



**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

Jared Harris

SUBJECT: REQUEST FOR A HEARING BY JARED HARRIS, SENIOR HUMAN RESOURCES ANALYST, (1244) HUMAN SERVICES AGENCY ON THEIR FUTURE EMPLOYMENT RESTRICTION WITH THE CITY AND COUNTY OF SAN FRANCISCO.

Dear Jared Harris:

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 the 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.

Attendance by you or an authorized representative is recommended. Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. Where applicable, the Commission has the authority to uphold, increase, reduce, or modify any restrictions recommended by the department. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

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: Trent Rhorer, Human Services Agency
Daniel Kaplan, Human Services Agency
Katrina Williams, Human Services Agency
Andrea De Leon, Human Services Agency
Shawn Sherburne Assistant Director, Department of Human Resources
Anna Biasbas, Department of Human Resources
Paul Greene, Department of Human Resources
Lauren Rowe, Department of Human Resources
Lisa Pigula, Department of Human Resources
Mawuli Tugbenyoh, 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.

H. Policy on Audio Recording of Commission Meetings

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are audio recorded in digital form. These audio recordings of open sessions are available starting on the day after the Commission meeting on the Civil Service Commission website at www.sfgov.org/civilservice/.

I. Speaking before the Civil Service Commission

Speaker cards are not required. The Commission will take public comment on all items appearing on the agenda at the time the item is heard. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Requests to Speak" portion of the regular meeting. Maximum time will be three (3) minutes. A subsequent comment after the three (3) minute period is limited to one (1) minute. The timer shall be in operation during public comment. Upon any specific request by a Commissioner, time may be extended.

J. Public Comment and Due Process

During general public comment, members of the public sometimes wish to address the Civil Service Commission regarding matters that may come before the Commission in its capacity as an adjudicative body. The Commission does not restrict this use of general public comment. To protect the due process rights of parties to its adjudicative proceedings, however, the Commission will not consider, in connection with any adjudicative proceeding, statements made during general public comment. If members of the public have information that they believe to be relevant to a matter that will come before the Commission in its adjudicative capacity, they may wish to address the Commission during the public comment portion of that adjudicative proceeding. The Commission will not consider public comment in connection with an adjudicative proceeding without providing the parties an opportunity to respond.

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

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Information on Disability Access

The Civil Service Commission normally meets in Room 400 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. However, meetings not held in this room are conducted in the Civic Center area. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our ADA coordinator at (628) 652-1100 or email civilservice@sfgov.org to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

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

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

San Francisco Lobbyist Ordinance


Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site <https://sfethics.org/>.



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: 0075-19-7
2. For Civil Service Commission Meeting of: September 18, 2023
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda **X** 
 Human Resources Director's Report
4. Subject: Jared Harris, former 1244 Senior Human Resources Analyst, San Francisco Human Services Agency's Decision to Place Future Employment Restriction
5. Recommendation: **Uphold the San Francisco Human Services Agency's decision to permanently restrict Jared Harris's future employment with the City and deny the appeal**
6. Report prepared by: Andrea De Leon, Interim Employee and Labor Relations Manager, San Francisco Human Services Agency, 415-265-6975
7. Notifications: See attached Notification List
8. Reviewed and approved for Civil Service Commission Agenda:

 Human Resources Director:

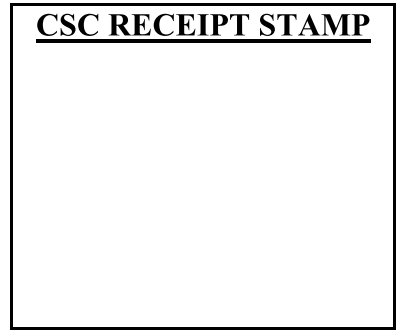
 Date:
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

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

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

Attachment: Notification List – CSC Register No: 0010-15-7

CSC-22 (11/97)





**SAN FRANCISCO
HUMAN SERVICES AGENCY**

Department of Benefits
and Family Support

Department of Disability
and Aging Services

P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org



London Breed
Mayor

Trent Rhorer
Executive Director

NOTIFICATION LIST – CSC REGISTER NO: 0075-19-7, JARED HARRIS

Jared Harris



Trent Rhorer
Executive Director
San Francisco Human Services Agency
170 Otis Street, 8th Floor
San Francisco, California 94103
Trent.Rhorer@sfgov.org

Daniel Kaplan
Deputy Director for Finance and Administration
San Francisco Human Services Agency
170 Otis Street, 8th Floor
San Francisco, California 94103
daniel.kaplan@sfgov.org

Katrina Williams
Director of Human Resources
San Francisco Human Services Agency
1650 Mission Street, Suite 400
San Francisco, California 94103
katrina.williams@sfgov.org

Andrea De Leon
Interim Manager, Employee and Labor Relations
San Francisco Human Services Agency
1650 Mission Street, Suite 400
San Francisco, California 94103
andrea.deleon@sfgov.org

Mawuli Tugbenyoh
Chief of Policy
Department of Human Resources
One South Van Ness, 4th Floor
San Francisco, California 94103
Mawuli.tugbenyoh@sfgov.org

Shawn Sherburne
Assistant Director, Employment Services
Department of Human Resources
One South Van Ness, 4th Floor



**SAN FRANCISCO
HUMAN SERVICES AGENCY**

P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

San Francisco, California 94103
shawn.sherburne@sfgov.org

Anna Biasbas
Director Employment Services
Department of Human Resources
One South Van Ness, 4th Floor
San Francisco, California 94103
anna.biasbas@sfgov.org

Lauren Rowe
Senior Human Resources Analyst
Department of Human Resources
One South Van Ness, 4th Floor
San Francisco, California 94103
lauren.rowe@sfgov.org

Paul Greene
Client Services Consulting Manager
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
paul.greene@sfgov.org

Lisa Pigula
Client Services Consulting Manager
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
lisa.pigula@sfgov.org



**SAN FRANCISCO
HUMAN SERVICES AGENCY**

Department of Benefits
and Family Support

Department of Disability
and Aging Services

P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

Date: September 18, 2023
To: Honorable Civil Service Commission
Through: Carol Isen, Human Resources Director
Through: Katrina Williams, Human Resources Director, San Francisco Human Services Agency
From: Andrea De Leon, Interim Employee and Labor Relations Manager, San Francisco Human Services Agency
Subject: Jared Harris, former 1244 Senior Human Resources Analyst, San Francisco Human Services Agency’s Decision to Place Future Employment Restriction

Civil Service Register No.: 0075-19-7

I. Summary and Issue on Appeal to the Civil Service Commission

On March 18, 2019, Jared Harris (appellant) filed an appeal with the Civil Service Commission. See Exhibit 1 - Appeal Request and Notification. In his appeal, he requested a hearing to appeal the decision for future employment restrictions with the City and County of San Francisco. The issue on appeal is whether the Citywide restriction on Mr. Harris’s future employment is appropriate.

Appeal Timeline

Several factors contributed to the timeline of this appeal. The Human Services Agency’s (SFHSA or Department) previous Human Resources Director requested a postponement of the hearing, then the COVID-19 pandemic caused a delay. Due to SFHSA leadership transitions, the Commission then erroneously contacted the Department of Public Health regarding this appeal throughout 2022. On April 18, 2023, the Commission contacted SFHSA regarding the status of the appeal, and SFHSA requested postponement to August 21, 2023 to allow SFHSA time to complete the necessary research.

II. Authority

Pursuant to Civil Service Commission Rule 122, Article I, persons who are terminated from employment with restrictions placed on their future employment may appeal those restrictions to the Civil Service Commission for review. See Exhibit 2 - Civil Service Rules 122.14 and 122.15 and Policy and Guidelines.



London Breed
Mayor

Trent Rhorer
Executive Director



P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

III. Background

On February 26, 2019, following his resignation effective January 23, 2019, the Agency informed Mr. Harris that his services had been designated unsatisfactory based on the fraudulent note submitted to support his request for a leave of absence. He was also informed that the Agency was recommending to the CSC future employment restrictions.

A. Employment History

Effective October 30, 2017, appellant Mr. Harris was appointed to a Permanent Civil Service classification 1244 Senior Human Resources Analyst position with the San Francisco Human Services Agency (Agency). Prior to being appointed to a permanent position, he held temporary positions with the Agency, including a classification 1244 Senior HR Analyst position starting August 1, 2017 and a classification 1241 HR Analyst position starting June 8, 2015. Prior to working for the Agency and effective November 2, 2009, Mr. Harris held a Permanent Exempt position as a classification 8132 District Attorney's Investigative Assistant with the District Attorney's Office.

In his most recent position, Mr. Harris was assigned to the Agency's Human Resources Department's Employee and Labor Relations Unit. Mr. Harris was primarily responsible for assisting managers and supervisors with addressing employee performance and conduct related issues; advising managers, supervisors and employees regarding City and County of San Francisco (City) and Agency rules and policies; facilitating disciplinary actions; handling union grievances; conducting workplace investigations into allegations of misconduct; and/or violations of City and/or Agency policies and procedures. See Exhibit 3, Job Description – 1244 Senior Human Resources Analyst.

B. Timeline

On October 17, 2018, Mr. Harris made a verbal request for time off beginning October 20, 2018 through November 7, 2018. The Agency approved this request.

On November 8, 2018, Mr. Harris emailed Brenden Lim, the Agency's Office of Civil Rights Supervisor at the time, requesting an extended leave of absence. Mr. Lim provided Mr. Harris information regarding his leave options with the City. See Exhibit 4, Email dated November 8, 2018, including attachments.

On November 9, 2018, Mr. Lim again emailed Mr. Harris information on leaves to ensure he had received it.

On November 14, 2018, Mr. Lim spoke with Mr. Harris by phone and Mr. Harris explained that he needed a continuous leave under the Family and Medical Leave Act (FMLA) for about two months beginning November 9, 2018. In response, Mr. Lim emailed Mr. Harris information for a leave under the FMLA and the Americans with Disabilities Act (ADA). The FMLA form informed Mr. Harris to return the



SAN FRANCISCO
HUMAN SERVICES AGENCY

P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

completed certification of a serious health condition by November 28, 2018. See Exhibit 5, Email dated November 14, 2018, including attachments.

On November 28, 2018, the Agency denied Mr. Harris's leave request because Mr. Harris had not provided a doctor's certification and the Agency was unable to verify a serious health condition or a medical necessity for a leave under FMLA. In his letter, Mr. Lim notified Mr. Harris that he was not on approved leave and that he must follow attendance reporting procedures for any continued absences beyond November 28, 2018. Mr. Lim also informed Mr. Harris that he had the option to return to work or, if eligible, file for retirement or voluntarily resign from City employment. However, Mr. Harris failed to report his continued absences, and failed to return to work or exercise any of his other options. See Exhibit 6, Letter and email dated November 28, 2018, including attachments.

On December 6, 2018, Mr. Lim received a voice message from Mr. Harris's mother, Cynthia Harris, informing the Agency that she was attempting to retrieve records from a rehabilitation center, presumably to support Mr. Harris's leave request.

On December 11, 2018, the Agency notified Mr. Harris that he has been Absent Without Leave (AWOL) since November 29, 2018. Mr. Harris was notified that he must return to work or exercise his options to either resign or, if qualified, request for retirement by December 18, 2018.

On the same date, at 5:14 p.m., Ms. Harris emailed Mr. Lim a doctor's note on Kaiser's letterhead dated November 16, 2018, indicating that Mr. Harris had been placed off work from November 16, 2018 through May 13, 2019, for "Intensive Out-Patient Therapy and Physical Therapy." See Exhibit 7, Email from Ms. Harris and doctor's note.

At this time, the Agency had learned through publicly available information and the City's centralized Conviction History Program for subsequent arrests and convictions that Mr. Harris had been incarcerated since November 16, 2018. This information caused the Agency to doubt the legitimacy of Mr. Harris's doctor's note. Thus, Mr. Lim forwarded the note for review to the City's Department of Human Resources Medical Leave Program Manager Janie White.

Ms. White identified several questionable characteristics regarding the note. She noted that, as was typically the case, the doctor's note did not indicate what type of doctor had authored the note. She also questioned how Mr. Harris might be receiving out-patient treatment at a Kaiser facility while he was being held in custody. Ms. White decided to verify the doctor's license to practice by searching the Medical Board of California's online database. However, she was unable to verify a license for the named individual.

On December 11, 2018, Ms. White contacted Kaiser's Employer Liaison Tammy Goldstein to authenticate the note. Ms. Goldstein informed Ms. White that the note did not match Kaiser's electronic records. Since Ms. White was unable to



SAN FRANCISCO
HUMAN SERVICES AGENCY

P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

verify a license to practice or authenticate the note, she determined that the note was fraudulent and, subsequently notified Mr. Lim.

On December 13, 2018, the Agency sent Mr. Harris a letter denying his request for a leave of absence. Mr. Harris was also informed that his doctor's note was inconsistent with the information we had regarding his incarceration and that protected leave of absences do not provide job protection for detention.

On December 17, 2018, Mr. Harris was notified that the Agency intended to charge him for AWOL and recommend a ten-day suspension. He was notified that a Skelly meeting was scheduled for December 27, 2018. Mr. Harris was also directed to return to work or exercise his options to resign or file for retirement by December 20, 2018. The Agency again notified Mr. Harris that the City does not grant leaves of absence for incarceration. See Exhibit 8, Notification of Absence Without Approved Leave, Denial of Leave of Absence, and Notice of Intent to Suspend from Permanent Position.

At the request of Mr. Harris's International Federation of Professional and Technical Engineers (IFPTE), Local 21 union representative, the Skelly meeting was rescheduled to January 4, 2019. However, on the date of the Skelly hearing, neither Mr. Harris nor his union representative attended and instead submitted a written response. The Skelly Officer upheld the recommended discipline and, on January 8, 2019, the Agency finalized the ten-day suspension. See Exhibit 9, Notice of Suspension.

The Agency also determined that an investigatory interview with Mr. Harris regarding the fraudulent doctor's note was necessary. Therefore, on January 9, 2019, the Agency notified Mr. Harris of an investigatory interview. The interview was scheduled to take place on January 24, 2019, at the Santa Rita Jail where Mr. Harris was being held in custody.

The Agency concurrently moved through the next steps of the progressive disciplinary process because Mr. Harris had failed to return to work despite receiving a ten-day suspension and being directed to return to work. Accordingly, on January 16, 2019, the Agency notified Mr. Harris that it intended to charge him with insubordination and AWOL for failing to follow the Agency's absence reporting procedures and failing to return to work by December 20, 2018. He was informed that the Agency was recommending a twenty-day suspension for these charges. A Skelly meeting was scheduled for February 6, 2019. In the letter, Mr. Harris was again directed to return to work or exercise his options to resign or, if qualified, file for retirement by this date. The Agency again informed Mr. Harris that the City does not grant leaves of absence for incarceration. See Exhibit 10 - Notice of Absence Without Approved Leave and Notice of Intent to Suspend From Permanent Position.

On January 23, 2019, the Agency received Mr. Harris's voluntarily resignation. Mr. Harris resigned from his position as a 1244 Senior Human Resources Analyst



P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

position effective the same date. The Agency acknowledged and accepted the resignation from all City employment. See Exhibit 11, Email, including attachments.

In accordance with the CSR 022, the requirement to certify to the satisfactory or unsatisfactory nature of the resignee's services, on February 15, 2019, the Agency informed Mr. Harris that it intended to designate his services unsatisfactory based on the determination that the December 11, 2018 doctor's not placing him off work was fraudulent. Mr. Harris was also notified that the Agency would be recommending to the CSC a permanent employment ban from future employment with City and County of San Francisco. Mr. Harris was informed of his right to a review of the decision before the Appointing Officer or his designee with five business days from the date of the letter. However, no request for a meeting was received within the timeline. See Exhibit 12, Notice of Intent to Designate Services Unsatisfactory.

Therefore, on February 26, 2019, the Agency notified Mr. Harris that his services have been designated as unsatisfactory based on the fraudulent note submitted to support his request for a leave of absence. He was also informed that the Agency was recommending to the CSC future employment restrictions. See Exhibit 13 - Notice of Resignation – Unsatisfactory Services.

IV. Analysis and Findings

Under the Authority of the Civil Service Rules 122.14 and 122.15, and CSC Policy and Guidelines on Restrictions of Future Employment, egregious misconduct and serious unethical conduct which may mar the Department's reputation and/or the public's trust in the Department, merit a future employment restriction. See Exhibits 1 and 2.

Based on Mr. Harris's documented and confirmed egregious and unethical conduct, the Department concluded that imposing a Citywide future employment restriction was justified and necessary. On December 11, 2018, Ms. Harris submitted a fraudulent doctor's note to the Agency on behalf of her son Mr. Harris. The note was intended to certify Mr. Harris's request for a leave of absence. The note was dated November 16, 2018 and was written on Kaiser's letterhead. It indicated that Mr. Harris was taken off work for about six months beginning November 16, 2018, and that he would be receiving outpatient treatment.

The Agency was knowledgeable of Mr. Harris's November 16 incarceration at the time it had received the doctor's note. Thus, the inconsistency of his incarceration and the information contained in the note casted doubt on the legitimacy of the note. As mentioned earlier, Ms. White had taken steps to verify the doctor's license and authenticate the note through Kaiser. However, she was unable to do so.

Initially, the Agency notified Mr. Harris that his leave was denied and that the Agency had determined that the note was inconsistent with his detention. We subsequently scheduled an investigatory interview with Mr. Harris in order to interview him regarding the fraudulent note. However, the interview did not take



SAN FRANCISCO
HUMAN SERVICES AGENCY

P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

place because Mr. Harris resigned from his position the day prior to the scheduled interview. The timing of Mr. Harris's resignation was also suspect as we believed that it was to avoid being questioned regarding the note.

Mr. Harris requested leave for several months two days prior to being taken into custody. After being taken into custody, he could have contacted the Agency directly to inform us that he was incarcerated and that he could not report to work because he was in custody. However, he did neither. Further, Mr. Harris had reason to be dishonest and provide a fraudulent doctor's note because he was aware that the City does not grant leaves for incarceration and that his employment with the City was in jeopardy if he was not on approved leave and continued to fail to report to work as scheduled.

For these reasons, the Agency believes that Mr. Harris knowingly submitted a fraudulent note. The Agency believes Mr. Harris's mother had authorization to submit a fraudulent note on his behalf in order to secure a leave. Additionally, Mr. Harris did not take the opportunity to respond to the charges and resigned before the Agency could question him regarding the note.

Mr. Harris' attempt to certify his leave with a fraudulent note was deceitful, dishonest and an attempt to defraud the City and County of San Francisco

In addition to submitting a fraudulent note, Mr. Harris attempted to misuse and, essentially, abuse the FMLA and the City's sick leave benefit.

Two days prior to being taken into custody, on November 14, 2018, Mr. Harris called Mr. Lim to request a leave of absence for two months. On December 6, 2018, Mr. Harris's mother left Mr. Lim a voice message informing him that she was attempting to obtain records from a rehabilitation center, misleading the Agency to believe that a legitimate note certifying Mr. Harris's request for leave would be provided. Further, Mr. Harris himself could have informed the Agency that he was incarcerated. However, he did not. Then, on December 11, 2018, Ms. Harris emailed Mr. Lim the fraudulent note placing Mr. Harris off work through May 13, 2019.

The Agency would likely have no reason to doubt the doctor's note if it was not knowledgeable of Mr. Harris's detention. Further, the City would likely have not taken steps to authenticate the note if it did not doubt the note. Thus, it is likely that the Agency would have accepted the note and approved protected leave for Mr. Harris based on false information and for improper reasons.

Leaves of absence under FMLA are for serious health conditions as defined under the FMLA and provide job protection. Additionally, employees may use accrued sick leave hours to receive pay for periods of protected leave. Mr. Harris misrepresented his circumstance by requesting a leave prior to being detained and failing to inform the Agency of his detention, in an attempt to get his absences



P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

excused under protected leave. His conduct constituted dishonesty and abuse of the FMLA and sick leave policy. As a Senior HR Analyst, Mr. Harris was knowledgeable of the City and Agency's attendance and sick leave policies. Mr. Harris's attempt to cover his incarceration by using protected leave was deceitful, dishonest, and an attempt to defraud the City and County of San Francisco. The seriousness of this type of conduct by any City employee is unacceptable, and it is especially egregious in Mr. Harris's case because his primary duties related to holding others accountable for their conduct.

During his tenure as a classification 1244 Senior HR Analyst, Mr. Harris conducted investigations into allegations of dishonesty, sick leave abuse, unethical behavior, and fraud by other Agency employees. He was very knowledgeable of City and Agency policies regarding such conduct, and the negative impact it has on employee morale and the work environment. His conduct not only sets a poor example, it erodes the credibility of the HR position. Rather than use legitimate options available to Mr. Harris to take the necessary time to address his personal matters, Mr. Harris chose to misrepresent his situation, exhibit dishonesty, and defraud the City.

The City is entrusted with hiring and retaining the best qualified employees for public service for the citizens of San Francisco. Employees who willfully engage in egregious and unethical misconduct violate the public trust and should not have the privilege of working for the City and serving the public. Therefore, under these circumstances, a Citywide future employment restriction is appropriate.

V. Conclusion and Recommendation

For the reasons discussed above, the Department respectfully requests that the Civil Service Commission deny the appeal and uphold Mr. Harris's Citywide future employment restriction.

EXHIBITS

1. Appeal Request and Notification
2. Civil Service Rules 122.14 and 122.15; and Civil Service Commission Policy 2014-10
3. Job Description – 1244 Senior Human Resources Analyst
4. Email dated November 8, 2018, including attachments
5. Email dated November 14, 2018, including attachments
6. Letter and email dated November 28, 2018, including attachments
7. Email from Ms. Harris and doctor's note
8. Notification of Absence Without Approved Leave, Denial of Leave of Absence, and Notice of Intent to Suspend from Permanent Position for 10 Days, December 17, 2018
9. Notice of Suspension, dated January 8, 2019
10. Notice of Absence Without Approved Leave and Notice of Intent to Suspend from Permanent Position for 20 Days, dated January 16, 2019
11. Emails regarding resignation, including attachments

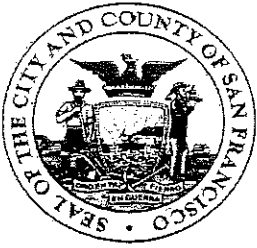


SAN FRANCISCO
HUMAN SERVICES AGENCY

P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org

12. Notice of Intent to Designate Services Unsatisfactory
13. Notice of Resignation – Unsatisfactory Services

EXHIBIT 1



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

NOTICE OF RECEIPT OF APPEAL

F. X. CROWLEY
PRESIDENT

ELIZABETH SALVESON
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

MICHAEL L. BROWN
EXECUTIVE OFFICER

DATE: March 19, 2019

REGISTER NO.: 0075-19-7

APPELLANT: Jared Harris

Micki Callahan
Human Resources Director
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Mr. Harris requesting a hearing on his future employment restriction with the City and County of San Francisco. Your review and action are required.

If this matter is not timely or appropriate, please submit CSC Form 13 "Action Request on Pending Appeal/Request," with supporting information and documentation to my attention at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. CSC Form 13 is available on the Civil Service Commission's website at www.sfgov.org/CivilService under "Forms."

In the event that Mr. Harris's appeal is timely and appropriate, the department is required to submit a staff report in response to the appeal within sixty (60) days so that the matter may be resolved in a timely manner. Accordingly, **the staff report is due no later than 11 a.m. on May 23, 2019** so that it may be heard by the Civil Service Commission at its meeting on June 3, 2019. If you will be unable to transmit the staff report by the May 23rd deadline, or if required departmental representatives will not be available to attend the June 3rd meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

You may contact me at Michael.Brown@sfgov.org or (415) 252-3247 if you have any questions. For more information regarding staff report requirements,

meeting procedures or future meeting dates, please visit the Commission's website at www.sfgov.org/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

A handwritten signature in cursive script, appearing to read "Michael L. Brown".

MICHAEL L. BROWN
Executive Officer

Attachment

Cc: Susan Gard, Department of Human Resources
Kate Howard, Department of Human Resources
Luenna Kim, Human Services Agency



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

Sent via U.S. Mail and Email

March 19, 2019

Jared Harris


F. X. CROWLEY
PRESIDENT

ELIZABETH SALVESON
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

Subject: **Register No. 0075-19-7: Requesting a Hearing on Future Employment Restriction with the City and County of San Francisco**

Dear Mr. Harris:

This is in response to your appeal submitted to the Civil Service Commission on March 18, 2019, on your future employability with the City and County of San Francisco. Your appeal has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will receive notice of the meeting and the department's staff report on your appeal two Fridays before the hearing date via email, as you have requested on your appeal form. A hard copy of the report will also be available for your review at the Commission's offices located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.

The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. However, the Commission **CANNOT** reverse the department's decision to terminate your employment. In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date (note that the Commission requires an original and nine copies of any supplemental/rebuttal materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

You may contact me by email at Michael.Brown@sfgov.org or by phone at (415) 252-3247 if you have any questions. You may also access the Civil Service Commission's meeting calendar, and information regarding staff reports and meeting procedures, on the Commission's website at www.sfgov.org/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

FUTURE EMPLOYMENT
RESTRICTIONS

00219 7

X M. Callahan
K. Howard
S. Gard
L. Kim

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

To Whom This May Concern,

I would like to request a hearing in regards to my unsatisfactory resignation with the Human Service Agency with the City and County of San Francisco.

My information is below,



Resignation Date 1/24/2019
Notice of Resignation- Unsatisfactory Services dated on 2/26/2019

My return address is



Thank you,

Jared A. Harris

2019 MAR 18 PM 4:56
CIVIL SERVICE COMMISSION
SAN FRANCISCO

Eng, Sandra (CSC)

From: CivilService, Civil (CSC)
Sent: Monday, March 18, 2019 4:06 PM
To: Brown, Michael (CSC); Eng, Sandra (CSC)
Subject: Fw: Request For Hearing --Unsatisfactory Services
Attachments: Jared Harris Request For Hearing.pdf

Civil Service Commission Representative
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102
Office (415) 252-3250
Main (415) 252-3247
Fax (415) 252-3260

From: Jared A Harris <[REDACTED]@gmail.com>
Sent: Monday, March 18, 2019 3:58 PM
To: CivilService, Civil (CSC)
Subject: Request For Hearing --Unsatisfactory Services

RECEIVED This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Afternoon,

Please see attached notice to request a hearing. I have been deemed unsatisfactory for my resignation.

-Jared

EXHIBIT 2

Rule 122

Employee Separation Procedures

Article VII: Request to Remove Non-Permanent Ban

Applicability: Article VII, Rule 122, shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Sec. 122.13 **Those Individuals Covered Under Rule 122, Article VII**

Former employees of the City and County of San Francisco who were banned from future employment in one or more department(s) in accordance with the provisions of Civil Service Rule 122 may request reconsideration of any non-permanent ban if it has been five (5) or more years since the ban was imposed. For the purpose of this Rule, any Citywide ban imposed before April 21, 2014 is considered a permanent ban not subject to reconsideration.

Sec. 122.14 **Reconsideration**

Individuals as defined in Section 122.13 may submit a written request to the Human Resources Director for reconsideration of a ban on their future employment. It shall be the responsibility of the requesting individual to submit to the Human Resources Director all available documentation and information regarding the separation. The individual must also provide reasons for the request for reconsideration of the employment restriction.

Sec. 122.15 **Action of the Human Resources Director**

The Human Resources Director shall consider the request and the recommendation from the affected department(s). The Human Resources Director may request additional information deemed necessary to make a recommendation to the Civil Service Commission. The decision of the Civil Service Commission is final.



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

MEMORANDUM
CSC No. 2014 – 10


SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

Date: April 24, 2014
To: Department Heads
Human Resources Representatives
Cc: Micki Callahan, Human Resources Director
From: Jennifer Johnston, Executive Officer 
Subject: **Policy and Guidelines regarding Future Employment Restrictions
under Civil Service Rule Series 022**

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

Civil Service Rule Series 022 provides that the appointing officer or Human Resources Director may impose restrictions on a separated employee's future employment with the department and/or City—either indefinitely or conditioned on the individual meeting certain requirements—subject to appeal to the Civil Service Commission (“Commission”). Such restrictions apply to all future employment with the City in any appointment type (e.g., permanent civil service, exempt, provisional, etc.).

This memorandum states the Commission's policies and guidelines on the imposition, removal and appeal of such future employment restrictions, as adopted by the Commission on April 21, 2014. Civil Service Adviser No. 021 provides additional guidance on appeals of proposed restrictions on future employment.

I. Authority

Under Charter Section 10.100, the Commission is charged with “the duty of providing qualified persons for appointment to the service of the City and County.” Charter Section 10.101 provides that the Commission shall adopt rules, policies and procedures to carry out the civil service merit system provisions of the Charter, including rules governing eligibility for employment with the City and County of San Francisco.

II. Overview

Departments have an affirmative duty to their employees, other departments, the taxpayers of the City and County of San Francisco and the individuals to whom

the City provides services, to ensure that the selection and appointment of individuals for City employment is done in a careful and responsible manner. This includes the obligation to review the circumstances of any negative separation to determine whether it would be appropriate to restrict a former employee's future employment with the City.

This also includes the responsibility to review the employment history of any current or former employee prior to making an appointment. Departments are prohibited from appointing individuals with any applicable restriction on their future employment, irrespective of the appointment type of the position (e.g., permanent civil service, temporary exempt, provisional, etc.).

There are two primary benefits of future employment restrictions. First, they serve to limit the possibility of a City department making any hiring decision mistakes in the future and/or exposing itself to liability for negligent hiring. This is particularly important in light of the fact that there may not be sufficient existing documentation regarding the circumstances of a former employee's release, since City departments are not required to retain a former City employee's personnel file more than seven years following separation pursuant to the Commission's Citywide Employee Personnel Records Guidelines. Second, individuals who are restricted from future employment with the City do not get referred to a department for selection off of an eligible list, and therefore do not count against the number of reachable eligibles that a department may consider for employment under the applicable certification rule.

III. Imposing a Restriction

When to Impose a Restriction on Future Employment

All negative separations (e.g., discharge/negative release/termination, disciplinary release from probation, designation of services unsatisfactory following a resignation, etc.), irrespective of appointment type (e.g., permanent civil service, exempt, etc.), should be evaluated to determine whether a restriction on future employment would be appropriate.

This evaluation should be on a case-by-case basis, based on the totality of the circumstances (e.g., the egregiousness of the conduct, the consequences of the conduct, whether it was repeated or a one-time occurrence, etc.). *Generally speaking*, and depending on the circumstances, one or more of the following situations would likely merit a future employment restriction of some kind (note that the following is not intended to be an exhaustive list):

- Egregious misconduct (malfeasance or nonfeasance) (e.g., being intoxicated in the workplace).
- Serious unethical conduct which may mar the department's reputation and/or the public's trust in the department/City (e.g., using one's City position for personal gain).
- Misappropriation of public/City/department funds or property.
- Destruction or serious misuse of public/City/department property.
- Mistreatment of persons (e.g., sexual harassment, violence in the workplace).
- Acts or conduct which presented a danger to the health and safety of the individual, his or her coworkers or members of the public.

- Significant, continued performance issues/deficiencies that would indicate that the individual would not satisfactorily perform the duties of his or her future employment with the City.

Type of Restriction to be Imposed

There are a multitude of different types of restrictions that a department may consider. They range from any of the following or a combination of the following: requiring evidence of subsequent satisfactory work performance outside the City for a specified duration; cancelling eligibility status; restricting employment in a particular department, classification or type of job (for example a job that requires driving); and, any other job-related restrictions, up to and including no future employment with the department and/or City and County of San Francisco.

Except in cases of misconduct/malfeasance, the Commission *generally* favors demonstration of satisfactory work experience outside the City consistent with the position for a period of time, prior to allowing a former employee to return to the City workforce.

Departments must be thoughtful in recommending a department-specific ban instead of a City-wide ban, as the latter would be more appropriate absent special circumstances unique to a specific department. For example, an individual who was separated from City employment for violating the City's policy prohibiting workplace violence should be banned from employment in all City departments, not just the one from which he or she was separated. Likewise, a restriction on future employment conditioned on proof of a satisfactory driving record for an individual separated for numerous driving infractions/accidents should apply to any driving position with the City, not just those with the department from which he or she was separated.

There must also be a nexus between the conduct that resulted in the negative separation and the type of the restriction. For example, if an employee has been released due to his or her unsafe driving, the restriction should be related to restricting that person's employment in a driving position with the City pending proof of a satisfactory driving record in a similar position for another employer. Note that this would not prohibit the individual from being appointed to non-driving positions with the City. Again, the restriction should be for *any* driving position with *the City* (not just with the specific department), since many City departments have driving positions.

The severity (scope and duration) of the restriction should also be correlative to, and commensurate with, the conduct that resulted in the negative separation. The duration of the restriction should be meaningful, and should be whatever time period the department believes would be enough to correct the employee's conduct that led to his or her negative separation. Permanent, unconditional bans should be imposed judiciously and only in circumstances that would merit such a severe restriction.

Effective Date of the Employment Restriction

If appealed, recommendations on future employment restrictions become final by action of the Civil Service Commission. In the absence of an appeal, a recommendation of the appointing officer or Human Resources Director that results in a "Final Administrative Action" is in effect a

final action of the Commission, provided that the restriction conforms to Civil Service Rules and applicable laws.

Individuals are placed under general waiver for all appointments pending resolution of an appeal of a restriction on their future employment in accordance with the Civil Service Rules. Further, the Department of Human Resources (“DHR”) and the Municipal Transportation Agency (“MTA”) place individuals under general waiver on all eligible lists pending the outcome of any grievances/arbitrations regarding their dismissal, discharge or termination.

Unless it is a permanent, unconditional ban on any and all future City employment, an individual may still be placed on an eligible list for future consideration under waiver pending satisfaction of any conditions on his or her future employment.

IV. Appeals

The decision of the appointing officer or Human Resource Director to impose restrictions on an individual’s future employment with the City may be appealed to the Commission in accordance with Rule Series 022. The Commission may uphold, modify or expand the recommendation of the appointing officer on the future employment restriction. Again, see Civil Service Adviser No. 021 for additional guidance on appeals of future employment restrictions.

A proposed employment restriction should not be rescinded solely because it has been appealed to the Commission. A department should only consider rescinding a proposed restriction for good cause (e.g., in the event that the department learns of new information that mitigates the conduct, or if DHR advises that the circumstances do not warrant the proposed restriction, etc.).

Commission’s Review

The Commission does not determine if the negative release itself was appropriate, nor does it re-adjudicate an arbitrator’s decision. Rather, the Commission’s role is to determine *if the proposed restriction on future employment is appropriate* (i.e., whether the circumstances surrounding the individual’s negative separation merit a restriction on his or her future employment with the City/department; and whether the scope, duration and type of restriction itself is appropriate under the circumstances).

Requirement for a Staff Report

As indicated, the individual is placed under general waiver for all appointments pending resolution of an appeal of a restriction on future employment to the Civil Service Commission. Therefore, departments are required to submit a staff report to the Commission within sixty (60) calendar days of receiving notification of an appeal on a future employment restriction to ensure that the matter is resolved expeditiously.

The department’s staff report should support the department’s position and address the issue to be determined on appeal: whether the proposed restriction on future employment is appropriate (i.e., whether the circumstances surrounding the individual’s negative separation merit a restriction

on his or her future employment with the City/department; and, whether the scope, duration and type of the restriction itself is appropriate under the circumstances).

The department must notify the Executive Officer as soon as possible if the individual has filed a grievance or lawsuit challenging the underlying separation so that the matter may be postponed until that proceeding has concluded. In the event that the former employee's separation is overturned, therefore making the appeal moot, the department must submit a Form 13 with supporting documentation within ten (10) business days to request administrative closure. In the event that the former employee's separation is upheld, the department must submit a staff report within sixty (60) calendar days so that the appeal can be scheduled for a Commission hearing.

The appeal will be calendared at the next Commission hearing date following receipt of the staff report in accordance with the Commission's meeting calendar.

V. Removing a Restriction

Permanent restrictions on future employment may never be removed. Unless the restriction specifically indicates that it is a "permanent" ban on the individual's future employment with the City and/or department, it will be considered to be a non-permanent restriction eligible for reconsideration after five years in accordance with Civil Service Rule Series 022. A permanent restriction must specify, for example, "Permanent restriction on any future employment with the City and County of San Francisco;" or "Permanent restriction on any future employment in a driving position with the City and County of San Francisco;" or "Permanent restriction on any future employment with the MTA;" etc. Citywide bans imposed before April 21, 2014 are considered permanent restrictions and are therefore not subject to reconsideration.

Non-permanent, unconditional future employment restrictions may be removed by action of the Commission; and conditional restrictions on future employment may generally be removed with the approval of the Human Resources Director (or Director of Transportation, if the conditional restriction is specific to an MTA service-critical class or position), unless otherwise specified by the Commission. The removal of a restriction does not serve to rescind or abrogate the Commission action that imposed the restriction in the first place.

The procedures for removing a future employment restriction are outlined below. In all instances, it is the individual's responsibility to submit a *complete and thorough* request that the restriction/ban be lifted, including all relevant documentation in support of the request.

Individuals cannot be considered for employment in accordance with the terms of any restriction until it is removed. Therefore, DHR and/or the department should endeavor to respond to and process an individual's request to have a non-permanent ban lifted within a reasonable amount of time.

Request to Remove a Conditional Restriction

Unless otherwise specified by the Commission, the Human Resources Director (or Director of Transportation, if the conditional restriction is specific to an MTA service-critical class or

position) may approve the removal of a conditional restriction on an individual's future employment upon determination that he or she has met or otherwise satisfied the terms or conditions of that restriction (e.g., future employment conditioned on the demonstration of one year of satisfactory service with another employer, future employment conditioned on the demonstration of a satisfactory driving record for a period of five years, etc.).

DHR/MTA should endeavor to respond to an individual's *complete* request to remove a conditional ban within thirty (30) calendar days of receipt of the request, notifying him or her of the Human Resources Director's/Director of Transportation's determination on whether the terms or conditions of the restriction have been met. The decision of the Human Resources Director/Director of Transportation is not appealable to the Commission.

Requests to Remove a Non-Permanent, Unconditional Restriction (Requests for Reconsideration)

As indicated, the removal of a non-permanent, unconditional ban may only be done through Commission action. Civil Service Rule Series 022 governs the process and procedures for a request to remove such restrictions.

Departments are required to forward to DHR within thirty (30) calendar days, an individual's *complete* request to lift a non-permanent and an accompanying memorandum with the department's recommendation on whether the request should be approved, declined or modified, and the reason(s) therefor. The memorandum must also include sufficient information that may be available regarding the circumstances of the individual's negative separation (including an overview of what happened and the reason(s) for the separation) and any supporting relevant documentation to inform the Human Resources Director's recommendation to the Commission

Within sixty (60) calendar days of receipt of the department's memorandum, DHR must submit a staff report to the Commission (with the department's memorandum packet attached) with the Human Resources Director's recommendation to either approve, decline or modify the individual's request to remove the restriction, and the reason(s) therefore.

VI. Additional Roles and Responsibilities

Appointing Officers/Departments

An Appointing Officer must properly notify an individual of his or her intent to impose a restriction on his or her future employment in accordance with the procedures prescribed by DHR. The notification must clearly indicate the type (i.e., whether it is permanent or not), scope and duration of the restriction; and it must include information on the process for appealing the restriction. Departments are also required to adequately document in the system of record the base(s) for the employment restriction.

Departments are responsible for ensuring that any proposed employment restriction is appropriately and accurately documented in the system of record and in the individual's personnel file. Departments are also responsible for documenting in the system of record when an individual has appealed a proposed employment restriction, and what the disposition was if the matter did not

ultimately go before the Commission for review.

Finally, departments are responsible for ensuring that any other necessary actions are undertaken to implement a final employment restriction. This includes notifying the DHR Recruitment and Assessment Services Division and/or the MTA of any restriction that requires that an individual's name from any eligible lists.

Human Resources Director/DHR and Director of Transportation/MTA

The Human Resources Director is responsible for establishing the procedures for implementing these policies and guidelines for all departments except for the MTA, which shall be the responsibility of the Director of Transportation.

DHR is required to report to the Commission in February and August of each year with information on individuals who appealed a restriction on their future employment but ultimately withdrew the appeal because the department reduced or rescinded the restriction. The MTA is also required to report such information to the Commission for MTA service-critical positions in February and August of each year.

DHR and the MTA are responsible for ensuring that the Human Resources Director's/Director of Transportation's decision to lift a conditional employment restriction is appropriately and accurately documented in the system of record, and that any other necessary actions are undertaken to implement that decision.

Executive Officer/Commission Staff

The Executive Officer is responsible for ensuring that departments understand their roles and responsibilities as outlined herein. This includes providing any training that may be needed.

The Executive Officer is also responsible for notifying all parties of the Commission's action on an appeal or request to remove an employment restriction, and for ensuring that such action is properly documented in the system of record.

QUESTIONS

Questions on Civil Service Rules or Commission policies, procedures and guidelines may be directed to Commission staff at (415) 252-3247.

EXHIBIT 3



1244-Senior Human Resources Analyst

SF | Careers > 1244-Senior Human Resources Analyst

Know the class code?

Class codes are four characters long.

Search

Search by keyword:

Use a keyword to search for a class.

- Search within title
- Search within job descriptions

Search

Compensation set id:

Senior Human Resources Analyst

Job classification

Class	1244
Title	Senior Human Resources Analyst
Overtime eligibility	Exempt (Z) - No Paid Overtime
Labor agreement	Prof & Tech Eng, Local 21
Effective date	March 24, 2023

Current compensation plan

Effective: Jul 01, 2023

See [Historic and future compensation information](#) for this class

Step:	Step 1	Step 2	Step 3	Step 4	Step 5
Rate /hr:	\$60.4375	\$63.4500	\$66.6250	\$69.9875	\$73.4125
Rate /biweekly:	\$4,835.00	\$5,076.00	\$5,330.00	\$5,599.00	\$5,873.00
Rate /year:	\$125,710	\$131,976	\$138,580	\$145,574	\$152,698

Job description

CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF HUMAN RESOURCES

Job Title: SENIOR HUMAN RESOURCES ANALYST

Job Code: 1244

DEFINITION

Under direction, performs difficult and responsible professional and technical human re-sources work in the areas of recruitment; examinations; classification and compensation; employee and/or labor relations; benefits administration; human resources operations; diversity, equity, and inclusion; or personnel training; may lead or supervise human resources analysts and/or clerical/technical staff.

DISTINGUISHING FEATURES

Class 1244 Senior Human Resources Analyst is distinguished from class 1241 Human Re-sources Analyst in that the prior: (1) leads or supervises a small team of professional staff involved in recruitment and selection; classification and compensation; employee and/or labor relations; benefits administration; human resources operations; diversity, equity, and inclusion; or personnel

training; or (2) performs difficult and specialized human resources work and thereby serving as a resource for special problems.

SUPERVISION EXERCISED

May supervise the work of subordinate analysts or technical/ clerical personnel.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

According to Civil Service Commission Rule 109, the duties specified below are representative of the range of duties assigned to this job code/class and are not intended to be an inclusive list.

1. Serves as a team leader or assistant team leader in the performance of professional human resources activities in the areas of recruitment and selection; employee and/or labor relations; classification and compensation; benefits administration; human resources operations; diversity, equity, and inclusion; and personnel training.
2. Performs recruitment activities, including announcement preparation, sources for recruiting.
3. Prepares examination announcements/advertisements; determines applicant eligibility based on minimum qualifications/special conditions.
4. Performs job analysis, constructs examinations; obtains input on exam development from subject matter experts; oversees test administration and scoring; and determines relative weights to various parts of the examination; responds to exam-related protests; documents test validity; and generates eligible lists.
5. Conducts investigations and surveys concerning the duties, responsibilities and qualifications of positions in the classified service; makes field and desk audits of work performed; recommends and prepares class specifications for new classifications or revises existing class specifications.
6. Evaluates requests for leave and ADA accommodation; administers requests to fill position, employee transfers, post-referral, hiring, appoint, onboarding and layoff processes; interviews and examines candidates; administers employee discipline.
7. Negotiates resolutions to grievances; investigates complaints of serious employee misconduct and complaints; enforces MOUs to ensure consistent departmental compliance with provisions, and acts as a Skelly officer in employee disciplinary hearings.
8. Participates in the collection and evaluation of salary and wage data.
9. Performs special projects involving the planning, research, development or implementation of a technical phase of human resources administration; prepares various memoranda, correspondence, records and reports with recommendations when appropriate.

10. Confers with employees, department heads, labor representatives and human resources analysts of other jurisdictions regarding the interpretation and application of laws and regulations concerning recruitment, examinations, classification and compensation, employee and/or labor relations, and human resources operations.
11. Coordinates processing of human resources transactions; reviews requests to fill positions; directs and reviews the preparation of requests to fill positions; tracks the certification and selection process; directs and participates in the processing of appointments; and receives, re-views and processes personal services contracts.
12. Implement diversity, equity and inclusion efforts by developing employee resources and training; leading diversity recruitment efforts; coaching management; mediating workplace conflict; and creating and monitoring DEI benchmarks.
13. Train and consult with City employees including human resource professionals on supervision and leadership; conduct team building workshops and career development programs; consult with managers on training and organizational development projects.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of: the principles and practices of modern human resources personnel and public administration and management organization, especially as they apply to the efficient conduct of recruiting, examining, position classification and compensation systems; applicable City Charter provisions, relative ordinances, Civil Service Rules and Regulations; principles and practices of performance, leave and position management and operation and organization of the various City departments and agencies; principles and practices of equity, diversity, inclusion, and belonging in the workplace; principles and techniques of adult learning and organizational development.

Ability or Skill to: make accurate and sound analyses and evaluations of personnel problems; deal courteously, tactfully and effectively with department heads, employees and others; comprehend and interpret federal, state and local laws, ordinances, regulations and guidelines such as City Charter provisions, Civil Service Commission Rules and employee organization agreements; supervise subordinates in performing recruiting, examining, classification or salary administration work; learn to operate a networked personal computer using word processing programs, spreadsheets, human resource information systems and database software; exercise good judgment, flexibility, creativity and sensitivity in response to changing situations and needs; communicate clearly, concisely and in a well-organized, and an effective manner, both orally and in writing; and establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work and prepare clear, concise, accurate and cogent reports.

MINIMUM QUALIFICATIONS

These minimum qualifications establish the education, training, experience, special skills and/or license(s) which are required for employment in the classification. Please note, additional qualifications (i.e., special conditions) may apply to a particular position and will be stated on the exam/job announcement.

Education:

Possession of a baccalaureate degree from an accredited college or university.

Experience:

Three (3) years of verifiable professional human resources experience, similar to 1241 Human Resources Analyst, in one or more of the following areas of activity: recruitment and selection; classification and compensation; employee and/or labor relations; benefits administration; human resources operations; diversity, equity, and inclusion; and personnel training.

License and Certification:

Substitution:

Education Substitution - Additional qualifying work experience as a professional human resources analyst may be substituted for up to two years of the required education on a year-for-year basis (30 semester/ 45 quarter units equals one year).

Experience Substitution - Completion of a 12 month human resources trainee program equivalent to the City and County of San Francisco's 1249 Human Resources Training Program may substitute for one (1) year of required professional experience.

Experience Substitution - Possession of a Juris Doctorate (J.D.) or Master's degree in Personnel Administration, Human Resources Management, Business Administration, Public Administration or Clinical/School/Industrial-Organizational Psychology may substitute for one (1) year of the required professional experience.

SUPPLEMENTAL INFORMATION

PROMOTIVE LINES

ORIGINATION DATE:

09/27/1971

AMENDED DATE:

09/14/10; 07/10/15 ; 02/15/17; 3/24/2023

REASON FOR AMENDMENT:

To accurately reflect the current tasks, knowledge, skills & abilities, and minimum qualifications.

BUSINESS UNIT(S):

COMMN SFMTA SFCCD SFUSD

Standard information

Disaster service work

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

Historic and future compensation

Effective (Sched)	Step 1	Step 2	Step 3	Step 4	Step 5
Jul 01, 2023 (X)	\$60.4375	\$63.4500	\$66.6250	\$69.9875	\$73.4125
Jul 01, 2022 (W)	\$58.9625	\$61.9000	\$65.0000	\$68.2750	\$71.6250
Jan 08, 2022 (V)	\$53.3500	\$56.0125	\$58.8125	\$61.7750	\$64.8125
Jul 01, 2021 (U)	\$53.0875	\$55.7375	\$58.5250	\$61.4625	\$64.4875
Dec 26, 2020 (T)	\$51.0375	\$53.5875	\$56.2625	\$59.0875	\$62.0000

Human Resources

[DHR Homepage](#)

[Career Events](#)

[Career Pathways](#)

About San Francisco

[SF.gov](#)

[London Breed, Mayor](#)

[Privacy Policy](#)

Provide Feedback

[Job Seekers](#)

EXHIBIT 4

DeLeon, Andrea (HSA)

From: Lim, Brenden (HSA)
Sent: Thursday, November 8, 2018 4:42 PM
To: Harris, Jared (HSA)
Subject: RE: Leave of absence
Attachments: 00 Request For Leave and Leave Protections.PDF; FML-2-Certification-of-Health-Care-Provider-Employee 06-2017.pdf; FML-2-Certification-of-Health-Care-Provider-Family-Member 06-2017.pdf


Depends on the type of leave you may want/need. You can make your request through the sharepoint site/complete the request for leave forms. The request for leave is just the request and we can then follow-up with what, if any, certifications you need after reviewing the request.

<https://sfgov1.sharepoint.com/sites/HSA/HR-Main/OCR/SitePages/Request-for-Leave-and-Leave-Protections.aspx>

[DHR's Employee Leaves](#) website has more detailed descriptions of the type of leaves available. Or you can just let me know when you want to drop by to go over it.

From: Harris, Jared (HSA)
Sent: Thursday, November 8, 2018 4:10 PM
To: Lim, Brenden (HSA) <Brenden.Lim@sfgov.org>
Subject: Leave of absence

I am still having personal issues and need to take an extended leave. How do I do that?

Sincerely,
Jared Harris
Work: (415) 557-5973




CITY AND COUNTY OF SAN FRANCISCO

REQUEST FOR LEAVE and LEAVE PROTECTIONS

For All Continuous and Intermittent Absences of More than 5 Days, Including FMLA/CFRA

New Request Request for Extension¹

Name: _____ DSW#: _____ Worker #: _____ Classification: _____

Address: _____ City: _____ State: _____ Zip: _____

Contact No.: _____ Home Email: _____ Program: _____

Supervisor Email: _____

Manager Email: _____

**Type of Leave or Job Protection Requested
(Check All That Apply):**

Leaves

Sick Leave with Pay Sick Leave without Pay
(Attach Medical Certification)

I will will not receive/apply for SDI or PFL

I **DO NOT** wish to supplement SDI/PFL with accrued Sick Leave, Vacation, CTO, FH

My Sick Leave is for:

- My Own Illness or Care
- Child Bonding or Assumption of Child Rearing
- Pregnancy or Related Condition
- Care for a Qualifying Family Member
- Bereavement for a Qualifying Family Member
- City Family Care Leave (Permanent Employees Only)
- Personal Leave Educational Leave
- To Accept Other City Employment TEX PEX
- Other, Please Specify: _____

Employment Status:

- Permanent Probationary Exempt
- Temporary Provisional

Leave Protections²

Family Medical Leave Act/California Family Rights Act

for the purpose of:

- Child Bonding (Birth/Placement Date: _____)
- My Own Illness
- Care for a Qualifying Family Member
State Relationship and Type of Care to be Provided:

(attach separate sheet)

- Care for Next of Kin Covered Military Service Member
- Military Exigency Related to Deployment

Pregnancy Disability Leave

Military Leave (Reservist – Attach Orders)

Other, Please Specify: _____

I wish to use accrued: SP VA CTO FH
during my FMLA/CFRA, PDL or other leave.

AMOUNT OF LEAVE REQUESTED

Continuous Intermittent Reduced Schedule From (dates) _____ to _____

For Intermittent Leave: How Many Leave Hours Per Day?: _____ How Many Absence Days Per Week? _____

OR How Many Leave Hours Per Week?: _____ How Many Absence Days Per Month? _____

Proposed Reduced Work Schedule: Days: _____ Work Hours: _____

Employee Signature

Date

PRINT NAME/TITLE	SIGNATURE	DATE	APPROVE ²	DENY (Attach Reason, if Required)
(Employee's Supervisor)				
(Appointing Officer/Designee)				

cc: _____ Leave/Medical File

¹ Requests for extension of FMLA/CFRA or PDL leave must be submitted two weeks prior to the end of the currently scheduled FMLA/CFRA or PDL leave when practical. Failure to submit timely requests may delay granting the extension.

² FOLLOWING VERIFICATION OF ELIGIBILITY AND MEDICAL NECESSITY, CERTAIN LEAVES MUST BE DESIGNATED ON FORM FML 3, EVEN IF NOT REQUESTED. THIS FORM CANNOT BE USED TO APPROVE OR DENY FMLA, CFRA OR PDL PROTECTIONS. SIGNATURE ACKNOWLEDGES RECEIPT OF FMLA, CFRA OR PDL REQUEST ONLY.

Leaves of Absence - General Provisions

Leaves of absence are governed by the following general provisions:

1. Leave requests must be submitted to a department head or designee for approval.
2. A request for leave in excess of five days must be approved in advance on the appropriate form by the employee's supervisor, department's human resources representative, and the appointing officer/designee.
3. Employees who do not return to work when they are expected are absent without leave (AWOL) and may be subject to disciplinary action or automatic resignation.
4. Disapproval of certain types of leave may be appealed either through the grievance procedure in the respective collective bargaining agreement or the Civil Service Commission Rules.
5. Except for personal leave and in cases where the employee has obtained the prior approval of the appointing officer and the human resources director, an employee may not accept employment outside of the City and County service, other than military service, while on a leave of absence.

Employees should consult their human resources representatives if they have questions or need more information on any of the leaves or leave requirements described below.

Sick Leave: Except for leave under Labor code Section 233, sick leave requests for over five days must be certified by a licensed medical doctor, dentist, podiatrist, licensed clinical psychologist, Christian Science practitioner or licensed doctor of chiropractic medicine. Verification of sick leave for less than five days may be required on an individual basis. Employees are responsible for notifying their supervisors when they are unable to report for duty because of illness, and of the approximate date of their return to work. The duration of leave requested by the employee on this form should be the same as the duration certified as medically necessary by the health care provider. Only the amount of sick leave certified by the health care provider will be approved.

Family Care Leave: If an employee's leave to care for a newborn, newly adopted child or sick family member extends beyond the 12-week FMLA/CFRA leave maximum, or if the employee is not eligible for FMLA/CFRA leave, he or she may seek additional unpaid leave of up to a total of one year for any of the same reasons. This type of leave is available to permanent employees who have completed at least one year of service and is at the discretion of the department's appointing officer.

Military Leave: Military leave is governed by the provisions of applicable federal and state laws, Charter provisions, and by the Civil Service Commission Rules. A copy of the employee's official orders must be attached to his or her request for military leave. Certain employees on military leave may receive their regular compensation for a period not to exceed 30 days, and may qualify to receive supplemental pay and benefits during a qualified active military duty leave.

Leave for Spouse/Registered Domestic Partner While Qualified Member on Leave From Deployment: In compliance with the State of California Military and Veterans Code, a qualified employee who is a spouse or registered domestic partner of a qualified member of the Armed Forces, National Guard, or reserves shall be allowed to take up to 10 days of unpaid leave during a period of leave from deployment of the qualified member.

Family Medical Leave Act/California Family Rights Act (FMLA/CFRA): Eligible employees may take up to 12 workweeks of unpaid, job-protected leave in a 12-month period to care for themselves or family members who are ill, or for child bonding and military exigency. See *Notice of Eligibility, Rights and Responsibilities -- FMLA* for more information on this leave entitlement.

Jury Duty Leave: Employees must notify their supervisor when a jury summons is received. Any employee who is called to jury duty for a municipal, state or federal court during the employee's working hours is allowed his or her regular compensation less the amount of jury fees paid while serving as a juror. An employee called as a witness in a non-work related matter may be granted leave without pay unless vacation leave or compensatory time is granted.

Educational Leave: Educational leave is unpaid and is generally available to permanent employees only. An employee may be granted leave not to exceed one year for the purpose of securing additional education in a field related to his or her position.

Religious Leave: Employees may be granted religious leave when personal religious beliefs require the abstention from work during certain periods of the work day or work week. Religious leave is without pay unless a request to utilize accumulated compensatory time off, vacation time, or floating holidays is approved.

Leave to accept other City and County employment. Leave to accept a temporary or exempt appointment in the City is available at the discretion of the department head to permanent civil service employees only.

Personal leave: Permanent employees may request unpaid personal leave for up to 12 months within any two-year period. The department head has discretion to grant or deny requests for personal leave. With certain exceptions, temporary or provisional employees may request personal leave for a maximum of one month, and only if a replacement for their position is not required.

Leave Extension: An employee who wishes to extend a leave of absence must submit a completed Request for Leave form to his or her immediate supervisor or department's human resources representative at least two weeks, if practical, before the expiration date of the current leave. If the request is for sick leave, the employee must provide documentation from their health care provider.

Leave Abridgment: An employee who wishes to abridge a leave must submit an amended Request for Leave form before returning to work, and, if the employee was on sick leave, the health care provider must certify that the employee is physically able to return to work.



CITY AND COUNTY OF SAN FRANCISCO

FML2
Employee

Certification of Health Care Provider under the
Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA)
And Pregnancy Disability Leave (PDL)

Use This Form For an Employee's Serious Health Condition
PLEASE GIVE THIS FORM TO YOUR HEALTH CARE PROVIDER
AFTER COMPLETING SECTION A

Section A: To Be Completed By the Employee

Employee's Name: _____ Classification: _____
Department: _____
Personnel Official's Name: _____ Telephone Number: _____

Section B: Instructions to 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, 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 for leave under the FMLA, CFRA and/or PDL. Sections C-G must
be completed by you 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 employer.

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.

Section C: Definition of a Serious Health Condition

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:

- a) 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
- b) 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:

- a) 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;
- b) Continues over an extended period of time, including recurring episodes of a single underlying condition; and
- c) 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:

- a) Restorative surgery after an accident or other injury; or
- b) 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

Continue To Next Page

Section D: Supporting Medical Facts

Note: The health care provider is not to disclose the underlying diagnosis without the patient's consent.

1. State the approximate date the condition began: _____
2. State the probable duration of the condition or need for treatment: _____
3. State the probable duration of the patient's incapacity, if different from the duration of the condition:

**Section E: Amount of Leave Requested
(Only Check and Complete the Section(s) That Apply)**

CONTINUOUS LEAVE

The employee will require **CONTINUOUS LEAVE** due to his/her serious health condition, including any time for treatment and recovery.

Estimate the beginning and ending dates for the period of incapacity: From _____ through _____

INTERMITTENT LEAVE

It is medically necessary for the employee to take **INTERMITTENT LEAVE** because the employee's serious health condition causes episodic incapacity due to flare-ups or urgent care.

- a. Estimate the frequency of flare-ups or the need for urgent care:

Frequency: _____ times per _____ week / month / year (circle one)

- b. Estimate the duration the employee will be incapacitated by each occurrence/episode:

Duration: _____ hours / days per incident (circle one)

Dates flare-ups or need for urgent care may occur: From _____ through _____

TREATMENT OR APPOINTMENTS

It is medically necessary for the employee to attend follow-up **TREATMENT** or **APPOINTMENTS** because of the employee's serious health condition.

- a. Estimate schedule, including dates of any scheduled treatment or appointments and time required for each appointment. Include recovery time.

Scheduled Treatment/Appointments: _____ times per week / month / year (circle one)

Duration: _____ hours / days per treatment/appointment (circle one)

Estimate dates, times, and length of scheduled appointments: _____

- b. Can treatment/appointments be scheduled during non-work hours? Yes No

Dates treatment/appointments can be scheduled: From: _____ through _____

Continue To Next Page

**Section E: Amount of Leave Requested
(Continued)**

PART-TIME SCHEDULE

It is medically necessary for the employee to work a **PART-TIME SCHEDULE** due to the employee's serious health condition.

Indicate the part-time schedule the employee needs:

Employee can work _____ hours per day for _____ days per week from _____ through _____

Section F: Restrictions

Please list restrictions that preclude the employee from performing one or more of his or her essential job functions. Limit the restrictions to those caused by the serious health condition (Answer after discussing essential job functions with employee): _____

Additional Comments: _____

Section G: Definition of Health Care Provider

Department of Labor regulations for the Family and Medical Leave Act define a "health care provider" as a

- a. doctor of medicine or osteopathy, podiatrist, dentist, chiropractor, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, or clinical social worker, physician's assistant, who is authorized to practice by the State and performing within the scope of their practice as defined by State law, or a Christian Science practitioner.
- b. any provider the employee's group health plan will accept certification of a serious health condition to substantiate a claim for benefits.

(Signature of Health Care Provider)

(Date)

(Print Name of Health Care Provider)

(License No.)

(Address)

(Phone No.)

Thank you for your assistance.



CITY AND COUNTY OF SAN FRANCISCO

FML2
Family Member

Certification of Health Care Provider under the
Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA)
And Pregnancy Disability Leave (PDL)

**Use This Form For Family Member's Serious Health Condition
PLEASE GIVE THIS FORM TO YOUR HEALTH CARE PROVIDER
AFTER COMPLETING SECTION A**

Section A: To Be Completed By the Employee

Employee's Name: _____ Classification: _____

Department: _____

Personnel Official's Name: _____ Telephone Number: _____

Patient/Family Member's Name: _____ Relationship: _____

Section B: Instructions to 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).)

Dear Health Care Provider:

The above-named employee has requested a leave of absence or intermittent leave for the condition of a family member, which may qualify as a protected leave under the FMLA and/or CFRA. This medical certification form will provide us with information needed to determine if the employee is eligible for leave under FMLA and/or CFRA. Sections C-F must be completed by you 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 employer.**

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.

Section C: Definition of a Serious Health Condition

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:

- a) 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
- b) 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:

- a) 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;
- b) Continues over an extended period of time, including recurring episodes of a single underlying condition; and
- c) 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:

- a) Restorative surgery after an accident or other injury; or
- b) 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

Continue To Next Page

Section D: Supporting Medical Facts

Note: The health care provider is not to disclose the underlying diagnosis without the patient's consent.

1. State the approximate date the condition began: _____
2. State the probable duration of the condition or need for treatment: _____
3. State the probable duration of the patient's incapacity, if different from the duration of the condition:

4. 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
5. Does (or will) the patient require assistance from the employee with basic medical, hygiene, nutritional, safety, transportation needs or the participation of physical psychological care? Yes No

**Section E: Amount of Leave Requested
(Only Check and Complete the Section(s) That Apply)**

CONTINUOUS LEAVE

The patient will be incapacitated for a continuous period of time and will require the employee to be on **CONTINUOUS LEAVE** for the patient's treatment and/or recovery.

Estimate the beginning and ending dates for the period of incapacity: From _____ through _____

INTERMITTENT LEAVE

It is medically necessary for the employee to take **INTERMITTENT LEAVE** because the family member's serious health condition causes episodic incapacity due to flare-ups or urgent care.

- a. Estimate the frequency of flare-ups or the need for urgent care:
Frequency: _____ times per _____ week / month / year (circle one)
- b. Estimate the length the employee is required to care for the family member on each occasion:
Duration: _____ hours / days per incident (circle one)

TREATMENT OR APPOINTMENTS

It is medically necessary for the employee to attend or transport the family member to follow-up **TREATMENT** or **APPOINTMENTS** because of the family member's serious health condition.

Scheduled Treatment: _____ times per _____ week / month / year (circle one)

Estimate dates, times and length of scheduled appointments: _____

Continue To Next Page

**Section E: Amount of Leave Requested
(Continued)**

PART-TIME SCHEDULE

It is medically necessary for the employee to work a PART-TIME SCHEDULE due to the family member's serious health condition.

Indicate the part-time schedule the employee needs:

Employee can work _____ hours per day for _____ days per week from _____ through _____

Additional Comments: _____

Section F: Definition of Health Care Provider

Department of Labor regulations for the Family and Medical Leave Act define a "health care provider" as a

- a. doctor of medicine or osteopathy, podiatrist, dentist, chiropractor, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, or clinical social worker, physician's assistant, who is authorized to practice by the State and performing within the scope of their practice as defined by State law, or a Christian Science practitioner.
- b. any provider the employee's group health plan will accept certification of a serious health condition to substantiate a claim for benefits.

(Signature of Health Care Provider)

(Date)

(Print Name of Health Care Provider)

(License No.)

(Address)

(Phone No.)

Thank you for your assistance.

EXHIBIT 5

DeLeon, Andrea (HSA)

From: Lim, Brenden (HSA)
Sent: Wednesday, November 14, 2018 4:52 PM
To: [REDACTED]
Cc: Harris, Jared (HSA)
Subject: FMLA/CFRA/RA
Attachments: ADA Packet (HSA revised 09-2017) - fillable.pdf; 2018-11-14_FML_Corr_JHarris_FML1.pdf; FML-2-Certification-of-Health-Care-Provider-Employee 06-2017.pdf

Jared,

Attached is the Notice of Eligibility, Rights and Responsibilities under FMLA (FML1) and the medical certification form to be completed by a health care provider (can be your personal physician or the treating facility). I also attached the reasonable accommodation packet. If you think you will need more time or have restrictions/modifications when returning to work, then we'd handle it under the RA process. If you have trouble with the attachments, the information and forms are publicly available on DHR's website: <https://sfdhr.org/employee-leaves>.

1. Health Service System: <http://myhss.org/> - Call them to inform them that you expect to be on unpaid status and you want to know how much to continue your insurance and where to send it.
2. State Disability Insurance: https://www.edd.ca.gov/File_and_Manage_a_Claim.htm take a look at the FAQs. You can start the claim process online.
3. Communication – we'll still send you information by email and mail when necessary, but if there is an address where we can send you updates or a contact then let me know.
4. Returning to work – You'll need a health care provider note clearing you to return to work with or without restrictions effective whichever date they recommend.

If you have questions let me know. If your health care provider or someone on your behalf have questions, just remember that your health care provider and employer cannot talk to each other or your representative without your consent (so if nothing else, think about signing the medical authorization in the ADA packet).

Brenden Lim
Human Resources, Office of Civil Rights (OCR)
Human Services Agency
T: (415) 557-6140 | F: (415) 355-2429 | Brenden.Lim@sfgov.org
P.O. Box 7988, San Francisco California 94120



EMPLOYMENT RIGHTS FOR PERSONS WITH DISABILITIES **IN THE CITY AND COUNTY OF SAN FRANCISCO**

POLICY

The Americans with Disabilities Act (ADA) and California's Fair Employment and Housing Act (FEHA) prohibit employment discrimination against qualified applicants and employees on the basis of disability. In accordance with the law, it is the policy of the City and County of San Francisco to provide equal employment opportunities to qualified individuals with disabilities.

WHO IS PROTECTED?

The law covers qualified applicants and employees with disabilities. A qualified individual with a disability is defined as an individual with a disability who meets the skill, experience, education and other job-related requirements of a position held or sought, and who, with or without reasonable accommodation, can perform the essential functions of the job.

A person with a disability is an individual who:

- has a physical or mental impairment that limits a major life activity; or
- has a record of such an impairment which is known to the employer; or
- is regarded by the employer as having, or having had, such an impairment; or
- is regarded by the employer as having, or having had, a disorder or condition that has no present disabled effect, but that may become a disability.

Impairments that require special education or related services are also disabilities.

Major life activities include seeing, hearing, breathing, walking, speaking, learning, working, caring for oneself, performing manual tasks, lifting, and other physical, mental and social activities, etc.

YOUR RIGHTS UNDER THE LAW

Applicants

- An employer must provide equal employment opportunity for qualified applicants with disabilities to enable them to participate in the job application process and to be considered for a job.
- Reasonable accommodations must be provided, as needed, to ensure that individuals with disabilities have equal opportunity in the application and

selection process, unless to do so would be an undue hardship or pose a direct threat to the health and safety of others.

- An employer does not have to accommodate individuals who are not otherwise qualified for the position that they seek.
- Tests must be job-related, that is, designed to measure the skills and abilities that an employee will need on the job.
- The law prohibits discrimination, but does not require affirmative action. The employer is free to hire the most qualified applicant.

Employees

- The law prohibits discrimination in all employment practices, including, but not limited to, promotion, transfer, termination, compensation, job assignments, leaves of absence, fringe benefits, training, activities, and any other term, condition, or privilege of employment.
- The employer must provide reasonable accommodations to qualified employees with disabilities, unless to do so would be an undue hardship or pose a direct threat to the health and safety of others.
- An employer does not have to accommodate employees who are not otherwise qualified for the position that they hold.

Medical Examinations and Inquiries

- An employer may not require applicants to take medical examinations or answer any disability-related questions. The employer may ask a job applicant or employee about his or her ability to perform job-related functions and may respond to an applicant's or employee's request for reasonable accommodation.
- Once a conditional offer of employment has been made, the employer may require a medical examination or ask disability-related questions, provided that the examination or question is job-related and consistent with business necessity and all entering employees in the same job classification are subject to the same examination or question.
- An employer may require medical examinations or ask disability-related questions of an employee, provided that the examination or question is job-related and consistent with business necessity.

- An employer may require medical documentation to evaluate a request for reasonable accommodation by an employee or an applicant.
- Tests to detect illegal use of drugs are permitted under the law and are not subject to the above restrictions.

Confidentiality

Medical-related information shall be confidential, except for those supervisors, safety personnel, compliance officers, or other specified individuals who have a need to know.

HOW TO REQUEST A REASONABLE ACCOMMODATION

In general, it is the responsibility of the individual with a disability to inform the employer that an accommodation is needed. A reasonable accommodation is a modification or adjustment to a job, employment practice, or work environment which enables a qualified individual with a disability to enjoy equal employment opportunity. An employee may request to be represented in this process by the employee's union, attorney, or any other individual designated by the employee.

Applicants

- To request a reasonable accommodation in the application and selection process, contact the personnel analyst or personnel officer at the number or address on the job announcement as soon as you are aware that an accommodation will be needed.

Employees

- An employee may request a reasonable accommodation by notifying the employee's supervisor, personnel officer, Reasonable Accommodation (RA) coordinator, or department head. Such request may be made verbally or in writing by the employee or his or her representative. The employee will be provided with information on the reasonable accommodation process and the necessary forms to be completed by the employee and the employee's doctor or health care provider.
- When the completed forms are returned, the department's RA coordinator will review the information to determine if the employee is a qualified individual with a disability, and if so, whether an accommodation is appropriate. The coordinator may confer with the employee's supervisor, the employee's health care provider, or the RA coordinator in the Department of Human Resources to review the requested accommodation and/or other alternatives. The RA coordinator will also contact the employee to discuss the requested accommodation and/or alternatives.
- This process will be completed as quickly as possible. However, if the information on the forms is incomplete or unclear, the process may be delayed. The employee who is requesting reasonable accommodation should make sure that forms are completed accurately and returned as soon as possible. The department will provide the employee

with a written update on the status of the request within fifteen days from the day that the request is acknowledged.

- The department RA coordinator will review the recommended action with the department head and with DHR, and will notify the employee of the department's decision on the request. If the request is not approved, the employee will be informed of other options that could be explored.

RA PLACEMENTS

If a qualified disabled employee cannot be accommodated in the employee's current class in the current department or to another class in any department, the department will refer the employee to the Department of Human Resources for consideration of an RA placement to the same class in a different department, or to another class in any department.

APPEAL AND COMPLAINT PROCEDURE

An employee may appeal a department's interpretation and/or implementation of the procedures for reasonable accommodation to the Human Resources Director. An employee or applicant who believes that he or she has been discriminated against in an employment action or reasonable accommodation request may make a complaint with the equal employment opportunity officer or RA coordinator in either the employee's department or in the Department of Human Resources; or through the grievance procedure of the appropriate employee organization. An employee or applicant may also file a complaint with the California Department of Fair Employment and Housing or the Federal Equal Employment Opportunity Commission.

RESOURCES

- Departmental RA Coordinator or Personnel Officer in your department
- City's EEO Division, DHR, 1 South Van Ness Avenue, 4th Floor, San Francisco, CA., 94103; (415) 557-4855 or (415) 557-4810 (TTY);
www.sfgov.org
- Department of Fair Employment and Housing (DFEH), 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758, 1(800) 884-1684 or 1 (800) 700-2320 (TTY);
www.dfeh.ca.gov
- Equal Employment Opportunity Commission (EEOC), The Philip Burton Federal Building, 450 Golden Gate Avenue, 5th floor West, P. O. Box 36025, San Francisco, CA 94105; 1 (800)-669-4000; 1 (800) 669-6820 (TTY)
www.eeoc.gov



City and County of San Francisco
REQUEST FOR
REASONABLE ACCOMMODATION

Date Received

Name: DSW#: Class/Title:
Address: City: State: Zip:
Contact No.: Personal Email: Dept:
Program: Supervisor: Program Manager:

Employment Status: Permanent Probationary Temporary Provisional Exempt

It is the policy of the City and County of San Francisco to provide reasonable accommodations to qualified individuals with disabilities in accordance with the federal Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA).

I. Reasonable Accommodation Request:

- Purchase of assistive device(s)
Removal of communications barrier
Job Restructuring
Purchase of assistive services
Removal of architectural barrier
Modified Reassignment
Other (specify):
Intermittent Leave from through
Medical Leave from through

Please describe the accommodation: (use extra sheets if need)

II. Essential Duties of Your Position:

Please identify the essential duties (do not include marginal duties) of your position for which you are requesting an accommodation:

- 1.
2.
3.
4.

III. Health Care Provider:

Please provide us with the name of your health care provider(s) who can assist with this request: (use extra sheets if needed)

Name:
Address:
Phone:
Specialty:

(Health Care Provider- Continuation)

Name: _____
Address: _____
Phone: _____
Specialty: _____

IV. Major Life Activities

Please check the major life activity/activities you believe to be limited by your medical condition(s):

- Walking Breathing Seeing Caring for Oneself Working
 Talking Hearing Learning Performing Manual Tasks Other: _____

Please described how the above activity/activities is/are limited: _____

IV. Major Life Activities (Continued)

- a. Is your medical condition temporary? Yes No
If yes, please state the expected duration: _____
- b. Are you currently working? Yes No
If no, please specify the type of leave currently approved and the duration (dates): _____

- c. Have you previously applied for a reasonable accommodation within the City? Yes No
If yes, please explain the status/circumstances: _____

I hereby certify that I believe I am a qualified individual with a disability as defined by the law. I have received and reviewed the information brochure and require an accommodation to perform the essential functions of my position. I understand that a detailed review of my disability status may be required, and I agree to cooperate fully in this process. I further understand that if my request is granted, I am obligated to report any changes in my disability status which may require a re-evaluation of this request. Granting of this request does not signify approval of any future reasonable accommodation request for any other position within this department or any other department within the City and County of San Francisco.

Employee Signature

Date

MEDICAL AUTHORIZATION AND RELEASE

TO WHOM IT MAY CONCERN:

Pursuant to my request for reasonable accommodation under the Americans with Disabilities Act and the Fair Employment and Housing Act, my employer is authorized to determine whether I have a physical or mental impairment which limits a major life activity, to determine what restrictions I have that impact the duties of my position and to evaluate the effectiveness of possible reasonable accommodations.

I hereby authorize and direct you, your office/practice, its Custodian of Records and/or persons in your employ to release medical information relating to my request for reasonable accommodation to my employer, in the format of the Health Care Provider Certification Form and Essential Function Guide provided by my employer (pursuant to the Medical Confidentiality Act, Civil Code Section 56, et. seq.). This medical information may be released to any authorized representative of the City and County of San Francisco bearing this release or a photocopy thereof, in order to evaluate my request for reasonable accommodation.

I do hereby request that the Health Care Provider Certification Form be completed as fully and completely as possible.

I do hereby release and hold harmless you, your organization or company, your officers, agents, employees, or independent contractors from any liability or damages, and I do hereby waive all claims or causes of action against you, your organization or company, your officers, agents, employees or independent contractors, which may result from furnishing the requested information.

This authorization to release my medical records will expire one hundred eighty (180) days after the date signed. I have been advised that I have the right to receive a copy of this authorization.

Name(print): _____

Birthdate: _____ Last 4 Digits of Social Security No.: _____

Address: _____ Phone(w): _____
_____ Phone (h): _____

Class/Title: _____ Department: _____

Signature

Date



City and County of San Francisco

Notice of Eligibility, Rights and Responsibilities under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA) and Pregnancy Disability Leave Act (PDL)

FML 1
Eligibility,
Rights and
Responsibilities

In general, to be eligible for protections under FMLA/CFRA an employee must have worked for an employer for at least 12 months, meet the 1,250 hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within a 75 miles radius. Eligibility does not mean leave protections are approved. You may be asked to provide additional information before your leave is designated as protected under FMLA/CFRA. Even if you are not eligible for FMLA/CFRA protection, if disabled by pregnancy, childbirth or related medical conditions, you are entitled to take pregnancy disability leave under California's Pregnancy Disability Leave Law for up to four (4) months depending on your periods of actual disability.

NOTICE OF ELIGIBILITY

Employee Name: Jared Harris DSW#: [REDACTED] Dept.: HSA/HR-ELR

SICK LEAVE FIVE DAYS OR MORE

We have been notified that you have been on continuous approved sick leave for five (5) days or more and wish to inform you of your eligibility for, and rights under, the FMLA/CFRA. You may qualify for protected leave if you or a family member has a condition that causes incapacity for more than three consecutive days and requires ongoing medical treatment.

REQUEST FOR LEAVE

- New Request Request for Extension

On 11/14/2018, you gave notice of your need for continuous/intermittent (circle one) leave for the period from 11/09/2018 to (approx. 2 months) _____ for:

- Your own serious health condition (up to 12 weeks within a 12-month period)
- Birth of a child or placement for adoption (up to 12 weeks within a 12-month period)
- Pregnancy-related disability (up to 12 weeks FMLA or 17-1/3 weeks PDL per pregnancy)
- Care for a family member's serious health condition (state relationship _____) (up to 12 weeks within a 12-month period)
- A qualifying exigency arising out of the fact that a family member is on covered active duty or called to covered active duty status with the Armed Forces (up to 12 weeks within a 12-month period)
- Care for a family member/next of kin who is a covered servicemember with a serious injury or illness (up to 26 weeks for one single 12-month period)

THIS NOTICE IS TO INFORM YOU THAT:

- You are eligible for FMLA/CFRA protections for your leave.
- You are **not** eligible for FMLA/CFRA protections for your leave, because:
 - You have not met the 12-month length of service requirement. As of the first date of your leave, you will have worked approximately _____ months toward this requirement.
 - You have not met the 1,250 hours of service requirement during the 12-month period preceding your leave start date.
- You are not eligible because you have exhausted your FMLA CFRA PDL leave entitlement.

If you have questions about this determination, contact Brenden Lim at 415-557-6140, or visit the Department of Human Resources website for information on Employee Leaves.

RESPONSIBILITIES

While you may be eligible for FMLA/CFRA or PDL protected leave, **ELIGIBILITY DOES NOT MEAN YOUR LEAVE IS DESIGNATED**. It is your responsibility to furnish all information required to determine whether your leave qualifies for protections under FMLA, CFRA or PDL. See reverse side of this form.

NOTICE OF ELIGIBILITY, RIGHTS AND RESPONSIBILITIES

REQUIRED DOCUMENTS

To determine whether your absence qualifies for FMLA, CFRA or PDL protections, you must return one or more of the following to us by 11/28/2018 (which is at least 15 calendar days from your receipt of this notice additional time may be allowed in some circumstances):

- Documentation verifying your child's birth, the placement of a child for adoption or foster care, or your assumption of care for that child.
- "Certification of Health Care Provider" (FML 2) of a serious health condition for you or your qualifying family member OR of a disability due to pregnancy, childbirth, or a related medical condition.
- "Certification of Serious Illness or Injury" (WH-385) of a family member in the military (military caregiver).
- "Certification" (WH-384) of a need for leave due to a military exigency.
- Sufficient documentation to establish the required relationship between you and your family member (a signed statement is sufficient, if no documents are available)
- Other information needed (such as proof of birth, placement or adoption of a child, or military orders or proof of military service related to military family leave), specify:

If sufficient information is not provided in a timely manner, the designation of your leave as protected under FMLA/CFRA may be denied or delayed.

If additional leave is required, you may be requested to provide the City with a Certification of Health Care Provider (FML 2) form regarding your serious health condition or your family member's serious health condition on a reasonable basis.

USE OF ACCRUED LEAVE

You are required to use your available accrued sick leave, vacation, CTO, and floaters during your unpaid FMLA, CFRA or PDL absence. During this time, you will receive your salary and your leave will be considered protected FMLA, CFRA or PDL leave and counted against your entitlement. You may also elect to use your accrued leave during an unpaid FMLA, CFRA or PDL leave, or to supplement short-term disability payments, such as State Disability Insurance (SDI) or Paid Family Leave (PFL) received during these protected leaves. Please tell your human resources contact if you wish to supplement disability payments with accrued leave.

Brenden Lim
Departmental HR Representative Name

Brenden Lim
Signature

11/14/2018
Date

NOTICE OF ELIGIBILITY, RIGHTS AND RESPONSIBILITIES

OVERVIEW

The Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) of 1993 require the City to provide, within a 12-month period, up to 12 weeks (480 hours for full-time employees) of unpaid, job-protected leave to eligible employees for certain family and medical reasons, as well as for military exigencies. You are eligible for these leaves if you have been employed with the City for at least 12 months and have worked at least 1,250 hours in the 12 months preceding your leave. Time served in other departments and at other City jobs counts toward the 12-month employment requirement. Hours taken as sick pay, vacation or other types of leave do not count; however, military service does count in calculating the 1,250 hours worked.

REASONS FOR TAKING LEAVE AND USE OF ACCRUED LEAVE¹

- To care for your child after birth and to care for that child
- For the placement of a child for adoption or foster care with you and to care for that child
- To care for your spouse or domestic partner,² child or parent who has a serious health condition
- For your own serious health condition³
- To care for your family member who is in the military and who has a serious injury or illness related to military service (FMLA Only – 26 Weeks)
- To take leave due to a military exigency that arose because a family member is deployed or will be deployed (FMLA Only)

While on an FMLA/CFRA leave for your own serious health condition, City policy requires you to use accrued sick leave. After you exhaust accrued sick leave, City policy requires you to use accrued vacation (subject to MOU provisions), followed by floating holidays and compensatory time off. You are not required to use sick leave, or other accrued time, to supplement Workers' Compensation or disability benefits you receive while on an FMLA/CFRA leave, but you may elect to do so.

While on an FMLA/CFRA leave to care for a family member, for child bonding or for military-related events, you are not required to use accrued sick leave, but you may elect to do so. City policy does require you to use accrued vacation (subject to MOU provisions), followed by floating holidays and compensatory time off during the leave.

12 WEEKS OF LEAVE IN A “ROLLING” 12-MONTH PERIOD

If your leave qualifies for FMLA/CFRA protections, you have a right to up to 12 weeks of unpaid leave in a rolling 12-months period measured backward from the date of any FMLA/CFRA leave taken. Under the “rolling” 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks that has not been used during the immediately preceding 12 months. For example, Employee A requests two weeks of FMLA/CFRA leave to begin on November 1st. The department looks back 12 months (from November 1st back to the previous November 2nd) and sees that Employee A had taken four weeks of FMLA/CFRA leave beginning January 1st, four weeks beginning March 1st, and three weeks beginning June 1st. Employee A has taken 11 weeks of FMLA/CFRA leave in the 12-month period, and thus only has one week of FMLA/CFRA-protected leave available. After Employee A takes the one week in November, she can next take FMLA/CFRA leave beginning January 1st as the days of her previous January leave “roll off” the leave year.

You also have the right under the FMLA to up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. The single 12-month period for leave to care for a covered servicemember (both current servicemembers and veterans) with a serious injury or illness begins on the first day you take leave for this reason and ends 12 months later, regardless of the rolling 12-month period established for other types of FMLA leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION

The City is entitled to advance notice for your leave when practical. Your FMLA/CFRA leave protections may be delayed or denied if advance notification and medical certification is not provided.

- You ordinarily must provide 30 days advance notice when the leave is foreseeable
- You must provide notice as soon as practicable if leave is unforeseeable, or if the leave is foreseeable less than 30 days in advance
- The City requires medical certification to support a request for leave because of a serious health condition, and may require second or third opinions for your own serious health condition (at the City's expense) and will require a valid medical release to return to work

JOB BENEFITS AND PROTECTION

- The City will maintain your health benefits under your group health plan for the duration of your FMLA, CFRA or PDL leave as if you had continued working. However, you are responsible for paying your share of premium costs to Health Services System (“HSS”), if any, during any period of unpaid leave.
- **Contact HSS at (415) 554-1750 (Option #5) to make arrangements to pay your share of premium payments to maintain your health benefits while on unpaid leave.**

¹ Information on California's Pregnancy Disability Leave is provided on page 4 of this form.

² CFRA covers registered domestic partners; however, the FMLA excludes this relationship.

³ The City will count a Workers' Compensation leave towards your FMLA/CFRA entitlement if you suffer an on-the-job injury or illness that qualifies as a serious health condition.

NOTICE OF ELIGIBILITY, RIGHTS AND RESPONSIBILITIES

- If health insurance payments are not made timely, your group health insurance may be cancelled, provided the City notifies you in writing at least 15 days before the date that your health coverage will lapse. At the City’s option, the City may pay your share of the premiums during FMLA, CFRA or PDL leave, and recover these payments from you upon your return to work.
- If you do not return to work following FMLA/CFRA leave for a reason other than: (1) the continuation, recurrence or onset of a serious health condition that would entitle you to FMLA/CFRA leave; (2) the continuation, recurrence or onset of a covered servicemember’s serious injury or illness that would entitle you to FMLA leave; or (3) other circumstances beyond your control, you may be required to reimburse the City for its share of health insurance premiums paid on your behalf during your FMLA/CFRA leave.
- Upon return from FMLA/CFRA leave, you are entitled to reinstatement to your original or an equivalent position, with the same pay, benefits and terms and conditions of employment, unless your position ceases to exist for reasons unrelated to the leave or you are a “key” employee.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of your leave.

UNLAWFUL ACTS BY EMPLOYERS

The FMLA/CFRA make it unlawful for the City to:

- Interfere with, restrain or deny the exercise of any right provided under the FMLA/CFRA.
- Discharge, discriminate or retaliate against you for taking protected leave, or for opposing any practice made unlawful by FMLA/CFRA, or for involvement in any proceeding under or relating to the FMLA/CFRA.

ENFORCEMENT

- The U.S. Department of Labor is authorized to investigate and resolve complaints of FMLA violations
- The California Department of Fair Employment and Housing is authorized to investigate and resolve complaints of CFRA and PDL violations
- An eligible employee may bring a civil action against an employer for FMLA/CFRA violations.

The FMLA/CFRA does not affect any federal or state law prohibiting discrimination or supersede any state or local law, or collective bargaining agreement that provides greater family or medical leave rights.

“NOTICE B” FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE) AND PREGNANCY DISABILITY LEAVE

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth or a related medical condition, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement — for pregnancy disability it is to the same position and for CFRA it is to the same or a comparable position — at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days’ advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy disability or for your own serious health condition. We also may require certification from the health care provider of your child, parent or spouse, who has a serious health condition, before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact your department’s Human Resources representative.

FOR ADDITIONAL INFORMATION CONTACT YOUR DEPARTMENTAL HUMAN RESOURCES OFFICE.



CITY AND COUNTY OF SAN FRANCISCO

FML2
Employee

Certification of Health Care Provider under the
Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA)
And Pregnancy Disability Leave (PDL)

Use This Form For an Employee's Serious Health Condition
PLEASE GIVE THIS FORM TO YOUR HEALTH CARE PROVIDER
AFTER COMPLETING SECTION A

Section A: To Be Completed By the Employee

Employee's Name: _____ Classification: _____

Department: _____

Personnel Official's Name: _____ Telephone Number: _____

Section B: Instructions to 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, 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 for leave under the FMLA, CFRA and/or PDL. Sections C-G must be completed by you 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 employer.**

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.

Section C: Definition of a Serious Health Condition

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:

- a) 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
- b) 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:

- a) 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;
- b) Continues over an extended period of time, including recurring episodes of a single underlying condition; and
- c) 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:

- a) Restorative surgery after an accident or other injury; or
- b) 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

Continue To Next Page

Section D: Supporting Medical Facts

Note: The health care provider is not to disclose the underlying diagnosis without the patient's consent.

1. State the approximate date the condition began: _____
2. State the probable duration of the condition or need for treatment: _____
3. State the probable duration of the patient's incapacity, if different from the duration of the condition:

**Section E: Amount of Leave Requested
(Only Check and Complete the Section(s) That Apply)**

CONTINUOUS LEAVE

The employee will require **CONTINUOUS LEAVE** due to his/her serious health condition, including any time for treatment and recovery.

Estimate the beginning and ending dates for the period of incapacity: From _____ through _____

INTERMITTENT LEAVE

It is medically necessary for the employee to take **INTERMITTENT LEAVE** because the employee's serious health condition causes episodic incapacity due to flare-ups or urgent care.

- a. Estimate the frequency of flare-ups or the need for urgent care:

Frequency: _____ times per _____ week / month / year (circle one)

- b. Estimate the duration the employee will be incapacitated by each occurrence/episode:

Duration: _____ hours / days per incident (circle one)

Dates flare-ups or need for urgent care may occur: From _____ through _____

TREATMENT OR APPOINTMENTS

It is medically necessary for the employee to attend follow-up **TREATMENT** or **APPOINTMENTS** because of the employee's serious health condition.

- a. Estimate schedule, including dates of any scheduled treatment or appointments and time required for each appointment. Include recovery time.

Scheduled Treatment/Appointments: _____ times per week / month / year (circle one)

Duration: _____ hours / days per treatment/appointment (circle one)

Estimate dates, times, and length of scheduled appointments: _____

- b. Can treatment/appointments be scheduled during non-work hours? Yes No

Dates treatment/appointments can be scheduled: From: _____ through _____

Continue To Next Page

**Section E: Amount of Leave Requested
(Continued)**

PART-TIME SCHEDULE

It is medically necessary for the employee to work a **PART-TIME SCHEDULE** due to the employee's serious health condition.

Indicate the part-time schedule the employee needs:

Employee can work _____ hours per day for _____ days per week from _____ through _____

Section F: Restrictions

Please list restrictions that preclude the employee from performing one or more of his or her essential job functions. Limit the restrictions to those caused by the serious health condition (Answer after discussing essential job functions with employee): _____

Additional Comments: _____

Section G: Definition of Health Care Provider

Department of Labor regulations for the Family and Medical Leave Act define a "health care provider" as a

- a. doctor of medicine or osteopathy, podiatrist, dentist, chiropractor, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, or clinical social worker, physician's assistant, who is authorized to practice by the State and performing within the scope of their practice as defined by State law, or a Christian Science practitioner.
- b. any provider the employee's group health plan will accept certification of a serious health condition to substantiate a claim for benefits.

(Signature of Health Care Provider)

(Date)

(Print Name of Health Care Provider)

(License No.)

(Address)

(Phone No.)

Thank you for your assistance.

EXHIBIT 6

DeLeon, Andrea (HSA)

From: Lim, Brenden (HSA)
Sent: Wednesday, November 28, 2018 9:50 PM
To: [REDACTED]
Cc: Harris, Jared (HSA)
Subject: Notice of Determination (FMLA)
Attachments: 2018-11-14_FML_Corr_JHarris_FML1.pdf; 2018-11-28_FML_Corr_JHarris_FML3.pdf; 2018-11-28_FML_Corr_JHarris_OptionsLetter.pdf

Please see the attached letter and information regarding the denial of your leave request.

Brenden Lim
Human Resources, Office of Civil Rights (OCR)
Human Services Agency
T: (415) 557-6140 | F: (415) 355-2429 | Brenden.Lim@sfgov.org
P.O. Box 7988, San Francisco California 94120



Sent Via Email, U.S. and Certified Mail

November 28, 2018

Jared Harris



Re: Leave of Absence under FMLA/CFRA

Dear Mr. Harris:

On November 8, 2018, the Human Services Agency (HSA/Agency) received your question regarding the process for requesting a leave of absence. I replied to your business email on November 8, 2018, and to your personal email on November 9, 2018, with general instructions and forms for your review. On November 14, 2018, we spoke by telephone regarding your need for a continuous leave under the Family Medical Leave Act (FMLA), California Family Rights Act (CFRA) for approximately 2 months beginning November 9, 2018. I emailed and mailed to you forms to be completed by your health care provider, information about requesting a reasonable accommodation under the Americans with Disabilities Act (ADA) and California Fair Employment and Housing Act (FEHA), and the Notice of Eligibility, Rights and Responsibilities under the FMLA/CFRA. The FMLA/CFRA notice informed you to return the health care provider's certification of your serious health condition by November 28, 2018.

To date, the Agency has not received the requested Certification of Health Care Provider under FMLA/CFRA form or any supporting documentation related to your requested leave. As a result, the Agency has denied your request for continuous leave and your absences will not be categorized as protected under FMLA/CFRA. Enclosed is the Notice of Determination under FMLA/CFRA.

You may have the following options regarding your employment:

1. You may return to work with or without restrictions;
2. You may file for retirement with the San Francisco Retirement System. For questions related to disability, service or vested retirement, please contact the Retirement System at 1145 Market Street, 5th Floor, San Francisco, California 94102, or at (415) 487-7000. You must be on an approved leave until the effective date of your retirement; and/
3. You also have the option of voluntarily resigning from City service. You must be on an approved leave until the effective date of your resignation or retirement.

If your absences continue beyond November 28, 2018, and you are not on another pre-approved leave, you must continue to follow established attendance reporting procedures. That is, you must report your attendance each day and/or obtain pre-approval for your absences by communicating with your supervisor or his/her designee. For your information, your manager's telephone number is (415) 557-6615. Any leave taken without designation or approval may be determined to be as an absence without authorized leave (AWOL), which may subject you to disciplinary action up to and including termination of employment.

If you have questions or concerns regarding your request for leave under the FMLA/CFRA or ADA, please do not hesitate to contact me by telephone at (415) 557-6140 or by email at Brenden.Lim@sfgov.org.

Sincerely,

Brenden Lim

Brenden Lim
Human Resources, Office of Civil Rights (OCR)
Human Services Agency
T: (415) 557-6140 | F: (415) 355-2429 | Brenden.Lim@sfgov.org

Encl.: Notice of Eligibility (FML1)
Notice of Determination (FML3)

cc: Leave File



City and County of San Francisco

Notice of Eligibility, Rights and Responsibilities under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA) and Pregnancy Disability Leave Act (PDL)

FML 1
Eligibility,
Rights and
Responsibilities

In general, to be eligible for protections under FMLA/CFRA an employee must have worked for an employer for at least 12 months, meet the 1,250 hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within a 75 miles radius. Eligibility does not mean leave protections are approved. You may be asked to provide additional information before your leave is designated as protected under FMLA/CFRA. Even if you are not eligible for FMLA/CFRA protection, if disabled by pregnancy, childbirth or related medical conditions, you are entitled to take pregnancy disability leave under California's Pregnancy Disability Leave Law for up to four (4) months depending on your periods of actual disability.

NOTICE OF ELIGIBILITY

Employee Name: Jared Harris DSW#: [REDACTED] Dept.: HSA/HR-ELR

SICK LEAVE FIVE DAYS OR MORE

We have been notified that you have been on continuous approved sick leave for five (5) days or more and wish to inform you of your eligibility for, and rights under, the FMLA/CFRA. You may qualify for protected leave if you or a family member has a condition that causes incapacity for more than three consecutive days and requires ongoing medical treatment.

REQUEST FOR LEAVE

- New Request Request for Extension

On 11/14/2018, you gave notice of your need for continuous/intermittent (circle one) leave for the period from 11/09/2018 to (approx. 2 months) _____ for:

- Your own serious health condition (up to 12 weeks within a 12-month period)
- Birth of a child or placement for adoption (up to 12 weeks within a 12-month period)
- Pregnancy-related disability (up to 12 weeks FMLA or 17-1/3 weeks PDL per pregnancy)
- Care for a family member's serious health condition (state relationship _____) (up to 12 weeks within a 12-month period)
- A qualifying exigency arising out of the fact that a family member is on covered active duty or called to covered active duty status with the Armed Forces (up to 12 weeks within a 12-month period)
- Care for a family member/next of kin who is a covered servicemember with a serious injury or illness (up to 26 weeks for one single 12-month period)

THIS NOTICE IS TO INFORM YOU THAT:

- You are eligible for FMLA/CFRA protections for your leave.
- You are **not** eligible for FMLA/CFRA protections for your leave, because:
 - You have not met the 12-month length of service requirement. As of the first date of your leave, you will have worked approximately _____ months toward this requirement.
 - You have not met the 1,250 hours of service requirement during the 12-month period preceding your leave start date.
- You are not eligible because you have exhausted your FMLA CFRA PDL leave entitlement.

If you have questions about this determination, contact Brenden Lim at 415-557-6140, or visit the Department of Human Resources website for information on Employee Leaves.

RESPONSIBILITIES

While you may be eligible for FMLA/CFRA or PDL protected leave, **ELIGIBILITY DOES NOT MEAN YOUR LEAVE IS DESIGNATED**. It is your responsibility to furnish all information required to determine whether your leave qualifies for protections under FMLA, CFRA or PDL. See reverse side of this form.

NOTICE OF ELIGIBILITY, RIGHTS AND RESPONSIBILITIES

REQUIRED DOCUMENTS

To determine whether your absence qualifies for FMLA, CFRA or PDL protections, you must return one or more of the following to us by 11/28/2018 (which is at least 15 calendar days from your receipt of this notice additional time may be allowed in some circumstances):

- Documentation verifying your child's birth, the placement of a child for adoption or foster care, or your assumption of care for that child.
- "Certification of Health Care Provider" (FML 2) of a serious health condition for you or your qualifying family member OR of a disability due to pregnancy, childbirth, or a related medical condition.
- "Certification of Serious Illness or Injury" (WH-385) of a family member in the military (military caregiver).
- "Certification" (WH-384) of a need for leave due to a military exigency.
- Sufficient documentation to establish the required relationship between you and your family member (a signed statement is sufficient, if no documents are available)
- Other information needed (such as proof of birth, placement or adoption of a child, or military orders or proof of military service related to military family leave), specify:

If sufficient information is not provided in a timely manner, the designation of your leave as protected under FMLA/CFRA may be denied or delayed.

If additional leave is required, you may be requested to provide the City with a Certification of Health Care Provider (FML 2) form regarding your serious health condition or your family member's serious health condition on a reasonable basis.

USE OF ACCRUED LEAVE

You are required to use your available accrued sick leave, vacation, CTO, and floaters during your unpaid FMLA, CFRA or PDL absence. During this time, you will receive your salary and your leave will be considered protected FMLA, CFRA or PDL leave and counted against your entitlement. You may also elect to use your accrued leave during an unpaid FMLA, CFRA or PDL leave, or to supplement short-term disability payments, such as State Disability Insurance (SDI) or Paid Family Leave (PFL) received during these protected leaves. Please tell your human resources contact if you wish to supplement disability payments with accrued leave.

Brenden Lim
Departmental HR Representative Name

Brenden Lim
Signature

11/14/2018
Date

NOTICE OF ELIGIBILITY, RIGHTS AND RESPONSIBILITIES

OVERVIEW

The Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) of 1993 require the City to provide, within a 12-month period, up to 12 weeks (480 hours for full-time employees) of unpaid, job-protected leave to eligible employees for certain family and medical reasons, as well as for military exigencies. You are eligible for these leaves if you have been employed with the City for at least 12 months and have worked at least 1,250 hours in the 12 months preceding your leave. Time served in other departments and at other City jobs counts toward the 12-month employment requirement. Hours taken as sick pay, vacation or other types of leave do not count; however, military service does count in calculating the 1,250 hours worked.

REASONS FOR TAKING LEAVE AND USE OF ACCRUED LEAVE¹

- To care for your child after birth and to care for that child
- For the placement of a child for adoption or foster care with you and to care for that child
- To care for your spouse or domestic partner,² child or parent who has a serious health condition
- For your own serious health condition³
- To care for your family member who is in the military and who has a serious injury or illness related to military service (FMLA Only – 26 Weeks)
- To take leave due to a military exigency that arose because a family member is deployed or will be deployed (FMLA Only)

While on an FMLA/CFRA leave for your own serious health condition, City policy requires you to use accrued sick leave. After you exhaust accrued sick leave, City policy requires you to use accrued vacation (subject to MOU provisions), followed by floating holidays and compensatory time off. You are not required to use sick leave, or other accrued time, to supplement Workers' Compensation or disability benefits you receive while on an FMLA/CFRA leave, but you may elect to do so.

While on an FMLA/CFRA leave to care for a family member, for child bonding or for military-related events, you are not required to use accrued sick leave, but you may elect to do so. City policy does require you to use accrued vacation (subject to MOU provisions), followed by floating holidays and compensatory time off during the leave.

12 WEEKS OF LEAVE IN A “ROLLING” 12-MONTH PERIOD

If your leave qualifies for FMLA/CFRA protections, you have a right to up to 12 weeks of unpaid leave in a rolling 12-months period measured backward from the date of any FMLA/CFRA leave taken. Under the “rolling” 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks that has not been used during the immediately preceding 12 months. For example, Employee A requests two weeks of FMLA/CFRA leave to begin on November 1st. The department looks back 12 months (from November 1st back to the previous November 2nd) and sees that Employee A had taken four weeks of FMLA/CFRA leave beginning January 1st, four weeks beginning March 1st, and three weeks beginning June 1st. Employee A has taken 11 weeks of FMLA/CFRA leave in the 12-month period, and thus only has one week of FMLA/CFRA-protected leave available. After Employee A takes the one week in November, she can next take FMLA/CFRA leave beginning January 1st as the days of her previous January leave “roll off” the leave year.

You also have the right under the FMLA to up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. The single 12-month period for leave to care for a covered servicemember (both current servicemembers and veterans) with a serious injury or illness begins on the first day you take leave for this reason and ends 12 months later, regardless of the rolling 12-month period established for other types of FMLA leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION

The City is entitled to advance notice for your leave when practical. Your FMLA/CFRA leave protections may be delayed or denied if advance notification and medical certification is not provided.

- You ordinarily must provide 30 days advance notice when the leave is foreseeable
- You must provide notice as soon as practicable if leave is unforeseeable, or if the leave is foreseeable less than 30 days in advance
- The City requires medical certification to support a request for leave because of a serious health condition, and may require second or third opinions for your own serious health condition (at the City's expense) and will require a valid medical release to return to work

JOB BENEFITS AND PROTECTION

- The City will maintain your health benefits under your group health plan for the duration of your FMLA, CFRA or PDL leave as if you had continued working. However, you are responsible for paying your share of premium costs to Health Services System (“HSS”), if any, during any period of unpaid leave.
- **Contact HSS at (415) 554-1750 (Option #5) to make arrangements to pay your share of premium payments to maintain your health benefits while on unpaid leave.**

¹ Information on California's Pregnancy Disability Leave is provided on page 4 of this form.

² CFRA covers registered domestic partners; however, the FMLA excludes this relationship.

³ The City will count a Workers' Compensation leave towards your FMLA/CFRA entitlement if you suffer an on-the-job injury or illness that qualifies as a serious health condition.

NOTICE OF ELIGIBILITY, RIGHTS AND RESPONSIBILITIES

- If health insurance payments are not made timely, your group health insurance may be cancelled, provided the City notifies you in writing at least 15 days before the date that your health coverage will lapse. At the City's option, the City may pay your share of the premiums during FMLA, CFRA or PDL leave, and recover these payments from you upon your return to work.
- If you do not return to work following FMLA/CFRA leave for a reason other than: (1) the continuation, recurrence or onset of a serious health condition that would entitle you to FMLA/CFRA leave; (2) the continuation, recurrence or onset of a covered servicemember's serious injury or illness that would entitle you to FMLA leave; or (3) other circumstances beyond your control, you may be required to reimburse the City for its share of health insurance premiums paid on your behalf during your FMLA/CFRA leave.
- Upon return from FMLA/CFRA leave, you are entitled to reinstatement to your original or an equivalent position, with the same pay, benefits and terms and conditions of employment, unless your position ceases to exist for reasons unrelated to the leave or you are a "key" employee.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of your leave.

UNLAWFUL ACTS BY EMPLOYERS

The FMLA/CFRA make it unlawful for the City to:

- Interfere with, restrain or deny the exercise of any right provided under the FMLA/CFRA.
- Discharge, discriminate or retaliate against you for taking protected leave, or for opposing any practice made unlawful by FMLA/CFRA, or for involvement in any proceeding under or relating to the FMLA/CFRA.

ENFORCEMENT

- The U.S. Department of Labor is authorized to investigate and resolve complaints of FMLA violations
- The California Department of Fair Employment and Housing is authorized to investigate and resolve complaints of CFRA and PDL violations
- An eligible employee may bring a civil action against an employer for FMLA/CFRA violations.

The FMLA/CFRA does not affect any federal or state law prohibiting discrimination or supersede any state or local law, or collective bargaining agreement that provides greater family or medical leave rights.

“NOTICE B” FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE) AND PREGNANCY DISABILITY LEAVE

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth or a related medical condition, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement — for pregnancy disability it is to the same position and for CFRA it is to the same or a comparable position — at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy disability or for your own serious health condition. We also may require certification from the health care provider of your child, parent or spouse, who has a serious health condition, before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact your department's Human Resources representative.

FOR ADDITIONAL INFORMATION CONTACT YOUR DEPARTMENTAL HUMAN RESOURCES OFFICE.



CITY AND COUNTY OF SAN FRANCISCO

Notice of Determination under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), and Pregnancy Disability Leave Act (PDL)

FML 3

Employee Name: Jared Harris DSW: [Redacted] Dept.: HSA/ELR

We have reviewed your Request for Leave and Leave Protections under the FMLA, CFRA and/or PDL and any supporting documentation that you have provided. We received your most recent information on 11/14/2018 and decide:

DESIGNATE

Your leave request is approved on a [] Continuous [] Intermittent [] Reduced Schedule basis. All leave taken for this reason will be designated as (check all that apply):

[] FMLA [] CFRA [] PDL

The FMLA and CFRA require that you notify us as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. Based on the information you have provided to date, we are designating the following regarding the amount of time that will be counted against your leave entitlement:

- Provided there is no deviation from your anticipated leave schedule, the following number of hours will be counted against your leave entitlement:
Because the leave you need will be unscheduled and intermittent, it is not possible to provide the weeks, days, or hours that will be counted against your FMLA/CFRA/PDL leave entitlement at this time.
Frequency: times per (circle): week/month/year
Duration: (circle) hours/days per episode/occurrence
Flare-ups/Treatment/Care for family member may occur from (date): through:

If you are absent more than 5 days because of your own illness or injury, you must provide your supervisor or the Department's Personnel Office with a medical release to return to work. You will be required to present this medical certification to be returned to work. If such certification is not timely received, your return to work may be delayed until such certification is provided.

IMPORTANT NOTE: You must tell your supervisor each time you take intermittent leave for your approved FMLA/CFRA/PDL qualifying condition, or your leave will not be designated as such.

SECOND OPINION

- We are exercising our right to have you obtain a second opinion by a neutral health care provider at the City's expense. We will provide further details at a later time; however, your leave is conditionally approved.

USE OF ACCRUED TIME

Please be advised (check if applicable):

- You have requested to use accrued [] SP [] VAC [] CTO [] FH during your FMLA/CFRA/PDL leave. For any FMLA/CFRA/PDL leave taken you will be compensated with your accrued leave.
You are required to use accrued [] SP [] VAC [] CTO [] FH leave during your unpaid FMLA/CFRA/PDL.

DELAY

Additional information is needed to determine if your FMLA/CFRA/PDL leave request can be approved.

- The certification you have provided is incomplete or insufficient to determine whether the FMLA/CFRA/PDL applies to your leave request. You must provide the following information no later than (at least 7 days from the current date), unless it is not practicable under the particular circumstances, despite your diligent good faith efforts, or your leave may be denied: (Specify information needed to make the certification complete and sufficient)

DENY

Your FMLA, CFRA, PDL leave request is not approved for the following reason(s):

- FMLA/CFRA/PDL (circle one or more) does not apply to your leave request.
[] Unable to verify serious health condition or medical necessity for leave requested under FMLA/CFRA/PDL.

Department Representative: Brenden Lim Signature Date 11/28/18

Delivered Via: [] Regular Mail [x] Certified Mail [x] Email [] Hand Delivery cc: Leave/Medical File

One South Van Ness Avenue, 4th Floor • San Francisco, CA 94103-5413 • (415) 557-4800

EXHIBIT 7

DeLeon, Andrea (HSA)

From: Cynthia Harris <[REDACTED]>
Sent: Tuesday, December 11, 2018 5:14 PM
To: Lim, Brenden (HSA)
Subject: Jared Harris' Doctor's Note

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Brenden,

Here is Jared's doctor's note. We are still waiting on the FMLA paperwork.

Encounter Date & Time: 11/16/2018

Please see below for this health care provider's directives and information relating to this encounter.

Visit Verification

Date onset of condition:
Next Appointment Date:

Off Work

This patient has been placed off work from 11/16/2018 through 05/13/2019

Treatment

IOP (Intensive Out-Patient Therapy)
Physical Therapy

This form has been electronically signed and authorized by WHITE, CASEY (MD)

This form contains your private health information that you may choose to release to another party, please review for accuracy.

Printed By: WHITE, CASEY (MD) on 11/16/2018 at 09:27:37 AM

EXHIBIT 8

City and County of San Francisco



London Breed, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services
Office of Early Care and Education

Trent Rhorer, Executive Director

SENT VIA CERTIFIED AND REGULAR U.S MAIL

December 17, 2018

Jared A. Harris
[REDACTED]

AND

Alameda County Sheriff's Office
c/o Jared Harris [REDACTED]
5325 Broder Boulevard
Dublin, California 94568

**RE: NOTIFICATION OF ABSENCE WITHOUT APPROVED LEAVE,
DENIAL OF LEAVE OF ABSENCE, AND
NOTICE OF INTENT TO SUSPEND FROM PERMANENT POSITION**

Dear Mr. Harris:

On November 28, 2018, the Human Services Agency (HSA/Agency) denied your request for continuous leave under the Family Medical Leave Act (FMLA) / California Family Rights Act (CFRA) because you did not submit a health care provider's certification of a serious health condition. Since that date, you have not returned to work; thus, you have been Absence Without Approved Leave (AWOL) since November 29, 2018.

On December 11, 2018, I sent you a Notice of Unauthorized Leave Status informing you that you needed to exercise one of your options by December 18, 2018, which included returning to work immediately, resigning, or if qualified, requesting a disability, vested, or service retirement.

On December 11, 2018 at 5:14 p.m., the Agency received a "Visit Verification" note, dated November 16, 2018, placing you off-work from November 16, 2018 through May 13, 2019, in order to attend "Intensive Out-Patient Therapy" and "Physical Therapy." However, it has come to the Agency's attention through publicly available information and the subsequent arrest notification program that you have been held in custody since November 16, 2018. Therefore, the Agency has denied your request for a medical leave of absence.

Because you have been AWOL since November 29, 2018, the Agency is charging you with violating the following policies:

Human Services Agency – Attendance and Time Keeping Policy, Section 9-8 G

Tardiness and Absence without Authorized Leave (AWOL) - There is no grace period for late arrival. Employees with a pattern of excessive tardiness or AWOL may be disciplined in addition to having their pay docked or otherwise impacted.

The City and County of San Francisco (City) - City Employee Handbook: Attendance and Punctuality

Regular and prompt attendance is an essential requirement of your job. As a City employee, you are to report to your work station at your scheduled work time. Your time records must accurately reflect the time

December 17, 2018

Notification of Absence without Approved Leave, Denial of Leave of Absence, and Notice of Intent to Suspend from Permanent Position – Jared Harris

Page 2

you start work and the number of hours worked in every work day. All planned absences must be requested and approved in advance. If illness or some other emergency causes an unplanned or unforeseeable absence, you must notify your department as soon as possible on the first day of absence, and keep the department advised daily during the absence. In the case of an extended unforeseeable absence, you may be asked to complete forms and submit medical certifications as appropriate during your leave. Improper use of sick leave, failure to present medical certification when required, excessive absenteeism, tardiness, unauthorized absence or failure to notify your department when you are unable to report to work, may result in sick leave restriction, disciplinary action or termination.

The Civil Service Commission Rule Volume I, Rule 122 Employee Separation Procedures, Article VI: Absence from Duty Without Leave

Absence from duty without proper authorization for any period of time up to and including five (5) or less working days shall be cause for disciplinary action by the appointing officer.

Based on the above charges, the Agency intends to impose a ten (10) day suspension from your permanent classification 1244 Senior Human Resources Analyst position. A Skelly meeting has been scheduled to provide you the opportunity to respond, either orally, or in writing, to the charges. The meeting will be held on **December 27, 2018**, at 10:00 a.m., in the Human Resources Conference Room, 1650 Mission Street, Second Floor, San Francisco. You have the right to representation at the meeting. If you wish to have representation, it is your responsibility to make the necessary arrangements.

You may elect to submit a written response instead of attending the meeting. This response should be addressed to me and must be received by close of business on December 26, 2018. If you choose not to attend the meeting on December 27, 2018, it is requested that you advise me no later than close of business on December 20, 2018.

If you fail to attend the scheduled meeting or do not submit a written response, a decision will be made by the Agency based upon the information obtained in its investigation and referred (if applicable) to the Appointing Officer for final decision.

Please note that the City and County of San Francisco does not grant employees a leave of absence for incarceration. Therefore, you are being ordered to return to work no later than December 20, 2018. Again, if you do not intend to return to work, you may resign, or if you qualify, request a disability, service, or vested retirement by contacting the Retirement System at 30 Van Ness Avenue, Second Floor, San Francisco, California 94102, (415) 554-1500. You need to exercise one of the above options by **December 20, 2018**, or contact me by that date, at (415) 557-5973, to schedule a meeting so that you can provide your reasons why you should not be considered Absent Without Authorized Leave.

Sincerely,



Sharee Nisha

Employee Labor/ Relations Manager

Attachments: HSA Attendance and Time-Keeping Policy, Section 9-8; City and County of San Francisco Attendance and Punctuality Policy; Excerpt of Civil Service Commission Rule 122.10; and Handbook Receipt Acknowledgements

cc: Daniel Kaplan, Deputy Director for Administration, HSA
Luenna Kim, Director of Human Resources, HSA

ATTENDANCE AND TIME-KEEPING

SECTION NUMBER	TITLE	PAGE
9-8	ATTENDANCE AND TIME-KEEPING	
	I. Purpose	1
	II. Policy	1
	III. Definitions	1-3
	IV. Exceptions to Normal Work Hours	3
	V. Absence Reporting Procedures.....	4
	VI. Attendance Standards	4-5

ATTENDANCE AND TIME-KEEPING

I. PURPOSE

- A. The Human Services Agency (HSA or Agency) recognizes the need of its employees to balance professional and personal responsibilities, which may involve absence from work due to illness or personal reasons.
- B. The purpose of the policy is to define the standard of acceptable attendance and time-keeping and to establish the procedure for reporting absences and other time off in order to ensure that the policy is applied uniformly throughout HSA.
- C. HSA relies upon the active attendance of its staff in order to meet its core values. Excessive absenteeism by an individual delays services to clients and creates a burden on coworkers and the Agency.

II. POLICY

- A. It is the policy of HSA that employees maintain an acceptable level of attendance, which involves reporting to work on time, working their shift as scheduled, and leaving at the scheduled time.
- B. It is also the policy of HSA that employees comply with the established procedure for advance notification of late arrival and/or absence from work, and for accurate timekeeping.

III. DEFINITIONS

- A. Normal Business Hours - The Agency serves the public Monday through Friday from 8:00 a.m. to 5:00 p.m.
- B. Starting and Ending Times - The normal work day must be within the hours of 7:00 a.m. and 6:00 p.m. Any other work shift requires approval of the program director or designee. Decisions will be based on the operational needs of the program. Pursuant to City and County of San Francisco Charter, Section 8.400(g), employees may only be paid for time worked.
- C. Work Beyond the Normal Work Hours - Employees may not work beyond normal work hours, including the meal period, without the written authorization of the program director or designee. Employees who work overtime without prior written authorization are subject to disciplinary action.
- D. Breaks - If the operational needs of the program are met, the program director or designee may authorize one 15-minute break in the morning and one 15-minute break in the afternoon. Break periods may not be accumulated if not taken; carried over to another date, time or period; extended; attached to meal periods to extend such meal periods; used to end the work day early; or used to make up for tardiness or unexcused absence. If a break period is not taken, either at the election of the employee or program director or designee, an employee may not receive overtime or compensatory time in lieu of the break time.
- E. Meal Period - The length and time of a meal period is determined by the program director or designee. The meal period may not be less than 30 minutes or greater than one hour. Employees who work a minimum of six hours in any given day are required to take a meal period. It may not be "skipped" to shorten the work day.

ATTENDANCE AND TIME-KEEPING

F. Approved Leaves of Absence

1. Employees are expected to observe an established work schedule and to remain at the worksite except when on authorized absence, such as during the meal period or while conducting Agency business.
2. If required, employees must sign-in and sign-out upon arrival and departure from the worksite.
3. Prior approval must be sought and granted by the program director or designee for all the leaves other than for leaves granted by the FMLA, ADA, or WC.
4. The following are not considered absences for the purposes of calculating overall absences or evaluating attendance.
 - a. Vacation
 - b. Holiday (Floating, In-Lieu Days)
 - c. Educational Leave
 - d. Bereavement Leave
 - e. Jury Duty
 - f. Worker's Compensation
 - g. Time taken under the Family Medical Leave Act
 - h. Americans with Disabilities Act (ADA)
 - i. Compensatory Time Off
 - j. Unpaid personal leave that is requested and approved prior to the requested time off

G. Tardiness and Absence without Authorized Leave (AWOL) - There is no grace period for late arrival. Employees with a pattern of excessive tardiness or AWOL may be disciplined in addition to having their pay docked or otherwise impacted. Late arrivals will be recorded as follows:

1. Tardiness
 - a. Employees who report to the worksite late but within 30 minutes of the scheduled starting time will be recorded as tardy.
 - b. Non-exempt employees may be docked for the time they are tardy.
2. Exempt employees ("Z" symbol) may not be docked pay for the time they are tardy. They are to be recorded as tardy but may be permitted to use their accrued time or personal leave based on the approval of the program director or designee.
3. AWOL
 - b. Employees who report to the worksite late by 30 minutes or more without proper advance notice and/or leave work without prior permission will be marked AWOL.
 - c. Non-exempt employees may be docked for the time they are AWOL.
 - d. Exempt employees ("Z" symbol) may not be docked pay for the time they are AWOL. They are to be recorded as AWOL and shall be designated as personal leave on the timesheet.
4. If circumstances warrant, the program director or designee may record an employee's late arrival as an excused absence, charging time missed to the appropriate category of approved time off (sick or personal leave, vacation, floating holiday).

ATTENDANCE AND TIME-KEEPING**H. Unacceptable Absences**

1. Frequent Sick Leave - Occurs when sick leave is frequent or excessive.
2. Patterned Absence - Occurs when absences are used in conjunction with regular days off, or other pre-approved time off, such as vacation days, holidays, etc., or when the employees' attendance record shows a consistent pattern of time off, such as one day a month or the day after pay day or partial days off. Patterns of absenteeism are considered unacceptable even though the total number of absences may not have exceeded the range of hours established as competent and effective.
3. Tardiness - Occurs when employees fail to report to his/her designated work area, ready for work, at the scheduled start time of the assigned shift.
4. AWOL – Occurs when employees arrive at work 30 minutes or more after the assigned start time, or leave the work area any time before their schedule end time.
5. Absence Verification – Employees who exhibit excessive or patterned absenteeism may be required to submit a note from their health care provider upon each absence regardless of the duration of the leave.

IV. EXCEPTIONS TO NORMAL WORK HOURS**A. Alternative Work Schedules (Including Flexible Schedules)**

1. Alternative work schedules are a privilege and are granted at the discretion of the program director or designee. It may be denied or revoked at any time.
2. Employees may request an alternate schedule by submitting a request in writing to the program director or designee. The approval or denial of alternate schedules must be consistent with good management practices and shall not, in any way, conflict with the mission of the Agency.
3. A shortened meal period may be included as part of a schedule, but the meal period may not be less than 30 minutes.
5. Supervisory coverage during all working hours must be ensured.
6. A flexible work schedule is defined as working a non-Monday through Friday from 8:00 a.m. to 5:00 p.m. shift.
7. Employees whose flexible schedule includes time worked between 5:00 p.m. and 6:00 p.m. will be required to sign a document acknowledging that they are on a flexible schedule and are thus waiving their rights to shift differential pay, if applicable.
8. Abuse of an alternate work or flexible schedule may result in cancellation of the privilege.

B. City-Wide Voluntary Reduced Work Week

1. Employees may voluntarily elect to work a reduced workweek for a specified period of time upon recommendation of the Executive Director and the approval of the Department of Human Resources Director.
2. The reduced workweek shall not be less than 20 hours per week or less than three continuous months during the fiscal year. Pay, vacation, holidays and sick pay shall be reduced in accordance with such reduced workweek.
3. Return to full time is dependent upon a full time vacancy being available. Return to full time is not an automatic right available upon the demand of the employee.
4. To request a change in work schedule, the employee must complete and submit DHS Form 151 to HSA Human Resources (1650 Mission Street, 2nd Floor).

ATTENDANCE AND TIME-KEEPING

V. ABSENCE REPORTING PROCEDURES

A. Notify Immediate Supervisor or Designee

When employees are to be late or absent for any reason, they must call the immediate supervisor or designee at least 30 minutes prior to the scheduled starting time of the assigned shift. Late returns from break or meal periods are also to be reported to the supervisor.

1. Employees may not call non-designated employees (e.g. coworkers) to report their absence.
2. Employees who are absent for non-medical, emergent reasons must provide a reason for the absence and the expected duration of the absence; however, all employees must call the immediate supervisor or designee each day they are absent. In addition, employees must keep the supervisor or designee informed of any changes in the duration or reason for the absence. Non-medical, emergent leaves are granted at the discretion of the program.
3. Employees who are absent for medical reasons (Sick Leave, FMLA, WC, ADA) must notify their supervisor of the category of the leave for purposes of recording their time on the timesheet. Employees shall not provide details of underlying medical condition. Employees must provide the expected duration of the absence; however, all employees must call the immediate supervisor or designee each day they are absent, unless they have a note from their health care provider placing them off work or have an approved leave of absence. In addition, employees must keep the supervisor or designee informed of any changes in the duration or reason for the absence.
4. Employees may not report absences to the Human Resources or Payroll Office in lieu of notification to the supervisor.
5. If employees are unable to telephone, a friend or relative should do so for them.
6. In the event that employees' advance request for an absence is denied or employees fail to telephone the supervisor or designee at least 30 minutes before the beginning of their regularly assigned shift, and employees subsequently fail to report for work, it will be considered an unexcused absence and may be recorded as AWOL.
7. Failure to follow the required reporting procedure could result in an unexcused absence and may be cause for disciplinary action.

VI. ATTENDANCE STANDARDS

A. Uniform Attendance Standards - The Agency has established the following uniform attendance standards to measure employee performance in this area and its corresponding performance evaluation rating in a twelve month period. The Standard in Hours below refers to hours of absence.

<u>Standard in Hours</u>	--	<u>Performance Rating</u>
0 up to and including 104 hours	--	Acceptable
Over 104 hours	--	Unacceptable

B. Application of Uniform Attendance Standards - Although the Uniform Attendance Standard is stated in terms of an annual 12-month period, this standard may also be applied to periods of less than 12 months on a prorated basis to determine an employee's performance for purposes of probationary evaluations and other performance monitoring needs. For example, to prorate the

ATTENDANCE AND TIME-KEEPING

standard for a six-month period, the maximum number of hours for each category is divided by 12 months and multiplied by the period being measured: $104 \text{ hours}/12 = 8.6 \text{ hours per month} \times 6 \text{ months} = 51.9 \text{ hour}$. Therefore, for employees to be considered to have a competent and effective rating for attendance for a six-month period, total absence could not exceed 51.9 hours.

- C. Disciplinary Action - Levels of absenteeism which fall into the "Unacceptable" category may be subject to disciplinary action. Additionally, excessive and/or persistent patterns of lateness or absence may be monitored more closely as warranted.
- D. Performance Evaluation - Absences shall be evaluated and rated on the Performance Appraisal Report and in determining disciplinary action.
1. It is the supervisor's responsibility to evaluate employees' performances, and some discretion is expected in evaluating quality and effectiveness of employees' services in relation to absence from work.
 2. The following factors may be considered by the supervisor in determining and making the overall evaluation for employees whose attendance is being recorded as "Unacceptable." Factors which are critical to the final determination of overall rating are to be noted in the Rating/Comments Section for the Performance Element and Standard and/or in work plans or disciplinary action.
 - a. Whether absenteeism is occurring in conjunction with other days off;
 - b. Whether there appears to be patterns of sick leave usage (e.g., one day per month);
 - c. Whether employees are persistently overstaying vacations, holidays and other excused absences;
 - d. Whether the absence is a result of a serious and/or prolonged illness;
 - e. Employees' prior attendance records, absences in conjunction with non-compliance of department reporting procedures (e.g., frequently having another person call in, calling someone other than the Supervisor/department head or designee, etc.), reporting illnesses after the start of a shift or other established time limit;
 - f. Sick leave taken after employees' requests for an excused day off were denied;
 - g. Employees' reason for the absence;
 - i. Employees' effort toward corrective action.
 3. The factors listed under section III.F.4 may not be considered by the supervisor in determining and making the overall evaluation for an employee whose attendance is being recorded as "Unacceptable."

AFTER YOU ARE HIRED

Attendance and Punctuality

Regular and prompt attendance is an essential requirement of your job. As a City employee, you are to report to your work station at your scheduled work time. Your time records must accurately reflect the time you start work and the number of hours worked in every work day.

All planned absences must be requested and approved in advance. If illness or some other emergency causes an unplanned or unforeseeable absence, you must notify your department as soon as possible on the first day of absence, and keep the department advised daily during the absence. In the case of an extended unforeseeable absence, you may be asked to complete forms and submit medical certifications as appropriate during your leave. Improper use of sick leave, failure to present medical certification when required, excessive absenteeism, tardiness, unauthorized absence or failure to notify your department when you are unable to report to work, may result in sick leave restriction, disciplinary action or termination.

Appearance and Dress Code

As a City employee, you represent the City and your department when you are on duty and/or when you are in a City uniform. Employees are expected to be neat and clean, and to dress for work according to generally accepted business and professional standards as dictated by their work assignment and as required by their department. The City reserves the right to restrict dress for legitimate reasons relating to safety, hygiene or environmental conditions.

Maintenance of Minimum Qualifications

You must possess and maintain the qualifications required by law and by the announcement of the examination under which you were appointed.

Business Hours

Except as otherwise provided in a collective bargaining agreement applicable to you or based on your department's operational needs, the typical workweek is 40 hours, consisting of five workdays of eight hours each. The City's official business hours are from 8:00 a.m. to 5:00 p.m.

Overtime and Compensatory Time Off

If you are required by your manager/supervisor to work overtime, contact your departmental personnel officer for information regarding your eligibility for overtime payment or compensatory time off. Employees in classifications designated "Z" are exempt from overtime under the Fair Labor Standards Act, but may be entitled to compensatory time off if provided by the collective bargaining agreement.

ABSENCE FROM DUTY WITHOUT LEAVE
(Excerpt from Civil Service Rule 122 - Article VI)

Section 122.10

WHEN FIVE DAYS OR LESS

Absence from duty without proper authorization for any period of time up to and including five (5) or less working days shall be cause for disciplinary action by the appointing officer.



PERSONNEL PROCEDURES HANDBOOK EMPLOYEE RECEIPT FORM


Employee Name: Jared A. Harris

Supervisor Name: Laurie Juengert

Program and Section: Labor Relations

I certify that I have received the Department of Human Services' Personnel Handbook. I understand that it is my responsibility as an employee of the Department of Human Services to read and adhere to the policies and procedures contained within the material given to me.

Signed and Dated:


Employee

5/28/15
Date


Supervisor or Personnel Representative

5/28/15
Date

Copy: Employee Personnel File

**HUMAN SERVICES AGENCY
CITY AND COUNTY OF SAN FRANCISCO
EMPLOYEE APPOINTMENT PROCESSING FORM CHECKLIST
NEW HSA EMPLOYEE**

Full Sheet	X	
Appointment processing form (DHR)	X	
Separation Report (if required)	X	
Conviction History Form	X	
Employment Application	n/a	
I-9 Form, Employment Eligibility Form	X	
Disclosure and Access Authorization and Release Form	X	
Warrant Designation Form	X	
Acknowledgement of Receipt of Copy of Charter Section	X	
Oath of Office	X	
Post Employment Self-Identification	X	
Notice of Probationary Status (if required)	X	
Notice of Provisional Appointee (if required)	X	
Notice to Exempt Appointee (if required)	X	
Elder Abuse and Dependent Adult Civil Protection Act	X	
Child Abuse Reporting Law	X	
Employee Information Survey	X	
Client Confidentiality Agreement	X	
Personnel Procedures Handbook Employee Receipt Form	X	
Pre designation of Physician For the Treatment of Work Related Injuries	X	
Bi-Lingual Waiver Form (if required)	n/a	
Direct Deposit	X	
W-4	X	
Union Membership Form	n/a	
TB Test	X	
Photo ID	X	

INFORMATION GIVEN TO EMPLOYEE:

* • City & County of San Francisco Employee Handbook	X	
* • Human Services Agency Personnel Procedures Handbook	X	
• Welfare and Institutions Code Section 15630-15632	X	
• Your Rights Under FMLA (Family & Medical Leave Act)	X	
• Pay Day & Holiday Information Calendar	X	

I certify I have received the City and County of San Francisco Employee Handbook. I understand that it is my responsibility as an employee of the City and County of San Francisco and the Human Services Agency to read, understand, and adhere to the policies and procedures contained within the materials given to me.

Jared Harris
PRINT NAME

[Signature]
SIGNATURE

5/28/15
DATE

S.F. Human Services Agency

WORK # P100

P.O. Box 7988

S.F. CA 94120

Alameda

410 Javed

5325 Brewer

Dublin, CA

94568


U.S. Postal Service®
CERTIFIED MAIL - RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)
 For e-mail information, visit www.usps.com

Postage	\$	
Certified Fee	\$	
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Postmark Here

5325 Brewer
 Dublin, CA 94568

7011 1150 0000 6958 3052
 7011 1150 0000 6958 3052




Human Services Agency
 Worker # P 100
 P.O. Box 7988
 S.F. CA 94120

Jared
 523 M
 San Leandro, CA 94501

U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Please use this receipt for tracking and proof of delivery)

7011 1150 0000 6958 3069

7011 1150 0000 6958 3069

Sent to: Jared Harris
 Street or PO Box #
 City, State, ZIP+4®

Postage	\$
Certified Fee	\$
Return Receipt Fee (Endorsement Required)	\$
Restricted Delivery Fee (Endorsement Required)	\$
Total Postage & Fees	\$

Postmark Here



S.F. Human Services Agency
Worker # P100
P.O. Box 7988
SF CA 94120

Alameda County Sheriff's Office
40 Jared Harris, BL 5514
5325 Broadway Boulevard
Dublin, CA 94568

S.F. Human Services Agency
Worker # P100
P.O. Box 7988
S.F. CA 94120

Jared Harris

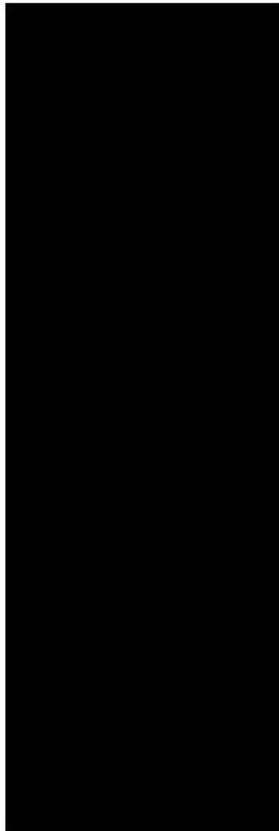


EXHIBIT 9

City and County of San Francisco



London Breed, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services
Office of Early Care and Education

Trent Rhorer, Executive Director

SENT VIA CERTIFIED U.S. MAIL AND EMAIL TO [REDACTED]

January 8, 2019

Jared A. Harris
[REDACTED]

Alameda County Sheriff's Office
c/o Jared Harris [REDACTED]
5325 Broder Boulevard
Dublin, California 94568

NOTICE OF SUSPENSION

Union: IFPTE, Local 21
Class/Title: 1244 Senior Human Resources Analyst
Program: Human Resources

Dear Mr. Harris:

As you know the Human Services Agency (Agency) recommended that you be suspended for ten (10) work days from your permanent position as a classification 1244 Senior Human Resources Analyst based on the charge of Absent Without Authorized Leave (AWOL). Your Skelly Hearing was scheduled for January 4, 2019, to provide you or your union representative an opportunity to respond to the above charge. Your representative submitted a written response in lieu of attending the meeting. As a result, the Skelly Officer recommended that the ten (10) work day suspension be upheld.

REASONS FOR THE SUSPENSION

You have been (AWOL) since November 29, 2018, and have violated the following policies.

- The Agency's Attendance and Time Keeping Policy
- The City and County of San Francisco' (City) Policy Regarding Attendance and Punctuality
- The Civil Service Commission Rule Volume I, Rule 122 Employee Separation Procedures, Article VI: Absence from Duty Without Leave, Section 122.10: When Five Days or Less.

The ten (10) work day suspension will be served on:

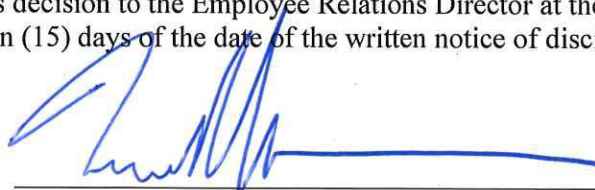
January 22 - 23, 2019; January 25, 2019; January 28 - February 1, 2019; and February 4 - 5, 2019

You are expected to abide by all City and Agency policies and procedures. Failure to return to work, and/or to abide by policies and procedures will result in further disciplinary action up to and including termination from your position.

In accordance with City Charter, Section A8.342, the Appointing Officer may suspend an employee for disciplinary purposes. In addition, Section I.G. of the Collective Bargaining Agreement between Stationary Engineers Local 39 and the City and County of San Francisco provides that The Union may appeal the


Appointing Officer's decision to the Employee Relations Director at the Employee Relations Division ("ERD") in writing within fifteen (15) days of the date of the written notice of discipline.

Approved by



Trent Rhorer, Executive Director, HSA

Recommended by



Denise Corvino, Acting Director, Office of Early Care and Education

Attachments: 1) Notice of Unauthorized Leave/ Notice of Intent to Suspend from Permanent Position/Skelly Hearing dated December 17, 2018
2) Skelly Report and Recommendation, dated January 8, 2019

cc: Daniel Kaplan, Director for Administration, HSA
Luenna Kim, Director of Human Resources, HSA
Sharee Nisha, Employee/Labor Relations Manager, HSA
Amihan Milman, Representative, IFTPE, Local 21
Personnel File



SKELLY REPORT AND RECOMMENDATION

TO: Trent Rhorer
Executive Director

FROM: Denise Corvino
Skelly Officer
Acting Director, Office of Early Care and Education

DATE: January 8, 2019

RE: Jared Harris (classification 1244 Senior Human Resources Analyst) – *Skelly Report and Recommendation.*

The Human Services Agency (Agency) scheduled a Skelly Hearing on January 4, 2019, concerning classification 1244 Senior Human Resources Analyst Jared Harris' (Harris) *Notice of Intent to Suspend* (dated December 17, 2018). I presided as the Skelly Officer for this meeting. However, Mr. Harris and his International Federation of Professional and Technical Engineers (IFPTE), Local 21 union representative, Amihan Milman (Milman), did not attend the meeting and opted to submit a written response to the Skelly notification.

BACKGROUND

Mr. Harris worked as a classification 1244 Senior Human Resources Analyst with the Agency since August 1, 2017. Prior to that, he worked as a classification 1241 Human Resources Analyst with the Agency beginning June 8, 2015. Prior to working for the Agency, Mr. Harris worked as a classification 8132 District Attorney's Investigative Assistance beginning November 2, 2009.

On December 17, 2018, the Agency sent Mr. Harris a *Notification of Absence Without Approved Leave (AWOL), Denial of Leave of Absence, and Notice of Intent to Suspend from Permanent Position*, because he was not on approved leave and failed to report to work since November 29, 2018, and therefore, was AWOL. A Skelly meeting was scheduled to take place on December 27, 2018, but was postponed twice at the request of Mr. Harris's representative, until January 4, 2019.

EMPLOYEE'S RESPONSE

On January 4, 2019, the Agency received a written response from Ms. Milman on behalf of Mr. Harris stating that Mr. Harris was unable to attend the Skelly meeting because he has been incarcerated since November 16, 2018. Ms. Milman asserted that Mr. Harris should have been placed on an approved leave of absence and requested that the Agency approve a personal leave for Mr. Harris to attend to his illness. She stated that he is applying for disability and intends to return to work once he is able. She argued that the 10 day proposed suspension was excessive, unwarranted and discriminatory, and that the Skelly Officer should deny the proposed discipline.

SKELLY RECOMMENDATION

Ms. Milman argued that Mr. Harris should be placed on a personal leave of absence to attend to his medical condition. However, Mr. Harris was admittedly incarcerated on November 16, 2018, and currently being held at

the Santa Rita Jail. City and County of San Francisco (City) policies and procedures do not authorize personal and/or medical leave for periods of incarceration.

Ms. Milman further argued that the proposed ten (10) day suspension is unwarranted, excessive and discriminatory. However, Mr. Harris has been AWOL since November 29, 2018. I find that a ten day suspension for such a long unauthorized absence is not unwarranted or excessive. Further, Ms. Milman presented no evidence of discrimination. Accordingly, I have determined that the proposed discipline is appropriate.

CONCLUSION

Based on the foregoing, I recommend that Mr. Harris be suspended from his permanent classification 1244 Senior Human Resources Analyst position for ten (10) work days.



Denise Corvino, Skelly Officer
Acting Director, Office of Early Care and Education

cc: Daniel Kaplan, Deputy Director for Administration, HSA
Luenna Kim, Director of Human Resources, HSA

City and County of San Francisco



London Breed, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services
Office of Early Care and Education

Trent Rhorer, Executive Director

SENT VIA CERTIFIED AND REGULAR U.S MAIL

December 17, 2018

Jared A. Harris

AND

Alameda County Sheriff's Office
c/o Jared Harris
5325 Broder Boulevard
Dublin, California 94568

**RE: NOTIFICATION OF ABSENCE WITHOUT APPROVED LEAVE,
DENIAL OF LEAVE OF ABSENCE, AND
NOTICE OF INTENT TO SUSPEND FROM PERMANENT POSITION**

Dear Mr. Harris:

On November 28, 2018, the Human Services Agency (HSA/Agency) denied your request for continuous leave under the Family Medical Leave Act (FMLA) / California Family Rights Act (CFRA) because you did not submit a health care provider's certification of a serious health condition. Since that date, you have not returned to work; thus, you have been Absence Without Approved Leave (AWOL) since November 29, 2018.

On December 11, 2018, I sent you a Notice of Unauthorized Leave Status informing you that you needed to exercise one of your options by December 18, 2018, which included returning to work immediately, resigning, or if qualified, requesting a disability, vested, or service retirement.

On December 11, 2018 at 5:14 p.m., the Agency received a "Visit Verification" note, dated November 16, 2018, placing you off-work from November 16, 2018 through May 13, 2019, in order to attend "Intensive Out-Patient Therapy" and "Physical Therapy." However, it has come to the Agency's attention through publicly available information and the subsequent arrest notification program that you have been held in custody since November 16, 2018. Therefore, the Agency has denied your request for a medical leave of absence.

Because you have been AWOL since November 29, 2018, the Agency is charging you with violating the following policies:

Human Services Agency – Attendance and Time Keeping Policy, Section 9-8 G

Tardiness and Absence without Authorized Leave (AWOL) - There is no grace period for late arrival. Employees with a pattern of excessive tardiness or AWOL may be disciplined in addition to having their pay docked or otherwise impacted.

The City and County of San Francisco (City) - City Employee Handbook: Attendance and Punctuality

Regular and prompt attendance is an essential requirement of your job. As a City employee, you are to report to your work station at your scheduled work time. Your time records must accurately reflect the time

December 17, 2018

Notification of Absence without Approved Leave, Denial of Leave of Absence, and Notice of Intent to Suspend from Permanent Position – Jared Harris

Page 2

you start work and the number of hours worked in every work day. All planned absences must be requested and approved in advance. If illness or some other emergency causes an unplanned or unforeseeable absence, you must notify your department as soon as possible on the first day of absence, and keep the department advised daily during the absence. In the case of an extended unforeseeable absence, you may be asked to complete forms and submit medical certifications as appropriate during your leave. Improper use of sick leave, failure to present medical certification when required, excessive absenteeism, tardiness, unauthorized absence or failure to notify your department when you are unable to report to work, may result in sick leave restriction, disciplinary action or termination.

The Civil Service Commission Rule Volume I, Rule 122 Employee Separation Procedures, Article VI: Absence from Duty Without Leave

Absence from duty without proper authorization for any period of time up to and including five (5) or less working days shall be cause for disciplinary action by the appointing officer.

Based on the above charges, the Agency intends to impose a ten (10) day suspension from your permanent classification 1244 Senior Human Resources Analyst position. A Skelly meeting has been scheduled to provide you the opportunity to respond, either orally, or in writing, to the charges. The meeting will be held on **December 27, 2018**, at 10:00 a.m., in the Human Resources Conference Room, 1650 Mission Street, Second Floor, San Francisco. You have the right to representation at the meeting. If you wish to have representation, it is your responsibility to make the necessary arrangements.

You may elect to submit a written response instead of attending the meeting. This response should be addressed to me and must be received by close of business on December 26, 2018. If you choose not to attend the meeting on December 27, 2018, it is requested that you advise me no later than close of business on December 20, 2018.

If you fail to attend the scheduled meeting or do not submit a written response, a decision will be made by the Agency based upon the information obtained in its investigation and referred (if applicable) to the Appointing Officer for final decision.

Please note that the City and County of San Francisco does not grant employees a leave of absence for incarceration. Therefore, you are being ordered to return to work no later than December 20, 2018. Again, if you do not intend to return to work, you may resign, or if you qualify, request a disability, service, or vested retirement by contacting the Retirement System at 30 Van Ness Avenue, Second Floor, San Francisco, California 94102, (415) 554-1500. You need to exercise one of the above options by **December 20, 2018**, or contact me by that date, at (415) 557-5973, to schedule a meeting so that you can provide your reasons why you should not be considered Absent Without Authorized Leave.

Sincerely,



Sharee Nisha

Employee Labor/ Relations Manager

Attachments: HSA Attendance and Time-Keeping Policy, Section 9-8; City and County of San Francisco Attendance and Punctuality Policy; Excerpt of Civil Service Commission Rule 122.10; and Handbook Receipt Acknowledgements

cc: Daniel Kaplan, Deputy Director for Administration, HSA
Luenna Kim, Director of Human Resources, HSA

ATTENDANCE AND TIME-KEEPING

SECTION NUMBER	TITLE	PAGE
9-8	ATTENDANCE AND TIME-KEEPING	
	I. Purpose	1
	II. Policy	1
	III. Definitions	1-3
	IV. Exceptions to Normal Work Hours	3
	V. Absence Reporting Procedures.....	4
	VI. Attendance Standards	4-5

ATTENDANCE AND TIME-KEEPING

I. PURPOSE

- A. The Human Services Agency (HSA or Agency) recognizes the need of its employees to balance professional and personal responsibilities, which may involve absence from work due to illness or personal reasons.
- B. The purpose of the policy is to define the standard of acceptable attendance and time-keeping and to establish the procedure for reporting absences and other time off in order to ensure that the policy is applied uniformly throughout HSA.
- C. HSA relies upon the active attendance of its staff in order to meet its core values. Excessive absenteeism by an individual delays services to clients and creates a burden on coworkers and the Agency.

II. POLICY

- A. It is the policy of HSA that employees maintain an acceptable level of attendance, which involves reporting to work on time, working their shift as scheduled, and leaving at the scheduled time.
- B. It is also the policy of HSA that employees comply with the established procedure for advance notification of late arrival and/or absence from work, and for accurate timekeeping.

III. DEFINITIONS

- A. Normal Business Hours - The Agency serves the public Monday through Friday from 8:00 a.m. to 5:00 p.m.
- B. Starting and Ending Times - The normal work day must be within the hours of 7:00 a.m. and 6:00 p.m. Any other work shift requires approval of the program director or designee. Decisions will be based on the operational needs of the program. Pursuant to City and County of San Francisco Charter, Section 8.400(g), employees may only be paid for time worked.
- C. Work Beyond the Normal Work Hours - Employees may not work beyond normal work hours, including the meal period, without the written authorization of the program director or designee. Employees who work overtime without prior written authorization are subject to disciplinary action.
- D. Breaks - If the operational needs of the program are met, the program director or designee may authorize one 15-minute break in the morning and one 15-minute break in the afternoon. Break periods may not be accumulated if not taken; carried over to another date, time or period; extended; attached to meal periods to extend such meal periods; used to end the work day early; or used to make up for tardiness or unexcused absence. If a break period is not taken, either at the election of the employee or program director or designee, an employee may not receive overtime or compensatory time in lieu of the break time.
- E. Meal Period – The length and time of a meal period is determined by the program director or designee. The meal period may not be less than 30 minutes or greater than one hour. Employees who work a minimum of six hours in any given day are required to take a meal period. It may not be "skipped" to shorten the work day.

ATTENDANCE AND TIME-KEEPING

F. Approved Leaves of Absence

1. Employees are expected to observe an established work schedule and to remain at the worksite except when on authorized absence, such as during the meal period or while conducting Agency business.
2. If required, employees must sign-in and sign-out upon arrival and departure from the worksite.
3. Prior approval must be sought and granted by the program director or designee for all the leaves other than for leaves granted by the FMLA, ADA, or WC.
4. The following are not considered absences for the purposes of calculating overall absences or evaluating attendance.
 - a. Vacation
 - b. Holiday (Floating, In-Lieu Days)
 - c. Educational Leave
 - d. Bereavement Leave
 - e. Jury Duty
 - f. Worker's Compensation
 - g. Time taken under the Family Medical Leave Act
 - h. Americans with Disabilities Act (ADA)
 - i. Compensatory Time Off
 - j. Unpaid personal leave that is requested and approved prior to the requested time off

G. Tardiness and Absence without Authorized Leave (AWOL) - There is no grace period for late arrival. Employees with a pattern of excessive tardiness or AWOL may be disciplined in addition to having their pay docked or otherwise impacted. Late arrivals will be recorded as follows:

1. Tardiness
 - a. Employees who report to the worksite late but within 30 minutes of the scheduled starting time will be recorded as tardy.
 - b. Non-exempt employees may be docked for the time they are tardy.
2. Exempt employees ("Z" symbol) may not be docked pay for the time they are tardy. They are to be recorded as tardy but may be permitted to use their accrued time or personal leave based on the approval of the program director or designee.
3. AWOL
 - b. Employees who report to the worksite late by 30 minutes or more without proper advance notice and/or leave work without prior permission will be marked AWOL.
 - c. Non-exempt employees may be docked for the time they are AWOL.
 - d. Exempt employees ("Z" symbol) may not be docked pay for the time they are AWOL. They are to be recorded as AWOL and shall be designated as personal leave on the timesheet.
4. If circumstances warrant, the program director or designee may record an employee's late arrival as an excused absence, charging time missed to the appropriate category of approved time off (sick or personal leave, vacation, floating holiday).

ATTENDANCE AND TIME-KEEPING

H. Unacceptable Absences

1. Frequent Sick Leave - Occurs when sick leave is frequent or excessive.
2. Patterned Absence - Occurs when absences are used in conjunction with regular days off, or other pre-approved time off, such as vacation days, holidays, etc., or when the employees' attendance record shows a consistent pattern of time off, such as one day a month or the day after pay day or partial days off. Patterns of absenteeism are considered unacceptable even though the total number of absences may not have exceeded the range of hours established as competent and effective.
3. Tardiness - Occurs when employees fail to report to his/her designated work area, ready for work, at the scheduled start time of the assigned shift.
4. AWOL – Occurs when employees arrive at work 30 minutes or more after the assigned start time, or leave the work area any time before their schedule end time.
5. Absence Verification – Employees who exhibit excessive or patterned absenteeism may be required to submit a note from their health care provider upon each absence regardless of the duration of the leave.

IV. EXCEPTIONS TO NORMAL WORK HOURS

A. Alternative Work Schedules (Including Flexible Schedules)

1. Alternative work schedules are a privilege and are granted at the discretion of the program director or designee. It may be denied or revoked at any time.
2. Employees may request an alternate schedule by submitting a request in writing to the program director or designee. The approval or denial of alternate schedules must be consistent with good management practices and shall not, in any way, conflict with the mission of the Agency.
3. A shortened meal period may be included as part of a schedule, but the meal period may not be less than 30 minutes.
5. Supervisory coverage during all working hours must be ensured.
6. A flexible work schedule is defined as working a non-Monday through Friday from 8:00 a.m. to 5:00 p.m. shift.
7. Employees whose flexible schedule includes time worked between 5:00 p.m. and 6:00 p.m. will be required to sign a document acknowledging that they are on a flexible schedule and are thus waiving their rights to shift differential pay, if applicable.
8. Abuse of an alternate work or flexible schedule may result in cancellation of the privilege.

B. City-Wide Voluntary Reduced Work Week

1. Employees may voluntarily elect to work a reduced workweek for a specified period of time upon recommendation of the Executive Director and the approval of the Department of Human Resources Director.
2. The reduced workweek shall not be less than 20 hours per week or less than three continuous months during the fiscal year. Pay, vacation, holidays and sick pay shall be reduced in accordance with such reduced workweek.
3. Return to full time is dependent upon a full time vacancy being available. Return to full time is not an automatic right available upon the demand of the employee.
4. To request a change in work schedule, the employee must complete and submit DHS Form 151 to HSA Human Resources (1650 Mission Street, 2nd Floor).

ATTENDANCE AND TIME-KEEPING

V. ABSENCE REPORTING PROCEDURES

A. Notify Immediate Supervisor or Designee

When employees are to be late or absent for any reason, they must call the immediate supervisor or designee at least 30 minutes prior to the scheduled starting time of the assigned shift. Late returns from break or meal periods are also to be reported to the supervisor.

1. Employees may not call non-designated employees (e.g. coworkers) to report their absence.
2. Employees who are absent for non-medical, emergent reasons must provide a reason for the absence and the expected duration of the absence; however, all employees must call the immediate supervisor or designee each day they are absent. In addition, employees must keep the supervisor or designee informed of any changes in the duration or reason for the absence. Non-medical, emergent leaves are granted at the discretion of the program.
3. Employees who are absent for medical reasons (Sick Leave, FMLA, WC, ADA) must notify their supervisor of the category of the leave for purposes of recording their time on the timesheet. Employees shall not provide details of underlying medical condition. Employees must provide the expected duration of the absence; however, all employees must call the immediate supervisor or designee each day they are absent, unless they have a note from their health care provider placing them off work or have an approved leave of absence. In addition, employees must keep the supervisor or designee informed of any changes in the duration or reason for the absence.
4. Employees may not report absences to the Human Resources or Payroll Office in lieu of notification to the supervisor.
5. If employees are unable to telephone, a friend or relative should do so for them.
6. In the event that employees' advance request for an absence is denied or employees fail to telephone the supervisor or designee at least 30 minutes before the beginning of their regularly assigned shift, and employees subsequently fail to report for work, it will be considered an unexcused absence and may be recorded as AWOL.
7. Failure to follow the required reporting procedure could result in an unexcused absence and may be cause for disciplinary action.

VI. ATTENDANCE STANDARDS

A. Uniform Attendance Standards - The Agency has established the following uniform attendance standards to measure employee performance in this area and its corresponding performance evaluation rating in a twelve month period. The Standard in Hours below refers to hours of absence.

<u>Standard in Hours</u>	--	<u>Performance Rating</u>
0 up to and including 104 hours	--	Acceptable
Over 104 hours	--	Unacceptable

B. Application of Uniform Attendance Standards - Although the Uniform Attendance Standard is stated in terms of an annual 12-month period, this standard may also be applied to periods of less than 12 months on a prorated basis to determine an employee's performance for purposes of probationary evaluations and other performance monitoring needs. For example, to prorate the

ATTENDANCE AND TIME-KEEPING

standard for a six-month period, the maximum number of hours for each category is divided by 12 months and multiplied by the period being measured: $104 \text{ hours} / 12 = 8.6 \text{ hours per month} \times 6 \text{ months} = 51.9 \text{ hour}$. Therefore, for employees to be considered to have a competent and effective rating for attendance for a six-month period, total absence could not exceed 51.9 hours.

- C. Disciplinary Action - Levels of absenteeism which fall into the "Unacceptable" category may be subject to disciplinary action. Additionally, excessive and/or persistent patterns of lateness or absence may be monitored more closely as warranted.
- D. Performance Evaluation - Absences shall be evaluated and rated on the Performance Appraisal Report and in determining disciplinary action.
1. It is the supervisor's responsibility to evaluate employees' performances, and some discretion is expected in evaluating quality and effectiveness of employees' services in relation to absence from work.
 2. The following factors may be considered by the supervisor in determining and making the overall evaluation for employees whose attendance is being recorded as "Unacceptable." Factors which are critical to the final determination of overall rating are to be noted in the Rating/Comments Section for the Performance Element and Standard and/or in work plans or disciplinary action.
 - a. Whether absenteeism is occurring in conjunction with other days off;
 - b. Whether there appears to be patterns of sick leave usage (e.g., one day per month);
 - c. Whether employees are persistently overstaying vacations, holidays and other excused absences;
 - d. Whether the absence is a result of a serious and/or prolonged illness;
 - e. Employees' prior attendance records, absences in conjunction with non-compliance of department reporting procedures (e.g., frequently having another person call in, calling someone other than the Supervisor/department head or designee, etc.), reporting illnesses after the start of a shift or other established time limit;
 - f. Sick leave taken after employees' requests for an excused day off were denied;
 - g. Employees' reason for the absence;
 - i. Employees' effort toward corrective action.
 3. The factors listed under section III.F.4 may not be considered by the supervisor in determining and making the overall evaluation for an employee whose attendance is being recorded as "Unacceptable."

AFTER YOU ARE HIRED

Attendance and Punctuality

Regular and prompt attendance is an essential requirement of your job. As a City employee, you are to report to your work station at your scheduled work time. Your time records must accurately reflect the time you start work and the number of hours worked in every work day.

All planned absences must be requested and approved in advance. If illness or some other emergency causes an unplanned or unforeseeable absence, you must notify your department as soon as possible on the first day of absence, and keep the department advised daily during the absence. In the case of an extended unforeseeable absence, you may be asked to complete forms and submit medical certifications as appropriate during your leave. Improper use of sick leave, failure to present medical certification when required, excessive absenteeism, tardiness, unauthorized absence or failure to notify your department when you are unable to report to work, may result in sick leave restriction, disciplinary action or termination.

Appearance and Dress Code

As a City employee, you represent the City and your department when you are on duty and/or when you are in a City uniform. Employees are expected to be neat and clean, and to dress for work according to generally accepted business and professional standards as dictated by their work assignment and as required by their department. The City reserves the right to restrict dress for legitimate reasons relating to safety, hygiene or environmental conditions.

Maintenance of Minimum Qualifications

You must possess and maintain the qualifications required by law and by the announcement of the examination under which you were appointed.

Business Hours

Except as otherwise provided in a collective bargaining agreement applicable to you or based on your department's operational needs, the typical workweek is 40 hours, consisting of five workdays of eight hours each. The City's official business hours are from 8:00 a.m. to 5:00 p.m.

Overtime and Compensatory Time Off

If you are required by your manager/supervisor to work overtime, contact your departmental personnel officer for information regarding your eligibility for overtime payment or compensatory time off. Employees in classifications designated "Z" are exempt from overtime under the Fair Labor Standards Act, but may be entitled to compensatory time off if provided by the collective bargaining agreement.

ABSENCE FROM DUTY WITHOUT LEAVE

(Excerpt from Civil Service Rule 122 - Article VI)

Section 122.10

WHEN FIVE DAYS OR LESS

Absence from duty without proper authorization for any period of time up to and including five (5) or less working days shall be cause for disciplinary action by the appointing officer.



PERSONNEL PROCEDURES HANDBOOK
EMPLOYEE RECEIPT FORM

Employee Name: Jared A. Harris

Supervisor Name: Laurie Juengert

Program and Section: Labor Relations

I certify that I have received the Department of Human Services' Personnel Handbook. I understand that it is my responsibility as an employee of the Department of Human Services to read and adhere to the policies and procedures contained within the material given to me.

Signed and Dated:

[Signature]
Employee

5/28/15
Date

[Signature]
Supervisor or Personnel Representative

5/28/15
Date

Copy: Employee Personnel File

**HUMAN SERVICES AGENCY
CITY AND COUNTY OF SAN FRANCISCO
EMPLOYEE APPOINTMENT PROCESSING FORM CHECKLIST
NEW HSA EMPLOYEE**

Full Sheet	X	
Appointment processing form (DHR)	X	
Separation Report (if required)	X	
Conviction History Form	X	
Employment Application	n/a	
I-9 Form, Employment Eligibility Form	X	
Disclosure and Access Authorization and Release Form	X	
Warrant Designation Form	X	
Acknowledgement of Receipt of Copy of Charter Section	X	
Oath of Office	X	
Post Employment Self-Identification	X	
Notice of Probationary Status (if required)	X	
Notice of Provisional Appointee (if required)	X	
Notice to Exempt Appointee (if required)	X	
Elder Abuse and Dependent Adult Civil Protection Act	X	
Child Abuse Reporting Law	X	
Employee Information Survey	X	
Client Confidentiality Agreement	X	
Personnel Procedures Handbook Employee Receipt Form	X	
Pre designation of Physician For the Treatment of Work Related Injuries	X	
Bi-Lingual Waiver Form (if required)	n/a	
Direct Deposit	X	
W-4	X	
Union Membership Form	n/a	
TB Test	X	
Photo ID	X	

INFORMATION GIVEN TO EMPLOYEE:

* City & County of San Francisco Employee Handbook	X	
* Human Services Agency Personnel Procedures Handbook	X	
Welfare and Institutions Code Section 15630-15632	X	
Your Rights Under FMLA (Family & Medical Leave Act)	X	
Pay Day & Holiday Information Calendar	X	

I certify I have received the City and County of San Francisco Employee Handbook. I understand that it is my responsibility as an employee of the City and County of San Francisco and the Human Services Agency to read, understand, and adhere to the policies and procedures contained within the materials given to me.

Jared Harris

PRINT NAME

JH

SIGNATURE

5/28/15

DATE

EXHIBIT 10

City and County of San Francisco



London Breed, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services
Office of Early Care and Education

Trent Rhorer, Executive Director

SENT VIA CERTIFIED AND EMAIL TO: [REDACTED]

January 16, 2019

Jared A. Harris
[REDACTED]

AND

Alameda County Sheriff's Office
c/o Jared Harris, [REDACTED]
5325 Broder Boulevard
Dublin, California 94568

RE: NOTIFICATION OF ABSENCE WITHOUT APPROVED LEAVE AND NOTICE OF INTENT TO SUSPEND FROM PERMANENT POSITION

Dear Mr. Harris:

The Human Services Agency has reviewed the circumstances regarding your absence from the workplace without approved leave (AWOL). You have been AWOL since November 29, 2018. On December 17, 2018, we sent you a letter notifying you that must return to work by December 20, 2018. You were also notified that if you do not return to work, you will be subject to disciplinary action. We further informed you that if did not intend to return to work, you may resign or, if you qualify, request a disability, service, or vested retirement by December 20, 2018. However, to this date, you have not returned to work or exercised one of your options. Because you have failed to return to work, we are charging you with AWOL; Insubordination; and violating the following policies:

Human Services Agency – Attendance and Time Keeping Policy, Section 9-8 G

Tardiness and Absence without Authorized Leave (AWOL) - There is no grace period for late arrival. Employees with a pattern of excessive tardiness or AWOL may be disciplined in addition to having their pay docked or otherwise impacted.

The City and County of San Francisco (City) - City Employee Handbook: Attendance and Punctuality

Regular and prompt attendance is an essential requirement of your job. As a City employee, you are to report to your work station at your scheduled work time. Your time records must accurately reflect the time you start work and the number of hours worked in every work day. All planned absences must be requested and approved in advance. If illness or some other emergency causes an unplanned or unforeseeable absence, you must notify your department as soon as possible on the first day of absence, and keep the department advised daily during the absence. In the case of an extended unforeseeable absence, you may be asked to complete forms and submit medical certifications as appropriate during your leave. Improper use of sick leave, failure to present medical certification when required, excessive absenteeism, tardiness, unauthorized absence or failure to notify your department when you are unable to report to work, may result in sick leave restriction, disciplinary action or termination.

January 16, 2019

Notification of Absence without Approved Leave and Notice of Intent to Suspend from Permanent Position –
Jared Harris

Page 2

Human Services Agency – Discipline Policy 9-13

Insubordination: Failure of an employee to perform an assignment, when given a direct verbal or written lawful order to do so by someone responsible for making the assignment. In addition, insubordination will cover any employee who does not willingly assist in or who obstructs an investigation.

**The Civil Service Commission Rule Volume I, Rule 122 Employee Separation Procedures, Article VI:
Absence from Duty Without Leave**

Absence from duty without proper authorization for any period of time up to and including five (5) or less working days shall be cause for disciplinary action by the appointing officer.

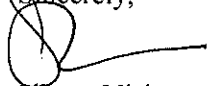
Based on the above charges, the Agency intends to impose a twenty (20) day suspension from your permanent classification 1244 Senior Human Resources Analyst position. A Skelly meeting has been scheduled to provide you the opportunity to respond, either orally, or in writing, to the charges. The meeting will be held on **Wednesday, February 6, 2019, at 11:00 A.M.**, in the Human Resources Conference Room, 1650 Mission Street, Second Floor, San Francisco. You have the right to representation at the meeting. If you wish to have representation, it is your responsibility to make the necessary arrangements.

You may elect to submit a written response instead of attending the meeting. This response should be addressed to me and must be received by close of business on Tuesday, February 5, 2019. If you choose not to attend the meeting on February 6, 2019, it is requested that you advise me no later than close of business on January 24, 2019.

If you fail to attend the scheduled meeting or do not submit a written response, a decision will be made by the Agency based upon the information obtained in its investigation and referred (if applicable) to the Appointing Officer for final decision.

Please note that the City and County of San Francisco does not grant employees a leave of absence for periods of incarceration. Therefore, you are being ordered to return to work on February 6, 2019. Again, if you do not intend to return to work, you may resign, or if you qualify, request a disability, service, or vested retirement by contacting the Retirement System at 30 Van Ness Avenue, Second Floor, San Francisco, California 94102, (415) 554-1500. You need to exercise one of the above options by February 6, 2019, or contact me by that date, at (415) 557-5973, to schedule a meeting so that you can provide your reasons why you should not be considered Absent Without Authorized Leave and Insubordinate.

Sincerely,



Sharee Nisha

Employee Labor/ Relations Manager

Attachments: HSA Attendance and Time-Keeping Policy, Section 9-8; HSA Discipline Policy 9-13; City and County of San Francisco Attendance and Punctuality Policy; Excerpt of Civil Service Commission Rule 122.10; and Handbook Receipt Acknowledgements

cc: Daniel Kaplan, Deputy Director for Administration, HSA
Luenna Kim, Director of Human Resources, HSA

ATTENDANCE AND TIME-KEEPING

SECTION NUMBER	TITLE	PAGE
9-8	ATTENDANCE AND TIME-KEEPING	
	I. Purpose	1
	II. Policy	1
	III. Definitions	1-3
	IV. Exceptions to Normal Work Hours	3
	V. Absence Reporting Procedures	4
	VI. Attendance Standards	4-5

ATTENDANCE AND TIME-KEEPING**I. PURPOSE**

- A. The Human Services Agency (HSA or Agency) recognizes the need of its employees to balance professional and personal responsibilities, which may involve absence from work due to illness or personal reasons.
- B. The purpose of the policy is to define the standard of acceptable attendance and time-keeping and to establish the procedure for reporting absences and other time off in order to ensure that the policy is applied uniformly throughout HSA.
- C. HSA relies upon the active attendance of its staff in order to meet its core values. Excessive absenteeism by an individual delays services to clients and creates a burden on coworkers and the Agency.

II. POLICY

- A. It is the policy of HSA that employees maintain an acceptable level of attendance, which involves reporting to work on time, working their shift as scheduled, and leaving at the scheduled time.
- B. It is also the policy of HSA that employees comply with the established procedure for advance notification of late arrival and/or absence from work, and for accurate timekeeping.

III. DEFINITIONS

- A. Normal Business Hours - The Agency serves the public Monday through Friday from 8:00 a.m. to 5:00 p.m.
- B. Starting and Ending Times - The normal work day must be within the hours of 7:00 a.m. and 6:00 p.m. Any other work shift requires approval of the program director or designee. Decisions will be based on the operational needs of the program. Pursuant to City and County of San Francisco Charter, Section 8.400(g), employees may only be paid for time worked.
- C. Work Beyond the Normal Work Hours - Employees may not work beyond normal work hours, including the meal period, without the written authorization of the program director or designee. Employees who work overtime without prior written authorization are subject to disciplinary action.
- D. Breaks - If the operational needs of the program are met, the program director or designee may authorize one 15-minute break in the morning and one 15-minute break in the afternoon. Break periods may not be accumulated if not taken; carried over to another date, time or period; extended; attached to meal periods to extend such meal periods; used to end the work day early; or used to make up for tardiness or unexcused absence. If a break period is not taken, either at the election of the employee or program director or designee, an employee may not receive overtime or compensatory time in lieu of the break time.
- E. Meal Period - The length and time of a meal period is determined by the program director or designee. The meal period may not be less than 30 minutes or greater than one hour. Employees who work a minimum of six hours in any given day are required to take a meal period. It may not be "skipped" to shorten the work day.

ATTENDANCE AND TIME-KEEPING

F. Approved Leaves of Absence

1. Employees are expected to observe an established work schedule and to remain at the worksite except when on authorized absence, such as during the meal period or while conducting Agency business.
2. If required, employees must sign-in and sign-out upon arrival and departure from the worksite.
3. Prior approval must be sought and granted by the program director or designee for all the leaves other than for leaves granted by the FMLA, ADA, or WC.
4. The following are not considered absences for the purposes of calculating overall absences or evaluating attendance.
 - a. Vacation
 - b. Holiday (Floating, In-Lieu Days)
 - c. Educational Leave
 - d. Bereavement Leave
 - e. Jury Duty
 - f. Worker's Compensation
 - g. Time taken under the Family Medical Leave Act
 - h. Americans with Disabilities Act (ADA)
 - i. Compensatory Time Off
 - j. Unpaid personal leave that is requested and approved prior to the requested time off

G. Tardiness and Absence without Authorized Leave (AWOL) - There is no grace period for late arrival. Employees with a pattern of excessive tardiness or AWOL may be disciplined in addition to having their pay docked or otherwise impacted. Late arrivals will be recorded as follows:

1. Tardiness
 - a. Employees who report to the worksite late but within 30 minutes of the scheduled starting time will be recorded as tardy.
 - b. Non-exempt employees may be docked for the time they are tardy.
2. Exempt employees ("Z" symbol) may not be docked pay for the time they are tardy. They are to be recorded as tardy but may be permitted to use their accrued time or personal leave based on the approval of the program director or designee.
3. AWOL
 - b. Employees who report to the worksite late by 30 minutes or more without proper advance notice and/or leave work without prior permission will be marked AWOL.
 - c. Non-exempt employees may be docked for the time they are AWOL.
 - d. Exempt employees ("Z" symbol) may not be docked pay for the time they are AWOL. They are to be recorded as AWOL and shall be designated as personal leave on the timesheet.
4. If circumstances warrant, the program director or designee may record an employee's late arrival as an excused absence, charging time missed to the appropriate category of approved time off (sick or personal leave, vacation, floating holiday).

ATTENDANCE AND TIME-KEEPING

H. Unacceptable Absences

1. Frequent Sick Leave - Occurs when sick leave is frequent or excessive.
2. Patterned Absence - Occurs when absences are used in conjunction with regular days off, or other pre-approved time off, such as vacation days, holidays, etc., or when the employees' attendance record shows a consistent pattern of time off, such as one day a month or the day after pay day or partial days off. Patterns of absenteeism are considered unacceptable even though the total number of absences may not have exceeded the range of hours established as competent and effective.
3. Tardiness - Occurs when employees fail to report to his/her designated work area, ready for work, at the scheduled start time of the assigned shift.
4. AWOL – Occurs when employees arrive at work 30 minutes or more after the assigned start time, or leave the work area any time before their schedule end time.
5. Absence Verification – Employees who exhibit excessive or patterned absenteeism may be required to submit a note from their health care provider upon each absence regardless of the duration of the leave.

IV. EXCEPTIONS TO NORMAL WORK HOURS

A. Alternative Work Schedules (Including Flexible Schedules)

1. Alternative work schedules are a privilege and are granted at the discretion of the program director or designee. It may be denied or revoked at any time.
2. Employees may request an alternate schedule by submitting a request in writing to the program director or designee. The approval or denial of alternate schedules must be consistent with good management practices and shall not, in any way, conflict with the mission of the Agency.
3. A shortened meal period may be included as part of a schedule, but the meal period may not be less than 30 minutes.
5. Supervisory coverage during all working hours must be ensured.
6. A flexible work schedule is defined as working a non-Monday through Friday from 8:00 a.m. to 5:00 p.m. shift.
7. Employees whose flexible schedule includes time worked between 5:00 p.m. and 6:00 p.m. will be required to sign a document acknowledging that they are on a flexible schedule and are thus waiving their rights to shift differential pay, if applicable.
8. Abuse of an alternate work or flexible schedule may result in cancellation of the privilege.

B. City-Wide Voluntary Reduced Work Week

1. Employees may voluntarily elect to work a reduced workweek for a specified period of time upon recommendation of the Executive Director and the approval of the Department of Human Resources Director.
2. The reduced workweek shall not be less than 20 hours per week or less than three continuous months during the fiscal year. Pay, vacation, holidays and sick pay shall be reduced in accordance with such reduced workweek.
3. Return to full time is dependent upon a full time vacancy being available. Return to full time is not an automatic right available upon the demand of the employee.
4. To request a change in work schedule, the employee must complete and submit DHS Form 151 to HSA Human Resources (1650 Mission Street, 2nd Floor).

ATTENDANCE AND TIME-KEEPING

V. ABSENCE REPORTING PROCEDURES

A. Notify Immediate Supervisor or Designee

When employees are to be late or absent for any reason, they must call the immediate supervisor or designee at least 30 minutes prior to the scheduled starting time of the assigned shift. Late returns from break or meal periods are also to be reported to the supervisor.

1. Employees may not call non-designated employees (e.g. coworkers) to report their absence.
2. Employees who are absent for non-medical, emergent reasons must provide a reason for the absence and the expected duration of the absence; however, all employees must call the immediate supervisor or designee each day they are absent. In addition, employees must keep the supervisor or designee informed of any changes in the duration or reason for the absence. Non-medical, emergent leaves are granted at the discretion of the program.
3. Employees who are absent for medical reasons (Sick Leave, FMLA, WC, ADA) must notify their supervisor of the category of the leave for purposes of recording their time on the timesheet. Employees shall not provide details of underlying medical condition. Employees must provide the expected duration of the absence; however, all employees must call the immediate supervisor or designee each day they are absent, unless they have a note from their health care provider placing them off work or have an approved leave of absence. In addition, employees must keep the supervisor or designee informed of any changes in the duration or reason for the absence.
4. Employees may not report absences to the Human Resources or Payroll Office in lieu of notification to the supervisor.
5. If employees are unable to telephone, a friend or relative should do so for them.
6. In the event that employees' advance request for an absence is denied or employees fail to telephone the supervisor or designee at least 30 minutes before the beginning of their regularly assigned shift, and employees subsequently fail to report for work, it will be considered an unexcused absence and may be recorded as AWOL.
7. Failure to follow the required reporting procedure could result in an unexcused absence and may be cause for disciplinary action.

VI. ATTENDANCE STANDARDS

A. Uniform Attendance Standards - The Agency has established the following uniform attendance standards to measure employee performance in this area and its corresponding performance evaluation rating in a twelve month period. The Standard in Hours below refers to hours of absence.

<u>Standard in Hours</u>		<u>Performance Rating</u>
0 up to and including 104 hours	--	Acceptable
Over 104 hours	--	Unacceptable

B. Application of Uniform Attendance Standards - Although the Uniform Attendance Standard is stated in terms of an annual 12-month period, this standard may also be applied to periods of less than 12 months on a prorated basis to determine an employee's performance for purposes of probationary evaluations and other performance monitoring needs. For example, to prorate the

ATTENDANCE AND TIME-KEEPING

standard for a six-month period, the maximum number of hours for each category is divided by 12 months and multiplied by the period being measured: $104 \text{ hours}/12 = 8.6 \text{ hours per month} \times 6 \text{ months} = 51.9 \text{ hour}$. Therefore, for employees to be considered to have a competent and effective rating for attendance for a six-month period, total absence could not exceed 51.9 hours.

- C. Disciplinary Action - Levels of absenteeism which fall into the "Unacceptable" category may be subject to disciplinary action. Additionally, excessive and/or persistent patterns of lateness or absence may be monitored more closely as warranted.
- D. Performance Evaluation - Absences shall be evaluated and rated on the Performance Appraisal Report and in determining disciplinary action.
1. It is the supervisor's responsibility to evaluate employees' performances, and some discretion is expected in evaluating quality and effectiveness of employees' services in relation to absence from work.
 2. The following factors may be considered by the supervisor in determining and making the overall evaluation for employees whose attendance is being recorded as "Unacceptable." Factors which are critical to the final determination of overall rating are to be noted in the Rating/Comments Section for the Performance Element and Standard and/or in work plans or disciplinary action.
 - a. Whether absenteeism is occurring in conjunction with other days off;
 - b. Whether there appears to be patterns of sick leave usage (e.g., one day per month);
 - c. Whether employees are persistently overstaying vacations, holidays and other excused absences;
 - d. Whether the absence is a result of a serious and/or prolonged illness;
 - e. Employees' prior attendance records, absences in conjunction with non-compliance of department reporting procedures (e.g., frequently having another person call in, calling someone other than the Supervisor/department head or designee, etc.), reporting illnesses after the start of a shift or other established time limit;
 - f. Sick leave taken after employees' requests for an excused day off were denied;
 - g. Employees' reason for the absence;
 - i. Employees' effort toward corrective action.
 3. The factors listed under section III.F.4 may not be considered by the supervisor in determining and making the overall evaluation for an employee whose attendance is being recorded as "Unacceptable."

DISCIPLINE POLICY AND PROCEDURES

SECTION NUMBER	TITLE	PAGE
9-13	DISCIPLINE POLICY AND PROCEDURES	
	Policy.....	1
	Authority.....	1
	Procedures.....	1
	Labor Relations' Role.....	1
	Hearing Officer's Role.....	2
	Supervisor's Role.....	2
	Documentation: Supervisor's File.....	2-3
	I. Corrective Action.....	3-4
	II. Causes for Discipline.....	4-6
	III. Just Cause-The Seven Tests.....	6-7
	IV. Conduct Based Action.....	7-9
	V. Performance Based Action.....	9-10
	VI. Decisions to Dismiss: Restrictions on Future Employment.....	10

DISCIPLINE POLICY AND PROCEDURES**POLICY**

The policy of the Human Services Agency (HSA) is to correct and resolve conduct and performance problems, including those described below, at the lowest possible level in the organization. The Agency will use progressive disciplinary procedures only when stated expectations for conduct and performance are not met and corrective measures appropriate to the circumstances, such as additional training or supervision, and/or verbal and written counseling, have not brought about the desired change. "Progressive" discipline is taking the lowest level of discipline most likely to bring about the desired change in conduct and performance, taking into consideration the gravity of the offense and previous corrective or disciplinary measures. The principles of just cause will be applied in all disciplinary recommendations and decisions. Misconduct of a grievous nature (see Grievous Misconduct, below) may result in immediate disciplinary action, up to and including separation of the employee from her/his position.

It is also the policy of the Human Services Agency to ensure that the legal and procedural rights of employees are protected through the coordination of all disciplinary matters with the Senior Departmental Personnel Officer or his/her designee(s), the Employee/Labor Relations Manager, or Analysts in Employee and Labor Relations.

AUTHORITY

Sections A8.341 and A8.342 of the City Charter and various Memoranda of Understanding grant the Appointing Officer power to separate or to discipline employees under his/her jurisdiction. S/he may enact rules of conduct for employees under his/her supervision and indicate disciplinary action(s), which will result from the violation of such rules. The designated offenses for which discipline will be imposed should be sufficiently clear to permit an objective interpretation and application of the rule.

PROCEDURES**Who Is Covered By These Procedures**

The procedures detailed below primarily apply to those employees who are permanent, non-probationary, or are provisional and have completed six months of service with the City and County of San Francisco. Supervisors with employees who are permanent and serving a probationary period; who are temporary (provisional) and have not yet completed six months of service; or who are "as-needed," should speak with the Labor Relations Analyst assigned to your program about the procedures to follow. Such cases will be treated on an individual basis.

LABOR RELATIONS' ROLE

The Labor Relations Unit role is to advise and assist the supervisor in assessing employee problems and to ensure consistency in the application of policies and procedures. This role includes reviewing evidentiary material, reviewing or preparing disciplinary letters, coordinating with the employee representatives and senior managers on disciplinary hearings, and serving as hearing officers.

DISCIPLINE POLICY AND PROCEDURES**HEARING OFFICER'S ROLE**

The hearing officer objectively listens to the employee's response during the hearing, considers that response and all of the evidence presented by the employee, and consults with management in arriving at a decision on the matter being heard.

SUPERVISOR'S ROLE

The supervisor's first responsibility with employees is to clearly set out the expectations for performance and conduct on the job, and to act as a trainer, coach and a role model for conduct and performance on the job. The supervisor ensures that the employee has the necessary information and training to perform her/his job. The supervisor communicates to the employee where she/he is exceeding expectations, where expectations are being met, and where there is a need for an improvement or change. In matters of alleged misconduct, the supervisor also conducts investigations into allegations by gathering evidence and taking statements from witnesses (*alleged misconduct of a criminal nature should not be addressed or investigated by the supervisor, but should immediately be brought to the Program Manager's attention, as SIU involvement may be required.*) The supervisor must also maintain adequate information and documentation about an employee to effectively evaluate the employee's progress, performance and conduct.

DOCUMENTATION: SUPERVISOR'S FILE

Each supervisor should maintain a "working file" for each employee. This file normally contains the employee's performance expectations, written summaries of performance review meetings, memos commending the employee, counseling memos, a current performance review, copies of case work or other work performance, a calendar that tracks attendance and other current and relevant information about an employee's conduct and performance. This information will assist the supervisor in writing performance reviews, in documenting the use of leave and in supporting any corrective or disciplinary action.

The information placed in the file should clearly identify the event by detailing who, what, when, where, and why. For example:

- Notations to be placed in a supervisor's file should be made whenever a supervisor explains an important job, work assignment, or responsibility to an employee. The notes should indicate that, on a certain date, the supervisor explained a performance objective or set of objectives for the employee to meet.
- Instances of employee training, both personal instruction and on-the-job training should also be written down and kept in the supervisor's file. The file should contain notes that record the subject of the training and the name of the person who conducted it.

DISCIPLINE POLICY AND PROCEDURES

- Each step of progressive counseling and/or discipline must be noted in the supervisor's file. (Even though the disciplinary actions will also be documented formally, and placed in the employee's Official Personnel file, it is also important to document them in the supervisor's file so that the supervisor for future reference keeps a clear, accurate and complete record.)

I. CORRECTIVE ACTION

Prior to the implementation of discipline, *with the exception of grievous misconduct*, the initial action taken to address a performance issue or misconduct is to bring the issue to the employee's attention and then to take a corrective action. Corrective actions for conduct issues include counseling, and counseling confirmed in writing, and in the case of problem attendance, placement of an employee on a leave restriction letter. Corrective actions for performance issues include counseling, counseling confirmed in writing, and placement of an employee on a workplan. Except in unusual circumstances, formal disciplinary actions are to be taken only after every reasonable attempt has been made by counseling and instruction to develop the employee and therefore avoid the need for later stages of formal discipline. Remember that any employee problem can have personal causes; therefore, the supervisor should always make the employee aware of the services of the Employee Assistance Program (EAP).

A. Counseling

Counseling is performed one-on-one with the employee, confidentially, and not in view or hearing of other employees. Should the employee request to have representation present, the supervisor should inform the employee that this is not intended as discipline and, therefore, representation is not necessary. An employee's right to representation (a "Weingarten Right,") is triggered when an employee is being questioned in connection with the potential for being disciplined, or if there is a reasonable fear of being disciplined. A meeting to conduct coaching, counseling, or simply to provide an employee a copy of a document where there is no questioning of the employee, is not discipline.

Prior to formal, written counseling, the supervisor should:

- Talk with the employee, pointing out the unsatisfactory element of job performance or conduct and engage the employee in a discussion that allows the employee to ask questions and to, present his/her perspective on the matter;
- Define the area(s) of needed improvement;
- Set goals for the achievement of improvement;
- Prior to the end of the meeting, always ensure that the employee is clear as to what is expected in the future, and schedule a date for the next meeting, if this is an ongoing discussion.
- Inform the employee that failure to improve may result in more serious actions, including disciplinary actions(s), up to and including discharge.

DISCIPLINE POLICY AND PROCEDURES

If this is a second meeting, the supervisor should provide the employee with more formal counseling. More formal action includes placing the employee on a workplan for a performance problem, or leave restriction letter for an attendance problem. The supervisor may also provide written counseling for other types of conduct problems, if they are not severe or if not corrected, which may warrant stronger action.

As before, the supervisor should schedule a follow-up meeting. The follow-up sessions should also be noted (documented in writing) in the supervisor's file and a copy given to the employee.

B. Workplan

An employee who has a problem in the performance of his/her job duties should be given a specific, written set of expectations that cover a 90 day period, which includes a specific description of what his/her deficiencies are, what you expect to see as improvement, what action you will take to assist the employee, and a follow-up date for an evaluation of his/her progress in meeting the workplan. Specific objectives or benchmarks on long-term objectives over a shorter period during the 90 days can be used to assess performance at regular intervals. Supervisors should meet with an employee on a work plan on a regular basis (once per week) and document that meeting in writing, and then provide the employee with an interim appraisal at the end of each 30 days in the 90 day period. Each workplan is tailored to the individual employee's job function, and should be developed in consultation with a Labor Analyst, who will assist with format and process. The supervisor, as the subject matter expert, will determine the specific actions the employee must take to meet the plan goals.

C. Leave Restriction Letter

An employee who has a problem with his/her attendance (including tardiness, patterned absences such as Monday/Friday absences, excessive use of sick leave with no medical or FMLA documentation, or habitual requests for "emergency" vacation or personal leave) should be given a specific, written set of expectations that outlines what he/she must do in order to request and have leave approved. Each leave restriction letter is tailored to the individual employee's leave issue, and should be developed in consultation with a Labor Analyst, who will provide you with a sample letter and assist in the format and process.

II. CAUSES FOR DISCIPLINE

The appropriate causes for discipline include but are not limited to:

A. Conduct**1. Attendance**

Failure to follow procedures outlined in Policy # 9-8, "Attendance and Time-Keeping" policy, including:

DISCIPLINE POLICY AND PROCEDURES

- a. Improper or unauthorized use or abuse of paid leave.
 - b. Excessive absenteeism and/or tardiness, including unexcused absences for full or partial days (including tardiness, late arrival/early departure or extended lunch periods), excessive, intermittent or patterned use of sick or vacation leave especially if it interferes with the employee's ability to perform his/her duties.
2. Other Misconduct:
- a. Fighting, physical aggression, physical contact for the purposes of threat or harm.
 - b. Mistreatment of Persons: Written or verbal mistreatment, abuse, or discourtesy of an employee, client, or other member of the public.
 - c. Substance Abuse: Intoxication due to alcohol or non-prescription controlled substances while on duty or on-call for duty.
 - d. Insubordination: Failure of an employee to perform an assignment, when given a direct verbal or written lawful order to do so by someone responsible for making the assignment. In addition, insubordination will cover any employee who does not willingly assist in or who obstructs an investigation.
 - e. Dishonesty: A willful perversion of the truth (i.e. lying or failing to provide accurate and complete information) in order to deceive, cheat or defraud, or a failure to disclose or provide information possessed about a matter of official interest when requested to do so, or when required to do so by these procedures, charter or law.
 - f. Unethical Acts: Acts committed by an employee on duty in the capacity as a representative of the City and County of San Francisco/HSA which discredit the Agency and the public service. Also includes off-duty acts that directly relate to the employee's ability to adequately perform his/her duties and responsibilities.
 - g. Gambling on the premises at any time.
 - h. Misuse of public property: Unauthorized or careless, negligent or improper use of HSA property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property.
 - i. Breach of confidentiality: Unauthorized release of confidential information or official records.
 - j. Theft: Theft of public property, or of another's personal property on the public premises.
 - k. Sleeping on duty.

DISCIPLINE POLICY AND PROCEDURES

- l. Engaging in conflict of interest activity, per Civil Service Rule 18, Charter Section C8.105.
- m. Discrimination: Any act that is discriminatory in nature toward another person's race, creed, sex, national origin, ethnicity, ancestry, age, disability, political affiliation, sexual orientation, gender identity, marital status, color, retaliation, medical condition (cancer-related), acquired immune deficiency (AIDS/HIV) or AIDS related condition (ARC), domestic partner status, or parental status.
- n. Policy Violations: Violations of Policy 9-12, Employee Code of Ethics and Code of Conduct, or other policies and procedures of the Agency.

B. Performance

1. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner.
2. Inability to improve job performance in accordance with written or verbal direction after a reasonable time period.

C. Grievous Misconduct

Under the City Charter, the following performance or conduct problems may be considered most serious and possible grounds for immediate dismissal:

- Misappropriation of public funds or property.
- Misuse or destruction of public property.
- Drug addiction or habitual intemperance.
- Mistreatments of persons, either physical, written or verbal.
- Immorality.
- Acts which would constitute a felony or misdemeanor involving moral turpitude (inherent baseness or depravity).
- Acts which present an immediate danger to the public health and safety.

If one of the seven above incidents occurs, the incident should be documented by the supervisor and the Analyst in Labor Relations should be consulted immediately. The Analyst will prepare a letter to place the employee on administrative leave (30 days unpaid) while an investigation is conducted.

III. JUST CAUSE - THE SEVEN TESTS

All recommendations and decisions to impose discipline will be subject to the following "Just Cause Tests" if challenged in a third party proceeding (i.e, before an arbitrator or the Civil Service

DISCIPLINE POLICY AND PROCEDURES

Commission) in determining if the action will stand. Therefore, any determination to recommend or impose discipline can be made only after full consideration of the following questions:

1. **Notice:** "Did the Employer give to the employee forewarning or foreknowledge of the possible or probable consequences of the employee's conduct?"
2. **Reasonable Rule or Order:** "Was the Employer's rules or managerial order reasonably related to (a) the orderly, efficient, and safe operation of the Employer's business, and (b) the performance that the Employer might properly expect of the employee?"
3. **Investigation:** "Did the Employer, before administering the discipline to the employee, make an effort to discover whether the employee did in fact violate or disobey the rule or order of management?"
4. **Fair Investigation:** "Was the Employer's investigation conducted fairly and objectively?"
5. **Proof:** "At the investigation, did the 'judge' (Hearing Officer) obtain substantial evidence or proof that the employee was guilty as charged?"
6. **Equal Treatment:** "Has the Employer applied its rules, orders and penalties even-handedly and without discrimination to all employees?"
7. **Penalty:** "Was the degree of discipline administered by the Employer in a particular case reasonably related to (a) the seriousness of the employee's proven offense and (b) the record of the employee in his/her service with the Employer?"

IV. CONDUCT BASED ACTION

After corrective action and/or counseling have not brought about the improvements or changes that the supervisor has outlined, or where an initial instance of misconduct is serious enough to warrant discipline, then formal discipline is appropriate.

A. Suspension and Dismissal always involve three steps:

1. **Notice of Intent:** All charges are defined and all of the information and evidence relied on is provided to the employee.
2. **Response:** Opportunity for the employee to respond (Conference or Skelly Hearing).
3. **Notice of Final Decision:** All charges are defined and all of the information and evidence relied on is provided to the employee. In addition to what was provided in the notice of intent, the notice of decision should address the employee's response and how it was considered, as well as the effective date(s) of any suspension or date of dismissal.

DISCIPLINE POLICY AND PROCEDURES

B. There are four levels of discipline*:

1. Written Warning *
2. Written Reprimand *
3. Suspension
4. Dismissal

*Please note that Written Warnings and Written Reprimands are considered “discipline” by agreement with SEIU. Written Warnings and Written Reprimands are not considered discipline for employees in any other union, and therefore can be issued without a notice or a conference. A memo to the employee with Written Warning or Written Reprimand as the subject, along with citing the issue and the evidence in the body of the memo, is all that is necessary.

C. Written Warnings And Written Reprimands

1. Notice of Action on Written Warnings and Written Reprimands (Procedure for SEIU ONLY)

After corrective action and/or counseling have not brought about the improvements or changes that the supervisor has outlined, or where an initial instance of misconduct is serious enough to warrant Written Warnings or Written Reprimands; the supervisor has consulted with a Labor Analyst, a Written Warning or Reprimand will be prepared by the manager or supervisor, based on the facts of the case and the documentation. The manager hand delivers the Written Warnings or Written Reprimands to the employee in a confidential environment. In cases where an employee is not expected to be at work for a period of time, Written Warnings or Written Reprimands may be sent by mail with delivery confirmation to employees’ home address. A Notice of Intent and a skelly/conference is not required prior to issuing a Written Warnings and Written Reprimands.

2. Skelly Rights (PROCEDURE FOR SEIU ONLY)

Written Warnings and Written Reprimands are subject to the grievance procedures, but not subject to a notice of intent and skelly requirements.

D. Suspensions And Dismissals (All unions)

1. Notice of Intent/Suspensions and Dismissals

If an employee has received previous discipline, or has engaged in serious misconduct, she/he may be suspended or separated from her/his position. Program managers and supervisors should consult with a Labor Analyst both before and after investigation and gathering of documentation. If after this consultation and consideration of the evidence, the Program Manager decides a suspension or termination is in order, he/she will write a memo to the Employee/Labor Relations Manager recommending what action should be taken, with a brief description of the causes for the recommendation. The Labor Analyst will prepare the letter

DISCIPLINE POLICY AND PROCEDURES

notifying the employee of the intent to suspend or separate. This letter will be sent both with delivery confirmation and first class mail to the employee's home address. The letter will contain information about the date, time and location of the Skelly hearing. The Skelly hearing should be scheduled no less than five days from the date of the Notice of Intent. **

The Skelly Hearing will be conducted by the Labor Relations Manager. The Labor Relations Manager has the responsibility to hear both the evidence supporting the charges and the response to the charges from the employee.

* *Emergency Circumstances Exception*

A public employee may be removed from the worksite prior to a Skelly hearing when the conduct related to job performance constitutes such an extraordinary (emergency) circumstances that immediate removal is required. Such employees are placed on paid and unpaid Administrative Leave (see Section II C., "Grievous Misconduct") while an investigation is conducted and, where applicable, the employee's Skelly Hearing will occur while the employee is out on leave.

2. Response: The Skelly Hearing:

The Deputy Director of the Program and/or the employee's immediate Supervisor, the Labor Relations Manager and/or Labor Analyst, the employee and his/her representative (if the employee chooses to have one present) attend the hearing, with the Labor Relations Manager and/or Labor Analyst serving as the "hearing officer." The hearing officer's role is to present the case. The employee then has the opportunity to present their information in response to the charges. In addition to the employee's verbal or written response to the charges, the employee may present statements, documents or other physical evidence regarding the events that form the basis for the charges. The employee may present a written response in lieu of attending the Skelly Hearing.

3. Notice of Decision on Suspension or Dismissals

The hearing officer, along with the Deputy Director, will consider the employee's response and all other evidence presented by the employee and arrives at a decision on whether to take the action as intended, to overturn the action, or to impose a lesser discipline than that which was originally recommended. The decision letter should state what the employee's responses were to the intended action, and how this information was considered to arrive at a final decision.

The hearing officer prepares and signs the letter of decision, which requires a signature approval by the Executive Director or his/her designee. The decision letter is then delivered with delivery confirmation and first class mails to the employee's home address.

V. PERFORMANCE BASED ACTION

DISCIPLINE POLICY AND PROCEDURES

If corrective action (counseling and workplans) has not brought about the improvements or changes that the supervisor has outlined as necessary for acceptable performance, the first action taken by the supervisor is to issue a letter of warning. The letter of warning will contain a statement that the employee is not meeting performance standards, and attach the documentation from the first 90-day period as evidence to support the letter. The letter of warning must also state that the employee will be given another 90-day period to exhibit acceptable performance, or a recommendation to dismiss him or her from the position will result.

The supervisor may decide during the second 90-day period that the employee's improvement is significant enough to extend the second 90-day period. This decision should not be made before the employee has completed at least 60 days of the second 90-day period. This is an individual decision based on the facts of the case, and should be made after discussion with the Labor Analyst.

If at the end of the second 90-day period, the employee is not meeting performance standards, a recommendation to dismiss the employee from his or her position should be prepared, using the documentation from the first 90-days period, the Letter of Warning and the documentation from the second 90-day period as evidence.

All procedures utilized to issue the Letter of Warning and the Dismissal notices are as described in CONDUCT BASED ACTIONS, above.

In some cases, conduct based actions may be taken to deal with employees' performance problems.

VI. DECISIONS TO DISMISS: RESTRICTIONS ON FUTURE EMPLOYMENT

At the time the Program Manager sends the Personnel Labor/Employee Relations Unit, his/her recommendation for separation, s/he should decide what future employability restrictions the Program would like. Examples are as follows:

- No restrictions on future employability
- Cancel any current examination and eligibility status
- No future employment with this Agency
- No future employment with the City and County of San Francisco
- Return name to the eligibility list from which appointed to the position
- Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of 1 or 2 year(s) of work experience outside the City and County service

AFTER YOU ARE HIRED

Attendance and Punctuality

Regular and prompt attendance is an essential requirement of your job. As a City employee, you are to report to your work station at your scheduled work time. Your time records must accurately reflect the time you start work and the number of hours worked in every work day.

All planned absences must be requested and approved in advance. If illness or some other emergency causes an unplanned or unforeseeable absence, you must notify your department as soon as possible on the first day of absence, and keep the department advised daily during the absence. In the case of an extended unforeseeable absence, you may be asked to complete forms and submit medical certifications as appropriate during your leave. Improper use of sick leave, failure to present medical certification when required, excessive absenteeism, tardiness, unauthorized absence or failure to notify your department when you are unable to report to work, may result in sick leave restriction, disciplinary action or termination.

Appearance and Dress Code

As a City employee, you represent the City and your department when you are on duty and/or when you are in a City uniform. Employees are expected to be neat and clean, and to dress for work according to generally accepted business and professional standards as dictated by their work assignment and as required by their department. The City reserves the right to restrict dress for legitimate reasons relating to safety, hygiene or environmental conditions.

Maintenance of Minimum Qualifications

You must possess and maintain the qualifications required by law and by the announcement of the examination under which you were appointed.

Business Hours

Except as otherwise provided in a collective bargaining agreement applicable to you or based on your department's operational needs, the typical workweek is 40 hours, consisting of five workdays of eight hours each. The City's official business hours are from 8:00 a.m. to 5:00 p.m.

Overtime and Compensatory Time Off

If you are required by your manager/supervisor to work overtime, contact your departmental personnel officer for information regarding your eligibility for overtime payment or compensatory time off. Employees in classifications designated "Z" are exempt from overtime under the Fair Labor Standards Act, but may be entitled to compensatory time off if provided by the collective bargaining agreement.

ABSENCE FROM DUTY WITHOUT LEAVE

(Excerpt from Civil Service Rule 122 - Article VI)

Section 122.10

WHEN FIVE DAYS OR LESS

Absence from duty without proper authorization for any period of time up to and including five (5) or less working days shall be cause for disciplinary action by the appointing officer.



PERSONNEL PROCEDURES HANDBOOK EMPLOYEE RECEIPT FORM

Employee Name: Jared A. Harris

Supervisor Name: Laurie Juengert

Program and Section: Labor Relations

I certify that I have received the Department of Human Services' Personnel Handbook. I understand that it is my responsibility as an employee of the Department of Human Services to read and adhere to the policies and procedures contained within the material given to me.

Signed and Dated:

J. Harris

Employee

5/28/15

Date

ma

Supervisor or Personnel Representative

5/28/15

Date

Copy: Employee Personnel File

**HUMAN SERVICES AGENCY
CITY AND COUNTY OF SAN FRANCISCO
EMPLOYEE APPOINTMENT PROCESSING FORM CHECKLIST
NEW HSA EMPLOYEE**

Full Sheet	X	
Appointment processing form (DHR)	X	
Separation Report (if required)	X	
Conviction History Form	X	
Employment Application	n/a	
I-9 Form, Employment Eligibility Form	X	
Disclosure and Access Authorization and Release Form	X	
Warrant Designation Form	X	
Acknowledgement of Receipt of Copy of Charter Section	X	
Oath of Office	X	
Post Employment Self-Identification	X	
Notice of Probationary Status (if required)	X	
Notice of Provisional Appointee (if required)	X	
Notice to Exempt Appointee (if required)	X	
Elder Abuse and Dependent Adult Civil Protection Act	X	
Child Abuse Reporting Law	X	
Employee Information Survey	X	
Client Confidentiality Agreement	X	
Personnel Procedures Handbook Employee Receipt Form	X	
Pre designation of Physician For the Treatment of Work Related Injuries	X	
Bi-Lingual Waiver Form (if required)	n/a	
Direct Deposit	X	
W-4	X	
Union Membership Form	n/a	
TB Test	X	
Photo ID	X	

INFORMATION GIVEN TO EMPLOYEE:

* City & County of San Francisco Employee Handbook	X	
* Human Services Agency Personnel Procedures Handbook	X	
Welfare and Institutions Code Section 15630-15632	X	
Your Rights Under FMLA (Family & Medical Leave Act)	X	
Pay Day & Holiday Information Calendar	X	

I certify I have received the City and County of San Francisco Employee Handbook. I understand that it is my responsibility as an employee of the City and County of San Francisco and the Human Services Agency to read, understand, and adhere to the policies and procedures contained within the materials given to me.

Jared Harris
PRINT NAME

[Signature]
SIGNATURE

5/28/15
DATE

EXHIBIT 11


FW: Jared Harris Resignation

Nisha, Sharee (HSA) <sharee.nisha@sfgov.org>

Wed 1/23/2019 8:47 AM

To: Kim, Luenna (HSA) luenna.kim@sfgov.org

Cc: Lim, Brenden (HSA) <Brenden.Lim@sfgov.org>

 1 attachments (186 KB)

JH Resignation Letter.pdf;

Here you go.

Sharee Nisha, *SHRM-SCP, SPHR*
Employee/Labor Relations Manager
Human Services Agency
415 557 6615

From: Ken Page <kpage@ifpte21.org>
Sent: Wednesday, January 23, 2019 8:46 AM
To: Nisha, Sharee (HSA) <sharee.nisha@sfgov.org>
Cc: COTHRAN, GEORGE (CAT) George Cothran@sfcityatty.org
Subject: Jared Harris Resignation

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

City and County of San Francisco



London Breed, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services
Office of Early Care and Education

Trent Rhorer, Executive Director

TO: Human Resources
Operations Unit
1650 Mission, 2nd Floor, San Francisco

I hereby voluntarily resign from my position as a(n) 1244 SR. HR Analyst effective
close of business (COB) 1/23/2019
Class No. and Title
Date

I understand that, if I am qualified, I shall receive a lump sum payment for any vacation and/or
compensatory hours earned but not used.

Signature of Employee

Home Address

JARED HARRIS
Print Name of Employee

2/19/2019
Date

FOR SUPERVISOR OR MANAGER USE ONLY:

- This is to certify that the above employee's services have been satisfactory
This is to request that the above employee's services be marked unsatisfactory and that
his/her future employability be determined by the Civil Service Commission. I understand
that this request will not be considered unless supporting documentation is attached.

Signature of Supervisor Phone Number Program Name

Print Name of Supervisor Date

EXHIBIT 12



London Breed, Mayor

Department of Human Services
Department of Aging and Adult Services
Office of Early Care and Education

Trent Rhorer, Executive Director

SENT VIA CERTIFIED U.S MAIL AND EMAIL TO [REDACTED]

February 15, 2019

Jared A. Harris
[REDACTED]

Alameda County Sheriff's Office
c/o Jared Harris [REDACTED]
5325 Broder Boulevard
Dublin, California 94568

NOTICE OF INTENT TO DESIGNATE SERVICES UNSATISFACTORY

Union: IFPTE, Local 21
Class/Title: 1244 Senior Human Resources Analyst
Program: Human Resources

Dear Mr. Harris:

On January 23, 2019, you resigned from employment with the City and County of San Francisco. A copy of your resignation letter is attached.

The Appointing Officer or designated representative is required to certify to the satisfactory or unsatisfactory nature of the resignee's services. After reviewing your employment history with the Agency, we have decided to designate your services as unsatisfactory. Specifically, upon consultation with Kaiser Permanente we determined that your December 11, 2018 note placing you off work was fraudulent.

Based on the above information, we will be recommending to the Civil Service Commission that your future employment with the City and County of San Francisco be restricted. The restriction(s) will be as follows:

No Future Employment with the City and County of San Francisco

You have the right to a review of our decision before the Appointing Officer or his designee. The request for this review must be made within five business days of the postmarked mailing date of this letter. You are entitled to Union representation at that meeting. If no request is received, the Agency will proceed with the unsatisfactory designation.

If this matter is subject to the California Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

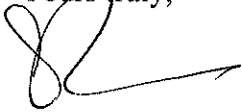
February 15, 2019

Notice of Intent to Designate Services Unsatisfactory - Jared Harris

Page Two

If you or your representative has any questions regarding this matter, please contact me at (415) 557-6615.

Yours truly,

A handwritten signature in black ink, appearing to be 'Sharee Nisha', with a long horizontal stroke extending to the right.

Sharee Nisha

Human Services Agency

Labor Relations Manager

Attachment: Resignation letter - effective January 23, 2019, one page

cc: Luenna Kim, Director of Human Resources, HSA

City and County of San Francisco



London Breed, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services
Office of Early Care and Education

Trent Rhorer, Executive Director

TO: Human Resources
Operations Unit
1650 Mission, 2nd Floor, San Francisco

I hereby voluntarily resign from my position as a(n) 1244 SR. HR ANALYST effective
close of business (COB) 1/23/2019 Date
Class No. and Title

I understand that, if I am qualified, I shall receive a lump sum payment for any vacation and/or
compensatory hours earned but not used.

[Signature]
Signature of Employee



JARED HARRIS
Print Name of Employee

2/19/2019
Date

FOR SUPERVISOR OR MANAGER USE ONLY:

- This is to certify that the above employee's services have been satisfactory
- This is to request that the above employee's services be marked unsatisfactory and that his/her future employability be determined by the Civil Service Commission. I understand that this request will not be considered unless supporting documentation is attached.

Signature of Supervisor

Phone Number

Program Name

Print Name of Supervisor

Date

EXHIBIT 13

City and County of San Francisco



London Breed, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

SENT VIA CERTIFIED U.S. MAIL AND EMAIL TO [REDACTED]

February 26, 2019

Jared A. Harris
[REDACTED]

Alameda County Sheriff's Office
c/o Jared Harris, [REDACTED]
5325 Broder Boulevard
Dublin, California 94568

NOTICE OF RESIGNATION – UNSATISFACTORY SERVICES

Union: IFPTE, Local 21
Class/Title: 1244 Senior Human Resources Analyst
Program: Human Resources

Dear Mr. Harris:

Please be advised that you resigned from your permanent position as a Class 1244 Senior Human Resources Analyst at Human Services Agency, effective January 23, 2019.

In the Notice of Intent to Designate Services Unsatisfactory, dated February 15, 2019, you were notified that the Agency intended to designate your services as unsatisfactory, based on the documentation that was mailed to you. In accordance with procedure, you were given the opportunity to discuss the recommendation for unsatisfactory services before the Appointing Officer or his designee.

COB 3/8/19 SM

As of this date, no request for such a meeting was received from you within the timelines specified. Therefore, this letter is to notify you that your services have been designated as unsatisfactory.

In addition, the Agency is recommending to the Civil Service Commission that your future employment with the City and County of San Francisco be restricted as follows:

No Future Employment with the City and County of San Francisco

See attached DHR 1-13e Form – Notice of Future Employment Restrictions.

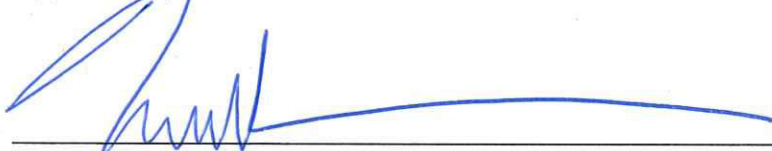
In regards to your future employability, you may request a hearing with the Civil Service Commission within twenty (20) calendar days of the mailing date of this letter or from the date

February 26, 2019
Notice of Resignation – Unsatisfactory Services
Page 2

of separation whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.

If this matter is subject to the California Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

Approved by:



Trent Rhorer, Executive Director, Human Services Agency

Reviewed and Recommended by:



Sharee Nisha, Employee/Labor Relations Manager

- Attachments:
- 1) Notice of Intent to Designate Services Unsatisfactory, dated February 15, 2019 – three (3) pages.
 - 2) DHR 1-13e Form - Notice of Future Employment Restrictions, two (2) pages.
 - 3) Separation Report - two (2) pages

cc: Daniel Kaplan, Deputy Director for Administration, HSA*
Luenna Kim, Director of Human Resources*
Personnel File
Livelink

* No attachments



London Breed, Mayor

Department of Human Services
Department of Aging and Adult Services
Office of Early Care and Education

Trent Rhorer, Executive Director

SENT VIA CERTIFIED U.S MAIL AND EMAIL TO [REDACTED]

February 15, 2019

Jared A. Harris
[REDACTED]

Alameda County Sheriff's Office
c/o Jared Harris, [REDACTED]
5325 Broder Boulevard
Dublin, California 94568

NOTICE OF INTENT TO DESIGNATE SERVICES UNSATISFACTORY

Union: IFPTE, Local 21
Class/Title: 1244 Senior Human Resources Analyst
Program: Human Resources

Dear Mr. Harris:

On January 23, 2019, you resigned from employment with the City and County of San Francisco. A copy of your resignation letter is attached.

The Appointing Officer or designated representative is required to certify to the satisfactory or unsatisfactory nature of the resignee's services. After reviewing your employment history with the Agency, we have decided to designate your services as unsatisfactory. Specifically, upon consultation with Kaiser Permanente we determined that your December 11, 2018 note placing you off work was fraudulent.

Based on the above information, we will be recommending to the Civil Service Commission that your future employment with the City and County of San Francisco be restricted. The restriction(s) will be as follows:

No Future Employment with the City and County of San Francisco

You have the right to a review of our decision before the Appointing Officer or his designee. The request for this review must be made within five business days of the postmarked mailing date of this letter. You are entitled to Union representation at that meeting. If no request is received, the Agency will proceed with the unsatisfactory designation.

If this matter is subject to the California Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

February 15, 2019

Notice of Intent to Designate Services Unsatisfactory - Jared Harris

Page Two

If you or your representative has any questions regarding this matter, please contact me at (415) 557-6615.

Yours truly,



Sharee Nisha
Human Services Agency
Labor Relations Manager

Attachment: Resignation letter - effective January 23, 2019, one page

cc: Luenna Kim, Director of Human Resources, HSA

City and County of San Francisco



London Breed, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services
Office of Early Care and Education

Trent Rhorer, Executive Director

TO: Human Resources
Operations Unit
1650 Mission, 2nd Floor, San Francisco

I hereby voluntarily resign from my position as a(n) 1244 SR. HR Analyst effective
close of business (COB) 1/23/2019 Class No. and Title
Date

I understand that, if I am qualified, I shall receive a lump sum payment for any vacation and/or
compensatory hours earned but not used.

[Signature]
Signature of Employee

[Redacted]
Home Address

JARED HARRIS
Print Name of Employee

2/19/2019
Date

FOR SUPERVISOR OR MANAGER USE ONLY:

This is to certify that the above employee's services have been satisfactory

This is to request that the above employee's services be marked unsatisfactory and that
his/her future employability be determined by the Civil Service Commission. I understand
that this request will not be considered unless supporting documentation is attached.

[Signature]
Signature of Supervisor

415 5576615
Phone Number

Human Resources
Program Name

Sharee Nisha
Print Name of Supervisor

2/15/19
Date



NOTICE OF FUTURE EMPLOYMENT RESTRICTIONS

Jared A. Harris
Employee Name
[Redacted]
Street Address
[Redacted]
City State Zip

02/27/2019
Mailing Date
Human Services Agency/Human Resources
Department/Division
Permanent Civil Service
Type of Appointment

This notice is to inform you that a future employment restriction is being imposed along with your separation action, or with the action of automatic resignation, reported to the Department of Human Resources separating you from your position in Class 1244, Title Senior HR Analyst, effective 01/24/2019, for the reasons outlined in the attached document(s).

The items checked below are the restrictions made by the department on your future employability for positions covered by the San Francisco civil service system:

<input type="checkbox"/> No Restrictions on Employment	<input checked="" type="checkbox"/> Citywide	<input type="checkbox"/> Department(s): _____
<input checked="" type="checkbox"/> Permanent Restriction	<input type="checkbox"/> DOT/SAPP	<input type="checkbox"/> Job Code(s): _____
<input type="checkbox"/> Conditional Restriction	<input type="checkbox"/> Cancel Current Examination & Eligibility Status	

Conditional restrictions may be lifted by proving you have satisfactorily met the following requirements:




Requirement Type	Description:	Level of Measurement:	Measurement Value:
CER: Certification			
EXP: Work Experience			
LIC: Licensure			
SAP: Substance Abuse Program			
Other:			

In addition to the noted conditional restrictions, you are also restricted from specific attributes of a job class and/or department until you satisfactorily prove you meet the requirements to lift the restriction(s) as noted below:

Future Employment Restrictions	Description:	Level of Measurement:	Measurement Value:
001: Vehicle/Heavy Machinery			
002: Vulnerable Populations			
003: Face to Face Contact w/Public			
004: Contact w/Animals			
005: Signing/Approving City Docs			
006: Financial Instruments			
007: Confidential/Privileged Information			
008: IT Infrastructure			
009: Means of Entry to Living Spaces			
010: Pharmaceutical/Drug Inventory			
011: CDC Defined Toxins			
012: Weapons/Explosives			
013: City Property Valued > \$100			
014: Electronic Voting Systems			

You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission within 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by 03/18/19. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action to confirm the restriction(s) in effect on the date of separation (Note: Future Employment Restriction(s) effective immediately).

If this matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, the time by which judicial review must be sought is set forth in CCP Section 1094.6. (SEE BELOW)

MUST BE COMPLETED BY DEPARTMENT			
List #:		Rank #: <u>1</u>	<input type="checkbox"/> Pending <input checked="" type="checkbox"/> Final Status of Action
DSW:			
Emp Organization:	<u>IFPTE, Local 21</u>		 _____ OFFICE OF APPOINTING OFFICER
METHOD OF SERVICE:			
<input type="checkbox"/>	Hand Delivered	<u>Trent Rhorer</u>	NAME
<input checked="" type="checkbox"/>	Certified Mail	<u># 7006 08100005397978</u>	Executive Director
		<u># 7008 0130006061670AS</u>	TITLE

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

- This document serves as an official notice of future employment restrictions imposed with the Notice of Automatic Resignation from Employment to the former employee or with a Separation Action that is subject to the provisions of a collective bargaining agreement, to the Civil Service Commission, and the Department of Human Resources.
- A separated employee may request a hearing before the Civil Service Commission only for review of any restrictions on their future employability with the City and County of San Francisco.
- Such appeals or requests for hearing must be in writing and received from the employee or the employee's representative by the date specified on this notice. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
- An employee who requests a hearing within the time limits is entitled to:
 - Representation by an attorney or authorized representative of her/his own choice.
 - Notification of date, time, and place of hearing at a reasonable time in advance.
 - Inspection by the employee's attorney or authorized representative of those records and materials on file with the Civil Service Commission which relate to the restrictions on future employability.
- Any interested party may request that the hearing be continued or postponed.
- The decision of the Civil Service Commission is final and not subject to reconsideration.
- In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

City and County of San Francisco
Micki Callahan
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

SEPARATION REPORT

INSTRUCTIONS: Please complete the Separation Report to:

- 1. Document internal departmental processes. Please do not send to DHR.
- 2. Document that the employee separation is not a complete separation from City service, Separation Report must be completed by the sending department and submitted to the receiving department to be attached to the AP ESR.
- 3. To process a layoff. Please send to the DHR layoff coordinator.
- 4. To administer a settlement agreement involving the separation of the employee-submit documentation to your Client Services Representative. (Reference TER_RZA)*

Date of Request: 2/26/2019

Department Contact: Sharee Nisha Email: Sharee.Nisha@sfgov.org Phone: (415) 557-6615

SECTION I: PERSONAL AND JOB INFORMATION

Name (Last, First, M.I.): Harris, Jared A. Employee I.D. [REDACTED]

Job Code: 1244 Job Title: Senior Human Resources Analyst

Position Number: 01082966 Hourly Rate: \$49.7625 Step: 2 Effective Date: 1/24/2019

Empl. Class: PCS Work Schedule: Full-Time

Is the employee serving a probationary period at the time of the separation? Yes No

Is this a complete separation from City and County Service? Yes No

If no, continuing in:
Department Code: (Select One) Status: _____ Job Code: _____ Effective Date: _____

Is employee granted leave pursuant to Civil Service Rule 120.31? Yes No

If no, is employee a transfer? No Yes, type of Transfer: (Select One)

SECTION II: SEPARATION INFORMATION

Resignation

Satisfactory Services (TER_RSS) Unsatisfactory Services (TER_RUS)
(Form DHR 1-13 must be on file)

By the appointee: I hereby freely and voluntarily resign from the above position. I request approval of this resignation as of the effective date with the full understanding that once approved, I may acquire another position in this class only as provided in the rules of the Civil Service Commission (see employee copy and CSC Rules 114&119).

See attached resignation letter dated 1/19/19

Employee Signature Date

Lay-off

Involuntary Leave (PCS_LIL) Elective Involuntary Leave (PCS_EIL)
 Involuntary Lay-off (PCS_LIO) Voluntary Lay-off (PCS_LVO)
 (PV & EX Only): (Select One)

Reason for lay-off: (Select One)

Employee acknowledges receipt of the DHR information leaflet.

Employee Signature Date

SEPARATION REPORT

DEPARTMENT USE ONLY

Termination

Settlement Agreement (TER_RZA)
*(Separation Report and Settlement Agreement must be forwarded to Client Services Rep.)

Release from appointment: (Select One)

Release from probation: (Select One)

Dismissal: (Select One)

Terminated for cause (TFC) (TPV,NCS, & Exempts only)

Automatic Resignation (ARS)

Never Reported to Work (DSH)

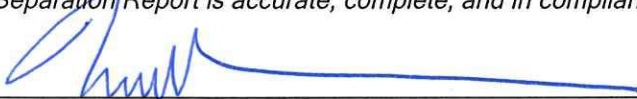
Death of an employee (DEA)

Other (Specify): _____

Retirement: (Select One)

DEPARTMENT CERTIFICATION

The Appointing Officer/Authorized Designee named below hereby certifies that the information provided on this Separation Report is accurate, complete, and in compliance with applicable CCSF rules and policies.



Appointing Officer/Authorized Designee Signature

(415) 557-6615
Telephone

Name/Title: Trent Rhorer, Executive Director

Department Number: 45 Department Name: Human Services Agency

Personnel File Forwarded? Yes No

Forwarded to:
Department: _____ Contact: _____

DHR USE ONLY

Action Pending? Yes No

Analyst Name _____ Telephone _____

SR Ref Number: _____ Holdover Canvass: _____

Reference Number used for layoff actions: _____