

**Additional Information
Submitted by Appellant**

5/20/23

Via Email

EEO File # 4197

For Civil Service Commission Meeting of 6/5/2023

“We maintain a fair system to make sure the City hires the best-qualified people for public service”

Dear Civil Service Commissioners:

I, Jarmee Thieu, disagree with the Human Resources Director’s determination to close my discrimination and retaliation case without further investigation despite providing supporting evidence that discrimination and retaliation did occur in the reassignment process at HSA HR Department and Investigations Division. Further, HSA HR Department violates the MOU. I demand a thorough investigation into the unfair, discriminatory and retaliatory practice against me.

Brief background: I’ve been employed by the City since 1/2004. Promoted to Classification 2913, Program Specialist in 12/2007 working in the Overpayment Unit. I held the very same position from 12/2007 to 2/2009, and from 11/2011 to 6/2018 in the Overpayment Unit of the Investigations Division. I was displaced to HSA CAAP Program in 9/2018 from SFMTA after taken a promotion in 6/2018 (you probably don’t remember my case with SFMTA). Since then I’ve been in the same classification at HSA CAAP Program awaiting reassignment opportunities to return to the Overpayment Unit. Sandra Eng can attest to this particular reassignment process.

Issues: There were two reassignment positions in the Overpayment Unit posted in 7/2021 which I applied for (the very same position I held before, 8+ years experience). I was passed on due to discrimination against me (as a former team member in the Overpayment Unit) and retaliation for reporting the HSA HR’s practice and Investigations Division’s intentional ignorance to CSC Executive Director Sandra Eng. I was never called for an interview despite my seniority, which I notified HR on 8/17/21. After all the candidates were interviewed and selections were made on 8/20/2021 and 8/25/21 for the 2 positions, they called me on 9/22/21 and scheduled for an interview on 9/30/21. HR only considered me for one position instead of both positions even I applied for both. I was excluded period. While waiting for the Overpayment Unit’s selection for the 2nd position, the selected 1st candidate was already onboarding on 10/4/21. And I was informed on 10/7/21 another candidate was selected for the other position. I have inquired why I was excluded for the 1st position, HR did not have an answer on 10/8/21 and promised to provide detailed information regarding the selection process in a timely manner. Further, I requested a resolution after the CSC’s Final Report dated in 6/2022 which found HSA HR violated the MOU. HSA HR Department still maintain that they’ve rectified the fiasco and refused to do anything further. Please note, my annual

performance evaluation track records were in good standing during my years as a Program Specialist in the OP Unit.

Attached evidence supports that HR and the Investigations Division intend to fail me right from the beginning to the end. Through their series of negligence failures, I faced many, many challenges and obstacles to obtain an interview which I should not have to do to begin with. At the end, my fear of retaliation became true. As a formality, the panelists just interviewed me and passed me on.

Below are some of the unfair and discriminatory practices I encountered when applying for the reassignment positions, not to mention the retaliation happened after they learned CSC Sandra Eng was aware of the whole process. No one can imagine the mental pain that have taken a toll on me during the months 8/21 to 10/21, I am still suffering till to date due to HR and Investigations Division intention to exclude me in the process.

At the very least, an investigation into HR and Investigations practice should be conducted by a neutral party is warrant as DHR EEO investigation is not impartial and did not follow procedure/protocol. Furthermore, I can provide detailed supporting documents obtained through the SOTF. I sincerely request the CSC to assist me in resolving this matter as I wish to be reassigned to the OP Unit. After all, what's the probability of not getting reassigned for the 2 positions? I have 8 years of qualified experience working in that position, and they hired 2 candidates without prior experience in the unit. The reassignment process was capricious and arbitrary. Someone needs to be held accountable for this discriminatory and retaliatory practice against me. Thank you very much for your attention to this matter.

Sincerely,

Jarmee Thieu

- HR failed to intervene/stop the hiring process right after I protested on not being considered as an eligible applicant based on my seniority on 8/17/21 via MS Teams. And HR misled me till the end. (See MS Teams screenshots from 8/17/21 on with Arleene Brice. With David Tu from 9/16/21) **Exhibit A**
- No reply when inquiries emails were sent to Vladimir Rudadkov, Director of Investigations, Wannie Huynh, then Program Support Analyst, Arleene Brice, HR Analyst. (See emails) **Exhibit B**
- During the entire process, I was in communication with Arleene Brice of HR and Sandra Eng to document the process. HR did not intervene nor being forthcoming

when I pressed for the status until Sandra Eng contacted David Tu, HR Manager.
(See email) **Exhibit C**

- One of the panelists had bias against me. Prior to the interview, she made an effort to research the Civil Service Rules and emailed Wannie Huynh to read it. They tried to exclude me even learning I was an eligible applicant. (See email from Clare Scott dated 9/15/21) **Exhibit D**
- Even after the reassignment process was completed, HR and Investigations Division continued to cover up by giving inaccurate chronology with no supporting evidence. Furthermore, the Investigations Division denied my request to release all supporting documents (MS Teams, emails, etc.) pertaining to the selection process claiming it's confidential information, not public record. Note: Investigations Division administers the Sunshine Ordinance Requests. (See Chronology David Tu's version versus mine) **Exhibit E**
- By the time I went through several Sunshine Ordinance Task Force hearings and appeals meetings to get the documents, all MS Teams communications were deleted. Only partial documents pertaining the 2 positions were released to me. Note: There were no selection notes from the panelists released to me, only scoring sheets. HSA was issued a non-compliance letter from SOTF. (See Order of Determination dated 1/5/22) **Exhibit F**
- HR still maintain they rectified after CSC's Inspection Service Review Findings in 6/2022. **Exhibit G**

Chronology:

Please note the date **8/17/2021** is crucial, I notified HR about my seniority date and the 2 positions I applied for and HR did not take action until 9/16/21.

7/26/21: I applied the 2 reassignment positions timely (positions #00313347 and #01072508 in the OP Unit)

8/17/21: I reached out to Arleene Brice, HR Analyst inquiring why I was not called for interview for the positions in the OP Unit despite my seniority. I specifically alerted her to look into my seniority date

8/17/21: I also reached out to CSC Ms. Eng to document and inquire about seniority rules and I kept her informed about the process.

8/18/21: I was informed by Brice that my name would be sent to Investigations for interview. And I kept following up with her till 8/27/2021 about the interview, and our conversations on TEAMS eventually ended on 10/7/2021 when she informed me another candidate was selected.

8/18/21 to 8/19/21: OP Unit interviewed 3 candidates for the position #00313347

8/20/21: Wannie Huynh notified HR about their selection and requested another candidate name for position #01072508 to be interviewed. (Notice the turn-around time for the selection, next day)

8/24/21: Ineligible applicant was interviewed and selected.

8/25/21: Wannie Huynh notified HR about their selection for the position #01072508. (Again, next day, HR was notified)

9/8/21: Sandra Eng offered to contact HR after learning my attempt to reach out was ignored. I informed her I didn't want to jeopardize my chance to return to OP Unit and I also fear of retaliation.

9/15/21: Late Clare Scott emailed Wannie Huynh about Civil Service Rules, asked her to read the highlighted section (evidence of bias against me prior to my interview, as a candidate).

9/16/21: I emailed Sandra Eng to inform her to contact HSA HR David Tu or Brice, as I couldn't hold any longer. She reached out, and David Tu set up a meeting with me. On that same day, HR officially notified the other selected candidate that she's not eligible, offer retracted.

9/17/21: Met with David Tu via Teams, was assured OP Unit would contact me soon for interview.

9/22/21: Interview scheduled for 9/30/21

9/30/21: I was interviewed

10/4/21: New Hire for position #00313347 on boarding

10/6/21: Wannie Huynh informed HR about the selection for position #01072508 (it took her several days to make a selection).

10/8/21: Met with David Tu, I inquired why I was not considered for position #00313347 despite having seniority. He couldn't provide an answer, and promised to give me a 2913 Reassignment Chronology. He eventually provided one in 11/16/21 which was full of inaccuracies.

Exhibit A

Note the date 8/17/21, I was shown by Arleene Brice the Job Appointment Summary.

5:1 AM

4:44 AM

..

2:22 AM

1:14 AM

..

12:26 AM

..


10:36 AM

8:35 AM

9/1

ni...

9/1

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

Jamee Thieu Emp ID: 042896 Empl Record

Job Appointment Summary

Eff Date	Appl Date	Action	Description	Payroll Status	Job Code	Union Code	Empl Class	Empl Cat	Full/Part Time
09/18/2018	11/14/2011	DTA	Demotion-Prior PCS	Active	2913	535	PCS	NA	F
06/16/2018	06/16/2018	DTA	Job Code Change	Active	1241	022	PCS	NA	F
07/01/2017	11/14/2011	POS	Position Data Update	Active	2913	535	PCS	NA	F
04/03/2014	11/14/2011	DTA	End of Holdover Status	Active	2913	535	PCS	NA	F
08/17/2012	11/14/2011	DTA	Data Conversion	Active	2913	535	PCS	NA	F
11/14/2011	11/14/2011	PRO	From - Permanent Civil Service	Active	2913	535	PCS		F
04/04/2009	04/04/2009	REC	Recall from Suspension/Layoff	Active	2903	535	PCS		F
04/04/2009	02/21/2009	LOF	Involuntary Leave	Suspended	9703	535	PCS		F
02/21/2009	02/21/2009	REC	Recall from Suspension/Layoff	Active	9703	535	PCS		F
02/21/2009	12/01/2007	LOF	Involuntary Leave	Suspended	2913	535	PCS		F

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 positions?



Brice, Arleene (HSA) 8/20 11:42 AM
I sent them your name to the position **01120539 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 **01120539 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 00313347 and 01072508. 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)

1. Program: ADM/INV Other: Click here to enter text.	2. Class and Title: 2913 Program Specialist Other: Click here to enter text.	3. Temporary change to a different class: Choose Class and Title Other: Click here to enter text.	4. DHR position Number(s): This box should be filled. One position # per line 01120539
5. Bilingual Language: <input type="checkbox"/>	6. Special Condition: <input type="checkbox"/>	7. Recruitment Type: Reassignment	8. Work Schedule: Full-Time
9. Unit #: S900	10. Location/Other if needed: 1850 Mission St Floor: 5	11. Supervisor Name: Jennifer Hickman	14. Work Hours: WEEKDAYS
		12. Worker #: S900	Other:



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 Jennifer's 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

MS Teams conversation 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
Good morning David, interview scheduled. Enjoy your time off. 👍 1

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. Mohamed 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?



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?



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

Exhibit B

FW: 2913 Positions

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

To: jthieu@yahoo.com

Date: Friday, October 8, 2021 at 09:18 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: 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 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) [REDACTED]
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) [REDACTED]
C: (415) [REDACTED]
F: (415) [REDACTED]

[REDACTED]

www.SFHSA.org



CCSF-HSA - All outbound HSA email is automatically scanned for PII and PHI by Zix Email Encryption

Exhibit C

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,

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



Thu 9/16/2021 4:00 PM
Thieu, Jarmee (HSA)
RE: 2913 Positions

To: Eng, Sandra (CSC)

You forwarded this message on 6/15/2022 9:45 PM.

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,

----- Thieu

Pang, Ken (HSA)

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 Jarmee 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
Civil Service Commission*

Exhibit D

Panelist researched on Civil Service Rules, influenced Wannie Huynh to exclude me.

Pang, Ken (HSA)

From: Scott, Clare (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.**

Clare Scott
Reports and Regulations Analyst
Investigations Division

Exhibit E

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 MS 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 00313347 & 01072508).
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 (00313347 and 01072508).
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 (00313347 & 01072508).
8/20/2021	Program selected the top scoring candidate for position 00313347 and HR proceeded with the hiring process. Program requested additional respondents for position 01072508 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.
	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 01072508. 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 00313347. Candidate Bham was selected on 8/20/21, started date 10/4/21. Rating sheet was sent on 8/20/21, with candidates interviewed – M. Bham, K. Trinh, D. Chong - 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 01072508 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 01072508 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 M. Bham (8/20/21) and M. Rull (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 01072508 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 XiuMin Li. David did not provide an answer as of what happened to position 00313347. 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.

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION

February 21, 2023

DATE DECISION ISSUED

January 5, 2022

CASE TITLE: Jarmee Thieu v. Ken Pang and the Human Services Agency
Investigation Division
File No: 21152

Complaint filed by Jarmee Thieu against Ken Pang and the Human Services Agency Investigation Division for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to public records request in a timely and/or complete manner.

HEARING AND ACTION ON THE COMPLAINT

On December 14, 2021, the Education Outreach and Training Committee acting in its capacity to hear petitions/complaints heard the matter.

Moved by Chair Hyland, seconded by Member Yankee, to find that the SOTF has jurisdiction, find that the requested records are public and referred the matter to the SOTF for hearing with the recommendation that the SOTF find violations for Administrative Code, (Sunshine Ordinance) Sections 67.25 for failing to provide the requested records in a complete and timely manner; 67.26 for failing to keep withholding to a minimum; California Public Records Act 6253(b) for failing to provide an identifiable records and by failing to make the records promptly available to any person upon payment of fees covering direct costs of duplication, 6253(c) by failing to respond to the request within 10 days and by failing to determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor.

The motion PASSED by the following vote:

Ayes: 3 - Hyland, Yankee, Padmanabhan,
Noes: 0 - None

On January 5, 2022, the SOTF held a hearing to review the recommendation from committee and/or to review the merits of the petition/complaint.

FINDINGS AND ORDER OF DETERMINATION

On January 5, 2022, the SOTF made the following Findings and issued an Order of Determination based upon the testimony and evidence presented:

The SOTF determined that:

Moved by Member Hyland, second by Member Schmidt, to amend their original motion to find that Ken Pang and the Human Services Agency violated Administrative Code, (Sunshine Ordinance) Section 67.26 for nonminimal withholding and for failing to provide any documents, including screen shots and emails pertaining to the timeline between July 1, 2021, and October 13, 2021, in a complete and timely manner regarding HSA's position numbers 00313347 and 01072508 and that such documents be provided to the Petitioner with appropriate redactions by January 21, 2022, and include an index or timeline of records provided with regard to opening positions, posting the interview period and announcing the positions that have been filled by January 21, 2022.

and

Moved by Member Hyland, second by Member Schmidt, to find that Ken Pang and the Human Services Agency violated California Government Code 6253(b) for failing to make records available promptly and Administrative Code (Sunshine Ordinance) Sections 67.21(c) by failing to provide assistance to the requestor, 67.26 for nonminimal withholding and ordered that Ken Pang and the Human Services Agency produce a timeline to include all communications from July 1, 2021 to October 13, 2021, emails, screen shots, documents with appropriate redactions pertaining to positions 00313347 and 01072508 in a complete and/or timely manner regarding information on when the job was opened, closed and all communications by HSA employees be provided to the Petitioner by January 21, 2022.

The motions PASSED by the following vote:

Ayes: 9 - Hyland, Schmidt, Yankee, Stein, Padmanabhan, Neighbors, LaHood,

B. Wolfe, Wong

Noes: 0 - None

The Order of Determinations was approved
by the Sunshine Ordinance Task Force
on: February 1, 2023

cc. Jarmee Thieu, (Petitioner/Complainant)
Ken Pang and the Human Services Agency Investigation Division (Respondent)

Monitoring Meetings by the Committee

It is the intent that the Compliance and Amendments Committee monitoring Order of Determination from the SOTF to insure compliance on the issues referred and listed and not to rehear the complaints or discuss other issues.

Upon determining compliance the matter will be close and not subject to further hearings.

If the CAC determines that compliance has not been achieved the committee and cannot be achieved the CAC should avoid referring the matter back to the SOTF if possible and take one of the following action (I assume they will be authorized to act on behalf of the full SOTF) or referred the matter back to the SOTF with recommendation to take one of the following actions (under a consent agenda?):

- Referral to the Ethics Commission for enforcement action.
- Referral to the District Attorney and/or the Attorney General who may take whatever measures they deem necessary to insure compliance with the provisions of the Sunshine Ordinance.
- Referral to the Board of Supervisors and/or the Mayor for enforcement action.
- Statement that the SOTF has made their determination but are unable to enforce their ruling. Apologize that the SOTF cannot take any other action to enforce but Reference 67.35 (Enforcement Provision) regarding the ability to file a lawsuit with the Superior Court.

Possible References for action:

67.21(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. **If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance.** The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records

requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the *superior court* shall have jurisdiction to order compliance.

67.30(c) The Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts.

67.31 The Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts.

67.35 ENFORCEMENT PROVISIONS

(a) Any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this Ordinance or to enforce his or her right to attend any meeting required under this Ordinance to be open, or to compel such meeting to be open.

(b) A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought to enforce this Ordinance.

(c) If a court finds that an action filed pursuant to this section is frivolous, the City and County may assert its rights to be paid its reasonable attorneys' fees and costs.

(d) Any person may institute proceedings for enforcement and penalties under this act in any court of competent jurisdiction or before the Ethics Commission if enforcement action is not taken by a City or State official 40 days after a complaint is filed.

CREATE TEMPLATES for instances when OD has not occurred and cannot be enforced by committee.



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Sent Via Email: jthieu@yahoo.com

June 3, 2022

Jarmee Thieu
Email: jthieu@yahoo.com

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 reassignment process conducted by the Human Services Agency (HSA) for Class 2913 Program Specialist. You state that HSA violated the MOU when handling the reassignment for position Class 2913 #00313347 by excluding you from the process that took place in July/August 2021.

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.”

Standards

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”. 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. 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.

Grievances arising from this section may be initiated at the second step of the grievance procedure. Unresolved grievances shall be submitted to Expedited Arbitration.

Findings

On July 26, 2021, HSA posted two (2) Class 2913 vacancies for reassignment (positions #00313347 & 01072508). Both reassignment vacancies were located in the Overpayments unit in the Investigations program. The response deadline was July 30, 2021. Ten (10) employees responded with interest to both positions. Based on seniority, the three most senior candidates were interviewed. The interviews took place on August 20, 2021, and Mohammed Bham was selected for reassignment to position #00313347.

For position #01072508, the hiring manager was provided the next most senior candidate, for interview/consideration in addition to the other two (2) candidates that had already been interviewed for position #00313347. This candidate declined the interview, and the hiring manager was provided the next most senior candidate. While the reassignment process was underway, you contacted HSA Human Resources (HR) about your reassignment application, and it was discovered that HR incorrectly calculated your seniority, and you should have been considered for both reassignment positions. HR notified the hiring program manager of the error and that you should be included in the interview process. Subsequently, HR learned that you were not interviewed for position #01072508, and that the hiring program mistakenly referred to a different 2913 vacancy that was also in the reassignment process that posted on August 2, 2021, in the Investigations program, but not part of the Overpayments unit. HR then halted the process for reassignment position #01072508 to conduct a thorough review. HR then instructed the hiring program to interview you with the same panelists and interview questions used to interview the other reassignment respondents. You were then interviewed for position #01072508 on September 30, 2021. Karen Trinh scored the highest amongst the three candidates interviewed which included you and was selected for the reassignment position #01072508.

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 to position #00313347. 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 for position #01072508. You were interviewed for position #01072508 on September 30, 2021. Karen Trinh 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 #00313347. HSA HR corrected the error and intervened in the process for position #01072508 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