

	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
Any problems?	<p>[REDACTED]</p>
What do you think were problems that affected Neil's ability to manage as a Superintendent?	<p>[REDACTED]</p>
Do you have any reason to believe that rumors about Neil treating people differently about color of skin affected Neil's ability to manage at Flynn?	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>

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V. MISCELLANEOUS

Do you have any documents that you think might be relevant?	
Do you have any reason to believe that Luke would be untruthful?	
Do you have any reason to believe that Neil would be untruthful?	

VI. CONCLUSION

<p><u>Additional Info:</u> Is there anything I have not asked you that you think would be relevant?</p>	
<p><u>Witnesses:</u> Is there anyone else that you think I should speak to that may have knowledge of the events/issues we discussed? if yes:</p> <ul style="list-style-type: none"> • What knowledge do you believe the individual possesses? • How do you know each witness has this knowledge? 	
<p>In order to accurately compose my notes, can you tell me what pronouns you use for yourself? (She/he/they/zi(e))</p>	

Thank you; those are all the questions I have for you.

Reminder: this is a confidential investigation. We request that witness not discuss with anyone the existence of the investigation or information we discussed, other than with representative or attorney, until the conclusion of the investigation.

Reminder: there is no retaliation for participating in the investigation and if witness believes she is experiencing retaliation to contact me, DHR EEO, or the department personnel officer.

EXHIBIT E, Attachment 2:

Investigative Interview with Zhuo Ma, 9163 Transit Operator



CONFIDENTIAL

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
 WITNESS INTERVIEW NOTES**

Witness: Zhuo (Zhoo) Ma	EEO File No./Dept.: 3362/SFMTA
EEO Investigator: Jennifer Burke	Date & Time: May 20, 2022 8:58 a.m. – 9:59 a.m.
Others Present:	
Location: Via Teams	Pages:

Great, I have a long introductory statement that gives you an overview of why I’m talking with you today and about your rights and responsibilities regarding this process, so please feel free to interrupt if you have any questions as I go, ok?

**CITY AND COUNTY OF SAN FRANCISCO, DEPARTMENT OF HUMAN
 RESOURCES, EQUAL EMPLOYMENT OPPORTUNITY DIVISION
 CHECKLIST FOR INTRODUCTORY STATEMENT FOR
 WITNESS INTERVIEW QUESTIONS**

The City and County of San Francisco and the San Francisco Municipal Transportation Agency (SFMTA) take all allegations of discrimination, harassment, and retaliation seriously. The City and MTA have an obligation to investigate claims of discrimination, harassment, and retaliation, and this investigation is being conducted consistent with those obligations.

I’m investigating a complaint. My role is that of a neutral fact finder and I will be taking notes during the interview. I do not represent MTA or the person who has made a complaint.

You are being interviewed today because you have been identified as a witness with information that will help DHR EEO make a determination in this investigation. Participants in the investigation should cooperate by providing any written materials, names of witnesses, and other information to assist the investigation. All persons interviewed must also be truthful.

CONFIDENTIALITY:

To ensure the integrity of the investigatory process, to prevent testimony from being influenced, and to protect against retaliation, all persons interviewed are asked not to discuss the investigation with anyone other than their representative. To ensure fairness for any individual who may be the subject of the investigation, we also ask that you refrain from discussing the investigation with uninvolved persons. We specifically ask that you not discuss:

- The fact you are being interviewed;
- The existence of the investigation; and

- The questions asked or answers provided.

We ask that you maintain this confidentiality until the conclusion of the investigation. Thank you in advance for your cooperation.

CONFIDENTIALITY: Disclosure of information regarding the investigation shall be limited to those persons with a legitimate need to know. Confidentiality cannot be promised.

NOTE, if asked: *People with a need to know may include my supervisor, Carol Isen, Director of Human Resources, the Department head and HR*

RETALIATION IS PROHIBITED:

- Retaliation for participating in the EEO complaint process is prohibited by law and by the CCSF's policies, and will not be tolerated.
- If you believe you are being retaliated against, immediately contact your Department's personnel officer, any supervisor, HR personnel, DHR, or me.

Do you have any questions about what I just went over?	
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I. BACKGROUND INFORMATION

A. Witness Employment Background

Can you confirm for me when you started working for the City?	[REDACTED]
And was your job class a 9163 Transit Operator?	[REDACTED]
What unit or division do you work at MTA? How long in that unit?	[REDACTED]
What is your work schedule?	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Who's your supervisor? How long?	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Did you ever work out of Flynn division? From when to when?	[REDACTED]
How long did you work there?	[REDACTED]
Who was your supervisor at Flynn?	[REDACTED]

Anyone else at Flynn that you worked with frequently or closely with?	[REDACTED]
What schedule/shift did you work at Flynn?	[REDACTED]
Do you socialize with any MTA employees outside of work—like meet up together or talk or text socially?	[REDACTED]
Overall, how do you like working at MTA?	[REDACTED]
Other than your supervisor, have you spoken with any City employees about this interview?	[REDACTED]

B. Respondent Luke Jones

Do you know Luke Jones?	[REDACTED]
When did you meet Luke?	[REDACTED]
How were you and Luke related on the MTA org chart?	[REDACTED]

	[REDACTED]
When did Luke work at Flynn? From when to when? What role? Who was supervisor? Who did Luke work with frequently or closely at Flynn?	[REDACTED]
Describe your working relationship with Luke During that time, how frequently would you work on work tasks with her?	[REDACTED]
How would you describe Luke's work style? -- like what kind of employee is he?	[REDACTED]
Socialize with Luke outside of work?	[REDACTED]
Do you know if Luke had any problems with any co-workers?	[REDACTED]

C. Complainant Neil Weingarten

Do you know Neil Weingarten?	[REDACTED]
When did you meet Neil?	[REDACTED]
How were or are you and Neil related on the MTA org chart?	[REDACTED]
When did Neil work at Kirkland? From when to when?	[REDACTED]

<p>What role? Who was supervisor? Who did Luke work with frequently or closely at Flynn?</p>	<p>[REDACTED]</p>
<p>Describe your working relationship with Neil - How frequently do you/ did you work on work tasks with him?</p>	<p>[REDACTED]</p>
<p>How would you describe Neil's work style? -- what kind of employee is he?</p>	<p>[REDACTED]</p>
<p>See outside of work? Text?</p>	<p>[REDACTED]</p>
<p>Do you know if Neil had any problems with any co-workers?</p>	<p>[REDACTED]</p>

	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
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D. Relationship Between Neil and Luke

Do you know if Neil and Luke get along?	[REDACTED]
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II. HARASSMENT/ HOSTILE WORK ENVIRONMENT

A. Jones' Comments about Weingarten

Have any SFMTA employees discussed with you Neil's performance as a Superintendent?	
In your own words, can you describe how the Flynn drivers perceived Neil as a Superintendent?	
Did Luke ever speak with you about Neil's performance as Superintendent? What did he say? What did you understand him to mean? Why do you think he told you?	
While at Flynn, can you tell me about any gossip or rumors you heard about Weingarten?	
You ever hear anyone at Flynn call Weingarten names?	
You ever see Luke at Flynn? How often? For what reason?	
Have you ever heard Luke talk about how Neil treats [REDACTED] employees?	
Ever hear Luke say that Neil is racist?	
Anyone ever tell you they heard Luke do so?	
Ever hear Dante disparage Neil?	

Did you ever tell Neil that there were rumors that he is racist against [REDACTED] drivers?	[REDACTED]
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B. Impact on Weingarten's Work

How would you describe Neil's ability to manage at Kirkland as Superintendent?	[REDACTED]
Any problems?	[REDACTED]
What do you think were problems that affected Neil's ability to manage as a Superintendent?	[REDACTED]
Do you have any reason to believe that Luke spread rumors about Neil being racist affected Neil's ability to manage at Flynn? Why?	

V. MISCELLANEOUS

Do you have any documents that you think might be relevant?	[REDACTED]
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<p>Do you have any reason to believe that Luke would be untruthful?</p>	<p>[REDACTED]</p>
<p>Do you have any reason to believe that Neil would be untruthful?</p>	<p>[REDACTED]</p>

VI. CONCLUSION

<p><u>Additional Info:</u> Is there anything I have not asked you that you think would be relevant?</p>	<p>[REDACTED]</p>
<p><u>Witnesses:</u> Is there anyone else that you think I should speak to that may have knowledge of the events/issues we discussed? if yes:</p> <ul style="list-style-type: none"> • What knowledge do you believe the individual possesses? • How do you know each witness has this knowledge? 	<p>[REDACTED]</p>
<p>In order to accurately compose my notes, can you tell me what pronouns you use for yourself? (She/he/they/zi(e))</p>	<p>[REDACTED]</p>

Thank you; those are all the questions I have for you.

Reminder: this is a confidential investigation. We request that witness not discuss with anyone the existence of the investigation or information we discussed, other than with representative or attorney, until the conclusion of the investigation.

Reminder: there is no retaliation for participating in the investigation and if witness believes she is experiencing retaliation to contact me, DHR EEO, or the department personnel officer.

EXHIBIT E, Attachment 3:

Investigative Interview with Ify Omokaro, 9179 Manager V



CONFIDENTIAL

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
WITNESS INTERVIEW NOTES**

Witness: Ify Omokaro (he/him)	EEO File No./Dept.: 3362/SFMTA
EEO Investigator: Jennifer Burke	Date & Time: March 9, 2022 at 10:00 a.m. – 11:21 a.m.
Others Present:	
Location: Via Teams	Pages:

I. BACKGROUND INFORMATION

A. Witness Employment Background

[REDACTED]

[REDACTED]

[REDACTED]

B. Respondent Luke Jones

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C. Respondent Dante King

[REDACTED]

[REDACTED]

[REDACTED]

D. Complainant Neil Weingarten

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E. Relationship Between Neil and Luke

Omokaro

Do you know if Neil and Luke get along?	[REDACTED]
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F. Relationship Between Neil and Dante



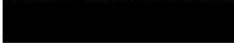




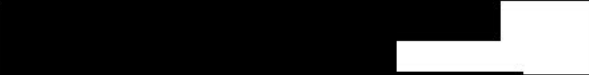

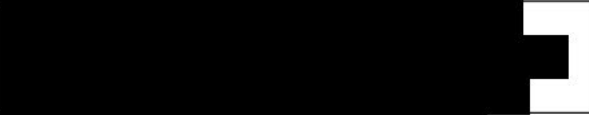

Do you know if Neil and Dante get along?	[REDACTED]
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II. HARASSMENT/ HOSTILE WORK ENVIRONMENT

A. Jones' Comments about Weingarten

Have any SFMTA employees discussed with you Neil's performance as a Superintendent?	[REDACTED]
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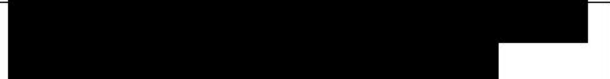
	[REDACTED]
In your own words, can you describe how the Flynn drivers perceived Neil as a Superintendent?	[REDACTED]
Did Luke ever speak with you about Neil's performance as Superintendent? What did he say? What did you understand him to mean? Why do you think he told you?	[REDACTED]
Did Dante ever speak with you about Neil's performance as a Superintendent? What did he say? What did you understand him to mean? Why do you think he told you?	[REDACTED]
While at Flynn, can you tell me about any gossip you heard about Weingarten?	[REDACTED]
You ever hear anyone at Flynn call Weingarten names?	[REDACTED]

	
You ever see Luke at Flynn? How often? For what reason?	
Have you ever heard Luke talk about how Neil treats  employees?	
Ever hear Luke say that Neil is racist?	
Anyone ever tell you they heard Luke do so?	
Ever hear Dante disparage Neil?	
Ever hear Dante call Neil racist?	
Did <u>you</u> ever tell Neil that there were rumors that he is racist against  drivers?	
If no to above, do you know why Neil would say you told him that? Motive? Neil lie before?	

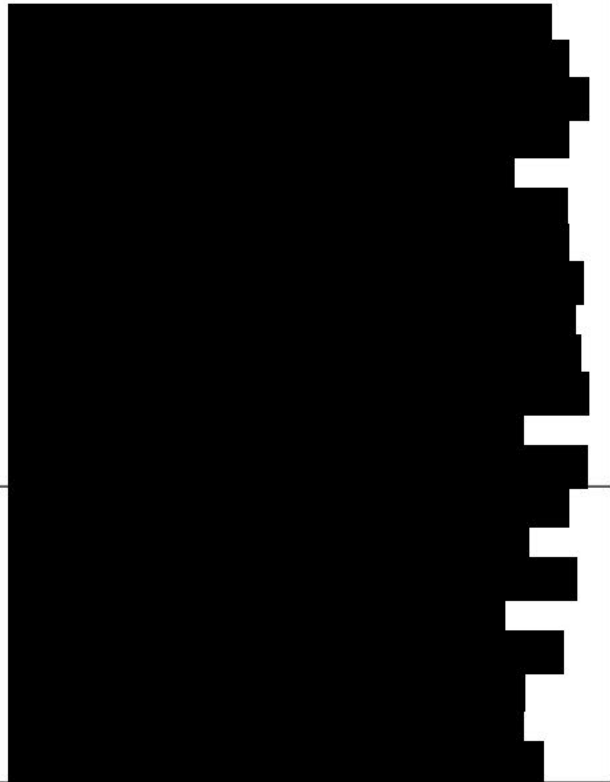
	
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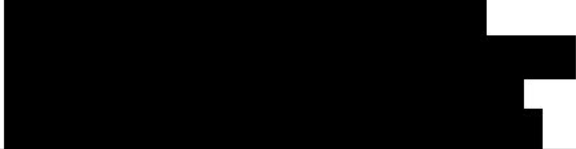





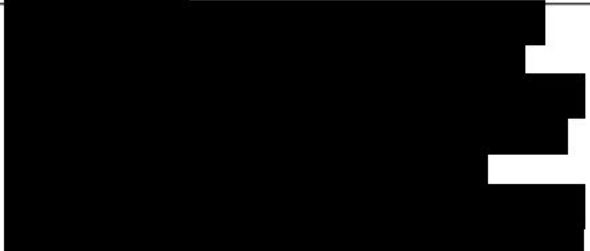
B. Impact on Weingarten's Work




Tell me about how effective Neil was while at Flynn?

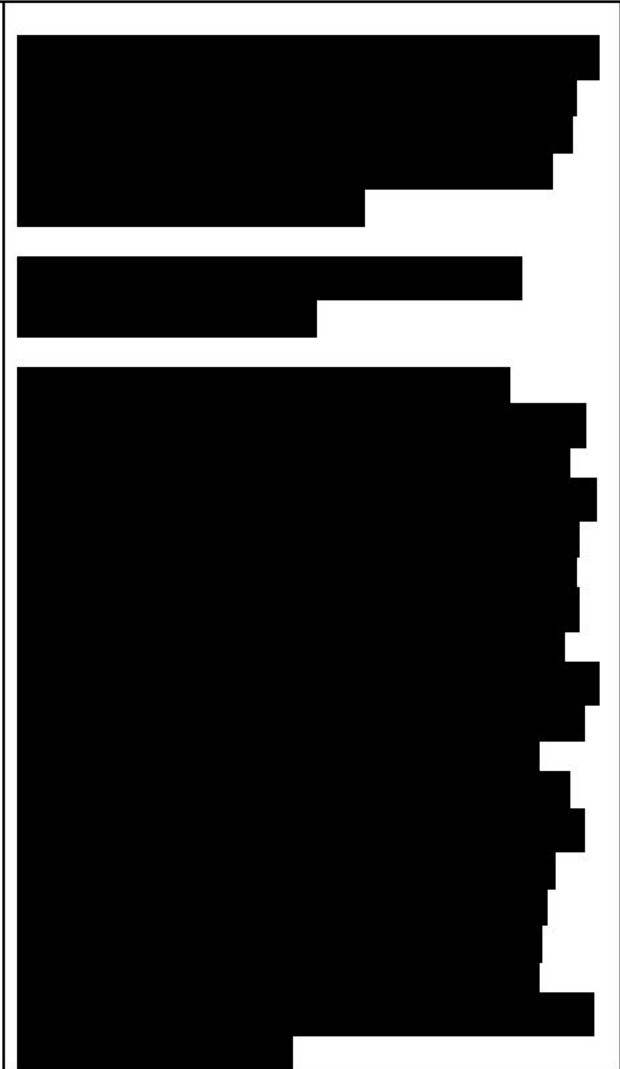


How would you describe Neil's ability to manage at Flynn as Superintendent?







	 
Any problems?	
What do you think were problems that affected Neil's ability to manage?	
Do you have any reason to believe that Luke spread rumors about Neil being racist affected Neil's ability to manage at Flynn?	  
Do you have any reason to believe that Dante spread rumors about Neil being racist against  drivers that affected Neil's ability to manage at Flynn?	




	
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V. MISCELLANEOUS

Do you have any documents that you think might be relevant?	
Do you have any reason to believe that Luke would be untruthful?	
Do you have any reason to believe that Dante would be untruthful?	

Do you have any reason to believe that Neil would be untruthful?	
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VI. CONCLUSION

<u>Additional Info:</u> Is there anything I have not asked you that you think would be relevant?	
<u>Witnesses:</u> Is there anyone else that you think I should speak to that may have knowledge of the events/issues we discussed? if yes: <ul style="list-style-type: none">• What knowledge do you believe the individual possesses?• How do you know each witness has this knowledge?	
In order to accurately compose my notes, can you tell me what pronouns you use for yourself? (She/he/they/zi(e))	

Thank you; those are all the questions I have for you.

Reminder: this is a confidential investigation. We request that witness not discuss with anyone the existence of the investigation or information we discussed, other than with representative or attorney, until the conclusion of the investigation.

Reminder: there is no retaliation for participating in the investigation and if witness believes she is experiencing retaliation to contact me, DHR EEO, or the department personnel officer.

EXHIBIT E, Attachment 4:

Investigative Interview with Maisha Tawasha, 1426 Senior Clerk Typist



CONFIDENTIAL

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
WITNESS INTERVIEW NOTES**

Witness: Maisha Tawasha (she/her)	EEO File No./Dept.: 3362/SFMTA
EEO Investigator: Jennifer Burke	Date & Time: March 25, 2022 2:00 p.m. – 2:45 p.m.
Others Present:	
Location: Via telephone at 415-574-6174	Pages 4

I. BACKGROUND INFORMATION

A. Witness Employment Background

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Complainant Neil Weingarten

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

II. HARASSMENT/ HOSTILE WORK ENVIRONMENT

A. Comments about Weingarten

[REDACTED]

[REDACTED]

[REDACTED]

B. Impact on Weingarten's Work

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. MISCELLANEOUS

[REDACTED]

IV. CONCLUSION

[REDACTED]

EXHIBIT E, Attachment 5:

Investigative Interview with Emily Williams, 9179 Manager V



CONFIDENTIAL

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
 WITNESS INTERVIEW QUESTIONS**

Witness: Emily B. Williams	EEO File No./Dept.: 3362/SFMTA
EEO Investigator: Jennifer Burke	Date & Time: June 27, 2022 10:00 a.m. – 11:02 a.m.
Others Present:	
Location: Via Teams	Pages: 8

Still a good time to talk?	[REDACTED]
Can you confirm for me that you're in a private area away from other City employees?	[REDACTED]

Great, I have a long introductory statement that gives you an overview of why I'm talking with you today and about your rights and responsibilities regarding this process, so please feel free to interrupt if you have any questions as I go, ok?

**CITY AND COUNTY OF SAN FRANCISCO, DEPARTMENT OF HUMAN
 RESOURCES, EQUAL EMPLOYMENT OPPORTUNITY DIVISION
 CHECKLIST FOR INTRODUCTORY STATEMENT FOR
 WITNESS INTERVIEW QUESTIONS**

The City and County of San Francisco and the San Francisco Municipal Transportation Agency (SFMTA) take all allegations of discrimination, harassment, and retaliation seriously. The City and MTA have an obligation to investigate claims of discrimination, harassment, and retaliation, and this investigation is being conducted consistent with those obligations.

I'm investigating a complaint. My role is that of a neutral fact finder and I will be taking notes during the interview. I do not represent MTA or the person who has made a complaint.

You are being interviewed today because you have been identified as a witness with information that will help DHR EEO make a determination in this investigation. Participants in the investigation should cooperate by providing any written materials, names of witnesses, and other information to assist the investigation. All persons interviewed must also be truthful.

CONFIDENTIALITY:

To ensure the integrity of the investigatory process, to prevent testimony from being influenced, and to protect against retaliation, all persons interviewed are asked not to discuss the investigation with anyone other than their representative. To ensure fairness for any individual

who may be the subject of the investigation, we also ask that you refrain from discussing the investigation with uninvolved persons. We specifically ask that you not discuss:

- The fact you are being interviewed;
- The existence of the investigation; and
- The questions asked or answers provided.


We ask that you maintain this confidentiality until the conclusion of the investigation. Thank you in advance for your cooperation.

CONFIDENTIALITY: Disclosure of information regarding the investigation shall be limited to those persons with a legitimate need to know. Confidentiality cannot be promised.

NOTE, if asked: *People with a need to know may include my supervisor, Carol Isen, Director of Human Resources, the Department head and HR*

RETALIATION IS PROHIBITED:

- Retaliation for participating in the EEO complaint process is prohibited by law and by the CCSF's policies, and will not be tolerated.
- If you believe you are being retaliated against, immediately contact your Department's personnel officer, any supervisor, HR personnel, DHR, or me.

Do you have any questions about what I just went over?	
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I. BACKGROUND INFORMATION

A. Witness Employment Background

Can you confirm for me when you started working for the City?	[REDACTED]
January 21, 2014	
And was your job class a 9179 Manager V with MTA?	[REDACTED]
What unit or division do you work at MTA?	[REDACTED]
How long in that unit?	[REDACTED]
What is your work schedule?	[REDACTED]
Who's your supervisor? How long?	[REDACTED]
Did you ever work out of Flynn division? From when to when?	[REDACTED]
How long did you work there?	
Who was your supervisor at Flynn?	
Anyone else at Flynn that you worked with frequently or closely with?	
What schedule/shift did you work at Flynn?	
Do you socialize with any MTA employees outside of work—like meet up together or talk or text socially?	[REDACTED]
Overall, how do you like working at MTA?	[REDACTED]

	[REDACTED]
Other than your supervisor, have you spoken with any City employees about this interview?	[REDACTED]

B. Respondent Luke Jones

Do you know Luke Jones?	[REDACTED]
When did you meet Luke?	[REDACTED]
How were you and Luke related on the MTA org chart?	[REDACTED]
When did Luke work at Flynn? From when to when? What role? Who was supervisor? Who did Luke work with frequently or closely at Flynn?	[REDACTED]
Describe your working relationship with Luke During that time, how frequently would you work on work tasks with her?	[REDACTED]
How would you describe Luke's work style? -- like what kind of employee is he?	[REDACTED]
Socialize with Luke outside of work?	[REDACTED]
Do you know if Luke had any problems with any co-workers?	[REDACTED]

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C. Respondent Dante King

Do you know Dante King?	
When did you meet Dante?	
How are you and Dante related on the MTA org chart?	
Describe your working relationship with Dante <ul style="list-style-type: none">• Assign you tasks— which? How? When? Where?• How frequently?• Attend meetings together?	
How would you describe Dante's work style? -- what kind of employee is she?	
See outside of work?	
Text?	

Do you know if Dante had any problems with any co-workers?	[REDACTED]
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D. Complainant Neil Weingarten

Do you know Neil Weingarten?	[REDACTED]
When did you meet Neil?	[REDACTED]
How were or are you and Neil related on the MTA org chart?	[REDACTED]
When did Neil work at Flynn? From when to when? What role? Who was supervisor? Who did Luke work with frequently or closely at Flynn?	[REDACTED]
Describe your working relationship with Neil - How frequently do you/ did you work on work tasks with him?	[REDACTED]
How would you describe Neil's work style? -- what kind of employee is he?	[REDACTED]
See outside of work? Text?	[REDACTED]
Do you know if Neil had any problems with any co-workers?	[REDACTED]

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E. Relationship Between Neil and Luke

Do you know if Neil and Luke get along?	
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F. Relationship Between Neil and Dante

Do you know if Neil and Dante get along?	

II. HARASSMENT/ HOSTILE WORK ENVIRONMENT

A. Jones' Comments about Weingarten

Have any SFMTA employees talk with you about Neil as a Superintendent?	
In your own words, can you describe how the Flynn drivers perceived Neil as a Superintendent?	
Did Luke Jones ever speak with you about Neil's performance as Superintendent?	
What did he say? What did you understand him to mean? Why do you think he told you?	
Did Dante King ever speak with you about Neil's performance as Superintendent?	

<p>What did he say? What did you understand him to mean? Why do you think he told you?</p>	
<p>While at Flynn, can you tell me about any gossip you heard about Weingarten?</p>	
<p>You ever hear anyone at Flynn call Weingarten names?</p>	
<p>You ever see Luke at Flynn? How often? For what reason?</p>	
<p>Have you ever heard Luke talk about how Neil treats [REDACTED] employees?</p>	
<p>Ever hear Luke say that Neil is racist?</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>

	[REDACTED]
Anyone ever tell you they heard Luke do so?	[REDACTED]
Ever hear Dante disparage Neil?	[REDACTED]
Ever hear Dante call Neil racist?	[REDACTED]

B. November 8, 2019 Meeting with Robbie Levels, Luke Jones, and Dante King

Do you recall the purpose of that meeting?— what was said?	[REDACTED]
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	[REDACTED]
What was Dante's role at that meeting?	[REDACTED]
What was Luke's role at that meeting?	[REDACTED]
Union rep?	[REDACTED]
Do you recall what Dante said about Neil?	[REDACTED]
Do you recall if Mary Travis Allen spoke at this meeting?	[REDACTED]
What did she say?	[REDACTED]
Did you speak at the meeting to Dante?	[REDACTED]
If so, what did you say?	[REDACTED]
If can't recall, do you recall if you affirmed that Neil followed all the guidelines when it comes to discipline?	[REDACTED]

	[REDACTED]
<p>Was Neil asked questions during that meeting that might have led to him being disciplined?</p> <p>How so?</p> <p>Can you explain why or why not to me?</p>	[REDACTED]

C. Impact on Weingarten's Work

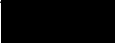
<p>How would you describe Neil's ability to manage at Flynn as Superintendent?</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
<p>Any problems?</p> <p>Can you specify those problems?</p>	[REDACTED]
<p>What do you think were problems that affected Neil's ability to manage?</p>	[REDACTED]
<p>Do you have any reason to believe that Luke spread rumors about Neil being racist affected Neil's ability to manage at Flynn?</p> <p>How did it affect Neil's ability to manage?</p>	[REDACTED]
<p>Was Luke talking as a union rep?</p>	[REDACTED]
<p>Do you have any reason to believe that Dante spread rumors about Neil being racist against [REDACTED] drivers that affected Neil's ability to manage at Flynn?</p>	[REDACTED]

V. MISCELLANEOUS

Do you have any documents that you think might be relevant?	[REDACTED]
Do you have any reason to believe that Luke would be untruthful?	[REDACTED]
Do you have any reason to believe that Dante would be untruthful?	[REDACTED]
Do you have any reason to believe that Neil would be untruthful?	[REDACTED]

VI. CONCLUSION

<u>Additional Info:</u> Is there anything I have not asked you that you think would be relevant?	[REDACTED]
<u>Witnesses:</u> Is there anyone else that you think I should speak to that may have knowledge of the events/issues we discussed? if yes: <ul style="list-style-type: none">• What knowledge do you believe the individual possesses?• How do you know each witness has this knowledge?	[REDACTED]

<p>In order to accurately compose my notes, can you tell me what pronouns you use for yourself?</p> <p>(She/he/they/zi(e))</p>	
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Thank you; those are all the questions I have for you.

Reminder: this is a confidential investigation. We request that witness not discuss with anyone the existence of the investigation or information we discussed, other than with representative or attorney, until the conclusion of the investigation.

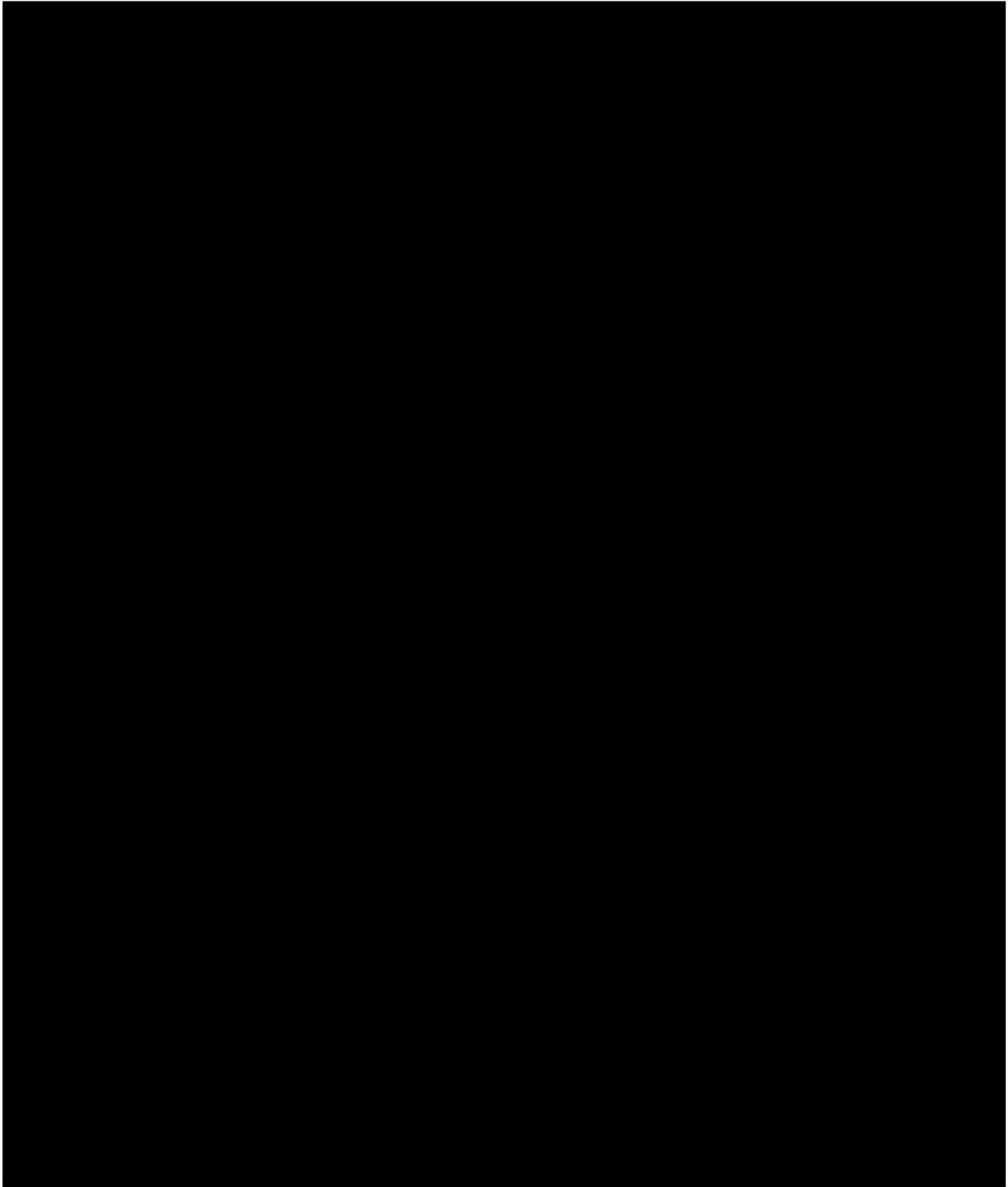
Reminder: there is no retaliation for participating in the investigation and if witness believes she is experiencing retaliation to contact me, DHR EEO, or the department personnel officer.

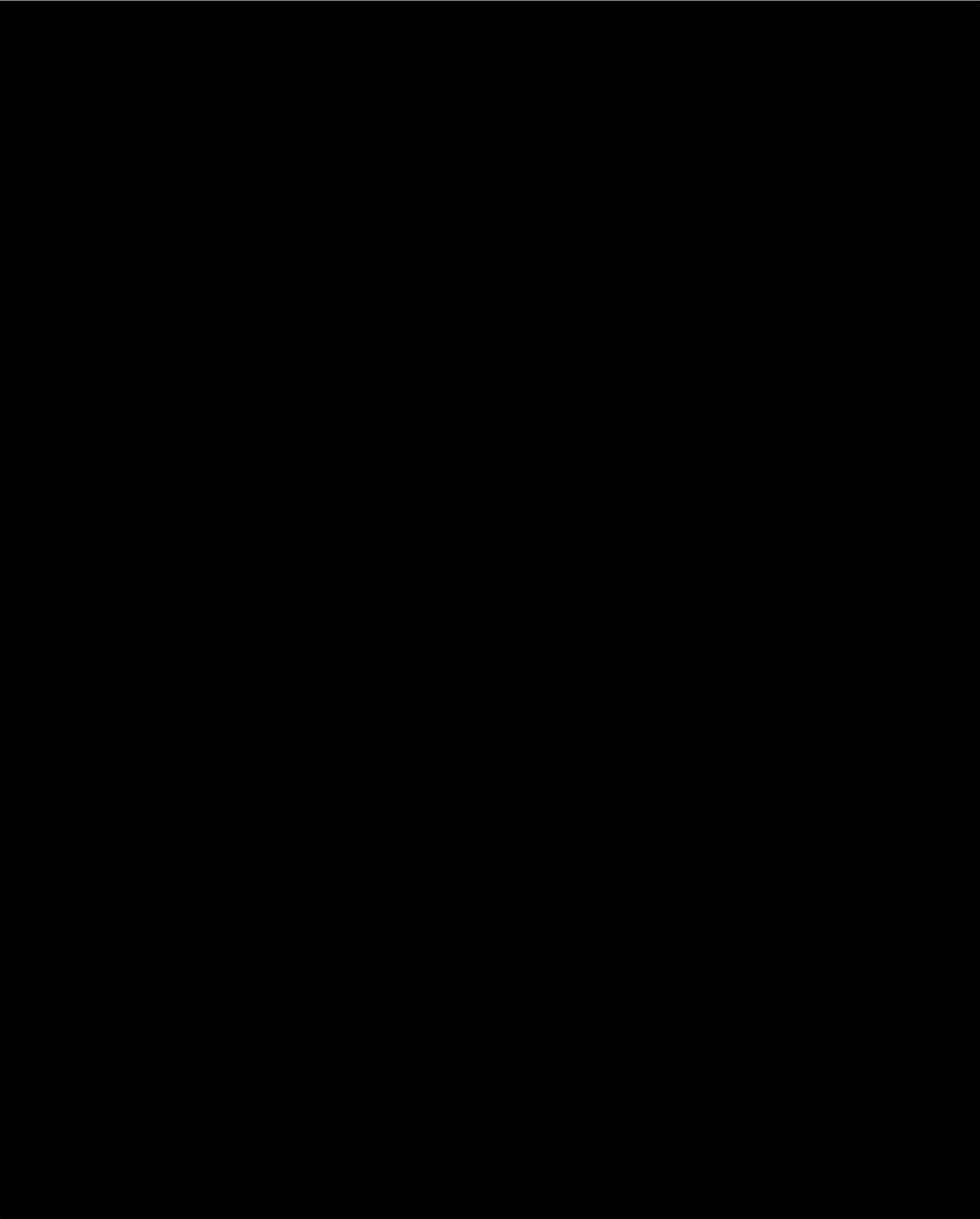
EXHIBIT F, Attachment 1

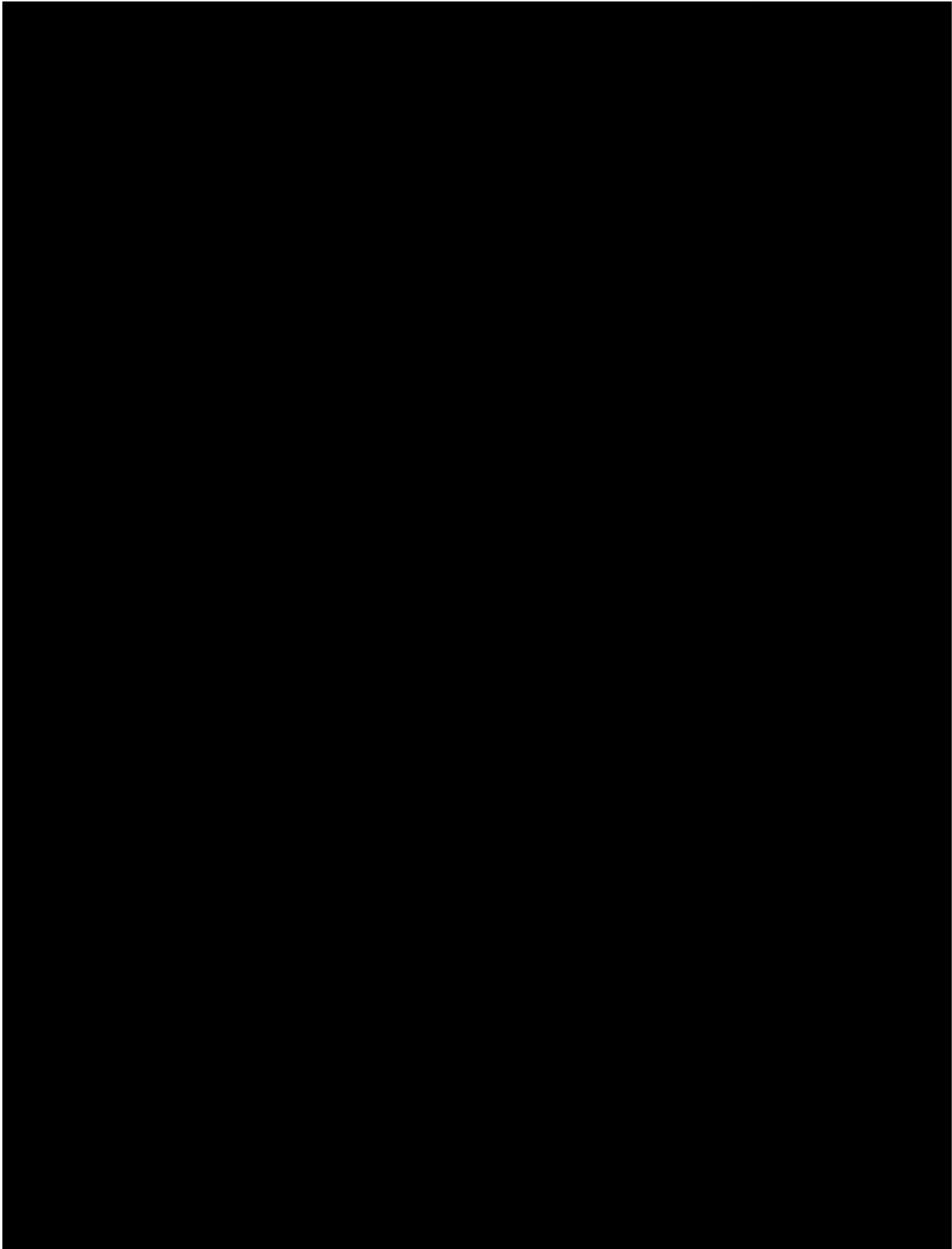
Response to Allegations by Mary Travis-Allen

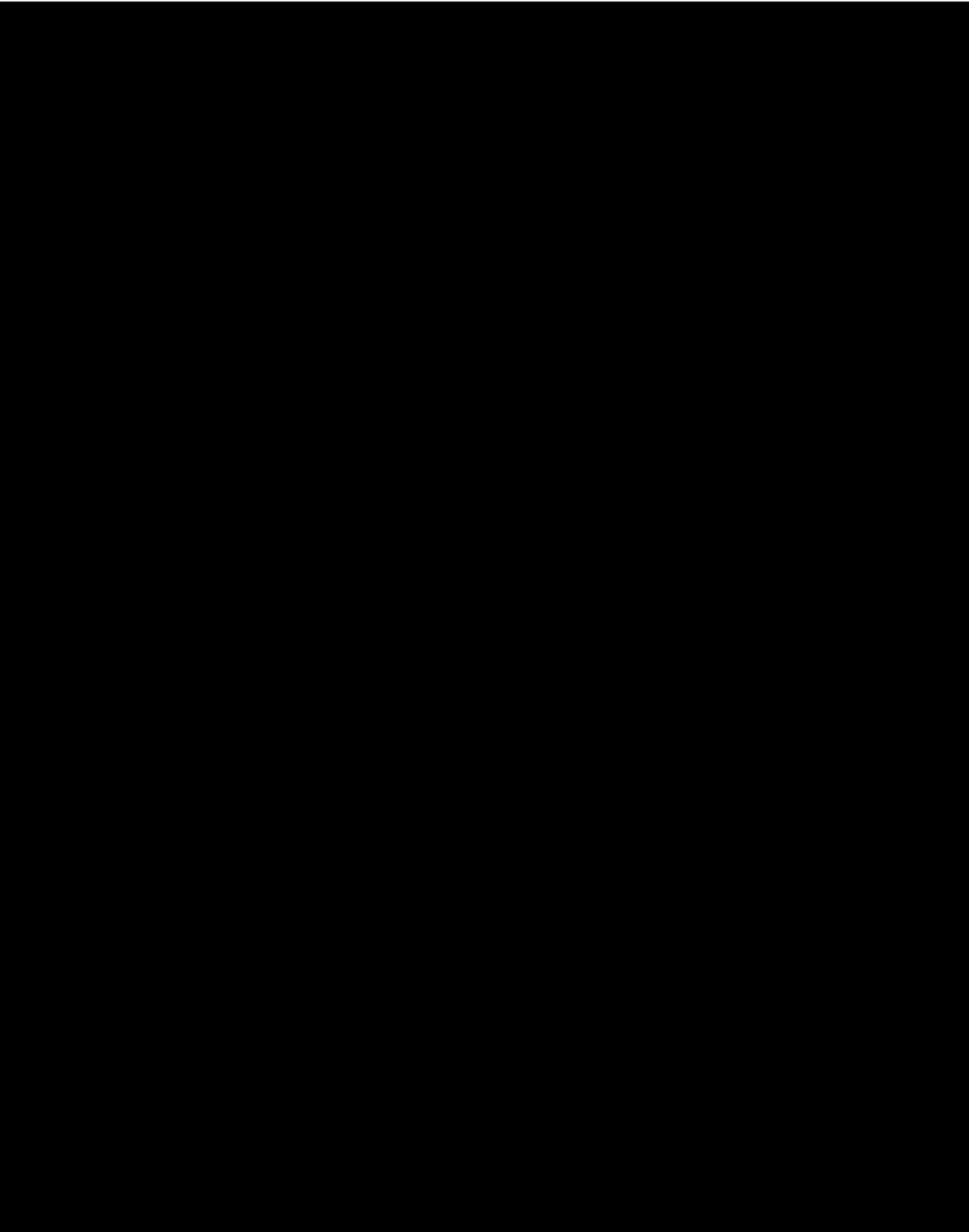
September 2, 2022,

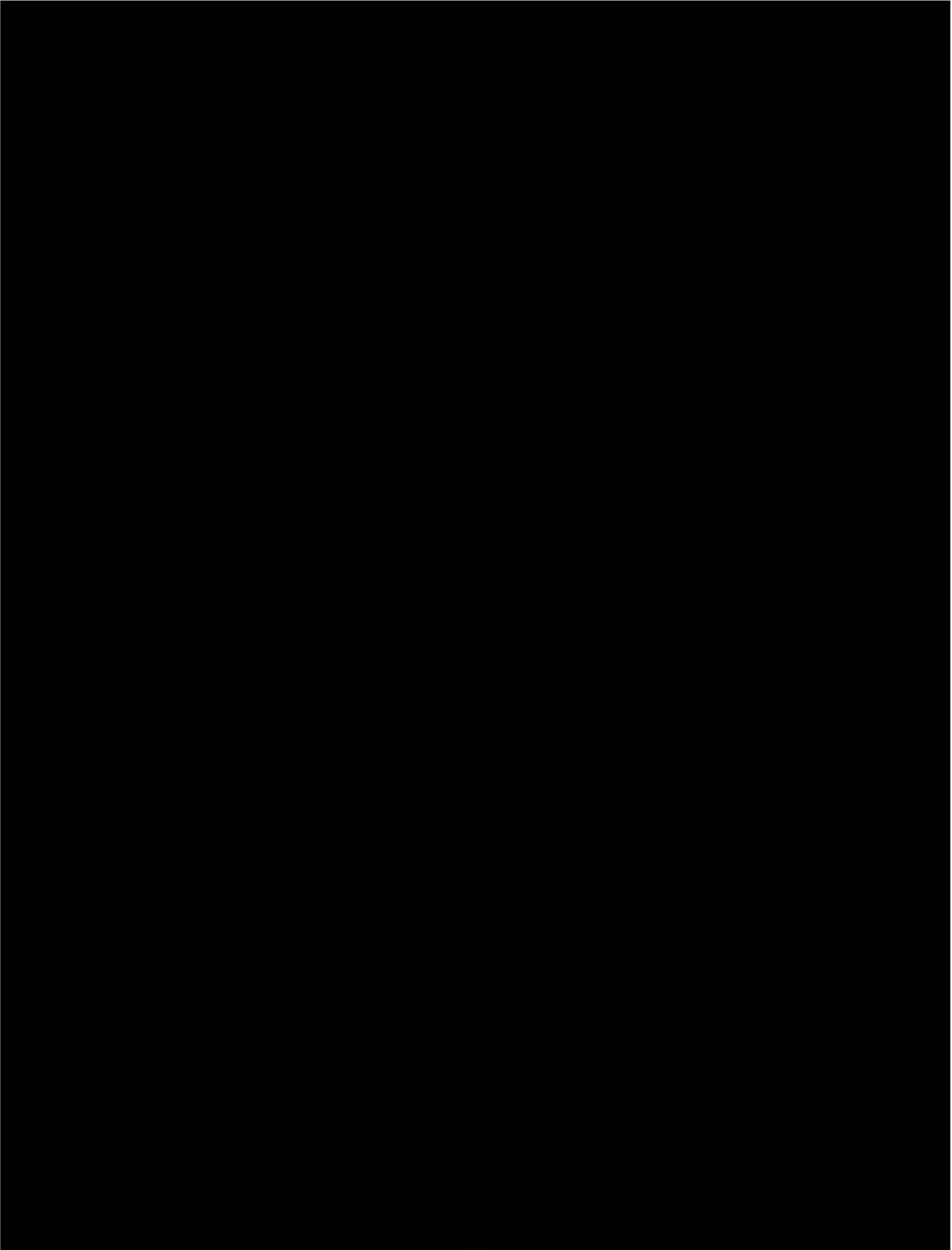
Dear Ms. Burke:

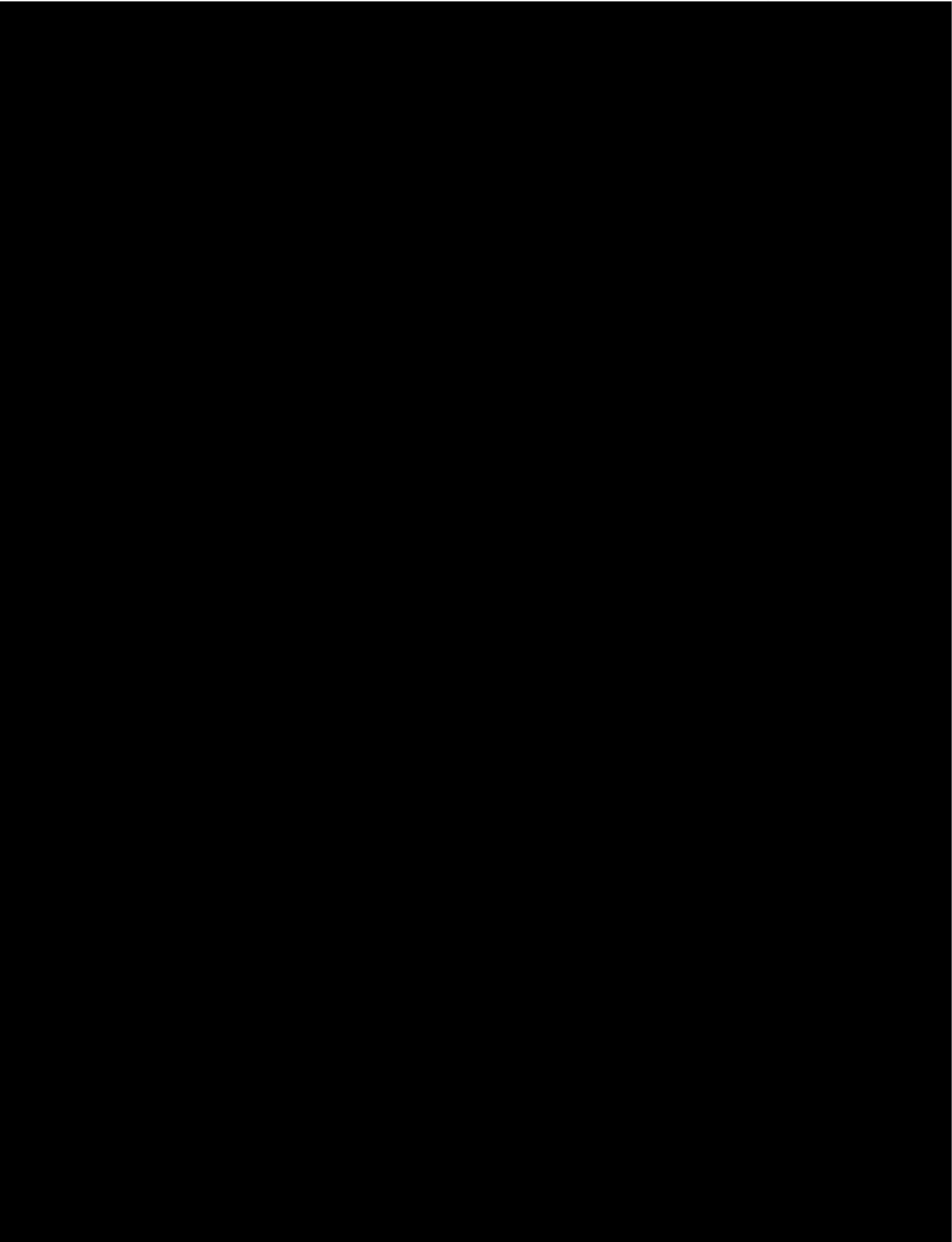


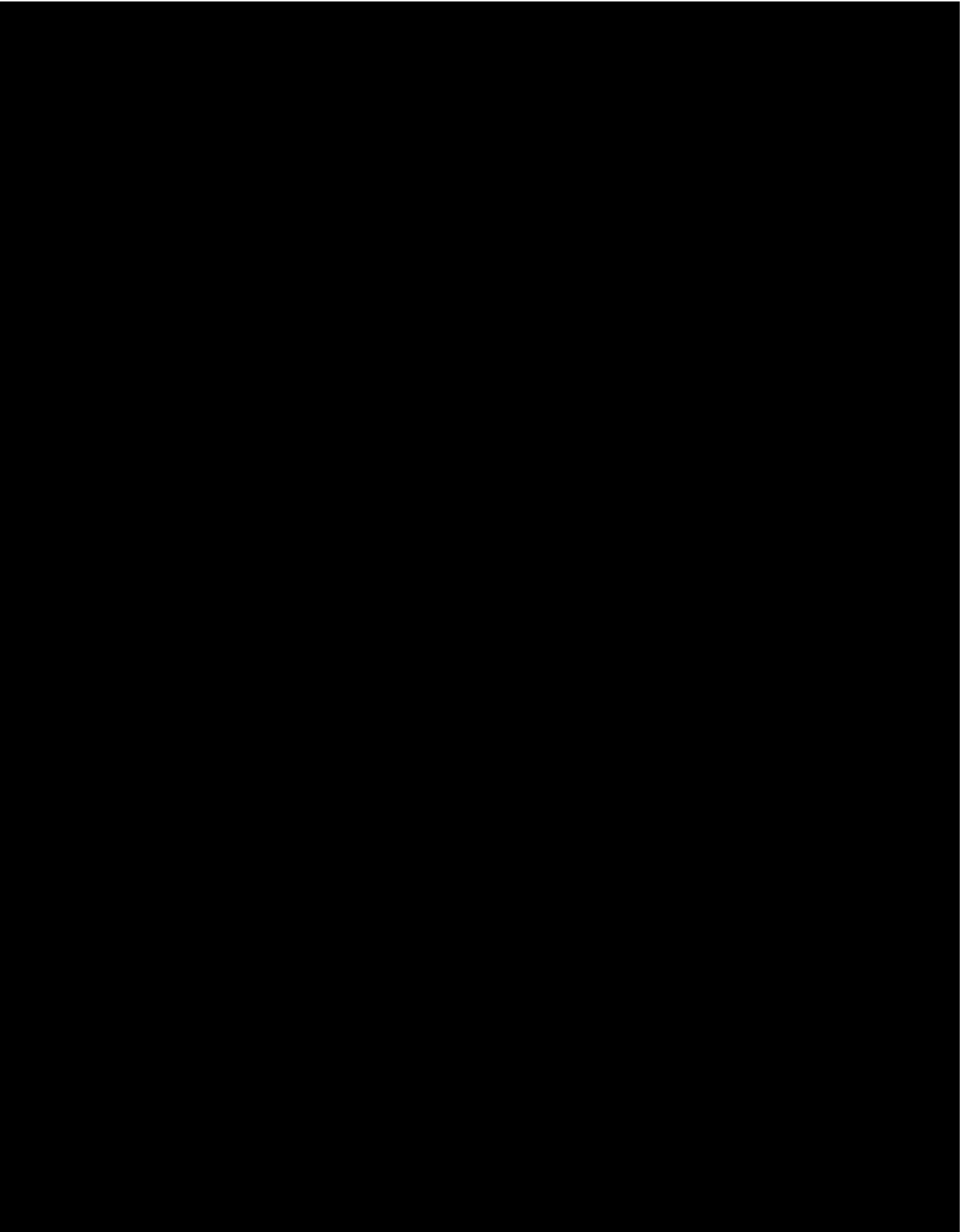


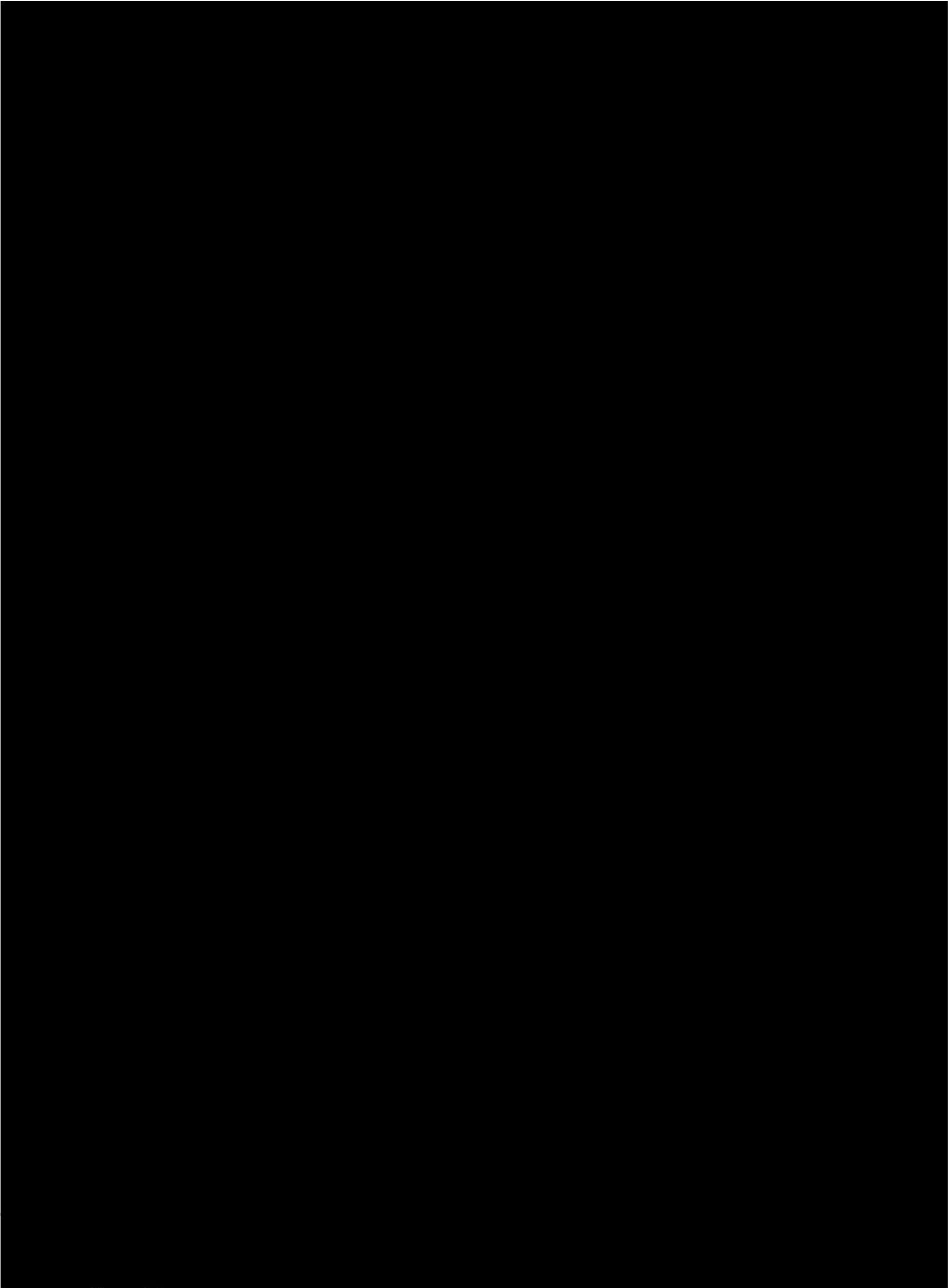












10

Mary Travis-Allen <[REDACTED]>
Re: Response to Neil Weingarten's Complaint
September 07, 2022 at 10:17 AM PDT
To: Burke, Jennifer (HRD) <jennifer.burke@sfgov.org>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thank you,
Mary Travis-Allen

Sent from my iPhone

On Sep 7, 2022, at 7:48 AM, Mary Travis-Allen <[REDACTED]> wrote:

Good Morning:
You're welcome.
Mary

Sent from my iPhone

On Sep 7, 2022, at 7:08 AM, Burke, Jennifer (HRD) <jennifer.burke@sfgov.org> wrote:

Hi Mary:
Received. Thank you so much for the detailed reply. I appreciate the time you took to provide this information for DHR's investigation.
Thank you again for your service to the City,



Jennifer L. Burke, EEO Programs Manager
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4851
Website: www.sfdhr.org

From: Mary Travis-Allen <[REDACTED]>
Sent: Tuesday, September 6, 2022 5:15 PM
To: Burke, Jennifer (HRD) <jennifer.burke@sfgov.org>
Cc: Ian De Vaynes <[REDACTED]>
Subject: Response to Neil Weingarten's Complaint

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

Good Afternoon:

Attached please find my response to the complaint filed by Mr. Neil Weingarten against me and based on a meeting that occurred November 8, 2019.

Thank you

Mary Travis-Allen

EXHIBIT F, Attachment 2

E-mail from Dante King re: Robbie Levels

King, Dante <Dante.King@sfmta.com>

Robbie Levels

November 11, 2019 at 12:20 PM PST

To: Jones, Brent <Brent.Jones@sfmta.com>, Kirschbaum, Julie B <Julie.Kirschbaum@sfmta.com>

Cc: Travis-Allen, Mary <Mary.Travis-Allen@sfmta.com>; Williams, Emily (MTA) <Emily.Williams@sfmta.com>; Ackerman, Kimberly (MTA) <Kimberly.Ackerman@sfmta.com>; Harmon, Virginia (MTA) <Virginia.Harmon@sfmta.com>

Good morning Brent and Julie –

I hope this message finds you well.

On Friday, Mary, Emily, Neil and I had a meeting with Robbie Levels. Robbie also chose to include Luke. Upon hearing from both Robbie and Neil, it became apparent to me that Robbie [REDACTED]

- A truck which was overturned on the freeway, in which there were chickens that were actually lose on the bay bridge
- Death of a patron in the BART tunnel

In my assessment of the situation, had Robbie not been given [REDACTED]

[REDACTED]. The parallel that I drew in the meeting (which I will also share here) is that if I was late to work (and I would venture to think this would be true for you, Brent, Mary) due to the circumstances above, there would be consideration from Tom as my manager who would most likely not hold this against me as a notch on my belt. In addition, Robbie was also placed on [REDACTED]. It appears Robbie exhibited patience and flexibility by staying an hour over her time to assist the passenger and TMC to remedy a situation on the day of the protest. While she followed protocol, she left in a situation by which the agency failed her by not providing her with adequate support. It appears that Robbie could have been coached about this verbally and also provided with different tools and resources about how to handle the situation effectively in the future. Again, the situation in question was of no fault of her own, yet an array of variables which contributed to an unfortunate outcome for one of our passengers.

As we continue to examine ways to ensure operators as well as other direct service team members are valued and treated with the same type of flexibility, consideration and regard – as we are afforded as employees here at 1 S. Van Ness, it will be important to watch this and similar types of situations closely. While accountability is critical to the work we do, we also have a responsibility as leaders to be supportive, flexible and balanced in both our assessment and solutions to situations.

Based on a balanced assessment of the situation (considering Neil's thought process based on what he shared with me, as well as Robbie's perspective), it would be in the best interest of the agency to [REDACTED]

Ultimately, it is yours, Kimberly and her team's decision as to whether or not this can or will happen. Lastly, it was also shared that based on the presumed [REDACTED], plus the incident with the passenger, Robbie was given a [REDACTED]. While I am not certain how this unfolded, there seems to be a significant opportunity to revisit how Transit is evaluating performance related matters that leads to discipline, rendering final decisions about discipline, as well as who is impacted by disciplinary actions most severely.

Please let me know when you have time to discuss in further detail.

Dante King

Leader of Cultural Change, Equity,

Employee Experience and Engagement
Department of Transportation
Preferred Gender Pronouns: None/They-Them



Office 415.646.2707
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 8th floor
San Francisco, CA 94103



“Racism’s ultimate logic is genocide”

- Martin Luther King

EXHIBIT F, Attachment 3

E-mail from Dante King re: The Other Pandemic

Jones, Luke <Luke.Jones@sfmta.com>

FW: The Other Pandemic

May 29, 2020 at 3:25 PM PDT

To: Ballester, Anthony <Anthony.Ballester@sfmta.com>, Davis, Kevin <Kevin.Davis@sfmta.com>, rmarenco@twusf.org <rmarenco@twusf.org>, Galdamez, Ramon <Ramon.Galdamez2@sfmta.com>, Mitchell, Ronald <Ronald.Mitchell@sfmta.com>, pwilson@twusf.org <pwilson@twusf.org>, Samantha Levels <[REDACTED]>, Pruitt, Shelia <Shelia.Pruitt@sfmta.com>, Davis, Vertrina <Vertrina.Davis@sfmta.com>, mdennis@twusf.org <mdennis@twusf.org>, anasaire@twusf.org <anasaire@twusf.org>
Cc: Gainer, Robert <Robert.Gainer@sfmta.com>; Kirschbaum, Julie B <Julie.Kirschbaum@sfmta.com>; Weingarten, Neil <Neil.Weingarten@sfmta.com>

From: King, Dante <Dante.King@sfmta.com>

Sent: Friday, May 29, 2020 2:01 PM

To: King, Dante <Dante.King@sfmta.com>

Subject: The Other Pandemic

Importance: High

Hello colleagues –

As we continue to witness the gruesome effects and impacts of COVID-19 and intentional racial harm that is the direct result of decades and centuries of disenfranchisement, based on racism – I am overwhelmed with a range of emotions and type of grief that I have never experienced before; not because the murders of Breonna Taylor, Sean Reed, Ahmaud Arbery and George Floyd, only. It goes much deeper and further than this. It goes beyond the time and/or space allotted in this message and in my lifetime. Yet, I would be remised if I did not utilize my privilege as a current leader of this agency, a descendant of [REDACTED] and the grandchild, nephew and son of people humiliated e era of [REDACTED] nty. In fact, my mother Debra King Cooper was part of the first class that integra Louis Stevenson elementary school in the Sunset District, in 1962. And so, I have both a personal and professional duty and responsibility to highlight the obvious.

Because this country was founded on principles of white supremacy culture and anti [REDACTED] and continues to function in the same manner with slow, incremental unimpactful chang tremendous hurt, anger and rage happening right now within our culture. One does not have to be [REDACTED] to recognize the horrors and the terrors that [REDACTED] people have been and remain victim to. One onl needs to have eyes, a heart and the ability to

As we move through the pandemic of COVID-19, we also must also recognize and give voice to the pandemic of White Supremacy and Anti [REDACTED] which are as alive today, as they were when the the first slaves arrived here in 1619, or whe n of the United States was adopted in 1789. There is tremendous anger, rage, fear and terror that [REDACTED] experience, feel and attempt to cope through daily. We feel it the moment we [REDACTED] mes and in every such other place; whether it is dropping our children off at school, going to work – the doctor’s office, the grocery store, restaurants, retail stores, even coming back to and returning to our homes (i.e. Skip Gates, DeArreion Toles). White Supremacy (different from white extremism, and this distinction must be made) and Anti- [REDACTED] culture pervade our entire society and nation; and is deeply rooted in the socialization of all racial thnic groups who are born into, immigrate and participate in this culture.

As I sit here at 2a.m., penning this email during working, I am sickened with grief, pain, sadness and anger. And yes, I am angry. Most [REDACTED] people who realize the racial genocide and perpetual

degradation occurring in this country are angry. And we are angry with legitimate reason. Imagine living in a body where your value, worth and/or whether you live, or die is predicated upon one predominant visible factor that you cannot hide (and I must add that I would never want to). Imagine how you would feel knowing everyone around you views that trait as deficient, substandard, dangerous, hostile, defensive and/or any other negative, demeaning association that come to mind. Imagine every day having to try and push up against the ideas in people carry in their minds based upon media, education, books, magazines, historical omissions, controlled narratives, stereotypes and stigmas learned throughout their lifetimes – so that you can be seen as less-threatening, non-threatening or “the good [redacted] – “not like the other ones” – “articulate”.....and the list goes on. Imagine having to defend [redacted] ways in which you show-up in the world, everything from your world view, the emotions you feel, actions that do not conform or fit into the social expectations or lens’ of dominant culture and others who support and align with dominant culture. Imagine any one of these reasons being the reason why someone decides to kill you one day and living in a society that has been socialized not to care, engage with it, or even worse legitimize the reasons behind why it happened (i.e. “they had to be doing something”). Imagine waking up to the reality that this could be you, your mother, brother, sister, father, aunts, uncles or anyone else in your family? Imagine these reasons defining where you get to live; how well you will do in school; whether or not you get through school; whether or not you are detained, receive a ticket and/or remain in or out of jail; whether or not you get to keep your job; whether or not you get a promotion; whether or not you get written-up, terminated or suspended; whether or not you receive adequate healthcare, or have access to medical attention at all.....and every other experience or event in your life.

Imagine.

How would you feel?

We are going to have to come to grips that [redacted] people are not criminals and are not the guilty party in this country or context we are in. The criminals are the people who built a country (our economy and all its institutions) out of the wombs of [redacted] women and loins of [redacted] men predominantly; to build white power and privilege, white comfort [redacted] all the other comforts [redacted] people experience today. And the moment our [redacted] ancestors began to “rebel” against forced labor, rape and castration –laws were created [redacted] define the criminality of the [redacted] body to further establish, legitimize and memorialize our captivity and legitimization of the way in [redacted] which we would be defined in our cultural context forever; a group designated at the bottom of this culture in every way.

Examples of this are highlighted in laws established in Virginia (1660, 1662, 1672, 1680, 1682) – and every such other colony that transitioned into statehood at the end of the 18th century; mapping over into the founding of this country and the perpetuation of a culture and white institutions that continued to produce laws to ensure culture evolved, materialized and legitimized in this manner.

And the culture that evolved as a result of intentional power and privilege at the expense of [redacted] and [redacted] bodies is present in our sociocultural and socioeconomic realities today. White identity [redacted] with the intention to create a political, economic and social ruling class based upon skin privilege. The cultural socialization of deficiency, presumption of guilt rests upon the [redacted] body; while the presumption of innocence and exceptionalism rests within the identities of white people and people with white privilege (i.e. those designated by white people as model minorities). As I have shared in many classes and talks given (and I stand firm on this point), [redacted] people did not create nor have ever controlled any U.S. institutions – nor have we ever held the political or social capital to influence the type of meaningful and overhaul of change that would change the despair and desperate position we occupy in this country; and therefore are not responsible for any of the past, present or future realities to come.

The legacies of white privilege and power, anti-Black and anti-nonwhite sentiment remain with us today. They remain with us in every city, county and town in this country where Black and Brown people exist. The pervasiveness and rampant abuse is with us here in progressive San Francisco, a very progressive department, including ours.

I do not write this as an emotional, irrational, emotional rant. I write this as a recognition and acknowledgement of the pain that I know most of our workforce is suffering through right now – especially Black people and people of color who have an experience closely aligned with those of Brown people. The unrelenting pain is due to both direct and indirect trauma experienced by us daily. I write this because as I watch riots breaking out in major cities across this country, I am seeing the build-up of the pain, trauma, anger, rage which is the result of the oppression of this generation, their parents, grandparents, great-grandparents and beyond. And, like the slaves who resisted, escaped, fought back in every one of the slave rebellions (thousands) documented between 1663 and 1865, and the lynchings, murders and rapes that prevailed throughout Jim Crow (reinforced through attorneys, judges and police forces who protected white perpetrators) there is one attribute that remained the same: the only choice has been fighting back, which is a legacy that we as Black people specifically have inherited.

I write this as I think about my grandmother who cleaned houses of white people for her entire adult life right here in San Francisco; the humiliation of my grandfather who attempted to purchase a house here in SF's Western Addition and the person who attempted to sell it to him for three-times what it was worth – having to go through one of his white friends who was able to take the cash my grandfather gave him to purchase the home at market value. I write this because I know that experiences like this are shared across the families of other Black families that are descendants of slaves and/or Brown people who lived through Jim Crow. I write this because of the observable pain, anger, rage and fear that is coming full circle from a deep place, deep within the journey of oppression faced by Black people. I write this because the eruption of these dynamics is present within our community right here in San Francisco. Most of all, I write this as a call to action for everyone to see themselves in this reality; to examine the ways in which you either push/fight against, perpetuate or comply with the oppression of Black and Brown people in any form; cater to white privilege, white norms and/or white comfort at the expense of yourself and others; intentionally or unintentionally causing racial harm. And I write this so that we can begin having real, authentic and transformative interactions to interrogate and change how we operate with each other here at our agency and serve the diverse communities around us.

If you have not thought deeply about this, then this is your opportunity to begin. If you need resources, books, documentaries, podcasts or anything that will aid you in getting started; or even someone to have a conversation with, please reach out to me directly.

I close this message by saying that tangible, meaningful change is overdue. It is overdue in our institutions, in our culture and in society overall. Black people should not have to bite our tongues, suppress our emotions and/or keep quiet to be comfortable. We deserved to be realized, respected and valued just as much as any other group and our mistreatment, degradation and/or gradual/slow progress (at the expense of the lives of Black people) is no longer acceptable. The time for this change is now.

I personally will not work another day reinforcing my own subjugation or the subjugation of any such other Black person.

I call on white, non-white and other Black and Brown allies, those who say that they care – to stand with me as leaders and advocates within their respective communities. We have now and become active in promoting and transforming meaningful racial change. I call on you to use your personal, political and professional agency, power and privilege to make racial justice happen; to make it a reality!

Lastly, I am exhausted. I cannot help thinking about the families of Ahmaud Arbery, Atatiana Jefferson, Breonna Taylor, George Floyd, John Crawford, Tamir Rice, Sandra Bland, Charleena Lyles, Eric Garner, Oscar Grant, Kalief Browder, Sean Reed, Akai Gurley, Laquan MacDonald, Philando Castille, Rodney King, Michael Brown, Freddie Gray, Michael Noel, Kevin Matthews, Bettie Jones, Keith Childress, Leroy Browning, Roy Nelson, Jordan Davis, Jordan Edwards..... and countless other [redacted] people who have lost their lives unjustly (including millions of [redacted] people “free” and/or “enslaved” [redacted] people) at the hands of people who interpreted them as anti-social, vile, less than human, etc. It has become strikingly clear to me both academically and through personal and professional lived experience that freedom in this country exists only for those without [redacted] skin.

Food for thought: How are we as [redacted] people expected to recover from this trauma, ever? How are we supposed to know, exist and live in a constant state of fear, sadness, deprivation, anger (and the range of emotions caused by persistent anti-[redacted] racism) and yet be expected to be mentally, emotionally, intellectually and physically available and astute as others who do not have to deal with the weight and magnitude of this reality? How is this fair, equitable or even rational?

It is not.

I am not sure how many others of you cried within the last week, but I cried on and off all weekend until yesterday and continue to be overcome with grief and hurt for the [redacted] community and a culture and society that has been bankrupt of morality since its founding. As James Baldwin once said, “I am terrified at the immoral apathy, death of heart, which is happening in my country. These people have deluded themselves for so long, they really don’t think I am human. I base this on their conduct, not what they say, and this means that they have become, in themselves, moral monsters.” He also stated, “To be Negro and relatively conscious in this country is to be in a rage almost all of the time.” This should resonate with any informed person who knows and understands the magnitude, ramifications and weight of history. This is the absolute truth for [redacted] people in this county; admittedly or not; conscious or not. And we don’t say it because of the history of harm associated with speaking-up or out. The fear of being seen as problematic, playing the race card, losing our jobs, exclusion, isolation, silent mistreatment and every such other ramification that follows normal, common, justified reactions to perpetual degradation and disenfranchisement.

And so, I end, sharing several videos that I hope you will take time to explore at some point within the next two weeks.

This may be one of the last email messages you receive from me, as I know there are some who will deem me sharing this message as inappropriate – and it is totally fine; as that too is a reaction to this symbolic break with status-quo conformity rooted in white norms; and some within our agency will undoubtedly call me out, discuss how inappropriate this is and so on. And yet, it really does not matter because it does not come close to the danger, sadness, helplessness and hopelessness that I (and many of you who have reached out to me this week) feel.

I hope that this touches at least one person and causes the beginning of self-examination, as well as radical, non-traditional action of people coming together to organize for meaningful, tangible and immediate change!

- [James Baldwin, Dick Cavett Show](#)
- [John McKnight, The Heritage of Slavery](#)
- [Malcolm X, U.C. Berkeley](#)

Sincerely!

Dante King

Leader of Cultural Change, Equity,
Employee Experience and Engagement
Department of Transportation
Preferred Gender Pronouns: None/They-Them



Office 415.646.2707

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 8th floor
San Francisco, CA 94103



“I am terrified at the immoral apathy, death of heart, which is happening in my country. These people have deluded themselves for so long, they really don’t think I am human. I base this on their conduct, not what they say, and this means that they have become, in themselves, moral monsters.”

— **James Baldwin**

EXHIBIT F, Attachment 4

E-mails from Neil Weingarten, Luke Jones, and Samantha Levels re: The Other
Pandemic

RE: FW: The Other Pandemic

Weingarten, Neil <Neil.Weingarten@sfmta.com>

Tue 6/2/2020 9:16 AM

To: Young, Dorothy (HRD) <dorothy.s.young@sfgov.org>; Sherman, Rebecca (HRD) <rebecca.sherman@sfgov.org>**Cc:** criss@sfmea.com <criss@sfmea.com>; [REDACTED] <[REDACTED]>

Hi Dorothy:

The initial email is written by Dante King and sent to all SFMTA employees. Luke Jones forwarded the email to several people. The only members of management included in his distribution are me and Julie Kirschbaum. I find it interesting that Luke has singled out two managers who happen to be [REDACTED]. Based on, "On Fri, May 29, 2020, 3:25 PM Jones, Luke <Luke.Jones@sfmta.com> wrote:", Luke apparently also sent the email to Samantha Levels; whom I assume is related to Robbie Levels (former SFMTA employee). Perhaps Samantha Levels is Robbie Levels. Samantha Levels makes the comments about me being a racist.

Neil

From: Young, Dorothy (HRD) <dorothy.s.young@sfgov.org>**Sent:** Tuesday, June 2, 2020 9:04 AM**To:** Weingarten, Neil <Neil.Weingarten@sfmta.com>; Sherman, Rebecca (HRD) <rebecca.sherman@sfgov.org>**Cc:** criss@sfmea.com; '[REDACTED]' <[REDACTED]>**Subject:** Re: FW: The Other Pandemic

Hi Neil,

Thank you for your email. I apologize for the lack of communication and the delays on our end. The investigatory process is ongoing. I will be in touch very soon with a draft charge.

I wanted to ask for clarification on the below forwarded email. I see that the comment about you was made by Samantha Levels. However, under it is a forwarded message from Luke Jones.

Can you confirm who made which comments? Is there any message from Luke Jones as well?

Also, what is your understanding of how Samantha Levels received this email? I had thought she was no longer with the Agency and the email from Dante King appears to have been sent to SFMTA only.

Thank you.

Sincerely,
Dorothy

Dorothy Young, EEO Programs Specialist

Department of Human Resources

One South Van Ness Ave., 4th Floor

San Francisco, CA 94103

0154

Phone: (415) 557-4934

Website: www.sfdhr.org

From: Weingarten, Neil <Neil.Weingarten@sfmta.com>
Sent: Tuesday, June 2, 2020 8:45 AM
To: Young, Dorothy (HRD) <dorothy.s.young@sfgov.org>; Sherman, Rebecca (HRD) <rebecca.sherman@sfgov.org>
Cc: criss@sfmea.com <criss@sfmea.com>; [REDACTED] <[REDACTED]>
Subject: FW: FW: The Other Pandemic

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

Hi Dorothy & Rebecca:

As you can see below, the challenges we have previously discussed continue to persist and have severe and pervasive impacts on my ability to manage. Has any progress been made since our last correspondence?

Regards,
Neil

From: Samantha Levels <[REDACTED]>
Sent: Tuesday, June 2, 2020 6:36 AM
To: Jones, Luke <Luke.Jones@sfmta.com>
Cc: Ballester, Anthony <Anthony.Ballester@sfmta.com>; Davis, Kevin <Kevin.Davis@sfmta.com>; rmarenco@twusf.org; Galdamez, Ramon <Ramon.Galdamez2@sfmta.com>; Mitchell, Ronald <Ronald.Mitchell@sfmta.com>; pwilson@twusf.org; Pruitt, Shelia <Shelia.Pruitt@sfmta.com>; Davis, Vertrina <Vertrina.Davis@sfmta.com>; mdennis@twusf.org; anasaire@twusf.org; Gainer, Robert <Robert.Gainer@sfmta.com>; Kirschbaum, Julie B <Julie.Kirschbaum@sfmta.com>; Weingarten, Neil <Neil.Weingarten@sfmta.com>
Subject: Re: FW: The Other Pandemic

EXT

This email.... needs to be forwarded to Gavin Newsom and London Breed concerning their employee that works for the City of San Francisco.... by the name of Neil Weingarten he is Racist please check his file at the EEO office of complaints.....

On Fri, May 29, 2020, 3:25 PM Jones, Luke <Luke.Jones@sfmta.com> wrote:

From: King, Dante <Dante.King@sfmta.com>
Sent: Friday, May 29, 2020 2:01 PM
To: King, Dante <Dante.King@sfmta.com>
Subject: The Other Pandemic
Importance: High

Hello colleagues –

0155

As we continue to witness the gruesome effects and impacts of COVID-19 and intentional racial harm that is the direct result of decades and centuries of disenfranchisement, based on racism – I am overwhelmed with a range of emotions and type of grief that I have never experienced before; not because the murders of Breonna Taylor, Sean Reed, Ahmaud Arbery and George Floyd, only. It goes much deeper and further than this. It goes beyond the time and/or space allotted in this message and in my lifetime. Yet, I would be remised if I did not utilize my privilege as a current leader of this agency, a [REDACTED] person, descendants of [REDACTED] slaves and the grandchild, nephew and son of people humiliated throughout the era of Jim Crow in this county. In fact, my mother [REDACTED] [REDACTED] was part of the first class that integrated Robert Louis Stevenson elementary school in the Sunset District, in 1962. And so, I have both a personal and professional duty and responsibility to highlight the obvious.

Because this country was founded on principles of white supremacy culture and anti-[REDACTED] and continues to function in the same manner with slow, incremental unimpactful change, there is tremendous hurt, anger and rage happening right now within our culture. One does not have to be [REDACTED] to recognize the horrors and the terrors that [REDACTED] people have been and remain victim to. One only needs to have eyes, a heart and the ability to feel.

As we move through the pandemic of COVID-19, we also must also recognize and give voice to the pandemic of White Supremacy and Anti-[REDACTED], which are as alive today, as they were when the the first slaves arrived here in 1619, or when Constitution of the United States was adopted in 1789. There is tremendous anger, rage, fear and terror that we/[REDACTED] experience, feel and attempt to cope through daily. We feel it the moment we exit the doors of our homes and in every such other place; whether it is dropping our children off at school, going to work – the doctor's office, the grocery store, restaurants, retail stores, even coming back to and returning to our homes (i.e. Skip Gates, DeArreion Toles). White Supremacy (different from white extremism, and this distinction must be made) and Anti-[REDACTED] culture pervade our entire society and nation; and is deeply rooted in the socialization of all racial and ethnic groups who are born into, immigrate and participate in this culture.

As I sit here at 2a.m., penning this email during working, I am sickened with grief, pain, sadness and anger. And yes, I am angry. Most [REDACTED] people who realize the racial genocide and perpetual degradation occurring in this country are angry. And we are angry with legitimate reason. Imagine living in a body where your value, worth and/or whether you live, or die is predicated upon one predominant visible factor that you cannot hide (and I must add that I would never want to). Imagine how you would feel knowing everyone around you views that trait as deficient, substandard, dangerous, hostile, defensive and/or any other negative, demeaning association that come to mind. Imagine every day having to try and push up against the ideas in people carry in their minds based upon media, education, books, magazines, historical omissions, controlled narratives, stereotypes and stigmas learned throughout their lifetimes – so that you can be seen as less-threatening, non-threatening or “the good [REDACTED] – “not like the other ones” – “articulate” and the list goes one. Imagine having to defend the ways in which you show-up in the world, everything from your world view, the emotions you feel, actions that do not conform or fit into the social expectations or lens' of dominant culture and others who support and align with dominant culture. Imagine any one of these reasons being the reason why someone decides to kill you one day and living in a society that has been socialized not to care, engage with it, or even worse legitimize the reasons behind why it happened (i.e. “they had to be doing something”). Imagine waking up to the reality that this could be you, your mother, brother, sister, father, aunts, uncles or anyone else in your family? Imagine these reasons defining where you get to live; how well you will

do in school; whether or not you get through school; whether or not you are detained, receive a ticket and/or remain in or out of jail; whether or not you get to keep your job; whether or not you get a promotion; whether or not you get written-up, terminated or suspended; whether or not you receive adequate healthcare, or have access to medical attention at all.....and every other experience or event in your life.

Imagine.

How would you feel?

We are going to have to come to grips that [REDACTED] people are not criminals and are not the guilty party in this country or context we are in. The criminals are the people who built a country (our economy and all its institutions) out of the wombs of [REDACTED] women and loins of [REDACTED] men predominantly; to build white power and privilege, white comfort and all the other comforts white people experience today. And the moment our [REDACTED] ancestors began to "rebel" against forced labor, rape and castration – laws were created by white men to define the criminality of the [REDACTED] body to further establish, legitimize and memorialize our captivity and legitimization of the way in which we would be defined in our cultural context forever; a group designated at the bottom of this culture in every way.

Examples of this are highlighted in laws established in Virginia (1660, 1662, 1672, 1680, 1682) – and every such other colony that transitioned into statehood at the end of the 18th century; mapping over into the founding of this country and the perpetuation of a culture and white institutions that continued to produce laws to ensure culture evolved, materialized and legitimized in this manner.

And the culture that evolved as a result of intentional power and privilege at the expense of [REDACTED] bodies is present in our sociocultural and socioeconomic realities today. White identity was formed with the intention to create a political, economic and social ruling class based upon skin privilege. The cultural socialization of deficiency, presumption of guilt rests upon the [REDACTED] body; while the presumption of innocence and exceptionalism rests within the identities of white people and people with white privilege (i.e. those designated by white people as model minorities). As I have shared in many classes and talks given (and I stand firm on this point), [REDACTED] people did not create nor have ever controlled any U.S. institutions – nor have we ever held the political or social capital to influence the type of meaningful and overhaul of change that would change the despair and desperate position we occupy in this country; and therefore are not responsible for any of the past, present or future realities to come.

The legacies of white privilege and power, anti-[REDACTED] and anti-nonwhite sentiment remain with us today. They remain with us in every city, county and state in this country where [REDACTED] people exist. The pervasiveness and rampant abuse is with us here in progressive San Francisco and in every department, including ours.

I do not write this as an emotional, irrational, emotional rant. I write this as a recognition and acknowledgement of the pain that I know most of our workforce is suffering through right now – especially [REDACTED] people and people of color who have an experience closely aligned with those of [REDACTED] people. The unrelenting pain is due to both direct and indirect trauma experienced by us daily. I write this because as I watch riots breaking out in major cities across this country, I am seeing the build-up of the pain, trauma, anger, rage which is the result of the oppression of this generation, their parents, grandparents, great-grandparents and beyond. And, like the slaves who resisted, escaped, fought back in every one of the slave rebellions (thousands) documented

between 1663 and 1865, and the lynchings, murders and rapes that prevailed throughout Jim Crow (reinforced through attorneys, judges and police forces who protected white perpetrators) there is one attribute that remained the same: the only choice has been fighting back, which is a legacy that we as [REDACTED] people specifically have inherited.

I write this as I think about my grandmother who cleaned houses of white people for her entire adult life right here in San Francisco; the humiliation of my grandfather who attempted to purchase a house here in SF's Western Addition and the person who attempted to sell it to him for three-times what it was worth – having to go through one of his white friends who was able to take the cash my grandfather gave him to purchase the home at market value. I write this because I know that experiences like this are shared across the families of other [REDACTED] families that are descendants of slaves and/or [REDACTED] people who lived through Jim Crow. I write this because of the observable pain, anger, rage and fear that is coming full circle from a deep place, deep within the journey of oppression faced by [REDACTED] people. I write this because the eruption of these dynamics is present within our community right here in San Francisco. Most of all, I write this as a call to action for everyone to see themselves in this reality; to examine the ways in which you either push/fight against, perpetuate or comply with the oppression of [REDACTED] people in any form; cater to white privilege, white norms and/or white comfort at the expense of yourself and others; intentionally or unintentionally causing racial harm. And I write this so that we can begin having real, authentic and transformative interactions to interrogate and change how we operate with each other here at our agency and serve the diverse communities around us.

If you have not thought deeply about this, then this is your opportunity to begin. If you need resources, books, documentaries, podcasts or anything that will aid you in getting started; or even someone to have a conversation with, please reach out to me directly.

I close this message by saying that tangible, meaningful change is overdue. It is overdue in our institutions, in our culture and in society overall. [REDACTED] people should not have to bite our tongues, suppress our emotions and/or keep quiet to keep white people or any such other group comfortable. We deserved to be realized, respected and valued just as much as any other group and mistreatment, degradation and/or gradual/slow progress (at the expense of the lives of [REDACTED] and [REDACTED] people) is no longer acceptable. The time for this change is now.

I personally will not work another day reinforcing my own subjugation or the subjugation of any such other [REDACTED] person.

I call on white, non-white and other [REDACTED] and [REDACTED] allies, those who say that they care – to stand with me as leaders and advocates within this agency to move now and become active in promoting and transforming meaningful racial change. I call on you to use your personal, political and professional agency, power and privilege to make racial justice happen; to make it a reality!

Lastly, I am exhausted. I cannot help thinking about the families of Ahmaud Arbery, Atatiana Jefferson, Breonna Taylor, George Floyd, John Crawford, Tamir Rice, Sandra Bland, Charleena Lyles, Eric Garner, Oscar Grant, Kalief Browder, Sean Reed, Akai Gurley, Laquan MacDonald, Philando Castille, Rodney King, Michael Brown, Freddie Gray, Michael Noel, Kevin Matthews, Bettie Jones, Keith Childress, Leroy Browning, Roy Nelson, Jordan Davis, Jordan Edwards.... and countless other [REDACTED] people who have lost their lives unjustly (including millions of [REDACTED] people "free" and/or "enslaved" [REDACTED] people) at the hands of people who interpreted them as animalistic, vile, less than human, etc. It has become strikingly clear to me both academically and through personal and professional lived experience that freedom in this country exists only for those without [REDACTED] skin.

Food for thought: How are we as [REDACTED] people expected to recover from this trauma, ever? How are we supposed to know, exist and live in a constant state of fear, sadness, deprivation, anger (and the range of emotions caused by persistent anti-[REDACTED] racism) and yet be expected to be mentally, emotionally, intellectually and physically available and astute as others who do not have to deal with the weight and magnitude of this reality? How is this fair, equitable or even rational?

It is not.

I am not sure how many others of you cried within the last week, but I cried on and off all weekend until yesterday and continue to be overcome with grief and hurt for the [REDACTED] community and a culture and society that has been bankrupt of morality since its founding. As James Baldwin once said, "I am terrified at the immoral apathy, death of heart, which is happening in my country. These people have deluded themselves for so long, they really don't think I am human. I base this on their conduct, not what they say, and this means that they have become, in themselves, moral monsters." He also stated, "To be Negro and relatively conscious in this country is to be in a rage almost all of the time." This should resonate with any informed person who knows and understands the magnitude, ramifications and weight of history. This is the absolute truth for [REDACTED] people in this county; admittedly or not; conscious or not. And we don't say it because of the history of harm associated with speaking-up or out. The fear of being seen as problematic, playing the race card, losing our jobs, exclusion, isolation, silent mistreatment and every such other ramification that follows normal, common, justified reactions to perpetual degradation and disenfranchisement.

And so, I end, sharing several videos that I hope you will take time to explore at some point within the next two weeks.

This may be one of the last email messages you receive from me, as I know there are some who will deem me sharing this message as inappropriate – and it is totally fine; as that too is a reaction to this symbolic break with status-quo conformity rooted in white norms; and some within our agency will undoubtedly call me out, discuss how inappropriate this is and so on. And yet, it really does not matter because it does not come close to the danger, sadness, helplessness and hopelessness that I (and many of you who have reached out to me this week) feel.

I hope that this touches at least one person and causes the beginning of self-examination, as well as radical, non-traditional action of people coming together to organize for meaningful, tangible and immediate change!

- [James Baldwin, Dick Cavett Show](#)
- [John McKnight, The Heritage of Slavery](#)
- [Malcolm X, U.C. Berkeley](#)

Sincerely!

Dante King

Leader of Cultural Change, Equity,
Employee Experience and Engagement
Department of Transportation
Preferred Gender Pronouns: None/They-Them



Office 415.646.2707

San Francisco Municipal Transportation Agency₀₁₅₉

1 South Van Ness Avenue, 8th floor
San Francisco, CA 94103



“I am terrified at the immoral apathy, death of heart, which is happening in my country. These people have deluded themselves for so long, they really don't think I am human. I base this on their conduct, not what they say, and this means that they have become, in themselves, moral monsters.”

— **James Baldwin**

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EXHIBIT F, Attachment 5

E-mails from [REDACTED] and Dante King re: Conflict in AM Yard Starter Position

Young, Dorothy (HRD)

From: King, Dante
Sent: Thursday, September 12, 2019 9:52 AM
To: [REDACTED]; Travis-Allen, Mary; Harmon, Virginia; Jones, Brent; Ackerman, Kimberly; Boparai, Parveen
Cc: Sherman, Rebecca (HRD); [REDACTED]
Subject: Re: Conflict In Am Yard Starter Position

Hi [REDACTED] -

I have followed-up Mary. We will connect about this today.

I have also included our new HR Director, Kimberly Ackerman and Acting Manager of Employee Relations, Parveen Boparai.

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From: [REDACTED]
Sent: Thursday, September 12, 2019 5:59:47 AM
To: King, Dante <Dante.King@sfmta.com>; Weingarten, Neil <Neil.Weingarten@sfmta.com>; Penland, Christina Y <Christina.Penland@sfmta.com>; Ma, Zhuo Z <Zhuo.Ma@sfmta.com>; Sim, Kok <Kok.Sim@sfmta.com>; Travis-Allen, Mary <Mary.Travis-Allen@sfmta.com>; Harmon, Virginia <Virginia.Harmon@sfmta.com>; Jones, Brent <Brent.Jones@sfmta.com>
Cc: Sherman, Rebecca (HRD) <rebecca.sherman@sfgov.org>; [REDACTED]
Subject: RE: Conflict In Am Yard Starter Position

Hello,

Still waiting a reply on this issue.

Thanks,
[REDACTED]

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

From: [REDACTED]
Sent: Tuesday, September 03, 2019 3:38 AM
To: King, Dante <Dante.King@sfmta.com>; Weingarten, Neil <Neil.Weingarten@sfmta.com>; Penland, Christina Y <Christina.Penland@sfmta.com>; Ma, Zhuo Z <Zhuo.Ma@sfmta.com>; Sim, Kok <Kok.Sim@sfmta.com>; Travis-Allen, Mary <Mary.Travis-Allen@sfmta.com>; Harmon, Virginia <Virginia.Harmon@sfmta.com>; Jones, Brent <Brent.Jones@sfmta.com>
Cc: Sherman, Rebecca (HRD) <rebecca.sherman@sfgov.org>
Subject: RE: Conflict In Am Yard Starter Position

Thank you.

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

From: King, Dante
Sent: Thursday, August 29, 2019 12:12 PM
To: [REDACTED]; Weingarten, Neil <Neil.Weingarten@sfmta.com>; Penland, Christina Y

<Christina.Penland@sfmta.com>; Ma, Zhuo Z <Zhuo.Ma@sfmta.com>; Sim, Kok <Kok.Sim@sfmta.com>; Travis-Allen, Mary <Mary.Travis-Allen@sfmta.com>; Harmon, Virginia <Virginia.Harmon@sfmta.com>
Cc: Sherman, Rebecca (HRD) <rebecca.sherman@sfgov.org>
Subject: RE: Conflict In Am Yard Starter Position

██████████

Thank you for sharing this information.

The situation will be engaged shortly and someone will follow-up with you.

Dante King
Leader of Cultural Change, Equity,
Employee Experience and Engagement
Department of Transportation
Preferred Gender Pronouns: None/They-Them

Office 415.646.2707

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 8th floor
San Francisco, CA 94103

"To be Negro in this country, and to be relatively conscious, is to be in a rage almost all of the time."
James Baldwin

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

From: ██████████
Sent: Thursday, August 29, 2019 9:45 AM
To: Weingarten, Neil <Neil.Weingarten@sfmta.com>; Penland, Christina Y <Christina.Penland@sfmta.com>; Ma, Zhuo Z <Zhuo.Ma@sfmta.com>; Sim, Kok <Kok.Sim@sfmta.com>; King, Dante <Dante.King@sfmta.com>; Travis-Allen, Mary <Mary.Travis-Allen@sfmta.com>; Harmon, Virginia <Virginia.Harmon@sfmta.com>; ██████████
██████████
Subject: Conflict In Am Yard Starter Position

Good Morning,

I, ██████████ was told I would be removed as the backup am yard starter, Bill Wong #1663 would be put in am yard started position (Bill Wong is currently signed as the pm yard starter) and use Tony Ma #3626 (an extra board employee who request to work pm) for pm yard starter. I tried to discuss the issue with Kirkland Division union chairperson Zhuo Ma who informed me to talk to Tony about the issue. I was told by the TMC dispatcher Kok Sim that he will let me know Thursday 8/29/19, if I will continue to be used as the am yard started for which I previously had cancelled my vacation to do so. After several days TMC dispatcher Kok Sim said I can fill the position only while Operator Tony Ma #3626 returns from vacation, then Tony will replace me as am yard starter and I will return to my regular run. TMC dispatcher Sim informed Shawn Hook (Kirkland Division 2nd desk dispatcher) I would have to train someone else. Previously in the week Kirkland Division Manager, Neil Weingarten interrupted a conversation I was having with other co-workers and told me that this position is usually filled my an extra board person.

My problem is that there are many inconsistencies being told to me by all parties involved and no true or detail

information given to me that can explain the policy and produces. In past practice I have been used as the backup yard started ,many times being called at the last minute with no warning. I am the only qualified person willing to work the shift without having to train someone else or remove Bill Wong #1663 from his bid run and trade him to this shift.

This is desperate treatment and discrimination, I'm a [REDACTED], and they are [REDACTED] and [REDACTED], except Neil who stated that I can't do it because I have a run, but past practice has show this to be untrue. Jose Diaz #3366 has been used as back up yard started & receiver regularly while signed on a daily run. Also in the past I have always been able to cover the position while I had a run, so why now is this changing? I feel this is unfair and unequal treatment and discrimination.

I was issued a divisional notice dated back to 2017 that gives no clear details or reason as to why I must be removed.

Please respond or help resolve this problem.

Sincerely,

[REDACTED]

EXHIBIT F, Attachment 6

E-mail from Dante King re: Neil Weingarten

King, Dante <Dante.King@sfmta.com>

Neil Weingarten

August 14, 2019 at 1:18 PM PDT

To: King, Dante <Dante.King@sfmta.com>

Neil Weingarten - Issues dealing with [REDACTED] operators; looking at all options dealing with him.

Has had issues at several divisions and successors and predecessors have not had the same problems.

Asserts that the agency is targeting him.

Shared information with Virginia Harmon.

I also shared feedback about Ron and York.

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EXHIBIT F, Attachment 7

E-mail from Neil Weingarten re: Bereavement Issue

Burke, Jennifer (HRD)

From: Neil Weingarten (AIR)
Sent: Thursday, April 21, 2022 9:10 AM
To: Burke, Jennifer (HRD)
Cc: criss@sfmea.com
Subject: FW: Send data from MFP11826963 02/19/2019 12:09
Attachments: DOC021919.pdf; ATT00001.htm

Hi Jennifer:

I hope that your day is off to a good start. Below is the bereavement scenario we discussed on our call. This process, of Luke pushing bereavement requests through upper management, became an ongoing challenge.

Regards,
Neil

From: Weingarten, Neil
Sent: Tuesday, June 25, 2019 5:43 AM
To: Weingarten, Neil <Neil.Weingarten@sfmta.com>
Subject: Fwd: Send data from MFP11826963 02/19/2019 12:09

Begin forwarded message:

From: "Rozier, Leda" <Leda.Rozier@sfmta.com>
Date: February 19, 2019 at 2:39:44 PM PST
To: "Kirschbaum, Julie B" <Julie.Kirschbaum@sfmta.com>
Cc: "Weingarten, Neil" <Neil.Weingarten@sfmta.com>, "Travis-Allen, Mary" <Mary.Travis-Allen@sfmta.com>
Subject: FW: Send data from MFP11826963 02/19/2019 12:09

(I had started drafting the email and it disappeared) So, it appears that there were pages missing from the documents sent to Ed. Neil, was asking the operator to provide more detail verifying the relationship, which is what he has done in the past. In this case, the operator along with the division Chair got angry and raised their voice at Neil. Accusing him of discrimination and that Neil was the cause for the operator the operator having a fall on board in December. This operator was hired 9/14/15 and the following is his safety record:

Preventable:

12/20/18 Fall on Board : DriveCam on board video show operator breaking hard and causing multiple passengers to fall. Vehicle #2 in front of coach had stopped, brake lights are shown and operator attempts to pass stopped vehicle at excessive speed while passing and is unable to stop smoothly when vehicle #2 starts a to move into coaches lane of travel.

Collisions: 9/17/18 NS 2/19/16.

ATTENDANCE| 55 Sick days in 12 months and five sick on the run, operator was counseled for attendance on September 19, 2018 and the last days he took off were:

1/24/19 Sick on the Run
 2/15/19 Sick Pay
 2/27/18 Sick Pay

And wants Neil to use the last three days to account for the bereavement time.

5318	5318	46100	2/18/2018	2/18/2018	1	1	██████████	Sick Pay	1
5318			3/3/2018	3/3/2018	1	1	Sick Pay	1	
5318			3/9/2018	3/10/2018	2	1	Sick Pay	2	
5318			3/17/2018	3/20/2018	2	1	Sick Pay	2	
5318			3/24/2018	3/27/2018	2	1	Sick Pay	2	
5318			4/6/2018	4/7/2018	2	1	Sick Pay	2	
5318			4/21/2018	4/21/2018	1	1	Sick Pay	1	
5318			4/28/2018	4/28/2018	1	1	Sick Pay	1	
5318			5/11/2018	5/12/2018	2	1	Sick Pay	2	
5318			5/19/2018	5/19/2018	1	1	Sick Pay	1	
5318			5/23/2018	5/26/2018	4	1	Sick Pay	4	
5318			6/9/2018	6/9/2018	1	1	Sick Pay	1	
5318			6/15/2018	6/15/2018	1	1	Sick Pay	1	
5318			7/12/2018	7/13/2018	2	1	Sick Pay	2	
5318			7/30/2018	7/31/2018	2	1	Sick Pay	2	
5318			8/10/2018	8/10/2018	1	1	Sick Pay	1	
5318			8/20/2018	8/20/2018	1	1	Sick Pay	1	
5318			8/24/2018	8/24/2018	1	1	Sick Pay	1	
5318			8/28/2018	8/29/2018	2	1	Sick Pay	2	
5318			9/12/2018	9/12/2018	1	1	Sick Pay	1	
5318			9/20/2018	9/26/2018	5	1	Sick Pay	5	
5318			10/4/2018	10/5/2018	2	1	Sick Pay	2	
5318			10/16/2018	10/17/2018	2	1	Sick Pay	2	
5318			10/26/2018	10/29/2018	2	1	Sick Pay	2	
5318			11/2/2018	11/5/2018	2	1	Sick Pay	2	
5318			11/15/2018	11/16/2018	2	1	Sick Pay	2	
5318			12/5/2018	12/6/2018	2	1	Sick Pay	2	
5318			12/10/2018	12/10/2018	1	1	Sick Pay	1	
5318			12/13/2018	12/17/2018	3	1	Sick Pay	3	
5318			12/27/2018	12/28/2018	2	1	Sick Pay	2	
5318			2/15/2019	2/15/2019	1	1	Sick Pay	1	
		55	31	TOTAL	55				
5318	5318	46100	5/18/2018	5/18/2018	1	1	██████████	Sick on Run	1
5318			5/22/2018	5/22/2018	1	1	Sick on Run	1	
5318			9/11/2018	9/11/2018	1	1	Sick on Run	1	
5318			11/9/2018	11/9/2018	1	1	Sick on Run	1	
5318			1/24/2019	1/24/2019	1	1	Sick on Run	1	

I support Neil in this case as the operator needs to provide valid information due to the many red flags on his request.

Leda M. Rozier
 Sr.Operations Manager

Transit - Rail (Green/MME)

Office 415-646-2433
Mobile 415-471-5494

San Francisco Municipal Transportation Agency
425 Geneva Avenue
San Francisco, CA 94112

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

From: Weingarten, Neil
Sent: Tuesday, February 19, 2019 12:34 PM
To: Rozier, Leda <Leda.Rozier@sfmta.com>
Cc: Travis-Allen, Mary <Mary.Travis-Allen@sfmta.com>
Subject: FW: Send data from MFP11826963 02/19/2019 12:09

Hi Leda:

It appears that you are missing pages from the funeral document. The absent pages provides a list of family members including nephews. The Operator is not on the list.

Neil

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

From: Rozier, Leda <Leda.Rozier@sfmta.com>
Sent: Tuesday, February 19, 2019 12:19 PM
To: Weingarten, Neil <Neil.Weingarten@sfmta.com>
Subject: FW: Send data from MFP11826963 02/19/2019 12:09

Why was this denied?

Leda M. Rozier
Sr.Operations Manager
Transit - Rail (Green/MME)

Office 415-646-2433
Mobile 415-471-5494

San Francisco Municipal Transportation Agency
425 Geneva Avenue
San Francisco, CA 94112

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

From: Terrence Hall [<mailto:thall@twusf.org>]

Sent: Tuesday, February 19, 2019 12:16 PM

To: Reiskin, Ed <Ed.Reiskin@sfmta.com>

Cc: Rozier, Leda <Leda.Rozier@sfmta.com>; Kirschbaum, Julie B <Julie.Kirschbaum@sfmta.com>

Subject: FW: Send data from MFP11826963 02/19/2019 12:09

EXT

Hi Ed,

Sorry, I did not bring this up in our Bi- Weekly meeting. I have attached [REDACTED] request for "Bereavement Leave" that was denied by Manager Neil Weingarten. I have the complete glossy copy of the program. Why is the Operator [REDACTED] being denied?

Thank you,
Terrence

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

From: Toshiba Scanner [mailto:toshiba@twusf.org]

Sent: Tuesday, February 19, 2019 2:09 PM

To: Terrence Hall

Subject: Send data from MFP11826963 02/19/2019 12:09

Scanned from MFP11826963

Date:02/19/2019 12:09

Pages:3

Resolution:200x200 DPI

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EXHIBIT B.2:
Determination Letter, EEO File No. 3362
February 10, 2022



Transit Operator, in a disciplinary matter. On November 8, 2019, King sent you and others a calendar invitation titled "Meeting with Robbie Levels." This indicated that the subject matter was Levels' proposed discipline, which was dismissal from her position; however, you believe the meeting invitation was a ruse to speak poorly of you in the presence of management because King never requested any information on Levels' discipline. You; King; Jones; Levels; Travis-Allen; Monica Collins (Collins), then-Acting Assistant Manager; and Emily Williams (Williams), Transit Business & Administration Manager (9179 Manager V), attended the meeting.

Jones and King commented multiple times that you targeted Levels because she is [REDACTED]. You alleged Jones and Levels made untrue statements, and King made no attempt to verify the veracity of these statements during or after the meeting. In addition, you alleged King commented on allegations by other Operators, opined that you needed training, and stated that all division managers should have their disciplinary authority removed. Unidentified meeting participants also asked you accusatory questions that could have led to discipline without your having an opportunity to prepare or arrange union representation. Travis-Allen did not defend you; however, Williams affirmed that you properly followed all disciplinary guidelines and stated that SFMTA had not been successful at ensuring that all managers were following the guidelines.

On November 9, 2019, you met with Brent Jones (B. Jones), Acting Chief Transportation Officer, and Leda Rozier (Rozier), Rail Senior Operations Manager. B. Jones reviewed Levels' disciplinary history and said your decision to dismiss her was correct and you should proceed. B. Jones had also previously stated, "[Luke] Jones uses racial accusations as a tactic." Rozier commented that other divisions were not closely following the disciplinary guidelines. They told you that you no longer had to communicate with King and you should continue to follow the procedures and protocols as you had been. B. Jones also stated that division managers and assistant managers no longer had to meet with King if he made requests.

January 2020 – Step 2 Hearing: In January 2020, when you participated in Levels' Step 2 hearing, Jones and Levels asked that a copy of the determination letter be sent to King. This made it clear to you that King wanted to be involved in Levels' case, even though he never contacted you for accurate information and management had confirmed that you had correctly followed policy. Due to this request, you believe King and Jones continued to discuss complaints against you and disparage you as a racist.

January 2020 – Operator Discipline and Subsequent Lawsuit: On January 18, 2020, a Skelly hearing was held regarding the termination of another Islais Creek Operator, Liza Williams, whom Jones represented. Another manager conducted the hearing while you prepared the materials. Ultimately, an arbitrator reduced the discipline to a [REDACTED]. Since then, Liza Williams has sued you, accusing you of being a racist. You believe that King and Jones were involved in the lawsuit, communicating about you and sharing information that harmed your reputation and ability to perform your work.

February 2020 – Continued Rumors: On February 22, 2020, SFMTA reassigned all division managers, and moved you to the Flynn Division. Within your first week at Flynn, you heard from Ify Omokaro (Omokaro), then-9172 Manager II, that there were rumors that you are racist against [REDACTED] drivers. You believe these rumors came from Jones and negatively impacted your ability to manage. Anthony Ballester (Ballester), 9163 Transit Operator, also informed you of the rumors.



Impact on Your Ability to Manage: Jones and King's conduct affected your ability to manage by causing you to walk on eggshells and be concerned every time you had a disciplinary meeting that "accusations" would come from it. At Islais Creek and Kirkland, it was "impossible to manage" because people discussed every move you made and made assumptions. You did not request any special projects or assignments or apply for any promotional opportunities within SFMTA in 2019 or 2020. In June or July 2019, you applied to another position at AIR because you "couldn't be effective as a leader." When you moved AIR as a Manager IV, you received the same pay.

B. Harassment Allegations

During the November 8, 2019, meeting, Jones accused you of being racist against [REDACTED] drivers, stating, "You treat [REDACTED] people like slaves." Jones has also represented Operators in hearings and made comments about you to others. You believe Jones has raised allegations of race and racism playing a role in your disciplinary decisions, even though Employee and Labor Relations has confirmed multiple times that your decisions are made entirely based on SFMTA's Rules and Regulations. You believe Jones spread this misinformation because he and King indicated that there were more complaints lined up against you and you had already been interviewed for related allegations. You felt singled out based on your race, and these comments impacted your ability to manage, and harmed your reputation and career opportunities within the Agency.

C. Failure to Prevent Allegations

On November 8, 2019, Travis-Allen heard Jones and King make false allegations about you but did not speak up or address them. On November 9, 2019, Travis-Allen was present when B. Jones and Rozier affirmed that your disciplinary decisions were based on proper procedure. You alleged Travis-Allen never did anything regarding the harassment and discrimination you experienced.

II. 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 SFMTA's EEO Policy was violated.

III. ANALYSIS & FINDINGS

A. Insufficient Evidence to Support Discrimination Allegations

To sustain a complaint of discrimination in violation of the SFMTA'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) there is a causal link between the protected category and the adverse employment action. An adverse employment action is any objectively material adverse action affecting



the terms, conditions or privileges of employment. Actions considered materially adverse are those that impair a reasonable employee's job performance or prospects for advancement. To be material, the employment change, impairment, or injury must be more disruptive than a mere inconvenience or an alteration of job responsibilities. Instead, it must be both detrimental and substantial.

You alleged that King and Jones discriminated against you due to your race by meeting with you to object to your proposed termination of Levels, disparaging you to others during the meeting and at other times, and participating in a discrimination lawsuit against you brought by another Operator. You alleged that King and Jones's conduct adversely impacted your ability to manage your division and harmed your career. You are a member of a protected category based on your race; however, the investigation did not substantiate your allegations that the conduct occurred as you alleged, that you suffered an adverse employment action, or that King and Jones's alleged conduct was done because of your protected category.

November 8, 2019 – Meeting: The investigation established that King's role was to address EEO concerns within SFMTA and therefore, he was entitled to request a meeting to address Levels' claim that you were unfairly disciplining her due to her race. During the meeting, Jones and King were entitled to oppose conduct that they reasonably believed to be discriminatory, and the investigation established that, more likely than not, they had a good faith belief that you treated ██████ Operators unfairly. The investigation did not substantiate your claim that King commented on others' allegations, opined on your need for training, or stated that all division managers should have their disciplinary authority removed. The investigation also did not substantiate your claim that you were asked accusatory questions that could have led to discipline, and you acknowledged that you were not disciplined. Moreover, as a Manager IV, your job duties included meeting with staff to identify and resolve conflicts, and dealing with employee complaints, grievances, and criticism of your managerial decisions is an expected part of your role, not a material adverse change to the terms and conditions of your employment. Finally, the investigation established that King and Jones were motivated not by your race, but by their perception that you had engaged in race discrimination in disciplining Levels.

January 2020 – Step 2 Hearing: As previously discussed, the investigation established that it was appropriate for King and Jones in their respective roles to discuss employees' complaints against you. No witness heard King call you a racist, and only one witness heard Jones call you a racist at some point, though it is unclear whether this occurred after the November 2019 meeting with Levels, as you alleged. Nonetheless, as discussed above, King and Jones were entitled to oppose what they reasonably believed to be race-based discrimination, and this is not an adverse employment action. Likewise, Levels and her union representative, Jones, were entitled to ask that her determination letter be sent to anyone she wished, and asking that it be sent to King had no impact on your employment. Finally, even if Jones did call you a racist at some point, the investigation established that, more likely than not, he did so because he believed you engaged in racial discrimination, not because of your race.

January 2020 – Operator Discipline and Subsequent Lawsuit: The investigation established that you did not suffer an adverse employment action when another Operator sued you for racial discrimination, which is a protected activity. Moreover, being sued is not an adverse employment action. The Operator filed the lawsuit on her own behalf, not on behalf of your employer, and therefore, it did not affect the



terms, conditions, or privileges of your employment. Furthermore, the investigation did not corroborate your speculation that King and Jones participated in the lawsuit, and even if they had, they are entitled to do so and could have even been compelled to do so as part of the legal process, making this a protected activity as well.

February 2020 – Continued Rumors: The investigation did not substantiate your claim that Omokaro and Ballester informed you that Jones continued to spread rumors that you are racist and used race as a factor in your disciplinary decisions. Moreover, as discussed above, even if Jones did claim that you are racist and unfairly disciplined █████ employees, this is a protected activity.

Impact on Ability to Manage and Career: The investigation did not substantiate your allegations that the November 8, 2019, meeting and subsequent events in January and February 2020, negatively impacted your ability to perform your duties and harmed your career at SFMTA. No witness corroborated your claim that allegations of racism affected your ability to manage. Nevertheless, your own testimony demonstrated that you had the support of upper management. You stated that B. Jones, Rozier, and SFMTA Employee and Labor Relations supported your disciplinary decisions. You also acknowledged that after the November 2019 meeting with management, you no longer had to interact with King. In addition, you acknowledged that you did not request any special projects or assignments, nor did you apply for any promotional opportunities at SFMTA in 2019 or 2020, undermining your claim that Jones and King harmed your prospects for advancement within the Agency. Finally, you acknowledged that in June or July 2019 – well before the events described in your complaint – you applied to another position at AIR, undermining your claim that King and Jones's conduct motivated you to leave SFMTA. Based on the foregoing, I find by a preponderance of the evidence that there is insufficient evidence to establish that King and Jones discriminated against you due to your race in violation of the SFMTA's EEO Policy.

B. Insufficient Evidence to Support Harassment Allegations

To sustain a complaint of harassment in violation of the SFMTA'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 alleged that Jones harassed you due to your race by commenting, "You treat █████ people like slaves," and Jones and King harassed you by spreading rumors that you are racist. You are a member of a protected category based on your race; however, the investigation did not corroborate your allegations. First, no witness heard Jones make the alleged comment. Second, the investigation did not establish that Jones and King accused you of racism because you are █████. A statement that you are racist is facially not a race-based comment or objectively related to your race, and you did not allege that you were called racist in any way that implicated your race. Moreover, though you did not welcome the accusations that you are racist, Jones and King's opposition to conduct they reasonably believed to be discriminatory is protected by the City's EEO Policy and is not harassment. Accordingly, the investigation established by a preponderance of the evidence that there is insufficient evidence to establish that Jones and King harassed you due to your race in violation of the SFMTA's EEO Policy.



C. Insufficient Evidence to Support Failure to Prevent Allegation

To sustain a complaint of failure to prevent in violation of the SFMTA's EEO Policy, the investigation must establish all of the following: (1) you were subjected to harassment/discrimination; (2) the department/City failed to take all reasonable steps necessary to prevent harassment/discrimination; and (3) the failure caused you harm.

You alleged that during the November 8, 2019 meeting, Travis-Allen heard Jones and King make false allegations against you but did not speak up or address them, and did not address Jones' and King's discrimination against and harassment of you. Travis-Allen denied your allegations, and witnesses did not corroborate your claims that Jones and King made false allegations against you or that there was any reason for Travis-Allen to address their comments. As discussed above, Jones and King were entitled to object to your disciplinary decisions, which they reasonably believed to be discriminatory, and the investigation did not reveal any information supporting your claim that they targeted you due to your race. Accordingly, the investigation established by a preponderance of the evidence that there is insufficient evidence to establish that Travis-Allen or SFMTA failed to prevent, report, or otherwise address discrimination and harassment in violation of SFMTA's EEO Policy.

IV. DETERMINATION OF THE DIRECTOR OF TRANSPORTATION

Please be advised that based on my review of the investigative findings, I find by a preponderance of the evidence that there was insufficient evidence to establish that you were subjected to discrimination or harassment, or that SFMTA failed to prevent discrimination or harassment.

My determination is final unless it is 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 from the e-mailed date of this letter.

For your information, you may file a complaint of employment discrimination with the California Civil Rights Department or the United States Equal Employment Opportunity Commission. Please contact these agencies directly for filing instructions and deadlines.

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

Sincerely,

Virginia Harmon
VH for
Jeffrey Tumlin
Director of Transportation



c: Kimberly Ackerman, Human Resources Director, SFMTA
Virginia Harmon, EEO Officer, SFMTA
Shana Dines, Employee & Labor Relations Manager, SFMTA
Amalia Martinez, EEO Director, DHR

EXHIBIT C:

Weingarten's Appeal, Register No. 0043-23-6

March 8, 2023



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

**LONDON N. BREED
MAYOR**

Sent via Email

NOTICE OF RECEIPT OF APPEAL

DATE: March 9, 2023
REGISTER NO.: 0043-23-6
APPELLANT: NEIL WEINGARTEN

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

Dear Jeffrey Tumlin:

The Civil Service Commission has received the attached letter from Neil Weingarten appealing the Director of Transportation's determination regarding their complaint of discrimination, DHR EEO File No. 3362. 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 on the "File an action request for a Civil Service Commission hearing" page."

In the event that Neil Weingarten'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 May 25, 2023**, so that it may be heard by the Civil Service Commission at its meeting on June 5, 2023. If you will be unable to transmit the staff report by the May 25th deadline, or if required departmental representatives will not be available to attend the June 5th 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: Neil Weingarten
March 9, 2023
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
Virginia Harmon, Municipal Transportation Agency
Amalia Martinez, Department of Human Resources



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

**LONDON N. BREED
MAYOR**

Sent via Email

March 9, 2023

Neil Weingarten
[REDACTED]

Subject: Register No. 0043-23-6: Appealing the Director of Transportation's Determination Regarding their Complaint of Discrimination, DHR EEO File No. 3362.

Dear Neil Weingarten:

This is in response to your appeal submitted to the Civil Service Commission on March 8, 2023, appealing the Director of Transportation's determination regarding your complaint of discrimination, DHR EEO File No. 3362. 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.

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 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 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

Civil Service App

[REDACTED] <[REDACTED]>

Wed 3/8/2023 2:38 PM

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

Cc: criss@sfmea.com <criss@sfmea.com>; [REDACTED]

📎 3 attachments (2 MB)

Civil-Service-Commission-Appeal-Form-CSC-12 - N Weingarten - signed.docx.pdf; Weingarten, Neil - Determination Letter.pdf; EEO Concern - Email 11-19-2019.docx;

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

Hello Civil Service Commission:

Please see the attached appeal and supporting documents. Thank you for considering this appeal and I will await your decision.

Regards,
Neil Weingarten

[REDACTED]

State the basis of this appeal in detail. For more information about appeal rights and deadlines, please review the Civil Service Rules located on the Civil Service Commission's website at www.sfgov.org/CivilService.

I first made notification of this EEO concern on November 19, 2019. It has taken over 3 years for the SFMTA to formally respond to my concern. After so much time, I hoped for a response that would provide the thorough details of an investigation encompassing 38 months.

Nowhere in the response, provided on 2/10/2022, is there any indication of who was interviewed or what evidence was ascertained. There are misstatements and inaccuracies throughout the SFMTA response. I have reviewed the SFMTA response and provided areas of concern below. Additionally, I have attached a copy of the Charge of Discrimination, the SFMTA response, and my original email outlining my EEO concern. The SFMTA response appears to be a patchwork of information weaved by the multiple individuals of whom my concern has been handed off to, over these many years.

Background & Allegations

This section states that I participated in a phone interview with EEO Programs Manager Rebecca Sherman on February 12, 2020. My intake interview was conducted in person at Rebecca Sherman's office. The SFMTA investigator could have validated this information by contacting my MEA representative, Criss Romero MEA Executive Director.

November 8, 2019 – Meeting

During his preparation for the meeting, the meeting itself, or after the meeting, King never requested any information about Operator Levels or the discipline which had been recommended. The behavior of King and Jones at the meeting was so outrageous, that it was decided that Division Management was not to attend meetings called by King in the future. Any such meetings were to be attended by Senior Operations Managers and not their subordinate Division Management.

January 2020 – Step 2 Hearing

The SFMTA response states that "it was appropriate for King & Jones in their respective roles to discuss employees' complaints against you." Firstly, King was not present at the Step 2 Hearing. Additionally, I believe that Jones, as a union representative or King as a higher-ranking member of management from another department engaged in inappropriate conduct by falsely accusing me of being a racist. I am not aware of either individual taking the prescribed steps to file an EEO complaint against me. Rather, they used their positions to undermine my ability to do my work by continuously making false racist accusations. Additionally, all items that led to the charges against Transit Operator Levels, were documented in the Charging Documents and were presented by Labor Relations at the hearing.

January 2020 – Operator Discipline and Subsequent Lawsuit

The SFMTA response states "the investigation did not corroborate your speculation that King and Jones participated in the lawsuit". This statement continues to show the lack of effort that was placed into this investigation. It shows that the SFMTA failed to contact the City Attorney. King expressed his views about me during a deposition pertaining to this lawsuit. The deposition involved a case which occurred during a time when King was not even employed by the SFMTA.

February 2020 – Continued Rumors

Jones went to the extent to communicate these accusations to employees at a work location I was scheduled to relocate to. Though the names of SFMTA team members that informed me of Jones' activities towards me at my newly assigned division are mentioned in the SFMTA response, it does not actually state that interviews were conducted with these individuals. The SFMTA response does state that making false racist accusations towards an individual are "a protected activity." Apparently the President of TWU felt differently. It has come to my attention the Luke Jones was removed as the TWU-250A Union Chair at the SFMTA Islais Creek Division due to similar allegations.

Impact on Ability to Manage and Career

The SFMTA response states "no witness heard Jones make the alleged comment". Again, no documentation has been provided by the SFMTA to verify who was interviewed during the investigation into my EEO concern. The SFMTA response also states that I "did not allege that you were called racist in any way that implicated your race." However, I stated in my email on November 19, 2019, "As the only [REDACTED] Division Manager, I believe that I was an easy target for this discriminant attack on my work based solely on my protected category."

The SFMTA response also states “Finally, you acknowledged that in June or July 2019 – well before the events described in your complaint - you applied for another position at AIR, undermining your claim that King and Jones’s conduct motivated your to leave SFMTA.” However, the SFMTA documents fails to fully document that I expressed my concerns to Bret Jones, Chief Transportation Office, much earlier than these events. My conversation with Brent Jones is noted in the Charges of Discrimination.

The SFMTA response shows no indication that their investigation identified that Luke Jones was removed from his Union position due to similar allegations. The SFMTA response does not mention that the agency did not retain Dante King in his position to promote diversity and equity. There is no mention that I had previously stated my concerns to Brent Jones, SFMTA Chief Transportation Officer. Finally, throughout the Charges of Discrimination, many potential witnesses are identified. The SFMTA response does not provide any evidence that interviews have taken place. These witness can corroborate my claims. All of the items I have listed in this appeal illustrate a less than adequate investigation performed by the SFMTA for claims submitted over 3 years ago. I am requesting that my case be reopened and reevaluated.

Additional Attachments:

Initial email of EEC concern dated 11/19/2019

SFMTA Response to EEO concern received on 2/20/2023

CSC-12 (5/2021)

(Use additional sheets if needed)



Transit Operator, in a disciplinary matter. On November 8, 2019, King sent you and others a calendar invitation titled "Meeting with Robbie Levels." This indicated that the subject matter was Levels' proposed discipline, which was dismissal from her position; however, you believe the meeting invitation was a ruse to speak poorly of you in the presence of management because King never requested any information on Levels' discipline. You; King; Jones; Levels; Travis-Allen; Monica Collins (Collins), then-Acting Assistant Manager; and Emily Williams (Williams), Transit Business & Administration Manager (9179 Manager V), attended the meeting.

Jones and King commented multiple times that you targeted Levels because she is [REDACTED]. You alleged Jones and Levels made untrue statements, and King made no attempt to verify the veracity of these statements during or after the meeting. In addition, you alleged King commented on allegations by other Operators, opined that you needed training, and stated that all division managers should have their disciplinary authority removed. Unidentified meeting participants also asked you accusatory questions that could have led to discipline without your having an opportunity to prepare or arrange union representation. Travis-Allen did not defend you; however, Williams affirmed that you properly followed all disciplinary guidelines and stated that SFMTA had not been successful at ensuring that all managers were following the guidelines.

On November 9, 2019, you met with Brent Jones (B. Jones), Acting Chief Transportation Officer, and Leda Rozier (Rozier), Rail Senior Operations Manager. B. Jones reviewed Levels' disciplinary history and said your decision to dismiss her was correct and you should proceed. B. Jones had also previously stated, "[Luke] Jones uses racial accusations as a tactic." Rozier commented that other divisions were not closely following the disciplinary guidelines. They told you that you no longer had to communicate with King and you should continue to follow the procedures and protocols as you had been. B. Jones also stated that division managers and assistant managers no longer had to meet with King if he made requests.

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On November 8, 2019, Travis-Allen heard Jones and King make false allegations about you but did not speak up or address them. On November 9, 2019, Travis-Allen was present when B. Jones and Rozier affirmed that your disciplinary decisions were based on proper procedure. You alleged Travis-Allen never did anything regarding the harassment and discrimination you experienced.

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To sustain a complaint of discrimination in violation of the SFMTA'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) there is a causal link between the protected category and the adverse employment action. An adverse employment action is any objectively material adverse action affecting



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terms, conditions, or privileges of your employment. Furthermore, the investigation did not corroborate your speculation that King and Jones participated in the lawsuit, and even if they had, they are entitled to do so and could have even been compelled to do so as part of the legal process, making this a protected activity as well.

February 2020 – Continued Rumors: The investigation did not substantiate your claim that Omokaro and Ballester informed you that Jones continued to spread rumors that you are racist and used race as a factor in your disciplinary decisions. Moreover, as discussed above, even if Jones did claim that you are racist and unfairly disciplined [REDACTED] employees, this is a protected activity.

Impact on Ability to Manage and Career: The investigation did not substantiate your allegations that the November 8, 2019, meeting and subsequent events in January and February 2020, negatively impacted your ability to perform your duties and harmed your career at SFMTA. No witness corroborated your claim that allegations of racism affected your ability to manage. Nevertheless, your own testimony demonstrated that you had the support of upper management. You stated that B. Jones, Rozier, and SFMTA Employee and Labor Relations supported your disciplinary decisions. You also acknowledged that after the November 2019 meeting with management, you no longer had to interact with King. In addition, you acknowledged that you did not request any special projects or assignments, nor did you apply for any promotional opportunities at SFMTA in 2019 or 2020, undermining your claim that Jones and King harmed your prospects for advancement within the Agency. Finally, you acknowledged that in June or July 2019 – well before the events described in your complaint – you applied to another position at AIR, undermining your claim that King and Jones's conduct motivated you to leave SFMTA. Based on the foregoing, I find by a preponderance of the evidence that there is insufficient evidence to establish that King and Jones discriminated against you due to your race in violation of the SFMTA's EEO Policy.

B. Insufficient Evidence to Support Harassment Allegations

To sustain a complaint of harassment in violation of the SFMTA'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 alleged that Jones harassed you due to your race by commenting, "You treat [REDACTED] people like slaves," and Jones and King harassed you by spreading rumors that you are racist. You are a member of a protected category based on your race; however, the investigation did not corroborate your allegations. First, no witness heard Jones make the alleged comment. Second, the investigation did not establish that Jones and King accused you of racism because you are [REDACTED]. A statement that you are racist is facially not a race-based comment or objectively related to your race, and you did not allege that you were called racist in any way that implicated your race. Moreover, though you did not welcome the accusations that you are racist, Jones and King's opposition to conduct they reasonably believed to be discriminatory is protected by the City's EEO Policy and is not harassment. Accordingly, the investigation established by a preponderance of the evidence that there is insufficient evidence to establish that Jones and King harassed you due to your race in violation of the SFMTA's EEO Policy.



C. Insufficient Evidence to Support Failure to Prevent Allegation

To sustain a complaint of failure to prevent in violation of the SFMTA's EEO Policy, the investigation must establish all of the following: (1) you were subjected to harassment/discrimination; (2) the department/City failed to take all reasonable steps necessary to prevent harassment/discrimination; and (3) the failure caused you harm.

You alleged that during the November 8, 2019 meeting, Travis-Allen heard Jones and King make false allegations against you but did not speak up or address them, and did not address Jones' and King's discrimination against and harassment of you. Travis-Allen denied your allegations, and witnesses did not corroborate your claims that Jones and King made false allegations against you or that there was any reason for Travis-Allen to address their comments. As discussed above, Jones and King were entitled to object to your disciplinary decisions, which they reasonably believed to be discriminatory, and the investigation did not reveal any information supporting your claim that they targeted you due to your race. Accordingly, the investigation established by a preponderance of the evidence that there is insufficient evidence to establish that Travis-Allen or SFMTA failed to prevent, report, or otherwise address discrimination and harassment in violation of SFMTA's EEO Policy.

IV. DETERMINATION OF THE DIRECTOR OF TRANSPORTATION

Please be advised that based on my review of the investigative findings, I find by a preponderance of the evidence that there was insufficient evidence to establish that you were subjected to discrimination or harassment, or that SFMTA failed to prevent discrimination or harassment.

My determination is final unless it is 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 from the e-mailed date of this letter.

For your information, you may file a complaint of employment discrimination with the California Civil Rights Department or the United States Equal Employment Opportunity Commission. Please contact these agencies directly for filing instructions and deadlines.

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

Sincerely,

Virginia Harmon
VH for
Jeffrey Tumlin
Director of Transportation



c: Kimberly Ackerman, Human Resources Director, SFMTA
Virginia Harmon, EEO Officer, SFMTA
Shana Dines, Employee & Labor Relations Manager, SFMTA
Amalia Martinez, EEO Director, DHR

From: "Weingarten, Neil" <Neil.Weingarten@sfmta.com>
Date: November 19, 2019 at 3:11:54 PM PST
To: "Harmon, Virginia" <Virginia.Harmon@sfmta.com>
Cc: "criss@sfmea.com" <criss@sfmea.com>
Subject: EEO Concern

Dear Virginia:

I was invited to a meeting on Friday, 11/8/19 by Dante King. Islais Creek Operator Robbie Levels had apparently requested "a meeting with management". The participants of the meeting were me, Dante King, Operator Robbie Levels, Islais Creek Union Chair Luke Jones, Former Acting Assistant Manager Monica Collins, Mary Travis-Allen, & Emily Williams. I received the meeting invitation but was provided no context about the subject matter. Dante admitted, in the meeting, he had several conversations with Operator Levels in preparation for the meeting. This left me at a significant disadvantage because I believe his opinions were predetermined since he did not contact me prior to the meeting.

As the only [REDACTED] Division Manager, I believe I was an easy target for this discriminant attack on my work based solely on my protected category. The accusations against me have no merit and it was very disconcerting to have this opinion about me discussed with employees I supervise.

Throughout the meeting references were made about the distribution of discipline at the SFMTA. The assumption was presented that Operator Levels must be a victim of the same seemingly targeted discipline based on race. Dante also made statements about allegations made by other Operators, towards me, and proceeded to provide his opinion of my training needs while two of my employees were in attendance. Additionally, he stated that all Division Managers should have their disciplinary authority removed.

I feel that from the onset of the meeting my integrity was questioned. It was further perpetuated with Dante's request for documentation from me; but, the acceptance of the Operator at her word. This is the same Operator who is spreading word around our division that she is going to "run me out." This information should at least bring the honesty and motivation of Operators Levels and Jones into question.

Afterwards, Dante thanked me for my demeanor during the meeting. I appreciated this sentiment, but I left the building feeling affronted and demeaned. All employees need respect in the workplace and the comments and perceptions he presented, with subordinate employees in attendance, may have lasting effects at the division level.

In conclusion, Dante directed an abundance of commentary and concerns about his perception of the treatment of [REDACTED] Operators at the SFMTA towards me. Dante King used this meeting as a platform to single me out, based on race; and, his comments have severe and pervasive impacts on my ability to manage.

Please contact me at your earliest convenience and I will provide additional details.

Regards,
Neil Weingarten

Division Manager
Kirkland & Islais Creek Divisions
415-542-6388