



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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

July 6, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Craig Banks
[REDACTED]

SUBJECT: APPEAL BY CRAIG BANKS OF THE HUMAN RESOURCES DIRECTOR'S FINDING OF UNTIMELY ALLEGATIONS OF HARASSMENT, ADMINISTRATIVELY CLOSE ONE ALLEGATION OF RETALIATION, AND INSUFFICIENT EVIDENCE TO SUBSTANTIATE THREE ALLEGATIONS OF RETALIATION.

Dear Craig Banks:

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 **July 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, July 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 was emailed to you on January 26, 2023, on February 27, 2023, and again on April 6, 2023.

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, July 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.

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

CIVIL SERVICE COMMISSION

/s/

LAVENA HOLMES
Deputy Director

Attachment

Cc: Dennis Herrera, Public Utilities Commission
Carol Isen, Department of Human Resources
Wendy Macy, Public Utilities Commission
Rachel Gardunio, Public Utilities Commission
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J. Public Comment and Due Process

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

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

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

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MAYOR**

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Kenneth Gee
[REDACTED]

SUBJECT: APPEAL BY CRAIG BANKS OF THE HUMAN RESOURCES DIRECTOR'S FINDING OF UNTIMELY ALLEGATIONS OF HARASSMENT, ADMINISTRATIVELY CLOSE ONE ALLEGATION OF RETALIATION, AND INSUFFICIENT EVIDENCE TO SUBSTANTIATE THREE ALLEGATIONS OF RETALIATION.

Dear Kenneth Gee:

As you may be aware, Craig Banks filed the above-referenced discrimination complaint with the Department of Human Resources ("DHR"). The Department of Human Resources reviewed Craig Banks' allegations, and the Human Resources Director determined that there was insufficient evidence to establish the claims of harassment and discrimination. Craig Banks 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 Craig Banks' 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 **July 17, 2023, at 2:00 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 Craig Banks' 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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Sincerely,

CIVIL SERVICE COMMISSION

/s/

LAVENA HOLMES
Deputy Director

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Jeffrey Yee
[REDACTED]

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Dear Jeffrey Yee:

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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

Craig Banks



**SUBJECT: APPEAL BY CRAIG BANKS OF THE HUMAN RESOURCES
DIRECTOR'S FINDING OF UNTIMELY ALLEGATIONS OF
HARASSMENT, ADMINISTRATIVELY CLOSE ONE ALLEGATION OF
RETALIATION, AND INSUFFICIENT EVIDENCE TO SUBSTANTIATE
THREE ALLEGATIONS OF RETALIATION.**

Dear Craig Banks:

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 July 17, 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: Dennis Herrera, Public Utilities Commission
Carol Isen, Department of Human Resources
Wendy Macy, Public Utilities Commission
Rachel Gardunio, Public Utilities Commission
Amalia Martinez, Department of Human Resources
Jennifer Burke, Department of Human Resources
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Steven Tang, Public Utilities Commission
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

Craig Banks



SUBJECT: APPEAL BY CRAIG BANKS OF THE HUMAN RESOURCES DIRECTOR'S FINDING OF UNTIMELY ALLEGATIONS OF HARASSMENT, ADMINISTRATIVELY CLOSE ONE ALLEGATION OF RETALIATION, AND INSUFFICIENT EVIDENCE TO SUBSTANTIATE THREE ALLEGATIONS OF RETALIATION.

Dear Craig Banks:

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 was emailed to you on January 26, 2023, and again on February 27, 2023.

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.

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
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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

Kenneth Gee
[REDACTED]

SUBJECT: APPEAL BY CRAIG BANKS OF THE HUMAN RESOURCES DIRECTOR'S FINDING OF UNTIMELY ALLEGATIONS OF HARASSMENT, ADMINISTRATIVELY CLOSE ONE ALLEGATION OF RETALIATION, AND INSUFFICIENT EVIDENCE TO SUBSTANTIATE THREE ALLEGATIONS OF RETALIATION.

Dear Kenneth Gee:

As you may be aware, Craig Banks filed the above-referenced discrimination complaint with the Department of Human Resources ("DHR"). The Department of Human Resources reviewed Craig Banks' allegations, and the Human Resources Director determined that there was insufficient evidence to establish his claims of harassment and discrimination. Craig Banks 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 Craig Banks' 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 **April 17, 2023, at 2:00 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 Craig Banks' 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 April 17, 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, April 12, 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

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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

Jeffrey Yee
[REDACTED]

SUBJECT: APPEAL BY CRAIG BANKS OF THE HUMAN RESOURCES DIRECTOR'S FINDING OF UNTIMELY ALLEGATIONS OF HARASSMENT, ADMINISTRATIVELY CLOSE ONE ALLEGATION OF RETALIATION, AND INSUFFICIENT EVIDENCE TO SUBSTANTIATE THREE ALLEGATIONS OF RETALIATION.

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The April 17, 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, April 12, 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: Dennis Herrera, Public Utilities Commission
Carol Isen, Department of Human Resources
Wendy Macy, Public Utilities Commission
Rachel Gardunio, Public Utilities Commission
Amalia Martinez, Department of Human Resources
Jennifer Burke, Department of Human Resources
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Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

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

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

LONDON N. BREED
MAYOR

Sent via Electronic Mail

February 10, 2023

NOTICE OF CIVIL SERVICE COMMISSION ACTION

Craig Banks



SUBJECT: APPEAL BY CRAIG BANKS OF THE HUMAN RESOURCES DIRECTOR'S FINDING OF UNTIMELY ALLEGATIONS OF HARASSMENT, ADMINISTRATIVELY CLOSE ONE ALLEGATION OF RETALIATION, AND INSUFFICIENT EVIDENCE TO SUBSTANTIATE THREE ALLEGATIONS OF RETALIATION.

Dear Craig Banks:

At its meeting on **February 6, 2023**, the Civil Service Commission had for its consideration the above matter.

The Civil Service Commission postponed this item to the meeting of April 17, 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/

LAVENA HOLMES
Deputy Director

Cc: Dennis Herrera, Public Utilities Commission
Carol Isen, Department of Human Resources
Wendy Macy, Public Utilities Commission
Rachel Gardunio, Public Utilities Commission
Amalia Martinez, Department of Human Resources
Jennifer Burke, 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

January 26, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Craig Banks
[REDACTED]

SUBJECT: APPEAL BY CRAIG BANKS OF THE HUMAN RESOURCES DIRECTOR'S FINDING OF UNTIMELY ALLEGATIONS OF HARASSMENT, ADMINISTRATIVELY CLOSE ONE ALLEGATION OF RETALIATION, AND INSUFFICIENT EVIDENCE TO SUBSTANTIATE THREE ALLEGATIONS OF RETALIATION.

Dear Craig Banks:

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 **February 6, 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, February 1, 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, January 31, 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: Dennis Herrera, Public Utilities Commission
Carol Isen, Department of Human Resources
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**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

January 26, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Kenneth Gee
[REDACTED]

SUBJECT: APPEAL BY CRAIG BANKS OF THE HUMAN RESOURCES DIRECTOR'S FINDING OF UNTIMELY ALLEGATIONS OF HARASSMENT, ADMINISTRATIVELY CLOSE ONE ALLEGATION OF RETALIATION, AND INSUFFICIENT EVIDENCE TO SUBSTANTIATE THREE ALLEGATIONS OF RETALIATION.

Dear Kenneth Gee:

As you may be aware, Craig Banks filed the above-referenced discrimination complaint with the Department of Human Resources ("DHR"). The Department of Human Resources reviewed Craig Banks' allegations, and the Human Resources Director determined that there was insufficient evidence to establish his claims of harassment and discrimination. Craig Banks 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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The February 6, 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, February 1, 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

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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

January 26, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Jeffrey Yee
[REDACTED]

SUBJECT: APPEAL BY CRAIG BANKS OF THE HUMAN RESOURCES DIRECTOR'S FINDING OF UNTIMELY ALLEGATIONS OF HARASSMENT, ADMINISTRATIVELY CLOSE ONE ALLEGATION OF RETALIATION, AND INSUFFICIENT EVIDENCE TO SUBSTANTIATE THREE ALLEGATIONS OF RETALIATION.

Dear Jeffrey Yee:

As you may be aware, Craig Banks filed the above-referenced discrimination complaint with the Department of Human Resources ("DHR"). The Department of Human Resources reviewed Craig Banks' allegations, and the Human Resources Director determined that there was insufficient evidence to establish his claims of harassment and discrimination. Craig Banks 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 Craig Banks' 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 **February 6, 2023, at 2:00 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 Craig Banks' 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 February 6, 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, February 1, 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: Dennis Herrera, Public Utilities Commission
Carol Isen, Department of Human Resources
Wendy Macy, Public Utilities Commission
Rachel Gardunio, Public Utilities Commission
Amalia Martinez, Department of Human Resources
Jennifer Burke, Department of Human Resources
Mawuli Tugbenyoh, Department of Human Resources
Steven Tang, Public Utilities Commission
Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

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

B. Policy Requiring Written Reports

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

C. Policy on Written Submissions by Appellants

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

D. Policy on Materials being Considered by the Commission

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

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

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

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

F. Policy and Procedure on Hearing Items Out of Order

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

G. Procedure for Commission Hearings

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

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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: 0188-20-6
2. For Civil Service Commission Meeting of: February 6, 2023
3. Check One:
Ratification Agenda
Consent Agenda
Regular Agenda
Human Resources Director's Report
4. Subject: Appeal by Craig Banks of Human Resources Director's finding of untimely allegations of harassment, administratively close one allegation of retaliation, and insufficient evidence to substantiate three allegations of retaliation.
5. Recommendation: Adopt the report, uphold the decision of the Human Resources Director and deny the appeal by Craig Banks.
6. Report prepared by: Jennifer Burke, DHR EEO Telephone number: 415-557-4851
7. Notifications: Please see attached.
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: Carol Isen 

Date: January 26, 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.

CSC RECEIPT STAMP

Attachment

NOTIFICATIONS

Craig Banks (Appellant)

[REDACTED]
[REDACTED]
[REDACTED]

Kenneth Gee (Respondent)

[REDACTED]
[REDACTED]
[REDACTED]

Jeffrey Yee (Respondent)

[REDACTED]
[REDACTED]
[REDACTED]

Dennis Herrera

General Manager
San Francisco Public Utilities Commission
525 Golden Gate Avenue
San Francisco, CA 94102
DJHerrera@sfgwater.org

Wendy Macy

Chief People Officer
San Francisco Public Utilities Commission
525 Golden Gate Avenue
San Francisco, CA 94102
WMacy@sfgwater.org

Rachel Gardunio

Employee & Labor Relations Division Manager
San Francisco Public Utilities Commission
525 Golden Gate Avenue
San Francisco, CA 94102
RGardunio@sfgwater.org

Steven Tang

EEO Programs Manager
San Francisco Public Utilities Commission
525 Golden Gate Avenue
San Francisco, CA 94102
SMTang@sfgwater.org

Carol Isen

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

Mawuli Tugbenyoh

Chief of Policy
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
Mawuli.Tugbenyoh@sfgov.org

Amalia Martinez

EEO Director
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
Amalia.Martinez1@sfgov.org

Jennifer Burke

EEO Programs Manager
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
Jennifer.Burke@sfgov.org

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: Jennifer Burke, EEO Programs Manager
Department of Human Resources

DATE: January 26, 2023

EEO FILE NO.: 1781

REGISTER NO.: 0188-20-6

APPELLANT: Craig Banks

I. AUTHORITY

The San Francisco Charter, Section 10.103, and Civil Service Commission (CSC) Rule 103.3.2, provide that the Human Resources Director shall review and resolve all complaints of employment discrimination. Pursuant to CSC Rule 103.3.2, the CSC shall review and resolve appeals of the Human Resources Director's determinations.

II. BACKGROUND

On August 23, 1985, Appellant Craig Banks (Appellant) began working for the City and County of San Francisco (City). On May 1, 1997, Appellant began working for the San Francisco Public Utilities Commission (SFPUC) as a 7372 Stationary Engineer. The SFPUC organizes its work units into Enterprises/Bureaus and Divisions. Appellant's work location with the SFPUC varied over the years, but in March 2005, his work assignment was the Wastewater Enterprise, Operations and Maintenance Division at the Oceanside Treatment Plant. In February 2013, Appellant worked on a team called Watch 6 and reported to Beverly Shepard (Shepard), then-7373 Senior Stationary Engineer.¹ Kenneth "Ken" Gee (Gee), then-7372 Stationary Engineer, was the Acting 7373 Senior Stationary Engineer² on another team called Watch 5.³ Shepard and Gee were the supervisors on their respective Watch teams and reported to

¹ Shepard retired on May 1, 2019.

² "Acting" means that Gee temporarily held this role while a 7373 Senior Stationary Engineer could be hired to fill the position.

³ Gee retired on October 16, 2018.

Gerardo Segarra (Segarra), then-7252 Chief Stationary Engineer, Sewage Plant.⁴ Segarra reported to Jeffrey “Jeff” Yee (Yee), then-5130 Oceanside Treatment Plant Superintendent (retired as of June 30, 2018).⁵ See Exhibit A.

In March 2013, the reporting structure changed because Shepard bid to become the supervisor on a different team. Appellant began reporting to Gee, who became the acting supervisor of Watch 6 while Shepard became the supervisor of Watch 5. The rest of the reporting chain remained the same. In March 2014, the Watch 6 reporting structure changed again with James Fa’Aita (Fa’Aita), then-7372 Stationary Engineer, becoming the supervisor of the team. From March 2014 until Gee’s retirement on October 16, 2018, Appellant did not report to Gee. Like Appellant, Gee remained a 7372 Stationary Engineer on Watch 6. From March 2014, the rest of the reporting chain shifted for business needs or as employees left the SFPUC, like Gee on October 16, 2018, and Yee on June 30, 2018. See Exhibit A.

A. Appellant’s Complaint, EEO File No. 1781

On around December 19, 2013, Appellant contacted SFPUC Human Resource Services (HRS), regarding filing a complaint. On March 26, 2014, Appellant submitted a written complaint to the SFPUC alleging the following:

Harassment Allegations Based on Race

- (1) In April 2006, Gee refused to train Appellant and said he would not “train [Appellant’s] stupid ass.” Gee then asked Chief Segarra to discipline Appellant.
- (2) On April 16, 2013, Gee accused Appellant of not training Fa’Aita and having a verbal outburst.
- (3) In April 2013, Yee told Appellant, “I can’t believe you are the trainer,” and “I don’t care how long you’ve been here, [Appellant]. I’ve been here for 29 years myself. I don’t care. I will treat you like you’ve been here for 90 days. I don’t care.” Appellant also alleged that Yee told Fa’Aita, “Seek someone else’s training of the pump station because [you] probably didn’t get the training that [you] should’ve from [Appellant].” Appellant also alleged Gee told him, “You haven’t been supervised and I’m here to supervise you.”
- (4) In November 2013, a co-worker told Appellant that Gee said, “All the Chinese at the City & County of San Francisco especially the Oceanside Plant need to band together and fight against the Whites, fight against the Filipinos, fight against the Mexicans, and fight against the Blacks, but Blacks lie.”
- (5) In December 2013, a co-worker told Appellant that Gee told another co-worker, “We need to band together to fight the Whites, Filipinos, Mexicans, and Blacks.”
- (6) In February 2014, Gee told Edgar Rodriguez (Rodriguez), then-7373 Senior Stationary Engineer, that Fa’Aita was the most intelligent Engineer on Operation Watch 6, and that the rest of the crew, especially Appellant, had no intelligence. On February 12, 2014, Appellant approached Rodriguez and told him Appellant knew what Gee said. Rodriguez told Appellant, “Yeah [Appellant], it shocked me he would characterize [Appellant] like that.”

⁴ Segarra retired June 6, 2015.

⁵ Yee reported to Tony Flores, then-Wastewater Operations and Maintenance Division Manager (retired on January 28, 2017), who reported to Tommy Moala, then-Assistant General Manager, Wastewater Enterprise (retired on October 14, 2017).

- (7) On February 12, 2014, Appellant heard Gee yell, “[Appellant] is stupid and unintelligent, and I’ll be glad to get rid of him.”

Retaliation Allegations

In retaliation for reporting an unsafe vehicle to Gee and Yee, Appellant alleged the following:

- (1) In November 2013, Gee and Yee assigned Appellant an undesirable fleet vehicle.

In December 2013, Appellant spoke with Chief Segarra about Gee’s “band together” comments. In relation for making EEO-based complaints, Appellant alleged the following:

- (2) On February 10, 2014, Appellant worked two hours of overtime, but Gee refused to pay Appellant for those hours.
(3) In February 2014, Gee initiated discipline against Appellant for working unapproved overtime.
(4) In February 2014, Gee removed Appellant from pump station duties.

See Exhibit B.

B. 2014-2020: Appellant’s EEO Complaint Investigative Timeline and Corrective Actions

On May 9, 2014, DHR EEO assigned SFPUC EEO to investigate Appellant’s allegations that were within EEO jurisdiction. See Exhibits C and D. SFPUC EEO completed its investigation on April 19, 2018 and submitted to DHR EEO its investigative report for review and approval. In late 2018, DHR EEO conducted additional investigation regarding Banks’ complaint. See Exhibit E. On August 21, 2020, a determination letter was e-mailed to Banks. See Exhibit F. In September 2020, SFPUC took appropriate action with management at SFPUC’s Oceanside Treatment Plant. See Exhibit G.

C. August 21, 2020: Human Resources Director’s Determination

In a letter dated August 21, 2020, the Human Resources Director informed Appellant that based on the investigative findings, the evidence: (1) was sufficient to establish that Gee made inappropriate race-based comments about non-Asians; (2) was insufficient to establish that Gee made comments about Appellant’s intelligence due to Appellant’s race; (3) was insufficient to establish that Yee or Gee retaliated against him. See Exhibit F.

On September 27, 2020, Appellant submitted correspondence to the CSC appealing the Human Resources Director’s determination. On September 29, 2020, the CSC notified DHR of Appellant’s appeal of the Human Resources Director’s determination of his complaint. See Exhibits H-I.

D. 2021-2022: Human Resources Director’s Revised Determination

When Appellant appealed his determination, DHR EEO reviewed the investigative findings and concluded the analysis of two of the harassment allegations was improperly determined. See Exhibit J. On August 4, 2021, Matthew Valdez (Valdez), then-EEO Programs Manager, informed the CSC that DHR EEO would revise Appellant’s investigative findings, send a revised determination letter to Appellant, and request to close Appellant’s outstanding CSC appeal. See Exhibit J. In a letter dated June 8, 2022, the Human

Resources Director informed Appellant that, based on a secondary review of the investigative findings, the investigation substantiated that on one occasion, Gee said Appellant had no intelligence, and on another occasion said, "Craig is stupid and unintelligent, and I'll be glad to get rid of him." Given Gee's other race-based comments, it was more likely true than not that Gee made the comments about Appellant's intelligence at least in part due to Appellant's race. See Exhibit K.

On July 1, 2022, Appellant retired from City service.

III. ISSUES ON APPEAL TO THE CIVIL SERVICE COMMISSION

On October 29, 2022, Appellant appealed the Human Resources Director's determination to the CSC. See Exhibit L. The issue on appeal is whether the Human Resources Director appropriately determined that Appellant's April 2006 and April 2013 allegations were untimely, Appellant's retaliation allegation regarding an unsafe vehicle were administratively closed without further investigation, and Appellant's retaliation allegations were not sustained.

IV. ISSUE NOT ON APPEAL TO THE CIVIL SERVICE COMMISSION

In Appellant's October 29, 2022 Appeal, he alleged a number of issues that were not subject of the investigation and thus are not at issue in the present Appeal. Appellant presumably refers to an August 2014 effluent violation, subsequent *Skelly* notice to Appellant, and Yee's letter to the State Board. This issue was not part of the investigation and was addressed through a grievance process. Although Appellant questions why a supervisor was allowed to participate in a disciplinary process when Appellant had an outstanding EEO complaint against the supervisor, the EEO complaint process runs concurrently with disciplinary processes at the Department level. Furthermore, Appellant's appeal requests to be made whole. However, Appellant does not specify further that make whole remedy Appellant seeks. In addition, the investigation ultimately substantiated all four of Appellant's harassment allegations that were within EEO jurisdiction to investigate.

V. INVESTIGATIVE STANDARDS AND ANALYSIS

A. Appellant's Allegations Outside of EEO Jurisdiction that Were Not Investigated

1. Untimely Allegations

Under the City's EEO Policy, complaints of discrimination must be filed within 180 days of the date the alleged discriminatory conduct took place, or the date the employee should have first become aware of the discriminatory action. Appellant alleged that in April 2006, Gee tried to discipline Appellant; that on April 16, 2013, Gee accused Appellant of not training Appellant's co-worker; and that in April 2013, Yee and Gee made unwelcome comments to Appellant about Appellant's training abilities. Appellant reported these allegations eight months to seven years after Appellant became aware of the alleged conduct in December 2013, thus making these allegations untimely. As such, there was insufficient information to support that these allegations were within the City's EEO's Policy statute of limitations, and the Human Resources Director correctly administratively closed Appellant's allegations without further investigation.

2. Retaliation Allegation

To warrant further investigation, a complaint of retaliation in violation of the City's EEO Policy must establish all of the following: (1) the complainant engaged in a protected activity; (2) the complainant 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.

Appellant alleged that in October and November 2013, Gee and Yee retaliated against Appellant for reporting an unsafe vehicle by assigning Appellant a less desirable fleet vehicle. Appellant's allegation fell outside of EEO jurisdiction because reporting an unsafe vehicle is not considered a protected activity. Thus, the Human Resources Director correctly administratively closed Appellant's allegation without further investigation.

B. Evidence Did Not Support Appellant's Claim of Retaliation

To sustain a complaint of retaliation in violation of the City's EEO Policy, the investigation must establish all of the following: (1) the complainant engaged in a protected activity; (2) the complainant suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action.

The investigation established that Appellant engaged in a protected activity on December 19, 2013, after he contacted SFPUC HRS for information about initiating the EEO complaint process. While it remains unclear as to exactly when Gee became aware of Appellant's complaint, it is possible that he was aware of Appellant's concerns by mid-February 2014.

1. Non-Payment of Overtime

The evidence established that Appellant did not receive approximately two hours of overtime pay for work he performed on February 10, 2014. The investigation identified a number of factors that explain the non-payment, including that Appellant did not provide Gee an explanation of Appellant's time and that Appellant told Gee on February 12, 2014 that if such an explanation was required, that Gee did not have to pay Appellant. See Exhibit B, page 31. Moreover, payroll records show that Appellant received 1.5 hours of overtime as soon as February 27, 2014 and throughout the year until September 2014, inclusive of 154 total hours of overtime, which would have been approved by Gee or Yee, negating an inference that the February 10, 2014, denial was retaliatory. See Exhibit M. Based on the foregoing, there was insufficient information to sustain a retaliation claim, and the Human Resources Director correctly determined that Appellant's retaliation allegations did not constitute violations of the City's EEO Policy.

2. Proposed Letter of Instruction (LOI)

In December 2013, Appellant called the sick line, but did not inform Gee of Appellant's absence. On February 10, 2014, Appellant worked overtime without prior approval. Subsequently, in February 2014, Gee drafted an LOI for Appellant because Gee alleged that Appellant failed to follow procedures when

taking time off work and worked overtime without permission. Gee showed the draft LOI to Segarra, who would not support it, so Gee did not issue the LOI. Nonetheless, a LOI does not constitute discipline and Appellant was never issued the LOI. Furthermore, Appellant provided testimony that in August and October 2013, prior to Appellant's protected activities, Gee sought to discipline Appellant. See Exhibit B, page 15 and 22. These instances demonstrate a pre-existing contentious working relationship between Gee and Appellant that more likely explains Gee's attempted LOI than an unverified knowledge about an EEO complaint. Based on the foregoing, there was insufficient information to sustain a retaliation claim, and the Human Resources Director correctly determined that Appellant's retaliation allegations did not constitute violations of the City's EEO Policy.

3. Removal of Pump Station Duties

The evidence did not support that Appellant suffered an adverse employment action. The investigation determined that Yee's decision to rotate the pump station duties was based on operational necessity. The evidence showed that Yee's decision to rotate pump station duties, which he had the sole discretion to make, was due to staff absences and the need to train other employees that were deemed deficient in performing all the duties of Watch 6, which was further substantiated by Segarra. See Exhibits D and E. Furthermore, Appellant acknowledged that from March to September 2014, he conducted pump station duties 5 days a month. See Exhibit D. Though Appellant's duties changed somewhat, Segarra noted that Appellant was still the primary person responsible for pump station duties. See Exhibit E. Based on the foregoing, there was insufficient information to sustain a retaliation claim, and the Human Resources Director correctly determined that Appellant's retaliation allegations did not constitute violations of the City's EEO Policy.

C. Timing of Appellant's Investigation and EEO Process Improvements

The City agrees with Appellant that the delays in the investigation of his complaint. The allegations Appellant raised in his written complaint on March 26, 2014, and during his meetings with SFPUC ER/EEO on July 30 and September 11, 2014, were investigated to the extent they were timely and fell within the City's EEO jurisdiction. The investigation concluded in August 2020. See Exhibit D. Appellant's EEO investigation was delayed due to limited staffing levels, staff leaves and attrition, a lack of a centralized oversight and accountability on investigative progress, and competing operational priorities.

In the time since Appellant filed his complaint, the SFPUC and DHR have significantly expanded and upgraded their respective EEO divisions and processes. Previously, SFPUC EEO complaints were handled by what was then called the SFPUC Employee Relations and EEO (ER/EEO) Division staff. In 2017, the SFPUC hired its first 1231 EEO Programs Senior Specialist. In 2019, the SFPUC hired an EEO Programs Manager and split the EEO duties into its own Division, separate from ER. In the summer of 2020, SFPUC also hired a 1233 EEO Programs Specialist. In addition, in 2018, DHR EEO hired six 1233 EEO Programs Specialists; in 2021, DHR EEO hired a new EEO Director; and in 2022, DHR EEO hired two EEO Programs Managers, six 1233 EEO Programs Specialists, two 1231 EEO Programs Senior Specialists and promoted three investigators. Furthermore, since late 2022, DHR EEO transitioned its case management to a digitized case management system, which improves complaint reporting accuracy and tracking capabilities. See Exhibit N.

VI. RECOMMENDATION

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

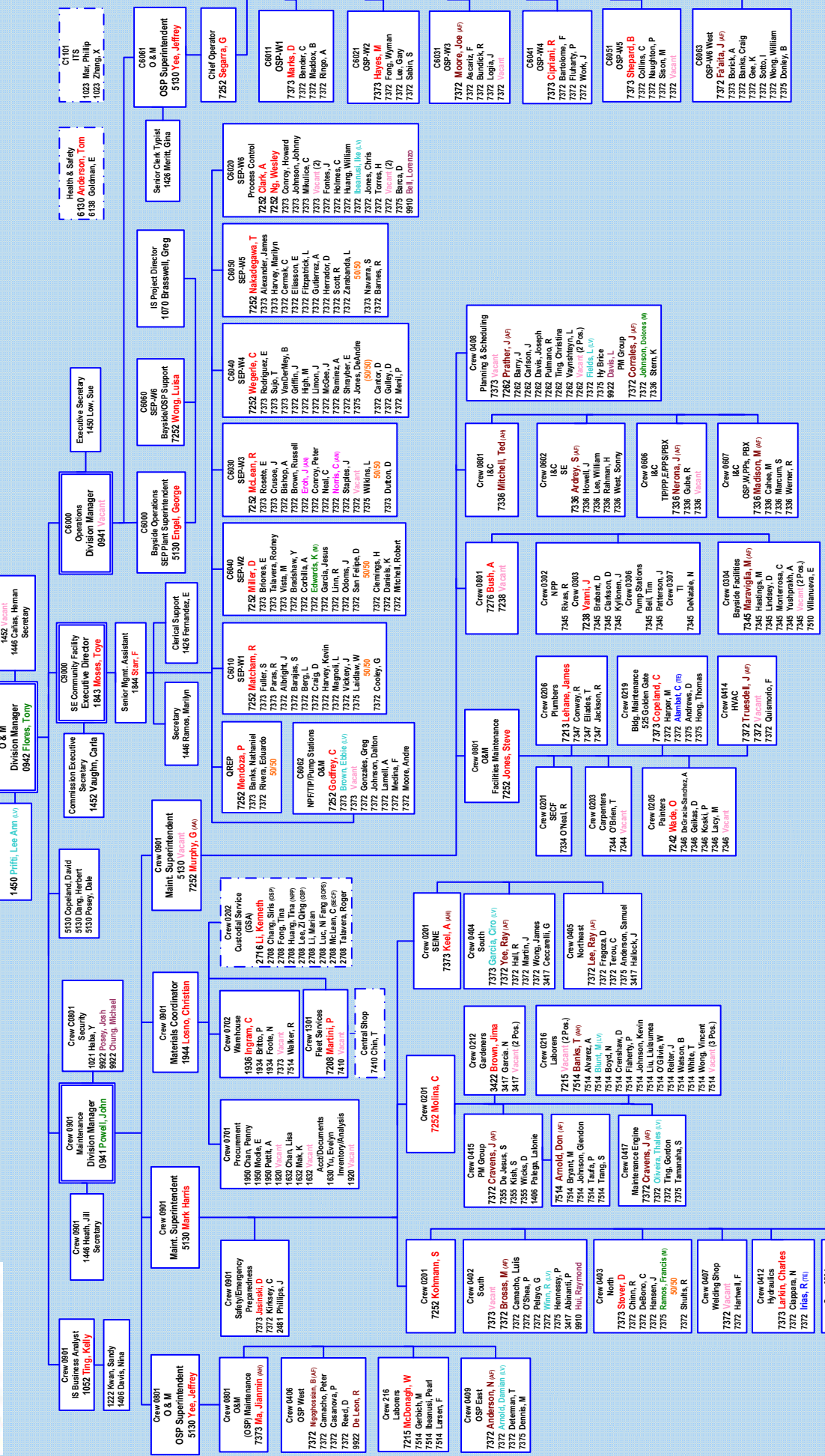
VII. APPENDIX/ATTACHMENTS TO CSC REPORT

Attached to this report are the following exhibits:

- Exhibit A: Org Charts for SFPUC Wastewater Enterprise, Operations & Maintenance Division, February 2013 through August 27, 2019
- Exhibit B: Craig Banks' written complaint, dated March 26, 2014
- Exhibit C: Department Report of Employment Discrimination Complaint for Craig Banks, dated April 28, 2014
- Exhibit D: Craig Banks Investigative Report with Exhibits
- Exhibit E: Gerardo Segarra Interview Notes with DHR EEO, dated November 20, 2018
- Exhibit F: Director of Human Resources Determination Letter to Appellant, dated August 21, 2020
- Exhibit G: SFPUC Corrective Actions
- Exhibit H: September 27, 2020 - Appellant's Appeal to Dismissal of Complaint of Discrimination, DHR EEO File No. 1781
- Exhibit I: September 29, 2020 – Notice of Recipient Appeal and Acknowledgement to Appellant.
- Exhibit J: Action Requests on Pending Appeal, November 25, 2020 and August 4, 2021
- Exhibit K: Director of Human Resources Determination Letter to Appellant, dated June 8, 2022
- Exhibit L: Craig Banks, October 29, 2022 correspondence to the Civil Service Commission
- Exhibit M: Craig Banks, 2014 Payroll Records
- Exhibit N: Status Report on Implementation Reform Recommendations from the San Francisco Independent Reviewer Report, November 23, 2022

Exhibit A

SFPUC Organizational Chart



City & County of San Francisco
Public Utilities Commission



SFJUC Wastewater Enterprise
Assistant General Manager
0955 **Moala, Tommy**

O & M
Division Manager
0942 **Flores, Tony**

Commission Executive
1452 **Vaughn, Carls**

SE Community Facility
Executive Director
1843 **Mosses, Toye**

Senior Maint. Assistant
1844 **Slam, F**

Secretary
1446 **Ramos, Marilyn**

Chemical Support
1426 **Fernandez, E**

O & M
Division Manager
0941 **Vaccant**

Bay Area Operations
SEP Superintendent
3130 **Engel, George**

IS Project Director
SEP-W5
1070 **Bassawel, Greg**

Executive Secretary
1430 **Low, Sue**

Health & Safety
6130 **Anderson, Tom**
6138 **Goldman, E**

Chief Operator
7252 **Sagara, G**

Senior Clerk Typist
1426 **Merit, Gina**

Chief Operator
7252 **Sagara, G**

OSP-W1
7373 **Vaccant**

7373 **Bender, C**

7373 **Maddox, B**

7373 **Ringo, A**

OSP-W2
7373 **Hayes, M**

7373 **Fong, Wyman**

7373 **Lee, Gary**

7373 **Sabin, S**

OSP-W3
7373 **Moore, Joe (A)**

7373 **Alcaraz, F**

7373 **Vaccant (A)**

OSP-W4
7373 **Capistrano, R**

7373 **Barbieri, F**

7373 **Fitzpatrick, J**

7373 **Work, J**

OSP-W5
7373 **Shepard, B**

7373 **Collins, J**

7373 **Loigia, J**

7373 **Ston, M**

7373 **Vaccant (1)**

OSP-P46 West
7373 **Estrella, J (A)**

7373 **Banks, Craig**

7373 **Ge, K**

7373 **Sotto, I**

7373 **Wong, William**

7373 **Donkey, B**

Crew 0301
IS Business Analyst
1052 **Ting, Kelly**

Crew 0601
O & M
7373 **Ma, Jiamin (A)**

Crew 0406
OSP West
7372 **Nagabashira, B (A)**

7372 **Casanova, P**

7372 **Reid, D**

7373 **Tung, S**

Crew 216
Laborers
7245 **McDonagh, W**

7514 **Gerlach, M**

7514 **Benamat, Pearl**

7514 **Larson, F**

Crew 0409
OSP East
7372 **Anderson, N (A)**

7372 **Arnold, Damian (A)**

7372 **Dieman, T**

7372 **Campbell, K**

7372 **Gulley, D**

7372 **Wong, Brannon**

Crew 0212
Gardeners
3422 **Brown, Jina**

3417 **Garcia, N**

3417 **Vaccant (2 Pos)**

Crew 0415
PM Group
7372 **Cravens, J (A)**

7355 **De Jesus, S**

7355 **Wong, D**

Crew 0901
Safety/Emergency
7373 **Jackey, C**

2481 **Phillips, Jackie**

Crew 0901
O & M
7373 **Ma, Jiamin (A)**

Crew 0901
OSP West
7372 **Nagabashira, B (A)**

7372 **Casanova, P**

7372 **Reid, D**

7373 **Tung, S**

Crew 0201
Laborers
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Gardeners
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7355 **Wong, D**

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OSP East
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3417 **Vaccant (2 Pos)**

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7355 **De Jesus, S**

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2481 **Phillips, Jackie**

Crew 0901
O & M
7373 **Ma, Jiamin (A)**

Crew 0901
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7372 **Casanova, P**

7372 **Reid, D**

7373 **Tung, S**

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Laborers
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7514 **Benamat, Pearl**

7514 **Larson, F**

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OSP East
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7372 **Arnold, Damian (A)**

7372 **Dieman, T**

7372 **Campbell, K**

7372 **Gulley, D**

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Gardeners
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3417 **Vaccant (2 Pos)**

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7355 **De Jesus, S**

Crew 0901
Safety/Emergency
7373 **Jackey, C**

2481 **Phillips, Jackie**

Crew 0901
O & M
7373 **Ma, Jiamin (A)**

Crew 0901
OSP West
7372 **Nagabashira, B (A)**

7372 **Casanova, P**

7372 **Reid, D**

7373 **Tung, S**

Crew 216
Laborers
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7514 **Gerlach, M**

7514 **Benamat, Pearl**

7514 **Larson, F**

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OSP East
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7372 **Arnold, Damian (A)**

7372 **Dieman, T**

7372 **Campbell, K**

7372 **Gulley, D**

7372 **Wong, Brannon**

Crew 0212
Gardeners
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3417 **Garcia, N**

3417 **Vaccant (2 Pos)**

Crew 0415
PM Group
7372 **Cravens, J (A)**

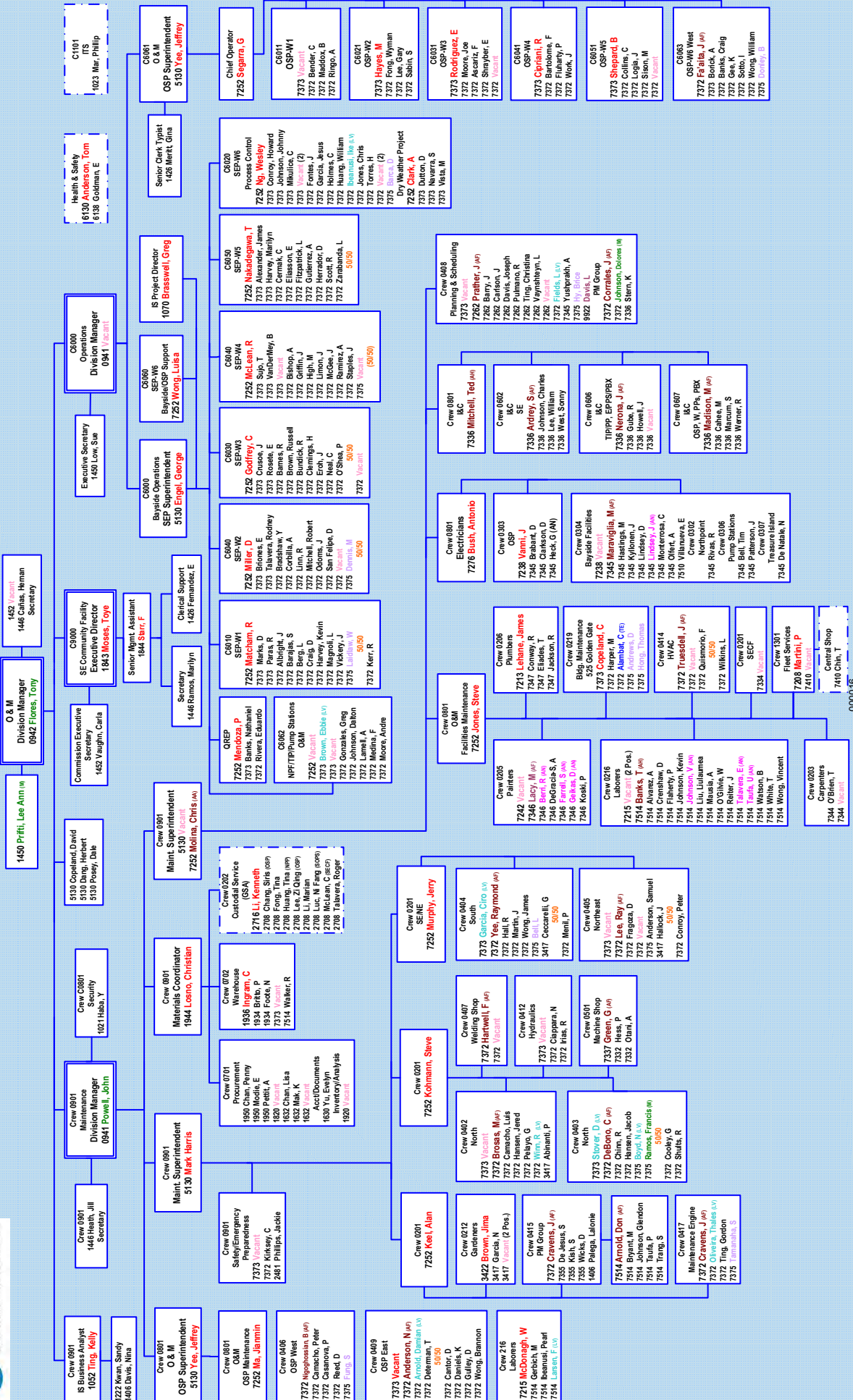
7355 **De Jesus, S**

City & County of San Francisco
Public Utilities Commission

SFJUC Wastewater Enterprise
Assistant General Manager
0955 Moala, Tommy



Payroll Reference Chart and Evacuation Checklist
Wastewater Enterprise
SEPTEMBER 2014



City & County of San Francisco
Public Utilities Commission



SFPUW Wastewater Enterprise
Assistant General Manager
0955 Moala, Tommy

O & M
Division Manager
0942 Flores, Tony

1450 Prietti, Lee Ann (M)
Secretary

Commission Executive
Secretary
1452 Vaughn, Carla

Crew 0901
Maintenance
Division Manager
0941 Powell, John

Crew 0901
Maintenance
Secretary
1446 Heath, Jill

ITS
1493 Mir, Phillip
9822 Mir, Brandon

Health & Safety
16130 Anderson, Tom
6188 Godmark, E

Operations
Division Manager
0941 Vacant

Executive Secretary
1450 Lov, Sue

Crew 0900
SE Community Facility
Executive Director
1843 Roses, Toys

Secretary
1446 Ramoa, Marilyn

Crew 0901
Maintenance
Secretary
9822 Park, S

Crew 0901
Security
1491 Hais, Y

Crew 0901
Maintenance
Division Manager
0941 Powell, John

Crew 0901
Maintenance
Secretary
1446 Heath, Jill

C0901
O & M
OSP Superintendent
3130 Yee, Jeffrey

C0901
Senior Clerk Typist
1426 Merrit, Gina

C0900
IS Project Director
1070 Brasswell, Greg

C0900
Bay Area Operations
SEP Superintendent
3130 Engel, George

C0900
Senior Maint. Assistant
1844 Stern, F

Crew 0901
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Secretary
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Security
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Division Manager
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Secretary
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Chief Operator
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Process Control
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Secretary
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Security
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Division Manager
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Secretary
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C0901
OSP-W6
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Maintenance
Secretary
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Crew 0901
Security
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Crew 0901
Maintenance
Division Manager
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Crew 0901
Maintenance
Secretary
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Secretary
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Crew 0901
Security
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Crew 0901
Maintenance
Division Manager
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Crew 0901
Maintenance
Secretary
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OSP-W24
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Maintenance
Secretary
9822 Park, S

Crew 0901
Security
1491 Hais, Y

Crew 0901
Maintenance
Division Manager
0941 Powell, John

Crew 0901
Maintenance
Secretary
1446 Heath, Jill

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OSP-W25
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C0901
OSP-W26
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C0901
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C0901
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OSP-W30
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7373 Nicks, M

Crew 0901
Maintenance
Secretary
9822 Park, S

Crew 0901
Security
1491 Hais, Y

Crew 0901
Maintenance
Division Manager
0941 Powell, John

Crew 0901
Maintenance
Secretary
1446 Heath, Jill

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Crew 0901
Maintenance
Secretary
9822 Park, S

Crew 0901
Security
1491 Hais, Y

Crew 0901
Maintenance
Division Manager
0941 Powell, John

Crew 0901
Maintenance
Secretary
1446 Heath, Jill

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OSP-W37
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C0901
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C0901
OSP-W41
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C0901
OSP-W42
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Crew 0901
Maintenance
Secretary
9822 Park, S

Crew 0901
Security
1491 Hais, Y

Crew 0901
Maintenance
Division Manager
0941 Powell, John

Crew 0901
Maintenance
Secretary
1446 Heath, Jill

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C0901
OSP-W45
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C0901
OSP-W46
7373 Jones, Chris
7373 Torres, H
7373 Vacant (2)
7373 Clark, A
7373 Navarce, S
7373 Nicks, M

C0901
OSP-W47
7373 Jones, Chris
7373 Torres, H
7373 Vacant (2)
7373 Clark, A
7373 Navarce, S
7373 Nicks, M

C0901
OSP-W48
7373 Jones, Chris
7373 Torres, H
7373 Vacant (2)
7373 Clark, A
7373 Navarce, S
7373 Nicks, M

Crew 0901
Maintenance
Secretary
9822 Park, S

Crew 0901
Security
1491 Hais, Y

Crew 0901
Maintenance
Division Manager
0941 Powell, John

Crew 0901
Maintenance
Secretary
1446 Heath, Jill



City & County of San Francisco
Public Utilities Commission

Payroll Reference Chart and Evacuation Checklist
Wastewater Enterprise
Operations & Maintenance
August 2015

SFPUIC Wastewater
Enterprise
Assistant General Manager
0955 Moala, Tommy



City & County of San Francisco
Public Utilities Commission

Wastewater Enterprise
February 2017
Operations & Maintenance

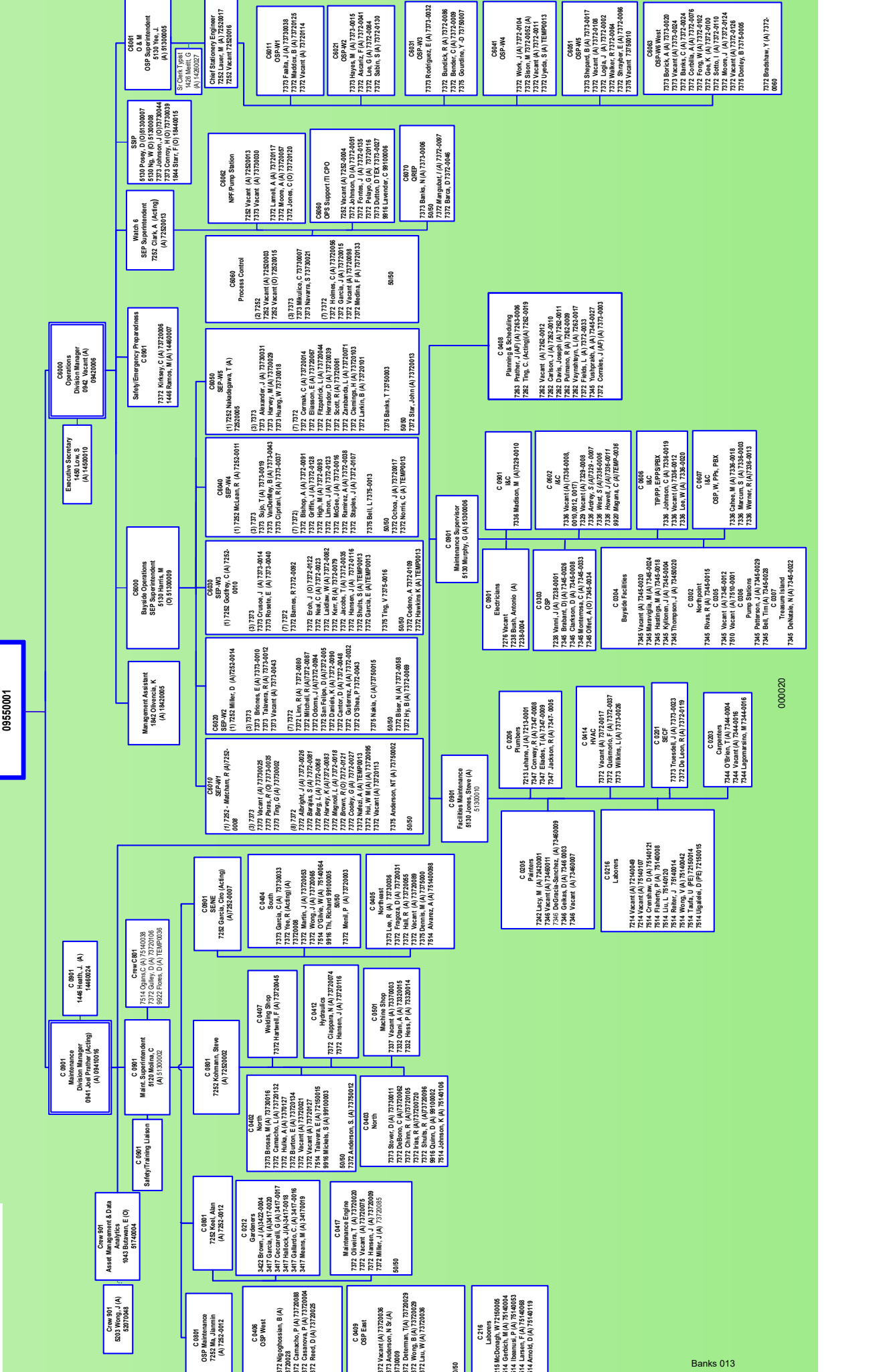
SFPUC Wastewater
Enterprise
Assistant General Manager
09550001
Tommy (A)

PCN Referenced Funding Type: O-off budget, A-On Budget

Operations & Maintenance
Assistant General Manager
09450006
Tommy (A)

Executive Secretary
1480 Low, S
(A) 14500010

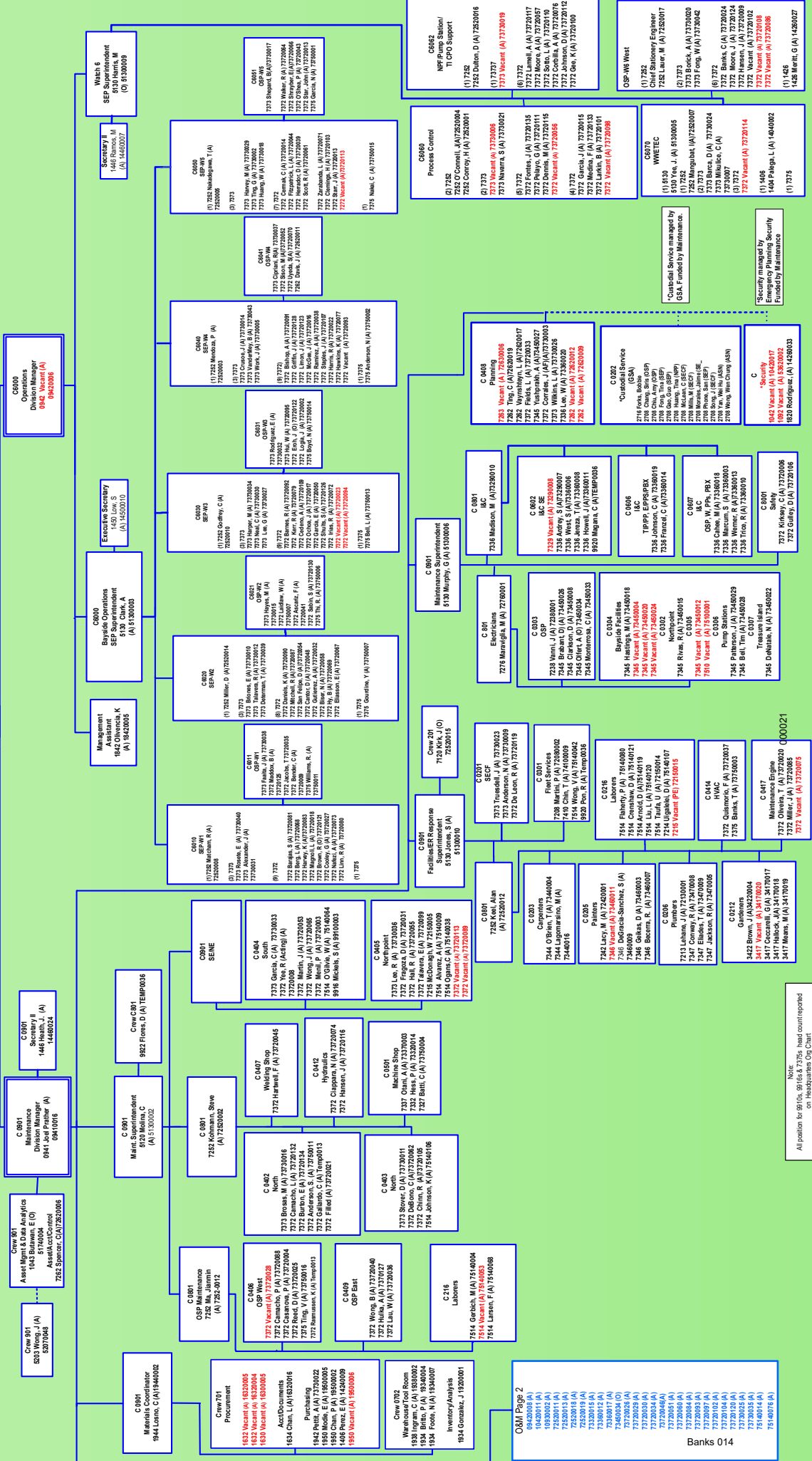
09550001



Wastewater Enterprise April 1, 2018 Operations & Maintenance PCN Referenced Funding Type: O-off budget, A-On Budget Hiring Vacant Position



Interim Assistant General Manager
Henderson, Brian
(A) 52120003/09550001



Note: All position for 8/1/05, 8/16/14, 7/3/15 head count reported on Headquarters Org Chart

Exhibit B

Craig Banks' EEO Complaint, dated March 26, 2014

Craig Banks

Complaint Of Harassment
At Oceanside Wastewater Treatment Plant

My harassers are Kenny Gee (7372 Stationary Engineer); now acting 7373 Senior Stationary Engineer of Watch 6 and Superintendent Jeff Yee. Both parties are at the Oceanside Wastewater Treatment Plant and of Chinese decent.

Jeff Yee has over 25+ years with the City & County of San Francisco; Jeff and I have never spoken despite being assigned to some of the same wastewater facilities. In fact, Jeff has constantly and purposely ignored me even when I would utter a simple hello. Simply put Jeff Yee in 25+ years has had some type of personal problem with me. Even when Jeff wasn't assigned to the Oceanside Plant, and came to visit coworkers at the Oceanside Plant, he continued this mentioned behavior of not speaking to me.

In my opinion it is quite uncommon not to speak to someone, and literally ignore someone for 25 years. Yet, as soon as Jeff was transferred to Oceanside Plant as a Superintendent his first words spoken to me were negative, demeaning, insulting, and would be to any reasonable person.

Jeff Yee's first negative actions and/or comments occurred in April 2013 at the beginning of his tenure as Superintendent of Oceanside Plant and continued until present. I will further elaborate how my working environment changed into a hostile environment. My harassers, Kenny Gee and Jeff Yee continued to cause my working environment to become hostile and demeaning to this day.

Kenny Gee a permanent 7372 Stationary Engineer, was assigned to Operations Watch 5 to replace Beverly Shepard permanent 7373 Senior Stationary Engineer, for his first acting senior job, which is a rotational watch position. Prior to this Kenny Gee was assigned to Operation Watch 6 as a 7372 Stationary Engineer at the Southeast Plant first, then transferred to Oceanside Plant Watch 6 as a 7372 Stationary Engineer as my crew member, Kenny would not train anyone. Kenny accused me of not training other CCSF co-workers. That started a backlash which caused my work environment to change into a hostile environment, and has continued to change until this present day.

Before Kenny was my acting senior, we had a verbal altercation about his unwillingness to train me on the North Station at Oceanside. When I was transferred from the Maintenance Department to Oceanside Operations Watch 6, Kenny Gee was on Operations Watch 3. Chief Gerry Segarra assigned me to the North Station to be trained. Kenny Gee was working the North Station. Kenny refused to train me, cursed at me, and told me that he would not train my stupid ass.

After Kenny and I had our verbal encounter, he then tried to write me up for this incident and demanded that Chief Gerry Segarra recommend discipline as well. I mention this because Kenny Gee is always trying to write someone up when he is the main person aggravating the situation; this occurred around April 2006.

Kenny has carried a grudge ever since that day. Any other person would have forgotten about that, but Kenny's juvenile behavior is known throughout the Plant by numerous personnel (OSP, SEP, NP, upper management) so this statement by far is important. Kenny Gee will seek revenge against anyone who has a senior stationary position before him, especially if he/she has less than a grade 5 wastewater certificate; coworkers will attest to this. Kenny Gee is angry at the fact he is **not** a Senior Stationary Engineer, and I CANNOT OVERSTATE THIS.

Kenny Gee is obsessed with being a permanent senior or permanent chief. He repeats this verbally throughout the work environment continuously and for many years, and I do mean repeatedly. Since Kenny's passing of his grade 5 wastewater exam he has blamed management for not being selected to a senior position. In my opinion it is mentally unhealthy, the obsession that Kenny has with being a senior at the wastewater facilities.

Superintendent Jeff Yee and Kenny Gee have a very unique outside the job relationship that has been allowed to spill into the work environment. Jeff Yee and Kenny Gee's relations appears to be brotherly and with deep loyalty. Kenny Gee's and Jeff Yee's outside relationship is known throughout the Oceanside Plant, and the story has been told many times by Kenny and Jeff to various Plant employees. Apparently Kenny Gee's family supported Jeff's family during their migration from China to America and their families lived together during their acclimation to America. Kenny Gee and Jeff Yee's relationship is unique, and their solidarity to one another in the workforce is unprecedented from April 2013 until present.

I only wish I understood that the transferring of Kenny Gee and Superintendent Jeff Yee would cause my work environment to become hostile and cause me extreme mental stress for the past nine months, April 2013 until the present.

Kenny Gee and Jeff Yee have called themselves the New Regime. Kenny and Jeff did not say this in a joking fashion; they meant what they meant, and their behavior collectively in the last nine months at Oceanside Plant has clearly shown the dictatorship of Kenny Gee's and Jeff Yee's New Regime.

Jeff Yee gives Kenny more authority than any acting senior has ever had, and he always bypasses Chief Gerry Segarra. Kenny Gee's believes that he is the superintendent. Several times Gerry Segarra has warned Kenny about leaving the Plant. Kenny did not listen to Chief Gerry Segarra; he bypassed him and goes straight to Jeff Yee; Kenny leaves the Plant with Jeff all the time. Kenny does not work. It's been a few times already where the Plant was in emergency situations and everybody was engaged in getting plant on line, but not Kenny he was sitting in his office. He knew what was going on and did

nothing to help. He is suppose be back-up to Chief Gerry Segarra and Watch 6 crew member are the back-up for rotational Watch.

For the past nine months Kenny Gee has tried to discipline me for various reasons. Kenny Gee has accused me on many occasions of having verbal outbursts against him despite the fact we only had one conversation in April 2013, in which, Kenny Gee tried to force my crew members to write letters against me stating that I had an outburst on a morning in April 2013 his orientation to the crew, which is simply not true. He forced one person, Bill Wong 7372 Stationary Engineer, to write such a letter. Since Bill Wong wrote the letter, for months now he has constantly stated to me, "He wished he hadn't written the letter Kenny forced him into it". The other two co-crew workers that will witness to the April 2013 complaint is Lito Sotto and James Fa'Aita. They did not allow Kenny Gee to force them to write any form of letter against me. I will elaborate later in this complaint

If anyone has had outbursts it has been Kenny Gee. His most recent outburst happened sometime in December 2013, and was demeaning to his superior Chief Gerry Segarra. Kenny Gee was yelling at Gerry Segarra calling him incompetent because he would not write me up for insubordination and reprimand me for not telling Kenny that I was going out on medical, and because I didn't give Kenny my paperwork. Kenny was yelling so loudly at Chief Gerry Segarra that his vocal decibels could be heard down the hallway and into other rooms where engineers and others city employees were working. Kenny Gee claimed that Chief Gerry Segarra was incompetent, and yelled at the top of his vocal capabilities. This argument started over my not calling Kenny when I was on [REDACTED]; Yes [REDACTED]. This is an example of Kenny Gee vicariously living through Jeff Yee as a superintendent. Jeff Yee will back Kenny Gee at anything he does, not only against me but others in the workforce.

Kenny Gee is argumentative, combative, vengeful and extremely egotistical. He does not listen to anyone. This adds to safety concerns. In my opinion, for the amount of years Kenny Gee has been a journey person in the wastewater facility his skill level at best is that of a first year 9910 Service Aid and not of an advanced journey level stationary engineer. To my surprise numerous upper management personnel are aware of Kenny's usual behavior and incompetence.

Kenny Gee's accomplishment of attaining his grade 5 wastewater certificate was achieved greatly on the City and County of San Francisco working hours; yes, for practically eight hours a day Kenny was allow to study for his wastewater exams at Southeast Plant's Head Works and QREP stations; this can be attested by many other CCSF employees at the Southeast Plant that he was allowed to do this for years, and I believe Jeff Yee was his supervisor. Again, the relationship between Kenny Gee and Jeff Yee allowed this; I do mean Kenny Gee was allowed most of his eight hour day to study for his grades 3-5 wastewater certifications. No one has been able to do that. Again, I must mention this because Kenny Gee over emphasizes the fact that he has a grade 5 wastewater certificate and the City and County has not promoted him.

Kenny Gee's anger and harassment tactics towards me made my working environment change for the worst. Also Kenny Gee and Jeff Yee combined efforts to harass me started in April 2013 until present, but in December 2013 after reading the supervisor harassment training course entirely, I could really truly say that I'm being harassed for being African American and for being Beverly Shepard's boyfriend.

Many comments by Jeff Yee and Kenny Gee have made me self-conscious about my training of others; this is after I've trained numerous CCSF employees. The comments made in April of 2013, which I will elaborate on, makes my good training skills doubtful especially to Kenny Gee and Jeff Yee.

I've been employed with the City & County of San Francisco since September 10, 1985. I served a four-year apprenticeship and graduated in 1989. I have serviced and worked in all the wastewater facilities of the City & County of San Francisco (Southeast, North Point, Oceanside, Treasure Island and all the many Pump Stations in wet weather & dry weather conditions), and I've performed hundreds of Confined Space Entries, more than most of my co-workers. There is only a few of us left that can say we have had hundreds of confine space entries, aka decenders.

I must take the time to mention the vast training of other engineers and crafts that I have enjoyed and completed while employed at the City & County of San Francisco, and have continued to do so all of my 25+ years. I have always tackled new assignments; I have been successful at them; I have always been trusted to do my job tasks solo; I have the reputation of being a self-starter, and will complete the assignments with little or no supervision.

I have always trained other CC SF personnel especially the new hires, Apprentice, 9910 Service Aids, advanced journeyman, Electricians, I&C Personnel. I even trained my present Chief Gerry Segarra the first day he started over 20 years ago at Southeast Plant 521 Chemical Station. I'm responsible for the AG Pay that apprentices now receive and enjoy when working as a journeyman while still being apprentice.

In 2006 when I returned to the Oceanside Plant I took it upon myself and with the blessings of my Chief Gerry Segarra to first re-acclimate to my reassignment to Oceanside Plant then start training other engineers on the Oceanside Plant stations. I'm one of the original crew members that started-up the Oceanside Plant from day one. I'm also one of the old crew members of the now dismantled Richmond Sunset Treatment Plant, so I came back home so to speak when I returned to the Oceanside Plant. I also took the responsibility of training all the new hires that came from United Airlines as so many were placed on Operations Watch 6 with no true plan for training. I took it upon myself to come up with a training program specifically for the new hires. I spent hours training new employees sometimes 5 at a time for 6 to 9 to 12 months, or the length of the time that they were on Operations Watch 6.

I helped many people achieve their goals as journey person. I must emphasize this statement because in April 2013, a comment made by Jeff Yee transcended my ability to train comfortably with others despite having trained many appreciative and respectful CCSF personnel. After this April 2013 encounter with Jeff Yee and Kenny Gee, I now tell others that my knowledge will not be respected by Jeff Yee and Kenny Gee and they should be trained by somebody else other than me. The response by others is no I want you to train me, you're the best.

Before April 2013, and before the new self-proclaimed New Regime of the Kenny Gee & Jeff Yee's "Take-Over of Operations", and before Beverly Shepard became Operations Watch 6 permanent Senior (November 2012 to April 2013) the Oceanside Watch 6 had no permanent senior for numerous years. I was asked on several occasions to become the acting senior since I know the Plant very well. This was asked by my senior and my fellow crewmembers and Superintendent Dale Posey. I yielded the acting senior position to others (Bill Wong and Ernie Venezuela, now retired); both Bill and Ernie continually asked throughout their tenure as acting senior, if I wanted the position?

Kenny Gee transferred over from Southeast Plant Operation Watch 6 with coworker Lito Sotto, 7372 Stationary Engineer. His vision from the start was to cause disruption in the crew so that he could become senior of Oceanside Operations Watch 6. Instead, Kenny Gee was offered an acting senior on Rotational Operation Watch 5 to replace Beverly Shepard (██████████) after she volunteered to become acting Chief while Chief Gerry Segarra went out on ██████████ leave.

Chief Gerry Segarra needed ██████████. A lot of contractual work had started at Oceanside Plant requiring Chief Gerry Segarra's immediate attention, and as Gerry stated "very stressful". Superintendent Dale Posey for months ask all around for someone to step-up and be Acting Chief while Gerry was off on ██████████ ██████████, and for months no one did. I must mention this because ██████████ Beverly Shepard, permanent 7373 Senior Stationary Engineer on Rotational Operation Watch 5 at Oceanside Plant stepped-up to fulfill the position as Acting Chief about two weeks before Gerry Segarra went out on ██████████ ██████████. Beverly Shepard took on this immense responsibility and without any formal training from Chief Gerry Segarra because he had to go out on ██████████ ██████████, as I've written.

The fact that Beverly Shepard was Acting Chief angered Kenny Gee to the point of complaining, even to the state I'm told, to try and have Beverly Shepard removed; it agitated him in such a way that it was all he could speak on, he stated "He should have that position because he has the Grade 5 Wastewater Certificate".

In passing Kenny Gee would inform me that ██████████ did not qualify for the position of acting chief, and that he should have the position instead. Even Chief Gerry Segarra has suggested that Kenny might have a bigger problem with me because of this, and has taken it out on me by harassing me.

Later after Beverly's tenure as Acting Chief, she became my immediate supervisor; the Senior Stationary Engineer of Operation Watch 6. [REDACTED]

[REDACTED], this was one of the reasons that Beverly never applied for the Operation Watch 6 Senior position even though she has been on rotational watch from many years.

In March 2013, Beverly Shepard requested to return back to Rotational Operations Watch 5, so Beverly Shepard and Kenny Gee switched positions again, and this time upper management (now including Jeff Yee) allowed Kenny Gee to become Acting Senior of Operation of Watch 6. On April 1, 2013 Beverly Shepard stopped being the permanent Operation Watch 6 Senior and Kenny Gee began Acting Senior on Operation Watch 6.

To this very day Kenny Gee and Jeff Yee have inquired about why Beverly Shepard was allowed with just a grade 3 wastewater certificate to become Acting Chief over Jimmie Ma, 7373 Senior Stationary Engineer (chinese descent) in Oceanside Maintenance Shop who also has a grade 5 wastewater certificate

Anyone will testify on my behalf when asked the question about Kenny Gee's unnatural obsession with his Grade 5 Wastewater Certificate. They will tell you that it is unhealthy and it has been allowed to be an obsession of Kenny Gee's. Kenny Gee repeats the same thing every day. "I'm a Grade 5; I should've got my seniors' job already". Kenny repeats himself over and over again when talking to anyone about any subject. It is very annoying to anyone that has been around Kenny for any length of time. Kenny Gee also has a very serious obsession with writing letters of complaint against coworkers, and or the threat of writing someone up even as a stationary engineer.

In April 2013 before leaving Operation Watch 5 Acting Senior position for the Operations Watch 6 Acting Senior position, Kenny Gee told all his subordinates that he was coming to Operation Watch 6 to straighten Craig out. He spoke these words, I'm told by Mike Sison, 7373 Stationary Engineer Operation Watch 5. I was told by Mike Sison that the Oceanside Watch 5 Crew (Mike Sison, Peter Naughton and Carl Collins) told Kenny "that would not be a winning formula". Mike stated that he told Kenny "why would you go over to Watch 6 just to be disruptive, and why would you choose Craig Banks when he's the one that's doing everything especially the training". This statement by Mike Sison made sense later because the first words uttered out of Kenny Gee's mouth when he saw me in April 2013 was "You haven't been supervised and I'm here to supervise you". So, Kenny Gee had intentions to start trouble with me long before April 2013 is the bottom line. Kenny Gee planned to harass me from the very start of his tenure as Operations Watch 6 Acting Senior in April 2013 to this present day.

Kenny Gee continually states that I have outbursts; he has said this to other employees throughout the Oceanside Plant especially my direct crew members and the Chief. I have had no such outbursts, and will not have outburst with other coworkers I do not conduct myself in a disruptive manner.

Kenny Gee has been against me since our training incident way back in 2006 when I returned to the Oceanside Plant. Again, with any other person or employee this would be unthinkable, but with Kenny Gee's compulsion this is quite feasible.

Kenny Gee and I had an incident over the training of a newly transferred journey person James Fa'Aita. James transferred to Operations Watch 6 in April 2013 from the North Point Maintenance Crew, and is a newly graduated apprentice. James Fa'Aita spent most of his apprenticeship in the oil and grease experiment as a truck driver. As a result, James did not follow the matrix schedule for apprentices so James Fa'Aita has limited operational experience and or training as a journey person.

Operations Watch 6 is for Special Projects and usually reserved for Seniority Personnel who have years of experience and understanding of the Plant's functions. I mention this because in February 2014, Kenny Gee told Edgar (Ed) Rodriguez a permanent 7373 Senior Stationary Engineer at Oceanside Plant that "James Fa'Aita is the most intelligent engineer on Operation Watch 6; the rest of the crew had no intelligence, especially Craig". This comment was also said to Maurice Hayes another permanent 7373 Senior Stationary Engineer at the Oceanside Plant by Ed Rodriguez in the same month of February 2014. I personally overheard this comment on February 12, 2014 made by Kenny Gee who was talking to Ed Rodriguez. Kenny Gee yelled "Craig is stupid and unintelligent, and I'll be glad to get rid of him". This was directly after Kenny Gee and I had a discussion about overtime. Kenny Gee and Ed Rodriguez did not realize I was standing near listening to every word. I later went into the Central Control room to inform Ed Rodriguez that I did not appreciate he and Kenny Gee talking behind my back; that Kenny Gee should've told him the whole story about how he left work early that day on February 10, 2014 leaving the Oceanside Plant in bad condition (No working compressors, No LOX in storage tank, No LOX delivery scheduled that day, and the wastewater storages boxes were being pumped down from the previous rain which would bring solids into the Plant). This happened on Monday, February 10, 2014.

On February 12, 2014 later that day in the courtyard, I respectfully approached Ed Rodriguez again, and told him I appreciated the fact that he did not belittle me and participate in the negative aspect of the conversation with Kenny Gee. I stated to Ed "I know that Kenny told you that I'm the least intelligent one on our crew". Ed confirmed, and replied "yeah Craig, it shocked me that he would characterize you like that". I don't appreciate Kenny Gee calling me stupid and unintelligent when I'm the one who made the intelligent decision that day on February 10, 2014 and saved the Plant from possibly going into violation on two separate incidents on the same day. (February 10, 2014, Oceanside Plant had No LOX (liquid oxygen) and was without the benefit of the PSA System. I will discuss this in detail further in the complaint)

In the month of April 2013 Kenny Gee asked me every day "When are you going to train James Fa'Aita?" This is unusual, when new personnel come to Watch 6 the first training provided is of the Oceanside Plant Stations inside the Plant. That was the protocol before April 1, 2013. Kenny would ask me three to four times a day when are I going to train James Fa'Aita despite James **not knowing one station** at Oceanside Plant. My crewmember Lito Sotto is the second or backup engineer that goes out on the Pump Station Duties for me when I'm out sick, on vacation or otherwise.

Kenny Gee became angry at the fact I did not train James Fa'Aita exactly when he told me to, and I mean told me to. I eventually trained James Fa'Aita late April 2013 (see log sheets for actual dates in April). I required of James Fa'Aita three days of constant training especially since he was not a seasoned journey person. I always required three days to train everyone on the pump stations; that seemed to be the average; so I asked for three consecutive days to train James Fa'Aita. Kenny became irritated. When I finally started training James, Kenny removed James from my training on the second day. My point is this; all the harassment, all the threats to train James Fa'Aita only to have Kenny remove him purposely on the second day. I took this action by Kenny Gee to symbolize the following: Look I can make you do whatever I want you to do when I want you to. As a result of this action April 2013, Kenny Gee told Jeff Yee to remove me from the pump station duty; that I should come inside to train everyone inside on the Oceanside Plant stations.

Jeff Yee's part in the April 2013 episode of the training of James Fa'Aita was equally insulting. Kenny Gee spent nearly a month harassing me over the training of James Fa'Aita, as I stated before, instead of focusing on James learning the stations inside Oceanside Plant as a protocol of new Watch 6 personnel. Jeff Yee and Kenny Gee began to pressure Chief Gerry Segarra to make sure I did what Kenny said, and when he said to train the exact day. This went on every day in April 2013 until I finally trained James Fa'Aita on or about April 25, 2013; again on/or about April 30, 2013 and May 1, 2013. After the training of James Fa'Aita, James approached me with great puzzlement on his face. James stated "Jeff advised him to seek someone else's training of the pump stations because I probably didn't get the training that I should've from Craig". I must admit after hearing that, and being harassed by both Jeff Yee and Kenny Gee for nearly a month; I thought why have me train James and harass me for a month only to insult me in the end.

Also in regards to my training ability, Jeff and I had a conversation; one of the first in over 25 years. Our discussion at Building 930 was about the removal of the pump station duties in April 2013 and the reason why he decided to remove me. Jeff was rude to me in tone and body language. He was insulting by saying the following; "I can't believe you are the trainer; how are you the trainer? you have to prove that to me; I'm going to ask many people; I can't believe you are the trainer". This was very insulting to me as a person, as an employee of many decades to the City & County of San Francisco, especially when this was the first conversation I'd ever had with this person in over 25+ years.

In April 2013 some of the worst words spoken were in this isolated verbal sniping by Jeff Yee after I stated "I've been here for nearly 30 years Jeff I expect to be respected". Jeff Yee's reply was like a sharp knife coming out of the western sky attempting to cut away at my abundance of self-esteem. He said "I don't care how long you've been here Craig; I've been here for 29 years myself; I don't care, I will treat you like you've been here for 90 days, I don't care". After this statement and Jeff took this action without any investigation whatsoever, I knew I had problems forthcoming. Also, in this verbal snipping of Jeff Yee's, he asked me how many contracts were going on at Oceanside Plant as if to say that was another reason for taking away the pump station duties. Jeff Yee informed me that I did not qualify for Operation Watch 6. Also at this time Jeff Yee asked me "If I take the pump station route away from you would you consider it punishment?" I said yes I would. Jeff told me I would believe Kenny Gee Craig over you anytime. I attempted to speak with my union representative. Incidentally, he was there the very next day talking to all of us about theft prevention, cameras, stealing of time etc.

Prior to having the Pump Station duties my assignment was inside Oceanside Plant for numerous years and 2nd man or relief for the Pump Station duty. I train many personnel on all three stations inside Oceanside Plant and Westside Pump Station. I set this goal of training everyone on my own. No prompting from any supervisors or chiefs (at the time superintendent Dale Posey). Many stated, even journey people, that they never had that kind of training since being assigned to Oceanside. That made me feel the power, and to transfer the knowledge even more. I've also spent time on the training issue because I just like it. Also, prior to April 2013, I was told by the Operations Chief Gerry Segarra that in the event that I was tired of training that I can simply say I'm tired of training at any time. Chief Gerry Segarra was aware of how many employees I was training both inside the Plant (Watch 6 work inside the Plant) and outside the Plant (pump station operator). Chief Gerry Segarra worried about burning-me-out on training. I took it upon myself to train the newly hired as-needed workers, maintenance personnel, instrumentation and control personnel, apprentices and pre apprentices. Training is part of my Watch 6 job duty, but not the type of training that I gave each and every one of the new hires. Whenever I see any of my former trainees each and every one hugs me and continues to thank me to this very day. In fact, the most recent 7372 Stationary Engineers eligibility list Mr. Tamanaha scored number one. When I went to congratulate him a couple weeks ago the first words he said to me was "thank you so much Craig for spending so much time with all of us; your training was helpful throughout my apprenticeship; all the principles you taught". This comment meant a lot to me; more than money, more than being a supervisor anywhere. That's what being a journey person at this point in my career at City & County of San Francisco really means to me; people know me as genuine kind and unique person. Tamanaha isn't the only person I can bring forth. One that comes to mind is Chris, from Southeast Plant HVAC Crew, also one of the personnel I spent a lot of time training.

I'm spending time expressing how much training I have done since I arriving at Oceanside Plant (April 2006 until the present February 2014), over eight years. Eight years of training others because every reason given to take the Pump Station Assignment away from me has been based on training others. Also, the other engineers would not have the daily experience on the pump stations; that's just simply not true as stated.

My purposes of spending so much time training all the personnel at the Oceanside Plant that would be associated with the pump stations was to have continuity on how the pump stations are handled over the weekend and evening hours when I'm not at work, and so that we could all use the same terminology when describing certain events when the Pump Stations and Collection System are in dry weather or wet weather conditions. I went to every single senior at Oceanside Plant and asked if anybody on their watch needed training on the pump station operations so that they can schedule time with me at their convenience. I would work around their rotational schedule. My work hours are from 06:00 AM until 02:30 PM. After 02:30 PM the Pump Stations are covered by Operations Watch ERB Operator, as it has been since the Plant been on-line many years ago. The Operations Watch ERB Operator also provides full weekend coverage of the pump stations.

April 2013 Incident as happened with Kenny Gee; I'd had a conversation with Kenny Gee, and he ran to Jeff Yee about it. Jeff Yee, without any investigation whatsoever of the facts, initiated and/or proposed some form of punishment for me. To especially be threatened constantly, with the removal of my pump station duties, is the threat I face whenever I'm face with discipline for alleged actions.

After being accused of stealing two hours overtime, Kenny Gee again misrepresented the fact to Jeff Yee, and without any investigation Jeff Yee decided to REMOVE ME FROM THE PUMP STATION DUTIES on Friday, February 21, 2014. This occurred after Kenny Gee asked Chief Gerry Segarra to write me up for insubordination for failing to communicate with him; that I worked two hours on a priority nine work order (the highest work order for the Plant) when in fact Kenny should have known the condition of the Plant. Kenny Gee left the Plant early that day and still expected me to contact him. (Jeff allows Kenny to come in early 05:30 and leave early 1:30 PM; No other engineer on Watch 6 has ever been able to do this).

Kenny Gee assigned the task of troubleshooting the PSA compressors to me at 06:00 AM on February 10, 2014. That same morning Kenny left at about 10:00 AM. He gave me the assignment that eventually required me to work a little overtime coupled with the fact I had other duties that required some attention. (#1, the Sea Cliff 2 Pump Stations' surge tank pressure was low causing water to surge into the station; #2, a separate but equally important problem if not greater, was a possible overflow problem onto Bakers Beach that would violate the Plant permit. I would have to report this to the Superintendent Jeff Yee which I conveyed to Randy Cipriani, 7373 Senior Station Engineer, at

Oceanside Plant. In truth I saved the City & County of San Francisco possible overflow and discharge violation. As part of my training I was obligated to stay and prevent an overflow at Sea Cliff II.

On February 21, 2014, Jeff had no reason to remove me from my normal Pump Station duties. I've more than fulfilled all my training requirements in and out of the Oceanside Plant during the time of 2006 -2014. There are other Watch 6 personnel that are available for the training purposes that Kenny and Jeff seek. I have overdone my share of training while my counterparts stay in the Operations Watch 6 Office including Kenny Gee. He is a permanent fixture of his chair and will not leave the office to learn what his new duties or Plant functions are, even when Chief Gerry Segarra insisted that Kenny Gee learn the Operations Watch 6 Senior duties.

I have probably overstated how much training I have done because this is the basis of why Kenny Gee and Jeff Yee are trying to discipline me for up to this present day. Kenny Gee is the one who will not train anyone. He is truly an ACTING SENIOR STATIONARY ENGINEER!!!

Mike Sison tried to talk to Jeff Yee on my behalf, as many coworkers have tried, regarding removing me off the Pump Station duties, and verifying that I am the trainer for that Plant. Mike informed me that he told Jeff "Craig has all those years; how could you do this to him? He is the only trainer here at Oceanside. I am told by Mike that Jeff reply was, "I don't care how long Craig has been here".

The discussion with Kenny Gee on or about Tuesday, April 16, 2013 would appear to be a crew member orientation. Kenny again brought up the training of James Fa'Aita, and questioned when and how I plan to do this in front of my crew members (Bill Wong, Lito Soto & James Fa'Aita). From this meeting Kenny started his campaign of telling other supervisors co-workers and anyone who would listen to him that I have verbal outbursts when I speak and talk with him. Kenny Gee continued to make this allegation to the present day of March 2014. This allegation is without any merit. I merely spoke to him that day as I would anyone else with the same decibel levels the same bass, baritone voice that God has blessed me with.

Kenny doesn't like direct criticism by anyone let alone a subordinate that was merely trying to tell him that it was unnecessary for him to repeat himself 10 times AND I MEAN 10 TIMES. Even Kenny Gee's directives are said 10 times. If I were to ever write this about anyone else that I've ran across in my 52 years, I would think of this as juvenile, but Mr. Kenny Gee in the capacity of Watch 6 senior, and his harassment of me is causing me extreme stress; Kenny Gee, someone who in his own mind, has decided that I Craig Banks is his worst enemy.

Kenny Gee is noticeably paranoid. Lito Sotto my co-worker can attest to this especially since the Seniors Stationary Engineer exams were near; Lito Sotto is also being harassed by Kenny Gee; Lito's every move must be monitored; Lito is afraid to do things for other crafts that are normally part of Watch 6 duties. This includes assisting the laboratory, and retrieving overflow samples at Pine Lake

Pump Station. Lito was terrified to leave the Watch 6 Office to assist the lab personnel as required, and Kenny Gee was off the job site with Jeff Yee.

On or about April 16, 2013, Kenny Gee approached me and stated "Craig when you have time please come to the office so that I can apologize to you about this morning". (Referring to April 2013 orientation) This apology was to be brokered through our co-worker Lito Sotto who also stated "Kenny was apologetic, he needed to apologize to you and he desired to do so with the Lito present". I agreed why not get this passed us. When the verbal apology was supposed to happen, Lito later called me and stated "Kenny was advised by his advisors not to apologize to you". I thought. I'll never figure this out. Why would you say I want to apologize if you intend to harm me in the first place? Anyway the apology never happened, but interesting enough, Kenny Gee had started writing me up on the incident. Also Kenny Gee was trying to force my co-workers to write letters against me all the while telling Lito Sotto that he wanted to apologize to me.

If Kenny Gee does not achieve his long-term goal of becoming a senior stationary engineer and Kenny's frustration of having to wait so many years while others with lesser grades have taken "his position", and Kenny's unhealthy obsession with this position itself makes me believe, in my opinion, that Kenny may not be as [REDACTED] with a non-selection to a senior stationary engineer position outcome this time. I do fear more retaliation from Kenny Gee and Jeff Yee.

If or when my fellow coworkers are interviewed and ask this question, Do you believe that Kenny Gee has a [REDACTED]. I alleged 90% would say, thank God. Someone finally asked that question, and tell you, YES Kenny Gee does have a problem. Especially a problem over him not being selected for all these years for a senior stationary engineer position, and that others have taken "his position".

Kenny Gee is especially angry at the fact that [REDACTED] Beverly Shepard was selected for a 7373 Senior Stationary Engineer before him. This fact in my opinion ignites Kenny's rage to seek revenge. I Craig Banks, represent this to Kenny Gee every day. Especially since Beverly Shepard was selected for the Acting Chief position over Kenny Gee, as well as eventually becoming the permanent Senior of Operation Watch 6. (Remember Beverly at this point was my Acting Chief and eventually became my senior, in other words we were on the same watch before Jeff Yee became superintendent)

Before Beverly Shepard was selected to this position, and one of the reasons she never applied for the Watch 6 position in the first place, even after being asked on several occasions, is because no one knew [REDACTED] [REDACTED]. After Beverly was asked on numerous occasions as stated, she began to consider the position. [REDACTED]
[REDACTED]
[REDACTED]

Later, Dale Posey ask me to enter his office. Dale Pose explained to me the he needed an Acting Chief, and Beverly was their best selection. [REDACTED]

As Acting Chief [REDACTED] Beverly Shepard did a wonderful job that winter of extremely heavy winter rains. Most Oceanside Plant personnel include Civil Engineering, the Laboratory Department, Maintenance Department, and Operational Personnel were extremely proud of her at Oceanside Plant. I am not afraid to write this in my complaint, I was also proud of Beverly Shepard and her knowledge.

I address this again, because in April 2013 one of the first words that were said to me by Kenny Gee was "you haven't been supervised, and you know you haven't been supervised". I asked him what he meant by his statement, he stated "how could you, when Beverly is [REDACTED]".

This was said the first day that Kenny Gee replaced Beverly Shepard on Operations Watch 6 as an acting senior at Oceanside Plant, and in my opinion, Kenny has dictated this and held this against me his entire tenure as my acting senior on Watch 6 (April 1, 2013 thru February 24, 2014). Chief Gerry Segarra has expressed this to Beverly Shepard on a few occasions that I might be suffering and subject to harassment by Kenny Gee due to the fact that Beverly Shepard was Acting Chief, and then Permanent Senior of Operations Watch 6. I do agree.

When Beverly Shepard was still Senior of Operation Watch 6 at Oceanside Plant Jeff Yee totally ostracized her. He would never enter into the Watch 6 Office as he does today with Kenny Gee as acting senior. Jeff Yee would not and will not to this day talk to Beverly Shepard for whatever reason despite Beverly Shepard being the Permanent Operation Watch 6 Senior, and sometime being under Jeff Yee's direct supervision. This was bizarre; Jeff Yee's non-communication with Beverly Shepard really made it uncomfortable for her. Chief Gerry Segarra can attest to this.

I must mention in my complaint fear of retaliation, although it's written that it's unlawful and said to be somewhat non-existent, however, at the Wastewater Enterprise most are petrified of retaliation by peers and management, and has expressed most explicitly to me that if they witnessed for me they feared direct retaliation from upper management, Senior's, Chief, co-workers and the like.

My personal feeling on this is that, I also fear retaliation. Especially since my complaint is against Superintendent Jeff Yee and Acting Senior Kenny Gee. There is an unusual personal friendship of loyalty and extreme honor and dedication towards one another between them. Jeff Yee's unyielding dedication to Kenny Gee was shown especially when Jeff Yee would not do any formal discovery before issuing discipline just because Kenny Gee told him to.

Most all employees have a very uncomfortable feeling when you mentioned that you are going to complain to Human Resources at CCSF. Many of them have expressed distrust and unnatural fear of the department that does the hiring and I'm assuming does or suggest firing.

Unrelated to my complaint and with my 25+ years employed at the City & County of San Francisco I would suggest that Human Resources personnel come to the Plant's and make their presence known. I strongly believe that it will make the workforce and work environment understand that Human Resources isn't this evil bunch of monsters. That if you have a legit complaint it will be treated accordingly, and by writing this complaint I too must believe that Human Resources will treat me with fairness and assure that I will not have retaliation for the submitting this complaint.

Despite my fear of being retaliated against I still submit my complaint. As for my witnesses they also are willing to take that risk and are eager to speak with someone from Human Resources regarding Kenny Gee. I have been asked on many occasions, have I filed a complaint with Human Resources so that they can have a chance to attest to what they witnessed by my harassers, as well as, the many who will tell a Kenny Gee nightmare story of their own. Having other employees attest to Kenny Gee's bizarre behavior, and his inability to speak to people with respect can be easily found.

Kenny Gee has trouble which ever wastewater plant he is assigned to. Kenny Gee has the reputation for trouble. He had trouble at Southeast Plant. Kenny Gee happens to be my harasser along with Jeff Yee; Kenny is trouble; he is my trouble in my working environment. Before Kenny Gee and Jeff Yee came to Oceanside Plant I must state "I had a beautiful working environment, I was respected for my knowledge, I did not make fellow employees feel less because they didn't know as much as I do, I shared all of my knowledge of the Oceanside Pant, the Pump Station, and the other facilities that I've worked at while employed with the City & County of San Francisco".

My co-workers heard a rumor that Human Resources were coming to interview everyone on or about February 1st or 10th 2014. I heard this as well. I was asked if it was because of my complaint, which I said no. If I may suggest, to contain rumors and protect my witnesses that will give statement to Human Resources, is it possible that my witnesses partake in their interviews at the Human Resources offices on Golden Gate or away from Oceanside or Southeast Plants?

The Compressed Natural Gas (CNG) Truck Incident, which eventually became a very serious flammable safety hazard. The compressed natural gas tank has a max pressure of 3800 psi, and eventually would be found to be defective with severe leaks and no parts are available. Also known is this truck was an aftermarket conversion instead of a factory conversion. The company that built the aftermarket conversion parts filed bankruptcy; the parts are non-existing, machine or special made.

Kenny Gee and Jeff Yee forced me to continue driving this vehicle even though I said the compressed natural gas (CNG) tank was leaking. I requested workers orders be submitted to check for leakage of the compressed natural gas tank , especially with a 3800 psi tank on the back of truck with me in it. Work Orders were also submitted by other Watch Personnel who drove the CNG Truck. This vehicle is now permanently out of service and is located at Caesar Chavez Yard.

August 2013 John Powell requested that all King /Cab Double Axel trucks in the City's fleet be picked-up to fight the RIM fire. This included the Dooley Truck #426-0004 that was assigned to the Oceanside Wastewater Treatment Plant for the Pump Station duties.

One of the replacement vehicle assigned to me was a Compressed Natural Gas (CNG) Truck #426-30002. Kenny Gee started harassing me about this truck in the month of October 2013. This truck simply would run out of compressed natural. (Not unleaded gas, but natural gas)

I would refuel the truck with natural compressed gas every day; the Operation Watch Personnel 1 thru 5 would use this same natural compressed gas truck on the night shift. The next morning the compressed natural gas tank would be empty. This truck ran out of natural compressed gas twice in the Oceanside Plant Yard. Each time it happened, a tow truck was called which cost City & County of San Francisco money. Kenny Gee said I was costing the City money.

Other personnel at Oceanside have driven CNG Truck #426-30002 and said it has a very low driving range; Fleet Manager Paul Martini has also confirmed this. Paul Martini suggested I not use this truck for the purpose of the Pump Station duties. He said the City & County of San Francisco does not have enough facilities working to support every day everywhere use. Later I found a dangerous leak in the natural gas tank fittings.

Everyone knew that we could not take the CNG Truck tank level to a ¼ tank; this was in the Standing Orders. Kenny Gee thought I was violating a standing order. That was his reason for extreme discipline stating "He was writing me up for being a Gross Negligent Operator". He asked Chief Gerry Segarra to write me up for being a Gross Negligent Operator. Chief Gerry Segarra refused to write me up for running out of compressed gas especially when the City & County of San Francisco compressed natural gas facilities were not operating; they were completely shut down with notification via Email form Fleet Manager Paul Martini.

All of the compressed natural gas refueling facilities at City & County of San Francisco natural gas facilities was closed. The CNG Truck that was available to me ran out of gas in the Oceanside Plant Yard. This running out of gas incident happened on two separate occasions as well as another incident at Sea Cliff II Pump Station, where the truck would not start. Two times the truck ran out of gas, disabling CNG Truck #426-30002, and towing of the truck was required. The importance of this is that Kenny Gee tried to reprimand me for the CNG Truck #426-30002 running out of compressed natural gas when all of the City's facilities were closed, and Kenny Gee had full knowledge that all the CNG Stations were closed. Fleet Manager Paul Martini stated "All City & County of San Francisco's facilities did not have compressed natural gas (CNG) that week; Also, some Compressed Natural Gas (CNG) facilities were closing permanently as of October 31, 2013". Paul Martini was assisting us in finding a place to get compressed natural gas, yet Kenny Gee wanted to reprimand me.

The tank pressure inside the vessel on back of truck is about 3800 psi. This truck's natural gas tank of 3800 psi is not supposed to leak compressed natural gas at all. Certain fitting responsible for keeping the natural gas from leaking out the tank had eroded. Coupled with parking of CNG Truck #426-30002 outside in the ocean air didn't help it. Rust or oxidation is a huge problem for all of us, even for our personal vehicles.

On Friday November 22, 2013, Central Shops returned the CNG Truck #426-30002 for work done in October 2013 regarding leaking of natural gas. As soon as the CNG Truck # 426-30002 was returned to Oceanside Kenny Gee forced me to drive it, even when I said I felt uncomfortable doing so. While performing the vehicle safety checks I still smelled compressed natural gas coming from the truck's compressed gas vessel located on the back of the truck. Don Reed 7372 Stationary Engineer of maintenance smelled natural gas also. The compressed gas vessel has maximum of 3800 psi. A small leak is a big problem, flammable etc.

Immediately I went to Chief Gerry Segarra's office and asked him to come and witness this leak. Don Reed removed the cover and inspected the gas tank; He noticed that all the fittings around the tank were completely rusted or oxidized, and Gerry Segarra confirmed this. Present was Mark Ca Hee from I&C; He supplied an instrument for gas detection. Mark explained to us why this vessel was like a bomb. That's how I got out of driving that truck because Jeff Yee and Kenny Gee knew I did not want to drive that truck, and they were forcing me to. Jeff Yee said I had to use the truck because he wanted the odometer operated past 100,000 miles in order to ask for the truck replacement. Jeff Yee knew this truck had mechanical problems. Even after I wrote the complaint letter on or about November 5, 2013 Jeff Yee and Kenny Gee still ordered me directly to drive this unsafe truck.

During the episode with Kenny Gee regarding the natural gas vehicles refueling problems Kenny alleged that he visited all of the facilities in particular the two that I said were closed (nearest Oceanside Plant Golden Park and farthest Caesar Chavez), and spoke to each and every one responsible for natural compressed gas at these facilities. Kenny Gee further stated "I was lying; he

could produce the manager at the Caesar Chavez refuel site that would say I was a liar, and now he could call me a liar". He said this in front of Chief Gerry Segarra. When I asked Kenny Gee of this person's name, and how to contact him; He simply said he didn't have to tell me. I looked at Gerry Segarra with much amazement, because throughout this I have stated to Chief Gerry Segarra that since I got this truck I've had this problem of refueling, and informed Gerry Segarra that Kenny Gee has been trying to discipline me.

When the Dooley Truck #426-0004 was returned on November 15th, 2013, it was given to the Oceanside Maintenance Shop instead of being returned to me for the pump station duties. This was retaliation for the requested letter I wrote on November 5, 2013 (letter about CNG Truck Incident). The Maintenance Shop did not request the Dooley and are willing to give statement to this fact. They tried to give the Dooley back to me for the Pump Station duties.

Kenny Gee told Jeff Yee that maintenance did not appreciate their gift. Acting 7373 Senior Stationary Engineer of Maintenance Berg Nigoghossian and Don Reed 7372 Stationary Engineer, informed me of this. They also stated "Jeff Yee confronted them about not being grateful for this gift of the dual axle" at the prompting of Kenny Gee.

Jeff Yee and Kenny Gee then assigned Truck #426-211 (Acting Chief Jimmie Ma's old truck) to me. They gave me the oldest truck at OSP or possible the entire fleet including the other Plants; it was maintenance's worst truck that they wanted to dump. It was an old rusted beat-up truck. Jeff Yee and Kenny Gee wanted to make sure I was uncomfortable, and in my opinion, to show my fellow coworkers how they will punish me for complaining. In Truck #426-211, I lost the abs brakes, it had breaking warning lights that wouldn't go away, the windshield wiper motor or fuse stopped working in the middle of a rain storm, it rained inside the vehicle, and other defects that I had a work order submitted for. All this happened in the same time period. Maintenance worker Pedro Casanova 7372 Stationary Engineer was in the truck and witnessed all of this with me. I turned this truck in.

By giving me the worst truck in the fleet was in my opinion, to stir me into an argument with Kenny Gee and/or Jeff Yee because of my complaining about being forced to drive a truck I'm uncomfortable with especially because it ran out of fuel all the time.

On November 22, 2013, after turning Truck #425-211 in, I was assigned another loaner. It was Dan Gilman's old truck. The door would not close on the driver side; door latch was misaligned. I turned this truck in too. I was then assigned the Oceanside Plant 12 passenger van for the Pump Station duties.

On Friday November 15, 2013, when Jeff Yee refused to return the assigned Truck #426-00004 (Dooley, dual axle, 4 X 4) for my duties of the Pump Stations he made a statement to all that he will take anything from me, especially to make me know and understand that if he tells me to drive a certain vehicle he means drive that certain vehicle regardless to what I say I want to drive, even though I'm stating "It's running on natural compressed gas and no station for gas is available within the City".

On that November 15, 2013 day, I approached Jeff Yee in his office and ask why did he remove the truck that was assigned to me since 2009? He simply stated "I did not need it; I was the only one driving it" (meaning that I was the only person inside the truck cab), and that maintenance needed it for when they go on remote jobs". The Maintenance Shop claim that they never asked for the truck. I also stated "I should have the choice of the better vehicle because I'm driving around in the City with heavy fog; heavy rain and sometime a combination of the both were visibility is essential. As I said these words I noticed Jeff Yee mimicking my words after I spoke them as a six-year-old child would do, including moving his hands as I do when I speak, but repeating my exact words over like a child.

Remember, taking of the Dual Axle 4 x 4 Truck was because "I was the only one driving it", yet I'm assigned a 12 passenger van not a cargo van which is more practical, and I'm the only one inside. This van is also needed as the morning and evening shuttle for everyone to use. I can never keep anything inside the van that I use for my Pump Station duties, my personal protective equipment, various tools necessary for emergency use, bars that I carry in the bed of the truck to close very important manual shutoff valves in the street and at the pump stations, and all of the other tricks of the trade. So why not return the truck that was assigned to me or at least give me a truck comparable to the one that was taken away.

As of August 2013, I have been without a truck assigned to me. All the time I thought the Dooley Truck #426-00004, once returned from the Rim Fire of August 2013, would be returned to me. It has a lot of features that I need in wet weather. I use the 4 x 4 to refuel generators, investigate overflows in the winter, and the many sandstorms that occur on the Great Highway. The dual axle also has a spot light and lights on the top of vehicle which makes visibility for me and for the citizens to see me in these weather conditions. I've also use the truck as the security device in detecting all the homeless on the outer perimeter of the zoo as well as Oceanside Plant. I am responsible along with Don Reed for finding the various homeless camps that had been around the area and undetected. I saw the homeless with the truck's mounted spotlight. What is also unique about the truck assigned to me is, on the back of it there's a diesel tank. This diesel tank is needed for the various generators that I service around the City at pump stations. I stated all this to my Chief Gerry Segarra that day November 15, 2013. Chief Gerry Segarra said it's Jeff; Craig I don't agree with his choice. Taking the truck humiliated me and made it harder for me to do my job.

Almost instantly, a scenario where I needed to tow a trailer from Oceanside Plant to Sea Cliff 1 Pump Station happened. There was a miscommunication between Oceanside Plant and PG&E. The Sea Cliff I Pump Stations was pre-scheduled by PG&E to lose power between a certain time period. Information of the schedule power loss was not communicated until 30 minutes before scheduled shutdown at the Sea Cliff I Pump Station. We needed backup power for pumps to prevent an overflow. We barely got a generator up there in time.

I interviewed Acting Chief Jimmie Ma, Acting Senior Berdj Nigoghossian, and Maintenance Crew #406 (Don Reed, Pedro Casanova and Pete Camacho). Each apologized that the truck was removed from me in the first place, and acknowledged that I was using it for my daily job requirements especially the Maintenance Acting Senior Berdj Nigoghossian. He clearly stated "He did not ask for that truck, nor did he want it". He wanted it returned to me because it was impractical for what their crew truck needs are. They only requested another truck, because truck #426-211 that eventually was assigned to me should be in the junkyard. This was stated to me by both Berdj Nigoghossian and Don Reed. Berdj Nigoghossian stated "His crew would barely use the truck, and it would be parked here rotting at Oceanside parking lot". I have knowledge that the truck sat so long that rats got inside the glove box and began to eat at the wiring in the dashboard. A work order was generated to repair the rats' damage to the truck.

Another reason that I believe the Dooley Truck #426-0004 was taken from me is because I refused to write a complaint letter against the fleet manager Paul Martini. Kenny for about two weeks insisted that I write a letter of complaint even when I told him that I did not want to write such letter; that if he wanted to complain he should write the letter not I.

As I stated, in April 2013 when Kenny was trying to get my coworkers by force, to write letters against me; against what was actually said in the room; and coach them into doing so. My co-worker Bill Wong may have written what Kenny Gee wanted him to; Kenny Gee coached him on what to say. This was said by Bill Wong to me after Kenny made Bill's statement, especially the keyword outburst. Remember, I stated that Kenny Gee is claiming to all that will listen at Oceanside Plant, that I have outburst. This was the beginning of such lies. Another reason I mention this, it shows the influence that Kenny Gee can have over certain individuals.

I saw Tony Flores on Friday February 21st 2014, just as I did in April 2013. Tony mentioned that Bill Wong's statement suggested that I was equally wrong in April 2013. Now it's February 21, 2014 and that false statement is uttered again. Incidentally, shortly after Bill Wong's letter he apologized to me. He claims he didn't mean to write outbursts. He also asked, how he could change that, almost immediately. I just simply said "state the truth and no more". There were two other coworkers inside the office that day; there were a total of five people; Bill Wong was the only one that wrote a letter at the demand of Kenny Gee.

Kenny Gee has stated to my coworkers that "Chief Gerry Segarra is protecting me, and he can't wait until that protection is over". This was said to me in December 2013 just before my [redacted] and eventual six or eight days off. I took Kenny Gee's statement as some form of a threat. I also thought I'm a grown man; I do not need another man to protect me, and besides we are not in prison.

His statement was demeaning to me and suggested that he had some kind of power to do whatever he wanted to do, but because I had someone that outranked him (Chief), I was perceived as being

protected by him. Simply put this was insulting and belittling as a man, as an employee of the City and County of San Francisco, and has since made me wonder what would Kenny Gee do to me later?

Kenny Gee also has knowledge since December 2013 that I have contacted Human Resource and will file a complaint. Around the third week of December 2013 when I contacted your office I had to allow for time off my route. I informed Kenny Gee that I was going to Golden Gate Street to talk with someone. Kenny Gee then told the crew "Craig has something going with Human Resources so just make sure you mention all of his outbursts". Again, the outburst suggested verbally by Kenny Gee. He has knowledge that I have thought of filing a complaint and Kenny Gee discussed this fact with the crew suggesting what the crew members should say when questioned by Human Resources.

On or about November 1, 2013, I had my first conversation about Kenny Gee with Wyman Fong, 7372 Stationary Engineer (chinese descent), and a coworker who has spoken with me for over 25 years. I did not initiate this conversation with Wyman Fong, but what he had to tell me about Kenny Gee and what Kenny Gee was trying to do was shocking! "Wyman Fong stated the following: "Kenny has said all the Chinese at the City & County of San Francisco especially Oceanside Plant need to band together and fight against the Whites, fight against the Filipinos, fight against the Mexicans and fight against the Blacks, but the Black's lie". Remember I stated, Kenny Gee called me a liar in regards to the natural gas vehicle, and said that he could provide a person that can truly say I'm lying.

Wyman Fong told me this under the strictest of confidence and, admitted to me that he is very close friends with Jeff Yee. Wyman Fong further stated "if he were to witness the statement by Kenny Gee, in his opinion, it would be viewed as hearsay testimony".

As I've mentioned before, I had a meeting with Tony Flores on February 21, 2014. I informed Wyman Fong that I told Tony Flores exactly what he told me about Kenny Gee's racist comments I thought he might be angry with me because I did say I wouldn't say anything. Much to my surprise, with Wyman having knowledge about my removal from the Pump Station duties on February 21st, 2014 Wyman simply said "if I'm asked I will tell the truth and repeat what Kenny Gee said to me". Wyman Fong is willing to give statement or testify. I was so elated that Wyman Fong will now come forward willingly to attest to Kenny Gee's racist remarks. Wyman and I spoke about this in February 2014. Wyman Fong is Superintendent Jeff Yee's friend and spends time off the clock with each other's family. I don't believe Wyman Fong would be a hostile witness to me. I can only trust Wyman Fong will state the truth when asked to do so.

This racist statement ("All Chinese at the City & County of San Francisco especially Oceanside Plant need to band together and fight against the Whites, fight against the Filipinos, fight against the Mexicans and fight against the Blacks because the Black's lie") was repeated to William Wong, 7372 Stationary Engineer, (chinese decent) in the month of December 2013. William (Bill) Wong reported this remark by Kenny Gee to Chief Gerry Segarra in December 2013.

Because Kenny Gee has a Grade 5 Wastewater Certificate, he will still be able to act as my supervisor which I think is extremely wrong because my harassment will only continue. It was said by Jeff and Kenny that upper management said the highest grade certification will act as senior. This rule is effective even if the engineer does not have the experience. Jeff Yee is enforcing this rule. Until this day, a Plant wide interoffice memo has not been issued concerning this rule of acting senior pay.

James Fa'Aita, 7372 Stationary Engineer, recently graduated apprentice, is the least seniority personnel on Operations Watch 6, and he's also the most afraid to give testimony or statement despite Kenny Gee telling him various comments regarding me which James has told me. James can verify, if he will, Kenny Gee's discussion of punishing me, especially when the truck ran out of natural gas twice.

James warned me that day in October 2013, before I changed into my uniform to go up stairs to the Operations Watch 6 Office, that Kenny Gee had asked questions of him, and stated "He was going to punish you for being a GROSS NEGLIGENT OPERATOR for running out of natural gas". On that same morning, I went to see Gerry Segarra, and before I could even say anything he told me I know why you're here; the gross negligent of operations episode, and I said he was absolutely right. Kenny Gee confided in James Fa'Aita, and told him how he was going to discipline me, which I felt was not the proper thing to do, even if James told me what Kenny said, which I appreciate.

The next series of harassment by Kenny Gee and Jeff Yee was centered around an accusation that I worked on unauthorized overtime for 2 ½ hours on a Priority 9 Work Order #2504455 for the PSA System at Oceanside Plant on Monday, February 10, 2014. As a result of this alleged stealing of overtime; my pump station duties that I worked so hard to learn and maintain, were taken away from me because Kenny Gee wanted to discipline me for insubordination. He had the blessing of Jeff Yee before Jeff asked anybody a question, did any form of investigation whatsoever or asked me what happen.

At Oceanside Plant it is vital to supply Secondary Aeration Treatment with high purity oxygen. If oxygen is not provided either by Liquid Oxygen (LOX) stored in a vessel at the Oceanside Plant or the Pressure Swing Adsorption System (PSA), that makes oxygen, the Plants' final effluent would be in violation. I will attempt to explain how on Monday, February 10, 2014, I saved the City & County of San Francisco Oceanside Wastewater Treatment Plant from a possible final effluent discharge violation as well as Sea Cliff II's possible discharge violation on the same day.

Instead of Kenny Gee and Jeff Yee giving me acknowledgment and some form of accommodation for a great job, especially when Kenny Gee went home early that day of February 10, 2014 leaving me in a situation that could have caused the Oceanside Plant to go into violation, coupled with the fact that Chief Gerry Segarra was away on vacation and I WAS THE ONLY ONE ON THE PLANT that knew how to troubleshoot the PSA System BUT, Kenny Gee and Jeff Yee took the Pump Station Duties away from me. A memo was generated and emailed to OSP personnel reading the pump station duties will be

rotated amongst the other Watch 6 crew members along with T-Week personnel when necessary. This will allow other Operations personnel to be up-to-date with the latest changes and procedures at the outlying pump stations and the collection system. This order was given to Gerry Segarra in email memo form, sent "Importance High" from Jeff Yee on Thursday February 20, 2014 at 5:01 PM. As of Friday February 20, 2014, I am to report back to the Oceanside Plant relieved from all pumps station duties.

I have trained my coworkers on the PSA for several years, but Gerry Segarra and I are the only troubleshooters for the PSA System. Without Gerry Segarra on site I knew I had to step up this day of February 10, 2014 and troubleshoot solo as I've done several times before.

To explain why this happened in the first place, I must explain that the Oceanside Wastewater Treatment Plant storage of liquid oxygen (LOX) is blended into the system to help meet the aeration oxygen demand and the backup treatment for our secondary treatment process if all the PSA Compressors become unavailable. Oceanside Plant liquid oxygen supply should never be depleted unless something is wrong with the LOX vessel. This LOX vessel can be very dangerous, especially with overfilling and/or drawing down the vessel's level to low.

On Monday, February 10, 2014, the liquid oxygen vessel had a low low alarm, and was still online and drawing the vessel down to a dangerous low level. The liquid oxygen vessel should never have been in alarm that long without someone securing the LOX feed valve of the vessel.

On Friday February 7, 2014 at about 6:15 AM, I was assigned to work on the PSA System by Kenny Gee instead of my normal duties of the Pump Stations. Even though I still maintain the PSA System as a volunteer effort it's not usually part of the Pump Station duties. Bernard Bender, a retired former 7372 Stationary Engineer, who had the pump station duties before me, did not come into the Oceanside Plant and work on the PSA System as I have done. I'm the first engineer at the Plant to do this. It's part of my duties now; the additional PSA duties that were supposed to be taken away from me years ago; I was just to concentrate on all the pump stations. This has never happened, and I haven't complained because I felt that I could continue to do both jobs. My Chief and coworkers appreciated that I continued to maintain the PSA System because if not, it would make their job much harder.

No one else has done this including Ron Dunn a retired 7372 Stationary Engineer (Caucasian), who Superintendent Jeff Yee is always comparing me to by constantly saying "Craig is no good; he's no Ron Dunn; he's not that good". Jeff Yee has said this to other supervisors, and especially to Maurice Hayes 7373 Senior Stationary Engineer (Black), who is willing to testify or give statement that Jeff Yee continues to say this about me. Maurice Hayes told me about this in December 2013 and again January 2014.

On Friday February 7, 2014, after receiving orders to fix the PSA System. I noticed that it was time for a LOX delivery, and the PSA System was down at this time. The PSA System was down with an unknown problem therefore, an unknown trouble-shooting time for me.

I asked Bill Wong and Kenny Gee when the next delivery of LOX was. Kenny asked Bill for the LOX delivery date and Bill Wong replied "I forgot to order the LOX". Kenny Gee became angry at Bill and said something in mandarin or Cantonese. Bill seemed agitated. Kenny Gee spoke in English, Craig I'll take care of it.

Kenny Gee is the Operation Watch 6 Supervisor. Kenny's responsibility is to maintain the LOX vessel's level at all times, and to make sure that loads of liquid oxygen are delivered in a timely manner not Bill Wong (high levels works best in removal of liquid oxygen from the vessel, it helps process the vaporization of LOX better with 40 psi in the tank). Chief Gerry Segarra told Kenny Gee ordering chemicals for process is the Watch 6 Senior's job.

After some consideration and troubleshooting I was able to get the PSA System operating right away. I requested the maintenance to fix a problem I found, an electrician (Dennis) to fix a separate problem, but I still insisted that Kenny Gee and Bill Wong find out when the next LOX delivery was coming.

I must generate work orders for either maintenance personnel (usually Pedro Casanova, Don Reed & occasionally Peter Camacho), and or Instrumentation & Control (I&C) personnel (usually Roger Warner or Stuart Marcum). I must generate separate work orders for different crafts or crews. I have done this since taking over the PSA System in 2006. This has been the protocol. Priority 9 work orders are used for personnel that have to stay after work; come in after the work shift has ended or weekend work needed. Most of us do not have the authority to write work orders. To generate a work order I must call my supervisor or Central Control and request other crafts to assist me. My name may appear as the originator or not. On February 10, 2014 Kenny Gee exploited this fact to tell a lie that had me removed from the pump station duties.

On Monday, February 10, 2014, I was accused of stealing 2 ½ hours overtime because a similar scenario of the PSA System going down happened, but this time WITHOUT ANY BACK-UP LOX AT ALL, and I stayed to help fix the problem.

On Friday night February 7, 2014 after my shift ended, I called the Oceanside Plant Central Control to check on the PSA System and make sure it was still operating correctly. I spoke with Randy Cipriani 7373 Senior Stationary Engineer, at about 06:00 PM. I get off work at 02:30 PM. I did not charge the City and County of San Francisco for this call. I again called Randy Cipriani that same evening; I believe at about 11:00 PM, he again stated that the PSA System was operating correctly. I believe I called again on Saturday, February 8, 2014, and spoke with Randy Cipriani again asking the same question, and his reply was the same. At this time Randy Cipriani did not mention that the LOX load was not delivered. Yet, supposedly Kenny Gee and Bill Wong ordered a special load to be delivered for Saturday which doesn't usually happen.

Sunday evening February 9, 2014, I again call Oceanside Plant Central Control to inquire about the PSA this time I spoke with Maurice Hayes; he informed me that all was well. I didn't charge the City anything for these calls, but I'm going to be accused of stealing two hours of overtime the very next Monday, February 10, 2014.

The morning of Monday February 10, 2014, I was greeted with the news that the PSA System had failed, and when the operator tried to start all three compressors they simply would not start. Randy Cipriani again was the Senior Operator on dayshift, and had been the whole weekend. Also present was Brian Maddox 7372 Stationary Engineer, a person that I have trained for many years on the PSA System. All three of us Randy, Brian and myself were in the Central Control room when we discussed my work order for the PSA Compressor etc. (This is important to remember because as I tell this scenario/story it will be questioned who gave me permission to work on the PSA System)

After accepting the challenge of troubleshooting the PSA System without Gerry Segarra (on vacation) being present, I entered into our Operations Watch 6 Office. Present was Kenny Gee and Bill Wong. Kenny greeted me with the problem of the PSA System, and told me that he had spoken with Randy Cipriani earlier that morning, and he wanted me to work on it right away. (Remember this because Kenny Gee is going to state on Wednesday, February 12, 2014 that he had no knowledge of me working on the PSA which is simply not true).

The first part of my troubleshooting of the PSA is to find out how much liquid oxygen is in the vessel because I will turn the PSA System off while trouble-shooting, whereby, the liquid oxygen (LOX), which is the back-up to the PSA System, will kick into the system and start to vaporize through heating coils and supply high purity oxygen to the Aeration Trains. When I got up to my computer; I looked-up the DCS window for Oxygen Generation and instantly flashing was the low low alarm for the LOX vessel flashing over and over again. I went to the LOX vessel and closed the LOX feed valve; the pipes were shaking and I could hear particles going through the pipes. The LOX feed valve should've been closed by the Watch personnel long before I closed it at 06:00 AM. This is to include Kenny Gee who has the privilege of coming in at 05:30 AM and leaving at 01:30 PM. I then, immediately asked Kenny Gee and Bill Wong what happened to the LOX load that was supposed to be delivered that past Saturday. Immediately, Kenny Gee became defensive at this question. I also asked Kenny Gee why didn't he secure the LOX feed valve on the LOX vessel. I further explained to Kenny Gee what type of damage we were causing the vessel (metal stress and possibility of inner wall collapse inside the vessel). Kenny Gee became agitated at me. I explained to Kenny Gee and Bill Wong the situation that we now found ourselves in without any liquid oxygen (LOX). Kenny Gee said he would call the vendor at 8:00 AM that very same morning of February 10, 2014. After 8:00 AM, I went to see what was going on with the LOX load. Kenny Gee stated "A big mistake has happened, and the driver could not be flown into Los Angeles to drive the truck back on Saturday, therefore, they will be here on Tuesday".

Kenny Gee made a mistake and scheduled two LOX loads that were delivered on Tuesday February 11, 2014, and we could not use the other LOX load; we didn't have enough room in our LOX storage vessel. This cost the City & County of San Francisco a load of LOX that we did not use. Kenny Gee was trying to avoid the blame.

This situation put pressure on me to make sure that I could run two out of the three air compressors (remember all 3 had failed) for the PSA System which would help meet the oxygen demand that will be placed on the Aeration Trains once it stopped raining and solids start coming into the Plant. I explained this problem to Kenny Gee; he nodded his head as if he understood. Kenny Gee left early that day despite the problems we had with the PSA System and possible violation.

With the PSA System three compressors down, and **NO LOX**, Kenny Gee's claim to come in at 5:30AM to assess the Plant condition is not true. Kenny Gee should have caught the problem earlier than I did especially with the low low alarm flashing all over the screen. Kenny Gee should have taken immediate action about the PSA skid, compressors, and the many other parts pertaining to it, especially since Kenny Gee has stood Watch at the Oceanside Plant for many years. Kenny has worked the 011 Station where the PSA System is located, and he has taken readings indicating that he knows the PSA System including the LOX level of this day February 10, 2014.

I eventually got two of three PSA compressors operating. In order to do this task I required the usual assistance of Maintenance and I&C. I needed work orders so I approach Kenny Gee the morning of Monday, February 10, 2014, to request work orders to support the other crafts. Kenny Gee at this time instructed me to get the work orders written by Randy Cipriani, the Senior Operating Engineer at Central Control. This is the start of the problem, Kenny Gee should have written the work orders himself instead of Randy Cipriani. Remember, Kenny Gee will deny ever having knowledge of me working on the PSA System.

I was already working from a generated work order from previous watch for the PSA that is how Kenny knew of the problem with PSA System. Kenny will deny this fact to Jeff Yee, Chief Gerry Segarra and Tony Flores. Kenny Gee and Jeff Yee stated "You worked unauthorized overtime; you should be punish me for stealing overtime". Chief Gerry Segarra said Jeff Yee told him to not pay me the 2 ½ hour OT, take me off the Pump Station duties, and that Tony Flores told them to write-me-up. I requested a meeting and spoke with Tony Flores, he said this was not the case; Tony did not know why I was in his office. Again Kenny Gee and Jeff Yee are misrepresenting facts.

Kenny Gee did not assign any of my crew members to the Pump Station duties on February 10, 2014 although we had a full crew. I had to troubleshoot the PSA System and still do my Pump Station duties that day. So the whole time I was troubleshooting the PSA System, I was still working the Pump Station route, coordinating with the crafts, going in and out of the Oceanside Plant and waiting for the crafts to repair whatever I had discovered the problem to be.

With all said and done, by estimate time of 1:30 PM, I had two of the three compressors running. This is after not taking break or lunch. There was a unique problem with #1 Air Compressor, it had a pressure relief valve remaining open due to damage from severe oxidation. The compressor will not run without proper water pressure and flow; it is a closed water loop system, this is a fact. After I discovered the leak, maintenance indicated that they did not have a pressure relief valve, special order is necessary. It was further stated that Acting Chief Jimmie Ma, refused to allow me to operate the #1 Air Compressor without a pressure relief valve; he said it was against the law to do so. Maintenance Acting Senior Berdj Nigoghossian stated the same.

When I left at about 01:30 PM on February 10, 2014, I had completed my task even though I could not get the authorization to run the #1 Air Compressor due to that small problem compared to letting the Plant get a fine for dirty effluent discharge. In my mind I figured upper management would give the green light to operate the #1 Air Compressor under the present condition of no pressure relief valve for water.

Remember, I'm troubleshooting the PSA System with process concerns, and a possible discharge permit violation. On a Priority 9 Work Order Roger Warner and I thought to lower the pressure of the close loop. Throughout the day I went up and down four flights of stairs around 8 or 9 times. When I returned from the Sea Cliff II Pump Station dealing with a work order that required more time than I anticipated; Roger Warner from I&C called me over, and it was already after 03:30 PM. Roger wanted me to operate or witness the lowering of the expansion tanks' pressure to 40 psi from 80 psi. Roger Warner thought that we would get the blessing to run the compressor from Maintenance Acting Chief Jimmy Ma so that we could close the Priority 9 Work Order.

I&C and other crafts are not to operate any machinery without an Operator Engineer's assistance. This is why Roger Warner stopped me on my way back from the Sea Cliff II Pump Station where I had a potential dry weather over flow violation which I prevented by taking care of the problem at the Sea Cliff II Pump Station. I don't usually work off of work orders other than the PSA, but certain things I specialize in will sometimes be added to my duties of the day, and this was one of those days.

Monday February 10, 2014, at about 01:15 PM, after servicing the PSA System, I had a work order to replenish a surge tank at the Sea Cliff II Pump Station. Whenever the surge tank is low it creates a surge back into the pump station causing severe damage to the pump's, the piping, the check valves and could possibly cause flooding. The Sea Cliff II lift pump will lift the sewage up 27.42 feet, and is pumped as far as 25th Avenue & Lake, which is quite a distance.

So, to find out that the station had lost the surge tank over the weekend, and I'm busy with the PSA System; I questioned why didn't Kenny Gee assign someone to take the pump station duties from me? Lito Sotto, a crew member, was present but Kenny Gee insisted that he work the North Station despite the problems. I asked James Fa'Aita could he help me with the Pump Station duties, and he said I can't

Kenny have me doing something else. I've come to believe that Kenny Gee did not understand and had no idea what state Oceanside Plant was in at this time, nor did he understand what was going on when it was said the Sea Cliff II Pump Station lost the surge tank.

As I mentioned before, I hadn't had lunch on this day of Monday, February 10, 2014. I stopped at a gourmet sandwich shop and ate my lunch while driving to the Sea Cliff II to service the work order for the surge tank. Sea Cliff II Pump Station had three different problems that all required immediate attention. First I called Randy Cipriani at Oceanside Plant to inform him that I'm attempting to replenish the surge tank. I learned that the tank low pressure alarm was going off for two days now. I have to inspect all the piping for loose bolts and nuts as well as restore surge tank. This requires time. I'm the first one to explain how this surge tank actually works. Before me, no one knew how to operate the surge tank; Engineers that knew how to operate the surge tank system have retired long ago; it's been here for decades. After learning and teaching myself about the surge tank operation, I trained other personnel how to restore it as part of my Pump Station dry & wet weather training.

As a result of the surge tank problem, two of the three lift pumps individual check valves counterweights had fallen off onto the ground. The other check valve is spring operated instead of counterweights. This is a problem; the pumps may not be able to discharge because they cannot open up the check valve necessary for the pumps to discharge, especially in this scenario at Sea Cliff II where you have that type of discharge vertical lift and then sewage surging back into the station and ultimately the surge tank. With the speed and weight of water, and without the surge tank operating properly, this will cause vibration on all pipes and loosen nuts and bolts of the piping. This can, and will result in flooding of the pump station; almost guaranteed. Again remember Sea Cliff II is part of my normal duties, but not the work order generated by Operations. Remember there's a big difference between a tank and a vessel. A vessel is under pressure a tank is not.

I put one of the check valves counterweight back, but I knew it was a quick fix the set screw was too loose and wouldn't last. I placed the pump with the spring check valve into the lead position. The pump station would be ok as long as it didn't rain. We needed two pumps if not all three to stop overflows at other overflow points. When I returned to Oceanside Plant Roger Warner needed my assistance. (Jeff knew I was at Sea Cliff II and I'm on camera at Oceanside's courtyard. How can I be accused of stealing 2 ½ hours of overtime?)

Third problem over at the Sea Cliff II Pump Station that wasn't part of the work order but just as serious was a possible overflow from a secondary sump located outside the pump station. When the above primary sump overflows wastewater, it overflows the wastewater into the secondary sump located outside the Sea Cliff II Pump Station. In this secondary sump there are two pumps and an overflow orifice connected to a pipe that discharges to Bakers Beach. The secondary sump pumps will pump the overflow of wastewater back into the primary sump to help avoid overflow conditions. When this sump is filled to capacity wastewater is released onto the Bakers Beach through overflow

orifice and pipe that discharges to the beach. These submersible pumps are located in a makeshift wood cabinet that is worn and has many openings, whereby, rainwater is allowed into the secondary sump as well as the overflow of wastewater from the primary sump.

On Monday, February 10, 2014 at about 02:30 PM, I called Randy Cipriani at Oceanside Central Control a second time and stated my findings at the Sea Cliff II, and asked him to inform Superintendent Jeff Yee that I'm 1 gallon away from having to report this as an overflow in dry weather. Later, I was informed by Chief Gerry Segarra that Jeff Yee overheard my conversation with Randy Cipriani via loudspeaker on phone inside Central Control. He knew that it was after 2:30 PM, and that I was having trouble at Sea Cliff II, so why did Jeff Yee accuse me of stealing overtime? There was no way I could have left that station in that condition, especially with the overflow problem that would certainly overflow onto the beach. (Remember, when I returned to the Oceanside Plant from Sea Cliff II Pump Station it was well after 03:00 PM).

I spoke with Chief Gerry Segarra, and he agrees that I performed as my advanced training suggested I would. I also took the liberty to discuss this scenario with Bonnie Jones, Process Engineer. Bonnie Jones agrees with me on my handling of Sea Cliff II, and preventing an overflow in dry weather. Bonnie Jones did state that from what I have explained, it appears that I responded accordingly in regards to the PSA System and the Aeration Trains condition. I also asked for critique of my decision making from Alex Miot Civil Engineer, who is responsible for the Aeration Trains. I'm honored to say that Alex has taken my training for the PSA System and was very pleased with what he learned from me. Alex Miot also believes I made the proper decision especially with Chief Gerry Segarra out on vacation.

The overtime of 2 ½ hours I worked on Monday 02/10/2014 has not been paid to me yet. Kenny Gee and Jeff Yee decided that I did not ask for permission to work overtime on Monday, February 10, 2014. Not only did they suggest that I not get paid, they also took the pump station duties away from me by disguising the removal of me from the pump station duties as a way of training others on the everyday duties.

At this time I just want to mention that I have already trained every watch personnel and maintenance personnel on the Pump Station duties. I required 3 days of training for each engineer. There have not been any new changes or updates to any of the pump stations that the Oceanside Plant personnel has serviced in years. I have also trained personnel at the stations inside Oceanside Plant. I'm not the only person on my crew that could train. All of us on the crew are veteran engineers of 25+ years, except James Fa'Aita, a new graduated apprentice who as of February 02, 2014 is the acting senior for Watch 6 despite him admitting he has limited knowledge. He has the highest wastewater certificate on Operation Watch 6 crew; Kenny Gee and Jeff Yee started this practice saying this came from upper management, yet we haven't seen an interoffice directive. Is this state required? I'm told the Southeast Plant doesn't require or practice this rule.

Watch personnel experience the pump stations duties in the evening from 02:30 PM to 06:00 AM in the morning, and the 48 hour weekends from Friday 02:30 PM to Monday 06:00 AM, so to remove me from my pump station duties for the purpose of training others is simply not true. Jeff Yee and Kenny Gee knew that this would be punishment for me because in April 2013, Jeff Yee asked me "If I remove you from the pump station duties would you consider it punishment". I simply stated yes I would feel that you are punishing me Jeff.

I studied the Pump Station manuals and drawings; I trained hard and train others on the Pump Stations. We have had no problems with the Pump Station under my watch. So, on February 14, 2014, when Jeff Yee removed me from the pump station duties, he knew I would consider it punishment as I informed him of my feeling on this subject in April 2013 when Jeff Yee and Kenny Gee threaten to remove me from the Pump Station duties before.

As I have written, I studied and trained people on the pump stations before the Pump Station duties were official assigned to me. I was the backup to Bernie Bender who had the pump station duties, but now has retired. I was determined to be the best backup person that I could be, so I took it upon myself to study, practice what I study, and show others what I learned when I was still assigned to Oceanside Plant. I continued to train others on all the stations at Oceanside Plant and the Pump Stations. I have never been strong-armed by any senior stationary engineers, chief stationary engineers or superintendents into training others before like Kenny and Jeff are doing to me. I always enjoyed the training of others, but after Kenny Gee's and Jeff Yee's negative characterization of my skills etc, I've lost most of my confidence to train even though other are still grateful to me for training them.

As mentioned throughout this complaint I am the trainer, but Jeff Yee and Kenny Gee think my presence is a problem. I am Jeff Yee's and Kenny Gee's adverse selection meaning they must deal with me. It is my opinion, they would much rather have another employee on Operation Watch 6 of Chinese descent in my job position, and it is clear that whenever I attempt to communicate with Jeff Yee and Kenny Gee, that I am truly their adverse selection by true definition.

On Tuesday February 11, 2014, I left Kenny Gee a voice message on his work phone. I informed Kenny that I had worked overtime on Monday, February 10, 2014. I also stated to Kenny that I forgot to tell him on Tuesday, and I believe I said I was sorry about it. I would've told him earlier in the day, but I had to go the Westside Pump Station for what the East box pump-down which is definitely something you pay attention to. I only inform Kenny Gee of this overtime because I wanted to make sure that my etime was correct; to ensure if Randy or whomever logged my time. Especially since as I've written earlier in the complaint Kenny Gee went home early on the actual date of my overtime Monday, February 10. I had no idea that on Wednesday February 12, 2014 Kenny Gee would take my voice mail to mean I worked OT unauthorized or stole company time for 2 ½ hours on mentioned date. Again, any other reasonable person would not think this way especially when Kenny Gee left the Plant early that same day.

Kenny added to the confusion and misunderstanding of the morning of Wednesday, February 12, 2014 by stating "I asked Ed Rodriguez if he knew anything about your overtime" in a very condescending way and with authoritative overtones. I calmly stated to Kenny while my coworker James Fa'Aita sat quietly across from Kenny and I, "First of all Kenny it was not Ed Rodriguez; it was Randy Cipriani; Ed Rodriguez was not present on Monday, February 10, 2014".

Kenny Gee further wanted me to explain every intimate detail of the LOX process, and I told him Kenny if I needed to explained that much to you at this point in our careers it would take me hours to teach you; you don't have to pay me for overtime if this is going to be a problem.

I also stated "I had to do what was required of me and my training". At this time Kenny Gee did not mention that he was going to suggested discipline for me, and that I was being insubordinate by not communicating with him on this issue. Kenny Gee stated "Craig does not talk to me." to Chief Gerry Segarra and to all my coworkers. I do talk to Kenny Gee about the job every morning and my crew members can attest to this. I do not talk to Kenny Gee on a personal level, but I am courteous when he is speaking the City & County of San Francisco's business, and communicating to me as a subordinate as required by the City & County of San Francisco. To discipline me for not communicating with him when fact I did is wrong.

Friday February 14, 2014, Chief Gerry Segarra greeted me in the hallway and asked me to come into his office. Once inside his office Gerry stated "Kenny wanted to "write you up for insubordination for failing to communicate not only on Monday, February 10, 2014, but since April 2013 in other words Kenny Gee is implying to Chief Gerry Segarra that I don't talk to him about job duties which is simply not true. This was shocking and demeaning, but again we're talking about Kenny Gee. I further asked Gerry what form of non-communication is Kenny Gee referring to, personal or job; what is it? Chief Gerry Segarra replied, I don't really know Craig. I further elaborated that I speak to Kenny Gee as I do every crew member daily especially in the morning, and discussed the duties of the pump stations, problems, etc.

The second part of my discipline by Kenny Gee that was also blessed by Jeff Yee was even more bizarre and another form of harassment. Kenny Gee tried to discipline me for not contacting him directly while on [REDACTED] leave. My doctor's note was faxed to Oceanside Wastewater Plant and placed Chief Gerry Segarra's inbox. My [REDACTED] leave started on Wednesday December 11th 2013 to Wednesday December 18th 2013. Kenny Gee stated that I called Chief Gerry Segarra the morning of Monday, December 16, 2013, and that I should have called him instead of Gerry Segarra. Remember my doctor's note covers this Monday, December 16, 2013, so by law or any City policy I did not have to talk to him about anything especially while on [REDACTED] leave. Yet, Kenny Gee on Friday February 14, 2014, wanted to have me disciplined for something he claims I had to do because he demanded me to. I made it is clear that I did not have to do anything; especially discussed [REDACTED] with him unless I desired to do so.

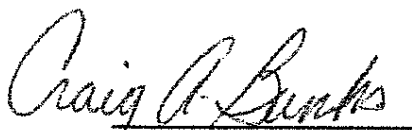
Kenny Gee in fact had Lito Sotto call me in the early morning hour of 06:00 AM Monday, December 16, 2013. Kenny had my coworker Lito Sotto call me and ask if I were due to come to work. I informed him that I faxed my doctor's excuse on Thursday, December 12, 2013, and that Beverly Shepard forwarded to the Chiefs inbox. Again, all of these events happen in December 2013. Now Kenny Gee wants to discipline me on Friday, February 14, 2014 for being insubordinate to him so that he could have two separate reasons to write into a letter of discipline.

Before Kenny Gee and Jeff Yee became my supervisors, I set goals to learn different things about the pump stations; in the morning when I got to work I was eager and would do my job with anticipation so that I could see which goals I would achieve that day (What I train; how many I train; what's the new thing I must learn about the Pump Station or PSA System, and the like). Now, throughout this daily harassment by Kenny Gee and Jeff Yee [REDACTED] [REDACTED]. It is harder to go to bed with the idea in one's mind that a Superintendent by the name of Jeff Yee and an Acting Senior by the name of Kenny Gee will cause me so much anxiety the next day; especially in the morning. [REDACTED] [REDACTED]

[REDACTED] Chief Gerry Segarra's reply was to try to keep us separate from one another.

As of Tuesday February 24, 2014, Kenny Gee was relieved from his duty as the Operation Watch 6 Acting Senior Stationary Engineer. Chief Gerry Segarra, after the last harassment issue with Kenny Gee toward me, and many other incidents that even Chief Gerry Segarra had with Kenny Gee, finally removed him from the Watch 6 Acting Senior position, but in the absence to the Watch 6 Senior Kenny Gee can still act as my senior.

Respectfully submitted,


Craig Anthony Banks

on this day of Wednesday March 26, 2014
Date

Compress Natural Gas Truck: I Craig Anthony Banks drove the natural gas vehicle 426-3002 for my work duties of the Pump Stations (OSP). My assign truck 426-00004 is being used to fight the RIM fire and has been away from OSP for several months. I have verbally complained regarding using the truck 426-30002, for my duties of the pump and the trucks lack of driving range per tank on several occasion. Also the CCSF facilities lack of Compress Natural Gas hereafter CNG.

After speaking with Paul Martini Fleet Manager at CCSF with Kenny Gee, Bill Wong, Litto Sotto, chimed in to the conversation between Mr. Paul Martini and I. Paul stated that all CCSF's facilities did not have gas for CNG that week also some CNG facilities were closing as of October 31 2013 everyone in the room discussed at the time how to refuel and all of the problems this particular truck is causing. At this point, Kenny Gee stated that Jeff YEE explain to him we must keep truck 426-3002 past 100,000 miles in order to asked for the truck replaced, Kenny further exclaimed I and We will have to deal with this situation until then 100,000 miles of service. Paul further stated PG&E facility at Treat Street, Paul was unsure of this facilities operating hours but he would Email the listing of some refueling station. Paul did send the listing to Bill Wong handle the facilitating of the refueling and speaking with Paul on this matter not I Craig Anthony Banks. Kenny Gee told Bill to handle this matter not Craig Anthony Banks, as far as I am concern Bill Wong did the best he could either the Natural Compress is available or not.

The CNG truck 426-3002 sat in the Parking lot at OSP for several days. When I parked said truck the fuel gauge read between half tank and quarter tank as I told Kenny Gee and Informed HIM of my problem of leaving Caesar Chavez refuel sight with no COMPRESS NATURAL GAS. At this point, I suggested I not use the CNG for my duties he uttered what Jeff Yee SAID 100,000 MILES OF SERVICE REPLACE TRUCK AND I WILL HAVE TO LIVE WITH THIS UNTIL THEN.

As stated Truck sat in the parking lot at OSP for Several Days, I was asked By Kenny Gee to see if the CCSF CNG facilities had CNG Gas. I informed I would prefer to seek out this using another vehicle I feared running out of gas. On this morning Kenny Called Me on CCSF cell phone asking if I refuel I stated I had not. Kenny informed that the Van is needed the next day for a field trip and I would be without a vehicle to service the Pump Station and you need to refuel. When I started truck 426-3002 the fuel gauge read only below a quarter tank how this happen? I do not know I left as I stated between half Quarter tank of compress natural gas (CNG)

As to how often the in that week or month of Truck 426-3002 down time the CCSF refuel cites were without fuel for mechanical breakdowns etc.is not within my Knowledge of facts and is burdensome and bothersome for me to ascertain however, if my supervisor is willing to allow Company time to interview all people concern and or involved with this refueling matter. I will then be in a non-speculating position and can accurately look at how to solve this over all problems without blaming someone for causation without first reviewing the limitation of accessible COMPRESS NATURAL GAS.

With advanced knowledge of the CNG refueling problem it is my opinion that said vehicle should not be assigned to me for the pump station duties and the absolute necessity of refueling was not my aggravation it is when the COMPRESS NATURAL GAS IS NOT AVAILIBLE AND TOLD IT IS MY FAULT THAT TROUBLES ME THE MOST!

In conclusion of this mandatory letter and or document, I must state this as a matter of fact; I have never in my entire life operated any vehicle personal or The City County OF San Francisco or otherwise wherein I allowed a vehicle to run out fuel especially here at with City County of San Francisco. Why would I do such an irresponsible action? The question is simple, why assign a vehicle that is known to have problems?

I was first asked by Kenny Gee to write a letter of complaint against Paul Martini, I refused to write such a letter for it would have been untrue he tried to help and Kenny had prior knowledge of this before demanding this of me. Furthermore I do not enjoy the fact of being forced to write a complaint letter that is not factual or actual. I have written this letter as per chief directive and my willingness to cooperation in this nuisance of a matter should not be of question.

Exhibit C

Craig Banks – Department Report of Complaint

DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT* Report Within Five Working Days of Receipt of Complaint*Return to: Linda Simon, DHR/EEO Division, 1 South Van Ness Ave., 4th Flr., San Francisco, CA 941031. Department/Worksite: SFPUC-Oceanside Water Treatment Plant2. Complainant: Craig BanksTel. No. (Work): (415) 713-3915

Address: [REDACTED]

Tel. No. (Home): [REDACTED]

3. Complaint Filing Date: March 26, 20144. Complainant's Current Employment Status (circle one): Classification: 7372 Stationary Engineer-
(PCS) TCS LT NCS PV PE TE PROB NOT A CITY EMPLOYEE (Sewage Plant)

5. Basis of Discrimination (specify):

 Race: African American Color: _____ Religion: _____ Creed: _____ Sex: _____ National Origin: _____ Ethnicity: _____ Age: _____ Disability/Medical Condition: _____ Political Affiliation: _____ Sexual Orientation: _____ Ancestry: _____ Marital or Domestic _____ Partner Status: _____ Gender Identity: _____ Parental Status: _____ Other Non-Merit Factors: _____ Retaliation: Dec 2013 – complained to Segarra about racist comments.Feb 2014 – complained to T. Flores about racist comments.

6. Issue complained of:

 Denial of Employment Denial of Training Denial of Promotion Denial of Reasonable Accommodation Termination Lay-off Constructive Discharge Disciplinary Action – Feb 2014

Letter of Instruction

 Harassment Work Assignment (change 2/21/14) Sexual Harassment Compensation Other (please specify):

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s): Complainant Craig Banks (African American) makes the following allegations against 2 respondents, his supervisor Kenny Gee (Asian), and Superintendent Jeff Yee (Asian). All parties work at the Oceanside Wastewater Treatment Plant. Banks is afraid his supervisors, Gee and Yee, will retaliate against his coworkers and himself.

February 2014 – Banks alleges Gee made a comment to Banks' coworker Edgar (Ed) Rodriguez that the crew on Watch 6 had "no intelligence", especially Banks.

February 10, 2014 – Banks alleges Gee accused him of trying to “steal” 2 ½ hours and denied him overtime after he worked extra hours on 2/10/14 to handle an emergency at the Plant. Banks has not received pay for the hours he worked and requests back pay for the overtime.

February 12, 2014 – Banks alleges he overheard Gee say to Rodriguez that “Craig is stupid and unintelligent, and I’ll be glad to get rid of him.”

Feb 2014 - Banks alleges Gee told Chief Segarra to write Banks up for insubordination for failing to communicate his [REDACTED] leave plans with him but the Chief refused. Gee wrote a “Letter of Instruction” for insubordination and asked Banks to sign. Banks refused to sign.

February 21, 2014 – Banks alleges he was retaliated against when Gee removed him from Pump Station duties on 2/21/14 after Banks met with Manager Tony Flores and informed Flores that he felt Gee’s November 2013 comments to Banks’ coworker Wyman Fong, about Chinese banding together against employees of other races were racist comments.

December 2013 – Banks alleges Gee tried to get his coworker, William (Bill) Wong, go along with a Chinese “takeover” and told him that “all Chinese at the CCSF especially Oceanside Plant need to band together and fight against the Whites, Filipinos, Mexicans, and Blacks because the Blacks lie.” Wong was upset and reported the comment to Chief Gerry Segarra. Banks talked to Chief Segarra about the comment. Wong told Banks that “Kenny (Gee) hates you Craig” and “I don’t know why.” Banks went on medical leave and provided Chief Gerry Segarra instead of Gee his [REDACTED] paperwork. Banks did not call Gee regarding his [REDACTED] leave. Chief Segarra told Banks that Gee wanted him to reprimand Banks.

November 2013 – Banks alleges his coworker, Wyman Fong who is friends with Yee told Banks that Gee made the comment that “all the Chinese at the CCSF and Oceanside Plant need to band together and fight against the Whites, Filipinos, Mexicans, and Blacks, because the Black’s lie.”

October 2013 – Banks alleges both Gee and Yee forced him to drive a Compressed Natural Gas (CNG) truck that was unsafe because it had a leaking tank and mechanical problems. Gee told Banks he was a liar and tried to reprimand Banks because he ran out of gas from the leaking tank when no CNG facilities were available. The CNG truck has now been permanently removed.

8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes No

If yes, please specify: _____

9. Is the Complainant represented by a Union or an Attorney? Yes No

Name: _____ Organization/Firm: _____

Address: _____ Phone No.: _____

*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

Banks raised several issues that occurred from April 2006 to April 2013 that would be considered untimely. Recommend investigation of timely allegations in complaint.

*10a. Name and position of staff who will implement recommended steps: La'uton Wells, 1244 Senior Personnel Analyst.

11. Completed by: La'uton Wells, 1244 Senior Personnel Analyst Date: April 28, 2014

Address: SFPUC, 525 Golden Gate Avenue, 3rd Fl., SF, CA 94102 Tel. No. (415) 554-1659

*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

***Subject to the Human Resources Director's approval**

HUMAN RESOURCES DIRECTOR REVIEW

Complaint is assigned EEO File Number: _____

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: PMC for investigation
and/or the following actions are to be taken:

[Signature]
for Micki Callahan Human Resources Director

5/9/14
Date

Exhibit D

Craig Banks – Investigative Report with Exhibits

EEO INVESTIGATIVE REPORT

To: Micki Callahan, Human Resources Director

Through: Linda C. Simon, Director, EEO and Leave Programs

Through: Rick Nelson, EEO & ADA/FEHA Programs Manager, SFPUC

From: Dena Narbaitz, Senior EEO Specialist – SFPUC

EEO File No: 1781

Complainant: Craig Banks, 7372 Stationary Engineer, Sewage Plant

Respondents: SFPUC employees: Kenneth Gee, former Acting 7373 Senior Stationary Engineer, and Jeffrey Yee, 5130 Oceanside Treatment Plant Superintendent

Issues/Bases: Harassment based on Race (African American), and Retaliation

Date Complaint Filed: March 26, 2014

Date of Report: June 25, 2020

SFPUC Representative Signature

EEO Supervisor Signature

I. INTRODUCTION AND BACKGROUND

Craig Banks (“Banks”), 7372 Stationary Engineer, has been employed by the City and County of San Francisco (“CCSF”), since August 23, 1985. On May 1, 1997, Banks began working for the San Francisco Public Utilities Commission (“SFPUC” or the “Department”), a Department within the CCSF. Banks’ work location with the SFPUC has varied over the years, but since March 2005, his work assignment has been the Oceanside Treatment Plant.

The SFPUC organizes its work units into Enterprises/Bureaus and divisions. All employees interviewed in relation to this investigation work in the Wastewater Enterprise, Operations and Maintenance Divisions at the Oceanside Treatment Plant

II. COMPLAINT AND REMEDY SOUGHT

On approximately December 19, 2013, Banks contacted the SFPUC Human Resource Services (“HRS”), regarding filing a complaint. On December 19, 2013, the SFPUC HRS division sent an email to Banks with information on how to file a complaint. (Exhibit A, Banks’ December 19, 2013 email to SFPUC HRS.)

On March 26, 2014, Banks submitted a written complaint to the SFPUC against Kenneth Gee (“Ken Gee”), then-Acting 7373 Senior Stationary Engineer (retired as of October 16, 2018), and Jeffrey Yee (“Jeff Yee”), 5130 Oceanside Treatment Plant Superintendent (retired as of June 30, 2018). (Exhibit B, Complaint, pp. 1-32.) Banks complaint alleged that Ken Gee and Jeff Yee harassed Banks because of his race (African American), causing Banks’ “working environment to become hostile and demeaning.” (Exhibit B, Banks’ Complaint, p. 1.) Banks also alleges that Ken Gee and Jeff Yee subjected him to retaliation. (Exhibit B, Banks’ Complaint, pp. 15-18.)

Banks’ written complaint alleged the following:

- April 2006: Ken Gee requested that Employee D, ██████████ ██████████ ██████████ Sewage Plant, discipline Banks.** Banks asserts that after he had a verbal altercation with Ken Gee over Ken Gee’s alleged refusal to train him, Ken Gee recommended to Segarra that Banks be disciplined for the incident. (Exhibit B, Complaint, p. 1-2.)
- April 16, 2013: Ken Gee accused Banks of not training James Fa’Aita ██████████ ██████████** Banks asserts that during a crew member orientation meeting on April 16, 2013, Ken Gee questioned Banks about training Fa’Aita. After the April 16 meeting, Ken Gee allegedly began telling other SFPUC employees that Banks has “verbal outbursts.” (Exhibit B, Complaint, pp. 8; 11.)
- April 2013: Banks states that both Jeff Yee and Ken Gee made negative statements (some regarding Banks made to others and some made to Banks**

directly).

- **Jeff Yee:** Banks claims that Jeff Yee was rude to Banks by making a comment to the effect of, “I can’t believe you are the trainer.” Jeff Yee supposedly then said, “I don’t care how long you’ve been here Craig; I’ve been here for 29 years myself; I don’t care, I will treat you like you’ve been here for 90 days, I don’t care.” Jeff Yee also allegedly told Fa’Aita that Fa’Aita should, “seek someone else’s training of the pump station because [Fa’Aita] probably didn’t get the training that [Fa’Aita] should’ve from Craig [Banks].” (Exhibit B, Complaint, pp. 8 and 9.)
 - **Ken Gee:** Banks claims that Ken Gee said to him, “You haven’t been supervised and I’m here to supervise you.” (Exhibit B, Complaint, p. 6)
4. **October and November 2013: Ken Gee and Jeff Yee allegedly assigned Banks a less desirable fleet vehicle in retaliation for Banks reporting an unsafe vehicle.** During the month of October 2013, in response to operational needs caused by the Rim Fire, Banks was assigned a Compressed Natural Gas truck (“CNG truck”). On November 5, 2013, Banks reported the CNG vehicle was unsafe. On November 15, 2013, Banks was assigned a fleet truck, which he considered “the worst truck in the fleet.” (Exhibit B, Complaint, p. 15-18.)
 5. **November and December 2013: Two co-workers shared with Banks that Ken Gee had made a racist remark.** During November 2013, Employee C 7372 Stationary Engineer, stated to Banks that Ken Gee said something like, “all the Chinese at the City & County of San Francisco especially the Oceanside Plant need to band together and fight against the Whites, fight against the Filipinos, fight against the Mexicans, and fight against the Blacks, but Blacks lie.” During December 2013, Banks alleges that Employee A, ██████████ told Banks that Ken Gee said to Employee A, “we need to get band together to fight the Whites, Filipinos, Mexicans, and Blacks.” (Exhibit A, Complaint, p. 21.)
 6. **February 2014: Banks asserts he was retaliated against in February 2014.** Banks alleges he was subject to the following adverse employment actions after he made an EEO complaint to SFPUC HRS in December 2013: (1) Banks worked overtime on February 10, 2014, that was not pre-approved, and when he asked for it to be paid on February 12, 2014, payment was denied; (2) Ken Gee pursued discipline against Banks; Segarra declined to support the discipline on February 14, 2014; and, (3) Banks was removed from the pump station duties and assigned other 7372 Stationary Engineer duties. (Exhibit B, Complaint, pp. 25-31.)
 7. **February 2014: Ken Gee allegedly made comments regarding Banks’ intelligence level.** Banks’ written complaint sets forth three February 2013 conversations, which Banks alleges demonstrate that Ken Gee remarked negatively about Banks’ intelligence:

- (1) “[I]n February 2014, Kenny Gee told Ed Rodriguez ... that ‘James Fa’Aita is the most intelligent engineer on Operation Watch 6; the rest of the crew had no intelligence, especially Craig’. This comment was also said to Maurice Hayes ... by Ed Rodriguez in the same month of February 2014.” (Exhibit A, Complaint, p. 7.) Maurice Hayes is a 7373 Senior Stationary Engineer at the Oceanside Treatment Plant.
- (2) On February 12, 2014, Banks heard Ken Gee yell, “Craig is stupid and unintelligent, and I’ll be glad to get rid of him.” (Exhibit A, Complaint, p. 7.)
- (3) On February 12, 2014, Banks approached Rodriguez and said, “I know that Kenny told you that I’m the least intelligent one on our crew.” Rodriguez replied, “Yeah Craig, it shocked me that he would characterize you like that.” (Exhibit A, Complaint, p. 7.)

As a remedy, Banks requested that he be assigned permanent pump station duties at the Oceanside Treatment Plant.¹

On April 28, 2014, La’uton Wells, then-1244 Senior Personnel Analyst, SFPUC Human Resource Services (“HRS”), Employee Relations & EEO Programs (“SFPUC ER/EEO”), completed and submitted the Department Report of Employment Discrimination Complaint to the Department of Human Resources EEO Unit (“DHR EEO”).

On May 9, 2014, DHR referred the complaint to the SFPUC for investigation. (Exhibit C, DHR Referral of Complaint to SFPUC HRS.)

Following the referral from DHR, the investigation of the complaint was initially assigned to Christina Medina (“Medina”), then-1244 Senior Personnel Analyst of SFPUC ER/EEO. Upon Medina’s departure from the Department on August 8, 2014, the investigation was re-assigned to Charla Welch (“Welch”), former 1244 Senior Personnel Analyst, SFPUC ER/EEO. Welch’s draft of the SFPUC Investigative Report was emailed to Svetlana Vaksberg, then-EEO Programs Manager, DHR EEO, on July 28, 2015.

Upon Welch’s departure from the Department in November 2015, the investigation report was re-assigned to Michael Ho (“Ho”), 1244 Senior Personnel Analyst, SFPUC ER/EEO. Ho sent a revised draft of the SFPUC Investigative Report to Vaksberg on April 1, 2016. In August 2017, the investigation report was re-assigned to Dena Narbaitz (“Narbaitz”), EEO Programs Senior Specialist, SFPUC.

¹ On September 3, 2014, at 7:52 a.m., Banks left a voicemail for Welch. In that voice message, he stated, “If I prove harassment, can I expect to have my [pump station duties] back?” Later that day, in a call with Welch at approximately 2:44 p.m., he stated, “I need to know that I will get my job back if I’m successful with my complaint.” When Welch did not answer affirmatively, Banks said, “But that’s why I filed this complaint in the first place.”

III. ALLEGATIONS REQUIRING INVESTIGATION

The following allegations were investigated and are the subject of this report: 5, 6, and 7.

Allegations 1, 2 and 3 were not investigated because they were untimely. Under the City's internal procedure, complaints of discrimination must be filed within 180 calendar days of the date the alleged discriminatory action took place, or the date the employee would have first become aware of the discriminatory action.

Allegation 4 was not investigated as an EEO complaint because Banks did not engage in a protected activity when he reported an unsafe vehicle and thus this allegation is not within EEO jurisdiction.

IV. INVESTIGATIVE STANDARDS

A. Harassment

To sustain a complaint of harassment in violation of the City's EEO Policy, the investigation must establish all of the following: (1) the complainant was subjected to physical, verbal, or visual conduct on account of your membership in a protected category; and (2) the conduct was unwelcome.

B. Retaliation

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

V. THE INVESTIGATION

A. Summary of Interviews

The following witnesses, all SFPUC employees, were interviewed as part of this investigation. The job classifications listed are those held as of January 1, 2014:

1. Craig Banks, 7372 Stationary Engineer, Sewage Plant;
2. Kenneth Gee, 7373 Acting Senior Stationary Engineer, Sewage Plant;
3. Jeffrey Yee, 5130 Oceanside Treatment Plant Superintendent;
4. Employee E, [REDACTED], Sewage Plant;
5. Employee D, [REDACTED], Sewage Plant;

6. Employee C, [REDACTED], Sewage Plant;
7. Employee A and
8. Employee B, [REDACTED], Sewage Plant.

See Exhibit D, Attachments 1-8, Summary of Investigative Interviews.

B. Summary of Documents Reviewed

See Exhibit E, Attachments 1-3, Summary of Documents Reviewed.

VI. FACTS PERTAINING TO ALLEGATIONS

A. Harassment

1. Harassment by Ken Gee Based on “All Chinese have to band together” comments²

a. Summary of Relevant Evidence

(i) Banks’ Written Complaint

Banks’ written complaint alleges that in November 2013, Employee C told Banks that Ken Gee made a statement to Employee C to the effect of, “all the Chinese at the City and County of San Francisco, especially the Oceanside Plant, need to band together and fight against the Whites, fight against the Filipinos, fight against the Mexicans, and fight against the Blacks, but the Black’s lie.”

(Exhibit A, Complaint, p. 20.) During December 2013, Banks alleges that Employee A told Banks that Ken Gee said to Employee A “we need to get band together to fight the Whites, Filipinos, Mexicans, and Blacks.” (Exhibit A, Complaint, p. 21.)

(ii) Interview of Banks

Medina interviewed Banks on July 30, 2014. Welch interviewed Banks on September 11, 2014. Banks described Ken Gee’s “all Chinese have to band together” comment as something akin to “gang recruitment.” Banks stated Employee A told him that Ken Gee hated Banks but did not know why. Segarra told Banks that Employee A informed Segarra of Ken Gee’s racist comments.

(iii) Interview of Ken Gee

Welch first interviewed Ken Gee on August 21, 2014. Ken Gee has been employed by the CCSF since November 15, 1990 and began working for the SFPUC as a 7372 Stationary Engineer on August 1, 1996. The assignment of his work location has varied over the years, with his assignment to the Oceanside Treatment Plant beginning August 23, 2010. Ken Gee served as the Acting Senior Stationary Engineer on Watch 6 from April 1, 2013, through approximately February 24, 2014.

² Claim 5 set forth in Banks’ March 26, 2014 written complaint.

Ken Gee stated that he did not recall telling anyone that “all the Chinese at the City & County of San Francisco especially the Oceanside Plant need to band together and fight against the Whites, fight against the Filipinos, fight against the Mexicans, and fight against the Blacks, but Black’s lie.” When asked whether he recalled saying anything similar, Ken Gee said he did not remember.

(iv) Interview of Witnesses

Employee A [REDACTED]: Employee A is one of Banks’ colleagues at the Oceanside Treatment Plant. Employee A said he heard Ken Gee state words to the effect of “all the Chinese at the City and County of San Francisco, especially Oceanside Plant, need to band together.” Employee A stated that it was “Kenny [Ken Gee]” that made those comments when Ken Gee began working as the Acting Senior Stationary Engineer on Watch 6. Employee A said, “Because [Ken Gee] said it in Cantonese, he used the term ‘Ghost’ in place of Whites.” When asked if Ken Gee’s comment mentioned something demeaning to Whites, Employee A answered that Ken Gee said, “We [Chinese] should be superior to other groups.” When Welch asked if Ken Gee had mentioned any other groups, the following dialogue ensued:

Employee A: Another time Ken Gee said something about Filipinos – he said they come to America, but they are not talented enough to stand on their own. And another black guy, who was injured on the job, he had to occupy one of the chairs while he wasn’t 100% [healed]. So, [Ken Gee] called him, “Occupied.”

Welch: What did it mean?

Employee A: [Ken Gee] said it in Chinese. That the black guy can’t do anything. Literally, that he can’t do the job.

Employee A informed Welch that when Ken Gee gave Employee A the notification for the fact-finding interview on the morning of August 21, 2014, Ken Gee said, “Stay strong and stay banded together.” After that, either Ken Gee or Jeff Yee stated, “Whatever happens, we Chinese should stick together.” When Welch asked if he felt pressured by that statement or conduct, Employee A shrugged and said, “Eventually the truth comes out.”

Employee C [REDACTED]: Employee C is an operator at the Oceanside Treatment Plant and is one of Banks’ colleagues. Employee C was asked, “Did you inform Banks that Ken Gee said something such as the following: ‘All the Chinese at the City and County of San Francisco, especially Oceanside Plant, need to band together and fight?’” Employee C provided an indirect answer. Employee C said that he recalled telling Banks there was “this Asian thing going on when Jeff [Yee] came here.” He then said that he did not think that “Jeff [Yee] wants to go after anyone. There’s these factions that constantly complain about certain things.” When asked if the factions were normally race-based, Employee C answered that they reflect what “you see on television.” When asked again about the racial component of the employee groupings, Employee C acknowledged

that it is well-known that Ken Gee and Jeff Yee have known each other since childhood or high school, and that Jeff Yee came to Oceanside Plant as a Superintendent and that Ken Gee “followed.” Employee C does not believe that Ken Gee was given the Acting Senior Stationary role based on friendship – rather, no one else wanted the role-- but he stated that he knows others view the promotive assignment as an act of favoritism.

Employee E ([REDACTED]): Fa’Aita is an operator on Watch 6 at the Oceanside Plant and is Banks’ colleague. Fa’Aita did not recall any comments from Ken Gee about racial or ethnic groups, but he did state that Ken Gee would remark that [REDACTED] Employee A was [REDACTED],” and “can’t do much,” and he “needs to retire already.”

Employee B [REDACTED] : Rodriguez is a supervisor on Watch 3 at the Oceanside Plant. Employee B was asked whether he heard Ken Gee make statements to the effect of “all the Chinese at the City and County of San Francisco, especially Oceanside Plant, need to band together.” Rodriguez’s responded, “No, [Kenny’s] smart. He doesn’t talk like that. He’s not a racist.”

Employee D ([REDACTED]): Employee D was the Chief Stationary Engineer of the Oceanside Plant and was Banks second-level supervisor. Employee D retired on June 6, 2015. Employee D acknowledged that he indirectly heard about Ken Gee’s comments, promoting a Chinese- or Asian-only attitude, which Employee D described as “stick with your own kind.” Employee D stated that Employee A reported to him that Ken Gee’s comments made him feel uncomfortable. He did not speak with Ken Gee about Wong’s concern.

Jeffrey Yee [REDACTED] : Jeff Yee is Banks third-level supervisor. Jeff Yee has been employed by the CCSF since January 8, 1986 and began working for the SFPUC as a 7373 Senior Stationary Engineer on August 1, 1996. Jeff Yee subsequently promoted to 7252, Chief Stationary Engineer, effective February 12, 2007, and then to 5130, Oceanside Plant Superintendent, beginning November 12, 2012. The assignment of his work location has varied over the years, with his current assignment to the Oceanside Treatment Plant beginning in approximately December 2012.

Jeff Yee stated that sometime in 2014, he heard from Employee C that Ken Gee had told Employee C something to the effect of “Us Chinese have to stick together.” Jeff Yee confirmed that Employee C brought that statement to his attention. Jeff Yee also clarified that the statement may have referred to all Asians sticking together and not just Chinese. When asked what action(s) he took after confronted with Fong’s concern, Jeff Yee replied, “It was just a conversation – didn’t do anything with it. I’ve heard he’s said other things before – it’s not the first time he’s said it.”

2. **Harassment by Ken Gee Based on Comments about Banks' Intelligence³**

a. Summary of Relevant Evidence

(i) Banks' Written Complaint

Banks' written complaint sets forth three February 2014 conversations, which Banks alleges demonstrate that Ken Gee remarked negatively about Banks' intelligence:

- (1) “[I]n February 2014, Kenny Gee told Employee B ... that ‘Employee E is the most intelligent engineer on Operation Watch 6; the rest of the crew had no intelligence, especially Craig’. This comment was also said to [REDACTED] ... by Employee B in the same month of February 2014.” (Exhibit A, Complaint, p. 7.)
- (2) On February 12, 2014, Banks heard Ken Gee yell, “Craig is stupid and unintelligent, and I’ll be glad to get rid of him.” (Exhibit A, Complaint, p. 7.)
- (3) On February 12, 2014, Banks approached Employee B and said, “I know that Kenny told you that I’m the least intelligent one on our crew.” Employee B replied, “Yeah Craig, it shocked me that he would characterize you like that.” (Exhibit A, Complaint, p. 7.)

(ii) Interview of Banks

Medina interviewed Banks on July 30, 2014. Welch interviewed Banks on September 11, 2014. Banks stated Employee A told him that Ken Gee hated Banks but did not know why. Banks also stated he overheard Ken Gee telling Employee B, “Craig is stupid and unintelligent and I’ll be glad to get rid of him.”

(iii) Interview of Ken Gee

During Welch’s first interview with Ken Gee on August 21, 2014, he denied he told Employee B that Employee E was the most intelligent member of Watch 6. Ken Gee also denied he said the rest of the Watch 6 crew had no intelligence and denied he said Banks had no intelligence. Ken Gee indicated that he might have made some positive comments about Employee E doing a good job because Employee E picked up on things quickly.

Welch re-interviewed Ken Gee again on October 15, 2015. During this interview, Ken Gee stated that he did not want to amend his previous answers. After Ken Gee was informed that there were witnesses that contradicted his statements, Ken Gee stated, “No amendment to that -- anything I said along those lines might have been translated different.” Ken Gee stated he might

³ Claim 7 set forth in Banks’ March 26, 2014 written complaint.

have been making a “generalization,” and provided an example of new personnel coming to work at the plant and him saying, “You are Chinese so we need to support each other.” According to Ken Gee, such a statement would be made to establish a “relationship or cultural connection.”

(iv) Interview of Witnesses

Employee E - Employee E stated that Ken Gee did not believe anything Banks said, and that Ken Gee would always try to find fault with what Banks was saying or doing. Employee E also stated that Ken Gee would say, “Anyone can do Craig’s job.” Employee E did not confirm that he heard Ken Gee say Banks was stupid or unintelligent.

Employee B - Employee B denied that Ken Gee made comments regarding Banks’ intelligence and denied telling this to [REDACTED]. Employee B stated, “Kenny Gee stating that Craig is unintelligent and stupid? No, [Kenny’s] smart. He doesn’t talk like that.” However, Employee B remembers Banks approaching him after a conversation Employee B had with Ken Gee and described Banks’ demeanor as “kind of in a rage” when Banks told him that “he heard everything [Kenny] said.” Employee B stated that he just walked away, shaking his head.

B. Allegation B: Retaliation

1. Non-Payment of Overtime⁴

a. Summary of Relevant Evidence

(i) Written Complaint

Banks alleges that he was subjected to adverse employment actions after he complained to HRS in December 2013, including non-payment of overtime on February 10, 2014, which was not pre-approved. (Complaint, p. 10).

On February 12, 2014, Ken Gee asked Banks about the operational needs which led to Banks working overtime on February 10, 2014. When questioning Banks, Ken Gee’s comments were said, “in a very condescending way and with authoritative overtones.” (Complaint, p. 31). During this February 12, 2014 conversation, Banks was asking that his overtime be paid, but he also told Ken Gee, “[Y]ou don’t have to pay me for overtime if this is going to be a problem.” (Complaint, p. 31).

(ii) Interview of Ken Gee

Ken Gee asked Banks why he stayed late on February 10, 2014, and Banks’ response was, “Then don’t pay me.” Ken Gee stated that since he was not on watch the day the overtime was incurred, and the log book kept by the Senior Stationary Engineer on watch that day did not mention any

⁴ Claim 6 set forth in Banks’ March 26, 2014 written complaint.

authorization of overtime. This coupled with the fact that Ken Gee did not approve a work order for the overtime work, led Ken Gee to not authorize the overtime. Instead, he “passed [the decision] up the chain” of command. Ken Gee did not indicate what, if any, role a Senior Stationary Engineer would perform relating to E-time entries (i.e., the SFPUC’s electronic time reporting program). He stated that every employee has access to E-time and is supposed to check that their time entries are correct before the Chief approves the time for each individual.

(iii) Interview of Jeff Yee

Jeff Yee told Medina about a day in February 2014 where Banks “volunteered” his services. Jeff Yee said that Banks “takes it upon himself” to troubleshoot systems even when those tasks are not part of his daily assignment and he has not been instructed to perform them. Following that February 2014 day, Banks walked into Jeff Yee’s office and told him that “he had got it wrong on the overtime.” Banks then walked out of Jeff Yee’s office.

Jeff Yee told Welch he knew that Banks had worked overtime of approximately two hours on February 10, 2014, because he overheard a call Banks made at 3:00 p.m. to [REDACTED]. Banks was informing [REDACTED] of Banks’ whereabouts. At around 4:00 p.m., Jeff Yee saw Banks return to Oceanside Plant. Jeff Yee stated that he investigated the matter himself and determined that, “[Craig] took it upon himself” to troubleshoot the Pressure Absorption System (PSA) compressor before he completed his assigned pump station duties. No one told Banks to stay late. When asked, “So what I hear you saying is that because the overtime was not authorized, [the SFPUC] ultimately didn’t pay it?” Jeff Yee responded “Yes. [Ken Gee], I believe, asked Craig Banks why he stayed, but Craig Banks wasn’t clear.”

(iv) Interview of Witnesses

Employee B - Employee B stated that the existence of a work order was not necessarily indicative that senior management knew overtime tasks had been performed. Employee B suggested that the work order process is not strictly adhered to; the Senior Stationary Engineer usually writes the work order, but a Stationary Engineer could inform someone other than the Senior that a work order needed to be generated. Additionally, Employee B stated there might be times when a written work order is not generated, and the order could be verbally reported at shift change. He stated that the presence of a work order is not required to approve the payment of overtime. In order for overtime to be recorded and paid, it must be submitted through e-time. Generally, the Senior Stationary Engineer would input the overtime and then the Chief would approve it.

(v) Documents Reviewed

Welch worked with Segarra to obtain the work orders for February 10, 2014, the day that Banks claims he worked two hours of overtime. Work Order 2504455 applies to the PSA work done on February 10, 2014. The work order was generated by [REDACTED]. The Work Order Details reflect that the work was performed by [REDACTED] with each employee working two hours

of overtime. The Work Order Details do not reflect any work completed by Banks on February 10, 2014 for the PSA compressor issue. (Exhibit E, Attachment #2.)

2. Threat of Discipline

a. Summary of Relevant Evidence

(i) Written Complaint

Banks alleges that after he complained to HRS in December 2013, on February 14, 2014, Ken Gee “pursued discipline” against him and that Chief Employee D declined to support Ken Gee. Banks alleges that, “Kenny Gee and Jeff Yee stated ‘You worked unauthorized overtime; you should be punish me [sic] for stealing overtime’.” (Complaint, p. 26).

(ii) Interview of Craig Banks

During his September 11, 2014, interview, Banks described a separate incident that he believes might have served as part of Ken Gee’s basis for discipline. Banks stated that when he was absent for a few days in December 2013, he failed to verbally inform Ken Gee of his absence on the first date of illness. He believes that Ken Gee might have sought discipline against him for his failure to inform Ken Gee of his need to be absent.

(ii) Interview of Ken Gee

Ken Gee said that the Watch 6 crew was asked to write statements about an incident involving Banks in April 2013. When nothing came of the written statements, he began documenting “these incidents.” He stated that he tried to “enforce basic policies,” as a result of Banks’ “bypassing” him with vacation requests and notifying Employee D instead of Ken Gee, who was the Acting Senior Stationary Engineer. Ken Gee informed Welch that he started drafting a Letter of Instruction (“LOI”) for Banks in February 2014 and that when he showed it to Employee D, who would not support the LOI. The LOI was never issued. (Exhibit E, Attachment 4: Draft LOI.)

(iii) Interview of Jeff Yee

Jeff Yee told Medina that he may or may not have been made aware of any discipline issued by Ken Gee against Banks. He described that discipline comes up through the chain of command, but that he probably would learn of any discipline through conversations with the Senior Stationary Engineer on Watch 6 or through Employee D. Jeff Yee said he does not recall Ken Gee issuing any Letter of Instruction or any other written corrective action while he was Acting Senior Stationary Engineer on Watch 6, but there may have been verbal counseling.

(iv) Interview of Witnesses

██████████ Employee D - Employee D stated he was not aware of any discipline, including any Letters of Instruction that Ken Gee issued to Banks. Employee D indicated that he tried to mediate between

Banks and Ken Gee. He also stated he told Ken Gee that he had no basis upon which to discipline Banks.

3. Removed from Pump Station Duties

a. Summary of Relevant Evidence

(i) Written Complaint

Banks also stated that after he complained to HRS in December 2013, he was removed from the pump station duties and assigned other 7372 Stationary Engineer duties.⁵ Banks' written complaint asserts, "Jeff [Yee] had no reason to remove me from my normal Pump Station duties." (Complaint, p. 11). Banks asserted that Ken Gee and Jeff Yee knew Banks found the pump station duties to be more enjoyable than other duties to which Watch 6 Stationary Engineers could be assigned.

Banks acknowledges that Jeff Yee sent an email to the team on February 20, 2014, regarding rotating the pump station duties to "allow other Operations personnel to be up-to-date with the latest changes and procedures at the outlying pump stations and the collection system." (Complaint, p. 23; Exhibit E, Attachment 3). Banks believes the decision to rotate pump station duties was a pretext by Ken Gee and Jeff Yee, who used cross-training to conceal their actual reason for removing him from those duties. (Complaint, p. 29).

(ii) Interview of Ken Gee

When Ken Gee was asked if Jeff Yee removed Banks from pump station duties on February 21, 2014, he replied, "I know [Jeff Yee] was thinking about rotating people through the pump station duties. I think Banks thought it was punishment. He thinks it is his duty."

(iii) Interviews of Jeff Yee

On July 30, 2014, during his interview with Medina, Jeff Yee described his decision to rotate the pump station duties. He viewed it as a way to allow other stationary engineers to become more fully trained and well-rounded. The decision was the result of Banks' absence from work when other engineers had to perform the pump station duties in his absence. He stated he did not recall the reason underlying Banks' absence.

Jeff Yee provided this same information to Welch on September 11, 2014. Additionally, Jeff Yee noted that when he became Oceanside Plant Superintendent at the beginning of 2013, he ascertained that the so-called subject matter experts working on Watch 6, "didn't know their systems." Four of the five Watch 6 engineers had been trained on pump station duties, but Jeff Yee was uncertain as to how long ago the training occurred. Jeff Yee stated his motivation was

⁵ It is unclear whether the change in duties occurred on February 14, 2014, or on February 21, 2014, or both. For example, on p. 11 of the Complaint, Banks claims that the date of removal was February 21, 2014, yet later he claims that the change in duties occurred on February 14, 2014. (Complaint, p. 30).

to ensure operators were adequately cross-trained so he sent the February 20, 2014 email stating that the duties needed to be rotated. (Exhibit E, Attachment 3.)

Welch interviewed Jeff Yee again on October 15, 2015. She handed him a copy of the February 20, 2014 email. Welch asked Jeff Yee whether, when he sent out that email directive, it was his “sole decision to rotate duties.” Jeff Yee replied, “It kinda was” because he was used to that system from before ██████ tenure as Chief Operator. When asked whether anyone else was involved in the decision, Jeff Yee stated that he “talked the decision over” with Employee D and Ken Gee. He denied that the idea to rotate duties was initiated by Ken Gee.

(iv) Interviews of Witnesses

██████ Employee D - Employee D told Medina that Jeff Yee asked to have pump station duties assigned on a rotating basis, but Employee D “was not on board with that because there is no sense of ownership.” Employee D shared that in his more than 20 years of experience there has always been a pump station crew and all they do is pump station duties because “you need a reliable person with technical expertise.” Employee D noted that while Jeff Yee wanted to train other operators on the pump station, Banks was still the primary person assigned pump station duties.

VII. INVESTIGATIVE FINDINGS

A. Harassment

1. Analysis of Harassment by Ken Gee

a. Credibility

Bank’s Credibility - Banks has been a City employee for over 25 years and there are no indications that he has a motive to lie. Banks submitted a written statement of the events and confirmed his description of the events during his interview. For the first alleged comment, the investigation determined Banks was more credible than Ken Gee.

Ken Gee’s Credibility - Ken Gee lacked credibility when he was non-responsive when asked whether he recalled telling anyone statements to the effect of “all Chinese at the City and County of San Francisco, especially Oceanside Plant, need to band together?” Ken Gee answered with “I don’t recall” or “I don’t remember.” Nevertheless, there were witnesses who either heard the statement (Employee A) or were informed of the statement (Jeff Yee and Employee D). Moreover, Ken Gee was interviewed again on October 15, 2015 and informed that there were witnesses who heard him make those statements and given the opportunity to amend his response. Ken Gee responded with “No, no amendment to that” confirming that he did not remember if he made those statements. Ken Gee may have been motivated to lie since making comments of a racial nature is a violation of City policy and may result in disciplinary action up to and including termination. Based on Ken Gee’s lack of a firm response on whether he made racial remarks and multiple witnesses’ recollection of his comments, it appears that Ken Gee is less credible and that it is more likely than not he made the comments.

b. “All Chinese Have to Band Together” Comment

There is sufficient evidence to sustain Banks’ allegations that in November 2013 and December 2013, Ken Gee made statements to the effect of “all Chinese have to band together.” Though Ken Gee denied the allegations, Employee A confirmed that Ken Gee made the statement in Cantonese. Employee A also stated that Ken Gee made another inappropriate comment referencing Filipinos and that Ken Gee again told him to “stay strong and stay banded together” prior to his meeting with ER/EEO. Employee D also confirmed that Employee A told him that Ken Gee made the statement. Moreover, Jeff Yee confirmed that Employee C informed him that Ken Gee made statements to the effect of “us Chinese have to stick together.” Since there are multiple witnesses that either heard directly or indirectly that Ken Gee made the statement, it is more likely than not that Ken Gee made statements to the effect of “all Chinese have to band together and fight against the Whites, Filipinos, Mexicans and Blacks.”

c. Comments about Banks’ Intelligence

The investigation found it more likely true than not that Ken Gee made disparaging comments about Banks’ intelligence. Employee E confirmed hearing Ken Gee say, “Anyone can do Craig’s job,” which can reasonably be inferred to be a comment about Banks’ intelligence or lack thereof and makes it more likely that Ken Gee made other comments about Banks’ intelligence. While Ken Gee denied making any such statements, Ken Gee lacked credibility. Employee B also denied hearing Ken Gee make any comments about Banks’ intelligence. However, Employee B also denied that Ken Gee made the comments about Chinese needing to band together and said Ken Gee was “too smart” to make either comment despite three other witnesses hearing Ken Gee make the comments about Chinese people. As such, Employee B denial lacked credibility.

The investigation did not substantiate Banks’ allegation that he heard Ken Gee tell Employee B that Employee E was the smartest person on Watch 6 and that other members on Watch 6 had no intelligence, especially Banks. Ken Gee and Employee B denied that Ken Gee made those statements.

d. Sufficient Evidence to Support Harassment

The investigation found sufficient evidence to find it more likely true than not that Ken Gee made around three comments about Banks’ intelligence. However, there was insufficient evidence to substantiate that these comments were related to Banks’ or anyone else’s membership in a protected category. Nonetheless, these comments violated the City’s Policy on Treatment of Co-workers and Members of the Public (Respect Policy).

The investigation also found sufficient evidence to find it more likely true than not that Ken Gee made three offensive and unwelcome comments to Employee C to the effect of “all Chinese have to band together and fight against the Whites, Filipinos, Mexicans and Blacks.” These comments are objectively and subjectively offensive and violate the City’s EEO Policy.

B. Allegation B: Retaliation

1. Analysis of Retaliation Allegations

The investigation established that Banks engaged in a protected activity on December 19, 2013 after he contacted HRS for information about initiating the complaint process, even though he did not file a written complaint until March 26, 2014. Ken Gee claims that in July 2014 he became aware of Banks' formal complaint when Employee D told him that a complaint was being investigated. However, Ken Gee admitted "I did notice a few days he said he had to leave the plant to go downtown." While it remains unclear as to exactly when Ken Gee became aware of Banks' complaining about Ken Gee's conduct, given Ken Gee's lack of credibility, it is at least possible that Ken Gee was aware of Banks' concerns by mid-February 2014, when the alleged adverse employment actions occurred.

a. Non-Payment of Overtime

Banks' failure to receive approximately two hours of overtime pay was partially caused by his failure to ensure the hours were electronically submitted for approval. In order for overtime to be recorded and paid, it must be submitted through E-time. Generally, the Senior Stationary Engineer would input the overtime and then the Chief would approve it, but all employees have access to E-time and are expected to confirm that their time entries are correct before the Chief approves the entries. In this instance, that would mean that Ken Gee should have input the overtime in E-time, and Banks should have confirmed that his time entries were correct prior to them being submitted for Segarra's approval.

Ken Gee did not input the overtime since he was not on watch the day the overtime was incurred, the log book did not mention any authorization of overtime, and he did not authorize a work order for that work to be performed. Additionally, Banks told Ken Gee, "[Y]ou don't have to pay me for overtime if this is going to be a problem."

Jeff Yee knew that Banks had worked approximately two hours overtime on February 10, 2014. However, after "investigating the matter himself," he determined that, "[Craig] took it upon himself" to troubleshoot the Pressure Absorption System (PSA) compressor before he completed his assigned pump station duties. Jeff Yee also stated he "never received notification" that Banks had asked for overtime. Moreover, the Work Order Details do not reflect any work completed by Banks on February 10, 2014 for the PSA compressor issue. (Exhibit E, Attachment #2.)

Thus, Banks' failure to follow rules and procedures to receive approval for overtime was a cause of his failure to be paid for the two hours of overtime and not due to Banks' EEO activity.

b. Initiation of Discipline

Banks described two separate incidents that he believes might have served as part of Ken Gee's underlying desire to discipline him. First, there was Banks' failure to inform Ken Gee of Banks' need to be absent in December 2013. Second, Banks worked overtime without prior approval on February 10, 2014. The latter of which is the only one that could have been retaliatory.

Ken Gee drafted an LOI for Banks in February 2014 because Banks failed to follow procedures when taking time off work and worked overtime without permission. (Exhibit E, Attachment #4.) Given that Employee D told Gee he did not have grounds upon which to discipline Banks, it is plausible that Gee's attempt to discipline Banks lacked a legitimate business reason. However, there was insufficient evidence to substantiate that in February 2014 Gee was aware that Banks had initiated an EEO complaint. By that point, all Banks had done was call SFPUC HRS on the phone for information about how to file a complaint. Banks had not attended any meetings or interviews at HRS regarding his complaint and had not submitted anything detailing his allegations. Since there was no evidence that Gee knew Banks had contacted SFPUC HRS in December 2013, the investigation found insufficient evidence to substantiate that he took any actions against Banks in retaliation for Banks' inquiry about filing a complaint.

c. Removal of Pump Station Duties

On February 20, 2014, Jeff Yee sent an email to Employee D, copying Ken Gee, announcing that "Pump Station rounds will be distributed amongst the other crew members" and providing that Banks "will be assigned to OW6 duties inside of Oceanside Plant." The rationale for this change was to "allow other Operations personnel to be up-to-date with the latest changes and procedures at the outlying pump stations and the collection system." Jeff Yee confirmed that he felt the 7372 Stationary Engineers "didn't know their system" and that he wanted to ensure operators were adequately cross-trained. Jeff Yee stated that he "talked the decision over" with Employee D and Ken Gee, but that it was his sole decision to implement the change.

The evidence does not support that Banks suffered an adverse employment action. His duties changed somewhat, but Employee D noted that Banks was still the primary person assigned pump station duties.

Furthermore, Jeff Yee's decision to rotate the pump station duties was based on operational necessity; it was not in reaction to Banks' contact with SFPUC HRS in December 2013. The evidence shows that Jeff Yee's decision, which he had the sole discretion to make, to rotate pump stations duties was to train other employees. There was no evidence that Jeff Yee knew Banks had contacted SFPUC HRS at the time this decision was made and thus there was no causal connection of any adverse action to any protected activity. Accordingly, the investigation found insufficient evidence to substantiate that Banks was subjected to retaliation.

VII. REQUIRED RESOLUTION

Based on the foregoing, the Department is directed to take the following actions:

- 1) Ensure that all current Senior Stationary Engineers, Chief Stationary Engineers, and Superintendents at the Oceanside Treatment Plant complete the City's 2020 Online Harassment Prevention Training.
- 2) Issue all Senior Stationary Engineers, Chief Stationary Engineers, and Superintendents at the Oceanside Treatment Plant the City's EEO and Respect Policies with

acknowledgements of receipts to be placed in their personnel files. Also, remind all Senior Stationary Engineers, Chief Stationary Engineers, and Superintendents at the Oceanside Treatment Plant of the obligation and duty to report a subordinate's complaint of discrimination or harassment immediately. The Department should also remind them that retaliation against any employee, who they believe made or participated in a complaint of discrimination, is prohibited by law and the City's EEO Policy and will not be tolerated.

The Department has not recommended corrective actions for Yee and Gee because both are retired. The SFPUC should report on the completion of the corrective actions no later than **July 15, 2020**.

VIII. ATTACHMENTS TO REPORT

Attached to this report are the following exhibits:

Exhibit A: December 19, 2013 Initial email from Craig Banks to SFPUC HRS

Exhibit B: March 26, 2014 Complaint of Discrimination by Craig Banks

Exhibit C: May 9, 2014 DHR Referral of Complaint to SFPUC HRS

Exhibit D:

Attachment 1: Interview of Craig Banks by Carla Welch on September 11, 2014 and by Christina Medina on July 30, 2014

Attachment 2: Interview of Kenneth Gee by Carla Welch on August 21, 2014 and October 15, 2015

Attachment 3: Interview of Jeffrey Yee by Carla Welch on September 11, 2014 and October 15, 2015 and by Christina Medina on July 30, 2014

Attachment 4: Interview of Employee E by Christina Medina on July 30, 2014

Attachment 5: Interview of Employee D by Christina Medina on July 30, 2014

Attachment 6: Interview of Employee C by Carla Welch on August 21, 2014 Interview

Attachment 7: of Employee A by Carla Welch on August 21, 2014 Interview of

Attachment 8: Employee B by Carla Welch on August 21, 2014

Exhibit E: Summary of Documents Reviewed

Attachment 1: Documents submitted by Craig Banks

Attachment 2: Documents collected by Charla Welch

Attachment 3: February 20, 2014 Email from Jeff Yee regarding rotating duties

Attachment 4: Draft Letter of Instruction dated February 21, 2014

Attachment 5: Statement provided by Employee A to Carla Welch on August 21, 2014

Attachment 6: Statement provided by Employee A to Carla Welch on September 11, 2014

EXHIBIT A

The Compressed Natural Gas (CNG) Truck Incident, which eventually became a very serious flammable safety hazard. The compressed natural gas tank has a max pressure of 3800 psi, and eventually would be found to be defective with severe leaks and no parts are available. Also known is this truck was an aftermarket conversion instead of a factory conversion. The company that built the aftermarket conversion parts filed bankruptcy; the parts are non-existing, machine or special made.

Kenny Gee and Jeff Yee forced me to continue driving this vehicle even though I said the compressed natural gas (CNG) tank was leaking. I requested workers orders be submitted to check for leakage of the compressed natural gas tank, especially with a 3800 psi tank on the back of truck with me in it. Work Orders were also submitted by other Watch Personnel who drove the CNG Truck. This vehicle is now permanently out of service and is located at Caesar Chavez Yard.

August 2013 John Powell requested that all King /Cab Double Axel trucks in the City's fleet be picked-up to fight the RIM fire. This included the Dooley Truck #426-0004 that was assigned to the Oceanside Wastewater Treatment Plant for the Pump Station duties.

One of the replacement vehicle assigned to me was a Compressed Natural Gas (CNG) Truck #426-30002. Kenny Gee started harassing me about this truck in the month of October 2013. This truck simply would run out of compressed natural. (Not unleaded gas, but natural gas)

I would refuel the truck with natural compressed gas every day; the Operation Watch Personnel 1 thru 5 would use this same natural compressed gas truck on the night shift. The next morning the compressed natural gas tank would be empty. This truck ran out of natural compressed gas twice in the Oceanside Plant Yard. Each time it happened, a tow truck was called which cost City & County of San Francisco money. Kenny Gee said I was costing the City money.

Other personnel at Oceanside have driven CNG Truck #426-30002 and said it has a very low driving range; Fleet Manager Paul Martini has also confirmed this. Paul Martini suggested I not use this truck for the purpose of the Pump Station duties. He said the City & County of San Francisco does not have enough facilities [REDACTED] to support every day everywhere use. Later I found a dangerous leak in the natural gas tank [REDACTED]

Everyone knew that we could not take the CNG Truck tank level to a $\frac{3}{4}$ tank; this was in the Standing Orders. Kenny Gee thought I was violating a standing order. That was his reason for extreme discipline stating "He was writing me up for being a Gross Negligent Operator". He asked Chief Gerry Segarra to write me up for being a Gross Negligent Operator. Chief Gerry Segarra refused to write me up for running out of compressed gas especially when the City & County of San Francisco compressed natural gas facilities were not operating; they were completely shut down with notification via Email form Fleet Manager Paul Martini.

EXHIBIT B

Craig Banks

Complaint Of Harassment At Oceanside Wastewater Treatment Plant

My harassers are Kenny Gee (7372 Stationary Engineer); now acting 7373 Senior Stationary Engineer of Watch 6 and Superintendent Jeff Yee. Both parties are at the Oceanside Wastewater Treatment Plant and of Chinese decent.

Jeff Yee has over 25+ years with the City & County of San Francisco; Jeff and I have never spoken despite being assigned to some of the same wastewater facilities. In fact, Jeff has constantly and purposely ignored me even when I would utter a simple hello. Simply put Jeff Yee in 25+ years has had some type of personal problem with me. Even when Jeff wasn't assigned to the Oceanside Plant, and came to visit coworkers at the Oceanside Plant, he continued this mentioned behavior of not speaking to me.

In my opinion it is quite uncommon not to speak to someone, and literally ignore someone for 25 years. Yet, as soon as Jeff was transferred to Oceanside Plant as a Superintendent his first words spoken to me were negative, demeaning, insulting, and would be to any reasonable person.

Jeff Yee's first negative actions and/or comments occurred in April 2013 at the beginning of his tenure as Superintendent of Oceanside Plant and continued until present. I will further elaborate how my working environment changed into a hostile environment. My harassers, Kenny Gee and Jeff Yee continued to cause my working environment to become hostile and demeaning to this day.

Kenny Gee a permanent 7372 Stationary Engineer, was assigned to Operations Watch 5 to replace Beverly Shepard permanent 7373 Senior Stationary Engineer, for his first acting senior job, which is a rotational watch position. Prior to this Kenny Gee was assigned to Operation Watch 6 as a 7372 Stationary Engineer at the Southeast Plant first, then transferred to Oceanside Plant Watch 6 as a 7372 Stationary Engineer as my crew member, Kenny would not train anyone. Kenny accused me of not training other CCSF co-workers. That started a backlash which caused my work environment to change into a hostile environment, and has continued to change until this present day.

Before Kenny was my acting senior, we had a verbal altercation about his unwillingness to train me on the North Station at Oceanside. When I was transferred from the Maintenance Department to Oceanside Operations Watch 6, Kenny Gee was on Operations Watch 3. Chief Gerry Segarra assigned me to the North Station to be trained. Kenny Gee was working the North Station. Kenny refused to train me, cursed at me, and told me that he would not train my stupid ass.

After Kenny and I had our verbal encounter, he then tried to write me up for this incident and demanded that Chief Gerry Segarra recommend discipline as well. I mention this because Kenny Gee is always trying to write someone up when he is the main person aggravating the situation; this occurred around April 2006.

Kenny has carried a grudge ever since that day. Any other person would have forgotten about that, but Kenny's juvenile behavior is known throughout the Plant by numerous personnel (OSP, SEP, NP, upper management) so this statement by far is important. Kenny Gee will seek revenge against anyone who has a senior stationary position before him, especially if he/she has less than a grade 5 wastewater certificate; coworkers will attest to this. Kenny Gee is angry at the fact he is **not** a Senior Stationary Engineer, and I CANNOT OVERSTATE THIS.

Kenny Gee is obsessed with being a permanent senior or permanent chief. He repeats this verbally throughout the work environment continuously and for many years, and I do mean repeatedly. Since Kenny's passing of his grade 5 wastewater exam he has blamed management for not being selected to a senior position. In my opinion it is mentally unhealthy, the obsession that Kenny has with being a senior at the wastewater facilities.

Superintendent Jeff Yee and Kenny Gee have a very unique outside the job relationship that has been allowed to spill into the work environment. Jeff Yee and Kenny Gee's relations appears to be brotherly and with deep loyalty. Kenny Gee's and Jeff Yee's outside relationship is known throughout the Oceanside Plant, and the story has been told many times by Kenny and Jeff to various Plant employees. Apparently Kenny Gee's family supported Jeff's family during their migration from China to America and their families lived together during their acclimation to America. Kenny Gee and Jeff Yee's relationship is unique, and their solidarity to one another in the workforce is unprecedented from April 2013 until present.

I only wish I understood that the transferring of Kenny Gee and Superintendent Jeff Yee would cause my work environment to become hostile and cause me extreme mental stress for the past nine months, April 2013 until the present.

Kenny Gee and Jeff Yee have called themselves the New Regime. Kenny and Jeff did not say this in a joking fashion; they meant what they meant, and their behavior collectively in the last nine months at Oceanside Plant has clearly shown the dictatorship of Kenny Gee's and Jeff Yee's New Regime.

Jeff Yee gives Kenny more authority than any acting senior has ever had, and he always bypasses Chief Gerry Segarra. Kenny Gee's believes that he is the superintendent. Several times Gerry Segarra has warned Kenny about leaving the Plant. Kenny did not listen to Chief Gerry Segarra; he bypassed him and goes straight to Jeff Yee; Kenny leaves the Plant with Jeff all the time. Kenny does not work. It's been a few times already where the Plant was in emergency situations and everybody was engaged in getting plant on line, but not Kenny he was sitting in his office. He knew what was going on and did

nothing to help. He is suppose be back-up to Chief Gerry Segarra and Watch 6 crew member are the back-up for rotational Watch.

For the past nine months Kenny Gee has tried to discipline me for various reasons. Kenny Gee has accused me on many occasions of having verbal outbursts against him despite the fact we only had one conversation in April 2013, in which, Kenny Gee tried to force my crew members to write letters against me stating that I had an outburst on a morning in April 2013 his orientation to the crew, which is simply not true. He forced one person, Bill Wong 7372 Stationary Engineer, to write such a letter. Since Bill Wong wrote the letter, for months now he has constantly stated to me, "He wished he hadn't written the letter Kenny forced him into it". The other two co-crew workers that will witness to the April 2013 complaint is Lito Sotto and James Fa'Aita. They did not allow Kenny Gee to force them to write any form of letter against me. I will elaborate later in this complaint

If anyone has had outbursts it has been Kenny Gee. His most recent outburst happened sometime in December 2013, and was demeaning to his superior Chief Gerry Segarra. Kenny Gee was yelling at Gerry Segarra calling him incompetent because he would not write me up for insubordination and reprimand me for not telling Kenny that I was going out on medical, and because I didn't give Kenny my paperwork. Kenny was yelling so loudly at Chief Gerry Segarra that his vocal decibels could be heard down the hallway and into other rooms where engineers and others city employees were working. Kenny Gee claimed that Chief Gerry Segarra was incompetent, and yelled at the top of his vocal capabilities. This argument started over my not calling Kenny when I was on [REDACTED]; Yes [REDACTED]. This is an example of Kenny Gee vicariously living through Jeff Yee as a superintendent. Jeff Yee will back Kenny Gee at anything he does, not only against me but others in the workforce.

Kenny Gee is argumentative, combative, vengeful and extremely egotistical. He does not listen to anyone. This adds to safety concerns. In my opinion, for the amount of years Kenny Gee has been a journey person in the wastewater facility his skill level at best is that of a first year 9910 Service Aid and not of an advanced journey level stationary engineer. To my surprise numerous upper management personnel are aware of Kenny's usual behavior and incompetence.

Kenny Gee's accomplishment of attaining his grade 5 wastewater certificate was achieved greatly on the City and County of San Francisco working hours; yes, for practically eight hours a day Kenny was allow to study for his wastewater exams at Southeast Plant's Head Works and QREP stations; this can be attested by many other CCSF employees at the Southeast Plant that he was allowed to do this for years, and I believe Jeff Yee was his supervisor. Again, the relationship between Kenny Gee and Jeff Yee allowed this; I do mean Kenny Gee was allowed most of his eight hour day to study for his grades 3-5 wastewater certifications. No one has been able to do that. Again, I must mention this because Kenny Gee over emphasizes the fact that he has a grade 5 wastewater certificate and the City and County has not promoted him.

Kenny Gee's anger and harassment tactics towards me made my working environment change for the worst. Also Kenny Gee and Jeff Yee combined efforts to harass me started in April 2013 until present, but in December 2013 after reading the supervisor harassment training course entirely, I could really truly say that I'm being harassed for being African American and for being Beverly Shepard's boyfriend.

Many comments by Jeff Yee and Kenny Gee have made me self-conscious about my training of others; this is after I've trained numerous CCSF employees. The comments made in April of 2013, which I will elaborate on, makes my good training skills doubtful especially to Kenny Gee and Jeff Yee.

I've been employed with the City & County of San Francisco since September 10, 1985. I served a four-year apprenticeship and graduated in 1989. I have serviced and worked in all the wastewater facilities of the City & County of San Francisco (Southeast, North Point, Oceanside, Treasure Island and all the many Pump Stations in wet weather & dry weather conditions), and I've performed hundreds of Confined Space Entries, more than most of my co-workers. There is only a few of us left that can say we have had hundreds of confine space entries, aka decenders.

I must take the time to mention the vast training of other engineers and crafts that I have enjoyed and completed while employed at the City & County of San Francisco, and have continued to do so all of my 25+ years. I have always tackled new assignments; I have been successful at them; I have always been trusted to do my job tasks solo; I have the reputation of being a self-starter, and will complete the assignments with little or no supervision.

I have always trained other CC SF personnel especially the new hires, Apprentice, 9910 Service Aids, advanced journeyman, Electricians, I&C Personnel. I even trained my present Chief Gerry Segarra the first day he started over 20 years ago at Southeast Plant 521 Chemical Station. I'm responsible for the AG Pay that apprentices now receive and enjoy when working as a journeyman while still being apprentice.

In 2006 when I returned to the Oceanside Plant I took it upon myself and with the blessings of my Chief Gerry Segarra to first re-acclimate to my reassignment to Oceanside Plant then start training other engineers on the Oceanside Plant stations. I'm one of the original crew members that started-up the Oceanside Plant from day one. I'm also one of the old crew members of the now dismantled Richmond Sunset Treatment Plant, so I came back home so to speak when I returned to the Oceanside Plant. I also took the responsibility of training all the new hires that came from United Airlines as so many were placed on Operations Watch 6 with no true plan for training. I took it upon myself to come up with a training program specifically for the new hires. I spent hours training new employees sometimes 5 at a time for 6 to 9 to 12 months, or the length of the time that they were on Operations Watch 6.

I helped many people achieve their goals as journey person. I must emphasize this statement because in April 2013, a comment made by Jeff Yee transcended my ability to train comfortably with others despite having trained many appreciative and respectful CCSF personnel. After this April 2013 encounter with Jeff Yee and Kenny Gee, I now tell others that my knowledge will not be respected by Jeff Yee and Kenny Gee and they should be trained by somebody else other than me. The response by others is no I want you to train me, you're the best.

Before April 2013, and before the new self-proclaimed New Regime of the Kenny Gee & Jeff Yee's "Take-Over of Operations", and before Beverly Shepard became Operations Watch 6 permanent Senior (November 2012 to April 2013) the Oceanside Watch 6 had no permanent senior for numerous years. I was asked on several occasions to become the acting senior since I know the Plant very well. This was asked by my senior and my fellow crewmembers and Superintendent Dale Posey. I yielded the acting senior position to others (Bill Wong and Ernie Venezuela, now retired); both Bill and Ernie continually asked throughout their tenure as acting senior, if I wanted the position?

Kenny Gee transferred over from Southeast Plant Operation Watch 6 with coworker Lito Sotto, 7372 Stationary Engineer. His vision from the start was to cause disruption in the crew so that he could become senior of Oceanside Operations Watch 6. Instead, Kenny Gee was offered an acting senior on Rotational Operation Watch 5 to replace Beverly Shepard (██████████) after she volunteered to become acting Chief while Chief Gerry Segarra went out on ██████████ leave.

Chief Gerry Segarra needed ██████████. A lot of contractual work had started at Oceanside Plant requiring Chief Gerry Segarra's immediate attention, and as Gerry stated "very stressful". Superintendent Dale Posey for months ask all around for someone to step-up and be Acting Chief while Gerry was off on ██████████ ██████████, and for months no one did. I must mention this because ██████████ Beverly Shepard, permanent 7373 Senior Stationary Engineer on Rotational Operation Watch 5 at Oceanside Plant stepped-up to fulfill the position as Acting Chief about two weeks before Gerry Segarra went out on ██████████ ██████████. Beverly Shepard took on this immense responsibility and without any formal training from Chief Gerry Segarra because he had to go out on ██████████ ██████████, as I've written.

The fact that Beverly Shepard was Acting Chief angered Kenny Gee to the point of complaining, even to the state I'm told, to try and have Beverly Shepard removed; it agitated him in such a way that it was all he could speak on, he stated "He should have that position because he has the Grade 5 Wastewater Certificate".

In passing Kenny Gee would inform me that ██████████ did not qualify for the position of acting chief, and that he should have the position instead. Even Chief Gerry Segarra has suggested that Kenny might have a bigger problem with me because of this, and has taken it out on me by harassing me.

Later after Beverly's tenure as Acting Chief, she became my immediate supervisor; the Senior Stationary Engineer of Operation Watch 6. [REDACTED]

[REDACTED], this was one of the reasons that Beverly never applied for the Operation Watch 6 Senior position even though she has been on rotational watch from many years.

In March 2013, Beverly Shepard requested to return back to Rotational Operations Watch 5, so Beverly Shepard and Kenny Gee switched positions again, and this time upper management (now including Jeff Yee) allowed Kenny Gee to become Acting Senior of Operation of Watch 6. On April 1, 2013 Beverly Shepard stopped being the permanent Operation Watch 6 Senior and Kenny Gee began Acting Senior on Operation Watch 6.

To this very day Kenny Gee and Jeff Yee have inquired about why Beverly Shepard was allowed with just a grade 3 wastewater certificate to become Acting Chief over Jimmie Ma, 7373 Senior Stationary Engineer (chinese descent) in Oceanside Maintenance Shop who also has a grade 5 wastewater certificate

Anyone will testify on my behalf when asked the question about Kenny Gee's unnatural obsession with his Grade 5 Wastewater Certificate. They will tell you that it is unhealthy and it has been allowed to be an obsession of Kenny Gee's. Kenny Gee repeats the same thing every day. "I'm a Grade 5; I should've got my seniors' job already". Kenny repeats himself over and over again when talking to anyone about any subject. It is very annoying to anyone that has been around Kenny for any length of time. Kenny Gee also has a very serious obsession with writing letters of complaint against coworkers, and or the threat of writing someone up even as a stationary engineer.

In April 2013 before leaving Operation Watch 5 Acting Senior position for the Operations Watch 6 Acting Senior position, Kenny Gee told all his subordinates that he was coming to Operation Watch 6 to straighten Craig out. He spoke these words, I'm told by Mike Sison, 7373 Stationary Engineer Operation Watch 5. I was told by Mike Sison that the Oceanside Watch 5 Crew (Mike Sison, Peter Naughton and Carl Collins) told Kenny "that would not be a winning formula". Mike stated that he told Kenny "why would you go over to Watch 6 just to be disruptive, and why would you choose Craig Banks when he's the one that's doing everything especially the training". This statement by Mike Sison made sense later because the first words uttered out of Kenny Gee's mouth when he saw me in April 2013 was "You haven't been supervised and I'm here to supervise you". So, Kenny Gee had intentions to start trouble with me long before April 2013 is the bottom line. Kenny Gee planned to harass me from the very start of his tenure as Operations Watch 6 Acting Senior in April 2013 to this present day.

Kenny Gee continually states that I have outbursts; he has said this to other employees throughout the Oceanside Plant especially my direct crew members and the Chief. I have had no such outbursts, and will not have outburst with other coworkers I do not conduct myself in a disruptive manner.

Kenny Gee has been against me since our training incident way back in 2006 when I returned to the Oceanside Plant. Again, with any other person or employee this would be unthinkable, but with Kenny Gee's compulsion this is quite feasible.

Kenny Gee and I had an incident over the training of a newly transferred journey person James Fa'Aita. James transferred to Operations Watch 6 in April 2013 from the North Point Maintenance Crew, and is a newly graduated apprentice. James Fa'Aita spent most of his apprenticeship in the oil and grease experiment as a truck driver. As a result, James did not follow the matrix schedule for apprentices so James Fa'Aita has limited operational experience and or training as a journey person.

Operations Watch 6 is for Special Projects and usually reserved for Seniority Personnel who have years of experience and understanding of the Plant's functions. I mention this because in February 2014, Kenny Gee told Edgar (Ed) Rodriguez a permanent 7373 Senior Stationary Engineer at Oceanside Plant that "James Fa'Aita is the most intelligent engineer on Operation Watch 6; the rest of the crew had no intelligence, especially Craig". This comment was also said to Maurice Hayes another permanent 7373 Senior Stationary Engineer at the Oceanside Plant by Ed Rodriguez in the same month of February 2014. I personally overheard this comment on February 12, 2014 made by Kenny Gee who was talking to Ed Rodriguez. Kenny Gee yelled "Craig is stupid and unintelligent, and I'll be glad to get rid of him". This was directly after Kenny Gee and I had a discussion about overtime. Kenny Gee and Ed Rodriguez did not realize I was standing near listening to every word. I later went into the Central Control room to inform Ed Rodriguez that I did not appreciate he and Kenny Gee talking behind my back; that Kenny Gee should've told him the whole story about how he left work early that day on February 10, 2014 leaving the Oceanside Plant in bad condition (No working compressors, No LOX in storage tank, No LOX delivery scheduled that day, and the wastewater storages boxes were being pumped down from the previous rain which would bring solids into the Plant). This happened on Monday, February 10, 2014.

On February 12, 2014 later that day in the courtyard, I respectfully approached Ed Rodriguez again, and told him I appreciated the fact that he did not belittle me and participate in the negative aspect of the conversation with Kenny Gee. I stated to Ed "I know that Kenny told you that I'm the least intelligent one on our crew". Ed confirmed, and replied "yeah Craig, it shocked me that he would characterize you like that". I don't appreciate Kenny Gee calling me stupid and unintelligent when I'm the one who made the intelligent decision that day on February 10, 2014 and saved the Plant from possibly going into violation on two separate incidents on the same day. (February 10, 2014, Oceanside Plant had No LOX (liquid oxygen) and was without the benefit of the PSA System. I will discuss this in detail further in the complaint)

In the month of April 2013 Kenny Gee asked me every day "When are you going to train James Fa'Aita?" This is unusual, when new personnel come to Watch 6 the first training provided is of the Oceanside Plant Stations inside the Plant. That was the protocol before April 1, 2013. Kenny would ask me three to four times a day when are I going to train James Fa'Aita despite James **not knowing one station** at Oceanside Plant. My crewmember Lito Sotto is the second or backup engineer that goes out on the Pump Station Duties for me when I'm out sick, on vacation or otherwise.

Kenny Gee became angry at the fact I did not train James Fa'Aita exactly when he told me to, and I mean told me to. I eventually trained James Fa'Aita late April 2013 (see log sheets for actual dates in April). I required of James Fa'Aita three days of constant training especially since he was not a seasoned journey person. I always required three days to train everyone on the pump stations; that seemed to be the average; so I asked for three consecutive days to train James Fa'Aita. Kenny became irritated. When I finally started training James, Kenny removed James from my training on the second day. My point is this; all the harassment, all the threats to train James Fa'Aita only to have Kenny remove him purposely on the second day. I took this action by Kenny Gee to symbolize the following: Look I can make you do whatever I want you to do when I want you to. As a result of this action April 2013, Kenny Gee told Jeff Yee to remove me from the pump station duty; that I should come inside to train everyone inside on the Oceanside Plant stations.

Jeff Yee's part in the April 2013 episode of the training of James Fa'Aita was equally insulting. Kenny Gee spent nearly a month harassing me over the training of James Fa'Aita, as I stated before, instead of focusing on James learning the stations inside Oceanside Plant as a protocol of new Watch 6 personnel. Jeff Yee and Kenny Gee began to pressure Chief Gerry Segarra to make sure I did what Kenny said, and when he said to train the exact day. This went on every day in April 2013 until I finally trained James Fa'Aita on or about April 25, 2013; again on/or about April 30, 2013 and May 1, 2013. After the training of James Fa'Aita, James approached me with great puzzlement on his face. James stated "Jeff advised him to seek someone else's training of the pump stations because I probably didn't get the training that I should've from Craig". I must admit after hearing that, and being harassed by both Jeff Yee and Kenny Gee for nearly a month; I thought why have me train James and harass me for a month only to insult me in the end.

Also in regards to my training ability, Jeff and I had a conversation; one of the first in over 25 years. Our discussion at Building 930 was about the removal of the pump station duties in April 2013 and the reason why he decided to remove me. Jeff was rude to me in tone and body language. He was insulting by saying the following; "I can't believe you are the trainer; how are you the trainer? you have to prove that to me; I'm going to ask many people; I can't believe you are the trainer". This was very insulting to me as a person, as an employee of many decades to the City & County of San Francisco, especially when this was the first conversation I'd ever had with this person in over 25+ years.

In April 2013 some of the worst words spoken were in this isolated verbal sniping by Jeff Yee after I stated "I've been here for nearly 30 years Jeff I expect to be respected". Jeff Yee's reply was like a sharp knife coming out of the western sky attempting to cut away at my abundance of self-esteem. He said "I don't care how long you've been here Craig; I've been here for 29 years myself; I don't care, I will treat you like you've been here for 90 days, I don't care". After this statement and Jeff took this action without any investigation whatsoever, I knew I had problems forthcoming. Also, in this verbal snipping of Jeff Yee's, he asked me how many contracts were going on at Oceanside Plant as if to say that was another reason for taking away the pump station duties. Jeff Yee informed me that I did not qualify for Operation Watch 6. Also at this time Jeff Yee asked me "If I take the pump station route away from you would you consider it punishment?" I said yes I would. Jeff told me I would believe Kenny Gee Craig over you anytime. I attempted to speak with my union representative. Incidentally, he was there the very next day talking to all of us about theft prevention, cameras, stealing of time etc.

Prior to having the Pump Station duties my assignment was inside Oceanside Plant for numerous years and 2nd man or relief for the Pump Station duty. I train many personnel on all three stations inside Oceanside Plant and Westside Pump Station. I set this goal of training everyone on my own. No prompting from any supervisors or chiefs (at the time superintendent Dale Posey). Many stated, even journey people, that they never had that kind of training since being assigned to Oceanside. That made me feel the power, and to transfer the knowledge even more. I've also spent time on the training issue because I just like it. Also, prior to April 2013, I was told by the Operations Chief Gerry Segarra that in the event that I was tired of training that I can simply say I'm tired of training at any time. Chief Gerry Segarra was aware of how many employees I was training both inside the Plant (Watch 6 work inside the Plant) and outside the Plant (pump station operator). Chief Gerry Segarra worried about burning-me-out on training. I took it upon myself to train the newly hired as-needed workers, maintenance personnel, instrumentation and control personnel, apprentices and pre apprentices. Training is part of my Watch 6 job duty, but not the type of training that I gave each and every one of the new hires. Whenever I see any of my former trainees each and every one hugs me and continues to thank me to this very day. In fact, the most recent 7372 Stationary Engineers eligibility list Mr. Tamanaha scored number one. When I went to congratulate him a couple weeks ago the first words he said to me was "thank you so much Craig for spending so much time with all of us; your training was helpful throughout my apprenticeship; all the principles you taught". This comment meant a lot to me; more than money, more than being a supervisor anywhere. That's what being a journey person at this point in my career at City & County of San Francisco really means to me; people know me as genuine kind and unique person. Tamanaha isn't the only person I can bring forth. One that comes to mind is Chris, from Southeast Plant HVAC Crew, also one of the personnel I spent a lot of time training.

I'm spending time expressing how much training I have done since I arriving at Oceanside Plant (April 2006 until the present February 2014), over eight years. Eight years of training others because every reason given to take the Pump Station Assignment away from me has been based on training others. Also, the other engineers would not have the daily experience on the pump stations; that's just simply not true as stated.

My purposes of spending so much time training all the personnel at the Oceanside Plant that would be associated with the pump stations was to have continuity on how the pump stations are handled over the weekend and evening hours when I'm not at work, and so that we could all use the same terminology when describing certain events when the Pump Stations and Collection System are in dry weather or wet weather conditions. I went to every single senior at Oceanside Plant and asked if anybody on their watch needed training on the pump station operations so that they can schedule time with me at their convenience. I would work around their rotational schedule. My work hours are from 06:00 AM until 02:30 PM. After 02:30 PM the Pump Stations are covered by Operations Watch ERB Operator, as it has been since the Plant been on-line many years ago. The Operations Watch ERB Operator also provides full weekend coverage of the pump stations.

April 2013 Incident as happened with Kenny Gee; I'd had a conversation with Kenny Gee, and he ran to Jeff Yee about it. Jeff Yee, without any investigation whatsoever of the facts, initiated and/or proposed some form of punishment for me. To especially be threatened constantly, with the removal of my pump station duties, is the threat I face whenever I'm face with discipline for alleged actions.

After being accused of stealing two hours overtime, Kenny Gee again misrepresented the fact to Jeff Yee, and without any investigation Jeff Yee decided to REMOVE ME FROM THE PUMP STATION DUTIES on Friday, February 21, 2014. This occurred after Kenny Gee asked Chief Gerry Segarra to write me up for insubordination for failing to communicate with him; that I worked two hours on a priority nine work order (the highest work order for the Plant) when in fact Kenny should have known the condition of the Plant. Kenny Gee left the Plant early that day and still expected me to contact him. (Jeff allows Kenny to come in early 05:30 and leave early 1:30 PM; No other engineer on Watch 6 has ever been able to do this).

Kenny Gee assigned the task of troubleshooting the PSA compressors to me at 06:00 AM on February 10, 2014. That same morning Kenny left at about 10:00 AM. He gave me the assignment that eventually required me to work a little overtime coupled with the fact I had other duties that required some attention. (#1, the Sea Cliff 2 Pump Stations' surge tank pressure was low causing water to surge into the station; #2, a separate but equally important problem if not greater, was a possible overflow problem onto Bakers Beach that would violate the Plant permit. I would have to report this to the Superintendent Jeff Yee which I conveyed to Randy Cipriani, 7373 Senior Station Engineer, at

Oceanside Plant. In truth I saved the City & County of San Francisco possible overflow and discharge violation. As part of my training I was obligated to stay and prevent an overflow at Sea Cliff II.

On February 21, 2014, Jeff had no reason to remove me from my normal Pump Station duties. I've more than fulfilled all my training requirements in and out of the Oceanside Plant during the time of 2006 -2014. There are other Watch 6 personnel that are available for the training purposes that Kenny and Jeff seek. I have overdone my share of training while my counterparts stay in the Operations Watch 6 Office including Kenny Gee. He is a permanent fixture of his chair and will not leave the office to learn what his new duties or Plant functions are, even when Chief Gerry Segarra insisted that Kenny Gee learn the Operations Watch 6 Senior duties.

I have probably overstated how much training I have done because this is the basis of why Kenny Gee and Jeff Yee are trying to discipline me for up to this present day. Kenny Gee is the one who will not train anyone. He is truly an ACTING SENIOR STATIONARY ENGINEER!!!

Mike Sison tried to talk to Jeff Yee on my behalf, as many coworkers have tried, regarding removing me off the Pump Station duties, and verifying that I am the trainer for that Plant. Mike informed me that he told Jeff "Craig has all those years; how could you do this to him? He is the only trainer here at Oceanside. I am told by Mike that Jeff reply was, "I don't care how long Craig has been here".

The discussion with Kenny Gee on or about Tuesday, April 16, 2013 would appear to be a crew member orientation. Kenny again brought up the training of James Fa'Aita, and questioned when and how I plan to do this in front of my crew members (Bill Wong, Lito Soto & James Fa'Aita). From this meeting Kenny started his campaign of telling other supervisors co-workers and anyone who would listen to him that I have verbal outbursts when I speak and talk with him. Kenny Gee continued to make this allegation to the present day of March 2014. This allegation is without any merit. I merely spoke to him that day as I would anyone else with the same decibel levels the same bass, baritone voice that God has blessed me with.

Kenny doesn't like direct criticism by anyone let alone a subordinate that was merely trying to tell him that it was unnecessary for him to repeat himself 10 times AND I MEAN 10 TIMES. Even Kenny Gee's directives are said 10 times. If I were to ever write this about anyone else that I've ran across in my 52 years, I would think of this as juvenile, but Mr. Kenny Gee in the capacity of Watch 6 senior, and his harassment of me is causing me extreme stress; Kenny Gee, someone who in his own mind, has decided that I Craig Banks is his worst enemy.

Kenny Gee is noticeably paranoid. Lito Sotto my co-worker can attest to this especially since the Seniors Stationary Engineer exams were near; Lito Sotto is also being harassed by Kenny Gee; Lito's every move must be monitored; Lito is afraid to do things for other crafts that are normally part of Watch 6 duties. This includes assisting the laboratory, and retrieving overflow samples at Pine Lake

Pump Station. Lito was terrified to leave the Watch 6 Office to assist the lab personnel as required, and Kenny Gee was off the job site with Jeff Yee.

On or about April 16, 2013, Kenny Gee approached me and stated "Craig when you have time please come to the office so that I can apologize to you about this morning". (Referring to April 2013 orientation) This apology was to be brokered through our co-worker Lito Sotto who also stated "Kenny was apologetic, he needed to apologize to you and he desired to do so with the Lito present". I agreed why not get this passed us. When the verbal apology was supposed to happen, Lito later called me and stated "Kenny was advised by his advisors not to apologize to you". I thought. I'll never figure this out. Why would you say I want to apologize if you intend to harm me in the first place? Anyway the apology never happened, but interesting enough, Kenny Gee had started writing me up on the incident. Also Kenny Gee was trying to force my co-workers to write letters against me all the while telling Lito Sotto that he wanted to apologize to me.

If Kenny Gee does not achieve his long-term goal of becoming a senior stationary engineer and Kenny's frustration of having to wait so many years while others with lesser grades have taken "his position", and Kenny's unhealthy obsession with this position itself makes me believe, in my opinion, that Kenny may not be as [REDACTED] with a non-selection to a senior stationary engineer position outcome this time. I do fear more retaliation from Kenny Gee and Jeff Yee.

If or when my fellow coworkers are interviewed and ask this question, Do you believe that Kenny Gee has a [REDACTED]. I alleged 90% would say, thank God. Someone finally asked that question, and tell you, YES Kenny Gee does have a problem. Especially a problem over him not being selected for all these years for a senior stationary engineer position, and that others have taken "his position".

Kenny Gee is especially angry at the fact that [REDACTED] Beverly Shepard was selected for a 7373 Senior Stationary Engineer before him. This fact in my opinion ignites Kenny's rage to seek revenge. I Craig Banks, represent this to Kenny Gee every day. Especially since Beverly Shepard was selected for the Acting Chief position over Kenny Gee, as well as eventually becoming the permanent Senior of Operation Watch 6. (Remember Beverly at this point was my Acting Chief and eventually became my senior, in other words we were on the same watch before Jeff Yee became superintendent)

Before Beverly Shepard was selected to this position, and one of the reasons she never applied for the Watch 6 position in the first place, even after being asked on several occasions, is because no one knew [REDACTED] [REDACTED]. After Beverly was asked on numerous occasions as stated, she began to consider the position. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Later, Dale Posey ask me to enter his office. Dale Pose explained to me the he needed an Acting Chief, and Beverly was their best selection. [REDACTED]

As Acting Chief [REDACTED] Beverly Shepard did a wonderful job that winter of extremely heavy winter rains. Most Oceanside Plant personnel include Civil Engineering, the Laboratory Department, Maintenance Department, and Operational Personnel were extremely proud of her at Oceanside Plant. I am not afraid to write this in my complaint, I was also proud of Beverly Shepard and her knowledge.

I address this again, because in April 2013 one of the first words that were said to me by Kenny Gee was "you haven't been supervised, and you know you haven't been supervised". I asked him what he meant by his statement, he stated "how could you, when Beverly is [REDACTED]".

This was said the first day that Kenny Gee replaced Beverly Shepard on Operations Watch 6 as an acting senior at Oceanside Plant, and in my opinion, Kenny has dictated this and held this against me his entire tenure as my acting senior on Watch 6 (April 1, 2013 thru February 24, 2014). Chief Gerry Segarra has expressed this to Beverly Shepard on a few occasions that I might be suffering and subject to harassment by Kenny Gee due to the fact that Beverly Shepard was Acting Chief, and then Permanent Senior of Operations Watch 6. I do agree.

When Beverly Shepard was still Senior of Operation Watch 6 at Oceanside Plant Jeff Yee totally ostracized her. He would never enter into the Watch 6 Office as he does today with Kenny Gee as acting senior. Jeff Yee would not and will not to this day talk to Beverly Shepard for whatever reason despite Beverly Shepard being the Permanent Operation Watch 6 Senior, and sometime being under Jeff Yee's direct supervision. This was bizarre; Jeff Yee's non-communication with Beverly Shepard really made it uncomfortable for her. Chief Gerry Segarra can attest to this.

I must mention in my complaint fear of retaliation, although it's written that it's unlawful and said to be somewhat non-existent, however, at the Wastewater Enterprise most are petrified of retaliation by peers and management, and has expressed most explicitly to me that if they witnessed for me they feared direct retaliation from upper management, Senior's, Chief, co-workers and the like.

My personal feeling on this is that, I also fear retaliation. Especially since my complaint is against Superintendent Jeff Yee and Acting Senior Kenny Gee. There is an unusual personal friendship of loyalty and extreme honor and dedication towards one another between them. Jeff Yee's unyielding dedication to Kenny Gee was shown especially when Jeff Yee would not do any formal discovery before issuing discipline just because Kenny Gee told him to.

Most all employees have a very uncomfortable feeling when you mentioned that you are going to complain to Human Resources at CCSF. Many of them have expressed distrust and unnatural fear of the department that does the hiring and I'm assuming does or suggest firing.

Unrelated to my complaint and with my 25+ years employed at the City & County of San Francisco I would suggest that Human Resources personnel come to the Plant's and make their presence known. I strongly believe that it will make the workforce and work environment understand that Human Resources isn't this evil bunch of monsters. That if you have a legit complaint it will be treated accordingly, and by writing this complaint I too must believe that Human Resources will treat me with fairness and assure that I will not have retaliation for the submitting this complaint.

Despite my fear of being retaliated against I still submit my complaint. As for my witnesses they also are willing to take that risk and are eager to speak with someone from Human Resources regarding Kenny Gee. I have been asked on many occasions, have I filed a complaint with Human Resources so that they can have a chance to attest to what they witnessed by my harassers, as well as, the many who will tell a Kenny Gee nightmare story of their own. Having other employees attest to Kenny Gee's bizarre behavior, and his inability to speak to people with respect can be easily found.

Kenny Gee has trouble which ever wastewater plant he is assigned to. Kenny Gee has the reputation for trouble. He had trouble at Southeast Plant. Kenny Gee happens to be my harasser along with Jeff Yee; Kenny is trouble; he is my trouble in my working environment. Before Kenny Gee and Jeff Yee came to Oceanside Plant I must state "I had a beautiful working environment, I was respected for my knowledge, I did not make fellow employees feel less because they didn't know as much as I do, I shared all of my knowledge of the Oceanside Pant, the Pump Station, and the other facilities that I've worked at while employed with the City & County of San Francisco".

My co-workers heard a rumor that Human Resources were coming to interview everyone on or about February 1st or 10th 2014. I heard this as well. I was asked if it was because of my complaint, which I said no. If I may suggest, to contain rumors and protect my witnesses that will give statement to Human Resources, is it possible that my witnesses partake in their interviews at the Human Resources offices on Golden Gate or away from Oceanside or Southeast Plants?

The Compressed Natural Gas (CNG) Truck Incident, which eventually became a very serious flammable safety hazard. The compressed natural gas tank has a max pressure of 3800 psi, and eventually would be found to be defective with severe leaks and no parts are available. Also known is this truck was an aftermarket conversion instead of a factory conversion. The company that built the aftermarket conversion parts filed bankruptcy; the parts are non-existing, machine or special made.

Kenny Gee and Jeff Yee forced me to continue driving this vehicle even though I said the compressed natural gas (CNG) tank was leaking. I requested workers orders be submitted to check for leakage of the compressed natural gas tank , especially with a 3800 psi tank on the back of truck with me in it. Work Orders were also submitted by other Watch Personnel who drove the CNG Truck. This vehicle is now permanently out of service and is located at Caesar Chavez Yard.

August 2013 John Powell requested that all King /Cab Double Axel trucks in the City's fleet be picked-up to fight the RIM fire. This included the Dooley Truck #426-0004 that was assigned to the Oceanside Wastewater Treatment Plant for the Pump Station duties.

One of the replacement vehicle assigned to me was a Compressed Natural Gas (CNG) Truck #426-30002. Kenny Gee started harassing me about this truck in the month of October 2013. This truck simply would run out of compressed natural. (Not unleaded gas, but natural gas)

I would refuel the truck with natural compressed gas every day; the Operation Watch Personnel 1 thru 5 would use this same natural compressed gas truck on the night shift. The next morning the compressed natural gas tank would be empty. This truck ran out of natural compressed gas twice in the Oceanside Plant Yard. Each time it happened, a tow truck was called which cost City & County of San Francisco money. Kenny Gee said I was costing the City money.

Other personnel at Oceanside have driven CNG Truck #426-30002 and said it has a very low driving range; Fleet Manager Paul Martini has also confirmed this. Paul Martini suggested I not use this truck for the purpose of the Pump Station duties. He said the City & County of San Francisco does not have enough facilities working to support every day everywhere use. Later I found a dangerous leak in the natural gas tank fittings.

Everyone knew that we could not take the CNG Truck tank level to a ¼ tank; this was in the Standing Orders. Kenny Gee thought I was violating a standing order. That was his reason for extreme discipline stating "He was writing me up for being a Gross Negligent Operator". He asked Chief Gerry Segarra to write me up for being a Gross Negligent Operator. Chief Gerry Segarra refused to write me up for running out of compressed gas especially when the City & County of San Francisco compressed natural gas facilities were not operating; they were completely shut down with notification via Email form Fleet Manager Paul Martini.

All of the compressed natural gas refueling facilities at City & County of San Francisco natural gas facilities was closed. The CNG Truck that was available to me ran out of gas in the Oceanside Plant Yard. This running out of gas incident happened on two separate occasions as well as another incident at Sea Cliff II Pump Station, where the truck would not start. Two times the truck ran out of gas, disabling CNG Truck #426-30002, and towing of the truck was required. The importance of this is that Kenny Gee tried to reprimand me for the CNG Truck #426-30002 running out of compressed natural gas when all of the City's facilities were closed, and Kenny Gee had full knowledge that all the CNG Stations were closed. Fleet Manager Paul Martini stated "All City & County of San Francisco's facilities did not have compressed natural gas (CNG) that week; Also, some Compressed Natural Gas (CNG) facilities were closing permanently as of October 31, 2013". Paul Martini was assisting us in finding a place to get compressed natural gas, yet Kenny Gee wanted to reprimand me.

The tank pressure inside the vessel on back of truck is about 3800 psi. This truck's natural gas tank of 3800 psi is not supposed to leak compressed natural gas at all. Certain fitting responsible for keeping the natural gas from leaking out the tank had eroded. Coupled with parking of CNG Truck #426-30002 outside in the ocean air didn't help it. Rust or oxidation is a huge problem for all of us, even for our personal vehicles.

On Friday November 22, 2013, Central Shops returned the CNG Truck #426-30002 for work done in October 2013 regarding leaking of natural gas. As soon as the CNG Truck # 426-30002 was returned to Oceanside Kenny Gee forced me to drive it, even when I said I felt uncomfortable doing so. While performing the vehicle safety checks I still smelled compressed natural gas coming from the truck's compressed gas vessel located on the back of the truck. Don Reed 7372 Stationary Engineer of maintenance smelled natural gas also. The compressed gas vessel has maximum of 3800 psi. A small leak is a big problem, flammable etc.

Immediately I went to Chief Gerry Segarra's office and asked him to come and witness this leak. Don Reed removed the cover and inspected the gas tank; He noticed that all the fittings around the tank were completely rusted or oxidized, and Gerry Segarra confirmed this. Present was Mark Ca Hee from I&C; He supplied an instrument for gas detection. Mark explained to us why this vessel was like a bomb. That's how I got out of driving that truck because Jeff Yee and Kenny Gee knew I did not want to drive that truck, and they were forcing me to. Jeff Yee said I had to use the truck because he wanted the odometer operated past 100,000 miles in order to ask for the truck replacement. Jeff Yee knew this truck had mechanical problems. Even after I wrote the complaint letter on or about November 5, 2013 Jeff Yee and Kenny Gee still ordered me directly to drive this unsafe truck.

During the episode with Kenny Gee regarding the natural gas vehicles refueling problems Kenny alleged that he visited all of the facilities in particular the two that I said were closed (nearest Oceanside Plant Golden Park and farthest Caesar Chavez), and spoke to each and every one responsible for natural compressed gas at these facilities. Kenny Gee further stated "I was lying; he

could produce the manager at the Caesar Chavez refuel site that would say I was a liar, and now he could call me a liar". He said this in front of Chief Gerry Segarra. When I asked Kenny Gee of this person's name, and how to contact him; He simply said he didn't have to tell me. I looked at Gerry Segarra with much amazement, because throughout this I have stated to Chief Gerry Segarra that since I got this truck I've had this problem of refueling, and informed Gerry Segarra that Kenny Gee has been trying to discipline me.

When the Dooley Truck #426-0004 was returned on November 15th, 2013, it was given to the Oceanside Maintenance Shop instead of being returned to me for the pump station duties. This was retaliation for the requested letter I wrote on November 5, 2013 (letter about CNG Truck Incident). The Maintenance Shop did not request the Dooley and are willing to give statement to this fact. They tried to give the Dooley back to me for the Pump Station duties.

Kenny Gee told Jeff Yee that maintenance did not appreciate their gift. Acting 7373 Senior Stationary Engineer of Maintenance Berg Nigoghossian and Don Reed 7372 Stationary Engineer, informed me of this. They also stated "Jeff Yee confronted them about not being grateful for this gift of the dual axle" at the prompting of Kenny Gee.

Jeff Yee and Kenny Gee then assigned Truck #426-211 (Acting Chief Jimmie Ma's old truck) to me. They gave me the oldest truck at OSP or possible the entire fleet including the other Plants; it was maintenance's worst truck that they wanted to dump. It was an old rusted beat-up truck. Jeff Yee and Kenny Gee wanted to make sure I was uncomfortable, and in my opinion, to show my fellow coworkers how they will punish me for complaining. In Truck #426-211, I lost the abs brakes, it had breaking warning lights that wouldn't go away, the windshield wiper motor or fuse stopped working in the middle of a rain storm, it rained inside the vehicle, and other defects that I had a work order submitted for. All this happened in the same time period. Maintenance worker Pedro Casanova 7372 Stationary Engineer was in the truck and witnessed all of this with me. I turned this truck in.

By giving me the worst truck in the fleet was in my opinion, to stir me into an argument with Kenny Gee and/or Jeff Yee because of my complaining about being forced to drive a truck I'm uncomfortable with especially because it ran out of fuel all the time.

On November 22, 2013, after turning Truck #425-211 in, I was assigned another loaner. It was Dan Gilman's old truck. The door would not close on the driver side; door latch was misaligned. I turned this truck in too. I was then assigned the Oceanside Plant 12 passenger van for the Pump Station duties.

On Friday November 15, 2013, when Jeff Yee refused to return the assigned Truck #426-00004 (Dooley, dual axle, 4 X 4) for my duties of the Pump Stations he made a statement to all that he will take anything from me, especially to make me know and understand that if he tells me to drive a certain vehicle he means drive that certain vehicle regardless to what I say I want to drive, even though I'm stating "It's running on natural compressed gas and no station for gas is available within the City".

On that November 15, 2013 day, I approached Jeff Yee in his office and ask why did he remove the truck that was assigned to me since 2009? He simply stated "I did not need it; I was the only one driving it" (meaning that I was the only person inside the truck cab), and that maintenance needed it for when they go on remote jobs". The Maintenance Shop claim that they never asked for the truck. I also stated "I should have the choice of the better vehicle because I'm driving around in the City with heavy fog; heavy rain and sometime a combination of the both were visibility is essential. As I said these words I noticed Jeff Yee mimicking my words after I spoke them as a six-year-old child would do, including moving his hands as I do when I speak, but repeating my exact words over like a child.

Remember, taking of the Dual Axle 4 x 4 Truck was because "I was the only one driving it", yet I'm assigned a 12 passenger van not a cargo van which is more practical, and I'm the only one inside. This van is also needed as the morning and evening shuttle for everyone to use. I can never keep anything inside the van that I use for my Pump Station duties, my personal protective equipment, various tools necessary for emergency use, bars that I carry in the bed of the truck to close very important manual shutoff valves in the street and at the pump stations, and all of the other tricks of the trade. So why not return the truck that was assigned to me or at least give me a truck comparable to the one that was taken away.

As of August 2013, I have been without a truck assigned to me. All the time I thought the Dooley Truck #426-00004, once returned from the Rim Fire of August 2013, would be returned to me. It has a lot of features that I need in wet weather. I use the 4 x 4 to refuel generators, investigate overflows in the winter, and the many sandstorms that occur on the Great Highway. The dual axle also has a spot light and lights on the top of vehicle which makes visibility for me and for the citizens to see me in these weather conditions. I've also use the truck as the security device in detecting all the homeless on the outer perimeter of the zoo as well as Oceanside Plant. I am responsible along with Don Reed for finding the various homeless camps that had been around the area and undetected. I saw the homeless with the truck's mounted spotlight. What is also unique about the truck assigned to me is, on the back of it there's a diesel tank. This diesel tank is needed for the various generators that I service around the City at pump stations. I stated all this to my Chief Gerry Segarra that day November 15, 2013. Chief Gerry Segarra said it's Jeff; Craig I don't agree with his choice. Taking the truck humiliated me and made it harder for me to do my job.

Almost instantly, a scenario where I needed to tow a trailer from Oceanside Plant to Sea Cliff 1 Pump Station happened. There was a miscommunication between Oceanside Plant and PG&E. The Sea Cliff I Pump Stations was pre-scheduled by PG&E to lose power between a certain time period. Information of the schedule power loss was not communicated until 30 minutes before scheduled shutdown at the Sea Cliff I Pump Station. We needed backup power for pumps to prevent an overflow. We barely got a generator up there in time.

I interviewed Acting Chief Jimmie Ma, Acting Senior Berdj Nigoghossian, and Maintenance Crew #406 (Don Reed, Pedro Casanova and Pete Camacho). Each apologized that the truck was removed from me in the first place, and acknowledged that I was using it for my daily job requirements especially the Maintenance Acting Senior Berdj Nigoghossian. He clearly stated "He did not ask for that truck, nor did he want it". He wanted it returned to me because it was impractical for what their crew truck needs are. They only requested another truck, because truck #426-211 that eventually was assigned to me should be in the junkyard. This was stated to me by both Berdj Nigoghossian and Don Reed. Berdj Nigoghossian stated "His crew would barely use the truck, and it would be parked here rotting at Oceanside parking lot". I have knowledge that the truck sat so long that rats got inside the glove box and began to eat at the wiring in the dashboard. A work order was generated to repair the rats' damage to the truck.

Another reason that I believe the Dooley Truck #426-0004 was taken from me is because I refused to write a complaint letter against the fleet manager Paul Martini. Kenny for about two weeks insisted that I write a letter of complaint even when I told him that I did not want to write such letter; that if he wanted to complain he should write the letter not I.

As I stated, in April 2013 when Kenny was trying to get my coworkers by force, to write letters against me; against what was actually said in the room; and coach them into doing so. My co-worker Bill Wong may have written what Kenny Gee wanted him to; Kenny Gee coached him on what to say. This was said by Bill Wong to me after Kenny made Bill's statement, especially the keyword outburst. Remember, I stated that Kenny Gee is claiming to all that will listen at Oceanside Plant, that I have outburst. This was the beginning of such lies. Another reason I mention this, it shows the influence that Kenny Gee can have over certain individuals.

I saw Tony Flores on Friday February 21st 2014, just as I did in April 2013. Tony mentioned that Bill Wong's statement suggested that I was equally wrong in April 2013. Now it's February 21, 2014 and that false statement is uttered again. Incidentally, shortly after Bill Wong's letter he apologized to me. He claims he didn't mean to write outbursts. He also asked, how he could change that, almost immediately. I just simply said "state the truth and no more". There were two other coworkers inside the office that day; there were a total of five people; Bill Wong was the only one that wrote a letter at the demand of Kenny Gee.

Kenny Gee has stated to my coworkers that "Chief Gerry Segarra is protecting me, and he can't wait until that protection is over". This was said to me in December 2013 just before my [redacted] and eventual six or eight days off. I took Kenny Gee's statement as some form of a threat. I also thought I'm a grown man; I do not need another man to protect me, and besides we are not in prison.

His statement was demeaning to me and suggested that he had some kind of power to do whatever he wanted to do, but because I had someone that outranked him (Chief), I was perceived as being

protected by him. Simply put this was insulting and belittling as a man, as an employee of the City and County of San Francisco, and has since made me wonder what would Kenny Gee do to me later?

Kenny Gee also has knowledge since December 2013 that I have contacted Human Resource and will file a complaint. Around the third week of December 2013 when I contacted your office I had to allow for time off my route. I informed Kenny Gee that I was going to Golden Gate Street to talk with someone. Kenny Gee then told the crew "Craig has something going with Human Resources so just make sure you mention all of his outbursts". Again, the outburst suggested verbally by Kenny Gee. He has knowledge that I have thought of filing a complaint and Kenny Gee discussed this fact with the crew suggesting what the crew members should say when questioned by Human Resources.

On or about November 1, 2013, I had my first conversation about Kenny Gee with Wyman Fong, 7372 Stationary Engineer (chinese descent), and a coworker who has spoken with me for over 25 years. I did not initiate this conversation with Wyman Fong, but what he had to tell me about Kenny Gee and what Kenny Gee was trying to do was shocking! "Wyman Fong stated the following: "Kenny has said all the Chinese at the City & County of San Francisco especially Oceanside Plant need to band together and fight against the Whites, fight against the Filipinos, fight against the Mexicans and fight against the Blacks, but the Black's lie". Remember I stated, Kenny Gee called me a liar in regards to the natural gas vehicle, and said that he could provide a person that can truly say I'm lying.

Wyman Fong told me this under the strictest of confidence and, admitted to me that he is very close friends with Jeff Yee. Wyman Fong further stated "if he were to witness the statement by Kenny Gee, in his opinion, it would be viewed as hearsay testimony".

As I've mentioned before, I had a meeting with Tony Flores on February 21, 2014. I informed Wyman Fong that I told Tony Flores exactly what he told me about Kenny Gee's racist comments I thought he might be angry with me because I did say I wouldn't say anything. Much to my surprise, with Wyman having knowledge about my removal from the Pump Station duties on February 21st, 2014 Wyman simply said "if I'm asked I will tell the truth and repeat what Kenny Gee said to me". Wyman Fong is willing to give statement or testify. I was so elated that Wyman Fong will now come forward willingly to attest to Kenny Gee's racist remarks. Wyman and I spoke about this in February 2014. Wyman Fong is Superintendent Jeff Yee's friend and spends time off the clock with each other's family. I don't believe Wyman Fong would be a hostile witness to me. I can only trust Wyman Fong will state the truth when asked to do so.

This racist statement ("All Chinese at the City & County of San Francisco especially Oceanside Plant need to band together and fight against the Whites, fight against the Filipinos, fight against the Mexicans and fight against the Blacks because the Black's lie") was repeated to William Wong, 7372 Stationary Engineer, (chinese decent) in the month of December 2013. William (Bill) Wong reported this remark by Kenny Gee to Chief Gerry Segarra in December 2013.

Because Kenny Gee has a Grade 5 Wastewater Certificate, he will still be able to act as my supervisor which I think is extremely wrong because my harassment will only continue. It was said by Jeff and Kenny that upper management said the highest grade certification will act as senior. This rule is effective even if the engineer does not have the experience. Jeff Yee is enforcing this rule. Until this day, a Plant wide interoffice memo has not been issued concerning this rule of acting senior pay.

James Fa'Aita, 7372 Stationary Engineer, recently graduated apprentice, is the least seniority personnel on Operations Watch 6, and he's also the most afraid to give testimony or statement despite Kenny Gee telling him various comments regarding me which James has told me. James can verify, if he will, Kenny Gee's discussion of punishing me, especially when the truck ran out of natural gas twice.

James warned me that day in October 2013, before I changed into my uniform to go up stairs to the Operations Watch 6 Office, that Kenny Gee had asked questions of him, and stated "He was going to punish you for being a GROSS NEGLIGENT OPERATOR for running out of natural gas". On that same morning, I went to see Gerry Segarra, and before I could even say anything he told me I know why you're here; the gross negligent of operations episode, and I said he was absolutely right. Kenny Gee confided in James Fa'Aita, and told him how he was going to discipline me, which I felt was not the proper thing to do, even if James told me what Kenny said, which I appreciate.

The next series of harassment by Kenny Gee and Jeff Yee was centered around an accusation that I worked on unauthorized overtime for 2 ½ hours on a Priority 9 Work Order #2504455 for the PSA System at Oceanside Plant on Monday, February 10, 2014. As a result of this alleged stealing of overtime; my pump station duties that I worked so hard to learn and maintain, were taken away from me because Kenny Gee wanted to discipline me for insubordination. He had the blessing of Jeff Yee before Jeff asked anybody a question, did any form of investigation whatsoever or asked me what happen.

At Oceanside Plant it is vital to supply Secondary Aeration Treatment with high purity oxygen. If oxygen is not provided either by Liquid Oxygen (LOX) stored in a vessel at the Oceanside Plant or the Pressure Swing Adsorption System (PSA), that makes oxygen, the Plants' final effluent would be in violation. I will attempt to explain how on Monday, February 10, 2014, I saved the City & County of San Francisco Oceanside Wastewater Treatment Plant from a possible final effluent discharge violation as well as Sea Cliff II's possible discharge violation on the same day.

Instead of Kenny Gee and Jeff Yee giving me acknowledgment and some form of accommodation for a great job, especially when Kenny Gee went home early that day of February 10, 2014 leaving me in a situation that could have caused the Oceanside Plant to go into violation, coupled with the fact that Chief Gerry Segarra was away on vacation and I WAS THE ONLY ONE ON THE PLANT that knew how to troubleshoot the PSA System BUT, Kenny Gee and Jeff Yee took the Pump Station Duties away from me. A memo was generated and emailed to OSP personnel reading the pump station duties will be

rotated amongst the other Watch 6 crew members along with T-Week personnel when necessary. This will allow other Operations personnel to be up-to-date with the latest changes and procedures at the outlying pump stations and the collection system. This order was given to Gerry Segarra in email memo form, sent "Importance High" from Jeff Yee on Thursday February 20, 2014 at 5:01 PM. As of Friday February 20, 2014, I am to report back to the Oceanside Plant relieved from all pumps station duties.

I have trained my coworkers on the PSA for several years, but Gerry Segarra and I are the only troubleshooters for the PSA System. Without Gerry Segarra on site I knew I had to step up this day of February 10, 2014 and troubleshoot solo as I've done several times before.

To explain why this happened in the first place, I must explain that the Oceanside Wastewater Treatment Plant storage of liquid oxygen (LOX) is blended into the system to help meet the aeration oxygen demand and the backup treatment for our secondary treatment process if all the PSA Compressors become unavailable. Oceanside Plant liquid oxygen supply should never be depleted unless something is wrong with the LOX vessel. This LOX vessel can be very dangerous, especially with overfilling and/or drawing down the vessel's level to low.

On Monday, February 10, 2014, the liquid oxygen vessel had a low low alarm, and was still online and drawing the vessel down to a dangerous low level. The liquid oxygen vessel should never have been in alarm that long without someone securing the LOX feed valve of the vessel.

On Friday February 7, 2014 at about 6:15 AM, I was assigned to work on the PSA System by Kenny Gee instead of my normal duties of the Pump Stations. Even though I still maintain the PSA System as a volunteer effort it's not usually part of the Pump Station duties. Bernard Bender, a retired former 7372 Stationary Engineer, who had the pump station duties before me, did not come into the Oceanside Plant and work on the PSA System as I have done. I'm the first engineer at the Plant to do this. It's part of my duties now; the additional PSA duties that were supposed to be taken away from me years ago; I was just to concentrate on all the pump stations. This has never happened, and I haven't complained because I felt that I could continue to do both jobs. My Chief and coworkers appreciated that I continued to maintain the PSA System because if not, it would make their job much harder.

No one else has done this including Ron Dunn a retired 7372 Stationary Engineer (Caucasian), who Superintendent Jeff Yee is always comparing me to by constantly saying "Craig is no good; he's no Ron Dunn; he's not that good". Jeff Yee has said this to other supervisors, and especially to Maurice Hayes 7373 Senior Stationary Engineer (Black), who is willing to testify or give statement that Jeff Yee continues to say this about me. Maurice Hayes told me about this in December 2013 and again January 2014.

On Friday February 7, 2014, after receiving orders to fix the PSA System. I noticed that it was time for a LOX delivery, and the PSA System was down at this time. The PSA System was down with an unknown problem therefore, an unknown trouble-shooting time for me.

I asked Bill Wong and Kenny Gee when the next delivery of LOX was. Kenny asked Bill for the LOX delivery date and Bill Wong replied "I forgot to order the LOX". Kenny Gee became angry at Bill and said something in mandarin or Cantonese. Bill seemed agitated. Kenny Gee spoke in English, Craig I'll take care of it.

Kenny Gee is the Operation Watch 6 Supervisor. Kenny's responsibility is to maintain the LOX vessel's level at all times, and to make sure that loads of liquid oxygen are delivered in a timely manner not Bill Wong (high levels works best in removal of liquid oxygen from the vessel, it helps process the vaporization of LOX better with 40 psi in the tank). Chief Gerry Segarra told Kenny Gee ordering chemicals for process is the Watch 6 Senior's job.

After some consideration and troubleshooting I was able to get the PSA System operating right away. I requested the maintenance to fix a problem I found, an electrician (Dennis) to fix a separate problem, but I still insisted that Kenny Gee and Bill Wong find out when the next LOX delivery was coming.

I must generate work orders for either maintenance personnel (usually Pedro Casanova, Don Reed & occasionally Peter Camacho), and or Instrumentation & Control (I&C) personnel (usually Roger Warner or Stuart Marcum). I must generate separate work orders for different crafts or crews. I have done this since taking over the PSA System in 2006. This has been the protocol. Priority 9 work orders are used for personnel that have to stay after work; come in after the work shift has ended or weekend work needed. Most of us do not have the authority to write work orders. To generate a work order I must call my supervisor or Central Control and request other crafts to assist me. My name may appear as the originator or not. On February 10, 2014 Kenny Gee exploited this fact to tell a lie that had me removed from the pump station duties.

On Monday, February 10, 2014, I was accused of stealing 2 ½ hours overtime because a similar scenario of the PSA System going down happened, but this time WITHOUT ANY BACK-UP LOX AT ALL, and I stayed to help fix the problem.

On Friday night February 7, 2014 after my shift ended, I called the Oceanside Plant Central Control to check on the PSA System and make sure it was still operating correctly. I spoke with Randy Cipriani 7373 Senior Stationary Engineer, at about 06:00 PM. I get off work at 02:30 PM. I did not charge the City and County of San Francisco for this call. I again called Randy Cipriani that same evening; I believe at about 11:00 PM, he again stated that the PSA System was operating correctly. I believe I called again on Saturday, February 8, 2014, and spoke with Randy Cipriani again asking the same question, and his reply was the same. At this time Randy Cipriani did not mention that the LOX load was not delivered. Yet, supposedly Kenny Gee and Bill Wong ordered a special load to be delivered for Saturday which doesn't usually happen.

Sunday evening February 9, 2014, I again call Oceanside Plant Central Control to inquire about the PSA this time I spoke with Maurice Hayes; he informed me that all was well. I didn't charge the City anything for these calls, but I'm going to be accused of stealing two hours of overtime the very next Monday, February 10, 2014.

The morning of Monday February 10, 2014, I was greeted with the news that the PSA System had failed, and when the operator tried to start all three compressors they simply would not start. Randy Cipriani again was the Senior Operator on dayshift, and had been the whole weekend. Also present was Brian Maddox 7372 Stationary Engineer, a person that I have trained for many years on the PSA System. All three of us Randy, Brian and myself were in the Central Control room when we discussed my work order for the PSA Compressor etc. (This is important to remember because as I tell this scenario/story it will be questioned who gave me permission to work on the PSA System)

After accepting the challenge of troubleshooting the PSA System without Gerry Segarra (on vacation) being present, I entered into our Operations Watch 6 Office. Present was Kenny Gee and Bill Wong. Kenny greeted me with the problem of the PSA System, and told me that he had spoken with Randy Cipriani earlier that morning, and he wanted me to work on it right away. (Remember this because Kenny Gee is going to state on Wednesday, February 12, 2014 that he had no knowledge of me working on the PSA which is simply not true).

The first part of my troubleshooting of the PSA is to find out how much liquid oxygen is in the vessel because I will turn the PSA System off while trouble-shooting, whereby, the liquid oxygen (LOX), which is the back-up to the PSA System, will kick into the system and start to vaporize through heating coils and supply high purity oxygen to the Aeration Trains. When I got up to my computer; I looked-up the DCS window for Oxygen Generation and instantly flashing was the low low alarm for the LOX vessel flashing over and over again. I went to the LOX vessel and closed the LOX feed valve; the pipes were shaking and I could hear particles going through the pipes. The LOX feed valve should've been closed by the Watch personnel long before I closed it at 06:00 AM. This is to include Kenny Gee who has the privilege of coming in at 05:30 AM and leaving at 01:30 PM. I then, immediately asked Kenny Gee and Bill Wong what happened to the LOX load that was supposed to be delivered that past Saturday. Immediately, Kenny Gee became defensive at this question. I also asked Kenny Gee why didn't he secure the LOX feed valve on the LOX vessel. I further explained to Kenny Gee what type of damage we were causing the vessel (metal stress and possibility of inner wall collapse inside the vessel). Kenny Gee became agitated at me. I explained to Kenny Gee and Bill Wong the situation that we now found ourselves in without any liquid oxygen (LOX). Kenny Gee said he would call the vendor at 8:00 AM that very same morning of February 10, 2014. After 8:00 AM, I went to see what was going on with the LOX load. Kenny Gee stated "A big mistake has happened, and the driver could not be flown into Los Angeles to drive the truck back on Saturday, therefore, they will be here on Tuesday".

Kenny Gee made a mistake and scheduled two LOX loads that were delivered on Tuesday February 11, 2014, and we could not use the other LOX load; we didn't have enough room in our LOX storage vessel. This cost the City & County of San Francisco a load of LOX that we did not use. Kenny Gee was trying to avoid the blame.

This situation put pressure on me to make sure that I could run two out of the three air compressors (remember all 3 had failed) for the PSA System which would help meet the oxygen demand that will be placed on the Aeration Trains once it stopped raining and solids start coming into the Plant. I explained this problem to Kenny Gee; he nodded his head as if he understood. Kenny Gee left early that day despite the problems we had with the PSA System and possible violation.

With the PSA System three compressors down, and **NO LOX**, Kenny Gee's claim to come in at 5:30AM to assess the Plant condition is not true. Kenny Gee should have caught the problem earlier than I did especially with the low low alarm flashing all over the screen. Kenny Gee should have taken immediate action about the PSA skid, compressors, and the many other parts pertaining to it, especially since Kenny Gee has stood Watch at the Oceanside Plant for many years. Kenny has worked the O11 Station where the PSA System is located, and he has taken readings indicating that he knows the PSA System including the LOX level of this day February 10, 2014.

I eventually got two of three PSA compressors operating. In order to do this task I required the usual assistance of Maintenance and I&C. I needed work orders so I approach Kenny Gee the morning of Monday, February 10, 2014, to request work orders to support the other crafts. Kenny Gee at this time instructed me to get the work orders written by Randy Cipriani, the Senior Operating Engineer at Central Control. This is the start of the problem, Kenny Gee should have written the work orders himself instead of Randy Cipriani. Remember, Kenny Gee will deny ever having knowledge of me working on the PSA System.

I was already working from a generated work order from previous watch for the PSA that is how Kenny knew of the problem with PSA System. Kenny will deny this fact to Jeff Yee, Chief Gerry Segarra and Tony Flores. Kenny Gee and Jeff Yee stated "You worked unauthorized overtime; you should be punish me for stealing overtime". Chief Gerry Segarra said Jeff Yee told him to not pay me the 2 ½ hour OT, take me off the Pump Station duties, and that Tony Flores told them to write-me-up. I requested a meeting and spoke with Tony Flores, he said this was not the case; Tony did not know why I was in his office. Again Kenny Gee and Jeff Yee are misrepresenting facts.

Kenny Gee did not assign any of my crew members to the Pump Station duties on February 10, 2014 although we had a full crew. I had to troubleshoot the PSA System and still do my Pump Station duties that day. So the whole time I was troubleshooting the PSA System, I was still working the Pump Station route, coordinating with the crafts, going in and out of the Oceanside Plant and waiting for the crafts to repair whatever I had discovered the problem to be.

With all said and done, by estimate time of 1:30 PM, I had two of the three compressors running. This is after not taking break or lunch. There was a unique problem with #1 Air Compressor, it had a pressure relief valve remaining open due to damage from severe oxidation. The compressor will not run without proper water pressure and flow; it is a closed water loop system, this is a fact. After I discovered the leak, maintenance indicated that they did not have a pressure relief valve, special order is necessary. It was further stated that Acting Chief Jimmie Ma, refused to allow me to operate the #1 Air Compressor without a pressure relief valve; he said it was against the law to do so. Maintenance Acting Senior Berdj Nigoghossian stated the same.

When I left at about 01:30 PM on February 10, 2014, I had completed my task even though I could not get the authorization to run the #1 Air Compressor due to that small problem compared to letting the Plant get a fine for dirty effluent discharge. In my mind I figured upper management would give the green light to operate the #1 Air Compressor under the present condition of no pressure relief valve for water.

Remember, I'm troubleshooting the PSA System with process concerns, and a possible discharge permit violation. On a Priority 9 Work Order Roger Warner and I thought to lower the pressure of the close loop. Throughout the day I went up and down four flights of stairs around 8 or 9 times. When I returned from the Sea Cliff II Pump Station dealing with a work order that required more time than I anticipated; Roger Warner from I&C called me over, and it was already after 03:30 PM. Roger wanted me to operate or witness the lowering of the expansion tanks' pressure to 40 psi from 80 psi. Roger Warner thought that we would get the blessing to run the compressor from Maintenance Acting Chief Jimmy Ma so that we could close the Priority 9 Work Order.

I&C and other crafts are not to operate any machinery without an Operator Engineer's assistance. This is why Roger Warner stopped me on my way back from the Sea Cliff II Pump Station where I had a potential dry weather over flow violation which I prevented by taking care of the problem at the Sea Cliff II Pump Station. I don't usually work off of work orders other than the PSA, but certain things I specialize in will sometimes be added to my duties of the day, and this was one of those days.

Monday February 10, 2014, at about 01:15 PM, after servicing the PSA System, I had a work order to replenish a surge tank at the Sea Cliff II Pump Station. Whenever the surge tank is low it creates a surge back into the pump station causing severe damage to the pump's, the piping, the check valves and could possibly cause flooding. The Sea Cliff II lift pump will lift the sewage up 27.42 feet, and is pumped as far as 25th Avenue & Lake, which is quite a distance.

So, to find out that the station had lost the surge tank over the weekend, and I'm busy with the PSA System; I questioned why didn't Kenny Gee assign someone to take the pump station duties from me? Lito Sotto, a crew member, was present but Kenny Gee insisted that he work the North Station despite the problems. I asked James Fa'Aita could he help me with the Pump Station duties, and he said I can't

Kenny have me doing something else. I've come to believe that Kenny Gee did not understand and had no idea what state Oceanside Plant was in at this time, nor did he understand what was going on when it was said the Sea Cliff II Pump Station lost the surge tank.

As I mentioned before, I hadn't had lunch on this day of Monday, February 10, 2014. I stopped at a gourmet sandwich shop and ate my lunch while driving to the Sea Cliff II to service the work order for the surge tank. Sea Cliff II Pump Station had three different problems that all required immediate attention. First I called Randy Cipriani at Oceanside Plant to inform him that I'm attempting to replenish the surge tank. I learned that the tank low pressure alarm was going off for two days now. I have to inspect all the piping for loose bolts and nuts as well as restore surge tank. This requires time. I'm the first one to explain how this surge tank actually works. Before me, no one knew how to operate the surge tank; Engineers that knew how to operate the surge tank system have retired long ago; it's been here for decades. After learning and teaching myself about the surge tank operation, I trained other personnel how to restore it as part of my Pump Station dry & wet weather training.

As a result of the surge tank problem, two of the three lift pumps individual check valves counterweights had fallen off onto the ground. The other check valve is spring operated instead of counterweights. This is a problem; the pumps may not be able to discharge because they cannot open up the check valve necessary for the pumps to discharge, especially in this scenario at Sea Cliff II where you have that type of discharge vertical lift and then sewage surging back into the station and ultimately the surge tank. With the speed and weight of water, and without the surge tank operating properly, this will cause vibration on all pipes and loosen nuts and bolts of the piping. This can, and will result in flooding of the pump station; almost guaranteed. Again remember Sea Cliff II is part of my normal duties, but not the work order generated by Operations. Remember there's a big difference between a tank and a vessel. A vessel is under pressure a tank is not.

I put one of the check valves counterweight back, but I knew it was a quick fix the set screw was too loose and wouldn't last. I placed the pump with the spring check valve into the lead position. The pump station would be ok as long as it didn't rain. We needed two pumps if not all three to stop overflows at other overflow points. When I returned to Oceanside Plant Roger Warner needed my assistance. (Jeff knew I was at Sea Cliff II and I'm on camera at Oceanside's courtyard. How can I be accused of stealing 2 ½ hours of overtime?)

Third problem over at the Sea Cliff II Pump Station that wasn't part of the work order but just as serious was a possible overflow from a secondary sump located outside the pump station. When the above primary sump overflows wastewater, it overflows the wastewater into the secondary sump located outside the Sea Cliff II Pump Station. In this secondary sump there are two pumps and an overflow orifice connected to a pipe that discharges to Bakers Beach. The secondary sump pumps will pump the overflow of wastewater back into the primary sump to help avoid overflow conditions. When this sump is filled to capacity wastewater is released onto the Bakers Beach through overflow

orifice and pipe that discharges to the beach. These submersible pumps are located in a makeshift wood cabinet that is worn and has many openings, whereby, rainwater is allowed into the secondary sump as well as the overflow of wastewater from the primary sump.

On Monday, February 10, 2014 at about 02:30 PM, I called Randy Cipriani at Oceanside Central Control a second time and stated my findings at the Sea Cliff II, and asked him to inform Superintendent Jeff Yee that I'm 1 gallon away from having to report this as an overflow in dry weather. Later, I was informed by Chief Gerry Segarra that Jeff Yee overheard my conversation with Randy Cipriani via loudspeaker on phone inside Central Control. He knew that it was after 2:30 PM, and that I was having trouble at Sea Cliff II, so why did Jeff Yee accuse me of stealing overtime? There was no way I could have left that station in that condition, especially with the overflow problem that would certainly overflow onto the beach. (Remember, when I returned to the Oceanside Plant from Sea Cliff II Pump Station it was well after 03:00 PM).

I spoke with Chief Gerry Segarra, and he agrees that I performed as my advanced training suggested I would. I also took the liberty to discuss this scenario with Bonnie Jones, Process Engineer. Bonnie Jones agrees with me on my handling of Sea Cliff II, and preventing an overflow in dry weather. Bonnie Jones did state that from what I have explained, it appears that I responded accordingly in regards to the PSA System and the Aeration Trains condition. I also asked for critique of my decision making from Alex Miot Civil Engineer, who is responsible for the Aeration Trains. I'm honored to say that Alex has taken my training for the PSA System and was very pleased with what he learned from me. Alex Miot also believes I made the proper decision especially with Chief Gerry Segarra out on vacation.

The overtime of 2 ½ hours I worked on Monday 02/10/2014 has not been paid to me yet. Kenny Gee and Jeff Yee decided that I did not ask for permission to work overtime on Monday, February 10, 2014. Not only did they suggest that I not get paid, they also took the pump station duties away from me by disguising the removal of me from the pump station duties as a way of training others on the everyday duties.

At this time I just want to mention that I have already trained every watch personnel and maintenance personnel on the Pump Station duties. I required 3 days of training for each engineer. There have not been any new changes or updates to any of the pump stations that the Oceanside Plant personnel has serviced in years. I have also trained personnel at the stations inside Oceanside Plant. I'm not the only person on my crew that could train. All of us on the crew are veteran engineers of 25+ years, except James Fa'Aita, a new graduated apprentice who as of February 02, 2014 is the acting senior for Watch 6 despite him admitting he has limited knowledge. He has the highest wastewater certificate on Operation Watch 6 crew; Kenny Gee and Jeff Yee started this practice saying this came from upper management, yet we haven't seen an interoffice directive. Is this state required? I'm told the Southeast Plant doesn't require or practice this rule.

Watch personnel experience the pump stations duties in the evening from 02:30 PM to 06:00 AM in the morning, and the 48 hour weekends from Friday 02:30 PM to Monday 06:00 AM, so to remove me from my pump station duties for the purpose of training others is simply not true. Jeff Yee and Kenny Gee knew that this would be punishment for me because in April 2013, Jeff Yee asked me "If I remove you from the pump station duties would you consider it punishment". I simply stated yes I would feel that you are punishing me Jeff.

I studied the Pump Station manuals and drawings; I trained hard and train others on the Pump Stations. We have had no problems with the Pump Station under my watch. So, on February 14, 2014, when Jeff Yee removed me from the pump station duties, he knew I would consider it punishment as I informed him of my feeling on this subject in April 2013 when Jeff Yee and Kenny Gee threaten to remove me from the Pump Station duties before.

As I have written, I studied and trained people on the pump stations before the Pump Station duties were official assigned to me. I was the backup to Bernie Bender who had the pump station duties, but now has retired. I was determined to be the best backup person that I could be, so I took it upon myself to study, practice what I study, and show others what I learned when I was still assigned to Oceanside Plant. I continued to train others on all the stations at Oceanside Plant and the Pump Stations. I have never been strong-armed by any senior stationary engineers, chief stationary engineers or superintendents into training others before like Kenny and Jeff are doing to me. I always enjoyed the training of others, but after Kenny Gee's and Jeff Yee's negative characterization of my skills etc, I've lost most of my confidence to train even though other are still grateful to me for training them.

As mentioned throughout this complaint I am the trainer, but Jeff Yee and Kenny Gee think my presence is a problem. I am Jeff Yee's and Kenny Gee's adverse selection meaning they must deal with me. It is my opinion, they would much rather have another employee on Operation Watch 6 of Chinese descent in my job position, and it is clear that whenever I attempt to communicate with Jeff Yee and Kenny Gee, that I am truly their adverse selection by true definition.

On Tuesday February 11, 2014, I left Kenny Gee a voice message on his work phone. I informed Kenny that I had worked overtime on Monday, February 10, 2014. I also stated to Kenny that I forgot to tell him on Tuesday, and I believe I said I was sorry about it. I would've told him earlier in the day, but I had to go the Westside Pump Station for what the East box pump-down which is definitely something you pay attention to. I only inform Kenny Gee of this overtime because I wanted to make sure that my etime was correct; to ensure if Randy or whomever logged my time. Especially since as I've written earlier in the complaint Kenny Gee went home early on the actual date of my overtime Monday, February 10. I had no idea that on Wednesday February 12, 2014 Kenny Gee would take my voice mail to mean I worked OT unauthorized or stole company time for 2 ½ hours on mentioned date. Again, any other reasonable person would not think this way especially when Kenny Gee left the Plant early that same day.

Kenny added to the confusion and misunderstanding of the morning of Wednesday, February 12, 2014 by stating "I asked Ed Rodriguez if he knew anything about your overtime" in a very condescending way and with authoritative overtones. I calmly stated to Kenny while my coworker James Fa'Aita sat quietly across from Kenny and I, "First of all Kenny it was not Ed Rodriguez; it was Randy Cipriani; Ed Rodriguez was not present on Monday, February 10, 2014".

Kenny Gee further wanted me to explain every intimate detail of the LOX process, and I told him Kenny if I needed to explained that much to you at this point in our careers it would take me hours to teach you; you don't have to pay me for overtime if this is going to be a problem.

I also stated "I had to do what was required of me and my training". At this time Kenny Gee did not mention that he was going to suggested discipline for me, and that I was being insubordinate by not communicating with him on this issue. Kenny Gee stated "Craig does not talk to me." to Chief Gerry Segarra and to all my coworkers. I do talk to Kenny Gee about the job every morning and my crew members can attest to this. I do not talk to Kenny Gee on a personal level, but I am courteous when he is speaking the City & County of San Francisco's business, and communicating to me as a subordinate as required by the City & County of San Francisco. To discipline me for not communicating with him when fact I did is wrong.

Friday February 14, 2014, Chief Gerry Segarra greeted me in the hallway and asked me to come into his office. Once inside his office Gerry stated "Kenny wanted to "write you up for insubordination for failing to communicate not only on Monday, February 10, 2014, but since April 2013 in other words Kenny Gee is implying to Chief Gerry Segarra that I don't talk to him about job duties which is simply not true. This was shocking and demeaning, but again we're talking about Kenny Gee. I further asked Gerry what form of non-communication is Kenny Gee referring to, personal or job; what is it? Chief Gerry Segarra replied, I don't really know Craig. I further elaborated that I speak to Kenny Gee as I do every crew member daily especially in the morning, and discussed the duties of the pump stations, problems, etc.

The second part of my discipline by Kenny Gee that was also blessed by Jeff Yee was even more bizarre and another form of harassment. Kenny Gee tried to discipline me for not contacting him directly while on [REDACTED] leave. My doctor's note was faxed to Oceanside Wastewater Plant and placed Chief Gerry Segarra's inbox. My [REDACTED] leave started on Wednesday December 11th 2013 to Wednesday December 18th 2013. Kenny Gee stated that I called Chief Gerry Segarra the morning of Monday, December 16, 2013, and that I should have called him instead of Gerry Segarra. Remember my doctor's note covers this Monday, December 16, 2013, so by law or any City policy I did not have to talk to him about anything especially while on [REDACTED] leave. Yet, Kenny Gee on Friday February 14, 2014, wanted to have me disciplined for something he claims I had to do because he demanded me to. I made it is clear that I did not have to do anything; especially discussed [REDACTED] with him unless I desired to do so.

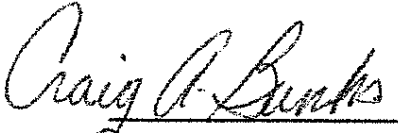
Kenny Gee in fact had Lito Sotto call me in the early morning hour of 06:00 AM Monday, December 16, 2013. Kenny had my coworker Lito Sotto call me and ask if I were due to come to work. I informed him that I faxed my doctor's excuse on Thursday, December 12, 2013, and that Beverly Shepard forwarded to the Chiefs inbox. Again, all of these events happen in December 2013. Now Kenny Gee wants to discipline me on Friday, February 14, 2014 for being insubordinate to him so that he could have two separate reasons to write into a letter of discipline.

Before Kenny Gee and Jeff Yee became my supervisors, I set goals to learn different things about the pump stations; in the morning when I got to work I was eager and would do my job with anticipation so that I could see which goals I would achieve that day (What I train; how many I train; what's the new thing I must learn about the Pump Station or PSA System, and the like). Now, throughout this daily harassment by Kenny Gee and Jeff Yee [REDACTED]. It is harder to go to bed with the idea in one's mind that a Superintendent by the name of Jeff Yee and an Acting Senior by the name of Kenny Gee will cause me so much anxiety the next day; especially in the morning. [REDACTED]

[REDACTED]. Chief Gerry Segarra's reply was to try to keep us separate from one another.

As of Tuesday February 24, 2014, Kenny Gee was relieved from his duty as the Operation Watch 6 Acting Senior Stationary Engineer. Chief Gerry Segarra, after the last harassment issue with Kenny Gee toward me, and many other incidents that even Chief Gerry Segarra had with Kenny Gee, finally removed him from the Watch 6 Acting Senior position, but in the absence to the Watch 6 Senior Kenny Gee can still act as my senior.

Respectfully submitted,


Craig Anthony Banks

on this day of Wednesday March 26, 2014
Date

Compress Natural Gas Truck: I Craig Anthony Banks drove the natural gas vehicle 426-3002 for my work duties of the Pump Stations (OSP). My assign truck 426-00004 is being used to fight the RIM fire and has been away from OSP for several months. I have verbally complained regarding using the truck 426-30002, for my duties of the pump and the trucks lack of driving range per tank on several occasion. Also the CCSF facilities lack of Compress Natural Gas hereafter CNG.

After speaking with Paul Martini Fleet Manager at CCSF with Kenny Gee, Bill Wong, Litto Sotto, chimed in to the conversation between Mr. Paul Martini and I. Paul stated that all CCSF's facilities did not have gas for CNG that week also some CNG facilities were closing as of October 31 2013 everyone in the room discussed at the time how to refuel and all of the problems this particular truck is causing. At this point, Kenny Gee stated that Jeff YEE explain to him we must keep truck 426-3002 past 100,000 miles in order to asked for the truck replaced, Kenny further exclaimed I and We will have to deal with this situation until then 100,000 miles of service. Paul further stated PG&E facility at Treat Street, Paul was unsure of this facilities operating hours but he would Email the listing of some refueling station. Paul did send the listing to Bill Wong handle the facilitating of the refueling and speaking with Paul on this matter not I Craig Anthony Banks. Kenny Gee told Bill to handle this matter not Craig Anthony Banks, as far as I am concern Bill Wong did the best he could either the Natural Compress is available or not.

The CNG truck 426-3002 sat in the Parking lot at OSP for several days. When I parked said truck the fuel gauge read between half tank and quarter tank as I told Kenny Gee and Informed HIM of my problem of leaving Caesar Chavez refuel sight with no COMPRESS NATURAL GAS. At this point, I suggested I not use the CNG for my duties he uttered what Jeff Yee SAID 100,000 MILES OF SERVICE REPLACE TRUCK AND I WILL HAVE TO LIVE WITH THIS UNTIL THEN.

As stated Truck sat in the parking lot at OSP for Several Days, I was asked By Kenny Gee to see if the CCSF CNG facilities had CNG Gas. I informed I would prefer to seek out this using another vehicle I feared running out of gas. On this morning Kenny Called Me on CCSF cell phone asking if I refuel I stated I had not. Kenny informed that the Van is needed the next day for a field trip and I would be without a vehicle to service the Pump Station and you need to refuel. When I started truck 426-3002 the fuel gauge read only below a quarter tank how this happen? I do not know I left as I stated between half Quarter tank of compress natural gas (CNG)

As to how often the in that week or month of Truck 426-3002 down time the CCSF refuel cites were without fuel for mechanical breakdowns etc. is not within my Knowledge of facts and is burdensome and bothersome for me to ascertain however, if my supervisor is willing to allow Company time to interview all people concern and or involved with this refueling matter. I will then be in a non-speculating position and can accurately look at how to solve this over all problems without blaming someone for causation without first reviewing the limitation of accessible COMPRESS NATURAL GAS.

With advanced knowledge of the CNG refueling problem it is my opinion that said vehicle should not be assigned to me for the pump station duties and the absolute necessity of refueling was not my aggravation it is when the COMPRESS NATURAL GAS IS NOT AVAILABLE AND TOLD IT IS MY FAULT THAT TROUBLES ME THE MOST!

In conclusion of this mandatory letter and or document, I must state this as a matter of fact; I have never in my entire life operated any vehicle personal or The City County OF San Francisco or otherwise wherein I allowed a vehicle to run out fuel especially here at with City County of San Francisco. Why would I do such an irresponsible action? The question is simple, why assign a vehicle that is known to have problems?

I was first asked by Kenny Gee to write a letter of complaint against Paul Martini, I refused to write such a letter for it would have been untrue he tried to help and Kenny had prior knowledge of this before demanding this of me. Furthermore I do not enjoy the fact of being forced to write a complaint letter that is not factual or actual. I have written this letter as per chief directive and my willingness to cooperation in this nuisance of a matter should not be of question.

EXHIBIT C

DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT

* Report Within Five Working Days of Receipt of Complaint*Return to: Linda Simon, DHR/EEO Division, 1 South Van Ness Ave., 4th Flr., San Francisco, CA 941031. Department/Worksite: SFPUC-Oceanside Water Treatment Plant2. Complainant: Craig BanksTel. No. (Work): (415) 713-3915

Address: [REDACTED]

Tel. No. (Home): [REDACTED]

3. Complaint Filing Date: March 26, 20144. Complainant's Current Employment Status (circle one): Classification: 7372 Stationary Engineer-
(Sewage Plant) PCS TCS LT NCS PV PE TE PROB NOT A CITY EMPLOYEE

5. Basis of Discrimination (specify):

 Race: African American Color: _____ Religion: _____ Creed: _____ Sex: _____ National Origin: _____ Ethnicity: _____ Age: _____ Disability/Medical Condition: _____ Political Affiliation: _____ Sexual Orientation: _____ Ancestry: _____ Marital or Domestic _____ Partner Status: _____ Gender Identity: _____ Parental Status: _____ Other Non-Merit Factors: _____ Retaliation: Dec 2013 – complained to Segarra about racist comments.Feb 2014 – complained to T. Flores about racist comments.

6. Issue complained of:

 Denial of Employment Denial of Training Denial of Promotion Denial of Reasonable Accommodation Termination Lay-off Constructive Discharge Disciplinary Action – Feb 2014

Letter of Instruction

 Harassment Work Assignment (change 2/21/14) Sexual Harassment Compensation Other (please specify):

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s): Complainant Craig Banks (African American) makes the following allegations against 2 respondents, his supervisor Kenny Gee (Asian), and Superintendent Jeff Yee (Asian). All parties work at the Oceanside Wastewater Treatment Plant. Banks is afraid his supervisors, Gee and Yee, will retaliate against his coworkers and himself.

February 2014 – Banks alleges Gee made a comment to Banks' coworker Edgar (Ed) Rodriguez that the crew on Watch 6 had "no intelligence", especially Banks.

February 10, 2014 – Banks alleges Gee accused him of trying to “steal” 2 ½ hours and denied him overtime after he worked extra hours on 2/10/14 to handle an emergency at the Plant. Banks has not received pay for the hours he worked and requests back pay for the overtime.

February 12, 2014 – Banks alleges he overheard Gee say to Rodriguez that “Craig is stupid and unintelligent, and I’ll be glad to get rid of him.”

Feb 2014 - Banks alleges Gee told Chief Segarra to write Banks up for insubordination for failing to communicate his [REDACTED] leave plans with him but the Chief refused. Gee wrote a “Letter of Instruction” for insubordination and asked Banks to sign. Banks refused to sign.

February 21, 2014 – Banks alleges he was retaliated against when Gee removed him from Pump Station duties on 2/21/14 after Banks met with Manager Tony Flores and informed Flores that he felt Gee’s November 2013 comments to Banks’ coworker Wyman Fong, about Chinese banding together against employees of other races were racist comments.

December 2013 – Banks alleges Gee tried to get his coworker, William (Bill) Wong, go along with a Chinese “takeover” and told him that “all Chinese at the CCSF especially Oceanside Plant need to band together and fight against the Whites, Filipinos, Mexicans, and Blacks because the Blacks lie.” Wong was upset and reported the comment to Chief Gerry Segarra. Banks talked to Chief Segarra about the comment. Wong told Banks that “Kenny (Gee) hates you Craig” and “I don’t know why.” Banks went on medical leave and provided Chief Gerry Segarra instead of Gee his [REDACTED] paperwork. Banks did not call Gee regarding his [REDACTED] leave. Chief Segarra told Banks that Gee wanted him to reprimand Banks.

November 2013 – Banks alleges his coworker, Wyman Fong who is friends with Yee told Banks that Gee made the comment that “all the Chinese at the CCSF and Oceanside Plant need to band together and fight against the Whites, Filipinos, Mexicans, and Blacks, because the Black’s lie.”

October 2013 – Banks alleges both Gee and Yee forced him to drive a Compressed Natural Gas (CNG) truck that was unsafe because it had a leaking tank and mechanical problems. Gee told Banks he was a liar and tried to reprimand Banks because he ran out of gas from the leaking tank when no CNG facilities were available. The CNG truck has now been permanently removed.

8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes No

If yes, please specify: _____

9. Is the Complainant represented by a Union or an Attorney? Yes No

Name: _____ Organization/Firm: _____

Address: _____ Phone No.: _____

*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

Banks raised several issues that occurred from April 2006 to April 2013 that would be considered untimely. Recommend investigation of timely allegations in complaint.

*10a. Name and position of staff who will implement recommended steps: La'uton Wells, 1244 Senior Personnel Analyst.

11. Completed by: La'uton Wells, 1244 Senior Personnel Analyst Date: April 28, 2014

Address: SFPUC, 525 Golden Gate Avenue, 3rd Fl., SF, CA 94102 Tel. No. (415) 554-1659

*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

***Subject to the Human Resources Director's approval**

HUMAN RESOURCES DIRECTOR REVIEW

Complaint is assigned EEO File Number: _____

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: MIC for investigation
and/or the following actions are to be taken:

[Signature]
for Micki Callahan Human Resources Director

5/9/14
Date

EXHIBIT D

ATTACHMENT #1

City & County of San Francisco - Public Utilities Commission
Water Enterprise – Water Quality Division

Fact-Finding Questions

Interviewee: Craig Banks

Date: September 11, 2014 (started at 11:30 AM)

Interviewed by: Charla Welch, EEO/HRS 

Also Present:

The following statement was read at the start of the Fact Finding Meeting:

- *I will be asking you a series of questions. You are required to provide truthful and complete answers to the questions.*
- *You are expected to keep this matter confidential and not discuss the investigation or interview with anyone except your chosen representative. Your chosen representative may change – from a union rep to a lawyer, for example; however, this matter may not be discussed with anyone employed by the SFPUC.*
- *Retaliation against anyone involved in the investigation is prohibited. That means you may not retaliate against others who you think or know are involved, and that also means that others may not retaliate against you for your participation today. Please contact me immediately should you experience what you believe to be an act of retaliation.*
- *If you violate any of these admonitions, you will be subject to discipline.*

[After I state the admonition re: confidentiality, CB interjects] When [Charla] was [at Oceanside last], Wyman Fong and Bill Wong left [the interview room] and in front of “everyone” said the following:

- Wyman said he didn’t want to put Kenny under the rug because [KG] has family.
 - Bill said it was so long ago, he can’t recall what happened.
1. **Do you understand these admonitions? Yes.**
 2. **Do you have any questions about these admonitions? Yes.**

If questions do arise during this interview, please ask them of me and either me or your union rep will answer them.

You were interviewed by my colleague, Christina Medina, on July 30. I am here to ask questions about concerns you have raised since that time.

CALL ON AUGUST 20, 2014

You called me on August 20, 2014, and reported what you termed your "first instance of retaliation." Please tell me more about that. [Emergency VA to prep for FF over slough discharge]

Handed FF notice late on Friday (maybe 3 PM). It said the FF would be on Wednesday. Had not yet contacted U. Began prepping over the weekend. On Sunday, called Central Control: informed needed emergency VA, asked for one day. On Monday night, called for Tuesday off emergency VA. Called Tuesday about 1:30 PM and LM for Fa'Aita stating that he was taking his own time on Wednesday morning. Fa'Aita called CB back at 2:30 PM (CB found it abnormal that he got any call back) and said FF cancelled. CB started to drive in on Wednesday and due to [medical issue], he called Randy at about 4 AM and said he would be about 2.5 hours late. Fa'Aita called CB at 8:30/8:45 AM and asked, "Where are you?" CB said he had called in. Fa'Aita said Jeff Yee looking for you. CB informed him I'm taking my medication. Also said, "But I called in." When CB arrived, Fa'Aita told him to stay in the Plant and referenced the February 28th letter removing him from Pump Station Duties ("PSD"); also told that he will be removed from the day's PSD.

Also on August 20, you stated that when Christina left, James told you that Jeff told Kenny, "My little complaint wasn't going anywhere." To your knowledge, was there any discussion about why your complaint wasn't going anywhere? No, and that puzzled me.

Do you believe that (A) Jeff removing you from Pump Station Duties for the remainder of the week was retaliation, OR (B) his comment about your complaint was retaliation? Both [were retaliation].

(A) It would have been ok had it been just for the one day, Wednesday. James told him it was for the rest of the week. James said that Jeff has decided to start rotating the duties. CB gave his opinion to CW: Should be prepping for wet weather, so not operationally desirable to pull CB right now. But then the following week, he was also not allowed to go out. That's when the rotation started "again." ?What do you mean "again"? In February, when the letter setting forth cross training was issued, Chief Segarra put Kenny on the Pump Station Duties. Kenny then said he didn't want it rotated because it should be assigned to one person. That rotation lasted 1-2 weeks. Rotation has been happening now since mid-August [CB believes it was around date FF originally scheduled].

(B) Oceanside's culture / that comment "discourages others from providing testimony."

THREE CALLS ON SEPTEMBER 3, 2014

On September 3, 2014, you called me and left two messages. In the first, you said that "as of today, [you] had been officially removed from Pump Station Duties." Throughout your complaint, you have

Indicated that multiple times you have been removed. What made September 3 different? How was it "official"?

On Wednesday, August 20, that's when he came in 3 hrs. late. He was told that for the rest of week, someone else would perform PSD. On Friday, CB asked Fa'Aita "to allow me to do what I normally do," on Monday. From August 25-29, CB performed PSD. Then came the long weekend. On Tuesday, Sept. 2 CB out on VA. When he arrived on September 3, Fa'Aita told him that he would not have PSD on the rotation, referencing Feb. 28 letter again. CB confirms that up until Sept. 3, he had 5 days a month scheduled for PSD. [Comments about conducting training, acquiring operational knowledge as personal growth.] ?Is there a premium for training? No premium for training.

Is there anything else I should know as I conduct this investigation?

Bill Wong gave me a letter stating that yesterday, he heard James say that "they" are not to let me out if it's not my one week, even if there's vacation or sick absences. [Shows me Feb. 20 email from Jeff to Gerry, with subject line "Pump Station Rounds," discussing that when CB returns from leave, a rotation should occur.]

Is there anything you would like to add?

[REDACTED] What happened in May? I meant, April. Since right before Kenny was removed, that's when it happened. [Jeff mimicking him like he was a child - CB remarks "you know better than to keep going to them" after they treat you like that.] The day before Kenny's removed, Jeff said to Kenny, "Don't worry, I'm going to get rid of Craig for you." [Thinks "operational need" is inaccurate rationale for cross-training.] Is there anything you would like to add? [Goes back to speaking about training, acquiring operational knowledge as personal growth, collection systems knowledge.] Jeff keeps saying CB is not as good as Ron Dunn. (Dunn predates Bender; Bender was the last person to hold the PSD before CB.) CB doesn't want to be a Senior here. Grades [level of certification held] are Kenny's problem; in CB's opinion, Seniors need to have the time [experience] to acquire the knowledge.

CONCLUSION

1. As indicated in the beginning of this fact-finding meeting, you are expected to keep this matter confidential and not discuss the investigation or this interview with anyone except your chosen representative. Other than your chosen representative, have you had any discussions or communicated with any SFPUC employee about this Fact-Finding Meeting?

No. That's why I wanted to hold these meetings at 525 for that reason.

- a. If so, who, and what was the nature of the communication?

2. I want to remind you about the admonitions that were read to you, and that you answered in the affirmative at the beginning of the interview:

- a. You are required to provide truthful and complete answers to the questions.**
- b. Retaliation against anyone involved in the investigation, or anyone you believe to be involved investigation is prohibited.**
- c. If you violate any of these admonitions, you will be subject to discipline.**

3. Have you answered all the questions in this interview accurately, honestly, and to the best of your knowledge?

Yes.

So here's the problem with you telling Bill to give me something he has prepared: that means that you are out there talking about what happened during our interview. [Explain Custody issues as the reason why I want docs directly from witnesses, when possible. Don't explain issue re: coercing testimony. Inform him that I can't instruct him to talk to Bill, but that if anyone has documents or testimony they want to submit, they can contact me directly.]

INTERVIEW ENDED AT 12:39 PM

**INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
INTERVIEW NOTES**

Witness: Craig Banks

EEO File No.: n/a

Investigator: Christina Medina

Date: July 30, 2014

Representative/Translator: n/a

Time: 8:35 a.m. to 11:30 a.m.

Location: Oceanside Plant, SF

Page: 1 of 3

Re: Banks use of Compressed Natural Gas Truck ("CNG Truck") (October 2013)

Gee and Yee assigned Banks the CNG truck after the truck he normally used was relocated/reassigned to cover the RIM Fire.

- The CNG Truck can only be fueled at certain places in the City and what was happening at that time was that the fueling stations were not in operation – further limiting access to fuel sources for that truck.
- There was a standing “order” that the truck’s fuel level was not to fall below ½ full.
- Banks says he refueled the truck regularly and was aware of the fuel level but did not understand why it was running out of fuel so quickly. Banks spoke with Paul Martini who told him that he shouldn’t be using the CNG truck because the City wasn’t set up to support it – ie there were not enough fueling stations and the truck wasn’t intended for everyday use as it was being asked of Banks. Banks relayed information from Paul Martini to Gee but Gee called Banks a “liar.” Banks reported his suspicions that there was something wrong with the CNG truck and asked Gee for another vehicle but was denied by Kenny Gee.
- Banks ran out of gas 2x.
 - o First time – he ran out of gas, the tow truck came out to tow it (expensive) so, Chief Segarra warned Craig to keep gas tank at ½ full.
 - o Second time, the CNG truck had been sitting in the yard for 2 weeks and although Chief Segarra had asked Kenny to call a tow truck for it, it was in the yard; Banks was told to use it but when he got in it he saw that it was below the ½ mark. Gee wanted to discipline Banks for letting the fuel level fall below ½ full. Segarra did not allow for discipline to be issued.
- Truck was sent to get serviced; in October, came back in November 2013 and Banks was told to use it. Banks did an initial inspection of the truck and smelled natural gas, had Mark Cahee and Don Reed look at it and they also said they smelled natural gas and thought it was leaking. Banks brought it to attention of Gee, Segarra. Gee told him that the Superintendent said he was to use the truck. Segarra said they should have the truck checked out. Leak was confirmed and Banks no longer asked to use the CNG truck. Banks says he was subsequently assigned the worst possible truck.

Re: Allegation that Gee made comments to the effect of the “Chinese need to band together” against employees from other groups.

- November/December 2013 Banks says Gee was doing something like “gang recruitment” by telling other employees (namely Bill Wong/ Wyman Fong) that the “Chinese need to band together and fight against the Filipinos, Spanish, anyone not Chinese but especially Blacks because they lie.”
- In or about Dec 2013 Bill Wong told Banks that Wong didn’t know why but Gee didn’t like Banks but that Gee didn’t like Blacks. Banks thinks Bill told Gerry Segarra that Gee had made those comments to him and that it was making Bill uncomfortable.
- Banks says Wyman Fong also told Craig to “watch himself- not sure why Gee didn’t like him”
- Banks says Chief Segarra told him that he “heard about Gee’s comments” and hoped that Banks had handled it well

Re: Allegation that Gee wanted to Reprimand Banks for his [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Gee prepared recommendation that Banks should be disciplined for insubordination for failing to discuss [REDACTED] with him. Segarra did not support disciplining Banks so it did not happen. Gee seemed upset that he was being bypassed by Banks.

Re: Other Statements by Gee about Banks

- Mike Suisun (Sp?) told Craig that Gee said he was going to “Tame Craig” as the supervisor.
- Banks says that in about February 2012, he overheard Gee say to Ed Rodriguez, “Banks is the most unintelligent person,” while speaking loudly in the lobby; Banks says Rodriguez later confirmed the same to him.
- Fa’aita asked Banks for training but Banks said he wasn’t feeling well so he could train him another day. Fa’aita was fine with that but Kenny became very upset and went “ballistic” saying to Banks, that he was “going to do whatever I [Gee] said.”

Re: Removal of Pump Station Duties in Retaliation

- February 10, 2014 – a day when Banks got called in from the field to deal with Pressure Absorption System (PSA) which when it is not working can cause a permit violation
- Issues with liquid oxygen levels
- Gee gave Banks the PSA assignment and Gee left early, Segarra out on vacation
- Banks was working on it and there were multiple issues he was troubleshooting
- Banks was working with Instruments and Control, Maintenance as they all were managing different pieces of the problem.

- Banks told Gee and Bill Wong they were low on liquid oxygen and they said they would order some for a Saturday delivery because they had not ordered any yet.
- Randy was in central control room and was aware that Banks was working on the issues; Banks called into the control room while Yee was there and both Yee and Randy were aware he was still trying to finish up his pump station duties because he was behind due to the troubleshooting he had been doing earlier in the day and then continued after his pump station duties as well.
- Banks provided Randy with some information and Randy generated a work order based on that. Banks says Yee was on notice that he was working past his normal hours as he was in control room when Banks called in to report info to Randy. Later Yee and Gee denied Banks overtime because they said it was not "approved."
- Then in Jan/Feb 2014 Banks said Yee sent out an email to everyone saying that Banks would no longer be doing the pump station duties, email said it was to give other people "exposure" to that assignment.
- Banks says it was known (by everyone but definitely Yee and Gee) that he enjoyed the Pump Station assignment and that others did not so much.
- Email removing him from pump station duties came shortly after the denial of OT.

ATTACHMENT #2

City & County of San Francisco - Public Utilities Commission
Water Enterprise – Water Quality Division

Fact-Finding Questions

Interviewee: Kenny Gee
Date: August 21, 2014
Interviewed by: Charla Welch, EEO/HRS
Also Present: Gil Rojo, Local 39

CW

Kenny makes the following remarks before the interview:

- Kenny comments re: timing of the FF notice; CW says can state that he doesn't remember date/time or that consulting docs would be helpful
- Kenny complains re: format of investigation: does not know who has filed complaint or what the nature of the complaint is; CW says cannot confirm identity of party or parties; if it becomes apparent because of the questions, he cannot retaliate against anyone who he believes has complained or participated in the investigation
- Kenny states that he didn't know a complaint was filed against him until Gerry Segarra told him he had missed the HRS interview [scheduled with Christina Medina]; claims to have had a death in family that caused absence

The following statement was read at the start of the Fact Finding Meeting:

- *I will be asking you a series of questions. You are required to provide truthful and complete answers to the questions.*
- *You are expected to keep this matter confidential and not discuss the investigation or interview with anyone except your chosen representative. Your chosen representative may change – from a union rep to a lawyer, for example; however, this matter may not be discussed with anyone employed by the SFPUC.*
- *Retaliation against anyone involved in the investigation is prohibited. That means you may not retaliate against others who you think or know are involved, and that also means that others may not retaliate against you for your participation today. Please contact me immediately should you experience what you believe to be an act of retaliation.*
- *If you violate any of these admonitions, you will be subject to discipline.*

1. Do you understand these admonitions? Yes.
2. Do you have any questions about these admonitions? No. If questions do arise during this interview, please ask them of me and either me or your union rep will answer them.

BACKGROUND

1. How long have you been employed by the SFPUC?

Approx 24 yrs

2. What is your current job classification?

7372

3. How long have you been employed in your current job classification?

Full 24 yrs.

4. Who is your supervisor? James Fa'Aita. Acting

- a. How long as she/he been your supervisor? Mid-February 2014. I was acting until an incident.

Explain how you came to be on Watch 6 as the Acting Senior?

I was 2 yrs as an acting senior: 1 yr on rotational – Watch 5; and about 1 yr on Watch 6.

What is the incident you mentioned?

Craig Banks had an outburst 1-2 weeks into my term as Acting. Gerry as chief. Jeff as super. Told Gerry everything; Jeff knew about most things -- most of the times he was there when I was telling Gerry. Craig was "disruptive." A lot of protocols re: chain of command were not being followed. Started drafting LOI for Banks in February 2014. Showed it to Gerry. "Why are you not supporting me?" to Gerry. Hit a nerve. Gerry said, "No longer acting." I was trying to do things the right way, but feel like I had no recourse when he took acting role away. [He explains that acting was temporary and though he lost pay, didn't know what remedial actions were available to him. Has notes re: individual incidents with Banks. Jeff probably has copies of all of it. Can turn over if needed.]

ACTIVITIES/EVENTS

Is there always a permanent senior?

Hasn't been a perm on Watch 6 for awhile. Rotating watch for one year. Another senior left so "I was dumped into that position. No one wanted it. I didn't ask for it." Knew to be "very sensitive around Craig." Has had "legal action" in the past against the City.

What's the nature of the work assigned to Watch 6? Does it differ from the other Watches?

Yes – other watches have established work stations. Watch 6 can have any assignment and sometimes very last minute. Requires "very flexible person." Must have adaptable people to jump into different tasks.

As a result, are more experienced personnel typically assigned to that Watch?

"I wouldn't say that." [Bid into positions.]

You hold a Grade 5 WW certificate? When did you first receive that certification level?

Six years ago. Supervisor's academy about 3 years ago.

APRIL 2013

On April 1, 2013, you became the acting senior for Watch 6?

I don't have the exact date.

As you were leaving your then role on Watch 5, did you say to anyone that you were going to Watch 6 to "straighten Banks out?" Any similar remark to that?

"Never said anything like that."

Did you say to Mr. Banks that he "had not been supervised" and that you were there to "supervise him?" Any similar remark to that?

"Never. Nothing of a hint of that."

And was it sometime in April 2013 that Mr. Banks started having verbal outbursts? Please describe.

Within the first couple of weeks he became disruptive. Almost whole crew witnessed the incident. 2-3 people wrote about it. James had just joined crew. Craig made it "challenging." Knew he had a "history of being short tempered." Extremely careful about what he said/did around Craig. He asked that James follow Craig to be trained on the pump station. Craig said needed 3 days. Lito needed James to do something else. People were saying that Gee ran the Watch "military like," but not "everybody can be

perfect." That's his style of supervision. Craig would say in response that the "workers run the crew." Needed to shuffle James around because tasks required it.

Who asked for the statements about the incident?

Jeff and Chief asked for statements. James and Bill wrote statements. One person declined to write it (Lito), so he [Lito] talked to Tony in person.

Did you ask for the statements about the incident?

I can't recall who asked for the statements specifically.

You did not ask for the statements to be written.

I don't remember if I did. I felt it was "my duty to report it [incident] to my supervisors."

What happened after you had these three statements?

Nothing came of the written statements. So I just kept documenting these. It came up later when people were bypassing me for vacation requests. Told Gerry can't function with Craig bypassing me with time off requests. There's a chain of command for a reason.

Who was bypassing you for vacation request?

Craig only one bypassing me. I was "trying to enforce basic policies."

Did you see the letter that Bill Wong or James Fa'Aita wrote?

Yes – saw both of them. I think Jeff showed me them.

Why would Mr. Banks be a trainer if he was not able to control his verbal outbursts?

Not using Mr. Banks as a trainer after the incident re: refusing James' training. At least through past practice, he had been "cooperative" with performing the training duties.

Is there any additional compensation for training?

No additional compensation for training. Everybody does training – journey training journey. [He trains too]

After Mr. Banks trained Mr. Fa'Aita, did you ask Mr. Yee to remove Mr. Banks from pump station duties?

Gerry was senior on Watch 6, so Gerry jumped in. Banks trained him [James] at least part of the time; others trained, too.

Did you ask Mr. Yee to remove Mr. Banks from pump station duties?

No.

Are those pump station duties more desirable than other Watch 6 work?

In my opinion, not more desirable than working the stations here at the Plant.

Do you think others believe those duties are more desirable?

You'd have to ask them.

Was Mr. Banks removed from pump station duties on or around the end of April 2013?

Not that I know of.

POST RIM FIRE [OCTOBER 2013]

Did Mr. Banks have his own fleet?

Not owned by him. Maybe in the past had a certain vehicle. At that time, the pump station guy was using the dualie.

What truck was Mr. Banks provided to replace the dualie when it was reassigned to Moccasin?

Another vehicle – CNG Truck used by Superintendent Posey.

Was there a standing order as it related to that truck's fuel level?

None known of. [KG states that eventually CNG truck was only assigned to Operations because if Maintenance would use it, then no one would accept responsibility for it running out of fuel.] No one else using the vehicle except him. No one else can use it except Operations Watch 6. Just happened to be the pump station person – which was "primarily Banks."

Did you ever become aware that the truck may have been leaking natural gas?

Brought to my attention because vehicle had to be towed. Two fueling locations: GGP and Central shop by SE. Banks involved in both towing situations. KG wanted the details re: why vehicle towed in writing. Banks refused to write it up. Gerry told KG that Craig thought it was harassment for KG to ask him to write a summary. Gee told Chief just wanted good record keeping. [KG never got anything in writing from Banks.]

Did Craig ever report to you that the truck may have been leaking natural gas?

I don't know what the problem was – he just said problems with the truck.

Did Mr. Banks ever express to YOU a fear for his personal safety in being assigned that truck?

Not to me. Never saw anything in writing.

After the CNG truck was sent for repair, was Mr. Banks provided a different vehicle (other than the dualie or the CNG truck)?

Loaner trucks only. KG had no control over those trucks.

██████████
Did Mr. Banks ██████████ sometime in December 2013?

He didn't go through me. Not put into me. Gerry would get it.

Did you know it was related to ██████████?

I knew he's on some kind of leave.

Did you know it was related to ██████████?

No – no.

Do you believe that Chief Segarra acted more favorably towards Mr. Banks than other Watch 6 crew members? An act of favoritism. Do you mean this incident of Banks bypassing you with leave request? Maybe not favoritism. Gerry said he was redirecting [Banks] to KG, but Craig maybe more comfortable with [Gerry].

FEBRUARY 2014

Did you tell Ed Rodriguez that James Fa'Aita was the "most intelligent member of Watch 6?"

No.

Did you say that the rest of the crew "have no intelligence?" Did you say "especially Craig" has no intelligence?

No. Made some comments about James – I think he's doing a good job, picking up on everything. Maybe remarked about the short time from him getting license and running with it.

Did you assign Mr. Banks to troubleshoot the PSA compressors on Friday, Feb. 7, 2014?

No. He would come to me and say that he was going to work on the PSA. If it's his area of expertise, then I let him work on it.

Did you assign Mr. Banks to troubleshoot the PSA compressors on Feb. 10, 2014? [In the Operations Watch 6 Office – the overtime incident].

Mr. Banks left a voicemail the next day telling me he worked late. The next day I asked him why – why had he stayed over. First thing Mr. Banks said was, "Then don't pay me."

Did you instruct Mr. Banks to contact Randy Cipriani to obtain work orders to complete this task?

I did not authorize a work order that day – I wasn't even on watch.

Did you ultimately authorize the overtime?

No. I wasn't here. I passed it up the chain. I didn't see anything in the book written down about authorizing the time.

Do you know if the overtime was ultimately authorized?

I don't know if it was ever authorized.

Does Mr. Banks enter his own hours worked in e-time?

Generally, Gerry approves the time for each individual. Everyone has access and is supposed to check to see if their entry is correct.

On February 21, 2014, did Mr. Yee remove Mr. Banks from pump station duties?

I know [Yee] was thinking about rotating people through the pump station duties. I think Mr. Banks thought it was punishment. He thinks it is his duty.

COMMENT

At any time, did you tell anyone that, "all Chinese at the City and County of San Francisco especially Oceanside Plant need to band together?"

No, I don't recall saying that.

Do you recall saying anything similar?

I don't remember.

I understand that you had several dinners last year where you would invite Asians who worked at Oceanside or who had worked there. What was the purpose of those dinners?

How is that question pertinent?

Union representation

RETALIATION

Did you become aware that Mr. Banks had contacted HRS regarding his concerns about your leadership? When aware?

Gerry told me there was a complaint [when HRS Investigator Medina visited Oceanside in July(?)]. I was not aware before then. But, I did notice a few days he said he had to leave the plant to go downtown.

Did you suggest to anyone what they should say if someone from HR were to ask questions about Mr. Banks' concerns?

No, because I didn't know what he was going downtown for.

HISTORY

Is there anything that occurred in the past that might cause Mr. Banks to make these allegations?
[training incident at another station in April 2006]

Unfamiliar to me: Mr. Banks has worked here for long and thinks he owns the place. Understand that KG made a...
act, and that [Banks] had to do work. There is no...
did not...
As long as you have...
Another...
er.

KG: When his acting assignment was taken away, it felt unfair. [Banks] background here is not that great: community complaints, vehicle accidents. He's made complaints before. KG kept documentation like he was supposed to. KG worked hard to get where I am. Discouraged right now. Wish someone told me that he is untouchable. I was just trying to do the right thing / Did the right thing. Came back as a stationary with my head held high.

[Unfamiliar to me: Question] KG: Banks suffered no loss of hours, no loss of compensation.

TODAY

Did you say anything when you handed Bill Wong the fact-finding notice for today?

No, I did not hand anything to Bill Wong.

Were you present when Jeff Yee handed Bill Wong the fact-finding notice for today?

I don't know if I was.

You don't know if you were there this morning -- I'm talking about four hours ago...

I was in Jeff's office. I think [Jeff] called [Bill] in. [Jeff] gave [Bill] something. I don't know what it was.

Did you say anything?

No.

Is there anything else I should know as I conduct this investigation?

Gerry said he thought the most that would be done would be separation of us two. Most likely [KG] would be moved because [Craig] complained first.

CONCLUSION

1. I want to remind you about the admonitions that were read to you, and that you answered in the affirmative at the beginning of the interview:

- a. You are required to provide truthful and complete answers to the questions.
- b. You are expected to keep this matter confidential and not discuss the investigation or the interview with anyone except your chosen representative.
- c. Retaliation against anyone involved in the investigation, or anyone you believe to be involved investigation is prohibited.
- d. If you violate any of these admonitions, you will be subject to discipline up to and including termination of your employment.

2. Have you answered all the questions in this interview accurately, honestly, and to the best of your knowledge?

Yes.

3. Are there any answers to our questions that you would like to change or amend?

No.

4. Do you have any questions?

No. [Conversation ensues about whether he should provide the documentation he's been keeping on how hard to supervise Banks is. Union rep Rojo convinces him that it can come in at a later time – that the PUC is not taking action yet and he can offer it up later.]

**City & County of San Francisco - Public Utilities Commission
Wastewater Enterprise**

Fact-Finding Questions

Interviewee: Kenny Gee

Date: October 15, 2015

Interviewed by: Charla Welch, EEO/HRS



When I was here last on August 21, 2014, I asked you, "At any time, did you tell anyone that, "all Chinese at the City and County of San Francisco, especially Oceanside Plant, need to band together?" You told me, "No, I don't recall saying that." I then asked you whether you recalled saying anything similar, and you said, "I don't remember."

During the course of the investigation, I have interviewed other witnesses about whether they heard or knew anything about the comment. I now need to determine whether it was more likely than not that you made the statement. Do you want to amend your earlier answers?

"No amendment to that."

Anything I said along those lines might have been translated different – "Generalization."

For example, if new guys came in and I said, "You are Chinese so we need to support each other," it would be more about establishing a "relationship or cultural connection."

[Gee then mentioned that he spoke with J. Hinderliter about not getting the support as a new supervisor from his superiors; "just trying to do my best" as acting Senior]

ATTACHMENT #3

City & County of San Francisco - Public Utilities Commission
Water Enterprise – Water Quality Division

Fact-Finding Questions

Interviewee: Jeff Yee

Date: September 11, 2014, started at 1:10 PM

Interviewed by: Charla Welch, EEO/HRS 

Also Present:

The following statement was read at the start of the Fact Finding Meeting:

- *I will be asking you a series of questions. You are required to provide truthful and complete answers to the questions.*
- *You are expected to keep this matter confidential and not discuss the investigation or interview with anyone except your chosen representative. Your chosen representative may change – from a union rep to a lawyer, for example; however, this matter may not be discussed with anyone employed by the SFPUC.*
- *Retaliation against anyone involved in the investigation is prohibited. That means you may not retaliate against others who you think or know are involved, and that also means that others may not retaliate against you for your participation today. Please contact me immediately should you experience what you believe to be an act of retaliation.*
- *If you violate any of these admonitions, you will be subject to discipline.*

1. Do you understand these admonitions? Yes.

2. Do you have any questions about these admonitions? No.

If questions do arise during this interview, please ask them of me and either me or your union rep will answer them. As I mentioned on the phone, if at any point in time during today's questions, you decide you want a Union rep present, let me know and we can stop the questioning to provide you a rep.

BACKGROUND

1. How long have you been employed by the SFPUC?

For CCSF? Since February 1996.

2. **What is your current job classification? How long have you been employed in your current job classification?**

Superintendent at Oceanside – officially since January 1, 2013

3. **Describe your managerial duties and responsibilities as they relate to personnel.**

Immediate supervisors handle the day to day (including assignments and attendance). Chiefs handle that plus the planning and scheduling. JY oversees his direct reports, the Chiefs. But, since JY's the signatory to all reports, he's ultimately responsible for what they do.

4. **Who is your supervisor? Tony Flores**

- a. **How long as she/he been your supervisor? Whole time I've been a Superintendent.**

Do you have a personal relationship with Tony Flores?

No.

Do you have a personal relationship with Kenny Gee?

Over the years with KG, but not now.

When would you estimate that the personal relationship ended and it became strictly work-related?

Perhaps last year and a half to two years? No contact outside of work.

ACTIVITIES/EVENTS

REMOVAL OF TRAINING DUTIES

Are pump station duties more desirable than other Watch 6 work?

I would say so. Individual is on their own, sets his own schedule, not being under watchful eyes. Ron Dunn taught me – very serious, dedicated to duties [JY cites the example that Ron changed his work schedule so that he could steam clean Westside on what should have been his day off.] Then Bernie Bender took over.

This sounds like desirability is based on the individual's personality traits? It has to be someone who likes to plan whole day – they can even create the driving route.

Do you think CB's believe those duties are more desirable?

Yes, so-called "elite." Watch 6 were at one time called the subject matter experts, but not any longer. [Jeff then jokes about not telling the current guys that they are no longer elite.]

I understand that Mr. Banks trained Mr. Fa'Aita when he came to Watch 6.

CB was asked to train him. CB had some reservations. 5 years spent voluntarily training. No premium or monetary value to training. Fa'Aita's training sessions were broken up. Litto Soto may have completed CB's training. It's common practice for journeys to train other journeys – or really to train anybody new.

Was Mr. Banks removed from pump station duties on or around the end of April 2013?

Don't recall. When I came on board, I decided that the subject matter experts didn't know their systems. Troubleshooting was not being done by journeys, but by Chief Gerry. Watch 6 should have been the veterans – but JY found they were "just getting through the day."

After Mr. Banks trained Mr. Fa'Aita, did Mr. Gee ask you to remove Mr. Banks from pump station duties? Why?

Jeff went to Gerry and said should start rotating. There was no directive given that CB to be removed as of this set date.

Is there an operational reason to rotate assignments? [If yes] Please explain.

Absences. He took an extended amount of time off, so had to fill his duties.

Do you know the reason for his absence?

No, I don't know if he had [REDACTED].

Was there ever an extended time taken for [REDACTED]?

CB was bringing his notes to the Chief and not to his immediate supervisor.

So it wasn't the reason for the leave, but that his leave illustrated that there needed to be coverage? Four of five were trained on PSD, but not sure how long ago. Jeff asked Gerry to rotate assignments. Gerry says that's been done before.

When were rotations done before?

Log books would show when the rotations happened.

How did the crew take to rotations generally?

They knew – they had seen it done before.

How did CB take to that news? Reading He stated that he didn't like to hear that from an anonymous source. [I inquired as to what the document was that he was reading from. Jeff told me that Kenny Gee prepared the document; it has entries from 4/17/13 to 2/14/14; the document was given to Jeff and Tony.]

VEHICLE CHANGE AFTER SAFETY CONCERNS REPORTED

What truck was Mr. Banks provided to replace the dualie when it was reassigned to Moccasin?

He'd had the dualie for awhile. Rim Fire took it away. Not sure what vehicle he was given.

At some point in time, is it fair to say he drove the CNG truck?

Yes.

Did Mr. Banks ever report to you that the truck was leaking natural gas?

That may have been reported to his supervisor or to Gerry. There was a work order created. Not sure that he ever said "natural gas leak."

Did Mr. Banks ever express to YOU a fear for his personal safety in being assigned that truck?

No – not to me directly. Kenny asked him to write in detail what was happening with the truck, but CB came back and said that his statement written under duress.

[REDACTED]

Did Mr. Banks take leave sometime in December 2013?

Possibly. Can look at attendance record.

OVERTIME

What role, if any, do you have as the Superintendent in assigning overtime?

Overtime may be brought to my attention by Chief – so I know that some people may be staying over. [Explains overtime wheel.] Maybe Chief will say that we need work done on this or that. [JY] learns as a courtesy - doesn't pick or choose people to perform the work.

Are you aware as to whether Mr. Banks was assigned to troubleshoot the PSA compressors on February 10, 2014? [In the Operations Watch 6 Office – the overtime incident].

Nothing communicated to me, maybe happened when Gerry was off. Sitting at Watch Office with Randy. Call [from CB] comes in about 3 PM. CB calls to say he's at Seacliff 2 Pump Station – after hours. Kenny Gee told JY that he got voicemail from CB stating he worked 2 hours more. Upon my investigation, asked I&C technician (Roger Werner) if he directed him to stay. He said no, CB mentioned a problem to me [Roger] with the PSA, but said nothing about staying over. "[CB] took it upon himself to do it."

Do you know if he worked overtime?

Well I saw him come back – maybe 4 PM. Did PSA troubleshoot first and then did PSD.

To your knowledge, did Cipriani or anyone else inform Banks that he was to NOT incur overtime that day?

No.

He claims he worked overtime that day that was never paid. Is there a policy governing how an employee makes a claim for unpaid overtime? If not, how does this usually occur?

He might hear OT was approved from Gerry. If Chief not there, then he needs to notify the Rotating Watch Supervisor. JY never received notification that CB had asked to work OT.

So what I hear you saying is that because the OT was not authorized, we ultimately didn't pay it?

Yes. Kenny, I believe, asked CB why he stayed, but CB wasn't clear.

On February 21, 2014, did you remove Mr. Banks from pump station duties?

One email was generated – said something about upon his return, we need to rotate the duties through. Let them finish out the week – for continuity.

DINNER

I understand that several times last year a group of Asians who worked at Oceanside or who had worked there got together for dinner. Were there only Asians present?

There was a dinner – I attended. The person who put it on is the custodian –

Is he Asian?

Yes. He did the invitations. I didn't know who he invited until I showed up. JY only attended one dinner. Why is a dinner relevant as to what happens at work? [I give the example from the NEO video – Jimmy and drinking cosmos. I inform Jeff that even if job benefits are not a product of the after-work event, the mere appearance of impropriety can be actionable. JY wants to talk to me later about another incident that was after-hours and Jeff was told by someone that he couldn't consider it.]

COMMENT

At any time, did you become aware that Mr. Gee said, "all Chinese at the City and County of San Francisco especially Oceanside Plant need to band together?" [Admitted to Christina that Wyman had told him about Kenny's comment.]

Another individual brought that statement to my attention. Might have said Chinese – or said all Asians.

What was your reaction?

I said, "Other people have mentioned that statement to me."

Was the employee complaining about the statement?

I think his purpose in telling me was to inform me that it was Kenny saying it. The employee told me he didn't agree with the statement. He thought it wasn't necessary for Kenny to make that type of statement.

Did you do anything after that employee came to you?

It was just a conversation – didn't do anything with it. I've heard he's said other things before – it's not the first time he's said it.

AUGUST 21, 2014

Did you hand Bill Wong a fact-finding notice for August 21, 2014?

I think I was – in the office. I'm pretty sure I did.

Was Mr. Gee present when you handed Bill Wong that fact-finding notice?

Don't recall.

Is there anything else I should know as I conduct this investigation?

Subject matter experts is an issue brought up by Gil Rojo. Union is aware of the job announcement that it is not for a specific location or job-specific; rather the announcement is City-wide. A Local 39 member was stating it was job-specific.

Anything else?

Dualie reassigned to Maintenance. Any questions on that? **CW: No.** An individual complained, so I thought you might have questions. JY thought the truck was a better fit for Maintenance to have for when they need to go to job sites. [Describes driving on beaches: equipment needed and multiple trucks to transport personnel.]

Anything else?

Craig can get emotional. As I prepared for this [interview] [picks up the document from which he had been reading], I noticed that Craig is having accidents. I found one on April 17, 2013, and then May 30, and June 26, 2014. Could be even more if I read more of this. He also had a confrontation with a citizen by Seacliff #1 – not sure of timeframe. There was a second incident by Pine Lake with another citizen. Again, not sure of timeframe. **Given what you know about this complaint, how do you think I should use this information?** "Just bringing it to your attention."

[Show him work order 2504455 – Ask for log book for February 10, 2014.]

Is there anything you would like to add?

Today's meeting [JY had informed me that he had a meeting at SE prior to the interview] was about the discharge into the slough. We are still in the midst of investigating that.

CONCLUSION


- 1. I want to remind you about the admonitions that were read to you, and that you answered in the affirmative at the beginning of the interview:**
 - a. You are required to provide truthful and complete answers to the questions.**
 - b. You are expected to keep this matter confidential and not discuss the investigation or the interview with anyone except your chosen representative.**
 - c. Retaliation against anyone involved in the investigation, or anyone you believe to be involved investigation is prohibited.**
 - d. If you violate any of these admonitions, you will be subject to discipline up to and including termination of your employment.**

- 2. Have you answered all the questions in this interview accurately, honestly, and to the best of your knowledge?**

Yes.

**City & County of San Francisco - Public Utilities Commission
Wastewater Enterprise**

Fact-Finding Questions

Interviewee: Jeff Yee
Date: October 15, 2015
Interviewed by: Charla Welch, EEO/HRS 
Also Present: n/a

When we last spoke, we discussed rotation of duties at length. Are you still doing that?
Yes. We even have some new guys so they are learning all the stations. OSP is diff than SEP; required to know everything here b/c smaller plant. Even though Watch 6 is SME, still need to know about all 3 stations.

[Hand copy of 2/20/14 email rotating duties]

When you sent out that directive, was it your sole decision to rotate duties? "It kinda was" because that's what I was used to from before.

Was anyone else involved in the decision? I talked the decision over w/ Gerry and even with Kenny. It was needed, and with Gerry on his way out [to retire], I saw how things needed to change.

Did Kenny approach you with this idea? "No, no, no – I had been thinking about it since I got here." It's what is needed.

INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
INTERVIEW NOTES

Witness: Jeff Yee

EEO File No.: n/a

Investigator: Christina Medina

Date: July 30, 2014

Representative/Translator: n/a

Time: 11:45 a.m. – 1:00 p.m.

Location: Oceanside Plant, SF

Page: 1 of 3

Re: Basic Background re Yee as Superintendent

- Yee is the Superintendent of Oceanside Plant since about January 2013. Is responsible for the operations and maintenance staff. Including the day to day operations and planning which includes wastewater collection system of San Francisco. Oversees about 60 employees; not directly responsible for those in the lab or Instrument and Control.
- Yee says he is more hands on than the previous superintendent. Makes his presence known, sees the plant as his responsibility. Yee has said that he wants to relearn parts of the Plant and thinks some may see that as being spied on.
- Doesn't recall characterizing his tenure as Superintendent as the "new regime"
- Likes versatility of his work force, possibly has made comments that he wants people to learn different assignments

Re: Basic Background re Operations and W6, Kenny's tenure as Acting Sr.

- Currently there are 6 employees assigned to watch 6. James Fa'Aita is current Acting Sr.
- Kenny was "acting" for about a year starting in or about April 2013. He's been with PUC for 24 years; was at Southeast, then Northpoint and Oceanside.
- Kenny and Jeff have known each other for years outside of work
- Yee understands that Banks feels like Yee and Gee are ganging up on him – based on what Yee heard through others who Banks confided in
- Kenny would get upset because he felt like Banks was bypassing him and only going to Segarra.
- Yee has direct communication with W6 but Gerry Segarra is the chief who oversees day to day operations and job assignments.
- Yee may or may not have been made aware of any discipline issued by Kenny.
- Discipline would come up the chain of command but not necessarily come to him; but probably through conversations with Segarra or Sr. Stationary Engineer would have known
- Yee doesn't recall Kenny issuing any LOIs or formal forms of discipline to Banks; recalls maybe verbal counselings
- There were issues between Kenny and Banks from the beginning and Yee told Kenny to document any

instances of friction; documentation was forwarded to Tony Flores about Banks saying to Gee that W6 runs itself and Kenny doesn't have experience to run it

- o Some of the employees wrote statements to that effect but 1-2 employees did not want to provide a statement and went to talk to Tony Flores directly on or about April 2013
- Recalls incident regarding training where Banks was asked to train Fa'Aita and he said that Gee should do it
- Previous supervisor for W6 was Beverly Sheppard who Banks is in a relationship with, Gerry was chief when Yee came on board as superintendent

Re: CNG Truck

- CNG truck is one of the work vehicle used for day to day, previous superintendent used it and has been around 5+ years, fuel areas have been problematic because there are not many; Oceanside had requested another truck for some time
- The CNG Truck was assigned to Banks and there had been issues in general with them
- The truck Banks was assigned had to have the engine replaced and had work done to the natural gas system and so was in shop for about 150 days at one point.
- Banks used the CNG truck along with the van, dual cab truck, and others. Whatever vehicles were available; now they have a CNG loaner.

Re: Yee's Interactions with Banks

- Yee hasn't had many, only when Banks came in to complain about his denial of OT; Banks told Yee that "he got it wrong on the OT" and Banks walked out of Yee's office
- OT related to a day in Feb 2014 when he recalls that Banks "Volunteered" his services because he has knowledge of systems there and "takes it upon himself" even when "not asked to" troubleshoot.
- There was a # of issues related to the compressors and/or levels of liquid oxygen
 - o Yee says that instrumentation controls group troubleshoots, fills out a work order and then they look into it
 - o In regard to the OT issue: Randy Cipriani was supervisor in central command on that day and had the phone on loud speaker; Yee heard Banks convo with Randy that Banks was running behind on his normal duties; Yee was kept abreast of the situation. Yee questioned Randy about why Banks was out at that time and then they rec'd a call from Banks that he had just finished his pump duties
 - o Yee spoke with Gerry following the incident and Gerry said that Banks had requested OT.
- Normally OT is assigned either because someone is called off the list and comes in or if needed on a daily basis, whoever is available.
- Normally, Gerry would be the person overseeing that for the operations side
- OT is rarely denied because if there is a need then we want to have it addressed
- Urgent stuff goes through Chan – call central station, if there is a problem that needs to be fixed,

immediate supervisor determines that

Re: Pump Station duties

- Are part of W6 duties, Yee asked that Banks work inside the plant and allow for others to become trained on the Pump Station duties so that they are more fully trained and well-rounded; Yee made this decision after Banks returned from leave (doesn't remember what kind of leave).
- Moving Banks off the pump station duties happened while Kenny was acting Sr.
 - o Yee sent an email to W6 and Gerry Segarra about making the change and Banks may have had an issue with that
 - o Pump station duties are something that employees probably like because gets them outside the plant, gives them freedom, can do it in several hours
 - o Craig remains the main guy but other people do it on an as-needed basis.

Re: Inappropriate Comments from Kenny

- Sometime in the last year (2014) Yee heard from "other parties" about some inappropriate comments made by Kenny
- Wyman Fong told Yee that Kenny came up to him and said something like, "Us Chinese have to stick together"
- Yee did not talk to Kenny about the comments or Wyman's feedback

Re: Reassignment of Kenny

- Yee received feedback from staff about Kenny's supervision
- Yee sees Kenny as insecure, Kenny asks a lot of questions and the crew felt like they were being picked on, Kenny is rather militaristic in his approach (has that background)
- Yee tried to tell Kenny to let the crew do their work and if they had questions they would ask him but crew might have felt like they were on a short leash.
- Lito Sotto made comments to Yee about Kenny being unsure of himself as have other people from other watches also commented, in particular, on Kenny's approach with certain crew members or assignment of jobs/duties (could not provide me with names of some of those others or which crew members they were commenting on)
- Kenny was removed as acting Sr. because of complaints received by Gerry Segarra
- Gerry asked Jeff if he could switch James Fa'Aita into the Acting Sr. position and Yee agreed because he said that he recognized Gerry's right to do that and that Gerry was looking out for all of the plant
- Kenny was upset to no end, took some time off on [REDACTED]
-

ATTACHMENT #4

INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
INTERVIEW NOTES

Witness: [REDACTED] Employee E

EEO File No.: n/a

Investigator: Christina Medina

Date: July 30, 2014

Representative/Translator: n/a

Time: 2:10 p.m. – 2:30 p.m.

Location: Oceanside Plant, SF

Page: 1 of 2

- [REDACTED] is a senior stationary engineer
- When Kenny was the acting senior, he was kind of strict, expected a lot out of people, kind of pushed people and was maybe disappointed
- Everyone pretty much got along on W6
- Something was definitely going on between Kenny and Banks; there was tension
 - o There were comments from Kenny that he did not believe anything Banks said
 - o Kenny was always trying to find faults with what Craig was saying or doing
- Does not recall any comments about racial or ethnic groups
- Kenny would say stuff about Bill Wong, Bill is [REDACTED] and can't do much, Kenny would say stuff like Bill needs to retire already.
- Kenny not happy with Lito either so he wouldn't see the benefit of getting Lito more training or access
- Pump Station was something that Kenny would say, "anyone can do Craig's job" but now, Kenny doesn't want to do it when he is asked to
- When asked about whether he recalled any other comments, [REDACTED] said he didn't, said that with time his memory has faded
- When asked if there was anything else: [REDACTED] said Kenny and Banks had some history dating back to their time at Southeast (many years ago) and that Kenny carried a grudge
-

ATTACHMENT #5

INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
INTERVIEW NOTES

Witness: [REDACTED] Employee D

EEO File No.: n/a

Investigator: Christina Medina

Date: July 30, 2014

Representative/Translator: n/a

Time: 1:00 p.m. – 2:00 p.m.

Location: Oceanside Plant, SF

Page: 1 of 2

- He is the Chief of Operations has been for about 5 years
- He oversees the whole process of plant operations, supervises all 6 watches totaling 24-25 people
- W6 is comprised of
 - o James Fa'Aita – Acting Sr. Supervisor
 - o Kenny Gee
 - o Craig Banks
 - o Lito Soto
 - o Bill Wong
 - o ?
- Kenny was Acting Sr. Supervisor for about 6-8 months during 2014.
 - o Jeff placed him as acting Sr. because he had the required certification of G3 or higher.
- [REDACTED] got feedback on Kenny as a supervisor – not well liked, not very cooperative with others
- Kenny upset a lot of people as a supervisor
 - o [REDACTED] tried to mentor him and suggested that he cooperate with people and support his staff
- [REDACTED] heard about inappropriate comments made by Kenny
 - o Heard that Kenny was promoting Chinese/Asian only – “stick with your own kind”
 - o Bill Wong told [REDACTED], “I’m not into that” – made Bill uncomfortable to have Kenny saying that to him
 - o Segarra did not talk with Kenny about hat
- [REDACTED] is not aware of any discipline Kenny actually issued to Banks
 - o Does not recall any LOI being issued for insubordination
- [REDACTED] spoke with Banks and Kenny and tried to mediate between them; explained to Kenny that there was no basis to discipline Banks on
- [REDACTED] asked Yee about changing Kenny out from Acting Sr. spot but Jeff said he should give him a chance
- After a while, Kenny continued to not get along with the crew so [REDACTED] gave him a chance but eventually moved him

- ██████ thinks Kenny is "cocky" because he is "close friends with Jeff"
- One day Kenny came into ██████'s office and surprised him saying that ██████ doesn't know what he is doing
- When ██████ notified Kenny he was being removed as Sr., Kenny told him "it is not your decision"
- Kenny does not have good troubleshooting skills, no mechanical skills and so as an Acting Sr. you need a highly skilled person

Re: CNG Truck

- Banks uses the CNG because he is the pump station guy
- There were a lot of issues with the CNG truck running out of gas
- Kenny tried to blame Craig for running out but after a while Craig said it was leaking and they called in maintenance and found there was leak
- Kenny wanted to write up Craig but Craig was right about the leak and so there was no discipline issued
- The CNG leak could be dangerous and that's why we called in to maintenance to have it fixed, it was a minor leak but definitely enough to deplete the levels
- There was a standing order to keep the fuel tank at ½ full, Craig was diligent about keeping it filled because he knew if it ran out it would require a tow truck
- There were only 2 stations in the City where you could put gas

Re: OT

- ██████ says that Banks means well but sometimes he identifies issues and communicates those to the Sr.; that is pretty normal because they are working off of permits and can get fined if they have a violation.
- Sometimes ██████ says ok, go ahead and troubleshoot the issue, sometimes ██████ says no, you don't need to stay

Re: Sick leave practice

- Banks typically provides a doctor's note even when not required
- One time Banks left ██████ a voicemail about him being out sick and Segarra forgot to tell Kenny
- ██████ told Banks – you need to call central

Re: Pump Station Duties

- Yee asked to have the Pump Station Duties on a rotating basis but ██████ not on board with that because there is no sense of ownership
- As long as he has been there 20+ years, there has been a pump station crew and all they do is pump station duties – you need a reliable person with technical expertise
- Yee wants to train people on the pump station but Craig is still the primary person
 - o ██████ says some people say you can do the pump station duties in 4 hours but he thinks that is not enough time to do an adequately thorough job

ATTACHMENT #6

City & County of San Francisco - Public Utilities Commission
Wastewater Enterprise – Operations Division

Fact-Finding Questions

Interviewee: [REDACTED] Employee C

Date: August 21, 2014

Interviewed by: Charla Welch, EEO/HRS *CW*

Also Present:

In the fact-finding notice you were provided, you were not given information that a representative could be present. The reason for that is because we do not believe you will be implicated in the matter we are about to discuss. However, if at any point in time during this interview you wish to request a representative's presence, please let me know.

The following statement was read at the start of the Fact Finding Meeting:

- *I will be asking you a series of questions. You are required to provide truthful and complete answers to the questions.*
- *You are expected to keep this matter confidential and not discuss the investigation or interview with anyone except your chosen representative. Your chosen representative may change – from a union rep to a lawyer, for example; however, this matter may not be discussed with anyone employed by the SFPUC.*
- *Retaliation against anyone involved in the investigation is prohibited. That means you may not retaliate against others who you think or know are involved, and that also means that others may not retaliate against you for your participation today. Please contact me immediately should you experience what you believe to be an act of retaliation.*
- *If you violate any of these admonitions, you may be subject to discipline.*

-
1. Do you understand these admonitions? Yes.
 2. Do you have any questions about these admonitions? No.

If questions do arise during this interview, please ask them of me and I will answer to the best of my ability.

BACKGROUND

1. How long have you been employed by the SFPUC?

28 years (plus 1 yr of credit buy back)

2. What is your current job classification and title?

7372 Stationary WWE, Grade II

3. How long have you been employed in your current job classification?

25 yrs. – Apprentice before that; Did some work as a Water Stationary -- 7334?

4. What watch are you on?

Watch 2; we consider ourselves the best crew "walk the walk"

5. Who is your superintendent? Jeff Yee Who is your chief? Gerry Segarra

- a. **How long as she/he been your supervisor?** Gerry Segarra chief – since he was promoted (maybe 10 yrs); Jeff Yee superintendent – since he was promoted (2 yrs)

6. Describe your working relationship with Mr. Kenny Gee.

Indirectly work with Kenny Gee – Watch 6; if on day shift, see him.

Describe your working relationship with Mr. Jeff Yee.

Professional. I think he looks to me to "take care of business." Do whatever it takes to keep the plant running.

Do you have a working relationship with Mr. Craig Banks? Describe.

Yes, we have a working relationship. Professional. Both in the same apprentice class. Knowledgeable guy. **Do you still consider him knowledgeable?** Still consider him as that.

7. Do you have a personal relationship – that is, a relationship outside the workplace with Mr. Kenny Gee?

Nothing outside work.

With Mr. Jeff Yee?

Don't go to lunch together. 5-10%. Twice a year go to dinner with a group. Most are other City workers – most PUC. Some are engineers who cycled through here. For example, he bowls on Friday; but I don't go.

With Mr. Craig Banks?

No.

ACTIVITIES/EVENTS

Do you ever perform the pump station duties?

Once every 3 months. On a rotation: North side, south side, ERB (energy recovery building).

Are they regarded as a desirable assignment? Do you think they are?

Depends on person's outlook. I live here in the City, so I don't want to drive around the City. Get to leave the plant. Fairly easy duties. Most of the time it's like a visual inspection. Sea Cliff I, II, III. I and II are larger; III is utility box.

Do you have a sense of the relationship that Mr. Gee has with Mr. Banks?

Since he [KG] got his Grade V, he wants to be chief; at least, that is his perspective. Know his work performance for 25 yrs. At the end of the appointed time being an acting senior, no one wants him back. He asks others to do his work. When he is the supervisor, he tells people he is the supervisor. That's his management style.

Do you have a sense of the relationship that Mr. Gee has with Mr. Banks? (second time asked)

Professional. The problem is when you have a temporary supervisor who is not as qualified as the EE, so he tries to micro manage.

Did you ever tell Mr. Banks he should "watch himself?"

Probably told everyone that on an occasion. Last night would be a good example. Station having problems when took over last night. But then the trend doesn't show that they did anything about it. So I will ask them tonight: Why didn't you take corrective actions? Then their ego gets involved.

Did you ever say that you "were not sure why he [Mr. Gee] didn't like Banks?"

I don't know. What he [KG] says is not really personally motivated; just trying to get out of doing work.

NOVEMBER 2013

Did you inform Mr. Banks that Kenny Gee said something such as the following: "All the Chinese at the City and County of San Francisco, especially Oceanside Plant, need to band together and fight?"

I do recall telling Craig there was this Asian thing going on when Jeff came here. I don't think Jeff wants to go after anyone. There's these factions that constantly complain about certain things.

Are the factions normally race based?

Normally TV based. [...] Normally don't see a guy going after someone else here at work.

You said that you recall telling Craig there was this Asian thing going on when Jeff came here.

I'm not afraid to say things. Jeff and Kenny know each other since childhood / high school at the latest. Now Kenny's here as an acting senior. Wasn't given to him because of friendship, no one else is willing to take it. Others view it as favorable. People can transfer wherever – Jeff came first and then Kenny followed. This is the problem with no permanent senior here for years.

Anything else I should have asked about?

Everyone entitled to their own opinion. Things can get heated if you think you know more than your boss. And this is a problem when you have a supervisor with a combination of inadequate training, insensitive, just not good at being a boss.

CONCLUSION

1. As indicated in the beginning of this fact-finding meeting, you are expected to keep this matter confidential and not discuss the investigation or this interview with anyone except your chosen representative.
2. Other than your chosen representative, have you had any discussions or communicated with any SFPUC employee about this Fact-Finding Meeting?

Yes.

- a. If so, who, and what was the nature of the communication?

Because the notice came late, I had to tell the guys on the South side to cover me. Showed the guys his notice that had to come. Maurice (Mo) also knew.

3. I want to remind you about the admonitions that were read to you, and that you answered in the affirmative at the beginning of the interview:

- a. You are required to provide truthful and complete answers to the questions.

4. Have you answered all the questions in this interview accurately, honestly, and to the best of your knowledge?

Yes.

5. Do you have any questions?

No.

6. Is there anything else you would like to add?

Craig had issues with other EEs before; never diminished his capacity as a worker. [...] [Mr. █████] then tells me the story about HS seniors competing out of town for a Dragon boat competition. They thought because they were seniors, they could blow curfew without any repercussions. The dragon boat coach refused to write any of them letters of rec. When the boys complained to █████, he told them they had destroyed the trust that developed between the coach and these boys over the four years. He then told me the morale of the story: when you make a mistake, it will catch up to you. You may not know when or how, but it will.]

INTERVIEW ENDED AT 10:48 AM

ATTACHMENT #7

City & County of San Francisco - Public Utilities Commission
Water Enterprise – Water Quality Division

Fact-Finding Questions

Interviewee: [REDACTED] Employee A

Date: August 21, 2014

Interviewed by: Charla Welch, EEO/HRS CW

Also Present:

In the fact-finding notice you were provided, you were not given information that a representative could be present. The reason for that is because we do not believe you will be implicated in the matter we are about to discuss. However, if at any point in time during this interview you wish to request a representative's presence, please let me know.

The following statement was read at the start of the Fact Finding Meeting:

- *I will be asking you a series of questions. You are required to provide truthful and complete answers to the questions.*
- *You are expected to keep this matter confidential and not discuss the investigation or interview with anyone except your chosen representative. Your chosen representative may change – from a union rep to a lawyer, for example; however, this matter may not be discussed with anyone employed by the SFPUC.*
- *Retaliation against anyone involved in the investigation is prohibited. That means you may not retaliate against others who you think or know are involved, and that also means that others may not retaliate against you for your participation today. Please contact me immediately should you experience what you believe to be an act of retaliation.*
- *If you violate any of these admonitions, you may be subject to discipline.*

1. Do you understand these admonitions? Yes.
2. Do you have any questions about these admonitions? No.

If questions do arise during this interview, please ask them of me and I will answer to the best of my ability.

BACKGROUND

1. How long have you been employed by the SFPUC?

30 years

2. What is your current job classification?

7372

3. How long have you been employed in your current job classification?

Apprentice and then became a stationary. Maybe one year of acting senior... one year of acting senior, maybe one other senior and then Kenny took over? He took over right around that time that the incident happened.

4. Who is your supervisor?

James Fa'Aita. Kenny took over for roughly a year and then he was demoted and then James took over.

a. How long as she/he been your supervisor? James came in April 2013

[Investigator notices that █████ consulting a piece of paper on the table – it's under his FF notice.]

You said earlier, "at the time of the incident – James took over." Do you want to tell me what you are calling "the incident?"

At the time of the incident, Kenny asked everyone to write about it. And later that week, he instructed us to – said we had to.

Who instructed you to write about it?

KG. █████ starts talking earnestly, like he's apologizing to me.] Later, I was told that I didn't have to, but I had already. When I generated the document, it was in favor of KG. Later, "after review," and "soul searching" – I later revised it in favor of Craig. At the time of the incident, I didn't know full extent of what was transpiring between them. I had just come back after having a few days off. I put in one word at the end of the letter, or statement – "outburst." I was later told that they "hung Craig on that." I couldn't take it back. It's truthful, in general, but that one word ["outburst"] blew it up.

What do you mean that one word blew it up?

Sometimes I exaggerate when I write. I revised for my own reference.

When did you revise it?

Within the week [he wrote it] I revised it.

You said you were instructed to write something by Kenny Gee.

That day, Craig Banks had trouble with the truck he was driving. It's a Ford 350 – I can't remember what they call it – two wheels? [CW supplied the term "dualie"] - Yes. He was completing an Incident Report – writing about the tire/sidewall being scraped. Tire needed to be changed anyway. He comes back to finish the report.

What happened then?

They changed out the tire within the week.

What happened – I think you were talking about "the incident?"

Usually train new EEs on pump station duties. We want them versed on it. At the time, we didn't know if James was going to be on Watch 6 permanently. It seemed like Craig was saying that he needed to take care of other issues, and then he would train James. I think that's what they were arguing about.

Did you witness argument?

It was in the Watch 6 office. [Describing office layout] My [redacted] desk is by the window, then Craig in the middle, and Kenny's desk far right. Don't know that I would call it an argument.

[Noting that he had already used the term "arguing"] What would you call it?

I noticed their tone changed. Higher pitch. And I remember it because it was out of the ordinary that Craig wasn't responding to what Kenny wanted him to do.

Out of ordinary?

Craig normally does his job right away – he comes in and gets out of the office immediately to get his job done. And the incident happened at about 9 AM [consults paper] – so three hours in.

What did you overhear?

We usually train new EEs on the pump station first. It's a higher priority. It takes a couple days to learn locations of stations – there's only addresses, but no map of where you go. The other issue was they were using a lot of chemical for the PSA. They were disputing how much chemical they were going to use.

Who knows more about the operations?

I think Craig knew more – he's the main man on pump station and PSA. Chief Gerry is the only one who knows more about the PSA. And that remains true to this day. "Right now seems like Craig is being disciplined." Rather than have a senior personnel on pump, we are going to a roving pump man. If we have problems with the PSA, Craig will be pulled off to troubleshoot.

What do you think about the roving/rotations?

Doesn't seem like there will be someone to perform my job when I'm absent. I do chemicals and the Wednesday-only tests. If I'm out for the day, those tests don't get done. The rotation "sounds all good and merry, but it doesn't work that way."

Describe your working relationship with Mr. Kenny Gee.

He's now my co-worker on Watch 6 – we are the same rank. He still has his Grade V, so he boasts about it. Don't think he got it the first time.

Do you have a personal relationship – that is, a relationship outside the workplace with Mr. Kenny Gee?

Not really. Been to his house once or twice – picked oranges. Saw his electric stove. Way back before became an acting senior.

Do you have a personal relationship with Mr. Jeff Yee?

[answer is re: working relationship] Not on a daily basis. When he was here on the Watch, I was downstairs in Maintenance. When he left as rotational, I was on as a rover.

What about outside of work?

Before he became a superintendent, I went bowling with them a few times. Maybe a few group dinners. They called it an Asian dinner. We had four of those dinners last year.

Mostly Asian?

Yes. Most have been through the Oceanside Plant, one who works at the airport. Kenny likes to see bloodshed – action movies.

Have you ever heard anyone say something such as the following: "All the Chinese at the City and County of San Francisco, especially Oceanside Plant, need to band together?"

Yeah. When Kenny came on board, and was assigned to watch 6.

What did it mean to you?

We should not hold back. Stay strong as an Asian group. He said it in Cantonese, so he said, "Ghost."

Was that something against whites?

We should be superior to other groups.

Did he mention any other groups?

Another time he said something about Filipinos – he said they come to America, but they are not talented enough to stand on their own. And another black guy, who was injured on the job, he had to occupy one of the chairs while he wasn't 100% [healed]. So he called him, "Mr. Occupied."

What did it mean?

He said it in Chinese. That he can't do anything. Literally, that he can't do the job.

Did you tell Mr. Banks about some of the things that Mr. Gee had said?

I told him what I wrote. He told me that they had hung him on the word "outburst." I showed him what I wrote after it was submitted. I would take it back – but I didn't know process to take it back.

Did you feel pressured?

When I was handed this paper [touches FF Notice], he said, "Stay strong and stay banded together." Both Kenny and Jeff.

Who said that comment?

Kenny said it.

Do you know if Jeff heard it?

We were about this far [gestures to how far I am sitting from him – maybe 4 ft. away] Jeff heard the comment.

Did Jeff say anything?

Jeff said it might be my [Jeff's] fault because I talked to that lady for so long.

Then what happened?

He said, "Whatever you say, say the truth." But then he said, "Whatever happens, we Chinese should stick together." Then I walked into my office. I showed Craig the notice.

Did you feel pressured by that?

Eventually the truth comes out. I can't lie – I would forget and then it [the lie] will come back and haunt me. That's why Craig wanted to have the interview off site.

Why?

[He said something to the effect of, "You don't know what it's like here"] I will be "slightly drilled when I walk out of here."

I have to remind you that if you do talk, you can be subject to discipline. Keep in mind, that if you feel pressured to speak about the contents of this meeting, that may be a form of retaliation. Do you mind if I have a copy of the document you've been referring to?

[Hands it to me. Thinks this is the revised version; he showed Craig this version. He printed it off his work computer this morning when he got the notice.]

Is there anything you feel is important that we haven't discussed?

Jeff and Kenny used to spend hours away from the plant. Kenny comes in

Investigator's laptop computer died – see 3 pages of handwritten notes attached.

CONCLUSION

[These statements/questions may not have been asked since computer died.]

1. As indicated in the beginning of this fact-finding meeting, you are expected to keep this matter confidential and not discuss the investigation or this interview with anyone except your chosen representative.
2. Other than your chosen representative, have you had any discussions or communicated with any SFPUC employee about this Fact-Finding Meeting?

a. If so, who, and what was the nature of the communication?

3. I want to remind you about the admonitions that were read to you, and that you answered in the affirmative at the beginning of the interview:

a. You are required to provide truthful and complete answers to the questions.

b. You are expected to keep this matter confidential and not discuss the investigation or the interview with anyone except your chosen representative.

c. Retaliation against anyone involved in the investigation, or anyone you believe to be involved investigation is prohibited.

d. If you violate any of these admonitions, you will be subject to discipline up to and including termination of your employment.

4. Have you answered all the questions in this interview accurately, honestly, and to the best of your knowledge?

1. Do you have any questions?

INTERVIEW ENDED AT 11:51 AM.

Wed. 11:11 - 11:50 pm

THURS. 7:01 - 8:11 AM; 9:15 - 11:55; 1:05 -

Employee A

1/3

[redacted] (cont)

Comes in early to save a few bucks on the bridge. But then he gets to leave at 1:30 - which is a half hour less.

Kenny was talking to James about special privileges. Watch to office yesterday or Tuesday. Conversation happened

Reduced wk. schedule

[redacted] wanted to say - you get them too!

Think the cameras will tell the truth.

Before "outburst" - Kenny trying to write up Craig. Kenny went into Gerry's office. Gerry scolded Kenny ~~at~~ he should follow-up on things. Stop causing trouble. Kenny walks out. 5-10 min later. Gerry

2/3

removed him of acting duties verbally. Says James & you are acting. [in front of him.]

Kenny then told Gerry,
"I work for Jeff - not you."

Gerry stood in middle of room saying, "No, you work for me."

Kenny tried to Reverse it. I don't think Jeff supported Reversing Kenny's demotion.

Fallout when Senior tests came out. Kenny then didn't show up for work for 2 weeks to study for the test. Then verbal test. Kenny ranked very low.

Do you feel pressure from either one? [Either Craig or Kenny]

Craig in same apprentice group. But he's got to stay for 5 years. to get the retirement

Kenny has mom's money so
he can go now.

I'm asking whether
could either exert pressure now?

Pretty sure Kenny will ask.

(Discipline if talk)

ATTACHMENT #8

**City & County of San Francisco - Public Utilities Commission
Water Enterprise – Water Quality Division**

Fact-Finding Questions

Interviewee: [REDACTED] Employee B

Date: August 21, 2014

Interviewed by: Charla Welch, EEO/HRS *CW*

Also Present: n/a

In the fact-finding notice you were provided, you were not given information that a representative could be present. The reason for that is because we do not believe you will be implicated in the matter we are about to discuss. However, if at any point in time during this interview you wish to request a representative's presence, please let me know.

The following statement was read at the start of the Fact Finding Meeting:

- *I will be asking you a series of questions. You are required to provide truthful and complete answers to the questions.*
- *You are expected to keep this matter confidential and not discuss the investigation or interview with anyone except your chosen representative. Your chosen representative may change – from a union rep to a lawyer, for example; however, this matter may not be discussed with anyone employed by the SFPUC.*
- *Retaliation against anyone involved in the investigation is prohibited. That means you may not retaliate against others who you think or know are involved, and that also means that others may not retaliate against you for your participation today. Please contact me immediately should you experience what you believe to be an act of retaliation.*
- *If you violate any of these admonitions, you may be subject to discipline.*

1. Do you understand these admonitions? Yes.

2. Do you have any questions about these admonitions? No.

If questions do arise during this interview, please ask them of me and I will answer to the best of my ability.

BACKGROUND

1. How long have you been employed by the SFPUC?

23 years

2. What is your current job classification and title?

████████████████████

3. How long have you been employed in your current job classification?

11-12 yrs.

4. What is your current work location?

Southeast; Oceanside beginning next Tuesday

5. Who is your supervisor?

Thomas Sujo – Acting Chief; George Engel – Superintendent

6. When you were at Oceanside, on which watch were you?

Senior on Watch 3 at Oceanside

7. Would you have any interaction with Watch 6?

[Explains how schedule is rotates between nights and days] Interact with Watch 6 when working days.

8. Describe your working relationship with Chief Segarra.

He was my immediate chief when at Oceanside.

9. Describe your working relationship with Jeff Yee.

Seldom had any interaction.

10. Describe your working relationship with Craig Banks.

He was on pump station rounds, so he tells me what he needs for work orders.

11. Explain the work order process.

Senior usually writes the work order because the 7372's don't want to because they're afraid of screwing it up. But they can tell anybody about the work needed. Sometimes, it's only a verbal report in the morning and evening – at the shift change.

12. Do you have a personal relationship with Craig Banks?

No.

13. Describe your working relationship with Kenny Gee.

When Kenny Gee was acting senior we had a little more communication than I would have with Craig Banks. Kenny wanted to be on top of what his watch was doing. More his style.

14. Do you have a personal relationship with Kenny Gee?

About 10 years ago – we once went out together, with the wives, but they didn't click.

15. At any point do you recall Kenny Gee coming to say anything to you about ---

[Interrupting] Yeah, he was expressing himself – expressing his frustrations. I was a shoulder to cry on. He was saying "this job is hard," "not getting any support."

The situation he was talking about was when the truck ran out of gas twice. Kenny was just investigating why it ran out of gas twice and had to be towed. They [KG and CB] had problems – I don't know why, but they didn't see eye to eye on things. I don't think Kenny did anything to Craig.

16. Did you ever hear about a gas leak in the CNG truck?

Didn't hear anything about a gas leak. [Remarks about how training is required on how to fill the truck; if not properly trained, then can result in it only taking one quarter tank.]

17. Did you remember hearing anything about a situation involving the LOX and PSA in February?

Craig Banks is the expert on PSA. If it needed another technician, then a work order must be generated.

18. Is there a way to know if a work order was needed?

It could be done verbally, or the Senior could write a work order, or the Senior could forget.

19. Is a work order required for overtime approval?

Overtime could be done verbally, but ultimately it would need to be submitted through e-time. Generally, Senior inputs it and Gerry would then approve it. Heard a rumor that Craig decided himself to stay for overtime. Can check the Senior log book – it would reflect if PSA down. Or check the standing orders. Look at DCS – if PSA was down, then see if LOX started on the trend report. LOX is back up for the PSA – we don't normally use it.

20. Have you ever heard Kenny Gee say something to the effect of, "Craig is stupid and unintelligent, and I'll be glad to get rid of him."

[Surprise] Kenny Gee stating that Craig is unintelligent and stupid? No, [Kenny's] smart. He doesn't talk like that. He's not a racist. I think this is when Craig came up after they [Kenny and Ed] were talking on the [promenon]. Craig came up "kind of in a rage" and stating that "he heard everything he [KG] said." I just walked away, shaking my head.

21. A moment ago, "You said, 'He doesn't talk like that - he's not a racist.'" I had never said the word "racist." Why did you bring race into it?

That's the first thing that comes out of their mouths - it's all about race. [He describes that historically different groups make the same type of complaints.]

22. Is there anything you feel is important that we haven't discussed?

Kenny Gee was a Grade II before his baby. After becoming a father, he wanted to get promoted. Kenny's "by the book" - he is former Army so "militaristic." [REDACTED]

CONCLUSION

1. I want to remind you about the admonitions that were read to you, and that you answered in the affirmative at the beginning of the interview:

- a. You are required to provide truthful and complete answers to the questions.**
- b. You are expected to keep this matter confidential and not discuss the investigation or the interview with anyone except your chosen representative.**
- c. Retaliation against anyone involved in the investigation, or anyone you believe to be involved investigation is prohibited.**
- d. If you violate any of these admonitions, you will be subject to discipline up to and including termination of your employment.**

2. Have you answered all the questions in this interview accurately, honestly, and to the best of your knowledge?

Yes.

3. Do you have any questions?

No. [volunteers to come in anytime on OT to answer questions.]

THE END

EXHIBIT E

ATTACHMENT #1

Compress Natural Gas Truck: I Craig Anthony Banks drove the natural gas vehicle 426-3002 for my work duties of the Pump Stations (OSP). My assign truck 426-00004 is being used to fight the RIM fire and has been away from OSP for several months. I have verbally complained regarding using the truck 426-30002, for my duties of the pump and the trucks lack of driving range per tank on several occasion. Also the CCSF facilities lack of Compress Natural Gas hereafter CNG.

After speaking with Paul Martini Fleet Manager at CCSF with Kenny Gee, Bill Wong, Litto Sotto, chimed in to the conversation between Mr. Paul Martini and I. Paul stated that all CCSF's facilities did not have gas for CNG that week also some CNG facilities were closing as of October 31 2013 everyone in the room discussed at the time how to refuel and all of the problems this particular truck is causing. At this point, Kenny Gee stated that Jeff YEE explain to him we must keep truck 426-3002 past 100,000 miles in order to asked for the truck replaced, Kenny further exclaimed I and We will have to deal with this situation until then 100,000 miles of service. Paul further stated PG&E facility at Treat Street, Paul was unsure of this facilities operating hours but he would Email the listing of some refueling station. Paul did send the listing to Bill Wong handle the facilitating of the refueling and speaking with Paul on this matter not I Craig Anthony Banks. Kenny Gee told Bill to handle this matter not Craig Anthony Banks, as far as I am concern Bill Wong did the best he could either the Natural Compress is available or not.

The CNG truck 426-3002 sat in the Parking lot at OSP for several days. When I parked said truck the fuel gauge read between half tank and quarter tank as I told Kenny Gee and Informed HIM of my problem of leaving Caesar Chavez refuel sight with no COMPRESS NATURAL GAS. At this point, I suggested I not use the CNG for my duties he uttered what Jeff Yee SAID 100,000 MILES OF SERVICE REPLACE TRUCK AND I WILL HAVE TO LIVE WITH THIS UNTIL THEN.

As stated Truck sat in the parking lot at OSP for Several Days, I was asked By Kenny Gee to see if the CCSF CNG facilities had CNG Gas. I informed I would prefer to seek out this using another vehicle I feared running out of gas. On this morning Kenny Called Me on CCSF cell phone asking if I refuel I stated I had not. Kenny informed that the Van is needed the next day for a field trip and I would be without a vehicle to service the Pump Station and you need to refuel. When I started truck 426-3002 the fuel gauge read only below a quarter tank how this happen? I do not know I left as I stated between half Quarter tank of compress natural gas (CNG)

As to how often the in that week or month of Truck 426-3002 down time the CCSF refuel cites were without fuel for mechanical breakdowns etc. is not within my Knowledge of facts and is burdensome and bothersome for me to ascertain however, if my supervisor is willing to allow Company time to interview all people concern and or involved with this refueling matter. I will then be in a non-speculating position and can accurately look at how to solve this over all problems without blaming someone for causation without first reviewing the limitation of accessible COMPRESS NATURAL GAS.

With advanced knowledge of the CNG refueling problem it is my opinion that said vehicle should not be assigned to me for the pump station duties and the absolute necessity of refueling was not my aggravation it is when the COMPRESS NATURAL GAS IS NOT AVAILIBLE AND TOLD IT IS MY FAULT THAT TROUBLES ME THE MOST!

In conclusion of this mandatory letter and or document, I must state this as a matter of fact; I have never in my entire life operated any vehicle personal or The City County OF San Francisco or otherwise wherein I allowed a vehicle to run out fuel especially here at with City County of San Francisco. Why would I do such an irresponsible action? The question is simple, why assign a vehicle that is known to have problems?

I was first asked by Kenny Gee to write a letter of complaint against Paul Martini, I refused to write such a letter for it would have been untrue he tried to help and Kenny had prior knowledge of this before demanding this of me. Furthermore I do not enjoy the fact of being forced to write a complaint letter that is not factual or actual. I have written this letter as per chief directive and my willingness to cooperation in this nuisance of a matter should not be of question.

WASTEWATER ENTERPRISE TELEPHONE DIRECTORY

Oceanside 242-2200

ABINANTI, Paul	6-4649	BELL, Timothy	6-4781	CAMPOS, Ricardo	695-2096	CONWAY, Richard	6-4687	EDWARDS, Kye	6-
AGUILAR, Luis	934-3904	BENDER, Charles	6-2238	CAÑAS, Hernán	6-4902	COOLEY, Greg	6-4700	EICKMAN, Kent	6-4805/695-
AHMAD, Meel-Lih	695-2096	BERDE, Manisha	6-4803	CANDELARIA, Linda	6-2204	COPELAND, Chuck	6-4756	ELIADES, Thomas	6-
ALAS, Roberto	6-4913	BERG, Lawrence	6-4611	CANTOR, Dario	6-4980	COPELAND, David	6-4954	ELIASSON, Eric	6-
ALBRIGHT, John	6-4756	BERRIOS, Dennis	695-2096	CARLOMAGNO, Brian	6-4959	COQUJA, Silverio	695-7310/83	EMPLEO, Ella	934-
ALEXANDER, Candace	695-2096	BEST, Warren	695-2096	CARLSON, James	6-4779	CORBILLA, Alex	6-4986	ENGEL, George	6-
ALEXANDER, James	6-4980	BIN, Sally	695-7338	CARMACK, Jonathan	695-2096	CORDIAL, Melissa	6-4861		6-
ALVAREZ, Armando	6-4850	BISHOP, Andre	6-4982	CASANOVA, Pedro	6-2288	CORRALES, Jose	6-4272		6-
ANDERSON, Nicholas	6-4951	BLUM, Moshe	6-2219	CASTRO, George	262-2185	CRAIG, Donald	262-2111		6-
ANDERSON, Tom	695-2096	BLUNT, Minnie	6-4691	CECCARELLI, Gary	6-4649	CRAVENS, Jodi	647-3496	FA'AITA, James	242-
ANDREWS, Darrell	262-2135	BONITZ, Paul	554-1615	CERMAK, Christopher	6-4982	CRUSOE, Joseph	6-4986	FENDERSON, Nicole	262-
ARAYA, Berhane	6-2246	BORICK, Armin (Turk)	6-2255	CHAN, Derrick	695-7349	CUELLAR, Esneider	6-4795	FERNANDEZ, Eleanore	6-
ARDREY, Steve	6-4854	BOUCHER, Susan	6-4936	CHAN, Joseph	6-4718	CUESTA, Johnny	695-7360	FERRARIO, Richard	6-
ARNOLD, Damlain	6-4756	BOYD, Nadine	6-2246	CHAN, Lily	6-4835	CURTIS, Catherine	6-4962	FITZPATRICK, Liam	6-
ARREOLA, Donald	6-4861	BRABANT, Denis	6-4781	CHAN, Linda P	6-4740		6-4801	FLAHERTY, Patrick K.	6-
ASCARIZ, Frank	6-4875	BRADSHAW, Yvette	6-4982	CHAN, Penny	554-0707	DANG, Herb	641-2622	FLEMING, Gary	6-
AU-YEUNG, Nancy	6-4968	BRASWELL, Gregg	695-7320	CHAN, Sophia	6-4930	DANIELS, Kurt	6-4700	FLORES, Tony	6-
BALLARD, Robert	6-2246	BRIONES, Efrén	6-4982	CHASTAIN, Amy	6-4958	DAO, Huy	6-4864	FLUHARTY, Patrick	6-
BANARIA, Jose	6-2246	BRILO, Philip	6-4716	CHANN, Richard	641-2304	DAVIS, Joseph	6-4725	FOK, David	6-
BANKS, Nathaniel	6-4691	BROSAS, Marlon	6-4704	CHIU-FOON, Carolyn	554-1683	DAVIS, Nina	920-4271	FONG, Tina	6-
BANKS, Todd	6-2288	BROWN, Ebbie	274-0695	CHOW, Mabel	6-4985	DE BONO, Christopher	6-4985	FONG, Wyman	6-
BARAJAS, Sergio	642-6943	BROWN, Jima	6-4649	CHRUSCZ, Gene	554-0791	DE DIOS, Charlene	641-2342	FONTES, Julio	262-
BARCA, Desmond	6-2234	BROWN, Russell	6-4984	CHUNG, George	695-7312	GRACIA, Alberto	641-2342	FORTI, Nardo	6-
BARNES, Richard	695-7344	BRUM, Frank	6-4893	CIAPPARA, Nathan	695-2095	DE NATALE, Neil	6-4927	FULLER, Steve	6-
BARRAZA, Sergio	6-2226	BRUMBAUGH, Richard	695-2096	CIPRIANI, Randy	262-2185	DENNIS, Michael	6-4861	GALE, Meg	695-
BARROW, Gall	6-4808	BUDAI, Steve	6-4864	CLARK, Andrew	920-4282	DESMOND, Sean	6-4700	GARCIA, Ciro	6-
BARRY, James	6-4704	BUFKA, Michael	695-2096	CLARKE, William	6-2243	DETERMAN, Troy	6-4704	GARCIA, Jesus	262-
BARTOLOME, Francisco	6-4980	BUNDICK, Rusty	6-2238	CLARKSON, Dave	6-4700	DONALD, Brenda	695-7330	GARRETT, Regina	262-
BAZAN, Anthony	6-4931	BUSH, Antonio	6-4927	CLEMONS, Henry	695-2096	DONLEY, Brian	6-2238	GEE, Kenneth	6-
BELL, Cliff	6-4988	BUTAWAN, Eilen	934-3993	COLLINS, Carl	6-2247	DUFFY, Eugene	6-4968	GERBICH, Matthew	6-
	6-4916	BUZON, Josie	695-7309	CONRAD, Vanessa	6-4939	DUGGAN, Ross	695-2096	GODFREY, Carla	262
	262-2186	CAHEE, Mark	6-2268	CONROY, Howard	6-4700	DURAN, Hector	695-2096	GOE, Brian	641
	6-4787	CAMACHO, Luis Martin	6-4704	CONROY, Peter	6-2238	DUTTON, Dillon	6-4968		
	6-4787	CAMPOS, Constantino	262-2185		6-4950	EAGON, Betsy	554-1871		
	6-4642	CAMPOS, Efrén	695-2096		647-3496	EARWOOD, Marielle	920-4273		

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GONZALES, Frederick	695-2096	HO, Ed	695-7328	KEEL, Alan	262-2135	LEHANE, James	6-4687	MATTIAS, John	695-2
GONZALES, Gregory	254-2177	HO, Humphrey	6-4993/934-5763	KEHOE, Dan	695-2096	LEHANE, Joseph	695-2096	MATTIAS, Matthew	695-2
GONZALES, Robert	262-2185	HOANG, Phuong	6-4835	KELLOGG, Michael	6-2218	LEONG, Fatima	695-7310/08	MATTIAS, Raymond	695-2
GOODWIN, Lindsay	695-7383	HOLMES, Calvin	6-4856	KELLOGG, Michael	6-2218	LEONG, Linda	6-4919	MAYER, Gregory	554-1
GRAHAM, David	6-4278	HONG, Thomas	6-4756	KING, Gordon (CMB)	559-2170	LEVITIN, Yuri	6-4866	MAYS, Grant	6-4
GRAHAM, Richard	6-4918	HOUSE, Jerry	695-2096	KIRKSEY, Cheryl	6-4845	LI, KENNETH	860-6076/6-4792	MAZUCA, Lisa	6-4
GREEN, George	6-4774	HUANG, William	6-4683	KOHRMANN, Steve	6-4939	LI, Marian	6-4892	McCUE, Eddy	695-2
GREEN, Morris	6-4813	Hy, Brice	6-4931	KORTKAMP, Ken	554-1594	LIMON, Jose	6-4989	McEVOY, Vincent	6-4
GREGSON, John	695-7358	IBEANUSI, Ikechukwu	6-4757	KOSKI, Paul	6-4692	LINN, Roger	6-4983	McGEE, Joseph	6-4
FFIN, Juliana	6-4983	IBEANUSI, Pearl	6-4691	KRAAI, Rachel	554-1581	LIPPS, Douglas	554-0707	McGREGOR, Patricia	6-2
GROVE, Jeremiah	262-2185	ILEJAY, Audi	695-7339	KUBICK, Karen	934-5735	LIU, Alan Kwok	641-2372	McHUNGUZI, Juda	6-2
GUBE, Refe	6-4790	INGRAM, Charlton	6-4733	KUHN, Brian	695-7360	LIU, Alex	6-4764	McLEAN, Roberto	6-4
GULLEY, Dominic	6-4939	INGRAM, Chariton	6-4733	KUM, Laurie	695-7352	LIU, Yongjie	6-2288	MEANEY, John	695-2
GUTIERREZ, Arthur	6-4989	JACKSON, Raymond	6-4687	KUYKERNIDALL, Kirk	640-0363	LOGIA, John	6-2238	MENA, Victor	554-3
HA, David	6-4767	JAQUES, Steven	6-4727	KWAN, Dolson	6-4957	LOSNO, Christian	6-4964	MENDOZA, Pedro	6-4
HABA, Yome	6-4911	JAROSLAWSKY, Cecilia	551-4844	KWAN, Sandy	6-4937	LOUIE, Leon	6-4922	MENIL, Patrocinio	262-2
HALE, Lorenzo	641-2347	JASINSKI, Diane	6-4904	KYAW, Matt	6-4807	LOW, Sue	6-4943	MERRITT, Gina	6-2200, 6-2
HALL, Ricky	6-4931	JENCKS, Rosey	934-5762	KYLLONEN, John	6-2247	LUCERO, Ding	6-4905	MERRITT, Larry	6-4
HANSON, Jacob	6-4697	JENNINGS, Tesha	641-2301	LACY, Michael	6-4692	LUTSKE, Debra	954-5771	MIDDLETON, Mark	695-7
HANSRAI, Karen	6-4861	JOHNSON, Dalton	6-4981	LAIDLAW, Winifred	6-2246	LUTZ, Gregg	6-4691	MIKULICE, Christine	6-4
HARPER, Maurice	6-4756	JOHNSON, Dolores	6-4697	LAM, Philip	695-2096	MA, Jianmin (Jimmy)	6-2236	MILLER, Dale	6-4
HARRIS, Mark	6-4923	JOHNSON, Cleopatra	6-4691	LANGIT, Neville	6-4847	MA, Jimmy (Lab)	6-4770	MILLER, Rod	650-871-3
HARRISON, Lewis	695-7373	JOHNSON, Kevin	6-4691	LARKIN, Chuck	6-4746	MACKKEY, Sophie	6-4835	MINGARACAL, Cora	6-4
HARTWELL, Frederick	6-4686	JOHNSON, Patricia	551-4694	LARKIN-OLIVEIRA, Bem	6-4846	MADISON, Maverick	6-2238	MINICK, Sarah	551-4
HARVEY, Kevin	6-4981	JOLIS, Domenec	6-4914	LARSEN, Fred	6-2288	MAGNOLI, Leonard	6-2249	MIOT, Alexandre	6-2
HARVEY, Marilene	6-4988	JONES, Bonnie	6-2227/934-5764	LASTRA, Francisco	695-2096	MARAVIGLIA, Michael	6-4737	MITCHELL, Robert (Dale)	6-4
HASTINGS, Merwin	6-4781	JONES, Christopher	6-4834	LAUER, Mark	6-4933	MARCUM, Stuart	6-2207	MITCHELL, Theodore	6-4
HAUSIA, Tipiloma	6-4691	JONES, DeAndre	6-4704	LEAL, John	695-2096	MARKS, David	6-2235	MOORE, Joseph	6-2
HAYES, Maurice	6-2241	JONES, Steven	6-4928	LEDESMA, Jose	695-2096	MARTIN, John	6-4931	MORISHITA, Kenneth	695-2
HEATH, Jill	6-4910	JUROSEK, Marla	554-3131	LEE, Gary	6-2238	MARTINI, Paul	6-4994		
HENDERSON, Brian	6-4949	or 6-4909		LEE, Kenneth	6-4965	MATCHAM, Robert	6-4819		
HENNESSY, Patrick	6-4981			LEE, Raymond	262-2135		6-4947		
HERRADOR, Dennis	6-4697								
HIGH, Michael	6-4986								
	934-3995								

Legend: Green = Div. Mgr's; Blue = Superintendents & Supervisors; Updated: **JULY 1, 2013** - W:Shared/WWE Phone L

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MULLEN, Patrick	695-2096			RIETER, John	6-4691	SMITH, Jonathan A.	695-7331	VING, Karri	6-695
MURPHY, Jerry	6-4931	PACALDO, Gilbert	695-7367	RENN, Randall	262-2185	SOTTO, Ismaelito	6-2255	VISTA, Milan	6-695
MURRAY, John	6-4686	PAEZ, Timothy	262-2185	REVILLA, Nohemy	6-4768	SPENCER, Christine	554-3276		
MURRAY, Sam	6-4761	PAGANO, Laura	554-3109	REYNOSO, Elizabeth	695-7345	STAPLES, John	6-4983		
MYERS, Jonathan	850-7366		6-4279	RINGO, Anthony	6-2288	STARR, Francis	821-1534	WADE, Olee	6-695
		PALEGA, Yvonne	262-2185	RIVAS, Richard	850-4176	STERN, Karen	6-4788	WAKEMAN, Emily	6-695
NAKADEGAWA, Tomio	6-4951		6-2229	RIVERA, Eduardo	6-4857	STOVER, Donald	6-4985		
NAUGHTON, Peter	6-2210	PARAS, Rodrigo	6-4981	RIVERA, Jerardo	695-7348	SUJO, Thomas	6-4989		
NAVARRA, Stephen	6-4988	PARGHI, Kaumil	695-7336	RIVERS, Nancy	262-2185				
NARRO, Andrew	6-2228	PATOLO, Michael	695-2096	ROCHE, Anna	551-4560	TABANGCURA, Frollan	695-2096		695-
NEAL, Christopher	6-2238	PATTERSON, Jack	6-4781	ROCHE, Kevin	641-2348	TAGGERT, Laura	6-2217		695-
NEHRKORN, David	650-305-9670	PELAYO, George	6-4986	RODRIGUEZ, Edgar	6-2296	TAKESHITA, Tomio	262-2144		554-
NERONA, John	6-4932		6-4717	ROHRS, Ann	695-7346	TALAVERA, Rodney	6-4989		6-
NEVELS, Don	695-2096	PETTERSON, Bill	695-2096	ROSENLICHT, Alan	6-4651	TALAVERA, Roger	725-1673		6-
NG, Peter	695-7379	PETERSON, Heather	6-2201	ROSETE, Eduardo	6-4984	TAMANAHHA, Steve	6-4697		6-
NG, Wes	6-4952	PETTIT, Andrew	6-4908/6-2276	RUSSELL, Taylor	6-4736	TANG, Lianna	695-7353		6-
NGUYEN, Mike	6-4758	PHILLIPS, Jackie	6-4731			TANAKA, Yoshifumi	6-4608		6-
NIGOGHOSSIAN, Bernd	6-2288	PHILLIPS, Mark	695-2096	SABBATH, William	6-4649		6-4691		6-
NJISSANG, Isalah	218-1729	POSEY, Dale	554-1834	SABIN, Steve	6-2268	TING, Christina	551-4637		695-
			6-4992	SALCEDO, Arlene	695-7310/25	TING, Gordon	6-4700		6-
			6-4816	SALVATO, Michael	6-4708	TING, Kelly	6-4940		6-
			6-4942	SAN FELIPE, Dario	6-4983	TISHMA, Daniel	695-2096		695-
			6-4732	SANDHU, Sukhjinder	6-2222	TONG, Felix	6-4917		6-
			6-4603	SCANNELL, John	695-2096	TORRES, Humberto	6-4769		6-
			262-2189	SCARPULLA, John	934-5782	TRAN, Miguel	695-7347		6-
			6-4938	SCHUMACHER, Wm.	254-2110	TRAN, Paula	6-4861		6-
				SCOTT, Ryan	6-4989	TRINH, Bill	6-4708		695-
				SEALE, Bruce	695-7369	TRUESDELL, James	6-4924		6-
				SEGARRA, Gerry	6-2242				6-
				SERRANO, Erick	695-7372	VANDERMEY, Brian	6-4985		695-
				SHAIKH, Azim	262-2185	VANNI, John	286-1295		6-
				SHIELDS, Sarah	695-7384	VAUGHN, Carla	821-2041		
				SHEPARD, Beverly	6-2255	VAYNSHTEYN, Leonid	6-2251		
				SHRAYBER, Ernesto	6-2238	VELASCO, Albert	6-4729		6-
				SHULTS, Richard	6-4700	VERSEY, Bruce	6-4700		6-
				SILVESTRI, David	6-4799	VICKERY, James	6-4987		6-

WASTEWATER ENTERPRISE TELEPHONE DIRECTORY

Oceanside 242-2200

YU, Evelyn	6-4874	Digester Group 2	6-4706	Main Number (415) 282-2100	Naseem Ghaffari	554-1665
YUSHPRAKH, Arkady	6-4781	DOC Training Room	6-4974	NPF Fax Operations	Fax	554-1529
ZAPANTA, Emeline	554-3188	DTIS Help Desk	581-7100	NPF Maintenance Shop	Rankin Pump Station	6-4020
ZAPLETAL, Nouane	4841/4960	Electric Shop	6-4737	NPF Fax (Maintenance)	Safety	6-4770, 6-4904
ZARABANDA, Luis	6-4700	Elevators	(011) 6-4696	NPF Electric Shop		
ZHANG, Xihui	6-4730		(850) 6-4681			
			(930) 6-4677	NPF Fax Electric Shop		
			(940) 6-4678			
		Employee Assistant		NPF Fax Electric Shop		
		Program (EAP)	701-5880	Northshore Pump	Special Projects	6-4757
Admin Store Room	6-4843	Engineering (SEP) Fax:	282-4290	Station (NSS)	W6 Northside	6-4757
Basement)		Engineering Doc. Cage	6-4667	NSS Main Number	Sewer Operations	695-2096
BERM (Bayview)	695-7310	Engineering		Machine Shop	Fax	641-2352
Boiler Room (Bldg. 850)	6-4710	30 Van Ness	558-4000	OSP Computer Room	South Shop	6-4860
Building (Bldg. 260)	6-4646	Fax	558-4519	OSP (Oceanside Plant)	Sunnydale	467-2187
Bldg. 540 Training Rm	6-4862	Gen Chem Lab	6-4651, 6-4653	OSP Fax (Receptionist)	Treasure Island	274-0318
Carpenters	6-4688	Griffith Pump Station	822-6062	OSP-Ops. Control Rm	Plant	& 274-0320
Central Shops	550-4600	Head-Works	6-4702	OSP EOC Comm.	Tool Room	6-4716
Centrifuge	6-4707	Health Services System	554-1750	OSP Bloassay Lab	Warehouse SEP	6-4727
Channel	495-6711	HazMat Permits, H&S	6-4790	Water	Workers' Comp	575-5600
Chief's Opns C/Room	6-4836	Heavy Maint. Shop	6-4697	Power	Tamara Jones	550-3582
Chief's Office (Opns)	6-4968	I&C Shop	6-4721, 6-4722	Wastewater	WWE Admin Fax	550-9371
	6-4969, 6-4700	IT Help Desk	551-4357	Organics Lab	WWE Courier (Body)	254-2120
SEP-Trailer	640-0363	Islais Creek	821-3612	Oxygen Plant		
Control Room (01)	6-4790	Lab Sample/Receiving	6-4835	Payphone (Bldg. 850)		
Control Room (011)	6-4702	Library	6-4759	Phone Help Desk		
Control Room (012)	6-4640	Loading Station (860)	6-4741	PAGING SYSTEM - Dial #XX		
Control Room (042)	6-4664	Lobby SEP Bldg 930	6-4833	#45 North Side		
Control Room (043)	6-4698	Locker Room		#46 Maintenance		
Control Room (260)	6-4646	Men's (Bldg 850)	6-4711	#47 South Side		
Control Room (270)	6-4652	Women's (Bldg 850)	6-4712	#48 Admin		
Control Room (785)	6-4605	Lunch Room (Bldg.260)	6-4665	#49 SEP Plant		
Control Room (521)	6-4653	Lunch Room (Bldg 850)	6-4713	Pipe Shop		
Control Room (780)	6-4647	Millbrae Lab (650)	872-5900	Planning Trailer		
Control Room (790)	6-4703	Metal Prep.	6-4708, 6-4758	Planning (Work Order)		
Control Room (840)	6-4707	Northpoint Facilities (NPF)	and 6-4607	PUC Payroll		
Control Room BFS	6-4623			554-2433		
Digester Group 1	6-4705			554-1608		
				PUC Personnel		
				554-1670		
				Employee Verification		

Legend: Green = Div. Mgr.; Blue = Superintendents & Supervisors;

FILED IN OCEANSIDE & GARDEN CITY BRANCH

UPDATED: JULY 1, 2013 - W:Shared/WWE Phone

000191

Gee, Ken

From: Segarra, Gerry
Sent: Monday, April 01, 2013 3:14 PM
To: Shepard, Beverly; Gee, Ken; Kwan, Sandy; Jasinski, Diane; Phillips, Jacqueline M; Naughton, Peter; Collins, Cari; Sison, Mike; Wong, Bill; Sotto, Ismaelito; Banks, Craig
Cc: Yee, Jeff (jyee@sfwater.org); Wong, Luisa
Subject: Bid Re-assignment

To All,

Effective April 01, 2013 Kenneth Gee will be reporting to Watch 6 as Acting Senior (7373) and Beverly Shepard will be reporting to Watch 5. Please make appropriate changes to the org charts and e-time.

Kenneth Gee and Beverly Shepard, please turnover respective keys to OSP Chief so a new set of keys can be re-assigned.

Thanks,

Gerry Segarra
Oceanside Plant
Chief of Operations
415-242-2242



Work Order Details



2504667: OSP SC2 outside sump. sump pumps plugged. Contact Craig Banks for info.

Asset: BLDG-0096 Seacliff 2 PS, 100 Sea Cliff Ave., 1940, 2 Stories, 1,730 sqft
 Location: SEACLIFF2 PS (S2S) Seacliff 2 Pump Station

CI:

Sched Start:	
Sched Finish:	
Target Start:	
Actual Start:	
Actual Finish:	
Report Date:	2/10/14
Reported By:	RCIPRIANI
On Behalf Of:	
Phone:	242-2238

Site:	WW
Priority:	3
Work Type:	CM
PM Number:	
Status:	WAPPR
Parent:	
Failure Class:	BUILDING
Problem Code:	
GL Account:	XXXXXXXX20301-7777?

Shop:	OSP
Supervisor:	
Lead:	
Job Plan:	
JP Description:	
Crew:	
Service:	
Service Group:	
Classification:	

Job Plan Description

Failure Reporting BUILDING Building Failure
Failure:
Problem:
Cause:
Remedy:

Work Order Details



2504643: OSP Seacliff #2 Please repair counter weight arm to discharge check valve on no.2&3 lift pumps.

Asset: Location: S201P1-3 Lift Pump #3, Sewage, Seacliff 2 PS, Size: 6 in. Discharge
 CI:

Sched Start:	
Sched Finish:	
Target Start:	
Actual Start:	
Actual Finish:	
Report Date:	2/10/14
Reported By:	RCIPRIANI
On Behalf Of:	
Phone:	242-2238

Site:	WW
Priority:	3
Work Type:	CM
PM Number:	
Status:	WAPPR
Parent:	
Failure Class:	
Problem Code:	
GL Account:	XXXXXXXX920301-?????

Shop:	OSP
Supervisor:	
Lead:	
Job Plan:	
JP Description:	
Crew:	
Service:	
Service Group:	
Classification:	

Job Plan Description

Work Order Details



2504455: OSP Attn: I&C Roger Werner please clear low oil fault on #3 PSA comp.

Asset:

Location: OS12M2-3

(011) Air Compressor, #3 PSA, Room 100, ZA 6-61 Type

CI:

Sched Start:	
Sched Finish:	
Target Start:	
Actual Start:	
Actual Finish:	
Report Date:	2/10/14
Reported By:	RCIPRIANI
On Behalf Of:	
Phone:	242-2238

Site:	WW
Priority:	9
Work Type:	CM
PM Number:	
Status:	WAPPR
Parent:	
Failure Class:	
Problem Code:	
GL Account:	XXXXXXXX920301-?????

Shop:	OSP
Supervisor:	
Lead:	
Job Plan:	
JP Description:	
Crew:	
Service:	
Service Group:	
Classification:	

Job Plan Description

Banks, Craig

From: Yee, Jeff
Sent: Thursday, February 27, 2014 10:12 AM
To: Segarra, Gerry; !WWE Ops Seniors OSP; !WWE Ops OSP
Subject: FW: Work Order Priorities

FYI

From: Prather, Joel
Sent: Tuesday, February 25, 2014 9:25 AM
To: !WWE Maintenance Supervisors; !WWE Maintenance Planning
Cc: Powell, John M; Flores, Tony; Yee, Jeff
Subject: Work Order Priorities

I've been working on trying to bring some better definitions to our work order priorities.

This is what I have so far, let me know if you have any comments:

Priorities:

9 = Emergency, must be worked on immediately. Overtime allowed if approved by Operations Chief or higher. Operations will call the Chief or Planner during normal business hours, or the Superintendent during non-business hours, to notify them that a priority 9 work order has been created.

3 = As soon as possible based on personnel and resource availability. Preferably inspected/evaluated today or by the end of the next business day at the latest. Overtime allowed if approved by Operations Chief or higher. Operations will call the Chief or Planner when a priority 3 work order has been created during normal business hours.

2 = Inspected/evaluated within the next two weeks. Will be planned and scheduled as personnel and resources become available. Priority 2 work orders will be scheduled ahead of priority 1 work orders.

1 = Inspected/evaluated as personnel and resources become available. Will be planned and scheduled as personnel and resources become available.

Thanks,

Joel Prather
Maintenance Planning Supervisor
(415) 920 . 4732

San Francisco Water Power Sewer | Services of the San Francisco Public Utilities Commission

Banks, Craig

From: Faaita, James
Sent: Monday, March 03, 2014 6:18 AM
To: Sotto, Ismaelito; Wong, Bill; Banks, Craig
Subject: FW: Pump Station Rounds

Importance: High

From: Yee, Jeff
Sent: Friday, February 28, 2014 8:20 AM
To: Faaita, James
Subject: FW: Pump Station Rounds
Importance: High

FYI

From: Yee, Jeff
Sent: Thursday, February 20, 2014 5:01 PM
To: Segarra, Gerry
Cc: Gee, Ken
Subject: Pump Station Rounds
Importance: High

Gerry,

Upon Craig Banks' return to work, he will be assigned to OW6 duties inside of Oceanside Plant. The Pump Station rounds will be distributed amongst the other crew members of OW6 along with T-Week personnel when necessary. This will allow other Operations personnel to be up-to-date with the latest changes and procedures at the outlying pump stations and the collection system.

Jeff

Faaita, James

From: Yee, Jeff
Sent: Friday, February 28, 2014 8:20 AM
To: Faaita, James
Subject: FW: Pump Station Rounds

Importance: High

FYI

From: Yee, Jeff
Sent: Thursday, February 20, 2014 5:01 PM
To: Segarra, Gerry
Cc: Gee, Ken
Subject: Pump Station Rounds
Importance: High

Gerry,

Upon Craig Banks' return to work, he will be assigned to OW6 duties inside of Oceanside Plant. The Pump Station rounds will be distributed amongst the other crew members of OW6 along with T-Week personnel when necessary. This will allow other Operations personnel to be up-to-date with the latest changes and procedures at the outlying pump stations and the collection system.

Jeff

Banks, Craig

From: Martini, Paul
Sent: Wednesday, October 23, 2013 4:46 PM
To: Wong, Bill; Banks, Craig
Subject: FW: Last Reminder: PG&E - Folsom St. San Francisco CNG Station Permanent Closure

FYI

Paul G. Martini
Heavy Equipment Operator Supervisor
San Francisco Public Utilities Commission
Wastewater Enterprise Division
750 Phelps Street
San Francisco Ca. 94124
Phone 415-920-4994
Fax 415-206-0732



From: Peter Aviles [<mailto:Peter.Aviles@SFGOV.ORG>]
Sent: Friday, October 18, 2013 9:37 AM
To: Haase, Mike; Anita.Sanchez@sfgov.microsoftonline.com; Ara.Minasian@sfgov1.onmicrosoft.com; Vicky.Guldbech@sfgov1.onmicrosoft.com; Pankratius, Joe; Harold.Powell@sfgov1.onmicrosoft.com; Johnson, Hugh; Kondo, Eric; Williams, Carol; Einhorn, Duane; Fliess, Derek; Jaber, May; Lulu.Hwang@sfgov1.onmicrosoft.com; Takeshita, Tomio; Karen.Henderson@sfgov1.onmicrosoft.com; Manasievici, Maria; Maranon, Charles; Young, Dave; Bull, Kathy; Meisenbach, Thomas; Bianchi, Kathy; rlombardi@sfpl.org; SFPD Fleet; Flores, Tony; David.Ebarle@sfgov.microsoftonline.com; Mazzola, Lori; Del Grande, Dave; John.Blackshear@sfgov.microsoftonline.com; Martini, Paul; Jones, Steve; Posey, Dale; Tajel.shah@sfgov.microsoftonline.com; Tolbert, Orlando; Kendall, JN; Navarro, Tyrone; Demerin, James; Dunn, Frank; Ronald.Chu@sfgov1.onmicrosoft.com; renato.cruz@mvtransit.com; Timothy.Conway@sfgov1.onmicrosoft.com; le.ellis.brown@sfgov1.onmicrosoft.com; Difabio, Jim; Grady, Jesse; Pico.Junior@sfgov1.onmicrosoft.com; Lynch, Nancy; lsalswedel@moscone.com; Moser, Brian; Nahel.Simon@sfgov.microsoftonline.com; Fieldsted, Patricia; Ahern, William; Murphy, Bart; Doan, Hieu X; Holle, Shawn; Paul.Camarillo@sfgov.microsoftonline.com; Lydia.Zaverukha@sfgov.microsoftonline.com; Ng, Terrence; McCarthy, Kathleen; Rotberg, Vadim; Roumbanis, Mark; Leon, Gil; ken.buhagiar@sfgov.microsoftonline.com; Nelson, Eric; scarlett.lam@sfmta.com; Nakai, Clifford; Gayle.Revels@sfgov.microsoftonline.com; Jonathan.Tso@sfgov.microsoftonline.com; Loi, Tommy; James, Jesse; Aviles, Peter; Pastrano, Tony; Ho, Peggy; Rechsteiner, Buzz; Braun, Michael; Yip, Gary; Szeto, William; Alvarez, Angela N; De Castro, Johnny; Van Looy, Mark; Ippolito, John; Wong, Bill; Wu, Peter; Fung, Tom; Grace.Wong@sfgov1.onmicrosoft.com; Coleman, Dan; Castro, Norma; Alvarenga, Roberto; Llamas, Daniel; Bennett, Sherman; Jones, Don; Sung, Anthony; Kudron, Tony; Fennell, Jonathan; Gray, Mike; Furrer, David; Lee, Rich
Subject: Fw: Last Reminder: PG&E - Folsom St. San Francisco CNG Station Permanent Closure

Please see below.

----- Forwarded by Peter Aviles/ADMSVC/SFGOV on 10/18/2013 09:35 AM -----

From: cleanairvehicles <cleanairvehicles@pge.com>
To:
Date: 10/17/2013 05:50 PM
Subject: Last Reminder: PG&E - Folsom St. San Francisco CNG Station Permanent Closure

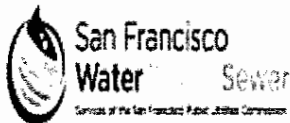
Banks, Craig

From: Wong, Bill
Sent: Thursday, October 24, 2013 6:07 AM
To: Banks, Craig
Subject: FW: Last Reminder: PG&E - Folsom St. San Francisco CNG Station Permanent Closure

From: Martini, Paul
Sent: Wednesday, October 23, 2013 4:46 PM
To: Wong, Bill; Banks, Craig
Subject: FW: Last Reminder: PG&E - Folsom St. San Francisco CNG Station Permanent Closure

FYI

Paul G. Martini
Heavy Equipment Operator Supervisor
San Francisco Public Utilities Commission
Wastewater Enterprise Division
750 Phelps Street
San Francisco Ca. 94124
Phone 415-920-4994
Fax 415-206-0732



From: Peter Aviles [<mailto:Peter.Aviles@SFGOV.ORG>]
Sent: Friday, October 18, 2013 9:37 AM
To: Haase, Mike; Anita.Sanchez@sfgov.microsoftonline.com; Ara.Minasian@sfgov1.onmicrosoft.com; Vicky.Guldbech@sfgov1.onmicrosoft.com; Pankratius, Joe; Harold.Powell@sfgov1.onmicrosoft.com; Johnson, Hugh; Kondo, Eric; Williams, Carol; Einhorn, Duane; Fliess, Derek; Jaber, May; Lulu.Hwang@sfgov1.onmicrosoft.com; Takeshita, Tomio; Karen.Henderson@sfgov1.onmicrosoft.com; Manasievici, Maria; Maranon, Charles; Young, Dave; Bull, Kathy; Meisenbach, Thomas; Bianchi, Kathy; rlombardi@sfpl.org; SFPD Fleet; Flores, Tony; David.Ebarle@sfgov.microsoftonline.com; Mazzola, Lori; Del Grande, Dave; John.Blackshear@sfgov.microsoftonline.com; Martini, Paul; Jones, Steve; Posey, Dale; Tajel.shah@sfgov.microsoftonline.com; Tolbert, Orlando; Kendall, JN; Navarro, Tyrone; Demerin, James; Dunn, Frank; Ronald.Chu@sfgov1.onmicrosoft.com; renato.cruz@mvtransit.com; Timothy.Conway@sfgov1.onmicrosoft.com; le.ellis.brown@sfgov1.onmicrosoft.com; Difabio, Jim; Grady, Jesse; Pico.Junior@sfgov1.onmicrosoft.com; Lynch, Nancy; lsalswedel@moscone.com; Moser, Brian; Nahel.Simon@sfgov.microsoftonline.com; Fieldsted, Patricia; Ahern, William; Murphy, Bart; Doan, Hieu X; Holle, Shawn; Paul.Camarillo@sfgov.microsoftonline.com; Lydia.Zaverukha@sfgov.microsoftonline.com; Ng, Terrence; McCarthy, Kathleen; Rotberg, Vadim; Roumbanis, Mark; Leon, Gil; ken.buhagiar@sfgov.microsoftonline.com; Nelson, Eric; scarlett.lam@sfmta.com; Nakai, Clifford; Gayle.Revels@sfgov.microsoftonline.com; Jonathan.Tso@sfgov.microsoftonline.com; Loi, Tommy; James, Jesse; Aviles, Peter; Pastrano, Tony; Ho, Peggy; Rechsteiner, Buzz; Braun, Michael; Yip, Gary; Szeto, William; Alvarez, Angela N; De Castro, Johnny; Van Looy, Mark; Ippolito, John; Wong, Bill; Wu, Peter; Fung, Tom; Grace.Wong@sfgov1.onmicrosoft.com; Coleman, Dan; Castro, Norma; Alvarenga, Roberto; Llamas, Daniel; Bennett, Sherman; Jones, Don; Sung, Anthony; Kudron, Tony; Fennell, Jonathan; Gray, Mike; Furrer, David; Lee, Rich
Subject: Fw: Last Reminder: PG&E - Folsom St. San Francisco CNG Station Permanent Closure

Dear Valued Customer,

Sorry for the inconvenience, but the PG&E CNG station located on 425 Folsom Street in San Francisco will be **PERMANENTLY CLOSED ON OCTOBER 31, 2013** to allow for electric substation expansion at this location.

Below is a list of the nearby alternative CNG stations that can be accessed during this time. Please do not hesitate to contact us with any questions or concerns.

- **Clean Energy - Yellow Cab Co-op -- 1200 Mississippi St, San Francisco, CA 94107. Payment – VISA/MC – 24/7 Access.**
- **Clean Energy - Olympian Oil -- 2690 3rd St, San Francisco, CA 94107. Payment – VISA/MC – 24/7 Access**
- **PG&E - Martin Service Center – 3100 Geneva Ave, Daly City, CA 94014. Payment – PG&E Fueling Card Only - 24/7 Access**

FOR ADDITIONAL CNG FUELING LOCATIONS AND INFORMATION, PLEASE VISIT WWW.CNGVC.ORG

PLEASE ROUTE QUESTIONS OR COMMENTS TO PG&E AT EMAIL ADDRESS CLEANAIRVEHICLES@PGE.COM
OR VOICE MAIL AT 800-684-4648

Thank you,

PG&E Natural Gas Vehicle Support

PG&E is committed to protecting our customers' privacy.

To learn more, please visit <http://www.pge.com/about/company/privacy/customer/>

Banks, Craig

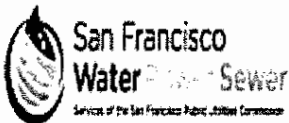
From: Yee, Jeff
Sent: Tuesday, December 24, 2013 1:06 PM
To: !WWE Ops Seniors OSP; !WWE Ops OSP
Subject: FW: Rec & Park CNG Station Closed

FYI

From: Martini, Paul
Sent: Tuesday, December 24, 2013 11:30 AM
To: ISSIP WWE PM; !WWE Administration; !WWE Collection System Division; !WWE Electrical Maintenance; !WWE Maintenance; !WWE Maintenance OSP; !WWE Maintenance Supervisors; !WWE Ops Mgmt OSP
Subject: FW: Rec & Park CNG Station Closed

FYI CNG station at Golden Gate Park Down till 1/3/2014

Paul G. Martini
Heavy Equipment Operator Supervisor
San Francisco Public Utilities Commission
Wastewater Enterprise Division
750 Phelps Street
San Francisco Ca. 94124
Phone 415-920-4994
Fax 415-206-0732



From: Peter Aviles [<mailto:Peter.Aviles@SFGOV.ORG>]
Sent: Tuesday, December 24, 2013 9:54 AM
To: Haase, Mike; Anita.Sanchez@sfgov.microsoftonline.com; Ara.Minasian@sfgov1.onmicrosoft.com; Vicky.Guldbeck@sfgov1.onmicrosoft.com; Pankratius, Joe; Harold.Powell@sfgov1.onmicrosoft.com; Johnson, Hugh; Kondo, Eric; Williams, Carol; Einhorn, Duane; Fliess, Derek; Jaber, May; Lulu.Hwang@sfgov1.onmicrosoft.com; Takeshita, Tomio; Karen.Henderson@sfgov1.onmicrosoft.com; Manasievici, Maria; Maranon, Charles; Young, Dave; Bull, Kathy; Bianchi, Kathy; rlombardi@sfpd.org; SFPD Fleet; Flores, Tony; David.Ebarle@sfgov.microsoftonline.com; Mazzola, Lori; Del Grande, Dave; John.Blackshear@sfgov.microsoftonline.com; Martini, Paul; Jones, Steve; Posey, Dale; Tajel.shah@sfgov.microsoftonline.com; Tolbert, Orlando; Kendall, JN; Navarro, Tyrone; Demerin, James; Dunn, Frank; Ronald.Chu@sfgov1.onmicrosoft.com; renato.cruz@mvtransit.com; Timothy.Conway@sfgov1.onmicrosoft.com; le.ellis.brown@sfgov1.onmicrosoft.com; Difabio, Jim; Grady, Jesse; Pico.Junior@sfgov1.onmicrosoft.com; Lynch, Nancy; Isalswedel@moscone.com; Moser, Brian; Nahel.Simon@sfgov.microsoftonline.com; Fieldsted, Patricia; Murphy, Bart; Doan, Hieu X; Holle, Shawn; Paul.Camarillo@sfgov.microsoftonline.com; Lydia.Zaverukha@sfgov.microsoftonline.com; Ng, Terrence; McCarthy, Kathleen; Rotberg, Vadim; Roumbanis, Mark; ken.buhagiar@sfgov.microsoftonline.com; Nelson, Eric; scarlett.lam@sfmta.com; Nakai, Clifford; Gayle.Revels@sfgov.microsoftonline.com; Jonathan.Tso@sfgov.microsoftonline.com; Loi, Tommy; James, Jesse; Hart, Amy; Wirowek, Christopher; McDonald, Thomas; Salvador.Mira@sfgov.microsoftonline.com; Rhonda.Odom@sfgov.microsoftonline.com; Aviles, Peter; Pastrano, Tony; Ho, Peggy; Rechsteiner, Buzz; Braun, Michael; Yip, Gary; Szeto, William; Alvarez, Angela N; De Castro, Johnny; Van Looy, Mark; Ippolito, John; Wong, Bill; Wu, Peter; Fung, Tom; Grace.Wong@sfgov1.onmicrosoft.com; Coleman, Dan; Castro, Norma; Alvarenga, Roberto; Llamas, Daniel; Bennett, Sherman; Jones, Don; Sung, Anthony; Kudron, Tony; Fennell, Jonathan; Gray, Mike; Furrer, David; Lee, Rich
Subject: Rec & Park CNG Station Closed

000203

Please note that the Rec. & Park CNG (Compressed Natural Gas) station at 100 Martin Luther King Dr
is currently shut down for repairs until January 3, 2014.

Peter Aviles
Central Shops

Banks, Craig

From: Yee, Jeff
Sent: Thursday, February 27, 2014 8:11 AM
To: !WWE Ops Seniors OSP; !WWE Ops OSP
Subject: FW: CSD notifications

FYI

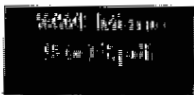
From: Kellogg, Michael
Sent: Thursday, February 27, 2014 8:08 AM
To: Yee, Jeff; Segarra, Gerry
Cc: Conroy, Patrick
Subject: CSD notifications

Hi Jeff and Gerry,

There was a discharge at the Lake Merced structure last night, but the on-call biologist was not notified. Please remind all operators that they must call Millbrae Dispatch to notify the on-call biologists whenever there is a CSD on the west side. The number for Dispatch is on the white board in the control room, but it is off to the side and may not be noticed. However this has been standard operating procedure for many years. I've attached the latest biologist contact memo as a reminder.

Thank you and let me know if you have any questions,
Mike

Michael G. Kellogg, Supervising Biologist
SFPUC Natural Resources and Lands Management Division
Oceanside Biology Laboratory
3500 Great Highway, San Francisco, CA 94132
office: 415.242.2218 | fax: 415.242.2285





San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

Natural Resources and Lands Management Division
Oceanside Biology Laboratory
3500 Great Highway
San Francisco, CA 94132
T 415.242.2200
F 415.242.2285

DATE: September 6, 2013
TO: WWE Watch Chiefs and Supervisors
CC: Tommy Moala, Laura Pagano, Tim Ramirez
FROM: Michael G. Kellogg
RE: - Biologist Notifications

Natural Resources and Lands Management Division Biologists should be contacted for response under the following scenarios:

Wet Weather CSS Discharge affecting Recreational Beaches

- Ocean Beach: Lake Merced (1), Vicente (2), or Lincoln (3)
- China Beach: Sea Cliff I (5)
- Baker Beach: Sea Cliff II (7)
- Candlestick Point State Recreation Area: Yosemite (40 - 42) or Sunnydale (43)
- Crissy Field and Aquatic Park (9, 10, 11, 13, 15)

Call Millbrae Dispatch: 650-872-5900 to page Biologist on call. *It is important that this notification be made as soon as possible to allow notification for protection of public health.*

Islais Creek and Mission Creek Wet Weather CSS Discharge

- Islais Creek (31, 31A, 32, 33, 35)
- Mission Creek (22, 23, 24, 25, 26, 27, 28)

Call Millbrae Dispatch: 650-872-5900 to page Biologist on call.

Wet Weather Bioassay

- EFF-001B – primary discharge out Pier 80 outfall (=PDS)
- EFF-003 – North Point Wet Weather Facility

Call the Oceanside Toxicity Laboratory (Bioassay): 415-242-2292 (if no answer, leave a detailed message indicating which facilities are on-line and anticipated time when samples will be available).

Sewage Spill to Receiving Waters (Including a Dry Weather CSS Discharge)

Call Millbrae Dispatch: 650-872-5900 to page Biologist on call. The biologist's responsibility in this scenario is environmental assessment. It is important that first responders and/or OES also be contacted as appropriate.

(Plant bacteria sample pick-up should be directed to WQD Field Services on-call staff through Millbrae Dispatch.)

ATTACHMENT #2

Narbaitz, Dena

From: Segarra, Gerry
Sent: Thursday, September 11, 2014 9:30 AM
To: Welch, Charla L
Subject: RE: February work orders
Attachments: WO#2504455.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Charla,

WO was created by Randy Cipriani and most of the work was performed by Instrumentations Tech. Roger Werner.

Regards,
gerry

From: Welch, Charla L
Sent: Wednesday, September 10, 2014 12:05 PM
To: Segarra, Gerry
Subject: RE: February work orders

Hi Chief,

Thanks for providing the list of all work orders written in February 2014 re: PSA. Can I please retrieve a copy of Work Order #2504455? It states that 12 hours of labor were actually performed on that work order, and I would like to know (1) what employees performed the work as well as (2) who created the work order and (3) on what date.

Thanks for your help.

From: Segarra, Gerry
Sent: Tuesday, September 09, 2014 10:45 AM
To: Welch, Charla L
Subject: RE: February work orders

Hi Charla,

Attached is work orders written in Feb/2014 re. PSA. Please let me know if you need further assistance.

Best Regards,
Gerry

From: Welch, Charla L
Sent: Monday, September 08, 2014 4:04 PM
To: Segarra, Gerry
Subject: February work orders

Good day Chief Segarra,

Thanks for taking my call last week regarding retrieving work orders concerning PSA work performed sometime between February 7 and February 11, 2014. I might be able to limit the work that needs to be performed in this regard. Can you please retrieve Work Order #2504455? I would like to have this before I come to Oceanside on Thursday, if that's possible.

Thanks for your help. I look forward to meeting you.

~Charla Welch
Senior Personnel Analyst
Human Resource Services
San Francisco Public Utilities Commission
415.554.1665

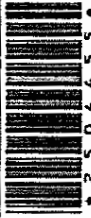
Weekly Schedule

Work Type: CM

Work Order	Description	Crew	Location	Asset	Priority	Estimated Labor Hours	Actual Labor Hours	Target Finish	Scheduled Finish	Lead
2529698	OSP011 Low flow comming of PSA, Valve 12C Sticking.	C0406	OS12M14	VALV-2110	3	00:00	00:00		3/15/14	
2501921	OSP 011 #2 PSA COMPRESSOR WOULD NOT START AFTER FAILING. OPERATOR JOHN LOGIA UNABLE TO RESTART COMPRESSOR.	C0406	OS12M2-2	COMP-2114	2	04:00	12:00		3/1/14	
2501922	OSP 011 VALVE STUCK ON VALVE SKID. JOHN LOGIA REPORTED THAT A VALVE IS STUCK ON THE VALVE SKID.	C0406	OS12KV40	VALV-2107	2	04:00	00:00		3/1/14	
2502045	OSP011 PSA VALVE STUCK ON VALVE SKID. JOHN LOGIA REPORTED THAT A VALVE IS STUCK ON THE VALVE SKID.	C0303	OS12KV40	VALV-2107	2	08:00	04:00		2/15/14	DBRABANT
2503986	OSP-PSA compressor #1 cooling water return pump/make up water pressure relieve valve is not holding.	C0406	OS12P3-1	PUMP-2129	2	08:00	12:00		3/1/14	
2504455	OSP011 Attn: I&C Roger Werner please clear low oil fault on #3 PSA comp.	C0607	OS12L35-3C		2	00:00	12:00		6/21/14	RWERNER

Number of Records: 6
 Dynamic Where Clause: workorder.workorderid in (30955689,30955709,30955936,30959130,30960889,31007309,31007309)

Work Order Details



2504455: OSP011 Attn: I&C Roger Werner please clear low oil fault on #3 PSA comp.

Asset: null ALTASSETNUM: N/A
 Location: OS12L35-3C (011) Compressor Cooling Oil Sump Level #3
 CI:

Sched Start:	2/10/14
Sched Finish:	6/21/14
Target Start:	
Actual Start:	2/10/14
Actual Finish:	6/17/14
Report Date:	2/10/14
Reported By:	RCIPRIANI
On Behalf Of:	
Phone:	242-2238

Site:	WW
Priority:	2
Work Type:	CM
PM Number:	
Status:	COMP
Parent:	
Failure Class:	COMPRES
Problem Code:	
GL Account:	XXXXXX920301-????

Shop:	I&C
Supervisor:	MMADISON
Lead:	RWERNER
Job Plan:	
JP Description:	
Crew:	C0607
Service:	
Service Group:	
Classification:	

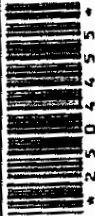
Failure Description

Failure: COMPRES
Problem: DEVICE TO INCREASE GAS PRESSURE BY REDUCING VOLUME
Cause:
Remedy:
Remarks: Field Completed by R. Werner on June 17, 2014.
Remarks Long Description: Refer to the work order log for a complete description of work performed.

Actual Labor

Task ID	Craft	Skill Level	Labor	Vendor	Start Date	Regular Hours	Premium Hours	Regular Rate	Premium Rate	Line Cost
	7336		RWERNER		3/7/14	01:00	00:00	50.45	0.00	50.45
	7336		RWERNER		2/10/14	04:00	02:00	50.45	1.50	353.15
	7336		RWERNER		2/12/14	01:00	00:00	50.45	0.00	50.45
	7336		RWERNER		3/6/14	01:00	00:00	50.45	0.00	50.45
	7336		RWERNER		6/17/14	01:00	00:00	50.94	0.00	50.94
	7336		SMARCUM		2/10/14	00:00	02:00	50.45	1.50	151.35
Total Actual Labor:										706.00

Work Order Details



2504455: OSP011 Attn: I&C Roger Werner please clear low oil fault on #3 PSA comp.

Log	Date	Class	Created By	Subject	Description	Long Description
	2/12/14	WORKORDER	RWERNER		Work Summary Report: Feb. 12, 2014.	<p>Work Summary Report: Feb. 12, 2014.</p> <p>Low pressure alarm was initially indicated on the annunciator panel. No.3 Air Compressor would not start either locally or remotely.</p> <p>Because the low oil pressure indication could be reset, it appeared that the controller monitor was preventing the drive motor from starting. Low oil pressure might possibly be the result of failure to start and an oil pressure time-out function. Various critical circuit points were monitored with respect to voltage which was found to be absent. The integration of the two systems with respect to documentation is poor however it appears that the source of these voltages originates from the controller/monitor assembly. Documentation problems are present in the form of absence of wire marking both physically and in written form on the wires themselves.</p> <p>Rather than pursue further troubleshooting on overtime, No.1 PSA Air Compressor was placed in-service temporarily to establish its operational worthiness. An additional air pad volume was added with an accompanying reduction in cooling water pressure. It was proven to be operational and an adequate substitute for No.3 Air Compressor. More work needs to be done on this No.3 PSA Air Compressor for a more definitive determination of the problem since the suspect controller/monitor and the failure of the handle-hand programmer have not been adequately researched.</p>
	6/17/14	WORKORDER	RWERNER		Work Order Summary Report: June 17, 2014.	<p>Work Order Summary Report: This problem was finally traced to an oil leak which was remedied and the compressor was placed in-service.</p>

Work Order Details

HAT NUMBER: 2504455: OSP011 Attn: I&C Roger Werner please clear low oil fault on #3 PSA comp.

Asset: Location: OS12L35-3C (011) Compressor Cooling Oil Sump Level #3
 CI:

Sched Start:	2/10/14
Sched Finish:	6/21/14
Target Start:	
Actual Start:	2/10/14
Actual Finish:	6/17/14
Report Date:	2/10/14
Reported By:	RCIPRIANI
On Behalf Of:	
Phone:	242-2238

Site:	WW
Priority:	2
Work Type:	CM
PM Number:	
Status:	COMP
Parent:	
Failure Class:	COMPRESR
Problem Code:	
GL Account:	XXXXXXXX20301-?????

Shop:	I&C
Supervisor:	MMADISON
Lead:	RWERNER
Job Plan:	
Crew:	C0607
Owner Group:	
Service:	
Service Group:	
Classification:	

Work Order Details

HAT NUMBER: 2504455: OSP011 Attn: I&C Roger Warner please clear low oil fault on #3 PSA comp.

Job Plan Description

Task ID	Craft	Skill Level	Labor	Vendor	Start Date	Regular Hours	Premium Hours	Regular Rate	Premium Rate	Line Cost
	7336		RWERNER		3/7/14	01:00	00:00	50.45	0.00	50.45
	7336		RWERNER		2/10/14	04:00	02:00	50.45	1.50	353.15
	7336		RWERNER		3/6/14	01:00	00:00	50.45	0.00	50.45
	7336		RWERNER		6/17/14	01:00	00:00	50.94	0.00	50.94
	7336		RWERNER		2/12/14	01:00	00:00	50.45	0.00	50.45
	7336		SMARCUM		2/10/14	00:00	02:00	50.45	1.50	151.35
Total Actual Labor:										706.00

Work Order Details

HAT NUMBER: 2504455; OSP011 Attn: I&C Roger Werner please clear low oil fault on #3 PSA comp.

Date	Class	Created By	Subject	Description	Long Description
2/12/14	WORKORDER	RWERNER		Work Summary Report: Feb. 12, 2014.	<p>Work Summary Report: Feb. 12, 2014. Low pressure alarm was initially indicated on the annunciator panel. No.3 Air Compressor would not start either locally or remotely.</p> <p>Because the low oil pressure indication could be reset, it appeared that the controller monitor was preventing the drive motor from starting. Low oil pressure might possibly be the result of failure to start and an oil pressure time-out function. Various critical circuit points were monitored with respect to voltage which was found to be absent. The integration of the two systems with respect to documentation is poor however it appears that the source of these voltages originates from the controller/monitor assembly. Documentation problems are present in the form of absence of wire marking both physically and in written form on the wires themselves.</p> <p>Rather than pursue further troubleshooting on overtime, No.1 PSA Air Compressor was placed in-service temporarily to establish its operational worthiness. An additional air pad volume was added with an accompanying reduction in cooling water pressure. It was proven to be operational and an adequate substitute for No.3 Air Compressor. More work needs to be done on this No.3 PSA Air Compressor for a more definitive determination of the problem since the suspect controller/monitor and the failure of the handle-hand programmer have not been adequately researched.</p>
6/17/14	WORKORDER	RWERNER		Work Order Summary Report: June 17, 2014.	<p>Work Order Summary Report: This problem was finally traced to an oil leak which was remedied and the compressor was placed in-service.</p>

0600-1800 - R. CIPRIANI @ W4
 J. MOORE - CENTRAL → NORTH

F, Bart - ERB
 P Fluharty - South

Maxflow to OSP

07:00 call SES Bruce for one load cake

07:00 Digester lab sample collected to lab

08:15 Harry Tracy 3000 gals

- 06:00 - 08:00 J. MOORE @ CENTRAL

08:00 R. CIPRIANI

06:00 - LOK SECURED TO AERATION VALVE CLOSED

09:45 GRIT TRANSFER NO. 3 DIG.

• GOX FLOW LOK FROM TANK SECURED
 w/o 2504455 NO. 3 PSA RESET

10:40 HARRY TRACY 3000 GAL

10:45 HARRY TRACY 3000 GAL

14:30 SECURED NO. WEST DISCHARGE GATE SCW00

w/o 2504643 SCZ 4P COUNTERWEIGHT ARM CHECK VALVES

w/o 2504667 SCZ OUTSIDE SUMP PUMP PLUGGED.

w/o 2504701 FLOC TANK SP 1+2 DRAIN PLUGGED

w/o 2504800 RIPPED OPEN 150066 DRY POLY BAG CHLORINE CONTACT CHANNEL

17:15 GRIT TRANSFER NO. 3 DIG.

17:15 SECURED NO. 2 GRIT CHANNEL

00 → 06:00 Sabin W-2

collected all Northside samples & took to lab
 Reset Northside samplers
 continued 2° scum skimming
 - RAS pump #1 is pumping down 2° clarifier #17
 in manual. Shut it off when tank is down &
 close valve to process drain also close blue
 valve on suction side of pump.

20-1400 = 1. Sotto ✓

checked station & eqvips.

grab ML & RAS sampler taken.

learned D.O. probes.

- Secured RAS pump #1 w/ suction & Process Drain
 discharge valves closed.

could not pump 2° scum, as per Sr. & South Eng'r.

00 → 24:00 Sabin W-2

checked station

Adjusting VFD on WAS pump #3 for southside

continued to do 2° scum opps.

ATTACHMENT #3

From: Yee, Jeff
To: Segarra, Gerry
Cc: Gee, Ken
Subject: Pump Station Rounds
Date: Thursday, February 20, 2014 5:00:46 PM
Importance: High

Gerry,

Upon Craig Banks' return to work, he will be assigned to OW6 duties inside of Oceanside Plant. The Pump Station rounds will be distributed amongst the other crew members of OW6 along with T-Week personnel when necessary.

This will allow other Operations personnel to be up-to-date with the latest changes and procedures at the outlying pump stations and the collection system.

Jeff

ATTACHMENT #4

DRAFT ONLY NEVER GIVEN

City & County of San Francisco - Public Utilities Commission
Division

Letter of Instruction

Employee's Name: Craig Banks
Class and Title: 7372 Stationary Engineer /Sewage
Date : February 21st 2014

This Letter of Instruction is being given for the following reason(s):

- 1. Not following the chain of command procedure when requesting for time-off and not communication to his immediate Supervisor first on the day to day activities of the job.
- 2. Not getting proper approval before working overtime.

This is the initial counseling session held with this employee for this specific reason: Yes No

The following steps are recommended to resolve this problem:

Advice Mr. Banks to always follow the chain of command when possible.
Give Mr. Banks a copy of the WPCD POLICIES & PROCEDURE 3.9 regarding Overtime.

The employee has been informed that repeated counseling sessions for the same reason(s) may result in a formal Civil Service Disciplinary Action:

Yes No Not Applicable

The employee has received the following with this letter:

- Sick Leave Restrictions
- Other
- HEAP Booklet
- WPCD 3.9 OVERTIME POLICIE

Supervisor's Signature/Date

Employee's Signature/Date

ATTACHMENT #5

aw

Wednesday April 17, 2013 0635 to 0700 am.

Our senior "Kenny Gee" was listening to his suborned "Craig Banks" of words.

In my opinion however, from the tone of voice and pitch of Mr. Banks he was just venting as this argument was a continuing from a previous encounter.

Started with a reference of PSA cooling-treated water and ordering 300 gallons of chemical to do the job.

This went on as words to the training of "James Fa'aita" new to watch-6 and with part reassignment to pump station after 3 days of intense one-on-one training.

On another matter around 9AM Mr. Banks reported an accident with the 4x4 truck 426-00004.


The passenger side rear first outer tire was damage (needs replacement any way because of worn thread). A w/o was done for this tire repair

A 24 hour accident report was presented to Mr. Banks at noon 4/17/2013

However, Mr. Banks came back from lunch at 1240PM to do his 24 hour paper work for the accident.

Mr. Lito Sotto and Mr. James Faaita were also present during this outburst of Mr. Craig Banks.

Employee A

Received from 
Aug. 21, 2014

ATTACHMENT #6

September 10, 2014

Statement Regarding Pump Station Duties

A Memo was sent out early this year regarding pump station duties. The memo stated that the pump station duties will be rotated amongst the Watch 6 Crew. I did my rotation on the Pump Station Duties last week (09/02/2014 thru 08/04/2014).

Today September 10, 2014, Crew members Lito Sotto and Kenny Gee called-in ; Craig Banks and I were in attendance. I came into work this morning expecting to do my routine assignments of calibrating analyzers, cleaning samplers etc. I was told by my supervisor James Fa'Aita that I had to do the Pump Station Duties today because Superintendent Jeff Yee instructed my Supervisor James Fa'Aita not to give the Pump Station Duties to Craig Banks. This bothered me very much, but I complied.

Employee A

[REDACTED]

*Provided to C. Welch
9/11/14 by [REDACTED]*

Employee A

Exhibit E

Gerardo Segarra – Interview Narrative



CONFIDENTIAL

DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT

INTAKE INTERVIEW NOTES

Witness: Gerardo Segarra, Chief Stationary Engineer	EEO File No./Dept.: 1709/PUC
EEO Investigator: Marc Kroop	Date & Time: November 20, 2018 9:30 AM to 11:30 AM
Others Present:	
Location: DHR, 1 South Van Ness, 4th Fl.	Pages: 4

I. BACKGROUND INFORMATION

A. Relationship Between Complainant and Respondents to Gerardo Segarra

From approximately 2009 to 2014, San Francisco Public Utilities Commission (SFPUC) employed Gerardo Segarra as the Chief of Operations, SFPUC. Between April 2013 and Feb. 2014 Complainant Craig Banks, 7372 Stationary Engineer, SFPUC, and Respondent Kenneth Gee, then-Acting Class 7373 Senior Stationary Engineer, SFPUC, worked under Segarra. Segarra reported to Respondent Jeff Yee, Superintendent, SFPUC.

II. APRIL 2013 TO FEBRUARY 2014: BANKS ALLEGATIONS OF HARASSMENT OR RETALIATORY HARASSMENT

A. April 2013: Alleged Non-Performance by Banks in Failing to Train James Fa'Aita

In or around April 2013, Segarra did not recall any reports from Gee or Yee that Banks failed to properly train James Fa'ita. Segarra said Gee was not really a supervisor, worked on the same level, and only filled in as "acting senior" from time to time, on a rotating basis.

B. April 2013: Alleged Comments by Yee and Gee Downgrading Banks' Job Performance

Segarra did not recall hearing comments by Yee or Gee that downgraded Banks performance in April 2013. Specifically, Segarra did not hear that Yee was rude to Banks by making comments such as:

1. "I can't believe you are the trainer."
2. "I don't care how long you've been here Craig; I've been here for 29 years myself; I don't care, I will treat you like you've been here for 90 days, I don't care."
3. Fa'Aita should, "seek someone else's training of the pump station because [Fa'Aita] probably didn't get the training that [Fa'Aita] should've from Craig [Banks]." (Exhibit B, Complaint, pp. 8 and 9.)

He also did not recall hearing that Gee was rude to Banks by stating

4. "You haven't been supervised and I'm here to supervise you." (Exhibit B, Complaint, p. 6).

However, Segarra had a feeling that Yee did not like Banks. Since that was the case, Segarra said he tried to "isolate" Banks from Yee. Segarra said that when Yee took over as Superintendent, he changed Banks routine. Previously, Banks had duties "roving" outside the plant and checked Pump Stations, but Yee wanted Banks to stay in the plant. Segarra disagreed with Yee's decision because he felt Banks did a good job on Pump Station Duties (PSD).

C. August to November 2013: Allegation that Banks Was Assigned Two Unfit Work Vehicles

Segarra said he knew about Banks complaint that Yee assigned him an unsafe vehicle (CNG Truck) in or around October 2013. The CNG Truck was assigned to Banks after his regular work vehicle was assigned to help with the "Rim Fire." Several incidents occurred where the CNG Truck ran out of gas when Banks drove the vehicle. Banks said that the CNG truck was unsafe and it leaked gas. Segarra said Yee did not believe Banks, but several tests confirmed the truck leaked gas.

As a result, Yee assigned Banks another vehicle that did not hold Banks' necessary work tools. After a while, Banks got his regular work vehicle back, but it took at least six months for him to get it back because it had been assigned by Yee to Maintenance. Segarra said he spoke to Yee and told him that Banks needed the vehicle back, Yee told him that Maintenance needed the truck more than Banks. However, Segarra said Maintenance did not need Banks regular work vehicle because they had their own vehicle. Also, unless there was an emergency, Maintenance employees stayed inside the plant.

D. November or December 2013: Alleged Racial Comments by Gee

In November or December 2013, Segarra heard that Gee made a racial comment about Asian employees banding together and fight against other groups of non-Asian employees from Bill Wong. However, he did not report comments, because he heard about the comment outside of work. He was friends with Bill Wong, and they hung around outside work. He also said he never spoke to Yee about Gee's alleged racial comment.

E. December 2013: Banks Out [REDACTED] and Did Not Inform Gee

In December 2013, Gee was upset that Banks called off work [REDACTED]. Segarra said the procedure for employees who call off work [REDACTED] is to call Central Station. Central Station then logs the employee's absence in the log book. Segarra said he did not take Gee's concerns seriously because Banks notified him of his [REDACTED], and called Central Station. Segarra said Banks had no obligation to inform Gee that he was out [REDACTED].

Gee asked Segarra to write up Banks, but Segarra did not allow it because Banks followed the proper procedure. Gee then went to Segarra's office and told him he did not know what he was doing because he refused to allow the write up. Segarra said he "threw" Gee out of his office. Segarra said Gee was just "acting senior," and had no authority on his own to write people up. He said Gee was the most incompetent person in plant.

F. February 10, 2014: Allegation that Banks Worked Unauthorized Overtime and Gee's Attempt to Discipline Banks

Segarra said that on February 10, 2014, Banks worked overtime to fix a Pressure Absorption System (PSA). Segarra said Banks did not have advance authorization to work the overtime, he did not need it because it was common practice in an emergency-situation for employees to stay late, and then notify him of the overtime after the fact. In Segarra's mind, Banks' overtime on February 10, 2014 was authorized because of the common practice.

Segarra said Banks did not get paid for the overtime he worked on February 10, 2014, but he did not get written up for it either. Segarra said he was not instructed to discipline Banks regarding the overtime, and never discussed providing a disciplinary action to Banks for the overtime.

G. February 2014: Removal of Bank's Pump Station Duties

Segarra had discussions with Yee about cross training individuals on Watch 6 for PSD. There are six watches, but day shift (Watch 6) has the most responsibility for PSD. Most people in Watch 6 are familiar with PSD. However, Segarra told Yee he did not want to rotate PSD, and wanted to keep Banks on PSD. He felt it was better to rely on one person to take charge of those duties. Segarra said Banks' performance on PSD was very good. Yee overruled Segarra and decided to rotate PSD. Segarra was concerned because Gee belonged to that rotation on PSD, and he was incompetent.

After Yee removed Banks' PSD, three or four employees including Banks then rotated on pump station duties. Banks complained to Segarra about the removal of his PSD, and told him he thought he did a good job on PSD. Segarra informed Banks that it wasn't his decision. After the change, PSD was split evenly between Banks and three or four other employees. Segarra said he tried to make it an even rotation. Sometimes, Banks instructed others on PSD, and in an emergency-situation, Banks was still the main person to consult on PSD.

H. February 2014: Comments by KG about CB's Lack of Intelligence

Segarra said that in or around February 2014, he did not recall hearing about any comments by Gee that Banks had "no intelligence."

III. CONCLUSION

I thanked him for participating in interview, and reminded him of the confidential nature of the investigation.

Exhibit F

Craig Banks – Determination Letter

City and County of San Francisco
Micki Callahan
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

CONFIDENTIAL

August 21, 2020

Craig Banks
[REDACTED]
[REDACTED]

Via E-Mail
[REDACTED]

RE: Complaint of Discrimination, DHR EEO File No. 1781

Dear Craig Banks:

The San Francisco Charter, Section 10.103, and Civil Service Rule 103 provide that the Human Resources Director is responsible for the review and resolution of 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) takes all complaints of discrimination seriously. The purpose of this letter is to inform you of my determination regarding your discrimination complaint, EEO File No. 1781.

On December 23, 2013, you called the San Francisco Public Utilities Commission, Human Resource Services (SFPUC HRS) to get information about how to file a complaint. On March 26, 2014, you submitted a written complaint to SFPUC HRS alleging that Kenneth Gee, then Acting 7373 Senior Stationary Engineer, and Jeffrey Yee, then 5130 Oceanside Treatment Plant Superintendent, subjected you to harassment based on your race (African American) and retaliation. On April 28, 2014 SFPUC HRS reported your allegations to the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO). On May 9, 2014, DHR EEO referred your complaint to SFPUC for investigation. Dena Narbaitz, EEO Programs Senior Specialist at SFPUC completed the investigation of your complaint and submitted the report to me for a determination.

Thank you for bringing your concerns to our attention, and for your patience during the review and resolution of your complaint. I recognize that the conduct alleged was upsetting to you and that it may have been difficult for you to make your complaint. Please be advised, I have determined that there was sufficient evidence to establish that that Gee made offensive comments about your intelligence and inappropriate race-based comments about non-Asians. I have also determined that there was insufficient evidence to establish that Yee or Gee retaliated against you. Should you be subjected to inappropriate conduct in the future, please contact Rick Nelson, EEO Programs Manager, PUC at (415) 200-8550.

I. BACKGROUND AND ALLEGATIONS

Since May 1, 1997, you have worked for the San Francisco Public Utilities Commission (SFPUC) as a 7372 Stationary Engineer at the Oceanside Treatment Plant (Oceanside). From

2013 to 2014, Gee was your supervisor. Gee reported to Gerardo Segarra (Asian), 7252 Chief Stationary Engineer. From 2013 until his retirement in 2018, Yee was the Superintendent at Oceanside.

A. Allegations of Harassment Based on Race (African American)

You alleged Gee subjected you to the following offensive and unwelcome conduct:

1. In April 2006, Gee refused to train you, cursed at you, and said he would not “train your stupid ass.” Gee then requested that Chief Segarra discipline you for a verbal altercation with Gee over Gee’s alleged refusal to train you. However, you were not disciplined.
2. On April 16, 2013, Gee accused you of not training James Fa’Aita, 7372 Stationary Engineer, and having a “verbal outburst.”
3. In April 2013, Yee told you, “I can’t believe you are the trainer” and “I don’t care how long you’ve been here Craig. I’ve been here for 29 years myself. I don’t care. I will treat you like you’ve been here for 90 days. I don’t care.” You also alleged that Yee told Fa’Aita, “Seek someone else’s training of the pump station because you probably didn’t get the training that you should’ve from Craig.” You also alleged Gee told you, “You haven’t been supervised and I’m here to supervise you.”
4. In November 2013, a co-worker shared with you that Gee said, “All the Chinese at the City & County of San Francisco especially the Oceanside Plant need to band together and fight against the Whites, fight against the Filipinos, fight against the Mexicans, and fight against the Blacks, but Blacks lie.”
5. In December 2013, a co-worker told you that Gee told another Asian co-worker, “We need to band together to fight the Whites, Filipinos, Mexicans, and Blacks.”
6. In February 2014, Gee told Edgar Rodriguez, 7373 Senior Stationary Engineer, that Fa’Aita was the most intelligent engineer on Operation Watch 6, and that the rest of the crew, especially you, had no intelligence. On February 12, 2014, you approached Rodriguez and told him you knew what Gee said. Rodriguez told you, “Yeah Craig, it shocked me that he would characterize you like that.”
7. On February 12, 2014, you heard Gee yell, “Craig is stupid and unintelligent, and I’ll be glad to get rid of him.”

B. Allegations of Retaliation

You alleged that in retaliation for your complaint to SFPUC:

1. On February 10, 2014, you worked two hours of overtime, but Gee refused to pay you for those hours.
2. In February 2014, Gee initiated discipline against you for working unapproved overtime.

3. In February 2014, Gee removed you from pump station duties.

Additionally, you alleged that around November 2013, Gee and Yee retaliated against you for reporting an unsafe vehicle by assigning you a less desirable fleet vehicle.

II. INVESTIGATIVE STANDARDS AND FINDINGS

A. Untimely Allegations

Under the City's internal complaint procedures, complaints of discrimination must be filed within 180 days of the date the alleged discriminatory conduct took place, or the date the employee should have first become aware of the discriminatory action.

You alleged that in April 2006, Gee tried to discipline you (Section IA, allegation 1), that on April 16, 2013, Gee accused you of not training your co-worker (Section IA, allegation 2), and that in April 2013, Yee and Gee made offensive comments to you about your training abilities (Section IA, allegation 3). You reported these allegations eight months to seven years after you became aware of the alleged conduct, thus making these allegations untimely. As such, these allegations were not investigated.

B. Allegations Not Within EEO Jurisdiction – No Protected Activity

You alleged that around October and November 2013, Gee and Yee retaliated against you for reporting an unsafe vehicle by assigning you a less desirable fleet vehicle (Section I B). However, this allegation is outside of EEO jurisdiction because reporting an unsafe vehicle is not considered protected activity under the purview of the City's EEO Policies, as you did not oppose discriminatory conduct or participate in an EEO investigation. Thus, this allegation was not investigated.

C. Sufficient Evidence to Establish Harassment Based on Race

To sustain a complaint of harassment in violation of the City's EEO Policy, the investigation must establish all of the following: (1) you were subjected to physical, verbal, or physical conduct on account of your membership in a protected category; and (2) the conduct was unwelcome.

You are member of a protected category due to your race (African American). The investigation established that around November or December 2013, Gee remarked to co-workers at least twice something to the effect of, "Chinese have to band together to fight the Whites, Filipinos, Mexicans, and Blacks" (Section I A allegations 4 and 5). Witnesses corroborated hearing these comments, which are offensive and violate the City's EEO Policy. Please be advised, SFPUC is taking corrective action to address these comments.

The investigation did not establish that Gee made the specific comments about your intelligence as detailed above (Section IA, allegations 6 and 7). However, the investigation did establish that Gee more likely than not made inappropriate comments about your intelligence, as one witness

corroborated hearing Gee remark, “Anyone could do Craig’s job.” However, the investigation did not establish that Gee made these comments due to your race. Nonetheless, these comments are inappropriate and violate the City’s Respect Policy. Thus, SFPUC is taking corrective action to address these comments.

D. Retaliation Allegations

To sustain a complaint of retaliation in violation of the City’s EEO Policy, the investigation must establish all of the following: (1) the complainant engaged in a protected activity; (2) the complainant 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. Non-Payment of Overtime

The investigation established that you engaged in a protected activity on December 19, 2013 when you contacted HRS ER/EEO for information about initiating the EEO complaint process, and you suffered an adverse employment action when on February 10, 2014, Yee and Gee did not approve two hours of OT (Section IB, allegation 1). However, the investigation did not establish that you were denied OT due to your EEO complaint.

The investigation established that on February 10, 2014, you decided to work overtime to troubleshoot the Pressure Absorption System (PSA) compressor before you completed your regular assigned pump station duties. You did not ask or get authorization to work overtime. Moreover, the Work Order Detail related to the PSA compressor that you worked on did not reflect any work completed by you on February 10, 2014. Furthermore, the investigation established that you were not paid for two hours of OT because you failed to submit the hours for approval through E-Time. All employees are expected to accurately reflect and confirm their hours worked in E-time before the Chief approves entries. Gee did not input your two hours of OT because he was not at work that day, the log book did not mention any authorization of OT, and Gee did not authorize a work order for the PSA compressor you worked on. Thus, you were denied OT because you failed to follow rules and procedures to receive approval for OT, not due to your protected activity.

2. Initiation of Discipline

You alleged that around February 2014, Gee initiated discipline against you for working unauthorized overtime on February 10, 2014 (as detailed above) and for failing to follow procedures for requesting time off in December 2013. You engaged in a protected activity on December 19, 2013, but you did not suffer an adverse employment action. The investigation established that while Gee drafted a Letter of Instruction (LOI) because you failed to follow procedures when taking time off work and worked overtime without permission, Segarra did not approve the LOI and it was not issued. Moreover, an LOI is non-disciplinary and does not

amount to an adverse employment action. Additionally, the investigation established that you did indeed fail to follow procedures related to working OT, and thus Gee had a legitimate business reason to consider issuing an LOI.

3. Removal of Pump Station Duties

You alleged that around February 2014, Yee removed you from pump station duties in retaliation for requesting information about the EEO process. You engaged in a protected activity in December 2013, but you did not suffer an adverse employment action. The investigation did not establish that around February 2014, you were removed from pump station duties. Rather, pump station duties were rotated amongst crew members based on operational necessity and for cross-training purposes, while you remained the primary Stationary Engineer assigned pump station duties. This small change in your duties did not affect the terms and conditions of your employment and would not dissuade a reasonable person from making an EEO complaint. Furthermore, the investigation did not establish that Yee knew you contacted SFPUC HRS when he decided to rotate pump station duties. Accordingly, the investigation found insufficient evidence to substantiate that you were subjected to retaliation.

III. DETERMINATION OF THE HUMAN RESOURCES DIRECTOR

Based on the foregoing, I have determined that there is sufficient evidence to find that Gee violated the City's Respect Policy and EEO Policy, but insufficient evidence to find you were subjected to retaliation. The decision 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, Suite 702, San Francisco, CA 94102 within 30 calendar days of the emailed date of this letter.

Please note that you may also file a discrimination complaint with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing. Contact these agencies for filing requirements and deadlines.

Please feel free to contact Linda C. Simon, Director, EEO and Leave Programs, Department of Human Resources, at (415) 557-4837, if you have any questions.

Sincerely,



Micki Callahan
Human Resources Director

c: Harlan Kelly, Jr., General Manager, SFPUC
Justine Hinderliter, Chief People Officer, SFPUC
Rick Nelson, EEO & ADA/FEHA Programs Manager, SFPUC
Linda C. Simon, Director, EEO and Leave Programs, DHR

Exhibit G
SFPUC Corrective Actions

City and County of San Francisco
Micki Callahan
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

ACKNOWLEDGMENT OF RECEIPT OF CCSF POLICIES

I, [REDACTED], acknowledge that I have read and received a copy of:

- City and County of San Francisco's Equal Employment Opportunity (EEO) Policy; and
- Policy Regarding the Treatment of Co-Workers and Members of the Public (Employee Handbook p.46).

I further acknowledge that a copy of this acknowledgement will be placed in my Official Personnel File.

This signed acknowledgement is only to serve as a reminder of the policy. This form is not to be construed as any type of discipline.

[REDACTED]

September 11, 2020
Date

City and County of San Francisco
Micki Callahan
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

ACKNOWLEDGMENT OF RECEIPT OF CCSF POLICIES

I, [REDACTED], acknowledge that I have read and received a copy of:

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[REDACTED] _____

9/11/2020

Date

City and County of San Francisco
Micki Callahan
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

ACKNOWLEDGMENT OF RECEIPT OF CCSF POLICIES

_____, acknowledge that I have read and received a copy of:

- City and County of San Francisco's Equal Employment Opportunity (EEO) Policy; and
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I further acknowledge that a copy of this acknowledgement will be placed in my Official Personnel File.

This signed acknowledgement is only to serve as a reminder of the policy. This form is not to be construed as any type of discipline.

9/11/2020
Date

Exhibit H

Craig Banks CSC Appeal, September 27, 2020

September 27, 2020

Civil Service Commission
25 Van Ness Avenue, Suite 702
San Francisco, CA 94102

RE: Appeal to Dismissal of Complaint of Discrimination, DHR EEO File No 1781

To Whom It May Concern:

The City and County of San Francisco (city) takes all complaints of discrimination seriously. If this were true, why did it take 6 ½ years for Human Resources to respond to the complaint of harassment I submitted in March 2014. Serious about my complaint! What a joke on me.

When I contacted Human Resources in December 2013, I discussed my case with the person who answered the phone. Human Resources EEO Senior Specialist Dena Norbaitz did not interview me, nor other key witnesses that were waiting to be interviewed. Three other people from Human Resources handled my harassment case; my communications with Dena Norbaitz started in year 2018. A reasonable person would consider 6 ½ years or more (2014–2020) of waiting while your harassment case is being passed from person to person at the DHR EEO Division is not being handled seriously at all. In fact, a reasonable person would have emotions of anger, frustration, humiliation and disrespect. This is probably the poorest response time ever recorded for the Human Resources Director.

Due to the Department of human resources gross negligence in responding to my harassment complaint in a timely matter embolden my harassers Superintendent Jeff Yee and Acting Senior Kenny Gee of Oceanside Wastewater Plant. Kenny Gee continued his harassment of me until he left in year 2016 or 2017 and Superintendent Jeff Yee continued his harassment of me until the year 2018 when he retired. To be under this kind of harassment/pressure everyday tormented me; affecting my mental capacity and put a great deal of stress on my body. which sent [REDACTED]

[REDACTED] Superintendent Jeff Yee starred-me-down gritting his teeth while passing in the hallway. I was bullied by the Superintendent and his brother (they grew-up in same household). Every day I came to work. I was shown dislike, made fun of, belittled, talked about negatively to co-workers and provoked to physically fight which I refused to do. I was retaliated against with harassment by the Superintendent of the Plant Jeff Yee and W6 Acting Senior Kenny Gee.

In the year 2014, during HR EEO investigation at Oceanside, Superintendent Jeff Yee came to Oceanside Central control and informed coworkers that Tommy Moala had assured him that nothing was going to happen with this harassment complaint: that it wasn't going anywhere. I immediately went to the EEO interviewer and told her that Jeff Yee was in central control telling coworkers who had already been interviewed that nothing will happen with Craig's case. I was in central control when he said it and he knew I was there.

Around July or August 2014, Oceanside had an effluent violation that myself and two other coworkers were involved in. Superintendent Jeff Yee and Tommy Moala tried to terminate me for allegedly lying about my involvement in the effluent violation. I was the first engineer to come forward; the other two engineers were scheduled off for seven days or more.

Superintendent Jeff Yee insisted I was the blame, despite being told on three different occasions by Chief Jerry Segarra and Manager Tony Flores that I said I was not the person who opened the bypass gate and cause the Effluent violation, and later proven in the Scully hearing. Superintendent Jeff Yee wrote a letter to the State Board accusing me of Oceanside's effluent violation anyway.

I would like to inject at this time that this was the time the investigation into my harassment complaint was stopped. Jeff Yee and Tommy Moala were hoping and edging for termination; Especially with Tommy's power and influence over human resources EEO process as well as my complaint. Tommy Moala accused me of being unilaterally responsible for the effluent violation and I did not give them the time to mitigate the bypass violation because I lied. (getting rid of the harassment case; killing two birds with one stone)

In the 6 ½ years passed by, I have accumulated copies of correspondence between human resources and myself inquiring about my harassment case that I have included for your review. (not electronically but by US mail)

It is my opinion that Jeff Yee perjured himself by writing to the state prematurely without a hearing, malicious intent and retaliatory. I had a harassment case filed against him; he never should have been involved in trying to discipline me. He was given the opportunity to have me fired which he followed through with high expectation, and it almost happened. Jeff Yee should have been terminated for his lie.

In October 2014, I was involved in a vehicle accident while driving a City vehicle (truck). I was hit from behind; I was stopped, sitting and waiting at a stop sign.

. I was accused of causing the accident to try getting out of being fired which was not true. I was accused of acting in concert with the driver from Roto-Rooter that struck me with his vehicle well over the posted speed limit that he was cited for. I was also subjected to a deposition and was questioned directly by the City's hired attorney about the Secondary effluent bypass violation incident and my allegedly lying. [REDACTED] when Tommy Moala and Jeff Yee were trying to fire me. At my deposition I had to talk about Oceanside's effluent violation in order to get the City Workers Compensation [REDACTED] I incurred from a City vehicle accident. I would like to inject at this time that the two Incidents had nothing to do with one another.

Tommy Moala wrote me a derogatory and charging letter with recommendation of termination only, no suspension, in my opinion making an example of me for those complaints. The letter was so demeaning; I had a hard time understanding and responding to it; It was poorly written and untrue; I had to read it 45 times. [REDACTED]. This letter recommending termination was devastating to me. I would like to inject at this time, that there was a chemical spill from Southeast Wastewater Treatment Plant. The worst effluent violation in the plant's history, much worse than Oceanside effluent violation and no one from Southeast Plant was ever threatened to be terminated for that effluent violation.

Jeff Yee tried to assign me to rotational watch despite the MOU clearly stating reverse order of seniority should be used which I am Ranked number three; this clearly would have put Kenny Gee in the rotation lineup, not me. After this move was unsuccessful, Superintendent Jeff Yee kicked me out of the Watch 6 Office and was trying to kick me out of Oceanside Plant entirely. The manager Tony Flores intervened. Jeff Yee then assigned a room to be my office that was made of blocks filled with rebar and cement designed for fire retard. The room had a small round port window on a tall stainless-steel door. Acid and other chemicals were stored in that room. Civil Engineer Alex Miot told me and Jeff that I should not stay in that room because he stored his chemicals there; I should not be subjected those chemicals; it was hazardous to my health. I called the SEP Safety Officer Tom Anderson for help so he could see what Superintendent Jeff Yee was subjecting me to. Safety officer Tom Anderson deemed the room unsafe for habitation and wrote-up a report; He said who in the hell did you kiss off; if you have a case against Jeff make sure you subpoena my report. I would like to inject at this time that the first task Superintendent Jeff Yee gave me was to clean and scrub eyewash stations with a small wire brush & bucket (with my knowledge & experience). The eyewash stations at Oceanside were badly tarnished by oxidation from the ocean's atmosphere and in disrepair.

Jeff Yee tried to kick me out of Oceanside Plant and send me to Southeast Plant because he didn't like me; Tony Flores, Manager Wastewater Enterprise had to talk to Superintendent Jeff Yee about what he was doing. I would like to inject at this time that. Gerry Segarra, Mark Lauer, Wyman Fong, Alex Miot and Tony Flores knew about Superintendent Jeff Yee harsh treatment of me.

I. BACKGROUND AND ALLEGATIONS

I started working at Oceanside wastewater treatment plant while it was being built. However, I left Oceanside wastewater treatment plant in December year 1996 because [REDACTED]. I returned to Oceanside wastewater treatment plant around May 2006. Tony Moala denied my transfer even though I had seniority. An arbitrational decision was made that allowed me to have the Watch 6 position that I have today (you don't beat Tommy Moala at anything). In the years that I was gone from Oceanside I worked at Southeast Maintenance and Northpoint Maintenance & Treasure Island.

The year 2013 to 2014 conflict was flowing between Kenny Gee, Jeff Yee and myself. Kenny Gee was Acting Senior of Watch 6; Gerry Segarra was Chief of Oceanside Plant; Jeff Yee was Superintendent of Oceanside Plant from 2013 to 2018.

A. Allegations of harassment Based on Race (African American)

In April 2006 I returned to Oceanside wastewater treatment plant from Northpoint maintenance. Jerry Segarra wanted me to be trained at Oceanside wastewater treatment plant North station. Kenny Gee was on rotational watch 3 and assigned to the North station. Gary Segarra informed the senior of Watch 3 that he wanted me to train on the North Station with Kenny Gee. I went to the North Station to be trained and Kenny Gee refused to train me; cursed me and said he would not train my stupid ass despite my training of Kenny Gee at the Centrifuges on his first day of employment at the Southeast Plant. I verbally defended myself as any reasonable person would do. Kenny Gee requested Chief Gerry Segarra discipline me for the verbal altercation with him over his refusal to train me. Chief Gerry Segarra did not discipline me. This was the first altercation I had with Kenny Gee. He had no reason to talk or treat me with such disrespect. I would like to inject at this time that from this incident on Kenny Gee would say that I have verbal outbursts.

In April 2013, Superintendent Jeff Yee called me into his office. He told me "I can't believe your trainer, and "I don't care how long you've been here Craig; I've been here for 29 years myself; I don't care. I will treat you like you've been here for 90 days. I don't care. I didn't deserve this verbal lashing from Jeff; up until this point I had never talked to Jeff before. He had just started working there in December 2012. I would like to inject at this time that Jeff and I worked at old Richmond Sunset Plant together. As he stated he'd been there for 29 years. When I spoke to Jeff, he would turn his back and refused to speak to me. So, anything that he does or says would be my first communication with him. When he asked me would I consider the pump station duties being taken away from me a punishment was the first time he ever talked to me.

Kenny Gee, on his first day of Acting Senior of Watch 6 stopped me in the hallway and told me "Craig you haven't been supervised because Beverly [REDACTED] was your supervisor and I'm going to supervise you" (conflict from day one). After a year of continuous conflict Chief Gerry Segarra wanted to remove Kenny Gee from the W6 Acting Senior position, but Superintendent Jeff Yee would not allow Chief Gerry Segarra to do so. I would like to inject at this time that it is highly unusual being that Kenny Gee was acting senior in the first place and usually it would only take a memo to remove him.

I went to Tony Flores, Manager of Wastewater Enterprise and informed him of the situation; Tony Flores sent a message to Chief Gerry Segarra by me that said to remove Kenny Gee from the position right now. Gerry Segarra call Tony Flores to confirm; and a memo was drafted and sent to remove Kenny Gee from the Watch 6 Acting Senior Position.

This invigorated my harassers to the fullest capacity and in concert superintendent Jeff Yee and Kenny Gee increased my harassment and intimidation. James FaAita, freshly graduated apprentice was assigned to Watch 6 Acting Senior position which he had no experience for. As a matter of fact, James FaAita spent most of his apprentice time on the grease and oil skid at Southeast Plant. This upset Kenny because it stopped Jeff and his plans to rule together in their new regime. After Kenny Gee was removed from the Watch 6 Acting Senior position the harassment from Kenny Gee and Jeff Yee increased. I would like to inject at this time that Beverly [REDACTED], she was Watch 6 Senior before Kenny became Acting Senior.

A. Allegations of Retaliation

On February 10, 2014 I worked two hours OT: Kenny Gee refused to pay me for those hours. Chief Jerry Segarra and I had trust and understanding. I was the only engineer who wanted to learn about the PSA and could troubleshoot it. Chief Jerry Segarra spent months training me; It was hardship for him to be in the field because of his administrative duties, I was his relief; I was his only backup. Chief Jerry Segarra was the first person to be called upon when the PSA had trouble or failed, and I was the second person to be called upon. This fact was known throughout all Oceanside Watch personnel. Chief Gerry Segarra instructed me to troubleshoot and take care of any problems with the PSA if he was not available and let the Watch Senior know how many hours I worked to troubleshoot and correct the problem. I would like to inject at this time that I was assigned to the pump station duties and should not have been working on the PSA in the first place but as mentioned above, no other Watch 6 personnel wanted to be trained on the PSA. Kenny Gee left early that day (1330hrs) as usual; Even though he had been told to stop leaving work early by Chief Jerry Segarra. I would like to inject at this time that when I originally filed this harassment complaint human resources department was willing to pay me. Now I read six years later the OT was denied and Kenny Gee's denial of OT payment was sustained or blessed.

In February 2014, Kenny Gee removed you from pump station duties; Jeff Yee said it was for cross training purposes, but I had trained all of Oceanside personnel Watch 1-6 on the Pump Station Duties for years already. Watch 6 personnel especially because they were my backup when I was out sick or on vacation. In my opinion there was no reason for this. I did my job very well; I was competent; I had years of experience servicing and taking care of the pump stations on the West side of the city as well as Treasure Island. I kept all the pump stations in good working condition. When the pump station duties were taken away from me and put on a weekly rotation between Watch 6 engineers all the pump stations condition deteriorated on the west side of the city. (see Bill Wong Memo)

November 2013 Kenny Gee and Jeff Yee Did retaliate against me for reporting an unsafe vehicle by assigning me to a less desirable vehicle in the fleet. All wastewater enterprise engineers who worked the pump stations were signed a heavy-duty truck with a diesel tank on the back fueling emergency generators.

All pump station trucks from SEP, NNP and OSP were equipped with certain equipment that the engineers needed while performing their pump station duties. Superintendent Jeff Yee took this vehicle away from me and assigned it to Oceanside Maintenance.

Then superintendent Jeff Yee assigned a natural gas vehicle for me to use for the pump station duties. The Natural gas vehicle storage tank was leaking natural gas into the atmosphere Creating an explosive condition. You could smell the natural gas when you walked around the vehicle. I filled out a vehicle safety inspection sheet and reported the unsafe vehicle to my supervisor. I refused to drive this vehicle again. A work order was submitted, and the vehicle went to the shop.

After the work was completed the natural gas vehicle was returned to Oceanside wastewater treatment plant Operations Watch 6. Upon inspecting the vehicle before driving I smelled natural gas. I reported the vehicles condition and refused to drive it; Maintenance removed the inspection cover from the natural gas tank and discovered all the fittings had rusted from oxidation and leaking natural gas. This was compressed gas that is under pressure. All it needed was an ignition source and an explosion would have happened. This was an aftermarket vehicle, and the company was sued to the point of bankruptcy (natural gas tank was put on after vehicle was purchased). Superintendent Jeff Yee then assigned an old vehicle to me that was not in good safety condition. It was scheduled for removal and Jeff knew this information and assigned the truck to me to do the station duties anyway. This truck was the worst of the worst. It was raining one day, and I had to take this truck out to do my pump station duties.

Rainwater was leaking profusely inside the truck, the headlights and flashers shorted out. The vehicle stopped on me in the middle of the great highway, In the middle of a heavy storm while it was pouring down raining. Cars were speeding by; they couldn't see us. I had passenger with me by the name of Pedro Casanova who can attest to these facts. Any reasonable person would feel that this was deliberately done out of spite. I felt my life had been put in danger with no regards.

I. INVESTIGATIONS STANDARDS AND FINDINGS

A. Untimely Allegations

Under the city's internal complaint procedures complaints of discrimination must 1) Be filed within 180 days of the date; and 2) The alleged discriminatory conduct took place or the date the employee should have first become aware of the discriminatory action. In April 2006 Kenny Gee requested Chief Gerry Segarra to discipline me. On April 16, 2013 Superintendent Jeff Yee and Kenny Gee made offensive comments to me about my training abilities. I wanted to show a behavior pattern of harassment from these two individuals had already started. I also wanted to show I complained to my supervisor about Kenny's treatment of me; How early Kenny's need to try to discipline me started.

B. Allegations Not Within EEO Jurisdiction – No Protected Activity

This may not be under the EEO Jurisdiction, but again, I wanted to show a pattern. Superintendent Jeff Yee knew that nobody drove that old truck he'd assigned to me; that it was no longer operational in the Bureau's vehicle fleet and had been scheduled to be removed. He wanted to show me and others that I didn't deserve a good vehicle I deserved the worst.

C. Sufficient Evidence to Establish Harassment Based on Race

To sustain a complaint of harassment in violation of the cities EEO policy, the investigation must establish all of the following: 1) You were subjected to physical, verbal or physical conduct on account of your membership in a protected category; and 2) The conduct was unwelcome.

I am a member of the protected category due to my race (African American). The investigation established that around November or December 2013, Kenny Gee remarked to coworkers at least twice that "Chinese have to band together to fight the whites, the Filipinos, the Mexicans, and the Blacks because they lie". Witnesses cooperated hearing these comments, which are offensive and violate the cities EEO policy. Please be advised, SFPUC is taking corrective action to address these comments.

I'm glad that evidence of harassment was established that these comments were offensive but, after seven years of waiting I find it offensive, upsetting and humiliating that the Human Resources Director advises me that corrective action is going to be taken to address the offensive treatment and comments made to me by Superintendent Jeff Yee and Acting Senior Kenny Gee 6 ½ years ago; that somehow my circumstances would be mitigated and I'm going to be made whole again. How convenient for Human Resources to dismiss my harassment claim now that most of the co-workers who were present at the time of my harassment are either transferred, retired or have left the employment of the City's employment. I don't think this is fair to me as a reasonable person.

The investigation did not establish that Kenny Gee made the specific comments about your intelligence however the investigation did establish that Kenny Gee more likely than not made inappropriate comments about your intelligence as one witness cooperated hearing Kenny Gee's remarks "anyone could do Craig's job." However, the investigation did not establish that Kenny Gee made these comments due to your race. Nonetheless these comments are inappropriate and violate the City's respect policy. Thus, SFPUC is taking corrective action to address these comments.

How after 6 ½ years later can you take corrective action to address these comments. Kenny Gee is retired. So how can you address the harassment that was bestowed upon me during Superintendent Jeff Yee's reign at Oceanside Wastewater Treatment Plant. I would like to inject at this time and say, as a black man if I was to yell these comments with another black man of power and these comments were witnessed twice, I would be fired. Regarding my intelligence, I am a black male in the USA. We are considered unintelligent by the greater society. If I'm in a protected class, and if my job requires me to be competent at my duties then Kenny Gee comment purpose was to belittle me in front of others, and you wrote witnesses collaborated hearing Kenny Gee's remarks. How then can it not be offensive as I am part of the protected class.

D. Retaliation Allegations

To sustain a complaint of retaliation in violation of the City's EEO policy, the investigation must establish all of the following: 1) The complainant engaged in a protected activity; 2) The complainant suffered an adverse employment action; 3) There was a causal link between the protected activity and the adverse employment action.

Nonpayment of Overtime

December 19, 2013, I engaged in a protected activity when I contacted HRS ER/EEO for information about initiating the EEO complaint process. On February 10, 2014 I suffered an adverse employment action when superintendent Jeff Yee and Kenny Gee did not approve two hours of overtime. The investigation established that I was not paid for two hours of overtime because I failed to submit the hours for approval through E-Time. As stated above Chief Jerry Segarra and I had trust and understanding. I was the only engineer who wanted to learn about the PSA. Chief Jerry Segarra spent months training me. Jerry Segarra was the first person to be called upon when the PSA had trouble or failed, and I was the second person to be called upon (his backup). As mentioned above, this fact was known throughout all Oceanside Watch personnel. Chief Jerry Segarra instructed me to troubleshoot and take care of any problems with the PSA if he was not available and let the Watch Senior know how many hours I worked, and he would put it in for me. Chief Segarra explained to both Jeff and Kenny that he had established an understanding with me; that whenever he was not available, I was to step-in and handle any problems with the PSA.

I didn't need to get Kenny Gee's permission; I was Chief Jerry Segarra only backup, permission was already granted, but Superintendent Jeff Yee listened to Kenny Gee and decided not to pay me. So, the real fact is Superintendent Jeff Yee was told by Chief Gerry Segarra about his arrangement with me and he refused to pay me anyway. So, what does that say to you? In my opinion, I did indeed follow procedures related to working overtime on the PSA with Chief Jerry Segarra.

Initiation of discipline

Kenny Gee initiated discipline against me for working unauthorized overtime on February 10, 2014 and for failing to follow procedures for requesting time off in December 2013. The HRS/EEO Division investigation established Kenny Gee drafted a letter of instruction for me allegedly failing to follow procedures when taking time off work. Chief Gary Segarra did not approve the letter of instruction and it was not issued. This is because Kenny Gee wanted me to call his personal cell phone, no matter what time it was to let him know that I was taking off [REDACTED] before calling the Oceanside Plant to be recorded in the [REDACTED]. I did not, nor did I want to do that. I followed the correct procedures when I took off and called Oceanside Central Control to be logged in the [REDACTED]. I also left a voicemail for Chief Jerry Segarra to let him know I was taking off [REDACTED]; I also had a [REDACTED]. So, in my opinion, Kenny Gee did not have a legitimate reason to issue a Letter of Instruction (LOI) to me; He wanted to control me like a slave.

Removal of Pump Station Duties

In February 2014, Superintendent Jeff Yee removed me from the pump station duties in retaliation for I engaged in a protected activity in December 2013 when I requested information about the EEO process.

The investigation established the pump station duties were rotated amongst the crew members based on operational necessity and for cross training purposes while I remain the primary stationary engineer assigned to pump stations. In my opinion, operational necessity was just a hoax. I had trained all engineers at Oceanside on Operation Rotational Watches 1 – 5. I also trained Watch 6 engineers and OSP Maintenance Crews on all pump stations for the west side of the City. I held training classes every year before the wet weather season for about 6-8 years. I was training engineers on the pump stations before the pump station duties were assigned to me. I also gave individual engineers brush up training when they asked. No other Watch 6 engineer at Oceanside trained anybody on anything.

Around April or May 2015, I returned to work at Oceanside Plant from being off work from a vehicle injury that had occurred the previous year. Superintendent Jeff Yee would not let me return to the pump station duty rotation. He'd forbidden Chief Mark Lauer and supervisor Wyman from assigning me the pump station duties. As a matter of fact they were both disciplined by Jeff because they let me go out on the pump station duties one day.

Sea Cliff II Pump Station had an equipment failure on all three lift pumps. Maintenance worker Troy Determan was dispatched from OSP Maintenance to troubleshoot and repair the lift pump failures. Troy was not familiar and could not remember from his training how the reset all three lift pumps; a certain sequence had to be followed. but he knew I did because I trained him on it. Superintendent Jeff Yee and Chief Mark Lauer was at Sea Cliff II Pump Station. Troy requested Jeff Yee to call me Craig Banks to troubleshoot and remedy the problem; Jeff Yee refused saying Craig Banks don't know anything; he doesn't know how to fix this problem. So, Superintendent Jeff Yee let an overflow violation occur on the sensitive beach area around Sea Cliff II Pump Station. Troy Determan can attest to this fact. In my opinion, he should have been fired.

You assume that this change did not affect the terms and condition of my employment, but it did. When I Return to Oceanside Wastewater Treatment Plant in the year 2006 the pump station duties were assigned to Mr. Bernard Bender of Watch 6; before Mr. Bender, the pump station was assigned to Mr. Ron Dunn of Watch 6. In the past Watch 6 was made-up of engineers that had years of experience. Seniority was prevalent and honored. Mr. Bender was the backup to Mr. Dunn and waited years to take over the pump station duties. I was the backup to Mr. Bender and waited years to take over the pump station duties. I did my time; Seniority was supposed to count for the prestige jobs of wastewater. I would like to inject at this time that superintendent Jeff Yee always compared me to the previously retired engineer Ron Dunn who is a white man; all my predecessors were white. Jeff would always say, He's no Ron Dunn. Supervisor Maurice Hayes can attest to that.

I am very good at servicing and troubleshooting the pump stations on the west side of the City. This fact is known throughout wastewater enterprise. I get good feedback and complements from Oceanside's Mark Lauer, Wyman Fung, all my co-workers and Mr. Norby who spent a whole day with me out on the Pump Stations Duties; he enjoyed his time spent with me; he praised me for my knowledge and giving him a better understanding of the pump station process. For the last 3-4 years I've been giving tours for WWE Wet Weather Training.

Respectfully Submitted,

Craig Anthony Banks
[REDACTED]

Exhibit I

CSC Notification, September 29, 2020



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Sent via Email

NOTICE OF RECEIPT OF APPEAL

DATE: September 29, 2020
REGISTER NO.: 0188-20-6
APPELLANT: CRAIG BANKS

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

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Craig Banks appealing the Human Resources Director's decision to close his EEO Complaint File No. 1781 without further investigation. Your review and action are required.

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

In the event that Craig Banks'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 November 25, 2020** so that it may be heard by the Civil Service Commission at its meeting on December 7, 2020. If you will be unable to transmit the staff report by the November 25th deadline, or if required departmental representatives will not be available to attend the December 7th meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

Appellant: Craig Banks
September 29, 2020
Page 2 of 2

You may contact me at Sandra.Eng@sfgov.org or (415) 252-3247 if you have any questions. For more information regarding staff report requirements, meeting procedures or future meeting dates, please visit the Commission's website at www.sfgov.org/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Jeanne Buick, Department of Human Resources
Mawuli Tugbenyoh, Department of Human Resources
Linda Simon, Department of Human Resources
Matthew Valdez, Department of Human Resources
Justine Hinderliter, Public Utilities Commission
Rick Nelson, Public Utilities Commission

Exhibit J

Action Requests on Pending Appeal



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Action Request on Pending Appeal

DATE: November 25, 2020

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

FROM: Matthew Valdez
Department of Human Resources
1 S. Van Ness, Ave., 4th Floor
(415) 551-8926

SUBJECT: (CSC Register No.) 0188-20-6

(Appellant's Name) Craig Banks

(Tentative CSC Hearing Date) N/A

The following action on the appeal/request cited above is requested: **(check appropriate box)**

- Appeal not timely. Copy of documentation attached. Please notify appellant; close file.
- Resolved administratively. Copy of documentation attached. Please notify appellant; close file.
- Scheduling problem; tentative CSC date not feasible for the reasons given under
 Other and note approximate date of CSC meeting when you will be prepared to proceed. Reschedule CSC hearing date; notify appellant if required.
- Other; *describe*: Additional time is needed to complete the Report. DHR EEO requests the hearing of this appeal be scheduled for the December 21, 2020 meeting.

cc: Carol Isen, Human Resources Director (Acting)
Maggie McHale, Policy Associate
CSC-13 (5/01)



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Action Request on Pending Appeal

DATE: August 4, 2021

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

FROM: Matthew Valdez
Department of Human Resources
1 S. Van Ness, Ave., 4th Floor
(415) 551-8926

SUBJECT: (CSC Register No.) 0188-20-6

(Appellant's Name) Craig Banks

(Tentative CSC Hearing Date) N/A

The following action on the appeal/request cited above is requested: **(check appropriate box)**

Appeal not timely. Copy of documentation attached. Please notify appellant; close file.

Resolved administratively. Copy of documentation attached. Please notify appellant; close file.

Scheduling problem; tentative CSC date not feasible for the reasons given under Other and note approximate date of CSC meeting when you will be prepared to proceed. Reschedule CSC hearing date; notify appellant if required.

Other; *describe*: Upon review of the appeal and investigative report, DHR EEO is revising the analysis and determination of the investigative report and will send

Appellant a revised determination letter to reflect those updates.

cc: Carol Isen, Human Resources Director (Acting)
Maggie McHale, Policy Associate
CSC-13 (5/01)

Exhibit K

Craig Banks – Revised Determination Letter

City and County of San Francisco
Carol Isen
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

CONFIDENTIAL

June 8, 2022

Craig Banks
[REDACTED]
[REDACTED]

Via E-Mail
[REDACTED]

RE: Complaint of Discrimination, DHR EEO File No. 1781
Revised Determination

Dear Craig Banks:

The San Francisco Charter, Section 10.103, and Civil Service Rule 103 provide that the Human Resources Director is responsible for the review and resolution of 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) takes all complaints of discrimination seriously.

On August 21, 2020, my predecessor, Micki Callahan, sent you a letter regarding the determination in the investigation of your complaint, EEO File No. 1781. After we received your appeal of that determination, we reviewed your case file in preparation for the appeal hearing. After further review and analysis, the following portions of that determination have been revised:

Section II.A., Paragraphs 1 and 2:

Under the City's internal complaint procedures, complaints of discrimination must be filed within 180 days of the date the alleged discriminatory conduct took place, or the date the employee should have first become aware of the discriminatory action.

You alleged that in April 2006, Gee tried to discipline you (Section I.A., allegation 1). You reported this allegation seven years after you became aware of the alleged conduct, thus making this allegation untimely. As such, this allegation was not investigated.

Section II.C., Paragraph 3:

The investigation substantiated that on one occasion, Gee said you had no intelligence, and on another occasion said, "Craig is stupid and unintelligent, and I'll be glad to get rid of him." Given Gee's other race-based comments, the investigation found it more likely true than not that he made the comments about your intelligence at least in part due to your race. These comments violated the City's Equal Employment Opportunity (EEO) Policy and the City's Policy on Treatment of Co-workers and Members of the Public (Respect Policy).

Your August 21, 2020, determination letter is enclosed for reference.

As Gee retired from City employment in 2018, the San Francisco Public Utilities Commission (SFPUC) can take no further direct action regarding his conduct. However, the SFPUC has taken appropriate action with the current supervisory and managerial staff at the Oceanside Plant to help prevent similar incidents in the future.

DETERMINATION OF THE HUMAN RESOURCES DIRECTOR

Based on the foregoing and based on the remaining determinations set forth in Micki Callahan's August 21, 2020, letter to you, I have determined that there is sufficient evidence to find that Gee violated the City's EEO Policy and Respect Policy.

The decision 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, Suite 702, San Francisco, CA 94102 within 30 calendar days of the date of the e-mail sending this letter.

Please note that you may also file a discrimination complaint with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing. Contact these agencies 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

Encl: August 21, 2020 Determination Letter

c: Dennis J. Herrera, General Manager, SFPUC
Wendy Macy, Chief People Officer, SFPUC
Rachel Gardunio, Employee & Labor Relations Manager, SFPUC
Steven Tang, EEO Programs Manager, SFPUC
Amalia Martinez, EEO Director, DHR

Exhibit L

Craig Banks, October 29, 2022 Correspondence to CSC

From: Holmes, Lavena (CSC) <lavena.holmes@sfgov.org>
Sent: Monday, November 14, 2022 1:35 PM
To: Martinez, Amalia (HRD) <amalia.martinez1@sfgov.org>; Kwan, Alison (HRD) <alison.kwan@sfgov.org>; Burke, Jennifer (HRD) <jennifer.burke@sfgov.org>
Cc: Eng, Sandra (CSC) <sandra.eng@sfgov.org>; Aldana, Elizabeth (CSC) <elizabeth.aldana@sfgov.org>
Subject: FW: Civil Service Commission Appeal

Good afternoon,

Craig Banks responded to my closing letter albeit a week after the deadline. He stated that he had surgery and did not see the email until the day he responded (please see below). We are inclined to grant the hearing. Please prepare a response and indicate the commission meeting date you will be prepared to present. Thank you.

Best regards,
Lavena
Lavena Holmes (she,her), SHRM-SCP, IPMA-SCP, CLRM
Deputy Director
Civil Service Commission
25 Van Ness Ave | Suite 720 | San Francisco | CA | 94102
628-652-1100 Main | lavena.holmes@sfgov.org

This electronic communication and its contents may contain confidential and/or legally privileged information. It is intended solely for the recipient(s) identified above. Unauthorized interception, review, use or disclosure of this communication's contents is prohibited and may violate applicable laws. If you are not the intended recipient, please contact the sender, delete the original message, and destroy all copies of the communication.

From: CRAIG BANKS <[REDACTED]>
Sent: Saturday, October 29, 2022 1:24 PM
To: Holmes, Lavena (CSC) <lavena.holmes@sfgov.org>
Subject: Re: Civil Service Commission Appeal

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

I have waited over 9 years to tell my story of the horrific treatment I was allowed to endure during my employment at CCSF at the hands of Managers and others. I had and have witnesses willing to test iffy that were discouraged by the interviewers and the like. I have waited over 2 years to be heard and recognized. Managers' retaliation for my filing a complaint is factual and tangible. I only read this EMAIL ON today 10/29/2022 after [REDACTED]
[REDACTED]. I retired from the CCSF i
on July 1st, 2022. In addition, United States Postal certified services were not used as additional notification especially after over 2 years of my waiting and 9 years in total. I still have nightmares about my extreme harassment and belittling

000261

experience. I want to be heard. I served the City and County for 38 years of my life. I deserve to be heard and made whole. Why treat me and my case this way? Why has the complaint process failed me? Why allow a superintendent that I filed a complaint against a be allowed participate in my termination hearing aka skelly meet. ? Is it normal for CCSF EO process to take 9 entire years? This letter mentally and emotionally hurts my pride and my being deeply.

Yahoo Mail stationery

On Friday, October 14, 2022 at 02:23:07 PM PDT, Holmes, Lavena (CSC) <lavena.holmes@sfgov.org> wrote:

Hello Craig Banks,

Please see the attached letter concerning your appeal at the Civil Service Commission. Please contact me with any questions. Thank you.

Best regards,
Lavena

Lavena Holmes (she,her), SHRM-SCP, IPMA-SCP, CLRM
Deputy Director
Civil Service Commission
25 Van Ness Ave | Suite 720 | San Francisco | CA | 94102
628-652-1100 Main | lavena.holmes@sfgov.org

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Exhibit M

Craig Banks Payroll Records, 2014

Employee Attendance Crosstab

By Pay Period and Earn Code

Employee Name: Banks, Craig A

Time Entry Date: Between Jan 1, 2014 12:00 AM and Dec 31, 2014 11:59 PM

Pay Symbol Code: Ascending order; PPEND: Ascending order

Reported Pay Hours	Overtime Hours				Time off Hours							Work Hours	Summary	
	EUOE	EUOT	MSOT	SCOT	FH	LH	OU	PT	SP	UL	VA	WK		
Banks 7372						8.00							8.00	
	1/1/14												8.00	
	1/2/14						8.00						8.00	
	1/3/14						8.00						8.00	
	1/6/14											8.00	8.00	
	1/7/14								4.00		4.00		8.00	
	1/8/14											8.00	8.00	
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	2/12/14											8.00	8.00	
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Banks, Craig A	1.50	8.00	38.00	###	24.00	88.00	18.00	2.00	99.50	2.02	###	###	###
Summary	1.50	8.00	38.00	###	24.00	88.00	18.00	2.00	99.50	2.02	###	###	###

Exhibit N

Status Report on Implementation Reform Recommendations, November 23, 2022

MEMORANDUM

DATE: November 23, 2022

TO: Jacqueline P. Minor, President, Civil Service Commission
Kate Favetti, Vice President, Civil Service Commission
Civil Service Commission Members

FROM: Mawuli Tugbenyoh, Deputy Director, Policy and External Affairs

THROUGH: Carol Isen, Human Resources Director

SUBJECT: Status Report on Implementation of Reform Recommendations from the San Francisco Independent Reviewer Report

Executive Summary

Pursuant to the request of the Civil Service Commission on April 4, 2022, the Department of Human Resources (DHR) is pleased to submit the latest progress report regarding the implementation of recommendations from the Report of San Francisco Independent Reviewer (Gould Report). In the previous two progress reports to the Civil Service Commission, DHR provided updates on the plans to address the Equal Employment Opportunity (EEO) case backlog, improve employee communications, and initiate a new approach to triaging EEO cases.

This progress report expands on previous concepts and provides an update on these initiatives. Since the previous progress report, DHR has followed through on implementing improvements to EEO case processing, including significantly reducing the elapsed time to close an EEO case. Additionally, we have launched a new career advancement program, and identified strategies to better review discipline and corrective action citywide. DHR will continue to research best practices and invest in system and technological improvements to build a strong foundation for growth towards a more respectful and cohesive workplace culture at city worksites. Progress on these initiatives is detailed below.

Section 1. EEO Case Process

DHR is working to rebuild trust in the City’s EEO process and instill confidence that claims will be investigated fairly, thoroughly, and timely. This year, DHR-EEO launched a new case management system, reduced their caseload, decreased the average time cases remain open, and hired additional staff. Details about this work are outlined below.

New Case Management System.

DHR launched a new EEO new case management system in October 2022. The case management system provides accountability, centralizes tracking, and improves reporting capabilities.¹ It is expected to achieve the following:

¹ Gould Recommendation: 4.4, 4.5, 4.6, 7.1, 7.2,7.3

- Improve DHR-EEO’s ability to track the volume of cases across and within departments, EEO investigative case progress, and corrective actions;
- Assist DHR-EEO in responding to outstanding cases and reducing reliance on the manual processing of data.

Open EEO Cases.

Since September 2020, DHR-EEO has reduced the length of time that cases remain open by 51%. Between September 2020 and September 2021, EEO cases remained open for an average of 371 days. In comparison, EEO cases from September 2021 to September 2022 were open for an average of 181 days.

DHR-EEO currently has 774 open cases. Of the total open cases, 168 are related to the city’s vaccination requirement. The remaining cases are more typical EEO claims of various types. Of the remaining 606 open cases², 43% have been open for less than a year.

Table 1. Duration of EEO Open Cases as of October 2022

Duration of Open Cases	Number of Open Cases	% Total Open Cases
<180 Days	152	25%
>180 Days to <1 year	107	18%
>1 year to <2 years	168	28%
≥2 years	179	30%

Closed EEO Cases.

DHR-EEO is closing new cases at a faster rate than in prior years. DHR-EEO has closed a total of 420 EEO cases since September 2021, 41% of which were closed in 180 days or less. This is inclusive of the EEO cases that were received both before and after September 1, 2021.

Analyzing a subset of the 420 total closed cases, beginning on September 1, 2021, DHR-EEO received a total of 203 new cases. The average time to close a case that was received after September 1, 2021, was 133 days.

Table 2. Duration of EEO Cases Closed from September 2021 through October 2022

Duration of Closed Cases	Number of Closed Cases	% Total Closed Cases
<180 days	174	41%
>180 Days to <1 year	104	25%
>1 year to <2 years	73	17%
≥2 years	69	16%

Integrated EEO Units.

DHR has initiated the assessment of resources associated with returning the delegated Department of Public Health (DPH) EEO unit to DHR³. This move is anticipated to begin in spring of 2023. DPH is the largest city department with nearly 8,000 employees, representing 22% of the city’s workforce and makes up of 16% of EEO cases. Housing the DPH-EEO unit at DHR will lead to improved investigation efficiency for a significant portion of the city’s EEO claims.

² Excluding 168 vaccine-related complaints

³ Gould Report Recommendation 4.9 and 4.10

EEO Staffing.

Efficient and timely investigations have been hampered by inadequate staffing levels. The pandemic further exacerbated delays in recruitments to expand the EEO division and the specialization of EEO investigator roles has also made hiring for these positions challenging. Nevertheless, since September 2022, DHR-EEO has hired eight new investigators, promoted existing staff to managerial or senior investigator positions, and hired key administrative positions.⁴ DHR expects to increase EEO staffing through efforts to recruit for an additional three positions⁵.

Case Intake and Triaging.

DHR-EEO is implementing a new case intake and triaging system to achieve greater efficiency in managing cases. Currently, employees can file an EEO case through multiple avenues.⁶ DHR-EEO's new case intake and triaging system supports DHR-EEO in conducting front-end reviews of all incoming cases in order to quickly determine the nature and severity of cases and prioritize resources towards the most egregious, impactful and/or high-risk cases. With this system, DHR is engaging in a key aspect of strategic enforcement, creating a ripple effect that improves employee morale and the city's general work environment.

As part of the triaging process, DHR-EEO managers review all incoming cases to determine:

- The nature and severity of the case;
- Whether an employee's case is within EEO jurisdiction;
- Whether an investigation is warranted;
- Whether interim action is appropriate; and
- Whether referring the employee to other resources is appropriate.

For cases that are not within DHR-EEO's jurisdiction, DHR-EEO will refer the case to the employee's department with any appropriate recommendation to address and resolve the employee's workplace issue and to de-escalate the workplace conflict. DHR-EEO will continue to monitor progress until closure is indicated in the case management system.

For cases within DHR-EEO's jurisdiction, DHR-EEO works collaboratively with departments to recommend appropriate and immediate interim/corrective actions. DHR-EEO also requires departments to keep employees apprised of the status of their case by: (1) sharing with the employee that they are in communication with DHR-EEO about their case; and (2) reassuring the employee the department is taking appropriate and immediate interim corrective actions.

Additionally, DHR-EEO is working to implement an automated case intake system to provide scheduling of an intake within 30-days of receipt of a case.⁷

Section 2. Recruitment, Hiring, and Advancement

DHR has launched a new applicant tracking system, expanded diversity recruitment efforts and the ApprenticeshipSF program, and is launching a new Career Development Initiative. These efforts support

⁴ 0923 Manager, 1231 Senior Investigator, 1233 Investigator, 1840 Management Assistant, 1822 Medical Level Program Analyst, 1404 Clerk, and 1053 Case Management System Developer.

⁵ Gould Report Recommendation 4.8 and 5.1

⁶ DHR EEO's Website, DHR EEO's Inbox, DHR EEO's Helpline; Walk-ins; Phone/E-mail; and Departments.

⁷ Gould Report Recommendation 4.4, 4.5, 4.6, 7.1, 7.2, and 7.3

the city's goal to maintain a city workforce that reflects the diversity of San Francisco and the greater San Francisco Bay Area labor market.

New Applicant Tracking System.

In 2021, DHR began to phase in its' new applicant tracking system, SmartRecruiters. The new system is already helping to build better connections with applicants. DHR expects the full integration of SmartRecruiters to reduce time-to-hire and improve applicants' experiences throughout the process. The number of applicants projected by the end of Fiscal Year 2022-23 is expected to significantly surpass pre-pandemic levels.

DHR is using the structured data to break down the city's time-to-hire into its more granular components and to develop targeted interventions where possible. DHR expects these efforts to accelerate as more data becomes available in the system.

Diversity Recruitment Team.

DHR's Diversity Recruitment Team is conducting targeted outreach efforts to recruit Black, Indigenous and People of Color (BIPOC) students attending local universities such as San Francisco State University, Cal State East Bay, and local community colleges. In alignment with findings in the Gould Report to recruit candidates from Historically Black Colleges and Universities (HBCUs), DHR will continue to strategically outreach to students from the San Francisco Bay Area attending HBCUs for recruitment for the FY23-24 cohort of San Francisco Fellows, and for other city internship and entry level opportunities.⁸ The goal of this intentional outreach is to help increase workforce diversity by focusing on HBCU students with San Francisco Bay Area roots. These individuals are more likely to begin a long-term career with the city and thereby improve city employee retention rates. DHR-DRT continues to provide diverse job seekers in the San Francisco community with information and guidance on how to apply for city jobs by participating in outreach events, facilitating jobseeker webinars, and partnering with numerous community-based organizations. DHR-DRT has reached over 8,000 community members and job seekers through in-person and virtual outreach efforts in 2022. In April 2022, DHR-DRT hosted a successful hiring event with over 1,700 attendees, which we expect to conduct each Spring going forward due to the positive reception. DHR-DRT will also be implementing a targeted hiring initiative in late 2022 for applicants with disabilities by using expedited hiring through the Access to City Employment (ACE) program.

ApprenticeshipSF

Aligned with recommendations from the Gould report to increase investments in the skilled trades for career progression, the ApprenticeshipSF team leads opportunities to expand apprenticeship programs within the city.⁹ These recent efforts include:

- Re-launching the Environmental Service Worker 7501 Apprenticeship Program in partnership with the Laborers Union after several years of non-operation.
- Hiring 13 qualified existing DPW entry-level trainees (Classification 9916) into the new Fall 2022 Apprenticeship cohort.
- Hiring a new cohort of 20 Gardener Apprentices in the fall of 2022.

⁸ Gould Report Finding 12

⁹ Gould Report Recommendation 15.2 and 18.2

Career Development Initiative.

DHR's newest program, the Career Development Initiative, is intended to increase career development support to City employees, particularly Black employees, who have historically faced fewer opportunities for advancement in the city.¹⁰ Efforts towards implementation of this Initiative include:

- Analysis of workforce data from the past ten years to identify patterns of career progression within the city workforce and identify classifications that have low advancement rates.
- Development of tools for career development, expected to be available for employees starting in late 2022 on DHR's new Career Development webpage, to make city career pathway options more transparent for employees.
- Planning for a pilot career pathway program to prepare city employees who are interested in a career change or advancement to apply for other high-demand city jobs that offer strong job growth opportunities, including public safety, and health worker job classifications.
- Implementation of Growing Your Career workshops for City employees in partnership with SEIU.

Section 3: Discipline and Corrective Action

ERD Discipline Handbook.

DHR is researching and reviewing the practices of five surveyed departments¹¹ and other comparable public agencies, as well as reviewing departmental Racial Equity Action Plans to develop a set of recommendations to be incorporated in a Citywide Discipline Best Practices Handbook (Discipline Handbook).¹² The Discipline Handbook will provide guidance to departments on how to implement progressive discipline, including alternatives to discipline, such as offering training to employees prior to disciplining them. The Discipline Handbook will function as a quick reference guide to managers and supervisors and will include visual guides and links to training videos. DHR will ensure that departments implement discipline according to the Discipline Handbook through engagement in the grievance procedures outlined in all MOUs. DHR will also work in collaboration with labor partners to ensure that we promulgate these best practices. The Discipline Handbook is on track to be published by the end of Fiscal Year 2022-2023.

New Alternatives to Discipline Training.

DHR is developing additional training resources for managers who supervise probationary employees.¹³ This includes training in supportive supervision and providing managers with the skills and tools they need to help their employees be successful at work before turning to disciplinary actions. The 24 Plus program, DHR's required training for supervisors, has been updated with learning modules on situational leadership and coaching methodologies for managers to develop a supportive supervision approach.

In May of 2022, DHR helped the Human Services Agency develop a Supportive Supervision Toolkit that includes a roadmap for the discipline process that emphasizes support and performance improvement. DHR is exploring replicating and expanding this toolkit for citywide use.

¹⁰ Gould Report Recommendation 13.1

¹¹ HSA, DPH, MTA, PUC, DPW, SFO

¹² Gould Report Recommendation 17.4

¹³ Gould Report Recommendation 18.2

Upon completion of the Discipline Handbook, DHR will coordinate trainings and develop guidance for departments regarding establishing standards and application of discipline. DHR is developing additional training resources for managers in support of probationary employees.

Section 4. Workplace Culture and Climate

New Code of Conduct Policy.

The Equitable, Fair, and Respectful Workplace Policy was finalized in August 2022 upon completion of negotiations with labor. The new policy sets the tone for a positive, inclusive, and welcoming workplace environment at all city worksites and outlines both acceptable and unacceptable conduct in the workplace. The policy defines terms such as microaggressions and bullying and outlines managerial responsibilities for maintaining respectful workplaces.

DHR expects to conduct an informational campaign in the 3rd quarter of Fiscal Year 2022-23, including releasing an online training module for all city employees, along with workshops and other educational offerings for employees and city departments.