



**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

Jose O. Leon
[REDACTED]

**SUBJECT: REQUEST FOR A HEARING BY JOSE O. LEON ON THEIR FUTURE
EMPLOYMENT RESTRICTION WITH THE CITY AND COUNTY OF SAN
FRANCISCO.**

Dear Jose O. Leon:

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, 2023, 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 under "Meetings" no later than end of day on Wednesday, February 1, 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 the 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 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.

Attendance by you or an authorized representative is recommended. Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. Where applicable, the Commission has the authority to uphold, increase, reduce, or modify any restrictions recommended by the department. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

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

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Jeffrey Tumlin, Municipal Transportation Agency
Kimberly Ackerman, Municipal Transportation Agency
Shana Dines, Municipal Transportation Agency
David Garcia, Municipal Transportation Agency
Omozele Biggins, Municipal Transportation Agency
Beverly Tilson, Municipal Transportation Agency
Milyn Sanchez, Municipal Transportation Agency
Pete Wilson, TWU Local 250A
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 and the web address is 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 (4th) 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.

F. Policy and Procedure on Hearing Items Out of Order

Requests to hear items out of order are to be directed to the Commission President at the beginning of the agenda. The President will rule on each request. Such requests may be granted with mutual agreement among the affected parties.

G. Procedure for Commission Hearings

All Commission hearings on disputed matters shall conform to the following procedures: The Commission reserves the right to question each party during its presentation and, in its discretion, to modify any time allocations and requirements.

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.

The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

H. Policy on Audio Recording of Commission Meetings

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are audio recorded in digital form. These audio recordings of open sessions are available starting on the day after the Commission meeting on the Civil Service Commission website at www.sfgov.org/civilservice/.

I. Speaking before the Civil Service Commission

Speaker cards are not required. The Commission will take public comment on all items appearing on the agenda at the time the item is heard. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the “Requests to Speak” portion of the regular meeting. Maximum time will be three (3) minutes. A subsequent comment after the three (3) minute period is limited to one (1) minute. The timer shall be in operation during public comment. Upon any specific request by a Commissioner, time may be extended.

J. Public Comment and Due Process

During general public comment, members of the public sometimes wish to address the Civil Service Commission regarding matters that may come before the Commission in its capacity as an adjudicative body. The Commission does not restrict this use of general public comment. To protect the due process rights of parties to its adjudicative proceedings, however, the Commission will not consider, in connection with any adjudicative proceeding, statements made during general public comment. If members of the public have information that they believe to be relevant to a matter that will come before the Commission in its adjudicative capacity, they may wish to address the Commission during the public comment portion of that adjudicative proceeding. The Commission will not consider public comment in connection with an adjudicative proceeding without providing the parties an opportunity to respond.

K. Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Information on Disability Access

The Civil Service Commission normally meets in Room 400 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. However, meetings not held in this room are conducted in the Civic Center area. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our ADA coordinator at (628) 652-1100 or email civilservice@sfgov.org to discuss meeting accessibility. In order to assist the City’s efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

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

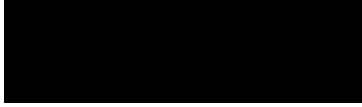
Government’s duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people’s business. This ordinance assures that deliberations are conducted before the people and that City operations 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, or on the City’s website at www.sfgov.org/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site <https://sfethics.org/>.

NOTIFICATIONS

Jose O. Leon



Jeffrey Tumlin -Director of Transportation
1 South Van Ness Ave. 8th Floor
San Francisco, CA 94103
Email: Jeffery.Tumlin@sfmta.com

Kimberly W. Ackerman – Chief People Officer, SFMTA Human Resources
1 South Van Ness Ave. 6th Floor
San Francisco, CA 94103
Email: Kimberly.Ackerman@sfmta.com

Shana Dines - Employee & Labor Relations Manager
1 South Van Ness Ave. 6th Floor
San Francisco, CA 94103
Email: Shana.Dines@sfmta.com

David Garcia - Labor Relations Manager
1 South Van Ness Ave. 6th Floor
San Francisco, CA 94103
Email: David.Garcia@sfmta.com

Omozele Biggins - Training & Instruction
2640 Geary Blvd,
San Francisco, CA 94108
Email: Omozele.biggins@sfmta.com

Beverly Tilson – Substance Abuse Program Manager
1 South Van Ness Ave. 6th Floor
San Francisco, CA 94103
Email: Beverly.tilson@sfmta.com

Milyn Sanchez - Human Resource Analyst
1 South Van Ness Ave. 6th Floor
San Francisco, CA 94103
Email: Milyn.Sanchez@sfmta.com

Pete Wilson – TWU Local 250A, Executive Vice President
1508 Fillmore St. #211
San Francisco, CA 94115
Email: pwilson@twusf.org



London Breed, Mayor

Gwyneth Borden, Chair
Amanda Eaken, Vice Chair
Stephanie Cajina, Director

Steve Heminger, Director
Fiona Hinze, Director
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

MEMORANDUM

Date: February 6, 2023

To: The Civil Service Commission

Through: Kimberly W. Ackerman *kl*
SFMTA Director of Human Resources

From: David Garcia, Labor Relations Manager *DG*

Subject: Appeal of Future Employability Restrictions by Jose Leon - Former 9163 Transit Operator (Register No.0177-22-7)

BACKGROUND

The San Francisco Municipal Transit Agency (Agency) hired Jose Leon (Appellant) as a Transit Operator (Job Code 9163) on August 8, 2022, and released him from probation on September 22, 2022, because he failed a random drug test on September 15, 2022. The Appellant's release from probation is considered disciplinary and conditionally restricts his future employment.

The Appellant's Notice of Release from Probationary Appointment is dated September 26, 2023, and includes a Notice of Future Employment Restrictions, which precludes the Appellant from hire into a safety sensitive position for twenty-four (24) months and requires him to complete the SFTMA's Substance Abuse Program requirements.

On October 5, 2022, the Appellant made a request to appeal the SFMTA's "Future Employability Recommendation." In accordance with the Civil Service Rules, the Agency submits this staff report for the Commission's review and consideration.

ISSUE

Is it reasonable to preclude the Appellant from safety sensitive positions for 24 months and require him to complete the Substance Abuse Program requirements before removing his future employability restrictions?

AUTHORITY AND STANDARDS

The Agency's probationary periods are governed by the Civil Service Commission Rule 417 series. A release from probation based on disciplinary reasons requires the Agency to determine the employee's future employability under the Civil Service Rules' 417 series. **See Attachment B**

Sec. 417.1 Requirement for a Probationary Period

417.1.1 Any person appointed to a permanent civil service position shall serve a probationary period.

417.1.2 Nothing in these provisions is intended to infringe upon or restrict the authority of an appointing officer in releasing a probationary employee as provided in these Rules.

Sec. 417.2 Definition of Probationary Period

417.2.1 The probationary period is defined as the final and most important phase of the selection process and is to be used for evaluating the performance of an employee in the position to which appointed; and

417.2.2 A period of regularly scheduled hours worked, excluding any time off for leave, vacation, other types of time off (not including legal holidays), or overtime.

Sec. 417.9 Release of Employee During the Probationary Period

417.9.1 An employee may be released by the MTA Director of Transportation/Designee at any time during the probationary period upon written notice to the employee.

Consistent with these Rules and subject to the approval of the Commission, The MTA Director/Designee shall establish and promulgate procedures for administering and processing the release of probationary employees.

417.9.2 If a probationary employee is released for disciplinary reasons, a determination of the employee's future employability shall be made as provided in this section.

The decision on future employability reached through the procedures established under these Rules shall be final and shall not be subject to reconsideration.

The Appellant must comply with all the rules contained in the San Francisco Municipal Railway Rules and Instructions Handbook as set forth below: **See Attachment C**

Rule 2.1.3 – All employees will be held accountable for compliance with all rules in the San Francisco Municipal Railway Rules Instruction Handbook.

Rule 2.1.5 – Violation of any rule in this Rules and Instructions Handbook is sufficient cause for disciplinary action up to and including dismissal.

Rule 2.1.7 – Adherence to these rules is essential to safety and safety is the primary importance in the performance of duties.

2.11.1 – All Safety-Sensitive employees are subject to the provisions of the Railway's Substance Abuse Policy and Procedures Handbook and must adhere strictly to its provisions

2.11.2 - All employees are subject to the provisions of the Drug-Free Workplace Act of 1988, which prohibits the manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace. Pursuant to Railway policy, any employee engaging in the manufacture, distribution, dispensing, possession or use of a controlled substance on Railway premises, in transit vehicles, in uniform, or while on Railway business will be subject to disciplinary action, up to and including termination, and/or will be required to complete a drug abuse assistance or rehabilitation program.

2.11.4 – No employee shall indulge in the use of, or be under the influence of intoxicants, or have open container(s) of intoxicants in their possession when reporting for or while on duty at any time on Railway premises.

Rule 2.13.1 - Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal. Inattention to duties; Substance Abuse.

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

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

SFMTA Substance Abuse Program – Policy and Procedures handbook. **See Attachment D**

In pertinent part, it is SFMTA's policy (1) to take appropriate action to assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) to foster and maintain a drug and alcohol-free environment for all employees and patrons; (3) to prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to voluntarily seek professional assistance whenever personal problems, including alcohol or drug use, may adversely affect their ability to perform their assigned duties.

FINDINGS

On August 21, 2018, the SFMTA Board of Directors approved the SFMTA's Federally Mandated Alcohol and Drug Testing Program pursuant to the Code of Federal Regulations at part 40 and 655.

Drug and Alcohol testing applies to all SFMTA safety sensitive employees who operate a revenue service vehicle. 9163 Transit Operators operate revenue service vehicle as an essential job function.

On August 8, 2022, SFMTA hired the Appellant, as a permanent 9163 Transit Operator.

As a 9163 Transit Operator, the Appellant was responsible for operating a revenue service vehicle and was subject to the SFMTA's Substance Abuse Policy.

On September 15, 2022, the SFMTA notified the Appellant about his requirement to submit to a random drug test. The appellant signed for receipt of the notice to indicate that he read and understood the testing instructions and that he authorized release of his test results to the SFMTA.

On September 15, 2022, the Appellant completed his testing requirement at his work location, the Presidio Division.

On September 21, 2022, the Certified Medical Review Officer, Timothy Elfelt, M.D. transmitted the Appellant's positive drug test result to the SFMTA's Substance Abuse Program's staff.

On September 21, 2022, SAP staff notified the Appellant's training manager about the Appellant's confirmed positive drug test. **See Attachment E**

On September 21, 2022, the SFMTA notified the Appellant about his positive test. **See Attachment F**

On September 22, 2022, The Agency sent a notice to Appellant about his Positive drug test result and notified him about his legal requirement to contact a substance abuse professional and follow their recommendations prior being eligible for hire within the transit industry. The notice includes a list of substance abuse professionals the appellant could contact. **See Attachment G**

DISCUSSION AND ANALYSIS

As a 9136 Transit Operator, the Appellant performs safety sensitive functions whenever he operates a revenue service vehicle for the SFMTA. Therefore, the Appellant is covered by the SFMTA's substance abuse program, and subject to its random drug test requirements.

SFMTA's Substance Abuse Program includes six drug and alcohol testing types: 1) pre-employment, 2) reasonable suspicion, 3) post-accident, 4) random, 5) return-to-duty, and 6) follow-up testing. The substances tested are marijuana, amphetamines, opioids, phencyclidine, and cocaine. The program assures that SFMTA operators are fit for duty and protects our employees, passengers, and the public from the risks associated with employees using alcohol and prohibited drugs. This program complies with applicable Federal regulations governing workplace anti-drug programs in the transit industry.

The Agency hired the Appellant on August 8, 2022, as a permanent 9163 Transit Operator position, and released him from probation on September 21, 2022, because he received a positive drug test result on a random drug test. **See Attachment G.** Random testing is unpredictable and spread reasonably throughout the calendar year. Random testing will be conducted all times of the day when Safety-Sensitive functions are performed. His positive drug test violates the service and safety standards found in the City Charter and the rules contained in the San Francisco Municipal Railway Rules Instruction Handbook.

The Appellant's future employability with the Agency or the City and County of San Francisco should include the following conditional restrictions:

1. No future employment with CCSF/SFMTA that is classified as a Safety Sensitive position for 24 months
2. After 24 months, the Appellant's eligibility for a Safety Sensitive position is contingent on completion of SAP requirements.
3. Cancel current examination & Eligibility Status for Safety Sensitive Positions

CONCLUSION

Based on the information provided to Employee and Labor Relations, we conclude the Appellant violated the terms and conditions of employment. His future employability restrictions are standard and applied consistently in similar situations.

RECOMMENDATION

Accept this report, deny the appeal, and approve the future employability restrictions.

Attachments

Attachment	Description
A	Notice of Receipt of Appeal – Jose O. Leon – 0177-22-7
B	Civil Service Rules' 417 series
C	SFMTA Railway Rules and Instructions Handbook
D	SFMTA Substance Abuse Program – Policy and Procedures handbook Substance Abuse Program Exhibit D: Consequences of Positive Drug/Alcohol Test (9163's)
E	Jose Leon Notice of Probationary Release packet
F	Notification of Positive Test
G	Jose Lean Positive Notice & SAP Referral Letter



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

ATTACHMENT A

NOTICE OF RECEIPT OF APPEAL

DATE: October 18, 2022

REGISTER NO.: 0177-22-7

APPELLANT: JOSE O. LEON

Jeffrey Tumlin
Director of Transportation
Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

Dear Mr. Tumlin:

The Civil Service Commission has received the attached letter from Jose O. Leon, requesting a hearing on his future employability with the City and County of San Francisco. 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 at civilservice@sfgov.org. CSC Form 13 is available on the Civil Service Commission's website at www.sfgov.org/CivilService under "Forms."

In the event that Jose O. Leon'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 January 26, 2023**, so that it may be heard by the Civil Service Commission at its meeting on February 6, 2023. If you will be unable to transmit the staff report by the January 26th deadline, or if required departmental representatives will not be available to attend the February 6th, 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.

Appellant: Jose O. Leon
October 18, 2022
Page 2 of 2

You may contact me at 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.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Kimberly Ackerman, Municipal Transportation Agency
Romika Williams, Municipal Transportation Agency
Shana Dines, Municipal Transportation Agency



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Sent via Email

October 18, 2022

Jose O. Leon



Subject: Register No. 0177-22-7: Request for Hearing on Future Employment Restrictions with the City and County of San Francisco.

Dear Jose O. Leon:

This is in response to your appeal submitted to the Civil Service Commission on October 14, 2022, requesting a hearing on your future employment restrictions with the City and County of San Francisco. Your appeal has been forwarded to the Municipal Transportation Agency for investigation and response to the Civil Service Commission.

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will 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.

The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to terminate your employment. 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. Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

You may contact me by email at 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.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

10/05/2022

CIVIL SERVICE COMMISSION
REGISTER
0177-22-7

Jose Oscar Leon



SFMTA/ Transit Operator 9163
Disciplinary Release

CIVIL SERVICE COMMISSION
OFFICE
ADDRESS

J. Tumlin
K. Ackerman
S. Dimes
R. Williams

My name is Jose Oscar Leon. I am requesting a hearing before the Civil Service Commission on my future Employability with the City and County of San Francisco.

Cap # - 6668

Rank # - 32

List # - T00028

DSW # - 221341

Employee Organization - TWU Local 250A

Method of service - Certified Mail 7020 1810 0001 9128 9177

Sincerely

NOTED
OCT 14 11 45 AM '22
CIVIL SERVICE COMMISSION

Rule 417

Probationary Period

Applicability: Rule 417 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Sec. 417.1 **Requirement for a Probationary Period**

Sec. 417.2 **Definition of Probationary Period**

Sec. 417.3 **Appointments Subject to the Probationary Period**

Sec. 417.4 **Extension of the Probationary Period to Obtain License or Certificate**

Sec. 417.5 **Credit for Probationary Period**

Sec. 417.6 **Successive Probationary Appointment**

Sec. 417.7 **Report of Completion of Probationary Period**

Sec. 417.8 **Voluntary Resumption of the Probationary Period**

Sec. 417.9 **Release of Employee During the Probationary Period**

Rule 417

Probationary Period

Applicability: Rule 417 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Sec. 417.1 Requirement for a Probationary Period

417.1.1 Any person appointed to a permanent civil service position shall serve a probationary period.

417.1.2 Nothing in these provisions is intended to infringe upon or restrict the authority of an appointing officer in releasing a probationary employee as provided in these Rules.

Sec. 417.2 Definition of Probationary Period

417.2.1 The probationary period is defined as the final and most important phase of the selection process and is to be used for evaluating the performance of an employee in the position to which appointed; and

417.2.2 A period of regularly scheduled hours worked, excluding any time off for leave, vacation, other types of time off (not including legal holidays), or overtime.

Sec. 417.3 Appointments Subject to the Probationary Period

A probationary period is required for all of the following types of permanent appointments:

417.3.1 Appointment from an eligible list;

417.3.2 Appointment following layoff or involuntary leave when the appointment is to a class and/or department other than the one from which laid off, or when a probationary period has not been previously served in the class and department;

417.3.3 Appointments by transfer to a position in the same class in another department, status transfer under the status rights of Americans With Disabilities Act provisions of these Rules, or technological transfer;

417.3.4 Reappointment of resignees;

417.3.5 Reinstatement at the request of the employee to a permanent position in a former class in a department other than a department in which the probationary period had been completed in this former class;

Sec. 417.3 **Appointments Subject to the Probationary Period (cont.)**

- 417.3.6** Advancement from a part-time position to a full-time position except if the employee had previously served a probationary period in a full-time position in the same class in the same department;
- 417.3.7** Reversion by a promotive probationary employee to a position in a former class in which the probationary period has been completed, except if the employee has previously served a probationary period in the same department in that class.

Sec. 417.4 **Extension of the Probationary Period to Obtain License or Certificate**

The MTA Director of Transportation (appointing officer) may extend the probationary period of a probationary appointee for up to a maximum of twelve (12) calendar months in order to allow the employee time in which to obtain required licenses and/or certificates.

Sec. 417.5 **Credit for Probationary Period**

- 417.5.1** Time served while on leave of absence to serve under exempt, temporary civil service, or provisional appointment within MTA in another class during the probationary period may be counted toward the completion of the probationary period for the class from which leave was granted. Records shall be maintained and placed in the employee's personnel file.
- 417.5.2** The MTA Director of Transportation/Designee may credit as probationary time served, an employee's prior full-time service in a permanent position in the same class, excluding probationary time. Such credits shall not exceed one-half (1/2) of the required length of the probationary period.
- 417.5.3** The MTA Director of Transportation/Designee may credit periods of limited-term transfer toward the completion of the probationary period as provided in the transfer provisions of these Rules.

Sec. 417.6 **Successive Probationary Appointment**

With the approval of the MTA Director of Transportation/Designee, and with the concurrence of the employee, the employee's probationary period may be renewed. The MTA Director of Transportation/Designee shall establish the administrative process and procedures for accomplishing such successive probationary appointments.

Sec. 417.7 **Report of Completion of Probationary Period**

The MTA Director of Transportation/Designee shall notify the appointee upon completion of an appointee's probationary period.

Sec. 417.8 **Voluntary Resumption of the Probationary Period**

417.8.1 When agreed upon by the MTA Director of Transportation/Designee and an employee, a permanent employee past the probationary period may voluntarily agree to serve a new probationary period in lieu of the department dismissing the employee.

417.8.2 The duration of the resumed probationary period shall not exceed six (6) calendar months.

417.8.3 During this resumed probationary period, should the employee fail to abide by the terms and conditions of the probationary period set by the department, subsequent action may be taken.

417.8.4 This resumed probationary period is subject to all terms and conditions of a probationary period as provided elsewhere in these Rules.

Sec. 417.9 **Release of Employee During the Probationary Period****417.9.1** **Authority and procedures for release of probationary employee.**

1) An employee may be released by the MTA Director of Transportation/Designee at any time during the probationary period upon written notice to the employee.

2) Consistent with these Rules and subject to the approval of the Commission, the MTA Director of Transportation/Designee shall establish and promulgate procedures for administering and processing the release of probationary employees.

417.9.2 **Release of probationary employee for disciplinary reasons.**

1) If the release of a probationary employee is for disciplinary reasons, a determination of the employee's future employability shall be as provided in this section.

2) The decision on future employability reached through the procedures established under these Rules shall be final and shall not be subject to reconsideration.

Sec. 417.9 Release of Employee During the Probationary Period (cont.)**417.9.2 Release of probationary employee for disciplinary reasons. (cont.)**

3) The Executive Officer shall establish and promulgate the administrative process and procedures including the time frame for filing requests for future employability hearings.

417.9.3 Reversion to Former Class - Released Promotive Probationary Employee.

1) Except if the release is for disciplinary reasons and subject to approval of the MTA Director of Transportation/Designee, an employee released during a promotive probationary period shall revert to a position in the class from which promoted. If necessary, displacements in the former class shall occur.

2) Except for reasons beyond the control of the Commission or the MTA Director of Transportation/Designee, reversion of a released promotive probationary employee shall be accomplished not later than thirty (30) days from the effective date of the employee's release.

3) The MTA Director of Transportation/Designee shall establish and promulgate the administrative process and procedures for the reversion of a released promotive probationary employee.

2. GENERAL RULES

2.1 Application Of Rules

2.1.1 Employees, whose duties are prescribed by these rules, will be provided with a copy of the San Francisco Municipal Railway Rulebook and Instruction Handbook.

2.1.2 Employees must have a copy of this Rules & Instruction Handbook available for immediate reference.

2.1.3 All employees will be held accountable for compliance with all rules in the San Francisco Municipal Railway Rules and Instruction Handbook.

2.1.4 When new rules or amended rules are adopted, employees will be furnished a new page(s), which must be inserted in the rulebook. All revisions to this Rules and Instructions Handbook must be promptly complied with.

2.1.5 Violation of any rule in this Rules and Instructions Handbook is sufficient cause for disciplinary action up to and including dismissal.

2.1.6 If in doubt as to the exact meaning of any rule, bulletin, instruction, order or notice in effect, apply to the proper authorities for explanation.

2.1.7 Adherence to these rules is essential to safety and safety is the primary importance in the performance of duties.

2.1.8 Employees must respond to inspectors or designated management officials' instructions during situations constituting an emergency or a major disruption of service regardless of job classification.

2.2 Bulletins, Orders, and Notices

2.2.1 Written instruction, rules, procedures, bulletins, notices and written and verbal

2.10.3 Corrective lenses - Operators required to wear corrective lenses by their California Driver License must wear the required lenses while operating Railway vehicles.

2.11 Drugs and Alcohol

2.11.1 All Safety-Sensitive employees are subject to the provisions of the Railway's Substance Abuse Policy and Procedures Handbook and must adhere strictly to its provisions.

2.11.2 All employees are subject to the provisions of the Drug-Free Workplace Act of 1988, which prohibits the manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace. Pursuant to Railway policy, any employee engaging in the manufacture, distribution, dispensing, possession or use of a controlled substance on Railway premises, in transit vehicles, in uniform, or while on Railway business will be subject to disciplinary action, up to and including termination, and/or will be required to complete a drug abuse assistance or rehabilitation program.

2.11.3 Every employee shall notify his or her supervisor of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to do so shall subject the employee to disciplinary action, up to and including termination, or satisfactory participation in a rehabilitation program.

2.11.4 No employee shall indulge in the use of, or be under the influence of intoxicants, or have open container(s) of intoxicants in their possession when reporting for or while on duty or at any time on Railway premises.

2.11.5 Employees shall not enter places where intoxicants are sold while on duty, except in case of necessity (i.e., emergency situation, use of restroom).

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

2.12 Training

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

2.13 Discipline

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

- A. Inattention to duties;
- B. Incompetence;
- C. Substance Abuse;
- D. Immoral Conduct;
- E. Insubordination;
- F. Discourteous treatment of the public or other employees of the SF MUNI Railway;
- G. Fighting;
- H. Mishandling fares;
- I. Dishonesty;
- J. Abandonment of vehicle;
- K. Willful abuse of railway property.

2.14 Traffic Laws

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

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

ATTACHMENT D

1.0 Policy

The San Francisco Municipal Transportation Agency ("Agency" or "SFMTA") operates the San Francisco Municipal Railway. SFMTA is dedicated to providing public transit service within the City and to other parts of the region that is convenient, effective, safe, and efficient. SFMTA employees are our most valuable resource. It is our policy (1) to take appropriate action to assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) to foster and maintain a drug and alcohol-free environment for all employees and patrons; (3) to prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to voluntarily seek professional assistance whenever personal problems, including alcohol or drug use, may adversely affect their ability to perform their assigned duties.

To achieve the goal of a substance-free workplace, this policy incorporates three integrated components:

A. Prevention through education and training: *Education and training will consistently communicate and clarify this policy to all employees, assist employees in recognizing substance abuse problems and in finding solutions to those problems.*

B. Detection, deterrence and enforcement: Under Federal law, all Safety-Sensitive employees are subject to pre-employment, reasonable suspicion, post-accident, random, return-to-duty, and follow-up drug and alcohol testing. Applicants for Safety-Sensitive positions will not be hired nor will current employees be assigned to Safety-Sensitive Functions unless they pass applicable drug tests.

C. Treatment and opportunities for rehabilitation: *Alcohol and drug abuse are recognized as diseases that can be treated. The Agency recognizes that our employees are the Agency's most important resource and encourages employees to take advantage of a voluntary rehabilitation program, to seek professional assistance through SFMTA's Peer Assistance Program or the SFMTA CARE Employee Assistance Program (EAP) prior to testing positive for drugs or alcohol, without fear of discipline.*

Portions of this Policy marked with a single asterisk () are not strictly FTA-mandated, but reflect current Agency employment policy.

2.0 Purpose

The purpose of this Policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the use of alcohol and prohibited drugs (as defined below). This policy complies with all applicable Federal regulations governing workplace anti-drug programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has adopted 49 CFR Part 655, which mandates urine drug and breath alcohol testing for employees performing Safety-Sensitive Functions. These regulations also prevent Performance of Safety-Sensitive Functions when there is a positive, adulterated, or substituted test result, or other rule violation (e.g., refusal to test). The U.S. Department of Transportation (DOT) has also adopted 49 CFR Part 40, which sets standards

for collecting and testing urine and breath specimens. This Policy incorporates these federal requirements for employees performing safety-sensitive functions, as well as other provisions as noted.

In addition, DOT has published 49 CFR Part 29, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. The City adopted a Drug-Free Workplace policy for all of its employees in 1989. California passed a similar version of the federal law, the Drug-Free Workplace Act of 1990 (Gov't Code §§ 8350 et seq.). This Policy reiterates the requirements of the federal regulations; these requirements will be enclosed by double asterisks (**).

If any provision of an existing Agency policy, rule or resolution is inconsistent or in conflict with any provision of this Policy or the DOT/FTA Rules, this Policy and the FTA Rules shall take precedence; if any provision of this Policy is inconsistent or in conflict with the FTA Rules, the FTA Rules shall take precedence.

3.0 Consequences of Misuse/Abuse

The cost of substance misuse/abuse is devastating to society, the workplace, the family and individuals. Two thirds of all homicides are committed by people who use drugs or alcohol prior to the crime. Two-thirds of all Americans will be involved in an alcohol-related accident during their lifetimes.

The medical costs of illnesses related to substance misuse/abuse are staggering. Each year 30,000 people will die due to alcohol-caused liver disease. Another 10,000 will die due to alcohol-induced brain disease or suicide.

Besides the very real human costs just described, substance-abusing employees create very real business costs and legal liabilities for their employers:

Direct and measurable costs, such as the additional health care benefits claimed by substance abusers.

Less tangible and difficult-to-measure costs, such as the negative impact on employee morale or the diminished creativity of substance-abusing employees.

Potential costs or "liabilities," such as the potential costs of a lawsuit filed by an injured party after an accident caused by an impaired employee.

*SFMTA's Substance Abuse Program has several components to promote a drug-free workplace and comply with FTA regulations:

An expanded Substance Abuse Policy;

An employee education program to alert employees to the dangers of alcohol and other drugs;

An education program for management, required for all supervisors, to assist them in understanding SFMTA policy, knowing available resources, and carrying out their responsibilities as they relate to employee substance abuse;

A voluntary Peer Assistance Program to encourage early intervention;

A contract for EAP services;

A Substance Abuse Professional to work with employees who test positive.

4.0 Definitions

Accident: An occurrence associated with the operation of a vehicle, if as a result:

(a) An individual dies; or

(b) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the Accident; or

(c) With respect to an occurrence in which the public transportation vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or

(d) With respect to an occurrence in which the public transportation vehicle involved is a rail car, trolley car, trolley bus, or vessel, the public transportation vehicle is removed from operation.

Adulterated Specimen: A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. (The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.)

Cancelled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which 49 CFR Part 40 otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

Contractor: A person or organization that provides a safety-sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

Covered Employee: A person, including an applicant or transferee, who performs or will perform a safety-sensitive function for SFMTA. This includes certain volunteers, as defined in Section 5.1.

Dilute Specimen: A specimen with creatinine and specific gravity values that are lower than expected for human urine.

EXHIBIT D: Consequences of Positive Drug/Alcohol Tests (9163's)

Testing Types	Substance	Assumption of Results	Employee Status Waiting for Results	1 st Positive	2 nd Positive Within 5 Years
Pre-Employment	Drug	N/A	N/A	Not hired, may not reapply for two years.	Not hired, may not reapply.
Pre-Employment (90-Day Rule)	Drug	N/A	Return to Work process paused	Removed from Duty ¹ No pay, ² , Referred to SAP SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action. Discipline will not imposed until cleared for safety-sensitive duty.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Random - Drug	Drug	Assumed Negative	On Duty	Removed from Duty ¹ No pay, ² , Referred to SAP SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Random - Alcohol	Alcohol > or = .04	Positive	Immediate Results	Removed from Duty ¹ No pay, ² , Referred to SAP SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action.	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Post Accident	Drug or Alcohol	Assumed Negative	On Duty	Removed from Duty ¹ No pay, Referred to SAP, SAP Recommendation for Treatment, Return to Duty Test, ³ Follow-Up Testing, Subject to Disciplinary Action. ⁴	Will be Subject to Termination Except Where Substantial Mitigating Circumstances Warrant.
Reasonable Suspicion	Drug or Alcohol	Assumed Positive	Off Duty Until Results Received	Removed from Duty ¹ No pay, Referred to SAP, Return to Duty	Will be Subject to Termination Except Where Substantial



Gwyneth Borden, Chair
Amanda Eaken, Vice Chair
Steve Heminger, Director

Fiona Hinze, Director
Sharon Lai, Director
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

Via U.S. Certified and First-Class Mail 7020 1810 0001 9128 9177

Via E-Mail [REDACTED]

September 26, 2022

Jose Leon
[REDACTED]
[REDACTED]

Re: Notice of Release from Permanent Probationary Appointment
Transit Operator (9163)

Dear Jose Leon,

In accordance with San Francisco Municipal Transportation Agency (SFMTA), Civil Service Commission (CSC) Rule 417.9 - Release of Employee during the Probationary Period, you are hereby notified that you are being released from your probationary appointment as a 9163 Transit Operator effective September 22, 2022.

You are hereby being advised that the SFMTA is recommending to the Civil Service Commission that your future employment be restricted as follows:

- No future employment with CCSF/SFMTA that is classified as a Safety Sensitive position for 24 months
- After 24 months, Safety Sensitive position eligibility contingent on completion of SAP requirements
- Cancel current examination & Eligibility Status for Safety Sensitive Positions

If you have any questions regarding this matter, please contact HR-ELR at HR-ELR@sfmta.com.

Sincerely,

Shana Dines

Shana Dines
Employee & Relations Manager

Attachments: Separation Report, Notice & Report on Probationary Status and Notice of Release from Probationary Appointment

cc: Michael Johnson, Training
Omozelle Biggins, Training



Christine Cayabyab, Employee & Labor Relations
Mike Keohane, Payroll Operations, Payroll
Valerie Coleman, Brian Lim, Employee Services
Rie Butler, Client Services, DHR
Personnel File



SEPARATION REPORT

INSTRUCTIONS: Please complete the Separation Report to:

1. Document internal departmental processes. Please do not send to DHR.
2. Document that the employee separation is not a complete separation from City service, Separation Report must be completed by the sending department and submitted to the receiving department to be attached to the AP ESR.
3. To process a layoff. Please send to the DHR layoff coordinator.
4. To administer a settlement agreement involving the separation of the employee-submit documentation to your Client Services Representative. (Reference TER_RZA)*

Date of Request: 9/26/2022

Department Contact: Milyn Sanchez Email: milyn.sanchez@sfmta.com Phone: (415) 646-4801

SECTION I: PERSONAL AND JOB INFORMATION

Name (Last, First, M.I.): Leon, Jose Employee I.D.: [REDACTED]

Job Code: 9163 Job Title: Transit Operator

Position Number: 00310388 Hourly Rate: \$29.6125 Step: 1 Effective Date: 9/22/2022

Empl. Class: PCS Work Schedule: Full-Time

Is the employee serving a probationary period at the time of the separation? Yes No

Is this a complete separation from City and County Service? Yes No

If no, continuing in:

Department Code: (Select One) Status: _____ Job Code: _____ Effective Date: _____

Is employee granted leave pursuant to Civil Service Rule 120.31? Yes No

If no, is employee a transfer? No Yes, type of Transfer: (Select One)

SECTION II: SEPARATION INFORMATION

Resignation

Satisfactory Services (TER_RSS)

Unsatisfactory Services (TER_RUS)
(Form DHR 1-13 must be on file)

By the appointee: I hereby freely and voluntarily resign from the above position. I request approval of this resignation as of the effective date with the full understanding that once approved, I may acquire another position in this class only as provided in the rules of the Civil Service Commission (see employee copy and CSC Rules 114&119).

Employee Signature

Date

Lay-off

Involuntary Leave (PCS_LIL) Elective Involuntary Leave (PCS_EIL)

Involuntary Lay-off (PCS_LIO) Voluntary Lay-off (PCS_LVO)

(PV & EX Only): (Select One)

Reason for lay-off: (Select One)

Employee acknowledges receipt of the DHR information leaflet.

Employee Signature

Date

SEPARATION REPORT

DEPARTMENT USE ONLY

Termination

Settlement Agreement (TER_RZA)
*(Separation Report and Settlement Agreement must be forwarded to Client Services Rep.)

Release from appointment:

Release from probation:

Dismissal:

Terminated for cause (TFC) (TPV,NCS, & Exempts only)

Automatic Resignation (ARS)

Never Reported to Work (DSH)

Death of an employee (DEA)

Other (Specify): _____

Retirement:

DEPARTMENT CERTIFICATION

The Appointing Officer/Authorized Designee named below hereby certifies that the information provided on this Separation Report is accurate, complete, and in compliance with applicable CCSF rules and policies.

Shana Dines 415.646.4801
Appointing Officer/Authorized Designee Signature Telephone

Name/Title: Shana Dines

Department Number: 68 Department Name: MTA

Personnel File Forwarded? Yes No

Forwarded to:
Department: _____ Contact: _____

DHR USE ONLY

Action Pending? Yes No

Analyst Name _____ Telephone _____

SR Ref Number: _____ Holdover Canvass: _____

Reference Number used for layoff actions: _____



NOTICE OF FUTURE EMPLOYMENT RESTRICTIONS

Jose Leon

 Employee Name

 Street Address

 City State Zip

9/26/2022

 Mailing Date
 MTA

 Department/Division
 PCS

 Type of Appointment

This notice is to inform you that a future employment restriction is being imposed along with your separation action, or with the action of automatic resignation, reported to the Department of Human Resources separating you from your position in Class 9163 Title Transit Operator, effective 9/22/2022, for the reasons outlined in the attached document(s).

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

<input type="checkbox"/> No Restrictions on Employment <input type="checkbox"/> Permanent Restriction <input checked="" type="checkbox"/> Conditional Restriction	<input checked="" type="checkbox"/> Citywide <input type="checkbox"/> Department(s): _____ <input type="checkbox"/> DOT/SAPP <input type="checkbox"/> Job Code(s): _____ <input checked="" type="checkbox"/> Cancel Current Examination & Eligibility Status
---	--

Conditional restrictions may be lifted by proving you have satisfactorily met the following requirements:

Requirement Type	Description:	Level of Measurement:	Measurement Value:
<input type="checkbox"/> CER: Certification			
<input type="checkbox"/> EXP: Work Experience			
<input type="checkbox"/> LIC: Licensure			
<input checked="" type="checkbox"/> SAP: Substance Abuse Program	• After 24 months, Safety Sensitive position eligibility contingent on completion of SAP requirements		24 months
<input checked="" type="checkbox"/> Other:	• No future employment with CCSF/SFMTA that is classified as a Safety Sensitive position for 24 months		24 months

In addition to the noted conditional restrictions, you are also restricted from specific attributes of a job class and/or department until you satisfactorily prove you meet the requirements to lift the restriction(s) as noted below:

Future Employment Restrictions	Description:	Level of Measurement:	Measurement Value:
<input type="checkbox"/> 001: Vehicle/Heavy Machinery			
<input type="checkbox"/> 002: Vulnerable Populations			
<input type="checkbox"/> 003: Face to Face Contact w/Public			
<input type="checkbox"/> 004: Contact w/Animals			
<input type="checkbox"/> 005: Signing/Approving City Docs			
<input type="checkbox"/> 006: Financial Instruments			
<input type="checkbox"/> 007: Confidential/Privileged Information			
<input type="checkbox"/> 008: IT Infrastructure			
<input type="checkbox"/> 009: Means of Entry to Living Spaces			
<input type="checkbox"/> 010: Pharmaceutical/Drug Inventory			
<input type="checkbox"/> 011: CDC Defined Toxins			
<input type="checkbox"/> 012: Weapons/Explosives			
<input type="checkbox"/> 013: City Property Valued > \$100			

You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission within 21 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by 10/17/2022. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action to confirm the restriction(s) in effect on the date of separation (Note: Future Employment Restriction(s) effective immediately).

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

List #: <u>T00028</u>	Rank #: <u>32</u>	<input type="checkbox"/> Pending	<input checked="" type="checkbox"/> Final	Status of Action
DSW: <u>[REDACTED]</u>		<u>Shana Dines</u>		
Emp Organization: <u>TWU Local 250A</u>		SIGNATURE		
METHOD OF SERVICE:		<u>Shana Dines</u>		
<input type="checkbox"/> Hand Delivered		NAME		
<input checked="" type="checkbox"/> Certified Mail	<u>7020 1810 0001 9128 9177</u>	<u>Employee & Labor Relations Manager</u>		
		TITLE		

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as an official notice of future employment restrictions imposed with the Notice of Automatic Resignation from Employment to the former employee or with a Separation Action that is subject to the provisions of a collective bargaining agreement, to the Civil Service Commission, and the Department of Human Resources.
2. A separated employee may request a hearing before the Civil Service Commission only for review of any restrictions on their future employability with the City and County of San Francisco.
3. Such appeals or requests for hearing must be in writing and received from the employee or the employee's representative by the date specified on this notice, or within twenty (20) calendar days from the mailing date of this notice, or the effective date of the separation, whichever is later. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
4. An employee who requests a hearing within the time limits is entitled to:
 - a. Representation by an attorney or authorized representative of the employee's own choice.
 - b. Notification of date, time, and place of hearing at a reasonable time in advance.
 - c. Inspection by the employee's attorney or authorized representative of those records and materials on file with the Civil Service Commission which relate to the restrictions on future employability.
5. Any interested party may request that the hearing be continued or postponed.
6. The decision of the Civil Service Commission is final and not subject to reconsideration.
7. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

DEPARTMENT INSTRUCTIONS FOR COMPLETING FORM DHR 1-13E

- Refer to related provisions of appropriate collective bargaining agreements
- Refer to CSC Rule 122, Article VI: Absence From Duty Without Leave (Misc)
- Refer to CSC Rule 222, Article IV: Absence From Duty Without Leave (UPPD)
- Refer to CSC Rule 322, Article VI: Absence From Duty Without Leave (UPFD)

Use this form when:

The appointing officer or Human Resources Director has taken action of automatic resignation on an employee on the basis of abandonment of position, regardless of employment status; and/or the separation action is subject to the provisions of the collective bargaining agreement.

Complete the information on the top section of the form: Name, Address, City, State, Zip, Mailing Date, Department/Division, Type of Appointment, Type of Separation.

In the first paragraph of the notice, enter the Class Number, Title and effective date of the separation.

If there are no restrictions imposed with the separation, the box “*no restrictions on future employability*,” must be checked to indicate this action, and attach applicable documents, e.g., a settlement agreement.

Indicate the restrictions on future employability by checking the appropriate boxes. If the restrictions are conditional, you must complete the section on the requirements needed to lift the restrictions, including the level of measurement (entry, journey, etc.) and values (length of time in months, years, etc.) of the requirements.

If Future Employment Restrictions are included, complete that section including details on the requirements needed to lift the restrictions. Attach a copy of all separation-related letters and supporting documentation. Documentation must provide justification and the rationale for the imposed restrictions.

The separated employee may request a hearing for review of any restrictions on future employability. Indicate the date by which the appeal must be filed in the space provided. Consistent with the separation action, count twenty (20), or thirty (30), calendar days from the mailing date of the notice or the effective date of release, whichever is applicable. When counting the days, count the day after the mailing date as the first day.

Complete the information on the bottom section of the form: Rank, List#, DSW#, and Employee Organization. Check the method of service used and tracking # if applicable.

Indicate status of action:

- Select “Pending” if Notice of Future Employment Restrictions is subject to the provisions of a collective bargaining agreement
- Select “Final” if the status is not subject to the provisions of a collective bargaining agreement, or to update a previously reported “Pending” action.

Type in the name and title of the appointing officer. The appointing officer must sign the form.

Send the *original* Notice of Future Employment Restrictions along with the *original* Notice of Automatic Resignation from Employment (DHR 1-48a) to the employee. Make two sets of copies of the notices; send one set of *copy* to DHR - Client Services along with the *original* Separation Report (DHR Form 1-67); and retain the other set of *copy* in the Official Employee Personnel Folder.

Reminder: Imposed restrictions on future employability are effective immediately, and must be reported to DHR – Client Services concurrent with the departmental notice to separate the employee. This will enable timely and appropriate updates to DHR systems and other dependent programs, such as exams, adoptions of eligible lists, citywide recruitments, and certifications/referrals.



NOTICE OF RELEASE FROM PROBATIONARY APPOINTMENT

Mailing Date 9/26/2022

Name Jose Leon Department/Division MTA
 Address [REDACTED] Type of Appointment: PCS
 City [REDACTED] Entrance Probationary
 State [REDACTED] Zip [REDACTED] Promotive Probationary

This notice is to inform you that effective 9/22/2022, you are released from your appointment in Class 9163,
 Title Transit Operatr

The following checked item applies (check only one):

- A. Non-Disciplinary Release: The decision of the Appointing Officer is final. There are no restrictions on your future employment with the City and County of San Francisco.
- B. Disciplinary Release (see documents attached): Should you elect to appeal the recommendation(s), follow the procedures. You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to modify employment restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to release you from your employment.
- C. Automatic Reversion (Non-Disciplinary Release): You have automatic rights of reversion to the previous class from which promoted; if necessary, displacements in the former class shall occur. You will revert to the class from which promoted: Class _____, Title _____

You may request a hearing for review of any restrictions on your future employability (when box B above is checked) with the Civil Service Commission within twenty (20) calendar days of the mailing date of this notice or from the date of release, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness, Suite 720, San Francisco, CA 94102 by 10/17/2022. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

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

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	No future employment with this department.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of _____ year(s) experience outside the City and County service.		
<input checked="" type="checkbox"/>	Other (specify): No future employment with CCSF/SFMTA that is classified as a Safety Sensitive position for 24 months <ul style="list-style-type: none"> • After 24 months, Safety Sensitive position eligibility contingent on completion of SAP requirements • Cancel current examination & Eligibility Status for Safety Sensitive Positions 		

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

MUST BE COMPLETED BY DEPARTMENT:
 Rank: 32 List# T00028
 SSN: 221341
 Employee Organization TWU Local 250A
 METHOD OF SERVICE:
 Certified Mail Hand Delivered _____
 Certified Mail # 7020 1810 0001 9128 9177
 Attachment(s)
 DHR 1-14 (8/00)

Shana Dines
 SIGNATURE OF APPOINTING OFFICER
Shana Dines
 NAME
Employee & Labor Relations Manager
 TITLE

ADDITIONAL INFORMATION FOLLOWING RELEASE

1. This document serves as the official notice of your release to you, the Civil Service Commission, and the Department of Human Resources. You will be removed from the eligible list from which you were appointed.
2. If this is a Disciplinary Release (box B is checked) and you request a hearing within the time limits, you are entitled to:
 - a) Representation by an attorney or authorized representative of the employee's own choice.
 - b) Notification of date, time and place of hearing at a reasonable time in advance.
 - c) Inspection by the employee's attorney or authorized representative of those records and materials in the Civil Service Commission which relate to the separation.
3. The decision of the Civil Service Commission is final and not subject to reconsideration.
4. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

NOTICE OF RELEASE FROM PROBATIONARY APPOINTMENT

Instructions for completing Form DHR 1-14

Refer to Civil Service Commission Rule 117 - Probationary Period

Use this form for a Probationary Employee when:

Probation began on or after March 16, 1998 and performance does not meet the standards for passing probation in the class.

Complete the information on the top section of the form: Name, Address, City, State, Zip, Mailing Date, Department/Division, and Type of Appointment. Type of Appointment: Entrance Probationary if the employee was certified from an entrance (E) list or certified from a combined promotive and entrance (CPE) list but did not advance to the position from another permanent appointment. Promotive Probationary if the employee was certified from a promotive (P) or combined promotive and entrance (CPE) list and advanced to the position from another permanent appointment.

In the first sentence enter the effective date of the release. This date must be before COB (close of business) on the last day of probation. Use the form Report of Probationary Status (DHR 6-37) to calculate end date of probation. Enter the Class Number and Title of the employee's position.

Check one box, A, B or C, to indicate the type of release:

A - Non-Disciplinary Release for entrance probationary employee.

B - Disciplinary Release for either entrance or promotive probationary employee in cases when release is for misconduct.

C - Automatic Reversion (Non-Disciplinary) for promotive probationary employee who does not meet standards of the current class. For box C, also enter the Class Number and Title of previous appointment.

If you have checked box B - Disciplinary Release:

- 1) Indicate the date by which the appeal must be filed in the space provided. Count twenty (20) calendar days from the mailing date of the notice or the effective date of release, whichever is later. When counting the days, count the day after the mailing date as the first day of the twenty (20) calendar days.
- 2) Indicate the recommended restrictions on future employability by checking the appropriate boxes. If you check the box requiring outside work experience, you must also type in the number of years. Attach a copy of all separation-related letters and supporting documentation.

Complete the information on the bottom section of the form: Rank, List#, SSN, and Employee Organization. Check the Method of Service used.

The Appointing Officer must sign the form. Type in the name and title of the Appointing Officer.

Make two copies of the form. Send a copy to DHR, Certification Unit; and retain a copy in the Employee Personnel File. Send the original to the employee.



City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS

CAP#:

6668

Part I: Notice of Probationary Status at Time of Appointment

Complete at time of appointment

Original: Personnel File
Copy: Employee

Leon

Last Name

Jose

First Name

68 / SFMTA

Department/Division

9163

Job Code

Transit Operator

Title

TWU 250A

Employee Organization/Union

Congratulations on your Permanent Civil Service (PCS) appointment!

You are now serving your probationary period, which is used to evaluate your performance on the job. It is the final and most important phase of the selection process. During your probationary period, you may be released by your appointing officer at any time in accordance with Civil Service Rule 117 - Probationary Period. The duration of your probationary period is governed by provisions in the Memorandum of Understanding (MOU) or ordinance covering your job code. Extensions of your probationary period are governed by Civil Service Rules and provisions in the MOU or ordinance covering your job code. Please refer to your human resources representative if you have any questions.

Duration of the Probationary Period (per MOU or Ordinance): 6 months

Did the employee received credit for prior service?: No

If yes, provide dates: from to Total time credited: days

Provide justification for credit (cite Civil Service Rule Section or MOU Section):

Probationary Period Begin Date: 8/8/2022

Expected Probationary Period End Date: 2/7/2023 COB

(Probation begins on the employee's start work date in PCS status, not the certification date)

Voluntary Resumption of the Probationary Period. To be used only as specifically authorized by Civil Service Rule 117.8.

Employee has previously completed probation for this job code in this department, and is voluntarily resuming a probation period not to exceed six (6) months.

Resumed Probationary Period Begin Date:

Expected Resumed Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

Jose Leon

Printed Name

Signature

and

7/29/2022

Date

Department Head/Designee

Valerie Coleman

Printed Name

Signature

7/29/2022

and

Date



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

CAP#:

6668

Part II: Report of Probationary Period Adjustment

Complete prior to the Expected Probationary Period End Date identified above

Original: Personnel File
Copy: Employee

- No adjustment of the probationary period is required.
- Employee's probationary period is adjusted as follows:

Adjustment Worksheet		
If the probationary period was adjusted, please check the reason(s), provide the number of hours, and total the number of working days of extension.		
Check	Reason for Extension	Number of Hours
<input type="checkbox"/>	Vacation & Floating Holidays	
<input type="checkbox"/>	Administrative Leave	
<input type="checkbox"/>	Compensatory Time Used	
<input type="checkbox"/>	Authorized Leave	
<input type="checkbox"/>	Unauthorized Absence	
<input type="checkbox"/>	Disciplinary Suspension	
<input type="checkbox"/>	Sick Leave with or without pay	
<input type="checkbox"/>	Other (Provide detailed explanation):	
Total Hours:		
Total Days of Adjustment:		

Probationary Period Begin Date:

Adjusted Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

Department Head/Designee

Jose Leon

Printed Name

Printed Name

Signature and Date

Signature and Date



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

CAP#:

6668

Part III: Report of Extension of Probationary Period

Complete prior to the Expected or Adjusted Probationary End Date

Original: Personnel File
Copies: Employee, Union, DHR-Client Services

- Employee's probation has been extended. Please check all boxes that apply to the extension:
 - Change in employee's supervisor during probationary period and current supervisor has not had adequate time to evaluate the employee's work
 - Inability to fully assess employee's performance based on change in duties (e.g., added requirement for employee to obtain training in new protocol) during the original probationary period or because some duties are cyclical in nature
 - Performance-related deficiencies that can be corrected with additional training within reasonable timeline
 - More time is needed to obtain required license(s) and or certificate(s) (may be extended for no more than twelve months pursuant to Civil Service Rule 117.4). Describe the license(s) and/ or certificate(s):
 - Other special circumstances. Describe in detail:

Probationary Period Begin Date:

Adjusted Probationary Period End Date:

Probationary extensions require additional signatures. Please refer to the applicable MOU for guidance.

Employee

Department Head / Designee

Union

Jose Leon

Printed Name

Printed Name

Printed Name

Signature and Date

Signature and Date

Signature and Date

Part IV: Report of Release from Probationary Appointment

Complete prior to the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee, DHR-Client Services

Employee is released during the probationary period effective close-of-business: 9/21/2022
Department must complete a Notice of Release from Probationary Appointment (DHR Form 1-14)

Department Head/Designee

Printed Name _____

Sig. Shana Dines _____

Part V: Report of Successful Completion of Probationary Period

Complete on the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee

Employee successfully completed probation. Completion Date:

Department Head/Designee

Printed Name _____



ATTACHMENT F

NOTIFICATION OF POSITIVE TEST

TO: Omozele Biggins, Training Manager, Transportation & Training Instruction

FROM: Beverly Tilson, Substance Abuse Program Manager Beverly Tilson

EMPLOYEE NAME: Leon, Jose ID# XXX-XX-2272

TEST DATE: 9/15/22 TEST TYPE: Random

NOTIFICATION OF POSITIVE: 9/21/22

CIRCUMSTANCES:

- A. Alcohol test over 0.04
B. Confirmed positive drug test (marked with X)
C. Other

PLEASE ACKNOWLEDGE RECEIPT AND DATE EMPLOYEE WAS REMOVED FROM SAFETY SENSITIVE DUTY.

Four horizontal lines for acknowledgment and date.

cc: Aaron Beckwith, HR – Employee & Labor Relations



DATE: September 21, 2022

TO: Jose Leon, CAP ID #6668
Class 9163 – Transit Operator

FROM: Omozele Biggins
Training Manager IV, Transportation & Training Instruction

SUBJECT: **POSITIVE DRUG TEST**

Effective immediately, **9/21/22**, you are being removed from your safety-sensitive position as a **9163 – Transit Operator** in view of a **positive drug test**. Pursuant to the San Francisco Charter and Union Memoranda of Understanding, you are being placed on thirty days unpaid administrative leave until a Skelly Hearing (if any) can be arranged. In this hearing you have the right to representation and may present any reason or evidence that you feel is pertinent to this matter. You will be notified in writing of the date, time, and location of this disciplinary hearing.

You are also directed to contact Beverly Tilson, Substance Abuse Program Manager, at 415.646.4766 or 415.930.0354 to schedule an appointment. If you have any questions, please contact me immediately at **415.271-0388**.

I acknowledge receipt and understanding of this memorandum.

Jose Leon
Print Name

[Signature]
Signature

9/21/22
Date

cc: Aaron Beckwith, HR – Employee & Labor Relations



523616898

F256852/2298937

LAB NUMBER

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Employer Name, Address, ID No.

Facility Number

B. MRO Name, Address, Phone No., and Fax No.

SAN FRANCISCO MUNICIPAL TRANSP
3 SOUTH VAN NESS AVENUE
6TH FLOOR
SAN FRANCISCO, CA 94103
415-701-5039 415-701-4381

443307

TIM ELFELT, MD
230 COMMERCE STE 100
IRVINE, CA 92602
951-581-9609 714-852-5203

C. Donor SSN, Employee I.D., or CDL State and No.

D. Specify Testing Authority: HHS NRC

Specify DOT Agency: FMCSA FAA FRA FTA PHMSA USCG

E. Reason for Test: Pre-employment Random Reasonable Suspicion/Cause Post Accident Return to Duty Follow-up Other (specify)

F. Drug Tests to be Performed: THC, COC, PCP, OPI, AMP THC & COC Only Other (specify)

G. Collection Site Address:

Collector Phone: (Write phone number in boxes if not pre-printed.)

MEGA LAB SERVICES
3323 EVANS AVENUE
SAN FRANCISCO, CA 94124

PH: 415-872-9284

FAX: 415-847-7336

Other

86234
Collector Number

STEP 2: COMPLETED BY COLLECTOR (make remarks when appropriate).

URINE ORAL FLUID

COLLECTION: Split Single None Provided, Enter Remark.

URINE: Collector reads urine temperature within 4 minutes. Temperature between 90° and 100° F? Yes No, Enter Remark Observed, Enter Remark

ORAL FLUID: Split Type: Serial Concurrent Subdivided Each Device Within Expiration Date? Yes No Volume Indicator(s) Observed

REMARKS:

STEP 3: Collector affixes seal(s) to bottle(s)/tube(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY TEST FACILITY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable federal requirements.

SPECIMEN BOTTLE(S)/TUBE(S) RELEASED TO:

Shavo Hue L JAKHSON 09/15/22

PRINT Collector Name (First, MI, Last)

Time Date Collected (Mo/Dy/Yr)

X Signature of Collector

Collected: 08:40 AM

APEX
Name of Delivery Service

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; each specimen bottle/tube used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to each specimen bottle/tube is correct.

X Signature of Donor

JOSE LEON
(PRINT) Donor's Name (First, MI, Last)

9/15/22
Date (Mo/Day/Yr)

Email address [redacted] Daytime Phone No. [redacted] Evening Phone No. (same) Date of Birth 10/22/93 (Mo/Day/Yr)

After the Medical Review Officer receives the test results for the specimen identified by this form, he/she may contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications for your own records. THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 5). - DO NOT PROVIDE THIS INFORMATION ON THE BACK OF ANY OTHER COPY ON THE FORM. TAKE COPY 5 WITH YOU.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

URINE ORAL FLUID

In accordance with applicable federal requirements, my verification is:

NEGATIVE POSITIVE for: DILUTE

REFUSAL TO TEST because - check reason(s) below:

TEST CANCELLED

ADULTERATED (adulterant/reason):

SUBSTITUTED

OTHER:

REMARKS:

X Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First, MI, Last)

Date (Mo/Day/Yr)

STEP 7: COMPLETED BY MEDICAL REVIEW OFFICER - SPLIT SPECIMEN

In accordance with applicable federal requirements, my verification for the split specimen (if tested) is:

RECONFIRMED for: TEST CANCELLED

FAILED TO RECONFIRM for:

REMARKS:

X Signature of Medical Review Officer

42 (PRINT) Medical Review Officer's Name (First, MI, Last)

Date (Mo/Day/Yr)

OMB No. 0930-0158

Testing conducted by Alere Toxicology Services, Inc.



SFMTA

TESTING NOTIFICATION FORM

EMPLOYEE NAME: Jose Leon ID# [REDACTED]

TIME OF NOTIFICATION: 8:30am DATE OF TEST: 9-15-22

TYPE OF TEST:

Random
 Drug only Both (Drug and Alcohol)

Follow Up Post Accident Reasonable Suspicion
(All tests above require Drug and Alcohol)

LOCATION OF TEST SITE: Presidio WORK LOCATION: Presidio PHONE: [REDACTED]

Jose Leon, under federal regulations for drug and alcohol testing of
(Employee's Name)

safety-sensitive employees, you are being tested for the presence of prohibited drugs and alcohol. Your signature indicates that you have read and understood the given instructions, agree to take the test and authorize the release of your test results to the San Francisco Municipal Transportation Agency (SFMTA).

SAFETY-SENSITIVE EMPLOYEES STATEMENT TO EMPLOYEES REGARDING REFUSAL TO SUBMIT TO DRUG AND/OR ALCOHOL TESTING

If you refuse to submit to a drug and/or alcohol test, refuse to sign the necessary forms, or follow instructions, it will be considered a violation of the testing procedure. You will be removed from duty and referred to the Substance Abuse Professional for assessment. This information will be forwarded to the Director of Transit or designee.

Employee's Signature

Date

Quinn Biggins
Notifier's Signature

9/15/2022
Date

RETURN-TO-DUTY RELEASE

Employee has completed all testing requirements and is released to duty.

Employee has not completed all testing requirements, or has tested positive for alcohol between 0.02-0.039 and is **NOT** released to return-to-duty:

____ For eight (8) hours or until next shift.

____ Until released by Substance Abuse Professional (SAP).

[Signature]
Collector's Signature

09/15/22
Date & Time Finished

- 1. White - SAP
- 2. Yellow - Supervisor
- 3. Pink - Employee

8:40 AM



ATTACHMENT G

London Breed, Mayor

Gwyneth Borden, Chair
Amanda Eaken, Vice Chair
Stephanie Cajina, Director
Steve Heminger, Director

Fiona Hinze, Director
Sharon Lai, Director
Manny Yekutiel, Director

Jeffrey Tumlin, Director of Transportation

USPS TRACKING #9590 9402 2184 6193 7611 65
CERTIFIED MAIL #7016 1370 0002 0923 0515

September 22, 2022

Certified Mail

Jose Leon

Dear Jose Leon:

RE: POSITIVE DRUG TEST

On September 15, 2022, you submitted a confirmed positive random drug test and the San Francisco Municipal Transportation Agency (SFMTA) relieved you from safety sensitive duty pending the grievance process and your termination.

Please be advised that the U.S. Department of Transportation (DOT) regulations require SFMTA to release testing information about you to prospective employers who request such information, provided you consent in writing to the release of your testing information.

In the event that you are considering applying at another transit agency, the DOT requires you to contact a Substance Abuse Professional and follow her/his recommendations prior to being eligible for consideration for employment in any safety-sensitive position within the transit industry. A list of Substance Abuse Professionals, in your area, who are familiar with the DOT regulations are enclosed for your assistance.

Sincerely,

Beverly Tilson

Beverly Tilson
Substance Abuse Program Manager

Attachment: List of Substance Abuse Professionals

cc: Aaron Beckwith, SFMTA HR - Employee & Labor Relations



SUBSTANCE ABUSE PROFESSIONALS

Robert Harelson, PSYD

3411-C Mt. Diablo Blvd.,
Lafayette CA 94549
Tel: (925) 639-2555
Email: robertharelson@aol.com

Sally Broder, PSYD

2155 Union St.,
San Francisco CA 94115
Tel: (415) 789-7691
CP: (650) 776-4313
Email: drsallybroder@gmail.com

William "Reggie" Smith

1019 Wood St.,
Oakland CA 94607
Tel: (510) 484-6747
Email: wrs17@aol.com

W. Vernon Lee, Ph.D., SAP, CSAT-S

Lee Psychological Services
582 Market Street, Hobart Bldg., Suites 711
San Francisco, CA 94104
Tel: (415) 771-1967
CP: (415) 452-8574
Email: vernsting@gmail.com/vernsting@pacbell.net