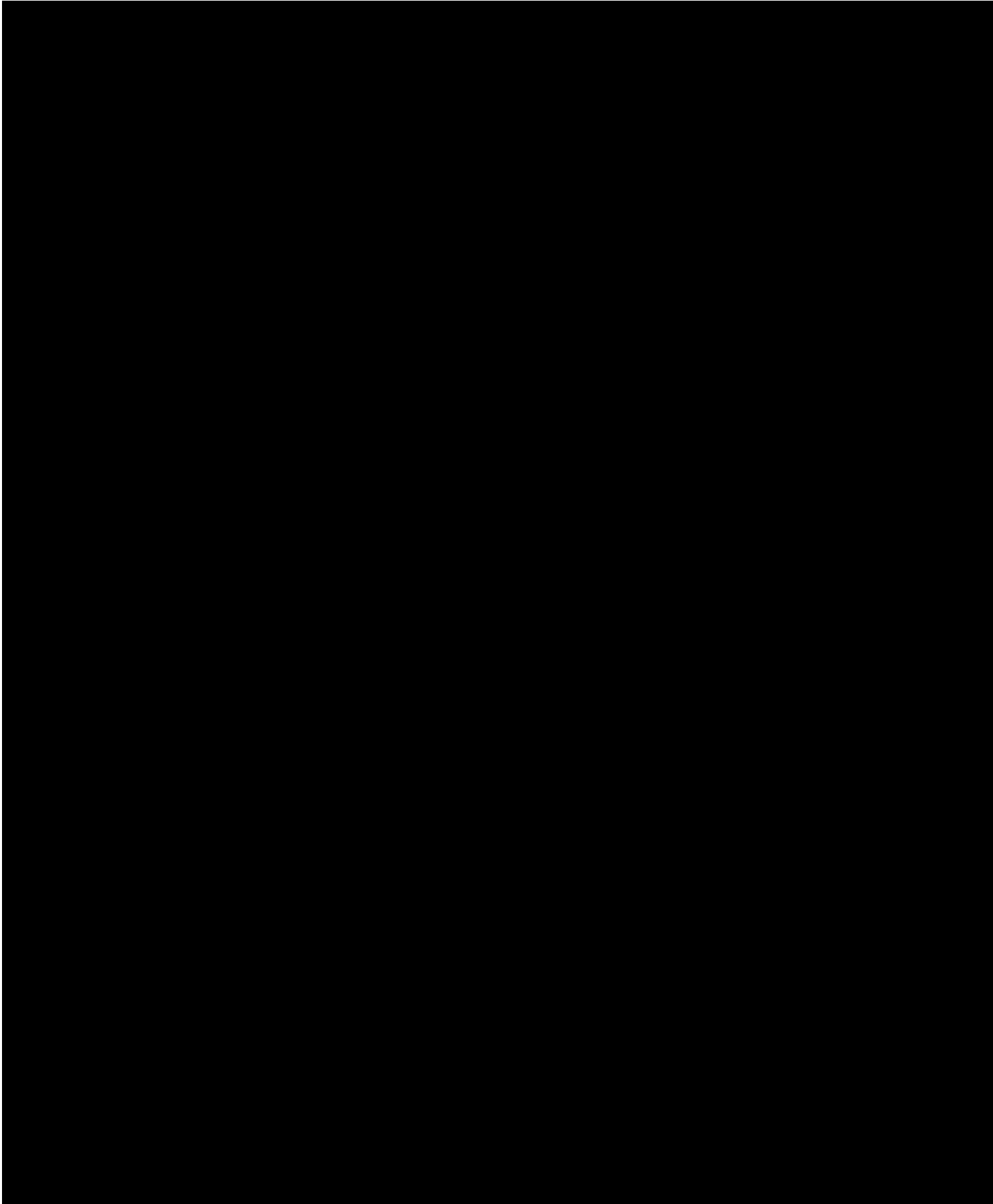




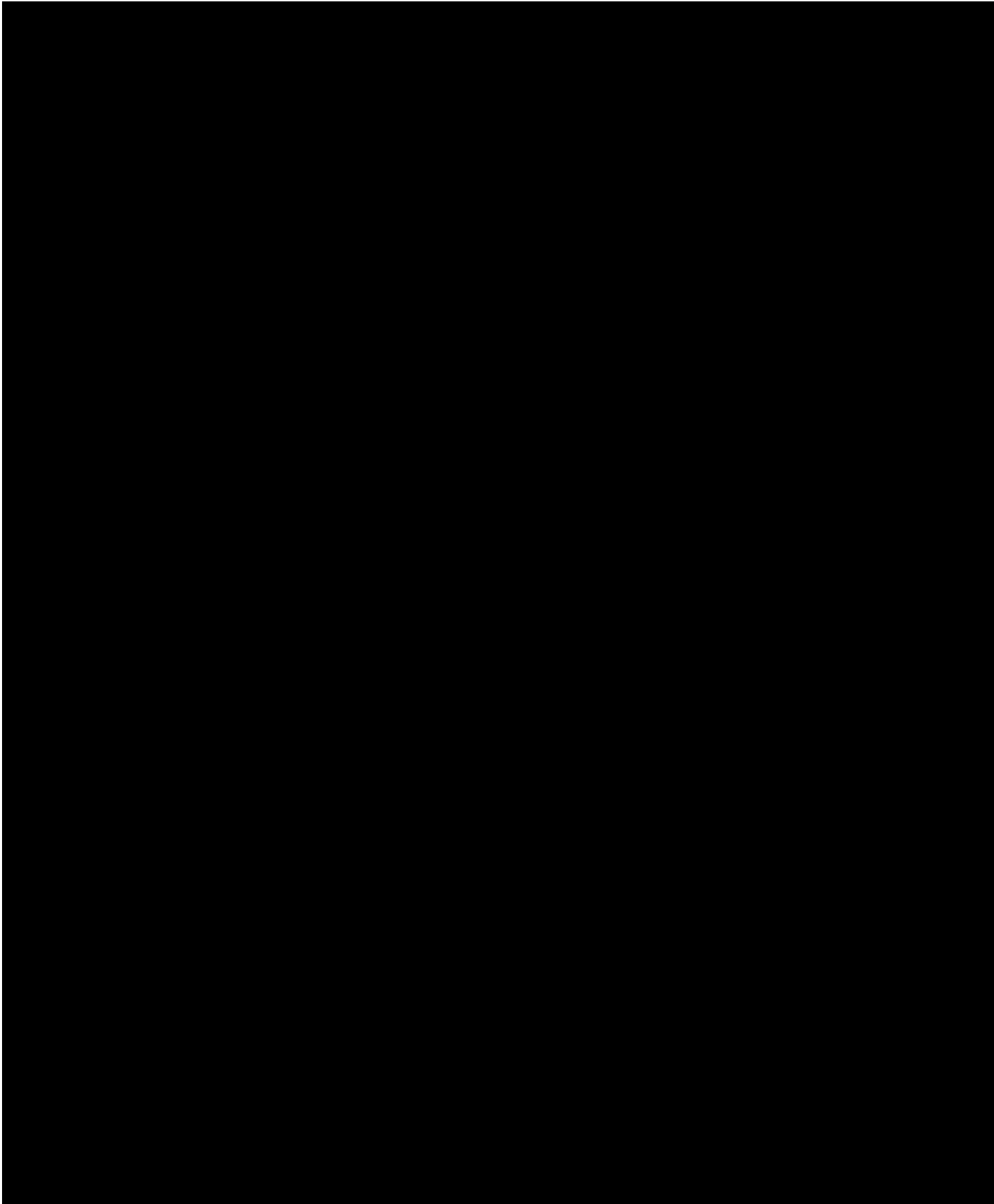


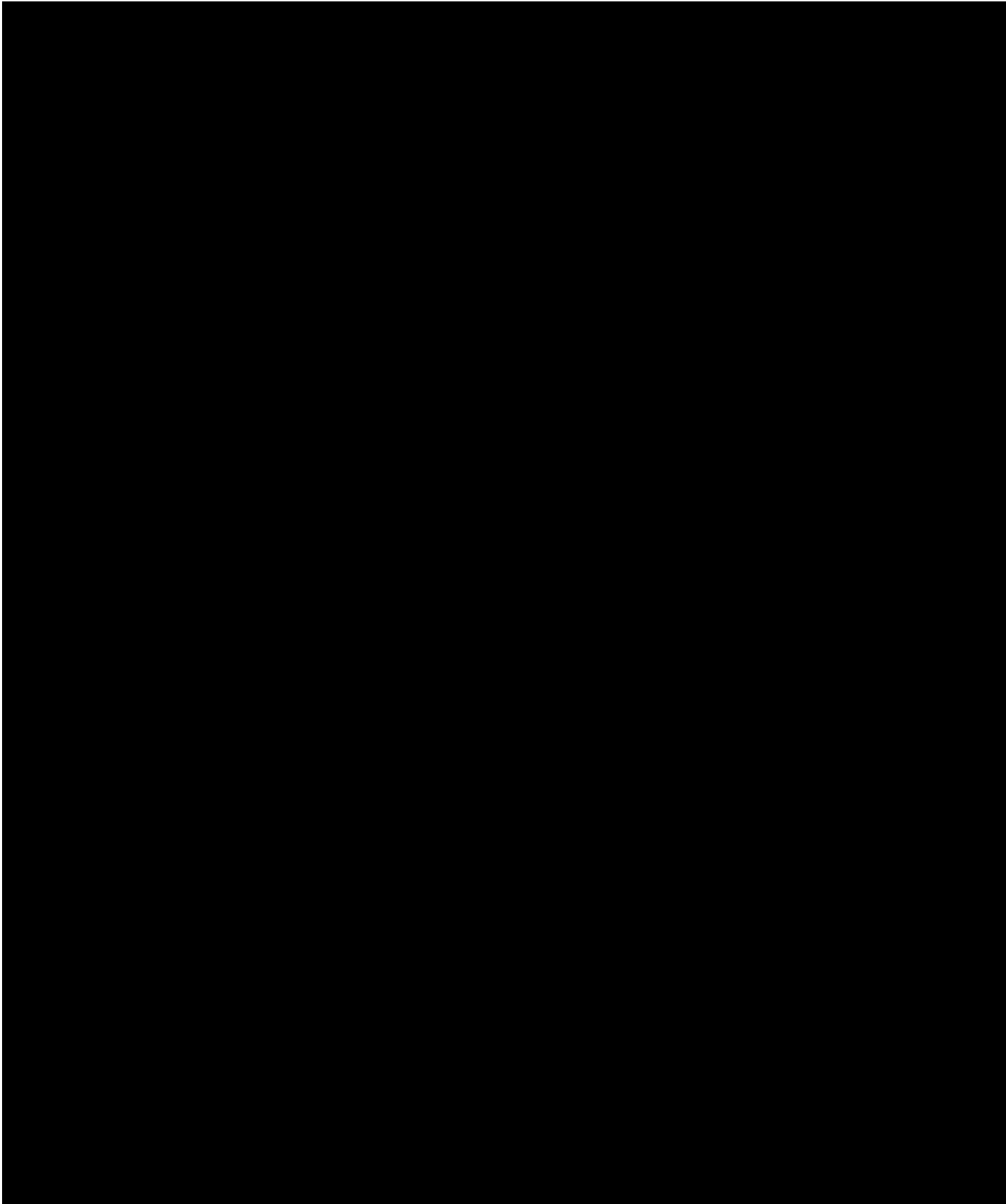


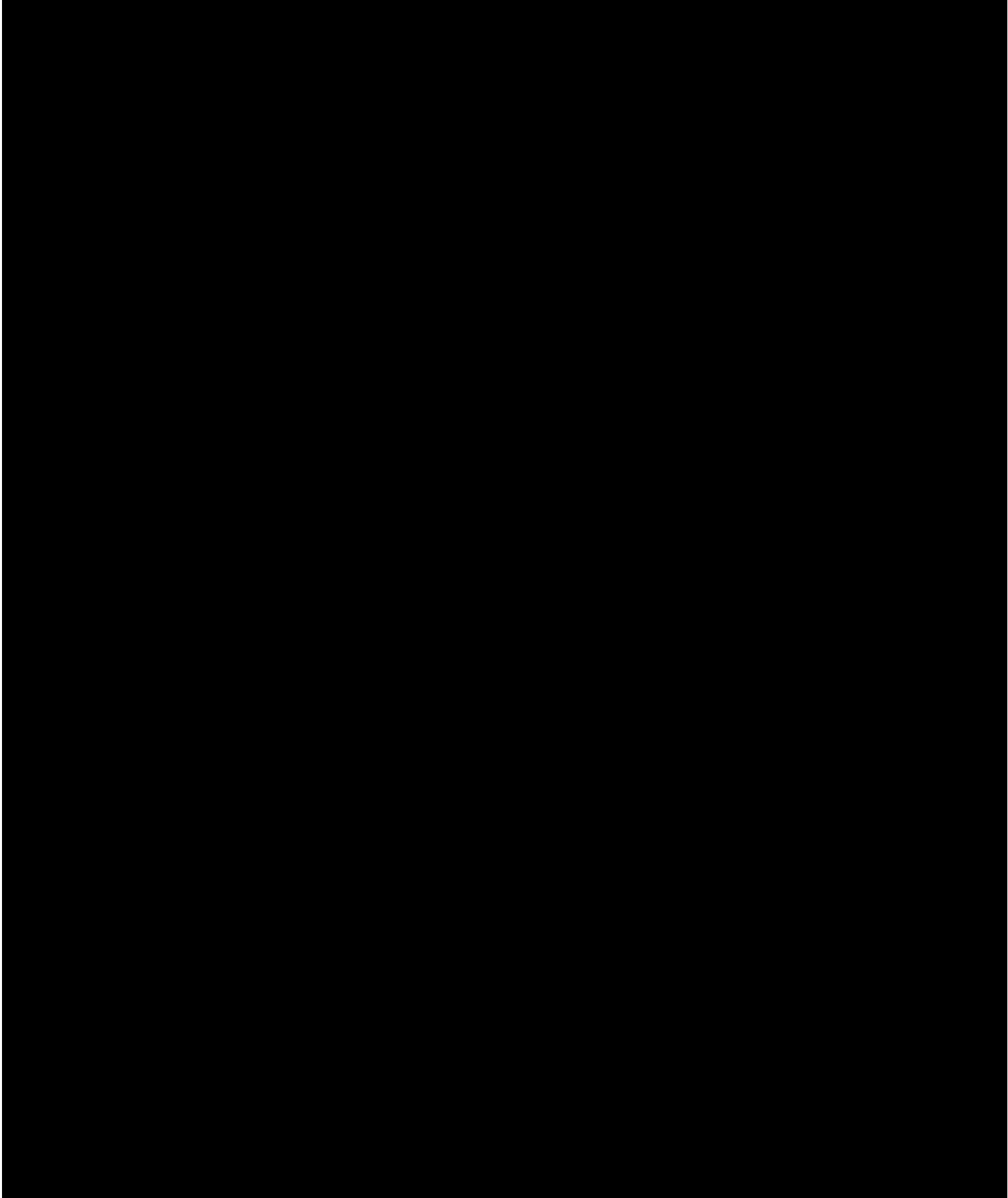


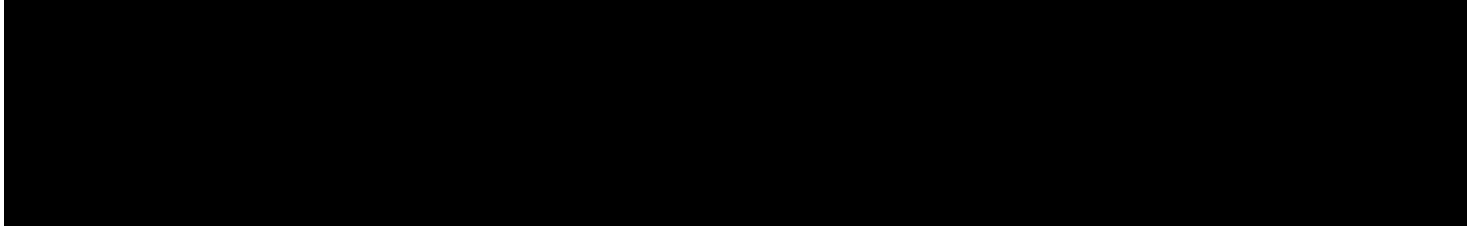












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**EXHIBIT D:**

Determination Letter for EEO File No. 3956

August 2, 2022



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**CONFIDENTIAL**

August 2, 2022

Christopher Lamar

Via E-mail

RE: Complaint of Discrimination, EEO File No. 3956

Dear Christopher Lamar:

The San Francisco Charter (Charter), Section 10.103, and Civil Service Rule 103 provide that the Human Resources Director shall review and resolve all complaints of employment discrimination. The Charter defines discrimination as a violation of civil rights on account of race, religion, disability, sex, age, or other protected category. The City and County of San Francisco (City) considers all allegations of discrimination a serious matter.

Thank you for bringing your concerns to my attention, as I appreciate every opportunity to evaluate conduct that impacts employee morale and productivity. I make recommendations for change whenever warranted, even when the facts do not establish a violation of the City' nondiscrimination policies but may violate other policies, or where changes may improve a workplace environment.

The purpose of this letter is to inform you of my determination regarding your complaint, EEO File No. 3956. Michelle Nieve (Nieve), Human Resources Manager with the San Francisco Department of Building Inspection (DBI), completed the investigation into your complaint and submitted the findings to me for a determination. This letter contains detailed information, analyses and findings related to the allegations in your complaint.

**I. BACKGROUND & ALLEGATIONS**

Since November 2, 2020, you have been employed as a 6321 Permit Technician I with DBI. At the time of your complaint, you worked in the Initial Plan Review Division (IPR) and reported to Ben Man (Man), 6323 Permit Technician III. Derek Cheung (Cheung), 6322 Permit Technician II, was your mentor. As of May 3, 2021, you work in the Central Permit Bureau (CPB), reporting to Michelle Yu (Yu), 5241 Engineer. On May 14, 2021, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received your e-mail complaint alleging discrimination and harassment due to race (Black) and age (then 55 years-old) by Man, Cheung, and Maria Ragasa (Ragasa), 6323 Permit Technician III. On May 10, 2021 and March 1, 2022, you spoke to DBI HR regarding your complaint. Specifically, you alleged the following:

**A. Discrimination Allegations**

You alleged that during your probationary period between November 2, 2020 through May 1, 2021, Man, Cheung, and Ragasa discriminated against you based on your race and age as follows:

- (1) Man, Cheung, and Ragasa failed to provide you with adequate training, tools, and support which would have enabled you to do your job efficiently. For example, while you received five sheets of paper explaining the division processes, you did not receive hands-on training. Additionally, you did not receive prompt evaluations of your work progress. Instead, Man waited until the end of the month during your monthly evaluation to address any errors in your performance, as opposed to instructing and training you on the correct procedure sooner.
- (2) Man, Cheung, and Ragasa made you e-mail the DBI Management Information System (MIS) instead of deleting a permit with errors and using the drop-down option to change the form. You believed this was an inefficient work process and that other employees were not made to do so.
- (3) On December 28, 2020, Man and Ragasa asked you why you left early on December 24, 2020. When you told them a co-worker told you that you could leave early for the Christmas holiday, they told you they did not give you permission to leave early.

#### **B. Harassment Allegations**

You alleged that during your probationary period between November 2, 2020 through May 1, 2021, Man, Cheung, and Ragasa subjected you to the following unwelcome conduct based on your race and age:

- (1) Man, Cheung, and Ragasa were hostile in their daily interactions with you and spoke to you in a degrading manner when addressing performance errors.
- (2) Man and Ragasa made derogatory comments about your typing abilities, and specifically that Ragasa said, "Even inspectors can type faster than you [Lamar]."
- (3) During your performance review, Man compared your performance to that of another African American employee, [REDACTED], 6321 Permit Technician I, by remarking on how well [REDACTED] was doing, and that Man said, "Maybe DBI is not the place for you."
- (4) Man stated to you, "Why would you go to a brother or sister when you can come to the parent (Man)?" You believed that Man was referring to himself as the parent. Man then stated, "Let's make it official; you only come to me with questions" and, "It must be a cultural thing."

## **II. RELEVANT CITY POLICIES**

### **A. City's Equal Employment Opportunity (EEO) Policy**

Below are relevant portions from the City's EEO Policy:

#### **Discrimination and Harassment Prohibited**

Discriminating against, or harassing City employees because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful...Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

**B. Policy Regarding the Treatment of Co-Workers and Members of the Public**

City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

**III. STANDARD OF EVIDENCE**

Per the City's EEO Policy, a preponderance of the evidence standard was used to analyze your allegations. Preponderance of the evidence is one type of evidentiary standard used in a burden of proof analysis. Under the preponderance standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true. Please note that these findings do not reach conclusions whether the alleged conduct violated state or federal laws, but instead address whether the City's EEO Policy was violated.

**IV. ANALYSIS & FINDINGS**

**A. Insufficient Evidence to Support Discrimination due to Race and Age**

To sustain a complaint of discrimination/disparate treatment under the City's EEO Policy, the investigation must establish all of the following: (1) you are a member of a protected category; (2) you suffered an adverse employment action; and (3) you suffered an adverse employment action because of your membership in a protected category.

You are a member of a protected category due to your race (Black) and age (then-55 years old). However, for the reasons explained below, either there was no evidence to support any race or age-based animus or you did not suffer an adverse employment action.

**1. No Evidence to Support Your Insufficient Training Was Due to Your Race or Age**

The investigation established that more likely than not, you were not provided with sufficient training and support during your probationary period. While Man, Ragasa, and Cheung denied that they provided inadequate training, six of eight witnesses corroborated that there was no clear designation for training responsibility when it came to your training. Six of eight witnesses were unsure who was tasked with training you and did not witness Cheung provide consistent training. Four of eight witnesses noted that the timing of your hiring and the lack of consistent and thorough observed training made it clear that you did not receive the same level of training as other Permit Technician Is, but were still expected to meet the same expectations. One witness stated that they observed Cheung provide some training to you in your second week. Another witness questioned the level of training you received while one stated that your training was "not very hands-on" and "very choppy."

Nevertheless, the investigation did not establish that the insufficient training you received was due to your race or age. The investigation did not establish any information or evidence supporting that Man, Ragasa, or Cheung had any race or age-based animus and a White co-worker around the same age as you stated that when they worked in IPR from August to December 2020 and reported to Man and Ragasa, they also did not receive sufficient training, direction, or tools to perform the job effectively. Witnesses also believed your insufficient training may have been due to the Man and Cheung's focus on the Electronic Plan Review system, the timing of DBI's move from 1660 Mission to 49 South Van Ness, and the

pandemic. Further, you did not suffer an adverse employment action as a result of your insufficient training because as on May 3, 2021, you successfully passed your probationary period. Nevertheless, due to your complaint and IPR's insufficient training, DBI implemented a new training program for Permit Technicians in IPR to ensure adequate training for all new hires.

**2. Legitimate Business Reason Supporting Requirement that You E-mail DBI MIS About Permit Errors**

The investigation did not establish that Man told you to contact MIS with errors on permits based on your race and age. Rather, the investigation established that MIS has to be contacted when errors are found on permits that have already been issued, as opposed to errors found before issuance which can be corrected without notifying MIS. A review of your permit errors showed that they were on permits you had already issued, requiring contacting MIS. Thus, this work process was a result of a legitimate business reason and not your race or age.

**3. No Evidence to Support that Questions About Leaving Early Were Race or Age Based**

The investigation established that more likely than not, Man and Ragasa questioned you about leaving early on Christmas eve. However, the investigation did not establish evidence of race or age-based animus and you did not suffer an adverse employment action as a result of leaving early.

**B. Insufficient Evidence to Support Harassment due to Race and Age**

To sustain a complaint of harassment in violation of the City's EEO Policy, the investigation must establish all of the following: (1) you were subjected to physical, verbal, or visual conduct on account of your membership in a protected category; and (2) the conduct was unwelcome.

You are a member of a protected category due to your race and age. However, the evidence did not support that Man, Cheung, and Ragusa engaged in unwelcome conduct based on your race or age, as discussed below.

**1. Hostile and Degrading Comments**

The investigation did not establish that Man, Cheung, or Ragasa were hostile or degrading toward you due to your race and age. Man, Ragasa, and Cheung denied engaging in disrespectful, hostile, or degrading communications with you and of the eight witnesses interviewed, no witnesses observed Ragasa or Cheung behave in a hostile or degrading manner towards you. While one witness observed that Man spoke to you with an "undertone of degradation," "a lot of judgement," and an "agitated tone," there was no evidence to support that Man's conduct was race or age related. Rather, the investigation established that you had performance deficiencies during your probationary period and made repeat errors, and although Man's frustration and agitation in addressing those errors was inappropriate, were directed at you based on your performance issues, not your race or age. Nevertheless, Man's conduct did not meet his supervisory obligation to model appropriate and professional behavior at all times and DBI will take appropriate action to address this conduct. However, due to privacy in employee concerns, the exact action taken cannot be shared.

## 2. Derogatory Typing Ability Comments

The investigation did not establish that Ragasa and Man made derogatory comments about your typing abilities and specifically that Ragasa said, "Even inspectors can type faster than you [Lamar]." Man and Ragasa denied making these comments and no witnesses corroborated your allegations that Man and Ragasa did.

## 3. Comparison to [REDACTED] and "Not the Place for You" Comment

The investigation did not establish that more likely than not, Man compared your performance to [REDACTED]s due to your race or age. Man denied doing so at all, but acknowledged he advised you to seek guidance from other new hires when you struggled with your work, including [REDACTED]. Similarly, the investigation also did not establish that more likely than not, Man commented that maybe "DBI [isn't] the place for you." Man denied making this comment and no witnesses observed Man make this comment. Further, no evidence supported that even if Man engaged in this conduct, that it was related to your race or age. For example, [REDACTED] is of the same race as you.

## 4. Sibling/Parent and "Cultural Thing" Comment

The investigation did not establish that more likely than not, Man made the comments, "Why would you go to a brother or sister when you can come to the parent (Man)," "Let's make it official; you only come to me (Man) with questions," and "It must be a cultural thing." Man denied making these comments and of the witnesses interviewed, none heard these types of comments.

## V. DETERMINATION OF THE HUMAN RESOURCES DIRECTOR

Please be advised that based on the review of the investigative findings, I have determined by a preponderance of evidence that there was insufficient evidence to establish that Man, Ragusa, and Cheung subjected you to discrimination or harassment based on your race and age. Thank you for bringing your concerns to my attention so they could be investigated and appropriate action can be taken.

My determination is final, unless appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Room 720, San Francisco, CA 94102, within 30 calendar days of the date of the e-mail sending this letter.

For your information, you may file a complaint of employment discrimination with the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission. Contact those agencies directly for filing requirements and deadlines.

Please feel free to contact Amalia Martinez, EEO Director, Department of Human Resources, at (415) 557-4932, should you have any questions.

Sincerely,



Carol Isen  
Human Resources Director

c: Patrick O'Riordan, Director, DBI  
Michele Nieve, Human Resources Manager, DBI  
Amalia Martinez, Director, EEO, DHR

**EXHIBIT E:**

Department Determination Letter for EEO File No. 3956

August 2, 2022



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City and County of San Francisco

Carol Isen  
Human Resources Director



Department of Human Resources

Connecting People with Purpose  
www.sfdhr.org

**CONFIDENTIAL**

August 2, 2022

Patrick O’Riordan  
Director  
Department of Building Inspection  
49 South Van Ness Ave.  
San Francisco, CA 94103

Via E-mail  
*Patrick.Oriordan@sfgov.org*

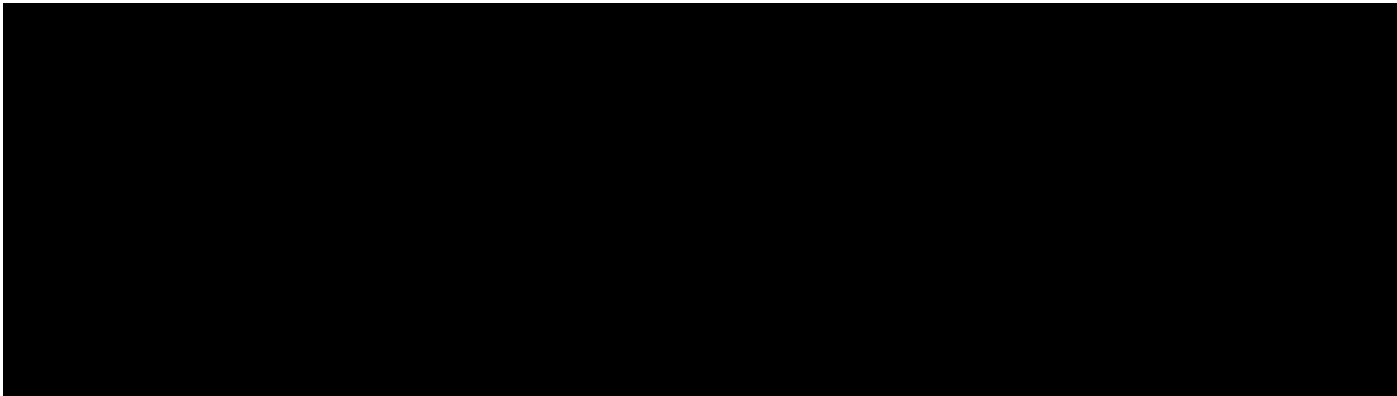
RE: Complaint of Discrimination Filed by Christopher Lamar, EEO File No. 3956

Dear Director O’Riordan:

On January 13, 2022, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received an e-mail complaint from Christopher Lamar (Lamar), 6321 Permit Technician I, reporting that based on Lamar’s race (Black) and age (then-55 years old), his supervisor, Ben Man (Man), 6323 Permit Technician III, his mentor, Derek Cheung (Cheung), 6322 Permit Technician II, and Maria Ragasa (Ragasa), 6323 Permit Technician III subjected him to discrimination by failing to provide adequate training and support during Lamar’s probationary period and harassed Lamar by making “hostile” and disparaging comments about his work performance.

Michele Nieve (Nieve), Human Resources Manager with the Department of Building Inspection (DBI), completed the investigation into Lamar’s complaint and submitted the investigative findings to me for review. Based on my review of the investigative findings, I have determined there is insufficient evidence to sustain Lamar’s claims of discrimination and harassment based on race and age against Man, Cheung, or Ragasa. Please refer to my determination letter to Lamar, enclosed, for a detailed description of Lamar’s allegations and the investigative findings.

Nevertheless, the investigation established that Man’s treatment of Lamar was more likely than not a violation of the City’s Policy Regarding the Treatment of Co-Workers and Members of the Public (Respect Policy) and that Lamar and co-worker [REDACTED] 6322 Permit Technician II, were provided insufficient training. Accordingly, DHR EEO recommends the following appropriate actions:



4. DBI should review the training and support provided to Permit Technician I's during probation to ensure that future hires receive adequate training and support.

Please provide a report upon completion of this corrective action, including a copy of the signed acknowledgement of receipt, addressed to Ruth Mercado, EEO Assistant, at [Ruth.Mercado@sfgov.org](mailto:Ruth.Mercado@sfgov.org), no later than **August 16, 2022**.

Thank you for your attention to these matters. Please feel free to contact Amalia Martinez, EEO Director, at (415) 557-4932 should you have any questions.

Sincerely,



Carol Isen  
Human Resources Director  
Department of Human Resources

Encl.: August 2, 2022 Letter from Carol Isen to Christopher Lamar  
City's Respect Policy  
Acknowledgement of Receipt Form

c: Michele Nieve, Human Resources Manager, DBI  
Amalia Martinez, Director, EEO and Leave Programs, DHR

# **EXHIBIT F:**

DBI Confirmation of Completion of Recommended Actions

October 20, 2022

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CONFIDENTIAL

**AMENDED 10/20/2022**

August 12, 2022

Delivered Via Email To: [ruth.mercado@sfgov.org](mailto:ruth.mercado@sfgov.org)

Amalia Martinez, Equal Employment Opportunity Director  
Department of Human Resources  
c/o Ruth Mercado, EEO Assistant 1  
South Van Ness, 4<sup>th</sup> Floor  
San Francisco, CA 94103

RE: Department Report of Corrective Action - Complaint of Discrimination Filed by Christopher Lamar, EEO File No. 3956

Dear Amalia Martinez:

The Department of Building Inspection received the Department Determination Letter regarding Christopher Lamar's ("Lamar") EEO Complaint. Although it was determined there was insufficient evidence to sustain Lamar's claims of discrimination and harassment based on race and age, it was determined that the Department's investigation established that Ben Man's ("Man") treatment of Lamar was more likely than not a violation of the City's Policy Regarding the Treatment of Co-Workers and Members of the Public (Respect Policy); and that Lamar and co-worker [REDACTED], were provided insufficient training. Accordingly, DHR EEO recommended the following appropriate actions concerning three employees, Ben Man, Maria Ragasa, and Derek Cheung:

4. DBI should review the training and support provided to Permit Technician I's during probation to ensure that future hires receive adequate training and support.



[REDACTED]

Ragasa confirmed that the newly established training plan has been successful in providing new IPR hires/transfers with the training and support needed to perform the job functions of their position.

[REDACTED]



[REDACTED]

Man confirmed that the IPR onboarding training and support plan, established in January 2021, has been working well and has been provided to all new and transferred IPR employees.

[REDACTED]

Cheung confirmed that the newly established training plan is being used when needed and has been successful in providing new IPR hires with training and support.

[REDACTED]

Sincerely,

*Michele Nieve*

Michele Nieve  
Manager, Human Resources & Payroll Division

49 South Van Ness Avenue – San Francisco CA 94103  
Office (628) 652-3200 – FAX (628) 652-3239  
[www.sfdbi.org](http://www.sfdbi.org)

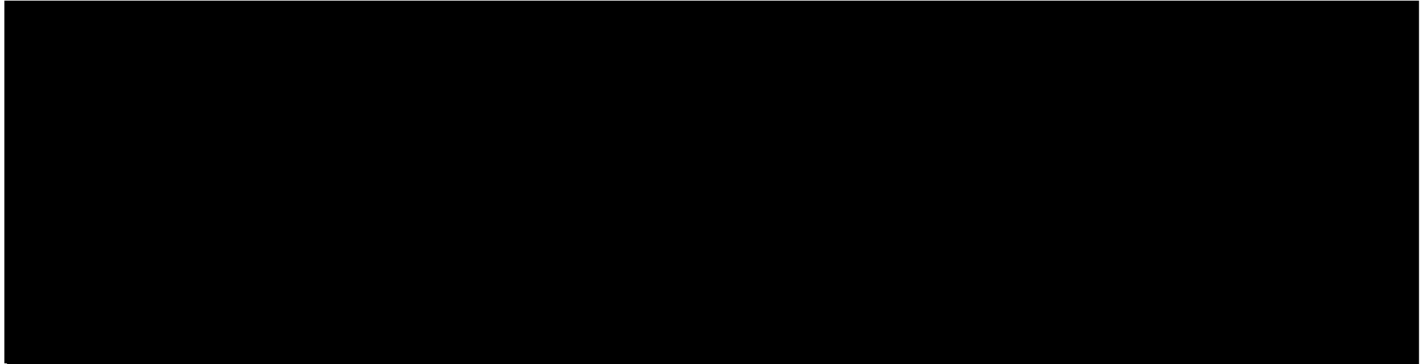


City and County of San Francisco  
Department of Building Inspection



London N. Breed, Mayor  
Patrick O'Riordan, C.B.O., Director

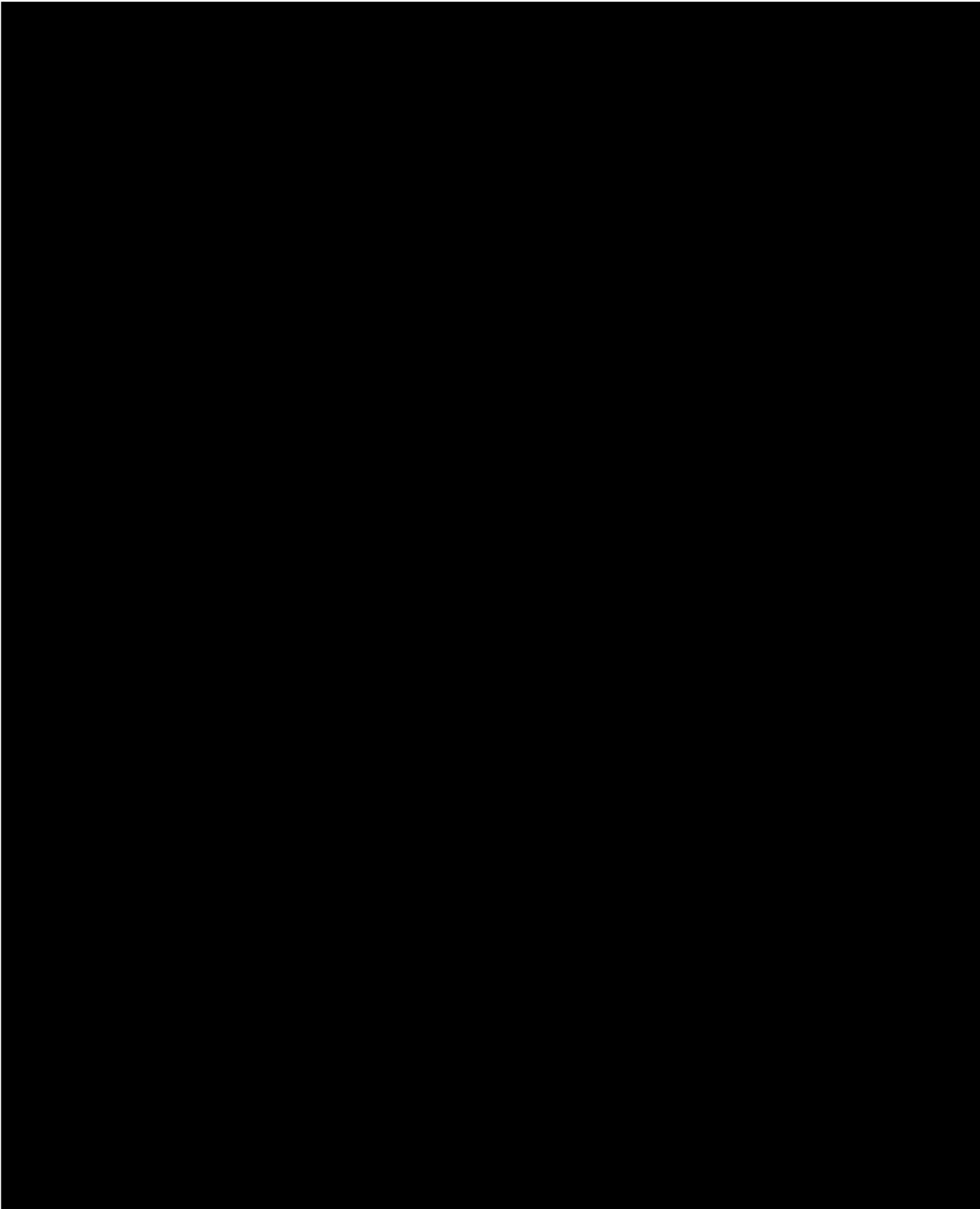
**Attachments:**



Cc: Patrick O'Riordan, C.B.O., Director  
Ruth Mercado, EEO Assistant

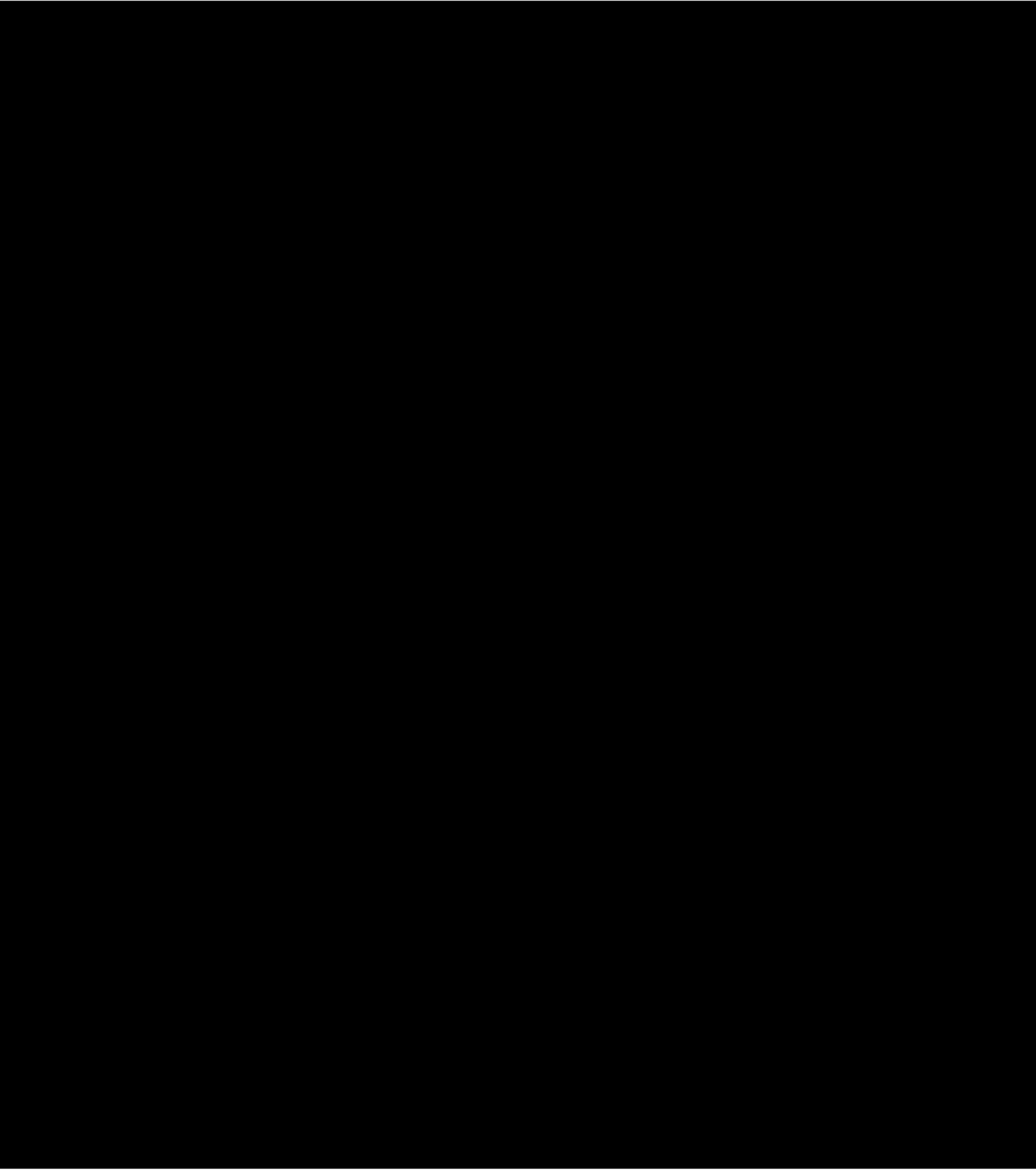
49 South Van Ness Avenue – San Francisco CA 94103  
Office (628) 652-3200 – FAX (628) 652-3239  
[www.sfdbi.org](http://www.sfdbi.org)

# ATTACHMENT A



One South Van Ness Avenue, 4<sup>th</sup> Floor • San Francisco, CA 94103-5413 • (415) 557-4800

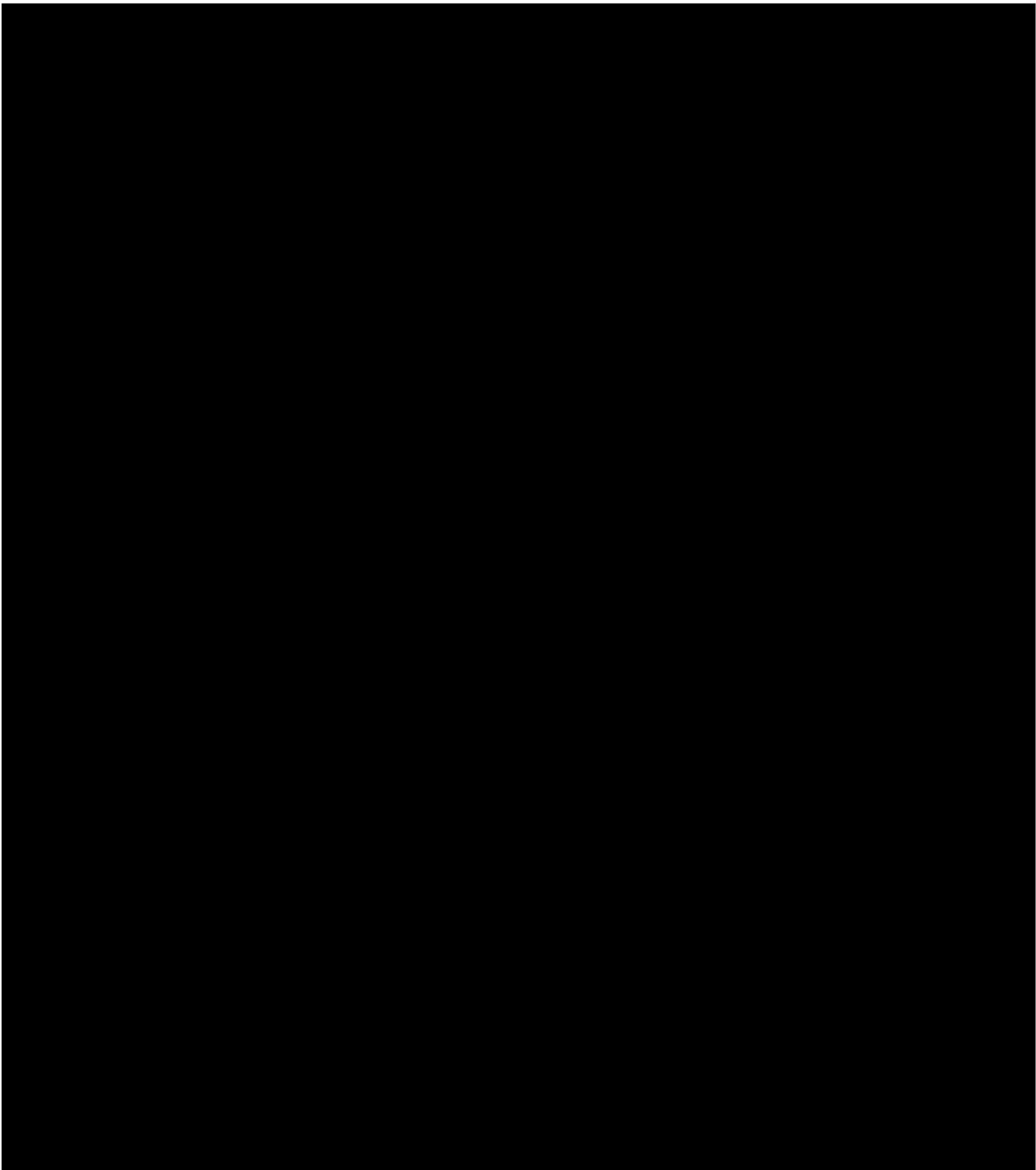




**49 South Van Ness Avenue – San Francisco CA 94103  
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# ATTACHMENT B

One South Van Ness Avenue, 4<sup>th</sup> Floor • San Francisco, CA 94103-5413 • (415) 557-4800



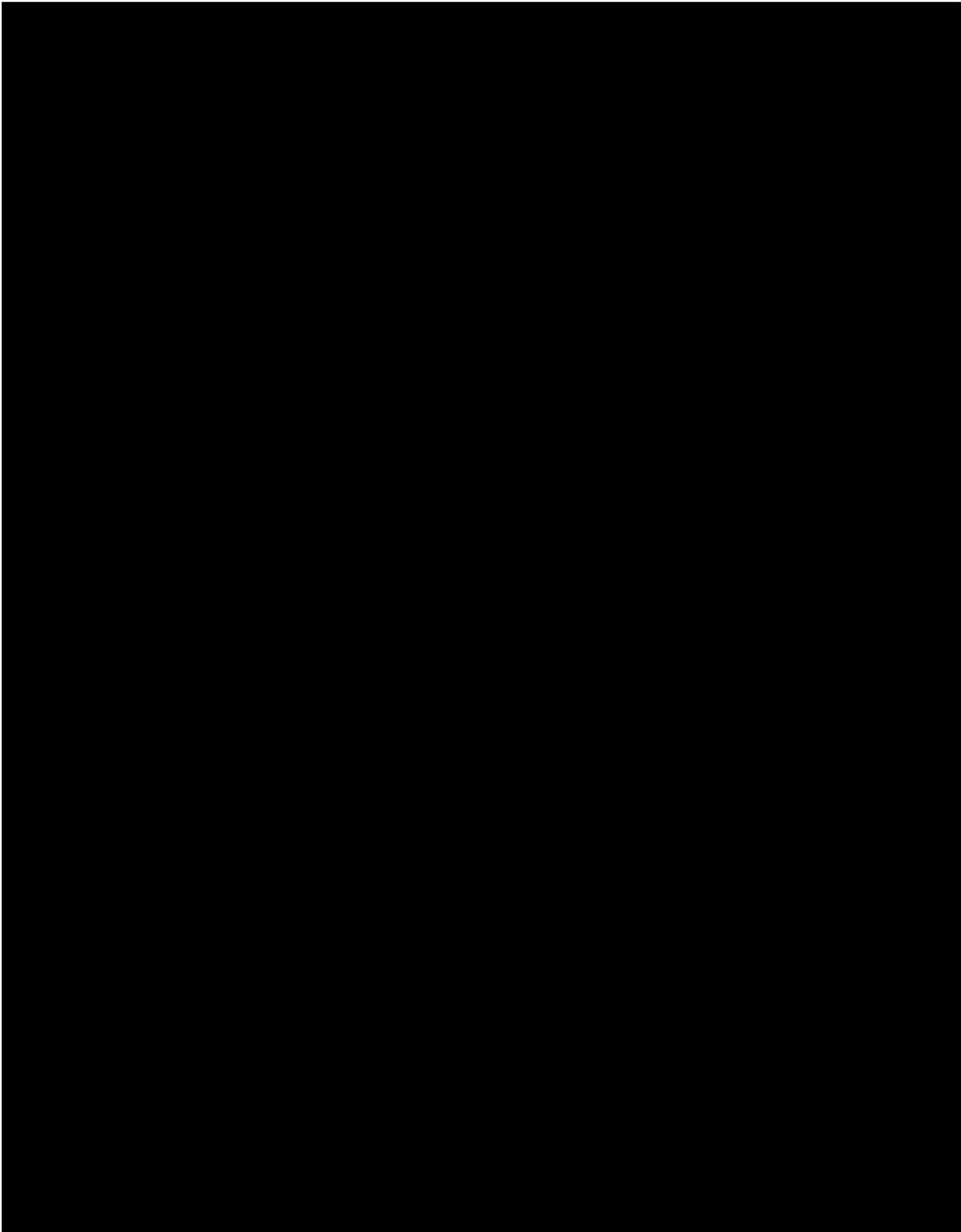
One South Van Ness Avenue, 4<sup>th</sup> Floor • San Francisco, CA 94103-5413 • (415) 557-4800





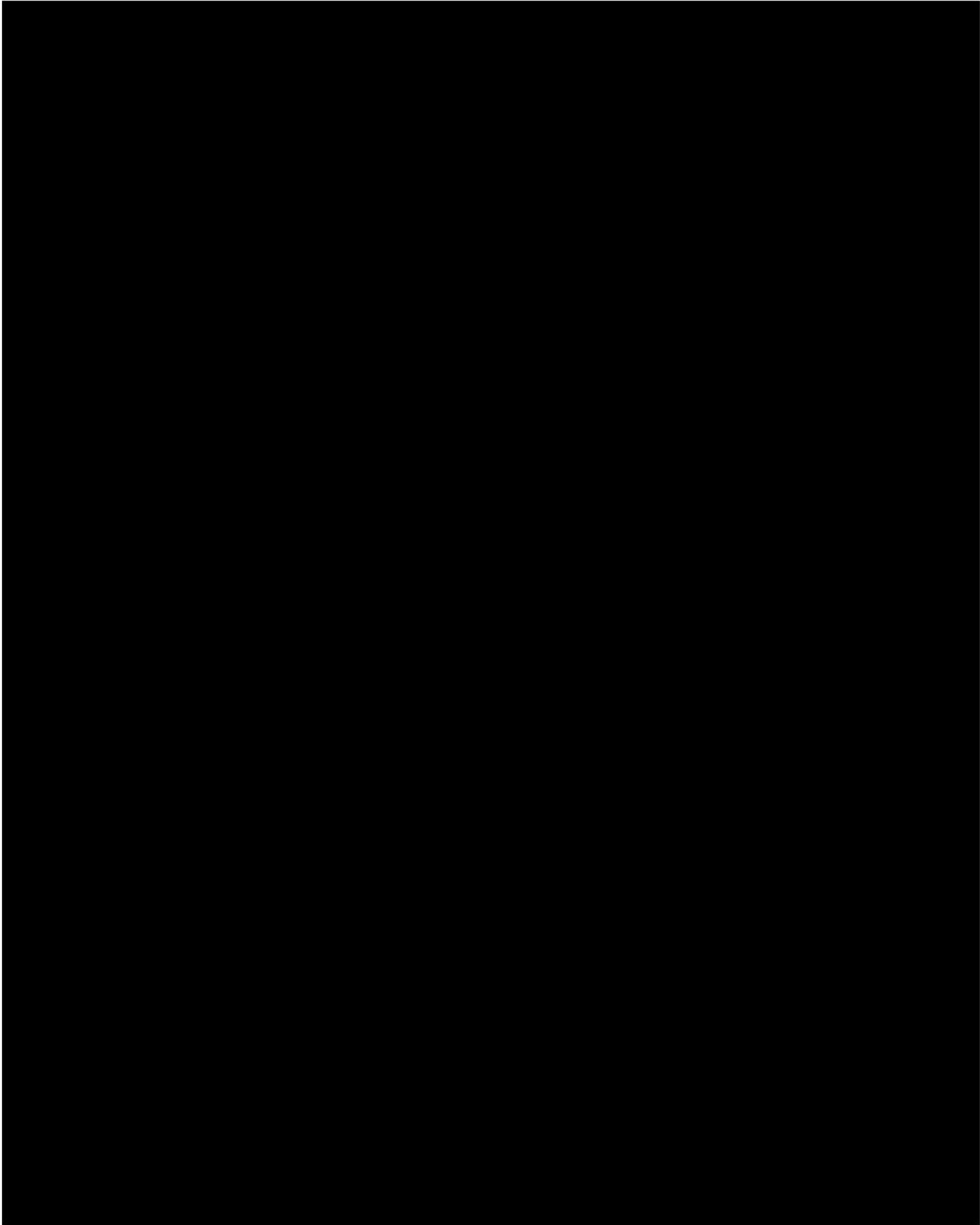
**49 South Van Ness Avenue – San Francisco CA 94103  
Office (628) 652-3200 – FAX (628) 652-3239  
[www.sfdbi.org](http://www.sfdbi.org)**



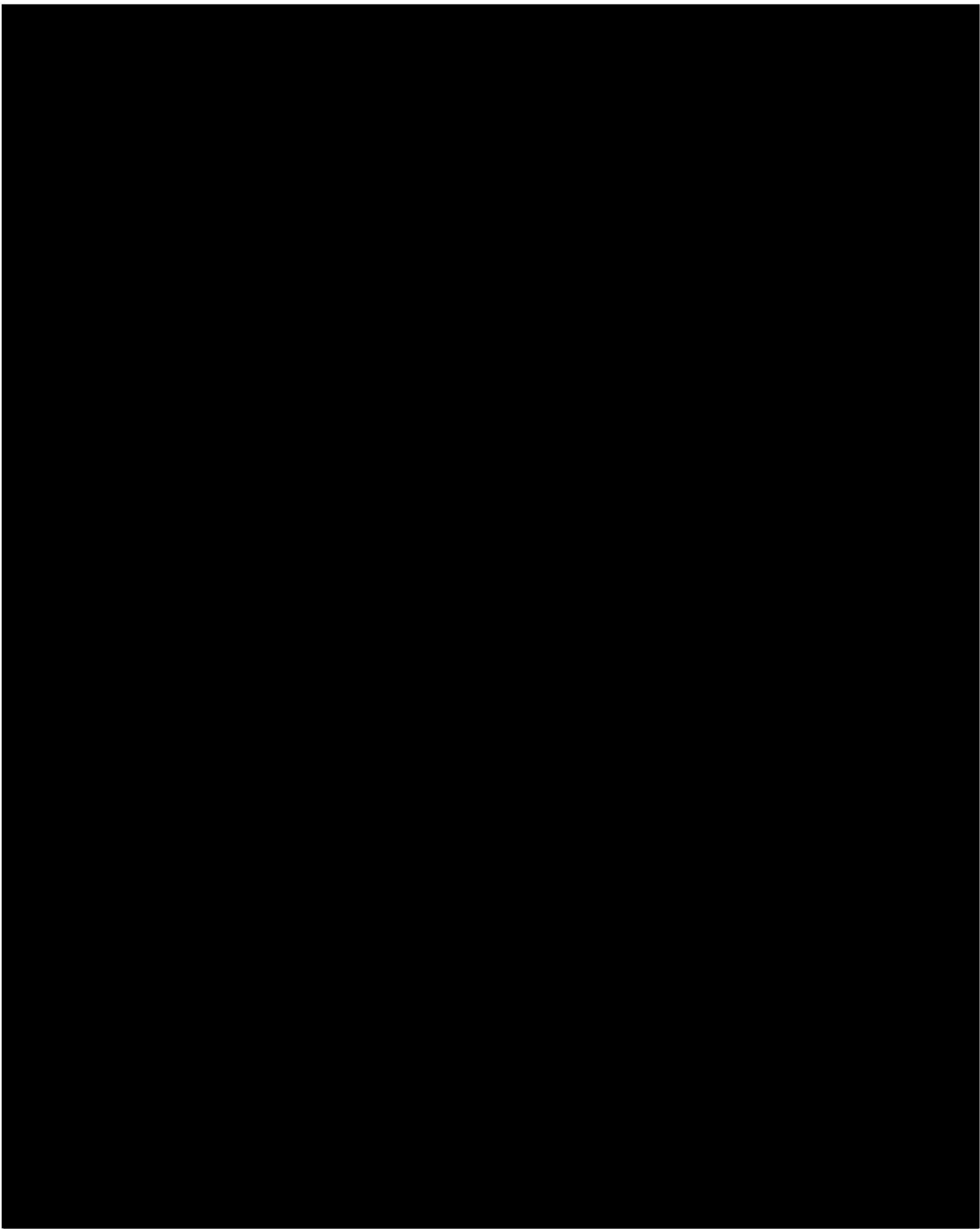


# ATTACHMENT C

49 South Van Ness Avenue – San Francisco CA 94103  
Office (628) 652-3200 – FAX (628) 652-3239  
[www.sfdbi.org](http://www.sfdbi.org)



One South Van Ness Avenue, 4<sup>th</sup> Floor • San Francisco, CA 94103-5413 • (415) 557-4800



# **EXHIBIT G:**

Notice of Appeal by C. Lamar, Register No. 0124-22-6

August 18, 2022



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# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

*Sent via Email*

## NOTICE OF RECEIPT OF APPEAL

DATE: August 18, 2022  
REGISTER NO.: 0124-22-6  
APPELLANT: CHRISTOPHER LAMAR

Carol Isen  
Human Resources Director  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Carol Isen:

The Civil Service Commission has received the attached letter from Christopher Lamar appealing the Human Resources Director's determination that there was insufficient evidence to establish that he was subjected to discrimination or harassment based on his age, EEO File No. 3956. Your review and action are required.

If this matter is not timely or appropriate, please submit CSC Form 13 "Action Request on Pending Appeal/Request," with supporting information and documentation to my attention by email to [civilservice@sfgov.org](mailto:civilservice@sfgov.org). CSC Form 13 is available on the Civil Service Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService) under "Forms."

In the event that Christopher Lamar's appeal is timely and appropriate, the department is required to submit a staff report in response to the appeal within sixty (60) days so that the matter may be resolved in a timely manner. Accordingly, **the staff report is due no later than 11 a.m. on October 27, 2022**, so that it may be heard by the Civil Service Commission at its meeting on November 7, 2022. If you will be unable to transmit the staff report by the October 27<sup>th</sup> deadline, or if required departmental representatives will not be available to attend the November 7<sup>th</sup> meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

You may contact me at [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) or (628) 652-1100 if you have any questions. For more information regarding staff report requirements, meeting procedures or future meeting dates, please visit the Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService).

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Attachment

Cc: Jeanne Buick, Department of Human Resources  
Kate Howard, Department of Human Resources  
Mawuli Tugbenyoh, Department of Human Resources  
Amalia Martinez, Department of Human Resources  
Patrick O'Riordan, Department of Building Inspection  
Michele Nieve, Department of Building Inspection



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

*Sent via Email*

August 18, 2022

Christopher Lamar

Subject: **Register No. 0124-22-6: Appealing the Human Resources Director's Determination that there was Insufficient Evidence to Establish that he was Subjected to Discrimination or Harassment Based on his Age, EEO File No. 3956.**

Dear Christopher Lamar:

This is in response to your appeal submitted to the Civil Service Commission on August 15, 2022, appealing the Human Resources Director's determination that there was insufficient evidence to establish that you were subjected to discrimination or harassment based on his age, EEO File No. 3956. Your appeal has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will receive notice of the meeting and the department's staff report on your appeal two Fridays before the hearing date via email, as you have requested on your appeal form.

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date by email to [civilservice@sfgov.org](mailto:civilservice@sfgov.org). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

You may contact me by email [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) or by phone at (628) 652-1100 if you have any questions. You may also access the Civil Service Commission's meeting calendar, and information regarding staff reports and meeting procedures, on the Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService).

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer



## File an Appeal/Christopher Lamar

Christopher Lamar <[REDACTED]>

Mon 8/15/2022 5:21 PM

To: CivilService, Civil (CSC) <civilservice@sfgov.org>

Cc: Christopher Lamar <[REDACTED]>

📎 1 attachments (241 KB)

Lamar, Christopher - Determination Letter.pdf;

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I have been an employee of Department of Building Inspection since November 3, 2020, as a Permit Technician 1. I have filed a grievance against DBI through HR for harassment, creating a hostile work environment, racism, ageism and their discriminatory practice of failure to provide proper training during my probationary period. As a result of not being provided proper training, I was harassed, ridiculed, bullied and shamed in front of co-workers on numerous occasions, while evidence will show training material was not provided by Ben Man, Maria Ragasa or Derek Cheung until after three months of employment. Meanwhile, daily harassment continued. These abuses occurred during my six month probation and at the height of Covid-19, which was stressful enough without the ongoing abuse of Ben Man, Maria Ragasa or Derek Cheung. After a 15 month investigation, HR has denied any wrongdoing by Ben Man, Maria Ragasa or Derek Cheung. However, I've been given 30 days to file an appeal. This is not an adequate amount of time to prepare and present my documents to you for review or to seek counsel, if required. However, again, I would like to submit my formal Request For An Appeal. I will for follow-up with additional documentation at a later date for your consideration.

For your review, I have attached HR's Letter of determination. I ask that you record my request for an appeal and await my investigation.

I want to thank you in advance for accepting my request and will submit my response here shortly.

Respectfully Submitted,

Christopher Lamar  
[REDACTED]

City and County of San Francisco  
Carol Isen  
Human Resources Director



Department of Human Resources  
*Connecting People with Purpose*  
www.sfdhr.org

**CONFIDENTIAL**

August 2, 2022

Christopher Lamar

Via E-mail

RE: Complaint of Discrimination, EEO File No. 3956

Dear Christopher Lamar:

The San Francisco Charter (Charter), Section 10.103, and Civil Service Rule 103 provide that the Human Resources Director shall review and resolve all complaints of employment discrimination. The Charter defines discrimination as a violation of civil rights on account of race, religion, disability, sex, age, or other protected category. The City and County of San Francisco (City) considers all allegations of discrimination a serious matter.

Thank you for bringing your concerns to my attention, as I appreciate every opportunity to evaluate conduct that impacts employee morale and productivity. I make recommendations for change whenever warranted, even when the facts do not establish a violation of the City' nondiscrimination policies but may violate other policies, or where changes may improve a workplace environment.

The purpose of this letter is to inform you of my determination regarding your complaint, EEO File No. 3956. Michelle Nieve (Nieve), Human Resources Manager with the San Francisco Department of Building Inspection (DBI), completed the investigation into your complaint and submitted the findings to me for a determination. This letter contains detailed information, analyses and findings related to the allegations in your complaint.

**I. BACKGROUND & ALLEGATIONS**

Since November 2, 2020, you have been employed as a 6321 Permit Technician I with DBI. At the time of your complaint, you worked in the Initial Plan Review Division (IPR) and reported to Ben Man (Man), 6323 Permit Technician III. Derek Cheung (Cheung), 6322 Permit Technician II, was your mentor. As of May 3, 2021, you work in the Central Permit Bureau (CPB), reporting to Michelle Yu (Yu), 5241 Engineer. On May 14, 2021, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received your e-mail complaint alleging discrimination and harassment due to race (Black) and age (then 55 years-old) by Man, Cheung, and Maria Ragasa (Ragasa), 6323 Permit Technician III. On May 10, 2021 and March 1, 2022, you spoke to DBI HR regarding your complaint. Specifically, you alleged the following:

**A. Discrimination Allegations**

You alleged that during your probationary period between November 2, 2020 through May 1, 2021, Man, Cheung, and Ragasa discriminated against you based on your race and age as follows:

One South Van Ness Avenue, 4<sup>th</sup> Floor • San Francisco, CA 94103-5413 • (415) 557-4800



Christopher Lamar  
EEO File No. 3956  
Page 2 of 6

- (1) Man, Cheung, and Ragasa failed to provide you with adequate training, tools, and support which would have enabled you to do your job efficiently. For example, while you received five sheets of paper explaining the division processes, you did not receive hands-on training. Additionally, you did not receive prompt evaluations of your work progress. Instead, Man waited until the end of the month during your monthly evaluation to address any errors in your performance, as opposed to instructing and training you on the correct procedure sooner.
- (2) Man, Cheung, and Ragasa made you e-mail the DBI Management Information System (MIS) instead of deleting a permit with errors and using the drop-down option to change the form. You believed this was an inefficient work process and that other employees were not made to do so.
- (3) On December 28, 2020, Man and Ragasa asked you why you left early on December 24, 2020. When you told them a co-worker told you that you could leave early for the Christmas holiday, they told you they did not give you permission to leave early.

#### **B. Harassment Allegations**

You alleged that during your probationary period between November 2, 2020 through May 1, 2021, Man, Cheung, and Ragasa subjected you to the following unwelcome conduct based on your race and age:

- (1) Man, Cheung, and Ragasa were hostile in their daily interactions with you and spoke to you in a degrading manner when addressing performance errors.
- (2) Man and Ragasa made derogatory comments about your typing abilities, and specifically that Ragasa said, "Even inspectors can type faster than you [Lamar]."
- (3) During your performance review, Man compared your performance to that of another African American employee [REDACTED], 6321 Permit Technician I, by remarking on how well [REDACTED] was doing, and that Man said, "Maybe DBI is not the place for you."
- (4) Man stated to you, "Why would you go to a brother or sister when you can come to the parent (Man)?" You believed that Man was referring to himself as the parent. Man then stated, "Let's make it official; you only come to me with questions" and, "It must be a cultural thing."

#### **II. RELEVANT CITY POLICIES**

##### **A. City's Equal Employment Opportunity (EEO) Policy**

Below are relevant portions from the City's EEO Policy:

##### **Discrimination and Harassment Prohibited**

Discriminating against, or harassing City employees because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful...Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

Christopher Lamar  
EEO File No. 3956  
Page 3 of 6

**B. Policy Regarding the Treatment of Co-Workers and Members of the Public**

City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

**III. STANDARD OF EVIDENCE**

Per the City's EEO Policy, a preponderance of the evidence standard was used to analyze your allegations. Preponderance of the evidence is one type of evidentiary standard used in a burden of proof analysis. Under the preponderance standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true. Please note that these findings do not reach conclusions whether the alleged conduct violated state or federal laws, but instead address whether the City's EEO Policy was violated.

**IV. ANALYSIS & FINDINGS**

**A. Insufficient Evidence to Support Discrimination due to Race and Age**

To sustain a complaint of discrimination/disparate treatment under the City's EEO Policy, the investigation must establish all of the following: (1) you are a member of a protected category; (2) you suffered an adverse employment action; and (3) you suffered an adverse employment action because of your membership in a protected category.

You are a member of a protected category due to your race (Black) and age (then-55 years old). However, for the reasons explained below, either there was no evidence to support any race or age-based animus or you did not suffer an adverse employment action.

**1. No Evidence to Support Your Insufficient Training Was Due to Your Race or Age**

The investigation established that more likely than not, you were not provided with sufficient training and support during your probationary period. While Man, Ragasa, and Cheung denied that they provided inadequate training, six of eight witnesses corroborated that there was no clear designation for training responsibility when it came to your training. Six of eight witnesses were unsure who was tasked with training you and did not witness Cheung provide consistent training. Four of eight witnesses noted that the timing of your hiring and the lack of consistent and thorough observed training made it clear that you did not receive the same level of training as other Permit Technician Is, but were still expected to meet the same expectations. One witness stated that they observed Cheung provide some training to you in your second week. Another witness questioned the level of training you received while one stated that your training was "not very hands-on" and "very choppy."

Nevertheless, the investigation did not establish that the insufficient training you received was due to your race or age. The investigation did not establish any information or evidence supporting that Man, Ragasa, or Cheung had any race or age-based animus and a White co-worker around the same age as you stated that when they worked in IPR from August to December 2020 and reported to Man and Ragasa, they also did not receive sufficient training, direction, or tools to perform the job effectively. Witnesses also believed your insufficient training may have been due to the Man and Cheung's focus on the Electronic Plan Review system, the timing of DBI's move from 1660 Mission to 49 South Van Ness, and the



Christopher Lamar  
EEO File No. 3956  
Page 4 of 6

pandemic. Further, you did not suffer an adverse employment action as a result of your insufficient training because as on May 3, 2021, you successfully passed your probationary period. Nevertheless, due to your complaint and IPR's insufficient training, DBI implemented a new training program for Permit Technicians in IPR to ensure adequate training for all new hires.

**2. Legitimate Business Reason Supporting Requirement that You E-mail DBI MIS About Permit Errors**

The investigation did not establish that Man told you to contact MIS with errors on permits based on your race and age. Rather, the investigation established that MIS has to be contacted when errors are found on permits that have already been issued, as opposed to errors found before issuance which can be corrected without notifying MIS. A review of your permit errors showed that they were on permits you had already issued, requiring contacting MIS. Thus, this work process was a result of a legitimate business reason and not your race or age.

**3. No Evidence to Support that Questions About Leaving Early Were Race or Age Based**

The investigation established that more likely than not, Man and Ragasa questioned you about leaving early on Christmas eve. However, the investigation did not establish evidence of race or age-based animus and you did not suffer an adverse employment action as a result of leaving early.

**B. Insufficient Evidence to Support Harassment due to Race and Age**

To sustain a complaint of harassment in violation of the City's EEO Policy, the investigation must establish all of the following: (1) you were subjected to physical, verbal, or visual conduct on account of your membership in a protected category; and (2) the conduct was unwelcome.

You are a member of a protected category due to your race and age. However, the evidence did not support that Man, Cheung, and Ragusa engaged in unwelcome conduct based on your race or age, as discussed below.

**1. Hostile and Degrading Comments**

The investigation did not establish that Man, Cheung, or Ragasa were hostile or degrading toward you due to your race and age. Man, Ragasa, and Cheung denied engaging in disrespectful, hostile, or degrading communications with you and of the eight witnesses interviewed, no witnesses observed Ragasa or Cheung behave in a hostile or degrading manner towards you. While one witness observed that Man spoke to you with an "undertone of degradation," "a lot of judgement," and an "agitated tone," there was no evidence to support that Man's conduct was race or age related. Rather, the investigation established that you had performance deficiencies during your probationary period and made repeat errors, and although Man's frustration and agitation in addressing those errors was inappropriate, were directed at you based on your performance issues, not your race or age. Nevertheless, Man's conduct did not meet his supervisory obligation to model appropriate and professional behavior at all times and DBI will take appropriate action to address this conduct. However, due to privacy in employee concerns, the exact action taken cannot be shared.

Christopher Lamar  
EEO File No. 3956  
Page 5 of 6

## 2. Derogatory Typing Ability Comments

The investigation did not establish that Ragasa and Man made derogatory comments about your typing abilities and specifically that Ragasa said, "Even inspectors can type faster than you [Lamar]." Man and Ragasa denied making these comments and no witnesses corroborated your allegations that Man and Ragasa did.

## 3. Comparison to Gladney and "Not the Place for You" Comment

The investigation did not establish that more likely than not, Man compared your performance to [REDACTED] due to your race or age. Man denied doing so at all, but acknowledged he advised you to seek guidance from other new hires when you struggled with your work, including [REDACTED]. Similarly, the investigation also did not establish that more likely than not, Man commented that maybe "DBI [isn't] the place for you." Man denied making this comment and no witnesses observed Man make this comment. Further, no evidence supported that even if Man engaged in this conduct, that it was related to your race or age. For example, [REDACTED] is of the same race as you.

## 4. Sibling/Parent and "Cultural Thing" Comment

The investigation did not establish that more likely than not, Man made the comments, "Why would you go to a brother or sister when you can come to the parent (Man)," "Let's make it official; you only come to me (Man) with questions," and "It must be a cultural thing." Man denied making these comments and of the witnesses interviewed, none heard these types of comments.

## V. DETERMINATION OF THE HUMAN RESOURCES DIRECTOR

Please be advised that based on the review of the investigative findings, I have determined by a preponderance of evidence that there was insufficient evidence to establish that Man, Ragusa, and Cheung subjected you to discrimination or harassment based on your race and age. Thank you for bringing your concerns to my attention so they could be investigated and appropriate action can be taken.

My determination is final, unless appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Room 720, San Francisco, CA 94102, within 30 calendar days of the date of the e-mail sending this letter.

For your information, you may file a complaint of employment discrimination with the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission. Contact those agencies directly for filing requirements and deadlines.

Please feel free to contact Amalia Martinez, EEO Director, Department of Human Resources, at (415) 557-4932, should you have any questions.

Sincerely,



Carol Isen  
Human Resources Director

Christopher Lamar  
EEO File No. 3956  
Page 6 of 6

c: Patrick O’Riordan, Director, DBI  
Michele Nieve, Human Resources Manager, DBI  
Amalia Martinez, Director, EEO, DHR

**EXHIBIT H: Appeal Documents from**  
**C. Lamar**

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# **EXHIBIT H, Attachment 1**

E-mail Submitting Appeal Supporting Documents

September 1, 2022

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## Villarreal, Estevan (HRD)

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**From:** Eng, Sandra (CSC)  
**Sent:** Tuesday, September 06, 2022 2:20 PM  
**To:** Christopher Lamar  
**Cc:** CivilService, Civil (CSC); Holmes, Lavena (CSC); Aldana, Elizabeth (CSC); Henriquez, Lizzette (CSC); Morganti, Luz (CSC); Isen, Carol (HRD); Martinez, Amalia (HRD); Kwan, Alison (HRD); Mercado, Ruth (HRD); Buick, Jeanne (HRD); Nieve, Michele (DBI)  
**Subject:** FW: DBI EXHIBITS (CSC Reg. No. 0144-22-6)  
**Attachments:** FedEx Scan 2022-09-01\_16-49-50.pdf; Compliant letter.docx

Dear Christopher Lamar,

This is written to acknowledge receipt of your additional material submitted on September 1, 2022 to attach to your appeal (received August 15, 2022) of the decision of the Human Resources Director regarding your EEO Complaint of discrimination or harassment based on your age (EEO File No. 3956). Your additional information has been transmitted to the Department of Human Resources and the Department of Building Inspection for response.

Sincerely,

Sandra Eng

*Sandra Eng  
Executive Director  
Civil Service Commission  
City and County of San Francisco  
25 Van Ness Avenue, Suite 720  
San Francisco, CA 94102*

**Main (628) 652-1100 (Effective 12/1/20)**

---

**From:** Christopher Lamar [REDACTED]  
**Sent:** Thursday, September 01, 2022 5:17 PM  
**To:** Isen, Carol (HRD) <carol.isen@sfgov.org>; [REDACTED] Holmes, Lavena (CSC) <lavena.holmes@sfgov.org>; CivilService, Civil (CSC) <civilservice@sfgov.org>; Mercado, Ruth (HRD) <ruth.mercado@sfgov.org>; amalia.martinez@sfgov.org; Kwan, Alison (HRD) <alison.kwan@sfgov.org>  
**Cc:** Michelle.nieve@sfgov.org; Aldana, Elizabeth (CSC) <elizabeth.aldana@sfgov.org>; Eng, Sandra (CSC) <sandra.eng@sfgov.org>; Buick, Jeanne (HRD) <jeanne.buick@sfgov.org>  
**Subject:** Fw: DBI EXHIBITS

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



Hello To All,

Attached is my letter Requesting an Appeal to EEO along with documents of what occurred and to substantiate my claim.

Respectfully Submitted,

Christopher Lamar

----- Forwarded Message -----

**From:** FedEx Office <[donotreply@fedex.com](mailto:donotreply@fedex.com)>

**To:** [REDACTED]

**Sent:** Thursday, September 1, 2022, 04:53:18 PM PDT

**Subject:** DBI EXHIBITS

Thank you for using Fedex scanners.

# **EXHIBIT H, Attachment 2**

Letter of Support for Appeal by C. Lamar

August 31, 2022

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August 31, 2022

Attention: Ms. Carol Isen

Human Resources Director  
One South Van Ness Ave., 4<sup>th</sup> Fl  
San Francisco, CA 94103-5413

Re: Christopher Ricardo Lamar  
Request for an Appeal: EEO File Number: 3956  
Complaint for Harassment, Discrimination, Fear, Intimidation by Ben Man, Maria Ragasa and Derek Cheung

Dear Ms. Isen,

This letter will acknowledge receipt of your email dated August 2, 2022, and will serve to Request an Appeal to EEO Number: 3956, and to substantiate my complaint(s) against Ben Man, Maria Ragasa, and Derek Cheung. I disagree with your findings. It's my hope, that you rescind your decision after reviewing my documentation. I want to thank you for your follow-up time with investigating this matter. I also want to acknowledge Michelle Nieve for her tireless-efforts, support and investigation into this matter.

I want to begin with my first day at DBI. As with any new employee, I was excited and eager to start my new career and hopeful for the future at DBI. I entered DBI at 49 S. Van Ness and was immediately approached by [REDACTED], who yelled "this door is for employees only!" I was shocked and taken aback by his delivery and tone, but responded, today is my first day at work. I was then directed to the security desk to await arrival by management. I sat there approximately 15 to 20 minutes before Ben Man exited the elevator to greet me. Of course, with it being the height of the pandemic, I knew shaking hands wasn't appropriate, so I awaited his cue. He walked up and said Christopher. I responded yes. He initially turned to elevator but decided we should use the stairs. As we approached he stated, "watch your step these stairs have no contrast and someone will fall someday." We continued past several desk and entered a small room, present were two individuals Derek Cheung and [REDACTED]. Ben introduced me to Derek, stating Derek would be training me and I was to shadow him. We then proceeded to [REDACTED], Ben introduced us and said in Derek's absence to shadow [REDACTED]. I was then shown where I would be seated and was applaud by what I saw. The desk had papers scattered all over, some permits and various others documents. No employee ever came for those documents, those documents sat there my entire probationary period in a pile I created on top of desk. It appeared as though someone had just recently left from sitting there. Directly behind the chair were 12 to 15 storage boxes (See Ex. D, photos of boxes and myself second or third day at DBI). There was a rather old and dusty looking monitor, a keyboard and a machine used for credit card transactions sitting on a credenza. The cubicle was very cramped. It was very unsightly for a new arrival. Derek then came to me and said "these boxes will be moved to storage." Those boxes stayed there my entire probationary period of six months. Significance here, staff would enter my cubicle throughout the day to file or retrieve stored permits. In time I found this disruptive to training. These boxes stayed there my entire probationary period but were removed within days of my transfer to CPB. He then handed me five sheets of paper and said "read this, there's a training manual but the printer is broken." The five documents handed to me by Cheung were for data entry into PTS, I wouldn't receive a training manuals until emailed by Man on

February 16, 2021 (see Ex. E), over three months after my start date. I sat there stunned and was thinking this isn't what I expected my first day, but I was still very hopeful for my future at DBI.

Ms. Isen what's missing from your report is an email from Michelle Nieve, wherein, she requested that I "provide dates, names of possible witnesses to the conduct, email correspondence that may show the tone of alleged conduct, etc." (See Ex. A). I responded back to Michelle Nieve by email dated July 11, 2021, outlining emails from Man, wherein, his tone was inappropriate, unprofessional, etc. Note: You'll have to coincide each item(s) listed below with my corresponding emails, which have not been deleted from Outlook over the six-month probationary period. See emails where his tone was inappropriate, unprofessional, see dates:

January 7, 2021, January 11, 2021, February 2, 2021, February 4, 2021, February 5, 2021, February 9, 2021, February 11, 2021, February 16, 2021 (This particular day Man bombarded me with emails from 7:49 a.m. - 4:28 p.m.), February 17, 2021, February 22, 2021 and March 2, 2021.

Below are **dates wherein I requested training or training not provided or denied by Man:**

December 7, 2020, December 8, 2020, January 14, 2021, January 14, 2021, January 28, 2021, February 2, 2021, February 21, 2021, February 25, 2021, March 8, 2021 and March 17, 2021.

When you couple these emails and later witness statements provided by my co-workers this explains why Michelle Nieve proceeded forward with submitting to SF EEO in support of my claim, as she believed through emails and witness statements that Man's behavior satisfied or met EEO's policies and language (See Ex. C). I also believe EEO's policies and language has been satisfied and request you rescind your decision. Below is additional information to support violations by Man, Ragasa and Cheung of EEO's policies.

My meeting with Michelle Nieve, delved into specifically lack of training and harassment during my probationary period at DBI, specifically IPR department. I was informed by Michelle Nieve, that Man and Ragasa had made several visits into HR to discuss my errors and that I was not succeeding during probationary period. However, they made no mention to Michelle Nieve of their failure to provide proper training, guidance or even supply a training manual during my probationary period. Nieve was somewhat surprised hearing this because I made no effort to alert HR there were problems. I stayed silent because I was always hopeful things would get better or that Man and Ragasa would see my efforts. Nieve informed me that Man wanted to extend my probation three months. I disagreed. Nieve then produced a document with an option to move to CPB. I agreed. She stated, that her decision to end probation came after reviewing my attendance record, wherein, I missed one day in six months, that one day was missed after my first Covid-19 injection. I'm believe she was more comfortable with her decision after hearing of my experience(s) in IPR under management of Man, Ragasa and Cheung.

In reference to MIS, my need to freely communicate and use MIS had little to do with deleting permits, although there were instances where a permit was required to be cancelled. My primary need in contacting MIS and to do my job more effectively was to correct an incorrect form that was used. When submitting data into PTS for plumbing or mechanical, there's a box that's required for PTS to mark/check. Plumbing is the default box, meaning you have to manually mark the mechanical box when processing a mechanical permit. Plumbing is the default box because there are many, many more plumbing applications than mechanical applications. Hence, when a mechanical application came



through (Note: both plumbing and mechanical applications look near identical), just from repetition I would automatically use the plumbing application instead of mechanical. I would then catch the oversight and would have to contact MIS to delete that number or re-use that number when another mechanical application came through. Note: No permit Issued during this process. There was a time when I could reuse a number or contact MIS for assistance. At some point, Man stopped my ability to do either, resulting in an accumulation of mechanical and plumbing unused numbers, which would trigger a report to Man. I had to then email Man prior to emailing MIS, this was not a requirement of other PT 1s. He would then discuss the oversight prior to and during performance review. Significance here, again, no permits Issued, he was simply creating a hostile environment for something easy to remedy when processing permits. Please refer to Ex. B, date of January 26, 2021, for discussions involving MIS.

Before I address Christmas Eve, I want to address what happen prior to that event. Christmas Eve was Man's repercussion towards me for an incident involving Cheung. I call it **Guacamole Day**. As you wrote, Cheung was my mentor. I first heard this word "mentor" during my first performance evaluation, not on my first day of employment. This particular day, someone brought in guacamole to share with staff, this individual came through the office offering this dish. I was at my desk working. I then see Cheung walk through with a plate and he's eating from his dish. He comes through a second time (there's a small corridor between two rows of cubicles), and he's still eating. Unbeknownst to me, he's now eating his lunch, it's lunchtime for him. Again, not knowing it's now his lunchtime, I approached him with a questions, he barks back an answer and said "I showed you." I recoiled back to my desk and as I'm sitting he says **"and the next time you see me having my lunch, don't ask me any questions."** Cheung was about  $\frac{3}{4}$  into this statement when he recognized his tone and volume, and his volume dropped when saying **"don't ask me any questions."** But he had already committed himself, so he completed his sentence. I sat there in silence. By the end of the following day, I did as always and emailed my daily activity log to Cheung. Cheung claimed to have found a duplicate entry or something. I still had a hardcopy and since he still had my log on his screen, I walked over to his cubicle to correct the issue. He stated that he couldn't revise the form, which I found odd and I expressed that we could have quickly corrected, which he took issue with. Now, I'm back at my desk, he became animated and began knocking papers around his desk. In anger he made an agitated stammering remark "you act like you want to do something." He appeared as though he wanted to get violent, so I went silent. In my opinion, he was embarrassed by his behavior from the previous day. He attempted to create an incident to appear I was the problem, when in fact, it was his value system and his views of African Americans that created both incidents. Cheung and I didn't communicate again until late Jan/Feb, at which time, we made amends. In my opinion, Christmas Eve was Man's and Ragasa's retaliation for the breakdown between Cheung and myself, as I then had to seek their assistance with training. Christmas Eve was Man and Ragasa setting the tone for what was to come.

On Christmas Eve, I returned from my last break for the day. When I entered the office, [REDACTED] and [REDACTED] were preparing to leave. Cheung was not present that day. [REDACTED] and I crossed paths at the door. I clearly remember [REDACTED] eyes, her expression simply caught my attention. I went to my desk and [REDACTED] was preparing to leave. She stated, they were given permission to leave early for holiday and that I should discuss with Man and Ragasa if given permission to leave. Now, for Thanksgiving Eve we were all (at same time) given permission to leave early. It was now Christmas Eve, no other PT 1s or PT 2s are present, I'm sitting there alone and there was no indication I had to remain there from Man or Ragasa. For me, it was another holiday as with Thanksgiving. After 10 minutes or so I left. I returned to the office after Christmas and was approached by Man to follow him to his office. Ragasa was present. Man opens, "Christopher, we heard you left early the other day?" I replied, yes my team had left early for Christmas Eve, I was there alone and after 10 minutes or so I left. He responds, "yes, we gave them

permission to leave but **did we give you** (while pointing his finger at me), permission to leave.” I had a feeling of fear and dread overcome me, and I responded that this conversation was making me uncomfortable and expressed concern about my probation. Man responded “this doesn’t rise to the level of terminating your probation.” After which, Man and Ragasa started talking about a similar incident that occurred at the previous location that I had no privy to. This confrontation and conversation devastated me but it was the beginning of the harassment, hostile work environment, degradation, condensing tone and shaming in front of co-workers, primarily by Man.

Here, I’ll change format to include your letter and my responses:

## **B. Harassment Allegations**

You alleged that during your probationary period between November 2, 2020 through May 1, 2021, Man, Cheung, and Ragasa subjected you to the following unwelcome conduct based on your race and age:

- (1) Man, Cheung, and Ragasa were hostile in their daily interactions with you and spoke to you in a degrading manner when addressing performance errors.

**Yes, by degrading me, being condescending, confrontational and shaming in front of other employees as witnessed other employees and as acknowledged in your letter. I feel this daily treatment by emails, in front of co-workers during my probationary period violates EEO’s policies.**

- (2) Man and Ragasa made derogatory comments about your typing abilities, and specifically that Ragasa said, “Even inspectors can type faster than you [Lamar].”

**Incorrect. She said “I know an Inspector that can type faster than you.” She then proceeded to mimic my typing speed/abilities.**

- (3) During your performance review, Man compared your performance to that of another African American employee, [REDACTED] 6321 Permit Technician I, by remarking on how well [REDACTED] was doing, and that Man said, “Maybe DBI is not the place for you.”

**Man, stated these words on two occasions, once during performance review while Ragasa was present. I believe use of this type of language violates EEO’s policies.**

- (4) Man stated to you, “Why would you go to a brother or sister when you can come to the parent (Man)?” You believed that Man was referring to himself as the parent. Man then stated, “Let’s make it official; you only come to me with questions” and, “It must be a cultural thing.”

**I’ll address in greater detail later within this document. His actual statement was “it must be cultural.” I believe use of this type of language violates EEO’s policies.**

## II. RELEVANT CITY POLICIES and III. STANDARD OF EVIDENCE

To be addressed within this document.

### I IV. ANALYSIS & FINDINGS

#### A. Insufficient Evidence to Support Discrimination due to Race and Age

To sustain a complaint of discrimination/disparate treatment under the City's EEO Policy, the investigation must establish all of the following: (1) you are a member of a protected category; (2) you suffered an adverse employment action; and (3) you suffered an adverse employment action because of your membership in a protected category. You are a member of a protected category due to your race (Black) and age (then-55 years old). However, for the reasons explained below, either there was no evidence to support any race or age-based animus or you did not suffer an adverse employment action.

**I find Man's and Ragasa's degrading me, being condescending, confrontational and shaming in front of other employees as witnessed by other employees satisfies EEO's policy of disparate treatment. I argue that Cheung's violent outburst and language used on guacamole day reflected his true views and values, and reflects what EEO's policy is attempting to address. We all know racism when we see, hear and experience it. And as with Man, Cheung's tone was always in an agitated tone, one of degradation, outburst of anger and agitation. It's difficult to convey in writing the anger and venom in Cheung's delivery when speaking to me. Because of his views, Cheung had difficulty (personally) training me and he displayed this in front of co-workers, as stated in your letter. I believe use of this type of language, etc., violates EEO's policies.**

You mention in your letter, "Six of eight witnesses were unsure who was tasked with training you and did not witness Cheung provide consistent training. Four of eight witnesses noted that the timing of your hiring and the lack of consistent and thorough observed training made it clear that you did not receive the same level of training as other Permit Technician Is, but were still expected to meet the same expectations. One witness stated that they observed Cheung provide some training to you in your second week. Another witness questioned the level of training you received while one stated that your training was "not very hands-on" and "very choppy."

I want to share another training session with Cheung, which might explain a co-worker's description of training as "not very hands-on" and "very choppy." Recall, the first day with when Cheung said "the printer" was down? Here's another incident when the printer was down. This day, I was to shadow Cheung at the front counter on 2<sup>nd</sup> floor. During session I was given the task of writing customer(s) name on forms or something. During training and with the first customer present, Cheung stated the "**printer was down.**" Instead of calling MIS to fix the printer, he would get up from his seat and run (literally) to the other side of the room to pick-up a document. Sit down, get back up and run again to get another document, it was insane. I'm sitting there looking, not learning anything. He did this the entire training session when his remedy was to call MIS. There were other PT 2s assisting customers, I guess they had no problem with printing. I surmised it was this day witnessed by a co-worker they described as "very choppy" training. I believe his value and views towards African American males, created this choppy training and lack of training sessions. I believe his view(s) and discriminatory practices towards the African American male falls within EEO's policy and what EEO's attempting to address. Failure to provide



adequate training is discrimination. Proper training is fair-play, I wasn't given an opportunity at fair-play, it's discriminatory and fits EEO's policy and what EEO's attempting to address. Cheung demonstrated his values/views by denying fair-play, training and an opportunity for me to succeed.

In your letter you mention a "White co-worker **around the same age as you** stated that when they worked in IPR...they also did not receive sufficient training, direction, or tool to perform the job effectively." It concerns me to hear a fellow co-worker experienced this treatment. But it does confirm that Race (here) also appeared to be an issue prior to my arrival. This co-worker's treatment reads similar to my treatment. I believe by denying fair-play, proper training and an opportunity to succeed violates EEO's policies.

You mentioned the pandemic, I was hired during the height of the pandemic. My response is that no one should have been subjected to the added stress when U.S. citizens and people around the world were dying in mass from Covid-19. Their underlying racist values made it easy to direct additional stress on those not Asian. You mentioned, no adverse employment...successfully completing probation. I was subjected to a hostile work environment, harassed daily, spoken down to, denied proper training or an environment to thrive and succeed due to my race. Man, Ragasa and Cheung stated the cause of their behavior was due to recent move to the new location, EPR and pandemic. This was their explanation? I believe it's based on Race and ageism, which violated EEO's policies for my fellow co-worker and myself.

You mention in your letter: "A review of your permits errors showed...permits you already issued." Yes, some errors were made. I contend due to lack of proper training and training material caused these errors. Real discussion should be, would these errors exist with proper training, materials and mentorship from Man, Ragasa or Cheung. I contend fewer or no errors with proper training. Again, training was not provided, yet Man and Ragasa went into HR to complain of my errors but failed to share with Michelle Nieve they did not provide any training manual(s). I contend this one-sided discussion with HR was based upon Race. Look at their explanation (recent, move, EPR, etc.), for not providing training manuals that were available and to be provided for new hires at DBI. Again, I contend their speaking to HR without discussing their failure to provide proper training is based upon Race and ageism, which violates EEO's policies.

#### **Sibling/Parent and "Cultural Thing" Comment/Solar Application:**

Prior to this solar permit issue, Man berated me once for not sending an invoice based upon what an applicant placed on their application, resulting in an incorrect invoice being emailed. After that berating, I would highlight all charges to ensure I didn't miss one. On receipt of this application, I highlighted all items. I found it odd the number of charges and when highlighted it was shaped like the number seven, which I found amusing. I then showed the application to [REDACTED]. I thought it was another electrical permit application. [REDACTED] recognized it was a solar application but said nothing nor offered to have it reassigned. The next day, I received an email from Man about handling a solar permit. I arrived in his office, Man asked "Why did I handle a solar permit, you've had no training in solar permits?" I had no idea what he was talking about, as I was holding an electrical application. Unbeknownst to me, the bottom of the electrical application are charges for solar permits. I shared with Man, that I had shown the application to a team member, [REDACTED], whom handles all solar permits. Man took

immediate offense with me consulting with team member, [REDACTED]. This I couldn't understand as we were both PT 1s, same office, colleagues, etc. About this time, Ragasa walks into the office, immediately turns while laughing and said "Oh, I better get out of here." Still present was [REDACTED] who's now in Records Management Division. She was present and sitting in the front cubicle. Somewhere during discussion, I said to Man that I should be able to go to a fellow team member for assistance, etc. He responds, **"there is no team, you work for The City."** I was in disbelief at what he's saying. He continued, "why would you go to your brother or sister for help when you could come to the parent!?" He said this while pointing his thumb to his chest. Still in disbelief of what he's saying, he continued **"well it must be cultural."** I said, yeah it's cultural. His statement sounded so racist to me. I then said, I don't come to you because you're not approachable. He extends his arm and says "don't say that!" I responded a second time, you're not approachable. He responds again, "don't say that." He continued, "for the record, (in the future), when you have any questions you're to come only to me for training." I responded ok and left the office. Man is being dishonest stating he did not make these comments. I found his statements, egregious, offensive and inappropriate. This incident was nearing the end of my probationary period and though tolerant his abuse(s), I couldn't wait for this torment to end.

#### **End of Probation:**

On this day (end of six-month probation), I was sitting having my lunch when I received a call from Dennis Wong. He informed my probation was ending that day and to follow-up with him after meeting with management. I was surprised and disturbed by his call because I had no idea if he was actually a Union Rep, as I had never met him before. More small talk and I told him I would follow-up after meeting. I arrived back from lunch to find a note from Man on my desk. Before I could sit down, Man approached asking if I had seen "his note." His meeting me at my cubicle upon arrival from lunch was customary behavior for Man. His discussions were always condescending and to shame me in front of co-workers. On that day (end of probation), he walks up and asked, had I seen "his note?" I had not yet read it, as I was just arriving back from lunch. He then asked that I hurry off to HR. I later learned after follow-up with Dennis Wong is that Man was supposed to discuss any probationary action(s) prior to me meeting with HR, which according to Dennis Wong was in violations of protocol.

#### **Conclusion:**

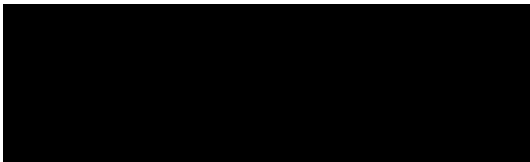
During my six-month probation I suffered months of [REDACTED] of the next day at work. This suffering was caused by Man's, Ragasa's and Cheung's daily treatment over a six-month period. But in particular, it was Man's predatory need to bring daily anguish upon me. For these reasons, I will be pursuing compensation for damages caused by Man's, Ragasa's and Cheung's discriminatory and racist actions, which are in full violation of EEO's policies.

With the investigation provided by Michelle Nieve, wherein she acknowledges support of my claim and her follow-up with EEO, witness statements and my supporting documentation, I believe to have proven Man, Ragasa and Cheung's violations of EEOs policies. Therefore, I request you rescind your decision and request your cooperation in working with the Civil Commission, EEO and Civil Claims Department, the Labor Board and State agencies for an amicable resolution of this matter.

I want to thank you for your review and time investigating this matter. Again, I want to thank Michelle Nieve for her tireless efforts and to those individuals behind the scene, including my brave colleagues that spoke of the abuse(s).

Respectfully Submitted,

Christopher Lamar



Enc.

- Ex A. Letter at Start of Investigation/Michelle Request email with tone, etc.
- Ex B. Man's emails over six-month probation prior to illustrate abuse
- Ex C. Email for Michelle Nieve supporting claim and forward to EEO
- Ex D. Photo of 12 to 15 boxes in cubicle
- Ex E. Email of February 16, 2021, Man sends training manuals. Three months after being hired.
- Ex F. Ms. Isen's Determination Letter
- Ex G. Acknowledgement Letter from Civil Commission
- Ex H. Email to Ms. Mercado requesting more time to respond to Isen's letter
- Ex I. Email from Ms. Mercado denying extension
- Ex J. Email to Civil Commission/Formal Request to Appeal
- Ex K. Email from Aldana acknowledging Appeal request (Civil Comm)
- Ex L. Email to Ms. Isen with Request to Civil Commission

# **EXHIBIT H, Attachment 3**

Additional Documents Supporting Appeal by C. Lamar

August 31, 2022

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Ex. A

Nieve, Michele (DBI)  
sent a meeting request



Nieve, Michele (DBI)



To:

- Lamar, Christopher (DBI)

Fri 6/11/2021 4:15 PM

Hello Christopher,

I hope you are doing well. I have scheduled a meeting for Thursday, 6/17 @ 2pm to discuss in detail the allegations we previously spoke about. If you can provide dates, names of possible witnesses to the conduct, email correspondence that may show the tone of the alleged conduct, etc., I would greatly appreciate it.

Please let me know if you have any questions.

Thanks so much,

*Michele Nieve*

Manager, Human Resources & Payroll Division

Department of Building Inspection

49 South Van Ness Avenue, Suite 512

San Francisco, CA 94103

Email: [Michele.nieve@sfgov.org](mailto:Michele.nieve@sfgov.org)

Desk: (628) 652-3582

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July 11, 2021

Hello Michelle,

Per your request, here's a summary list wherein Ben Man's use to tone was used to coincide with 50+ emails I sent to you. Again, was mindful enough not to include his daily hostile and shameful tone towards me by email, most were in person and as we discussed in front of co-workers. Of course, this is being documented after incidences, but I done my best for accuracy and timeline and you'll see my notes coincide with some events you documented during our two meetings; here are my notes:

November 6, 2020: 1<sup>st</sup> permit assignment at 134 Capitrano

November 11, 2020: Dereck sent link: eas.sfgov.org

December 7, 2020: Dispute receiving this email, no follow-up training. ✓

December 8, 2020: I requested training in "Value of Job" Not rec'd. ✓

██████████ (temp from HIS) suggested I write-out description for clairification for Inspector(s) when application (app) without written scope but itemized below on app. Ben took issue with this, claiming I deviated from what customer placed on app. Later discussed with ██████████ she denied suggesting I do so on app.

January 7, 2021: Email from Ben taking issue with word "Issued" on daily log. You'll later see on logs that I changed to Emailed Permit or Invoice.

January 11, 2021: Exchange involving use of word "noted."

✓ January 11, 2021: This email sent by Ben after I informed him that I went paperless in effort to save paper, duplicate efforts, resources, etc. He became very hostile stating that I was "making changes without approval." I thought this would be helpful and saving company resources. Ben then requested that I print-out all applications, match to permits and have on his desk by a date given by him, which I completed.

January 14, 2021: All hardcopies of completed work he states to critiques over numerous weeks into months. He even had some at one end of month evaluation and/or constantly threw in my face, and yet, he provided no training material prior to receiving assignments over prior two months.

January 14, 2021 @ 3:21: See above.

January 14, 2021 @ 4:44: Never trained to include BPA# on Electrical/Plumbing (E/P) Permits.

January 19, 2021 @ 9:55: Continuation on hardcopies.

January 26, 2021 @ 11:51: Ben evolved to point where he wanted “justification” when requesting revisions to MIS, he wanted me to admit error. If I tried to discuss that possibly a typo or even oversight, not good enough or acceptable by him, he wanted me to admit error (justification) before he would forward revision to MIS, creating delay and ignoring fact that I had application constantly being assigned, emails and phone calls to return including getting permits emailed to customers. Just constant and unrelenting.

January 28, 2021 @ 3:50: Example of how he would state can’t/don’t use a “word” but never provided training of language he wanted me to use.

January 29, 2021 @ 10:52: MIS asking Ben if corrections approved.

January 29, 2021 @ 11:05: Ben constantly harassed me on used of word “reopen.” Here, MIS uses word “reopen.”

February 2, 2021 @ 8:12: No training.

February 2, 2021 @ 9:47: No training.

✓ February 2, 2021 @ 10:45: Discussed revision with Dereck, see Ben’s hostile emails on my case.

February 2, 2021 @ 4:15: No training on Screenshot. Most importantly, see how barrage of emails consumed an entire day. Not including any verbal his hostile verbal contact, which was his norm.

✓ February 4 @ 5:058: Read tone.

✓ February 5, 2021: Ben’s hostile and belittling tone towards me.

✓ February 9, 2021 @ 1:48: Tone/dismissive.

February 11, 2021 @ 2:18: W/O 64015, I never knew what issue was here with Ben but during this period, he would call me into his office, stating I committed deliberate acts using words like “ethical and criminal acts.”

February 11, 2021 @ 2:22: See follow-up email to above.

✓ February 16, 2021 @ 7:49 am: Read dismissive tone.

✓ February 16, 2021 @ 10:01: Very condescending tone.

✓ February 16, 2021 @ 1:43: No greeting in email just a demand.

✓ February 16, 2021 @ 1:48: Demanding tone.

February 16, 2021 @ 4:21: This thread (email) shows his demand and need for me to show justification. NOTE: Emails started at 7:49 a.m.

✓ February 16, 2021 @ 4:28: Email shows tone used. Again, emails started at 7:49 a.m.



February 17, 2021 @ 8:55: Email without greeting just a demand.

February 17, 2021 @ 11:24: Additional duties.

February 22, 2021 @ 11:44: Unsure what occurred or why he asked when issue shown on January 28, 2021 email, with line through IPR email.

February 22, 2021 @ 12:11: No greeting, read tone of email.

February 25, 2021 @ 8:04: Constant back and forth about my use of a word but never any training from him on language he preferred me to use.

March 2, 2021 @ 7:49: Read tone of email.

March 4, 2021 @ 11:22: Believe this was last heated exchange before solar incident. NOTE: I will not recap Solar Incident here; you have complete notes from our two discussions.

March 8, 2021 @ 8:07: Second mention of Training material. NOTE: First training material sent by Ben on February 21, 2021. I stated with DBI November 4, 2020.

March 8, 2021 @ 8:15: Email about deleting procedures. Again, no training provided.

March 8, 2021 @9:59: Email about daily log, which I turned in timely. Unsure, if other Permit Technician I were required to produce a daily log of activities.

March 8, 2021 @ 10:58: Exhaustive measures taken by me to resolve issue with 200-amp service, which originated back when he requested stack of applications and permits months prior. Deliberate delay and ongoing harassment on Ben's part.

March 15, 2021 @ 3:19: Received Employee Handbook on Code of Ethics.

March 17, 2021 @ 12: 51: See within thread of email dated march 23, 2021, wherein, Ben states "No new training Christopher."

March 17, 2021 @ 12:48: Fall-out from Electrical assignment involving solar. Again, please refer to notes from meeting.

March 17, 2021 @ 1:00: Email informing Ben I discussed electrical assignment involving solar [REDACTED] Please refer to notes from meeting. Also, within email thread surrounding this assignment Ben writes to discuss "solar" with him. This was not with original assignment and must have been added after fall-out, again, please refer to notes form meeting.

March 22, 2021 @ 4:23: See log.

Ma

Ex. C

## Re: Requested Information on Emails

Jul 12, 2021 at 9:20 AM

[PrintRaw message](#)



Nieve, Michele (DBI) <michele.nieve@sfgov.org>

To: Christopher Lamar [REDACTED]

Hello Christopher,

Thank you for the detailed information supporting the emails you sent. I will contact you if I have any clarifying questions. I will also forward this information to SF EEO to add to your claim documents.

Thank you,

*Michele Nieve*

Manager, Human Resources & Payroll Division

Department of Building Inspection

49 South Van Ness Avenue, 5th Floor

Office: (628) 652-3582

Website: [sfdbi.org](http://sfdbi.org)

---

**From:** Christopher Lamar [REDACTED]  
**Sent:** Sunday, July 11, 2021 3:09 PM  
**To:** Nieve, Michele (DBI) <michele.nieve@sfgov.org>  
**Subject:** Requested Information on Emails

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Michele,

As requested, here's my account, wherein, Ben's tone used in emails were hostile, belittling, shameful and disrespectful towards me. I look forward to discussing follow-up resolution on this matter. I also wish to discuss the procedure to file a formal complaint with the City, unless, this has already been forwarded as process of this investigation.

I truly appreciate your assistance on this matter and look forward to resolving forward in an amicable way.

Thank you,

Christopher Lamar  
DBI  
Permit Technician I

EX. D

Download

IMG\_20201127\_165416.jpg



EX, E

Per our conversation, I'm glad you reviewed the 3-Trade rule with the hard copy on the website.

Attached again are the training manual which I printed you the Electrical, Plumbing & Mechanical permits. All these are also access to you in our P:/ as we talked about before as below:

P:\IPR\Marianne - EPR\MP Training Manual

Please feel free to email me for any question regarding.

Thank you.

BenMan  
Initial Permit Review  
Department of Building Inspection  
49 South Van Ness Avenue  
San Francisco, Ca 94103

# Fw: Training material

Jun 18, 2021 at 10:44 AM

[PrintRaw message](#)



Lamar, Christopher (DBI) <christopher.lamar@sfgov.org>

To: suede626@yahoo.com <[REDACTED]>

10 Files 17.2MB [Download All](#)

- 

[DOC](#) 100kB

[DOC](#)

electrical permit.doc

[Download](#)

- 

[DOCX](#) 782kB

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ELECTRICAL PERMITS.docx

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plumbing permit.doc

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Solar electrical permit application process.doc

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SOLAR ELECTRICAL PERMITS.docx



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Things to Remember.docx

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[DOCX365kB](#)

[DOCX](#)

WITHDRAWAL OF PERMIT.docx

[Download](#)

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**From:** Man, Ben (DBI) <ben.man@sfgov.org>

**Sent:** Tuesday, February 16, 2021 11:19 AM

**To:** Lamar, Christopher (DBI) <christopher.lamar@sfgov.org>

**Cc:** Ragasa, Maria (DBI) <maria.ragasa@sfgov.org>

**Subject:** Training material

Hi Christopher,

City and County of San Francisco  
Carol Isen  
Human Resources Director



Department of Human Resources  
*Connecting People with Purpose*  
www.sfdhr.org

Ex. F

**CONFIDENTIAL**

August 2, 2022

Christopher Lamar

Via E-mail

RE: Complaint of Discrimination, EEO File No. 3956

Dear Christopher Lamar:

The San Francisco Charter (Charter), Section 10.103, and Civil Service Rule 103 provide that the Human Resources Director shall review and resolve all complaints of employment discrimination. The Charter defines discrimination as a violation of civil rights on account of race, religion, disability, sex, age, or other protected category. The City and County of San Francisco (City) considers all allegations of discrimination a serious matter.

Thank you for bringing your concerns to my attention, as I appreciate every opportunity to evaluate conduct that impacts employee morale and productivity. I make recommendations for change whenever warranted, even when the facts do not establish a violation of the City' nondiscrimination policies but may violate other policies, or where changes may improve a workplace environment.

The purpose of this letter is to inform you of my determination regarding your complaint, EEO File No. 3956. Michelle Nieve (Nieve), Human Resources Manager with the San Francisco Department of Building Inspection (DBI), completed the investigation into your complaint and submitted the findings to me for a determination. This letter contains detailed information, analyses and findings related to the allegations in your complaint.

**I. BACKGROUND & ALLEGATIONS**

Since November 2, 2020, you have been employed as a 6321 Permit Technician I with DBI. At the time of your complaint, you worked in the Initial Plan Review Division (IPR) and reported to Ben Man (Man), 6323 Permit Technician III. Derek Cheung (Cheung), 6322 Permit Technician II, was your mentor. As of May 3, 2021, you work in the Central Permit Bureau (CPB), reporting to Michelle Yu (Yu), 5241 Engineer. On May 14, 2021, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received your e-mail complaint alleging discrimination and harassment due to race (Black) and age (then 55 years-old) by Man, Cheung, and Maria Ragasa (Ragasa), 6323 Permit Technician III. On May 10, 2021 and March 1, 2022, you spoke to DBI HR regarding your complaint. Specifically, you alleged the following:

**A. Discrimination Allegations**

You alleged that during your probationary period between November 2, 2020 through May 1, 2021, Man, Cheung, and Ragasa discriminated against you based on your race and age as follows:

- (1) Man, Cheung, and Ragasa failed to provide you with adequate training, tools, and support which would have enabled you to do your job efficiently. For example, while you received five sheets of paper explaining the division processes, you did not receive hands-on training. Additionally, you did not receive prompt evaluations of your work progress. Instead, Man waited until the end of the month during your monthly evaluation to address any errors in your performance, as opposed to instructing and training you on the correct procedure sooner.
- (2) Man, Cheung, and Ragasa made you e-mail the DBI Management Information System (MIS) instead of deleting a permit with errors and using the drop-down option to change the form. You believed this was an inefficient work process and that other employees were not made to do so.
- (3) On December 28, 2020, Man and Ragasa asked you why you left early on December 24, 2020. When you told them a co-worker told you that you could leave early for the Christmas holiday, they told you they did not give you permission to leave early.

**B. Harassment Allegations**

You alleged that during your probationary period between November 2, 2020 through May 1, 2021, Man, Cheung, and Ragasa subjected you to the following unwelcome conduct based on your race and age:

- (1) Man, Cheung, and Ragasa were hostile in their daily interactions with you and spoke to you in a degrading manner when addressing performance errors.
- (2) Man and Ragasa made derogatory comments about your typing abilities, and specifically that Ragasa said, "Even inspectors can type faster than you [Lamar]."
- (3) During your performance review, Man compared your performance to that of another African American permit technician, [REDACTED] 6321 Permit Technician I, by remarking on how [REDACTED] was doing, and that Man said, "Maybe DBI is not the place for you."
- (4) Man stated to you, "Why would you go to a brother or sister when you can come to the parent (Man)?" You believed that Man was referring to himself as the parent. Man then stated, "Let's make it official; you only come to me with questions" and, "It must be a cultural thing."

**II. RELEVANT CITY POLICIES**

**A. City's Equal Employment Opportunity (EEO) Policy**

Below are relevant portions from the City's EEO Policy:

**Discrimination and Harassment Prohibited**

Discriminating against, or harassing City employees because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful...Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.



**B. Policy Regarding the Treatment of Co-Workers and Members of the Public**

City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

**III. STANDARD OF EVIDENCE**

Per the City's EEO Policy, a preponderance of the evidence standard was used to analyze your allegations. Preponderance of the evidence is one type of evidentiary standard used in a burden of proof analysis. Under the preponderance standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true. Please note that these findings do not reach conclusions whether the alleged conduct violated state or federal laws, but instead address whether the City's EEO Policy was violated.

**IV. ANALYSIS & FINDINGS**

**A. Insufficient Evidence to Support Discrimination due to Race and Age**

To sustain a complaint of discrimination/disparate treatment under the City's EEO Policy, the investigation must establish all of the following: (1) you are a member of a protected category; (2) you suffered an adverse employment action; and (3) you suffered an adverse employment action because of your membership in a protected category.

You are a member of a protected category due to your race (Black) and age (then-55 years old). However, for the reasons explained below, either there was no evidence to support any race or age-based animus or you did not suffer an adverse employment action.

**1. No Evidence to Support Your Insufficient Training Was Due to Your Race or Age**

The investigation established that more likely than not, you were not provided with sufficient training and support during your probationary period. While Man, Ragasa, and Cheung denied that they provided inadequate training, six of eight witnesses corroborated that there was no clear designation for training responsibility when it came to your training. Six of eight witnesses were unsure who was tasked with training you and did not witness Cheung provide consistent training. Four of eight witnesses noted that the timing of your hiring and the lack of consistent and thorough observed training made it clear that you did not receive the same level of training as other Permit Technician Is, but were still expected to meet the same expectations. One witness stated that they observed Cheung provide some training to you in your second week. Another witness questioned the level of training you received while one stated that your training was "not very hands-on" and "very choppy."

Nevertheless, the investigation did not establish that the insufficient training you received was due to your race or age. The investigation did not establish any information or evidence supporting that Man, Ragasa, or Cheung had any race or age-based animus and a White co-worker around the same age as you stated that when they worked in IPR from August to December 2020 and reported to Man and Ragasa, they also did not receive sufficient training, direction, or tools to perform the job effectively. Witnesses also believed your insufficient training may have been due to the Man and Cheung's focus on the Electronic Plan Review system, the timing of DBI's move from 1660 Mission to 49 South Van Ness, and the

pandemic. Further, you did not suffer an adverse employment action as a result of your insufficient training because as on May 3, 2021, you successfully passed your probationary period. Nevertheless, due to your complaint and IPR's insufficient training, DBI implemented a new training program for Permit Technicians in IPR to ensure adequate training for all new hires.

**2. Legitimate Business Reason Supporting Requirement that You E-mail DBI MIS About Permit Errors**

The investigation did not establish that Man told you to contact MIS with errors on permits based on your race and age. Rather, the investigation established that MIS has to be contacted when errors are found on permits that have already been issued, as opposed to errors found before issuance which can be corrected without notifying MIS. A review of your permit errors showed that they were on permits you had already issued, requiring contacting MIS. Thus, this work process was a result of a legitimate business reason and not your race or age.

**3. No Evidence to Support that Questions About Leaving Early Were Race or Age Based**

The investigation established that more likely than not, Man and Ragasa questioned you about leaving early on Christmas eve. However, the investigation did not establish evidence of race or age-based animus and you did not suffer an adverse employment action as a result of leaving early.

**B. Insufficient Evidence to Support Harassment due to Race and Age**

To sustain a complaint of harassment in violation of the City's EEO Policy, the investigation must establish all of the following: (1) you were subjected to physical, verbal, or visual conduct on account of your membership in a protected category; and (2) the conduct was unwelcome.

You are a member of a protected category due to your race and age. However, the evidence did not support that Man, Cheung, and Ragusa engaged in unwelcome conduct based on your race or age, as discussed below.

**1. Hostile and Degrading Comments**

The investigation did not establish that Man, Cheung, or Ragasa were hostile or degrading toward you due to your race and age. Man, Ragasa, and Cheung denied engaging in disrespectful, hostile, or degrading communications with you and of the eight witnesses interviewed, no witnesses observed Ragasa or Cheung behave in a hostile or degrading manner towards you. While one witness observed that Man spoke to you with an "undertone of degradation," "a lot of judgement," and an "agitated tone," there was no evidence to support that Man's conduct was race or age related. Rather, the investigation established that you had performance deficiencies during your probationary period and made repeat errors, and although Man's frustration and agitation in addressing those errors was inappropriate, were directed at you based on your performance issues, not your race or age. Nevertheless, Man's conduct did not meet his supervisory obligation to model appropriate and professional behavior at all times and DBI will take appropriate action to address this conduct. However, due to privacy in employee concerns, the exact action taken cannot be shared.



**2. Derogatory Typing Ability Comments**

The investigation did not establish that Ragasa and Man made derogatory comments about your typing abilities and specifically that Ragasa said, "Even inspectors can type faster than you [Lamar]." Man and Ragasa denied making these comments and no witnesses corroborated your allegations that Man and Ragasa did.

**3. Comparison to Gladney and "Not the Place for You" Comment**

The investigation did not establish that more likely than not, Man compared your performance to [REDACTED] due to your race or age. Man denied doing so at all, but acknowledged he advised you to seek guidance from other new hires when you struggled with your work, including [REDACTED]. The investigation also did not establish that more likely than not, Man commented that maybe "DBI [isn't] the place for you." Man denied making this comment and no witnesses observed Man make this comment. Further, no evidence supported that even if Man engaged in this conduct, that it was related to your race [REDACTED] is of the same race as you.

**4. Sibling/Parent and "Cultural Thing" Comment**

The investigation did not establish that more likely than not, Man made the comments, "Why would you go to a brother or sister when you can come to the parent (Man)," "Let's make it official; you only come to me (Man) with questions," and "It must be a cultural thing." Man denied making these comments and of the witnesses interviewed, none heard these types of comments.

**V. DETERMINATION OF THE HUMAN RESOURCES DIRECTOR**

Please be advised that based on the review of the investigative findings, I have determined by a preponderance of evidence that there was insufficient evidence to establish that Man, Ragusa, and Cheung subjected you to discrimination or harassment based on your race and age. Thank you for bringing your concerns to my attention so they could be investigated and appropriate action can be taken.

My determination is final, unless appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Room 720, San Francisco, CA 94102, within 30 calendar days of the date of the e-mail sending this letter.

For your information, you may file a complaint of employment discrimination with the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission. Contact those agencies directly for filing requirements and deadlines.

Please feel free to contact Amalia Martinez, EEO Director, Department of Human Resources, at (415) 557-4932, should you have any questions.

Sincerely,



Carol Isen  
Human Resources Director

c: Patrick O'Riordan, Director, DBI  
Michele Nieve, Human Resources Manager, DBI  
Amalia Martinez, Director, EEO, DHR

EX. G



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

*Sent via Email*

August 18, 2022

Christopher Lamar

Subject: **Register No. 0124-22-6: Appealing the Human Resources Director's Determination that there was Insufficient Evidence to Establish that he was Subjected to Discrimination or Harassment Based on his Age, EEO File No. 3956.**

Dear Christopher Lamar:

This is in response to your appeal submitted to the Civil Service Commission on August 15, 2022, appealing the Human Resources Director's determination that there was insufficient evidence to establish that you were subjected to discrimination or harassment based on his age, EEO File No. 3956. Your appeal has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will receive notice of the meeting and the department's staff report on your appeal two Fridays before the hearing date via email, as you have requested on your appeal form.

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date by email to [civilservice@sfgov.org](mailto:civilservice@sfgov.org). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

You may contact me by email [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) or by phone at (628) 652-1100 if you have any questions. You may also access the Civil Service Commission's meeting calendar, and information regarding staff reports and meeting procedures, on the Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService).

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer



San Francisco, CA 94103

Phone: (415) 557-4816

Website: [www.sfdhr.org](http://www.sfdhr.org)

Ex H.

**From:** Christopher Lamar [REDACTED]  
**Sent:** Thursday, August 11, 2022 1:27 PM  
**To:** Mercado, Ruth (HRD) <ruth.mercado@sfgov.org>; Nieve, Michele (DBI) <michele.nieve@sfgov.org>  
**Subject:** Re: Lamar, Christopher - Determination Letter

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Ms. Mercado,

This email acknowledges receipt of letter from Ms. Isen.

Ms. Isen has allowed 30 days to respond to her letter and file grievances at two departments. Thirty days is not enough time for me to find counsel and/or file grievances. I will need more time. Today, I stopped by Civil Commission and they're closed until August 15, 2022, just one reason for requesting additional time.

Please forward my email to Ms. Isen.

Thank you,

Christopher Lamar

On Tuesday, August 2, 2022 at 08:42:15 AM PDT, Mercado, Ruth (HRD) <[ruth.mercado@sfgov.org](mailto:ruth.mercado@sfgov.org)> wrote:

Dear Christopher Lamar,

Please find attached a determination letter from Carol Isen, Director of Human Resources, regarding the above-referenced complaint. Feel free to contact our office should you have any questions.

Kindly,

Connecting People with Purpose

**Ruth Mercado, EEO Assistant**

**(she/her/hers)**

Department of Human Resources

One South Van Ness Ave., 4<sup>th</sup> Floor

San Francisco, CA 94103

Phone: (415) 557-4816

Website: [www.sfdhr.org](http://www.sfdhr.org)

EX I.

## RE: Lamar, Christopher - Determination Letter

Aug 12 at 12:01 PM

[PrintRaw message](#)



Mercado, Ruth (HRD) <ruth.mercado@sfgov.org>

Cc: Nieve, Michele (DBI) <michele.nieve@sfgov.org>, Martinez, Amalia (HRD) <amalia.martinez1@sfgov.org>, Kwan, Alison (HRD) <alison.kwan@sfgov.org>

Dear Christopher Lamar,

DHR EEO has received your email requesting an extension to submit your appeal. We apologize for the inconvenience as the Civil Service Commission (CSC) physical office is closed to in person filing at this time, unfortunately we are unable to grant an extension at this time. Please note the appeal filing is not exclusively needed to be in person; you may file an appeal within 30 days from the date of the email Director Isen issued the Determination Letter either by: sending an email to the CSC at [civilservice@sfgov.org](mailto:civilservice@sfgov.org), sending your appeal to CSC via U.S. Mail or place your appeal and any documentation under the door at the CSC office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. Information regarding the appeal process is available on their website at: <https://sfgov.org/civilservice/>. Please contact the Civil Service Commission directly if you have questions or concerns regarding the submission and process of your appeal.

Kindly,

Connecting People with Purpose

**Ruth Mercado, EEO Assistant**

**(she/her/hers)**

Department of Human Resources

One South Van Ness Ave., 4<sup>th</sup> Floor

Ex. J

## File an Appeal/Christopher Lamar

Aug 15 at 5:09 PM

[PrintRaw message](#)



Christopher Lamar [REDACTED]

To: [civilservice@sfgov.org](mailto:civilservice@sfgov.org) <[civilservice@sfgov.org](mailto:civilservice@sfgov.org)>

Cc: Christopher Lamar [REDACTED]

1 File240.9kB

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[PDF241kB](#)

[PDF](#)

Lamar, Christopher - Determination Letter.pdf

[Download](#)

Hello,

I have been an employee of Department of Building Inspection since November 3, 2020, as a Permit Technician 1. I have filed a grievance against DBI through HR for harassment, creating a hostile work environment, racism, ageism and their discriminatory practice of failure to provide proper training during my probationary period. As a result of not being provided proper training, I was harassed, ridiculed, bullied and shamed in front of co-workers on numerous occasions, while evidence will show training material was not provided by Ben Man, Maria Ragasa or Derek Cheung until after three months of employment. Meanwhile, daily harassment continued. These abuses occurred during my six month probation and at the height of Covid-19, which was stressful enough without the ongoing abuse of Ben Man, Maria Ragasa or Derek Cheung. After a 15 month investigation, HR has denied any wrongdoing by Ben Man, Maria Ragasa or Derek Cheung. However, I've been given 30 days to file an appeal. This is not an adequate amount of time to prepare and present my documents to you for review or to seek counsel, if required.

However, again, I would like to submit my formal Request For An Appeal. I will follow-up with additional documentation at a later date for your consideration.

For your review, I have attached HR's Letter of determination. I ask that you record my request for an appeal and await my investigation.

I want to thank you in advance for accepting my request and will submit my response here shortly.

Respectfully Submitted,

Christopher Lamar



EX  
K

Hello,

I will follow-up shortly with additional information.

Thank you,

Christopher Lamar

On Thursday, August 18, 2022 at 09:54:21 AM PDT, Aldana, Elizabeth (CSC)  
<elizabeth.aldana@sfgov.org> wrote:

Dear Christopher Lamar:

Please find the attached notification regarding the appeal you filed. This shall serve as formal notification.

**Effective December 1, 2020 the Civil Service Commission new telephone number is (628) 652-1100**

Elizabeth Aldana

Civil Service Commission

City & County of San Francisco

628-652-1100 (P)

Ex L.

## Fw: File an Appeal/Christopher Lamar

Aug 15 at 5:33 PM

[PrintRaw message](#)



Christopher Lamar <[REDACTED]>  
To: carol.isen@fgov.org <carol.isen@fgov.org>  
Cc: Christopher Lamar <[REDACTED]>  
Bcc: Nieve, Michele (DBI) <michele.nieve@sfgov.org>  
1 File240.9kB

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[PDF241kB](#)

[PDF](#)

Lamar, Christopher - Determination Letter.pdf

[Download](#)

Hello Ms. Isen,

Below is my request for an appeal to the Civil Service Commission. I'm also requesting an appeal of decision directly to you and to allow additional time for me to submit my documentation and/or find counsel to represent me. I will try earnestly to submit my documentation by September 2, 2022, but I'm requesting 60 days to submit documentation to you.

Respectfully Submitted,

Christopher Lamar  
[REDACTED]



[REDACTED]

----- Forwarded Message -----  
**From:** Christopher Lamar [REDACTED]  
**To:** civilservice@sfgov.org <civilservice@sfgov.org>  
**Cc:** Christopher Lamar <[REDACTED]>  
**Sent:** Monday, August 15, 2022 at 05:22:11 PM PDT  
**Subject:** File an Appeal/Christopher Lamar

Hello,

I have been an employee of Department of Building Inspection since November 3, 2020, as a Permit Technician 1. I have filed a grievance against DBI through HR for harassment, creating a hostile work environment, racism, ageism and their discriminatory practice of failure to provide proper training during my probationary period. As a result of not being provided proper training, I was harassed, ridiculed, bullied and shamed in front of co-workers on numerous occasions, while evidence will show training material was not provided by Ben Man, Maria Ragasa or Derek Cheung until after three months of employment. Meanwhile, daily harassment continued. These abuses occurred during my six month probation and at the height of Covid-19, which was stressful enough without the ongoing abuse of Ben Man, Maria Ragasa or Derek Cheung. After a 15 month investigation, HR has denied any wrongdoing by Ben Man, Maria Ragasa or Derek Cheung. However, I've been given 30 days to file an appeal. This is not an adequate amount of time to prepare and present my documents to you for review or to seek counsel, if required. However, again, I would like to submit my formal Request For An Appeal. I will follow-up with additional documentation at a later date for your consideration.

For your review, I have attached HR's Letter of Determination. I ask that you record my request for an appeal and await my investigation.

I want to thank you in advance for accepting my request and will submit my response here shortly.

Respectfully Submitted,

Christopher Lamar  
[REDACTED]