



**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

Keith Bynum
[REDACTED]

SUBJECT: REQUEST BY THE MUNICIPAL TRANSPORTATION AGENCY TO GRANT REMOVAL OF DEPARTMENT RESTRICTION FOR KEITH BYNUM.

Dear Keith Bynum:

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
William Miles II, Municipal Transportation Agency
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: _____ - _____ -
2. For Civil Service Commission Meeting of: June 5, 2023
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda X
4. Subject: Request by the San Francisco Municipal Transportation Agency to Grant Removal of Department Restriction for Keith Bynum
5. Recommendation: Adopt the findings and approve the removal of department restriction for Keith Bynum.
6. Report prepared by: William Miles II Telephone number: 415-646-2863
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*

Date: May 22, 2023
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

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

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

<u>CSC RECEIPT STAMP</u>

Attachment

NOTIFICATIONS

Keith Bynum
[REDACTED]

Jeffrey Tumlin – Director of Transportation

1 South Van Ness Avenue, 8th Floor

San Francisco, CA 94103

Email: Jeffrey.Tumlin@sfmta.com

Kimberly Ackerman –Chief People Officer, SFMTA Human Resources

1 South Van Ness Avenue, 6th Floor

San Francisco, CA 94103

Email: Kimberly.Ackerman@sfmta.com

Romika Williams – Acting Chief People Officer, SFMTA Human Resources

1 South Van Ness Avenue, 6th Floor

San Francisco, CA 94103

Email: Romika.Williams@sfmta.com

William Miles II –Talent Acquisition Senior Manager, SFMTA

1 South Van Ness Avenue, 6th Floor

San Francisco, CA 94103

Email: William.MilesII@sfmta.com

Shana Dines, SFMTA Employee and Labor Relations Manager

1 South Van Ness Avenue, 6th Floor

San Francisco, CA 94103

Email: Shana.Dines@sfmta.com



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: May 25, 2023

To: The Civil Service Commission

Through: Romika Williams *RW*
Acting Chief People Officer, SFMTA

From: William (Bill) Miles II *WEM*
Talent Acquisition Senior Manager, SFMTA

Subject: Request by the San Francisco Municipal Transportation Agency to Grant Removal of Department Restriction for Keith Bynum

BACKGROUND

At its meeting of December 7, 2009, the Civil Service Commission had for its consideration a request for hearing by Keith Bynum (Bynum) on future employment restrictions as a Transit Operator (Job Code 9163) by the San Francisco Municipal Transportation Agency (SFMTA). **[Attachment A]**

According to the Civil Service records, Bynum failed to appear for the Commission meeting and Commission adopted the department's report. As a result, the following restrictions were placed on Bynum's future employment with the City and County of San Francisco:

- 1) Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of two (2) years work experience outside of the City and County service; and
- 2) No future employment with the San Francisco Municipal Transportation Agency.

Bynum recently submitted an application for the 9163 Transit Operator position with the hopes to return to the SFMTA. SFMTA advised Bynum that he could not move forward in the hiring process due to the restrictions placed on his record with the City. Bynum has since provided documentation showing possession of two years of work experience outside of the City and County service. **[Attachment B]**

SFMTA has additionally reviewed the departmental restriction and propose to the Commission to remove this restriction.



ISSUES

Should Keith Bynum's restriction of "No future employment with the San Francisco Municipal Transportation Agency" be removed, allowing Mr. Bynum to be considered for placement again for employment opportunities at the SFMTA?

AUTHORITY AND STANDARDS

Employee Separation Procedures Article VII: Request to Remove Department Ban

Sec. 422.13 Those Individuals Covered Under Rule 422, Article VII

The provisions of Rule 422, Article VII shall apply only to those individuals who were employees of the City and County of San Francisco and who were separated from employment five (5) years or more and who have been banned from any future employment in a department.

Sec. 422.14 Reconsideration

Individuals as defined in Sec. 422.13 may submit a written request to the Human Resources Director for reconsideration of a ban from working in a department. It shall be the responsibility of the requesting individual to submit to the Human Resources Director all available documentation and information regarding the separation. The individual must also provide reasons for the request for reconsideration of the permanent employment restriction.

Sec. 422.15 Action of the Human Resources Director

The Human Resources Director shall consider the request and the recommendation from the affected department(s). The Human Resources Director may request additional information deemed necessary to make a recommendation to the Civil Service Commission. The decision of the Civil Service Commission is final.

FINDINGS

Bynum was appointed by the SFMTA as a Transit Operator on March 18, 2020.

Bynum was dismissed from their position effective April 29, 2009 due to Absence Without Official Leave (AWOL) from September 1, 2008 through April 28, 2009.



The following administrative actions were placed regarding future employment:

- 1) Cancel any current examination and recruitment status;
- 2) No future employment with SFMTA; and
- 3) Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of two years work experience outside the City and County service.

On May 25, 2009, Bynum appealed the decision to the Civil Service Commission. In the appeal, Bynum indicated that he would like to appeal the decision but that he was incarcerated at the time and requested the hearing to be continued to a later date when he would be able to attend.

On June 1, 2009, the Commission notified Bynum that his appeal was tentatively scheduled for July 6, 2009.

The matter was scheduled for the July 6, 2009 meeting, but was postponed to December 7, 2009 by the request of Mrs. Sharon Bynum, mother of Keith Bynum; Commission voted 4 to 0 for the postponement.

Bynum did not appear on December 7, 2009 and the restrictions went into effect.

ANALYSIS

Bynum is an applicant on one of SFMTA's eligible lists for 9163 Transit Operator. While reviewing records for considering finalists for positions, SFMTA checked the restriction register and noted that Bynum could not be hired due to possession of two restrictions.

The first restriction is possession of two years of experience outside of City and County service. This is a conditional restriction which can be removed by simple submittal of verification documents. Bynum provided verification to SFMTA Human Resources indicating over two years of experience at "The Service Companies" and thus this restriction will be removed moving forward.

Removal of the outside experience restriction will make Bynum available for employment with other City and County departments, but not SFMTA due to the additional department restriction. In order to remove this restriction, Civil Service rules require the matter to be heard before the Commission. Due to the timing of these restriction, Bynum was advised to re-apply to the most recent job opening for the 9163 Transit Operator, as the list they are currently on would likely expire before a hearing could occur.

SFMTA HR has reviewed the report that caused the original restriction and noted that the restrictions appear to have solely been the result of being AWOL for a lengthy period of time. SFMTA HR feels that a permanent department restriction for this is overly harsh. In fact, this case



was reviewed with SFMTA's Employee and Labor Relations division who confirmed that if such an occurrence were to happen today, the department would only recommend placement of the two-year restriction and would not propose a department ban.

CONCLUSION

In 2009, Bynum had two restrictions placed on their Civil Service record due to being AWOL for an extended period of time. Bynum has fulfilled the criteria to remove one restriction related to employment outside of City and County service. Bynum has applied to and is interested in returning as a 9163 Transit Operator for SFMTA. After review of the original report regarding the department restriction, SFMTA HR recommends the removal of the department restriction. This would make Bynum able to compete again for employment with the SFMTA.

RECOMMENDATION

Adopt the findings and approve the removal of department restriction for Keith Bynum.

Attachments:

- ❖ **A:** 2009 CSC Report Recommending Applying Restrictions for Keith Bynum
- ❖ **B:** Verification of outside employment submitted by Keith Bynum

ATTACHMENT A



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM
MAYOR

MORGAN R. GORRONO
PRESIDENT

December 9, 2009

E. DENNIS NORMANDY
VICE PRESIDENT

NOTICE OF CIVIL SERVICE COMMISSION ACTION

JOY Y. BOATWRIGHT
COMMISSIONER

Keith Bynum

DONALD A. CASPER
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

**SUBJECT: REQUEST FOR HEARING BY KEITH BYNUM ON FUTURE
EMPLOYMENT RESTRICTIONS AS A TRANSIT OPERATOR
(JOB CODE 9163) MUNICIPAL TRANSPORTATION
AGENCY.**

ANITA SANCHEZ
EXECUTIVE OFFICER

Dear Mr. Bynum:

At its meeting of December 7, 2009 the Civil Service Commission had for its consideration the above matter.

It was the decision of the Commission to adopt the report. Cancel any current examination and eligibility status; Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of two (2) years work experience outside the City and County service; No future employment with the San Francisco Municipal Transportation Agency. Mr. Bynum failed to appear.

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

CIVIL SERVICE COMMISSION

Handwritten signature of Anita Sanchez in cursive.

ANITA SANCHEZ
Executive Officer

c: Rafael Cabrera, TWU Local 250A, 1426 Fillmore St., Ste. 223, S.F., CA 94115
Mike Helms, Municipal Transportation Agency
Commission File
Chron



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

**GAVIN NEWSOM
MAYOR**

November 25, 2009

**MORGAN R. GORRONO
PRESIDENT**

NOTICE OF CIVIL SERVICE COMMISSION MEETING

**E. DENNIS NORMANDY
VICE PRESIDENT**

Keith Bynum
[REDACTED]

**JOY Y. BOATWRIGHT
COMMISSIONER**

**SUBJECT: REQUEST FOR HEARING BY KEITH BYNUM ON FUTURE
EMPLOYMENT RESTRICTIONS AS A TRANSIT OPERATOR
(JOB CODE 9163) MUNICIPAL TRANSPORTATION AGENCY.**

**DONALD A. CASPER
COMMISSIONER**

**MARY Y. JUNG
COMMISSIONER**

Dear Mr. Bynum:

The above matter will be considered by the Civil Service Commission at a meeting to be held on **December 7, 2009 at 2:00 p.m. in Room 400**, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

**ANITA SANCHEZ
EXECUTIVE OFFICER**

This item will appear on the separations agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or a representative not attend, the Commission will rule on the information previously submitted and 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.

All materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

CIVIL SERVICE COMMISSION

**ANITA SANCHEZ
Executive Officer**

Attachment

- c: Rafael Cabrera, TWU Local 250A, 1426 Fillmore St., Ste. 223, S.F., CA 94115
- Mike Helms, Municipal Transportation Agency
- Commission File
- Commissioners' Binder
- Chron

0187-09-7 **Determination of future employability: dismissal of permanent civil service appointment of Keith Bynum, Transit Operator (Job Code 9163), Municipal Transportation Agency. (Item No. 16)**

Speakers: Christobal Iborra, Municipal Transportation Agency
Mrs. Sharon Bynum, mother of Appellant

Action: Postpone to the meeting of December 7, 2009 at the request of
Mrs. Bynum, mother of Keith Bynum. (Vote of 4 to 0)

REQUEST TO SPEAK ON ANY MATTER WITHIN THE JURISDICTION OF THE CIVIL SERVICE COMMISSION (Item No. 17)

None.

COMMISSIONERS' ANNOUNCEMENTS/REQUESTS (Item No. 18)

Commissioner Casper referred to Section 114.26 of Civil Service Commission Rules regarding a requirement for the Department of Human Resources to hold an examination if there are no eligibles available for a permanent civil service appointment requested by an appointing officer for a specific class. The Rule states that the Mayor shall request and the BOS shall make supplemental appropriation if there are insufficient funds. If Rule Section 114.26 is not enforceable, should this Section be deleted?

Commissioner Casper further stated that in 2005, he brought to the attention of the Department of Human Resources that Civil Service Commission Rules 107, 307 and 407 relating to the Employer-Employee Relations Ordinance were outdated in several respects. He especially pointed out that in 2002, that PERB (Public Employee Relations Board) began to oversee charges of unfair labor practice. Commissioner Casper stated that in Rules Volume II applicable to the Uniformed Ranks of the Police Department, there was nothing with respect to the resolution of unfair labor practices charges. It is now we are aware that PERB does not apply to peace officers, whether uniformed or not. The Rules were also out of date because they relied on and incorporated provisions of the State Administrative Procedure Act which have been repealed and replaced in 1995. He asked that the Department of Human Resources take a look at these issues. Vice President Normandy requested that the Department of Human Resources prepare a written report to be calendared in 60 days.

ADJOURNMENT (Item No. 19)

4:05 p.m.



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

**GAVIN NEWSOM
MAYOR**

**MORGAN R. GORRONO
PRESIDENT**

June 25, 2009

**E. DENNIS NORMANDY
VICE PRESIDENT**

NOTICE OF CIVIL SERVICE COMMISSION MEETING

**JOY Y. BOATWRIGHT
COMMISSIONER**

Keith Bynum
[REDACTED]

**DONALD A. CASPER
COMMISSIONER**

**SUBJECT: REQUEST FOR HEARING BY KEITH BYNUM ON FUTURE
EMPLOYMENT RESTRICTIONS AS A TRANSIT OPERATOR
(JOB CODE 9163) WITH THE SAN FRAN. MUNICIPAL
RAILWAY.**

**MARY Y. JUNG
COMMISSIONER**

**ANITA SANCHEZ
EXECUTIVE OFFICER**

Dear Mr. Bynum:

The above matter will be considered by the Civil Service Commission at a meeting to be held on **July 6, 2009 at 2:00 p.m. in Room 400**, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the separations agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is preferable. Should you or a representative not attend, the Commission will rule on the information previously submitted and 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.

All materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

CIVIL SERVICE COMMISSION

ANITA SANCHEZ
Executive Officer

Attachment

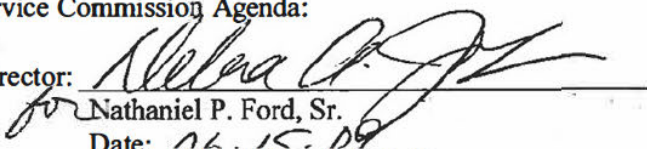
- c: Rafael Cabrera, TWU Local 250A, 1426 Fillmore St., Ste. 223, S.F., CA 94115
- Mike Helms, Municipal Transportation Agency
- Commission File
- Commissioners' Binder
- Chron



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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

Refer to Civil Service Commission Procedure for Staff - Submission of
Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: 0187 - 09 - 7
2. For Civil Service Commission Meeting of: July 6, 2009
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda
 Separation Agenda XX
4. Subject: Request by Keith Bynum re: Future Employability
5. Recommendation: Uphold the decision of the Director of SFMTA
6. Report prepared by: Parveen Boparai Telephone number: 415.701.5377
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: 
Nathaniel P. Ford, Sr.
Date: 06-15-09
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)

<u>CSC RECEIPT STAMP</u>

LIST OF PERSONS TO BE NOTIFIED

Keith A. Bynum



Rafael Cabrera, Executive Vice President
TWU, Local 250A (9163)
1426 Fillmore Street, Ste. 223
San Francisco, CA 94115

Mike Helms, SFMTA, Employee & Labor Relations, HR
1 South Van Ness Ave. 7th Floor, Room 7239
San Francisco, CA 94103



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

GAVIN NEWSOM
MAYOR

RECEIVED

NOTICE OF RECEIPT OF APPEAL

JUN 03 2009

SFMTA Human Resources
1 South Van Ness Ave.

DONALD A. CASPER
PRESIDENT

DATE: June 1, 2009

MORGAN R. GORRONO
VICE PRESIDENT

REGISTER NO.: 0187-09-7

JOY Y. BOATWRIGHT
COMMISSIONER

APPELLANT: KEITH A. BYNUM

MARY Y. JUNG
COMMISSIONER

Nathaniel P. Ford, Sr., Executive Director
Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

E. DENNIS NORMANDY
COMMISSIONER

Dear Mr. Ford:

ANITA SANCHEZ
EXECUTIVE OFFICER

The Civil Service Commission has received the attached letter from Keith A. Bynum requesting a hearing on his future employment restrictions as a 9163 Transit Operator with the Municipal Transportation Agency, which is transmitted to you for review and action as is appropriate.

This matter has been tentatively scheduled for hearing by the Civil Service Commission at 2:00 p.m. on July 6, 2009 in Room 400, 4th Floor, City Hall, 1 Dr. Carlton B. Goodlett Place. If you are unable to proceed on this date or if for any reason the appeal is not timely or appropriate, please notify me by use of the "Action Request on Pending Appeal/Request" (CSC Form Number 13).

Sincerely,

CIVIL SERVICE COMMISSION

ANITA SANCHEZ
Executive Officer

Attachment

c: Alice Kwong, Municipal Transportation Agency
Brigitte Rockett, Department of Human Resources



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

GAVIN NEWSOM
MAYOR

DATE: June 1, 2009
REGISTER NO.: 0187-09-7
APPELLANT: KEITH A. BYNUM

DONALD A. CASPER
PRESIDENT

MORGAN R. GORRONO
VICE PRESIDENT

JOY Y. BOATWRIGHT
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

E. DENNIS NORMANDY
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

Keith A. Bynum
[REDACTED]

Dear Mr. Bynum:

The Civil Service Commission has received your letter requesting a hearing on your future employability with the City and County of San Francisco. You are appealing restrictions placed on your separation as a Transit Operator (Job Code 9163) with the Municipal Transportation Agency.

Your request has been forwarded to the Municipal Transportation Agency for investigation and response to the Civil Service Commission.

If timely and appropriate, this matter will be scheduled for hearing by the Civil Service Commission in the near future. You will be notified approximately one week in advance of the hearing date. If you are unable to attend the scheduled hearing, please immediately notify us in writing.

The Civil Service Commission meets on the 1st and 3rd Mondays of each month. 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.

Sincerely,

CIVIL SERVICE COMMISSION

ANITA SANCHEZ
Executive Officer

- c: Nathaniel P. Ford, Sr., Municipal Transportation Agency
- Alice Kwong, Municipal Transportation Agency
- Brigette Rockett, Department of Human Resources

MAY 25-2009

To Executive Officer, Civil Service Commission

Hello, My Name is

Keith A. Bynum

I received a notice by certified mail, from the City and County of San Francisco, a Notice of Separation from Employment, S.F. Municipal Transportation Agency. I was dismissed from my position as a Transit Operator.

Job Code 9163 Woods Div. as of April 23-2009. I received this notice by mail on the 25th of May 2009.

This letter stated that I could request a hearing before the Civil Service Commission about my future employability with the civil service system of the City and County of San Francisco and that I may request a hearing for review of any restrictions on my future employability.

I would like to do this, but

I'm now incarcerated at this time. So I like to request that these hearings to be continued at a later date when I'm able to attend these hearing concerning these matters, hopefully soon.

Thank You
Keith D. Bynum
#cap 2088 / Wood Div.

CIVIL SERVICE COMMISSION
 REGISTER NUMBER 0187 09 7

**CITY AND COUNTY OF SAN FRANCISCO
 NOTICE OF SEPARATION FROM EMPLOYMENT**

X FORD
 A. KWONG
 B. EDWARDS

Via Certified Mail

Keith A. Bynum
 NAME OF EMPLOYEE

May 13, 2009
 MAILING DATE

██████████
 ADDRESS

S. F. Municipal Transportation Agency
 DEPARTMENT/DIVISION

██████████
 CITY STATE ZIP CODE

PCS
 TYPE OF APPOINTMENT

Dismissal
 TYPE OF SEPARATION
 (Do not use for release from probation.)

This notice is to inform you that you are separated from your employment in Class: 9163, Title: Transit Operator, effective COB April 28, 2009, for the reasons outlined in the attached document(s).

You may request a hearing before the Civil Service Commission on your future employability with the civil service system of 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. However, the Commission CANNOT reverse the department's decision to terminate your employment.

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 N/A. 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 and the restriction(s) recommended, if any, will be in effect.

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

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	Accept the resignation as certified.	<input checked="" type="checkbox"/>	No future employment with this Department.
<input type="checkbox"/>	Dismiss from City and County service.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input type="checkbox"/>	Approve the separation.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input checked="" type="checkbox"/>	Other (specify): Future employment subject to the review and approval of the Department of Human Resources (DHR) Director after satisfactory completion of two (2) years work experience outside the City and County service.		

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 REVERSE SIDE

MUST BE COMPLETED BY DEPARTMENT:

Rank: 79 List # E161
 SSN: _____
 Employee Organization Local 250A
 METHOD OF SERVICE:
 Certified Mail X Hand Delivered _____
 Certified Mail # 7002-2030-0005-8086-7255
 Attachment(s)


 SIGNATURE OF APPOINTING OFFICER

NAME Nathaniel P. Ford, Sr.
 TITLE Executive Director/CEO, MTA

BYNUM-011

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as official notice of the separation to the former employee, 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 recommended 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 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 her/his 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 separation.
5. Any interested party may request that the hearing be continued (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.

Gavin Newsom | Mayor

Tom Nolan | Chairman

Rev. Dr. James McCray Jr. | Vice-Chairman

Cameron Beach | Director

Shirley Breyer Black | Director

Malcolm Heinicke | Director

Jenny Lee | Director


Bruce Oka | Director

Nathaniel P. Ford Sr. | Executive Director/CEO

MEMORANDUM

DATE: June 11, 2009

TO: The Civil Service Commission

FROM: *for* Nathaniel P. Ford, Sr., Executive Director/CEO 

SUBJECT: Future Employment Restrictions – Keith A. Bynum

BACKGROUND

Mr. Keith A. Bynum was appointed by the San Francisco Municipal Transportation Agency (SFMTA) as a Transit Operator, Job Code 9163 on March 18, 2000. Mr. Bynum was dismissed from his position effective April 29, 2009 for Absence Without Official Leave (AWOL) from September 1, 2008 through April 28, 2009.

On April 28, 2009, the Step 4 Hearing Officer, Alexander Cohn upheld the dismissal of Mr. Bynum from his position, Transit Operator, Job Code 9163 for being AWOL.

The final administrative action placed the following restrictions on his future employment:

1. Cancel any current examination and eligibility status;
2. No future employment with SFMTA; and
3. Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of two years work experience outside the City and County service.

STANDARDS

San Francisco Municipal Railway Rule Book – Rule 4.3.3 Absent Without Leave (AWOL) states: "Transit Operator must report for duty not later than the times indicated on schedules or detail list, unless absent with proper authorization. Failure to report as required will be considered AWOL". In addition, absence from duty for more than five continuous working days constitutes abandonment of the position.

FINDINGS

Mr. Bynum was Absent Without Official Leave from September 1, 2008 through April 28, 2008. Mr. Bynum did not attend the Skelly hearing neither did he contact the SFMTA of his absence.

RECOMMENDATION

SFMTA recommends that the Civil Service Commission approve the Department's future employability recommendations for Mr. Bynum.

Attachments:

- CSC letters dated June 1, 2009 – Register No: 0187-09-7
- Memorandum from SFMTA to CSC, Page 1-2
- Letter dated October 15, 2008 - Skelly Hearing Officer's Decision, Page 3-4
- Letter dated March 18, 2009 - Step 3 Decision, Page 5-6
- Letter dated May 13, 2009 – Notice of Dismissal, Page 7-12
- San Francisco Municipal Railway Rule Book
Rule 4.3.3 Absent Without Leave (AWOL), Page 13

ATTACHMENT 1

BYNUM-015

3



Woods Division • SAN FRANCISCO MUNICIPAL RAILWAY

1001-22nd Street, San Francisco, CA 94107
(415) 696-7262 FAX (415) 696-7268



Via-Fax to Rafael Cabrera TWU 250A (415) 922-9416
Via-Fax to Mike Helms – Labor Relations (415) 554-4174

SKELLY DECISION LETTER

54

October 15, 2008

Keith Bynum #2088



**SUBJECT: PROPOSED RECOMMENDED DISCIPLINARY ACTION-
Dismissal – for consecutive workday A.W.O.L #3 on September 02,
2008**

SKELLY HEARING OFFICER'S DECISION

Dear Mr. Bynum:

You received my letter of Proposed Recommended Disciplinary Action dated September 10, 2008. This is to advise you that I am proposing that that you be Dismissed from your position as a *9163 Transit Operator*.

My proposed recommendation for this disciplinary action is based on the following charges:

San Francisco Municipal Railway Rule Book:

- Rule – 2.13.1 “A” Discipline**
- Rule – 2.2.1 Bulletins, Orders and Notices**
- Rule – 4.1.1 Reporting For Duty**
- Rule – 4.3.3 Absent Without Leave (AWOL)**

3

The Facts Upon Which These Charges Are Based:

You have failed to submit the required leave papers and have therefore accrued a consecutive string of workday A.W.O.Ls, all occurring during the last eight (8) month tracking period.

Hearing:

A Hearing was held on Monday, September 15, 2008 with your Union Representative and myself present.

Hearing Officer's Decision

Your failure to show up for your scheduled Hearing, demonstrates a complete disregard to your job, to your fellow employees, and to the Agency. Therefore I am going to continue the recommendation for your dismissal as a 9163 Transit Operator.

Right of Appeal:

You may appeal this action within three (3) days of receiving this Notice of Recommended Disciplinary Action, in accordance with Article 27 of the 2004 – 2008 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 other representative of your choice.

Where the grievance is directed against a proposed disciplinary dismissal, the grievance shall be initiated at Step 3 and must be raised within four (4) days of mailing to the grievant's last known address, the notice of intention to file charges of dismissal.

Sincerely,



Robert Louie
Woods Division Superintendent
RL/nw

CC: Deputy Chief Operating Officer – Sam Lau
Acting Senior Operations Manager, Bus Service Delivery – Mary Travis-Allen
Labor Relations Representative – Mike Helms (FAX)
Division Union Chairperson
File

ATTACHMENT 2

Gavin Newsom | Mayor
Tom Nolan | Chairman
Rev. Dr. James McCray Jr. | Vice-Chairman
Cameron Beach | Director
Shirley Brayer Black | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Bruce Oka | Director
Nathaniel P. Ford Sr. | Executive Director/CEO

March 18, 2009

VIA Certified Mail #7003-2260-0005-2713-9184
Return Receipt Requested &
U.S. Regular Mail

Keith Bynum
[REDACTED]

Re: Step 3 Hearing Decision for Keith Bynum, Grievance #119-09-WD

Dear Mr. Bynum:

On March 11, 2009, in accordance with the Transport Worker's Union (TWU), Local 250A, (Class 9163) current Memorandum of Understanding (MOU), a Step 3 hearing was held at One South Van Ness Avenue, San Francisco, CA 94103, charging you with being Absent Without Official Leave (AWOL).

Proposed Discipline: Dismissal.

Present at the hearing were:

Rafael Cabrera	Executive Vice-President, TWU, Local 250A
Keith Bynum	Operator (absent)
Cheryl Owens	Personnel Analyst
Robert Louie	Superintendent – Woods Division
Chris Iborra	Hearing Officer

Background: According to the Agency, the last day you worked was August 31, 2008, since then, you have been Absent Without Official Leave (AWOL). You were charged with being AWOL on September 1, 3 and 4, 2008 through the present date.

Unlon's position: To sustain the grievance. The San Francisco Municipal Transportation Agency (SFMTA) should give Mr. Bynum another chance since he is currently going through tough times. Also, this AWOL should be considered just one occurrence since it has been continuous.

Agency's position: To deny the grievance. Mr. Bynum has been absent without approval since September 1, 2008 through the present.

Keith Bynum
Grievance # 119-09-WD
March 18, 2009
Page 2 of 2

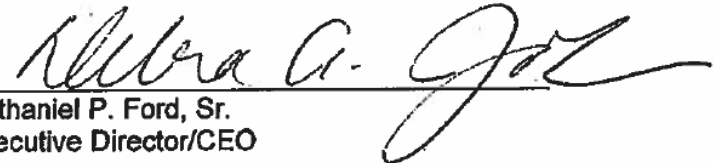
Decision: After listening to all arguments, reviewing all facts brought forth and reading all information provided concerning the allegations, I find that the Agency did not violate the MOU as alleged by the Union. Mr. Bynum has been AWOL since September 1, 2008 to the present. The dismissal is upheld.

The 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:

Approved by:


Chris Iborra
Step 3 Hearing Officer


for Nathaniel P. Ford, Sr.
Executive Director/CEO

cc: Debra A. Johnson, Chief of Staff/Director, Administration
Kenneth McDonald, Chief Operating Officer
Samuel Lau, Deputy Chief Operating Officer
Alice Kwong, Acting Deputy Director of HR
Robert Louie, Superintendent – Woods Division
Rafael Cabrera, TWU, Local 250A (via Fax to 922-9416 and regular mail)
Employee File
Chron File

ATTACHMENT 3

7002 2030 0005 8086 7255

Certified mail, return receipt requested
& U.S. mail

May 13, 2009

Gavin Newsom | Mayor
Tom Nolan | Chairman
Rev. Dr. James McCray Jr. | Vice-Chairman
Cameron Beach | Director
Shirley Greyer Black | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Bruce Oka | Director
Nathaniel P. Ford Sr. | Executive Director/CEO

Mr. Keith A. Bynum


RE: NOTICE OF DISMISSAL
Transit Operator, Job Code 9163 – PCS

Dear Mr. Bynum:

In his letter dated April 28, 2009, the Step 4 Hearing Officer, Alexander Cohn upheld the dismissal from your position, Transit Operator, Job Code 9163 as proposed by the Woods Division (see attached).

After a thorough review of all the facts and Mr. Cohn's award, 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 close of business, April 28, 2009.

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

- Cancel any current examination and eligibility status.
- No future employment with the SFMTA.
- Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of two (2) years work experience outside the City and County service.

If you have any questions regarding this matter, please contact Mike Helms, Labor Relations Manager at 415.701.5379.

Sincerely,



Nathaniel P. Ford, Sr.
Executive Director/CEO

Keith A. Bynum - 9163
May 13, 2009
Page 2

Attachments: Notice of Separation from Employment, Separation Report, Step 4
Decision

Cc: Debra A. Johnson, Administration
Kenneth McDonald, Muni Operations
Alice Kwong, Human Resources
Mike Helms, Employee & Labor Relations
Jonathan Nelly, Client Services, DHR
Rafael Cabrera, TWU, Local 250 A (9163)
Personnel File ✓
Chron File

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF SEPARATION FROM EMPLOYMENT**

AMENDED

Via Certified Mail

Keith A. Bynum
NAME OF EMPLOYEE

May 13, 2009
MAILING DATE

[REDACTED]
ADDRESS

S. F. Municipal Transportation Agency
DEPARTMENT/DIVISION

[REDACTED]
CITY STATE ZIP CODE

PCS
TYPE OF APPOINTMENT

Dismissal
TYPE OF SEPARATION
(Do not use for release from probation.)

This notice is to inform you that you are separated from your employment in Class: 9163, Title: Transit Operator, effective COB April 28, 2009, for the reasons outlined in the attached document(s).

You may request a hearing before the Civil Service Commission on your future employability with the civil service system of 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. However, the Commission CANNOT reverse the department's decision to terminate your employment.

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 June 2, 2009. 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 and the restriction(s) recommended, if any, will be in effect.

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

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	Accept the resignation as certified.	<input checked="" type="checkbox"/>	No future employment with this Department.
<input type="checkbox"/>	Dismiss from City and County service.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input type="checkbox"/>	Approve the separation.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input checked="" type="checkbox"/>	Other (specify): Future employment subject to the review and approval of the Department of Human Resources (DHR) Director after satisfactory completion of two (2) years work experience outside the City and County service.		

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 REVERSE SIDE

MUST BE COMPLETED BY DEPARTMENT:

Rank: 79 List # E161

SSN: _____

Employee Organization Local 250A

METHOD OF SERVICE:

Certified Mail Hand Delivered _____

Certified Mail # 7002-2030-0005-8086-7255

Attachment(s) _____

Nathaniel P. Ford, Sr.
SIGNATURE OF APPOINTING OFFICER

NAME Nathaniel P. Ford, Sr.

TITLE Executive Director/CEO, MTA

9

BYNUM-024

CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF SEPARATION FROM EMPLOYMENT

Via Certified Mail

Keith A. Bynum
NAME OF EMPLOYEE

May 13, 2009
MAILING DATE

ADDRESS

S. F. Municipal Transportation Agency
DEPARTMENT/DIVISION

CITY STATE ZIP CODE

PCS
TYPE OF APPOINTMENT

Dismissal
TYPE OF SEPARATION
(Do not use for release from probation.)

This notice is to inform you that you are separated from your employment in Class: 9163, Title: Transit Operator, effective COB April 28, 2009, for the reasons outlined in the attached document(s).

You may request a hearing before the Civil Service Commission on your future employability with the civil service system of 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. However, the Commission CANNOT reverse the department's decision to terminate your employment.

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 _____. 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 and the restriction(s) recommended, if any, will be in effect.

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

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	Accept the resignation as certified.	<input checked="" type="checkbox"/>	No future employment with this Department.
<input type="checkbox"/>	Dismiss from City and County service.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input type="checkbox"/>	Approve the separation.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input checked="" type="checkbox"/>	Other (specify): Future employment subject to the review and approval of the Department of Human Resources (DHR) Director after satisfactory completion of two (2) years work experience outside the City and County service.		

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 REVERSE SIDE

MUST BE COMPLETED BY DEPARTMENT:

Rank: 79 List # E161

SSN: _____


Employee Organization Local 250A

METHOD OF SERVICE:

Certified Mail X Hand Delivered _____

Certified Mail # 7002-2030-0005-8086-7255

Attachment(s)


SIGNATURE OF APPOINTING OFFICER

NAME Nathaniel P. Ford, Sr.

TITLE Executive Director/CEO, MTA

10

BYNUM-025

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES

SEPARATION REPORT (SR)

NAME (LAST, FIRST, M.I.)

Bynum Keith A

DATE OF BIRTH

SOCIAL SECURITY NO.

DHR USE ONLY

SR-

CLASS NO.

TITLE

RANK

LIST

CERTIFICATION OR
START WORK DATE

DHR RQ NUMBER

9163

Transit Operator

79

E161

3/6/2000

1039974

HOME ADDRESS (REQUIRED)

DATE ISSUED

DATE EFFECTIVE

DEPT. RQ NO.

HOME TELEPHONE NUMBER:

5/13/2009

cob 4/28/2009

P02110

TYPE OF APPOINTMENT

- PERMANENT (PCS) EXEMPT-PERM. (PEX)
 TEMPORARY (TCS) EXEMPT-TEMP. (TEX)
 PROVISIONAL (TPV) RETIREE (REX)
 LIMITED TENURE (TLT)
 NON-CIVIL SERVICE (NCS)

WORK SCHEDULE

- FULL-TIME
 PART-TIME
 SCHOOL TERM/FULL TIME
 SCHOOL TERM/PART-TIME
 AS NEEDED (Irregular)

IS THE EMPLOYEE SERVING A PROBATIONARY PERIOD AT THE TIME OF SEPARATION?

YES

IF YES, SPECIFY TYPE:

ENTRANCE

PROMOTIVE

NO

IS THIS A COMPLETE SEPARATION FROM CITY AND COUNTY SERVICE?

YES
 NO

IF NO, RETURNING TO PCS POSITION?

YES
 NO

DEPT _____
CLASS _____

IF ACCEPTING OTHER EMPLOYMENT?

PROMOTIVE
 STATUS GRANT

NEW DEPT: _____
CLASS: _____
STATUS: _____

1 REASSIGNMENT

NEW REQUISITION	DEPT REQ NBR	DHR REQ NBR	DEPT	CLASS	WORK SCHED

2 LEAVE/SUSPENSION OVER 5 DAYS

- MILITARY LEAVE (ATTACH ORDERS) SUSPENSION
 LESS THAN 180 DAYS OTHER - SPECIFY
 MORE THAN 180 DAYS
 UNPAID ADMINISTRATIVE LEAVE

APPROVED DURATION
START DATE

END DATE

3 RESIGNATION

- SATISFACTORY SERVICES
(TER: RSS)
 UNSATISFACTORY SERVICES
(TER: RUS)

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)

SIGNATURE

DATE

5 TERMINATION

- RELEASE FR APPOINTMENT
 REACHED LEGAL LIMIT (LLT)
 SETTLEMENT AGREEMENT (RZA)
 RELEASE OF NCS, TPV, EX (RLS)
 RELEASE FR PROBATION
 DISCIPLINARY (RFC)
 NON-DISCIPLINARY (RFP)
 DISMISSAL OF A PCS (DPE)
 DISMISSAL OF A TLT (TLT)
 TERMINATED FOR CAUSE (TFC) (TPV, NCS, AND EXEMPTS ONLY)
 DEATH OF AN EMPLOYEE (DEA)
 AUTOMATIC RESIGNATION (ARS)
 NEVER REPORTED TO WORK (DSH)
 OTHER (Specify)

6 TRANSFER

- ADMIN (ADM) LIMITED TERM (LTT)
 EE REQUEST (EER) FUNCTION (TOP)

7 RETIREMENT

- NORMAL-RMT DISABILITY-RTD ERP-ERT

4 LAY-OFF

- INVOLUNTARY LEAVE (PCS_LIL)
 INVOLUNTARY LAY-OFF (PCS_LIO)
 VOLUNTARY LAY-OFF (PCS_LVO)
 ELECTIVE INVOLUNTARY LVE (PCS_EIL)
 EX ONLY INVOL. (NH) VOL. (NHV)

REASON

- LACK OF WORK
 LACK OF FUNDS
 A.S.O. OTHER
 DISPLACED RETRENCHMENT
 BY ELJG. BY HOLDOVER

METHOD

- HAND DELIVERED
 CERTIFIED MAIL

BY THE APPOINTEE: I ACKNOWLEDGE RECEIPT OF THE EMPLOYEE LAYOFF INFORMATION DOCUMENT.

SIGNATURE

DATE

POINTING OFFICER SIGNATURE

TELEPHONE NUMBER

Albera A. Ford

554-4166

NAME/TITLE

ATHANIEL P. FORD, Sr., EXECUTIVE DIRECTOR/CEO

DEPARTMENT NO	DEPARTMENT NAME	PERSONNEL FILE FORWARDED?	FORWARDED TO:
35	Municipal Transportation Agency	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DEPT: _____ CONTACT: _____

DHR USE

ACTION PENDING: YES NO

ANALYST: _____
DATE: _____

RQ STATUS

CANCEL RQ: YES NO

DOC.#: _____ DATE _____

SR POSTED _____ DATE _____

CN POSTED _____ DATE _____

Holdover Canvass _____

Gavin Newsom | Mayor
Rev. Dr. James McCray Jr. | Chairman
Tom Notan | Vice-Chairman
Cameron Beach | Director
Shirley Breyer Black | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Bruce Oka | Director
Nathaniel P. Ford, Sr. | Executive Director/CEO

SFMTA/TWU LOCAL 250-A: ARBITRATION DECISION

Arbitration Date: 04/28/09

Name of Grievant: Keith Bynum

Cap #: 2088

Proposed Discipline: Dismissal

Date of Discipline Letter: 02/04/09

Grievance #: 119-09 Division/Dept.: Woods

Decision of the Panel:

Operator AWOL for over eight (8) months, NCWS - job abandonment. MTA believes he is in jail. Union argues he has long seniority, needs time.

Discipline Decision: Sustained Removed Modified

Reason for Decision:

Operator NCWS for months - job abandonment. Over time objection, discharge within.

[Signature]
Arbitrator Date 4/28/09

ATTACHMENT 4

BYNUM-028

4.3 Absent Without Leave (AWOL)

4.3.1 A regular employee who is AWOL will be charged with an additional AWOL on each succeeding day (except on regular days off) the operator fails to notify the Division Dispatcher at least one hour before the reporting time of their regular assignment on such days.

4.3.2 An extra list employee who is AWOL and who fails to report to the Division Dispatcher at least one hour before the scheduled reporting time, or before 12:30 P. M., whichever is earlier on their next working day, will be charged with an additional AWOL. Furthermore, an AWOL will be charged each time the operator fails to report before 12:30 P.M. on each succeeding workday.

4.3.3 Transit operators must report for duty not later than the times indicated on schedules or detail list, unless absent with proper authorization. Failure to report as required will be considered AWOL.

4.4 Timepieces

4.4.1 While on duty, every uniformed employee must carry a reliable watch.

4.4.2 Employees, whose duties are affected by the timetable, must use an approved watch and prior to start of duty, must synchronize their time with official Railway time.

4.4.3 Employees not having access to official Railway time must obtain the correct time from OCC.

4.5 Preparatory Duties – Operators

4.5.1 Operators scheduled to pull out vehicles are to sign the daily register, check bulletin board, pick up outfit, and check location of vehicle assigned to their run. No car or



Northeast Regional Office
PO Box 26060
Lehigh Valley PA 18002-6060

Midwest Regional Office
PO Box 8013
Appleton WI 54913-8013

Western Regional Office
PO Box 2461
Spokane WA 99210-2461

Form Number GG-011364
Group Insurance Enrollment
and Record Form

PLANHOLDER NAME (COMPANY NAME) <i>Public Transportation Dept.</i>		GROUP PLAN NO.	BRANCH
PLANHOLDER STREET ADDRESS		CITY	STATE ZIP
EMPLOYEE'S NAME (LAST, FIRST, MI) <input type="checkbox"/> MR. <input type="checkbox"/> MISS <i>Bynum, Keith</i> <input type="checkbox"/> MRS. <input type="checkbox"/> MS.		SOC. SEC. NO. [REDACTED]	BIRTH DATE [REDACTED] SEX [REDACTED]
EMPLOYEE'S STREET ADDRESS		CITY	STATE ZIP TELEPHONE
OCCUPATION/JOB TITLE <i>Transit Operator</i>		DATE OF FULLTIME EMP	HRS WORKED WK ANNUAL SALARY \$
MARITAL STATUS <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Legally Separated <input type="checkbox"/> Divorced			CHILDREN <input type="checkbox"/> YES <input type="checkbox"/> NO

ENROLLMENT FOR INSURANCE (Complete only for any Guardian coverages desired.)

<p>EMPLOYEE COVERAGE REQUESTED:</p> <input type="checkbox"/> Life/Accidental Death & Dismemberment <input type="checkbox"/> Life (plans without AD&D) <input type="checkbox"/> Optional Life Amount \$ _____ <input type="checkbox"/> Major Medical only (plans without Rx Card) <input type="checkbox"/> Major Medical/Rx Card <input type="checkbox"/> Rx Card only (plans without Major Medical) <input type="checkbox"/> Buy Down Major Medical Ded. \$ _____ <input type="checkbox"/> Dental <input type="checkbox"/> Short Term Disability <input type="checkbox"/> Long Term Disability	<p>DEPENDENT COVERAGE REQUESTED (Dependents cannot be enrolled for coverages declined by the employee.):</p> <input type="checkbox"/> Dependent Life <input type="checkbox"/> Optional Life Amount \$ _____ <input type="checkbox"/> Major Medical only (plans without Rx Card) <input type="checkbox"/> Major Medical/Rx Card <input type="checkbox"/> Rx Card only (plans without Major Medical) <input type="checkbox"/> Dental <p>I ELECT DEPENDENT COVERAGE FOR:</p> <input type="checkbox"/> spouse only <input type="checkbox"/> spouse & child(ren) <input type="checkbox"/> child(ren) only
--	---

Give the following information for each dependent to be insured:

NAME (LAST, FIRST, MIDDLE INITIAL)	SEX	RELATIONSHIP	BIRTH DATE
<div style="border: 2px solid red; padding: 5px; color: red; font-weight: bold;"> THIS OFFER IS FOR LIFE INSURANCE ONLY -- DEPENDENT COVERAGE IS NOT AVAILABLE </div>	<input type="checkbox"/> F		
	<input type="checkbox"/> M		
	<input type="checkbox"/> F		
	<input type="checkbox"/> M		
	<input type="checkbox"/> F		
	<input type="checkbox"/> M		

Are any dependent children adopted? Yes No If "yes," indicate name and date of adoption: _____

Have you included stepchildren as dependents? Yes No If "yes," indicate name/s: _____

Do your stepchildren reside with you? Yes No Are they dependent upon you for support and maintenance? Yes No

EMPLOYEE BENEFICIARY DESIGNATION (Include full proper name and relationship; ie: Mary A. Jones, wife.)

NAME <i>Lakemita Renee Bynum</i>	RELATIONSHIP <i>Wife</i>
-------------------------------------	-----------------------------

ALTERNATIVE COVERAGE (Complete only if enrolling in a Health Maintenance [HMO] or Dental Maintenance [DMO] Organization type plan.)

[REDACTED/BLURRED CONTENT]

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES

SEPARATION REPORT (SR)

NAME (LAST, FIRST, M.I.)

Bynum Keith A

DATE OF BIRTH

10/28/1962

SOCIAL SECURITY NO.

[REDACTED]

DHR USE ONLY

SR-

CLASS NO.

9163

TITLE

Transit Operator

RANK

79

LIST

E161

CERTIFICATION OR
START WORK DATE

3/6/2000

DHR RQ NUMBER

1039974

HOME ADDRESS (REQUIRED)

HOME TELEPHONE NUMBER:

DATE ISSUED

5/13/2009

DATE EFFECTIVE

cob 4/28/2009

DEPT. RQ NO.

P02110

TYPE OF APPOINTMENT

- PERMANENT (PCS) EXEMPT-PERM. (PEX)
 TEMPORARY (TCS) EXEMPT-TEMP. (TEX)
 PROVISIONAL (TPV) RETIREE (REX)
 LIMITED TENURE (TLT)
 NON-CIVIL SERVICE (NCS)

WORK SCHEDULE

- FULL-TIME
 PART-TIME
 SCHOOL TERM/FULL TIME
 SCHOOL TERM/PART-TIME
 AS NEEDED (Irregular)

IS THE EMPLOYEE SERVING A PROBATIONARY PERIOD AT THE TIME OF SEPARATION?

- YES
 NO

IF YES, SPECIFY TYPE:

- ENTRANCE
 PROMOTIVE

IS THIS A COMPLETE SEPARATION FROM CITY AND COUNTY SERVICE?

- YES
 NO

IF NO, RETURNING TO PCS POSITION?

- YES
 NO

DEPT _____
CLASS _____

IF ACCEPTING OTHER EMPLOYMENT?

- PROMOTIVE
 STATUS GRANT

NEW DEPT: _____
CLASS: _____
STATUS: _____

1 REASSIGNMENT

NEW REQUISITION	DEPT REQ NBR	DHR REQ NBR	DEPT	CLASS	WORK SCHED

2 LEAVE/SUSPENSION OVER 5 DAYS

- MILITARY LEAVE (ATTACH ORDERS) SUSPENSION
 LESS THAN 180 DAYS OTHER - SPECIFY
 MORE THAN 180 DAYS
 UNPAID ADMINISTRATIVE LEAVE

APPROVED DURATION
START DATE

END DATE

3 RESIGNATION

- SATISFACTORY SERVICES
 (TER: RSS)
 UNSATISFACTORY SERVICES
 (TER: RUS)

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)

SIGNATURE

DATE

5 TERMINATION

- RELEASE FR APPOINTMENT
 REACHED LEGAL LIMIT (LLT)
 SETTLEMENT AGREEMENT (RZA)
 RELEASE OF NCS, TPV, EX (RLS)
 RELEASE FR PROBATION
 DISCIPLINARY (RFC)
 NON-DISCIPLINARY (RFP)
 DISMISSAL OF A PCS (DPE)
 DISMISSAL OF A TLT (TLT)
 TERMINATED FOR CAUSE (TFC) (TPV, NCS, AND EXEMPTS ONLY)
 DEATH OF AN EMPLOYEE (DEA)
 AUTOMATIC RESIGNATION (ARS)
 NEVER REPORTED TO WORK (DSH)
 OTHER (Specify)

6 TRANSFER

- ADMIN (ADM) LIMITED TERM (LTT)
 EE REQUEST (EER) FUNCTION (TOP)

7 RETIREMENT

- NORMAL-RMT DISABILITY-RTD ERP-ERT

4 LAY-OFF

- INVOLUNTARY LEAVE (PCS_LIL)
 INVOLUNTARY LAY-OFF (PCS_LIO)
 VOLUNTARY LAY-OFF (PCS_LVO)
 ELECTIVE INVOLUNTARY LVE (PCS_EIL)
 PV/ EX ONLY INVOL (NH) VOL (NHV)

REASON

- LACK OF WORK
 LACK OF FUNDS
 A.S.O. OTHER
 DISPLACED
 BY ELIG. BY HOLDOVER

METHOD

- HAND DELIVERED
 CERTIFIED MAIL

RETRENCHMENT

BY THE APPOINTEE: I ACKNOWLEDGE RECEIPT OF THE EMPLOYEE LAYOFF INFORMATION DOCUMENT.

SIGNATURE

DATE

APPOINTING OFFICER SIGNATURE

TELEPHONE NUMBER

Nathaniel P. Ford, Sr.

554-4166

NAME/TITLE

NATHANIEL P. FORD, Sr., EXECUTIVE DIRECTOR/CEO

DEPARTMENT NO	DEPARTMENT NAME	PERSONNEL FILE FORWARDED?	FORWARDED TO:
35	Municipal Transportation Agency	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	DEPT: _____ CONTACT: _____

DHR USE

ACTION PENDING: YES NO
 ANALYST: _____
 DATE: _____
 RQ STATUS: _____
 CANCEL RQ: YES NO
 DOC.#: _____ DATE: _____
 SR POSTED: _____ DATE: _____
 CN POSTED: _____ DATE: _____
 Holdover Carvass: _____

Certified mail, return receipt requested
& U.S. mail

May 13, 2009

Grvin Newsom | Mayor
Tom Nolan | Chairman
Rev. Dr. James McCray Jr. | Vice-Chairman
Cameron Beach | Director
Shirley Breyer Black | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Bruce Oka | Director
Nathaniel P. Ford Sr. | Executive Director/CEO

Mr. Keith A. Bynum
[REDACTED]

RE: NOTICE OF DISMISSAL
Transit Operator, Job Code 9163 – PCS

Dear Mr. Bynum:

In his letter dated April 28, 2009, the Step 4 Hearing Officer, Alexander Cohn upheld the dismissal from your position, Transit Operator, Job Code 9163 as proposed by the Woods Division (see attached).

After a thorough review of all the facts and Mr. Cohn's award, 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 close of business, April 28, 2009.

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

- Cancel any current examination and eligibility status.
- No future employment with the SFMTA.
- Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of two (2) years work experience outside the City and County service.

If you have any questions regarding this matter, please contact Mike Helms, Labor Relations Manager at 415.701.5379.

Sincerely,



Nathaniel P. Ford, Sr.
Executive Director/CEO

Keith A. Bynum - 9163
May 13, 2009
Page 2

Attachments: Notice of Separation from Employment, Separation Report, Step 4
Decision

Cc: Debra A. Johnson, Administration
Kenneth McDonald, Muni Operations
Alice Kwong, Human Resources
Mike Helms, Employee & Labor Relations
Jonathan Nelly, Client Services, DHR
Rafael Cabrera, TWU, Local 250 A (9163)
Personnel File
Chron File

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF SEPARATION FROM EMPLOYMENT**

Via Certified Mail

Keith A. Bynum
NAME OF EMPLOYEE

May 13, 2009
MAILING DATE

██████████
ADDRESS

S. F. Municipal Transportation Agency
DEPARTMENT/DIVISION

██████████
CITY STATE ZIP CODE

PCS
TYPE OF APPOINTMENT

Dismissal
TYPE OF SEPARATION
(Do not use for release from probation.)

This notice is to inform you that you are separated from your employment in Class: 9163, Title: Transit Operator, effective COB April 28, 2009, for the reasons outlined in the attached document(s).

You may request a hearing before the Civil Service Commission on your future employability with the civil service system of 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. However, the Commission CANNOT reverse the department's decision to terminate your employment.

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 N/A. 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 and the restriction(s) recommended, if any, will be in effect.

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

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	Accept the resignation as certified.	<input checked="" type="checkbox"/>	No future employment with this Department.
<input type="checkbox"/>	Dismiss from City and County service.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input type="checkbox"/>	Approve the separation.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input checked="" type="checkbox"/>	Other (specify): Future employment subject to the review and approval of the Department of Human Resources (DHR) Director after satisfactory completion of two (2) years work experience outside the City and County service.		

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 REVERSE SIDE

MUST BE COMPLETED BY DEPARTMENT:

Rank: 79 List # E161

SSN: ██████████

Employee Organization Local 250A

METHOD OF SERVICE:

Certified Mail X Hand Delivered

Certified Mail # 7002-2030-0005-8086-7255

Attachment(s)

SIGNATURE OF APPOINTING OFFICER

NAME Nathaniel P. Ford, Sr.

TITLE Executive Director/CEO, MTA

Garin Newsom | Mayor
Rev. Dr. James McCray Jr. | Chairman
Tom Nolan | Vice-Chairman
Cameron Beach | Director
Shirley Breyer Black | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Bruce Oka | Director
Nathaniel P. Ford, Sr. | Executive Director/CEO

SFMTA/TWU LOCAL 250-A: ARBITRATION DECISION

Arbitration Date: 04/28/09

Name of Grievant: Keith Bynum

Cap #: 2088

Proposed Discipline: Dismissal

Date of Discipline Letter: 02/04/09

Grievance #: 119-09 Division/Dept.: Woods

Decision of the Panel:

Operator AWOL for over eight (8) months, NCWS - job abandonment. MTA believes he is in jail. Union argues he has long served, needs time.

Discipline Decision: Sustained Removed Modified

Reason for Decision:

Operator NCWS for months - job abandonment. Over Union objection, discharge within.

[Signature] 4/28/09
Arbitrator Date

Davis, Leavelle

From: Wu, Vivian
Sent: Monday, May 18, 2009 1:16 PM
To: Davis, Leavelle
Cc: Cerenio, James; Fowlis, Kathy; Ma, Claudia; Schumacher, Marie
Subject: 9163 - Keith Bynum
Importance: High
Attachments: 20090513130647097.pdf

Hi Leavelle,

Marie has no access to PeopleSoft yet so...please submit through OLT and notify Jonathan when completed.

Thanks,
Vivian

From: Wu, Vivian
Sent: Monday, May 18, 2009 9:49 AM
To: Schumacher, Marie
Cc: Boparai, Parveen
Subject: 9163 - Keith Bynum
Importance: High

Hi Marie,

Have we submitted through OLT? If not, please enter the OLT and notify Jonathan Nelly for review and finalize in PeopleSoft.

Thanks,
Vivian

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

From: Boparai, Parveen
Sent: Monday, May 18, 2009 9:25 AM
To: Wu, Vivian
Subject: FW: Keith Bynum - 9163

Please enter in the system. Thx.

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

From: Jonathan Nelly [mailto:Jonathan.Nelly@sfgov.org]
Sent: Friday, May 15, 2009 4:47 PM
To: Moy, Betsy
Cc: Boparai, Parveen; Wu, Vivian; Fowlis, Kathy
Subject: RE: Keith Bynum - 9163

Hi Betsy:

It doesn't appear that Mr. Bynum's dismissal has been entered into the OLT. Please let me know when it has been submitted in OLT so I can finalize it from my end.

Thank you!

5/18/2009

BYNUM-036

Jonathan Nelly | Department of Human Resources | Client Services
Division | 1 S. Van Ness, 4th Floor, SF, CA | Ph: 415.557.4829 | Fax:
415.557.4967

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"Moy, Betsy"
<Betsy.Moy@sfmta.com>
To
"Nelly, Jonathan"
<Jonathan.Nelly@sfgov.org>
05/15/2009 03:31 PM
cc
"Boparai, Parveen"
<Parveen.Boparai@sfmta.com>
Subject
RE: Keith Bynum - 9163

Hi Jonathan,

Attached please find the amended Notice of Separation from Employment document for Keith Bynum. Thanks.

Betsy

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

From: Boparai, Parveen
Sent: Thursday, May 14, 2009 9:17 AM
To: Nelly, Jonathan
Cc: Moy, Betsy
Subject: RE: FW: Keith Bynum - 9163

Hi Jonathan,
This must have been an over sight, thanks for bringing it to my attention, I will enter the date and forward you a copy. Thx.
Parveen

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

5/18/2009

BYNUM-037

From: Jonathan Nelly [mailto:Jonathan.Nelly@sfgov.org]
Sent: Thursday, May 14, 2009 9:12 AM
To: Boparai, Parveen
Subject: Re: FW: Keith Bynum - 9163

Good morning Parveen:

After reviewing Mr. Bynum's separation paperwork, I noticed that on the Notice of Separation from Employment, no date was given for the deadline to file an appeal on the future employment restrictions w/ the CSC. In order for us to process this in our Restrictions Register database, we need a date.

Could you please provide me w/ a date to enter into our database? Also, is a date typically not given to the employee at MTA? Besides the information of having 20 calendar days from the mailing of the notice, how would the employee know the exact last date to file an appeal?

Thank you!

Jonathan Nelly | Department of Human Resources | Client Services
Division | 1 S. Van Ness, 4th Floor, SF, CA | Ph: 415.557.4829 |
Fax:
415.557.4967

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use disclosure or distribution by persons or entities other than the intended recipient(s) is prohibited. If you are not the intended recipient, please notify the sender by reply and destroy all copies (electronic or otherwise) of the original message. Thank you.

"Boparai,
Parveen"
<Parveen.Boparai@sfmta.com>
To "Cerenio, James"
<James.Cerenio@sfmta.com>,
"Fowlis,
05/13/2009 01:23 Kathy" <Kathy.Fowlis@sfmta.com>

5/18/2009

BYNUM-038

PM
cc "Wu, Vivian"
<Vivian.Wu@sfmta.com>,
"Nelly, Jonathan"
<Jonathan.Nelly@sfgov.org>

Subject FW: Keith Bynum - 9163

Attached please find separation documents for Keith Bynum. Please process. Thx.
Parveen

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

From: parveen [mailto:parveen.boparai@sfmta.com]
Sent: Wednesday, May 13, 2009 1:07 PM
To: Boparai, Parveen
Subject:

This E-mail was sent from "RM320-MFD3035" (Aficio 3035).

Scan Date: 05.13.2009 13:06:46 (-0700)
Queries to: null@sfmta.com
[attachment "20090513130647097.pdf" deleted by Jonathan Nelly/DHR/SFGOV]

[attachment "Keith Bynum, 9163.pdf" deleted by Jonathan Nelly/DHR/SFGOV]

5/18/2009

BYNUM-039

7002 2030 0005 8086 7255

Certified mail, return receipt requested
& U.S. mail

May 13, 2009

Gavin Newsom | Mayor

Tom Nolan | Chairman

Rev. Dr. James McCray Jr. | Vice-Chairman

Cameron Beach | Director

Shirley Breyer Black | Director

Malcolm Heinicke | Director

Jerry Lee | Director

Bruce Oka | Director

Nathaniel P. Ford Sr. | Executive Director/CEO

Mr. Keith A. Bynum


RE: NOTICE OF DISMISSAL
Transit Operator, Job Code 9163 – PCS

Dear Mr. Bynum:

In his letter dated April 28, 2009, the Step 4 Hearing Officer, Alexander Cohn upheld the dismissal from your position, Transit Operator, Job Code 9163 as proposed by the Woods Division (see attached).

After a thorough review of all the facts and Mr. Cohn's award, 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 close of business, April 28, 2009.

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

- Cancel any current examination and eligibility status.
- No future employment with the SFMTA.
- Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of two (2) years work experience outside the City and County service.

If you have any questions regarding this matter, please contact Mike Helms, Labor Relations Manager at 415.701.5379.

Sincerely,



Nathaniel P. Ford, Sr.
Executive Director/CEO

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Keith A. Bynum</p> <p>[Redacted Address]</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (The number from service label)</p> <p>7002-2030-0005-8086-7255</p>	
<p>PS Form 3811, August 2001</p>	<p>Domestic Return Receipt 102595-02-M-1540</p>

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Keith Bynum</p> <p>[Redacted Address]</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (The number from service label)</p> <p>7003 2260 0005 2713 9184</p>	
<p>PS Form 3811, August 2001</p>	<p>Domestic Return Receipt 102595-02-M-1540</p>

BYNUM-041

Keith A. Bynum - 9163
May 13, 2009
Page 2

Attachments: Notice of Separation from Employment, Separation Report, Step 4
Decision

Cc: Debra A. Johnson, Administration
Kenneth McDonald, Muni Operations
Alice Kwong, Human Resources
Mike Helms, Employee & Labor Relations
Jonathan Nelly, Client Services, DHR
Rafael Cabrera, TWU, Local 250 A (9163)
Personnel File ✓
Chron File

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF SEPARATION FROM EMPLOYMENT**

AMENDED

Via Certified Mail

Keith A. Bynum
NAME OF EMPLOYEE

May 13, 2009
MAILING DATE

██████████
ADDRESS

S. F. Municipal Transportation Agency
DEPARTMENT/DIVISION

████████████████████
CITY STATE ZIP CODE

PCS
TYPE OF APPOINTMENT

Dismissal
TYPE OF SEPARATION
(Do not use for release from probation.)

This notice is to inform you that you are separated from your employment in Class: 9163, Title: Transit Operator, effective COB April 28, 2009, for the reasons outlined in the attached document(s).

You may request a hearing before the Civil Service Commission on your future employability with the civil service system of 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. However, the Commission **CANNOT** reverse the department's decision to terminate your employment.

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 June 2, 2009. 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 and the restriction(s) recommended, if any, will be in effect.

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

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	Accept the resignation as certified.	<input checked="" type="checkbox"/>	No future employment with this Department.
<input type="checkbox"/>	Dismiss from City and County service.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input type="checkbox"/>	Approve the separation.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input checked="" type="checkbox"/>	Other (specify): Future employment subject to the review and approval of the Department of Human Resources (DHR) Director after satisfactory completion of two (2) years work experience outside the City and County service.		

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 REVERSE SIDE

MUST BE COMPLETED BY DEPARTMENT:
 Rank: 79 List # E161
 SSN: 546-53-9256
 Employee Organization Local 250A
METHOD OF SERVICE:
 Certified Mail X Hand Delivered
 Certified Mail # 7002-2030-0005-8086-7255
 Attachment(s)


 SIGNATURE OF APPOINTING OFFICER
 NAME Nathaniel P. Ford, Sr.
 TITLE Executive Director/CEO, MTA

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as official notice of the separation to the former employee, 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 recommended 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 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 her/his 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 separation.
5. Any interested party may request that the hearing be continued (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.

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

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CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES

SEPARATION REPORT (SR)

NAME (LAST, FIRST, M.I.) **Bynum Keith A** DATE OF BIRTH **10/28/1962** SOCIAL SECURITY NO. **[REDACTED]** DHR USE ONLY **SR-**

CLASS NO. **9163** TITLE **Transit Operator** RANK **79** LIST **E161** CERTIFICATION OR START WORK DATE **3/6/2000** DHR RQ NUMBER **1039974**

HOME ADDRESS (REQUIRED): **[REDACTED]** DATE ISSUED **5/13/2009** DATE EFFECTIVE **cob 4/28/2009** DEPT. RQ NO. **P02110**

HOME TELEPHONE NUMBER: **[REDACTED]**

TYPE OF APPOINTMENT
 PERMANENT (PCS) EXEMPT-PERM. (PEX)
 TEMPORARY (TCS) EXEMPT-TEMP. (TEX)
 PROVISIONAL (TPV) RETIREE (REX)
 LIMITED TENURE (TLT)
 NON-CIVIL SERVICE (NCS)

WORK SCHEDULE
 FULL-TIME
 PART-TIME
 SCHOOL TERM/FULL TIME
 SCHOOL TERM/PART-TIME
 AS NEEDED (irregular)

IS THE EMPLOYEE SERVING A PROBATIONARY PERIOD AT THE TIME OF SEPARATION?
 YES IF YES, SPECIFY TYPE: ENTRANCE PROMOTIVE
 NO

IS THIS A COMPLETE SEPARATION FROM CITY AND COUNTY SERVICE?
 YES NO IF NO, RETURNING TO PCS POSITION?
 YES NO DEPT: _____
 CLASS: _____

IF ACCEPTING OTHER EMPLOYMENT?
 PROMOTIVE NEW DEPT: _____
 STATUS GRANT CLASS: _____
 STATUS: _____

1 REASSIGNMENT

NEW REQUISITION	DEPT REQ NBR	DHR REQ NBR	DEPT	CLASS	WORK SCHED

5 TERMINATION

RELEASE FR APPOINTMENT
 REACHED LEGAL LIMIT (LLT)
 SETTLEMENT AGREEMENT (RZA)
 RELEASE OF NCS, TPV, EX (RLS)

RELEASE FR PROBATION
 DISCIPLINARY (RFC)
 NON-DISCIPLINARY (RFP)

DISMISSAL OF A PCS (DPE)
 DISMISSAL OF A TLT (TLT)
 TERMINATED FOR CAUSE (TFC) (TPV, NCS, AND EXEMPTS ONLY)
 DEATH OF AN EMPLOYEE (DEA)
 AUTOMATIC RESIGNATION (ARS)
 NEVER REPORTED TO WORK (DSH)
 OTHER (Specify) _____

2 LEAVE/SUSPENSION OVER 5 DAYS

MILITARY LEAVE (ATTACH ORDERS) SUSPENSION

LESS THAN 180 DAYS OTHER - SPECIFY _____
 MORE THAN 180 DAYS

UNPAID ADMINISTRATIVE LEAVE

APPROVED DURATION
 START DATE: _____
 END DATE: _____

3 RESIGNATION

SATISFACTORY SERVICES (TER: RSS)
 UNSATISFACTORY SERVICES (TER: RUS)

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)

SIGNATURE: _____ DATE: _____

6 TRANSFER

ADMIN (ADM) LIMITED TERM (LTT)
 EE REQUEST (EER) FUNCTION (TOP)

7 RETIREMENT

NORMAL-RMT DISABILITY-RTD ERP-ERT

4 LAY-OFF

INVOLUNTARY LEAVE (PCS_LIL)
 INVOLUNTARY LAY-OFF (PCS_LIO)
 VOLUNTARY LAY-OFF (PCS_LVO)
 ELECTIVE INVOLUNTARY LVE (PCS_EIL)
 PV / EX ONLY INVOL. (NHI) VOL. (NHV)

REASON
 LACK OF WORK A.S.O. OTHER
 LACK OF FUNDS DISPLACED RETRENCHMENT
 BY ELIG. BY HOLDOVER

METHOD
 HAND DELIVERED
 CERTIFIED MAIL

BY THE APPOINTEE: I ACKNOWLEDGE RECEIPT OF THE EMPLOYEE LAYOFF INFORMATION DOCUMENT.

SIGNATURE: _____ DATE: _____

APPOINTING OFFICER SIGNATURE: *Nathaniel P. Ford* TELEPHONE NUMBER: **554-4166**

NAME/TITLE: **NATHANIEL P. FORD, Sr., EXECUTIVE DIRECTOR/CEO**

DEPARTMENT NO 35	DEPARTMENT NAME Municipal Transportation Agency	PERSONNEL FILE FORWARDED? YES <input type="checkbox"/> NO <input type="checkbox"/>	FORWARDED TO: DEPT: _____ CONTACT: _____
----------------------------	---	---	--

DHR USE

ACTION PENDING: YES NO

ANALYST: _____
DATE: _____

RQ STATUS
 CANCEL RQ: YES NO

DOC.#: _____ DATE: _____
 SR POSTED: _____ DATE: _____
 CN POSTED: _____ DATE: _____
 Holdover Canvass: _____

Gavin Newsom | Mayor
 Rev. Dr. James McCray Jr. | Chairman
 Tom Nolan | Vice-Chairman
 Cameron Beach | Director
 Shirley Breyer Black | Director
 Malcolm Heinicke | Director
 Jerry Lee | Director
 Bruce Oka | Director
 Nathaniel P. Ford, Sr. | Executive Director/CEO

SFMTA/TWU LOCAL 250-A: ARBITRATION DECISION

Arbitration Date: 04/28/09

Name of Grievant: Keith Bynum

Cap #: 2088

Proposed Discipline: Dismissal

Date of Discipline Letter: 02/04/09

Grievance #: 119-09 Division/Dept.: Woods


Decision of the Panel:

Operator AWOL for over eight (8)
 months, NCWS - job abundant. MTA
 believes he is in jail. Union argues he
 has long service, needs time.

Discipline Decision: Sustained Removed Modified

Reason for Decision:

Operator NCWS for months - job
 abundant. Over time operator,
 discharge within.


 Arbitrator Date 4/28/09

Gavin Newsom | Mayor
Tom Nolan | Chairman
Rev. Dr. James McCray Jr. | Vice-Chairman
Cameron Beach | Director
Shirley Breyer Black | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Bruce Oka | Director
Nathaniel P. Ford Sr. | Executive Director/CEO

March 18, 2009

VIA Certified Mail #7003-2260-0005-2713-9184
Return Receipt Requested &
U.S. Regular Mail

Keith Bynum


Re: Step 3 Hearing Decision for Keith Bynum, Grievance #119-09-WD

Dear Mr. Bynum:

On March 11, 2009, in accordance with the Transport Worker's Union (TWU), Local 250A, (Class 9163) current Memorandum of Understanding (MOU), a Step 3 hearing was held at One South Van Ness Avenue, San Francisco, CA 94103, charging you with being Absent Without Official Leave (AWOL).

Proposed Discipline: Dismissal.

Present at the hearing were:

Rafael Cabrera	Executive Vice-President, TWU, Local 250A
Keith Bynum	Operator (absent)
Cheryl Owens	Personnel Analyst
Robert Louie	Superintendent – Woods Division
Chris Iborra	Hearing Officer

Background: According to the Agency, the last day you worked was August 31, 2008, since then, you have been Absent Without Official Leave (AWOL). You were charged with being AWOL on September 1, 3 and 4, 2008 through the present date.

Union's position: To sustain the grievance. The San Francisco Municipal Transportation Agency (SFMTA) should give Mr. Bynum another chance since he is currently going through tough times. Also, this AWOL should be considered just one occurrence since it has been continuous.

Agency's position: To deny the grievance. Mr. Bynum has been absent without approval since September 1, 2008 through the present.

Keith Bynum
Grievance # 119-09-WD
March 18, 2009
Page 2 of 2

Decision: After listening to all arguments, reviewing all facts brought forth and reading all information provided concerning the allegations, I find that the Agency did not violate the MOU as alleged by the Union. Mr. Bynum has been AWOL since September 1, 2008 to the present. The dismissal is upheld.

The 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:

Approved by:


Chris Iborra
Step 3 Hearing Officer


for Nathaniel P. Ford, Sr.
Executive Director/CEO

cc: Debra A. Johnson, Chief of Staff/Director, Administration
Kenneth McDonald, Chief Operating Officer
Samuel Lau, Deputy Chief Operating Officer
Alice Kwong, Acting Deputy Director of HR
Robert Louie, Superintendent – Woods Division
Rafael Cabrera, TWU, Local 250A (via Fax to 922-9416 and regular mail)
Employee File
Chron File



TRANSPORT WORKERS UNION OF AMERICA

LOCAL 250-A AFL-CIO

1508 FILLMORE STREET, SUITE 211 • SAN FRANCISCO, CA 94115

TEL: (415) 922-9495 • FAX: (415) 922-9416



IRWIN LUM
PRESIDENT

RAFAEL CABRERA
EXECUTIVE VICE PRESIDENT

WALTER L. SCOTT, III
SECRETARY-TREASURER

ALEENA GALLOWAY
RECORDING SECRETARY

VICE PRESIDENTS
JEAN ELLIS-JONES
KAVAI MUAO HARRIS
EUGENE ELAM

EXECUTIVE BOARD
CLAUDETTE WASHINGTON
MICHAEL POSTELL
ANTONIO GONZALEZ, JR.
ABELARDO GOMEZ

NELSON PINO
FLYNN DIVISION CHAIRPERSON

October 16, 2008

FILE NO: 095-08-WD
Keith Bynum ID #2088

FAX 554-4174

Nathaniel Ford
Municipal Transportation Agency
1 South Van Ness Avenue, 7th floor
San Francisco, CA, 94103

Dear Mr. Ford:

In accordance with the current Memorandum of Understanding, we hereby request a formal Step 3 Hearing on behalf of Keith Bynum ID #2088.

We hereby appeal the letter from Robert Louie; Woods Division Superintendent dated October 15, 2008 and received in this office via fax on October 16, 2008.

By copy of this letter the employee Relations Manager, MTA, Mike Helms is being informed of our appeal of the decision.

Sincerely,

Rafael Cabrera
Executive Vice-President

RC:ym

cc: Mike C. Helms
Sam Lau
Division Superintendent
Division Chairperson
File

RECEIVED
08 OCT 21 AM 9:54
PUBLIC TRANSPORTATION
HUMAN RESOURCES

3



Woods Division • SAN FRANCISCO MUNICIPAL RAILWAY



1001-22nd Street, San Francisco, CA 94107
(415) 696-7262 FAX (415) 696-7268

Via-Fax to Rafael Cabrera TWU 250A (415) 922-9416
Via-Fax to Mike Helms – Labor Relations (415) 554-4174

SKELLY DECISION LETTER

54

October 15, 2008

Keith Bynum #2088



**SUBJECT: PROPOSED RECOMMENDED DISCIPLINARY ACTION-
Dismissal – for consecutive workday A.W.O.L #3 on September 02,
2008**

SKELLY HEARING OFFICER'S DECISION

Dear Mr. Bynum:

You received my letter of Proposed Recommended Disciplinary Action dated September 10, 2008. This is to advise you that I am proposing that that you be Dismissed from your position as a *9163 Transit Operator*.

My proposed recommendation for this disciplinary action is based on the following charges:

San Francisco Municipal Railway Rule Book:

- Rule – 2.13.1 "A" Discipline**
- Rule – 2.2.1 Bulletins, Orders and Notices**
- Rule – 4.1.1 Reporting For Duty**
- Rule – 4.3.3 Absent Without Leave (AWOL)**

The Facts Upon Which These Charges Are Based:

You have failed to submit the required leave papers and have therefore accrued a consecutive string of workday A.W.O.Ls, all occurring during the last eight (8) month tracking period.

Hearing:

A Hearing was held on Monday, September 15, 2008 with your Union Representative and myself present.

Hearing Officer's Decision

Your failure to show up for your scheduled Hearing, demonstrates a complete disregard to your job, to your fellow employees, and to the Agency. Therefore I am going to continue the recommendation for your dismissal as a 9163 Transit Operator.

Right of Appeal:

You may appeal this action within three (3) days of receiving this Notice of Recommended Disciplinary Action, in accordance with Article 27 of the 2004 – 2008 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 other representative of your choice.

Where the grievance is directed against a proposed disciplinary dismissal, the grievance shall be initiated at Step 3 and must be raised within four (4) days of mailing to the grievant's last known address, the notice of intention to file charges of dismissal.

Sincerely,



Robert Louie
Woods Division Superintendent
RL/nw

CC: Deputy Chief Operating Officer – Sam Lau
Acting Senior Operations Manager, Bus Service Delivery – Mary Travis-Allen
Labor Relations Representative – Mike Helms (FAX)
Division Union Chairperson
File



WOODS DIVISION • SAN FRANCISCO MUNICIPAL RAILWAY



1001 22ND St, San Francisco, CA 94107
(415) 695-7252 FAX (415) 695-7268

Via Certified Mail # 7007-0220-0001-6757-7968 and Regular Mail
Fax to Rafael Cabrera, TWU 250-A at 922-9416

SKELLY MEETING

#611

September 10, 2008

Keith Bynum #2088
[REDACTED]

RECEIVED
08 SEP 12 AM 10:10
PUBLIC TRANSPORTATION
HUMAN RESOURCES

SUBJECT: PROPOSED RECOMMENDED DISCIPLINARY ACTION-
DISMISSAL – FOR CONSECUTIVE WORKDAY A.W.O.L #3 ON
SEPTEMBER 02, 2008

Dear Mr. Bynum:

This is to advise you that I am proposing to recommend **dismissal** charges form your position as a 9163 Transit Operator for consecutive, workday A.W.O.Ls.

My proposed recommendation for this disciplinary action is based on the following charges:

San Francisco Municipal Railway Rule Book:

Rule 2.13.1A - (Inattention to Duties) Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal.

Rule 2.2.1 – Written instruction, rules, procedures, bulletins, notices and written verbal orders apply to all employees whose duties they affect and must be obeyed. All Bulletins, orders and notices are numbered consecutively from January 1 of each year.

Rule 4.1.1 – Operators must report for duty to a designated location before their scheduled start time; failure to do so will be considered absence without leave.

Rule 4.3.3 – Transit operator must report for duty not later than the times indicated on schedules or detail lists, unless absent with proper authorization. Failure to report as required will be considered AWOL.

Memorandum of Understanding Between San Francisco Municipal Transportation Agency-MUNI and Transport Workers Union Local 250-A (9163)

Section 23.5 Lateness and Absence Without Leave (AWOL) Program

- (c) When an operator fails to report for duty, and does not receive approval, the absence will be defined as an Absence Without Leave (AWOL) and will be tracked and recorded on a rolling eight (8)-month period with the disciplinary procedures up to the following:
- i. First violation within an eight (8)-month period – Discipline up to a two (2)-day suspension
 - ii. Second violation within an eight (8)-month period – Discipline up to a ten (10)-day suspension
 - iii. Third or further violation within an eight (8)-month period – Discipline up to termination.

The Facts Upon Which These Charges Are Based:

You have failed to submit the required leave papers and have therefore accrued a consecutive string of workday A.W.O.Ls, all occurring during the last eight (8) month tracking period.

Past Record/Disciplinary History:

A.W.O.L #1 August 31, 2008 – Disciplinary Action Pending

A.W.O.L. #2 September 01, 2008 - Disciplinary Action Pending

Also, please see attached summary of Disciplinary History that occurred during the past twelve month period.

Materials Upon Which Charges Are Based:

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

1 AWOL Records D-272 (R2)

Basis For Recommendation/Conclusions:

You have failed to submit the required leave papers and have therefore accrued a consecutive string of workday A.W.O.L's all occurring during the last eight (8) month tracking period.

Therefore, you have abandoned your position as a 9163 Transit Operator by failing to comply with the Rules and Regulations as listed above.

Right Of Response:

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is **scheduled on Sept. 15, 2008 at 9:50 AM** when you finish your Return To Work Process at 1001 22ND Street at the Superintendent's Office. Union Representative will also be present at that time.

This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union representative is Kawai Muao Harris, and she can be reached at 415-695-7265.

If you choose to respond in writing, your written response should be directed to Mr. Robert Louie, Superintendent of Woods Division and must be received the day before your scheduled hearing.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Mr. Robert Louie
Woods Division Superintendent
RL:nw

Attachments: 1 AWOL Records D-272 (R)
Disciplinary History

ccs: Deputy Director, Bus – Sam Lau
Senior Operations Manager, Bus – Mary Travis-Allen
Labor Relations Representative – Mike Helms
Division Union Chairperson
File



WOODS DIVISION • SAN FRANCISCO MUNICIPAL RAILWAY

1001 22ND St, San Francisco, CA 94107
(415) 695-7252 FAX (415) 695-7268

logged 9/17 Rosey

SKELLY MEETING

#610

September 10, 2008

Keith Bynum #2088

RECEIVED
08 SEP 12 AM 10:10
PUBLIC TRANSPORTATION
HUMAN RESOURCES

**SUBJECT: PROPOSED RECOMMENDED DISCIPLINARY ACTION-
TEN (10) DAYS SUSPENSION FOR 9/01/08, A.W.O.L #2**

Dear Mr. Bynum:

This is to advise you that I propose recommending a total of **ten (10)** working days **suspension** from your position as a **9163 Transit Operator**.

My proposed recommendation for this disciplinary action is based on the following charges:

San Francisco Municipal Railway Rule Book:

Rule 2.13.1A - (Inattention to Duties) Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal.

Rule 2.2.1 – Written instruction, rules, procedures, bulletins, notices and written verbal orders apply to all employees whose duties they affect and must be obeyed. All Bulletins, orders and notices are numbered consecutively from January 1 of each year.

Rule 4.1.1 – Operators must report for duty to a designated location before their scheduled start time; failure to do so will be considered absence without leave.

Rule 4.3.3 – Transit operator must report for duty not later than the times indicated on schedules or detail lists, unless absent with proper authorization. Failure to report as required will be considered AWOL.

Memorandum of Understanding Between San Francisco Municipal Transportation Agency-MUNI and Transport Workers Union Local 250-A (9163)

Section 23.5 Lateness and Absence Without Leave (AWOL) Program

- (c) When an operator fails to report for duty, and does not receive approval, the absence will be defined as an Absence Without Leave (AWOL) and will be tracked and recorded on a rolling eight (8)-month period with the disciplinary procedures up to the following:
- i. First violation within an eight (8)-month period – Discipline up to a two (2)-day suspension
 - ii. Second violation within an eight (8)-month period – Discipline up to a ten (10)-day suspension
 - iii. Third or further violation within an eight (8)-month period – Discipline up to termination.

The Facts Upon Which These Charges Are Based:

On Monday, September 01, 2008 you were detailed to work Run 107, Line 29/44, reporting time 6:33 A.M. for pull out, and you did not show or call.

Past Record/Disciplinary History:

AWOL #1 on 8/31/08 – Pending Discipline

This is second violation within an 8-month period.

Materials Upon Which Charges Are Based:

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

1 AWOL Records D-272 (R2)

Basis For Recommendation/Conclusions:

On Monday, September 01, 2008, you were detailed to work Run 107, Line 29/44, reporting time 6:33 A.M. for pull out, and you did not show or call. Your action resulted in charges of AWOL against you. You must report to work as ordered. Your failure to report for duty adversely affected the service we are obligated to provide. A missing headway also places an unreasonable burden on your co-workers and on the administration of run schedules.

Right Of Response:

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is **scheduled for Sept. 15, 2008 at 9:40 AM** when you finish your Return To Work Process at 1001 22ND Street at the Superintendent's Office. Union Representative will also be present at that time.

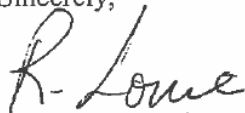
This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union representative is Kawai Muao Harris, and she can be reached at 415-695-7265.

If you choose to respond in writing, your written response should be directed to Mr. Robert Louie, Superintendent of Woods Division and must be received the day before your scheduled hearing.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Mr. Robert Louie
Woods Division Superintendent

RL/nw

Attachments: 1 AWOL Records D-272 (R)

cc: Deputy Director, Bus – Sam Lau
Acting Senior Operations Manager, Bus-Mary Travis-Allen
Labor Relations Representative – Mike Helms
Division Union Chairperson
File



SKELLY MEETING

September 10, 2008

#609

RECEIVED
08 SEP 12 AM 10:10
PUBLIC TRANSPORTATION
HUMAN RESOURCES

Keith Bynum #2088



**SUBJECT: PROPOSED RECOMMENDED DISCIPLINARY ACTION-
TWO (2) DAYS SUSPENSION FOR 8/31/08, A.W.O.L #1**

Dear Mr. Bynum:

This is to advise you that I propose recommending a total of **two (2)** working days **suspension** from your position as a **9163 Transit Operator**.

My proposed recommendation for this disciplinary action is based on the following charges:

San Francisco Municipal Railway Rule Book:

Rule 2.13.1A - (Inattention to Duties) Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal.

Rule 2.2.1 – Written instruction, rules, procedures, bulletins, notices and written verbal orders apply to all employees whose duties they affect and must be obeyed. All Bulletins, orders and notices are numbered consecutively from January 1 of each year.

Rule 4.1.1 – Operators must report for duty to a designated location before their scheduled start time; failure to do so will be considered absence without leave.

Rule 4.3.3 – Transit operator must report for duty not later than the times indicated on schedules or detail lists, unless absent with proper authorization. Failure to report as required will be considered AWOL.

Memorandum of Understanding Between San Francisco Municipal Transportation Agency-MUNI and Transport Workers Union Local 250-A (9163)

Section 23.5 Lateness and Absence Without Leave (AWOL) Program

- (c) When an operator fails to report for duty, and does not receive approval, the absence will be defined as an Absence Without Leave (AWOL) and will be tracked and recorded on a rolling eight (8)-month period with the disciplinary procedures up to the following:
- i. First violation within an eight (8)-month period – Discipline up to a two (2)-day suspension
 - ii. Second violation within an eight (8)-month period – Discipline up to a ten (10)-day suspension
 - iii. Third or further violation within an eight (8)-month period – Discipline up to termination.

The Facts Upon Which These Charges Are Based:

On Sunday, August 31, 2008, you were detailed to work Run 107, Line 48/48, reporting time 5:52 A.M. for pull out, and you did not show or call.

Past Record/Disciplinary History:

This is first violation within an 8-month period.

Materials Upon Which Charges Are Based:

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

1 AWOL Records D-272 (R2)

Basis For Recommendation/Conclusions:

On Sunday, August 31, 2008, you were detailed to work Run 107, Line 48/48, reporting time 5:52 A.M. for pull out, and you did not show or call. Your action resulted in charges of AWOL against you. You must report to work as ordered. Your failure to report for duty adversely affected the service we are obligated to provide. A missing headway also places an unreasonable burden on your co-workers and on the administration of run schedules.

Right Of Response:

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is **scheduled for Sept. 15, 2008 at 9:30 AM** when you finish your Return To Work Process at 1001 22ND Street at the Superintendent's Office. Union Representative will also be present at that time.

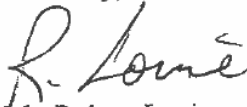
This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union representative is Kawai Muao Harris, and she can be reached at 415-695-7265.

If you choose to respond in writing, your written response should be directed to Mr. Robert Louie, Superintendent of Woods Division and must be received the day before your scheduled hearing.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Mr. Robert Louie
Woods Division Superintendent

Attachments: 1 AWOL Records D-272 (R)

cc: Deputy Director, Bus – Sam Lau
Acting Senior Operations Manager, Bus-Mary Travis-Allen
Labor Relations Representative – Mike Helms
Division Union Chairperson
File

RL/nw

P. 2 OF 2

AWOL RECORD

AWOL

OFFENSE FOR QUARTERLY PERIOD # 3

OPR Bynum Keith ID 2088 DATE Sept 3, 08

DETAILED FOR RUN 107 LINE 29/44

REPORTING TIME 6:33 AM PM

HULL OUT RELIEF

REPORTED AT _____ AM PM

IN PERSON BY TELEPHONE

FINISHED WORK PREVIOUS DAY AWOL AM PM

NO SHOW/NO CALL

ALLOWED TO WORK? ()

WORKED OWN RUN OR

____ RUN _____ LINE

REMARKS Disciplin 2.13.1A

GBCO-019 AWOL 4.1.1

ACTION TAKEN 4.3.3

Skelley - Dismissal

SIGNED _____

TITLE _____ ID _____

EXCUSE GIVEN NO Show
#609

SIGNED David Byrd

TITLE Dispatcher ID 9139

D-272-R2

AWOL RECORD

OFFENSE FOR QUARTERLY PERIOD # 4

OPR Bynum Keith ID 2088 DATE 9-4-08

DETAILED FOR RUN 107 LINE 29/44

REPORTING TIME 6:33 AM PM

HULL OUT RELIEF

REPORTED AT _____ AM PM

IN PERSON BY TELEPHONE

FINISHED WORK PREVIOUS DAY AWOL AM PM

NO SHOW/NO CALL

ALLOWED TO WORK? ()

WORKED OWN RUN OR

____ RUN _____ LINE

REMARKS _____

ACTION TAKEN _____

SIGNED _____

TITLE _____ ID _____

EXCUSE GIVEN None

SIGNED Byrd

TITLE Dispatcher ID 9139

D-272-R2



SKELLY MEETING

#210

April 09, 2008

Bynum Keith # 2088

SUBJECT: Recommended Disciplinary Action – One (1) Day Suspension

Dear Mr. Keith:

This is to advise you that I am proposing that you be *suspended* from your position as a **Transit Operator, 9163** for a period of **one (1) day**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1 “A” – Inattention to Duties**
- Rule 2.15.5 – Schedule (Behind Schedule)**
- Rule 4.12.1 – Central Control**

The Facts Upon Which These Charges Are Based

On April 02, 2008 your Run (107) was due to arrive inbound at 19th Ave. and Lincoln, at 11:08 AM, but you arrived at 11:15 AM, seven (7) minutes behind. The leader was four (4) minutes late, and the follower was two (2) minutes late.

Past Record/Disciplinary History

Please see attachment – Disciplinary History

Materials Upon Which Charges Are Based

Transit Inspector’s Report

RECEIVED
08 APR 11 AM 10:47
PUBLIC TRANSPORTATION
HUMAN RESOURCES

Basis For Recommendation/Conclusions

On April 02, 2008 your Run (107) was due to arrive inbound at 19th Ave. and Lincoln, at 11:08 AM, but you arrived at 11:15 AM, seven (7) minutes behind. The leader was four (4) minutes late, and the follower was two (2) minutes late. Your action resulted in charges of a "Schedule Violation" against you. This is your third "Schedule Violation" within a rolling ninety (90) days time frame.

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Tuesday, April 15, 2008 at 1:15 PM at 1001 22nd St., Superintendent's office.** This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Chairperson can be reached at 415-695-7265.

If you choose to respond in writing, your written response should be directed to **Kathy Forrester. Ms. Forrester** must receive your written response by **5:00PM on April 14, 2008.**

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



**Cheryl Turner
Woods - Assistant Superintendent**

Cc: Deputy Director, Bus – Don Gee
Senior Operations Manager – Larry Games
Labor Relations Representative – **Michael Casey**
Division Union Chairperson
Operator's File

Ct/bh

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
1	4/1/2008	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (AHEAD: 5 MINS.)	WARNED OF SUSPENSION		2.13.1 A, 2.15.1, 2.15.5
2	3/27/2008	LATE #2	2.13.1A, 2.2.1	Written Warning of Suspension		2.13.1A,, 2.2.1, GB00-019-SECTION 1
3	1/19/2008	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (4 MINS.)	Cautioned & Reinstucted		2.13.1 A, 2.15.1, 2.15.5
4	10/11/2007	AHEAD OF SCHEDULE	2.13.1A, 2.15.1, 2.15.5	WARNED OF SUSPENSION		2.13.1A, 2.15.1,2.15.5
5	10/3/2007	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (5 MINS.)	Cautioned & Reinstucted		2.13.1 A, 2.15.1, 2.15.5
6	8/24/2007	LATE #1		Hearing Oral Warning	MEETING 9/11-Operator and Union Representative Muao Harris present- Operator was warned to always report for duty	2.13.1A, 2.2.1, GB00-019-SECTION 1
7	7/31/2007	DEADHEADED WITHOUT ORDERS & DISPLAYED OUT OF SERVICE SIGN	RULE: 2.13.1 "A", 5.15.6	Cautioned & Reinstucted		2.13.1A, 5.14.6

Thursday, April 10, 2008

Page 1 of 8

BYNUM-067

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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<i>Date</i>	<i>Violation</i>	<i>Violation Comment</i>	<i>Action</i>	<i>Action Comment</i>	<i>Rule Violation</i>	
8	7/17/2007	LATE #2		Cancelled	Operator provided proof of flat tire that was serviced on same day at sears.	2.13.1A., 2.2.1, GB00-019-SECTION 1
9	7/1/2007	DOCTOR'S LIST	FR 7/1/07 TO 9/30/07	6 TIMES/8 DAYS		2.2.1 GB - 97-046
10	6/9/2007	COMMENDATION	PSR #231841	COMMENDATION		
11	5/18/2007	COMMENDATION	PSR #230607	COMMENDATION		
12	2/13/2007	LATE #4		Skelly	10 DAY SUSPENSION MEETING IN PROCESS	2.13.1A, 2.2.1, GB00-019-SECTION 1
13	2/8/2007	CONDUCT		Warned of future discipline	Operator Sternly Warned- one day suspension sought- PSR 221774- Urinating from bus. Meeting set for 2/27	2.8, 2.8.1, 2.8.2, 2.8.3, 2.8.11, 2.8.12,
14	12/22/2006	LATE #3		Suspension	Three days suspension 3/6, 3/7 and 3/8. Awol became a late as operator did not show on owl shift but came in at a later time	2.13.1A, 2.2.1, GB00-019-SECTION 1

Thursday, April 10, 2008

Page 2 of 8

BYNUM-068

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
15	10/17/2006	LATE #2		Written Warning of Suspension	due 6:17 AM Reported at 8:05 AM in person	2.13.1A,, 2.2.1, GB00-019-SECTION 1
16	10/6/2006	LATE #2		WARNED OF SUSPENSION		2.13.1A,, 2.2.1, GB00-019-SECTION 1
17	8/12/2006	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 8/12/05 TO 9/6/06	N/A
18	7/1/2006	DOCTOR'S LIST	5 TIMES/5 DAYS	PROBATION	NINETY DAY PROBATION FROM 7/1 THROUGH 9/30/2006	2.2.1 GB - 97-046
19	5/23/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (4 MSH)	Suspension	If operator does not receive another schedule violation up to and including 8/23/06. I will not susp. Op. If he receives any	2.13.1 A, 2.15.1, 2.15.5
20	5/12/2006	LATE #2		Written Warning		2.13.1A,, 2.2.1, GB00-019-SECTION 1
21	4/29/2006	CELL PHONE	RULE 2.13.1A, 2.22.7, 2.2.1	Skelly	ONE DAY SUSPENSION HELD IN ABAYANCE	2.22.7, 2.2.1, 2.13.1A, GB 04-055

Thursday, April 10, 2008

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BYNUM-069

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
22	4/28/2006	CELL PHONE	2.13.1A, 2.22.7, 2.2.1	Suspension	SKELLY MEETING IN PROGRESS SCHEDULED FOR 5/9/06- ONE DAY SUSPENSION	2.22.7, 2.2.1, 2.13.1A, GB 04-055
23	2/28/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (5 MSH)	Skelly	3/14/06 Operator & Union Rep. Sherman present. This violation shall become "Warned of Suspension"	2.13.1 A, 2.15.1, 2.15.5
24	2/8/2006	LATE #1	2.13.1A, 4.1.1	Hearing Oral Warning	OPERATOR RESPONSE- CALLED DISPATCH AND TOLD HIM I OVERSLEPT	2.13.1A, 2.2.1, GB00-019-SECTION 1
25	2/4/2006	NO SHOW	RULE: 2.13.1 "A", 2.17.1	WARNED OF SUSPENSION		2.13.1A, 2.17.1
26	2/4/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (4 MSH)	WARNED OF SUSPENSION	This Violation and the violation of 02/04/06 Caution + Reinstruction shall be counted as one.	2.13.1 A, 2.15.1, 2.15.5
27	2/4/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE 2.13.1 "A", 2.15.1, 2.15.5 (5 MSH)	Cautioned & Reinstucted	This Violation and 2/4/06 Warned of Suspension shall be counted as one.	2.13.1 A, 2.15.1, 2.15.5
28	12/23/2005	DEVIATING FROM ROUTES	Run is due to leave at 6:50 am, this Run did not arrive or leave this location, a No-Show. Central Control #12 could not give me a	Cautioned & Reinstucted		4.20.1

Thursday, April 10, 2008

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BYNUM-070

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
29	8/12/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 8/12/05 TO 9/6/05	N/A
30	7/11/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 7/11/05 TO 8/15/05	N/A
31	6/6/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 6/6/05 TO 7/11/05	N/A
32	6/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 General Bulletin 97-046	Hearing Oral Warning	Effective Dates 6/1/2005 through 8/31/2005	Rule 2.2.1- General Bulletin 97- 046
33	5/14/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 5/14/05 TO 6/6/05	N/A
34	5/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders General Bulletin #97-046 Excessive Sick Procedures For Controlling Operator Absenteeism	Conference	#327. Mr. Bynum's name was added to the Excessive Sick Abuse List.	Rule 2.2.1- General Bulletin 97- 046
35	5/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders-General Bulletin #97-046-Excessive Sick. Mr. Bynum was absent from duty for 11 separate days—for a total of	Conference	#327. Name placed on Excessive Sick Abuse List.	Rule 2.2.1- General Bulletin 97- 046

Thursday, April 10, 2008

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BYNUM-071

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
36	4/14/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 4/14/05 TO 5/14/05	N/A
37	4/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders-General Bulletin #97-046-Excessive Sick. Mr. Bynum was absent from duty 20 separate days---for a total of 88	Conference	#55. Name placed on Excessive Sick Abuse List.	Rule 2.2.1-General Bulletin 97-046
38	3/25/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 3/25/05 TO 4/13/05	N/A
39	3/18/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 3/18/05 TO 3/25/05	N/A
40	3/8/2005	LATE TO WORK	Rule 2.13.1 ""A" Inattention to Duties 4.1.1 latness	Cancelled	All charges dismissed 3/17/05 operator Bynum admitted he was late however the line, run and times were in error	2.13.1A, 4.3.3
41	1/13/2005	AWOL #2		Suspension	1 day- Operator was on Ci - Suspension never served	2.13.1A, 2.2.1, 4.1.1, 4.3.3, GB 00-019-AWOL,
42	10/5/2004	Commendation				

Thursday, April 10, 2008

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BYNUM-072

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	<i>Date</i>	<i>Violation</i>	<i>Violation Comment</i>	<i>Action</i>	<i>Action Comment</i>	<i>Rule Violation</i>
43	9/19/2004	SCHEDULES	5 msh	Cautioned & Reinstucted		2.15.1
44	7/22/2004	LATE TO WORK	2ND	Hearing	Warning	2.13.1A, 4.3.3
45	6/29/2004	LATE TO WORK		Hearing	Oral Warning	2.13.1A, 4.3.3
46	5/31/2004	BEHIND SCHEDULE	12 msh	Cautioned & Reinstucted		4.12, 4.12.1
47	3/22/2004	SCHEDULES	5 msh	Skelly	1 day suspension	2.15.1
48	7/27/2003	SCHEDULES	3 msh	Skelly		2.15.1
49	7/17/2003	SCHEDULES	7 msh	Warning		2.15.1

Thursday, April 10, 2008

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BYNUM-073

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	<i>Date</i>	<i>Violation</i>	<i>Violation Comment</i>	<i>Action</i>	<i>Action Comment</i>	<i>Rule Violation</i>
50	7/9/2003	SCHEDULES	7 msh	Cautioned & Reinstucted		2.15.1
51	7/2/2003	NO SHOW		Cautioned & Reinstucted	Dismissed	2.13.1A, 2.17.1
52	8/29/2002	AVOIDABLE ACCIDENT	SUSTAINED PER ARB 10/9/02		1 DAY R /T 5/5/03	2.13.1A,2.14.1 .2.21.1.2.21.2, 4.22.2

52



logged 4/11/08
Risey

SKELLY MEETING

#211

April 09, 2008

Bynum Keith # 2088



SUBJECT: Recommended Disciplinary Action – Three (3) Days Suspension

Dear Mr. Keith:

This is to advise you that I am proposing that you be *suspended* from your position as a **Transit Operator, 9163** for a period of **three (3) days**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1 "A" – Inattention to Duties
- Rule 2.15.5 – Schedule (Behind Schedule)
- Rule 4.12.1 – Central Control

The Facts Upon Which These Charges Are Based

On April 02, 2008 your Run (107) was due to arrive outbound at 19th Ave. and Lincoln, at 11:37 AM, but you arrived at 11:48 AM, eleven (11) minutes behind. The leader was two (2) minutes late, and the follower was on time.

Past Record/Disciplinary History

Please see attachment – Disciplinary History

Materials Upon Which Charges Are Based

Transit Inspector's Report

RECEIVED
08 APR 11 AM 10:47
PUBLIC TRANSPORTATION
HUMAN RESOURCES

Basis For Recommendation/Conclusions

On April 02, 2008 your Run (107) was due to arrive outbound at 19th Ave. and Lincoln, at 11:37 AM, but you arrived at 11:48 AM, eleven (11) minutes behind. The leader was two (2) minutes late, and the follower was on time.

Your action resulted in charges of a "Schedule Violation" against you. This is your four "Schedule Violation" within a rolling ninety (90) days time frame.

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Tuesday, April 15, 2008 at 1:30 PM** at 1001 22nd St., **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Chairperson can be reached at **415-695-7265**.

If you choose to respond in writing, your written response should be directed to **Kathy Forrester**. **Ms. Forrester** must receive your written response by **5:00PM on April 14, 2008**.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Cheryl Turner

Woods - Assistant Superintendent

Cc: Deputy Director, Bus – Don Gee
Senior Operations Manager – Larry Garnes
Labor Relations Representative – **Michael Casey**
Division Union Chairperson
Operator's File

Ct/bh

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
1	4/2/2008	SCHEDULES-LATE	RULE: 2.13.1 "A", 2.15.5, 4.12.1 (7 MINS. BEHIND)	Skelly	Skelly meeting on 4/15/08 - Action (1) day suspension	2.13.1A, 2.15.5
2	4/1/2008	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (AHEAD: 5 MINS.	WARNED OF SUSPENSION		2.13.1 A, 2.15.1, 2.15.5
3	3/27/2008	LATE #2	2.13.1A, 2.2.1	Written Warning of Suspension		2.13.1A,, 2.2.1, GB00- 019- SECTION 1
4	1/19/2008	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (4 MINS.)	Cautioned & Reinstucted		2.13.1 A, 2.15.1, 2.15.5
5	10/11/2007	AHEAD OF SCHEDULE	2.13.1A, 2.15.1, 2.15.5	WARNED OF SUSPENSION		2.13.1A, 2.15.1,2.15.5
6	10/3/2007	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (5 MINS.)	Cautioned & Reinstucted		2.13.1 A, 2.15.1, 2.15.5
7	8/24/2007	LATE #1		Hearing Oral Warning	MEETING 9/11-Operator and Union Representative Muao Harris present- Operator was warned to always report for duty	2.13.1A, 2.2.1. GB00- 019- SECTION 1

Thursday, April 10, 2008

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BYNUM-077

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
8	7/31/2007	DEADHEADED WITHOUT ORDERS & DISPLAYED OUT OF SERVICE SIGN	RULE: 2.13.1 "A", 5.15.6	Cautioned & Reinstucted		2.13.1A, 5.14.6
9	7/17/2007	LATE #2		Cancelled	Operator provided proof of flat tire that was serviced on same day at sears.	2.13.1A, 2.2.1, GB00-019-SECTION 1
10	7/1/2007	DOCTOR'S LIST	FR 7/1/07 TO 9./30/07	6 TIMES/8 DAYS		2.2.1 GB - 97-046
11	6/9/2007	COMMENDATION	PSR #231841	COMMENDATION		
12	5/18/2007	COMMENDATION	PSR #230607	COMMENDATION		
13	2/13/2007	LATE #4		Skelly	10 DAY SUSPENSION MEETING IN PROCESS	2.13.1A, 2.2.1, GB00-019-SECTION 1
14	2/8/2007	CONDUCT		Warned of future discipline	Operator Sternly Warned- one day suspension sought-- PSR 221774- Urinating from bus. Meeting set for 2/27	2.8, 2.8.1, 2.8.2, 2.8.3, 2.8.11, 2.8.12,

Thursday, April 10, 2008

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BYNUM-078

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
15	12/22/2006	LATE #3		Suspension	Three days suspension 3/6, 3/7 and 3/8. Awol became a late as operator did not show on owl shift but came in at a later time	2.13.1A, 2.2.1, GB00-019-SECTION 1
16	10/17/2006	LATE #2		Written Warning of Suspension	due 6:17 AM Reported at 8:05 AM in person	2.13.1A., 2.2.1, GB00-019-SECTION 1
17	10/6/2006	LATE #2		WARNED OF SUSPENSION		2.13.1A., 2.2.1, GB00-019-SECTION 1.
18	8/12/2006	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 8/12/05 TO 9/6/06	N/A
19	7/1/2006	DOCTOR'S LIST	5 TIMES/5 DAYS	PROBATION	NINETY DAY PROBATION FROM 7/1 THROUGH 9/30/2006	2.2.1 GB - 97-046
20	5/23/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (4 MSH)	Suspension	If operator does not receive another schedule violation up to and including 8/23/06. I will not susp. Op. If he receives any	2.13.1 A, 2.15.1, 2.15.5
21	5/12/2006	LATE #2		Written Warning		2.13.1A., 2.2.1, GB00-019-SECTION 1

Thursday, April 10, 2008

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Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
22	4/29/2006	CELL PHONE	RULE 2.13.1A, 2.22.7, 2.2.1	Skelly	ONE DAY SUSPENSION HELD IN ABAYANCE	2.22.7, 2.2.1, 2.13.1A, GB 04-055
23	4/28/2006	CELL PHONE	2.13.1A, 2.22.7, 2.2.1	Suspension	SKELLY MEETING IN PROGRESS SCHEDULED FOR 5/9/06- ONE DAY SUSPENSION	2.22.7, 2.2.1, 2.13.1A, GB 04-055
24	2/28/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (5 MSH)	Skelly	3/14/06 Operator & Union Rep. Sherman present. This violation shall become "Warned of Suspension"	2.13.1 A, 2.15.1, 2.15.5
25	2/8/2006	LATE #1	2.13.1A, 4.1.1	Hearing Oral Warning	OPERATOR RESPONSE- CALLED DISPATCH AND TOLD HIM I OVERSLEPT	2.13.1A, 2.2.1, GB00-019-SECTION 1
26	2/4/2006	NO SHOW	RULE: 2.13.1 "A", 2.17.1	WARNED OF SUSPENSION		2.13.1A, 2.17.1
27	2/4/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (4 MSH)	WARNED OF SUSPENSION	This Violation and the violation of 02/04/06 Caution + Reinstruction shall be counted as one.	2.13.1 A, 2.15.1, 2.15.5
28	2/4/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE 2.13.1 "A", 2.15.1, 2.15.5 (5 MSH)	Cautioned & Reinstructed	This Violation and 2/4/06 Warned of Suspension shall be counted as one.	2.13.1 A, 2.15.1, 2.15.5

Thursday, April 10, 2008

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BYNUM-080

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	<i>Date</i>	<i>Violation</i>	<i>Violation Comment</i>	<i>Action</i>	<i>Action Comment</i>	<i>Rule Violation</i>
29	12/23/2005	DEVIATING FROM ROUTES	Run is due to leave at 6:50 am, this Run did not arrive or leave this location, a No-Show. Central Control #12 could not give me a	Cautioned & Reinstucted		4.20.1
30	8/12/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 8/12/05 TO 9/6/05	N/A
31	7/11/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 7/11/05 TO 8/15/05	N/A
32	6/6/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 6/6/05 TO 7/11/05	N/A
33	6/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 General Bulleting 97-046	Hearing Oral Warning	Effective Dates 6/1/2005 through 8/31/2005	Rule 2.2.1- General Bulletin 97-046
34	5/14/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 5/14/05 TO 6/6/05	N/A
35	5/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders General Bulletin #97-046 Excessive Sick Procedures For Controlling Operator Absenteeism	Conference	#327. Mr. Bynum's name was added to the Excessive Sick Abuse List.	Rule 2.2.1- General Bulletin 97-046

Thursday, April 10, 2008

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BYNUM-081

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
36	5/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders-General Bulletin #97-046-Excessive Sick. Mr. Bynum was absent from duty for 11 separate days---for a total of	Conference	#327. Name placed on Excessive Sick Abuse List.	Rule 2.2.1-General Bulletin 97-046
37	4/14/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 4/14/05 TO 5/14/05	N/A
38	4/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders-General Bulletin #97-046-Excessive Sick. Mr. Bynum was absent from duty 20 separate days---for a total of 88	Conference	#55. Name placed on Excessive Sick Abuse List.	Rule 2.2.1-General Bulletin 97-046
39	3/25/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 3/25/05 TO 4/13/05	N/A
40	3/18/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 3/18/05 TO 3/25/05	N/A
41	3/8/2005	LATE TO WORK	Rule 2.13.1 ""A" Inattention to Duties 4.1.1 latness	Cancelled	All charges dismissed 3/17/05 operator Bynum admitted he was late however the line, run and times were in error	2.13.1A, 4.3.3
42	1/13/2005	AWOL #2		Suspension	1 day- Operator was on CI - Suspension never served	2.13.1A, 2.2.1, 4.1.1, 4.3.3, GB 00-019-AWOL,

Thursday, April 10, 2008

Page 6 of 8

BYNUM-082

Woods Division Discipline Tracking Form

2088	Bynum	Keith
-------------	--------------	--------------

	<i>Date</i>	<i>Violation</i>	<i>Violation Comment</i>	<i>Action</i>	<i>Action Comment</i>	<i>Rule Violation</i>
43	10/5/2004	Commendation				
44	9/19/2004	SCHEDULES	5 msh	Cautioned & Reinstucted		2.15.1
45	7/22/2004	LATE TO WORK	2ND	Hearing	Warning	2.13.1A, 4.3.3
46	6/29/2004	LATE TO WORK		Hearing	Oral Warning	2.13.1A, 4.3.3
47	5/31/2004	BEHIND SCHEDULE	12 msh	Cautioned & Reinstucted		4.12, 4.12.1
48	3/22/2004	SCHEDULES	5 msh	Skelly	1 day suspension	2.15.1
49	7/27/2003	SCHEDULES	3 msh	Skelly		2.15.1

Thursday, April 10, 2008

Page 7 of 8

BYNUM-083

Woods Division Discipline Tracking Form

2088	Bynum	Keith
------	-------	-------

	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
50	7/17/2003	SCHEDULES	7 msh	Warning		2.15.1
51	7/9/2003	SCHEDULES	7 msh	Cautioned & Reinstucted		2.15.1
52	7/2/2003	NO SHOW		Cautioned & Reinstucted	Dismissed	2.13.1A, 2.17.1
53	8/29/2002	AVOIDABLE ACCIDENT	SUSTAINED PER ARB 10/9/02		1 DAY R /T 5/5/03	2.13.1A, 2.14.1 , 2.21.1.2.21.2, 4.22.2

53



TRANSPORT WORKERS UNION OF AMERICA

LOCAL 250-A AFL-CIO

1508 FILLMORE STREET, SUITE 211 • SAN FRANCISCO, CA 94115
TEL: (415) 922-9495 • FAX: (415) 922-9416



IRWIN LUM
PRESIDENT

RAFAEL CABRERA
EXECUTIVE VICE PRESIDENT

WALTER L. SCOTT, III
SECRETARY-TREASURER

ALEENA GALLOWAY
RECORDING SECRETARY

VICE PRESIDENTS
JEAN ELLIS-JONES
KAVAI MUAO HARRIS
EUGENE ELAM

EXECUTIVE BOARD
CLAUDETTE WASHINGTON
MICHAEL POSTELL
ANTONIO GONZALEZ, JR.
ABELARDO GOMEZ

NELSON PINO
FLYNN DIVISION CHAIRPERSON

October 16, 2008

FILE NO: 095-08-WD
Keith Bynum ID #2088

FAX 554-4174

Nathaniel Ford
Municipal Transportation Agency
1 South Van Ness Avenue, 7th floor
San Francisco, CA, 94103

Dear Mr. Ford:

In accordance with the current Memorandum of Understanding, we hereby request a formal Step 3 Hearing on behalf of Keith Bynum ID #2088.

We hereby appeal the letter from Robert Louie, Woods Division Superintendent dated October 15, 2008 and received in this office via fax on October 16, 2008.

By copy of this letter the employee Relations Manager, MTA, Mike Helms is being informed of our appeal of the decision.

Sincerely

Rafael Cabrera
Executive Vice-President

RC:ym

cc: Mike C. Helms
Sam Lau
Division Superintendent
Division Chairperson
File



NOTICE OF SUSPENSION

#460

DATE: 4/23/08

NAME BYNUM, KEITH ID NO. 2088 DIVISION WOODS

DATE ENTERED SERVICE 3/18/00

THIS IS TO INFORM YOU THAT YOU HAVE BEEN ONE (1) DAY(S)
SUSPENDED WITHOUT PAY

FROM Thursday, May 29, 2008 through Thursday, May 29, 2008

FOR THE FOLLOWING REASON (S): This is your fourth schedule violation within a ninety (90) day period.

RULE 2.13.1 "A" Inattention to Duties
RULE 2.15.1 and 2.15.5 Schedules / Operating Ahead of Schedule

D-12

NATHANIEL FORD
Executive Director
Municipal Transit Agency

COPIES TO:

- BUS DELIVERY DIRECTOR-DON GEE
- SENIOR OPERATIONS MANAGER-LARRY GARNES
- HUMAN RESOURCES-MIKE CASEY**
- LEAD DISPATCHER
- PAYROLL
- UNION
- FILE

PREVIOUS EDITION IS OBSOLETE

BY Cheryl Turner
Asst. **DIVISION SUPERINTENDENT**

RECEIVED
08 APR 28 AM 10:07
PUBLIC TRANSPORTATION
HUMAN RESOURCES



SKELLY MEETING

#322

April 18, 2008

Keith Bynum #2088



SUBJECT: Recommended Disciplinary Action – One (1) Day Suspension for running sharp three (3) minutes ahead of schedule.

Dear Mr. Bynum:

This is to advise you that I am proposing that you be *suspended* from your position as a **Transit Operator, 9163** for a period of **one (1) day**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1 "A" Inattention to Duties**
- Rule 2.15.1 Schedules**
- Rule 2.15.5 Schedules**

The Facts Upon Which These Charges Are Based

On Tuesday, April 08, 2008, on Run 107, Line 29, on Coach 8174. You were three (3) minutes ahead of schedule.

Past Record/Disciplinary History

See attached "Disciplinary Tracking" Form

Materials Upon Which Charges Are Based

Transit Inspector's Report dated 04/08/08 at 9:00 A.M.

Basis For Recommendation/Conclusions

On Tuesday, April 08, 2008, on Run 107, Line 29, on Coach 8174. You were three (3) minutes ahead of schedule.

Right Of Response

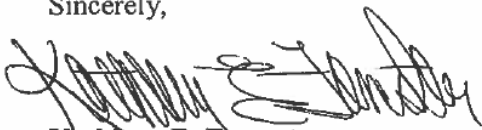
You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Wednesday, April 23, 2007 at 1:30 PM** at 1001-22nd Street, **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Chairperson can be reached at **415-695-7265**.

If you choose to respond in writing, your written response should be directed to **Kathy Forrester**. **Ms. Forrester** must receive your written response by **5:00 PM on April 22, 2008**.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Kathleen E. Forrester
Woods Division Superintendent

Cc: Deputy Director, Bus – Don Gee
Senior Operations Manager – Larry Ganes
Labor Relations Representative – Michael Casey
Division Union Chairperson
File

Kef/nw



NOTICE OF SUSPENSION

#510 *KY 5/20/08*

DATE: 4/29/08

NAME BYNUM, KEITH ID NO. 2088 DIVISION WOODS

DATE ENTERED SERVICE 3/18/00

THIS IS TO INFORM YOU THAT YOU HAVE BEEN ONE (1) DAY
SUSPENDED WITHOUT PAY

FROM Wednesday, May 28, 2008 through Wednesday, May 28, 2008

FOR THE FOLLOWING REASON (S): This is your third schedule violation within a ninety (90) day period.

**RULE 2.13.1 "A" Inattention to Duties
RULE 2.15.1 and 2.15.5 Schedules / Operating Ahead of Schedule**

D-12

**NATHANIEL FORD
Executive Director
Municipal Transit Agency**

COPIES TO:

- BUS DELIVERY DIRECTOR
- SENIOR OPERATIONS MANAGER
- HUMAN RESOURCES-MIKE CASEY**
- LEAD DISPATCHER
- PAYROLL
- UNION
- FILE

PREVIOUS EDITION IS OBSOLETE

BY *Cheryl Turner*
DIVISION ASSIST. SUPERINTENDENT

RECEIVED
08 MAY 19 AM 9:59
PUBLIC TRANSPORTATION
HUMAN RESOURCES

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: KEITH BYNUM</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label) 7001 0320 0002 0125 9022</p>		<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	
		<p>102595-02-M-1540</p>	

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: KEITH BYNUM</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label) 7005 3110 0000 3097 2415</p>		<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	
		<p>102595-02-M-1540</p>	

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KEITH BYNUM



2. Article Number

(Transfer from service label)

7001 0320 0002 0125 9022

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

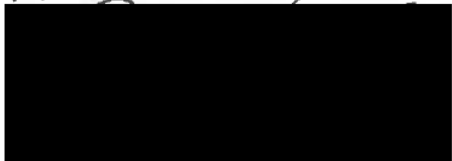
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KEITH BYNUM



2. Article Number

(Transfer from service label)

7005 3110 0000 3097 2415

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

BYNUM-091



VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gavin Newsom | Mayor
Rev. Dr. James McCray Jr. | Chairman
Cameron Beach | Director
Shirley Breyer Black | Director
Wil Din | Director
Peter Mezey | Director
Tom Nolan | Director
Leah Shahum | Director
Nathaniel P. Ford, Sr. | Executive Director/CEO

September 14, 2007

Via Certified Mail # 7001-0320-0002-0125-9022

Mr. Keith Bynum
Transit Operator #2088

Mr. Rafael Cabrera
Executive Vice-President
Transport Workers Union, Local 250-A
1508 Fillmore Street, Suite 211
San Francisco, CA 94115

RE: STEP 3 HEARING DECISION FOR GRIEVANCE Keith Bynum #246-07 WD

Dear Mr. Bynum:

On September 7, 2007 in accordance with Article 27, Grievance Procedure, of the 2004-2008 TWU Local 250-A MOU a Step 3 Hearing was held in response to a grievance filed on your behalf. The grievance was filed in order to appeal the Step Two Review Decision Letters dated August 6, 2007, upholding the recommended discipline of the Woods Division Superintendent suspending you for 10 days from your position as a 9163 Transit Operator

INTRODUCTION:

On Tuesday, February 13, 2007, you were detailed to work on Run 092, Line 52, for pullout at 3:00 P.M. You reported at 3:10 P.M. in person and you were allowed to work your own Run 092/52.

This was your fourth lateness violation within a rolling five-month tracking period.

Consequently, you were charged with violation of:

San Francisco Municipal Railway Rules and Instructions Handbook

Rule 2.13 Discipline

Rule 2.13.1A-

Inattention to Duties

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

Rule 2.2.1 Bulletins, Orders and Notices

General Bulletin 00-019 – Transit Operators Lateness and Absence without Leave – Section One

UNION'S ARGUMENT:

The Union argued that:

- The rolling five-month period should not include lates from October and December of 2006.
 - The Operator was charged in a timely manner but the Skelly Meeting Decision Letter was not delivered to the Union within the 14-day period as required by the contract. Any extensions or agreements to waive time regarding this case were done improperly and in violation of contract language.
 - Since the response was untimely, the grievance should be granted per MOU Article 27 Section C. (Excerpted below)
- (c) Time Limits and Extensions:
If management fails to meet the time limits at any point in the procedure, the grievance will be granted. If the Union fails to meet the time limits at any point in the procedure, the grievance will be withdrawn.

DECISION RATIONALE:

The decision is based on a review and consideration of:

- Facts as presented in the documentation of the Grievance form.
- Arguments presented by Management.
- Arguments presented by the Union.

After a careful review of the presentations, documentation, San Francisco Municipal Railways Rules and Instructions Handbook and review of the 2004-2008 TWU Local 250-A MOU I have found that:

Management failed to charge and recommend discipline in a timely manner as required by the contract. The Woods Superintendent and The Woods Union Chair improperly agreed to waive time to issue the Skelly Decision Letter. By mutual agreement of the MTA and Union, the authority to waive time at this step in the discipline process is reserved to the Union President and the Executive Director of the MTA or their designees. After reviewing the presentations, the charging letter and documentary evidence I have decided to grant the grievance.

RIGHT OF APPEAL:

You may appeal this action within seven (7) days after the mailing of the Step 3 decision, appeal from such decision to the impartial hearing officer by filing written notice of the appeal with the Director of Operations or designee and impartial hearing officer, except where the appeal is from a proposed disciplinary dismissal, in which event the appeal must be initiated within one (1) day of the Step 3 decision, in accordance with Article 27 of the 2004 – 2008 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 other representative of your choice.

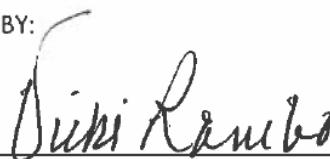
****This decision is specific only to this employee and only to the above stated grievance and cannot be used for any other purposes****

RECOMMENDED BY:

APPROVED BY:



Paul Czechowicz for
Step 3 Hearing Officer



Nathaniel P. Ford, Sr. Executive Director/CEO
Municipal Transportation Agency

cc : Wilson Johnson
Vicki Rambo
Mike Casey
Kathleen Forrester
TWU Local 250-A
MFA
Employee File
Chron File

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3804
CONNECTION TEL 99229416
SUBADDRESS
CONNECTION ID
ST. TIME 08/30 09:45
USAGE T 00'38
PGS. 1
RESULT OK

MTA | Municipal Transportation Agency

Gavin Newsom | Mayor
Rev. Dr. James McCray Jr. | Chairman
Cameron Beach | Director
Shirley Broyer Black | Director
Will Din | Director
Peter Mezay | Director
Tom Nolan | Director
Leah Strahm | Director
Nathaniel P. Ford, Sr. | Executive Director/CEO

Post-it® Fax Note	7671	Date	8/30/07	# of pages	1
To	Rafael	From	Kathy		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	922-9416	Fax #			

Via Regular and Certified Mail:
Certified Mail #: 7005-3110-0000-3097-2415

STEP 3 HEARING NOTICE

Grievance #: 246-07-WD

Name of Operator: Keith Bynum
Address:

CAP #: 2088

Division/Work Location: Woods

In accordance with Article 27, Grievance Procedure, of the 2004 – 2008 TWU Local 250-A MOU, a Step 3 Hearing is scheduled as follows:

DATE: Friday, September 7, 2007

TIME: 9:30AM

LOCATION: 401, Van Ness Avenue., Suite 308

This hearing is in response to the grievance number: 246-07-WD
which you and/or your Union filed.

At the hearing, you will have an opportunity to respond orally and/or in writing and you have a right to Union representation at the hearing. You must make your own arrangements for Union representation.

You will be notified of the Hearing Officer's decision within seven (7) days of the hearing date. Please be advised that if you fail to appear and do not respond in writing by the

BYNUM-095

Gavin Newsom | Mayor
Rev. Dr. James McCray Jr. | Chairman
Cameron Beach | Director
Shirley Breyer Black | Director
Wil Din | Director
Peter Mezey | Director
Tom Nolan | Director
Leah Shahum | Director
Nathaniel P. Ford, Sr. | Executive Director/CEO

August 22, 2007

Via Regular and Certified Mail:
Certified Mail #: **7005-3110-0000-3097-2415**

STEP 3 HEARING NOTICE

Grievance #: **246-07-WD**

Name of Operator: **Keith Bynum**
Address: **44 Pueblo Street**
San Francisco, Ca 94134

CAP #: **2088**

Division/Work Location: **Woods**

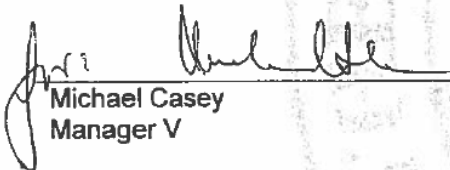
In accordance with Article 27, Grievance Procedure, of the 2004 – 2008 TWU Local 250-A MOU, a Step 3 Hearing is scheduled as follows:

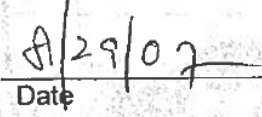
DATE: **Friday, September 7, 2007**
TIME: **9:30AM**
LOCATION: **401 Van Ness Avenue., Suite 308**

This hearing is in response to the grievance number: **246-07-WD** which you and/or your Union filed.

At the hearing, you will have an opportunity to respond orally and/or in writing and you have a right to Union representation at the hearing. You must make your own arrangements for Union representation.

You will be notified of the Hearing Officer's decision within seven (7) days of the hearing date. Please be advised that if you fail to appear and do not respond in writing by the hearing date without an approved extension, your grievance will be denied.


Michael Casey
Manager V


Date

cc: **Kathleen Forrester, Division Superintendent**
Paul Czechowicz, Step 3 Hearing Officer
Rafael Cabrera, TWU 250-A (Via Facsimile to 415-922-9416 and Regular Mail)
Kaval Muao-Harrison, Union Chair Person
Employee, if personnel file address is different from above: _____
File copy

\\Pv-401\hr\STWU 250-A\HEARING NOTICES\Keith Bynum 246-07-WD Step 3 9 -7-07.doc

MTA | Municipal Transportation Agency

Gavin Newsom | Mayor
 Rev. Dr. James McCray Jr. | Chairman
 Cameron Beach | Director
 Shirley Breyer Black | Director
 Wil Din | Director
 Peter Mazzy | Director
 Tom Nolan | Director
 Leah Shahum | Director
 Nathaniel P. Ford, Sr. | Executive Director/CEO

TRANSPORT WORKERS UNION
 LOCAL 250-A
 AFL-CIO
 AUG - 9 2007
 RECEIVED

August 10, 2007
 Via Fax to (415) 922-9416

Post-it® Fax Note	7671	Date	8/9/07	# of pages	3
To	I. LUM	From	Kathy Fowles		
Co./Dept.		Co.			
Phone #	922-9416	Phone #			
Fax #		Fax #			

Mr. Irwin Lum
 Transport Workers Union Local 250-A
 1508 Fillmore Street, Suite 211
 San Francisco, CA 94115

RE: Agreement to Extend Time to convene the Step 3 Hearings for Grievances #246-07-WD Keith Bynum

Dear Mr. Lum

In accordance with the Memorandum of Understanding in place between the Municipal Transportation Agency and the Transport Workers Union Local 250-A, the parties agree to grant an extension of time for Grievance #246-07-WD; Keith Bynum. The new agreed upon deadline (last day) to convene this Step 3 Hearing is COB September 28, 2007.

Vicki Rambo
 Vicki Rambo
 Deputy Director, Human Resources
 Municipal Transportation Agency

Irwin Lum
 Irwin Lum
 President
 TWU Local 250-A

Cc: Rafael Cabrera
 Mike Casey
 Employee File
 Chron File

H:\Extend Time TWU250-A.doc

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3718
CONNECTION TEL 99229416
SUBADDRESS
CONNECTION ID
ST. TIME 08/09 08:30
USAGE T 01'08
PGS. 3
RESULT OK



Municipal Transportation Agency

- Gavin Newsom | Mayor
- Rev. Dr. James McCray Jr. | Chairman
- Cameron Beach | Director
- Shirley Breyer Black | Director
- Wil Din | Director
- Peter Mazoy | Director
- Tom Nolan | Director
- Leah Shahum | Director
- Nathaniel P. Ford, Sr. | Executive Director/CEO

August 10, 2007
Via Fax to (415) 922-9416

Post-it® Fax Note	7671	Date	8/9/07	# of pages	3
To	I. LUM	From	Kathy FOWLES		
Co./Dept.		Co.			
Phone #	922-9416	Phone #			
Fax #		Fax #			

Mr. Irwin Lum
Transport Workers Union Local 250-A
1508 Fillmore Street, Suite 211
San Francisco, CA 94115

RE: Agreement to Extend Time to convene the Step 3 Hearings for Grievances #246-07-WD Keith Bynum

Dear Mr. Lum

In accordance with the Memorandum of Understanding in place between the Municipal Transportation Agency and the Transport Workers Union Local 250-A, the parties agree to grant an extension of time for Grievance #246-07-WD; Keith Bynum. The new agreed upon deadline (last day) to convene this Step 3 Hearing is COB September 28, 2007.



Municipal Transportation Agency

Gavin Newsom | Mayor
 Rep. Dr. James McCrory Jr. | Chairman
 Michael Kerasiotes | Vice Chairman
 Shirley Brewer Black | Director
 Will Din | Director
 Peter Mazzy | Director
 Tom Nolan | Director
 Leah Shihomi | Director
 Nathaniel P. Ford, Sr. | Executive Director/CEO



Date: August 6, 2007

Mr. Rafael Cabrera
 Executive Vice-President
 Transport Workers' Union, Local 250-A
 1508 Fillmore Street, Suite 211
 San Francisco, CA 94115

07 AUG 28 AM 9:51
 RECEIVED
 TRANSPORTATION
 DIVISION

SUBJECT: GRIEVANCE RESPONSE LETTER – STEP TWO REVIEW
Grievance File No #240-07-WD

Dear Mr. Cabrera:

This is in response to grievance #240-07-WD filed on behalf of Mr. Keith Bynum at Woods Division.

NATURE OF GRIEVANCE:

No Attachments Provided

RULE VIOLATION:

No Attachments Provided



Municipal Transportation Agency

Glavin Newsom | Mayor
Rev. Dr. James McCray Jr. | Chairman
Michael Kasolas | Vice Chairman
Shirley Brewer Black | Director
Will Ditt | Director
Peter Menzies | Director
Tom Nolan | Director
Leah Shahum | Director
Nathanial P. Ford, Sr. | Executive Director/CEO



Page 2 of 2
Mr. Rafael Cabrera

SETTLEMENT DESIRED:
No Attachments Provided

DECISION:

Based upon the documentary evidence, Mr. Bynum violated the rules quoted. It is my decision to uphold the decision made by Kathleen Forrester, Woods Division Superintendent.

You have the right to appeal this decision in accordance with Article 27, Grievance Procedure, of the 2004-2008 TWU Local 250-A MOU.

If you do not appeal this decision within the specified time limits provided for in the Grievance Procedure, the decision above will be implemented immediately after expiration of the time limits for filing your appeal.

Sincerely,

Jim Kelly
Step 2 Review Officer

JK

cc: Kenneth McDonald (w/o attachments)
~~Michael Casey (w/ attachments)~~
Suzanne Wong (w/ attachments)
Division Superintendent (w/o attachments)
Division Union Representative (w/o attachments)
Operator (w/o attachments)
File



TRANSPORT WORKERS UNION OF AMERICA

LOCAL 250-A AFL-CIO

1508 FILLMORE STREET, SUITE 211 • SAN FRANCISCO, CA 94115

TEL: (415) 922-9495 • FAX: (415) 922-9416



IRWIN LUM
PRESIDENT

RAFAEL CABRERA
EXECUTIVE VICE PRESIDENT

WALTER L. SCOTT, III
SECRETARY-TREASURER

ALEENA GALLOWAY
RECORDING SECRETARY

VICE PRESIDENTS
JEAN ELLIS-JONES
KAVAI MUAO HARRIS
EUGENE ELAM

EXECUTIVE BOARD
CLAUDETTE WASHINGTON
MICHAEL POSTELL
ANTONIO GONZALEZ, JR.
ABELARDO GOMEZ

NELSON PINO
FLYNN DIVISION CHAIRPERSON

August 2, 2007

FILE NO: 240-07-WD

Keith Bynum

FAX 554-4174

ADMENDED

Nathaniel Ford
Municipal Transportation Agency
1 South Van Ness Avenue, 7th floor
San Francisco, CA, 94102

Dear Mr. Ford:

In accordance with the current Memorandum of Understanding, we hereby request a formal Step 3 Hearing on behalf of Keith Bynum ID #2088 of Green Division.

We hereby appeal the letter from Jim Kelly, Step 2 Review Officer, proposed recommended disciplinary action letter dated August 1, 2007 and received in this office via facsimile on August 1, 2007.

By copy of this letter the employee Relations Manager, MTA, Mike Casey is being informed of our appeal of the decision.

Sincerely,

Rafael Cabrera
Executive Vice-President

RC:ym

cc: M. Casey
W. Johnson
Division Superintendent
Division Chairperson
File

07 AUG 10 AM 9:29
RECEIVED
RELATIONS
DIVISION



TRANSPORT WORKERS UNION OF AMERICA

LOCAL 250-A AFL-CIO

1508 FILLMORE STREET, SUITE 211 • SAN FRANCISCO, CA 94115
TEL: (415) 922-9495 • FAX: (415) 922-9416



IRWIN LUM
PRESIDENT

RAFAEL CABRERA
EXECUTIVE VICE PRESIDENT

WALTER L. SCOTT, III
SECRETARY-TREASURER

ALEENA GALLOWAY
RECORDING SECRETARY

VICE PRESIDENTS
JEAN ELLIS-JONES
KAVAI MUAO HARRIS
EUGENE ELAM

EXECUTIVE BOARD
CLAUDETTE WASHINGTON
MICHAEL POSTELL
ANTONIO GONZALEZ, JR.
ABELARDO GOMEZ

NELSON PINO
FLYNN DIVISION CHAIRPERSON

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Dear Mr. Ford:

In accordance with the current Memorandum of Understanding, we hereby request a formal Step 3 Hearing on behalf of Keith Bynum ID #2088 of Green Division.

We hereby appeal the letter from Jim Kelly, Step 2 Review Officer, proposed recommended disciplinary action letter dated August 1, 2007 and received in this office via facsimile on August 1, 2007.

By copy of this letter the employee Relations Manager, MTA, Mike Casey is being informed of our appeal of the decision.

Sincerely,

Rafael Cabrera
Executive Vice-President

RC:ym

cc: M. Casey
W. Johnson
Division Superintendent
Division Chairperson
File

07 AUG - 7 AM 11:39
ALLEN J. VE...
MUNICIPAL TRANSPORTATION AGENCY
HUMAN RESOURCES DEPT.



SKELLY DECISION LETTER

July 25, 2007

#344

* Operator, Management and Union
have agreed to waive time for the
decision.

Mr. Keith Bynum #2088



SUBJECT: **PROPOSED RECOMMENDED DISCIPLINARY ACTION
TEN (10) DAYS SUSPENSION- Dispatcher Reported
Lateness #4 on February 13, 2007**

Skelly Hearing Officer's Decision

Dear Mr. Bynum:

You received my Letter of Proposed Recommended Disciplinary Action dated February 14, 2007, proposing to recommend that you be suspended for five (5) days from your position as a 9163 Transit Operator.

My proposed recommendation for this disciplinary action is based on the following charges:

**Rule 2.13.1.A Inattention to duties;
Rule 4.1.1 Lateness;
General Bulletin 00-019 – Transit Operators Lateness and Absence
without Leave – Section One**

The Facts upon which these Charges are Based:

On Tuesday, February 13, 2007 you were detailed to work on Run 092, Line 52, for pullout at 3:00 P.M. You reported at 3:10 P.M. in person and you were allowed to work your own Run 092/52.

This is your fourth lateness violation within a rolling five-month tracking period.

Hearing:

A Hearing was held on Tuesday, July 24, 2007. Present were yourself, your Union Representative, Kawai Muao, and myself.

Hearing Officer's Decision:

I have decided to sustain the recommended decision and suspend the Operator ten (10) working days. On February 27th, 2007 I met with Operator Bynum and Union Representative Kawai Muao Harris to discuss Operator Bynum's Lateness #4. We all agreed that I would waive time for my decision on ten (10) days suspension (which Operator Bynum signed).

Since that time Operator Bynum has received another "Lateness" on July 17th, 2007. As I explained to Operator Bynum, whether or not he feels he is having "personal issues" with the Owl Dispatcher, the fact still remains, that again, he was late for duty.


The Operator will be suspended starting - August 6th, 7th, 8th, 9th, 10th, 13th, 14th, 15th, 16th, 17th, 2007.

Right of Appeal:

You may appeal this action within three (3) of receiving this Notice of Recommended Disciplinary Action, in accordance with Article 27 of the 2004-2008 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 other representative of your choice.

Sincerely,



Ms. Kathleen Forrester
Woods Division Superintendent
Kef/lm

ccs:

Deputy Director, Bus Service Delivery – Don Gee
Senior Operations Manager, Bus Service Delivery – Larry Games
Labor Relations Representative – Michael Casey
Division Union Chairperson
File



1001-22ND Street, San Francisco, CA 94107
(415) 695-7252 FAX (415) 695-7268

#451

SKELLY MEETING

February 14, 2007

Mr. Keith Bynum #2088

**SUBJECT: PROPOSED RECOMMENDED DISCIPLINARY ACTION
TEN (10) DAYS SUSPENSION- Dispatcher Reported
Lateness #4 on February 13, 2007**

Dear Mr. Bynum:

This is to advise you that I am proposing that you be suspended from your position as a **9163 Transit Operator** for a period of **ten (10) days**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1.A Inattention to duties;**
- Rule 2.2.1 Bulletins, Orders and Notices;**
- General Bulletin 00-019 – Transit Operators Lateness and Absence without Leave – Section One**

The Facts Upon Which These Charges Are Based

On Tuesday, February 13, 2007 you were detailed to work on Run 092, Line 52, for pullout at 3:00 P.M. You reported at 3:10 P.M. in person and you were allowed to work your own Run 092/52.

This is your fourth lateness violation within a rolling five-month tracking period.

Past Record/Disciplinary History

October 6, 2006 – Dispatcher reported Lateness #1

October 17, 2006 – Dispatcher reported Lateness #2

December 22, 2006 - Dispatcher reported Lateness #3

07 FEB 22 AM 10:03
MUNICIPAL RAILWAY
HUMAN RESOURCES DIVISION

Also, please see attached summary of Disciplinary History that occurred during the past twelve month period.

Basis For Recommendation/Conclusions

On Tuesday, February 13, 2007 you were detailed to work on Run 092, Line 52, for pullout at 3:00 P.M. You reported at 3:10 P.M. in person and you were allowed to work your own Run 092/52.

Your failure to report for duty on time adversely affects the service we are obligated to provide.

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Tuesday, February 27, 2007 at 1:30 P.M.** at 1001-22nd Street, **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your **Union Chairperson** can be reached at **(415) 695-7265**.

If you choose to respond in writing, your written response should be directed to Ms. Kathleen Forrester, Superintendent, Woods Division and she must receive your written response by **5:00 PM on Monday, February 26, 2007**

If you choose neither to appear nor respond in writing, the disciplinary action will proceed.

Sincerely,



Ms. Kathleen Forrester
Woods Division Superintendent
kef/lm

Attachments: D272 -R2 - Dispatcher Record
Disciplinary History

ccs: Acting Director, Service Delivery - Wilson Johnson, Jr.
Acting Deputy Director, Bus Service Delivery - Don Gee
Acting Senior Operations Manager, Bus Service Delivery - Larry Games
Labor Relations Representative - Michael Casey
Division Union Chairperson
File

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
1	2/13/2007	LATE #4		Skelly	10 DAY SUSPENSION MEETING IN PROCESS	2.13.1A, 2.2.1, GB00- 019- SECTION 1
2	12/22/2006	LATE #3		Suspension	Three days suspension 3/6, 3/7 and 3/8. Awol became a late as operator did not show on owl shift but came in at a later time	2.13.1A, 2.2.1, GB00- 019- SECTION 1
3	12/22/2006	LATE #3		Skelly	5 day suspension proposed meeting set for 1/9/07	2.13.1A, 2.2.1, GB00- 019- SECTION 1
4	10/17/2006	LATE #2		Written Warning of Suspension	due 6:17 AM Reported at 8:05 AM in person	2.13.1A,, 2.2.1, GB00- 019- SECTION 1
5	10/6/2006	LATE #2		WARNED OF SUSPENSION		2.13.1A,, 2.2.1, GB00- 019- SECTION 1
6	8/12/2006	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 8/12/05 TO 9/6/06	N/A
7	7/1/2006	DOCTOR'S LIST	5 TIMES/5 DAYS	PROBATION	NINETY DAY PROBATION FROM 7/1 THROUGH 9/30/2006	2.2.1 GB - 97- 046

Thursday, February 15, 2007

Page 1 of 6

BYNUM-108

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
8	5/23/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (4 MSH)	Suspension	If operator does not receive another schedule violation up to and including 8/23/06. I will not susp. Op. If he receives any	2.13.1 A, 2.15.1, 2.15.5
9	5/12/2006	LATE #2		Written Warning		2.13.1A,, 2.2.1, GB00-019-SECTION 1
10	4/29/2006	CELL PHONE	RULE 2.13.1A, 2.22.7, 2.2.1	Skelly	ONE DAY SUSPENSION HELD IN ABAYANCE	2.22.7,2.2.1,2.13.1A, GB 04-055
11	4/28/2006	CELL PHONE	2.13.1A, 2.22.7.2.2.1	Suspension	SKELLY MEETING IN PROGRESS SCHEDULED FOR 5/9/06- ONE DAY SUSPENSION	2.22.7.2.2.1,2.13.1A, GB 04-055
12	2/28/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (5 MSH)	Skelly	3/14/06 Operator & Union Rep. Sherman present. This violation shall become "Warned of Suspension"	2.13.1 A, 2.15.1, 2.15.5
13	2/8/2006	LATE #1	2.13.1A, 4.1.1	Hearing Oral Warning	OPERATOR RESPONSE- CALLED DISPATCH AND TOLD HIM I OVERSLEPT	2.13.1A, 2.2.1, GB00-019-SECTION 1
14	2/4/2006	NO SHOW	RULE: 2.13.1 "A", 2.17.1	WARNED OF SUSPENSION		2.13.1A, 2.17.1

Thursday, February 15, 2007

Page 2 of 6

BYNUM-109

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
15	2/4/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (4 MSH)	WARNED OF SUSPENSION	This Violation and the violation of 02/04/06 Caution + Reinstruction shall be counted as one.	2.13.1 A, 2.15.1, 2.15.5
16	2/4/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE 2.13.1 "A", 2.15.1, 2.15.5 (5 MSH)	Cautioned & Reinstucted	This Violation and 2/4/06 Warned of Suspension shall be counted as one.	2.13.1 A, 2.15.1, 2.15.5
17	12/23/2005	DEVIATING FROM ROUTES	Run is due to leave at 6:50 am, this Run did not arrive or leave this location, a No-Show. Central Control #12 could not give me a	Cautioned & Reinstucted		4.20.1
18	8/12/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 8/12/05 TO 9/6/05	N/A
19	7/11/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 7/11/05 TO 8/15/05	N/A
20	6/6/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 6/6/05 TO 7/11/05	N/A
21	6/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 General Bulleting 97-046	Hearing Oral Warning	Effective Dates 6/1/2005 through 8/31/2005	Rule 2.2.1- General Bulletin 97-046

Thursday, February 15, 2007

Page 3 of 6

BYNUM-110

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
22	5/14/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 5/14/05 TO 6/6/05	N/A
23	5/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders-General Bulletin #97-046-Excessive Sick. Mr. Bynum was absent from duty for 11 separate days—for a total of	Conference	#327. Name placed on Excessive Sick Abuse List.	Rule 2.2.1-General Bulletin 97-046
24	5/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders General Bulletin #97-046 Excessive Sick Procedures For Controlling Operator Absenteeism	Conference	#327. Mr. Bynum's name was added to the Excessive Sick Abuse List.	Rule 2.2.1-General Bulletin 97-046
25	4/14/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 4/14/05 TO 5/14/05	N/A
26	4/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders-General Bulletin #97-046-Excessive Sick. Mr. Bynum was absent from duty 20 separate days—for a total of 88	Conference	#55. Name placed on Excessive Sick Abuse List.	Rule 2.2.1-General Bulletin 97-046
27	3/25/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 3/25/05 TO 4/13/05	N/A
28	3/18/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 3/18/05 TO 3/25/05	N/A

Thursday, February 15, 2007

Page 4 of 6

BYNUM-111

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
29	3/8/2005	LATE TO WORK	Rule 2.13.1 "A" Inattention to Duties 4.1.1 latness	Cancelled	All charges dismissed 3/17/05 operator Bynum admitted he was late however the fine, run and times were in error	2.13.1A, 4.3.3
30	1/13/2005	AWOL #2		Suspension	1 day- Operator was on CI - Suspension never served	2.13.1A, 2.2.1, 4.1.1, 4.3.3, GB 00-019-AWOL.
31	10/5/2004	Commendation				
32	9/19/2004	SCHEDULES	5 msh	Cautioned & Reinstucted		2.15.1
33	7/22/2004	LATE TO WORK	2ND	Hearing	Warning	2.13.1A, 4.3.3
34	6/29/2004	LATE TO WORK		Hearing	Oral Warning	2.13.1A, 4.3.3
35	5/31/2004	BEHIND SCHEDULE	12 msh	Cautioned & Reinstucted		4.12, 4.12.1

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
36	3/22/2004	SCHEDULES	5 msh	Skelly	1 day suspension	2.15.1
37	7/27/2003	SCHEDULES	3 msh	Skelly		2.15.1
38	7/17/2003	SCHEDULES	7 msh	Warning		2.15.1
39	7/9/2003	SCHEDULES	7 msh	Cautioned & Reinstructed		2.15.1
40	7/2/2003	NO SHOW		Cautioned & Reinstructed	Dismissed	2.13.1A, 2.17.1
41	8/29/2002	AVOIDABLE ACCIDENT	SUSTAINED PER ARB 10/9/02		1 DAY R /T 5/5/03	2.13.1A, 2.14.1 .2.21.1.2.21.2, 4.22.2

41



#534

SKELLY MEETING

February 21, 2007

Mr. Keith Bynum #2088
[REDACTED]

**SUBJECT: PROPOSED RECOMMENDED DISCIPLINARY ACTION
ONE (1) DAY(S) SUSPENSION- Passenger Service Report
#221774- Immoral Conduct dated February 8, 2007**

Dear Mr. Bynum:

This is to advise you that I am proposing that you be suspended from your position as a **9163 Transit Operator** for a period of **One (1) day**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1 "A" DISCIPLINE - Inattention to duties;**
- Rule 2.13.1 "D" DISCIPLINE – Immoral Conduct.**

The Facts Upon Which These Charges Are Based

On February 12, 2007, Passenger Service Report #221774 was received which states the following occurred on Thursday, February 8, 2007 as described by the complainant:

“The Bus had the engines running for six minutes and the Operator was also urinating out the rear doors onto the sidewalk.”

Location: Great Highway, Cross Street: Not Stated, Line Number: 71, Vehicle: 8110.

Past Record/Disciplinary History

Although there are many Passenger Service Reports of complaints during the past year, this is the first complaint of immoral conduct of this type in the last twelve months.

Also, please see attached summary of all Disciplinary History that occurred during the past twelve month period.

Basis For Recommendation/Conclusions

On February 12, 2007, Passenger Service Report #221774 was received which states the following occurred on Thursday, February 8, 2007 as described by the complainant:

“The Bus had the engines running for six minutes and the Operator was also urinating out the rear doors onto the sidewalk.”

Location: Great Highway, Cross Street: Not Stated, Line Number: 71, Vehicle: 8110.

Your immoral behavior, as displayed in front of our riding public, is an embarrassment to all who work for MUNI, in and out of a uniform, and will not be tolerated.

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Tuesday, February 27, 2007 at 1:45 P.M. at 1001-22nd Street, Superintendent's office.** This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your **Union Chairperson** can be reached at **(415) 695-7265.**

If you choose to respond in writing, your written response should be directed to Ms. Kathleen Forrester, Superintendent, Woods Division and she must receive your written response by **5:00 PM on Monday, February 26, 2007.**

If you choose neither to appear nor respond in writing, the disciplinary action will proceed.

Sincerely,



Ms. Kathleen Forrester
Woods Division Superintendent
kef/lm

Attachment: Disciplinary History

ccs: Acting Director, Service Delivery – Wilson Johnson, Jr.
Acting Deputy Director, Bus Service Delivery – Don Gee
Acting Senior Operations Manager, Bus Service Delivery – Larry Games
Labor Relations Representative – Michael Casey
Division Union Chairperson
PSR File - File

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
1	2/13/2007	LATE #4		Skelly	10 DAY SUSPENSION MEETING IN PROCESS	2.13.1A, 2.2.1, GB00- 019- SECTION 1
2	12/22/2006	LATE #3		Suspension	Three days suspension 3/6, 3/7 and 3/8. Awol became a late as operator did not show on owl shift but came in at a later time	2.13.1A, 2.2.1, GB00- 019- SECTION 1
3	12/22/2006	LATE #3		Skelly	5 day suspension proposed meeting set for 1/9/07	2.13.1A, 2.2.1, GB00- 019- SECTION 1
4	10/17/2006	LATE #2		Written Warning of Suspension	due 6:17 AM Reported at 8:05 AM in person	2.13.1A,, 2.2.1, GB00- 019- SECTION 1
5	10/6/2006	LATE #2		WARNED OF SUSPENSION		2.13.1A,, 2.2.1, GB00- 019- SECTION 1
6	8/12/2006	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 8/12/05 TO 9/6/06	N/A
7	7/1/2006	DOCTOR'S LIST	5 TIMES/5 DAYS	PROBATION	NINETY DAY PROBATION FROM 7/1 THROUGH 9/30/2006	2.2.1 GB - 97- 046

Wednesday, February 21, 2007

Page 1 of 6

BYNUM-116

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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Date	Violation	Violation Comment	Action	Action Comment	Rule Violation	
8	5/23/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (4 MSH)	Suspension	If operator does not receive another schedule violation up to and including 8/23/06. I will not susp. Op. If he receives any	2.13.1 A, 2.15.1, 2.15.5
9	5/12/2006	LATE #2		Written Warning		2.13.1A., 2.2.1, GB00-019-SECTION 1
10	4/29/2006	CELL PHONE	RULE 2.13.1A, 2.22.7, 2.2.1	Skelly	ONE DAY SUSPENSION HELD IN ABAYANCE	2.22.7,2.2.1,2.13.1A, GB 04-055
11	4/28/2006	CELL PHONE	2.13.1A, 2.22.7,2.2.1	Suspension	SKELLY MEETING IN PROGRESS SCHEDULED FOR 5/9/06- ONE DAY SUSPENSION	2.22.7,2.2.1,2.13.1A, GB 04-055
12	2/28/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (5 MSH)	Skelly	3/14/06 Operator & Union Rep. Sherman present. This violation shall become "Warned of Suspension"	2.13.1 A, 2.15.1, 2.15.5
13	2/8/2006	LATE #1	2.13.1A, 4.1.1	Hearing Oral Warning	OPERATOR RESPONSE-CALLED DISPATCH AND TOLD HIM I OVERSLEPT	2.13.1A, 2.2.1, GB00-019-SECTION 1
14	2/4/2006	NO SHOW	RULE: 2.13.1 "A", 2.17.1	WARNED OF SUSPENSION		2.13.1A, 2.17.1

Wednesday, February 21, 2007

Page 2 of 6

BYNUM-117

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
15	2/4/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE: 2.13.1 "A", 2.15.1, 2.15.5 (4 MSH)	WARNED OF SUSPENSION	This Violation and the violation of 02/04/06 Caution + Reinstruction shall be counted as one.	2.13.1 A, 2.15.1, 2.15.5
16	2/4/2006	SCHEDULES - SHARP AHEAD OF SCHEDULE	RULE 2.13.1 "A", 2.15.1, 2.15.5 (5 MSH)	Cautioned & Reinstucted	This Violation and 2/4/06 Warned of Suspension shall be counted as one.	2.13.1 A, 2.15.1, 2.15.5
17	12/23/2005	DEVIATING FROM ROUTES	Run is due to leave at 6:50 am, this Run did not arrive or leave this location, a No-Show. Central Control #12 could not give me a	Cautioned & Reinstucted		4.20.1
18	8/12/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 8/12/05 TO 9/6/05	N/A
19	7/11/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 7/11/05 TO 8/15/05	N/A
20	6/6/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 6/6/05 TO 7/11/05	N/A
21	6/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 General Bulleting 97-046	Hearing Oral Warning	Effective Dates 6/1/2005 through 8/31/2005	Rule 2.2.1- General Bulletin 97-046

Wednesday, February 21, 2007

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BYNUM-118

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
22	5/14/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 5/14/05 TO 6/6/05	N/A
23	5/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders-General Bulletin #97 046-Excessive Sick. Mr. Bynum was absent from duty for 11 separate days—for a total of	Conference	#327. Name placed on Excessive Sick Abuse List.	Rule 2.2.1-General Bulletin 97-046
24	5/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders General Bulletin #97-046 Excessive Sick Procedures For Controlling Operator Absenteeism	Conference	#327. Mr. Bynum's name was added to the Excessive Sick Abuse List.	Rule 2.2.1-General Bulletin 97-046
25	4/14/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 4/14/05 TO 5/14/05	N/A
26	4/1/2005	EXCESSIVE SICK ABUSE	Rule 2.2.1 Orders-General Bulletin #97-046-Excessive Sick. Mr. Bynum was absent from duty 20 separate days—for a total of 88	Conference	#55. Name placed on Excessive Sick Abuse List.	Rule 2.2.1-General Bulletin 97-046
27	3/25/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 3/25/05 TO 4/13/05	N/A
28	3/18/2005	LEAVE OVER FIVE DAYS		LEAVE - SICK	ON LEAVE 3/18/05 TO 3/25/05	N/A

Wednesday, February 21, 2007

Page 4 of 6

BYNUM-119

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	Date	Violation	Violation Comment	Action	Action Comment	Rule Violation
29	3/8/2005	LATE TO WORK	Rule 2.13.1 ""A" Inattention to Duties 4.1.1 latness	Cancelled	All charges dismissed 3/17/05 operator Bynum admitted he was late however the line, run and times were in error	2.13.1A, 4.3.3
30	1/13/2005	AWOL #2		Suspension	1 day- Operator was on CI - Suspension never served	2.13.1A, 2.2.1, 4.1.1, 4.3.3, GB 00-019-AWOL,
31	10/5/2004	Commendation				
32	9/19/2004	SCHEDULES	5 msh	Cautioned & Reinstucted		2.15.1
33	7/22/2004	LATE TO WORK	2ND	Hearing	Warning	2.13.1A, 4.3.3
34	6/29/2004	LATE TO WORK		Hearing	Oral Warning	2.13.1A, 4.3.3
35	5/31/2004	BEHIND SCHEDULE	12 msh	Cautioned & Reinstucted		4.12, 4.12.1

Wednesday, February 21, 2007

Page 5 of 6

BYNUM-120

Woods Division Discipline Tracking Form

2088	Bynum	Keith
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	<i>Date</i>	<i>Violation</i>	<i>Violation Comment</i>	<i>Action</i>	<i>Action Comment</i>	<i>Rule Violation</i>
36	3/22/2004	SCHEDULES	5 msh	Skelly	1 day suspension	2.15.1
37	7/27/2003	SCHEDULES	3 msh	Skelly		2.15.1
38	7/17/2003	SCHEDULES	7 msh	Warning		2.15.1
39	7/9/2003	SCHEDULES	7 msh	Cautioned & Reinstructed		2.15.1
40	7/2/2003	NO SHOW		Cautioned & Reinstructed	Dismissed	2.13.1A, 2.17.1
41	8/29/2002	AVOIDABLE ACCIDENT	SUSTAINED PER ARB 10/9/02		1 DAY R /T 5/5/03	2.13.1A,2.14.1 ,2.21.1,2.21.2, 4.22.2

	41
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1001-22ND Street, San Francisco, CA 94107
(415) 695-7252 FAX (415) 695-7268

#42

SKELLY MEETING

Rescheduled

January 3, 2007

Mr. Keith Bynum #2088
[REDACTED]
[REDACTED]

07 JAN -9 AM 10:34
RECEIVED
MUNICIPAL RAILWAY
OPERATION
HUMAN RESOURCES

**SUBJECT: PROPOSED RECOMMENDED DISCIPLINARY ACTION
FIVE (5) DAYS SUSPENSION- Dispatcher Reported
Lateness #3 on December 22, 2006**

Dear Mr. Bynum:

This is to advise you that I am proposing that you be suspended from your position as a **9163 Transit Operator** for a period of **five (5) days**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1.A Inattention to duties;**
- Rule 2.2.1 Bulletins, Orders and Notices;**
- General Bulletin 00-019 Transit Operators Lateness and Absence without Leave – Section One**

The Facts Upon Which These Charges Are Based

On December 22, 2006 you were detailed to work on Run 092, Line 71, for pullout at 6:17 A.M. You reported at 8:00 A.M. in person and you were allowed to work Run 026.

This is your third lateness violation within a rolling five-month tracking period.

Past Record/Disciplinary History

October 6, 2006 Dispatcher reported Lateness #1

October 17, 2006 – Dispatcher reported Lateness #2

Basis For Recommendation/Conclusions

On December 22, 2006 you were detailed to work on Run 092, Line 71, for pullout at 6:17 A.M. You reported at 8:00 A.M. in person and you were allowed to work Run 026.

Your failure to report for duty on time adversely affects the service we are obligated to provide.

Right Of Response

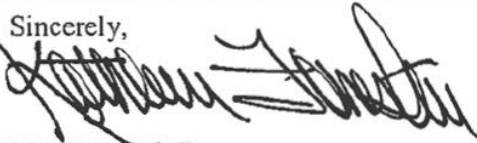
You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Tuesday, January 23, 2007 at 2:30 P.M.** at 1001-22nd Street, **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your **Union Chairperson** can be reached at **(415) 695-7265**.

If you choose to respond in writing, your written response should be directed to Ms. Kathleen Forrester, Superintendent, Woods Division and she must receive your written response by **5:00 PM on Monday, January 22, 2007**

If you choose neither to appear nor respond in writing, the disciplinary action will proceed.

Sincerely,



Ms. Kathleen Forrester
Woods Division Superintendent

ccs: Acting Director, Service Delivery Wilson Johnson, Jr.
 Acting Deputy Director, Bus Service Delivery – Don Gee
 Acting Senior Operations Manager, Bus Service Delivery Larry Garnes
 Labor Relations Representative – Michael Casey
 Division Union Chairperson
 File



#886

SKELLY MEETING

December 26, 2006

Mr. Keith Bynum #2088
[REDACTED]
[REDACTED]

SUBJECT: **PROPOSED RECOMMENDED DISCIPLINARY ACTION
FIVE (5) DAYS SUSPENSION- Dispatcher Reported
Lateness #3 on December 22, 2006**

Dear Mr Bynum:

This is to advise you that I am proposing that you be suspended from your position as a **9163 Transit Operator** for a period of **five (5) days**.

My recommendation for this disciplinary action is based on the following charges:

Rule 2.13.1.A Inattention to duties;
Rule 2.2.1 Bulletins, Orders and Notices;
**General Bulletin 00-019 – Transit Operators Lateness and Absence
without Leave – Section One**

The Facts Upon Which These Charges Are Based

On December 22, 2006 you were detailed to work on Run 092, Line 71, for pullout at 6:17 A.M. You reported at 8:00 A.M. in person and you were allowed to work Run 026.

This is your third lateness violation within a rolling five-month tracking period.

Past Record/Disciplinary History

October 6, 2006 Dispatcher reported Lateness #1

October 17, 2006 Dispatcher reported Lateness #2

Basis For Recommendation/Conclusions

On December 22, 2006 you were detailed to work on Run 092, Line 71, for pullout at 6:17 A.M. You reported at 8:00 A.M. in person and you were allowed to work Run 026.

Your failure to report for duty on time adversely affects the service we are obligated to provide.

Right Of Response

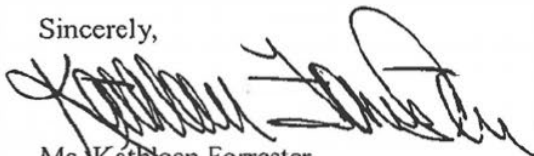
You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Tuesday, January 9, 2007 at 2:30 P.M.** at 1001-22nd Street, **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your **Union Chairperson** can be reached at **(415) 695-7265**.

If you choose to respond in writing, your written response should be directed to Ms. Kathleen Forrester, Superintendent, Woods Division and she must receive your written response by **5:00 PM on Monday, January 8, 2007**

If you choose neither to appear nor respond in writing, the disciplinary action will proceed.

Sincerely,



Ms. Kathleen Forrester
Woods Division Superintendent

ccs: Acting Director, Service Delivery – Wilson Johnson, Jr.
 Acting Deputy Director, Bus Service Delivery – Don Gee
 Acting Senior Operations Manager, Bus Service Delivery Larry Games
 Labor Relations Representative – Michael Casey
 Division Union Chairperson
 File



NOTICE OF SUSPENSION

#398

DATE: February 6, 2007

NAME BYNUM, KEITH ID NO. 2088 DIVISION WOODS

DATE ENTERED SERVICE 3/18/00

THIS IS TO INFORM YOU THAT YOU HAVE BEEN SUSPENDED THREE (3) DAY(S) WITHOUT PAY

FROM Tuesday March 6, 2007 TO Wednesday March 7, 2007, AND Thursday, March 8, 2007;

FOR THE FOLLOWING REASON(S): LATENESS #3- (A.W.O.L) occurring on December 22, 2006 within a five month period, in violation of the following San Francisco Municipal Railway Rules:

- 2.13.1A- Inattention to Duties,**
- 2.2.1- Bulletins, Orders and Notices,**
- GB 00-019- Transit Operators Lateness and Absence without Leave – Section One**

D-12 kef-lm

NATHANIEL FORD
Executive Director
Municipal Transit Agency

ORIG TO EMPLOYEE

COPIES TO:

SURFACE TRANSPORTATION	
DIVISION FILE	PAYROLL
DISPATCHER	UNION REP

HUMAN RESOURCES

DIR. BUS DELIVERY
MGR BUS DELIVERY

BY 
DIVISION SUPERINTENDENT

PREVIOUS EDITION IS OBSOLETE

07 FEB -9 AM 10:09
MUNICIPAL TRANSIT AGENCY



CITY AND COUNTY OF SAN FRANCISCO
PUBLIC TRANSPORTATION DEPARTMENT



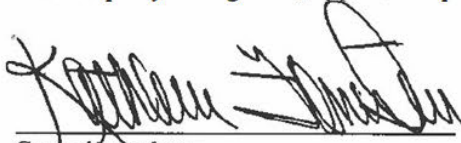
Woods Division
1001-22nd Street
San Francisco, CA 94107

January 31, 2007

This is an agreement between MUNI and MUNI employee Keith Bynum #2088 with regard to the occurrence of a AWOL violation, dated December 22, 2006. This is your third "Lateness" # 3 - AWOL in a five (5) month period.

Employee Keith Bynum has agreed, after the Skelly meeting, to accept the discipline of three (3) days suspension without pay.

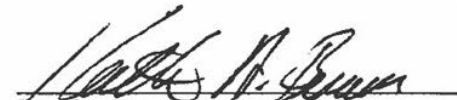
Employee Keith Bynum accepts this discipline as a final result for the occurrence, and neither party will grieve, appeal nor pursue this matter after this date.



Superintendent

1-31-07

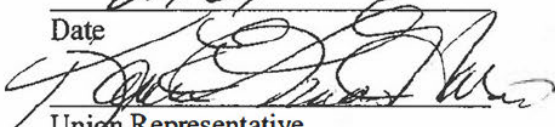
Date



Employee

1-1-07

Date



Union Representative

1/31/07

Date



1001 22ND St, San Francisco, CA 94107
(415) 695-7252 FAX (415) 695-7268

SKELLY MEETING

#41

January 3, 2007

Rescheduled

Mr. Keith Bynum #2088



07 JAN - 9 AM 10:34
SAN FRANCISCO MUNICIPAL RAILWAY
HOLIDAY - JAN 9 2007

SUBJECT: **PROPOSED RECOMMENDED DISCIPLINARY ACTION-
TWO (2) DAYS SUSPENSION FOR DECEMBER 22, 2006,
A.W.O.L #1**

Dear Mr. Bynum:

This is to advise you that I propose recommending a total of TWO (2) days suspension from your position as a 9163 Transit Operator.

My proposed recommendation for this disciplinary action is based on the following charges:

San Francisco Municipal Railway Rule Book:

Rule 2.13.1A - (Inattention to Duties) Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal.

Rule 2.2.1 – Written instruction, rules, procedures, bulletins, notices and written verbal orders apply to all employees whose duties they affect and must be obeyed. All Bulletins, orders and notices are numbered consecutively from January 1 of each year.

Rule 4.1.1 – Operators must report for duty to a designated location before their scheduled start time; failure to do so will be considered absence without leave.

Rule 4.3.3 – Transit operator must report for duty not later than the times indicated on schedules or detail lists, unless absent with proper authorization. Failure to report as required will be considered AWOL.

Memorandum of Understanding Between San Francisco Municipal Transportation Agency-MUNI and Transport Workers Union Local 250-A (9163)

Section 23.5 Lateness and Absence Without Leave (AWOL) Program

- (c) When an operator fails to report for duty, and does not receive approval, the absence will be defined as an Absence Without Leave (AWOL) and will be tracked and recorded on a rolling eight (8)-month period with the disciplinary procedures up to the following:
- i. First violation within an eight (8)-month period – Discipline up to a two (2)-day suspension
 - ii. Second violation within an eight (8)-month period – Discipline up to a ten (10)-day suspension
 - iii. Third or further violation within an eight (8)-month period
Discipline up to termination.

The Facts Upon Which These Charges Are Based:

On Friday, December 22, 2006, you were detailed to work Run 092, Line 71 reporting time 6:17 A.M. for pullout, and you did not show.

Past Record/Disciplinary History:

This is first violation within an 8-month period.

Materials Upon Which Charges Are Based:

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

1 AWOL Records D-272 (R2)

Basis For Recommendation/Conclusions:

On Friday, December 22, 2006, you were detailed to work Run 092, Line 71 reporting time 6:17 A.M. for pullout, and you did not show. Your action resulted in charges of AWOL against you. You must report to work as ordered. Your failure to report for duty adversely affected the service we are obligated to provide. A missing headway also places an unreasonable burden on your co-workers and on the administration of run schedules.

Right Of Response:

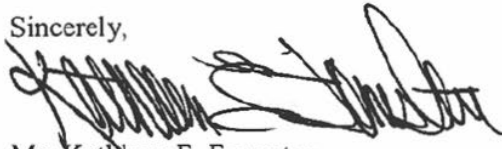
You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled on **Tuesday, January 23, 2007 at 2:15 P.M.** at 1001 22ND St., at the **Superintendent's Office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union representative is Kawai Muao or Ranald Pryor, and they can be reached at 415-695-7265.

If you choose to respond in writing, your written response should be directed to Ms. Kathleen E. Forrester, Superintendent of Woods Division and must be received before 5:00 PM on **Monday, January 22, 2007**.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Ms. Kathleen E. Forrester
Woods Division Superintendent

Attachments: 1 AWOL Records D-272 (R)

cc: Director, Service Delivery Wilson Johnson, Jr.
Deputy Director, Bus – Don Gee
Senior Operations Manager, Bus – Larry Games
Labor Relations Representative Michael Casey
Division Union Chairperson
File



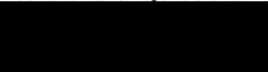
1001 22ND St, San Francisco, CA 94107
(415) 695-7252 FAX (415) 695-7268

SKELLY MEETING

#885

December 26 2006

Mr. Keith Bynum #2088



06 DEC 29 AM 10:18
EIVEM

SUBJECT: **PROPOSED RECOMMENDED DISCIPLINARY ACTION -
TWO (2) DAYS SUSPENSION FOR DECEMBER 22, 2006,
A.W.O.L #1**

Dear Mr. Bynum:

This is to advise you that I propose recommending a total of TWO (2) days suspension from your position as a 9163 Transit Operator.

My proposed recommendation for this disciplinary action is based on the following charges:

San Francisco Municipal Railway Rule Book:

Rule 2.13.1A - (Inattention to Duties) Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal.

Rule 2.2.1 – Written instruction, rules, procedures, bulletins, notices and written verbal orders apply to all employees whose duties they affect and must be obeyed. All Bulletins, orders and notices are numbered consecutively from January 1 of each year.

Rule 4.1.1 – Operators must report for duty to a designated location before their scheduled start time; failure to do so will be considered absence without leave.

Rule 4.3.3 – Transit operator must report for duty not later than the times indicated on schedules or detail lists, unless absent with proper authorization. Failure to report as required will be considered AWOL.

Memorandum of Understanding Between San Francisco Municipal Transportation Agency-MUNI and Transport Workers Union Local 250-A (9163)

Section 23.5 Lateness and Absence Without Leave (AWOL) Program

- (c) When an operator fails to report for duty, and does not receive approval, the absence will be defined as an Absence Without Leave (AWOL) and will be tracked and recorded on a rolling eight (8)-month period with the disciplinary procedures up to the following:
- i. First violation within an eight (8)-month period – Discipline up to a two (2)-day suspension
 - ii. Second violation within an eight (8)-month period – Discipline up to a ten (10)-day suspension
 - iii. Third or further violation within an eight (8)-month period – Discipline up to termination.

The Facts Upon Which These Charges Are Based:

On Friday, December 22, 2006, you were detailed to work Run 092, Line 71 reporting time 6:17 A.M. for pullout, and you did not show.

Past Record/Disciplinary History:

This is first violation within an 8 month period.

Materials Upon Which Charges Are Based:

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

1 AWOL Records D-272 (R2)

Basis For Recommendation/Conclusions:

On Friday, December 22, 2006, you were detailed to work Run 092, Line 71 reporting time 6:17 A.M. for pullout, and you did not show. Your action resulted in charges of AWOL against you. You must report to work as ordered. Your failure to report for duty adversely affected the service we are obligated to provide. A missing headway also places an unreasonable burden on your co-workers and on the administration of run schedules.

Right Of Response:

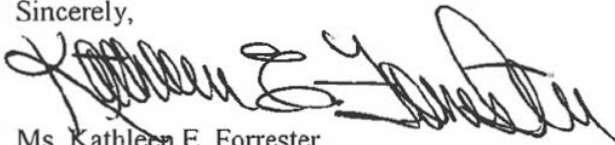
You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled on **Tuesday, January 9, 2007 at 2:15 P.M.** at 1001 22ND St., at the **Superintendent's Office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union representative is Kawai Muao or Ranaid Pryor, and they can be reached at 415-695-7265.

If you choose to respond in writing, your written response should be directed to Ms. Kathleen E. Forrester, Superintendent of Woods Division and must be received before 5:00 PM **on Monday, January 8, 2007.**

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Ms. Kathleen E. Forrester
Woods Division Superintendent

Attachments: 1 AWOL Records D-272 (R)

cc: Director, Service Delivery – Wilson Johnson, Jr.
Deputy Director, Bus – Don Gee
Senior Operations Manager, Bus – Larry Garnes
Labor Relations Representative – Michael Casey
Division Union Chairperson
File



1001 22nd St, San Francisco, CA 94107
(415) 695-7252 FAX (415) 695-7268

SKELLY MEETING

**#653
RESCHEDULE**

June 06, 2006

Mr. Keith Bynum # 2088



06 JUN - 8 PM 1:48
HUMAN RESOURCES
COMMUNICATIONS

SUBJECT: Recommended Disciplinary Action **One (1) Day Suspension**

Dear Mr. Bynum:

This is to advise you that I am proposing that you be *suspended* from your position as a **Transit Operator, 9163** for a period of **one (1) day**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1 "A" Inattention to Duties**
- Rule 2.15.1, and 2.15.5 Schedules / Operating Ahead of Schedule**

The Facts Upon Which These Charges Are Based

On May 23, 2006 your Run (92) was due to arrive inbound at Haight and Masonic at 7:16 AM, but you arrived at 7:12 AM, four (4) minutes early. The leader was four (4) minutes late, and the follower was three (3) minutes late.

Past Record/Disciplinary History

**February 04, 2006 @ 10:07 AM - Transit Inspector's Schedule Report –
5 Minutes Sharp - Cautioned & Reinstructed**

**February 28, 2006 @ 3:41 PM – Transit Inspector's Schedule Report –
5 Minutes Sharp – Warned of Suspension**

Materials Upon Which Charges Are Based

Transit Inspector's Report

Basis For Recommendation/Conclusions

On May 23, 2006 your Run (92) was due to arrive at Haight and Masonic (Inbound) at 7:16 AM, but you arrived at 7:12 AM, four (4) minutes early. **Your action resulted in charges of a " Schedule Violation " against you. This is your third " Schedule Violation " within a rolling ninety (90) day time frame.**

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Tuesday, June 13, 2006 at 2:00 PM** at 1001 22nd St., **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Chairperson can be reached at **415-695-7265**.

If you choose to respond in writing, your written response should be directed to **Kathy Forrester**. **Ms. Forrester** must receive your written response by **5:00PM on June 9, 2006**.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Kathleen E. Forrester
Woods Superintendent

Cc: Director Service Delivery - Wilson Johnson
Deputy Director, Bus - Don Gee
Senior Operations Manager - Larry Games
Labor Relations Representative Michael Casey
Division Union Chairperson Kawai Muao-Harris
Operator's File

Attachments: Inspector's Report (T-12)



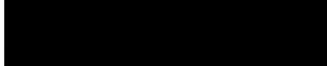
1001 22nd St, San Francisco, CA 94107
(415) 695-7252 FAX (415) 695-7268

SKELLY MEETING

#645

May 26, 2006

Mr. Keith Bynum # 2088



SUBJECT: Recommended Disciplinary Action – **One (1) Day Suspension**

Dear Mr. Bynum:

This is to advise you that I am proposing that you be *suspended* from your position as a **Transit Operator, 9163** for a period of **one (1) day**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1 “A” Inattention to Duties**
- Rule 2.15.1, and 2.15.5 Schedules / Operating Ahead of Schedule**

The Facts Upon Which These Charges Are Based

On May 23, 2006 your Run (92) was due to arrive inbound at Haight and Masonic at 7:16 AM, but you arrived at 7:12 AM, four (4) minutes early. The leader was four (4) minutes late, and the follower was three (3) minutes late.

Past Record/Disciplinary History

**February 04, 2006 @ 10:07 AM - Transit Inspector’s Schedule Report –
5 Minutes Sharp - Cautioned & Reinstructed**

**February 28, 2006 @ 3:41 PM – Transit Inspector’s Schedule Report –
5 Minutes Sharp – Warned of Suspension**

Materials Upon Which Charges Are Based

Transit Inspector’s Report

06 JUN - 2 AM 10:29
HUMAN RESOURCES
LATION

Basis For Recommendation/Conclusions

On May 23, 2006 your Run (92) was due to arrive at Haight and Masonic (Inbound) at 7:16 AM, but you arrived at 7:12 AM, four (4) minutes early. **Your action resulted in charges of a "Schedule Violation" against you. This is your third "Schedule Violation" within a rolling ninety (90) day time frame.**

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Friday, June 02, 2006 at 1:30 PM** at 1001 22nd St., **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Chairperson can be reached at **415-695-7265**.

If you choose to respond in writing, your written response should be directed to **Kathy Forrester**. **Ms. Forrester** must receive your written response by **5:00PM on June 01, 2006**.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Kathleen E. Forrester
Woods Assistant Superintendent

CC: Director Service Delivery- Wilson Johnson Jr.
Deputy Director, Bus- Don Gee
Senior Operations Manager- Larry Games
Labor Relations Representative Michael Casey
Division Union Chairperson
Operator's File

Attachments: Inspector's Report (T-12)



1001 22nd St, San Francisco, CA 94103
(415) 695-7253 FAX (415) 695-7168

SKELLY MEETING

#322

May 2, 2006

Mr. Keith Bynum # 2088



SUBJECT: Notice of Proposed Disciplinary Action – **One (1) Day Suspension**

Dear Mr. Bynum:

This is to advise you that I am recommending that you be suspended from your position as a 9163 Transit Operator, for a period of **one (1) day**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1 – “A” Inattention To Duties
- Rule 2.22.7 - Cell Phone Usage
- Rule 2.2.1 - Bulletins – General Bulletin 04-055 Use of Cellular Phones Is Prohibited

The Facts Upon Which These Charges Are Based

On Friday, April 28, 2006 you worked Run 92, on the 71 Line, and at approximately 10:02 A.M., you were observed by a Transit Inspector talking on your cell phone while operating Motor Coach 8115.

Past Record/Disciplinary History

This is your first occurrence of a cell phone violation.

Materials Upon Which Charges Are Based

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

Transit Inspector’s Report TD 368

REC'D - CIVIL RIGHTS DIVISION
MAY 10 10 40 AM '06

Basis For Recommendation/Conclusions

On Friday, April 28, 2006 you were observed using a cell phone while operating Coach #8115 on Run 92, on the 71 Line, at approximately 10:02 A.M.

Use of a cellular telephone while operating a motor vehicle constitutes a major safety violation. Transit Inspectors are instructed to submit violation reports to Division Superintendents when observing infractions of this rule.

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Tuesday, May 9, 2006 at 2:15 P.M.** 1001-22nd Street, Superintendent's Office. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union representative is **Kavai Muao-Harris** and he can be reached at **(415) 695-7275**.

If you choose to respond in writing, your written response should be directed to **Ms. Kathleen E. Forrester**, Superintendent Woods Division, and she must receive your written response by **5:00 PM on Monday, May 8, 2006**.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Kathleen E. Forrester
Woods Division Superintendent

ccs:

Director, Service Delivery – Wilson Johnson, Jr.
Deputy Director, Bus – Don Gee
Senior Operations Manager, Bus – Larry Games
~~Labor Relations Representative – Michael Casey~~
Division Union Chairperson



1001 22nd St, San Francisco, CA 94107
(415) 695-7252 FAX (415) 695-7268

SKELLY MEETING

MAR 13 AM 8:46
PUBLIC TRANSPORTATION
HUMAN RESOURCES

#729

March 09, 2006

Keith Bynum # 2088



SUBJECT: Recommended Disciplinary Action – One (1) Day Suspension

Dear Mr. Bynum:

This is to advise you that I am proposing that you be *suspended* from your position as a **Transit Operator, 9163** for a period of **one (1) day**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1 “A” Inattention to Duties**
- Rule 2.15.1, and 2.15.5 Schedules / Operating Ahead of Schedule**

The Facts Upon Which These Charges Are Based

On February 28, 2006 your Run (92), Line (48), Vehicle (8325) was due to arrive inbound at 24th St. and Mission at 3:46 PM, but you arrived at 3:41 PM, five (5) minutes early. The leader was five (5) minutes late, and the follower was six (6) late.

Past Record/Disciplinary History

**February 4, 2006 @ 10:07 AM - Transit Inspector’s Schedule Report –
5 Minutes Sharp - Cautioned & Reinstucted**

**February 4, 2006 @ 10:14 AM – Transit Inspector’s Schedule Report –
4 Minutes Sharp - Warned of Suspension**

Materials Upon Which Charges Are Based

Transit Inspector’s Report

Basis For Recommendation/Conclusions

On February 28, 2006 your Run (92), Line (48), Vehicle (8325) was due to arrive inbound at 24th St. and Mission at 3:46 PM, but you arrived at 3:41 PM, five (5) minutes early.

Your action resulted in charges of a "Schedule Violation" against you. This is your third "Schedule Violation" within a rolling ninety (90) day time frame.

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for **Tuesday, March 14, 2006 at 12:30 PM** at 1001 22nd St., **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Chairperson can be reached at **415-695-7265**.

If you choose to respond in writing, your written response should be directed to **Kathy Forrester**. **Ms. Forrester** must receive your written response by **5:00PM on March 10, 2006**.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Kathleen Forrester
Woods Assistant Superintendent

Cc: Wilson Johnson - Deputy General Manager, Operations
Michael Casey - Labor Relations Representative,
Kawai Muao-Harris - Division Union Chairperson

Attachments: Inspector's Report (T-12)



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#981

DATE TYPED
09/21/04

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

**2.13.1a Inattention to Duties
2.15.1 Schedules**

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON SUNDAY SEPT 19, 2004
(Day) (Date)

DATE OF INCIDENT: 09/19/04
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE
RUN: 48
LINE: 54
COACH: 8335
LOCATION: GENEVA BART
DIRECTION: OUTBOUND
RUN DUE: 7:54AM
ARRIVED: 7:49AM
MINUTES AHEAD: (5)

ACTION

YOU ARE THEREFORE **CAUTIONED AND REINSTRUCTED.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED *John Lum*
WOODS ASSISTANT SUPERINTENDENT

13-967



SUPERINTENDENT'S

DISCIPLINARY

#275

DATE TYPED
06/03/04

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON MONDAY MAY 31, 2004
(Day) (Date)

DATE OF INCIDENT: 05/31/04
TYPE OF REPORT: TS REPORTED VIOLATION/BEHIND SCHEDULE
RUN: 083
LINE: 18
COACH: 8315
LOCATION: LAPLAYA/CABRILLO
DIRECTION: OUTBOUND
RUN DUE: 7:27AM
ARRIVED: 7:39AM
MINUTES BEHIND: (12)

ACTION

YOU ARE THEREFORE **CAUTIONED AND REINSTRUCTED.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED *Jack Lum*
WOODS DIVISION SUPERINTENDENT

D-967



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#640

DATE TYPED
07/26/04

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties

4.1.1 Lateness

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # General Bulletin 00-019 Section 1

OF THE OFFICIAL RULE BOOK IN THAT ON THURSDAY JULY 22, 2004
(Day) (Date)

DATE OF INCIDENT: 07/22/04

TYPE OF REPORT: DISPATCHER'S REPORTED VIOLATION/LATENESS #2

RUN: 83

LINE: 66

DIRECTION: PULL-OUT

REPORTING TIME: 6:15AM

REPORTED AT: 6:30AM IN PERSON

ALLOWED TO WORK: (YES)

ACTION

YOU ARE THEREFORE **WRITTEN WARNING.**


IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED


WOODS DIVISION SUPERINTENDENT

D-967

BYNUM-144



AWOL
RECORD

*LATE

OFFENSE
FOR
QUARTERLY
PERIOD



OPR Bynum, Keith ID 2088 DATE 7-22-04

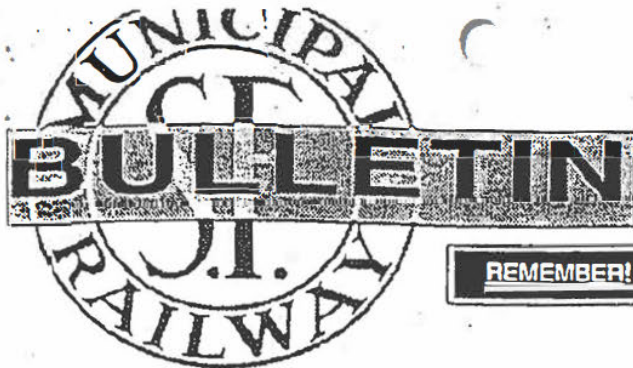
DETAILED FOR RUN 083 LINE 66
REPORTING TIME 6:15 (AM) PM
 PULL OUT RELIEF
REPORTED AT 6:30 (AM) PM
 IN PERSON BY TELEPHONE
FINISHED WORK
PREVIOUS DAY 4:16 AM (PM)

NO SHOW/NO CALL
ALLOWED TO WORK? ()
WORKED OWN RUN OR
____ RUN _____ LINE _____

REMARKS RV 213-A 4-16-15
00-019-2-2-1-1
ACTION TAKEN 1
Written Warning
SIGNED [Signature]
TITLE Regional Manager ID 9141

EXCUSE GIVEN Opr called
stated he would be late:
Pull out & Relief Trip 938^{hr}
16 mins
LATE.
SIGNED [Signature]
TITLE Dispatcher ID 9139

D-272-R2



TO MUNI OPERATIONS PROFESSIONALS

REMEMBER! SERVICE IS OUR ONLY BUSINESS.

BULLETIN NUMBER
00-019

GENERAL BULLETIN

TRANSIT OPERATOR LATENESS AND ABSENCE WITHOUT LEAVE

The City's Memorandum of Understanding with Local 250A was amended in July of last year, and one of the changes is to the former "Missout" policy. Union and Management jointly established a new Lateness and Absence Without Leave (AWOL) Prevention Program. The following discipline matrix is now in effect as part of this program:

1. If an operator reports late for duty without approval but does report and takes a scheduled non-overtime run, such late reports will be tracked and recorded on a rolling five-month period with the disciplinary procedures up to the following:
 - First violation within a 5 month period – oral warning
 - Second violation within a 5 month period – written warning of suspension
 - Third violation within a 5 month period – up to 5 day suspension
 - Fourth violation within a 5 month period – up to 10 day suspension
 - Fifth violation within a 5 month period – up to termination
2. When an operator fails to report for duty, and does not receive approval, the absence will be defined as a Absence Without Leave (AWOL) and will be tracked and recorded on a rolling eight (8) month period with the disciplinary procedures up to the following:
 - First violation within an 8 month period – up to 2 day suspension
 - Second violation within an 8 month period – up to 10 day suspension
 - Third violation within an 8 month period – discipline up to termination

Please see your Division Superintendent or Union Chair if you have questions regarding this policy.

(E)
03 February 2000


Lisa A. Mancini
Chief Operating Officer



**NOTICE OF
SUSPENSION**

#586

DATE: 03/08/04

NAME BYNUM, KEITH **ID NO.** 2088 **DIVISION** WOODS

DATE ENTERED SERVICE 07/26/99

THIS IS TO INFORM YOU THAT YOU HAVE BEEN SUSPENDED 1 **DAY**
WITHOUT PAY
FROM THURSDAY, MARCH 11, 2004 **TO AND INCLUDING**

FOR THE FOLLOWING REASON(S): AWOL #1 DATED FEBRUARY 10, 2004

RULE VIOLATION: 2.13.1a INATTENTION TO DUTIES
4.3.3 AWOL
GENERAL BULLETIN 00-019 SECTION 2

AWOL RECORD D-272-R2

D-12
ORIG TO EMPLOYEE
COPIES TO: SURFACE TRANSPORTATION
DIVISION FILE PAYROLL
DISPATCHER UNION REP
PREVIOUS EDITION IS OBSOLET

**MICHAEL T. BURNS
GENERAL MANAGER**

Larry James
WOODS DIVISION SUPERINTENDENT



#530

February 26, 2004

Keith Bynum ID #2088
183 Topeka Street
Suisun, CA 94585

SUBJECT: Notice of Recommended Disciplinary Action –
Skelly Hearing Officer's Decision

Dear Mr. Bynum:

You received a letter of Proposed Recommended Disciplinary Action dated February 17, 2004, issued by Larry Games proposing to recommend that you be suspended for two day from your position as a 9163 Transit Operator.

This action is Based on the following charges:

Rule 2.2.1. Bulletins, Orders and Notices
General Bulletin 00-019 Section 2
4.3.3 Absent Without Leave (AWOL)

Summary Section:

On February 10, 2004 you were detailed to work Run 225 on the 27 Line, with a reporting time of 5:25PM. You failed to Show, or Report for the run in a timely manner. (Relief)

Hearing

A hearing was held on February 23, 2004.

Response to Charges:

The Operator, after receiving timely notification failed to appear. Union Representative Kawai Muao present.

Hearing Officer's Decision

After reviewing the charging letter, and documentary evidence I have decided to modify the recommended disciplinary action. The act of being A.W.O.L is a serious egregious violation of M.T.A. Railway Rules.

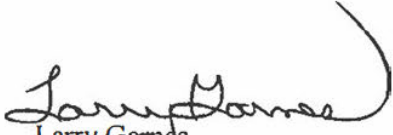
However, in line with the Mission Vision Values Concept of Placing People First, I'm recommending that you be suspended for a modified (1) one day suspension from your position as a 9163 Transit Operator.

Right Of Appeal

You may appeal this action within three (3) days of receiving this Notice of Recommended Disciplinary Action, in accordance with Article 27 of the 2000-2004 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 other representative of your choice.

Sincerely,



Larry Ganes
Woods Division Superintendent

cc: General Manager,
Labor Relations Representative
Division Union Chairperson



WOODS DIVISION • SAN FRANCISCO MUNICIPAL RAILWAY



1001 22nd St, San Francisco, CA 94107
(415) 695-7252/ FAX (415) 695-7268

#410

SKELLY HEARING

February 17, 2004

Keith Bynum ID #2088



SUBJECT: Recommended Disciplinary Action – 2 Days Suspension

Dear Mr. Bynum:

This is to advise you that I am proposing that you be *suspended* from your position as a **Transit Operator, 9163** for a period of **2 days**.

My recommendation for this disciplinary action is based on the following charges:

Rule 2.13.1a Inattention to Duties
4.3.3 Awol
General Bulletin 00-019 Section 2

The Facts Upon Which These Charges Are Based

On February 10, 2004 you were detailed to work Run 225 on the 27 Line with a reporting time of 5:25PM. You failed to Show or Report for the run in a timely manner. (Relief) Operator called at 5:00PM.

Past Record/Disciplinary History

This is your first violation within an 8-month period.

Materials Upon Which Charges Are Based

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

AWOL Record D-272-R2

Basis For Recommendation/Conclusions

On February 10, 2004, you were detailed to work Run 225 on the 27 Line with a reporting time of 5:25PM. You did not show. Your action resulted charges of AWOL (GB 00-019) against you. You must report to work as ordered.

Right Of Response


You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for Monday, **February 23, 2004 at 3:45PM** at 1001 22nd Street., **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union Chairperson can be reached at **415-695-7165**.

If you choose to respond in writing, your written response should be directed to **Larry Garnes**. **Mr. Garnes** must receive your written response by 5:00PM on February 23, 2004.

If you choose neither to appear or not to respond in writing, the disciplinary action will proceed.

Sincerely,


Larry Garnes,
Woods Superintendent

cc: Deputy General Manager,
Union Representative
Labor Relations Representative

Attachments: AWOL Record
General Bulletin 00-019

MUNI AWOL
RECORD

OFFENSE FOR QUARTERLY PERIOD # 1

OPR Bynum, Keith ID 2088 DATE 02-10-04

DETAILED FOR RUN 225 LINE 27
 REPORTING TIME 5:25 AM PM
 PULL OUT RELIEF
 REPORTED AT _____ AM PM
 IN PERSON BY TELEPHONE
 FINISHED WORK PREVIOUS DAY _____ AM PM

NO SHOW/NO CALL
 ALLOWED TO WORK? ()
 WORKED OWN RUN OR
 _____ RUN _____ LINE

REMARKS RV 201321A 40303
General Bulletin 02-019
Section # 2 AWOL
 ACTION TAKEN (1)
clearing 2 Day suspension
 SIGNED James
 TITLE superintendent ID 9141
over

EXCUSE GIVEN Called at 500 P.M.
to said he was taken his
mother to hospital, but
never show to work later
 SIGNED _____
 TITLE K. Wilk ID 9139
 D-272-RZ

Operator was paged @ 6:25^{AM}, 7:15 P.M.
He stated was going to be late. Operator
was allowed to take his Mother to
~~Hospital~~ Emerg. but was told to call
back to let me know what was going
on.

operator, Bynum, K called at 8:25 P.M. I
advise him his Run was given to another
operator.



SKELLY CONFERENCE

January 28, 2005

#175

Keith Bynum
[REDACTED]

SUBJECT: Notice of Recommended Disciplinary Action –
Skelly Hearing Officer's Decision

Dear Mr. Bynum:

This is to advise you of Proposed Recommended Disciplinary Action dated January 13, 2005, proposing to recommend that you be suspended for one (1) day from your position as a 9163 Transit Operator.

This action is based on the following charges:

San Francisco Municipal Railway Rule Book

Rule 4.3.3 – Transit operator must report for duty not later than the times indicated on schedules or detail list, unless absent with proper authorization. Failure to report as required will be considered AWOL.

Memorandum of Understanding Between San Francisco Municipal Transportation Agency-MUNI and Transport Workers Union Local 250-A (9163)

Section 23.5 Lateness and Absence Without Leave (AWOL) Program

- (c) When an operator fails to report for duty, and does not receive approval, the absence will be defined as an Absence Without Leave (AWOL) and will be tracked and recorded on a rolling eight (8)-month period with the disciplinary procedures up to the following:
- i. First violation within an eight (8)-month period – Discipline up to a two (2)-day suspension
 - ii. Second violation within an eight (8)-month period – Discipline up to a ten (10)-day suspension

- iii. Third or further violation within an eight (8)-month period
Discipline up to termination.

Summary Section:

On January 13, 2005, you were detailed to work Run 083 Line 66 reporting at 6:15A.M.
You did not report to work as scheduled.

Response to Charges:

Keith Bynum: Failed to appear or respond in writing after being noticed properly.

Ravai Muao: Operator Bynum has been working on his work ethic and something probably came up and he couldn't make it to works.

Hearing Officer's Decision:

After reviewing the charging letter and the documentary evidence I have decided to modify the recommended disciplinary action. The main driving force effecting my decision is that strong defense mounted by the union representative. Therefore I'm recommending that you be suspended for a (reduced) modified one day suspension from your position as a 9183 Transit operator.

Right of Appeal:

You may appeal this action within three (3) days of receiving this Notice of Recommended Disciplinary Action, in accordance with Article 27 of the 2004-2008 MOU between TWU Local 250-A and the San Francisco Municipal Transportation Agency.

Sincerely,



Larry Barnes
Superintendent, Woods Division

CC: Deputy General Manager, Transportation
Labor Relations Representative
Division Chairperson
File



1001 22ND St, San Francisco, CA 94107
(415) 695-7252 FAX (415) 695-7268

SKELLY CONFERENCE

January 20, 2005

Via CERTIFIED MAIL
Keith Bynum

#100

**SUBJECT: PROPOSED RECOMMENDED DISCIPLINARY ACTION-
TWO (2) DAYS SUSPENSION FOR 01/13/05**

Dear Mr. Bynum:

This is to advise you that I propose recommending a total of two days suspension from your position as a 9163 Transit Operator.

My proposed recommendation for this disciplinary action is based on the following charges:

San Francisco Municipal Railway Rule Book

Rule 4.3.3 – Transit operator must report for duty not later than the times indicated on schedules or detail list, unless absent with proper authorization. Failure to report as required will be considered AWOL.

Memorandum of Understanding Between San Francisco Municipal Transportation Agency-MUNI and Transport Workers Union Local 250-A (9163)

Section 23.5 Lateness and Absence Without Leave (AWOL) Program

- (c) When an operator fails to report for duty, and does not receive approval, the absence will be defined as an Absence Without Leave (AWOL) and will be tracked and recorded on a rolling eight (8)-month period with the disciplinary procedures up to the following:
 - i. First violation within an eight (8)-month period – Discipline up to a two (2)-day suspension
 - ii. Second violation within an eight (8)-month period – Discipline up to a ten (10)-day suspension
 - iii. Third or further violation within an eight (8)-month period – Discipline up to termination.

The Facts Upon Which These Charges Are Based:

On January 13, 2005 you were detailed to work Run 083 Line 66 reporting at 6:15 A.M. you did not report to work as scheduled.

Past Record/Disciplinary History

This is your first violation within an 8-month period.

Materials Upon Which Charges Are Based

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

1 AWOL Records D-272 (R)

Basis For Recommendation/Conclusions

On January 13, 2005, you failed to report as scheduled. Your action resulted in charges of AWOL against you. You must report to work as ordered. Your failure to report for duty adversely affected the service we are obligated to provide. A missing headway also places an unreasonable burden on your co-workers and on the administration of run schedules.

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled on **TUESDAY January 25, 2005 9:00 A.M.** at 1001 22ND St., Superintendent's office. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union representative is Kawai Muao, and she can be reached at 415-695-7162.

If you choose to respond in writing, your written response should be directed to Larry Games. Mr. Games must receive your written response by 5:00 PM on January 25, 2005.

If you choose neither to appear nor to respond in writing, the disciplinary action will proceed.

Sincerely,



Larry Games

Woods Division Superintendent

Attachments: 1 AWOL Records D-272 (R)

cc:

Deputy General Manager, Operations
Labor Relations Representative
Division Union Chairperson

AWOL RECORD

OFFENSE FOR QUARTERLY PERIOD

OPR Bynum, K ID 2081 DATE 1-13-05

DETAILED FOR RUN 083 LINE 66
REPORTING TIME 6:15 AM PM
 FULL OUT RELIEF
REPORTED AT _____ AM PM
 IN PERSON BY TELEPHONE
FINISHED WORK PREVIOUS DAY _____ AM PM

NO SHOW/NO CALL
ALLOWED TO WORK? ()
WORKED OWN RUN OR
RUN _____ LINE _____

REMARKS RV 4.3.3. Local 250A
MOU 23.5 - AWOL #1
H
ACTION TAKEN
Security Day Suspension
SIGNED Ferry James
TITLE Superintendent 9/14/

EXCUSE GIVEN NO - Show a
NO call.
NO - WORK Available
SIGNED David Byrd
TITLE Dispatcher ID 9139
D-272-R2

974



**NOTICE OF
SUSPENSION**

Amended Days of Suspension

DATE: 09/12/03

NAME BYNUM, KEITH ID NO. 2008 DIVISION WOODS

DATE ENTERED SERVICE 07/26/99

THIS IS TO INFORM YOU THAT YOU HAVE BEEN SUSPENDED 1 DAY
(WITHOUT PAY)
ON SEPTEMBER 21, 2003

FOR THE FOLLOWING REASON(S): VIOLATION/SCHEDULE JULY 27, 2003.
AHEAD OF SCHEDULE.

RULE VIOLATION: 2.13.1A INATTENTION TO DUTIES
2.15.1 and 2.15.5 SCHEDULES

DISPATCHER'S REPORT

MICHAEL T. BURNS
GENERAL MANAGER

D-12
ORIG TO EMPLOYEE
COPIES TO: SURFACE TRANSPORTATION
DIVISION FILE PAYROLL
DISPATCHER UNION REP

BY Larry James
WOODS DIVISION SUPERINTENDENT

PREVIOUS EDITION IS OBSOLET



**NOTICE OF
SUSPENSION**

#849

Amended Days of Suspension

DATE: 08/29/03

NAME BYNUM, KEITH ID NO. 2008 DIVISION WOODS

DATE ENTERED SERVICE 07/26/99

THIS IS TO INFORM YOU THAT YOU HAVE BEEN SUSPENDED 1 DAY
(WITHOUT PAY)

ON SEPTEMBER 14, 2003

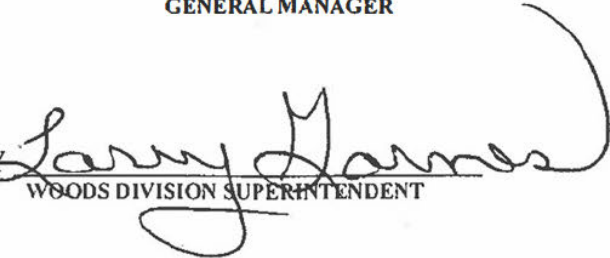
FOR THE FOLLOWING REASON(S): VIOLATION/SCHEDULE JULY 27, 2003.
AHEAD OF SCHEDULE.

RULE VIOLATION: 2.13.1A INATTENTION TO DUTIES
2.15.1 and 2.15.5 SCHEDULES

DISPATCHER'S REPORT

D-12
ORIG TO EMPLOYEE
COPIES TO: SURFACE TRANSPORTATION
DIVISION FILE PAYROLL
DISPATCHER UNION REP

MICHAEL T. BURNS
GENERAL MANAGER

BY 
WOODS DIVISION SUPERINTENDENT

PREVIOUS EDITION IS OBSOLET



#768

August 20, 2003

Keith Bynum #2088
[REDACTED]

SUBJECT: Notice of Recommended Disciplinary Action –
Skelly Hearing Officer's Decision

Dear Mr. Bynum,

You received a letter of Proposed Recommended Disciplinary Action dated August 13, 2003, issued by Larry Games proposing to recommend that you be suspended for one day from your position as a 9163 Transit Operator.

This action is Based on the following charges:

**Rules: 2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules**

Summary Section:

On July 27, 2003 you were detailed to work Run 177 on the 71 Line, with Coach 8315. You were observed 3 minutes ahead of schedule for your inbound scheduled arrival time at Haight and Masonic. Run due at 8:35 PM. Arrived at 8:32 PM.

Hearing

A hearing was held on August 18, 2003. Present were myself, you and your Union Representative Kawai Muao.

Response to Charges

Operator Bynum:

What is there to say? I am going to slow down. What is there to add?

Union Representative Kawai Muao:

Operator Bynum probably lost track of time however he is a good operator.

Hearing Officer's Decision

After reviewing your presentation, the charging letter, and the documentary evidence, I have decided to sustain the recommended disciplinary action. The two main factors driving my decision is the egregious violation running ahead of schedule is and Mr. Bynum's past work record. Therefore I am recommending that you be suspended for one day from your position as a 9163, Transit Operator.

Right Of Appeal

You may appeal this action within three (3) days of receiving this Notice of Recommended Disciplinary Action, in accordance with Article 27 of the 2000-2004 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 other representative of your choice.

Sincerely,


Larry Gomez
Woods Division Superintendent

cc: General Manager,
Labor Relations Representative
Division Union Chairperson



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

116

DATE TYPED
01/09/04

OPERATOR Bynum, Keith ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON Wednesday January 7, 2004
(Day) (Date)

DATE OF INCIDENT: 01/07/04
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE
RUN: 225
LINE: 27
COACH: 8131
LOCATION: Bryant and 16th street
DIRECTION: Outbound
RUN DUE: 6:39 pm
ARRIVED: 6:36 pm
MINUTES AHEAD: (3)

Actual Day /Date Tuesday 01/06/04

ACTION

YOU ARE THEREFORE **WARNING!!!**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED


WOODS DIVISION SUPERINTENDENT

D-967



**NOTICE OF
SUSPENSION**

#904

DATE: 04/16/04

NAME BYNUM, KEITH **ID NO.** 2088 **DIVISION** WOODS

DATE ENTERED SERVICE 07/26/99

THIS IS TO INFORM YOU THAT YOU HAVE BEEN SUSPENDED 1 **DAY**
WITHOUT PAY
FROM Sunday, April 25th, 2004 **TO AND INCLUDING** _____

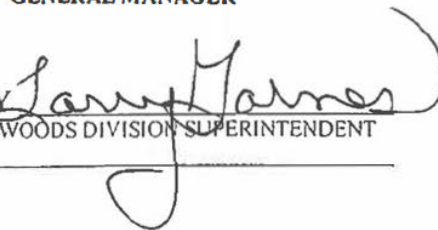
FOR THE FOLLOWING REASON(S): SCHEDULE VIOLATION (5) MINS AHEAD DATED MARCH 22, 2004

**RULE VIOLATION: 2.13.1a INATTENTION TO DUTIES
2.15.1 AND 2.15.5 SCHEDULES**

AWOL RECORD D-272-R2

D-12
ORIG TO EMPLOYEE
COPIES TO: SURFACE TRANSPORTATION
DIVISION FILE PAYROLL
DISPATCHER UNION REP
PREVIOUS EDITION IS OBSOLET

**MICHAEL T. BURNS
GENERAL MANAGER**

BY 
WOODS DIVISION SUPERINTENDENT



WOODS DIVISION • SAN FRANCISCO MUNICIPAL RAILWAY

1001 22ND Street, San Francisco, CA 94107
(415) 695-7252/FAX (415) 695-7268



#766

April 05, 2004

Keith Bynum ID #2088



SUBJECT: Notice of Recommended Disciplinary Action –
Skelly Hearing Officer’s Decision

Dear Mr. Bynum:

You received my letter of Proposed Recommended Disciplinary Action dated March 24, 2004, proposing to recommend that you be suspended for 1 day from your position as a 9163 Transit Operator.

This action is Based on the following charges:

**Rule 2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules**

Summary Section:

On March 22, 2004, you were detailed to work run 225 on the 27 Line with Coach 8820. You were observed 5 minutes ahead of schedule for your outbound scheduled arrival time at Bryant and 16TH Street. Run due at 8:21PM. Arrived at 8:16PM.

Hearing

A hearing was held on March 29, 2004. Union Representative Kavaui Muao present.

Response to Charges:

Operator failed to show, or respond in writing.



1001 22ND St, San Francisco, CA 94107
(415) 695-7252/FAX (415) 695-7268

SKELLY HEARING

#664

March 24, 2004

Keith Bynum ID #2088



SUBJECT: Recommended Disciplinary Action – 1Day Suspension

Dear Mr. Bynum:

This is to advise you that I am proposing that you be *suspended* from your position as a **Transit Operator, 9163** for a period of **1 day**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1a Inattention to Duties
- 2.15.1 and 2.15.5 Schedules

The Facts Upon Which These Charges Are Based

On March 22, 2004, you were detailed to work Run 225 on the 27 Line with Coach 8126. You were observed 5 minutes ahead of schedule for your outbound scheduled arrival time at Bryant and 16TH Street. Run due at 8:21PM Arrived at 8:16PM.

Past Record/Disciplinary History

This is your third violation within a 90-day period.

Materials Upon Which Charges Are Based

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

Transit Inspector's Report (T-12)

Basis For Recommendation/Conclusions

On March 22, 2004, you were detailed to work Run 225 on the 27 Line with Coach 8126. You were observed 5 minutes ahead of schedule for your scheduled inbound arrival time at Bryant and 16TH Street. Your action resulted in charges of a Schedules Violation against you. You must maintain a regular service schedule with respect to leaving times, destinations, and time points.

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for Monday, **March 29, 2004 at 3:30PM** at 1001 22nd Street., **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union Chairperson can be reached at **415-695-7265**.

If you choose to respond in writing, your written response should be directed to **Larry Garnes**. **Mr. Garnes** must receive your written response by 5:00PM on March 29, 2004.

If you choose neither to appear or not to respond in writing, the disciplinary action will proceed.

Sincerely,



Larry Garnes
Woods Division Superintendent

cc: Deputy General Manager, Operations
Union Representative
Labor Relations Representative

Attachments: Transit Inspector's Report (T-12)

#2088 Bynum, Keith
MUNI TRANSIT INSPECTOR'S
REPORT

INSP: Kuo, L #588 PAGE 1 OF 1

RUN	LINE	VEHICLE	DAY
225	27	8126	MONDAY
			DATE
			03-22-2004

SUBJECT
VIOLATION
DELIVERED MAR 23 2004

LOCATION BRYANT / 16TH STREET DIR. OUTBOUND

DELAY: LINE VEH. NONE
TIME 816 A P TO A P

RUN DUE: 821P

ARRIVED: 816P

FIVE MINUTES AHEAD OF SCHEDULE

LEADER: FIVE MINUTES LATE

FOLLOWER: ON TIME

(SEE LINE CHECK)
OV 2013.1A, 2015 & 2015a
2015a
Hearing by [Signature]

[Signature]
SAN FRANCISCO MUNICIPAL RAILWAY TD-368



1001 22ND St, San Francisco, CA 94107
(415) 695-7252/FAX (415) 695-7268

RESCHEDULED
SKELLY HEARING

#744

August 13, 2003

Keith Bynum ID #2088



SUBJECT: Recommended Disciplinary Action – 1 Day Suspension

Dear Mr. Bynum:

This is to advise you that I am proposing that you be *suspended* from your position as a **Transit Operator, 9163** for a period of **1 day**.

My recommendation for this disciplinary action is based on the following charges:

- Rule 2.13.1 Inattention to Duties
- 2.15.1 and 2.15.5 Schedules

The Facts Upon Which These Charges Are Based

On July 27, 2003, you were detailed to work Run 177 on the 71 Line with Coach 8315. You were observed 3 minutes ahead of schedule for your outbound scheduled arrival time at Haight and Masonic. Run due at 8:3PM. Arrived at 8:32PM.

Past Record/Disciplinary History

This is your third violation within a 90-day period.

Materials Upon Which Charges Are Based

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

Transit Inspector's Report (T-12)

Basis For Recommendation/Conclusions

On July 27, 2003, you were detailed to work Run 177 on the 71 Line with Coach 8315. You were observed 3 minutes ahead of schedule for your scheduled outbound arrival time at Haight and Masonic. Your action resulted in charges of a Schedules Violation against you. You must maintain a regular service schedule with respect to leaving times, destinations, and time points.

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for Monday, **August 18, 2003 at 12:15PM** at 1001 22nd Street., **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union representative is James Robinson and he can be reached at **415-695-7265**.

If you choose to respond in writing, your written response should be directed to **Larry Garnes**. **Mr. Garnes** must receive your written response by 5:00PM on August 18, 2003.

If you choose neither to appear or not to respond in writing, the disciplinary action will proceed.

Sincerely,


Larry Garnes
Woods Superintendent

Kathleen Forrester
Woods Assistant Superintendent

cc: General Manager,
Union Representative
Labor Relations Representative

Attachments: Transit Inspector's Report (T-12)



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#569

DATE TYPED
07/23/03

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON THURSDAY JULY 17, 2003
(Day) (Date)

DATE OF INCIDENT: 07/17/03
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE
RUN: 177
LINE: 26
COACH: 8120
LOCATION: MARKET/SOUTH VAN NESS
DIRECTION: INBOUND
RUN DUE: 3:57PM
ARRIVED: 3:50PM
MINUTES AHEAD: (7)

ACTION

YOU ARE THEREFORE **WARNING.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED Larry James
ACTING DIVISION SUPERINTENDENT



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#573

DATE TYPED
01/07/03

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON MONDAY DEC 30, 2002
(Day) (Date)

DATE OF INCIDENT: 12/30/02
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE
RUN: 189
LINE: 44
COACH: 8357
LOCATION: SILVER/SAN BRUNO
DIRECTION: OUTBOUND
RUN DUE: 4:29PM
ARRIVED: 4:25PM
MINUTES AHEAD: (4)

ACTION

YOU ARE THEREFORE **WARNING.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED Larry James
WOODS DIVISION SUPERINTENDENT

D-967



SUPERINTENDENT'S

DISCIPLINARY CHARGE

#551

DATE TYPED
11/12/02

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.17.1 Routes/No Show

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON WEDNESDAY NOVEMBER 06, 02
(Day) (Date)

DATE OF INCIDENT: 11/06/02
TYPE OF REPORT: TS REPORTED VIOLATION/NO SHOW
RUN: 32
LINE: 48
COACH: UNKNOWN
LOCATION: 20TH STREET/3RD STREET
DIRECTION: OUTBOUND
RUN DUE: 5:40AM
ARRIVED: NO SHOW

ACTION

YOU ARE THEREFORE **CAUTIONED AND REINSTRUCTED.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED

WOODS DIVISION SUPERINTENDENT



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#672

DATE TYPED
03/06/02

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.5 Schedules/Late

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON TUESDAY FEBRUARY 26, 02
(Day) (Date)

DATE OF INCIDENT: 02/26/02
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE/LATE
RUN: 061
LINE: 26
COACH: 4654
LOCATION: DIAMOND/BOSWORTH
DIRECTION: OUTBOUND
DUE TO ARRIVE: 7:24AM
ARRIVED: 7:44AM
MINUTES LATE: (20)

ACTION

YOU ARE THEREFORE **CAUTIONED AND REINSTRUCTED.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED _____

DIVISION SUPERINTENDENT



1001 22nd St, San Francisco, CA 94107
(415) 250-2557 FAX (415) 970-9376

September 27, 2001

Keith Bynum
[REDACTED]

SUBJECT: Recommended Disciplinary Action – 2 Days Suspension

Dear Mr. Bynum:

This is to advise you that I am proposing that you be *suspended* from your position as a **Transit Operator, 9163** for a period of **2 days**.

My recommendation for this disciplinary action is based on the following charges:

**Rule 5. Inattention to Duties
47, Instruction & Safety Manual
Item 24F**

The Facts Upon Which These Charges Are Based

On September 19, 2001 you were detailed to work on Run 35 on the 29 Line, Coach 8110. You were observed 11 minutes late for your inbound scheduled arrival time at Geneva and Mission. Run due at 8:15am. Arrived at 8:26am.

Past Record/Disciplinary History

This is your **Third violation within a 90-day period**.

Materials Upon Which Charges Are Based

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

Transit Inspector's Report (T-12)

Basis For Recommendation/Conclusions

On September 19, 2001, you were detailed to work Run 35 on the 29 Line, Coach 8110. You were observed 11 minutes late for your scheduled inbound arrival time at Geneva and Mission. Your action resulted in charges of a Schedules Violation against you. You must maintain a regular service schedule with respect to leaving times, destinations, and time points.

Your failure to maintain a regular service schedule adversely affected the service we are obligated to provide. A missing headway also places an unreasonable burden on your co-workers and on the administration of run schedules.

Right Of Response

You have the right to provide a response to this recommended action. Your response may be written or oral. A hearing is scheduled for Friday, **October 05, 2001 at 3:00PM** at 1001 22nd St., **Superintendent's office**. This stage of the process is your opportunity to respond to the charges and recommended action. You are not entitled to a formal hearing with the examination of witnesses or a court reporter or transcript of the proceeding.

You are entitled to bring a representative of your choosing with you to the hearing. Your Union representative is **LeJuene Carter**, and he can be reached at **415-695-7264**.

If you choose to respond in writing, your written response should be directed to **Michael P. Elliott**. **Mr. Elliott** must receive your written response by 5:00PM on October 3, 2001.

If you choose neither to appear or not to respond in writing, the disciplinary action will proceed.

Sincerely,



Michael P. Elliott
Woods Acting Superintendent

cc: Modal Superintendent
 Union Representative
 Labor Relations Representative

Attachments: Inspector's Report (T-12)



TRANSIT INSPECTOR'S REPORT

445

INSP: Poliv PAGE 1 OF 1

RUN	LINE	VEHICLE	DAY
35	39	8110	WED
			DATE
			9/19/01

SUBJECT: VIOLATION
BYNUM, R # 2088

LOCATION: GENOVA MISSION DIR. 1B

DELAY:	<input type="checkbox"/> LINE	TIME	A	P	TO	A	P
	<input type="checkbox"/> VEH.	<input checked="" type="checkbox"/> NONE	8	26			

Redundant
Len. Arrived 826
11 Minutes Late
LEADER OUTLINE
FOLLOWING 6 MIN. AHEAD
OPERATOR FAILED
TO MAINTAIN SCHEDULED
HEADWAY. NO DELAY
REPORTED CERTAIN

[Handwritten signatures]

Handwritten notes in cursive script, possibly containing names and dates. The text is difficult to decipher due to the cursive style and some overlapping lines.

**WOODS DIVISION
SKELLY SUMMARY**

Skelly	Name	ID	Violation	Disposition	Date
10/17/01	Fredrick, Woods	2493	AWOL	Deal, 5 day suspension	10/26/01
08/01/01	James Nelson	2068	AWOL	Cancelled by Superintendent	08/03/01
10/17/01	Karl Barmer	1807	AWOL	Deal, 1 Day suspension	10/24/01
10/05/01	Tommy Marshall	0845	AWOL	Deal, 1 Day Suspension	04/22/02
10/05/01	Robert San Diego	1886	AWOL	Deal, 1 Day Suspension	10/05/01
01/26/01	Eduauardo M. Aguilar	5194		Dismissed	
08/01/01	Ravinder Manchanda	2081	AWOL	Deal, 2 Day Suspension	08/01/01
08/01/01	Jeanette Gray	1585	AWOL	Deal, 2 Day Suspension	08/01/01
10/17/01	Keith Bynum	2088	AWOL	Deal, 2 Day Suspension	10/17/01
09/13/01	Bennie Williams	0710	AWOL	Deal, 30 Day Suspension, Pending	09/13/01
10/24/01	James Fugate	0812	AWOL	Deal, 2 Day Suspension	10/24/01
09/12/01	Velera Kincaid	0840	AWOL	30 Suspension Decision Reversed	
10/01/01	John Hunt	1890	AWOL	Deal, 2 Day Suspension	10/01/01
09/05/01	Marcus I. Corcran	1469	AWOL	Cancelled by Superintendent Day Off	09/10/01
08/13/01	Danilo Empleo	2643	AWOL	Cancelled by Superintendent	09/10/01
09/04/01	Cosmos Ozonsi	2630	AWOL	Cancelled by Superintendent	09/10/01
09/14/01	Satish Dutt	1659	AWOL	Cancelled by Superintendent	09/18/01
09/17/01	Charles Coffey	1854	AWOL	Cancelled by Superintendent	09/20/01
09/20/01	Marcus Corcran	1469	AWOL	Cancelled by Superintendent	09/25/01
09/17/01	Marcus Corcran	1469	AWOL	Cancelled by Superintendent	09/25/01
09/24/01	Alvin Jackson	2631	AWOL	Cancelled by Superintendent	10/10/01
8/28/01	Richard Scarbrough	0848	AWOL	Cancelled by Superintendent	9/01/01
8/28/01	Velma Jones	2504	AWOL	Cancelled by Superintendent	8/31/01



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#651

DATE TYPED
09/26/01

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

RULE 5, INATTENTION TO DUTIES: RULE 15,
STOPPING EN-ROUTE: ITEM 24F RULE 47,
YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE(S) # INSTRUCTION & SAFETY MANUAL

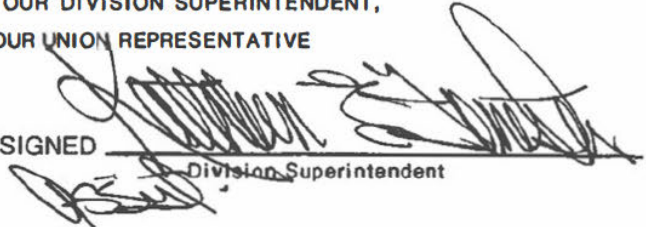
OF THE OFFICIAL RULE BOOK IN THAT ON TUESDAY / 09/18/01
(Day) (Date)

DATE OF INCIDENT: 09/18/01
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE (6) MINS LATE
RUN: 35
LINE: 29
COACH: #8902
LOCATION: GENEVA/MISSION
DIRECTION: INBOUND
RUN DUE: 12:24PM
ARRIVED: 12:16PM

ACTION

YOU ARE THEREFORE WARNED OF SUSPENSION.

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED 
Division Superintendent



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#652

DATE TYPED
09/26/01

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

RULE 5, INATTENTION TO DUTIES: RULE 25, FAILURE
TO CALL CENTRAL CONTROL: ITEM 24F RULE 47,

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE(S) # INSTRUCTION & SAFETY MANUAL

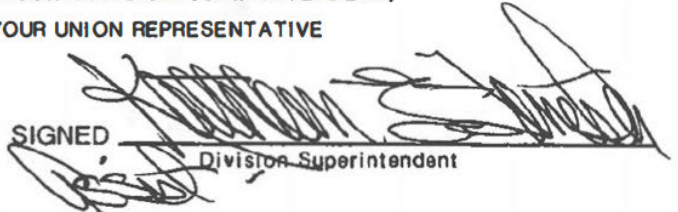
OF THE OFFICIAL RULE BOOK IN THAT ON TUESDAY / 09/18/01
(Day) (Date)

DATE OF INCIDENT: 09/18/01
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE (14) MINS LATE
RUN: 35
LINE: 29
COACH: #8930
LOCATION: GENEVA/MISSION
DIRECTION: INBOUND
RUN DUE: 08:29AM
ARRIVED: 08:15AM

ACTION

YOU ARE THEREFORE CAUTIONED AND WARNED.

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED 
Division Superintendent



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#576

DATE TYPED
09/19/01

OPERATOR BYNUM, KEITH

ID# 2088 DIVISION WOODS

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE(S) # RULE 5, INATTENTION TO DUTIES; 1, ORDERS
25, CENTRAL CONTROL; GENERAL BULLETIN 96-069

OF THE OFFICIAL RULE BOOK IN THAT ON SUNDAY / 09/16/01
(Day) (Date)


DATE OF INCIDENT: 09/16/01
TYPE OF REPORT: TS REPORTED VIOLATION/EARLY PULL-IN
RUN: 035
LINE: 29
COACH: #8156
LOCATION: 3RD STREET/WILLIAMS
DIRECTION: DEADHEADED
TIME: 10:06AM

ACTION

YOU ARE THEREFORE

CAUTIONED AND REINSTRUCTED.

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED 
Division Superintendent

#877



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

DATE TYPED
6/22/01

OPERATOR BYNUM, K.

ID# 2088 DIVISION WOODS

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE(S) # RULE 5, INATTENTION TO DUTIES. 40 INSTRUCTION, SAFETY & SCHEDULES. C/R WARNED

OF THE OFFICIAL RULE BOOK IN THAT ON WEDNESDAY / 6/13/01
(Day) (Date)

DATE OF INCIDENT: 6/13/01
TYPE OF REPORT: TS REPORTS VIOLATION/ 3 MINS AHEAD
RUN: 114
LINE: 71
COACH: 8230
LOCATION: HAIGHT/ MASONIC
DIRECTION: OUTBOUND
DUE: 2:28pm
ARRIVED: 2:25pm

ACTION

WARNING

YOU ARE THEREFORE

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED _____
Division Superintendent



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#835

~~XXXXXX~~

DATE TYPED
6/15/01

OPERATOR BYNUM, K ID# 2088 DIVISION WOODS

RULE 5, INATTENTION TO DUTIES: 47 INSTRUCTION
& SAFETY MANUAL: ITEM 24 F

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE(S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON TUESDAY / 6/5/01
(Day) (Date)

DATE OF INCIDENT: 6/5/01
TYPE OF REPORT: TS REPORTED VIOLATION/ OPERATOR LEFT COACH UNATTENDED WITH PASSENGERS.
RUN: 36
LINE: 26
COACH: 8112
LOCATION: MISSION/ 29th ST.
DIRECTION: INBOUND
DUE: 6:25am
ARRIVED: 6:22am

ACTION

YOU ARE THEREFORE

WARNING

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED _____

Division Superintendent



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#668

DATE TYPED
05/22/01

OPERATOR BYNUM, KEITH

ID# 2088 DIVISION WOODS

**RULE 5, INATTENTION TO DUTIES
GENERAL BULLETIN 00-019**

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE(S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON SUNDAY / 05/20/01
(Day) (Date)

DATE OF INCIDENT: 05/20/01
TYPE OF REPORT: DISPATCHER'S REPORTED VIOLATION/LATENESS
RUN: 57
LINE: 16
REPORTING TIME: 5:51AM
REPORTED AT: 6:06AM
ALLOWED TO WORK: YES

RECEIVED
01 MAY 25 PM 1:55
PUBLIC TRANSPORTATION
HUMAN RESOURCES

ACTION

YOU ARE THEREFORE

CAUTIONED, REINSTRUCTED AND WARNED.

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED
Division Superintendent



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

3994

DATE TYPED
11-8-00

OPERATOR BYNUM, K. ID# 4560 DIVISION POTRERO

RULES 5 INATTN TO DUTIES; 41 ROUTES.

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE(S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON SUNDAY / 11-5-00
(Day) (Date)

TS RPT DTD 11-5-00
RUN 317 LINE 49 COACH 7007 persia & ocean OB 9:13 A.M.
OPR. SWITCHEDBACK FROM OUTBOUND TO INBOUND WITHOUT BEING AUTHORIZED BY ANYONE,

RECEIVED
00 NOV 13 PM 3:51
SUPERINTENDENT'S OFFICE
SAN FRANCISCO, CALIF.

ACTION

YOU ARE THEREFORE

CAUTIONED & REINSTRUCTED TO NOTIFY CC ANYTIME SERVICE WILL BE INTERRUPTED.

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED *D. K. [Signature]*
Division Superintendent



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

4078

DATE TYPED
11-30-00

OPERATOR BYNUM, K.

ID# 4560 DIVISION POTRERO

RULES 5 INATTN TO DUTIES; 47 ITEM 24B,C,F.

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE(S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON SATURDAY / 11-25-00
(Day) (Date)

TS RPT DTD 11-25-00
RUN 317 LINE 49 COACH 7035 PHELAN LOOP INB 11:11 A.M.
RUN DUE TO LEAVE AT 11:06 A.M. RUN LEFT AT 11:11A.M. 5 MINS LATE LEAVING.

ACTION

YOU ARE THEREFORE

CAUTIONED & REINSTRUCTED NOT TO OPERATE AHEAD OR BEHIND SCHEDULE WITHOUT OFFICIAL ORDERS.

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED _____

Division Superintendent



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#332

DATE TYPED
12/20/02

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE(S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON MONDAY DEC 16, 2002
(Day) (Date)

DATE OF INCIDENT: 12/16/02
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE
RUN: 189
LINE: 44
COACH: 8349
LOCATION: EVANS/USPO
DIRECTION: OUTBOUND
RUN DUE: 4:44PM
LEFT AT: 4:39PM
MINUTES AHEAD: (5)

RECEIVED
03 JAN - 8 AM 8:13
PUBLIC TRAINING POPULATION
HUMAN RESOURCES

ACTION

YOU ARE THEREFORE **CAUTIONED AND REINSTRUCTED.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT.

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED Larry James
WOODS DIVISION SUPERINTENDENT

D-967



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#376

DATE TYPED
07/31/02

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON SUNDAY JULY 28, 2002
(Day) (Date)

DATE OF INCIDENT: 07/28/02
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE
RUN: 089
LINE: 52
COACH: 8186
LOCATION: FOREST HILL STATION
DIRECTION: OUTBOUND
RUN DUE TO LEAVE : 9:20AM
RUN LEFT AT: 9:24 ½ AM
MINUTES LATE: (4 ½)

ACTION

YOU ARE THEREFORE **WARNED.**

RECEIVED
02 AUG 20 AM 9:13
L.C. TRANSPORT

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED 
ASSISTANT DIVISION SUPERINTENDENT

D-967



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#457

DATE TYPED
07/09/03

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.17.1 Routes/No Show

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON WEDNESDAY JULY 02, 2003
(Day) (Date)

DATE OF INCIDENT: 07/02/03
TYPE OF REPORT: TS REPORTED VIOLATION/NO SHOW
RUN: 177
LINE: 26
COACH: UNKNOWN
LOCATION: 30th STREET/MISSION
DIRECTION: OUTBOUND
RUN DUE: 8:22PM
ARRIVED: NO SHOW

TS WAS AT THIS LOCATION FROM 7:50PM UNTIL 8:45PM, CENTRAL GAVE NO ORDERS AND WAS UNABLE TO CONTACT COACH.

ACTION

YOU ARE THEREFORE **CAUTIONED AND REINSTRUCTED.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING.

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT.

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED Larry Barnes
WOODS DIVISION SUPERINTENDENT



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#476

DATE TYPED
06/17/03

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON WEDNESDAY JULY 09, 2003
(Day) (Date)

DATE OF INCIDENT: 07/09/03
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE
RUN: 177
LINE: 26
COACH: 8104
LOCATION: MARKET/SOUTH VAN NESS
DIRECTION: INBOUND
RUN DUE: 3:57PM
ARRIVED: 3:50PM
MINUTES AHEAD: (7)

ACTION

YOU ARE THEREFORE **CAUTIONED AND REINSTRUCTED.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT.

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED

Larry James
WOODS DIVISION SUPERINTENDENT



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

982

DATE TYPED
12/30/03

OPERATOR Bynum, Keith ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON Wednesday December 24, 2003
(Day) (Date)

DATE OF INCIDENT: 12/24/03
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE
RUN: 139
LINE: 27
COACH: 8334
LOCATION: Bryant and 16th Street
DIRECTION: Outbound
RUN DUE: 9:26 AM
ARRIVED: 9:19 AM
MINUTES AHEAD: (7)

ACTION

YOU ARE THEREFORE **CAUTIONED AND REINSTRUCTED.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED Larry Barnes
WOODS DIVISION SUPERINTENDENT

D-967



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#262

DATE TYPED
07/22/02

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE(S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON TUESDAY JULY 16, 02
(Day) (Date)

DATE OF INCIDENT: 07/16/02
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE
RUN: 089
LINE: 15
COACH: 4511
LOCATION: COLUMBUS/UNION
DIRECTION: INBOUND
RUN DUE: 8:23AM
ARRIVED: 8:16AM
MINUTES AHEAD: (7)

ACTION

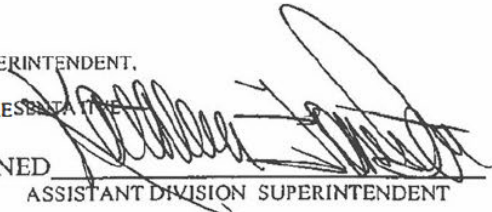
YOU ARE THEREFORE **WARNED.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED 
ASSISTANT DIVISION SUPERINTENDENT

D-967



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#735

DATE TYPED
06/07/02

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON TUESDAY JUNE 04, 02
(Day) (Date)

DATE OF INCIDENT: 06/04/02
TYPE OF REPORT: TS REPORTED VIOLATION/LEAVING TERMINAL LATE
RUN: 75
LINE: 67
COACH: 8186
LOCATION: 24TH STREET/MISSION
DIRECTION: INBOUND
RUN DUE TO LEAVE TERMINAL AT: 8:20AM
RUN LEFT TERMINAL AT: 8:27AM
MINUTES BEHIND: (7)

ACTION

YOU ARE THEREFORE **CAUTIONED AND REINSTRUCTED.**

RECEIVED
02 JUL 10 AM 9:31
PUBLIC TRANSPORTATION
HUMAN RESOURCES

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,
YOU HAVE THREE (3) DAYS
IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,
EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED D.K.L.
ACTING DIVISION SUPERINTENDENT



**SUPERINTENDENT'S
DISCIPLINARY CHARGE**

#771

DATE TYPED
03/12/02

OPERATOR BYNUM, KEITH ID# 2088 DIVISION WOODS

2.13.1a Inattention to Duties
2.15.1 and 2.15.5 Schedules

YOU ARE HEREBY CHARGED WITH VIOLATION OF RULE (S) # _____

OF THE OFFICIAL RULE BOOK IN THAT ON TUESDAY MARCH 05, 02
(Day) (Date)

DATE OF INCIDENT: 03/05/02
TYPE OF REPORT: TS REPORTED VIOLATION/SCHEDULE
RUN: 050
LINE: 29
COACH: 8843
LOCATION: SUNSET/NORIEGA
DIRECTION: OUTBOUND
RUN DUE: 7:40AM
ARRIVED: 7:37AM
MINUTES AHEAD: (3)

ACTION

YOU ARE THEREFORE **WARNED OF SUSPENSION.**

IN ACCORDANCE WITH THE GRIEVANCE PROCEDURE OF THE MEMORANDUM OF UNDERSTANDING,

YOU HAVE THREE (3) DAYS

IN WHICH TO APPEAL THIS ACTION TO YOUR DIVISION SUPERINTENDENT,

EITHER IN PERSON OR THROUGH YOUR UNION REPRESENTATIVE

SIGNED *A. E. J.*
DIVISION SUPERINTENDENT

ATTACHMENT B



Employee

This verification is system-generated with data provided directly by the employer. If any information is missing, it is because the employer did not provide this information for inclusion in the CCC Verify verification.

The information displayed below is an official and authentic employment verification report generated from CCCVerify.com. This verification is system-generated with data provided by the employer directly and is the only information available.

Report Requested: 2/10/2023 10:54 AM
Report Tracking Number: dafd04de-5a78-4583-8743-dc16551c151a

Data Source

Name: THE SERVICE COMPANIES
Division: [REDACTED]
Address: 14750 NW 77TH COURT SUITE 100 MIAMI LAKES FL 33016



Employee

First Name: KEITH Last Name: BYNUM
Employee Address: [REDACTED]
Employee SSN: [REDACTED]
Employee ID: [REDACTED] Work Site: O295S
Hire and Separation Date(s):

Work Site	Most Recent Hire Date	Most Recent Separation Date
O295S	8/10/2018	

First Hire Date: 8/10/2018 First Term Date:
Work Status: ACTIVE Employment Type: Full-time
Job Title: TRAINING Current Length of Service: 4 Year(s), 6 Month(s)

Medical Benefits

Enrollment Type: N/A Carrier: N/A
Employee Eligible: N/A Employee Enrolled: N/A

Dental Benefits

Enrollment Type: N/A Carrier: N/A
Employee Eligible: N/A Employee Enrolled: N/A

Payroll

Pay: 16.07 Rate Frequency: Hourly
Unused Vacation Amount: 0.00
Unused Personal Amount: 0.00
Unused Sick Pay Amount: 0.00

Year-to-Date Income Details

Year	Regular	Overtime	Bonus	Commission	Incentive	Tips	Sick Pay	Vacation Pay	Paid Time Off	Other	Gross
2020	45255.57	1814.20	0.00	0.00	0.00	0.00	368.00	368.00	0.00	1472.00	49277.77
2019	37808.34	776.30	0.00	0.00	0.00	0.00	1506.00	1996.00	0.00	2272.00	44358.64

Pay Period Details

Earnings Date	Hours	Gross	Regular	Overtime	Bonus	Commission	Incentive	Tips	Sick Pay	Vacation Pay	Paid Time Off	Other
12/31/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12/24/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12/18/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12/11/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12/04/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/27/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/20/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/13/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/06/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/30/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/23/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/16/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/09/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/02/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/25/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/18/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/11/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/04/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/28/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/21/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/14/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/07/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/31/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/24/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/17/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/10/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/03/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/26/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/19/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Earnings Date	Hours	Gross	Regular	Overtime	Bonus	Commission	Incentive	Tips	Sick Pay	Vacation Pay	Paid Time Off	Other
06/12/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/05/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/29/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/22/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/15/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/08/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/01/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
04/24/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
04/17/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
04/03/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
03/27/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
03/20/2020	40.00	920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
03/13/2020	38.25	897.01	845.25	51.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
03/06/2020	42.01	990.92	733.32	73.60	0.00	0.00	0.00	0.00	184.00	0.00	0.00	0.00
02/28/2020	39.75	914.25	546.25	0.00	0.00	0.00	0.00	0.00	0.00	184.00	0.00	184.00
02/21/2020	42.37	1004.53	914.25	90.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
02/14/2020	47.00	1161.51	920.00	241.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
02/07/2020	54.50	1431.76	920.00	511.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01/31/2020	46.50	1144.26	736.00	224.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	184.00
01/24/2020	48.00	1216.14	879.75	336.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01/17/2020	47.00	1161.51	736.00	241.51	0.00	0.00	0.00	0.00	184.00	0.00	0.00	0.00
01/10/2020	38.50	899.88	304.75	43.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	552.00
01/03/2020	32.00	736.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	184.00	0.00	552.00
12/27/2019	44.75	1083.88	736.00	163.88	0.00	0.00	0.00	0.00	0.00	184.00	0.00	0.00
12/06/2019	40.25	931.50	546.25	17.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	368.00
11/29/2019	44.50	1078.13	914.25	163.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/22/2019	43.75	1049.39	920.00	129.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/15/2019	42.50	1006.26	920.00	86.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/08/2019	40.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	736.00	184.00	0.00	0.00
11/01/2019	39.00	899.88	891.25	8.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/25/2019	40.25	931.51	914.25	17.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/18/2019	40.50	899.25	874.50	24.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/11/2019	40.50	899.25	874.50	24.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/04/2019	37.25	819.50	819.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Earnings Date	Hours	Gross	Regular	Overtime	Bonus	Commission	Incentive	Tips	Sick Pay	Vacation Pay	Paid Time Off	Other
09/27/2019	39.75	874.50	874.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/20/2019	39.25	863.50	863.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/13/2019	39.50	871.75	687.50	8.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	176.00
09/06/2019	39.75	874.50	632.50	0.00	0.00	0.00	0.00	0.00	66.00	176.00	0.00	0.00
08/30/2019	40.25	888.25	880.00	8.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/23/2019	39.75	874.50	874.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/16/2019	40.25	891.00	874.50	16.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/09/2019	39.50	869.00	693.00	0.00	0.00	0.00	0.00	0.00	0.00	176.00	0.00	0.00
08/02/2019	40.50	896.50	528.00	16.50	0.00	0.00	0.00	0.00	0.00	352.00	0.00	0.00
07/26/2019	39.25	869.00	852.50	16.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/19/2019	42.25	932.25	880.00	8.25	0.00	0.00	0.00	0.00	0.00	44.00	0.00	0.00
07/12/2019	36.75	808.50	632.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	176.00
07/05/2019	40.00	882.75	874.50	8.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/28/2019	38.25	841.50	841.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/21/2019	39.50	869.00	869.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/14/2019	38.00	838.75	830.50	8.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/07/2019	20.37	453.75	261.25	16.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	176.00
05/31/2019	20.12	442.75	442.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/24/2019	79.75	1754.50	1754.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/17/2019	39.75	874.50	874.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/10/2019	38.29	842.59	842.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/03/2019	40.00	880.00	880.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
04/26/2019	39.75	874.50	698.50	0.00	0.00	0.00	0.00	0.00	0.00	176.00	0.00	0.00
04/19/2019	39.75	874.50	874.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
04/12/2019	34.00	748.00	748.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
04/05/2019	39.25	863.50	863.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
03/29/2019	40.00	880.00	880.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
03/22/2019	63.50	1397.00	869.00	0.00	0.00	0.00	0.00	0.00	528.00	0.00	0.00	0.00
03/15/2019	16.00	352.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	352.00	0.00	0.00
03/08/2019	401.00	8657.25	6720.25	33.00	0.00	0.00	0.00	0.00	176.00	352.00	0.00	1376.00

Disc a mer

Information Accurate As Of 12/30/2020 9:31:47 PM

This report provided by CCCVerify.com, a division of Corporate Cost Control.
Email: verifications@corporatcostcontro.com

Fax # 614-495-0225
Customer Service Toll Free # = 855-901-3099



RE: Keith Bynum

February 26, 2020

To Whom It May Concern,

Keith has been working for The Service Companies since 2018. Since he was hired, he has been an exemplary employee at Stripe HQ. Stripe is one of The Service Companies' leading accounts. We have over 70 employees currently working at the Stripe HQ where Keith has been a consistent team member they can always count on. He is willing to come in early and stay late to support his team. He currently has duties he is in charge for that are essential to Stripe's steward department. As well, he has been very punctual and present while at work. As long as he continues this path he will have job security with our company. We appreciate all of Keith's hard work and hope this letter conveys this.

Sincerely,

Angelina Zervas

Operations Manager

(415) 431 - 8826 x 2219

(415) 547-9298

angelina.zervas@theservicecompanies.com

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