

**Additional Information
Submitted by Appellant**

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4. **AMRO ELSAKKAR**
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10. **Civil Service Commission**
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15. **San Francisco Municipal Transportation Agency (SFMTA)**
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19. **Subject: Cover Sheet - Statement of Wishes and Goals for Future Employment**
- 20.
21. **Dear Members of the Civil Service Commission and Directors of the San Francisco Municipal Transportation Agency (SFMTA),**
- 22.
23. **I hope this letter finds you well. My name is Amro Elsakkar, and I am writing to provide additional context and express my wishes and goals for future employment opportunities within the San Francisco Municipal Transportation Agency (SFMTA). I humbly submit this cover sheet along with a summary of my concerns and experiences.**
- 24.
25. **The enclosed summary outlines the key points of my interactions and experiences as a transit operator with SFMTA. It encompasses various incidents, concerns of harassment, safety issues, and the termination of my employment during my probationary period.**
- 26.
27. **As the esteemed members of the Civil Service Commission and directors of SFMTA, I deeply value this opportunity to present my case during the upcoming appeal hearing. My intentions are to bring forth my genuine wishes and goals for the future as I seek to continue my service to the community and the agency.**
- 28.
29. **Please find the enclosed summary for your review, which includes exhibits documenting incidents and events that have led to the current situation. I kindly request that you consider these materials before the hearing to gain a**

comprehensive understanding of my concerns and the circumstances surrounding my termination.

30.

31. During the appeal hearing, I hope to convey my unwavering commitment to adhering to all policies, guidelines, and operating rules set forth by SFMTA. I aim to foster a positive and respectful work environment, which I believe is fundamental in creating a workplace where employees can thrive and provide the best service to the public.

32.

33. Moreover, I am dedicated to personal and professional growth, and I eagerly welcome any opportunities to enhance my skills and knowledge to contribute meaningfully to the success of SFMTA's mission.

34.

35. I genuinely appreciate your time and attention to this matter. I look forward to the appeal hearing as it presents a crucial platform for me to directly express my aspirations and respond to any inquiries you may have.

36.

37. Thank you once again for your consideration. I am hopeful that my words and evidence will be given due attention during the hearing.

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42. the summary of employment with SFMTA

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46. As a response to the provided exhibits and the situation at hand, it is essential to carefully assess and address the concerns raised by Amro Elsakkar. The exhibits highlight several important issues that require attention:

47.

48. Operating Rules Violation: Exhibit E shows that Amro is facing allegations of violating operating rules as a transit operator. This matter needs to be thoroughly investigated to determine the validity of the violation claim and whether there were any extenuating circumstances that need to be considered.

49. Safety Concerns: Amro has expressed significant safety concerns related to specific incidents involving buses and TMC authorization (Exhibit B). These safety issues should be taken seriously and promptly addressed to ensure the well-being of both employees and passengers.

50. Harassment and Retaliation: Exhibit G includes a letter from Amro alleging constant harassment and retaliation by supervisors and inspectors. These claims require careful investigation to determine if there have been any violations of employee rights and to address any potential misconduct within the organization.

51. **Family and Medical Leave Act (FMLA) Request:** The FMLA request made by Amro (Exhibit B) needs to be reviewed thoroughly to ensure compliance with the law and assess the validity of the rejection, if any. It is essential to consider the timing of the termination in relation to the FMLA request.
52. **Termination during Probationary Period:** The termination of Amro's employment during the probationary period raises questions about fairness and potential pretextual reasons. A comprehensive review of the circumstances surrounding the termination is crucial to determine if there were any violations of employee rights or retaliation for filing EEO complaints.
53. Based on the provided exhibits, it is evident that Amro's case involves complex and serious issues that require careful attention and investigation. To ensure a fair resolution, it is advisable for Amro to the EEO process effectively and protect their rights as an employee.
- 54.
55. Furthermore, SFMTA should conduct an independent and thorough investigation into the safety concerns, harassment, and retaliation claims raised by Amro. This investigation should be conducted impartially, ensuring that all relevant evidence
- 56.
57. Addressing these concerns promptly and fairly will not only protect Amro's rights but also contribute to maintaining a safe and respectful work environment for all employees at SFMTA. It is crucial for the organization to take these matters seriously and work towards resolving the issues raised in a transparent and just manner.
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- 59.
60. Summary:
- 61.
62. Based on the email exchange and provided documents, it appears that Amro Elsakkar, a transit operator at SFMTA, has been raising concerns about safety issues related to certain buses and incidents. He has been communicating with Paul Okunewitch, the Potrero Division Manager, and other SFMTA personnel regarding these matters. Amro feels that his safety concerns have not been adequately addressed.
- 63.
64. Amro mentions specific incidents involving buses on the 22 line and raises issues about authorized actions by the Traffic Management Center (TMC) and inspectors, which he considers unsafe. He expresses frustration with the lack of response and attention to the safety issues he has raised.
- 65.
66. In addition to the safety concerns, Amro's situation has also involved submitting a Request for Leave (RFL) form and a medical note related to Family and Medical Leave Act (FMLA) requests. The RFL form was considered incomplete by the

Return to Work (RTW) team, and there are indications that the termination decision was made swiftly after the leave requests.

67.

68. Furthermore, Amro has mentioned experiencing constant harassment and retaliation from his supervisors and inspectors, leading him to fear for his safety. He claims to have reported instances of wrongdoing by his superiors but faced retaliation, including being forced to drive defective buses.

69.

70. In light of these issues, Amro has sought an investigation into his safety concerns and has raised claims of retaliation and potential wrongful termination due to his involvement in the Equal Employment Opportunity (EEO) process.

71.

72. Given the complexity of the situation and the seriousness of the allegations, it is essential for Amro to gather all relevant evidence and documentation to support his claims. the EEO investigation process and may also be crucial to protect his rights and ensure a fair resolution to the issues he has raised.

73. Based on the email exchange, it appears that Amro Elsakkar, an operator, has been raising concerns about safety issues related to certain buses and incidents. They have been communicating with Paul Okunewitch, the Potrero Division Manager, and other SFMTA personnel regarding these matters. However, it seems that Amro feels that their concerns have not been adequately addressed.

74.

75. In the most recent email, Amro is mentioning specific incidents involving bus numbers 5745 and 5708, both on the 22 line, and raising issues about authorized actions by TMC (Traffic Management Center) and inspectors, which they consider unsafe. Amro is expressing frustration with the lack of response and attention to the safety issues they have raised.

76.

77. Additionally, there are references to miscellaneous reports that Amro has submitted, but they feel that not all of them have been properly addressed. These reports cover various safety-related concerns, including vandalism, traffic issues, and interactions with inspectors.

78.

79. From Paul Okunewitch's response, it appears that some of Amro's reports have been investigated and responded to, either by Paul or Assistant Manager Carlo Gonzaga. However, Amro is still unsatisfied and feels that more attention needs to be given to their safety concerns.

80.

81. The last email from Eric Lavina, HRD (Human Resources Department), appears to be unrelated to the safety concerns but could be a follow-up to a previous complaint or inquiry made by Amro.

82.

83. Based on the provided email exchange, it seems that Amro is seeking a more thorough investigation and resolution of the safety issues they have raised. If you

are involved in this situation, it might be essential to address Armo's concerns seriously and ensure that all safety-related reports are thoroughly reviewed and resolved to maintain a safe working environment for all employees and passengers.

84.

85.

86. Based on the email exchange provided, it seems that Paul Okunewitch, the Potrero Division Manager, is requesting Amro Elsakkar to come and see him before their shift either on the same day (today) or the following day.

87.

88. In response to Paul's request, Amro acknowledges his message with a brief "Thanks, Paul" and includes a phone number, presumably their contact number, which is +1 (415) 646-2514.

89.

90. Additionally, in a previous email, Amro mentions receiving a phone call from a number claiming to be the superintendent, but they are questioning whether the caller was actually Paul or not. Amro states that they first met Paul at a conference on February 13, 2023, and before that, they were only meeting with Paul's assistant.

91.

92. The provided email exchange seems to be part of a larger communication thread where Amro is expressing concerns about safety issues and requesting action or attention from Paul Okunewitch and other SFMTA personnel.

93.

94. If you are involved in this situation or need to follow up on the matter, it might be helpful to arrange a meeting with Armo as Paul has requested to address their concerns and clarify any misunderstandings about the phone call from the alleged superintendent. Clear communication and addressing safety issues promptly are essential to maintaining a safe and productive work environment.

95.

96.

97. Based on the email excerpt, it appears that Amro Elsakkar is referring to a previous meeting they had with Paul Okunewitch on February 13th. During that meeting, Amro likely discussed some safety concerns related to specific bus incidents.

98.

99. Amro mentions two incidents involving buses on the 22 line. The first incident involves bus number 5745, run 383, and inspector 5t62. Armo claims that this bus was authorized by TMC (Traffic Management Center) in a manner that they believe is unsafe, and it was not an emergency situation.

100.

101. The second incident involves bus number 5708, run 424, and inspector 5t63. In this incident, the bus apparently had an issue where it touched the

ground, and TMC was informed, with the response that the inspector would meet Amro at the end of the line.

102.

103. By including this information in the email, Amro is likely trying to draw attention to ongoing safety concerns and incidents that they believe need to be addressed by Paul Okunewitch and the SFMTA management.

104.

105. If you are involved in handling this matter, it is crucial to take these concerns seriously and conduct a thorough investigation into the incidents reported by Amro. Promptly addressing safety issues is essential to ensuring the well-being of passengers, operators, and the public at large.

106.

107.

108. Based on the provided email exchange, it appears that Amro Elsakkar and Paul Okunewitch are trying to schedule a meeting at the Potrero Division. Here's a summary of the conversation:

109.

110. On Thursday, March 9, 2023, at 7:33 AM, Paul Okunewitch (Potrero Division Manager) sends an email to Amro Elsakkar, requesting them to come and see him before their shift, either on the same day (today) or the following day.

111. Amro Elsakkar responds at 9:10 AM on the same day, asking if 10:00 AM works for Paul for the meeting.

112. Paul Okunewitch replies at 9:53 AM, confirming the meeting and indicating that he is currently at the Potrero Division and waiting in the waiting area for the meeting. Amro mentions that they are also there and waiting for their Union representative, George.

113. It seems that the meeting has been arranged to address the concerns Amro raised in their previous email regarding safety issues and incidents related to certain buses and TMC authorization.

114.

115. If you are involved in this situation, it would be essential to ensure that the meeting takes place as scheduled to address and discuss the safety concerns raised by Amro in a timely and effective manner. Clear communication during the meeting will be crucial to understanding the issues and finding appropriate solutions to ensure the safety of all parties involved.

116.

117. Based on the provided email exchange, there is no explicit indication of Paul Okunewitch acknowledging Amro Elsakkar's leave of absence in the emails. The conversation mainly revolves around Amro submitting a Request for Leave related to FMLA and the RTWteam requesting a completed form signed by Amro's manager for processing.

118.

119. Since the specific details of Paul acknowledging Amro's leave and the process of returning to work are not evident from the emails, I cannot accurately

state that Paul acknowledged the leave or had the authority to decide when and how Amro would return to work.

120.

121. If there are additional emails or communications that contain the missing information, please provide them so I can offer a more comprehensive understanding of the situation.

122.

123.

124. Based on the provided documents and emails, it appears that Amro Elsakkar (also referred to as Amro) submitted a request for Family and Medical Leave (FMLA) due to his daughter Fatma's health condition. The FMLA request was made to care for a qualifying family member, specifically Fatma Amro Elsakkar, who was seen in the UCSF Pediatric Acute Care clinic on March 20, 2023, and was diagnosed with moderate persistent asthma triggered by viral illnesses. The doctor, Alan Uba, MD, provided a medical certificate supporting the need for Amro to take time off work to care for his sick daughter.

125.

126. It seems that the FMLA request was not explicitly acknowledged by Paul Okunewitch in the emails provided. However, the documents show that Amro Elsakkar submitted a formal Request for Leave and Leave Protections, indicating the need for leave to care for his daughter's health condition. The request includes the use of accrued sick leave for pay during the leave period.

127.

128. Since there is no direct acknowledgment of the FMLA request in the emails, it would be important to refer to the official Request for Leave form and supporting medical facts provided by Amro to ascertain the acknowledgement and approval of the leave request by the relevant authorities, including Paul Okunewitch or the HR department.

129.

130. Please note that FMLA leave is a legal right for eligible employees, and it is essential to follow the proper procedures and documentation to ensure compliance with the law and obtain the necessary approvals. If there are any additional documents or correspondence related to the FMLA request, they may provide further insights into the acknowledgment and approval process

131.

132.

133. Based on the new email exchanges provided, it appears that there were some issues with Amro Elsakkar's Request for Leave (RFL) form and the submission process for his Family and Medical Leave Act (FMLA) request. The following points can be summarized:

134.

135. Amro submitted an RFL form and a medical note, but the RFL was deemed incomplete by the Return to Work (RTW) team.

136. Alex Huang from the Leave of Absence Management requested Amro to complete the RFL form and submit it to his supervisor or division for signature before forwarding the signed documents to RTWTeam@sfmta.com.
137. Emily Espino from the Return to Work Unit mentioned that Amro should mark the request as a 'New Request' instead of an 'Extension' since there was no previous leave request for the same reason.
138. Emily provided Amro with a new Request for Leave form to complete and obtain his supervisor/manager's signature before submitting it to RTWteam@sfmta.com.
139. Paul Okunewitch, the Potrero Division Manager, did not acknowledge the FMLA request in the provided email thread.
140. Based on this information, it seems that there were some administrative issues with Amro's FMLA request, and he was asked to resubmit a complete Request for Leave form with the correct information and supervisor's signature to proceed with the processing of his leave request.
- 141.
- 142.
143. Summary:
- 144.
145. Amro Elsakkar, a Transit Operator at SFMTA, submitted a Request for Leave (RFL) form and a medical note, but his RFL was considered incomplete by the Return to Work (RTW) team. Several email exchanges occurred between different parties, including Alex Huang from Leave of Absence Management, Emily Espino from Return to Work Unit, and Ashlye requesting Amro to complete and resubmit the RFL form with the correct information and supervisor's signature.
- 146.
147. Despite his attempts to comply with the requirements, it appears that Amro's situation escalated, and he received a Notice of Release from Permanent Probationary Appointment as a Transit Operator, effectively terminating his employment on March 25, 2023. The notice stated that future employment with the City and County of San Francisco is subject to certain restrictions, including the need for 24 months of verifiable work experience outside of City and County of San Francisco services before any future employment consideration.
- 148.
149. The provided information does not explicitly state that Paul Okunewitch escalated the situation, resulting in Amro's termination. However, based on the sequence of events and the mention of escalation, it suggests that the situation might have escalated within the department, leading to the ultimate decision to terminate Amro's employment. The reason for the termination is mentioned as a release during the probationary period, which is in accordance with San Francisco Municipal Transportation Agency (SFMTA) Civil Service Commission (CSC) Rule 417.9.
- 150.

151. It is worth noting that this summary is based on the information provided in the email exchanges and the termination notice and does not have complete context or details on the entire situation. The mentioned future employment restrictions also seem to indicate that the termination might have resulted from some specific issues related to Amro's performance or conduct during the probationary period. Any claim of wrongful termination or retaliation would require a thorough investigation and examination of all relevant facts and circumstances
- 152.
- 153.
154. Based on the email exchanges provided, the following attachments and their corresponding emails related to Amro Elsakkar's leave of absence requests and termination can be identified:
- 155.
156. Attachment: RFL (Request for Leave) Form
157. Email: Emily Espino requests Amro to complete the RFL form with his manager's signature.
158. Description: The RFL form is an essential document for requesting leave, and Emily asks Amro to fill it out properly and get his manager's signature.
159. Attachment: Medical Note
160. Email: RTWteam requests a completed RFL form signed by Amro's manager for processing.
161. Description: The medical note is likely related to the reason for Amro's leave, and RTWteam asks for a properly signed RFL form to proceed with the leave request.
162. Attachment: Request for Leave Form
163. Email: Emily Espino sends Amro the form for him to complete and obtain his supervisor's signature.
164. Description: This is another request for leave form that Amro needs to complete and have his supervisor sign before submitting it.
165. Attachment: Notice of Release from Permanent Probationary Appointment
166. Email: Shana Dines notifies Amro about his termination from the position of Transit Operator during his probationary period.
167. Description: The notice officially informs Amro of his termination, and it includes future employment restrictions and the recommendation to complete 24 months of work experience outside of City and County of San Francisco services for future consideration.
168. It appears that the termination decision was made swiftly by Paul Okunewitch and the department, without giving Amro Elsakkar the benefit of the doubt or allowing for sufficient time to resolve any potential issues. The timing of the termination, within days of submitting leave requests, could indicate a hasty decision without proper consideration of the circumstances or due process, leading to concerns of unfair treatment and possible retaliation.
- 169.

- 170.
171. **Summary:**
- 172.
173. **The additional information provided includes details about Amro Elsakkar's past employment periods, pay rates, and religious accommodation requests. The key points are as follows:**
- 174.
175. **Amro Elsakkar had multiple employment periods with SFMTA, starting from March 18, 2019, to October 1, 2019, as a Transit Operator. He was rehired on January 18, 2021, and worked until January 24, 2022. His third employment period began on October 10, 2022, and ended on March 24, 2023.**
176. **There were differences in pay rates during Amro's various employment periods. In the third .**
177. **Amro made religious accommodation requests on two occasions verbally, and on January 7, 2022, he formally submitted a written request. However, all of his accommodation requests were rejected by his employer.**
178. **Amro sent an email to L.P. (Lawrence) Lindisch, a Senior Human Resources Analyst, and copied the SFMTA Equal Employment Opportunity (EEO) office regarding harassment at work. It appears that this email was an attempt to raise concerns about harassment in the workplace.**
179. **Based on the provided information, there are several concerning aspects, including the rejection of religious accommodation requests and the mentioned harassment at work. These issues may need to be thoroughly investigated, especially considering the termination that followed shortly after Amro's leave requests.**
- 180.
181. **all relevant documents and evidence related to the religious accommodation requests and harassment complaints. Additionally, understanding the circumstances surrounding the termination during the third employment period could shed light on any potential wrongful termination or retaliation claims. Properly addressing these concerns .**
- 182.
- 183.
184. **Summary:**
- 185.
186. **Amro Elsakkar has received a confirmation email from LaTorya King, an investigator with the City's Department of Human Resources Equal Employment Opportunity Division (DHR EEO). The email schedules a virtual intake interview on Wednesday, August 16, 2023, at 10:00 a.m. to discuss Amro's recent complaint of discrimination. The interview will be conducted via MS Teams, and Amro has the option to join either by video or phone.**
- 187.
188. **LaTorya King also informs Amro that he has the right to have a union representative or any other representative attend the intake discussion with him.**

Additionally, she provides links to resources, including an intake interview checklist and information about the EEO process, to help Amro prepare for the meeting.

189.

190. It is important to note that this confirmation email suggests that Amro's complaint of discrimination has been taken seriously, and an investigation is now underway by the DHR EEO. The fact that Amro was scheduled for an intake interview indicates that his complaint is being given due attention and that the investigation process is moving forward.

191.

192. all relevant evidence and documentation related to the discrimination complaint are prepared for the intake interview. The investigator's acknowledgment of the complaint and scheduling of the interview could potentially support Amro's claims of retaliation if it can be demonstrated that the termination occurred shortly after he filed the complaint. It is essential to continue building a strong case to address any potential retaliation and wrongful termination concerns .

193.

194.

195. Summary:

196. On March 14, 2023

197. Amro Elsakkar has received a confirmation email for a booking related to an Intake Interview Request. The details of the booking are as follows:

198.

199. Service Name: Intake Interview Request

200. Date: , Wednesday, August 16, 2023, at 10:00 a.m.

201. Time: 10:00 AM - 11:00 AM (UTC-08:00) Pacific Time (US & Canada)

202. Price: Free

203. Reschedule Option: Available

204.

205. Amro has provided his department as "SFMTA muni" and selected "Video" as the meeting type for the requested appointment.

206.

207. In the booking details, Amro also mentions his case reference number as "SFMTA EEO FILE No.4502" and notes that the subject of the meeting is "appeal letter for termination of my employment."

208.

209. The email indicates that the booking is for a DHR EEO Intake, suggesting that this appointment is related to the Equal Employment Opportunity Division's investigation into Amro's complaint of discrimination or his appeal regarding the termination of his employment.

210.

211. Amro, it is important to ensure that he is fully prepared for this Intake Interview. This interview could be a critical step in the investigation process, and

providing all relevant evidence and documentation to support his claims will be crucial. It is also essential to be aware of the policies and practices of the DHR EEO Intake to ensure compliance and a successful outcome for Amro.

212.

213.

214. Summary:

215.

216. In addition to the previously mentioned concerns, it is important to note that Amro Elsakkar's report of constant harassment and retaliation seems to occur near the six-month mark of completing his probationary period. This pattern of incidents near the end of his probation raises suspicions of pretextual reasons being used to terminate his employment.

217.

218. The term "pretext" refers to a false or misleading reason used to hide the true motive for taking adverse employment actions, such as termination. In Amro's case, if the reported harassment and subsequent termination consistently occur around the six-month mark of his probation, it may indicate that the harassment claims are being used as a cover to justify the termination.

219.

220. this pattern of behavior by SFMTA retaliation and wrongful termination. It suggests that the harassment claims and alleged performance issues could be pretextual reasons for the termination, rather than genuine concerns about Amro's job performance. To address these suspicions, a thorough investigation and examination of the circumstances surrounding his probationary period and termination are warranted to determine if there is any evidence of pretextual behavior on the part of SFMTA

221.

222.

223. Summary:

224.

225. Amro Elsakkar is writing to notify of the constant harassment he has been experiencing from his supervisors and inspectors for several weeks. He emphasizes that he has been working at SFMTA for five months without incident and has maintained a good working relationship. Amro highlights his clean work incident file, indicating his commitment to performing his duties diligently for SFMTA. However, he is perplexed as to why he is now facing a hard time.

226.

227. Amro expresses concern about the lack of police response when he calls 911 while on duty. He claims that only the agency central control (TMC) can call the police for operators, and they have failed to do so when he needed assistance. This situation has led him to fear for his safety, as he worries about potential harm, threats, or being held hostage while on duty on board the Bus that he operates .

228.

229. He states that he has reported instances of wrongdoing by his superiors and inspectors multiple times and that he has faced retaliation as a result. Amro alleges that he was forced to drive defective buses that should never have been in service and that he was singled out for bringing attention to these issues.

230.

231. To draw attention to the problems, Amro mentions activating almost every onboard camera Drive cam and trying to bring attention to the situation through radio communication. Despite his efforts, he believes that his reports, including the miscellaneous and previous incident reports and even the police report, have yielded no results.

232.

233. Amro expresses fear for his life and states that he cannot return to the same division under these circumstances. He implores SFMTA to investigate these serious matters and indicates that he cannot attend the meeting the next day due to the risks involved while on duty.

234.

235. Amro, it is crucial to take these concerns seriously and consider them as part of the broader context of potential retaliation after filing an EEO complaint. The provided attachment may contain additional evidence or documentation related to the reported incidents, which should be thoroughly reviewed to assess the severity of the situation and determine appropriate actions to protect Amro's safety and rights as an employee.

236.

237.

238. Summary:

239.

240. The provided information outlines a pattern of retaliation against Amro Elsakkar for filing Equal Employment Opportunity (EEO) complaints. The pattern suggests that whenever Amro files an EEO complaint, SFMTA initiates actions leading to his termination. This pattern was observed in October 2019 and again in March 2023.

241.

242. In October 2019, Amro filed an EEO complaint, and shortly after, he received a letter notifying him of his release from probation as a Transit Operator. Amro contends that the termination was a violation of the Memorandum of Understanding (MOU) between SFMTA and TWU Local 250A. He filed a grievance and claimed that his termination was in retaliation for filing the EEO complaint. The grievance included references to specific articles and sections of the MOU, suggesting that the termination violated his rights as an employee.

243.

244. Similarly, in March 2023, Amro filed another EEO complaint, and despite the complaint being scheduled for an intake interview on August 14, 2023, he was terminated before the interview took place. Amro alleges that management tried to extend his probation, linking it to the EEO complaint, but he refused to sign the

document, considering it retaliation for filing the complaint. Subsequently, DeMarrio McClary, the Division Manager, made the decision to terminate Amro's employment.

245.

246. In response to his termination in October 2019, Amro demanded reinstatement without loss of seniority and sought compensation for lost earnings and benefits due to the alleged wrongful termination.

247.

248. The provided attachments include grievance forms, correspondences related to the grievances, and a notice of release from probationary appointment.

249.

250. repeated pattern of retaliation when assessing the current situation. The documentation provided strengthens Amro's claim of retaliation for exercising his rights under the EEO process. Further investigation and examination of all relevant facts will be necessary to SFMTA for wrongful termination and retaliation, based on this consistent pattern of behavior.



CITY AND COUNTY OF SAN FRANCISCO
 Certification of Health Care Provider under the
 Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA)
 And Pregnancy Disability Leave (PDL)

FML 2

PLEASE GIVE THIS FORM TO YOUR HEALTH CARE PROVIDER AFTER COMPLETING SECTION I

Section I: TO BE COMPLETED BY THE EMPLOYEE

Employee's Name: AMRO EISAKKA R Classification: _____

Department: _____

Personnel Official's Name: _____ Telephone Number: ~~_____~~

Patient's Name (if different from employee): ~~_____~~ AMRO EISAKKA R Relationship: Child

Section II: TO BE COMPLETED BY THE HEALTH CARE PROVIDER

Certification of Health Care Provider of a Serious Health Condition
 (Family and Medical Leave Act (FMLA) of 1993, California Family Rights Act (CFRA)
 and Pregnancy Disability Leave (PDL).)

Dear Health Care Provider:

The above-named employee has requested a leave of absence or intermittent leave for his/her health condition, or the condition of a family member, which may qualify as a protected leave under the FMLA, CFRA and/or PDL. This medical certification form will provide us with information needed to determine if the employee is eligible under the FMLA, CFRA and/or PDL. Section II must be completed and returned to the department by the employee or your office. **In all cases, it is the employee's responsibility to ensure that sufficient medical certification is provided to the department.**

INSTRUCTIONS

The information sought on this form relates only to the condition for which the employee is taking leave. For the purposes of this form, "incapacity" is defined as the inability to work, attend school, or perform other regular daily activities due to the serious health condition itself, treatment of the serious health condition, or recovery from the condition. "Treatment" includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include taking over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, or other similar activities that can be initiated without a visit to a health care provider.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by GINA. To comply with GINA, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic Information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or individual's family member sought or received genetic services, and genetic information of a fetus to be carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Employee's Name: AMRO ELSAKKAR Patient's Name: ~~AMRO ELSAKKAR~~ AMRO ELSAKKAR

SERIOUS HEALTH CONDITION

1. The definitions below describe what is meant by a "serious health condition" under the FMLA and/or CFRA. Does the patient's condition(s) qualify under any of the categories described? If so, please check the appropriate category.

CATEGORY 1: In-Patient Care

Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

CATEGORY 2: Absence Plus Treatment

A period of incapacity of more than three (3) consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, which also involves:

- 1) Treatment two (2) or more times, within 30 days of the first day of incapacity, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services, e.g., physical therapist, under orders of, or on referral by, a health care provider; or
- 2) Treatment by a health care provider on at least one (1) occasion, which results in a regimen of continuing treatment under the supervision of the health care provider, e.g., prescribed medication.

CATEGORY 3: Pregnancy or Prenatal Care

Any period of incapacity due to pregnancy, or for prenatal care. Expected delivery date: _____

CATEGORY 4: Chronic Conditions

Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

- 1) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- 2) Continues over an extended period of time, including recurring episodes of a single underlying condition; and
- 3) May cause episodic rather than a continuing period of incapacity, e.g., asthma, diabetes, epilepsy, etc.

CATEGORY 5: Permanent or Long-Term Conditions Requiring Supervision

A period of incapacity, which is permanent or long-term, due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

CATEGORY 6: Conditions Requiring Multiple Treatments

Any period of absence to receive multiple treatments, including any period of recovery therefrom, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

- 1) Restorative surgery after an accident or other injury; or
- 2) A condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

NO CATEGORY APPLIES



CITY AND COUNTY OF SAN FRANCISCO

FMLA 1A

EMPLOYEE REQUEST FOR FAMILY AND MEDICAL LEAVE¹

New Request Request for Extension²

I am requesting Family and Medical Leave for the following reason (check one):

- A. The birth of the employee's child and to care for such child. _____ (date of birth)
- B. The placement with the employee of a child for adoption or foster care and to care for such child. (Attach documentation.)
- C. In order to care for an immediate family member because such family member has a serious health condition. (Submit "Certification of Health Care Provider" (FMLA 2) form within 15 calendar days.)
Circle one: CHILD SPOUSE/DOMESTIC PARTNER PARENT OTHER (explain)

D. Employee's serious health condition that makes the employee unable to perform the functions of his/her job.³ (Submit "Certification of Health Care Provider" (FMLA 2) form within 15 calendar days.)

If you checked one of the above, your request, if approved, will constitute Family Medical Leave and will be designated as such.⁴ If you checked "D", the City will, as a condition of returning to work, require you to provide a medical certification of fitness to return to work. If you fail to submit the required certification, the City may refuse to return you to work until the certification is submitted.

Requested Dates: _____ through _____
(beginning date) (ending date)

Employee Signature <u>Amro ElSakkari</u>	Date <u>[redacted]</u>
Employee Name (Print or Type) <u>9163</u>	Social Security No. <u>SFMTA</u>
Employee Class Number and Title	Dept. Name

cc: Personnel File

¹Refers to both Federal and State Leaves under the family Medical Leave Act and the California Family Rights Act.
²Requests for an extension of FMLA Leave must be submitted two business days prior to the end of the current scheduled FMLA Leave. Failure to submit timely may delay the granting of the FMLA Leave extension.
³The City will count a Workers' Compensation absence against your FMLA leave if you suffer an on-the-job injury or illness that qualifies as a serious health condition.
⁴Except for authorized Workers' Compensation leave or pregnancy disability leave, an employee who uses FMLA Leave concurrently must use accrued sick leave for time off. After sick leave has been exhausted, or if an employee cannot use sick leave because of caring for a spouse/domestic partner or parent, an employee must then use accrued vacation leave to cover the remaining FMLA leave, followed by the use of floating holidays.

Employee's Name: AMRO ELSAKKAR

Patient's Name: ~~AMRO ELSAKKAR~~ Amro ELSAKKAR

FML 2
Page 3 of 4

SUPPORTING MEDICAL FACTS

1. State the approximate date the condition commenced [NOTE: THE HEALTH CARE PROVIDER IS NOT TO DISCLOSE THE UNDERLYING DIAGNOSIS WITHOUT THE PATIENT'S WRITTEN CONSENT]:

9-29-2022

2. State the probable duration of the condition or need for treatment:

1 year

3. State the probable duration of the employee's/patient's incapacity, if different from the duration of the condition.

1 year

IF THE CERTIFICATION IS FOR THE EMPLOYEE'S SERIOUS HEALTH CONDITION, ANSWER THE FOLLOWING:

4. Is employee able to perform work of any kind? (If no, proceed to question 5) YES NO

a. If the employee is able to perform some work, is employee unable to perform any one or more of the essential functions of employee's position due to the serious health condition? (Answer after discussing essential job functions with employee.) YES NO

b. If yes, please specify the work restrictions that preclude the employee from performing one or more of his or her essential job functions:

IF THE EMPLOYEE IS ASKING FOR INTERMITTENT LEAVE, OR A REDUCED WORK SCHEDULE, ANSWER THE FOLLOWING.

5. Is it medically necessary for the employee to be off work on an intermittent basis due to the employee's serious health condition? YES NO

a. If yes, estimate the frequency of flare-ups or treatments and the duration of related incapacity or absence that the patient may have and for what period of time (e.g., "1 episode every 3 months lasting 1-2 days, for the next year" or "PT 2 x wk for 6 wks"):

Episodic Incapacity: _____ times per (circle): week/month

Flare-ups may occur from (date): _____ through: _____

Comments: _____

Treatments: _____ times per (circle): week/month

Treatments can be scheduled during non-work hours YES NO

Duration from (date): _____ through: _____

b. Is it medically necessary for the employee to work a reduced schedule due to the serious health condition of the employee? YES NO

If yes, please estimate the hours the employee needs for the reduced work schedule:

Employee can work _____ hours/day for _____ days/week

Employee's Name: AMRO ELSAKKAR Patient's Name: ~~AMRO ELSAKKAR~~ AMRO ELSAKKAR

FML 2
Page 4 of 4

IF THE EMPLOYEE IS NOT THE PATIENT, AND THE CERTIFICATION IS FOR THE EMPLOYEE'S FAMILY MEMBER WHO NEEDS CARE, ANSWER THE FOLLOWING:

Does (or will) the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation? YES NO

After review of the employee's signed statement (see attached Request for Leave form), does the condition warrant the participation of the employee? (This participation may include psychological comfort and/or arranging for third-party care for the family member.) YES NO

Estimate the period of time care will be needed or during which the employee's presence would be beneficial:

Duration from (date): 3-20-2023 through: 3-20-2024

If the patient will require assistance on an intermittent or "as needed" basis, please estimate the frequency and duration during which the employee's presence would be beneficial

Intermittently: 1-2 times per (circle): week / month from (date): 3-20-2023 through: 3-20-2024

Comments: _____

[Signature]
(Signature of Health Care Provider)

G75516
(License No.)

Marta Kosinski, MD
(Print Name of Health Care Provider)

3/21/2023
(Date)

2230 Post St Suite 320
(Address)

415-885-3790
(Fax number)

SF CA 94143
(City) (State) (Zip Code)

415-885-7478
(Telephone number)

Closed: ID-2392 Operator's Miscellaneous Report ["Potrero"]

From: Operator's Misc Reports no-reply@sharepointonline.com

To: Elsakkar, Amro Amro.Elsakkar@sfmta.com

Date: Wed, Mar 8, 2023, 2:12 PM

EXT

Hi Elsakkar, Amro,

This Report 2392 status is **Closed**.

Response: [Thank you, I will forward this request to HR and lead dispatch for consideration.]

Responded by [Gonzaga, Carlo]

Details of your original request:

Report Title: religious accommodation

Location: Mosque

Run: N/A

Vehicle: N/A

Direction: N/A

Division: "Potrero"

Category: Other

Issue Description: shift change every Friday please excuse me to practice my religion
begin each Friday 11:30 am-2:30 pm
please keep me At PM shift
thank you for understanding.

Cap ID: 6758

Thank you

This message is from outside of the SFMTA email system. Please review the email carefully before responding, clicking

Closed: ID-2392 Operator's Miscellaneous Report ["Potrero"]

From: Operator's Misc Reports no-reply@sharepointonline.com

To: Elsakkar, Amro Amro.Elsakkar@sfmta.com

Date: Fri, Jan 6, 2023, 7:17 AM

EXT

Hi Elsakkar, Amro,

This Report 2392 status is **Closed**.

Response: [Thank you, I will forward this request to lead dispatch.]

Responded by [Gonzaga, Carlo]

Details of your original request:

Report Title: religious accommodation

Location: Mosque

Run: N/A

Vehicle: N/A

Direction: N/A

Division: "Potrero"

Category: Other

Issue Description: shift change every Friday please excuse me to practice my religion
begin each Friday 11:30 am-2:30 pm
please keep me At PM shift
thank you for understanding.

Cap ID: 6758

Thank you

This message is from outside of the SFMTA email system. Please review the email carefully before responding, clicking



London Breed, Mayor

Gwyneth Borden, Vice Chair
Cheryl Brinkman, Director
Amanda Eaken, Director

Steve Heminger, Director
Cristina Rubke, Director
Art Torres, Director

Jeffrey Tumlin, Director of Transportation

January 7, 2022

Amro Elsakkar

~~22 Fifth Street, # 936~~

~~San Francisco, CA 94103~~

Emailed: ~~amroent1@gmail.com~~

Re: Denial of Reasonable Accommodation Request – Time off for Religious Activity

Dear Mr. Elsakkar:

Thank you for discussing your reasonable accommodation request on January 6, 2022. We have reviewed your request for reasonable accommodation specifying time off from 12-1pm on Fridays for religious activity. Regrettably, the department has determined that your request for religious accommodation should be denied.

The Memorandum of Understanding for Local 250-A (9163) states in Article 13:

- Seniority Order (Section 13.5(F), No. 143)
"Choice of shifts and locations will be made in seniority order."
- Sign-ups for Time Off (Section 13.5(G), No. 144)
"Sign-ups for scheduled time off shall be held annually in January of each year."

Since scheduling is based on seniority and operational needs, SFMTA can only grant schedule changes based on certain conditions. As we discussed, you may request time off to your dispatcher directly, however, there is no guarantee your request can be granted. Should you attain more seniority during your tenure you may have more favorable standing when bidding on shifts that do not coincide with your desired time off.

Should either your situation or the nature of the essential job functions change, or needs to be modified, you may restart or file a new request for reasonable accommodation consistent with the City's interactive process at any time.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Elyse'.

Elyse Ndu
Reasonable Accommodation Unit

c: Leda Rozier, Bus Maintenance
Valerie Coleman, Human Resources
Ify Omokaro, HR Operations
Employee's HRD Personnel folder

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