



**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

Jarmee Thieu
[REDACTED]

SUBJECT: APPEAL BY JARMEE THIEU OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION TO ADMINISTRATIVELY CLOSE APPELLANT'S COMPLAINT OF AGE DISCRIMINATION AND RETALIATION.

Dear Jarmee Thieu:

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 5:15 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 each page to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at civilservice@sfgov.org 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.

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

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

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Trent Rhorer, Human Services Agency
Daniel Kaplan, Human Services Agency
Katrina Williams, Human Services Agency
Carol Isen, Department of Human Resources
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Commissioners' Binder
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Arleene Brice
[REDACTED]

SUBJECT: APPEAL BY JARMEE THIEU OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION TO ADMINISTRATIVELY CLOSE APPELLANT'S COMPLAINT OF AGE DISCRIMINATION AND RETALIATION.

Dear Arleene Brice:

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

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

The Equal Employment Opportunity Division of DHR will present and defend the Human Resources Director's determination on Jarmee Thieu's complaint at the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **June 5, 2023, at 5:15 p.m.** The Commission will have received the DHR staff report, which reviews the evidence pertaining to the complaint and supports the Human Resources Director's determination, in advance of the meeting. You will have an opportunity to address Jarmee Thieu's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. You will be receiving a meeting invite to join the meeting through Cisco WebEx on your computer or you may listen/respond to the meeting by phone. The Commission will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

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CIVIL SERVICE COMMISSION

/s/

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Executive Officer

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David Tu
[REDACTED]

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**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

Vladimir Rudakov
[REDACTED]

SUBJECT: APPEAL BY JARMEE THIEU OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION TO ADMINISTRATIVELY CLOSE APPELLANT'S COMPLAINT OF AGE DISCRIMINATION AND RETALIATION.

Dear Vladimir Rudakov:

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

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

The Equal Employment Opportunity Division of DHR will present and defend the Human Resources Director's determination on Jarmee Thieu's complaint at the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **June 5, 2023, at 5:15 p.m.** The Commission will have received the DHR staff report, which reviews the evidence pertaining to the complaint and supports the Human Resources Director's determination, in advance of the meeting. You will have an opportunity to address Jarmee Thieu's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. You will be receiving a meeting invite to join the meeting through Cisco WebEx on your computer or you may listen/respond to the meeting by phone. The Commission will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

The June 5, 2023, meeting agenda will be posted 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.

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Trent Rhorer, Human Services Agency
Daniel Kaplan, Human Services Agency
Katrina Williams, Human Services Agency
Carol Isen, Department of Human Resources
Amalia Martinez, Department of Human Resources
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**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

May 25, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Wannie Huynh
[REDACTED]

SUBJECT: APPEAL BY JARMEE THIEU OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION TO ADMINISTRATIVELY CLOSE APPELLANT'S COMPLAINT OF AGE DISCRIMINATION AND RETALIATION.

Dear Wannie Huynh:

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

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CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

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Daniel Kaplan, Human Services Agency
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**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

LONDON N. BREED
MAYOR

Sent via Electronic Mail

April 19, 2023

NOTICE OF CIVIL SERVICE COMMISSION ACTION

Jarmee Thieu



**SUBJECT: APPEAL BY JARMEE THIEU OF THE HUMAN RESOURCES
DIRECTOR'S DETERMINATION TO ADMINISTRATIVELY CLOSE
APPELLANT'S COMPLAINT OF AGE DISCRIMINATION AND
RETALIATION.**

Dear Jarmee Thieu:

At its meeting on **April 17, 2023**, the Civil Service Commission had for its consideration the above matter.

The Civil Service Commission postponed this item to the meeting of June 5, 2023, at the request of the appellant.

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.

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Cc: Trent Rhorer, Human Services Agency
Daniel Kaplan, Human Services Agency
Katrina Williams, Human Services Agency
Carol Isen, Department of Human Resources
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Commission File
Chron



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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

April 6, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Jarmee Thieu
[REDACTED]

SUBJECT: APPEAL BY JARMEE THIEU OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION TO ADMINISTRATIVELY CLOSE APPELLANT'S COMPLAINT OF AGE DISCRIMINATION AND RETALIATION.

Dear Jarmee Thieu:

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 **April 17, 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, April 12, 2023. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, please submit one hardcopy 3-hole punch, double-sided and numbered at the bottom of each page to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at civilservice@sfgov.org by **5:00 p.m. on Tuesday, April 11, 2023**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

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CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

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CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

April 6, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Arleene Brice
[REDACTED]

SUBJECT: APPEAL BY JARMEE THIEU OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION TO ADMINISTRATIVELY CLOSE APPELLANT'S COMPLAINT OF AGE DISCRIMINATION AND RETALIATION.

Dear Arleene Brice:

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

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

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Sincerely,

CIVIL SERVICE COMMISSION

/s/

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Executive Officer

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**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

April 6, 2023

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David Tu
[REDACTED]

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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

April 6, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Vladimir Rudakov
[REDACTED]

SUBJECT: APPEAL BY JARMEE THIEU OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION TO ADMINISTRATIVELY CLOSE APPELLANT'S COMPLAINT OF AGE DISCRIMINATION AND RETALIATION.

Dear Vladimir Rudakov:

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

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

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

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Daniel Kaplan, Human Services Agency
Katrina Williams, Human Services Agency
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**LONDON N. BREED
MAYOR**

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April 6, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Wannie Huynh
[REDACTED]

SUBJECT: APPEAL BY JARMEE THIEU OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION TO ADMINISTRATIVELY CLOSE APPELLANT'S COMPLAINT OF AGE DISCRIMINATION AND RETALIATION.

Dear Wannie Huynh:

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

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/s/

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CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

1. Civil Service Commission Register Number: 0258-22-6
2. For Civil Service Commission Meeting of: April 17, 2023
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda ✓
 Human Resources Director's Report
4. Subject: Appeal by Jarmee Thieu of the Human Resources Director's determination to administratively close Appellant's complaint of age discrimination and retaliation.
5. Recommendation: Adopt the report, uphold the decision of the Human Resources Director, and deny the appeal by Jarmee Thieu.
6. Report prepared by: Deborah Dulay, DHR EEO
 Telephone number: (415) 557-4902
7. Notifications: Please see attached.
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: Carol Isen 

Date: April 6, 2023

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

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

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

Attachment

CSC RECEIPT STAMP

NOTIFICATIONS

Jarmee Thieu (Appellant)

[REDACTED]

David Tu (Respondent)

[REDACTED]

Arleene Brice (Respondent)

[REDACTED]

Wannie Huynh (Respondent)

[REDACTED]

Vladimir Rudakov (Respondent)

[REDACTED]

Trent Rhorer

Executive Director
Human Services Agency
170 Otis Street, 8th Floor
San Francisco, CA 94103
trent.rhorer@sfgov.org

Daniel Kaplan

Deputy Director
Human Services Agency
170 Otis Street, 8th Floor
San Francisco, CA 94103
daniel.kaplan@sfgov.org

Katrina Williams

Human Resources Director
Human Services Agency
1650 Mission Street, 4th Floor
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katrina.williams@sfgov.org

Carol Isen

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Mawuli Tugbenyoh

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Deborah Dulay

EEO Programs Senior Specialist
Department of Human Resources
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CIVIL SERVICE COMMISSION REPORT

MEMORANDUM

TO: Civil Service Commission

THROUGH: Carol Isen, Human Resources Director
Department of Human Resources

THROUGH: Amalia Martinez, EEO Director
Department of Human Resources

FROM: Deborah Dulay, EEO Programs Senior Specialist
Department of Human Resources

DATE: April 17, 2023

EEO FILE NO: 4197

REGISTER NO: 0258-22-6

APPELLANT: Jarmee Thieu

I. AUTHORITY

The San Francisco Charter, Section 10.103, and Civil Service Commission (CSC) Rule 103 provide that the Human Resources Director shall review and resolve complaints of employment discrimination. Pursuant to CSC Rule 103.3, the CSC shall review and resolve appeals of the Human Resources Director's determinations.

II. BACKGROUND

On January 5, 2004, Appellant Jarmee Thieu (Appellant) started working for the City and County of San Francisco (City) with Human Services Agency (HSA). Currently, Appellant works as a 2913 Program Specialist in HSA's County Adult Assistance Program (CAAP).

A. Appellant's Complaint, EEO File No. 4197

On November 22, 2021, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received Appellant's complaint of age discrimination and retaliation for raising concerns about HSA's reassignment process to the Civil Service Commission (CSC). See Exhibit (Ex.) A. On June 15, 2022, Appellant spoke with Diana Garcia (Garcia), then-1233 EEO Programs Specialist, for an intake interview and alleged David Tu (Tu), 0931 Manager III; Arleene Brice (Brice), 1241 Human Resources Analyst; Wannie Huynh (Huynh), 0923 Manager II; and Vladimir Rudakov (Rudakov), 0932 Manager IV, denied Appellant an interview for lateral 2913 reassignments in HSA's Investigations Division, Overpayments Unit (Recruitment # [REDACTED] and Recruitment # [REDACTED]). Appellant further alleged Appellant's non-selection for the reassignments was due to Appellant's age (over 40) and was in retaliation for raising concerns to the CSC. See Ex. B.

B. Human Resources Director's Administrative Closure

In a letter dated November 18, 2022, the Human Resources Director informed Appellant that the allegations did not satisfy prima facie for discrimination or retaliation under the City's EEO Policy. Accordingly, Appellant's complaint was not investigated further and was administratively closed. See Ex. C.

III. ISSUE ON APPEAL TO THE CIVIL SERVICE COMMISSION

On December 20, 2022, Appellant appealed the Human Resources Director's determination to the CSC. See Ex. D. The issue on appeal is whether the Human Resources Director appropriately administratively closed Appellant's complaint.

IV. INVESTIGATIVE STANDARDS AND ANALYSIS

A. Appellant Did Not Sufficiently Allege a Discrimination Claim

To warrant further investigation, a complaint of discrimination in violation of the City's EEO Policy must sufficiently allege all of the following: (1) appellant is a member of a protected category, (2) appellant suffered an adverse employment action, and (3) appellant suffered an adverse because of appellant's membership in a protected category. An adverse employment action is any objectively material adverse action affecting the terms, conditions or privileges of employment. Actions considered materially adverse are those that impair a reasonable employee's job performance or prospects for advancement.

1. Comparative Evidence Did Not Support an Age Discrimination Claim

Although Appellant was not selected for either Recruitment # [REDACTED] or Recruitment # [REDACTED] the successful applicants were older than Appellant, which undermines Appellant's age discrimination claim. See Exs. B and I. Specifically, HSA selected [REDACTED] is older and has more seniority than Appellant, further showing that HSA's treatment of Appellant was not due to age-based animus. Also, HSA selected [REDACTED] is also older than Appellant, which further undermines Appellant's age discrimination claim. Although [REDACTED] has less seniority compared to Appellant, seniority is not a protected category under the City's EEO Policy and does not support Appellant's age discrimination claim. See Ex. I. Moreover, documentation shows [REDACTED] and [REDACTED] scored higher on the interview questions compared to Appellant, which shows HSA had non-discriminatory, legitimate business reasons for selecting [REDACTED] and [REDACTED] instead of Appellant. See Ex. F. Therefore, comparative evidence nullified Appellant's age discrimination claim, and the Human Resources Director issued the proper determination and closed Appellant's complaint without further investigation.

Appellant conflates seniority, a non-EEO protected category, with age in an attempt to satisfy prima facie under the City's EEO Policy. For example, Appellant proffered a September 15, 2021 e-mail allegedly illustrating bias in the selection process; however, a review of Appellant's documentation merely shows citation to Civil Service Rules about seniority, which falls outside of EEO jurisdiction. See Ex. E, Attachment (Att.) 1. Age is a distinct protected category under the City's EEO Policy, is not the same as seniority under Civil Service Rules, and Appellant's documentation did not support an age discrimination claim. Moreover, in Appellant's intake interview, when presented with comparative evidence that HSA selected older individuals, Appellant said there was nothing else to list as a basis when filing Appellant's EEO complaint,

which further discredits Appellant's age discrimination claim. See Exs. B, C, and E, Att. 1. Therefore, the Human Resources Director appropriately administratively closed Appellant's complaint without further investigation.

Lastly, comparative evidence show younger applicants were treated similarly compared to Appellant in that they were not selected for either lateral reassignment, thus undermining Appellant's age discrimination claim. See Ex. I. Notably, by verifying Appellant's seniority date and securing an interview for Recruitment # [REDACTED] Appellant's actions led HSA to remove a younger applicant, [REDACTED] from the hiring process entirely, and [REDACTED] employment offer for Recruitment [REDACTED] was rescinded, thus undermining the assertion that HSA's reassignment process was biased in favor of younger individuals. See Ex. E, Att. 5. Moreover, a younger applicant, [REDACTED] also interviewed for the reassignment, and like Appellant, was not selected for the lateral reassignment, further showing that HSA did not favor younger applicants contrary to Appellant's age discrimination claim. See Ex. F and I. Therefore, Appellant's age discrimination claim did not satisfy prima facie under the City's EEO Policy, and the Human Resources Director correctly administratively closed Appellant's complaint without further investigation.

2. HSA Rectified Appellant's Seniority and Interviewed Appellant

On August 17, 2021, Appellant messaged Brice via MS Teams, and Brice referred Appellant to Recruitment # [REDACTED] in the Investigations program, but not part of the Overpayments unit. See Ex. E, Att. 1 and Ex. F. On August 23, 2021, Appellant asked Brice about Recruitment # [REDACTED] and Recruitment # [REDACTED] on August 27, 2021, HSA HR stopped the reassignment process for Recruitment # [REDACTED] to conduct additional research; and on or around September 8, 2021, Brice informed Appellant that Brice stopped the hiring process. See Ex. E, Atts. 1, 2, 3; and Ex. F. Thus, Brice provided Appellant timely status updates as a matter of good customer service; Brice's actions show a good faith attempt to rectify Appellant's seniority and do not suggest age-based or retaliatory animus toward Appellant. Notably, the turnaround time was approximately two weeks from when Brice noticed the discrepancy to when Brice confirmed with Appellant that HSA HR stopped the hiring process. See Ex. E, Att. 1 and 2. Moreover, on September 15, 2021, HSA HR verified the calculation of Appellant's seniority, confirmed that Appellant would be interviewed, and Brice spoke with [REDACTED]—an applicant who is younger than Appellant—via MS Teams that [REDACTED] would be removed from the selection process entirely. See Ex. E, Atts. 1, 4, 5; and Ex. F. Similarly, on September 17, 2021, Tu apologized to Appellant regarding the calculation of Appellant's seniority and would confirm Appellant's interview for the reassignment. Thus, Tu also provided a timely status update to Appellant as a matter of good customer service. See Ex. B. Again, Brice's, Tu's, and HSA HR's actions do not suggest age-based or retaliatory animus toward Appellant; rather, documentation demonstrate a good faith attempt to address Appellant's concerns especially given that on September 30, 2021, Appellant interviewed for Appellant's desired reassignment position. See Ex. F and G.

B. Appellant Did Not Sufficiently Allege a Retaliation Claim

To warrant further investigation, a complaint of retaliation in violation of the City's EEO Policy must sufficiently allege all of the following: (1) appellant engaged in a protected activity; (2) appellant suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action. An adverse employment action is any objectively material adverse action affecting the terms, conditions or privileges of employment. Actions considered materially adverse are those that impair a reasonable employee's job performance or prospects for advancement. Materially

adverse actions may also include those acts that would dissuade a reasonable employee from supporting a discrimination complaint.

1. Chronology

On August 17, 2021, Appellant e-mailed Sandra Eng (Eng), Executive Director with the CSC, about HSA's selection process; Appellant asked about Appellant's seniority and applicable Civil Service Rules, both of which do not constitute protected activities within EEO jurisdiction. On August 26, 2021, Appellant followed-up with Eng; on August 27, 2021, Eng clarified with Appellant the definition of seniority and how MOUs define reassignment procedures. Given the context of Appellant's initial communications with the CSC, Appellant's concern was to ensure compliance with Civil Service Rules, which are beyond the scope of EEO jurisdiction. See Ex. E, Att. 1. Although Appellant raised concerns to the CSC, Appellant did not engage in a protected activity within the scope of EEO jurisdiction; rather, Appellant reported issues with the calculation of Appellant's seniority as outlined under the Civil Service Rules, which is not a protected activity under the City's EEO Policy.

On September 2, 2021, Appellant messaged Brice via MS Teams and requested additional information before filing an "official complaint." However, given the context of the messages with Brice, Appellant's concern was about Appellant's seniority and the reassignment process. Appellant did not mention age discrimination or bias due to a protected category; thus, Appellant did not engage in a protected activity under the City's EEO Policy. Moreover, given that Appellant was already in communication with Eng, Appellant's statements to Brice likely referred to filing a report with the CSC rather than filing a complaint alleging discrimination or retaliation within the scope of EEO jurisdiction. See Ex. E, Att. 1 and 2. Importantly, as described above in Section IV. A. 1., in Appellant's intake interview, although presented with comparative evidence that HSA selected older individuals, Appellant said there was nothing else to list as a basis when filing Appellant's EEO complaint, which further discredits both Appellant's age discrimination and retaliation claims under the City's EEO Policy. See Exs. B, C, and E, Att. 1. Thus, given the totality of the evidence, Appellant did not engage in a protected activity within EEO jurisdiction.

On September 8, 2021, Appellant e-mailed Eng about Appellant's seniority date and selection process; although Appellant expressed "fear of retaliation," given the context of Appellant's communications with Eng, Appellant's concern was about the calculation of Appellant's seniority and compliance with Civil Service Rules. Thus, Appellant did not engage in a protected activity within the scope of EEO jurisdiction. Moreover, on September 15, 2021, Appellant e-mailed Eng again and said the hiring managers preferred a candidate with lower seniority, a non-EEO characteristic. Again, Appellant did not engage in a protected activity within the scope of EEO jurisdiction because seniority is not a protected characteristic under the City's EEO Policy. See Ex. E, Atts. 1, 2, and 5. Similarly, on September 16, 2021, Eng e-mailed Tu regarding Appellant's concerns about the reassignment process; Eng's e-mail did not mention age discrimination, further showing that Appellant's main concern was Appellant's seniority date and compliance with Civil Service Rules and the MOU. See Exs. A and E, Att. 5. Thus, Appellant did not engage in a protected activity under the City's EEO Policy. Moreover, Appellant's summary of concerns and chronology of events concluded with citations to relevant portions of the MOU for Service Employees International Union Local 1021. See Ex. E, Atts. 1 and 4. Again, reporting non-compliance with the MOU is not a protected activity under the City's EEO Policy.

Finally, on or about October 6, 2021—the same day HSA selected [REDACTED] for Recruitment # [REDACTED] Appellant messaged Tu via MS Teams and asked about filing a grievance, how to appeal HSA's reassignment process, and mentioned contacting the CSC. Appellant further disputed the selection

process and referred to HSA's selection of [REDACTED]. Around 5:10 p.m., after normal business hours, Appellant messaged Tu and mentioned contacting EEO, but did not describe the protected category that created EEO jurisdiction, and commented about reaching out to Eng with the CSC. See Ex. E, Att. 1. Finally, on November 22, 2021, Appellant e-mailed DHR EEO and purported allegations of age discrimination and retaliation. See Ex. A.

2. Appellant Failed to Sufficiently Allege a Retaliation Claim Under the City's EEO Policy

Although Appellant engaged in a protected activity within the scope of EEO jurisdiction, HSA had non-retaliatory, legitimate business reasons to select [REDACTED] and [REDACTED] because they scored higher on the interviews compared to Appellant. Moreover, there is no evidence suggesting that HSA's selection was pretext for age-based or retaliatory animus toward Appellant. As described above in Section IV. A. 2., HSA rectified the calculation of Appellant's seniority, removed a younger applicant from the selection process entirely, and on September 30, 2021, Appellant interviewed for Appellant's desired reassignment. See Ex. E, Atts. 1, 4, 5; and Exs. F and G. Thus, HSA's corrective actions do not suggest retaliatory animus toward Appellant; rather, HSA's actions suggest a good faith attempt to ensure compliance with the relevant Civil Service Rules, which are outside the scope of EEO jurisdiction. See Exs. F and G. Therefore, Appellant's retaliation claim failed to satisfy prima facie under the City's EEO Policy, and the Human Resources Director correctly administratively closed Appellant's complaint without further investigation.

C. Appellant's Allegations on Appeal

On appeal, Appellant alleged Appellant was (1) never given the opportunity to review Appellant's statements at intake, (2) the EEO investigator initially assigned to Appellant's matter is no longer with DHR EEO, and (3) Appellant's matter was assigned to another investigator. Moreover, although Appellant asked for a status update, DHR EEO sent a Determination Letter to Appellant three days after Appellant's inquiry.

Appellant's allegations on appeal are vague and insufficient to satisfy prima facie for any claim under the City's EEO Policy, and the veracity of the Human Resources Director's original determination on Appellant's complaint under the City's EEO Policy still stands. First, an opportunity for Appellant to review Appellant's statements at intake cannot nullify the comparative evidence that HSA hired older individuals for Appellant's desired reassignment positions. On June 15, 2022, during Appellant's intake interview, the EEO investigator explained how this comparative evidence negated the inference of age discrimination. Moreover, Appellant did not request to review Appellant's June 15, 2022, intake interview notes until December 20, 2022, despite e-mailing the EEO investigator several times on June 16, 2022; July 5, 11, and 19, 2022; and September 12, 2022. See Ex. D; Ex. E, Atts. 1 through 5; and Ex. H. DHR EEO's policy is to provide copies of intake notes only when requested, and Appellant failed to do so prior to her appeal. Thus, Appellant's newly proffered assertions on appeal fail to support either a discrimination or retaliation claim under the City's EEO Policy, and the Human Resource Director issued the correct determination. Moreover, HSA already rectified the matter of Appellant's seniority date, Appellant interviewed for Appellant's desired reassignment, and a younger applicant was removed from consideration entirely and their job offer rescinded. Again, HSA did not demonstrate age-based animus toward Appellant especially given that younger individuals were treated similarly compared to Appellant and were not selected for the reassignment. Second, personnel changes within DHR EEO are irrelevant to Appellant's allegations of age discrimination and retaliation. As described above in Section IV. A. 1., comparative evidence did not illustrate Appellant's non-selection was due to age-based animus. Similarly, as described above in Section

IV. B. 2., Appellant's retaliation allegation failed satisfy prima facie under the City's EEO Policy. Lastly, documentation shows how DHR EEO responded in a professional and timely manner when Appellant requested a status update, which does not present an actionable issue on appeal. See Ex. H. Therefore, Appellant does not provide any new information that supports either Appellant's age discrimination or retaliation claims, and the Human Resources Director's original determination should be upheld.

V. RECOMMENDATION

For the reasons set forth above, the Human Resources Director's decision should be upheld, and the appeal should be denied.

VI. ATTACHMENTS TO THE REPORT

Attached to this report are the following:

- Exhibit A: Appellant's E-mail EEO Complaint, received November 22, 2021
- Exhibit B: Appellant's Intake Interview Notes, dated June 15, 2022
- Exhibit C: The Human Resources Director's Determination Letter to Appellant, dated November 18, 2022
- Exhibit D: Notice of Appellant's CSC Appeal, dated December 20, 2022
- Exhibit E: Appellant's Documentation
 - Attachment 1: Appellant's E-mails and Attachments, sent to DHR EEO on June 16, 2022
 - Attachment 2: Appellant's E-mails and Attachments, sent to DHR EEO on June 16, 2022
 - Attachment 3: Appellant's E-mails, sent to DHR EEO on June 16, 2022
 - Attachment 4: Appellant's E-mails, Chronology, and MOU, sent to DHR EEO on June 16, 2022
 - Attachment 5: Appellant's E-mails and Attachments, sent to DHR EEO on July 11, 2022
- Exhibit F: HSA's Response to the CSC's Inspection Request Filed by Appellant, dated March 11, 2022
- Exhibit G: The CSC's Final Report Regarding Appellant's Inspection Service Review, dated June 3, 2022
- Exhibit H: DHR EEO's Responses to Appellant's Requests for a Status Update
- Exhibit I: Summary of Comparative Evidence

EXHIBIT A

Appellant's E-mail EEO Complaint,
received November 22, 2021

Lavina, Eric (HRD)

From: DHR-EEO
Sent: Monday, November 22, 2021 8:25 AM
To: Lavina, Eric (HRD)
Subject: FW: Discrimination & Retaliation Complaint

Hi Eric,

New HSA complaint.

-Del

From: [REDACTED]
Sent: Friday, November 19, 2021 03:18 PM
To: DHR-EEO <DHR-EEO@sfgov.org>
Subject: Discrimination & Retaliation Complaint

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

Hello EEO Staff,

My name is Jarmee Thieu (she, her), contact [REDACTED] 2913 Program Specialist at HSA - CAAP.

I believe that I was discriminated due my age, and I believe that I was retaliated for reporting the dicriminatory hiring and selection process/practice to Ms. Eng of CSC. Therefore, I was passed for reassignment opportunities (2 positions) even though I held the positions for 8 years in the very same unit.

I would like to file a complaint against the following individuals at HSA: David Tu, HR Manager, Arleene Brice, HR Analyst, Wannie Huynh, Program Support Analyst, and Vlad Rudakov HSA Program Director of Investigations.

Below is the timeline:

- 7/26/21: The 2 reassignment positions in the Overpayments Unit posted on 7/26/21 ended 8/2/21.
- 8/17/21: I raised question to HR why I was not offered an interview despite my seniority after waiting for 2 weeks.
- 8/18/21: My seniority status was confirmed by HR, but HR did not make any corrective action, the selection process continued without me.
- 8/20/21: Hiring Unit began interviewing 3 candidates, I was not among them.

- 8/25/21: Hiring Unit submitted their selected candidates (2) to HR for hiring processing
- 8/26/21: I inquired HR again and also sent email to the hiring unit inquiring the interview and hiring status. No reply.
- 8/27/21 I learned from co-workers, they have selected 2 candidates without interviewing me even though I have seniority and qualifications (8 years of experience)
- 9/3/21: Follow up email sent to the hiring unit, no reply.
- 9/17/21: Ms. Sandra Eng of CSC contacted David Tu, HR Manager, he then contacted me and scheduled a meeting for 9/18/21 and requested the hiring unit to interview me.
- 9/30/21: I was interviewed
- 10/4/21: 1st selected candidate started the position
- 10/6/21: Hiring Unit submitted the 2nd selected candidate

On 10/7/21 I was informed by Arleen Brice that I was not selected for the reassignment positions at HSA - Investigations Division - Overpayment Units because another candidate scored higher than me.

I was not selected because I was discriminated due my age, and the whole selection process was discriminatory and retaliatory against me. I was retaliated because I complained that I was not offered an interview for the 2 open positions in the same unit even I have the seniority and qualifications (I held the very same position for 8 years till 2018) for the position. They selected and offered the position to someone with lower seniority and no experience, and this person had to be dropped because I protested. Only after I reported the issue to CSC, Ms. Sandra Eng, the hiring unit agreed to interview me. This interview was just a formality, as they already selected and hired the candidates before offering the obligatory interview to me on 9/30/21. And on 10/4/21 the selected candidate was already onboarded.

I have documented the hiring and selection process all along since 8/17/21, and reported the issue to CSC, Ms. Eng. She has all the supporting documents. I can also provide supporting documents at the intake interview.

I would like to speak to an investigator and have the issues investigate.

Issues are:

HSA HR and hiring unit intentionally excluded me when they sent out the candidates to the hiring unit. No corrective action taken even after I notified them. They selected and offered the position to a candidate (she accepted the position, HR then asked the candidate to decline the position to cover up the error) who shouldn't be in the pool to begin with. The selection process was arbitrary and capricious, not objective at all.

Discrimination of age

Retaliation due to my reporting of the selection and hiring process to CSC. HSA knowingly excluded me for the candidate pools.

The above is just a summary. I can provide further information at the intake interview.

Thank you for reviewing my claim.

~~Jarmee Thieu

EXHIBIT B

Appellant's Intake Interview Notes,
dated June 15, 2022



CONFIDENTIAL

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
INTAKE INTERVIEW**

Complainant: Jarmee Thieu	EEO File No./Dept.: 4197/HSA
EEO Investigator: Diana Garcia	Date & Time: June 15, 2022 (3:30 p.m. – 6:00 p.m.)
Others Present:	
Zoom Conference Call	Pages: 10

I. BACKGROUND INFORMATION

What is your current job class/title?

2913 Program Specialist

What program do you currently work for?

HSA/CAAP (County Adult Assistance Program)

How long have you been assigned there?

Since November 2018.

Who do you report to?

██████████, 2917 Program Support Analyst.

Where is your work location?

████████████████████

Your work schedule?

████████████████████

Describe your primary job duties, generally.

Training new employees; writing up policy; perform quality control; generate reports; design forms.

How long have you been employed by HSA?

[REDACTED]

I want to review your appointment history because I see that you have held different positions in the department:

[REDACTED]

Have you ever had a break in service?

CP has not had a break in service since [REDACTED]

II. DISCRIMINATION

Note: In parentheses, CSC refers to information contained in their Findings Report.

You charge that due to your age ([REDACTED] you were passed over for two 2913 reassignment opportunities in HSA's Overpayments Unit. (CSC – both positions in *Overpayments Unit/Investigations Program*). You cite that the two reassignment positions were posted on July 26, 2021; deadline date was August 2, 2021. (CSC – response ended July 20, 2021)

CP says that whatever the date was, she applied in a timely manner.

Please describe the application process.

The announcement for the reassignment opportunities was sent to all HSA staff on-line. Candidates were to 'click in', identify the positions they were interested in and click on the appropriate box; CP clicked for both 2913 opportunities.

What were the minimum requirements for these positions? Specifically, besides being a 2913 incumbent, were there any additional knowledge/skills/abilities identified/required?

A wrong requirement (Spanish language special condition) was initially posted. However, it was removed and the announcement was reposted. There were no special conditions required for these reassignment opportunities.

When and how did you find out about these opportunities?

They were posted on-line.

Did you meet all the requirements?

CP said "of course" because she worked in the same position for eight years.

Did you apply?

Yes, she expressed interest in both positions saying the 'position duties' are the same ones she performed.

Who was responsible for receiving and reviewing the applications (name/position)?

Arlene Brice, HR Analyst.

Was this person also the hiring manager? If not, who (name/position)?

No, the hiring manager is Wannie Huynh (*2917 Program Support Analyst*).

On August 17, 2021, who did you contact in HR to ask why you were not offered an interview? (CSC – CP contacted HSA/HR on August 23rd about her exclusion; the first selection process had concluded)

Brice.

How did you contact HR, by phone/email?

By phone; Brice replied via Teams because she wanted to show CP something; CP saved the screenshot; CP maintains it was on the 17th. (I requested she submit a copy of the screenshot.)

What did you tell her/what was her response?

CP said “you guys must have messed up on my seniority date.” Brice responded via Teams and showed CP her appointment history (like Psoft image). It was correct but Brice looked at the most recent appointment not the total appointment history. She told CP she would do it on the 18th and asked CP to remind her to send CP’s name to Vlad (*Vlad Rudakov, 0932 Manager IV, Director of Investigations*).

You state that on August 18th, your seniority was confirmed by HR? Who confirmed it?

Brice confirmed CP’s correct seniority date and CP reminded Brice to send her name to Rudakov to be interviewed.

How do you know this? (copy of message?)

CP has copy of the screenshot and will submit to DG.

You state that on August 20th, the hiring unit began interviewing three candidates; you were not included. (CSC – interviews conducted on August 20th for position [REDACTED] selected)

Correct

Do you know who was interviewed?

[REDACTED]

Identify who interviewed these candidates, i.e. was it a panel, one person?

According to Sunshine documents, [REDACTED] (all are HSA employees).

On August 25th, the hiring unit submitted the names of those selected to HR. Who was the hiring decision-maker?

CP maintains the interviews took place on August 19th, selections were made on the 20th and sent to HR (Brice). Through the Sunshine documents obtained, CP created a spreadsheet/dates of the process.

Whose name was submitted to HR?

██████████

On August 26th, you followed-up with HR and sent an e-mail to Overpayments requesting the status of the selection process. Who did you follow up with in HR? What was your question? (copy?)

Sent an e-mail to Huynh and copied Rudakov and Brice. CP maintains she followed up weekly with Brice about the selection process and Brice would tell her to wait, that they would contact CP. However, Brice knew on the 20th that a selection was made and that CP was not included in the process. On the 20th, the hiring unit requested another name for the second reassignment opportunity.

Who did you send the e-mail to in Overpayments? Response? (copy?)

She sent three e-mails to Huynh; no response received by CP.

On August 27th you find out from co-workers that two candidates have been selected. Who were you told was selected?

She already knew about ██████████ was the other.

I'm going to continue asking questions about the interview process; the questions specific to your contacting Sandra Ng/CSC will be asked later, they are specific to the charge of Retaliation.

CP understands.

On September 30th, you were interviewed. (CSC – CP interviewed for position ██████████ selected.)

Correct.

To your knowledge, did your interview follow the same process as the other candidates? (panel, questions...)

CP is not sure and says the panel just 'jumped into' asking the questions. CP noted that one of the candidates for the second position declined to be interviewed (it was the fourth person by seniority, however in actuality, should have been the fifth because CP was not included). The department submitted ██████████ name to be interviewed; ██████████ was interviewed on August 24th and her name submitted for selection on August 25th. CP says ██████████ was the favorite and the one the hiring program wanted. **Why was she the 'favorite'?** CP recalled that when she was working in the program, ██████████ was brought over from another program to be in the Appeals Unit; Rudakov knew her from CAAP. Everyone knew she was favored by Rudakov.

You charge that the individuals hired have less seniority than you and no experience. Please explain your charge and how you know this.

CP reiterated that she worked in Overpayments in the very same position. She worked there before Huynh (December 1, 2007 – February 2009) and returned in November 2011 until June 2018 (8+ yrs). CP maintains that [REDACTED] have never worked in the Investigation program; she acknowledged that [REDACTED] has more seniority than her but not [REDACTED]

Please be advised that while you allege being passed over for a 2913 reassignment due to your age, that is not supported by the actual appointments made. The Age in Discrimination Act addresses treating an applicant or employee less favorably due to their age, it protects people 40 years or older. The individuals selected for the 2913 reassignments are comparable in age to you, therefore, it negates the inference of discrimination Your response?

CP understood what I explained but it does not mean that she agrees. She explained that when she looked into filing her complaint, there was nothing else to put as a basis.

You state that the first selected candidate started work on October 6th and the name of the second candidate selected was submitted to HR on October 6th. You were informed by Brice on October 7th that you were not selected because another ‘candidate scored higher than you.’ What was your response to Brice?

CP does not recall her response but states she was shocked. She could not believe that despite her experience in the hiring unit, she was not considered for one of the two opportunities.

III. RETALIATION

You further charge that the department retaliated against you for reporting the “discriminatory hiring and selection process” to Sandra Ng, Executive Officer, Civil Service Commission. When and how did you contact Ng about not being interviewed for the reassignment opportunities?

On August 17, 2021, when CP initially asked about the seniority rule. Following that, every week she would follow-up with Ng about what was happening with the 2913 process.

Did you tell Ng that you believed you were not being interviewed for the reassignment positions due to your age? (CSC – CP requested an inspection service to review the 2913 reassignment process conducted by HSA; MOU violated when excluding CP from the process July/August 2021)

No, she told Ng the hiring manager (Huynh) “did not want her.”

CP kept pressing Brice for an update with no success. Finally, on September 12th, she told Brice that she needed an update before taking the ‘next step.’ When Brice asked her what the next step was, CP ignored her and did not respond. Ng responded to CP sometime in September asking who she should contact in HSA about the selection process, however, CP asked her to wait one more week because she did not want to be retaliated against.

CP noted that on September 15th, [REDACTED] one of the interview panelists, e-mailed Huynh a section addressing the seniority rule; it was highlighted. She asked Huynh to review ‘hinting’ it could be used to contest CP’s claim; CP was not named in the message. (CP will submit e-mail)

On September 16th, CP told Ng that she could not wait any longer. She told Ng to contact David Tu, HR Manager, or Brice. It appears that Ng did contact Tu, because that same day, Tu contacted her before 5:00 p.m. and scheduled a meeting for the following day.

You state that on 9/17/21, Ng contacted David Tu, HR Manager, who then contacted you and scheduled a meeting for 9/18/21; he also requested that the hiring unit interview you. Did you meet with Tu on the 18th? If so, what did you discuss?

Based on the Sunshine documents, Ng contacted Tu on September 16th; CP met with him on September 17th. He apologized to CP saying the department made a mistake, an administrative error, regarding her seniority date. CP told him she had been contesting the process since August. Brice was supposed to tell Rudakov to interview her but did not so CP kept pressing her for answers but had not received updates. Tu told CP he was going to contact Rudakov so she could be scheduled for an interview.

CP was supposed to be contacted in a day or two, however, after a week passed, she contacted Tu letting him know she had not heard from the hiring unit; Huynh did not contact her until September 22nd. Huynh asked CP if she was still interested in the reassignment, CP said ‘yes’ and was interviewed on September 30th.

CP notes that HR was notified of [REDACTED] and [REDACTED] selections the day following their respective interviews. However, for CP, it took a week. CP believes the hiring unit manipulated her interview scores because the other scores had already been submitted.

IV. REPORTING OF COMPLAINT

When did you first report your concerns?

On August 17, 2021 when she questioned HR as to why she was not interviewed for the 2913 reassignment opportunities.

To whom?

Brice.

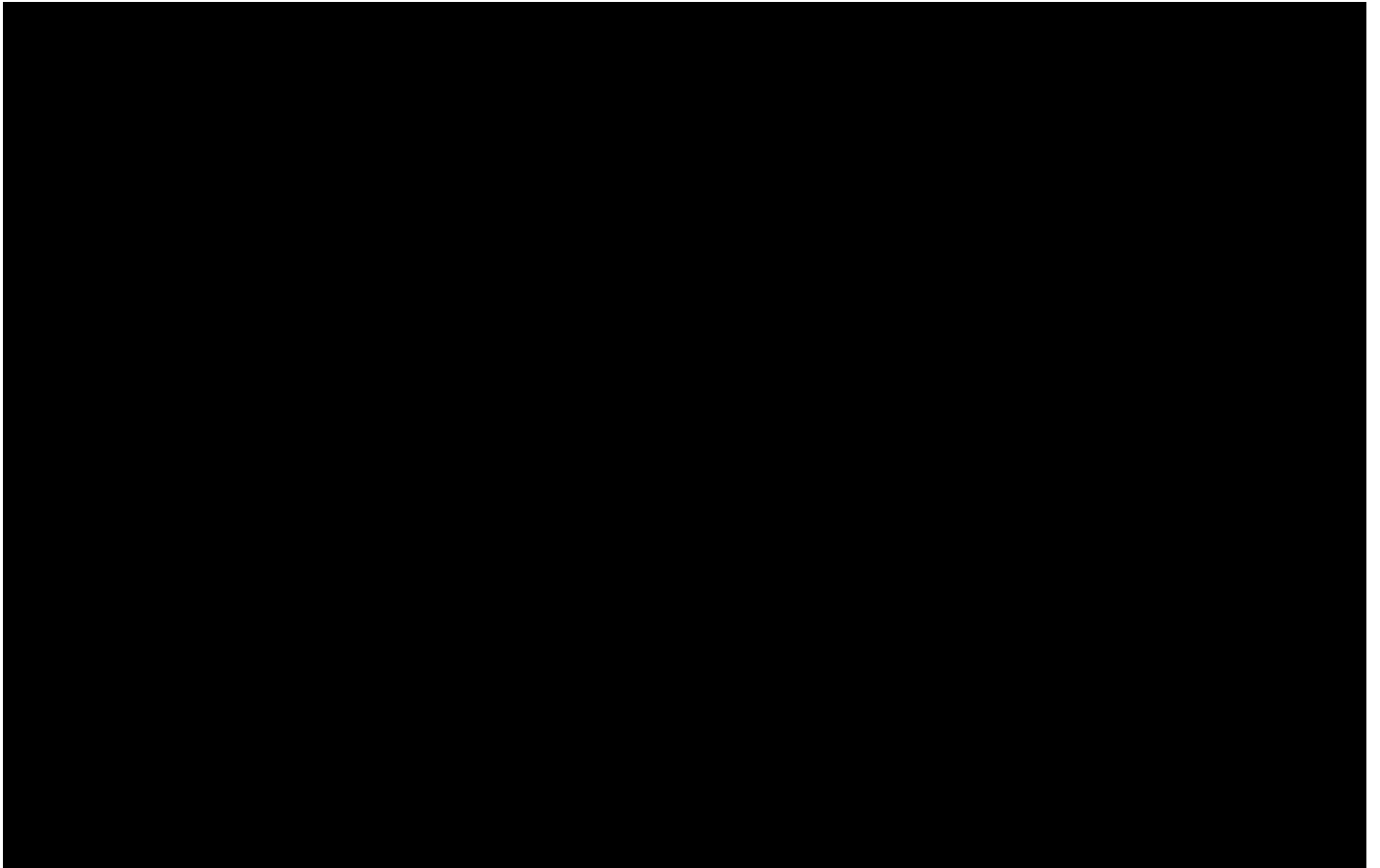
By e-mail dated November 19, 2021, you notified DHR EEO of your discrimination and retaliation complaint. You found out on October 7th that you were not selected for a 2913 reassignment position. What happened between October 7th and November 19th?

CP contacted her union representative on October 8th (Local 1021/SEIU) and scheduled a meeting that same day because she was leaving the country on an already scheduled vacation (start date October 11th; returning on November 1st). She briefed the representative on the situation: how the department excluded her from the reassignment process and how Tu pretended to not be aware of her exclusion. The representative told her the selection process is “up to the

program.” CP maintains it is based on the seniority rule, the program has to interview the three most senior employees and she was excluded from the process.

CP will submit the timeline of the selection process sent to her by Tu. In comparing the information in the Sunshine documents she received, her version of the timeline is in red along with the supporting documents.

V. IMPACT



VI. REMEDIES

How would you like to resolve the complaint you have brought forth? What would you like to see happen?

She would like to be reassigned to the Overpayments Unit/Investigation Program.

EXPLAIN: only entitled to “make whole” remedy through this process (no compensation for pain and suffering, punitive damages).

VII. MISCELLANEOUS

Do you have any other documents pertaining to the above claims you would like to provide?

CP will send documents by e-mail; advised her I will be out of state the weeks of June 20th and 27th.

Have you filed complaints with either the EEOC or DFEH?

CP filed a complaint with DFEH on March 1 2022 and said an RFI has been emitted. She asked who the complaint goes to and it was explained that it goes to DHR EEO where it is logged and then submitted to appropriate staff in the department (HSA) to respond.

Have you filed a lawsuit regarding the issues?

No, is waiting for the state resolution and/or right to sue.

Have you filed a grievance through your union? I'm asking because per CSC staff in their finding, the reassignments or violations of MOU are not governed by CSC or under its jurisdiction. Any further issues or inquiries you have should be addressed to your labor union representative. Response?

She has not filed a grievance.

VIII. CONCLUSION

A. Additional Info:

Is there anything I have not asked you that you think would be relevant to the investigation of your claims?

CP: How would this be investigated if it is a personal issue against her. She knows from 'the street' that Huynh and Rudakov do not want her.

Interviewer: As advised before, this does not appear to be an EEO issue because based on the information provided, there is no inference of discrimination due to Age. There does not appear to be an inference of Retaliation. Your complaint to CSC was based on the seniority issue not Age. However, there will be further review once the intake notes are transcribed and documents reviewed. I suggest you speak with your union regarding what your legal options are. Also, you should respond to the CSC Finding because you dispute dates, state the department was aware of your availability for the first position interviews and you can provide supporting documents.

B. Witnesses:

Is there anyone else that you think I should speak to that may have knowledge of the events/issues we discussed?

No.

What is your preferred contact information for follow-up questions? Please be reminded I will be out of state during the next two weeks.

Email (personal)

Thank you for your patience during this process and for participating in the interview.

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

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

EXHIBIT C

The Human Resources Director's
Letter of Determination to Appellant,
dated November 18, 2022



CONFIDENTIAL

November 18, 2022

Jarmee Thieu

Via E-Mail

RE: Complaint of Discrimination, EEO File No. 4197

Dear Jarmee Thieu:

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

The purpose of this letter is to inform you of my determination regarding your complaint, EEO File No. 4197.

I. BACKGROUND & ALLEGATIONS

On January 5, 2004, you began your employment with the Human Services Agency (HSA). From December 2007 to February 2009, November 2011 to June 2018, and September 2018 to the time of your complaint, you worked as a 2913 Program Specialist. At the time of your complaint, you worked in the HSA County Adult Assistance Program (CAAP). In July 2021, you applied for a lateral reassignment as a 2913 in the Investigations Division, Overpayments Unit. HSA initially did not invite you to participate in an interview. Later, HSA interviewed you, but did not select you.

On November 22, 2021, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO), received your complaint alleging that David Tu (Tu), 0931 Manager III; Arlene Brice (Brice), 1241 Human Resources Analyst; Wannan Huynh (Huynh), 0923 Manager II; and Vladimir Rudakov (Rudakov), 0932 Manager IV, discriminated against you due to your age (over 40) and retaliated against you for complaining to the Civil Service Commission (CSC) that you were not initially invited for an interview. On June 15, 2022, Diana Garcia (Garcia), then-EEO Programs Specialist at DHR EEO, conducted an intake interview with you, and after your interview, you provided documentation in support of your complaint. Specifically, you alleged the following:

A. Discrimination Allegations

On July 26, 2021, HSA posted two lateral reassignment openings for 2913s in the Investigations Division, Overpayments Unit [REDACTED] and you timely applied for both positions. You believe Brice was responsible for reviewing applications and Huynh was the hiring manager. You alleged that Brice, Tu, Huynh, and Rudakov initially denied you an interview for either recruitment because they messed up on your seniority date, and on August 17, 2021, you contacted Sandra Eng (Eng), Executive Director

of the CSC, via e-mail to inquire about the seniority rule for reassignments. You alleged that on August 17, 2021, you also asked HSA HR why you were not interviewed despite your seniority, and the next day, Brice confirmed your correct seniority date.

The week of August 16, 2021, the hiring panel – which included Huynh and Investigations Division employees [REDACTED] – began its interviews with three candidates. Subsequently, a fourth candidate was offered an interview but declined, and on August 24, 2021, the panel interviewed a fifth candidate. On August 23, 2021, HSA HR added you as a candidate, and on September 30, 2021, the hiring panel – [REDACTED] – interviewed you. The fifth candidate referenced above was removed from consideration for the reassignment, and the hiring panel selected two employees from among you and the first three candidates interviewed.

The panel selected a [REDACTED]-year-old candidate to fill [REDACTED], and the panel selected a [REDACTED]-year-old employee to fill [REDACTED].

You alleged you were not selected for the reassignment due to your age, [REDACTED] years old, and you claimed that the individuals who were selected have less seniority than you and lacked prior experience in the Investigations Division. During your intake interview, Garcia informed you that the employees selected for the reassignments were comparable in age to you and this negated an inference of age discrimination. You responded that you did not agree and stated that when you looked into filing your complaint, there was nothing else to allege as a basis other than age. During your interview, you also acknowledged that the candidate selected for [REDACTED] in fact has more seniority than you; however, you maintained that neither of the candidates selected had worked in the Investigations Division previously and therefore, you were a better candidate. You also alleged that the hiring program manipulated your interview scores, but you did not provide any information to support this claim. After your interview, on June 16, 2022, you e-mailed Garcia and stated, “I did not know what kind of discrimination & retaliation claim would my case fall under when I filed the claim on 11/19/21.”

B. Retaliation Allegations

You further alleged that Brice, Tu, Huynh, and Rudakov retaliated against you for reporting their “discriminatory hiring and selection process” to Eng. You first contacted Eng on August 17, 2021, to inquire about the seniority rule. You did not tell Eng that you believed you were not being interviewed for the reassignment openings due to your age; rather, you told her that the hiring manager, Huynh, “did not want” you.

II. ANALYSIS & FINDINGS

A. Discrimination Allegations

To warrant further investigation, a complaint of discrimination in violation of the City’s EEO Policy must sufficiently allege all of the following: (1) you are a member of a protected category; (2) you suffered an adverse employment action; and (3) you suffered an adverse employment action because of your membership in a protected category. An adverse employment action is any materially adverse actions affecting the terms, conditions, or privileges of employment. To be material, the employment change, impairment, or injury must be more disruptive than a mere inconvenience or an alteration of job responsibilities. Instead, it must be both detrimental and substantial.

You alleged that Brice, Tu, Huynh, and Rudakov discriminated against you due to your age by initially denying

you an interview for a lateral reassignment and then by not selecting you after you were interviewed. You are a member of a protected category based on your race; however, you did not suffer an adverse employment action when you were initially not invited for an interview. Furthermore, when you were not selected for the reassignment, HSA had legitimate, non-discriminatory reasons for its actions.

Interview

Regarding your interview, you did not suffer an adverse employment action because you were ultimately interviewed for the reassignment you sought. Documentation provided by HSA and the CSC demonstrated that on August 23, 2021, HSA HR discovered that it had incorrectly calculated your seniority in the 2913 job classification, notified the hiring program of the error, and informed the program that you should be interviewed. On September 30, 2021, the same panelists who had interviewed the other candidates interviewed you and asked you the same questions they had asked the other candidates. Documentation provided by HSA demonstrated that the hiring program also removed another, less senior candidate from the process and required the hiring panel to select two employees from amongst you and three other candidates. In addition, documentation provided by HSA and the CSC demonstrated that HSA's initial failure to offer you an interview was due to legitimate, non-discriminatory reasons. As previously discussed, you were not initially interviewed due to a mere error in calculating your seniority, which you acknowledged. Once your seniority was correctly calculated, the hiring panel did interview you consistent with the requirements set forth in the MOU between your union and the City.

Non-Selection

Documentation provided by HSA and the CSC demonstrated that HSA did not engage in age discrimination when it selected candidates for the two lateral reassignments. The hiring panel selected candidates who were ■ and ■ years old at the time, which negates any inference that the panel harbored discriminatory animus against you due to your age, ■ years old. Moreover, when Garcia informed you during your intake interview that the candidates who were selected were similar in age to you, you did not provide any additional information to support your claim of age discrimination; rather, you told Garcia that you had alleged age discrimination because there was nothing else to list as a basis for your complaint. Documentation provided by HSA also demonstrated that both of the candidates who were selected had higher interview scores than you, which further undermines your claim. Though you alleged that the hiring unit manipulated your scores, a review of documentation provided by HSA did not corroborate it. In addition, one of these candidates also had higher seniority than you and the other candidate, while less senior, was still among the three most senior candidates. Though you believe both of these candidates were less qualified than you because they had not previously worked in the Investigations Division, prior experience in the Division was not required. Accordingly, these allegations do not meet the standard for discrimination under the City's EEO Policy and will not be investigated further.

B. Retaliation Allegations

To warrant further investigation, a complaint of retaliation in violation of the City's EEO Policy must sufficiently allege all of the following: (1) you engaged in a protected activity; (2) you suffered an adverse employment action; and (3) there is a causal link between the protected activity and the adverse employment action.

You alleged that Brice, Tu, Huynh, and Rudakov retaliated against you for complaining to Eng about their selection process. However, you did not engage in a protected activity because your statements to Eng cannot reasonably be construed as a discrimination complaint. You acknowledged to Garcia during your intake interview

that you did not tell Eng that you believed you were denied an interview due to your age or other protected category membership. Furthermore, a review of your e-mail correspondence with Eng demonstrated that you initially e-mailed her on August 17, 2021, to inquire about the calculation of your seniority, and in your subsequent e-mails, you only expressed your “fear of retaliation” but never referenced any discriminatory conduct or any actual retaliation. Finally, as set forth above, the hiring panel had a legitimate, non-retaliatory reason for selecting other candidates, namely that they were among the three most senior candidates and they scored higher on their interviews than you did. Accordingly, these allegations do not meet the standard for retaliation under the City’s EEO Policy and will not be investigated further.

III. DETERMINATION OF THE HUMAN RESOURCES DIRECTOR

Please be advised that based on the information you provided, it is my determination that the conduct you reported in your complaint, EEO File No. 4197, does not meet the standards for discrimination and retaliation; and therefore, your complaint does not warrant further investigation under the City’s EEO Policy.

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

For your information, you may file a complaint of employment discrimination, harassment, or retaliation with the California Civil Rights Department (CRD), or the United States Equal Employment Opportunity Commission (EEOC). Contact those agencies directly for filing requirements and deadlines.

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

Sincerely,



Carol Isen
Human Resources Director

c: Trent Rhorer, Executive Director, HSA
Katrina Williams, Human Resources Director, HSA
Amalia Martinez, EEO Director, DHR

EXHIBIT D

Notice of Appellant's CSC Appeal,
dated December 20, 2022



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

**LONDON N. BREED
MAYOR**

Sent via Email

NOTICE OF RECEIPT OF APPEAL

DATE: December 20, 2022
REGISTER NO.: 0258-22-6
APPELLANT: JARMEE THIEU

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

Dear Carol Isen:

The Civil Service Commission has received the attached letter from Jarmee Thieu appealing the Human Resources Director's determination on their Complaint of Discrimination, EEO File No. 4197. Your review and action are required.

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

In the event that Jarmee Thieu's appeal is timely and appropriate, the department is required to submit a staff report in response to the appeal within sixty (60) days so that the matter may be resolved in a timely manner. Accordingly, **the staff report is due no later than 11 a.m. on February 23, 2023**, so that it may be heard by the Civil Service Commission at its meeting on March 6, 2023. If you will be unable to transmit the staff report by the February 23rd deadline, or if required departmental representatives will not be available to attend the March 6th meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

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

Sincerely,

CIVIL SERVICE COMMISSION

A handwritten signature in black ink that reads "Lavena Holmes". The signature is written in a cursive, flowing style.

LAVENA HOLMES
Deputy Director

Attachment

Cc: Jeanne Buick, Department of Human Resources
Kate Howard, Department of Human Resources
Mawuli Tugbenyoh, Department of Human Resources
Amalia Martinez, Department of Human Resources
Alison Kwan, Department of Human Resources
Katrina Williams, Human Services Agency



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

**LONDON N. BREED
MAYOR**

Sent via Email

December 20, 2022

Jarmee Thieu
[REDACTED]

Subject: Register No. 0258-22-6: Appealing the Human Resources Director's Determination on their Complaint of Discrimination, EEO File No. 4197.

Dear Jarmee Thieu:

This is in response to your appeal submitted to the Civil Service Commission on December 13, 2022, appealing the Human Resources Director's determination on your Discrimination Complaint, EEO File No. 4197. Your appeal has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

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

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

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

Sincerely,

CIVIL SERVICE COMMISSION

LAVENA HOLMES
Deputy Director

Request for Appeal - EEO File No. 4197

Jarmee [REDACTED]

Tue 12/13/2022 5:03 PM

To: Holmes, Lavena (CSC) <lavena.holmes@sfgov.org>; Eng, Sandra (CSC) <sandra.eng@sfgov.org>; CivilService, Civil (CSC) <civilservice@sfgov.org>

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

Hello Civil Service Commissioners,

I would like to file an appeal regarding my discrimination complaint, I disagree with the HR Director's determination dated 11/18/22. In the determination letter, several points raised by me were not addressed. Apart from that, I was never given the opportunity to review my own statement, the investigator was terminated, and my case was reassigned to another one. When I inquired about my case, I was just sent a determination letter 3 days later.

I'd appreciate the opportunity to present my case to a neutral party to have them investigate the discriminatory and retaliatory practice against me.

Please note, I'd like to request after hours hearing and sufficient time to prepare supporting documents for the hearing.

Thank you very much.

~~Jarmee Thieu

EXHIBIT E

Appellant's Documentation

Attachment 1: Appellant's E-mails and Attachments,
sent to DHR EEO on June 16, 2022

Attachment 2: Appellant's E-mails and Attachments,
sent to DHR EEO on June 16, 2022

Attachment 3: Appellant's E-mails,
sent to DHR EEO on June 16, 2022

Attachment 4: Appellant's E-mails, Chronology, and MOU,
sent to DHR EEO on June 16, 2022

Attachment 5: Appellant's E-mails and Attachments,
sent to DHR EEO on July 11, 2022

Exhibit E, Attachment 1:

Appellant's E-mails and Attachments,
sent to DHR EEO on June 16, 2022

Dulay, Deborah (HRD)

From: [REDACTED]
Sent: Thursday, June 16, 2022 5:06 PM
To: Garcia, Diana (HRD)
Subject: Re: Complaint of Discrimination - Supporting Docs
Attachments: [REDACTED]

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

Hello Ms. Garcia,

Thank you very much for spending the time to conduct an investigative interview with me.

Attached please find the supporting docs you requested. The email sent to Ms. Eng on 9/15/21 highlights my fear what HR and the Hiring Unit would do to me. You already received some of the emails via my work email.

Should you need anything else, please let me know. I have most of the supporting docs. And I also know that HR & the Hiring Unit are still withholding some info. Hope you will find out more.

Attachments:

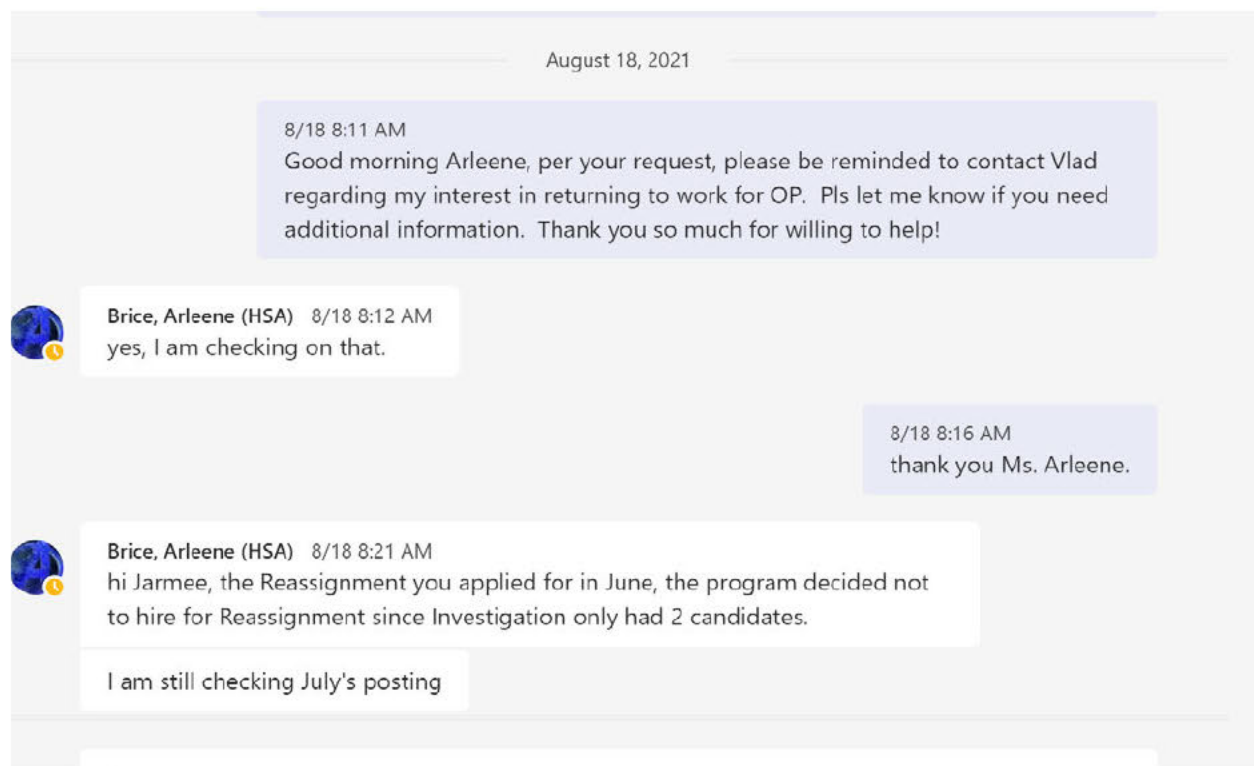
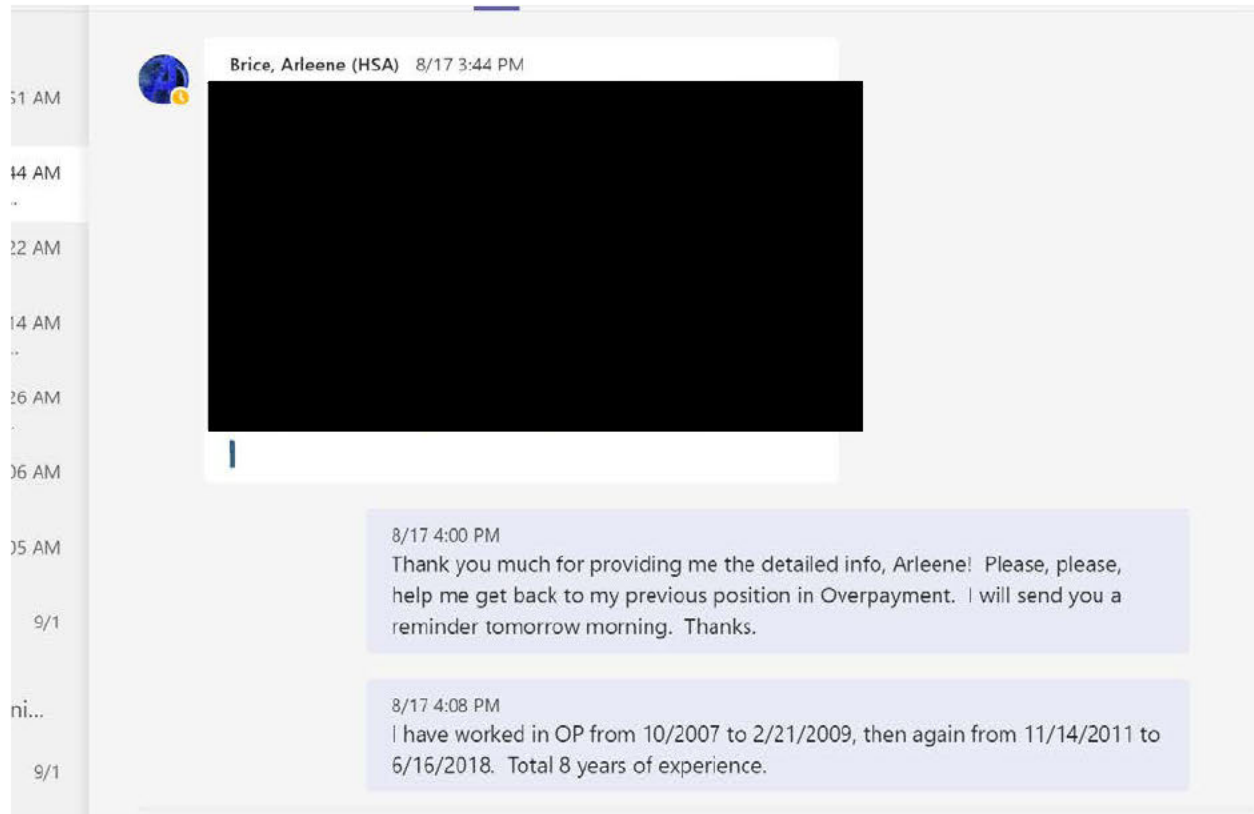
1. MS Teams screen shots starting 8/17 to the end with A. Brice and D. Tu
2. 1st mail to Ms. Eng on 8/17
3. 2913 Chron my version vs D. Tu's, it was sent to me in mid November of 2021 (original email forwarded to you via my work email)
4. 9/15/21 Email to Ms. Eng, I already feared what was going to happen
5. [REDACTED] email to Wannie on 9/15 (already has bias against me)
6. Applied for RA on 7/28/21 screenshot

Again, I did not know what kind of discrimination & retaliation claim would my case fall under when I filed the claim on 11/19/21. All I know is I was misled and discriminated from the start and retaliated against. I know back then that HSA HR and the Investigations Divisions would try to pass me over. Experience and merits don't count? And to this date, HR still refuses to be truthful. I followed up with CSC and was told the same. Will try to reach out to ELR and HR Director again.

I am still under a lot of stress and emotional pain. I hope this matter will resolve soon and the truth will prevail. Thank you so much for getting the process going.

Respectfully,

~~Jarmee Thieu



8/18 8:21 AM
Thank you, thank you.



Brice, Arleene (HSA) 8/18 4:03 PM
we are sending your name to Investigation as the next candidate for the 2913 Reassignment Interview,

8/18 4:05 PM
Thank you very, very much, Ms. Arleene. I'm so grateful for your advocacy. Can't thank you enough.



Brice, Arleene (HSA) 8/18 4:07 PM
You still have to interview so dont thank me yet.



Type a new message

8/18 4:08 PM
True, but at least I get to be interviewed. Hope it's the position in OP.

8/18 4:58 PM
Good night and thank you Ms. Arleene!

August 19, 2021



Brice, Arleene (HSA) 8/19 8:11 AM 👍 1
of course...goodluck

August 20, 2021

8/20 11:39 AM
Ms. Arleene. I have not heard from OP Unit yet. How many people are they interviewing for 2 postions?



Brice, Arleene (HSA) 8/20 11:42 AM
I sent them your name to the position [REDACTED] that is the OP unit. It is up to them

Type a new message



Brice, Arleene (HSA) 8/20 11:42 AM

I sent them your name to the position [REDACTED] that is the OP unit. It is up to them when they will interview.

8/20 11:49 AM

Oh, ok, I am worried, because you said they're interviewing. I'm afraid I'm skipped. Thank you for confirming.

August 23, 2021

8/23 10:30 AM

Ms. Arleene, I double check the positions in OP are [REDACTED] and [REDACTED]. How many people are they interviewing for the 2 positions?

Can you pls help me, thank you.



Brice, Arleene (HSA) 8/23 10:31 AM

they didnt call you

8/23 10:31 AM

It other was the Analyst unit. I've 8 years of experience in OP.



Brice, Arleene (HSA) 8/23 10:32 AM

Jarmee they have your name as the next candidate to interview, however it is up to the program if they choose to interview

8/23 10:32 AM

Which one? The 2 OP positions?



Brice, Arleene (HSA) 8/23 10:34 AM

I am asking my staff to send you the position numbers

8/23 10:35 AM

I have the position #s from the RA list. These 2 are the ones in OP. Thanks.

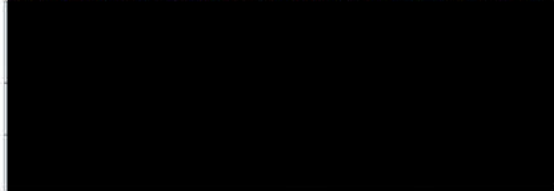
8/23 10:43 AM

Pls see this, it's in the Analyst Unit, not the 2 positions in OP Unit.

Request To Fill (RTF) Form

The primary document to fill a vacancy in HSA

[Section I - Basic Position Details and Reassignment Information](#) (Please complete all fields in this section)





Brice, Arleene (HSA) 8/23 10:43 AM
give him a few hours because we are in a meeting.

8/23 10:44 AM
Can I call you?



Brice, Arleene (HSA) 8/23 10:44 AM
i am in a meeting

on Zoom

8/23 10:45 AM
oh, Sorry.

8/23 1:46 PM
Ms. Arleene, can I call you?



Brice, Arleene (HSA) 8/23 1:46 PM
yes

August 25, 2021

August 25, 2021

8/25 2:14 PM
Ms. Arleene, just want to let you know I appreciate you. I received a call yesterday from [REDACTED] Unit. I'll follow up with Vlad regarding the 2 openings in the OP Unit which you said my name was give to them, as I have not heard anything from them yet.

August 27, 2021

8/27 2:24 PM
Hi Ms. Arleene, can you confirm that my name was sent to Vlad & Wannie as a candidate for the 2 openings in OP, as I have not heard from them yet. Thank you very much.

8/27 3:43 PM
Ms. Arleene, can I call?

August 30, 2021

August 30, 2021

Monday 2:57 PM
Ms. Arleene, can I call you?

August 31, 2021

Tuesday 10:32 AM
Ms. Arleene, can I call you?



Brice, Arleene (HSA) Tuesday 11:17 AM

I am not ignoring you but I am hosting interviews all week and it is difficult to talk while hosting interviews.

Schedule a meeting later this week or early nex week?

and Invite me

Tuesday 3:59 PM

Yes, will do, Ms. Arleene. I just wanted your confirmation that my name was sent to Vlad for the 2 positions in OP, as I have not heard anything from Wannie.

9/2 9:44 AM

I heard OP has already offered the 2 jobs to other candiides. I want to know why I was not interviewed, as you said my name was given to them. I need find out more from you before I file an official complaint.

September 3, 2021

9/3 5:01 PM

Have a great long weekend! Ms. Arleene, we'll talk next wek

Yesterday

Yesterday 11:44 AM

Ms. Arleene, when is a good time to speak with you, I can set up a meeting.

Yesterday 4:41 PM

I have just sent you another invite for meeting, hope you can make it.



Brice, Arleene (HSA) Yesterday 4:54 PM

i got it thanks

Today

10:56 AM

Ms. Arleene, are we going to meet at 11? As I have not received a reply to the invite. Thanks.



Brice, Arleene (HSA) 10:56 AM

is that today?

10:57 AM

Yes



Brice, Arleene (HSA) 10:58 AM

I dont have much information at this time. I stopped the hiring until HR speaks to Vlad and he was out yesterday.

I am not trying to avoid you just been really busy.

10:59 AM

I am not trying to avoid you just been really busy.

10:59 AM

Can you please at least give me an update what is happening?



Brice, Arleene (HSA) 11:00 AM

That is the update, we reviewing all information and we need to talk to Vladimir.

11:32 AM

Great, thank you. I appreciate that.

Type a new message

9/8 11:32 AM

Great, thank you. I appreciate that.

September 10, 2021

9/10 4:58 PM

Have a great weekend, Ms. Arleene. Will check in with you next week.

September 12, 2021



Brice, Arleene (HSA) Sunday 7:37 PM

kk thanks

Yesterday

Yesterday 11:25 AM

Hi Ms. Arleene, hope you had a chance to speak with Vlad. Can you provide me with an update about the OP positions? Thank you.



Brice, Arleene (HSA) Yesterday 11:27 AM

Today

11:25 AM

Hi Ms. Arleene, hope you had a chance to speak with Vlad. Can you provide me with an update about the OP positions? Thank you.



Brice, Arleene (HSA) 11:27 AM

Yes our HR Manager David Tu spoke to him, however I dont have any updates yet.

11:30 AM

When will you have an update? I need to know before I take the next step. Thank you



Brice, Arleene (HSA) 11:30 AM

the next step?



Brice, Arleene (HSA) 2:11 PM

ok, so today, I told Vladimir he has to interview you. However, just remember he doesnt have to select you. He just has to pick from the top 3 most senior.



Brice, Arleene (HSA) 2:11 PM

ok, so today, I told Vladimir he has to interview you. However, just remember he doesnt have to select you. He just has to pick from the top 3 most senior.

2:20 PM

Thank you. I'm more senior than the other 2. The 2 he selected, 1 is more senior than me, and the other one he selected doesn't even make the top 3.

2:25 PM

Besides, the other 2 candidates don't have experience while I held the job for 8 years. Selection criteria should be based on KSA, and should not be arbitrary. Thanks again. I'll wait till the end of the day.

Besides, the other 2 candidates don't have experience while I held the job for 8 years. Selection criteria should be based on KSA, and should not be arbitrary. Thanks again. I'll wait till the end of the day.

Yesterday



Brice, Arleene (HSA) Yesterday 4:33 PM
Hi Jarmee

I tried to call you yesterday

Yesterday 4:33 PM
Yes, Ms. Arleene



Brice, Arleene (HSA) Yesterday 4:34 PM
do you have a few minutes to talk

Yesterday 4:34 PM
Yes

Yesterday 4:53 PM
I thought you said you're going to call me back?

Type a new message

Between David Tu and me starting on 9/16/21



Tu, David (HSA) 9/16 4:55 PM
Hi Jarmee

9/16 5:01 PM
Hello David.



Tu, David (HSA) 9/16 5:01 PM
I wanted to see if you had some time tomorrow to meet and talk about the 2913 reassignment process

9/16 5:04 PM
Yes, I'm free in the morning 8-9 or in the afternoon. We'll talk tomorrow.



Tu, David (HSA) 9/16 5:05 PM
Thanks. I just sent you an invite for tomorrow at 8:30am. Talk to you then.

September 21, 2021

9/21 11:29 AM
David, just want to update you, I've not received a call nor email with regards to scheduling for an interview. No email from Arleene Brice regarding panelist either. Thanks.

September 22, 2021



Tu, David (HSA) 9/22 8:42 PM
Hi Jarmee, thank you for checking in. I've asked Arleene to follow up with program about when they are able to assemble the panel and bring you in for an interview.



Tu, David (HSA) 9/22 8:47 PM
Some panelists are not available for a couple of weeks, but program will reach out as soon as they are able to confirm panel availability.

September 23, 2021

9/23 8:09 AM 1
Good morning David, interview scheduled. Enjoy your time off.

October 5, 2021

Tuesday 4:44 PM
Hi David, do you have any update for me?



Tu, David (HSA) Tuesday 5:02 PM
Hi Jarmee, I believe program is still making their decision

You should hear from them or HR

Tuesday 5:03 PM

Thank you for the info. I was instructed to follow up with HR. Will check in with you.



Tu, David (HSA) Tuesday 5:04 PM
Sounds good. Either Arleene or I will be in touch.

Yesterday

Yesterday 4:31 PM

Hi David, just want to follow up with you. Have you received anything from OP yet?



Tu, David (HSA) Yesterday 4:33 PM

Yesterday 4:31 PM

Hi David, just want to follow up with you. Have you received anything from OP yet?



Tu, David (HSA) Yesterday 4:33 PM

Hi Jarmee, I believe Arleene reached out but was not able to contact you. I'll have her reach out again.

Yesterday 4:41 PM

Thank you. I appreciate that. Pls let me know the process for filing a grievance and appealing the process. I want to gather all the info before I contact CSC.



Tu, David (HSA) Yesterday 4:49 PM

Hi Jarmee, you may want to reach out to a union representative to inquire about the grievance process. 🙄 1

Yesterday 4:50 PM

I will reach out to DHR and CSC. I need the hiring process information. Please send whatever you have to me. Thank you.



Tu, David (HSA) Yesterday 5:04 PM

We typically do not share the interview results with reassignment respondents, but if there is something specific you need, please let me know and we can review to see if it is something we can share.

Type a new message

DT

Tu, David (HSA) Yesterday 5:04 PM

We typically do not share the interview results with reassignment respondents, but if there is something specific you need, please let me know and we can review to see if it is something we can share.

Yesterday 5:06 PM

David, I remember you said the process should be fair. Obviously, it was not a fair one. [REDACTED] started the position this week. I thought for the 2 positions, they interviewed 3 candidates... Only because I complaint, they squeezed me in as a formality. I will request this information through the Sunshine Ordinance.

DT

Tu, David (HSA) Yesterday 5:08 PM

Do you have some time to connect tomorrow?

Yesterday 5:10 PM

Sure in the afternoon. And I'll be off till 11/1/21. I will stop by EEO and file and also reach out to Sandra Eng.

DT

Tu, David (HSA) Yesterday 5:12 PM

Sounds good. I'll send you an invite. I want to try and answer any questions you may have so that you will have the necessary information regarding next steps.



We've deleted older messages due to your org's retention policy. [Learn more](#)

11/2 4:55 PM

Hi David, haven't received requested info and answers from you. Please let me know what's going on?

DT

Tu, David (HSA) 11/2 5:02 PM

Hi Jarmee, sorry for the delay. I have a draft of the chronology but I have not had a chance to review. We have been busy with the return to office planning. Please give me a few more days to review and I will let you know what we are able to provide. Thank you for your patience.

November 3, 2021

11/3 5:06 PM

Hi David, I'm very disappointed to learn that the chron is not ready, but I will wait. Please remember to answer the questions I raised in my emails sent to you as well. Thank you.

November 12, 2021

11/12 2:28 PM

Hi David, chron ready yet?



November 3, 2021

11/3 5:06 PM

Hi David, I'm very disappointed to learn that the chron is not ready, but I will wait. Please remember to answer the questions I raised in my emails sent to you as well. Thank you.

November 12, 2021

11/12 2:28 PM

Hi David, chron ready yet?



DT

Tu, David (HSA) 11/12 4:57 PM

Hi Jarmee, sorry, I was off earlier this week and just got back today. I had a few things I needed to clarify on the chron and I have the answers now. I should be able to get the chron to you by Monday.



1

Type a new message

Hi David, I'm very disappointed to learn that the chron is not ready, but I will wait. Please remember to answer the questions I raised in my emails sent to you as well. Thank you.

November 12, 2021

11/12 2:28 PM
Hi David, chron ready yet?

DT

Tu, David (HSA) 11/12 4:57 PM



Hi Jarmee, sorry, I was off earlier this week and just got back today. I had a few things I needed to clarify on the chron and I have the answers now. I should be able to get the chron to you by Monday.

November 15, 2021

Monday 4:04 PM
Hi David, I'm still waiting for the chron you promised back in October. Pls send it ASAP, so I can take action. Thank you.



Yesterday

DT

Tu, David (HSA) Yesterday 1:26 PM

Hi Jarmee, sorry for the delay. I just sent over the chronology.

Type a new message

Re: Seniority Rules

From: Eng, Sandra (CSC) (sandra.eng@sfgov.org)

To: [REDACTED]

Date: Friday, August 27, 2021, 07:22 AM PDT

Good Morning Jarmee,

The Civil Service Rules only define seniority but do not define seniority as it applies to reassignment. Rule 121.2 Determination of Seniority describes how citywide seniority is determined for employees. Reassignment may be described in your MOU or in your department's policy. Often reassignment is determined by department seniority and yes your department seniority may change if you left the department then returned at a later date. Who did you speak with in HR at HSA?

Sincerely,

Sandra

Sandra Eng
Executive Director
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102
Direct (628) 652-1110
Main (628) 652-1100

From: Jarmee [REDACTED]
Sent: Thursday, August 26, 2021 5:03 PM
To: Eng, Sandra (CSC) <sandra.eng@sfgov.org>
Subject: Fw: Seniority Rules

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

Hi Ms. Eng,

Want to follow up on my inquiry about seniority rules, hope you can provide me with some info or point me to the source. Thank you so much.

~~Jarmee Thieu

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

From: Jarmee [REDACTED]
To: Eng Sandra (CSC) <sandra.eng@sfgov.org>
Sent: Tuesday, August 17, 2021, 07:15:52 PM PDT
Subject: Seniority

Hello Ms. Eng,

Trust you're well and safe.

Hope you remember me. I want to inquire about reassignment seniority in the CS Rules I have encountered challenges when I applied for reassignment at HSA (low seniority). I was informed, that I lost my seniority when I was displaced in 9/2018. My seniority date was 9/18 versus originally PCS on 10/15/2007. HSA HR was not able to provide me the details. I was not successful, only found the below. Can you point me to the source?

Your assistance is much appreciated. Thank you very much.

214.22.8 Seniority

Appointees returning to their original departments following a limited-term transfer are reinstated with full seniority. No deduction from seniority in the original department shall be made for any period of limited-term transfer.

Best,

~~Jarmee Thieu
[REDACTED]

Chronology provided by HR Manager David Tu, which has no supporting documents. That's the reason I requested emails communications between those parties involved. There are quite a few discrepancies in the chronology. My chronology is in red. I have Teams screenshots to support.

2913 Reassignment Chronology in Investigations - Overpayments

Date	Action
7/26/2021	Reassignment opportunities posted for two 2913 positions in the Overpayments unit in the Investigations program [REDACTED]
7/27/21	I emailed the supervisor in the OP unit to express my interest in the reassignment opportunities. (No reply)
7/28/21	I applied for the two reassignment opportunities in the OP unit [REDACTED]
7/30/2021	Deadline to respond with interest.
8/2/2021	Three other 2913 reassignments were posted in the Investigations program.
8/17/21	I reached out to Arleene Brice, HR Analyst, via phone and switched to MS Teams. I inquired why Program didn't call me for interview. I specifically informed her my seniority date and pointed out to her when she showed me the screenshot regarding the dates. She stated she would look into that and asked me to remind/follow up w/ her the next morning.
8/17/21	I emailed the supervisor in the OP unit and the Investigations Director to reiterate my interest in coming back to work in the OP unit, which I had worked for 8 years, till 2018. (No reply)
8/18/21	I reminded her to in the morning. And in the afternoon, she informed me that my name was being sent to Investigation as the next candidate for the 2913 reassignment interview.
8/20/21	I followed up via Teams again informing her that I had not heard from the OP unit for interview. She replied by telling me my name was sent to the OP unit.
8/20/2021	Program interviewed the top three most senior respondents. Due to an inadvertent seniority calculation error, Jarmee Thieu was determined to have less seniority and therefore was not initially offered an interview. The same employees responded to both reassignment opportunities in Overpayments; therefore the interview results were used to select for both positions [REDACTED]
8/20/2021	Program selected the top scoring candidate for position [REDACTED] and HR proceeded with the hiring process. Program requested additional respondents for position [REDACTED] since they only had two respondents to select from at this point.
	Ms. Thieu contacted HR about her reassignment application and it was discovered that HR incorrectly calculated Ms. Thieu's seniority. HR notified Program of the error and that Ms. Thieu should be interviewed because she should have been among the top three most senior.
8/23/2021	Program confirmed that Ms. Thieu would be called for an interview, but it was later discovered that Program mistakenly referred to the other three 2913 reassignments posted on 8/2/2021, which were not in the Overpayments unit. Program submitted their selection to HR for position [REDACTED]. Ms. Thieu contacted HR about her interview status.
8/23/21	I contacted Ms. Arleene again to follow up on the status of the positions, as I haven't received any phone call for interview. I showed her the position numbers.

8/26/21	I was interviewed for a reassignment position which I applied in July. This position has nothing to do with all the positions mentioned above.
8/26/21	I emailed the supervisor in the OP unit, Investigation Director and Arleene Brice to inquire about the interview/position status. (No reply) I also heard from colleague in the unit that the positions were offered to 2 candidates, 1 was not qualified to begin with. I was never considered for the position [REDACTED] [REDACTED] [REDACTED] was selected on 8/20/21, started date 10/4/21. Rating sheet was sent on 8/20/21, with candidates interviewed – [REDACTED] [REDACTED] - I should have been interviewed for this position as well.
8/26/2021	Upon further reviewing the reassignment selection materials, HR discovered that Ms. Thieu was not interviewed for position [REDACTED] in Overpayments, but instead for the other 2913 positions posted on 8/2/2021.
8/27/2021	Questions were raised about the seniority of the reassignment respondents and HR halted the reassignment process for position [REDACTED] in order to research further.
8/27, 8/30 & 8/31	Tried to reach out to Arleen Brice via Teams, was ignored.
9/2/21	I inquired via MS Teams why I was not interviewed, and the two positions were offered to the candidates [REDACTED] (8/20/21) and [REDACTED] (8/25/21, which was later rescinded).
9/3/21	I emailed once again to the hiring supervisor and Investigations Director to follow up on the interview process and inquired the positions' status. I sent Arleene a Meeting invite as requested. She didn't accept it, and informed me the Investigations Director was out. No further information could be provided to me. And HR stopped the hiring process.
9/7/21 & 9/15/21	I kept asking for an update regarding the 2 positions. I was informed on 9/15/21 that HR told the Director, I had to be interviewed.
9/15/2021	HR confirmed Ms. Thieu held higher seniority than originally calculated and should have been interviewed. HR instructed Program to interview Ms. Thieu with the same panelists and interview questions used to interview the other respondents.
9/16/21	I received an invite to meet with HR Manager David Tu on 9/17/21 at 9am. This only happened after I reached out to Ms. Sandra Eng, Executive Director of the Civil Service Commission Office.
9/17/21 at 9	Met with David Tu, HR Manager, he informed me about the process, but offered no answer when I asked why HR didn't stop the process when I alerted Arleene Brice on 8/17/21 about my seniority date error.
9/21/21	Finally, received a phone call from the supervisor to schedule me for an interview.
9/30/2021	Due to scheduling conflicts, Ms. Thieu was finally interviewed on 9/30/2021.
10/6/2021	Program submitted their selection for position [REDACTED] to HR and selected the top scoring candidate of the three most senior interviewed. Ms. Thieu was not selected.

10/8/21	Met with David Tu, HR Manager and SEIU [REDACTED] David did not provide an answer as of what happened to position [REDACTED] Subsequently follow-up emails to Mr. Tu were not replied.
---------	--

See MOU below:

- 286. Reassignment: the department will reassign one of the three most senior qualified applicants from within the class and department who have applied within the one week posting period, taking into consideration applicable ADA requirements.
- 287. If fewer than three qualified employees express interest in the reassignment, the position shall be filled by either choosing the least senior qualified employee in the class and department or some other means authorized by CSC rules.
- 288. The reassignment shall be based on objective criteria and shall not be arbitrary or capricious.
- 289. Selection criteria: in filling a vacancy, the department may consider the candidate's knowledge, skills and abilities when determining whether or not the candidate is acceptable for the position. If no candidate is accepted for the position, the department may use other means authorized by CSC rules to fill the position.
- 290. The name of the candidate selected shall be posted for a one week period.
- 291. Grievances arising from this section may be initiated at the second step of the grievance procedure. Unresolved grievances shall be submitted to Expedited Arbitration.

FW: 2913 Positions

From Thieu, Jarmee (HSA) (jarmee.thieu@sfgov.org)

Date Friday, October 8, 2021, 09 20 AM PDT

Thank you,

Jarmee Thieu
Program specialist
County Adult Assistance Programs

O: (415) 558-1043

C (415) 728 2998

F: (415) 558-4104

Office Address:

1235 Mission Street, San Francisco, CA 94103

www.SFHSA.org



SAN FRANCISCO HUMAN SERVICES AGENCY
**Department of Benefits
and Family Support**



From: Thieu, Jarmee (HSA)
Sent: Wednesday, September 15, 2021 5:48 PM
To: Eng, Sandra (CSC) <sandra.eng@sfgov.org>
Subject: RE: 2913 Positions

Hello Ms Eng,

Thank you so, so much for your support I am so grateful!

Just want to update you and to document this in case I need it for later I fear they will somehow still try to skip me, and still want their candidate Selection criteria should be based on

I followed up today and was informed no updates, after pressing, I was told HR informed Program Director Vlad R that they have to interview me (see Teams screen shots)

Here is what I have learned so far

They already interviewed 3 candidates, selected 2 candidates for the 2 positions HR stopped the hiring process after I protested Based on seniority, I would be #2 among the 3 candidates was not adhered to and it's not fair to me Hiring Unit already set their mind to select a candidate with lower seniority, who wouldn't make the top 3 most senior & qualified applicants

Just want to illustrate so that you have a better understanding

Candidate A – higher seniority date than me, **position offered**

Candidate Jarmee – 10/2007, **no interview, only after protest, HR informed the Unit to interview me, I fear this will only be formality**

Candidate C – lower seniority date than me, **was interviewed, and also interviewed & accepted a position in another unit on a later date**

Candidate D – lower seniority, date 2017, **would have not made the top 3, but was interviewed and offered the position**

I really want to get back to my previous position even though it's under different leadership. What is your advice to me? I've been patiently waiting for 4 weeks already. Or, it's time for

As always, thank you so much for your support and advocacy

Today

11:25 AM

Hi Ms. Arleene, hope you had a chance to speak with Vlad. with an update about the OP positions? Thank you.



Brice, Arleene (HSA) 11:27 AM

Yes our HR Manager David Tu spoke to him, however I dont have any update yet.

11:30 AM

When will you have an update? I need to know before I take
Thank you



Brice, Arleene (HSA) 11:30 AM

the next step?



Brice, Arleene (HSA) 2:11 PM

ok, so today, I told Vladimir he has to interview you. However, just remember he doesnt have to select you. He just has to pick from the top 3 most senior



Brice, Arleene (HSA) 2:11 PM

ok, so today, I told Vladimir he has to interview you. However, just remember he doesnt have to select you. He just has to pick from the top 3 most senior.

2:20 PM

Thank you. I'm more senior than the other 2. The 2 he selected are more senior than me, and the other one he selected doesn't even

2:25 PM

Besides, the other 2 candidates don't have experience while I have 15 years. Selection criteria should be based on KSA, and should be based on experience. Thanks again. I'll wait till the end of the day.

Thank you,

Jarmee Thieu

Program Specialist

County Adult Assistance Programs

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C: (415) 728-2998

F: (415) 558-4104

Office Address:

1235 Mission Street, San Francisco, CA 94103

www.SFHSA.org



SAN FRANCISCO HUMAN SERVICES AGENCY
**Department of Benefits
and Family Support**



From: Eng, Sandra (CSC) <sandra.eng@sfgov.org>
Sent: Thursday, September 9, 2021 7:51 AM
To: Thieu, Jarmee (HSA) <jarmee.thieu@sfgov.org>
Subject: Re: 2913 Positions

Good Morning Jarmee,

Thank you for sharing this information. Please let me know when I can contact HSA.

Sincerely,

Sandra

Sandra Eng
Executive Director
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102
Direct (628) 652-1110
Main (628) 652-1100

From: Thieu, Jarmee (HSA) <jarmee.thieu@sfgov.org>
Sent: Wednesday, September 8, 2021 5:44 PM
To: Eng, Sandra (CSC) <sandra.eng@sfgov.org>
Subject: FW: 2913 Positions

Hello Ms Eng,

Thank you so much for willing to listen to my trouble

Per your request, I'm forwarding the emails (see below) sent to the hiring unit supervisor Wannie Huynh and cc program director Vlad Rudakov and Arlene Brice of HR for the 2 open positions for reassign

Today, Ms Brice of HR replied via Teams with the status update, she indicated that she stopped the hiring process and needed to speak to program director Vlad Rudakov. Hopefully, I will hear back next week over the phone that my seniority date is 10/2007 and had forwarded my name to the hiring unit as a candidate for the 2 positions in the unit. (See attached screenshots)

I hope I don't jeopardize myself for keep pressing on getting the opportunity to return to my former unit where I worked 8 years under a different supervisor before SFMTA. And I also fear of retaliation, please

For now, I will just wait till next week and follow up again

I sincerely thank you for doing whatever you can for me

Thank you,

Jarmee Thieu

From: Thieu, Jarmee (HSA)
Sent: Friday, September 3, 2021 8:24 AM
To: Huynh, Wannie (HSA) <wannie.huynh@sfgov.org>
Cc: Rudakov, Vladimir (HSA) <vladimir.rudakov@sfgov.org>
Subject: FW: 2913 Positions

Good morning Wannie,

I writing to follow up on the email sent last week. Can you kindly update me on:

- The interview process
- The status of the 2 positions in OP

A response is greatly appreciated

Thank you,

Jarmee Thieu

Program Specialist
County Adult Assistance Programs

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**Department of Benefits
and Family Support**



From: Thieu, Jarmee (HSA)
Sent: Thursday, August 26, 2021 10 06 AM
To: Huynh, Wannie (HSA) <wannie.huynh@sfgov.org>
Cc: Rudakov, Vladimir (HSA) <vladimir.rudakov@sfgov.org>; Brice, Arleene (HSA) <arleene.brice@sfgov.org>
Subject: 2913 Positions

Hi Wannie,

I was informed by HR Ms Brice that my name was sent to Vlad and you as a candidate for the 2913 positions in OP

Can you please kindly informed me the time frame when you anticipate to interview candidates for the 2 positions

A reply is greatly appreciated Thank you very much

Thank you,

Jarmee Thieu
Program Specialist
County Adult Assistance Programs

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Email obtained through the Sunshine Ordinance.

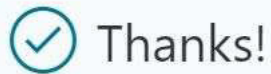
I was interviewed on 9/30/21. Prior to the interview, panelist already has bias view against me.

[REDACTED] (HSA)

From: [REDACTED] (HSA)
Sent: Wednesday, September 15, 2021 4:33 PM
To: Huynh, Wannie (HSA)
Subject: civil service rules, see the last sentence

Sec. 121.3 Tie Scores in Seniority 121.3.1 In the event of ties, seniority of civil service appointees shall be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive lists have absolute priority over entrance lists. 121.3.2 In the event of a tie in rank among appointees from lists of eligibles adopted on or after December 6, 1991, the methods listed below shall be used to determine seniority in the following order of priority until the tie is broken. First, the appointee with the longest continuous service in the class under permanent civil service appointment regardless of department shall be ranked above appointees with lesser service in the class; then, the appointee with the longest continuous citywide service under permanent civil service appointment regardless of class shall be ranked above appointees with lesser citywide service; finally, if the tie has not been broken by the preceding methods, it shall be broken by lot in the manner prescribed by the Human Resources Director and conducted under the supervision of the Human Resources Director or a designee. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission. In no case shall service before resignation and reappointment or discharge and reemployment be included in determining length of service for the purposes of this section.

Week of 07/26/2021
Reassignment Response Form
Due Date: 08/02/2021



Thanks!

Thank you for your interest in the Human Services Agency Reassignment opportunities. This email confirms that your request was receive. You maybe contacted by an HR staff so please make sure your preferred email and preferred contact number is accurate. Keep this email for your records.

[Submit another response](#)

[Create my own form](#)

Powered by Microsoft Forms | [Privacy and cookies](#) | [Terms of use](#)

Exhibit E, Attachment 2:

Appellant's E-mails and Attachments,
sent to DHR EEO on June 16, 2022

Dulay, Deborah (HRD)

From: Thieu, Jarmee (HSA)
Sent: Thursday, June 16, 2022 10:01 AM
To: Garcia, Diana (HRD)
Subject: FW: 2913 Positions - Email to S. Eng 1
Attachments: Convo screens with Arleene B..docx

Ms. Garcia,
I'm forwarding some of the emails via my work email. Please see below my email to Ms. Eng. There'll be more emails follow. Thanks.

Thank you,

Jarmee

From: Thieu, Jarmee (HSA)
Sent: Wednesday, September 8, 2021 5:45 PM
To: Eng, Sandra (CSC) <sandra.eng@sfgov.org>
Subject: FW: 2913 Positions

Hello Ms. Eng,

Thank you so much for willing to listen to my trouble.

Per your request, I'm forwarding the emails (see below) sent to the hiring unit supervisor Wannie Huynh and cc program director Vlad Rudakov and Arleene Brice of HR for the 2 open positions for reassignment. No reply was received.

Today, Ms. Brice of HR replied via Teams with the status update, she indicated that she stopped the hiring process and needed to speak to program director Vlad Rudakov. Hopefully, I will hear back next week. I mainly communicated with her via Teams and she informed me over the phone that my seniority date is 10/2007 and had forwarded my name to the hiring unit as a candidate for the 2 positions in the unit . (See attached screenshots)

I hope I don't jeopardize myself for keep pressing on getting the opportunity to return to my former unit where I worked 8 years under a different supervisor before SFMTA. And I also fear of retaliation, please don't do anything yet.

For now, I will just wait till next week and follow up again.

I sincerely thank you for doing whatever you can for me.

Thank you,

Jarmee Thieu

From: Thieu, Jarmee (HSA)
Sent: Friday, September 3, 2021 8:24 AM

To: Huynh, Wannie (HSA) <wannie.huynh@sfgov.org>
Cc: Rudakov, Vladimir (HSA) <vladimir.rudakov@sfgov.org>
Subject: FW: 2913 Positions

Good morning Wannie,

I writing to follow up on the email sent last week. Can you kindly update me on:

- The interview process
- The status of the 2 positions in OP

A response is greatly appreciated.

Thank you,

Jarmee Thieu
Program Specialist
County Adult Assistance Programs

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1235 Mission Street, San Francisco, CA 94103

www.SFHSA.org



SAN FRANCISCO HUMAN SERVICES AGENCY
**Department of Benefits
and Family Support**



From: Thieu, Jarmee (HSA)
Sent: Thursday, August 26, 2021 10:06 AM
To: Huynh, Wannie (HSA) <wannie.huynh@sfgov.org>
Cc: Rudakov, Vladimir (HSA) <vladimir.rudakov@sfgov.org>; Brice, Arleene (HSA) <arleene.brice@sfgov.org>
Subject: 2913 Positions

Hi Wannie,

I was informed by HR Ms. Brice that my name was sent to Vlad and you as a candidate for the 2913 positions in OP.

Can you please kindly informed me the time frame when you anticipate to interview candidates for the 2 positions.

A reply is greatly appreciated. Thank you very much.

Thank you,

Jarmee Thieu
Program Specialist
County Adult Assistance Programs

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**Department of Benefits
and Family Support**



51 AM



Brice, Arleene (HSA) 8/17 3:44 PM



44 AM

..

22 AM

14 AM

..

26 AM

..

36 AM

35 AM

9/1

ni...

9/1

8/17 4:00 PM

Thank you much for providing me the detailed info, Arleene! Please, please, help me get back to my previous position in Overpayment. I will send you a reminder tomorrow morning. Thanks.

8/17 4:08 PM

I have worked in OP from 10/2007 to 2/21/2009, then again from 11/14/2011 to 6/16/2018. Total 8 years of experience.

August 18, 2021

8/18 8:11 AM

Good morning Arleene, per your request, please be reminded to contact Vlad regarding my interest in returning to work for OP. Pls let me know if you need additional information. Thank you so much for willing to help!



Brice, Arleene (HSA) 8/18 8:12 AM
yes, I am checking on that.

8/18 8:16 AM

thank you Ms. Arleene.



Brice, Arleene (HSA) 8/18 8:21 AM
hi Jarmee, the Reassignment you applied for in June, the program decided not to hire for Reassignment since Investigation only had 2 candidates.

I am still checking July's posting

8/18 8:21 AM
Thank you, thank you.



Brice, Arleene (HSA) 8/18 4:03 PM
we are sending your name to Investigation as the next candidate for the 2913 Reassignment Interview,

8/18 4:05 PM
Thank you very, very much, Ms. Arleene. I'm so grateful for your advocacy. Can't thank you enough.



Brice, Arleene (HSA) 8/18 4:07 PM
You still have to interview so dont thank me yet.



Type a new message

8/18 4:08 PM
True, but at least I get to be interviewed. Hope it's the position in OP.

8/18 4:58 PM
Good night and thank you Ms. Arleene!

August 19, 2021



Brice, Arleene (HSA) 8/19 8:11 AM 👍 1
of course...goodluck

August 20, 2021

8/20 11:39 AM
Ms. Arleene. I have not heard from OP Unit yet. How many people are they interviewing for 2 postions?



Brice, Arleene (HSA) 8/20 11:42 AM
I sent them your name to the position [REDACTED] that is the OP unit. It is up to them

Type a new message



Brice, Arleene (HSA) 8/20 11:42 AM

I sent them your name to the position [REDACTED] that is the OP unit. It is up to them when they will interview.

8/20 11:49 AM

Oh, ok, I am worried, because you said they're interviewing. I'm afraid I'm skipped. Thank you for confirming.

August 23, 2021

8/23 10:30 AM

Ms. Arleene, I double check the positions in OP are [REDACTED] and [REDACTED]. How many people are they interviewing for the 2 positions?

Can you pls help me, thank you.



Brice, Arleene (HSA) 8/23 10:31 AM

they didnt call you

8/23 10:31 AM

It other was the Analyst unit. I've 8 years of experience in OP.



Brice, Arleene (HSA) 8/23 10:32 AM

Jarmee they have your name as the next candidate to interview, however it is up to the program if they choose to interview

8/23 10:32 AM

Which one? The 2 OP positions?



Brice, Arleene (HSA) 8/23 10:34 AM

I am asking my staff to send you the position numbers

8/23 10:35 AM

I have the position #s from the RA list. These 2 are the ones in OP. Thanks.

8/23 10:43 AM

Pls see this, it's in the Analyst Unit, not the 2 positions in OP Unit.

Request To Fill (RTF) Form

The primary document to fill a vacancy in HSA

[Section I - Basic Position Details and Reassignment Information](#) (Please complete all fields in this section)





Brice, Arleene (HSA) 8/23 10:43 AM
give him a few hours because we are in a meeting.

8/23 10:44 AM
Can I call you?



Brice, Arleene (HSA) 8/23 10:44 AM
i am in a meeting

on Zoom

8/23 10:45 AM
oh, Sorry.

8/23 1:46 PM
Ms. Arleene, can I call you?



Brice, Arleene (HSA) 8/23 1:46 PM
yes

August 25, 2021

August 25, 2021

8/25 2:14 PM

Ms. Arleene, just want to let you know I appreciate you. I received a call yesterday from [REDACTED] Unit. I'll follow up with Vlad regarding the 2 openings in the OP Unit which you said my name was give to them, as I have not heard anything from them yet.

August 27, 2021

8/27 2:24 PM

Hi Ms. Arleene, can you confirm that my name was sent to Vlad & Wannie as a candidate for the 2 openings in OP, as I have not heard from them yet. Thank you very much.

8/27 3:43 PM
Ms. Arleene, can I call?

August 30, 2021

August 30, 2021

Monday 2:57 PM
Ms. Arleene, can I call you?

August 31, 2021

Tuesday 10:32 AM
Ms. Arleene, can I call you?



Brice, Arleene (HSA) Tuesday 11:17 AM

I am not ignoring you but I am hosting interviews all week and it is difficult to talk while hosting interviews.

Schedule a meeting later this week or early nex week?

and Invite me

Tuesday 3:59 PM

Yes, will do, Ms. Arleene. I just wanted your confirmation that my name was sent to Vlad for the 2 positions in OP, as I have not heard anything from Wannie.

9/2 9:44 AM

I heard OP has already offered the 2 jobs to other candiides. I want to know why I was not interviewed, as you said my name was given to them. I need find out more from you before I file an official complaint.

September 3, 2021

9/3 5:01 PM

Have a great long weekend! Ms. Arleene, we'll talk next wek

Yesterday

Yesterday 11:44 AM

Ms. Arleene, when is a good time to speak with you, I can set up a meeting.

Yesterday 4:41 PM

I have just sent you another invite for meeting, hope you can make it.



Brice, Arleene (HSA) Yesterday 4:54 PM

i got it thanks

Today

10:56 AM

Ms. Arleene, are we going to meet at 11? As I have not received a reply to the invite. Thanks.



Brice, Arleene (HSA) 10:56 AM

is that today?

10:57 AM

Yes



Brice, Arleene (HSA) 10:58 AM

I dont have much information at this time. I stopped the hiring until HR speaks to Vlad and he was out yesterday.

I am not trying to avoid you just been really busy.

10:59 AM

I am not trying to avoid you just been really busy.

10:59 AM

Can you please at least give me an update what is happening?



Brice, Arleene (HSA) 11:00 AM

That is the update, we reviewing all information and we need to talk to Vladimir.

11:32 AM

Great, thank you. I appreciate that.



Type a new message

Exhibit E, Attachment 3:

Appellant's E-mails,
sent to DHR EEO on June 16, 2022

Dulay, Deborah (HRD)

From: Thieu, Jarmee (HSA)
Sent: Thursday, June 16, 2022 10:08 AM
To: Garcia, Diana (HRD)
Subject: FW: 2913 Positions - Important one, I asked Ms. Eng to contact HSA HR

Email was sent on 9/16 at 4, I received a Team msg from D. Tu to set up a meeting at close to 5pm, the meeting was scheduled on 9/17/21.

Thank you,

Jarmee

From: Thieu, Jarmee (HSA)
Sent: Thursday, September 16, 2021 4:00 PM
To: Eng, Sandra (CSC) <sandra.eng@sfgov.org>
Subject: RE: 2913 Positions

Hello Ms. Eng,

I cannot hold it longer.

Please contact HSA HR when you get a chance. If you need additional info, please let me know. You have my full consent to speak to David Tu, HR Manager, or any other person in HR.

Appreciate your support and thank you so much.

Thank you,

Jarmee Thieu
Program Specialist
County Adult Assistance Programs

O: (415) 558-1043
C: (415) 728-2998
F: (415) 558-4104

Office Address:
1235 Mission Street, San Francisco, CA 94103

www.SFHSA.org



SAN FRANCISCO HUMAN SERVICES AGENCY
**Department of Benefits
and Family Support**



From: Eng, Sandra (CSC) <sandra.eng@sfgov.org>
Sent: Thursday, September 9, 2021 7:51 AM
To: Thieu, Jarmee (HSA) <jarmee.thieu@sfgov.org>
Subject: Re: 2913 Positions

Good Morning Jarmee,

Thank you for sharing this information. Please let me know when I can contact HSA.

Sincerely,

Sandra

Sandra Eng
Executive Director
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102
Direct [\(628\) 652-1110](tel:6286521110)
Main [\(628\) 652-1100](tel:6286521100)

From: Thieu, Jarmee (HSA) <jarmee.thieu@sfgov.org>
Sent: Wednesday, September 8, 2021 5:44 PM
To: Eng, Sandra (CSC) <sandra.eng@sfgov.org>
Subject: FW: 2913 Positions

Hello Ms. Eng,

Thank you so much for willing to listen to my trouble.

Per your request, I'm forwarding the emails (see below) sent to the hiring unit supervisor Wannie Huynh and cc program director Vlad Rudakov and Arleene Brice of HR for the 2 open positions for reassignment. No reply was received.

Today, Ms. Brice of HR replied via Teams with the status update, she indicated that she stopped the hiring process and needed to speak to program director Vlad Rudakov. Hopefully, I will hear back next week. I mainly communicated with her via Teams and she informed me over the phone that my seniority date is 10/2007 and had forwarded my name to the hiring unit as a candidate for the 2 positions in the unit . (See attached screenshots)

I hope I don't jeopardize myself for keep pressing on getting the opportunity to return to my former unit where I worked 8 years under a different supervisor before SFMTA. And I also fear of retaliation, please don't do anything yet.

For now, I will just wait till next week and follow up again.

I sincerely thank you for doing whatever you can for me.

Thank you,

Jarmee Thieu

From: Thieu, Jarmee (HSA)
Sent: Friday, September 3, 2021 8:24 AM
To: Huynh, Wannie (HSA) <wannie.huynh@sfgov.org>
Cc: Rudakov, Vladimir (HSA) <vladimir.rudakov@sfgov.org>
Subject: FW: 2913 Positions

Good morning Wannie,

I writing to follow up on the email sent last week. Can you kindly update me on:
- The interview process
- The status of the 2 positions in OP

A response is greatly appreciated.

Thank you,

Jarmee Thieu
Program Specialist
County Adult Assistance Programs

O: (415) 558-1043

C: (415) 728-2998

F: (415) 558-4104

Office Address:

1235 Mission Street, San Francisco, CA 94103

www.SFHSA.org



SAN FRANCISCO HUMAN SERVICES AGENCY

**Department of Benefits
and Family Support**



From: Thieu, Jarmee (HSA)
Sent: Thursday, August 26, 2021 10:06 AM
To: Huynh, Wannie (HSA) <wannie.huynh@sfgov.org>
Cc: Rudakov, Vladimir (HSA) <vladimir.rudakov@sfgov.org>; Brice, Arleene (HSA) <arleene.brice@sfgov.org>
Subject: 2913 Positions

Hi Wannie,

I was informed by HR Ms. Brice that my name was sent to Vlad and you as a candidate for the 2913 positions in OP.

Can you please kindly informed me the time frame when you anticipate to interview candidates for the 2 positions.

A reply is greatly appreciated. Thank you very much.

Thank you,

Jarmee Thieu
Program Specialist
County Adult Assistance Programs

O: (415) 558-1043
C: (415) 728-2998
F: (415) 558-4104

Office Address:
1235 Mission Street, San Francisco, CA 94103

www.SFHSA.org



SAN FRANCISCO HUMAN SERVICES AGENCY

**Department of Benefits
and Family Support**



Exhibit E, Attachment 4:

Appellant's E-mails, Chronology, and MOU,
sent to DHR EEO on June 16, 2022

Dulay, Deborah (HRD)

From: Thieu, Jarmee (HSA)
Sent: Thursday, June 16, 2022 10:07 AM
To: Garcia, Diana (HRD)
Subject: FW: Chronology
Attachments: [REDACTED]

Chron from D. Tu, I also attached my version.

Thank you,

Jarmee

From: Tu, David (HSA) <david.tu@sfgov.org>
Sent: Wednesday, November 17, 2021 1:26 PM
To: Thieu, Jarmee (HSA) <jarmee.thieu@sfgov.org>
Cc: [REDACTED] <seiu1021.org>; [REDACTED] <[\[REDACTED\]@sfgov.org](mailto:[REDACTED]@sfgov.org)>
Subject: RE: Chronology

Hi Jarmee,

Sorry for the delay in getting this to you and thank you for your patience. Please see the attached chronology of the reassignment process for the reassignment opportunities in Overpayments. Some of the dates may be an approximation because I understand you and Arlene communicated partially via Microsoft Teams and I believe the record retention in Teams chat is limited to 30 days.

David Tu

(he, him, his)

Human Resources Manager

Human Resources

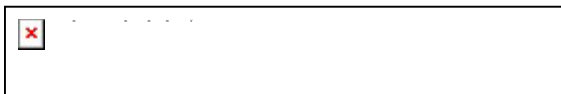
O: (415) 557-6417

C: (415) 816-9896

Office Address:

1650 Mission Street, 4th Floor, San Francisco, CA 94103

www.SFHSA.org



From: Thieu, Jarmee (HSA) <jarmee.thieu@sfgov.org>
Sent: Monday, November 1, 2021 8:55 AM
To: Tu, David (HSA) <david.tu@sfgov.org>

Cc: [REDACTED]@seiu1021.org>

Subject: Chronology

Good morning David,

I'm following up on my request, in your email dated 10/13, you informed I should receive the chron before the end of 10/15. I haven't received anything yet. Please advise, thanks.

Thank you,

Jarmee Thieu
Program Specialist
County Adult Assistance Programs

O: (415) 558-1043

C: (415) 728-2998

F: (415) 558-4104

Office Address:

1235 Mission Street, San Francisco, CA 94103

www.SFHSA.org



2913 Reassignment Chronology in Investigations - Overpayments

Date	Action
7/26/2021	Reassignment opportunities posted for two 2913 positions in the Overpayments unit in the Investigations program (position [REDACTED] & [REDACTED])
7/30/2021	Deadline to respond with interest.
8/2/2021	Three other 2913 reassignments were posted in the Investigations program.
8/20/2021	Program interviewed the top three most senior respondents. Due to an inadvertent seniority calculation error, Jarmee Thieu was determined to have less seniority and therefore was not initially offered an interview. The same employees responded to both reassignment opportunities in Overpayments; therefore the interview results were used to select for both positions [REDACTED] & [REDACTED]
	Program selected the top scoring candidate for position [REDACTED] and HR proceeded with the hiring process. Program requested additional respondents for position [REDACTED] since they only had two respondents to select from at this point.
8/23/2021	Ms. Thieu contacted HR about her reassignment application and it was discovered that HR incorrectly calculated Ms. Thieu's seniority. HR notified Program of the error and that Ms. Thieu should be interviewed because she should have been among the top three most senior.
	Program confirmed that Ms. Thieu would be called for an interview, but it was later discovered that Program mistakingly referred to the other three 2913 reassignments posted on 8/2/2021, which were not in the Overpayments unit.
8/25/2021	Program submitted their selection to HR for position [REDACTED]. Ms. Thieu contacted HR about her interview status.
8/26/2021	Upon further reviewing the reassignment selection materials, HR discovered that Ms. Thieu was not interviewed for position [REDACTED] in Overpayments, but instead for the other 2913 positions posted on 8/2/2021.
8/27/2021	Questions were raised about the seniority of the reassignment respondents and HR halted the reassignment process for position [REDACTED] in order to research further.
9/15/2021	HR confirmed Ms. Thieu held higher seniority than originally calculated and should have been interviewed. HR instructed Program to interview Ms. Thieu with the same panelists and interview questions used to interview the other respondents.
9/30/2021	Due to scheduling conflicts, Ms. Thieu was finally interviewed on 9/30/2021.
10/6/2021	Program submitted their selection for position [REDACTED] to HR and selected the top scoring candidate of the three most senior interviewed. Ms. Thieu was not selected.

Chronology provided by HR Manager David Tu, which has no supporting documents. That's the reason I requested emails communications between those parties involved. There are quite a few discrepancies in the chronology. My chronology is in red. I have Teams screenshots to support.

2913 Reassignment Chronology in Investigations - Overpayments

Date	Action
7/26/2021	Reassignment opportunities posted for two 2913 positions in the Overpayments unit in the Investigations program (position [REDACTED])
7/27/21	I emailed the supervisor in the OP unit to express my interest in the reassignment opportunities. (No reply)
7/28/21	I applied for the two reassignment opportunities in the OP unit ([REDACTED])
7/30/2021	Deadline to respond with interest.
8/2/2021	Three other 2913 reassignments were posted in the Investigations program.
8/17/21	I reached out to Arleene Brice, HR Analyst, via phone and switched to MS Teams. I inquired why Program didn't call me for interview. I specifically informed her my seniority date and pointed out to her when she showed me the screenshot regarding the dates. She stated she would look into that and asked me to remind/follow up w/ her the next morning.
8/17/21	I emailed the supervisor in the OP unit and the Investigations Director to reiterate my interest in coming back to work in the OP unit, which I had worked for 8 years, till 2018. (No reply)
8/18/21	I reminded her to in the morning. And in the afternoon, she informed me that my name was being sent to Investigation as the next candidate for the 2913 reassignment interview.
8/20/21	I followed up via Teams again informing her that I had not heard from the OP unit for interview. She replied by telling me my name was sent to the OP unit.
8/20/2021	Program interviewed the top three most senior respondents. Due to an inadvertent seniority calculation error, Jarmee Thieu was determined to have less seniority and therefore was not initially offered an interview. The same employees responded to both reassignment opportunities in Overpayments; therefore the interview results were used to select for both positions [REDACTED]
8/20/2021	Program selected the top scoring candidate for position [REDACTED] and HR proceeded with the hiring process. Program requested additional respondents for position [REDACTED] since they only had two respondents to select from at this point.
	Ms. Thieu contacted HR about her reassignment application and it was discovered that HR incorrectly calculated Ms. Thieu's seniority. HR notified Program of the error and that Ms. Thieu should be interviewed because she should have been among the top three most senior.
8/23/2021	Program confirmed that Ms. Thieu would be called for an interview, but it was later discovered that Program mistakenly referred to the other three 2913 reassignments posted on 8/2/2021, which were not in the Overpayments unit.
	Program submitted their selection to HR for position [REDACTED]. Ms. Thieu contacted HR about her interview status.
8/23/21	I contacted Ms. Arleene again to follow up on the status of the positions, as I haven't received any phone call for interview. I showed her the position numbers.

8/26/21	I was interviewed for a reassignment position which I applied in July. This position has nothing to do with all the positions mentioned above.
8/26/21	I emailed the supervisor in the OP unit, Investigation Director and Arleene Brice to inquire about the interview/position status. (No reply) I also heard from colleague in the unit that the positions were offered to 2 candidates, 1 was not qualified to begin with. I was never considered for the position [REDACTED] Candidate [REDACTED] was selected on 8/20/21, started date 10/4/21. Rating sheet was sent on 8/20/21, with candidates interviewed – [REDACTED] [REDACTED] - I should have been interviewed for this position as well.
8/26/2021	Upon further reviewing the reassignment selection materials, HR discovered that Ms. Thieu was not interviewed for position [REDACTED] in Overpayments, but instead for the other 2913 positions posted on 8/2/2021.
8/27/2021	Questions were raised about the seniority of the reassignment respondents and HR halted the reassignment process for position [REDACTED] in order to research further.
8/27, 8/30 & 8/31	Tried to reach out to Arleen Brice via Teams, was ignored.
9/2/21	I inquired via MS Teams why I was not interviewed, and the two positions were offered to the candidates [REDACTED] and [REDACTED] (which was later rescinded).
9/3/21	I emailed once again to the hiring supervisor and Investigations Director to follow up on the interview process and inquired the positions' status. I sent Arleene a Meeting invite as requested. She didn't accept it, and informed me the Investigations Director was out. No further information could be provided to me. And HR stopped the hiring process.
9/7/21 & 9/15/21	I kept asking for an update regarding the 2 positions. I was informed on 9/15/21 that HR told the Director, I had to be interviewed.
9/15/2021	HR confirmed Ms. Thieu held higher seniority than originally calculated and should have been interviewed. HR instructed Program to interview Ms. Thieu with the same panelists and interview questions used to interview the other respondents.
9/16/21	I received an invite to meet with HR Manager David Tu on 9/17/21 at 9am. This only happened after I reached out to Ms. Sandra Eng, Executive Director of the Civil Service Commission Office.
9/17/21 at 9	Met with David Tu, HR Manager, he informed me about the process, but offered no answer when I asked why HR didn't stop the process when I alerted Arleene Brice on 8/17/21 about my seniority date error.
9/21/21	Finally, received a phone call from the supervisor to schedule me for an interview.
9/30/2021	Due to scheduling conflicts, Ms. Thieu was finally interviewed on 9/30/2021.
10/6/2021	Program submitted their selection for position [REDACTED] to HR and selected the top scoring candidate of the three most senior interviewed. Ms. Thieu was not selected.

10/8/21	Met with David Tu, HR Manager and SEIU [REDACTED] David did not provide an answer as of what happened to position [REDACTED] Subsequently follow-up emails to Mr. Tu were not replied.
---------	--

See MOU below:

- 286. Reassignment: the department will reassign one of the three most senior qualified applicants from within the class and department who have applied within the one week posting period, taking into consideration applicable ADA requirements.
- 287. If fewer than three qualified employees express interest in the reassignment, the position shall be filled by either choosing the least senior qualified employee in the class and department or some other means authorized by CSC rules.
- 288. The reassignment shall be based on objective criteria and shall not be arbitrary or capricious.
- 289. Selection criteria: in filling a vacancy, the department may consider the candidate's knowledge, skills and abilities when determining whether or not the candidate is acceptable for the position. If no candidate is accepted for the position, the department may use other means authorized by CSC rules to fill the position.
- 290. The name of the candidate selected shall be posted for a one week period.
- 291. Grievances arising from this section may be initiated at the second step of the grievance procedure. Unresolved grievances shall be submitted to Expedited Arbitration.

Exhibit E, Attachment 5:

Appellant's E-mails and Attachments,
sent to DHR EEO on July 11, 2022

Dulay, Deborah (HRD)

From: [REDACTED]
Sent: Monday, July 11, 2022 5:30 PM
To: Garcia, Diana (HRD)
Subject: HSA HR
Attachments: Failure to take action by HSA HR.docx

Hello Ms. Garcia,

Proof that HSA HR failed to take action. It's discriminatory and retaliatory. I am attaching supporting evidence. Please see attached.

Again, if you need additional info to facilitate your investigation, please let me know. Thanks.

~~Jarmee Thieu

On Tuesday, July 5, 2022, 08:47:22 AM PDT, Garcia, Diana (HRD) <diana.l.garcia@sfgov.org> wrote:

Good morning!

Thank goodness everything worked out! I will add your Selection Timeline to the documents in your file. Your patience during this process is appreciated! Have a good day!



Connecting People with Purpose

Diana Garcia
EEO Programs Specialist
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 701-4519
Website: www.sfdhr.org

From: [REDACTED]
Sent: Tuesday, July 5, 2022 7:55 AM
To: Garcia, Diana (HRD) <diana.l.garcia@sfgov.org>
Subject: Selection

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

Good morning Ms. Garica,

Trust that you'd enjoyed your time off.

Attached please find Selection Timeline file.

Please let me know if you need additional info.

~~Jarmee

Offer of position to [REDACTED] on 8/26/21 via email. HSA HR kept continuing the process despite learning that Jarmee Thieu's seniority date on 8/17/21. Arleene Brice did not take any action until much much later. She should have stopped the process, but instead she let Investigations interviewed candidates on 8/19/21, and on 8/24/21. She failed not once, but twice to take action.

From: [REDACTED]
Sent: Thursday, August 26, 2021 10:09 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]
Attachments: [REDACTED]

Good morning [REDACTED]

This is inform that you have been selected to move forward with the Reassignment processing for class 2913 Program Specialist, with Investigation Program Unit S400.

Please complete the attached form for fingerprinting processing and forward it back to us.

Once we received your completed CNF form, we will move forward your status shortly.

If you have any further concerns and questions, please let us know.

Please stay safe and healthy.

Have a wonderful day!!!

Again, HSA HR failed to take action. [REDACTED] was notified on 9/15/21 of the offer rescission.

From: [REDACTED]

Sent: Thursday, September 16, 2021 11:28 AM

To: Brice, Arleene (HSA) <arleene.brice@sfgov.org>; Tu, David (HSA) <david.tu@sfgov.org>; [REDACTED]

Importance: High

Good morning,

I am e-mailing in regards to my dissatisfaction and disagreement in how my reassignment from Appeals to Overpayments is being handled. This is in regards to the 2913 Reassignment Position # [REDACTED]

I would like to discuss the recent conversation I had which invalidates my participation from the hiring process of this position.

Yesterday, on 09/15/2021 at 2:16PM I received a Teams Chat Message from Arleene Brice requesting to speak with me. Once available, I video called her on Teams and she informed me that another party is disputing the reassignment process. I was informed that this individual did not get an interview, but should have based on her seniority going back to 2010. Due to this client not being interviewed, I was informed that I would no longer be eligible for reassignment because this individual should have been interviewed before me.

Email was sent to Ms. Eng by me on 9/16/21 at 4PM, Ms. Eng reached out to David Tu and Arleene Brice.

From: Eng, Sandra (CSC)
Sent: Thursday, September 16, 2021 4:37 PM
To: Tu, David (HSA)
Cc: Brice, Arleene (HSA)
Subject: Reassignment Process for 2913

Hi David,

I received a complaint from Jarnee Thieu regarding the reassignment process for 2913s (SEIU 1021) at HSA. She listed both you and Arleene from human resources who assisted her. Are you available to meet on Teams tomorrow? I am available at 11 a.m., 12 p.m., and 3 p.m.

Thanks,

Sandra

Sandra Eng
Executive Director

EXHIBIT F

HSA's Response to the CSC's Inspection Request
Filed by Appellant,
dated March 11, 2022



SAN FRANCISCO
HUMAN SERVICES AGENCY

Department of Benefits
and Family Support

March 11, 2022

Department of Disability
and Aging Services

To: Luz Morganti, Senior Human Resources Analyst
Civil Service Commission

Office of Early Care
and Education

RE: Inspection Service Review for Reassignment [REDACTED]

P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

Allegations

Jarmee Thieu alleged HSA has violated the MOU when handling the reassignment for position [REDACTED]. Jarmee Thieu alleged she was excluded in the process and was never considered as a qualified candidate.

Response

Background

Jarmee Thieu is a 2913 Program Specialist at the Human Services Agency (HSA/Agency). The 2913 classification is represented by Service Employees International Union Local 1021 (SEIU). The Collective Bargaining Agreement between and for Service Employees International Union Local 1021 and the City and County of San Francisco, July 1 2019 – June 30, 2022 (MOU) states, in relevant part, “[w]hen a department seeks to fill a permanent vacancy...such vacancies shall be posted” (**Attachment A**). This process is called a reassignment.

The MOU goes on to state that “the department will reassign one of the three most senior qualified applicants from within the class and department who have applied within the one week posting period. The reassignment shall be based on objective criteria and shall not be arbitrary or capricious. [I]n filling a vacancy, the department may consider the candidate’s knowledge, skills and abilities when determining whether or not the candidate is acceptable for the position”.



London Breed
Mayor

Trent Rhorer
Executive Director



P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

Reassignment process for positions [REDACTED]

On July 26, 2021, HSA posted two 2913 vacancies for reassignment [REDACTED] Both vacancies were part of the Overpayments unit in the Investigations program. The response deadline was July 30, 2021 and the same 11 employees responded with interest to each position. [REDACTED]

On August 23, 2021, Jarmee Thieu contacted HSA Human Resources (HR) about her reassignment application and it was discovered that HR incorrectly calculated her seniority. HR notified the hiring program of the error and informed the hiring program that Jarmee Thieu should be offered an interview. The hiring program confirmed Jarmee Thieu would be called for an interview.

On August 25, 2021, [REDACTED] Jarmee Thieu contacted HR about her interview status and upon further review, HR discovered that the hiring program mistakenly referred to a different 2913 vacancy that was also in the reassignment process. This position was one of three 2913 vacancies posted for reassignment on August 2, 2021. The three vacancies were also in the Investigations program, but not part the Overpayments unit. HR learned that Jarmee Thieu was not interviewed for position [REDACTED] but for one of the other 2913 vacancies posted for reassignment on August 2, 2021. HR halted [REDACTED] reassignment process to conduct a thorough review.

On September 15, 2021, HR confirmed Jarmee Thieu held higher seniority than originally calculated in the reassignment process for position [REDACTED] and should have been interviewed. HR instructed the hiring program to interview Jarmee Thieu with the same panelists and interview questions used to interview the other reassignment respondents. Jarmee Thieu was interviewed for position [REDACTED]



SAN FRANCISCO
HUMAN SERVICES AGENCY

P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

on September 30, 2021. [REDACTED] scored the highest amongst the three candidates interviewed and was selected for position [REDACTED]

HSA adhered to the MOU in reassigning one of the three most senior qualified applicants for positions [REDACTED]. The selection process was not arbitrary or capricious, and selections were made based on the highest interview scores.

Should you have any questions, please feel free to reach out to me directly.

Yours Truly,

[REDACTED]

David Tu
Human Resources Manager
Human Services Agency
(415) 816-9896

Enclosed:

- **Attachment A:** Collective Bargaining Agreement between and for Service Employees International Union Local 1021 and the City and County of San Francisco, July 1 2019 – June 30, 2022, “Reassignment”
- **Attachment B:** Reassignment selection template [REDACTED]
- **Attachment C:** Reassignment selection template [REDACTED]
- **Attachment D:** Interview rating summary reassignment positions [REDACTED]
- **Attachment E:** [REDACTED]

Work Schedule Changes

277. The City can change work schedules with two (2) weeks advance notice unless operational exigencies require otherwise. However, a schedule of an individual employee shall not be temporarily changed to avoid paying an individual employee overtime.
278. It is agreed that pursuant to the exercise of management rights, normal work schedules may be changed without mutual agreement, subject to compliance with other provisions of this Agreement. However, it is agreed that the effects of consequences of such changes are subject to the meet and confer obligation to the extent required by state law.
279. The parties mutually reaffirm the language of this section that alternative work weeks beyond those described in this Agreement may be instituted only after mutual agreement of both of the parties.

Lunch and Break Periods

280. At the request of the Union or the City, City departments will meet and confer regarding the scheduling of break and lunch periods for unit members. Existing departmental practices with respect to break and lunch periods shall continue unless modified after the conclusion of the meet and confer process.

Rotating Days Off

281. Upon request by the Union for rotating days off in a department, management will meet and confer with the Union over the definition and scheduling of rotating days off. In the event an agreement is reached, elections shall then be conducted within the department to determine the manner in which days off are to be scheduled (fixed or rotating).

Shift Bidding

282. Shift bidding for all represented classes shall continue by current practice. Upon the written request of the Union, a Department shall negotiate with the Union to establish or to revise a shift bidding procedure. The determination of the shift bidding procedure shall be by mutual agreement. All shift bid postings shall include the following information: the nature of the assignment, days off, work location, and duration of the bid. The shift bidding procedure shall incorporate the principles of seniority. This provision shall not be applied in an arbitrary or capricious manner.

Regular Start Time in the Department of Public Health

283. All employees in the Department of Public Health shall have one regular start time for every day of employment in the same week (Saturday to Friday), including but not limited to “variable shift” employees. If an employee has voluntarily requested an alternate work schedule that does not meet this requirement, and the City has granted that request, the voluntary alternate work schedule shall not be subject to the requirements of this section.

C. REASSIGNMENT

284. When a department seeks to fill a permanent vacancy or temporary vacancy lasting one (1) year or more, the department shall utilize the following procedure:

285. Such vacancies shall be posted, including electronically where practicable. Posting of vacancies shall include shifts, hours, position, assignments, days off and work location and shall be posted for at least one week in the department's personnel office(s), on official bulletin boards and at other mutually agreed upon locations.
286. Reassignment: the department will reassign one of the three most senior qualified applicants from within the class and department who have applied within the one week posting period, taking into consideration applicable ADA requirements.
287. If fewer than three qualified employees express interest in the reassignment, the position shall be filled by either choosing the least senior qualified employee in the class and department or some other means authorized by CSC rules.
288. The reassignment shall be based on objective criteria and shall not be arbitrary or capricious.
289. Selection criteria: in filling a vacancy, the department may consider the candidate's knowledge, skills and abilities when determining whether or not the candidate is acceptable for the position. If no candidate is accepted for the position, the department may use other means authorized by CSC rules to fill the position.
290. The name of the candidate selected shall be posted for a one week period.
291. Grievances arising from this section may be initiated at the second step of the grievance procedure. Unresolved grievances shall be submitted to Expedited Arbitration.
292. Absent mutual agreement, an employee may not be voluntarily reassigned pursuant to this provision more than twice in a two (2) year period.

D. ADDITIONAL COMPENSATION & PREMIUM PAY

Night Duty

293. Employees shall be paid eight percent (8%) more than the base rate for each hour worked between 5:00 pm and 7:00 am if the employee works at least one (1) hour of the employee's shift between 5:00 pm and 7:00 am, except for those employees participating in an authorized flex-time program and who voluntarily work between the hours of 5:00 pm and 7:00 am.
294. Employees shall be paid ten percent (10%) more than the base rate for each hour worked between the hours of midnight (12:00 a.m.) and 7:00 a.m. provided that the employees' regular shift includes at least five (5) hours between the hours of midnight (12:00 a.m.) and 7:00 a.m.

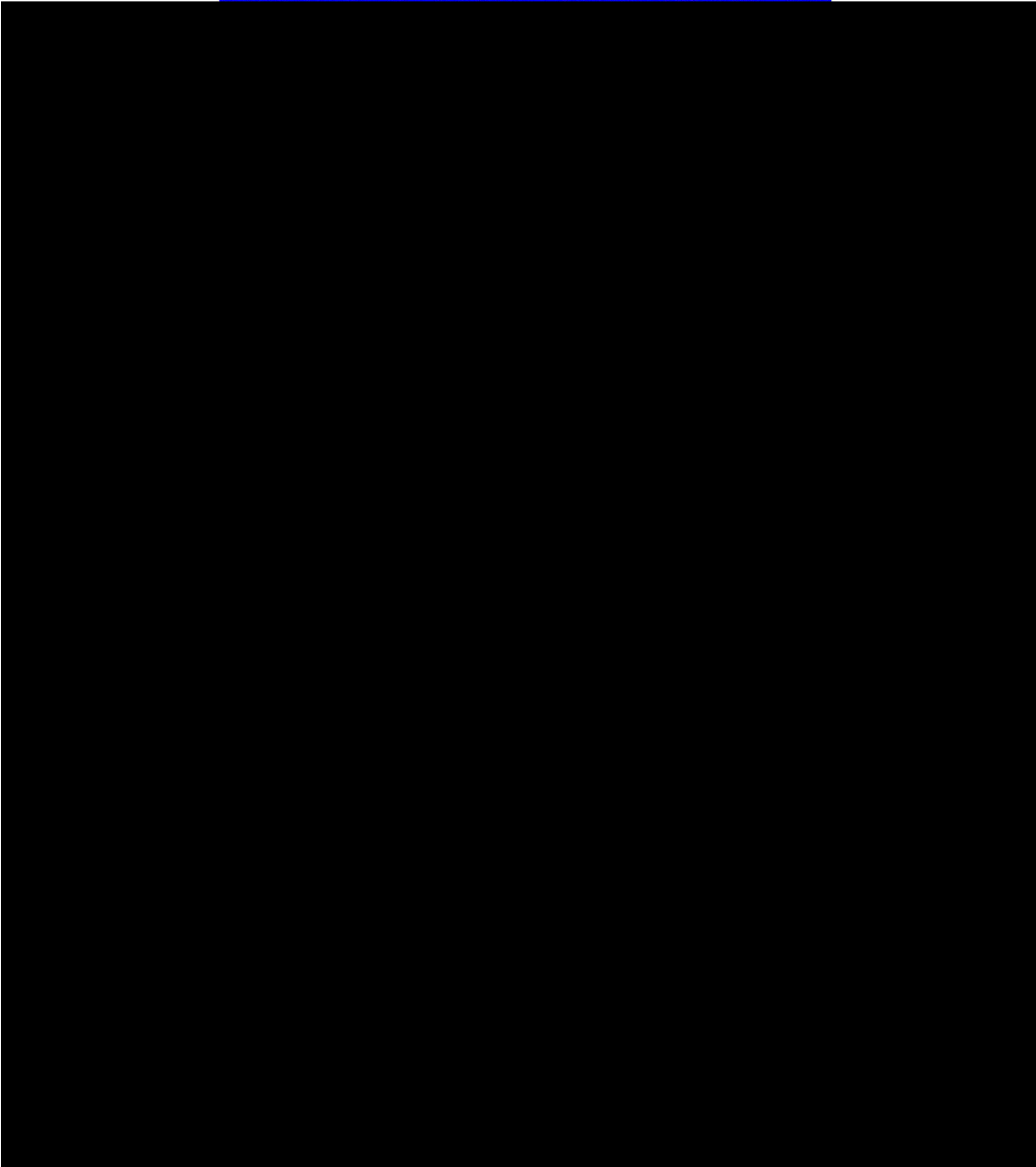
Shift Differential for Swing and Night Duty- Radiology and Pharmacy

295. For classes:

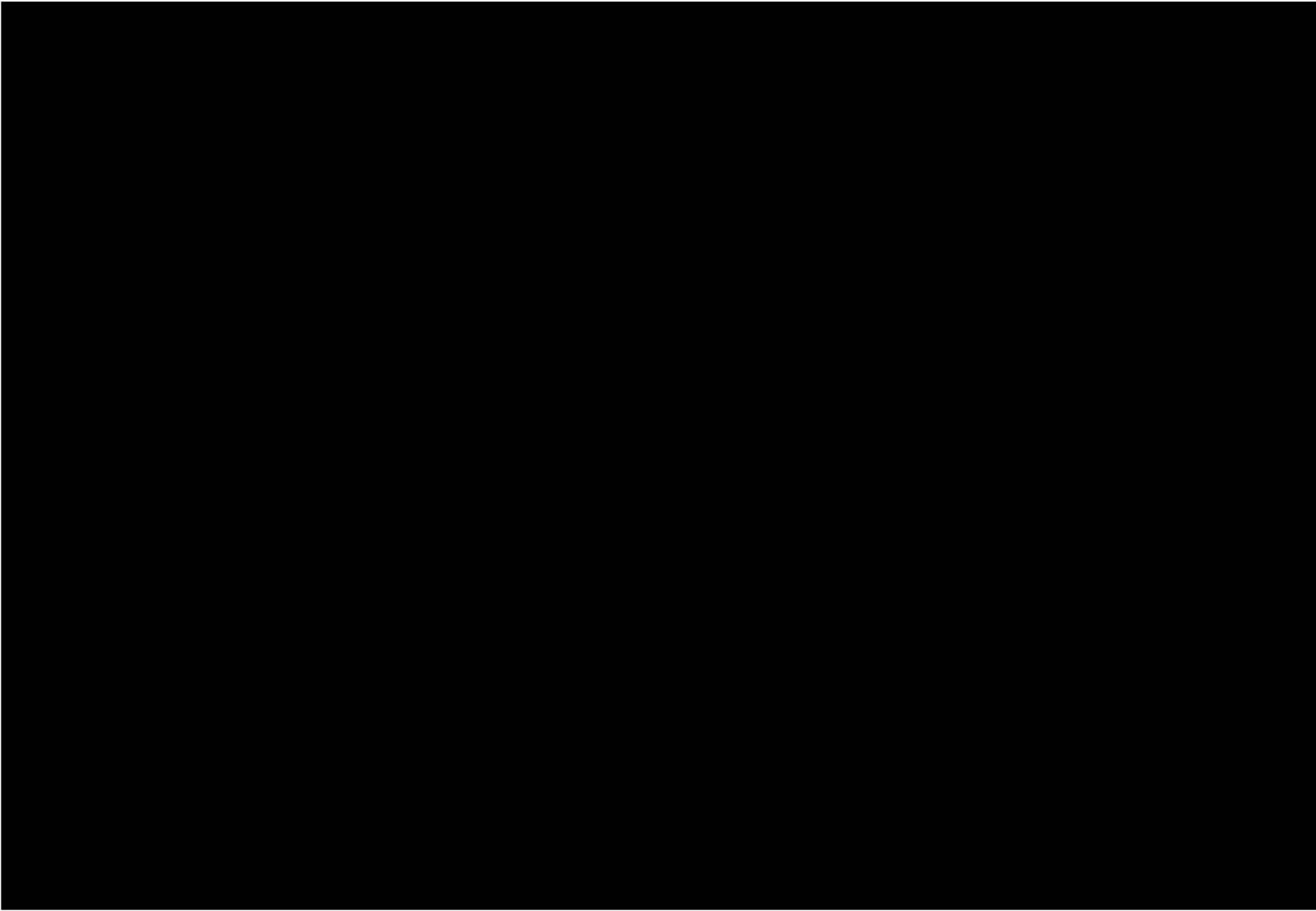
- 2450 Pharmacist
- 2454 Clinical Pharmacist
- 2467 Diagnostic Imaging Technologist I
- 2468 Diagnostic Imaging Technologist II
- 2469 Diagnostic Imaging Technologist III
- 2470 Diagnostic Imaging Technologist IV

HUMAN SERVICES AGENCY

REASSIGNMENT OPPORTUNITY PROGRAM RESPONSE FORM

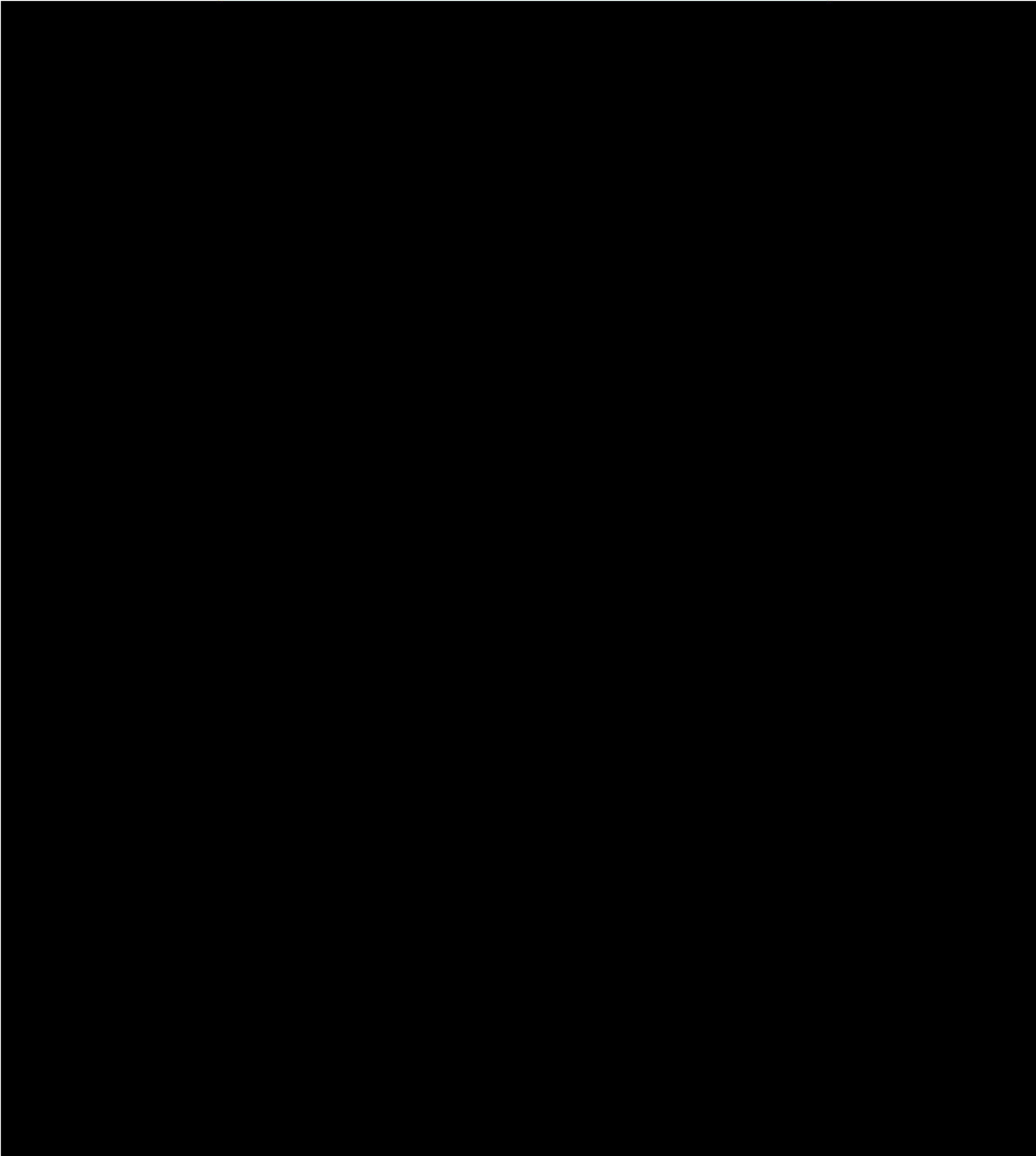


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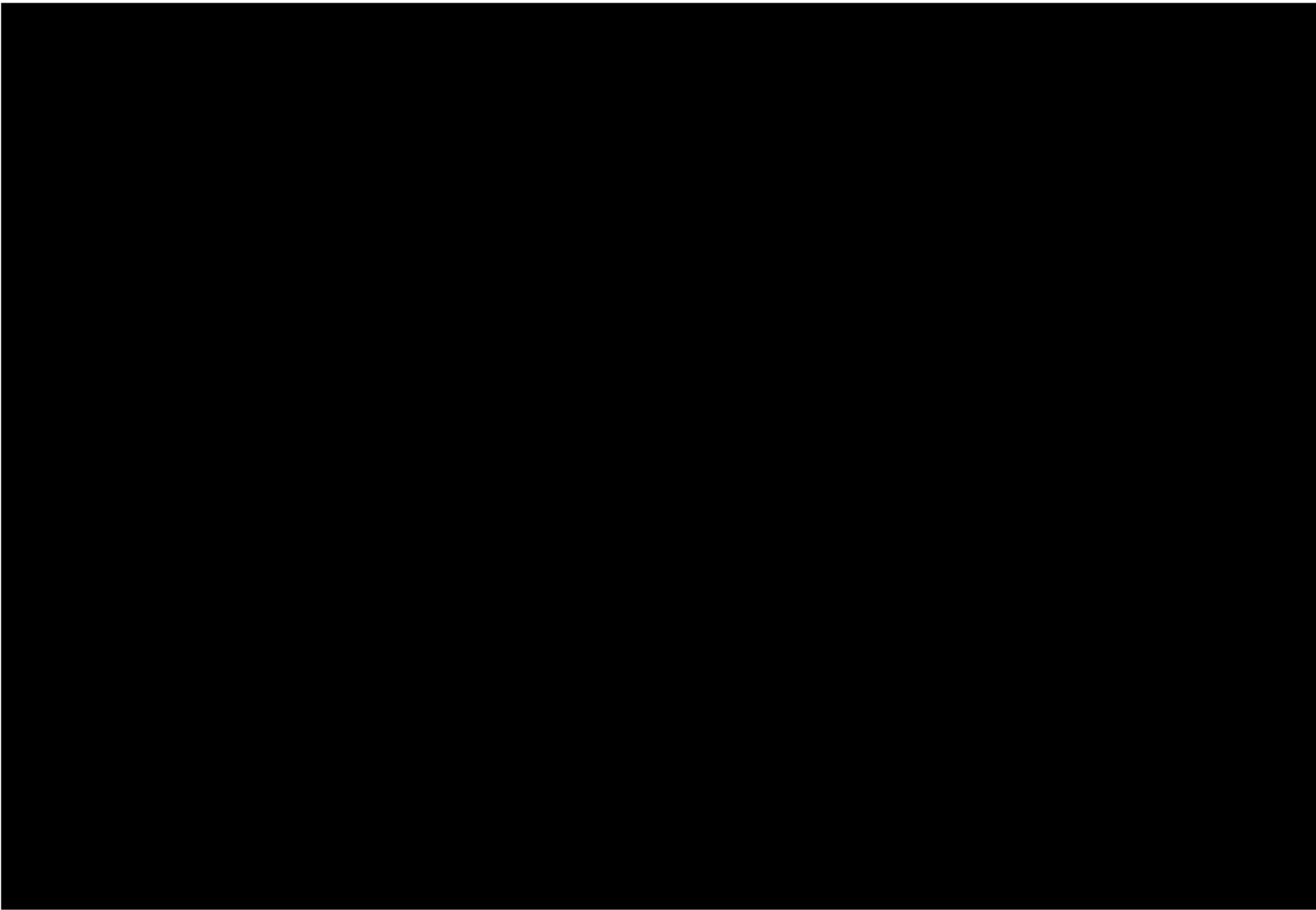


HUMAN SERVICES AGENCY

REASSIGNMENT OPPORTUNITY PROGRAM RESPONSE FORM

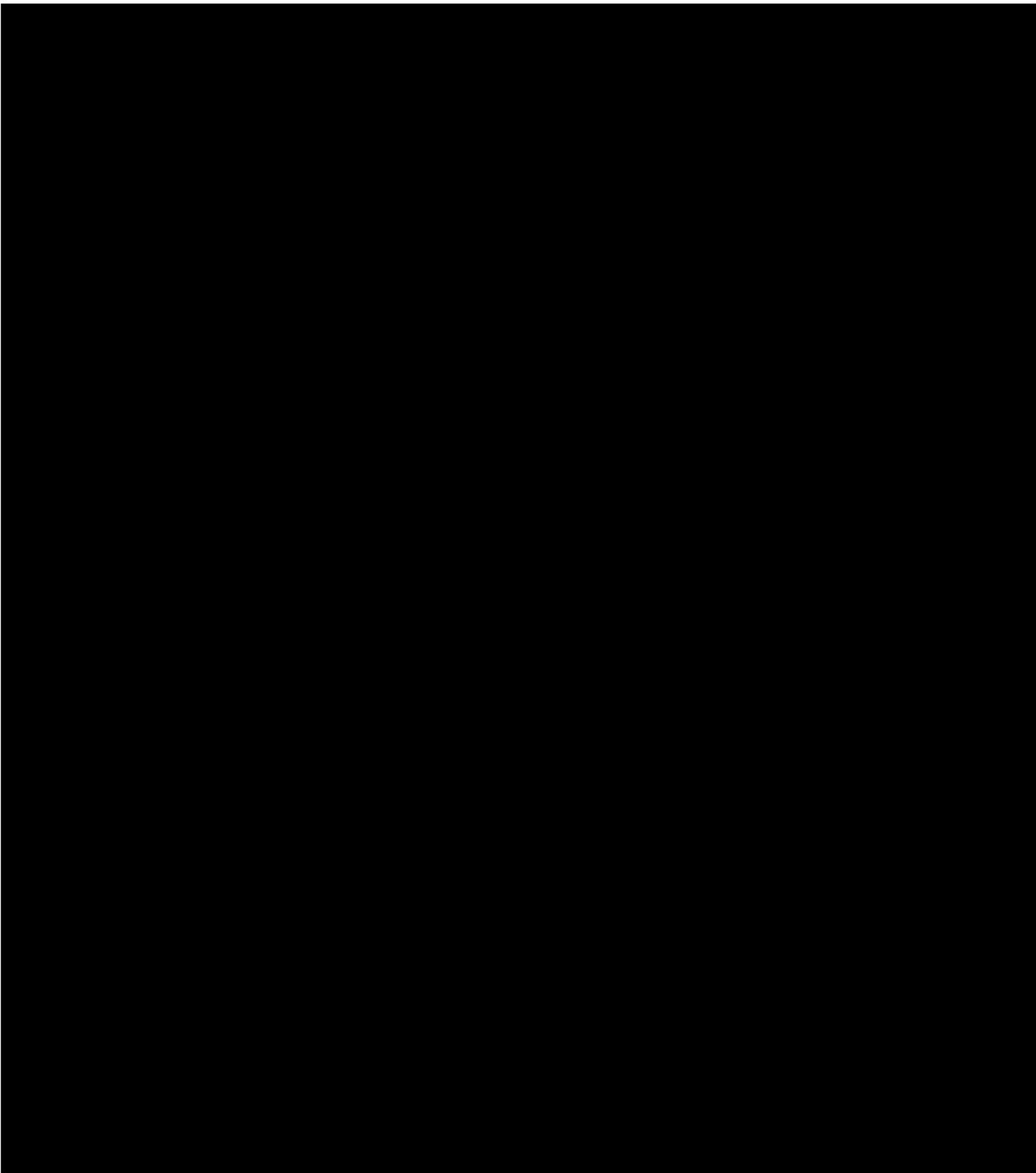


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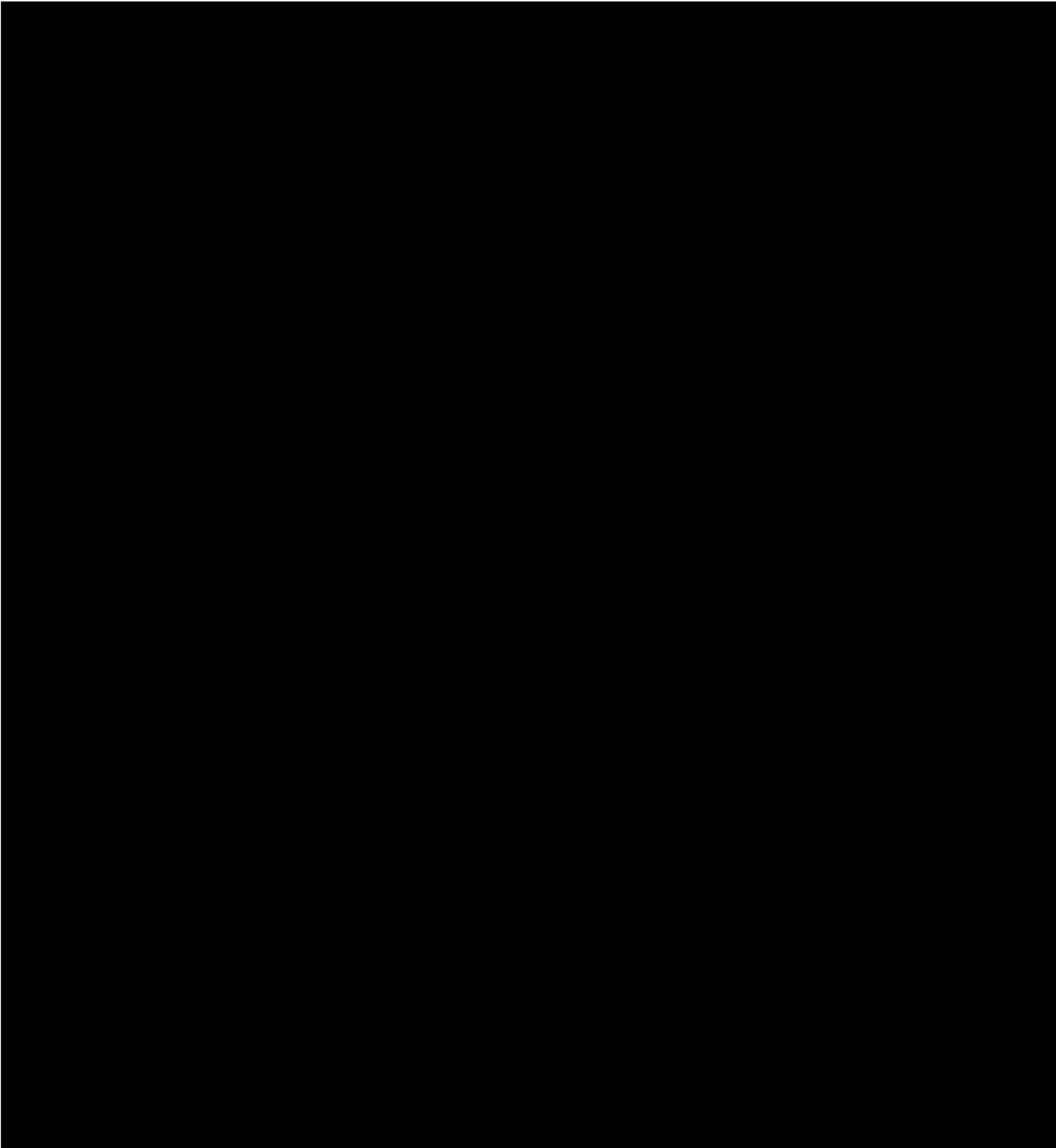




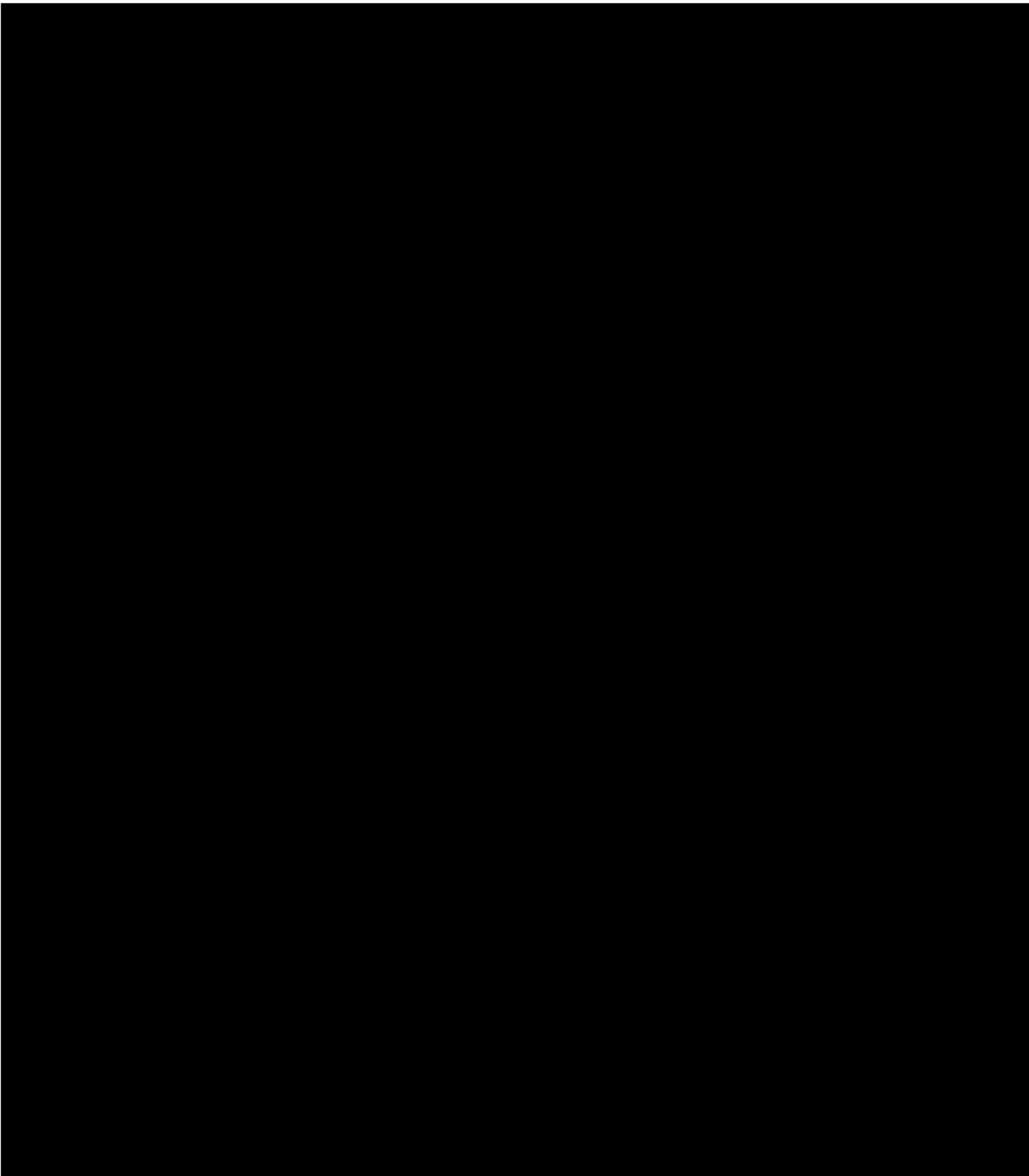
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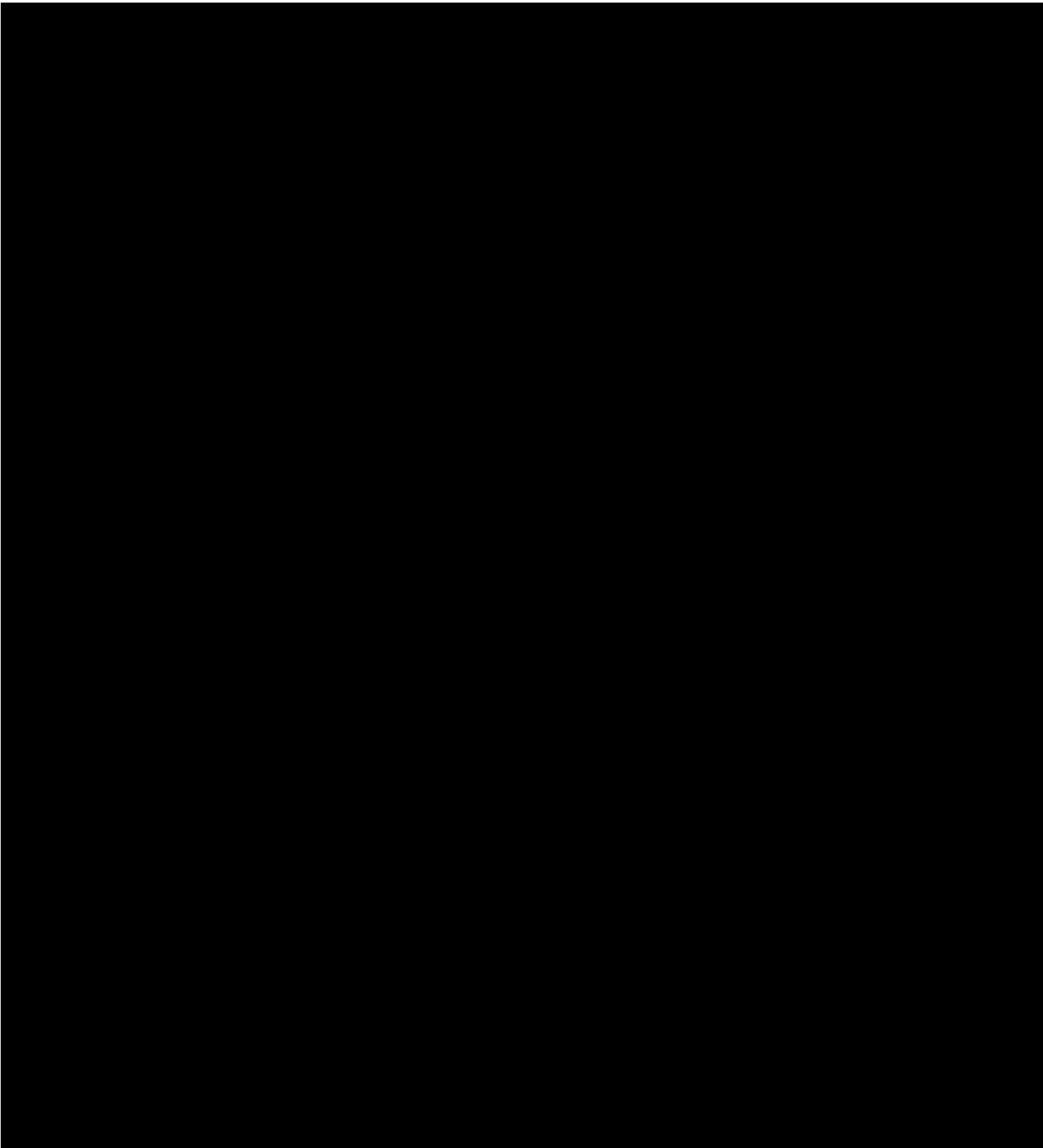
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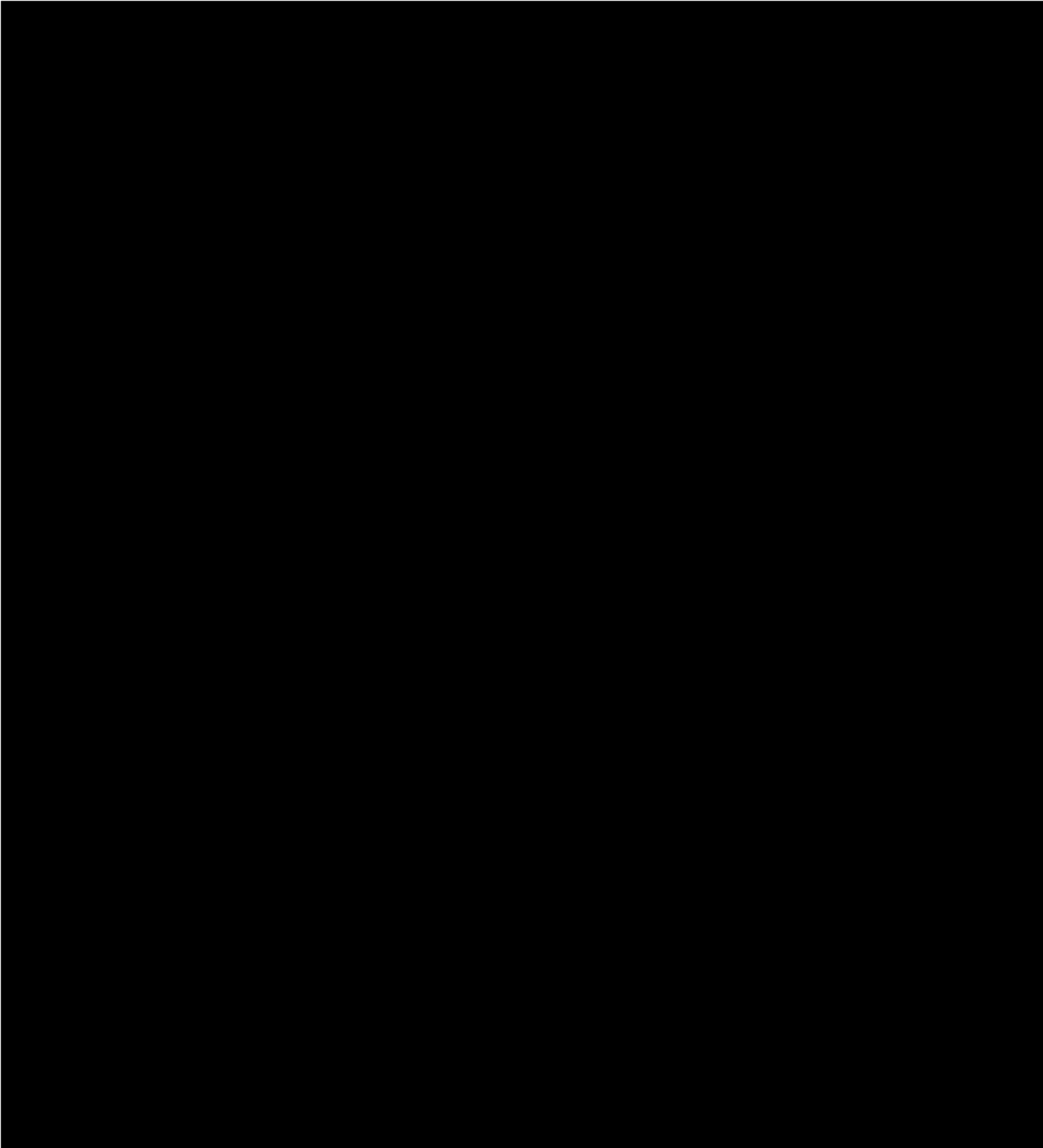
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Date: __8/18/2021_____ Candidate Name: [REDACTED]

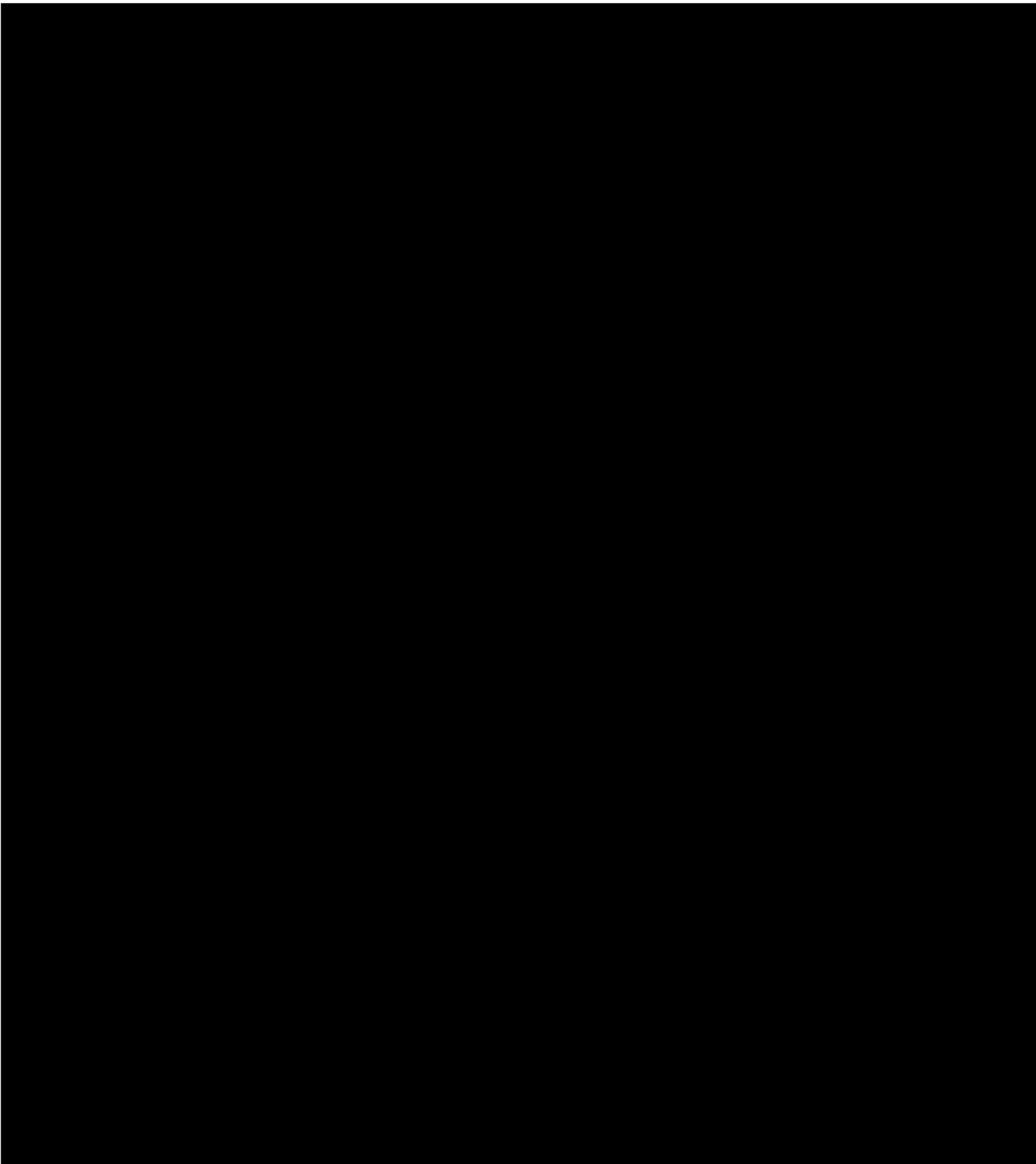


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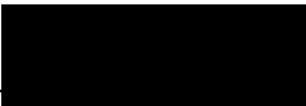
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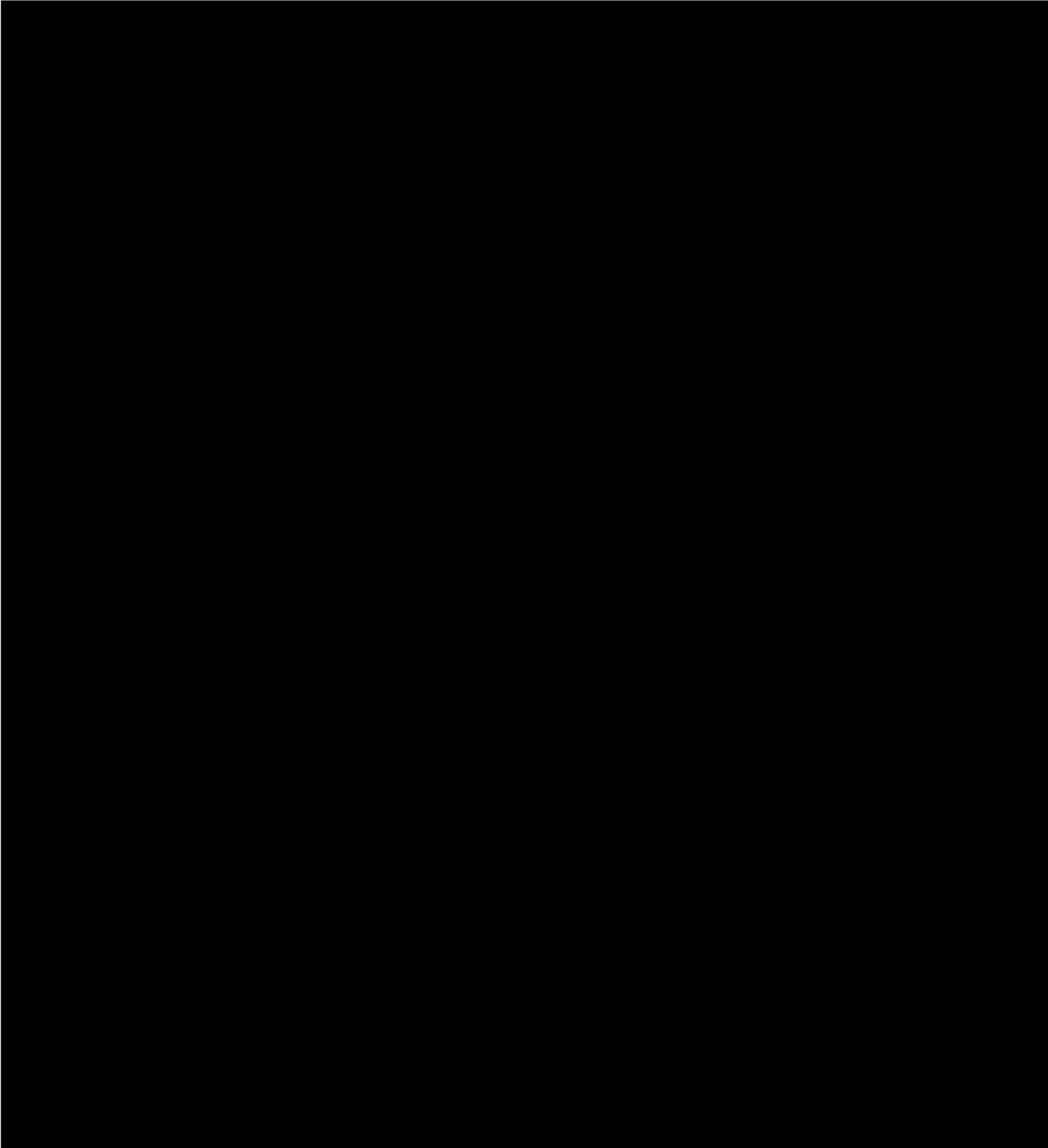
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Date: _____ 8/19/2021 _____


Candidate Name: _____  _____

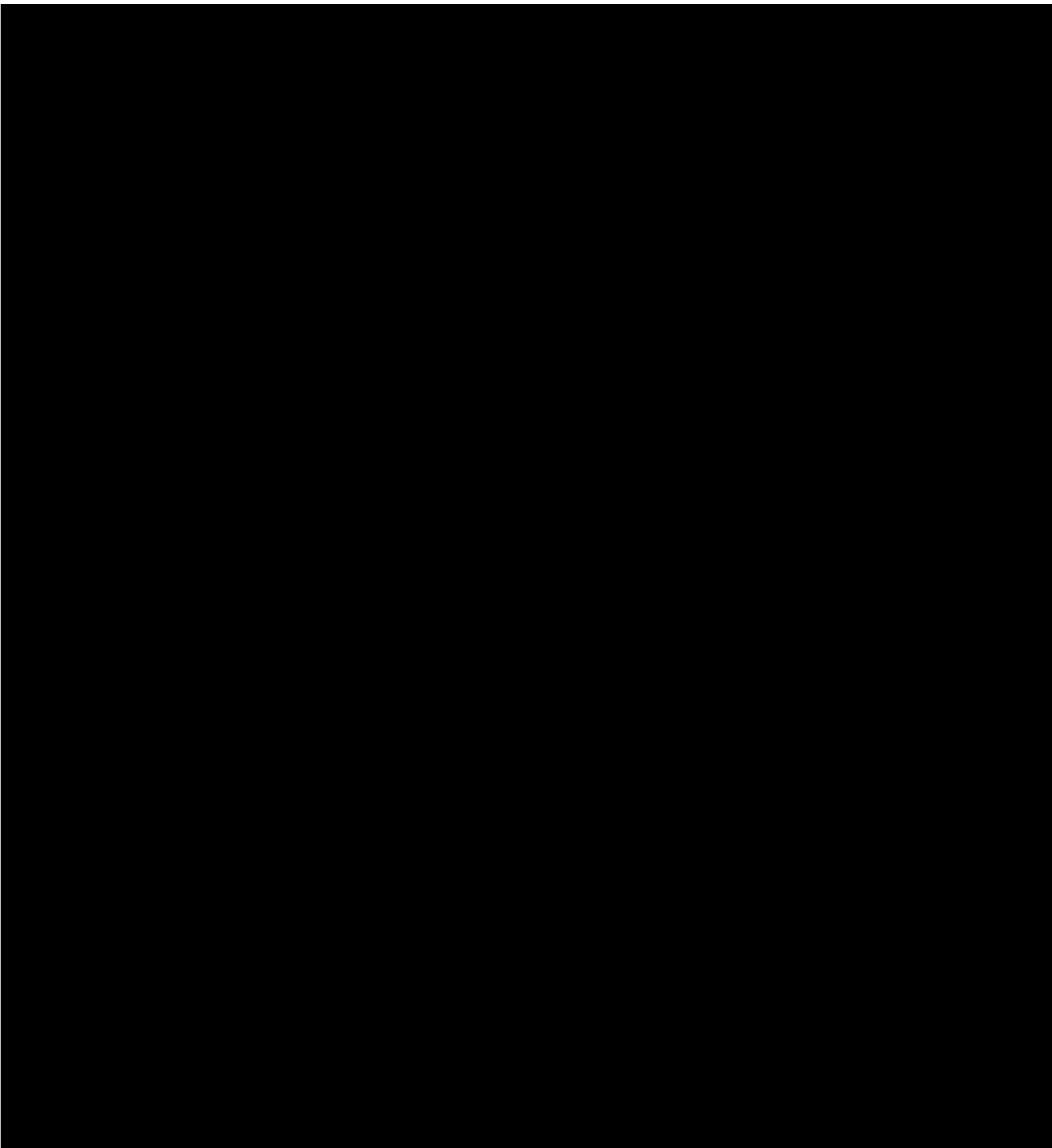


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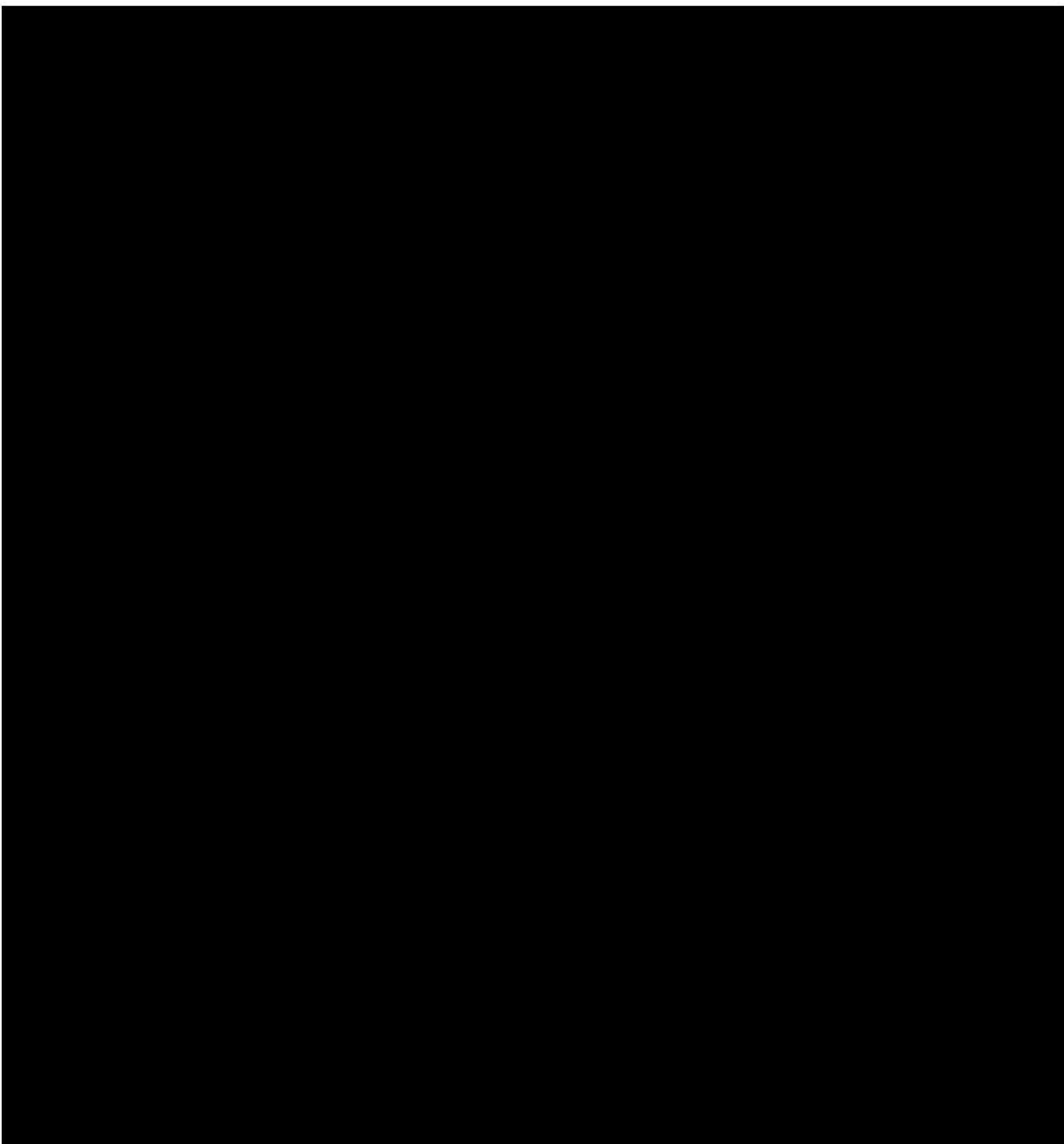
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Date: 8/19/2021 Candidate Name: [REDACTED]

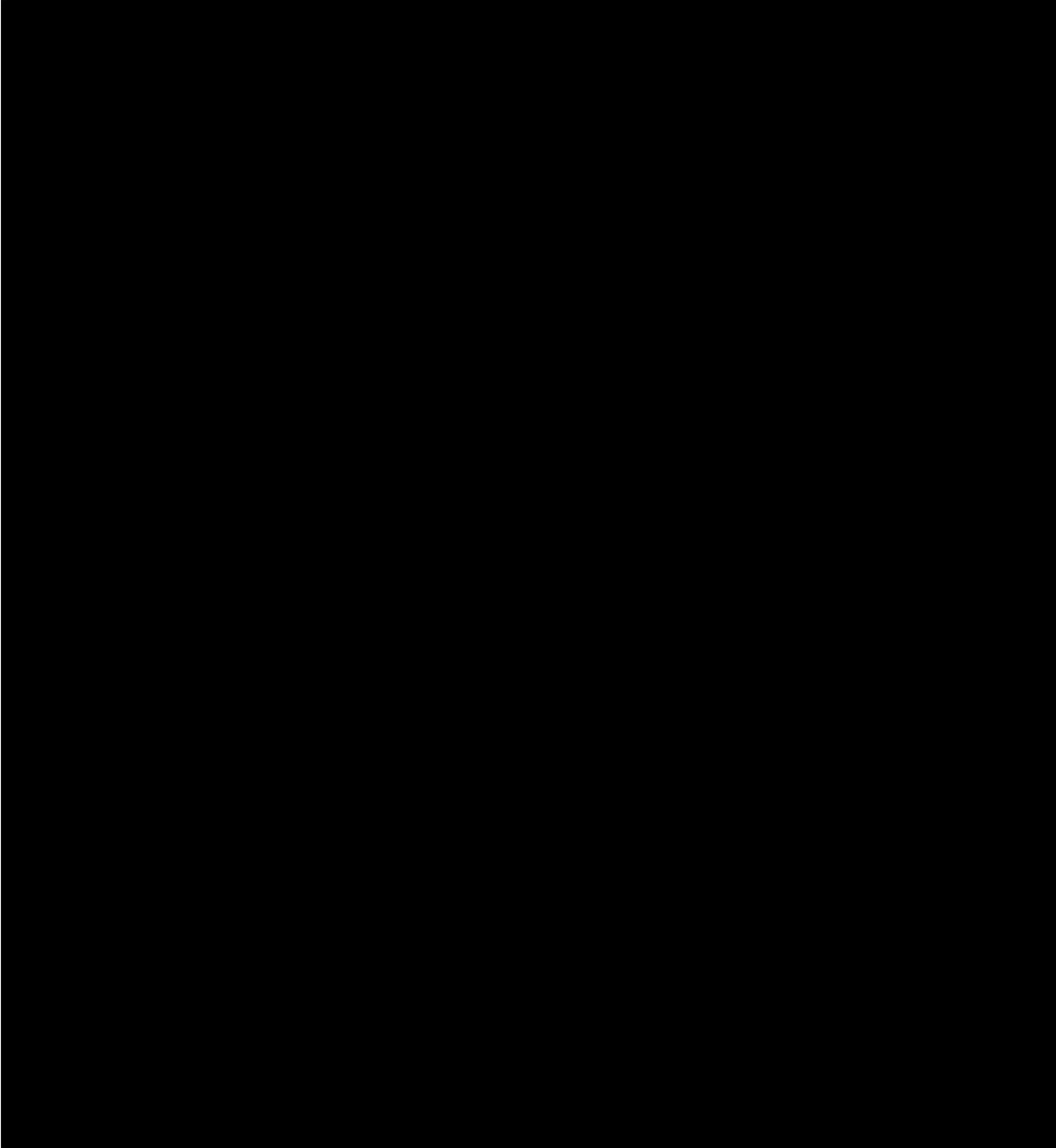
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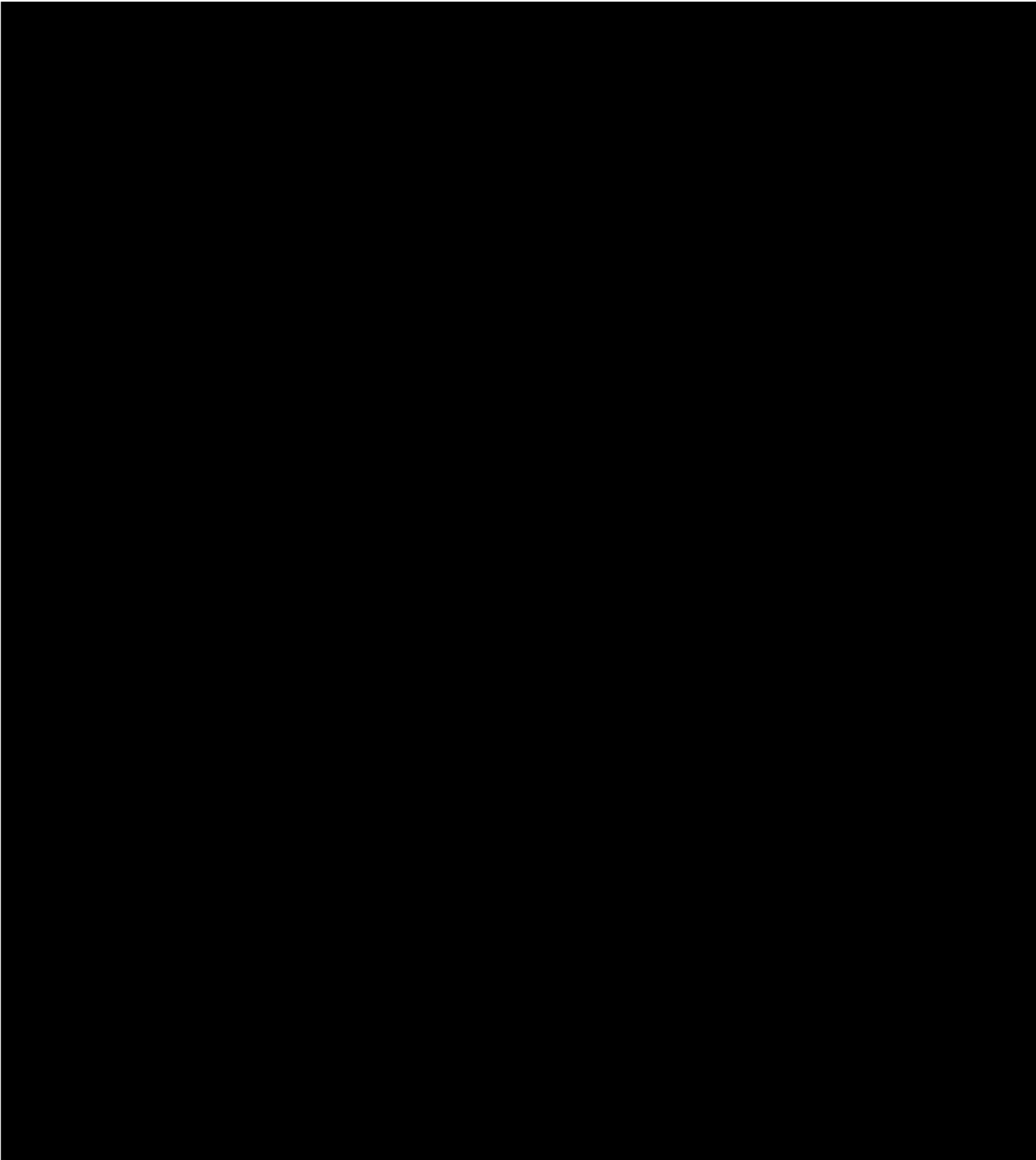
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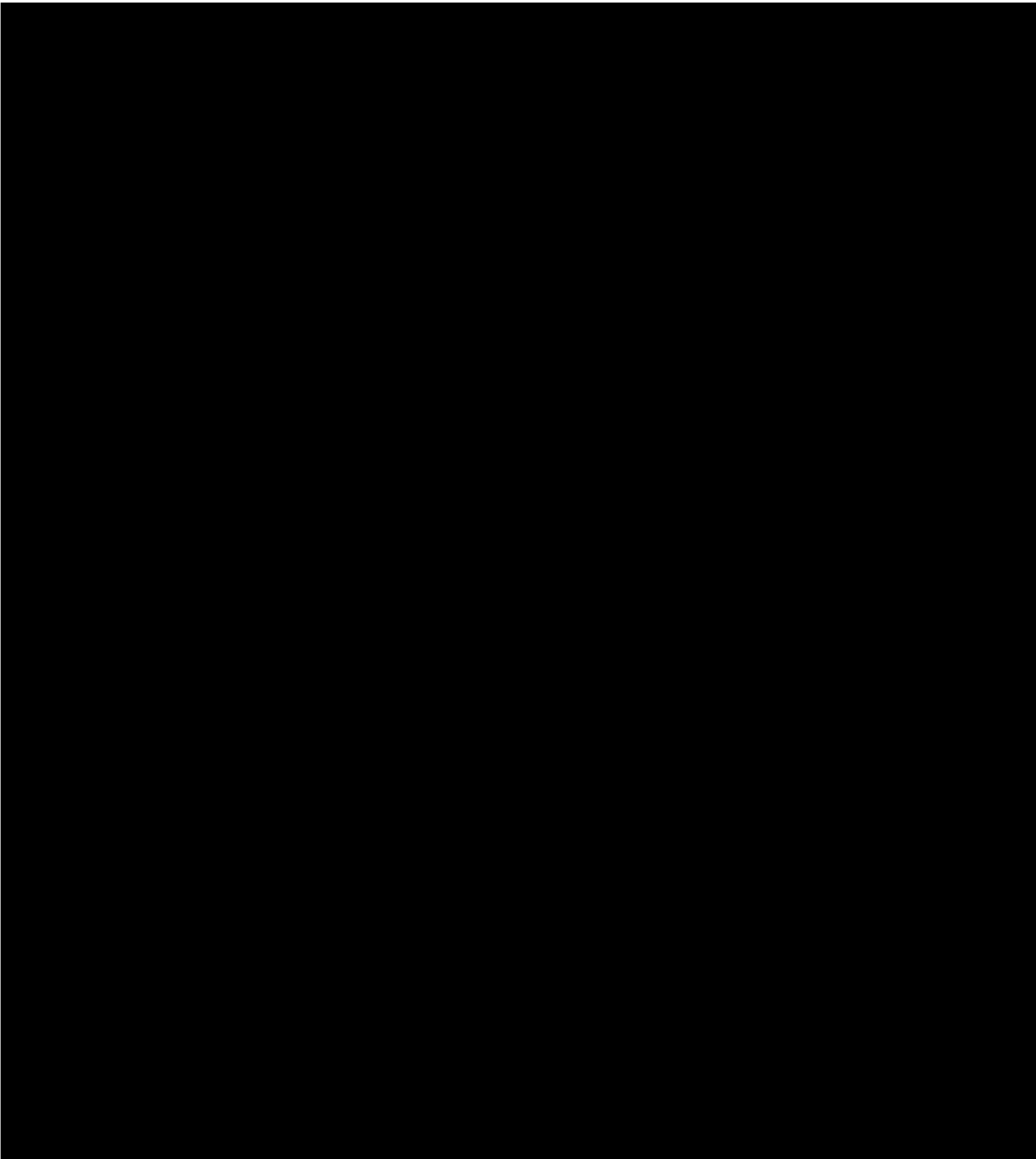
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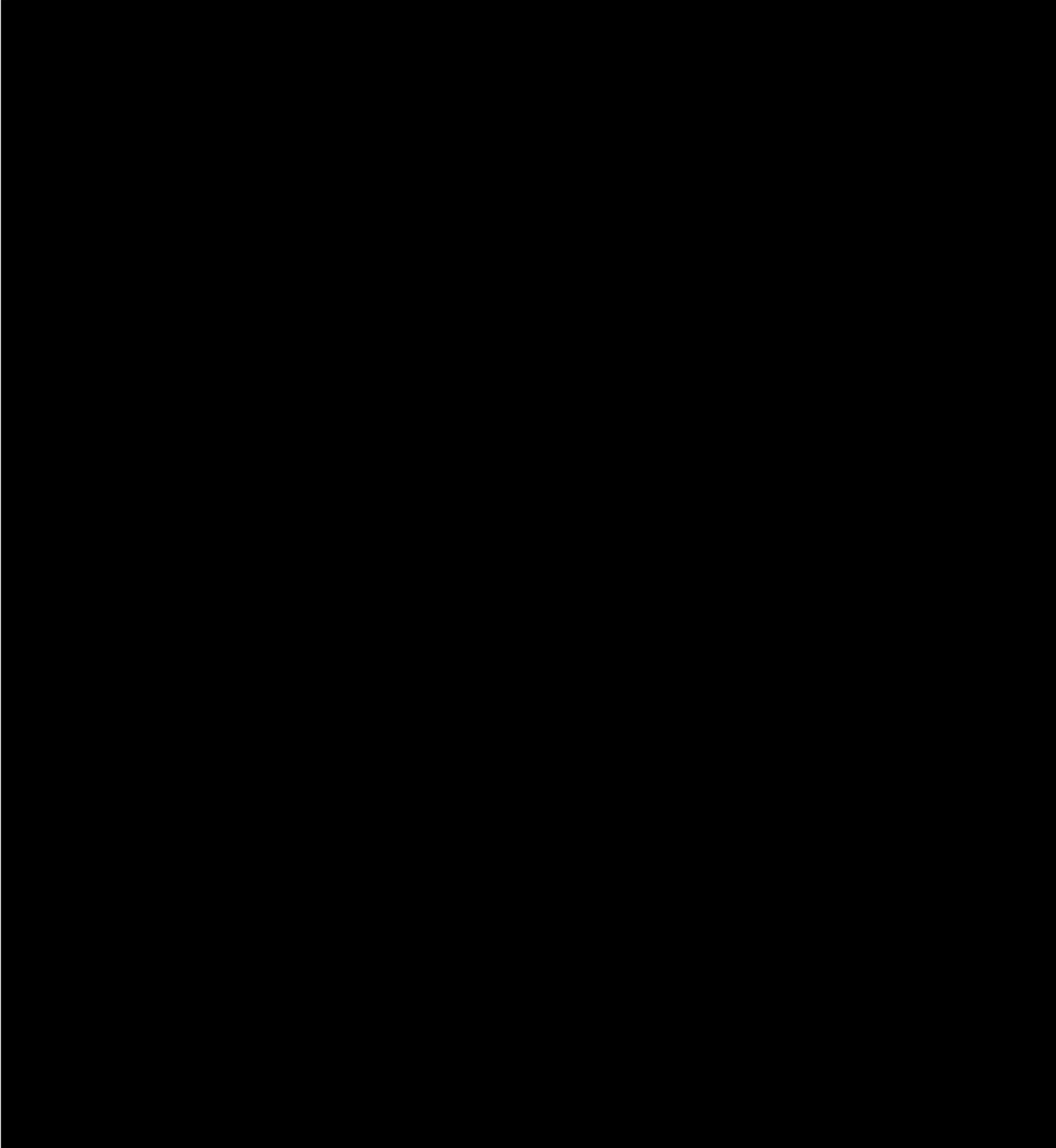
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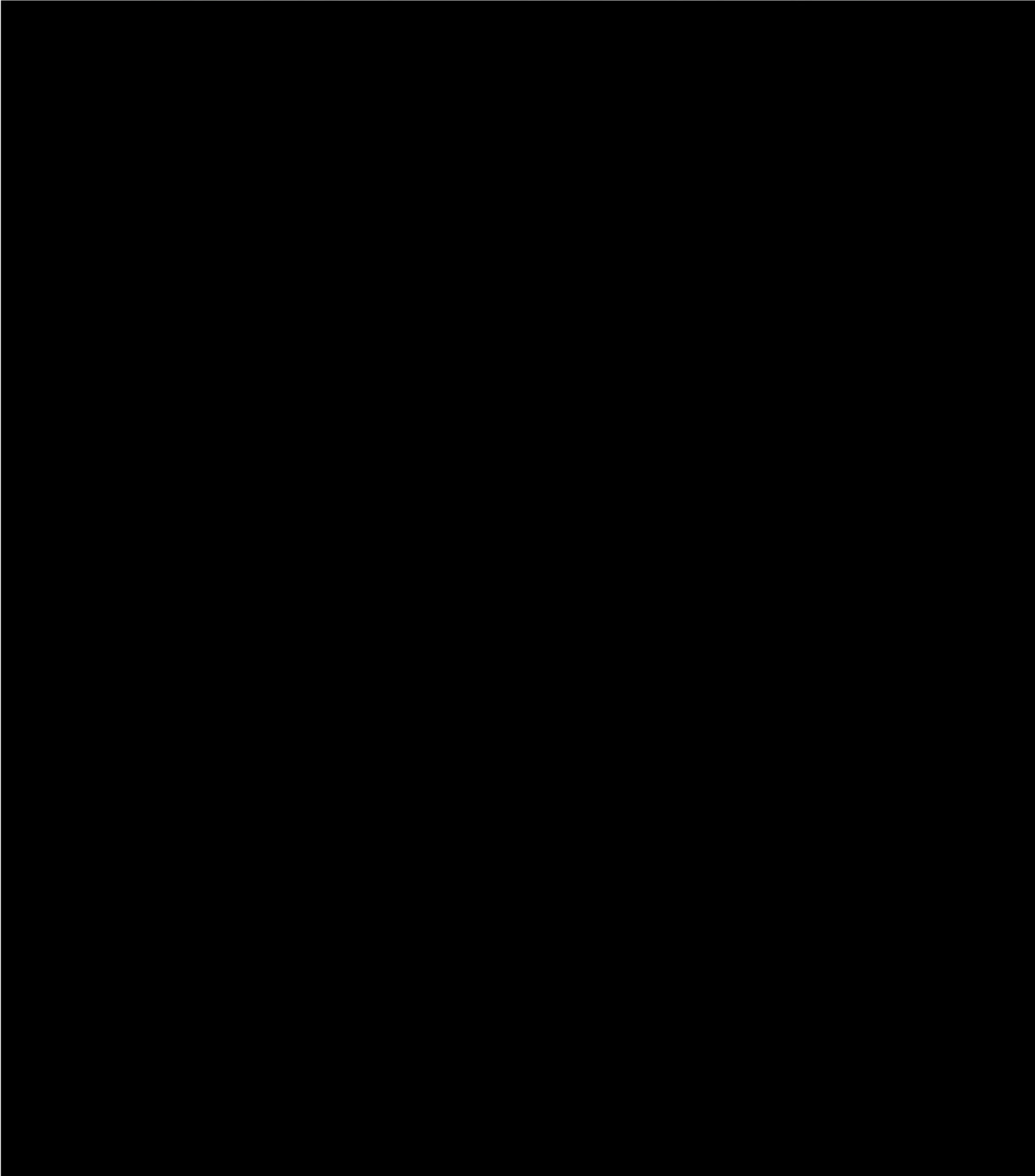


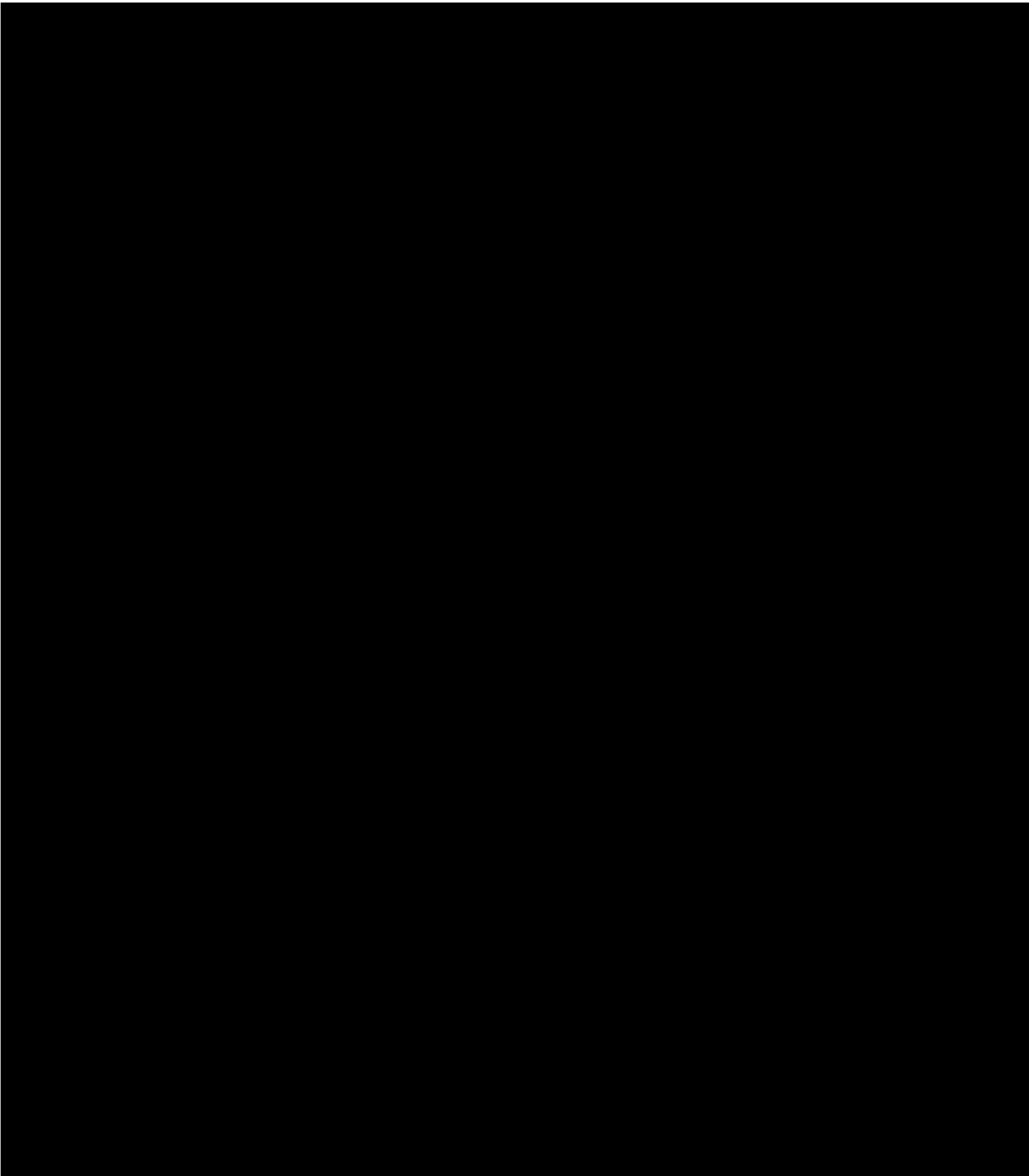
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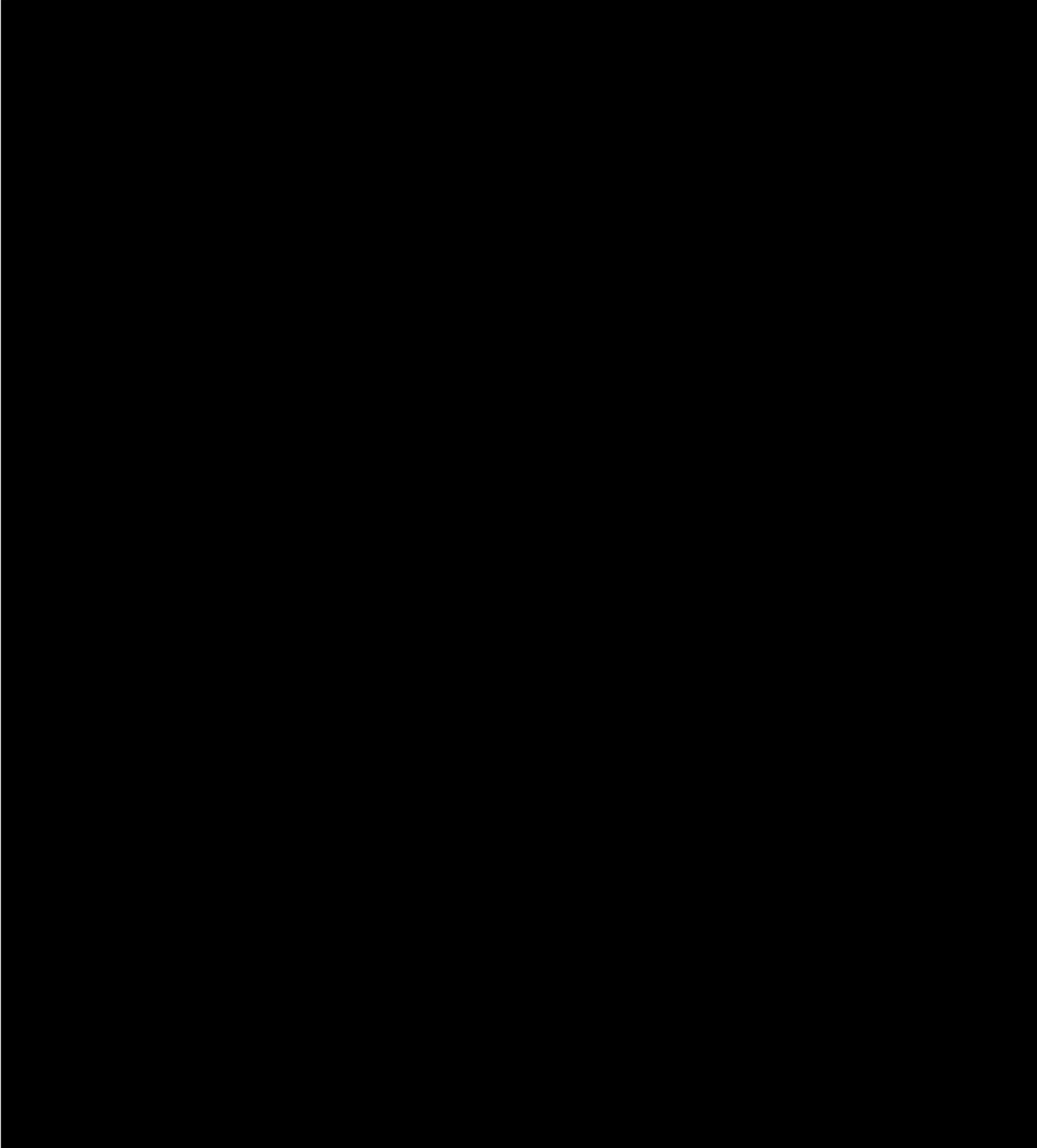
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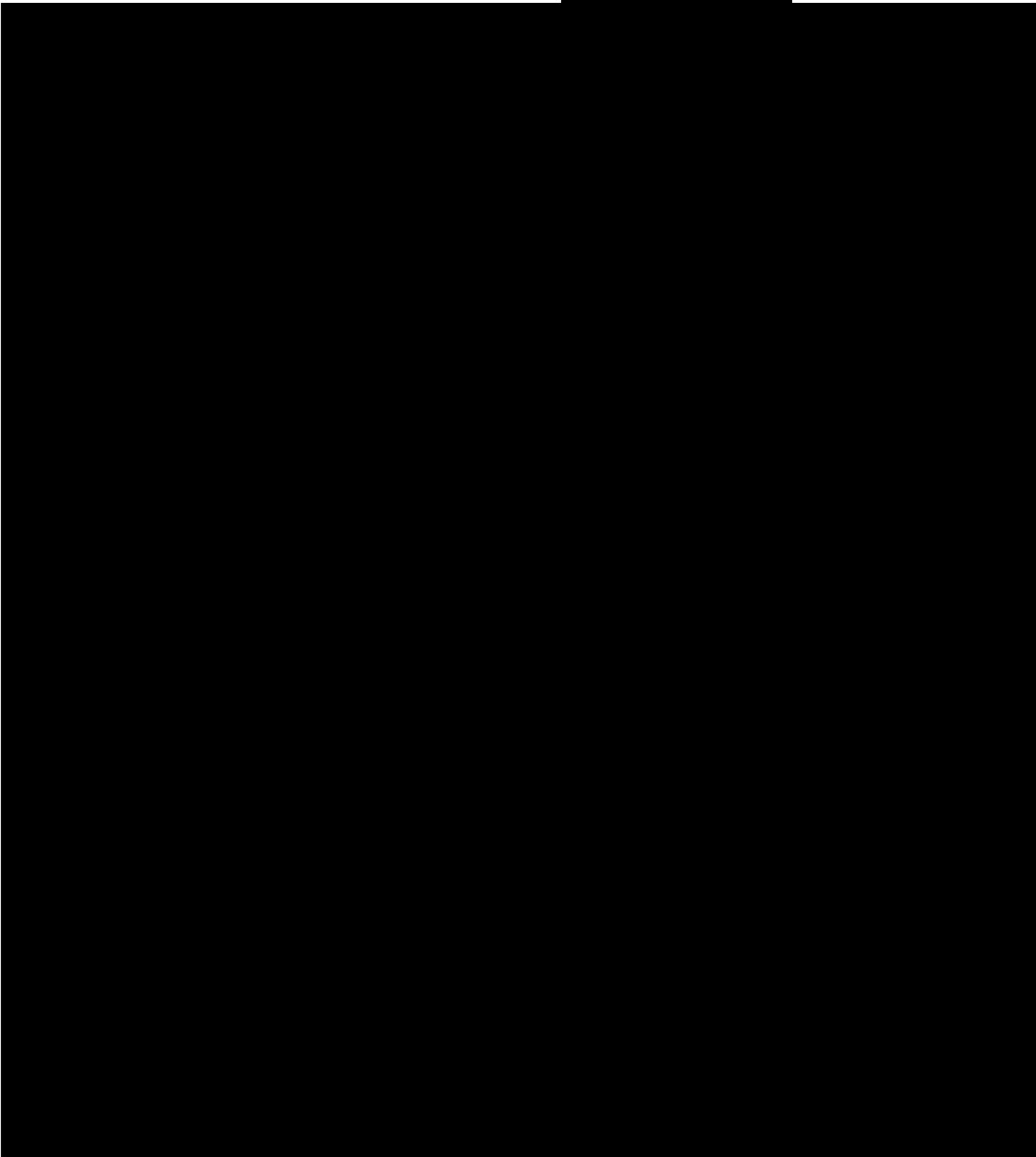


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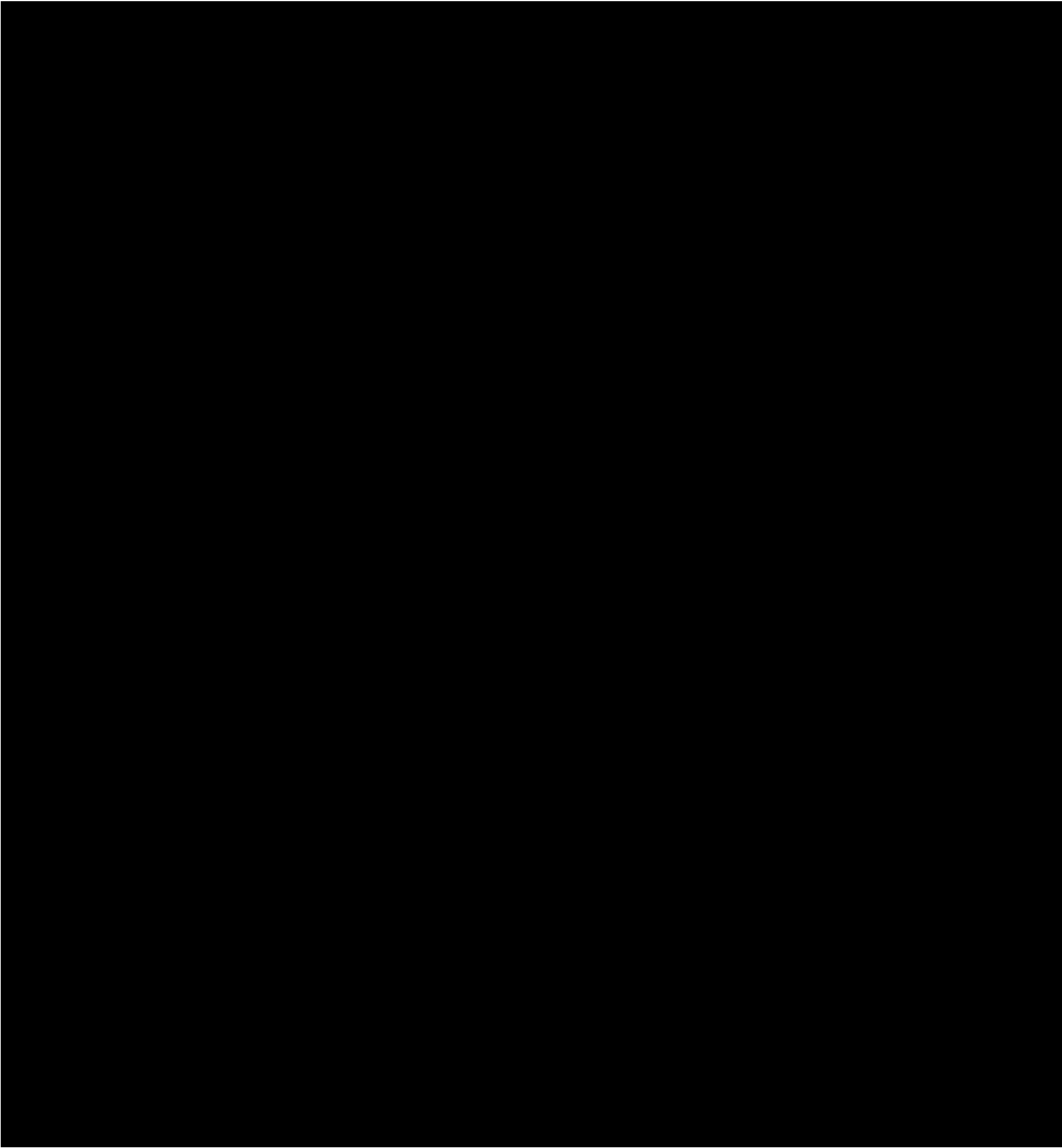


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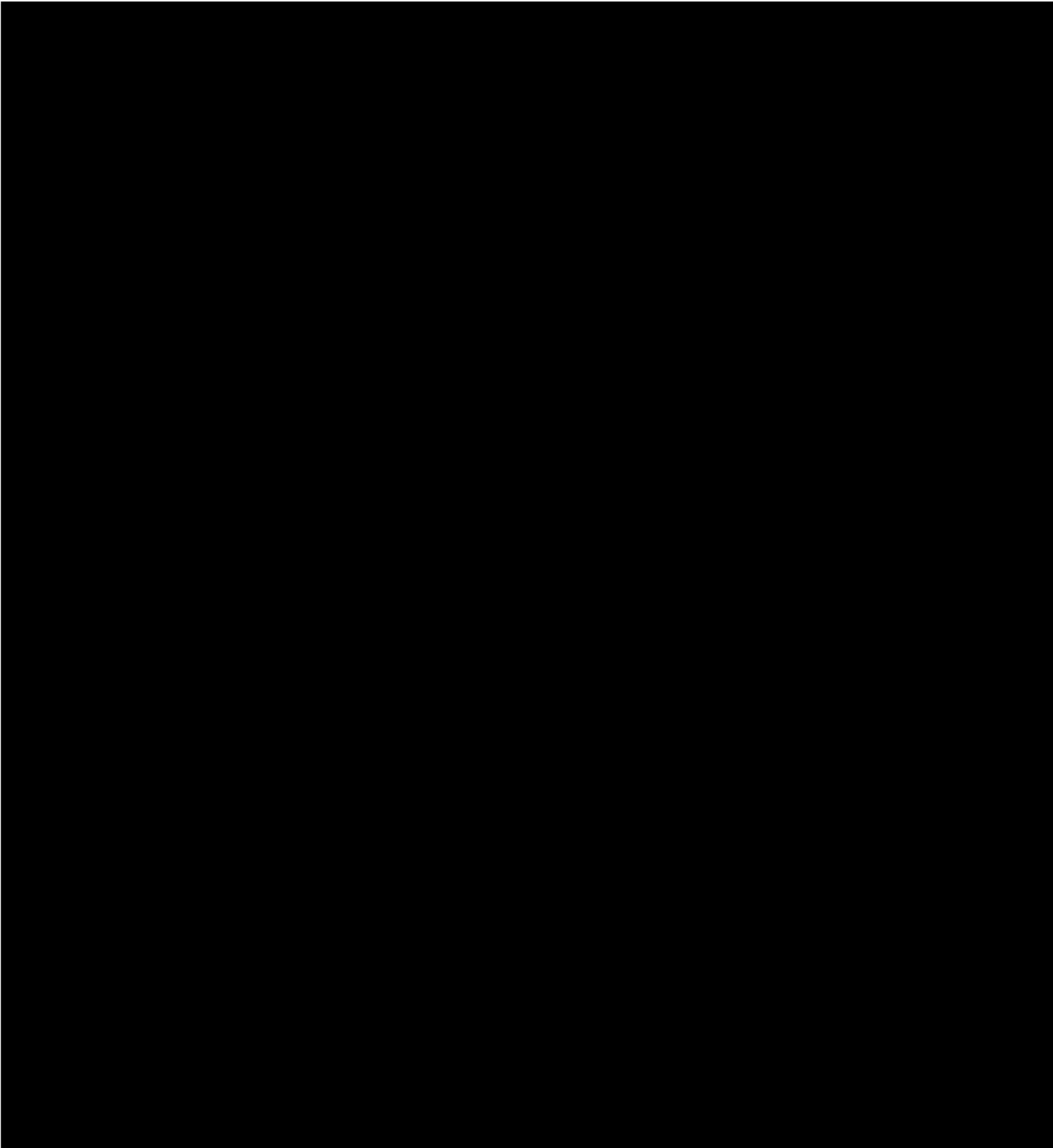


Date: 8/19/2021

Date: __8/19/2021____ Candidate Name: [REDACTED]

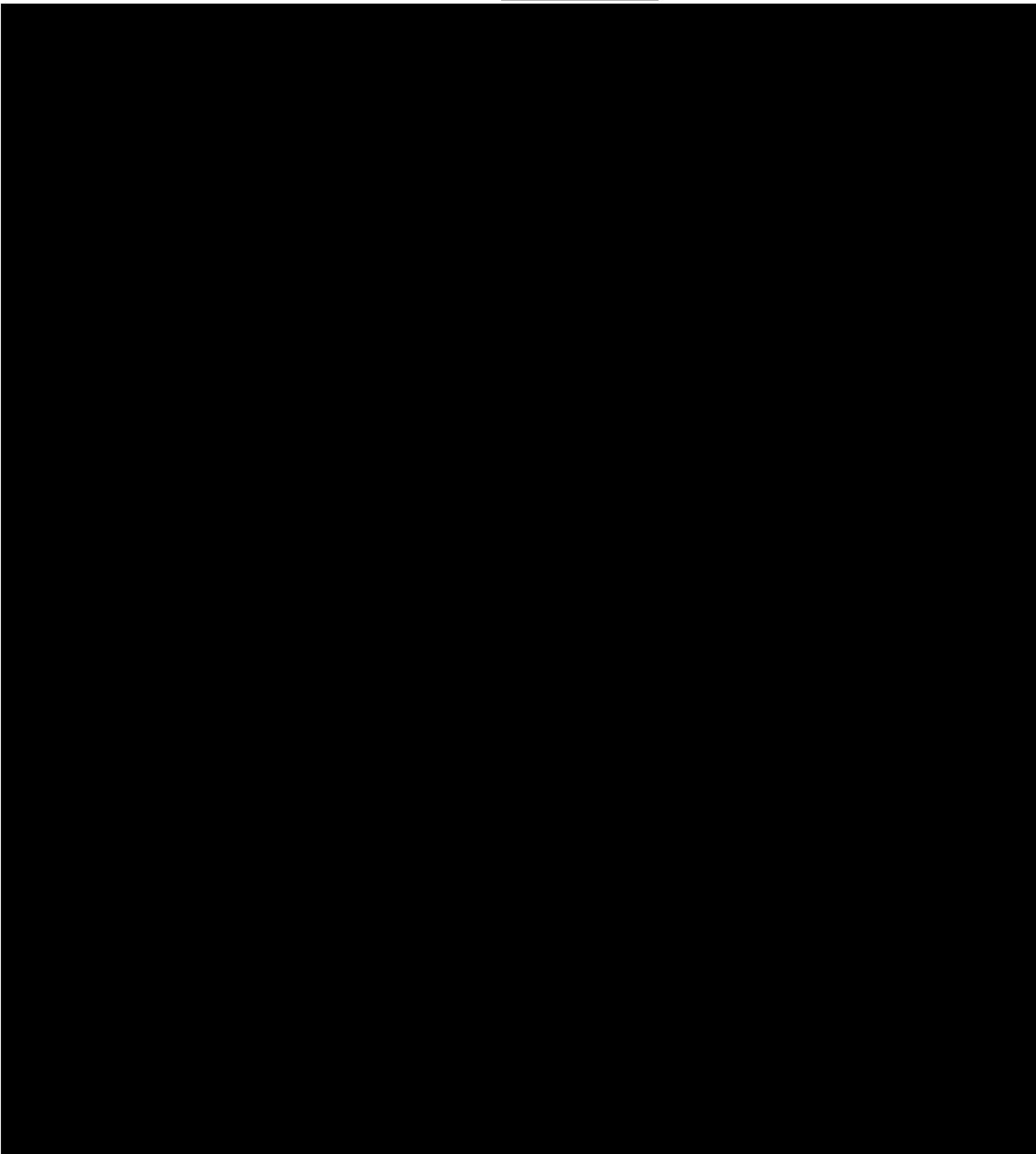


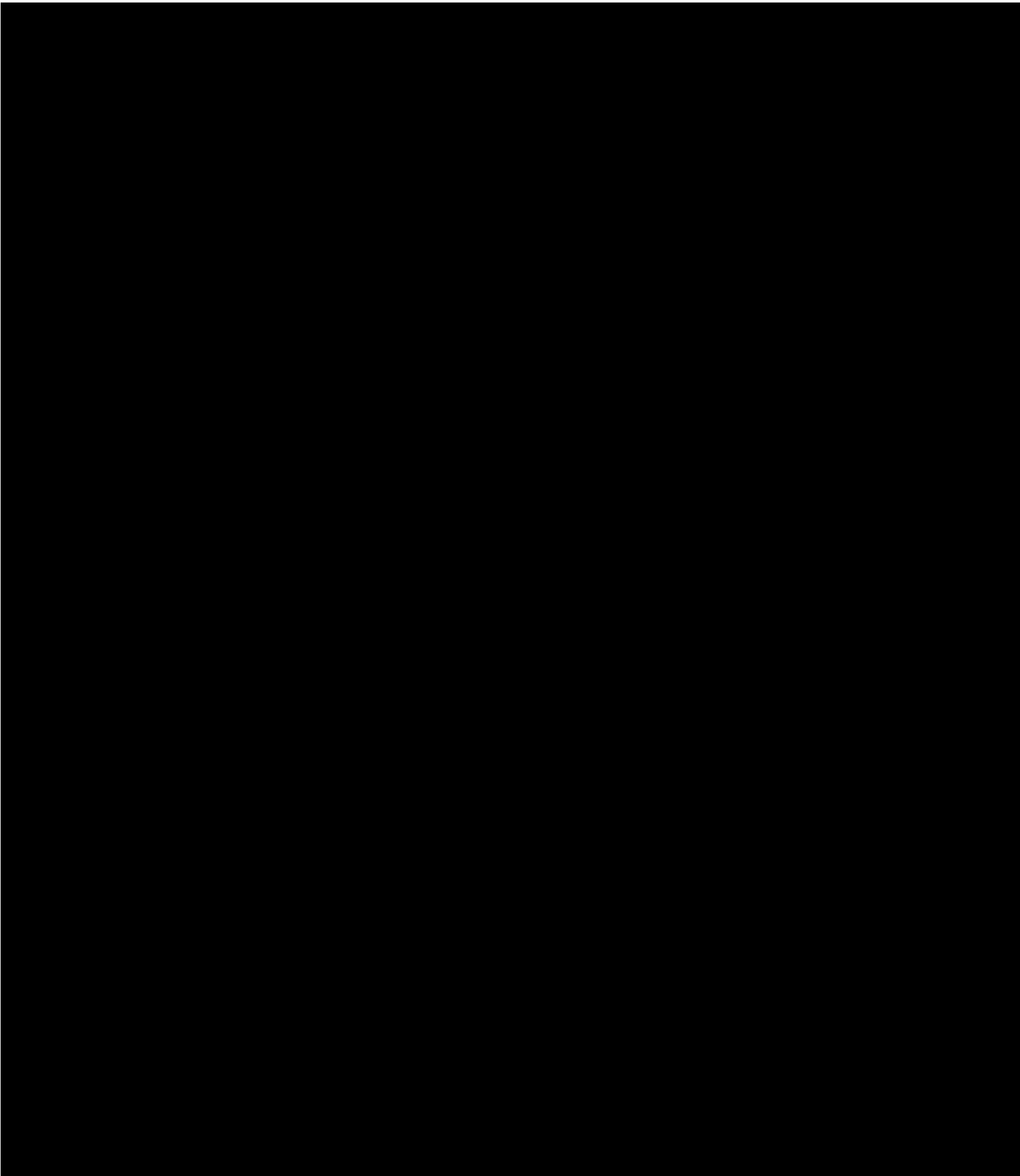
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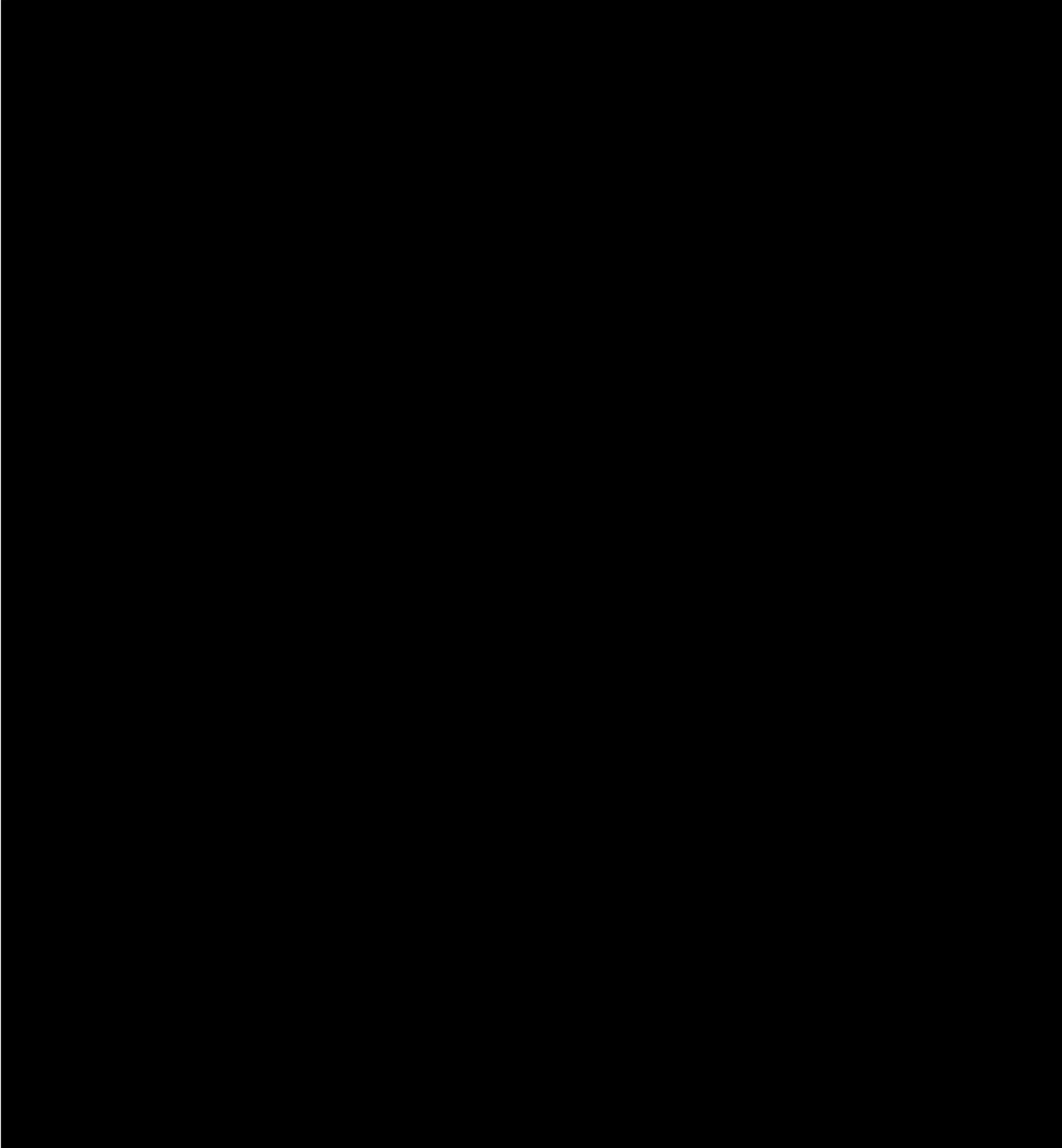
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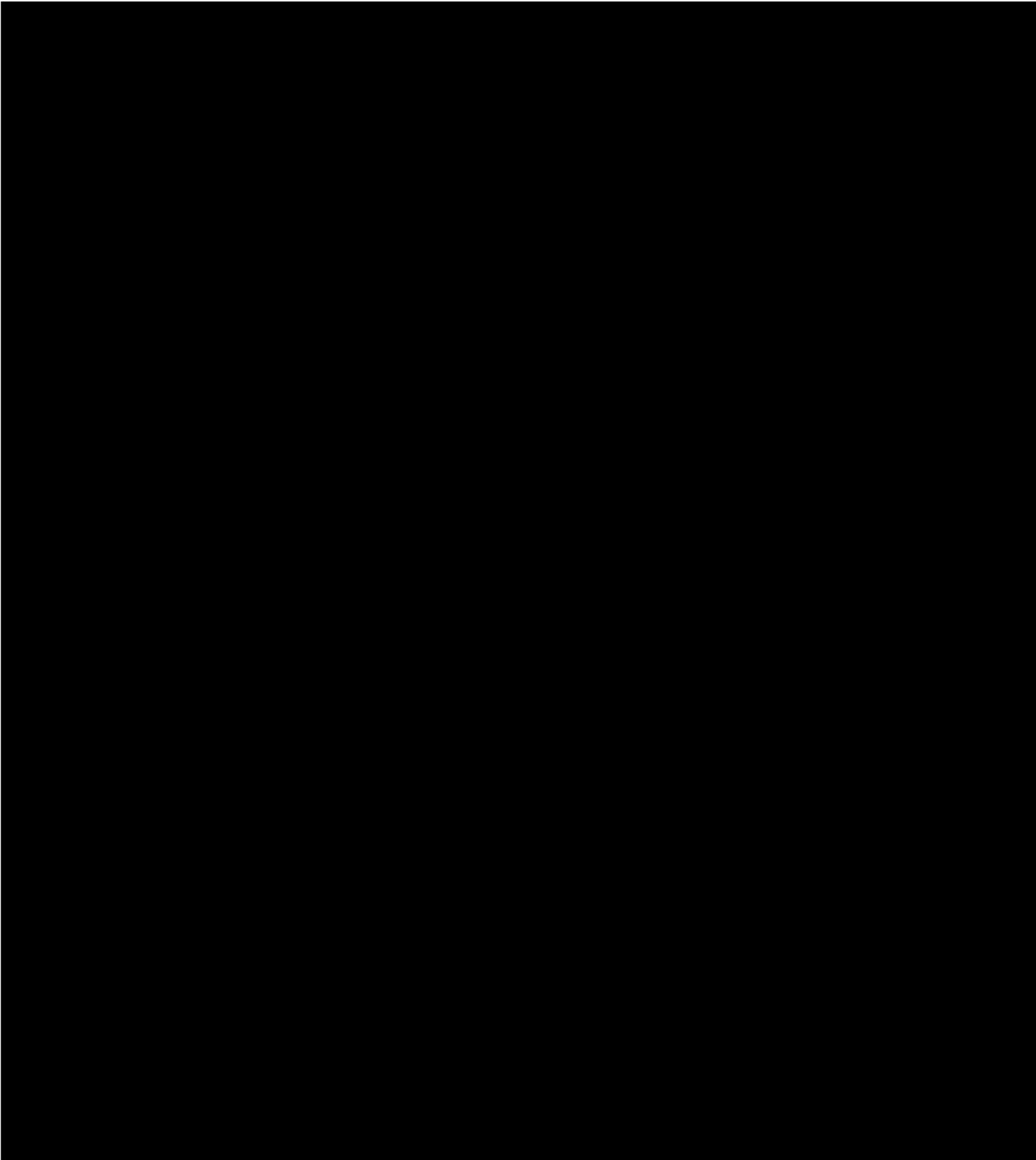


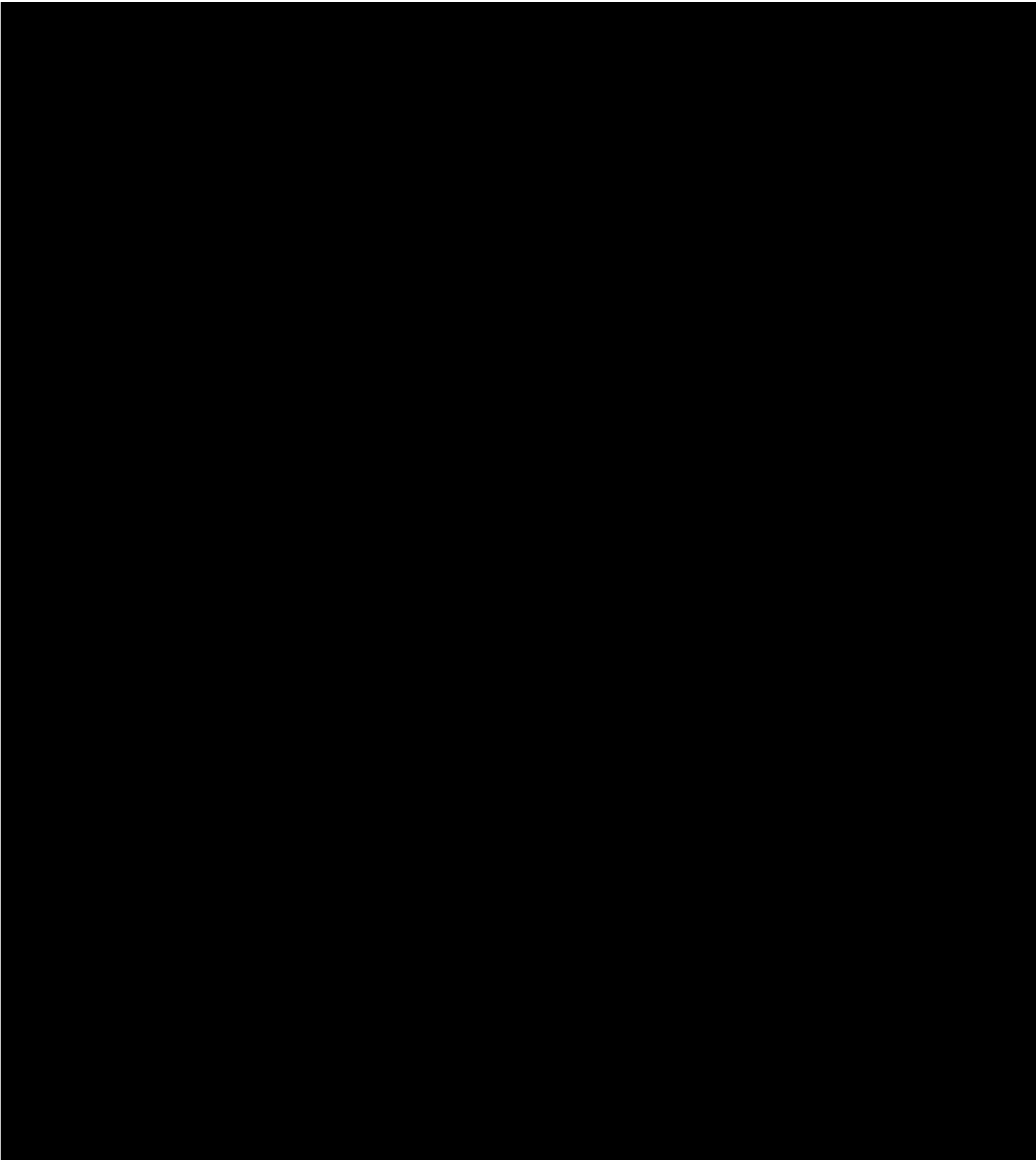
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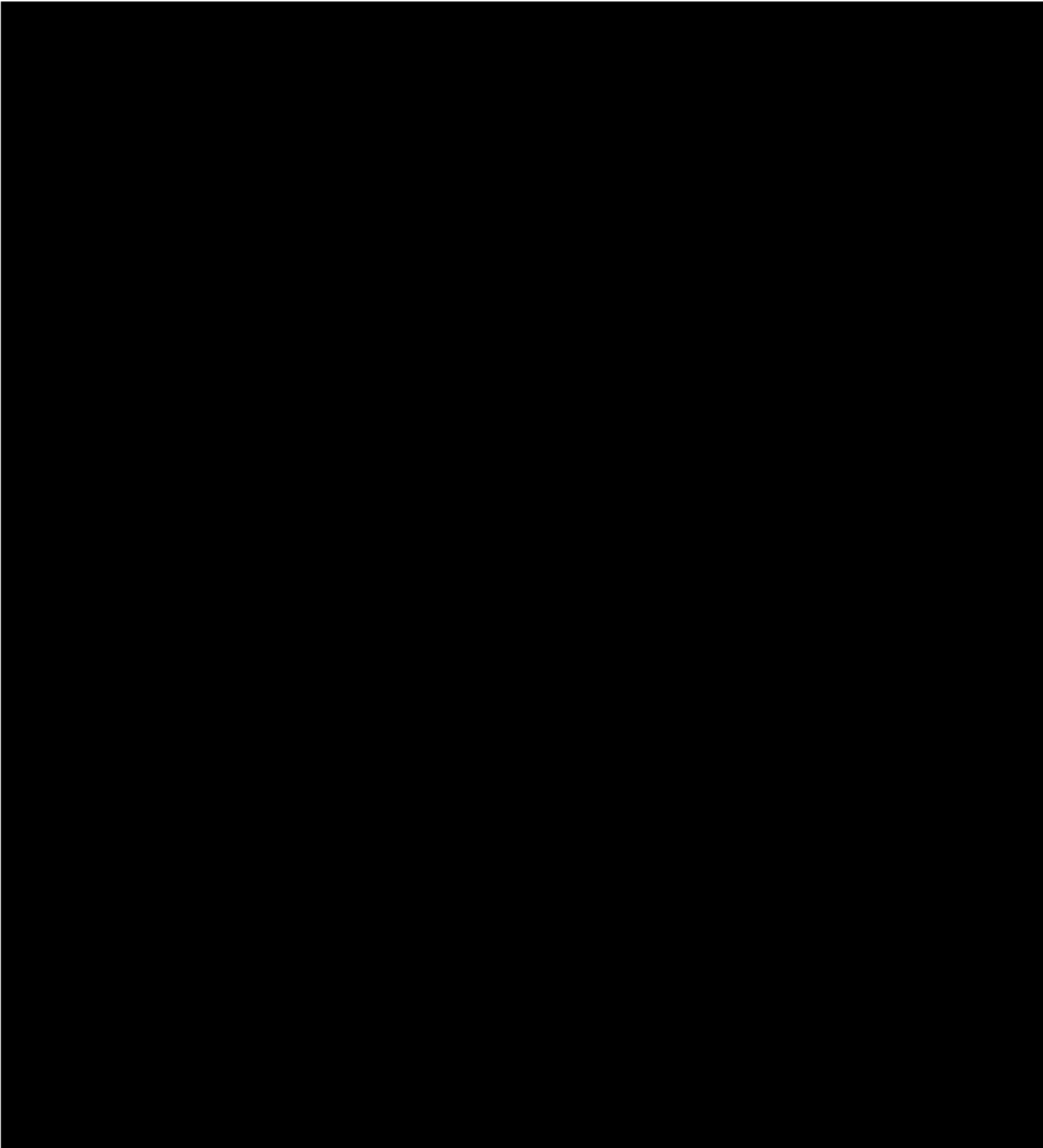
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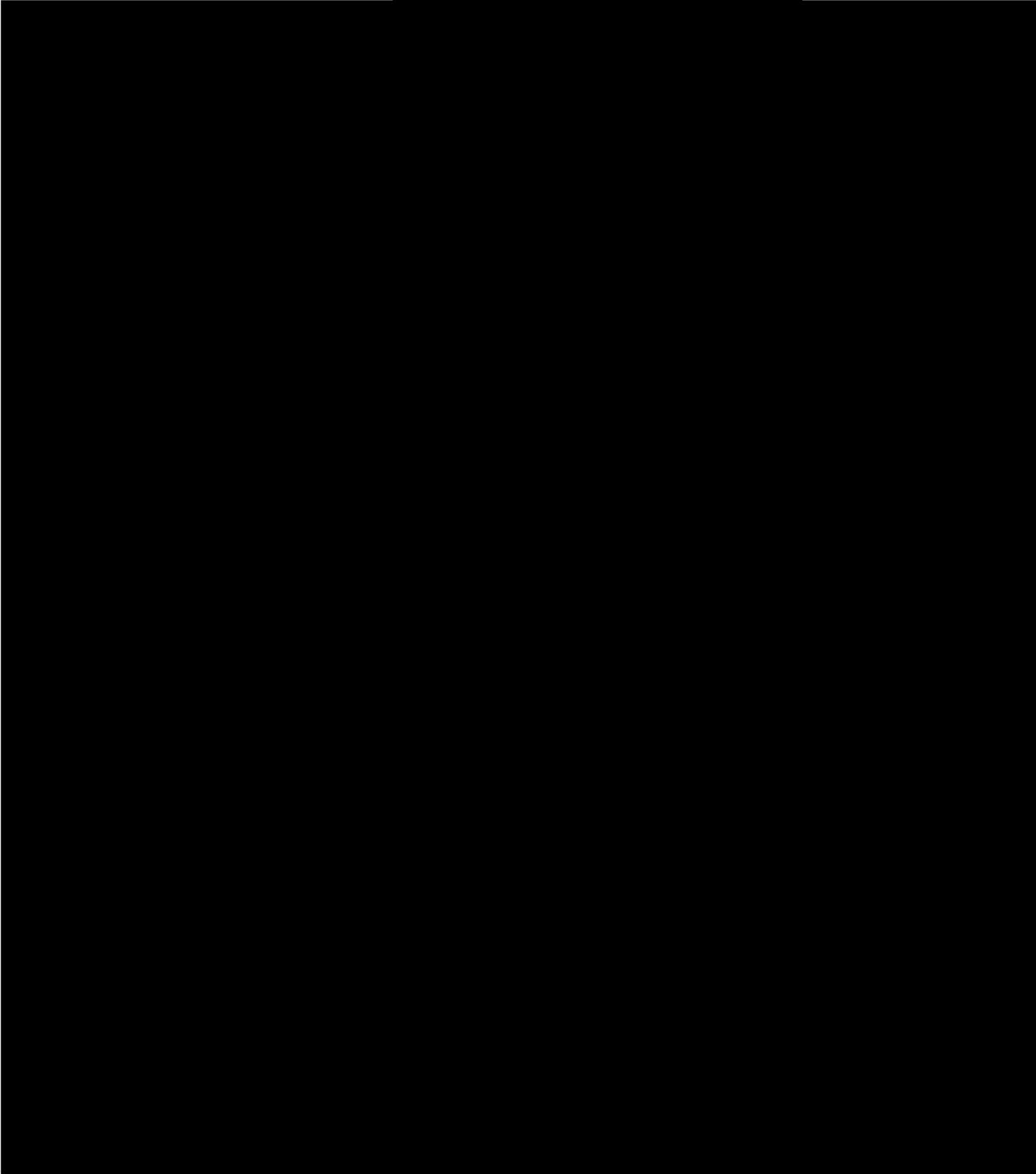




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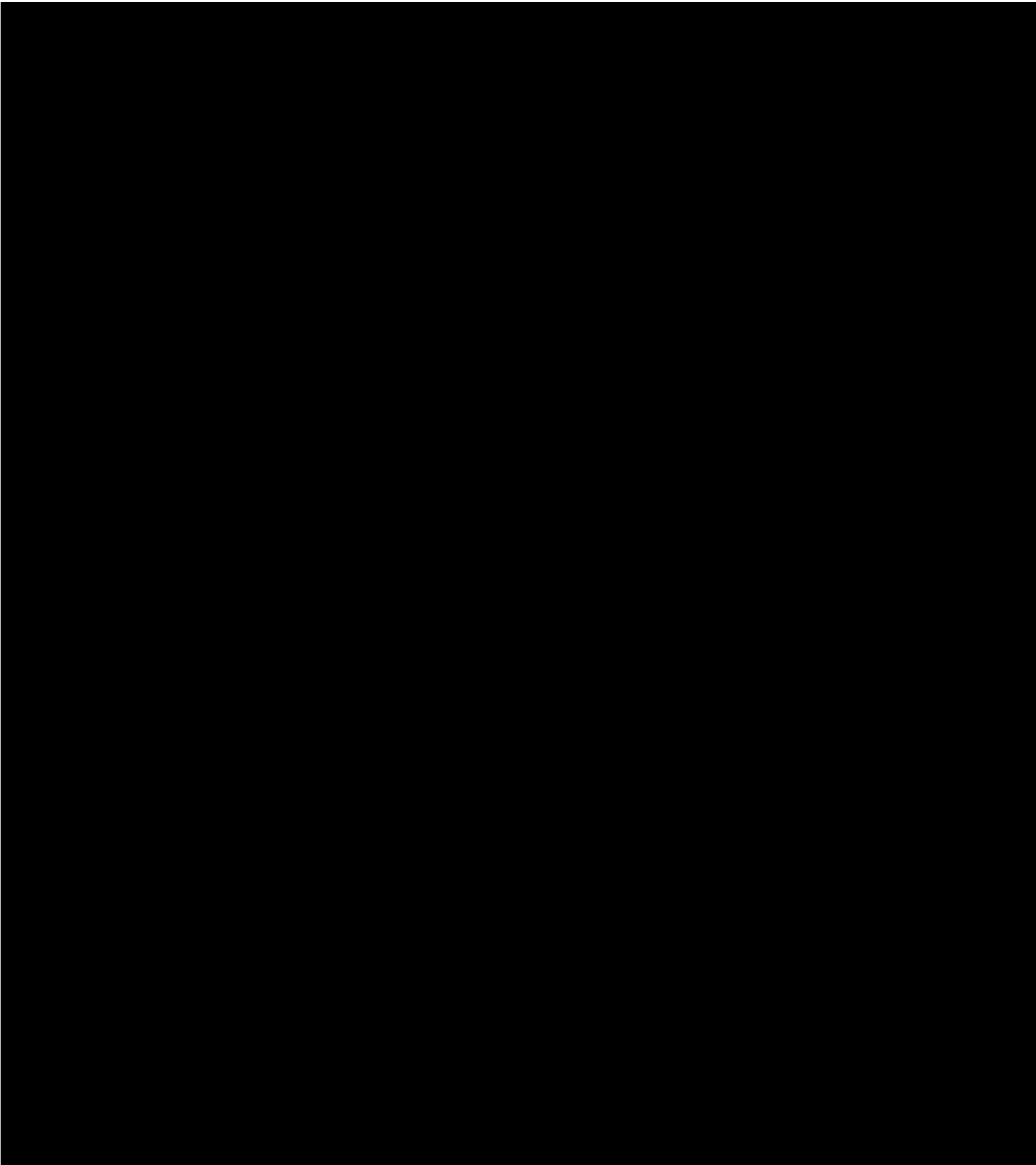


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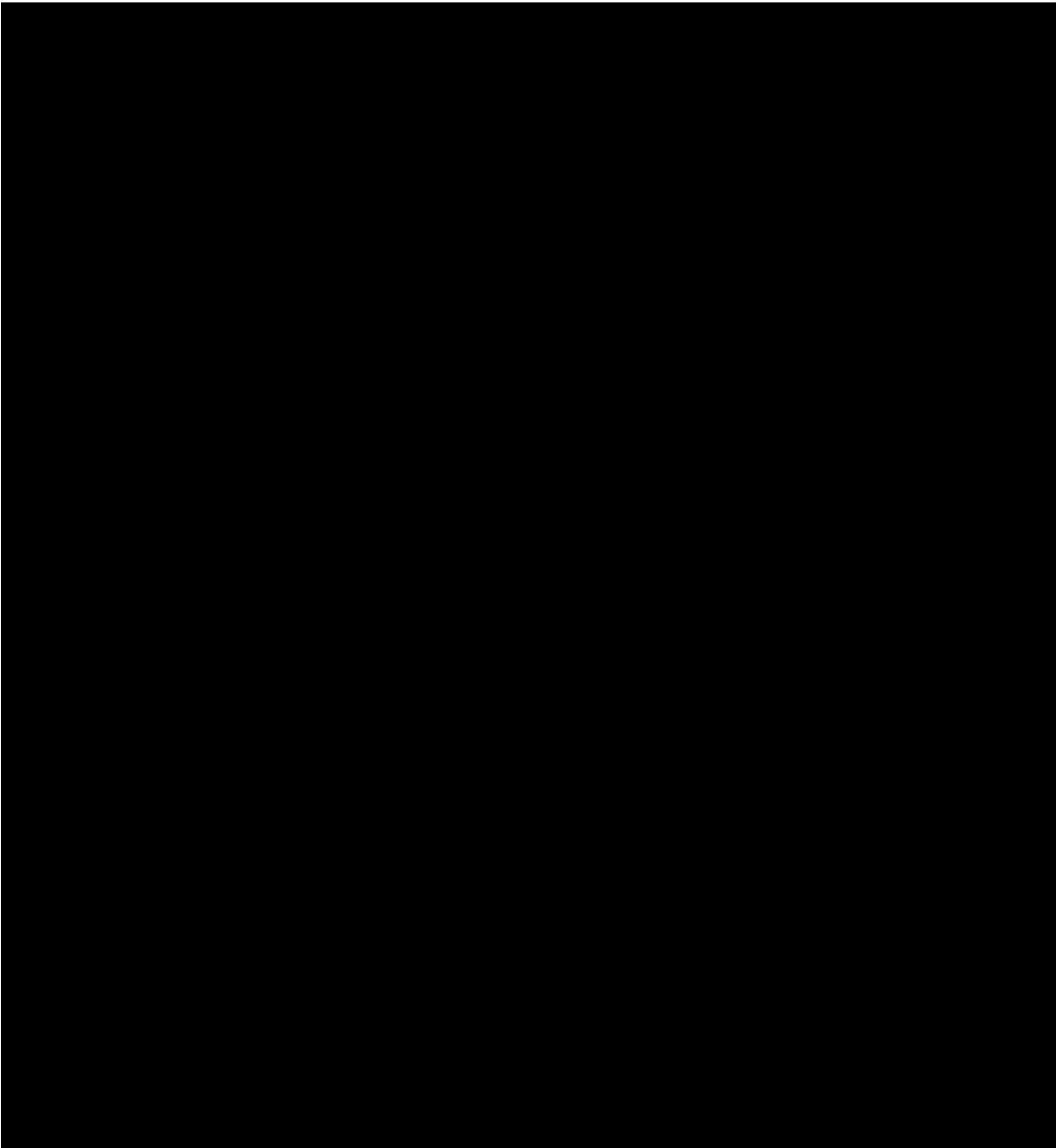


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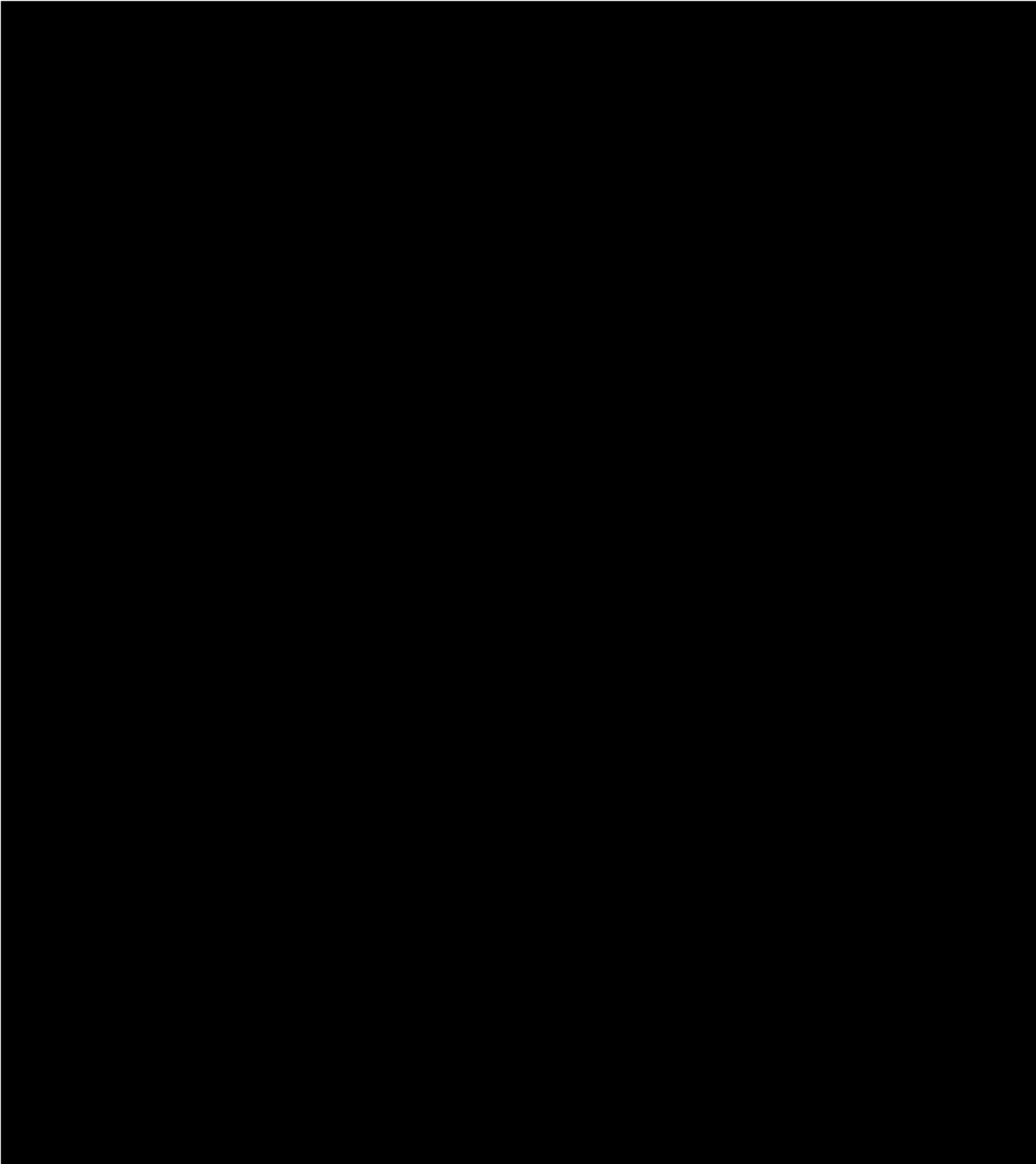
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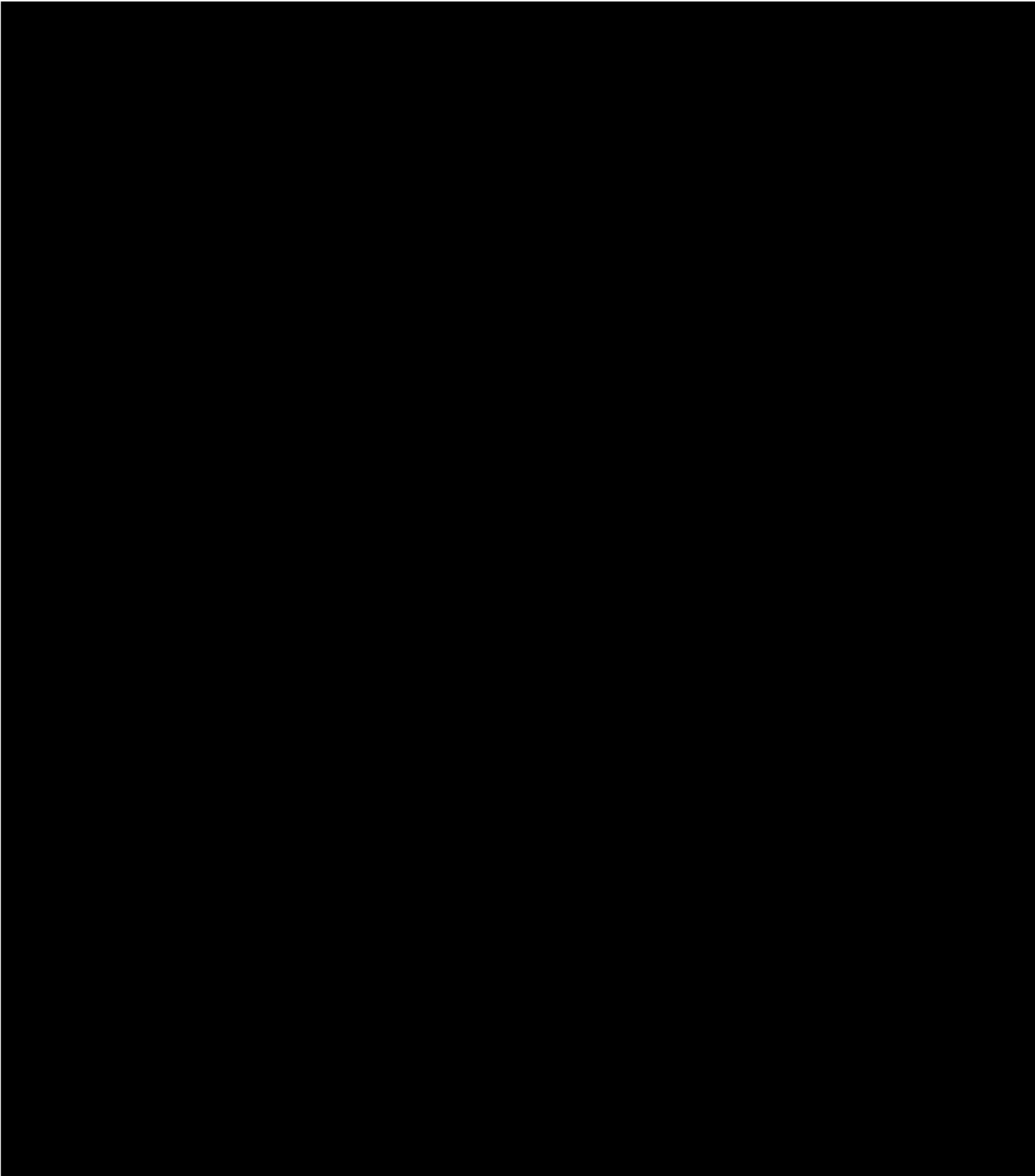
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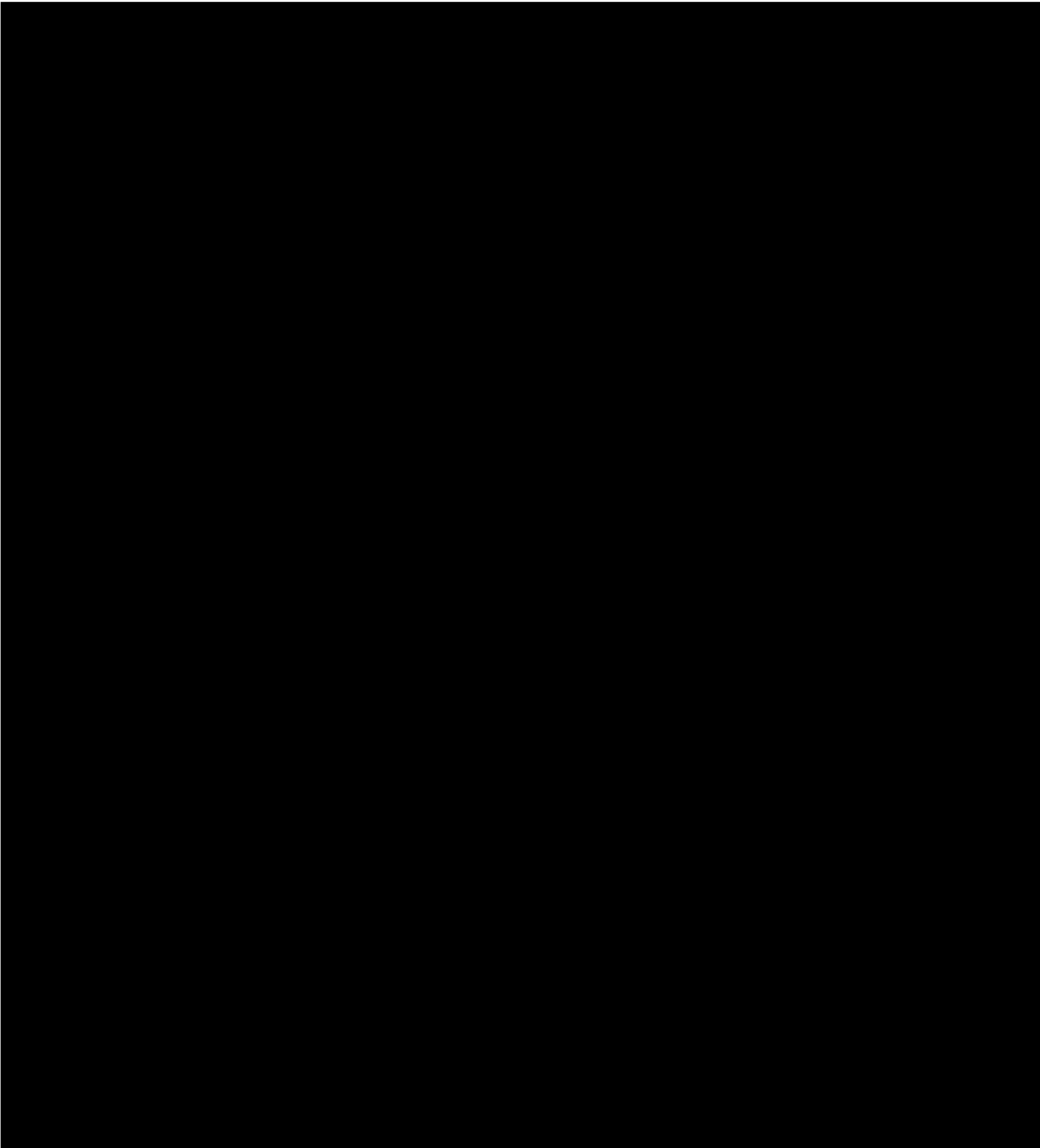
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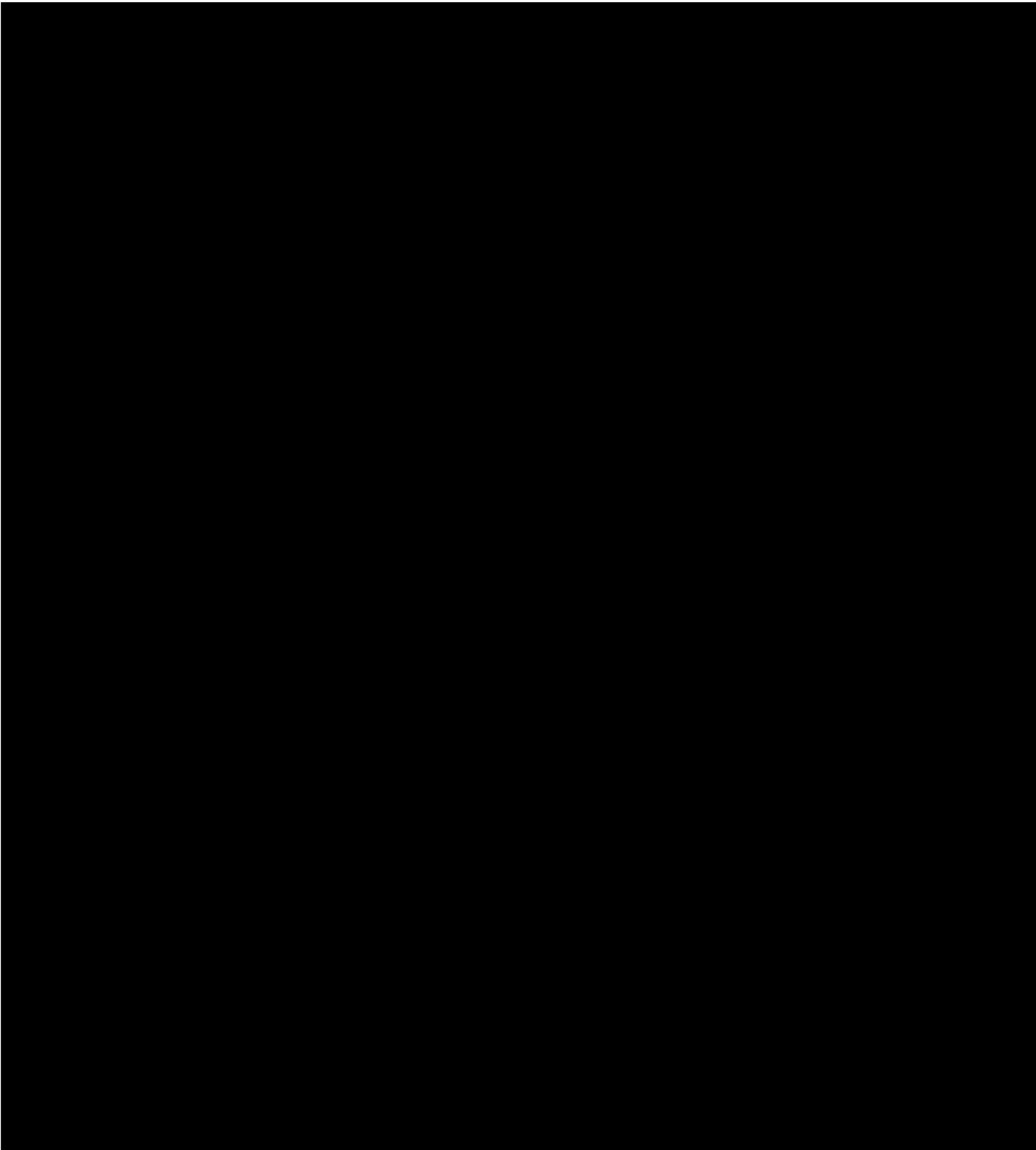
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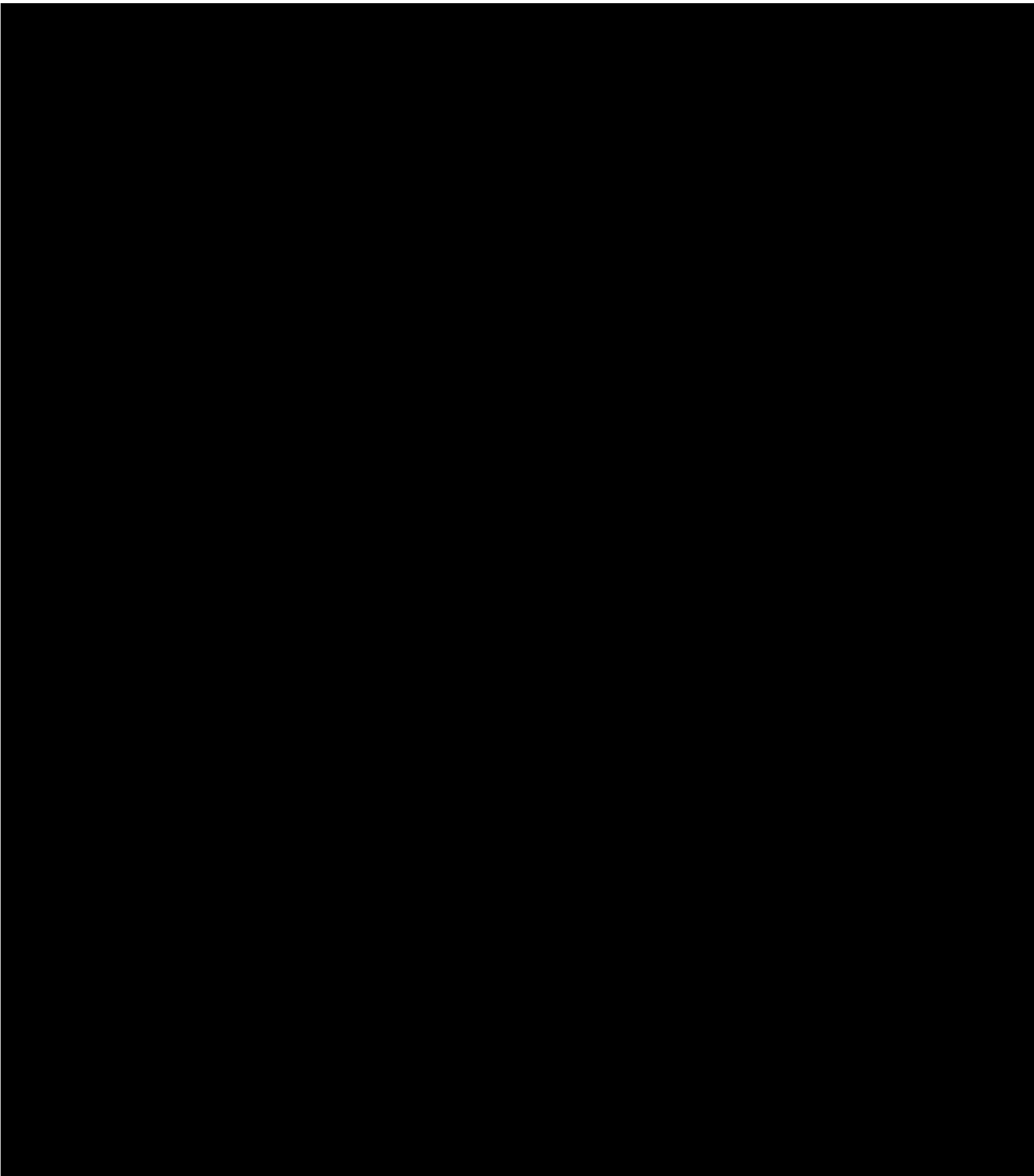


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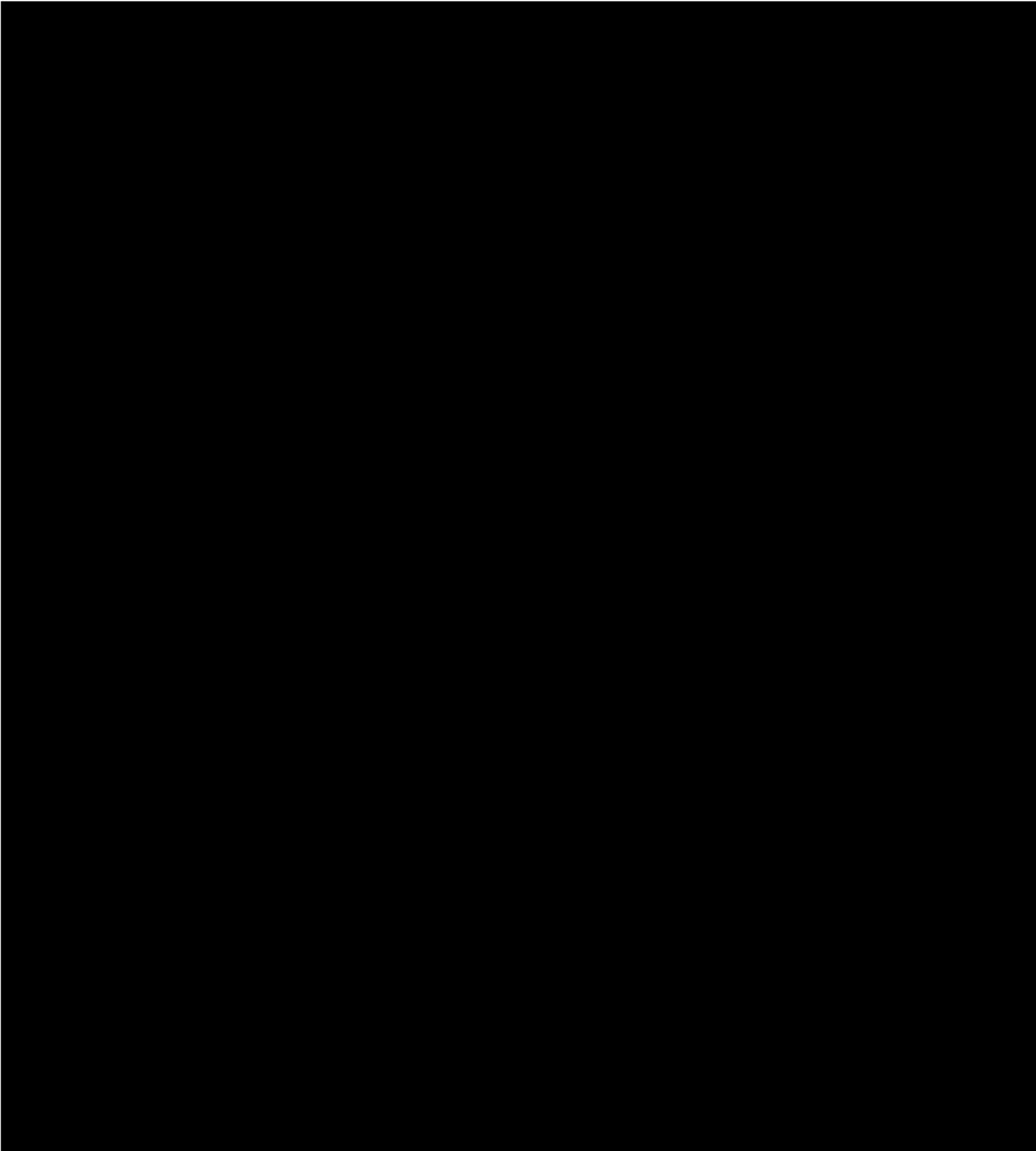
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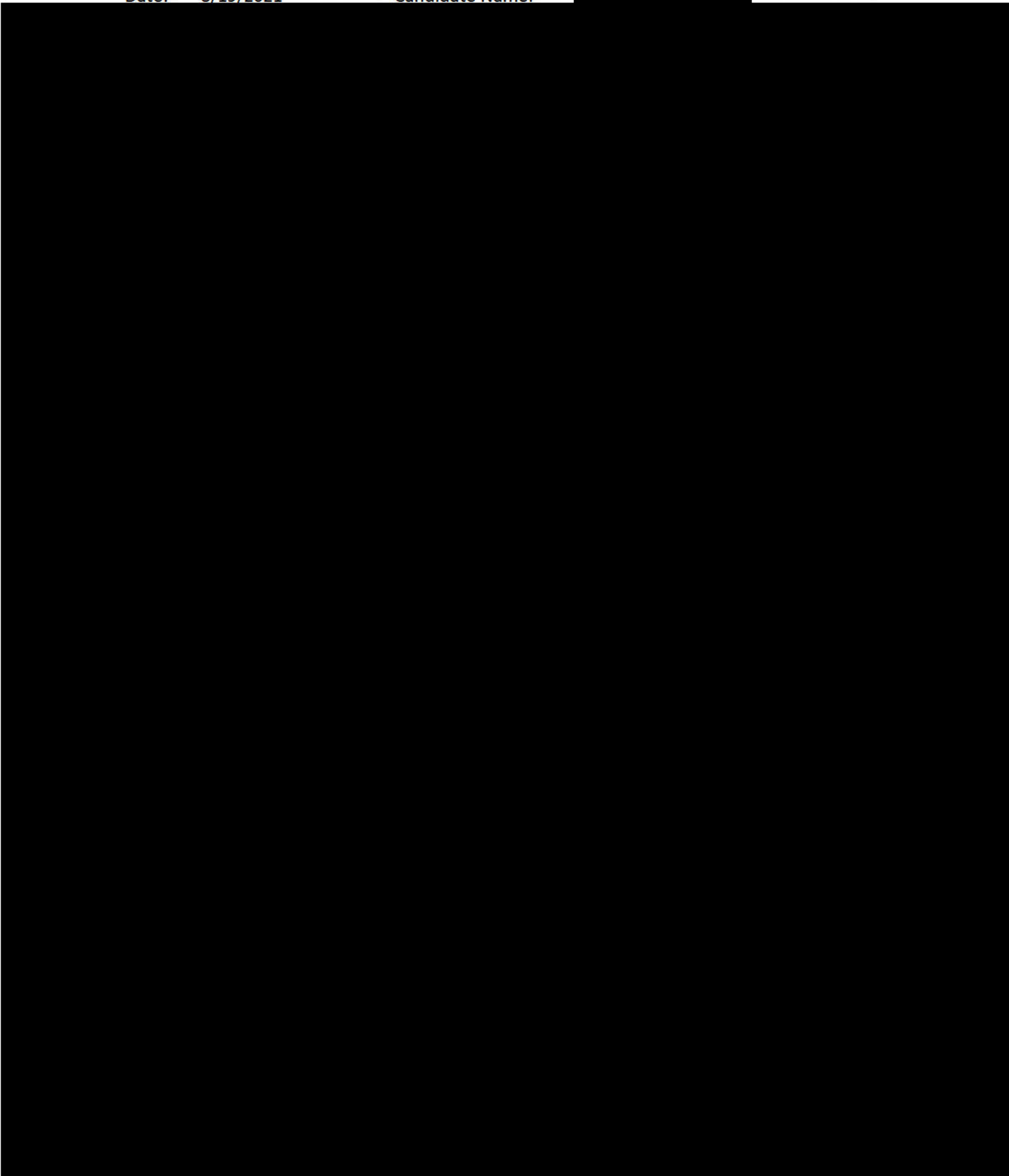
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Date: 8/19/2021 Candidate Name: [REDACTED]

Date: 8/19/2021

Candidate Name:



Date: __8/19/2021__

Candidate Name:

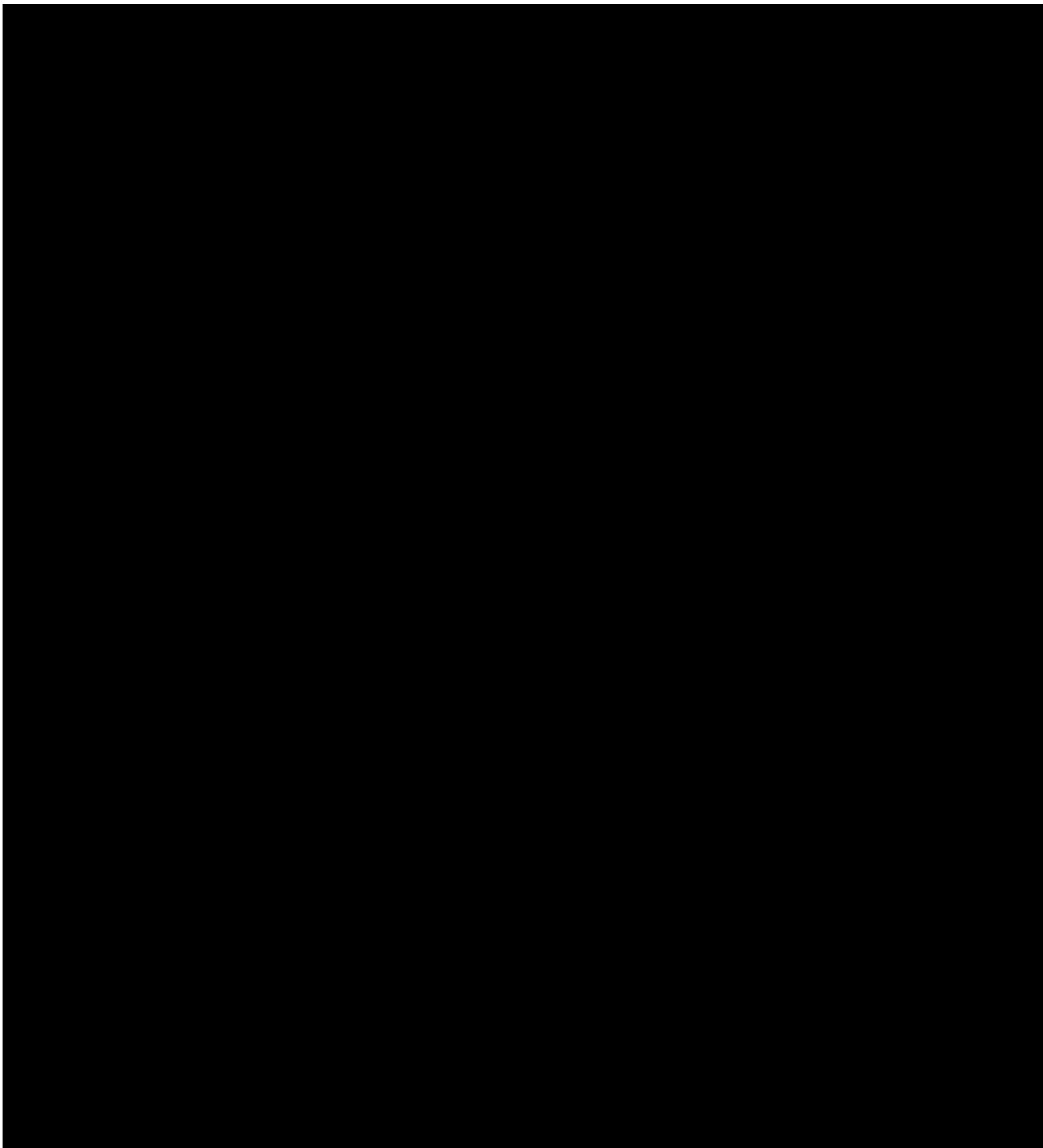


EXHIBIT G

The CSC's Final Report Regarding Appellant's
Inspection Service Review,
dated June 3, 2022



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Sent Via Email: [REDACTED]

June 3, 2022

Jarmee Thieu

Email: [REDACTED]

Subject: Inspection Service Review: Reassignment Process Conducted by the Human Service Agency (HSA) for Class 2913 Program Specialist

Dear Jarmee:

This is written in response to your inspection service request to review the [REDACTED]

The following are applicable Standards, Commission Rules, and my findings. The conclusion will address whether there are violations of the Charter and/or Commission Rules regarding issues that are governed by Memorandum of Understandings.

Authority

The Civil Service Commission is authorized by Charter (*Article X Section 10.101. General Powers and Duties*) to establish rules, policies, and procedures to carry out the merit system provisions of the Charter. Therefore, the Commission provides oversight and review on examinations, minimum qualifications, and other merit system matters.

Charter Section 10.101 states in relevant part, “The Commission shall establish an inspection service for the purpose of investigating the conduct or an action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the Commission in making its investigations and any person hindering the Commission or its agents shall be subject to suspension. [...] The Commission shall have the power to inquire into the operation of the civil service merit system to ensure compliance with merit principles and rules established by the Commission.”

Conclusion

HSA HR acknowledged that they erred in the calculation of your seniority which caused you to not be included in the selection process for reassignment [REDACTED]. They were unaware of your exclusion until you contacted them on August 23, 2021. At that point, the process was concluded for this position reassignment. HR notified the hiring program of the error and directed the hiring manager to include you in the selection/interview process [REDACTED]. [REDACTED] scored the highest amongst the three candidates interviewed which included you and was selected for the reassignment position.

The Collective Bargaining Agreement section on reassignment states “Grievances arising from this section may be initiated at the second step of the grievance procedure. Unresolved grievances shall be submitted to Expedited Arbitration.” The process for conducting reassignment selections is not within the jurisdiction of Civil Service Commission Rules, it is dictated by the Collective Bargaining Agreement between and for Service Employees International Union Local 1021 and the City and County of San Francisco.

It is unfortunate that due to the miscalculation of your seniority, you were not interviewed for the reassignment position for [REDACTED]. HSA HR corrected the error and intervened in the process for position [REDACTED] and ensured that you were interviewed for the reassignment. This review was conducted to provide an explanation to you regarding the reassignment process as outlined by the Collective Bargaining Agreement for your classification as a Class 2913 Program Specialist and how the process was conducted by HR. As reassignments are not governed by Civil Service Commission Rules nor are violations of Collective Bargaining Agreements under Civil Service Commission jurisdiction, any further issues, or inquiries you have should be addressed to your Labor Union representative.

Sincerely,
CIVIL SERVICE COMMISSION

Luiz Morganti

LUZ MORGANTI
Senior Human Resources Analyst

cc: Sandra Eng, Executive Officer

EXHIBIT H

DHR EEO's Responses to Appellant's Requests for a
Status Update

Dulay, Deborah (HRD)

From: [REDACTED]
Sent: Monday, September 12, 2022 5:10 PM
To: Garcia, Diana (HRD)
Cc: Burke, Jennifer (HRD); Martinez, Amalia (HRD)
Subject: Re: HSA HR

Hello Ms. Garcia,
I'm following up on my case, would you please update me on the status? It's been a long while. Should you need additional information, please let me know. Again, I've most of the supporting evidence obtained through the SOTF. Thanks.

~~Jarmee Thieu

On Monday, July 11, 2022 at 05:45:19 PM PDT, Garcia, Diana (HRD) <diana.l.garcia@sfgov.org> wrote:

Good afternoon!

Again, thank you for sending documents specific to your complaint. I will save this to your complaint file.

Best,



Connecting People with Purpose

Diana Garcia
EEO Programs Specialist
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 701-4519
Website: www.sfdhr.org

From
Sent
To:
Subj

Hello Ms. Garcia,

Proof that HSA HR failed to take action. It's discriminatory and retaliatory.

I am attaching supporting evidence. Please see attached.

Again, if you need additional info to facilitate your investigation, please let me know.

Thanks.

~~Jarmee Thieu

On Tuesday, July 5, 2022, 08:47:22 AM PDT, Garcia, Diana (HRD) <diana.l.garcia@sfgov.org> wrote:

Good morning!

Thank goodness everything worked out! I will add your Selection Timeline to the documents in your file. Your patience during this process is appreciated! Have a good day!



Connecting People with Purpose

Diana Garcia

EEO Programs Specialist

Department of Human Resources

One South Van Ness Ave., 4th Floor

San Francisco, CA 94103

Phone: (415) 701-4519

Website: www.sfdhr.org

From
Sent:
To: G
Subje

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

Good morning Ms. Garica,

Trust that you'd enjoyed your time off.

Attached please find Selection Timeline file.

Please let me know if you need additional info.

~Jarmee

Dulay, Deborah (HRD)

From: Burke, Jennifer (HRD)
Sent: Tuesday, September 13, 2022 8:24 AM
To: Thieu, Jarmee (HSA)
Cc: Martinez, Amalia (HRD)
Subject: RE: Reassignment for 07062022

Hi Jarmee:

Thank you for the email. DHR EEO will need to assign the information you provided to Diana Garcia to an investigator for review to see if DHR EEO has jurisdiction regarding over these concerns. At the present, I do not have an investigator to assign to your matter, so I appreciate your patience. Once an investigator is assigned to your matter, they will reach out to you with any further questions.

Thank you again for your patience,



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

From: Martinez, Amalia (HRD) <amalia.martinez1@sfgov.org>
Sent: Tuesday, September 13, 2022 6:37 AM
To: Thieu, Jarmee (HSA) <jarmee.thieu@sfgov.org>; Burke, Jennifer (HRD) <jennifer.burke@sfgov.org>
Subject: RE: Reassignment for 07062022

Dear Ms. Jarmee –

Hope you are well. Please be advised that EEO Investigator Diana Garcia is no longer with DHR EEO.

EEO Manager Jennifer Burke will circle back to you and provide you with a case status.

Thank you for your continued patience and understanding,

Amalia



Amalia Martinez
Equal Employment Opportunity Director
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4932

From: Thieu, Jarmee (HSA) <jarmee.thieu@sfgov.org>
Sent: Monday, September 12, 2022 4:54 PM
To: Garcia, Diana (HRD) <diana.l.garcia@sfgov.org>
Cc: Burke, Jennifer (HRD) <jennifer.burke@sfgov.org>; Martinez, Amalia (HRD) <amalia.martinez1@sfgov.org>
Subject: RE: Reassignment for 07062022

Hello Ms. Garcia,
I would like up on the status of my case. It's been a long while, can you provide me an update?

Thank you,

Jarmee

From: Garcia, Diana (HRD) <diana.l.garcia@sfgov.org>
Sent: Tuesday, July 19, 2022 8:42 AM
To: Thieu, Jarmee (HSA) <jarmee.thieu@sfgov.org>
Subject: RE: Reassignment for 07062022

Good morning!

Please forgive the delay in responding. Thank you for the additional information. I am finalizing the transcription of the intake interview notes and will be submitting to my supervisor this week. Again and as always, your patience during this process is appreciated!



Connecting People with Purpose

Diana Garcia
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From: Thieu, Jarmee (HSA) <jarmee.thieu@sfgov.org>
Sent: Thursday, July 14, 2022 4:56 PM
To: Garcia, Diana (HRD) <diana.l.garcia@sfgov.org>
Subject: FW: Reassignment for 07062022

Hello Ms. Garcia,

Just FYI, HSA has 2 RA opportunities in the OP unit, which requires SP language condition. Justification questionable. Will keep you posted.

This is on a side note – [REDACTED] will be selected for the position (that's my prediction).

Again, please reach out, if you need clarification or any additional information.

Thank you,

Jarmee

From [REDACTED]
Sent: [REDACTED]
To: H [REDACTED]
Subje [REDACTED]

Reassignment Opportunity

POSTING DATE:	07/06/2022
DEADLINE:	07/13/2022
Email questions to:	[REDACTED]
CLICK HERE TO APPLY	

EXHIBIT I

Summary of Comparative Evidence

Summary of Comparative Evidence

