



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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

October 5, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Shanita Anderson
[REDACTED]

SUBJECT: APPEAL BY SHANITA ANDERSON OF THE DIRECTOR OF TRANSPORTATION'S DETERMINATION TO ADMINISTRATIVELY CLOSE THEIR COMPLAINT OF DISCRIMINATION DUE TO RACE AND AGE.

Dear Shanita Anderson:

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 **October 16, 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.

This item may be heard in Closed Session. 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, October 11, 2023. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, please submit **one hardcopy 3-hole punch, double-sided and numbered at the bottom of each page to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at civilservice@sfgov.org by 5:00 p.m. on Tuesday, October 10, 2023**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

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

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Jeffrey Tumlin, Municipal Transportation Agency
Kimberly Ackerman, Municipal Transportation Agency
Shana Dines, Municipal Transportation Agency
Virginia Harmon, Municipal Transportation Agency
Carol Isen, Department of Human Resources
Amalia Martinez, Department of Human Resources
Jennifer Burke, Department of Human Resources
Brian Capurro, 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**

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

October 5, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Randall Buck

SUBJECT: APPEAL BY SHANITA ANDERSON OF THE DIRECTOR OF TRANSPORTATION'S DETERMINATION TO ADMINISTRATIVELY CLOSE THEIR COMPLAINT OF DISCRIMINATION DUE TO RACE AND AGE.

Dear Randall Buck:

As you may be aware, Shanita Anderson filed the above-referenced discrimination complaint with the Municipal Transportation Agency ("MTA"). The Department of Human Resources reviewed Shanita Anderson's allegations, and the Human Resources Director determined to administratively close their complaint of discrimination due to race and age. Shanita Anderson has appealed that determination to the Civil Service Commission.

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

The Equal Employment Opportunity Division of DHR will present and defend the Municipal Transportation Director's determination on Shanita Anderson's complaint at the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **October 16, 2023, at 2:00 p.m.** The Commission will have received the DHR staff report, which reviews the evidence pertaining to the complaint and supports the Human Resources Director's determination, in advance of the meeting. You will have an opportunity to address Shanita Anderson's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. You will be receiving a meeting invite to join the meeting through Cisco WebEx on your computer or you may listen/respond to the meeting by phone. The Commission will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

This item on the October 16, 2023, meeting agenda may be heard in Closed Session and will be posted on the Civil Service Commission's website at www.sf.gov/CivilService under "Meetings" no later than end of day on Wednesday, October 11, 2023.

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Jeffrey Tumlin, Municipal Transportation Agency
Kimberly Ackerman, Municipal Transportation Agency
Shana Dines, Municipal Transportation Agency
Virginia Harmon, Municipal Transportation Agency
Carol Isen, Department of Human Resources
Amalia Martinez, Department of Human Resources
Jennifer Burke, Department of Human Resources
Brian Capurro, 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**

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

October 5, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Lanair Hayes



SUBJECT: APPEAL BY SHANITA ANDERSON OF THE DIRECTOR OF TRANSPORTATION'S DETERMINATION TO ADMINISTRATIVELY CLOSE THEIR COMPLAINT OF DISCRIMINATION DUE TO RACE AND AGE.

Dear Lanair Hayes:

As you may be aware, Shanita Anderson filed the above-referenced discrimination complaint with the Municipal Transportation Agency ("MTA"). The Department of Human Resources reviewed Shanita Anderson's allegations, and the Human Resources Director determined to administratively close their complaint of discrimination due to race and age. Shanita Anderson has appealed that determination to the Civil Service Commission.

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

The Equal Employment Opportunity Division of DHR will present and defend the Municipal Transportation Director's determination on Shanita Anderson's complaint at the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **October 16, 2023, at 2:00 p.m.** The Commission will have received the DHR staff report, which reviews the evidence pertaining to the complaint and supports the Human Resources Director's determination, in advance of the meeting. You will have an opportunity to address Shanita Anderson's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. You will be receiving a meeting invite to join the meeting through Cisco WebEx on your computer or you may listen/respond to the meeting by phone. The Commission will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

This item on the October 16, 2023, meeting agenda may be heard in Closed Session and will be posted on the Civil Service Commission's website at www.sf.gov/CivilService under "Meetings" no later than end of day on Wednesday, October 11, 2023.

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Jeffrey Tumlin, Municipal Transportation Agency
Kimberly Ackerman, Municipal Transportation Agency
Shana Dines, Municipal Transportation Agency
Virginia Harmon, Municipal Transportation Agency
Carol Isen, Department of Human Resources
Amalia Martinez, Department of Human Resources
Jennifer Burke, Department of Human Resources
Brian Capurro, 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.

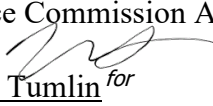
San Francisco Lobbyist Ordinance

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 MTA)

1. Civil Service Commission Register Number: 0161-22 -6
2. For Civil Service Commission Meeting of: October 16, 2023
3. Check One:
Ratification Agenda
Consent Agenda
Regular Agenda X
Human Resources Director's Report
4. Subject: Appeal by Shanita Anderson of Transportation Director's finding to administratively close Anderson's complaint of discrimination due to race and age.
5. Recommendation: Adopt report. Sustain decision of Transportation Director; deny appeal by Shanita Anderson.
6. Report prepared by: Brian Capurro, EEO Programs Specialist
Telephone number: (628) 652-0613
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in Civil Service Commission Procedure Number Two).**
8. Reviewed and approved for Civil Service Commission Agenda:
Transportation Director: Jeffrey Tumlin ^{for} 
Date: October 4th, 2023
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:
**Executive Officer, Civil Service Commission
25 Van Ness Avenue, Suite 720, San Francisco, CA 94102**
10. Receipt-stamp this form in the "CSC RECEIPT STAMP" box to the right using the time-stamp in the CSC Office.

CSC RECEIPT STAMP

Attachment

NOTIFICATIONS

Shanita Anderson (Appellant)

[REDACTED]
[REDACTED]
[REDACTED]

Randall Buck (Respondent)

[REDACTED]
[REDACTED]
[REDACTED]

Lanair Haynes (Respondent)

[REDACTED]
[REDACTED]
[REDACTED]

Jeffrey Tumlin

Transportation Director
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
Jeffrey.Tumlin@sfmta.com

Kimberly Ackerman

Human Resources Director
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
Kimberly.Ackerman@sfmta.com

Shana Dines

Employee & Labor Relations Division Manager
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
Shana.Dines@sfmta.com

Virginia Harmon

EEO Officer
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
Virginia.Harmon@sfmta.com

Carol Isen

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

Mawuli Tugbenyoh

Chief of Policy
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
Mawuli.Tugbenyoh@sfgov.org

Amalia Martinez

EEO Director
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
Amalia.Martinez1@sfgov.org

Jennifer Burke

EEO Programs Manager
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
Jennifer.Burke@sfgov.org

Brian Capurro

EEO Programs Specialist
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103
Brian.Capurro@sfgov.org

CSC Report
Register No. 0188-20-6

CIVIL SERVICE COMMISSION REPORT

MEMORANDUM

TO: Civil Service Commission

THROUGH: Jeffrey Tumlin, Director of Transportation
San Francisco Municipal Transportation Agency

THROUGH: Carol Isen, Human Resources Director
Department of Human Resources

THROUGH: Amalia Martinez, EEO and Leaves Director, EEO
Department of Human Resources

FROM: Brian Capurro, EEO Programs Specialist
Department of Human Resources

HEARING DATE: October 16, 2023

EEO FILE NO: 3985

REGISTER NO: 0161-22-6

APPELLANT: Shanita Anderson

I. AUTHORITY

The San Francisco Charter, Section 8A.104, and Civil Service Rule 403 provide that the San Francisco Municipal Transportation Agency (SFMTA) Director of Transportation shall review and resolve complaints of employment discrimination within SFMTA. Pursuant to Civil Service Rule 403, the Civil Service Commission (Commission) shall review and resolve appeals of the Transportation Director's determinations.

II. BACKGROUND

On October 18, 1999, Appellant Shanita Anderson (Appellant) began working as a 9163 Transit Operator with the SFMTA. On September 18, 2021, Appellant promoted to 9139 Transit Supervisor and began the 9139 Transit Supervisor Training Program. Approximately two weeks later, Appellant left the training program to undergo medical treatment. On November 6, 2021, Appellant resumed the 9139 Transit Supervisor training program with a new cohort. On December 27, 2021, Appellant was released from the Transit Supervisor Training Program and demoted back to 9163 Transit Operator.

A. Appellant's Complaint, EEO File No. 3985

On April 25, 2022, Vita Ogans, SFMTA Executive Secretary, referred Appellant to the Department of Human Resources (DHR), Equal Employment Opportunity (EEO) Division, to discuss Appellant's complaint

related to Appellant's December 27, 2021 dismissal from the 9139 Transit Supervisor Training Program. **See Ex. A.** On April 28, 2022, Appellant spoke with Toni Battle (Battle), SFMTA EEO Ombudsperson, regarding her complaint. **See Ex. B.** On May 6, 2022, Appellant met with Carlos Cueva Alegria (Cueva Alegria), then-EEO Programs Senior Specialist with DHR EEO. **See Ex. C.** While meeting with Battle and Cueva Alegria, Appellant alleged that Randall Buck (Buck), 9139 Transit Supervisor who is an acting-9160 Transit Operations Specialist, and Lanair Haynes (Haynes), 9180 Manager IV, discriminated against Appellant due to appellant's race (Black) and age (over 40) when Appellant was released from the 9139 Transit Supervisor Training Program. Appellant also alleged that another participant in the training program, Charmion Forrester (Forrester), 9139 Transit Supervisor, benefitted from nepotism.

By letter dated August 26, 2022, the Transportation Director informed Appellant that based on the information provided, Appellant's allegations were insufficient to raise an inference of discrimination due to race and age, and thus would not be further investigated under the SFMTA's EEO Policy. The letter also informed Appellant that the allegation of nepotism was outside of EEO jurisdiction and would be referred to the SFMTA Employee & Labor Relations for additional investigation. **See Ex. D.** On December 12, 2022, the SFMTA Employee & Labor Relations corresponded with Appellant regarding its findings on Appellant's nepotism allegations. **See Ex. E.**

III. ISSUE ON APPEAL TO THE CIVIL SERVICE COMMISSION

On September 21, 2022, Appellant appealed the Transportation Director's determination to the Commission. The issue on appeal is whether the Transportation Director made an appropriate determination to close Appellant's complaint without further investigation. **See Ex. F.**

IV. INVESTIGATION STANDARDS AND ANALYSIS

A. Appellant Did Not Sufficiently Allege a Discrimination Claim

To warrant further investigation, a complaint of discrimination in violation of the SFMTA's EEO Policy must sufficiently allege all of the following: (1) Appellant is a member of a protected category; (2) Appellant suffered an adverse employment action; and (3) Appellant suffered an adverse employment action because of Appellant's membership in a protected category.

1. Appellant Did Not Sufficiently Allege a Discrimination Claim Under the SFMTA's EEO Policy

Appellant alleged that Buck and Haynes discriminated against Appellant based on race (African American) and age (over 40) when Appellant was released from the 9139 Transit Supervisor Training Program. Appellant alleged that her release was due to racial animus because Forrester, who Appellant believed was White, passed the training program and because Buck once used the n-word to reference Haynes while discussing with Appellant Buck's standards. **See Ex. C.** The SFMTA, however, had a legitimate business reason to release Anderson from the 9139 Transit Supervisor Training Program as Anderson twice failed to achieve a passing score on the Metro Rail Operation Training Final Exam. **See Exs. G and H.** Moreover, the two cohorts of the 9139 Transit Supervisor Training Program that Appellant participated in had a total of 30 participants. 70% of all participants in the two cohorts self-identified as either African American or Black. 86% of African American and Black participants passed the training program; therefore,

there is no evidence that Appellant's race was a factor in her release from the 9139 Transit Supervisor Training Program. **See Ex. I.** Nevertheless, the SFMTA took appropriate action to address Appellant's allegation about Buck's use of slurs and profanity. **See Ex. J.**

Regarding Appellant's allegation of age-based animus, both Appellant and Forrester were over 40 years of age when participating in the 9139 Transit Supervisor Training Program. Additionally, Appellant and Forrester are similar in age as Forrester is only 3.5 years younger than Appellant. Furthermore, out of the 30 participants in the 9139 Transit Supervisor Training Program cohort that Appellant participated in, 22 participants were over the age of 40. There is no discernable favoritism by age in the successful completion of the 9139 Transit Supervisor Training Program: 86% of participants over the age of 40 passed the training program. A total of 15% of the participants who passed the training program were older than Appellant. Thus, Appellant's information and SFMTA participant data show that Appellant's age was not a factor in Appellant's release from the 9139 Transit Supervisor Training Program. **See Ex. I.** Therefore, Appellant's allegations were insufficient to conduct further investigation under the SFMTA's EEO Policy, and Appellant's complaint was closed.

B. Appellant's Nepotism Allegation is Outside of EEO Jurisdiction

Appellant alleged that Forrester passed the 9139 Transit Supervisor Training Program due to nepotism as Forrester's mother retired from the SFMTA in 2010. While allegations of nepotism do not fall within EEO jurisdiction as nepotism is not based on membership in a protected category, DHR EEO referred Appellant's nepotism allegation to the SFMTA Employee & Labor Relations Division for review. **See Exs. D and K.** Therefore, Appellant's allegations were insufficient to conduct further investigation under the SFMTA's EEO Policy, and Appellant's complaint was closed.

C. No Additional Information to Demonstrate the Transportation Director's Determination Was Improper

As the basis for her appeal, Appellant reiterated two arguments previously made to DHR EEO. First, Appellant alleged that Forrester failed to achieve a passing score on the Metro Rail Operation Training Final Exam, the same exam that Appellant twice failed that caused Appellant's release from the 9139 Transit Supervisor Training Program. SFMTA records show that Forrester achieved an 85%, a passing score, the second time Forrester took the exam. **See Ex. G.**

Second, Appellant alleged that Buck did not give Appellant the same opportunity to pass the 9139 Transit Supervisor Training Program as was given to Forrester. However, the SFMTA had a legitimate business reason to release Appellant from the training program as Appellant twice failed to pass the Metro Rail Operation Training Final Exam, and Appellant did not provide any information that Buck subjected Appellant to race- or age-based discrimination. **See Ex. G.** Furthermore, although Appellant reported engaging in a romantic relationship with Buck 7 or 8 years prior to participating in the 9139 Transit Supervisor Training Program, the City's Policy Regarding Family and Romantic Relationships at Work only applies to consensual romantic relationships occurring within the last two years and Appellant's information does not demonstrate that Buck proctoring one of Appellant's exams was inappropriate or would violate any relevant City policy. **See Exs. C and L.**

Third, Buck denied ever having a romantic relationship with Anderson and voluntarily provided DHR EEO a detailed account of those few times Buck socialized with Anderson outside of work. **See Ex. M.** Buck also advised DHR EEO that Anderson began calling and texting Buck while participating in the 9139 Transit Supervisor Training Program, including sending Buck an unsolicited text message with a photo of Anderson accompanied by a text message saying, “Good morning,” which made Buck uncomfortable and caused Buck to avoid Anderson. **See Exs. M and N.** Buck also refuted Anderson’s allegation that Anderson’s Metro Rail Operation Final Exam re-take was administered in Buck’s office, Room # 253, at Muni Metro East (MME) at 601 25th Street and explained that the exam was administered in the MME Conference Room, which is Room # 257. Mason Yu (Yu), 9139 Transit Supervisor who is an acting-9160 Transit Operations Specialist, confirmed that the exam took place in Room # 257. **See Ex. O.** Yu had knowledge of the location as Buck asked Yu to take over proctoring the exam after Anderson requested Buck to help her pass the exam for the sake of Anderson and her son. **See Ex. M.**

Therefore, the Appellant did not provide any additional information to corroborate her race- and age-based allegations and the Transportation Director’s determination was accurate.

V. RECOMMENDATION

For all the reasons set forth above, the Transportation Director’s decision should be upheld and the appeal should be denied.

VI. APPENDIX/ATTACHMENTS TO REPORT

Attached to this report are the following exhibits:

- Exhibit A: E-mails Referring Appellant to DHR EEO, dated April 27, 2022
- Exhibit B: Notes from SFMTA Ombuds Office, dated April 28, 2022
- Exhibit C: Appellant’s Intake Interview Notes, dated May 6, 2022
- Exhibit D: Transportation Director’s Letter of Determination to Appellant, dated August 26, 2022
- Exhibit E: SFMTA Employee & Labor Relations Letter of Determination to Appellant, dated December 12, 2022
- Exhibit F: Notice of Appeal by Appellant, Register No. 0161-22-6, dated September 21, 2022
- Exhibit G: 9139 Transit Supervisor Participant Exam Summary
- Exhibit H: Appellant’s Transit Services Conference Report Form, dated December 27, 2021
- Exhibit I: 9139 Transit Supervisor New Hire Demographic Information: September – December 2021
- Exhibit J: Corrective Action Taken, dated July 14, 2022
- Exhibit K: SFMTA Employee & Labor Relations Memorandum to DHR EEO, dated November 4, 2022
- Exhibit L: Commission Memo and Policy on Family and Romantic Relationships at Work
- Exhibit M: Buck’s Witness Interview, dated September 14, 2023
- Exhibit N: Text Message from Appellant to Buck, dated November 17, 2021
- Exhibit O: Yu’s Witness Interview, dated September 20, 2023

EXHIBIT A:

E-mails Referring Appellant to DHR EEO

April 27, 2022

From: [Battle, Toni](#)
To: [DeWit, Rikki \(HRD\)](#)
Cc: [Harmon, Virginia \(MTA\)](#); [Ogans, Vita \(MTA\)](#)
Subject: CONFIDENTIAL: RE: DHR EEO Contact Information
Date: Wednesday, April 27, 2022 9:13:24 AM
Attachments: [image002.png](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.png](#)
[image007.jpg](#)
[image008.png](#)

CONFIDENTIAL

Hi Rikki,

Shanita has an update appt with me today at 2 PM. Vita had mixed up her case with another complaint, with a similar issue re: training. I let Vita know that Shanita's case had not been referred to DHR-EEO. But she had already responded to Shanita. I had planned to share this with Shanita and to also provide her an update of what I had thus far looked into, re: her complaint. At that update, I will tell her that I will just close out and refer her over to you and Carlos. Her complaint entails a complaint of nepotism, along with some other layers. She believes an employee who is White, was treated better than her (Shanita is Black). I can check in with you later this afternoon after speaking with Shanita. But just wanted to give you some context.

Sincerely,

Toni Battle

SFMTA Ombudsperson

Ombuds Office



San Francisco Municipal Transportation Agency

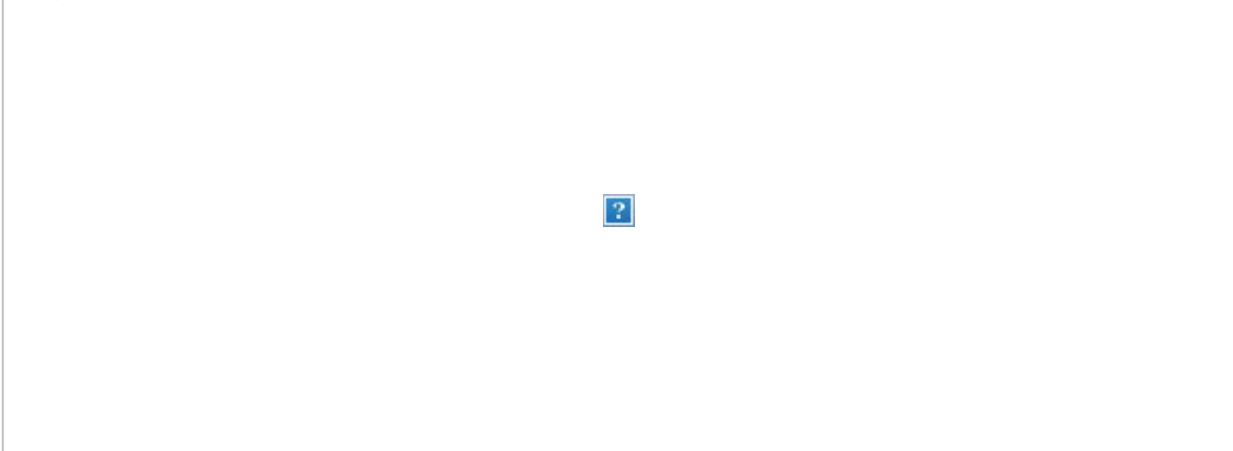
1 South Van Ness Avenue, 3rd floor

San Francisco, CA 94103



SFMTA | [Municipal Transportation Agency](#)

Mary Ellen Pleasant



This email and all its contents are considered Confidential Information and shall not be shared without the prior written consent of the sender. If you are not the intended recipient, you must not use, copy, disclose or take any action based on this message or any information contained in this message. If you have received this message in error, please

advise the sender immediately by reply email and delete this message. Thank you for your cooperation.

From: DeWit, Rikki (HRD) <rikki.dewit@sfgov.org>
Sent: Wednesday, April 27, 2022 8:23 AM
To: Ogans, Vita <Vita.Ogans@sfmta.com>; Anderson, Shanita <Shanita.Anderson@sfmta.com>
Cc: Battle, Toni <Toni.Battle@sfmta.com>; Harmon, Virginia <Virginia.Harmon@sfmta.com>
Subject: RE: DHR EEO Contact Information
Hi Shanita – I received your voicemail. Carlos Cueva Alegria, an investigator on my team is going to give you a call today at [REDACTED].



Rikki De Wit, EEO Programs Manager
(she/her)
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4982
Website: www.sfdhr.org

From: Ogans, Vita <Vita.Ogans@sfmta.com>
Sent: Monday, April 25, 2022 2:51 PM
To: Anderson, Shanita (MTA) <Shanita.Anderson@sfmta.com>
Cc: Battle, Toni (MTA) <Toni.Battle@sfmta.com>; Harmon, Virginia (MTA) <Virginia.Harmon@sfmta.com>; DeWit, Rikki (HRD) <rikki.dewit@sfgov.org>
Subject: FW: DHR EEO Contact Information

Good afternoon Ms. Anderson.

I hope I was able to assist you this afternoon by providing you with Rikki DeWit's information again. As I mentioned, your case was referred to DHR EEO and their investigators will be the ones in touch with you.

Thank you so much.

Vita

From: Ogans, Vita
Sent: Tuesday, February 8, 2022 2:51 PM
To: Anderson, Shanita <Shanita.Anderson@sfmta.com>
Subject: DHR EEO Contact Information

Hi.

Here is the information to our contact in DHR EEO:

Rikki DeWitt – Rikki.dewit@sfgov.org

Thank you.

Vita

EXHIBIT B:

Notes from SFMTA Ombuds Office

April 28, 2022

Phone call with Toni Battle on 4/28/22

Shanita:

She's the community person that has so much energy that is required to speak to. I'm saying that not to stereotype, but just to have the heads up. Sometimes she'll do a tongue and cheek, and give you a smart alley response.

Her complaint is she is a 9163 transit operator, entered into 9139 training program. In the training, she is alleging to have passed her tests and quizzes and that one particular student who was shown nepotism. Allegation is that this student's mother was a superintendent back in the day and called to have her daughter pass. She is insisting that it is also race.

I definitely saw that could be a nepotism issue. I had started looking into it, and spoke to [REDACTED], 9139 supervisor. Every aspect of operator training must be certified now. With the individual that allegedly received nepotism, [REDACTED] was shocked and surprised she made it through because he believed that she needed help. Shanita is saying if she didn't make it through, how did this woman make it through. Her remedy is that she wants to go back to a 9139, and that the other woman that got nepotism help, should be dealt with and there should be some accountability.

Supposedly one of the training managers said c'mon and let her pass cause you know who her mom was. She believes this is why she was allowed to pass even though she had issues with tests and quizzes.

I believe the person in charge of documentation there would be Lanair Haynes. I think the time period would have been November 2021. Shanita missed passing by maybe a couple of points. I think she found out in January 2022 that she did not pass the training program.

EXHIBIT C:

Appellant's Intake Interview Note

March 16, 2023



CONFIDENTIAL

DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT

INTAKE INTERVIEW NOTES

Complainant: Shanita Anderson	EEO File No./Dept.: POT/MTA
EEO Investigator: Carlos Cueva Alegria	Date & Time: May 6, 2022 at 10 am – 12 pm
Others Present:	
Location: Phone call	Pages:

What are your gender pronouns?

She/hers.

Any questions?

Ms. Anderson.

I. BACKGROUND INFORMATION

A. Employment History

What is your current job class/title?

July 12, 2007, 9163 Transit Operator. October 19, 1999.

What Division?

Presidio – I started off in 1999, came back in 2010 and been there ever since. I was At Protero between that time. I went over to rail, didn't like it, and came back to Presidio. I also went to the 9139 training program in 2021.

Who do you report to?

Demarrio McClary.

How long?

Ever since David Burnburry left, maybe one year or two, around 2020 or 2021.

What is your work schedule?

3:45 a.m. to 12 or 1:30 p.m. Monday through Friday.

What are your job duties, generally?

Operating transit vehicles safely, giving out information on transfer points, routes, and validating that fare is paid.

While at the training program, who was your supervisor/trainer?

Victor Serraco, Lester, instructors for rail.

How long?

I want to say it was about four weeks, started in December 2021, and ended December 24, 2021. What takes a normal operator to learn rails is 3 months, and we learn that within 30 days. We didn't get the normal training that operators get. Then they talk about safety is our number one.

Do you know why it was shortened?

I think they just wanted people to be hired. It was rushed, specially on rails.

Has there been a training before less than 3 months?

No, absolutely not. I know that with rubber tires it is 45 days. But rails is usually much more thorough, and we had only 4 weeks to do it.

How many were in your group/class?

There was 10 of us, 2 females and 8 males.

Who else was in your group/class?

Israel, Ryan, Shawn, Ryan Lee (Asian), Demarco, Leticia (female), Germany, Marco, Michael

Did you previously know your trainer?

Not at all, this is the first time I met them.

B. Working Relationship with Respondent

When did you use to date Randall Buck?

Maybe about eight or nine years ago, like 2013 or 2014.

How long did you date for?

We dated for about a year or so, and I broke it off with him. Since that time in about 2014 or 2015 until now, we did not work together. He was at the rails division. He ended up getting a supervisor position. I hadn't seen him in years. When I got here, he said I'm going to be over you all here in the training program. He didn't bother me during the training, but he was over my trainers. He calls the shots and decides who leaves and who goes.

Why do you think he's jealous or salty about the breakup?

I don't think he was jealous, but I think he was just trying to flex his manpower, his manhood. He just wanted to let me know that I'm running this now. I know this is embarrassing, but when we broke up, I told him you're not man enough for me. And so now he's like I'm the man now and is flexing it. When we were together, he wasn't with that power. So now it was like tables turned now and I'm in charge. That's how I took it.

Did you bring this up to anyone that it could be a conflict of interest?

I told Toni Battle, and I think some people knew. I'm very private so I don't like people in my business. I don't see why he would lie in that area.

II. NEPOTISM

A. Allegation of Nepotism

Who do you believe was shown Nepotism?

Not Leticia, it was Charmion Forrester, mother is Kathy Forrester.

What happened that you believe shows nepotism occurred?

I took my final exam, and needed an 85 and got an 82. Randy called me into the office, and said I would not be moving forward. I told Mr. Bucks, I've learned it in 30 days, Victor and Les will show you I have done well. He asked if I wanted to take it again. I said yes and asked him if I could use the cubicle, but he said no and he was trying to flex because we used to date, so I took it in his office. I told him I was uncomfortable but he said it's going to be done in his office. I told him, "Randy people are coming in and out, can I go out and do it?" He said, "yeah but I'm coming with you." He said he had to in order to prevent cheating.

Throughout the whole time, he was mentioning little things, and mentioned Lenaire Haynes, and how she begged him to let Charmion pass because of who her mother was. I'm listening to all of this, all the while he is also talking to his current girlfriend, trying to make me jealous. I'm already dealing with [REDACTED]. He's also using the word nigga, said something like, "that nigga got empathy/sympathy," referring to Haynes. But he was like I don't have any empathy, if you don't pass your not going to make it because it would reflect bad on him. He's

unprofessional and only in an acting position. He's not even doing it well and honestly. He then took me into another room, it wasn't a classroom. I took the test and got an 83. It was like he was saying something like I could still give it to you at 83 (pass you) because I can, but I'm not going to. That's how I took it. He could have let me take it with my instructor, that's how we normally do it.

How many times are you allowed to retake the test?

I actually don't know if they let you retake it, I think they do. They let Charmion retake it four times. I think its nepotism and conflict of interest. He said I can talk to Bernard Henderson, she failed the final test 4 times and passed because her mother was a supervisor. I had friends in the third class and was told that Charmion had failed every test and they kept her. It just hurts because I've been here for 22 years, accident free, no write ups, brought tears to my eyes. This hurt to the core. They said Charmion got a 67 on the final and was passed. If it was fair, I wouldn't even be filing and complaint.

Do you know who else passed with a low score?

I was trying to get more names about who else passed, but I don't know. I was told by Mr. Henderson that they cannot tell you who failed. He said he would share it with the investigator. Henderson was Charmion's trainer.

There were four classes. I dropped out of the third class due to surgery (separate from [REDACTED]) and went back to the 4th class.

All the 9139 supervisors now, previous supervisors get unlimited chances. But new supervisors if they fail, they go back to the bus. This was the first time getting into the program, so yes. I had done so well in the class. I took 15 tests in 30 days. If you didn't pass them, they sent you back to the bus. I was acing it.

Anyone else besides Charmion allowed to take the test again?

I don't know, but I think Bernard can fill you in on that.

Can you think of other comments besides Randall's comments?

No, Lenaire is Randy's boss, and begged him to keep Charmion. Him telling me this while I'm taking the final, like why is he doing that? He is just flexing. It's not even about the test scores anymore, it's about nepotism and conflict of interest with him.

You also told Toni that you thought this was discrimination?

I thought that it was because she's white, I'm black. She's young, I'm not.

B. Reasons for Conduct

How long was Charmion's mother at SFMTA?

I don't know. I never met her, out of Woods superintendent. I don't know when she retired from mta.

I want to add that the first, second, and third class, they could help each other on tests. The fourth class could not. Treated the fourth class differently. I don't know who made that decision. I started the third class and was in there for two weeks and dropped out of third class because of surgery (██████████). This was in transition, but never made it to tests in the third class. I had to start the fourth class. Started around November 8, 2021.

Ok the way it is designed, you start off in a transition class. We did transitioning for about three weeks, started that in November 2021. After that was over, then we started rail training, and that was in December 2021. Transitioning class taught by Michael Johnson, taught both 3rd and 4th class. The third class started in September, but I dropped out because of the surgery, and picked up the fourth class in November.

III. ALLEGATIONS OF DISCRIMINATION BASED ON RACE (AFRICAN AMERICAN)

Were there any other African Americans that passed the training program?

Yeah there were other African Americans that passed.

Since you mentioned age, how old are you?

I'll be 50 this month, and Charmion is probably in her 30s. I don't know the age of others, but I don't think I was the oldest in my class.

Were there others who were also related to someone at SFMTA that did not pass?

I don't know anyone else related to anyone else at SFMTA in that training class.

Were you given any reasons why you did not pass the training program?

Randy is the one that sent me back. Another gentleman came in, Mason Yu, he sat in there for the last 15 minutes until I finished my exam. It was 100 questions, and I think I took like two hours to finish it. There is no time limit, he did say that.

Do you believe those reasons?

He said Shanita you didn't pass. But this was decided by Randy.

What do you believe is the real reason?

No other reason other than Nepotism. I don't know of others that passed with a low score.

What about Charmion, what were her score?

67. The whole class talks about that. It's gossip.

How did you observe her to perform?

Because it was a transitioning class, I didn't know her, still don't. Very quiet. I have no bad things to say about her. We really didn't talk too much in that class.

Was there anyone else that passed that you believe should not have?

Besides Charmion, no.

Why do you believe race was an issue in you not passing the training program?

I could be wrong about this. But say I'm in the acting position, my boss is telling me to pass someone, then yeah I'm going to do it. This is how he could have been thinking. I don't know. I think he could have been thinking to keep this person that's young, that's white, but I don't know what the reason was. Instructors got so upset with Randall that they quit.

Demarco also didn't clear the training program. Another gentleman, Ryan, also didn't clear, and he said they kept Charmion, but he failed two tests and he was sent back.

Is there anything else you want to say?

No not as of now.

When they sent me back, they made me use my vacation time, the training department should have covered that time. They didn't finish my paperwork for two weeks. I'm trying to get that time back. HR can't let me back on bus until they get the paperwork. Charles Armstrong is the one responsible.

So after that, I wanted to talk to Charles Armstrong or Lenair Haynes after Mason Yu told me I failed. I told him I missed the final by two points. Charles said his hands were tied. I told him that what takes our operators 3 months, we did in four weeks, I said c'mon I'm only 2 points short. You kept other people. He said, "Well Shanita, whatever they do across the hall, that's what they do. I don't want the EEOC coming after me." Those were his exact words.

IV. IMPACT

How did not passing the training program affect or impact you?

I was so stressed out. I have [REDACTED], my [REDACTED] had travelled under my arm. My doctor kept telling me you can't stress, you gotta relax. I'm trying not to stress, but I cried, and wailed so hard. It's because I worked so hard, been there for 22 years (crying), my goal is to retire in 8 years. I've done so well, and raised two boys, I'm all impacted at work. I thought I did

everything I could. This man was just flexing his weight on me, and treats me like this. I tried so hard to have that position. I'm fighting for my life, I don't want it to [REDACTED]. (Crying). How do I hold back the tears. I was almost at the finish line, and he took it from me, by keeping other people, sending me back being two points short. He had the power to keep me, just like he had the power to keep other people. I just want my position back. It was humiliating to hear it all back when I got back to bus. Like I'm a dummy, it was embarrassing. When I report to dispatch, I'm reporting to people to who I was just in class with. I thought you were just back with us. It's humiliating and embarrassing.

Have you taken time off work as a result of this?

Nope. I have been off work in March to have [REDACTED] and am about to have [REDACTED], but it wasn't because of this. When HR called me, I was right back on that bus. I'm expected back sometime around August, but not sure.

V. REPORTING OF COMPLAINT

When did you first report your concerns?

When I spoke to Toni, they kind of made me upset. In February 2022 she said she emailed me, and it was like no you didn't. I think I went to them like the first or second week of January 2022.

VI. REMEDIES

How would you like to resolve the complaint you have brought forth?

I wanted to keep my position. I don't want to start no probation over, I worked hard for my position, what you do for one, you have do for all. What you did for Charmion, you have to do for all. This means bringing me back. They should throw probation out the window. I could have sued them. I have witnesses in the instructors.

VII. MISCELLANEOUS

Have you filed a lawsuit?

No.

VIII. CONCLUSION

Is there anything I have not asked you that you think would be relevant to the investigation of your claims? Additional information or documents you think I should have?

No. But Buck is talking all thuggish and ghetto like this. Like this motherfucker got sympathy. This nigga got sympathy. He's referring to Haynes. It's so wrong and is just flexing.

In addition to the people you already identified, were there any other witnesses who have knowledge of these issues?

The people in the class would be the witnesses you can talk to. I know you have access to that, and I know you're gonna do your job. I just need you to dig in there and there does seem to be truth in this. I want you to investigate.

I start [REDACTED] this week, my paperwork says June 28, so I'm thinking about August sometime is when I'll return.

Anderson called me a few minutes after our interview ended and asked me how our office reads and analyzes when someone says, "this nigga". I told her that we don't make a distinction between "nigga" and "nigger", and that they are both inappropriate use in the work place. She said she wanted to make sure that the words were correct and clarified that he referred to his boss as "nigga" and a "motherfucker."

EXHIBIT D:

Director of Transportation's Letter of Determination to Appellant

August 26, 2022



London Breed, Mayor

Gwyneth Borden, Chair
Amanda Eaken, Vice Chair
Stephanie Cajina, Director
Steve Heminger, Director

Fiona Hinze, Director
Sharon Lai, Director
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

CONFIDENTIAL

August 26, 2022

Shanita Anderson
[REDACTED]

Via E-mail
shanita.anderson@sfmta.com

RE: Complaint of Discrimination, EEO File No. 3985

Dear Shanita Anderson:

The San Francisco Charter, Section 8A.104, and Civil Service Rule 403 provide that the San Francisco Municipal Transportation Agency (SFMTA) Transportation Director shall review and resolve complaints of employment discrimination within SFMTA. The Charter defines discrimination as a violation of civil rights on account of race, religion, disability, sex, age, or other protected category. The City and County of San Francisco (City) considers all allegations of discrimination a serious matter.

Thank you for bringing your concerns to my attention, as I appreciate every opportunity to evaluate conduct that impacts employee morale and productivity. I make recommendations for change whenever warranted, even when the facts do not establish a violation of the City's nondiscrimination policies but may violate other policies, or where changes may improve a workplace environment.

The purpose of this letter is to inform you of my determination regarding your complaint, EEO File No. 3985.

I. BACKGROUND & ALLEGATIONS

You are currently a 9163 Transit Operator and have been in that position since July 12, 2007. From September 18, 2021, to December 28, 2021, you were a 9139 Transit Supervisor. On April 25, 2021, Vita Ogans, SFMTA Executive Secretary, referred to the Department of Human Resources (DHR), Equal Employment Opportunity (EEO) Division, your complaint of discrimination based on your race (African American), age (49 years old), and nepotism. You alleged that you were discriminated against by SFMTA when on around December 24, 2021, you were released from the 9139 Bus Controller Training Program.

On April 27, 2021, you spoke with Toni Battle, SFMTA EEO Ombudsperson, regarding your allegations of discrimination and nepotism. You alleged Randall Buck (Buck), 9139 Transit Supervisor and Lanair Haynes (Haynes), Manager IV at SFMTA, discriminated against you when they allowed a White and younger female employee to pass the training program, but not you.

On May 6, 2021, you spoke with Carlos Cueva Alegria (Cueva Alegria), EEO Programs Senior Specialist with DHR EEO, and clarified that you believed Buck and Haynes did not allow you to pass the training program was due to nepotism, as Charmion Forrester (Forrester), now a 9139 Transit Supervisor, was in your same training class and allowed to retake her final exam four times, with the best scored of 67, when 85 is needed to pass. However, Haynes and Buck passed her because Forrester's mother was a former SFMTA supervisor who retired in June 2010.



You also alleged that Haynes and Buck may have allowed Forrester to pass the training program, but not you, due to your age because Buck could be trying to keep a younger employee.

A. Allegations of Discrimination

1. Based on Race (African American)

You alleged that it is possible Buck and Haynes did not pass you from the training program due to your race because Forrester, who is White, passed the training program, but you did not. However, you believed other African American employees also passed the training program.

You further alleged that around December 24, 2021, when you were re-taking your final exam in Buck's office, Buck told you that Haynes "begged" him to keep Forrester because of "who her mother was." Buck then said, in reference to Haynes, "That N***a got sympathy/empathy. That m-f got sympathy," but Buck did not have sympathy and if you did not pass the exam, Buck would fail you. These comments, made while you were re-taking the final exam, were offensive and distracted you.

You finally alleged that you and Buck used to date, but in around 2013 or 2014, you ended the relationship. You did not have much interaction with him until September 2021, when you saw him in the training program. You believe that Buck's conduct was his way of "flexing his power" on you. You further alleged that while you were re-taking the exam, he spoke on the phone with his current girlfriend in an attempt to make you jealous.

2. Based on Age (49 Years Old)

While you alleged that Haynes and Buck may have allowed Forrester to pass the training program, but not you, due to your age because Buck could be trying to keep a younger employee, you also believe that other older employees in the training program also passed.

B. Allegations of Nepotism

Finally, based on Buck's comments that Haynes begged Buck to let Forrester pass the training program because of Forrester's mother, you believe nepotism was the reason Forrester was allowed to pass the training program, but you were not. Buck and Haynes overlooked Forrester's low test scores and you believe you deserved the same opportunity to pass.

II. RELEVANT SFMTA & CITY POLICIES

A. SFMTA's Equal Employment Opportunity (EEO) Policy

Below are relevant portions from the SFMTA's EEO Policy:

Discrimination and Harassment Prohibited

Discriminating against, or harassing City employees...because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of



cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful...Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

B. City's Respect in the Workplace Policy on the Treatment of Co-Workers and the Public (Respect Policy)

City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

III. INVESTIGATIVE STANDARDS & ANALYSIS

A. Allegations of Discrimination

To warrant further investigation, a complaint of discrimination/disparate treatment in violation of the SFMTA's EEO Policy must sufficiently allege all of the following: (1) You a member of a protected category; (2) You suffered an adverse employment action; and (3) You suffered an adverse employment action because of your membership in a protected category.

You are a member of a protected category based on your race (African-American) and age (49 years old). You suffered an adverse employment action when you did not pass the training program, causing you to return to your underlying 9163 Transit Operator position. However, the information you provided did not support that your race or age was the reason you did not pass the training program, as discussed below.

1. Based on Race (African American)

Although you alleged that Buck and Haynes allowed Forrester, who you believe is White, to pass the program, but not you, you also alleged that other African American/Black employees passed the program. This makes it less likely that Buck and Haynes' conduct was based on your race. Accordingly, this allegation will be closed without further investigation by DHR EEO. Nevertheless, using the N-word and "m-f" in the workplace violates the SFMTA's EEO Policy and the City's Respect Policy, and SFMTA HR took appropriate action to address this conduct, although due to privacy in personnel records, the exact action taken cannot be disclosed.

2. Based on Age (49 years old)

Similarly, although you believed Buck and Haynes passed Forrester but not you due to your age, records reflect that both you and Forrester are over 40 years old and that Forrester is of a similar age as you. In addition, you believe other older employees passed the training program, making it less likely that your age was a factor in you not passing the training program. Accordingly, this allegation will be closed without further investigation by DHR EEO.



B. Allegations Outside of EEO Jurisdiction (Nepotism)

Your allegation that Forrester passed the training program due to nepotism, based on Forrester's mother's status as a retired SFMTA supervisor, does not fall within EEO jurisdiction as it is not based on membership in a protected category. However, your claims of nepotism will be referred to SFMTA Labor Employee Relations for any additional investigation. Accordingly, this allegation will be closed without further investigation by DHR EEO.

IV. TRANSPORTATION DIRECTOR'S DETERMINATION

Based on the information provided, it is my determination that your complaint, EEO File No. 3985, will be administratively closed without further investigation.

The decision of the Transportation Director is final unless it is appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Room 720, San Francisco, CA, 94102, within 30 calendar days from the date of the e-mail sending this letter.

For your information, you may file a complaint of employment discrimination with the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission. Contact those agencies directly for filing requirements and deadlines.

Should you experience any inappropriate conduct in the future, please contact Virginia Harmon, SFMTA EEO Officer, at (415) 646-2875.

Please feel free to contact Amalia Martinez, DHR EEO Director, at (415) 557-4932, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey Tumlin'.

Jeffrey Tumlin ^{for}
Director of Transportation

c: Kimberly Ackerman, Human Resources Director, SFMTA
Virginia Harmon, EEO Officer, SFMTA
Shana Dines, Manager, Employee & Labor Relations, SFMTA
Amalia Martinez, EEO Director, DHR

EXHIBIT E:

SFMTA Employee & Labor Relations Letter of Determination to Appellant

December 12, 2022



London Breed, Mayor

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

Fiona Hinze, Director
Sharon Lai, Director
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

December 12, 2022

Shanita Anderson



Via email: Shanita.anderson@sfmta.com

RE: Complaint of Nepotism

Dear Shanita Anderson:

In your EEO Determination Letter RE: Complaint of Discrimination, EEO File No. 3985, you were notified that your allegations regarding nepotism were outside the jurisdiction of EEO, and therefore would be referred to SFMTA Employee & Labor Relations for additional investigation.

Under the San Francisco Charter and Civil Service Commission Policy Regarding Family and Romantic relationships at Work, the San Francisco Municipal Transportation Agency (SFMTA) Human Resources division has a duty to review and resolve complaints of nepotism or favoritism in employment decisions within SFMTA. The Policy prohibits the direct supervision of a related individual, including romantic relationships. The Policy also stipulates indirect supervision is permissible only if there is a management plan in place to address any conflict of interest, should any arise. The City and County of San Francisco considers all allegations of nepotism/favoritism a serious matter. An incident of nepotism would violate the City and County of San Francisco's Policy regarding Family and Romantic Relationships at Work.

The purpose of this letter is to share the determination of your complaint of nepotism.

I. ALLEGATIONS & BACKGROUND

The Department of Human Resources asked MTA's Employee Relations team to investigate your claim that nepotism factored into your alleged unfair release from a promotive probationary period. Both you and another party entered the fifteen (15) week training program for a 9139 Transit Supervisor. In your EEO complaint, you alleged a single cohort, Charmion Forrester, was shown favoritism because she is the daughter of former



superintendent Kathleen Forrester, who retired in June 2010. Your claim stated Forrester was favored, alleging nepotism as the reason. MTA reviewed the City's nepotism policy; the position entry results and the quantitative results of the training program.

II. ANALYSIS & FINDINGS

Both named parties entered a one-year promotive probationary period on September 18, 2021. Both parties were selected from the same eligibility list and were part of the same training cohort of 9139- Transit Supervisors. However, these two parties were in separate classes and did not sit for exams at the same time.

The 9139 Transit Supervisor role has a fifteen-week (15) week training program. The first twelve (12) weeks are classroom training followed by three (3) weeks of On-The-Job (OTJ) training. All trainees must pass each module in order to advance in the program. Some modules have final exams and all participants must pass all final exams or they will be released from the program. You were provided two separate opportunities to take the Rail Final Exam. A passing score for the Rail final exam is 85% and you did not achieve this score in either session exam opportunity.

Under the Policy Regarding Family and Romantic Relationships, employees may not make, participate in making, or influence any employment decision involving a related person or romantic partner. Supervisors and managers should avoid even the appearance of nepotism or favoritism in the workplace.

The allegation that a negative employment decision was made to your detriment and a favorable employment decision was made to benefit Charmion Forrester based on a violation of the referenced policy is not applicable. Nepotism and or favoritism applies to employees, city officers, elected officials, interns, and volunteers. Neither employment decision was made by an employee who, by definition, is related to either you or Forrester. Neither employment decision was made by an employee who, by definition, is in a romantic relationship with either you or Forrester. Therefore, the complaint is not covered by the policy. Your assertion fails to put forth a causal connection between a related person who is employed by the City and an employment decision producing a policy violation.

III. DETERMINATION



The City and County of San Francisco Civil Service Commission Policy Regarding Family and Romantic Relationships was implemented consistently. There was no conflict.

No nepotism was involved. The decisions were made for legitimate business reasons.

This decision is final unless it is appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Room 720, San Francisco, CA, 94102, within 30 calendar days from the date of the e-mail sharing this letter.

Please feel free to contact me at (415) 646-4842, should you have any questions.

Sincerely,

Monique Johnson

MJ Johnson
Employee Relations Manager

Encl.:

City and County of San Francisco civil Service Commission Policy Regarding Family and Romantic Relationships at Work

cc:

Kimberly Ackerman, Human Resources Director, SFMTA
Virginia Harmon, EEO Officer, SFMTA
Shana Dines, Employee & Labor Relations, Manager, SFMTA
Amalia Martinez, EEO Director, DHR

EXHIBIT F:

Notice of Appeal by Appellant, Register No. 0161-22-6

September 21, 2022



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Sent via Email

NOTICE OF RECEIPT OF APPEAL

DATE: September 26, 2022
REGISTER NO.: 0161-22-6
APPELLANT: SHANITA ANDERSON

Jeffrey Tumlin
Director of Transportation
Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

Dear Jeffrey Tumlin:

The Civil Service Commission has received the attached letter from Shanita Anderson appealing the Director of Transportation's decision to administratively close without further investigation on her complaint, DHR EEO File No. 3985. 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 Shanita Anderson'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 November 23, 2022** so that it may be heard by the Civil Service Commission at its meeting on December 5, 2022. If you will be unable to transmit the staff report by the November 23rd deadline, or if required departmental representatives will not be available to attend the December 5th 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 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: Kimberly Ackerman, Municipal Transportation Agency
Virginia Harmon, Municipal Transportation Agency
Jeanne Buick, Department of Human Resources
Amalia Martinez, Department of Human Resources
Carlos Cueva Alegria, Department of Human Resources



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Sent via Email

September 26, 2022

Shanita Anderson
[REDACTED]

Subject: **Register No. 0161-22-6: Appealing the Director of Transportation's Decision to Administratively Close Without Further Investigation her DHR EEO File No. 3985.**

Dear Shanita Anderson:

This is in response to your appeal submitted to the Civil Service Commission on September 21, 2022 appealing the Director of Transportation's decision to administratively close without further investigation your DHR EEO File No. 39855. 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.

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 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



CIVIL SERVICE COMMISSION
City and County of San Francisco
 25 Van Ness Avenue, Suite 720
 San Francisco, California 94102-6033
 Executive Officer
 (628) 652-1100

CSC Register No.
 -22-6
 To: ¹
X J. Tumlin
 CC: K. Ackerman
V. Harman
A. Martinez

APPEAL TO THE CIVIL SERVICE COMMISSION

INSTRUCTIONS:

Submit an original copy of this form to the Executive Officer of the Civil Service Commission at the address above within the designated number of days following the postmarked mailing date or email date (whichever is applicable) of the Department of Human Resources' or Municipal Transportation Agency's notification to the appellant. The appellant's/authorized representative's original signature is required. (E-mail is not accepted.) It is recommended that you include all relevant information and documentation in support of your appeal.

TYPE OF APPEAL: (Check One)

- Examination Matters (by close of business on 5th working day)
- Employee Compensation Matters (by close of business on 7th working day) - Limited application
- Personal Service Contracts (Posting Period)
- Other Matters (i.e., Human Resources Director/Executive Officer Action) (30 Calendar days)
- Future Employability Recommendations (See Notice to Employee)

"During the Shelter Order dated March 17, 2020, we are accepting appeals by email at civilservice@sfgov.org"

Shanita Anderson 949 Presidio Ave
 Full Name of Appellant Work Address Work Telephone

9163 Transit Operator
 Job Code Title Department City State Zip Home Telephone

Full Name of Authorized Representative (if any) Telephone Number of Representative (including Area Code)

NOTE: If this is deemed to be a timely and appealable matter, the department will submit a staff report to the Civil Service Commission to request that it be scheduled for hearing. You will be notified approximately one week in advance of the hearing date, at which time you will be able to pick up a copy of the department's staff report at the Commission's offices. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please provide your email address below.

Email: [Redacted]

COMPLETE THE BASIS OF THIS APPEAL ON THE REVERSE SIDE. (Use additional page(s) if necessary)

Does the basis of this appeal include new information not previously presented in the appeal to the Human Resources Director? If so, please specify.	Check One: <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Shanita Anderson 9/21/2022
 Original Signature of Appellant or Authorized Representative Date

CSC-12 (5/2021) Date Received by Civil Service Commission: _____

State the basis of this appeal in detail. For more information about appeal rights and deadlines, please review the Civil Service Rules located on the Civil Service Commission's website at www.sfgov.org/CivilService.

I have been in my position as of Oct, 1999. in good standing. On Dec 24th I took my final and missed it by 2 points 83% and needed a 85%. My argument is why I wasn't treated as Ms Forrester who had a 67% wasn't meeting classroom expectation ^{and} still was passed through the ~~course~~ 9139 Transit ~~Supervisor~~ Supervisor class.

Also Randall Buck who was a 9160 acting manager over the 9139 did not give me the same opportunity to pass.

I believe Randall Buck treated me like this due to we used to date each other. I believe this was a conflict of interest. maybe Mr. Randall Buck is upset due to how we ended.

Randall Buck has no right to take any promotion from me. It is unfair that his able to flex his power over me. How do you give Forrester who had a 67% ^{on her test} and her file was thick with information that she wasn't meeting classroom standards. the position and I myself with an 83% not the position. Unfair treatment. You have spoke to witnesses that didn't pass Ms Forrester. We as people ~~as~~ have to do better. This is really unfair.

If this is not discrimination or nepotism than please tell me what do you call it?



London Breed, Mayor

Gwyneth Borden, Chair
Amanda Eaken, Vice Chair
Stephanie Cajina, Director
Steve Heminger, Director

Fiona Hinze, Director
Sharon Lai, Director
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

CONFIDENTIAL

August 26, 2022

Shanita Anderson



Via E-mail

shanita.anderson@sfmta.com

RE: Complaint of Discrimination, EEO File No. 3985

Dear Shanita Anderson:

The San Francisco Charter, Section 8A.104, and Civil Service Rule 403 provide that the San Francisco Municipal Transportation Agency (SFMTA) Transportation Director shall review and resolve complaints of employment discrimination within SFMTA. The Charter defines discrimination as a violation of civil rights on account of race, religion, disability, sex, age, or other protected category. The City and County of San Francisco (City) considers all allegations of discrimination a serious matter.

Thank you for bringing your concerns to my attention, as I appreciate every opportunity to evaluate conduct that impacts employee morale and productivity. I make recommendations for change whenever warranted, even when the facts do not establish a violation of the City's nondiscrimination policies but may violate other policies, or where changes may improve a workplace environment.

The purpose of this letter is to inform you of my determination regarding your complaint, EEO File No. 3985.

I. BACKGROUND & ALLEGATIONS

You are currently a 9163 Transit Operator and have been in that position since July 12, 2007. From September 18, 2021, to December 28, 2021, you were a 9139 Transit Supervisor. On April 25, 2021, Vita Ogans, SFMTA Executive Secretary, referred to the Department of Human Resources (DHR), Equal Employment Opportunity (EEO) Division, your complaint of discrimination based on your race (African American), age (49 years old), and nepotism. You alleged that you were discriminated against by SFMTA when on around December 24, 2021, you were released from the 9139 Bus Controller Training Program.

On April 27, 2021, you spoke with Toni Battle, SFMTA EEO Ombudsperson, regarding your allegations of discrimination and nepotism. You alleged Randall Buck (Buck), 9139 Transit Supervisor and Lanair Haynes (Haynes), Manager IV at SFMTA, discriminated against you when they allowed a White and younger female employee to pass the training program, but not you.

On May 6, 2021, you spoke with Carlos Cueva Alegria (Cueva Alegria), EEO Programs Senior Specialist with DHR EEO, and clarified that you believed Buck and Haynes did not allow you to pass the training program was due to nepotism, as Charmion Forrester (Forrester), now a 9139 Transit Supervisor, was in your same training class and allowed to retake her final exam four times, with the best scored of 67, when 85 is needed to pass. However, Haynes and Buck passed her because Forrester's mother was a former SFMTA supervisor who retired in June 2010.



You also alleged that Haynes and Buck may have allowed Forrester to pass the training program, but not you, due to your age because Buck could be trying to keep a younger employee.

A. Allegations of Discrimination

1. Based on Race (African American)

You alleged that it is possible Buck and Haynes did not pass you from the training program due to your race because Forrester, who is White, passed the training program, but you did not. However, you believed other African American employees also passed the training program.

You further alleged that around December 24, 2021, when you were re-taking your final exam in Buck's office, Buck told you that Haynes "begged" him to keep Forrester because of "who her mother was." Buck then said, in reference to Haynes, "That N***a got sympathy/empathy. That m-f got sympathy," but Buck did not have sympathy and if you did not pass the exam, Buck would fail you. These comments, made while you were re-taking the final exam, were offensive and distracted you.

You finally alleged that you and Buck used to date, but in around 2013 or 2014, you ended the relationship. You did not have much interaction with him until September 2021, when you saw him in the training program. You believe that Buck's conduct was his way of "flexing his power" on you. You further alleged that while you were re-taking the exam, he spoke on the phone with his current girlfriend in an attempt to make you jealous.

2. Based on Age (49 Years Old)

While you alleged that Haynes and Buck may have allowed Forrester to pass the training program, but not you, due to your age because Buck could be trying to keep a younger employee, you also believe that other older employees in the training program also passed.

B. Allegations of Nepotism

Finally, based on Buck's comments that Haynes begged Buck to let Forrester pass the training program because of Forrester's mother, you believe nepotism was the reason Forrester was allowed to pass the training program, but you were not. Buck and Haynes overlooked Forrester's low test scores and you believe you deserved the same opportunity to pass.

II. RELEVANT SFMTA & CITY POLICIES

A. SFMTA's Equal Employment Opportunity (EEO) Policy

Below are relevant portions from the SFMTA's EEO Policy:

Discrimination and Harassment Prohibited

Discriminating against, or harassing City employees...because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of



cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful...Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

B. City's Respect in the Workplace Policy on the Treatment of Co-Workers and the Public (Respect Policy)

City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

III. INVESTIGATIVE STANDARDS & ANALYSIS

A. Allegations of Discrimination

To warrant further investigation, a complaint of discrimination/disparate treatment in violation of the SFMTA's EEO Policy must sufficiently allege all of the following: (1) You a member of a protected category; (2) You suffered an adverse employment action; and (3) You suffered an adverse employment action because of your membership in a protected category.

You are a member of a protected category based on your race (African-American) and age (49 years old). You suffered an adverse employment action when you did not pass the training program, causing you to return to your underlying 9163 Transit Operator position. However, the information you provided did not support that your race or age was the reason you did not pass the training program, as discussed below.

1. Based on Race (African American)

Although you alleged that Buck and Haynes allowed Forrester, who you believe is White, to pass the program, but not you, you also alleged that other African American/Black employees passed the program. This makes it less likely that Buck and Haynes' conduct was based on your race. Accordingly, this allegation will be closed without further investigation by DHR EEO. Nevertheless, using the N-word and "m-f" in the workplace violates the SFMTA's EEO Policy and the City's Respect Policy, and SFMTA HR took appropriate action to address this conduct, although due to privacy in personnel records, the exact action taken cannot be disclosed.

2. Based on Age (49 years old)

Similarly, although you believed Buck and Haynes passed Forrester but not you due to your age, records reflect that both you and Forrester are over 40 years old and that Forrester is of a similar age as you. In addition, you believe other older employees passed the training program, making it less likely that your age was a factor in you not passing the training program. Accordingly, this allegation will be closed without further investigation by DHR EEO.



B. Allegations Outside of EEO Jurisdiction (Nepotism)

Your allegation that Forrester passed the training program due to nepotism, based on Forrester's mother's status as a retired SFMTA supervisor, does not fall within EEO jurisdiction as it is not based on membership in a protected category. However, your claims of nepotism will be referred to SFMTA Labor Employee Relations for any additional investigation. Accordingly, this allegation will be closed without further investigation by DHR EEO.

IV. TRANSPORTATION DIRECTOR'S DETERMINATION

Based on the information provided, it is my determination that your complaint, EEO File No. 3985, will be administratively closed without further investigation.

The decision of the Transportation Director is final unless it is appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Room 720, San Francisco, CA, 94102, within 30 calendar days from the date of the e-mail sending this letter.

For your information, you may file a complaint of employment discrimination with the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission. Contact those agencies directly for filing requirements and deadlines.

Should you experience any inappropriate conduct in the future, please contact Virginia Harmon, SFMTA EEO Officer, at (415) 646-2875.

Please feel free to contact Amalia Martinez, DHR EEO Director, at (415) 557-4932, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey Tumlin'.

Jeffrey Tumlin^{for}
Director of Transportation

c: Kimberly Ackerman, Human Resources Director, SFMTA
Virginia Harmon, EEO Officer, SFMTA
Shana Dines, Manager, Employee & Labor Relations, SFMTA
Amalia Martinez, EEO Director, DHR

EXHIBIT G:

9139 Transit Supervisor Participant Exam Summary

Exam Summary: Shanita Anderson, DSW # [REDACTED]

Start Work Date: 9/18/21 & 11/6/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	N/A	N/A	100%	N/A
Switches	N/A	N/A	100%	N/A
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	94%	100%	100%	Passed
Rail Rulebook	100%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	100%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	95%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	95%	N/A	85%	Passed
PCC	87%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	88%	N/A	85%	Passed
MRO Final	82%	83%	85%	Failed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

*Red indicates unsuccessful attempt to pass a test

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	96%	N/A	85%	Passed
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	92%	100%	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	95%	N/A	85%	Passed
ATCS	100%	N/A	85%	Passed
Emergency Procedures	95%	N/A	85%	Passed
LRV 4	95%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	95%	N/A	85%	Passed
PCC	91%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	96%	N/A	85%	Passed
MRO Final	93%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary: , DSW # [REDACTED]

Start Work Date: 11/6/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	100%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	100%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	95%	N/A	85%	Passed
PCC	90%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	96%	N/A	85%	Passed
MRO Final	97%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary:

, DSW #

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	99%	N/A	85%	Passed
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	92%	100%	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	97%	N/A	85%	Passed
ATCS	96%	N/A	85%	Passed
Emergency Procedures	100%	N/A	85%	Passed
LRV 4	96%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	100%	N/A	85%	Passed
PCC	91%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	92%	N/A	85%	Passed
MRO Final	95%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary:

, DSW #

Start Work Date: 11/6/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	98%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	100%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	100%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	100%	N/A	85%	Passed
PCC	93%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	96%	N/A	85%	Passed
MRO Final	97%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	100%	N/A	85%	Passed

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	96%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	100%	N/A	85%	Passed
PCC	100%	N/A	85%	Passed
Overhead	87%	N/A	85%	Passed
Milan	96%	N/A	85%	Passed
MRO Final	96%	N/A	85%	Passed
Basic Supervision	100%	N/A	85%	Passed
Systems Overview	100%	N/A	85%	Passed
Customer Interface	100%	N/A	85%	Passed
System Introduction	100%	N/A	85%	Passed
Line Management	90%	N/A	85%	Passed

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	97%	N/A	85%	Passed
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	92%	100%	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	100%	N/A	85%	Passed
RWP	98%	N/A	85%	Passed
ATCS	100%	N/A	85%	Passed
Emergency Procedures	100%	N/A	85%	Passed
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	90%	N/A	85%	Passed
PCC	94%	N/A	85%	Passed
Overhead	94%	N/A	85%	Passed
Milan	100%	N/A	85%	Passed
MRO Final	95%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary:

, DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	97%	N/A	85%	Passed
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	83%	100%	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	95%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	97%	N/A	85%	Passed
ATCS	96%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	90%	N/A	85%	Passed
PCC	100%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	100%	N/A	85%	Passed
MRO Final	95%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary: Charmion Forrester, DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	95%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	76%	96%	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	96%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	90%	N/A	85%	Passed
PCC	100%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	80%	96%	85%	Passed
MRO Final	83%	85%	85%	Passed
Basic Supervision	100%	N/A	85%	Passed
Systems Overview	100%	N/A	85%	Passed
Customer Interface	100%	N/A	85%	Passed
System Introduction	97%	N/A	85%	Passed
Line Management	90%	N/A	85%	Passed

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	95%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	88%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	100%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	91%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	100%	N/A	85%	Passed
PCC	96%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	96%	N/A	85%	Passed
MRO Final	95%	N/A	85%	Passed
Basic Supervision	100%	N/A	85%	Passed
Systems Overview	90%	N/A	85%	Passed
Customer Interface	100%	N/A	85%	Passed
System Introduction	93%	N/A	85%	Passed
Line Management	90%	N/A	85%	Passed

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	97%	N/A	85%	Passed
Switch Demonstration	100%	N/A	100%	Passed
Switches	80%	100%	100%	Passed
Interlockings - 19th & Holloway	83%	100%	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	97%	N/A	85%	Passed
ATCS	88%	N/A	85%	Passed
Emergency Procedures	100%	N/A	85%	Passed
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	95%	N/A	85%	Passed
PCC	97%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	100%	N/A	85%	Passed
MRO Final	95%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	100%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	95%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	90%	N/A	85%	Passed
PCC	100%	N/A	85%	Passed
Overhead	87%	N/A	85%	Passed
Milan	100%	N/A	85%	Passed
MRO Final	95%	N/A	85%	Passed
Basic Supervision	100%	N/A	85%	Passed
Systems Overview	100%	N/A	85%	Passed
Customer Interface	85%	N/A	85%	Passed
System Introduction	100%	N/A	85%	Passed
Line Management	100%	N/A	85%	Passed

Exam Summary:

, DSW #

Start Work Date: 11/6/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	N/A	N/A	100%	N/A
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	83%	88%	100%	Failed
Interlockings - King Street	76%	94%	100%	Failed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	88%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	N/A	N/A	85%	N/A
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	N/A	N/A	85%	N/A
Rail SOP Test	N/A	N/A	85%	N/A
Brenda LRV Troubleshooting	N/A	N/A	85%	N/A
PCC	N/A	N/A	85%	N/A
Overhead	N/A	N/A	85%	N/A
Milan	N/A	N/A	85%	N/A
MRO Final	N/A	N/A	85%	N/A
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	100%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	92%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	90%	N/A	85%	Passed
Brenda LRV Troubleshooting	90%	N/A	85%	Passed
PCC	100%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	100%	N/A	85%	Passed
MRO Final	96%	N/A	85%	Passed
Basic Supervision	100%	N/A	85%	Passed
Systems Overview	100%	N/A	85%	Passed
Customer Interface	100%	N/A	85%	Passed
System Introduction	100%	N/A	85%	Passed
Line Management	90%	N/A	85%	Passed

Exam Summary: , DSW # [REDACTED]

Start Work Date: 11/6/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	100%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	100%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	100%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	95%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	90%	N/A	85%	Passed
PCC	96%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	96%	N/A	85%	Passed
MRO Final	93%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	95%	N/A	85%	Passed

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	98%	N/A	85%	Passed
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	92%	100%	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	98%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	100%	N/A	85%	Passed
RWP	92%	N/A	85%	Passed
ATCS	96%	N/A	85%	Passed
Emergency Procedures	95%	N/A	85%	Passed
LRV 4	96%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	100%	N/A	85%	Passed
PCC	91%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	100%	N/A	85%	Passed
MRO Final	95%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary:

, DSW #

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	100%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	100%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	90%	N/A	85%	Passed
PCC	90%	N/A	85%	Passed
Overhead	87%	N/A	85%	Passed
Milan	94%	N/A	85%	Passed
MRO Final	96%	N/A	85%	Passed
Basic Supervision	100%	N/A	85%	Passed
Systems Overview	100%	N/A	85%	Passed
Customer Interface	100%	N/A	85%	Passed
System Introduction	93%	N/A	85%	Passed
Line Management	90%	N/A	85%	Passed

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	98%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	100%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	100%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	90%	N/A	85%	Passed
PCC	100%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	88%	N/A	85%	Passed
MRO Final	94%	N/A	85%	Passed
Basic Supervision	100%	N/A	85%	Passed
Systems Overview	100%	N/A	85%	Passed
Customer Interface	100%	N/A	85%	Passed
System Introduction	100%	N/A	85%	Passed
Line Management	90%	N/A	85%	Passed

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	94%	N/A	85%	Passed
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	75%	100%	100%	Passed
Interlockings - King Street	82%	100%	100%	Passed
Rail Rulebook	93%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	92%	N/A	85%	Passed
RWP	98%	N/A	85%	Passed
ATCS	96%	N/A	85%	Passed
Emergency Procedures	95%	N/A	85%	Passed
LRV 4	96%	N/A	85%	Passed
Rail SOP Test	95%	N/A	85%	Passed
Brenda LRV Troubleshooting	95%	N/A	85%	Passed
PCC	97%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	92%	N/A	85%	Passed
MRO Final	93%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary:

, DSW #

Start Work Date: 11/6/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	98%	N/A	85%	Passed
PED	93%	N/A	85%	Passed
Brenda Component	100%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	92%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	91%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	100%	N/A	85%	Passed
PCC	96%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	96%	N/A	85%	Passed
MRO Final	94%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	94%	N/A	85%	Passed
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	92%	100%	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	93%	N/A	85%	Passed
ATCS	92%	N/A	85%	Passed
Emergency Procedures	100%	N/A	85%	Passed
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	95%	N/A	85%	Passed
PCC	97%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	92%	N/A	85%	Passed
MRO Final	96%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary: , DSW # [REDACTED]

Start Work Date: 11/6/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	N/A	N/A	100%	N/A
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	82%	100%	100%	Passed
Interlockings - King Street	82%	94%	100%	Failed
Rail Rulebook	93%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	92%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	N/A	N/A	85%	N/A
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	N/A	N/A	85%	N/A
Rail SOP Test	N/A	N/A	85%	N/A
Brenda LRV Troubleshooting	N/A	N/A	85%	N/A
PCC	N/A	N/A	85%	N/A
Overhead	N/A	N/A	85%	N/A
Milan	N/A	N/A	85%	N/A
MRO Final	N/A	N/A	85%	N/A
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary:

, DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	98%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	92%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	95%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	100%	N/A	85%	Passed
PCC	96%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	100%	N/A	85%	Passed
MRO Final	95%	N/A	85%	Passed
Basic Supervision	100%	N/A	85%	Passed
Systems Overview	100%	N/A	85%	Passed
Customer Interface	100%	N/A	85%	Passed
System Introduction	100%	N/A	85%	Passed
Line Management	90%	N/A	85%	Passed

Exam Summary: , DSW # [REDACTED]

Start Work Date: 11/6/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	96%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	100%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	88%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	95%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	85%	N/A	85%	Passed
PCC	90%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	80%	88%	85%	Passed
MRO Final	93%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary:

, DSW #

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	95%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	92%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	96%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	91%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	100%	N/A	85%	Passed
PCC	93%	N/A	85%	Passed
Overhead	87%	N/A	85%	Passed
Milan	88%	N/A	85%	Passed
MRO Final	94%	N/A	85%	Passed
Basic Supervision	100%	N/A	85%	Passed
Systems Overview	100%	N/A	85%	Passed
Customer Interface	100%	N/A	85%	Passed
System Introduction	100%	N/A	85%	Passed
Line Management	100%	N/A	85%	Passed

Exam Summary:

, DSW # [REDACTED]

Start Work Date: 11/6/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	98%	N/A	85%	Passed
PED	93%	N/A	85%	Passed
Brenda Component	92%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	92%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	91%	N/A	85%	Passed
Rail SOP Test	90%	N/A	85%	Passed
Brenda LRV Troubleshooting	90%	N/A	85%	Passed
PCC	90%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	92%	N/A	85%	Passed
MRO Final	95%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	95%	N/A	85%	Passed

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	82%	[REDACTED]	85%	Failed
Switch Demonstration	N/A	N/A	100%	N/A
Switches	N/A	N/A	100%	N/A
Interlockings - 19th & Holloway	N/A	N/A	100%	N/A
Interlockings - King Street	N/A	N/A	100%	N/A
Rail Rulebook	N/A	N/A	85%	N/A
PED	N/A	N/A	85%	N/A
Brenda Component	N/A	N/A	85%	N/A
RWP	N/A	N/A	85%	N/A
ATCS	N/A	N/A	85%	N/A
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	N/A	N/A	85%	N/A
Rail SOP Test	N/A	N/A	85%	N/A
Brenda LRV Troubleshooting	N/A	N/A	85%	N/A
PCC	N/A	N/A	85%	N/A
Overhead	N/A	N/A	85%	N/A
Milan	N/A	N/A	85%	N/A
MRO Final	N/A	N/A	85%	N/A
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary:

, DSW # [REDACTED]

Start Work Date: 11/6/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	98%	N/A	85%	Passed
PED	93%	N/A	85%	Passed
Brenda Component	100%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	88%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	95%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	100%	N/A	85%	Passed
PCC	96%	N/A	85%	Passed
Overhead	87%	N/A	85%	Passed
Milan	88%	N/A	85%	Passed
MRO Final	97%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	97%	N/A	85%	Passed

Exam Summary:

DSW #

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	97%	N/A	85%	Passed
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	83%	100%	100%	Passed
Interlockings - King Street	82%	100%	100%	Passed
Rail Rulebook	93%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	92%	N/A	85%	Passed
RWP	95%	N/A	85%	Passed
ATCS	96%	N/A	85%	Passed
Emergency Procedures	100%	N/A	85%	Passed
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	90%	N/A	85%	Passed
PCC	84%	97%	85%	Passed
Overhead	94%	N/A	85%	Passed
Milan	100%	N/A	85%	Passed
MRO Final	97%	N/A	85%	Passed
Basic Supervision	N/A	N/A	85%	N/A
Systems Overview	N/A	N/A	85%	N/A
Customer Interface	N/A	N/A	85%	N/A
System Introduction	N/A	N/A	85%	N/A
Line Management	N/A	N/A	85%	N/A

Exam Summary: , DSW # [REDACTED]

Start Work Date: 9/18/21

Test Name	1st Attempt Score	2nd Attempt Score	Minimum Passing Score	Passed/ Failed
Accident Report Writing	N/A	N/A	85%	N/A
Switch Demonstration	100%	N/A	100%	Passed
Switches	100%	N/A	100%	Passed
Interlockings - 19th & Holloway	100%	N/A	100%	Passed
Interlockings - King Street	100%	N/A	100%	Passed
Rail Rulebook	95%	N/A	85%	Passed
PED	100%	N/A	85%	Passed
Brenda Component	96%	N/A	85%	Passed
RWP	N/A	N/A	85%	N/A
ATCS	100%	N/A	85%	Passed
Emergency Procedures	N/A	N/A	85%	N/A
LRV 4	100%	N/A	85%	Passed
Rail SOP Test	100%	N/A	85%	Passed
Brenda LRV Troubleshooting	85%	N/A	85%	Passed
PCC	100%	N/A	85%	Passed
Overhead	100%	N/A	85%	Passed
Milan	88%	N/A	85%	Passed
MRO Final	98%	N/A	85%	Passed
Basic Supervision	100%	N/A	85%	Passed
Systems Overview	100%	N/A	85%	Passed
Customer Interface	100%	N/A	85%	Passed
System Introduction	100%	N/A	85%	Passed
Line Management	90%	N/A	85%	Passed

EXHIBIT H:

Appellant's Transit Services Conference Report Form

December 27, 2021

San Francisco Municipal Railway Inspector Training



Transit Services

Conference Report Form

Signatures below indicate that the violation or substandard performance has been discussed on the date specified. Student hereby acknowledges receipt of conference.

<u>Shanita Anderson</u>	<u>30255</u>	<u>9139</u>	
Inspector Name	DSW	Classification	
<u>12/27/2021</u>	<u>12/27/2021</u>	<u>Shanita Anderson</u>	<u>[Signature]</u>
Event Date	Conference Date	Student Signature	Manager Signature
<u>VICTOR SERRATO</u>			<u>[Signature]</u>
Instructor Name			Instructor Signature

Additional Comments

Ms. Shanita Anderson has a score of 83% on the Metro Rail Operation Training Final Exam. Trainee must obtain a passing score of 85% on the final exam. She has reached the disqualification criteria.

If Disqualified	<u>Shanita Anderson</u>	<u>[Signature]</u>
<u>12/27/2021</u>	Student Signature	Manager
Date	<u>VICTOR SERRATO</u>	<u>[Signature]</u>
<u>12/27/2021</u>	Instructor Name	Instructor Signature
Date		

EXHIBIT I:

9139 Transit Supervisor New Hire Demographic Information: September –
December 2021

9139 Transit Supervisor New Hire Demographics September 2021 - December 2021							
DSW #	Last Name	First Name	Start Work Date	Race	Age At Start Work Date	Sex	Passed/ Failed Training Program
	Dorsey	Adrian	9/18/2021	Black	31	Male	Passed
	Darado	Lyka	9/18/2021	Filipino	34	Female	Passed
	Reese	Lynnecka	9/18/2021	Black	35	Female	Passed
	Countee	Christopher	9/18/2021	Black	37	Male	Passed
	Dyer-Lampkin	Lichelle	9/18/2021	Black	38	Female	Passed
	Burton	Latisha	9/18/2021	Black	42	Female	Passed
	La	Thach	9/18/2021	Asian	42	Male	Passed
	Luo	Victor	9/18/2021	Asian	42	Male	Passed
	Hayes	Corey	9/18/2021	Black	43	Male	Passed
	Thompson	Brian	9/18/2021	Black	43	Male	Passed
	Forrester	Charmion	9/18/2021	American Indian/ Alaska Native	45	Female	Passed
	Harris	Shawn	9/18/2021	Black	45	Male	Passed
	Norde	Carl	9/18/2021	Black	45	Male	Passed
	Pittman	Rasool	9/18/2021	Black	45	Male	Passed
	Ng	Mike	9/18/2021	Asian	47	Male	Passed
	Xie	Foster	9/18/2021	Asian	47	Male	Passed
	Anderson	Shanita	9/18/2021	Black	49	Female	Failed
	Mueller	Miriam	9/18/2021	Black	50	Female	Passed
	Wright Sr	Antoine	9/18/2021	Black	50	Male	Passed
	Gaines	Ralph	9/18/2021	Black	60	Male	Passed
	Vinson	Jesse	9/18/2021	Black	61	Male	Failed
	Smith	Jeremy	11/6/2021	Black	32	Male	Passed
	Rapada	Ryan	11/6/2021	Filipino	34	Male	Failed
	Williams	Marco	11/6/2021	Black	36	Male	Passed
	Torrey II	Michael	11/6/2021	Black	40	Male	Passed
	Paredes Teo	Israel	11/6/2021	Hispanic	40	Male	Passed
	Chatman	Sean	11/6/2021	Black	44	Male	Passed
	Countee	Natisha	11/6/2021	Black	45	Female	Passed
	Lee	Ryan	11/6/2021	Asian	51	Male	Passed
	Holmes	Demarco	11/6/2021	Black	51	Male	Failed

EXHIBIT J:

Corrective Action Taken

July 14, 2022

EXHIBIT K:

SFMTA Employee & Labor Relations Memorandum to DHR EEO

November 4, 2022

MTA, Employee Relations

Findings on Shanita Anderson's allegation



To: Alison Kwan, EEO Programs Manager alison.kwan@sfgov.org

CC: Carlos Cueva Alegria, EEO Programs SR Specialist carlos.cueva-alegria@sfgov.org

From: Rochelle Hooker, Employee Relations, SFMTA

Date: November 4, 2022

Subject: EEO File No. 3895

In this EEO complaint Shanita Anderson alleged that another co-worker, Charmion Forrester, was shown favoritism because she is the daughter of former superintendent Kathleen Forrester, who retired in June 2010. Anderson alleges that nepotism is the reason why Forrester was allowed to pass the training program while she was not. The Department of Human Resources asked MTA's Employee Relations team to investigate Anderson's claim. MTA reviewed both the position entry results and the quantitative results of the training program.

Shanita Anderson and Charmion Forrester entered a one-year promotive probationary period on September 18, 2021. Both Anderson and Forrester were selected from the same eligibility list. They were in the same training cohort of 9139- Transit Supervisors. The position uses scores and ranks to determine selection. In terms of scores, the higher the score the better the result. In terms of ranking, the lower the ranking the better the result. Overall, Forrester's results were stronger than Anderson's. Forrester scored a 905 earning a rank of 37. Anderson scored 875 earning a rank of 53.

The 9139 Transit Supervisor role has a fifteen-week (15) week training program. The first twelve (12) weeks are classroom training followed by three (3) weeks of On-The-Job (OTJ) training. All trainees must pass each training module to continue to advance in the program.

When training begins, each participant signs an acknowledgment of training expectations that lists criteria required for continuation. Some of the training modules have written final exams. To continue the training program, participants must pass all final exams. A passing score for the Rail final exam is 85%. Anderson scored 82% on the final Rail exam. Anderson was provided an opportunity to re-take the final Rail exam and she scored 83%. Since she did not obtain a passing score of 85% or higher, she was released from her promotive probationary period with no restrictions and without discipline. Charmion Forrester, passed the Rail final exam. In conclusion, the allegation is unsubstantiated. Anderson's release was based on her inability to complete the requirements of the program.

Should anyone at the Department of Human Resources have further questions about any information contained in this report, please contact me.

Kind regards,
Rochelle Hooker, SPHR
Human Resources Analysts
Human Resources Employee Relations
Office 415.646.4815
Rochelle.hooker@sfmta.com

EXHIBIT L:

Commission Memo and Policy on Family and Romantic Relationships at Work



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

MEMORANDUM
CSC No. 2017 - 01

GINA M. ROCCANOVA
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

MICHAEL L. BROWN
EXECUTIVE OFFICER

DATE: February 8, 2017

TO: Department Heads
Departmental Personnel Officers
Employee Organization Representatives,

FROM: Michael L. Brown, Executive Officer
Civil Service Commission

SUBJECT: Policy on Family and Romantic Relationships at Work

At the Regular Civil Service Commission meeting of February 6, 2017, the Commissioners adopted the attached policy regarding Family and Romantic Relationships at Work. It is important to note that this policy will affect all employees of the City and County of San Francisco, including elected officials, interns and volunteers.

The policy encompasses requirements that already exist by virtue of the Charter, Employee Handbook, and Campaign and Governmental Conduct Code. The policy specifically expands the romantic and family relationship reporting requirements to avoid the perception of favoritism or nepotism. The policy clarifies that direct supervision of a related person (as defined in the policy to include both relatives and romantic relationships) is not allowed, and that indirect supervision of related persons may only be allowed if a management plan is in place to address potential conflicts of interest.

The Department of Human Resources (DHR) will be involved in the next phase of mass training for Human Resource professionals within Departments, Department Heads, managers, supervisors and employees. In addition, DHR will serve as a resource for Human Resource professionals who are resolving potential conflicts.

If you have specific questions or concerns regarding the policy, please feel free to contact our office.

CIVIL SERVICE COMMISSION

A handwritten signature in blue ink that reads "Michael L. Brown".

MICHAEL L. BROWN
Executive Officer



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

February 8, 2017

City and County of San Francisco Civil Service Commission Policy Regarding Family and Romantic Relationships at Work (Adopted By the Civil Service Commission on February 6, 2017)

GINA M. ROCCANOVA
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

MICHAEL L. BROWN
EXECUTIVE OFFICER

I. Purpose

The City and County of San Francisco (City) Civil Service Commission is committed to maintaining a professional work environment free of conflicts of interest, nepotism, and favoritism. A workplace where employees maintain clear boundaries between family, personal, and work relationships leads to an environment that:

- Is fair, equitable, and safe;
- Promotes high employee morale; and
- Ensures trust in the City's merit-based employment system.

With over 30,000 employees, it is not surprising that members of the same family and people in romantic relationships may work for the City. In general, these relationships do not pose workplace problems. The purpose of this policy is to explain when family and romantic relationships may cause problems, or the appearance of problems, related to nepotism, favoritism, or conflicts of interest at work. This policy also establishes standards and disclosure requirements to prevent those problems from occurring.

Nepotism occurs when family members favor other family members in employment decisions. Nepotism does not align with the City's policy and practice of making employment decisions based solely on City needs, merit-based processes, and individual qualifications, skills, knowledge, abilities, and performance.

Romantic relationships between supervisors and subordinate employees may raise issues of conflict of interest, abuse of authority, or favoritism. These relationships also have the potential to adversely impact other employees. Moreover, the real or perceived power imbalance that may exist between a supervisor and a subordinate may raise questions about mutual consent.

People in both family and romantic relationships are referred to as "related persons" (defined in Section III below) solely for purposes of this policy.

II. Applicability

This policy applies to all City officers, elected officials, employees (including permanent civil service, exempt, temporary, full and part time, and provisional), interns, and volunteers. These individuals are referred to collectively as “employees” solely for purposes of this policy.

III. Definitions

Employment decisions: Refers to the full array of decisions and actions that involve City employees and their employment, including, but not limited to, decisions related to hiring, supervision, promotion, compensation, work hours, assignment of duties, performance evaluation, discipline, termination, and decisions involving other terms and conditions of employment such as those listed in Section IV below.

Related person(s):

(A) A family member, whether by blood, adoption, marriage, or domestic partnership, including:

- Spouse;
- Domestic partner;
- Child;
- Parent;
- Grandparent/Grandchild;
- Aunt/Uncle;
- Sibling;
- First cousin;
- Niece/Nephew; and
- Any corresponding in-law, step, or foster relation

(B) A consensual romantic relationship occurring within the last two years. This includes, but is not limited to sexual, dating, engagement, or other intimate relationships.

Direct supervision: One employee directing the work of another employee. This includes temporary and project-based assignments.

Indirect supervision: One employee is responsible for the work of another employee through the organizational structure or chain of command. This includes temporary and project-based assignments.

IV. Policy

Employees may not make, participate in making, or influence any employment decision involving a related person. This includes, but is not limited to:

- Hiring, promoting, transferring, or re-assignment;
- Serving on a hiring panel;
- Developing, administering, or rating a civil service exam;
- Initiating an administrative investigation or discipline;
- Assigning work;
- Preparing, conducting, or contributing information to a performance appraisal;
- Approving overtime or any other compensated time;
- Approving vacation, sick, or other leave time;
- Granting or denying permission to attend a conference or other work-related event; and
- Approving reimbursement for work-related expenses.

Employees are prohibited from directly supervising related persons.

It is best practice that employees do not indirectly supervise related persons. Exceptions to this policy for indirect supervision may be made on a case by case basis as set forth in Section V.2 below.

Nothing in this policy prohibits an employee from acting as a personal reference or providing a letter of reference for a related person seeking appointment to a position in any City department, board, commission, or agency, other than the employee's department, board, commission, or agency, or to a position under the control of any such department, board, commission, or agency.

This policy does not prohibit a supervisor from making an employment decision that impacts an entire unit or group of employees that includes a related person.

V. Reporting and Compliance Procedures

1. Direct supervision of related persons must be promptly reported by both employees to their departmental personnel officer or human resources manager. Since employees cannot directly supervise related persons, the departmental personnel officer or human resources manager shall remove the conflict.
2. Indirect supervision of related persons must be promptly reported by both employees to their departmental personnel officer or human resources manager to assess the implications for the workplace, and to ensure that employment decisions are made appropriately.

- a. If, for operational reasons, the departmental personnel officer or human resources manager cannot remove the conflict, he or she shall formulate a management plan to address the indirect supervisory relationship while minimizing impact on the employees involved.
- b. At a minimum, all management plans must address reporting relationships, supervision, and evaluation to ensure a supervisor does not participate in employment decisions regarding a related person, as prohibited by this policy.
3. Individuals who become related persons during City employment and while in a direct or indirect supervision situation must promptly disclose the relationship following the process set forth in Section V.1 and 2 above.
4. A department head prohibited under this policy from making, participating in, or influencing employment decisions involving related persons shall delegate in writing the authority to make employment decisions regarding such related persons to another employee within the department.
5. All employees are prohibited from retaliating against anyone who reports a potential violation of this policy.

VI. Investigations and Penalties

All employees must cooperate with any investigation into possible violations of this policy. Violations may include, but are not limited to:

- Failing to report, or actively concealing, a relationship that falls within this policy; or
- Retaliating against another employee who has made a report under this policy.

Violations of this policy may lead to discipline, up to and including termination.

Employee questions about this policy should be directed to the departmental personnel officer or human resources manager.

The City's policies on appropriate workplace conduct and sexual harassment are posted on the Department of Human Resources website at www.sfdhr.org. The requirements set forth in this policy are in addition to those set forth in San Francisco Campaign and Governmental Conduct Code section 3.212 (Decisions Involving Family Members).

CIVIL SERVICE COMMISSION



MICHAEL L. BROWN
Executive Officer

EXHIBIT M:

Buck's Witness Interview

September 14, 2023



CONFIDENTIAL

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
 SUBJECT MATTER EXPERT INTERVIEW QUESTIONS**

Witness: Randall Buck	EEO File No./Dept.: HRC0003477/MTA
EEO Investigator: Brian Capurro	Date & Time: September 14, 2023, 6 a.m. – 8 a.m.
Others Present:	
Location: Telephone:	Pages: 13

Still a good time to talk?	Yes.
Can you confirm for me that you're in a private area away from other City employees?	Yes, I am in my office.

Great, I have a long introductory statement that gives you an overview of why I'm talking with you today and about your rights and responsibilities regarding this process, so please feel free to interrupt if you have any questions as I go, ok?

**CITY AND COUNTY OF SAN FRANCISCO, DEPARTMENT OF HUMAN
 RESOURCES, EQUAL EMPLOYMENT OPPORTUNITY DIVISION
 CHECKLIST FOR INTRODUCTORY STATEMENT FOR
 WITNESS INTERVIEW QUESTIONS**

The City and County of San Francisco and the San Francisco Municipal Transportation Agency (SFMTA) take all allegations of discrimination, harassment, and retaliation seriously. The City and SFMTA have an obligation to investigate claims of discrimination, harassment, and retaliation, and this investigation is being conducted consistent with those obligations.

I'm investigating a complaint. My role is that of a neutral fact finder and I will be taking notes during the interview. I do not represent SFMTA or the person who has made a complaint.

You are being interviewed today because you have been identified as a witness with information that will help DHR EEO make a determination. Participants in the investigation should cooperate by providing any written materials, names of witnesses, and other information to assist the investigation. All persons interviewed must also be truthful.

CONFIDENTIALITY:

To ensure the integrity of the investigatory process, to prevent testimony from being influenced, and to protect against retaliation, all persons interviewed are asked not to discuss the investigation with anyone other than their representative. To ensure fairness for any individual

who may be the subject of the investigation, we also ask that you refrain from discussing the investigation with uninvolved persons. We specifically ask that you not discuss:

- The fact you are being interviewed;
- The existence of the investigation; and
- The questions asked or answers provided.

We ask that you maintain this confidentiality until the conclusion of the investigation. Thank you in advance for your cooperation.

CONFIDENTIALITY: Disclosure of information regarding the investigation shall be limited to those persons with a legitimate need to know. Confidentiality cannot be promised.

NOTE, if asked: *People with a need to know may include my supervisor, Carol Isen, Director of Human Resources, the Department head and HR*

RETALIATION IS PROHIBITED:

- Retaliation for participating in the EEO complaint process is prohibited by law and by the CCSF's policies, and will not be tolerated.
- If you believe you are being retaliated against, immediately contact your Department's personnel officer, any supervisor, HR personnel, DHR, or me.

Do you have any questions about what I just went over?	No, I have no questions.
--	--------------------------

Ok, so I'm going to first ask you some questions about your employment history at the SFMTA. Then I'll ask you about some questions about the 9139 Transit Supervisor Training Program, and finally I'll ask some questions about some of the people you've worked with at the SFMTA and about your working and personal relationships with them, ok?

I. BACKGROUND INFORMATION

A. Subject Matter Expert Employment Background

Can you confirm for me when you started working for the City?	On March 4, 2002, I began City employment as 9163 Transit Operator. On August 15, 2015, I became a 9139 Transit Supervisor. In about March 2021, I began acting as a 9160 Transportation Specialist, but I may've not gotten the pay for it until July 2021.
And can you confirm for me that your current job classification is 9139 Transit Supervisor	Yes.
What unit or division do you work at MTA	I work in the Transit Services Division supervising the 9139 Transit Supervisors and 9163s.
How long Have you been in that unit?	About 2 or 2.5 years
What's the street address of where you work?	601 25 th Street: Muni Metro East (MME)
What is your work schedule?	Monday – Friday, 5 a.m. – 1 p.m.
Who's your supervisor?	Charles Armstrong, 9140 Transit Manager I Lanair Haynes, 9180 Manager VI, MTA Jose Castillo, 9174 Manager IV, MTA
What are your job duties?	I create training programs and I also help with clerical work in the division but I'm here to basically train our staff. I keep the training records up to date and make sure that everyone's up to snuff.
Overall, how do you like working at MTA?	It's changing from when I was first hired in 2002, but overall, it's a good job. I enjoy it.
Do you know why I'm speaking with you today?	No, I don't.
Other than your supervisor, have you talked with any City employees about this interview?	No.

B. 9139 Transit Supervisor Training Background Information

<p>How familiar are you with the 9139 Transit Supervisor Training Program?</p>	<p>I'm pretty well versed at it. I actually operate the equipment side on the light rail side. I'm well versed in what I do here. I know the training materials pretty well.</p>
<p>Aside from participating in the program when you were first promoted to 9139 Transit Supervisor, what roles have you had in the program?</p>	<p>I was an inspector at West Portal when I first became a 9139. In my third year, about 2018 or 2019, we got new equipment, the LRV 4s. I got people to learn how to operate the cars and troubleshoot them. I became a trainer here. We have recertifications where we have to keep inspector certifications up to date for the CPUC and complete the paperwork. That led to me becoming or getting promoted to training manager. I worked for Ferdinand Cadelina¹ when he was in my current position.</p>
<p>When did you first become involved in administering or instructing in the Transit Supervisor Training Program?</p>	<p>2018.</p>
<p>Are you still involved in the Transit Supervisor Training Program? If not, when and why did you stop being involved?</p>	<p>Yes, I am.</p>
<p>Were you involved in training the cohorts that started on September 18, 2021 and November 6, 2021?</p>	<p>Yes, I was. I was an acting manager.</p>
<p>In what capacity were you involved with those two cohorts?</p>	<p>So as a manager, I didn't do the hands-on actual training. A couple of those classes I did go out on the road with trainees, in terms of taking them out on road. I didn't participate in their initial training. I didn't teach any of the classes. Maybe I if heard something being discussed in the training room, I'd stop by and add a little expertise based on my experience, but I didn't teach in any classes in 2021.</p>
<p>Did you administer exams for these two specific cohorts? If so, which exams?</p>	<p>No, I didn't administer any exams. There was one exception, there was a time where one trainee didn't pass a test and they had to take a retest. I gave the test and then left the room. They asked for answers throughout the test and got disqualified. The other time was due to that situation. After that we had</p>

¹ Ferdinand Cadelina, 9174 Manager IV, MTA, previously 9160 Transit Operations Specialist from April 22, 2017 – June 12, 2021.

<p>How did SFMTA become aware that they had cheated?</p> <p>And who was the participant who was caught cheating?</p>	<p>to have proctors during the retests. Someone had to sit in. It was just those two instances in which I administered a test.</p> <p>I gave the person a test and my trainer took that person back to the classroom for the test. While they were taking the test when they came to a question where they were unsure, they reached out via either text or internet and sent picture saying, "What's the answer," in a group chat with the rest of their cohort. Somone told the trainer who told me.</p> <p>██████████.</p>
<p>How many times were participants able to take each exam?</p>	<p>We have two tests that require a 100% to pass: Signals and Switches. It's imperative that you pass them otherwise you can derail a train or service can be interrupted. You are allowed to take one make-up on the 100% test. With our program, you are allowed to make-up two tests, you are allowed to take a make-up to see if you can recover. You are allowed to fail two tests.</p> <p>There's no such thing as a make-up make-up. You get one chance to make-up a test. After that, you'd get disqualified.</p>
<p>Where were exams administered?</p>	<p>There's two classrooms. One at MME at 601 25th Street. The other is at 2500 Mariposa Street, Potrero Division. So, ██████████, his make-up test that he did not pass, that was taken at Potrero. The other trainee, their test was taken here at MME in a conference room.</p>
<p>Were retake exams administered in the same location?</p>	<p>All the tests were administered in training classrooms. You initially take the test with your other co-workers. If you do not pass and have to take a retake test, you'd be in another room by yourself. After the ██████████ situation, the second time it was administered in a conference room two doors down from my office.</p>

<p>What's the room number of that conference room?</p> <p>Is there anywhere else retake exams are administered?</p>	<p>Here, let me walk down and check really quick. Room 257, that's the conference room.</p> <p>It's not consistent, but we only have one conference room at MME. When you're at 2500 Mariposa, because there's two sections, the rail's at MME and the rubber tires at 2500 Mariposa. The way we do it here is if a trainee has no rail experience, they come here to rail first. After the first six to eight weeks of initial training, then they would transfer to the rubber tires side. I would say where you take the test is consistent. As far as retests, we have limited space. When the second trainee had to retake the test, the rest of the participants were using the classroom, so the only other room was the conference room. So, they took it there and I proctored it so we didn't have a repeat of the [REDACTED] situation.</p>
<p>Any other locations?</p>	<p>Well, I only sat in on that one. In the other location, it could've been in the training classroom when people were on break, but to my knowledge there's only been two places used over here, the classroom and the conference room.</p>
<p>Did anyone ever re-take an exam in your office?</p> <p>Who was the second participant, after the [REDACTED] incident, whose exam you proctored?</p>	<p>Not that I'm aware of, I can't speak for what other trainers might've done, but I haven't proctored a test in my office.</p> <p>I proctored Shanita Anderson's exam.</p>
<p>Did Shanita Anderson ever re-take an exam in your office?</p>	<p>Never in my office. Not that I'm aware of. I never administered any test in my office with Shanita Anderson. I never even participated in her training as a road trainer or anything.</p>
<p>Who made the decision that Anderson would retake the exam in the conference room?</p> <p>Has anyone else taken an exam in the conference room?</p>	<p>I think I told her she had to take it in conference room because classroom was being used at that time.</p> <p>That was the only test I proctored so that's the only one I know of. I would have to check in with the other trainers.</p>

<p>How did you end up proctoring Anderson’s test?</p> <p>What’s Room 280?</p> <p>So, what time did Anderson report to take the exam?</p>	<p>When she was made aware that she didn’t pass she came back to work the next day. Someone told her that she’d be given another opportunity. She was given a chance to go out and study her notes. She couldn’t use the classroom. She might’ve just used her car or Room 280. She was told, “You can come up in a couple hours to take the test after you’ve looked over your notes.”</p> <p>Room 280 is what the 9139 Transit Supervisors use as their home base. That’s where they turn in paperwork and where they get their equipment and forms.</p> <p>So, she was given two or three hours to restudy. The trainees reported to work at 5 a.m. She was told to look over her notes and report to Room 280 for the retest when she felt ready. She was gone a long time. It might’ve been about 9 a.m. before she reported to take the retest.</p>
<p>Do you have any reason to believe that Anderson would be untruthful?</p>	<p>Outside of passing or not passing program, yeah, I don’t know why she would be untruthful.</p>
<p>What would you say if I told you that Anderson claimed to have re-taken the Metro Rail Operation Final Exam in your office in December 2021?</p>	<p>That never happened. I know for a fact that didn’t happen. My office is Room 253.</p>
<p>Why do you think Anderson would say that?</p>	<p>Again, I guess she was passionate about making the program. My guess is because she was not successful in the program and was released, she might be motivated to be untruthful.</p>
<p>Any other reason why Anderson would claim to have taken the retest in your office?</p>	<p>Not that I know of. The conference room where she took the test is Room 257. Ms. Anderson did fail another test prior to that, I don’t remember which. I’ve never administered tests in my office because I keep answer keys in my office, so it would never be administered in my office.</p>
<p>I have Anderson’s training record which shows that the other exam was Anderson failed was the</p>	<p>So that test, it’s discussed in classroom, then they will go on a field trip to get their hands-on training. Also, when they are out</p>

<p>“Interlockings – King Street” exam. Was that administered in the classroom or out in the field?</p>	<p>there, before taking the test, the trainer will go over the test with them, answer certain questions, and then they are allowed to take test that day or the day after, but it’s administered in classroom.</p>
<p>Have there ever been any other problems with cheating or attempted cheating on any of the tests after the [REDACTED] incident?</p>	<p>As far as cheating, no. We would address it if there was. To my knowledge, no other cheating has taken place.</p>
<p>So, I know we discussed this earlier, but if I can get some additional details: How did program instructors/ administrators become aware of the cheating?</p>	<p>So [REDACTED], he did either a screenshot or something online but asked his classmates who had already moved on “What’s the answer to this question?” He put it in a mass text. Bernard Henderson brought the information to me after being showed the screenshot by one of the other participants. Bernard came to me and said, “Look the test is on internet now, so it’s been compromised.”</p>
<p>Who made the decision to have a proctor sit in with participants during retakes?</p> <p>Was that decision made when Anderson had to retake the Metro Rail Operation Final Exam or before?</p>	<p>I don’t know if Haynes said that or if I took the leap on that. But it was clear that the next time someone took a retake, someone had to be there.</p> <p>It was already made prior to that. It was made after the [REDACTED] incident before anyone else had to do a retake.</p>

II. Involved Parties

A. Complainant Shanita Anderson

<p>Do you know Shanita Anderson?</p>	<p>I do.</p>
<p>When did you meet Anderson?</p>	<p>I met Anderson in maybe 2002 or 2003. We were both operators out of the Potrero Trolley Division.</p>
<p>How were or are you and Anderson related on the Muni org chart prior to Anderson’s participation in the 9139 Transit Supervisor Training Program?</p>	<p>She was an operator, I believe out of the Presidio Division and again, I was a 9139, but I never supervised her as a 9139 out in the field. I never supervised her at any point, only when she came over in training and even then, I didn’t directly supervise her.</p>

<p>So, who directly supervised her during the training program?</p> <p>Who did Victor and Lesley report to?</p> <p>“Mr. Haynes” as in Lanair Haynes?</p>	<p>In the September cohort, that was Bernard Henderson. When she rejoined in November, it was Victor Serrato² , Lesley Sherron³.</p> <p>Me and [REDACTED]. We were under the direction of Mr. Haynes.</p> <p>Yes.</p>
<p>Describe your working relationship with Anderson- How frequently do you/ did you work on work tasks with her?</p>	<p>So outside of the training program, in 2003, we were both 9163 Transit Operators at Potrero Division. In 2007, I believe, I came to the Green Division. We were just 9163s together. When I became a 9139, I primarily supervised rail operators, so I never supervised her.</p>
<p>How would you describe Anderson’s work style? -- what kind of employee is she?</p>	<p>I mean really, outside of Potrero Division, I really don’t know her like that. Like what type of employee she is, I wouldn’t know.</p>
<p>What about during her time in the 9139 Transit Supervisor Training Program?</p> <p>So, Anderson’s performance during the 9139 Transit Supervisor Training Program, is this something you have direct knowledge of or more know of anecdotally...</p>	<p>I do talk to my trainers. The initial test she failed requires 100% to pass. She was allowed to retake it and she passed it. As far as looking at everyone’s records, to see how they progress during training, I don’t think she was the worst student, but she wasn’t the best student. Not top of class either. Her road test I think she was a little behind. I think Les Sharron did the majority of her road training. I know he worked with her a little more than with the others. When a trainee has no rail experience, it’s a lot of information and some people don’t get it. I know Les told me he worked with her a little more than with the other trainees.</p> <p>I know of it anecdotally. Victor and Les, they did the hands-on training. Maybe I’d step in and add a little of my knowledge or experience in a lesson, but as far as hands-on, it would be those two individuals.</p>
<p>Do you ever socialize with Shanita Anderson outside of work?</p>	<p>Since the training program no, but prior to that I have.</p>
<p>When?</p>	<p>When we were 9163s, we talked on the phone and hung out a couple times. When she found out about getting accepted into the training</p>

² Victor Serrato, 9139 Transit Supervisor
³ Lesley “Les” Sherron, 9139 Transit Supervisor
⁴ [REDACTED], 9139 Transit Supervisor

<p>So, you've mentioned that as you've worked for SFMTA a long time, you know a lot of people. Have you ever had to be that way with another trainee, avoiding them while in training?</p> <p>Why would she ask you that?</p>	<p>program, she called and asked me, "Where do I go to start training?" I said, "They'll give you that information." She was really happy to get the opportunity to promote. She maybe said, "I really want this, I'm gonna take advantage of this opportunity."</p> <p>Back in 2003 or 2004, it wasn't long, maybe a two-to-three month span around October or November of 2003 or 2004. A lot of times she was out on leave when we worked together, so I don't remember the exact year. After that I saw her, maybe once at the Safeway on Webster Street⁵, but it was something simple like, "Hi, how are you? How are your kids?" It was probably 2010 or 2011. Then the next time was right before her training as a 9139. She called my number and she asked, "I start training, where we do we start training?" I said, "It's at MME, but they'll send you all that information." She just said, "I'm really glad for this opportunity."</p> <p>As a manager, because I knew her from before, I tried not to be around Ms. Anderson at all during training.</p> <p>No, but it's because she called me and I didn't think too much of that at first because she was just asking for information. But then, she sent me a text with a picture of herself, might've been from Facebook, I'm not on social media, saying "good morning" or something. After that, she called and said something like, "Did I eat dinner yet?" I might've short answered her, but I didn't engage at all. I tried to shut it down as it was during the training program and didn't seem related to her training.</p> <p>You know, again, as the manager, I don't want to assume anything, but I try not to put myself in situations. So, if I know an operator or a trainee, and I know a ton of them, I try to keep it professional in terms of giving them everything they need to be successful in training, but I don't want them to get confused. You're here for a purpose. Maybe after training we can talk, but during training, let's keep it separate. Let's keep it professional. So, I don't know why she would ask me that, but I didn't entertain that.</p>
<p>What types of activities did you do together when you did socialize?</p>	<p>In 2003 or 2004, we hung out once or twice just cruising around. I picked her up from where she was living at the time, and we cruised and then I drove her back home. I went back to my house afterward.</p>
<p>Have you ever been involved in a romantic relationship with Shanita Anderson?</p>	<p>Nothing sexual. In terms of dating, I wouldn't have called it that at the time we were hanging out. I was living with my girlfriend at the time. She was dating other people too. I wouldn't call it dating, but we did hang out. Nothing that I would acknowledge as dating, no.</p>

⁵ Possible Safeway located at 1335 Webster Street, San Francisco, CA 94115

<p>(If denied) What would you say if I told you that Shanita Anderson claimed that you two had previously been involved in a romantic relationship?</p>	<p>The way I looked at it was platonic friendship. She moved from that area where she lived. Once, I went over to where she moved to and I hung out with her and her family. We didn't have a romantic relationship. She moved from first place and I helped her move, that was it.</p> <p>I remember one other time, it was where she lives now, when she first moved in, I hung out there one time. Whenever she moved in, she was showing me her new house, I don't know when that year was, maybe 2005 or 2006. She'd just bought it and moved in, but she'd just moved in, like there were still moving boxes around and whatnot.</p>
<p>Why do you think Anderson would be untruthful about this?</p> <p>Anderson alleged that you had a romantic relationship lasting a few months around the end of 2013 or maybe early 2014.</p> <p>Any reason Anderson would say you were in romantic relationship?</p> <p>Do you remember what city Anderson's new house was in?</p>	<p>I didn't mislead her. We did hang out. As far as anything sexual, I never had sex with Ms. Anderson. Us hanging out was just sitting there talking to someone, maybe a hug or something, but that would've been all that happened. I didn't consider her my girlfriend. I don't think she considered me her boyfriend. I think she was seeing someone.</p> <p>2013 or 2014? I was a Green Division operator, maybe I was at Twin Peaks Division. We're not married, but I live with the mother of my children. I have three children.</p> <p>Oh no, not even close, it was 2003 or 2004 for a couple of months we hung out. She may've went to another division. 2006, I went to Green Division. Outside of seeing her a couple occasions, she invited me to her new home, I wanna say about 2005 or 2006. She was just moving in.</p> <p>I just honestly think that, I don't know what she felt about a romantic relationship, but again, she was dating other people and I had someone so it was not dating. It was not on a consistent basis, but run-ins. We didn't hang out or do anything, we didn't go to the movies or to dinner. It was just conversations. That time I visited her new home, she wanted to show me around and then after that we sat there and we had a conversation. We might've watched a movie and then I went home. I don't have any knowledge of why she would call that a relationship.</p> <p>I want to say [REDACTED], or maybe they call it [REDACTED] or something.</p>

III. CONCLUSION

<p><u>Additional Info:</u> Is there anything I have not asked you that you think would be relevant?</p>	<p>Again, when she made the initial call before training, I was ok with that because it seemed like she just wanted information. But after that I got three or four more calls and they weren't pertaining to training. I didn't want her to get confused that our</p>
---	--

	<p>prior friendship would have anything to do with training. I disengaged all phone calls. When she would call, I would keep it simple. I didn't engage whatsoever. I just answered her questions and let her off. I don't have any other thing.</p>
<p><u>Witnesses:</u> Is there anyone else that you think I should speak to that may have knowledge of the events/issues we discussed? if yes:</p> <p>Why?</p>	<p>No, I don't know anyone else that would know anything. I was very hands off with her training. I did help out with on the road, but purposefully did not go with her group. It was like 13 of them, and we split them in half so 6 and 6 or 6 and 7. I purposefully went with the half that she was not in.</p> <p>I started feeling uncomfortable with the phone calls. They weren't pertaining to anything we were teaching or offering as trainings. I said ok, I'm not gonna go there and didn't know why she was. I knew she wasn't picking it up quickly. No, I never did that with any other trainee, like avoiding them, but I felt a little uncomfortable with her phone calls.</p>
<p>In order to accurately compose my notes, can you tell me what pronouns you use for yourself?</p> <p>(She/he/they/zi(e))</p> <p>Yeah, go ahead.</p>	<p>He/ him/ his.</p> <p>You know what, there's something I want to add if that's ok.</p> <p>When she was taking the test, I was sitting in the room. It's a big conference room. When she would come to question that she didn't know the answer to or understand, she would say it out loud randomly. After a couple times, I said, "Do you need me to explain it to you so you can answer it?" I said, "I'm not gonna give you the answer, but I can tell you what that question pertains to."</p> <p>I do remember her saying, she was there from like 9 to 12. It was a long time. I remember her saying, "You know you can help me. What about [REDACTED]?" I think her son's name is [REDACTED] or something, I'm not totally sure what his name is. She said, "You need to be looking out for me and [REDACTED]." I felt uncomfortable. I left and got the other trainer, [REDACTED], and he finished the test with her. He went in the room. I think Victor may've corrected the test and she was unsuccessful. She didn't pass.</p>

<p>Armstrong, as in, Charles Armstrong?</p> <p>Just for my own understanding, based on what your saying, it sounds like some of the questions required write-in answers, not just multiple choice?</p> <p>Do SFMTA have a rubric or something to use to grade the questions that might be more subjective?</p> <p>Ok, so you said Anderson took the make-up exam for about 9 a.m. to 12 p.m. About what time did you go get [REDACTED]?</p> <p>Did you tell [REDACTED] why he needed to take over proctoring the exam?</p> <p>Did you return to the room after getting [REDACTED]?</p>	<p>There were some questions she answered not in their entirety or not with enough detail to get credit for them. Me, [REDACTED], and Victor, we discussed the questions that weren't enough. They didn't give enough of an answer. I think maybe [REDACTED] told her, "You didn't pass, you need to go see Armstrong," and then she was released.</p> <p>Yes, Charles Armstrong.</p> <p>Yes, some of them you have to write out what needs to be done. She wasn't successful at answering some of them.</p> <p>We have an answer key for all the tests. It's not something that we were making any subjective judgements on. We used the answer key.</p> <p>It was probably most of the way through, maybe around 11 a.m. when I got [REDACTED]. I said, "[REDACTED], you're gonna have to finish proctoring the test." That was my last conversation with Anderson.</p> <p>He didn't know at the time. I said, "She was in there asking me questions. I can't continue to do this. Can you go in there and take care of it?"</p> <p>No, I did not. [REDACTED] finished up with her.</p>
--	---

Thank you; those are all the questions I have for you.

Reminder: this is a confidential investigation. We request that witness not discuss with anyone the existence of the investigation or information we discussed, other than with representative or attorney, until the conclusion of the investigation.

Reminder: there is no retaliation for participating in the investigation and if witness believes she is experiencing retaliation to contact me, DHR EEO, or the department personnel officer.

Buck's Confirmed Contact Information:

Office:

Cell:

SFMTA e-mail is best.

EXHIBIT N:

Text Message from Appellant to Buck

November 17, 2021

From: [Buck, Randall](#)
To: [Capurro, Brian \(HRD\)](#)
Subject: Fwd: Text Message from S.Anderson
Date: Tuesday, September 19, 2023 8:26:16 AM

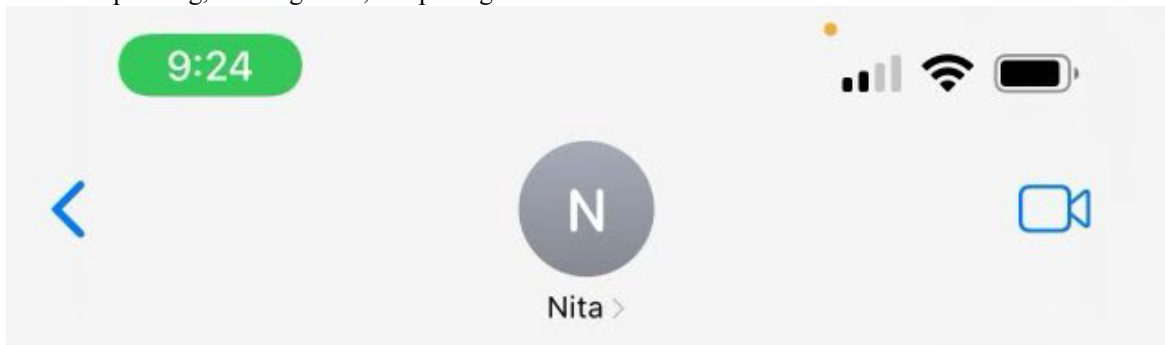
Sent from my iPhone

Begin forwarded message:

From: Randall Buck [REDACTED]
Date: September 19, 2023 at 8:17:31 AM PDT
To: "Buck, Randall" <Randall.Buck@sfmta.com>
Subject: Text Message from S.Anderson

EXT

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



iMessage
Tue, Nov 16, 2:00 PM

Question
Do you have a idea where I'm going
after the transition class

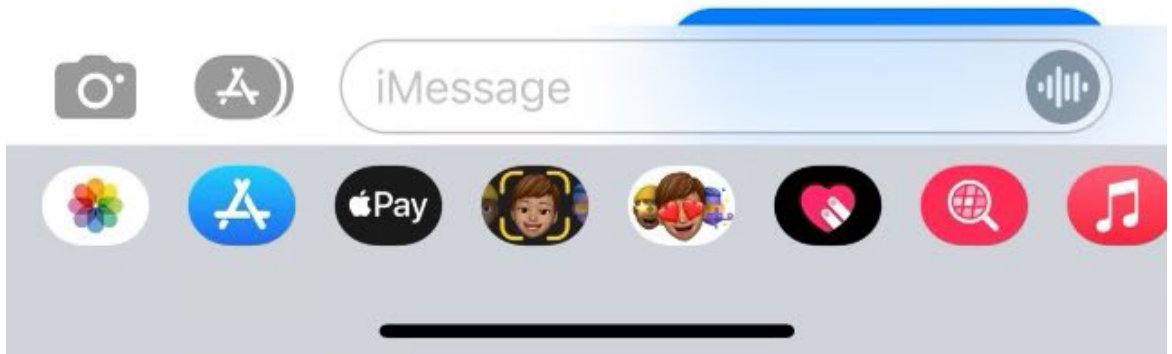
I think I'm coming to MME first no rail
experience

Wed, Nov 17, 9:51 AM





Good morning



Sent from my iPhone

EXHIBIT O:

■'s Witness Interview

September 20, 2023



CONFIDENTIAL

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT
 SUBJECT MATTER EXPERT INTERVIEW QUESTIONS**

Witness: [REDACTED]	EEO File No./Dept.: HRC0003477/MTA
EEO Investigator: Brian Capurro	Date & Time: September 20, 2023, 7 a.m. – 7:04 a.m. & 7:10 a.m. - 7:54 a.m.
Others Present:	
Location: Microsoft Team	Pages: 10

Still a good time to talk?	It's fine.
Can you confirm for me that you're in a private area away from other City employees?	Umm, let me see if I can find an empty office that's open. Can we restart the meeting in ten or fifteen minutes?
No problem, would you like to resume the meeting at 7:10 or 7:15?	7:10 should be fine.
(After Resuming Meeting at 7:10 a.m.) So, can you confirm you're in a private area away from other City employees?	Yes, I'm in a private place.

Great, I have a long introductory statement that gives you an overview of why I'm talking with you today and about your rights and responsibilities regarding this process, so please feel free to interrupt if you have any questions as I go, ok?

**CITY AND COUNTY OF SAN FRANCISCO, DEPARTMENT OF HUMAN
 RESOURCES, EQUAL EMPLOYMENT OPPORTUNITY DIVISION
 CHECKLIST FOR INTRODUCTORY STATEMENT FOR
 WITNESS INTERVIEW QUESTIONS**

The City and County of San Francisco and the San Francisco Municipal Transportation Agency (SFMTA) take all allegations of discrimination, harassment, and retaliation seriously. The City and SFMTA have an obligation to investigate claims of discrimination, harassment, and retaliation, and this investigation is being conducted consistent with those obligations.

I'm investigating a complaint. My role is that of a neutral fact finder and I will be taking notes during the interview. I do not represent SFMTA or the person who has made a complaint.

You are being interviewed today because you have been identified as a witness with information that will help DHR EEO make a determination. Participants in the investigation should cooperate

by providing any written materials, names of witnesses, and other information to assist the investigation. All persons interviewed must also be truthful.

CONFIDENTIALITY:

To ensure the integrity of the investigatory process, to prevent testimony from being influenced, and to protect against retaliation, all persons interviewed are asked not to discuss the investigation with anyone other than their representative. To ensure fairness for any individual who may be the subject of the investigation, we also ask that you refrain from discussing the investigation with uninvolved persons. We specifically ask that you not discuss:

- The fact you are being interviewed;
- The existence of the investigation; and
- The questions asked or answers provided.

We ask that you maintain this confidentiality until the conclusion of the investigation. Thank you in advance for your cooperation.

CONFIDENTIALITY: Disclosure of information regarding the investigation shall be limited to those persons with a legitimate need to know. Confidentiality cannot be promised.

NOTE, if asked: *People with a need to know may include my supervisor, Carol Isen, Director of Human Resources, the Department head and HR*

RETALIATION IS PROHIBITED:

- Retaliation for participating in the EEO complaint process is prohibited by law and by the CCSF's policies, and will not be tolerated.
- If you believe you are being retaliated against, immediately contact your Department's personnel officer, any supervisor, HR personnel, DHR, or me.

Do you have any questions about what I just went over?	No.
--	-----

Ok, so I'm going to first ask you some questions about your employment history at the SFMTA. Then I'll ask you about some questions about some of the people you've worked with at the SFMTA. Finally, I'll ask you some questions about the 9139 Transit Supervisor Training Program, ok?

I. BACKGROUND INFORMATION

A. Employment Background

Can you confirm for me when you started working for the City?	March 7, 2011, you began working as a 9163 Transit Operator with SFMTA. On September 23, 2017, became a 9139 Transit Supervisor.
And can you confirm for me that your current job classification is 9139 Transit Supervisor	Yes.
It looks like you're currently receiving a special pay differential. Are you serving as an acting role in another job classification?	Yes, I'm acting training manager. I think it's been two years now. I'm an acting-9160 Transportation Specialist.
It looks like you've been receiving that pay differential since July 1, 2021. Is that accurate?	I believe so, I don't remember the exact date.
What unit or division do you work at MTA	Transit Services.
How long have you been in that unit?	Pretty much since I became a 9139 in 2017.
What's the street address of where you work?	601 25 th Street: Muni Metro East (MME)
What is your work schedule?	Monday – Friday, 6 a.m. – 2 p.m.
Who's your supervisor?	I report directly to Lanair Haynes, 9180 Manager VI, MTA
What are your job duties?	My job duties? I'd say managing and overseeing training in the Transit Services Department.
Overall, how do you like working at MTA?	It's okay.
Do you know why I'm speaking with you today?	Not very clearly, no.
Other than your supervisor, have you talked with any City	No.

employees about this interview?	
---------------------------------	--

B. MUNI Metro East Conference Room

Are you familiar with the conference room at MME?	Yes.
Do you know what the room number is for the conference room?	Let me check just to be sure. It's Room 257, although there's also the Training Room that's technically a conference room too?
Does Room 257 have a name?	Not that I'm aware of, maybe it's called the MME Conference Room.
MME as in Muni Metro East?	Yes.
What's the room number for the Training Room?	The Training Room is Room 256. It's also known as simulator room because we have a couple simulators in there.
Can employees badge into this room or not?	You don't need to.
You said that you don't need to badge in. Just to clarify, is there a badge scanner for that room?	No, to my knowledge there's no scanner or anything for that room.
If yes, do you know who I would speak to to obtain badge-in records?	

II. Involved Parties

A. Respondent Randall Buck

Do you know Randall Buck?	Yes, he's my colleague.
When and how did you meet Buck?	I first met him when I became a 9139. He's been an inspector long before me. He was my on-the-job, OTJ, trainer.
So when you say OTJ trainer, was he one of the classroom instructors when you participated in the 9139 Transit Supervisor Training Program or did he have a different role?	No, there's the trainers that teach the regular class and then after the classroom training is on-the-job training. That's when I met Buck. He was my OTJ trainer.

How long does OTJ training last once the classroom portion is complete?	OTJ training is usually three weeks.
How are you and Buck related on the MTA org chart?	We're both acting 9160 Training Managers.
Is he in your chain-of-command?	No, we're colleagues.
Describe your working relationship with Buck?	Fairly well.
How frequently do you work on work tasks with Buck?	I guess sometimes we share training together. We're right next to each other so daily.
How would you describe Buck's work style? -- like what kind of employee is he?	Thorough.
Socialize with Buck outside of work?	Very little. We meet everyday, so it's friendly. We rarely text outside of work. We've gone out to lunch but rarely meet outside of work.

B. Complainant Shanita Anderson

Do you know Shanita Anderson?	Yes, she was one of our students in the 9139 Training Program.
When and how did you meet Anderson?	She was one of the people we were training to become a 9139. I believe she was in Class 4 in 2021 or maybe 2022. When she first started, she started with the actual training department with the agency. They take the initial supervisor training, then they come to us to train on the MRO side.
This initial supervisor training. Where's that?	The initial supervisor training takes place in the Presidio Division. It's one or two weeks. It's an introduction on how to conduct yourself as a supervisor before they come to us for the technical stuff.
Do you know the address for Presidio Division? Is it 2640 Geary Street or somewhere else?	I think the Presidio Division is technically 2640 Geary Street, but the address I have for that training is 949 Presidio Avenue. It may technically be different addresses, but they're right next to each other, essentially the same location.
How were or are you and Anderson related on the Muni org chart now?	I am not sure. I haven't seen her since training, I have no idea if she's active or what.
Describe your working relationship with Anderson - How frequently do you/ did	It was very brief, I probably trained her myself maybe three or four times when she was in the program.

<p>you work on work tasks with her?</p> <p>So, you're saying just three or four individuals times and that's it in terms of your interaction with Anderson?</p>	<p>Yes.</p>
<p>How would you describe Anderson's work style? -- what kind of employee is she?</p>	<p>I think she was eager to try to pass the program.</p>
<p>Have you ever socialized with Anderson outside of work?</p>	<p>No, never.</p>

III. 9139 Transit Supervisor Training Program

A. 9139 Transit Supervisor Training Background Information

<p>How familiar are you with the 9139 Transit Supervisor Training Program?</p>	<p>Fairly familiar.</p>
<p>Aside from participating in the program when you were first promoted to 9139 Transit Supervisor, what roles have you had in the program?</p>	<p>I started out as a trainer in the Training Unit myself conducting the classroom trainings before I became an acting 9160. I still do conduct trainings from time to time.</p>
<p>How did you first become involved in administering or instructing in the Transit Supervisor Training Program?</p>	<p>I was asked by Lanair Haynes to fill the role.</p>
<p>Are you still involved in the Transit Supervisor Training Program? If not, when and why did you stop being involved?</p>	<p>Yes.</p>
<p>Were you involved in training the cohorts that started on September 18, 2021 and November 6, 2021?</p>	<p>I wanna say probably. I don't remember exact details of those dates, but probably.</p>
<p>In what capacity?</p>	<p>Mostly overseeing training but sometimes I do step in for parts of the training.</p>
<p>Did you administer exams for these two specific cohorts? If so, which exams?</p>	<p>I believe so, some of them. I don't remember which ones in particular.</p>
<p>Where were exams administered?</p>	<p>Sometimes in the simulator room, sometimes in the conference room. Room 257. But most of the time it's in the simulator room. Room 257 is only for when the simulator room is occupied, then we take them to the conference room.</p>

Were retake exams administered in the same location?	Yes, they can take it in simulator room or in the conference room. It depends on which is available.
Is there anywhere else retake exams are administered?	We have another training room in the Potrero Division, sometimes training is conducted over there.
Trainings and exams for MRO sometimes take place in the Potrero Division?	Oh, the MRO side usually over here at MME.
If different, where were retake exams administered?	The same locations, depends on which room is available.
Any other locations?	That's all I can think of right now.
Did anyone ever re-take an exam in Randall Buck's office?	Not that I can recall, that might happen on a rare occasion if both the conference room and the simulator room are occupied. I guess we could bring a student in there. Maybe if it was a class of only one or two students/
Can you specifically recall a time in which a trainee took an exam in Buck's office?	No, I can't specifically recall that ever happening. It's possible, I mean we share these rooms with rest of the building. It's not like they're just ours. There's a chance that if everything else is occupied we could tell a student to take a retake in a cubicle or in Buck's office.
Can you specifically recall a time in which a trainee took an exam in cubicle?	Maybe it happened once, but I don't remember the date. I don't remember who it was either.
Does a trainee taking an exam in Buck's office seem like something that might happen? Why/ why not?	It's probable. I guess it could happen if we run out of rooms. Sometimes each room is not available. Especially if the class is only one or two people then we might conduct trainings in Buck's office.
In your role in the 9139 Transit Supervisor Training Program, were you ever asked to proctor a trainee's exam after it had already started?	Yes, once.
Who asked you to proctor that exam?	I think that was the one with Shanita. Buck asked me to proctor after it had started.
Why did they ask you to proctor the exam?	I don't remember, maybe he had something to do. It's a long time ago.
How did they ask you?	I don't remember.

What specifically did they say when they asked you?	I can't remember, no.
Did anyone witness them ask you?	I'm not sure.
Just to confirm, who was the trainee taking the exam?	Shanita Anderson.
Why did you agree to proctor the exam?	I didn't see a reason to say no. It seemed reasonable.
After asking you to proctor the exam, did Buck re-enter the room where the test was taking place?	I don't remember.
So, this exam that Anderson took that Buck asked you to proctor, where was it held?	I believe that was in Room 257.
You said you "believe" it was Room 257. Do you remember or are you unsure?	It was Room 257. That was the location, I remember.
What happened after you were asked to proctor the exam?	I went to the room and proctored the exam.
What was the exam you proctored for Anderson?	The MRO Final. It was her re-take.
So, just to confirm. Did you proctor Anderson's Metro Rail Operation Training Final Exam re-take in December 2021?	I did proctor it. I don't remember the exact date though.
Was anything said to you after the fact about why you were asked to proctor this exam?	No.
Do you have any reason to believe that Anderson would be untruthful?	I don't know.
What if I told you that Anderson claimed to have re-taken the Metro Rail Operation Final Exam in Randall Buck's office?	I think that it was taken entirely in Room 257. That's where I was at that time.
Where were you when buck asked you to proctor the exam?	Probably in my cubicle.
Where's your cubicle?	So, Buck's office is Room is 253. My cubicle is kinda across the hall from his office. Then to the side of my cubicle is the simulator room. My cubicle is kinda in the hallway. Behind me is another room and next to that is the simulator room. Then across from the simulator room is Room 257. Also, Buck's office is not next to the conference room. There's an office between Buck's office and Room 257.
Why do you think Anderson would say that she took the Metro Rail Operation Final Exam re-take in Buck's office?	I have no idea.

Do you have any reason to believe that Buck would be untruthful?	I have no reason to believe he would be untruthful. I don't think he would be untruthful with anything involving the program as far as I'm aware of. I'm not aware of any untruthful things he has done.
What if I told you that Buck claimed Anderson re-took the Metro Rail Operation Final Exam in the conference room at MME?	I think that's true, it was in the conference room. If he said that, he was being truthful.
What if I told you that Buck claimed that Buck proctored Anderson's Metro Rail Operation Final Exam re-take but that he asked you to take over proctoring prior to Anderson's completion of the exam?	Yes, that's true.
Why do you think Buck would say that?	That's where the test took place so I guess that would not be a lie. That would be why he said that.

III. CONCLUSION

<u>Additional Info:</u> Is there anything I have not asked you that you think would be relevant?	No, I don't think so
<u>Witnesses:</u> Is there anyone else that you think I should speak to that may have knowledge of the events/issues we discussed? if yes: Why?	Not that I can think of.
In order to accurately compose my notes, can you tell me what pronouns you use for yourself? (She/he/they/zi(e))	He/ him.

Thank you; those are all the questions I have for you.

Reminder: this is a confidential investigation. We request that witness not discuss with anyone the existence of the investigation or information we discussed, other than with representative or attorney, until the conclusion of the investigation.

Reminder: there is no retaliation for participating in the investigation and if witness believes she is experiencing retaliation to contact me, DHR EEO, or the department personnel officer.

██████████
EEO File No. HRC0003477
Page 10 of 10

██████'s Confirmed Contact Information:
Phone –
E-mail - SFMTA