



**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**

Michael Lane  
[REDACTED]

**SUBJECT: APPEAL BY MICHAEL LANE OF THE DIRECTOR OF TRANSPORTATION'S DETERMINATION TO ADMINISTRATIVELY CLOSE THEIR COMPLAINT OF HARASSMENT.**

Dear Michael Lane:

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](http://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](mailto: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](mailto: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  
Estevan Villarreal, 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](mailto:civilservice@sfgov.org) and the web address is [www.sfgov.org/civilservice/](http://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 (4<sup>th</sup>) 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/](http://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](mailto: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](mailto:soff@sfgov.org), or on the City’s website at [www.sfgov.org/bdsupvrs/sunshine](http://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 22MTA) Applicable to Municipal Transportation Agency Service-Critical Classes

Refer to Civil Service Commission Procedure for Staff - Submission of Written Reports MTA for Instructions on completing and processing this Form

1. Civil Service Commission Register Number: 0149 - 23 - 6
  2. For Civil Service Commission Meeting of: October 16, 2023
  3. Check One:           Ratification Agenda  
                              Consent Agenda  
                              Regular Agenda        X
  4. Subject:                Appeal by Michael Lane of the Director of Transportation's determination to administratively close Appellant's complaint of harassment.
  5. Recommendation:     Adopt the report, uphold the decision of the Director of Transportation and deny the appeal by Michael Lane.
  6. Report prepared by: Estevan Villarreal, DHR EEO Telephone number: (415) 662-0020
  7. Notifications: Please see attached.
  8. Reviewed and approved for Civil Service Commission Agenda:  
Municipal Transportation Agency Director: Jeffrey Tumlin<sup>for</sup>
- Date: October 6, 2023
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

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

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

<u>CSC RECEIPT STAMP</u>

Attachment

**NOTIFICATIONS**

**Michael Lane (Appellant)**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Jeffrey Tumlin**

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*jeffrey.tumlin@sfmta.com*

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**Estevan Villarreal**

EEO Programs Senior Specialist  
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*estevan.villarreal@sfgov.org*

## CIVIL SERVICE COMMISSION REPORT

### MEMORANDUM

TO: Civil Service Commission

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

THROUGH: Carol Isen, Director  
Department of Human Resources

THROUGH: Amalia Martinez, EEO Director  
Department of Human Resources

FROM: Estevan Villarreal, EEO Programs Senior Specialist  
Department of Human Resources

HEARING DATE: October 16, 2023

EEO FILE NO: HRC0003007

REGISTER NO: 0149-23-6

APPELLANT: Michael Lane

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#### **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 February 1, 2023, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received a complaint from Appellant Michael D. Lane (Lane), 9163 Transit Operator with the SFMTA, Flynn Division (Flynn). Lane alleged that he was subjected to harassment due to his race (African American) when beginning in February 2022, a flyer of Lane was posted to prohibit Lane from entering SFMTA property. **See Exhibits (Ex.) A, B.** However, as explained in greater detail below, Lane's allegations did not raise an inference of harassment under the SFMTA's EEO Policy because the alleged conduct was due to legitimate, non-discriminatory business reasons. **See Ex. C, D.** Accordingly, by letter dated June 30, 2023, the Transportation Director informed Lane of his determination that the SFMTA's conduct did not violate the SFMTA's EEO Policy, thus Lane's complaint would be closed without further investigation. **See Ex. E.** On July 26, 2023, Lane appealed the Transportation Director's determination. **See Ex. F.**

### **III. ISSUE ON APPEAL TO THE CIVIL SERVICE COMMISSION**

The issue on appeal is whether the Commission should uphold the Transportation Director's determination. Based on the following, the answer is yes.

### **IV. ANALYSIS & FINDINGS**

#### **A. Lane's Allegations Did Not Raise an Inference of Harassment**

Lane is a member of a protected category based on his race (African American). Lane alleged that beginning in February 2022, an unknown SFMTA employee posted a flyer at Flynn division that included Lane's image, name, cap number, and a note that if Lane attempted to enter SFMTA property, employees should ask him to leave or call 911. Lane speculated that this conduct may have been related to his race, but he did not provide any information or evidence that would support this speculation. **See Ex. A, B.**

DHR EEO found multiple legitimate, non-discriminatory business reasons for the SFMTA's conduct. First, Lane confirmed that he was on non-driving status, and that Operators on non-driving status are not allowed on SFMTA property. **See Ex. A.** As such, there was a legitimate, non-discriminatory business reason why the SFMTA posted a flyer advising that Lane was not allowed on SFMTA property. Additionally, an SFMTA representative confirmed that SFMTA posted the flyer because Lane engaged in conduct that presented a safety concern to a co-worker, which is another legitimate, non-discriminatory business reason. **See Ex. C.**

Given that there were multiple legitimate, non-discriminatory business reasons, and there was no information or evidence to suggest that this conduct was race-based, the Transportation Director correctly determined that Lane's complaint did not raise an inference of harassment and thus should be closed without further investigation.

#### **B. Lane's Claim on Appeal Does Not Change the Determination**

On appeal, Lane argues that the Transportation Director's determination should be overturned because when he visited Flynn on February 7, 2022, he did not see or interact with the co-worker who reported the safety concern. **See Ex. F.** However, the Transportation Director's determination was not based on an interaction that occurred on February 7, 2022. Rather, the co-worker confirmed that the interactions that raised safety concerns and prompted the posting of the flyers occurred on January 25 and 26, 2022, not February 7, 2022. **See Ex. G, Att. 1-2.** As such, Lane's additional information provided on appeal would not alter or modify the Transportation Director's determination.

### **V. RECOMMENDATION**

As explained above, the Transportation Director correctly determined that Lane's complaint should be administratively closed without further investigation, and the argument raised on appeal would not alter or modify this determination. Accordingly, the Commission should uphold the Transportation Director's determination and deny the appeal.

**VI. APPENDIX/ATTACHMENTS TO REPORT**

Attached to this report are the following exhibits:

Exhibit A: Walk-in Intake with M. Lane – EEO File No. HRC0003007, dated February 13, 2023

Exhibit B: Flyer

Exhibit C: SFMTA’s Response to M. Lane’s Allegations, dated March 13, 2023

Exhibit D: Investigative Memo for EEO File No. HRC0003007, dated June 15, 2023

Exhibit E: Determination Letter for EEO File No. HRC0003007, dated June 30, 2023

Exhibit F: Notice of Appeal by M. Lane, dated July 26, 2023

Exhibit G: SFMTA’s Additional Information Related to Safety Concerns  
Attachment 1: E-mail Reporting Safety Concerns, dated January 24, 2022  
Attachment 2: E-mails Reporting Safety Concerns, dated January 25, 2022



# **EXHIBIT A**

Walk-in Intake Interview with M. Lane

DHR EEO File No. HRC0003007

Dated February 13, 2023



**MEMORANDUM**

To: Jennifer Burke, DHR, EEO Manager

From: LaTorya King, DHR, EEO Programs Specialist

RE: Walk-In Complaint, Michael Lane  
Dept: SFMTA, DSW: [REDACTED]  
Job Title: 9163 Transit Operator  
Cap# 5989  
Employment status: Active, on medical leave

Date: February 13, 2023

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Complainant's Pronouns: he/him  
Complainant's contact information:  
Phone number: [REDACTED]  
Email: [REDACTED]

Respondent(s): The City/SFMTA management  
Basis: Race: Black/African American  
Issue: Harassment, possible Labor matter

Date of Walk-In: February 1, 2023  
Date of follow up call to CP for further clarification: February 13, 2023

Since November 5, 2018, Michael Lane (Lane) has been employed by the City and County of San Francisco (City) as a 9163 Transit Operator with the San Francisco Municipal Transportation Agency (SFMTA). On February 1, 2023, Lane came the City's Department of Human Resources (DHR) to file a complaint.

On January 1, 2023, Lane reports that Stephanie (last name unknown), fellow 9163 Transit Operator, messaged Lane on Instagram and said she had been on leave, returned to work that day and saw Lane's photo posted at the Transit Management Center (TMC). Lane had a screenshot of the posting in his phone that depicts Lane's name, photo from his employee id, cap number and a note that if the operator attempts to enter SFMTA property, ask him to leave or call 911. Lane is concerned if the picture was always posted at TMC or if was posted there recently. Lane expressed feeling threatened, like a target is on his back, and said he is fearful.

When asked what led up to this, Lane explained that in January 2022, he made safety calls to TMC while operating the bus about COVID-19 protocols when the number of passengers on his bus

increased. Lane did this because a 30-passenger restriction that had been in place during the pandemic had recently been lifted and Lane was concerned about the COVID-19 Omicron variant that was on the rise. Lane keeps a calendar record of his workdays, bus runs, and bus numbers. Lane checked his calendar and noted his last safety call to TMC was on January 10, 2022.

On February 3, 2022, Lane met with Demarrio McClary (McClary) and Anthony Baxter (Baxter), Lane's union representative, regarding disciplinary action being taken against Lane. On February 5, 2022, a determination recommending termination was issued. On February 7, 2022, Lane went to Flynn and spoke with Greg Valentine (Valentine), then superintendent. Lane claims that when he was approaching the building, he saw Baxter who went back in. Valentine then came out and they spoke in the parking area. Valentine told Lane to go to Presidio and speak with Juan Coleman (Coleman) regarding union rights. Lane went to Presidio and spoke to Coleman.

On the evening of February 7, 2022, Lane received text messages from fellow 9163 Transit Operators who told him that his picture was posted at Flynn and other divisions. Co-workers asked him if he was ok and inquired about what was going on. Lane texted Baxter and asked why his photo was posted [REDACTED]

[REDACTED] Baxter responded saying that anyone on non-driving status is not allowed on MTA property. Lane noted that he has never seen this done to other drivers, even those who have made threats. Lane also noted that he has never seen a driver's photo posted with both their name and cap number since cap numbers are special identifiers for the public. Lane reports that someone posted the picture to social media in a closed Facebook group called "Transit Talk". Lane is not a member of the group, but other MTA Transit Operators who are members of the group sent him screen shots of the post and comments. Lane does not know who posted the picture to social media but says it impacted his family. When asked how so, Lane explained that because his name was noted on the photo, his wife received text messages from family and friends about it and someone at his daughter's school asked his daughter about it.

On February 9, 2022, Lane received a letter from Kimberly (last name unknown), Head of Security at SFMTA, advising Lane that any employee removed from the platform cannot enter SFMTA premises. On February 12, 2022, Lane received the termination letter via certified mail. Lane's current status is noted as active in SF People and Pay. Lane confirmed that he is on medical leave. Lane further explained that in response to the termination, he filed grievances and appealed the dismissal. Phase 1 of the appeal process reversed the dismissal and resulted in a 9-day suspension. Lane claims that Teresa Scism (Scism), Superintendent at Flynn, processed his pay with the 9-day suspension right away without asking him which days he wanted. Lane appealed the 9-day suspension. The Phase 2 appeal resulted in a 7-day suspension. Lane said the issue of the posted photo was not addressed during the appeal process.

Lane was supposed to return to work in May 2022, following the appeal process, but his primary care doctor took him off work. [REDACTED]

[REDACTED] Lane is afraid to come to come into the city after learning that his photo is posted at TMC because he does not know if someone sees him if they will call the police. Lane fears police brutality. Lane stated he did not have a fear of someone calling the police on him prior to his picture being posted. Throughout this process, Lane says he lost health coverage during his wife's pregnancy. Months later, Lane went to the San Francisco Health

Service System (SFHSS) to complete paperwork during Open Enrollment and his health coverage was recently reinstated on January 1, 2023. Lane says he was able to get help for his trauma once his health coverage was restored. Lane was working with Return to Work and went to SF General Hospital (SFGH) to complete a medical clearance. Lane says he passed the medical clearance but the nurse at SFGH said he needs to get clearance from his therapist. Lane is in the process of seeking clearance from his medical provider.

When asked why he thinks his picture was posted at SFMTA divisions, Lane said that when first posted on February 7, 2022, he was not sure then why the photo was posted, and he thought it was strange because he had not made any threats. Lane reported his concerns about the photo to Baxter and also to Pete Wilson, Transport Workers Union of America Vice President, and they advised him that the photo had been removed from all divisions – around the time of Lane’s Phase 2 appeal process. After learning from a coworker on January 1, 2023, that the photo is posted at TMC, Lane now questions if it is due to his race (Black/African American) or retaliation for his prior safety calls about COVID-19 since those calls went to directly to TMC.

I asked Lane to please e-mail copies of the text messages from co-workers and the posting on Facebook to the DHR EEO mailbox. Lane asked about next steps and I advised that a write up of our discussion will go to management for review for EEO jurisdiction. Lane inquired about an attorney, I advised that we do not give legal advice. Lane inquired about pay and benefits and mentioned that he was on his way to the 6<sup>th</sup> floor to MTA HR. I advised Lane that someone from MTA’s HR can assist him with pay and benefits.

# **EXHIBIT B**

Flyer

DHR EEO File No. HRC0003007

# Entry NOT Allowed

If the below pictured operator attempts to enter SFMTA property, please ask him to leave or call

**9-1-1**



**Op # 5989 Michael Lane**

# **EXHIBIT C**

SFMTA's Response to M. Lane's Allegations

DHR EEO File No. HRC0003007

Dated March 13, 2023

## Villarreal, Estevan (HRD)

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**From:** Harmon, Virginia <Virginia.Harmon@sfmta.com>  
**Sent:** Monday, March 13, 2023 3:16 PM  
**To:** Burke, Jennifer (HRD)  
**Subject:** FW: Former Transit Operator Michael Lane  
**Attachments:** Michael Lane Flyer.pdf

See below and attached.

Thanks.

Virginia

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**From:** Alvior, Ammee <Ammee.Alvior@sfmta.com>  
**Sent:** Friday, March 3, 2023 10:25 AM  
**To:** Harmon, Virginia <Virginia.Harmon@sfmta.com>; Rozier, Leda <Leda.Rozier@sfmta.com>  
**Cc:** Kirschbaum, Julie B <Julie.Kirschbaum@sfmta.com>; Jones, Brent <Brent.Jones@sfmta.com>; Alvior, Ammee <Ammee.Alvior@sfmta.com>  
**Subject:** RE: Former Transit Operator Michael Lane

Hi Virginia,

The operator worked out of Flynn division. While waiting for a decision on his case, the operator was placed on non-driving status. This is protocol for all dismissal cases and operators are instructed to stay home. The operator came to the division during this period. From the interactions, behavior and language used by operator Lane towards manager, Teresa Scism, she assessed it as a safety concern that was escalated to Kim Burrus for guidance. A flyer with the operator photo that was provided to the security staff at Flynn to alert them that this operator is not to be at division during this time. Hope that's helpful. Please feel free to reach out if you have further questions. Thanks.

Best Regards,

**Ammee Alvior**

Deputy Senior Operations Manager, Transit Management



Office: 415.646.2481

Cell: [REDACTED]

*"Leadership is a daily practice."*

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**From:** Harmon, Virginia <[Virginia.Harmon@sfmta.com](mailto:Virginia.Harmon@sfmta.com)>  
**Sent:** Friday, March 3, 2023 9:20 AM  
**To:** Alvior, Ammee <[Ammee.Alvior@sfmta.com](mailto:Ammee.Alvior@sfmta.com)>; Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>  
**Cc:** Kirschbaum, Julie B <[Julie.Kirschbaum@sfmta.com](mailto:Julie.Kirschbaum@sfmta.com)>; Jones, Brent <[Brent.Jones@sfmta.com](mailto:Brent.Jones@sfmta.com)>  
**Subject:** Former Transit Operator Michael Lane

I received an EEO complaint that we had posted a picture of former Transit Operator Michael Lane to alert staff that he was no longer employed and should not be on our premises. Can you please let me know what facility he worked out of, whether his photo was posted and why? If his photo was posted, can you please send a copy of it to me.



Thanks.  
Virginia

# **EXHIBIT D**

Investigative Memo

DHR EEO File No. HRC0003007

Dated June 15, 2023



London Breed, Mayor

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

Fiona Hinze, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

## **MEMORANDUM**

To: File

From: LaTorya King, EEO Programs Specialist

RE: Lane, Michael/MTA – EEO File HRC0003007

Date: June 15, 2023

### **I. BACKGROUND & ALLEGATIONS**

On October 24, 2018, Michael D. Lane (Lane) began employment with the San Francisco Municipal Transportation Agency (SFMTA) as a 9163 Transit Operator. Lane is based at the Flynn Division located at 1940 Harrison Street.

On February 1, 2023, Lane walked into DHR EEO to discuss the City's complaint process and file a complaint about his photo being posted at the SFMTA Transit Management Center (TMC) while Lane is on medical leave from work. Lane spoke with LaTorya King (King), 1233 EEO Programs Specialist, and on February 13, 2023, King had a follow up phone discussion with Lane. At the time of Lane's walk-in, Lane's status in SF People and Pay reflected "active"; however, Lane was on medical leave after appealing a dismissal issued by the SFMTA in February 2022. Lane's dismissal was changed to a suspension and as of May 2023, Lane has returned to work.

#### **A. Harassment Allegation**

On January 1, 2023, Lane's co-worker saw a flyer with Lane's photo posted at TMC and sent Lane a message asking if Lane was okay. Lane was concerned if the flyer was recently posted or if it had been there since February 2022. The flyer was first posted at the Flynn Division in February 2022 when Lane was facing dismissal and was placed on non-driving status. Lane inquired about the flyer with Anthony Ballester (Ballester), 9163 Transit Operator and Union Chairperson, who informed Lane that it is protocol to post photos of operators who are on non-driving status. In 2022, the flyer was shared by an unknown person to an on-line public transit social media site that Lane is not a member of. As a result, Lane received calls from concerned family members who recognized him in the photo. Upon learning recently that the flyer is posted at TMC, Lane feels fearful, threatened, and like a target is on his back because the photo includes his name, cap number, and a note that if the operator attempts to enter SFMTA property, ask him to leave or call 911. Lane further reported that he has never seen a driver's photo posted with both their name and their cap number since cap numbers are special identifiers for the public. Lane has not seen this done to other drivers, even those who have made threats. When asked, why the SFMTA



posted his photo on a flyer, Lane reported that he did not do anything to warrant his photo being posted at Flynn in February 2022 or at TMC. Lane believes SFMTA management posted his photo at Flynn in February 2022 and posted his photo on an unknown date at TMC due to his race (African American). Lane was unable to provide any other reason why he believes his photo was posted.

## II. ANALYSIS & FINDINGS

### A. Harassment Allegation

To warrant further investigation, a complaint of harassment in violation of the City's EEO Policy must sufficiently allege all of the following: (1) Lane was subjected to physical, verbal, or visual conduct on account of Lane's membership in a protected category; and (2) the conduct was unwelcome.

Lane is a member of a protected category based on his race (African American); however, the SFMTA's actions in posting Lane's photo were not objectively related to Lane's race because SFMTA had a legitimate business reason for posting Lane's photo. Information from the SFMTA confirmed that Lane's photo was posted due to Lane's conduct and language towards Teresa Scism (Scism), Manager V, MTA, in February 2022, when Lane was placed on non-driving status pending a determination on his dismissal from employment. Lane's conduct towards Scism was assessed as a safety concern and as a result Lane's photo was posted and Lane was instructed to not visit any SFMTA property. As of May 2023, Lane has returned to work at the SFMTA as a 9163 Transit Operator.

# **EXHIBIT E**

Determination Letter

DHR EEO File No. HRC0003007

Dated June 30, 2023



London Breed, Mayor

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

Fiona Hinze, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

**CONFIDENTIAL**

June 30, 2023

Michael Lane  
[Redacted]  
[Redacted]

Via E-mail  
[Redacted]

RE: EEO Complaint - EEO File No. HRC0003007

Dear Michael Lane:

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 all complaints of employment discrimination. 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) and the SFMTA consider all allegations of discrimination a serious matter.

The City has reviewed your complaint alleging that the SFMTA subjected you to unwelcome conduct due to your race (African American) when a flyer with your photo that barred you from entering SFMTA property was posted at the Flynn Division and at the Transit Management Center. The review found that the conduct alleged would not violate the SFMTA's EEO Policy because the SFMTA followed protocol when it posted the flyer as a result of safety concerns based on your conduct towards Teresa Scism, Manager V, MTA, in February 2022.

Thank you for your cooperation in this matter. The review of your complaint is now considered closed. My determination is final, unless 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 of the date of the e-mail sending this letter. For your information, you may file a complaint of employment discrimination with the California Civil Rights Department, or the United States Equal Employment Opportunity Commission. Please contact those agencies directly for filing requirements and deadlines. Please feel free to contact Amalia Martinez, EEO Director, Department of Human Resources, at (415) 557-4932, should you have any questions.

Sincerely,

Jeffrey Tumlin for  
Director of Transportation

Encl.: SFMTA's EEO Policy

c: 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 M. Lane  
DHR EEO File No. HRC0003007  
Dated July 26, 2023



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

**LONDON N. BREED  
MAYOR**

*Sent via Email*

**NOTICE OF RECEIPT OF APPEAL**

DATE: July 27, 2023  
REGISTER NO.: 0149-23-6  
APPELLANT: MICHAEL LANE

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

Dear Jeffrey Tumlin:

The Civil Service Commission has received the attached letter from Michael Lane appealing the Director of Transportation's determination regarding their complaint of EEO Complaint, EEO File No. HRC0003007. Your review and action are required.

If this matter is not timely or appropriate, please submit CSC Form 13 "Action Request on Pending Appeal/Request," with supporting information and documentation to my attention by email at [civilservice@sfgov.org](mailto:civilservice@sfgov.org). CSC Form 13 is available on the Civil Service Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService) on the "File an action request for a Civil Service Commission hearing" page."

In the event that Michael Lane'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 October 5, 2023**, so that it may be heard by the Civil Service Commission at its meeting on October 16, 2023. If you will be unable to transmit the staff report by the October 5<sup>th</sup> deadline, or if required departmental representatives will not be available to attend the October 16<sup>th</sup> 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.



Appellant: Michael Lane  
July 27, 2023  
Page 2 of 2

You may contact me at [Sandra.Eng@sfgov.org](mailto: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](http://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  
Shana Dines, Municipal Transportation Agency  
Romika Williams, Municipal Transportation Agency  
Amalia Martinez, Department of Human Resources  
Jennifer Burke, Department of Human Resources



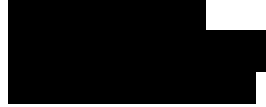
**CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED  
MAYOR**

*Sent via Email*

July 27, 2023

Michael Lane



**Subject: Register No. 0149-23-6: Appealing the Director of Transportation's Determination Regarding their EEO Complaint, EEO File No. HRC0003007.**

Dear Michael Lane:

This is in response to your appeal submitted to the Civil Service Commission on July 26, 2023, appealing the Director of Transportation's determination regarding your EEO Complaint, EEO File No. HRC0003007. Your appeal has been forwarded to the Municipal Transportation Agency 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 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](mailto: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](mailto: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](http://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.

23 6

To: X J. Tumlin

CC: K. Ackerman
V. Harman
A. Martinez
J. Burke
S. Pines
R. Williams

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"

Form fields for Appellant information: Full Name of Appellant (NOZ HAEEL LANE), Job Code (9163), Title (DRIVER), Work Address (fjnn), Department, Residence Address, 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)

Form section: 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: [ ] Yes

RECEIVED
2023 JUL 26 13:34:38
EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION
SAN FRANCISCO

Original Signature of Appellant or Authorized Representative

CSC-12 (5/2021)

Date Received by Civil Service Commission:

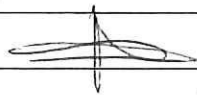
6

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](http://www.sfgov.org/CivilService).

To Whom it may concern: I would like to appeal this case so can you look deeper into it. On Feb 2022 I never even came in contact with Teresa Scism. My picture posted on Feb 7<sup>th</sup> 2022 per my union rep my pic was put up on the 7<sup>th</sup> ~~2022~~ I came to Flynn to do some after work and I didn't even come in: I talked to Jeff outside I didn't see Teresa or talk to her so I don't understand why she would blast my pic. Not only was my pic put up but also my car ID (S989) my first and last name and it advise to call 911 if I am seen on any S.F.M.T.A. property. I never did anything to any one my pic was also all over the internet and at all of the divisions (all 5) not just Flynn and time I was taken off of work by my doctor <sup>for 1 year</sup> because this have been so hard on me and my family.

I have been bullied and picked on since this happened my life will never be the same. I have a hard time sleeping at night as well I never know what day will be the day something will happen to me and every one look at me as if I'm a bad person and I never yelled or hurt anyone.

PLEASE HELP ME THANKS



MARCEL LAJE

god Bless

Attached is new info as well.



London Breed, Mayor

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

Fiona Hinze, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

**CONFIDENTIAL**

June 30, 2023

Michael Lane



Via E-mail



RE: EEO Complaint - EEO File No. HRC0003007

Dear Michael Lane:

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 all complaints of employment discrimination. 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) and the SFMTA consider all allegations of discrimination a serious matter.

The City has reviewed your complaint alleging that the SFMTA subjected you to unwelcome conduct due to your race (African American) when a flyer with your photo that barred you from entering SFMTA property was posted at the Flynn Division and at the Transit Management Center. The review found that the conduct alleged would not violate the SFMTA's EEO Policy because the SFMTA followed protocol when it posted the flyer as a result of safety concerns based on your conduct towards Teresa Scism, Manager V, MTA, in February 2022.

Thank you for your cooperation in this matter. The review of your complaint is now considered closed. My determination is final, unless 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 of the date of the e-mail sending this letter. For your information, you may file a complaint of employment discrimination with the California Civil Rights Department, or the United States Equal Employment Opportunity Commission. Please contact those agencies directly for filing requirements and deadlines. Please feel free to contact Amalia Martinez, EEO Director, Department of Human Resources, at (415) 557-4932, should you have any questions.

Sincerely,

Jeffrey Tumlin for  
Director of Transportation

Encl.: SFMTA's EEO Policy

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



San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7<sup>th</sup> Floor

San Francisco, CA 94103

SFMTA.com

311 Free language assistance / 免費語言協助 / Ayuda gratis con el idioma / Бесплатная помощь переводчиков / Trợ giúp thông dịch Miễn phí / Assistance linguistique gratuite / 無料の言語支援 / Libreng tulong para sa wikang Filipino / 무료 언어 지원 / 免費語言協助 / خط المساعدة المجاني على الرقم

# **EXHIBIT G**

SFMTA Additional Safety Concern Information

DHR EEO File No. HRC0003007

# **EXHIBIT G, Attachment 1**

E-mail Reporting Safety Concerns

DHR EEO File No. HRC0003007

Dated January 24, 2022

## Villarreal, Estevan (HRD)

---

**From:** Scism, Teresa <Teresa.Scism@sfmta.onmicrosoft.com>  
**Sent:** Monday, January 24, 2022 12:26 PM  
**To:** Burrus, Kimberly (MTA)  
**Cc:** Alvior, Ammee (MTA); Rozier, Leda (MTA)  
**Subject:** Op # 5989 Michael Lane

**Importance:** High

Good afternoon Kim,

Flynn Operator Lane has a Skelly Meeting today at 1230 for which I have proposed he be dismissed from his position as a 9163 Transit Operator.

He came to my office approximately 15 minutes ago in a very threatening manner. He stated I was targeting him and my proposal for his dismissal was racially driven. I explained to him that I was not his Hearing Officer but he insisted on staying in my office and continued to state I was "Messing with a Transit Operator." Union Chair Anthony Ballester was a witness to his behavior.

I do not feel he is fit to drive nor should he be at the Division. I am placing him on Non Driving Status as of today. He will be off Tuesday and Wednesday and suspended for previous violations Thursday and Friday. I'll confer with Leda and Ammee on next steps but just wanted to make you aware.

Thanks,

*Teresa Scism*  
Flynn Division  
Operations Manager IV



Office: 415-530-3806

Mobile: [REDACTED]





# **EXHIBIT G, Attachment 2**

E-mails Reporting Safety Concerns

DHR EEO File No. HRC0003007

Dated January 25, 2022

## Villarreal, Estevan (HRD)

---

**From:** Scism, Teresa <Teresa.Scism@sfmta.onmicrosoft.com>  
**Sent:** Wednesday, January 26, 2022 8:01 AM  
**To:** Burrus, Kimberly (MTA)  
**Cc:** Rozier, Leda (MTA); Alvior, Ammee (MTA)  
**Subject:** RE: Op # 5989 Michael Lane

Good morning Kim,

I'm adding you back to this thread as this operator's behavior has escalated and he has become more aggressive. He spoke with Ammee yesterday and the synopsis of their conversation is in this thread. I was informed he also contacted Ify Omokaro (former Flynn Division Manager). I have yet to confirm they spoke or if so, the details of their conversation.

I am planning on leaving him on Non Driving Status until the conclusion of this particular case's result. As I fear for my safety and the safety of the others that work in this division, are there any other steps we can take to ensure the operator does not come to the division unless he has been given approval to do so?

Thanks,

**Teresa Scism**  
Flynn Division  
Operations Manager IV



Office: 415-530-3806

Mobile: [REDACTED]



---

**From:** Rozier, Leda <Leda.Rozier@sfmta.com>  
**Sent:** Tuesday, January 25, 2022 5:52 PM  
**To:** Scism, Teresa <Teresa.Scism@sfmta.com>; Alvior, Ammee <Ammee.Alvior@sfmta.com>  
**Subject:** Re: Op # 5989 Michael Lane

Yes. Thank you

Get [Outlook for iOS](#)

---

**From:** Scism, Teresa <[Teresa.Scism@sfmta.com](mailto:Teresa.Scism@sfmta.com)>  
**Sent:** Tuesday, January 25, 2022 3:05:28 PM  
**To:** Alvior, Ammee <[Ammee.Alvior@sfmta.com](mailto:Ammee.Alvior@sfmta.com)>; Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>  
**Subject:** RE: Op # 5989 Michael Lane

OK, I'll reach out to Stephanie. Should I advise Kim Burrus as well? I have removed her from this thread.

Thanks,

**Teresa Scism**

Flynn Division  
Operations Manager IV



Office: 415-530-3806

Mobile: [REDACTED]



---

**From:** Alviore, Ammee <[Ammee.Alviore@sfmta.com](mailto:Ammee.Alviore@sfmta.com)>  
**Sent:** Tuesday, January 25, 2022 3:04 PM  
**To:** Scism, Teresa <[Teresa.Scism@sfmta.com](mailto:Teresa.Scism@sfmta.com)>; Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>  
**Subject:** RE: Op # 5989 Michael Lane

Yes, we did it at Kirkland.

It may also help to connect with Peer Assistance.

Best Regards,  
**Ammee Alviore**  
Deputy Senior Operations Manager, Acting  
Transit Operations



Office: 415.646.2481

Cell: [REDACTED]

---

**From:** Scism, Teresa <[Teresa.Scism@sfmta.com](mailto:Teresa.Scism@sfmta.com)>  
**Sent:** Tuesday, January 25, 2022 3:02 PM  
**To:** Alviore, Ammee <[Ammee.Alviore@sfmta.com](mailto:Ammee.Alviore@sfmta.com)>; Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>  
**Subject:** RE: Op # 5989 Michael Lane

Would that be consistent with past practice or similar cases as I want to ensure we are not treating this operator differently?

Thanks,

*Teresa Scism*  
Flynn Division  
Operations Manager IV



Office: 415-530-3806

Mobile: [REDACTED]



---

**From:** Alvior, Ammee <[Ammee.Alvior@sfmta.com](mailto:Ammee.Alvior@sfmta.com)>  
**Sent:** Tuesday, January 25, 2022 2:56 PM  
**To:** Scism, Teresa <[Teresa.Scism@sfmta.com](mailto:Teresa.Scism@sfmta.com)>; Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>  
**Subject:** RE: Op # 5989 Michael Lane

Hi Theresa,

Since you have personally witnessed the behavior, I trust your assessment and support your decision. I appreciate you keeping us in the loop. Let me know if there's anything further we can assist with.

Best Regards,  
**Ammee Alvior**  
Deputy Senior Operations Manager, Acting  
Transit Operations



Office: 415.646.2481  
Cell: [REDACTED]

---

**From:** Scism, Teresa <[Teresa.Scism@sfmta.com](mailto:Teresa.Scism@sfmta.com)>  
**Sent:** Tuesday, January 25, 2022 2:09 PM  
**To:** Alvior, Ammee <[Ammee.Alvior@sfmta.com](mailto:Ammee.Alvior@sfmta.com)>; Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>  
**Subject:** RE: Op # 5989 Michael Lane

Ammee,

Thank you for taking his call and I am sorry that you had to experience that. As mentioned in my text message, he is becoming more aggressive and I do have concerns for my safety and those who work in the division. I would like to recommend we keep him on NDS for the duration of this progressive discipline process and someone from the Agency should advise him he is not allowed in any of the SFMTA divisions until a decision is rendered.

Thoughts?

I'm so sorry we're going through this.....

**Teresa Scism**  
Flynn Division  
Operations Manager IV



Office: 415-530-3806  
Mobile: [REDACTED]



---

**From:** Alvior, Ammee <[Ammee.Alvior@sfmta.com](mailto:Ammee.Alvior@sfmta.com)>  
**Sent:** Tuesday, January 25, 2022 2:05 PM  
**To:** Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>; Scism, Teresa <[Teresa.Scism@sfmta.com](mailto:Teresa.Scism@sfmta.com)>

**Subject:** RE: Op # 5989 Michael Lane

**Importance:** High

Hi,

I've just gotten off the phone with operator Michael Lane who I spent 43 minutes on the phone with. His dialogue was full of expletives which I've made him aware of in the 3 minutes I was allowed to interject. I had to finally sum up the conversation as he was talking in circles. His bottom line is that he's alleging discrimination due to the discipline proposal of his recent skelly without mentioning any events or interactions that supported his claim. He made threatening statements that he will pursue this "all the way to the mayor's office". I did ask that he allows us the opportunity to address his concerns and to provide a written statement detailing his concerns. I provided him my email address. @Rozier, Leda- He did request for my managers name and contact information which I provided to him as well.

Best Regards,

**Ammee Alvior**

Deputy Senior Operations Manager, Acting  
Transit Operations



Office: 415.646.2481

Cell: [REDACTED]

---

**From:** Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>

**Sent:** Tuesday, January 25, 2022 9:06 AM

**To:** Scism, Teresa <[Teresa.Scism@sfmta.com](mailto:Teresa.Scism@sfmta.com)>; Alvior, Ammee <[Ammee.Alvior@sfmta.com](mailto:Ammee.Alvior@sfmta.com)>

**Subject:** RE: Op # 5989 Michael Lane

OK, thank you.

---

**From:** Scism, Teresa <[Teresa.Scism@sfmta.com](mailto:Teresa.Scism@sfmta.com)>

**Sent:** Tuesday, January 25, 2022 9:03 AM

**To:** Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>; Alvior, Ammee <[Ammee.Alvior@sfmta.com](mailto:Ammee.Alvior@sfmta.com)>

**Subject:** RE: Op # 5989 Michael Lane

Good morning Leda and Ammee.

This operator called me this morning to demand for the contact information for my manager. I told him I would give him Ammee's email but he insisted on her phone number. I gave him her work phone number and then he hung up on me. I was on my cell phone with Greg Valentine at the time and put him on speaker phone so he could listen and be a witness.



Incoming

Thanks,

**Teresa Scism**

Flynn Division

Operations Manager IV



Office: 415-530-3806

Mobile: [REDACTED]



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**From:** Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>  
**Sent:** Monday, January 24, 2022 3:22 PM  
**To:** Scism, Teresa <[Teresa.Scism@sfmta.com](mailto:Teresa.Scism@sfmta.com)>  
**Cc:** Alvior, Ammee <[Ammee.Alvior@sfmta.com](mailto:Ammee.Alvior@sfmta.com)>  
**Subject:** RE: Op # 5989 Michael Lane

OK thank you and I am sorry that you started the week in this manner.

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**From:** Scism, Teresa <[Teresa.Scism@sfmta.com](mailto:Teresa.Scism@sfmta.com)>  
**Sent:** Monday, January 24, 2022 2:13 PM  
**To:** Alvior, Ammee <[Ammee.Alvior@sfmta.com](mailto:Ammee.Alvior@sfmta.com)>; Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>  
**Subject:** RE: Op # 5989 Michael Lane

Op Lane finished with his Skelly and was waiting for me to return from the restroom. He was upset that no one told him he was suspended. I asked him if he received and signed for his mail with his suspension days and he said yes but no one told him about him being suspended today. I advised him that he was not suspended today, and that I placed him on NDS to allow him time to cool off as I didn't feel it was safe for him to drive. He then stated he was going to City Hall to file a complaint against me because my putting him up for termination was retaliation for him filing a safety notice. I'm not sure what he was talking about and I searched the CCTAGs under his Op # and all I see for the last month is routine reports of a lose bike rack and coaches that required cleaning.

Thanks,

*Teresa Scism*

Flynn Division

Operations Manager IV



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Mobile: [REDACTED]



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**From:** Scism, Teresa  
**Sent:** Monday, January 24, 2022 12:26 PM  
**To:** Burrus, Kimberly M <[Kimberly.Burrus@sfmta.com](mailto:Kimberly.Burrus@sfmta.com)>  
**Cc:** Alvior, Ammee <[Ammee.Alvior@sfmta.com](mailto:Ammee.Alvior@sfmta.com)>; Rozier, Leda <[Leda.Rozier@sfmta.com](mailto:Leda.Rozier@sfmta.com)>  
**Subject:** Op # 5989 Michael Lane  
**Importance:** High

Good afternoon Kim,

Flynn Operator Lane has a Skelly Meeting today at 1230 for which I have proposed he be dismissed from his position as a 9163 Transit Operator.

He came to my office approximately 15 minutes ago in a very threatening manner. He stated I was targeting him and my proposal for his dismissal was racially driven. I explained to him that I was not his Hearing Officer but he insisted on staying in my office and continued to state I was "Messing with a Transit Operator." Union Chair Anthony Ballester was a witness to his behavior.

I do not feel he is fit to drive nor should he be at the Division. I am placing him on Non Driving Status as of today. He will be off Tuesday and Wednesday and suspended for previous violations Thursday and Friday. I'll confer with Leda and Ammee on next steps but just wanted to make you aware.

Thanks,

***Teresa Scism***

Flynn Division

Operations Manager IV



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