



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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

October 26, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Craig Martin

SUBJECT: APPEAL BY CRAIG MARTIN OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF RETALIATION.

Dear Craig Martin:

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 **November 6, 2023, at 2:00 p.m.** You will receive a separate email invite from a Civil Service Commission staff member to join and participate in the meeting.

The agenda will be posted for your review on the Civil Service Commission's website at www.sf.gov/CivilService under "Meetings" no later than end of day on Wednesday, November 1, 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.

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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: Dennis Herrera, Public Utilities Commission
Amalia Martinez, Department of Human Resources
Carol Isen, Department of Human Resources
Wendy Macy, Public Utilities Commission
Mawuli Tugbenyoh, Department of Human Resources
Stephanie Medina, Department of Human Resources
Jennifer Burke, Department of Human Resources
Rachel Gardunio, Public Utilities Commission
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NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

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**LONDON N. BREED
MAYOR**

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Masood Ordikhani
[REDACTED]

SUBJECT: APPEAL BY CRAIG MARTIN OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF RETALIATION.

Dear Masood Ordikhani:

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

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

The Equal Employment Opportunity Division of DHR will present and defend the Human Resources Director's determination on Craig Martin'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 **November 6, 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 Craig Martin's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. You will be receiving a meeting invite to join the meeting through Cisco WebEx on your computer or you may listen/respond to the meeting by phone. The Commission will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

The November 6, 2023, meeting agenda will be posted on the Civil Service Commission's website at www.sf.gov/CivilService under "Meetings" no later than end of day on Wednesday, November 1, 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

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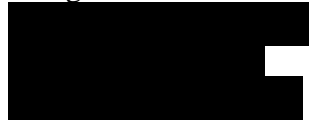
**LONDON N. BREED
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Sent via Electronic Mail

September 20, 2023

NOTICE OF CIVIL SERVICE COMMISSION ACTION

Craig Martin



**SUBJECT: APPEAL BY CRAIG MARTIN OF THE HUMAN RESOURCES
DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS
DID NOT ESTABLISH APPELLANT'S COMPLAINT OF RETALIATION.**

Dear Craig Martin:

At its meeting on **September 18, 2023**, the Civil Service Commission had for its consideration the above matter.

The Civil Service Commission continued this item to a future meeting and moved to agendaize the matter as a closed session for consideration by the Commission at a date to be determined after the appellant has been given the opportunity to review their EEO file at the Department of Human Resources.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Cc: Dennis Herrera, Public Utilities Commission
Amalia Martinez, Department of Human Resources
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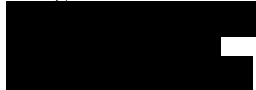
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September 7, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Craig Martin



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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

September 7, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Masood Ordikhani
[REDACTED]

SUBJECT: APPEAL BY CRAIG MARTIN OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF RETALIATION.

Dear Masood Ordikhani:

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

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

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

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

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Dennis Herrera, Public Utilities Commission
Amalia Martinez, Department of Human Resources
Carol Isen, Department of Human Resources
Wendy Macy, Public Utilities Commission
Mawuli Tugbenyoh, Department of Human Resources
Stephanie Medina, Department of Human Resources
Jennifer Burke, Department of Human Resources
Rachel Gardunio, Public Utilities Commission
Caitlin Verano Public Utilities Commission
Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

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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.

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CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

1. Civil Service Commission Register Number: 0039-20-6
2. For Civil Service Commission Meeting of: November 6, 2023
3. Check One:
 - Ratification Agenda
 - Consent Agenda
 - Regular Agenda
 - Human Resources Director's Report
4. Subject: Appeal by Craig Martin of the Human Resources Director's determination that investigative findings did not establish Appellant's complaint of retaliation.
5. Recommendation: Adopt the report, uphold the decision of the Human Resources Director, and deny the appeal by Craig Martin.
6. Report prepared by: Stephanie Medina, DHR EEO
Telephone number: (415) 557-4924
7. Notifications: Please see attached.
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: Carol Isen

A blue ink signature of Carol Isen, the Human Resources Director.

Date: October 26, 2023

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

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

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

Attachment

CSC RECEIPT STAMP

NOTIFICATIONS

Craig Martin (Appellant)

[REDACTED]
[REDACTED]
[REDACTED]

Masood Ordikhani (Respondent)

[REDACTED]
[REDACTED]
[REDACTED]

Dennis Herrera

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Chief People Officer
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Stephanie.Medina@sfgov.org

CIVIL SERVICE COMMISSION REPORT

MEMORANDUM

TO: Civil Service Commission

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

THROUGH: Amalia Martinez, EEO Director
Department of Human Resources

FROM: Stephanie Medina, EEO Programs Senior Specialist

HEARING DATE: November 6, 2023

EEO FILE NO: 2309

REGISTER NO: 0039-20-6

APPELLANT: Craig Martin

I. AUTHORITY

The San Francisco Charter, Section 10.103, and Civil Service Commission (CSC) Rule 103 provide that the Human Resources Director shall review and resolve complaints of employment discrimination. Pursuant to CSC Rule 103.3, the CSC shall review and resolve appeals of the Human Resources Director's determinations.

II. BACKGROUND

From January 28, 2013 through May 10, 2015, Appellant Craig Martin (Appellant) was appointed as a Temporary Exempt 9922 Public Service Aide – Associate to Professionals with the San Francisco Public Utilities Commission's (SFPUC) Infrastructure Division. From May 11, 2015 through March 25, 2016, Appellant was a Permanent Exempt (PEX) 1822 Administrative Analyst position with the SFPUC's Infrastructure Division. On March 26, 2016, Appellant was appointed as a Permanent Civil Service (PCS) 1822 Administrative Analyst with the SFPUC's Infrastructure Division. Appellant worked with Benjamin Poole, who was a then-1823 Senior Administrative Analyst and currently the Acting Director of Workforce and Economic Program Service, and reported to Masood Ordikhani (Ordikhani), who was a then-1823 Senior Administrative Analyst and currently SFPUC Assistant General Manager for External Affairs. On June 28, 2016, the SFPUC released Appellant from his 1822 probationary appointment. This was a non-disciplinary release with no restrictions on Appellant's future employment with the City and County of San Francisco (City).

A. Appellant's Complaint, EEO File No. 2309

On February 23, 2017, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received a Department Report of Employment Discrimination Complaint dated February 22,

2017, from the SFPUC, reporting Appellant's allegations that he was subjected to discrimination based on his race (Black) and age (over 40 years old), harassment, and retaliation. Appellant alleged that in October 2015, his work was reassigned to a younger employee due to his age. Appellant further alleged that in November 2015, Ordikhani told him to flex time rather than accrue compensatory time off whenever he covered Tuesday evening "Clark Construction" class and alleged that his work assignment to SFPUC'S Contractor Assistance Center (CAC) were due to his race. Appellant also alleged that in late 2015 he heard his 1823 SFPUC Manager, Benjamin Poole (Poole) tell a Black employee to "shut the fuck up." Appellant also reported Poole would comment, "Bay View Hunter's Point [Local Business Enterprises] all have the problem on why they cannot obtain contracts and that's because they have a poverty mentality." Appellant reported the above allegations to the SFPUC on December 7, 2016. See Ex. A. All of these allegations were untimely under the City's 180-day jurisdictional timeframe and therefore were not investigated further. See Ex. B and C.

On April 18, 2017, DHR EEO sent Appellant a letter advising that DHR EEO intended to investigate Appellant's retaliation claim that Appellant objected to being called "Bro" by Ordikhani and was subsequently let go from probation. See Ex. C. However, DHR EEO closed Appellant's claims of harassment and discrimination because those claims did not meet DHR EEO's jurisdictional requirements. On April 27, 2017, Appellant appealed the decision not to investigate the allegations of harassment and discrimination to the CSC. See Ex. D. On May 3, 2017, the CSC sent Appellant a letter requesting him to confirm the decision he wished to appeal. See Ex. E. On May 30, 2017 Appellant sent the CSC a letter withdrawing his appeal. See Ex. F. On June 7, 2017 the CSC sent Appellant a letter confirming the withdrawal of his appeal of Appellant's administratively closed allegations. See Ex. G.

B. Human Resources Director's 2020 Determination on Appellant's Retaliation Allegation

SFPUC EEO investigated Appellant's retaliation allegation that included interviews of the complainant, the responding party, and witnesses; a review of the written complaint and documentation submitted; and an analysis of related information. See Ex. H. On January 9, 2020, the Human Resources Director informed the Appellant that based on the investigative findings, the evidence was insufficient to establish that he engaged in protected activity. See Ex. I. The evidence did not support that Ordikhani called Appellant "Bro," and there was insufficient evidence to find that Appellant told him to stop calling him that. See Ex. I. Additionally, the evidence also did not substantiate that Ordikhani made the decision to release Appellant from probation; Kathryn How (How), then-Assistant General Manager (AGM), Infrastructure Division at SFPUC, made the decision to release Appellant from his probation because he was not meeting expectations. See Ex. H. and Ex. I. In addition, the investigation found that the decision to release Appellant was supported by legitimate business reasons. See Ex. H and Ex. I.

C. 2018 Litigation Hold and 2021 Processing Error

On August 14, 2018, the City Attorney's Office (CAO) submitted a litigation hold notice to the DHR EEO regarding the Appellant's records. On February 7, 2020, Appellant appealed the Human Resources Director's determination to the CSC. See Ex. K. On March 2, 2020, Martin's lawsuit that stated the same claims as his initial DHR EEO complaint, was dismissed with prejudice for failure to prosecute. See Ex. M. On January 23, 2023, Jennifer Burke, EEO Programs Manager, asked CAO if Appellant's 2018 litigation hold was still in effect. The same day, Jennifer Donnellan, Deputy City Attorney, informed DHR EEO that the litigation hold was lifted effective January 27, 2021, but CAO made a processing error and did not notify DHR of the litigation hold release. See Ex. L. In May 2023, the SFPUC asked for Appellant's appeal to be added to the CSC calendar for September 2023.

III. ISSUE ON APPEAL TO THE CIVIL SERVICE COMMISSION

On February 7, 2020, Appellant appealed the Human Resources Director's determination to the CSC. See Ex. K. The issue on appeal is whether the Human Resources Director issued the appropriate determination based on the investigative findings.

IV. INVESTIGATIVE STANDARDS AND ANALYSIS

A. The Investigation Did Not Establish Appellant's Retaliation Claim

To sustain an allegation of retaliation under the City's EEO Policy, a complaint of retaliation must sufficiently allege all of the following: (1) the complainant engaged in a protected activity; (2) the complainant suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action.

1. Insufficient Evidence to Substantiate Appellant Engaged in a Protected Activity

The investigation found insufficient evidence to substantiate that the Appellant engaged in a protected activity. All four witnesses, including a Black male co-worker, reported that they never heard Ordikhani use the term "Bro." Furthermore, though the Appellant claimed to have heard Ordikhani say that word frequently, the evidence showed that the Appellant and Ordikhani rarely interacted given their different work locations and that Ordikhani only occasionally went to Appellant's worksite. Accordingly, because the evidence did not support that Ordikhani called Appellant "Bro," there was insufficient evidence to find that Appellant engaged in a protected activity. See Ex. I.

2. Appellant was Released for Legitimate Business Reasons

The evidence also did not substantiate that Ordikhani made the decision to release the Appellant from probation. That decision was made by How, who relied on the recommendation from the Appellant's supervisors as well as contemporaneous documentation that showed Appellant was not performing at a satisfactory level for an 1822 Administrative Analyst. The investigation found that the decision to release the Appellant was supported by legitimate business reasons. Appellant was not meeting performance expectations and goals, and Appellant's supervisors described his performance as poor. As an 1822 Administrative Analyst, Appellant needed to review reports, extract data, and provide analysis. However, Appellant submitted projects that did not provide substantive answers to the questions posed in assignments. Appellant cut-and-pasted information from websites into documents, other employees had to step in to complete Appellant's work, and supervisors counseled Appellant regarding his work product. Additionally, Appellant was not proficient in computer skills and required additional one-on-one training. Furthermore, Appellant's performance did not improve after training. Appellant was not able to meet all the tasks for the job and under the recommendations from supervisors, How made the decision to release the Appellant from probation after taking into consideration his manager's assessment of the totality of his work. See Ex. I. Thus, the investigation did not establish Appellant's retaliation allegation. Given the totality of the evidence, the Human Resources Director's original determination was correct, and Appellant's appeal should be denied.

B. Appellant's Issues on Appeal

On appeal, Appellant has provided no relevant or new information that should cause the Commission to overturn the Human Resources Director's determination. Rather, Appellant restated his 2016 race and

age discrimination and harassment claims, which were administratively closed in May 2017 and are not before the Commission in Appellant's current appeal. Second, Appellant states he was not provided with any written or verbal instruction of the specific goals of the positions, nor with a plan to objectively judge his work performance. However, testimony and contemporaneous documentation show that supervisors counseled Appellant and provided feedback on his work performance. See Ex. H. Furthermore, allegations that he was not provided with feedback do not demonstrate that his release was due to a protected activity. Last, Appellant provided no new or relevant information that would further substantiate his retaliation claim. Nevertheless, in October 2023, DHR EEO followed up with Hallowell, who no longer works for the City, in order to ensure that this key witness's testimony was accurate and not motivated by fear at the time of his original interview. Hallowell confirmed that he never heard Ordikhani call Appellant "Bro." See Ex. N.

V. RECOMMENDATION

For the reasons set forth above, the Human Resources Director's decision should be upheld, and the appeal should be denied.

VI. Appendix/Attachments to Report

- Exhibit A: Craig Martin Discrimination Complaint, dated December 7, 2016
- Exhibit B: SFPUC Department Report of Complaint re: Craig Martin, dated February 22, 2017
- Exhibit C: Human Resources Director's Partial Closure, Partial Acceptance Letter, dated April 18, 2017
- Exhibit D: Appellant's Letter of Appeal, dated April 27, 2017
- Exhibit E: Civil Service Commission Notice of Receipt of Appeal, dated May 1, 2017
- Exhibit F: Civil Service Commission Correspondence to Appellant, dated May 3, 2017
- Exhibit G: Appellant's Letter to Civil Service Commission, dated May 30, 2017
- Exhibit H: Civil Service Commission Correspondence to Appellant, dated June 7, 2017
- Exhibit I: EEO Investigative Report with attachments, dated August 26, 2019
- Exhibit J: Human Resources Director's Determination Letter to Appellant, dated January 9, 2020
- Exhibit K: Appellant's Civil Service Commission Appeal of the Human Resources Director's Determination, dated February 7, 2020
- Exhibit L: Notification of Litigation Hold Release, dated January 23, 2023
- Exhibit M: Court Order Granting Motion to Dismiss, dated March 2, 2020
- Exhibit N: DHR EEO Interview Notes with Prince Hallowell, dated October 24, 2023

Exhibit A

Craig Martin Discrimination Complaint, dated December 7, 2016

CRAIG K. MARTIN

December 7, 2016

Justine Hinderliter, Manager
Employee Relations/EEOC Programs, HRS
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

Re: Claim of Discrimination, Race, Age, Gender
Infrastructure Economic Opportunities
Class 1822, Administrative Analyst
Termination as of June 29, 2016

Dear Ms. Hinderliter:

Please accept this letter as a "Formal Claim of Discrimination based on race, age, a hostile work environment and retaliation. Damages exceed \$25,000. The city employees who have discriminated against me are:

Masood Ordikhani, Director of Infrastructure Economic Opportunities
Benjamin Poole, Supervisor at Contractors Assistance Center

Date of Discrimination: June 28, 2016

I was terminated on the pretextual basis for failure to successfully complete the probationary period. My probationary period ended on June 26, 2016. The actual basis of my termination was that on or about June 10, 2016, I objected to being shouted at and being called "Bro" by Masood Ordikhani. Masood took offense that I objected to being shouted at and repeatedly being addressed as "Bro."

I was assigned to the Contractors Assistance Center (CAC) full-time in January 2016, to replace Benjamin Poole. Mr. Poole had [REDACTED]. This was presented as a temporary assignment.

Prior to being assigned to the CAC, I was stationed at 525 Golden Gate Avenue. My assignment was to track engineering projects in the pipe line and assist in preparing the quarterly report for Masood's group. After hiring a new employee, all of my tasks were given to a younger employee. I was then assigned to the CAC for three days a week to assist local business enterprises in the contracting procurement process.

While being assigned to work at the Contractors Assistance Center, I was instructed that my employee hours did not begin when I checked out a city vehicle from the Civic Center garage, but started when I arrived at the CAC at 8:30 am. I also was instructed that I could not leave the CAC until 5:30 pm and that my employee time ceased when I left the CAC and not when I returned the city vehicle back in at the Civic Center garage at approximately 6:00 pm.

December 7, 2016

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During my assignment at the CAC, I was forced to work until approximately 9:00 pm on Tuesdays every other month to provide coverage for the CLARK Construction classes held at the CAC. I was instructed that I could not claim comp time on my time sheet and I could not claim overtime. I was instructed that I could come in late on the night of my assignment or I could leave early the next day.

My assignment was racially based. Benjamin Poole instructed me that I was to arrange coverage for the CLARK class with Prince Hallowell because he was not going to participate in providing coverage. Benjamin Poole required me, and only me to record my time of arrival and departure from work and to provide a signed sign-in sheet.

In January 2016, Benjamin Poole [REDACTED]. During this time, I was not required to record my time because Benjamin Poole ceased to provide me with sign-in time sheets during his absence.

I was having a discussion with Benjamin Poole about how the small firms should "team up" and form joint ventures to compete on some of the upcoming PUC projects. I mentioned that one firm in particular had a good reputation and was well known in the Bayview Hunters Point area for hiring local residents. Benjamin Poole with the specific intent to discriminate against me informed Masood Ordikhani that I had instructed LBE firms that they "must" joint venture with a specific firm if they wanted to obtain any PUC contracts. Masood Ordikhani verbally reprimanded me for making the allege statements and said he "heard it" from people in the community. It would have been impossible for Masood to have heard it from the "community," because I only had a general conversation about joint ventures with Benjamin Poole just prior to Masood Ordikhani reprimanding me.

While working at the CAC, I assisted a minority Bay View/Hunter's Point firm in successfully submitting a response to a proposal. The firm was awarded the contract and contacted General Manager Harland Kelly via email to inform him of my assistance, with a copy to Masood. Benjamin Poole instructed me to "be sure they do the heavy lifting because we are not going to be doing their fucking work." These comments are similar to racially motivated comments that I was forced to listen to from Benjamin Poole. He would tell another minority co-worker to "shut the fuck up" along with the comment that the "Bay View Hunter's Point LBEs all have the problem on why they cannot obtain contracts and that's because they have a poverty mentality."

In early June 2016, Masood Ordikhani inquired about my time and arrival and my departure times from the CAC. He also inquired about my "deliverables." I have never been given a direct assignment while assigned to the CAC. To my knowledge, Masood has never completed an evaluation of my performance and I have never been given a direct or written assignment. The only instruction that I received was to assist the LBE firms coming into the CAC seeking assistance.

Following Masood Ordikhani's inquiry about my deliverables, I requested from the numerous

CRAIG K. MARTIN

December 7, 2016

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firms that I had assisted to send their comments to Harland Kelly, the General Manager with a copy to Masood Ordikhani. When Masood Ordikhani received the numerous email recommendations, he instructed me to cease requesting comments from the firms that I had been assisting. He was tired of receiving these "fucking emails."

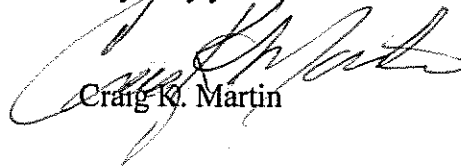
It was at this point in time that Masood Ordikhani inquired if I thought that I was going to be fired. I responded that I did not know, but since he had requested my deliverables, never being instructed that I was to provide him with any "deliverables," I felt that the recommendations would provide proof that I had in fact been assisting LBE firms while at the CAC.

Following my request that he cease shouting at me when he spoke to me and to cease addressing me as "Bro," Masood Ordikhani contacted Harland Kelly to have me terminated on the pretext that I have failed to complete probation. I was scheduled to meet with a Deputy Manager about a reassignment. The appointment was canceled and I was terminated.

Masood Ordikhani initiated termination proceedings because I had requested that Masood Ordikhani cease calling me "Bro" and to cease shouting at me when he spoke with me.

When I received the letter dated June 13, 2016, from Jennifer Bushman, I contacted her with an email seeking information. I received a call from Paul Briones in response. During my conversation with Paul Briones, I inquired if I was going to be terminated. He responded that termination proceeding had not been initiated.

Very truly yours,



Craig K. Martin

CKM/jlw

Cc: Micki Callahan
Rachel Gardunio

Exhibit B

SFPUC Department Report of Complaint for Craig Martin, dated February 22, 2017

DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT

* Report Within Five Working Days of Receipt of Complaint*

Return to: Linda C. Simon, Director, DHR EEO Division, One South Van Ness, 4th Floor, San Francisco, CA 94103; linda.simon@sfgov.org

1. Department/Worksite: SFPUC

2. Complainant: Craig Martin Tel. No. (Work):

Address: Tel. No. (Home):

Personal E-mail: DSW #:

3. Complaint Filing Date: 1/04/2017

4. Complainant's Current Employment Status (circle one): Classification: 1822
PCS TCS LT NCS PV PE TE PROB NOT A CITY EMPLOYEE

5. Basis of Discrimination (specify):

- Checked: Race, Age, Retaliation. Other options: Color, Religion, Creed, Sex, National Origin, Ethnicity, Disability/Medical Condition, Political Affiliation, Sexual Orientation, Ancestry, Marital or Domestic, Partner Status, Gender Identity, Parental Status, Veteran Status, Other Non-Merit Factors.

6. Issue complained of:

- Checked: Harassment, Other (please specify): Release from Probation. Other options: Denial of Employment, Denial of Training, Denial of Promotion, Denial of Reasonable Accommodation, Termination, Lay-off, Constructive Discharge, Disciplinary Action, Work Assignment, Sexual Harassment, Compensation.

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s), provide DSW # for Accused/Respondent(s): (Attach letter of complaint)

Age Discrimination: Martin alleges that in approximately October 2015, his work was reassigned to a new younger employee, Valerie Tulier-Laiwa, a 58-year-old white woman who does not have the same background and qualifications as Martin.

Race Discrimination: Martin alleges that his assignment to the SFPUC's Contractor Assistance Center in November 2015 was racially motivated.

Hostile Work Environment: Martin alleges that he was subject to a hostile work environment because of the

comments his co-worker, Benjamin Poole, a 37-year-old white man. Martin complains that Poole would "sometimes" tell another co-worker, Prince Hallowell, a 66-year-old black man to "shut the fuck up." Martin also reports that Poole told him that "the problem with people in the Bayview is that they have a poverty mentality." He estimates that these events occurred in late 2015.

Retaliation: Martin alleges that he was released from probation on June 28, 2016 in retaliation for comments made to his supervisor, 0933 Manager V—DSW [REDACTED], Masood Ordikhani. Martin reports that he told Ordikhani to "not call me bro" and that Mr. Ordikhani was "pissed off because I'm black," and he alleges that he was released from probation because of this. He explained that, "In my history, no one is a brother unless there are riots like in the '60s, and we're in the 2000s and you shouldn't be talking like that."

See attached letter of complaint from Mr. Martin, intake notes, and timeline.

8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes No

If yes, please specify: _____

9. Is the Complainant represented by a Union or an Attorney? Yes No

Name: _____ Organization/Firm: _____

Address: _____ Phone No.: _____

*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

The SFPUC recommends that an investigation into Mr. Martin's claim of retaliation be conducted. The SFPUC also recommends that his claims of race, age, and harassment be dismissed as untimely.

*10a. Name, position, and phone number of person who will implement recommended steps:

Julie Chow, Senior Personnel Analyst, SFPUC

11. Completed by: Rachel Gardunio Date: 2/22/2017

Address: 525 Golden Gate Ave, 3rd floor, San Francisco, CA 94102

Tel. No. (415) 554-2422

*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

***Subject to the Human Resources Director's approval**

HUMAN RESOURCES DIRECTOR REVIEW

Complaint is assigned EEO File Number: _____

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: _____
and/or the following actions are to be taken:

for Micki Callahan, Human Resources Director

Date

CRAIG K. MARTIN
[REDACTED]

December 7, 2016

Justine Hinderliter, Manager
Employee Relations/EEOC Programs, HRS
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

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Class 1822, Administrative Analyst
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December 7, 2016

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CRAIG K. MARTIN

December 7, 2016

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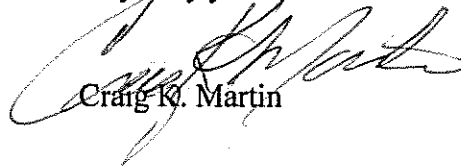
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Very truly yours,



Craig K. Martin

CKM/jlw

Cc: Micki Callahan
Rachel Gardunio

Confidential Interview Notes

Witness: Craig Martin	EEO File No./Dept.: N/A
EEO Investigator: Rachel Gardunio (SFPUC)	Date & Time: January 4, 2017; 9:00 a.m.
Others Present: Anna Owens (SFPUC)	
Location: ER Conference Room at PUC (525 Golden Gate Avenue, 3 rd floor)	Pages: 6

RG: Today we're doing an intake interview, we're getting more information and determine if we need to do a full blown investigation and if we do, we'll sit down and go over everything we'll be investigating.

CM: Why don't we start at the beginning?

When I first came to PUC, I was a 9922. I was with Bernie on the 5th floor, and Ken Salmon and Alan [Marshall]. I was 50/50 pretty much. And then I went down to the basement to work with a different group, also as a 9922. Then I applied for a 3 year temp 1822 position, and was selected by the Infrastructure group. What they wanted me to first start doing was track the upcoming infrastructure projects, and what projects are in the pipeline, and then I would track the contracts approved by the commission. It was 3 separate spreadsheets, an ongoing assignment, and I was working under Masood. I was an 1822. Subsequently they hired a woman, Valerie, I think an 1823, she's younger than me by the way, they took all my assignments and gave them to her.

RG: When was this?

CM: Oct 2015¹ Ben [REDACTED], so I was left helping Scott do the quarterly reports, something I was doing before Valerie came. They had me floating around, I was working with Brian Thomas for a bit. He's the union rep, I'd call him, union job placement officer. I was part time helping him. I spent time out at Moccasin on a few visits with Zelda Saeli, when they had pre-job meetings and those sort of things. I was always working for Masood.

They then sent me to the Contractors Assistance Center, late Nov/Dec 2015, 3 days a week, out at Executive Park, 5 Thomas Mellon Circle. My assignments there were to assist LBEs, which are small businesses, micro business, to help them understand the contract system and the requirements. I was to be a link between what these firms understood or thought they understood, and how do you go about introducing yourself to prime contractors and subcontractors. That's what my sort of job was doing.

The friction started when I would get here (525 GG), my shift was 8-5, when they sent me to CAC, their hours are 8:30 to 5:30, so I would get here at 8 and I would leave there at 4 to make my way across town. My experience was to drive a PUC car across town every day. I would make a reservation. Once they (FLEET) realized I was using one every day, they asked me to use a natural gas vehicle. Anyway, the authorization to use the car came from Ben and Masood.

¹ Valerie was hired as an 1823 in April 2015.

² Ben [REDACTED] in January 2016.

So then when I started leaving at 4:30 or so, Ben didn't quite approve of that, and mentioned it to Masood, and Masood said I need to be there (at CAC) until 5:30. He said *If you don't want to get a car, get on a bus, but those are your hours- 8:30-5:30*. That was in late 2015. So then what happened was, Ben created a sign-in sheet just for me. Prince Hollowell also worked for him and didn't have to sign in. There was one sign-in sheet and my name was the only one on it. Let me note that they told me to start at 8:30 and I was the only one there. Most people, Prince included, went from executive park complex shuttle from Bart station, and on some occasions I had to go pick him up. That's what went on out there. I was the one that opened up. Ben would come in sometime after 9 am, and Prince came in around 8:45. No one really got there at 8:30 but me. Everyone's supposed to work 8:30-5:30 because those are the hours for the CAC.

Prince is from Sierra Leone, so sometimes it's difficult to understand what he's saying. He and Ben would get into these clashes, some theory about what is going on and Ben would get frustrated, and I'm there listening, and sometimes Ben would tell Prince to "Shut the fuck up". Ben is younger than me and Prince and Prince is an African Man, and I don't think Ben should do that. Prince would explain things and I never understood where he was going with it, so I understand the frustration, but you don't speak to someone like that.

So then what happens is, I'm trying to figure out how to explain to these basically minority businesses how to get into this heavyweight contract business. For these other small businesses trying to bid on the SSIP program headworks project, you have to get in with these primes. As an LBE, I would team up with Yolanda from Yolanda Construction, and you can get in the door with her!

The next week, I have a meeting with Masood and he reprimanded me for telling people in the community that they have to team up with Yolanda to get a contract. I know no one in the community said anything because the only person I mentioned the idea to was Ben, so Ben must have told Masood.

Masood's the type of guy that is the boss, that doesn't want these kinds of exchanges, back and forth discussions. Clark construction class is on Tuesdays from 7-9, 12 people, blueprints, bidding insurance, worker's comp, estimates. Ben says, "I'm not working, you and Prince work out the coverage." Prince and I are dividing up 6 months of coverage, even though Ben also is an 1822.³ This was before [REDACTED] in January. Prince says he doesn't want to switch off every other week but that he'll do it for a month straight, so then I'll do the next month. Masood says, "You may not charge comp or overtime for those hours. You can take off 3-4 hours the day before, come in late or leave early, but you cannot accumulate these hours to take a day off".

RG: How does Masood say this?

CM: Masood rarely came out to the CAC unless there's an event or prejob meeting.

RG: When were you 5 days a week?

CM: When Ben [REDACTED] in January. The Clark class was going on September 2015, so I started working nights Oct/Nov. Ben and Prince had been alternating each week before that. When I came on board, I replaced Ben in their rotation. But when Ben was preparing for [REDACTED] he wasn't going to the class anymore.

³ Ben was promoted to an 1823 position in December 2014.

Masood has a weekly staff meeting, Mondays at 2 o'clock I want to say. I had a few conversations with him in his office. He told me all of this schedule stuff in a one-on-one meeting. I never had a regular scheduled meeting, I would come downtown when I was able to go to the staff meeting, but if Prince or Ben was gone I stopped going to the weekly staff meetings because I'm at the CAC. Masood told me about Comp time and Overtime when I saw the issue. It had to be between November and February. I'm now into this Clark construction class, you gotta set it up, take it down, sometimes you leave early sometimes you leave late. There were times when I'd have to come across town. Example: on a Friday before I was fired, I came across town to meet with Scott, unbeknownst to me, Masood had sent me an email. But I'm not on my email, I'm in a conference room with Scott. Masood sees me in the building and says, "I sent you an email and I need to meet with you to discuss it."

This exchange with Prince and Ben, the "must join venture", Ben says the problem with people in Bayview is that they have a poverty mentality. What does that relate to anything? I don't like your social agenda, but I'm keeping my mouth shut.

Yolanda's construction was one of 3 or 4 firms, there's one called Big Mouth Productions, Koana Dison, I said, here's the RFP from the PUC, this is how you would respond, this is what you do every day, if you could be on call with a photographer, it would work. Then Yolanda was applying for a contract and I told her, I'll help you wordsmith it. I helped her do it, she submits the RFP, she gets awarded the small contract. So, unbeknownst to me, Yolanda writes an email to Harlan, thanking Harlan for my efforts with this contract. Harlan in turn sends an email to Juliet Ellis and CC's Masood, and I guess I must have been on Yolanda's email. I ended up in this email chain between Harlan, Yolanda, Juliet and Masood talking about my good work. Didn't ask for it, but that's great. April maybe? I'm back into helping people and stuff. Then that day the email came out, that morning when I got back in the afternoon from lunch, Ben came in. Apparently he got the email as well, he said, "You be sure that they do the heavy lifting, cuz we aren't doing their fucking work for them". What do you mean heavy lifting? I'm out there to help firms, I get a good report and this is what he says.

Kent Lim, a consultant paid by PUC to assist LBEs, is teaching them how to do things. I do soft skills and we work together. Yolanda asks me if I can come to their office to work with them, Ben tells me I can't go to Yolanda's office, she has to come to CAC. I tell her that, and Yolanda called Harlan and asked what the hell's going on. She's complaining. I tell Ben that he needs to tell Yolanda himself that I'm not allowed to go work at her office. April 2016. Ben's like, "What are you talking about".

Apparently I did tell the people in Bayview, Yolanda specifically, what Ben said about people in Hunter's Point having a poverty mentality. Yolanda went to Harlan to complain. Ben says he plays basketball at YMCA on embarcadero with Harlan in the mornings. Ben doesn't come in until 9 o'clock so it must be on PUC time. Ben and Masood started in on me in early May about not being here at 5 o'clock at CAC.

Masood said he wants to talk to me about my past deliverables and the deliverables going forward. I've never been given deliverables! If a deliverable is to help LBEs get contacts, then that's the only deliverable that I've been instructed with. I think, that's interesting, I do have some deliverables, let me contact the LBEs to send an email to Masood so he can see what I've been doing. I'm thinking he wants to see what he doesn't see—me helping LBEs write.

Masood then contacted me after receiving those deliverables, saying, "Will you stop having these people send these emails?" I told him, "I thought you wanted to know what I was doing". He asked me, "Do you think you're being fired?" I said, "I don't know."

Masood during this conversation is calling me 'bro'. I asked him not to do that anymore. Yes, he's been calling me that all the time. It's like, I don't know you, you're not African-American, we didn't go to school together, I'm your elder. He's raising his voice and stuff, and he says "Ok, Mr. Martin". I'm saying to him, "Ok, now you're going overboard." When I meet people, I don't tell people about my education, but everybody knows or knew that I was a lawyer. So I went to law school someplace—UCLA. And Masood says once in a staff meeting, "Oh yea, and he didn't tell me he went to Stanford." And a week later he makes the same comment. I think Masood didn't want to hire me to begin with, he didn't want to use my talents, so when it blew up about "Don't call me bro", then we went to Harlan about our friction. I get a letter from someone in HR, in May, was advising me about a claim. So when I talk to this young fellow in HR, I didn't file a complaint, I don't know who initiated a letter. I don't have a beef, I want this job. I assume we are grown men, it is really just about not calling me bro. I finally met with Masood, Ivy, and a lady from HR and they said I was fired.

RG: You were released from probation.

CM: June 28, 2016 something like that.

RG: It sounds like he had been calling you bro for a long time.

CM: In my experience being in his company, if he's out at Bayview, everyone is "Bro" and that's my "Momma". You claim everyone that is black is your cousin. I did not hear him call Ben "bro". I've heard him call Prince, but I'm not sure if it was just directed at black people. But generally to men its "Bro". I'm not sure if he calls Todd and Scott "bro". I don't care about him calling other people bro, I just don't want to be called "bro". "Bro" is not a slang I am comfortable with. And that's what blew the whole thing up. Masood got upset, and found out I wasn't temp, and found out I was on probation. The thing is, I would send emails, and Masood would say, "I don't want to go back and forth". I want things documented, and Masood wouldn't want it because he has the weaker argument. Conversations about comp time, or the conversations in Bayview are all undocumented. The type of discussions that you generally have with your boss, those intellectual exchanges he doesn't want to get into. I'm not sure if it's just with me. Once, Masood said, "I want you and Ben to get on my calendar." You can't find a window in there. I'm not saavy on outlook calendaring, I ask Ben, "Can you schedule the meeting on your calendar and Masood's and I'll be there?" Of course Ben doesn't do it, Masood gets on me, says "You didn't do it, you delegated to Ben." April/May 2016.

RG: When were you hired PCS?

CM: January of 13?

RG: When did you start your probation?

CM: Six months before. Would have been January 2016.⁴ That was when I was on the permanent list. Before that I was a 3 year 1822 and before that a 9922.

So, during this window of conversations with Masood, I got an email about meeting with Kathy How about being reassigned. I would have been open to that.

⁴ CM was promoted to a PCS position March 26, 2016.

RG: You say in your letter that your assignment was racially based. What do you mean by that?

CM: They sent me out to the CAC. They made me work odd hours, with no compensation, they didn't Ben do it, maybe because he worked more. Grunt work was going to me. Covering those classes. At least being fair, give me some comp time. Clark construction class was racially based.

I'm not sure why they took my work and gave it to another employee in Fall of 2015.

RG: Do you have a sense of the age or ethnicity of Ben and Prince.

Prince is African, Ben is Caucasian, Valerie is Hispanic/Native American, everyone is younger than me in the building.

When Masood asked for deliverables, I don't think he was thinking about terminating me. The straw that broke the camel's back was the "don't call me bro" conversation. I think that was the only friction we had. There was never anything in writing.

When senate bill 846 said you must be registered with industrial relations, there was a young lady, Samir? Her Father is head of DPW, she just graduated from Saint Mary's, Masood gave her an assignment to write a brief on the new law. I was there, I was helping her. Turns out Emilio Cruz asked her to make a presentation to the executive staff about the new law, after the presentation, Masood had her in tears, because he wanted to make the presentation, but Emilio threw a kink in that. She also gave me praise for helping. I told Samira, "Don't worry about that, a bigger boss told you what to do." It's hard because with Masood, you know you're being dressed down and you don't want to speak up. In the old days you don't do that because you'll be lynched.

Masood is not the guy to have an intellectual conversation with. You shout at me and I tell you to quit calling me bro. I'm gonna put you in your place. Quit calling me bro. that's what pissed him off. I'd try to give Masood what he wants, Masood would do all of the presentations but wouldn't also read the reports. When Scott wants to have something legal read, I would help. I'm too old to take your job, I was trying to stay here, I worked for CAO for a couple years. I worked for the state senate for a year or so, I didn't have enough years in on retirement, I had to pay back to get pension. I wanted to hang here to get that time in.

After all of this, even with this termination, I'm helping by volunteering by helping Yolanda get contracts. I'm not looking for a contract.

RG: Let me go back to the letter.

CM: Right, I can tell you. Masood was pissed off because I'm black and I said not call me bro. Retaliation is because I asked for him not to talk to me like that, don't call me bro. The age thing was you took my assignments and gave them to a younger person, female, that doesn't have same background/qualifications as I do, the hostile work environment is having to listen to Ben talk to Prince shut the F up, talking about the Bayview community my people, has a poverty mentality.

RG: How often did he talk to Prince that way? He was on leave.

CM: He would make comments daily. Prince would come on with these cockamamie thoughts or processes, and Ben would get frustrated a couple times a day. It was a common occurrence is the best way to describe it.

RG: Did Ben talk to you that way or anyone else?

CM: No. Ben never addressed me as "Bro", but addressed Prince as "Bro". Prince didn't use the term "Bro". "Bro" is a Ben and Masood term. It's a common occurrence. In my history, no one is a brother unless there are riots like in the 60s, and we're in the 2000s and you shouldn't be talking like that.

Masood, I know you have a problem with me because of the way I carry myself, I got rights and privileges based on my accomplishments, I am a thoughtful considerate person and you will be the same to me. I will not antagonize you or entice you to do anything, but I will be a man. I have gone through the uncertainty; you build confidence when you go to junior college, Stanford, get a law degree, stand in front of judges. I just don't want to be singled out.

RG: Do you feel he was like this to you specifically.

CM: Absolutely. I'm not sure why he has a thorn in his paw when it comes to me. I got no beef with him. If you ask me a set of facts, and we disagree, after that's over we're done. With Masood it felt like he always had to keep you in your place, that he would do all the talking. That was my interaction with Masood. Masood would meet privately in the café with Ben and not in his office, but I was never invited down there.

And I thought I had a fairly decent relationship with him. We, as a group, went out beer drinking out at Hayes and Laguna. And that was cool. Masood's a lawyer, we are men, we can have a discussion, but he's never open to being questioned.

RG: Is that your impression of him specific to you, or in general?

CM: I'm don't know. In the group meeting he's the manager, everyone kowtows to Masood. I've heard it said, "Don't wanna piss Masood off".

Conversation about how CM didn't want to say who may have said that you don't want to piss Masood off.

Timeline of facts

People (appointment type, classification) Age, Race, Gender

- Craig Martin (PCS 1822 promoted 3/26/2016 from PEX 1822 promoted into 5/11/2015 from 9922) 67 yo, Black Male
- Valerie Tulier-Laiwa (PEX 1823 hired 4/20/2015) 58 yo, white female
- Benjamin Poole (PEX 1823 promoted 12/22/2014 from PCS 1822) 37 yo, white male
- Prince Hallowell (PCS 1632 hired 7/1/2001)- 66 yo, Black Male
- Masood Ordikhani (PCS 0933 promoted 05/06/2015 from PEX 0932) - 39 yo white male
- Brian Thomas (PEX 9706 promoted 1/5/2015 from PEX 9705) 59 yo, black male
- Zelda Saeli (PCS 9706 rehired 4/2/2016- was working as 2978 at ADM since July 2015, and was PCS 9706 before that.) 65 yo- white female

April 20, 2015	Valerie Tulier-Laiwa hired ⁱ
May 11, 2015	CM promoted from 9922 to PEX 1822
September 2015	Clark class starts on Tuesday nights at CAC
October 2015	When CM thinks they gave Valerie his work- said Ben was on [REDACTED] and he was helping Scott do quarterly reports (Ben wasn't on leave until January though) ⁱⁱ
November 2015	CM reassigned 3 days a week to CAC
October/November 2015	CM starts working nights for Clark classes- must have brought up comp time issue around now with Masood
Late 2015	Masood and Ben told CM to be at CAC from 8:30-5:30; no overtime counted, reserve a vehicle or ride the bus
Late 2015	Ben creates sign in sheet for CM only
Late 2015	Ben yells at Prince, "Shut the fuck up!"
Late 2015	Ben says people in Bayview have poverty mentality
Late 2015/early 2015	CM mentioned idea of joint venture LBE with Yolanda, Masood reprimands CM and says community members unhappy with that idea of a mandatory joint venture
January 2016	CM 5 days a week at CAC
January 6, 2016- February 28, 2016	Ben [REDACTED]
March 26, 2016 ⁱⁱⁱ	CM is promoted to PCS 1822 position
April 2016	Email from Yolanda to Harlan saying "thanks" for CM job well done
April 2016	Yolanda's pissed that CM can't go to her office to help
April/May 2016	CM can't calendar a meeting, delegates to Ben who doesn't do it, Masood isn't happy that CM delegated to Ben
May 2016	CM says Ben & Masood start asking why he isn't in the office (CAC) until 5:00pm every day
May 2016	"Don't call me bro" conversation
May 23, 2016	CM emails HR to try and have complimentary

	emails placed in his file as documentation
June 28, 2016	CM release from probation

ⁱ CM alleged Valerie was hired October 2015.

ⁱⁱ CM said he was helping out with quarterly reports in October 2015 since Ben v [REDACTED]

ⁱⁱⁱ CM thought he was PCS back in January 2016.

Exhibit C

Human Resources Director's Partial Closure, Partial Acceptance Letter, dated April 18, 2017



Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

CONFIDENTIAL

April 18, 2017

Craig Martin
[REDACTED]

Via U.S. Mail

RE: Complaint of Discrimination, EEO File No. 2309

Dear Mr. Martin:

The San Francisco Charter, Section 10.103, and Civil Service Rule 103, provide that the Human Resources 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) considers all allegations of discrimination a serious matter. The purpose of this letter is to inform you of my determination regarding the claims that will be investigated, and the claims that will be administratively closed.

On December 7, 2016, you submitted a written complaint of discrimination to Justine Hinderliter, Deputy Director of Human Resource Services with the San Francisco Public Utilities Commission (SFPUC). On January 4, 2017, you met with Rachel Gardunio, Employee Relations and EEO Programs Manager with the SFPUC for an intake interview. On February 23, 2017, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received a "Department Report of Employment Discrimination Complaint" from Ms. Gardunio reporting your allegations that you were subjected to discrimination based on your race (Black) and age (born in 1949), harassment, and retaliation.

I. BACKGROUND

In January 2013, you began working for the SFPUC as a 9922 Public Service Aide – Associate to Professionals. In May 2015, you were appointed to a PEX 1822 Administrative Analyst position. On March 28, 2016, you were appointed to a PCS 1822 Administrative Analyst position. You worked with Benjamin Poole, (White, born in 1979) 1823 Senior Administrative Analyst, and reported to Masood Ordikhani, (White, born in 1977) Community Benefits Manager.

II. CLAIMS TO BE INVESTIGATED

Please be advised that based on the information you provided, the following claims will be investigated.

A. Retaliation by Masood Ordikhani

To initiate an investigation, a complaint of retaliation must sufficiently allege all of the following: (1) you engaged in a protected activity; (2) you suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action.

You allege that on or around June 10, 2016, you objected to Mr. Ordikhani repeatedly calling you, "Bro." The SFPUC will investigate your allegation that on June 28, 2016, Mr. Ordikhani released you from probation because he was angry that you objected to him calling you, "Bro."

III. ADMINISTRATIVELY CLOSED CLAIMS

Please be advised that based on the information you provided, the following claims will be administratively closed and will not be investigated.

A. No Jurisdiction Over Untimely Allegations of Discrimination Based on Age and Race

Under the City's internal complaint procedure, discrimination complaints must be filed within 180 calendar days of the date the alleged discriminatory action took place or the date the employee would have first become aware of the discriminatory action.

You alleged that in approximately October 2015, your work was reassigned to Valerie Tulier-Laiwa (White, born in 1958) even though she did not have the same qualifications as you. However, you did not report your allegation until January 4, 2017, over one year after the alleged conduct occurred. Therefore, this allegation is now untimely and will not be investigated.

You also alleged that in November 2015, you were reassigned to work at the SFPUC's Contractor Assistance Center (CAC), and Mr. Ordikhani told you to flex your time rather than accrue compensatory time off whenever you covered the Tuesday evening "Clark Construction" class. Although you did not present any supporting information, you believe your reassignment to the CAC and Mr. Ordikhani's instruction to flex your time were racially motivated. Nevertheless, you did not report these allegations until December 7, 2016, one year after the alleged conduct occurred. Therefore, these untimely allegations will not be investigated.

B. No Jurisdiction Over Untimely Allegations of Harassment Due to Race and Age by Benjamin Poole

You alleged that in late 2015, on several occasions in your presence, Mr. Poole told your co-worker Prince Hallowell (Black, born in 1950) to "shut the fuck up." Additionally, you alleged that in late 2015, Mr. Poole said to you, "The problem with people in the Bayview is that they have a poverty mentality." You believe these comments were racially motivated. However, you did not report the alleged comments until December 7, 2016, one year later, and therefore these allegations are now untimely and will not be investigated.

IV. HUMAN RESOURCES DIRECTOR'S DETERMINATION

The decision of the Human Resources 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, California, 94102, within 30 calendar days from the postmarked mailing date of this letter.

Please note that you may also file a discrimination complaint with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing. Contact these agencies for filing requirements and deadlines.

Please feel free to contact Linda C. Simon, Director, EEO and Leave Programs, at (415) 557-4837, if you have any questions.

Sincerely,



Micki Callahan
Human Resources Director

c: Harlan Kelly Jr., General Manager, SFPUC
Cindy Charan, Human Resources Director, SFPUC
Rachel Gardunio, Labor Relations and EEO Programs Manager, SFPUC
Linda C. Simon, Director, EEO and Leave Programs, DHR

Exhibit D

Appellant's Letter of Appeal, dated April 27, 2017



CIVIL SERVICE COMMISSION
City and County of San Francisco
 25 Van Ness Avenue, Suite 720
 San Francisco, California 94102-6033
 Executive Officer
 (415) 252-3247

CSC Register No.
 0128-17-6
 To: Xi Callahan
C. Chan
 CC: L. Simon
R. Gordon

APPEAL TO THE CIVIL SERVICE COMMISSION

<p>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.</p>	<p>TYPE OF APPEAL: (Check One) <input type="checkbox"/> Examination Matters (by close of business on 5th working day) <input type="checkbox"/> Employee Compensation Matters (by close of business on 7th working day) - Limited application <input type="checkbox"/> Personal Service Contracts (Posting Period) <input type="checkbox"/> Other Matters (i.e., Human Resources Director/Executive Officer Action) (30 Calendar days) <input type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
---	--

Craig K. Martin

Full Name of Appellant 1822 Administrative Analyst	Work Address	Work Telephone
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Job Code	Title	Department
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Residence Address	O
-------------------	---

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
---	--

Original Signature of Appellant or Authorized Representative

Craig K. Martin

27 Apr 17 2017
 Date

CSC-12 (10/14)

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 am appealing the decision of the Department of Human Resources dated April 18, 2017, Complaint of Discrimination EEO File No. 2309.

I did not file an allegation against Valerie Tulier-Laiwa. Nor did I file an allegation against Benjamin Poole. It was my recollection that Masood's action is reassigning my work load and Benjamin Poole's action in telling a co-worker of a friend decent to "SHUT THE FLICK UP" created a hostile work environment. Masood's action in terminating me was in retaliation for my objecting to being called "HEY BRO"

I have attached a copy of the correspondence to date regarding this matter.

Edwin M. Lee
Mayor



Micki Callahan
Human Resources Director

CONFIDENTIAL

April 18, 2017

Craig Martin
[REDACTED]

Via U.S. Mail

RE: Complaint of Discrimination, EEO File No. 2309

Dear Mr. Martin:

The San Francisco Charter, Section 10.103, and Civil Service Rule 103, provide that the Human Resources 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) considers all allegations of discrimination a serious matter. The purpose of this letter is to inform you of my determination regarding the claims that will be investigated, and the claims that will be administratively closed.

On December 7, 2016, you submitted a written complaint of discrimination to Justine Hinderliter, Deputy Director of Human Resource Services with the San Francisco Public Utilities Commission (SFPUC). On January 4, 2017, you met with Rachel Gardunio, Employee Relations and EEO Programs Manager with the SFPUC for an intake interview. On February 23, 2017, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received a "Department Report of Employment Discrimination Complaint" from Ms. Gardunio reporting your allegations that you were subjected to discrimination based on your race (Black) and age (born in 1949), harassment, and retaliation.

I. BACKGROUND

In January 2013, you began working for the SFPUC as a 9922 Public Service Aide – Associate to Professionals. In May 2015, you were appointed to a PEX 1822 Administrative Analyst position. On March 28, 2016, you were appointed to a PCS 1822 Administrative Analyst position. You worked with Benjamin Poole, (White, born in 1979) 1823 Senior Administrative Analyst, and reported to Masood Ordikhani, (White, born in 1977) Community Benefits Manager.

II. CLAIMS TO BE INVESTIGATED

Please be advised that based on the information you provided, the following claims will be investigated.

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To initiate an investigation, a complaint of retaliation must sufficiently allege all of the following: (1) you engaged in a protected activity; (2) you suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action.

You allege that on or around June 10, 2016, you objected to Mr. Ordikhani repeatedly calling you, "Bro." The SFPUC will investigate your allegation that on June 28, 2016, Mr. Ordikhani released you from probation because he was angry that you objected to him calling you, "Bro."

III. ADMINISTRATIVELY CLOSED CLAIMS

Please be advised that based on the information you provided, the following claims will be administratively closed and will not be investigated.

A. No Jurisdiction Over Untimely Allegations of Discrimination Based on Age and Race

Under the City's internal complaint procedure, discrimination complaints must be filed within 180 calendar days of the date the alleged discriminatory action took place or the date the employee would have first become aware of the discriminatory action.

You alleged that in approximately October 2015, your work was reassigned to Valerie Tulier-Laiwa (White, born in 1958) even though she did not have the same qualifications as you. However, you did not report your allegation until January 4, 2017, over one year after the alleged conduct occurred. Therefore, this allegation is now untimely and will not be investigated.

You also alleged that in November 2015, you were reassigned to work at the SFPUC's Contractor Assistance Center (CAC), and Mr. Ordikhani told you to flex your time rather than accrue compensatory time off whenever you covered the Tuesday evening "Clark Construction" class. Although you did not present any supporting information, you believe your reassignment to the CAC and Mr. Ordikhani's instruction to flex your time were racially motivated. Nevertheless, you did not report these allegations until December 7, 2016, one year after the alleged conduct occurred. Therefore, these untimely allegations will not be investigated.

B. No Jurisdiction Over Untimely Allegations of Harassment Due to Race and Age by Benjamin Poole

You alleged that in late 2015, on several occasions in your presence, Mr. Poole told your co-worker Prince Hollowell (Black, born in 1950) to "shut the fuck up." Additionally, you alleged that in late 2015, Mr. Poole said to you, "The problem with people in the Bayview is that they have a poverty mentality." You believe these comments were racially motivated. However, you did not report the alleged comments until December 7, 2016, one year later, and therefore these allegations are now untimely and will not be investigated.

IV. HUMAN RESOURCES DIRECTOR'S DETERMINATION

The decision of the Human Resources 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, California, 94102, within 30 calendar days from the postmarked mailing date of this letter.

Please note that you may also file a discrimination complaint with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing. Contact these agencies for filing requirements and deadlines.

Please feel free to contact Linda C. Simon, Director, EEO and Leave Programs, at (415) 557-4837, if you have any questions.

Sincerely,



Micki Callahan
Human Resources Director

c: Harlan Kelly Jr., General Manager, SFPUC
Cindy Charan, Human Resources Director, SFPUC
Rachel Gardunio, Labor Relations and EEO Programs Manager, SFPUC
Linda C. Simon, Director, EEO and Leave Programs, DHR

CRAIG K. MARTIN



December 7, 2016

Justine Hinderliter, Manager
Employee Relations/EEOC Programs, HRS
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

Re: Claim of Discrimination, Race, Age, Gender
Infrastructure Economic Opportunities
Class 1822, Administrative Analyst
Termination as of June 29, 2016


Dear Ms. Hinderliter:

Please accept this letter as a "Formal Claim of Discrimination based on race, age, a hostile work environment and retaliation. Damages exceed \$25,000. The city employees who have discriminated against me are:

Masood Ordikhani, Director of Infrastructure Economic Opportunities
Benjamin Poole, Supervisor at Contractors Assistance Center

Date of Discrimination: June 28, 2016

I was terminated on the pretextual basis for failure to successfully complete the probationary period. My probationary period ended on June 26, 2016. The actual basis of my termination was that on or about June 10, 2016, I objected to being shouted at and being called "Bro" by Masood Ordikhani. Masood took offense that I objected to being shouted at and repeatedly being addressed as "Bro."

I was assigned to the Contractors Assistance Center (CAC) full-time in January 2016, to replace Benjamin Poole. Mr. Poole . This was presented as a temporary assignment.

Prior to being assigned to the CAC, I was stationed at 525 Golden Gate Avenue. My assignment was to track engineering projects in the pipe line and assist in preparing the quarterly report for Masood's group. After hiring a new employee, all of my tasks were given to a younger employee. I was then assigned to the CAC for three days a week to assist local business enterprises in the contracting procurement process.

While being assigned to work at the Contractors Assistance Center, I was instructed that my employee hours did not begin when I checked out a city vehicle from the Civic Center garage, but started when I arrived at the CAC at 8:30 am. I also was instructed that I could not leave the CAC until 5:30 pm and that my employee time ceased when I left the CAC and not when I returned the city vehicle back in at the Civic Center garage at approximately 6:00 pm.

December 6, 2016

Page 2

During my assignment at the CAC, I was forced to work until approximately 9:00 pm on Tuesdays every other month to provide coverage for the CLARK Construction classes held at the CAC. I was instructed that I could not claim comp time on my time sheet and I could not claim overtime. I was instructed that I could come in late on the night of my assignment or I could leave early the next day.

My assignment was racially based. Benjamin Poole instructed me that I was to arrange coverage for the CLARK class with Prince Hollowell because he was not going to participate in providing coverage. Benjamin Poole required me, and only me to record my time of arrival and departure from work and to provide a signed sign-in sheet.

In January 2016, Benjamin Poole [REDACTED]. During this time, I was not required to record my time because Benjamin Poole ceased to provide me with sign-in time sheets during his absence.

I was having a discussion with Benjamin Poole about how the small firms should "team up" and form joint ventures to compete on some of the upcoming PUC projects. I mentioned that one firm in particular had a good reputation and was well known in the Bayview Hunters Point area for hiring local residents. Benjamin Poole with the specific intent to discriminate against me informed Masood Ordikhani that I had instructed LBE firms that they "must" joint venture with a specific firm if they wanted to obtain any PUC contracts. Masood Ordikhani verbally reprimanded me for making the allege statements and said he "heard it" from people in the community. It would have been impossible for Masood to have heard it from the "community," because I only had a general conversation about joint ventures with Benjamin Poole just prior to Masood Ordikhani reprimanding me.

While working at the CAC, I assisted a minority Bay View/Hunter's Point firm in successfully submitting a response to a proposal. The firm was awarded the contract and contacted General Manager Harland Kelly via email to inform him of my assistance, with a copy to Masood. Benjamin Poole instructed me to "be sure they do the heavy lifting because we are not going to be doing their fucking work." These comments are similar to racially motivated comments that I was forced to listen to from Benjamin Poole. He would tell another minority co-worker to "shut the fuck up" along with the comment that the "Bay View Hunter's Point LBEs all have the problem on why they cannot obtain contracts and that's because they have a poverty mentality."

In early June 2016, Masood Ordikhani inquired about my time and arrival and my departure times from the CAC. He also inquired about my "deliverables." I have never been given a direct assignment while assigned to the CAC. To my knowledge, Masood has never completed an evaluation of my performance and I have never been given a direct or written assignment. The only instruction that I received was to assist the LBE firms coming into the CAC seeking

December 6, 2016

Page 3

assistance.

Following Masood Ordikhani's inquiry about my deliverables, I requested from the numerous firms that I had assisted to send their comments to Harland Kelly, the General Manager with a copy to Masood Ordikhani. When Masood Ordikhani received the numerous email recommendations, he instructed me to cease requesting comments from the firms that I had been assisting. He was tired of receiving these "fucking emails."

It was at this point in time that Masood Ordikhani inquired if I thought that I was going to be fired. I responded that I did not know, but since he had requested my deliverables, never being instructed that I was to provide him with any "deliverables," I felt that the recommendations would provide proof that I had in fact been assisting LBE firms while at the CAC.

Following my request that he cease shouting at me when he spoke to me and to cease addressing me as "Bro," Masood Ordikhani contacted Harland Kelly to have me terminated on the pretext that I have failed to complete probation. I was scheduled to meet with a Deputy Manager about a reassignment. The appointment was canceled and I was terminated.

Masood Ordikhani initiated termination proceedings because I had requested that Masood Ordikhani cease calling me "Bro" and to cease shouting at me when he spoke with me.

When I received the letter dated June 13, 2016, from Jennifer Bushman, I contacted her with an email seeking information. I received a call from Paul Briones in response. During my conversation with Paul Briones, I inquired if I was going to be terminated. He responded that termination proceeding had not been initiated.

Very truly yours,

Craig K. Martin

CKM/jlw

Cc: Micki Callahan

Rachel Gardunio



Via U.S. Mail

June 13, 2016

Craig Martin
 [REDACTED]

Re: How to File a Complaint

Dear Mr. Martin:

The San Francisco Public Utilities Commission ("SFPUC") would like to inform you of SFPUC's policy on how to file a discrimination complaint, and provide you with information about your rights under that policy. If you feel that any issues you may be concerned about relate to a form of discrimination that violates the law (in other words, that the conduct is directed at you because of your race, religion, gender, age, etc.), we would like to remind you that you have several options to file a formal complaint of employment discrimination.

Attached is the SFPUC's process for filing complaints. (See Filing a Discrimination Complaint). Please note the time limitation for filing complaints through the City and County of San Francisco's processes, including filing complaints with the SFPUC, is 180 days from the date of alleged discrimination or from the date that you should have first become aware of the alleged discrimination. The SFPUC is committed to supporting the complaint investigation process as part of its commitment to a workplace in which no employee is subjected to hostility or harassment based on race, gender, or other protected status.

Employees may hesitate to file a complaint of employment discrimination because they fear retaliation. Please understand that retaliation against employees for filing complaints or for opposing practices protected by non-discrimination laws is strictly prohibited by law and by policy. The SFPUC is committed to enforcing this policy as part of its commitment to a non-hostile, harassment free work environment.

You should also know that you have options for filing a complaint with other agencies. You may file a formal complaint directly with the Department of Human Resources' EEO Unit, which is located at 1 South Van Ness, 4th Floor, San Francisco, California, 94103. You also have the right to file complaints with the State of California's Department of Fair Employment and Housing and the Federal Equal Employment Opportunity Commission. Please be aware that each of these agencies set its own time limitation regarding filing a complaint.

The SFPUC faithfully seeks to resolve issues raised by employees. Sometimes issues of concern develop in the workplace that is not easily addressed by supervisors or other specialty units within the SFPUC. Employees of the City and County of San Francisco have the option of using the counseling and other services provided by the Employee Assistance Program (EAP). For your information, we have enclosed an EAP brochure.

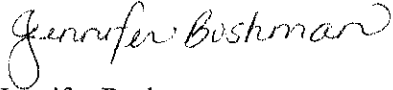
In addition, the EAP offers a mediation program for resolving issues of concern. Mediation is a structured, yet informal process in which the parties in conflict meet with a neutral third party (a mediator) to assist them in reaching a mutually agreeable

- Edwin M. Lee**
Mayor
- Francesca Viator**
President
- Anson Moran**
Vice President
- Ann Moller Caen**
Commissioner
- Vince Courtney**
Commissioner
- Ike Kwon**
Commissioner
- Harlan L. Kelly, Jr.**
General Manager



solution to an employment dispute. If you are interested in more information about this program or feel that it may be a way to resolve the issues, please contact me at (415) 554-1606 and I will be glad to provide additional information and, if appropriate, facilitate the process.

Sincerely,



Jennifer Bushman
Personnel Analyst, Employee Relations/EEO Programs

Encl: Filing a Discrimination Complaint
EAP brochure

cc: Rachel Gardunio, Interim Manager, Employee Relations/EEO Programs, SFPUC



**San Francisco
Water Power Sewer**
Services of the San Francisco Public Utilities Commission

Human Resource Services
525 Golden Gate Ave., 3rd Floor
San Francisco, CA 94102
T 415.554.1670
F 415.554.1529

Via HAND DELIVERY and REGULAR MAIL

June 28, 2016

Craig Martin
[REDACTED]

Re: RELEASE FROM PROBATIONARY APPOINTMENT

Dear Craig Martin:

This letter is to inform you that effective close of business, June 28, 2016, you are released from your appointment in Class 1822, Administrative Analyst at the San Francisco Public Utilities Commission.

Pursuant to Civil Service Commission Rule 117.9.1, Authority and Procedures for Release of Probationary Employee:

An employee may be released by the appointing officer at any time during the probationary period upon written notice to the employee and the Human Resources Director.

This is a non-disciplinary release and there are no restrictions on your future employment with the City and County of San Francisco.

Very truly yours,

Cindy Charan
Director of Human Resource Services, SFPUC

Encl: Notice of Release from Probationary Appointment
Notice and Report of Probationary Status
Separation Report

Cc: Masood Ordikhani, Director of Infrastructure Economic Opportunities
Rachel Gardunio, Interim Manager of ER/EEO Programs, HRS
Melanie Morales for Micki Callahan, DHR
Payroll, HRS
SEIU, Local 1021
Official Employee Personnel File – C. Martin

Edwin M. Lee
Mayor
Francesca Vieter
President
Anson Moran
Vice President
Ann Moller Caen
Commissioner
Vince Courtney
Commissioner
Ike Kwon
Commissioner
Harlan L. Kelly, Jr.
General Manager





City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS - AMENDED

Part I: Notice of Probationary Status at Time of Appointment
Complete at time of appointment

Original: Personnel File
Copy: Employee

Martin	Craig	40 PUBLIC UTILITIES COMMISSION
Last Name	First Name	Department/Division
1822	Administrative Analyst	790 SEIU Local 1021
Job Code	Title	Employee Organization/Union

Congratulations on your Permanent Civil Service (PCS) appointment!

You are now serving your probationary period, which is used to evaluate your performance on the job. It is the final and most important phase of the selection process. During your probationary period, you may be released by your appointing officer at any time in accordance with Civil Service Rule 117 – Probationary Period. The duration of your probationary period is governed by provisions in the Memorandum of Understanding (MOU) or ordinance covering your job code. Extensions of your probationary period are governed by Civil Service Rules and provisions in the MOU or ordinance covering your job code. Please refer to your human resources representative if you have any questions.

Duration of the Probationary Period (per MOU or Ordinance): **Three (3) Months**

Did the employee received credit for prior service?: Yes/No

If yes, provide dates: from 05/11/2015 to 3/27/2016 Total time credited: 90 days / 3 months

Provide justification for credit (cite Civil Service Rule Section or MOU Section):
MOU, SEIU, MISC, Local 1021, 2014-2017, Article II, B. Paragraph 82 p.1:

Probationary Period Begin Date: 03/26/2016

Expected Probationary Period End Date: 06/25/2016
(Probation begins on the employee's start work date in PCS status, not the certification date)

Voluntary Resumption of the Probationary Period. To be used only as specifically authorized by Civil Service Rule 117.8.

Employee has previously completed probation for this job code in this department, and is voluntarily resuming a probation period not to exceed six (6) months.

Resumed Probationary Period Begin Date:

Expected Resumed Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

<u>Employee</u>	<u>Department Head/Designee</u>
<u>Printed Name</u>	<u>Printed Name</u>
<u>Signature and Date</u>	<u>Signature and Date</u>



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

Part II: Report of Probationary Period Adjustment

Complete prior to the Expected Probationary Period End Date identified above

Original: Personnel File
Copy: Employee

- No adjustment of the probationary period is required.
- Employee's probationary period is adjusted as follows:

Adjustment Worksheet		
If the probationary period was adjusted, please check the reason(s), provide the number of hours, and total the number of working days of extension.		
Check	Reason for Extension	Number of Hours
<input checked="" type="checkbox"/>	Vacation & Floating Holidays	8
<input type="checkbox"/>	Administrative Leave	
<input type="checkbox"/>	Compensatory Time Used	
<input type="checkbox"/>	Authorized Leave	
<input type="checkbox"/>	Unauthorized Absence	
<input type="checkbox"/>	Disciplinary Suspension	
<input checked="" type="checkbox"/>	Sick Leave with or without pay	16
<input type="checkbox"/>	Other (Provide detailed explanation):	
Total Hours:		24
Total Days of Adjustment:		3

Probationary Period Begin Date: **3/26/2016**

Adjusted Probationary Period End Date: **6/29/2016**

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

Craig Martin

Printed Name

Signature and Date

Department Head/Designee

Cindy Charan

Printed Name

Signature and Date



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

Part I: Notice of Probationary Status at Time of Appointment Original: Personnel File
Copy: Employee
Complete at time of appointment

Martin	Craig	40 PUBLIC UTILITIES COMMISSION
<small>Last Name</small>	<small>First Name</small>	<small>Department/Division</small>
1822	Administrative Analyst	790 SEIU Local 1021
<small>Job Code</small>	<small>Title</small>	<small>Employee Organization/Union</small>

Congratulations on your Permanent Civil Service (PCS) appointment!

You are now serving your probationary period, which is used to evaluate your performance on the job. It is the final and most important phase of the selection process. During your probationary period, you may be released by your appointing officer at any time in accordance with Civil Service Rule 117 – Probationary Period. The duration of your probationary period is governed by provisions in the Memorandum of Understanding (MOU) or ordinance covering your job code. Extensions of your probationary period are governed by Civil Service Rules and provisions in the MOU or ordinance covering your job code. Please refer to your human resources representative if you have any questions.

Duration of the Probationary Period (per MOU or Ordinance): **Six (6) Months**

Did the employee received credit for prior service?: Yes/No

If yes, provide dates: from _____ to _____ Total time credited: _____ days

Provide justification for credit (cite Civil Service Rule Section or MOU Section):

Probationary Period Begin Date: **03/26/2016**

Expected Probationary Period End Date: **09/25/2016**
(Probation begins on the employee's start work date in PCS status, not the certification date)

Voluntary Resumption of the Probationary Period. To be used only as specifically authorized by Civil Service Rule 117.8.

Employee has previously completed probation for this job code in this department, and is voluntarily resuming a probation period not to exceed six (6) months.

Resumed Probationary Period Begin Date:

Expected Resumed Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

CRAIG K MARTIN
Printed Name

Signature and Date

Department Head/Designee

Bonita Decker for Cindy Cragan
Printed Name

Signature and Date



City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS

Part IV: Report of Release from Probationary Appointment

Complete prior to the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee, DHR-Client Services

- Employee is released during the probationary period effective close-of-business: 6/28/2016
Department must complete a Notice of Release from Probationary Appointment (DHR Form 1-14)

Department Head/Designee

Cindy Charan
Printed Name

Signature and Date

Part V: Report of Successful Completion of Probationary Period

Complete on the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee

- Employee successfully completed probation. Completion Date:

Department Head/Designee

Printed Name

Signature and Date

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF RELEASE FROM PROBATIONARY APPOINTMENT**

Mailing Date June 28, 2016

Name Craig Martin
 Address [REDACTED]
 City [REDACTED]
 State [REDACTED] Zip [REDACTED]

Department/Division SFPUC- Infrastructure
 Type of Appointment: PCS
 Entrance Probationary
 Promotive Probationary

This notice is to inform you that effective 6/28/2016, you are released from your appointment in Class 1822,
 Title Administrative Analyst.

The following checked item applies (check only one):

- A. Non-Disciplinary Release: The decision of the Appointing Officer is final. There are no restrictions on your future employment with the City and County of San Francisco.
- B. Disciplinary Release (see documents attached): Should you elect to appeal the recommendation(s), follow the procedures. You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to modify employment restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to release you from your employment.
- C. Automatic Reversion (Non-Disciplinary Release): You have automatic rights of reversion to the previous class from which promoted; if necessary, displacements in the former class shall occur. You will revert to the class from which promoted: Class _____, Title _____

You may request a hearing for review of any restrictions on your future employability (when box B above is checked) with the Civil Service Commission within twenty (20) calendar days of the mailing date of this notice or from the date of release, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness, Suite 720, San Francisco, CA 94102 by _____. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

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

<input checked="" type="checkbox"/>	No restrictions on future employability.	<input type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	No future employment with this department.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of _____ year(s) experience outside the City and County service.		
<input type="checkbox"/>	Other (specify):		

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

MUST BE COMPLETED BY DEPARTMENT:
 Rank: 11 List# 064821
 SSN: [REDACTED]
 Employee Organization SEIU Local 1021
 METHOD OF SERVICE:
 Certified Mail _____ Hand Delivered
 Certified Mail # _____
 Attachment(s)
 DHR 1-14 (8/00)


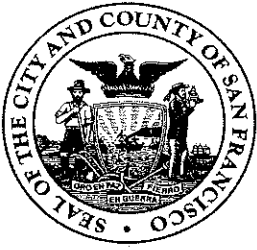

 SIGNATURE OF APPOINTING OFFICER
 Cindy Charan
 NAME
 SFPUC Human Resources Director
 TITLE

Exhibit E

Civil Service Commission Notice of Receipt of Appeal, dated May 1, 2017



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

NOTICE OF RECEIPT OF APPEAL

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: May 1, 2017
REGISTER NO.: 0128-17-6
APPELLANT: CRAIG K. MARTIN

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

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Craig K. Martin, appealing the Human Resources Director's decision to administratively close his discrimination complaint EEO File No. 2309. Your review and action are required.

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

In the event that Mr. Martin's appeal is timely and appropriate, the Department of Human Resources 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 July 6, 2017** so that it may be heard by the Civil Service Commission at its meeting on July 17, 2017. If you will be unable to transmit the Department's staff report by the July 6th deadline, or if required departmental representatives will not be available to attend the July 17th meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

You may contact me at Michael.Brown@sfgov.org or (415) 252-3250 if you have any questions. For more information regarding staff report requirements,

Appellant: Craig K. Martin
May 1, 2017
Page 2

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

Sincerely,

CIVIL SERVICE COMMISSION



MICHAEL L. BROWN
Executive Officer

Attachment

Cc: Susan Gard, Department of Human Resources
Linda Simon, Department of Human Resources
Cindy Charan, Public Utilities Commission
Rachel Gardunio, Public Utilities Commission



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via U.S. Mail/ Electronic Mail

May 1, 2017

Craig K. Martin



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

Subject: Register No. 0128-17-6: Appealing the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309.

Dear Mr. Martin:

This is in response to your appeal submitted to the Civil Service Commission on April 27, 2017 regarding the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309. Your appeal has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

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

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date (note that the Commission requires an original and nine copies of any supplemental/rebuttal materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer



CIVIL SERVICE COMMISSION
City and County of San Francisco
 25 Van Ness Avenue, Suite 720
 San Francisco, California 94102-6033
 Executive Officer
 (415) 252-3247

CSC Register No.
 0128-17-6
 To: Xi Callahan
C. Chan
 CC: L. Simon
R. Gordon

APPEAL TO THE CIVIL SERVICE COMMISSION

<p>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.</p>	<p>TYPE OF APPEAL: (Check One) <input type="checkbox"/> Examination Matters (by close of business on 5th working day) <input type="checkbox"/> Employee Compensation Matters (by close of business on 7th working day) - Limited application <input type="checkbox"/> Personal Service Contracts (Posting Period) <input type="checkbox"/> Other Matters (i.e., Human Resources Director/Executive Officer Action) (30 Calendar days) <input type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
---	--

Craig K. Martin

Full Name of Appellant	Work Address	Work Telephone
1822 Administrative Analyst		
Job Code	Title	Department
Residence Address	O	

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)

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

Original Signature of Appellant or Authorized Representative: Craig K. Martin Date: 27 Apr 2017

CSC-12 (10/14) 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 am appealing the decision of the Department of Human Resources dated April 18, 2017, Complaint of Discrimination EEO File No. 2309.

I did not file an allegation against Valerie Tulier-Laiwa. Nor did I file an allegation against Benjamin Poole. It was my recollection that Masood's action is reassigning my work load and Benjamin Poole's action in telling a co-worker of a friend decent to "SHUT THE FLICK UP" created a hostile work environment. Masood's action in terminating me was in retaliation for my objecting to being called "HEY BRO"

I have attached a copy of the correspondence to date regarding this matter.

Edwin M. Lee
Mayor



Micki Callahan
Human Resources Director

CONFIDENTIAL

April 18, 2017

Craig Martin
[REDACTED]

Via U.S. Mail

RE: Complaint of Discrimination, EEO File No. 2309

Dear Mr. Martin:

The San Francisco Charter, Section 10.103, and Civil Service Rule 103, provide that the Human Resources 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) considers all allegations of discrimination a serious matter. The purpose of this letter is to inform you of my determination regarding the claims that will be investigated, and the claims that will be administratively closed.

On December 7, 2016, you submitted a written complaint of discrimination to Justine Hinderliter, Deputy Director of Human Resource Services with the San Francisco Public Utilities Commission (SFPUC). On January 4, 2017, you met with Rachel Gardunio, Employee Relations and EEO Programs Manager with the SFPUC for an intake interview. On February 23, 2017, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received a "Department Report of Employment Discrimination Complaint" from Ms. Gardunio reporting your allegations that you were subjected to discrimination based on your race (Black) and age (born in 1949), harassment, and retaliation.

I. BACKGROUND

In January 2013, you began working for the SFPUC as a 9922 Public Service Aide – Associate to Professionals. In May 2015, you were appointed to a PEX 1822 Administrative Analyst position. On March 28, 2016, you were appointed to a PCS 1822 Administrative Analyst position. You worked with Benjamin Poole, (White, born in 1979) 1823 Senior Administrative Analyst, and reported to Masood Ordikhani, (White, born in 1977) Community Benefits Manager.

II. CLAIMS TO BE INVESTIGATED

Please be advised that based on the information you provided, the following claims will be investigated.

A. Retaliation by Masood Ordikhani

To initiate an investigation, a complaint of retaliation must sufficiently allege all of the following: (1) you engaged in a protected activity; (2) you suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action.

You allege that on or around June 10, 2016, you objected to Mr. Ordikhani repeatedly calling you, "Bro." The SFPUC will investigate your allegation that on June 28, 2016, Mr. Ordikhani released you from probation because he was angry that you objected to him calling you, "Bro."

III. ADMINISTRATIVELY CLOSED CLAIMS

Please be advised that based on the information you provided, the following claims will be administratively closed and will not be investigated.

A. No Jurisdiction Over Untimely Allegations of Discrimination Based on Age and Race

Under the City's internal complaint procedure, discrimination complaints must be filed within 180 calendar days of the date the alleged discriminatory action took place or the date the employee would have first become aware of the discriminatory action.

You alleged that in approximately October 2015, your work was reassigned to Valerie Tulier-Laiwa (White, born in 1958) even though she did not have the same qualifications as you. However, you did not report your allegation until January 4, 2017, over one year after the alleged conduct occurred. Therefore, this allegation is now untimely and will not be investigated.

You also alleged that in November 2015, you were reassigned to work at the SFPUC's Contractor Assistance Center (CAC), and Mr. Ordikhani told you to flex your time rather than accrue compensatory time off whenever you covered the Tuesday evening "Clark Construction" class. Although you did not present any supporting information, you believe your reassignment to the CAC and Mr. Ordikhani's instruction to flex your time were racially motivated. Nevertheless, you did not report these allegations until December 7, 2016, one year after the alleged conduct occurred. Therefore, these untimely allegations will not be investigated.

B. No Jurisdiction Over Untimely Allegations of Harassment Due to Race and Age by Benjamin Poole

You alleged that in late 2015, on several occasions in your presence, Mr. Poole told your co-worker Prince Hollowell (Black, born in 1950) to "shut the fuck up." Additionally, you alleged that in late 2015, Mr. Poole said to you, "The problem with people in the Bayview is that they have a poverty mentality." You believe these comments were racially motivated. However, you did not report the alleged comments until December 7, 2016, one year later, and therefore these allegations are now untimely and will not be investigated.

IV. HUMAN RESOURCES DIRECTOR'S DETERMINATION

The decision of the Human Resources 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, California, 94102, within 30 calendar days from the postmarked mailing date of this letter.

Please note that you may also file a discrimination complaint with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing. Contact these agencies for filing requirements and deadlines.

Please feel free to contact Linda C. Simon, Director, EEO and Leave Programs, at (415) 557-4837, if you have any questions.

Sincerely,



Micki Callahan
Human Resources Director

c: Harlan Kelly Jr., General Manager, SFPUC
Cindy Charan, Human Resources Director, SFPUC
Rachel Gardunio, Labor Relations and EEO Programs Manager, SFPUC
Linda C. Simon, Director, EEO and Leave Programs, DHR

CRAIG K. MARTIN



December 7, 2016

Justine Hinderliter, Manager
Employee Relations/EEOC Programs, HRS
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

Re: Claim of Discrimination, Race, Age, Gender
Infrastructure Economic Opportunities
Class 1822, Administrative Analyst
Termination as of June 29, 2016

Dear Ms. Hinderliter:

Please accept this letter as a "Formal Claim of Discrimination based on race, age, a hostile work environment and retaliation. Damages exceed \$25,000. The city employees who have discriminated against me are:

Masood Ordikhani, Director of Infrastructure Economic Opportunities
Benjamin Poole, Supervisor at Contractors Assistance Center

Date of Discrimination: June 28, 2016

I was terminated on the pretextual basis for failure to successfully complete the probationary period. My probationary period ended on June 26, 2016. The actual basis of my termination was that on or about June 10, 2016, I objected to being shouted at and being called "Bro" by Masood Ordikhani. Masood took offense that I objected to being shouted at and repeatedly being addressed as "Bro."

I was assigned to the Contractors Assistance Center (CAC) full-time in January 2016, to replace Benjamin Poole. Mr. Poole had [REDACTED]. This was presented as a temporary assignment.

Prior to being assigned to the CAC, I was stationed at 525 Golden Gate Avenue. My assignment was to track engineering projects in the pipe line and assist in preparing the quarterly report for Masood's group. After hiring a new employee, all of my tasks were given to a younger employee. I was then assigned to the CAC for three days a week to assist local business enterprises in the contracting procurement process.

While being assigned to work at the Contractors Assistance Center, I was instructed that my employee hours did not begin when I checked out a city vehicle from the Civic Center garage, but started when I arrived at the CAC at 8:30 am. I also was instructed that I could not leave the CAC until 5:30 pm and that my employee time ceased when I left the CAC and not when I returned the city vehicle back in at the Civic Center garage at approximately 6:00 pm.

December 6, 2016

Page 2

During my assignment at the CAC, I was forced to work until approximately 9:00 pm on Tuesdays every other month to provide coverage for the CLARK Construction classes held at the CAC. I was instructed that I could not claim comp time on my time sheet and I could not claim overtime. I was instructed that I could come in late on the night of my assignment or I could leave early the next day.

My assignment was racially based. Benjamin Poole instructed me that I was to arrange coverage for the CLARK class with Prince Hollowell because he was not going to participate in providing coverage. Benjamin Poole required me, and only me to record my time of arrival and departure from work and to provide a signed sign-in sheet.

In January 2016, Benjamin Poole [REDACTED]. During this time, I was not required to record my time because Benjamin Poole ceased to provide me with sign-in time sheets during his absence.

I was having a discussion with Benjamin Poole about how the small firms should "team up" and form joint ventures to compete on some of the upcoming PUC projects. I mentioned that one firm in particular had a good reputation and was well known in the Bayview Hunters Point area for hiring local residents. Benjamin Poole with the specific intent to discriminate against me informed Masood Ordikhani that I had instructed LBE firms that they "must" joint venture with a specific firm if they wanted to obtain any PUC contracts. Masood Ordikhani verbally reprimanded me for making the allege statements and said he "heard it" from people in the community. It would have been impossible for Masood to have heard it from the "community," because I only had a general conversation about joint ventures with Benjamin Poole just prior to Masood Ordikhani reprimanding me.

While working at the CAC, I assisted a minority Bay View/Hunter's Point firm in successfully submitting a response to a proposal. The firm was awarded the contract and contacted General Manager Harland Kelly via email to inform him of my assistance, with a copy to Masood. Benjamin Poole instructed me to "be sure they do the heavy lifting because we are not going to be doing their fucking work." These comments are similar to racially motivated comments that I was forced to listen to from Benjamin Poole. He would tell another minority co-worker to "shut the fuck up" along with the comment that the "Bay View Hunter's Point LBEs all have the problem on why they cannot obtain contracts and that's because they have a poverty mentality."

In early June 2016, Masood Ordikhani inquired about my time and arrival and my departure times from the CAC. He also inquired about my "deliverables." I have never been given a direct assignment while assigned to the CAC. To my knowledge, Masood has never completed an evaluation of my performance and I have never been given a direct or written assignment. The only instruction that I received was to assist the LBE firms coming into the CAC seeking

December 6, 2016

Page 3

assistance.

Following Masood Ordikhani's inquiry about my deliverables, I requested from the numerous firms that I had assisted to send their comments to Harland Kelly, the General Manager with a copy to Masood Ordikhani. When Masood Ordikhani received the numerous email recommendations, he instructed me to cease requesting comments from the firms that I had been assisting. He was tired of receiving these "fucking emails."

It was at this point in time that Masood Ordikhani inquired if I thought that I was going to be fired. I responded that I did not know, but since he had requested my deliverables, never being instructed that I was to provide him with any "deliverables," I felt that the recommendations would provide proof that I had in fact been assisting LBE firms while at the CAC.

Following my request that he cease shouting at me when he spoke to me and to cease addressing me as "Bro," Masood Ordikhani contacted Harland Kelly to have me terminated on the pretext that I have failed to complete probation. I was scheduled to meet with a Deputy Manager about a reassignment. The appointment was canceled and I was terminated.

Masood Ordikhani initiated termination proceedings because I had requested that Masood Ordikhani cease calling me "Bro" and to cease shouting at me when he spoke with me.

When I received the letter dated June 13, 2016, from Jennifer Bushman, I contacted her with an email seeking information. I received a call from Paul Briones in response. During my conversation with Paul Briones, I inquired if I was going to be terminated. He responded that termination proceeding had not been initiated.

Very truly yours,

Craig K. Martin

CKM/jlw

Cc: Micki Callahan

Rachel Gardunio



Via U.S. Mail

June 13, 2016

Craig Martin
 [REDACTED]

Re: How to File a Complaint

Dear Mr. Martin:

The San Francisco Public Utilities Commission ("SFPUC") would like to inform you of SFPUC's policy on how to file a discrimination complaint, and provide you with information about your rights under that policy. If you feel that any issues you may be concerned about relate to a form of discrimination that violates the law (in other words, that the conduct is directed at you because of your race, religion, gender, age, etc.), we would like to remind you that you have several options to file a formal complaint of employment discrimination.

Attached is the SFPUC's process for filing complaints. (See Filing a Discrimination Complaint). Please note the time limitation for filing complaints through the City and County of San Francisco's processes, including filing complaints with the SFPUC, is 180 days from the date of alleged discrimination or from the date that you should have first become aware of the alleged discrimination. The SFPUC is committed to supporting the complaint investigation process as part of its commitment to a workplace in which no employee is subjected to hostility or harassment based on race, gender, or other protected status.

Employees may hesitate to file a complaint of employment discrimination because they fear retaliation. Please understand that retaliation against employees for filing complaints or for opposing practices protected by non-discrimination laws is strictly prohibited by law and by policy. The SFPUC is committed to enforcing this policy as part of its commitment to a non-hostile, harassment free work environment.

You should also know that you have options for filing a complaint with other agencies. You may file a formal complaint directly with the Department of Human Resources' EEO Unit, which is located at 1 South Van Ness, 4th Floor, San Francisco, California, 94103. You also have the right to file complaints with the State of California's Department of Fair Employment and Housing and the Federal Equal Employment Opportunity Commission. Please be aware that each of these agencies set its own time limitation regarding filing a complaint.

The SFPUC faithfully seeks to resolve issues raised by employees. Sometimes issues of concern develop in the workplace that is not easily addressed by supervisors or other specialty units within the SFPUC. Employees of the City and County of San Francisco have the option of using the counseling and other services provided by the Employee Assistance Program (EAP). For your information, we have enclosed an EAP brochure.

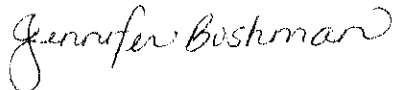
In addition, the EAP offers a mediation program for resolving issues of concern. Mediation is a structured, yet informal process in which the parties in conflict meet with a neutral third party (a mediator) to assist them in reaching a mutually agreeable

- Edwin M. Lee**
Mayor
- Francesca Viator**
President
- Anson Moran**
Vice President
- Ann Moller Caen**
Commissioner
- Vince Courtney**
Commissioner
- Ike Kwon**
Commissioner
- Harlan L. Kelly, Jr.**
General Manager



solution to an employment dispute. If you are interested in more information about this program or feel that it may be a way to resolve the issues, please contact me at (415) 554-1606 and I will be glad to provide additional information and, if appropriate, facilitate the process.

Sincerely,



Jennifer Bushman
Personnel Analyst, Employee Relations/EEO Programs

Encl: Filing a Discrimination Complaint
EAP brochure

cc: Rachel Gardunio, Interim Manager, Employee Relations/EEO Programs, SFPUC



Via HAND DELIVERY and REGULAR MAIL

June 28, 2016

Craig Martin
[REDACTED]

Re: RELEASE FROM PROBATIONARY APPOINTMENT

Dear Craig Martin:

This letter is to inform you that effective close of business, June 28, 2016, you are released from your appointment in Class 1822, Administrative Analyst at the San Francisco Public Utilities Commission.

Pursuant to Civil Service Commission Rule 117.9.1, Authority and Procedures for Release of Probationary Employee:

An employee may be released by the appointing officer at any time during the probationary period upon written notice to the employee and the Human Resources Director.

This is a non-disciplinary release and there are no restrictions on your future employment with the City and County of San Francisco.

Very truly yours,

Cindy Charan
Director of Human Resource Services, SFPUC

Encl: Notice of Release from Probationary Appointment
Notice and Report of Probationary Status
Separation Report

Cc: Masood Ordikhani, Director of Infrastructure Economic Opportunities
Rachel Gardunio, Interim Manager of ER/EEO Programs, HRS
Melanie Morales for Micki Callahan, DHR
Payroll, HRS
SEIU, Local 1021
Official Employee Personnel File – C. Martin

Edwin M. Lee
Mayor
Francesca Vieter
President
Anson Moran
Vice President
Ann Moller Caen
Commissioner
Vince Courtney
Commissioner
Ike Kwon
Commissioner
Harlan L. Kelly, Jr.
General Manager





City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS - AMENDED

Part I: Notice of Probationary Status at Time of Appointment Original: Personnel File
Complete at time of appointment Copy: Employee

Martin **Craig** **40 PUBLIC UTILITIES**
1822 **Administrative Analyst** **COMMISSION**
Last Name First Name Department/Division
Job Code Title Employee Organization/Union
790 SEIU Local 1021

Congratulations on your Permanent Civil Service (PCS) appointment!

You are now serving your probationary period, which is used to evaluate your performance on the job. It is the final and most important phase of the selection process. During your probationary period, you may be released by your appointing officer at any time in accordance with Civil Service Rule 117 – Probationary Period. The duration of your probationary period is governed by provisions in the Memorandum of Understanding (MOU) or ordinance covering your job code. Extensions of your probationary period are governed by Civil Service Rules and provisions in the MOU or ordinance covering your job code. Please refer to your human resources representative if you have any questions.

Duration of the Probationary Period (per MOU or Ordinance): **Three (3) Months**

Did the employee received credit for prior service?: Yes/No

If yes, provide dates: from 05/11/2015 to 3/27/2016 Total time credited: 90 days / 3 months

Provide justification for credit (cite Civil Service Rule Section or MOU Section):
MOU, SEIU, MISC, Local 1021, 2014-2017, Article II, B. Paragraph 82 p.1:

Probationary Period Begin Date: 03/26/2016

Expected Probationary Period End Date: 06/25/2016
(Probation begins on the employee's start work date in PCS status, not the certification date)

Voluntary Resumption of the Probationary Period. To be used only as specifically authorized by Civil Service Rule 117.8.

Employee has previously completed probation for this job code in this department, and is voluntarily resuming a probation period not to exceed six (6) months.

Resumed Probationary Period Begin Date:

Expected Resumed Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee Department Head/Designee
Printed Name Printed Name
Signature and Date Signature and Date



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

Part II: Report of Probationary Period Adjustment

Complete prior to the Expected Probationary Period End Date identified above

Original: Personnel File
Copy: Employee

- No adjustment of the probationary period is required.
- Employee's probationary period is adjusted as follows:

Adjustment Worksheet		
If the probationary period was adjusted, please check the reason(s), provide the number of hours, and total the number of working days of extension.		
Check	Reason for Extension	Number of Hours
<input checked="" type="checkbox"/>	Vacation & Floating Holidays	8
<input type="checkbox"/>	Administrative Leave	
<input type="checkbox"/>	Compensatory Time Used	
<input type="checkbox"/>	Authorized Leave	
<input type="checkbox"/>	Unauthorized Absence	
<input type="checkbox"/>	Disciplinary Suspension	
<input checked="" type="checkbox"/>	Sick Leave with or without pay	16
<input type="checkbox"/>	Other (Provide detailed explanation):	
Total Hours:		24
Total Days of Adjustment:		3

Probationary Period Begin Date: **3/26/2016**

Adjusted Probationary Period End Date: **6/29/2016**

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

Craig Martin

Printed Name

Signature and Date

Department Head/Designee

Cindy Charan

Printed Name

Signature and Date



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

Part I: Notice of Probationary Status at Time of Appointment Original: Personnel File
Copy: Employee
Complete at time of appointment

Martin	Craig	40 PUBLIC UTILITIES COMMISSION
<small>Last Name</small>	<small>First Name</small>	<small>Department/Division</small>
1822	Administrative Analyst	790 SEIU Local 1021
<small>Job Code</small>	<small>Title</small>	<small>Employee Organization/Union</small>

Congratulations on your Permanent Civil Service (PCS) appointment!

You are now serving your probationary period, which is used to evaluate your performance on the job. It is the final and most important phase of the selection process. During your probationary period, you may be released by your appointing officer at any time in accordance with Civil Service Rule 117 – Probationary Period. The duration of your probationary period is governed by provisions in the Memorandum of Understanding (MOU) or ordinance covering your job code. Extensions of your probationary period are governed by Civil Service Rules and provisions in the MOU or ordinance covering your job code. Please refer to your human resources representative if you have any questions.

Duration of the Probationary Period (per MOU or Ordinance): **Six (6) Months**

Did the employee received credit for prior service?: Yes/No

If yes, provide dates: from _____ to _____ Total time credited: _____ days

Provide justification for credit (cite Civil Service Rule Section or MOU Section):

Probationary Period Begin Date: **03/26/2016**

Expected Probationary Period End Date: **09/25/2016**
(Probation begins on the employee's start work date in PCS status, not the certification date)

Voluntary Resumption of the Probationary Period. To be used only as specifically authorized by Civil Service Rule 117.8.

Employee has previously completed probation for this job code in this department, and is voluntarily resuming a probation period not to exceed six (6) months.

Resumed Probationary Period Begin Date:

Expected Resumed Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

Department Head/Designee

CRAIG K MARTIN
Printed Name

Printed Name **Bonita Decker for Cindy Cragan**

Signature and Date

Signature and Date **05-27-16**



City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS

Part IV: Report of Release from Probationary Appointment

Complete prior to the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee, DHR-Client Services

- Employee is released during the probationary period effective close-of-business: 6/28/2016
Department must complete a Notice of Release from Probationary Appointment (DHR Form 1-14)

Department Head/Designee

Cindy Charan
Printed Name

Signature and Date

Part V: Report of Successful Completion of Probationary Period

Complete on the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee

- Employee successfully completed probation. Completion Date:

Department Head/Designee

Printed Name

Signature and Date

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF RELEASE FROM PROBATIONARY APPOINTMENT**

Mailing Date June 28, 2016

Name Craig Martin

Department/Division SFPUC- Infrastructure

Address [REDACTED]

Type of Appointment: PCS

City [REDACTED]

Entrance Probationary

State [REDACTED]

Zip [REDACTED]

Promotive Probationary

This notice is to inform you that effective 6/28/2016, you are released from your appointment in Class 1822,
Title Administrative Analyst.

The following checked item applies (check only one):

- A. Non-Disciplinary Release: The decision of the Appointing Officer is final. There are no restrictions on your future employment with the City and County of San Francisco.
- B. Disciplinary Release (see documents attached): Should you elect to appeal the recommendation(s), follow the procedures. You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to modify employment restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to release you from your employment.
- C. Automatic Reversion (Non-Disciplinary Release): You have automatic rights of reversion to the previous class from which promoted; if necessary, displacements in the former class shall occur. You will revert to the class from which promoted: Class _____, Title _____

You may request a hearing for review of any restrictions on your future employability (when box B above is checked) with the Civil Service Commission within twenty (20) calendar days of the mailing date of this notice or from the date of release, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness, Suite 720, San Francisco, CA 94102 by _____. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

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

<input checked="" type="checkbox"/>	No restrictions on future employability.	<input type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	No future employment with this department.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of _____ year(s) experience outside the City and County service.		
<input type="checkbox"/>	Other (specify):		

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

MUST BE COMPLETED BY DEPARTMENT:
 Rank: 11 List# 064821
 SSN: [REDACTED]
 Employee Organization SEIU Local 1021
METHOD OF SERVICE:
 Certified Mail _____ Hand Delivered
 Certified Mail # _____
 Attachment(s)
 DHR 1-14 (8/00)



 SIGNATURE OF APPOINTING OFFICER
 Cindy Charan
 NAME
 SFPUC Human Resources Director
 TITLE

Exhibit F

Civil Service Commission Correspondence to Craig Martin, dated May 3, 2017

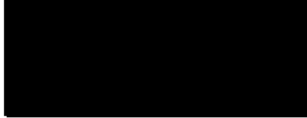


CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

May 3, 2017

Craig K. Martin



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

Subject: Register No. 0128-17-6: Appealing the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309

Dear Mr. Martin:

This is written in response to your appeal received in the Civil Service Commission on April 27, 2017. With your appeal, you attached the letter of response from the Department of Human Resources (DHR) which indicated the following:

1. Your complaint of retaliation by Masood Ordikhani will be investigated by the Department of Human Resources. You alleged that on or around June 10, 2016, you objected to Mr. Ordikhani repeatedly calling you "Bro" and on June 28, 2016, Mr. Ordikhani released you from probation because he was angry that you objected to him call you, "Bro."
2. Your complaint of discrimination and harassment based on age and race due to issues from 2015 were determined to be untimely by the Human Resources Director because you did not report them until 2017. These incidents will not be investigated. This includes your assertion that Masood's action in reassigning your workload and Benjamin Poole's action of yelling at an employee of African dissent to "Shut the fuck up!" created a hostile work environment."

Please confirm, in writing, that you wish to only appeal the decision to administratively close the complaints listed under item #2 above. If this is incorrect in part or in whole, please clarify what you wish to appeal before the Civil Service Commission.

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

Attachment

Exhibit G

Craig Martin Correspondence to Civil Service Commission, dated May 30, 2017

0169-17-6
SE

SEND CLOSING LETTER

CRAIG K. MARTIN



May 30, 2017

Sandra Eng
San Francisco Civil Service Commission
25 Van Ness Avenue, 7th Floor
San Francisco, CA 94102

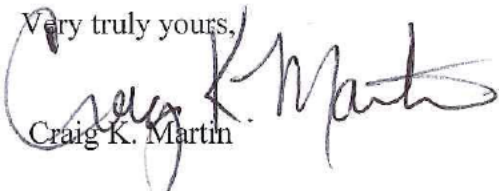
RECEIVED
EXECUTIVE OFFICE
CIVIL SERVICE COMMISSION
SAN FRANCISCO
2017 MAY 30 PM 1:57

Re: Claim of Discrimination, Race, Age, Gender
Infrastructure Economic Opportunities
Class 1822, Administrative Analyst
Termination as of June 29, 2016

Dear Ms. Eng:

This letter shall confirm that I am not appealing the decision not to investigate the comments made by Benjamin Poole. Nor am I appealing the decision not to investigate the reassignment of my duties to another employee. The comment made by Benjamin Poole is just an example of the hostile work environment. The reassigning of my work duties was one of many of Masood Ordikani's discriminatory actions against me.

I trust that this letter will clarify any misinterpretation of my now pending appeal.

Very truly yours,

Craig K. Martin

CKM/jlw

Exhibit H

Civil Service Commission Correspondence to Craig Martin, dated June 7, 2017



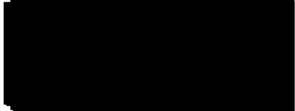
CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Email & U.S. Mail

June 7, 2017

Craig K. Martin



GINA M. ROCCANOVA
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

Subject: **Register No. 0128-17-6: Appealing the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309**

Dear Mr. Martin:

This is in response to your letter received in the Civil Service Commission (Commission) on May 30, 2017 confirming that you are *not* appealing the decision of the Human Resources Director to not investigate the untimely complaints regarding reassignment of work duties by Masood Ordikhani or the comments of Benjamin Poole made in 2015.

As indicated in the letter by the Department of Human Resources (DHR) dated April 18, 2017, DHR will continue the investigation of the alleged retaliation occurring in 2016 by Masood Ordikhani.

Accordingly, I am directing that all files on your appeal dated April 27, 2017 be closed. You may contact me by email at Michael.Brown@sfgov.org or by phone at (415) 252-3250 should you have any questions or concerns regarding the closure of your file on this matter.

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

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

Attachments

Cc: Micki Callahan, Department of Human Resources
Susan Gard, Department of Human Resources
Linda Simon, Department of Human Resources
Hallie Albert, Department of Human Resources

0169-17-6
SE

SEND CLOSING LETTER

CRAIG K. MARTIN



May 30, 2017

Sandra Eng
San Francisco Civil Service Commission
25 Van Ness Avenue, 7th Floor
San Francisco, CA 94102

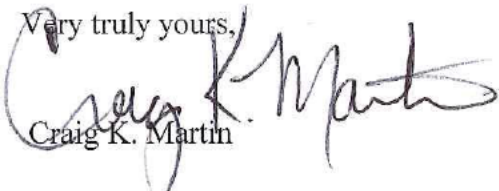
RECEIVED
EXECUTIVE OFFICE
CIVIL SERVICE COMMISSION
SAN FRANCISCO
2017 MAY 30 PM 1:57

Re: Claim of Discrimination, Race, Age, Gender
Infrastructure Economic Opportunities
Class 1822, Administrative Analyst
Termination as of June 29, 2016

Dear Ms. Eng:

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I trust that this letter will clarify any misinterpretation of my now pending appeal.

Very truly yours,

Craig K. Martin

CKM/jlw



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

May 3, 2017

Craig K. Martin



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

Subject: Register No. 0128-17-6: Appealing the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309

Dear Mr. Martin:

This is written in response to your appeal received in the Civil Service Commission on April 27, 2017. With your appeal, you attached the letter of response from the Department of Human Resources (DHR) which indicated the following:

1. Your complaint of retaliation by Masood Ordikhani will be investigated by the Department of Human Resources. You alleged that on or around June 10, 2016, you objected to Mr. Ordikhani repeatedly calling you "Bro" and on June 28, 2016, Mr. Ordikhani released you from probation because he was angry that you objected to him call you, "Bro."
2. Your complaint of discrimination and harassment based on age and race due to issues from 2015 were determined to be untimely by the Human Resources Director because you did not report them until 2017. These incidents will not be investigated. This includes your assertion that Masood's action in reassigning your workload and Benjamin Poole's action of yelling at an employee of African dissent to "Shut the fuck up!" created a hostile work environment."

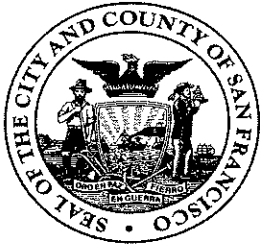
Please confirm, in writing, that you wish to only appeal the decision to administratively close the complaints listed under item #2 above. If this is incorrect in part or in whole, please clarify what you wish to appeal before the Civil Service Commission.

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

Attachment



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

NOTICE OF RECEIPT OF APPEAL

GINA M. ROCCANOVA
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

DATE: May 1, 2017

REGISTER NO.: 0128-17-6

APPELLANT: CRAIG K. MARTIN

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

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Craig K. Martin, appealing the Human Resources Director's decision to administratively close his discrimination complaint EEO File No. 2309. Your review and action are required.

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

In the event that Mr. Martin's appeal is timely and appropriate, the Department of Human Resources 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 July 6, 2017** so that it may be heard by the Civil Service Commission at its meeting on July 17, 2017. If you will be unable to transmit the Department's staff report by the July 6th deadline, or if required departmental representatives will not be available to attend the July 17th meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

You may contact me at Michael.Brown@sfgov.org or (415) 252-3250 if you have any questions. For more information regarding staff report requirements,

Appellant: Craig K. Martin
May 1, 2017
Page 2

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

Sincerely,

CIVIL SERVICE COMMISSION



MICHAEL L. BROWN
Executive Officer

Attachment

Cc: Susan Gard, Department of Human Resources
Linda Simon, Department of Human Resources
Cindy Charan, Public Utilities Commission
Rachel Gardunio, Public Utilities Commission



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via U.S. Mail/ Electronic Mail

May 1, 2017

Craig K. Martin



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

Subject: Register No. 0128-17-6: Appealing the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309.

Dear Mr. Martin:

This is in response to your appeal submitted to the Civil Service Commission on April 27, 2017 regarding the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309. Your appeal has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

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

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date (note that the Commission requires an original and nine copies of any supplemental/rebuttal materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

0075



CIVIL SERVICE COMMISSION
City and County of San Francisco
 25 Van Ness Avenue, Suite 720
 San Francisco, California 94102-6033
 Executive Officer
 (415) 252-3247

CSC Register No.
 0128-17-6
 To: Xi Callahan
C. Chan
 CC: L. Simon
R. Gordon

APPEAL TO THE CIVIL SERVICE COMMISSION

<p>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.</p>	<p>TYPE OF APPEAL: (Check One) <input type="checkbox"/> Examination Matters (by close of business on 5th working day) <input type="checkbox"/> Employee Compensation Matters (by close of business on 7th working day) - Limited application <input type="checkbox"/> Personal Service Contracts (Posting Period) <input type="checkbox"/> Other Matters (i.e., Human Resources Director/Executive Officer Action) (30 Calendar days) <input type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
---	--

Craig K. Martin

Full Name of Appellant 1822 Administrative Analyst	Work Address	Work Telephone
---	--------------	----------------

Job Code	Title	Department
----------	-------	------------

Residence Address	O
-------------------	---

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: _____

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
---	--

Original Signature of Appellant or Authorized Representative: Craig K. Martin Date: 27 Apr. 7 2017

CSC-12 (10/14)

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 am appealing the decision of the Department of Human Resources dated April 18, 2017, Complaint of Discrimination EEO File No. 2309.

~~I did not file an allegation against Valerie Tulier-Laiwa. Nor did I file an allegation against Benjamin Poole. It was my recollection that Masood's action is reassigning my work load and Benjamin Poole's action in telling a co-worker of African decent to "SHUT THE FUCK UP" created a hostile work environment. Masood's action in terminating me was in Retaliation for my objecting to being called "HEY BRO "~~

~~I have attached a copy of the correspondence to date regarding this matter.~~



Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

CONFIDENTIAL

April 18, 2017

Craig Martin
[REDACTED]

Via U.S. Mail

RE: Complaint of Discrimination, EEO File No. 2309

Dear Mr. Martin:

The San Francisco Charter, Section 10.103, and Civil Service Rule 103, provide that the Human Resources 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) considers all allegations of discrimination a serious matter. The purpose of this letter is to inform you of my determination regarding the claims that will be investigated, and the claims that will be administratively closed.

On December 7, 2016, you submitted a written complaint of discrimination to Justine Hinderliter, Deputy Director of Human Resource Services with the San Francisco Public Utilities Commission (SFPUC). On January 4, 2017, you met with Rachel Gardunio, Employee Relations and EEO Programs Manager with the SFPUC for an intake interview. On February 23, 2017, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received a "Department Report of Employment Discrimination Complaint" from Ms. Gardunio reporting your allegations that you were subjected to discrimination based on your race (Black) and age (born in 1949), harassment, and retaliation.

I. BACKGROUND

In January 2013, you began working for the SFPUC as a 9922 Public Service Aide – Associate to Professionals. In May 2015, you were appointed to a PEX 1822 Administrative Analyst position. On March 28, 2016, you were appointed to a PCS 1822 Administrative Analyst position. You worked with Benjamin Poole, (White, born in 1979) 1823 Senior Administrative Analyst, and reported to Masood Ordikhani, (White, born in 1977) Community Benefits Manager.

II. CLAIMS TO BE INVESTIGATED

Please be advised that based on the information you provided, the following claims will be investigated.

A. Retaliation by Masood Ordikhani

To initiate an investigation, a complaint of retaliation must sufficiently allege all of the following: (1) you engaged in a protected activity; (2) you suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action.

You allege that on or around June 10, 2016, you objected to Mr. Ordikhani repeatedly calling you, "Bro." The SFPUC will investigate your allegation that on June 28, 2016, Mr. Ordikhani released you from probation because he was angry that you objected to him calling you, "Bro."

III. ADMINISTRATIVELY CLOSED CLAIMS

Please be advised that based on the information you provided, the following claims will be administratively closed and will not be investigated.

A. No Jurisdiction Over Untimely Allegations of Discrimination Based on Age and Race

Under the City's internal complaint procedure, discrimination complaints must be filed within 180 calendar days of the date the alleged discriminatory action took place or the date the employee would have first become aware of the discriminatory action.

You alleged that in approximately October 2015, your work was reassigned to Valerie Tulier-Laiwa (White, born in 1958) even though she did not have the same qualifications as you. However, you did not report your allegation until January 4, 2017, over one year after the alleged conduct occurred. Therefore, this allegation is now untimely and will not be investigated.

You also alleged that in November 2015, you were reassigned to work at the SFPUC's Contractor Assistance Center (CAC), and Mr. Ordikhani told you to flex your time rather than accrue compensatory time off whenever you covered the Tuesday evening "Clark Construction" class. Although you did not present any supporting information, you believe your reassignment to the CAC and Mr. Ordikhani's instruction to flex your time were racially motivated. Nevertheless, you did not report these allegations until December 7, 2016, one year after the alleged conduct occurred. Therefore, these untimely allegations will not be investigated.

B. No Jurisdiction Over Untimely Allegations of Harassment Due to Race and Age by Benjamin Poole

You alleged that in late 2015, on several occasions in your presence, Mr. Poole told your co-worker Prince Hollowell (Black, born in 1950) to "shut the fuck up." Additionally, you alleged that in late 2015, Mr. Poole said to you, "The problem with people in the Bayview is that they have a poverty mentality." You believe these comments were racially motivated. However, you did not report the alleged comments until December 7, 2016, one year later, and therefore these allegations are now untimely and will not be investigated.

IV. HUMAN RESOURCES DIRECTOR'S DETERMINATION

The decision of the Human Resources 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, California, 94102, within 30 calendar days from the postmarked mailing date of this letter.

Please note that you may also file a discrimination complaint with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing. Contact these agencies for filing requirements and deadlines.

Please feel free to contact Linda C. Simon, Director, EEO and Leave Programs, at (415) 557-4837, if you have any questions.

Sincerely,



Micki Callahan
Human Resources Director

c: Harlan Kelly Jr., General Manager, SFPUC
Cindy Charan, Human Resources Director, SFPUC
Rachel Gardunio, Labor Relations and EEO Programs Manager, SFPUC
Linda C. Simon, Director, EEO and Leave Programs, DHR

CRAIG K. MARTIN



December 7, 2016

Justine Hinderliter, Manager
Employee Relations/EEOC Programs, HRS
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

Re: Claim of Discrimination, Race, Age, Gender
Infrastructure Economic Opportunities
Class 1822, Administrative Analyst
Termination as of June 29, 2016

Dear Ms. Hinderliter:

Please accept this letter as a "Formal Claim of Discrimination based on race, age, a hostile work environment and retaliation. Damages exceed \$25,000. The city employees who have discriminated against me are:

Masood Ordikhani, Director of Infrastructure Economic Opportunities
Benjamin Poole, Supervisor at Contractors Assistance Center

Date of Discrimination: June 28, 2016

I was terminated on the pretextual basis for failure to successfully complete the probationary period. My probationary period ended on June 26, 2016. The actual basis of my termination was that on or about June 10, 2016, I objected to being shouted at and being called "Bro" by Masood Ordikhani. Masood took offense that I objected to being shouted at and repeatedly being addressed as "Bro."

I was assigned to the Contractors Assistance Center (CAC) full-time in January 2016, to replace Benjamin Poole. Mr. Poole had [REDACTED]. This was presented as a temporary assignment.

Prior to being assigned to the CAC, I was stationed at 525 Golden Gate Avenue. My assignment was to track engineering projects in the pipe line and assist in preparing the quarterly report for Masood's group. After hiring a new employee, all of my tasks were given to a younger employee. I was then assigned to the CAC for three days a week to assist local business enterprises in the contracting procurement process.

While being assigned to work at the Contractors Assistance Center, I was instructed that my employee hours did not begin when I checked out a city vehicle from the Civic Center garage, but started when I arrived at the CAC at 8:30 am. I also was instructed that I could not leave the CAC until 5:30 pm and that my employee time ceased when I left the CAC and not when I returned the city vehicle back in at the Civic Center garage at approximately 6:00 pm.

December 6, 2016

Page 2

During my assignment at the CAC, I was forced to work until approximately 9:00 pm on Tuesdays every other month to provide coverage for the CLARK Construction classes held at the CAC. I was instructed that I could not claim comp time on my time sheet and I could not claim overtime. I was instructed that I could come in late on the night of my assignment or I could leave early the next day.

My assignment was racially based. Benjamin Poole instructed me that I was to arrange coverage for the CLARK class with Prince Hollowell because he was not going to participate in providing coverage. Benjamin Poole required me, and only me to record my time of arrival and departure from work and to provide a signed sign-in sheet.

In January 2016, Benjamin Poole [REDACTED]. During this time, I was not required to record my time because Benjamin Poole ceased to provide me with sign-in time sheets during his absence.

I was having a discussion with Benjamin Poole about how the small firms should “team up” and form joint ventures to compete on some of the upcoming PUC projects. I mentioned that one firm in particular had a good reputation and was well known in the Bayview Hunters Point area for hiring local residents. Benjamin Poole with the specific intent to discriminate against me informed Masood Ordikhani that I had instructed LBE firms that they “*must*” joint venture with a specific firm if they wanted to obtain any PUC contracts. Masood Ordikhani verbally reprimanded me for making the allege statements and said he “heard it” from people in the community. It would have been impossible for Masood to have heard it from the “community,” because I only had a general conversation about joint ventures with Benjamin Poole just prior to Masood Ordikhani reprimanding me.

While working at the CAC, I assisted a minority Bay View/Hunter’s Point firm in successfully submitting a response to a proposal. The firm was awarded the contract and contacted General Manager Harland Kelly via email to inform him of my assistance, with a copy to Masood. Benjamin Poole instructed me to “be sure they do the heavy lifting because we are not going to be doing their fucking work.” These comments are similar to racially motivated comments that I was forced to listen to from Benjamin Poole. He would tell another minority co-worker to “shut the fuck up” along with the comment that the “Bay View Hunter’s Point LBEs all have the problem on why they cannot obtain contracts and that’s because they have a poverty mentality.”

In early June 2016, Masood Ordikhani inquired about my time and arrival and my departure times from the CAC. He also inquired about my “deliverables.” I have never been given a direct assignment while assigned to the CAC. To my knowledge, Masood has never completed an evaluation of my performance and I have never been given a direct or written assignment. The only instruction that I received was to assist the LBE firms coming into the CAC seeking

December 6, 2016

Page 3

assistance.

Following Masood Ordikhani's inquiry about my deliverables, I requested from the numerous firms that I had assisted to send their comments to Harland Kelly, the General Manager with a copy to Masood Ordikhani. When Masood Ordikhani received the numerous email recommendations, he instructed me to cease requesting comments from the firms that I had been assisting. He was tired of receiving these "fucking emails."

It was at this point in time that Masood Ordikhani inquired if I thought that I was going to be fired. I responded that I did not know, but since he had requested my deliverables, never being instructed that I was to provide him with any "deliverables," I felt that the recommendations would provide proof that I had in fact been assisting LBE firms while at the CAC.

Following my request that he cease shouting at me when he spoke to me and to cease addressing me as "Bro," Masood Ordikhani contacted Harland Kelly to have me terminated on the pretext that I have failed to complete probation. I was scheduled to meet with a Deputy Manager about a reassignment. The appointment was canceled and I was terminated.

Masood Ordikhani initiated termination proceedings because I had requested that Masood Ordikhani cease calling me "Bro" and to cease shouting at me when he spoke with me.

When I received the letter dated June 13, 2016, from Jennifer Bushman, I contacted her with an email seeking information. I received a call from Paul Briones in response. During my conversation with Paul Briones, I inquired if I was going to be terminated. He responded that termination proceeding had not been initiated.

Very truly yours,

Craig K. Martin

CKM/jlw

Cc: Micki Callahan
Rachel Gardunio



**San Francisco
Water Power Sewer**
Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102
T 415.554.1670
F 415.554.1529
TTY 415.554.1672

Via U.S. Mail

June 13, 2016

Craig Martin
[REDACTED]

Re: How to File a Complaint

Dear Mr. Martin:

The San Francisco Public Utilities Commission ("SFPUC") would like to inform you of SFPUC's policy on how to file a discrimination complaint, and provide you with information about your rights under that policy. If you feel that any issues you may be concerned about relate to a form of discrimination that violates the law (in other words, that the conduct is directed at you because of your race, religion, gender, age, etc.), we would like to remind you that you have several options to file a formal complaint of employment discrimination.

Attached is the SFPUC's process for filing complaints. (See Filing a Discrimination Complaint). Please note the time limitation for filing complaints through the City and County of San Francisco's processes, including filing complaints with the SFPUC, is 180 days from the date of alleged discrimination or from the date that you should have first become aware of the alleged discrimination. The SFPUC is committed to supporting the complaint investigation process as part of its commitment to a workplace in which no employee is subjected to hostility or harassment based on race, gender, or other protected status.

Employees may hesitate to file a complaint of employment discrimination because they fear retaliation. Please understand that retaliation against employees for filing complaints or for opposing practices protected by non-discrimination laws is strictly prohibited by law and by policy. The SFPUC is committed to enforcing this policy as part of its commitment to a non-hostile, harassment free work environment.

You should also know that you have options for filing a complaint with other agencies. You may file a formal complaint directly with the Department of Human Resources' EEO Unit, which is located at 1 South Van Ness, 4th Floor, San Francisco, California, 94103. You also have the right to file complaints with the State of California's Department of Fair Employment and Housing and the Federal Equal Employment Opportunity Commission. Please be aware that each of these agencies set its own time limitation regarding filing a complaint.

The SFPUC faithfully seeks to resolve issues raised by employees. Sometimes issues of concern develop in the workplace that is not easily addressed by supervisors or other specialty units within the SFPUC. Employees of the City and County of San Francisco have the option of using the counseling and other services provided by the Employee Assistance Program (EAP). For your information, we have enclosed an EAP brochure.

In addition, the EAP offers a mediation program for resolving issues of concern. Mediation is a structured, yet informal process in which the parties in conflict meet with a neutral third party (a mediator) to assist them in reaching a mutually agreeable

Edwin M. Lee
Mayor

Francesca Vietor
President

Anson Moran
Vice President

Ann Moller Caen
Commissioner

Vince Courtney
Commissioner

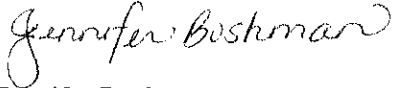
Ike Kwon
Commissioner

Harlan L. Kelly, Jr.
General Manager



solution to an employment dispute. If you are interested in more information about this program or feel that it may be a way to resolve the issues, please contact me at (415) 554-1606 and I will be glad to provide additional information and, if appropriate, facilitate the process.

Sincerely,



Jennifer Bushman
Personnel Analyst, Employee Relations/EEO Programs

Encl: Filing a Discrimination Complaint
EAP brochure

cc: Rachel Gardunio, Interim Manager, Employee Relations/EEO Programs, SFPUC



Via HAND DELIVERY and REGULAR MAIL

June 28, 2016

Craig Martin
[REDACTED]

Re: RELEASE FROM PROBATIONARY APPOINTMENT

Dear Craig Martin:

This letter is to inform you that effective close of business, June 28, 2016, you are released from your appointment in Class 1822, Administrative Analyst at the San Francisco Public Utilities Commission.

Pursuant to Civil Service Commission Rule 117.9.1, Authority and Procedures for Release of Probationary Employee:

An employee may be released by the appointing officer at any time during the probationary period upon written notice to the employee and the Human Resources Director.

This is a non-disciplinary release and there are no restrictions on your future employment with the City and County of San Francisco.

Very truly yours,

Cindy Charan
Director of Human Resource Services, SFPUC

Encl: Notice of Release from Probationary Appointment
Notice and Report of Probationary Status
Separation Report

Cc: Masood Ordikhani, Director of Infrastructure Economic Opportunities
Rachel Gardunio, Interim Manager of ER/EEO Programs, HRS
Melanie Morales for Micki Callahan, DHR
Payroll, HRS
SEIU, Local 1021
Official Employee Personnel File – C. Martin

Edwin M. Lee
Mayor
Francesca Vietor
President
Anson Moran
Vice President
Ann Moller Caen
Commissioner
Vince Courtney
Commissioner
Ike Kwon
Commissioner
Harlan L. Kelly, Jr.
General Manager





City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS - AMENDED

Part I: Notice of Probationary Status at Time of Appointment

Original: Personnel File
Copy: Employee

Complete at time of appointment

Martin

Craig

40 PUBLIC UTILITIES
COMMISSION

Last Name

First Name

Department/Division

1822

Administrative Analyst

790 SEIU Local 1021

Job Code

Title

Employee Organization/Union

Congratulations on your Permanent Civil Service (PCS) appointment!

You are now serving your probationary period, which is used to evaluate your performance on the job. It is the final and most important phase of the selection process. During your probationary period, you may be released by your appointing officer at any time in accordance with Civil Service Rule 117 – Probationary Period. The duration of your probationary period is governed by provisions in the Memorandum of Understanding (MOU) or ordinance covering your job code. Extensions of your probationary period are governed by Civil Service Rules and provisions in the MOU or ordinance covering your job code. Please refer to your human resources representative if you have any questions.

Duration of the Probationary Period (per MOU or Ordinance): **Three (3) Months**

Did the employee received credit for prior service?: Yes/No

If yes, provide dates: from 05/11/2015 to 3/27/2016 Total time credited: 90 days/3 months

Provide justification for credit (cite Civil Service Rule Section or MOU Section):

MOU, SEIU, MISC, Local 1021, 2014-2017, Article II, B. Paragraph 82 p.1:

Probationary Period Begin Date: 03/26/2016

Expected Probationary Period End Date: 06/25/2016

(Probation begins on the employee's start work date in PCS status, not the certification date)

Voluntary Resumption of the Probationary Period. To be used only as specifically authorized by Civil Service Rule 117.8.

Employee has previously completed probation for this job code in this department, and is voluntarily resuming a probation period not to exceed six (6) months.

Resumed Probationary Period Begin Date:

Expected Resumed Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

Department Head/Designee

Printed Name

Printed Name

Signature and Date

Signature and Date

[Handwritten Signature] May 31, 2016



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

Part II: Report of Probationary Period Adjustment

Complete prior to the Expected Probationary Period End Date identified above

Original: Personnel File
Copy: Employee

- No adjustment of the probationary period is required.
- Employee's probationary period is adjusted as follows:

Adjustment Worksheet		
If the probationary period was adjusted, please check the reason(s), provide the number of hours, and total the number of working days of extension.		
Check	Reason for Extension	Number of Hours
<input checked="" type="checkbox"/>	Vacation & Floating Holidays	8
<input type="checkbox"/>	Administrative Leave	
<input type="checkbox"/>	Compensatory Time Used	
<input type="checkbox"/>	Authorized Leave	
<input type="checkbox"/>	Unauthorized Absence	
<input type="checkbox"/>	Disciplinary Suspension	
<input checked="" type="checkbox"/>	Sick Leave with or without pay	16
<input type="checkbox"/>	Other (Provide detailed explanation):	
Total Hours:		24
Total Days of Adjustment:		3

Probationary Period Begin Date: 3/26/2016

Adjusted Probationary Period End Date: 6/29/2016

Please sign below acknowledging that you understand this notice and have received a copy of it.

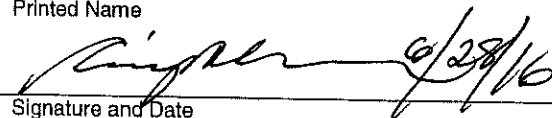
Employee

Craig Martin
Printed Name

Signature and Date

Department Head/Designee

Cindy Charan
Printed Name



Signature and Date



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

Part I: Notice of Probationary Status at Time of Appointment Original: Personnel File
Copy: Employee
Complete at time of appointment

Martin	Craig	40 PUBLIC UTILITIES COMMISSION
Last Name	First Name	Department/Division
1822	Administrative Analyst	790 SEIU Local 1021
Job Code	Title	Employee Organization/Union

Congratulations on your Permanent Civil Service (PCS) appointment!

You are now serving your probationary period, which is used to evaluate your performance on the job. It is the final and most important phase of the selection process. During your probationary period, you may be released by your appointing officer at any time in accordance with Civil Service Rule 117 – Probationary Period. The duration of your probationary period is governed by provisions in the Memorandum of Understanding (MOU) or ordinance covering your job code. Extensions of your probationary period are governed by Civil Service Rules and provisions in the MOU or ordinance covering your job code. Please refer to your human resources representative if you have any questions.

Duration of the Probationary Period (per MOU or Ordinance): **Six (6) Months**

Did the employee received credit for prior service?: Yes/No

If yes, provide dates: from _____ to _____ Total time credited: _____ days

Provide justification for credit (cite Civil Service Rule Section or MOU Section):

Probationary Period Begin Date: **03/26/2016**

Expected Probationary Period End Date: **09/25/2016**
(Probation begins on the employee's start work date in PCS status, not the certification date)

Voluntary Resumption of the Probationary Period. To be used only as specifically authorized by Civil Service Rule 117.8.

Employee has previously completed probation for this job code in this department, and is voluntarily resuming a probation period not to exceed six (6) months.

Resumed Probationary Period Begin Date:

Expected Resumed Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

CRAIG K MARTIN
 Printed Name

Craig K Martin
 Signature and Date

Department Head/Designee

Printed Name **Bonita Decker for Cindy Chan**

Bonita Decker
 Signature and Date **05-27-16**



City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS

Part IV: Report of Release from Probationary Appointment

Complete prior to the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee, DHR-Client Services

- Employee is released during the probationary period effective close-of-business: 6/28/2016
Department must complete a Notice of Release from Probationary Appointment (DHR Form 1-14)

Department Head/Designee

Cindy Charan
Printed Name

Signature and Date

Part V: Report of Successful Completion of Probationary Period

Complete on the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee

- Employee successfully completed probation. Completion Date:

Department Head/Designee

Printed Name

Signature and Date

**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF RELEASE FROM PROBATIONARY APPOINTMENT**

Mailing Date June 28, 2016

Name Craig Martin
 Address [REDACTED]
 City [REDACTED]
 State [REDACTED] Zip [REDACTED]

Department/Division SFPUC- Infrastructure
 Type of Appointment: PCS
 Entrance Probationary
 Promotive Probationary

This notice is to inform you that effective 6/28/2016, you are released from your appointment in Class 1822,
 Title Administrative Analyst

The following checked item applies (check only one):

- A. Non-Disciplinary Release: The decision of the Appointing Officer is final. There are no restrictions on your future employment with the City and County of San Francisco.
- B. Disciplinary Release (see documents attached): Should you elect to appeal the recommendation(s), follow the procedures. You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to modify employment restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to release you from your employment.
- C. Automatic Reversion (Non-Disciplinary Release): You have automatic rights of reversion to the previous class from which promoted; if necessary, displacements in the former class shall occur. You will revert to the class from which promoted: Class _____, Title _____

You may request a hearing for review of any restrictions on your future employability (when box B above is checked) with the Civil Service Commission within twenty (20) calendar days of the mailing date of this notice or from the date of release, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness, Suite 720, San Francisco, CA 94102 by _____. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

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

<input checked="" type="checkbox"/>	No restrictions on future employability.	<input type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	No future employment with this department.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of _____ year(s) experience outside the City and County service.		
<input type="checkbox"/>	Other (specify):		

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

MUST BE COMPLETED BY DEPARTMENT:
 Rank: 11 List# 064821
 SSN: [REDACTED]
 Employee Organization SEIU Local 1021
 METHOD OF SERVICE:
 Certified Mail _____ Hand Delivered
 Certified Mail # _____
 Attachment(s)
 DHR 1-14 (8/00)

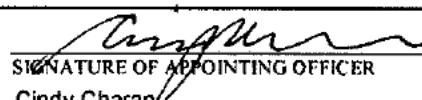

 SIGNATURE OF APPOINTING OFFICER
 Cindy Charan
 NAME
 SFPUC Human Resources Director
 TITLE

Exhibit I

SFPUC EEO Investigative Report, dated August 26, 2019

EEO INVESTIGATIVE REPORT

To: Micki Callahan, Human Resources Director

Through: Linda C. Simon, Director, EEO and Leave Programs, DHR

Through: Rick Nelson, EEO Programs Manager, SFPUC

From: Dena Narbaitz, EEO Programs Senior Specialist, SFPUC

EEO File No. 2309

Complaint: Craig Martin, former 1822 Administrative Analyst

Respondents: San Francisco Public Utilities Commission;
Masood Ordikhani, Director of Infrastructure Economic
Opportunities (0933 Manager V)

Issues/Bases: Retaliation

Date Complaint Filed: January 4, 2017

Date of Report: August 26, 2019

I. INTRODUCTION AND BACKGROUND

From January 28, 2013 through May 10, 2015, complainant Craig Martin (African American), was appointed as a Temporary Exempt 9922 Public Service Aide – Associate to Professionals with the San Francisco Public Utilities Commission’s (SFPUC) Infrastructure Division.

From May 11, 2015 through March 25, 2016, Martin was a Permanent Exempt (PEX) 1822 Administrative Analyst position with the SFPUC’s Infrastructure Division. On March 26, 2016, Martin was appointed as a Permanent Civil Service (PCS) 1822 Administrative Analyst with the SFPUC’s Infrastructure Division. His expected probationary period end date was June 25, 2016, but that date was adjusted to June 29, 2016, to account for days Martin was absent from work. On June 28, 2016, the SFPUC released Martin from his 1822 probationary appointment. This was a non-disciplinary release with no restrictions on Martin’s future employment with the City and County of San Francisco (City).

II. COMPLAINT AND REMEDY SOUGHT

On December 7, 2016, the SFPUC received a complaint from Martin alleging the following:

1. **Retaliation:** Martin claimed he was released from probation on June 28, 2016, in retaliation for asking his supervisor, Masood Ordikhani, SFPUC Director of Workforce and Economic Program Services, not to call him “bro.”
2. **Age Discrimination:** Martin alleged his work was reassigned to a younger employee.
3. **Race Discrimination:** Martin alleged that his assignment to the SFPUC’s Contractor Assistance Center (CAC) was racially motivated.
4. **Harassment:** Martin alleged he heard Benjamin Poole, SFPUC Manager, CAC, tell [REDACTED], 1822 Administrative Analyst, a Black employee, to “shut the fuck up.” Martin also reported that Poole would comment “Bay View Hunter’s Point [Local Business Enterprises] all have the problem on why they cannot obtain contracts and that’s because they have a poverty mentality.”

(Exhibit A, Attachment 1.)

On January 4, 2017, Rachel Gardunio, SFPUC, Employee Relations & EEO Programs Manager, and Anna Owens, 1241 Human Resource Analyst, conducted an intake interview with Martin.

(Exhibit A, Attachment 2.)

On February 22, 2017, the SFPUC sent a Department Report of Employment Discrimination Complaint to the City’s Department of Human Resources (DHR). This Report set forth Martin’s allegations of retaliation, age discrimination, race discrimination, and harassment. (Exhibit A, Attachment 3.)

On April 18, 2017, Linda Simon, Director, EEO and Leaves Programs, DHR, issued a memorandum to the SFPUC instructing the Department to investigate Martin's retaliation claim. (Exhibit B, Attachment 1.)

On April 18, 2017, Micki Callahan, Human Resources Director, sent Martin a partial closure letter notifying him that his retaliation allegation would be investigated, but his discrimination and harassment allegations would not be investigated because they did not meet DHR EEO jurisdictional requirements for initiating an investigation. (Exhibit B, Attachment 2.)

On April 27, 2017, Martin appealed Callahan's decision not to investigate his discrimination and harassment allegations to the Civil Service Commission. On May 1, 2017, the Civil Service Commission (CSC) sent a letter to Martin acknowledging his appeal and issued a Notice of Receipt of Appeal to Callahan. On May 3, 2017, the CSC sent a letter to Martin asking him to confirm which decision he wished to appeal. On May 30, 2017, Martin sent a letter to the CSC withdrawing his appeal. On June 7, 2017, the CSC sent a letter to Martin confirming that he is withdrawing his appeal of Callahan's decision not to investigate his discrimination and harassment allegations. The CSC confirmed that Martin's retaliation claim would be investigated. (See Exhibit C for all documents related to Martin's appeal.)

On June 16, 2017, Julie Chow, 1244 Senior Human Resources Analyst, met with Martin to finalize his Charge of Discrimination. (Exhibit D.) The Charge of Discrimination was revised after Martin objected to the claims contained therein. (Exhibit D; Exhibit E, Attachments 1 & 2.) Martin refused to sign the Revised Charge of Discrimination, which the SFPUC submitted to DHR on June 16, 2017. (Exhibit D; Exhibit E, Attachment 2.)

The Revised Charge of Discrimination inadvertently contained a claim for "Discrimination." This claim should not have been contained in the Revised Charge of Discrimination because DHR instructed the SFPUC to only investigate the Retaliation claim, and, as is set forth above, this was confirmed in Martin's appeal to the Civil Service Commission. (Exhibit B, Attachments 1 & 2, and Exhibit C.)

III. ALLEGATIONS REQUIRING INVESTIGATION

The allegation of retaliation as detailed in the Revised Charge of Discrimination was investigated and is the subject of this report. (Exhibit E, Attachment 2.) The allegation of discrimination listed in the Revised Charge was not investigated.

IV. INVESTIGATIVE STANDARD: RETALIATION

To sustain a complaint of retaliation, the investigation must establish all of the following: (1) the complainant engaged in a protected activity; (2) the complainant suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action.

V. THE INVESTIGATION

A. Summary of Interviews

The following witnesses, all SFPUC employees, were interviewed as part of the investigation:

1. Craig Martin, former 1822 Administrative Analyst;
2. Masood Ordikhani, Director of Workforce and Economic Program Services, 0933 Manager V;
3. ██████████, 1823 Senior Administrative Analyst;
4. ██████████, 1824 Professional Administrative Analyst;
5. ██████████, Assistant General Manager, SFPUC Infrastructure; and
6. ██████████, 1822 Administrative Analyst.

(Exhibit F, Attachments 1 through 6).

B. Summary of Documents Reviewed

(Exhibit G, Summary of Documents Reviewed).

VI. FINDINGS OF FACT

A. Retaliation Allegation: Ordikhani released Martin from probation because Ordikhani was angry that Martin objected to being called, “Bro.”

1. Summary of Relevant Evidence
 - a. Written Complaint and Interview of Martin

In January 2016, Martin was hired into the SFPUC’s Infrastructure Division as a PCS 1822 Administrative Analyst. Martin was required to serve a six-month probation. From January 2013 to January 2016, Martin was a TEX 1822 Administrative Analyst.

Ordikhani was the Director of Workforce and Economic Program Services. In early June 2016, during a conversation about Martin’s past and future deliverables, Ordikhani called Martin, ‘Bro’. Martin asked Ordikhani not to do that anymore. Martin also said something to the effect of, “It’s like, I don’t know you, you’re not African-American, we didn’t go to school together, I’m your elder.” Ordikhani responded by saying, “Ok, Martin”. Martin then told Ordikhani, “Ok, now you’re going overboard.”

Ordikhani had been calling Martin “Bro” for some time. In Martin’s experience, if Ordikhani is out at the Bayview/Hunter’s Point District, everyone is “Bro.” Martin did not hear Ordikhani call Poole “Bro.” Martin did hear Ordikhani call Hallowell, 1822 Administrative Analyst, “Bro,” but was not sure if it was just directed at black people. But, generally, Ordikhani calls men “Bro.”

Martin did not care about Ordikhani calling other people “Bro;” Martin just did not want to be called “Bro.” Martin is not comfortable with the slang term, “Bro.” Martin claimed that, “In my history, no one is a brother unless there are riots like in the 1960s, and we are in the 2000s and you should not be talking like that.”

Ordikhani took offense that Martin objected to Ordikhani calling Martin “Bro.” Ordikhani found out that Martin was no longer in an exempt position; Martin was in a PCS serving probation. After the June 2016 conversation, Ordikhani had Martin fired on the pretext that Martin failed probation.

Martin was released from probation on approximately June 28, 2016. (Exhibit H, Attachment 1.) In support of his claim that Ordikhani calling him “bro” was racially-motivated, Martin provided SFPUC with a June 6, 2017 *San Francisco Chronicle* article titled “Study: Oakland Police Act More Respectful to Whites.” (Exhibit H, Attachment 2.)

b. Interview of Ordikhani

Masood Ordikhani is the Director of Workforce and Economic Program Services (0933 Manager V). Part of Ordikhani’s responsibilities, include oversight of the SFPUC Contractors Assistance Center (CAC), which is part of the Infrastructure Division at the SFPUC. Ordikhani was not involved in the hiring process for Martin; Ordikhani was not on the interview panel.

Following his appointment into a PCS position, Martin was placed at the CAC. Martin reported directly to Todd Kyger, 1824 Professional Administrative Analyst, who helps run the SFPUC CAC. Kyger reported to Ben Poole, 0922 Manager I, who is the Manager of the CAC. Poole reported to Ordikhani.

The CAC is located in the Bayview District. Ordikhani works at the SFPUC offices located at 525 Golden Gate Avenue. Ordikhani did not interface with Martin very much; Ordikhani had approximately one or two face-to-face interactions with him because they did not work in the same location.

Ordikhani is of Iranian descent. He stated that he tries to promote equal employment opportunity policies, including working with members of the LGBT community, women, and people of color. He did not ever call Martin, “Bro.” Ordikhani thinks this term is disrespectful.

Ordikhani reports that there were performance issues with Martin. For instance, Martin did not have basic computer skills, including knowing how to turn on a computer. Ordikhani wanted Martin to succeed and perform well. Ordikhani relied upon information provided by Poole and Kyger to assess Martin’s performance. Ordikhani asked Poole and Kyger to provide Ordikhani information on Martin’s performance, including how Martin was completing assignments, what training and support the SFPUC had provided, and feedback from other employees. Ordikhani reviewed (1) Poole’s, June 15, 2016 email to Ordikhani entitled “CM Employee Log;” and (2) Kyger’s, June 15, 2016 email entitled “Status Update” to Ordikhani. (Exhibit H, Attachments 3 and 4.) Ordikhani confirmed that he relied on these emails and their attachments when he made his recommendation to release Martin. Ordikhani also stated there were “red flag” issues about

Martin's eTime entries. For instance, Martin recorded eight hours of time when he did not work the entire eight hours. (Exhibit H, Attachment 5) Martin would be gone from the CAC for periods of time without anyone knowing where he was. (Exhibit H, Attachment 3.)

Martin was released due to poor work performance. Ordikhani did not make the final decision to release Martin from probation. Ordikhani believed Harlan Kelly, SFPUC General Manager, or possibly Kathy How, Assistant General Manager of SFPUC Infrastructure, made the decision. Ordikhani confirmed that he only had one conversation with How about Martin's probation and that conversation did not involve many details. Ordikhani worked with SFPUC HRS on Martin's release.

c. Interview of [REDACTED]

[REDACTED] manages the SFPUC CAC, where Martin worked from approximately November 2015 through June 28, 2016.

[REDACTED] never heard Ordikhani say "Bro" to Martin. [REDACTED] has never heard Ordikhani refer to anyone as "Bro." [REDACTED] never heard Ordikhani call [REDACTED] "Bro."

While [REDACTED] manages the CAC, everyone employed at the CAC reports to Ordikhani. [REDACTED] would review work that [REDACTED] asked Martin to perform. [REDACTED] would also report to Ordikhani regarding Martin's deliverables.

[REDACTED] remembers that Martin's work performance was completely insufficient. [REDACTED] assigned Martin work and when Martin turned in the work, there was no substantive input from Martin. [REDACTED] specifically remembers an incident where [REDACTED] asked Martin to provide research into a memorandum that was due regarding funding of contracts. Martin returned the memorandum to [REDACTED] but Martin provided no substantive response. [REDACTED] had to conduct additional research and, as a result, the memorandum was submitted late. This incident is reflected in the "May 25, 2016" entry on [REDACTED]'s June 15, 2016 email to Ordikhani entitled: "CM Employee Log." (Exhibit H, Attachment 3), which [REDACTED] reviewed and confirmed writing.

[REDACTED] does not have a distinct memory regarding all of the entries in his June 15, 2016 email, but stated he would not have written anything that was not true. [REDACTED] believes he wrote the email because SFPUC HRS requested input when the SFPUC was considering releasing Martin during Martin's probationary period.

[REDACTED]'s "Early March 2016" entry in his June 15, 2016 email is consistent with [REDACTED]'s experience of working with Martin. (Exhibit H, Attachment 3.) [REDACTED] asked Martin to review a document prepared by [REDACTED] and provide comments. [REDACTED] knew the document was not complete and wanted Martin's assistance. Martin returned the document to [REDACTED] but did not provide any substantive comments. [REDACTED] also confirms that the "March 14, 2016 – April 29, 2016" entry is correct. (Id.)

Regarding Martin's computer skills, [REDACTED] stated that Martin could turn on a computer, but Martin was not proficient when it came to working in software programs.

█████ stated that Martin was not performing his job at a level expected of a 1822 Administrative Analyst. Martin should have been able to produce substantive work.

█████ remembers counseling Martin regarding his work performance. He spoke with Martin regarding the “May 25, 2016” and “Early March 2016” entries. (Exhibit H, Attachment 3.) █████ does not remember Martin’s response to █████’s counseling.

█████ did not have any input regarding Martin’s release from probation other than preparing the June 15, 2016 email.

During the time in question (2016), Ordikhani did not visit the CAC often. Ordikhani came to the CAC approximately one time per month.

█████ does not recall Martin making any complaints of discrimination, harassment, or retaliation while █████ worked with Martin.

d. Interview of █████

█████’s work location is SFPUC Headquarters, 525 Golden Gate Avenue. █████ has never worked at the SFPUC CAC, but he goes to the CAC for meetings. █████ reports to Ordikhani.

Martin was part of the analysts group for the SFPUC Infrastructure Division and █████ assigned work to Martin. █████ helped supervise Martin. █████, however, supervised Martin less when Martin was assigned to the CAC because █████ and Martin worked in different work locations; █████ could not keep “eyes on” Martin or keep up with the day-to-day activities.

█████ reviewed his June 15, 2016 email entitled “Status Update” to Ordikhani and confirms that █████ wrote the email. (Exhibit H, Attachment 4.) █████ confirmed that everything in the email is accurate. █████ also confirmed that the spreadsheet attached to the email was prepared by █████ and is accurate. █████ thinks he prepared the spreadsheet to track Martin’s productivity. █████ does not think anyone asked him to prepare the spreadsheet.; as a supervisor █████ tries to keep up with assignments.

- In the “Status Update” email, █████ refers to Martin’s computer skills. █████ stated that Martin struggled with using a computer. (Exhibit H, Attachments 4 and 6.) █████ stated that Martin could navigate a website but may need help getting to the specific website. █████ knew that Martin had practiced law for many years so █████ (who is also an attorney) expected Martin to be able to use certain software programs (e.g., Word and Outlook). █████ did not expect Martin to be proficient in Excel because lawyers do not use Excel very much. To improve Martin’s computer skills, the SFPUC provided Martin with computer skills training through one-on-one meetings with work colleagues and the SFPUC’s Learning Management System.
- In the “Status Update” email, █████ provides samples of problems with Martin’s work product and some of these problems are outlined in Kyger’s spreadsheet attached to the

“Status Update” email. For instance,

- █████ asked Martin to prepare a draft notice to contractors regarding Senate Bill 854. Martin simply cut and paste information from the Department Industrial Relations website.
- Martin was assigned a project creating a “Service Territory Map” using Google Maps. Martin could not do the project; another SFPUC employee Chanh Tran, 1402 Senior Clerk, “completed the project from start to finish.”

As a 1822 Administrative Analyst, Martin needed to dig into reports, pull out data, and provide analysis. Martin did not seem to be able to do the work or was not motivated to do so. His work product had to be edited and re-formatted. █████ counseled Martin regarding Martin’s work product.

█████ has never heard Ordikhani use the term “Bro.” █████r has never heard Ordikhani refer to anyone as “Bro.” █████ never heard Ordikhani call Martin “Bro.” █████ never heard Ordikhani call Hallowell “Bro.” Ordikhani has never referred to █████ as “Bro.”

█████ was not involved in the decision to release Martin during probation. If anything, █████ would only have provided feedback on Martin’s work performance and the fact this it was not “bearing fruit.”

During the time in question (2016), █████ could not estimate how often Ordikhani visited the CAC.

e. Interview of █████

█████ is the Assistant General Manager (AGM), Infrastructure Division, SFPUC. █████ provided a broad overview of her duties as the AGM of Infrastructure. These duties include: (1) Engineering Management; (2) Construction Management; (4) Environmental Management; and (5) Project Management (e.g., Capital Improvements).

█████ did not have any interaction with Martin during Martin’s employment with the SFPUC. When deciding to release Martin from probation, █████ mainly relied on information from Rachel Gardunio, Employee Relations & Manager, SFPUC, HRS, and Gardunio’s staff. Gardunio showed █████ some documents but █████ does not remember what documents, except that they were emails and that some of the documents may have concerned Martin’s time worked. █████ was not given a copy of the documents. █████ may have seen █████’s June 15, 2016 email to Ordikhani entitled “CM Employee Log” and its attachment. █████ does not remember seeing █████’s June 15, 2016 email entitled “Status Update” to Ordikhani or any attachments to █████ emails.

█████ also relied on information from: (1) Ivy Fine (Fine), Director of Contracts, SFPUC, Infrastructure; and (2) Ordikhani. However, information █████ received from Fine or Ordikhani was limited; █████ relied on HRS. █████ only recalls speaking with Fine one time regarding Martin’s probation and does not recall any details discussed with Ordikhani.

█████ stated she met with Gardunio and someone from Gardunio’s team at least two or three times when considering releasing Martin from probation.

1. █████ stated that in the first meeting Gardunio’s team obtained information from Infrastructure and stated HRS would gather information.
2. In the second meeting, Gardunio’s team gave █████ an update on the progress of HRS’ inquiry.
3. In the third meeting, Gardunio’s team advised █████ that Martin’s release from probation was not a “clean” or “clear cut” decision. HRS advised █████ that Infrastructure could have done a better job documenting Martin’s performance. HRS informed █████ that the decision was up to █████ but, if there are any doubts, it would be better to release Martin from probation.

Kelly was not involved in the decision to release Martin from probation. Ordikhani did not have the authority to release Martin from probation. █████ stated that █████ was the “highest on the food chain so would have to make the decision.” █████ based this statement on Gardunio telling How that How makes the decision; HRS just makes a recommendation.

█████ does not remember hearing a reference to “Bro” statements. █████ has never heard Ordikhani refer to anyone as “Bro.”

f. Interview of █████

█████’s work location is the SFPUC CAC. █████ reports to Ordikhani.

Ordikhani has never called █████, who is African American, “Bro.” Ordikhani is always very “official” and refers to █████ as █████.” █████ has never heard Ordikhani refer to anyone as “Bro.” █████ never heard Ordikhani call Martin “Bro.”

g. Documents

Documents indicate that Martin was not meeting job expectations and goals. The documents illustrate several concerns, including Martin not producing work product, producing incomplete work product, not coordinating his time away from the office with co-workers, and misreporting his time away from the office. (Exhibit H, Attachments 3, 4, and 5.)

From May 23, 2016 through May 31, 2016, Martin solicited local business owners to send emails praising Martin to Kelly. As an example, on May 26, 2016, a local business owner, Yolanda Jones from YCAT-C Inc. sent an email to Kelly and copied Mayor Ed Lee. Jones’ email commended Martin and questioned the SFPUC’s CAC service to the community. On May 31, 2016 Kelly responded to Jones. Kelly’s email reminded Jones of the CAC purpose and informed her that the SFPUC would perform its own assessments on SFPUC staff. (Exhibit H, Attachment 7.)

As stated in his Notice of Release from Probationary Appointment, his release was a “Non-Disciplinary Release” with no restrictions on future employment with the City. (Exhibit H, Attachment 1.) SFPUC Human Resource Services confirmed that the final decision to release Martin from probation was made by How. Cindy Charan, then-SFPUC Human Resources Director signed the release paperwork on behalf of Kelly. (Id.)

VII. INVESTIGATIVE FINDINGS

A. Retaliation

1. The Evidence Did Not Support the Allegations that Ordikhani called Martin, “Bro.”

The evidence does not support Martin’s claim that Ordikhani called Martin, “Bro.” [REDACTED] all reported that they have never heard Ordikhani use the term “Bro” towards Martin or any other person. [REDACTED], an African American, stated that Ordikhani always treats [REDACTED] with respect and has never called [REDACTED], “Bro.” Ordikhani denies using the term “Bro” because he finds the term to be disrespectful and he tries to promote people of color, particularly because he is a person of color (Iranian descent).

In addition, Martin claims that he witnessed Ordikhani use this term on many occasions, but the evidence demonstrates that the two men did not interact frequently. They worked in different locations with Ordikhani making occasional trips to the CAC. So, the opportunity for Martin to witness statements by Ordikhani were few; it is unlikely that Martin witnessed Ordikhani make any statement “on many occasions.”

2. The Evidence Showed that Ordikhani Did Not Make the Decision to Release Martin from Probation and the Decision Was Not Related to any Alleged “Bro” Statement

The decision to release Martin was not made by Ordikhani. The decision was made by [REDACTED], AGM, Infrastructure. (Exhibit H, Attachment 5.) [REDACTED] confirmed that she made the decision and that Ordikhani did not have the authority to make the decision to release Martin from probation. [REDACTED] also confirmed that Kelly did not make the decision to release Martin from probation.

In addition, the evidence demonstrates that Martin’s placement was not working out at the CAC – he was not meeting expectations and goals. [REDACTED] described Martin’s work performance was completely insufficient. [REDACTED] asked Martin to prepare a draft notice to contractors regarding Senate Bill 854 and Martin simply cut and paste information from the Department Industrial Relations website. Martin’s work had to be completed by Martin’s co-workers. Martin was not proficient when it came to working in software programs. [REDACTED] stated that Martin could navigate a website but may need help getting to the specific website. The SFPUC provided Martin with computer skills training through one-on-one meetings with work colleagues and the SFPUC’s Learning Management System, but this did not improve Martin’s performance. In summary, Martin was not performing at the level of an 1822 Administrative Analyst.

Finally, Martin's release from probation was a "Non-Disciplinary Release" with no restrictions on future employment with the City. (Exhibit H, Attachment 2.) The SFPUC did not inhibit Martin's ability to work for the City. Accordingly, the investigation found insufficient evidence to support Martin's retaliation claim.

VIII. REQUIRED RESOLUTION

Based on the foregoing, the SFPUC is required to take the following actions:

1. Inform Ordikhani that the Human Resources Director determined that there was insufficient evidence to support Martin's allegation that he subjected Martin to retaliation.
2. Remind Ordikhani of the City's policy prohibiting retaliation against employees who complain about discrimination, harassment, or retaliation, or provide testimony in support of the investigation of a complaint.

IX. ATTACHMENTS TO REPORT

Attached to this report are the following exhibits:

Exhibit A:

- Attachment 1: December 7, 2016 Complaint of Discrimination by Craig Martin
Attachment 2: January 4, 2017, Intake Interview Notes of Craig Martin by Rachel Gardunio and Anna Owens
Attachment 3: February 22, 2017, Department Report of Employment Discrimination Complaint

Exhibit B:

- Attachment 1: April 18, 2017, Memorandum from Linda Simon to Rachel Gardunio regarding Investigation of EEO File No. 2301 – Craig Martin
Attachment 2: April 18, 2017, Partial Administrative Closure Letter from Micki Callahan to Craig Martin

Exhibit C:

Documents Related to Martin's CSC Appeal

Exhibit D:

June 16, 2017, Meeting Notes with Craig Martin by Julie Chow

Exhibit E:

- Attachment 1: Charge of Discrimination
Attachment 2: Revised Charge of Discrimination

Exhibit F:

- Attachment 1: Interview of Craig Martin
Attachment 2: Interview of Masood Ordikhani
Attachment 3: Interview of [REDACTED]

Attachment 4: Interview of [REDACTED]
Attachment 5: Interview of [REDACTED]
Attachment 6: Interview of [REDACTED]

Exhibit G: Summary of Documents Reviewed

Exhibit H:

Attachment 1: June 28, 2016, Letter to Craig Martin from Cindy Charan Regarding Release from Probationary Appointment (with attachments)
Attachment 2: June 6, 2017, San Francisco Chronicle Article: *Study: Oakland Police Act More Respectful to Whites*
Attachment 3: June 15, 2016 Email by [REDACTED] Re CM Employee Log and Docs Supporting Bullet Points in CM Employee Log
Attachment 4: June 15, 2016 Email by Kyger Re Status Update and Supporting Docs
Attachment 5: May 19, 2016 Emails between Ordikhani and Martin Re Martin's Time Entries
Attachment 6: January 6, 2015 Email from Scott Kaplan to [REDACTED] Re Martin's Computer skills
Attachment 7: May 26, 2016 and May 31, 2016 Email Exchange Between Harlan Kelly and Yolanda Jones

- Attachment 1: December 7, 2016 Complaint of Discrimination
by Craig Martin
- Attachment 2: January 4, 2017, Intake Interview Notes of Craig
Martin by Rachel Gardunio and Anna Owens
- Attachment 3: February 22, 2017, Department Report of Employment
Discrimination Complaint

EXHIBIT A

December 7, 2016 Complaint of Discrimination by Craig Martin

Attachment 1

CRAIG K. MARTIN
[REDACTED]

December 7, 2016

Justine Hinderliter, Manager
Employee Relations/EEOC Programs, HRS
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

Re: Claim of Discrimination, Race, Age, Gender
Infrastructure Economic Opportunities
Class 1822, Administrative Analyst
Termination as of June 29, 2016

Dear Ms. Hinderliter:

Please accept this letter as a "Formal Claim of Discrimination based on race, age, a hostile work environment and retaliation. Damages exceed \$25,000. The city employees who have discriminated against me are:

Masood Ordikhani, Director of Infrastructure Economic Opportunities
Benjamin Poole, Supervisor at Contractors Assistance Center

Date of Discrimination: June 28, 2016

I was terminated on the pretextual basis for failure to successfully complete the probationary period. My probationary period ended on June 26, 2016. The actual basis of my termination was that on or about June 10, 2016, I objected to being shouted at and being called "Bro" by Masood Ordikhani. Masood took offense that I objected to being shouted at and repeatedly being addressed as "Bro."

I was assigned to the Contractors Assistance Center (CAC) full-time in January 2016, to replace Benjamin Poole. Mr. Poole [REDACTED]. This was presented as a temporary assignment.

Prior to being assigned to the CAC, I was stationed at 525 Golden Gate Avenue. My assignment was to track engineering projects in the pipe line and assist in preparing the quarterly report for Masood's group. After hiring a new employee, all of my tasks were given to a younger employee. I was then assigned to the CAC for three days a week to assist local business enterprises in the contracting procurement process.

While being assigned to work at the Contractors Assistance Center, I was instructed that my employee hours did not begin when I checked out a city vehicle from the Civic Center garage, but started when I arrived at the CAC at 8:30 am. I also was instructed that I could not leave the CAC until 5:30 pm and that my employee time ceased when I left the CAC and not when I returned the city vehicle back in at the Civic Center garage at approximately 6:00 pm.

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December 7, 2016

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During my assignment at the CAC, I was forced to work until approximately 9:00 pm on Tuesdays every other month to provide coverage for the CLARK Construction classes held at the CAC. I was instructed that I could not claim comp time on my time sheet and I could not claim overtime. I was instructed that I could come in late on the night of my assignment or I could leave early the next day.

My assignment was racially based. Benjamin Poole instructed me that I was to arrange coverage for the CLARK class with Prince Hallowell because he was not going to participate in providing coverage. Benjamin Poole required me, and only me to record my time of arrival and departure from work and to provide a signed sign-in sheet.

In January 2016, Benjamin Poole [REDACTED]. During this time, I was not required to record my time because Benjamin Poole ceased to provide me with sign-in time sheets during his absence.

I was having a discussion with Benjamin Poole about how the small firms should "team up" and form joint ventures to compete on some of the upcoming PUC projects. I mentioned that one firm in particular had a good reputation and was well known in the Bayview Hunters Point area for hiring local residents. Benjamin Poole with the specific intent to discriminate against me informed Masood Ordikhani that I had instructed LBE firms that they "must" joint venture with a specific firm if they wanted to obtain any PUC contracts. Masood Ordikhani verbally reprimanded me for making the allege statements and said he "heard it" from people in the community. It would have been impossible for Masood to have heard it from the "community," because I only had a general conversation about joint ventures with Benjamin Poole just prior to Masood Ordikhani reprimanding me.

While working at the CAC, I assisted a minority Bay View/Hunter's Point firm in successfully submitting a response to a proposal. The firm was awarded the contract and contacted General Manager Harland Kelly via email to inform him of my assistance, with a copy to Masood. Benjamin Poole instructed me to "be sure they do the heavy lifting because we are not going to be doing their fucking work." These comments are similar to racially motivated comments that I was forced to listen to from Benjamin Poole. He would tell another minority co-worker to "shut the fuck up" along with the comment that the "Bay View Hunter's Point LBEs all have the problem on why they cannot obtain contracts and that's because they have a poverty mentality."

In early June 2016, Masood Ordikhani inquired about my time and arrival and my departure times from the CAC. He also inquired about my "deliverables." I have never been given a direct assignment while assigned to the CAC. To my knowledge, Masood has never completed an evaluation of my performance and I have never been given a direct or written assignment. The only instruction that I received was to assist the LBE firms coming into the CAC seeking assistance.

Following Masood Ordikhani's inquiry about my deliverables, I requested from the numerous

CRAIG K. MARTIN

December 7, 2016
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firms that I had assisted to send their comments to Harland Kelly, the General Manager with a copy to Masood Ordikhani. When Masood Ordikhani received the numerous email recommendations, he instructed me to cease requesting comments from the firms that I had been assisting. He was tired of receiving these "fucking emails."

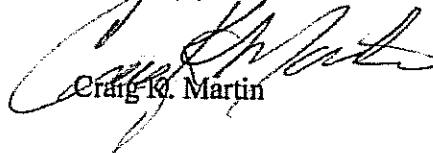
It was at this point in time that Masood Ordikhani inquired if I thought that I was going to be fired. I responded that I did not know, but since he had requested my deliverables, never being instructed that I was to provide him with any "deliverables," I felt that the recommendations would provide proof that I had in fact been assisting LBE firms while at the CAC.

Following my request that he cease shouting at me when he spoke to me and to cease addressing me as "Bro," Masood Ordikhani contacted Harland Kelly to have me terminated on the pretext that I have failed to complete probation. I was scheduled to meet with a Deputy Manager about a reassignment. The appointment was canceled and I was terminated.

Masood Ordikhani initiated termination proceedings because I had requested that Masood Ordikhani cease calling me "Bro" and to cease shouting at me when he spoke with me.

When I received the letter dated June 13, 2016, from Jennifer Bushman, I contacted her with an email seeking information. I received a call from Paul Briones in response. During my conversation with Paul Briones, I inquired if I was going to be terminated. He responded that termination proceeding had not been initiated.

Very truly yours,



Craig K. Martin

CKM/jlw
Cc: Micki Callahan
Rachel Gardunio

Attachment 2

DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT

* Report Within Five Working Days of Receipt of Complaint*

Return to: Linda C. Simon, Director, DHR EEO Division, One South Van Ness, 4th Floor, San Francisco, CA 94103; linda.simon@sfgov.org

1. Department/Worksite: SFPUC

2. Complainant: Craig Martin Tel. No. (Work):

Address: Tel. No. (Home):

Personal E-mail: DSW #:

3. Complaint Filing Date: 1/04/2017

4. Complainant's Current Employment Status (circle one): Classification: 1822
PCS TCS LT NCS PV PE TE PROB NOT A CITY EMPLOYEE

- 5. Basis of Discrimination (specify):
[X] Race:
[] Color:
[] Religion:
[] Creed:
[] Sex:
[] National Origin:
[] Ethnicity:
[X] Age:
[] Disability/Medical Condition:
[] Political Affiliation:
[] Sexual Orientation:
[] Ancestry:
[] Marital or Domestic
[] Partner Status:
[] Gender Identity:
[] Parental Status:
[] Veteran Status:
[] Other Non-Merit Factors:
[X] Retaliation:

- 6. Issue complained of:
[] Denial of Employment
[] Denial of Training
[] Denial of Promotion
[] Denial of Reasonable Accommodation
[] Termination
[] Lay-off
[] Constructive Discharge
[] Disciplinary Action
[X] Harassment
[] Work Assignment
[] Sexual Harassment
[] Compensation
[X] Other (please specify):
Release from Probation

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s), provide DSW # for Accused/Respondent(s): (Attach letter of complaint)

Age Discrimination: Martin alleges that in approximately October 2015, his work was reassigned to a new younger employee, Valerie Tulier-Laiwa, a 58-year-old white woman who does not have the same background and qualifications as Martin.

Race Discrimination: Martin alleges that his assignment to the SFPUC's Contractor Assistance Center in November 2015 was racially motivated.

Hostile Work Environment: Martin alleges that he was subject to a hostile work environment because of the

comments his co-worker, Benjamin Poole, a 37-year-old white man. Martin complains that Poole would "sometimes" tell another co-worker, Prince Hallowell, a 66-year-old black man to "shut the fuck up." Martin also reports that Poole told him that "the problem with people in the Bayview is that they have a poverty mentality." He estimates that these events occurred in late 2015.

Retaliation: Martin alleges that he was released from probation on June 28, 2016 in retaliation for comments made to his supervisor, 0933 Manager V—DSW [REDACTED] Masood Ordikhani. Martin reports that he told Ordikhani to "not call me bro" and that Mr. Ordikhani was "pissed off because I'm black," and he alleges that he was released from probation because of this. He explained that, "In my history, no one is a brother unless there are riots like in the '60s, and we're in the 2000s and you shouldn't be talking like that."

See attached letter of complaint from Mr. Martin, intake notes, and timeline.

8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes No
If yes, please specify: _____

9. Is the Complainant represented by a Union or an Attorney? Yes No

Name: _____ Organization/Firm: _____
Address: _____ Phone No.: _____

*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

The SFPUC recommends that an investigation into Mr. Martin's claim of retaliation be conducted. The SFPUC also recommends that his claims of race, age, and harassment be dismissed as untimely.

*10a. Name, position, and phone number of person who will implement recommended steps:

Julie Chow, Senior Personnel Analyst, SFPUC

11. Completed by: Rachel Gardunio Date: 2/22/2017

Address: 525 Golden Gate Ave, 3rd floor, San Francisco, CA 94102

Tel. No. (415) 554-2422

*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

***Subject to the Human Resources Director's approval**

HUMAN RESOURCES DIRECTOR REVIEW

Complaint is assigned EEO File Number: _____

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: _____
and/or the following actions are to be taken:

for Micki Callahan, Human Resources Director

Date

January 4, 2017, Intake Interview Notes of Craig Martin by Rachel Gardunio and
Anna Owens

Attachment 3

Confidential Interview Notes

Witness: Craig Martin	EEO File No./Dept.: N/A
EEO Investigator: Rachel Gardunio (SFPUC)	Date & Time: January 4, 2017; 9:00 a.m.
Others Present: Anna Owens (SFPUC)	
Location: ER Conference Room at PUC (525 Golden Gate Avenue, 3 rd floor)	Pages: 6

RG: Today we're doing an intake interview, we're getting more information and determine if we need to do a full blown investigation and if we do, we'll sit down and go over everything we'll be investigating.

CM: Why don't we start at the beginning?

When I first came to PUC, I was a 9922. I was with Bernie on the 5th floor, and Ken Salmon and Alan [Marshall]. I was 50/50 pretty much. And then I went down to the basement to work with a different group, also as a 9922. Then I applied for a 3 year temp 1822 position, and was selected by the infrastructure group. What they wanted me to first start doing was track the upcoming infrastructure projects, and what projects are in the pipeline, and then I would track the contracts approved by the commission. It was 3 separate spreadsheets, an ongoing assignment, and I was working under Masood. I was an 1822. Subsequently they hired a woman, Valerie, I think an 1823, she's younger than me by the way, they took all my assignments and gave them to her.

RG: When was this?

CM: Oct 2015¹ Ben [REDACTED], so I was left helping Scott do the quarterly reports, something I was doing before Valerie came. They had me floating around, I was working with Brian Thomas for a bit. He's the union rep, I'd call him, union job placement officer. I was part time helping him. I spent time out at Moccasin on a few visits with Zelda Saeli, when they had pre-job meetings and those sort of things. I was always working for Masood.

They then sent me to the Contractors Assistance Center, late Nov/Dec 2015, 3 days a week, out at Executive Park, 5 Thomas Mellon Circle. My assignments there were to assist LBEs, which are small businesses, micro business, to help them understand the contract system and the requirements. I was to be a link between what these firms understood or thought they understood, and how do you go about introducing yourself to prime contractors and subcontractors. That's what my sort of job was doing.

The friction started when I would get here (525 GG), my shift was 8-5, when they sent me to CAC, their hours are 8:30 to 5:30, so I would get here at 8 and I would leave there at 4 to make my way across town. My experience was to drive a PUC car across town every day. I would make a reservation. Once they (FLEET) realized I was using one every day, they asked me to use a natural gas vehicle. Anyway, the authorization to use the car came from Ben and Masood.

¹ Valerie was hired as an 1823 in April 2015.

² Ben [REDACTED] in January 2016.

So then when I started leaving at 4:30 or so, Ben didn't quite approve of that, and mentioned it to Masood, and Masood said I need to be there (at CAC) until 5:30. He said *if you don't want to get a car, get on a bus, but those are your hours- 8:30-5:30*. That was in late 2015. So then what happened was, Ben created a sign-in sheet just for me. Prince Hollowell also worked for him and didn't have to sign in. There was one sign-in sheet and my name was the only one on it. Let me note that they told me to start at 8:30 and I was the only one there. Most people, Prince included, went from executive park complex shuttle from Bart station, and on some occasions I had to go pick him up. That's what went on out there. I was the one that opened up. Ben would come in sometime after 9 am, and Prince came in around 8:45. No one really got there at 8:30 but me. Everyone's supposed to work 8:30-5:30 because those are the hours for the CAC.

Prince is from Sierra Leone, so sometimes it's difficult to understand what he's saying. He and Ben would get into these clashes, some theory about what is going on and Ben would get frustrated, and I'm there listening, and sometimes Ben would tell Prince to "Shut the fuck up". Ben is younger than me and Prince and Prince is an African Man, and I don't think Ben should do that. Prince would explain things and I never understood where he was going with it, so I understand the frustration, but you don't speak to someone like that.

So then what happens is, I'm trying to figure out how to explain to these basically minority businesses how to get into this heavyweight contract business. For these other small businesses trying to bid on the SSIP program headworks project, you have to get in with these primes. As an LBE, I would team up with Yolanda from Yolanda Construction, and you can get in the door with her!

The next week, I have a meeting with Masood and he reprimanded me for telling people in the community that they have to team up with Yolanda to get a contract. I know no one in the community said anything because the only person I mentioned the idea to was Ben, so Ben must have told Masood.

Masood's the type of guy that is the boss, that doesn't want these kinds of exchanges, back and forth discussions. Clark construction class is on Tuesdays from 7-9, 12 people, blueprints, bidding insurance, worker's comp, estimates. Ben says, "I'm not working, you and Prince work out the coverage." Prince and I are dividing up 6 months of coverage, even though Ben also is an 1822.³ This was before [REDACTED] in January. Prince says he doesn't want to switch off every other week but that he'll do it for a month straight, so then I'll do the next month. Masood says, "You may not charge comp or overtime for those hours. You can take off 3-4 hours the day before, come in late or leave early, but you cannot accumulate these hours to take a day off".

RG: How does Masood say this?

CM: Masood rarely came out to the CAC unless there's an event or prejob meeting.

RG: When were you 5 days a week?

CM: When Ben went on paternity leave in January. The Clark class was going on September 2015, so I started working nights Oct/Nov. Ben and Prince had been alternating each week before that. When I came on board, I replaced Ben in their rotation. But when Ben was preparing for his paternity leave he wasn't going to the class anymore.

³ Ben was promoted to an 1823 position in December 2014.

Masood has a weekly staff meeting, Mondays at 2 o'clock I want to say. I had a few conversations with him in his office. He told me all of this schedule stuff in a one-on-one meeting. I never had a regular scheduled meeting, I would come downtown when I was able to go to the staff meeting, but if Prince or Ben was gone I stopped going to the weekly staff meetings because I'm at the CAC. Masood told me about Comp time and Overtime when I saw the issue. It had to be between November and February. I'm now into this Clark construction class, you gotta set it up, take it down, sometimes you leave early sometimes you leave late. There were times when I'd have to come across town. Example: on a Friday before I was fired, I came across town to meet with Scott, unbeknownst to me, Masood had sent me an email. But I'm not on my email, I'm in a conference room with Scott. Masood sees me in the building and says, "I sent you an email and I need to meet with you to discuss it."

This exchange with Prince and Ben, the "must join venture", Ben says the problem with people in Bayview is that they have a poverty mentality. What does that relate to anything? I don't like your social agenda, but I'm keeping my mouth shut.

Yolanda's construction was one of 3 or 4 firms, there's one called Big Mouth Productions, Koana Dison, I said, here's the RFP from the PUC, this is how you would respond, this is what you do every day, if you could be on call with a photographer, it would work. Then Yolanda was applying for a contract and I told her, I'll help you wordsmith it. I helped her do it, she submits the RFP, she gets awarded the small contract. So, unbeknownst to me, Yolanda writes an email to Harlan, thanking Harlan for my efforts with this contract. Harlan in turn sends an email to Juliet Ellis and CC's Masood, and I guess I must have been on Yolanda's email. I ended up in this email chain between Harlan, Yolanda, Juliet and Masood talking about my good work. Didn't ask for it, but that's great. April maybe? I'm back into helping people and stuff. Then that day the email came out, that morning when I got back in the afternoon from lunch, Ben came in. Apparently he got the email as well, he said, "You be sure that they do the heavy lifting, cuz we aren't doing their fucking work for them". What do you mean heavy lifting? I'm out there to help firms, I get a good report and this is what he says.

Kent Lim, a consultant paid by PUC to assist LBEs, is teaching them how to do things. I do soft skills and we work together. Yolanda asks me if I can come to their office to work with them, Ben tells me I can't go to Yolanda's office, she has to come to CAC. I tell her that, and Yolanda called Harlan and asked what the hell's going on. She's complaining. I tell Ben that he needs to tell Yolanda himself that I'm not allowed to go work at her office. April 2016. Ben's like, "What are you talking about".

Apparently I did tell the people in Bayview, Yolanda specifically, what Ben said about people in Hunter's Point having a poverty mentality. Yolanda went to Harlan to complain. Ben says he plays basketball at YMCA on embarcadero with Harlan in the mornings. Ben doesn't come in until 9 o'clock so it must be on PUC time. Ben and Masood started in on me in early May about not being here at 5 o'clock at CAC.

Masood said he wants to talk to me about my past deliverables and the deliverables going forward. I've never been given deliverables! If a deliverable is to help LBEs get contacts, then that's the only deliverable that I've been instructed with. I think, that's interesting, I do have some deliverables, let me contact the LBEs to send an email to Masood so he can see what I've been doing. I'm thinking he wants to see what he doesn't see—me helping LBEs write.

Masood then contacted me after receiving those deliverables, saying, "Will you stop having these people send these emails?" I told him, "I thought you wanted to know what I was doing". He asked me, "Do you think you're being fired?" I said, "I don't know."

Masood during this conversation is calling me 'bro'. I asked him not to do that anymore. Yes, he's been calling me that all the time. It's like, I don't know you, you're not African-American, we didn't go to school together, I'm your elder. He's raising his voice and stuff, and he says "Ok, Mr. Martin". I'm saying to him, "Ok, now you're going overboard." When I meet people, I don't tell people about my education, but everybody knows or knew that I was a lawyer. So I went to law school someplace—UCLA. And Masood says once in a staff meeting, "Oh yea, and he didn't tell me he went to Stanford." And a week later he makes the same comment. I think Masood didn't want to hire me to begin with, he didn't want to use my talents, so when it blew up about "Don't call me bro", then we went to Harlan about our friction. I get a letter from someone in HR, in May, was advising me about a claim. So when I talk to this young fellow in HR, I didn't file a complaint, I don't know who initiated a letter. I don't have a beef, I want this job. I assume we are grown men, it is really just about not calling me bro. I finally met with Masood, Ivy, and a lady from HR and they said I was fired.

RG: You were released from probation.

CM: June 28, 2016 something like that.

RG: It sounds like he had been calling you bro for a long time.

CM: In my experience being in his company, if he's out at Bayview, everyone is "Bro" and that's my "Momma". You claim everyone that is black is your cousin. I did not hear him call Ben "bro". I've heard him call Prince, but I'm not sure if it was just directed at black people. But generally to men its "Bro". I'm not sure if he calls Todd and Scott "bro". I don't care about him calling other people bro, I just don't want to be called "bro". "Bro" is not a slang I am comfortable with. And that's what blew the whole thing up. Masood got upset, and found out I wasn't temp, and found out I was on probation. The thing is, I would send emails, and Masood would say, "I don't want to go back and forth". I want things documented, and Masood wouldn't want it because he has the weaker argument. Conversations about comp time, or the conversations in Bayview are all undocumented. The type of discussions that you generally have with your boss, those intellectual exchanges he doesn't want to get into. I'm not sure if it's just with me. Once, Masood said, "I want you and Ben to get on my calendar." You can't find a window in there. I'm not saavy on outlook calendaring, I ask Ben, "Can you schedule the meeting on your calendar and Masood's and I'll be there?" Of course Ben doesn't do it, Masood gets on me, says "You didn't do it, you delegated to Ben." April/May 2016.

RG: When were you hired PCS?

CM: January of 13?

RG: When did you start your probation?

CM: Six months before. Would have been January 2016.⁴ That was when I was on the permanent list. Before that I was a 3 year 1822 and before that a 9922.

So, during this window of conversations with Masood, I got an email about meeting with Kathy How about being reassigned. I would have been open to that.

⁴ CM was promoted to a PCS position March 26, 2016.

RG: You say in your letter that your assignment was racially based. What do you mean by that?

CM: They sent me out to the CAC. They made me work odd hours, with no compensation, they didn't Ben do it, maybe because he worked more. Grunt work was going to me. Covering those classes. At least being fair, give me some comp time. Clark construction class was racially based.

I'm not sure why they took my work and gave it to another employee in Fall of 2015.

RG: Do you have a sense of the age or ethnicity of Ben and Prince.

Prince is African, Ben is Caucasian, Valerie is Hispanic/Native American, everyone is younger than me in the building.

When Masood asked for deliverables, I don't think he was thinking about terminating me. The straw that broke the camel's back was the "don't call me bro" conversation. I think that was the only friction we had. There was never anything in writing.

When senate bill 846 said you must be registered with industrial relations, there was a young lady, Samir? Her Father is head of DPW, she just graduated from Saint Mary's, Masood gave her an assignment to write a brief on the new law. I was there, I was helping her. Turns out Emilio Cruz asked her to make a presentation to the executive staff about the new law, after the presentation, Masood had her in tears, because he wanted to make the presentation, but Emilio threw a kink in that. She also gave me praise for helping. I told Samira, "Don't worry about that, a bigger boss told you what to do." It's hard because with Masood, you know you're being dressed down and you don't want to speak up. In the old days you don't do that because you'll be lynched.

Masood is not the guy to have an intellectual conversation with. You shout at me and I tell you to quit calling me bro. I'm gonna put you in your place. Quit calling me bro. that's what pissed him off. I'd try to give Masood what he wants, Masood would do all of the presentations but wouldn't also read the reports. When Scott wants to have something legal read, I would help. I'm too old to take your job, I was trying to stay here, I worked for CAO for a couple years. I worked for the state senate for a year or so, I didn't have enough years in on retirement, I had to pay back to get pension. I wanted to hang here to get that time in.

After all of this, even with this termination, I'm helping by volunteering by helping Yolanda get contracts. I'm not looking for a contract.

RG: Let me go back to the letter.

CM: Right, I can tell you. Masood was pissed off because I'm black and I said not call me bro. Retaliation is because I asked for him not to talk to me like that, don't call me bro. The age thing was you took my assignments and gave them to a younger person, female, that doesn't have same background/qualifications as I do, the hostile work environment is having to listen to Ben talk to Prince shut the F up, talking about the Bayview community my people, has a poverty mentality.

RG: How often did he talk to Prince that way? [REDACTED]

CM: He would make comments daily. Prince would come on with these cockamamie thoughts or processes, and Ben would get frustrated a couple times a day. It was a common occurrence is the best way to describe it.

RG: Did Ben talk to you that way or anyone else?

CM: No. Ben never addressed me as "Bro", but addressed Prince as "Bro". Prince didn't use the term "Bro". "Bro" is a Ben and Masood term. It's a common occurrence. In my history, no one is a brother unless there are riots like in the 60s, and we're in the 2000s and you shouldn't be talking like that.

Masood, I know you have a problem with me because of the way I carry myself, I got rights and privileges based on my accomplishments, I am a thoughtful considerate person and you will be the same to me. I will not antagonize you or entice you to do anything, but I will be a man. I have gone through the uncertainty; you build confidence when you go to junior college, Stanford, get a law degree, stand in front of judges. I just don't want to be singled out.

RG: Do you feel he was like this to you specifically.

CM: Absolutely. I'm not sure why he has a thorn in his paw when it comes to me. I got no beef with him. If you ask me a set of facts, and we disagree, after that's over we're done. With Masood it felt like he always had to keep you in your place, that he would do all the talking. That was my interaction with Masood. Masood would meet privately in the café with Ben and not in his office, but I was never invited down there.

And I thought I had a fairly decent relationship with him. We, as a group, went out beer drinking out at Hayes and Laguna. And that was cool. Masood's a lawyer, we are men, we can have a discussion, but he's never open to being questioned.

RG: Is that your impression of him specific to you, or in general?

CM: I'm don't know. In the group meeting he's the manager, everyone kowtows to Masood. I've heard it said, "Don't wanna piss Masood off".

Conversation about how CM didn't want to say who may have said that you don't want to piss Masood off.

Attachment 1: April 18, 2017, Memorandum from Linda Simon to Rachel Gardunio regarding Investigation of EEO File No. 2301 – Craig Martin

Attachment 2: April 18, 2017, Partial Administrative Closure Letter from Micki Callahan to Craig Martin

EXHIBIT B

April 18, 2017, Memorandum from Linda Simon to Rachel Gardunio regarding
Investigation of EEO File No. 2301 – Craig Martin

Attachment 1



MEMORANDUM

To: Rachel Gardunio, Labor Relations and EEO Programs Manager, SFPUC

From: Linda C. Simon, Director, EEO and Leave Programs, DHR

Date: April 18, 2017

RE: Investigation of EEO File No. 2309 – Craig Martin

Please find the attached April 18, 2017 partial closure letter to Mr. Martin.

The SFPUC should take the following actions:

1. Draft a Charge of Discrimination (Charge) outlining Mr. Martin's retaliation claim;
2. Send the Charge to DHR EEO for review;
3. Once the Charge is approved by DHR EEO, meet with Mr. Martin to review the Charge and make any necessary edits;
4. Instruct Mr. Martin to sign the Charge and provide him with a signed copy;
5. Conduct an investigation of the retaliation claim; and
6. Upon completion of the investigation, draft an investigative report and send a copy of the report to DHR EEO for review.

April 18, 2017, Administrative Partial Closure Letter from Micki Callahan
to Craig Martin

Attachment 2



Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

CONFIDENTIAL

April 18, 2017

Craig Martin

Via U.S. Mail

RE: Complaint of Discrimination, EEO File No. 2309

Dear Mr. Martin:

The San Francisco Charter, Section 10.103, and Civil Service Rule 103, provide that the Human Resources 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) considers all allegations of discrimination a serious matter. The purpose of this letter is to inform you of my determination regarding the claims that will be investigated, and the claims that will be administratively closed.

On December 7, 2016, you submitted a written complaint of discrimination to Justine Hinderliter, Deputy Director of Human Resource Services with the San Francisco Public Utilities Commission (SFPUC). On January 4, 2017, you met with Rachel Gardunio, Employee Relations and EEO Programs Manager with the SFPUC for an intake interview. On February 23, 2017, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received a "Department Report of Employment Discrimination Complaint" from Ms. Gardunio reporting your allegations that you were subjected to discrimination based on your race (Black) and age (born in 1949), harassment, and retaliation.

I. BACKGROUND

In January 2013, you began working for the SFPUC as a 9922 Public Service Aide – Associate to Professionals. In May 2015, you were appointed to a PEX 1822 Administrative Analyst position. On March 28, 2016, you were appointed to a PCS 1822 Administrative Analyst position. You worked with Benjamin Poole, (White, born in 1979) 1823 Senior Administrative Analyst, and reported to Masood Ordikhani, (White, born in 1977) Community Benefits Manager.

II. CLAIMS TO BE INVESTIGATED

Please be advised that based on the information you provided, the following claims will be investigated.

A. Retaliation by Masood Ordikhani

To initiate an investigation, a complaint of retaliation must sufficiently allege all of the following: (1) you engaged in a protected activity; (2) you suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action.

You allege that on or around June 10, 2016, you objected to Mr. Ordikhani repeatedly calling you, "Bro." The SFPUC will investigate your allegation that on June 28, 2016, Mr. Ordikhani released you from probation because he was angry that you objected to him calling you, "Bro."

III. ADMINISTRATIVELY CLOSED CLAIMS

Please be advised that based on the information you provided, the following claims will be administratively closed and will not be investigated.

A. No Jurisdiction Over Untimely Allegations of Discrimination Based on Age and Race

Under the City's internal complaint procedure, discrimination complaints must be filed within 180 calendar days of the date the alleged discriminatory action took place or the date the employee would have first become aware of the discriminatory action.

You alleged that in approximately October 2015, your work was reassigned to Valerie Tulier-Laiwa (White, born in 1958) even though she did not have the same qualifications as you. However, you did not report your allegation until January 4, 2017, over one year after the alleged conduct occurred. Therefore, this allegation is now untimely and will not be investigated.

You also alleged that in November 2015, you were reassigned to work at the SFPUC's Contractor Assistance Center (CAC), and Mr. Ordikhani told you to flex your time rather than accrue compensatory time off whenever you covered the Tuesday evening "Clark Construction" class. Although you did not present any supporting information, you believe your reassignment to the CAC and Mr. Ordikhani's instruction to flex your time were racially motivated. Nevertheless, you did not report these allegations until December 7, 2016, one year after the alleged conduct occurred. Therefore, these untimely allegations will not be investigated.

B. No Jurisdiction Over Untimely Allegations of Harassment Due to Race and Age by Benjamin Poole

You alleged that in late 2015, on several occasions in your presence, Mr. Poole told your co-worker Prince Hallowell (Black, born in 1950) to "shut the fuck up." Additionally, you alleged that in late 2015, Mr. Poole said to you, "The problem with people in the Bayview is that they have a poverty mentality." You believe these comments were racially motivated. However, you did not report the alleged comments until December 7, 2016, one year later, and therefore these allegations are now untimely and will not be investigated.

IV. HUMAN RESOURCES DIRECTOR'S DETERMINATION

The decision of the Human Resources 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, California, 94102, within 30 calendar days from the postmarked mailing date of this letter.

Please note that you may also file a discrimination complaint with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing. Contact these agencies for filing requirements and deadlines.

Please feel free to contact Linda C. Simon, Director, EEO and Leave Programs, at (415) 557-4837, if you have any questions.

Sincerely,



Micki Callahan
Human Resources Director

c: Harlan Kelly Jr., General Manager, SFPUC
Cindy Charan, Human Resources Director, SFPUC
Rachel Gardunio, Labor Relations and EEO Programs Manager, SFPUC
Linda C. Simon, Director, EEO and Leave Programs, DHR

Documents Related to Martin's CSC Appeal

EXHIBIT C



CIVIL SERVICE COMMISSION
City and County of San Francisco
 25 Van Ness Avenue, Suite 720
 San Francisco, California 94102-6033
 Executive Officer
 (415) 252-3247

CSC Register No.
 0188-17-6
 To: *H. Callahan*
C. Chan
 CC: *L. Simon*
R. Gordon

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)

Craig K. Martin

Full Name of Appellant		Work Address	Work Telephone
1822 Administrative Analyst			
Job Code	Title	Department	
Residence Address		0	
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
--	--

Original Signature of Appellant or Authorized Representative: *Craig K. Martin*
 Date Received by Civil Service Commission: *27 April 2017*

CSC-12 (10/14)

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 am appealing the decision of the Department of Human Resources dated April 18, 2017, Complaint of Discrimination EEO File No. 2309.

~~I did not file an allegation against Valerie Tulier-Laiwa. Nor did I file an allegation against Benjamin Poole. It was my recollection that Masood's action is reassigning my work load and Benjamin Poole's action in telling a co-worker of African decent to "SHUT THE FUCK UP" created a hostile work environment. Masood's action in terminating me was in Retaliation for my objecting to being called "HEY BRO."~~

~~I have attached a copy of the correspondence to date regarding this matter.~~



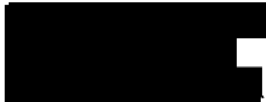
CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via U.S. Mail/ Electronic Mail

May 1, 2017

Craig K. Martin



GINA M. ROCCANOVA
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

Subject: Register No. 0128-17-6: Appealing the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309.

Dear Mr. Martin:

This is in response to your appeal submitted to the Civil Service Commission on April 27, 2017 regarding the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309. Your appeal has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

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

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date (note that the Commission requires an original and nine copies of any supplemental/rebuttal materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

MICHAEL L. BROWN
EXECUTIVE OFFICER



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

NOTICE OF RECEIPT OF APPEAL

GINA M. ROCCANOVA
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

DATE: May 1, 2017

REGISTER NO.: 0128-17-6

APPELLANT: CRAIG K. MARTIN

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

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Craig K. Martin, appealing the Human Resources Director's decision to administratively close his discrimination complaint EEO File No. 2309. Your review and action are required.

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

In the event that Mr. Martin's appeal is timely and appropriate, the Department of Human Resources 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 July 6, 2017** so that it may be heard by the Civil Service Commission at its meeting on July 17, 2017. If you will be unable to transmit the Department's staff report by the July 6th deadline, or if required departmental representatives will not be available to attend the July 17th meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

You may contact me at Michael.Brown@sfgov.org or (415) 252-3250 if you have any questions. For more information regarding staff report requirements,

MICHAEL L. BROWN
EXECUTIVE OFFICER

Appellant: Craig K. Martin
May 1, 2017
Page 2

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

Sincerely,

CIVIL SERVICE COMMISSION



MICHAEL L. BROWN
Executive Officer

Attachment

Cc: Susan Gard, Department of Human Resources
Linda Simon, Department of Human Resources
Cindy Charan, Public Utilities Commission
Rachel Gardunio, Public Utilities Commission



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

**EDWIN M. LEE
MAYOR**

May 3, 2017

Craig K. Martin



**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**

Subject: Register No. 0128-17-6: Appealing the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309

Dear Mr. Martin:

This is written in response to your appeal received in the Civil Service Commission on April 27, 2017. With your appeal, you attached the letter of response from the Department of Human Resources (DHR) which indicated the following:

1. Your complaint of retaliation by Masood Ordikhani will be investigated by the Department of Human Resources. You alleged that on or around June 10, 2016, you objected to Mr. Ordikhani repeatedly calling you "Bro" and on June 28, 2016, Mr. Ordikhani released you from probation because he was angry that you objected to him call you, "Bro."
2. Your complaint of discrimination and harassment based on age and race due to issues from 2015 were determined to be untimely by the Human Resources Director because you did not report them until 2017. These incidents will not be investigated. This includes your assertion that Masood's action in reassigning your workload and Benjamin Poole's action of yelling at an employee of African dissent to "Shut the fuck up!" created a hostile work environment."

Please confirm, in writing, that you wish to only appeal the decision to administratively close the complaints listed under item #2 above. If this is incorrect in part or in whole, please clarify what you wish to appeal before the Civil Service Commission.

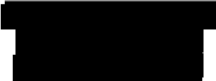
Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

Attachment

CRAIG K. MARTIN



0165-17-4
SE
SEND CLOSING LETTER

May 30, 2017

Sandra Eng
San Francisco Civil Service Commission
25 Van Ness Avenue, 7th Floor
San Francisco, CA 94102

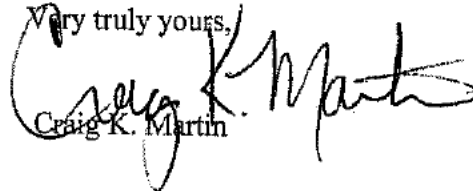
2017 MAY 30 PM 1:5
MAY 30 2017

Re: Claim of Discrimination, Race, Age, Gender
Infrastructure Economic Opportunities
Class 1822, Administrative Analyst
Termination as of June 29, 2016

Dear Ms. Eng:

This letter shall confirm that I am not appealing the decision not to investigate the comments made by Benjamin Poole. Nor am I appealing the decision not to investigate the reassignment of my duties to another employee. The comment made by Benjamin Poole is just an example of the hostile work environment. The reassigning of my work duties was one of many of Masood Ordikani's discriminatory actions against me.

I trust that this letter will clarify any misinterpretation of my now pending appeal.

Very truly yours,

Craig K. Martin

CKM/jlw



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

EDWIN M. LEE
MAYOR

Sent via Email & U.S. Mail

June 7, 2017

Craig K. Martin



GENA M. ROCCANOVA
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

Subject: Register No. 0128-17-6: Appealing the Human Resources Director's decision to administratively close your discrimination complaint EEO File No. 2309

Dear Mr. Martin:

This is in response to your letter received in the Civil Service Commission (Commission) on May 30, 2017 confirming that you are *not* appealing the decision of the Human Resources Director to not investigate the untimely complaints regarding reassignment of work duties by Masood Ordikhani or the comments of Benjamin Poole made in 2015.

As indicated in the letter by the Department of Human Resources (DHR) dated April 18, 2017, DHR will continue the investigation of the alleged retaliation occurring in 2016 by Masood Ordikhani.

Accordingly, I am directing that all files on your appeal dated April 27, 2017 be closed. You may contact me by email at Michael.Brown@sfgov.org or by phone at (415) 252-3250 should you have any questions or concerns regarding the closure of your file on this matter.

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

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

MICHAEL L. BROWN
EXECUTIVE OFFICER

Attachments

Cc: Micki Callahan, Department of Human Resources
Susan Gard, Department of Human Resources
Linda Simon, Department of Human Resources
Hallie Albert, Department of Human Resources

June 16, 2017, Meeting Notes with Craig Martin by Julie Chow

EXHIBIT D

Meeting Notes

Complainant: Craig Martin (CM)

Purpose: For Complainant to review/sign Charge of Discrimination

Date: Friday, June 16, 2017

Location: 525 Golden Gate, 3rd Floor (ER Room)

Documented by: Julie Chow, Sr. Personnel Analyst, Employee Relations/EEO Programs

- Upon reviewing Charge of Discrimination w/ CM, CM declined to sign, saying he did not agree with the charge. He contested Section 4, arguing that the following "bases of discrimination" should be included:
 - o National Origin
 - o Ethnicity
 - o Age
- He also argued that Section 5, "Issue complained of" should include:
 - o Harassment
 - o Work Assignment → CM claims it is tied to being assigned to CAC
 - o Compensation → CM claims it is tied to being assigned to CAC
- At this point, I asked to take a break so I could consult with my manager (Rachel Gardunio), who advised me to contact Hallie Albert at DHR-EEO, (415) 557-4959. I contacted Hallie and she advised me of the following:
 - o CM's National Origin would be "USA" → Thus, not applicable
 - o Ethnicity → Okay to add
 - o Age → Original complaint alleges termination was tied to race; Information provided by CM does not show how it was age-based. (Other age-based claim of harassment was dismissed for being untimely.) If CM can demonstrate age was a factor in termination, we can consider including.
 - o Per DHR-EE's 4/18/17 letter to CM, only termination is being investigated; rest of claims were untimely (including CM's claims re: Harassment, Work Assignment, Compensation) – CM had to submit within 180 days.
 - o Also, even if was timely, CM's claims do not rise to level of meeting standard—Must raise inference of discrimination; has to be able to directly connect to dismissal.
 - o Hallie suggested I review the 4/18/17 DHR-EEO letter with CM so he understands which claims were closed and which are being investigated. Can include Hallie in conference call with CM if helpful.
- I returned to meeting with CM and told him we could include Ethnicity as a basis. I then attempted to address the other bases and issues he wanted us to include in Sections 4 and 5.
 - o When I attempted to explain why "National Origin" was not included, CM stated that he believed he had been discriminated against by Masood because CM was an American-born citizen, whereas Masood was not. I tried to explain to CM that there had to be a nexus to show the discrimination/termination was tied to this basis and that this was not clearly demonstrated based on the "bro" remark alone.
 - o When I told CM that "Age" was tied to the harassment claim that was dismissed, CM again insisted that age should be tied to retaliation, not to the claim about work being reassigned to Valerie. CM stated that Human Resources did the links and that the ladies

who had initially interviewed him (i.e., Rachel and Anna Owens) were "cherry picking" to satisfy their own agenda.

- When I told CM that if there was information he could provide to show a nexus between termination and age, we would be happy to review and reassess if age should be included, he stated that he had done all he was going to do to help PUC "screw" him. He stated that it was a set-up and that he was not going to spend time rationalizing with me. CM stated he wanted to argue this before the Civil Service Commission or a jury and let them decide. Later in the conversation, CM also claimed that he did not have to demonstrate a nexus—rather, he claimed that the burden was on Masood, his supervisor, to show it was not age-related.
 - In the end, CM stated that he would not sign the charge because he did not agree with it and that he did not want his signature to be construed as a waiver of his rights, should this proceed to litigation. I advised him that the charge was intended to advise him which of his claims the department would be investigating. I advised him that if he did not wish to sign the charge, I would put "Complainant declined to sign" on the signature line and provide him with a copy. I stated that the department would still proceed with its investigation regardless of whether he opted to sign the charge or not. CM confirmed that he did not want to sign so I provided him with a copy of the charge with the remark, "Complainant declined to sign" on the signature line.
- CM expressed negative feelings toward those he believed had gotten him terminated:
 - CM stated that he would not have gotten PUC HR's "how to file" letter unless there was an internal trigger. He cited this as an example of how Masood was trying to get him fired.
 - CM stated that Masood retaliated against him and that Ben is a "creep." CM stated he wanted to get the defendants in a lawsuit so he could "put them under the same heat they put [him] under."
 - CM stated that, "My job is to get back at the people who screwed me".
 - CM indicated that he thought HR and the other PUC professionals were covering for the people who got him fired. He stated, "You can put a lipstick on a pig, but it's still a pig." He stated that the guys who got him terminated are "low-life sleaze."
 - Before the meeting concluded, CM stated there was an article he wanted to show me. He provided me with a printed article titled "Study: Oakland police act more respectful to whites." He only had one copy so he asked me to look at it with him. Without asking me, he grabbed the arm of my chair and pushed it closer to him. After he did this, I moved the chair back, so I was not as close to him. CM stated that the study found police officers would use the term "bro" more with black people, and he claimed this was evidence that it was intended as derogatory term when Masood used it to address him.

Attachment 1: Charge of Discrimination

Attachment 2: Revised Charge of Discrimination

EXHIBIT E

Charge of Discrimination

Attachment 1

CHARGE OF DISCRIMINATION

(To be Completed by EEO Staff In Consultation with Complainant)

1. Name of Complainant: Craig Martin

Address: [Redacted]

Work Phone: N/A

Home Phone: [Redacted]

2. Respondent Department: San Francisco Public Utilities Commission (SFPUC)

Worksite: Infrastructure – Program Administration Telephone No.: (415) 554-1831

Address: 525 Golden Gate Ave – 9th Floor, San Francisco

3. Complainant's Current Employment Status (circle one): Classification: 1822 Admin. Analyst
 PCS TCS LT NCS PV PC TE PROB NOT A CITY EMPLOYEE (Formerly)

4. Basis of Discrimination (specify):

- Race: African American
- Color: Black
- Religion: _____
- Creed: _____
- Sex: _____
- National Origin: _____
- Ethnicity: _____
- Age: _____
- Disability/Medical Condition: _____
- Political Affiliation: _____
- Sexual Orientation: _____
- Ancestry: _____
- Marital or Domestic Partner Status: _____
- Gender Identity: _____
- Parental Status: _____
- Other Non-Merit Factors: _____
- Retaliation: Objected to being called "Bro."

5. Issue complained of:

- Denial of Employment
- Denial of Training
- Denial of Promotion
- Denial of Reasonable Accommodation
- Termination
- Lay-off
- Constructive Discharge
- Disciplinary Action
- Harassment
- Work Assignment
- Sexual Harassment
- Compensation
- Other (please specify): _____

6. Has the Complainant filed the complaint with any other local, state or federal agency? Yes No
 If yes, please specify: _____

7. Has the Complainant filed a grievance or lawsuit? Yes No
 If yes, please specify: _____

8. Is the Complainant represented by a Union or an Attorney? Yes No
 Name: _____ Organization/Firm: _____
 Address: _____ Phone No.: _____

9. Describe specifically and in detail the circumstances of the alleged discrimination. Please include date(s) of adverse employment action(s).

I. DISCRIMINATION

In March 28, 2016, I was appointed to a PEX 1822 Administrative Analyst position with the SFPUC. On June 28, 2016, I was released during probation. I believe Masood Ordikhani (White), Director of Infrastructure Economic Opportunities, released me from probation because I am Black.

II. RETALIATION

On or about June 10, 2016, I objected to Mr. Ordikhani repeatedly calling me "Bro." I believe Mr. Ordikhani released me from probation because he was angry that I objected to him calling me, "Bro."

10. Has the Complainant taken any action to resolve the issue(s)? If yes, please specify.

No.

11. Remedy or corrective action desired by Complainant:

To be reinstated with back pay. I am also seeking compensation for the days I worked overtime while at the SFPUC's Contractor Assistance Center (CAC).

12. Is the Complainant willing to participate in an informal resolution process? Yes No

Completed by:

EEO Staff Signature

Date

Complainant's Signature

Date

Revised Charge of Discrimination

Attachment 2

* REVISED *

CHARGE OF DISCRIMINATION

(To be Completed by EEO Staff In Consultation with Complainant)

1. Name of Complainant: Craig Martin

Address: [Redacted]

Work Phone: N/A

Home Phone: [Redacted]

2. Respondent Department: San Francisco Public Utilities Commission (SFPUC)
Worksite: Infrastructure - Program Administration Telephone No.: (415) 554-1831
Address: 525 Golden Gate Ave - 9th Floor, San Francisco

3. Complainant's Current Employment Status (circle one): Classification: 1822 Admin. Analyst
PCS TCS LT NCS PV PC TE PROB NOT A CITY EMPLOYEE (Formerly)

4. Basis of Discrimination (specify):

- Race: African American
- Color: Black
- Religion: _____
- Creed: _____
- Sex: _____
- National Origin: _____
- Ethnicity: African American
- Age: _____
- Disability/Medical Condition: _____
- Political Affiliation: _____
- Sexual Orientation: _____
- Ancestry: _____
- Marital or Domestic Partner Status: _____
- Gender Identity: _____
- Parental Status: _____
- Other Non-Merit Factors: _____
- Retaliation: Objected to being called "Bro."

5. Issue complained of:

- Denial of Employment
- Denial of Training
- Denial of Promotion
- Denial of Reasonable Accommodation
- Termination
- Lay-off
- Constructive Discharge
- Disciplinary Action
- Harassment
- Work Assignment
- Sexual Harassment
- Compensation
- Other (please specify): _____

6. Has the Complainant filed the complaint with any other local, state or federal agency? Yes No
If yes, please specify: _____

7. Has the Complainant filed a grievance or lawsuit? Yes No
If yes, please specify: _____

8. Is the Complainant represented by a Union or an Attorney? Yes No
Name: _____ Organization/Firm: _____
Address: _____ Phone No.: _____

9. Describe specifically and in detail the circumstances of the alleged discrimination. Please include date(s) of adverse employment action(s).

I. DISCRIMINATION

In March 28, 2016, I was appointed to a PEX 1822 Administrative Analyst position with the SFPUC. On June 28, 2016, I was released during probation. I believe Masood Ordikhani (White), Director of Infrastructure Economic Opportunities, released me from probation because I am Black.

II. RETALIATION

On or about June 10, 2016, I objected to Mr. Ordikhani repeatedly calling me "Bro." I believe Mr. Ordikhani released me from probation because he was angry that I objected to him calling me, "Bro."

10. Has the Complainant taken any action to resolve the issue(s)? If yes, please specify.

No.

11. Remedy or corrective action desired by Complainant:

To be reinstated with back pay. I am also seeking compensation for the days I worked overtime while at the SFPUC's Contractor Assistance Center (CAC).

12. Is the Complainant willing to participate in an informal resolution process? Yes No

Completed by:


EEO Staff Signature

6/16/17
Date

Complainant declined to sign.
Complainant's Signature

6/16/17
Date

Attachment 1: Interview of Craig Martin

Attachment 2: Interview of Masood Ordikhani

Attachment 3: Interview of [REDACTED]

Attachment 4: Interview of [REDACTED]

Attachment 5: Interview of [REDACTED]

Attachment 6: Interview of [REDACTED]

EXHIBIT F

Interview of Craig Martin

Attachment 1

Confidential Interview Notes

Witness: Craig Martin	EEO File No./Dept.: N/A
EEO Investigator: Rachel Gardunio (SFPUC)	Date & Time: January 4, 2017; 9:00 a.m.
Others Present: Anna Owens (SFPUC)	
Location: ER Conference Room at PUC (525 Golden Gate Avenue, 3 rd floor)	Pages: 6

RG: Today we're doing an intake interview, we're getting more information and determine if we need to do a full blown investigation and if we do, we'll sit down and go over everything we'll be investigating.

CM: Why don't we start at the beginning?

When I first came to PUC, I was a 9922. I was with Bernie on the 5th floor, and Ken Salmon and Alan [Marshall]. I was 50/50 pretty much. And then I went down to the basement to work with a different group, also as a 9922. Then I applied for a 3 year temp 1822 position, and was selected by the Infrastructure group. What they wanted me to first start doing was track the upcoming infrastructure projects, and what projects are in the pipeline, and then I would track the contracts approved by the commission. It was 3 separate spreadsheets, an ongoing assignment, and I was working under Masood. I was an 1822. Subsequently they hired a woman, Valerie, I think an 1823, she's younger than me by the way, they took all my assignments and gave them to her.

RG: When was this?

CM: Oct 2015?¹ Ben [REDACTED], so I was left helping Scott do the quarterly reports, something I was doing before Valerie came. They had me floating around, I was working with Brian Thomas for a bit. He's the union rep, I'd call him, union job placement officer. I was part time helping him. I spent time out at Moccasin on a few visits with Zeldia Saeli, when they had pre-job meetings and those sort of things. I was always working for Masood.

They then sent me to the Contractors Assistance Center, late Nov/Dec 2015, 3 days a week, out at Executive Park, 5 Thomas Mellon Circle. My assignments there were to assist LBEs, which are small businesses, micro business, to help them understand the contract system and the requirements. I was to be a link between what these firms understood or thought they understood, and how do you go about introducing yourself to prime contractors and subcontractors. That's what my sort of job was doing.

The friction started when I would get here (525 GG), my shift was 8-5, when they sent me to CAC, their hours are 8:30 to 5:30, so I would get here at 8 and I would leave there at 4 to make my way across town. My experience was to drive a PUC car across town every day. I would make a reservation. Once they (FLEET) realized I was using one every day, they asked me to use a natural gas vehicle. Anyway, the authorization to use the car came from Ben and Masood.

¹ Valerie was hired as an 1823 in April 2015.

² Ben [REDACTED] in January 2016.

So then when I started leaving at 4:30 or so, Ben didn't quite approve of that, and mentioned it to Masood, and Masood said I need to be there (at CAC) until 5:30. He said *If you don't want to get a car, get on a bus, but those are your hours- 8:30-5:30*. That was in late 2015. So then what happened was, Ben created a sign-in sheet just for me. Prince Hallowell also worked for him and didn't have to sign in. There was one sign-in sheet and my name was the only one on it. Let me note that they told me to start at 8:30 and I was the only one there. Most people, Prince included, went from executive park complex shuttle from Bart station, and on some occasions I had to go pick him up. That's what went on out there. I was the one that opened up. Ben would come in sometime after 9 am, and Prince came in around 8:45. No one really got there at 8:30 but me. Everyone's supposed to work 8:30-5:30 because those are the hours for the CAC.

Prince is from Sierra Leone, so sometimes it's difficult to understand what he's saying. He and Ben would get into these clashes, some theory about what is going on and Ben would get frustrated, and I'm there listening, and sometimes Ben would tell Prince to "Shut the fuck up". Ben is younger than me and Prince and Prince is an African Man, and I don't think Ben should do that. Prince would explain things and I never understood where he was going with it, so I understand the frustration, but you don't speak to someone like that.

So then what happens is, I'm trying to figure out how to explain to these basically minority businesses how to get into this heavyweight contract business. For these other small businesses trying to bid on the SSIP program headworks project, you have to get in with these primes. As an LBE, I would team up with Yolanda from Yolanda Construction, and you can get in the door with her!

The next week, I have a meeting with Masood and he reprimanded me for telling people in the community that they have to team up with Yolanda to get a contract. I know no one in the community said anything because the only person I mentioned the idea to was Ben, so Ben must have told Masood.

Masood's the type of guy that is the boss, that doesn't want these kinds of exchanges, back and forth discussions. Clark construction class is on Tuesdays from 7-9, 12 people, blueprints, bidding insurance, worker's comp, estimates. Ben says, "I'm not working, you and Prince work out the coverage." Prince and I are dividing up 6 months of coverage, even though Ben also is an 1822.³ This was before [REDACTED] in January. Prince says he doesn't want to switch off every other week but that he'll do it for a month straight, so then I'll do the next month. Masood says, "You may not charge comp or overtime for those hours. You can take off 3-4 hours the day before, come in late or leave early, but you cannot accumulate these hours to take a day off".

RG: How does Masood say this?

CM: Masood rarely came out to the CAC unless there's an event or prejob meeting.

RG: When were you 5 days a week?

CM: When Ben [REDACTED] in January. The Clark class was going on September 2015, so I started working nights Oct/Nov. Ben and Prince had been alternating each week before that. When I came on board, I replaced Ben in their rotation. But when Ben was preparing for [REDACTED] he wasn't going to the class anymore.

³ Ben was promoted to an 1823 position in December 2014.

Masood has a weekly staff meeting, Mondays at 2 o'clock I want to say. I had a few conversations with him in his office. He told me all of this schedule stuff in a one-on-one meeting. I never had a regular scheduled meeting, I would come downtown when I was able to go to the staff meeting, but if Prince or Ben was gone I stopped going to the weekly staff meetings because I'm at the CAC. Masood told me about Comp time and Overtime when I saw the issue. It had to be between November and February. I'm now into this Clark construction class, you gotta set it up, take it down, sometimes you leave early sometimes you leave late. There were times when I'd have to come across town. Example: on a Friday before I was fired, I came across town to meet with Scott, unbeknownst to me, Masood had sent me an email. But I'm not on my email, I'm in a conference room with Scott. Masood sees me in the building and says, "I sent you an email and I need to meet with you to discuss it."

This exchange with Prince and Ben, the "must join venture", Ben says the problem with people in Bayview is that they have a poverty mentality. What does that relate to anything? I don't like your social agenda, but I'm keeping my mouth shut.

Yolanda's construction was one of 3 or 4 firms, there's one called Big Mouth Productions, Koana Dison, I said, here's the RFP from the PUC, this is how you would respond, this is what you do every day, if you could be on call with a photographer, it would work. Then Yolanda was applying for a contract and I told her, I'll help you wordsmith it. I helped her do it, she submits the RFP, she gets awarded the small contract. So, unbeknownst to me, Yolanda writes an email to Harlan, thanking Harlan for my efforts with this contract. Harlan in turn sends an email to Juliet Ellis and CC's Masood, and I guess I must have been on Yolanda's email. I ended up in this email chain between Harlan, Yolanda, Juliet and Masood talking about my good work. Didn't ask for it, but that's great. April maybe? I'm back into helping people and stuff. Then that day the email came out, that morning when I got back in the afternoon from lunch, Ben came in. Apparently he got the email as well, he said, "You be sure that they do the heavy lifting, cuz we aren't doing their fucking work for them". What do you mean heavy lifting? I'm out there to help firms, I get a good report and this is what he says.

Kent Lim, a consultant paid by PUC to assist LBEs, is teaching them how to do things. I do soft skills and we work together. Yolanda asks me if I can come to their office to work with them, Ben tells me I can't go to Yolanda's office, she has to come to CAC. I tell her that, and Yolanda called Harlan and asked what the hell's going on. She's complaining. I tell Ben that he needs to tell Yolanda himself that I'm not allowed to go work at her office. April 2016. Ben's like, "What are you talking about".

Apparently I did tell the people in Bayview, Yolanda specifically, what Ben said about people in Hunter's Point having a poverty mentality. Yolanda went to Harlan to complain. Ben says he plays basketball at YMCA on embarcadero with Harlan in the mornings. Ben doesn't come in until 9 o'clock so it must be on PUC time. Ben and Masood started in on me in early May about not being here at 5 o'clock at CAC.

Masood said he wants to talk to me about my past deliverables and the deliverables going forward. I've never been given deliverables! If a deliverable is to help LBEs get contacts, then that's the only deliverable that I've been instructed with. I think, that's interesting, I do have some deliverables, let me contact the LBEs to send an email to Masood so he can see what I've been doing. I'm thinking he wants to see what he doesn't see — me helping LBEs write.

Masood then contacted me after receiving those deliverables, saying, “Will you stop having these people send these emails?” I told him, “I thought you wanted to know what I was doing”. He asked me, “Do you think you’re being fired?” I said, “I don’t know.”

Masood during this conversation is calling me ‘bro’. I asked him not to do that anymore. Yes, he’s been calling me that all the time. It’s like, I don’t know you, you’re not African-American, we didn’t go to school together, I’m your elder. He’s raising his voice and stuff, and he says “Ok, Mr. Martin”. I’m saying to him, “Ok, now you’re going overboard.” When I meet people, I don’t tell people about my education, but everybody knows or knew that I was a lawyer. So I went to law school someplace —UCLA. And Masood says once in a staff meeting, “Oh yea, and he didn’t tell me he went to Stanford.” And a week later he makes the same comment. I think Masood didn’t want to hire me to begin with, he didn’t want to use my talents, so when it blew up about “Don’t call me bro”, then we went to Harlan about our friction. I get a letter from someone in HR, in May, was advising me about a claim. So when I talk to this young fellow in HR, I didn’t file a complaint, I don’t know who initiated a letter. I don’t have a beef, I want this job. I assume we are grown men, it is really just about not calling me bro. I finally met with Masood, Ivy, and a lady from HR and they said I was fired.

RG: You were released from probation.

CM: June 28, 2016 something like that.

RG: It sounds like he had been calling you bro for a long time.

CM: In my experience being in his company, if he’s out at Bayview, everyone is “Bro” and that’s my “Momma”. You claim everyone that is black is your cousin. I did not hear him call Ben “bro”. I’ve heard him call Prince, but I’m not sure if it was just directed at black people. But generally to men its “Bro”. I’m not sure if he calls Todd and Scott “bro”. I don’t care about him calling other people bro, I just don’t want to be called “bro”. “Bro” is not a slang I am comfortable with. And that’s what blew the whole thing up. Masood got upset, and found out I wasn’t temp, and found out I was on probation. The thing is, I would send emails, and Masood would say, “I don’t want to go back and forth”. I want things documented, and Masood wouldn’t want it because he has the weaker argument. Conversations about comp time, or the conversations in Bayview are all undocumented. The type of discussions that you generally have with your boss, those intellectual exchanges he doesn’t want to get into. I’m not sure if it’s just with me. Once, Masood said, “I want you and Ben to get on my calendar.” You can’t find a window in there. I’m not saavy on outlook calendaring. I ask Ben, “Can you schedule the meeting on your calendar and Masood’s and I’ll be there?” Of course Ben doesn’t do it, Masood gets on me, says “You didn’t do it, you delegated to Ben.” April/May 2016.

RG: When were you hired PCS?

CM: January of 13?

RG: When did you start your probation?

CM: Six months before. Would have been January 2016.⁴ That was when I was on the permanent list. Before that I was a 3 year 1822 and before that a 9922.

So, during this window of conversations with Masood, I got an email about meeting with Kathy How about being reassigned. I would have been open to that.

⁴ CM was promoted to a PCS position March 26, 2016.

RG: You say in your letter that your assignment was racially based. What do you mean by that?

CM: They sent me out to the CAC. They made me work odd hours, with no compensation, they didn't Ben do it, maybe because he worked more. Grunt work was going to me. Covering those classes. At least being fair, give me some comp time. Clark construction class was racially based.

I'm not sure why they took my work and gave it to another employee in Fall of 2015.

RG: Do you have a sense of the age or ethnicity of Ben and Prince.

Prince is African, Ben is Caucasian, Valerie is Hispanic/Native American, everyone is younger than me in the building.

When Masood asked for deliverables, I don't think he was thinking about terminating me. The straw that broke the camel's back was the "don't call me bro" conversation. I think that was the only friction we had. There was never anything in writing.

When senate bill 846 said you must be registered with industrial relations, there was a young lady, Samir? Her Father is head of DPW, she just graduated from Saint Mary's, Masood gave her an assignment to write a brief on the new law. I was there, I was helping her. Turns out Emilio Cruz asked her to make a presentation to the executive staff about the new law, after the presentation, Masood had her in tears, because he wanted to make the presentation, but Emilio threw a kink in that. She also gave me praise for helping. I told Samira, "Don't worry about that, a bigger boss told you what to do." It's hard because with Masood, you know you're being dressed down and you don't want to speak up. In the old days you don't do that because you'll be lynched.

Masood is not the guy to have an intellectual conversation with. You shout at me and I tell you to quit calling me bro. I'm gonna put you in your place. Quit calling me bro. that's what pissed him off. I'd try to give Masood what he wants, Masood would do all of the presentations but wouldn't also read the reports. When Scott wants to have something legal read, I would help. I'm too old to take your job, I was trying to stay here, I worked for CAO for a couple years. I worked for the state senate for a year or so, I didn't have enough years in on retirement, I had to pay back to get pension. I wanted to hang here to get that time in.

After all of this, even with this termination, I'm helping by volunteering by helping Yolanda get contracts. I'm not looking for a contract.

RG: Let me go back to the letter.

CM: Right, I can tell you. Masood was pissed off because I'm black and I said not call me bro. Retaliation is because I asked for him not to talk to me like that, don't call me bro. The age thing was you took my assignments and gave them to a younger person, female, that doesn't have same background/qualifications as I do, the hostile work environment is having to listen to Ben talk to Prince shut the F up, talking about the Bayview community my people, has a poverty mentality.

RG: How often did he talk to Prince that way? [REDACTED].

CM: He would make comments daily. Prince would come on with these cockamamie thoughts or processes, and Ben would get frustrated a couple times a day. It was a common occurrence is the best way to describe it.

RG: Did Ben talk to you that way or anyone else?

CM: No. Ben never addressed me as “Bro”, but addressed Prince as “Bro”. Prince didn’t use the term “Bro”. “Bro” is a Ben and Masood term. It’s a common occurrence. In my history, no one is a brother unless there are riots like in the 60s, and we’re in the 2000s and you shouldn’t be talking like that.

Masood, I know you have a problem with me because of the way I carry myself, I got rights and privileges based on my accomplishments, I am a thoughtful considerate person and you will be the same to me. I will not antagonize you or entice you to do anything, but I will be a man. I have gone through the uncertainty; you build confidence when you go to junior college, Stanford, get a law degree, stand in front of judges. I just don’t want to be singled out.

RG: Do you feel he was like this to you specifically.

CM: Absolutely. I’m not sure why he has a thorn in his paw when it comes to me. I got no beef with him. If you ask me a set of facts, and we disagree, after that’s over we’re done. With Masood it felt like he always had to keep you in your place, that he would do all the talking. That was my interaction with Masood. Masood would meet privately in the café with Ben and not in his office, but I was never invited down there.

And I thought I had a fairly decent relationship with him. We, as a group, went out beer drinking out at Hayes and Laguna. And that was cool. Masood’s a lawyer, we are men, we can have a discussion, but he’s never open to being questioned.

RG: Is that your impression of him specific to you, or in general?

CM: I’m don’t know. In the group meeting he’s the manager, everyone kowtows to Masood. I’ve heard it said, “Don’t wanna piss Masood off”.

Conversation about how CM didn’t want to say who may have said that you don’t want to piss Masood off.

Interview of Masood Ordikhani

Attachment 2

**EEO COMPLAINT
INTERVIEW NOTES**

Witness: Masood Ordikhani	Date: October 17, 2017 and March 13, 2019
Interviewer: Dena Narbaitz	Time: 11:00 a.m. (October 17, 2017) and 3:00 p.m. (March 13, 2019)
Representative/Translator: N/A	Location: Employee Relations Conference Room, 525 Golden Gate Avenue, 3 rd Floor (for October 17, 2017 interview); and Mr. Ordikhani's office (for March 13, 2019 interview)

October 17, 2017:

Masood Ordikhani is the Director of Infrastructure Economic Opportunities, Class 0933 Manager V. The SFPUC Contractor Assistance Center (“CAC”) is part of the Infrastructure group at the SFPUC. Mr. Ordikhani did have an anything to do with the hiring of Mr. Martin; Mr. Ordikhani was not on the interview panel.

Craig Martin was placed at the CAC. Mr. Martin reported directly to Todd Kyger, Class 1824 Professional Administrative Analyst, who helps run the SFPUC CAC. Mr. Kyger reported to Ben Poole, Class 0922 Manager I, who is the Manager of the CAC. Mr. Poole reported to Mr. Ordikhani.

The CAC is located in the Bayview District of San Francisco. Mr. Ordikhani works at the SFPUC Headquarters located at 525 Golden Gate Avenue in San Francisco. Mr. Ordikhani did not interface with Mr. Martin very much; Mr. Ordikhani had approximately one or two face-to-face interactions with Mr. Martin. Again, Mr. Martin reported directly to Mr. Kyger, not Mr. Ordikhani and Mr. Martin and Mr. Ordikhani did not work in the same location.

Mr. Ordikhani is of Iranian descent. He really tries to promote EEO policies, including working with members of the LGBT community, women and people of color. He did not ever call Mr. Martin, “Bro.” Mr. Ordikhani thinks this term is disrespectful.

Mr. Ordikhani reports that there were performance issues with Mr. Martin. For instance, he did not have some basic computer skills, including knowing how to turn on a computer. He also would be gone from the CAC for periods of time without anyone knowing where he was.

Additionally, Mr. Martin had members of the public write letters or emails that praised Mr. Martin and send those directly to the SFPUC General Manager, Harlan Kelly, Jr. Mr. Kelly responded to one of the

letters/emails thanking the person, but also informing the person that the SFPUC critiques its employees without outside influence from the public.

Mr. Martin was not released from probation due to some supposed comment made by Mr. Ordikhani. Mr. Martin's placement was not working out. Mr. Ordikhani did not make the final decision to release Mr. Martin from probation. The decision was made by Mr. Kelly. regarding what he relied on to determine Mr. Martin should be released from probation

March 13, 2019:

On March 13, 2019, Dena Narbaitz, Senior EEO Specialist, San Francisco Public Utilities Commission (SFPUC), Human Resource Services (HRS), conducted a second interview with Mr. Ordikhani. This interview regarded what Mr. Ordikhani relied on to determine Mr. Martin should be released from probation.

Mr. Ordikhani wanted Mr. Martin to succeed and perform well. Mr. Ordikhani relied upon information Mr. Poole and Mr. Kyger. Mr. Ordikhani asked Mr. Poole and Mr. Kyger to provide Mr. Ordikhani information on Mr. Martin's performance, including how Mr. Martin was completing assignments, what training and support the SFPUC, and was there any feedback from other employees. Mr. Ordikhani reviewed (1) Mr. Poole's, June 15, 2016 email to Mr. Ordikhani entitled "CM Employee Log;" and (2) Mr. Kyger's, June 15, 2016 email entitled "Status Update" to Mr. Ordikhani. (**Attachment 2(a) and 2(b).**)¹ Mr. Ordikhani confirmed that he relied on these emails and their attachments. Mr. Ordikhani also stated there were "red flag" issues about Mr. Martin's eTime entries. For instance, Mr. Martin would record eight hours of time when Mr. Martin did not work the entire eight hours.

Mr. Ordikhani thought Mr. Harlan made the decision to release Mr. Martin from probation, but maybe Kathy How, Assistant General Manager of SFPUC Infrastructure, made the decision. Mr. Ordikhani confirmed that Mr. Ordikhani only had one conversation with Ms. How about Mr. Martin's probation and that conversation did not involve many details. Mr. Ordikhani worked with SFPUC HRS.

¹ Attachment 2(a) and 2(b), respectively, are also contained in Exhibit G, Attachments 4 and 5 in the Investigation Report

Interview of [REDACTED]

Attachment 3

CONFIDENTIAL
MEETING NOTES

Meeting with: ██████████, Class 1823 Senior Administrative Analyst	Dept.: SFPUC
Person conducting meeting: Dena Narbaitz, Class 1231 Senior EEO Specialist	Date & Time: February 26, 2019 at 11:15 a.m.
Others Present: N/A	Location: Contractors Assistance Center, 150 Executive Park Blvd, Ste. 1300, SF, CA 94134

On February 26, 2019, San Francisco Public Utilities Commission (“SFPUC”) Human Resource Services (“HRS”) Senior EEO Specialist, Dena Narbaitz (“Narbaitz”), conducted an interview with ██████████ Class 1823 Senior Administrative Analyst. This interview covered: (1) “bro” statements allegedly made by Masood Ordikhani (“Ordikhani”), Director of Infrastructure Economic Opportunities; and (2) Craig Martin’s (“Martin”), former Class 1822 Administrative Analyst, work performance.

█████████ manages the SFPUC Contractors Assistance Center (“CAC”), where Martin worked from approximately November 2015 through June 28, 2016.

“Bro” Statements

█████████ never heard Ordikhani say “bro” to Martin. Poole has never heard Ordikhani refer to anyone as “bro.” ██████████ never heard Ordikhani call Prince Hallowell (“Hallowell”), Class 1822 Administrative Analyst, “bro.”

Martin’s Work Performance

While ██████████ manages the CAC, everyone employed at the CAC reports to Ordikhani. ██████████ would review work that ██████████ asked Martin to perform. ██████████ would also report to Ordikhani regarding Martin’s deliverables.

█████████ remembers that Martin’s work performance was completely insufficient. ██████████ would assign Martin work and when Martin turned in the work, there was no substantive input from Martin. ██████████ specifically remembers an incident where ██████████ asked Martin to provide some legal research into a memorandum that was due regarding funding of contracts. Martin is a lawyer and that is why ██████████ asked Martin to conduct the research. Martin returned the memorandum to ██████████, but Martin provided no substantive response. ██████████ had to conduct the legal research and, as a result, the memorandum was submitted late. This incident is reflected in the “May 25, 2016” entry on ██████████’s June 15, 2016 email to Ordikhani entitled: “CM Employee Log.” (**Attachment 3(a)**).¹

¹ Attachment 3(a) is also contained in Exhibit G, Attachment 4 in the Investigation Report.

reviewed his June 15, 2016 email to Ordikhani and confirms that he wrote the email. (**Attachment 3(a).**) does not have a distinct memory regarding all the entries but stated he would not have written anything which was not true. thinks he wrote the email because SFPUC HRS requested input when the SFPUC was considering releasing Martin during Martin's probationary period.

's "Early March 2016" entry in his June 15, 2016 email is consistent with 's experience of working with Martin. (**Attachment 3(a).**) asked Martin to review a document prepared by and provide comments. knew the document was not complete and wanted Martin's assistance. Martin returned the document to but did not provide any substantive comments.

confirms that the "March 14, 2016 – April 29, 2016" entry is correct. (**Attachment 3(a).**)

Regarding Martin's computer skills, stated that Martin could turn on a computer, but Martin was not proficient when it came to working in software programs.

stated that Martin was not performing Martin's job at a level expected of a Class 1822 analyst. Martin should have been able to produce substantive work.

remembers counseling Martin regarding Martin's work performance. He spoke with Martin regarding the "May 25, 2016" and "Early March 2016" entries. (**Attachment 3(a).**) does not remember Martin's response to 's counseling.

did not have any input regarding Martin's release from probation other than preparing the June 15, 2016 email.

During the time in question (2016), Ordikhani did not visit the CAC often. Ordikhani came to the CAC approximately one time per month.

does not recall Martin making any complaints of discrimination, harassment or retaliation while worked with Martin.

Interview of [REDACTED]

Attachment 4

CONFIDENTIAL
MEETING NOTES

Meeting with: ██████████, Class 1824 Professional Administrative Analyst	Dept.: SFPUC
Person conducting meeting: Dena Narbaitz, Class 1231 Senior EEO Specialist	Date & Time: February 27, 2019 at 11:00 a.m.
Others Present: N/A	Location: ER Conf Room, 525 Golden Gate Ave, SF, CA 94102

On February 27, 2019, San Francisco Public Utilities Commission (“SFPUC”) Human Resource Services (“HRS”) Senior EEO Specialist, Dena Narbaitz (“Narbaitz”), conducted an interview with ██████████ Class 1824 Professional Administrative Analyst. This interview covered: (1) “bro” statements allegedly made by Masood Ordikhani (“Ordikhani”), Director of Infrastructure Economic Opportunities; and (2) Craig Martin’s (“Martin”), former Class 1822 Administrative Analyst, work performance.

██████████’s work location is SFPUC Headquarters, 525 Golden Gate Avenue, San Francisco, California 94102. ██████████ has never worked at the SFPUC Contractors Assistance Center (“CAC”), but ██████████ does go to the CAC for meetings. ██████████ reports to Ordikhani.

Martin was part of the analysts group for the SFPUC Infrastructure division and ██████████ would assign work to Martin. ██████████ helped supervise Martin. ██████████, however, supervised Martin less when Martin was assigned to the CAC because ██████████ and Martin worked in different work locations; ██████████ could not keep “eyes on” Martin or keep up with the day-to-day activities.

Martin’s Work Performance

██████████ reviewed his June 15, 2016 email entitled “Status Update” to Ordikhani and confirms that ██████████ wrote the email. (**Attachment 4(a)**).¹ ██████████ confirmed that everything in the email is accurate. ██████████ also confirmed that the spreadsheet attached to the email was prepared by ██████████ and is accurate. ██████████ thinks he prepared the spreadsheet to track Martin’s productivity. ██████████ does not think anyone asked him to prepare the spreadsheet.; as a supervisor ██████████ tries to keep up with assignments.

- In the “Status Update” email, ██████████ refers to Martin’s computer skills. ██████████ stated that Martin struggled with using a computer. ██████████ stated that Martin could navigate a website but may need help getting to the specific website. ██████████ knew that Martin had practiced law

¹ Attachment 4(a) is also contained in Exhibit G, Attachment 5 in the Investigation Report.

for many years so [REDACTED] (who is also an attorney) expected Martin to be able to use certain software programs (e.g., Word and Outlook). [REDACTED] did not expect Martin to be proficient in Excel because lawyers do not use Excel very much. To improve Martin's computer skills, the SFPUC provided Martin with computer skills training through one-on-one meetings with work colleagues and the SFPUC's Learning Management System.

- In the "Status Update" email, [REDACTED] provides samples of problems with Martin's work product and some of these problems are outlined in [REDACTED]'s spreadsheet attached to the "Status Update" email. For instance,
 - [REDACTED] asked Martin to prepare a draft notice to contractors regarding Senate Bill 854. Martin simply cut and paste information from the Department Industrial Relations website.
 - Martin was assigned a project creating a "Service Territory Map" using Google Maps. Martin could not do the project; another SFPUC employee Chanh Tran ("Tran"), Class 1402 Senior Clerk, "completed the project from start to finish."

As a Class 1822 Administrative Analyst, Martin needed to dig into reports, pull out data, and provide analysis. Martin did not seem to be able to do the work or was not motivated to do so. His work product had to be edited and re-formatted.

[REDACTED] counseled Martin regarding Martin's work product.

"Bro" Statements

[REDACTED] has never heard Ordikhani use the term "bro." [REDACTED] has never heard Ordikhani refer to anyone as "bro." [REDACTED] never heard Ordikhani call Martin "bro." [REDACTED] never heard Ordikhani call Prince Hallowell ("Hallowell"), Class 1822 Administrative Analyst, "bro." Ordikhani has never referred to [REDACTED] as "bro."

Miscellaneous

[REDACTED] was not involved in the decision to release Martin during probation. If anything, [REDACTED] would only have provided feedback on Martin's work performance and the fact this it was not "baring fruit."

During the time in question (2016), [REDACTED] could not estimate how often Ordikhani visited the CAC.

Interview of [REDACTED]

Attachment 5

CONFIDENTIAL
MEETING NOTES

Meeting with: [REDACTED], AGM, SFPUC Infrastructure	Dept.: SFPUC
Person conducting meeting: Dena Narbaitz, Class 1231 Senior EEO Specialist	Date & Time: March 6, 2019 (in-person – [REDACTED] office); March 7, 2019 (by phone); March 12, 2019 (in-person – [REDACTED] office)
Others Present: N/A	Location: SFPUC Headquarters

Dena Narbaitz (“Narbaitz”), Senior EEO Specialist, San Francisco Public Utilities Commission (SFPUC), Human Resource Services (HRS), conducted an interview with [REDACTED] Assistant General Manager (AGM), Infrastructure division, SFPUC, on March 6, 2019. Narbaitz conducted follow-up interviews on March 7 and 12, 2019 to confirm facts. These interviews regarded what [REDACTED] relied upon when deciding to release Craig Martin (“Martin”), former Class 1822 Administrative Analyst, from probation.

Broad Overview of [REDACTED]’s Duties:

[REDACTED] provided a broad overview of her duties as the AGM of Infrastructure. These duties include: (1) Engineering Management; (2) Construction Management; (3) Environmental Management; (4) Project Management (e.g., Capital Improvements).

Interaction with Martin and Involvement Regarding Martin’s Release from Probation:

[REDACTED] did not have any interaction with Martin during Martin’s employment with the SFPUC.

When deciding to release Martin from probation, [REDACTED] mainly relied on information from Rachel Gardunio (“Gardunio”), Employee Relations/EEO Programs Manager, SFPUC, HRS, and Gardunio’s staff ([REDACTED] thinks the staff person was female but does not remember the name of the person).

Gardunio showed [REDACTED] some documents but [REDACTED] does not remember what documents, except that they were emails and that some of the documents may have concerned Martin’s time worked. [REDACTED] was not given a copy of the documents. [REDACTED] may have seen the: (1) Benjamin Poole’s (“Poole”), Class 1823 Senior Administrative Analyst, June 15, 2016 email to Ordikhani entitled “CM Employee Log” and its attachment. How does not remember seeing Todd Kyger’s (“Kyger”), Class 1824 Professional Administrative Analyst, June 15, 2016 email entitled “Status Update” to Ordikhani or any attachments to Kyger’s emails. (**Attachment 5(a) and 5(b).**)¹

¹ Attachment 5(a) and 5(b), respectively, are also contained in Exhibit G, Attachments 4 and 5 in the Investigation Report.

████████ also relied on information from: (1) Ivy Fine (“Fine”), Director of Contracts, SFPUC, Infrastructure; and (2) Masood Ordikhani (“Ordikhani”), Director of Infrastructure Economic Opportunities, SFPUC Infrastructure. However, information ██████████ received from Fine or Ordikhani was limited; ██████████ relied on HRS. ██████████ only recalls speaking with Fine one time regarding Martin’s probation and does not recall any details discussed with Ordikhani.

Harlan Kelly, Jr., General Manager, SFPUC, was not involved in the decision to release Martin from probation. Ordikhani did not have the authority to release Martin from Probation. ██████████ confirmed that she made the decision to release Mr. Martin during his probation period.

“Bro” Statements

████████ does not remember hearing a reference to a “bro” statements. ██████████ has never heard Ordikhani refer to anyone as “bro.”

Interview of [REDACTED]

Attachment 6

CONFIDENTIAL
MEETING NOTES

Meeting with: [REDACTED] Class 1822 Administrative Analyst	Dept.: SFPUC
Person conducting meeting: Dena Narbaitz, Class 1231 Senior EEO Specialist	Date & Time: March 12, 2019 at 12:50 p.m.
Others Present: N/A	Location: by phone

On March 12, 2019, San Francisco Public Utilities Commission (“SFPUC”) Human Resource Services (“HRS”) Senior EEO Specialist, Dena Narbaitz (“Narbaitz”), conducted an interview with [REDACTED], Class 1822 Administrative Analyst. This interview covered: (1) “bro” statements allegedly made by Masood Ordikhani (“Ordikhani”), Director of Infrastructure Economic Opportunities.

[REDACTED] work location is the SFPUC Contractors Assistance Center (“CAC”). [REDACTED] reports to Ordikhani.

“Bro” Statements

Ordikhani has never called [REDACTED] “bro.” Ordikhani is always very “official” and refers to [REDACTED] as “Mr. [REDACTED]” [REDACTED] has never heard Ordikhani refer to anyone as “bro.” [REDACTED] never heard Ordikhani call Craig Martin (“Martin”), former Class 1822 Administrative Analyst, “bro.”

Summary of Documents Reviewed

EXHIBIT G

- Attachment 1: June 28, 2016, Letter to Craig Martin from Cindy Charan Regarding Release from Probationary Appointment (with attachments)
- Attachment 2: June 6, 2017, San Francisco Chronicle Article: Study: Oakland Police Act More Respectful to Whites
- Attachment 3: June 15, 2016 Email by [REDACTED] Re CM Employee Log and Docs Supporting Bullet Points in CM Employee Log
- Attachment 4: June 15, 2016 Email by [REDACTED] Re Status Update and Supporting Docs
- Attachment 5: May 19, 2016 Emails between Ordikhani and Martin Re Martin's Time Entries
- Attachment 6: January 6, 2015 Email from [REDACTED] to [REDACTED] Re Martin's Computer Skills
- Attachment 7: May 26, 2016 and May 31, 2016 Email Exchange Between Harlan Kelly and Yolanda Jones

EXHIBIT H

June 28, 2016, Letter to Craig Martin from Cindy Charan Regarding Release from Probationary Appointment (with attachments)

Attachment 1



San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

Human Resource Services

525 Golden Gate Ave., 3rd Floor

San Francisco, CA 94102

T 415.554.1670

F 415.554.1529

Via HAND DELIVERY and REGULAR MAIL

June 28, 2016

Craig Martin
[REDACTED]

Re: RELEASE FROM PROBATIONARY APPOINTMENT

Dear Craig Martin:

This letter is to inform you that effective close of business, June 28, 2016, you are released from your appointment in Class 1822, Administrative Analyst at the San Francisco Public Utilities Commission.

Pursuant to Civil Service Commission Rule 117.9.1, Authority and Procedures for Release of Probationary Employee:

An employee may be released by the appointing officer at any time during the probationary period upon written notice to the employee and the Human Resources Director.

This is a non-disciplinary release and there are no restrictions on your future employment with the City and County of San Francisco.

Very truly yours,

Cindy Charan
Director of Human Resource Services, SFPUC

Encl: Notice of Release from Probationary Appointment
Notice and Report of Probationary Status
Separation Report

Cc: Masood Ordikhani, Director of Infrastructure Economic Opportunities
Rachel Gardunio, Interim Manager of ER/EEO Programs, HRS
Melanie Morales for Micki Callahan, DHR
Payroll, HRS
SEIU, Local 1021
Official Employee Personnel File - C. Martin

Edwin M. Lee
Mayor

Francesca Viator
President

Anson Moran
Vice President

Ann Moller Caen
Commissioner

Vince Courtney
Commissioner

Ike Kwob
Commissioner

Harlan L. Kelly, Jr.
General Manager



**CITY AND COUNTY OF SAN FRANCISCO
NOTICE OF RELEASE FROM PROBATIONARY APPOINTMENT**

Mailing Date June 28, 2016

Name Craig Martin

Department/Division SFPUC- Infrastructure

Address [REDACTED]

Type of Appointment: PCS

City [REDACTED]

Entrance Probationary

State [REDACTED] Zip [REDACTED]

Promotive Probationary

This notice is to inform you that effective 6/28/2016, you are released from your appointment in Class 1822, Title Administrative Analyst.

The following checked item applies (check only one):

- A. Non-Disciplinary Release: The decision of the Appointing Officer is final. There are no restrictions on your future employment with the City and County of San Francisco.
- B. Disciplinary Release (see documents attached): Should you elect to appeal the recommendation(s), follow the procedures. You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to modify employment restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to release you from your employment.
- C. Automatic Reversion (Non-Disciplinary Release): You have automatic rights of reversion to the previous class from which promoted; if necessary, displacements in the former class shall occur. You will revert to the class from which promoted: Class _____, Title _____


You may request a hearing for review of any restrictions on your future employability (when box B above is checked) with the Civil Service Commission within twenty (20) calendar days of the mailing date of this notice or from the date of release, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness, Suite 720, San Francisco, CA 94102 by _____. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

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

<input checked="" type="checkbox"/>	No restrictions on future employability.	<input type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	No future employment with this department.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of _____ year(s) experience outside the City and County service.		
<input type="checkbox"/>	Other (specify): _____		

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

MUST BE COMPLETED BY DEPARTMENT:
 Rank: 11 List# 064821
 SSN: [REDACTED]
 Employee Organization SEIU Local 1021
METHOD OF SERVICE:
 Certified Mail _____ Hand Delivered
 Certified Mail # _____
 Attachment(s) _____
 DHR 1-14 (8/00)


 SIGNATURE OF APPOINTING OFFICER
 Cindy Charay
 NAME
 SFPUC Human Resources Director
 TITLE

ADDITIONAL INFORMATION FOLLOWING RELEASE

1. This document serves as the official notice of your release to you, the Civil Service Commission, and the Department of Human Resources. You will be removed from the eligible list from which you were appointed.
2. If this is a Disciplinary Release (box B is checked) and you request a hearing within the time limits, you are entitled to:
 - a) Representation by an attorney or authorized representative of her/his own choice.
 - b) Notification of date, time and place of hearing at a reasonable time in advance.
 - c) Inspection by the employee's attorney or authorized representative of those records and materials in the Civil Service Commission which relate to the separation.
3. The decision of the Civil Service Commission is final and not subject to reconsideration.
4. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.



City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS - AMENDED

Part I: Notice of Probationary Status at Time of Appointment

Original: Personnel File
Copy: Employee

Complete at time of appointment

Martin

Craig

40 PUBLIC UTILITIES
COMMISSION

Last Name

First Name

Department/Division

1822

Administrative Analyst

790 SEIU Local 1021

Job Code

Title

Employee Organization/Union

Congratulations on your Permanent Civil Service (PCS) appointment!

You are now serving your probationary period, which is used to evaluate your performance on the job. It is the final and most important phase of the selection process. During your probationary period, you may be released by your appointing officer at any time in accordance with Civil Service Rule 117 – Probationary Period. The duration of your probationary period is governed by provisions in the Memorandum of Understanding (MOU) or ordinance covering your job code. Extensions of your probationary period are governed by Civil Service Rules and provisions in the MOU or ordinance covering your job code. Please refer to your human resources representative if you have any questions.

Duration of the Probationary Period (per MOU or Ordinance): **Three (3) Months**

Did the employee received credit for prior service?: Yes/No

If yes, provide dates: from 05/11/2015 to 3/27/2016 Total time credited: 90 days/3 months

Provide justification for credit (cite Civil Service Rule Section or MOU Section):

MOU, SEIU, MISC, Local 1021, 2014-2017, Article II, B. Paragraph 82 pl:

Probationary Period Begin Date: 03/26/2016

Expected Probationary Period End Date: 06/25/2016

(Probation begins on the employee's start work date in PCS status, not the certification date)

Voluntary Resumption of the Probationary Period. To be used only as specifically authorized by Civil Service Rule 117.8.

Employee has previously completed probation for this job code in this department, and is voluntarily resuming a probation period not to exceed six (6) months.

Resumed Probationary Period Begin Date:

Expected Resumed Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

Department Head/Designee

Printed Name

Printed Name

Signature and Date

Signature and Date

[Handwritten Signature] May 31, 2016



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

Part II: Report of Probationary Period Adjustment

Complete prior to the Expected Probationary Period End Date identified above

Original: Personnel File
Copy: Employee

No adjustment of the probationary period is required.

Employee's probationary period is adjusted as follows:

Adjustment Worksheet		
If the probationary period was adjusted, please check the reason(s), provide the number of hours, and total the number of working days of extension.		
Check	Reason for Extension	Number of Hours
<input checked="" type="checkbox"/>	Vacation & Floating Holidays	8
<input type="checkbox"/>	Administrative Leave	
<input type="checkbox"/>	Compensatory Time Used	
<input type="checkbox"/>	Authorized Leave	
<input type="checkbox"/>	Unauthorized Absence	
<input type="checkbox"/>	Disciplinary Suspension	
<input checked="" type="checkbox"/>	Sick Leave with or without pay	16
<input type="checkbox"/>	Other (Provide detailed explanation):	
Total Hours:		24
Total Days of Adjustment:		3

Probationary Period Begin Date: 3/26/2016

Adjusted Probationary Period End Date: 6/29/2016

Please sign below acknowledging that you understand this notice and have received a copy of it.

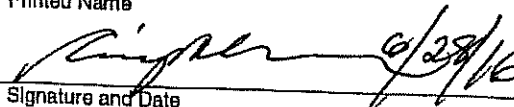
Employee

Craig Martin
Printed Name

Signature and Date

Department Head/Designee

Cindy Charan
Printed Name



Signature and Date



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

Part I: Notice of Probationary Status at Time of Appointment Department File # _____
County File # _____

Martin	Craig	40 PUBLIC UTILITIES COMMISSION
Last Name	First Name	Department/Division
1822	Administrative Analyst	790 SEIU Local 1021
Job Code	Title	Employee Organization/Union

Congratulations on your Permanent Civil Service (PCS) appointment!

You are now serving your probationary period, which is used to evaluate your performance on the job. It is the final and most important phase of the selection process. During your probationary period, you may be released by your appointing officer at any time in accordance with Civil Service Rule 117 – Probationary Period. The duration of your probationary period is governed by provisions in the Memorandum of Understanding (MOU) or ordinance covering your job code. Extensions of your probationary period are governed by Civil Service Rules and provisions in the MOU or ordinance covering your job code. Please refer to your human resources representative if you have any questions.

Duration of the Probationary Period (per MOU or Ordinance): **Six (6) Months**

Did the employee received credit for prior service?: Yes/No

If yes, provide dates: from _____ to _____ Total time credited: _____ days

Provide justification for credit (cite Civil Service Rule Section or MOU Section):

Probationary Period Begin Date: **03/26/2016**

Expected Probationary Period End Date: **09/25/2016**
(Probation begins on the employee's start work date in PCS status, not the certification date)

Voluntary Resumption of the Probationary Period. To be used only as specifically authorized by Civil Service Rule 117.8.

Employee has previously completed probation for this job code in this department, and is voluntarily resuming a probation period not to exceed six (6) months.

Resumed Probationary Period Begin Date:

Expected Resumed Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

CRAIG K MARTIN

Printed Name

Craig K Martin
Signature and Date

Department Head/Designee

Printed Name **Bonita Decker for Cindy Chohan**

Bonita Decker
Signature and Date **05-27-16**

DHR 6-37 (Revised 01/2011)

Original: Employee Personnel File Copy: Employee



City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS

Part IV: Report of Release from Probationary Appointment

Complete prior to the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee, DHR-Client Services

- Employee is released during the probationary period effective close-of-business: 6/28/2016
Department must complete a Notice of Release from Probationary Appointment (DHR Form 1-14)

Department Head/Designee

Cindy Charan
Printed Name

Signature and Date

Part V: Report of Successful Completion of Probationary Period

Complete on the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee

- Employee successfully completed probation. Completion Date:

Department Head/Designee

Printed Name

Signature and Date



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES

INSTRUCTIONS: Please complete the Separation Report to:

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

Date of Request: 6/29/2016

Department Contact: Tina Siu Email: tisiu@sfgov.org Phone: 554-2404

SECTION I: PERSONAL AND JOB INFORMATION

Name (Last, First, M.I.): Martin, Craig Employee I.D: [REDACTED]

Job Code: 1822 Job Title: Administrative Analyst

Position Number: 01115011 Hourly Rate: \$37.2875 Step: 2 Effective Date: 6/29/2016

Empl. Class: PCS Work Schedule: Full-Time

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

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

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

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

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

SECTION II: SEPARATION INFORMATION

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

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

Employee Signature Date

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

Reason for lay-off: (Select One)

Employee acknowledges receipt of the DHR information leaflet.

Employee Signature Date

DEPARTMENT USE ONLY

Termination

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

Release from appointment: (Select One) _____

Release from probation: Non-Disciplinary _____

Dismissal: (Select One) _____

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

Automatic Resignation (ARS)

Never Reported to Work (DSH)

Death of an employee (DEA)

Other (Specify): _____

Retirement: (Select One) _____

DEPARTMENT CERTIFICATION

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

Char Cindy Charan *J. Salazar* 554-1605
Appointing Officer/Authorized Designee Signature Telephone

Name/Title: Cindy Charan/ HRS Director

Department Number: 40 Department Name: SFPUC HRS

Personnel File Forwarded? Yes No

Forwarded to:
Department: _____ Contact: _____

DHR USE ONLY

Action Pending? Yes No

Analyst Name _____ Telephone _____

SR Ref Number: _____ Holdover Canvass: _____

Reference Number used for layoff actions: _____

June 6, 2017, San Francisco Chronicle Article: Study: Oakland Police Act More
Respectful to Whites

Attachment 2

Study: Oakland police act more respectful to whites

By Vivian Ho

Oakland police officers tend to speak less respectfully to black people than to white people during traffic stops, using language in these everyday interactions that can erode community faith in the police, according to a first-of-its-kind study of body-camera footage released Monday by Stanford researchers.

An analysis of 981 traffic stops made by 245 Oakland officers in April 2014 found that officers were more apt to use terms of respect such as "sir," "ma'am," "please" and "thank you" when dealing with white motorists when compared with black ones. They apologized to white people more frequently for having to stop them, and expressed concern, telling them to "drive safe."

After stopping black people, officers more often used terms deemed to be disrespectful, calling them by their first names, "bro" or "my man," and instructing them to keep their hands on the wheel, the study found.

"We found that the officers on average spoke fairly respectfully to people — it was just that they spoke even more respectfully to white community members than they did to black community members," said Jennifer Eberhardt, a Stanford professor who co-authored the study. "No matter how we looked at the data, there was a race gap there."

The study found that officers spoke more respectfully and more formally to older people. But the racial disparities persisted even after researchers took into consideration the severity of the infraction and the location and outcome of the stop. The race of the officer making the stop "did not contribute a significant effect," the study said.

Oakland police officials did not respond to requests for comment on the findings, but indicated they may discuss the report in detail in the near future. The city cooperated in the study, which was part of an ongoing collaboration between the Police Department and Eberhardt, an expert on racial profiling.

The rise of police wearing body cameras has been embraced by both officers and police watchdogs as a way to collect evidence about confrontations that may come into dispute. But in the past, the footage has generally shed light on critical incidents like shootings, instead of offering a window into everyday interactions.

The Stanford researchers said their work showed that the videos could be tapped as a "rich source of data" and, in turn, become a training tool.

"The reason we chose to look at respect in particular is because we know from other research on procedural justice that respect is important to people," Eberhardt said. "You build trust with the community one interaction at a time. We were interested in looking at these more common everyday interactions that everybody was having, rather than these high-profile cases where you're trying to adjudicate who was right or wrong."

The researchers used a two-step process to dig into 183 hours of footage.

First, they had human participants look at transcripts of a sampling of officer "utterances," as well as what drivers said immediately beforehand, and rate the police communication in terms of respect. They then analyzed what about each utterance was judged to be respectful, and developed a computer program that applied the model to the rest of the footage.

For example, an utterance such as, "Sorry to stop you. My name is Officer (Redacted) with the Police Department" ranked higher in respect than, "All right, my man. Do me a favor. Just keep your hands on the steering wheel real quick."

The study found that white people were 57 percent more likely to hear an officer say something judged to be highly respectful, while black people were 61 percent more likely to hear an officer say something judged to be extremely disrespectful.

George Holland Sr., president of the Oakland chapter of the NAACP, said the study validated much of what he has heard from community members.

"People in certain communities tell each other that you better be wearing a white shirt and a tie so you'll get better treatment," he said. "Most of us learn at a very early age that the police are our enemy. It shouldn't ever be that way."

Eberhardt cautioned that the findings do not prove bias or wrongdoing in individual cases or on the part of individual officers.

"Our main point is that there are language disparities here that can be driven by a number of different factors and they can emerge even when officers don't hold any racial animus against blacks or any awareness that there are these differences in language use," she said.

A previous study led by Eberhardt, published last year, found that Oakland officers were four times as likely to search African American men as white men during a traffic or pedestrian stop. Addressing "abnormalities or possible bias remains one of the last tasks that the department must complete to satisfy the independent federal monitor.

There have been previous indications, though, that Oakland's adoption of body cameras starting in late 2010 has improved policing in the city, including a big drop in the number of use-of-force complaints made against officers.

While an officer's treatment of a person during a traffic stop may seem small in the scheme of things, Alicia Garza, an Oakland activist who co-founded Black Lives Matter, said it's important to

see the interactions "as examples of larger patterns that have real tangible outcomes for people's lives."

"In a traffic stop, if an officer is kind, courteous and discreet, that traffic stop is less likely to result in a loss of life," she said. "Oftentimes when we talk about race and racism, we talk about individualized actions between people. But what Dr. Eberhardt's study is really pointing to is the ways people's individualized actions point to a systemic set of practices that has impacts on people's lives."

Vivian Ho is a San Francisco Chronicle staff writer. Email: vho@sfchronicle.com Twitter: @VivianHo

June 15, 2016 Email by [REDACTED] Re CM Employee Log and Docs Supporting Bullet
Points in CM Employee Log

Attachment 3

Narbaitz, Dena

From: Gardunio, Rachel
Sent: Friday, April 27, 2018 10:02 AM
To: Narbaitz, Dena
Subject: FW: CM Employee Log
Attachments: Log.docx; FW: 8A Application and Checklist; FW: Contractors Coach Workshop - May 27th; FW: CWSRF/DWSRF; FW: Firm Profiling Working Meeting; FW: Green Infrastructure Construction Trainings for WW-605R Mission and Valencia Streets Green Gateway; FW: Meeting re Upcoming City Contracting Opportunities; Invitation: OCME - Bidders and LBE Meet and Greet Session @ Mon Dec 7, 2015 1:30pm - 3:30pm; Can you restore Plan Room Page; CLARK Construction, Meet and Greet will be held at the CAC, 5 Thomas Mellon Circle, #168, San Francisco, CA 94124; Complete list of LBE contacts; Contractors to be added to outreach list; DBE/WBE Requirements; Draft Release of Liability for Center; RE: Business meeting; RE: Center Coverage Tuesday Night; RE: Clark class; RE: Contractor need ; Re: Contractors Assistance Center; Re: Good morning; RE: In Advance of Our Meeting Tomorrow; RE: Meeting to Discuss LBE PUC Certification; Re: Mtg Request ; RE: Office of the Chief Medical Examiner Meet and Greet Session Monday, December 7, 2015; RE: REAtty. Gen. Opinion on authority for SRF; RE: Small Business Expo 2015; Re: Vacation Leave; RE: Vacation; RE: WW-606; RE: YCAT-C; REAtty. Gen. Opinion on authority for SRF; SBA Courses for Small Business in San Francisco; Small Business Expo; Support Services - Construction; Untitled; Webcor Prequalification Draft Summary; RE: ; RE: 94124 catering firm

Rachel Gardunio

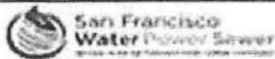
Manager

Employee Relations/EEO Programs, HRS

Tel: (415) 554-2422 | Fax: (415) 554-1529

rgardunio@sfgwater.org

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



From: Ordikhani, Masood
Sent: Wednesday, June 15, 2016 7:33 PM
To: Leeming, Elaine; Fine, Ivy; Gardunio, Rachel
Subject: FW: CM Employee Log

Forwarding the email [REDACTED] just sent. My understanding is that the "Log" document provides context for the emails that are attached relating to performance issues, inaccurate timekeeping, etc.

From: [REDACTED]
Sent: Wednesday, June 15, 2016 7:24 PM
To: Ordikhani, Masood
Subject: CM Employee Log

Issues during the Course of Craig Martin's Employment

- May 27, 2015: Craig Martin scheduled time out of the office to attend a training event that would potentially benefit Contractors Assistance Center ("Center") clients. The event actually occurred the day before Craig Martin scheduled his time of out of the office and traveled to the event.
- June 22, 2015: I asked Craig Martin to help find contractors that bid on similar scopes of work at similarly situated agencies in the Bay Area in order to broaden the Center's outreach capabilities and increase potential bidders from the SFPUC. I gave him clear instructions on how and where to search for the contractors through the other agencies websites and bidding records. He pursued the project by asking the people that I was working with and for on the project for lists of contractors. I ultimately had to pull together a list of contractors from other agencies websites myself.
- June 29, 2015: Craig Martin expressed interest in revising and finalizing a Release of Liability for the services that would be provided by the Center to its clients. I provided him with the working draft copy I had developed to work from. I do not have any written work product from him.
- August 4, 2015: I asked Craig Martin to review and provide a summary of Webcor's prequalification application with executive summaries of the application process and the documents that Webcor provided as templates of the things they require in their application process. This summary was intended as a guide and reference for Center clients that would be part of a pilot to ameliorate the onerous nature of Webcor's prequalification application. All that was produced was a list of the documents provided by Webcor.
- September 9, 2015: Based on some green infrastructure training that we put together at the Center, Craig Martin expressed interest in trying to identify and specifically assist contractors get trained on green infrastructure technology and construction techniques. I provided him the underlying outreach message and programming that we had developed thus far. I do not have any work product from Craig Martin related to this.
- September 17, 2015: Craig Martin scheduled time out of the office to attend a small business expo as a networking and learning opportunity on behalf of the Center. The time he scheduled out of the office and traveled to the expo was the day after the event.
- September 29, 2015: I asked Craig Martin to review a "How to do Business with the City" guide that the Office of Contract Administration created for context and recommendations on how to revise and update the guide. I do not have any written work product.
- October 27, 2015: I asked Craig Martin to brainstorm and identify categories of work (based on LBE certification categories) that are ancillary and supportive to construction and professional services contractors on SFPUC projects. Ideally, increased outreach to these categories would yield increased opportunities for LBEs on SFPUC contracts. Ultimately, he provided a list of specific contractors in ancillary/support categories, but not the categories that could be outreached to more broadly and repeatedly.
- November 12, 2015: Based on expressed interest to learn about additional training and programming that is available for small businesses in the Bay Area, Craig Martin attended a training at the Small Business Administration. As part of his attendance at the training, he was asked to provide a memorandum on what he learned and the value of the course. He provided a list of upcoming courses that was available on the website.
- February 29, 2016: [REDACTED], Craig Martin was out on vacation, despite the other Center staff being out [REDACTED]. Additionally, he did not coordinate with anyone to cover the Center or leave a key to unlock the office (it was a new office and my first time at the new location).

- March 14, 2016 – April 29, 2016: While other staff from the Center was on vacation, I asked Craig Martin to take on a new task for the 6 weeks that the staff member was gone. Additionally, I asked the primary staff to work with Craig Martin before he left to train him on the new software program Craig Martin would have to interface with. Craig Martin did not work with the primary staff; instead he necessitated me training him by being completely incapable of performing the tasks when the primary staff left for vacation. Then while I was training him we had multiple sessions where he wrote detailed notes about the necessary steps of the procedure, but over the course of the six weeks that the primary staff was gone he was not able competently complete the assignment without my assistance – e.g. he would not follow steps that he had written out for himself, thus causing errors. Additionally, he would confuse two, similar processes that would lead to errors despite repeated direction and instruction about the distinct between the process upon which he took detailed notes.
- Early March 2016: I asked Craig Martin to review and provide edits on the newest draft of a Resource Guide that the Center produces. I do not have any written work product from Craig Martin with edits or suggested revisions, but he did acknowledge reading the document because he said he thought that it contained very helpful information.
- Late March 2016: Craig Martin began bringing his personal computer to the office. He is generally on his personal computer more than his work computer – e.g. I have had to ask him to open his work email account to respond to time sensitive issues because he was on his personal computer (e.g. I had to alert him to the email communication with Masood Ordikhani regarding his eTime entries on May 19, 2016).
- April 29, 2016, I wrote an email to Masood Ordikhani expressing concern over Craig Martin's working time for the week. He had left Monday, Wednesday and Thursday by 4:30PM that week. Then left early on Friday to make up for staying late on Tuesday. He represented that he worked until 5:30PM that week in other emails to Masood Ordikhani.
- May 2, 2016 – May 6, 2016: Craig Martin regularly answers the Contractors Assistance Center's main phone line. He has not properly communicated messages from the contracting public trying to engage the Center. This lack of communication has actually caused a disruption with outside consultants that have not been able to properly communicate with me to schedule use of the Center for work related to the SFPUC and it caused a relationship rift with that consultant.
- May 24, 2016: During a staff meeting Craig Martin expressed interest in developing some contracting models that would benefit and maximize opportunities for LBEs and specifically address a rising issue on SFPUC contracts. I asked him for any recommendations so that we could develop a proposal for a pilot contracting model. He said that he would contact lobbying/interest groups that he worked with in previous jobs for their suggestions. I do not have any recommendations or work product.
- May 25, 2016: I asked Craig Martin to assist me with the finalization of a memorandum that I was writing. Specifically, I asked him to help me confirm the legal authority for an obligation the SFPUC has to fulfill. I gave him, as reference to the obligation, a directive from the California State Water Resources Control Board explaining the obligation and a link to a website containing the relevant Code of Federal Regulations chapters where the obligation should have originated. He gave me, over the course of an hour or more, a series of irrelevant documents that talked about similar programs with similar obligations, but he did not look at the Code of Federal Regulations despite the fact that I repeatedly asked him to look there for the authority. His final effort to respond to my inquiry was to forward me an email, after the memorandum was due, forwarding communications with the California State Water Resources Control Board and attaching the original directive from the State that I had sent him.

- May 26, 2016: Craig Martin misrepresented to a Center client a conversation that he and I had in order to create a misunderstanding and foment community frustration. He told a client that they had to come to the Center in order to receive service which was not the conversation that we had. I told him, as I was leaving, with the other Center staff, for meetings at SFPUC HQ, that if a client contacted him while he was the only staff physically at the Center that afternoon he could just ask them to meet with him at the Center.
- June 10, 2016: Craig Martin left the office at 1PM while I was out getting lunch and told the other Center staff that he was leaving to attend a training and would send an email regarding his absence. Craig Martin did not return that day and had not previously mentioned a training. No email has been sent regarding his absence to my knowledge.
- Craig Martin reads the newspaper on a daily basis. He fills the majority of his time reading the newspaper.

Narbaitz, Dena

From: Martin, Craig
Sent: Tuesday, July 21, 2015 1:21 PM
To: jamesmabrey@yadejs.com
Cc: [REDACTED]
Subject: FW: 8A Application and Checklist

James:

It was a pleasure meeting you this morning. I look forward to working with to improve the profitability of your business endeavor.

Just in case you had not received this information.

The application is mainly about 3 years of financial records, tax returns, profit and loss statements on all owners of 10% or more.

It appears to be fairly straight forward. I would suggest that your tax preparer provide you with the tax returns and your bookkeeper provide the financial records.

Feel free to reach out to me for assistance.

Craig

From: [REDACTED]
Sent: Tuesday, July 21, 2015 1:00 PM
To: Martin, Craig
Subject: 8A Application and Checklist

Craig-

Here is the link to the 8A checklist and application. Please review and then begin work with James on the application.

<https://www.sba.gov/category/navigation-structure/how-apply>

Thanks,

[REDACTED]

[REDACTED]

Contractors Assistance Center
(415) 467-1057 (o) | (415) 589-0769 (c)
(415) 467-1040 (m) | (415) 467-1041 (f)
bpooles@sfwater.org | sfwater.org
acp@sfwater.org | sfwater.org/acp

San Francisco Water Power Sewer | Services of the San Francisco Public Utilities Commission



 Please consider the environment before printing this email

MENU [< Back to all topics](#)

8(a) Business Development program

The federal government tries to award at least five percent of all federal contracting dollars to small disadvantaged businesses each year.

Content

Program benefits

8(a) program qualifications

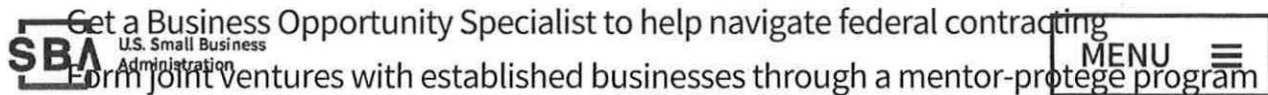
Get certified as an 8(a) small business

Program benefits

To help provide a level playing field for small businesses owned by socially and economically disadvantaged people or entities, the government limits competition for certain contracts to businesses that participate in the 8(a) Business Development program.

Disadvantaged businesses in the 8(a) program can:

Compete for set-aside contracts in the program



Get a Business Opportunity Specialist to help navigate federal contracting

Form Joint Ventures with established businesses through a mentor-protege program

Receive management and technical assistance, including business training, counseling, marketing assistance, and high-level executive development

You can compete for contract awards under multiple socio-economic programs, as they apply.

8(a) program qualifications

To qualify for the 8(a) program, follow this eligibility checklist:

Be a small business

Not already have participated in the 8(a) program

Be at least 51 percent owned and controlled by U.S. citizens who are economically and socially disadvantaged

Be owned by someone whose average adjusted gross income for three years is \$250,000 or less

Be owned by someone with \$4 million or less in assets

Have the owner manage day-to-day operations and also make long-term decisions

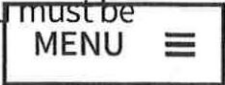
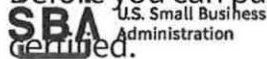
Have all its principals demonstrate good character

Show potential for success and be able to perform successfully on contracts

The federal government fully defines who qualifies for the 8(a) program — including what counts as being economically and socially disadvantaged — in Title 13 Part 124 of the Code of Federal Regulations (CFR). You can also get a preliminary assessment of whether you qualify at the SBA's Certify website.

Get certified as an 8(a) small business

Before you can participate in the 8(a) business development program, you must be certified.



To get certified as an 8(a) business, simply use the [certify.SBA.gov](https://certify.sba.gov) website. You'll need to have a profile at [SAM.gov](https://sam.gov) before you can use the certification website. The information you'll need to provide will vary based on your business structure and whether you're already participating in other SBA programs.

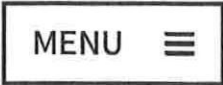
After you successfully complete your certification process through [certify.SBA.gov](https://certify.sba.gov), you should update your business profile at [SAM.gov](https://sam.gov) to show contracting officers that your business is in the 8(a) program.

You'll receive a letter in the mail informing you if your application was approved or not. If you're accepted into the program, your profile in the Dynamic Small Business Search will show your approval date and exit date for the program.

Your certification will last for a maximum of nine years. You'll need to complete annual reviews to maintain your good standing in the program.

Is your business SBA certified?

GET CERTIFIED



If you have questions about applying to the 8(a) Business Development program, contact your local SBA office.

Office of Government Contracting and Business Development
409 Third St. SW eighth floor
Washington, DC 20416
8aquestions@sba.gov

Was this article helpful?

YES

NO

Next

All Small Mentor-Protege program



What we do

SBA Team

SBA News Room

SBA Performance

FOIA

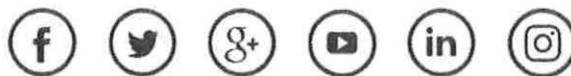
Oversight & Advocacy

Contact SBA

Privacy Policy

SBA en Español

Blog



Narbaitz, Dena

From: Martin, Craig
Sent: Wednesday, May 27, 2015 11:24 AM
To: [REDACTED]
Subject: FW: Contractors Coach Workshop - May 27th

Fyi.

This program appears to address a part of your proposal for As-Needed Specialized Technical Support Services. Merriwether & Williams sent this out.

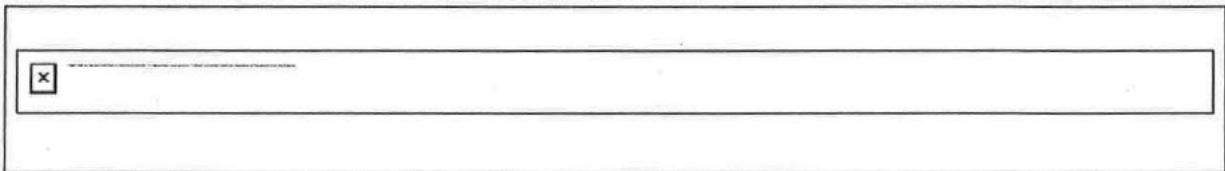
Craig

From: Martin, Renee (PRT) [mailto:renee.martin@sfport.com]
Sent: Tuesday, May 26, 2015 4:51 PM
To: Martin, Craig
Subject: Fwd: Contractors Coach Workshop - May 27th

Sent from my iPhone

Begin forwarded message:

From: Merriwether & Williams Insurance Services <cbapbonding@imwis.com>
Date: May 26, 2015 at 4:48:30 PM PDT
To: renee.martin@sfport.com
Subject: Contractors Coach Workshop - May 27th
Reply-To: cbapbonding@imwis.com



Forward this email



This email was sent to renee.martin@sfport.com by cbapbonding@imwis.com | [Update Profile/Email Address](#) | [Rapid removal with SafeUnsubscribe™](#) | [Privacy Policy](#).



The Contractors Coach | 1904 Olympic Blvd., Suite 220 | Walnut Creek | CA
| 94596

Narbaitz, Dena

From: Martin, Craig
Sent: Wednesday, May 25, 2016 2:40 PM
To: [REDACTED]
Subject: FW: CWSRF/DWSRF

Fyi.

CKM

From: Taylor, Martin@Waterboards [mailto:Martin.Taylor@waterboards.ca.gov]
Sent: Wednesday, May 25, 2016 2:36 PM
To: Martin, Craig
Subject: RE: CWSRF/DWSRF

Good Afternoon,

Here's our general info link to the CWSRF/DWSRF http://www.waterboards.ca.gov/water_issues/programs/grants_loans/. This link will provide you info on American Iron and Steel requirements, Davis-Bacon requirements, Disadvantage Business Enterprise requirements and more.



Martin Taylor
Davis-Bacon Compliance
AIS Liaison
Loan & Grant Administration Section
Division of Financial Assistance
State Water Resources Control Board
1001 "I" Street, 16th Floor, Sacramento, CA 95814
(916) 341-5416 | mtaylor@waterboards.ca.gov



From: Martin, Craig [mailto:CMartin@sfwater.org]
Sent: Wednesday, May 25, 2016 11:09 AM
To: Taylor, Martin@Waterboards
Subject: CWSRF/DWSRF

Good Morning Martin Taylor:

Can you send me the link to the EPA requirements as they apply to local agencies applying for funding under the CWSRF/DWSRF?

I am attempting to draft a memo that addresses to requirements that must be followed.
As an example, there is a US steel and iron mandate.

Thank you in advance,

Craig

Narbaitz, Dena

From: [REDACTED]
Sent: Tuesday, August 04, 2015 2:00 PM
To: Martin, Craig
Subject: FW: Firm Profiling Working Meeting

FYI. Let's Discuss. [Click here](#) to download the attachments. Ben

From: Mary Hobbs [mailto:mhobbs@webcor.com]
Sent: Friday, July 31, 2015 3:50 PM
To: [REDACTED]
Cc: Kairee Tann; Ted Huang
Subject: RE: Firm Profiling Working Meeting

Hello [REDACTED] ☺ As promised the Appendix Samples. Should you have any questions or are looking for any additional items, please just let me know.

It was very nice meeting both you and [REDACTED] and I look forward to seeing where this takes us and how we can help the Small Business community.

Thank you,

Mary Hobbs

Subcontractor Prequalification Specialist

Executive Assistant, Preconstruction/Estimating

WEBCORBUILDERS

Webcor Builders, 207 King Street, Suite 300, San Francisco, CA 94107

T 415-978-1000 D 415-278-2028 F 510-748-7977 www.webcor.com

BID DAY: F (650) 403-4100 Email bids@webcor.com



-----Original Appointment-----

From: Ted Huang
Sent: Thursday, July 30, 2015 5:42 PM
To: Kairee Tann; Mary Hobbs; [REDACTED]; Ordikhani, Masood
Subject: Firm Profiling Working Meeting
When: Friday, July 31, 2015 11:00 AM-12:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: 5 Thomas Mellon Cir Suite 168, San Francisco

Just confirming for tomorrow. Kairee will be calling in.

Thanks,

Ted

As I mentioned, I've been working with [REDACTED] and Masood on how the PUC could help facilitate LBEs (and SBEs) having most of the contractor/project relevant qualifications pre-prepared and ready to submit to both general contractors such as ourselves, who require pre-quals as well as specific CM/GC and Design-Build projects.

FYI – Masood is optional for this meeting. He's just copied.

Narbaitz, Dena

From: [REDACTED]
Sent: Wednesday, September 09, 2015 11:34 AM
To: Martin, Craig
Subject: FW: Green Infrastructure Construction Trainings for WW-605R Mission and Valencia Streets Green Gateway

Here is the latest version of the Green Infrastructure outreach email that we sent out. If we do this with a little more forethought we can actually do it through Constant Contact and make it look nice and send regular reminders. It would great if we could incorporate as many different lists as we can kind while still targeting the outreach.

From: [REDACTED] **On Behalf Of** Contractors Assistance Center
Sent: Monday, August 10, 2015 4:03 PM
To: Contractors Assistance Center
Subject: Green Infrastructure Construction Trainings for WW-605R Mission and Valencia Streets Green Gateway



MANDATORY GREEN INFRASTRUCTURE CONSTRUCTION TRAINING – ONLY SCHEDULED TRAININGS FOR WW-605R MISSION AND VALENCIA STREETS GREEN GATEWAY

You are receiving this email because you have been identified as a firm interested in the SFPUC's upcoming Green Infrastructure streetscape projects or your firm is a Local Business Enterprise certified in a category identified as having a scope of work on the WW-605R Mission and Valencia Streets Green Gateway project. In an effort to make sure that interested parties have an opportunity to attend and complete the Green Infrastructure Training, necessary to be able to bid or be listed as a subcontractor on WW-605R Mission and Valencia Streets Green Gateway project, the SFPUC has scheduled a set of the courses for August 11 and August 13. These are the only scheduled trainings in advance of the bid due date for WW-605R Mission and Valencia Streets Green Gateway. If your firm has not attended or missed a couple of the courses (even for a different project), please plan to attend.

The contract specifications for WW-605R Mission and Valencia Streets Green Gateway require that bidders, whether prime contractors or subcontractors, attend and complete the following Green Infrastructure Construction Trainings in order to be qualified to submit a bid for the contract. Only contractors directly related to the construction of Green Infrastructure features, whether prime (Class A - General Engineering Contractor) or subcontractors (Classes C-8, C-12, C-27, C-34), that have attended and completed the Green Infrastructure Construction Training will be allowed to submit bids or be listed as a subcontractor for this contract. Moreover, this training must be attended and completed by one of the firm's key personnel (firm principal, project manager or field superintendent). The requirements for attendance and completion of the Green Infrastructure Construction Training are located in the contract documents, specifically in the Instructions to Bidders, Section 00 21 13, Article 1.09 Bidder Qualifications.

The training encompasses four courses: course 1.1, course 1.2, course 2.1, and course 2.2. Attendance and completion of all four courses is required, but it is not necessary that the training have been attended in any particular order. These trainings will cover WW-605R Mission and Valencia Streets Green Gateway, WW-609R Holloway Green Street Stormwater Improvements project and likely one other project set to be advertised in late summer or early fall 2015. In addition, attendance and completion of the previous training offered in advance of WW-605 Mission and Valencia Streets Green Gateway (the first time it bid) is sufficient to bid this project.

In order to facilitate the formation of bidding teams, a sign in sheet will be passed around at each training session and the sign in sheet will be posted to the SFPUC's [website](#). Thus, prime contractors will know which subcontractors have attended and completed the training. In addition, to enforce the requirement that the training session be attended and completed by "key personnel", the SFPUC will require identification to be presented at upon signing in.

This message is intended to remind you of the available training opportunities that have been scheduled at the SFPUC's Contractors Assistance Center, located at 5 Thomas Mellon Circle, Suite 168, San Francisco, CA 94134. The available trainings before the bid due date on WW-605R Mission and Valencia Streets Green Gateway project will be provided at the following dates and times:

Course 1.1

Tuesday, August 11, 2015 at 3PM

Course 1.2

Tuesday, August 11, 2015 at 6PM

Course 2.1

Thursday, August 13, 2015 at 3PM

Course 2.2

Thursday, August 13, 2015 at 6PM

PLEASE NOTE: It is likely that Course 1.2 and Course 2.2 will start before 6PM. The second course on a given day may start shortly after the first class ends depending on the demand and the timing for the attendees (probably between 4:30 and 5PM).

Contractors Assistance Center
5 Thomas Mellon Circle, Suite 168
San Francisco, CA 94134
(415) 467-1040 (m) | (415) 467-1041 (f)
acp@sfgwater.org | sfgwater.org/acp

San Francisco Water Power Sewer | Services of the San Francisco Public Utilities Commission



**Contractors
Assistance
Center**

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ADDITIONAL RESOURCES

[See other available projects in the Center's Plan Room](#)

0202

[Check out upcoming events at the Center](#)

See additional SFPUC contracting opportunities
Find a list of all contracts currently out for bid with the City

Narbaitz, Dena

From: [REDACTED]
Sent: Tuesday, July 28, 2015 4:35 PM
To: Martin, Craig
Cc: Ordikhani, Masood
Subject: FW: Meeting re Upcoming City Contracting Opportunities

Craig-

As we discussed, here is the email that I sent to Mr. Bishop. Maybe you can try to follow up with another email or a phone call to see if we can meet with this contractor. I don't think any of the times listed below are good anymore, but we can work together to find some additional times when we can all meet.

Thanks,
[REDACTED]

From: [REDACTED]
Sent: Tuesday, July 21, 2015 1:18 PM
To: 'letsgetbusycontractors@yahoo.com'
Cc: Ordikhani, Masood
Subject: Meeting re Upcoming City Contracting Opportunities

Mr. Bishop-

Good afternoon. My name is [REDACTED] and I work at the Contractors Assistance Center which is a part of the SFPUC. I got your name from Masood Ordikhani and he mentioned that you were looking to find out about upcoming contracting opportunities with the City. To that end, I was hoping to set up a meeting between you, Masood and me, at your convenience, over the next couple of weeks. The meeting would be at 525 Golden Gate Ave, the SFPUC's headquarters. Here are some times that Masood and I have available now:

Tuesday, July 28 @ 11AM
Wednesday, July 29 after 3:30PM
Thursday, July 30 @ 11AM
Friday, July 31 @ 11AM
Tuesday, August 4 after 2:30PM
Wednesday, August 5 @ 11AM or after 3:30PM
Thursday, August 6 @ 11AM or @ 4PM
Friday, August 7 @ 11AM

Let me know if any of those times work for you. I look forward to working with you.

Thanks,
[REDACTED]

[REDACTED]
Contractors Assistance Center
(415) 467-1057 (o) | (415) 589-0769 (c)
(415) 467-1040 (m) | (415) 467-1041 (f)
bpoole@sfgwater.org | sfgwater.org
acp@sfgwater.org | sfgwater.org/acp

San Francisco Water Power Sewer | Services of the San Francisco Public Utilities Commission



San Francisco
Water
Power
Sewer

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Public Utilities Commission

Contractors Assistance Center

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Narbaitz, Dena

From: Martin, Craig
Sent: Wednesday, December 02, 2015 11:35 AM
To: Martin, Craig
Cc: [REDACTED]
Subject: Invitation: OCME - Bidders and LBE Meet and Greet Session @ Mon Dec 7, 2015 1:30pm - 3:30pm

Good Morning:

On Monday December 7, 2015, between the hours of 1:30pm to 3:30pm, CLARK Construction is having a meet and greet with the LBE community and bidders.

CLARK is the GC on the construction of the Office of Chief Medical Examiner for the City & County of San Francisco. They are reaching out to the LBE community to participate in the construction of the Chief Medical Examiner's Office. I hope you can find time to attend this meeting to make contacts for future business.

If you have any questions please feel free to contact me.

Craig

Narbaitz, Dena

From: Martin, Craig
Sent: Friday, April 08, 2016 12:54 PM
To: Capuyan, Benito; [REDACTED]
Subject: Can you restore Plan Room Page

Hi Benito: can you restore the plan room page.
I may have deleted it inadvertently.

Thanks,

Craig

Narbaitz, Dena

From: Martin, Craig
Sent: Thursday, December 03, 2015 11:48 AM
To: Martin, Craig
Cc: [REDACTED]
Subject: CLARK Construction, Meet and Greet will be held at the CAC, 5 Thomas Mellon Circle, # 168, San Francisco, CA 94124

The location was inadvertently left off the notice.

Craig

Narbaitz, Dena

From: Martin, Craig
Sent: Wednesday, December 02, 2015 11:40 AM
To: [REDACTED]
Subject: Complete list of LBE contacts

The following is a list of LBE firms contacted.

CKM

Nim, Ken <Ken.Nim@sfgov.org>; Thomas, Brian <BThomas@sfwater.org>; 'Cornell Miller' <cornellckinteriors@yahoo.com>; delilah@jwharrislaw.com; Darolyn Davis (darolyn@davis-pr.com); 'Donna Miller' <dmiller@cypressmandela.org>; eastmontbuilders@yahoo.com; 'gray@arcbuildinc.com'; guidryconcrete@comcast.net; Hallowell, Prince <phallowell@sfwater.org>; Martin Lopez, Iris <ILopez@sfwater.org>; iebooker@hotmail.com; jharris@ksjcontractors.com; Kaplan, Scott (SKaplan@sfwater.org); Kyger, Todd <TKyger@sfwater.org>; kenckinteriors@yahoo.com; 'Raymond Horne' <riglassworks@gmail.com>; randylgatewood@yahoo.com; rsilas@Calsteam.com; 'Stephanie Bettis' <sbettis@pncmobilelabs.com>; Saeli, Zelda (Zelda.Saeli@sfgov.org); 'tmtambuzi@aol.com'; Valerie Voorhies <vvv@sbeinc.com>; 'bernalhilldrywall@gmail.com'; 'Wayne H. Perry' <wperry@cornerstoneconcilium.com>; 'yjones@ycat-c.com'; 'wilcarneysplastering@gmail.com'; 'DSP' <diamondstarpolishers@gmail.com>; 'marvin@1stmaint.com'; 'jazco@mindspring.com'; 'jeanine@luminalt.com'; 'roshan@odirepro.com'; 'srjdrywall@gmail.com'

Narbaitz, Dena

From: Martin, Craig
Sent: Wednesday, June 01, 2016 8:40 AM
To: Martin Lopez, Iris; [REDACTED]; Contractors Assistance Center
Subject: Contractors to be added to outreach list

Good Morning Iris:

Please add the following firms to your list of contractors to be notified of upcoming contracting opportunities.

Mark Homes
Solar Holmes Construction
415 724 2912

April
BayareaBX

Thanks,

Craig

Narbaitz, Dena

From: Martin, Craig
Sent: Wednesday, May 25, 2016 12:37 PM
To: [REDACTED]
Subject: DBE/WBE Requirements

I have a call into the staff member assigned to the CWSRF/DWSRF on DBE/WBE requirements.
Hilda Ladema-Vasquez, 916 341-5697.

She is away from her desk. I left her a message regarding your request.
I asked that she return my call or email me.

I do not have transportation today and Yolanda said she would send a Uber driver to pick me and drop me off.

I will spend my lunch hour reviewing her issue, if you have no objection.

CKM

Narbaitz, Dena

From: [REDACTED]
Sent: Monday, June 29, 2015 11:31 AM
To: Martin, Craig
Subject: Draft Release of Liability for Center
Attachments: DRAFT Waiver of Liability.docx

Craig-


As discussed, here is the draft release of liability that I started a while back for use of the Center. I guess I cribbed it from something the YMCA was doing. Please update it and finalize it. Once I have a chance to review it, we'll ask a City Attorney to bless it. Thanks for your help.

Thanks,

[REDACTED]
Contractors Assistance Center
(415) 467-1057 (o) | (415) 589-0769 (c)
(415) 467-1040 (m) | (415) 467-1041 (f)
bpoole@sfgwater.org | sfgwater.org
acp@sfgwater.org | sfgwater.org/acp

San Francisco Water Power Sewer | Services of the San Francisco Public Utilities Commission



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RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT IN CONSIDERATION of being permitted to utilize the facilities, services and programs of the YMCA (or for my children to so participate) for any purpose, including, but not limited to observation or use of facilities or equipment, or participation in any off-site program affiliated with the YMCA, the undersigned, for himself or herself and such participating children and any personal representatives, heirs, and next of kin, hereby acknowledges, agrees and represents that he or she has, or immediately upon entering or participating will, inspect and carefully consider such premises and facilities or the affiliated program. It is further warranted that such entry into the YMCA for observation or use of any facilities or equipment or participation in such affiliated program constitutes an acknowledgment that such premises and all facilities and equipment thereon and such affiliated program have been inspected and carefully considered and that the undersigned finds and accepts same as being safe and reasonably suited for the purpose of such observation, use or participation by the undersigned and such children.

IN FURTHER CONSIDERATION OF BEING PERMITTED TO ENTER THE YMCA FOR ANY PURPOSE INCLUDING, BUT NOT LIMITED TO OBSERVATION OR USE OF FACILITIES OR EQUIPMENT, OR PARTICIPATION IN ANY OFF-SITE PROGRAM AFFILIATED WITH THE YMCA, THE UNDERSIGNED HEREBY AGREES TO THE FOLLOWING:

1. THE UNDERSIGNED, ON HIS OR HER BEHALF AND BEHALF OF SUCH CHILDREN, HEREBY RELEASES, WAIVES, DISCHARGES AND COVENANTS NOT TO SUE the YMCA, its directors, officers, employees, and agents (hereinafter referred to as "releases") from all liability to the undersigned or such children and all his personal representatives, assigns, heirs, and next of kin for any loss or damage, and any claim or demands therefore on account of injury to the person or property or resulting in death of the undersigned, whether caused by the negligence of the releases or otherwise while the undersigned or such children is in, upon, or about the premises or any facilities or equipment therein or participating in any program affiliated with the YMCA.

2. THE UNDERSIGNED HEREBY AGREES TO INDEMNIFY AND SAVE AND HOLD HARMLESS the releases and each of them from any loss, liability, damage or cost they may incur due to the presence of the undersigned or such children in, upon or about the YMCA premises or in any way observing or using any facilities or equipment of the YMCA or participating in any program affiliated with the YMCA whether caused by the negligence of the releases or otherwise.

3. THE UNDERSIGNED HEREBY ASSUMES FULL RESPONSIBILITY FOR AND RISK OF BODILY INJURY, DEATH OR PROPERTY DAMAGE to the undersigned or such children due to negligence of releases or otherwise while in, about or upon the premises of the YMCA and/or while using the premises or any facilities or equipment thereon or participating in any program affiliated with the YMCA.

THE UNDERSIGNED further expressly agrees that the foregoing RELEASE, WAIVER AND INDEMNITY AGREEMENT is intended to be as broad and inclusive as is permitted by the law

of the State of California and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

THE UNDERSIGNED HAS READ AND VOLUNTARILY SIGNS THE RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT, and further agrees that no oral representations, statements or inducement apart from the foregoing written agreement have been made.

I HAVE READ THIS RELEASE.

Narbaitz, Dena

From: [REDACTED]
Sent: Friday, August 07, 2015 4:26 PM
To: Martin, Craig
Subject: RE: Business meeting

Thank you.

From: Martin, Craig
Sent: Friday, August 07, 2015 4:26 PM
To: [REDACTED]
Subject: RE: Business meeting

No I have not.
I will follow up with him on Tuesday.

From: [REDACTED]
Sent: Friday, August 07, 2015 4:25 PM
To: Martin, Craig
Subject: RE: Business meeting

Did you ever hear back from Mr. Bishop?

From: Martin, Craig
Sent: Wednesday, July 29, 2015 9:16 AM
To: 'letsgetbusycontractors@yahoo.com'
Cc: [REDACTED]
Subject: Business meeting

Good Morning Mr. Bishop:

I am following up on the request to meet with to discuss how the Contractors Assistance Center can assist you in increasing your contracting opportunities. When you have a moment, please contact me to discuss tentative meeting dates and times.

Bests,

Craig
415-640-4803 cell

Narbaitz, Dena

From: Martin, Craig
Sent: Monday, June 22, 2015 11:35 AM
To: [REDACTED]
Subject: RE: Center Coverage Tuesday Night

I met with Brian Carlomagno last week. Spoke with Iris, she was of the opinion that we have the same list of 5 Primes. I will continue to investigate other jurisdictions for wastewater projects and their primes.

Craig

From: [REDACTED]
Sent: Monday, June 22, 2015 11:27 AM
To: Martin, Craig
Subject: RE: Center Coverage Tuesday Night

Cool, see you then. I appreciate your help. How is the research into the contractors bidding on similar agencies' projects going?

From: Martin, Craig
Sent: Monday, June 22, 2015 11:23 AM
To: [REDACTED]
Subject: RE: Center Coverage Tuesday Night

I should be there prior to 10:30 am.

From: [REDACTED]
Sent: Monday, June 22, 2015 11:21 AM
To: Martin, Craig
Subject: RE: Center Coverage Tuesday Night

We'll see you between 10:30AM and 11:00AM tomorrow? [REDACTED]

From: Martin, Craig
Sent: Friday, June 19, 2015 10:32 AM
To: [REDACTED]
Subject: RE: Center Coverage Tuesday Night

Yes, I can cover the evening of Tuesday, June 23rd.

Craig

From: [REDACTED]
Sent: Friday, June 19, 2015 9:57 AM
To: Martin, Craig
Subject: Center Coverage Tuesday Night

Craig-

I have a change of plans and need to take care of something in the evening on Tuesday, would you be available to cover the Center? The class should end by 7:30, 8PM at the latest.

Thanks,

█

█

Contractors Assistance Center
(415) 467-1057 (o) | (415) 589-0769 (c)
(415) 467-1040 (m) | (415) 467-1041 (f)
bpoole@sfgwater.org | sfgwater.org
acp@sfgwater.org | sfgwater.org/acp

San Francisco Water Power Sewer | Services of the San Francisco Public Utilities Commission



San Francisco
Water
Power
Sewer

Services of the San Francisco
Public Utilities Commission

Contractors
Assistance
Center

Please consider the environment before printing this email

Narbaitz, Dena

From: [REDACTED]
Sent: Friday, April 29, 2016 11:32 AM
To: Ordikhani, Masood
Subject: RE: Clark class

I have concerns about this. He has left at 4:30 every day this week except for Tuesday (the day of the Clark class). He has not asked permission or consulted with me...

From: Martin, Craig
Sent: Friday, April 29, 2016 11:29 AM
To: Ordikhani, Masood; [REDACTED]; [REDACTED]
Subject: Clark class

Hi Masood:

I worked Tuesday night and will be leaving early today.

Craig

Narbaitz, Dena

From: Morales, Lilli
Sent: Monday, October 26, 2015 4:10 PM
To: [REDACTED]; Martin, Craig
Cc: Hewitt, James; Chea, Emily; De Anda, Gilberto (ECN); Thomas, Brian; Nim, Ken
Subject: RE: Contractor need

Thanks for the information Craig and [REDACTED].

We have about 5+ projects with J.Flores and can check in with Gil to see if it should be one of our Local hire projects. Most of the projects are as needed but we will make sure to reach out to them and assist where we can.

Thank you again.

Lilli Morales

CityBuild | Employment Liaison
Office of Economic & Workforce Development | OEWD
1 South Van Ness, 5th Floor
San Francisco, CA 94103
Main: 415.701.4848
Direct: 415.701.4860
Fax: 415.701.4896
Email: Lilli.Morales@sfgov.org



From: [REDACTED]
Sent: Monday, October 26, 2015 3:57 PM
To: Martin, Craig (PUC) <cmartin@sfgov.org>; Thomas, Brian (PUC) <bthomas@sfgov.org>
Cc: Morales, Lilli (ECN) <lilli.morales@sfgov.org>
Subject: RE: Contractor need

Well that's good news, Craig. I'm not sure how best to approach it, but Brian the contractor is J. Flores Construction. The contact I have over there is Brian Gleghorn – he's not always the friendliest person to work with, but he might be receptive to an approach if they really need to people. I was just trying to look, but I don't seem to have a phone number or email for him. I'm sure you can find them on the internet though.

[REDACTED]

From: Martin, Craig
Sent: Monday, October 26, 2015 3:44 PM
To: [REDACTED]
Subject: FW: Contractor need

Fyi

0219

From: McDaniels, Chris
Sent: Monday, October 26, 2015 3:21 PM
To: Martin, Craig
Cc: Thomas, Brian; Morales, Lilli; Banaria, Jose; Harrison, Lewis
Subject: Re: Contractor need

Good Afternoon,

I spoke to the contractor late Friday afternoon and he stated that they were going to develop a plan over the weekend.

They stated today that they will enhance their crew size and expand schedule to expedite work.

Thanks for your efforts with this urgent matter.

Thanks,

Chris McDaniels
SFPUC - Sewer Operations Manager

Sent from my iPhone

On Oct 26, 2015, at 2:27 PM, Martin, Craig <CMartin@sewater.org> wrote:

Hi Chris:

As a follow up to our discussion last week, I mentioned your labor needs to Lilli and she suggested that you contact her.

She may be of assistance in helping your contractor resolve his labor concerns.

Craig

From: Thomas, Brian
Sent: Friday, October 23, 2015 10:08 AM
To: McDaniels, Chris
Cc: Martin, Craig
Subject: Contractor need

Chris, Craig mentioned that some of the contractors working SFPUC projects need to increase workforce in the trades of general laborer and carpenters. Can you please provide me with the contractor's business name and point of contact so that we can put some SF residents to work more specifically men and women from our community that make not have the networking relationship but have the work ethics.

Brian Thomas
Labor Relations Specialist
Labor Relations & Community Programs
Office of the Assistant General Manager, Infrastructure Division
San Francisco Public Utilities Commission
415-551-4650 cell (510) 860-0835
Bthomas@sewater.org

Narbaitz, Dena

From: Yolanda Jones <yjones@ycat-c.com>
Sent: Tuesday, May 31, 2016 2:03 PM
To: Kelly Jr, Harlan
Cc: [REDACTED]; Ordikhani, Masood; Dwanye Jones; Ellis, Juliet; Martin, Craig; Lee, Edwin
Subject: Re: Contractors Assistance Center

Thank you for clarification.
Yolanda Jones

Yolanda Jones
YCAT-C Inc.
CEO/President
280 Newhall St.
San Francisco Ca.94124
415 647-2682 office
415 647-2683 fax
415 240-9857 cell

> On May 31, 2016, at 1:43 PM, Kelly Jr, Harlan <HKelly@sfgwater.org> wrote:

>

> Yolanda, I'm responding to your email regarding the Contractors Assistance Center.

>

> The Center is a resource that I personally advocated for and created. It's located in District 10 specifically, ensuring it is accessible to the community and offers conveniences like reasonable hours of operation and parking. It was never intended to be a program where we deploy SFPUC staff to individual businesses or private homes to provide our expertise and support. Therefore, anyone who would like the services offered by the Center will need to visit them, or phone or email them, for assistance.

>

> As I'm sure you are aware, the purpose of the Center is to provide businesses with the tools to learn about City contract-related opportunities, and pursue these opportunities at their discretion. I always advise my staff to provide and facilitate general assistance and tools that contractors can apply to contracts throughout the City; I cannot have my staff work on a specific contract or for a specific contractor. For liability reasons, we do not conduct the work for a small business or advocate on their behalf.

>

> You are free to email Masood and me praising any of our staff members. We receive emails, whether praise or constructive criticism, from members of the community about our staff throughout the Department. However, while we consider the feedback we receive, we largely perform our own assessments on the effectiveness of our staff. And in general, we tend to question multiple emails from various sources on the same day regarding the same subject.

>

> We are committed to assisting and encouraging the community as much as possible, and YCAT-C's success from your experience with the Center reflects that. However, the Center must operate within the City's policies and procedures in order for it to be effective and viable, as well as serve as many community members as possible. Thank you for your understanding.

>

> Harlan

>

>

> Harlan L. Kelly, Jr.
> General Manager
> San Francisco Public Utilities Commission
>
>
> -----Original Message-----
> From: Yolanda Jones [mailto:yjones@ycat-c.com]
> Sent: Thursday, May 26, 2016 12:16 PM
> To: [REDACTED]; Ordikhani, Masood; Kelly Jr, Harlan; Dwayne Jones; Ellis, Juliet; Martin, Craig; Lee, Edwin
> Subject: Contractors Assistance Center
>
> Harland,
> I was told today that any assistance that I need I have to personally walk into the office and get assistance there.
> Harland I thought this center was to help the community?
> Sometimes it is hard to bring your staff and paperwork to the office for help.
> I ran into this problem with my financials with Kent Lim.
> So some days he came out and met with my staff and myself.
> So I am asking you why can't Craig or Kent come out to provide assistance.
> Is it mandatory that everyone come to office for support?
> Also Masood told Craig to tell me and everyone not to email you?
> Is that also your request?
> I felt as a small business owner in District 10 where all the projects are coming up, it would be only fair to let you know
as the GM that the center is definitely working with the assistance of Craig and Kent in supporting the community on
working on PUC projects.
> So I am confused is the center really here to help us?
> Or if we can't come in then the center is not that much help?
> What is the policy on support and where it is provided?
> Shall I bring the community to next commission meeting to express our frustration?
> I really hope this can be worked out.
> This program is amazing and the proof is in the pudding, how YCATC has prevailed.
> 21 people from District 10 are employed by YCATC thanks to Craig and Kent mentoring me.
> Ed Lee was at Original Joes this morning and I was unable to tell him what amazing results I have received from the
center.
> So I have copied him on this email.
> I look forward to hearing directly from you Harland.
> Thank you
> Yolanda
>
>
>
> Yolanda Jones
> YCAT-C Inc.
> CEO/President
> 280 Newhall St.
> San Francisco Ca.94124
> 415 647-2682 office
> 415 647-2683 fax
> 415 240-9857 cell

Narbaitz, Dena

From: Stephanie <sbettis@pncmobilelabs.com>
Sent: Monday, March 14, 2016 10:08 AM
To: Martin, Craig
Cc: [REDACTED]
Subject: Re: Good morning

Thank you Craig for your assistance!

I appreciate it,
Steph

Stephanie Bettis | **PNC Mobile Labs**

Ph: 415-535-9148
Fx: 650-877-0993
www.onsitesthealth.com

Sent from my iPhone

On Mar 14, 2016, at 9:58 AM, Martin, Craig <CMartin@sfwater.org> wrote:

Good Morning Stephanie:

I have reached out to William Irwin to ascertain if I can obtain a copy of the Preferred Alliance's successful response to the RFP for the WSIP, Third Part Administrator's contract.

Craig

From: Stephanie Bettis [<mailto:sbettis@pncmobilelabs.com>]
Sent: Monday, March 14, 2016 8:05 AM
To: Martin, Craig
Subject: Good morning

Hi Craig,

I hope you are adjusting to the new time change!

I was wondering if you can assist me in obtaining information regarding the RFP for the WSIP. I was looking on the site and back when PNC applied for the bid it was listed under "PROFESSIONAL SERVICES" When I try and pull it up now, nothing pulls up.

I am looking for the content of the RFP and awarding process that way we can be prepared for the SSIP when/if it rolls out.

I appreciate any guidance,

Stephanie

--

Thank you,

Stephanie Bettis

PNC Mobile Labs

ph: 415-535-9148 | fx: 650-877-0993

www.onsitesthealth.com

sbettis@pncmobilelabs.com

SBE, LBE

Narbaitz, Dena

From: Martin, Craig
Sent: Monday, September 29, 2014 3:01 PM
To: [REDACTED]
Subject: RE: In Advance of Our Meeting Tomorrow

[REDACTED]: Thanks for the heads up. We just completed the staff meeting and the subject was discussed. I am looking forward to assisting you in the review and updating the guide where needed.

Craig

From: [REDACTED]
Sent: Monday, September 29, 2014 2:34 PM
To: Martin, Craig
Subject: In Advance of Our Meeting Tomorrow

Craig-
Can you please take a look at the attached "How to do Business with the City" guide from 2006 – or as much of it as you can – before our meeting tomorrow? I think it would be beneficial. Masood and I talked about updating this guide and Masood mentioned that he would like you to work on it with me. There are two elements here, we would have to update the document and it's a good way for you to learn the framework of the City's procurement process. Let me know if you have any questions.

Thanks,
[REDACTED]

[REDACTED]
Contractors Assistance Center
(415) 467-1057 (o) | (415) 589-0769 (c)
(415) 467-1040 (m) | (415) 467-1041 (f)
bpooles@sfwater.org | sfwater.org
acp@sfwater.org | sfwater.org/acp

San Francisco Water Power Sewer | Services of the San Francisco Public Utilities Commission



San Francisco
Water
Power
Sewer

Services of the San Francisco
Public Utilities Commission

Contractors
Assistance
Center

Please consider the environment before printing this email

Narbaitz, Dena

From: [REDACTED]
Sent: Friday, August 07, 2015 10:33 AM
To: Martin, Craig
Subject: RE: Meeting to Discuss LBE PUC Certification

Craig-

Is this the guy that came in yesterday afternoon? I'm assuming he is referring to LBE certification. If his company is located in SF then we can just refer him to CMD and the LBE application – which we can help to follow up with. If his company is outside the City, but in the "service territory" then it would be great to refer him to Iris and then we can help with the details of the application.

Take a look at the following website and the different applications for more information:
<http://sfgsa.org/index.aspx?page=6723>

Let's talk about this a little bit more next week.

Thanks,
[REDACTED]

[REDACTED]
Contractors Assistance Center
(415) 467-1057 (o) | (415) 589-0769 (c)
(415) 467-1040 (m) | (415) 467-1041 (f)
bpoole@sfgsa.org | sfgsa.org
acp@sfgsa.org | sfgsa.org/acp

San Francisco Water Power Sewer | Services of the San Francisco Public Utilities Commission



Please consider the environment before printing this email

From: Martin, Craig
Sent: Friday, August 07, 2015 8:34 AM
To: [REDACTED]
Subject: FW: Meeting to Discuss LBE PUC Certification

[REDACTED]:
I am not sure what he means "PUC/SF County."
I will direct him to Iris when she returns.

Keep you posted.

Craig

From: ramon.a.gray@comcast.net [mailto:ramon.a.gray@comcast.net]
Sent: Friday, August 07, 2015 12:49 AM

To: Martin, Craig

Subject: Meeting to Discuss LBE PUC Certification

Craig,

Thanks again for taking time out to meet with me to discuss our company's goals and operational challenges. I would like to confirm our meeting for Friday at noon at Le Central at 12:30. At that meeting I would like to discuss 3 things

Getting certified to do business with PUS/SF County

The needs of our company to partner with other firms either by way of syndicate or joint venture

Our unique approach to doing business in a very competitive landscape

Please look for my calendar invitation and let me know if there are any unexpected changes.

Kind regards,

-Ramon Gray

Archipelago Builders Collective Corporation

Narbaitz, Dena

From: Yolanda Jones <yjones@ycat-c.com>
Sent: Wednesday, May 25, 2016 9:04 AM
To: [REDACTED]
Cc: Martin, Craig
Subject: Re: Mtg Request

Absolutely let me know when Craig can help us?
Thanks again
YJ

Yolanda Jones
YCAT-C Inc.
CEO/President
280 Newhall St.
San Francisco Ca.94124
415 647-2682 office
415 647-2683 fax
415 240-9857 cell

> On May 25, 2016, at 8:50 AM, [REDACTED]@sfwater.org> wrote:

>

> Craig-

> I actually need your help in the office this morning when I get in. We need to finish a memo this morning. Would this afternoon be okay to help Yolanda?

>

> [REDACTED]

>

>> On May 24, 2016, at 8:18 PM, Yolanda Jones <yjones@ycat-c.com> wrote:

>>

>> Hi Craig,

>> I want to know if you are free.

>> And no other clients need your assistance, I would appreciate it if you could help me put a paper together for Whiting-Turner I met with them in Sacramento this evening.

>> Sorry for the last minute notice.

>>

>> Thank you

>> YJ

>>

>> Yolanda Jones

>> YCAT-C Inc.

>> CEO/President

>> 280 Newhall St.

>> San Francisco Ca.94124

>> 415 647-2682 office

>> 415 647-2683 fax

>> 415 240-9857 cell

Narbaitz, Dena

From: Martin, Craig
Sent: Monday, December 07, 2015 10:07 AM
To: Tollie Green
Cc: [REDACTED]
Subject: RE: Office of the Chief Medical Examiner Meet and Greet Session Monday, December 7, 2015

We can discuss the various City agencies that provide assistance with LBE certifications.

Craig

From: Tollie Green [mailto:tollie.green@icloud.com]
Sent: Monday, December 07, 2015 9:45 AM
To: Martin, Craig
Subject: Re: Office of the Chief Medical Examiner Meet and Greet Session Monday, December 7, 2015

Mr. Craig Martin,

Thank you for the invite, and the heads up on this project. I'll be there, I actually have a very embarrassing situation that I need your assistance with, I've been trying to get certified as a lbe since my first stroke 6 years ago, I have been unsuccessful , can you help me? See you at the meet and greet.

Best,
Tollie

Thank you,
Tollie Green
415-672-8612
tollie.green@icloud.com

On Dec 7, 2015, at 8:35 AM, Martin, Craig <CMartin@sfwater.org> wrote:

Fyi

From: Martin Lopez, Iris
Sent: Friday, December 04, 2015 5:13 PM
Cc: Contractors Assistance Center
Subject: Office of the Chief Medical Examiner Meet and Greet Session Monday, December 7, 2015
Importance: High

Office of the Chief Medical Examiner Meet and Greet

Dear LBEs,

Please join Clark Construction on Monday, December 7, 2015, at a "Meet and Greet" Session with potential Prime Subcontractors for the Office of Chief Medical Examiner (OCME)

0229

Narbaitz, Dena

From: [REDACTED]
Sent: Wednesday, May 25, 2016 11:38 AM
To: Martin, Craig
Subject: RE: REAtty. Gen. Opinion on authority for SRF

Nice! I want to be a little narrower though. For instance, in the CFR can you find support for the following two sentences?

The SFPUC must maintain a Bidders List for the projects that it competitively bids (CITE). The Bidders List must include all firms that bid or quote on prime contracts, or bid or quote on subcontracts, including both DBEs and Non-DBEs (CITE).

From: Martin, Craig
Sent: Wednesday, May 25, 2016 11:25 AM
To: [REDACTED]
Subject: REAtty. Gen. Opinion on authority for SRF

Here is the AG's opinion on authority to establish a state loan fund

From: [REDACTED]
Sent: Wednesday, May 25, 2016 9:57 AM
To: Martin, Craig
Subject:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr33_main_02.tpl

Narbaitz, Dena

From: [REDACTED]
Sent: Monday, September 14, 2015 1:58 PM
To: Martin, Craig
Subject: RE: Small Business Expo 2015

Sounds good.

-----Original Message-----

From: Martin, Craig
Sent: Monday, September 14, 2015 1:55 PM
To: [REDACTED]
Subject: RE: Small Business Expo 2015

I just received it and forwarded it to you. I will look into it and get back to you.

Craig

-----Original Message-----

From: [REDACTED]
Sent: Monday, September 14, 2015 12:59 PM
To: Martin, Craig
Subject: RE: Small Business Expo 2015

Are you interested in this? Is this something that you would like to attend? [REDACTED]

-----Original Message-----

From: Martin, Craig
Sent: Monday, September 14, 2015 12:32 PM
To: [REDACTED]
Subject: FW: Small Business Expo 2015

Fyi

-----Original Message-----

From: Martin, Craig
Sent: Monday, September 14, 2015 12:31 PM
To: Martin, Craig
Subject: Small Business Expo 2015

<http://www.thesmallbusinesssexpo.com/>

Narbaitz, Dena

From: [REDACTED]
Sent: Tuesday, May 24, 2016 6:52 AM
To: Ordikhani, Masood
Subject: Re: Vacation Leave

No. This is the first I am hearing of it. The next vacation I am aware of is one in October. [REDACTED]

On May 23, 2016, at 11:07 AM, Ordikhani, Masood <MOrdikhani@sfwater.org> wrote:

He coordinate this with you?

From: Martin, Craig
Sent: Monday, May 23, 2016 8:47 AM
To: Ordikhani, Masood; [REDACTED]; Walton, Verma (PUC)
Subject: Vacation Leave

Good Morning: I am requesting vacation time on June 30, 2016 and July 1, 2016.

Craig K. Martin

Narbaitz, Dena

From: [REDACTED]
Sent: Monday, February 29, 2016 1:51 PM
To: Martin, Craig; Walton, Verma (PUC); [REDACTED]
Subject: RE: Vacation

Do you guys know if there is supposed to be a Clark Construction class down here tomorrow (3/1) – I assume that there is, but I just wanted to confirm with you all? I just want to make sure that I make plans to cover it, if in fact there is one.
Thanks, [REDACTED]

From: Martin, Craig
Sent: Friday, February 05, 2016 9:02 AM
To: Ordikhani, Masood; Walton, Verma (PUC); [REDACTED]
Subject: Vacation

Good Morning Masood:

I would like to extend my vacation days from February 29, thru March 2nd, returning on March 3rd.

I am also requesting vacation time from October 24th thru November 11th 2016.

Craig

Narbaitz, Dena

From: Martin, Craig
Sent: Tuesday, April 19, 2016 3:43 PM
To: [REDACTED]
Subject: RE: WW-606

I cannot get the black type to turn blue in the plan room window.

I may have save a wrong window.

Craig

From: [REDACTED]
Sent: Tuesday, April 19, 2016 2:11 PM
To: Martin, Craig
Subject: RE: WW-606

From: Martin, Craig
Sent: Tuesday, April 19, 2016 11:42 AM
To: [REDACTED]
Subject: WW-606

Oceanside Water Pollution Control Plant Door and Building 930 Exterior and Awning Improvements

Narbaitz, Dena

From: Martin, Craig
Sent: Thursday, May 26, 2016 1:09 PM
To: [REDACTED]
Subject: RE: YCAT-C

[REDACTED]: Before you left yesterday, you instructed me to tell Yolanda that she had to come to the office if she wanted my assistance.

I think that you should convey the message yourself.

CKM

From: [REDACTED]
Sent: Thursday, May 26, 2016 12:11 PM
To: Martin, Craig
Subject: Re: YCAT-C

Craig, I'm not sure what this is in reference to. We have not spoken today. [REDACTED]

On May 26, 2016, at 9:06 AM, Martin, Craig <CMartin@sfwater.org> wrote:

[REDACTED]:

In response to your instruction that I inform Yolanda Jones that pursuant to your instructions, that she must come to the CAC to meet with, I request that you convey the message to her directly. I do not have an objection to meeting with her at her office.

Craig

Narbaitz, Dena

From: Martin, Craig
Sent: Wednesday, May 25, 2016 11:25 AM
To: [REDACTED]
Subject: REAtty. Gen. Opinion on authority for SRF
Attachments: 3e_atty_general_opinion.pdf

Here is the AG's opinion on authority to establish a state loan fund

From: [REDACTED]
Sent: Wednesday, May 25, 2016 9:57 AM
To: Martin, Craig
Subject:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr33_main_02.tpl

ARD '8

JANUARY

BERMANN
J. PUTMAN
E. TORGUSON

FROM: JESSE DIAZ

Jim Winchell
O Ceq W61
4th Fl Ec Bd
Ex Dir
Hqps
Ding

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

April 30, 1987

RECEIVED
MAY 1 1987

EXECUTIVE OFFICE

Mr. W. Don Maughan, Chairman
State Water Resources Control Board
901 P Street
Sacramento, CA 95814

Dear Mr. Maughan:

Inasmuch as the State Water Resources Control Board is the state agency statutorily authorized by Water Code Section 13160 to exercise any powers delegated to the state by the federal Clean Water Act, I hereby delegate to the State Water Resources Control Board any authorities and powers conferred upon me as Governor under the federal Clean Water Act. This includes, but is not limited to, the powers and authorities conferred under Title VI, Water Pollution Control Revolving Loan Funds.

Most cordially,
George Deukmejian
George Deukmejian

sp

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



350 McALLISTER STREET, ROOM 6000
SAN FRANCISCO 94102
(415) 557-2544

May 3, 1989

(415) 557-0767

United States Environmental
Protection Agency
Region 9
215 Fremont Street
San Francisco, CA 94105

To whom it may concern:

AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD TO IMPLEMENT
A STATE REVOLVING FUND PURSUANT TO TITLE VI OF THE FEDERAL CLEAN
WATER ACT

I have been asked to review and certify the authority of the State Water Resources Control Board (State Board) to implement a State Revolving Fund Program in accordance with the provisions of Title VI of the federal Clean Water Act. More specifically, I have been asked to certify that the state law establishing the State Revolving Fund Program and the powers it confers are consistent with State law and that the State may legally bind itself to the terms of the capitalization grant agreement.

The federal Clean Water Act (33 U.S.C.A. § 1251 et seq.) was amended in 1987 to add Title VI thereto. (Id., §§ 1381 - 1387.) Title VI provides for federal funding of state-established revolving funds, any such fund being commonly referred to as a State Revolving Fund (SRF). (Id., § 1381.) The SRF is to provide perpetual loan funding and other types of financial assistance for construction of publicly owned wastewater treatment works. (Id.) The SRF may also fund implementation of nonpoint source management programs and development and implementation of estuarine conservation and management plans. (Id.) The SRF is eligible for substantial federal funding if certain federal conditions are met. Among these conditions are requirements that the state establish an SRF which complies with the requirements of Title IV of the federal Act (id., § 1383(a)), that there be a state instrumentality authorized to operate the SRF in accordance with the requirements and objectives of Title VI (id., § 1383(b)), and that the state shall enter into a capitalization grant agreement with the Administrator of EPA (id., § 1382(a)).

RECEIVED BY

MAY 12 1989

OFFICE OF THE
CHIEF COUNSEL

To Whom It May Concern
May 3, 1989
Page 2

With respect to establishment of a SRF in California and the authority of the State Board to operate the SRF in accordance with the requirements and objectives of Title VI of the federal Act, the State Legislature in 1987 adopted SB 1284, commonly called the Bergeson Bill. (Cal. Water Code §§ 13475-13485 (copy enclosed).) The statute was enacted expressly for the purpose of establishing state authorities consistent with the provisions and requirements of Title VI of the federal Act. (Cal. Water Code, § 13475(b).) Section 13475(a) provides as follows:

"The Legislature hereby finds and declares that since the federal Clean Water Act [citation omitted] provides for establishment of a perpetual water pollution control revolving loan fund, which will be partially capitalized by federal contributions, it is in the interest of people of the state, in order to ensure full participation by the state under the federal Clean Water Act, to enact this chapter to authorize the state to establish and implement a state/federal water pollution control revolving fund in accordance with federal provisions, requirements, and limitations."

At section 13575(b), the statutory language expressly notes that the "primary purpose" of the legislation "is to enact a statute consistent with the provisions and requirements of the federal Clean Water Act as those provisions, requirements, and limitations relate to establishment, management, and operation of a state/federal water pollution control revolving fund" and that "[i]t is the intent of the Legislature that the terms of this [statute] shall be liberally construed to achieve this purpose."

The statutory provisions of the Bergeson Bill essentially mirror the terms of Title VI. The statute creates a State Water Pollution Control Revolving Fund, and authorizes and directs the State Board to administer the Fund in accordance with the requirements and objectives of the federal Act. (Id., §§ 13477, 13479, 13480.) Moneys in the SRF are to be used only for purposes permitted by the federal Act. (Id., § 13480(a).)

State law specifically authorizes the State Board to enter into a capitalization grant agreement with the federal government and the Board may legally bind itself to the terms of such agreement. (Id., §§ 13478(a) and 13479(b)). Section 13478 generally authorizes the State Board to "[e]nter into agreements with the federal government for federal contributions to the fund." Section 13479 discusses agreements with the federal government

To Whom It May Concern
May 4, 1989
Page 3

for federal contributions to the fund. Subsection 13479(b) expressly provides that "[a]ny agreement between the board and the federal government shall contain those provision, terms, and conditions required by the federal act, and any implementing federal rules, regulations, guidelines, and policies." Accordingly, the State Board is authorized to bind itself to the terms of the capitalization grant agreement.

The Bergeson Bill constitutes the law of the State of California. We are not aware of any state law that is inconsistent with the provisions of the Bill. In the event the Bergeson Bill is challenged as being inconsistent with state law, according to our best judgment, the courts are more likely to uphold the validity of the Bill for several reasons. First, the Legislature has stated its intent that the state be authorized to establish and implement a SRF in accordance with federal law. (Cal. Water Code § 13475.) The Legislature has stated its intent that the terms of the Bill be "liberally construed to achieve this purpose." (Id., § 13475(b).) Second, the rules of statutory construction require the reviewing court to interpret statutes to avoid any inconsistency and to harmonize apparent inconsistencies. (See Fuentes v. Workers' Comp. Appeals Bd. (1976) 16 Cal.3d 1, 7; Warne v. Harkness (1955) 60 Cal.2d 579, 588.) Third, in the event of an irreconcilable inconsistency, the courts will give precedence to the more specific statute over the more general statute. (See Assoc. Home Builders etc. Inc. v. City of Livermore (1976) 18 Cal.3d 582, 596; American Friends Service Comm. v. Procnier (1973) 33 Cal.App.3d 252, 263.) In that the Bergeson Bill is a detailed comprehensive statute which provides the specific authorities necessary to implement the SRF, the Bergeson Bill is most likely the more specific statute.

Based upon the foregoing, and after review of applicable requirements, I hereby certify that:

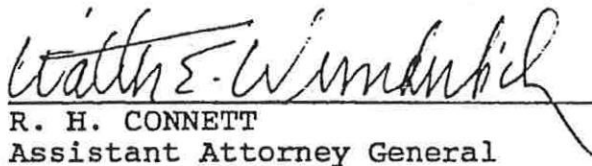
1. State law has established a water pollution control revolving fund which complies with the requirements of Title VI of the federal Clean Water Act, and the State Board is authorized to administer and operate that fund in accordance with the requirements and objectives of said Title VI.
2. State law specifically authorizes the State Board to enter into a capitalization grant agreement with the federal government and the Board may legally bind itself to the terms of such an agreement.

To Whom It May Concern
May 3, 1989
Page 4

3. The powers conferred by California Water Code sections 13475 through 13485 are consistent with state law.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

for 
R. H. CONNETT
Assistant Attorney General

Narbaitz, Dena

From: Martin, Craig
Sent: Thursday, November 12, 2015 3:18 PM
To: Ordikhani, Masood; [REDACTED]; Kent Lim (kentmlim@gmail.com)
Subject: SBA Courses for Small Business in San Francisco
Attachments: The San Francisco Small Business Administration.docx

Memorandum

Date: November 12, 2015

To [REDACTED]

Cc: Masood Ordikhani, [REDACTED]

The San Francisco Small Business Administration, conducts various training courses for small business, all courses are free.

The courses are present by attorneys through the Attorney's Committee for Civil Rights, SF Community Business Law Center and SF Small Business Development Center. If the business owner is low income, all subsequent services are free, including consultation with an attorney to guide them through the process of starting and managing a business. The business law, accounting and negotiating leases would be applicable to construction firms.

Registration and additional Information is available at www.sbatraining.eventbrite.com

The November 2015 schedule:

Maintaining Tax Records

How to prepare Schedule C

How to manage Unemployment Insurance

Business Law Explained Simply for Startups

Financial Analysis for Small Business

How to start a Small Business

Understand Your Financial Structure

The December schedule of courses includes:

December 1, 2015

Starting a Small Business in California

State Payroll Tax Workshop

How to Write an Independent Contractor Agreement

Small Business Bookkeeping

Memorandum

Date: November 12, 2015

To [REDACTED]

Cc: Masood Ordikhani, [REDACTED]

How to Start and manage a Small Business

Narbaitz, Dena

From: Martin, Craig
Sent: Tuesday, September 15, 2015 11:16 AM
To: [REDACTED]
Cc: [REDACTED]; Martin Lopez, Iris
Subject: Small Business Expo

[REDACTED]:

I will be attending the Small Business Expo on Friday.

<http://www.thesmallbusinessexpo.com/>

Craig

Narbaitz, Dena

From: Martin, Craig
Sent: Tuesday, October 27, 2015 8:59 AM
To: [REDACTED]
Subject: Support Services - Construction
Attachments: LBE subs SSIP 10-27-15.xlsx

[REDACTED]:

Attached is my list of LBEs that provide construction services.

Craig

Narbaitz, Dena

From: [REDACTED]
Sent: Wednesday, May 25, 2016 9:56 AM
To: Martin, Craig
Attachments: dbe_compliance_guidelines_instructions.pdf

California State Water Resources Control Board
Division of Financial Assistance (Division)
1001 I Street • Sacramento, California 95814 • (916) 341-5700 FAX (916) 341-5707
Mailing Address: P. O. Box 944212 • Sacramento, California • 94244-2120
Internet Address: <http://www.waterboards.ca.gov>

**Guidelines for Meeting the California State Revolving Fund (CASRF) Programs
(Clean Water and Drinking Water SRF)
Disadvantaged Business Enterprise (DBE) Requirements**
(Revised April 24, 2015)

The DBE Program is an outreach, education, and objectives program designed to increase the participation of DBEs in the CWSRF/DWSRF Programs:

How to Achieve the Purpose of the Program

Recipients of CWSRF/DWSRF financing that are subject to the DBE requirements (recipients) are required to seek, and are encouraged to use, DBEs for their procurement needs. Recipients should award a "fair share" of sub-agreements to DBEs. This applies to all sub-agreements for equipment, supplies, construction, and services.

The key functional components of the DBE Program are as follows.

- Fair Share Objectives
- DBE Certification
- Six Good Faith Efforts
- Contract Administration Requirements
- DBE Reporting

Disadvantaged Business Enterprise's are:

- entities owned and/or controlled by socially and economically disadvantaged individuals as described by Title X of the Clean Air Act Amendments of 1990 (42 U.S.C. 7601 note) (10% statute), and Public Law 102-389 (42 U.S.C. 4370d) (8% statute), respectively;
- a Minority Business Enterprise (MBE) are entities that are at least 51% owned and/or controlled by a socially and economically disadvantaged individual as described by Title X of the Clean Air Act Amendments of 1990 (42 U.S.C. 7601 note), and Public Law 102-389 (42 U.S.C. 4370d), respectively.
- a Women Business Enterprise (WBE) are entities that are at least 51% owned and/or controlled by women.
- a Small Business Enterprise (SBE);
- a Small Business in a Rural Area (SBRA);
- a Labor Surplus Area Firm (LSAF); or
- an Historically Underutilized Business (HUB) Zone Small Business Concern or a concern under a successor program.

Certifying DBE Firms:

Under the DBE Program, entities can no longer self-certify and contractors and sub-contractors must be certified at bid opening. Contractors and sub-contractors must provide to the CASRF recipient proof of DBE certification. Certifications will be accepted from the following:

- The US Environmental Protection Agency (USEPA)
- The Small Business Administration(SBA);
- The Department of Transportation's State implemented DBE Certification Program (with U.S. citizenship);
- Tribal, State and Local governments;
- Independent private organization certifications.

If an entity holds one of these certifications, it is considered acceptable for establishing status under the DBE Program.

Six Good Faith Efforts (GFE)

All CWSRF/DWSRF financing recipients are required to complete and ensure that the prime contractor complies with the GFE below to ensure that DBEs have the opportunity to compete for financial assistance dollars.

1. Ensure DBEs are made aware of contracting opportunities to the fullest extent practical through outreach and recruitment activities. For Tribal, State and Local Government Recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
2. Make information on forthcoming opportunities available to DBEs. Posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid opening date.
3. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs.
4. Encourage contracting with a group of DBEs when a contract is too large for one firm to handle individually.
5. Use the services and assistance of the SBA and/or Minority Business Development Agency (MBDA) of the US Department of Commerce.
6. If the prime contractor awards subcontracts, require the prime contractor to take the above steps.

The forms listed in the table below and attached to these guidelines; must be completed and submitted with the GFE:

FORM NUMBER	FORM NAME	REQUIREMENT	PROVIDED BY	COMPLETED BY	SUBMITTED TO
EPA 6100-2	DBE Sub-Contractor Participation Form	As Needed to Report Issues	Recipient	Sub-Contractor	EPA DBE Coordinator
EPA 6100-3	DBE Sub-Contractor Performance Form	Include with Bid or Proposal Package	Prime Contractor	Sub-Contractor	SWRCB by Recipient
EPA 6100-4	DBE Sub-Contractor Utilization Form	Include with Bid or Proposal Package	Recipient	Prime Contractor	SWRCB by Recipient

The completed forms must be submitted with each Bid or Proposal. The recipient shall review the bidder's documents closely to determine that the GFE was performed **prior** to bid or proposal opening date. Failure to complete the GFE and to substantiate completion of the GFE before the bid opening date could jeopardize CWSRF/DWSRF financing for the project. The following situations and circumstances require action as indicated:

1. If the apparent successful low bidder was rejected, a complete explanation must be provided;
2. Failure of the apparent low bidder to **perform** the GFE **prior** to bid opening constitutes a non-responsive bid. The construction contract may then be awarded to the next low, responsive, and responsible bidder that meets the requirements or the Recipient may re-advertise the project.
3. If there is a bid dispute, all disputes shall be settled **prior** to submission of the Final Budget Approval Form.

Administration Requirements

- A recipient of CWSRF/DWSRF financing must require entities receiving funds to create and maintain a Bidders List if the recipient of the financing agreement is subject to, or chooses to follow, competitive bidding requirements;
- The Bidders list must include all firms that bid or quote on prime contracts, or bid or quote on subcontracts, including both DBEs and non-DBEs.

- Information retained on the Bidder's List must include the following:
 1. Entity's name with point of contact;
 2. Entity's mailing address and telephone number;
 3. The project description on which the entity bid or quoted and when;
 4. Amount of bid/quote; and
 5. Entity's status as a DBE or non-DBE.
- The Bidders List must be kept until the recipient is no longer receiving funding under the agreement.
- The recipient shall include Bidders List as part of the Final Budget Approval Form.
- A recipient must require its prime contractor to pay its subcontractor for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the Recipient.
- A recipient must be notified in writing by its prime contractor prior to any termination of a DBE subcontractor by the prime contractor.
- If a DBE subcontractor fails to complete work under the subcontract for any reason, the recipient must require the prime contractor to employ the six GFEs if soliciting a replacement subcontractor.
- A recipient must require its prime contractor to employ the six GFEs even if the prime contractor has achieved its fair share objectives.

Reporting Requirements

For the duration of the construction contract(s), the recipient is required to submit to the State Water Resources Control Board DBE reports annually by October 10 of each fiscal year on the attached Utilization Report form (UR-334). Failure to provide this information as stipulated in the financial agreement language may be cause for withholding disbursements.

CONTACT FOR MORE INFORMATION

SWRCB – CASRF Barbara August (916) 341-6952 barbara.august@waterboards.ca.gov
US-EPA Region 9 – Joe Ochab (415) 972-3761 ochab.joe@epa.gov.

Revised October 13, 2015



United States
Environmental Protection
Agency

OMB Control No: 2090-0030
Approved: 8/13/2013
Approval Expires: 8/31/2015

**Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Participation Form**

An EPA Financial Assistance Agreement Recipient must require its prime contractors to provide this form to its DBE subcontractors. This form gives a DBE subcontractor² the opportunity to describe work received and/or report any concerns regarding the EPA-funded project (e.g., in areas such as termination by prime contractor, late payments, etc.). The DBE subcontractor can, as an option, complete and submit this form to the EPA DBE Coordinator at any time during the project period of performance.

Subcontractor Name		Project Name	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address			
Telephone No.		Email Address	
Prime Contractor Name		Issuing/Funding Entity:	

Contract Item Number	Description of Work Received from the Prime Contractor Involving Construction, Services, Equipment or Supplies	Amount Received by Prime Contractor

¹ A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

² Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



United States

OMB Control No: 2090-0030

Environmental Protection Agency

Approved: 8/13/2013
Approval Expires: 8/31/2015

Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Participation Form

Please use the space below to report any concerns regarding the above EPA-funded project:

Subcontractor Signature	Print Name
Title	Date

The public reporting and recordkeeping burden for this collection of information is estimated to average three (3) hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.



United States Environmental Protection Agency

OMB Control No: 2090-0030
 Approved: S/13/2013
 Approval Expires: 8/31/2015

Disadvantaged Business Enterprise (DBE) Program
 DBE Subcontractor Performance Form

This form is intended to capture the DBE subcontractor's² description of work to be performed and the price of the work submitted to the prime contractor. An EPA Financial Assistance Agreement Recipient must require its prime contractor to have its DBE subcontractors complete this form and include all completed forms in the prime contractor's bid or proposal package.

Subcontractor Name		Project Name	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address			
Telephone No.		Email Address	
Prime Contractor Name		Issuing/Funding Entity:	

Contract Item Number	Description of Work Submitted to the Prime Contractor Involving Construction, Services, Equipment or Supplies	Price of Work Submitted to the Prime Contractor
DBE Certified By: <input type="radio"/> DOT <input checked="" type="radio"/> SBA <input checked="" type="radio"/> Other: _____		Meets/ exceeds EPA certification standards? <input checked="" type="radio"/> YES <input type="radio"/> No <input type="radio"/> Unknown

¹ A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

² subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



United States
Environmental Protection
Agency

OMB Control No: 2090-0030
Approved: S/13/2013
Approval Expires: 8/31/2015

**Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Performance Form**

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 (c).

Prime Contractor Signature	Print Name
Title	Date

Subcontractor Signature	Print Name
Title	Date

The public reporting and record keeping burden for this collection of information is estimated to average three (3) hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.



**Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Utilization Form**

This form is intended to capture the prime contractor's actual and/or anticipated use of identified certified DBE1 subcontractors2 and the estimated dollar amount of each subcontract. An EPA Financial Assistance Agreement Recipient must require its prime contractors to complete this form and include it in the bid or proposal package. Prime contractors should also maintain a copy of this form on file.

Prime Contractor Name		Project Name	
Bid/ Proposal No.	Assistance Agreement ID No. (if known)	Point of Contact	
Address			
Telephone No.		Email Address	
Issuing/Funding Entity:			

I have identified potential DBE certified subcontractors		..Q. YES	IE2_ NO
If <i>yes</i> , please complete the table below. If <i>no</i> , please explain:			
Subcontractor Name/ Company Name	Company Address/ Phone/ Email	Est. Dollar Amt	Currently DBE Certified?

Continue on back if needed

¹ A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

² Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



OMB Control No: 2090-0030
Approved: B/13/2013
Approval Expires: 8/31/2015

Disadvantaged Business Enterprise (DBE) Program
DBE Subcontractor Utilization Form

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 (c).

Prime Contractor Signature	Print Name
Title	Date

The public reporting and record keeping burden for this collection of information is estimated to average three (3) hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

**STATE WATER RESOURCES CONTROL BOARD – DIVISION OF FINANCIAL ASSISTANCE
DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION
CALIFORNIA STATE REVOLVING FUNDS (CASRF)
FORM UR-334**

1. Grant/Finance Agreement Number:		2. Annual Reporting Period 10/1/ through 09/30/		3. Purchase Period of Financing Agreement:	
4. Total Payments Paid to Prime Contractor or Sub-Contractors During Current Reporting Period: \$					
5. Recipients Name and Address:			6. Recipient's Contact Person and Phone Number:		
7. List All DBE Payments Paid by Recipient or Prime Contractor During Current Reporting Period:					
Payment or Purchase Paid by Recipient or Prime Contractor	Amount Paid to Any DBE Contractor or Sub-Contractor For Service Provided to Recipient		Date of Payment (MM/DD/YY)	Procurement Type Code** (see below)	Name and Address of DBE Contractor of Sub-Contractor or Vendor
	MBE	WBE			
8. Initial here if no DBE contractors or sub-contractors paid during current reporting period:					
9. Initial here if all procurements for this contract are completed:					
10. Comments:					
11. Signature and Title of Recipient's Authorized Representative				12. Date	

Return to:
Barbara August
Division of Financial Assistance
SWRCB
PO Box 944212
Sacramento, CA 94244-2120

Barbara.August@waterboards.ca.gov
Phone: (916) 341-6952
Fax: (916) 327-7469

Procurement Type:

1. Construction
2. Supplies
3. Services (includes business services; professional services; repair services and personnel services)
4. Equipment

**STATE WATER RESOURCES CONTROL BOARD - DIVISION OF FINANCIAL ASSISTANCE
DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION
CALIFORNIA STATE REVOLVING FUNDS
INSTRUCTIONS FOR COMPLETING FORM UR-334**

- Box 1** Grant or Financing Agreement Number.
- Box 2** Annual reporting period.
- Box 3** Enter the dates between which you made procurements under this financing agreement or grant.
- Box 4** Enter the total amount of payments paid to the contractor or sub-contractors during this reporting period.
- Box 5** Enter Recipient's Name and Address.
- Box 6** Enter Recipient's Contact Name and Phone Number.
- Box 7** Enter details for the **DBE purchases only** and be sure to limit them to the current period. 1) Use either an "R" or a "C" to represent "Recipient" or "Contractor." 2) Enter a dollar total for DBE and total the two columns at the bottom of the section. 3) Provide the payment date. 4) Enter a product type choice from those at the bottom of the page. 5) List the vendor name and address in the right-hand column
- Box 8** Initial here if no DBE contractors or sub-contractors were paid during this reporting period.
- Box 9** Initial this box only if all purchases under this financing agreement or grant have been completed during this reporting period or a previous period. If you initial this box, we will no longer send you a survey.
- Box 10** This box is for explanatory information or questions.
- Box 11** Provide an authorized representative signature.
- Box 12** Enter the date form completed.

Narbaitz, Dena

From: Martin, Craig
Sent: Wednesday, August 26, 2015 1:42 PM
To: [REDACTED]
Subject: Webcor Prequalification Draft Summary
Attachments: Webcor Builders Summary of Subcontractor Prequalification Application.docx

Here is the first draft

Craig

Webcor Builders Summary of Subcontractor Prequalification Application

The application is required to be a prequalified subcontractor.

The application process is quite detailed. The benefits of completing the process are numerous.

Once prequalified the contractor/firm will be able to bid on all future Webcor projects. Additionally, many State and Local government agencies require the same or nearly identical information.

A sample of the required information is:

- General company information, including officers and directors, local where you want to do business
 - DBES Certifying Agencies
 - Insurance information
 - Safety Information program for business operations (Citations)
 - Surety Information
 - Current Financial Information (profit & loss) Audited
 - Litigation Information (lawsuits, pending claims)
 - General Contractor References
- Supporting Documentation
- Bank Credit Availability
 - Surety Capacity Letter
 - Illness, Injury Plan
 - OSHA 300 Form
 - Corrective Action Plan, any OSHA Citations summarized
 - Current Contractors License
 - Current Backlog Breakdown
 - General Liability Insurance
 - Workers Comp

Narbaitz, Dena

From: Martin, Craig
Sent: Wednesday, May 25, 2016 10:55 AM
To: [REDACTED]
Subject: RE:
Attachments: Authority.docx

Take a look at this.

CKM

From: [REDACTED]
Sent: Wednesday, May 25, 2016 9:57 AM
To: Martin, Craig
Subject:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr33_main_02.tpl

■:

The authority for the CWSRF/DWSRF is contained in Executive Orders 11625 of October 13, 1971, at 36 FR 19967, 3 CFR, 1971-1975 Comp., p. 616. The requirement of Executive Order 1625, mandates that the Agency on an annual basis, compile a data base on Minority Business Enterprises (MBE) and Wome's Business Enterprise (WBE) activity.

Executive Order 12138 (WBE) directs to take appropriate to facilitate, preserve and strengthen women's business enterprises by insuring their participation in all business related activities including procurement.

Executive Order 12432 directs each Federal Agency having substantial procurement or grant making authority to:

Develop a minority business development plan and establish programs concerning provision of direct assistance, procurement and assistance and management and technical assistance to MBEs.

Establish MBE programs consistent with Section 211 of P.L. 95-507 to develop and implement incentive techniques to encourage greater minority business subcontracting by Federal prime contractors.

Narbaitz, Dena

From: [REDACTED]
Sent: Friday, September 18, 2015 12:16 PM
To: Martin, Craig
Subject: RE: 94124 catering firm

All Good Pizza is amazing. We should definitely get them on a vendor.

It was?

From: Martin, Craig
Sent: Friday, September 18, 2015 10:34 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: 94124 catering firm

[REDACTED]:

This is the Bayview caterer.

Kristin Trahan
All Good Pizza
www.allgoodpizza.com
415-846-6960
kristinhouk@yahoo.com

\
Note:

The Small Business Conference at Fort Mason was yesterday.

Craig

June 15, 2016 Email by [REDACTED] Re Status Update and Supporting Docs

Attachment 4

Narbaitz, Dena

From: Gardunio, Rachel
Sent: Friday, April 27, 2018 9:59 AM
To: Narbaitz, Dena
Subject: FW: Status update
Attachments: Excel 2010 and Craig Martin; today; SB 854; Your Profile; RE: Etime Exceptions; Bio habitat questions; RE: planned time off; Your profile; status update 2016.06.docx

Rachel Gardunio

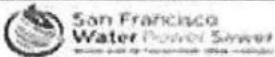
Manager

Employee Relations/EEO Programs, HRS

Tel: (415) 554-2422 | Fax: (415) 554-1529

rgardunio@sfgwater.org

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



From: Ordikhani, Masood
Sent: Wednesday, June 15, 2016 6:31 PM
To: Leeming, Elaine; Fine, Ivy; Gardunio, Rachel
Subject: FW: Status update

Forwarding [REDACTED] email documenting performance issues, specific task assignments and documented examples of performance challenges related to delivery of varying tasks/assignments, extensive efforts to train and support (particularly as it relates to Excel, software, etc.), other staff members' experiences with these performance issues, examples of inaccurate timekeeping and repeated reminders to correct and/or accurately reflect time.

From: [REDACTED]
Sent: Wednesday, June 15, 2016 6:19 PM
To: Ordikhani, Masood
Subject: Status update

Hi Masood,

I wanted to provide you with an update with respect to the job assignments and past & current tasks for Craig.

As you know, and as you, Craig and I have discussed in meetings and check-ins at various intervals from time to time, we identified a need for software skills training early on. One of this department's everyday working tools is the Windows Office Suite, which includes WORD, EXCEL, OUTLOOK, and POWERPOINT.

To address some of the early software challenges we mutually identified, in addition to the one-on-one support from various folks in the group who worked with Craig on using standard templates from our day to day activities, we also sought additional resources available to him through the SFPUC's LMS system. Human Resources did confirm with

him how to access the EXCEL courses, and I observed Craig participating in an EXCEL course on at least one occasion. Also, in trying to be helpful, and in addition to mentioning the option to utilize Education and Training funding available through his Union, I shared my personal experience with group, including Craig, of using YouTube or Google Search to better acquaint myself with certain functions in both WORD and EXCEL that I might be frequently required to utilize for common work assignments.

During this time, perhaps four months or so from the start of his LMS training, and perhaps 6 months or so from his initial start with the group, Craig's work continued to exhibit formatting errors that required staff to consider other options for who might maintain and manage these on-going reports, and to re-assess how else to better utilize Craig's skillset. We discussed re-assignment of these reports as a group and collectively identified who would complete them going forward. As a result of the re-assignment, the formatting improved and their reliability and usefulness was restored.

Notwithstanding the learning curve of becoming adept with the office software, I have provided a table with the different tasks Craig and I have discussed him doing in support of the group's overall responsibilities. Some items, highlighted in green, remain with Craig or have recently been added (last page), whereas the others (white) have been shifted to other folks who may have more capacity, or are no longer required of him.

In addition, I have provided some samples of work he has shared with me that are representative of his past production, as well as an email from a fellow colleague that reflects some of the challenges the he and others have expressed in supporting Craig's efforts to become independently productive on routine tasks.

- Notice to Contractors regarding SB 854: The request was to provide a DRAFT summary and notice of a new legal requirement affecting our contractors. Craig provided the attached document which is cut and paste from the DIR website.
- Questions for BHR Apprentices: The request was to provide a set of questions for applicants hoping to participate in the jointly developed, and highly competitive, SFPUC/Laborer specialized training program.
- Participant Stories: The request was to interview and provide some work history and data around successful JTOP participants who the SFPUC has assisted over the years through the WSIP PLA. Successful participants have seen their incomes grow, their families gain important health benefits and stability, careers flourish, and professionalism and talent blossom. The stories are profound and inspirational and are at the core of what the groups strives to achieve day in and day out. Six previously composed profile stories were shared by way of example. A lot of latitude was provided, including freedom to make site visits for one-on-one communication with the JTOP partners, contractors, on-site supervisors, etc., and weeks of time needed to craft the best stories possible.
- ETime exceptions: In order to better ensure the group is coordinated around reporting Etime and pay period exceptions, we communicate with one another about time-off requests, sick pay, etc. I have attached an example of an email from me to Craig which I sent as a reminder for Craig to ensure he correctly reported his time off for the reporting period.

Thank you,

[REDACTED]
Workforce & Economic Program Services Bureau
Infrastructure Division
San Francisco Water, Power, Sewer
415-554-3412 | [REDACTED]

*Green Scope rows signify current/ongoing tasks

Original Scope	Challenge	Follow up	Result	Revised Scope
Substance Abuse Clearances (bi-weekly report)	Basic Excel Navigation	Completed Excel Lessons through SFPUC learning center; eventually Modified Clearance Report process through IT to streamline process, led by Scott (Craig supporting)	Fewer errors as result of streamlined process	With Streamlined process, errors are limited (cut and paste); Scott receives Craig's data and processes final report
Clearance Report Procedures Manual	Lack of Familiarity with Clearance process	Requested Scott, Chanh and Valerie to assist with producing Manual	Chanh produced the majority of the work, including pasting Screen Captures of all the relevant steps	Chanh completed Manual , with Craig, Scott and Valerie assisting; however Manual is no longer necessary due to improved process (above)
WSIP Substance Abuse Testing verification; Site visits to spot check and witness Drug screenings, work with Contractors to ensure consistent reporting and procedures	Lack of familiarity with the Program and previous challenges around the reporting necessitated close coordination with Scott to help manage and oversee this effort	Plan and implementation was slow going, but eventually a plan was outlined and initiated	One or two site visits were scheduled, but other priorities, especially for Scott, became more important and pressing	With WSIP winding down, focus shifted to updating Substance Abuse Clearance Process and Providers list for SSIP; efforts spearheaded by Scott with Craig supporting
California Labor Code updates and impacts to WEPS activities (SB 854 Notification)	Familiarity with California Labor Code, basic writing and formatting abilities	Masood stepped in to provide focused tasks and management	Paired Tajuana and Craig to co-manage	TK, SK, Tajuana, and Craig all edited and revised announcements; Currently, TK works with Labor Consultant (Lin)
Present SB-854 requirement at PreBids, PreCons, and PreJobs	N/A	N/A	Task completed	N/A No longer required

Professional Services Contracts Tracking Sheet	Basic Excel navigation and formatting	After providing feedback orally, and one on one meetings ongoing challenges continued; Valerie provided from approximately April 2015 on	Assigned Valerie the day to day management of the group's weekly tracking sheets with more consistent overall results	Valerie Manages
EMB tracking Sheet	Basic excel navigation and formatting challenges	After providing feedback orally, and one on one meetings ongoing challenges continued; Valerie provided approximately April 2015 on	Assigned Valerie the day to day management of the group's weekly tracking sheets with more consistent overall results	Valerie Manages
First Source Tracking and program development	Familiarity with City Admin Code and OEWD implementation process, and key internal relationships	Re-assigned to Scott and Todd	<u>Report Produced by Scott</u> , with periodic review and updates as-needed	Scott and Todd Manage
Service Territory Map	Inability to create using Google Maps	Asked Chanh to assist Craig with initial set up	Chanh was able to make progress and complete task	Chanh completed the project from start to finish
Database of Client stories and bios	No direct relationship with clients, difficulty coordinating meetings/phone interviews	Paired Craig with Brian and Zelda	After receiving a few DRAFTS, results were mixed; multiple drafts and revisions were difficult to manage, and external coordination never gelled	As part of JAC report Valerie coordinates and provides first read through / proof of BT, Zelda, and JTOP agencies' stories on a quarterly basis. TK provides final edits
As-needed Analysis	Basic Excel and Word formatting and navigation	Continues to review others' work and offer edits	On-going	Craig is supporting Scott in developing the Substance Abuse Tests Provider RFQ

Research and Writing re: other Municipalities and communicating work with broader audiences	Needed additional time to become familiar with WEPS programs	Opportunity to stretch learning and bring added value to the group that requires sophisticated understanding of workforce initiatives	Not prioritized	N/A
Develop Contractor relations for stakeholder engagement program(s)	Familiarity with WEPS, SFPUC, talking points and programs; contractor needs	Spend time shadowing at CAC; Craig began to increase frequency of time spent at CAC around Aug of 2015	Ben and Prince to help train and develop scope for Craig	Ben to provide lead and manage Craig's activities through the CAC
Recent Assignments currently underway				
Original Scope	Challenge	Follow up	Result	Revised Scope
Expanded Role within Administration of the PLA substance Abuse Policy	Scott will continue to monitor closely and help provide oversight/support	TK to monitor progress		
Upload new contracts to the DIR database in accordance with SB-854	Scott to provide oversight/support	TK to monitor progress		
Upload Census Data	Chanh has provided training and can continue to provide oversight	TK to monitor progress		
PLA-covered projects Progress Meeting Minutes Review/Scanning	Difficult to attend progress meetings for all projects; having staff scan minutes for labor-related info would be useful	Craig should be able to provide summary reports of key info for each project on a weekly or bi-weekly basis		

Narbaitz, Dena

From: Vornoli, Diane M
Sent: Friday, January 30, 2015 3:01 PM
To: [REDACTED]
Subject: Excel 2010 and Craig Martin

Hi [REDACTED]

Just closing the loop here: Craig and I spoke today after his return from vacation (see below) and he has logged into the LMS. We have discussed how to find the Excel courses and where he might start. He needs a headset though...

Thanks,

Diane Vornoli

Human Resource Services, Learning & Development
525 Golden Gate Ave San Francisco 94102
415/554-1615
dvornoli@sfwater.org

Please consider the environment before printing this email
San Francisco Water, Power, and Sewer



San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission



Thank you very much for your assistance!

[REDACTED]
Workforce & Economic Program Services Bureau
Infrastructure Division
San Francisco Water, Power, Sewer
415-554-3412 | [REDACTED]@sfwater.org

From: Vornoli, Diane M
Sent: Thursday, January 08, 2015 1:06 PM
To: [REDACTED]
Cc: Ordikhani, Masood; Luckenbill, Carl L; Hashemi, David
Subject: FW: Software training

Hi [REDACTED],

I spoke to Craig and we will touch base after his return from vacation on the 26th if he needs any assistance getting into our LMS to find the Excel courses. The LMS is where Excel online courses now reside, no longer in the Skillport.com site

(we are in the process of moving most of our online courses from Skillsoft to be able to launch directly from the LMS). Please let me know if you have any questions.

Thanks,

Diane Vornoli

Narbaitz, Dena

From: Kaplan, Scott
Sent: Tuesday, January 06, 2015 4:15 PM
To: [REDACTED]
Subject: today

Follow Up Flag: Follow up
Flag Status: Flagged

So I spent much of today cleaning up Craig's mess of sending out the wrong info to all the contractors. I am expecting more confusion and calls to come. I also had to spend time with him this morning (about 30 mins) going over how to get the files that we have now showed him how to get maybe 3 times. He also has the info written down, but has a hard time.

I talked to Heather and she sees no problem getting the summary to Sept. 30 done by Friday.

I tried to talk to Sheena about the SSIP Project List and Elations, but she wasn't at her desk when I went by. I'll try again in the morning.

I began work on the WSIP Workforce Report because I had some time.

I requested the HSIP data because Vincent sent me the Project List.

I also requested the LBE Report from Julie.

I will help Chanh with the Hetchy stuff tomorrow morning. I have never entered a project into Elations but it will be good to learn and it would be helpful becoming acquainted with more Hetchy people.

Just keeping you updated.

Scott Kaplan

Workforce & Economic Program Services Bureau
Infrastructure Division
San Francisco Water, Power, Sewer
525 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
(415) 934-5764 | skaplan@sfwater.org

Narbaitz, Dena

From: Martin, Craig
Sent: Wednesday, October 08, 2014 9:46 AM
To: [REDACTED]
Subject: SB 854
Attachments: NOTICE TO ALL PERSONS.docx

Follow Up Flag: Follow up
Flag Status: Flagged

NOTICE TO ALL PERSONS
BIDDING OR WORKING ON PUBLIC WORKS PROJECTS
SENATE BILL 854

**THE STATE HAD IMPOSED A MANDATORY REGISTRATION FOR ALL BIDDERS
ON PUBLIC WORKS CONTRACTS**

Deadlines under Senate Bill 854 re: Registration and Notice Requirements

- **January 1, 2015, every call for bids and contract documents must include language alerting bidders to the registration requirement of Senate Bill 854. A bid cannot be accepted nor can any contract or subcontract be entered into without proof of the contractor or subcontractor's registration pursuant to Labor Code § 1725.5**
- **March 1, 2015, unregistered contractors and subcontractor cannot be listed on a bid proposal for a public work. Every contractor and subcontractor must be registered with the Department of Industrial Relations in order to bid and perform on public works contracts.**
- **April 1, 2015, unregistered contractors and subcontractors cannot work on a public works contract.**
- **January 1, 2016 every contractor and subcontractor must be registered with the Department of Industrial Relations in order to bid and perform on public works contracts**

Narbaitz, Dena

From: Martin, Craig
Sent: Friday, December 26, 2014 9:46 AM
To: randylgatewood@yahoo.com
Cc: Thomas, Brian [REDACTED]
Subject: Your Profile
Attachments: PUC Summary 12-2014.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Randy:

It was a pleasure to meet with you last Friday. I was truly impressed with your experience after completing the Cypress Nelson Training Center program. I have attached my summary of your comments for your review and approval. Please review the summary and if it meets with your approval send it back to me. I would like to add your picture to the article. You can send me the one of you standing at the Bay Bridge.

Cordially,

Craig

Randy Gatewood was 28 years of age and unemployed, working on call during concert performances. He had always been interested in tinkering with electrical things as a child. He heard about the Cypress Nelson Mandela Training Center Apprenticeship programs. He applied and completed the program. His first job was working on the New Irvington Tunnel Project.

He completed a total of 4,218 hours, exceeding the 3,600 apprenticeship hours to earn his journeyman status on his first job. He has worked on various noteworthy projects in the Bay Area, including Highland Hospital in Oakland. He is currently working on the demolition of the old Bay Bridge.

He credits his success to the experience that he learned on New Irvington Tunnel Project, namely, structure discipline, professionalism and punctuality. He never stops training while developing new skills. He is of the opinion that one never knows enough and one never knows everything.

He states that with overtime, one "can six figures."

Narbaitz, Dena

From: [REDACTED]
Sent: Tuesday, November 24, 2015 6:04 PM
To: Martin, Craig
Subject: RE: Etime Exceptions
Attachments: Monday

Hi Craig,

I wanted to be sure you accounted for the time indicated in the attached.

Thank you,

[REDACTED]

Workforce & Economic Program Services Bureau
Infrastructure Division
San Francisco Water, Power, Sewer
415-554-3412 | [REDACTED]@sfwater.org

From: Martin, Craig
Sent: Thursday, November 19, 2015 10:41 AM
To: Tran, Chanh T; Kaplan, Scott; Tulier-Laiwa, Valerie
Cc: Walton, Verma (PUC); [REDACTED]
Subject: RE: Etime Exceptions

I do not have any time exceptions this week.

CKM

From: Tran, Chanh T
Sent: Thursday, November 19, 2015 10:29 AM
To: Kaplan, Scott; Tulier-Laiwa, Valerie; Martin, Craig
Cc: Walton, Verma (PUC); [REDACTED]
Subject: Etime Exceptions

Good morning all,

Please send this pay periods exception to [REDACTED]. No later than 12:00 PM today 11/19/2015.

Thanks,

Chanh Tran.

Workforce & Economic Program Services Bureau
Infrastructure Division
San Francisco Water, Power, Sewer
ctran@sfwater.org

Narbaitz, Dena

From: Martin, Craig
Sent: Friday, November 13, 2015 3:05 PM
To: Ordikhani, Masood; [REDACTED]
Subject: Monday

I will be in at 8:00 am on Monday, November 15th. I have a personal matter to attend to between 9- 10 am on the 15th.

CKM

Narbaitz, Dena

From: Martin, Craig
Sent: Thursday, April 02, 2015 10:28 AM
To: [REDACTED]
Subject: Bio habitat questions
Attachments: Draft questions for Bio Habitat Restoration Apprentices.docx

Follow Up Flag: Follow up
Flag Status: Flagged

[REDACTED]:

Attached is my draft of a few questions.

Craig

Draft questions for Bio Habitat Restoration Apprentices

What lead you to apply for the Bio Habitat Restoration Apprenticeship Program?

What do you hope to gain completing the Program?

Where do you see yourself in 5 years?

Narbaitz, Dena

From: Martin, Craig
Sent: Thursday, May 21, 2015 2:01 PM
To: [REDACTED]
Subject: RE: planned time off

Will do.

From: [REDACTED]
Sent: Thursday, May 21, 2015 2:00 PM
To: Martin, Craig
Subject: planned time off

Hi Craig,

Just as a reminder, please send Masood an email request for any time away that may differ from your regular hours (for health issues, vacation, etc.) Advanced notice (at least 24hrs-48hrs, preferably) is much appreciated. Please be so kind as to "cc" me and Verma, as well.

Thank you,

[REDACTED]
Workforce & Economic Program Services Bureau
Infrastructure Division
San Francisco Water, Power, Sewer
415-554-3412 | [REDACTED]@sfwater.org

Narbaitz, Dena

From: Martin, Craig
Sent: Friday, April 10, 2015 2:50 PM
To: Danielsanchez21@gmail.com
Cc: Thomas, Brian; [REDACTED]
Subject: Your profile
Attachments: Daniel Sanchez (2).docx

Follow Up Flag: Follow up
Flag Status: Flagged

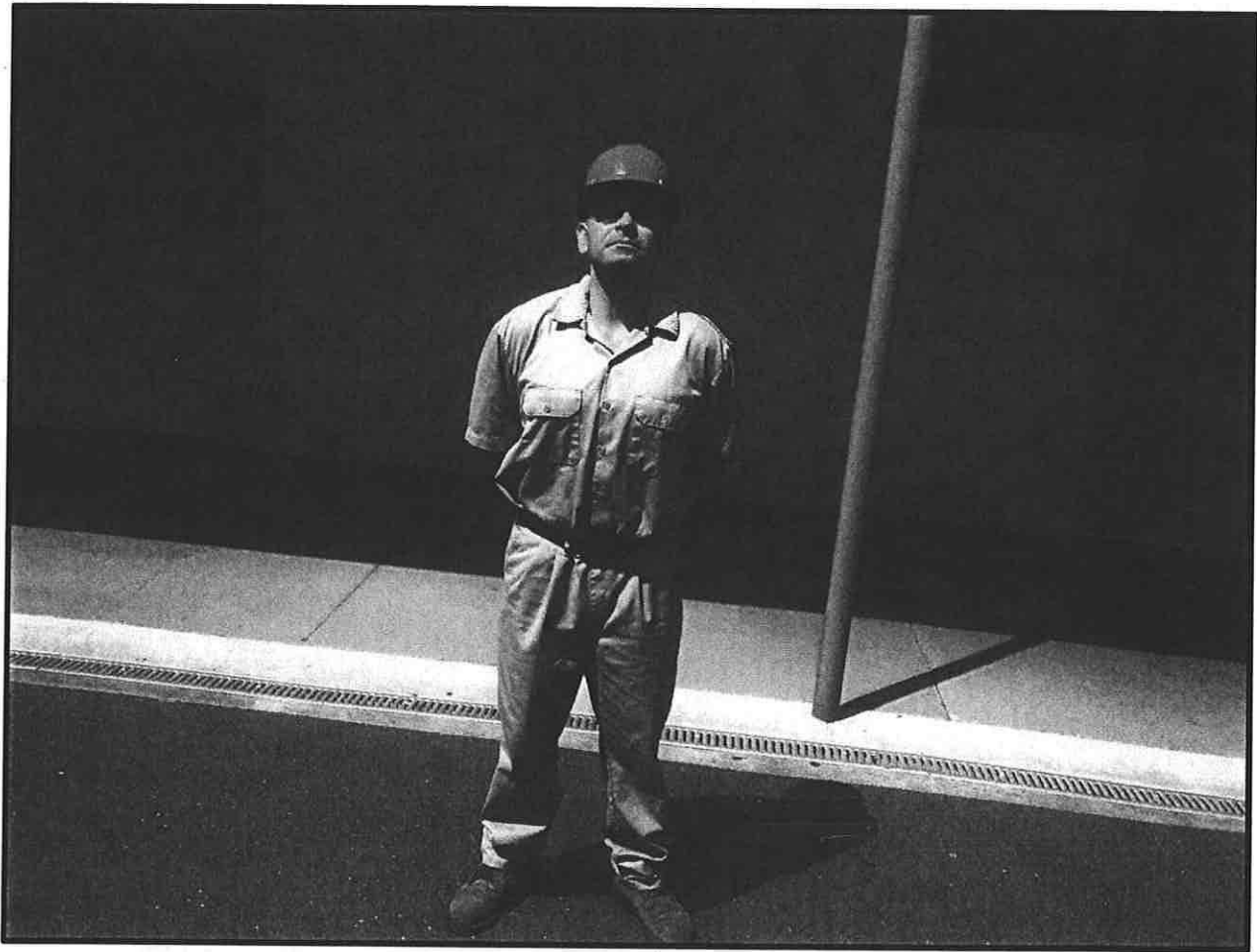
Hi Daniel:

It was a pleasure meeting with you yesterday at the Cypress/Mandela Union City facility.

I have attached a draft of your comments. Please feel free to edit as you see fit.
The SFPUC produces a Quarterly Report and we include profiles of graduates from the various training programs.
Do you have an objection to your comments and picture being published in the Quarterly report?

Cordially,

Craig
415 551 4536



Daniel Sanchez is 37 years of age and the father of 3 boys. He was born in Redwood City. He has worked at Home Depot. He was online looking into the California Apprenticeship program and discovered that he could gain a direct entry into the union by completing a pre-apprenticeship program at Cypress/Mandela Training Program.

He has worked in construction in the Lake Tahoe region doing home remodeling projects. He also worked on the DeYoung Museum project in Golden Gate Park as well as the Lucas Films development in the Presidio.

He has always been a “hard worker” and is looking forward to working his way up to being a job superintendent. His ideal project to work on would be the Regional Groundwater Water Storage and Recovery project.

May 19, 2016 Emails between Ordikhani and Martin Re Martin's Time Entries

Attachment 5

Narbaitz, Dena

From: Gardunio, Rachel
Sent: Friday, April 27, 2018 9:56 AM
To: Narbaitz, Dena
Subject: FW: Urgent/Please Respond ASAP: Emails and Time Reflected in Etime (C. Martin)

Rachel Gardunio

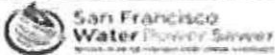
Manager

Employee Relations/EEO Programs, HRS

Tel: (415) 554-2422 | Fax: (415) 554-1529

rgardunio@sfgwater.org

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



From: Leeming, Elaine
Sent: Wednesday, June 15, 2016 6:07 PM
To: Ordikhani, Masood
Cc: Fine, Ivy; Gardunio, Rachel
Subject: RE: Urgent/Please Respond ASAP: Emails and Time Reflected in Etime (C. Martin)

Hi Masood,

It was nice to meet you in person on Monday. Thank you for forwarding the e-mail documentation we discussed during the meeting.

Rachel and I have discussed the e-mail regarding Craig Martin you forwarded so far. To summarize what the e-mail shows:

- For the May 7-20, 2016 pay period, Craig either intentionally or mistakenly entered in eTime work time of 8 hours on 3 days where he was off work for all or part of a day; when you directed him to fix it, his time got really messed up.
- According to Ben, during the week of April 25-29, 2016, Craig left at 4:30 every day except Tuesday, when he stayed late for the Clark class (do we know what time he came in each day? How late did he stay on Tuesday? Do we have a sign in sheet or something to show when he arrived and left?)
- On April 29 you asked Craig to schedule a meeting with you to discuss his schedule and responsibilities; on May 2, Craig delegated the task to Ben. On May 19, you questioned why he delegated the task to Ben, then asked him to work with Ben to schedule the meeting. We understand that this meeting was never scheduled.
- On two different days, you went to the Center yourself to meet with the group at 4:45p, and both times Craig was already gone. (Do we know when he arrived on those days, or how many hours he worked? Was he instructed he always had to stay until 5:30p, or just that someone had to be at the Center?)

If you have more information about any of the above, please forward it – particularly anything that shows he was provided an instruction or expectation that he did not follow.

Also, have you had a chance to talk to [REDACTED], or anyone else who would have information about any problem performance or inaccurate timekeeping? Do they have any e-mail correspondence with Craig, or can they provide a description of any conduct they found problematic?

We look forward to receiving any additional documentation you have. Thank you!

Elaine Leeming

Sr. Personnel Analyst
Employee Relations/EEO Programs, HRS
Tel: (415) 554-1665 | Fax: (415) 554-1529
eleeming@sfgwater.org

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From: Ordikhani, Masood
Sent: Monday, June 13, 2016 3:22 PM
To: Leeming, Elaine
Subject: FW: Urgent/Please Respond ASAP: Emails and Time Reflected in Etime

From: Ordikhani, Masood
Sent: Thursday, May 19, 2016 12:58 PM
To: Martin, Craig
Cc: [REDACTED]; Walton, Verma (PUC)
Subject: RE: Urgent/Please Respond ASAP: Emails and Time Reflected in Etime

Yeah, this is not responsive to my email. We will meet and discuss when I return. Have a good weekend.

From: Martin, Craig
Sent: Thursday, May 19, 2016 12:57 PM
To: Ordikhani, Masood
Cc: [REDACTED]; Walton, Verma (PUC)
Subject: RE: Urgent/Please Respond ASAP: Emails and Time Reflected in Etime

I have corrected the time.

You will note that I had a medical appointment on Friday, May 6, 2016 and Friday, May 13, 2016 I did not have access to [REDACTED]'s calendar and requested his assistance. He commented that he would assist in setting up the meeting.

I never received a response to my request for vacation time starting October 24, 2016 returning on November 14, 2016.

I trust that we are now current on my requested time off.

Cordially,

Craig

From: Ordikhani, Masood
Sent: Thursday, May 19, 2016 12:43 PM
To: Martin, Craig
Cc: [REDACTED], Verma (PUC)
Subject: RE: Urgent/Please Respond ASAP: Emails and Time Reflected in Etime
Importance: High

Your time on Thursday, 5/12, still reflects 8 hours of work AND 8 hours vacation. Please correct ASAP.

I am also concerned regarding your email on 5/2 below responding to my request asking you to please schedule some time for us to discuss your schedule and responsibilities/deliverables. First, during the two weeks preceding my email, I actually came down on two separate afternoons (not on Friday) to meet with [REDACTED] and others at 4:45 pm and you were already gone on both of those days that I was physically there myself. We will discuss this when we meet because I was personally there on two particular days when you were not at the Center until 5:30 PM as you note below. More importantly though, I am confused how or why you assigned [REDACTED] to schedule the meeting I asked you to set up. Really confused under what authority you re-assigned my request to [REDACTED] under. When I return on Monday, I will have [REDACTED] work with you to schedule the meeting I requested on April 29 below and will look forward to discussing your schedule, necessary notifications and approvals like everyone else (including me) to take time off, and what your specific roles, responsibilities and deliverables are now that both [REDACTED] are back at the Center.

Thank you. Have a good weekend. m

From: Martin, Craig
Sent: Monday, May 02, 2016 8:51 AM
To: Ordikhani, Masood
Cc: [REDACTED]
Subject: RE: Clark class

I have been arriving at the CAC between 8:15 and 8:30 daily. I leave at 5:30 PM. I left early on Friday because I stayed late on Tuesday night for the Clark Construction class.
I will let [REDACTED] schedule to meeting. I am available whenever the meeting is scheduled.

Craig

From: Ordikhani, Masood
Sent: Friday, April 29, 2016 1:48 PM
To: Martin, Craig
Cc: [REDACTED]
Subject: Re: Clark class

Good afternoon Craig, hope you're doing well.

Please schedule some time on my calendar via Outlook for you, [REDACTED] and me to meet regarding your schedule, when you're coming in and leaving every day, who you're receiving express permission from to come and leave at those times, and now that [REDACTED] is back, what your specific roles, responsibilities and deliverables are.

I look forward to seeing a calendar invite for the meeting between you, [REDACTED] and me to meet.

Thanks.

Sent from my iPhone

On Apr 29, 2016, at 11:28 AM, Martin, Craig <CMartin@sfwater.org> wrote:

Hi Masood:

I worked Tuesday night and will be leaving early today.

Craig

From: Martin, Craig
Sent: Thursday, May 19, 2016 12:31 PM
To: Ordikhani, Masood
Cc: [REDACTED] Walton, Verma (PUC)
Subject: RE: Urgent/Please Respond ASAP: Emails and Time Reflected in Etime

My mistake!

The correct dates are as follows:

Thursday, May 12, 2016, 8 hours vacation for funeral mass.
Friday, May 13, 2016, 2 hours sick pay for medical appointment.
Monday, May 16, 2016, 8 hours sick pay.

I have corrected my etaim

From: Ordikhani, Masood
Sent: Thursday, May 19, 2016 12:20 PM
To: Martin, Craig
Cc: [REDACTED]
Subject: Urgent/Please Respond ASAP: Emails and Time Reflected in Etime
Importance: High

Craig, I am reviewing the time you input and last updated in etime on 5/18 at 9:15 AM. I am attaching emails you sent requesting "vacation time for Thursday, May 11, 2016 to attend a Funeral Mass", an email on 5/9 stating that you "will not be in today" and are "taking 8 hours sick", as well as emails on 5/16 re being Out sick. The hours you updated in etime reflect that you worked 8 hours on 5/9 and 5/11. You similarly reflect 8 hours worked throughout the two weeks other than on Mon, 5/16, when you reflect 8 hours of SP, and on 5/13 when you reflect 2 hours of SP.

Can you please explain why the time you input into etime is not consistent with the attached emails you sent as soon as possible? Everyone's time in our group was to be updated, final and accurate by noon today per Verma's email.

Thank you, m

January 6, 2015 Email from Scott Kaplan to [REDACTED] Re Martin's Computer Skills

Attachment 6

May 26, 2016 and May 31, 2016 Email Exchange Between Harlan Kelly and
Yolanda Jones

Attachment 7

> Harlan L. Kelly, Jr.
> General Manager
> San Francisco Public Utilities Commission
>
>
> -----Original Message-----
> From: Yolanda Jones [mailto:yjones@ycat-c.com]
> Sent: Thursday, May 26, 2016 12:16 PM
> To: [REDACTED]; Ordikhani, Masood; Kelly Jr, Harlan; Dwayne Jones; Ellis, Juliet; Martin, Craig; Lee, Edwin
> Subject: Contractors Assistance Center
>
> Harland,
> I was told today that any assistance that I need I have to personally walk into the office and get assistance there.
> Harland I thought this center was to help the community?
> Sometimes it is hard to bring your staff and paperwork to the office for help.
> I ran into this problem with my financials with Kent Lim.
> So some days he came out and met with my staff and myself.
> So I am asking you why can't Craig or Kent come out to provide assistance.
> Is it mandatory that everyone come to office for support?
> Also Masood told Craig to tell me and everyone not to email you?
> Is that also your request?
> I felt as a small business owner in District 10 where all the projects are coming up, it would be only fair to let you know as the GM that the center is definitely working with the assistance of Craig and Kent in supporting the community on working on PUC projects.
> So I am confused is the center really here to help us?
> Or if we can't come in then the center is not that much help?
> What is the policy on support and where it is provided?
> Shall I bring the community to next commission meeting to express our frustration?
> I really hope this can be worked out.
> This program is amazing and the proof is in the pudding, how YCATC has prevailed.
> 21 people from District 10 are employed by YCATC thanks to Craig and Kent mentoring me.
> Ed Lee was at Original Joes this morning and I was unable to tell him what amazing results I have received from the center.
> So I have copied him on this email.
> I look forward to hearing directly from you Harland.
> Thank you
> Yolanda
>
>
>
> Yolanda Jones
> YCAT-C Inc.
> CEO/President
> 280 Newhall St.
> San Francisco Ca.94124
> 415 647-2682 office
> 415 647-2683 fax
> 415 240-9857 cell

Harland,

I was told today that any assistance that I need I have to personally walk into the office and get assistance there.

Harland I thought this center was to help the community?

Sometimes it is hard to bring your staff and paperwork to the office for help.

I ran into this problem with my financials with Kent Lim.

So some days he came out and met with my staff and myself.

So I am asking you why can't Craig or Kent come out to provide assistance.

Is it mandatory that everyone come to office for support?

Also Masood told Craig to tell me and everyone not to email you?

Is that also your request?

I felt as a small business owner in District 10 where all the projects are coming up, it would be only fair to let you know as the GM that the center is definitely working with the assistance of Craig and Kent in supporting the community on working on PUC projects.

So I am confused is the center really here to help us?

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What is the policy on support and where it is provided?

Shall I bring the community to next commission meeting to express our frustration?

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This program is amazing and the proof is in the pudding, how YCATC has prevailed.

21 people from District 10 are employed by YCATC thanks to Craig and Kent mentoring me.

Ed Lee was at Original Joes this morning and I was unable to tell him what amazing results I have received from the center.

So I have copied him on this email.

I look forward to hearing directly from you Harland.

Thank you

Yolanda

Yolanda Jones
YCAT-C Inc.
CEO/President
280 Newhall St.
San Francisco Ca.94124
415 647-2682 office
415 647-2683 fax
415 240-9857 cell

-----Original Message-----

From: Stephanie Bettis <sbettis@stealthpros.com>

To: hkelly <hkelly@sflower.org>; [REDACTED] mordikhani <mordikhani@sflower.org>

Sent: Mon, May 23, 2016 9:39 am

Subject: Regarding Mr. Craig Martin

Good morning,

I hope you had a wonderful weekend!

My Business Partner, Colin Tick and I have had the pleasure of getting to know Mr. Craig Martin from the Contractors Assistance Center over the last 9 months. He has been a huge asset to the growth of opportunity for our business. He has shared knowledge of all Pre-bids that will be beneficial to our line of work and encouraged us to attend numerous networking events to share the value of our services. As a Small LBE Business, Mr. Martin has made us feel like we can accomplish anything we desire as long as we work hard and stay close to all the opportunities the Bay Area has to offer.

He has looked out for us and wants to see us succeed, because of him we have made many connections that will blossom in the near future. We are very grateful and know he will excel in any new endeavor he chooses.

We are lucky to have crossed paths with Mr. Martin!

Enjoy your day!

Stephanie Bettis & Colin Tick

Stephanie Bettis

Ordikhani, Masood <MOrdikhani@sfwater.org> [REDACTED]; Kelly Jr, Harlan
<HKelly@sfwater.org>; Martin, Craig <CMartin@sfwater.org>

Dear Gentleman

I would like to take this time to thank the SFPUC and the Contractors Assistance Center for it's assistance in helping myself with establishing of R&I Glassworks a LBE, African American owned glazing company based in the Bayview district of San Francisco.

Thru the CAC I have established very valuable mentoring relationships with Craig Martin as well as Mr. Kent Lim.

Craig has been very instrumental in providing our company with counsel and guidance in navigating thru the business of the construction world as well as the opportunities that the SFPUC provide.

With Craig being an African American with a long history of being a resident of the city he has a unique understanding of the challenges that the African American contractors as well as the residents of the Bayview community face when trying to gain access to the opportunities in construction.

The city of San Francisco as well as the 94124, 94134 and the 94107 area codes are going thru major gentrification and redevelopment and I truly believe that Craig will advocate on the behalf of all San Francisco contractors to make sure all contractors will benefit.

Sincerely

--

Ray Horne

R & I Glassworks
1325-B Evan Ave.
San Francisco, CA
94124

Glazing Contractor # 974252

Phone: 650-488-7186

Fax: 707 642-6981

E-mail: riglassworks@gmail.com

Website: riglassworks.net



General Contracting • Automatic Gates • Access Control
CCTV Surveillance Systems • Fencing • Electrical

Date 05/31/2016

Name Tre'Sean Gray; tgray@arktosincorporated.com

To: mordikhani mordikhani@sfwater.org, [REDACTED], HKelly HKelly@sfwater.org
Cc

I had the privilege of meeting Craig Martin while attending Clark Strategic Partnership Program. After presenting a company introduction in class, Craig identified an opportunity for us to assist SSIP security with submitting a proposal to the City of SF, for Project: Sewer Systems Improvement South East Pollution Plant in San Francisco. Thanks again Craig!

Tre'Sean Gray
Administration Assistant
Arktos Incorporated
510-356-2753

Sincerely

CC:

Craig Martin craigmartin@aol.com

Enclosures

Exhibit J

Human Resources Director's Determination Letter to Craig Martin, dated January 9, 2020

City and County of San Francisco
Micki Callahan
Human Resources Director



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

CONFIDENTIAL

January 9, 2020

Craig Martin
[REDACTED]

Via U.S. Mail

RE: Complaint of Discrimination, EEO File No. 2309

Dear Craig Martin:

The San Francisco Charter, Section 10.103, and Civil Service Commission Rule 103 provide that the Human Resources 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) considers all allegations of discrimination a serious matter. The purpose of this letter is to inform you of my determination regarding your complaint, EEO File No. 2309.

On December 7, 2016, you submitted a complaint to the San Francisco Public Utilities Commission (SFPUC) alleging retaliation, harassment based on race (African American), and discrimination based on age (over 40) and race (African American). On January 4, 2017, you met with Rachel Gardunio, SFPUC Employee & Labor Relations Manager, and Anna Owens, 1241 Human Resources Analyst, for an intake interview. On February 22, 2017, the SFPUC sent a Department Report of Employment Discrimination Complaint to the City's Department of Human Resources (DHR).

On April 18, 2017, Linda Simon, Director, EEO and Leaves Programs, DHR, assigned the investigation of your complaint to the SFPUC. Also, on April 18, 2017, Micki Callahan, Human Resources Director, sent you a partial closure letter notifying you that your retaliation claim would be investigated but your discrimination and harassment claims would be closed because your allegations did not raise an inference of discrimination or harassment. On April 27, 2017, you appealed Callahan's decision not to investigate your discrimination and harassment allegations to the Civil Service Commission (CSC). On May 30, 2017, you sent a letter to the CSC withdrawing your appeal.

On June 16, 2017, Julie Chow, then-1244 Senior Human Resources Analyst, met with you to finalize your Charge of Discrimination. You refused to sign the Charge of Discrimination. Nevertheless, DHR instructed the SFPUC to investigate your retaliation claim.

The SFPUC completed the investigation of your complaint and submitted the report to me for a determination. Please be advised that I have determined that there was insufficient evidence to substantiate your retaliation claim.

I. BACKGROUND AND ALLEGATIONS

From January 2013 to January 2016, you were a TEX 1822 Administrative Analyst. January 2016, you were hired as a PCS 1822 Administrative Analyst in SF PUC's Infrastructure Division. You were required to serve a six-month probationary period. You reported to Todd Kyger, 1824 Principle Administrative Analyst. Kyger reported to Benjamin Poole, Manager of the Contractors Assistance Center. Poole reported to Masood Ordikhani, Director of Workforce and Economic Program Services

You alleged that throughout your employment, Ordikhani frequently called you "bro." You alleged that he also called other men "bro," including Prince Hallowell (African American), 1822 Administrative Analyst, though you were not sure whether Ordikhani directed this term only at African Americans. Nevertheless, you alleged you were offended by being called "bro" and stated, "In my history, no one is a brother unless there are riots like in the 1960s, and we are in the 2000s and you should not be talking like that." You alleged that in early June 2016, you asked Ordikhani to stop calling you "bro" and told him something to the effect of, "I don't know you, you're not African-American, we didn't go to school together, I'm your elder."

You alleged that on June 28, 2016, you were released from probation in retaliation for asking Ordikhani to stop calling you "bro."

II. INVESTIGATIVE STANDARDS AND ANALYSIS: RETALIATION

To sustain a complaint of retaliation, the investigation must establish all of the following: (1) you engaged in a protected activity; (2) you suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action.

The investigation found insufficient evidence to substantiate that you engaged in a protected activity. All four witnesses, including another African American male, reported that they never heard Ordikhani use the term "Bro" with anyone. Furthermore, though you claimed to have heard him say that word frequently, the evidence showed that you and Ordikhani rarely interacted given your different work locations and Ordikhani's only occasional trips to the CAC office. Accordingly, because the evidence did not support that Ordikhani called you "bro" there was insufficient evidence to find that you told him to stop calling you that.

The evidence also did not substantiate that Ordikhani made the decision to release you from probation. That decision was made by Kathy How, Assistant General Manager, Infrastructure. How confirmed that she, not Ordikhani, made the decision, and that Ordikhani did not have the authority to make the decision to release you. In addition, the investigation found that the decision to release you was supported by legitimate business reasons. You were not meeting performance expectations and goals. Your supervisors described your performance as poor and insufficient. You submitted projects that did not provide substantive answers to the questions posed to you when you were given the assignment. You cut-and-pasted information rather than

doing your own research, and other employees had to step in and complete your work. You were not proficient in computer skills and required additional one-on-one training, but your performance did not improve after training. In sum, based on the statements of your supervisors as well as contemporaneous documentation, you were not performing at a satisfactory level for an 1822 Administrative Analyst. Accordingly, the investigation did not substantiate that you were subjected to retaliation.

III. DETERMINATION OF THE HUMAN RESOURCES DIRECTOR

The San Francisco Charter, Section 10.103, provides that the determination of the Human Resources 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 postmarked mailing date of 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.

Please feel free to contact Linda C. Simon, Director, EEO and Leave Programs, Department of Human Resources, at (415) 557-4837, should you have any questions.

Sincerely,



Micki Callahan
Human Resources Director

c: Harlan Kelly, Jr., General Manager, SFPUC
Justine Hinderliter, Human Resources Director, SFPUC
Rick Nelson, EEO Programs Manager, HRS, SFPUC
Linda C. Simon, Director, EEO and Leave Programs, DHR

Exhibit K

Craig Martin CSC Appeal of the Human Resources Director's Determination, dated February 7,
2020



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

NOTICE OF RECEIPT OF APPEAL

ELIZABETH SALVESON
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

JACQUELINE P. MINOR
COMMISSIONER

SANDRA ENG
ACTING EXECUTIVE OFFICER

DATE: February 13, 2020

REGISTER NO.: 0039-20-6

APPELLANT: CRAIG K. MARTIN

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

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Craig K. Martin, appealing the Human Resources Director's decision that there was insufficient evidence to substantiate his retaliation claim, EEO File No. 2309. 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 Craig K Martin'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 April 23, 2020** so that it may be heard by the Civil Service Commission at its meeting tentatively scheduled on May 4, 2020. If you will be unable to transmit the staff report by the April 23rd deadline, or if required departmental representatives will not be available to attend the May 4th 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 (415) 252-3247 if you have any questions. For more information regarding staff report requirements,

Appellant: Craig K. Martin
February 13, 2020
Page 2 of 2

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

Sincerely,

CIVIL SERVICE COMMISSION



SANDRA ENG
Acting Executive Officer

Attachment

Cc: Linda Simon, Department of Human Resources
Matthew Valdez, Department of Human Resources
Mawuli Tugbenyoh, Department of Human Resources
Jeanne Buick, Department of Human Resources
Justine Hinderliter, Public Utilities Commission



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

Sent via U.S. Mail

February 13, 2020

Craig K. Martin



Subject: **Register No. 0039-20-6: Appealing the Human Resources Director's Decision that there was Insufficient Evidence to Substantiate your Retaliation Claim, EEO File No. 2309.**

Dear Craig K. Martin:

This is in response to your appeal submitted to the Civil Service Commission on February 10, 2020 appealing the Human Resources Director's decision that there was insufficient evidence to substantiate your retaliation claim, EEO File No. 2309. Your appeal has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

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

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date (note that the Commission requires an original and nine copies of any supplemental/rebuttal materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

Sincerely,

CIVIL SERVICE COMMISSION


SANDRA ENG
Acting Executive Officer

Cc: Micki Callahan, Department of Human Resources
Jeanne Buick, Department of Human Resources
Linda Simon, Department of Human Resources
Mawuli Tugbenyoh, Department of Human Resources
Matthew Valdez, Department of Human Resources
Justine Hinderliter, Public Utilities Commission

ELIZABETH SALVESON
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

JACQUELINE P. MINOR
COMMISSIONER

SANDRA ENG
ACTING EXECUTIVE OFFICER



CIVIL SERVICE COMMISSION
City and County of San Francisco
 25 Van Ness Avenue, Suite 720
 San Francisco, California 94102-6033
 Executive Officer
 (415) 252-3247

CSC Register No.
0039-20-6
 To: X M. Callahan
 CC: M. Tugberhan
J. Buick
L. Simon
M. Valdez
J. Hinderliter

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)

Craig K. Martin
 Full Name of Appellant Work Address Work Telephone

Title Department
 Residence Address City State Zip Home Telephone

Full Name of Authorized Representative (if any) Telephone Number of Representative

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: _____

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: Yes <input type="checkbox"/> No <input checked="" type="radio"/>
---	--

Craig K. Martin
 Original Signature of Appellant or Authorized Representative Date 2/7/2020

CSC-12 (10/14) Date Received by Civil Service Commission: _____

FACTS SUPPORTING THE BASIS OF THIS APPEAL

I was terminated on the pretextual basis for failure to successfully complete the probationary period. My probationary period ended on June 26, 2016. The actual basis of my termination was that on or about June 10, 2016, I objected to being shouted at and being called "Bro" by Masood Ordikhani. Masood took offense that I objected to being shouted at and repeatedly being addressed as "Bro."

I was assigned to the Contractors Assistance Center (CAC) full-time in January 2016, to replace Benjamin Poole. Mr. Poole had [REDACTED] This was presented as a temporary assignment.

Prior to being assigned to the CAC, I was stationed at 525 Golden Gate Avenue. My assignment was to track engineering projects in the pipe line and assist in preparing the quarterly report for Masood's group. After hiring a new employee, all of my tasks were given to a younger employee.

I was then assigned to the CAC for three days a week to assist local business enterprises in the contracting procurement process.

While being assigned to work at the Contractors Assistance Center, I was instructed that my employee hours did not begin when I checked out a city vehicle from the Civic Center garage, but started when I arrived at the CAC at 8:30 am. I also was instructed that I could not leave the CAC until 5:30 pm and that my employee time ceased when I left the CAC and not when I returned the city vehicle back in at the Civic Center garage at approximately 6:00 pm.

During my assignment at the CAC, I was forced to work until approximately 9:00 pm on Tuesdays every other month to provide coverage for the CLARK Construction classes held at the CAC. I was instructed that I could not claim comp time on my time sheet and I could not claim overtime. I was instructed that I could come in late on the night of my assignment or I could leave early the next day.

My assignment was racially based. Benjamin Poole instructed me that I was to arrange coverage for the CLARK class with Prince Hallowell because he was not going to participate in providing coverage. Benjamin Poole required me, and only me to record my time of arrival and departure from work and to provide a signed sign-in sheet.

In January 2016, Benjamin Poole [REDACTED] During this time, I was not required to record my time because Benjamin Poole ceased to provide me with sign-in time sheets during his absence.

I was having a discussion with Benjamin Poole about how the small firms should "team up" and form joint ventures to compete on some of the upcoming PUC projects. I mentioned that one firm in particular had a good reputation and was well known in the Bayview Hunters Point area for hiring local residents. Benjamin Poole with the specific intent to discriminate against me informed Masood Ordikhani that I had instructed LBE firms that they "must" joint venture with a specific firm if they wanted to obtain any PUC contracts. Masood Ordikhani verbally reprimanded me for making the allege statements and said he "heard it" from people in the community. It would have been impossible for Masood to have heard it from the "community," because I only had a general conversation about joint ventures with Benjamin Poole just prior to Masood Ordikhani reprimanding me.

FACTS SUPPORTING BASIS OF APPEAL

February 7, 2020

Page Two

While working at the CAC, I assisted a minority Bay View/Hunter's Point firm in successfully submitting a response to a proposal. The firm was awarded the contract and contacted General Manager Harland Kelly via email to inform him of my assistance, with a copy to Masood. Benjamin Poole instructed me to "be sure they do the heavy lifting because we are not going to be doing their fucking work." These comments are similar to racially motivated comments that I was forced to listen to from Benjamin Poole. He would tell another minority co-worker to "shut the fuck up" along with the comment that the "Bay View Hunter's Point LBEs all have the problem on why they cannot obtain contracts and that's because they have a poverty mentality."

In early June 2016, Masood Ordikhani inquired about my time and arrival and my departure times from the CAC. He also inquired about my "deliverables." I have never been given a direct assignment while assigned to the CAC. To my knowledge, Masood has never completed an evaluation of my performance and I have never been given a direct or written assignment. The only instruction that I received was to assist the LBE firms coming into the CAC seeking assistance.

Following Masood Ordikhani's inquiry about my deliverables, I requested from the numerous firms that I had assisted to send their comments to Harland Kelly, the General Manager with a copy to Masood Ordikhani. When Masood Ordikhani received the numerous email recommendations, he instructed me to cease requesting comments from the firms that I had been assisting. He was tired of receiving these "fucking emails."

It was at this point in time that Masood Ordikhani inquired if I thought that I was going to be fired. I responded that I did not know, but since he had requested my deliverables, never being instructed that I was to provide him with any "deliverables," I felt that the recommendations would provide proof that I had in fact been assisting LBE firms while at the CAC.

Following my request that he cease shouting at me when he spoke to me and to cease addressing me as "Bro," Masood Ordikhani contacted Harland Kelly to have me terminated on the pretext that I have failed to complete probation. I was scheduled to meet with a Deputy Manager about a reassignment. The appointment was canceled and I was terminated.

Masood Ordikhani initiated termination proceedings because I had requested that Masood Ordikhani cease calling me "Bro" and to cease shouting at me when he spoke with me.

When I received the letter dated June 13, 2016, from Jennifer Bushman, I contacted her with an email seeking information. I received a call from Paul Briones in response. During my conversation with Paul Briones, I inquired if I was going to be terminated. He responded that termination proceeding had not been initiated.

City and County of San Francisco
Micki Callahan
Human Resources Director



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

CONFIDENTIAL

January 9, 2020

Craig Martin

Via U.S. Mail

RE: Complaint of Discrimination, EEO File No. 2309

Dear Craig Martin:

The San Francisco Charter, Section 10.103, and Civil Service Commission Rule 103 provide that the Human Resources 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) considers all allegations of discrimination a serious matter. The purpose of this letter is to inform you of my determination regarding your complaint, EEO File No. 2309.

On December 7, 2016, you submitted a complaint to the San Francisco Public Utilities Commission (SFPUC) alleging retaliation, harassment based on race (African American), and discrimination based on age (over 40) and race (African American). On January 4, 2017, you met with Rachel Gardunio, SFPUC Employee & Labor Relations Manager, and Anna Owens, 1241 Human Resources Analyst, for an intake interview. On February 22, 2017, the SFPUC sent a Department Report of Employment Discrimination Complaint to the City's Department of Human Resources (DHR).

On April 18, 2017, Linda Simon, Director, EEO and Leaves Programs, DHR, assigned the investigation of your complaint to the SFPUC. Also, on April 18, 2017, Micki Callahan, Human Resources Director, sent you a partial closure letter notifying you that your retaliation claim would be investigated but your discrimination and harassment claims would be closed because your allegations did not raise an inference of discrimination or harassment. On April 27, 2017, you appealed Callahan's decision not to investigate your discrimination and harassment allegations to the Civil Service Commission (CSC). On May 30, 2017, you sent a letter to the CSC withdrawing your appeal.

On June 16, 2017, Julie Chow, then-1244 Senior Human Resources Analyst, met with you to finalize your Charge of Discrimination. You refused to sign the Charge of Discrimination. Nevertheless, DHR instructed the SFPUC to investigate your retaliation claim.

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

The SFPUC completed the investigation of your complaint and submitted the report to me for a determination. Please be advised that I have determined that there was insufficient evidence to substantiate your retaliation claim.

I. BACKGROUND AND ALLEGATIONS

From January 2013 to January 2016, you were a TEX 1822 Administrative Analyst. January 2016, you were hired as a PCS 1822 Administrative Analyst in SF PUC's Infrastructure Division. You were required to serve a six-month probationary period. You reported to Todd Kyger, 1824 Principle Administrative Analyst. Kyger reported to Benjamin Poole, Manager of the Contractors Assistance Center. Poole reported to Masood Ordikhani, Director of Workforce and Economic Program Services

You alleged that throughout your employment, Ordikhani frequently called you "bro." You alleged that he also called other men "bro," including Prince Hallowell (African American), 1822 Administrative Analyst, though you were not sure whether Ordikhani directed this term only at African Americans. Nevertheless, you alleged you were offended by being called "bro" and stated, "In my history, no one is a brother unless there are riots like in the 1960s, and we are in the 2000s and you should not be talking like that." You alleged that in early June 2016, you asked Ordikhani to stop calling you "bro" and told him something to the effect of, "I don't know you, you're not African-American, we didn't go to school together, I'm your elder."

You alleged that on June 28, 2016, you were released from probation in retaliation for asking Ordikhani to stop calling you "bro."

II. INVESTIGATIVE STANDARDS AND ANALYSIS: RETALIATION

To sustain a complaint of retaliation, the investigation must establish all of the following: (1) you engaged in a protected activity; (2) you suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action.

The investigation found insufficient evidence to substantiate that you engaged in a protected activity. All four witnesses, including another African American male, reported that they never heard Ordikhani use the term "Bro" with anyone. Furthermore, though you claimed to have heard him say that word frequently, the evidence showed that you and Ordikhani rarely interacted given your different work locations and Ordikhani's only occasional trips to the CAC office. Accordingly, because the evidence did not support that Ordikhani called you "bro" there was insufficient evidence to find that you told him to stop calling you that.

The evidence also did not substantiate that Ordikhani made the decision to release you from probation. That decision was made by Kathy How, Assistant General Manager, Infrastructure. How confirmed that she, not Ordikhani, made the decision, and that Ordikhani did not have the authority to make the decision to release you. In addition, the investigation found that the decision to release you was supported by legitimate business reasons. You were not meeting performance expectations and goals. Your supervisors described your performance as poor and insufficient. You submitted projects that did not provide substantive answers to the questions posed to you when you were given the assignment. You cut-and-pasted information rather than

1822 of 3 2509
doing your own research, and other employees had to step in and complete your work. You were not proficient in computer skills and required additional one-on-one training, but your performance did not improve after training. In sum, based on the statements of your supervisors as well as contemporaneous documentation, you were not performing at a satisfactory level for an 1822 Administrative Analyst. Accordingly, the investigation did not substantiate that you were subjected to retaliation.

III. DETERMINATION OF THE HUMAN RESOURCES DIRECTOR

The San Francisco Charter, Section 10.103, provides that the determination of the Human Resources 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 postmarked mailing date of 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.

Please feel free to contact Linda C. Simon, Director, EEO and Leave Programs, Department of Human Resources, at (415) 557-4837, should you have any questions.

Sincerely,



Micki Callahan
Human Resources Director

c: Harlan Kelly, Jr., General Manager, SFPUC
Justine Hinderliter, Human Resources Director, SFPUC
Rick Nelson, EEO Programs Manager, HRS, SFPUC
Linda C. Simon, Director, EEO and Leave Programs, DHR

Complaint of Discrimination EEO File No. 2309

Craig K Martin <[REDACTED]>

Fri 2/7/2020 9:47 AM

To: CivilService, Civil (CSC) <civilservice@sfgov.org>; C [REDACTED]; LAKE, JOSEPH (CAT)
<Joseph.M.Lake@sfcityatty.org>

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

Please accept this correspondence as my appeal of the decision of the Department of Human Resources dated January 9,2020.

Cordially,

Craig K. Martin

Exhibit L

Notification of Litigation Hold Release, dated January 23, 2023

From: [Donnellan, Jennifer \(CAT\)](#)
To: [Burke, Jennifer \(HRD\)](#)
Cc: [Martinez, Amalia \(HRD\)](#); [Lavina, Eric \(HRD\)](#)
Subject: RE: Craig Martin / SFPUC - Lit Hold?
Date: Monday, January 23, 2023 12:27:57 PM
Attachments: [image002.jpg](#)
[image003.jpg](#)
[image004.png](#)

Hi Jennifer,

The hold is not in effect. It was lifted for everyone on 1/27/2021. My paralegal said he notified everyone that the lit hold was released, but I don't see any email that went to DHR. I am sorry about that.

Regards,

Jennifer Donnellan
Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-3917 Direct
www.sfcityattorney.org

Note: During the pandemic, email is the best way to reach me.

*****Confidentiality Notice*****

This electronic message transmission contains information that may be confidential or protected by the attorney-client privilege and/or the attorney work product doctrine. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify me immediately by email and delete the original message.

Please consider the environment before printing this e-mail.

From: Burke, Jennifer (HRD) <jennifer.burke@sfgov.org>
Sent: Monday, January 23, 2023 12:01 PM
To: Donnellan, Jennifer (CAT) <Jennifer.Donnellan@sfcityatty.org>
Cc: Martinez, Amalia (HRD) <amalia.martinez1@sfgov.org>; Lavina, Eric (HRD) <eric.lavina@sfgov.org>
Subject: Craig Martin / SFPUC - Lit Hold?

Hi Jennifer:

We got an updated Civil Service Appeal information for Craig Martin, former City employee. Looks like there was a Lit Hold placed on the matter back in 2018, see attached. Do you know if this Lit Hold is still in effect?

Thanks,

DHR-6@1



Jennifer L. Burke, EEO Programs Manager

Department of Human Resources

One South Van Ness Ave., 4th Floor

San Francisco, CA 94103

Phone: (415) 557-4851

Website: www.sfdhr.org

Exhibit M

Order Granting Defendants' Motion to Dismiss

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jennifer Donnellan SBN: 210795</p> <p>San Francisco City Attorney's Office 1390 Market Street, 5th Floor San Francisco, CA 94102-5408</p> <p>TELEPHONE NO.: (415) 554-3917 FAX NO. (Optional): (415) 554-4248</p> <p>E-MAIL ADDRESS (Optional): jennifer.donnellan@sfcityatty.org</p> <p>ATTORNEY FOR (Name): Defendants City and County of San Francisco et al.</p>	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center;">ELECTRONICALLY FILED</p> <p style="text-align: center;">Superior Court of California, County of San Francisco</p> <p style="text-align: center;">03/04/2020 Clerk of the Court BY: EDWARD SANTOS Deputy Clerk</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO</p> <p>STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, 94102-4515 BRANCH NAME: Civic Center Courthouse</p>	
<p>PLAINTIFF/PETITIONER: Craig K. Martin, Sr. DEFENDANT/RESPONDENT: City and County of San Francisco et al.</p>	
<p style="text-align: center;">NOTICE OF ENTRY OF JUDGMENT OR ORDER</p> <p>(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeded \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded was \$25,000 or less)</p>	<p>CASE NUMBER: CGC-18-567711</p>

TO ALL PARTIES :

1. A judgment, decree, or order was entered in this action on (date): March 2, 2020
2. A copy of the judgment, decree, or order is attached to this notice.

Date: March 4, 2020

Jennifer Donnellan

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)



(SIGNATURE)

PLAINTIFF/PETITIONER: Craig K. Martin, Sr. DEFENDANT/RESPONDENT: City and County of San Francisco et al.	CASE NUMBER: CGC-18-567711
---	-------------------------------

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*): 1390 Market Street, 5th Floor, San Francisco, CA 94102-5408

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):

- a. deposited the sealed envelope with the United States Postal Service.
- b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on (*date*): March 4, 2020
- b. from (*city and state*): San Francisco, CA

4. The envelope was addressed and mailed as follows:

- | | |
|---|--|
| <p>a. Name of person served:
Craig K. Martin
Street address: [REDACTED]
City: [REDACTED]
State and zip code: [REDACTED]</p> | <p>c. Name of person served:
Street address:
City:
State and zip code:</p> |
| <p>b. Name of person served:
Street address:
City:
State and zip code:</p> | <p>d. Name of person served:
Street address:
City:
State and zip code:</p> |

Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

5. Number of pages attached 2 .

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 4, 2020

David Blum

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

COURTESY COPY TO JUDGE

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 KATHARINE HOBIN PORTER, State Bar #173180
Chief Labor Attorney
3 JENNIFER DONNELLAN, State Bar #210795
JONATHAN ROLNICK, State Bar #151814
4 Deputy City Attorneys
Fox Plaza
5 1390 Market Street, Fifth Floor
San Francisco, California 94102-5408
6 Telephone: (415) 554-3815
Facsimile: (415) 554-4248
7 E-Mail: jonathan.rolnick@sfcityatty.org

8 Attorneys for Defendants
MASOOD ORDIKHANI; HARLAN KELLY, JR.;
9 IVY FINE; BENJAMIN POOLE; KATHY HOW
(incorrectly spelled KATHY HO); MICHAEL
10 BROWN; and the SAN FRANCISCO PUBLIC
UTILITIES COMMISSION
11

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO
14 UNLIMITED JURISDICTION

15 CRAIG K. MARTIN, Sr., an individual,

16 Plaintiff,

17 vs.

18 MASOOD ORDIKHANI, as an Individual;
and MASOOD ORDIKHANI in his official
19 capacity; HARLAN KELLY, JR., as an
Individual; and HARLAN KELLY, JR., in his
20 official capacity; IVY FINE, as an Individual;
and IVY FINE, in her official capacity;
21 BENJAMIN POOLE, as an Individual; and
BENJAMIN POOLE, in his official capacity;
22 KATHY HO, as an Individual; and KATHY
HO in her official capacity; MICHAEL L.
23 BROWN, as an Individual; and MICHAEL
BROWN in his official capacity; and
24 SAN FRANCISCO PUBLIC UTILITIES
COMMISSION, Does 1 through 25, inclusive,

25 Defendants.
26
27
28

FILED
Superior Court of California
County of San Francisco

MAR 02 2020

CLERK OF THE COURT

BY: *Nan K...*
Deputy Clerk

Case No. CGC-18-567711

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION FOR DISMISSAL
FOR FAILURE TO PROSECUTE**

Hearing Date: March 2, 2020
Time: 11:00 a.m.
Place: Dept. 302
Date Action Filed: June 28, 2018
FAC: July 19, 2019
Trial Date: None set

1 On March 2, 2020, this Court heard Defendants Masood Ordikhani, Harlan Kelly, Jr., Ivy Fine,
2 Benjamin Poole, Kathy How, Michael Brown and San Francisco Public Utilities Commission's Ex
3 Parte Application for an order of dismissal for failure to prosecute, pursuant to California Code of
4 Civil Procedure section 581(f). Deputy City Attorney Jennifer Donnellan appeared on behalf of
5 Defendants. Craig K. Martin, Sr. appeared on his own behalf.

6 After consideration of the evidence and arguments of the parties, the Court hereby grants
7 Defendants' motion and dismisses this action in its entirety and with prejudice.

8 **IT IS SO ORDERED.**

9
10 Dated: Mar. 2, 2020

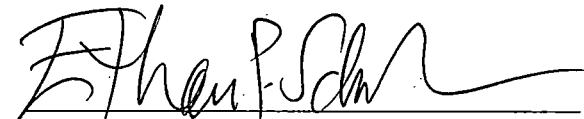

11 Hon. Ethan P. Schulman
12 Judge of the Superior Court
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Exhibit N

DHR EEO Interview with [REDACTED]



CONFIDENTIAL

DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT

WITNESS INTERVIEW NOTES

Witness: [REDACTED]	EEO File No./Dept.: 2309 Craig Martin / PUC
EEO Investigator: Stephanie Medina	Date: May 25, 2023 Time: 3:00PM-3:30PM
Others Present:	
Location: Phone Call	Pages: 1

[REDACTED] was an 1822 Administrative Analyst for the Public Utilities Commission (PUC). [REDACTED] started working at PUC on August 26, 1981, and retired from City employment on July 01, 2021.

[REDACTED] confirmed that he was previously interviewed by Dena Narabaitz (Narabaitz) who was a 1231 Senior EEO Specialist on March 12, 2019, to discuss “bro” statements allegedly made by Masood Ordikhani, who was then the Director of Infrastructure Economic Opportunities.

[REDACTED] confirmed that he remembered Craig Martin (Martin) and worked with him. [REDACTED] stated that he never heard Ordikhani call Martin “bro.” [REDACTED] laughed and said that never happened. [REDACTED] remembered that that Ordikhani was often in another office and Martin hardly interacted with Ordikhani because he was hardly in their office. [REDACTED] said that Martin wanted to be a manager and was frustrated he never got it. [REDACTED] believes this is the reason Martin said Ordikhani disrespected him like this.

Ordikhani was not rude or condescending with [REDACTED]. [REDACTED] confirmed no other manager talked down to or insulted him. [REDACTED] believes Martin said these things because he was frustrated that he was not getting the manager role. [REDACTED] remembers Martin would take over a manager’s office and told others to do his job or assignments. [REDACTED] believed Martin was vying for the manager position and was upset or frustrated he did not get it.