



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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

May 25, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Luis Romero
[REDACTED]

SUBJECT: REQUEST FOR A HEARING BY LUIS ROMERO FORMER 9163 TRANSIT OPERATOR ON THEIR FUTURE EMPLOYMENT RESTRICTION WITH THE MUNICIPAL TRANSPORTATION AGENCY.

Dear Luis Romero:

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **June 5, 2023, at 2:00 p.m.** You will receive a separate email invite from a Civil Service Commission staff member to join and participate in the meeting.

The agenda will be posted for your review on the Civil Service Commission's website at www.sf.gov/CivilService under "Meetings" no later than end of day on Wednesday, May 31, 2023. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, please submit one hardcopy 3-hole punch, double-sided and numbered at the bottom of the page, to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at civilservice@sfgov.org by **5:00 p.m. on Tuesday, May 30, 2023**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

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

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Jeffrey Tumlin, Municipal Transportation Agency
Kimberly W. Ackerman, Municipal Transportation Agency
Romika Williams, Municipal Transportation Agency
Shana Dines, Municipal Transportation Agency
David Garcia, Municipal Transportation Agency
John Sears, Municipal Transportation Agency
Yaya Holmes, Municipal Transportation Agency
Pete Wilson – TWU Local 250A
Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

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

B. Policy Requiring Written Reports

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

C. Policy on Written Submissions by Appellants

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

D. Policy on Materials being Considered by the Commission

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

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

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

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

F. Policy and Procedure on Hearing Items Out of Order

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

G. Procedure for Commission Hearings

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

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

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

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

Each presentation shall conform to the following:

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

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

H. Policy on Audio Recording of Commission Meetings

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

I. Speaking before the Civil Service Commission

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

J. Public Comment and Due Process

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

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

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

Information on Disability Access

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

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

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

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

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

San Francisco Lobbyist Ordinance

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



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22MTA) Applicable to Municipal Transportation Agency Service-Critical Classes

Refer to Civil Service Commission Procedure for Staff - Submission of
Written Reports MTA for Instructions on completing and processing this Form

1. Civil Service Commission Register Number: 0042 - 23 - 7
2. For Civil Service Commission Meeting of: June 5, 2023
3. Check One: Ratification Agenda _____

 Consent Agenda _____

 Regular Agenda X
4. Subject: Request by Luis Romero re: Restrictions on Future Employability
5. Recommendation: Adopt the reports, deny the appeal, and approve the future employability restrictions.
6. Report prepared by: Yaya Holmes Telephone number: 415-701-5050
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A**
8. Reviewed and approved for Civil Service Commission Agenda:

Municipal Transportation Agency Director: Romika Williams May 23, 2023

Romika Williams for Kimberly W. Ackerman, Chief People Officer, SFMTA

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

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

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

Attachment

CSC-22MTA (9/00)

CSC RECEIPT STAMP
RECEIVED
2023 MAY 24 13:56:16
EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION
SAN FRANCISCO

NOTIFICATIONS

Luis Romero


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

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

Romika Williams – Chief of Staff, SFMTA Human Resources
1 South Van Ness Ave. 6th Floor
San Francisco, CA 94103
Email: Romika.Williams@sfmta.com

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

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

John Sears – Presidio, Acting Division Manager
2640 Geary Blvd,
San Francisco, CA 94108
Email: John.Sears@sfmta.com

Yaya Holmes – Sr. Human Resource Analyst
1 South Van Ness Ave. 6th Floor
San Francisco, CA 94103
Email: Yaya.Holmes@sfmta.com

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



London Breed, Mayor

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

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

Jeffrey Tumlin, Director of Transportation

MEMORANDUM

DATE: June 5, 2023

TO: The Civil Service Commission

THROUGH: Kimberly W. Ackerman
Chief People Officer, SFMTA

FROM: David Garcia *DG*
Labor Relations Manager, SFMTA

SUBJECT: Appeal of Future Employability Restrictions by Luis Romero – Former 9163 Transit Operator (Register No.0042-23-7)

BACKGROUND

The San Francisco Municipal Transit Agency (Agency) hired Luis Romero (Appellant) as a Permanent Civil Service (PCS) Transit Operator (Job Code 9163) on January 5, 2015. The Agency dismissed him from his position on March 4, 2023. The Appellant threatened violence against a customer, exited the bus to confront the customer, and took off his belt to use as a weapon on October 10, 2022. The Appellant's dismissal from PCS was disciplinary. The Agency recommends permanently restricting his future employability. Specifically, the Agency and the City and County of San Francisco (CCSF) should cancel his current examinations and eligibility status and offer no future employment with the Agency or the CCSF.

On March 6, 2023, the Appellant sent a request for appeal to the Civil Service Commission (CSC). The Appellant did not include his reasons for appeal in his request. See Appeal to the Civil Service Commission, March 6, 2023 (Form CSC-12). The Appellant appeals the Agency's "Future Employability Recommendation" following his release from the position of Transit Operator (Job Code 9163). In accordance with the Civil Service Rules, the Agency submits this staff report for the Commission's review and consideration.

ISSUE

Is it reasonable to preclude the Appellant from future employment with the SFMTA and the CCSF, and to cancel his examination and eligibility status?

AUTHORITY AND STANDARDS



The Agency's procedure for dismissal of permanent employees is governed by the Civil Service Commission Rule as set forth below: **(Exhibit A)**

Sec. 402.1 Appointment

402.1.1 Permanent Civil Service

An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.

Sec. 414.2 Permanent Appointment – Definition

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

Sec. 422.7 Procedure for Dismissal of Regular Permanent Employee

422.7.1 Dismissal of Permanent Employee

A permanent employee who has completed the probationary period may be dismissed for cause upon written charges and after having an opportunity to be heard in her/his own defense.

422.7.2 Notification of Time and Place of Hearing

When the charges are made, the MTA Director of Transportation/Designee shall notify the person in writing of the time and place where the charges will be heard by mailing such statement via certified mail to the employee's last known address. Such hearing shall not be held within five (5) working days of the date on which the notice is mailed. The employee may be represented by counsel or other representatives of the employee's choice.

The Appellant must comply with all the policies and rules contained in the CCSF Employee Handbook and the SFMTA Rules and Instructions Handbook as set forth below:

CCSF Employee Handbook (Exhibit B)

- Policy Prohibiting Employee Violence in the Workplace
- Policy Regarding the Treatment of Co-Workers and Members of the Public

SFMTA Rules and Instructions Handbook (Exhibit C)

- Rule 2.8.1 Polite, respectful behavior is required of all employees in their dealings with the public, their subordinates and each other.
- Rule 2.8.2 Boisterous, profane or vulgar language is forbidden.
- Rule 2.8.3 Avoid disputes with any person, no matter what the provocation.
- Rule 2.8.11 Quarrelsome employees will not be retained in the service.



- Rule 2.13.1 - Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal.
 - Inattention to duties
 - Discourteous treatment of the public or other employees of the SF Muni Railway.

According to the SFMTA Rules and Instructions handbook disputes with any person, no matter what the provocation is to be avoided. Further, it says that boisterous, profane, or vulgar language is forbidden and vicious employees will not be retained in service. SFMTA employees must conduct themselves in a polite and respectful manner in their dealings with the public and each other. Adherence to the rules outlined in the aforementioned handbook is essential to the safe operation of the SFMTA railway and streets. Violation of any of the rules in the handbook is considered sufficient cause for disciplinary action up to and including dismissal.

FINDINGS

On January 5, 2015, the Agency hired the Appellant into the permanent civil service job class, 9163 Transit Operator, and dismissed him from this position on March 4, 2023, for threatening a customer and taking off his belt to be used as a weapon against the customer **(EXHIBIT D)**.

On October 10, 2022, the Agency received a Customer Service Case. Customer 1 was on the Appellant's bus and reported that Customer 2 was denied boarding, even though the Appellant missed the signal light he refused to let Customer 2 on the bus. Customer 1 reported he witnessed the Appellant exit the bus, take off his belt and chase Customer 2 **(EXHIBIT E)**.

On October 14, 2022, the Appellant was placed on non-driving status (NDS), which is similar to Paid Administrative Leave, as it removes the Appellant from driving service. The Appellant remained on NDS until his separation **(Exhibit F)**.

In a letter dated October 31, 2022, a Notice of Proposed Recommended Action - Dismissal recommends the Appellant be dismissed from his permanent position as a 9163 Transit Operator for violation of the CCSF's Employee Handbook and SFMTA Rules and Instructions Handbook as stated above **(Exhibit G)**.

A Skelly meeting was held on November 4, 2022, and the Skelly Officer issued their decision on November 11, 2022, and upheld the proposed dismissal **(Exhibit H)**.

The Appellant's Union filed a Step 1 grievance request dated November 15, 2022, in response to the *Skelly* decision. The Agency responded on November 15, 2022, denying the grievance and upholding the dismissal **(Exhibit I)**.



The Agency held a remote meeting on February 1, 2023, and responded on March 3, 2023, denying the grievance and upholding the dismissal (**Exhibit J**).

The Agency separated the Appellant from their position on March 4, 2023, and due to the egregiousness of his conduct, the Agency recommended future employment restrictions (**Exhibit K**).

On March 6, 2023, the Appellant's Union filed a Step 3 request for expedited arbitration in response to the Agency's Step 2 response. A Step 3 hearing was held on April 5, 2023, and Arbitrator David Weinberg upheld that the Appellant was dismissed for just cause (**Exhibit L**).

DISCUSSION AND ANALYSIS

The Appellant was hired on January 5, 2015, as a Permanent Civil Service 9163 Transit Operator. The Agency dismissed him from his position on March 4, 2023. The Appellant violated the CCSF Employee Handbook – Policy Prohibiting Employee Violence in the Workplace and Policy Regarding the Treatment of Co-Workers and Members of the Public. The Appellant also violated SFMTA Rules and Instructions Handbook.

An onboard video was reviewed and shows the Appellant refused to let Customer 2 board his coach around 7:30 pm. The customer can be seen banging on the front door to let him on and then stood in front of the coach asking to be let on the coach. The Appellant first yelled out of his driver's window and yelled that "I'm a fuck you up" and other threats against the customer. The Grievant then opened the coach doors, left the bus and removed his belt, and threatened to assault the customer in front of the bus and in front of the passengers and the public.

Excerpts from the video show the Appellant making direct threats of violence towards Customer 2 using disrespectful and threatening language in violation of policies and rules listed in the CCSF's Employee Handbook and SFMTA Rules and Instructions Handbook.

- On Monday, October 10, 2022, around ~7:30 pm the Appellant is observed in the onboard camera:
 - Pointing his middle finger toward the customer.
 - Threatening Customer 2 that if he gets off the bus "he is going to fuck him up."
 - Telling Customer 2 to walk towards him and he "will lay him out, Bitch."
 - Telling Customer 2 that he will slap him and pulls off his belt and walks towards Customer 2 with the belt in his hand.

The SFMTA is committed to maintaining a workplace free from violence and threats of violence. Its zero-tolerance policy strictly prohibits any act or threat of violence towards employees or in the



workplace. Undeniably, the Appellant's action was threatening, suggestive of workplace violence against the customer.

In addition, the SFMTA requires employees to treat members of the public with courtesy and respect. Undeniably, the Appellant's action was disrespectful and inappropriate, as he refused to let the passenger board, and verbally threatened the customer with physical violence. This incident was unprovoked and was conducted in public with other customers present.

The Agency complied with the grievance process, resulting in final and binding arbitration. The Appellant received the arbitrator's decision that the Agency had just cause and upheld the termination.

CONCLUSION

For the reasons mentioned herein, the Appellant's disrespectful, confrontational, and threatening language towards a customer prompted his dismissal on March 4, 2023, and the Agency placed future employment restrictions as neither SFMTA nor CCSF can tolerate workplace violence.

RECOMMENDATION

Adopt the reports, deny the appeal, and approve the future employability restrictions.

Attachments:

- Exhibit A: Civil Service Rules
- Exhibit B: City and County of San Francisco Employee Handbook
- Exhibit C: SFMTA Rules and Instructions Handbook
- Exhibit D: CCSF Appointment Summary
- Exhibit E: Customer Service Case Details
- Exhibit F: Trapeze Printout - NDS
- Exhibit G: Notice of Proposed Disciplinary Action
- Exhibit H: Skelly Decision
- Exhibit I: Step 1 Grievance
- Exhibit J: Step 2 Notice & Response
- Exhibit K: Notice of Dismissal
- Exhibit L: Arbitration Grievance Notice & Decision
- Exhibit M: CSC Letter dated March 9, 2023 – Register No: 0042-2-7

EXHIBIT A

Rule 402

Definitions

Applicability: Unless otherwise noted, Rule 402 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Unless otherwise required by the context, the words listed below and as used in these Rules have the following meanings:

Sec. 402.1 **Appointment**

402.1.1 **Permanent Civil Service**

An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.

402.1.2 **Probationary**

Status of civil service employees during a trial period following permanent appointment.

402.1.3 **Temporary Civil Service**

An appointment made to a temporary position as a result of certification from an eligible list.

402.1.4 **Provisional**

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which in either case, is time limited as provided elsewhere in these Rules.

1) Non-Civil Service

Section 402.1.4 1) shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which, in either case, is time limited to a maximum duration as provided elsewhere in these Rules.

Rule 414

Appointments

Article I: General Provisions

Applicability: Article I, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Sec. 414.1 **Appointment - General Provisions**

414.1.1 **Report of Appointment**

All appointments shall be authorized by the MTA Director of Transportation/Designee on the prescribed form prior to the appointee's starting date of employment.

414.1.2 **Validation of Appointment**

No appointee may begin working until validation has been issued by the MTA Director of Transportation/Designee.

414.1.3 **Finality of Appointing Officer's Decision**

Except as otherwise provided in these Rules, ordinances, or the Charter, the decision of the MTA Director of Transportation/Designee in all matters regarding appointment within the MTA shall be final.

Sec. 414.2 **Permanent Appointment - Definition**

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

Sec. 414.3 **Method of Appointment - Permanent Appointment**

Permanent appointments shall be made in the following order of priority:

414.3.1 by the return to duty of a permanent holdover;

414.3.2 by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees;

Rule 422

Employee Separation Procedures

Article IV: Dismissal of Permanent Employee

Applicability: Article IV, Rule 422, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 422 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 422.7 Procedure for Dismissal of Regular Permanent Employee

422.7.1 Dismissal of Permanent Employee

A permanent employee who has completed the probationary period may be dismissed for cause upon written charges and after having an opportunity to be heard in her/his own defense.

422.7.2 Notification of Time and Place of Hearing

When the charges are made, the MTA Director of Transportation/Designee shall notify the person in writing of the time and place where the charges will be heard by mailing such statement via certified mail to the employee's last known address. Such hearing shall not be held within five (5) working days of the date on which the notice is mailed. The employee may be represented by counsel or other representatives of the employee's choice.

422.7.3 Hearing Officer - Sources

The hearing itself, as required by Charter, shall be conducted by a hearing officer under contract to the MTA chosen as follows in each case: From organizations such as the American Arbitration Association or the State Conciliation Service which customarily provide hearing officers; or from a list of qualified hearing officers certified by the Civil Service Commission, which shall be kept current and contain at all times at least three (3) names.

EXHIBIT B

WORKPLACE VIOLENCE PROHIBITED

Policy Prohibiting Employee Violence in the Workplace

The City is committed to maintaining a workplace free from violence and threats of violence, and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited and should be reported immediately.

“Violence” includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property.

Employees are also prohibited from possessing, storing or having control of any weapon on the job, except when required by the City department in the performance of the employee’s official duties. Weapons include, but are not limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

Reporting and Responding to Workplace Violence

All employees are responsible for reporting any acts of intimidation, threats of violence or acts of violence to their supervisor, manager or departmental personnel officer. Supervisors and managers are responsible for documenting and reporting all observed or reported incidents of workplace violence.

or privileged information obtained by virtue of your office or employment for non-business purposes, and you may not use that information to advance the financial or other private interest of yourself or others.

- For a period of one (1) year after you leave City employment, you may not contact your former department on behalf of any person for the purpose of influencing a governmental decision. You also may not work for or receive compensation from any party to a City contract if, within the previous twelve (12) months, you were personally and substantially involved in the City's award of that contract. For other post-employment restrictions, please visit www.sfethics.org.
- Depending on your level of decision-making authority, you may be required to file a statement of economic interests. For a list of those employees who are required to file these statements, and instructions on how to do so, contact your supervisor.

The San Francisco Ethics Commission investigates violations of these rules and other improper government activities. If you are aware of any such violations or activities, or if you have any questions concerning the ethics rules for City employees, contact the Ethics Commission at (415) 252-3100. All complaints will be kept confidential to the extent permitted by law.

Policy Regarding the Treatment of Co-Workers and Members of the Public

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

Smoke-Free Workplace

Smoking is not permitted in City offices, or within 20 feet of entrances, exits, or operable windows of public buildings.

Drug-Free Workplace

You may not manufacture, distribute, dispense, possess, use or be under the influence of alcohol or illegal drugs in workplace. This prohibition includes prescription drugs used improperly (e.g., those not prescribed for the user). Any violation of this policy may be grounds for discipline up to and including dismissal.

If you perform activities in your job that are funded by a federal grant, you must notify your department head of any drug convictions for violation of drug laws that took place in the workplace within five days of any such conviction. Employees in certain safety-sensitive positions, or in positions where testing is required by federal law, may be required to submit to periodic drug tests. All employees may be required to submit to drug testing under certain circumstances consistent with federal, state, and local laws and applicable collective bargaining agreements.

EXHIBIT C

task for which the property was issued or upon demand by proper authority.

2.7.7 Employees must not duplicate or cause to be duplicated any Railway keys for any person without their supervisor's approval.

2.7.8 Operators must not loan or give any Railway keys to any person without their supervisor's approval.

2.8 Conduct

2.8.1 Polite, respectful behavior is required of all employees in their dealings with the public, their subordinates and each other.

2.8.2 Boisterous, profane or vulgar language is forbidden.

2.8.3 Avoid disputes with any person, no matter what the provocation.

2.8.4 When a passenger presents an invalid transfer or abuses a transfer rule, employees are to courteously request the passenger to retain the invalid transfer and pay the fare and then refer the passenger to the Passenger Service Department.

2.8.5 Politely refer a complainant to the Passenger Service Department if unable to resolve the matter satisfactorily.

2.8.6 Information concerning the business of the Railway is to be given only to properly authorized representatives of the Railway and peace officers in performance of their duties who present proper credentials.

2.8.7 Employees are not to, give presents to their superiors and supervisors are not to accept presents from subordinates.

- 2.8.8** Employees are not to engage in any business on Railway property that involves selling or buying merchandise or lending money.
- 2.8.9** Dishonest employees will not be retained in the service.
- 2.8.10** Immoral employees will not be retained in the service.
- 2.8.11** Quarrelsome employees will not be retained in the service.
- 2.8.12** Vicious employees will not be retained in the service.
- 2.8.13** Employees, on or off duty, are not to engage in unnecessary conversation with the operator in charge of a revenue vehicle.
- 2.8.14** Uniformed employees, upon request, are required to give their Identification number and vehicle number.
- 2.8.15** Employees must not engage in horseplay, fighting, sparring, or any form of practical joking that will compromise safety.
- 2.8.16** Employees must not loiter in areas open to the general public, nor in any manner interfere with Railway operation.
- 2.8.17** Employees must not possess a weapon while on duty.
- 2.8.18** Employees are prohibited from gambling while on duty or in uniform or at any time while on Railway property.
- 2.8.19** Employees may not play games on MUNI property after 6:00 P.M.
- 2.8.20** Employees are not to stop enroute between terminals, while in or out of service, or between garages, yards, or car houses and terminals, to enter any establishment, except to use the restroom or the telephone to report an emergency.

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

2.12 Training

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

2.13 Discipline

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

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

2.14 Traffic Laws

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

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

EXHIBIT D

Emp
Luis E Romero


Emp Record
0

Job Appointment Summary

[Personalize](#) | [Finc](#)

Eff Date	Appt Date	Action	Description	Payroll Status	Job Code	Union Code	Empl Class	Exmpt Cat	Full/Part Time	Elig List #	Rank	POS #	Dept Sen Date	Dept	Location	Cert Date	Ctywd Snr Date
03/04/2023	01/05/2015	TER	Dismissal of Permanent Employe	Terminated	9163	253	PCS	NA	F	M00073	142.00	01129575	12/23/2014	MTA	MTA008A	12/23/2014	12/23/201
07/01/2017	01/05/2015	POS	Position Data Update	Active	9163	253	PCS	NA	F	M00073	142.00	01129575	12/23/2014	MTA	MTA001	12/23/2014	12/23/201
01/05/2015	01/05/2015	HIR	New Hire	Active	9163	253	PCS	NA	F	M00073	142.00	01129575	12/23/2014	MTA	MTA001	12/23/2014	12/23/201

EXHIBIT E

Muni Customer Service Case Details


Feedback Details		
Case Number	Status	ADA Status
688529	Pending Division investigation	Non-ADA
Case Type	Feedback is about	Feedback specifics
Complaint	Discourteous or unprofessional employee	Discourteous or rude behavior
Line or Route and Direction		Vehicle Number
31 Balboa Outbound to Ocean Beach		5771
Incident Details		
Where did this happen?	Date	Time
EDDY STREET at VAN NESS AVENUE	10/10/2022	07:30 PM
What happened?		
<p>Patron stated, "I was on the bus and another man was trying to get on the driver missed the light but wouldn't let him on, then the driver got off the bus chased the man and took off his belt and tried to whip the man with his belt. I told the driver I was going to report him and he told me I don't give a fuck."</p>		
Operator Details		
Operator Name	Operator ID	
Luis Romero		

EXHIBIT F



Date	Division	Category	Run Type	Work Time	Activity	Piece Num	Sign On	From Time	To Time	Sign Off	Platform Time	Assign Type	Comments
0-04-22	PRESIDIO	Day Off			Day Off								
0-05-22	PRESIDIO	Day Off			Day Off								
0-06-22	PRESIDIO	Leave		36h00 36h00	1DV8 Total		12:00a	36:00			0 0		
0-07-22	PRESIDIO	Fixed	PM Straigh	9h57 9h57	077 Total	1	12:46	12:46p	10:43	10:43p	9h57 9h57	Bid	
0-08-22	PRESIDIO	Fixed	Split	4h25 4h05 8h30	075 075 Total	1 2	9:49a 4:14p	9:49a 4:14p	2:14p 8:19p	2:14p 8:19p	4h25 4h05 8h30	Bid Bid	
0-09-22	PRESIDIO	Fixed	AM Straigh	9h39 9h39	076 Total	1	11:24	11:24a	9:03p	9:03p	9h39 9h39	Bid	
0-10-22	PRESIDIO	Fixed Holiday	PM Straigh	9h38 9h38	076 Holiday Total	1	12:44	12:44p	10:22	10:22p	9h38 9h38	Bid	2022 INDIGENOUS DAY
0-11-22	PRESIDIO	Day Off			Day Off								
0-12-22	PRESIDIO	Day Off			Day Off								
0-13-22	PRESIDIO	Fixed	PM Straigh	9h57 9h57	077 Total	1	12:46	12:46p	10:43	10:43p	9h57 9h57	Bid	
0-14-22	PRESIDIO	Fixed	PM Straigh	3h44 6h13 9h57	077~1 NDSPNLTR Total	1	12:46	12:46p	4:30p	4:30p	3h44 0 3h44	Bid	

EXHIBIT G



Rule 4.15 Stopping for Passengers

Rule 4.15.2 Operators must pull into any properly marked vacant and clear bus zone to allow passengers to board and alight.

Rule 4.15.4 Coaches must be stopped in box zones so that:

- A. Front and rear doors are within one foot of the curb, if not;
- B. Both the front and rear doors are beyond three feet of the curb when other vehicles are parked at curb legally or illegally.

M.O.U. Section 19.4 Definition of Discipline and Progressive Discipline

209. Progressive discipline need not apply in cases of severe misconduct including but not limited to reporting to work or operating a SFMTA transit vehicle or equipment while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug, the unlawful use or possession of a drug or alcoholic beverage, mishandling of funds, vicious conduct, or serious willful abuse of SFMTA equipment.

The Facts Upon Which These Charges Are Based

On **October 10, 2022**, while operating Coach 5771, on the 31 Line, Run 076, a Customer Service Complaint (CSC # 688529) was submitted at approximately 7:30 pm under the category of, "Discourteous or unprofessional employee". The complainant stated, "I was on the bus and another man was trying to get on the driver missed the light but wouldn't let him on, then the driver got off the bus chased the man and took off his belt and tried to whip the man with his belt. I told the driver I was going to report him and he told me I don't give a f***." The associated video was reviewed and confirms the complainants account of the incident. More specifically, the video details your misconduct after failing to board a passenger and failing to notify Operations Control Center, per SFMTA Rules and Instructions Handbook. The frustrated customer, after attempting to board the rear doors, was also denied access at the front doors. The operator's refusal to allow the customer access escalated to a stand-off and verbal dispute where the customer stood in the crosswalk in front of the bus requesting entry. The audio captures threats of physical harm to the intending passenger, as the operator yells out expletives from the driver's window ("I'm a f*** you up... I'll lay you out b*****"). The video and audio also capture you exiting the coach yelling, "B***** I'm a slap you... I'm a pull out my belt "as you removed your belt to be formed as a weapon in an attempted threat to cause physical harm. This egregious action took place in plain view of our cameras and with disregard for our customers and their public safety. The vicious conduct portrayed in the video was unprovoked and would more likely than not have resulted in a physical altercation had the customer not placed himself out of harm's way.

Inquiry/Investigation

An investigative conference was held on October 21, 2022. The operator, Luis Romero, was present with Union Representative, Juan Coleman. Mr. Romero was given the opportunity to



view the video by both the Union and I, but refused stating, " I am embarrassed...and I know what I did". The operator took full responsibility for his actions and expressed an apology for his conduct but did not give a reason for his actions other than stating, " the 31 line is stressful".

Materials Upon Which Charges are Based

The following materials, attached hereto, provide the written evidentiary basis for the charges and proposed recommendations:

- CSC # 688529 and Associated Video.
- Discipline Track History
- Trapeze/Training Records – PACT (Practical Communication Tools for Safety and Service) 7/28/21

Romero, Luis #4939_C&R for Skipped Requested Stop	2/18/2022 3:05 PM
Romero, Luis #4939_IC for AA on 6.5.22	8/4/2022 2:39 PM
Romero, Luis #4939_IC for AA on 6.5.22	8/4/2022 3:28 PM
Romero, Luis #4939_IC for CSC_Skipped Requested Stop on 11.28.22	2/3/2022 4:11 PM
Romero, Luis #4939_IC for Discourtesy CSC on 5.4.22	6/3/2022 8:43 AM
Romero, Luis #4939_IC for Discourtesy on 10.10.22	10/17/2022 2:32 PM
Romero, Luis #4939_Rebuttal_C&R for Skipped Requested Stop on 11.28.22	3/16/2022 1:52 PM
Romero, Luis #4939_WW for AA on 6.5.22	9/14/2022 3:55 PM

Date	Category	Description	Start	End	Start	End	Start	End	Start	End	Total	Other	Count
07-28-21	PRESID	Casual									8h00	7h04	15
	PRESID	ExtraPay									8h30	0	
	PRESID	Absence									20	0	
											36h00	0	
											44h50	0	
07-29-21	PRESID	Standby									1h19	0	
	PRESID	Fixed									9h28	9h13	15

<input type="checkbox"/>	45155	PRESIDIO	165393	Luis Romero	9163	4939	PACT v.1
<input type="checkbox"/>	49046	PRESIDIO	165393	Luis Romero	9163	4939	PACT v.1

Basis for Recommendation/Conclusions

You are required to adhere to all rules and regulations regarding conduct, and it is your responsibility to ensure you are respectful and courteous in your dealings with the public. Violence or threats of violence cannot be tolerated.

On October 10, 2022, our customer, a victim, was threatened with physical harm by one of our employees. The facts confirm that this vicious conduct took place in the Tenderloin District of San Francisco, where some of the less fortunate part of our city reside. Diversity is part of



the fabric of our city, and we must remain diligent to safeguard the rights of people in our community to ensure they are treated equitably even though their voices are often unheard. This incident strikes at the core of what we represent as an Agency for the union rank and file, operators, and management.

Therefore, based on the above, it is my recommendation that you be dismissed from your position as a 9163 Transit Operator.

Right of Response

You have the right to provide a response to this proposed recommendation. Your response may be written or oral. **A meeting is scheduled for 11/4/22 at 1:00PM at Presidio Division.** This stage of the process is your opportunity to respond to the charges and proposed

recommended action. This is not a formal hearing and therefore there is no examination of witnesses nor a court reporter or transcript of the process.

You are entitled to bring a representative of your choosing with you to the meeting. Your Union representative is Juan Coleman.

If you choose to respond in writing, your written response should be directed to **DeMarrio McClary** and must be received no later than 11/4/22 at 1:00PM.

If you fail to appear as scheduled or respond in writing, the disciplinary process will proceed.

Sincerely,



John Sears III
Operations Assistant Manager (Acting)
Woods Division

cc: Labor Relations
Division Union Chairperson
Operator's File

EXHIBIT H



PRESIDIO DIVISION

2610 Geary Boulevard
San Francisco, CA 94115

November 11, 2022

Skelly Decision

Mail # 338

Luis Romero # [REDACTED]
9163 Transit Operator

SUBJECT: Skelly Hearing Officer Decision

Dear Mr. Romero:

You received a Notice of Intent to Discipline proposing that you be dismissed from your position as a 9163 Transit Operator for Conduct.

Hearing:

A hearing was held November 4, 2022. You attended with your union representative Juan Coleman.

Operator's Comments:

You stated that you are very sorry for what happened and you are really embarrassed by it. You said if the situation arose again you would have let him on the bus and would not have gotten out of the seat. You would have called TMC if necessary.

Union's Comments:

The union states that dismissal would be a hardship on Mr. Romero and that the operator is remorseful and the conduct will not happen again. The union also stresses that there was no physical contact in this incident. The union requests a 10 day suspension, an LCA, and retraining. The union notes that Mr. Romero requested a 5 day suspension.

Hearing Officer's Comments:

The conduct displayed in this incident is inexcusable. Instead of boarding a passenger at a bus stop, you would not allow him to board and then got off the bus and attempted to strike him with your belt when he stood in front of the bus. You put yourself and the intending patron in danger. This conduct cannot be tolerated.

Hearing Officer's Decision:

The proposal for dismissal is sustained.



Right of Appeal:

You may appeal this action within five (5) days of receiving this notice of Recommended Disciplinary Action, in accordance with Article 22 of the 2022- 2024 MOU between TWU Local 250 – A and the San Francisco Municipal Transportation Agency.

You have the right to be represented in your appeal by your union representative, or another representative of your choice.

Sincerely,



Demarrio McClary
Presidio Division Manager
Trolley Bus Operations

cc: Labor Relations
Division Union Chairperson
Operator's File

EXHIBIT I

Transport Workers Union – Local 250-A Grievance Form

Step 1



Date: 11/15/2022

Grievance #: _____

Employee's Name: Luis Romero

Cap or Badge #: [REDACTED]

Division: Presidio

Classification: 9163 Transit Operator

Nature of Grievance:

On 10/10/2022 Mr. Romero had a verbal (NONE PHYSICAL) altercation. The Agency cites that he used a weapon and proposed separation from the Agency. SFMTA shall act in a fair and equitable manner with due regard for the operator's record. Mr. Romero stated that he is remorseful and the misconduct will not occur in the near future. Accidents that are listed on his discipline track is not applicable.

Rule Violation(s):

CONTRACT VIOLATION: ARTICLE: 19.1 Paragraph 226

Desired Resolution:

Reduce from separation to a 5 day suspension and retraining is in order.

Presidio Division Chairperson

Employee Signature:

Sign for Luis Romero

Representative Signature:

Juan Salazar Coleman Presidio Division Chairperson

Management's Reply:

Denied

Management Signature:

Title:

Presidio Manager

Date:

11/15/22

EXHIBIT J



London Breed, Mayor

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

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

Jeffrey Tumlin, Director of Transportation

STEP 2 MEETING NOTICE

1/24/2023

Luis Pina Romero

Via U.S. Regular Mail, Hand-Delivery

Certified # 7018 1130 0001 6193 6854

Email:

Division/Work Location:

Presidio

Grievance #

161-22-PR

CapID #

4939

In accordance with the Grievance Procedure, of the current TWU, Local 250-A (9163) (MTA), a Step 2 Meeting is scheduled as follows:

Date:	Wednesday, February 1, 2023
Time:	10:00 AM
Location:	<p align="center">Microsoft Teams Meeting Call in (audio only): (415) 915-0757 Phone Conference ID:275 213 532 393 https://tinyurl.com/Luis-Romero-02012023</p>

This meeting is in response to the grievance number, 161-22-PR , filed by you and/or your Union on 9/22/2022.

We are offering this Step 2 meeting in a remote format to maximize the safety of the participants. Conducting the Step 2 meeting remotely does not meaningfully affect or limit your right to respond to the Step 2 meeting, because it provides the same opportunity for live and visual presentation and response directly to the Step 2 officer.

At the meeting, you will have an opportunity to explain how imposing discipline violates, the MOU, lacks sufficient cause, or any or reasons you wish to provide to support the remedy you request in your statement of grievance. You have a right to Union representation at the meeting. You must make your own arrangements for Union representation.

You will be notified of the Step 2 Officer's decision within twenty-one (21) calendar days of the meeting date. Please be advised that if you fail to appear and do not respond in writing by the meeting date without an approved extension, your grievance will be denied.

David Garcia

1/24/2023

Date

cc: Yaya Holmes, HR-ELR
DeMarrio McClary, Division Manager, Presidio Division
John Sears, Assistant Manager, Presidio Division
Pete Wilson, TWU, Local 250-A (9163) (MTA) /discipline@twusf.org
Juan Coleman, Union Chair, Presidio Division
Belle Chiew, Presidio Division
Employee



London Breed, Mayor

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

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

Jeffrey Tumlin, Director of Transportation

March 3, 2023

Via email: discipline@twusf.org
pwilson@twusf.org

Pete Wilson, Vice-President
1508 Fillmore Street, Suite 211
San Francisco, CA 94115

Re: Step 2 Decision: Luis Romero ([REDACTED] 161-22-PR

STEP II GRIEVANCE RESPONSE

Statement of the Grievance

On September 22, 2022, Municipal Transportation Agency (Agency) heard this grievance at Step 2. The grievance arises from a Dismissal proposed by the Agency in its charging letter dated October 31, 2022 (Skelly Notice). The Agency charges Operator Luis Romero (Operator) with multiple rule violations because of his conduct on October 10, 2022. Specifically, the Agency charges the Operator with violating Rules 2.13, 2.8, 4.12, and 4.15. See San Francisco Municipal Railway Rules and Instructions Handbook (Handbook.)

In its grievance, the Union states that imposing a dismissal violates the Memorandum of Understanding between the Agency and the Union (MOU), specifically Section 19.1, paragraph 226. As a remedy, the Union requests the Agency reduce the dismissal to a suspension and Last Chance Agreement. On February 1, 2023, the Agency held a Step 2 via Microsoft Teams Meeting to discuss the grievance.

Present at the hearing were:

Pete Wilson
Juan Coleman
John Sears
Luis Romero
Yaya Holmes

Representative, TWU, Local 250-A (9163)
Union Chair, Presidio Division
Division Manager, Presidio
Grievant
Step 2 Officer

Background

On October 10, 2022, while operating coach 5771, on Run 076, on the 31 Line, the Agency received a Customer Service Complaint about a discourteous or unprofessional employee. Coach video captured the event and management reviewed the video when it investigated the customer service complaint. The video shows that after the Operator failed to let the passenger board the bus, the Operator is heard threatening the passenger, stating from the driver's window, "I'm a f*** you up... I'll lay you out b*****". The Operator is also heard stating, "B***** I'm a slap you... I'm a pull out my belt." The Operator was observed removing his belt from his pants, exiting the bus and walking towards the passenger with the belt in his hand.

On October 21, 2022, Division Manager John Sears held an investigative conference with the Operator. The Operator was given an opportunity to review the video but refused. The Operator stated he was embarrassed, and he knew what he did.

The Agency recommended a termination in its Skelly Notice dated October 31, 2022. The Skelly Notice informs the Operator about the Skelly meeting date and his right to representation. Skelly Officer DeMarrio McClary held the Skelly meeting on November 4, 2022, and issued a decision on November 11, 2022. McClary evaluated the evidence, considered statements from the parties, and sustained the recommended termination.

Union's/Grievant Position

The Transport Workers Union (TWU) Local 250-A, with Pete Wilson and Juan Coleman as joint representatives, offered the following points in response to the proposed disciplinary action:

- The Operator took responsibility for his action. He acknowledged he should have let the passenger on the bus.
- The Operator stated he would be more professional, and he would call in for assistance.
- The Operator is willing to take training or classes related to his behavior.
- The Union stated that certain routes are difficult and can be hectic.
- The Union pointed out this was not workplace violence since there was no physical contact.

Issue:

Did the Agency violate 19.1 Standards of Discipline paragraph when they proposed to terminate Luis Romero.

Answer:

No. Progressive discipline need not apply in cases of severe misconduct.

Analysis

In determining cause, the Agency must prove a violation of reasonable rules and that the discipline imposed is proportionate to the wrong. The Agency is not tasked with assessing the likelihood that the Operator would follow through with his threatening statements. In fact, its policies have zero tolerance for threats of violence. The division received a Customer Service complaint and investigated. The purpose of the investigation was to determine whether the allegations were true, whether policies were violated, and what action should be taken based on the findings. The investigative conference determines if there is cause and recommends appropriate action. The customer service complaint and allegations were corroborated in the investigation.

After listening to all arguments, reviewing all facts brought forth, and reading all information provided, it is found the agency has sufficient evidence to charge Romero for violating the Handbook rules as outlined in the charging letter, and the City's Policy Prohibiting Employee Violence in the Workplace, which states:

The City and County of San Francisco (CCSF) is committed to maintaining a workplace free from violence and threats of violence and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited... Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

The evidence supports the dismissal recommendation and management correctly exercised discretion in determining the appropriate disciplinary action. The Agency complied with its policies, specifically the excerpt below. Management's actions are consistent with this and other policies.

The City will not tolerate Disrespectful Behavior in any City workplace and seeks to intervene at the earliest sign or state of Disrespectful Behavior in misconduct and prevent its recurrence. Any employee or officer who violates this policy will be subject to disciplinary actions up to and including termination.

Conclusion

The Agency followed its policies in response to allegations and confirmed that the Operator made threats towards a passenger. The Agency is not here to test the significance of the threats made or to wait and see if more serious harm might occur. Therefore, this Grievance is denied, and the dismissal is upheld.

This decision is specific only to this employee and only to the above-stated grievance and cannot be used or cited for any other purpose.

Recommended by:



Yaya Holmes
Step 2 Officer

Approved by:



David Garcia
Labor Relations Manager

cc: Julie Kirschbaum/Leda Rozier/Ammee Alvior, Transit Management
John Sears, Presidio Division Manager
Luis Romero, Grievant
Labor Relations/HR-ELR
Chron File

EXHIBIT K



London Breed, Mayor

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

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

Jeffrey Tumlin, Director of Transportation

U.S. Certified Mail, U.S. Regular Mail

Email: 

March 6, 2023

Luis Romero


RE: Notice of Dismissal
Transit Operator, Job Code 9163 – Permanent Civil Service (PCS)

Dear Luis Romero:

In her decision dated March 3, 2023, the Step 2 Officer, Yaya Holmes upheld the proposed dismissal from your position, Transit Operator, Job Code 9163, as proposed by the division.

After a thorough review of all the facts and Yaya Holmes's decision, it is my decision to dismiss you from your permanent position.

This letter is to notify you that you are being dismissed from your permanent civil service appointment as a Transit Operator, Job Code 9163, with the San Francisco Municipal Transportation Agency (SFMTA), effective March 4, 2023.

The SFMTA is recommending to the Civil Service Commission that your future employment be restricted as follows:

- No future employment with the City & County San Francisco
- Cancel any current examination and eligibility status.

If you have any questions regarding this matter, please contact Employee & Labor Relations at 415.701.5050.

Sincerely,


Shana Dines,
Manager, Employee & Labor Relations

Enclosures: Separation Report, Notice of Future Employment Restrictions & Step 2 Response

cc: Julie Kirschbaum/ Leda Rozier/Ammee Alvior, Transit Operations
John Sears, Potrero Division
David Garcia, Employee & Labor Relations Unit
Rie Butler, Client Services DHR
Brian Lim, Valerie Coleman, Ruby Liu, Employee Services
Grievance File/Chron File



SEPARATION REPORT

INSTRUCTIONS: Please complete the Separation Report to:

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

Date of Request: March 6, 2023

Department Contact: HR ELR Email: HR-ELR@sfmta.com Phone: _____

SECTION I: PERSONAL AND JOB INFORMATION

Name (Last, First, M.I.): Romero, Luis Employee I.D.: [REDACTED]

Job Code: 9163 Job Title: Transit Operator

Position Number: [REDACTED] Hourly Rate: \$42.3125 Step: 4 Effective Date: March 4, 2023

Empl. Class: PCS Work Schedule: Full-Time

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

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

If no, continuing in:

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

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

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

SECTION II: SEPARATION INFORMATION

Resignation

Satisfactory Services (TER_RSS)

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

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

Employee Signature

Date

Lay-off

Involuntary Leave (PCS_LIL) Elective Involuntary Leave (PCS_EIL)

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

(PV & EX Only): (Select One)

Reason for lay-off: (Select One)

Employee acknowledges receipt of the DHR information leaflet.

Employee Signature

Date

SEPARATION REPORT

DEPARTMENT USE ONLY

Termination

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

Release from appointment:

Release from probation:

Dismissal:

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

Automatic Resignation (ARS)

Never Reported to Work (DSH)

Death of an employee (DEA)

Other (Specify): _____

Retirement:

DEPARTMENT CERTIFICATION

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



Appointing Officer/Authorized Designee Signature

Telephone

Name/Title: Shana Dines, Employee & Labor Relations, Manager

Department Number: 68 Department Name: SFMTA

Personnel File Forwarded? Yes No

Forwarded to:

Department: _____ Contact: _____

DHR USE ONLY

Action Pending? Yes No

Analyst Name

Telephone

SR Ref Number: _____

Holdover Canvass: _____

Reference Number used for layoff actions: _____



NOTICE OF FUTURE EMPLOYMENT RESTRICTIONS

Luis Pina Romero
 Employee Name

 Street Address

 City State Zip

March 6, 2023
 Mailing Date

 SFMTA/Transit
 Department/Division

 PCS
 Type of Appointment

This notice is to inform you that a future employment restriction is being imposed along with your separation action, or with the action of automatic resignation, reported to the Department of Human Resources separating you from your position in Class 9163 Title Transit Operator, effective 3/4/2023, for the reasons outlined in the attached document(s).

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

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

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

Requirement Type	Description:	Level of Measurement:	Measurement Value:
CER: Certification			
EXP: Work Experience			
LIC: Licensure			
SAP: Substance Abuse Program			
Other:			

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

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

You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission within 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by 03/26/2023. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action to confirm the restriction(s) in effect on the date of separation (Note: Future Employment Restriction(s) effective immediately).

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

List #: [REDACTED]	Rank #: <u>142</u>	<input type="checkbox"/> Pending	<input checked="" type="checkbox"/> Final	Status of Action
DSW: [REDACTED]		[REDACTED]		
Emp Organization: <u>TWU Local 250 A (9163)</u>		[REDACTED]		
METHOD OF SERVICE:		SIGNATURE		
<input type="checkbox"/> Hand Delivered		Shana Dines		
<input checked="" type="checkbox"/> Certified Mail	<u>[REDACTED] 9118</u>	NAME		
		Employee & Labor Relations, Manager		
		TITLE		

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

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

DEPARTMENT INSTRUCTIONS FOR COMPLETING FORM DHR 1-13E

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

Use this form when:

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

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

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

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

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

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

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

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

Indicate status of action:

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

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

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

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

EXHIBIT L



TRANSPORT WORKERS UNION OF AMERICA

LOCAL 250A AFL-CIO

1508 FILLMORE ST. #211 ~ SAN FRANCISCO, CA. 94115

(415) 922-9495 www.twusf.org

ROGER MARENCO
PRESIDENT

PETER WILSON
EXECUTIVE VICE PRESIDENT

MICHAEL DENNIS
SECRETARY TREASURER

VERTRINA Z. DAVIS
RECORDING SECRETARY

VICE PRESIDENTS
ROBERT M. GAINER
LOREE WOODS-BOWMAN
RAMON GALDAMEZ

EXECUTIVE BOARD
GEE JEUNG
KEVIN DAVIS
JUAN COLEMAN
ANTHONY BALLESTER
ALLAN NASAIRE
WALTER CORTEZ

March 6, 2023

NO: 161-22-PR


San Francisco Municipal Transportation Agency
1 South Van Ness
San Francisco, CA 94103

Dear Employee Labor Relations,

We request a Step-3 hearing for Luis Romero, Cap .

The manager did not address 19.1 nor 19.4 nor past decisions.

We would be interested in discussing a pre-step-3 agreement.


Sincerely
Pete Wilson
Executive Vice President
TWU Local 250A

David A. Weinberg
Arbitrator
Mill Valley, CA

DECISION AND AWARD

In the Matter of a Controversy between

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY, Employer

And

Transport Workers Union Local 250-A, Union

Re: Step 3 Hearing, Luis Romero – Grievance #161-22-PR

For the Employer:

Milyn Sanchez
Labor Relations SFMTA

For the Union:

Pete Wilson
Executive Vice President, TWU Local 250-A

PROCEDURAL BACKGROUND

Pursuant to the Agreement between the San Francisco Municipal Transportation Agency (hereinafter SFMTA), and the Transport Workers Union Local 250-A (hereinafter Union) the parties selected David A. Weinberg as the Arbitrator pursuant to Article 22 of the CBA. As a result of this dispute a hearing was held on April 6, 2023. During the hearing, the Arbitrator afforded both parties full opportunity for the presentation of evidence and oral argument. The parties stipulated the matter is properly before the Arbitrator for resolution.

The parties submitted to the Arbitrator the following issue:

Was there just cause for the termination of Luis Romero, and if not, what is the appropriate remedy?

FACTUAL SUMMARY


On October 10, 2022, Luis Romero was operating Coach 5771 on the 31 Line when the Agency received a customer complaint about the operator. The video of Operator Romero shows that he refused to let a customer board his coach around 7:30 pm. The customer can be seen banging on the front door to let him on, and then stood in front of the coach asking to be let on the coach. The Grievant first yelled out of his driver's window and yelled that "I'm a fuck you up" and other threats against the customer. The Grievant then opened the coach doors, left the bus and removed his belt and threatened to assault the customer in front of the bus and in front of the passengers and public. No actual physical assault took place.

DISCUSSION AND ANALYSIS

The Grievant expressed great remorse for his actions that day, both throughout the grievance steps and in the arbitration hearing and has given 8 years of service to SFMTA. However, his actions that day with threatening violence against a customer and for refusing to let him on the coach for no good reason represents severe misconduct. He violated multiple Agency rules including 2.13, 2.8, 4.12 and 4.15, and the threats issued in public against a customer, which were followed up by him actually getting off the bus and removing his belt to use as a weapon cannot be condoned. The Agency had just cause to terminate the Grievant. The Grievance is denied.

DECISION

The termination of Luis Romero was for just cause and the grievance is denied.



David A. Weinberg
Arbitrator
April 10, 2023

EXHIBIT M



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

NOTICE OF RECEIPT OF APPEAL

DATE: March 9, 2023
REGISTER NO.: 0042-23-7
APPELLANT: LUIS ROMERO

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 Luis Romero, requesting a hearing on their future employability with the City and County of San Francisco. Your review and action are required.

If this matter is not timely or appropriate, please submit CSC Form 13 "Action Request on Pending Appeal/Request," with supporting information and documentation to my attention by email at civilservice@sfgov.org. CSC Form 13 is available on the Civil Service Commission's website at www.sfgov.org/CivilService on the "File an action request for a Civil Service Commission hearing" page."

In the event that Luis Romero'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: Luis Romero
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.sf.gov/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Kimberly Ackerman, Municipal Transportation Agency
Shana Dines, Municipal Transportation Agency
David Garcia, Municipal Transportation Agency



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

Sent via Email

March 9, 2023

Luis Romero



Subject: **Register No. 0042-23-7: Requesting a Hearing on their Future Employability with the City and County.**

Dear Luis Romero:

This is in response to your appeal submitted to the Civil Service Commission on March 7, 2023, requesting a hearing on your future employability with the City and County of San Francisco. Your appeal has been forwarded to the Municipal Transportation Agency for investigation and response to the Civil Service Commission.

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

The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to terminate your employment. In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date by email to civilservice@sfgov.org. Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Office

Executive Officer

3/6/23

Civil Service Commission

25 Van Ness Ave, Suite 720

San Francisco, CA 94102



X J. Tumlin
K. Lickerman
S. Dines

Dear Executive Officer of the Civil Service Commission,

I, Luis Romero, request a hearing for review of restrictions on my future employability for the City and County of San Francisco with the Civil Service Commission.


Sincerely

Luis Romero

DSW # 

Rcvd. on 3/7/23
@ 11:58am.
by: EA

Certificate Of Completion

Envelope Id: D58249382661473C95C5A5BAEF36864B

Status: Completed

Subject: Complete with DocuSign: CSC Appeal w Attachments - Luis Romero_Redacted 05-23-23_Redacted.pdf

Source Envelope:

Document Pages: 59

Signatures: 1

Envelope Originator:

Certificate Pages: 2

Initials: 1

David Garcia

AutoNav: Enabled

1 South Van Ness, 3rd Floor

Enveloped Stamping: Disabled

San Francisco, CA 94103

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

David.Garcia@sfmta.com

IP Address: 75.10.236.27

Record Tracking

Status: Original

Holder: David Garcia

Location: DocuSign

5/23/2023 3:38:13 PM

David.Garcia@sfmta.com

Signer Events**Signature****Timestamp**

David Garcia

david.garcia@sfmta.com

Security Level: Email, Account Authentication
(None)*DG*

Sent: 5/23/2023 3:40:02 PM

Viewed: 5/23/2023 3:40:10 PM

Signed: 5/23/2023 3:40:17 PM

Signature Adoption: Pre-selected Style

Using IP Address: 75.10.236.27

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Romika Williams

Romika.Williams@sfmta.com

Chief of Staff

CCSF - MTA - Municipal Transportation

Security Level: Email, Account Authentication
(None)*Romika Williams*

Sent: 5/23/2023 3:40:20 PM

Viewed: 5/23/2023 3:41:03 PM

Signed: 5/23/2023 3:41:47 PM

Signature Adoption: Pre-selected Style

Using IP Address: 75.10.236.29

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

Amy Nuque

Amy.Nuque@sfmta.com

SFMTA

Security Level: Email, Account Authentication
(None)**COPIED**

Sent: 5/23/2023 3:41:50 PM

Viewed: 5/23/2023 3:47:14 PM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Carbon Copy Events**Status****Timestamp**

Yashika Holmes

Yaya.Holmes@sfmta.com

Security Level: Email, Account Authentication
(None)**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

COPIED

Sent: 5/23/2023 3:41:50 PM

Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

5/23/2023 3:40:02 PM

Certified Delivered

Security Checked

5/23/2023 3:41:03 PM

Signing Complete

Security Checked

5/23/2023 3:41:47 PM

Completed

Security Checked

5/23/2023 3:41:50 PM

Payment Events**Status****Timestamps**