



**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

Tyree Robinson

**SUBJECT: REQUEST FOR A HEARING BY TYREE ROBINSON, SENIOR CLERK TYPIST,
(1426) SF POLICE DEPARTMENT ON THEIR FUTURE EMPLOYMENT
RESTRICTION WITH THE CITY AND COUNTY OF SAN FRANCISCO.**

Dear Tyree Robinson:

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: Chief William Scott, San Francisco Police Department
Ashley L. Worsham, San Francisco Police Department
Benjamin Houston, San Francisco Police
Matthew Torres, SEIU Local 1021 matthew.torres@seiu1021.org
Carol Isen, Department of Human Resources
Shawn Sherburne Assistant Director, Department of Human Resources
Anna Biasbas, Department of Human Resources
Paul Greene, Department of Human Resources
Stella Choi, 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: 0046 - 21 - 7
2. For Civil Service Commission Meeting of: September 18, 2023
3. Check One:
 - Ratification Agenda
 - Consent Agenda
 - Regular Agenda
 - Human Resources Director=s Report
4. Subject: Former (1426) Senior Clerk Typist Tyree Robinson is appealing his Future Employment Restriction with the CCSF.
5. Recommendation: Adopt the Staff Report, Deny his appeal and uphold the Future Employment Restriction against the CCSF.
6. Report prepared by: Ashley Worsham Telephone number: (415) 837-7157
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).**
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: 

Date: 8/28/2023
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

**Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102**
10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

<u>CSC RECEIPT STAMP</u>

Attachment

Notification:

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Tyree Robinson (Appellant)



DEPARTMENT OF HUMAN RESOURCES

STAFF REPORT

DATE: Wednesday, May 10, 2023

TO: The Honorable Civil Service Commission

THROUGH: Carol Isen, Human Resources Director

FROM: Ashley L. Worsham, Legal Counsel, San Francisco Police Department – Internal Affairs Division

SUBJECT: **Appeal of the San Francisco Police Department Decision on Future Employment Restrictions for Tyree Robinson, 1426 Senior Clerk, Civil Service Register #0046-21-7**

San Francisco Police Department Recommendation

Deny Tyree Robinson’s appeal of employment restriction “No Future employment with the San Francisco Police Department and City and County of San Francisco” imposed by the San Francisco Police Department.

Authority

Civil Service Rule 122.1.4 provides:

- 1) The employee has the right to a hearing before the Civil Service Commission provided that a request for hearing is made in writing and is received by the Executive Officer within twenty (20) calendar days from the date of termination of appointment or from the date of mailing of the Notice of Termination whichever is later. In the event the 20th day falls on a non-business day, the deadline shall be extended to the close of business of the first (1st) business day following the 20th day.
- 2) The decision of the Civil Service Commission may affect any future employment with the City and County of San Francisco.

Background

Appointment Date/Date of Hire:

Mr. Tyree Robinson was hired by the San Francisco Police Department as a 1426 Senior Clerk Typist on January 24, 2001. Mr. Robinson resigned from the San Francisco Police Department

effective December 16, 2020. Prior to his resignation from the Department, Mr. Robinson, as a Senior Clerk Typist, had four pending disciplinary cases involving several allegations of misconduct. These allegations included Inattention to Duty, Mistreatment of Others, Failure to Notify the Department of Secondary Employment, Poor Attendance, and Insubordination. An outside hearing officer recommended that Mr. Robinson be dismissed from his position as a 1426 Senior Clerk Typist. After receiving the *Skelly* decision, the Department learned that Mr. Robinson had resigned as part of his Worker's Compensation case.

Based upon the IAD-Admin investigation, and the *Skelly* decision, the Department recommended that Mr. Robinson be restricted from future employment with the San Francisco Police Department and City and County of San Francisco.

IAD Investigations – Summaries From the Investigative Files (Attachment A):

1. IAD-Admin Case #2018-0102:

In IAD-Admin Case #2018-0102, the IAD-Admin investigation concluded that Mr. Robinson failed to follow proper procedures for the handling of Special Victims Unit reports, that Mr. Robinson failed to timely process 428 report requests, and that Mr. Robinson failed to attend training without notifying his supervisors of his absence. This conduct violated Department General Order 2.01, Rules 4, 5 and 10.

Inattention to Duties - Failure to Follow Proper Procedure for SVU Reports Requests:

On June 4, 2018, Mr. Robinson was assigned to the Crime Information Services Unit ("CISU"). CISU has a policy that mandates that all Special Victim Unit ("SVU") related report requests be processed electronically to comply with the current state laws governing those cases. California Family Code §6228 requires that SVU reports be provided to a victim or his/her representative within five (5) working days of the request. On October 13, 2017, Mr. Robinson was notified by email of the change in policy regarding SVU reports. The email specifically stated that effective Monday, October 16, 2017, all SVU report requests would be sent electronically. Mr. Robinson's supervisor, Mark Antonio, reviewed this procedure with him again on May 22, 2018. Despite having been trained on the proper procedure for processing SVU report requests, Mark Antonio located four requests that had not been properly processed. Three of them were date stamped as received by CISU-Records on May 18, 2018, and May 21, 2018. The fourth one was not stamped at all. These reports were not forwarded to SVU until June 4, 2018, approximately two weeks after they were received, and Mr. Robinson used interdepartmental mail to route the SVU requests which added additional days to the processing time. The SVU report requests should have been sent electronically pursuant to Department policy. On September 5, 2018, IAD-Admin interviewed Mr. Robinson, and he stated that he did not know why he sent the requests via interdepartmental mail rather than electronically. Mr. Robinson confirmed that he was aware of the proper procedures. The Department alleged that Mr. Robinson's failure to properly process the requests for SVU reports was considered Neglect of Duty in violation of Department General Order 2.01, Rule 10.

Inattention to Duties - Failure to Process 428 Report Requests:

On Friday, June 2, 2017, Mark Antonio checked the work bin for mailed in report requests. There were 80 requests pending and these requests were part of Mr. Robinson's daily work responsibilities as a Senior Clerk Typist. The requests were dated May 8, 2017, through May 25, 2017. Pursuant to Government Code §6250(c), agencies have 10 calendar days to respond to a records request. Forty-two requests out of 80 were already due. Mr. Robinson had a history of keeping work in his desk where coworkers were unable to see any pending requests. On June 12, 2018, Mark Antonio found 428 unprocessed report requests dating back to September 2017 inside Mr. Robinson's desk drawer. This issue had previously been discussed with Mr. Robinson on March 6, 2018, and again on May 22, 2018. At that time, Mr. Robinson confirmed to Mark Antonio that he had been putting the unfinished requests back in a bin so that another clerk could process the requests. IAD-Admin interviewed Mr. Robinson on September 5, 2018 regarding these allegations. During the interview, Mr. Robinson admitted that he had been placing report requests inside his desk drawer when he was unable to complete the requests before the end of his shift. This issue was specifically identified on Mr. Robinson's 2017-2018 Performance Plan and Appraisal Report, Section III (2). In fact, he signed his Performance Plan and Appraisal Report on August 10, 2017 and again on March 6, 2018. During Mr. Robinson's IAD-Admin interview, he confirmed that he was aware that the number of requests kept increasing. The Department alleged that Mr. Robinson's conduct was considered Neglect of Duty in violation of Department General Order 2.01, Rule 5.

Inattention to Duties - Failure to Attend Scheduled Training Without Notification to Supervisors:

On June 20, 2018, Sgt. Smalley, of CISU, notified Mr. Robinson of his scheduled training at the SFPD Academy on June 25, 2018, from 0700 hours until 1500 hours. Mr. Robinson received notification of this training via email, and on June 22, 2018, he acknowledged receipt of this information via email. On June 25, 2018, Sgt. Brown contacted the Academy to confirm Mr. Robinson's attendance at the class. At that time, she learned that he had not signed in for the class. Sgt. Brown contacted the Academy a second time and learned that Mr. Robinson had not attended the afternoon training either. Sgt. Brown then requested that a Taraval unit attempt to make contact with him at his residence and he was found at home. During Mr. Robinson's IAD-Admin interview, he stated that he suffered from insomnia and sleep apnea and that he had been awake all night and that he was still asleep at 0700 hours on June 25, 2018. Mr. Robinson stated that he called the CIS sick line, but later admitted that he did not call into work until after the Taraval unit had contacted him. It was later discovered that he told another employee that he was at home due to a leg injury from a prior accident. The Department alleged that Mr. Robinson engaged in Neglect of Duty when he failed to attend his required training and when he failed to notify a supervisor in a timely manner in violation of Department General Order 2.01, Rule 4.

2. IAD-Admin Case #2018-0201:

In IAD-Admin case 2018-0201, the IAD-Admin investigation concluded that Mr. Robinson was insubordinate, rude and unprofessional and that he failed to address his supervising officers by the proper title according to Department policy. This conduct violated Rules 9, 12 and 13 of Department General Order 2.01.

Mistreatment of Others/Insubordination - Disrespect towards Supervisors:

On October 17, 2018, Sgt. Patricia Brown #1555 authored a memorandum documenting an incident that had occurred during her interaction with Mr. Robinson on October 16, 2018. As a result of an immediate need for a secure locking cabinet, Lt. David Falzon directed Sgt. Brown to look for a secure cabinet for his office. A similar cabinet was in CISU room 1021. Based upon Lt. Falzon's immediate needs, Sgt. Brown was directed to empty the file cabinet for his use. At the time, Mr. Robinson was using the file cabinet. Sgt. Brown took extra care and precaution and neatly placed all of Mr. Robinson's property into boxes. Sgt. Brown had every intention of informing Mr. Robinson of Lt. Falzon's needs regarding the file cabinet he had been using.

Sgt. Brown repeatedly checked to see if Mr. Robinson was at work that day but no one had seen Mr. Robinson. She checked the sick line and found that Mr. Robinson had left a message stating that he would be late. At about 1830 hours, Mr. Robinson knocked on the door to the Sergeant's office which was open, and Sgt. Brown greeted him. She described Mr. Robinson as mad, breathing heavily, with his face and hands trembling and his voice was shaky. At this time, Mr. Robinson informed Sgt. Brown that he had been given "heads up" that his cabinet had been reassigned, and he wanted to know why his privacy had been violated. Mr. Robinson addressed Sgt. Brown in a loud tone and spoke over her repeatedly. He referred to Lt. Falzon as "Falzon," and stated that Lt. Falzon was trying to "get back at him." Mr. Robinson repeatedly interrupted Sgt. Brown. Sgt. Brown attempted to explain that Lt. Falzon had an immediate need for the cabinet. Mr. Robinson then raised his voice, and forcefully, with great agitation, stiffened his body and demanded to know from Sgt. Brown how she knew what he was thinking. Mr. Robinson stated, "How do you know what I was thinking? Are you in my head? You can't speak what's in my mind!" Sgt. Brown stated that Mr. Robinson spoke to her with a clear patent disregard for her authority as a supervisor.

At 1845 hours, Sgt. Brown called Lt. Falzon and explained what had transpired. Sgt. Brown then informed Mr. Robinson that Lt. Falzon was returning to the office. In response to that statement, Mr. Robinson responded in a confrontational, loud and angry tone, "No!" Mr. Robinson refused to speak to anyone without a union representative and he told Sgt. Brown "You can tell him that!" Mr. Robinson also told her that "You can let him know that I am not talking to him. Go ahead, go tell him!" Mr. Robinson's insubordination, tone and anger were visible to other staff members who were present.

At 1900 hours, Lt. Falzon and Sgt. Brown walked into the Public Counter Room and attempted to speak with Mr. Robinson. Mr. Robinson remained seated, with his focus on

his computer screen while he texted on his personal cell phone. Mr. Robinson refused to acknowledge Lt. Falzon's presence and spoke to him in a loud and unprofessional tone. Lt. Falzon tried to explain to Mr. Robinson that a union representative was not necessary because this was not a disciplinary issue, however, in an angry tone, Mr. Robinson refused to speak to Lt. Falzon without a representative present. Mr. Robinson then told Lt. Falzon that "Your Sergeant should've told you not to come!" He then told Lt. Falzon, "You can go. Go ahead and go! Leave! If she didn't call you and tell you not to come, that's on you! I told her what do! I don't care! I'm not talking to you! Goodbye!" Mr. Robinson was described as indignant and erratic in his responses.

Lt. Falzon attempted to give Mr. Robinson some time to reflect on his reaction and how he was speaking to his supervisors. But after approximately 10 minutes, Mr. Robinson's demeanor remained the same. He refused to face the Lieutenant. His body was in a tight position and he had a clenched jaw. Lt. Falzon asked if he was ready to go into his office and discuss the matter. Mr. Robinson refused. Lt. Falzon then gave Mr. Robinson a direct order to report to his office, and he replied, "No." Mr. Robinson refused to make eye contact, and Lt. Falzon directed him to turn away from his computer and face him. Mr. Robinson responded by saying, "I don't have to" and then started using his personal cell phone. Lt. Falzon directed Mr. Robinson to put the phone down and he responded by saying, "I own this phone." Despite stating that he needed Mr. Robinson's attention, Mr. Robinson told Lt. Falzon, that he was "on break." When Lt. Falzon questioned him about his breaks and when they were scheduled, Mr. Robinson responded by saying, "Because I say so!" During the entire incident, Mr. Robinson never addressed Sgt. Brown or Lt. Falzon by rank or title, and he remained angry, hostile and unprofessional throughout the interaction. Later that evening, Mr. Robinson reported to Southern Station and filed a police report regarding the interaction with Lt. Falzon. On October 19, 2018, Mr. Robinson filed a complaint with the Department of Police Accountability regarding his interaction with Lt. Falzon. The Department alleged that Mr. Robinson's conduct, directed to Sgt. Brown and Lt. Falzon was rude, disrespectful and unprofessional in violation of Department General Order 2.01, Rules 9, 12 and 13.

3. IAD-Admin Case 2019-0113:

In IAD-Admin case 2019-0113, the IAD-Admin investigation concluded that Mr. Robinson was disrespectful towards his supervisors, and that he failed to report for duty as required by Department policy. This conduct violated Rules 4 and 13 of Department General Order 2.01.

Insubordination and Disrespect towards Supervisors/Poor Attendance:

On November 5, 2018 at approximately 1710 hours, Sgt. Stephen Smalley and Chief Clerk Mark Antonio met with Mr. Robinson in the front counter room. The purpose for the meeting was to serve Mr. Robinson with IAD-Admin paperwork and to review his Performance Improvement Plan (PIP). Mr. Robinson was served with the IAD-Admin notice, however, when informed they were going to review his PIP with him, Mr. Robinson became agitated, started to shake, and stated that he would not review any PIP.

Mr. Robinson then asked for a union representative. Sgt. Smalley explained that the PIP review was non-punitive, and that he was not entitled to representation. Again, Mr. Robinson refused to participate in the PIP review.

At this time, Mark Antonio served Mr. Robinson with a watch-change notice and Mr. Robinson responded by saying, "You can't do that" and "I'm not working this!" Mr. Robinson then repeated his request for a union representative and attempted to call someone on his personal cell phone. Sgt. Smalley told Mr. Robinson to stop using his phone because he was at work and in a meeting with him and Mark Antonio. Mr. Robinson then replied that he was "on break." At this time, Mr. Robinson informed Sgt. Smalley and Mark Antonio that he was going to record them. Mr. Robinson was instructed not to record them but continued to point his in their direction. Due to Mr. Robinson's insubordination and uncooperative behavior, Sgt. Smalley and Mark Antonio were unable to conduct a performance review meeting with Mr. Robinson.

The Department determined that Mr. Robinson's conduct during the meeting was inappropriate, unprofessional and out of proportion to the context of the meeting. Mr. Robinson refused to participate in a non-disciplinary performance review, he refused to accept the watch change, and he refused to follow Sgt. Smalley's directive not to use his personal cell phone to record either of them. Mr. Robinson's conduct constituted Conduct Unbecoming a Member in violation of Rule 13 of Department General Order 2.01.

Poor Attendance/Inattention to Duties – Failure to Report for Duty:

On November 7, 2018, Sgt. Brown checked the Public Reception Area at 1520 hours, and could not locate Mr. Robinson. His shift started at 1500 hours. Sgt. Brown checked the sign-in sheet and noticed that Mr. Robinson had not signed in. Sgt. Brown also checked the "Sick Line," but there were no messages from Mr. Robinson. His supervisors then attempted to call him at home, however, there was no answer. Chief Clerk Antonio left a voicemail. At 1605 hours, Sgt. Brown checked the "Sick Line" again, and discovered a voicemail from Mr. Robinson stating that he was sick and would not be reporting for work. Mr. Robinson's failure to report for duty or provide a timely sick notification unnecessarily consumed and burdened resources for the CIS unit. Mr. Robinson's conduct was considered Neglect of Duty in violation of Rule 4 of Department General Order 2.01.

4. IAD-Admin Case number 2020-0063

In IAD-Admin case 2020-0063, the IAD-Admin investigation concluded that Mr. Robinson failed to notify the Department of his secondary full-time employment with the San Francisco Unified School District and that he failed to comply with multiple requests from IAD-Admin that he appear for and answer questions as required by Department policy. Mr. Robinson's conduct violated Department General Order 11.02 and Rule 21 of Department General Order 2.01.

Failure to notify the Department of secondary employment - Conduct Unbecoming:

On February 20, 2020, the Department of Human Resources noticed Mr. Robinson about the outcome of a complaint of discrimination. In the letter, DHR stated “[y]ou (Mr. Robinson) are currently employed as an R40 Community Relations Elementary Advisor for the San Francisco Unified School District (SFUSD). Between January 16, 2001 and December 28, 2019, Mr. Robinson was a 1426 Senior Clerk Typist for SFPD.” A review of Mr. Robinson’s FMLA leave requests show that he was on FMLA leave from June 15, 2018, until June 14, 2019 and then on FMLA/Sick Leave from November 5, 2018 to May 31, 2019. Mr. Robinson then went on extended Sick Leave from June 1, 2019 until August 31, 2019. Mr. Robinson have been on extended sick leave since September 2019 until December 16, 2020.

On April 29, 2020, the Department learned that Mr. Robinson had accepted another job with the San Francisco Unified School District on February 10, 2020 but had never separated from the Department. Specifically, Mr. Robinson was on Sick Leave when HR Director Daniel Menezes confirmed that he was currently employed in a fulltime position with SFUSD and assigned to Malcolm X Middle School. Staff Services confirmed that he had not separated from the Department, and that he did not have a Secondary Employment application on file. SF People & Pay shows that the SFUSD hired Mr. Robinson on February 10, 2020, for the job title R40 despite being on extended FMLA leave from the SFPD. Mr. Robinson did not file for secondary employment as required by Department policy, and he failed to notify the Department that he had accepted a full-time position with SFUSD. The Department determined that Mr. Robinson’s conduct constituted Conduct Unbecoming a Member in violation of Department General Order 11.02.

Insubordination – Failure to Cooperate with IAD-Admin:

Initial interview notices were sent to both Mr. Robinson’s Department email account and his personal email account; however, IAD-Admin never received a response. On June 18, 2020, IAD-Admin hand delivered an interview notice to Mr. Robinson’s home address and placed it at the door. Again, IAD-Admin never received a response. On July 1, 2020, a Notice of IAD-Admin Interview via Teams was sent to Mr. Robinson’s Union representative Evan McLaughlin, but Mr. Robinson refused to participate in any IAD-Admin interview related to IAD-Admin case 2020-0063. Mr. Robinson was also unavailable for IAD-Admin interviews in 2018-0201 and 2019-0113. The interview notice was a direct order, and Mr. Robinson had an obligation to comply with direct orders from the Chief of Police, but he refused to do so. The Department determined that Mr. Robinson’s conduct constituted Neglect of Duty and Conduct Unbecoming in violation of Rule 21 of Department General Order 2.01.

The Department maintained that Mr. Robinson’s misconduct, as described above, was grounds for dismissal and for the restriction regarding employment with the San Francisco Police Department and within the City and County of San Francisco.

Sustained Facts/Findings:

- Inattention to Duties - Failure to follow proper procedures regarding Special Victim Unit ("SVU") related report requests;
- Inattention to Duties - Failure to properly process 428 report requests;
- Inattention to Duties - Failure to attend scheduled training;
- Mistreatment of others - Failure to remain professional during interaction with supervisors;
- Mistreatment of others - Failure to properly address supervisors; Failure to remain respectful towards supervisors;
- Mistreatment of others - Failure to be Respectful towards Supervisors;
- Poor Attendance - Failure to Report for Duty;
- Failure to Notify the Department of Secondary Employment; and
- Insubordination - Failure to Cooperate with an Administrative Investigation.

The Department policies and procedures that Mr. Robinson violated are listed below:

Rule 10 of Department General Order 2.01 of the San Francisco Police Department states:

WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of supervisors. (See DGO 3.01, Written Communication System)

Rule 5 of Department General Order 2.01 of the San Francisco Police Department states:

PERFORMING DUTIES. Members shall perform their duties promptly and according to Department policies and procedures.

Rule 4 of Department General Order 2.01 of the San Francisco Police Department states:

REPORTING FOR DUTY. Member shall report for duty at the time and place required and be physically and mentally fit to perform their duties.

Rule 9 of Department General Order 2.01 of the San Francisco Police Department, states:

MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

Rule 12 of Department General Order 2.01 of the San Francisco Police Department, states:

ADDRESSING SUPERIOR OFFICERS. Members shall, at all times, address superior officers by title of rank.

Rule 13 of Department General Order 2.01 of the San Francisco Police Department states:

RESPECTFULNESS. Members shall be respectful to superiors at all times.

Rule 21 of Department General Order 2.01 of the San Francisco Police Department states:

COOPERATION WITH INVESTIGATION. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights).

Department General Order 11.02, II (A)(3) states:

WRITTEN PERMISSION. Officers shall not engage in secondary employment or any other business or calling without prior written permission from the Chief of Police. Officers who are suspended or are on leave of absence without pay are exempt from this provision; however, they are subject to Charter provisions, Department policies and procedures, and all other provisions of this order.

As a result of four IAD-Administrative investigations, The Chief of Police recommended that Mr. Robinson be terminated from his employment as a 1426 Senior Clerk Typist. Mr. Robinson resigned on December 16, 2020. Dolores Blanding, Human Resources Specialist recommended termination.

Based upon the facts contained in the IAD Administrative investigation, the Department restricted Mr. Robinson's future employment with the San Francisco Police Department, and the City and County of San Francisco.

Recommendation

Adopt the report and deny the appeal filed by Mr. Robinson.

Exhibits

- A. Investigative Summaries from IAD-Admin Cases: 2018-0102, 2018-0201; 2019-0113 and 2020-0063
- B. Department General Order 2.01
- C. Department General Order 2.03
- D. Department General Order 11.02

Notification:

Chief William Scott
Office of the Chief of Police
San Francisco Police Headquarters
1245 3rd Street, Room 6171
San Francisco, CA 94158
415-837-7003

Ashley L. Worsham
Managing Attorney - Internal Affairs Division
San Francisco Police Department
1245 3rd Street, Fourth Floor
San Francisco, CA 94158
Telephone: (415) 837-7157
Fax Number: (415) 575-6094

Commander Gaetano Caltagirone
San Francisco Police Department
1245 3rd Street, Fourth Floor
San Francisco, CA 94158
415-837-7175

Mr. Benjamin Houston, MS
Human Resources Manager
San Francisco Police Headquarters
1245 3rd Street - 5th Floor
San Francisco, CA 94158
(415) 837-7390
(415) 837-7236 - fax

Matthew Torres
Field Representative
SEIU, Local 1021
350 Rhode Island Street, Suite 100
San Francisco, CA 94103
Phone: (415) 717-8331
Matthew.torres@seiu1021.org

Carol Isen
Human Resources Director
Department of Human Resources
1 So. Van Ness – 4th Floor
San Francisco, CA 94103

Shawn Sherburne
Assistant Director, Employment Services
Department of Human Resources
1 So. Van Ness – 4th Floor
San Francisco, CA 94103

Anna Biasbas, Director
Employment Services
Department of Human Resources
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Paul Greene
Supervising Human Resources Consultant
Department of Human Resources
1 So. Van Ness – 4th Floor
San Francisco, CA 94103

Stella Choi
Senior Human Resources Consultant
Department of Human Resources
1 So. Van Ness – 4th Floor
San Francisco, CA 94103

Tyree Robinson (Appellant)

San Francisco, CA 94103

MEMORANDUM

TO: Ashley Worsham, Internal Counsel
San Francisco Police Department

FROM: Dolores A. Blanding, Human Resources Specialist (Prop F)

DATE: February 4, 2021

SUBJECT: Skelly Decision on Recommendation to Dismiss Tyree Robinson from his Permanent Civil Service (PCS) position in Class 1426 Senior Clerk Typist

BACKGROUND

Tyree Robinson began employment with the San Francisco Police Department (hereafter referred to as the Department) PCS in Class 1426 Senior Clerk Typist on January 24, 2001. Mr. Robinson had been on continuous FMLA/Sick Leave beginning June 2018 and disability leave since November 2018. On April 29, 2020, the Department learned he accepted a part-time position with the San Francisco Unified School District (SFUSD) as a R40 Community Relations Elementary Advisor. Mr. Robinson did not notify the Department of the other position and had not separated from his position with the Department.

PRIOR CORRECTION ACTION

- On February 12, 2016, Admonishment and Retraining Directive

DISCIPLINARY CHARGES

Four (4) disciplinary matters are pending, based on the following charges: Conduct Unbecoming a Member and Neglect of Duty.

SKELLY NOTICE

On October 29, 2020, the Department notified Mr. Robinson of its intent to dismiss him, based on charges of:

- *Inattention to Duty* for failure to follow proper procedures regarding Special Victims Unit ("SVU") related report requests; failure to properly process 428 report requests; and failure to attend scheduled training without notifying your supervisor of your absence;
- *Mistreatment of Others* for failure to remain professional during interactions with supervisors; failure to properly address supervisors; failure to remain respectful towards supervisors, failure to be respectful towards supervisors;

- *Failure to Notify the Department of Secondary Employment;*
- *Poor Attendance* for failure to report for duty; and
- *Insubordination* for refusal to participate in Performance Improvement Plan (PIP) review, failure to follow supervisors' directives and failure to cooperate with an administrative investigation.

SKELLY MEETING

Mr. Robinson waived his right to a meeting and chose to submit a written response instead. The undated letter is included in the Skelly packet.

ANALYSES AND FINDINGS

Included with the Skelly materials was Mr. Robinson's letter to the Skelly Officer in response to the Department's intent to terminate his employment. Mr. Robinson argues that the majority of the issues are from 2017 and 2018. He referenced Article four, Section B, paragraph 634 of the MOU, "*No action to impose discipline against an employee shall be initiated more than thirty (30) days from the date the employer knows of the conduct after diligent and timely investigation except for conduct which would constitute the commission of a crime. Initiation of discipline for the purposes of this provision is the date of the charging letter or notice. The discipline imposed may take into account conduct which is documented in the employee's personnel file or was the subject of a prior disciplinary action.*"

Mr. Robinson wrote he consulted with his doctor when he received the interview notice in June 2020 and his doctor, Michael J. Auza, MD, strongly recommended that he not participate in the investigatory interview. However, Mr. Robinson began working for the SFUSD on February 10, 2020, four months earlier. Mr. Robinson attached a letter from Dr. Auza dated June 29, 2020, indicating he recommends that Mr. Robinson "not participate in an interview with his employer until he is medically cleared to return to work." Upon reading the letter, it is unclear whether Dr. Auza was aware Mr. Robinson was working at the time and he had shared that information with the physician.

Mr. Robinson argues that the Department did not follow progressive discipline and seemed to be "saving up" to use now to dismiss him. However, Mr. Robinson demonstrated a pattern of not making himself available for multiple investigatory meetings and work performance review with his supervisors. In the letter dated July 1, 2020, Chief Scott stated that an (SFPD) investigator had attempted to meet with Mr. Robinson since July 25, 2019, and he was sent multiple interview notices through his personal email account.

On September 3 & 5, 2019, the Department again left telephone messages and again Mr.

Robinson failed to respond. In his "Chronological Record of Investigation" report dated April 20, 2020, Sgt. Zeltser noted that Captain Falson had stated Mr. Robinson was non-communicative and not returning calls or letter being sent to him. That places the delay in concluding four (4) investigations on Mr. Robinson and not the Department.

Mr. Robinson states his was not aware that he needed to obtain authorization to work a secondary job. As its rebuttal, the Department submitted the two (2) most recent SFPD Department Bulletins dated 12/04/15 and 11/06/17, regarding Secondary Employment (See Attachments). Both bulletins clearly states that members are prohibited for working in any secondary employment while on sick leave of absence and he was an employee of the Department during both issuances. In addition, Civil Service Commission Rule 118.6.1 regarding secondary employment states, "*Violation of this Rule shall be deemed insubordination, subject to disciplinary action as provided in Charter Sections A8.341 and A8.342.*"

Mr. Robinson argues that the Department did not follow progressive discipline; however, in some cases the conduct may be so egregious that progressive is not necessary. As an example, failure to notify his supervisor that he did not attend training but remained home instead meant he would have been compensated with public funds for work (training) he did not perform. That is dishonest. Mr. Robinson had repeatedly placed blocks on the Department's efforts so meet and work with him on his unsatisfactory performance issues. Instead, he responded with belligerence and insubordinate behavior.

Mr. Robinson demonstrated a pattern of insubordinate, disrespectful and dishonest behavior. Another example of dishonesty is on page 3, 3rd paragraph, of the Notice of Intent. Mr. Robinson stated he had called the CIS sick line but later admitted he had not called into work until after the Taraval unit had contacted him. He continued to show dishonesty by stating he did not know he needed approval for secondary employment. Additionally, I do not find it credible that his attorney would tell him it was "alright" to seek employment but not to return to the SFPD position because it would nullify his workers' compensation case. Regardless, Mr. Robinson should have been aware of the policy and that it would have been was dishonest.

Nowhere do I see that Mr. Robinson accepts any responsibility for his conduct, shows remorse, or indicates that there would be no repeat of the unwanted behavior. There is an expectation of trust between an employee and the employer, and an expectation that the employees will be truthful and cooperate when engaging in fact-finding or conducting a formal investigation.

CONCLUSION

There is a preponderance of evidence to support the recommendation to dismiss Tyree Robinson from his PCS 1426 Senior Clerk Typist position.

Attachments (2)



A
15-248
12/04/15

Secondary Employment
(Amends DGO 11.02)

Department General Order 11.02 "Secondary Employment" outlines the Department's policy and procedures for members who are requesting permission to engage in secondary employment. Secondary employment is a privilege subject to the discretion and approval of the Chief of Police. Secondary employment shall not interfere with a member's duties and responsibilities of employment with the San Francisco Police Department.

Members who apply for permission to engage in secondary employment should *carefully review DGO 11.02 "Secondary Employment"* and Department Bulletin 14-163 "Ethics Commission SFPD Statement of Incompatible Activities" prior to submitting a secondary employment application.

Members are prohibited from working in any secondary employment while on sick leave of absence.

When applying for secondary employment, members shall designate whether they are to be armed while working the secondary job. This information should be included in the information box under Duties and Responsibilities. In accordance with Sections 7523 and 7523.5 of the Business and Professions Code, members who intend to be armed while working their secondary job shall obtain a permit from the Department of Consumer Affairs, Bureau of Security and Investigative Services. Members shall attach a copy of their permit to the secondary employment application. Members shall not use Department issued firearm(s) and or equipment in the course of secondary employment.

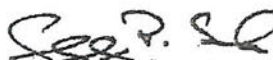
Requests for secondary employment must be submitted in triplicate on SFPD 156 "Secondary Employment Application" (rev. 05/14) to your Commanding Officer at least 10 days prior to the date employment is to start and renewed every calendar year, or after any changes in rank/promotion.

EFFECTIVE IMMEDIATELY, in the section of the request form that asks for a description of the type of business engaged in, and the duties and responsibilities; members must describe with specificity: the type of business they will be working for, and the type of duties and responsibilities they will be carrying out. (i.e.: "ABC Security provides on-site security services for a corporate office building. My duties and responsibilities for ABC Securities will include security patrols, security assessments and staff scheduling.") A nonspecific response such as "security" may result in the application being rejected.

In accordance with DGO 11.02, Section II, K, members shall immediately report termination of secondary employment by submitting a memorandum through their chain of command. The memo shall include the termination date and the name of the employer.

Questions regarding secondary employment should be directed to the Staff Services Division at 1-415-837-7380.

Per DB 15-141, sworn members are required to electronically acknowledge this Department Bulletin in HRMS.


GREGORY P. SUHR
Chief of Police

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Attachment 1



A
17-223
11/06/17

Secondary Employment
(Amends DGO 11.02, Re-issue DB 15-248)

Department General Order 11.02 "Secondary Employment" outlines the Department's policy and procedures for members who are requesting permission to engage in secondary employment. Secondary employment is a privilege subject to the discretion and approval of the Chief of Police. Secondary employment shall not interfere with a member's duties and responsibilities of employment with the San Francisco Police Department.

Members who apply for permission to engage in secondary employment should *carefully* review DGO 11.02 "Secondary Employment" and Department Bulletin 17-036 "San Francisco Ethics Commission SFPD Statement of Incompatible Activities" prior to submitting a secondary employment application.

Members are prohibited from working in any secondary employment while on sick leave of absence.


When applying for secondary employment, members shall designate whether they are to be armed while working the secondary job. This information should be included in the information box under Duties and Responsibilities. In accordance with Sections 7523 and 7523.5 of the Business and Professions Code, members who intend to be armed while working their secondary job shall obtain a permit from the Department of Consumer Affairs, Bureau of Security and Investigative Services. Members shall attach a copy of their permit to the secondary employment application. Members shall not use Department issued firearm(s) and or equipment in the course of secondary employment.

Requests for secondary employment must be submitted in triplicate on SFPD 156 "Secondary Employment Application" (Rev. 01/17) to your Commanding Officer at least 10 days prior to the date employment is to start and renewed every calendar year, or after any changes in rank/promotion.

In the section of the request form that asks for a description of the type of business engaged in, and the duties and responsibilities; members must describe with specificity: the type of business they will be working for, and the type of duties and responsibilities they will be carrying out. (i.e.: "ABC Security provides on-site security services for a corporate office building. My duties and responsibilities for ABC Securities will include security patrols, security assessments and staff scheduling.") A nonspecific response such as "security" may result in the application being rejected.

In accordance with DGO 11.02, Section II, K, members shall immediately report termination of secondary employment by submitting a memorandum through their chain of command. The memo shall include the termination date and the name of the employer.

Questions regarding secondary employment should be directed to the Staff Services Division at (415) 837-7380.


WILLIAM SCOTT
Chief of Police

Per DB 17-080, sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS.

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Attachment 2



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: 02/24/2021

Department Contact: Jenny Zeng Email: jenny.zeng@sfgov.org Phone: 837-7381

SECTION I: PERSONAL AND JOB INFORMATION

Name (Last, First, M.I.): Robinson, Tyree L. Employee I.D.: _____

Job Code: 1426 Job Title: Sr. Clerk Typist

Position Number: 1051718 Hourly Rate: _____ Step: _____ Effective Date: 12/17/2020

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 EMPLOYEE SIGNED MEMO

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 _____

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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:

Release from probation:

Dismissal:

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

Automatic Resignation (ARS)

Never Reported to Work (DSH)

Death of an employee (DEA)

Other (Specify): _____

Retirement:

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.

William Scott

(415) 837-7000

Appointing Officer/Authorized Designee Signature

Telephone

Name/Title: WILLIAM SCOTT - Chief of Police

Department Number: 38 Department Name: Police

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: _____

Tyree Robinson agrees to and hereby does resign his employment with The City and County of San Francisco (hereinafter "The City") effective the close of business on 12-16-20 (the "Resignation Date"). The City hereby accepts Tyree Robinson's resignation. Tyree Robinson hereby authorizes the City to effectuate the resignation as of the Resignation Date, and to execute any necessary documents in connection with the resignation on Tyree Robinson's behalf.

Tyree Robinson 12-16-2020
Tyree Robinson, Applicant Date

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 _____ 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 _____. 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 #:	<u>1,051,718</u>	Rank #:	<u>1</u>
DSW:	<u>[REDACTED]</u>	<input type="checkbox"/> Pending	<input checked="" type="checkbox"/> Final
Emp Organization:	<u>San Francisco Police Dept.</u>	Status of Action	
METHOD OF SERVICE:		<u>William Scott</u>	
<input type="checkbox"/> Hand Delivered		SIGNATURE OF APPOINTING OFFICER	
<input checked="" type="checkbox"/> Certified Mail	<u># 701234600002328781E</u>	<u>WILLIAM SCOTT</u>	
		NAME	
		<u>Chief of Police - San Francisco Police Department</u>	
		TITLE	

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

1. 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.
2. 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.
3. 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.
4. An employee who requests a hearing within the time limits is entitled to:
 - a. Representation by an attorney or authorized representative of her/his own choice.
 - b. Notification of date, time, and place of hearing at a reasonable time in advance.
 - c. 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.
5. Any interested party may request that the hearing be continued or postponed.
6. The decision of the Civil Service Commission is final and not subject to reconsideration.
7. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

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Re: status update? ready - attached - **DFEH Overdue Response** - DFEH Case #202011-11684702: Robinson / City & County of SF, SFPD

Oropeza, Jesse (POL) <Jesse.Oropeza@sfgov.org>

Mon 9/19/2022 11:14 AM

To: Houston, Benjamin (POL) <Benjamin.Houston@sfgov.org>

Cc: Cota, Mark (POL) <Mark.Cota@sfgov.org>; Wilhelm, Angela (POL) <Angela.Wilhelm@sfgov.org>; Yick, Robert (POL) <Robert.Yick@sfgov.org>; Worsham, Ashley (POL) <Ashley.Worsham@sfgov.org>; Poggio, Leonard (POL) <Leonard.Poggio@sfgov.org>

Hi Mr. Houston,

DFEH issued a closure letter on March 16, 2022 regarding the complaint filed by Tyree Robinson. Let me know if you need any further information.

Regards,

Sergeant Jesse Oropeza #205
San Francisco Police Department
Internal Affairs Division - EEO Liaison
(415) 837-7178 Desk

From: Houston, Benjamin (POL) <Benjamin.Houston@sfgov.org>

Sent: Wednesday, September 14, 2022 2:35 PM

To: Oropeza, Jesse (POL) <Jesse.Oropeza@sfgov.org>

Cc: Cota, Mark (POL) <Mark.Cota@sfgov.org>; Wilhelm, Angela (POL) <Angela.Wilhelm@sfgov.org>; Yick, Robert (POL) <Robert.Yick@sfgov.org>; Worsham, Ashley (POL) <Ashley.Worsham@sfgov.org>; Poggio, Leonard (POL) <Leonard.Poggio@sfgov.org>

Subject: status update? ready - attached - DFEH Overdue Response - DFEH Case #202011-11684702: Robinson / City & County of SF, SFPD

Hi Sergeant Oropeza:

As a follow-up to the email trail below, do you know if the Discrimination complaint filed with DFEH by former Senior Clerk Typist Tyree Robinson is still pending or has that matter been resolved/closed? As he filed a discrimination complaint with DFEH, the CSC did not want to take an employment action as long as that discrimination complaint was outstanding. To that end, they continued his Future Employment Restriction appeal hearing and contacted me this morning for a status update.

Look forward to your update as if the matter is not closed I may need to request another continuance...

Ben

Mr. Benjamin Houston, MS
Human Resources Manager
San Francisco Police Headquarters
1245 3rd Street - 5th Floor
San Francisco, CA 94158
(415) 837-7390

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CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Sent via Email

NOTICE OF RECEIPT OF APPEAL

DATE: March 30, 2021
REGISTER NO.: 0046-21-7
APPELLANT: TYREE L. ROBINSON

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

Dear Carol Isen:

The Civil Service Commission has received the attached letter from Tyree L. Robinson, requesting a hearing on his future employability 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 by email at civilservice@sfgov.org. CSC Form 13 is available on the Civil Service Commission's website at www.sfgov.org/CivilService under "Forms."

In the event that Tyree L. Robinson'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 June 7, 2021** so that it may be heard by the Civil Service Commission at its meeting on June 21, 2021. If you will be unable to transmit the staff report by the June 7th deadline, or if required departmental representatives will not be available to attend the June 21st 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.

-24-

Appellant: Tyree L. Robinson
March 30, 2021
Page 2 of 2

You may contact me at Sandra.Eng@sfgov.org or (628) 652-1100 if you have any questions. For more information regarding staff report requirements, meeting procedures or future meeting dates, please visit the Commission's website at www.sfgov.org/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Jeanne Buick, Department of Human Resources
Kate Howard, Department of Human Resources
Mawuli Tugbenyoh, Department of Human Resources
Benjamin Houston, San Francisco Police Department



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Sent via Email

March 30, 2021

Tyree L. Robinson

Subject: **Register No. 0046-21-7: Request for Hearing on his Future Employability with the City and County of San Francisco.**

Dear Tyree L. Robinson:

This is in response to your appeal submitted to the Civil Service Commission on March 10, 2021 requesting a hearing 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.

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 by email to civilservice@sfgov.org. 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 Sandra.Eng@sfgov.org or by phone at (628) 652-1100 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

/s/

SANDRA ENG
Executive Officer

-26-

March 9, 2021

Dr. Tyree Robinson

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

Re: Employability

Dear Executive Officer of the Civil Service Commission,

I am writing to you to request a hearing before the Civil Service Commission for a review of the negative restrictions placed on my future employability and ability to make a living for myself and family within the City and County of San Francisco, in which I have been employed for the past 20 years until December 17, 2020, in which I resigned from my position as a 1426 Senior Clerk Typist. I received the attached Notice of Future Employment Restrictions as a certified letter dated February 26, 2021 in my residence mailbox.

I began my employment with the City and County of San Francisco on January 15, 2021, with the San Francisco Police Department, and have remained within the same unit until my resignation on the aforementioned date. During my 20 year tenure I have undergone racism, harassment, retaliation, and threats to my life by a non-sworn supervisor, and practically the entire command staff, dating back to approximately 2013. I have made several complaints to the EEOC, and I was always turned away with the reason that I had not suffered any losses e.g. demotions, classification, rate of pay, or termination. Every time I attempted to file a formal complaint with them, I explained that my physical, mental and emotional health was being affected, yet to no avail. I also made several complaints to the San Francisco Department of Human Resources, and every complaint was returned to me as unfounded. However, in October 2020, I received a letter from SFDHR that an employee who had worked in that department had been caught behaving in deceptive and illegal ways concerning other employees cases; subsequently, she was terminated, and the letter promised that all of her previous cases (since I received a letter addressed to me personally, I'm assuming my cases were included) would be re-evaluated.

The harassment and other egregious actions towards me had made me so sick that on November 6, 2018, my physician took me off of work due to several chronic health conditions; many brought on and magnified by what I was enduring in my unit, Crime Information Services Unit (CISU). During my time off from work, harassment and intimidation tactics still continued via police officers coming to my home to deliver documents from Internal Affairs, when IA has access to the same shipping methods as all other units. I was continually brought up on frivolous

and retaliatory charges, in which I was threatened that if I did not attend, although I was off work on sick leave, that I would be punished. My physician wrote a letter asking that I be excused from skelly hearings and IA interviews while under his care, because in his medical findings, I was not capable of enduring these hearings. As a result of me following the direction of my physician, who has my best interest in preserving my health and helping to heal me, I was brought up on charges of insubordination. Finally, I applied for Workers Compensation benefits, and during that process, I had to see a physician from the City and County. She said that I suffered great mental anguish e.g. Post-Traumatic Stress Disorder (PTSD), Anxiety Disorder, and Severe Depression, as a result of the aforementioned actions. On December 17, 2020, I accepted a settlement with the City and County of San Francisco. During this time, the SFPD was attempting to terminate me due to me obtaining part-time employment during my time off, as I had no more sick time, vacation, SDI, or any other forms of income. I was advised by my workers compensation attorney that I could get employment on sick leave. What I did not know, for I had never had to seek other employment during my time with the CCSF, was that I needed the approval of the department. Hence, the department's process of attempting to terminate me in a retaliatory and sinister manner.

One of the requirements of my workers compensation settlement was for me to resign of my current position. I had no issue doing that due to the fact that it appeared quite likely that I would be terminated. The skelly hearing officer and the date of receipt of my case was in January, and their findings was that I was guilty, and therefore terminated. When it was brought to the attention of IA attorney Ashley Worsham, Esq. that I had resigned approximately one month prior to my written skelly response, her response was that she was not aware of that, which I do not believe. My skelly officer was from SFDHR, and if anyone knows of my resignation, they do, SFPD HR does, as well as all parties involved.

So as a result of them not being able to terminate me, I believe that the employment restrictions, which specify that I cannot work in any other department citywide. I feel that that decision was also a retaliatory and sinister decision to prove that throughout the years of me fighting battles with them the legal way, they still have the final decision. I say it is sinister because I have worked in the same unit for the entire 20 years of my employment with the SFPD, if I'm such a problem employee, why had I not been terminated years ago. I feel this decision to make me unemployable with other city departments is unfair, and made from a personal move of hatred towards me. I should have ended my employment with the SFPD years ago, upon receiving a confrontational, racist supervisor, by transferring to another department. I am quite marketable and would be an asset to other departments, as I have many years of work experience, as well as having earned my Doctor of Education degree, which also was attempted to be blocked by schedule change by my former supervisor.

Therefore, I am requesting a hearing for my entire experience to be shared, to prove that I have been targeted due to my race and workers compensation status. I also have many documents to prove my case. Will you please grant me that opportunity to prove my case? I look forward to hearing from you soon.

Regards,

Dr. Tyfee Robinson
Dr. Tyfee Robinson

CC: Mr. Evan McLaughlin-SEIU 1021 Union Representative
Ms. Madelyn McMillian-SEIU 1021 Chapter President
Mrs. Monica Wheaton-Howell-SEIU 1021 Shop Steward/Former Chapter President