



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

LONDON N. BREED
MAYOR

Sent via Electronic Mail

September 7, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Eduardo Guerrero Ortiz
[REDACTED]

SUBJECT: APPEAL BY EDUARDO GERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.

Dear Eduardo Guerrero Ortiz:

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **September 18, 2023, at 2:00 p.m.** You will receive a separate email invite from a Civil Service Commission staff member to join and participate in the meeting.

The agenda will be posted for your review on the Civil Service Commission's website at www.sf.gov/CivilService under "Meetings" no later than end of day on Wednesday, September 13, 2023. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, please submit **one hardcopy 3-hole punch, double-sided and numbered at the bottom of each page to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at civilservice@sfgov.org by 5:00 p.m. on Tuesday, September 12, 2023**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

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

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Philip Ginsburg, Recreation and Parks Department
Amalia Martinez, Department of Human Resources
Carol Isen, Department of Human Resources
Rich David, Recreation and Parks Department
Mawuli Tugbenyoh, Department of Human Resources
Deborah Dulay, Department of Human Resources
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Commission File
Commissioners' Binder
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NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

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

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Allison McCarthy

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Dear Allison McCarthy:

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

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

The Equal Employment Opportunity Division of DHR will present and defend the Human Resources Director's determination on Eduardo Guerrero Ortiz's complaint at the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **September 18, 2023, at 2:00 p.m.** The Commission will have received the DHR staff report, which reviews the evidence pertaining to the complaint and supports the Human Resources Director's determination, in advance of the meeting. You will have an opportunity to address Eduardo Guerrero Ortiz's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. You will be receiving a meeting invite to join the meeting through Cisco WebEx on your computer or you may listen/respond to the meeting by phone. The Commission will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

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Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Cc: Philip Ginsburg, Recreation and Parks Department
Amalia Martinez, Department of Human Resources
Carol Isen, Department of Human Resources
Rich David, Recreation and Parks Department
Mawuli Tugbenyoh, Department of Human Resources
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Karla Hernandez Garcia

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Dear Karla Hernandez Garcia:

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Executive Officer

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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

September 7, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Randy Vasquez

SUBJECT: APPEAL BY EDUARDO GERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.

Dear Randy Vasquez:

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

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

The Equal Employment Opportunity Division of DHR will present and defend the Human Resources Director's determination on Eduardo Guerrero Ortiz's complaint at the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **September 18, 2023, at 2:00 p.m.** The Commission will have received the DHR staff report, which reviews the evidence pertaining to the complaint and supports the Human Resources Director's determination, in advance of the meeting. You will have an opportunity to address Eduardo Guerrero Ortiz's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. You will be receiving a meeting invite to join the meeting through Cisco WebEx on your computer or you may listen/respond to the meeting by phone. The Commission will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

The September 18, 2023, meeting agenda will be posted on the Civil Service Commission's website at www.sf.gov/CivilService under "Meetings" no later than end of day on Wednesday, September 13, 2023.

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Cc: Philip Ginsburg, Recreation and Parks Department
Amalia Martinez, Department of Human Resources
Carol Isen, Department of Human Resources
Rich David, Recreation and Parks Department
Mawuli Tugbenyoh, Department of Human Resources
Deborah Dulay, Department of Human Resources
Esteban Villareal, Department of Human Resources
Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

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

B. Policy Requiring Written Reports

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

C. Policy on Written Submissions by Appellants

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

D. Policy on Materials being Considered by the Commission

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

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

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

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

F. Policy and Procedure on Hearing Items Out of Order

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

G. Procedure for Commission Hearings

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

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.

The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

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CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

1. Civil Service Commission Register Number: 0140-23-6
 2. For Civil Service Commission Meeting of: September 18, 2023
 3. Check One:
Ratification Agenda
Consent Agenda
Regular Agenda ✓
Human Resources Director's Report
 4. Subject: Appeal by Eduardo Guerrero Ortiz of the Human Resources Director's determination that investigative findings did not establish Appellant's complaint of harassment and discrimination.
 5. Recommendation: Adopt the report, uphold the decision of the Human Resources Director, and deny the appeal by Eduardo Guerrero Ortiz.
 6. Report prepared by: Estevan Villarreal, DHR EEO
Telephone number: (415) 662-0020
 7. Notifications: Please see attached.
 8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: Carol Isen 
- Date: September 7, 2023
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

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

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

Attachment

CSC RECEIPT STAMP

NOTIFICATIONS

Eduardo Guerrero Ortiz (Appellant)

[REDACTED]

Carol Isen

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Karla Hernandez Garcia (Respondent)

[REDACTED]

Amalia Martinez

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Randy Vasquez (Respondent)

[REDACTED]

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Rich David

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501 Stanyan Street
San Francisco, CA 94117
rich.david@sfgov.org

CIVIL SERVICE COMMISSION REPORT

MEMORANDUM

TO: Civil Service Commission

THROUGH: Carol Isen, Human Resources Director

THROUGH: Amalia Martinez, Director, EEO

FROM: Estevan Villarreal, EEO Programs Senior Specialist

HEARING DATE: September 18, 2023

EEO FILE NO: 3963

REGISTER NO: 0140-23-6

APPELLANT: Eduardo Guerrero Ortiz

I. AUTHORITY

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

II. BACKGROUND

From August 7 to December 18, 2021, Appellant Eduardo "Lalo" Guerrero Ortiz (Guerrero Ortiz) was employed as a Permanent Exempt (PEX) 3410 Apprentice Gardener with the San Francisco Recreation and Parks Department (REC). On December 18, 2021, REC released Guerrero Ortiz from his PEX position.

A. Appellant's Complaint, EEO File No. 3963

On January 11, 2022, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received Guerrero Ortiz's EEO complaint. Guerrero Ortiz alleged sexual harassment by Karla Hernandez (Hernandez), former-3410 Apprentice Gardener, harassment by Randy Vasquez (Vasquez), 3417 Gardener, and discrimination by Allison McCarthy (McCarthy), then-3422 Park Section Supervisor. **See Exhibit (Ex.) A.** On April 14, 2022, Prisma Corona (Corona), EEO Programs Specialist, conducted an intake interview with Guerrero Ortiz. **See Ex. B.** On September 22, 2022, Corona submitted to REC a Charge of Discrimination and Request for Information (RFI). **See Ex. C.** On October 6, 2022, REC responded to DHR EEO's RFI. **See Ex. D.** Corona completed the investigation of Guerrero Ortiz's allegations and submitted her findings to the Human Resources Director for review. **See Ex. E.**

By letter dated June 1, 2023, the Human Resources Director informed Guerrero Ortiz that the evidence substantiated some of the sexual harassment allegations but did not substantiate the harassment and discrimination allegations. **See Ex. F.** That same day, the Human Resources Director also notified REC of

the investigative findings and advised REC to take appropriate action to address them. **See Ex. G.** On June 8, 2023, REC confirmed completion of the recommended corrective actions. **See Ex. H.** On June 30, 2023, Guerrero Ortiz appealed the Human Resources Director's determination. **See Ex. I.**

III. ISSUE ON APPEAL TO THE CIVIL SERVICE COMMISSION

The issue on appeal is whether the Commission should uphold the Human Resources Director's determination. As explained in greater detail below, the answer is yes.

IV. ANALYSIS & FINDINGS

Guerrero Ortiz is a member of a protected category based on his race (Hispanic) and gender (male). While the evidence substantiated some of Guerrero Ortiz's sexual harassment allegations, the investigation did not substantiate his harassment or discrimination allegations. Therefore, the Human Resources Director correctly issued the determination.

A. Guerrero Ortiz was Not Credible

The investigation found that Guerrero Ortiz was not credible because multiple credible witnesses either did not corroborate his allegations or directly contradicted his accounts. Additionally, Guerrero Ortiz's credibility was further undermined by the finding that he had motive to lie: Guerrero Ortiz threatened Hernandez because she reported him to McCarthy; his recent release from employment was motivation to retaliate and lie in pursuit of reinstatement; and he did not report his allegations against Hernandez or McCarthy until after REC released him. **See Ex. E.**

Conversely, the investigation found that Hernandez, Vasquez, and McCarthy were more credible than Guerrero Ortiz; their responses and accounts were more often corroborated by witnesses, and each acknowledged some of the alleged conduct while also providing explanations that were credible, appropriate, and non-discriminatory. **See Ex. E.**

B. The Investigation Substantiated Some of Guerrero Ortiz's Sexual Harassment Allegations, and REC Took Appropriate Action to Address this Conduct

Guerrero Ortiz alleged that Hernandez subjected him to the following unwelcome conduct:

- (1) Once, in a sexual tone, Hernandez told Guerrero Ortiz that she wanted his hoodie.
- (2) Once, in November 2021, after Guerrero Ortiz told Hernandez about his breakup with his girlfriend, Hernandez responded, "That's how White bitches are, they cheat on you. Why were you even with her? Someone else is fucking her already, why do you even bother."
- (3) At least ten times, Hernandez sang the lyrics to a song called "Dale Tilin," which translates to "give her dick." Guerrero Ortiz believed this was in reference to someone else "fucking" his girlfriend.
- (4) At least seven times, Hernandez made a "blow job" gesture at Guerrero Ortiz by opening her mouth and pumping her fist in front of her mouth.

The investigation found substantial evidence that Guerrero Ortiz's complaint against Hernandez was retaliatory and not credible. On November 24, 2021, Hernandez reported unwelcome conduct by Guerrero Ortiz to McCarthy. On December 9, 2021, McCarthy told Guerrero Ortiz she heard there was tension between him and Hernandez and asked about their relationship; Guerrero Ortiz said Hernandez

wanted attention and behaved “like a little kid,” but he did not report any unwelcome sexual conduct. Later that day, a visibly upset Hernandez told McCarthy that Guerrero Ortiz scolded her for reporting him to McCarthy and told her, “If I lose my job, you’re going to lose yours too.” **See Ex. D.** REC subsequently released Guerrero Ortiz, and only after this did Guerrero Ortiz allege that Hernandez sexually harassed him, further showing Guerrero Ortiz’s retaliatory animus against the accused respondent.

Despite Guerrero Ortiz’s retaliatory animus and credibility issues, the investigation nonetheless substantiated some of his allegations, which demonstrates that the investigation was neutral, weighed evidence objectively, and was conducted properly. Hernandez admitted in part to the conduct outlined above in Section IV. B. (3), and a witness corroborated in part the conduct alleged in Section IV. B. (2), thus these allegations were substantiated. **See Ex. E.**

However, the evidence did not substantiate Guerrero Ortiz’s other allegations against Hernandez. Regarding the allegations outlined in Section IV. B. (1), Hernandez admitted to asking Guerrero Ortiz for a hoodie, however she denied that her tone was sexual and further explained that she was asking if he had a spare hoodie. Moreover, the alleged conduct is not objectively sexual or inappropriate. Regarding Section IV. B. (4), Hernandez denied the conduct, and credible witnesses identified by Guerrero Ortiz did not corroborate this allegation. Therefore, based on credible witness testimony and Guerrero Ortiz’s credibility issues, the evidence did not substantiate these two allegations. **See Ex. E.**

Although the investigation determined that some of Hernandez’s conduct violated the City’s EEO Policy, Hernandez was no longer a City employee and thus was no longer within the City’s jurisdiction. Nonetheless, the Human Resources Director advised REC to take appropriate action to address the investigative findings by including a copy of the determination letter in Hernandez’s personnel file, and REC promptly confirmed completion of this action. Accordingly, the Human Resources Director’s determination was correct and should be upheld. **See Ex. F, G.**

C. The Investigation Did Not Substantiate Guerrero Ortiz’s Racial Harassment Allegations

Guerrero Ortiz alleged that Vasquez subjected him to unwelcome conduct based on his race, Hispanic:

- (1) On August 24, 2021, and three additional times, Vasquez assigned Guerrero Ortiz to work with Nancy Aguilar (Aguilar), 3410 Apprentice Gardner. Vasquez did this because they are both [REDACTED] and told them, “This way you can speak your own language together.”
- (2) In September 2021, Vasquez told Guerrero Ortiz his mustache was getting long and asked if it was a Mexican style. Guerrero Ortiz said it was, and Vasquez said he needed to trim it.

While Vasquez acknowledged telling Guerrero Ortiz and Aguilar that it was great that they both spoke Spanish and could keep talking to each other, he denied that he assigned them to work together based on language or race. Vasquez further explained that assignments are typically random or based on who volunteers for specific jobs, and Aguilar corroborated Vasquez’s denial and explanation. Moreover, the alleged comment was not objectively offensive or derogatory. Accordingly, this allegation was not substantiated. **See Ex. E.**

Vasquez denied the mustache comment, and another witness confirmed that Vasquez spoke positively about Guerrero Ortiz’s mustache, which undermined the allegation and negated an inference of animus. Moreover, when Guerrero Ortiz previously reported to McCarthy that Vasquez made a comment about

his facial hair, he did not report that Vasquez's comment referenced or was based on his race. Accordingly, the evidence did not substantiate Guerrero Ortiz's racial harassment allegations. **See Ex. E.**

D. The Investigation Did Not Substantiate Guerrero Ortiz's Discrimination Allegations

Guerrero Ortiz alleged that on December 17, 2021, McCarthy subjected him to discrimination based on his gender (male) and race (Hispanic) by directing his release from the Gardening Apprenticeship Program. Guerrero Ortiz further alleged that McCarthy demonstrated animus against males by making the following comments: a woman started the Gardening program, there were too many male gardeners, and females could garden just as well as males. Guerrero Ortiz also alleged that McCarthy demonstrated animus against Hispanic people by saying that she did not believe Guerrero Ortiz spoke or understood English, and because a co-worker told Guerrero Ortiz that REC released Guerrero Ortiz because he referred to someone as a "mamacita," a Spanish language term that can be translated as "hot momma."

McCarthy acknowledged commenting that a woman started the apprenticeship program but explained that was a factual statement made in the context of discussing the history of the program, which is not objectively offensive or derogatory. McCarthy denied the other comments, and twelve witnesses confirmed never hearing McCarthy make these or any other sexist comments. Therefore, the evidence did not establish sex-based animus. **See Ex. E.**

McCarthy also denied believing or telling Guerrero Ortiz that she did not think he spoke or understood English. Rather, she acknowledged telling Guerrero Ortiz that if he was an English learner, then she could help him. McCarthy further explained that she said this because Guerrero Ortiz was not engaging, and she wanted to provide him support. This is a plausible, nondiscriminatory business reason, and the offer of assistance also negated an inference of animus. Additionally, a witness who Guerrero Ortiz identified did not corroborate that he told Guerrero Ortiz that he was released for using the term "mamacita." Therefore, the evidence did not establish race-based animus. **See Ex. E.**

Additionally, the investigation found legitimate business reasons for Guerrero Ortiz's release. McCarthy stated that REC released Guerrero Ortiz because he threatened Hernandez, which violated the City's Respect Policy, and several witnesses corroborated this explanation. Additionally, REC provided documentation that confirmed that REC investigated Guerrero Ortiz's conduct, determined that Guerrero Ortiz violated the Respect Policy, and released Guerrero Ortiz's based on this and several other documented prior behavior and performance issues. **See Ex. D, E.**

As the investigation found a legitimate business reason for Guerrero Ortiz's release and no evidence of animus, the investigation did not substantiate Guerrero Ortiz's discrimination allegation.

V. RECOMMENDATION

As explained above, the investigation of Guerrero Ortiz's allegations was comprehensive and objective, the Human Resources Director's determination was consistent with the evidence and credibility analysis, and REC took appropriate action to address the investigative findings. Moreover, Guerrero Ortiz's appeal merely restated his original allegations, which were fully investigated, and did not offer any new information. Accordingly, the Commission should uphold the Human Resources Director's determination and deny the appeal.

VI. APPENDIX/ATTACHMENTS TO REPORT

Attached to this report are the following exhibits:

- Exhibit A: Complaint of Discrimination, EEO File No. 3963, dated January 11, 2022
- Exhibit B: Guerrero Ortiz Intake Interview, EEO File No. 3963, dated April 14, 2022
- Exhibit C: DHR EEO's Request for Information, EEO File No. 3963, dated September 22, 2022
- Exhibit D: REC's Response to DHR EEO's Request for Information, dated October 6, 2022
- Exhibit E: Investigative Report, EEO File No. 3963, dated May 5, 2023
- Exhibit F: Determination Letter, EEO File No. 3963, dated June 1, 2023
- Exhibit G: Department Determination Letter, EEO File No. 3963, dated June 1, 2023
- Exhibit H: REC Confirmation of Corrective Actions, EEO File No. 3963, dated June 8, 2022
- Exhibit I: Notice of Appeal by Guerrero Ortiz, Register No. 0140-23-6, dated July 3, 2023

EXHIBIT A, Attachments 1-2:

Report of Complaint by E. Guerrero Ortiz, EEO File No. 3963

EXHIBIT A, Attachment 1

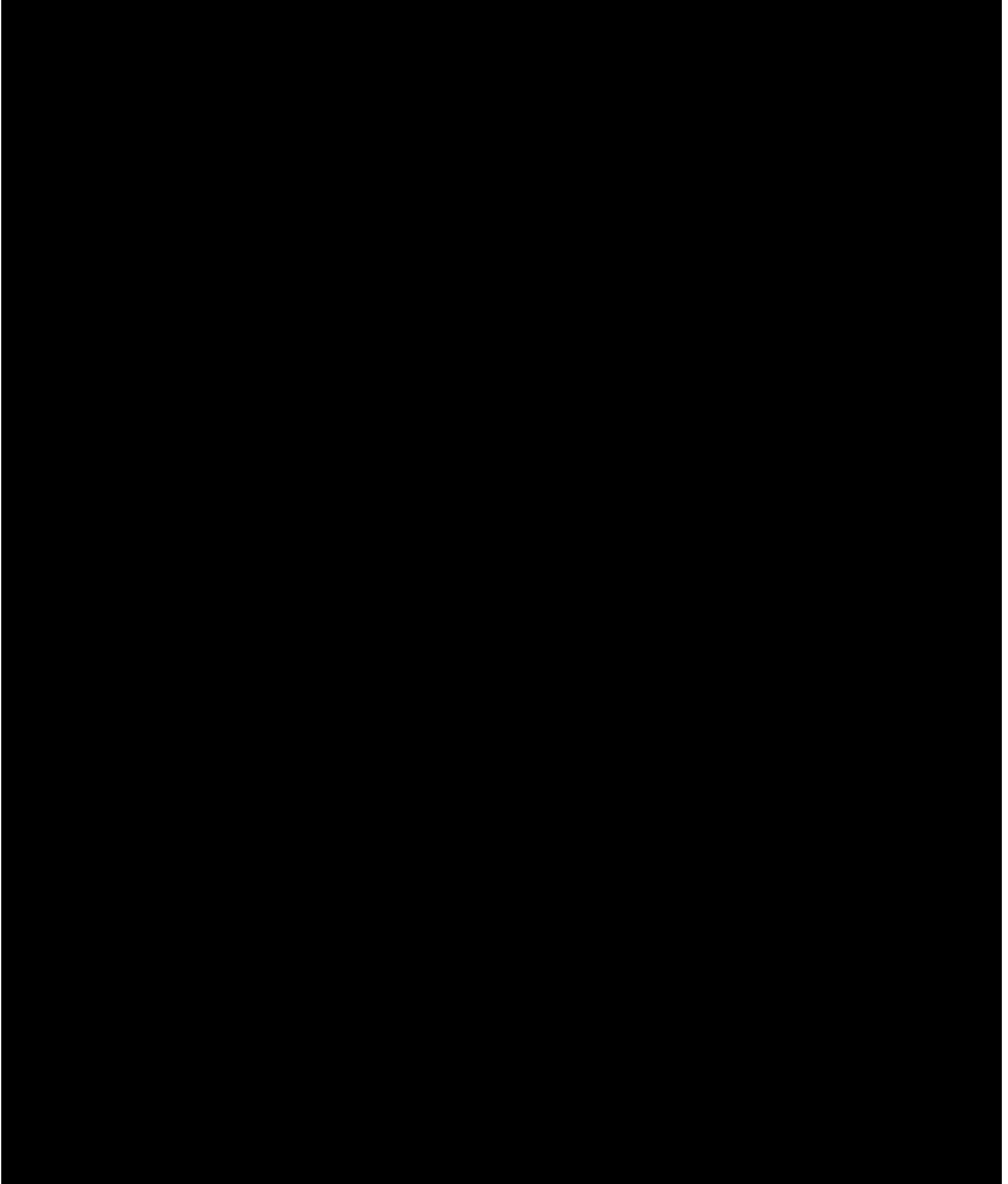
E-mail Notice of EEO Complaint by E. Guerrero Ortiz

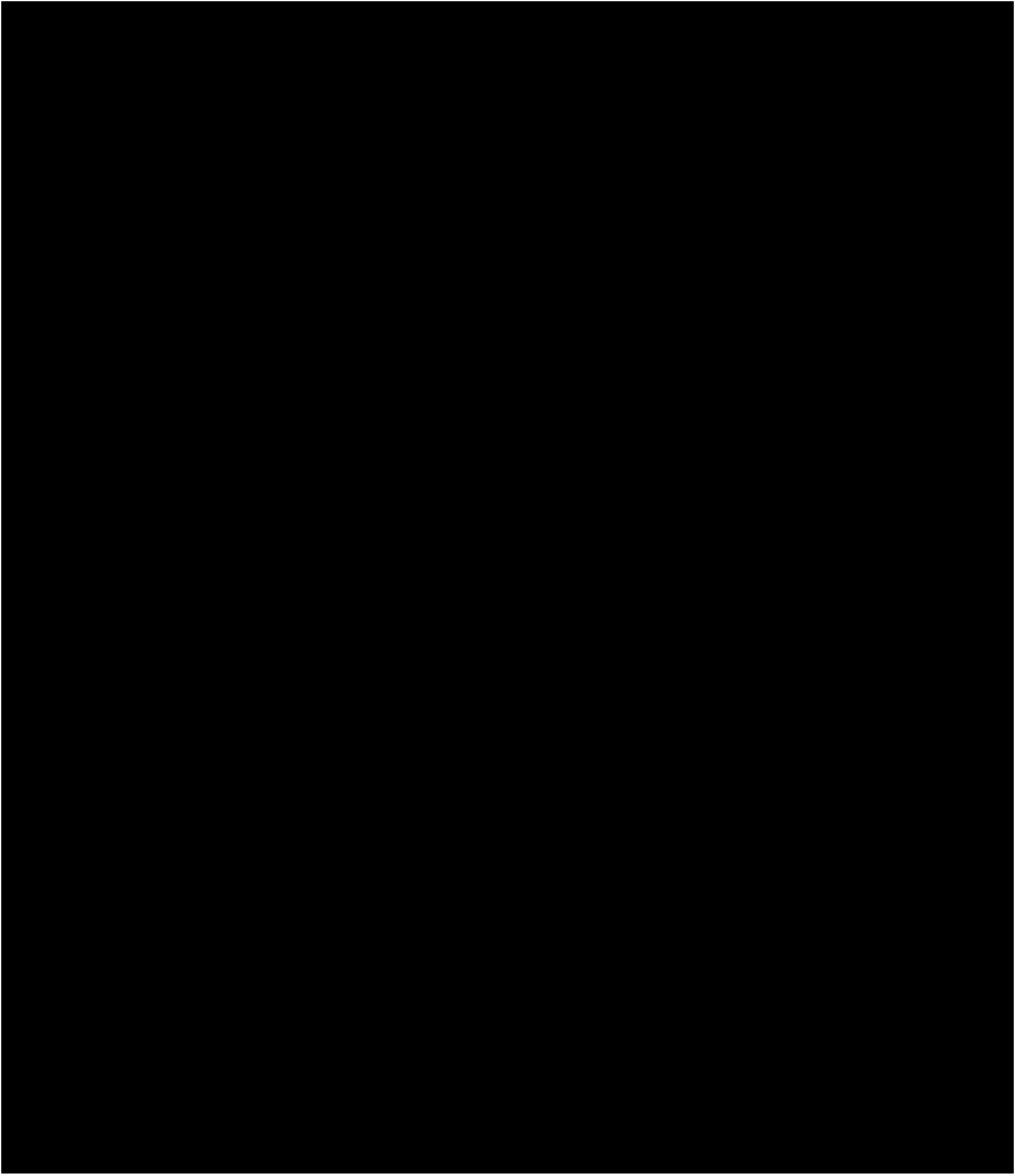
January 11, 2022

EXHIBIT A, Attachment 2

EEO Complaint by E. Guerrero Ortiz

January 11, 2022





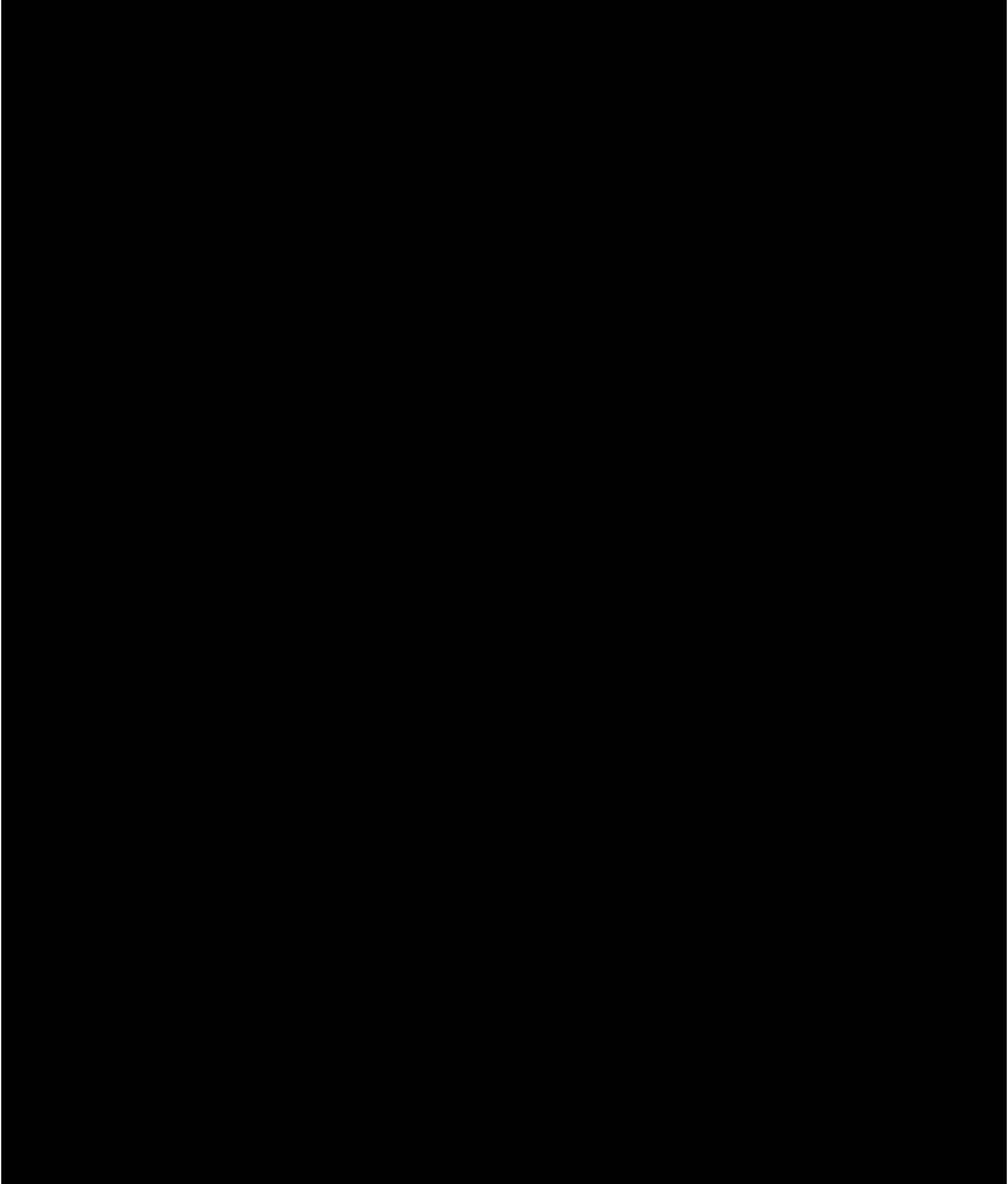


EXHIBIT B

Intake Interview of E. Guerrero Ortiz

April 14, 2022

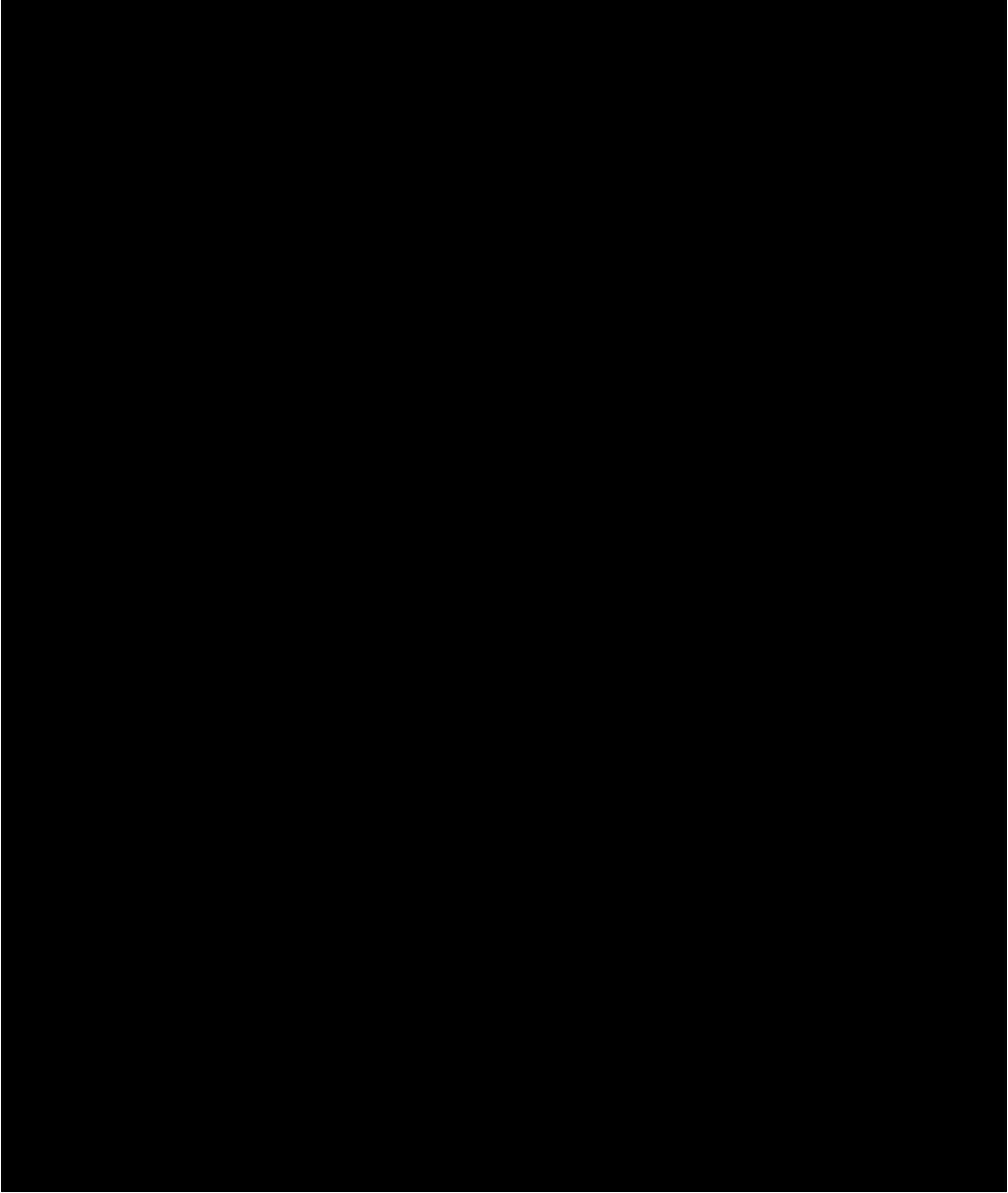


EXHIBIT C, Attachments 1-2:

Charge of Discrimination and Request for Information for EEO File No. 3963

EXHIBIT C, Attachment 1

Charge of Discrimination, EEO File No. 3963

September 6, 2022

EXHIBIT C, Attachment 2

Request for Information, EEO File No. 3963

September 22, 2022

EXHIBIT D, Attachments 1-2:

REC's Response to Request for Information for EEO File No. 3963

EXHIBIT D, Attachment 1

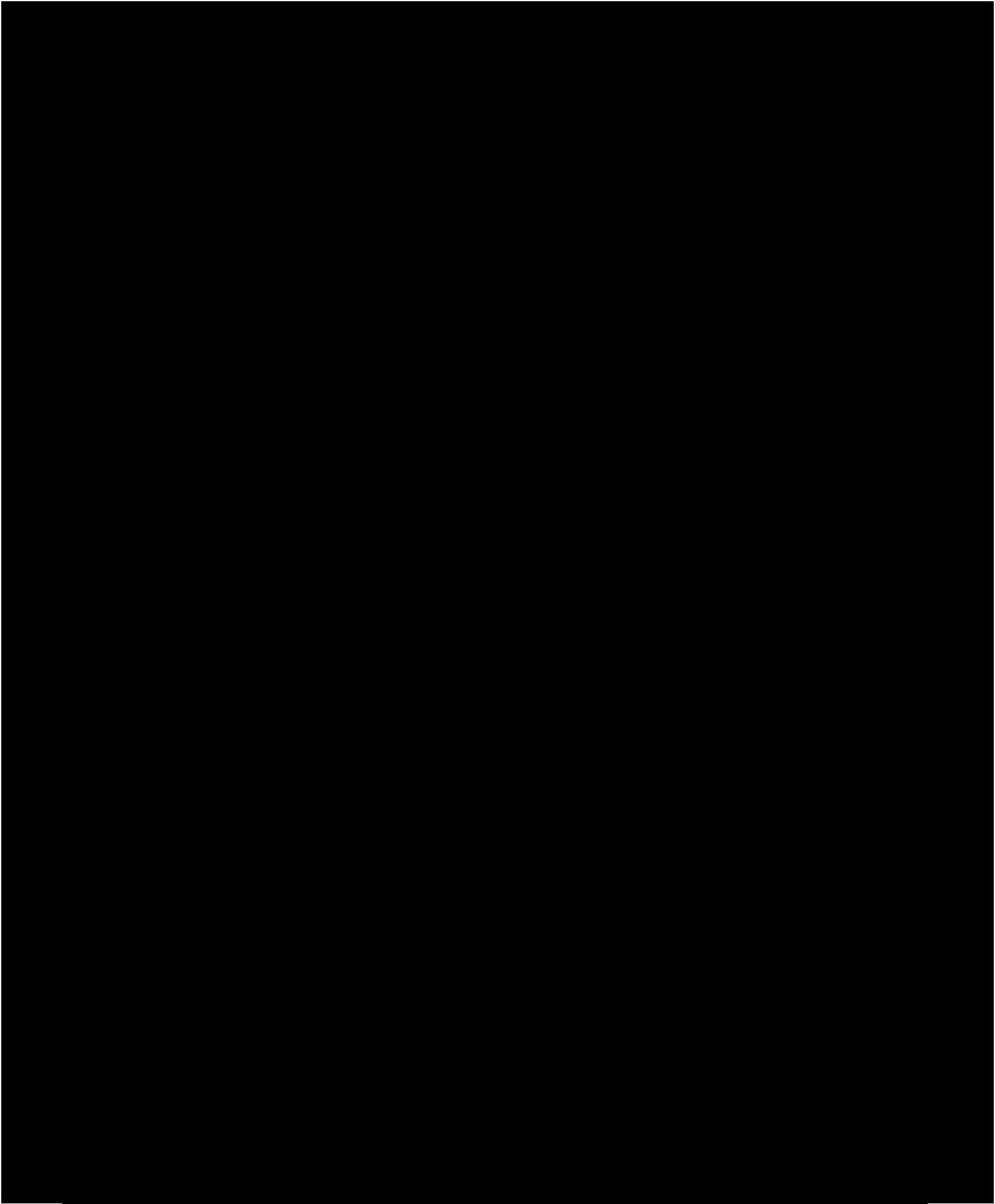
REC Response to Request for Information Email, EEO File No. 3963

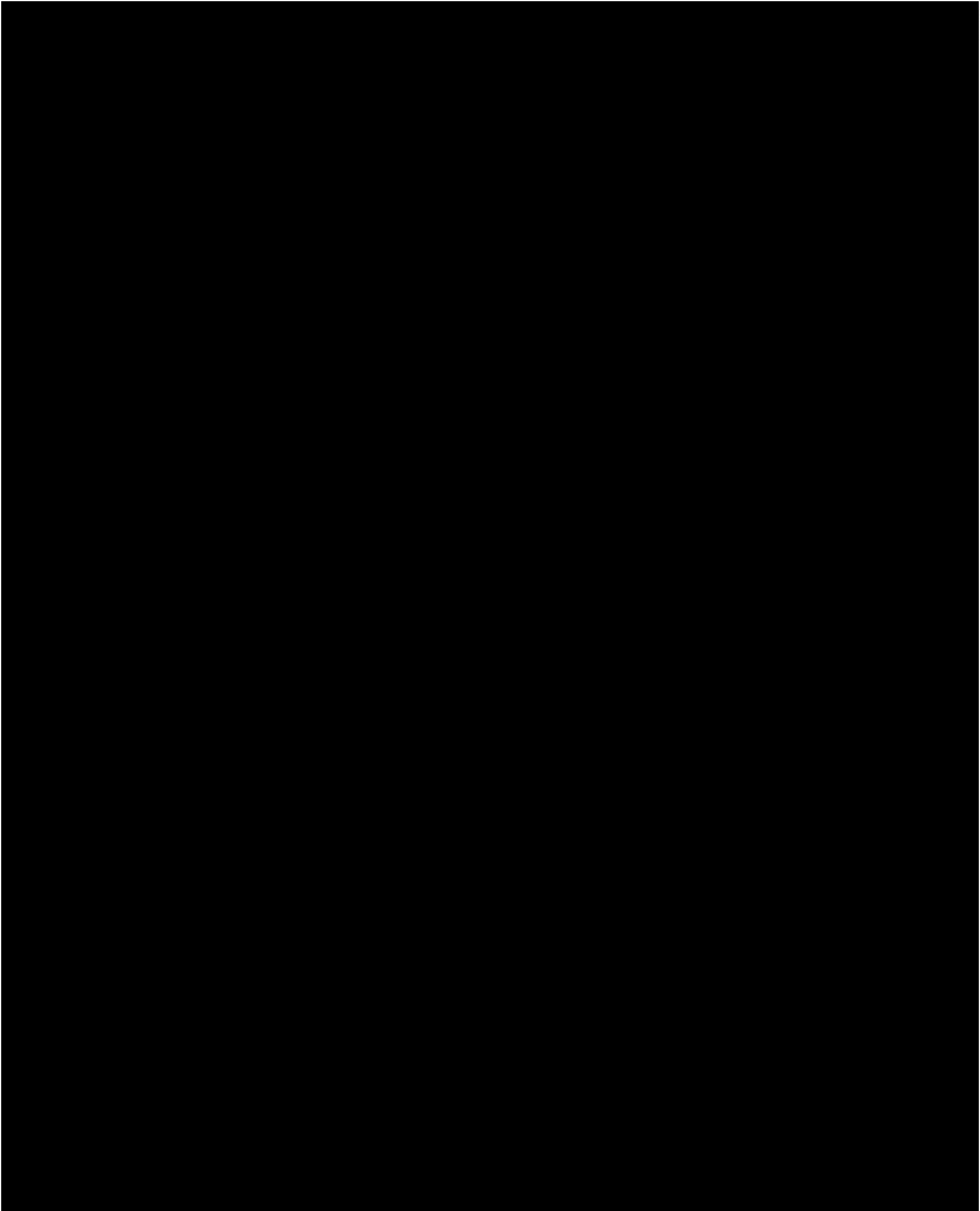
October 6, 2022

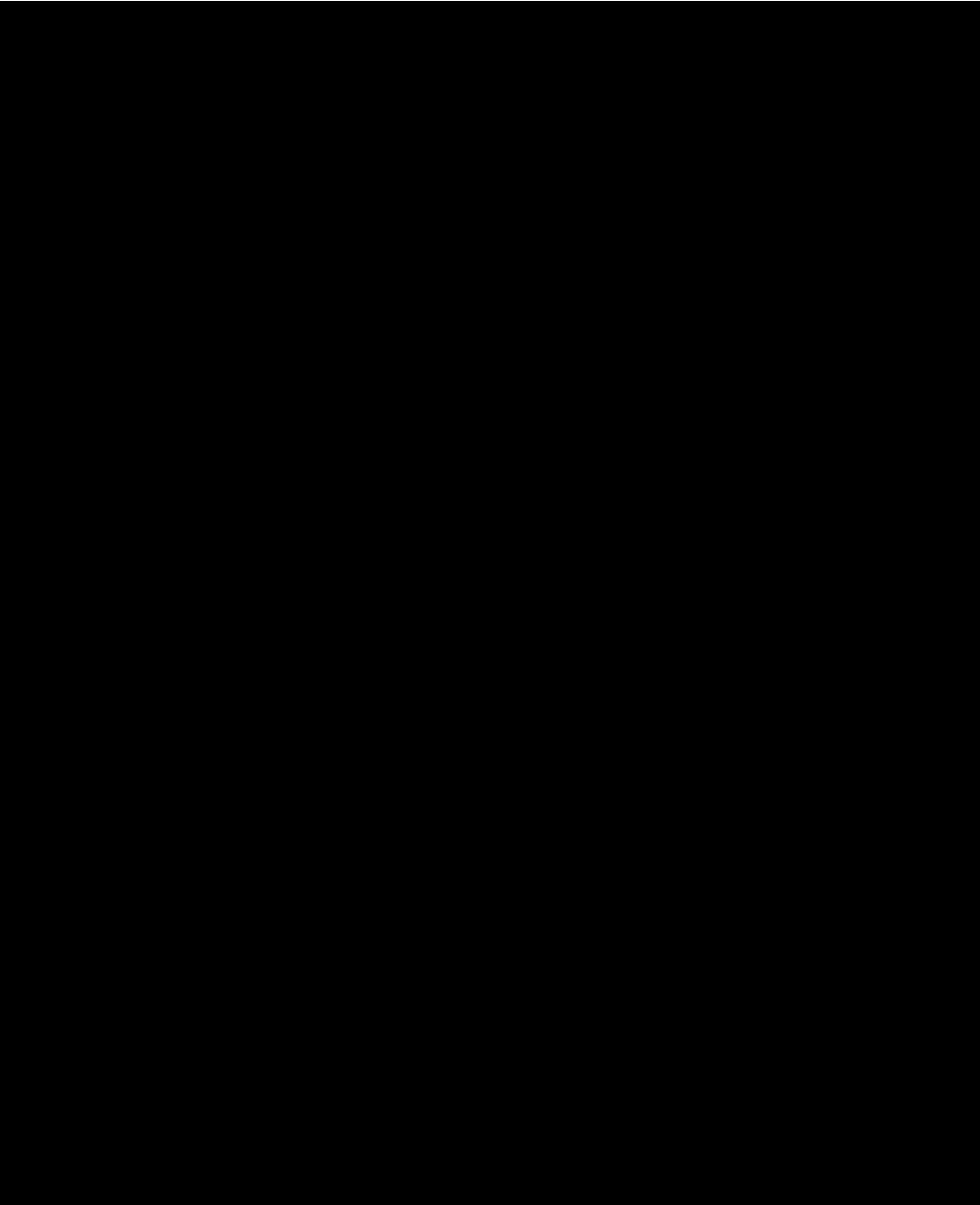
EXHIBIT D, Attachment 2

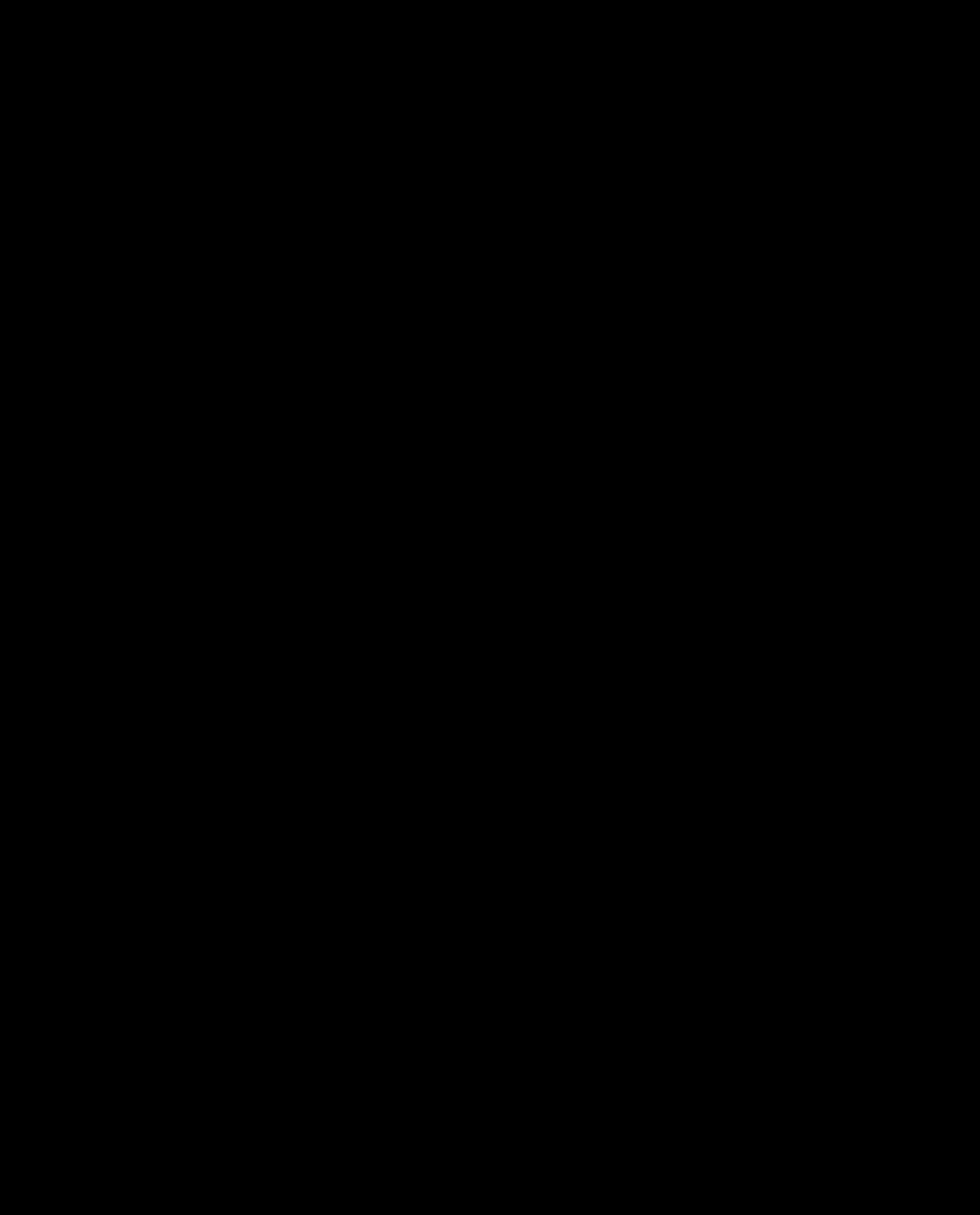
REC Response to Request for Information, EEO File No. 3963

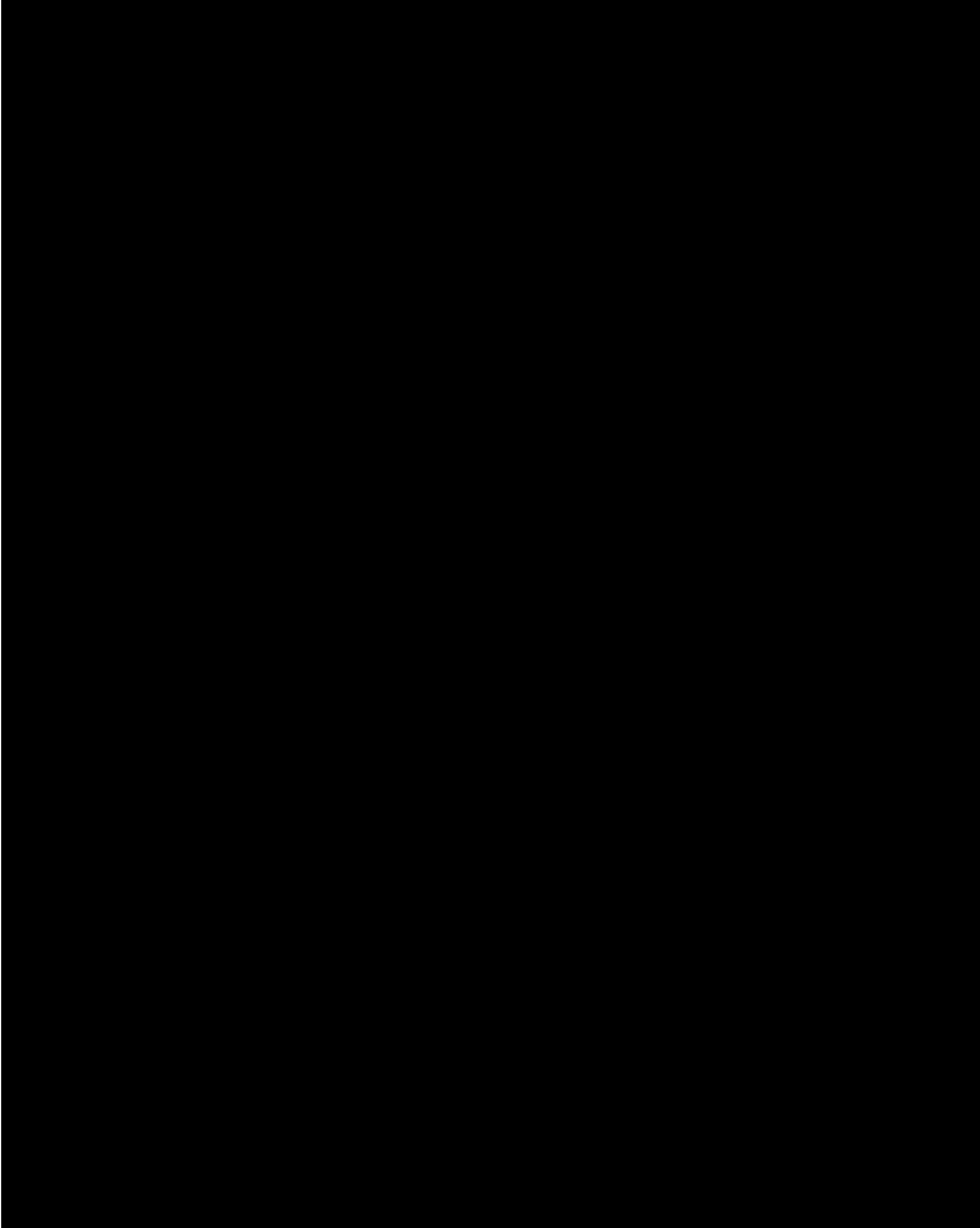
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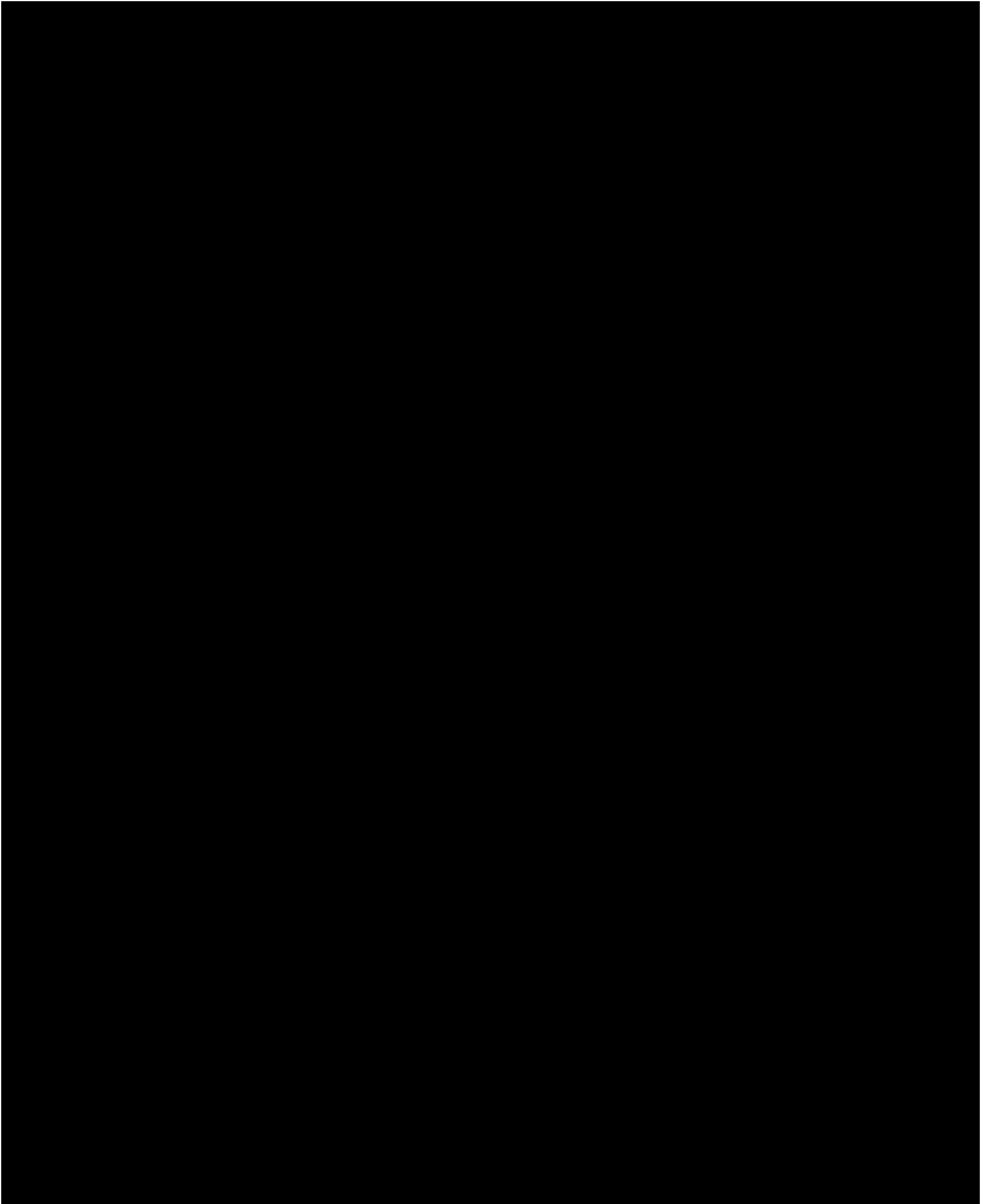


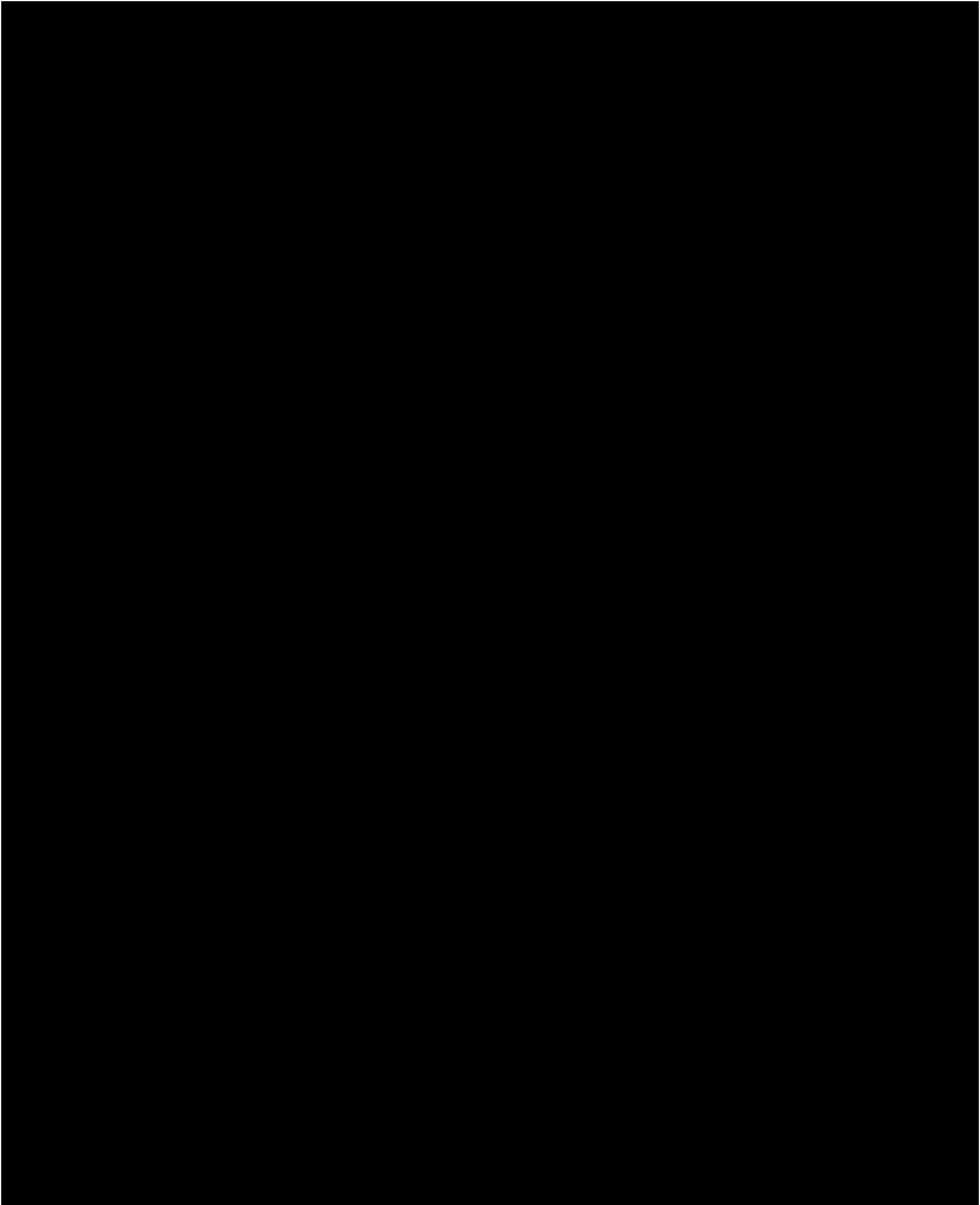


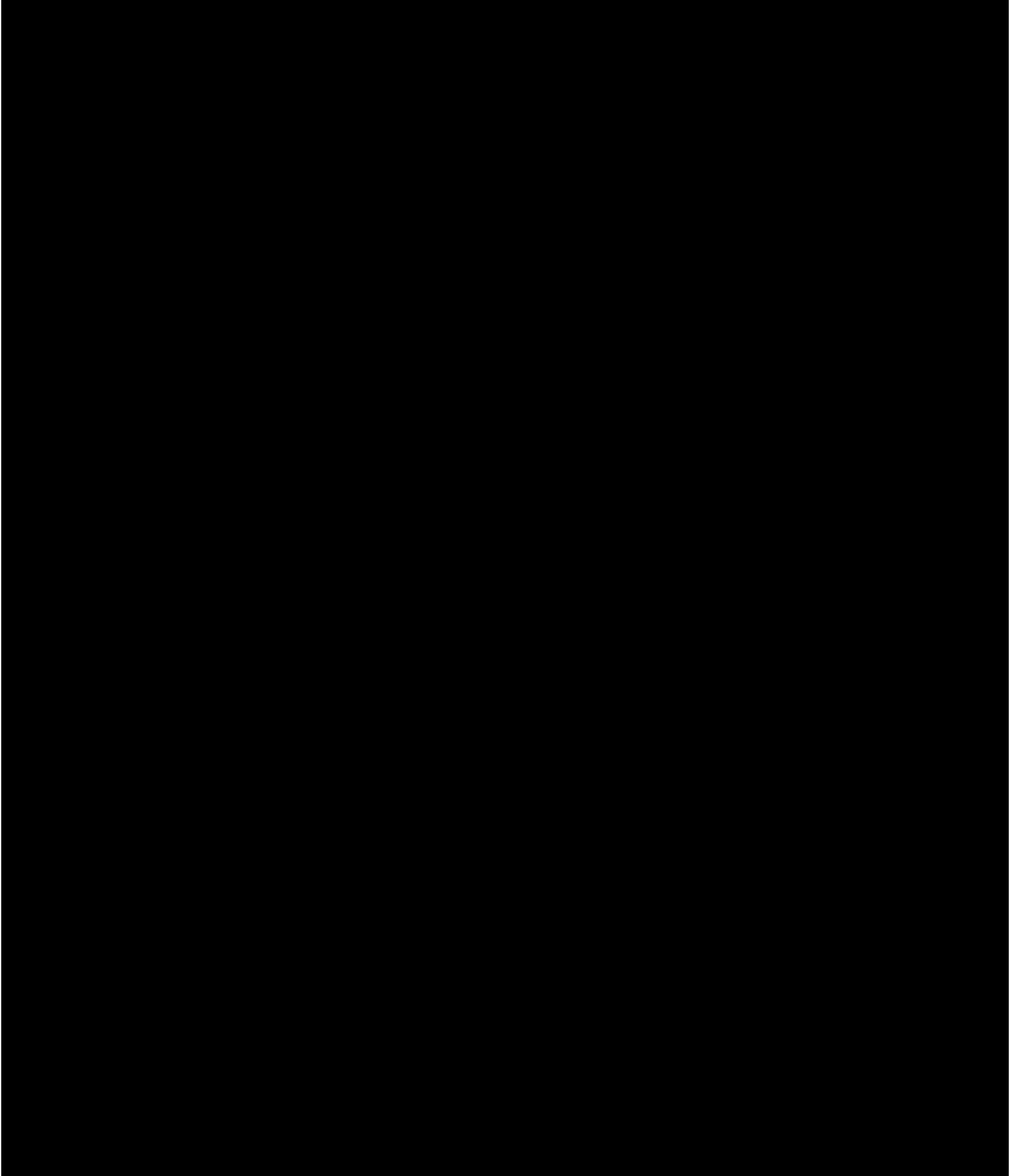


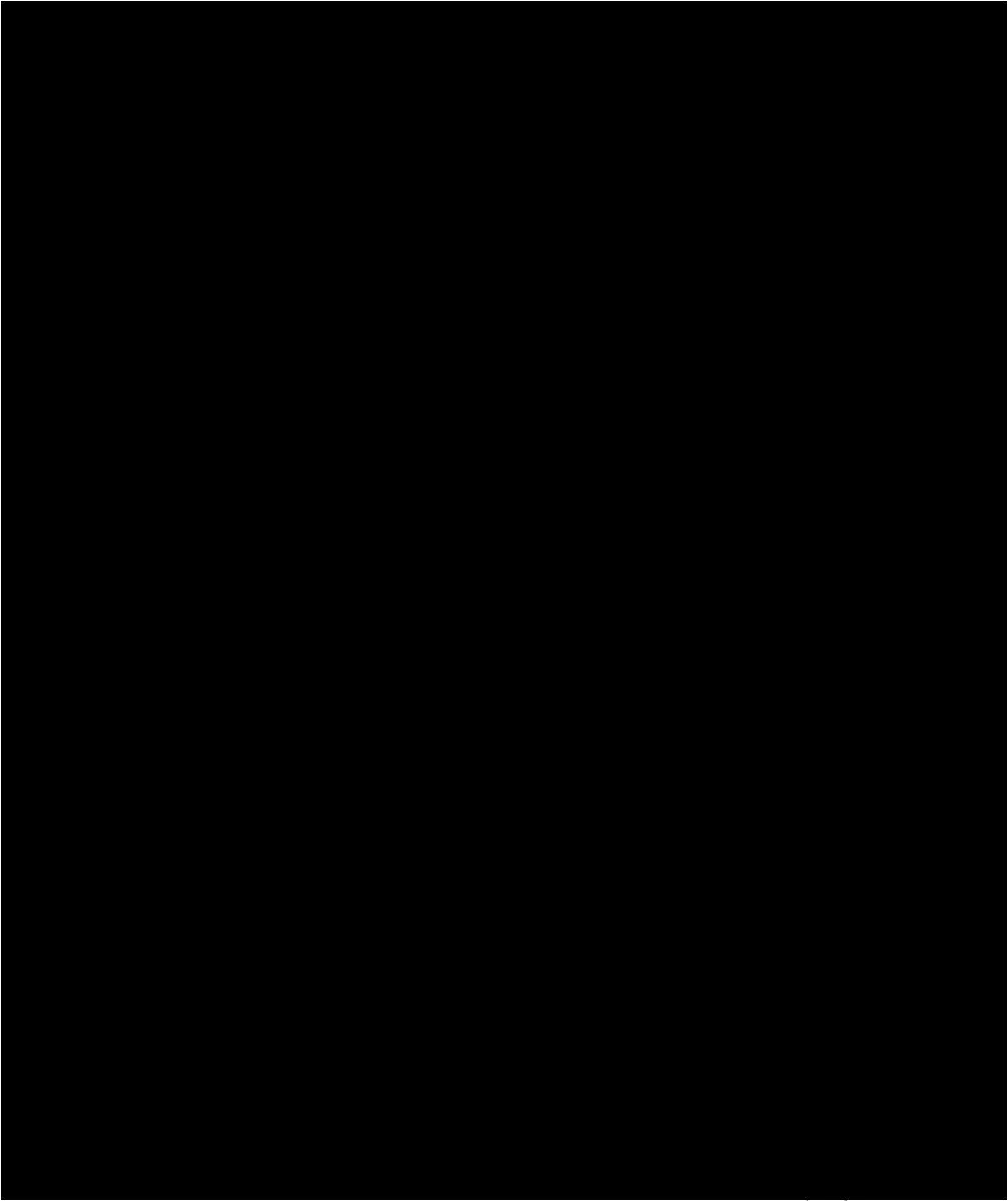


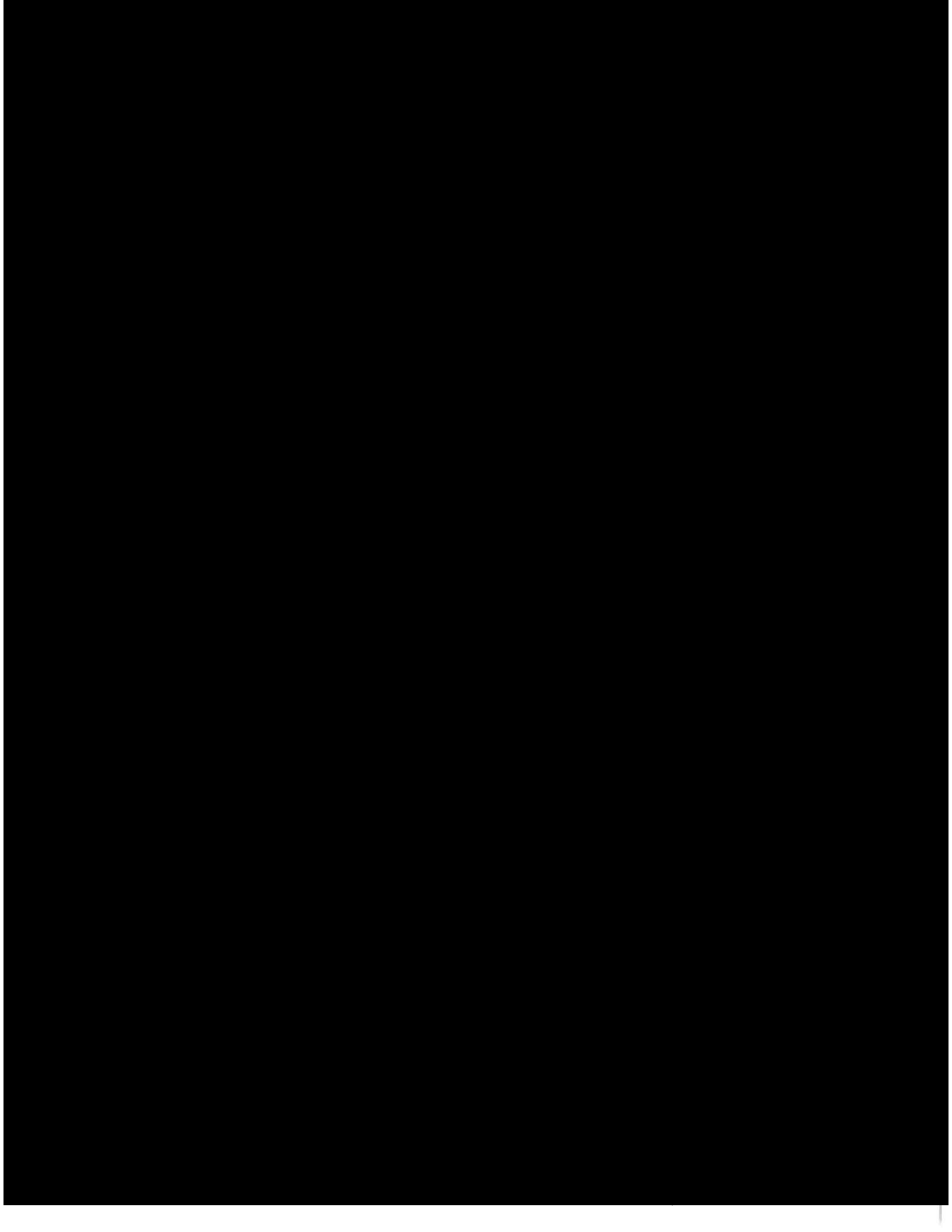


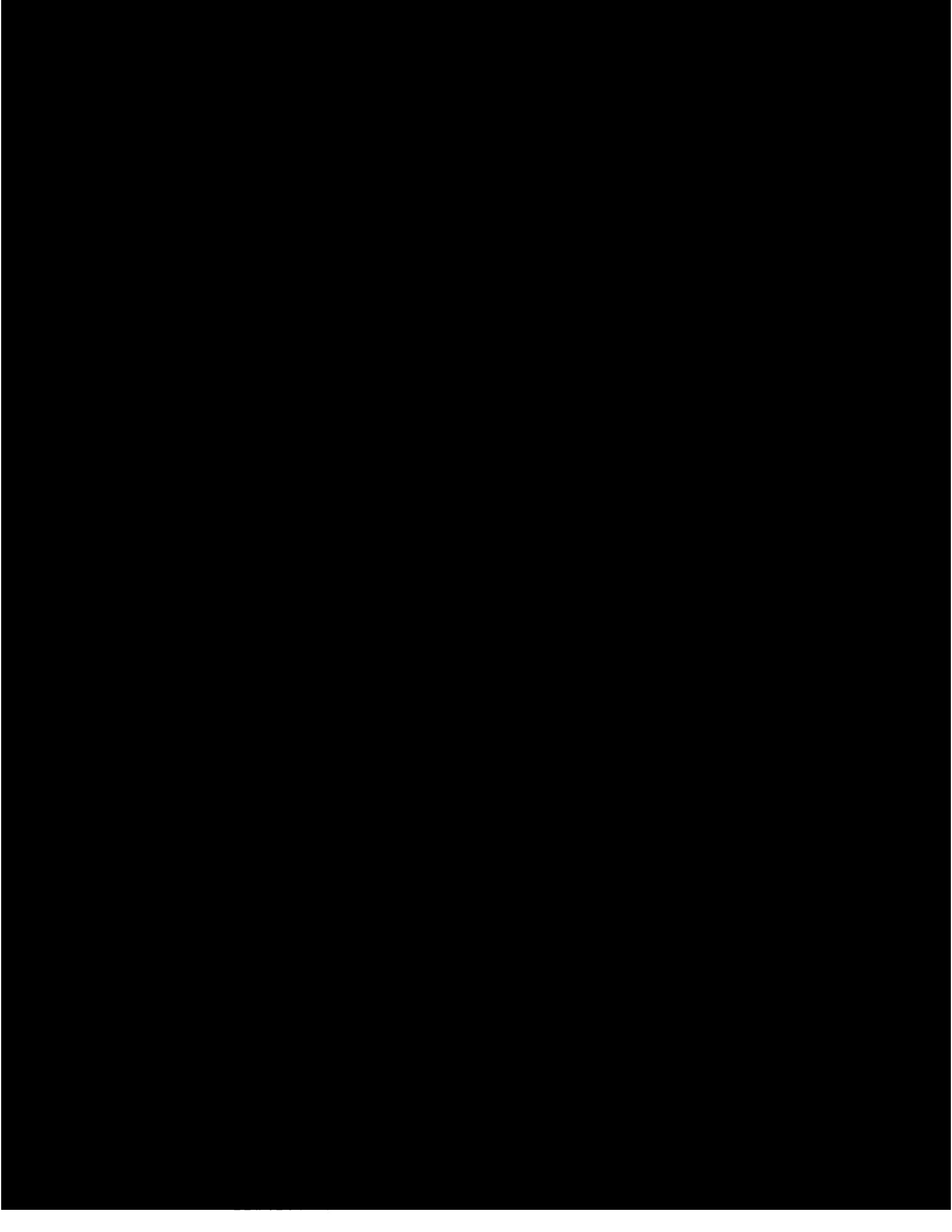


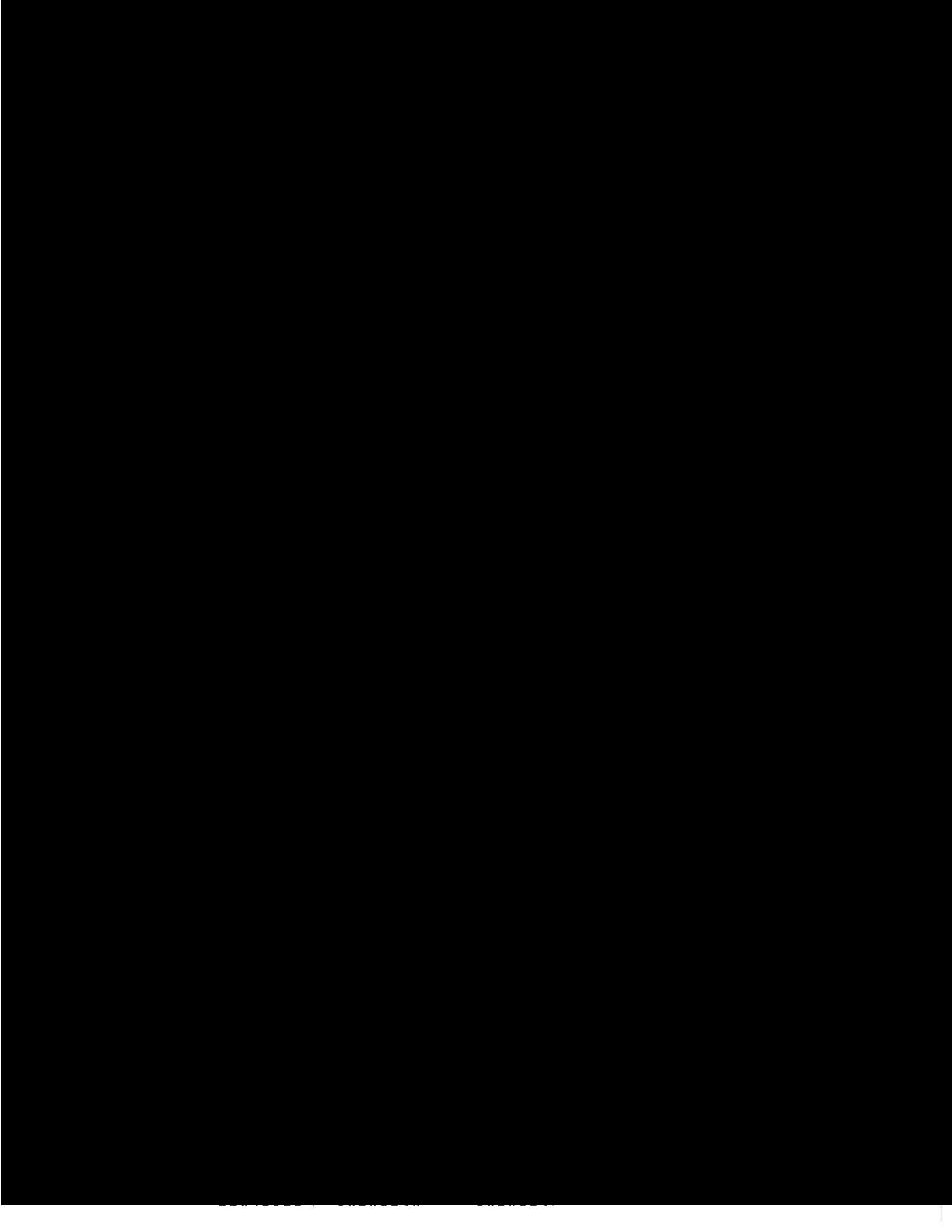


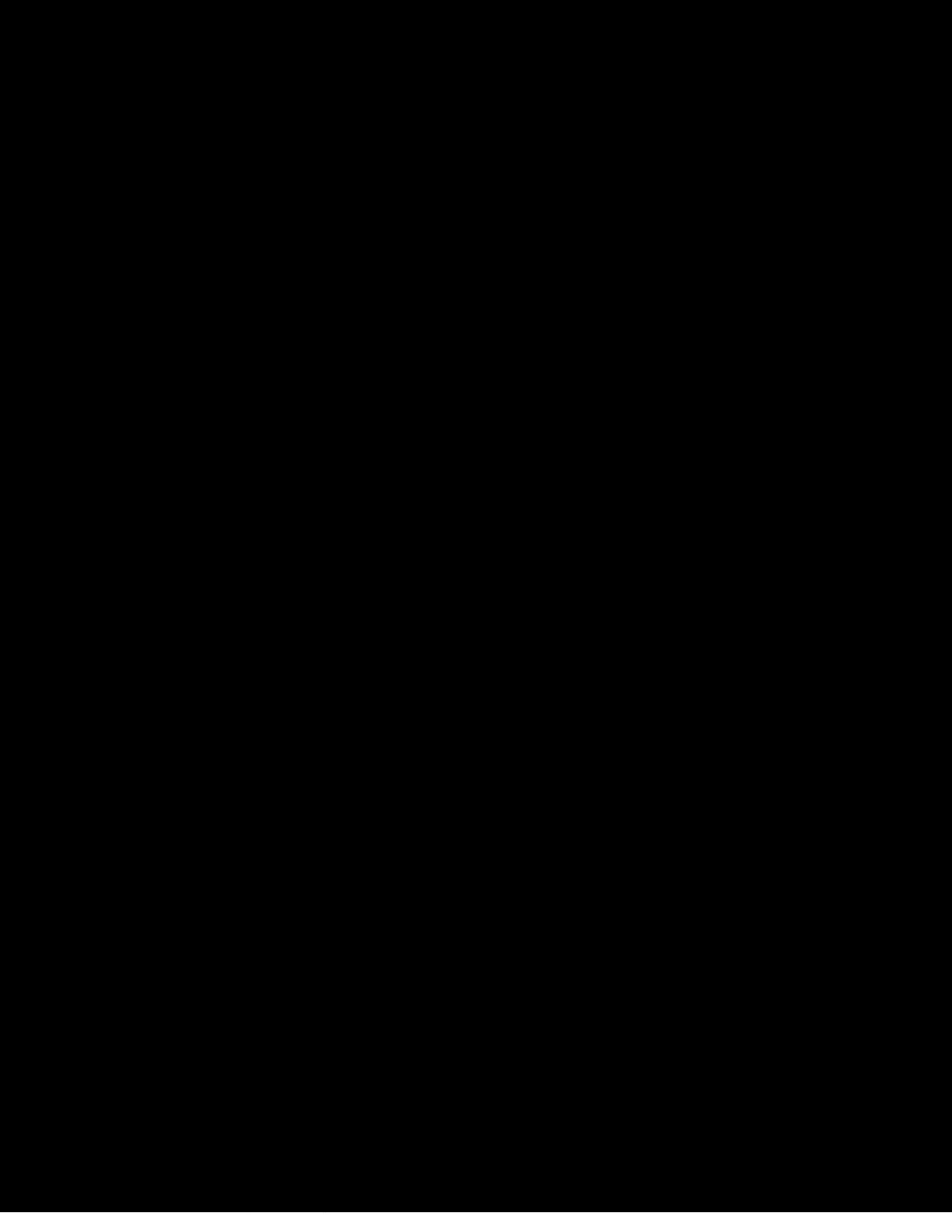












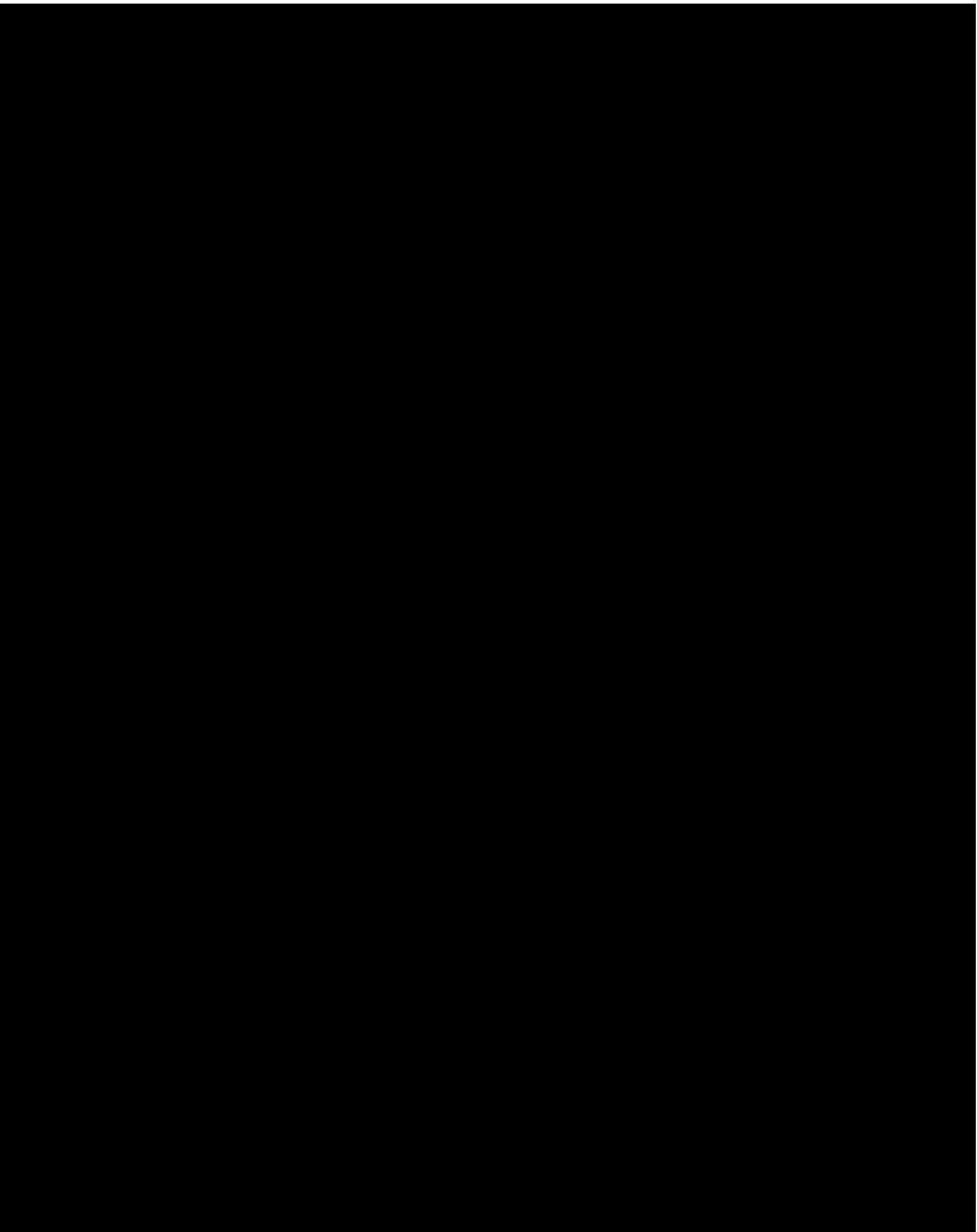
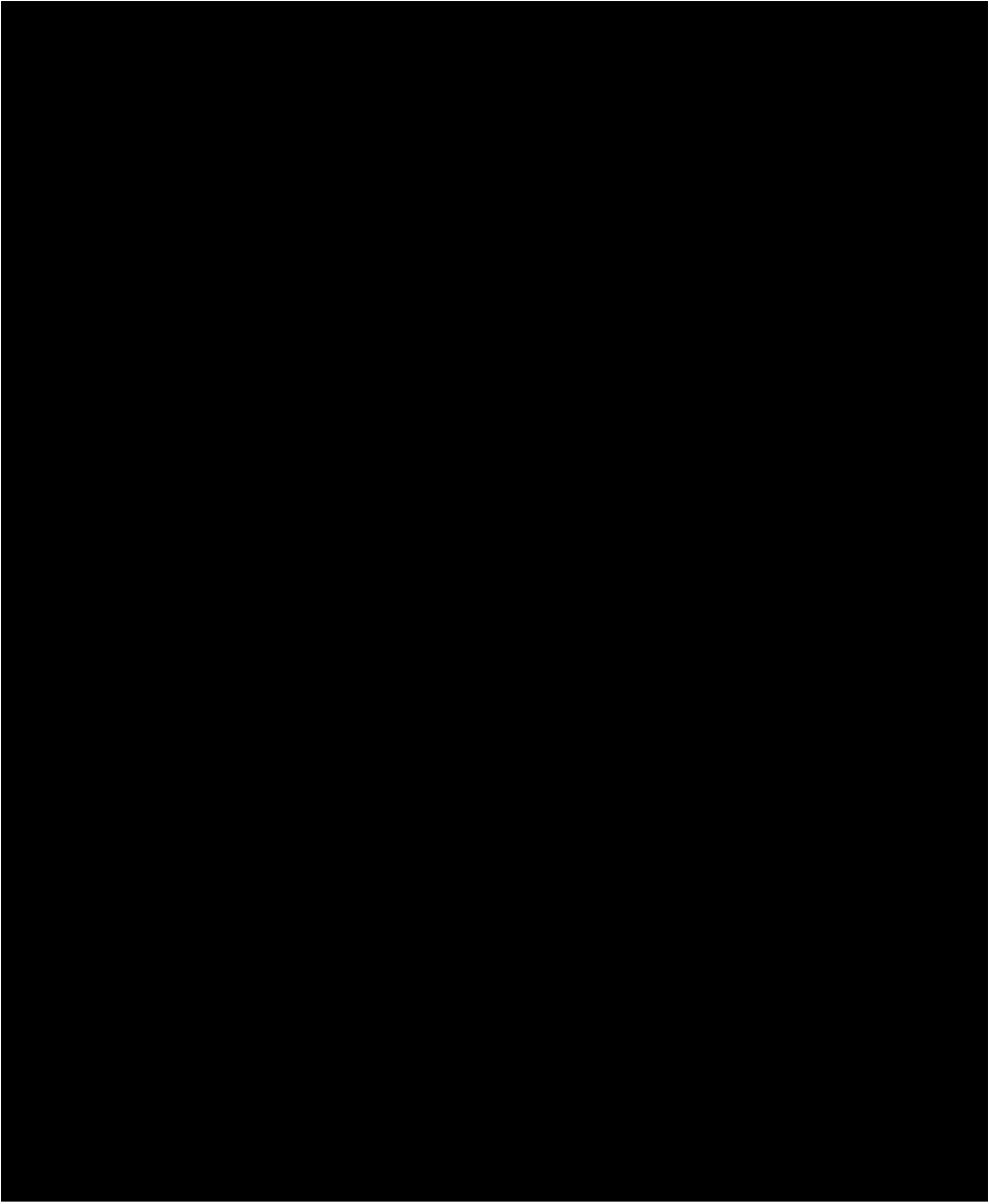
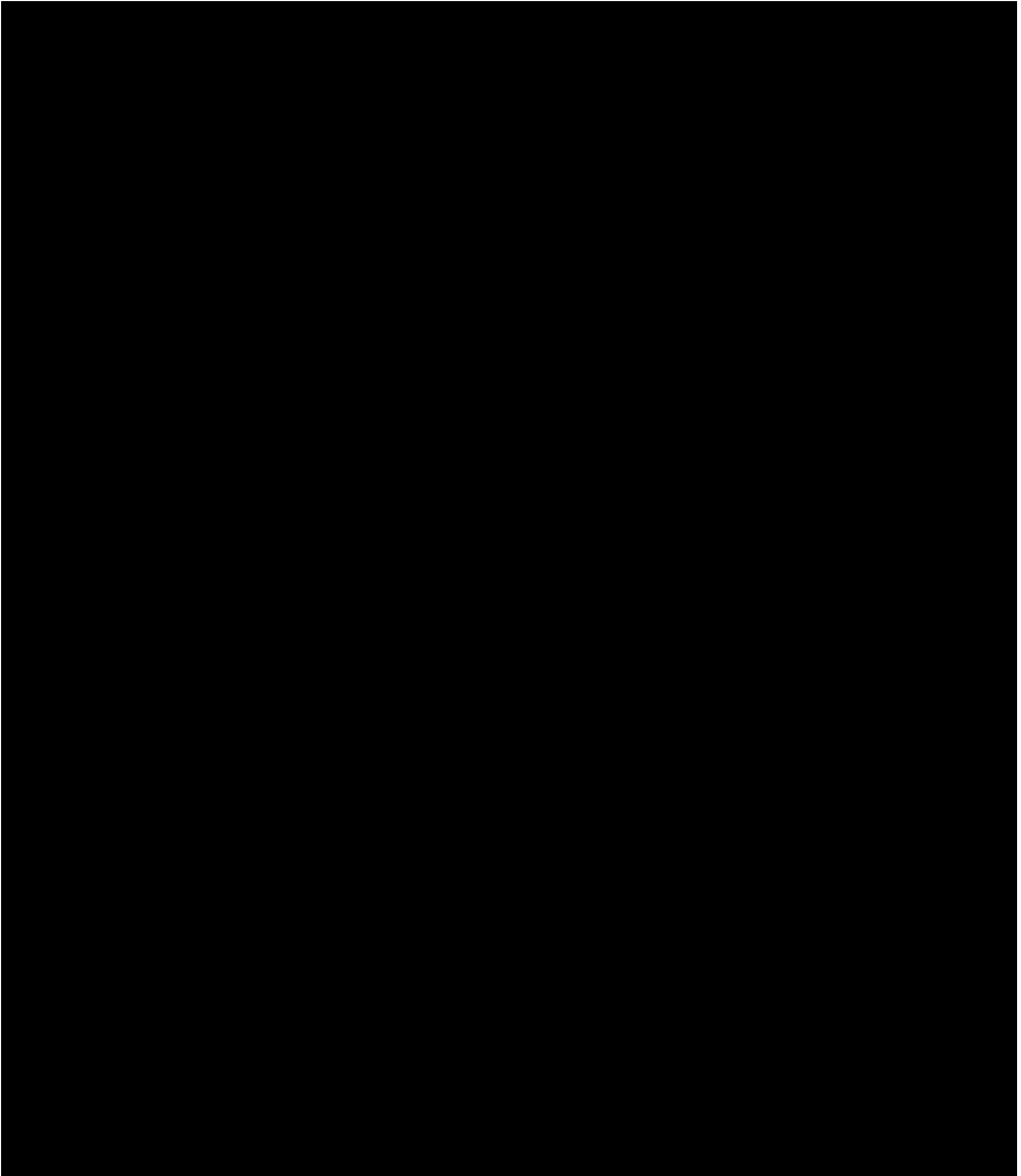


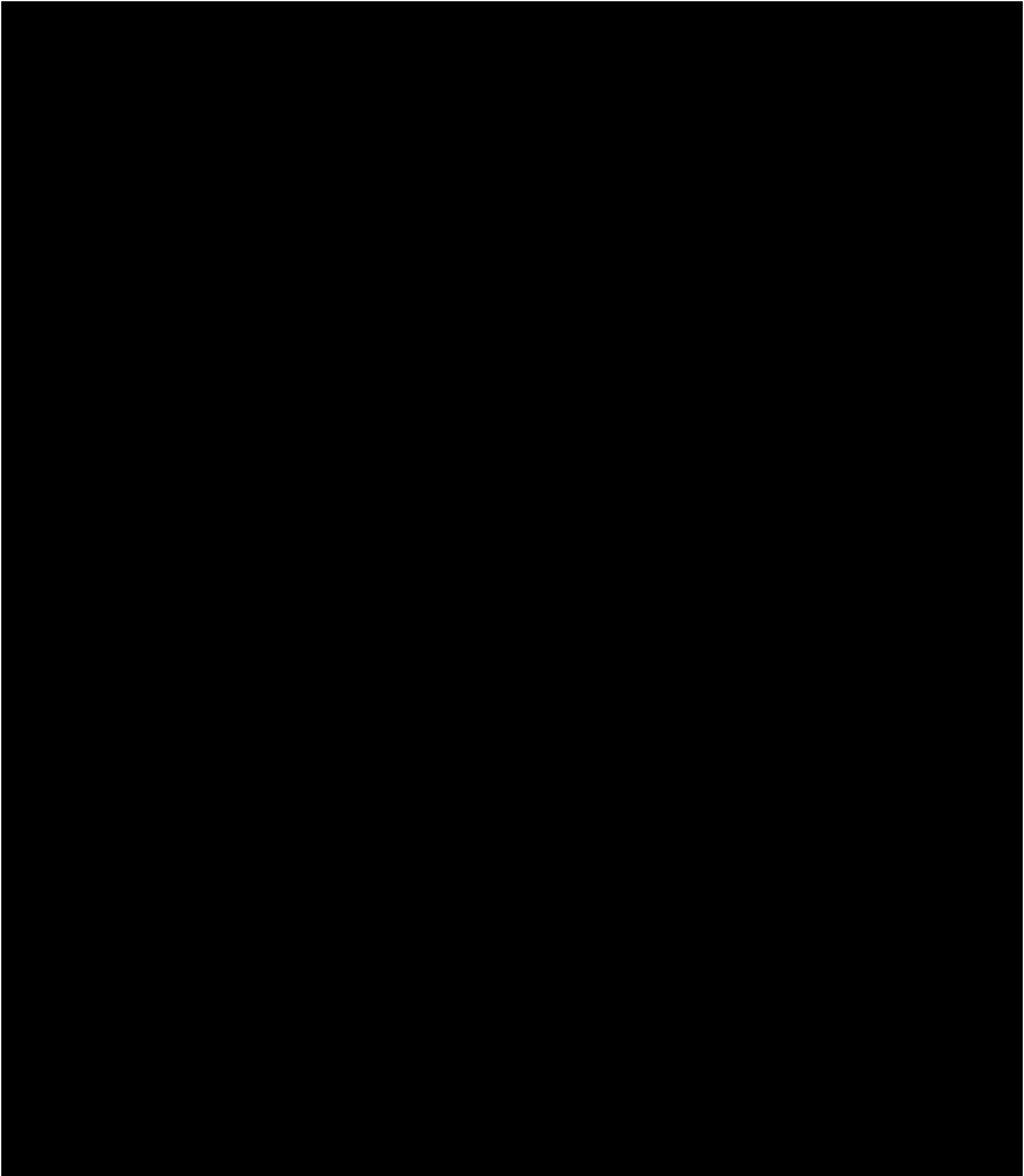
EXHIBIT E

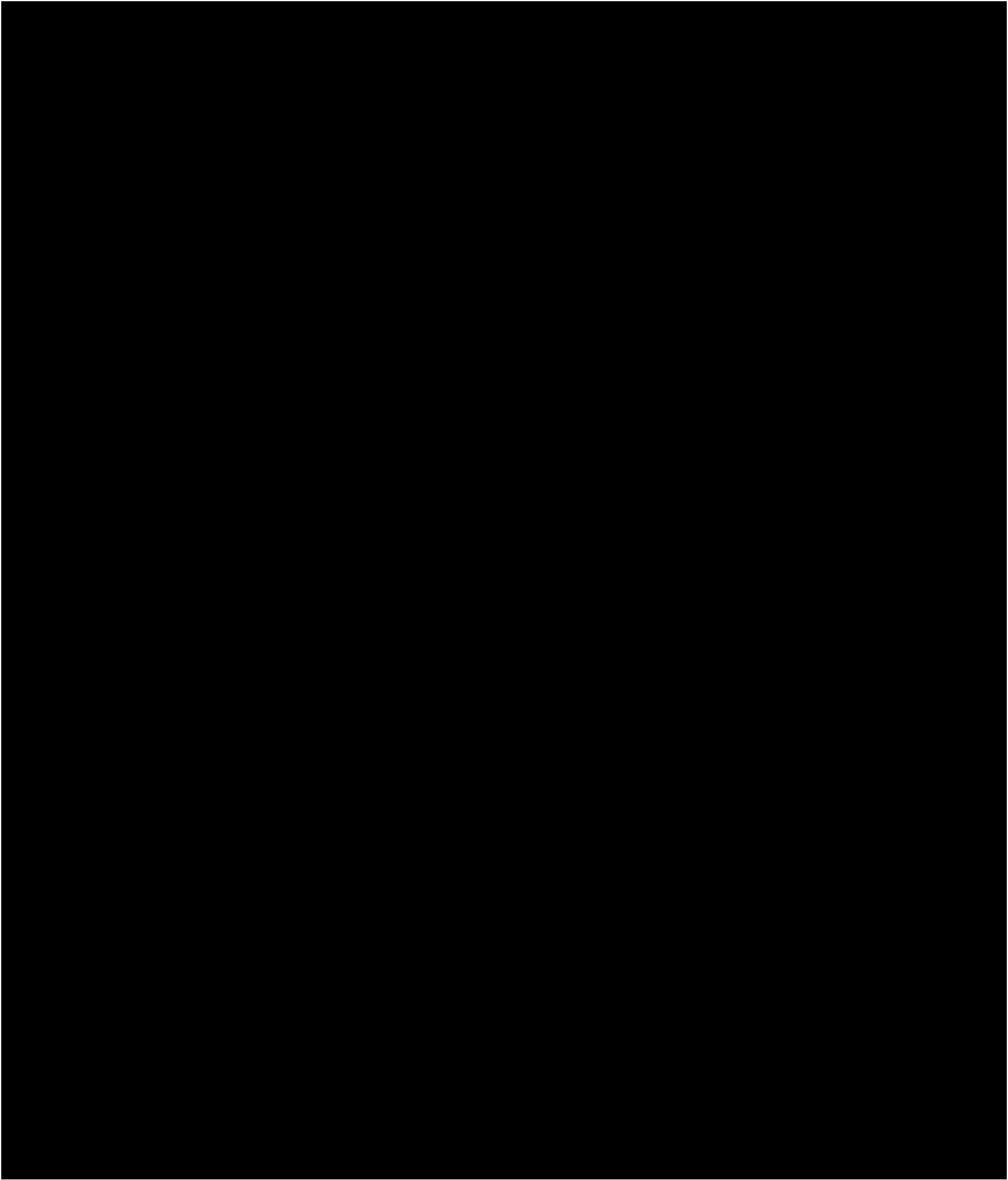
Investigative Report, EEO File No. 3963

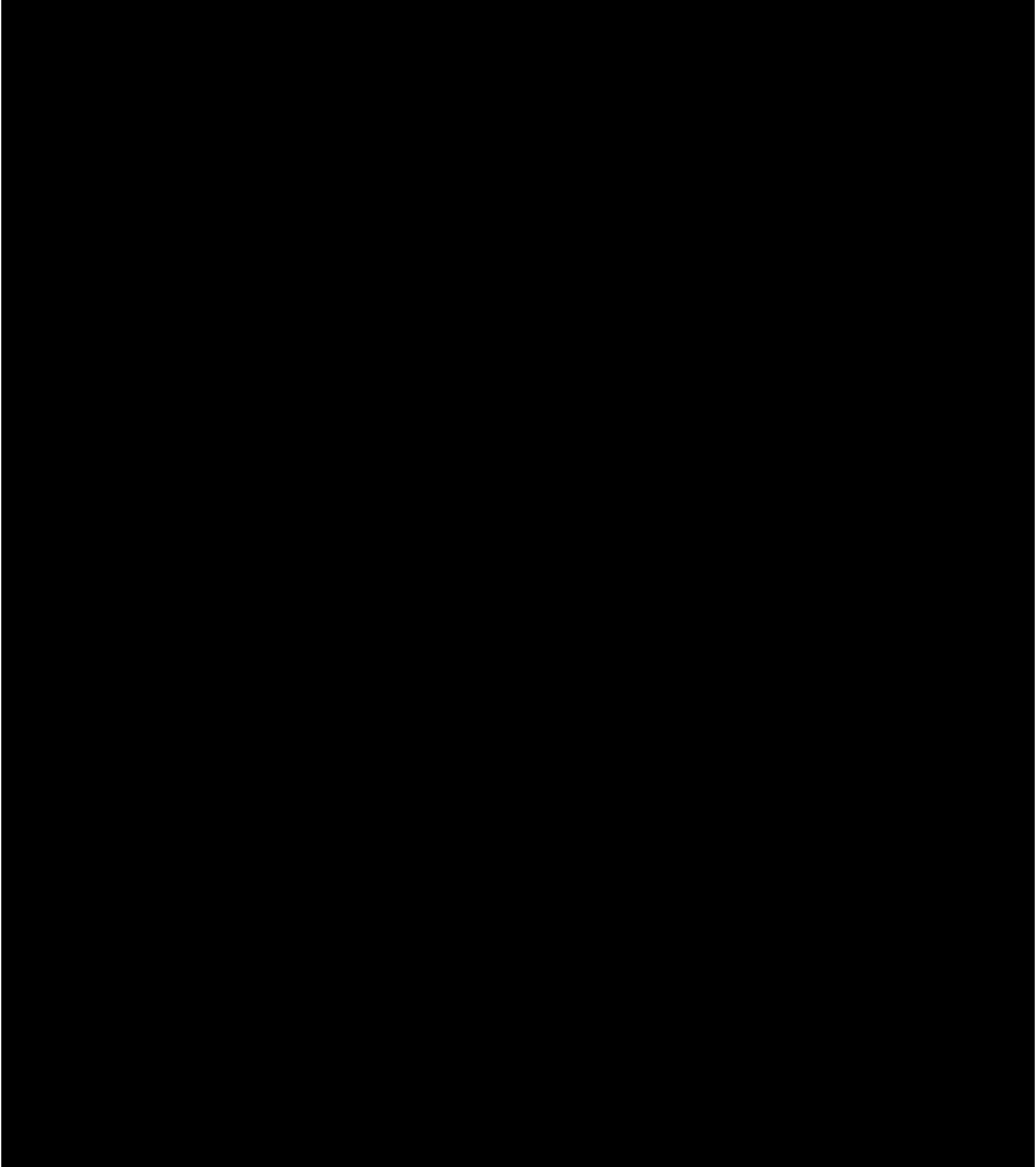
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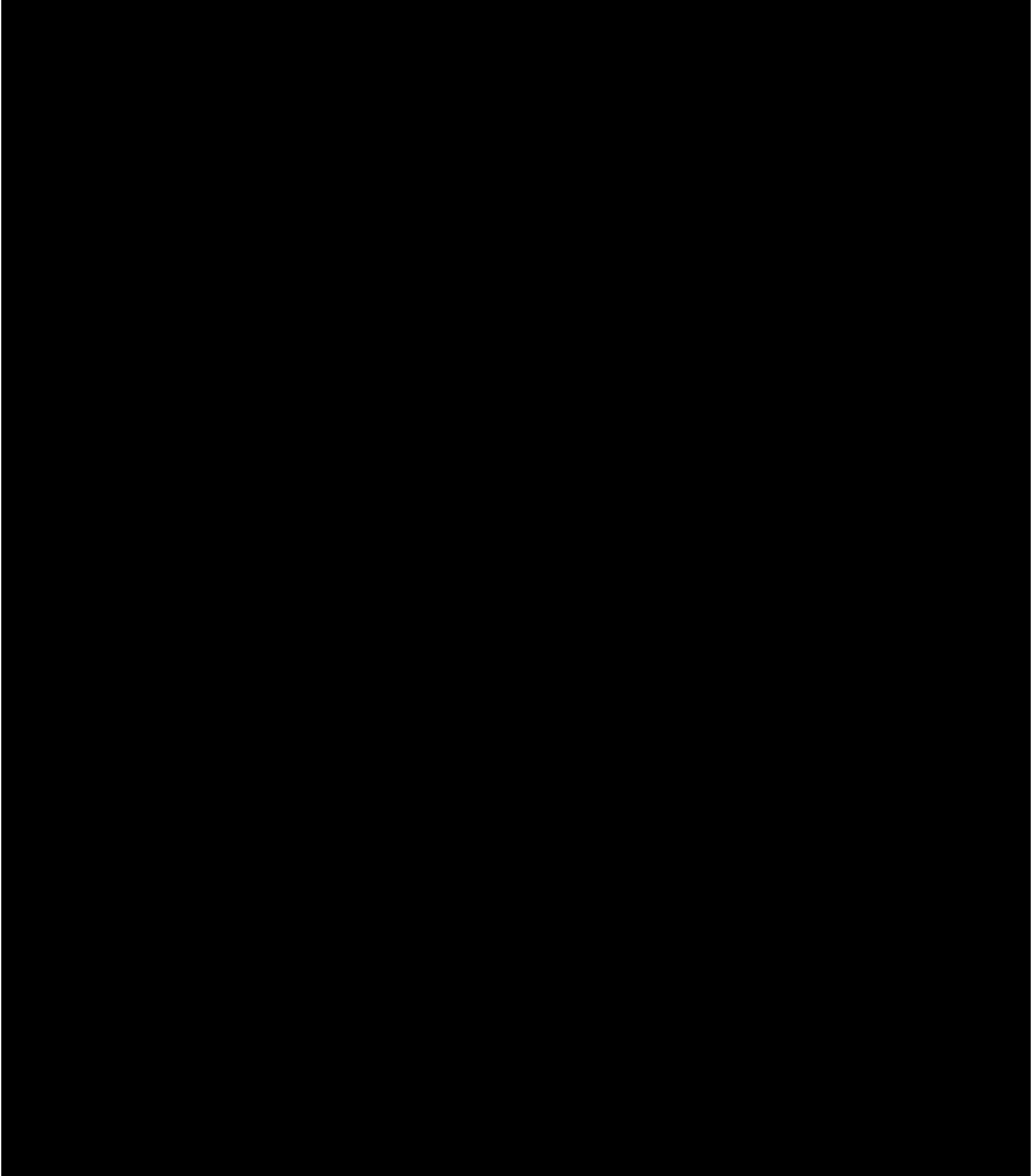


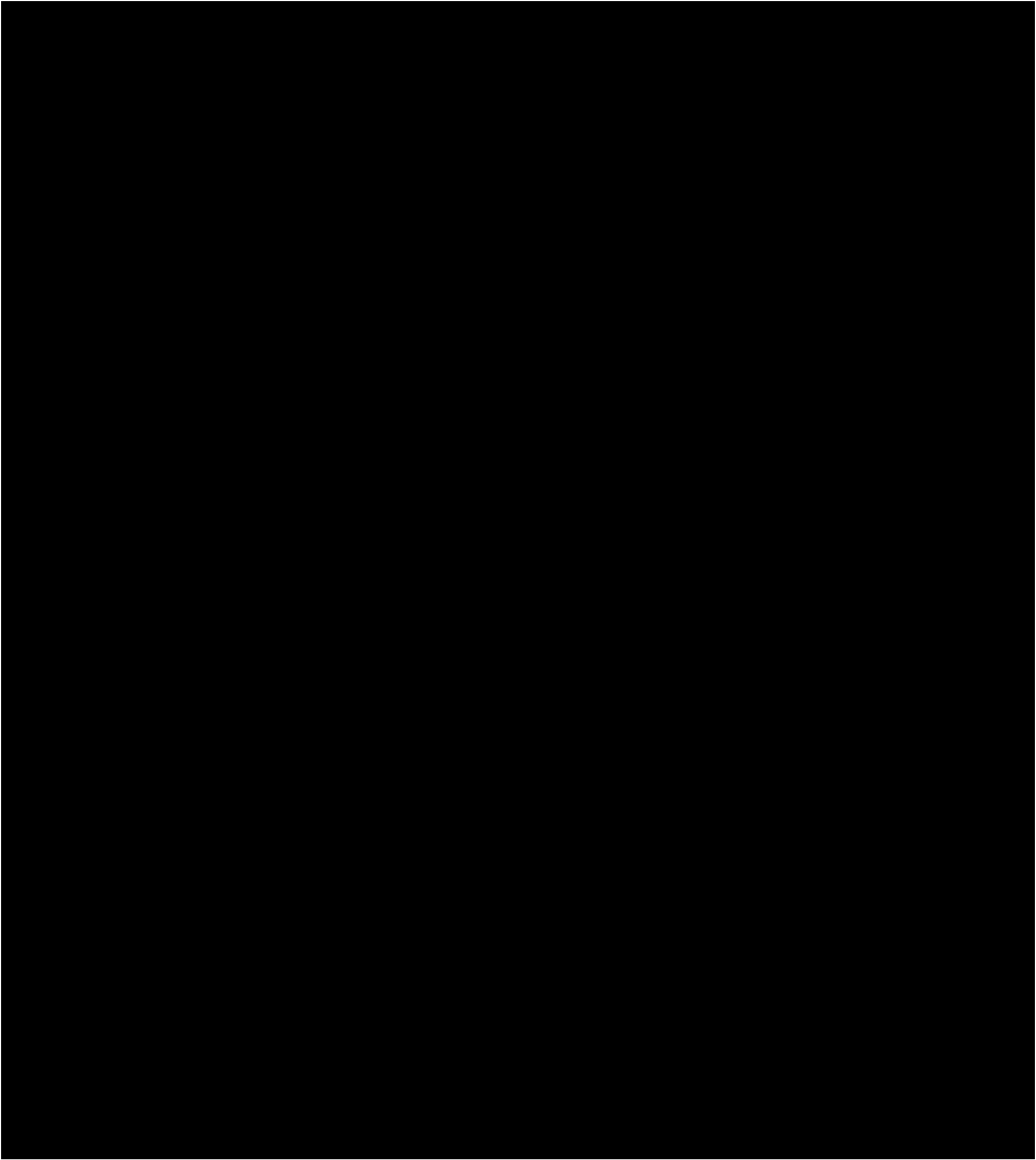


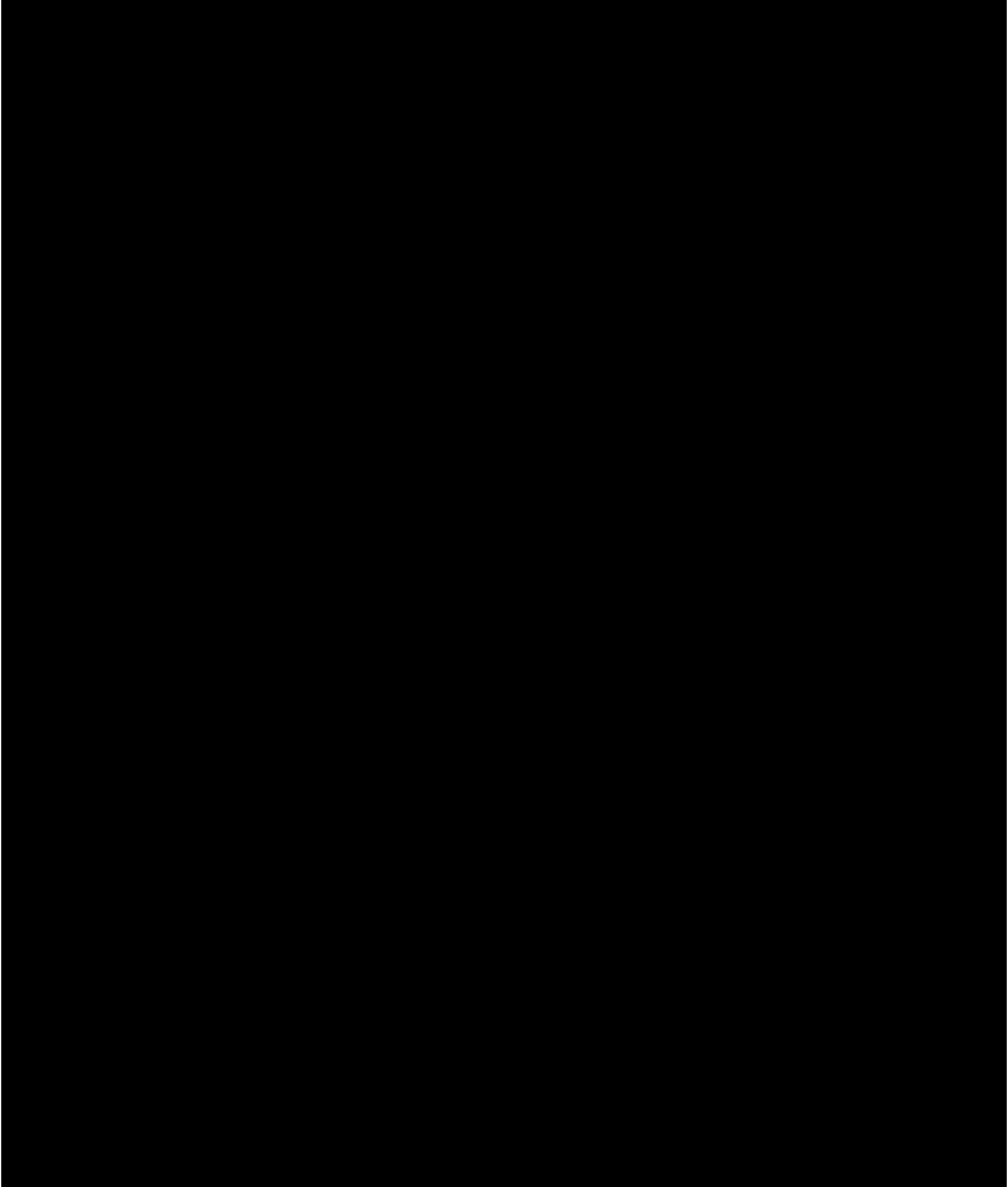


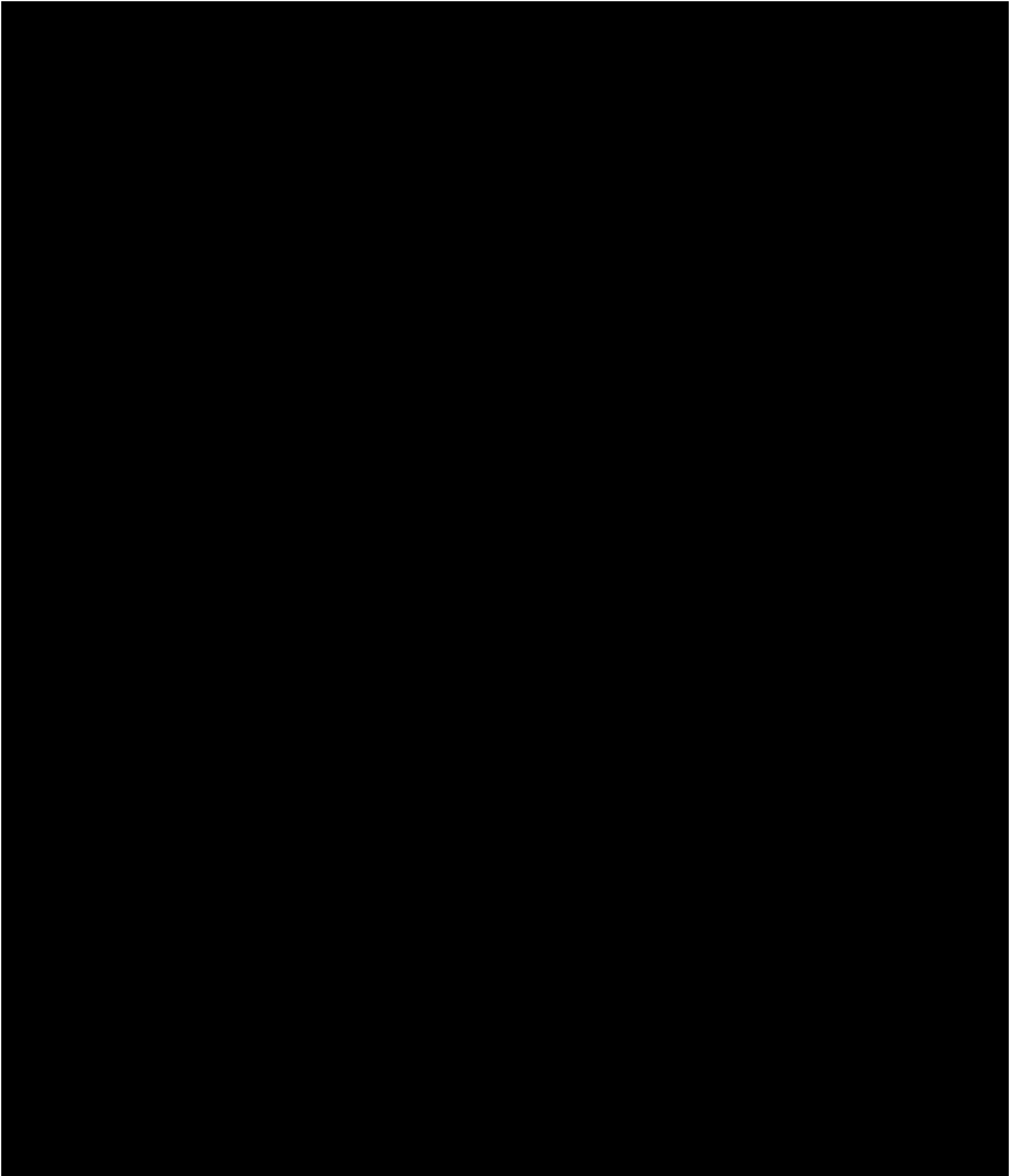


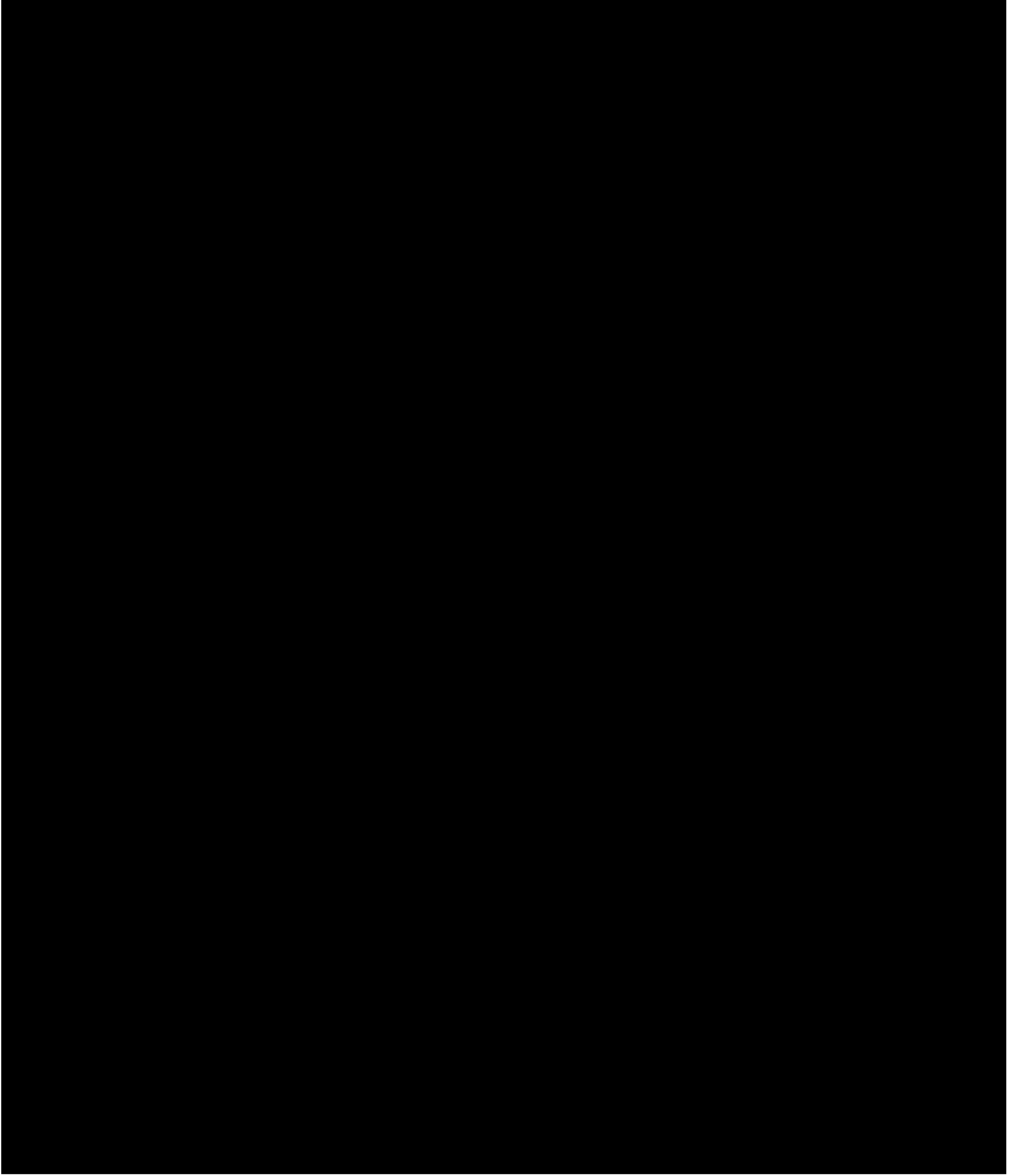


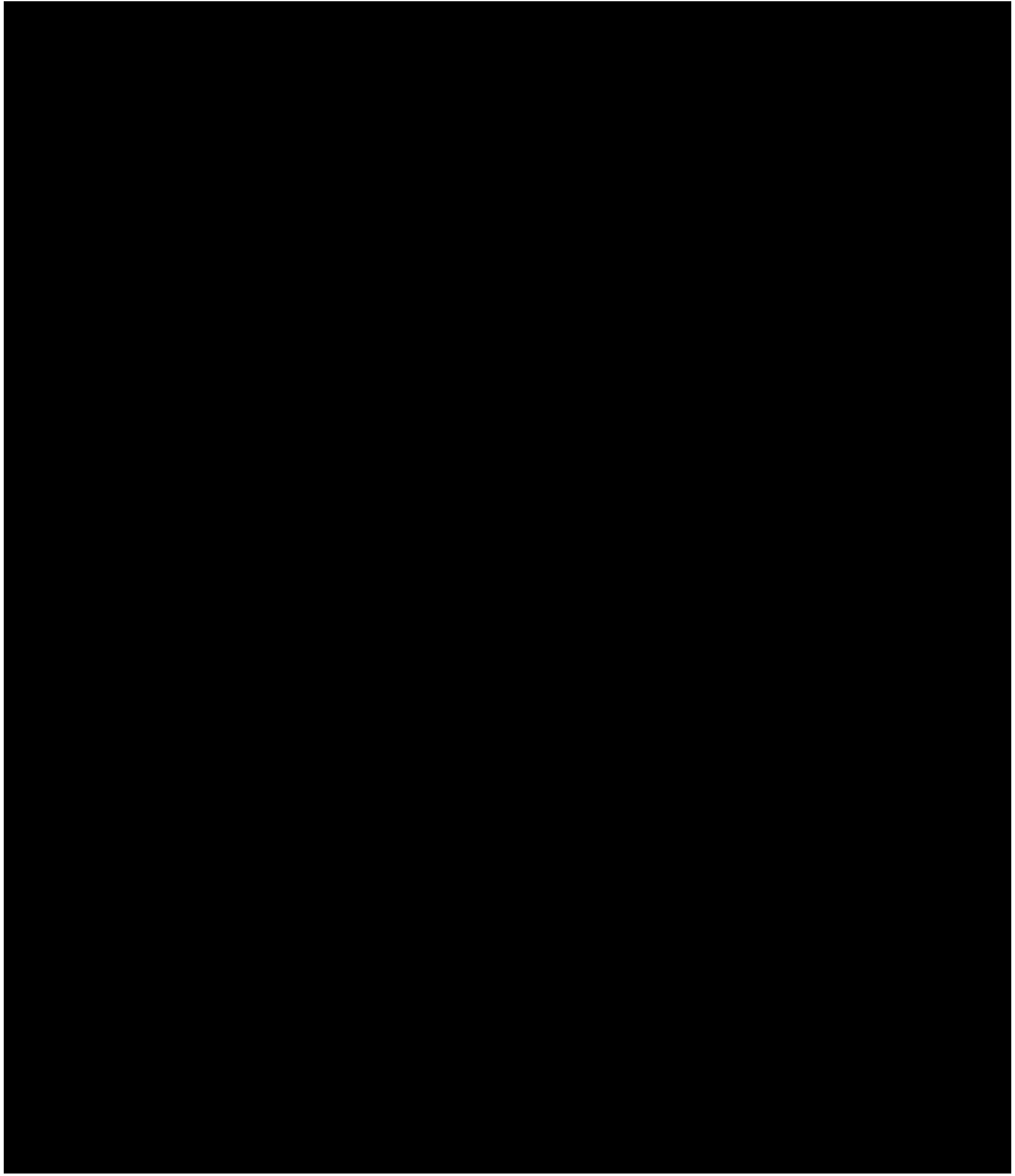


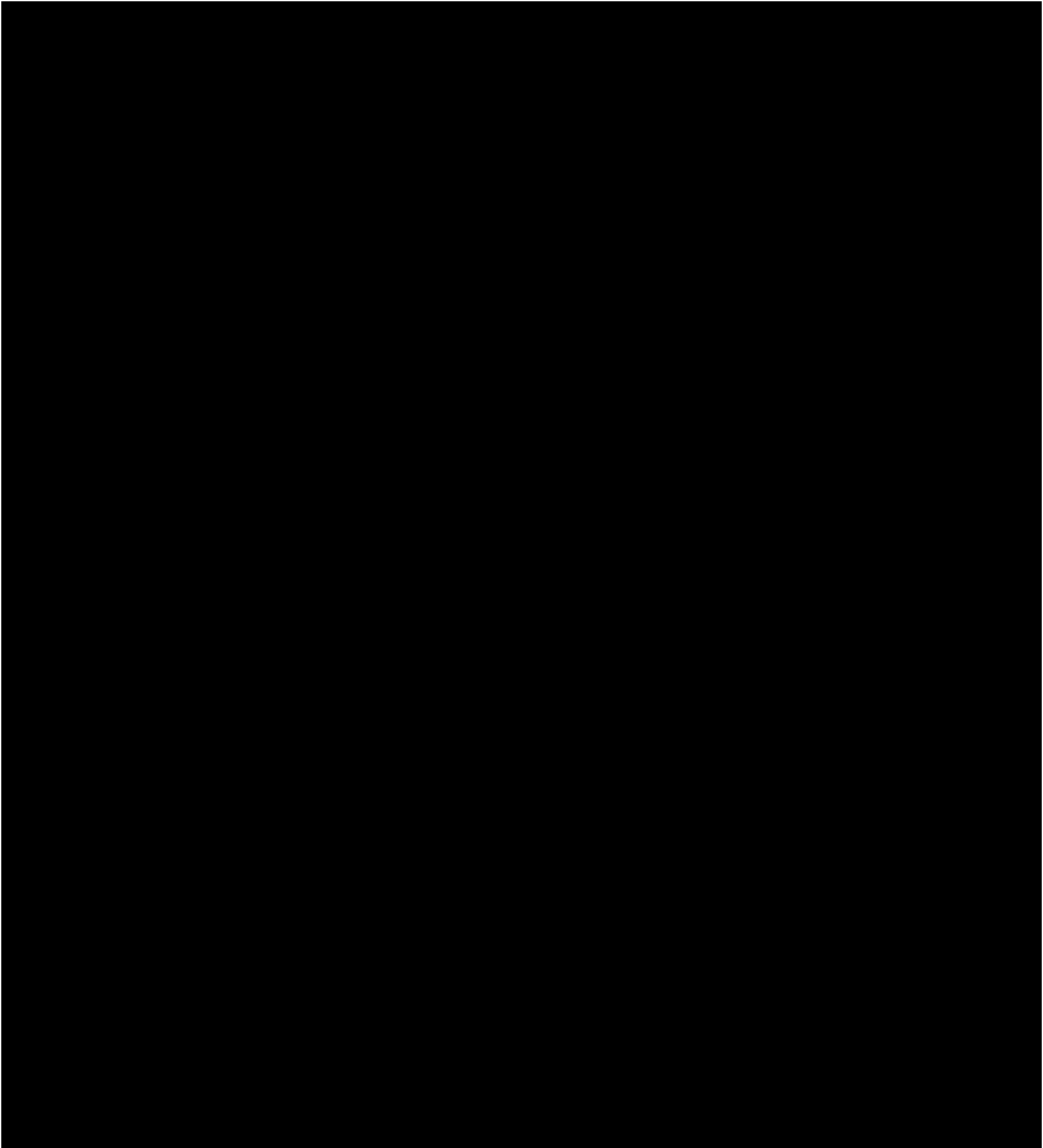


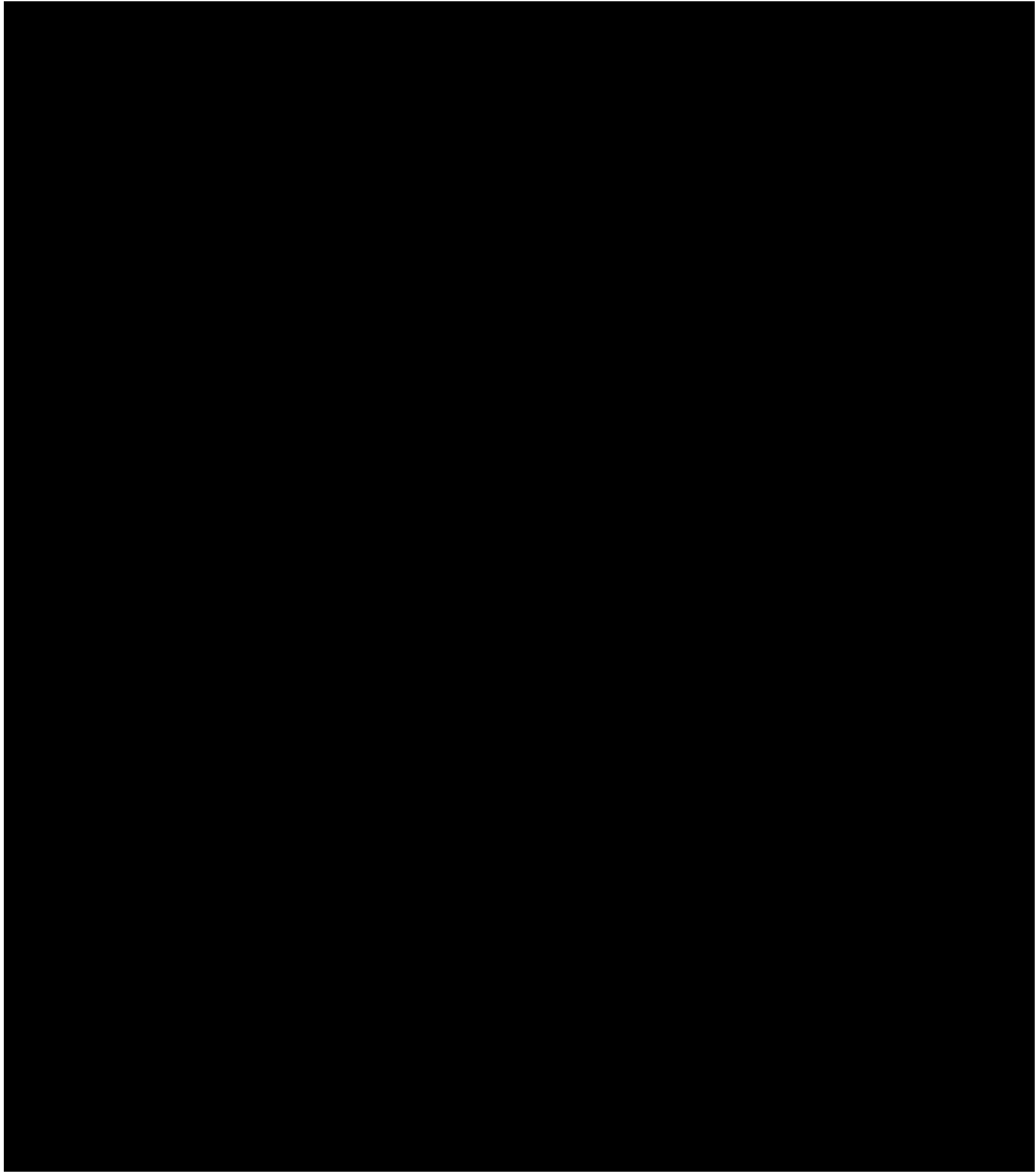


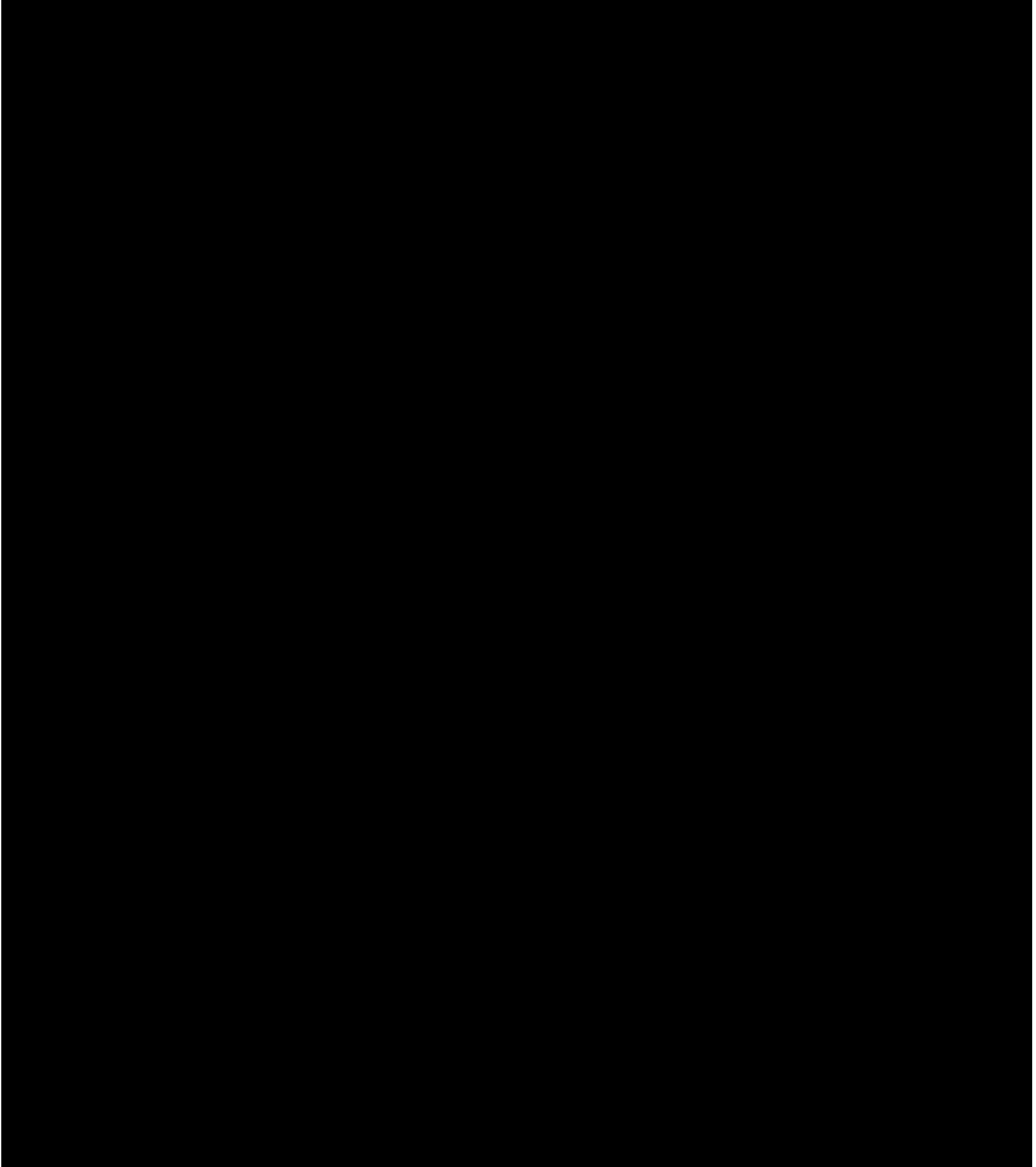


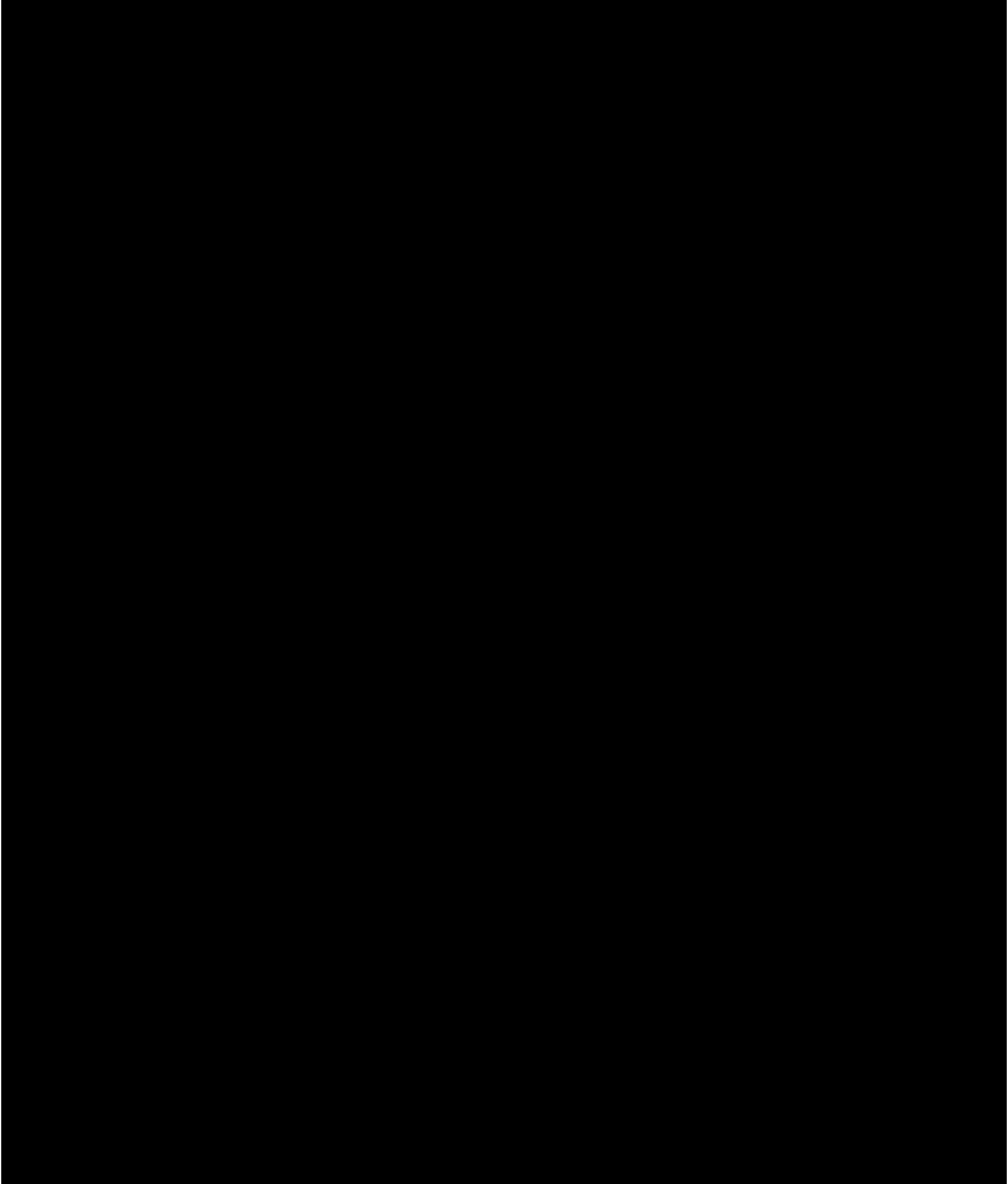


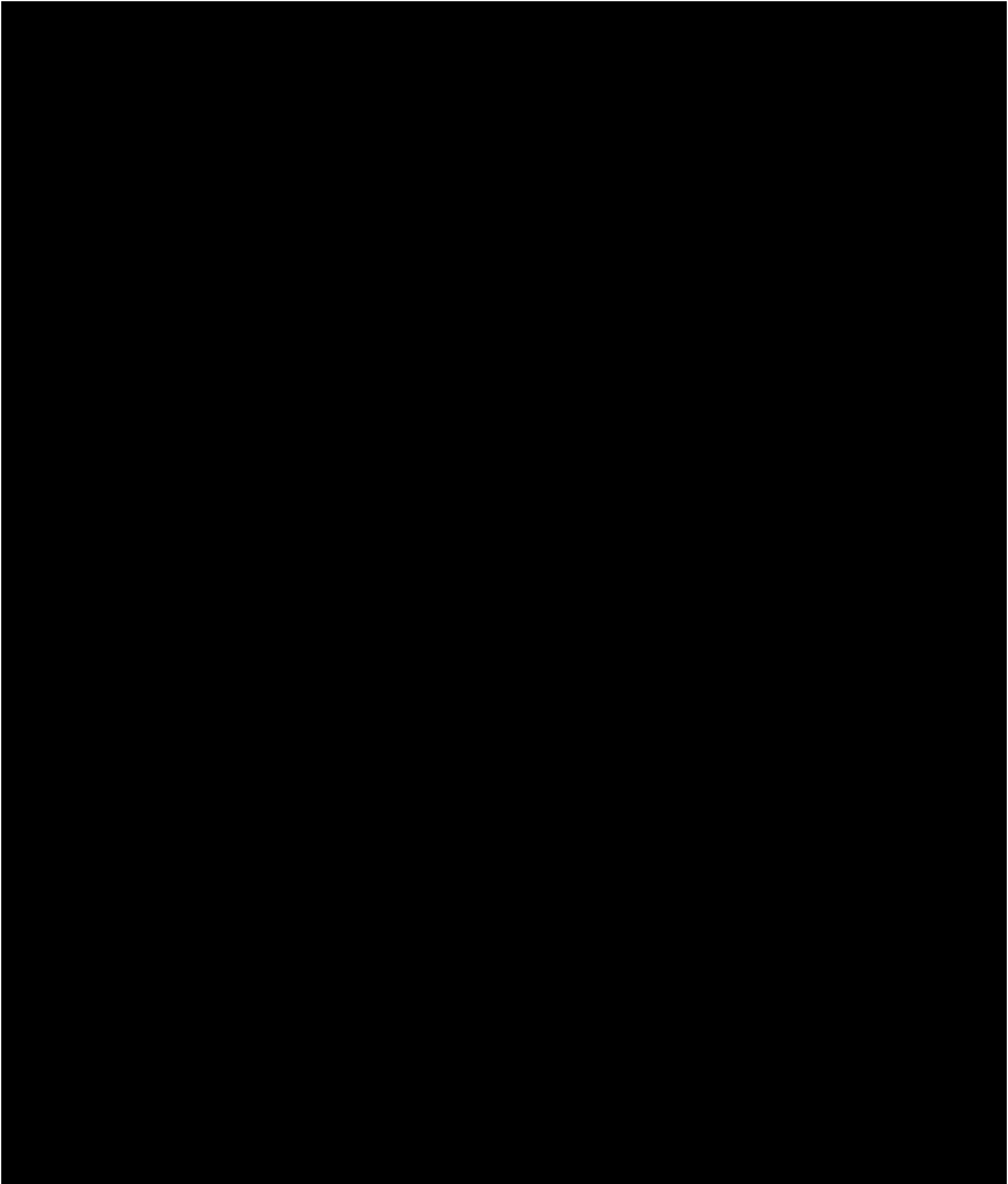


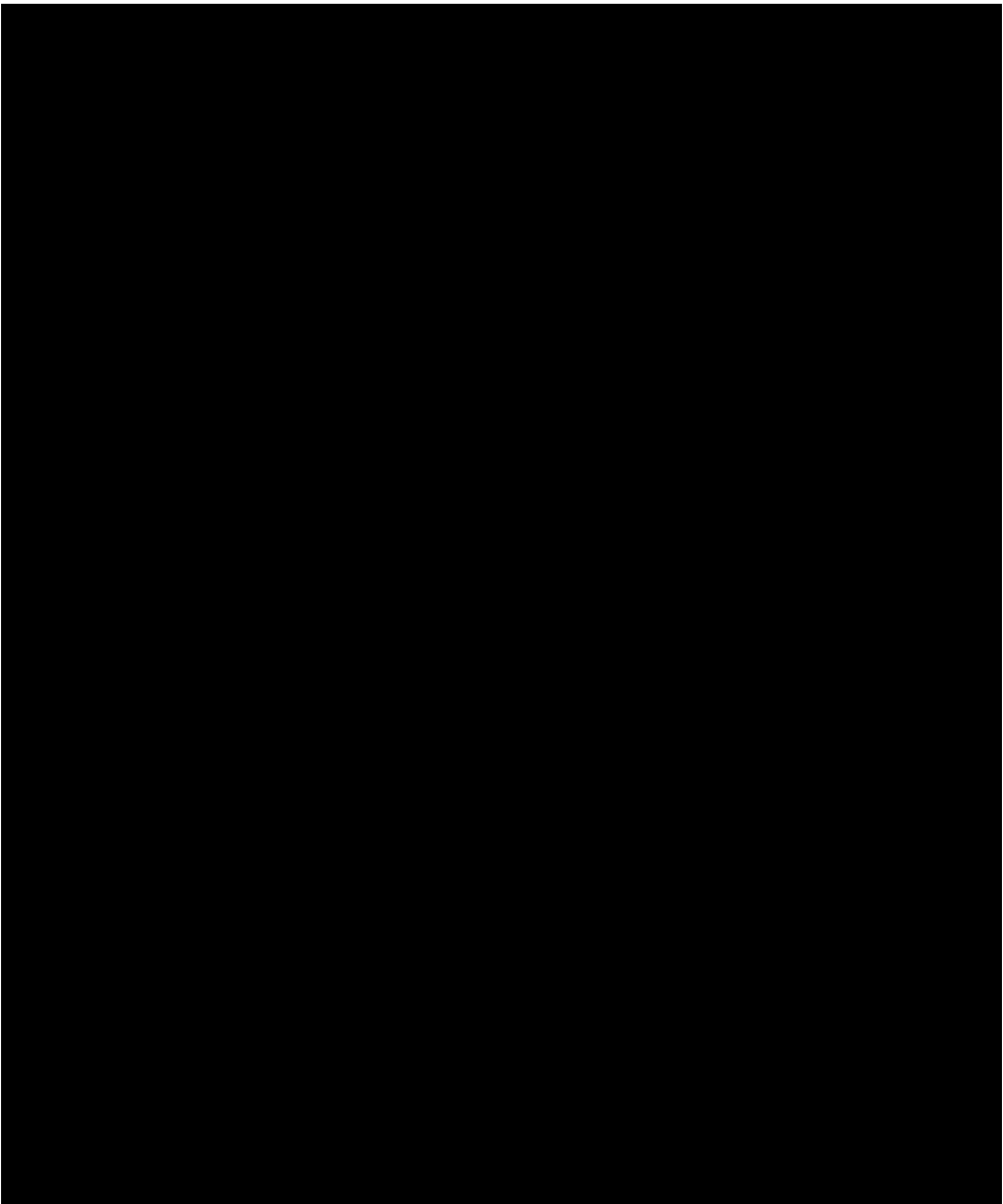


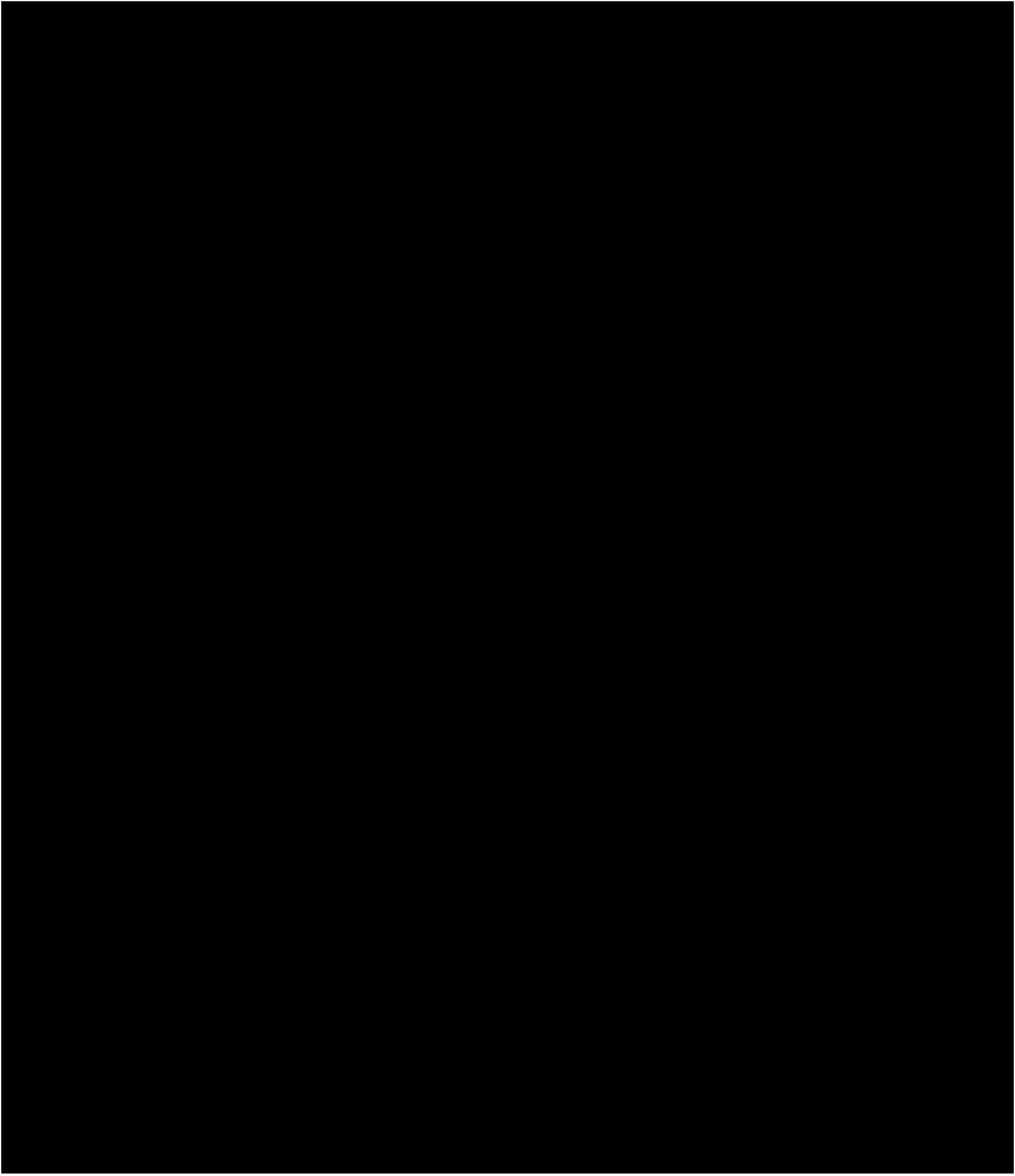


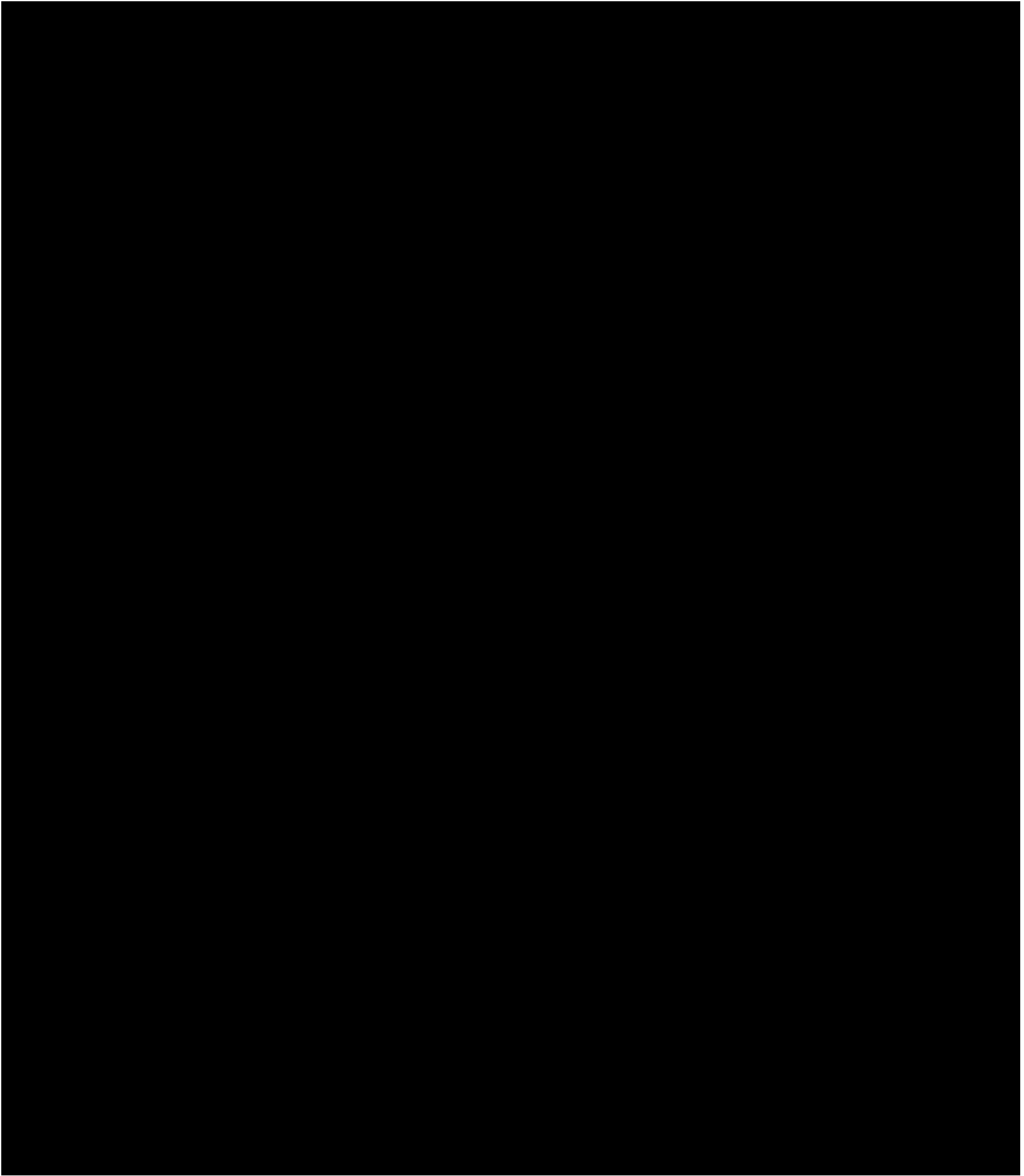


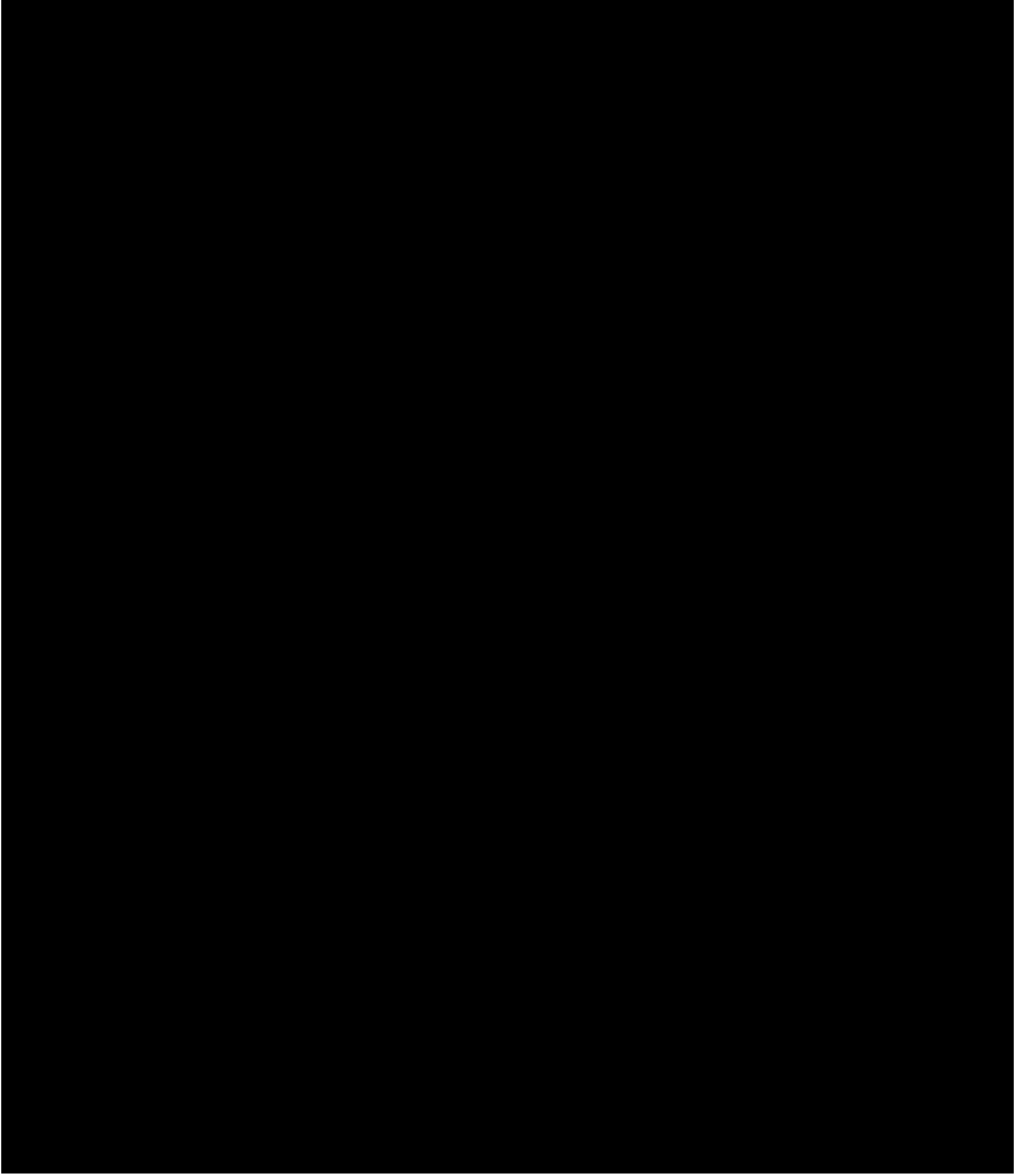


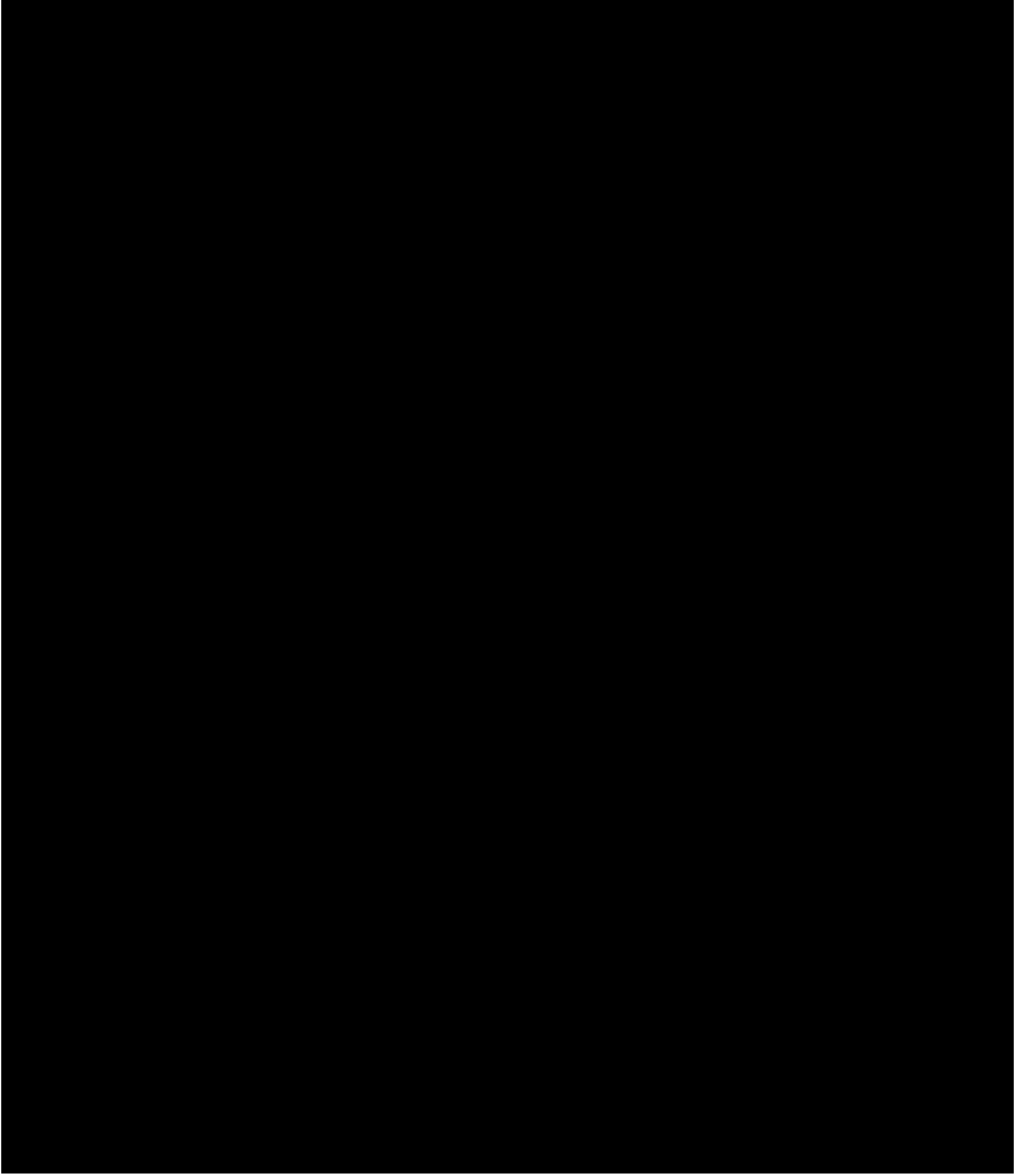


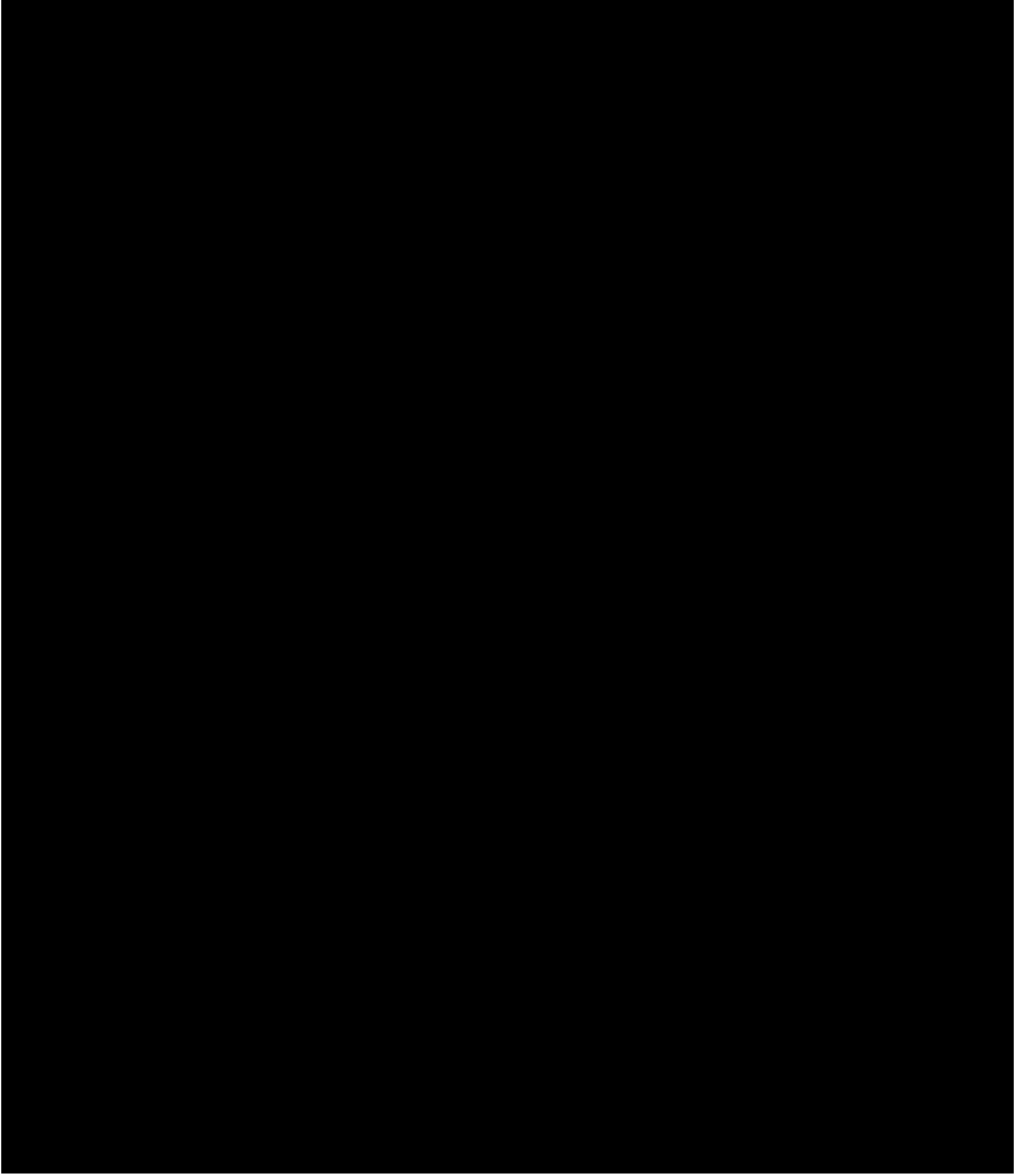


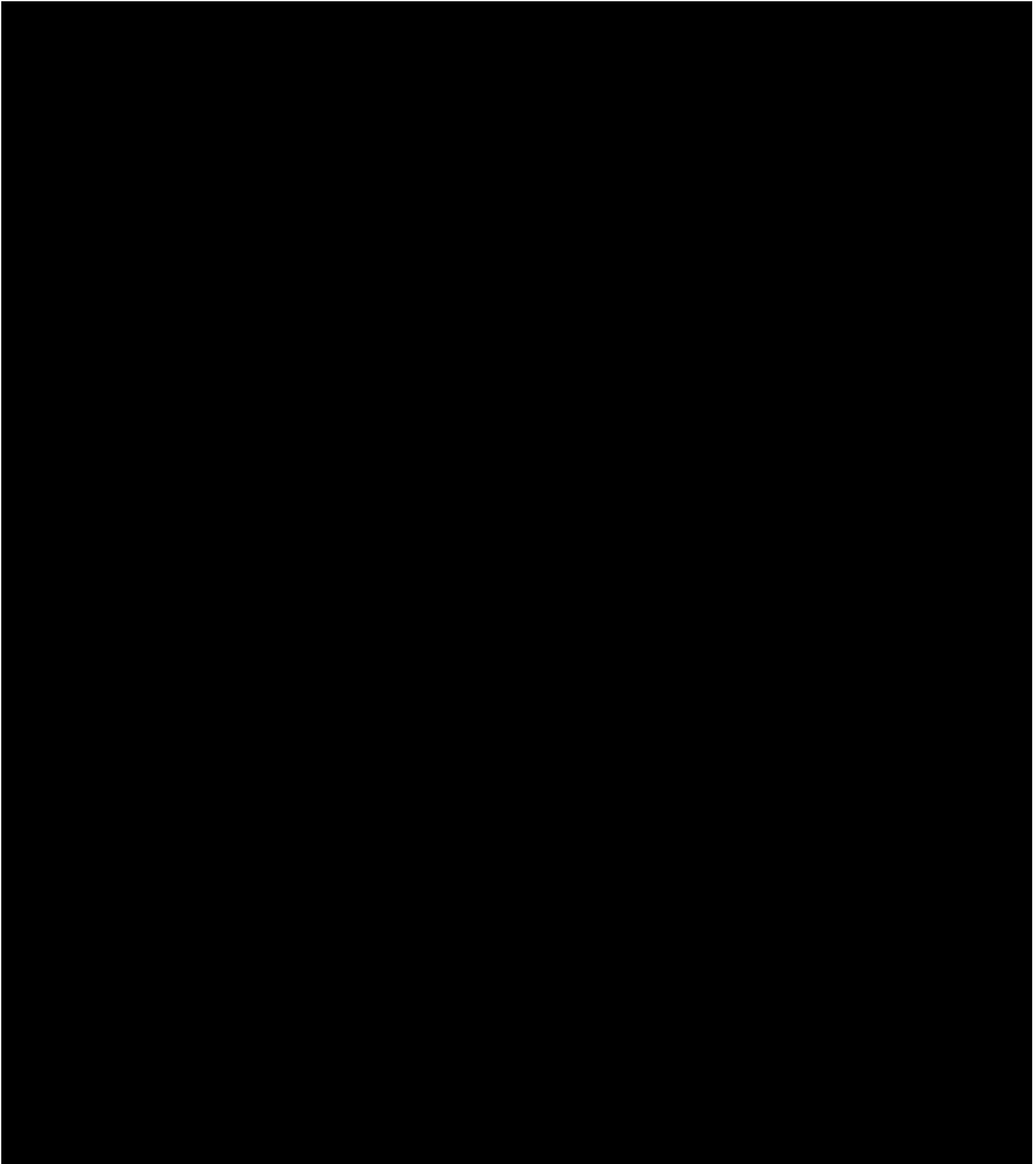


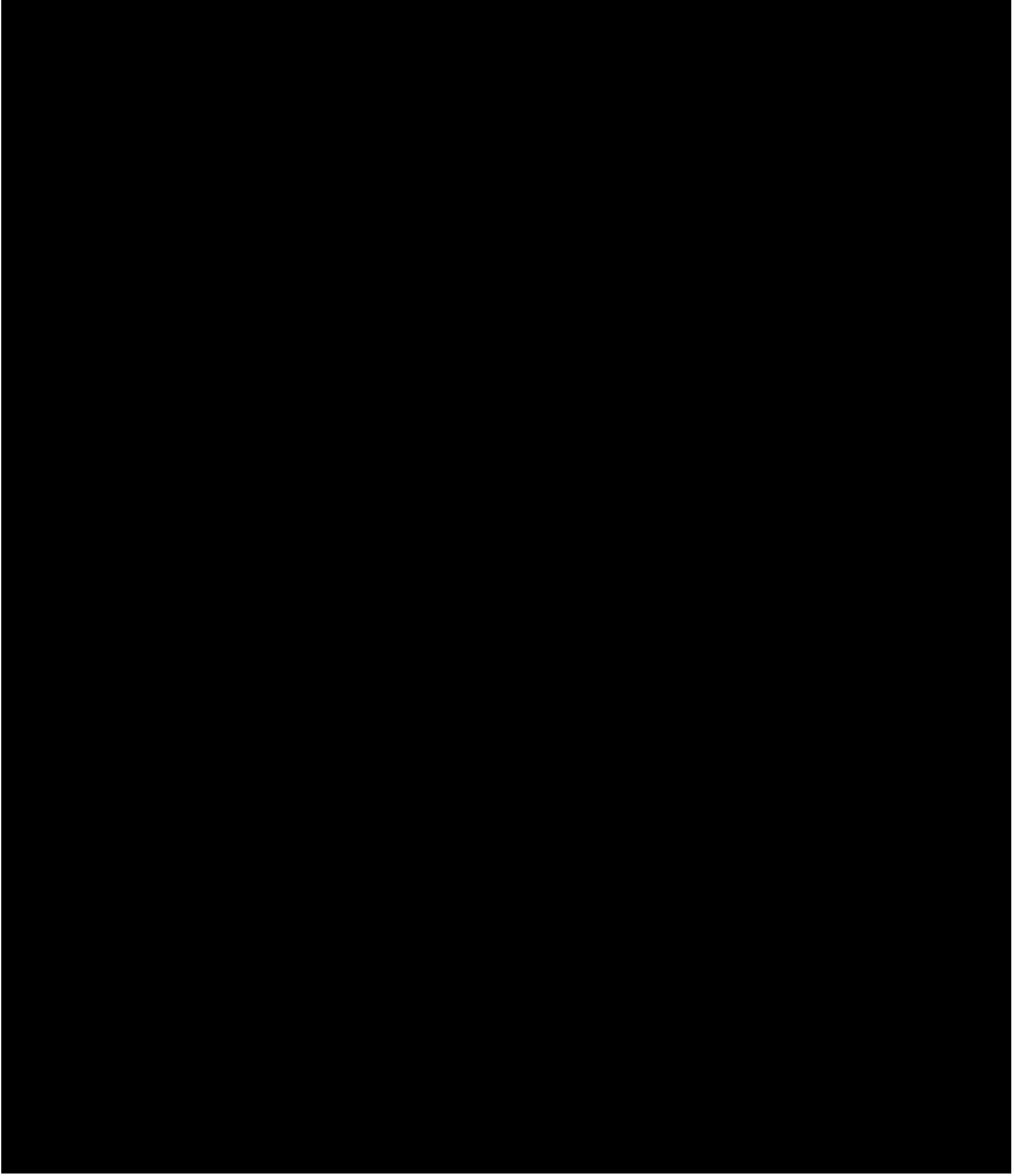


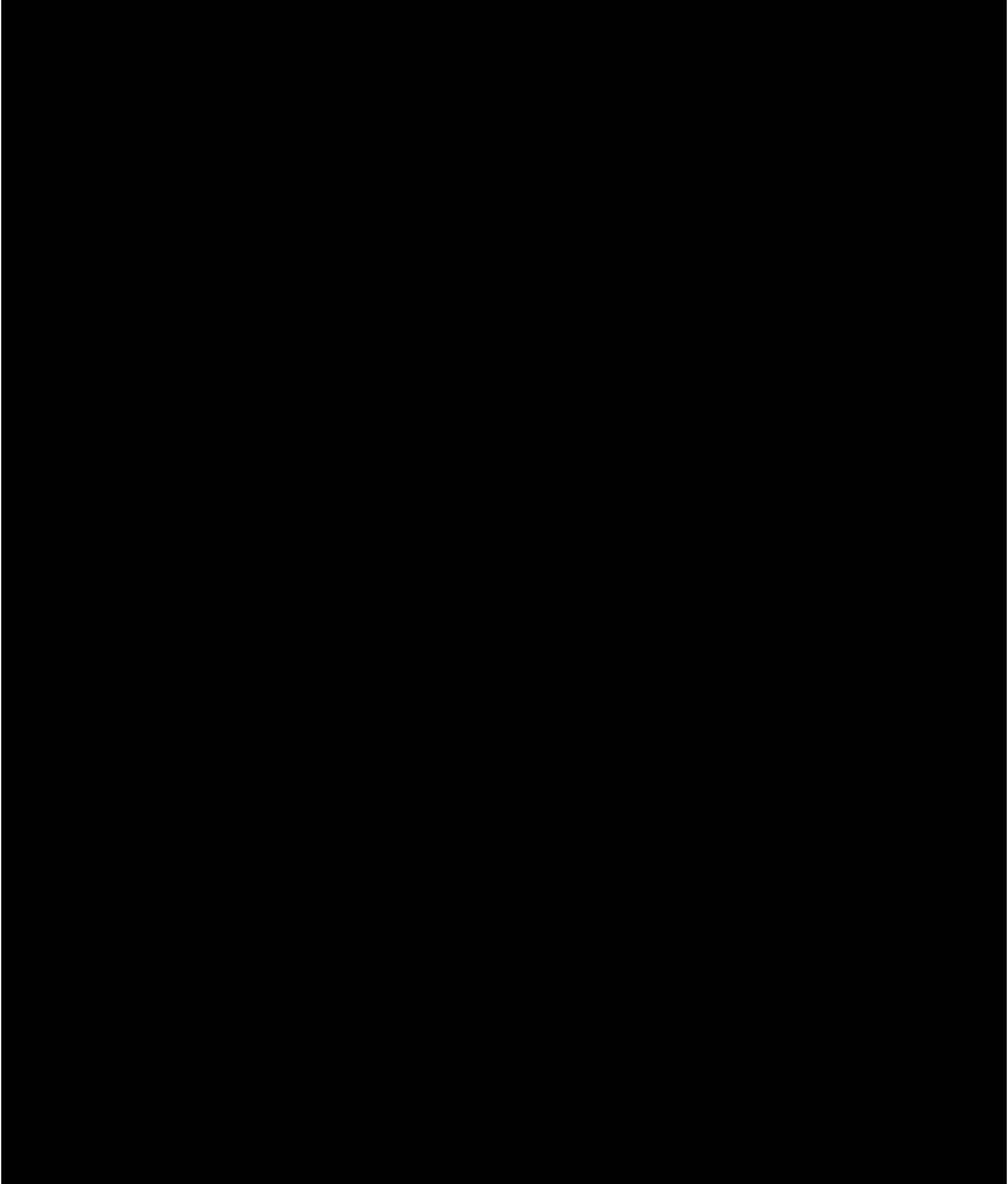


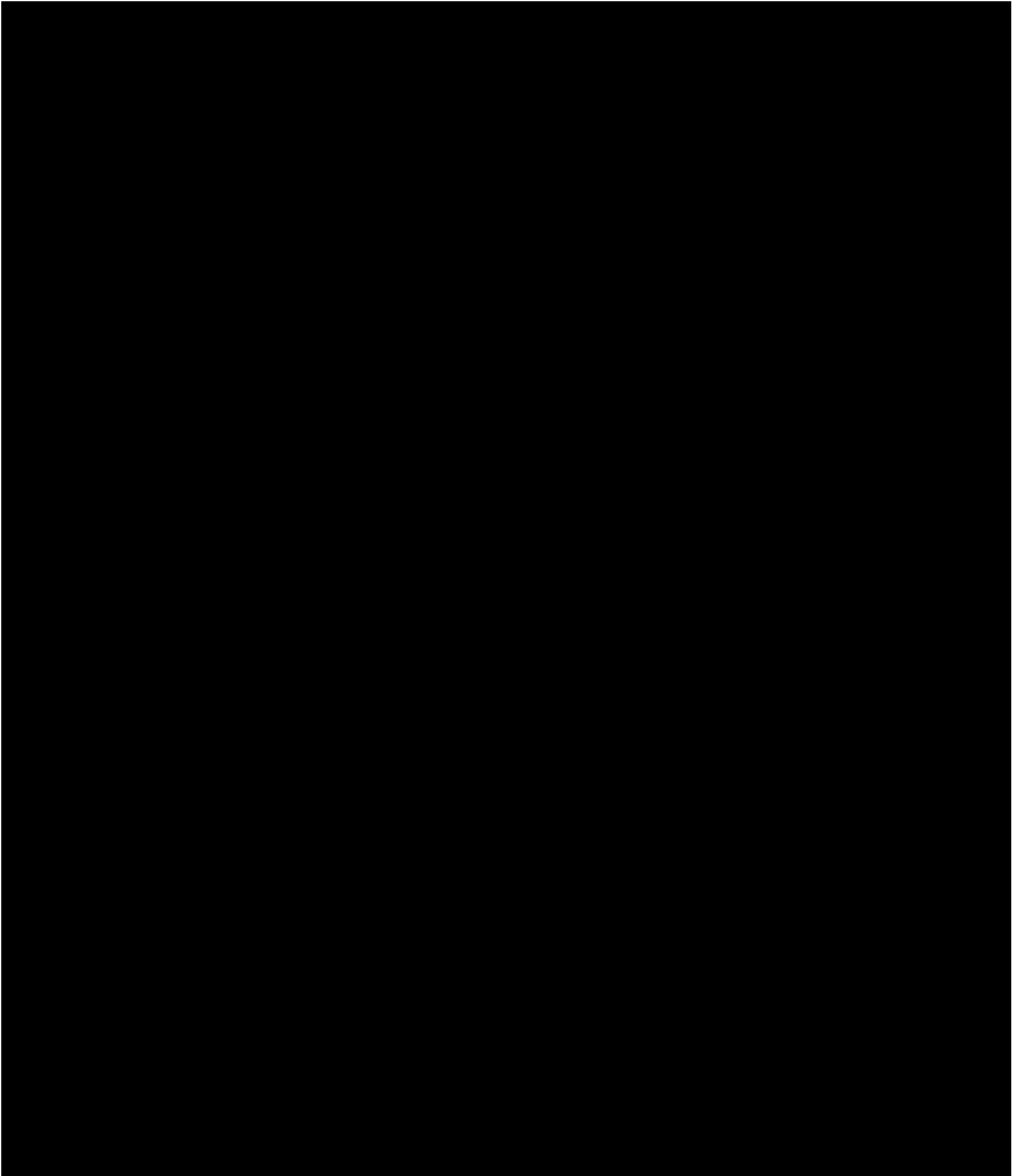


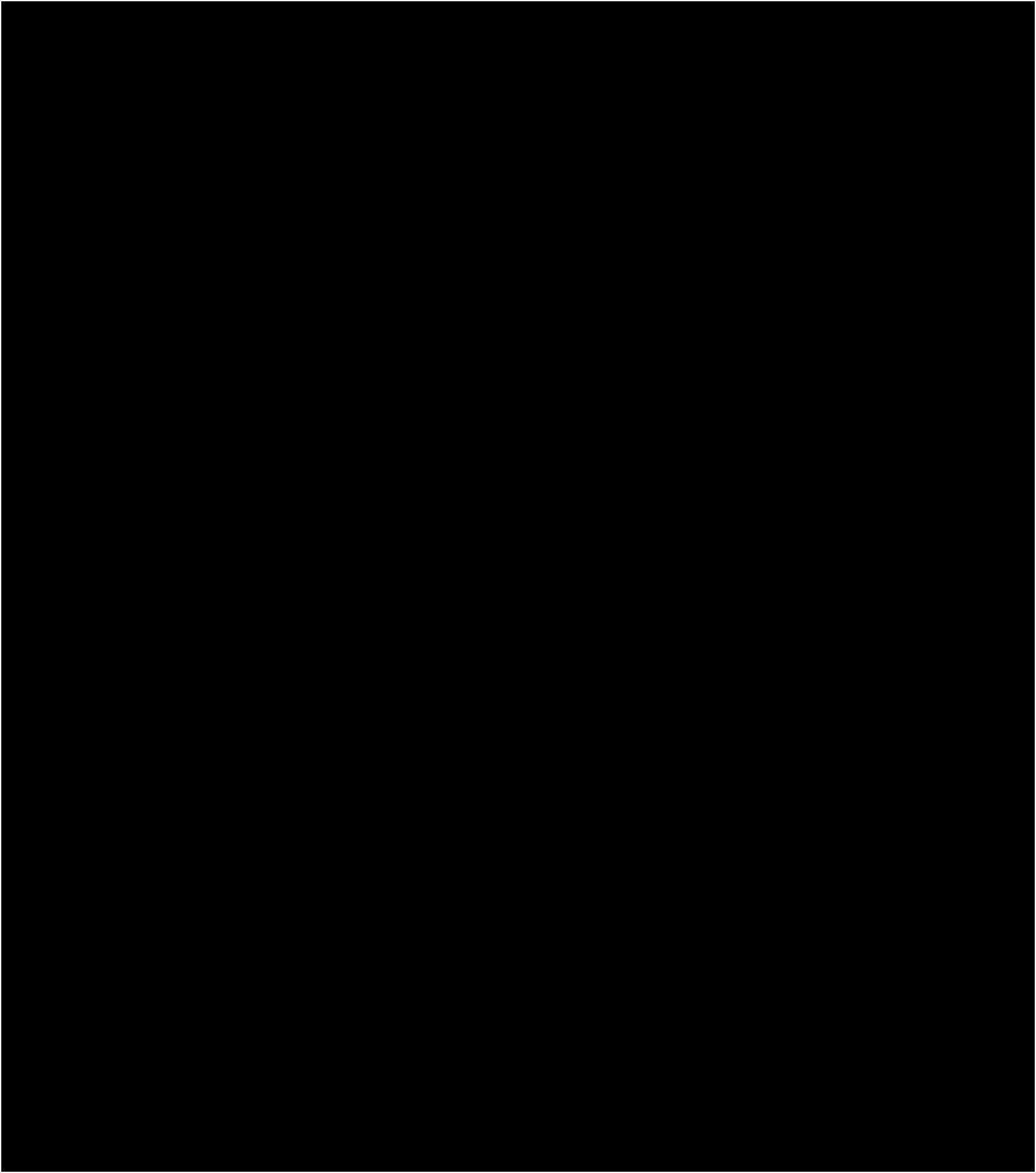


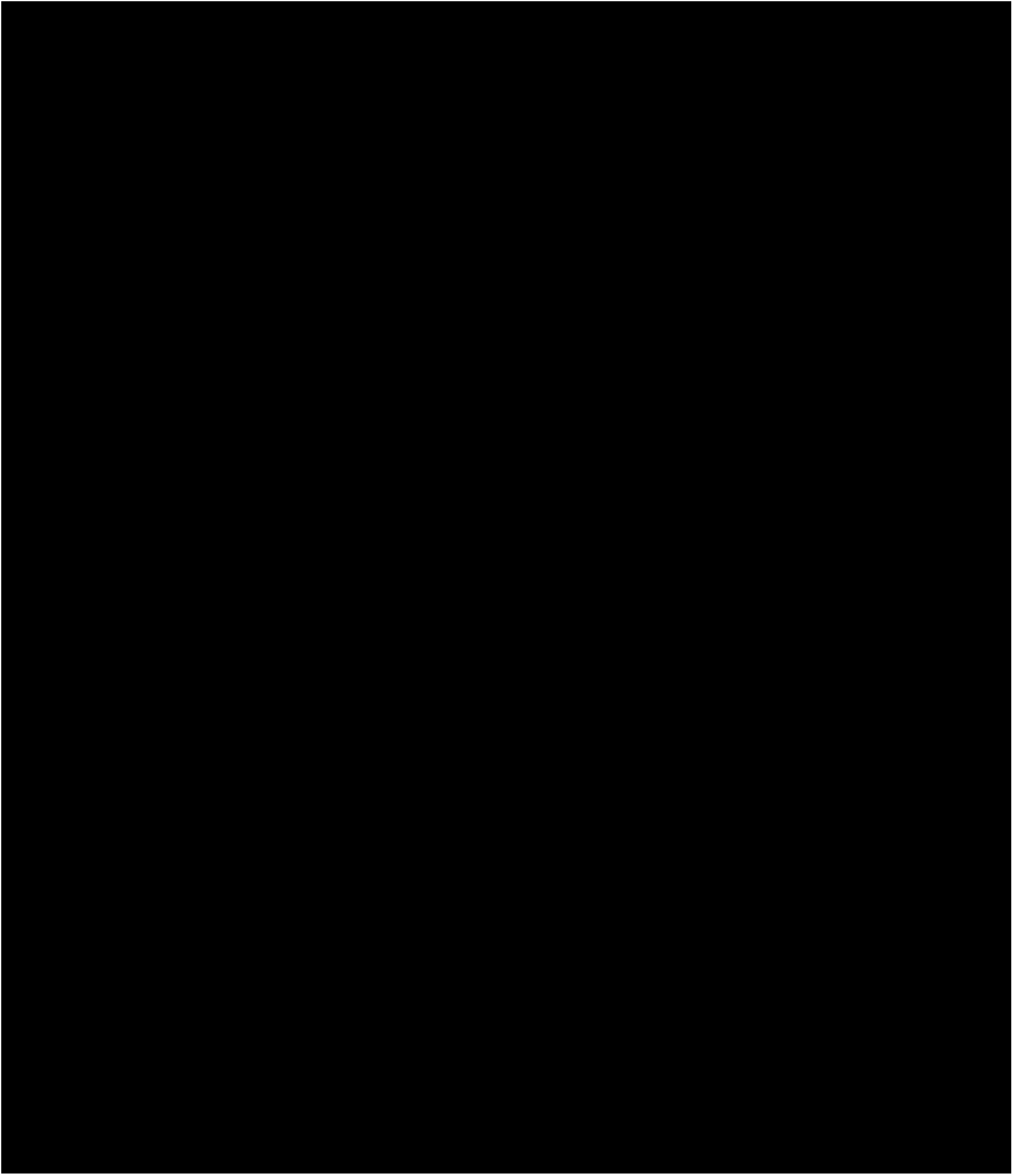


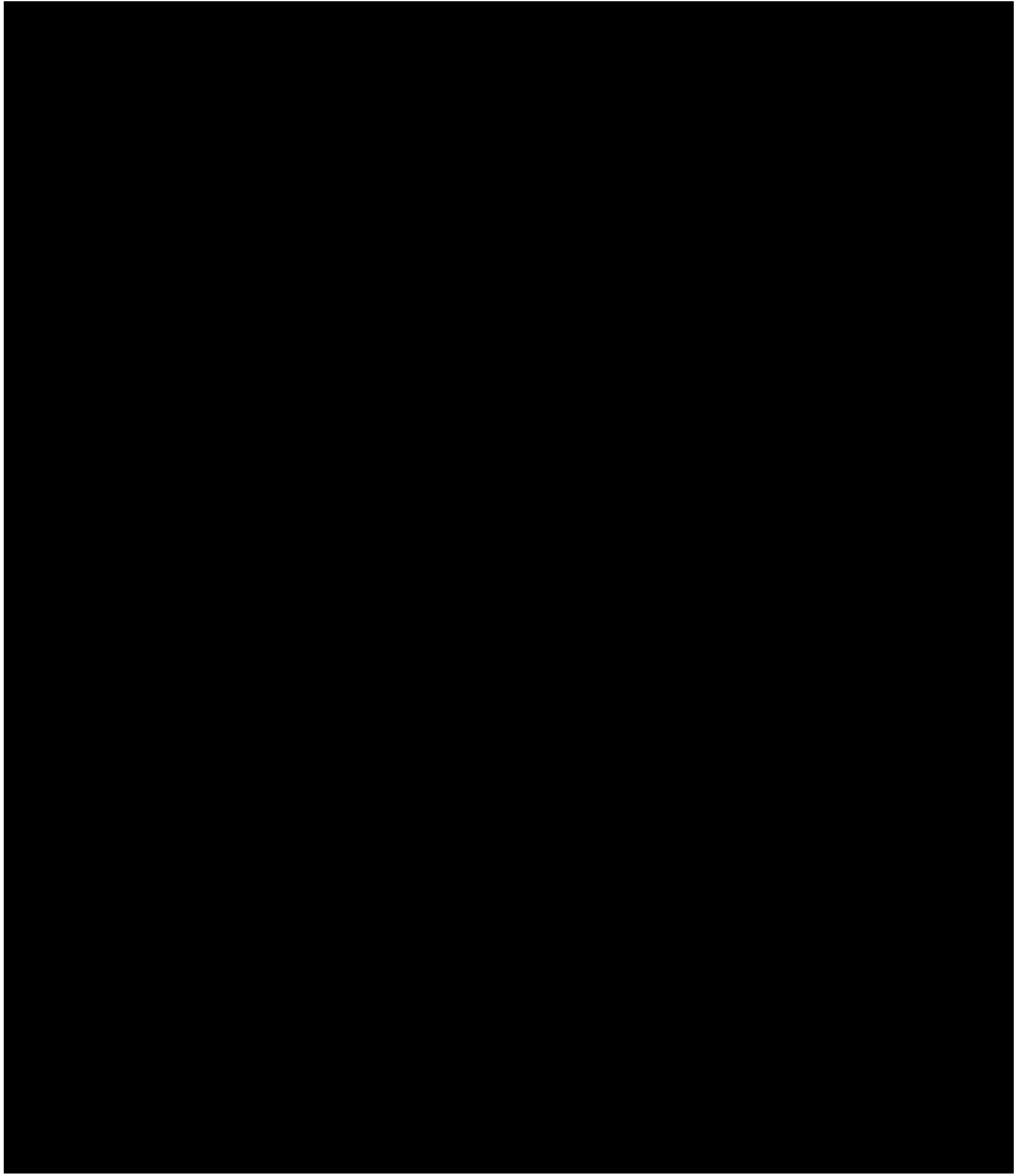


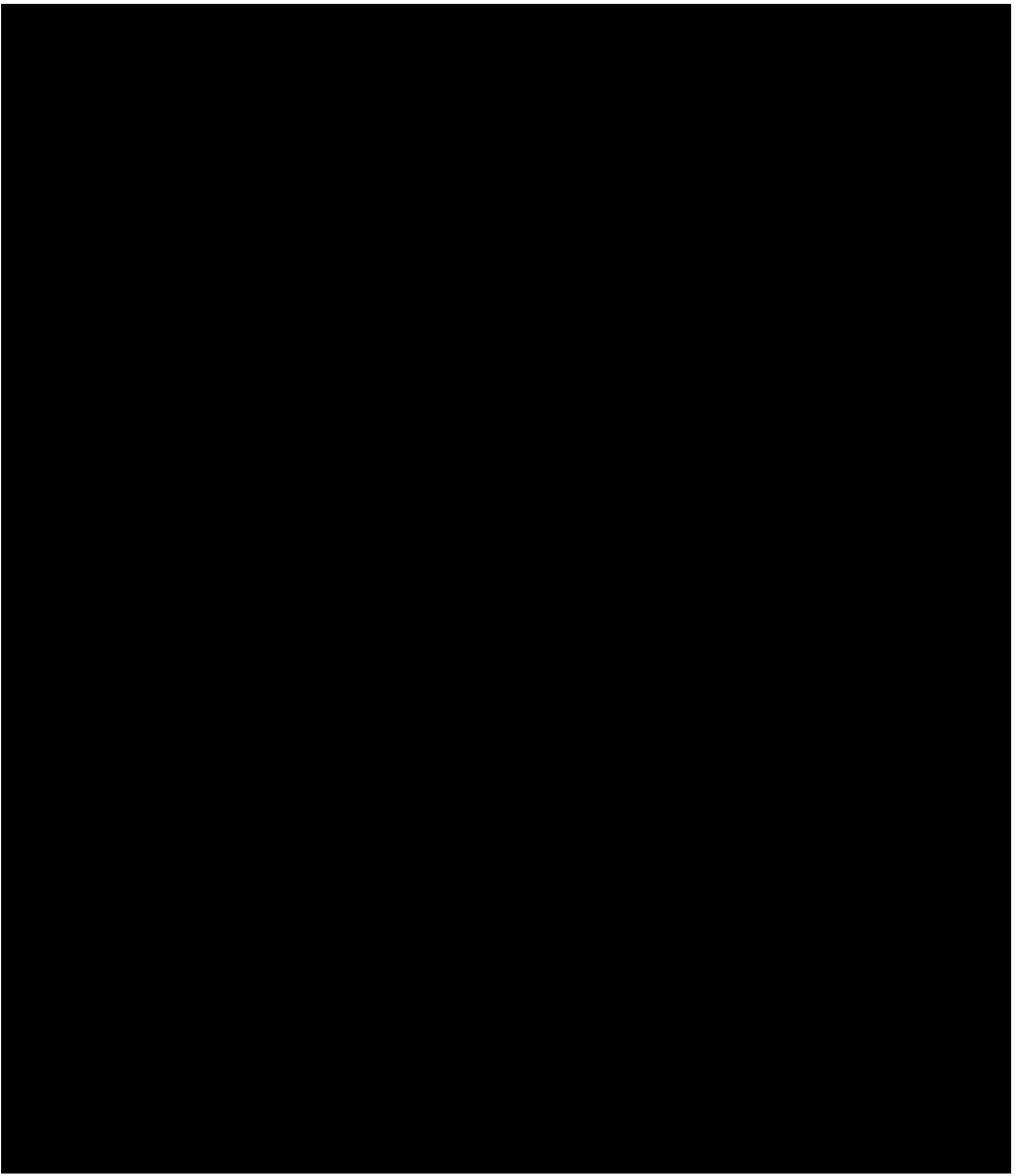


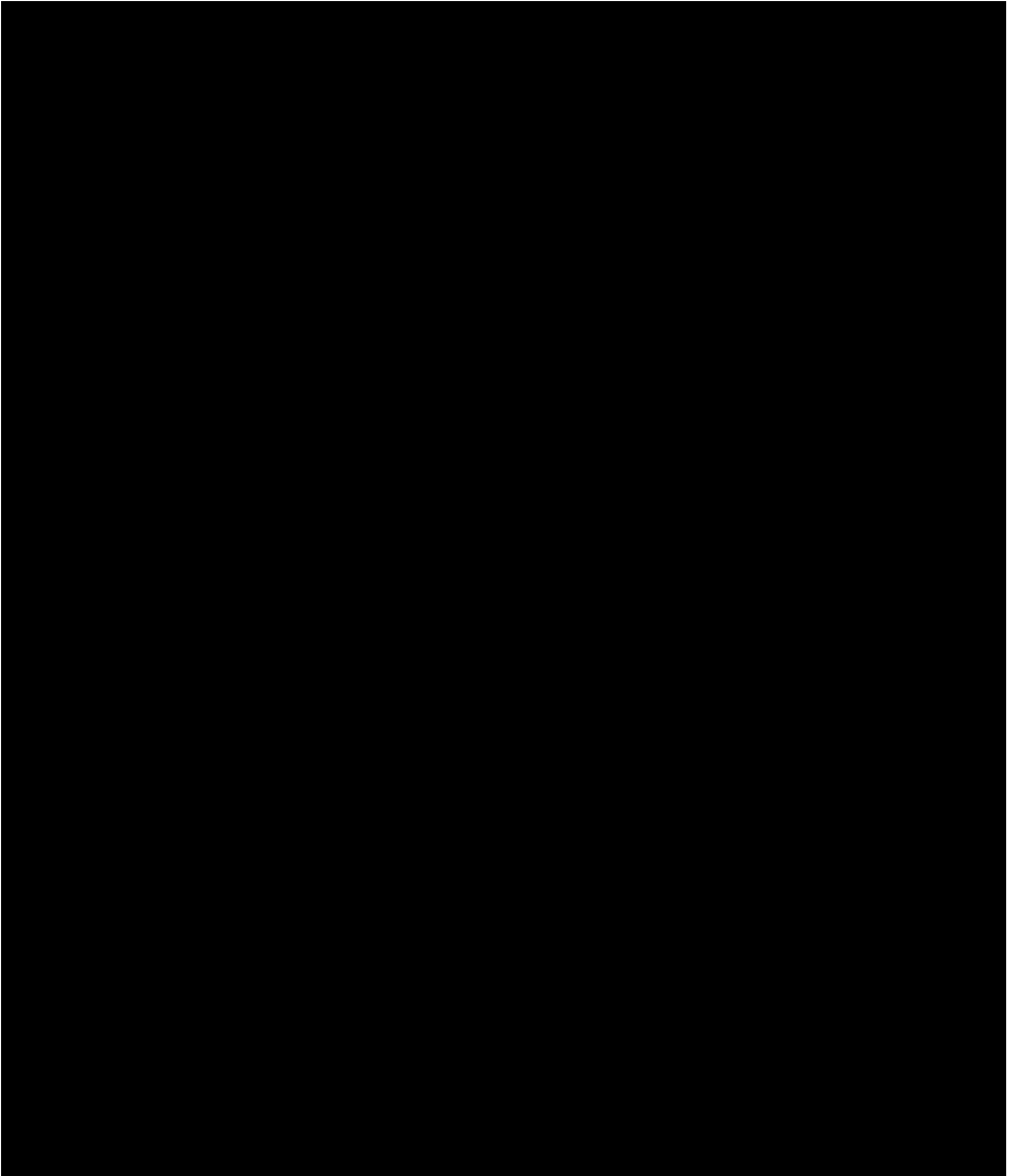


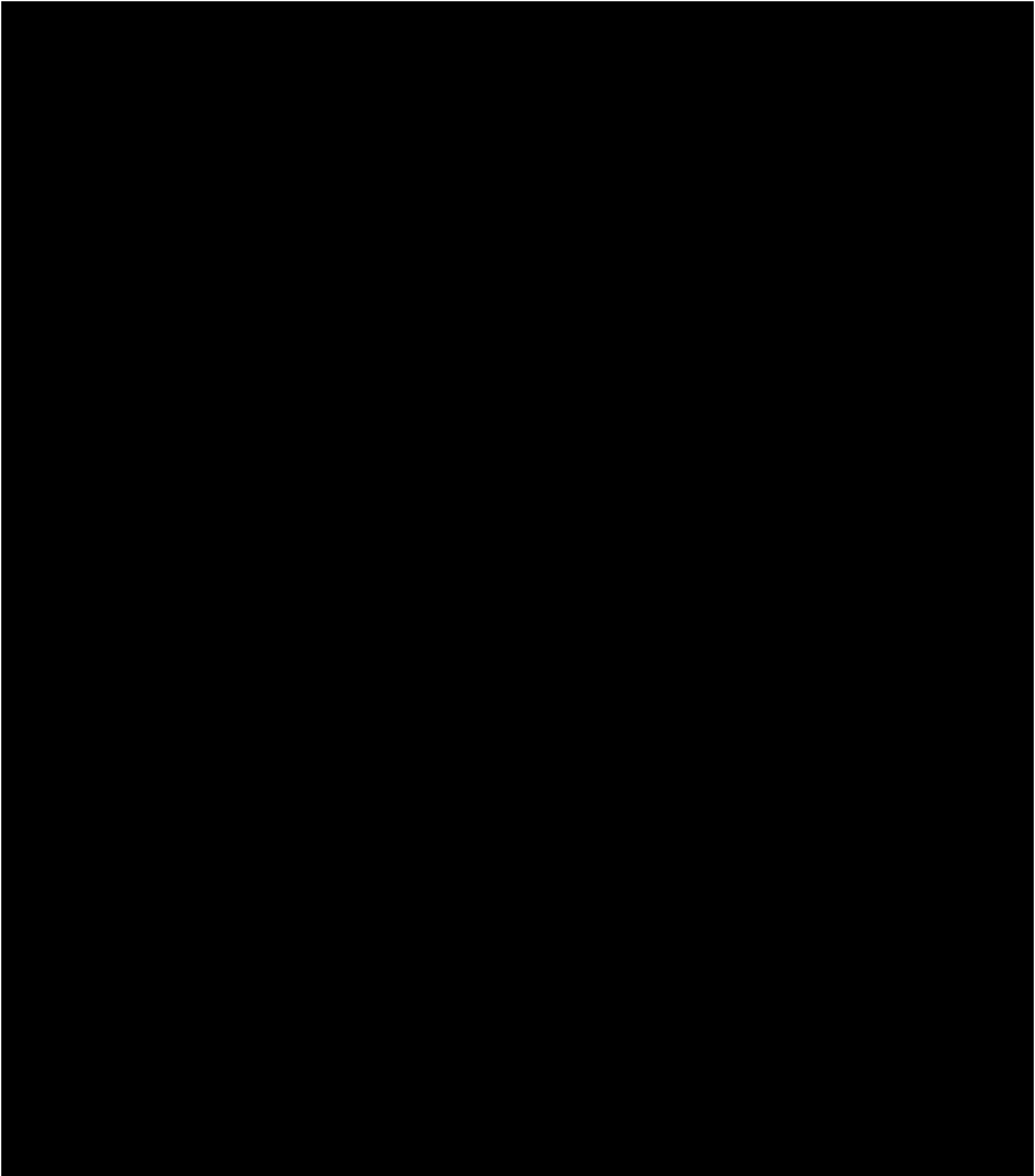


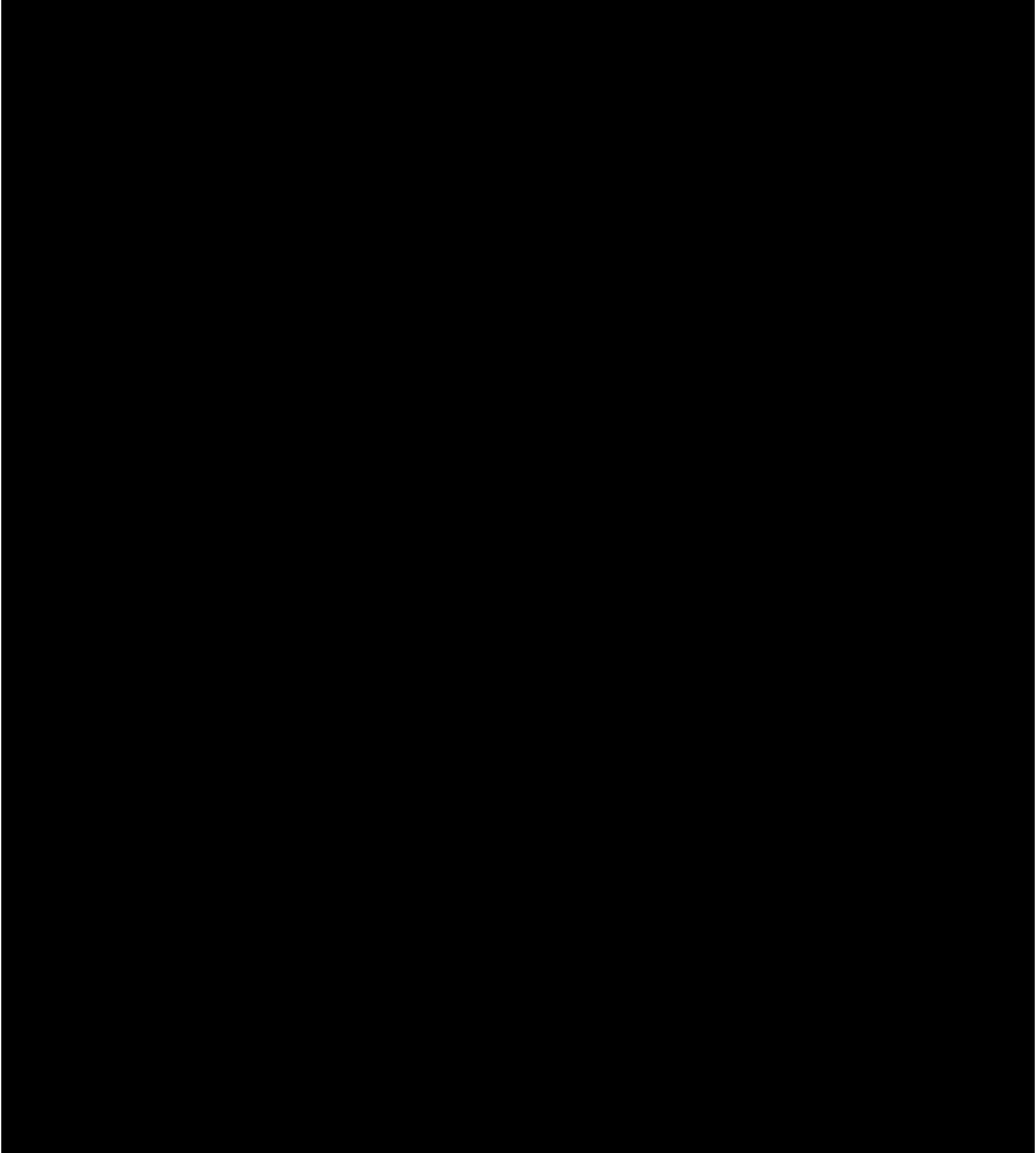


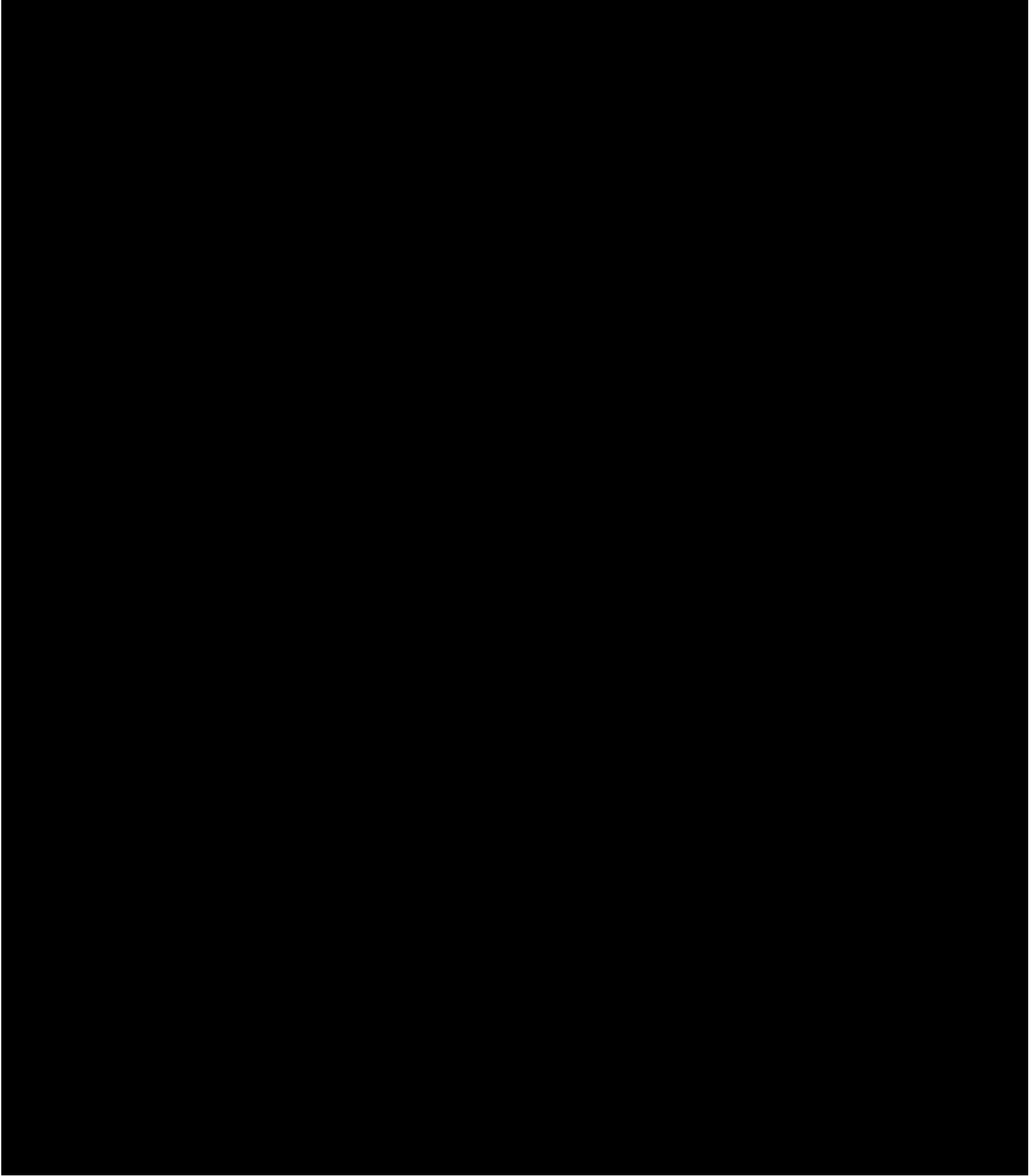


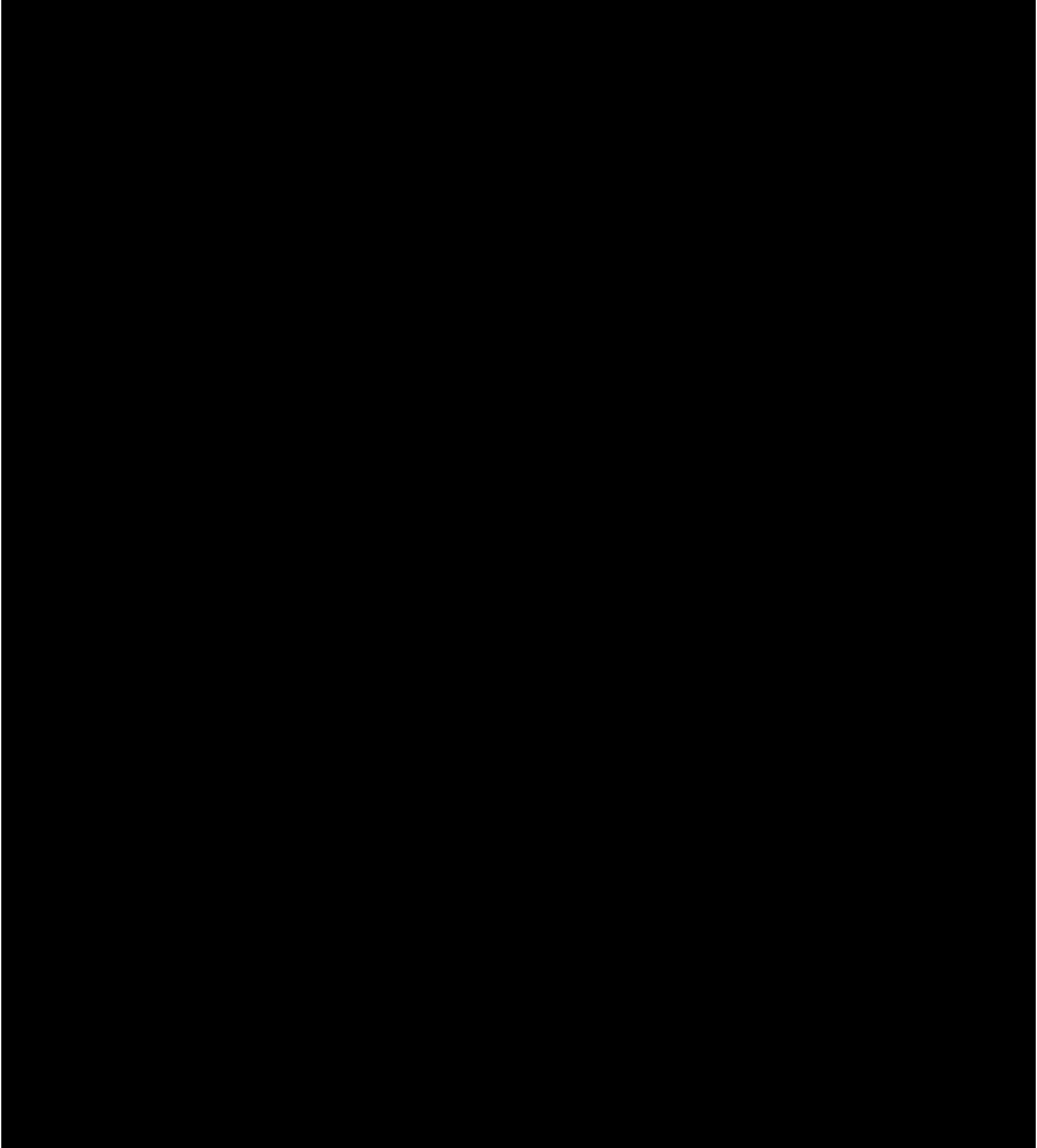


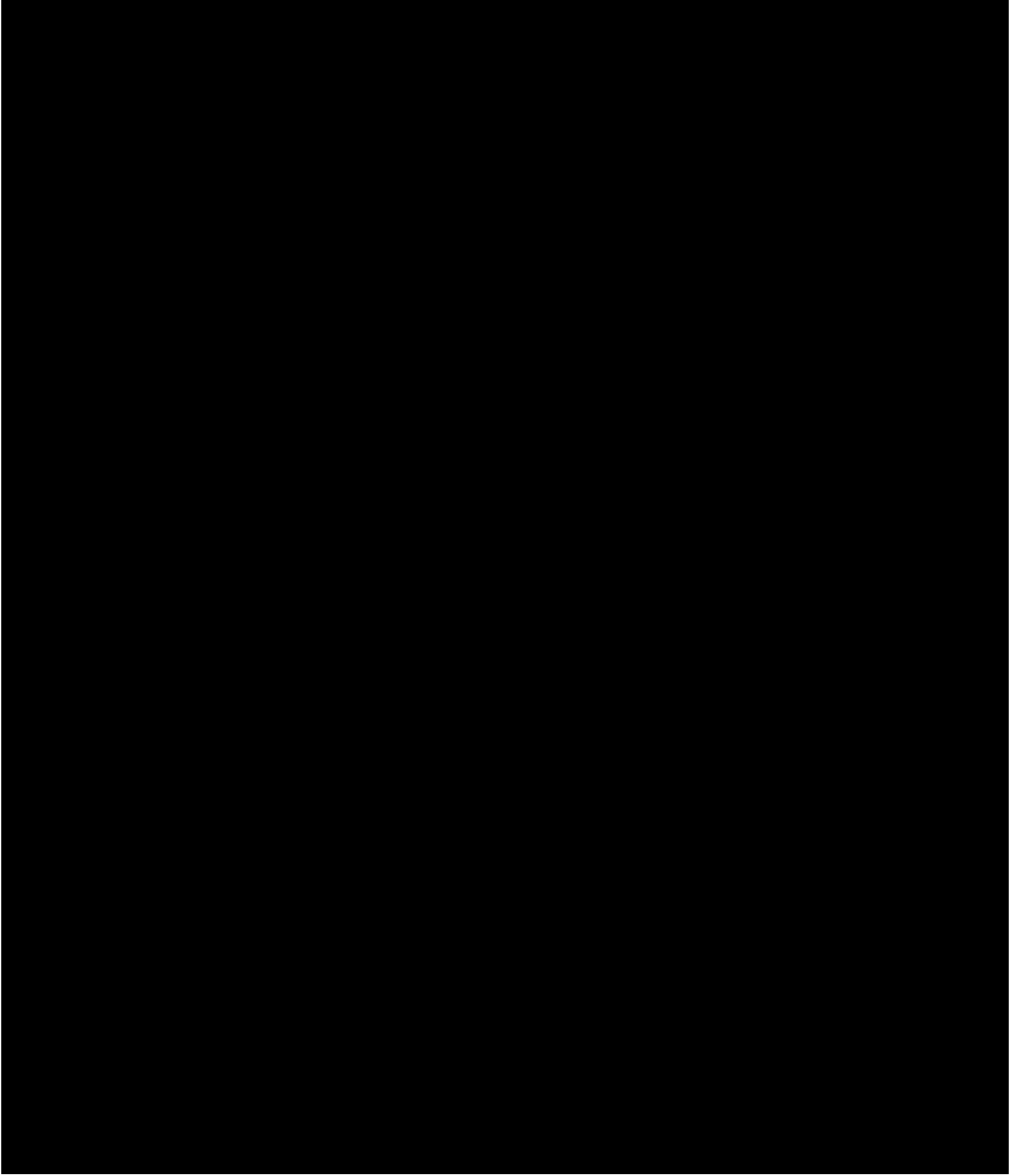


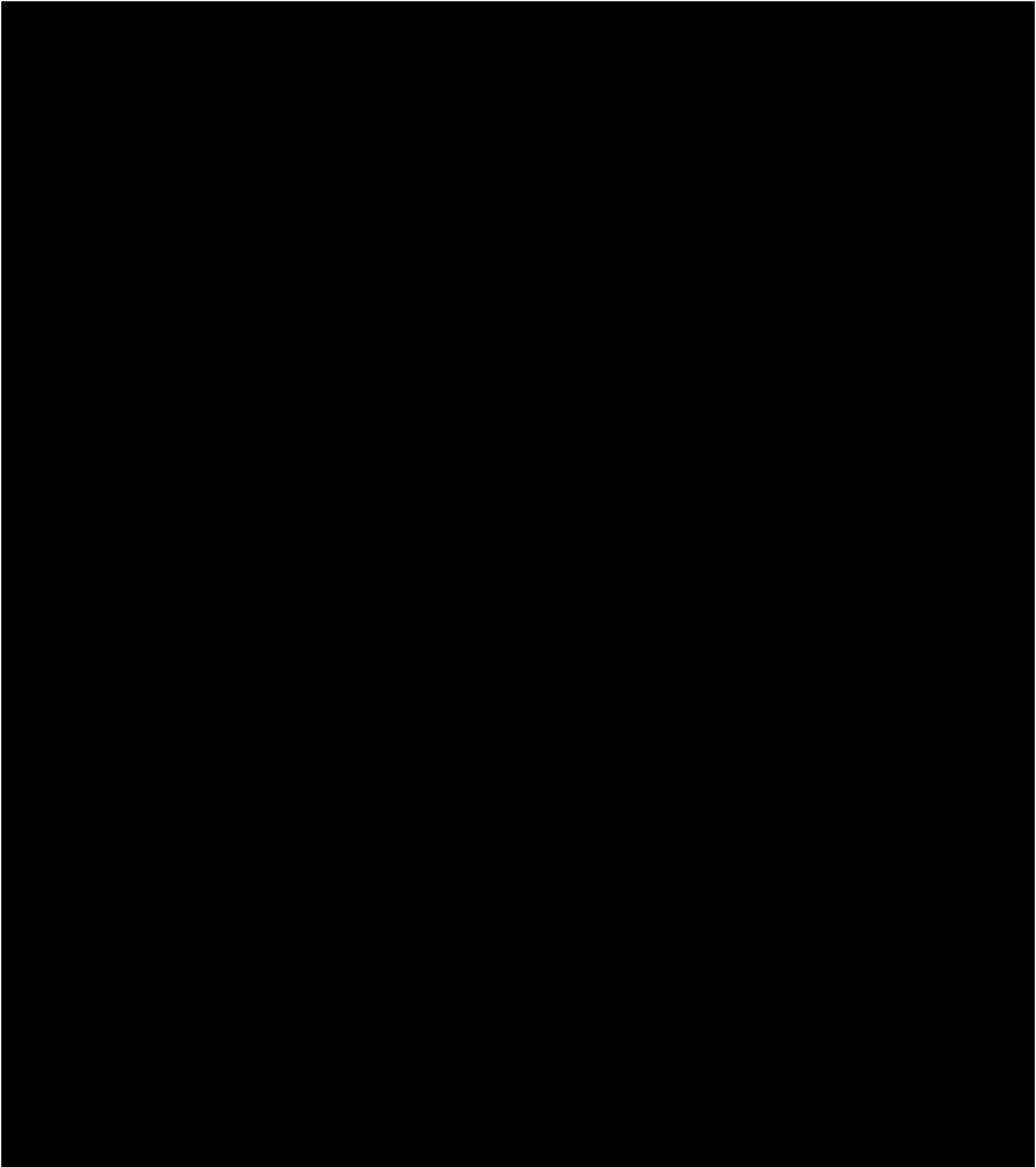


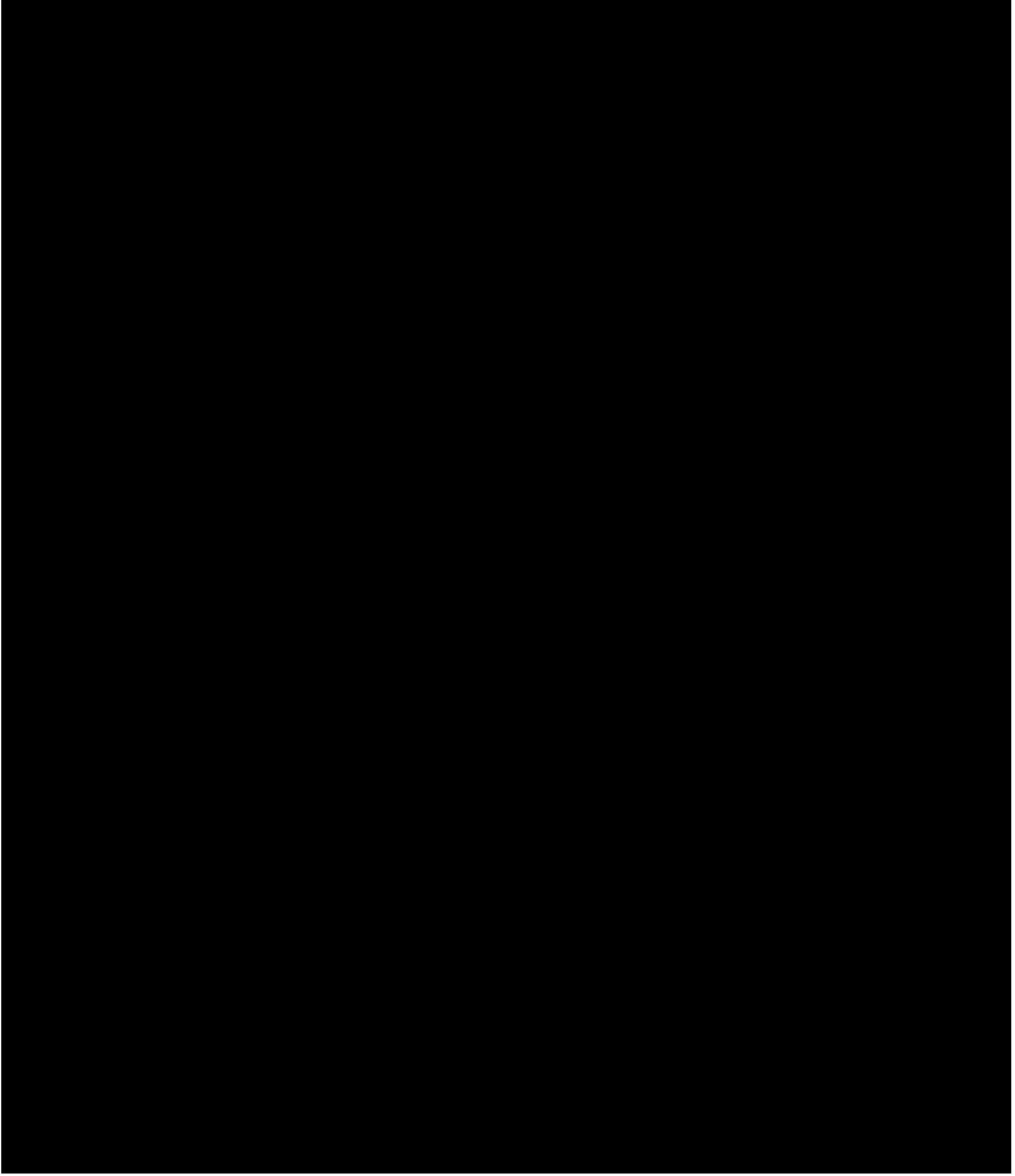


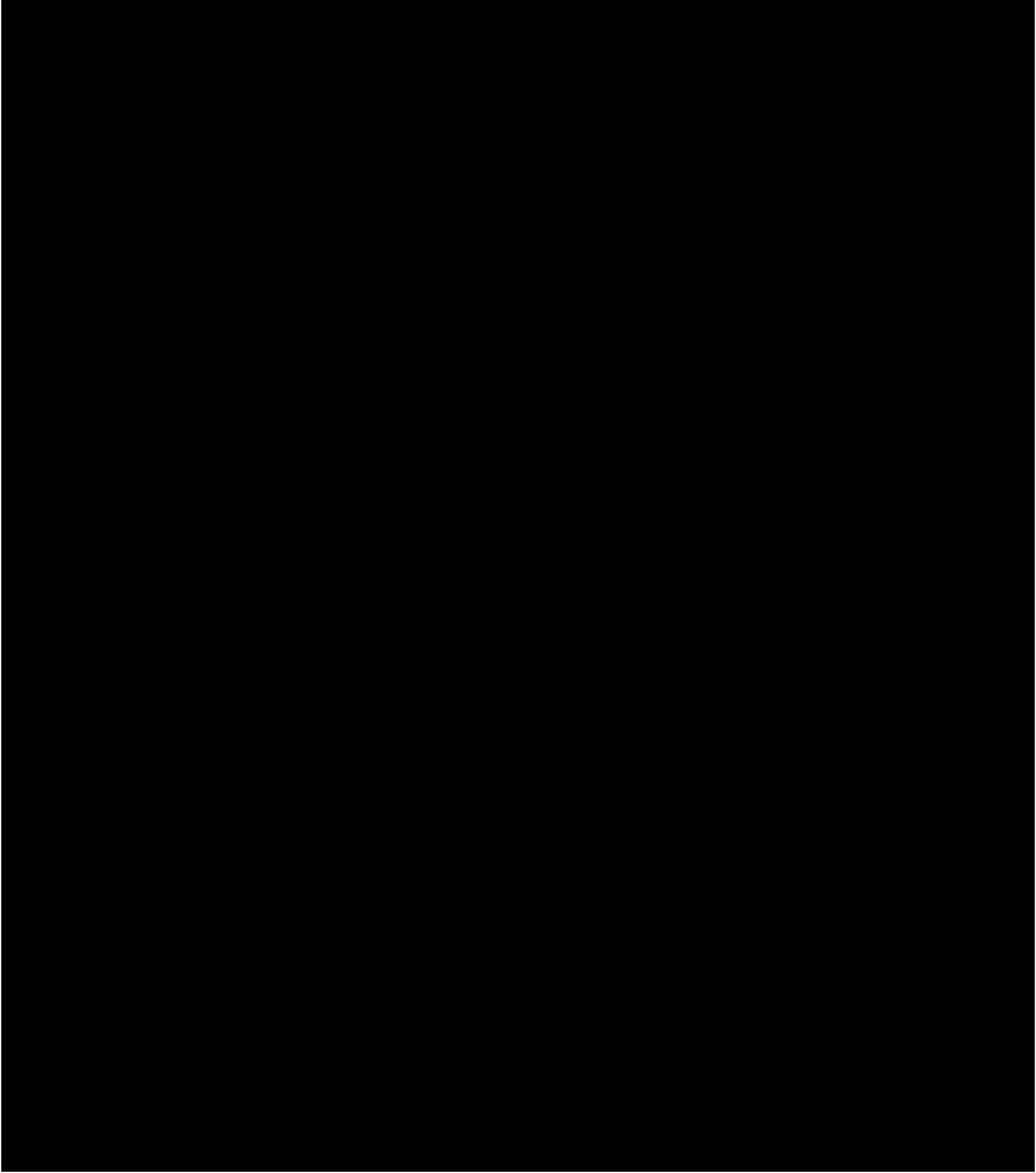


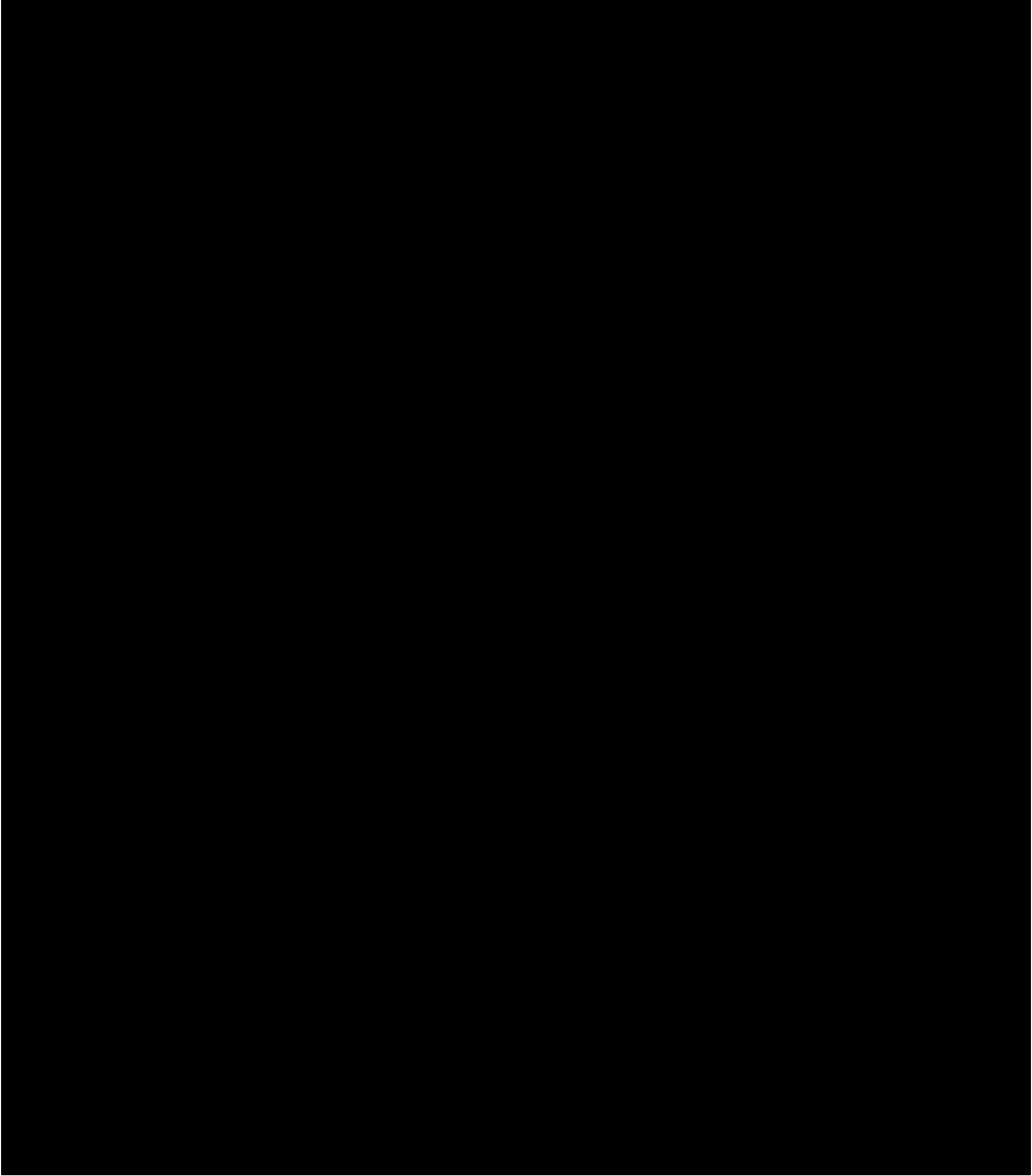


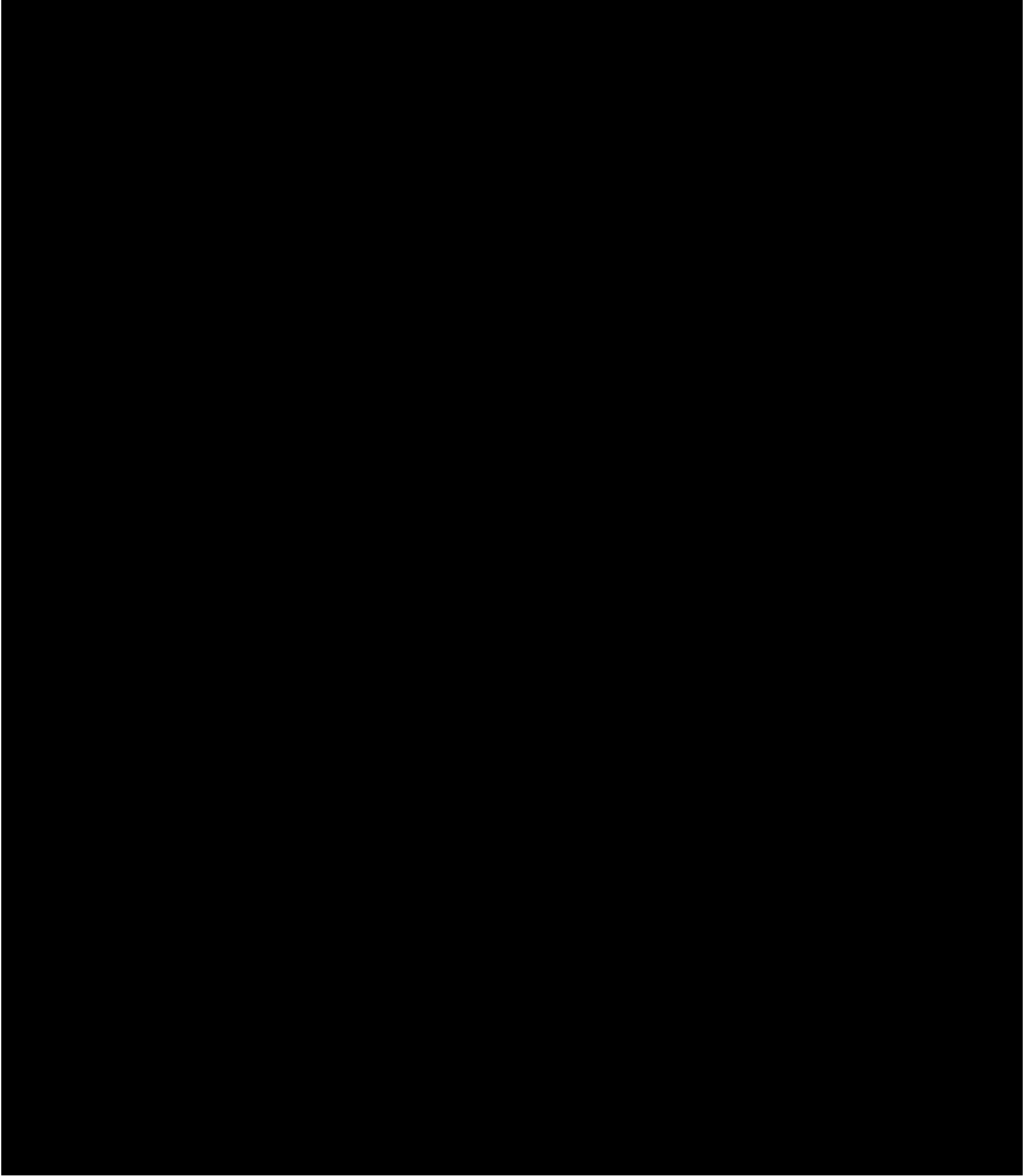


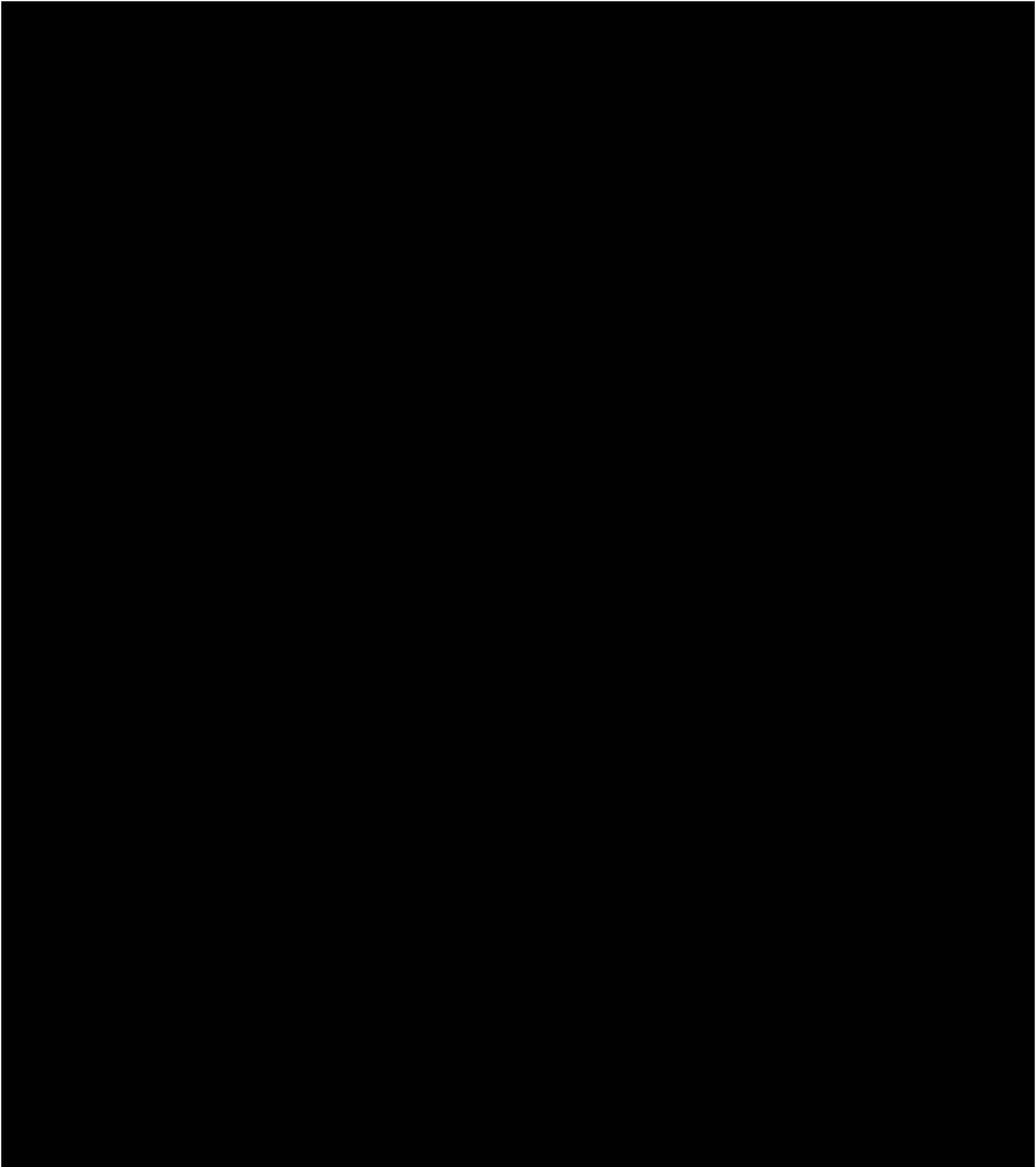


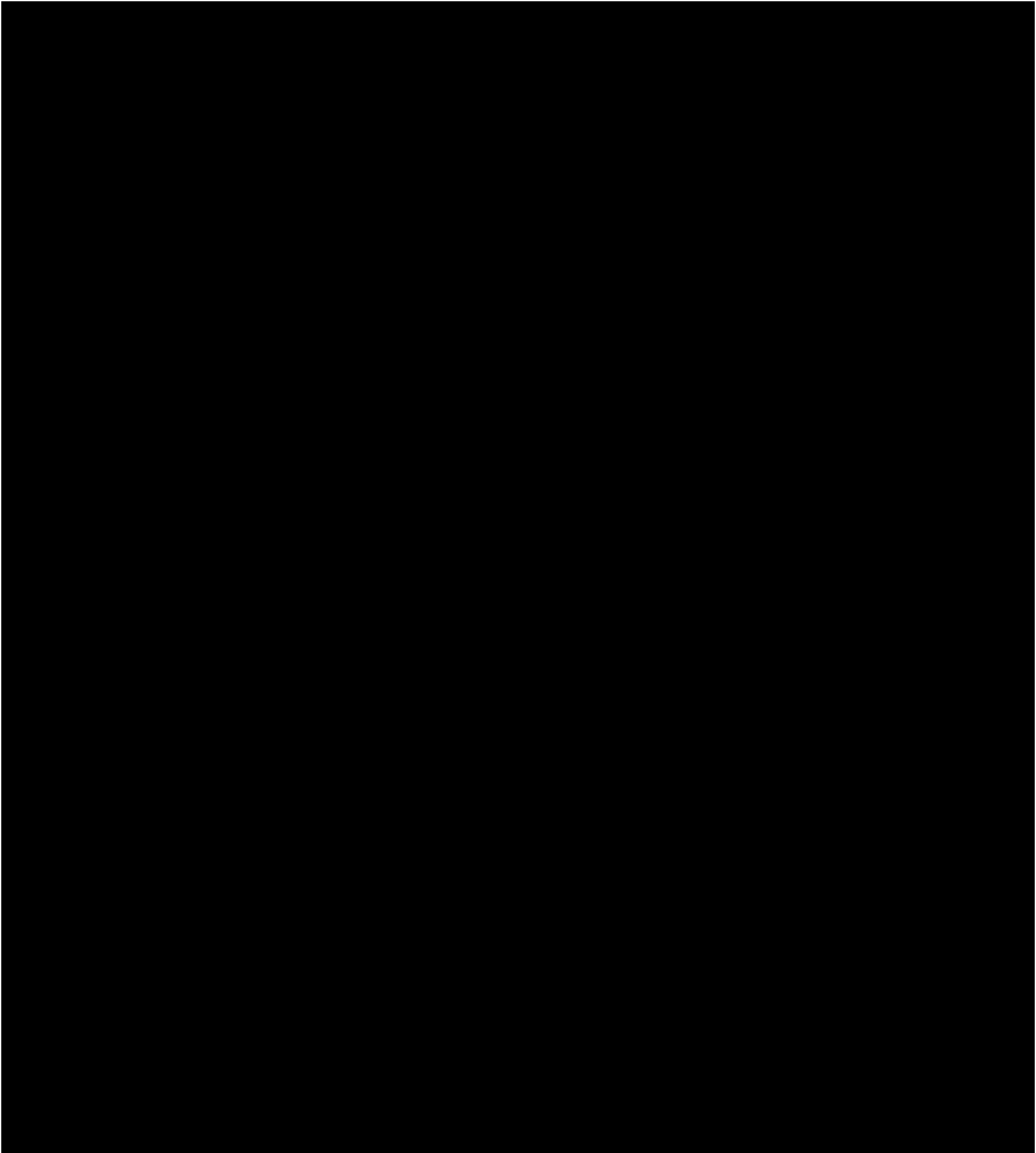


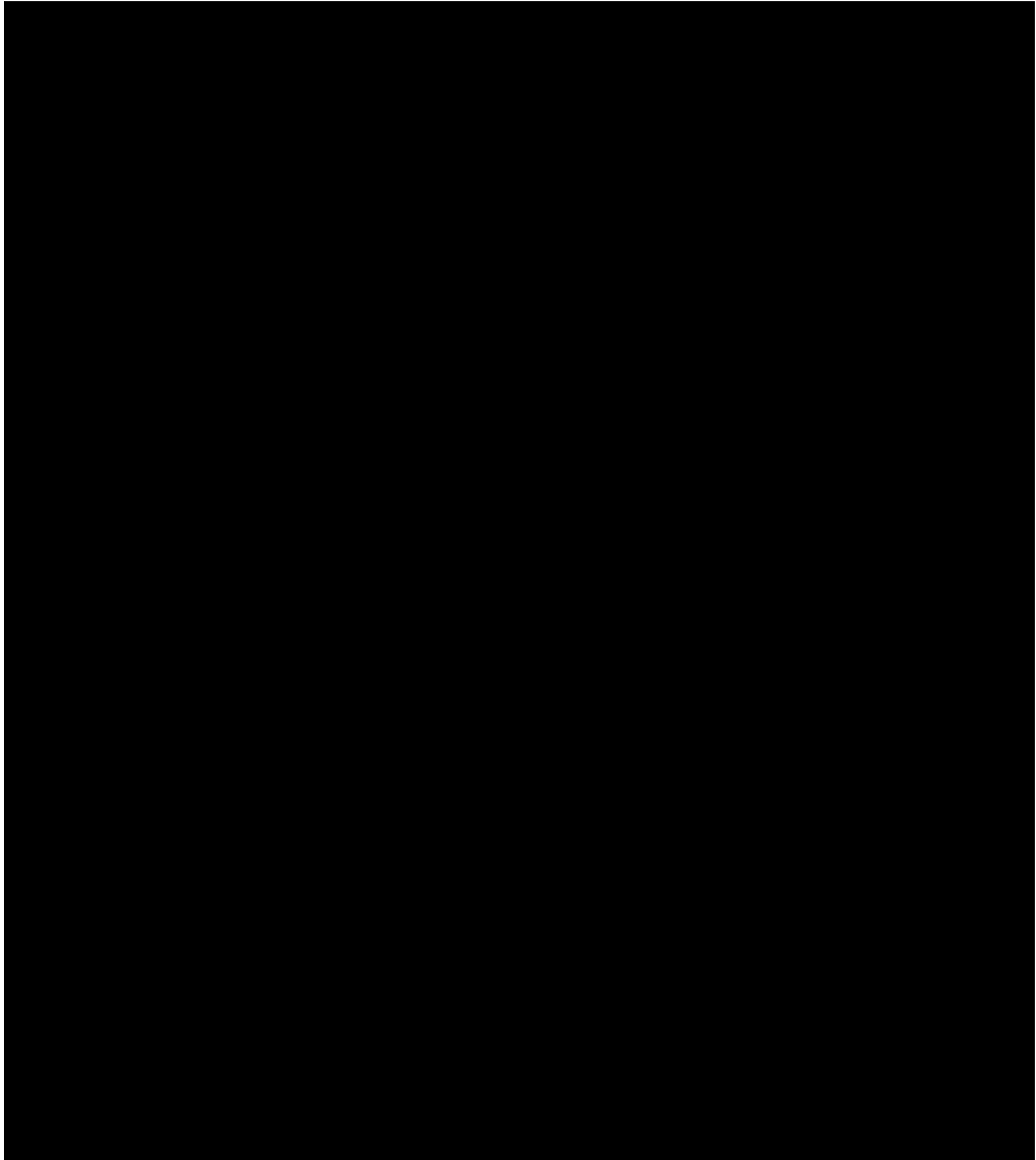


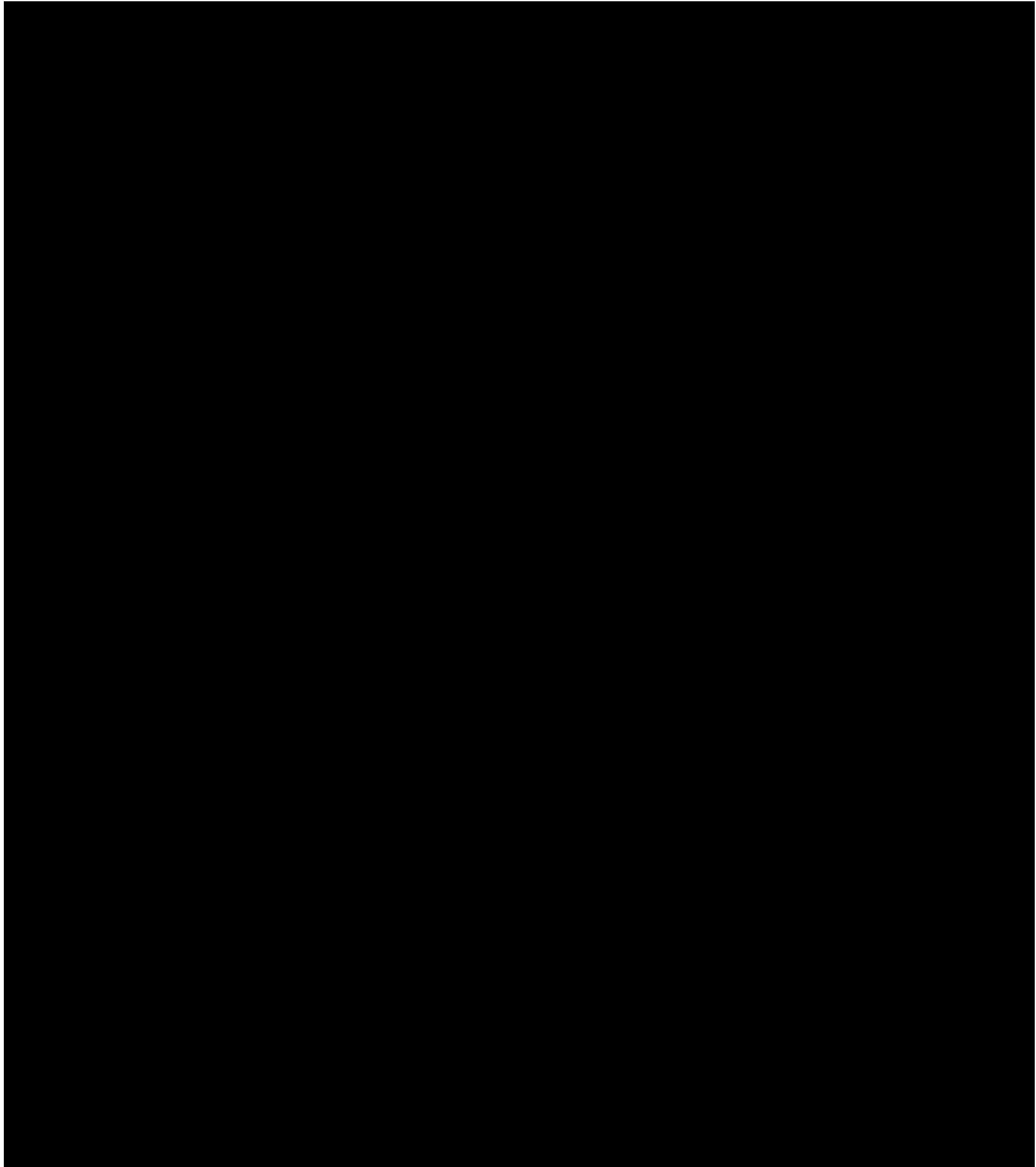


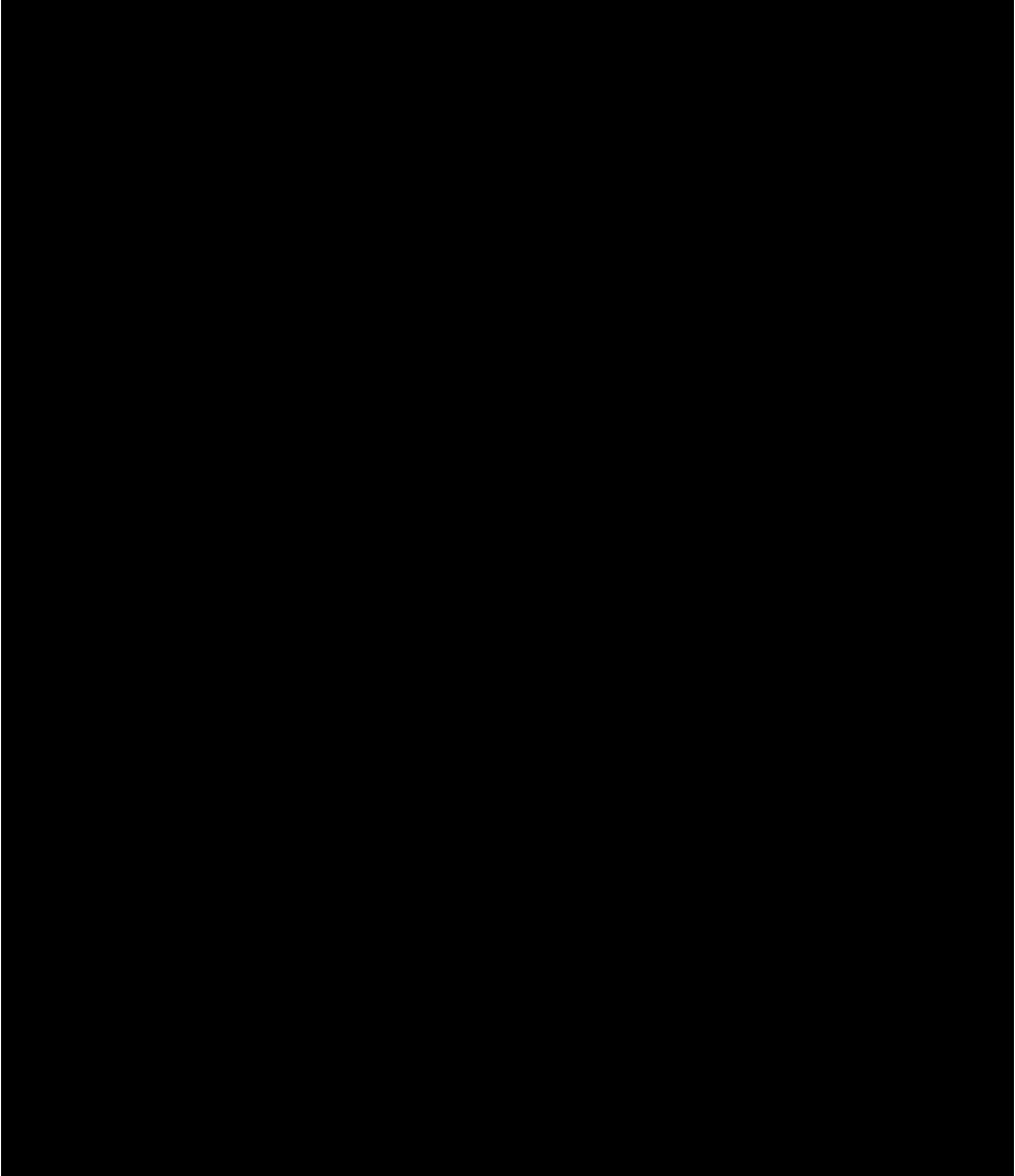


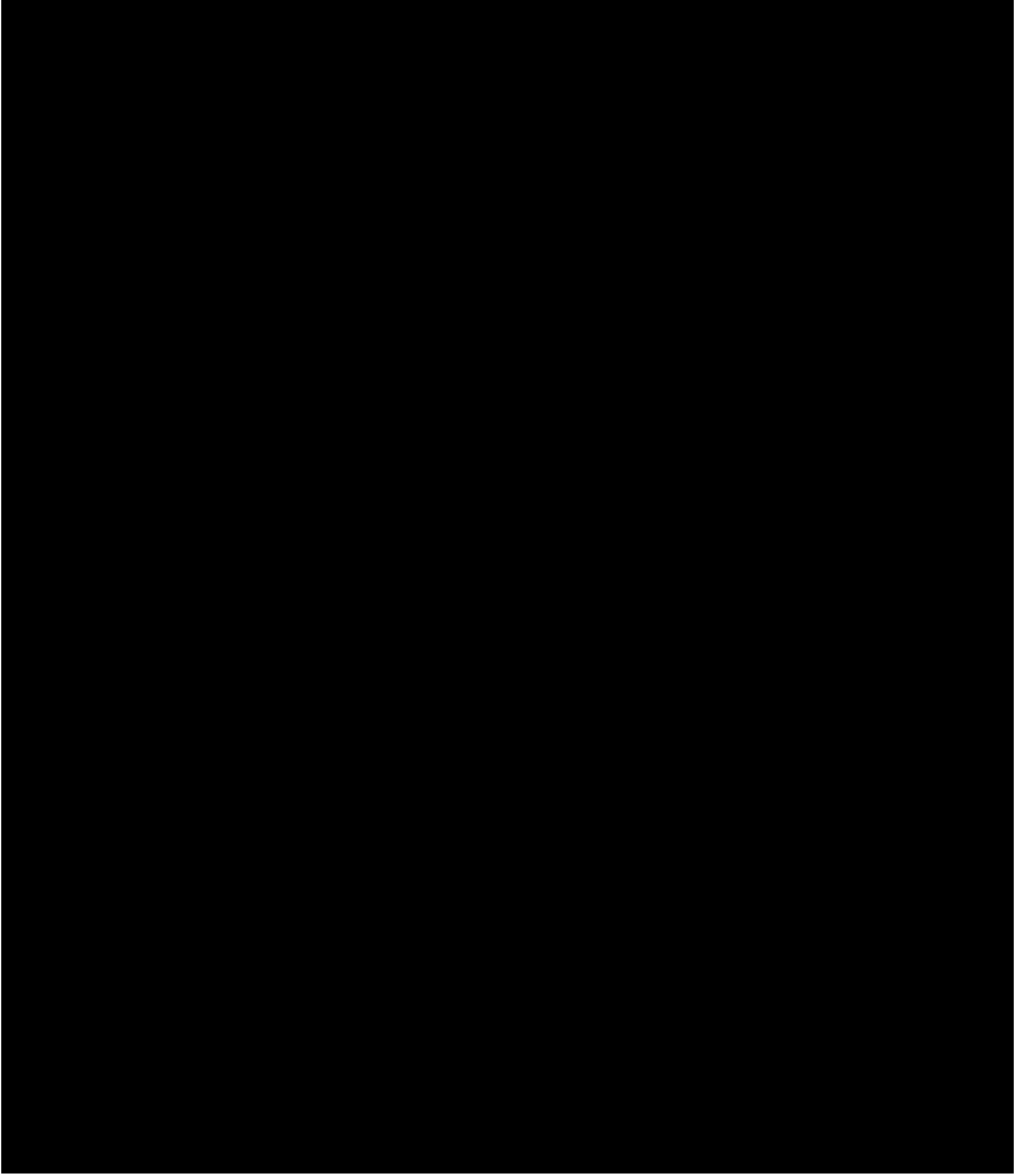


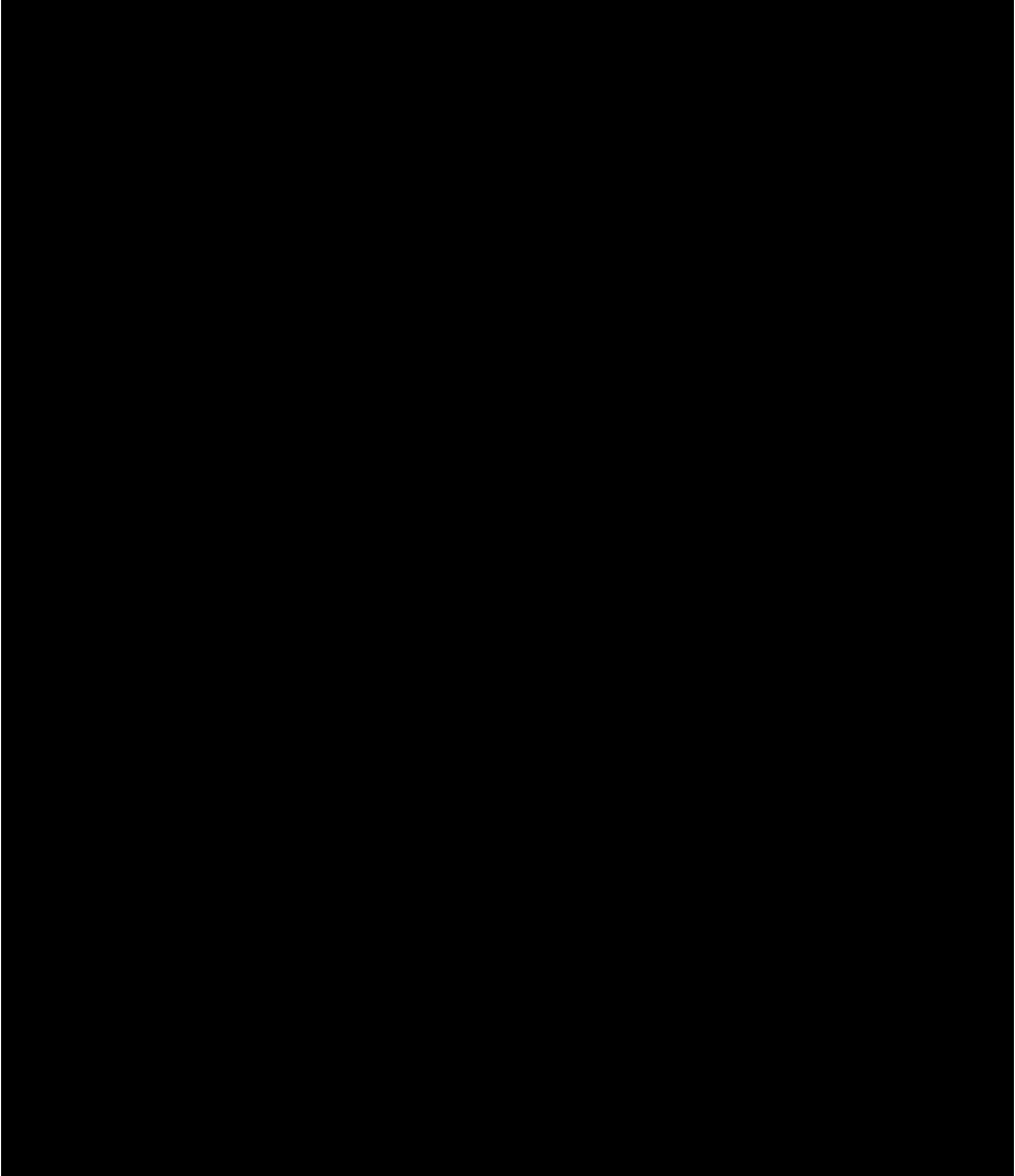


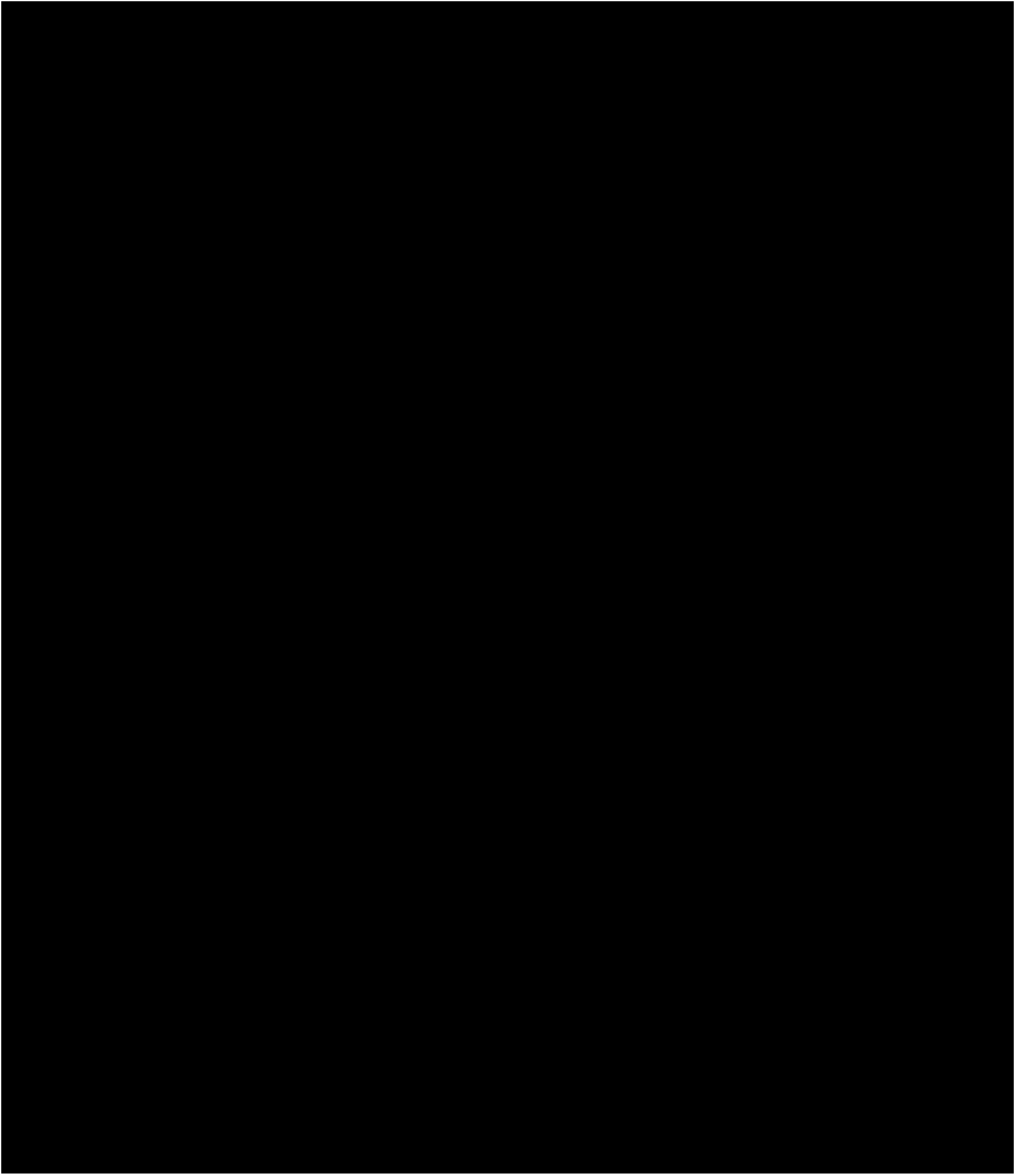


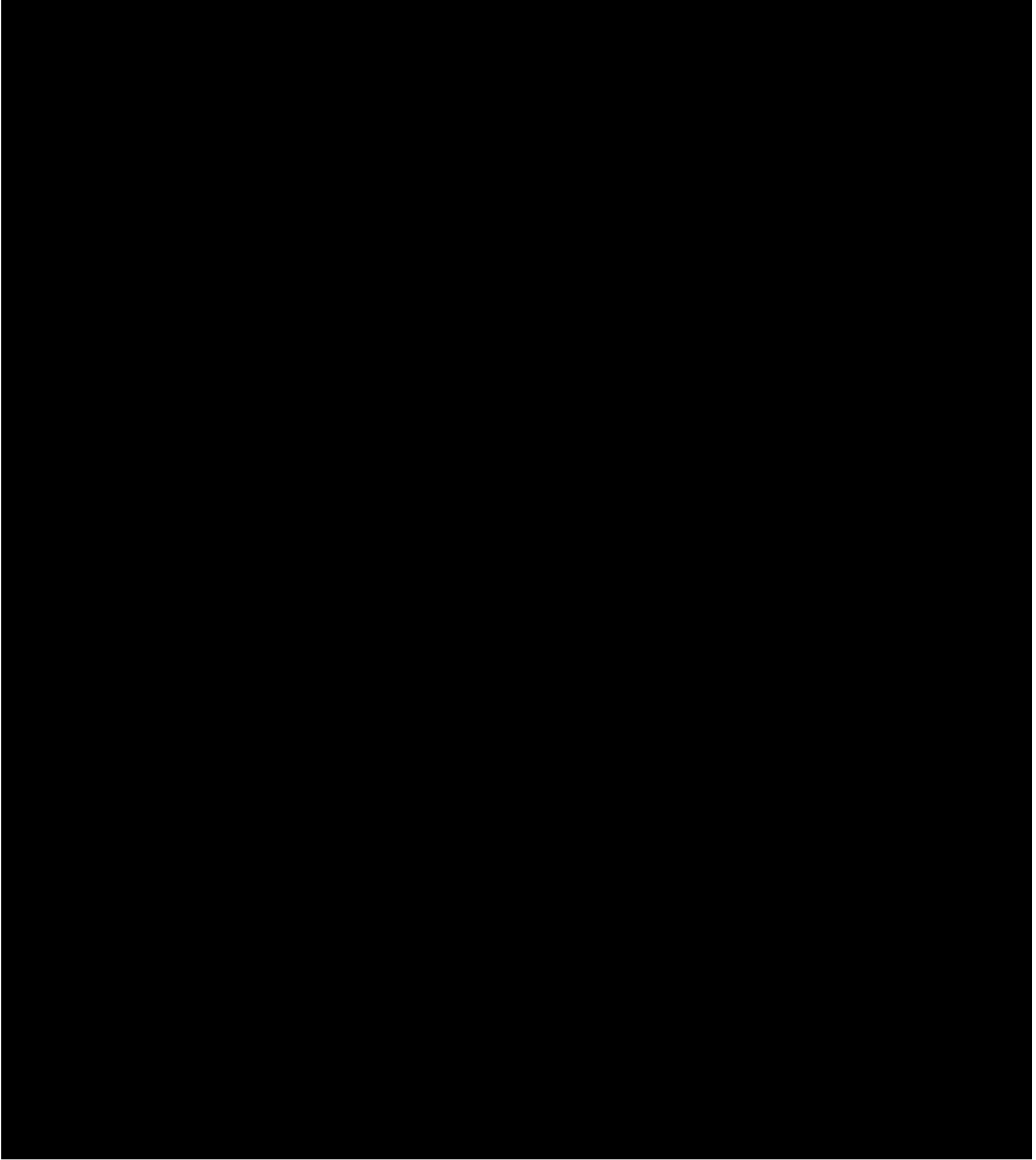


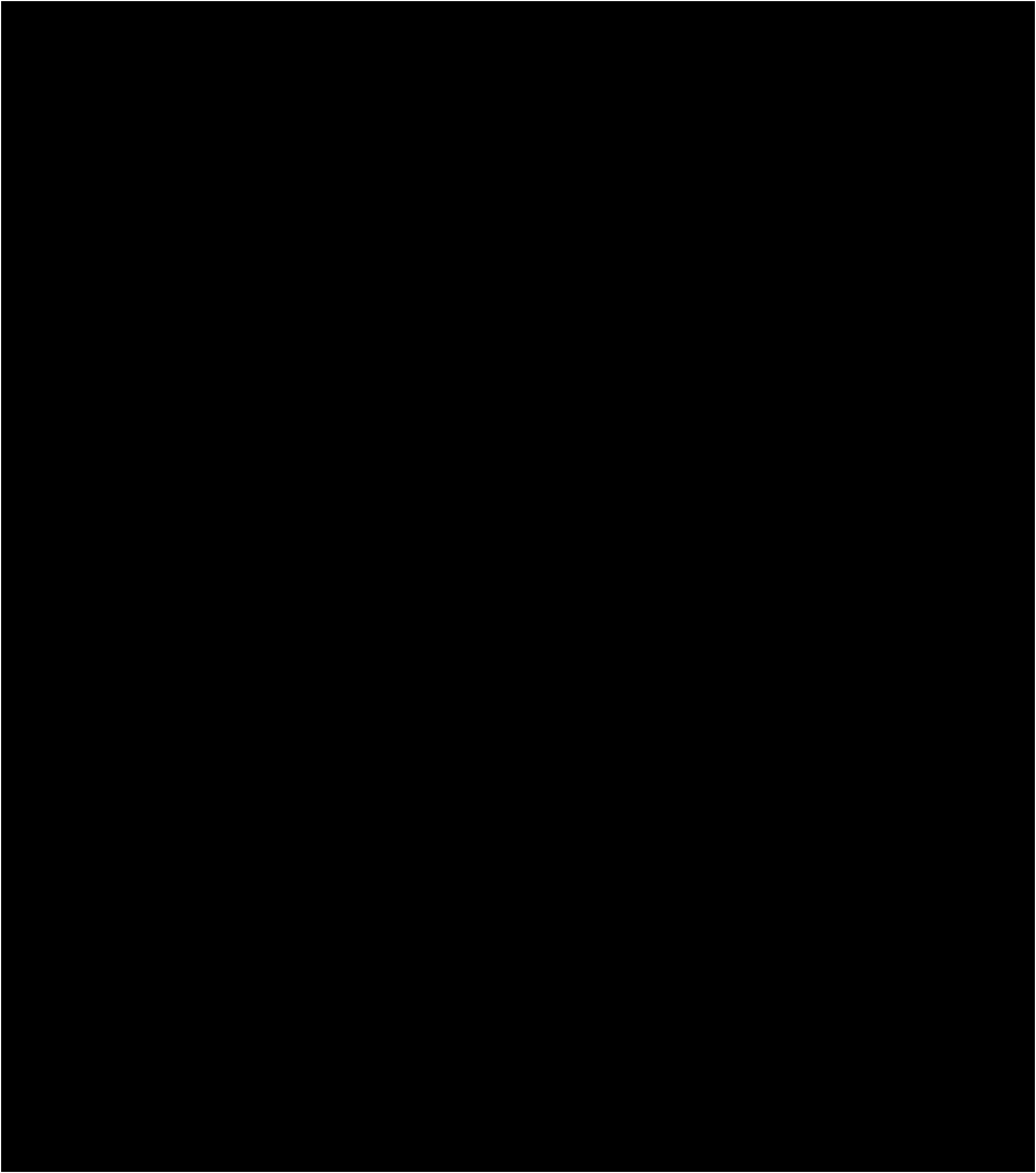


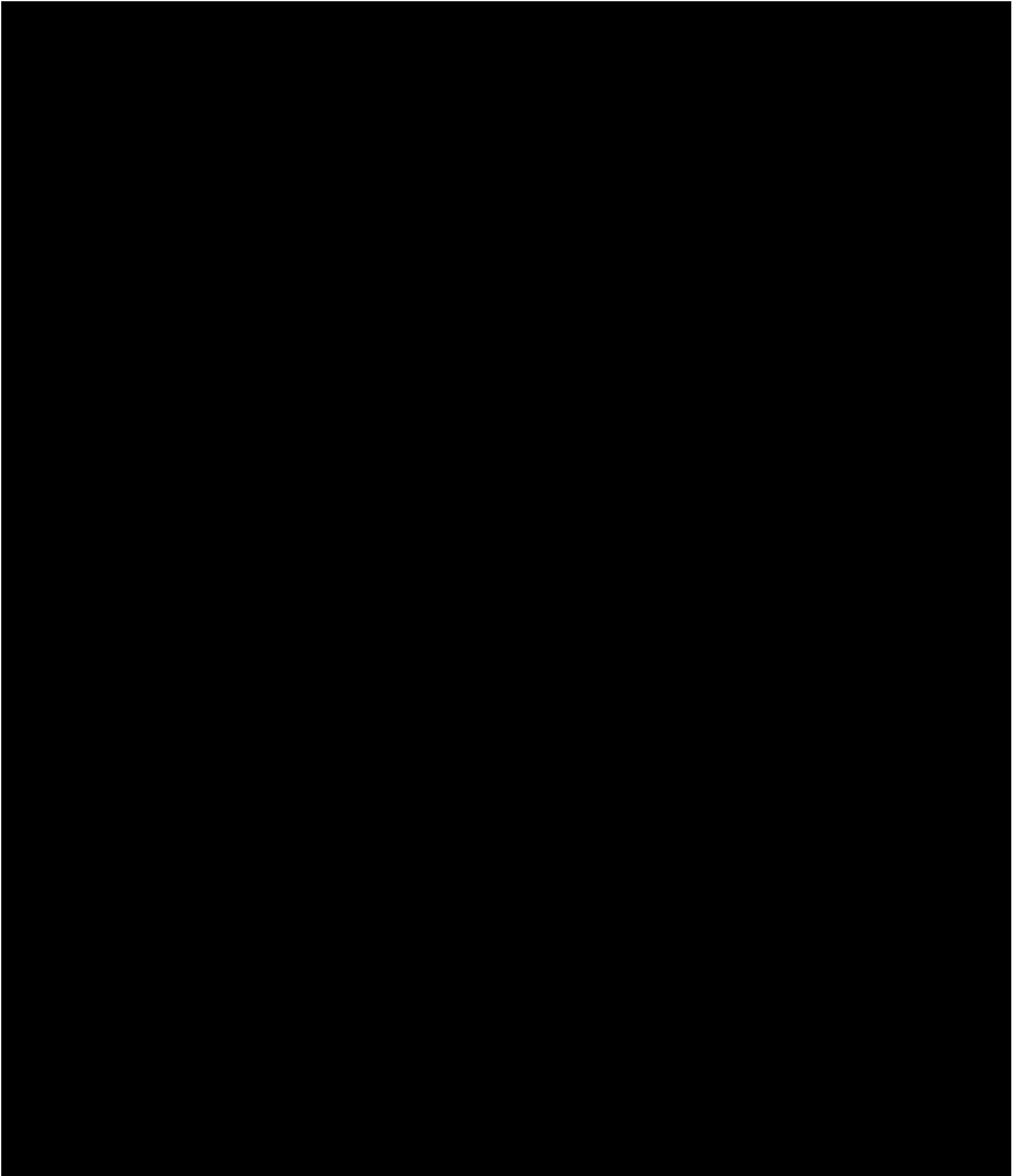


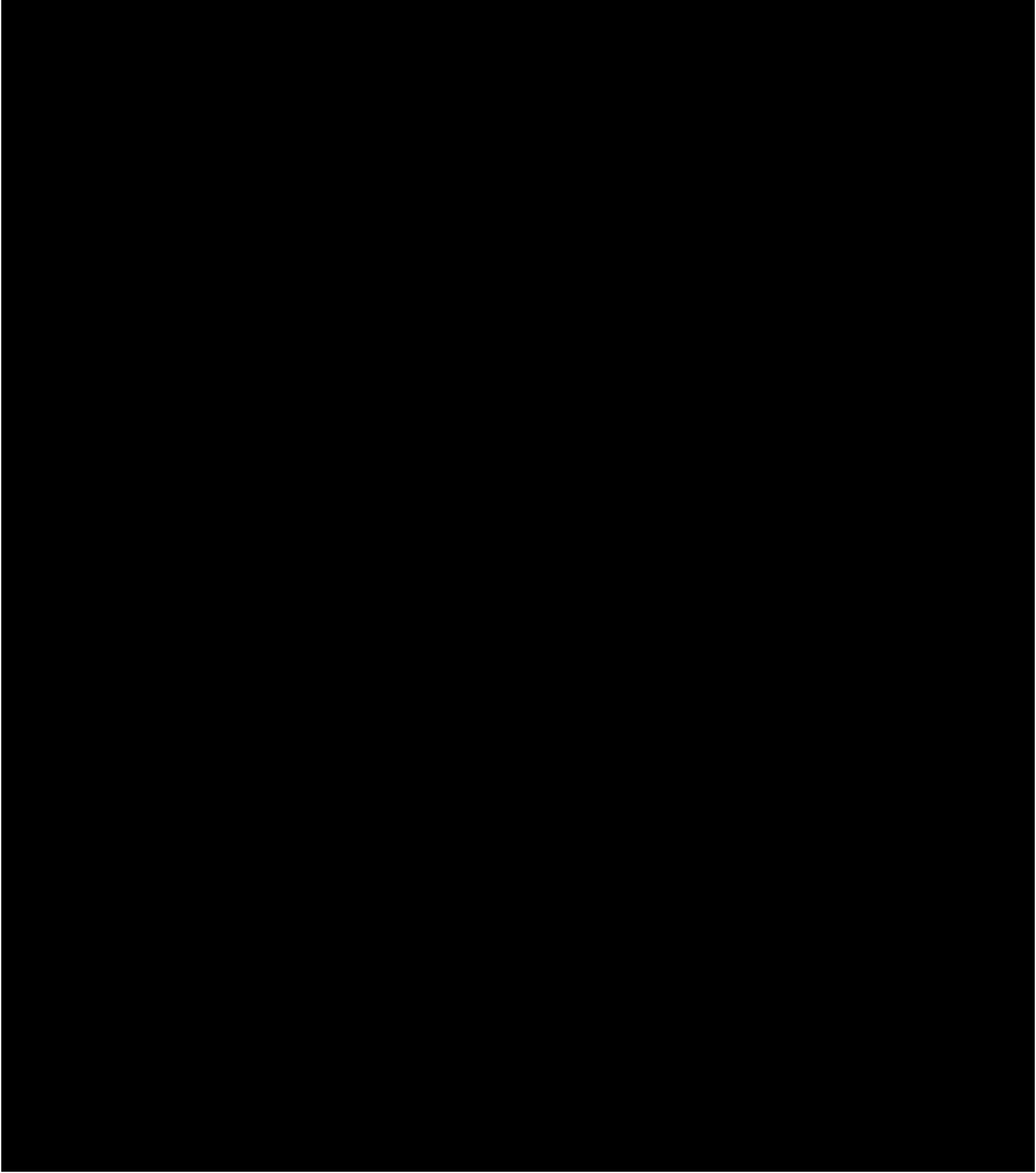


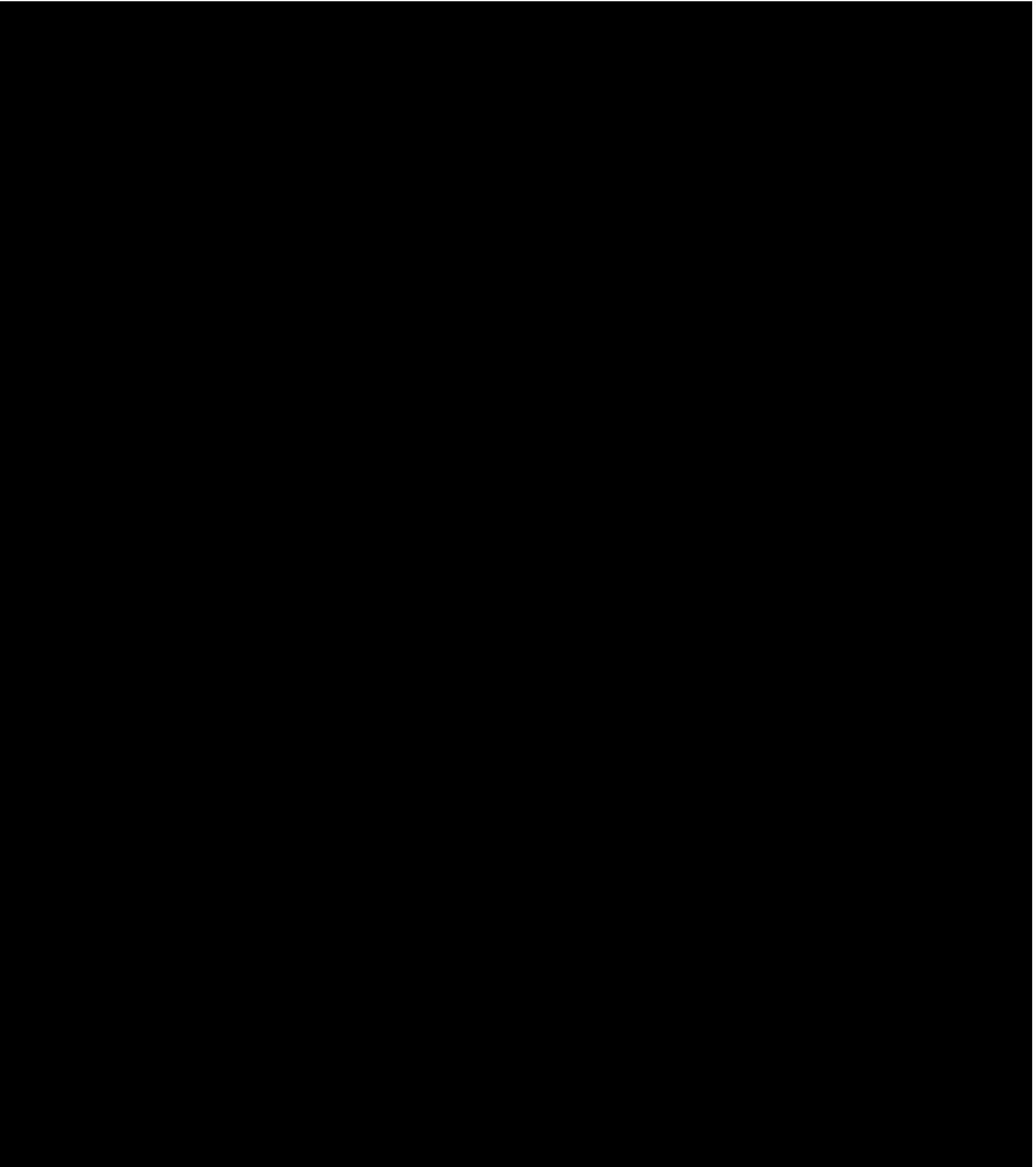


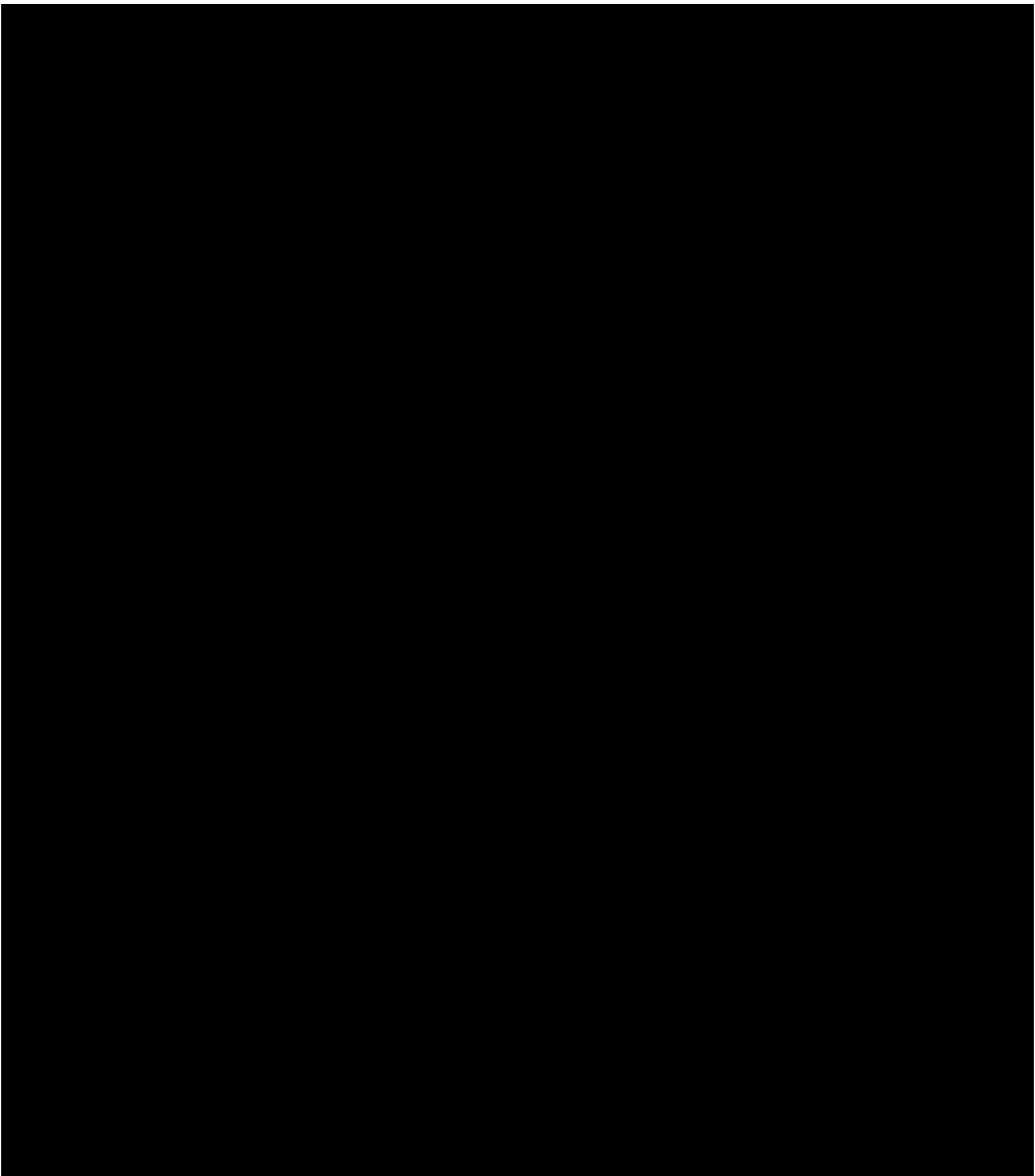


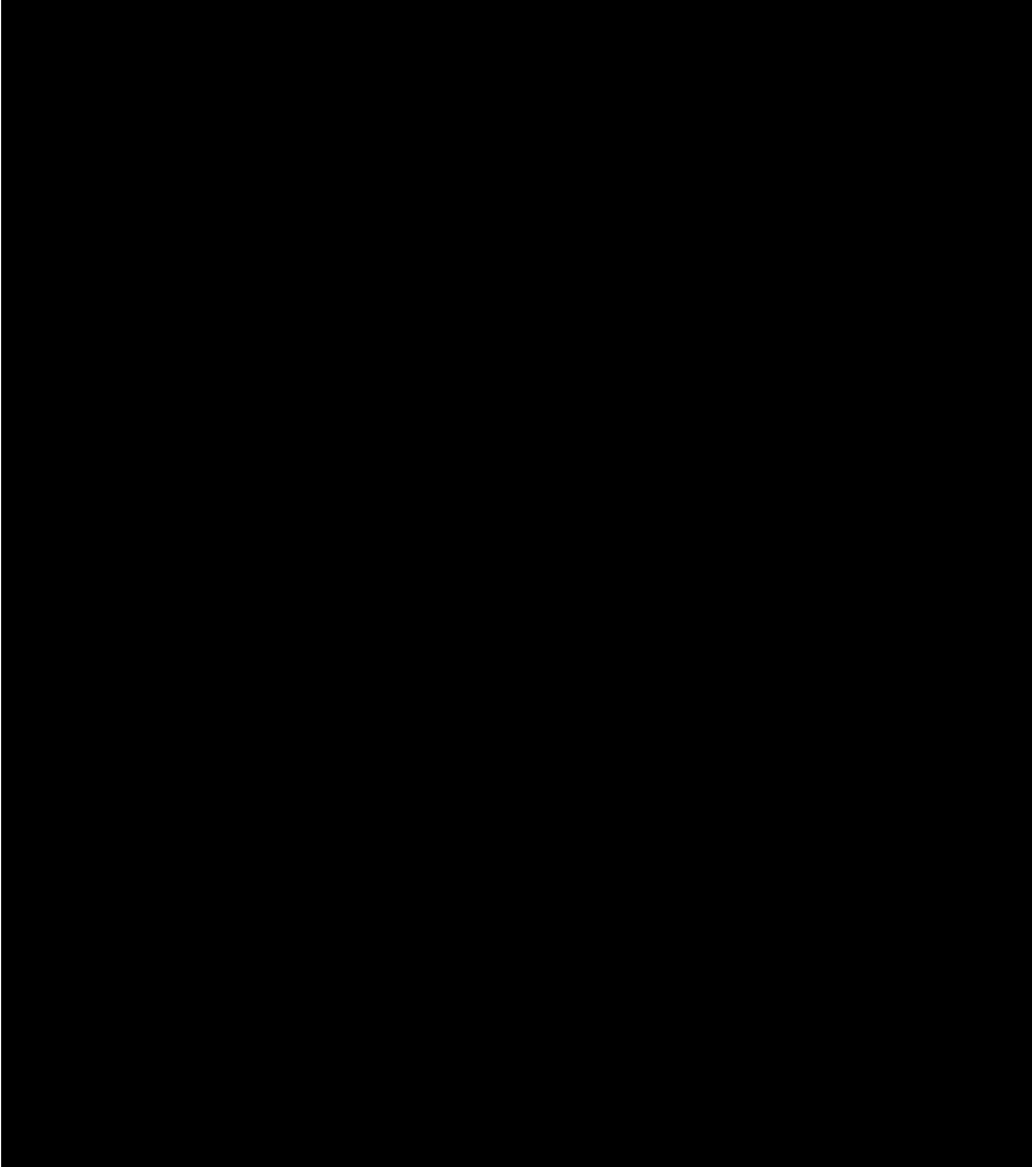


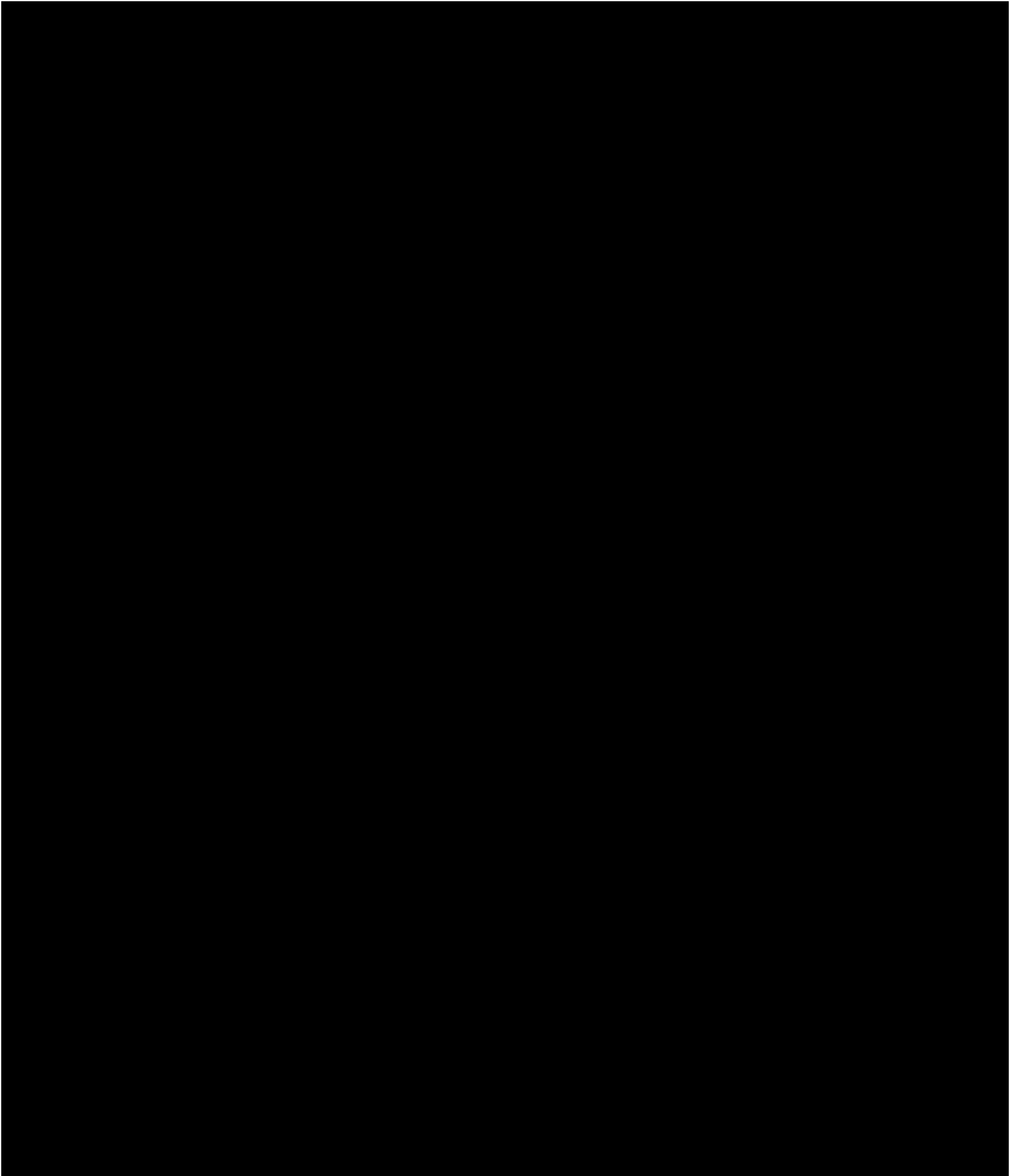


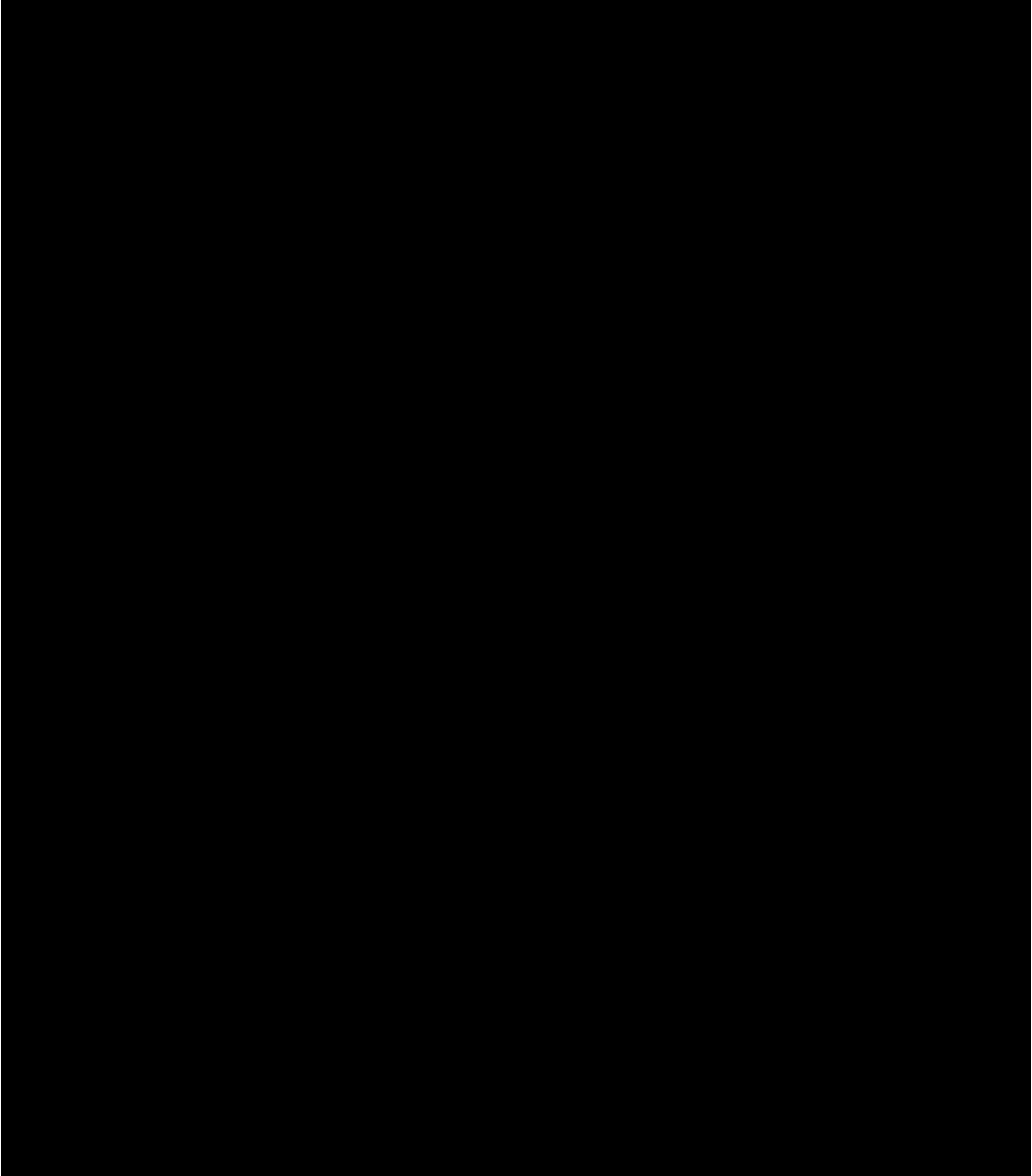


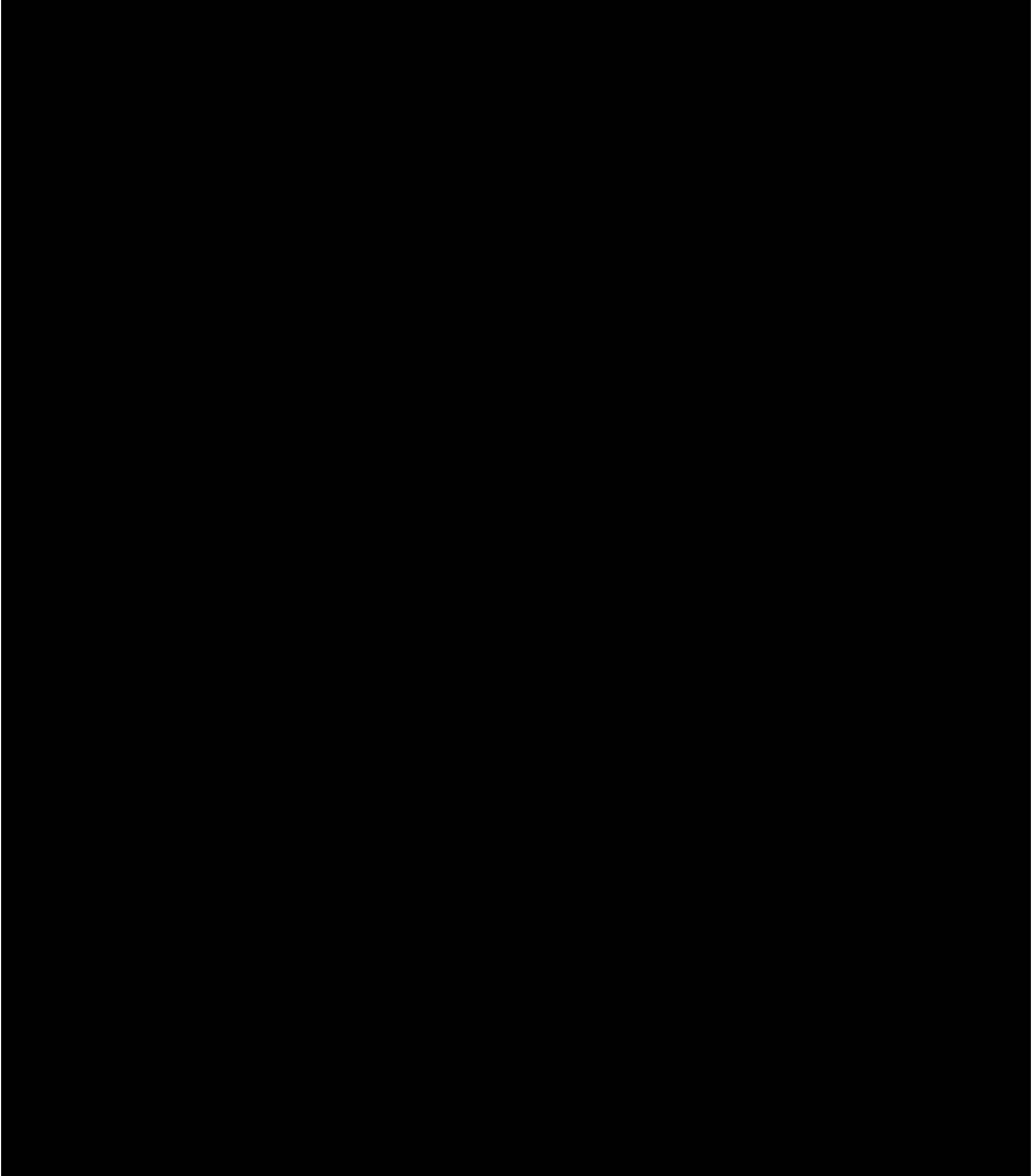


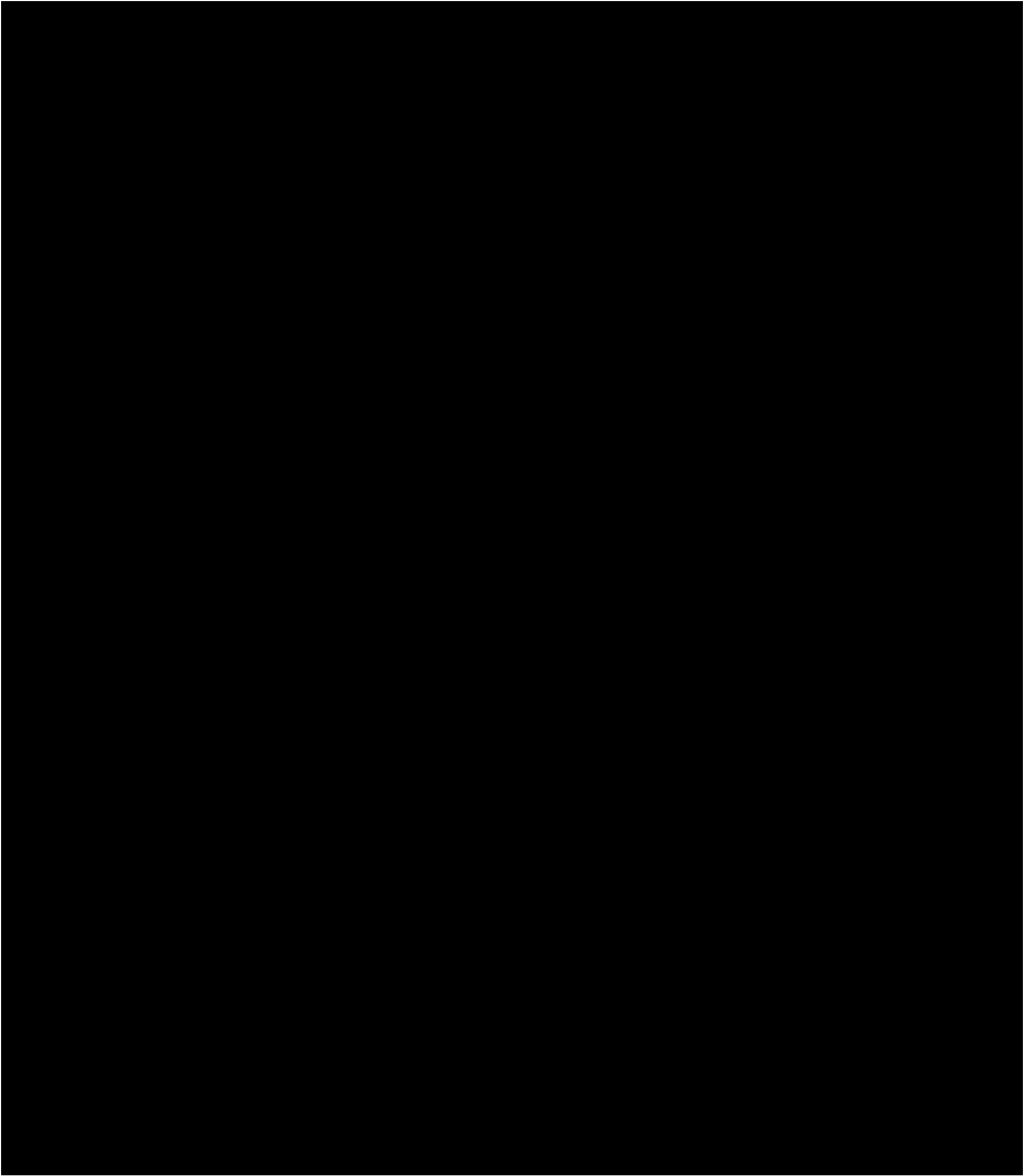


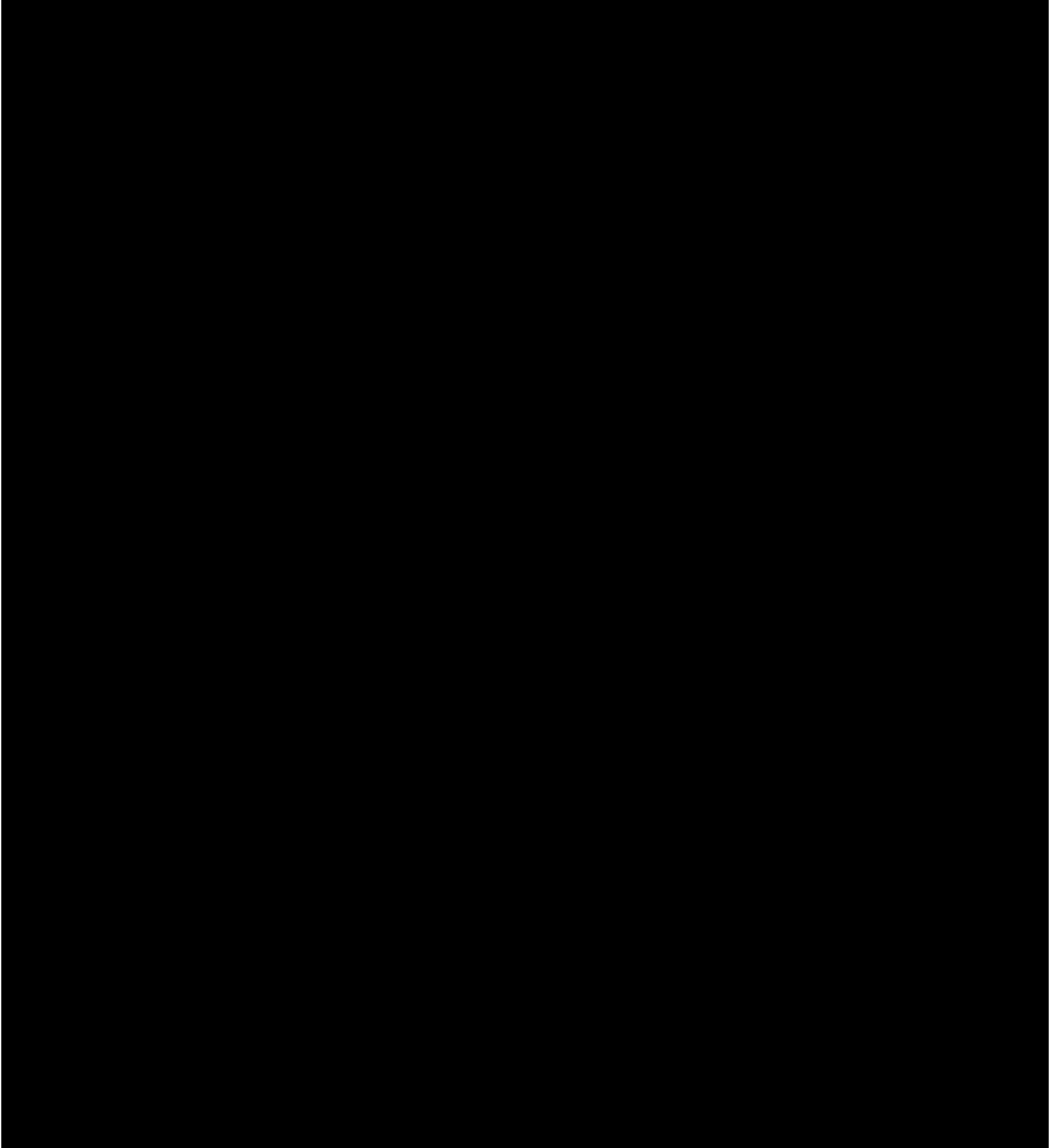


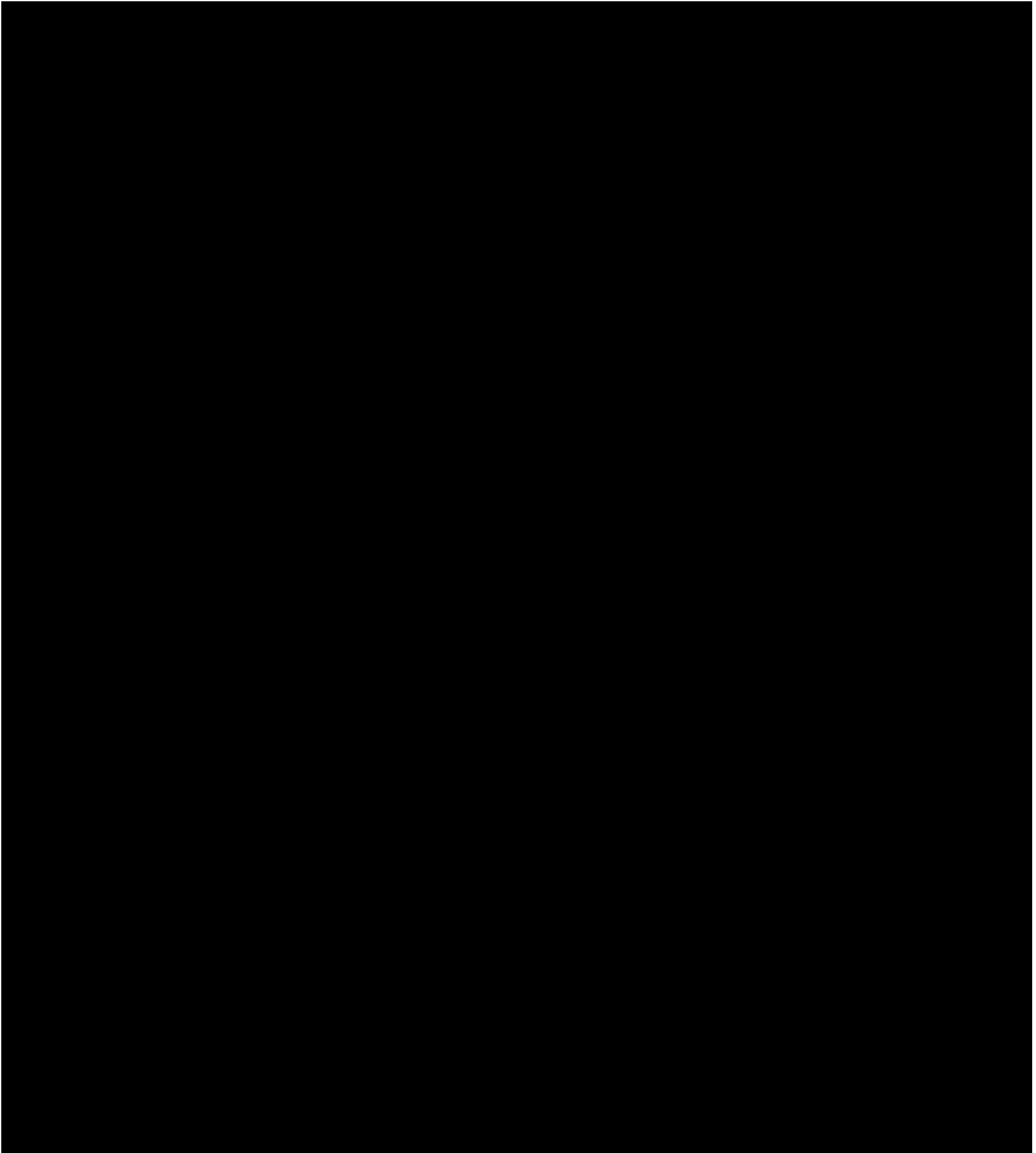


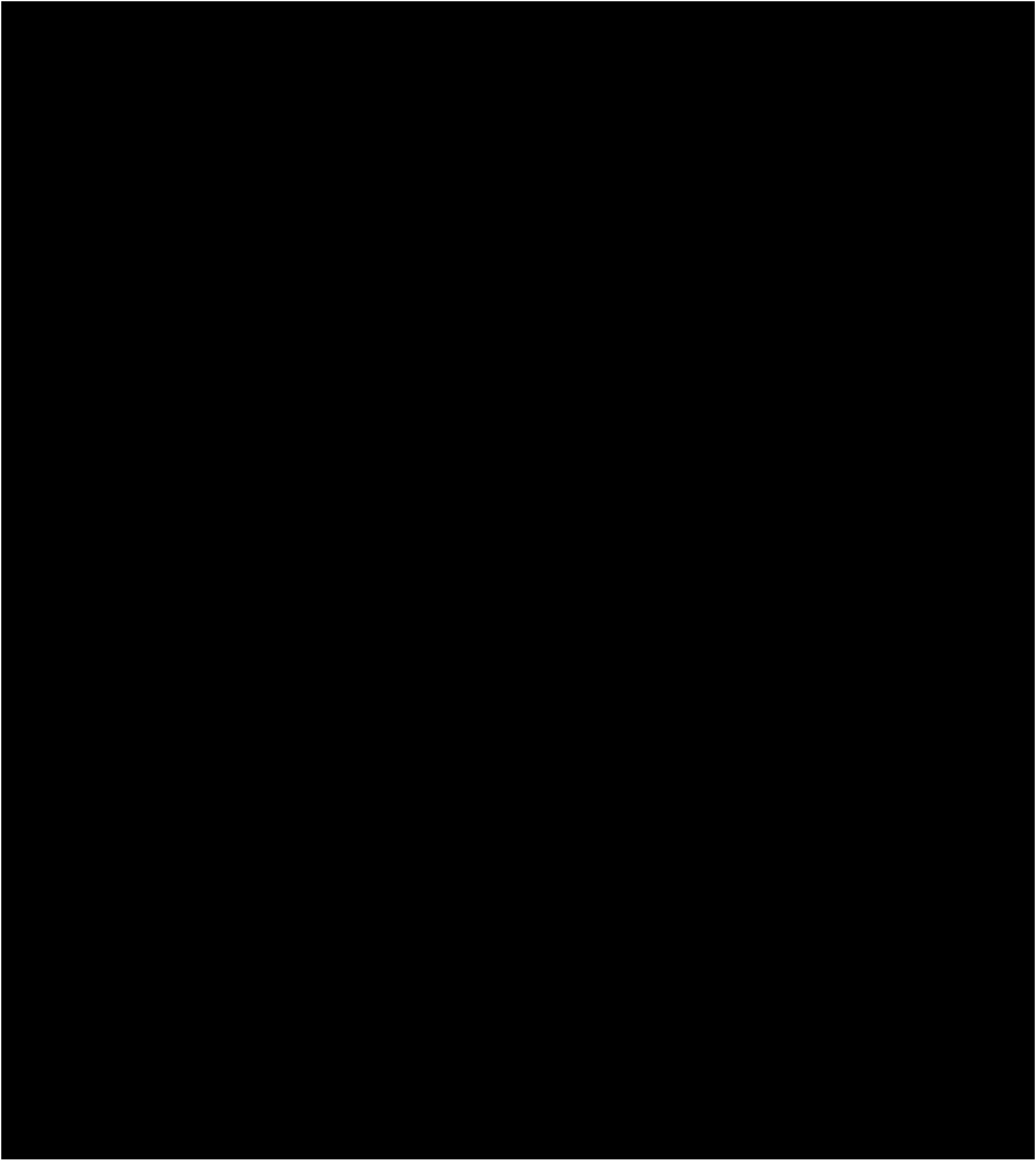


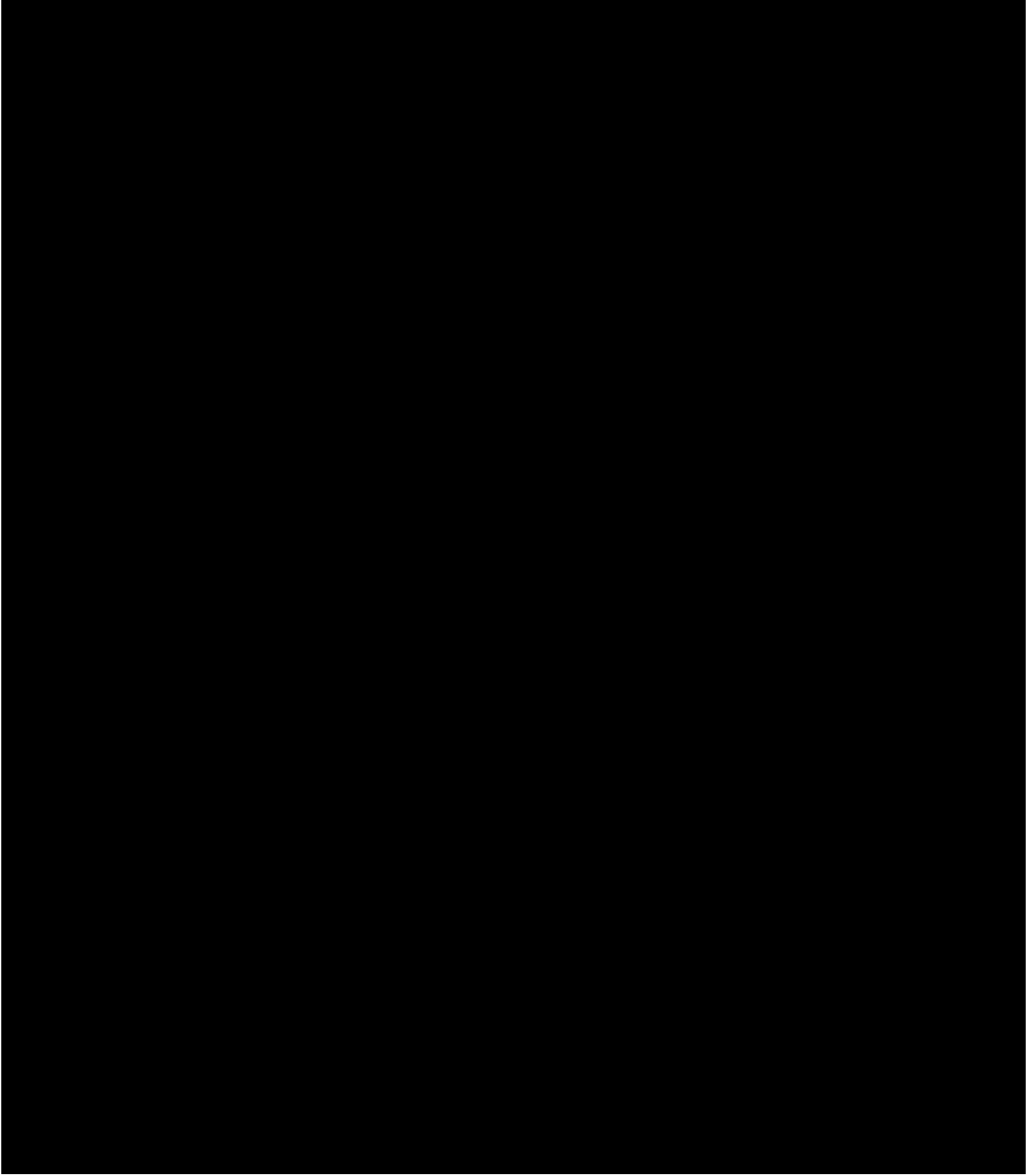


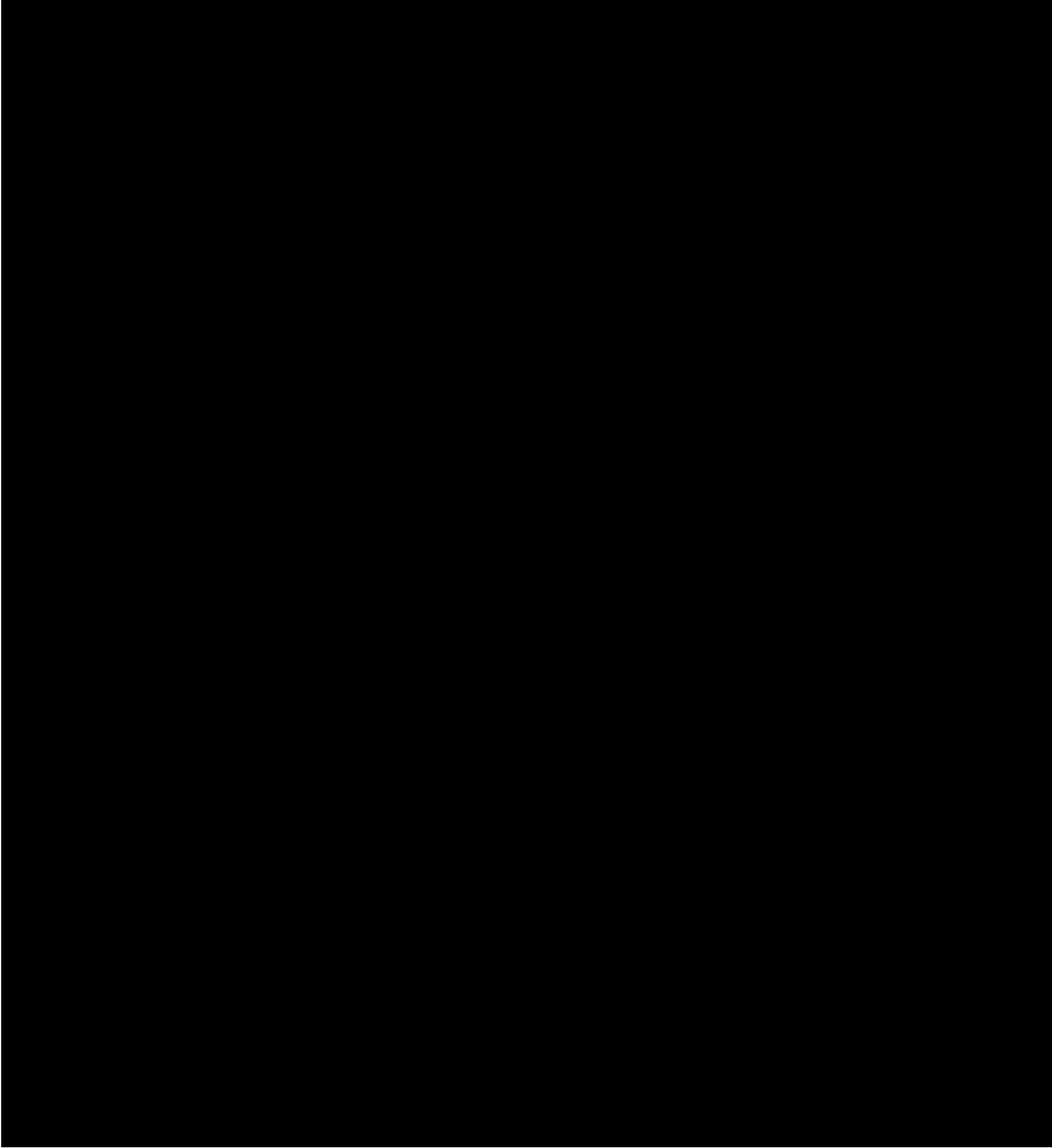


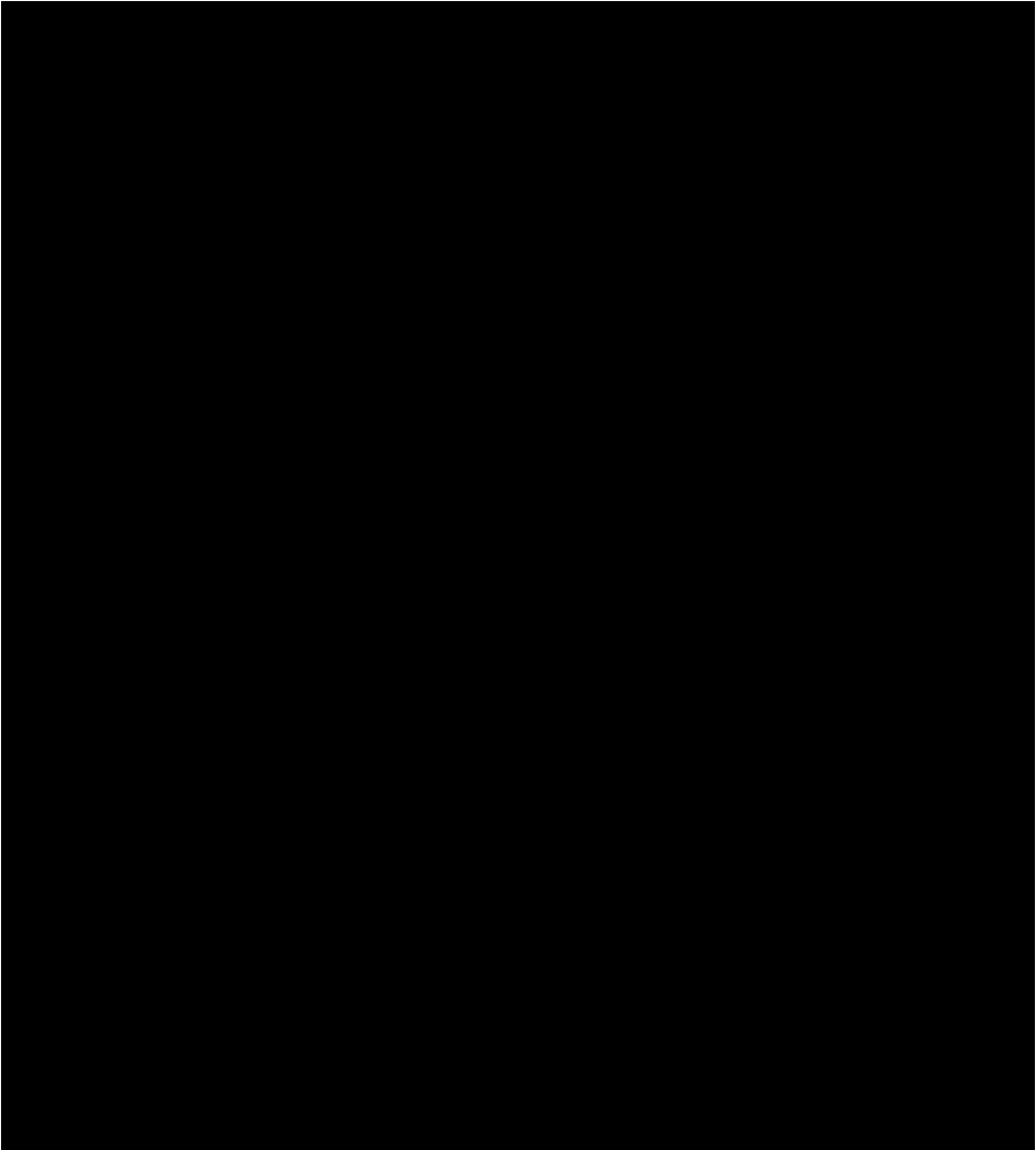




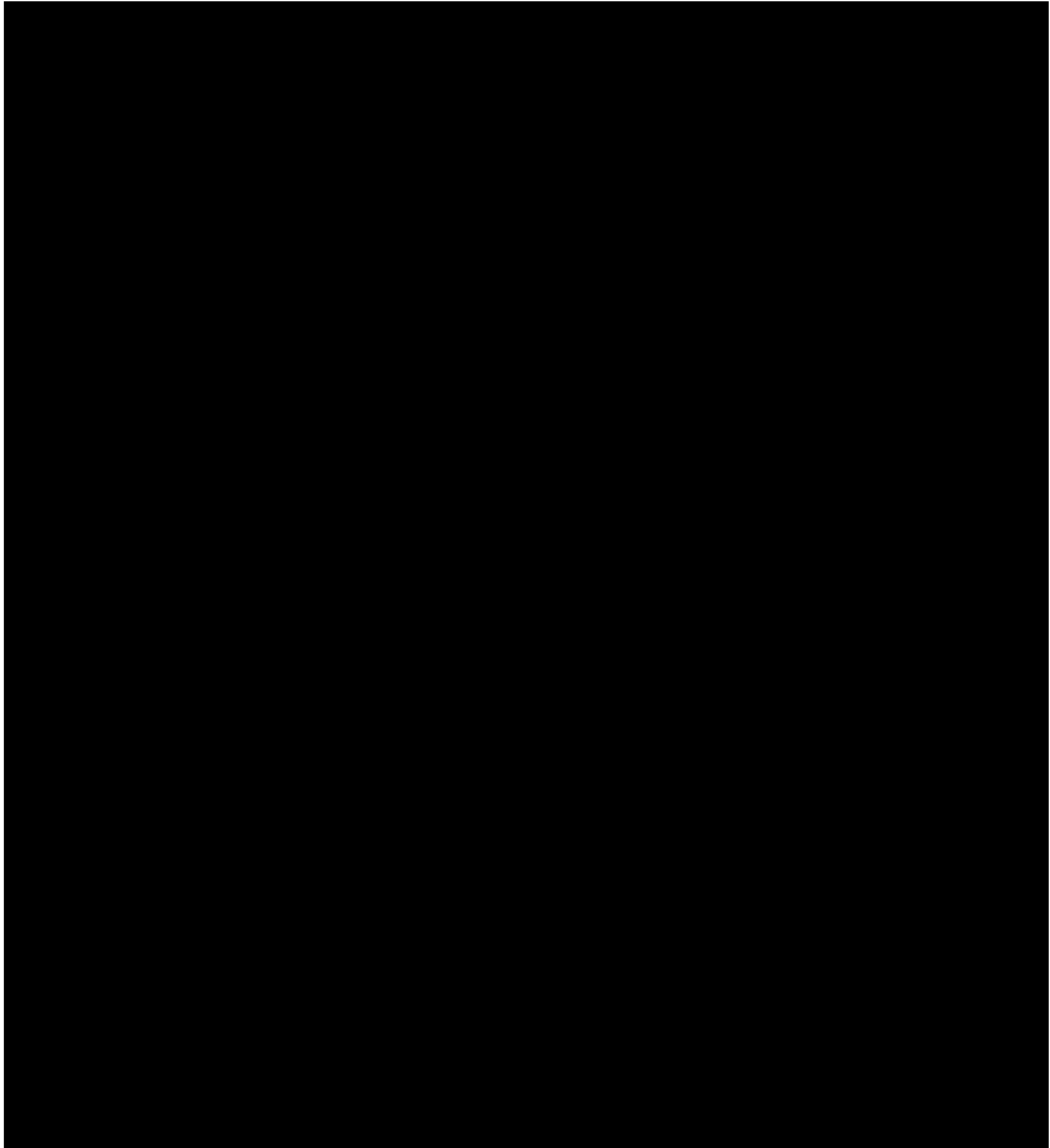


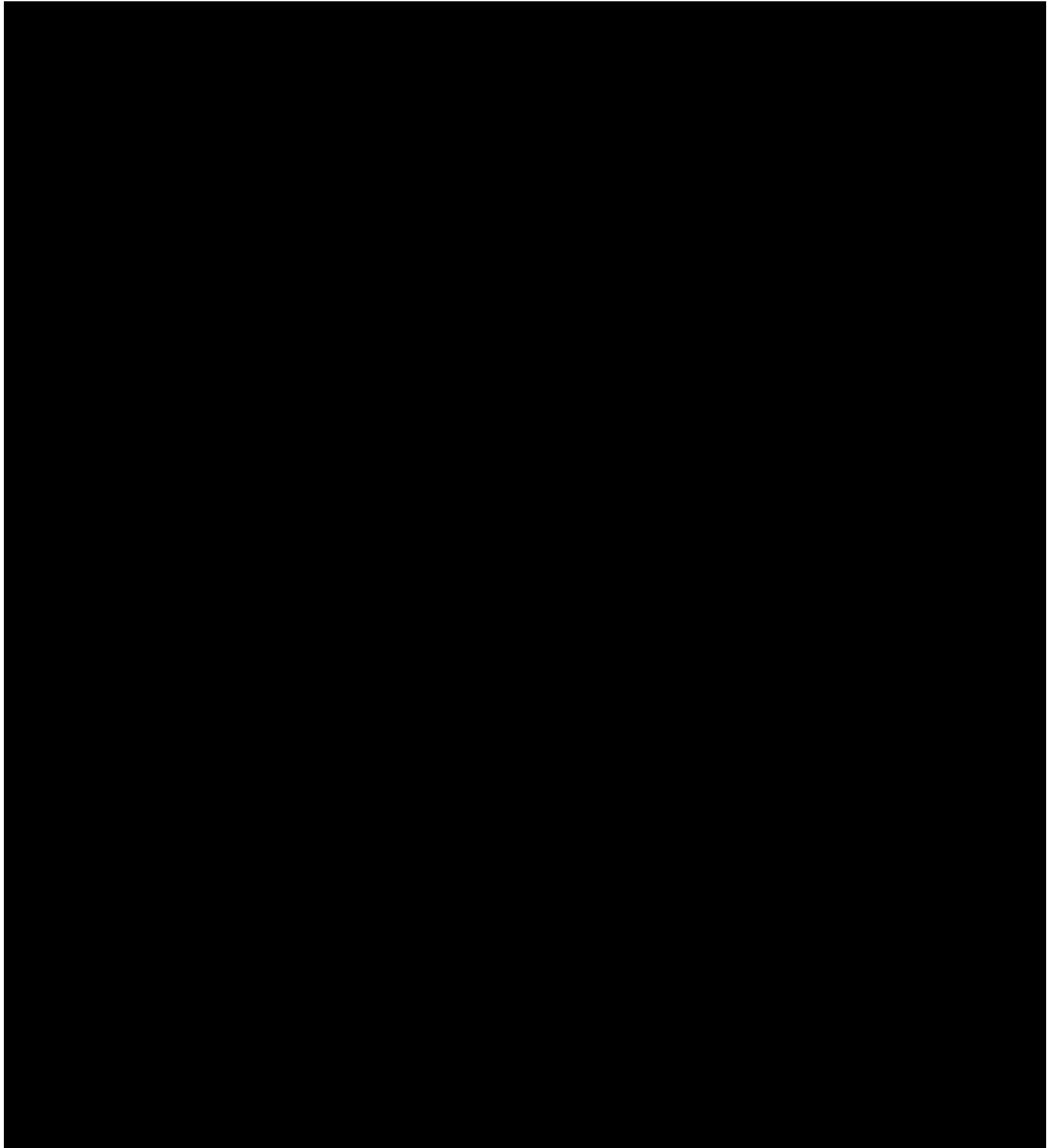


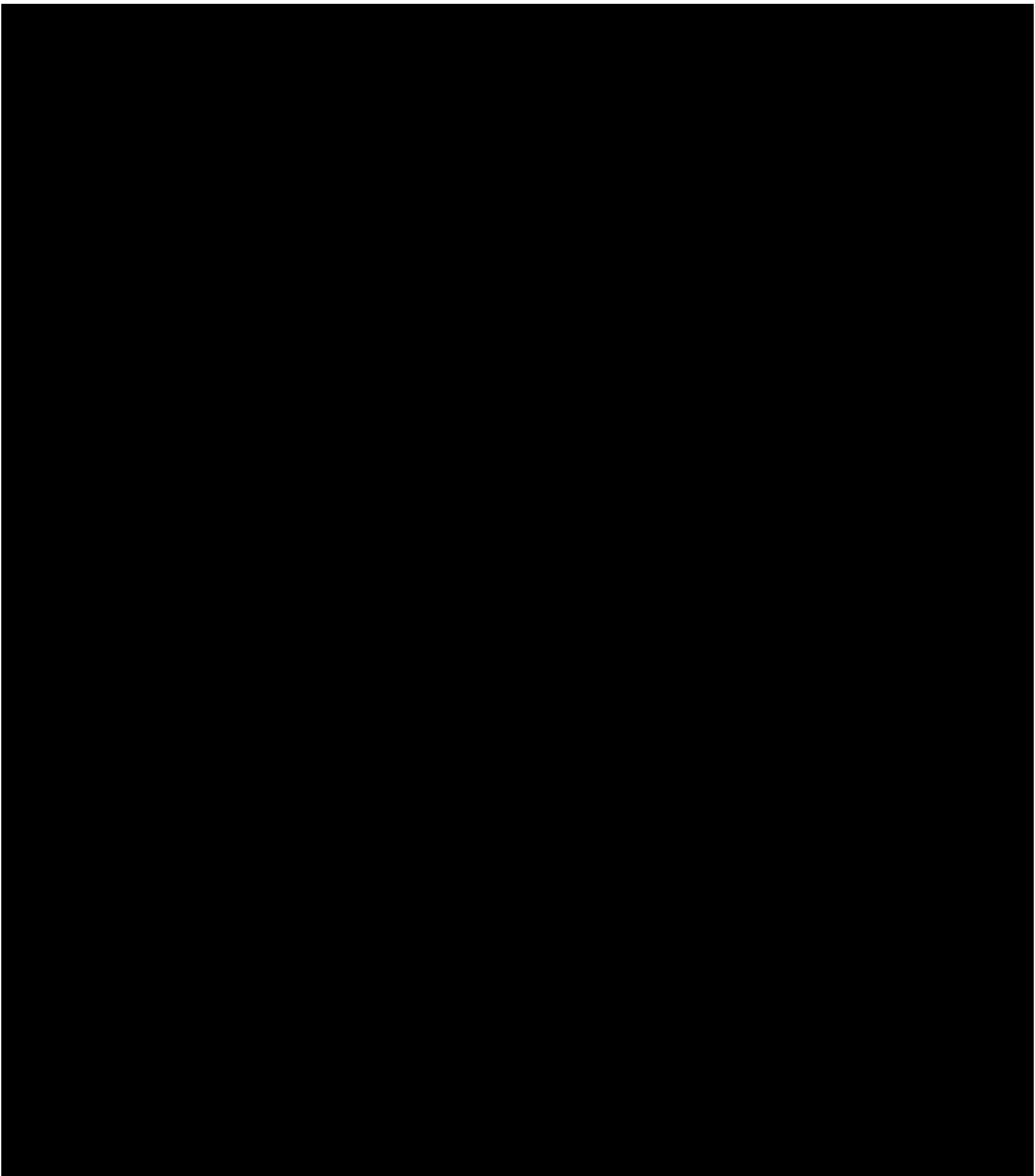


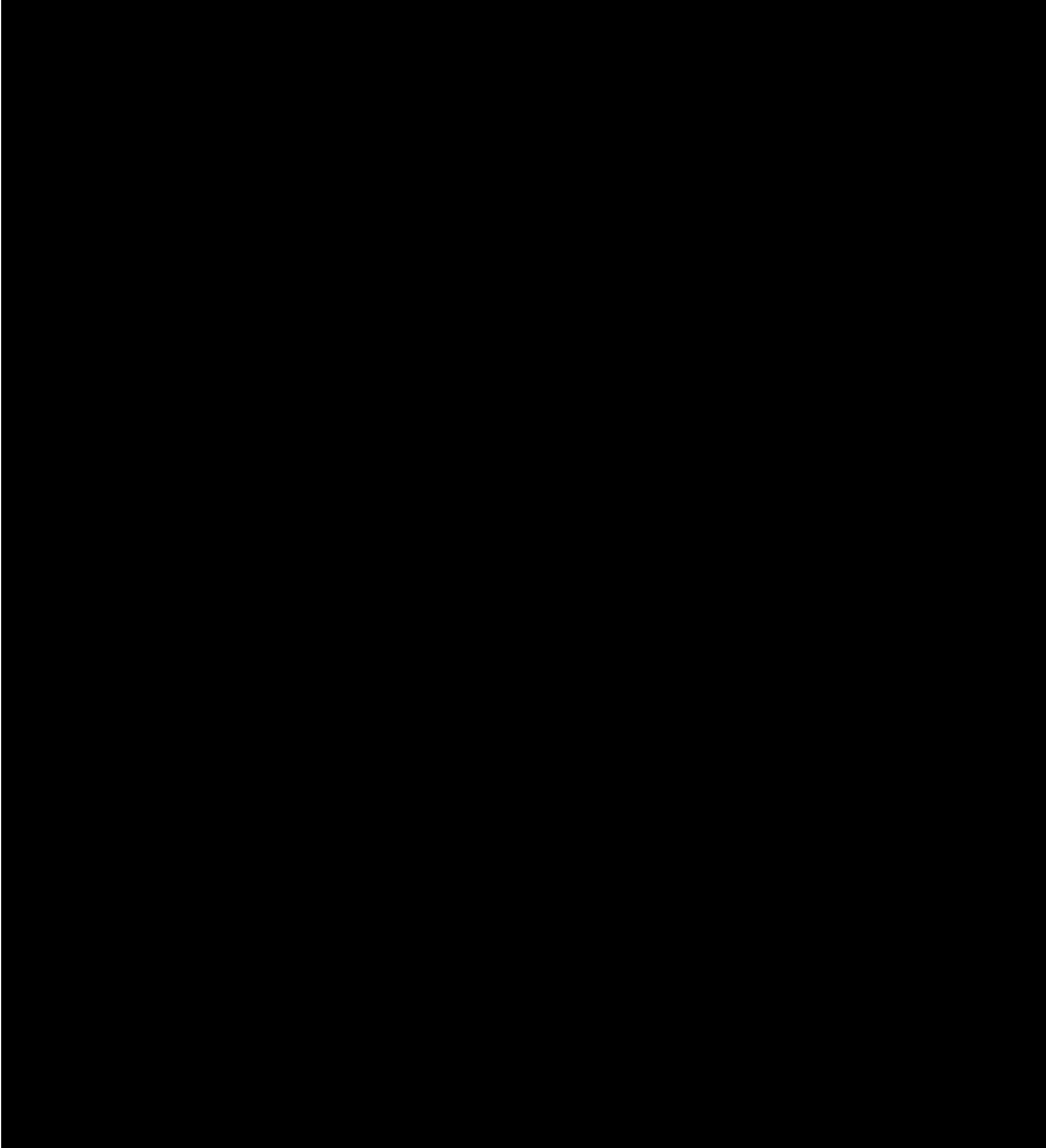


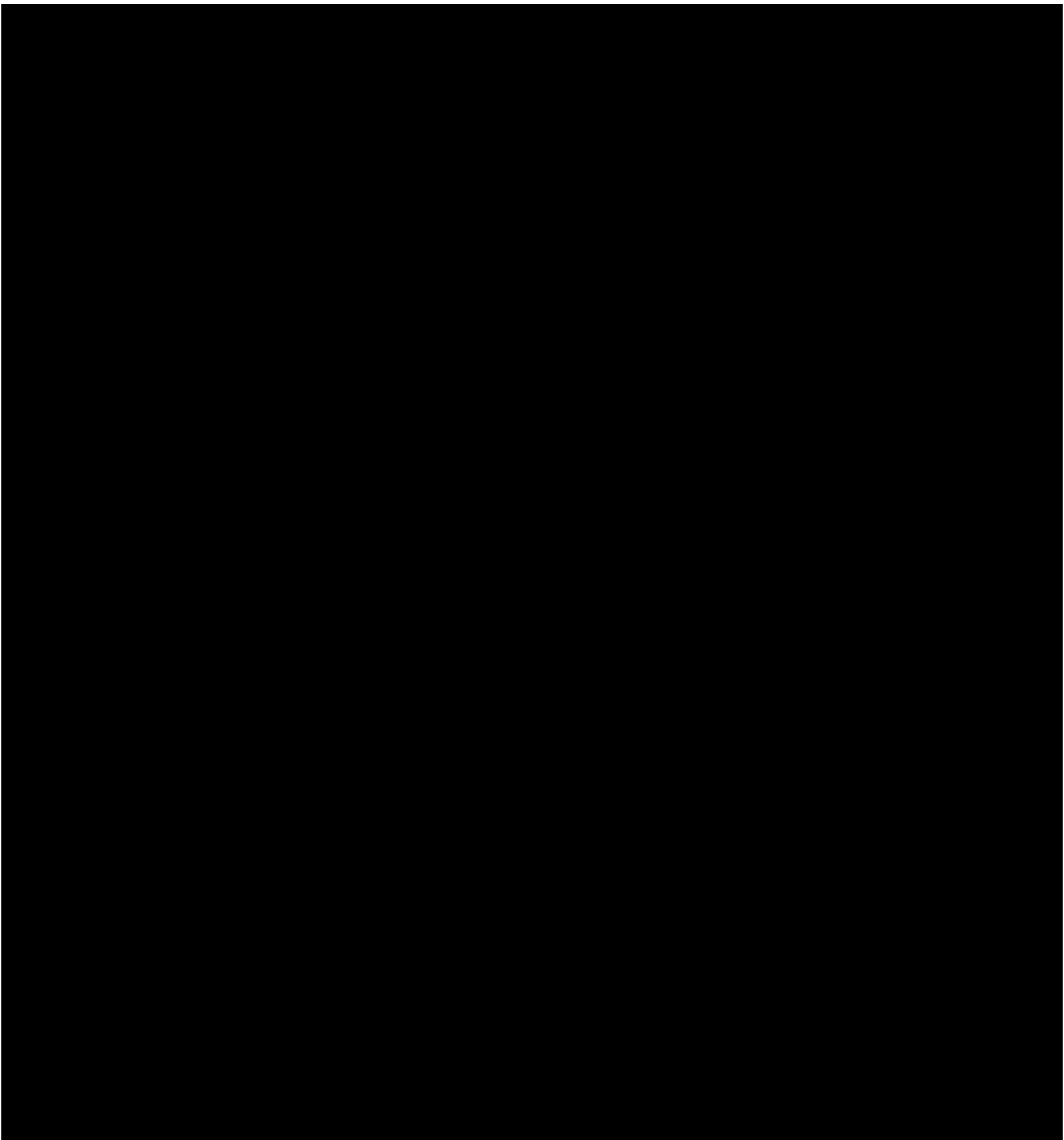


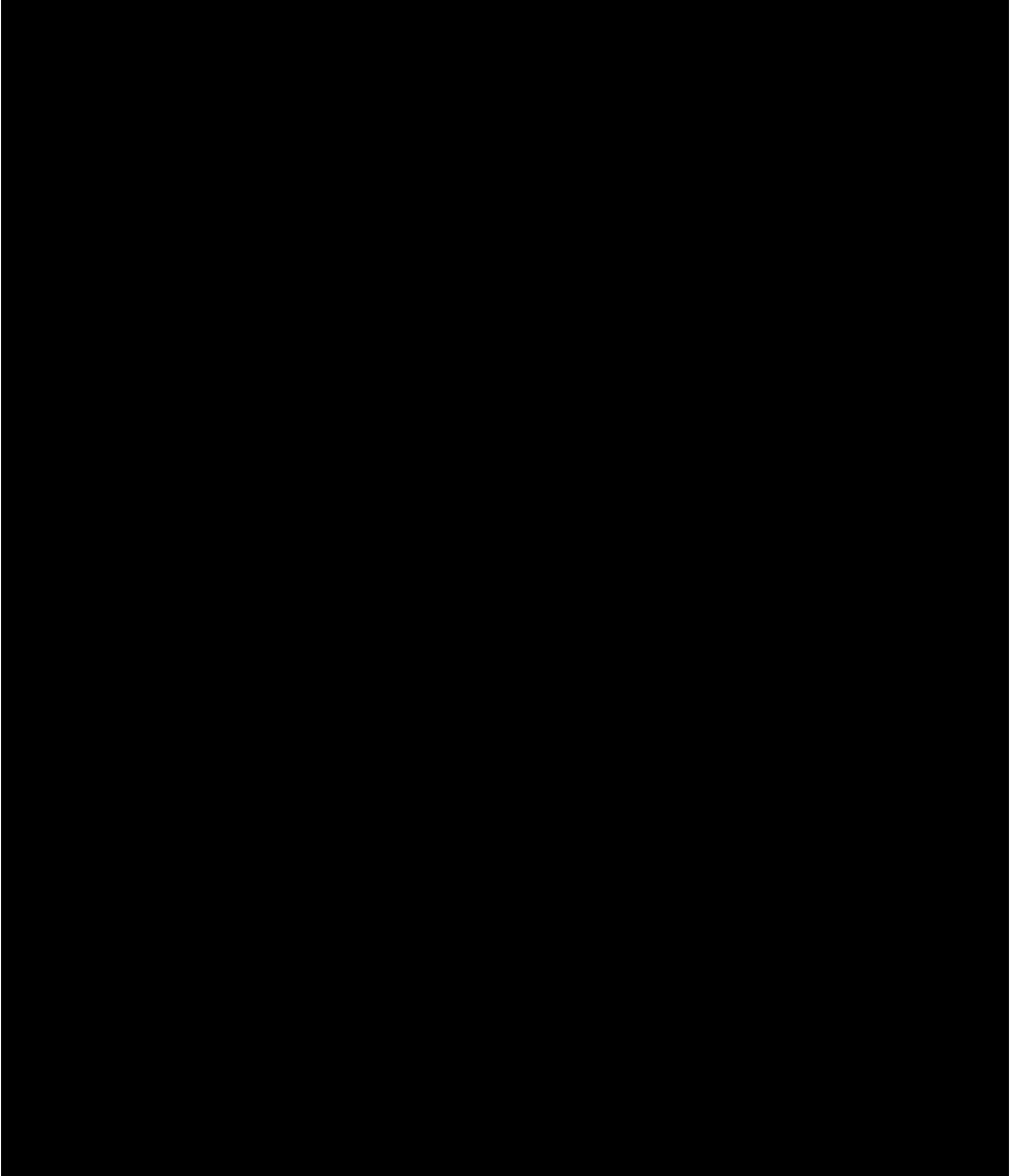


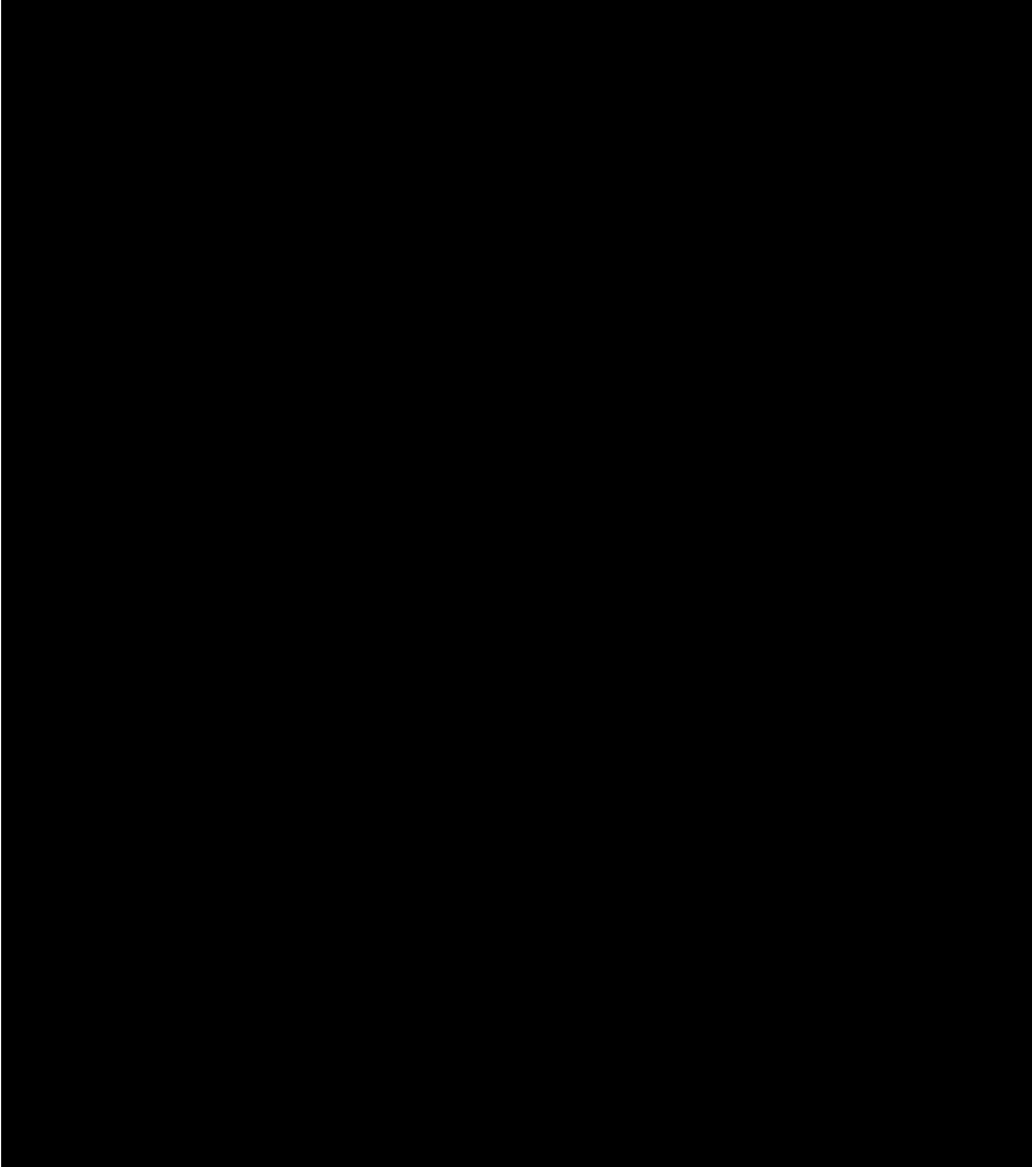


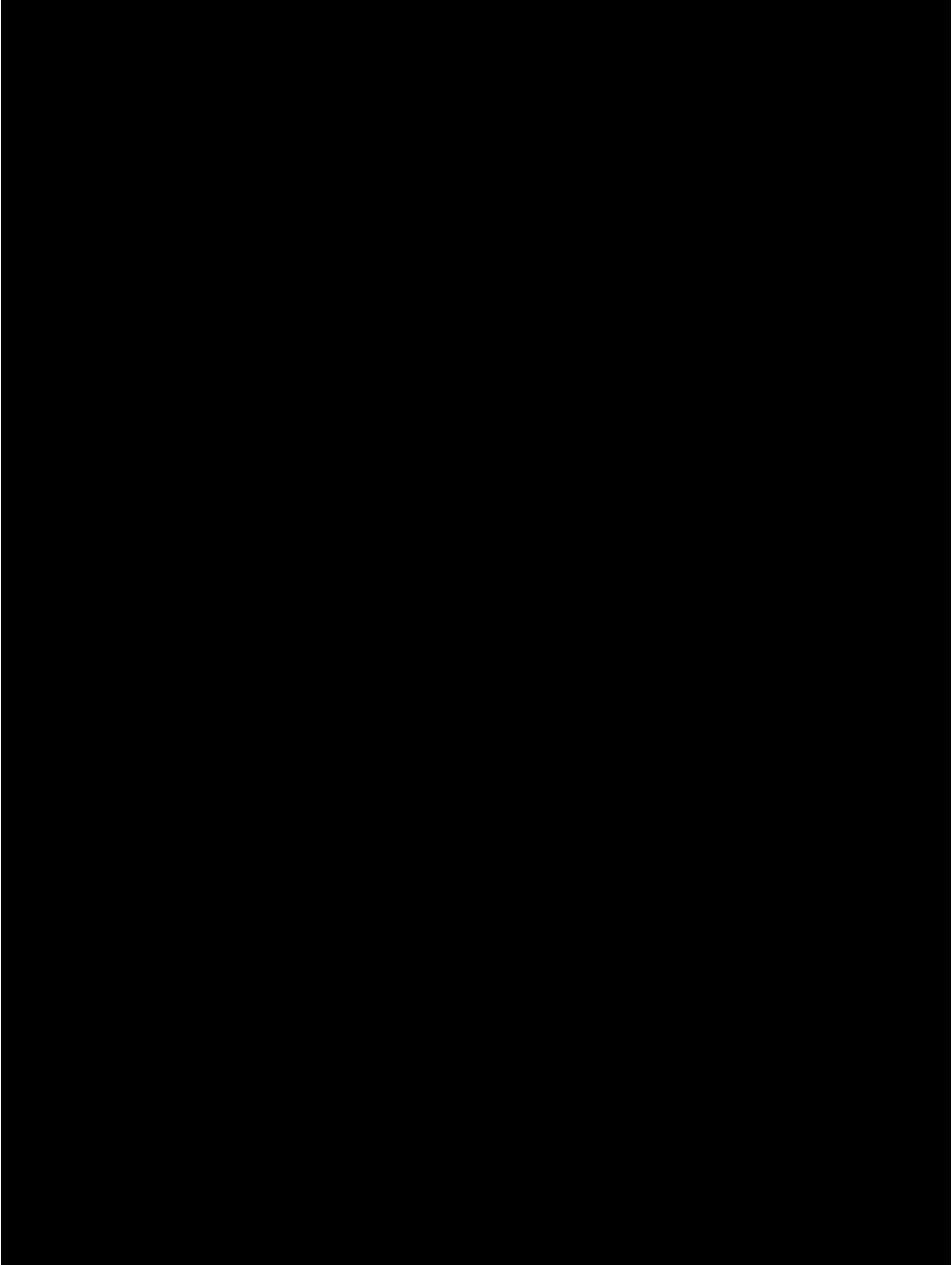


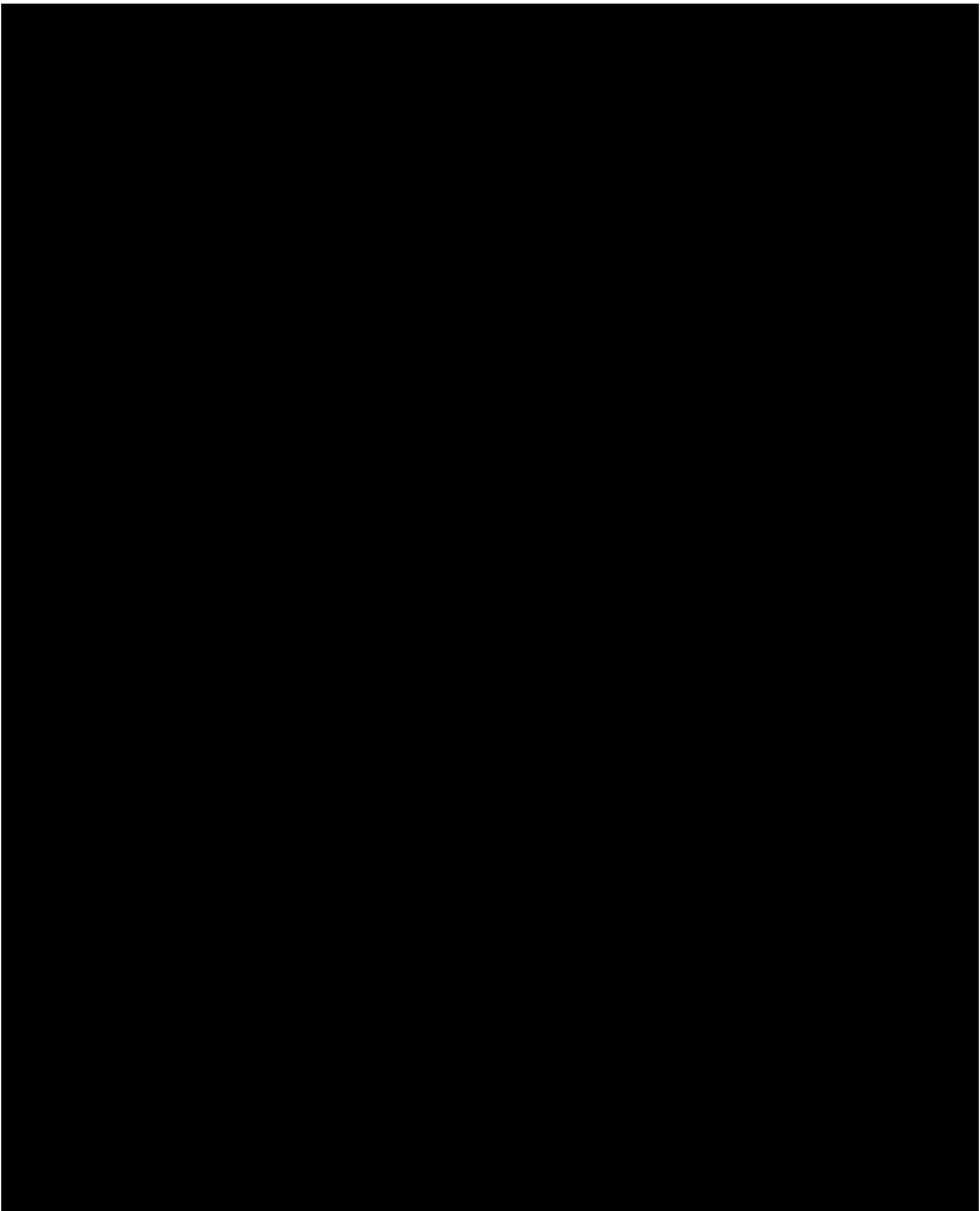


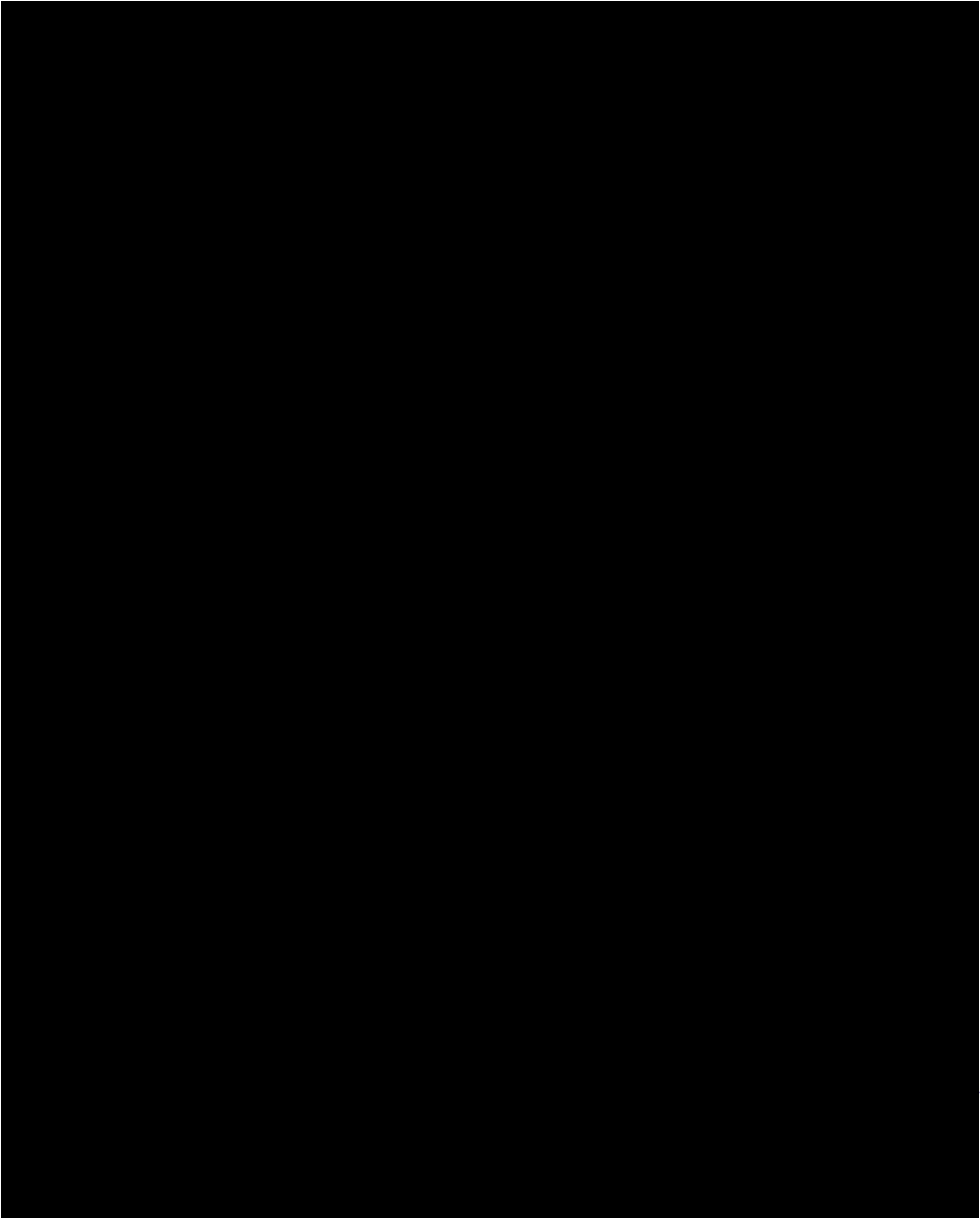


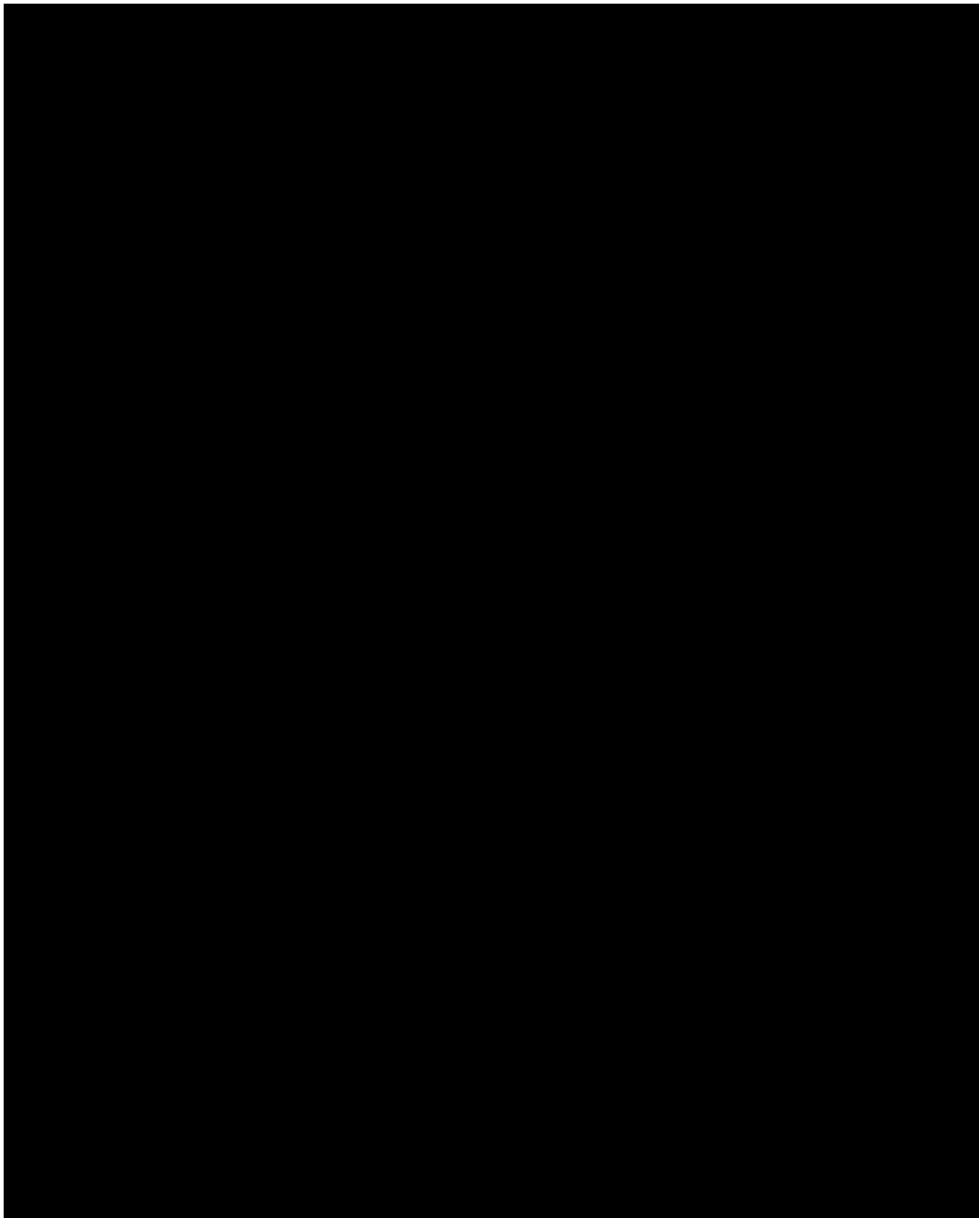


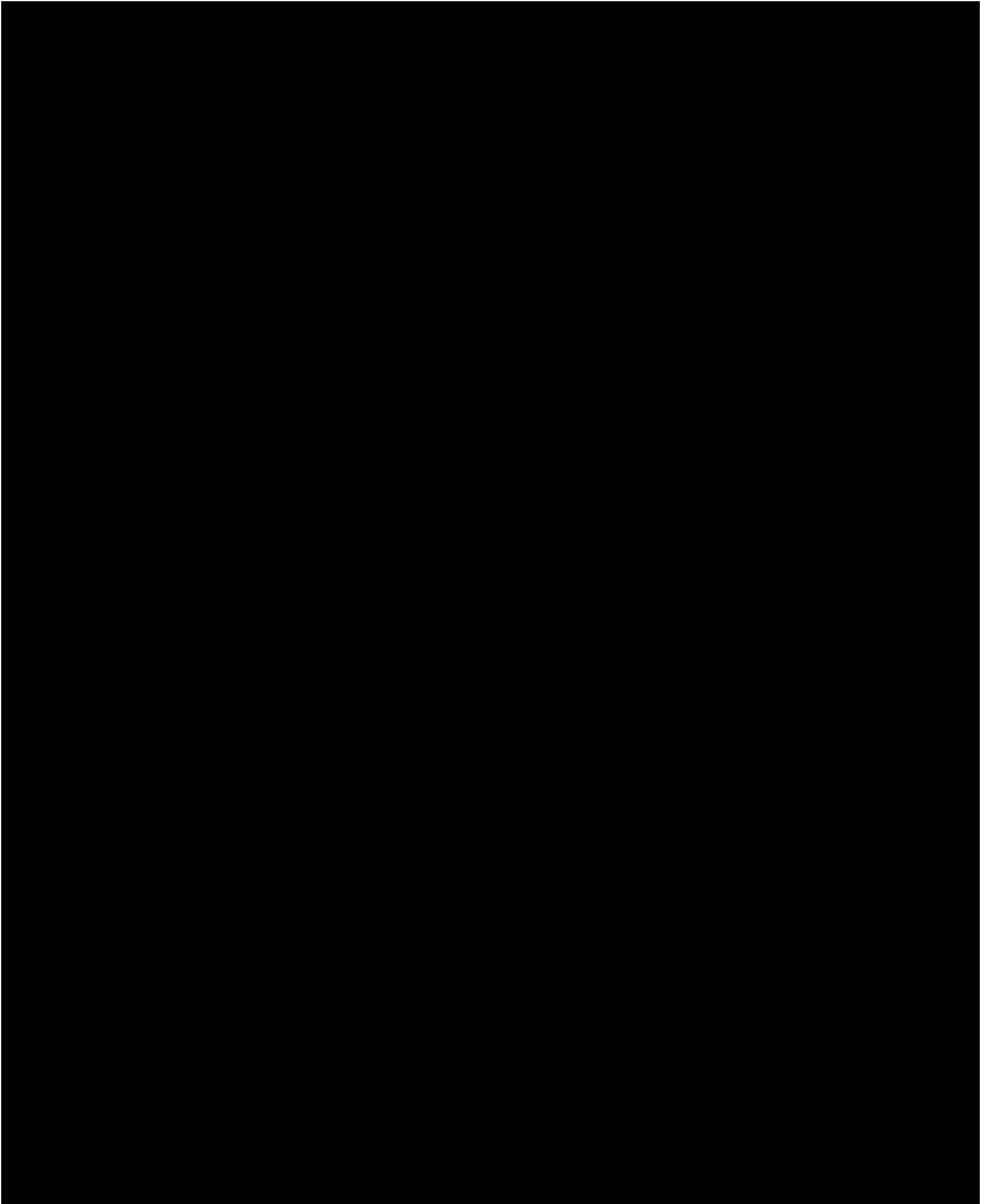


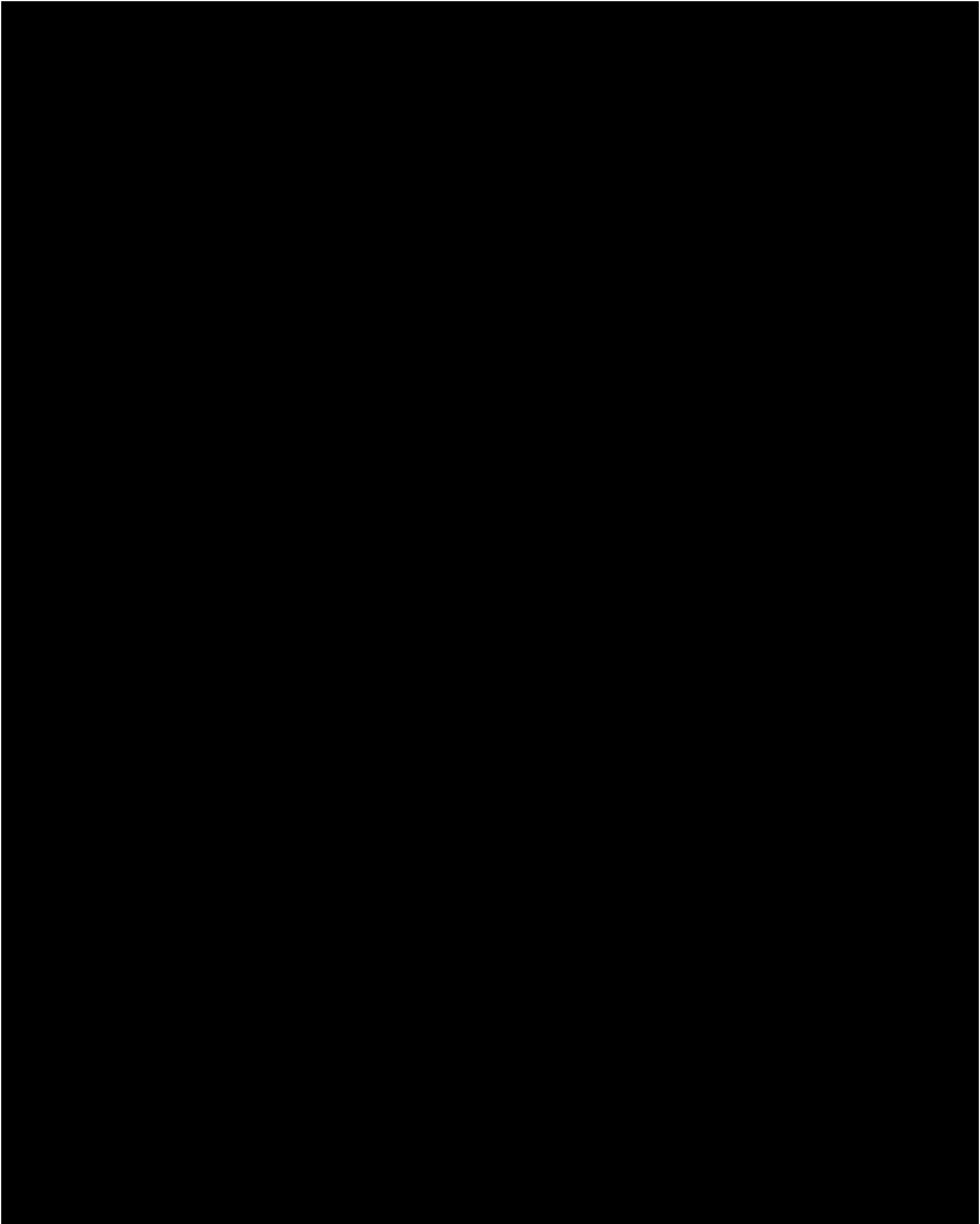


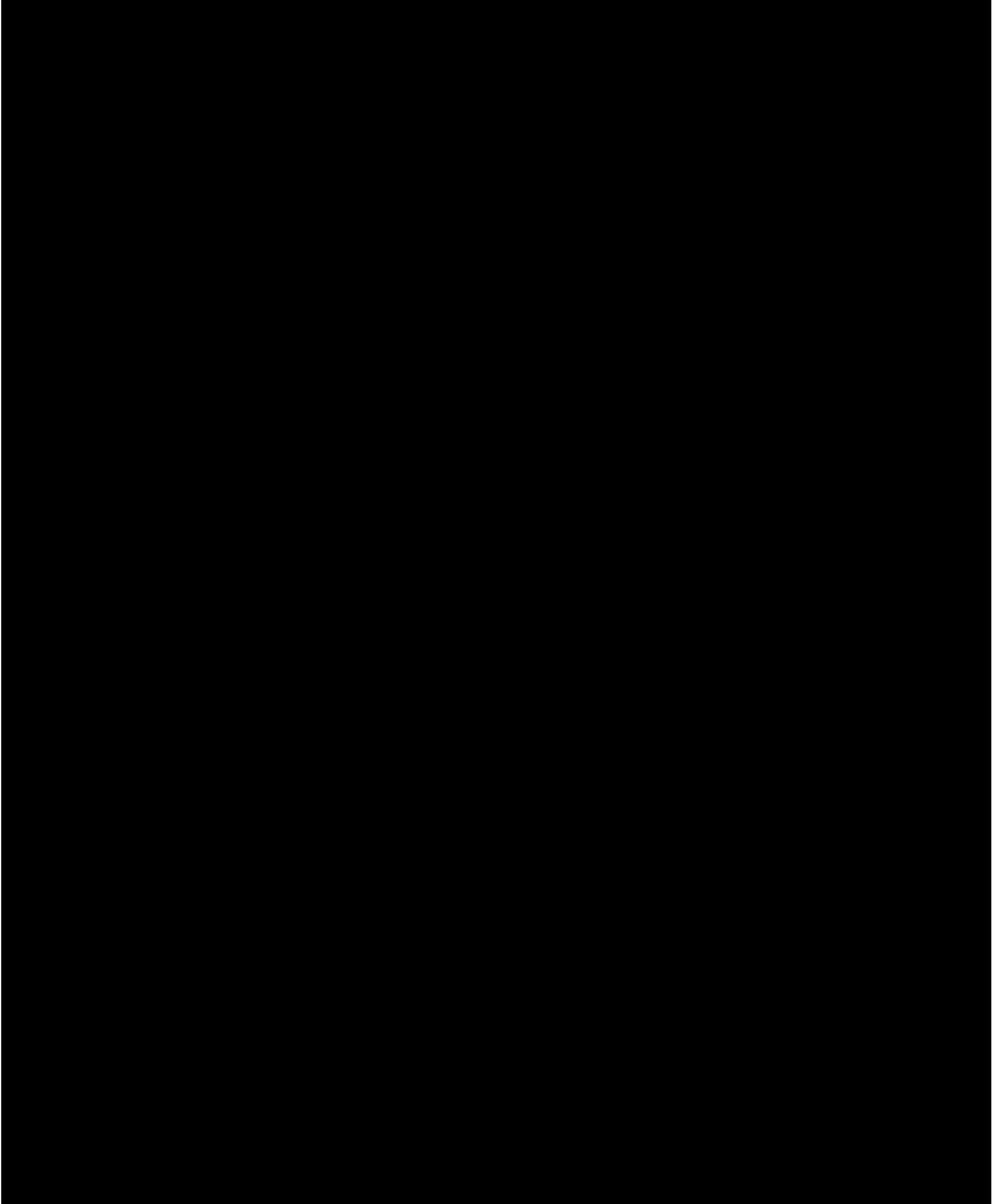


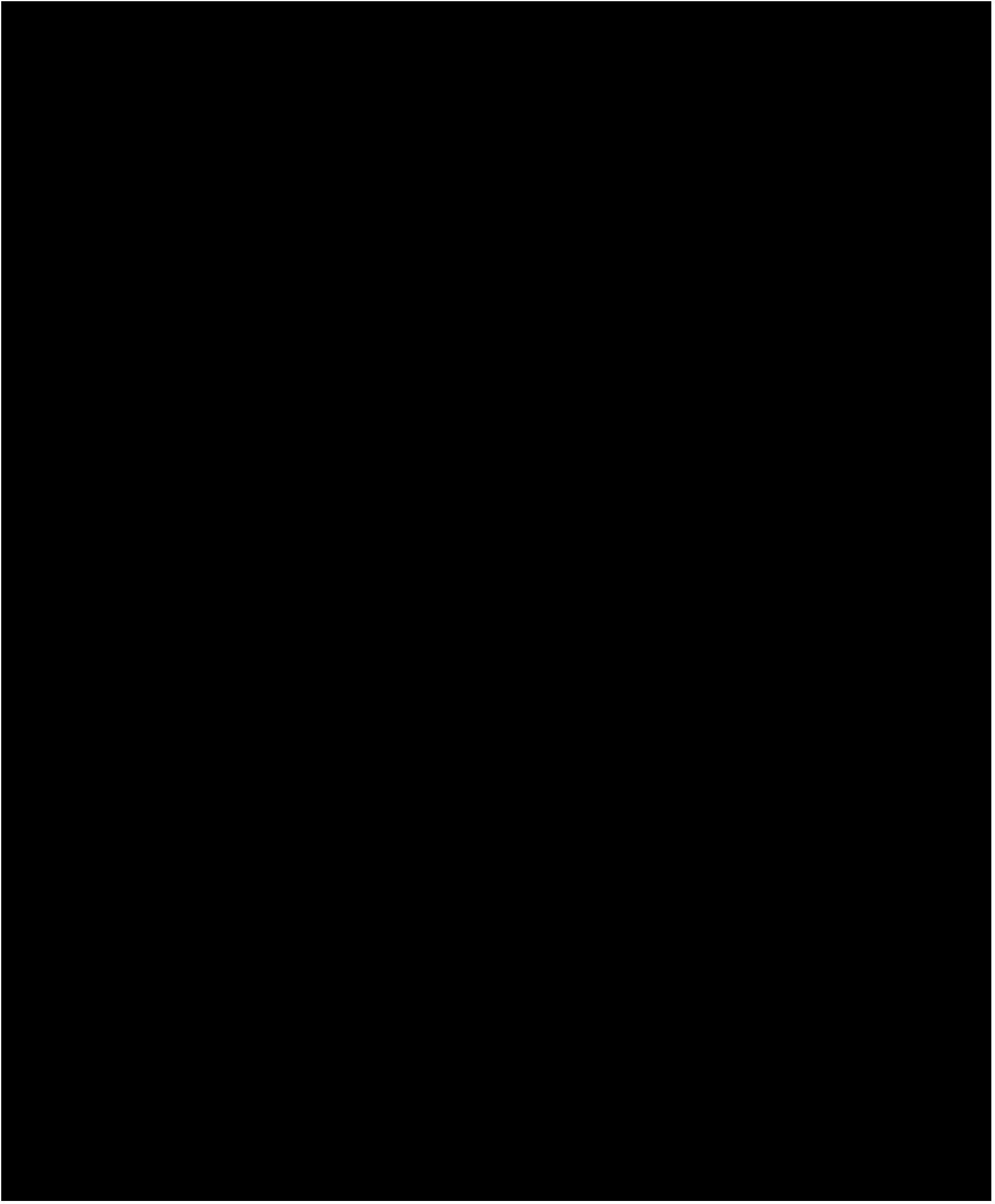


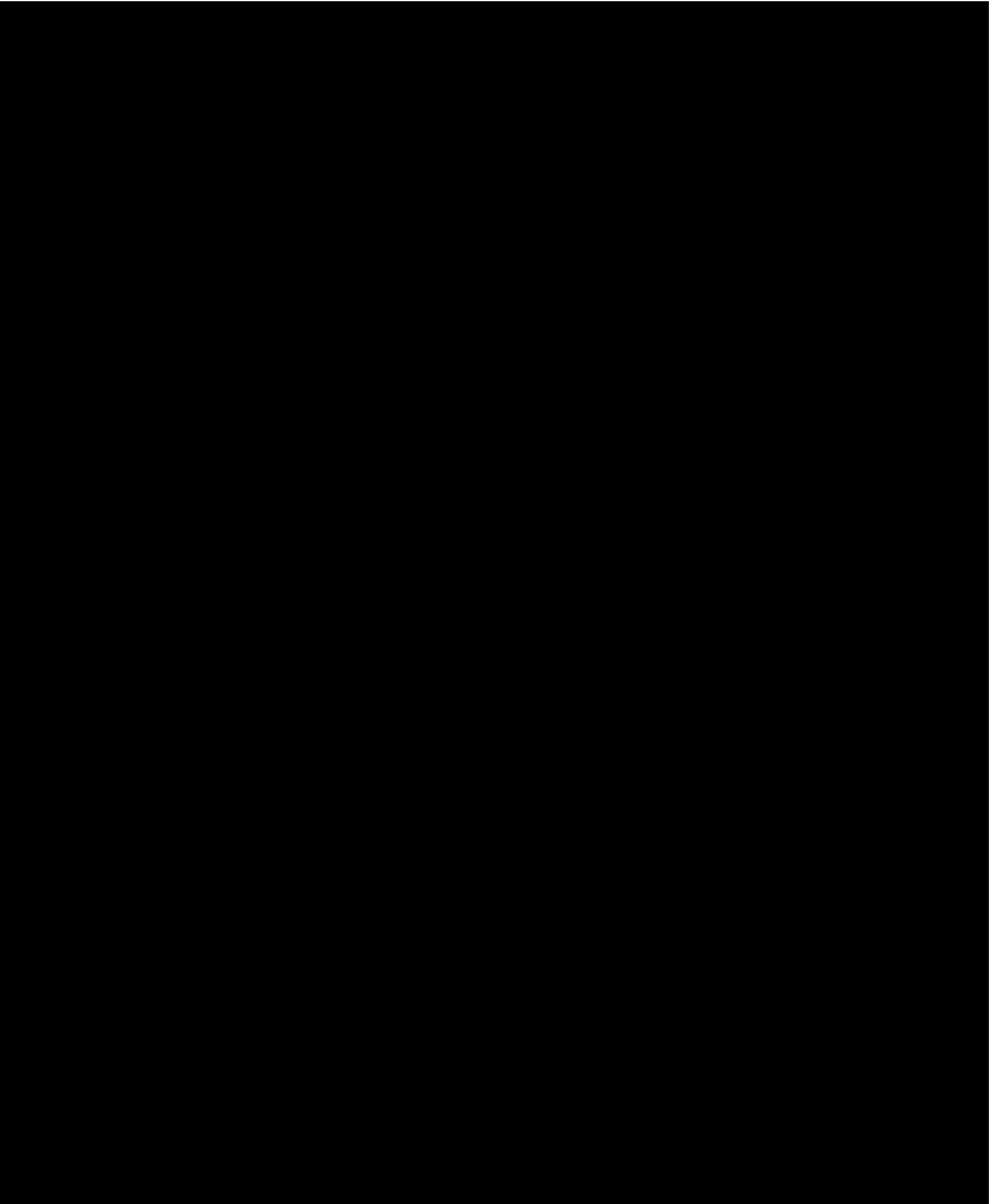




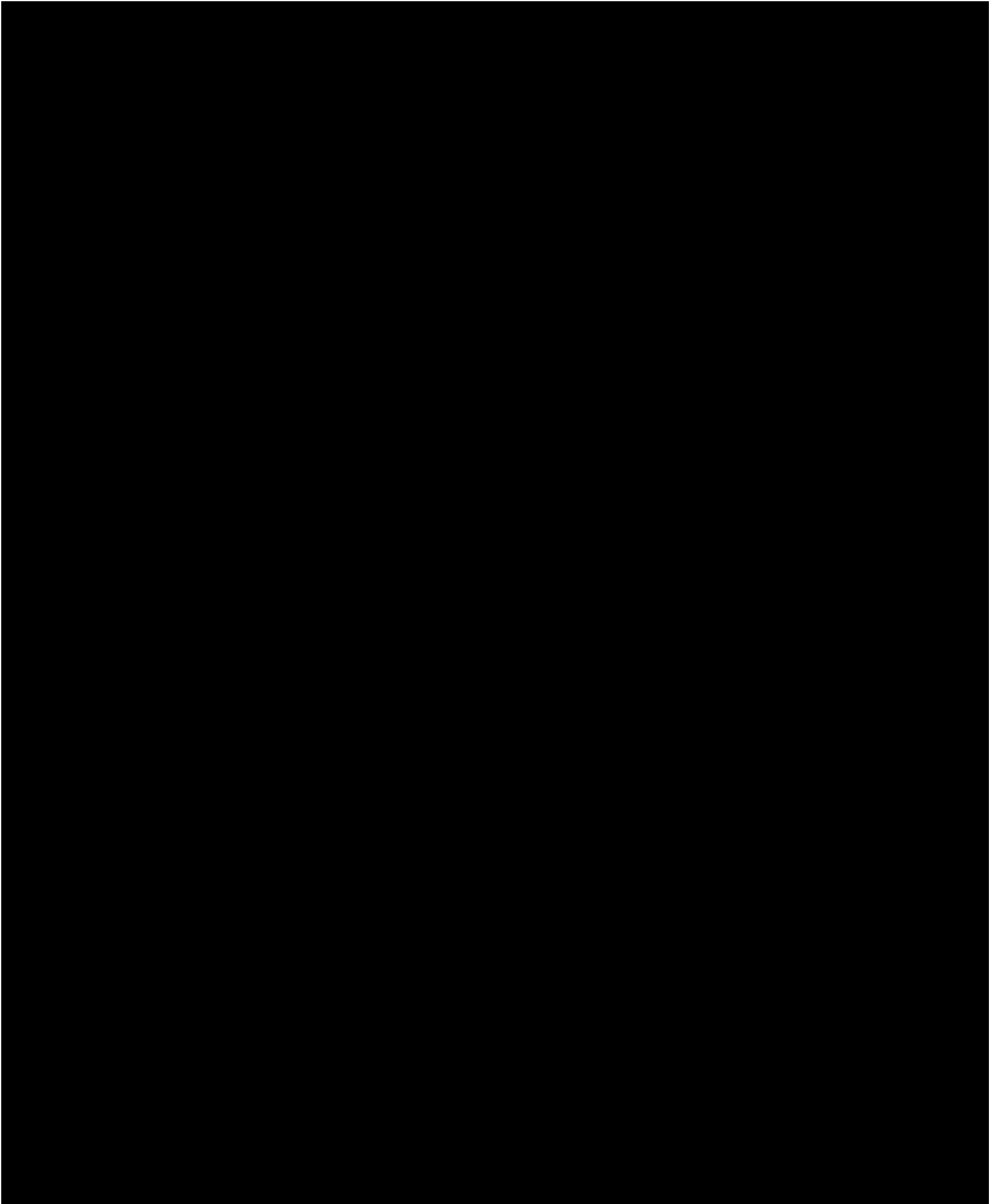


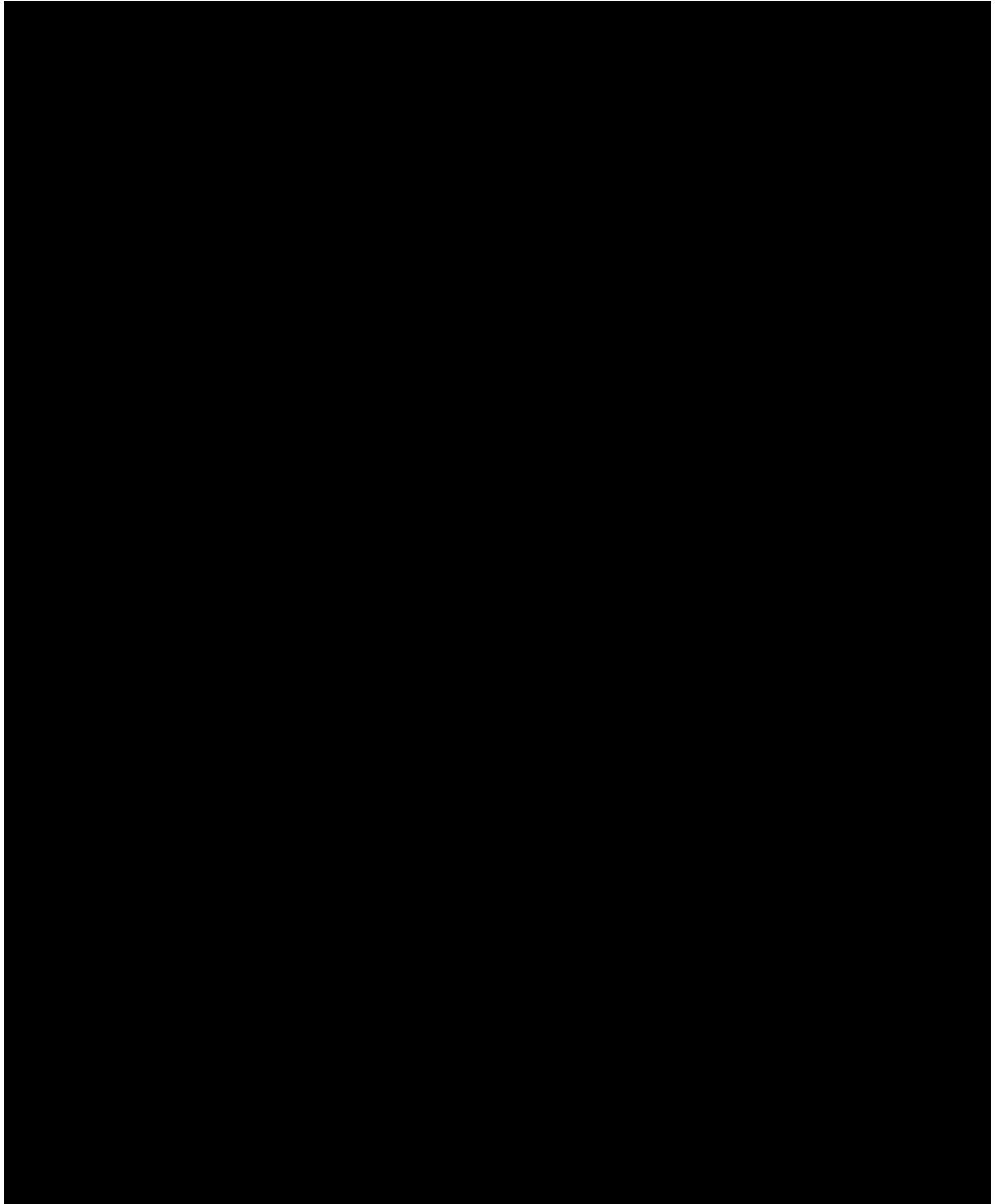


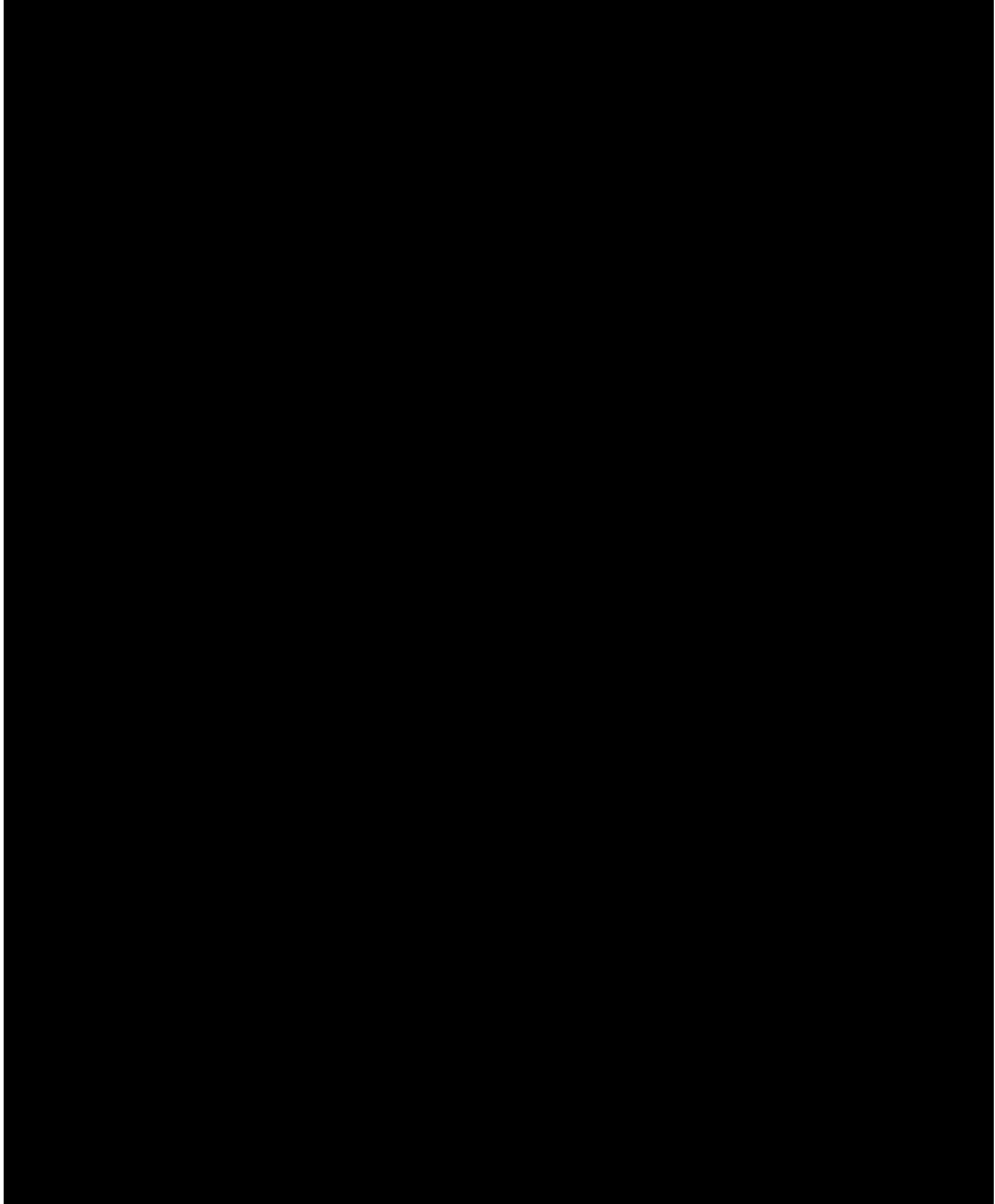


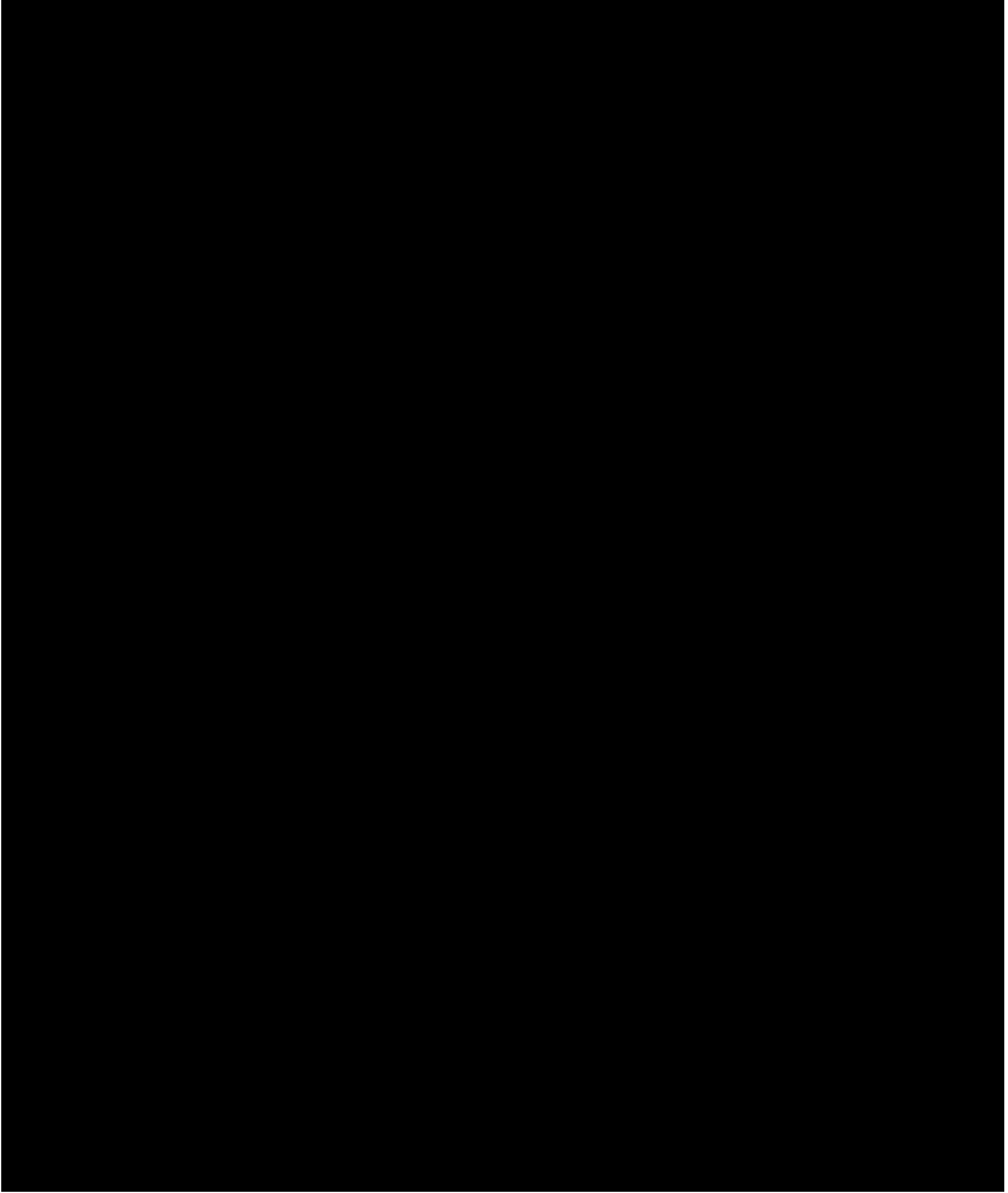


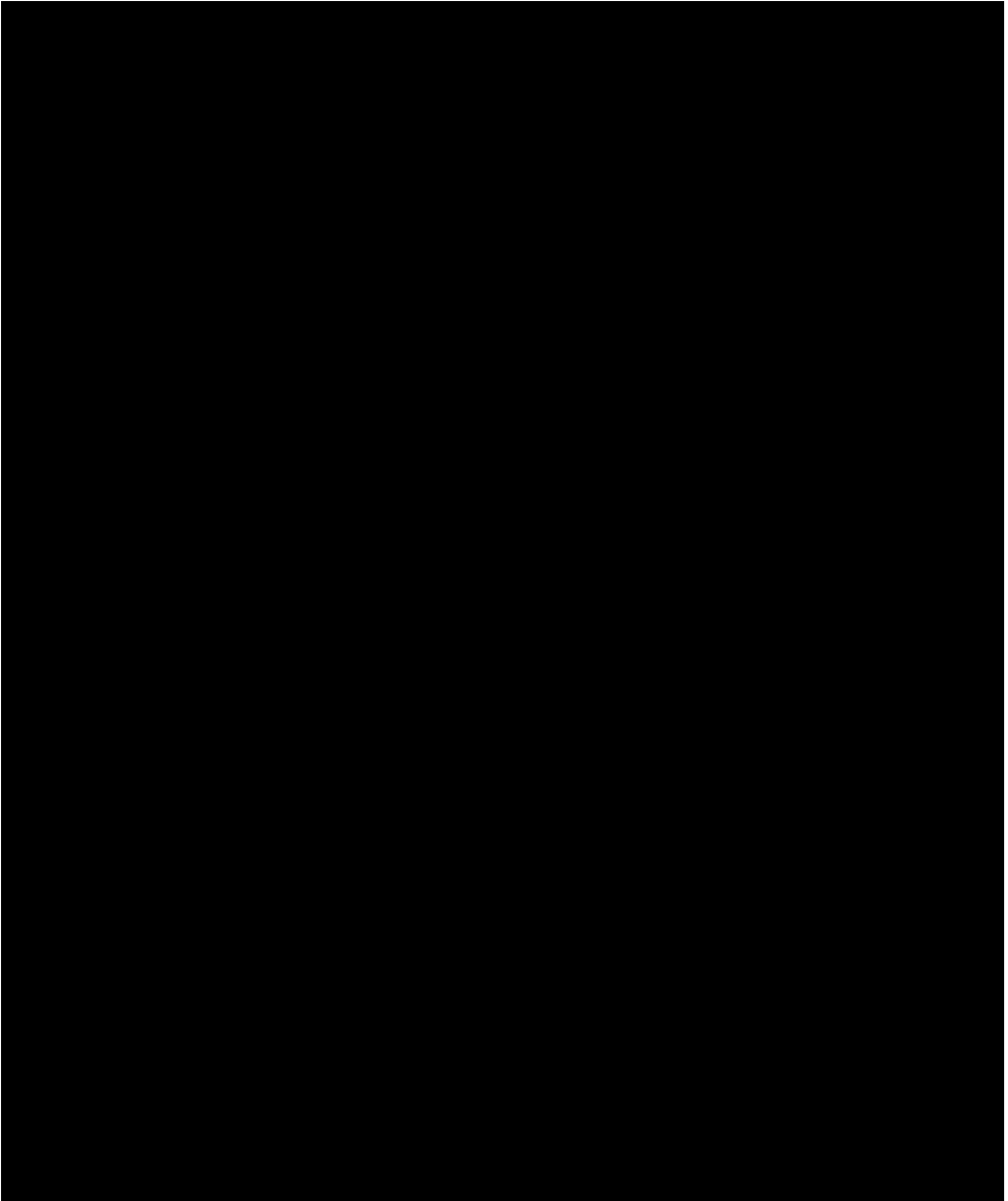
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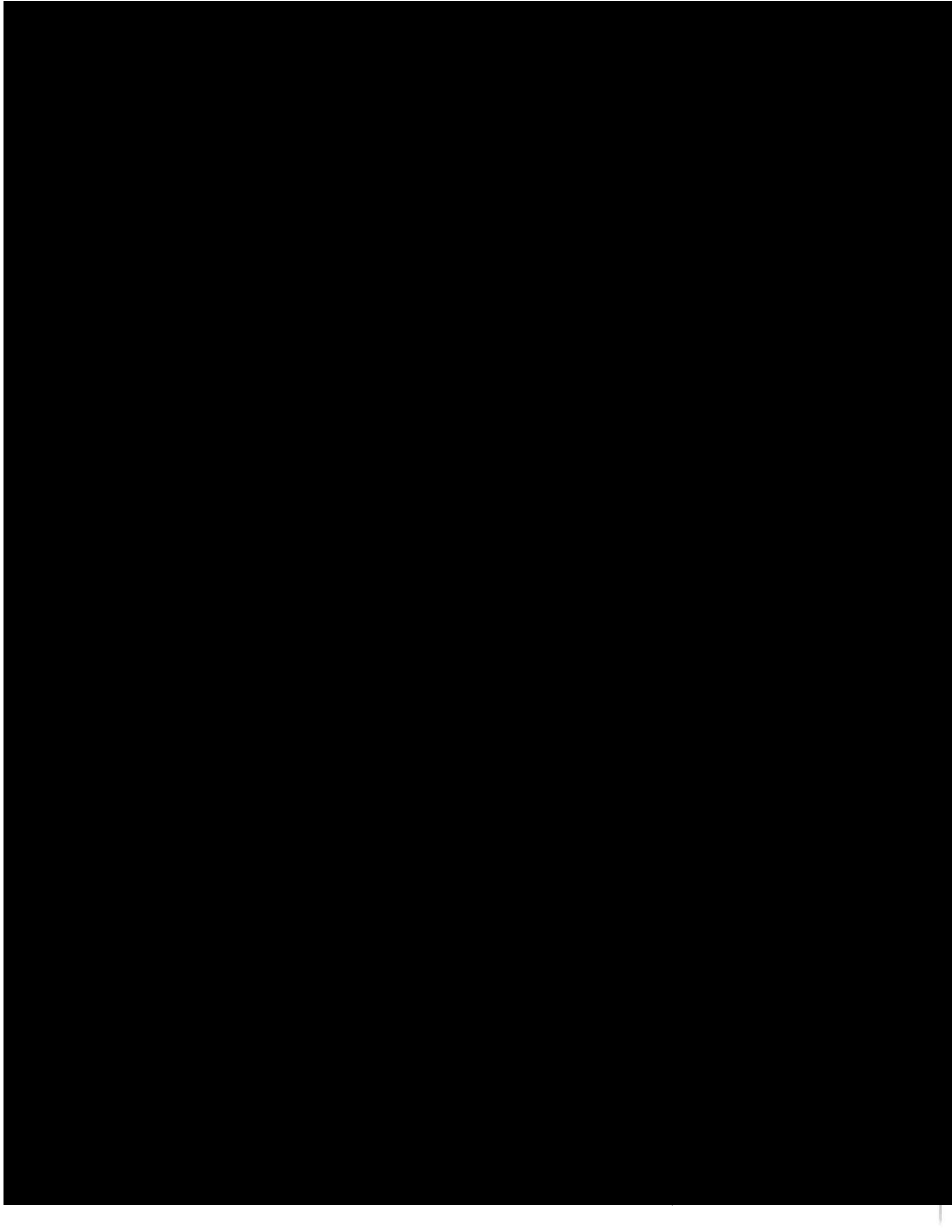


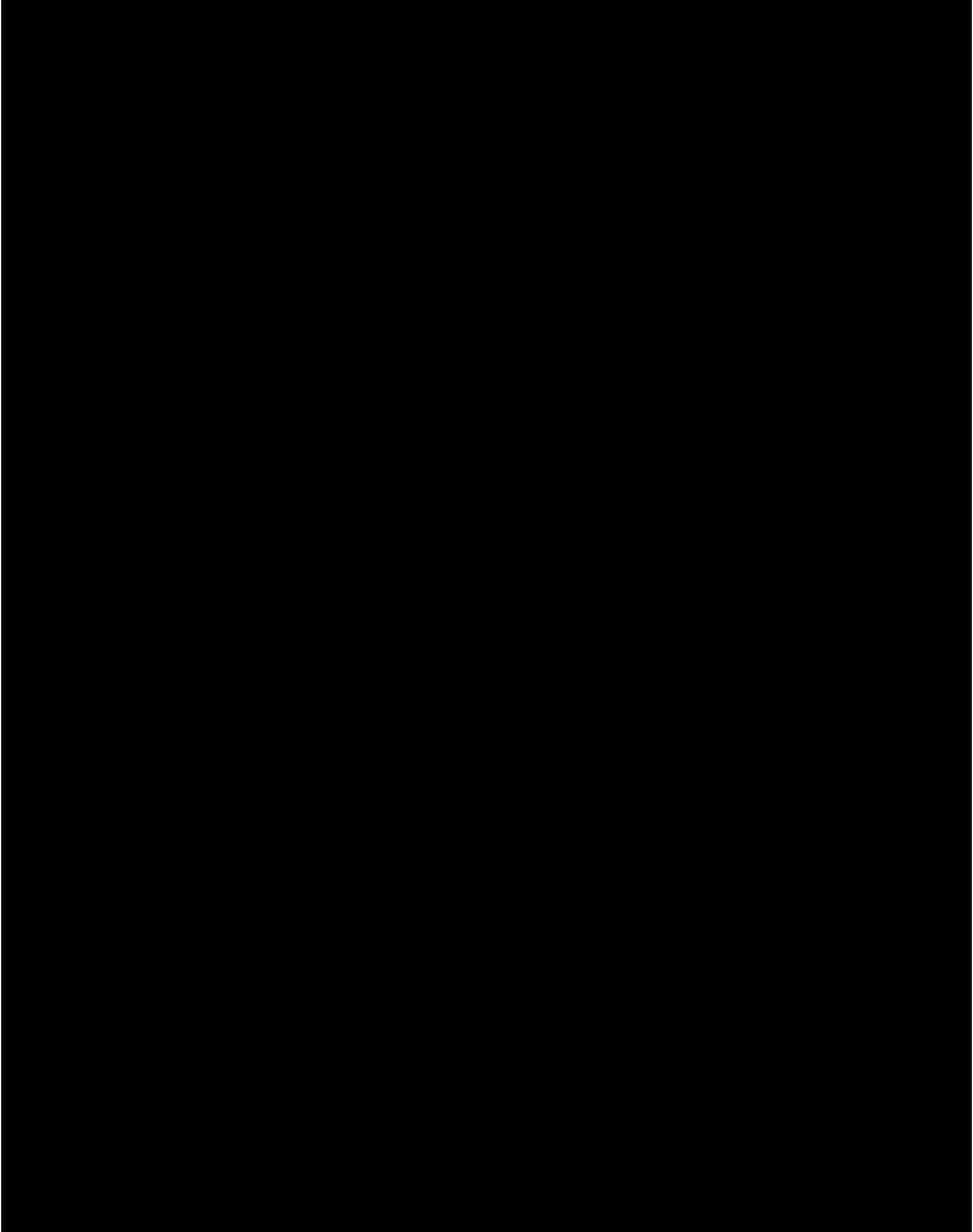


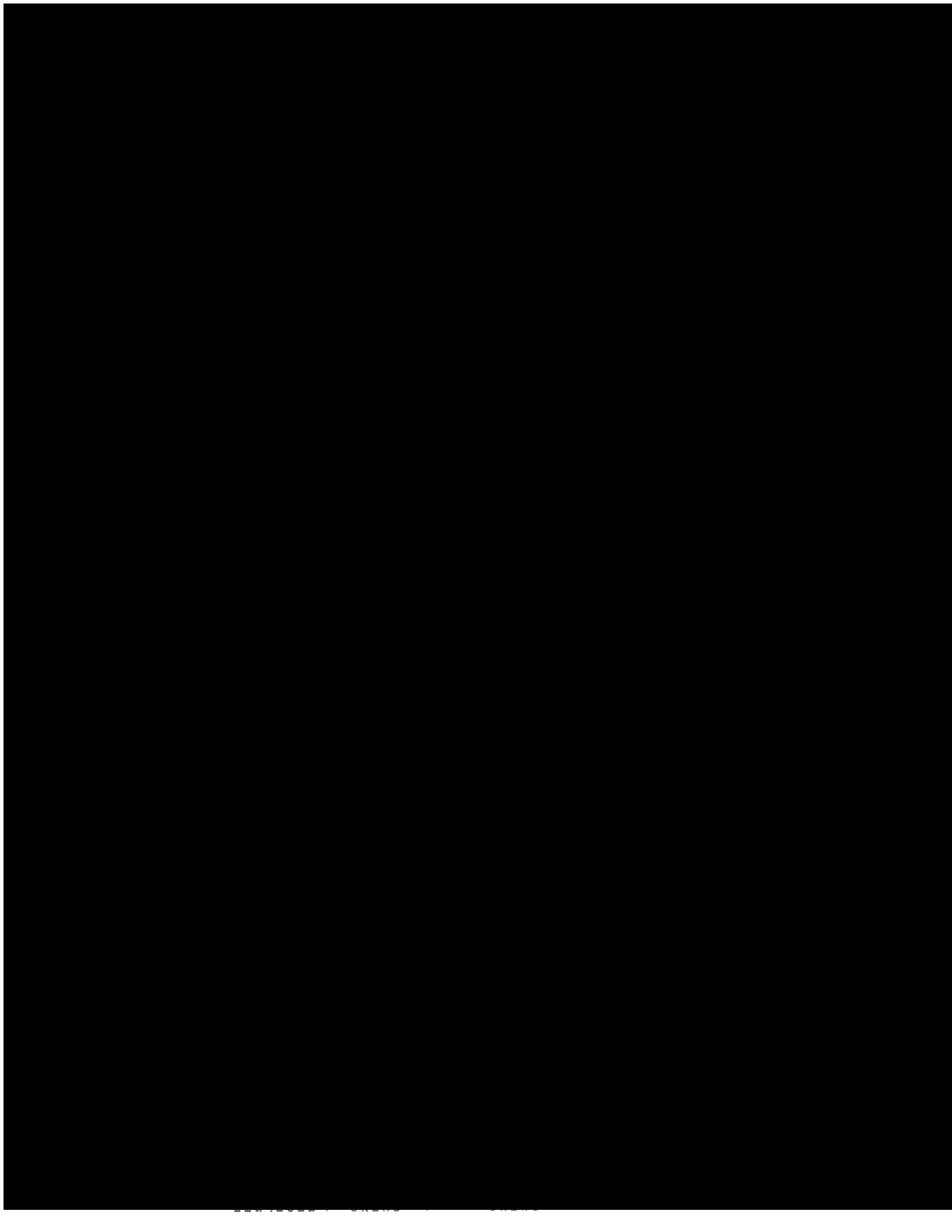


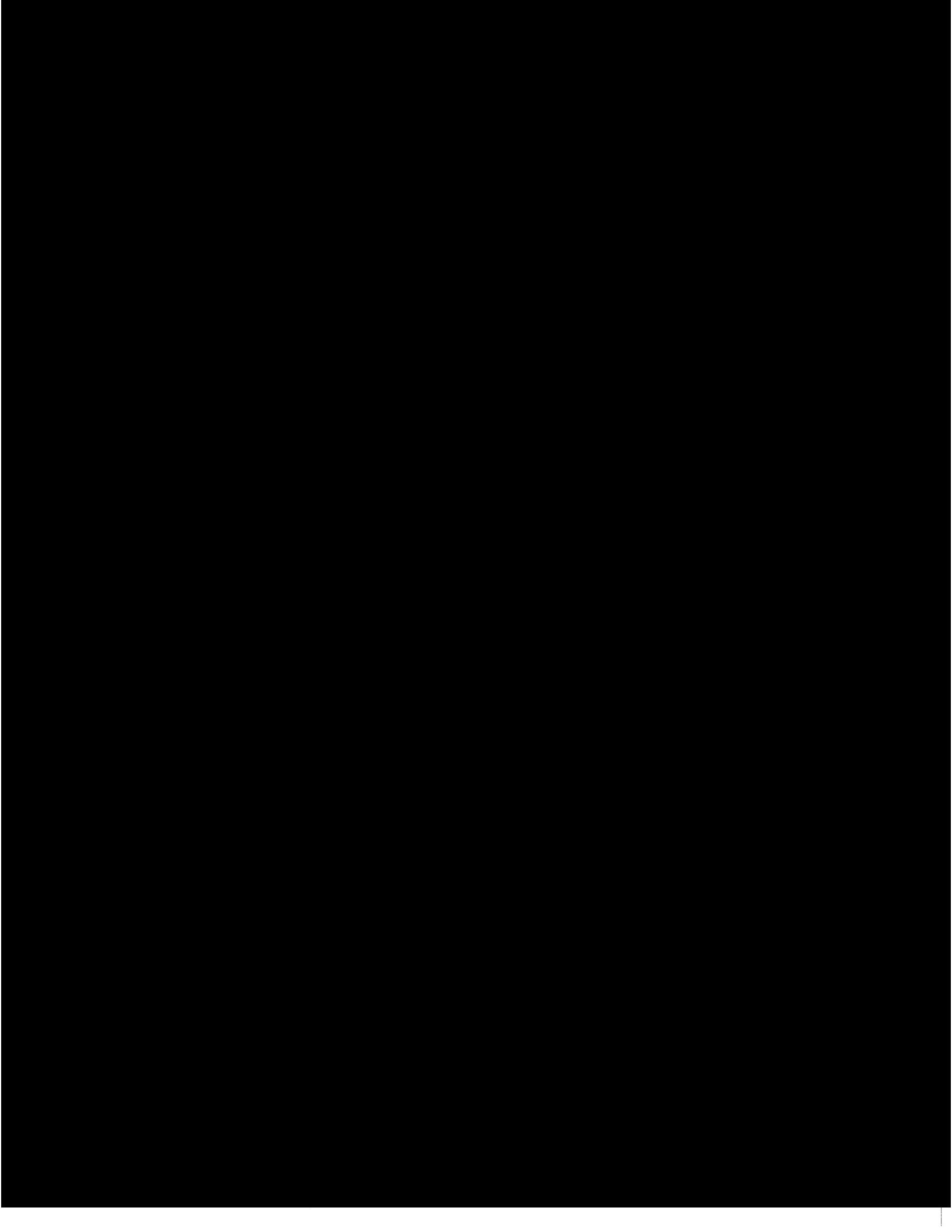


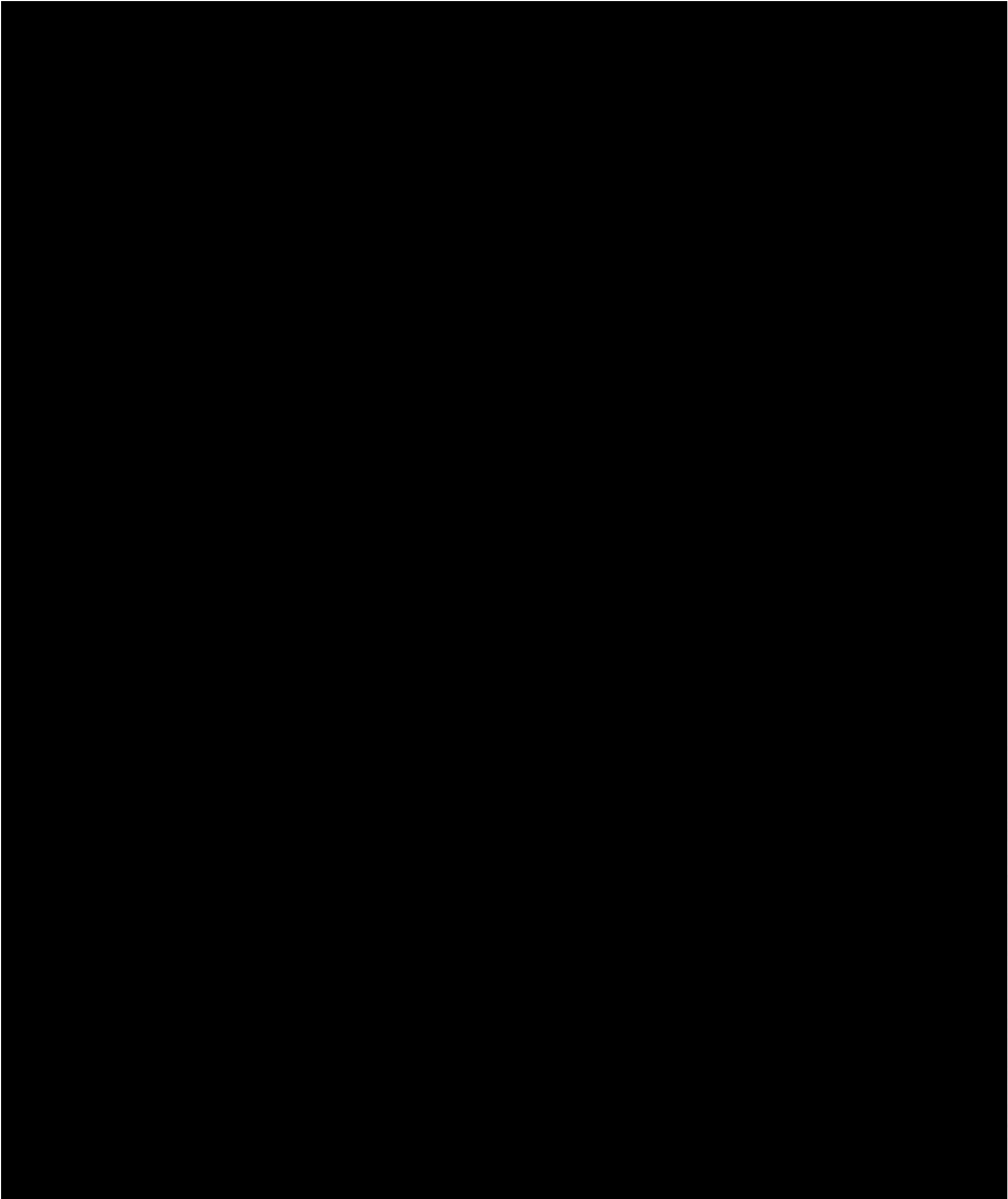












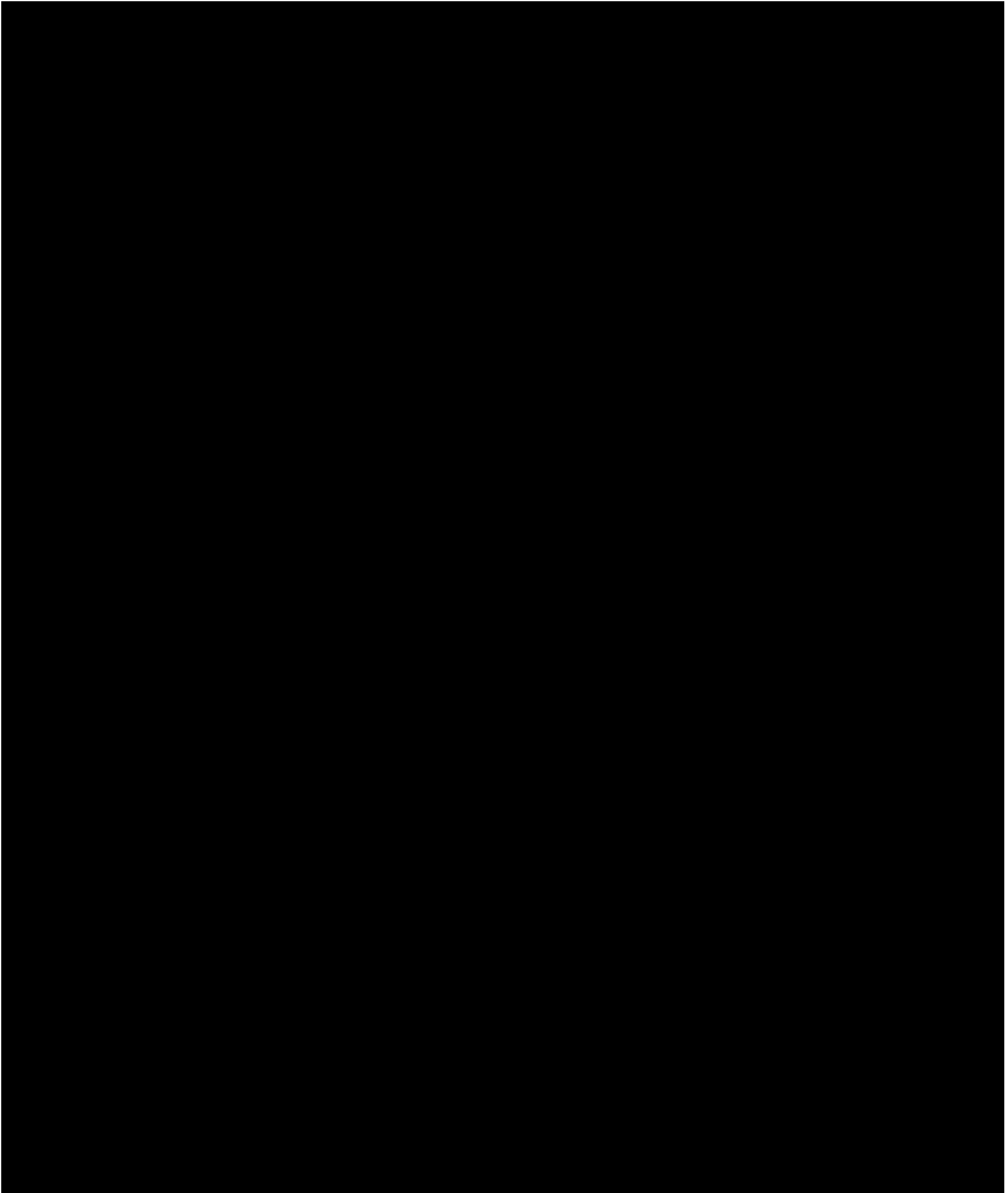


EXHIBIT F, Attachments 1-2:

Determination Letter for EEO File No. 3963

EXHIBIT F, Attachment 1

Determination Letter Email, EEO File No. 3963

June 1, 2023

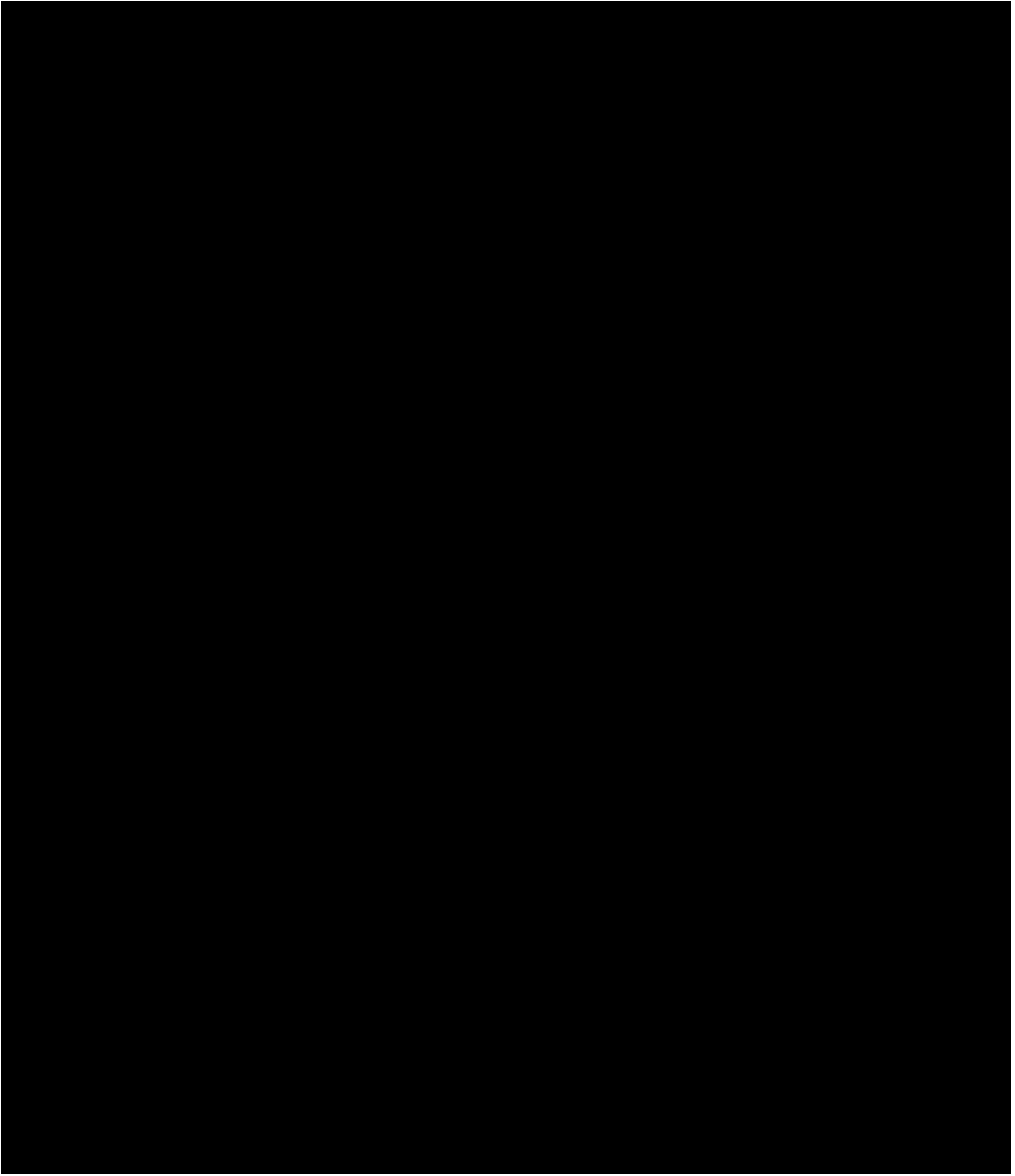


EXHIBIT F, Attachment 2

Determination Letter, EEO File No. 3963

June 1, 2023

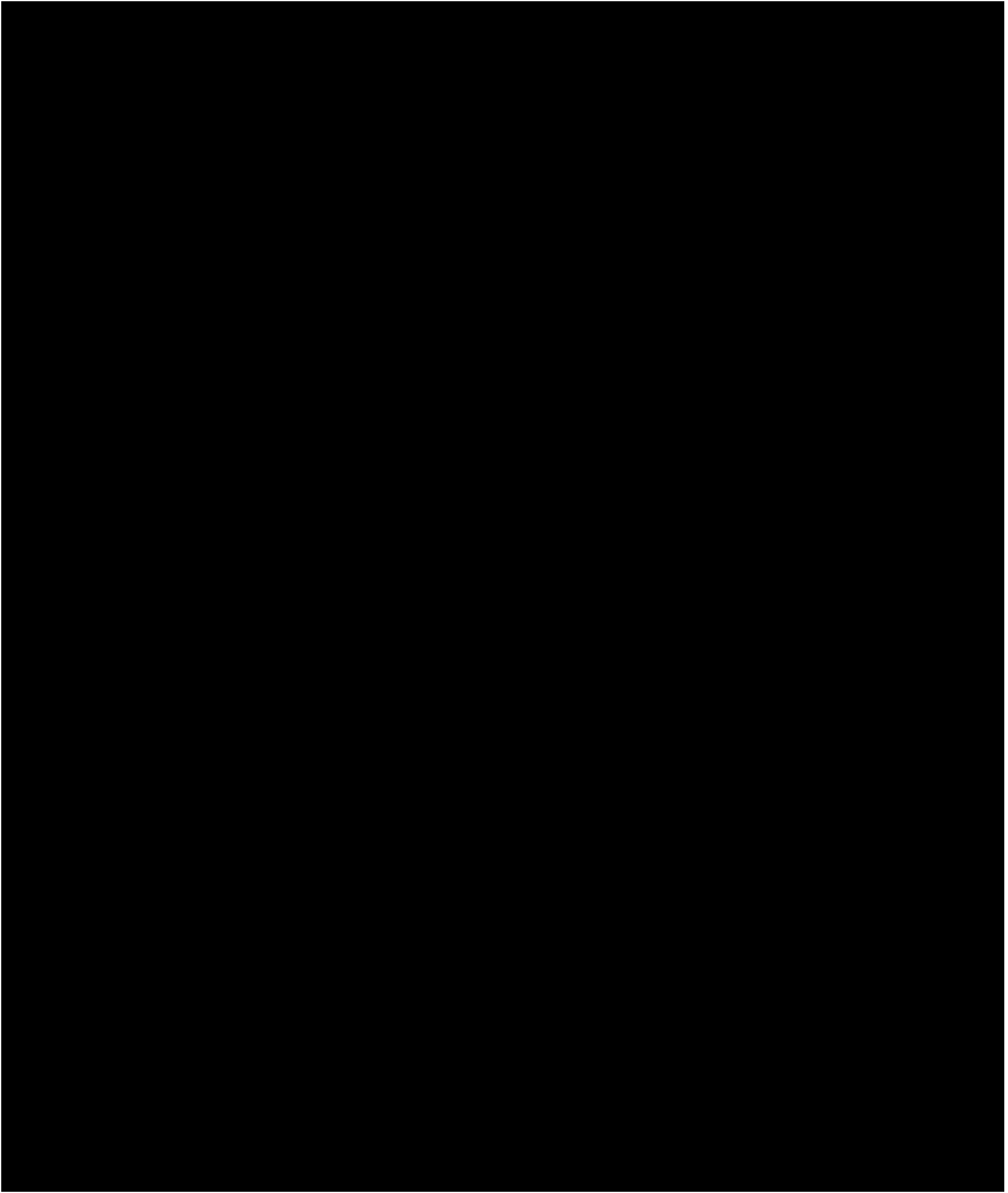


EXHIBIT G, Attachments 1-2:

Department Determination Letter for EEO File No. 3963

EXHIBIT G, Attachment 1

Department Determination Letter Email, EEO File No. 3963

June 1, 2023

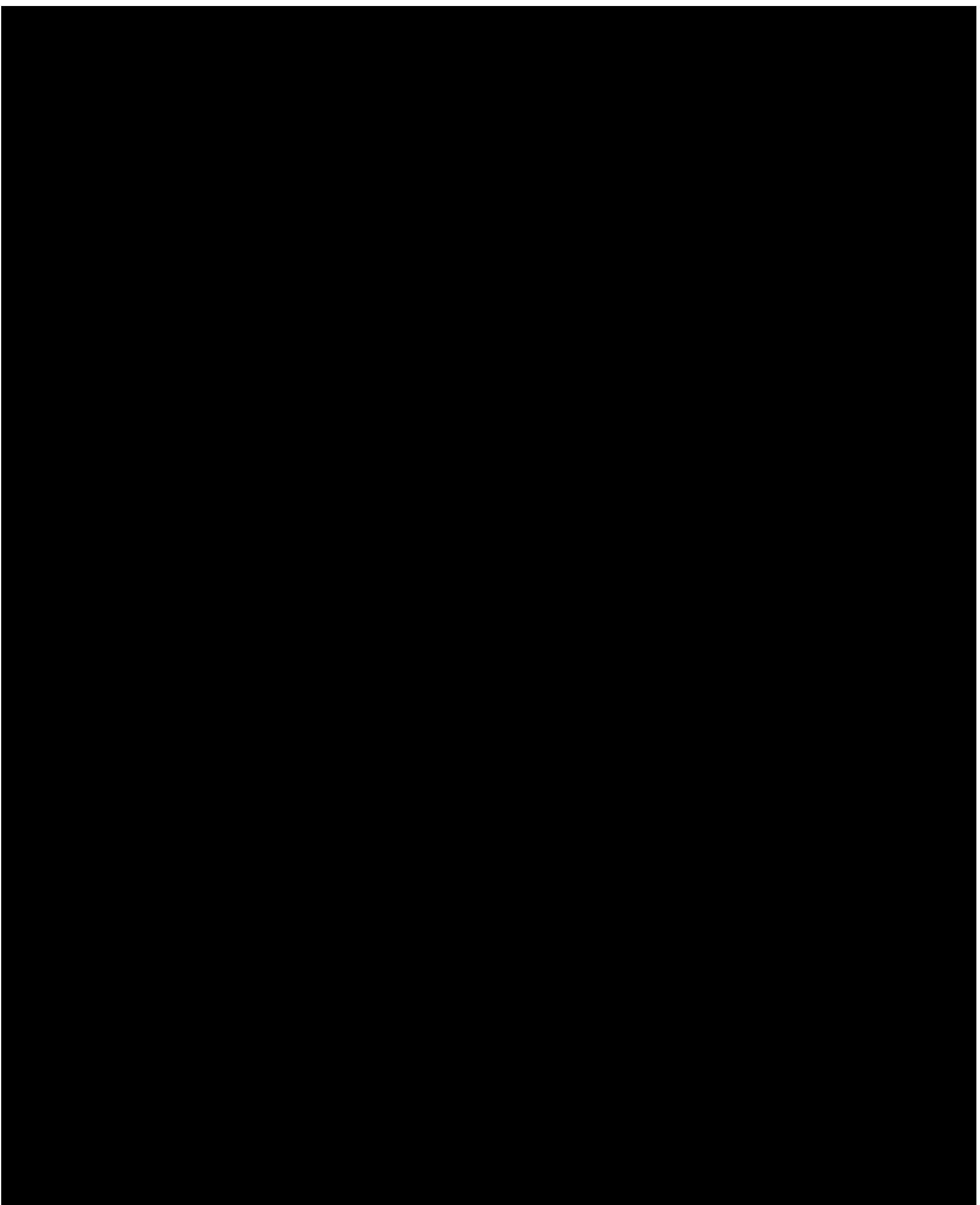


EXHIBIT G, Attachment 2

Department Determination Letter, EEO File No. 3963

June 1, 2023

EXHIBIT H, Attachments 1-2:

Confirmation of Corrective Actions for EEO File No. 3963

EXHIBIT H, Attachment 1

Confirmation of Corrective Actions Email, EEO File No. 3963

June 1, 2023

EXHIBIT H, Attachment 2

Confirmation of Corrective Actions, EEO File No. 3963

June 1, 2023

EXHIBIT I

Notice of Appeal by E. Guerrero Ortiz

July 3, 2023

