

**Additional Information  
Submitted by Appellant**

## Exhibits Listing Are Numeric.

1. Exhibit (1). Appellant's reply to CCSf'
2. Exhibit (2a). Narbaitz Email Dated May 20, 2019 at 10:08 problem here date Double file ()
3. Exhibit (2b) Narbaitz Email Dated May 08, 2018aAt 06;16 PM PDT
4. Exhibit (2c) Narbaitz Email Dated June 19, 2019, Pat 09:35 AM PDT
5. Exhibit (2d) Narbaitz Email Dated July 23, 2019, at 04:26 PM PDT
6. Exhibit (2e) Narbaitz Email Dated June 28, 2019, at 08:31 AM PDT
7. Exhibit (2f) Narbaitz Email Dated July 23, 2019, at 04:26 PM PDT
8. Exhibit (2g) Narbaitz Email Dated July 15, 2019, at 09:10 AM PDT
9. Exhibit (3a) Oceanside Treatment Plant Quality Control Board. July 30, 2014
10. Exhibit (4a) Second letter of transfer of Operational needs dated October 21, 2014, at the order of Yee.
11. Exhibit (5a) Letter Dated March 14, 2018, Certified mail #7018-0360-6153-3155.

Exhibit (1)

## Appeal To Human Resource Directors Findings of Untimely Allegations of Harassment

Dear San Francisco, Civil Service Commissioners, I appreciate the opportunity to appeal the EEO findings especially after 10 years of waiting for a conclusion from a harassment case based on my race an African American. In this Document I am referred to as non-Asian yet last checked I am an African American. Why not refer to me as an African American especially in this potentially legal matter. I believe the reason I am referred throughout this Document as non-Asian or not Chinese is to prevent a charge of racial induced harassment.

The doctrine of exhaustion of administrative remedies says that the person challenging an agency's decision must pursue the agencies available remedies before seeking judicial review. It was created by the courts in order to promote an efficient justice system and autonomous administrative system.

I thought I was exhausting the above-mentioned administrative remedies before I went outside to any other agency. My understanding is that I needed to wait until you reached your conclusion or the EEO reaches conclusion, then move on to the next agency; not file simultaneously without you concluding your EEO City and County investigation.

How do you prove workplace discrimination and harassment? Wrongful employees have these ways of proving their employees intended to discriminate (direct evidence, circumstantial evidence, pattern and practice). Circumstantial evidence is evidence that proves a fact by inference. As opposed to direct evidence which directly proves a fact.

Commissioners, while waiting for a conclusionary letter from City and County of San Francisco or letter of any sort I was subjected to more racially based harassment. I will discuss this in detail further into my rebuttal or appeal. I also experienced my first Skelly Hearing and the threat of termination of my employment at the City and County of San Francisco.

My harasser Yee's statement led the way in this termination, I will explain later. This statement later was retracted just a few hours before my skelly hearing. My harasser's statement was proven untrue. If Superintendent Yee's statement was not breached by log entries, Chief Segarra statement along with Manager Flores statement and my input of high-ranking calls left on Manager Flores voicemail that morning at 5:30am I would be terminated.

Supt. Yee my harasser, was told on three different occasions within hours, if not minutes, that I was reporting something and I was not the person who did this. Yet Supt. Yee on that fateful morning, reported to the state that I had done it as if I reported everything to him. Perfect setup, I was said to be a "dead man walking" by Yee's accounts of my future. I proved my innocence, and I am still standing and happily retired.

Despite my continuous harassment I still tried to maintain my composure and excellence at my duties as a specialist of my position despite all the numerous sometimes racial based distraction of others. Since my second year as an apprentice, I've trained CCSF Journeymen and Journeywomen for over thirty plus years until my last day of employment July 1, 2022 (from 1987 until July of 2022) despite not ever being promoted to any position. I was never paid for this extra work, not even a penny. I have train without breaks for myself and didn't complain any time. Many could attest to this.

One day in 2013 I was ill. I refused training someone new to the crew and was threaten by Watch 6 Acting Senior Gee; He threaten discipline.

Throughout the document there's continuous reference to my untimeliness in my filing of harassment on March 26, 2014. My complaint should not have been considered untimely; Chief Segarra second line Chain of Command instructed me to report each, and every incident by my harassers to him, so he could mitigate the circumstances. I will explain in detail just how in Dec of 2014 Chief Segarra of Oceanside prompted me to call EEO and inquire about procedures on how to file a complaint.

I constantly tried to contact CCSF EEO regarding my filed claim and was treated as if were Charles Manson out on bail, extremely unwanted. I hadn't even a case number to recite or write on my complaint inquires. I have written numerous unanswered emails. Even when I certified my emails many would go unanswered.

In some of my written correspondence (emails certified mail) I mention the Statue of Limitation and my concerns. I asked the direct question regarding the Statue of Limitation as it pertains to my filing. In retrospect I was never given an answer regarding the statute of limitation for my filed case.

What CCSF failed to consider is the time Chief Segarra was trying to work the problem of my harassment by my harassers Supt. Yee and Acting Senior Gee. It is my claim that my charging date is roving as my harassment was continuous. The charging date should not be considered on the 180-day cycle for the statute of limitation. It's my contention this case was timely filed and all CCSF's policies regarding harassment and reporting procedures were adhered to and executed on March 26, 2014.

From in the letter Civil Service Commission report transmittal (form22), recommendations #5. I am recommending the Civil Service Commission allow all my charges of harassment and retaliation and discuss a method of settlement.

## The Human Resource Civil Service Commission Report MEMORANDUM:

1. Authority: I wish I knew that the Civil Service Commission could hear my case of harassment. Truthfully if I had knowledge that the Civil Service Commission could possibly hear any case of mine especially harassment and any racial situation especially after participating in the proper filing procedure only to find out 10 years later that my initial complaint was considered untimely by the CCSF's EEO.
2. Background: I started working for the City and County of San Francisco September 10th, 1985. I started on what is called the 9916 Program; A community-based program that I am willing to bet is probably the most successful in the nation whereby you can be taught something that you didn't necessarily know that you could learn; some of us were already mechanically inclined, however there was still learning to be had.

From this there have been decades of envious and hateful words and incidents because it is said that I was given the job, in other words, adversely selected to this position. However, that's simply not true. This is a cause for animosity throughout my entire 35 plus years of service with the City and County of San Francisco. This source of hatred only intensified as people from United Airlines lost their retirement. It was said, people like me do not belong at any Plant of the CCSF and never truly qualified for the position we are slatted and ridiculed for coming from the Bayview Aera and was just giving a job because of CCSF's past practice.

As a young African American these statements grew old quickly. I never once thought that comments like "I don't belong at any CCSF facilities" would span my entire career at CCSF.

Commissioners, I did everything that Chief Segarra instructed me to do during this time of harassment in question. I worked with Chief Segarra (my second line supervisor) as he tried to alleviate my daily experiences by my harasser's Superintendent Yee and Watch 6 Acting Senior Gee. Chief Segarra early attempt to demote Gee was not successful. Chief Segarra was unable to demote because Supt. Yee's verbal order not to remove Gee from Watch 6 Acting Senior position. Superintendent Yee's is friends with Gee as establish through CCSF'S interviews or fact finding.

I had a meeting with Manager Flores and told him of Acting Senior Gee's actions and Chief Segarra's attempt to remove Acting Senior Gee because of his treatment of me and for his statement about fighting saying "All the Chinese at the City and County of San Francisco especially Oceanside Plant need to band together and fight against the Whites, fight against the Filipinos, fight against the Mexicans, fight against the Black especially because they lie. I will address this again when I address Yee's statement. This is why Gee mentioned "The incident with Craig" was the reason he was demoted from acting senior not his description by Chief Segarra and others of him being incompetent as an Acting Senior. This pumped up my harassment from Supt. Yee and now co-worker Gee.

With the action of Gee being removed as Watch 6 Acting Senior, I at that time, felt my Manager and Chief assisted me with the problem of being harassed and I would start healing from the harassment. This would not be the case because my harassment continued with revenge. I spoke of my need to heal to Chief Segarra, Rotation Watch Senior Hayes and few other trusting co-workers.

Throughout the time in question as mentioned. December 2013 Chief Segarra called me into his office and said, "**Craig you better run from Superintendent Yee. I can no longer protect you; Can you take a leave of absence, please Craig take a leave for at least six months.**" When I said no to Chief Segarra that fateful morning, he then stated, "**You need to contact the EEO and file right away, I mean right away this morning; I have never seen anything like this before. I can't protect you anymore, Craig I would never lie about this; this is true.**" So, in December when I contacted the EEO's office, it was at the prompting of Chief Segarra to do so, and it needed to be done. I purposely made sure Supt. Yee and now co-worker Gee knew I was filing a complaint against them on or around the same day. I was proud of it. The filing was at the prompting of Chief Segarra, not me.

I thought that I crossed all my T's and dotted on all my I's. How could it be anything about the statute of limitations. I was notified in year 2023 after notifying the HRS Office in December 2013 without any proper intake and filing my complaint on March 26, 2014. Chief Segarra gave me time off that very same morning to make sure that I made contact and started the filing process.

I thought I would be asked questions after filing my initial complaint. I strongly believe if the EEO would have investigated, the statute of limitation question would have been addressed immediately not 8-10 ten years later. The statute of limitation standard timeline of 180 days should not then be used to initiate a legal fatality of my claim, especially without considering the time I spent working on this harassment problem thru the chain-of-command with Chief Segarra and Manager Flores. We were trying to mitigate my circumstances. For this reason, I again ask the Commissioners to consider as a factor my burden of proof, grant my appeal and use my evidence as grounds to do so. It was never followed-up by any sort of interview or communication despite a case being opened and said to be investigated for over ten years.

Commissioners, as stated in the above paragraph, was timely and used the proper procedures, in order, to report my case or incidents of harassment. I participated in all required procedures for chain of command reporting the incidents of harassment. This includes daily documentation and reporting each incident to Chief Segarra before the closing of the business day.

Once my complaint was filed, I no longer could track CCSF's response, nor could I answer any additional questions or add any additional comments. However, Mr. Gee was asked to amend his original statement after he was caught in a lie or untruth in his original statement and or fact-finding hearing. This hurt my case and my ability to seek outside help and guidance. It seems I've waited in vain especially 10 years later and retired.

Commissioners, both Supt. Yee and Gee knew I was going to file a harassment case against each of them. First, I told them to their faces on or about the day I called EEO in Dec of 2013; after Chief Segarra told me to **run from Jeff**. I couldn't wait to tell the Superintendent that had terrorized me that I was telling everything and filing a complaint against he and Gee. Each were told the same words or similar words. I told Gee, as I recall, in the shower room the very next time I saw him a day in December 2013. I told Supt. Yee in Building 930 at Oceanside Plant after I contacted the CCSF's EEO Department in December 2013.

In March 2013, the reporting structure changed because of Shepard's request to return to rotational Watch 5 as Supervisor. Commissioners as I stated in my complaint dated March 26, 2014, page 13 paragraph 5. When Shepard was still Senior on Operations Watch 6 at Oceanside Plant, Supt. Yee totally ostracized her. He would never visit the Watch 6 office as he does today with Gee as acting senior. Supt. Yee would not and will not to this day talk to Shepard for whatever reason, despite Shepards being the permanent Operation Watch 6 Senior, and sometimes being under Supt. Yee's direct supervision. This was bizarre; Supt Yee's non communication with Shepard really made it uncomfortable for her. Chief Segarra can attest to this.

Commissioners I tried to show a pattern of Supt. Yee's behavior towards Shepard a African American Woman or non-Asian.

**Appellant's Complaint, EEO File No.1781**

On or around December 19, 2013, appellant contacted SFPUC Human Resources Service, HRS regarding filing complaint. On March 26, 2014, appellant submitted a written complaint. To the SFPUC alleging the following.:

- (1) In April 2006 Gee said he would not train. Appellant and said he would not "train [Appellant's] stupid ass." Gee then asked the Chief Segarra to discipline appellant. Commissioners: I am trying to show a pattern of harassment as far back as 2006. I did not expect the CCSF EEO or any other Department to consider the 2006 incident as a new charge of harassment only to show a pattern a to denote that again Gerardo Segarra is then my Sr not my Chief. The point was he started wanting me discipline since 2006 until 2013 and beyond.**
- (2) On April 16, 2013. Gee accused used Appellant of not training Fa'Aita and having a verbal outburst.**

Commissioners, from CCSF Exhibit B and my complaint dated March 26, 2014, Page 3. Paragraph 2. For the past nine months Gee has tried to discipline me for various reasons. 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 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 a letter; Kenny forced him into it". The other two crew members that will witness the April 2013 complaints are Lito Soto and James Fajita. They did not allow Gee to force them to write any form of letter against me. I will elaborate later in this complaint.

Commissioners, I spoke assertively at the most. I have a deeper male voice than others. I spoke up for myself that morning not with anger or maliciousness.

- (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. because you probably didn't get the training that you should have from the [Appellant]." Appellant also allege Gee told him, "You haven't been trained been supervised and I'm here to supervise you."**

Commissioners the statement by Yee as a Superintendent, in my mind, spoke Yee's general and overall thoughts of me. Yee mentions his 29 years as a badge of honor. When describing my time as a statement my time is to be valued at only 90 days. Belittling my time at CCSF which is the same as Yee's if not greater.

Commissioner until April of 2013 Yee had never allowed me to talk to him. Yee would physically turn his head whenever I attempted to greet him with a simple hello in our entire tenure of 30 plus years and especially when he became superintendent. Other people like Chief Segarra noticed Yee's attitude and shunning of me. This goes as far back as the old Richmond Sunset Plant; 1985 or 1990 and continued when he was a Senior at Oceanside Plant and I in Maintenance. Commissioners, I can truly say up until April 2013 and just for a few sentences. I've never spoken to him since April 2013 despite Yee being the superintendent for several years until his retirement.



Yee may not have spoken to me, but Yee's harassment would speak volume and prove to me, at least with Yee, one can give and order and harass by his order just because a superintendent has that much power over your working environment. My working environment changed into a very hostile workplace to come to every morning once Gee and Yee became my supervisors. I'm still healing mentally from my treatment of harassment especially by a Superintendent that had power over my working environment.

Commissioner even to write to Civil Service Commission years later brings all the pain, agony and mistreatment to my peaceful mind all because I happen to be an African American. April 2013 all I needed was for harassment by my harassers to stop. Oceanside Operations Chief Segarra prompted me to file a complaint with EEO. I would never have imagined 10 years and some months later in July of 2023, after 1 year of retirement, I would still be dealing with a timely EEO Complaint with the City and County of San Francisco.

**(4) In November 2013, a coworker told Appellant that Gee said, "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 that fight against the Black, but Blacks lie.**

Commissioners, if a African American man were to utter what Gee was allowed to utter, especially in the present of others; and if circled or huddle around other African Americans, especially or African American males and uttered let's go fight against the Whites, Chinese, Filipinos, Mexicans and all other races. We would have been fired on the spot. My termination would be cited due to violence and threats in the workplace. I wouldn't place or put myself in any fashion to respond violently physically or verbally to any altercation at any workplace environment. As an African American male, to make me angry, lose my composer, and to lose my career unfortunately has been a goal of my harasser co-workers. It's my entire career at CCSF's facilities.

Commissioners, that faithful and memorable day in December was beyond my mental conditioning of withstanding numerous racial comments for my entire career especially when the Chief Segarra told me to run from Superintendent Yee.

**(5) In December 2013, a coworker told Appellant that Gee told another co-worker, "We need to band together to fight the Whites, Filipinos, Mexicans, and Blacks".**

Commissioners, again Gee was heard stating his racist and violent statements. In November of 2013 and again in December of 2013. Gee first stated his famous racist ranting in April of 2013 as Gee and Yee referred to themselves in April 2103 as the NEW REGIME. I must admit I had to define the word Regime and wonder why that word? After a Google search and reading what regime really meant, coupled with how Gee and Yee created a racially charged environment that the two of them enjoyed creating for me each workday.

Gee as I've stated in my original **EEO Complaint dated March 26, 2014, CCSF's Exhibit B**. has an unusual habit of repeating the same questions, about the same things repeatedly, (ex; 25 times). I cannot overstate repeatedly. Gee's need to repeat himself can be very annoying, especially if Gee believes he has been wrong or simply don't know what he should know which was very often.

Commissioners, the City and County EEO department failed to consider the number of times Gee's statement was recited and just how many Chinese or Asians heard and possible shared his philosophy especially against Black people, especially Black Males, over how many days or month Gee voiced his opinion gathered around the office water cooler as a regular conversation.

**(6) In February 2014, Gee told Edgar Rodriguez (Rodriguez), then 7373 Senior Stationary Engineer, that Fajita was the most intelligent Engineer on Operations Watch 6. and at that the rest of the crew, especially, appellant had no intelligence. On February 12, 2014, Appellant approached Rodriguez and told him told him Appellant knew what Gee said. Rodriguez told "Yeah [Appellant] it he would characterize me shocked me. he would characterize [Appellant] like that."**

Commissioners, Mr. Rodriguez was never interviewed by any EEO specialist whatsoever yet this intelligence or my lack of could have and should have a verifiable. (From February 12, 2014, until July 6, 2023 Rodriguez was not interviewed). This incident gave example of Gee's verbal outburst demeaning of my intelligence as I stood there listening to Gee standing on his soap box ranting on how I was unintelligent, at verbal decibels, for all to see and hear. He said I was unintelligent and didn't deserve to work at CCSF's facilities or even have any sort of Career at all for that matter.

#### **CONTINUED from MEMORANDUM PAGE 3 OF 7**

**(7) On February 12, 2014. Appellant heard Gee, Yell, "[Appellant]" is stupid and unintelligent, and I'll be glad to get rid of him.**

Commissioners, how many times do I have to be called stupid? As I have stated Gee knew I had filed an EEO Complaint as soon as I called the EEO In December 2013. The harassment continued after knowing I filed an EEO complaint against Gee and Yee. I'll be glad to get rid of him; Gee's threatening comment to his brother like or family like relationship with Yee will make Gee's statement especially a threat of getting rid of me will ring true. Superintended Yee in coming Months will stand good on that threat. I will face termination at the words of Yee in a statement to the Water Resource Board. I will elaborate later as it is part of retaliation in a very clever way.

#### **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.**

Commissioners I had a truck ordered specifically for the Pump Station duties. The rimfire needed more vehicle with diesel tanks inside the beds and 4+4 capabilities. After the tuck was returned to Oceanside Supt. Yee simply took the specialized diesel truck without even considering what I will use for my daily assignment. Instead, I was assigned the worst mechanically operating trucks in the fleet. Supt. Yee's vehicle selection for me made it unsafe do drive on the great highway in San Francisco (Beach areas foggy raining driving condition) I also must tow large generators to various pump stations, and other parts and location of the entire collection system; not just the so-called pump Station and the like under Emergency situation (I will elaborate) in another section.

**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:**

Commissioner again I stated Gee and Yee were told by me in December of 2013. Also, in case I forgot to mention, I told Chief Segarra to inform Yee and Gee that I was filing an EEO complaint against them both. I told Gee in the Locker Room at Oceanside Plant. I saw Superintendent Yee in the lobby area in Oceanside's 930 Administration building, both were told in December of 2013 after I called the EEO Department as instructed by my Chief Segarra to do so. As I stated before, I could not wait to tell Yee and Gee.

**2) On February 10, 2014, Appellant worked two hours of overtime, but Gee refused to pay Appellant for those hours.**

Commissioners Gee asked me the same questions about why I worked overtime. Once I told him after coming in and out of the office asking the same question repeatedly and saying, "you must really need the money Craig". I may have said "Kenny you don't have to pay me". Although, I do not remember saying that to Gee. I didn't need to steal time as Gee accused me of.

In, fact as Chief Segarra in his statement tried to explain. I didn't need permission on priority 9 work order especially when it came to the PSA aka PRESSURE SWING ADSORPTION SYSTEM my specialty. If the Chief would have had an interview earlier, not a few years later the matter of overtime would have been explained by now. This overtime happened on a Monday. Chief Segarra was absent on this same Monday. Chief Segarra is the only other person that could trouble shoot the PSA period! So, I had to look at the PSA System before I left. Chief Segarra told me to take over the PSA in 2006 due to his busy schedule, so I did. Chief Segarra always stated if needed to stay, he would input time when I see him the next morning. February 10, 2014, was the first time in my decades of employment this would be a problem.

Commissioners, the most serious aspect of this unauthored overtime acquisition is Supt. Yee knew I was at Sea Cliff II, a critical pump station that was having problems at 1500hrs or 3:00 pm. My work schedule was from 0600hrs to 1430hrs or 6:00am to 2:30pm. Supt. Yee was in Central Control when as always, I called Central Control to assist me at Sea Cliff II. At Sea Cliff II I haven't any computer access. I called central control to report a problem at Sea Cliff II after 3.00pm. Supt. Yee overheard my conversation with I believe Randy at Central Control. I was telling Randy I'm running late as I always do after 2.30pm to anybody that answer me at Central Control; that I am out later all by practice. This will be the first-time trouble happened and or harassment behind doing what I was told to do by all my previous and current Chiefs. Also Supt. Yee had knowledge on February 10, 2014, that in fact I told why I am out passed 2:30pm. My physical location was GPS capable; the time of day; when I return to the plant etc. The Superintendent was watching my return from Sea Cliff II from inside the Plant, but at a distance. Superintendent Yee also knew I had to stop at Westside Pump Station at the end of the day, then I entered the Oceanside East gate at the exact time of 4.00pm so Yee's statement reads.

Because we work around raw sewage and other gases and chemicals, we should take a shower; we are afforded shower time. I worked with I & C to secure the PSA (which isn't as easy as it sounds; very dangerous if safety isn't followed) so from 3:00pm to 4:00pm the Superintendent knew why I was working overtime and didn't ask to speak with me regarding my possible unauthorized overtime usage. This was a form of harassment by Supt. Yee and Gee collectively and in concert. 6:00am to 2:30pm is my normal work shift. I arrived at Oceanside Plant, according to Supt. Yee's statement on or about 4 00pm. I worked on the PSA for about 30 minutes or more to secure the PSA.

I am on security cameras at Westside and Oceanside. Supt. Yee stated he knew my exact time of arrival. How could I steal anytime or work unauthorized if I only worked 30 minutes on the PSA System. I did not even take a shower; I went home. I left the Plant I believe at 4:45pm after changing from my work clothing into my street clothing. (I will elaborate later)

In my entire 30 plus years, I rarely never worked overtime at any facilities including my last 5 years of employment at Oceanside Plant especially after working an 8-hour shift. The only exception was at the request of others (Maintenance, Instrumentation & Control Technicians, of course the PSA System) when working on special projects. On Watch 6 in my time, you had to know all the stations. The only time I worked overtime after an 8-hour day is covering a station for 4hrs. Not for me after 30 years, plus a 12-hour day was just not for my body. Also, for the overtime wheel, I in all my career have never accepted overtime from the OT Call Out Wheel or come in for overtime that didn't involve special projects like Digester cleaning overtime. With the PSA System down and the Chief's Day off on Monday, I had to make sure that at least one PSA Compressor would start and stay online. I did what I was trained to do. No regrets.

**3) In February 2014, Gee initiated discipline against Appellant for working unapproved overtime.**

**4) In February 2014, Gee removed appellant from pump station duties.**

Commissioners, Supt. Yee and Gee knew I filed harassment cases against each of them for their action of harassment. In December of 2013 this was a retaliatory action by Yee and Gee towards me to humiliate and lower me. Each knew how much work I put into the collection system and the related pump stations. I enjoyed the task immensely and always showed my skills to others in classes sponsored by the training center at OSP. I spoke and answered all question regarding the PSA System, the Collection System and wet weather condition at Oceanside Plant. Supt. Yee and Gee were trying to break my confidence and belittle and parade me in front of others for their amusement. I also asked Chief Gerry to inform both Yee and Gee that I contacted EEO and was filing formal charges. I at this time, had no idea that it was going to take me until March 26, 2014, to complete my detailed written complaint nor could I have imagined it would take 10 years to complete an EEO Complaint at CCSF's EEO Department. I asked for help with writing once I realized how many notes I had written regarding my harassment at work. I suggested that the EEO intake my statement even if over the Telephone, email or otherwise, even if I had to follow with a longer version. No one from EEO would help me. Even if all my charges were not accepted and determined to be untimely why not send a determination letter as soon as this was first discovered and became an issue in moving my harassment case forward at the EEO? Why was I not allowed to amend my complaint to address the concern of Statue of Limitation instead of the practice of elimination of my filings as a specific goal of the EEO department.

Gee was given a chance to amend his statement once he was caught telling the untruth why not me? I would have stated that Segarra my Chief, told me to run from Superintendent Yee, he wanted me to take 6 months leave of absence meaning without pay and when I said no, he ordered me to call EEO as my Chief. I did not have a personal work relationship with Chief Segarra, so for him to tell me that; to run from a Superintendent (Manager at CCSF). The run comment sent my stomach into mush or diarrhea. Before December of 2013 no other human being has ever told me to run from another human being. This was dehumanizing to me, and I suppose any reasonable person.

## **See Exhibit B 2014-2020: Appellant's EEO Complaint Investigative Timeline Actions**

On May 9, 2014, DHR EEO assigned SFPUC EEO to investigate Appellant's allegation within the 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.

In a letter dated August 21, 2020, the Human Resource 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 inappropriate comments about Appellant's intelligence due to Appellants race; (3) was insufficient to establish that Yee or Gee retaliated against him. See Exhibit F

Commissioners,

(1) Was sufficient to establish my charge.

If my filing was beyond the 180 days statute of limitation, then how can any charge now be considered sufficient now?

(2) Was insufficient to support a charge.

Why didn't CCSF interview the Senior called Rodriguez? He was the person Gee was talking to when he said or yield how unintelligent I was. Instead CCSF's EEO Department interviewed Randy Cipriani who that said I was enraged. I didn't see and never talked directly to Randy or person X on the day the incident happened. I spoke with Rodriguez. He should have been interviewed to make this determination.

(3) Was insufficient, Yee and Gee retaliated against me as often as possible.

Supt. Yee's false statement to the Water Quality Control Board was untrue and with intent of harm and with malice.

**On September 27, 2020, Appellant submitted correspondence to the CSC appealing the Human Resources Directors 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. 2021-2020: Human Resources Director's Revised Determination**

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

**Exhibit J. In a letter dated June 08, 2022,**

**The Human Resources Director informed Appellant 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.**

Commissioners, Gee recited all the negative and race base comments daily and his action of belittle me if front of others chronic. Gee didn't care if I overheard him saying racist comments especially if nothing is going to happen to me. Gee boldly boasted nothing will happen in front of me. All I could do is report this to Chief Gerry daily and keep documentation of the incidents. Even after I filed my complaint and Supt Yee and Gee were interviewed months went by, and nothing happened. Yee and Gee really teamed up again and continued to harass me" trying to get rid of me", as Gee repeatedly uttered at me.

Commissioners, all I needed from my filing at CCSF's EEO was to stop my daily harassment at the hands of Supt. Yee and Gee, be acknowledged for my hard work at any task, even if I did not enjoy the task. Expect to be treated with kindness and respect like I treat others with kindness and respect and share my vast knowledge with others.

My entire career at CCSF I've given of myself despite being called racist names. Supt. Yee and Gee knew how much time and effort I put into the collection system, so by removing from the collection system duties was to take away something I truly studied and enjoyed. Not for the training of others or operational needs as disguised. Supt. Yee and Gee knew that the Collection system meant a lot to me.

Commissioners, as an older man I should not have experience being called stupid or unintelligent at any place of employment. Especially working at the City and County of San Francisco. Supt. Yee was a Superintendent and mistreating me daily because of my race with Gee vicariously participating. Supt. Yee and I are strangers to one another despite being around each other for decades. The overt racial insults from Supt. Yee and Gee were to provoke a negative reaction from me. Taunting me as I sat working at my desk. Bringing me inside the Oceanside Plant was to only have more access to me for more daily shots of harassment. Removing me from the collection system had nothing to do with training of others, it was to teach me a lesson for filing a complaint at HRS EEO.

### **III. ISSUES ON APPEAL TO THE CIVIL SERVICE COMMISSION**

**On October 29, 2022, Appellant appealed the Human Resource Directors Determination to the CSC Exhibit L. The issue on appeal is whether the Human Resource Director's appropriately determined that the appellants 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 allegation were not sustained.**

My issues on appeal are numerous for the CCSF's EEO now can determine what is to be at issue and CCSF can now determine or limit what can be heard at a Judicial Review style formatted hearing at least this feels like preparation for such a hearing. I thought this hearing was to discuss all issues to include Statue of Limitation specifically in this matter 180 days or when I should have known of such action that was adversely disturbing my work environment.

Commissioners If someone like Chief Segarra calls you into his private office before you even start your workday and tells you to run, any reasonable person knows it's time to get yourself away from harm. Commissioners, I've been running since 2013. I'm tired of running and I want to enjoy my retirement. Yee's and Gee's behavior towards me was design to make my day miserable and seeded in racial hatred for me as an African American. How many racially overtone or overt encounters of being called stupid, unintelligent, especially in front of others. Must I encounter negative treatment in order to constitute a charge based on my race? Who determines what African Americans should tolerate as accepted levels of exposure to workplace harassment per day per week per month and so on.

If an African Americans said what Gee was allowed to repeat repeatedly, he would be terminated for violence or at least suspended. If I had done what Gee and Supt. Yee did, I would not have my retirement; I would expect termination of employment at CCSF.

The harassment over the Compressed Natural Gas Tank leakage should have been considered as life threatening if that vehicle would have exploded, especially gas like compressed natural gas, under pressure at 3500psi, it's a natural Bomb! Can you imagine how much harm to human life and property damage this could have caused, especially with a standing order that required me to keep the gas tank at half level and above.

Yee and Gee foolishly thought I should be able to see compressed natural gas at 3500psi. Impossible for me to do. I constantly told Yee and Gee I smelled gas inside the cab of this vehicle, and I shouldn't breathe natural compress gas due to a health problem. I was told by Gee if "I didn't get back in that truck he would write me up". I feared driving a vehicle on the streets and higher speed freeways especially if continuously run out of fuel without a warning signal. The fuel gage did not indicate fuel lost. Outside of the trades and others who do not work with high pressures gases may not see the danger in Compress natural gas at 3500psi; it's a bomb, literally a killer bomb. For Yee and Gee it was no excuse not to comprehend this simple fact about compress natural gas. It was extremely dangerous, especially driving around the city with a known tank leakage problem. This compress natural gas vehicle was an aftermarket assembly and not built from the factory. I was told I believe by the Fleet Manager that this aftermarket company was sued due to injuries cause by leaking and defective tanks and craftsmanship.

With a standing order our threat of discipline I reluctantly continued to refuel this vessel not a tank. (a liquid fuel like gasoline is stored on your vehicle in a gas tank). Compressed Natural Gas is stored in a high-pressure vessel that is under pressure at 3500psi, unbelievable explosive power. The compressed natural gas truck I was forced to drive or threaten with discipline if I didn't, had a 3500psi vessel that sat behind me that could have exploded and killed me. I tried to explain to Gee all the mentioned facts and danger to myself and others on several occasions. Gee said that Supt. Yee told him to tell me "Do it or get fired!".

Each time I went to refuel, a nervousness was present just simply refueling because the receiving vessel had holes in it. With holes in the vessel and now standing order to keep refueling a leaking vessel with 3500psi of Compress Natural Gas and using a hose that connects to the truck's fill line, I am a danger to everyone around me. Also, other gas pumps are near me as well. Remember the hose is at 3500psi, and the hose is conveying a vapor gas using a pump rated at 3500psi. This is high-pressured gas must be respected. I wish I could demonstrate this without the explosion of course.

Again, Gee told me I don't know what I'm talking about, and of course Supt. Yee wouldn't talk to me about anything, so he had Gee deliver the order and hide behind the chain of command. Supt. Yee and Gee consider me stupid and unintelligent, why would they listen to me.

Commissioners I hope to download compressed natural gas refueling explosion. The refueling station looks like CCSFS's fueling station. Mix fueling is present and clearly demonstrates just how dangerous a natural compressed gas can be. CCSF's truck had a faulty pressure relief valve and was also the cause of the leak. I saw the corrosion from the salt air had eaten the metal. Pressure relief is the most important safety device on a natural compressed gas vehicles vessel. Some pressure design relief valves are designed to release pressure at a certain temperature.

The natural compressed trucks pressure relief is to release all the natural compressed gas at 200 degrees Fahrenheit the pressure relief will purge or release all the compressed natural gas into the atmosphere at a pressure 3500psi if vessel is completely full at the refueling station or any or just driving down the road can lead to a disaster that I would have been possibly criminally and or civilly responsible for the explosion. Then Yee and Gee would have blamed me and said it was because I lack intelligence and I'm stupid.

#### IV ISSUES 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, subsequently Skelly notice to Appellant, and Yee's letter to the State Board. This issue was not part of the investigation and was addressed through 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 process at the department level. Furthermore, Appellant's appeal request to 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 the EEO jurisdiction to investigate.**

Commissioners any reasonable person would read the above paragraph, and think "What's the Big Deal he is your manager," "it's his responsibility as a Superintendent right"? I'm a reasonable person, sounds good to me. Commissioners the Supt. Yee lies and has an active harassment case based on race pending against him. For example, my case. Superintendent should have known not to participate in a case involving possible discipline. Here's how allowing Supt. Yee to participate in my possible termination went wrong: In short form, the morning of July 21, 2014, I was solely accused of an operational dry weather discharge. Being involved in such an epic event was stressful enough, but to have a Superintendent that you have an active complaint against address the Water Resources Board and lied made it even harder to prove my innocents.

**See Exhibit (1) Incident description and cause. The Secondary Aeration Treatment system was bypassed due to opening of the secondary bypass valve inadvertently. The cause of the incident was due to operator error.**

Supt. Yee was told the morning of Monday July 22, 2014, twice by Chief Segarra at about 6:00am and again at about 6:30am. By 6:25am I also called the Manager at Southeast Plant named Flores to inform him that "I didn't do this operator error". Later Manager Flores said he told Supt. Yee for me.



The second misstatement. The Watch 6 Operator was unaware that the Aeration Influence Controller also controlled the secondary bypass valve. Without knowledge that the bypass valve was open, he concluded his troubleshooting and proceeded to perform his assigned duties at the Pump Station Rounds. Both statements were proven wrong; I never spoke to Yee that morning.

Two other possible people were involved with me on July 21, 2014, yet without a hearing of any kind. Supt. Yee reported false information when he reported to State Water Resources Board and he knew it was false. The two other operators will not be charged until June or July of 2016. Before I proved my innocence I was charged as the unilateral responsible person, without allowing CCSF's a chance mitigate its circumstances. Supt. Yee stated that after I found out how much trouble I was in after reporting to Chief Segarra I lied about it later.

What Yee didn't remember is that my Girlfriend worked that night on graveyard and woke me at about twelve midnight. I knew for hours that I was going straight in to report my part in the accident. What made it retaliatory is by Supt. Yee reporting to the State Control Board. I could have lost my job and State License to work in Wastewater period. My charges were (1) Failure to follow rules and regulations; (2) Inattention to duties; (3) The big one, Dishonesty because Supt. Yee lied to the State Water Control Board and was about to cost me my career. In order to save my job I had to breach Supt. Yee's statement at the 11<sup>th</sup> hour, the day of my Scully Hearing, the parties submitted statements and log entries saved my Job. I truly believe this was an act of hate and retaliation. This is a true story and can be verified and the fact I didn't get fired.

I was under pressure of termination from about Monday July 21, 2014, until -June 28, 2016 all because Supt. Yee stated I lied the day I reported the incident that was worded as if my incompetence was the reason not and incident. I later learned it was harder to fire someone if they make a mistake on grounds than to terminate someone for being incompetent. In my opinion, Yee's action are grounds to grant my appeal for all matters concerning my filing of harassment. And a fair judicial review of my case against Supt. Yee and Gee.

## **V. INVESTIGATIVE STANDARDS AND ANALYSIS**

### **A. Appellant's Allegation Outside the of EEO Jurisdiction that Were not Investigated.**

#### **1. Untimely Allegations**

Will cover hopefully in the next section CB

#### **2. Retaliation Allegation Will cover in the next section**

### **B. Evidence Did not support. Appellant's Claim of Retaliation**

#### **1. Non- Payment of Overtime**

#### **2. Proposed Letter of instruction**

#### **3. Removal of pump station**

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

**None**

## CCSF's Exhibit A SFPUC Organization Chart

Commissioners CCSF'S Exhibit A appearance is colorfully in presentation and that's about it beautifully presented. CCSF's fails to illustrate as evidence that supported CCSF's claim of Operational needs.

Where were the CCSF's personnel moved to? How did Yee's altering Banks's well establish routine help accomplish this goal in operational needs? and if those goals were achieved? CCSF's should not meet the burden of proof whatsoever. CCSF'S exhibit does provide information denoting how appellant work inside the Plant.

Commissioners, in the past 5 years or so Oceanside Operational Division was allowed to run short by Managements experimentation to see if watches can run short (2 men instead of 4men). All watches accept the Watch 6, renamed Watch 5 Special Projects that I belong to. Watch 5 was a non-rotating Watch.

Every Wednesday I would schedule training classes to all personal including, Maintenance crews, Electrician, Plumber and Management, yes management.

My classes were one to one training. During this period, I also taught the "pump station duties" and taught the entire collection system. I also taught every single person on rotational watch and my other crew members. On the Wednesday's I would schedule myself off the pump station duties to teach the PSA and all Emergency procedures; the TPAS, W1, W2 & W3 Water Systems; Newly installed W2 & W3 Filters; How to put equipment on-line and take off-line. I received not a penny for those one-to-one training sessions. I conducted numerous one-to-one training sessions during my entire career. I have given my service at CCSF.

I started training other engineers on the Pump Stations in 2007, a year after I returned to Oceanside Plant. I was not assigned to the pump station; Mr. Bender was, and I was the number two substitute for Bender when he scheduled off work. I achieved my excellence by hard work, a ton of reading that's available to all of us. Some CCSF employees will not pick up books that will technically teach you the station. I just happen to be a various reader, so I kept my owner manuals, standard operation procedures, tools, you name it in my truck. I had it with me until day I retired In July of 2022. I'm known as "The Librarian" "Mr. Britannica" and the "Doctor". I was and am respected for my knowledge of Maintenance as well as Operation. I am a graduate of one off the best Apprenticeship in this USA. I paid attention to instructors. Maybe others didn't appreciate the opportunity that a Job willing to provide formal education and I can get a job in the field anywhere. I took advantage of my given opportunity until the day I retired, from September 10, 1985, until July 01, 2022.

Supt. Yee's and Gee's characterization was rooted in hatred and blossomed in dislike for me as an Africa American. I had to feel the constant derogation of my name, behind my back as well as in front of my face or my physical presents, especially after I notified the EEO, and nothing ever happened.

The interviewer was unbusy and by herself. She refused to take a statement from my witnesses present. She said I was interfering with an EEO investigation and could be disciplined for it. Wow! what was I to think, or what could I say to this interviewer that was at Oceanside Waste Plant. This interviewer said those unkind words to me yet. Supt. Yee was talking to everyone about his interview with the same woman. Supt. Yee boasted in Central Control in front of my witnesses that just gave their statements "Nothing will happen". An employee who brings charges of any kind must prove his case.

Commissioners, when Supt. Yee claimed he did everything for operational purposes and my coming inside to work was pivotal and his choice to remove me etc. My order task was to go with a brush in hand and clean all the emergency eyewash stations around the Plant demeaning me and parading me for others to see and make negative comments. Some of my co-workers asked why are you being treating this way, Craig? I would reply I do have a complaint filed at the CCSF's EEO, I hope this will stop soon.

Most of my colleagues on Watch 6, renamed Watch 5 simply did not want to learn any of the 3 stations at Oceanside Plant; Supt. Yee did not enforce any rules pertaining to Watch 6 duties. Wong and I were the only W5 engineers that knew the inside Plant stations as specialists, the rest did not. Despite coming from rotational watch, W5 engineers did not really know the stations at Oceanside. How is this so? It's called what my colleagues have stated "all you have to do is take the numbers". That's all I know and all I wish to know." And of course, Gee's famous words he has uttered his entire career, and is notoriously famous for "I have never been trained." I could have 10 or more employees and supervisors attesting to Gee's chronic behavior. Gee, after acknowledging his lack of knowledge and unwillingness to seek it simply walk away from the job. I've witnessed Gee's refusal firsthand when I worked on difficult jobs.

I am one of the first CCSF employees who tried to train Gee at Southeast Plant. I transferred over to start a new Centrifuge Building; I trained Gee for over two years when he first started at CCSF. It is my understanding that Yee helped Gee get the job.

The terrible part is that he refused to simply help me reorientate myself at Oceanside in year 2006. I previously worked at Oceanside and was part of the original start-up crew and maintenance for years to include the old Richmond Plant. I also specialized in Confine Space entries and have walked for miles undergoing almost 90% of the underground structures at Oceanside, North point, Treasure Island and more. Speaking in front of co-workers, contractors and managers. Speaking knowledge is what I'm known for, not unintelligent and stupid like Supt. Yee and Gee wanted me to be and to convince others through the power of suggestion; to beat me down or tame me as a witness stated he heard Gee say. Although I clearly stated this person's name and Watch number of his crew, he was never interviewed. He would have shown Supt. Yee and Gee's eagerness to start their new regime and continually try to get rid of me off. This is just the start and operational needs will once again be the overall prevailing reason at this time to be moved.

Commissioners, digressing slightly, I will eventually get the pump stations back. One morning in November 2018. A manager called me and said, "Craig are you tired of being punished and beat up?" And I said yes. I'll never forget the day because then I'm going to have the pump stations for the next three years until I retire. By year 2016 Supt. Yee had totally banned me from the pump stations. Chief Mark Lauer and Acting Senior Wyman Fong got in trouble with Supt. Yee for letting work the pump stations one day. They both told me Supt. Yee be so mad when talking about me that his body shakes. Stay away from admin building as much as possible. I replied, where can I go.

Praised and respected by contractors, private contractors, CTS Training. No one had been trained for the entire time I was off the pump stations. I think it was three years since I was banned from the pump stations and working inside Oceanside Plant, even then I was the one doing the training on all the new systems.

Believe it or not, Supt. Yee, even though he was leaving, had objections to me returning to the pump stations because he said he gave the order for me to never do it again. When this complaint did not take its normal course, Jeff indeed just kept teeing off on me and it went on some more. I'll explain Mark and my position, even though Mark was keeping all the paperwork and stuff, we were waiting for the EEO to come. Which never happened. I guess I'm still waiting today, July of 2023.

Supt. Yee hated me so much he allowed an overflow to happen at Seacliff II onto Bakers Beach. When maintenance personnel requested my expertise Supt. Yee told everybody that's stupid, Craig doesn't know what he's doing.

I'm the only one that trained maintenance employees from both Oceanside and Southeast Plants on the pump stations for the West side of San Francisco City.

Supt. Yee was at Seacliff II while it was overflowing onto the Beach; He didn't have the knowledge to reset any equipment. He allowed the overflow to happen on one of January's hottest winter days at Bakers Beach, a sensitive beach area, instead of calling me so that I can tell him how to reset the equipment; trying to make me look stupid all the time. I was just sitting in the office that he put me in, but his hatred was too strong, so he said Craig doesn't know what he's doing.

After hours of letting the pump station overflow, luckily Determan a Oceanside Maintenance employee I trained in the past remembered how to reset the Sea Cliff II gates and lift pumps. When the maintenance employee, who isn't part of operations, remembered how to reset Seacliff equipment, his training was maybe a year or two old. He said Craig knows how he taught me. I know this, I know this, and so they wanted to do it right away.

I still allow the young employee who replaced me on the pump station duties to call me a year later if he has problems, but I told him that I will have selective amnesia after a year. So that year is up, and I talked to him on the 23rd, I believe of this month 2023. I have given of myself. I have contributed my knowledge and now I want to enjoy my retirement.

#### **Exhibit B Craig Anthony Banks EEO Complaint, Dated March 26, 2014**

Commissioners Acting Senior Gee was returned to his 7372 Stationary Engineer position on Operations Watch Six. This action was taken by Chief Segarra due to the dissatisfaction of his work performance as W6 Operations Acting Senior position.

**On February 25th, 2014. I had a meeting with Manager Flores and discussed the harassment I was receiving from W6 Acting Senior Gee and Supt. Yee. I told Manger Flores that Chief Segarra was trying remove Gee from the acting senior position, but Supt. Yee would not allow Gee's removal. Tony then said a few curse words and said "tell Segarra to remove Gee immediately. I mean today". So that same morning of February 25th, 2014. Manager Flores gave me the go ahead to deliver the message to Segarra. I arrived at Oceanside Plant and went into Segarra office. Segarra verified the message in my presence over the loudspeaker. It was verified by Manager Flores and then Segarra asked me to leave the room. Less than 15 minutes later Gee's is in the hallway with tears in his eyes. Shortly after, Gee walks into Chief Segarra office and had a real outburst; Gee often accused me of having "outbursts." Gee cursed Chief Segarra, called him incompetent with all kinds of other negatory, defamatory, and disrespectful names. Chief Segarra looked as if tears had fallen from his eyes. Chief Segarra didn't deserve such a verbal tongue lashing, especially from Gee. Gee repeated his performance of Chief Segarra verbal tongue lashing, this time I didn't witness it. I was told it**

was worse than the first time. Gee should have written his self-up for his tongue lashings "outburst."

**CSSF's From Exhibit B; Page 23 Statement of Craig A. Banks**

Remember I am accused of working unauthorized on Monday February 10, 2014. Also reading from page 24 of the same exhibit. Collectively this will clear up any doubt the overtime was an extreme act of harassment. It will also prove Gee knew I was servicing a work order for the PSA on this same day and spoke about the problem in front of witnesses.

**On Monday February 10, 2014 I had a Priority 9 Work Order for the PSA, also on previous Friday February 07, 2014, I had a Work Order for the PSA. My Monday morning work order covered any time of day on Monday February 10, 2014.**

**I started working on the PSA at 0630hrs on Monday February 10, 2014, on a Priority 9 Work Order, the highest level. This means on Monday I'm working inside Oceanside Plant in the morning and troubleshooting the PSA for hours and still working my regular duties of the pump stations. Driving around the City takes time.**

**It's Monday, fewer personnel at work by design. I was Superman on this day. I had a problem with Sea Cliff II, the most important pump station of the Richmond Sunset at end of the transport, a critical pump station. I could violate the permit by pump failure; sewage onto the beach; game over!**

**This Monday I didn't leave the Oceanside Plant until after 1230pm and drove at that time of day, to Sea Cliff II without a lunch break. I get off work at 2:30Pm. Reading this 10 years later, how could the EEO miss this.**

**I have trained my coworkers on the PSA for several years, but Segarra and I are the only troubleshooters for the PSA System. Without Segarra on site, I knew I had to step up this day of February 10th, 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 Aerations, oxygen demand and backup treatment for our secondary treatment process. If all the PSA compressors become unavailable, Oceanside plant liquid oxygen 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 vessels. level too low. (Gee is trying to cover his mistake of not ordering LOX. A critical mistake with both PSA Compressors out of service which means no gaseous oxygen in the Plant huge mistake Gee will have huge consequences if I couldn't have gotten that compressor to run and stay operating. A Plant Effluent violation could occur. Chief Segarra is out sick. Eventually I would get the PSA Compressor to start again, but Compressor would fail again at around 2:30pm Monday 2/10/2014. Supt. Yee's statement said I arrive at Oceanside at 1600hrs or 4:00pm. The PSA Compressor failed again. I reset the unit. It took about 30 minutes I went home at 1630hrs or 4:30pm.**

**On Monday, February 10th, 2014, the liquid oxygen vessel had a low-low alarm and was still online drawing the vessel down to a dangerous low-low level. The liquid oxygen vessel should**

never have been in alarm that long without someone securing the LOX feed valve on the vessel.

On Friday, February 7th, 2014, at about 6:15 AM, I was assigned to work on the PSA system by Gee instead of my normal duties of the Pump Station. Even though I still maintain the PSA system as a volunteer effort, it is not usually part of my pump stations duties. Bender, a retired former 7372 stationary engineer who had 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 part of my duties now; the additional PSA duties that were supposed to be taken away from me years ago. This has never happened, and I haven't complained because I felt I could continue to do both jobs. My chief and coworkers appreciate that I continue to maintain the PSA system because if not, it would make their job much harder.

Commissioners, this is the first work order on Friday 07, 2014. On Monday this is probably still an open work order. I could have worked under it; was generated for me to service the PSA; if I need any other crafts my Chief allowed me to call-in the other crafts as I see the need. On Friday, February 07, 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 troubleshooting time for me.

**Page 24, And still on Exhibit B.**

**Please read paragraphs one through six. with special attention to paragraph six, first sentence. On Friday night, February 7th, 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. I didn't charge the City and County for this free weekend checks why would I be accused of stealing overtime?**

**From CCSF's Exhibit B. Page 27**

**Monday February 10, 2014 at about 1:15 PM after servicing the PSA System, I had a work order to replenish a surge tank at Seaciff II Pump Station. Whenever the surge tank is low it creates a surge back into the pump station causing severe damage to the lift pump's, the piping and the check valves. This damage could possibly cause flooding to Sea Cliff II Pump Station. The pumps will lift the sewage up 27.42 feet and is pumped as far as 25th Ave as 25<sup>th</sup>, which is a quite a distance.**

Commissioners, Monday, February 10th, 2014, I was on two different work orders that would cover any overtime that I would have submitted. Why was this missed by the EEO Department?

**CCSF's Exhibit C.**

Craig Banks. Department Report of complaint. None

**CCSF's Exhibit A.**

Was covered already None.

**CCSF's Exhibit B.**

None.

**CCSF's Exhibit C.**

None.

**CCSF's Attachment 2.**

None.

**CCSF's Attachment 3.**

None.

**CCSF's Attachment 4.**

None.

**CCSF's Attachment 5.**

None.

**CCSF's Attachment 6.**

None.

**CCSF's attachment 7.**

None.

**CCSF. Attachment 8.**

(CCSF's MEMORADUM page 2 of 7) Gerado Segarra, then-7252 Chief Stationary Engineer, this is a mistake Segarra retired on June 06, 2015, not on June 30, 2018.

- **From and email sent from Appellant Dated May 20, 2019, at 10:08 PM:  
To: Narbaitz, Dena Subject: EEO Investigation. See Exhibit 2 (a)**

Why has my complaint gone unanswered? The statute of limitation on my claim? I waited patiently for an unanswered complaint. Have I been tricked into thinking an investigation of this matter is still on going. And has taken a Major Municipality 5years to investigate a harassment complaint?

**Commissioners I raised the question regarding the statute of limitation.**

**Email.: from EEO Investigation from Narbaitz to Appellant May 08,2108 at 06:16PM PDT See exhibit2 (b)**

Hi, Craig. I just left you a detailed voicemail message on your home telephone line regarding the status of your EEOC complaint. I will be leaving the office shortly but will be in tomorrow you like to talk.

- **Commissioners.** I am checking statues still waiting.
- 

07/27/2023  
Craig A. Bunk



Exhibit (2a)

RE: EEO Investigation  
From: Narbaitz, Dena (dnarbaitz@sfwater.org)  
To: [REDACTED]  
Date: Wednesday, June 19, 2019 at 09:35 AM PDT  
Hi Craig-

Thanks for your email and I apologize for the delay in responding. The report has been submitted to the City's Department of Human Resources EEO Unit and my understanding is that it is currently under review. My manager has reached out to DHR for more information, but the DHR EEO Manager is currently out of the office. We hope to have more information next week.

Sincerely,

Dena

Dena Narbaitz  
Senior EEO Specialist, HRS  
San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 3rd Floor  
San Francisco, CA 94102  
T: 415-554-1661/F:415-553-4898  
[DNarbaitz@sfwater.org](mailto:DNarbaitz@sfwater.org)

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission

From: Craig Anthony BANKS <[REDACTED]>  
Sent: Monday, May 20, 2019 10:08 PM  
To: Narbaitz, Dena <DNarbaitz@sfwater.org>  
Subject: Re: EEO Investigation

Why has my complaint gone unanswered? The statute of limitation on my claim? I waited patiently for an unanswered complaint? Have I been trick into thinking an investigation of this matter is on going. And has taken a Major Municipality over 5yrs to investigate a harassment complaint?

On May 8, 2018 5:32 PM, "Narbaitz, Dena" <[DNarbaitz@sfwater.org](mailto:DNarbaitz@sfwater.org)> wrote:

Hi Craig-

I just left a detailed voicemail message on your home telephone line regarding the status of your EEO complaint. I will be leaving the office shortly, but will be in tomorrow if you'd like to talk to me.

7A

Exhibit (2b)

6/15/23, 11:48 PM

AT&T Yahoo Mail - EEO Investigation

EEO Investigation

From: Narbaitz, Dena (dnarbaitz@sfgwater.org)

To: [REDACTED]

Cc: rgardunio@sfgwater.org

Date: Tuesday, May 8, 2018 at 06:16 PM PDT

Hi Craig-

I just left a detailed voicemail message on your home telephone line regarding the status of your EEO complaint. I will be leaving the office shortly, but will be in tomorrow if you'd like to talk to me.

I hope you have a good evening.

Dena

Dena Narbaitz  
Senior EEO Specialist, HRS  
San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 3rd Floor  
San Francisco, CA 94102  
T: 415-554-1661/F: 415-554-1529  
[DNarbaitz@sfgwater.org](mailto:DNarbaitz@sfgwater.org)

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



Exhibit (2c)

RE: EEO Investigation

From: Narbaitz, Dena (dnarbaitz@sfwater.org)

To: [REDACTED]

Date: Wednesday, June 19, 2019, 09:35 AM PDT

Hi Craig-

Thanks for your email and I apologize for the delay in responding. The report has been submitted to the City's Department of Human Resources EEO Unit and my understanding is that it is currently under review. My manager has reached out to DHR for more information, but the DHR EEO Manager is currently out of the office. We hope to have more information next week.

Sincerely,

Dena

**Dena Narbaitz**

Senior EEO Specialist, HRS

San Francisco Public Utilities Commission

525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102

T: 415-554-1661/F:415-553-4898

[DNarbaitz@sfwater.org](mailto:DNarbaitz@sfwater.org)

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission

**From:** Craig Anthony BANKS <[REDACTED]>  
**Sent:** Monday, May 20, 2019 10:08 PM  
**To:** Narbaitz, Dena <DNarbaitz@sfwater.org>  
**Subject:** Re: EEO Investigation

Why has my complaint gone unanswered? The statue of limitation on my claim? I waited patiently for an unanswered complaint? Have I been trick into thinking an investigation of this matter is on going. And has taken a Major Municipality over 5yrs to investigate a harassment complaint?

On May 8, 2018 5:32 PM, "Narbaitz, Dena" <DNarbaitz@sfwater.org> wrote:

Hi Craig-

I just left a detailed voicemail message on your home telephone line regarding the status of your EEO complaint. I will be leaving the office shortly, but will be in tomorrow if you'd like to talk to me.

I hope you have a good evening.

Dena

**Dena Narbaitz**

Senior EEO Specialist, HRS

San Francisco Public Utilities Commission

525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102

T: 415-554-1661/F: 415-554-1529

[DNarbaitz@sfgwater.org](mailto:DNarbaitz@sfgwater.org)

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Francisco Public Utilities Commission



9/20/2020

AT&T Yahoo Mail - RE: EEO Investigation

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( )

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Exhibit (2d)

RE: EEO Investigation  
From: Narbaitz, Dena (dnarbaitz@sfgwater.org)  
To: [REDACTED]  
Date: Tuesday, July 23, 2019 at 04:26 PM PDT  
Hi Craig-

COPY

DHR EEO has notified the SFPUC that the DHR EEO investigator assigned to your case is on leave. When the investigator returns, your case will be his top priority. I apologize for the delay.

Regarding the allegations below, would you like to meet with me so I can conduct an intake interview? These appear to be new allegations.

Sincerely,

Dena

Dena Narbaitz  
Senior EEO Specialist, HRS  
San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 3rd Floor  
San Francisco, CA 94102  
T: 415-554-1661/F: 415-553-4898  
[DNarbaitz@sfgwater.org](mailto:DNarbaitz@sfgwater.org)

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission

From: [REDACTED]  
Sent: Monday, July 22, 2019 7:13 PM  
To: Narbaitz, Dena <DNarbaitz@sfgwater.org>  
Subject: RE: EEO Investigation

After filing my complaint against Superintendent Jeff Yee. Jeff Yee lied to the State Wastewater Board and nearly caused my termination of employment with the City and County of San Francisco. Jeff Yee's statement was breached by a log book entry and by verbal statement from Chief Gerry Segarra (retired) who in fact, told Jeff Yee twice in the same morning I said I did not do what Jeff Yee reported to the State Waterwater Board. After filing a complaint against Superintendent Jeff Yee and Kenny Gee numerous insulting, demeaning and hateful acts were committed against me in front of others. My witnesses will attest to my statements; these acts brought me to tears at my desk as others laughed at me being called stupid so overtly. It is my feeling and experience that when no action was taken by the City and County of San Francisco, especially without ant conclusion, my harassment then believed my mistreatment by them was now sanctioned by the City and County of San Francisco. Superintendent Jeff Yee boasted Tommy Moala told him personally "nothing will happen with Craig's complaint". I too heard Jeff boast that Tommy Moala stopped my harassment complaint. I heard heard straight from Jeff's mouth at the most unexpected time; the day of the interview investigations for my complaint. The EEO representative or (whatever department she represented) was present at Oceanside Plant conducting interviews in the Library. After Bill Wong, (W6 Co-worker) returned from his interview, he myself and other CCSF employees were in Central Control; Superintendent Jeff Yee entered Central Control, looks at me then Bill Wong and said "Tommy Moala promised me Craig's case is going no where". I immediately went to the Library to tell the woman interviewer what my harassed was boasting and how intimidating it felt for me. Bill

Wong also expressed to me and others he felt intimidated by Superintendent Jeff Yee's action and statement. Superintendent Jeff Yee also tried to have me removed from my assigned Watch 6 position regardless of my high seniority. Superintendent Jeff Yee then attempted to send me to Rotational Watch schedule despite MOU reading the reverse order of the seniority list. Superintendent Jeff Yee ordered me again removed from Watch 6 Office, this time into a storage closet that was filled with dangerous acids/chemicals; Alex Miot will attest to this. While in this storage closet as my office space and without modern furniture, ergonomic etc. I requested my furniture from my Watch 6 Office and Jeff told me "go to the bone yard and use the old stuff". Superintendent Jeff Yee said to me and others "He put me in the Dungeon". Someone put a sign up Craig's Dungeon. After reading that sign my stomach and self esteem just hit the ground; I felt so lowered. Safety Officer Tom Anderson (retired) ruled the assigned Dungeon Office was not for any human habitation. The Safety Officer Tom Anderson said to me "Who did you pass off to put you in a room like this for any hour of the day? Safety Officer Tom Anderson told me if a complaint of harassment is on file be sure to retrieve his notes about assigning anyone to a room like this. My harassment went on for years everyday, and yes no one came to help me. Superintendent Jeff Yee let Sea Cliff Pump Station overflow for hours resulting in a violation because nobody knew how to reset a inlet gate to the pump station; Maintenance worker Troy Determan told him to call Craig Banks, he trained us, he know how to reset the inlet gate to the pump station, but Jeff Yee refused to call me. Craig A Banks

( )

Exhibit (2e)

RE: EEO Investigation

From: Narbaitz, Dena (dnarbaitz@sfgwater.org)  
To: [REDACTED]  
Date: Friday, June 28, 2019, 08:31 AM PDT

Hi Craig-

My manager spoke with DHR EEO today and was informed that DHR is finishing up its review and you should hear back soon, most likely within the next two weeks.

Sincerely,

Dena

**Dena Narbaitz**

Senior EEO Specialist, HRS

San Francisco Public Utilities Commission

525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102

T: 415-554-1661/F:415-553-4898

[DNarbaitz@sfgwater.org](mailto:DNarbaitz@sfgwater.org)

San Francisco Water, Power and Sewer | Services of the San  
Francisco Public Utilities Commission

**From:** Narbaitz, Dena

**Sent:** Wednesday, June 19, 2019 9:36 AM

**To:** Craig Anthony BANKS <[REDACTED]>

**Subject:** RE: EEO Investigation

Hi Craig-

Thanks for your email and I apologize for the delay in responding. The report has been submitted to the City's Department of Human Resources EEO Unit and my understanding is that it is currently under review. My manager has reached out to DHR for more information, but the DHR EEO Manager is currently out of the office. We hope to have more information next week.

Sincerely,

Dena

**Dena Narbaitz**

Senior EEO Specialist, HRS

San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 3rd Floor  
San Francisco, CA 94102  
T: 415-554-1661/F:415-553-4898

[DNarbaitz@sfgwater.org](mailto:DNarbaitz@sfgwater.org)

San Francisco Water, Power and Sewer | Services of the San  
Francisco Public Utilities Commission

**From:** Craig Anthony BANKS <[REDACTED]>  
**Sent:** Monday, May 20, 2019 10:08 PM  
**To:** Narbaitz, Dena <[DNarbaitz@sfgwater.org](mailto:DNarbaitz@sfgwater.org)>  
**Subject:** Re: EEO Investigation

Why has my complaint gone unanswered? The statue of limitation on my claim? I waited patiently for an unanswered complaint? Have I been trick into thinking an investigation of this matter is on going. And has taken a Major Municipality over 5yrs to investigate a harassmt complaint?



On May 8, 2018 5:32 PM, "Narbaitz, Dena"  
<[DNarbaitz@sfwater.org](mailto:DNarbaitz@sfwater.org)> wrote:

Hi Craig-

I just left a detailed voicemail message on your home telephone line regarding the status of your EEO complaint. I will be leaving the office shortly, but will be in tomorrow if you'd like to talk to me.

I hope you have a good evening.

Dena

**Dena Narbaitz**

Senior EEO Specialist, HRS

San Francisco Public Utilities Commission

525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102

T: 415-554-1661/F: 415-554-1529

[DNarbaitz@sfwater.org](mailto:DNarbaitz@sfwater.org)

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Francisco Public Utilities Commission

Exhibit (2f)

RE: EEO Investigation

From: Narbaitz, Dena (dnarbaitz@sfwater.org)

To: [REDACTED]

Date: Tuesday, July 23, 2019, 04:26 PM PDT

Hi Craig-

DHR EEO has notified the SFPUC that the DHR EEO investigator assigned to your case is on leave. When the investigator returns, your case will be his top priority. I apologize for the delay.

Regarding the allegations below, would you like to meet with me so I can conduct an intake interview? These appear to be new allegations.

Sincerely,

Dena

**Dena Narbaitz**  
Senior EEO Specialist, HRS

San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102  
T: 415-554-1661/F:415-553-4898  
[DNarbaitz@sfwater.org](mailto:DNarbaitz@sfwater.org)

San Francisco Water, Power and Sewer | Services of the San  
Francisco Public Utilities Commission

**From:** cbanks151 . <[REDACTED]>  
**Sent:** Monday, July 22, 2019 7:13 PM  
**To:** Narbaitz, Dena <DNarbaitz@sfwater.org>  
**Subject:** RE: EEO Investigation

After filing my complaint against Superintendent Jeff Yee. Jeff Yee lied to the State Wastewater Board and nearly caused my termination of employment with the City and County of San Francisco. Jeff Yee's statement was breached by a log book entry and by verbal statement from Chief Gerry Segarra (retired) who in fact, told Jeff Yee twice in the same morning I said I did not do what Jeff Yee reported to the State Waterwater Board. After filing a complaint against Superintendent Jeff Yee and Kenny Gee numerous insulting, demeaning and hateful

acts were committed against me in front of others. My witnesses will attest to my statements; these acts brought me to tears at my desk as others laughed at me being called stupid so overtly. It is my feeling and experience that when no action was taken by the City and County of San Francisco, especially without any conclusion, my harassment then believed my mistreatment by them was now sanctioned by the City and County of San Francisco. Superintendent Jeff Yee boasted Tommy Moala told him personally "nothing will happen with Craig's complaint". I too heard Jeff boast that Tommy Moala stopped my harassment complaint. I heard heard straight from Jeff's mouth at the most unexpected time; the day of the interview investigations for my complaint. The EEO representative or (whatever department she represented) was present at Oceanside Plant conducting interviews in the Library. After Bill Wong, (W6 Co-worker) returned from his interview, he myself and other CCSF employees were in Central Control; Superintendent Jeff Yee entered Central Control, looks at me then Bill Wong and said "Tommy Moala promised me Craig's case is going nowhere". I immediately went to the Library to tell the woman interviewer what my harassed was boasting and how intimidating it felt for me. Bill Wong also expressed to me and others he felt intimidated by Superintendent Jeff Yee's action and statement. Superintendent Jeff Yee also tried to have me removed from my assigned Watch 6 position regardless of my high seniority. Superintendent Jeff Yee then attempted to send me to Rotational Watch schedule despite MOU reading the reverse order of the seniority list. Superintendent Jeff Yee ordered me again removed from Watch 6 Office, this time into a storage closet that was filled with dangerous acids/chemicals; Alex Miot will attest to this. While in this storage closet as my office space and without modern furniture, ergonomic etc. I requested my

furniture from my Watch 6 Office and Jeff told me "go to the bone yard and use the old stuff". Superintendent Jeff Yee said to me and others "He put me in the Dungeon". Someone put a sign up Craig's Dungeon. After reading that sign my stomach and self esteem just hit the ground; I felt so lowered. Safety Officer Tom Anderson (retired) ruled the assigned Dungeon Office was not for any human habitation. The Safety Officer Tom Anderson said to me "Who did you pass off to put you in a room like this for any hour of the day? Safety Officer Tom Anderson told me if a complaint of harassment is on file be sure to retrieve his notes about assigning anyone to a room like this. My harassment went on for years everyday, and yes no one came to help me. Superintendent Jeff Yee let Sea Cliff Pump Station overflow for hours resulting in a violation because nobody knew how to reset a inlet gate to the pump station; Maintenance worker Troy Determan told him to call Craig Banks, he trained us, he know how to reset the inlet gate to the pump station, but Jeff Yee refused to call me. Craig A Banks

Exhibit (2g)



RE: EEO Investigation

From: Narbaitz, Dena (dnarbaitz@sfwater.org)

To: [REDACTED]

Date: Monday, July 15, 2019, 09:10 AM PDT

Hi Craig-

Per my June 28 email to you, my manager spoke with DHR EEO and was informed that DHR is finishing up its review and you should hear back soon. We expect something any day now. I will follow-up again with DHR EEO regarding status.

Sincerely,

Dena

**Dena Narbaitz**

Senior EEO Specialist, HRS

San Francisco Public Utilities Commission

525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102

T: 415-554-1661/F:415-553-4898

[DNarbaitz@sfwater.org](mailto:DNarbaitz@sfwater.org)

San Francisco Water, Power and Sewer | Services of the San  
Francisco Public Utilities Commission

**From:** cbanks151 . <[REDACTED]>  
**Sent:** Sunday, July 14, 2019 7:08 PM  
**To:** Narbaitz, Dena <DNarbaitz@sflower.org>  
**Subject:** Re: EEO Investigation

Hello,

I am still waiting for the answer to my complaint. My witnesses are still willing and waiting to testify as to how severe and chronic my harassment of more than 3 years at the hands of a CCSF Manager and a Acting Supervisor. I no longer know what to say to my retired witnesses when asked "Craig what is the status of your complaint and when do I testify on your behalf."

I have been more than patient. I have participated in this investigation with trust and belief that by filing a complaint with CCSF'S EEO Department my statue of limitation can not run out. I will anticipate with joy reading the numerous documents

that have been written and discussed regarding my complaint. I am sure as a thirty-four year City and County of San Francisco employee my rights are well preserved and my Right To Sue the same.

I have not sought outside sources that can inform me of my legal rights numerous years after submitting an unanswered harassment complaint to the CCSF EEO Department.

This letter was originally sent on 06/18/2019 via email, but bounced back to me for some reason.

Thank You,

Craig Anthony Banks

06/18/2019

On May 21, 2019 6:09 PM, CRAIG BANKS

<[REDACTED]> wrote:

---

On Tue, 5/8/18, Narbaitz, Dena <[DNarbaitz@sfwater.org](mailto:DNarbaitz@sfwater.org)> wrote:

Subject: EEO Investigation

To: "[REDACTED]"

<[REDACTED]>

Cc: "Gardunio, Rachel" <[RGardunio@sfwater.org](mailto:RGardunio@sfwater.org)>

Date: Tuesday, May 8, 2018, 5:32 PM

Hi Craig-

I just left a detailed voicemail message on your home telephone line regarding the status of your EEO complaint. I will be leaving the office shortly, but will be in tomorrow if you'd like to talk to me.

I hope you have a good evening.

Dena

Dena  
Narbaitz

Senior EEO Specialist, HRS  
San  
Francisco Public Utilities Commission

Exhibit (3a)



**San Francisco  
Water Power Sewer**  
Services of the San Francisco Public Utilities Commission

Wastewater Enterprise  
Oceanside Plant  
3500 Great Highway  
San Francisco, CA 94132  
T 415.920.4600  
F 415.242.2285

COPY

July 30, 2014

Habte Kifle  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

RE: Oceanside Treatment Plant 5-day Written Report

Dear Mr. Kifle,

This is the 5-day Written Report for the unauthorized discharge incident which occurred on Monday, July 21, 2014, from the Oceanside Water Pollution Control Plant. The incident was reported to the California Office of Emergency Services (Control #14-4111) the following day of the incident on July 22, 2014 at approximately 3:45 pm. The Oceanside Plant has never had a plant effluent violation in its 20+ years of operation and the plant staff were unfamiliar with the 2-hour reporting requirement. The Operations staff mistakenly believed that they had a 24-hour deadline to report the event instead of a 2-hour deadline.

1) Incident description and cause:

The Secondary Aeration Treatment System was bypassed due to the opening of the Secondary Bypass Valve inadvertently. The cause of the incident was due to operator error.

A work order was written to address the problem of low gaseous oxygen feed (GOX) from the PSA System to the Secondary Aeration Deck. A crew member of Operations Watch 6 decided to troubleshoot the problem which led him to the Aeration Deck. Without notifying the Rotating Watch Supervisor or the Instrumentation & Controls Group, he opened the Aeration Influent Flow Control Valve manually by setting the Foxboro Controller into the local/manual position. The thought was by adding more primary effluent flow to aeration, the GOX flow would increase. The valve was opened to 53% and the GOX flow increased. The Watch 6 Operator was unaware that the Aeration Influent Controller also controlled the Secondary Bypass Valve. Without knowledge that the bypass valve was open, he concluded his troubleshooting and proceeded to perform his assigned duties (Pump Station Rounds).

Operations Watch 5 started their nightshift at 6:00 pm. The crew was operating with one person short. There were no entries in the Dayshift Logbook about any work performed on the Secondary Bypass Valve. Around 8:00 pm, the Northside/ERB Operator noticed that the flow into the Final Effluent Sampler was murky and informed the Watch Supervisor. He proceeded to run a settleable solids test with the Imhoff Cone. There was no significant difference with the solids test.

After midnight, the Watch Supervisor went on her station rounds and checked the Final Effluent Sampler. The sample still looked murky. She proceeded to the Secondary

Edwin M. Lee  
Manager

Vince Courtney  
President

Ann Moller-Cain  
Vice President

Francesca Vietor  
General Manager

Anson Moran  
General Manager

Art Torres  
General Manager

Harlan L. Kelly, Jr.  
General Manager

54/10

Clarifier Tanks and noticed that there was no flow to the effluent launders. Flow was coming out of the Secondary Bypass Sluice Gate even though it was in the closed position. The valve was open 53% and primary effluent was flowing through the bypass. An attempt was made to close this valve through the Distributed Control System (DCS) to no avail. The Watch Supervisor then called the Operations Chief (Gerry Segarra) at 12:30 am. The Operations Chief directed the watch to secure plant flow immediately and began to investigate and troubleshoot the problem. Proper plant flow was restored at 12:54 am.

This investigation also led to the discovery that the Secondary Bypass Flow Alarm had been disabled on the DCS. The alarm was enabled the following morning and a request has been submitted for a printout of the Secondary Bypass Flow Alarm History for further investigation.

**2) Location of threatened or involved waterway(s) or storm drains:**  
Discharge location was approximately 4 miles offshore into federal waters through the Southwest Ocean Outfall (Discharge Point 001).

**3) Date and time the unauthorized discharge started:**  
July 21, 2014 @ 11:04 am

**4) Estimated quantity and duration of the unauthorized discharge (to the extent known), and the estimated amount recovered:**  
5.3 MG, the unauthorized discharge lasted for 13 hrs. & 43 min. (ended July 22, 2014 @ 12:47 am) with 0% recovery.

**5) Level of treatment prior to discharge (e.g., raw wastewater, primary treated, undisinfected secondary treated, and so on):**  
Primary treated comingled with secondary treatment.

**6) Identity of the person reporting the unauthorized discharge:**  
Jeff Yee, Operations Superintendent

#### **5-day Written Report**

**1) Methods used to delineate the geographical extent of the unauthorized discharge within receiving waters:**  
Effluent was discharged via the Southwest Ocean Outfall (Discharge Point 001) which is approximately 4 miles offshore.

**2) Efforts implemented to minimize public exposure to the unauthorized discharge:**  
Public exposure is minimized at the Southwest Ocean Outfall (SWOO), which is a deep-water ocean outfall located approximately 4 miles offshore.

**3) Visual observations of the impacts (if any) noted in the receiving waters (e.g., fish kill, discoloration of water) and the extent of sampling if conducted:**  
No observation occurred during the duration of this incident. No sampling was conducted in the receiving water body.

**4) Corrective measures taken to minimize the impact of the unauthorized discharge:**

Once the Operations Chief (Gerry Segarra) was notified of the incident (July 22<sup>nd</sup> @ 12:30 am), he directed the Rotating Watch staff to secure the plant flow. Gerry proceeded to investigate and troubleshoot the problem.

**5) Measures to be taken to minimize the chances of a similar unauthorized discharge occurring in the future:**

In response to this incident, the following measures will be taken:

- The DCS will be modified to provide an alarm trigger if the 2<sup>o</sup> Bypass Valve is opened when plant flow is <43 MGD.
- A notification email will be sent to the Operations Chief and Plant Superintendent if the above action occurs.
- Password protection will be installed to prevent disabling of the 2<sup>o</sup> Bypass Flow alarm.
- Procedures will be changed to require the Watch Supervisor to verify conditions on the DCS to prevent "accidental" opening of the 2<sup>o</sup> Bypass Valve.
- A notice will be posted on the wall in the vicinity of the 2<sup>o</sup> Bypass Valve identifying the valve and its function.
- Personnel will be alerted that unauthorized operations/changing of settings is prohibited.
- Any local change of valve status will be required to be recorded in the station logbook.

**6) Summary of Spill Prevention Plan or O&M Manual modifications to be made, if necessary, to minimize the chances of future unauthorized discharges:**

To minimize the chances of future unauthorized discharges, the following modifications and actions will be taken:

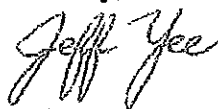
- Mandatory retraining of all Senior Stationary Engineers and Stationary Engineers regarding operation of the 2<sup>o</sup> Aeration Treatment System during wet weather and dry weather.
- Mandatory training regarding the importance of station logbook entries of any change of status of equipment.
- The Secondary System Logsheet will be revised to ensure that the 2<sup>o</sup> Bypass Valve position is inspected at least once a shift.
- A new logsheet will be created for the DCS Alarm Status Review for the Watch Supervisor to be completed at the start of each shift.

**7) Quantity and duration of the unauthorized discharge, and the amount recovered:**

5.3 MG, the unauthorized discharge lasted for 13 hrs. & 43 min. (ended July 22, 2014 @ 12:47 am) with 0% recovery.

If you have any questions concerning this report, please call Jeff Yee at (415) 242-2225.

Sincerely,



Jeff Yee  
Operations Superintendent

cc: Derek Whitworth



Exhibit (4a)

COPY

**Banks, Craig**

---

**From:** Segarra, Gerry  
**Sent:** Tuesday, October 21, 2014 9:52 AM  
**To:** Fong, Wyman; Ascariz, Frank; Faaita, James; Banks, Craig  
**Cc:** Hayes, Maurice; Yee, Jeff; Flores, Tony; Low, Sue; Kwan, Sandy; Cipriani, Randy; Shepard, Beverly; Rodriguez, Edgar; Cipriani, Randy; Moore, Joe; Meritt, Gina  
**Subject:** Wet Weather Temporary assignment

Hi All,

The following personnel please report to respective watches as described.

Frank Ascariz – report to Maurice Hayes, Watch 2 on November 4, 2014

Craig Banks – report to Ed Rodriguez, Watch 3 on November 04, 2014

James Faaita – report to Watch 1 as Senior Stationary Engineer (7373) on November 12, 2014

Wyman Fong - report to Gerry Segarra, Watch 6/ QREP/OSP Projects Liaison on October 28, 2014

Sue, please make necessary changes to Org. Chart

Sandy, EAR will soon to follow.

Gina, please follow up with EAR.

Thanks,  
Gerry Segarra

Exhibit (5a)

March 14<sup>th</sup>, 2018

**Certified Mail #7018 0360 0000 6153 3155**

City & County of San Francisco  
Human Resource Services, 3<sup>rd</sup> Floor  
525 Golden Gate Avenue  
San Francisco, CA 94102

To Personnel Analysis or/  
Whom It May Concern,

About March 2014, I Craig A. Banks filed a Harassment Complaint against Jeff Yee, 5130 Superintendent of Oceanside Wastewater Plant and co-worker Kenny Gee, 7372 Stationary Engineer. As of this day March 14<sup>th</sup>, 2018, the City & County of San Francisco Human Resource Services has not contacted me with their findings in regards to my harassment case.

When I first filed my case, I was calling all the time to follow-up on my case, and I was told to stop calling; someone from Human Resources Services would contact me when they concluded their investigation and findings

I have waited patiently. I have waited for you to complete your investigation. Retirees have called and asked when will they have to come back to testify. Until this date City and County of San Francisco Human Resource Services have failed to contact me in any way, shape or form.

Now I'm requesting, in official certified letter form, the City & County of San Francisco's Human Resources Services, to present me with your findings in regards to my harassment case that I Craig A. Banks filed in March 2014.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Craig A. Banks

**Certified Mail #7018 0360 0000 6153 3155**

@ 12:21 pm  
 Comment by Postal  
 11 Delivered Left  
 with Individual  
 San Francisco  
 Ca  
 94102

THIS SECTION  
 address on the reverse  
 the card to you.  
 a back of the mailpiece,  
 e permits.

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 from service label)  
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Water Power  
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 Gate Ave 3rd Flr  
 Ca 94102

5 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Signature Confirmation™ Restricted Delivery

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03/16/2018

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Adult Signature Required	\$0.00
Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$6.70

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