



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

**LONDON N. BREED  
MAYOR**

*Sent via Electronic Mail*

November 22, 2023

**NOTICE OF CIVIL SERVICE COMMISSION MEETING**

Eduardo Guerrero Ortiz  
[REDACTED]

**SUBJECT: APPEAL BY EDUARDO GERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.**

Dear Eduardo Guerrero Ortiz:

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 **December 4, 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](http://www.sf.gov/CivilService) under "Meetings" no later than end of day on Wednesday, November 29, 2023. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, please submit **one hardcopy 3-hole punch, double-sided and numbered at the bottom of each page to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at [civilservice@sfgov.org](mailto:civilservice@sfgov.org) by 5:00 p.m. on Tuesday, November 28, 2023**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

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

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Attachment

Cc: Philip Ginsburg, Recreation and Parks Department  
Amalia Martinez, Department of Human Resources  
Carol Isen, Department of Human Resources  
Rich David, Recreation and Parks Department  
Mawuli Tugbenyoh, Department of Human Resources  
Deborah Dulay, Department of Human Resources  
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Commission File  
Commissioners' Binder  
Chron

## **NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES**

### **A. Commission Office**

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All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4<sup>th</sup>) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original copy on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

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For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
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The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

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#### **J. Public Comment and Due Process**

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

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

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

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

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

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

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**LONDON N. BREED  
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Karla Hernandez Garcia  
[REDACTED]

**SUBJECT: APPEAL BY EDUARDO GERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.**

Dear Karla Hernandez Garcia:

As you may be aware, Eduardo Guerrero Ortiz filed the above-referenced discrimination complaint with the Department of Human Resources ("DHR"). The Department of Human Resources reviewed Eduardo Guerrero Ortiz's allegations, and the Human Resources Director determined that there was insufficient evidence to establish the claims of harassment and discrimination. Eduardo Guerrero Ortiz 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 Eduardo Guerrero Ortiz'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 **December 4, 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 Eduardo Guerrero Ortiz'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 December 4, 2023, meeting agenda will be posted on the Civil Service Commission's website at [www.sf.gov/CivilService](http://www.sf.gov/CivilService) under "Meetings" no later than end of day on Wednesday, November 29, 2023.

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Attachment

Cc: Philip Ginsburg, Recreation and Parks Department  
Amalia Martinez, Department of Human Resources  
Carol Isen, Department of Human Resources  
Rich David, Recreation and Parks Department  
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CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED  
MAYOR**

*Sent via Electronic Mail*

November 22, 2023

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Randy Vasquez

**SUBJECT: APPEAL BY EDUARDO GERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.**

Dear Randy Vasquez:

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Sincerely,

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/s/

SANDRA ENG  
Executive Officer

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Amalia Martinez, Department of Human Resources  
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**CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED  
MAYOR**

*Sent via Electronic Mail*

November 22, 2023

**NOTICE OF CIVIL SERVICE COMMISSION MEETING**

Allison McCarthy

**SUBJECT: APPEAL BY EDUARDO GERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.**

Dear Allison McCarthy:

As you may be aware, Eduardo Guerrero Ortiz filed the above-referenced discrimination complaint with the Department of Human Resources ("DHR"). The Department of Human Resources reviewed Eduardo Guerrero Ortiz's allegations, and the Human Resources Director determined that there was insufficient evidence to establish the claims of harassment and discrimination. Eduardo Guerrero Ortiz 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 Eduardo Guerrero Ortiz'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 **December 4, 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 Eduardo Guerrero Ortiz'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 December 4, 2023, meeting agenda will be posted on the Civil Service Commission's website at [www.sf.gov/CivilService](http://www.sf.gov/CivilService) under "Meetings" no later than end of day on Wednesday, November 29, 2023.

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Cc: Philip Ginsburg, Recreation and Parks Department  
Amalia Martinez, Department of Human Resources  
Carol Isen, Department of Human Resources  
Rich David, Recreation and Parks Department  
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**CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

LONDON N. BREED  
MAYOR

**Sent via Electronic Mail**

September 20, 2023

**NOTICE OF CIVIL SERVICE COMMISSION MEETING**

Eduardo Guerrero Ortiz



**SUBJECT: APPEAL BY EDUARDO GUERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.**

Dear Eduardo Guerrero Ortiz:

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: Philip Ginsburg, Recreation and Parks Department  
Amalia Martinez, Department of Human Resources  
Carol Isen, Department of Human Resources  
Rich David, Recreation and Parks Department  
Mawuli Tugbenyoh, Department of Human Resources  
Deborah Dulay, Department of Human Resources  
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Commission File  
Chron



**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**

Eduardo Guerrero Ortiz  
[REDACTED]

**SUBJECT: APPEAL BY EDUARDO GERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.**

Dear Eduardo Guerrero Ortiz:

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **September 18, 2023, at 2:00 p.m.** You will receive a separate email invite from a Civil Service Commission staff member to join and participate in the meeting.

The agenda will be posted for your review on the Civil Service Commission's website at [www.sf.gov/CivilService](http://www.sf.gov/CivilService) under "Meetings" no later than end of day on Wednesday, September 13, 2023. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, please submit **one hardcopy 3-hole punch, double-sided and numbered at the bottom of each page to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at [civilservice@sfgov.org](mailto:civilservice@sfgov.org) by 5:00 p.m. on Tuesday, September 12, 2023**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

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

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CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
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Attachment

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Amalia Martinez, Department of Human Resources  
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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**

Karla Hernandez Garcia

**SUBJECT: APPEAL BY EDUARDO GERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.**

Dear Karla Hernandez Garcia:

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

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Cc: Philip Ginsburg, Recreation and Parks Department  
Amalia Martinez, Department of Human Resources  
Carol Isen, Department of Human Resources  
Rich David, Recreation and Parks Department  
Mawuli Tugbenyoh, Department of Human Resources  
Deborah Dulay, Department of Human Resources  
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**LONDON N. BREED  
MAYOR**

*Sent via Electronic Mail*

September 7, 2023

**NOTICE OF CIVIL SERVICE COMMISSION MEETING**

Randy Vasquez

**SUBJECT: APPEAL BY EDUARDO GERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.**

Dear Randy Vasquez:

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Cc: Philip Ginsburg, Recreation and Parks Department  
Amalia Martinez, Department of Human Resources  
Carol Isen, Department of Human Resources  
Rich David, Recreation and Parks Department  
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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**

Allison McCarthy

**SUBJECT: APPEAL BY EDUARDO GERRERO ORTIZ OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT INVESTIGATIVE FINDINGS DID NOT ESTABLISH APPELLANT'S COMPLAINT OF HARASSMENT AND DISCRIMINATION.**

Dear Allison McCarthy:

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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 Eduardo Guerrero Ortiz'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 Eduardo Guerrero Ortiz'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](http://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](mailto:Sandra.Eng@sfgov.org) or (628) 652-1100 should you have any questions.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Cc: Philip Ginsburg, Recreation and Parks Department  
Amalia Martinez, Department of Human Resources  
Carol Isen, Department of Human Resources  
Rich David, Recreation and Parks Department  
Mawuli Tugbenyoh, Department of Human Resources  
Deborah Dulay, Department of Human Resources  
Estevan Villareal, Department of Human Resources  
Commission File  
Commissioners' Binder  
Chron

## **NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES**

### **A. Commission Office**

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is [civilservice@sfgov.org](mailto:civilservice@sfgov.org) and the web address is [www.sfgov.org/civilservice/](http://www.sfgov.org/civilservice/). Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

### **B. Policy Requiring Written Reports**

It is the policy of the Civil Service Commission that except for appeals filed under Civil Service Commission Rule 111A Position-Based Testing, all items appearing on its agenda be supported by a written report prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Officer. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

### **C. Policy on Written Submissions by Appellants**

All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4<sup>th</sup>) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original copy on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

### **D. Policy on Materials being Considered by the Commission**

Copies of all staff reports and materials being considered by the Civil Service Commission are available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at <https://sf.gov/civilservice> and in its office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If any materials related to an item on this agenda have been distributed to the Civil Service Commission after distribution of the agenda packet, those materials will be available for public inspection at the Civil Service Commission's during normal office hours (8:00 a.m. to 5:00 p.m. Monday through Friday).

### **E. Policy and Procedure for Hearings to be Scheduled after 5:00 p.m. and Requests for Postponement**

**A request to hear an item after 5:00 p.m. should be directed to the Executive Officer as soon as possible following the receipt of notification of an upcoming hearing. Requests may be made by telephone at (628) 652-1100 and confirmed in writing or by fax at (628) 652-1109.**

A request for a postponement (continuance) to delay an item to another meeting may be directed to the Commission Executive Officer by telephone or in writing. Before acting, the Executive Officer may refer certain requests to another City official for recommendation. Telephone requests must be confirmed in writing prior to the meeting. Immediately following the "Announcement of Changes" portion of the agenda at the beginning of the meeting, the Commission will consider a request for a postponement that has been previously denied. Appeals filed under Civil Service Commission Rule 111A Position-Based Testing shall be considered on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Department of Human Resources.

### **F. Policy and Procedure on Hearing Items Out of Order**

Requests to hear items out of order are to be directed to the Commission President at the beginning of the agenda. The President will rule on each request. Such requests may be granted with mutual agreement among the affected parties.

### **G. Procedure for Commission Hearings**

All Commission hearings on disputed matters shall conform to the following procedures: The Commission reserves the right to question each party during its presentation and, in its discretion, to modify any time allocations and requirements.

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.



The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

**H. Policy on Audio Recording of Commission Meetings**

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

**I. Speaking before the Civil Service Commission**

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

**J. Public Comment and Due Process**

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

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

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

**Information on Disability Access**

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

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

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

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

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

**San Francisco Lobbyist Ordinance**

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



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

1. Civil Service Commission Register Number: 0140-23-6
2. For Civil Service Commission Meeting of: December 4, 2023
3. Check One:           Ratification Agenda  
                              Consent Agenda  
                              Regular Agenda       ✓  
                              Human Resources Director's Report
4. Subject:             Appeal by Eduardo Guerrero Ortiz of the Human Resources Director's determination that investigative findings did not establish Appellant's complaint of harassment and discrimination.
5. Recommendation:    Adopt the report, uphold the decision of the Human Resources Director, and deny the appeal by Eduardo Guerrero Ortiz.
6. Report prepared by: Estevan Villarreal, DHR EEO  
                              Telephone number: (415) 662-0020
7.                        Notifications:       Please see attached.
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: Carol Isen

Date: November 17, 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**

**Eduardo Guerrero Ortiz (Appellant)**

[REDACTED]

**Carol Isen**

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

**Karla Hernandez Garcia (Respondent)**

[REDACTED]

**Amalia Martinez**

Equal Employment Opportunity Director  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103  
Amalia.Martinez1@sfgov.org

**Randy Vasquez (Respondent)**

[REDACTED]

**Mawuli Tugbenyoh**

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

**Allison McCarthy (Respondent)**

[REDACTED]

**Deborah Dulay**

Acting EEO Programs Manager  
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**Philip Ginsburg**

General Manager  
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phil.ginsburg@sfgov.org

**Estevan Villarreal**

EEO Programs Senior Specialist  
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Estevan.Villarreal@sfgov.org

**Rich David**

Principal Human Resources Analyst  
Recreation and Parks Department  
501 Stanyan Street  
San Francisco, CA 94117  
rich.david@sfgov.org

## CIVIL SERVICE COMMISSION REPORT

### MEMORANDUM

TO: Civil Service Commission

THROUGH: Carol Isen, Human Resources Director

THROUGH: Amalia Martinez, Director, EEO

FROM: Estevan Villarreal, EEO Programs Senior Specialist

HEARING DATE: December 4, 2023

EEO FILE NO: 3963

REGISTER NO: 0140-23-6

APPELLANT: Eduardo Guerrero Ortiz

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#### **I. AUTHORITY**

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

#### **II. BACKGROUND**

From August 7 to December 18, 2021, Appellant Eduardo "Lalo" Guerrero Ortiz (Guerrero Ortiz) was employed as a Permanent Exempt (PEX) 3410 Apprentice Gardener with the San Francisco Recreation and Parks Department (REC). On December 18, 2021, REC released Guerrero Ortiz from his PEX position.

##### **A. Appellant's Complaint, EEO File No. 3963**

On January 11, 2022, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received Guerrero Ortiz's EEO complaint. Guerrero Ortiz alleged sexual harassment by Karla Hernandez (Hernandez), former-3410 Apprentice Gardener, harassment by Randy Vasquez (Vasquez), 3417 Gardener, and discrimination by Allison McCarthy (McCarthy), then-3422 Park Section Supervisor. **See Exhibit (Ex.) A.** On April 14, 2022, Prisma Corona (Corona), EEO Programs Specialist, conducted an intake interview with Guerrero Ortiz. **See Ex. B.** On September 22, 2022, Corona submitted to REC a Charge of Discrimination and Request for Information (RFI). **See Ex. C.** On October 6, 2022, REC responded to DHR EEO's RFI. **See Ex. D.** Corona completed the investigation of Guerrero Ortiz's allegations and submitted her findings to the Human Resources Director for review. **See Ex. E.**

By letter dated June 1, 2023, the Human Resources Director informed Guerrero Ortiz that the evidence substantiated some of the sexual harassment allegations but did not substantiate the harassment and discrimination allegations. **See Ex. F.** That same day, the Human Resources Director also notified REC of

the investigative findings and advised REC to take appropriate action to address them. **See Ex. G.** On June 8, 2023, REC confirmed completion of the recommended corrective actions. **See Ex. H.** On June 30, 2023, Guerrero Ortiz appealed the Human Resources Director's determination. **See Ex. I.**

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

The issue on appeal is whether the Commission should uphold the Human Resources Director's determination. As explained in greater detail below, the answer is yes.

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

Guerrero Ortiz is a member of a protected category based on his race (Hispanic) and gender (male). While the evidence substantiated some of Guerrero Ortiz's sexual harassment allegations, the investigation did not substantiate his harassment or discrimination allegations. Therefore, the Human Resources Director correctly issued the determination.

#### **A. Guerrero Ortiz was Not Credible**

The investigation found that Guerrero Ortiz was not credible because multiple credible witnesses either did not corroborate his allegations or directly contradicted his accounts. Additionally, Guerrero Ortiz's credibility was further undermined by the finding that he had motive to lie: Guerrero Ortiz threatened Hernandez because she reported him to McCarthy; his recent release from employment was motivation to retaliate and lie in pursuit of reinstatement; and he did not report his allegations against Hernandez or McCarthy until after REC released him. **See Ex. E.**

Conversely, the investigation found that Hernandez, Vasquez, and McCarthy were more credible than Guerrero Ortiz; their responses and accounts were more often corroborated by witnesses, and each acknowledged some of the alleged conduct while also providing explanations that were credible, appropriate, and non-discriminatory. **See Ex. E.**

#### **B. The Investigation Substantiated Some of Guerrero Ortiz's Sexual Harassment Allegations, and REC Took Appropriate Action to Address this Conduct**

Guerrero Ortiz alleged that Hernandez subjected him to the following unwelcome conduct:

- (1) Once, in a sexual tone, Hernandez told Guerrero Ortiz that she wanted his hoodie.
- (2) Once, in November 2021, after Guerrero Ortiz told Hernandez about his breakup with his girlfriend, Hernandez responded, "That's how White bitches are, they cheat on you. Why were you even with her? Someone else is fucking her already, why do you even bother."
- (3) At least ten times, Hernandez sang the lyrics to a song called "Dale Tilin," which translates to "give her dick." Guerrero Ortiz believed this was in reference to someone else "fucking" his girlfriend.
- (4) At least seven times, Hernandez made a "blow job" gesture at Guerrero Ortiz by opening her mouth and pumping her fist in front of her mouth.

The investigation found substantial evidence that Guerrero Ortiz's complaint against Hernandez was retaliatory and not credible. On November 24, 2021, Hernandez reported unwelcome conduct by Guerrero Ortiz to McCarthy. On December 9, 2021, McCarthy told Guerrero Ortiz she heard there was tension between him and Hernandez and asked about their relationship; Guerrero Ortiz said Hernandez

wanted attention and behaved “like a little kid,” but he did not report any unwelcome sexual conduct. Later that day, a visibly upset Hernandez told McCarthy that Guerrero Ortiz scolded her for reporting him to McCarthy and told her, “If I lose my job, you’re going to lose yours too.” **See Ex. D.** REC subsequently released Guerrero Ortiz, and only after this did Guerrero Ortiz allege that Hernandez sexually harassed him, further showing Guerrero Ortiz’s retaliatory animus against the accused respondent.

Despite Guerrero Ortiz’s retaliatory animus and credibility issues, the investigation nonetheless substantiated some of his allegations, which demonstrates that the investigation was neutral, weighed evidence objectively, and was conducted properly. Hernandez admitted in part to the conduct outlined above in Section IV. B. (3), and a witness corroborated in part the conduct alleged in Section IV. B. (2), thus these allegations were substantiated. **See Ex. E.**

However, the evidence did not substantiate Guerrero Ortiz’s other allegations against Hernandez. Regarding the allegations outlined in Section IV. B. (1), Hernandez admitted to asking Guerrero Ortiz for a hoodie, however she denied that her tone was sexual and further explained that she was asking if he had a spare hoodie. Moreover, the alleged conduct is not objectively sexual or inappropriate. Regarding Section IV. B. (4), Hernandez denied the conduct, and credible witnesses identified by Guerrero Ortiz did not corroborate this allegation. Therefore, based on credible witness testimony and Guerrero Ortiz’s credibility issues, the evidence did not substantiate these two allegations. **See Ex. E.**

Although the investigation determined that some of Hernandez’s conduct violated the City’s EEO Policy, Hernandez was no longer a City employee and thus was no longer within the City’s jurisdiction. Nonetheless, the Human Resources Director advised REC to take appropriate action to address the investigative findings by including a copy of the determination letter in Hernandez’s personnel file, and REC promptly confirmed completion of this action. Accordingly, the Human Resources Director’s determination was correct and should be upheld. **See Ex. F, G.**

### **C. The Investigation Did Not Substantiate Guerrero Ortiz’s Racial Harassment Allegations**

Guerrero Ortiz alleged that Vasquez subjected him to unwelcome conduct based on his race, Hispanic:

- (1) On August 24, 2021, and three additional times, Vasquez assigned Guerrero Ortiz to work with [REDACTED], 3410 Apprentice Gardner. Vasquez did this because they are both Hispanic and told them, “This way you can speak your own language together.”
- (2) In September 2021, Vasquez told Guerrero Ortiz his mustache was getting long and asked if it was a Mexican style. Guerrero Ortiz said it was, and Vasquez said he needed to trim it.

While Vasquez acknowledged telling Guerrero Ortiz and [REDACTED] that it was great that they both spoke Spanish and could keep talking to each other, he denied that he assigned them to work together based on language or race. Vasquez further explained that assignments are typically random or based on who volunteers for specific jobs, and [REDACTED] corroborated Vasquez’s denial and explanation. Moreover, the alleged comment was not objectively offensive or derogatory. Accordingly, this allegation was not substantiated. **See Ex. E.**

Vasquez denied the mustache comment, and another witness confirmed that Vasquez spoke positively about Guerrero Ortiz’s mustache, which undermined the allegation and negated an inference of animus. Moreover, when Guerrero Ortiz previously reported to McCarthy that Vasquez made a comment about

his facial hair, he did not report that Vasquez's comment referenced or was based on his race. Accordingly, the evidence did not substantiate Guerrero Ortiz's racial harassment allegations. **See Ex. E.**

**D. The Investigation Did Not Substantiate Guerrero Ortiz's Discrimination Allegations**

Guerrero Ortiz alleged that on December 17, 2021, McCarthy subjected him to discrimination based on his gender (male) and race (Hispanic) by directing his release from the Gardening Apprenticeship Program. Guerrero Ortiz further alleged that McCarthy demonstrated animus against males by making the following comments: a woman started the Gardening program, there were too many male gardeners, and females could garden just as well as males. Guerrero Ortiz also alleged that McCarthy demonstrated animus against Hispanic people by saying that she did not believe Guerrero Ortiz spoke or understood English, and because a co-worker told Guerrero Ortiz that REC released Guerrero Ortiz because he referred to someone as a "mamacita," a Spanish language term that can be translated as "hot momma."

McCarthy acknowledged commenting that a woman started the apprenticeship program but explained that was a factual statement made in the context of discussing the history of the program, which is not objectively offensive or derogatory. McCarthy denied the other comments, and twelve witnesses confirmed never hearing McCarthy make these or any other sexist comments. Therefore, the evidence did not establish sex-based animus. **See Ex. E.**

McCarthy also denied believing or telling Guerrero Ortiz that she did not think he spoke or understood English. Rather, she acknowledged telling Guerrero Ortiz that if he was an English learner, then she could help him. McCarthy further explained that she said this because Guerrero Ortiz was not engaging, and she wanted to provide him support. This is a plausible, nondiscriminatory business reason, and the offer of assistance also negated an inference of animus. Additionally, a witness who Guerrero Ortiz identified did not corroborate that he told Guerrero Ortiz that he was released for using the term "mamacita." Therefore, the evidence did not establish race-based animus. **See Ex. E.**

Additionally, the investigation found legitimate business reasons for Guerrero Ortiz's release. McCarthy stated that REC released Guerrero Ortiz because he threatened Hernandez, which violated the City's Respect Policy, and several witnesses corroborated this explanation. Additionally, REC provided documentation that confirmed that REC investigated Guerrero Ortiz's conduct, determined that Guerrero Ortiz violated the Respect Policy, and released Guerrero Ortiz's based on this and several other documented prior behavior and performance issues. **See Ex. D, E.**

As the investigation found a legitimate business reason for Guerrero Ortiz's release and no evidence of animus, the investigation did not substantiate Guerrero Ortiz's discrimination allegation.

**V. RECOMMENDATION**

As explained above, the investigation of Guerrero Ortiz's allegations was comprehensive and objective, the Human Resources Director's determination was consistent with the evidence and credibility analysis, and REC took appropriate action to address the investigative findings. Moreover, Guerrero Ortiz's appeal merely restated his original allegations, which were fully investigated, and did not offer any new information. Accordingly, the Commission should uphold the Human Resources Director's determination and deny the appeal.

**VI. APPENDIX/ATTACHMENTS TO REPORT**

Attached to this report are the following exhibits:

- Exhibit A: Complaint of Discrimination, EEO File No. 3963, dated January 11, 2022
- Exhibit B: Guerrero Ortiz Intake Interview, EEO File No. 3963, dated April 14, 2022
- Exhibit C: DHR EEO's Request for Information, EEO File No. 3963, dated September 22, 2022
- Exhibit D: REC's Response to DHR EEO's Request for Information, dated October 6, 2022
- Exhibit E: Investigative Report, EEO File No. 3963, dated May 5, 2023
- Exhibit F: Determination Letter, EEO File No. 3963, dated June 1, 2023
- Exhibit G: Department Determination Letter, EEO File No. 3963, dated June 1, 2023
- Exhibit H: REC Confirmation of Corrective Actions, EEO File No. 3963, dated June 8, 2022
- Exhibit I: Notice of Appeal by Guerrero Ortiz, Register No. 0140-23-6, dated July 3, 2023



## **EXHIBIT A, Attachments 1-2:**

**Report of Complaint by E. Guerrero Ortiz, EEO File No. 3963**

# **EXHIBIT A, Attachment 1**

E-mail Notice of EEO Complaint by E. Guerrero Ortiz

January 11, 2022

**From:** [DHR-EEO](#)  
**To:** [Mercado, Ruth \(HRD\)](#)  
**Cc:** [DeWit, Rikki \(HRD\)](#)  
**Subject:** FW: Discrimination, Retaliation and Harassment Complaint  
**Date:** Wednesday, January 12, 2022 12:07:44 PM  
**Attachments:** [EEO \(1\).pdf](#)

---

Hi Ruth,  
I'm forwarding this REC matter from the general inbox.  
Eric

---

**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Tuesday, January 11, 2022 4:26 PM  
**To:** DHR-EEO <DHR-EEO@sfgov.org>  
**Cc:** [REDACTED]@sfgov.org; Philip.Ginsburg@sfgov.org; [REDACTED]  
[REDACTED]@sfgov.org; McCarthy, Allison (REC) <allison.mccarthy@sfgov.org>; Santiago,  
Marcus (REC) <marcus.santiago@sfgov.org>; Tucker, Melissa (REC) <melissa.tucker@sfgov.org>;  
[REDACTED]; [REDACTED]  
**Subject:** Discrimination, Retaliation and Harassment Complaint

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

Eduardo Guerrero Ortiz  
Phone number: [REDACTED] (preferred method of communication)  
Email: [REDACTED]  
Apprentice Gardener, San Francisco Recreation and Parks

To whom it may concern,

The following is a discrimination complaint against the San Francisco Parks and Recreation Department. Over the course of my employment with SFPRD from August 7 - December 17, 2021, I experienced drismimination, harassment and retaliation against my person from my immediate captain Randy Vasquez, coworker Karla Hernandez Garcia and my supervisor Allison McCarthy. I've attached a document detailing harassment, discrimination and retaliation by Karla Hernandez, harassment and discrimination and retaliation by Randy Vasquez, and discrimination, harassment and retaliation by Alison McCarthy. These documents include dates of offenses, text messages and photos. Please see attached.

I got fired from my job on December 17th, 2021. Based on the little information I obtained regarding the reasons I was fired I assert that these claims are false. Rather than having committed harassment and retaliation, as I was told it was deemed I had committed, I have experienced harassment, discrimination and retaliation myself.

False accusations were made against me., This has affected my entire life. My health, my family and friends, it has been a tremendous source of stress for me. I worked very hard to get this job, I dedicated my whole life to it and my firing was unfair and illegal. Due process was not taken. This should not be ignored, and should be taken care of in a very serious manner. I'm a human being and no human being deserves to be treated like this.

For background, I filed a letter with an attachment (included here) to HR of SFRPD on December 23rd, requesting that they review my case and return my job. I told my story of harassment, discrimination and retaliation. I have not heard back from them. That's why I'm taking the issue to you.

The attached document records in detail, with photos and text messages, events of discrimination, retaliation and harassment against me. In addition, allegations about me by Allison McCarthy, Randy Vasquez and Karla Hernandez and my responses to them are detailed. These allegations are false.

Thanks for your time and consideration. I would like my job back. I am happy to answer any questions.

Eduardo Guerrero



# **EXHIBIT A, Attachment 2**

EEO Complaint by E. Guerrero Ortiz

January 11, 2022

## **Instances of Discrimination, Retaliation and Harrassment at the Apprentice Gardener Program with SF Recreation and Parks Department**

December 3rd

It was a Friday after a good and busy week, we were at the end of our shift getting ready for the weekend. We were doing plant ID. Allison McCarthy made us write down on a piece of paper the name of the plant, scientific and common names, and then place it on the plant to take a picture of it and save it for our own personal learning. She asked us if this was helpful and we all said yes of course, and I made a comment saying something like "oh yes it's very helpful", like in a funny and playful way about myself because my plant ID is terrible and needs more improvement.

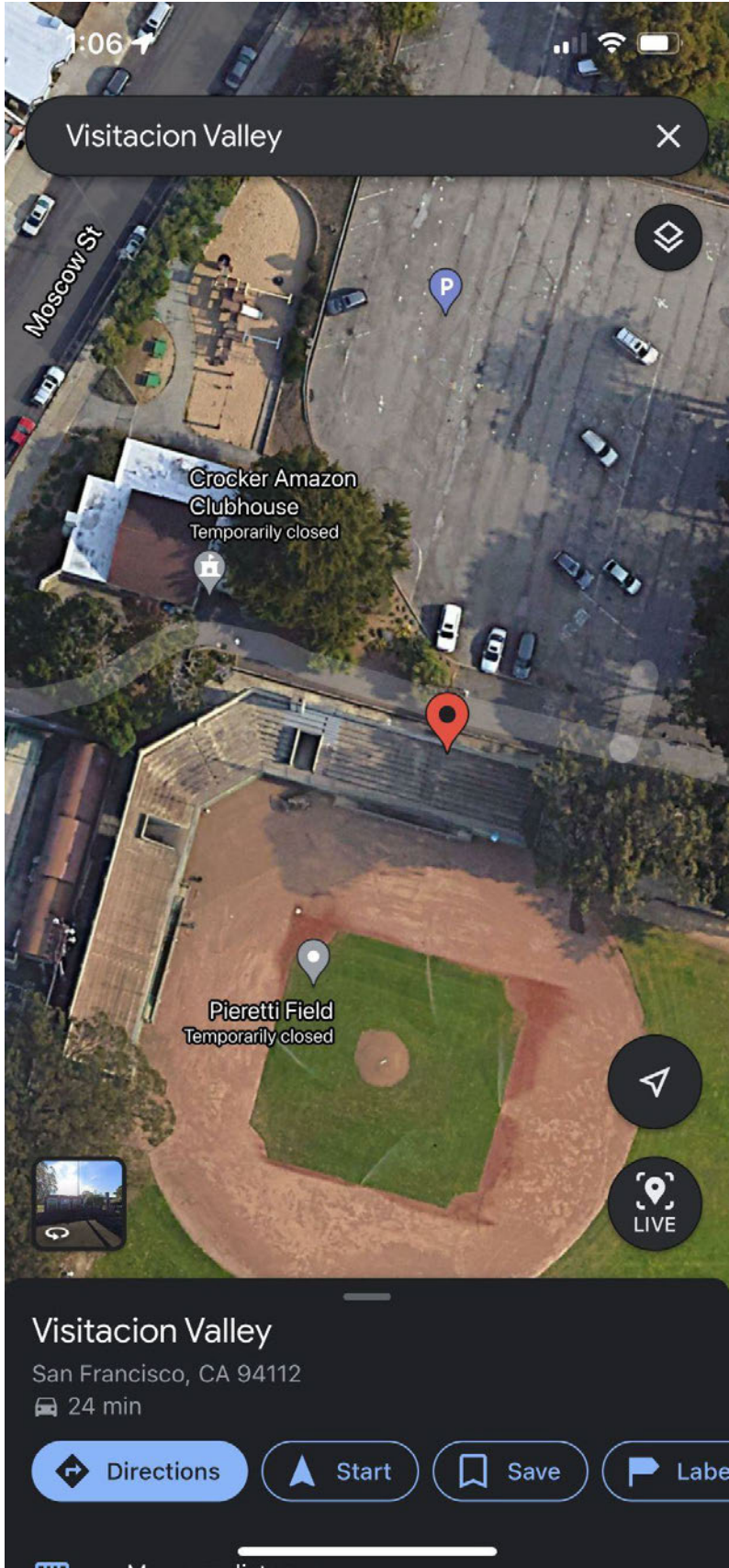
Allison McCarthy threw a sharpie at my face, she said something like I shouldn't be like that and be less hard on myself. Everyone witnessed it the moment I heard someone saying "oh my god." It felt like we all were having a good time and going with the moment. I didn't like the fact that Allison McCarthy threw a sharpie to my face but I didn't want to make a big deal about it, I just wanted to stay with the group and go with the flow. A few minutes after this, we all went home and had another work week done.

The day that Allison McCarthy threw a sharpie at my face, the following people were present and saw it occur: [REDACTED] [REDACTED] Karla Hernandez Garcia, Noemi Andrade, [REDACTED], Anne Franken, Malindi Walker. In addition, video footage from security cameras in the middle of the building at Pieretti Field have captured the event. I was assaulted by Allison McCarthy on December 3rd at this location, pictured below, between 2pm and 3pm. There are 3 cameras at this building, one on each side and one in the middle. The one in the middle should have the video surveillance footage supporting my statement.









## December 6th

The next shift, which was Monday, December 6th, it seemed like a regular Monday morning, we were starting our work week, we said a few words about our weekend and the entire group proceeded to go outside of Elvas Greenhouse to start our morning stretching routine.

Suddenly I heard Allison McCarthy starting the conversation about how being sarcastic is not a good idea, because once we start going to work with other groups, people may not like it. So she mentioned that my comment on Friday the 3rd was a sarcastic way to talk, its not a good way to do things, she said "right Lalo?" She mentioned this in front of everyone and pointed at me, I didn't say anything.

She said something like, "you don't want to stir the pot" making this comment with her whole body language and simulating with her hands and whole body "stirring the pot."

These comments she was making seemed out of place.

I was shocked she was commenting about something that had happened the week before. It hadn't seemed like a big deal to me. I thought, if anyone had done something wrong, it was her. She threw a sharpie at my face. I couldn't believe that she was commenting about something I supposedly didn't do right, when she, Allison McCarthy, was trying to hurt me with that sharpie she threw at me on Friday the 3rd.

This conversation happened outside of Elvas Greenhouse and Golden Gate Park Nursery. There's a camera right outside of this greenhouse, and it's right there in front of where the events happened, this camera can support my statement. The events happened on December 6th between 6:30 am and 7:30 am.





The events that I've recounted above, make me think that Allison McCarthy had to be part of the reason I was fired. False accusations were made against me., This has affected my entire life. My health, my family and friends, it has been a tremendous source of stress for me. I worked very hard to get this job, I dedicated my whole life to it and my firing was unfair and illegal. Due process was not taken. This should not be ignored, and should be taken care of in a very serious manner. I'm a human being and no human being deserves to be treated like this.

I was never part of any investigation all these people supposedly did, I was never asked anything from my side of the story, I was never involved in these false accusations which are very serious and are affecting my entire life and health.

On DECEMBER 23rd I sent this letter to [REDACTED] and SFRPD.

December 23, 2021

To:

[REDACTED] Senior Human Resources Partner,  
San Francisco Recreation and Parks Department  
[REDACTED]@sfgov.org

Dear [REDACTED]

Below is a recounting of events that occurred between my arrival as a garden apprentice with the City of San Francisco's Recreation and Parks Department (SFRPD) on August 9, 2021 and my mandatory separation on December 17th, 2021.

I was hired as an Apprentice Gardener on August 9th 2021. I was thrilled to receive this job and put my heart and soul into it from day 1. Since the beginning of my employment, although I loved what I did and was very happy to be there, I also felt that a few people took an immediate dislike to me, or felt the need to bully and bother me, because I'm a Mexican immigrant. I am telling the thorough account of what happened to me while working for SFRPD because I feel what happened to me is unjust and illegal. I would like my job back immediately. This is all I'm looking for.

Karla Hernandez Garcia wanted to become my friend. There were many red flags that made me feel that she was not someone I could trust. She would address almost everyone as Mr. or Mrs, and then their first name. She never addressed me as Mr Lalo, I wondered why I was the only one who didn't get this treatment, and I think it's because I'm Mexican so she didn't feel like she needed to favor herself to me. She gave me strange compliments that made me feel uncomfortable. She would comment on my beard, saying that I looked good, but that she would love to touch it up for me because I would look more handsome. She commented on the sweatshirt I always wore saying that she wanted it. She always spoke of dark magic and I didn't want to be close to this. She also continuously would say things like, "can we sue these people," referring to the person who happened to be crossing her path.

#### August 18th

On Wednesday, August 18th, Karla Hernandez Garcia texted me for the first time. She sent me a text outside of work hours with her father's phone number. This was the first time she'd texted me and I never gave her my number. She must have taken it from the group text. I didn't respond because I didn't know who it was from. See the text on the following page.

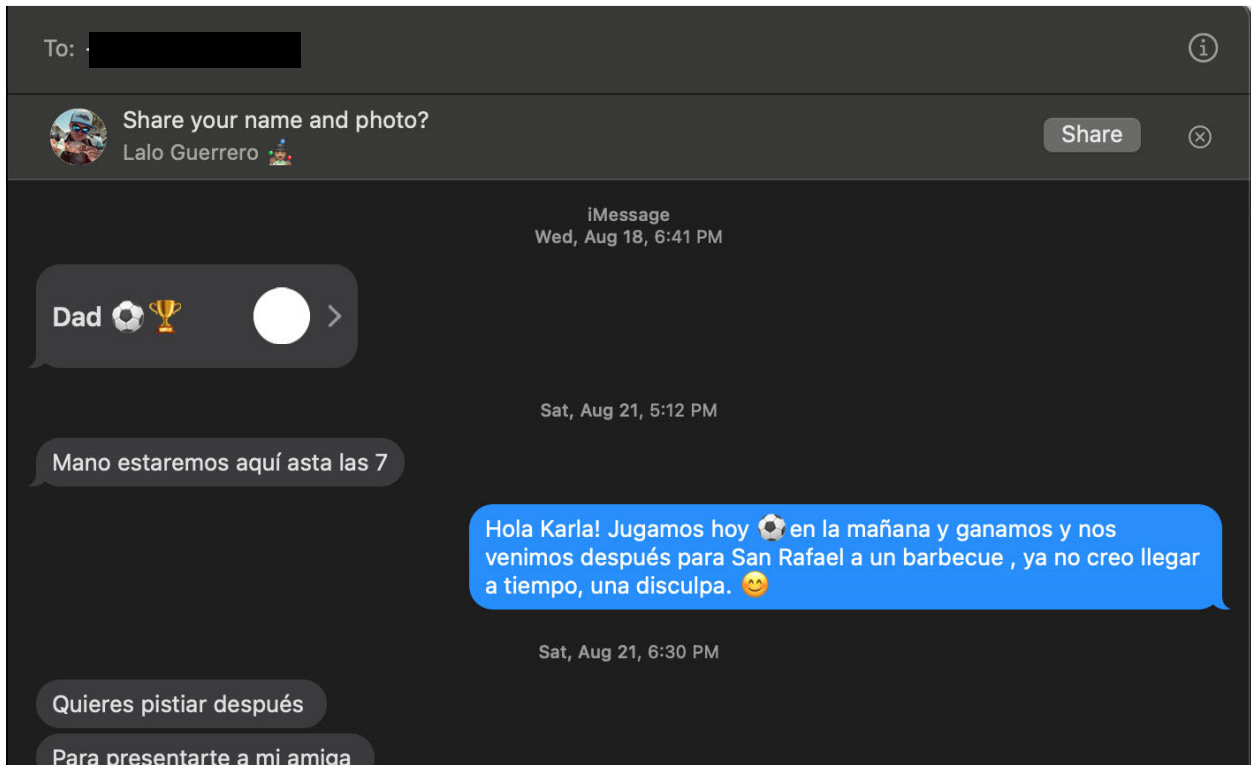
#### August 19th

By the second week on the job, Karla Hernandez Garcia had developed the habit of standing next to me during our morning stretches. The following morning after sending the text, during

the morning stretch huddle, she told me that she had sent me the text with her father's number knowing that I was interested in soccer because he also plays. I didn't ask her how she got my number or ask why she was texting me without invitation. I didn't want to make a big deal of it and have problems with her. See the same text on the following page.

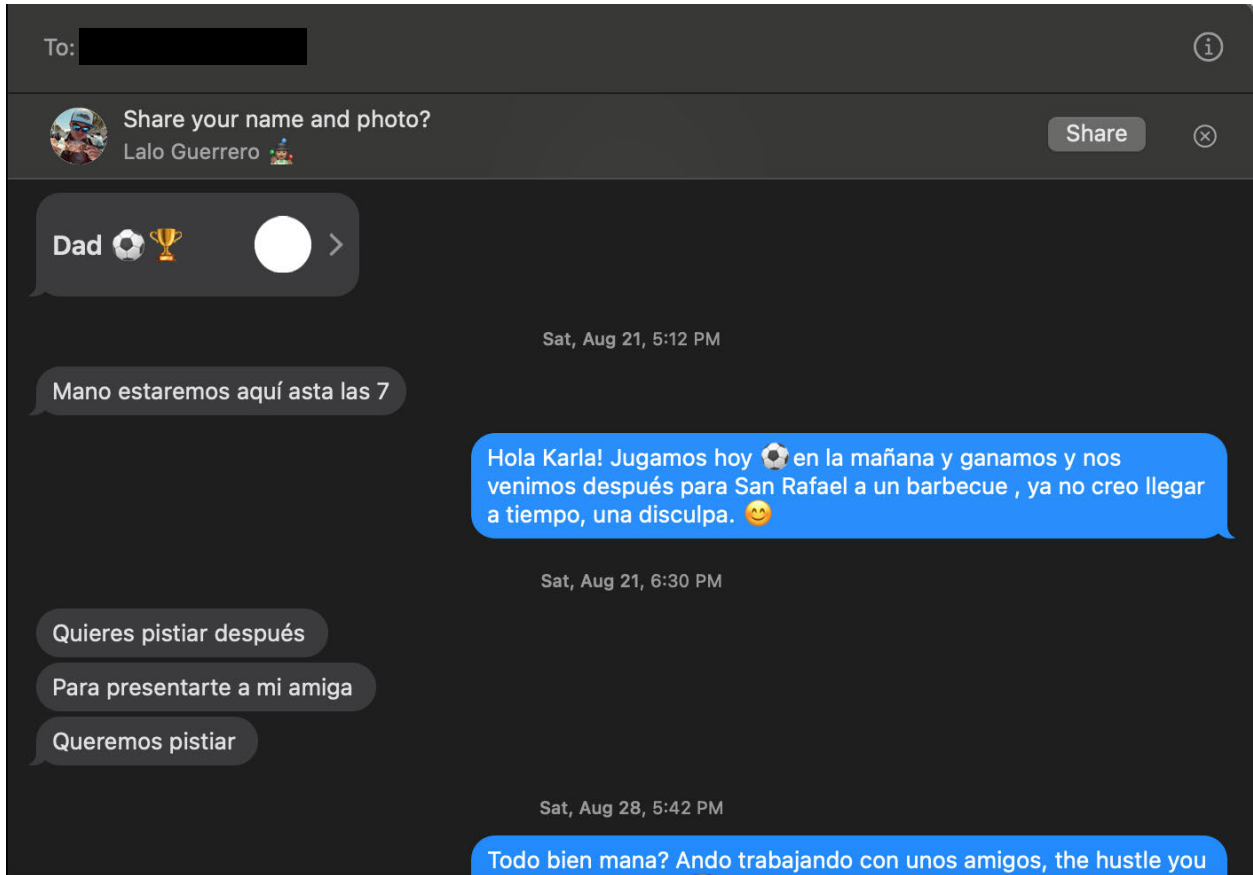
### August 19th

Karla Hernandez Garcia invited me out and wanted to introduce me to her girlfriend, saying that her friend had children but that she was single and she wanted to meet someone. I had already told her that I had a girlfriend many times, but she kept insisting. See the text below.



### August 21

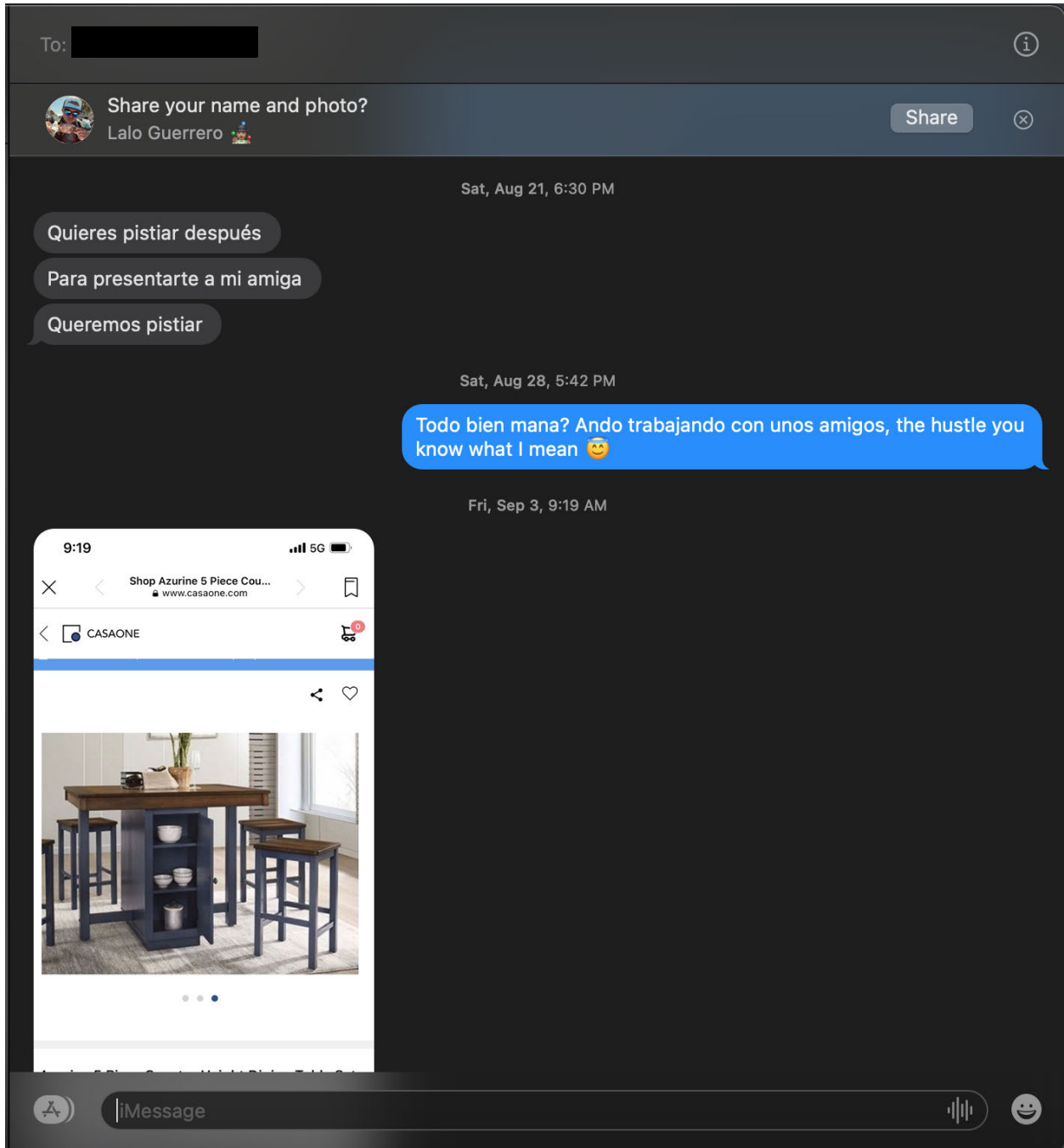
Karla Herandez Garcia texted me again that same day on Saturday at 5:12pm, saying “we’re going to be here until 7pm.” I responded saying that I was already in San Rafael at a barbecue and that I didn’t think I would arrive on time. An hour and 15 minutes later she texted again:  
“do you want to drink with me after”  
“To introduce you to my girlfriend”  
“We want to drink”  
I didn't answer this text.  
See below.



### August 28th

About a week later she Facetimed me. I saw the call, but didn't pick up. Instead I sent her the message you see below. Which says "Is everything ok, homie? I'm just here working with some friends." See text below.

In this next text, you can also see the pattern of her continuously reaching out to me with the photo she sent about a week later, on September 3rd. Sometimes I would respond saying "maybe, I'll let you know," just to be nice, but normally I would politely decline saying that I had plans or was too tired, or I wouldn't answer.



### August 31 - September 2

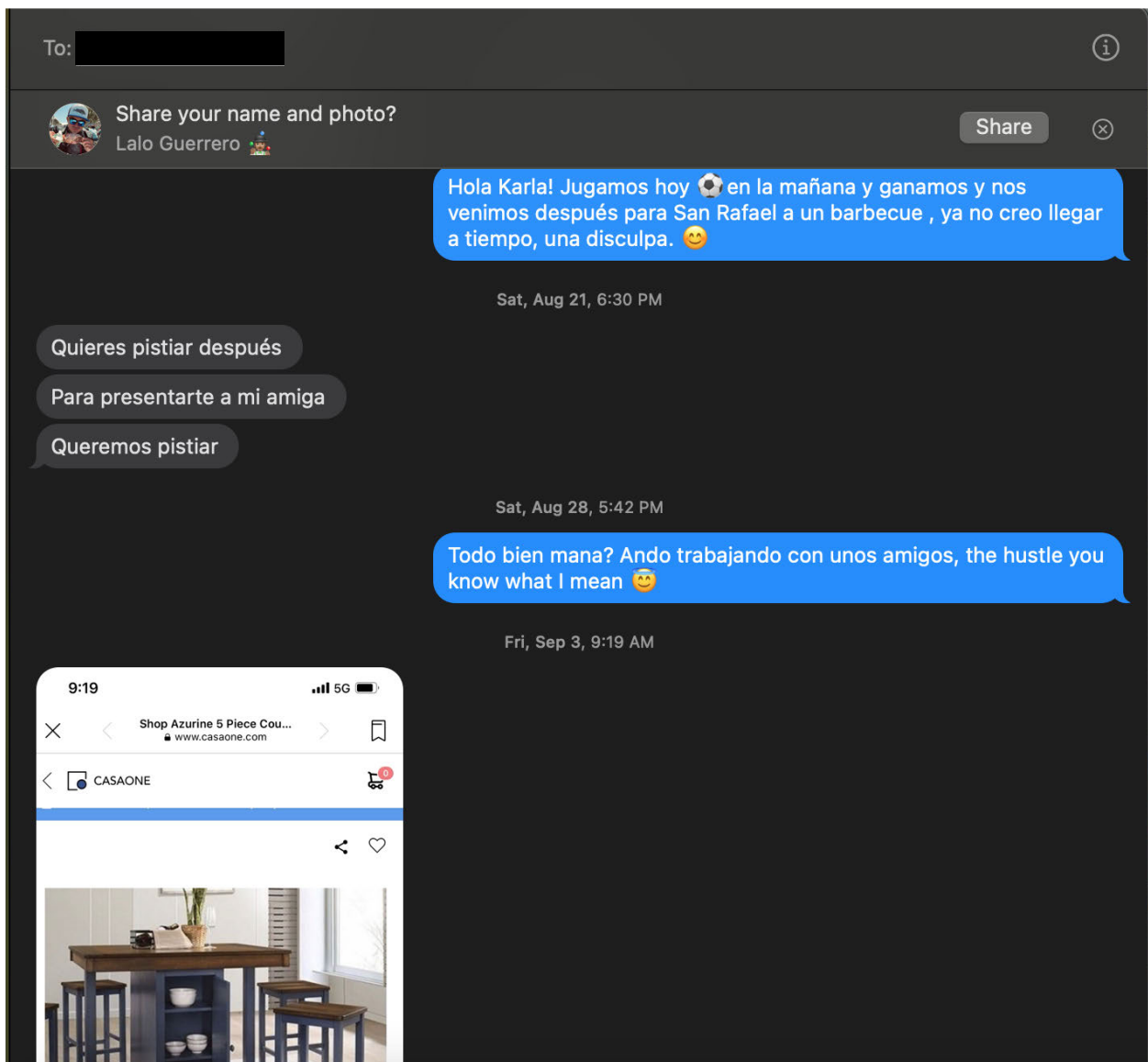
We always work at Crocker Amazon the last week of the month or the first week in the following month. Whenever we work at Crocker Amazon, us gardeners are the first to arrive in the parking lot so it is empty. I've been one of the only people who parks under the trees on the edges of the lot. Everyone else parks in the middle of the parking lot. Karla Hernandez Garcia began parking here too, very, very close to me, even though there was plenty of room in the rest of the lot, so that when she opened her door she would hit my truck. She did this multiple times and every time would say "oh sorry, I didn't know you were that close." I didn't say anything, I was just



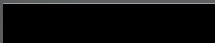
surprised that she could do this kind of thing. My friend Noem Andradei told me that Karla had also parked so close to her that she hit her car when she opened her door. Noemi also had to move her car in order to prevent Karla from hitting her car when she opened the door. I wondered if she did this to Noemi because Noemi is my friend.

### September 3

Karla Hernandez Garcia asked me if I knew a woodworker, someone who could make tables, and sent a photo, seen above. I said I might know someone, but wasn't sure. The next day, which was Saturday, she called me multiple times, via facetime and phone calls. I answered the first time she called and told her that if I was able to get in touch with my friend I'd let her know at work on Monday. She kept calling over the weekend anyway, without leaving a message. These calls were excessive and unnecessary.



To:



Share your name and photo?

Lalo Guerrero

Share



**Azurine 5 Piece Counter Height Dining Table Set  
Dark Oak & Blue**

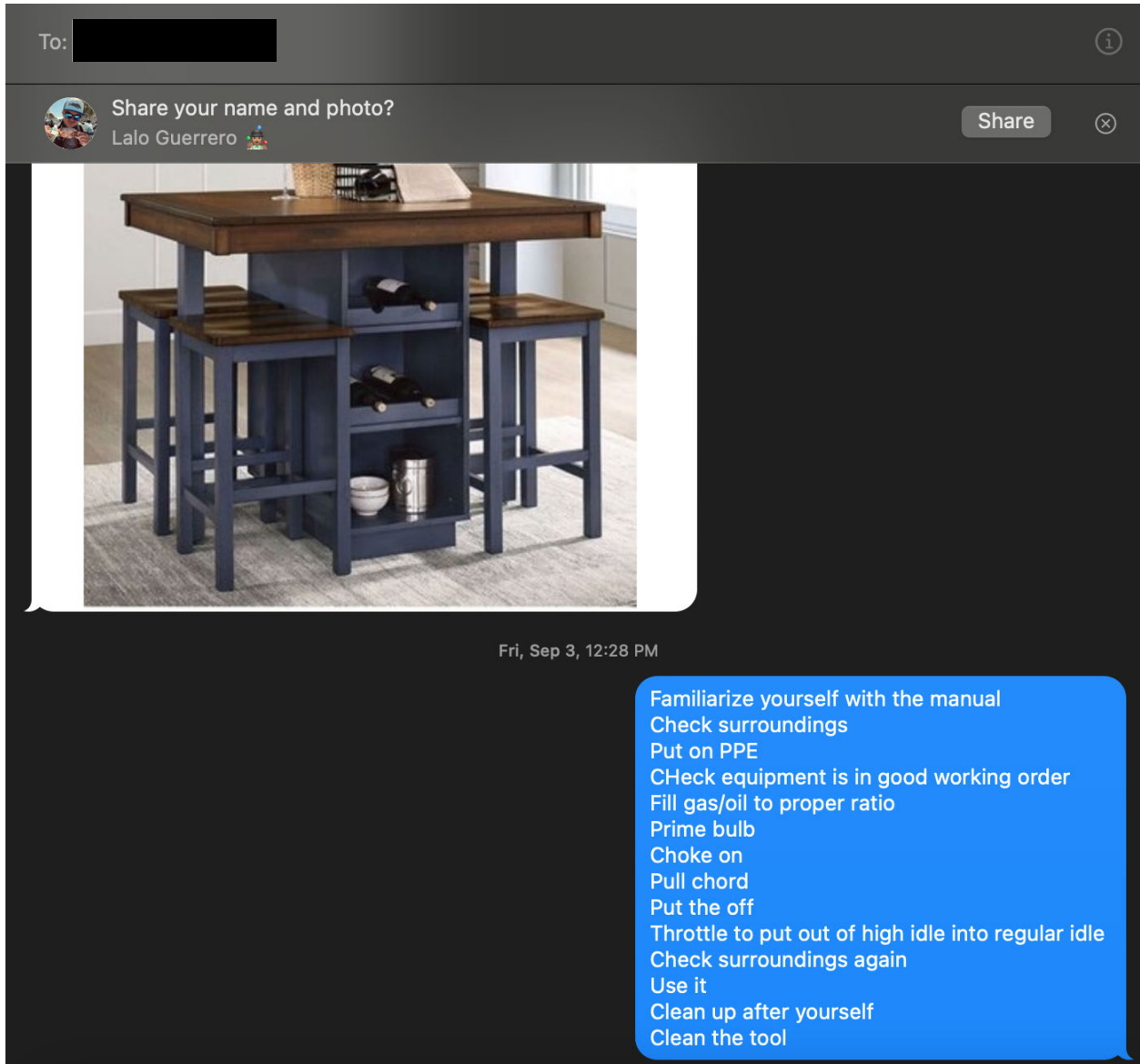
By : Furniture of America

Choose how you'd like to furnish your space

Rent

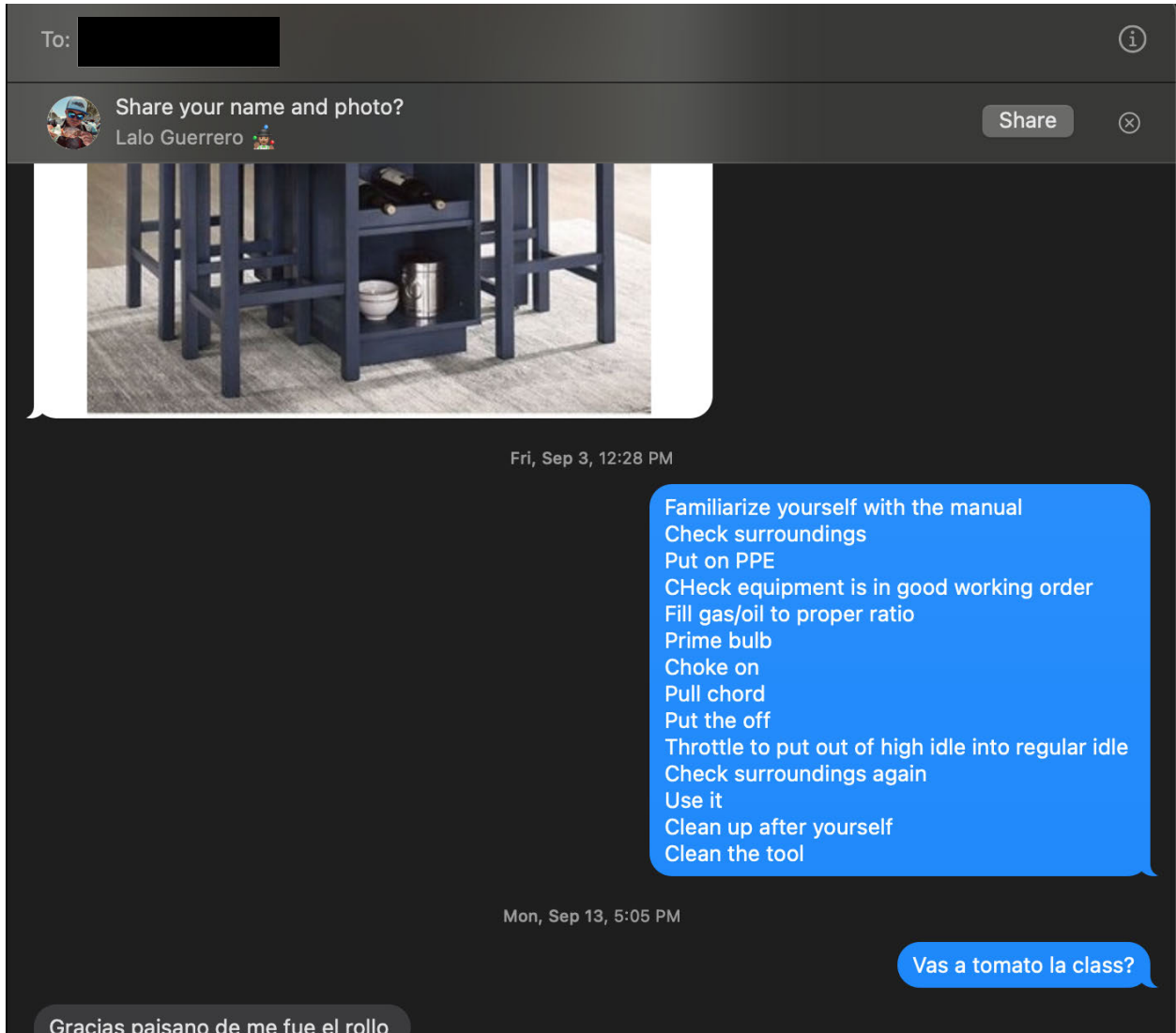
Not available for selected





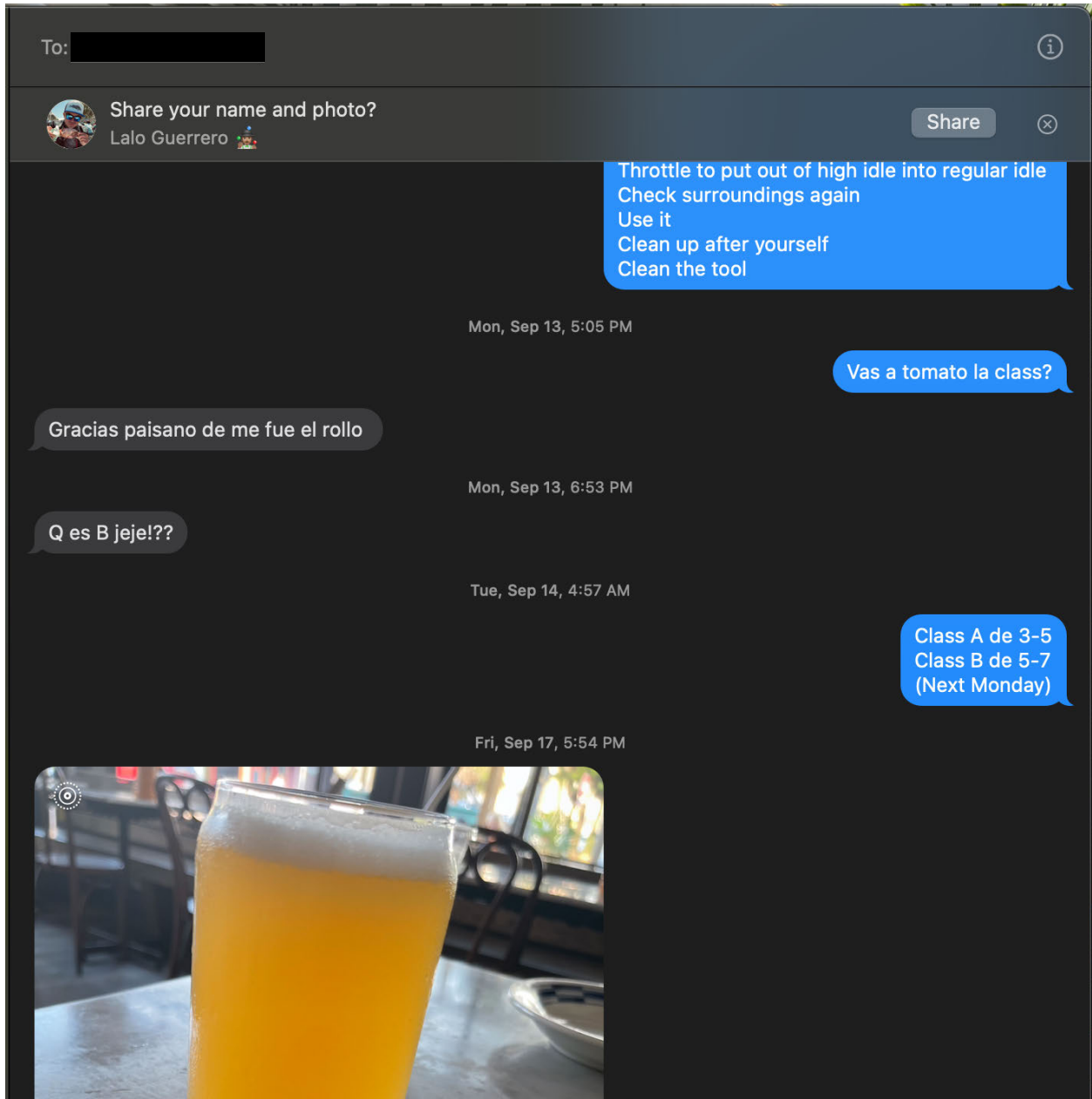
### September 3

When Karla Hernandez Garcia asked me during lunch if I knew a woodworker to make a table for her, she saw that I was studying for an upcoming quiz. She asked if I could send her the list I had made for myself to study from. I didn't want to but she continued to insist so I sent it to her.



### September 13

I was in class, via zoom and Karla Hernandez Garcia was late. The teacher asked if I knew whether or not she was coming. Everyone in the class saw when the professor asked me to contact Karla. I didn't want to text her, but felt that it was the right thing to do given the teacher was asking about her. I sent her a text asking if she was coming. She responded yes and thanked me for reminding her. At the end of the class she asked for information that had been given in the class. I didn't want to respond, because I felt it was her responsibility to know the answer if she had attended class and suspected she had lied when she said she was coming. The following day, Sept 14, I sent the answer. See below.

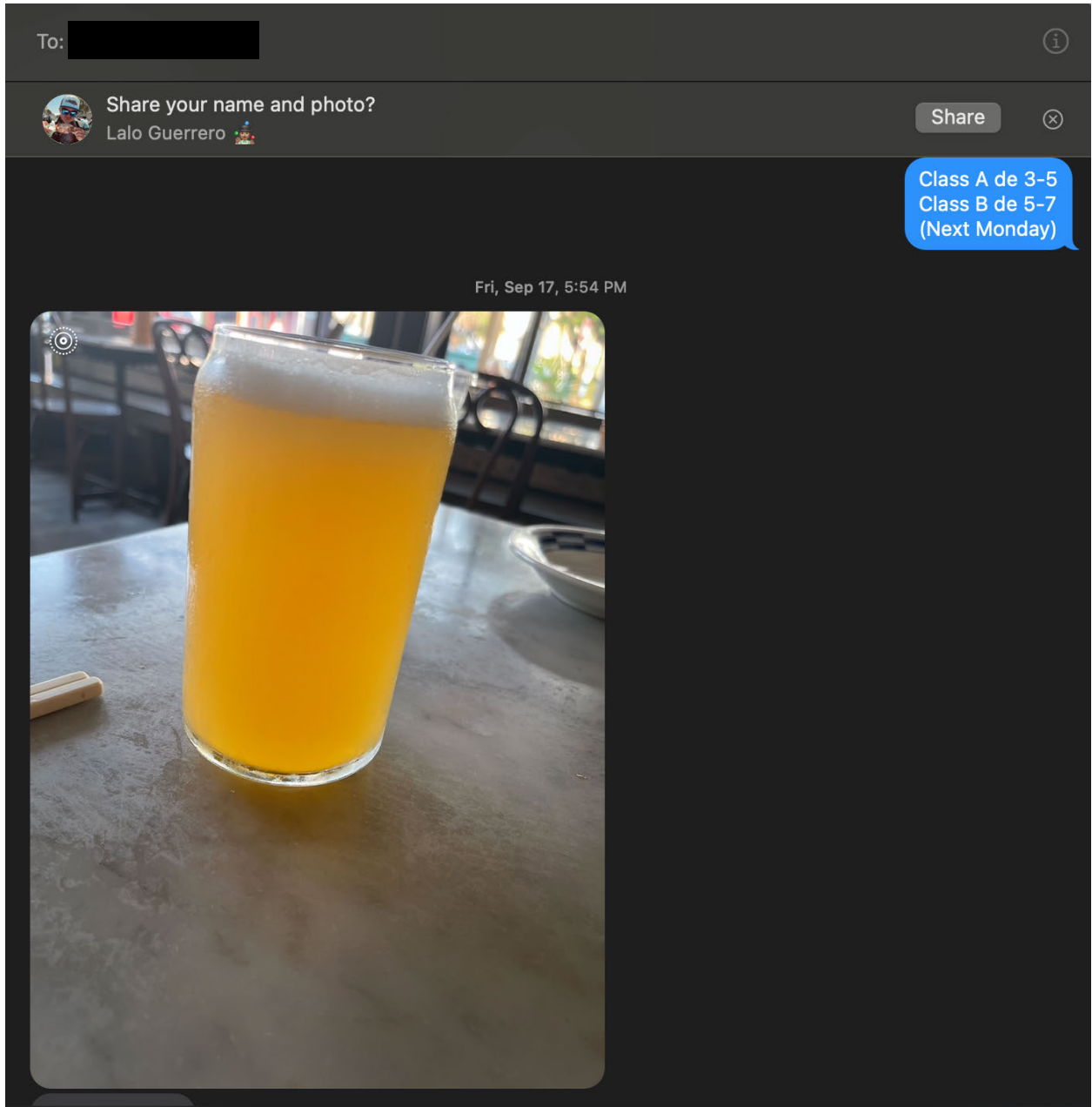


September 14 - 17

The rest of the week Karla Hernandez Garcia continued to invite me to go out drinking. I told her I was busy and couldn't.

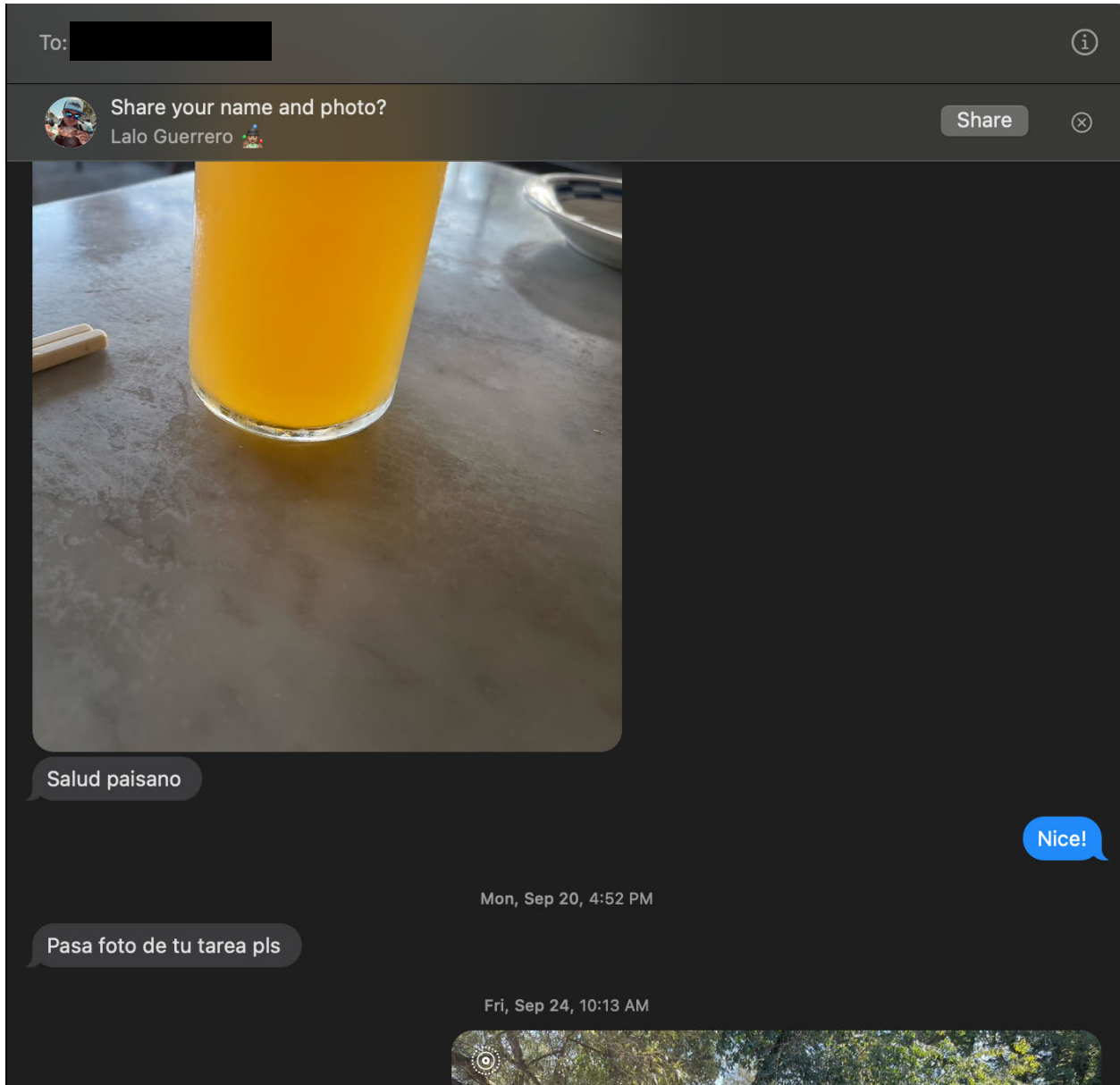
September 17

Not realizing or accepting that I preferred space, Karla Hernandez Garcia sent me a photo of a beer.



September 20th

That Monday Karla Hernandez Garcia asked for a photo of my homework and I didn't respond.



September 24th

That Friday she asked me to take photos of her driving the Toro truck and I texted them to her. That same day she kept asking me if I wanted to go out for a drink and I told her “No thank you, I have a wedding to go to.”

To: [Redacted]



Share your name and photo?

Lalo Guerrero 🎉

Share



Nice!

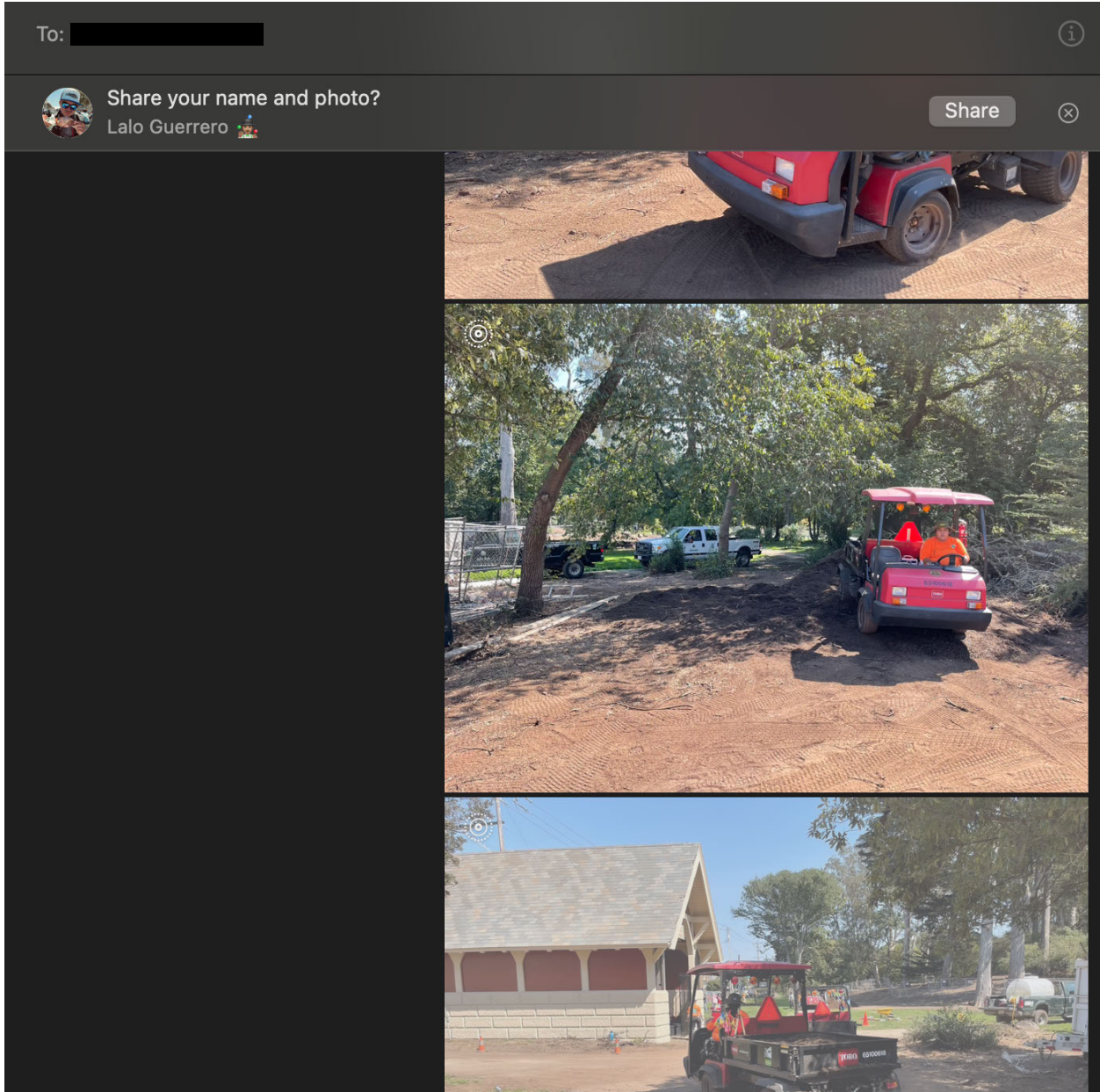
Mon, Sep 20, 4:52 PM

Pasa foto de tu tarea pls

Fri, Sep 24, 10:13 AM

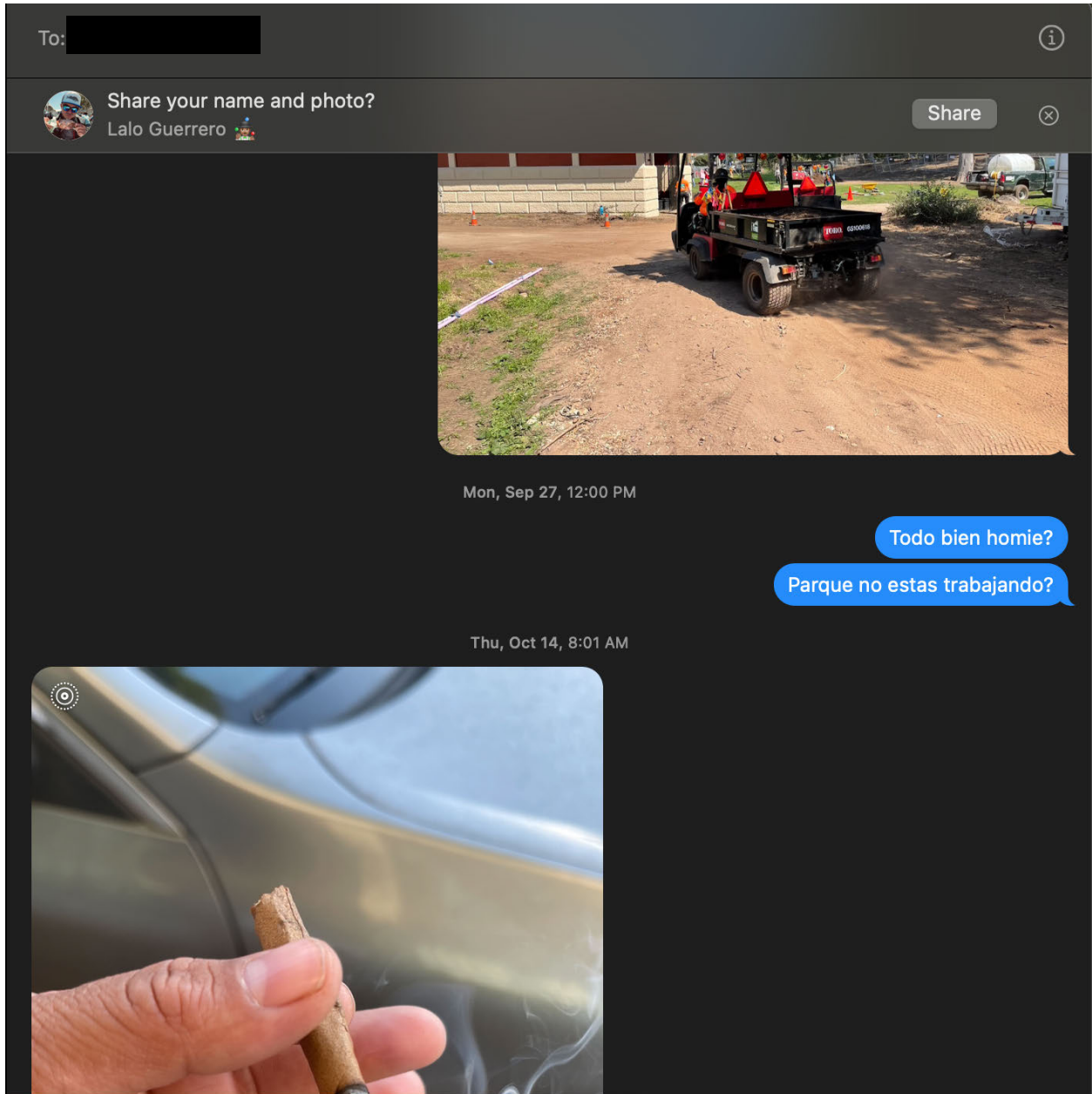






September 27

Karla wasn't at work. [redacted] asked if I could text her because she had forgotten her phone. I texted her "is everything ok homie, why aren't you at work?" she didn't respond. See below.

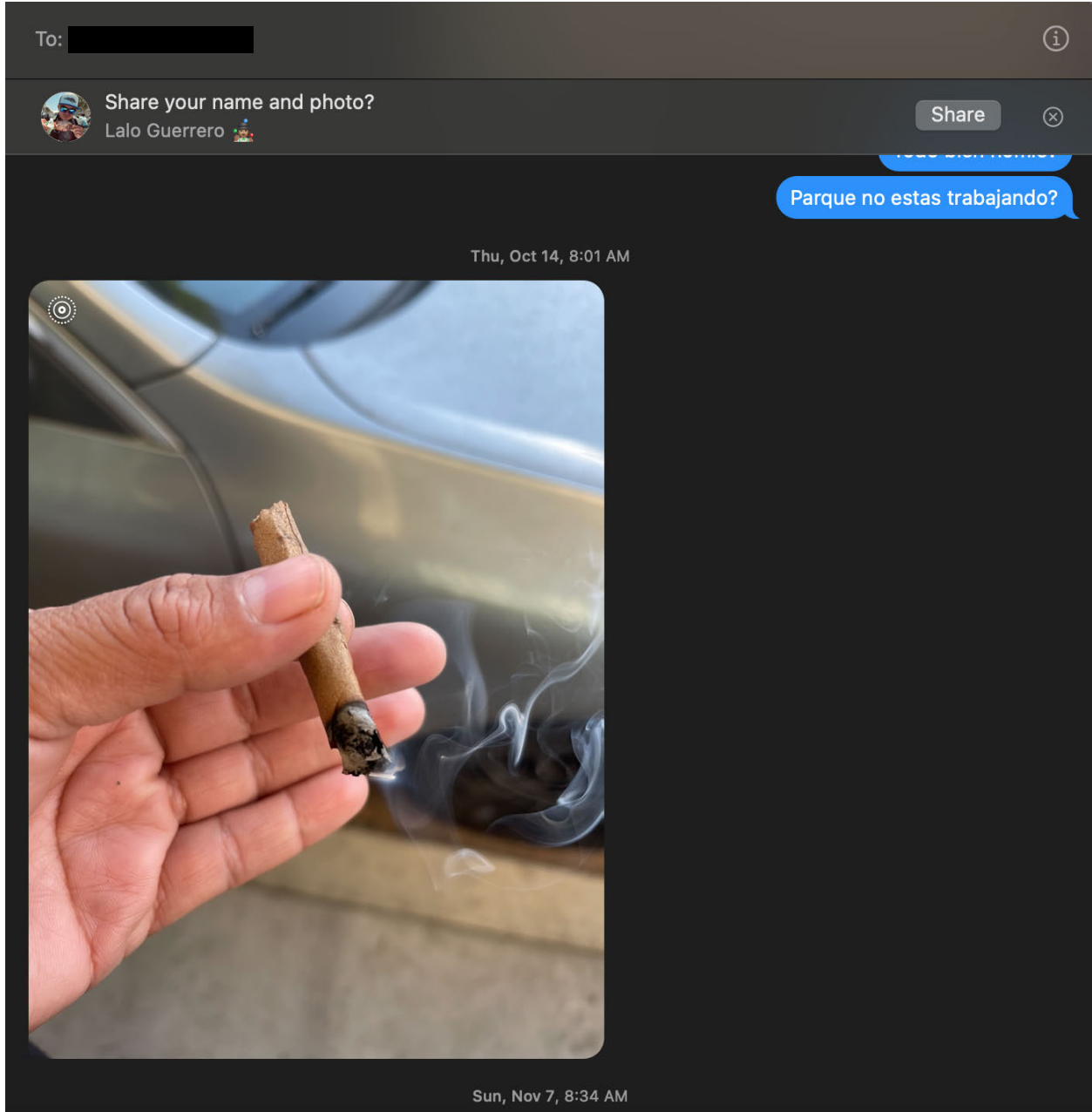


October 4

We were working at Crocker Amazon, like we do the last week of the month/beginning of the next month and I parked my car where I had been parking, under the trees on the edge of the lot. This time, I arrived early and turned off my truck and stayed in the car. When Karla Hernandez Garcia arrived she parked very close to me. She was about to get out of her car and I turned my truck on and moved it over before she had a chance to open the door and hit my car, which I felt she was doing on purpose.

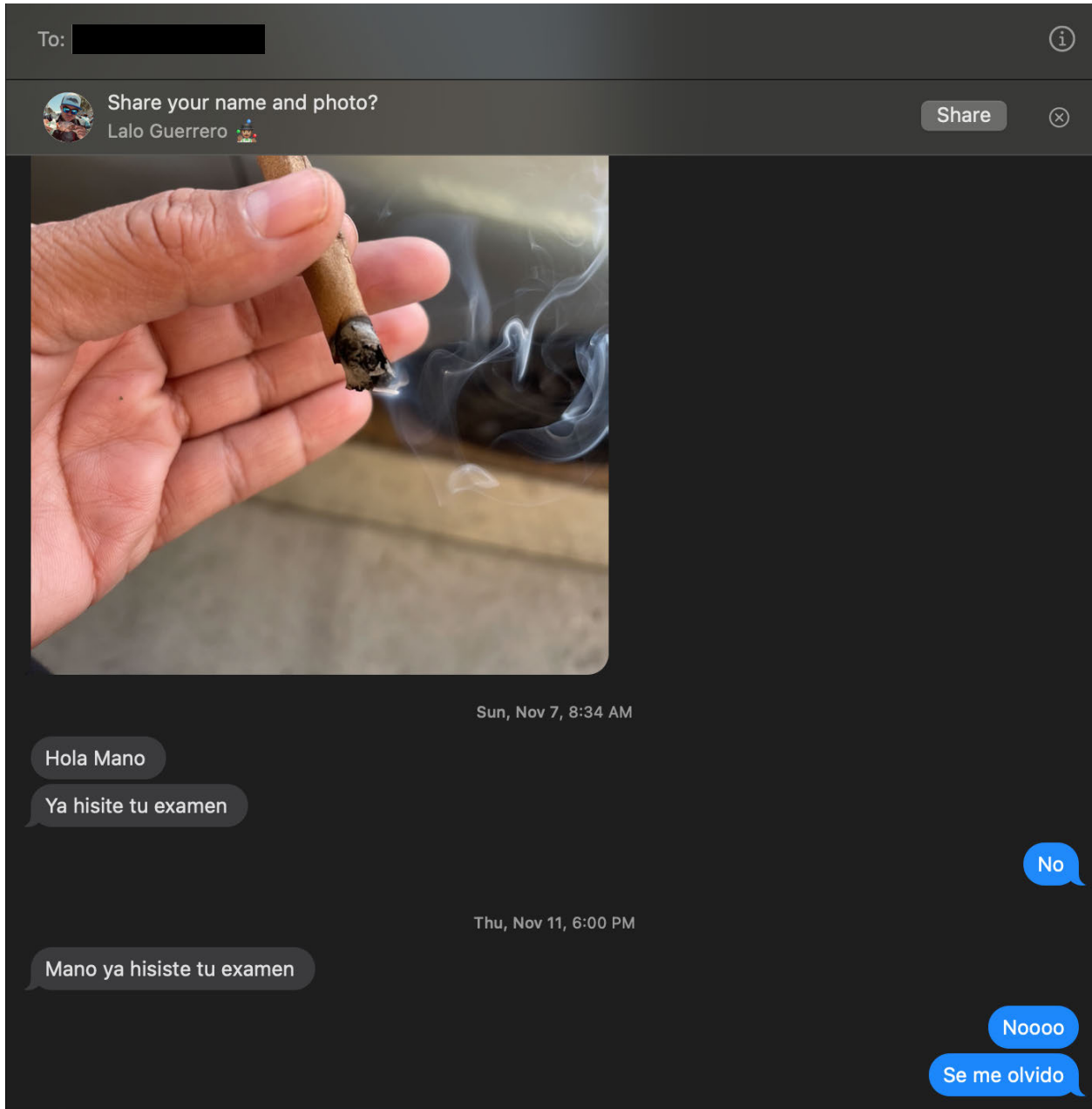
October 14

When we began our rescape training which happened every Thursday via zoom, Karla Hernandez Garcia asked me if I wanted to meet and smoke weed and take the training together. Karla Hernandez Garcia sent me a photo of a joint she was smoking and I didn't respond.



November 7

Early Sunday morning Karla Hernandez Garcia asked me if I'd done the test from our rescape training. I told her "no."



### November 11

Karla Hernandez Garcia kept insisting and asked again. Saying “did you already do your test?” See below. I told her I’d forgotten. That same day, after sending the text, she called me asking for my answers and I told her that I had sent the answers already and didn’t have them anymore, sorry.

### The following events happened in the month of November

Karla Hernandez Garcia often asked me why I didn’t talk a lot. I would say, I’m just shy. She would say “you feel like you’re the shit, is that why you don’t want to talk me?” I would say “no, no, that wasn’t it at all”

Since Karla Hernandez Garcia kept doing this almost every morning, I got to the point where I thought maybe if I shared a little about my life she'd understand. I had told her many times that I had a girlfriend. This relationship had just ended and I told her that I was sad, and that is why I was being quiet. I opened up to her and told her everything that happened leading to the end of the relationship. I told her that early in the relationship my girlfriend [REDACTED] [REDACTED] that her parents never supported our relationship and wanted her to be with someone who was better than me. The only response she gave me was to say "thats how white bitches are, they cheat on you, why were you even with her? Whats her name?" She said "someone else is fucking her already, why do you even bother?" She began to sing a song in Spanish everytime I was near her "dale tilin" translated as "give her dick." She even did this during our huddles in the morning, knowing that no one else understood because it was in Spanish. The only one who understood was [REDACTED] who knew what was happening in my life and might have been aware of the way that Karla was bothering me. She kept doing this so I tried telling her how important the relationship was to me, that this was someone I had been hoping to have children with and that I really wanted to start a family. Her response was "well I have lots of kids, you can take care of one of them." This made me feel horrible, like she didn't care. It became obvious to me that the whole time that she was trying to be my friend, she was really bullying and harassing me.

Karla Hernandez Garcia continued singing songs every morning, during the huddle, taunting me. Every morning it was a new song and it was clear that she was trying to bother me and get a reaction out of me. I just ignored her.

After I told Karla Hernandez Garcia about my breakup, she began to continuously ask me "how are you sleeping these days, buddy? You sleeping like shit?" I was always cordial to her, I just wanted her to leave me alone. I wouldn't respond when she said this.

#### November 19

One morning when I was loading the truck for the day with [REDACTED] I was telling him about a woman I'd met, that we were dating and that she had a cute dog. Suddenly I heard Karla Hernandez Garcia say loudly "you shouldn't talk to your bosses about that kind of thing, you're gonna get fired for that." She and I always spoke Spanish, but these comments she made in English.

I would share these kinds of things with [REDACTED] because he was a good leader and very supportive of my work and who I am as a person. He also shared personal things with me and was a big support to me during my breakup.

After all of this, I tried to maintain my distance from her as much as I could. Karla Hernandez Garcia saw me being friends with others, and that I wasn't friends with her. She seemed to notice this and it made her angry. I even spoke to my closest work friends about it and they agreed that she was mad that she wasn't part of what I had.

### December 3

Friday morning, 5 - 10 minutes before the shift started while we were all gathering, I was talking with [REDACTED] about the camping weekend that was coming up. I told Jay that Thomas, my professor from Ornamental Horticulture 50 (OH 50), had given me a marijuana plant and that I'd bought a really nice pot for it. We were talking about this and suddenly, I heard Karla Hernandez Garcia saying right next to me, but loudly so that others could hear, "you should keep that to yourself, you're going to get fired for that." This felt threatening. If she really cared about me getting fired, she wouldn't have said it so loudly.

### December 6th

We had an OH 50 class at the Botanical Garden. I had plans to meet up with Noemi Andrade and [REDACTED] to eat at Underdog after work and before the class. Karla Hernandez Garcia was at Underdog with them. It surprised me that she was there because she doesn't speak to Noemi Andrade and from what Noemi has said, she treats her coldly and rudely. I think she invited herself through [REDACTED]. I said hi to everyone including her, we all had a good time and then we went to the Botanical Garden for class.

### December 6th

During this class we had a walk through the botanical garden and De Young museum gardens. During this walk I was talking to [REDACTED] about something having to do with our house. [REDACTED] is a co-worker and a roommate. Karla Hernandez Garcia overheard us talking and said "sometimes I just want to punch you in the face, Lalo." [REDACTED] and I heard what she had said, we looked at each other and were speechless.

### December 7th and 8th

As usual Karla Hernandez Garcia sang songs when I was close by, with the same purpose of trying to bother me.

### December 9th

We were working in Noe valley and I was working with Allison McCarthy, my supervisor, digging a hole. We were talking casually like coworkers. The conversation didn't feel serious, just like Ali naturally was curious about a few things. Allison McCarthy told me that someone had told her that I had said "mamacita" referring to a woman passing by when I was in the work truck driving towards the field. I was shocked, "I said, no I never said this, I would never say something like this, especially at work." She didn't say anything. Then she asked me how things were between Karla and I. I said, "everything's fine, why?" She said Karla had told her that I'd said she was working slowly and that this insulted her. I told Ali that I never said this. Ali told me that Karla wanted to speak with her and I about this. All of this made me think that all of these complaints came from the same person. I told her this wasn't necessary, that I would apologize to Karla on my own and resolve this as the adults that we are. Ali said, "yeah, it's a good idea for you to apologize to her, maybe on break, and you can resolve this."

I approached Karla Hernandez Garcia in the middle of the park. I chose to do this in the middle of the park so that everyone could see that I was giving her an apology and so that I felt safe and so would she. Ali was standing nearby, she gave us space, but saw it happen. I said to Karla,

“Ali let me know that you told her that I’d made a comment about your work. I’m sorry if I said something like this, I don’t remember having said it. But if I did, please know it wasn’t my intention to hurt you and the next time there is something you need to say, please come to me and tell me. It isn’t necessary to talk to Ali.” I continued, saying, “do you remember the time that you mentioned that we don’t see many Latino’s working for Rec and Parks? And as Latinos we need to support each other? There are many examples of times that I could have spoken to Ali, like when you hit my car with your car door, but I chose not to. Please accept my apology and I promise this won’t happen again. When was it that I said this to you?” She started to cry and said,

“yeah but sometimes you don’t want to talk to me and you don’t even know whats going on in my life. I have a lot going on, and the day that we were at Underdog you hardly spoke to me” She didn’t answer my question about when I had said she worked slowly, she just focused on the time at Underdog. I put my hand on her shoulder and said “its ok.” I said,

“I arrived and I said hello to you. If I talk more with [REDACTED] and Noemi, its because they’re close friends of mine and I’ve hung out with them outside of work. I don’t know you very well. I’ve always been polite and a gentleman to you.” She responded,

“yeah but it didn’t seem like you wanted me there and you didnt’ talk to me, only to [REDACTED] and Noemi”

“Because they’re my friends and I feel more comfortable with them. You and I are only coworkers and classmates, and thats it. Is that ok with you? Do you agree?”

“Yes”

“So now there isn’t a problem? Everything’s good between us? We’ll treat each other with respect, like coworkers? Is there anything else I can do for you? Are we cool?”

“Yeah, we’re cool”

“Ok, cool”

“Have a nice break”

“Yeah you too”

It surprised me that she brought up me not having talked to her, when she never talks to Noemi Andrade, at work or in class. Noemi was also there the day at Underdog. Noemi is a wonderful person, gets along really well with everyone and is one of my best friends. Also, we never ended up talking about what Allison had said Karla had been upset about. This made me think, she wasn’t really concerned with that comment, that I didn’t even remember making, but had something else against me. I began to feel that she was trying to ruin my reputation. After this Ali and I continued working together fixing the hole that we were digging earlier and she asked me how the apology went. I told her that I thought it went ok, that when I apologized to Karla she began to talk about other things and began to cry, but that I thought we had resolved it. I said to Ali, maybe it would be good if she talked to Karla now to see how it went for her.

After this, Karla Herandez Garcia continued singing songs and began making lewd gestures with her mouth open pumping the air in front of her mouth with her fist when she saw me alone. Every day was this same sort of behavior.

I didn't hear anything from Allison McCarthy after this incident and everything seemed like it had been resolved. Allison seemed a bit distant and upset with me, but she didn't say anything. She never asked for my side of the story, which I was expecting after the accusations Karla had made. I just put my head down and continued to work. After this, I noticed Allison seemed to always have paperwork to give to us. She would forget to give it to me, or forget to get it back from me after I had filled it out, so oftentimes I was either asking for it or giving it back to her. It seemed like she was doing it on purpose.

Looking back on my time as an Apprentice Gardener, I remember that in the beginning of my employment I felt that Allison McCarthy was cold and distant towards me. During a conversation with Ali about a problem I was having with Randy Vasquez (which I have a thorough, written account of and feel that he had something against me because I'm Mexican), we sat down and Ali listened to my side of the story. In the beginning of the conversation she said that she had been under the impression that sometimes I wasn't paying attention to her instructions and that I didn't understand English. She said she was surprised by how good my English is. I told her, "No, I'm just quiet, I'm fully fluent and understand and speak English and it just takes me a while to make continuous eye contact with someone because I'm shy, quiet and tend to be private. I like to keep my head down and work hard. This gave me the impression that the cold and distant treatment she was giving me was due to my Mexican heritage, nationality and status as a naturalized immigrant. I felt treated differently from my coworkers and that she would have actively sought their side of the story had they been in my position. I never felt supported by her or that she was interested in seeing me thrive. In the incident I had with Randy, Ali gave me the opportunity to speak to HR when she heard my part of the story. She took the papers out of her backpack for me to fill out and file with HR. I told her that I didn't want to file a complaint with HR because I didn't want to create any waves and increase problems. I wanted to solve the problems like adults and continue working as a family and learn from each other and our mistakes. I just wanted to do my job and do it well.

I was very surprised to be brought to the warehouse and presented with the letter of separation on December 17th, 2021. That day of my separation [REDACTED] kept saying you are going to land on your feet and he also said you don't belong to the public sector and I should stick to the private sector, also I should just speak to HR.

I worked for multiple years to get the kind of job that is now being taken away from me. I am a hardworker with an incredible work ethic. I am ready to give my life to this job and to the City for all that it has given to me. I've never been late, I've never called in sick, I've always finished the work that is assigned to me, I have multiple years of experience in this kind of work. I love this work. I love plants, gardens and nature and I love working with them. I'm not here just for the benefits or the salary, I'm here because I love what I do and I like to see things done well. I have allies at work that are willing to testify on my behalf and can verify what I am writing here. Since



the separation, I've received texts and calls of support from my coworkers. They will be able to corroborate much of what I have written here and will support me in whatever comes next.

As you can see, many times while working for SFRPD, I experienced harassment, retaliation and discrimination. The document that I referenced earlier about events that occurred with Randy Vasquez , further detail this treatment. I'd be happy to share it. I was fired based on false claims and I would like my job back immediately.

Sincerely,

Eduardo Guerrero Ortiz

[REDACTED]

## **Events with Randy Vasquez**

### August 11th

I was assigned to ride in Randy Vasquez truck, the captain of my group, by my supervisor, Allison McCarthy to go to the job site. When I got to the truck, he said to me "you don't belong here," in a gruff manner. I said, "I was told to go with you," he said "lemme check with [REDACTED]" I ended up going with a different truck. This was the first one-one interaction I had with Randy. This felt really threatening and intimidating especially when i was just working first week in the program.

### August 19th

Many times in the morning, while I was drinking my coffee, he would come and ask me why I was so quiet. I'd tell him "this is just how I am, I'm shy, I'm just here to do my work." He would respond with "what, you don't like me?" even after I assured him that it was nothing personal.

### August 23th

Every time Randy came to talk to me he always touched my back, with a slap on the back saying "all right bro." This made me feel uncomfortable.

### August 24th

He would often assign me to work with [REDACTED] and would say "this way you can speak your own language together." This made me feel uncomfortable, the tone of his voice and the look in his eye seemed challenging and I felt singled out, as though he were provoking me. It also separated me from the rest of the group to whom English is their first language.

### August 25th

He has always watched me while working and even during lunch. Even from a distance I noticed that he seemed to position himself in such a way that he could always see me. This was not to say hello, or be friendly, because he never greeted me during these times.

Many times he would ask me, "why don't you take off your hoody or your vest?" I would reply "No reason, I like to sweat, I'm a bit shy of my body, I want to lose weight using extra layers," or he'd say, "Lalo, you're not hot, man?" I am used to working in extreme heat in the east bay and on the peninsula, the heat of San Francisco does not compare to over the 100 degree weather I am used to working in. I would wear a hoodie in this weather to protect me from the sun.

He liked telling us that he never used the words "please" or "thank you." He would make this kinds of comments very often and it felt like he was threatening everyone by using this kind of words.

He also would say so often that as an apprentice i dont really matter and my words or comments don't count or dont matter.

#### September 8th

One day when I didn't have any layers on, in front of everyone right before lunch when we were all walking to do our lunch huddle, he yelled so everyone could hear, "Hey Lalo, you've got a big chest man!" and made a bodybuilder gesture. No one said anything, it was a commentary out of nowhere. The only person who said anything was Karla Hernandez Garcia who said to me, "I told you, you got a big chest, man!" I didn't say anything, just smiled

#### September 14th

I had always arrived by bicycle or motorcycle. The first time that I drove my truck to work I was pulling into the parking lot doing no more than 5 miles/hour and I saw Randy. As I walked to the warehouse, Randy came up to me and said "can you drive more slowly?" Again, this felt like being singled out, even though I had done nothing wrong.

#### September 22

I began to notice that Randy would tend to grab the tool I was using, even if there were plenty of this same type of tool to go around. I always ignored this time and again and would just go to get more tools.

#### October 5th

Randy Vasquez would keep making comments about how he never tells people thank you or please because that is not who he is, this felt very uncomfortable and challenging. He would say it very often.

Also the comments about me just being an apprentice where i don't really matter at all because one day i can get fired for any reason. This felt very no cool at all.

October 15th

All this interactions with Randy Vasquez fell out of control but at the same time i was trying to just not get in trouble and just finish my day of work and go home and being happy to have a good job, i tried my best way for him Randy Vasquez to get to like me or just get along in some way, i even try with a picture of me and my girlfriend having dinner at this restaurant in the Richmon because that day we talked about good places to go out for a date, so that day i went on a date with my girlfriend and i took a picture of the food we had and i sent to him to try to connect with him, not a single response from him.



October 29

One day after Randy used the tools I'd been using, I was using a flex rake that Randy picked up and began to use. I said to him, "Randy, I was using that." He said "oh, can I use it? Is that ok, Lalo, is that ok with you?" "Do you own this?" "can i use it?" I said "yeah, its all good man." Grabbing tools that I was using unnecessarily and without asking, felt aggressive. A few

moments after this happened, he called me with his hand yelling my name. Then he asked me to finish doing the job he was working on using the same tool that he had just grabbed from me.

#### November 4th

The following week, at the end of the day Randy approached me saying that he felt a “vibe” from me. He called me outside of the warehouse. I said “whats up? is everything good?” He responded

“everything’s fine, only I feel a vibe from you,”

“What, what kind of vibe? Can you be more specific?” I asked

“Nothing, I just feel a vibe”

“Doest have to be about my work from today or did i say something”?

“No, not that, don’t worry about that, only a vibe” He was looking at me in a way that was very challenging as though he wanted to physically fight. He was puffing out his chest and standing very close to me. So I said,

“Well, since we’re here I’ll tell you some things that have been bothering me. Every time you talk to me you touch me on the back,

He said “oh, so there is vibe...” nodding his head still with the challenging stance he had had.

I just continued telling him about how i felt about his treatment towards me “it was good chance to speak to him and have things clear.

“ I don’t take off my sweatshirt because I’m a little shy about my body and this comment that you made in front of everyone about my big chest, wasn’t right. Every time you talk to me it feels like you want to fight with me.” I didn’t bring up everything he had done that felt aggressive.

“Please just don’t do this. Look, you’re harassing me. It doesn’t feel good when you make these comments in front of the group. I’m shy. I’m on probation and this job is really important to me, I’ve never been late and I work really hard. I’m only here to work. I’m learning and you are also covering for someone and learning the position you’re in, so lets just keep it cool and move on like adults”

“Please if you don't like me or you don't like people around you speaking spanish so be more direct or specific about it, instead of pulling me off the entire group very often and say something like in this way you can speak your own language, i few times you have done it and [REDACTED] is with me, she told me that your comments feel very rude and out of place”

#### November 5th

The following day, Allison McCarthy told me she wanted to speak to me, so the morning went as usual, we took care of everything before we head off to the field, the whole group left the nursery and i stayed at the Elvas Greenhouse with Ali, we sat and we spoke about what happened the day before.

She started the conversation with something like she had been under the impression that sometimes I wasn’t paying attention to her instructions and that I didn’t understand English. She

said she was surprised by how good my English is. I told her, "No, I'm just quiet, I'm fully fluent and understand and speak English and it just takes me a while to make continuous eye contact with someone because I'm shy, quiet and tend to be private. I like to keep my head down and work hard.

I told her about our conversation, about him asking me about the vibe without telling me anything specific. I let her know that I told him I would take this opportunity to tell him that it felt like he was coming after me. I told Ali all the reasons why I felt he was doing this, from his comment about my chest and why I never took off my hoodie, in the mornings asking me why I'm so quiet, his habit of grabbing my tools, always slapping me or touching me on the back. I told her about everything that is in the document. I was very clear about everything that had been happening with him since I started working here.

But what it was very sad and serious is the fact the he separated many times from the group, he would always choose me and [REDACTED] to work separately from the group so in that way we could speak our own language, [REDACTED] felt very uncomfortable and offended about these kind of comments from Randy Vasquez.

She listened and she told me that this was very serious and that I should file a report with HR. She took the HR papers out of her backpack and offered them to me. I told her I didn't want problems and I didn't want this to become a big thing, I wanted to resolve this like adults and that we are a big family who is learning everything together, and that we can learn how to resolve these things between ourselves without it becoming a big thing. Ali listened and said, "ok." She apologized for what had been happening and thanked me. She gave me a ride to the rest of the group at Dolores Park.

After this I maintained my distance from Randy like I always tried and he maintained his distance from me and things calmed down. He stopped using my tools, stopped slapping me on the back, stopped making comments about me in front of the group, stopped asking me about being quiet, stopped asking me about wearing a hoodie, he stopped pulling me from the group with [REDACTED] to speak our own language but he did continue to watch me from a distance as usual, he just kept doing it in a very obsessive way, very uncomfortable.

# **EXHIBIT B**

Intake Interview of E. Guerrero Ortiz

April 14, 2022



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT  
WITNESS INTERVIEW QUESTIONS**

<b>Complainant-</b> Eduardo Guerrero Ortiz- Self identified male with he/his pronouns	<b>EEO File No./Dept.:</b> POT 2022/REC
EEO Investigator: Prisma R. Corona	Date & Time: Thursday, April 14, 2022, from 7:00 a.m. 10:15 a.m.
Others Present:	
Location: Microsoft Teams Video Conference	Pages:

**I. BACKGROUND INFORMATION**

**Our HR system shows that on August 7, 2021, you were hired as a temporary exempt 3410 Apprentice Gardner. Is that Correct?**

*Yes, that is correct but my start date was actually on August 5, 2021.*

**Was that your only position within the City?**

*Yes, this was my only position with the City. I waited a long time for a position like this.*

**Documentation shows that on December 18, 2021, you were released from your 3410 position. Is that correct?**

*I was really released from my position on December 17, 2021, but I requested my personnel file from the City and the paperwork says December 18, 2021.*

**Were you aware that this position was an at-will position, meaning that your employment may be terminated at any time by the Appointing Officer with or without cause?**

*Yes, I knew this.*

**Do you understand what this means?**

*Yes, I do.*

**A. Working Relationship with Allison McCarthy**

**Looks like you reported to Allison McCarthy while at REC. Is that right?**

*Yes, that is correct.*

**Did you meet Allison at REC?**

*I met Allison on my first day of work, but prior to that we had emailed each other regarding the position.*

**How would you describe Allison's personality?**

*She's a nice lady. She takes her job very seriously, and she loves what she does. She has been with the City for over 10 years.*

**How would you describe your relationship with Allison?**

*Allison was pretty distant and kind of cold towards me. Occasionally, when I said good morning she would not respond, so I stopped saying it. She did sometimes make comments about her personal life so I would say our relationship was professional and a little bit social.*

**Do you and Allison get along?**

*We kind of got along. I was careful around her because I had a feeling that she did not like me.*

**Are you/were you ever friends?**

*No, we were not friends. She was my boss and I was just an apprentice.*

**Did you and Allison socialize outside of work?**

*No.*

**B. Working Relationship with Karla Hernandez Garcia**

**How and when did you meet Karla?**

*I met Karla my first day in the program.*

**How often did you interact with Karla? Daily, weekly, rarely?**

*I saw Karla every day that I was at work.*

**How would you describe your relationship with Karla?**

*She was my coworker. I wanted to be professional and friendly towards her.*

**Do you and Karla get along?**

*We got along a little. I think she wanted to be more than just co-workers.*

**When you say more that co-workers, do you mean she wanted to be friends with you or that she wanted a romantic relationship?**

*I think she wanted to be friends with me.*

**Are you/were you ever friends?**

*Not really. She tried to be friends, but we never got there.*

**Did you and Karla socialize outside of work?**

*I only saw Karla outside of work one time. I described it in my complaint. It was a group setting, and I did not know she was going to be there.*



**C. Working Relationship with Randy Vasquez**

**How and when did you meet Randy?**

*I met Randy my first day in the program.*

**How would you describe Randy's personality?**

*Randy is very intense.*

**What kind of interactions did you have with Randy?**

*Randy and I had work related interactions. He was the captain of the team I worked on. Randy would tell me what to do and what not to do.*

**How often did you interact with Randy? Daily, weekly, rarely?**

*I saw Randy every day at work.*

**How would you describe your relationship with Randy?**

*Randy and I were just co-workers. Maybe acquaintances.*

**Did you and Randy get along?**

*I do not know. We were just there to make a living, and that is what we did.*

**Are you/were you ever friends?**

*No.*

**Did you and Randy socialize outside of work?**

*No, we did not.*

**II. ALLEGATION: HARASSMENT**

**A. Allegations Against Allison McCarthy**

**1. December 3-6, 2021: Allison Threw a Sharpie at Eduardo's Face and Following Comments**

I am going to review your allegations and make sure I understand them. First, you alleged that on December 3, 2021, Allison McCarthy threw a sharpie at your face, said something like you shouldn't be so hard on yourself. Your coworkers witness this and it was caught on camera.

**Does that sound Correct?**

*Yes.*

**Why do you believe Allison threw the sharpie at you?**

*I guess she was comfortable enough with me to do something like that. I think she did it playfully. I thought it was friendly. I do not think she was thinking when she threw it.*

**Based on your protected category?**

*No. I think she threw it at me in the moment.*

**Did she make any comments about [protected category]?**

*No, she did not.*

Next, on December 6, 2021, outside of Elvas Greenhouse, you heard Allison mentioned that being sarcastic isn't a good idea, and brought up your comment from December 3<sup>rd</sup>, while pointing at you. She also told you "You don't want to stir the pot.

**"Does that sound correct?"**

*Yes.*

**Why do you believe Allison made these comments?**

*To be honest, I am not sure why Allison made these comments.*

**Based on your protected category?**

*I felt like all of my interactions with Alison had to do with my heritage. I always felt like she was looking at me like, "this Mexican is doing something bad."*

**What makes you say that?**

*It was just a feeling I always had.*

**Did she make any comments about [protected category]?**

*No.*

You mentioned that you felt the conduct that happened on December 3<sup>rd</sup> (sharpie incident) and this December 6<sup>th</sup> incident made you think that Allison was part of the reason you were fired.

**Why do you think this?**

*I think Allison had something to do with me losing my job because she always gave me the cold shoulder. She had always been distant and cold towards me. It was obvious and it made me feel like she did not want me there. Then she made the comment "don't stir the pot," like I was doing something wrong.*

**Why do you think Allison would want to have you fired?**

*I think Allison wanted to get rid of me based on the interactions I had with her, and because I am an immigrant.*

**Did Allison know you were an immigrant? If so, how do you know that?**

*Yes, Allison knew I was an immigrant. When I was hired we all introduced ourselves and shared a little bit about ourselves. I told everyone that I migrated to San Francisco from Mexico.*

**Why would Allison want to fire you due to your immigrant status?**

*I am not sure, jealousy? Maybe because I speak another language. I speak Spanish and she does not. Also, because I am a male.*

**Why do you think Allison was jealous that you could speak Spanish?**

*Allison told me that she had always wanted to speak Spanish but that it was difficult for her.*

**Do you have other co-workers that speak Spanish?**

*Yes.*

**Do you think Allison is jealous of those co-workers as well?**

*I do not know about their situation. I only know about my situation.*

**Why do you believe Allison wanted to fire you due to you being a male?**

*Allison always spoke about how a lady started the Gardening program. It was always a focus for her to keep the ladies in the program and get rid of the guys.*

**Did she make any comments about males?**

*Yes, she did. She said that there are too many males doing this job and that ladies can do this job just as well.*

**How many males did you work with? How many females?**

*There were three males, me, [REDACTED] 3410 Apprentice Gardner's. There were about ten ladies in the group.*

**Did Allison target all the males in your group?**

*I do not know, but I do not think so. It was different though because those males are white. (PRC verified the other two males are White). Allison targeted me because I am a Mexican male.*

**Why you think Allison has something specifically against Mexican males?**

*I think Allison has something against Mexican males because I have a bottle of water with a Mexican flag, and she pointed out the sticker and said, "I don't think that looks good." Also, because of the comment she made about how she did not think I knew how to speak English.*

In your complaint, you also said: The sharpie incident "hadn't seemed like a big deal to you," and that Allison was trying to hurt you with that sharpie she threw at you."

**Can you tell me why you think Allison would want to hurt you?**

*Allison obviously wanted to hurt me because she threw the sharpie at my face. Who throws something at your face unless they want to hurt you? At first, I thought it was not a big deal, but then she made the sarcasm comment, and I realized that she was serious when she threw it at me. That means that she was trying to shut my mouths with the Sharpie.*

**Based on your protected category?**

*It had to do with me being Mexican because she did not do that to anyone else. Other people make jokes all the time and she never did anything to them at all. The fact that I am an immigrant male is what made me different.*

**Did she make any comments about you being Mexican?**

*No.*

In your complaint you stated that Ali (Allison?) made a comment about how sometimes you weren't paying attention to her instructions and that she didn't think you understood English. You also stated that you believe Allison's treatment of you due to your Mexican heritage, nationality and status as a naturalized immigrant.

**Does that sound correct?**

*Yes.*

**When did this conversation happen?**

*In November 2021.*

**Did anyone witness this?**

*No.*

**Had you spoken to Allison in English prior to this?**

*Not really. Usually, we were in a group and Allison was in the front and spoke to us. I always listened. On this day in November, I approached her to talk about Randy. This was the first time that I spoke to her directly.*

**Did Allison say anything else about your language?**

*No.*

**Why do you believe Allison's conduct had to do with your Mexican heritage?**

*The fact that she knows that I am from Mexico.*

**Did she make any comments about your heritage?**

*Yes, she said, "So, you're from Mexico. Where from?" She also said she had never been to Mexico.*

**Did you find her questions offensive?**

*Not these questions specifically, but it was one more way that she focused on me being Mexican.*

**Did Allison's comments have to do with you being Mexican?**

*Yes, because she was talking about me not being able to speak English. She was wrong but she had already made an assumption about me.*

**2. December 9, 2021: Conversation Between Allison and Eduardo**

In your complaint you stated that Allison, told you that she was informed that you had said "mamacita" referring to a woman passing by when I was in the work truck driving towards the field, and that Allison would forget to give you or pick up your paperwork.

**Did this conduct offend you?**

*Yes*

**Why?**

*I would never say "mamacita." I told Allison that I did not say that. She did not believe me. It was obviously because she did not want me there. She would always forget to give*

*me paperwork in front of everyone. It was obvious that she was doing it on purpose because it was only with me.*

**Based on your protected category?**

*Yes, Allison treated me this way because I am a Mexican male.*

**If so, what makes you believe that?**

*Because Allison only treated me this way. No one else. I was the only Mexican male.*

**Did she make any comments about [protected category]?**

*No.*

**B. Allegations Against Karla Hernandez**

**1. EEO Allegations**

**a. Comments**

In your complaint, you detailed several interactions between you and Karla. I am going to review many of those with you, and specifically focus on those in which you allege conduct that may be within our jurisdiction. For example, you alleged that Karla Hernandez made inappropriate comments to you, including commenting on your beard, saying you looked good, but that she would love to touch it up for you because you would look more handsome, made a comment about your chest, and that she wanted your hoodie.

**What nationality is Karla?**

*I do not know. I know she speaks Spanish.*

**When did she make these comments?**

*Karla began making these comments from the time I got hired. She was very comfortable.*

**How often?**

*Karla made a comment about something every single day.*

**Did anyone hear her make these comments?**

*Yes. [REDACTED], 3410 Apprentice Gardner witnessed most of Karla's comments.*

**Were you offended by these comments?**

*Yes.*

**Why?**

*These comments were personal to me. For example, she said that I have a Chino beard. She said my beard was stringy and weird. She made jokes about it. Then when she said she wanted my hoodie. That is offensive because the hoodie is mine. She did not want a hoodie like mine, she wanted my hoodie.*

**Based on a Protected Category?**

*Yes, it has to do with me being a Mexican male.*

**Why do you believe Karla's comments had to do with you being a Mexican male?**

*Karla did and said everything she did because I am a Mexican male. She called me paisano. She referred to everyone as Mr. or Ms., except me because I was just paisano. She made the comment about my beard being a Chino beard, and not the way a Mexican beard should look.*

**Did you find these comments to be sexual in nature?**

*Not all of the comments were sexual but the tone that she used when she said she wanted my hoodie sounded sexual.*

**Did you report the comments?**

*No.*

**If not, why not?**

*I never wanted to report anything. I did not want to have any problem at works. This job is important to me.*

You also alleged that in November 2021, after you told Karla about your relationship status, she made the comment "that's how white bitches are, they cheat on you, why were you even with her? and someone else is fucking her already, why do you even bother?"

**How did you respond to this?**

*I was shocked. I could not believe she said these things. I did not say anything back to her.*

**Did these comments offend you?**

*Of course.*

**Why?**

*Because she was speaking offensively about my lady. The things she said were not right.*

**Do you believe this comment was sexual in nature?**

*Obviously. She was talking about sex.*

**Did anyone witness these comments?**

██████ witnessed these comments. One day (unknown) ███████ apologized to me for the way Karla treated me. She was always following along with Karla, and she wanted to apologize.

**Did you report these comments?**

*No.*

**Why or why not?**

*I did not want to have any problems. I just wanted to focus on my job.*

**Based on your protected category?**

*Yes. Karla made these comments because I am Mexican. If I was not Mexican, she would not have said "White bitches." It was always because I am Mexican.*

You also alleged that Karla sang a song "dale tilin" translated as "give her dick."

**What exactly did Karla say?**

*That was it. She only used these words over and over: Dale talin, dale talin.*

**How did you respond?**

*Sometimes I shook my head but usually I did not respond.*

**Why do you think Karla sang this?**

*Karla is a bully. She wanted to get to me.*

**Do you believe this song was sexual in nature?**

*Yes. This song is very sexual.*

**Did this offend you?**

*Yes.*

**Why?**

*This was very offensive because she is singing it about someone else fucking my ex-girlfriend.*

**Did anyone witness Karla singing these lyrics?**

██████████

**Did you report these comments?**

*No.*

**Why or why not?**

*I did not want any trouble.*

**Based on your protected category?**

*Yes, it was because I was Mexican. The lyrics were in Spanish.*

**If so, what makes you believe that?**

*Karla did not like that my ex-girlfriend was White and I am Mexican.*

**How many times did Karla sing the lyrics "Dale Tilin"?**

*More than ten times for sure.*

**b. Gestures**

In your complaint you stated that Karla made lewd gestures with her mouth open pumping the air in front of her mouth with her fist.

**Is that correct?**

*Yes. It is the symbol for a blow job.*

**When did this occur? (Dates/Frequency)**

*Karla started to make this gesture on December 9, 2021. It felt like she did it almost every day after that. She might have done this like seven times total.*

**Where were you when this happened?**

*I was in multiple places. Sometimes I was in the parking lot, sometimes I was near the bathroom. It was always while she passed by me while we were working.*

**How did you respond?**

*I did not respond.*

**Why do you think Karla made this gesture?**

*I think Karla was trying to get me fired. She wanted me to react.*

**What makes you believe that?**

*Because she made multiple comments about me getting fired. I mentioned them in my complaint. She yelled at me that I was going to get fired at least two times.*

**Why would she want to get you fired?**

*I think Karla wanted to get me fired to get back at me because she wanted to be friend and I did not want to be her friend.*

**Do you believe this gesture was sexual in nature?**

*Yes.*

**Why?**

*It is a sexual gesture.*

**Was anyone else around at the time?**

██████████ ██████████ 3417 Gardner, both saw Karla make this gesture.

**Did you mention this gesture to anyone?**

*I told ██████████ 3410 Apprentice Gardner, about this.*

**Did ██████████ say anything to you about the comment?**

██████████ said, "that little...." She used bad words. ██████████ is my roommate.

**When did you tell her?**

*I told ██████████ the first time it happened. I told her on our commute home.*

**2. Non EEO Allegations**

You also said that in August 2021, Karla texted you outside of work hours, and that she invited you to go drinking with her, and that she wanted to introduce you to her friend. You provided several additional instances of text exchanges with Karla, including her asking for you study guide and test.



**Were you offended by these texts?**

*Yes.*

**Why?**

*Karla was pushy. I kept telling her that I had a girlfriend, but she still wanted me to meet her friend. That, or she wanted to copy my work. Or she wanted to hang out with me.*

**Did you find them to be sexual advances?**

*I am not sure to be honest. It started to feel like it towards the end.*

**Did you report Karla's messages?**

*No.*

**Why/why not?**

*I was planning to report Karla's behavior when Allison told me that Karla had complained about me.*

**Based on your protected category?**

*Yes. It all has to do with me being Mexican.*

**If so, what makes you believe that?**

*I know Karla felt more comfortable with me because we both spoke Spanish. She always called me Paisano.*

**Did she make any comments about you being Mexican?**

*Yes. Karla said her stepfather is Mexican just like me. She also said that I should not be dating a White girl because I am Mexican.*

In addition, you also provided information that Karla was parking too close to you and that on two separate occasions she interrupted a conversation between you and a supervisor by saying "you shouldn't talk to your bosses about that kind of thing, you're gonna get fired for that." Karla also made a comment like "sometimes I just want to punch you in the face, Lalo."

**Why do you think Karla made this comment?**

*I am not sure why Karla did this. She is out of her mind. She wanted me to get fired.*

**Based on your protected category?**

*It is because I am Mexican*

**If so, what makes you believe that?**

*Karla took it offensively that we were both Hispanic, but I did not want to be her friend. She decided "fuck him" and turned against me. Karla was angry that I did not want to be her friend and told me that I only wanted to be friends with White people and did not want to be friends with my own people. She told me that about seven times. Everything is connected to the fact that I am a Mexican male. If I was a female, she would not have tried that hard. Everything only happened to me and I am the only Mexican male.*

**How did you respond?**

*I told her that it was not true. I told her that I am friends with Noemi Andrade, 3410 Apprentice Gardner, and she is from the Philippines.*

**C. Allegations Against Randy**

**1. August 2021: Interactions between Randy and Eduardo**

In your complaint you stated that in August 2021, Randy told you you don't belong in his truck, asked you why you were so quiet, slapped you on the back, saying "all right bro, made comments about you wearing a hoodie, made a comment about your chest, watched you while you worked and during lunch, and told you that you don't matter as an apprentice because one day you can get fired for any reason." You stated that Randy's conduct made you uncomfortable.

**Does that sound correct?**

*Yes.*

**Did Randy's conduct offend you?**

*Yes.*

**Why?**

*Because what Randy did and said was offensive. The comment about my chest, was a comment about my body. Nobody should make comments about another person's body. The comment he made about not mattering as an apprentice is offensive because he was talking about my career as if it was nothing.*

**What about Randy's conduct made you uncomfortable?**

*Randy's conduct made me uncomfortable because it was offensive. Usually when something is offensive it makes you uncomfortable.*

**Based on your protected category?**

*I do not know. Randy made the apprentice comment to everyone, not just me. But the other stuff was just to me.*

You stated that on August 24, 2021, Randy assigned you to work with [REDACTED] and said "this way you can speak your own language together, "which separated you from those who spoke English as their first language.

**Does that sound correct?**

*Yes.*

**Did anyone hear him make this comment?**

*Randy made this comment when [REDACTED] was with me. [REDACTED] said "that's not cool."*

**Were you offended by this comment?**

*Yes, I was offended. [REDACTED] got offended by it too.*

**Why?**

*He had previously paired us together prior to making this comment. Then when he made this comment, I understood why he used to pair us together.*

**How many times were you paired together prior to the comment?**

*Probably three times.*

**Did you report the comments?**

*Not to someone else.*

**If so, to who?**

*I told Randy about the comment when he confronted me about my vibe.*

**Why do you believe Randy made this comment?**

*Randy made this comment because I'm Mexican. He specifically mentioned us speaking Spanish as a reason for putting us together. He separated us from others because of our race.*

**2. September through November 2021: Interactions between Randy and Eduardo**

You stated on that on September 14, 2021, Randy asked you if you could drive more slowly. You also stated that on November 4, 2021, Randy told you he felt a vibe from you, while trying to be physically intimidating. You then explained to Randy what had been bothering you.

**Does that sound right?**

*Yes.*

**Did this conduct offend you?**

*Yes, Randy offended me. His comment about me driving fast was a lie. I was going slow. It was also about how he approached me. Like "hey bro, you're driving way too fast." He wanted to get a reaction out of me.*

**Based on your protected category?**

*Yes. Randy acted this way toward me because I'm a Mexican male.*

**If so, what makes you believe that?**

*Randy only treated me like this, no one else. I'm the only Mexican male.*

**Did he make any comments about you being Mexican or male?**

*Yes. Randy once made a comment about my mustache getting long and asked if it was the Mexican style. I told him it was and he told me I needed to trim it.*

**When did Randy make this comment?**

*It was in September 2021.*

**Did anyone witness this?**

*No.*

You stated that on November 5, 2021, you spoke to Allison about Randy's conduct, and after that Randy stopped slapping me you on the back, stopped making comments about you in front

of the group, stopped asking you about being quiet, stopped asking you about wearing a hoodie, and he stopped pulling you from the group with [REDACTED] to speak your own language.

**When exactly did this conduct stop?**

*After I spoke to Allison, the conduct stopped pretty much right away. To me it was proof that he was doing something wrong. He stopped the comments but he continued to watch me from a distance.*

**III. ALLEGATIONS: DISCRIMINATION**

**A. Termination**

**When and how did you learn that you may/would be terminated from employment?**

*It was December 17, 2021. [REDACTED] 0922 Manager, told me in person that they were going to release me from my employment. [REDACTED] told me that I should stay with the private sector. He said, "you don't belong with the public sector."*

**Where were you?**

*I was at the warehouse in Golden Gate park.*

**Who else was present?**

*[REDACTED], 3417 Gardner, and Allison were there.*

**Did they say anything?**

*[REDACTED] said, "I'm sorry man." I had a connection with [REDACTED] He's a really nice guy. He said he thought it might have something to do with Karla. I told him that wasn't fair because nobody wanted to hear my side of the story.*

**What was your reaction? Why?**

*I asked them why they released me and if I had done anything wrong. [REDACTED] just told me that I could talk to HR if I had any questions.*

**What was stated or indicated as the reason for your release?**

*[REDACTED] just said to talk to HR.*

**Do you think that your release had to do with Karla?**

*It had to have something to do with Karla. It had to do with the lies that she told about me. I always behaved and was professional. I am a quiet person. (PRC reconfirmed that this was the reason he believed he was released)*

**B. Alleged Bias for Termination Decision**

In your complaint you said "that the events (December 3 and 6- sharpie incident) made you think that Allison had to be part of the reason you were fired.

**Is that correct?**

*Yes.*

**What makes you believe that?**

*I think Alison knew she made a mistake when she threw the sharpie at me and she wanted to delete that mistake by getting rid of me.*

**Do you believe there is any other reason for your termination besides what was stated or indicated?**

*Someone didn't want me there.*

**Did anyone do anything to make you believe that it was because of your race/ethnicity?**

*Allison didn't like me because I'm a Mexican male and Karla's behavior towards me was because I am Mexican.*

**When did you first think that your termination might be because of your race/ethnicity?**

*Right away. As soon as they told me I was released from the program.*

**What do you think Allison would say in response to your allegation that your termination was because of your race/ethnicity?**

*She would deny it.*

**What makes you say that?**

*She has to deny it. It would look bad if she admitted to it.*

**C. Other Reasons for Termination Decision**

**Were you aware of any issues with your performance prior to notice of your termination?**

*No, nothing. Allison and [REDACTED] both told me I was doing great. During my employee review they told me I had a great work ethic. They also asked me to speak up more.*

**Did they say anything else other than speak up more?**

*They told me to interact and participate more, but everything else was good.*

**When was your review?**

*November 2021.*

**Was this your only performance review?**

*Yes.*

**Did you see your performance review?**

*I have it. They gave me a copy. I thought it was good.*

**Did you have any issues with attendance prior to notice of your termination?**

*No. I was always on time. I was never late.*

**Did you have any negative performance evaluations prior to notice of your termination?**

*No.*

**Who was involved in the decision to terminate you?**

*I have no idea.*

**In your complaint you stated: "...my firing was unfair and illegal. Due process was not taken."**

**Can you explain this more?**

*When someone tells you that you did something that you didn't do and you do not get to give your side of the story but they still fire you, it is not legal.*

**Who told you that you did something that you did not do?**

*I spoke to [REDACTED] 1244 Senior Human Resources Analyst. He told me that I was released because I called someone a mamacita. I never did that. But I remembered Allison had brought this up before.*

*I think [REDACTED]'s comment made it very clear that I was released based on my race. I was released for using a word in my native language. A single word that shows that they used a race-based reason to release me. And it was a false accusation.*

**Are you aware of anyone else who was terminated for the same reason(s) as your termination?**

*I heard that another Latino person was fired. I spoke to him and he shared a little of what happened to him.*

**Who?**

*[REDACTED], then 3410 Apprentice Gardner.*

**Why did he get released?**

*I don't want to share his story. That's his information.*

PRC stated "There were five other employees released around the same time as you. These employees' races were Black, White, Hispanic, and Asian."

**Based on that information, do you still think your termination was due to your race?**

*I do because of what I went through. Everything I experienced was due to my race.*

#### **E. Documents and Other Records**

**Other than what you've already identified, do you have any documents, files, or other records about your termination or the reasons for your termination? This would include any text messages, emails, voicemails, notes, or other documents, records, or files in written, electronic, or some other format.**

*No.*

#### **III. IMPACT**

**How did Allison's conduct affect or impact you?**

*Her conduct made me lose my job.*

**How did Karla's conduct affect or impact you?**

*Her conduct made me lose my job.*

**How did Randy's conduct affect or impact you?**

His conduct made me lose my job.

**Did you take time off work as a result of the alleged conduct?**

*I was fired.*

**Have you incurred any medical expenses as a result of the above conduct?**

*No.*

**How has the conduct described in this complaint impacted you?**

*I've been in a very bad place since I got fired. It broke my heart and I think about killing myself. PRC asked if CP needed the number for suicide prevention or any other resources.*

**IV. REPORTING OF COMPLAINT**

**When did you first report your concerns?**

*I made my complaint to REC on December 23, 2021.*

**Who did you report the conduct to?**

*I sent my complaint to [REDACTED] Telly, Melissa Tucker, 1246 Principle Human Resources Analyst and to the union labor 261.*

**What did you tell them?**

*It was the same information I sent EEO, but less detailed.*

**How did they respond?**

*Nobody responded to me from REC*

**Do you know if they took any action?**

*No, I don't know.*

**V. REMEDIES**

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

*I just want my job back. That's all I wanted from the beginning. As an immigrant I've always known that I have to behave. I became a citizen of the U.S. in 2018 and I take my responsibility very seriously.*

**VI. MISCELLANEOUS**

**Have you filed a complaint with EEOC/DFEH (external agencies)?**

*Yes, I filed with the EEOC the same day that I filed with EEO. I got a response from them and they want to speak to me too.*

**Have you filed a lawsuit?**

*Yes, I'm working on it.*

**Have you file grievance with union?**

*I spoke to the union, but they were not very helpful.*

**Have you filed a workers' compensation claim?**

*No.*

**VII. CONCLUSION**


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

*I have many people who are willing to speak up on my behalf.*

**Do you want to add anyone who you did not include in your complaint?**

*Maybe my ex and my current lady. PRC explained that we try to rely on City employees as witnesses.*

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

, 3422 Park Section Supervisor

**What knowledge do they have?**

*He helped me through the process.*

I thanked Eduardo for participating in the interview, and read him the below reminders:

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

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



## **EXHIBIT C, Attachments 1-2:**

**Charge of Discrimination and Request for Information for EEO File No. 3963**

# **EXHIBIT C, Attachment 1**

Charge of Discrimination, EEO File No. 3963

September 6, 2022

**CHARGE OF DISCRIMINATION**

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

1. Complainant: Eduardo Guerrero Ortiz Email Address:   
Address: 553 4th Avenue Home Phone:   
San Francisco, CA 94118

2. Respondent Department: Recreation and Park Department  
Individual Respondent(s): Allison McCarthy, 3422 Park Section Supervisor  
Randy Vasquez, 3417 Gardener  
Karla Hernandez, 3410 Apprentice Gardener  
Previous Worksite: 501 Stanyan Street Telephone Number: (415) 831-2700  
San Francisco, CA 94117

3. Complainant's Current Employment Status (circle one): Classification: 3410 Apprentice Gardener  
PCS TCS TPV PEX TEX PROB NOT A CITY EMPLOYEE

4. Basis of Discrimination (specify):  
 Race: Hispanic  
 Color: \_\_\_\_\_  
 Religion: \_\_\_\_\_  
 Creed: \_\_\_\_\_  
 Sex: \_\_\_\_\_  
 National Origin: Mexico  
 Ethnicity: Mexican  
 Age: \_\_\_\_\_  
 Disability/Medical Condition: \_\_\_\_\_  
 Political Affiliation: \_\_\_\_\_  
 Sexual Orientation: \_\_\_\_\_  
 Ancestry: \_\_\_\_\_  
 Marital or Domestic Partner Status: \_\_\_\_\_  
 Gender Identity: Male  
  
 Parental Status: \_\_\_\_\_  
 Other Non-Merit Factors: \_\_\_\_\_  
 Retaliation: \_\_\_\_\_

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 (specify): \_\_\_\_\_

6. Has the Complainant filed the complaint with any other local, state or federal agency? Yes  No   
If yes, please specify: Filed with the EEOC on January 11, 2022

7. Has the Complainant filed a grievance or lawsuit? Yes  No   
If yes, please specify: I am working on a lawsuit

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. BACKGROUND**

On August 7, 2021, I started working for the City and County of San Francisco (City) at the San Francisco Recreation and Park (REC) Department at 501 Stanyan Street, as a temporary exempt 3410 Apprentice Gardener. From August 2021 to December 2021, Allison McCarthy (Allison), 3422 Park Section Supervisor was my supervisor, Randy Vasquez (Randy), 3417 Gardener, was my lead, and Karla Hernandez (Karla), 3410 Apprentice Gardener, was my coworker. I was terminated from my position on December 17, 2021.

### **II. HARASSMENT / HOSTILE WORK ENVIRONMENT DUE TO RACE**

Between August and November 2021, Randy subjected me to the following offensive and unwelcome conduct based on my race (Hispanic):

- (1) On August 24, 2021, Randy assigned me to work with [REDACTED] 3410 Apprentice Gardner, and told us, "This way you can speak your own language to each other." This separated us from those who spoke English as their first language. Randy assigned me to work with [REDACTED] approximately four times. I believe Randy paired me with [REDACTED] because I am Mexican.
- (2) In September 2021, Randy made a comment about my mustache getting long and asked me if it was a Mexican style. I told him that it was, and then he told me that I needed to trim it. I believe Randy's comment was meant as an insult based on my race. This comment occurred at the corner of Fulton and 7<sup>th</sup> Street, where we were working on a project. There were no witnesses to this comment.

### **III. DISCRIMINATION DUE TO RACE AND GENDER**

I believe Allison has a bias against males because she commented that a woman started the Gardening program. She followed that comment by saying there were too many males doing this job, and that females could do the job just as well. Allison's bias was evident within our team because there were only three males in the team, and about ten females.

I also believe that Allison had a pre-conceived notion of me based on the fact that I am Hispanic and Spanish-speaking. Allison made comments about how she did not think I spoke nor understood English. Her assumptions or biases were based on my appearance including my race (Hispanic), since at that time, Allison had not directly spoken to me. Allison's biases against me ultimately led to my termination from the apprenticeship program.

On December 17, 2021, Allison subjected me to discrimination based on my race (Hispanic), and gender (male) by directing my release from the Gardening Apprenticeship Program. After my release I spoke to [REDACTED] 1244 Senior Human Resources Analyst. [REDACTED] told me that I was released because I called someone a "mamacita." Allison had previously told me that she was informed that I had referred to a woman passing by as "mamacita." I did not call anyone a "mamacita" and explained that to Allison, but she did not believe me. Allison used my race and gender to support a false allegation against me which led to my release.

### **IV. SEXUAL HARASSMENT**

Karla attempted to befriend me as soon as I got hired. When I did not reciprocate, Karla complained about me and even yelled at me that I was going to get fired. Karla's conduct towards me was unprofessional and disturbing. Between August and December 2021, Karla subjected me to the following offensive and unwelcome conduct of a sexual nature:

- (1) Karla told me she wanted my hoodie. Although the comment itself was not sexual, the tone of voice she used was.
- (2) In November 2021, Karla asked me why I did not want to be her friend. To show that I had nothing against her, I started talking to her and told her about my breakup with my girlfriend. She responded, "That's how White bitches are, they cheat on you. Why were you even with her? Someone else is fucking her already, why do you even bother."
- (3) Karla sang the lyrics to a song called "Dale Tilin," which translates to "give her dick." She sang the song to refer to someone else "fucking" my girlfriend. Karla sang these lyrics to me at least ten times.
- (4) Karla made the "blow job" gesture at me. She had her mouth open and pumped the air in front of her mouth with her fist. Karla made this gesture at least seven times.

██████████, 3410 Apprentice Gardner, witnessed most of Karla's comments. Karla's conduct occurred at Golden Gate Park, while working. Gardeners work both in groups and individually. ██████████, ██████████ Noemi Andrade, ██████████ Anne Franken, ██████████ all 3410 Apprentice Gardener's and ██████████ 3417 Gardener, may have witnessed the above listed events.

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

On December 23, 2021 I sent an email to ██████████ explaining my allegations against Karla. On January 11, 2022, I filed a complaint with DHR EEO and the EEOC.

11. Remedy or corrective action desired by Complainant:

As a remedy, I would like to be reinstated to my 3410 Apprentice Gardener position.

Completed by:

Prisma R. Corona

EEO Staff's Name and Signature

9/1/22

Date

Eduardo Guerrero

Complainant's Name and Signature

Sep 06 2022

Date

# **EXHIBIT C, Attachment 2**

Request for Information, EEO File No. 3963

September 22, 2022



**CONFIDENTIAL**

September 22, 2022

Phillip Ginsburg, General Manager  
San Francisco Recreation and Parks  
McLaren Lodge, Golden Gate Park  
501 Stanyan Street  
San Francisco, CA 94117

Via Email  
*phillip.ginsburg@sfgov.org*

RE: Notification of Charge of Discrimination and Request for Information  
Complainant: Eduardo Guerrero Ortiz, DHR EEO File No. 3963

Dear General Manager Ginsburg:

A complaint of employment discrimination has been filed by Eduardo Guerrero Ortiz (Guerrero Ortiz), former 3410 Apprentice Gardener, against the Recreation and Park Department (REC); Allison McCarthy (McCarthy), 3422 Park Section Supervisor; 3417 Randy Vasquez (Vasquez), 3417 Gardener; and Karla Hernandez (Hernandez), 3410 Apprentice Gardener. A copy of the Charge of Discrimination is enclosed. The Charter of the City and County of San Francisco (City) provides that the Human Resources Director shall review and resolve all allegations of employment discrimination within the City. I have been assigned to investigate this complaint and my role as an investigator is to act as an objective third party, representing neither the complainant nor the party charged with discrimination.

**NOTIFICATION OF CHARGES**

On August 7, 2021, Guerrero Ortiz began employment with REC as a 3410 Apprentice Gardener in a Temporary Exempt (TEX) position. On December 18, 2021, Guerrero Ortiz was released from probation.

McCarthy was Guerrero Ortiz's supervisor, Vasquez was Guerrero Ortiz's team Captain, and Hernandez was his coworker.

As detailed in the enclosed Charge of Discrimination, Guerrero Ortiz alleged that McCarthy subjected him to discrimination based on race (Hispanic) and gender (male), when she recommended his release from probation; Vasquez subjected Guerrero Ortiz to harassment based on race when Vasquez separated Guerrero Ortiz from his English speaking coworkers and when Vasquez made a race-based comment about Guerrero Ortiz's mustache; and Hernandez subjected Guerrero Ortiz to sexual harassment when she made multiple sex-based comments and acted out a sexually explicit gesture.

Guerrero Ortiz alleged that he did not received negative feedback about his work performance prior to his release, and that he regularly reported to work on time.

As a remedy, Guerrero Ortiz requested to be appointed to a 3410 Apprentice Gardener position.

### **REQUEST FOR INFORMATION AND DEPARTMENTAL RESPONSE**

To investigate this complaint, I request the Department provide the following information **within 10 business days**. Therefore, please provide a response no later than **October 7, 2022**.

#### **Respondent's Response to the Charge**

REC should cooperate in providing me the information requested herein, but should not conduct its own investigation to respond to the allegations. In particular, REC should not interview persons regarding the allegations. If REC believes it is necessary to investigate or interview witnesses to respond to the charge, requests for information, or requests for documents, please contact me before conducting any investigation or interviews.

#### **Request for Information**

Please identify by name and work phone number the individual(s) who can assist with obtaining the following information:

1. Any processes, rules, procedures, policies and or practices – whether written or not – that the Gardener Apprenticeship Program used from August 7, 2021 to December 18, 2021, for extending an employee’s probation, including bases for extensions, notice to probationary employees, documentation, etc.;
2. Any processes, rules, procedures, policies and or practices – whether written or not – REC used from August 7, 2021 to December 18, 2021, for releasing an employee from probation, including bases for releases, notice to probationary employees, documentation, etc.;
3. Names, DSW numbers, and job classifications of all employees released from the Gardener Apprenticeship Program since December 2019;
4. Name of supervisor recommending the release of all employees released from the Gardener Apprenticeship Program since December 2019.

#### **Requests for Documents**

Please identify the individual(s) who can assist in obtaining copies of the following documents:

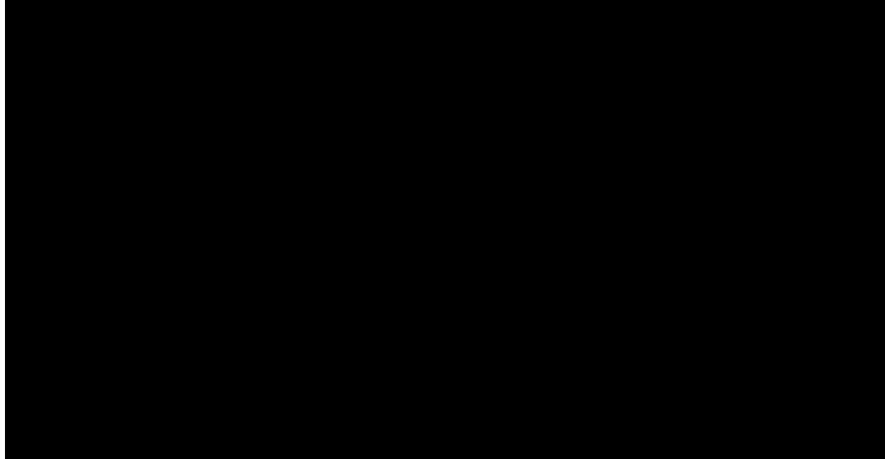
1. All communications and documents related to Guerrero Ortiz’s release from probation;
2. Guerrero Ortiz’s payroll records from August 7, 2021 to December 18, 2021; and
3. If not contained in the above, all communications and documents related to the alleged complaint about Guerrero Ortiz calling someone “mamacita.”



Please mark all information sent in response to this request “Confidential” on the mailing envelope.

**Scheduling of Interviews**

I request your assistance in scheduling interviews with any witnesses identified by REC, as well as the following individuals listed below:



Please be advised there may be a need to schedule further witness interviews as the investigation progresses. I would appreciate the Department designating a person to assist in this process and informing me of the person’s name and contact information.

**IMPORTANT REMINDERS**

Please remember that the information in this request is sensitive, that this document should not be shared with anyone named in the document, and that management should use professional discretion with regard to these allegations. In addition, management should be reminded that any form of retaliation against an employee for making a complaint of discrimination or participating in this investigation is strictly prohibited by law.

I remind all those involved in complaints of discrimination that the process of evaluating the merits of the charges reinforces each employee’s right to a workplace free of discrimination. Therefore, allegations should not be considered as personal attacks but management opportunities to demonstrate a commitment to such a working environment.

Should you have any questions about the complaint process or this request, please do not hesitate to contact me at (415) 557-4945. Thank you for your assistance.

Sincerely,

*Prisma R. Corona*

Prisma R. Corona  
EEO Programs Specialist  
Department of Human Resources

Encl.: Eduardo Guerrero Ortiz's Charge of Discrimination

c: Melissa Tucker, Principal Personnel Analyst, REC  
Amalia Martinez, EEO Director, DHR

## **EXHIBIT D, Attachments 1-2:**

**REC's Response to Request for Information for EEO File No. 3963**

# **EXHIBIT D, Attachment 1**

REC Response to Request for Information Email, EEO File No. 3963

October 6, 2022

## Corona, Prisma (HRD)

---

**From:** Tucker, Melissa (REC)  
**Sent:** Thursday, October 6, 2022 4:15 PM  
**To:** Corona, Prisma (HRD)  
**Cc:** Martinez, Amalia (HRD); Jou, Dianna (REC)  
**Subject:** Guerrero Ortiz DHR EEO File No. 3963 - Response to RFI  
**Attachments:** Guerrero Response to DHR EEO Request for Info 100722.pdf; Exhibit A - 3410 Job Description.pdf; Exhibit B - Eduardo Guerrero Release document.pdf; Exhibit C - Equal-Employment-Opportunity-Policy.pdf; Exhibit D - RPD Respect in the Workplace Policy.pdf; Exhibit E - SF Civil Service Rule 103.pdf; Exhibit F - Guerrero Ortiz, Eduardo Exempt Release.pdf; Exhibit G - Communications related to complainant's release.pdf; Exhibit H - Notes on Eduardo Guerrero.pdf; Exhibit I - Guerrero Payroll part one.pdf; Exhibit I - Guerrero Payroll part two.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Prisma,

Attached is the Department's response to the allegations, request for information and request for documents. Please note, you may contact me to schedule interviews, which the exception of Karla Hernandez, who no longer works for the Department.

Let me know if you have any questions.

### Melissa Tucker

Principal Human Resources Analyst

*Pronouns: She/her/hers*

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

(415) 831-2793 | [Melissa.Tucker@sfgov.org](mailto:Melissa.Tucker@sfgov.org)



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## **EXHIBIT D, Attachment 2**

REC Response to Request for Information, EEO File No. 3963

October 6, 2022



London N. Breed, Mayor  
Philip A. Ginsburg, General Manager

October 7, 2022

Prisma Corona  
EEO Programs Senior Specialist  
Department of Human Resources  
1 South Van Ness, 4<sup>th</sup> floor  
San Francisco, CA 94103

RE: Notification of Charge of Discrimination and Request for Information  
Complainant: Eduardo Guerrero Ortiz, DHR EEO File No. 3963

Dear Ms. Corona:

The following is in response to your September 22, 2022, request for information in the abovementioned case.

### **REQUEST FOR INFORMATION AND DEPARTMENTAL RESPONSE**

#### **A. BACKGROUND: Complainant's Employment with the Department**

On August 7, 2021, Complainant started working for the Department as a permanent exempt Class 3410 Apprentice Gardener. The 3410 Apprentice Gardener job description contains the following duties:

Essential functions include: Apprentice Gardeners perform routine tasks in support of Gardeners. Assigned duties increase in scope and difficulty as the Apprentice Gardener demonstrates skills in performing diverse duties that are learned through an on-the-job training rotation. Work is performed under direct supervision and is evaluated on the basis of progress in a structured work experience training program. Demonstrated competence and successful completion of the structured training program leads to meeting the minimum qualifications for the promotional class of Gardener. *Failure to achieve demonstrated competence and acceptable work habits or the inability to complete the training program within two (2) years results in loss of employment in the 3410 class.* The appointing officer may provide an extension of time to complete the training program, however, appointments to this class cannot exceed 3 years. Under direct supervision, learns to perform care and maintenance of a variety of plants and landscaped areas, including planting, pruning and pest control; removes debris and litter; operates hand or power lawn mower; performs routine maintenance of tools and equipment; and performs related duties as required.

**Exhibit A.** [Emphasis added.]

Complainant worked for the Department for approximately four months. During that time, he had conflicts with multiple co-workers; retaliated against a co-worker who reported his harassing conduct; and had other performance-related issues.

On November 2, 2021, Complainant was instructed by Apprentice Captain Randy Vasquez to work with his assigned group. Instead of complying with the directive, Complainant walked away from his group and toward the other group. Vasquez had to repeat his directive two additional times before Complainant complied. **Exhibit B.**

At the end of the day on November 2, 2021, Vasquez pulled Complainant aside to find out what was going on, as he could sense some tension. Complainant then mentioned that he felt uncomfortable when Vasquez mentioned his big chest and he did not like Vasquez patting him on the back. During the conversation, Vasquez noted that Complainant's posture was very "aggressive" and threatening, including clenching his fists. The incident was later addressed with the supervisor, Allison McCarthy, who held a meeting on November 9<sup>th</sup> with both parties to resolve the issue. Vasquez apologized for his conduct and both parties agreed to start fresh and focus on the work. See **Exhibit B.**

On November 24, 2021, Apprentice Karla Hernandez informed McCarthy that Complainant told her that she "worked too slow" and that she felt he generally did not respect her as he did not talk to her or communicate with her during the workdays. See **Exhibit B.**

On December 7, 2021, [REDACTED] informed Allison McCarthy that Complainant should "mind his own business as he just commented to me about being late." McCarthy spoke with Complainant that it was not appropriate for him to comment on a co-worker's punctuality. See **Exhibit B.**

On December 9, 2021, McCarthy mentioned to Complainant that his comments to Hernandez about working too slowly hurt her feelings. McCarthy offered solutions for resolving the conflict - they could have a mediation meeting, or he could simply apologize to Hernandez. Complainant stated that he did not want the drama of mediation and opted to apologize. During her conversation with Complainant, McCarthy also mentioned that it was not appropriate to say "mamacita" when an attractive woman walks by. Complainant demanded to know who reported this to McCarthy and she declined to answer. See **Exhibit B.**

Later that day, McCarthy noticed that Hernandez was upset and spoke with her. Hernandez told her, while crying, that Complainant had scolded her for talking to McCarthy and told her "*If I lose my job, you're going to lose yours, too.*" He also said, "*what they say is true, the enemy of a Mexican is another Mexican.*" Complainant also called Hernandez "*childish for reporting his behavior instead of speaking to him directly.*" By retaliating against a co-worker for raising a good faith complaint of harassment with a supervisor, Complainant violated the Department's Respect in the Workplace Policy and the City's EEO Policy. See **Exhibits B, C, and D.**

## **B. Respondent's Response to the Charge**

The Department serves as the City and County of San Francisco's (City) provider of recreational activities and programs, and parks and open spaces for the enjoyment of all San Francisco residents. The Department and the City are committed to providing equal employment opportunity for all persons and ensuring a discrimination-free work environment. The Department has both a non-discrimination policy and Civil Service Rules that protect employees, job applicants, interns, and volunteers against unlawful employment discrimination. Managers, supervisors, and human resources personnel receive



regular training on these antidiscrimination protections. Employees also receive training and periodic dissemination of the non-discrimination policy along with information regarding the Department's discrimination complaint process. See **Exhibits C and E**.

Mr. Guerrero Ortiz alleged that Allison McCarthy subjected him to discrimination based on race (Hispanic) and gender (male), when she recommended his release from probation [sic]; Randy Vasquez subjected Guerrero Ortiz to harassment based on race when Vasquez separated Guerrero Ortiz from his English speaking coworkers and when Vasquez made a race-based comment about Guerrero Ortiz's mustache; and Karla Hernandez subjected Guerrero Ortiz to sexual harassment when she made multiple sex-based comments and acted out a sexually explicit gesture. The Department did not conduct its own investigation into most of these allegations and, therefore, cannot respond to the specific allegations.

The only allegation that was investigated in response to Complainant's EEOC complaint was that Ms. McCarthy did not think Complainant spoke or understood English. As stated in the Department's response to the EEOC complaint, during the apprentices' first week of work in August 2021, Complainant informed all the apprentices, the captains, and McCarthy that he was from Mexico. After two to three weeks of work, McCarthy noticed that Complainant would at times not follow instruction as given or seem to not be paying attention when McCarthy or the Captains spoke. McCarthy pulled Complainant aside and told him that she knows that she speaks fast, and if he ever needed her to slow down or have words repeated to please let me know, as we have many English-learner apprentices on staff. Complainant told McCarthy that he understood her and English very well and that he is just used to working independently. See **Exhibit B**.

Complainant's harassment claim is without merit. McCarthy was making sure that he understood her; she did not discriminate against him based on his race or national origin.

**C. Witnesses for the Department**

Please provide a list of witnesses the Department requests to be interviewed on its behalf.



**D. Request for Information**

You have requested the following information:

1. Any processes, rules, procedures, policies and or practices – whether written or not – that the Gardener Apprenticeship Program used from August 7, 2021, to December 18, 2021, for extending an employee's probation, including bases for extensions, notice to probationary employees, documentation, etc.

Probationary periods are served by employees in a Permanent Civil Service Class. An apprentice Gardener holds a Permanent Exempt position and must complete the training program within two years. In limited situations, the Appointing Officer may provide an extension of time to complete the training program. However, appointments to this class cannot exceed three years. The entire time spent in the program is considered a probationary period. The few occasions where an

apprentice's time was extended beyond two years were for cases where an employee took an approved medical leave. Employees who have served at least 1000 hours in the program are afforded an appeal hearing if they are released from the program.

2. Any processes, rules, procedures, policies and or practices – whether written or not – that the Gardener Apprenticeship Program used from August 7, 2021, to December 18, 2021, for releasing an employee from probation, including bases for releases, notice to probationary employees, documentation, etc.

Release from the program is based on documented performance deficiencies, including attendance issues, inability to follow direction, inability to learn horticultural practices, etc. The notices given to released employees are the same as those sent to Complainant. See **Exhibit F**.

3. Names, DSW numbers, and job classifications of all employees released from the Gardener Apprenticeship Program since December 2019.

There were two apprentices who were released from the program in December after Complainant:

- [REDACTED]
- [REDACTED]

There were two additional apprentices who were released since December:

- [REDACTED]
- Karla Hernandez, [REDACTED]

4. Name of supervisor recommending the release of all employees released from the Gardener Apprenticeship Program since December 2019.

- [REDACTED] Parks and Open Spaces Field Support Services Manager, and
- Allison McCarthy, Gardener Apprenticeship Program Coordinator.

#### **E. Requests for Documents**

You have requested the following documents:

- A. All communications and documents related to Guerrero Ortiz's release from probation.

See **Exhibit G**.

- B. Guerrero Ortiz's payroll records from August 7, 2021, to December 18, 2021.

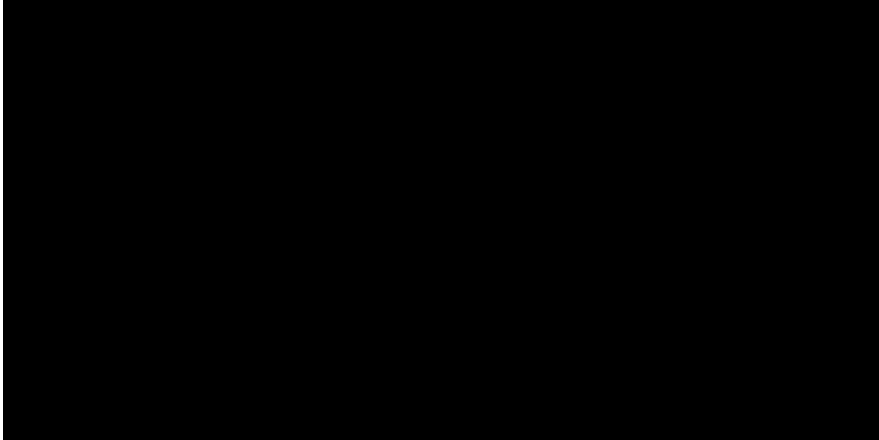
See **Exhibit H**.

- C. If not contained in the above, all communications and documents related to the alleged complaint about Guerrero Ortiz calling someone "mamacita."

There are no additional documents. See Exhibit B.

**F. Scheduling of Interviews**

You have requested assistance in scheduling interviews with the following staff:



I can assist in scheduling all of the above interviews except for Ms. Hernandez, who is no longer employed with the Department.

I hope the foregoing information adequately addresses your request for information in this matter. If you have any questions or need further information, I may be contacted by phone at (415) 831-2793 or by email at [Melissa.Tucker@sfgov.org](mailto:Melissa.Tucker@sfgov.org).

Yours truly,



Melissa Tucker  
Principal Human Resources Analyst

cc: Dianna Jou, Director of People and Organizational Culture  
Amalia Martinez, DHR/EEO Director

Exhibits:

- A. 3410 Apprentice Gardener Job Description
- B. Supervisor notes related to Complainant
- C. Department's Respect in the Workplace Policy
- D. CCSF Equal Employment Opportunity Policy
- E. S.F. Civil Service Rule 103 Regarding Equal Employment Opportunity
- F. Release documents (Complainant)
- G. Communications related to Complainant's release
- H. Additional notes about complainant
- I. Complaint's payroll records (two parts)



# 3410-Apprentice Gardener

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## Know the class code?

Class codes are four characters long.

Search

## Search by keyword:

Use a keyword to search for a class.

Search within Title  Search within Job Descriptions

Search

Compensation set id:

Citywide

## Apprentice Gardener

### Job classification

<b>Class</b>	<b>3410</b>
<b>Title</b>	Apprentice Gardener
<b>Overtime eligibility</b>	Covered (Non-Z)
<b>Labor agreement</b>	Laborers, Local 261

## Current compensation plan

Effective: Jul 01, 2022

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

Step:	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
<b>Rate /hr:</b>	\$23.0375	\$25.1375	\$27.2375	\$29.3250	\$31.4250	\$33.5375
<b>Rate /year:</b>	\$47,918	\$52,286	\$56,654	\$60,996	\$65,364	\$69,758

## Job description

### Definition

The Apprentice Gardener class is an entry level training class. This class exists to develop the competencies required of a journey level Gardener, while working under close guidance and direct supervision. Apprentice Gardeners perform routine tasks in support of Gardeners. Assigned duties increase in scope and difficulty as the Apprentice Gardener demonstrates skills in performing diverse duties that are learned through an on-the-job training rotation. Work is performed under direct supervision and is evaluated on the basis of progress in a structured work experience training program. Demonstrated competence and successful completion of the structured training program leads to meeting the minimum qualifications for the promotional class of Gardener. Failure to achieve demonstrated competence and acceptable work habits or the inability to complete the training program within two (2) years results in loss of employment in the 3410 class. The appointing officer may provide an extension of time to complete the training program.

however, appointments to this class cannot exceed 3 years. Under direct supervision, learns to perform care and maintenance of a variety of plants and landscaped areas, including planting, pruning and pest control; removes debris and litter; operates hand or power lawn mower; performs routine maintenance of tools and equipment; and performs related duties as required.

## Distinguishing Features

The Apprentice Gardener is a trainee classification which performs routine and basic duties to assist Gardeners in the care of athletic fields, squares, parks, playgrounds, stadiums, thoroughfares, medians and/or other landscaped areas. This class is distinguished from the Gardener class by structured training program requirements, the close supervision received, and the developmental nature of the class. Incumbents in this class are Exempt City employees, serving at the pleasure of the appointing authority, and participate in a formal alternative work program which provides experience and training needed to qualify to compete for positions in class 3417 Gardener.

## Supervision Exercised

None

## Duties

According to Civil Service Commission Rule 109, the duties specified below are representative of the range of duties assigned to this job code/class and are not intended to be an inclusive list. Under direct supervision, duties include: 1. Participates in a structured on-the-job and classroom training program and learns routine and basic manual labor tasks. 2. Waters lawns, planted areas and playfields, manually or by means of automatic sprinklers; uses hand or power mower to cut lawns; fertilizes lawns, shrubs and flower beds. 3. Performs routine and limited trimming and pruning of shrubs and hedges by use of hand or power shears; gathers and disposes of cuttings. 4. With close supervision, sprays herbicides; plants and transplants shrubs or small plants; traps or destroys rodents; assists in the renovation of lawns or play areas. 5. Removes debris and litter; sweeps and otherwise cleans play areas, paths or roadways; removes trash; assists in the loading of debris on truck. 6. Rakes and weeds lawns; weeds and cultivates planted areas; cleans restrooms or other auxiliary buildings in a playground or park. 7. Sharpens, cleans and otherwise maintains tools and equipment, and performs general maintenance duties. 8. Assists in responding to specific service requests generated by the public, department or other City agency. 9. Loads and unloads materials, supplies, and equipment on and off trucks in proper and safe manner. 10. Assists in making minor repairs and adjustments to landscape irrigation systems, mower equipment, and hoses. 11. Performs related duties and responsibilities as assigned.

## Qualifications

### Knowledge, Skills, and Abilities

Ability to: learn general grounds maintenance and plant care, pest and rodent control and the use of the required tools and equipment. Requires ability to: follow oral and written instructions and cooperate with others in the performance of duties.

### Required Experience

These minimum qualifications are to be used as a guide for establishing the education, training, experience, special skills and/or license which may be required for employment in the class. Although these minimum qualifications are typical of the class, additional minimum qualifications and special conditions may apply to a particular position and will be stated on the job announcement. Any combination of training and experience that would provide the required knowledge, skills and abilities may be qualifying. SPECIAL REQUIREMENTS Essential duties require the following physical skills and work environment: Ability to safely and correctly lift, drag and/or move with assistance large and/or heavy plants and equipment to truck bed level and the ability to kneel, bend and squat for considerable periods of time. The nature of the work may require exposure to inclement weather conditions and may require exposure to infectious and/or hazardous materials and/or conditions. Some positions require driving. Some positions may require riding mowers and driving small utility vehicles. Some positions may require weekend or shift work.

## Standard information

### Disaster service work

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

### Historic and future compensation

Effective (Sched)	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Jul 01, 2022 (W)	\$23.0375	\$25.1375	\$27.2375	\$29.3250	\$31.4250	\$33.5375
Jan 08, 2022 (V)	\$21.8875	\$23.8875	\$25.8750	\$27.8625	\$29.8625	\$31.8625

<b>Jul 01, 2021 (U)</b>	\$21.7750	\$23.7625	\$25.7500	\$27.7250	\$29.7125	\$31.7000
<b>Dec 26, 2020 (T)</b>	\$21.0375	\$22.9500	\$24.8750	\$26.7875	\$28.7000	\$30.6250

Sources: San Francisco Open Data Portal: [Classification descriptions table](#), [Compensation plan table](#)

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**Allison McCarthy**  
**12/13/2021**

#### **Justification for Eduardo Guerrero Release**

- **Respect-in-the-Workplace Violation of Policy:** At 9:30am on Thursday December 9<sup>th</sup>, 2021: Employee Eduardo Guerrero retaliated against co-worker Karla Hernandez for reporting incidents of perceived disrespectful behavior to apprenticeship 3422 supervisor Allison McCarthy. Under the guise of an apology for comments he made to Karla regarding her pace-at-work: Eduardo called Karla “childish for reporting his behavior instead of speaking to him directly”, told her “If I lose this job you are going to lose yours too” and that she is the reason why they say, “The worst enemy of a Mexican is another Mexican”. This occurred after Eduardo agreed to apologize to Karla to 3422 Allison McCarthy. After Eduardo spoke with Karla, he reported directly to Allison McCarthy that “he had apologized to Karla, Karla cried, and everything is ok”.

Eduardo’s words to Karla were in direct violation of the Department’s Respect in the Workplace Policy that he was trained on when he entered the program, specifically “Retaliation against anyone who has raised a concern about disrespectful behavior is also prohibited”.

- **Record of Repeated Conflicts with Others**
  - Captain Randy Vasquez: 11/2/21
  - Co-worker [REDACTED] 12/7/21
  - Observed disengagement with the crew during workdays, repeated instances of not appearing to be listening or understanding of instruction.



Date	Supervisor Comments
11/2/2021	As the crew was signing out, Captains Randy Vasquez and [REDACTED] pulled me aside to discuss an incident that occurred between Randy and Lalo (Eduardo Guerrero). Randy appeared confused and distraught. Randy reported that he had pulled Lalo aside around 2:40pm to ask him what was wrong, as Randy had sensed tension from Lalo over the course of the workday and told Lalo that he felt he was being avoided and ignored by Lalo. Lalo responded defensively: and questioned Randy why he would pull him aside in front of other people. Lalo then told Randy that he felt Randy had been harassing him and other employees, and Lalo described several instances where he felt Randy was harassing, such as "patting him on the back" or "asking him about his facial hair". Randy also reported that Lalo told him "Randy you're new here and only temporary, let's just be cool and get through this". Randy reported that Lalo's body language appeared really aggressive and that he found it threatening. Apparently Lalo, during the conversation, came in close with his arms turned inward, his fists clenched and his shoulder lifted. Since it was time to leave, Randy ended the conversation without it being resolved and reported it to me and [REDACTED] immediately. I told Randy I would look into the situation the next day since it was already after 3:00pm.
11/3/2021	I asked Lalo to stay behind as the rest of the crew reported to the Rhododendron Dell so we could talk. I asked Lalo what happened with Randy at sign out the day before. Lalo stated that he felt Randy's tone and body projected a threatening "you want to fight" attitude. Lalo told me that he has body image issues and felt insulted by Randy's commentary in front of others when Randy asked Lalo "why do you wear a hoodie in the heat?". Lalo also mentioned an incident when Randy told [REDACTED] and Lalo that he paired them together so "they could both speak each other's language to each other". I validated Lalo in stating that pairing people up for the language they speak is not appropriate and that I would coach Randy. I tried to steer the conversation to the specific incident that Randy pulled Lalo aside about, which was that Lalo was avoiding Randy, not following instruction, and exhibiting a defiant demeanor when instructed during the workday. I told Lalo that it is not appropriate to ignore the directives of the captain unless the directives are in violation of safety or department policy. Lalo denied ever avoiding Randy or not following instruction and told me "He always follows instructions and just wants to do his job". I told Lalo that open and honest communication is important, and in the future to please communicate to me or [REDACTED] if there are ways of coaching or acts of communication he finds triggering or insulting- so that small grievances of miscommunication or misunderstanding do not blow out of proportion and can be addressed immediately. I provided Lalo with a copy of both the Respect in the Workplace and the Harassment policies, and I read the definition of harassment aloud to Lalo. Lalo said that he just wanted no drama and to be left alone do his work. I left the conversation by repeating what we had discussed in terms of open and honest communication, told Lalo that I would coach & counsel Randy and to expect a mediation meeting later. I then drove Lalo to Dolores Park for the workday, and Lalo disclosed that he is currently involved in a break-up with his girlfriend. I told Lalo I was sorry to hear that and empathized how stressful that is.





- 11/9/2021 I started the conversation by expressing that I wanted to collectively address the incident between Randy and Lalo so that a clear understanding of the miscommunication can be reached and that we could start on a fresh page and develop a renewed relationship with this understanding reached. I reviewed the incident: that Randy had pulled Lalo aside at the end of the day to address instances of avoidance and not following directive- and that Lalo responded by expressing a list of grievances that he had against Randy. After this summary Randy immediately apologized for his actions, specifically around making Lalo uncomfortable with "pats on the back" or "mentioning facial hair" and for telling Lalo that he paired him and [REDACTED] together "so they could speak their language together". Lalo appeared disengaged and would not make eye contact or respond to Randy's apology. Lalo then re-stated his grievances and said that "others on the crew" disliked the way that Randy spoke to them. I told Lalo that bringing up how others felt during this discussion was not appropriate, and that Randy just apologized for actions and stated that his original intent was never to insult Lalo or make him feel uncomfortable. I then told Lalo that in the future to please communicate openly as situations arise, and to understand that to avoid or ignore directives from Captains or supervisors in the field is never appropriate. Lalo denied ever doing this. I then reviewed Lalo's training log and made note on his need to communicate and ask more questions in the field as there have been instances of giving instruction and then Lalo immediately doing the task differently from how he was instructed to do it. The conversation ended with an agreement to start fresh and focus on the work and improving in areas that we needed to. I did not feel confident that Lalo heard me or respected Randy's apology as expressed in his body language, specifically lack of eye contact and closed stance.
- 11/24/2021 While we were in a Toro together at the Nursery, Karla asked me if she could talk to me about incidents she experienced with co-workers and how she should respond. She told me that Lalo told her that "she worked too slow", and she felt that he generally did not respect her as he did not talk or communicate with her during the workdays. She also told me that at the last "All Apprentice Day" on 11/16/21 that apprentice Henry Palacios told her "Oh you're the one that's always late and doesn't come to work". I told her that it was inappropriate for any co-worker to comment on her performance and to openly express to them that it wasn't appropriate. I commended her for coming to me for advice and told her should she ever want me to mediate conflict I can assist and to also understand when co-workers say things that hurt our feelings we should tell them directly & that there will always be instances where co-workers may not get-along or have "off" days and to remember our job is to get the work done through a team effort safely and effectively and not to necessarily "be friends".
- 12/7/2021 [REDACTED] pulled me aside to tell me "Please tell Lalo to mind his own business as he just commented to me about being late and I don't know him like that"
- 12/7/21 I pulled Lalo aside and told him it was not appropriate to comment on anyone's punctuality. We were loading up to a project site, so I ended the conversation there and talked to [REDACTED] While talking to [REDACTED] Lalo yelled out of the work truck as it was driving away "[REDACTED] I'm sorry for saying anything".
- 12/9/2021 The group was paired in groups of (2) to dig out irrigation heads together. I volunteered to pair with Lalo so that I could touch base with him and discuss the communication issues that have occurred between him and other co-workers over the last 2-week period. I started by first apologizing to Lalo for our mobile crew's "Secret Santa", as I had not asked the group collectively



prior to name-grab-bag- distribution if everyone wanted to participate. I told Lalo he did not have to participate as Lalo had expressed to me at yesterday's sign out. I then thanked Lalo for apologizing to [REDACTED]. Lalo explained that he did not mean to hurt [REDACTED] feelings and thought he was being friendly. I then stated that this plays into his area of improvement of communication as we stated during our last training log: that it's important to maintain boundaries of professional and appropriate communication with co-workers and to avoid performance or punctuality commentary. I asked Lalo how his relationship with Karla is as I had received reports of tension between them. Lalo told me that "Karla just wants attention" and "acts like a little kid". Lalo then said "for some reason I always attract this attention at every job I have" I asked Lalo if he had ever told Karla that she worked slowly, and he denied. Lalo expressed frustration with "drama" and that he "just wants to do his job". I told Lalo that whatever he did say to her, it hurt her feelings, and we can either have a mediation meeting or he can own up to his mistake and apologize to Karla. Lalo said he did not want the drama of a mediation meeting and would apologize to Karla. I also reminded Lalo of the importance of professional behavior at work, and an employee saying anything along the lines of "mamacita" when an attractive woman walks past a worksite is inappropriate. Lalo then demanded to know who reported this to me, and I declined to answer stating it's inappropriate to do so. Lalo said, "let's be real you can tell me" several times and I repeatedly declined. Lalo seemed annoyed by my refusal to tell him who reported it and said, "wow you really don't know who your friends are here". Lalo agreed to apologize to Karla but did not seem to really hear or accept a need for improvement in how he communicates with others.

12/9/2021 I saw Karla was very upset while working with Captain Randy Vasquez and asked her to walk me to my vehicle. Karla told me while crying that Lalo had scolded her for talking to me about his behavior and told her "If I lose my job, you're going to lose yours too" and that "since they were both Latino, they should be looking out for each other" and that "what they say is true, the enemy of a Mexican is another Mexican". Karla apologized for being emotional and stated that she told herself that she would no longer put up with "men who disrespect her" at work. I told Karla to focus on her own performance and to keep her distance from Lalo until this issue is addressed. I also encouraged Karla to keep communication with me open and told her she did the right thing by asking for support in addressing this conflict.

**Manager Notes**

**Date**

11/3/21 Ali called me to discuss an incident that happened between Captain Randy Vasquez and apprentice Eduardo (Lala) Guerrero. Apparently, Lalo was uncomfortable with the way Randy had communicated with him on a number of occasions. He also expressed discomfort around Randy patting him on the shoulder. Ali mentioned that Lalo was a bit aggressive in his body language when the conversation occurred on 11/2 during checkout. We both agreed that it would be best for the 3 of them to meet and resolve the situation. Ali told me that she would check in with Lalo separately and then would set up a meeting time with Randy and Lalo to go over what had occurred and to mediate a resolution. Ali also mentioned that she would review the respect in the workplace and harassment policies with both Randy and Lalo. She also said she would coach both of them on the specifics of professional communication.

11/5/21 Met with Randy to discuss the incident that occurred on 10/20/21 with Eduardo (Lalo). Asked about what led up to the situation. Randy reported to me the same details that Ali went over in her documentation. He said he was mortified to discover that he was making Eduardo



Apprentice Employee Documentation  
Release Recommendation – Eduardo (Lola) Guerrero

uncomfortable. I told him that it did not rise to the level of harassment but that going forward he would need to be more careful and to follow the instructions Ali gave him when she counseled him over the issue. I reassured him that he was an excellent employee and that I had the greatest confidence in him. I let him know that he was learning and to take a balanced view, that he had misjudged the situation and that he just needed to remember that he needs to keep clear boundaries with subordinates going forward.

11/9/21

Ali reported that she met with both Lalo and Randy to go over the issues that led up to the incident on 11/2. She mentioned that Randy handled himself professionally, apologized to Lalo, and made a commitment to be sensitive to Lalo’s boundaries going forward. Ali noted that Lalo did not seem to be receptive to the apology nor willing to take responsibility for his part in the misunderstanding.

12/09/21

Ali called me to let me know of several incidents that occurred between Apprentices Eduardo (Lalo) Guerrero and Karla Hernandez. Apparently, Lalo had made inappropriate comments in front of Karla about women. When confronted, he demanded to know who had reported the issue. Ali did not disclose this information. Lalo then proceeded to confront Karla in an inappropriate and somewhat threatening manner. Ali recommended that we release Lalo based on this incident and I agreed.

12/09/21

I spoke with [REDACTED] to let him know that Ali and I had decided to recommend the release of Eduardo Guerrero based on the incident with Karla Hernandez. I let him know that Ali and I would organize documentation and send it to him and Melissa with a formal recommendation of release.

**Captain Field Notes August – November 2021**

**Captain Randy Vasquez**

**8/10/21** Tuesday J, Anna, Noamy, lalo- All spread buckets of mulch at rhododendron Dell Satisfactory performance.

**10/29** Friday Lalo 7th and Fulton

1. I was instructing Lalo on the specifics of how the supervisor wanted everyone to plant. Based on the specialties Location. We were taking the time to show every apprentices individual in an attempt to have every one planting Exactly the same. As I began to explain what the supervisor wanted Lalo interrupted me and said, "I already knew how to Plant".

2. Lalo was grabbing a young newly planted tree by it the base of its trunk and was wrenching it in one direction. I was standing with Christa (the supervisor) she exclaimed why is he doing that I don't want him to do that. I told her I would handle it and Immediately Approached Lalo at the tree. When I asked him to stop, he replied, ``Why? aren't we are gardeners’ man? As I began to instruct him as to why, he turned and started to walk away. I asked him to come back that I wasn't done explaining why we shouldn't be touching the tree. He reluctantly turned back toward me. The situation was very tense. When I was finished, he said nothing and walked away.

**11/2 Tuesday • Lalo • Bernal Heights**



o We were shoveling sand. Lalo stopped shoveling and grabbed a flex rake. I asked him to not rake right now, that we would rake at the end. He went and raked anyway.

o Communicated with crew after first break for the crew to split into two one crew 618 go to the truck and the 588 people will get the cones from where the sand pile was. Lalo was in the 618 crew. He did not go with is crew. Proceed to go and get cones. Then I asked "Lalo you need to go get with your crew in the 618 truck." he Continued to walk up the Hill away from his group. I repeated myself "Lalo you need to go get with your crew in the 618 truck." He continued his walk up the hill. At this point I was following him up the hill. I repeated a 3rd time. "Lalo you need to go with the other crew." At this point he turned around to walk back down the Hill to join the 618 crew at the truck. As he passed me he looked right at me and said and "what?" As he continued to walk down the hill.

**11/2 Tuesday • Lalo • St. Mary's • After lunch**

1)Lalo Turned on his music on his phone. I Asked him to turn it off. He asked why? Then he answered because is not allowed? I said yes

2)I worked with Lalo all day and had a few instances with him that felt off, which followed other incidents that felt a bit off from the preceding week. It was 2:45pm at the end of the day on Tuesday 11/2/2021 and after feeling tension from Lalo all day it felt important to me to check in with him about it. I pulled Lalo aside – we walked outside and he asked me “what’s going on”. I said I wanted to talk to him, that I had noticed a weird vibe from him and wanted to make sure everything was ok. He responded with “there is no vibe, everything is fine”. I said “oh ok, because I’m feeling something and am just not sure what it is”. He responded by saying “Ok, bro, you told me that I have a big chest on the day when I came to work and wasn’t wearing my hoodie. You said it in front of everybody and I didn’t like that. You’re always patting me on the back and I don’t like that either. It’s harassment and you’re inappropriate.”

I responded with “oh, ok I didn’t know that you were feeling that way”.

He said “also, you’re pulling me aside in front of everybody and making a big deal about talking to me and that makes me feel uncomfortable as well. You need to pull me aside at a different time when people can’t see that you’re talking to me.”

I responded by offering to move further away from the building, and emphasized that I pulled him aside in the first place in an effort to speak privately and not speak in front of others. I also shared this was really good information for me to know that he was upset, doesn’t like the way I’ve talked to him, and stated I can adjust my behavior – “thank you this is really good information for me to have, and I can make that correction”

Lalo also said “you made a comment about my moustache and my beard and said it was getting so long that it was covering up my lip and you saying that is inappropriate. You can’t do that”.

I responded with “I don’t remember ever saying that” and noted “that would be a weird thing for me to say because I have a giant beard and don’t care if you have a beard”.

Lalo said “you’re harassing everyone, you make everyone feel uncomfortable. I heard you made someone cry but I don’t really talk about that because I just want to do my job and go to work”.



Apprentice Employee Documentation  
Release Recommendation – Eduardo (Lola) Guerrero

I said “Lalo, I’m sorry that I made a comment about your chest, and I’m sorry that I patted you on the back to tell you ‘good job’, and I don’t remember saying anything about your beard. But I will make the correction and I want to apologize to you for making you feel uncomfortable. My job is to teach you guys and make this feel like a safe place.”

He proceeded to say “I just don’t like to bring these things up, man. This is drama, and I just want to avoid that. I just want to show up and do my job and be left alone. That’s why I’m always so quiet. I think that we just need to chill out. You’re new to this job and you’re just figuring it out. This job is temporary for you. You’re only here to fill in for somebody. You’re going back. You don’t need to take this so serious. So let’s just be chill.”

He ended the conversation with “hey, man, it’s all good. I just want to do my job and be cool here.”

I said “ok. Thanks for that information. You can go back now.” And I walked away.

[REDACTED]

**11/9/21 (taken from [REDACTED])**

During apprentice evaluation conversation with Lalo.

Present were Eduardo Guerrero (Lalo), myself [REDACTED] Captain Randy Vasquez and Supervisor Ali McCarthy.

Captain Randy Vasquez apologized for unknowingly making Lalo feel uncomfortable on a couple of occasions (patting him on the back saying 'good job', commenting on his facial hair).

Randy then explained during the evaluation about two recent situations with Lalo on the same day: 11/2/21 at Bernal Heights where Lalo did not follow the Captain's instructions.

Lalo’s response to this was ‘I don’t remember this...it didn’t happen’

Randy said, "Ok" and we continued to go over Lalo's eval form with him. At the end there was an agreement by all parties to move forward with a fresh start.

At the end of the eval the three of us felt that the situation did not have a clear resolution.

# **City and County of San Francisco and Laborers International Union North America Local 261 3410 Gardener Apprenticeship Rules and Expectations**

As you begin your career as an apprentice with the City and County of San Francisco ("City") and the Laborers International Union North America Local 261 ("Union") remember that regardless of where you work or the nature of your job assignment, public employment is a noble calling. You are part of a large team of dedicated and talented individuals striving to ensure that San Franciscans receive the highest quality services possible from their government. Indeed, our City government's greatest asset is its workforce - you.

As a City apprentice, you are required to read these Rules and Expectations. It provides important information on the City's and Union's commitment to safety on the job, and your obligations as a City apprentice.

## ***Training and Meeting Attendance***

All apprentices will attend their host department New Employee Orientation session, the department all staff meetings, all division or unit meetings and trainings, the all apprenticeship training and classroom sessions, and all assigned Union training meetings and orientations. Failure to attend a scheduled training (unexcused absence) or failure to report to a scheduled meeting (unexcused absence) may lead to separation from the program.

## ***Vehicles***

An apprentice who uses a City vehicle must follow the current City Vehicle Use policy. Additionally, an apprentice is prohibited from using a cell phone, hands on or hands off, or similar device while driving, whether the business conducted is personal or City apprenticeship related.

## ***License***

If your job duties require you to drive, you must have the appropriate licenses and maintain insurability under your department's automobile liability insurance policy. Only apprentices with a valid California Driver License will be authorized to operate a City and/or private vehicle. The City will use the State Department of Motor Vehicles Pull Notice Program to obtain information about apprentices as actions appear on their driving records. Apprentices must comply with the California Vehicle Code at all times while operating a motor vehicle.

## ***Cell phones***

Unless otherwise authorized, cell phone use is restricted to an apprentice's personal time. To ensure the effectiveness of your training, apprentices are asked to leave cell on vibrate mode.

### ***Drug and Alcohol-Free Workplace Policy***

To ensure the safety of the City's employees, co-workers and the public, no apprentice may sell, purchase, transfer, possess, furnish, manufacture, use or be under the influence of alcohol, marijuana, prescription drugs that impair safe functioning or illegal drugs at any City jobsite, while on City business or in City facilities.

Apprentices may forfeit their apprenticeship and may be immediately removed from the worksite if the Union or the City find sufficient evidence that the apprentice participated in the misappropriation of public or Union funds or property; misuse or destruction of public or Union property

### ***Assignment***

Consistent with the formal Apprenticeship Agreement and the Apprenticeship Standards, departmental operational needs may require an apprentice to be assigned to different locations.

### ***Appearance / Dress Code***

As a City apprentice, you represent the Union and the City when you are on duty and/or when you are on a City jobsite. Apprentices are expected to be neat and clean, and to dress for work according to generally accepted professional standards as dictated by their work assignment and as required by their department. The City and the Union reserves the right to restrict dress for reasons relating to safety, hygiene or environmental conditions. All apprentices are expected to wear appropriately fitting work pants with belt; an Apprenticeship t-shirt; safety vest; steel-toed boots and all appropriate Personal Protective Equipment (PPE).

### ***Attendance and Punctuality***

Regular and prompt attendance is an essential requirement of your job. As a City apprentice, you are to report to your work site at your scheduled work time. Your time records must accurately reflect the time you start work and the number of hours worked in every workday. The start time will be clearly communicated to the apprentice. Failure to report to work (unexcused absence) twice in the academic year or three (3) times in the calendar year may lead to separation from the program.

### ***Absences***

All planned absences must be requested and approved in advance. If illness or some other emergency causes an unplanned or unforeseeable absence, you must notify your supervisor. A call in phone number and procedure will be clearly communicated to all apprentices.

### ***Misuse of Leave***

Failure to present medical certification when required, excessive absenteeism, tardiness, unauthorized absence or failure to notify your supervisor when you are unable to report to work, may result in forfeiture of your apprenticeship.

Examples of misuse of sick leave include calling in sick to extend an approved vacation; using sick leave when your arrival at work is delayed by traffic or car trouble; claiming you cannot work due to illness, when you are not ill; and using sick leave to cover a period of incarceration.

### ***Personal Protective Equipment***

In all cases where protective clothing and equipment is provided by a department, apprentices shall be expected to wear such clothing during the performance of their duties and bring such clothing and equipment with them to work and training daily.

### ***Safety Meetings***

Apprentices are required to attend Safety meetings that shall be held in accordance with State CAL-OSHA requirements.

### ***Clean up***

Apprentices will be provided appropriate clean-up time before meal breaks and at the end of the workday.

The City also recognizes that apprentices may at times have to ingest prescribed drugs or medications. If an employee takes any drug or medication known to have potential side effects that may interfere with job performance, the apprentice is required to immediately notify her/his supervisor of those side effects before performing his/her job functions. If an apprentice is temporarily unable to perform safety sensitive functions because of any potential side effects caused by prescribed medication, the apprentice shall be reassigned to perform non-safety sensitive functions without loss of pay until either the apprentice is off the prescribed medication or is cleared by a licensed healthcare provider.

### ***License to Drive***

City vehicles may not be used for personal business.

### ***Change of Address***

If you change your address and/or telephone number, you are required to notify your departmental personnel officer and the Union immediately by submitting a change of address form or a letter with your new address and telephone number.

### ***Separation from Apprenticeship***

Before you leave your apprenticeship with the City, you must return all supplies, keys, identification cards (including your Disaster Service Worker identification badge), access cards and all other City or Union property. Any materials, files, documents, or other items collected or created by you in connection with your employment remain the property of the City or the Union. You may not take any such materials, or copies of those materials, with you when you depart.



***Respect in the Workplace***

The City and the Union will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence physical, verbal, or electronic in or about the workplace is strictly prohibited. "Violence" includes both acts and threats of violence. For example, violence includes any conduct, verbal, physical, or electronic which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property. Employees are also prohibited from possessing, storing or having control of any weapon on the job.

***Co-Workers and the Public***

City and Union apprenticeship policy requires apprentices to treat co-workers and members of the public with courtesy and respect. City supervisors and Union apprenticeship coordinators are responsible for maintaining a safe and productive workplace that is free from inappropriate workplace behavior. Keep in mind how the public may interpret your actions.

***Maintenance of Minimum Qualifications***

Apprentices are required to register for required related instruction and attend all scheduled classes. Apprentices must successfully pass all related and supplemental instruction examinations with 75% correct or higher. You will be provided one opportunity to retake a failed examination.

I have read and I understand the rules and expectations and I agree. I further acknowledge that a violation of these rules may lead to my immediate release from the 3410 Apprentice Gardener program.

Apprentice Name and Signature:

Print Name: Eduardo Exerregui Signature: [Signature]  
Date: 08.09.21

City Department Authorized Representative Name and Signature

Print Name: Adam McArthur Signature: [Signature]  
Date: 8/9/21



**RECREATION AND PARKS DEPARTMENT  
3410 GARDENER APPRENTICE TRAINING LOG**

DATE: 11/1/21	EVALUATION FOR: Guerrero, Eduardo
SUPERVISOR COMPLETING THIS EVALUATION: Allison McCarthy	RATE LEVEL: <input checked="" type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory

How long has this apprentice been working on your jobsite? Started August 9th, 2021

**\*IMPORTANT:** Does Apprentice demonstrate skills, knowledge and ability equal to or greater than other apprentices at the same rate level? (please check)      YES       NO

General:	Good	Average	Needs Improvement	Unsatisfactory	Comments (must comment for needs improvement or unsatisfactory)
Shows normal ability for level in apprenticeship	✓				
Appropriate appearance & dress for work performed	✓				
Works consistently with normal alertness & energy	✓				
Exhibits desire to achieve & meets goals	✓				
Good memory, grasps new ideas		✓			Ask questions, Improve Plant I.D. & Technology

Work Habits:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Asks necessary questions at the right times		✓			Ask more questions
Grasps instructions, meets changing conditions	✓	✓			
Completes tasks well with minimum supervision	✓				
Work performed is neat and accurate	✓				
Does an appropriate amount of work each day	✓				
Follows instructions	✓				
Observes all safety rules		✓			Be mindful of PPE (eyes & gloves for most tasks)
Uses tools properly		✓			
Considerate of co-workers safety	✓				

Attitude:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Accepts working conditions	✓				
Withstands pressure and remains calm in a crisis	✓				
Is courteous and cooperative with others	✓				
Uses constructive criticism to improve performance	✓				

Attendance:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Reports to work daily as scheduled	✓				
Is punctual	✓				

**Work Process Hours Earned:**

53 IPM   9 Erosion Control   271 Landscape Maintenance and Installation Essentials   57 Irrigation

**Comments:**  
The above work process hours are through November 1st, 2021. Eduardo is a hard laborer, regularly demonstrates a willingness to complete any task as assigned, and has exhibited reliable and dependable performance & attendance.



## RECREATION AND PARKS DEPARTMENT 3410 GARDENER APPRENTICE TRAINING LOG

### Comments:

One area of improvement for Eduardo is open communication. Eduardo hardly asks questions after lecture or instruction, which can make it difficult for lead mentors to assess whether instruction is understood or if Eduardo is engaged with the task at hand.

Eduardo has successfully completed the following benchmarks during his first (3) months of the program:

#### Landscape Maintenance & Installation Elements:

- \* Demonstrated proper planting techniques for trees & perennials
- \* Can identify commonly used hand-tools in landscape maintenance
- \* Demonstrated proper use & operation of most commonly used 2-cycle landscape machines (line trimmer, blower, hedger) \* Note that chainsaw operation is being introduced in November 2021
- \* Demonstrated the proper "3-cut" pruning technique \* Note that pruning techniques are being introduced in November 2021
- \* Continues to develop basic plant identification of most commonly used trees, shrubs, and perennials in the San Francisco Park & Recreation system & how they're managed.

#### Irrigation

- \* Has repaired damaged rotor and pop-up sprinklers & changed swing joints
- \* Has set an impact and quill into a quick-coupler connection
- \* Can identify basic manual & automatic irrigation components

#### Integrated & Past Management

- \* Weeded general invasive plant species
- \* Understands the importance of sheet-mulching
- \* Gopher Trap

#### Erosion Control

- \* Completed installation of both jute netting & waddles
- \* Understands important roles that plants have in slope stabilization

By Eduardo's next training log (January 2022), he should demonstrate the ability to

- \* Confidently drive & maneuver both F350 truck & Toro Workman
- \* Identify manual & automatic irrigation parts (example: quill, rotor, pop-up, elbow, swing-joint)
- \* Program an irrigation clock (3 programs- 5 stations each)
- \* Identify most commonly used methods for Erosion Control
- \* Identify the following plants (With examples from mobile crew projects)  
5 trees - 5 evergreen shrubs 5- perennials 5- groundcovers



**RECREATION AND PARKS DEPARTMENT  
3410 GARDENER APPRENTICE TRAINING LOG**

**Purpose:** An honest and thoughtful evaluation should pinpoint strengths and weaknesses.

**Instructions:**

Carefully read and evaluate each characteristics, trait or ability. Check the rating scale that most closely describes your observance of the apprentice's behavior.

- Be honest in evaluations
- Normally, the apprentice should not be shocked by the evaluation. Please coach and counsel employees as the need arises.
- Review the content of the training log with the apprentice. Make sure work process hours are correct.

Be sure to list the specific areas you trained this apprentice:

IPM - Erosion Control - Landscape Maintenance and Installation Essentials - Irrigation

**Category Descriptions:**

**General:**

Shows normal ability for level in apprenticeship	Compare to others at similar pay rate and class
Appropriate appearance and dress for work performed	Cleanliness, grooming, safe clothing? Typical for work being performed?
Works consistently with normal alertness and energy	Energetic? Tires often?
Always willing to help	Team player
Exhibits desire to achieve & meets goals	Acts with purpose, puts forth effort

**Work Habits:**

Asks necessary questions at the right times	Are the subject and timing of questions appropriate?
Grasps instructions, meets changing conditions	Quick to understand? Solves problems?
Completes tasks well with minimum supervision	Completes tasks promptly and correctly
Work performed is neat and accurate	Loose ends, craftsmanship or rework needed
Does an appropriate amount of work each day	Volume or quantity of work in a work day
Follows instructions	Grasps instructions and carries them out correctly
Observes all safety rules	Observes industry and job safety rules

**Attitude:**

Accepts working conditions	Handles change, environment, job tasks without complaint
Ability to work under pressure or changing conditions	Tolerance for crises without irritation or temper
Is courteous and cooperative with others	Polite, willing to help, part of the team
Shows initiative	Stays productive with minimal supervision
Uses constructive criticism to improve performance	Makes a positive change when corrected?

**Attendance:**

Reports to work daily as scheduled	Minimum number of absences - gives notification in timely manner
Is punctual	Reports to work, back from lunch and breaks on time

D. O.	FILE NUMBER

A	B	C	D	E	Official Use
Gender	Ethnic	Dependents	Education	Yrs Employ	STATUS



State of California – Department of Industrial Relations – DIVISION OF APPRENTICESHIP STANDARDS

# APPRENTICE AGREEMENT

APPRENTICE LAST NAME <b>Guerreiro</b>	FIRST NAME <b>Eduardo</b>	MIDDLE	
--	------------------------------	--------	--

F - VETERAN  
Yes:  No:

OCCUPATION <b>Gardener   Horticultural Worker</b>	O*Net code <b>37.3011.00</b>
TERM OF APPRENTICESHIP <b>3000</b> Hours Within <b>2</b> Years	STRAIGHT TIME Hours per day: <b>8</b> Hours per week: <b>40</b>

This agreement is between the above named apprentice employed by the below named employer, and

## City & County of San Francisco | Recreation & Park Department

PROGRAM SPONSOR

**AGREEMENT:** The undersigned parties mutually agree that they will use their best endeavors to secure employment and training for the apprentice. The apprentice agrees to perform satisfactorily all work and learning assignments. The provisions of the Apprenticeship Standards for the above occupation adopted by the program sponsor and approved by the Chief of the Division of Apprenticeship Standards, are hereby made a part of this agreement. An official copy of the standards is on file in the headquarters of the Division of Apprenticeship Standards. This apprentice agreement will continue in effect until the training is completed or otherwise terminated in accordance with the standards.

The apprentice commences participation under these standards on the date of execution of this agreement by the Apprentice. The signatory apprentice is credited with having 0 months toward completion of the term of apprenticeship. The apprentice is expected to complete training on or about March 23, 2023, upon satisfactory completion of the total remaining hours of on-the-job training and hours and/or units of related and supplemental instruction.

**APPRENTICE:** I, the undersigned apprentice, understand and agree that there is a valid and reasonable necessity that those academic records accumulated throughout related and supplemental instruction during my period of apprenticeship be made available to the apprenticeship committee. Further, I agree to release to the apprenticeship committee any other academic records which I feel may enhance my status as an apprentice.

I, the undersigned apprentice, hereby request that the Administrator of Apprenticeship terminate any other apprenticeship agreements in which I am currently registered.

Executed this 9 day of August, 2021 by [Signature]  
DAY MONTH YEAR SIGNATURE OF APPRENTICE

**AGREED TO BY THE EMPLOYER**

[Signature]  
SIGNATURE OF EMPLOYER OR ITS REPRESENTATIVE  
3422 Park Section Supervisor  
TITLE

SIGNATURE OF PARENT OR GUARDIAN (IF APPRENTICE IS 16 OR 17)

**AGREED TO AND APPROVED BY, FOR THE COMMITTEE**

NAME OF EMPLOYER City & County of San Francisco, Recreation & Park Department
ADDRESS 1 South Van Ness Ave, 4th Floor, San Francisco, CA, 94103   501 Stanyan Street, San Francisco, CA, 94117

SIGNATURE -- SECRETARY / CHAIR / COORDINATOR DATE

**ACCEPTED BY DAS**

SIGNATURE -- APPRENTICESHIP CONSULTANT DATE

for unilateral programs only ]

This agreement is approved by \_\_\_\_\_

for the Administrator of Apprenticeship

TO THE APPRENTICE: California Civil Code Sec. 1798.17 requires State agencies which collect personal information to indicate the authority under which the data are requested. If personal information not specifically authorized by law is requested, individuals must be informed that supplying the information is voluntary. It also provides that state agencies may change or modify records at the request of the individual.

Questions C and E below are voluntary. All others are authorized by law, as indicated by the reference in each section. If the authorized questions are not answered, the apprenticeship agreement cannot be accepted.

The Division hopes, through collection of this data, to improve the apprenticeship program both for those presently enrolled and for future apprentices. Thank you.

### CALIFORNIA APPRENTICE QUESTIONNAIRE (USE INK OR BALLPOINT PEN)

**A. Gender**

Male  Female

(Cal. Code of Regulations, Title 8, Ch. 2, Sec. 215)

**B. Ethnic or Race Derivation (Check only one)**

1  WHITE (Not of Hispanic Origin) -- A person having origins in any of the original peoples of Europe, North Africa or the Middle East.

2  BLACK (Not of Hispanic Origin) -- A person having origins in any of the Black racial groups of Africa.

ASIAN OR PACIFIC ISLANDER -- A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands. The area includes, for example, China, Japan, Korea and Samoa.

- A  Asian Asian Indian
- B  Asian Bangladeshi
- C  Asian Chinese
- D  Asian Cambodian
- 6  Asian Filipino
- E  Asian Hmong
- I  Asian Indonesian
- J  Asian Japanese
- K  Asian Korean
- L  Asian Laotian
- M  Asian Malaysian
- P  Asian Pakistani
- R  Asian Sri Lankan
- T  Asian Taiwanese
- U  Asian Thai
- V  Asian Vietnamese
- F  Native Hawaiian Fijian
- G  Native Hawaiian Guamanian
- H  Native Hawaiian Hawaiian
- S  Native Hawaiian Samoan
- W  Native Hawaiian Tongan

4  AMERICAN INDIAN OR ALASKAN NATIVE -- A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

7  HISPANIC -- A person of Mexican, Puerto Rican, Cuban, South Central American or other Spanish culture or origin, regardless of race.

(Cal. Labor Code, Ch. 4, div. 3, Sec. 151)

**C. Number of Dependents (Do not count yourself)**

- 0  None
- 1  One
- 2  Two
- 3  Three
- 4  Four
- 5  Five
- 6  Six or More

(Voluntary)

**D. Highest Year of Education Completed**

- 1  8th Grade or less
- 2  9th Grade
- 3  10th Grade
- 4  11th Grade
- 5  12th Grade (or GED Certificate)
- 6  1 Year of College
- 7  2 Years of College
- 8  3 Years of College
- 9  4 or more Years of College

(Cal. Labor Code, Ch. 4, div. 3, Sec. 3076.3)

**E. Number of Years You Have Been Employed Full Time to Date (Except for Military Service)**

- 0  None
- 1  Less Than 1 Year
- 2  1 But Less Than 2 Years
- 3  2 But Less Than 3 Years
- 4  3 But Less Than 4 Years
- 5  4 But Less Than 5 Years
- 6  5 Years or More

(Voluntary)

**F. Have You Served on Active Duty (other than reserve status) in the U. S. Armed Forces?**

Yes  No

If yes, Please Enter:

Month and Year Entered \_\_\_\_\_

Month and Year Separated \_\_\_\_\_

Total Months served on Active Duty \_\_\_\_\_

Apprentice's Signature \_\_\_\_\_

*[Handwritten Signature]*



*submit*

# Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
 501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

## 1. Trainer Information

Name of Trainer Allison McCarthy		Date Training Conducted 8/9/2021
Division/Section Gardener Apprenticeship	Location GGP NURSERY	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ <small>(Employee Name and Date of Injury)</small>		

## 2. Topics Covered

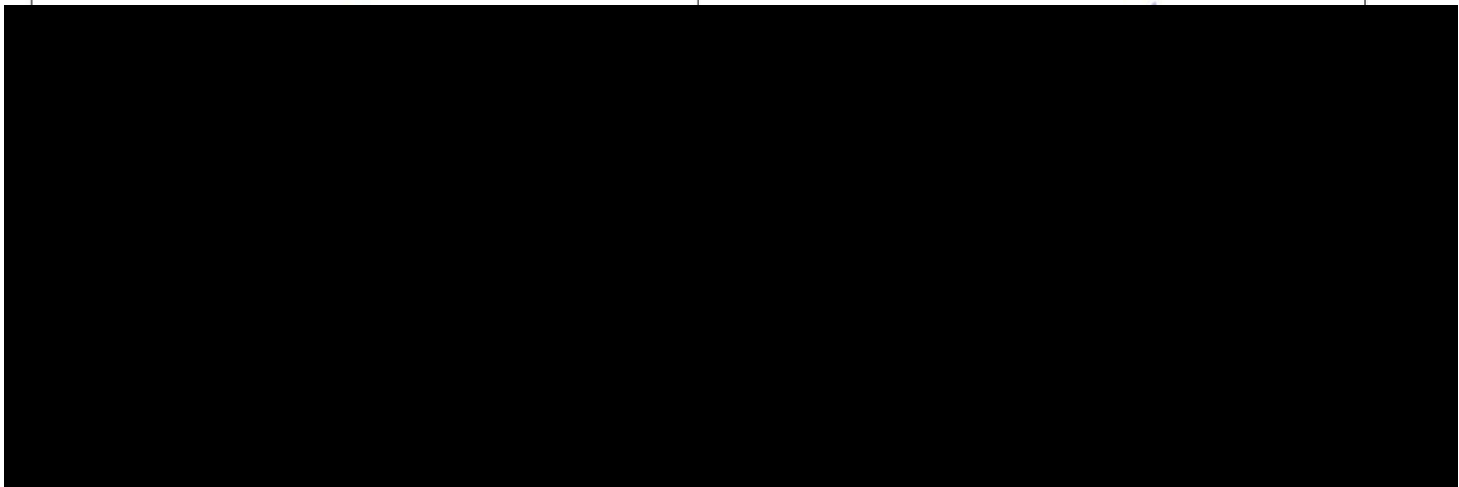
If more topics were covered, please list on back and check here .

Topic	Source*
Review of Apprentice Rules & Expectations	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
Review of Apprentice Standards + DAS 104 (a)	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
PowerPoint Presentation (Introduction to Program)	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<del>Respect in the Workplace</del>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

## 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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# Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

## 1. Trainer Information

Name of Trainer <i>ALLISON MCCARTHY</i>		Date Training Conducted <i>8/11/21</i>
Division/Section <i>APPRENTICESHIP</i>	Location <i>GIG-P NURSERY</i>	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ <small>(Employee Name and Date of Injury)</small>		

## 2. Topics Covered

If more topics were covered, please list on back and check here .

Topic	Source*
<i>Respect in the Workplace</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) <i>Policy</i>
<i>(Distribution &amp; Review)</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

## 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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# Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
 501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

## 1. Trainer Information

[Redacted]		Date Training Conducted 8/13/21
APPRENTICESHIP	Location GCP NURSERY	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ (Employee Name and Date of Injury)		

## 2. Topics Covered

If more topics were covered, please list on back and check here .

Topic	Source*
DISCRIMINATION, HARASSMENT, +	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
RETALIATION - FREE WORKPLACE POLICY	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
DISTRIBUTION + REVIEW	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

## 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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# Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
 501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

## 1. Trainer Information

Name of Trainer <i>Allison McCarthy</i>		Date Training Conducted <i>8/13/21</i>
Division/Section <i>Apprenticeship</i>	Location	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ (Employee Name and Date of Injury)		

## 2. Topics Covered

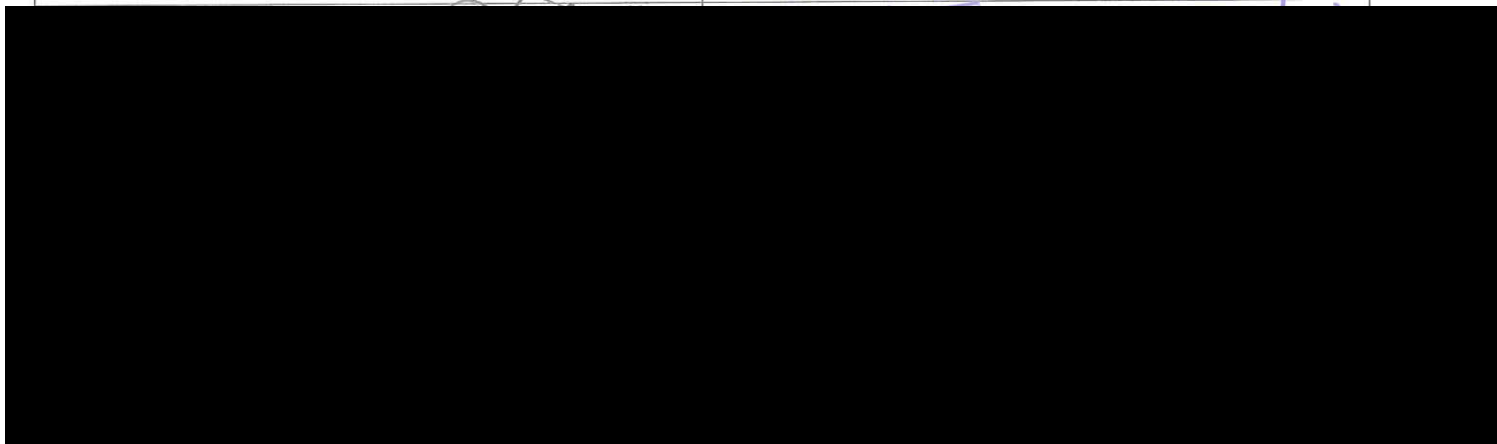
If more topics were covered, please list on back and check here .

Topic	Source*
<i>DHR Orientation</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input checked="" type="checkbox"/> Other (list) _____
<i>RPD Handbook</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<i>MOU L261</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<i>See attached</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

## 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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## McCarthy, Allison (REC)

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**From:** McCarthy, Allison (REC)  
**Sent:** Friday, August 13, 2021 7:45 AM  
**To:** Anne Franken; Noemi Andrade; Malindi Walker; Karla Hernandez; [REDACTED]; Erika Miller; Betty Tan; [REDACTED]  
**Cc:** Vasquez, Randy (REC) [REDACTED] (REC)  
**Subject:** Apprenticeship: Onboarding Orientation Task List

Great first week everyone!

Below is a bullet-pointed guide to complete online onboarding, read through important documents relevant to the City & Department, & get acquainted with the online resources available to you.

- Please watch the DHR Orientation Video and email a picture of your completion certificate & any other documentation requested by the HR representative on your paperwork. <https://sfdhr.org/new-employee-onboarding>
- Please click through the documents on the "Onboarding Checklist" <https://sfdhr.org/sites/default/files/documents/Onboarding/Citywide-Onboarding-Checklist.pdf>
- Please call the Department of Technology Help Desk 628-652-5000 so you can receive a password to access SF Employee Gateway: which is a city-employee wide portal <https://sfgov.org/sfc/employee-gateway>
- Click through the SF Employee Gateway if you can: especially the "My Learning" Tab where you will be taking additional online trainings over the next few weeks.
- **RPD "Intranet"** if you do receive a password to access SF Employee Gateway, this password will allow you to access the Recreation & Park Department's "intranet" : which is a treasure trove of information. Please click through. <https://rpdnet.org/> if you have access. Once you receive your city email account, these passwords will all be linked.
- **MAKE SURE TO ENROLL IN HEALTHCARE! YOU HAVE 30 DAYS FROM FIRST DATE OF HIRE.**
  - Here is the link to HSS' website for new hire with options and instructions on how to enroll: <https://sfhss.org/new-hire>
  - New hires may enroll online by going to [San Francisco Employee Portal](#) or complete attached enrollment form and submit via fax or mail with a copy of their Appointment Processing Form.

### Useful Documents

- [RPD Employee Handbook](#)

- [L261 MOU](#)
- [RPD Operations Overview](#) (last updated 2/19)
- 

Give me a call with any questions!

•

**Allison McCarthy**

(she, her, hers) [What's this?](#)

*3422 Park Section Supervisor*

Gardener Apprenticeship Program

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117  
[415-802-5863|allison.mccarthy@sfgov.org](mailto:415-802-5863|allison.mccarthy@sfgov.org)



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# Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
 501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

### 1. Trainer Information

[Redacted]		Date Training Conducted	8/26/21
		Location	GGP NURSERY
Apprenticeship		Name of Supervisor (if different than trainer)	
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)			
<input type="checkbox"/> Done as a corrective action for case _____ (Employee Name and Date of Injury)			

### 2. Topics Covered

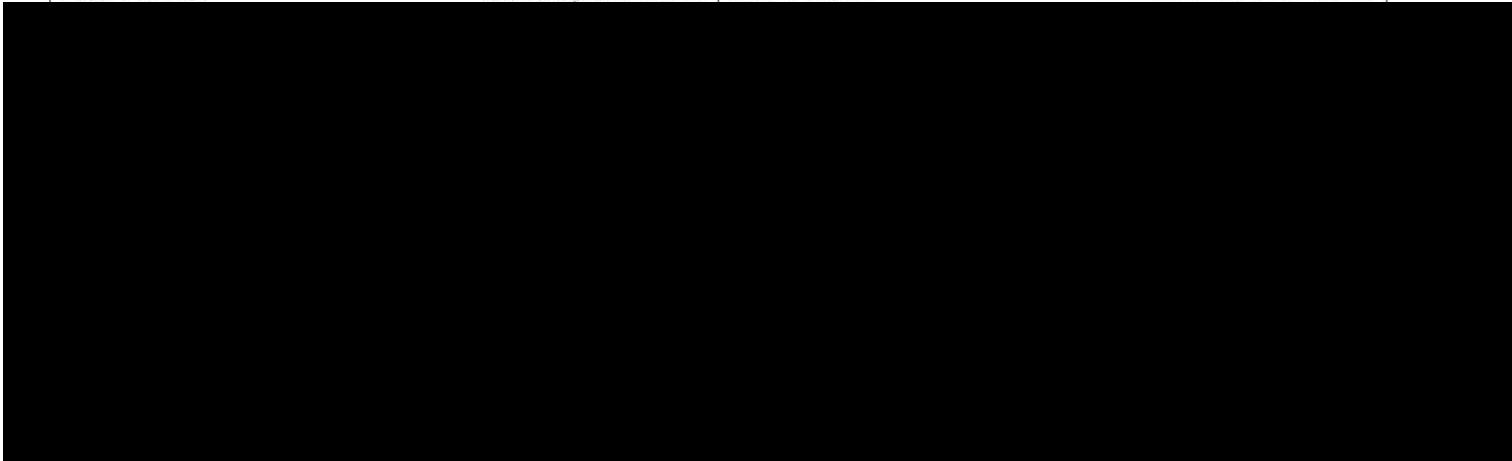
If more topics were covered, please list on back and check here .

Topic	Source*
Communication	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input checked="" type="checkbox"/> Other (list) _____
Power Point	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
Romantic Relationships @ work	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
Policy Distribution	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

### 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
------------	-------------------	------------	-------------------



## McCarthy, Allison (REC)

---

**From:** Gretchen Lott  
**Sent:** Wednesday, October 6, 2021 3:56 PM  
**To:** McCarthy, Allison (REC)  
Catherine Heath  
**Subject:** Re: Your employee is to attend the REC-NEO Communication Training Session  
**Attachments:** SF RPD, ALI version.pptx

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

Hi Ali,

There is another exercise we do during our communications course that is about listening and sharing details. Attached is a drawing that you will share with only 1/2 of your apprentice gardeners. The other 1/2 will then be instructed to draw this picture, without seeing, based on the input and "details" provided by the 1/2 that did see it. You will break your apprentice gardeners into groups of 2: 1 that will have seen the attached picture and describe it to the partner who has not seen it. So it is a way to show how people communicate enough detail that they understand the facts.

We will let you know when to bring this slide up. I will call you now to make sure I have articulated this effectively for you to lead the exercise. It is really fun, gets people drawing and sharing and laughing when they compare the actual picture to what they have drawn.

With peace,  
Gretchen

On Wed, 6 Oct 2021 at 10:27, Gretchen Lott [REDACTED] wrote:  
Dear Ali,

Thank you for the quick chat on the breakout groups for the "apprentice gardeners." Attached are the scenarios for you to use during the role play aspect of the program.

With peace,  
Gretchen Lott  
[REDACTED]

On Wed, 6 Oct 2021 at 05:51, McCarthy, Allison (REC) <[allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)> wrote:  
Hi Gretchen & thank you for sending link!

We were told the workshop is from 10:00am thru 2:00pm. Our crews work a 6:30-3:00 shift. Is it possible for event to run from 10:30-2:30 or up until 3?

Thank you & see you tomorrow

Allison McCarthy  
3422 Park Section Supervisor  
San Francisco Recreation & Park Department  
415.802.5863

---

**From:** Talley, Ian (REC) <[ian.talley@sfgov.org](mailto:ian.talley@sfgov.org)>  
**Sent:** Thursday, September 16, 2021 9:28:59 AM  
**To:** Bradley, Stacy (REC) <[stacy.bradley@sfgov.org](mailto:stacy.bradley@sfgov.org)>; [REDACTED] <[\[REDACTED\]@sfgov.org](mailto:[REDACTED]@sfgov.org)>; Santiago, Marcus (REC) <[marcus.santiago@sfgov.org](mailto:marcus.santiago@sfgov.org)>; Padilla, Joe (REC) <[joepadilla@sfgov.org](mailto:joepadilla@sfgov.org)>; Bogetz, Shauna (REC) <[shauna.bogetz@sfgov.org](mailto:shauna.bogetz@sfgov.org)>; Benjamin, Elizabeth (REC) <[elizabeth.benjamin@sfgov.org](mailto:elizabeth.benjamin@sfgov.org)>; Jackson, Ryan (REC) <[ryan.jackson@sfgov.org](mailto:ryan.jackson@sfgov.org)>; Ridgely, George (REC) <[george.ridgely@sfgov.org](mailto:george.ridgely@sfgov.org)>; Ng, Beverly (REC) <[beverly.ng@sfgov.org](mailto:beverly.ng@sfgov.org)>; McCarthy, Allison (REC) <[allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)>; Hickey, Martin (REC) <[martin.hickey@sfgov.org](mailto:martin.hickey@sfgov.org)>; Vazquez, Arianna (REC) <[arianna.vazquez@sfgov.org](mailto:arianna.vazquez@sfgov.org)>  
**Subject:** Your employee is to attend the REC-NEO Communication Training Session

Hello Supervisors,

The Communication/Customer Service Session of the SF Recreation and Parks New Employee Orientation for August-October 2021 attendees will be conducted via Zoom on **Thursday, October 7, 2021**. Your following employees listed below are slated to attend at the designated times. Please see details below. The Zoom link will follow as we get closer to the date. **Please note: Attendees are expected to attend both morning and afternoon sessions.** If you have any questions, please let us know— thank you all in advance!

**Date: Thursday, October 7, 2021**

**Time: Morning Session: 10:00AM- 11:30AM (PST)**

**Afternoon Session: 12:30PM- 2:00PM (PST)**

Name	Class	Title	Status	Union	Supervisor	Email
Harrison, Jordan	5291	Planner III	TEX/AN	IFPTE L21	Stacy Bradley	
Cun, Say Tien	2708	Custodian	TEX/AN	SEIU 1021		
Guan, Wei Yang	2708	Custodian	TEX/AN	SEIU 1021		
Chiang, Joseph	8208	Park Ranger	PCS/FT	SEIU 1021	Santiago, Marcus	
Lopez Tamayo, Juan	7346	Painter	PCS/FT	Painters	Padilla, Joe	
Hutchinson, James	1820	Jr. Administrative Analyst	PCS/FT	SEIU 1021	Bogetz, Shauna	
Vuong, Catherine F	1820	Jr. Administrative Analyst	PCS/FT	SEIU 1021	Benjamin, Elizabeth	
Soo, Henry	7345	Electrician	PCS/FT	Electricians L6	Jackson, Ryan	
Lau, Serena	3302	Admission Attendant	TEX/AN	SEIU 1021	Ridgely, George	
Belt, Madeline	9910	Public Service Trainee	TEX/AN	SEIU 1021	Ng, Beverly	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Hernandez, Karla	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Miller, Erika	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Andrade, Noemi	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Guerrero, Eduardo	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Franken, Anne	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Walker, Malindi	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Tan, Betty	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Raden, David	3417	Gardener	PCS/FT	LIUNA 261		
Menjivar, Fabio	3417	Gardener	PCS/FT	LIUNA 261		
Lum, Gregory C	3417	Gardener	PCS/FT	LIUNA 261		
Tan, Guohui	3417	Gardener	PCS/FT	LIUNA 261		
Balestra, Leslie R	3417	Gardener	PCS/FT	LIUNA 261		
Ball, William E	3417	Gardener	PCS/FT	LIUNA 261		
Borrou, Gedion	7514	General Laborer	PCS/FT	LIUNA 261	Hickey, Martin	
Lopez, Jose L	8208	Park Ranger	PROP F	SEIU 1021	Santiago, Marcus	



Marjory Castillo

McCarthy Fellow

Vazquez, Ariana

**Ian Talley**

Human Resources Analyst

San Francisco Recreation and Park Department | City & County of San Francisco

McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

0110

Phone No.: (415) 831-2737 | Fax No.: (415) 221-4305 | [ian.talley@sfgov.org](mailto:ian.talley@sfgov.org)



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London N. Breed, Mayor  
Philip A. Ginsburg, General Manager

## RESPECT IN THE WORKPLACE POLICY

It is the policy of the Recreation and Park Department that all employees treat co-workers and members of the public with courtesy and respect at all times. A respectful workplace enhances our ability to maintain beautiful parks and provide enriching recreational activities, and makes our Department a more pleasant and rewarding place to work.

Disrespectful behaviors are defined here as unwelcome, offensive conduct, expressed either verbally, in writing, or through physical behavior. It is important to keep in mind that it is not what is intended that is important so much as how a reasonable person would perceive such conduct. When an employee is disrespected their motivation is adversely impacted and work performance suffers. Examples of disrespectful behaviors may include but are not limited to:

- Derogatory comments, malicious gossip or any language that is used to degrade, intimidate or coerce another individual or group of individuals
- Insults, slurs, jokes or any language that infers a negative characteristic
- Profanity
- Offensive posters, drawings, insignias or signs
- Blocking normal movement, offensive gestures, unwelcome touching or shoving
- Threats or assault

Everyone has responsibility to stop disrespectful behavior at the workplace.

- If another's actions or words offend you, let them know their behavior is unwelcome and ask them to stop.
- If you have any reason to believe your actions offend someone, stop the behavior.
- If you observe disrespectful behavior, you should tell the person behaving disrespectfully their behavior is inappropriate or report the behavior to your supervisor.

If the unwelcome behavior continues, report this to your supervisor or the Human Resources Division. Supervisors and managers should model respectful behavior and have a responsibility to keep the workplace free of inappropriate conduct. Supervisors and managers must take such complaints seriously, find out what happened, and take appropriate action. Timely intervention is key to providing a respectful workplace. Retaliation against anyone who has raised a concern about disrespectful behavior is also prohibited.

Any employee who believes he or she has been treated disrespectfully in violation of this policy may file a complaint of disrespectful behavior by contacting the employee's supervisor or manager, or the Department's Human Resources Division. If a complaint of disrespectful behavior is made to a supervisor or manager, the supervisor/manager must report the complaint to the Department's Human Resources Division.

Any employee found to have engaged in disrespectful behavior or retaliation may be subject to disciplinary action up to and including dismissal.

This policy shall not alter or affect the right of any person to file a discrimination charge with the Recreation and Park Department's Human Resources Division, the Department of Human Resources' Equal Employment Opportunity Unit, the California Department of Fair Employment and Housing, the United States Equal Employment Opportunity Commission, or to consult with a union representative or private attorney.

Rev. June 2004



## EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

### Discrimination and Harassment Prohibited

Discriminating against, or harassing City and County of San Francisco (City) employees, applicants, or persons providing services to the City by contract, including supervisory and non-supervisory employees, because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful. For the purpose of this policy only, the term “employees” includes unpaid interns and volunteers. Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal, or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

### Sexual Harassment Prohibited

Sexual harassment is illegal under federal and state law. Federal law defines sexual harassment as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, visual, or written conduct of a sexual nature directed to persons of the same or opposite sex when:

- submission to such conduct is made explicitly or implicitly as a term or condition of employment;
- submission to or rejection of such conduct by an employee or applicant is used as a basis for employment decisions affecting the employee or applicant; or
- such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or otherwise offensive working environment.

State law defines sexual harassment as unwanted sexual advances or verbal, visual, or physical conduct of either a sexual nature, or other conduct based on sex. These are some examples of sexual harassment:

- requests for sexual favors or unwanted sexual advances;
- offering employment benefits in exchange for sexual favors;
- making or threatening reprisals after a negative response to sexual advances;
- verbal harassment (e.g., graphic comments, derogatory comments, sexually suggestive or obscene jokes or telephone calls);
- physical harassment (e.g., assault, impeding or blocking movement, gestures, or any physical interference with normal work or movements); or
- visual forms of harassment (e.g., leering, derogatory or sexually explicit emails, posters, letters, poems, graffiti, cartoons, computer screen savers, or drawings).

### Retaliation Prohibited

Retaliation against an individual who reports, files a complaint of, or otherwise opposes conduct he or she reasonably believes to be unlawful discrimination, harassment, or retaliation, or assists in the investigation of a complaint, is also prohibited.

### Responsibility for Responding to and Reporting Discrimination, Harassment, and Retaliation

All employees are encouraged to report discriminatory, harassing, or retaliatory behavior, whether directed at themselves or at co-workers.

Supervisory employees are required to take corrective action if employees are subjected to discrimination, harassment, or retaliation on the basis of a protected category. If a complaint is made to a supervisor, or if a supervisor becomes aware of potential discrimination, harassment, or retaliation, the supervisor **must** immediately report it to the department's EEO or Human Resources personnel. Any supervisor who receives a complaint of discrimination, harassment, or retaliation and fails to report it may be subject to disciplinary action.

Departments **must** report all complaints of discrimination, harassment, and retaliation to the Human Resources Director within five days of becoming aware of such complaints. Departments are responsible for ensuring that all employees know of and are trained periodically regarding this policy.

### **Complaint Procedures**

Any employee or applicant who believes he or she has been discriminated against, harassed, or retaliated against in violation of this policy should promptly report the incident and the individuals involved. Complaints must be filed within 180 calendar days of the date of the alleged discriminatory action, harassment, or retaliatory action, or the date the individual should have first become aware of a violation. For information or to file a complaint, contact any of the following:

- the employee's supervisor or any other supervisor or manager;
- the department's EEO or Human Resources personnel;
- the City's Department of Human Resources, EEO Division located at 1 South Van Ness Avenue, 4th Floor, San Francisco, CA 94103, via email at [DHR-EEO@sfgov.org](mailto:DHR-EEO@sfgov.org) or online at [www.sfdhr.org](http://www.sfdhr.org); the City's EEO Helpline at (415) 557-4900 or (415) 557-4810 (TTY); or SFMTA employees may also contact SFMTA's EEO Officer, Virginia Harmon, at (415) 701-4404 or [EEO@sfmta.com](mailto:EEO@sfmta.com)

The Human Resources Director is responsible for the investigation and resolution of all discrimination, harassment, and retaliation complaints. All complaints are kept confidential (to the extent possible); responded to timely; investigated (if necessary) by qualified personnel in a timely and impartial manner; and documented and tracked. If the Human Resources Director determines that discrimination, harassment, or retaliation occurred, the City will take appropriate remedial action.

The [U.S.](http://www.eeoc.gov) Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate and prosecute employment discrimination, harassment, and retaliation complaints. Employees who believe that they have been discriminated against, harassed, or retaliated against may file a complaint with either of these agencies using the following contact information:

- EEOC: (800) 669-4000 or TTY (800) 669-6820; or online at [www.eeoc.gov](http://www.eeoc.gov)
- DFEH: (800) 884-1684 or TTY (800) 700-2320; or online at [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Remedies available through these agencies include hiring or reinstatement, back pay or promotion, fines or damages for emotional distress, and changes in the policies or practices of the employer.

### **Discipline**

Any employee, supervisor, or agent of the City found to have engaged in conduct in violation of this policy may be subject to disciplinary action, up to and including termination. An employee may be subject to discipline for engaging in harassing conduct that does not meet the definition of harassment under the law, but that, if repeated or allowed to continue, might meet that definition.

Para mayor información sobre el hostigamiento en el trabajo: (415) 557-4900.

如欲索取更多資料或要舉報在工作場所受到騷擾,可致電415-557-4900



Carol Isen  
Human Resources Director

## **Rule 103**

### **Equal Employment Opportunity**

Applicability: Rule 103 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

**Sec. 103.1**      **Policies for Equal Employment Opportunities**

**Sec. 103.2**      **Equal Employment Opportunity Analysis**

**Sec. 103.3**      **Discrimination Complaints**

**Sec. 103.4**      **Authority to Override Civil Service Rules to Effectuate a  
Discrimination Remedy**

## **Rule 103**

### **Equal Employment Opportunity**

Applicability: Rule 103 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

#### **Sec. 103.1**      **Policies for Equal Employment Opportunities**

##### **103.1.1**      **Equal Employment Opportunity**

It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment; that selection of employees to positions in the City and County be made on the basis of merit; and that continuing programs be maintained to afford equal employment opportunities at all levels. Vigorous enforcement of the laws against discrimination shall be carried out at every level of each department. All persons shall have equal access to employment within the City and County, limited only by their ability to do the job.

**103.1.2**      No person shall be appointed, reduced, removed, or in any way favored or discriminated against in employment or opportunity for employment because of race, color, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, medical condition (cancer-related), ethnicity or the conditions Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions or other non-merit factors or any other category provided by ordinance.

##### **103.1.3**      **Language Diversity Policy**

It is the policy of the Civil Service Commission that an employee's use of a language other than English is not only an asset in the provision of public services but, with few exceptions, such as business necessity, is a legally protected right.

##### **103.1.4**      **Employment of Persons with AIDS, HIV, and AIDS-related conditions**

Departments, agencies, boards, and commissions of the City and County of San Francisco shall be required to provide reasonable accommodation to qualified employees and applicants who have the conditions known as Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions.

**103.1.5 Prohibition of Sexual Harassment**

It is the policy of the Civil Service Commission, consistent with Federal, State and local laws, rules and official policies that sexual harassment of City employees and applicants for employment is prohibited and will not be tolerated.

**103.1.6 Prohibition of Unlawful Workplace Harassment**

It is the policy of the City and County of San Francisco that each official, employee, and agent acting in official capacity, will treat all persons equally and respectfully, and will refrain from unlawful workplace harassment in accordance with applicable Federal, State and local laws, rules and official policies.

**103.1.7 Employment of Persons with Disabilities**

In accordance with the Federal, State and local laws, it is the policy of the Civil Service Commission to provide equal access for individuals with disabilities in all areas of employment. No disabled person shall be denied employment or any other term, condition, or privilege of employment based upon disability or the need for a reasonable accommodation, so long as the accommodation does not result in undue hardship on the operations of the department or the City and County of San Francisco.

**103.1.8 Prohibition of Retaliation**

It shall be a violation of this Rule to discriminate against, retaliate against, or harass any employee or applicant because such employee or applicant has complained of or opposed any discriminatory practice prohibited under this Rule or has made a complaint, testified, supplied evidence, assisted, or participated in any manner in any investigation, proceeding, or hearing under this Rule.

**Sec. 103.2 Equal Employment Opportunity Analysis**

**103.2.1** The Department of Human Resources shall annually prepare an analysis of the work force.

**103.2.2** The City shall maintain records of its work force composition by race, sex, ethnicity, and classification (job code). These records shall also reflect new employments, promotions, transfers, and separations; and shall be reported to Federal, State and local agencies as required. Individual employee names shall remain a confidential part of these records. Non-confidential elements of these records shall be made available for public review upon request.

**Sec. 103.2**      **Equal Employment Opportunity Analysis (cont.)**

**103.2.3**      From the foregoing records, the Department of Human Resources staff shall prepare and report to the Civil Service Commission every five (5) years with an analysis of the work force to determine whether percentages of sex, race, or ethnic groups in occupational categories are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job-related qualifications.

**103.2.4**      For each year thereafter until the next five-year report, the Department of Human Resources staff shall report back to the Civil Service Commission on those City classes identified in the last five-year report as having lower percentages of sex, race or ethnic groups than those occupational categories in the relevant job market.

**103.2.5**      **Compliance with Reporting Requirements**

Nothing in these Rules shall prohibit compliance with Federal or State reporting requirements.

**Sec. 103.3**      **Discrimination Complaints**

**Employees of the Municipal Transportation Agency (MTA) are covered under Section 103.3 with specific modifications as noted in Volume IV, Section 403.3.**

**103.3.1**      **Purpose**

Any employee or applicant may file a complaint alleging that he or she has been discriminated against as a result of any employment decision made by any agency, department, or commission of the City and County of San Francisco on the basis of any protected category identified in Section 103.1.2 of this Rule. Any employee or applicant may file a complaint alleging that he or she has been retaliated against in violation of this Rule and any such complaint shall be filed and processed in the same manner as other discrimination complaints under this Rule.

**103.3.2**      **Responsibility**

1) The Human Resources Director shall be responsible for the review and resolution of employment discrimination complaints. The decision of the Human Resources Director shall forthwith be enforced by every employee and officer, unless the decision is appealed to the Commission and reversed.



**Sec. 103.3**     **Discrimination Complaints (cont.)****103.3.2**     **Responsibility (cont.)**

2) The Civil Service Commission shall review and resolve complaints of employment discrimination appealed to it pursuant to procedures established by the Executive Officer in accordance with Rule 104, Section 104.4.5. The determination reached under Commission procedures shall be final and shall be enforced by every employee and officer.

**103.3.3**     **Procedures for Complaints of Discrimination**

Pursuant to the provisions of the Charter and this Rule, the Human Resources Director shall promulgate procedures for the review and resolution of employment discrimination complaints.

**103.3.4**     Appeal of the Human Resources Director decision may be filed in writing with the Executive Officer to the Civil Service Commission in accordance with Section 103.3.2 of this Rule.

**103.3.5**     **Discrimination Complaints Involving Employees of the Municipal Transportation Agency (MTA)**

Within the MTA, complaints shall be addressed within the Agency based on procedures promulgated by the Agency. The MTA Director of Transportation shall review and resolve employment discrimination complaints. The decision of the MTA Director of Transportation may be appealed to the Civil Service Commission.

**Sec. 103.4**     **Authority to Override Civil Service Rules to Effectuate a Discrimination Remedy****103.4.1**     **Commission Authority**

In its discretion, the Commission may depart from any provision of these Rules in order to effectuate an appropriate remedy for discrimination in an appeal heard by the Commission.

**103.4.2**     **Authority of Human Resources Director and MTA Director of Transportation**

The Human Resources Director and MTA Director of Transportation may not depart from a provision of these Rules in order to effectuate an appropriate remedy for discrimination when reviewing and resolving an employment discrimination complaint, without specific authorization from the Commission in a particular case, following a request for such authority in that case from the Human Resources Director or MTA Director of Transportation.



London N. Breed, Mayor  
Philip A. Ginsburg, General Manager

*Hand Delivered*

December 17, 2021

Eduardo Guerrero Ortiz  
[REDACTED]

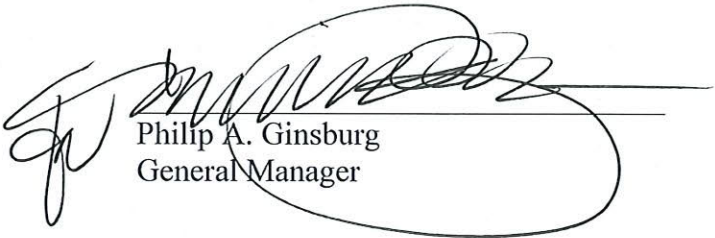
### NOTICE OF TERMINATION

In accordance with Civil Service Commission Rule 114.44, exempt employees serve at the discretion of the Appointing Officer.

This is to advise you that you will be separated from your exempt appointment in Class 3410 Apprentice Gardener position effective today, December 17, 2021, Close of Business (COB).

If you have any questions, please call [REDACTED] of Human Resources at (415) 831-2775.

Approved by:

  
Philip A. Ginsburg  
General Manager

cc: Jeffrey Bramlett, Acting Senior Departmental Personnel Officer  
[REDACTED]  
Employee Personnel File  
Payroll



### SEPARATION REPORT

INSTRUCTIONS: Please complete the Separation Report to:

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

Date of Request: 12/17/2021

Department Contact: [REDACTED] Email: [REDACTED]@sfgov.org Phone: (415) 831-2775

#### SECTION I: PERSONAL AND JOB INFORMATION

Name (Last, First, M.I.): Guerrero Ortiz, Eduardo Employee I.D.: [REDACTED]

Job Code: 3410 Job Title: Apprentice Gardener

Position Number: 01124020 Hourly Rate: \$23.7625 Step: 2 Effective Date: 12/17/21 COB

Empl. Class: PEX Work Schedule: Full-Time

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

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

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

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

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

#### SECTION II: SEPARATION INFORMATION

- Resignation
- Satisfactory Services (TER\_RSS)  Unsatisfactory Services (TER\_RUS)  
(Form DHR 1-13 must be on file)

By the appointee: I hereby freely and voluntarily resign from the above position. I request approval of this resignation as of the effective date with the full understanding that once approved, I may acquire another position in this class 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 \_\_\_\_\_

# SEPARATION REPORT

## DEPARTMENT USE ONLY

Termination

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

Release from appointment:

Release from probation:

Dismissal:

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

Automatic Resignation (ARS)

Never Reported to Work (DSH)

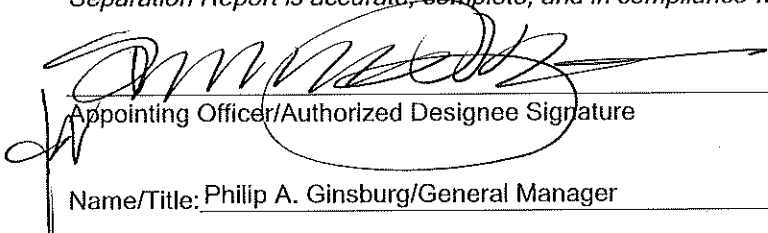
Death of an employee (DEA)

Other (Specify): \_\_\_\_\_

Retirement:

## DEPARTMENT CERTIFICATION

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



415-831-2776

Appointing Officer/Authorized Designee Signature

Telephone

Name/Title: Philip A. Ginsburg/General Manager

Department Number: \_\_\_\_\_ Department Name: \_\_\_\_\_

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: \_\_\_\_\_

[REDACTED]

---

**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Friday, March 11, 2022 11:20 AM  
**To:** [REDACTED]  
**Subject:** 03.10.2022

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

Hi [REDACTED] Its me Eduardo Guerrero.

Would you give a call? I have a a few questions regarding my case.  
Thank you.

Here's my number [REDACTED]

Eduardo

[REDACTED] (REC)

**From:** [REDACTED]  
**Sent:** Wednesday, January 12, 2022 1:06 PM  
**To:** eduardo guerrero  
**Cc:** Liang, Pauline (REC)  
**Subject:** to request a copy of my personal file

Eduardo:  
Thank you for your message.

Please contact Processing Supervisor Pauline Liang for assistance in receiving a copy of your personnel file.

I have included her in this message.

Respectfully,

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

Direct No.: (415) 831-2775 | General No.: (415) 831-2730  
| Email: [REDACTED]



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**From:** eduardo guerrero [REDACTED]  
**Sent:** Wednesday, January 12, 2022 12:10 PM  
**To:** [REDACTED]  
**Subject:** Re: Automatic reply: Discrimination, Retaliation and Harassment Complaint

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Good afternoon [REDACTED]

I would like to request a copy of my personal file and a copy of my first/only work review.

Thanks for your cooperation

Eduardo Guerrero  
[REDACTED]

On Tue, Jan 11, 2022 at 4:27 PM [REDACTED] <[\[REDACTED\]@sfgov.org](mailto:[REDACTED]@sfgov.org)> wrote:

I am away from my desk on Tuesday, January 11, 2022. I return to my desk on Wednesday, January 12, 2022 at 730am. Please contact [melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org) while I am away from my desk.

[REDACTED] (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Friday, March 11, 2022 11:23 AM  
**To:** eduardo guerrero  
**Subject:** RE: 03.10.2022

I am away from my desk today. I will give you a call on Monday.  
Thank you for your message, Eduardo.



[REDACTED] (REC)

---

**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Monday, January 24, 2022 8:02 AM  
**To:** [REDACTED] (REC)  
**Subject:** Re: to request a copy of my personal file

Hello good morning [REDACTED]

I was there on Thursday (01.20.22) and I paid 5.85 dollars for my personnel file. I was requesting from the beginning my fist/only work review and this doesn't come with the file. Also on the termination form doesn't clarify the reasons I was separated from the program. It's very unclear.

Would you please assist me with some help over this matter. Its very important. Thanks for your cooperation.

Here's my number

[REDACTED]  
Eduardo Guerrero

Sent from my iPhone

On Jan 12, 2022, at 1:06 PM, [REDACTED] (REC) <[REDACTED]@sfgov.org> wrote:

Eduardo:  
Thank you for your message.

Please contact Processing Supervisor Pauline Liang for assistance in receiving a copy of your personnel file.

I have included her in this message.

Respectfully,

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

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**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Wednesday, January 12, 2022 12:10 PM  
**To:** [REDACTED] <[REDACTED]@sfgov.org>  
**Subject:** Re: Automatic reply: Discrimination, Retaliation and Harassment Complaint

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Good afternoon [REDACTED]

I would like to request a copy of my personal file and a copy of my first/only work review.

Thanks for your cooperation

Eduardo Guerrero  
[REDACTED]

On Tue, Jan 11, 2022 at 4:27 PM [REDACTED] <[REDACTED]@sfgov.org> wrote:

I am away from my desk on Tuesday, January 11, 2022. I return to my desk on Wednesday, January 12, 2022 at 730am. Please contact [melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org) while I am away from my desk.

[REDACTED] (REC)

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Monday, January 24, 2022 8:02 AM  
**To:** [REDACTED] (REC)  
**Subject:** Re: to request a copy of my personal file

Hello good morning [REDACTED]

I was there on Thursday (01.20.22) and I paid 5.85 dollars for my personnel file. I was requesting from the beginning my fist/only work review and this doesn't come with the file. Also on the termination form doesn't clarify the reasons I was separated from the program. It's very unclear.

Would you please assist me with some help over this matter. Its very important. Thanks for your cooperation.

Here's my number

[REDACTED]  
Eduardo Guerrero

Sent from my iPhone

On Jan 12, 2022, at 1:06 PM, [REDACTED]@sfgov.org> wrote:

**Eduardo:**  
Thank you for your message.

Please contact Processing Supervisor Pauline Liang for assistance in receiving a copy of your personnel file.

I have included her in this message.

Respectfully,

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
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**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Wednesday, January 12, 2022 12:10 PM  
**To:** [REDACTED] <[REDACTED]@sfgov.org>  
**Subject:** Re: Automatic reply: Discrimination, Retaliation and Harassment Complaint

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

Good afternoon [REDACTED]

I would like to request a copy of my personal file and a copy of my first/only work review.

Thanks for your cooperation

Eduardo Guerrero  
[REDACTED]

On Tue, Jan 11, 2022 at 4:27 PM [REDACTED] <[REDACTED]@sfgov.org> wrote:

I am away from my desk on Tuesday, January 11, 2022. I return to my desk on Wednesday, January 12, 2022 at 730am. Please contact [melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org) while I am away from my desk.

[REDACTED] (REC)

**From:** [REDACTED] (REC)  
**Sent:** Wednesday, January 12, 2022 1:06 PM  
**To:** eduardo guerrero  
**Cc:** Liang, Pauline (REC)  
**Subject:** to request a copy of my personal file

Eduardo:  
Thank you for your message.

Please contact Processing Supervisor Pauline Liang for assistance in receiving a copy of your personnel file.

I have included her in this message.

Respectfully,

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

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**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Wednesday, January 12, 2022 12:10 PM  
**To:** [REDACTED]@sfgov.org>  
**Subject:** Re: Automatic reply: Discrimination, Retaliation and Harassment Complaint

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Good afternoon [REDACTED]

I would like to request a copy of my personal file and a copy of my first/only work review.

Thanks for your cooperation

Eduardo Guerrero

[REDACTED]

On Tue, Jan 11, 2022 at 4:27 PM [REDACTED] <[\[REDACTED\]@sfgov.org](mailto:[REDACTED]@sfgov.org)> wrote:

I am away from my desk on Tuesday, January 11, 2022. I return to my desk on Wednesday, January 12, 2022 at 730am. Please contact [melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org) while I am away from my desk.

[REDACTED] (REC)

---

**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Wednesday, January 12, 2022 12:10 PM  
**To:** [REDACTED] (REC)  
**Subject:** Re: Automatic reply: Discrimination, Retaliation and Harassment Complaint

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

Good afternoon [REDACTED]

I would like to request a copy of my personal file and a copy of my first/only work review.

Thanks for your cooperation

Eduardo Guerrero  
[REDACTED]

On Tue, Jan 11, 2022 at 4:27 PM [REDACTED] <[REDACTED]@sfgov.org> wrote:

I am away from my desk on Tuesday, January 11, 2022. I return to my desk on Wednesday, January 12, 2022 at 730am. Please contact [melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org) while I am away from my desk.

[REDACTED] (REC)

---

**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Thursday, January 20, 2022 1:00 PM  
**To:** Fung, Lily (REC)  
**Cc:** [REDACTED] (REC)  
**Subject:** Re: Copy (personnel file and work review)

Hi its me again, i was just there and i said 5.85 dollars for a copy of my personnel file.

I don't see any information about my work review I had last November and also I don't see any information about why I was separated from the program other than the words RSL Release (Exempt)

Would you get back to me asap about this manner

Here's my phone number

[REDACTED]

On Jan 20, 2022, at 10:17 AM, eduardo guerrero <[REDACTED]> wrote:

I'll be there at noon

Sent from my iPhone

On Jan 20, 2022, at 8:16 AM, Fung, Lily (REC) <[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)> wrote:

Good morning Eduardo,

The total charge for your personnel file is \$5.85. Please bring exact change or a personnel check payable to SF Rec and Park. Please let me know when you would like to come pick up today.

**Lily Fung**

Human Resources – Processing Unit

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Direct: (415) 831-2714 | General: (415) 831-2730 | Fax: (415) 221-4305 |  
[E-mail: lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)



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**From:** eduardo guerrero [REDACTED]  
**Sent:** Wednesday, January 19, 2022 12:44 PM  
**To:** Fung, Lily (REC) <[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)>  
**Subject:** Re: Copy (personnel file and work review)

Thanks!

On Jan 19, 2022, at 11:43 AM, Fung, Lily (REC) <[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)> wrote:

Hi Eduardo, I will let you know tomorrow morning what is the cost. You can stop by in the afternoon to pick it up.

Lily

Get [Outlook for iOS](#)

**From:** eduardo guerrero [REDACTED]  
**Sent:** Wednesday, January 19, 2022 11:32:01 AM  
**To:** Fung, Lily (REC) <[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)>  
**Subject:** Fwd: Copy (personnel file and work review)

Hello Lily good morning,

Any news about my request?

Thanks

Here's my number [REDACTED]

Begin forwarded message:

**From:** "Liang, Pauline (REC)" <[pauline.liang@sfgov.org](mailto:pauline.liang@sfgov.org)>  
**Subject:** RE: Copy (personnel file and work review)

Date: January 13, 2022 at 1:35:07 PM PST  
To: 'eduardo guerrero' <[REDACTED]>  
Cc: "Fung, Lily (REC)" <[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)>

Hi Eduardo,

Lily will notify you once the file is available for pick up along with the cost. However, it may take a week or two. You can make a check payable to San Francisco Recreation and Parks.

Regards,  
Pauline

**From:** eduardo guerrero  
[REDACTED]  
**Sent:** Thursday, January 13, 2022 1:32 PM  
**To:** Liang, Pauline (REC) <[pauline.liang@sfgov.org](mailto:pauline.liang@sfgov.org)>  
**Subject:** Re: Copy (personnel file and work review)

Hello Pauline,

When would you have my file ready?

What time and day?

How should I make the payment ?

Eduardo Guerrero  
[REDACTED]

Sent from my iPhone

On Jan 12, 2022, at 3:58 PM,  
eduardo guerrero

[REDACTED]  
wrote:

Yes not a problem, please proceed.

Thank you for your help

Eduardo Guerrero

Begin forwarded  
message:

**From:** "Liang,  
Pauline (REC)"  
<[pauline.liang@sfgov.org](mailto:pauline.liang@sfgov.org)>

**Subject:** RE: Copy  
(personnel file and  
work review)

**Date:** January 12,  
2022 at 3:18:58 PM  
PST

**To:** 'eduardo guerrero'

[REDACTED]  
**Cc:** "Fung, Lily  
(REC)"  
<[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)>  
>

Afternoon Eduardo,

We general provide  
the first 5 pages for  
free, any additional  
pages will cost \$0.15  
per page. Please let  
us know if you still  
want us to proceed  
with making a copy of  
your personnel file?

Thank you,  
Pauline

-----Original  
Message-----  
From: eduardo  
guerrero

[REDACTED]  
Sent: Wednesday,  
January 12, 2022 2:49  
PM  
**To:** Liang, Pauline  
(REC)  
<[pauline.liang@sfgov.org](mailto:pauline.liang@sfgov.org)>  
**Subject:** Copy  
(personnel file and  
work review)

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Hello Pauline, good afternoon,

I emailed this morning [REDACTED]

[REDACTED] I requested a copy of my personnel file and a copy of my first/only work review during my time with the Gardener Apprenticeship Program. He mentioned I can get assistance in receiving my request from you.

Thank you so much for you time and help. Down below my information for any questions.

Eduardo Guerrero

## Tucker, Melissa (REC)

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Tuesday, January 11, 2022 4:26 PM  
**To:** DHR-EEO  
**Cc:** [REDACTED] (REC); Philip.Ginsburg@sfgov.org; [REDACTED] (REC); McCarthy, Allison (REC); Santiago, Marcus (REC); Tucker, Melissa (REC); [REDACTED]  
**Subject:** Discrimination, Retaliation and Harassment Complaint  
**Attachments:** EEO (1).pdf

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Eduardo Guerrero Ortiz  
Phone number: [REDACTED] (preferred method of communication)  
Email: [REDACTED]  
Apprentice Gardener, San Francisco Recreation and Parks

To whom it may concern,

The following is a discrimination complaint against the San Francisco Parks and Recreation Department. Over the course of my employment with SFPRD from August 7 - December 17, 2021, I experienced drismimination, harassment and retaliation against my person from my immediate captain Randy Vasquez, coworker Karla Hernandez Garcia and my supervisor Allison McCarthy. I've attached a document detailing harassment, discrimination and retaliation by Karla Hernandez, harassment and discrimination and retaliation by Randy Vasquez, and discrimination, harassment and retaliation by Alison McCarthy. These documents include dates of offenses, text messages and photos. Please see attached.

I got fired from my job on December 17th, 2021. Based on the little information I obtained regarding the reasons I was fired I assert that these claims are false. Rather than having committed harassment and retaliation, as I was told it was deemed I had committed, I have experienced harassment, discrimination and retaliation myself.

False accusations were made against me., This has affected my entire life. My health, my family and friends, it has been a tremendous source of stress for me. I worked very hard to get this job, I dedicated my whole life to it and my firing was unfair and illegal. Due process was not taken. This should not be ignored, and should be taken care of in a very serious manner. I'm a human being and no human being deserves to be treated like this.

For background, I filed a letter with an attachment (included here) to HR of SFRPD on December 23rd, requesting that they review my case and return my job. I told my story of harassment, discrimination and retaliation. I have not heard back from them. That's why I'm taking the issue to you.

The attached document records in detail, with photos and text messages, events of discrimination, retaliation and harassment against me. In addition, allegations about me by Allison McCarthy, Randy Vasquez and Karla Hernandez and my responses to them are detailed. These allegations are false.

Thanks for your time and consideration. I would like my job back. I am happy to answer any questions.

Eduardo Guerrero



## Tucker, Melissa (REC)

---

**From:** Fung, Lily (REC)  
**Sent:** Monday, January 3, 2022 9:42 AM  
**To:** Archuleta, Antonio (REC); Bobila, LilliAnn (REC); Bramlett, Jeffrey (REC); Chau, Cindy (REC); Chiu, Cecilia (REC); Chung, Stacy (REC); Dere, Katherine (REC); Fung, Lily (REC); Huang, Sainie (REC); Lecain, Sara (REC); Liang, Pauline (REC); [REDACTED] (REC); Lo, Clifford (REC); Mok, Shirley (REC); Nakamura, Lisa (REC); Paw, Eugenia (REC); Recinos, Margarita (REC); Santiago, Marcus (REC); Stoermer, Hilary (REC); Support, REC IT (REC); Talley, Ian (REC); Tucker, Melissa (REC); Turner, Shawnda (REC); Uong, Kathleen (REC); Wong, Angie (REC); Wong, Johnny (REC); Young, Dorothy (REC); Zaverukha, Lydia (REC); Zhang, Ying (REC)  
**Subject:** Separation Notification CONFIDENTIAL

**NAME:** Guerrero Ortiz, Eduardo  
**DSW:** [REDACTED]  
**CLASS AND TITLE:** 3410 Apprentice Gardener  
**SEPARATION DATE:** 12/17/21 COB

Disclaimer: Separation notifications are sent primarily for PCS, PEX, TPV or TEX-FT/PT appointments. Separation notifications are not sent for as-needed appointments due to the status and volume. For all non-retirement separations, 'COB' (close-of-business) will be used to identify the last day worked, and for all retirement separations, 'Effective' will be used to identify the day after COB or the first day the employee is retired.

Should you have any questions or concerns, please contact the Processing Office at x2730 immediately.

### Lily Fung

Human Resources – Processing Unit

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E-mail: [lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)



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## Tucker, Melissa (REC)

---

**From:** Gina Tobar.Rec  
**Sent:** Tuesday, December 28, 2021 2:34 PM  
**To:** Tucker, Melissa (REC)  
**Cc:** [REDACTED] (REC); [REDACTED] (REC); McCarthy, Allison (REC)  
**Subject:** Annex visitor Eduardo Guerrero re termination

Hello Melissa,  
Eduardo Guerrero dropped by the Annex this afternoon.

Mr. Guerrero stated that he wanted to speak with [REDACTED] because he was fired on Friday. I informed him that [REDACTED] was unavailable today and I do not know what his availability is for the remainder of the week. And I noted down his message with his name and phone number.

**Eduardo Guerrero** [REDACTED]

**Gina Tobar**  
(she/her/hers)

### Field Operations Junior Clerk

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McLaren Annex in Golden Gate Park | 501 Stanyan Street, San Francisco, CA 94117  
(415) 269-0582 | [gina.tobar.rec@sfgov.org](mailto:gina.tobar.rec@sfgov.org)



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## Tucker, Melissa (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Friday, December 24, 2021 7:17 AM  
**To:** Tucker, Melissa (REC)  
**Subject:** FW: Filling Testimony for Eduardo Guerrero's Case

I am not responding to this message.

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

Direct No.: (415) 831-2775 | General No.: (415) 831-2730  
| Email [REDACTED]@sfgov.org



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**From:** eduardo guerrero [REDACTED]  
**Sent:** Thursday, December 23, 2021 9:09 PM  
**To:** [REDACTED]@sfgov.org  
**Cc:** McCarthy, Allison (REC) <allison.mccarthy@sfgov.org>; [REDACTED] Tucker, Melissa (REC) <melissa.tucker@sfgov.org> [REDACTED]@sfgov.org; Philip.Ginsburg@sfgov.org  
**Subject:** Re: Filling Testimony for Eduardo Guerrero's Case

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

Dear [REDACTED],

Just to be clear and make sure it's on record, I would like you and RPD to reconsider your decision and reopen this case.

Thank you,

Eduardo Guerrero

On Thu, Dec 23, 2021 at 11:53 AM eduardo guerrero <[REDACTED]> wrote:

Dear [REDACTED],

This is my side of the story which was never heard. Please see attached.

Thanks for your time

Lalo

## Tucker, Melissa (REC)

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Thursday, December 23, 2021 9:09 PM  
**To:** [REDACTED] (REC)  
**Cc:** McCarthy, Allison (REC); [REDACTED] Tucker, Melissa (REC); [REDACTED] (REC); Philip.Ginsburg@sfgov.org  
**Subject:** Re: Filling Testimony for Eduardo Guerrero's Case

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

Dear [REDACTED]

Just to be clear and make sure it's on record, I would like you and RPD to reconsider your decision and reopen this case.

Thank you,

Eduardo Guerrero

On Thu, Dec 23, 2021 at 11:53 AM eduardo guerrero [REDACTED] wrote:

Dear [REDACTED]

This is my side of the story which was never heard. Please see attached.

Thanks for your time

Lalo

## Tucker, Melissa (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Thursday, December 23, 2021 12:39 PM  
**To:** Tucker, Melissa (REC)  
**Cc:** [REDACTED] (REC)  
**Subject:** FW: Filing Testimony for Eduardo Guerrero's Case  
**Attachments:** Case Filing Eduardo Guerrero.pdf

Melissa and Mark:

I received the 21-page document from Eduardo Guerrero today. Please advise.

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

Direct No.: (415) 831-2775 | General No.: (415) 831-2730  
| Email: [REDACTED]@sfgov.org



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**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Thursday, December 23, 2021 11:54 AM  
**To:** [REDACTED]@sfgov.org  
**Cc:** McCarthy, Allison (REC) <allison.mccarthy@sfgov.org>; [REDACTED] Tucker, Melissa (REC) <melissa.tucker@sfgov.org>; [REDACTED]@sfgov.org; Philip.Ginsburg@sfgov.org  
**Subject:** Filing Testimony for Eduardo Guerrero's Case

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

Dear [REDACTED]

This is my side of the story which was never heard. Please see attached.

Thanks for your time

Lalo

## Tucker, Melissa (REC)

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Thursday, December 23, 2021 11:54 AM  
**To:** [REDACTED] (REC)  
**Cc:** McCarthy, Allison (REC); [REDACTED] Tucker, Melissa (REC); [REDACTED] (REC); Philip.Ginsburg@sfgov.org  
**Subject:** Filling Testimony for Eduardo Guerrero's Case  
**Attachments:** Case Filing Eduardo Guerrero.pdf

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

Dear [REDACTED]

This is my side of the story which was never heard. Please see attached.

Thanks for your time

Lalo

## Tucker, Melissa (REC)

---

**From:** Tucker, Melissa (REC)  
**Sent:** Wednesday, December 22, 2021 11:31 AM  
**To:** [REDACTED] (REC)  
**Subject:** RE: meeting with you re: HR

Thank you.

**From:** [REDACTED]@sfgov.org  
**Sent:** Wednesday, December 22, 2021 11:30 AM  
**To:** Tucker, Melissa (REC) <melissa.tucker@sfgov.org>  
**Subject:** FW: meeting with you re: HR

I spoke with Eduardo and his girlfriend on Monday. I told his girlfriend that I would speak to them by telephone, which we did on Monday. I stated I would not meet them in person. During the telephone call, the issue came up again. I confirmed the decision was final and not appealable and that I would not schedule a further meeting in person.

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

San Francisco Recreation and Park Department | City & County of San Francisco  
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**From:** Tucker, Melissa (REC) <melissa.tucker@sfgov.org>  
**Sent:** Wednesday, December 22, 2021 11:09 AM  
**To:** eduardo guerrero <[REDACTED]>  
**Cc:** [REDACTED]@sfgov.org  
**Subject:** RE: meeting with you re: HR

Hi,

Please continue to deal with my colleague [REDACTED] as I have been sick and will not be returning to the office until January.

**From:** eduardo guerrero [REDACTED] >  
**Sent:** Monday, December 20, 2021 9:37 AM  
**To:** Tucker, Melissa (REC) <[melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org)>  
**Subject:** meeting with you re: HR

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

Good morning Melissa,

I would like to meet with you this week to discuss the circumstances of my separation, I have some documents I would like to provide to you in person.

Can you please let me know when you are available?

Looking forward to hearing from you.

Eduardo Guerrero



## Tucker, Melissa (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Wednesday, December 22, 2021 11:30 AM  
**To:** Tucker, Melissa (REC)  
**Subject:** FW: meeting with you re: HR

I spoke with Eduardo and his girlfriend on Monday. I told his girlfriend that I would speak to them by telephone, which we did on Monday. I stated I would not meet them in person. During the telephone call, the issue came up again. I confirmed the decision was final and not appealable and that I would not schedule a further meeting in person.

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

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Direct No.: (415) 831-2775 | General No.: (415) 831-2730  
| Email: [REDACTED]@sfgov.org



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**From:** Tucker, Melissa (REC) <melissa.tucker@sfgov.org>  
**Sent:** Wednesday, December 22, 2021 11:09 AM  
**To:** eduardo guerrero [REDACTED]  
**Cc:** [REDACTED]@sfgov.org>  
**Subject:** RE: meeting with you re: HR

Hi,

Please continue to deal with my colleague, [REDACTED] as I have been sick and will not be returning to the office until January.

**From:** eduardo guerrero [REDACTED]  
**Sent:** Monday, December 20, 2021 9:37 AM  
**To:** Tucker, Melissa (REC) <[melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org)>  
**Subject:** meeting with you re: HR

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Good morning Melissa,

I would like to meet with you this week to discuss the circumstances of my separation, I have some documents I would like to provide to you in person.

Can you please let me know when you are available?

Looking forward to hearing from you.

Eduardo Guerrero

## Tucker, Melissa (REC)

---

**From:** Tucker, Melissa (REC)  
**Sent:** Wednesday, December 22, 2021 11:09 AM  
**To:** eduardo.guerrero  
**Cc:** [REDACTED] (REC)  
**Subject:** RE: meeting with you re: HR

Hi,

Please continue to deal with my colleague, [REDACTED], as I have been sick and will not be returning to the office until January.

**From:** eduardo.guerrero [REDACTED]  
**Sent:** Monday, December 20, 2021 9:37 AM  
**To:** Tucker, Melissa (REC) <melissa.tucker@sfgov.org>  
**Subject:** meeting with you re: HR

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Good morning Melissa,

I would like to meet with you this week to discuss the circumstances of my separation, I have some documents I would like to provide to you in person.

Can you please let me know when you are available?

Looking forward to hearing from you.

Eduardo Guerrero

## Tucker, Melissa (REC)

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Monday, December 20, 2021 9:37 AM  
**To:** Tucker, Melissa (REC)  
**Subject:** meeting with you re: HR

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

Good morning Melissa,

I would like to meet with you this week to discuss the circumstances of my separation, I have some documents I would like to provide to you in person.

Can you please let me know when you are available?

Looking forward to hearing from you.

Eduardo Guerrero

## Tucker, Melissa (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Tuesday, December 14, 2021 10:49 AM  
**To:** [REDACTED] (REC); Tucker, Melissa (REC)  
**Cc:** Andersen, Eric (REC); McCarthy, Allison (REC)  
**Subject:** Eduardo (Lalo) Guerrero - Release  
**Attachments:** Eduardo Guerrero Release document.pdf

Hi Melissa, [REDACTED]

I'd like to consult with you both re: Eduardo Guerrero. Ali and I are both of the mind to release him but I wanted you both to review the documentation attached before we proceed. Documentation includes, supervisor, manager and captains notes as well as training documentation and training logs. Look most closely at the supervisor and Captain Randy Vasquez notes.

[REDACTED]  
**Parks and Open Spaces**  
**Field Support Services Manager**

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

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## Tucker, Melissa (REC)

---

**From:** Tucker, Melissa (REC)  
**Sent:** Tuesday, December 14, 2021 11:24 AM  
**To:** [REDACTED] (REC); [REDACTED] (REC)  
**Cc:** Andersen, Eric (REC); McCarthy, Allison (REC)  
**Subject:** RE: Eduardo (Lalo) Guerrero - Release

Hi Mark,

Perhaps we can discuss tomorrow when I'm in the office.

**From:** [REDACTED]@sfgov.org>  
**Sent:** Tuesday, December 14, 2021 10:49 AM  
**To:** [REDACTED]@sfgov.org>; Tucker, Melissa (REC) <melissa.tucker@sfgov.org>  
**Cc:** Andersen, Eric (REC) <eric.andersen@sfgov.org>; McCarthy, Allison (REC) <allison.mccarthy@sfgov.org>  
**Subject:** Eduardo (Lalo) Guerrero - Release

Hi Melissa, [REDACTED]

I'd like to consult with you both re: Eduardo Guerrero. Ali and I are both of the mind to release him but I wanted you both to review the documentation attached before we proceed. Documentation includes, supervisor, manager and captains notes as well as training documentation and training logs. Look most closely at the supervisor and Captain Randy Vasquez notes.

[REDACTED]

**Parks and Open Spaces**  
**Field Support Services Manager**

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**McCarthy, Allison (REC)**

---

**From:** Gretchen Lott [REDACTED]  
**Sent:** Wednesday, October 6, 2021 3:56 PM  
**To:** McCarthy, Allison (REC); Catherine Heath  
**Subject:** Re: Your employee is to attend the REC-NEO Communication Training Session  
**Attachments:** SF RPD, ALL version.pptx

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Hi Ali,

There is another exercise we do during our communications course that is about listening and sharing details. Attached is a drawing that you will share with only 1/2 of your apprentice gardeners. The other 1/2 will then be instructed to draw this picture, without seeing, based on the input and "details" provided by the 1/2 that did see it. You will break your apprentice gardeners into groups of 2. 1 that will have seen the attached picture and describe it to the partner who has not seen it. So it is a way to show how people communicate enough detail that they understand the facts.

We will let you know when to bring this slide up. I will call you now to make sure I have articulated this effectively for you to lead the exercise. It is really fun. Gets people drawing and sharing and laughing when they compare the actual picture to what they have drawn.

With peace,  
Gretchen

On Wed, 6 Oct 2021 at 10:27, Gretchen Lott [REDACTED] wrote:  
Dear Ali,

Thank you for the quick chat on the breakout groups for the "apprentice gardeners." Attached are the scenarios for you to use during the role play aspect of the program.

With peace,  
Gretchen Lott [REDACTED]

On Wed, 6 Oct 2021 at 05:51, McCarthy, Allison (REC) <[allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)> wrote:  
Hi Gretchen & thank you for sending link!

We were told the workshop is from 10:00am thru 2:00pm. Our crews work a 6:30-3:00 shift. Is it possible for event to run from 10:30-2:30 or up until 3?

Thank you & see you tomorrow

Allison McCarthy  
3422 Park Section Supervisor  
San Francisco Recreation & Park Department  
415.802.5863

**From:** Talley, Ian (REC) <[ian.talley@sfgov.org](mailto:ian.talley@sfgov.org)>

**Sent:** Thursday, September 16, 2021 9:28:59 AM

**To:** Bradley, Stacy (REC) <[stacy.bradley@sfgov.org](mailto:stacy.bradley@sfgov.org)>

[REDACTED] <[\[REDACTED\]@sfgov.org](mailto:[REDACTED]@sfgov.org)>; Santiago, Marcus (REC) <[marcus.santiago@sfgov.org](mailto:marcus.santiago@sfgov.org)>; Padilla,

Joe (REC) <[joe.padilla@sfgov.org](mailto:joe.padilla@sfgov.org)>; Bogetz, Shauna (REC) <[shauna.bogetz@sfgov.org](mailto:shauna.bogetz@sfgov.org)>; Benjamin, Elizabeth (REC) <[elizabeth.benjamin@sfgov.org](mailto:elizabeth.benjamin@sfgov.org)>; Jackson,

Ryan (REC) <[ryan.jackson@sfgov.org](mailto:ryan.jackson@sfgov.org)>; Ridgely, George (REC) <[george.ridgely@sfgov.org](mailto:george.ridgely@sfgov.org)>; Ng, Beverly (REC) <[beverly.ng@sfgov.org](mailto:beverly.ng@sfgov.org)>; McCarthy, Allison (REC)

<[allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)>; Hickey, Martin (REC) <[martin.hickey@sfgov.org](mailto:martin.hickey@sfgov.org)>; Vazquez, Arianna (REC) <[arianna.vazquez@sfgov.org](mailto:arianna.vazquez@sfgov.org)>

**Subject:** Your employee is to attend the REC-NEO Communication Training Session

Hello Supervisors,

The Communication/Customer Service Session of the SF Recreation and Parks New Employee Orientation for August-October 2021 attendees will be conducted via Zoom on **Thursday, October 7, 2021**. Your following employees listed below are slated to attend at the designated times. Please see details below. The Zoom link will follow as we get closer to the date. **Please note: Attendees are expected to attend both morning and afternoon sessions.** If you have any questions, please let us know— thank you all in advance!

**Date:** Thursday, October 7, 2021

**Time:** Morning Session: 10:00AM- 11:30AM (PST)

**Afternoon Session: 12:30PM- 2:00PM (PST)**



Name	Class	Title	Status	Union	Supervisor	Email
Harrison, Jordan	5291	Planner III	TEX/AN	IFPTE L21	Stacy Bradley	
Cun, Say Tien	2708	Custodian	TEX/AN	SEIU 1021		
Guan, Wei Yang	2708	Custodian	TEX/AN	SEIU 1021		
Chiang, Joseph	8208	Park Ranger	PCS/FT	SEIU 1021	Santiago, Marcus	
Lopez Tamayo, Juan	7346	Painter	PCS/FT	Painters	Padilla, Joe	
Hutchinson, James	1820	Jr. Administrative Analyst	PCS/FT	SEIU 1021	Bogetz, Shauna	
Vuong, Catherine F	1820	Jr. Administrative Analyst	PCS/FT	SEIU 1021	Benjamin, Elizabeth	
Soo, Henry	7345	Electrician	PCS/FT	Electricians L6	Jackson, Ryan	
Lau, Serena	3302	Admission Attendant	TEX/AN	SEIU 1021	Ridgely, George	
Belt, Madeline	9910	Public Service Trainee	TEX/AN	SEIU 1021	Ng, Beverly	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Hernandez, Karla	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Miller, Erika	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Andrade, Noemi	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Guerrero, Eduardo	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Franken, Anne	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Walker, Malindi	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Tan, Betty	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Raden, David	3417	Gardener	PCS/FT	LIUNA 261		
Menjivar, Fabio	3417	Gardener	PCS/FT	LIUNA 261		
Lum, Gregory C	3417	Gardener	PCS/FT	LIUNA 261		
Tan, Guohui	3417	Gardener	PCS/FT	LIUNA 261		
Balestra, Leslie R	3417	Gardener	PCS/FT	LIUNA 261		
Ball, William E	3417	Gardener	PCS/FT	LIUNA 261		
Borrou, Gedion	7514	General Laborer	PCS/FT	LIUNA 261	Hickey, Martin	
Lopez, Jose L	8208	Park Ranger	PROP F	SEIU 1021	Santiago, Marcus	

**Ian Talley**

Human Resources Analyst

San Francisco Recreation and Park Department | City & County of San Francisco

McLaren Lodge in Golden Gate Park | 501 Starvan Street | San Francisco, CA | 94117

Phone No.: (415) 831-2737 | Fax No.: (415) 221-4305 | [ian.talley@sfgov.org](mailto:ian.talley@sfgov.org)



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## Training Documentation Form

ENVIRONMENTAL HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

### 1. Trainer Information

Name of Trainer <b>Allison McCarthy</b>		Date Training Conducted <b>8/9/2021</b>
Division/Section <b>Gardener Apprenticeship</b>	Location <b>GGP NURSERY</b>	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ <small>(Employee Name and Date of Injury)</small>		

### 2. Topics Covered

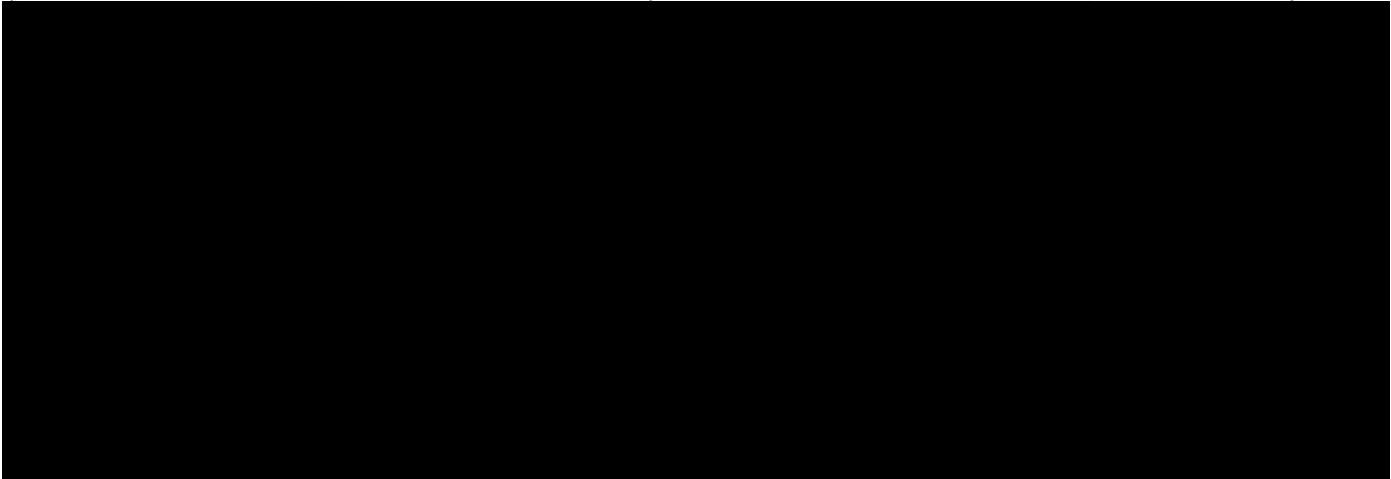
If more topics were covered, please list on back and check here .

Topic	Source*
Review of Apprentice Rules & Expectations	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSI <input type="checkbox"/> Other (list) _____
Review of Apprentice Standards + DAS 104	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
PowerPoint Presentation (Introduction to Program)	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<del>_____</del>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

### 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
------------	-------------------	------------	-------------------





## Training Documentation Form

ENVIRONMENT HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-4898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

### 1. Trainer Information

Name of Trainer <i>ALISON MCCARTHY</i>		Date Training Conducted <i>8/11/21</i>
Division/Section <i>APPRENTICESHIP</i>	Location <i>G.P. NURSERY</i>	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ <small>(Employee Name and Date of Injury)</small>		

### 2. Topics Covered

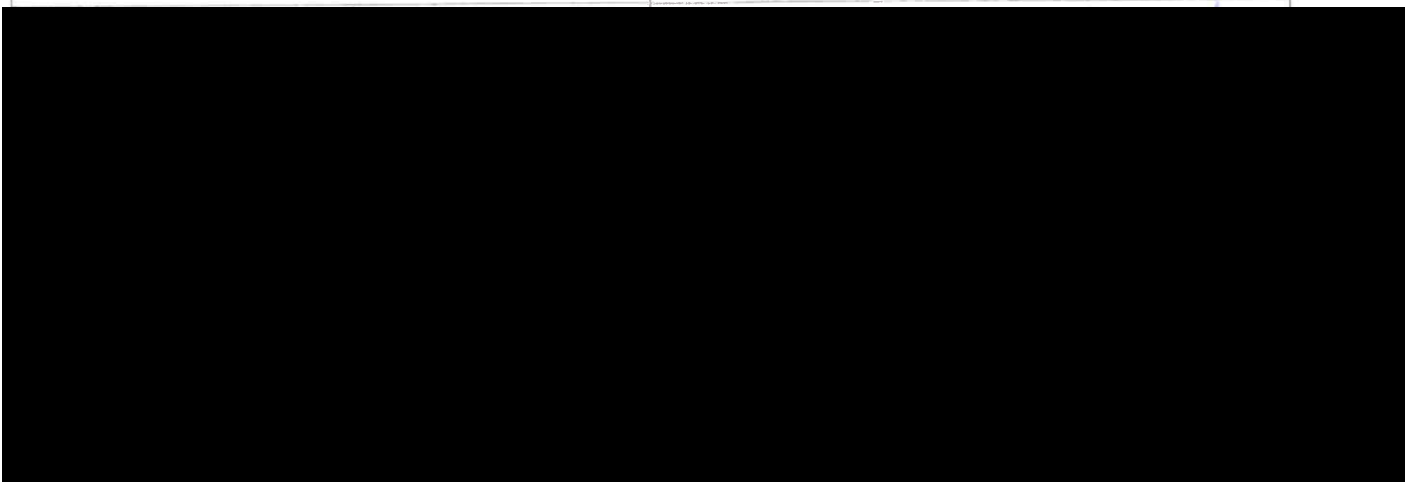
If more topics were covered, please list on back and check here

Topic	Source*
<i>Respect in the Workplace</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) <i>Policy</i>
<i>(Distribution + Review)</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list)
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list)
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list)

### 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
------------	-------------------	------------	-------------------





## Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

### 1. Trainer Information

Name of Trainer [REDACTED]		Date Training Conducted 8/13/21	
Div APPRENTICESHIP	Location GAP NURSERY	Name of Supervisor (if different than trainer)	
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)			
<input type="checkbox"/> Done as a corrective action for case _____ <small>(Employee Name and Date of Injury)</small>			

### 2. Topics Covered

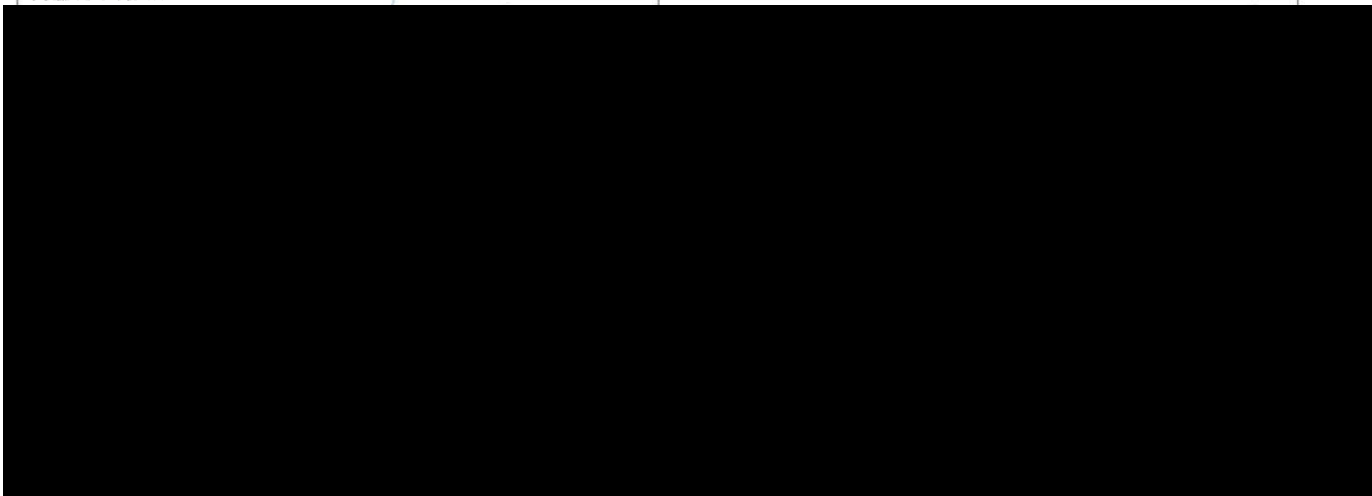
If more topics were covered, please list on back and check here .

Topic	Source*
DISCRIMINATION, HARASSMENT, +	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSIT <input type="checkbox"/> Other (list) _____
RETALIATION FREE WORKPLACE POLICY	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
DISTRIBUTION + REVIEW	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

### 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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## Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117 1898 ♦ 415.831.2780 F ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

### 1. Trainer Information

Name of Trainer <i>ALLISON MCCARTHY</i>		Date Training Conducted <i>8/13/21</i>
Division/Section <i>Apprenticeship</i>	Location	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ (Employee Name and Date of Injury)		

### 2. Topics Covered

If more topics were covered, please list on back and check here .

Topic	Source*
<i>DHR Orientation</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input checked="" type="checkbox"/> Other (list) _____
<i>RPD Handbook</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<i>MOU 1261</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<i>See attached</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

### 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE

## McCarthy, Allison (REC)

**From:** McCarthy, Allison (REC)  
**Sent:** Friday, August 13, 2021 7:45 AM  
**To:** Anne Franken; Noemi Andrade; Malindi Walker; Karla Hernandez  
Erika Miller; Betty Tan  
**Cc:** Vasquez, Randy (REC)  
**Subject:** Apprenticeship: Onboarding Orientation Task List (REC)

Great first week everyone!

Below is a bullet-pointed guide to complete online onboarding, read through important documents relevant to the City & Department, & get acquainted with the online resources available to you.

- Please watch the DHR Orientation Video and email a picture of your completion certificate & any other documentation requested by the HR representative on your paperwork. <https://sfshr.org/new-employee-onboarding>
- Please click through the documents on the "Onboarding Checklist" <https://sfdhr.org/sites/default/files/documents/Onboarding/Citywide-Onboarding-Checklist.pdf>
- Please call the Department of Technology Help Desk 628-652-5000 so you can receive a password to access SF Employee Gateway: which is a city-employee wide portal <https://sfgov.org/sfc/employee-gateway>
- Click through the SF Employee Gateway if you can: especially the "My Learning" Tab where you will be taking additional online trainings over the next few weeks.
- RPD "Intranet" If you do receive a password to access SF Employee Gateway, this password will allow you to access the Recreation & Park Department's "intranet" : which is a treasure trove of information. Please click through. <https://rpdnet.org/> if you have access. Once you receive your city email account, these passwords will all be linked.
- **MAKE SURE TO ENROLL IN HEALTHCARE! YOU HAVE 30 DAYS FROM FIRST DATE OF HIRE.**
  - o Here is the link to HSS' website for new hire with options and instructions on how to enroll: <https://sfhss.org/new-hire>
  - o New hires may enroll online by going to [San Francisco Employee Portal](#) or complete attached enrollment form and submit via fax or mail with a copy of their Appointment Processing Form.

### Useful Documents

- [RPD Employee Handbook](#)

- [L261 MOU](#)
- [RPD Operations Overview \(last updated 2/19\)](#)

Give me a call with any questions!

•

**Allison McCarthy**

(she, her, hers) [what's this?](#)

3422 Park Section Supervisor

Gardener Apprenticeship Program

San Francisco Recreation and Park Department | City & County of San Francisco  
 McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117  
[415-802-5863](tel:415-802-5863) [allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)



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# Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
 501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to FHS.

### 1. Trainer Information

Name of Trainer [REDACTED]		Date Training Conducted 3/26/18
Div APPRENTICESHIP	Location WSP WORKSHOP	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ <small>(Employee Name and Date of Injury)</small>		

### 2. Topics Covered

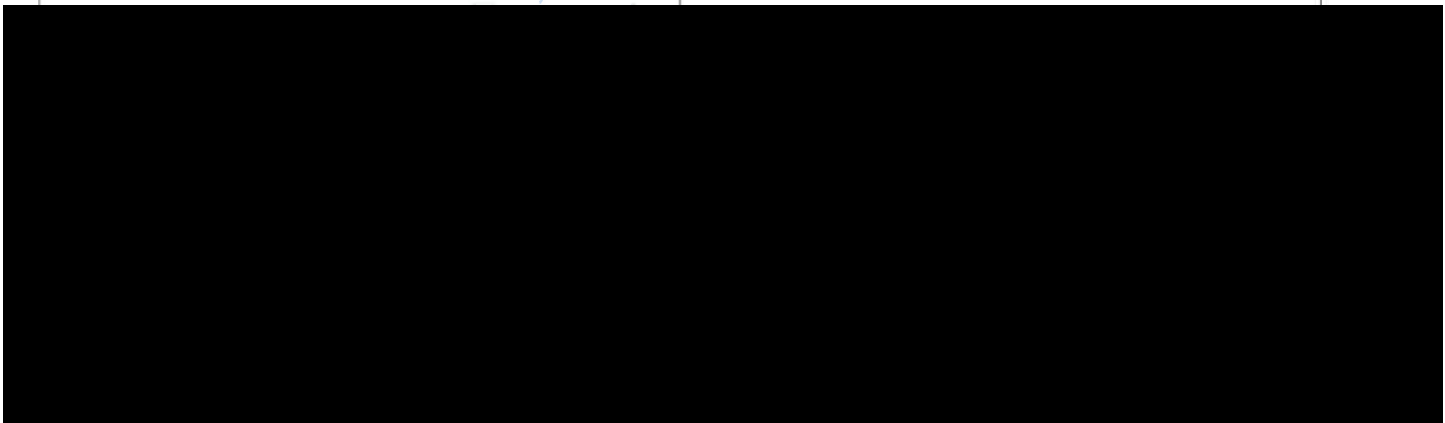
If more topics were covered, please list on back and check here

Topic	Source*
Communication	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input checked="" type="checkbox"/> Other (list) _____
Power Point	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
Remuneration Relationships @ work	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
Policy Distribution	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

### 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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D. O.	FILE NUMBER

A	B	C	D	E	Official Use
Gender	Ethnic	Dependents	Education	Yrs Employ	STATUS



State of California -- Department of Industrial Relations -- DIVISION OF APPRENTICESHIP STANDARDS

# APPRENTICE AGREEMENT

APPRENTICE LAST NAME <u>Guerreiro</u>	FIRST NAME <u>Edoardo</u>	MIDDLE [REDACTED]
APPRENTICE ADDRESS NUMBER AND STREET / CITY, STATE & ZIP [REDACTED]		BIRTHDATE (mm/dd/yyyy) [REDACTED]
OCCUPATION <b>Gardener   Horticultural Worker</b>		F VETERAN Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
TERM OF APPRENTICESHIP 3000 Hours Within <u>2</u> Years	STRAIGHT TIME Hours per day: <u>8</u> Hours per week: <u>40</u>	

This agreement is between the above named apprentice employed by the below named employer, and

## City & County of San Francisco | Recreation & Park Department

PROGRAM SPONSOR

**AGREEMENT:** The undersigned parties mutually agree that they will use their best endeavors to secure employment and training for the apprentice. The apprentice agrees to perform satisfactorily all work and learning assignments. The provisions of the Apprenticeship Standards for the above occupation adopted by the program sponsor and approved by the Chief of the Division of Apprenticeship Standards, are hereby made a part of this agreement. An official copy of the standards is on file in the headquarters of the Division of Apprenticeship Standards. This apprentice agreement will continue in effect until the training is completed or otherwise terminated in accordance with the standards.

The apprentice commences participation under these standards on the date of execution of this agreement by the Apprentice. The signatory apprentice is credited with having 0 months toward completion of the term of apprenticeship. The apprentice is expected to complete training on or about March 2023, upon satisfactory completion of the total remaining hours of on-the-job training and hours and/or units of related and supplemental instruction.

**APPRENTICE:** I, the undersigned apprentice, understand and agree that there is a valid and reasonable necessity that those academic records accumulated throughout related and supplemental instruction during my period of apprenticeship be made available to the apprenticeship committee. Further, I agree to release to the apprenticeship committee any other academic records which I feel may enhance my status as an apprentice.

I, the undersigned apprentice, hereby request that the Administrator of Apprenticeship terminate any other apprenticeship agreements in which I am currently registered.

Executed this 9 day of August, 2021 by [Signature]  
DAY MONTH YEAR SIGNATURE OF APPRENTICE

AGREED TO BY THE EMPLOYER

[Signature] 3022 Park Section Supervisor  
SIGNATURE OF EMPLOYER OR ITS REPRESENTATIVE TITLE

SIGNATURE OF PARENT OR GUARDIAN (IF APPRENTICE IS 16 OR 17)

AGREED TO AND APPROVED BY, FOR THE COMMITTEE

NAME OF EMPLOYER City & County of San Francisco, Recreation & Park Department
ADDRESS 1 South Van Ness Ave, 4th Floor, San Francisco, CA, 94103   501 Stanyan Street, San Francisco, CA, 94117

SIGNATURE -- SECRETARY / CHAIR / COORDINATOR \_\_\_\_\_ DATE \_\_\_\_\_

ACCEPTED BY DAS

SIGNATURE -- APPRENTICESHIP CONSULTANT \_\_\_\_\_ DATE \_\_\_\_\_

for unilateral programs only ]

This agreement is approved by \_\_\_\_\_

for the Administrator of Apprenticeship

TO THE APPRENTICE California Civil Code Sec 1798.17 requires State agencies which collect personal information to indicate the authority under which the data are requested. If personal information not specifically authorized by law is requested, individuals must be informed that supplying the information is voluntary. It also provides that state agencies may change or modify records at the request of the individual.

Questions C and E below are voluntary. All others are authorized by law, as indicated by the reference in each section. If the authorized questions are not answered, the apprentice agreement cannot be accepted.

The Division hopes, through collection of this data, to improve the apprenticeship program both for those presently enrolled and for future apprentices. Thank you.

**CALIFORNIA APPRENTICE QUESTIONNAIRE**  
(USE INK OR BALL POINT PEN)

A Gender  
 Male  Female  
(Cal. Code of Regulations, Title 8, Ch. 2, Sec. 215)

B Ethnic or Race Derivation (Check only one)

1  WHITE (Not of Hispanic Origin) -- A person having origins in any of the original peoples of Europe, North Africa or the Middle East.

2  BLACK (Not of Hispanic Origin) -- A person having origins in any of the Black racial groups of Africa.

ASIAN OR PACIFIC ISLANDER -- A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands. The area includes, for example, China, Japan, Korea and Samoa.

A  Asian Asian Indian

B  Asian Bangladeshi

C  Asian Chinese

D  Asian Cambodian

6  Asian Filipino

E  Asian Hmong

I  Asian Indonesian

J  Asian Japanese

K  Asian Korean

I  Asian Laotian

M  Asian Malaysian

P  Asian Pakistani

R  Asian Sri Lankan

T  Asian Taiwanese

U  Asian Thai

V  Asian Vietnamese

F  Native Hawaiian Fijian

G  Native Hawaiian Guamanian

H  Native Hawaiian Hawaiian

S  Native Hawaiian Samoan

W  Native Hawaiian Tongan

4  AMERICAN INDIAN OR ALASKAN NATIVE -- A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

7  HISPANIC -- A person of Mexican, Puerto Rican, Cuban, South Central American or other Spanish culture or origin, regardless of race.

(Cal. Labor Code, Ch. 4, div. 3, Sec. 151)

C. Number of Dependents (Do not count yourself)

0  None 4  Four

1  One 5  Five

2  Two 6  Six or More

3  Three

(Voluntary)

D. Highest Year of Education Completed

1  8th Grade or less 6  1 Year of College

2  9th Grade 7  2 Years of College

3  10th Grade 8  3 Years of College

4  11th Grade 9  4 or more Years of College

5  12th Grade (or GED Certificate)

(Cal. Labor Code, Ch. 4, div. 3, Sec. 3076.3)

E. Number of Years You Have Been Employed Full Time to Date (Except for Military Service)

0  None

1  Less Than 1 Year

2  1 But Less Than 2 Years

3  2 But Less Than 3 Years

4  3 But Less Than 4 Years

5  4 But Less Than 5 Years

6  5 Years or More

(Voluntary)

F. Have You Served on Active Duty (other than reserve status) in the U. S. Armed Forces?

Yes  No

If yes, Please Enter:

Month and Year Entered \_\_\_\_\_

Month and Year Separated \_\_\_\_\_

Total Months served on Active Duty \_\_\_\_\_

Apprentice's Signature E. L. L.



**RECREATION AND PARKS DEPARTMENT  
3410 GARDENER APPRENTICE TRAINING LOG**

DATE: 11/1/21	EVALUATION FOR: Guerrero, Eduardo
SUPERVISOR COMPLETING THIS EVALUATION: Allison McCarthy	RATE LEVEL: <input checked="" type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory

How long has this apprentice been working on your jobsite? Started August 9th, 2021

**\*IMPORTANT:** Does Apprentice demonstrate skills, knowledge and ability equal to or greater than other apprentices at the same rate level? (please check)      YES       NO

General:	Good	Average	Needs Improvement	Unsatisfactory	Comments (must comment for needs improvement or unsatisfactory)
Shows normal ability for level in apprenticeship	✓				
Appropriate appearance & dress for work performed	✓				
Works consistently with normal alertness & energy	✓				
Exhibits desire to achieve & meets goals	✓				
Good memory, grasps new ideas		✓			Ask questions, Improve Plant I.D. & Technology

Work Habits:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Asks necessary questions at the right times		✓			Ask more questions
Grasps instructions, meets changing conditions	✓	✓			
Completes tasks well with minimum supervision	✓				
Work performed is neat and accurate	✓				
Does an appropriate amount of work each day	✓				
Follows instructions	✓				
Observes all safety rules		✓			Be mindful of PPE (eyes & gloves for most tasks)
Uses tools properly		✓			
Considerate of co-workers safety	✓				

Attitude:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Accepts working conditions	✓				
Withstands pressure and remains calm in a crisis	✓				
Is courteous and cooperative with others	✓				
Uses constructive criticism to improve performance	✓				

Attendance:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Reports to work daily as scheduled	✓				
Is punctual	✓				

**Work Process Hours Earned:**  
53 IPM   9 Erosion Control   271 Landscape Maintenance and Installation Essentials   57 Irrigation

**Comments:**  
 The above work process hours are through November 1st, 2021. Eduardo is a hard laborer, regularly demonstrates a willingness to complete any task as assigned, and has exhibited reliable and dependable performance & attendance.



## RECREATION AND PARKS DEPARTMENT 3410 GARDENER APPRENTICE TRAINING LOG

### Comments:

One area of improvement for Eduardo is open communication. Eduardo hardly asks questions after lecture or instruction, which can make it difficult for lead mentors to assess whether instruction is understood or if Eduardo is engaged with the task at hand.

Eduardo has successfully completed the following benchmarks during his first (3) months of the program:

#### Landscape Maintenance & Installation Elements:

- \* Demonstrated proper planting techniques for trees & perennials
- \* Can identify commonly used hand-tools in landscape maintenance
- \* Demonstrated proper use & operation of most commonly used 2-cycle landscape machines (line trimmer, blower, hedger) \* Note that chainsaw operation is being introduced in November 2021
- \* Demonstrated the proper "3-cut" pruning technique \* Note that pruning techniques are being introduced in November 2021
- \* Continues to develop basic plant identification of most commonly used trees, shrubs, and perennials in the San Francisco Park & Recreation system & how they're managed.

#### Irrigation

- \* Has repaired damaged rotor and pop-up sprinklers & changed swing joints
- \* Has set an impact and quill into a quick-coupler connection
- \* Can identify basic manual & automatic irrigation components

#### Integrated & Past Management

- \* Weeded general invasive plant species
- \* Understands the importance of sheet-mulching
- \* Gopher Trap

#### Erosion Control

- \* Completed installation of both jute netting & waddles
- \* Understands important roles that plants have in slope stabilization

By Eduardo's next training log (January 2022), he should demonstrate the ability to

- \* Confidently drive & maneuver both F350 truck & Toro Workman
- \* Identify manual & automatic irrigation parts (example: quill, rotor, pop-up, elbow, swing-joint)
- \* Program an irrigation clock (3 programs- 5 stations each)
- \* Identify most commonly used methods for Erosion Control
- \* Identify the following plants (With examples from mobile crew projects)  
5 trees - 5 evergreen shrubs 5- perennials 5- groundcovers



**RECREATION AND PARKS DEPARTMENT  
3410 GARDENER APPRENTICE TRAINING LOG**

**Purpose:** An honest and thoughtful evaluation should pinpoint strengths and weaknesses.

**Instructions:**

Carefully read and evaluate each characteristics, trait or ability. Check the rating scale that most closely describes your observance of the apprentice's behavior.

- Be honest in evaluations
- Normally, the apprentice should not be shocked by the evaluation. Please coach and counsel employees as the need arises.
- Review the content of the training log with the apprentice. Make sure work process hours are correct.

Be sure to list the specific areas you trained this apprentice:

IPM - Erosion Control - Landscape Maintenance and Installation Essentials - Irrigation

**Category Descriptions:**

**General:**

Shows normal ability for level in apprenticeship	Compare to others at similar pay rate and class
Appropriate appearance and dress for work performed	Cleanliness, grooming, safe clothing? Typical for work being performed?
Works consistently with normal alertness and energy	Energetic? Tires often?
Always willing to help	Team player
Exhibits desire to achieve & meets goals	Acts with purpose, puts forth effort

**Work Habits:**

Asks necessary questions at the right times	Are the subject and timing of questions appropriate?
Grasps instructions, meets changing conditions	Quick to understand? Solves problems?
Completes tasks well with minimum supervision	Completes tasks promptly and correctly
Work performed is neat and accurate	Loose ends, craftsmanship or rework needed
Does an appropriate amount of work each day	Volume or quantity of work in a work day
Follows instructions	Grasps instructions and carries them out correctly
Observes all safety rules	Observes industry and job safety rules

**Attitude:**

Accepts working conditions	Handles change, environment, job tasks without complaint
Ability to work under pressure or changing conditions	Tolerance for crises without irritation or temper
Is courteous and cooperative with others	Polite, willing to help, part of the team
Shows initiative	Stays productive with minimal supervision
Uses constructive criticism to improve performance	Makes a positive change when corrected?

**Attendance:**

Reports to work daily as scheduled	Minimum number of absences - gives notification in timely manner
Is punctual	Reports to work, back from lunch and breaks on time

**City and County of San Francisco and  
Laborers International Union North America Local 261  
3410 Gardener Apprenticeship  
Rules and Expectations**

As you begin your career as an apprentice with the City and County of San Francisco ("City") and the Laborers International Union North America Local 261 ("Union") remember that regardless of where you work or the nature of your job assignment, public employment is a noble calling. You are part of a large team of dedicated and talented individuals striving to ensure that San Franciscans receive the highest quality services possible from their government. Indeed, our City government's greatest asset is its workforce - you.

As a City apprentice, you are required to read these Rules and Expectations. It provides important information on the City's and Union's commitment to safety on the job, and your obligations as a City apprentice.

***Training and Meeting Attendance***

All apprentices will attend their host department New Employee Orientation session, the department all staff meetings, all division or unit meetings and trainings, the all apprenticeship training and classroom sessions, and all assigned Union training meetings and orientations. Failure to attend a scheduled training (unexcused absence) or failure to report to a scheduled meeting (unexcused absence) may lead to separation from the program.

***Vehicles***

An apprentice who uses a City vehicle must follow the current City Vehicle Use policy. Additionally, an apprentice is prohibited from using a cell phone, hands on or hands off, or similar device while driving, whether the business conducted is personal or City apprenticeship related.

***License***

If your job duties require you to drive, you must have the appropriate licenses and maintain insurability under your department's automobile liability insurance policy. Only apprentices with a valid California Driver License will be authorized to operate a City and/or private vehicle. The City will use the State Department of Motor Vehicles Pull Notice Program to obtain information about apprentices as actions appear on their driving records. Apprentices must comply with the California Vehicle Code at all times while operating a motor vehicle.

***Cell phones***

Unless otherwise authorized, cell phone use is restricted to an apprentice's personal time. To ensure the effectiveness of your training, apprentices are asked to leave cell on vibrate mode.

### ***Drug and Alcohol-Free Workplace Policy***

To ensure the safety of the City's employees, co-workers and the public, no apprentice may sell, purchase, transfer, possess, furnish, manufacture, use or be under the influence of alcohol, marijuana, prescription drugs that impair safe functioning or illegal drugs at any City jobsite, while on City business or in City facilities.

Apprentices may forfeit their apprenticeship and may be immediately removed from the worksite if the Union or the City find sufficient evidence that the apprentice participated in the misappropriation of public or Union funds or property; misuse or destruction of public or Union property

### ***Assignment***

Consistent with the formal Apprenticeship Agreement and the Apprenticeship Standards, departmental operational needs may require an apprentice to be assigned to different locations.

### ***Appearance / Dress Code***

As a City apprentice, you represent the Union and the City when you are on duty and/or when you are on a City jobsite. Apprentices are expected to be neat and clean, and to dress for work according to generally accepted professional standards as dictated by their work assignment and as required by their department. The City and the Union reserves the right to restrict dress for reasons relating to safety, hygiene or environmental conditions. All apprentices are expected to wear appropriately fitting work pants with belt; an Apprenticeship t-shirt; safety vest; steel-toed boots and all appropriate Personal Protective Equipment (PPE).

### ***Attendance and Punctuality***

Regular and prompt attendance is an essential requirement of your job. As a City apprentice, you are to report to your work site at your scheduled work time. Your time records must accurately reflect the time you start work and the number of hours worked in every workday. The start time will be clearly communicated to the apprentice. Failure to report to work (unexcused absence) twice in the academic year or three (3) times in the calendar year may lead to separation from the program.

### ***Absences***

All planned absences must be requested and approved in advance. If illness or some other emergency causes an unplanned or unforeseeable absence, you must notify your supervisor. A call in phone number and procedure will be clearly communicated to all apprentices.

### ***Misuse of Leave***

Failure to present medical certification when required, excessive absenteeism, tardiness, unauthorized absence or failure to notify your supervisor when you are unable to report to work, may result in forfeiture of your apprenticeship.



Examples of misuse of sick leave include calling in sick to extend an approved vacation; using sick leave when your arrival at work is delayed by traffic or car trouble; claiming you cannot work due to illness, when you are not ill; and using sick leave to cover a period of incarceration.

### ***Personal Protective Equipment***

In all cases where protective clothing and equipment is provided by a department, apprentices shall be expected to wear such clothing during the performance of their duties and bring such clothing and equipment with them to work and training daily.

### ***Safety Meetings***

Apprentices are required to attend Safety meetings that shall be held in accordance with State CAL-OSHA requirements.

### ***Clean up***

Apprentices will be provided appropriate clean-up time before meal breaks and at the end of the workday.

The City also recognizes that apprentices may at times have to ingest prescribed drugs or medications. If an employee takes any drug or medication known to have potential side effects that may interfere with job performance, the apprentice is required to immediately notify her/his supervisor of those side effects before performing his/her job functions. If an apprentice is temporarily unable to perform safety sensitive functions because of any potential side effects caused by prescribed medication, the apprentice shall be reassigned to perform non-safety sensitive functions without loss of pay until either the apprentice is off the prescribed medication or is cleared by a licensed healthcare provider.

### ***License to Drive***

City vehicles may not be used for personal business.

### ***Change of Address***

If you change your address and/or telephone number, you are required to notify your departmental personnel officer and the Union immediately by submitting a change of address form or a letter with your new address and telephone number.

### ***Separation from Apprenticeship***

Before you leave your apprenticeship with the City, you must return all supplies, keys, identification cards (including your Disaster Service Worker identification badge), access cards and all other City or Union property. Any materials, files, documents, or other items collected or created by you in connection with your employment remain the property of the City or the Union. You may not take any such materials, or copies of those materials, with you when you depart.

*Respect in the Workplace*

The City and the Union will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence physical, verbal, or electronic in or about the workplace is strictly prohibited. "Violence" includes both acts and threats of violence. For example, violence includes any conduct, verbal, physical, or electronic which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property. Employees are also prohibited from possessing, storing or having control of any weapon on the job.

*Co-Workers and the Public*

City and Union apprenticeship policy requires apprentices to treat co-workers and members of the public with courtesy and respect. City supervisors and Union apprenticeship coordinators are responsible for maintaining a safe and productive workplace that is free from inappropriate workplace behavior. Keep in mind how the public may interpret your actions.

*Maintenance of Minimum Qualifications*

Apprentices are required to register for required related instruction and attend all scheduled classes. Apprentices must successfully pass all related and supplemental instruction examinations with 75% correct or higher. You will be provided one opportunity to retake a failed examination.

I have read and I understand the rules and expectations and I agree. I further acknowledge that a violation of these rules may lead to my immediate release from the 3410 Apprentice Gardener program.

Apprentice Name and Signature:

Print Name: Eduardo Escobedo Signature: [Signature]  
Date: 08 09 21

City Department Authorized Representative Name and Signature

Print Name: Allen Heston Signature: [Signature]  
Date: 8/9/21

## Tucker, Melissa (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Friday, September 30, 2022 1:10 PM  
**To:** Tucker, Melissa (REC)  
**Subject:** FW: Apprenticeship: Eduardo Guerrero Release | Training Documentation, Apprentice Agreement, Training Log  
**Attachments:** Guerrero\_Eduardo\_DAS\_104\_Form.pdf; Guerrero\_Apprentice Rules\_Expectations.pdf; Guerrero\_Signed Documentation Forms.pdf; SF RPD. ALI version.pptx; NEO Communications Training 10\_7\_21.pdf; Guerrero\_Eduardo\_3-month Training Log.pdf

[REDACTED]  
Field Support Services Manager  
Recreation and Parks Lodge Annex, 2<sup>nd</sup> floor  
415.813.7188

**From:** McCarthy, Allison (REC) <allison.mccarthy@sfgov.org>  
**Sent:** Monday, December 13, 2021 9:12 AM  
**To:** [REDACTED]@sfgov.org  
**Subject:** Apprenticeship: Eduardo Guerrero Release | Training Documentation, Apprentice Agreement, Training Log

Hey [REDACTED]

Attached are the following documents relevant to the release of Eduardo Guerrero

- Training Documentation Forms for Relevant Trainings regarding the department's policies of Respect in the Workplace & Discrimination, Harassment, & Retaliation-Free workplace
  - 8/9/21: Review of Apprentice Rules & Expectations | Review of Apprenticeship Standards & DAS-104 Apprentice Agreement | Powerpoint Presentation (Introduction to Program) (Agenda Attached)
  - 8/11/21: Distribution & Group Review of Respect in the Workplace Policy
  - 8/13/21: Distribution & Review of the department's Discrimination, Harassment, & Retaliation Free Workplace Policy
  - 8/13/21: DHR Orientation Video/RPD Handbook/MOU Review
  - 8/26/21: Communication Training by 0922 Mark Tilley | Romantic Relationship @ Work Policy Distribution & Review
  - 10/7/21: New Employee Communications Training led by 3<sup>rd</sup> Party Vendor Gretchen Lott | Email of Attendee List & Power-Point Attached
- Signature Sheet for the 3410 Apprentice Rules & Expectations
- Signed DAS 104- Apprentice Agreement
- 3- month Training Log

**Allison McCarthy**  
*Park Section Supervisor*  
Gardener Apprenticeship Program

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117  
[415-802-5863](tel:415-802-5863) | [allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)



Visit us at [sfrecpark.org](http://sfrecpark.org)  
Like us on [Facebook](#)  
Follow us on [Twitter](#)  
Watch us on [sfRecParkTV](#)  
Sign up for our [e-News](#)

8/10/21 Tuesday

J, Anna, Noamy, lalo- All spread buckets of mulch at rhododendron Dell Satisfactory performance.

10/29 Friday

Lalo

7th and Fulton

1. I was instructing Lalo on the specifics of how the supervisor wanted everyone to plant. Based on the specialties Location. We were taking the time to show every apprentice individual in an attempt to have every one planting Exactly the same. As I began to explain what the supervisor wanted Lalo interrupted me and said "I already knew how to Plat".
2. Lalo was grabbed a Is young newly planted tree by it the base of its trunk and was wrenching it in one direction. I was standing with Christa (the supervisor) she exclaimed why is he doing that I don't want him to do that. I told her I would handle it and Immediately Approached lalo at the tree. When I asked him to stop he replied, ``Why? aren't we are gardeners man? As I began to instructed him as to why. He turned And started to walk away. I asked him to come back that I wasn't done explaining why we shouldn't be touching the tree. He reluctantly turned back toward me. The situation was very tense. When I was finished he said nothing and walked away.

11/2 Tuesday

- Lalo
- Bernal Hights
  - We were shoveling sand. Lalo stopped shoveling and grabbed a flex rack. I asked him to not rack right now. That we would rack at the end. He went and racked anyway.
  - Communicated with crew after first break for the crew to split into two one crew 618 go to there truck and the 588 people will get the cones from where the sand pile was. Lalo was in the 618 crew. He did not go with is crew. Proceed to go and get cones. Then I asked "Lalo you need to go get with your crew in the 618 truck." he Continued to walk up the Hill away from his group. So I repeated my self "Lalo you need to go get with your crew in the 618 truck." He continued his walk up the hill. At this point I was following him up the hill. I repeated a 3rd time. "Lalo you need to go with the other crew." At this point he turned around to walk back down the Hill to join the 618 crew at there truck. As he passed me he looked right at me and said and "what?" As he continued to walk down the hill.

11/2 Tuesday

- Lalo
- St. Mary's

- After lunch
- Lalo
  - Turned on his music on his phon. I Asked him to turn it off. He asked why? Then he answered because is not allowed? I said yes.

CITY AND COUNTY OF SAN FRANCISCO  
PAYROLL REGISTER - BY EMPLOYEE

Employee Name Employee Id Sen Group Job Code/Indicator Position Nbr Off Cycle Form ID PAY Period End	Empl Rcd	Empl Rcd	Earm Type	Earm Code	Add To Grs	Current Hours	Current Amount	YTD Amount	Curr Grs	Ytd Grs	DEDUCTIONS				TAXES				Net Pay			
											Ded Type	Ded Code	Ded Cls	Current Amount	Ytd Amount	Tax Type	Tax Entity	Tax Cls		Current Amount	Ytd Amount	
Guerrero Ortiz, Eduardo [REDACTED] REC 3410 / Primary 01124020 N Advice 17-SEP-2021	0	0	LEGL	HOL	LHP	Y	8.00	174.20	1742.00	5226.00	CAF DENT	DEN001	B	2.31	4.62	CO HI	Fed	Q	24.33	73.41	1238.23	
			REGULAR		WKP	Y	72.00	1567.80	5051.80		CAF HLTH	MED002	B	22.05	44.10	HI TAX	Fed	F	24.33	73.41		
											CTY DENT	DEN001	N	24.29	48.58	FEDERAL	Fed	H	120.10	363.80		
											CTY HR	HLT002	N	17.42	52.26	SDI TAX	CA	D	20.14	60.76		
											CTY LTD	LTD001	N	0.00	10.95	SUI TAX	CA	U	4.53	13.67		
											HLT RET	HLT001	B	34.84	104.52	CO OASDI	Fed	E	104.03	313.91		
											HSS SHAR	MED002	N	292.94	585.88	OASDITAX	Fed	D	104.03	313.91		
											PRTX RET	RPT022	B	130.65	391.95	STATETAX	CA	H	40.47	123.33		
											RET SHAR	RSR022	N	410.24	1230.72							
											Vision - B	VBUYUP	B	4.85	9.70							
Guerrero Ortiz, Eduardo [REDACTED] REC 3410 / Primary 01124020 N Advice 01-OCT-2021	0	0	LEGL	HOL	LHP	Y	0.00	174.20	1742.00	6986.00	CAF DENT	DEN001	B	2.31	6.93	CO HI	Fed	Q	24.33	97.74	1238.24	
			REGULAR		WKP	Y	80.00	1742.00	6793.80		CAF HLTH	MED002	B	22.05	66.15	HI TAX	Fed	F	24.33	97.74		
											CTY DENT	DEN001	N	24.29	72.87	FEDERAL	Fed	H	120.10	483.90		
											CTY HR	HLT002	N	17.42	69.68	SDI TAX	CA	D	20.13	80.89		
											CTY LTD	LTD001	N	10.95	21.90	SUI TAX	CA	U	1.68	15.35		
											HLT RET	HLT001	B	34.84	139.36	CO OASDI	Fed	E	104.03	417.94		
											HSS SHAR	MED002	N	292.94	878.82	OASDITAX	Fed	D	104.03	417.94		
											PRTX RET	RPT022	B	130.65	522.60	STATETAX	CA	H	40.47	163.80		
											RET SHAR	RSR022	N	410.24	1640.96							
											UN DUES	UND002	A	0.00	0.00							
											Vision - B	VBUYUP	B	4.85	14.55							
Guerrero Ortiz, Eduardo [REDACTED] REC 3410 / Primary 01124020 N Advice 15-OCT-2021	0	0	LEGL	HOL	LHP	Y	8.00	174.20	1742.00	8710.00	CAF DENT	DEN001	B	2.31	9.24	CO HI	Fed	Q	24.33	122.07	1216.44	
			REGULAR		WKP	Y	72.00	1567.80	8361.60		CAF HLTH	MED002	B	22.05	86.20	HI TAX	Fed	F	24.33	122.07		
											CTY DENT	DEN001	N	24.29	97.16	FEDERAL	Fed	H	120.10	604.00		
											CTY HR	HLT002	N	17.42	87.10	SDI TAX	CA	D	20.14	101.03		
											CTY LTD	LTD001	N	0.00	21.90	SUI TAX	CA	U	1.68	17.03		
											HLT RET	HLT001	B	34.84	174.20	CO OASDI	Fed	E	104.04	521.98		
											HSS SHAR	MED002	N	292.94	1171.76	OASDITAX	Fed	D	104.04	521.98		
											PRTX RET	RPT022	B	130.65	653.25	STATETAX	CA	H	40.47	204.27		
											RET SHAR	RSR022	N	410.24	2051.20							
											UN DUES	UND002	A	21.78	21.78							
											Vision - B	VBUYUP	B	4.85	19.40							

CITY AND COUNTY OF SAN FRANCISCO  
 PAYROLL REGISTER - BY EMPLOYEE

Employee Name Employee Id Sen Group Job Code/Indicator Position Nbr Off Cycle Form ID PAY Perfed End	Empl Status Deptid Location Rate Check Nbr Roster Code	Empl Rcd	Empl Type	Eam Code	Eam To	EARNINGS			DEDUCTIONS			TAXES			Net Pay									
						Current Amount	YTD Amount	Ytd Grs	Current Amount	Ded Code	Ded Type	Ytd Amount	Tax Type	Tax Entify		Tax Cls	Current Amount	Ytd Amount						
Guerrero Ortiz, Eduardo REC 3410 / Primary 01124020 N Advice 29-OCT-2021	A 150709 REC005 21.7750 8268781 RECJ1	0	0	REGULAR	LHP	Y	0.00	1742.00	10452.00	0.00	348.40	1742.00	10452.00	CAF DENT CAF HLTH CTY DENT CTY HR CTY LTD HLT RET	DEN001 MED002 DEN001 HLT002 LTD001 HLT001	B B N N N B	2.31 22.05 24.29 17.42 10.95 34.84	11.55 110.25 121.45 104.52 32.85 209.04	CO HI HI TAX FEDERAL SDI TAX SUI TAX CO OASDI	Fed Fed Fed CA CA Fed	Q F H D U E	24.34 24.34 120.10 20.13 1.67 104.03	146.41 146.41 724.10 121.16 18.70 626.01	1216.45
Guerrero Ortiz, Eduardo REC 3410 / Primary 01124020 N Advice 12-NOV-2021	A 150709 REC005 23.7625 8303170 RECJ1	0	0	REGULAR	LHP	Y	8.00	1853.30	12305.30	190.10	538.50	1853.30	12305.30	CAF DENT CAF HLTH CTY DENT CTY HR CTY LTD HLT RET	DEN001 MED002 DEN001 HLT002 LTD001 HLT001	B B N N N B	2.31 22.05 24.29 18.53 0.00 37.07	13.86 132.30 145.74 123.05 32.85 246.11	CO HI HI TAX FEDERAL SDI TAX SUI TAX CO OASDI	Fed Fed Fed CA CA Fed	Q F H D U E	25.91 25.91 132.19 21.45 1.79 110.79	172.32 172.32 856.29 142.61 20.49 736.80	1287.40



Employee Name Employee Id Sen Group Job Code/Indicator Position Nbr Off Cycle Form ID PAY Period End	Empl Status Depidid Location Rate Check Nbr Roster Code	Empl Rcd	Empl Type	Eam Code	Add To Grs	Current Hours	Current Amount	YTD Amount	Curr Grs	Ytd Grs	DEDUCTIONS				TAXES				Net Pay				
											Ded Type	Ded Code	Ded Cls	Current Amount	Ytd Amount	Tax Type	Tax Entity	Tax Cls		Current Amount	Ytd Amount		
Guillermo Ortiz,Eduardo REC 3410 / Primary 01124020 N Advice 26-NOV-2021	A 150709 REC005 23.7625 8371881 RECJ1	0	0	LEGL REGULAR	LHP WKP	Y Y	16.00 64.00	380.20 1520.80	918.70 13287.60	1901.00	14206.30	CAF DENT CAF HLTH CTY DENT CTY HR CTY LTD HLT RET	DEN001 MED002 DEN001 HLT002 LTD001 HLT001	B B N N N B	2.31 22.05 24.29 19.01 11.94 38.02	2050.58 142.58 1065.48 3345.58 90.49 33.95	16.17 154.35 170.03 142.06 44.79 284.13	CO HI HI TAX FEDERAL SDI TAX SUI TAX CO OASDI	Fed Fed Fed CA CA Fed	Q F H D U E	26.59 26.59 137.37 22.00 1.83 113.70	198.91 198.91 993.66 164.61 22.32 850.50	1317.81
Guillermo Ortiz,Eduardo REC 3410 / Primary 01124020 N Advice 10-DEC-2021	A 150709 REC005 23.7625 8371881 RECJ1	0	0	LEGL REGULAR	LHP WKP	Y Y	0.00 80.00	0.00 1901.00	918.70 15188.60	1901.00	16107.30	CAF DENT CAF HLTH CTY DENT CTY HR CTY LTD HLT RET	DEN001 MED002 DEN001 HLT002 LTD001 HLT001	B B N N N B	2.31 22.05 24.29 19.01 0.00 38.02	176.40 194.32 161.07 44.79 322.15	18.48 176.40 194.32 161.07 44.79 322.15	CO HI HI TAX FEDERAL SDI TAX SUI TAX CO OASDI	Fed Fed Fed CA CA Fed	Q F H D U E	26.59 26.59 137.37 22.01 1.84 113.69	225.50 225.50 1131.03 186.62 24.16 964.19	1317.81

Employee Name Employee Id San Group Job Code/Indicator Position Nbr Off Cycle Form ID PAY Period End	Empl Status DeptId Location Rate Check Nbr Roster Code	EARNINGS					DEDUCTIONS					TAXES					Net Pay						
		Empl Rcd	Empl Type	Earn Code	Add To Grs	Current Amount	YTD Amount	Curr Grs	Ytd Grs	Ded Type	Ded Code	Ded Cls	Current Amount	Ytd Amount	Tax Type	Tax Entity		Tax Cls	Current Amount	Ytd Amount			
Guerrero Ortiz, Eduardo REC 3410 / Primary 01124020 11-DEC-2021	A 150709 REC005 23,7625 0 RECJ1	0	LEGL	HOL	LHP	Y	0.00	0.00	918.70	15188.60	0.00	16107.30	UN DJES CAF DENT HLT RET CAF HLTH PRTX RET Vision - B	UND002 DEN001 HLT001 MED002 RPT022 VBUYUP	B B B B B	0.00 0.00 0.00 0.00 0.00	114.25 18.48 322.15 176.40 1208.06 38.80	CO HI CO OASDI FEDERAL HI TAX OASDI TAX SDI TAX	Fed Fed Fed Fed Fed CA	Q E H F D D	0.00 0.00 0.00 0.00 0.00 0.00	225.50 964.19 1131.03 225.50 964.19 186.62	0.00
Guerrero Ortiz, Eduardo REC 3410 / Primary 01124020 12-DEC-2021	A 150709 REC005 23,7625 0 RECJ1	0	LEGL	HOL	LHP	Y	0.00	0.00	918.70	15188.60	0.00	16107.30	UN DJES CAF DENT HLT RET CAF HLTH PRTX RET Vision - B	UND002 DEN001 HLT001 MED002 RPT022 VBUYUP	B B B B B	0.00 0.00 0.00 0.00 0.00	114.25 18.48 322.15 176.40 1208.06 38.80	CO HI CO OASDI FEDERAL HI TAX OASDI TAX SDI TAX	Fed Fed Fed Fed Fed CA	Q E H F D D	0.00 0.00 0.00 0.00 0.00 0.00	225.50 964.19 1131.03 225.50 964.19 186.62	0.00

Report ID: MIPY14BEE  
 Database: HCPRD

CITY AND COUNTY OF SAN FRANCISCO  
 PAYROLL REGISTER - BY EMPLOYEE

Page No. 5 of 5  
 Run Date: 09/26/2022  
 Run Time: 09:01:44

Employee Name Employee Id Ssn Group Job Code/Indicator Position Nbr Off Cycle Form ID PAY Period End	Empl Status Dept/Id Location Rate Check Nbr Roster Code	EARNINGS					DEDUCTIONS				TAXES				Net Pay				
		Empl Rcd	Earn Type	Earn Code	Add To Grs	Current Hours	Current Amount	YTD Amount	Ytd Grs	Curr Grs	Ded Type	Ded Code	Ded Cts	Current Amount		Ytd Amount	Tax Entify	Tax Cfs	Current Amount
Guerrero Ortiz, Eduardo [Redacted] 3410 / Primary 01124020 N 24-DEC-2021	T 150709 REC005 23.7625 8405686 RECJ1	0	REGULAR	WKP Y		40.00	950.50	950.50	950.50	950.50					CO HI HI TAX FEDERAL SDI TAX SUI TAX CA QASDI	Q F H D U E	13.08 13.08 33.29 9.93 0.90 55.94	13.08 13.08 33.29 9.93 0.90 55.94	696.60
						2.31	22.05	24.29	9.51	11.94	19.01				CAF DENT CITY DENT CITY HR CITY LTD HLT RET	B B N N N B	2.31 22.05 24.29 9.51 11.94 19.01	2.31 22.05 24.29 9.51 11.94 19.01	
						292.94	71.29	223.84	11.86	4.85					HSS SHAR PRTX RET RET SHAR UN DUES Vision - B	N B N A B	292.94 71.29 223.84 11.86 4.85	292.94 71.29 223.84 11.86 4.85	
															OASDITAX STATE TAX	D H	55.94 10.27	55.94 10.27	

End of Report

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: 12/21/2021

Advice No. 8371891

THE TREASURER HAS DEPOSITED:

\$1,317.81

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

Statement of Earnings and Deductions City and County of San Francisco		Pay Advice Number: 00000008371891 Pay Date: 12/21/2021 Pay Period Begin Date: 11/27/2021 Pay Period End Date: 12/10/2021		<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:		Federal Single N/A	CA State Single 0							
Employee ID: [REDACTED] Name: Eduardo Guerrero Ortiz		Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$23.7625 Hourly		<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:		<b>Balance</b> 0.00 36.00 0.00 0.00 0.00 0.00								
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS								
Description	— Current —		— YTD —		Description	Current	YTD	Description	Current	YTD				
	Rate	Hours	Earnings	Hours							Earnings	Current	YTD	
Regular Pay	23.7625	80.00	1,901.00	680.00	15,188.60	KAISER	22.05	176.40	UNDUE 261	23.76	114.25			
Legal Hol				40.00	918.70	DELTA	2.31	18.48						
						RPTX MSC N	142.58	1,208.06						
						HLT RET EE	38.02	322.15						
						VsnPremier	4.85	38.80						
<b>TOTAL:</b>			<b>80.00</b>	<b>1,901.00</b>	<b>720.00</b>	<b>16,107.30</b>	<b>TOTAL:</b>		<b>209.81</b>	<b>1,763.89</b>	<b>TOTAL:</b>		<b>23.76</b>	<b>114.25</b>
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS								
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD						
Fed Withholding	137.37	1,131.03	Fed Med/ER	26.59	225.50	KAISER	292.94	2,343.52						
Fed MED/EE	26.59	225.50	Fed OASDI/ER	113.69	964.19	DELTA	24.29	194.32						
Fed OASDI/EE	113.69	964.19	CA Unempl ER	1.84	24.16	RSHR MSC N	447.69	3,793.27						
CA Withholding	49.96	391.77				HLT RET ER	19.01	161.07						
CA OASDI/EE	22.01	186.62				LTD	44.79	44.79						
<b>TOTAL:</b>		<b>349.62</b>	<b>2,899.11</b>	<b>TOTAL:</b>		<b>142.12</b>	<b>1,213.85</b>	<b>TOTAL:</b>		<b>783.93</b>	<b>6,536.97</b>			
TOTAL GROSS		TOTAL DEDUCTIONS		TOTAL TAXES		NET PAY		TOTAL PAY AND BENEFITS		YTD				
Current	1,901.00	233.57	349.62	1,317.81	<b>Gross Pay</b>				16,107.30					
YTD	16,107.30	1,878.14	2,899.11	11,330.05	<b>Benefits</b>				7,750.82					
						<b>TOTAL:</b>				<b>23,858.12</b>				
<b>Retain for your records</b>			<b>NET PAY DISTRIBUTION</b>											
MESSAGE:			<b>Bank Name</b>			<b>Account Type</b>			<b>Account Number</b>			<b>Deposit Amount</b>		
			WELLS FARGO BANK NA			Savings			[REDACTED]			\$1,317.81		
			<b>TOTAL DIRECT DEPOSIT:</b>									<b>\$1,317.81</b>		

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: 12/07/2021

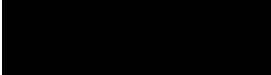
Advice No. 8337385

THE TREASURER HAS DEPOSITED:

\$1,317.81

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

Statement of Earnings and Deductions City and County of San Francisco		Pay Advice Number: 00000008337385 Pay Date: 12/07/2021 Pay Period Begin Date: 11/13/2021 Pay Period End Date: 11/26/2021		<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:		Federal Single N/A		CA State Single 0			
Employee ID: [REDACTED] Name: Eduardo Guerrero Ortiz		Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$23.7625 Hourly		<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:		<b>Balance</b> 0.00 32.00 0.00 0.00 0.00 0.00					
HOURS AND EARNINGS						BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS		
Description	--- Current ---		--- YTD ---		Description	Current	YTD	Description	Current	YTD	
	Rate	Hours	Earnings	Hours							Earnings
Regular Pay	23.7625	64.00	1,520.80	600.00	13,287.60	KAISER	22.05	154.35	UNDUE 261	23.76	90.49
Legal Hol	23.7625	16.00	380.20	40.00	918.70	DELTA	2.31	16.17			
						VsnPremier	4.85	33.95			
						HLT RET EE	38.02	284.13			
						RPTX MSC N	142.58	1,065.48			
<b>TOTAL:</b>		80.00	1,901.00	640.00	14,206.30	<b>TOTAL:</b>	209.81	1,554.08	<b>TOTAL:</b>	23.76	90.49
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS					
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD			
Fed Withholdng	137.37	993.66	Fed Med/ER	26.59	198.91	KAISER	292.94	2,050.58			
Fed MED/EE	26.59	198.91	Fed OASDI/ER	113.70	850.50	DELTA	24.29	170.03			
Fed OASDI/EE	113.70	850.50	CA Unempl ER	1.83	22.32	LTD	11.94	44.79			
CA Withholdng	49.96	341.81				HLT RET ER	19.01	142.06			
CA OASDI/EE	22.00	164.61				RSHR MSC N	447.69	3,345.58			
<b>TOTAL:</b>	349.62	2,549.49	<b>TOTAL:</b>	142.12	1,071.73	<b>TOTAL:</b>	795.87	5,753.04			
TOTAL GROSS		TOTAL DEDUCTIONS		TOTAL TAXES		NET PAY		TOTAL PAY AND BENEFITS			
Current	1,901.00	233.57	349.62	1,317.81	Gross Pay	14,206.30					
YTD	14,206.30	1,644.57	2,549.49	10,012.24	Benefits	6,824.77					
						<b>TOTAL:</b>	21,031.07				
<b>Retain for your records</b>						<b>NET PAY DISTRIBUTION</b>					
MESSAGE:						<b>Bank Name</b>	<b>Account Type</b>	<b>Account Number</b>	<b>Deposit Amount</b>		
						WELLS FARGO BANK NA					
						<b>TOTAL DIRECT DEPOSIT:</b>	\$1,317.81				

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

**Date:** 11/23/2021

**Advice No. 8303170**

**THE TREASURER HAS DEPOSITED:**

**\$1,287.40**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

	Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008303170 Pay Date: 11/23/2021 Pay Period Begin Date: 10/30/2021 Pay Period End Date: 11/12/2021	TAX DATA: Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0						
Employee ID: [REDACTED] Name: Eduardo Guerrero Ortiz	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$23.7625 Hourly	PAID TIME OFF: Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	Balance: 0.00 28.00 0.00 0.00 0.00 0.00								
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS		AFTER-TAX DEDUCTIONS						
Description	Current		YTD		Description	Current	YTD				
	Rate	Hours	Earnings	Hours				Earnings			
RegularPay	23.7625	48.00	1,140.60	536.00	11,766.80	KAISER	22.05	132.30	UNDUE 261	23.17	66.73
RegularPay	21.7750	24.00	522.60			DELTA	2.31	13.86			
Legal Hol	23.7625	8.00	190.10	24.00	538.50	VsnPremier	4.85	29.10			
						HLT RET EE	37.07	246.11			
						RPTX MSC N	139.00	922.90			
<b>TOTAL:</b>	<b>80.00</b>	<b>1,853.30</b>	<b>560.00</b>	<b>12,305.30</b>	<b>TOTAL:</b>	<b>205.28</b>	<b>1,344.27</b>	<b>TOTAL:</b>	<b>23.17</b>	<b>66.73</b>	
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS					
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD			
Fed Withholding	132.19	856.29	Fed Med/ER	25.91	172.32	KAISER	292.94	1,757.64			
Fed MED/EE	25.91	172.32	Fed OASDI/ER	110.79	736.80	DELTA	24.29	145.74			
Fed OASDI/EE	110.79	736.80	CA Unempl ER	1.79	20.49	HLT RET ER	18.53	123.05			
CA Withholding	47.11	291.85				RSHR MSC N	436.45	2,897.89			
CA OASDI/EE	21.45	142.61				LTD		32.85			
<b>TOTAL:</b>	<b>337.45</b>	<b>2,199.87</b>	<b>TOTAL:</b>	<b>138.49</b>	<b>929.61</b>	<b>TOTAL:</b>	<b>772.21</b>	<b>4,957.17</b>			
TOTAL GROSS		TOTAL DEDUCTIONS		TOTAL TAXES		NET PAY		TOTAL PAY AND BENEFITS			
Current	1,853.30	228.45	337.45	1,287.40	Gross Pay	12,305.30					
YTD	12,305.30	1,411.00	2,199.87	8,694.43	Benefits	5,886.78					
						<b>TOTAL:</b>	<b>18,192.08</b>				
<b>Retain for your records</b>			<b>NET PAY DISTRIBUTION</b>								
			MESSAGE:	Bank Name WELLS FARGO BANK NA	Account Type Savings	Account Number [REDACTED]	Deposit Amount \$1,287.40				
						<b>TOTAL DIRECT DEPOSIT:</b>	<b>\$1,287.40</b>				

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: 11/09/2021

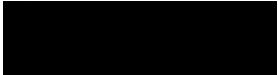
Advice No. 8268781

THE TREASURER HAS DEPOSITED:

\$1,216.45

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

Statement of Earnings and Deductions City and County of San Francisco			Pay Advice Number: 00000008268781 Pay Date: 11/09/2021 Pay Period Begin Date: 10/16/2021 Pay Period End Date: 10/29/2021			<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:		Federal Single N/A	CA State Single 0								
Employee ID: <span style="background-color: black; color: black;">XXXXXXXXXX</span> Name: <b>Eduardo Guerrero Ortiz</b>			Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly			<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:		<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00									
HOURS AND EARNINGS						BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS								
Description	--- Current ---			--- YTD ---			Description	Current	YTD	Description	Current	YTD					
	Rate	Hours	Earnings	Hours	Earnings	Current							YTD				
RegularPay	21.7750	80.00	1,742.00	480.00	10,452.00	KAISER	22.05	110.25	UNDUE 261	21.78	43.56						
Legal Hol				16.00	348.40	DELTA	2.31	11.55									
						VsnPremier	4.85	24.25									
						HLT RET EE	34.84	209.04									
						RPTX MSC N	130.65	783.90									
<b>TOTAL:</b>			<b>80.00</b>	<b>1,742.00</b>	<b>480.00</b>	<b>10,452.00</b>	<b>TOTAL:</b>		<b>194.70</b>	<b>1,138.99</b>	<b>TOTAL:</b>		<b>21.78</b>	<b>43.56</b>			
EMPLOYEE PAID TAXES				EMPLOYER PAID TAXES				EMPLOYER PAID BENEFITS									
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD	Description	Current	YTD						
Fed Withholdng	120.10	724.10	Fed Med/ER	24.34	146.41	KAISER	292.94	1,464.70	DELTA	24.29	121.45						
Fed MED/EE	24.34	146.41	Fed OASDI/ER	104.03	626.01	DELTA	10.95	32.85	LTD	17.42	104.52						
Fed OASDI/EE	104.03	626.01	CA Unempl ER	1.67	18.70	HLT RET ER	410.24	2,461.44	RSHR MSC N								
CA Withholdng	40.47	244.74															
CA OASDI/EE	20.13	121.16															
<b>TOTAL:</b>			<b>TOTAL:</b>			<b>TOTAL:</b>			<b>TOTAL:</b>								
	<b>309.07</b>	<b>1,862.42</b>		<b>130.04</b>	<b>791.12</b>		<b>755.84</b>	<b>4,184.96</b>									
<b>TOTAL GROSS</b>			<b>TOTAL DEDUCTIONS</b>			<b>TOTAL TAXES</b>			<b>NET PAY</b>			<b>TOTAL PAY AND BENEFITS</b>					
Current	1,742.00		216.48		309.07	1,216.45	<b>Gross Pay</b>			10,452.00							
YTD	10,452.00		1,182.55		1,862.42	7,407.03	<b>Benefits</b>			4,976.08							
							<b>TOTAL:</b>			<b>15,428.08</b>							
<b>Retain for your records</b>						<b>NET PAY DISTRIBUTION</b>											
MESSAGE:						<b>Bank Name</b>			<b>Account Type</b>			<b>Account Number</b>			<b>Deposit Amount</b>		
												WELLS FARGO BANK NA			Savings		
						<b>TOTAL DIRECT DEPOSIT:</b>						<b>\$1,216.45</b>					

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: 10/26/2021

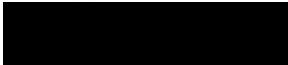
Advice No. 8234224

THE TREASURER HAS DEPOSITED:

**\$1,216.44**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008234224 Pay Date: 10/26/2021 Pay Period Begin Date: 10/02/2021 Pay Period End Date: 10/15/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0										
Employee ID: [REDACTED] Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00											
<b>HOURS AND EARNINGS</b>			<b>BEFORE-TAX DEDUCTIONS</b>		<b>AFTER-TAX DEDUCTIONS</b>									
--- Current ---                      --- YTD ---														
<b>Description</b>	<b>Rate</b>	<b>Hours</b>	<b>Earnings</b>	<b>Hours</b>	<b>Earnings</b>	<b>Description</b>	<b>Current</b>	<b>YTD</b>	<b>Description</b>	<b>Current</b>	<b>YTD</b>			
Regular Pay	21.7750	72.00	1,567.80	384.00	8,361.60	KAISER	22.05	88.20	UNDUE 261	21.78	21.78			
Legal Hol	21.7750	8.00	174.20	16.00	348.40	DELTA	2.31	9.24						
						VsnPremier	4.85	19.40						
						HLT RET EE	34.84	174.20						
						RPTX MSC N	130.65	653.25						
<b>TOTAL:</b>	<b>80.00</b>	<b>1,742.00</b>	<b>400.00</b>	<b>8,710.00</b>	<b>8,710.00</b>	<b>TOTAL:</b>	<b>194.70</b>	<b>944.29</b>	<b>TOTAL:</b>	<b>21.78</b>	<b>21.78</b>			
<b>EMPLOYEE PAID TAXES</b>			<b>EMPLOYER PAID TAXES</b>			<b>EMPLOYER PAID BENEFITS</b>								
<b>Description</b>	<b>Current</b>	<b>YTD</b>	<b>Description</b>	<b>Current</b>	<b>YTD</b>	<b>Description</b>	<b>Current</b>	<b>YTD</b>	<b>Description</b>	<b>Current</b>	<b>YTD</b>			
Fed Withholdng	120.10	604.00	Fed Med/ER	24.33	122.07	KAISER	292.94	1,171.76	KAISER	292.94	1,171.76			
Fed MED/EE	24.33	122.07	Fed OASDI/ER	104.04	521.98	DELTA	24.29	97.16	DELTA	24.29	97.16			
Fed OASDI/EE	104.04	521.98	CA Unempl ER	1.68	17.03	HLT RET ER	17.42	87.10	HLT RET ER	17.42	87.10			
CA Withholdng	40.47	204.27				RSHR MSC N	410.24	2,051.20	RSHR MSC N	410.24	2,051.20			
CA OASDI/EE	20.14	101.03				LTD		21.90	LTD		21.90			
<b>TOTAL:</b>	<b>309.08</b>	<b>1,553.35</b>	<b>TOTAL:</b>	<b>130.05</b>	<b>661.08</b>	<b>TOTAL:</b>	<b>744.89</b>	<b>3,429.12</b>	<b>TOTAL:</b>	<b>744.89</b>	<b>3,429.12</b>			
<b>TOTAL GROSS</b>			<b>TOTAL DEDUCTIONS</b>			<b>TOTAL TAXES</b>			<b>NET PAY</b>			<b>TOTAL PAY AND BENEFITS</b>		
<b>Current</b>	1,742.00		216.48		309.08	1,216.44	<b>Gross Pay</b>			8,710.00				
<b>YTD</b>	8,710.00		966.07		1,553.35	6,190.58	<b>Benefits</b>			4,090.20				
							<b>TOTAL:</b>			<b>12,800.20</b>				
<b>Retain for your records</b>						<b>NET PAY DISTRIBUTION</b>								
MESSAGE:						<b>Bank Name</b>	<b>Account Type</b>	<b>Account Number</b>	<b>Deposit Amount</b>					
						WELLS FARGO BANK NA	Savings	[REDACTED]	\$1,216.44					
						<b>TOTAL DIRECT DEPOSIT:</b>			<b>\$1,216.44</b>					



# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: 10/12/2021

Advice No. 8199696

THE TREASURER HAS DEPOSITED:

**\$1,238.24**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008199696 Pay Date: 10/12/2021 Pay Period Begin Date: 09/18/2021 Pay Period End Date: 10/01/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0							
Employee ID: [REDACTED] Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00								
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS					
Description	--- Current ---		--- YTD ---		Description	Current	YTD	Description	Current	YTD	
	Rate	Hours	Earnings	Hours							Earnings
Regular Pay	21.7750	80.00	1,742.00	312.00	6,793.80	KAISER	22.05	66.15	DELTA	2.31	6.93
Legal Hol				8.00	174.20	VsnPremier	4.85	14.55	HLT RET EE	34.84	139.36
						RPTX MSC N	130.65	522.60			
<b>TOTAL:</b>	<b>80.00</b>	<b>1,742.00</b>	<b>320.00</b>	<b>6,968.00</b>	<b>TOTAL:</b>	<b>194.70</b>	<b>749.59</b>	<b>TOTAL:</b>	<b>0.00</b>	<b>0.00</b>	
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS					
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD			
Fed Withholdng	120.10	483.90	Fed Med/ER	24.33	97.74	KAISER	292.94	878.82			
Fed MED/EE	24.33	97.74	Fed OASDI/ER	104.03	417.94	DELTA	24.29	72.87			
Fed OASDI/EE	104.03	417.94	CA Unempl ER	1.68	15.35	LTD	10.95	21.90			
CA Withholdng	40.47	163.80				HLT RET ER	17.42	69.68			
CA OASDI/EE	20.13	80.89				RSHR MSC N	410.24	1,640.96			
<b>TOTAL:</b>	<b>309.06</b>	<b>1,244.27</b>	<b>TOTAL:</b>	<b>130.04</b>	<b>531.03</b>	<b>TOTAL:</b>	<b>755.84</b>	<b>2,684.23</b>			
<b>TOTAL GROSS</b>	<b>1,742.00</b>		<b>TOTAL DEDUCTIONS</b>	<b>194.70</b>		<b>TOTAL PAY AND BENEFITS</b>	<b>YTD</b>				
Current	1,742.00			309.06		Gross Pay	6,968.00				
YTD	6,968.00			1,244.27		Benefits	3,215.26				
						<b>TOTAL:</b>	<b>10,183.26</b>				
<b>Retain for your records</b> MESSAGE:			NET PAY DISTRIBUTION								
			Bank Name	WELLS FARGO BANK NA		Account Type	Account Number	Deposit Amount	Savings	[REDACTED]	\$1,238.24
			<b>TOTAL DIRECT DEPOSIT:</b>						<b>\$1,238.24</b>		

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: **09/28/2021**

Advice No. 8164937

THE TREASURER HAS DEPOSITED:

**\$1,238.23**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008164937 Pay Date: 09/28/2021 Pay Period Begin Date: 09/04/2021 Pay Period End Date: 09/17/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0										
Employee ID: [REDACTED] Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00											
<b>HOURS AND EARNINGS</b>			<b>BEFORE-TAX DEDUCTIONS</b>		<b>AFTER-TAX DEDUCTIONS</b>									
<b>Description</b> Regular Pay Legal Hol	Rate 21.7750 21.7750	Hours 72.00 8.00	Earnings 1,567.80 174.20	Hours 232.00 8.00	Earnings 5,051.80 174.20	<b>Description</b> KAISER DELTA VsnPremier HLT RET EE RPTX MSC N	Current 22.05 2.31 4.85 34.84 130.65	YTD 44.10 4.62 9.70 104.52 391.95	<b>Description</b> KAISER DELTA HLT RET EE RSHR MSC N LTD	Current 292.94 24.29 17.42 410.24 10.95	YTD 585.88 48.58 52.26 1,230.72 10.95			
<b>TOTAL:</b>			80.00	1,742.00	240.00	5,226.00	<b>TOTAL:</b>		194.70	554.89	<b>TOTAL:</b>		0.00	0.00
<b>EMPLOYEE PAID TAXES</b>			<b>EMPLOYER PAID TAXES</b>			<b>EMPLOYER PAID BENEFITS</b>								
<b>Description</b> Fed Withholdng Fed MED/EE Fed OASDI/EE CA Withholdng CA OASDI/EE	Current 120.10 24.33 104.03 40.47 20.14	YTD 363.80 73.41 313.91 123.33 60.76	<b>Description</b> Fed Med/ER Fed OASDI/ER CA Unempl ER	Current 24.33 104.03 4.53	YTD 73.41 313.91 13.67	<b>Description</b> KAISER DELTA HLT RET EE RSHR MSC N LTD	Current 292.94 24.29 17.42 410.24 10.95	YTD 585.88 48.58 52.26 1,230.72 10.95						
<b>TOTAL:</b>			309.07	935.21	<b>TOTAL:</b>			132.89	400.99	<b>TOTAL:</b>			744.89	1,928.39
<b>TOTAL GROSS</b>			<b>TOTAL DEDUCTIONS</b>			<b>TOTAL TAXES</b>			<b>NET PAY</b>			<b>TOTAL PAY AND BENEFITS</b>		
<b>Current</b>			1,742.00	194.70	309.07	1,238.23	<b>Gross Pay</b>		5,226.00		<b>Benefits</b>		2,329.38	
<b>YTD</b>			5,226.00	554.89	935.21	3,735.90	<b>TOTAL:</b>		7,555.38					
<b>Retain for your records</b>			<b>NET PAY DISTRIBUTION</b>											
MESSAGE:			<b>Bank Name</b> WELLS FARGO BANK NA			<b>Account Type</b> Savings			<b>Account Number</b> [REDACTED]			<b>Deposit Amount</b> \$1,238.23		
			<b>TOTAL DIRECT DEPOSIT:</b>									<b>\$1,238.23</b>		

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

**Date:** 09/14/2021

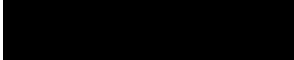
**Advice No. 8130192**

THE TREASURER HAS DEPOSITED:

**\$1,238.23**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008130192 Pay Date: 09/14/2021 Pay Period Begin Date: 08/21/2021 Pay Period End Date: 09/03/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0						
Employee ID: [REDACTED] Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00							
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS				
Description	--- Current ---			--- YTD ---			Description	Current	YTD	
	Rate	Hours	Earnings	Hours	Earnings	Description				Current
Regular Pay	21.7750	80.00	1,742.00	160.00	3,484.00	KAISER	22.05	22.05		
						DELTA	2.31	2.31		
						VsnPremier	4.85	4.85		
						HLT RET EE	34.84	69.68		
						RPTX MSC N	130.65	261.30		
<b>TOTAL:</b>	<b>80.00</b>	<b>1,742.00</b>	<b>160.00</b>	<b>3,484.00</b>	<b>TOTAL:</b>	<b>194.70</b>	<b>360.19</b>	<b>TOTAL:</b>	<b>0.00</b>	
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS				
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD		
Fed Withholdng	120.10	243.70	Fed Med/ER	24.33	49.08	KAISER	292.94	292.94		
Fed MED/EE	24.33	49.08	Fed OASDI/ER	104.04	209.88	DELTA	24.29	24.29		
Fed OASDI/EE	104.04	209.88	CA Unempl ER	4.53	9.14	LTD	10.95	10.95		
CA Withholdng	40.47	82.86				HLT RET ER	17.42	34.84		
CA OASDI/EE	20.13	40.62				RSHR MSC N	410.24	820.48		
<b>TOTAL:</b>	<b>309.07</b>	<b>626.14</b>	<b>TOTAL:</b>	<b>132.90</b>	<b>268.10</b>	<b>TOTAL:</b>	<b>755.84</b>	<b>1,183.50</b>		
TOTAL GROSS		TOTAL DEDUCTIONS		TOTAL TAXES		NET PAY		TOTAL PAY AND BENEFITS		
Current	1,742.00	194.70	309.07	1,238.23	Gross Pay	3,484.00	Benefits	1,451.60	4,935.60	
YTD	3,484.00	360.19	626.14	2,497.67	<b>TOTAL:</b>	<b>4,935.60</b>				
<b>Retain for your records</b>			<b>NET PAY DISTRIBUTION</b>							
MESSAGE:			<b>Bank Name</b>	WELLS FARGO BANK NA	<b>Account Type</b>	Savings	<b>Account Number</b>	[REDACTED]	<b>Deposit Amount</b>	\$1,238.23
			<b>TOTAL DIRECT DEPOSIT:</b> <span style="float: right;"><b>\$1,238.23</b></span>							

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

**Date:** 08/31/2021

**Advice No.** 8095740

**THE TREASURER HAS DEPOSITED:**

**\$1,259.44**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

Statement of Earnings and Deductions City and County of San Francisco			Pay Advice Number: 00000008095740 Pay Date: 08/31/2021 Pay Period Begin Date: 08/07/2021 Pay Period End Date: 08/20/2021			<b>TAX DATA:</b> Tax Status: Single Allowances: N/A Additional Amount:			Federal Single N/A		CA State Single 0			
Employee ID: [REDACTED] Name: <b>Eduardo Guerrero Ortiz</b>			Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly			<b>PAID TIME OFF:</b> Vacation: 0.00 Sick Leave: 0.00 Floating Holiday: 0.00 Furlough Floating Holiday: 0.00 Compensatory Time Off: 0.00 Management Leave: 0.00			<b>Balance</b>		0.00 0.00 0.00 0.00 0.00 0.00			
HOURS AND EARNINGS						BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS					
Description	--- Current ---			--- YTD ---			Description	Current	YTD	Description	Current	YTD		
	Rate	Hours	Earnings	Hours	Earnings	Current							YTD	Current
RegularPay	21.7750	80.00	1,742.00	80.00	1,742.00									
						RPTX MSC N	130.65	130.65						
						HLT RET EE	34.84	34.84						
<b>TOTAL:</b>			<b>80.00</b>	<b>1,742.00</b>	<b>80.00</b>	<b>1,742.00</b>	<b>TOTAL:</b>		<b>165.49</b>	<b>165.49</b>	<b>TOTAL:</b>		<b>0.00</b>	<b>0.00</b>
EMPLOYEE PAID TAXES				EMPLOYER PAID TAXES				EMPLOYER PAID BENEFITS						
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD	Description	Current	YTD			
Fed Withholdng	123.60	123.60	Fed Med/ER	24.75	24.75	RSHR MSC N	410.24	410.24	HLT RET EE	17.42	17.42			
Fed MED/EE	24.75	24.75	Fed OASDI/ER	105.84	105.84									
Fed OASDI/EE	105.84	105.84	CA Unempl ER	4.61	4.61									
CA Withholdng	42.39	42.39												
CA OASDI/EE	20.49	20.49												
<b>TOTAL:</b>			<b>317.07</b>	<b>317.07</b>	<b>TOTAL:</b>		<b>135.20</b>	<b>135.20</b>	<b>TOTAL:</b>		<b>427.66</b>	<b>427.66</b>		
<b>TOTAL GROSS</b>			<b>TOTAL DEDUCTIONS</b>			<b>TOTAL TAXES</b>			<b>TOTAL PAY AND BENEFITS</b>					
Current	1,742.00		165.49		317.07	1,259.44	<b>Gross Pay</b>		<b>YTD</b>		1,742.00			
YTD	1,742.00		165.49		317.07	1,259.44	<b>Benefits</b>		<b>TOTAL:</b>		562.86			
											<b>NET PAY DISTRIBUTION</b>			
<b>Retain for your records</b> MESSAGE:			<b>Bank Name</b>			<b>Account Type</b>			<b>Account Number</b>			<b>Deposit Amount</b>		
			WELLS FARGO BANK NA			Savings			[REDACTED]			\$1,259.44		
											<b>TOTAL DIRECT DEPOSIT:</b>		<b>\$1,259.44</b>	

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

**Date:** 01/04/2022

**Advice No. 8405888**

**THE TREASURER HAS DEPOSITED:**

**\$696.60**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008405888 Pay Date: 01/04/2022 Pay Period Begin Date: 12/11/2021 Pay Period End Date: 12/24/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0							
Employee ID: <span style="background-color: black; color: black;">[REDACTED]</span> Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$23.7625 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 38.00 0.00 0.00 0.00 0.00								
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS					
Description	--- Current ---		--- YTD ---		Description	Current	YTD	Description	Current	YTD	
	Rate	Hours	Earnings	Hours							Earnings
RegularPay	23.7625	40.00	950.50	40.00	950.50	KAISER	22.05	22.05	UNDUE 261	11.88	11.88
						DELTA	2.31	2.31			
						VsnPremier	4.85	4.85			
						HLT RET EE	19.01	19.01			
						RPTX MSC N	71.29	71.29			
<b>TOTAL:</b>	<b>40.00</b>	<b>950.50</b>	<b>40.00</b>	<b>950.50</b>	<b>TOTAL:</b>	<b>119.51</b>	<b>119.51</b>	<b>TOTAL:</b>	<b>11.88</b>	<b>11.88</b>	
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS					
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD			
Fed Withholdng	33.29	33.29	Fed Med/ER	13.08	13.08	KAISER	292.94	292.94			
Fed MED/EE	13.08	13.08	Fed OASDI/ER	55.94	55.94	DELTA	24.29	24.29			
Fed OASDI/EE	55.94	55.94	CA Unempl ER	0.90	0.90	LTD	11.94	11.94			
CA Withholdng	10.27	10.27				HLT RET ER	9.51	9.51			
CA OASDI/EE	9.93	9.93				RSHR MSC N	223.84	223.84			
<b>TOTAL:</b>	<b>122.51</b>	<b>122.51</b>	<b>TOTAL:</b>	<b>69.92</b>	<b>69.92</b>	<b>TOTAL:</b>	<b>562.52</b>	<b>562.52</b>			
TOTAL GROSS		TOTAL DEDUCTIONS		TOTAL TAXES		NET PAY		TOTAL PAY AND BENEFITS			
Current	950.50	131.39	122.51	696.60	Gross Pay	950.50					
YTD	950.50	131.39	122.51	696.60	Benefits	632.44					
					<b>TOTAL:</b>	<b>1,582.94</b>					
<b>Retain for your records</b>			<b>NET PAY DISTRIBUTION</b>								
			MESSAGE:	<b>Bank Name</b>	<b>Account Type</b>	<b>Account Number</b>	<b>Deposit Amount</b>				
				WELLS FARGO BANK NA	Savings	<span style="background-color: black; color: black;">[REDACTED]</span>	\$696.60				
			<b>TOTAL DIRECT DEPOSIT:</b>		<b>\$696.60</b>						

# **EXHIBIT E**

Investigative Report, EEO File No. 3963

May 5, 2022



**EEO INVESTIGATIVE REPORT**

To: Carol Isen, Human Resources Director

Through: Amalia Martinez, EEO Director

Through: Jennifer Burke, EEO Programs Manager

From: Prisma R. Corona, EEO Programs Specialist

EEO File No.: 3963

Complainant: Eduardo Guerrero Ortiz, former 3410 Apprentice Gardener

Respondents: San Francisco Recreation and Parks  
Allison McCarthy, 0922 Park Services Manager  
Randy Vasquez, 3417 Gardener  
Karla Hernandez, former 3410 Apprentice Gardener

Issues/Basis: Sexual Harassment  
Harassment  
Discrimination

Date Complaint Filed: January 11, 2022

Date of Report: May 5, 2023

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EEO Investigator Signature

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EEO Supervisor Signature

## **I. INTRODUCTION & BACKGROUND**

### **A. Work-Related Background**

On August 7, 2021, complainant Eduardo Guerrero Ortiz (Guerrero Ortiz) began working with the San Francisco Recreation and Parks Department (REC) as a permanent exempt (PEX) 3410 Apprentice Gardener. On December 18, 2021, Guerrero Ortiz was released from his position. Guerrero Ortiz reported to Allison McCarthy (McCarthy), then 3422 Park Section Supervisor. McCarthy reported to [REDACTED] 0922 Manager I.

On June 22, 2013, respondent McCarthy began working at REC as a 3410 Apprentice Gardener. On October 25, 2014, McCarthy promoted to a 3417 Gardener position. On May 18, 2019, McCarthy promoted to the 3422 Park Section Supervisor position. On October 29, 2022, McCarthy was promoted to 0922 Manager I.

On August 24, 2019, respondent Randy Vasquez (Vasquez) began working at REC as a 3417 Gardener.

On April 5, 2021, respondent Karla Hernandez (Hernandez) began working for the Human Services Agency (HSA) as a 9916 Public Service Aid. On August 7, 2021, Hernandez promoted to a PEX 3410 Apprentice Gardener position. On July 22, 2022, Hernandez was released.

### **B. Guerrero Ortiz's Complaint**

On January 11, 2022, the City's Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received an e-mail from Guerrero Ortiz, alleging that he was wrongfully released from his position as an Apprentice Gardener. (Ex. A, Attachment 1). Guerrero Ortiz also submitted an attachment detailing his allegations that McCarthy subjected him to discrimination, Vasquez subjected him to harassment, and Hernandez subjected him to sexual harassment. (Ex. A, Attachment 2). On April 14, 2022, Guerrero Ortiz met with Prisma R. Corona (Corona), EEO Program Specialist, for an intake interview (Ex. B, Attachment 1). On March 8, 2023, Guerrero Ortiz met with Corona for a rebuttal interview. (Ex. B, Attachment 2).

## **II. ADMINISTRATIVELY CLOSED ALLEGATIONS**

### **Harassment Allegations**

Guerrero Ortiz alleged that from August to December 2021, McCarthy, Hernandez, and Vasquez subjected him to the following unwelcome conduct:

- (1) From August to September 2021, on different occasions, Vasquez slapped Guerrero Ortiz on the back, saying, "all right bro;" Vasquez asked Guerrero Ortiz why he did not take off his hoodie when it is hot; Vasquez asked Guerrero Ortiz to drive slower; and Vasquez grabbed the tool that Guerrero Ortiz was using instead of grabbing his own.
- (2) From August to December 2021, Hernandez started texting Guerrero Ortiz, even though he did not give her his phone number. Hernandez's text messages invited Guerrero Ortiz out to hangout, to drink beer, to meet a friend, to let him know about a soccer team he could join, to invite him



- to smoke weed, to ask him for homework answers, and to ask if he knew who could build her a table.
- (3) On August 11, 2021, Vasquez told Guerrero Ortiz that he did not belong in the same work truck as Vasquez, and Guerrero Ortiz had to go to a different truck.
  - (4) In September 2021, Hernandez hit Guerrero Ortiz's truck with her door after parking her car too close to his.
  - (5) On September 3, 2021, Hernandez called Guerrero Ortiz multiple times on his personal phone because Guerrero Ortiz was not answering. Hernandez wanted to know if Guerrero Ortiz knew someone who could build her a table. The calls were excessive and unnecessary.
  - (6) On December 3, 2021, McCarthy threw a sharpie at Guerrero Ortiz, hitting him in the face.
  - (7) On December 6, 2021, McCarthy commented that it is not good to be sarcastic, then said, "right Lalo?" to Guerrero Ortiz, signaling him out in front of the group.

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

Guerrero Ortiz is a member of a protected category based on his race (Hispanic) and gender (male). However, the information provided did not suggest that the above conduct was due to Guerrero Ortiz's race or gender. When asked why he believed the conduct was due to his race and gender, Guerrero Ortiz stated that it was because this conduct only happened to him and he was the only Mexican male. However, none of the above conduct was objectively related to race or gender. As such, these allegations do not raise an inference of harassment, and DHR EEO will not conduct further investigation. Nevertheless, McCarthy's alleged conduct of throwing a sharpie at Guerrero Ortiz's face would violate the Equitable, Fair, and Respectful Workplace Policy, and REC will take appropriate action to address McCarthy's conduct.

### **III. ALLEGATIONS REQUIRING INVESTIGATION**

The allegations included in the Charge of Discrimination were investigated and are the subject of this report.

### **IV. DEPARTMENT'S RESPONSE**

On April 3, 2020, Corona sent a "Notification of Charge of Discrimination and a Request for Information" to SFMTA. On May 1, 2020, SFMTA responded to the request (Ex. D)

### **V. INVESTIGATIVE STANDARDS**

#### **A. Sexual Harassment Standard**

To sustain a sexual harassment complaint in violation of the City's EEO Policy, the investigation must establish all of the following: (1) the complainant was subjected to physical, verbal, or visual conduct that was sexual in nature; and (2) the conduct was unwelcome

**B. Harassment Standard**

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

**C. Discrimination Standard**

To sustain a complaint of discrimination/disparate treatment in violation of the City's EEO Policy, the investigation must establish all of the following: (1) the complainant is a member of a protected category; (2) the complainant suffered an adverse employment action; and (3) the complainant suffered an adverse employment action because of their membership in a protected category. An adverse employment action is any objectively materially adverse action affecting the terms, conditions, or privileges of employment. Actions considered materially adverse are those that impair a reasonable employee's job performance or prospects for advancement.

**VI. ALLEGATIONS REQUIRING FURTHER INVESTIGATION**

**A. Sexual Harassment Allegations**

Guerrero Ortiz alleged that from August 2021 to December 2021, Hernandez subjected him to the following unwelcome conduct of a sexual nature:

- (1) Once, Hernandez told Guerrero Ortiz that she wanted his hoodie. She said it in a sexual tone.
- (2) Once, in November 2021, after Guerrero Ortiz told Hernandez about his breakup with his girlfriend, Hernandez responded, "That's how White bitches are, they cheat on you. Why were you even with her? Someone else is fucking her already, why do you even bother."
- (3) At least ten times, Hernandez sang the lyrics to a song called "Dale Tilin," which translates to "give her dick." Guerrero Ortiz believed Hernandez sang the song to refer to someone else "fucking" his girlfriend. Guerrero Ortiz believes that [REDACTED] witnessed Hernandez singing the song.
- (4) At least seven times, Hernandez made the "blow job" gesture at Guerrero Ortiz. She had her mouth open and pumped the air in front of her mouth with her fist. Guerrero Ortiz believes that [REDACTED] and [REDACTED] witnessed Hernandez making this gesture.

**B. Harassment Allegations**

Guerrero Ortiz alleged that between August and November 2021, Vasquez subjected him to the following offensive and unwelcome conduct based on race (Hispanic):

- (1) On August 24, 2021, Vasquez assigned Guerrero Ortiz to work with [REDACTED], 3410 Apprentice Gardner, and told them, "This way you can speak your own language to each other." Vasquez assigned Guerrero Ortiz to work with [REDACTED] approximately four times. Guerrero Ortiz believed Vasquez paired him to work with [REDACTED] due to their race (Hispanic).

- (2) In September 2021, Vasquez made a comment about Guerrero Ortiz's mustache getting long and asked him if it was a Mexican style. When Guerrero Ortiz said it was, Vasquez told him that he needed to trim it. Guerrero Ortiz believed Vasquez's comment was meant as an insult based on race. No one witnessed this comment.

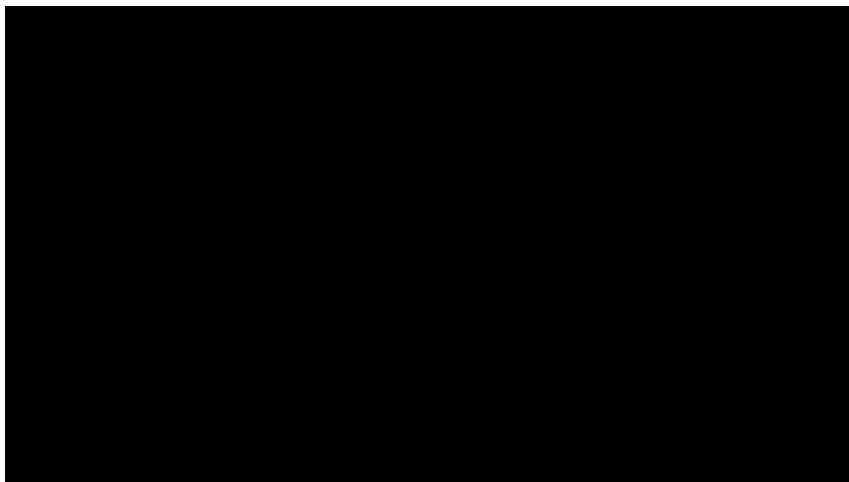
**C. Discrimination Allegations**

Guerrero Ortiz alleged that on December 17, 2021, McCarthy subjected him to discrimination based on race (Hispanic) and gender (male) by directing his release from the Gardening Apprenticeship Program. Guerrero Ortiz believes that McCarthy has a bias against males because she commented that a woman started the Gardening program. McCarthy also commented that there were too many males doing this job, and that females could do the job just as well. Guerrero Ortiz also believed that McCarthy had a pre-conceived notion of him based on his race because McCarthy made comments about how she did not think he spoke nor understood English. No one witnessed this. In addition, Guerrero Ortiz alleged that after his release, [REDACTED], 1244 Senior Human Resources Analyst, told Guerrero Ortiz that he was released for calling someone a "mamacita," a Spanish term that means, "hot momma" Guerrero Ortiz believed that McCarthy's biases against him ultimately led to his termination from the apprenticeship program.

**VI. THE INVESTIGATION**

**A. Summary of Interviews**

The following individuals were interviewed as part of this investigation:



Ex. C, Attachments 1 through 13

**B. Summary of Documents Reviewed**

See Ex. E Summary of Documents Reviewed.

## VII. INVESTIGATIVE FINDINGS & ANALYSIS

### A. Sexual Harassment Allegations

#### 1. Relationship Between Parties Involved

##### a. Interview of Guerrero Ortiz

Guerrero Ortiz met Hernandez on his first day of work. Guerrero Ortiz and Hernandez worked together every day. Hernandez wanted to be friends with him, but Guerrero Ortiz wanted to keep things professional and friendly. Hernandez texted Guerrero Ortiz, and Guerrero Ortiz responded to her texts. Guerrero Ortiz and Hernandez socialized outside of work on one occasion, but it was a group setting. They never became friends.

##### b. Interview of Hernandez

Hernandez reported that she met Guerrero Ortiz their first day as apprentices. They interacted daily and would get together in the mornings before being split into groups. Guerrero Ortiz was kind and respectful in the beginning and then he changed. Although Hernandez and Guerrero Ortiz were not friends, on one occasion, they socialized outside of work in a group setting.

##### c. Witness Testimony

██ met both Hernandez and Guerrero Ortiz on their first day of work in the apprenticeship program and worked together on a daily basis. ██████ did not consider Hernandez a friend, instead stating that they were more like acquaintances, even though ██████ messaged Hernandez to ask her how she was doing. ██████ and Guerrero Ortiz were not friends. ██████ explained, "We're Latinos. We all speak Spanish and so we all joked around with each other a little more. We had something in common. We could communicate in a more comfortable way. Things were always respectful between the three of us. ██████ described Hernandez as friendly and sincere. Hernandez cares about everyone and is hardworking. ██████ described Guerrero Ortiz as "hardworking. He always volunteered for anything that was needed. He was pleasant to work with and had a good spirit."

██ met both Guerrero Ortiz and Hernandez in August 2021 when they began working in the Apprenticeship program. ██████ is a captain in the apprenticeship program and supervised both Guerrero Ortiz and Hernandez. ██████ said Hernandez is "sweet and bubbly. She's always looking out for other people. She's a nice person and a hard worker." He described Guerrero Ortiz as very quiet. ██████ stated that Guerrero Ortiz, "was a hard worker. If I said we had to do something, he would say okay."

██ : ██████ met both Hernandez and Guerrero Ortiz when they all began working in the apprenticeship program. ██████ worked with both Hernandez and Guerrero Ortiz on a daily basis. ██████ described Hernandez as caring and funny with a big heart. She described Guerrero Ortiz as cold, calculated, intense, and quiet. She also stated that Guerrero Ortiz is not really a team player. In October 2021, ██████ and Guerrero Ortiz became roommates. They got along well until December 2021. Then Guerrero Ortiz was released from his position and blamed ██████ for not doing more to help him keep his job. He accused her of spreading stories about him. After that, they did not get along anymore.

██ met both Hernandez and Guerrero Ortiz on their first day of

the apprenticeship program and worked together on a daily basis. [REDACTED] described Hernandez as outgoing, bubbly, and kind. He considered Hernandez a friend, even though he did not hear from her much after she was released from employment. [REDACTED] described Guerrero Ortiz as shy, kind, and playful. [REDACTED] and Guerrero Ortiz were acquaintances, although they hung out outside of work a couple of times before Guerrero Ortiz was released.

[REDACTED]: [REDACTED] met Hernandez and Guerrero Ortiz when they all began working in the apprenticeship program and worked together on a daily basis. [REDACTED] described Hernandez as generally happy and friendly. He described Guerrero Ortiz as happy, friendly, and always willing to help. [REDACTED] also stated that Guerrero Ortiz was eager to please and hard working.

[REDACTED]: [REDACTED] never met Hernandez or Guerrero Ortiz in person. He spoke to both of them on the phone for HR matters.

**Allison McCarthy, 0922 Manager 1:** In August 2021, McCarthy met both Guerrero Ortiz and Hernandez when they were hired for the apprenticeship program. McCarthy directly supervised both Guerrero Ortiz and Hernandez and saw them both every day while they worked for the apprenticeship program. McCarthy described Hernandez as “very customer service oriented, bubbly, kind, positive, hardworking, and friendly.” She described Guerrero Ortiz as a very hard worker. McCarthy stated that Guerrero Ortiz was “very good with physical labor but he struggled with interpersonal relationships.”

[REDACTED]: [REDACTED] remembered Hernandez’s name, but not face. He did not work directly with Hernandez. [REDACTED] met Guerrero Ortiz when Guerrero Ortiz called [REDACTED] and then met up with him to ask about becoming a Gardener. [REDACTED] told Guerrero Ortiz about the apprenticeship program. [REDACTED] worked with Guerrero Ortiz in the apprenticeship program approximately six times. [REDACTED] stated that Guerrero Ortiz “seemed like a nice guy. He seemed to like plants.”

[REDACTED]: [REDACTED] has known Hernandez for many years. She went to school with Hernandez’s younger sister. [REDACTED] saw both Guerrero Ortiz and Hernandez daily when she signed in to work at the nursery starting in November 2021. [REDACTED] described Hernandez as an acquaintance; they do not hang out. She said Hernandez is very bubbly and happy. [REDACTED] stated that she did not know Guerrero Ortiz, she just saw him at work. She said that from what she saw, he seemed like “those ‘macho’ type of men.” She did not really like him, and as such, did not pay him much attention. [REDACTED] explained that the first time she met Guerrero Ortiz, he told her, “You’re so beautiful. I want to get to know you better.” [REDACTED] told him that it was sexual harassment and to not talk to her that way. After that, Guerrero Ortiz did not talk to her anymore.

[REDACTED]: [REDACTED] did not work directly with Hernandez or Guerrero Ortiz because they reported to his direct report (McCarthy). [REDACTED] knew Hernandez very superficially, and he did not do any direct counsels with Guerrero Ortiz until the end of his employment. [REDACTED] described Hernandez as very amicable. He stated that she seemed somewhat introverted, but Hernandez was also hardworking. [REDACTED] described Guerrero Ortiz as very earnest and serious. [REDACTED] stated that Guerrero Ortiz seemed to be very sensitive. From what McCarthy told [REDACTED] about Guerrero Ortiz’s interactions with Vasquez, Guerrero Ortiz could also be oppositional.

**Randy Vasquez, 3417 Gardener:** Vasquez met both Hernandez and Guerrero Ortiz when they all began working in the apprenticeship program. Vasquez is a captain in the apprenticeship program and supervised both Hernandez and Guerrero Ortiz while they worked in the field. Vasquez described Hernandez as hardworking and happy. He described Guerrero Ortiz as quiet and hardworking.

██████████ met both Hernandez and Guerrero Ortiz through the apprenticeship program and worked together on a daily basis. ██████████ considered Hernandez a friend, even though they had not spoken since Hernandez was released from her employment. ██████████ described Hernandez as really nice and caring; saying she was always positive. ██████████ and Guerrero Ortiz were work friends. She described Guerrero Ortiz as funny with a lot of energy. They got along really well.

## 2. Interview of Guerrero Ortiz

In January 2022, Guerrero Ortiz reported that on multiple occasions, Hernandez subjected him to sexual harassment by making inappropriate comments, including comments about his beard and telling him that she wanted his hoodie. Although not all of the comments were sexual, the tone she used when she said she wanted his hoodie sounded sexual. Guerrero Ortiz believes that ██████████ witnessed most of Hernandez's comments. In November 2021, after Guerrero Ortiz told Hernandez that his girlfriend had broken up with him and he was sad, Hernandez said, "that's how White bitches are, they cheat on you. Why were you even with her? Someone else is fucking her already, why do you even bother?" Guerrero Ortiz did not report these comments at the time they were made because he did not want to have any problems. He just wanted to focus on his job.

Guerrero Ortiz also alleged that, more than ten times, Hernandez sang the song "Dale Tilin," repeatedly after he told her that his girlfriend broke up with him. The song is very sexual and offended him because Hernandez was singing it about someone else "fucking" his girlfriend. Hernandez had not sung the song prior to Guerrero Ortiz explaining that his girlfriend had broken up with him. Guerrero Ortiz did not respond, other than to shake his head. In addition to the inappropriate song lyrics, Hernandez also made a lewd gesture at Guerrero Ortiz. Approximately seven times, she pumped the air in front of her mouth with her fist, mimicking a gesture of performing oral sex or "blow job." Guerrero Ortiz believed Hernandez was a bully and acted this way because she wanted to get to him; she was trying to get him fired. Both ██████████ 3417 Gardener, saw Hernandez make this gesture. Guerrero Ortiz also told ██████████ 3410 Apprentice Gardener, about Hernandez's conduct.

During his rebuttal interview, Guerrero Ortiz reiterated that Hernandez asked him for his hoodie in a sexual tone, made the comment about his mustache, and made the comment about his girlfriend.

## 3. Witness Testimony

██████████ heard Hernandez sing the song "Dale Tilin." ██████████ stated that she did not know what the song was about, even though they heard it all the time. ██████████ did not know if Hernandez sang the song for any specific reason.

Guerrero Ortiz told Hernandez that his girlfriend broke up with him after Hernandez commented that he was being too quiet. Hernandez tried to make him feel like he was okay with or without her. ██████████ did not remember if Hernandez made the specific comment that Guerrero Ortiz's girlfriend was a "White bitch," because ██████████ has a really bad memory, but she stated that Hernandez, "could have said this. It was meant to open his eyes so he wouldn't be played with." ██████████ stated that Hernandez and Guerrero discussed his girlfriend at least three times.

██████████ did not remember hearing or seeing Hernandez make a sexual gesture. She stated, "I'm not going to say

that Lalo is lying. I'm just going to say that if it happened, I didn't see it, and that even if I did, it isn't something that would bother me or that it would be something that would stay in my memory. It's one of those things that are not important enough for me to notice if they happened."

█████ stated that on an unknown date, Guerrero Ortiz told █████ that Hernandez maybe liked Guerrero Ortiz in a romantic way. At least that was Guerrero Ortiz's perception. Guerrero Ortiz told █████ that he was not comfortable around Hernandez and showed █████ a lot of texts messages that Hernandez sent Guerrero Ortiz. The only text message that was inappropriate was one where Hernandez was holding a marijuana joint.

In December 2021, Guerrero Ortiz told █████ that Hernandez had sang "Dale Tilin," a sexual based song to him. Hernandez once asked █████ about Guerrero Ortiz's girlfriend, but █████ did not remember the context. Although Guerrero Ortiz stated that he told █████ about Hernandez making a sexual gesture, █████ denied hearing about this. She stated, "I think that I would have remembered this because I remembered other things."

█████ and █████ did not hear Hernandez ask Guerrero for his hoodie or comment about his beard.

█████ did not hear Hernandez ask Guerrero Ortiz for his hoodie; comment about his beard, sing "Dale Tilin:" talk about his ex-girlfriend, or make any sexual gestures towards Guerrero Ortiz.

#### 4. Interview of Hernandez

Hernandez denied making any inappropriate comments, although she stated that when they spoke in Spanish, they said, "ay, no mames," which means, "don't kid like that." She said it is maybe not appropriate, but it was not said with a bad intention, and it is not a sexual statement.

Hernandez stated that once, when they were all together, Guerrero Ortiz took off his hoodie. It was the first time they had seen him without his hoodie. She told him that his uniform looked good on him. Guerrero Ortiz immediately looked uncomfortable. It was obvious from his facial expression. Hernandez did not remember when this occurred, but she thinks █████ was there.

Hernandez believes that she once asked Guerrero Ortiz if he had an extra sweatshirt, but Hernandez denied that she asked in a sexual tone. She also denied commenting that Guerrero Ortiz had a chino beard, referring to his beard as stringy or weird, or saying that it did not look the way a Mexican beard should.

Hernandez acknowledged that she sang the song "Dale Tilin," stating that the song was popular and it was in her head. She only remembered singing the song one time. She denied that she sang the song to Guerrero Ortiz; that the song was directed at him; or that it had anything to do with his girlfriend.

Hernandez stated that Guerrero Ortiz initiated a conversation with her and █████ about how he was having problems with his girlfriend. She told him to be patient with her. Hernandez denied making the comment "that's how White bitches are, they cheat on you. Why were you even with her? Someone else is fucking her already. Why do you even bother?" She stated that the only conversation she had with Guerrero Ortiz about his girlfriend was when he told her and █████ that his girlfriend's parents made him feel less because he is Mexican. Hernandez told him to be patient and not take it personally.

Hernandez denied making a lewd gesture or mimicking oral sex saying that she was never vulgar, especially not in this way. Hernandez did not know why Guerrero Ortiz made these allegations against her, but stated that he did not like her.

**C. Harassment Allegations**

1. Relationships Between Parties Involved

a. Interview of Guerrero Ortiz

Guerrero Ortiz met Vasquez on his first day of work. Guerrero Ortiz and Vasquez worked together every day. Vasquez was very intense. Guerrero Ortiz and Vasquez were just co-workers who were there to make a living. They were not friends and never socialized outside of work.

b. Interview of Vasquez

Vasquez met Guerrero Ortiz at work. Guerrero Ortiz was quiet and hardworking. They worked together every day. Vasquez thought he and Guerrero Ortiz had a good working relationship, although Guerrero Ortiz always seemed bit nervous. They were not friends and never socialized outside of work.

c. Witness Testimony

██████ met Vasquez on the first day of work when he was introduced as the captain for the apprenticeship program. ██████ worked directly with Vasquez on a daily basis for the first six months of her employment. Vasquez is cheerful, knowledgeable, has high energy and is pleasant to work with. ██████ and Vasquez are not friends and have never socialized outside of work.

██████ met Vasquez when Vasquez started, maybe in 2019 or 2020. ██████ and Vasquez were co-workers and co-captains in the same unit. From August 2021 to February 2022, they worked together daily. Vasquez is a super nice guy. He loves his work and is always laughing and smiling. He is a trustworthy person. ██████ and Vasquez are friends. They have never socialized outside of work, but they text each other and occasionally talk on the phone.

██████ met Vasquez at the apprenticeship program when he was one of the captains. ██████ worked with Vasquez daily. Vasquez is funny and knowledgeable. He is patient, caring, and passionate about what he does. ██████ and Vasquez have a great working relationship and she trusts his guidance. ██████ and Vasquez are not friends and have never socialized outside of work.

██████ met Vasquez on the first day of the apprenticeship program. Vasquez was the captain, and another leader of the program. ██████ worked directly with Vasquez on a daily basis. Vasquez is easygoing, organized, and kind. ██████ and Vasquez are not friends and have never socialized outside of work.

**Hernandez** met when she started the apprenticeship program. Hernandez interacted with Vasquez daily for the first six months of employment. Vasquez is respectful, kind, and understanding. He shares his knowledge with the group. Hernandez and Vasquez were good co-workers, but not friends. They did not socialize outside of work.



█ met Vasquez on the first day of work. He worked directly with Vasquez during the first six months of employment while working in the mobile crew. Vasquez taught them how to use safe practices and gave them guidance. Vasquez is friendly, outgoing, confident, and supportive. █ and Vasquez have a positive working relationship but are not friends.

█ knows Vasquez's name because he knows that he is a captain in the gardening apprenticeship program, but does not recall ever meeting him or chatting with him.

█ knew Vasquez when he was a Gardner but did not work directly with him until he became a captain with the mobile crew. Vasquez is outgoing, direct, friendly, and open. He was eager to do a good job. █ and Vasquez had a positive working relationship but were not friends.

█ met Vasquez in January 2022, when █ was asked to do a couple of things with the apprentices. Throughout January 2022, daily, █ worked directly with Vasquez. Prior to that, and after that, they had no contact. Vasquez seemed very ambitious. He was a "green" captain and seemed to have a lot of energy. █ and Vasquez are not friends and never socialized outside of work.

█ met Vasquez when he became a captain for the apprenticeship program but did not really know him because she was not part of their circle. She saw Vasquez every day during sign-in. Vasquez is chipper. He is always smiling and is always positive.

█ met Vasquez in 2018 when Vasquez was a new hire. █ works directly with Vasquez on occasion, but McCarthy was Vasquez's direct supervisor. Vasquez is clear in his communication and is a "straight shooter." He is empathetic and is always self-evaluating. Vasquez is honest and █ has a lot of trust in him and they maintain very straightforward relationship.

█ met Vasquez through the apprenticeship program, where Vasquez was the captain. █ worked directly with Vasquez on a daily basis. Vasquez was rough around the edges in the beginning, but then he got his groove as a captain. He is sweet, and cares a lot about all of the team. █ and Vasquez are not friends and have never socialized outside of work.

## 2. Interview of Guerrero Ortiz

On August 24, 2021, Vasquez assigned Guerrero Ortiz to work with █ saying, "this way you can speak your own language together." This separated Guerrero Ortiz and █ from those who spoke English. When Vasquez made this comment, █ said, "that's not cool." Guerrero Ortiz stated that Vasquez had paired Guerrero Ortiz to work with █ three times prior to making this comment. When Vasquez made this comment, Guerrero Ortiz understood why Vasquez paired Guerrero Ortiz to work with █. Guerrero Ortiz believes Vasquez made this comment because Guerrero Ortiz is Mexican. Vasquez specifically mentioned speaking Spanish as a reason for pairing Guerrero Ortiz with █.

In September 2021, Vasquez told Guerrero Ortiz that his mustache was getting long, then asked him if it was a Mexican style. When Guerrero Ortiz told Vasquez, it was a Mexican style, Vasquez told Guerrero Ortiz that he needed to trim it.

On March 7, 2022, during his rebuttal interview, Guerrero Ortiz maintained that Vasquez paired Guerrero Ortiz and █ to work together because of their language. He stated that as an immigrant, he has

always gotten that treatment. When told that [REDACTED] did not corroborate his allegation, Guerrero Ortiz stated that, "at the end, Karla, Randy, and [REDACTED] all became friends," although they did not corroborate this.

During his rebuttal interview, Guerrero Ortiz also maintained that Vasquez made the comment about Guerrero Ortiz's mustache, stating, "Of course he's going to deny it, but he did say it."

### 3. Witness Testimonies

[REDACTED] heard Vasquez say that she and Guerrero Ortiz could work together and could talk to each other in Spanish, but does not remember Vasquez pairing them to work together because they spoke Spanish. [REDACTED] stated that Guerrero Ortiz and her probably volunteered to work on the same assignment because they were either randomly assigned or volunteered to work together. [REDACTED] did not hear Vasquez comment on Guerrero Ortiz's mustache.

Vasquez told [REDACTED] that he told Guerrero Ortiz something like "that's great, you guys can speak Spanish together." Vasquez also told [REDACTED] that Guerrero Ortiz shaved, and Vasquez thought it was cool that Guerrero Ortiz had a mustache.

[REDACTED] witnessed Vasquez and Guerrero Ortiz talking about each other's facial hair during morning banter. Guerrero Ortiz told [REDACTED] that he was uncomfortable about Vasquez mentioning his facial hair, but did not tell her that Vasquez asked him if it was a "Mexican thing." Guerrero Ortiz told [REDACTED] that Vasquez paired him to work with [REDACTED] so that they could speak their language. [REDACTED] counseled Vasquez and had him review the language, harassment, and discrimination policies.

McCarthy told [REDACTED] that Vasquez made a comment that Guerrero Ortiz could speak his language with another co-worker, and that Vasquez said something about Guerrero Ortiz's facial hair. [REDACTED] did not remember the exact comment, but it was portrayed as being complementary.

[REDACTED] never heard of Vasquez assigning Guerrero Ortiz to work with [REDACTED] based on language, stating that they were all assigned to work with each other randomly. [REDACTED], never heard of Vasquez making any comments about Guerrero Ortiz's mustache or Vasquez assigning Guerrero Ortiz to work with [REDACTED]

### 4. Interview of Vasquez

Vasquez denied assigning Guerrero Ortiz to work with [REDACTED] due to their race. Vasquez did not remember why Guerrero Ortiz and [REDACTED] were assigned to work together, stating that, "it is pretty random how people are assigned to work together. They could be assigned together because they are standing next to each other. It could be because they volunteered for a specific job." Vasquez acknowledged that he said something along the lines of, "you both speak Spanish, that's great. It's great that you can ride together and keep talking."

Vasquez denied making a comment about Guerrero Ortiz's mustache. Vasquez stated that sometimes people talk about their beards at work, but he did not talk about Guerrero Ortiz's mustache. Vasquez believes that Guerrero Ortiz made these allegations against him because he got fired and he is trying to

do anything to get his job back. Guerrero Ortiz also has something against Vasquez, and as such would be motivated to make up lies about him.

**D. Discrimination Allegations**

1. Relationships Between Parties

a. Interview of Guerrero Ortiz

Guerrero Ortiz met McCarthy on his first day of work, but they had emailed regarding the position prior to that. McCarthy is generally a nice lady who takes her job very seriously and loves what she does. Although, Guerrero Ortiz felt that McCarthy was distant and cold towards him specifically. Occasionally, when he said good morning, she would not respond, so he stopped saying it. Guerrero Ortiz was careful around McCarthy because he had a feeling that she did not like him. Guerrero Ortiz and McCarthy were not friends. She was his boss and he was just an apprentice.

b. Interview of McCarthy

McCarthy met Guerrero Ortiz in August 2021 when he was hired as a Gardener. McCarthy was Guerrero Ortiz's immediate supervisor and handled all of his sign-ins and sign-outs. McCarthy worked with Guerrero Ortiz daily. He was a hard worker but struggled with interpersonal relationships. The first eight weeks of employment, Guerrero Ortiz was friendly. Things started unraveling around October/November, when Guerrero Ortiz would not follow instructions and McCarthy noticed that he was having problems with interpersonal relationships. McCarthy and Guerrero Ortiz were not friends and did not socialize outside of work.

c. Witness Testimony

█ met McCarthy on the first day on the job because McCarthy was the supervisor. For the first six months, █ worked directly with McCarthy every day. McCarthy is very pleasant, cares about everybody, makes sure that everyone is good, and wants her employees to learn and make it through the program successfully. █ and McCarthy are not friends and have never socialized outside of work.

█ met McCarthy when he got fired, approximately seven years ago. McCarthy is █'s supervisor. Since date to date, daily, █ has worked with directly with McCarthy. McCarthy is awesome. She is an amazing boss. She is fair, knowledgably, and pleasant. █ trusts and looks up to McCarthy. █ and McCarthy are friends. They have socialized outside of work before but not for the last four years.

█ met McCarthy once in May 2021, then met her again when █ interviewed for the gardening apprenticeship program. █ worked with McCarthy daily. McCarthy was the supervisor of the program. McCarthy was kind, professional, caring, and organized. █ and McCarthy are not friends and have never socialized outside of work.

█ met McCarthy when she interviewed him, and then again when he started working. McCarthy was █'s supervisor. █ worked directly with McCarthy on a daily basis. She gave them directions and personal guidance. McCarthy is organized, pragmatic, caring, and kind. █ and McCarthy are not friends and do not socialize outside of work.

██████████ met McCarthy on ██████████'s first day of work. ██████████ worked directly with McCarthy every day. They did stretches, learning, and daily activities together. McCarthy is professional, respectful, understanding, and kind. ██████████ and McCarthy are not friends and have never socialized outside of work.

██████████ was formally introduced to McCarthy on his first day of work. From August 2021 to February 2022, ██████████ worked directly with McCarthy on a daily basis. McCarthy was ██████████'s immediate supervisor. McCarthy is outgoing, confident, approachable, and friendly. McCarthy is very supportive and wants everyone to succeed. ██████████ and McCarthy are not friends and have never socialized outside of work.

██████████ met McCarthy approximately a year ago when McCarthy went to the office and introduced herself. Most of ██████████'s interactions with McCarthy are through email and tend to be about HR guidance and advice. ██████████ and McCarthy do not interact on a regular basis. ██████████ and McCarthy are not friends and do not socialize outside of work.

██████████ met McCarthy when she was an apprentice sometime prior to 2016, but began working closely with her in 2019 when she was promoted. ██████████ does not work with McCarthy on a daily basis, but they interact maybe two or three times a week because their jobs overlap. McCarthy is one of the smartest and hardworking people that McCarthy knows. ██████████ and McCarthy are work friends. They have never socialized outside of work.

██████████ met McCarthy in 2019, when ██████████ was hired at REC. ██████████ interacted with McCarthy every day. McCarthy was ██████████'s supervisor. McCarthy is awesome. She is really helpful, always tried her best to help everyone. ██████████ and McCarthy are not friends and have never socialized outside of work.

██████████ met McCarthy when she began in the apprenticeship program in 2014 or 2015, but he got to know her a lot better when she became the supervisor of the apprenticeship program and McCarthy became his direct report. While ██████████ supervised McCarthy, they had daily contact. McCarthy is extraverted and energetic. She is very intelligent and capable. She is one of the best and brightest people that ██████████ has ever worked with. She treats her employees with respect and is very present with people. ██████████ and McCarthy are friendly, but not friends. ██████████ and McCarthy have occasionally socialized outside of work, but not since 2019.

██████████ met McCarthy when he started working for the apprenticeship program in August 2021. That is when ██████████ started working directly with McCarthy on a daily basis. McCarthy was ██████████'s immediate supervisor. McCarthy is hardworking, intelligent, and easy going. ██████████ and McCarthy are not friends and have never socialized outside of work.

██████████ met McCarthy when ██████████ interviewed for the apprenticeship program and then again on her first day of work. ██████████ worked directly with McCarthy on a daily basis. McCarthy is really nice, fair, cares about her employees and wants them to do well. She also treats everyone the same regardless of their background or experience. ██████████ and McCarthy are not friends and have never socialized outside of work.

## 2. Interview of Guerrero Ortiz

Guerrero Ortiz believed that McCarthy wanted to get rid of him because he is a Mexican male. McCarthy spoke about how a woman started the Gardening program, and her focus was to keep the "ladies in the program and get rid of the guys." McCarthy also commented that "there are too many males doing this

job and that ladies can do the job just as well.” There were approximately three males in Guerrero Ortiz’s cohort, and about ten females. Guerrero Ortiz did not think that McCarthy targeted the other two males, [REDACTED] [REDACTED] because they were White, while Guerrero Ortiz is Mexican.

When Guerrero Ortiz introduced himself to his cohort, he told everyone that he migrated to San Francisco from Mexico. Guerrero Ortiz believed McCarthy had something against Mexican males because he has a water bottle with a Mexican flag on it and she told him, “I don’t think that looks good.” McCarthy also commented that she did not think Guerrero Ortiz knew how to speak English.

On December 17, 2021, Guerrero Ortiz was released from his position at REC. He believes McCarthy directed his release because he is a Mexican male. After his release, Guerrero Ortiz spoke to [REDACTED] who told him that he was released because he called someone a “mamacita.” McCarthy had previously told Guerrero Ortiz that she was informed that he had referred to a woman passing by as “mamacita.” Guerrero Ortiz denied making the comment, but McCarthy did not believe him. McCarthy used Guerrero Ortiz’s race and gender to support a false allegation against him which led to his release.

### 3. Interview of McCarthy

During orientation, McCarthy talks about the program history, such as where the program started, and where it is today. During the orientation presentation McCarthy would have shared that a female Gardener, Joan V., had a very strong role in starting the Apprenticeship program.

McCarthy denied stating that there are too many males doing this job and females could do the job just as well. She does talk about body mechanics and mentions that some of the tools they use are designed for larger, male frames, and that women or those with a smaller frame have to maneuver their bodies differently for safety reason. Other than that, McCarthy does not emphasize gender.

McCarthy does not consider race or national origin when hiring for the apprenticeship program. [REDACTED] and the City deal with the hiring process, while McCarthy only participates in the interview panels.

McCarthy did not make the comment that she did not think Guerrero Ortiz spoke English. McCarthy knew that Guerrero Ortiz spoke English because she heard him speak English the first day of his hire. Several weeks after orientation McCarthy noticed that Guerrero Ortiz was not engaging at work, so she told him that if anything is not clear, if he is an English language learner, there are other techniques she could use to help him. McCarthy texts other employees in their native language, or uses an app that translates. They have a lot of English learners in the program.

Guerrero Ortiz was released from the Apprenticeship program for a violation of the City’s Respect Policy. McCarthy spoke to Guerrero Ortiz about how it is not okay to comment about Hernandez’s work performance. McCarthy also told Guerrero Ortiz that she was told that he called someone a “mamacita.” Guerrero Ortiz demanded to know who told her. He got aggressive and was very upset about the accusation. McCarthy did not tell him who told her, and moved the conversation forward, requesting that Guerrero Ortiz apologize to Hernandez. After lunch, Guerrero Ortiz told McCarthy that he apologized to Hernandez and that she cried like a baby. He also said that he thought everything was okay now. Shortly after that, Hernandez told McCarthy that Guerrero Ortiz told Hernandez, “If I lose my job, you’re going to lose yours too.” After that, McCarthy, along with [REDACTED] and REC’s HR started Guerrero Ortiz’s release of

employment for violation of the respect policy and retaliation against Hernandez for reporting Guerrero Ortiz's conduct to McCarthy.

McCarthy did not ask Guerrero Ortiz if he retaliated against Hernandez. McCarthy had experienced Guerrero Ortiz being insistent and demanding, and after seeing Hernandez upset and crying hysterically, McCarthy did not reengage with Guerrero Ortiz.

McCarthy denied she directed Guerrero Ortiz's release from the apprenticeship program, stating that the release process includes multiple people. McCarthy also denied that Guerrero Ortiz was released due to his gender (male) or his race and national origin (Hispanic/Mexican). She would never do that. McCarthy believed that Guerrero Ortiz filed this complaint against her because he was very upset about losing his position.

#### 4. Witness Testimonies

██████ believed that Guerrero Ortiz was released due to a combination of complaints made against him by Hernandez and ██████. She thought maybe his release also had something to do with his race because Hernandez was also released and they were both Hispanic. She did not believe his release had anything to do with his gender because there are a lot of other men in the program.

████████████████████ witnessed Guerrero Ortiz say that a Gardner was a "mamacita." He was talking to ████████████████████ when he made the comment.

████████████████████, stated that Guerrero Ortiz was released for a violation of the respect policy after threatening Hernandez.

██████ did not know why Guerrero Ortiz was released from the program. Only that Guerrero Ortiz believed that he was released because he was Mexican and because Hernandez did something to get him fired. Guerrero Ortiz believes that the world is against him. He feels like a victim and is always on the defensive. She believed that Guerrero Ortiz was released because he is a pathological liar who had lied to her plenty of times and was not a team player in a team environment.

██████ was not aware that Guerrero Ortiz had referred to a woman as "mamacita." ██████ denied telling Guerrero Ortiz that he was released for calling someone "mamacita," stating that he told Guerrero Ortiz that he was released for a violation of the respect policy.

████████████████████ did not believe that Guerrero Ortiz was released due to his race or gender. ██████ added that there are a lot of Latino and male people who work in the gardening program. The place is very diverse.

McCarthy sent the recommendation to release Guerrero Ortiz up the chain of command. ██████ then engaged REC's HR to make the final determination. McCarthy told ██████ that Hernandez reported that she heard Guerrero Ortiz call someone a "mamacita." ██████ explained that the "mamacita" comment would not have caused Guerrero Ortiz's release in itself. ██████ would have had a conversation with him, had him apologize, and that would have been the end of it.

████████████████████ did not hear about McCarthy commenting that there are too many males working in the apprenticeship program, that a woman started the program, or commenting that she did not think Guerrero Ortiz spoke or understood English. ██████ added that McCarthy told them to, “speak English so that everyone could know what was being said; to be aware so people don’t think you are talking about them.”

████████████████████ heard ██████ say something about how it is a male dominated workforce. It was not negative comment. There are a lot more males than females in the gardening program. They did not hear about McCarthy commenting that a woman started the apprenticeship program, or that Guerrero Ortiz did not understand or speak English.

████████████████████ heard McCarthy mention that a woman started the apprenticeship program when McCarthy spoke about the background information of the apprenticeship program. ██████ added that he heard McCarthy speak of genders in regards to body mechanics, and how you have to adjust the way you hold tools depending on your body type. ██████ heard that McCarthy commented that there were too many males working in the apprenticeship program, or that Guerrero Ortiz did not speak or understand English.

#### **E. Credibility Analysis**

##### **1. Guerrero Ortiz Credibility**

The investigation established that Guerrero Ortiz had credibility issues because witnesses refuted his allegations and he had a motive to lie. Guerrero Ortiz alleged that he never said “mamacita.” However, two witnesses heard him make the comment. Guerrero Ortiz also stated that ██████ told him that he was released for making the comment “mamacita.” ██████ denied he did so and explained that he told Guerrero Ortiz that he was released for a violation of the respect policy. Department documents as well as witness statements corroborated that Guerrero Ortiz was released for violating the respect policy. In addition, ██████ had no motive to lie, as he did not work directly, or know any of the parties involved other than for administrative purposes. Moreover, although Guerrero Ortiz stated that ██████ was offended that Vasquez paired them to work together due to their race, ██████ did not corroborate his statement. Guerrero Ortiz explained that ██████ did not corroborate his statement about Vasquez because ██████ Vasquez, and Hernandez all became friends. However, none of them corroborated that statement, further diminishing Guerrero Ortiz’s credibility. Guerrero Ortiz also stated that ██████ and ██████ witnessed Hernandez making a sexual gesture at him, but ██████ denied it. In addition, none of the text messages submitted by Guerrero Ortiz demonstrate that Hernandez had a romantic interest in him. Also, Hernandez corroborated that Guerrero Ortiz told her, “If I lose my job, you’re going to lose yours too.” This demonstrates that Guerrero Ortiz appeared to have a personal animus against Hernandez and a motive to complain about her. Furthermore, Guerrero Ortiz alleged that McCarthy made offensive comments about male Gardeners, but no witnesses corroborated Guerrero Ortiz’s allegation about McCarthy. In addition, Guerrero Ortiz did not report allegations against Hernandez or McCarthy until after he was released from employment. Moreover, when Guerrero Ortiz reported Vasquez’s conduct to McCarthy, he did not tell her that Vasquez made any comments about Guerrero Ortiz’s race. The change in the scope of his allegation, as well as Guerrero Ortiz’s delay in reporting his complaint until after his release of employment, call into question the validity of Guerrero Ortiz’s allegations. Guerrero Ortiz also had a motive to lie. He was released from employment and wanted his job back.

2. Hernandez Credibility

The investigation established that Hernandez was credible because witnesses corroborated her testimony. Hernandez also appeared to be forthcoming. She acknowledged that she sang the song "Dale Tilin," and that she had sent Guerrero Ortiz text messages. Hernandez denied making a sexual gesture towards Guerrero Ortiz and [REDACTED] denied seeing Hernandez make the gesture. In addition, Hernandez did not have motive to lie as she is no longer a City employee and as such did not fear being disciplined.

3. Vasquez Credibility

The investigation established that Vasquez was credible because witnesses corroborated his testimony. Vasquez stated that he did not pair Guerrero Ortiz with [REDACTED] due to their language, but Vasquez acknowledged he said that they could speak their language while working together. [REDACTED] corroborated this statement. Although Guerrero Ortiz alleged that Vasquez commented that his mustache was getting long and asking him if it was a Mexican style, then telling him to trim it, Vasquez denied it, and Vasquez was found to be more credible than Guerrero Ortiz. Furthermore, as soon as Guerrero Ortiz voiced his concerns to Vasquez about Vasquez's conduct, Vasquez reported Guerrero Ortiz's concerns to McCarthy, demonstrating his good intentions and lack of any personal animus against Guerrero Ortiz. In addition, despite the fact that Guerrero Ortiz filed a complaint against him, Vasquez acknowledged that Guerrero Ortiz was a hard worker, which supports his credibility.

4. McCarthy Credibility

The investigation established that McCarthy was credible because witnesses corroborated her testimony. Although McCarthy acknowledged that she made the comment about a woman starting the apprenticeship program, she provided a reasonable explanation as to why she made the comment, which multiple witnesses substantiated. McCarthy also provided consistent statements. In addition, despite the fact that Guerrero Ortiz filed a complaint against McCarthy, McCarthy did not demonstrate any biases towards Guerrero Ortiz. She stated that she never felt their relationship was negative and that Guerrero Ortiz was a hard worker, which supports her credibility.

5. Witnesses Credibility

The investigation established that [REDACTED] were credible. They had no apparent motive to lie and demonstrated no animus towards any party involved. The investigation established some credibility concerns about [REDACTED] appeared to have a bias against Guerrero Ortiz, specifically stating that she did not like him. However, [REDACTED]'s credibility concerns were not enough to undermine her testimony, since [REDACTED] was forthcoming, and even acknowledged that she only heard Hernandez's side of the story, and that there are always two sides. [REDACTED]'s credibility concerns arose from her vague and unreasonable responses. When asked if [REDACTED] saw Hernandez make a sexual gesture, [REDACTED] stated, "No." When asked why Guerrero Ortiz would name her as a witness, she said, "I'm not going to say that Lalo is lying. I'm just going to say that if it happened, I didn't see it, and that even if I did, it isn't something that would bother me or something that would stay in my memory. It's one of those things that are not important enough for me to notice if they happened." Then, when asked if she heard Hernandez singing a sexual based song in Spanish, [REDACTED] said she did, but added that she did not know what the song was about, even though she acknowledged that she heard it all the time and she is fluent in Spanish. Although there were concerns about [REDACTED]'s credibility, she was



still found to be more credible than Guerrero Ortiz because [REDACTED] did not have a motive to lie, as she was not susceptible to discipline.

**F. Sufficient Evidence to Support Sexual Harassment Allegations**

To sustain a claim of sexual harassment under the City's EEO Policy, the investigation must establish all of the following: (1) the complainant was subjected to physical, verbal, or visual conduct that was sexual in nature; and (2) the conduct was unwelcome.

The investigation established that from August to December 2021, Hernandez subjected Guerrero Ortiz to sexual harassment when she sang the song, "Dale Tilin," which is sexually explicit, and offended Guerrero Ortiz. Hernandez admitted that she sang the song and [REDACTED] more likely than not, heard Hernandez sing the song. Hernandez also subjected Guerrero Ortiz to sexual harassment when she made the comment about Guerrero Ortiz's girlfriend. Although [REDACTED] did not remember the specific comment that Hernandez made about Guerrero Ortiz's girlfriend, she did say that Hernandez could have made the comment and that the comment was meant to open Guerrero Ortiz's eyes, "so he wouldn't be played with," making it more likely than not that Hernandez made this comment. In addition, [REDACTED] stated that Guerrero Ortiz told him that he was uncomfortable around Hernandez. As such, Hernandez's conduct toward Guerrero Ortiz violated the City's EEO Policy.

**G. Insufficient Evidence to Support Sexual Harassment Allegations**

To sustain a claim of sexual harassment under the City's EEO Policy, the investigation must establish all of the following: (1) the complainant was subjected to physical, verbal, or visual conduct that was sexual in nature; and (2) the conduct was unwelcome.

The investigation did not establish that from August to December 2021, Hernandez subjected Guerrero Ortiz to sexual harassment when she asked him for his hoodie. Although Hernandez acknowledged that she asked Guerrero Ortiz for his hoodie, she explained that she asked him for an extra hoodie, and she denied using a sexual tone. As Hernandez was found to be more credible than Guerrero Ortiz, there is insufficient evidence to sustain a finding for this allegation.

The investigation did not establish that Hernandez subjected Guerrero Ortiz to sexual harassment by making the "blow job" gesture. Hernandez denied making the gesture, and [REDACTED] denied seeing Hernandez make the gesture. Because Hernandez, [REDACTED] were more credible than Guerrero Ortiz, there is insufficient evidence to sustain a finding for this allegation.

**H. Insufficient Evidence to Support Harassment Allegations**

To sustain a claim of harassment in violation of the City's EEO Policy, the investigation must establish all of the following: (1) the complainant was subjected to physical, verbal, or visual conduct on account of the complainant's membership in a protected category; and (2) the conduct was unwelcome.

**1. Language Comment**

The investigation did not establish that Vasquez assigned Guerrero Ortiz to work with [REDACTED] due to their race. Although Vasquez acknowledged that he told Guerrero Ortiz, "it's great that you can ride together

and keep talking,” Vasquez made the comment after Guerrero Ortiz and ██████ were already paired together. ██████ corroborated that Vasquez did not pair her to work with Guerrero Ortiz due to their language. In addition, Vasquez was found to be more credible than Guerrero Ortiz. Furthermore, the comment that it is great that they can speak their own language together is not objectively offensive. Therefore, there is insufficient evidence to sustain a finding for this harassment allegation.

## 2. Mustache Comment

The investigation did not establish that that Vasquez told Guerrero Ortiz that his mustache was getting long and asked him if it was a Mexican style, then told him that he needed to trim it. Vasquez acknowledged that at work they sometimes discuss facial hair, but denied that he made the above comment to Guerrero Ortiz. In addition, when Guerrero Ortiz first reported it to ██████, he mentioned that it made him uncomfortable that Vasquez mentioned his facial hair, but did not tell her the comment was related to his race. In addition, Vasquez told ██████ a credible witness, that Guerrero Ortiz’s mustache was cool, negating the fact that the comment was race-based or negative. Therefore, there is insufficient evidence to sustain a finding for this harassment allegation.

### **H. Insufficient Evidence to Support Discrimination**

To sustain a complaint of discrimination/disparate treatment in violation of the City’s EEO Policy, the investigation must establish all of the following: (1) the complainant is a member of a protected category; (2) the complainant suffered an adverse employment action; and (3) the complainant suffered an adverse employment action because of their membership in a protected category. An adverse employment action is any objectively material adverse action affecting the terms, conditions or privileges of employment. Actions considered materially adverse are those that impair a reasonable employee’s job performance or prospects for advancement. Materially adverse actions may also include those acts that would dissuade a reasonable employee from supporting a discrimination complaint.

Guerrero Ortiz is a member of a protected category due to his race (Hispanic) and gender (male). Guerrero Ortiz suffered an adverse employment action when he was released from probation. However, the investigation did not establish that McCarthy subjected Guerrero Ortiz to discrimination based on his race or gender. First, although McCarthy acknowledged making the comment that a woman started the apprenticeship program, and witnesses heard her make this comment, the comment was not objectively offensive. In addition, the comment was factual and was made during the explanation of the history of the program, making it an appropriate comment. Second, McCarthy denied making the comment that there were too many males doing the job, and that females could do the job just as well. Witnesses also denied hearing McCarthy make this comment or any similar comments. Third, McCarthy denied making the comment that she did not think Guerrero Ortiz spoke or understood English. McCarthy explained that she knew that Guerrero Ortiz spoke English, but after noticing that he was not engaging, she told him that if he was an English Learner there are other things she could do to help him. Witnesses corroborated that there are multiple options for English learners. As such, McCarthy had a legitimate business reason to ask Guerrero Ortiz if he needed help. In addition, McCarthy was found to be more credible than Guerrero Ortiz. Finally, McCarthy denied that Guerrero’s “mamacita,” comment was the reason for his release. Instead, she reiterated that Guerrero Ortiz was released for violating the City’s Respect Policy by threatening Hernandez after she reported his conduct to McCarthy. REC documentation along with witness testimonies substantiated McCarthy’s claim. Therefore, there is insufficient evidence to substantiate these discrimination allegations.

**VIII. ATTACHMENTS TO REPORT**

Attached to this report are the following exhibits:

Exhibit A: Report of Complaint to DHR  
Attachment 1 E-mail from Guerrero Ortiz  
Attachment 2 Complaint from Guerrero Ortiz

Exhibit B: Guerrero Ortiz Interview Notes  
Attachment 1 Intake Notes  
Attachment 2 Rebuttal Interview Notes

Exhibit C: Summary of Investigative Interviews

Attachment 1  
Attachment 2  
Attachment 3  
Attachment 4  
Attachment 5  
Attachment 6  
Attachment 7  
Attachment 8  
Attachment 9  
Attachment 10  
Attachment 11  
Attachment 12  
Attachment 13

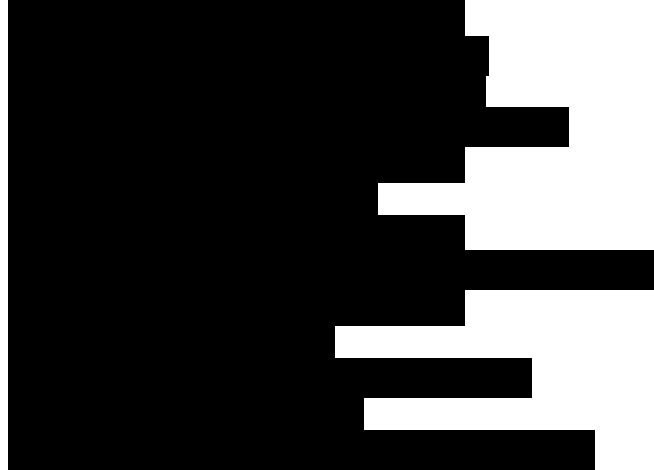


Exhibit D: Documentation from REC

**EEO File No. 3963**

**Exhibit A, Attachment 1**

**From:** [DHR-EEO](#)  
**To:** [Mercado, Ruth \(HRD\)](#)  
**Cc:** [DeWit, Rikki \(HRD\)](#)  
**Subject:** FW: Discrimination, Retaliation and Harassment Complaint  
**Date:** Wednesday, January 12, 2022 12:07:44 PM  
**Attachments:** [EEO \(1\).pdf](#)

---

Hi Ruth,  
I'm forwarding this REC matter from the general inbox.  
Eric

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Tuesday, January 11, 2022 4:26 PM  
**To:** DHR-EEO <DHR-EEO@sfgov.org>  
**Cc:** [REDACTED]@sfgov.org; Philip.Ginsburg@sfgov.org; [REDACTED]  
[REDACTED]@sfgov.org; McCarthy, Allison (REC) <allison.mccarthy@sfgov.org>; Santiago,  
Marcus (REC) <marcus.santiago@sfgov.org>; Tucker, Melissa (REC) <melissa.tucker@sfgov.org>;  
[REDACTED]  
**Subject:** Discrimination, Retaliation and Harassment Complaint

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

Eduardo Guerrero Ortiz  
Phone number: [REDACTED] (preferred method of communication)  
Email: [REDACTED]  
Apprentice Gardener, San Francisco Recreation and Parks

To whom it may concern,

The following is a discrimination complaint against the San Francisco Parks and Recreation Department. Over the course of my employment with SFPRD from August 7 - December 17, 2021, I experienced drismimination, harassment and retaliation against my person from my immediate captain Randy Vasquez, coworker Karla Hernandez Garcia and my supervisor Allison McCarthy. I've attached a document detailing harassment, discrimination and retaliation by Karla Hernandez, harassment and discrimination and retaliation by Randy Vasquez, and discrimination, harassment and retaliation by Alison McCarthy. These documents include dates of offenses, text messages and photos. Please see attached. I got fired from my job on December 17th, 2021. Based on the little information I obtained regarding the reasons I was fired I assert that these claims are false. Rather than having committed harassment and retaliation, as I was told it was deemed I had committed, I have experienced harassment, discrimination and retaliation myself. False accusations were made against me., This has affected my entire life. My health, my family and friends, it has been a tremendous source of stress for me. I worked very hard to get this job, I dedicated my whole life to it and my firing was unfair and illegal. Due process was not taken. This should not be ignored, and should be taken care of in a very serious manner. I'm a human being and no human being deserves to be treated like this. For background, I filed a letter with an attachment (included here) to HR of SFRPD on December 23rd, requesting that they review my case and return my job. I told my story of harassment, discrimination and retaliation. I have not heard back from them. That's why I'm taking the issue to you.

The attached document records in detail, with photos and text messages, events of discrimination, retaliation and harassment against me. In addition, allegations about me by Allison McCarthy, Randy Vasquez and Karla Hernandez and my responses to them are detailed. These allegations are false.

Thanks for your time and consideration. I would like my job back. I am happy to answer any questions.

Eduardo Guerrero



**EEO File No. 3963**

**Exhibit A, Attachment 2**

## **Instances of Discrimination, Retaliation and Harrassment at the Apprentice Gardener Program with SF Recreation and Parks Department**

December 3rd

It was a Friday after a good and busy week, we were at the end of our shift getting ready for the weekend. We were doing plant ID. Allison McCarthy made us write down on a piece of paper the name of the plant, scientific and common names, and then place it on the plant to take a picture of it and save it for our own personal learning. She asked us if this was helpful and we all said yes of course, and I made a comment saying something like "oh yes it's very helpful", like in a funny and playful way about myself because my plant ID is terrible and needs more improvement.

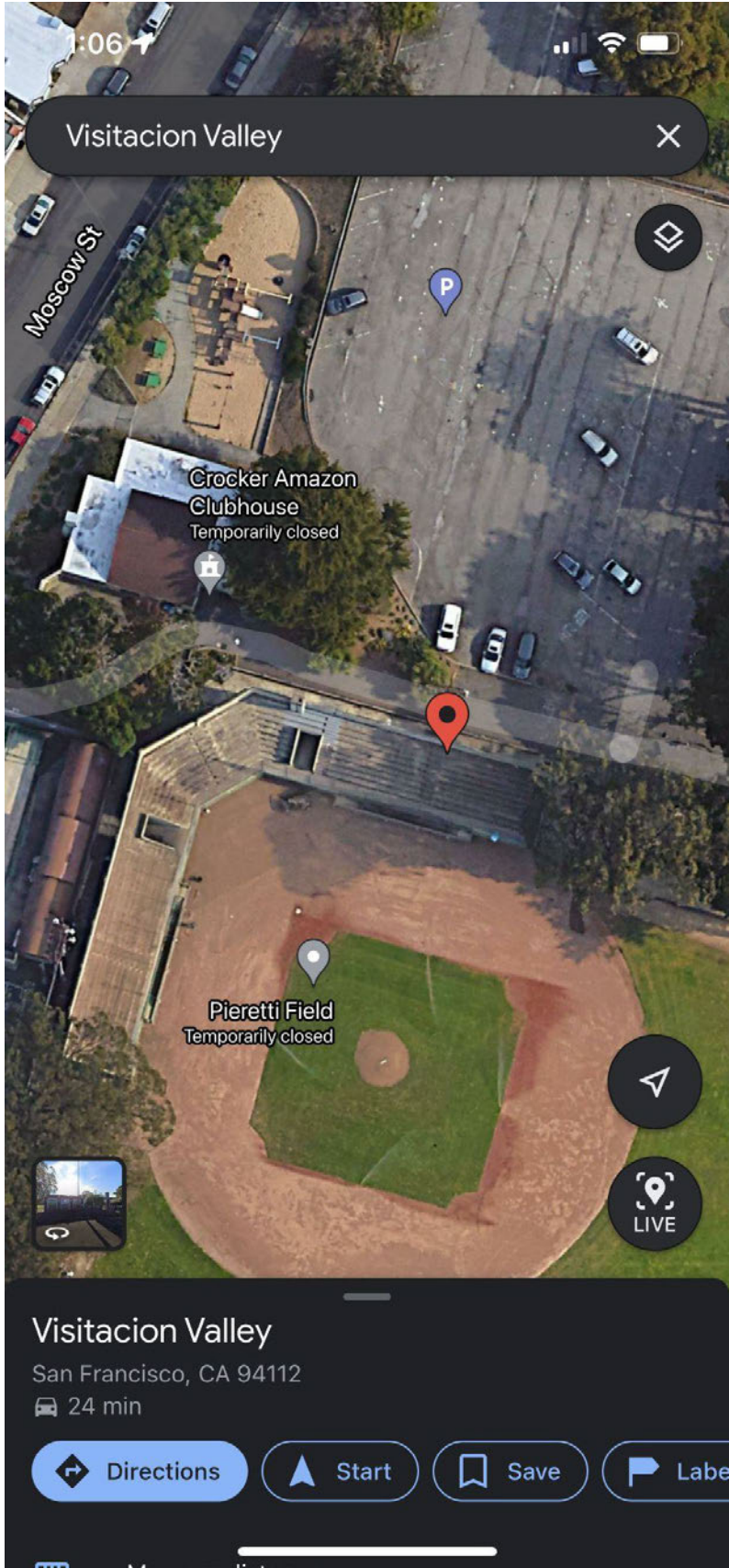
Allison McCarthy threw a sharpie at my face, she said something like I shouldn't be like that and be less hard on myself. Everyone witnessed it the moment I heard someone saying "oh my god." It felt like we all were having a good time and going with the moment. I didn't like the fact that Allison McCarthy threw a sharpie to my face but I didn't want to make a big deal about it, I just wanted to stay with the group and go with the flow. A few minutes after this, we all went home and had another work week done.

The day that Allison McCarthy threw a sharpie at my face, the following people were present and saw it occur: [REDACTED] [REDACTED] Karla Hernandez Garcia, Noemi Andrade, [REDACTED], Anne Franken, Malindi Walker. In addition, video footage from security cameras in the middle of the building at Pieretti Field have captured the event. I was assaulted by Allison McCarthy on December 3rd at this location, pictured below, between 2pm and 3pm. There are 3 cameras at this building, one on each side and one in the middle. The one in the middle should have the video surveillance footage supporting my statement.









## December 6th

The next shift, which was Monday, December 6th, it seemed like a regular Monday morning, we were starting our work week, we said a few words about our weekend and the entire group proceeded to go outside of Elvas Greenhouse to start our morning stretching routine.

Suddenly I heard Allison McCarthy starting the conversation about how being sarcastic is not a good idea, because once we start going to work with other groups, people may not like it. So she mentioned that my comment on Friday the 3rd was a sarcastic way to talk, its not a good way to do things, she said "right Lalo?" She mentioned this in front of everyone and pointed at me, I didn't say anything.

She said something like, "you don't want to stir the pot" making this comment with her whole body language and simulating with her hands and whole body "stirring the pot."

These comments she was making seemed out of place.

I was shocked she was commenting about something that had happened the week before. It hadn't seemed like a big deal to me. I thought, if anyone had done something wrong, it was her. She threw a sharpie at my face. I couldn't believe that she was commenting about something I supposedly didn't do right, when she, Allison McCarthy, was trying to hurt me with that sharpie she threw at me on Friday the 3rd.

This conversation happened outside of Elvas Greenhouse and Golden Gate Park Nursery. There's a camera right outside of this greenhouse, and it's right there in front of where the events happened, this camera can support my statement. The events happened on December 6th between 6:30 am and 7:30 am.





The events that I've recounted above, make me think that Allison McCarthy had to be part of the reason I was fired. False accusations were made against me., This has affected my entire life. My health, my family and friends, it has been a tremendous source of stress for me. I worked very hard to get this job, I dedicated my whole life to it and my firing was unfair and illegal. Due process was not taken. This should not be ignored, and should be taken care of in a very serious manner. I'm a human being and no human being deserves to be treated like this.

I was never part of any investigation all these people supposedly did, I was never asked anything from my side of the story, I was never involved in these false accusations which are very serious and are affecting my entire life and health.

On DECEMBER 23rd I sent this letter to [REDACTED] and SFRPD.

December 23, 2021

To:

[REDACTED] Senior Human Resources Partner,  
San Francisco Recreation and Parks Department  
[REDACTED]@sfgov.org

Dear [REDACTED]

Below is a recounting of events that occurred between my arrival as a garden apprentice with the City of San Francisco's Recreation and Parks Department (SFRPD) on August 9, 2021 and my mandatory separation on December 17th, 2021.

I was hired as an Apprentice Gardener on August 9th 2021. I was thrilled to receive this job and put my heart and soul into it from day 1. Since the beginning of my employment, although I loved what I did and was very happy to be there, I also felt that a few people took an immediate dislike to me, or felt the need to bully and bother me, because I'm a Mexican immigrant. I am telling the thorough account of what happened to me while working for SFRPD because I feel what happened to me is unjust and illegal. I would like my job back immediately. This is all I'm looking for.

Karla Hernandez Garcia wanted to become my friend. There were many red flags that made me feel that she was not someone I could trust. She would address almost everyone as Mr. or Mrs, and then their first name. She never addressed me as Mr Lalo, I wondered why I was the only one who didn't get this treatment, and I think it's because I'm Mexican so she didn't feel like she needed to favor herself to me. She gave me strange compliments that made me feel uncomfortable. She would comment on my beard, saying that I looked good, but that she would love to touch it up for me because I would look more handsome. She commented on the sweatshirt I always wore saying that she wanted it. She always spoke of dark magic and I didn't want to be close to this. She also continuously would say things like, "can we sue these people," referring to the person who happened to be crossing her path.

#### August 18th

On Wednesday, August 18th, Karla Hernandez Garcia texted me for the first time. She sent me a text outside of work hours with her father's phone number. This was the first time she'd texted me and I never gave her my number. She must have taken it from the group text. I didn't respond because I didn't know who it was from. See the text on the following page.

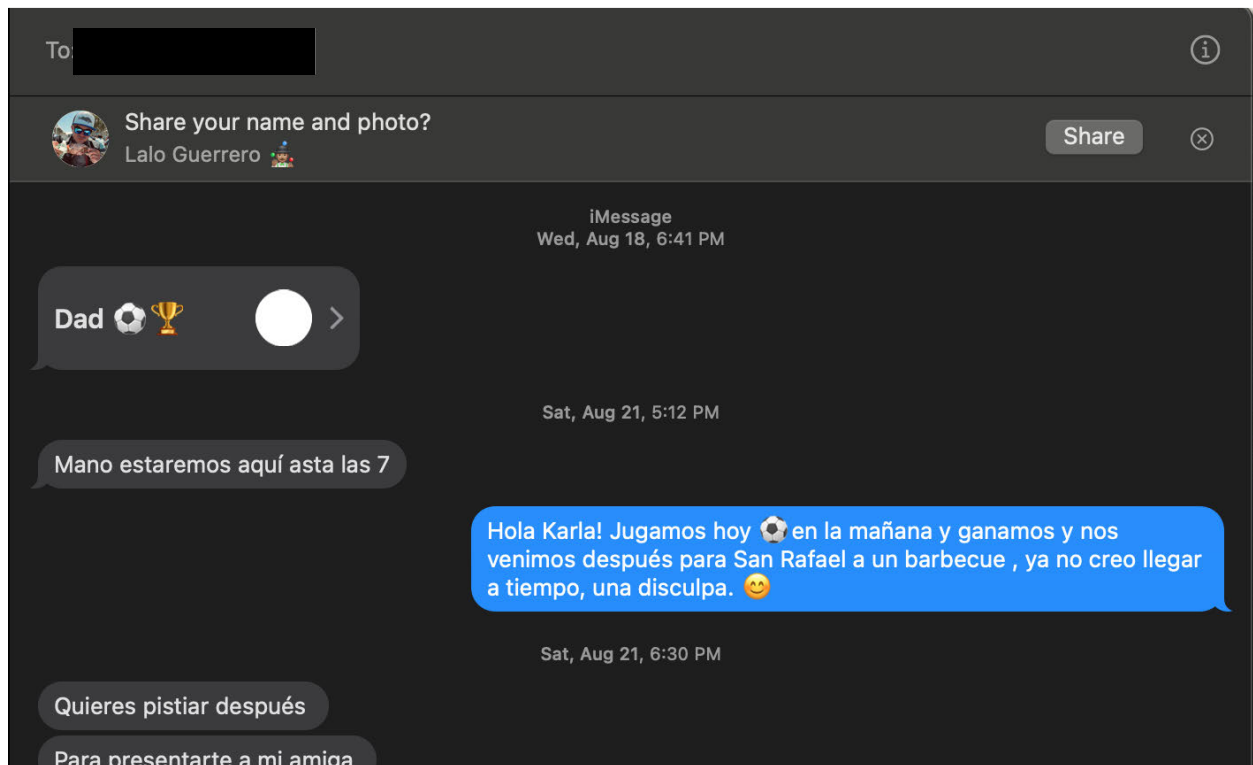
#### August 19th

By the second week on the job, Karla Hernandez Garcia had developed the habit of standing next to me during our morning stretches. The following morning after sending the text, during

the morning stretch huddle, she told me that she had sent me the text with her father's number knowing that I was interested in soccer because he also plays. I didn't ask her how she got my number or ask why she was texting me without invitation. I didn't want to make a big deal of it and have problems with her. See the same text on the following page.

### August 19th

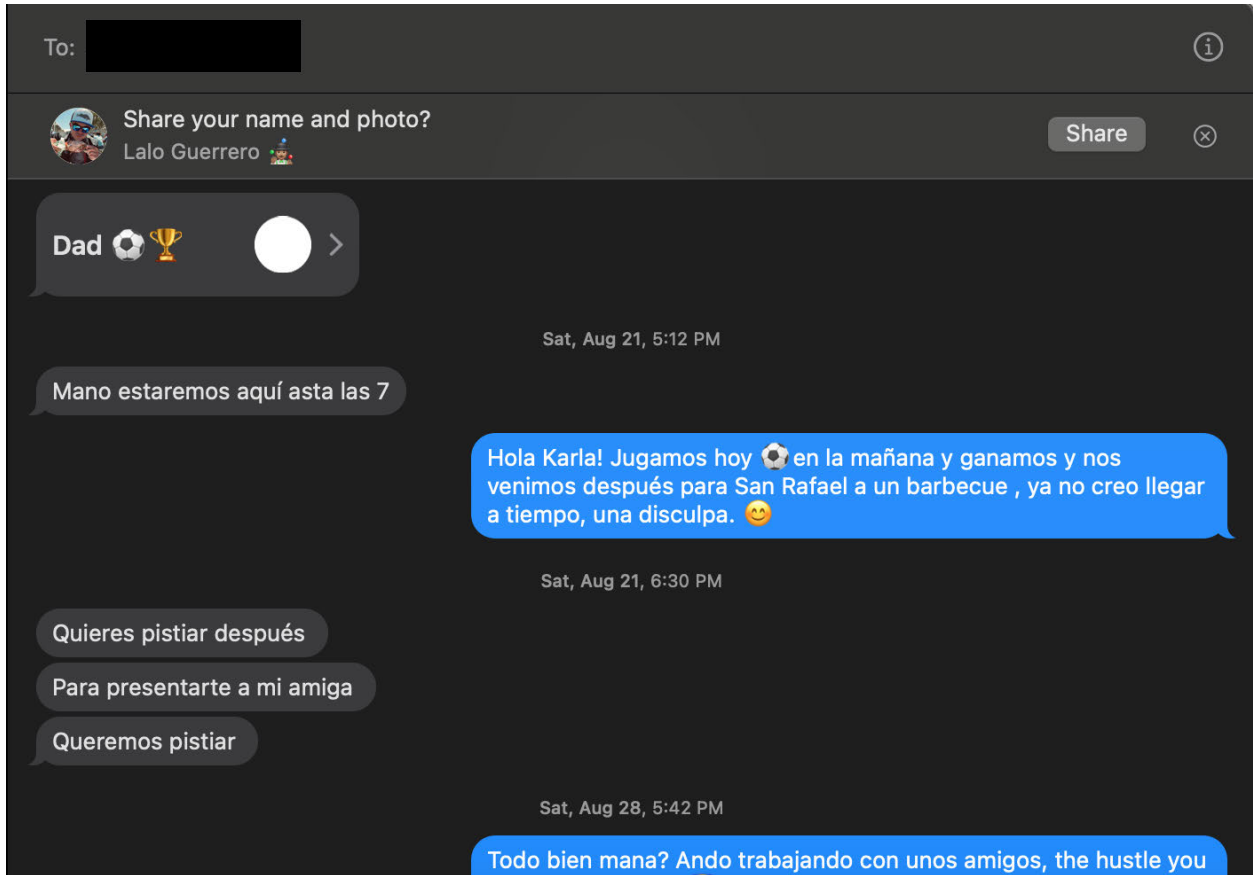
Karla Hernandez Garcia invited me out and wanted to introduce me to her girlfriend, saying that her friend had children but that she was single and she wanted to meet someone. I had already told her that I had a girlfriend many times, but she kept insisting. See the text below.



### August 21

Karla Herandez Garcia texted me again that same day on Saturday at 5:12pm, saying “we’re going to be here until 7pm.” I responded saying that I was already in San Rafael at a barbecue and that I didn’t think I would arrive on time. An hour and 15 minutes later she texted again:  
“do you want to drink with me after”  
“To introduce you to my girlfriend”  
“We want to drink”  
I didn't answer this text.  
See below.

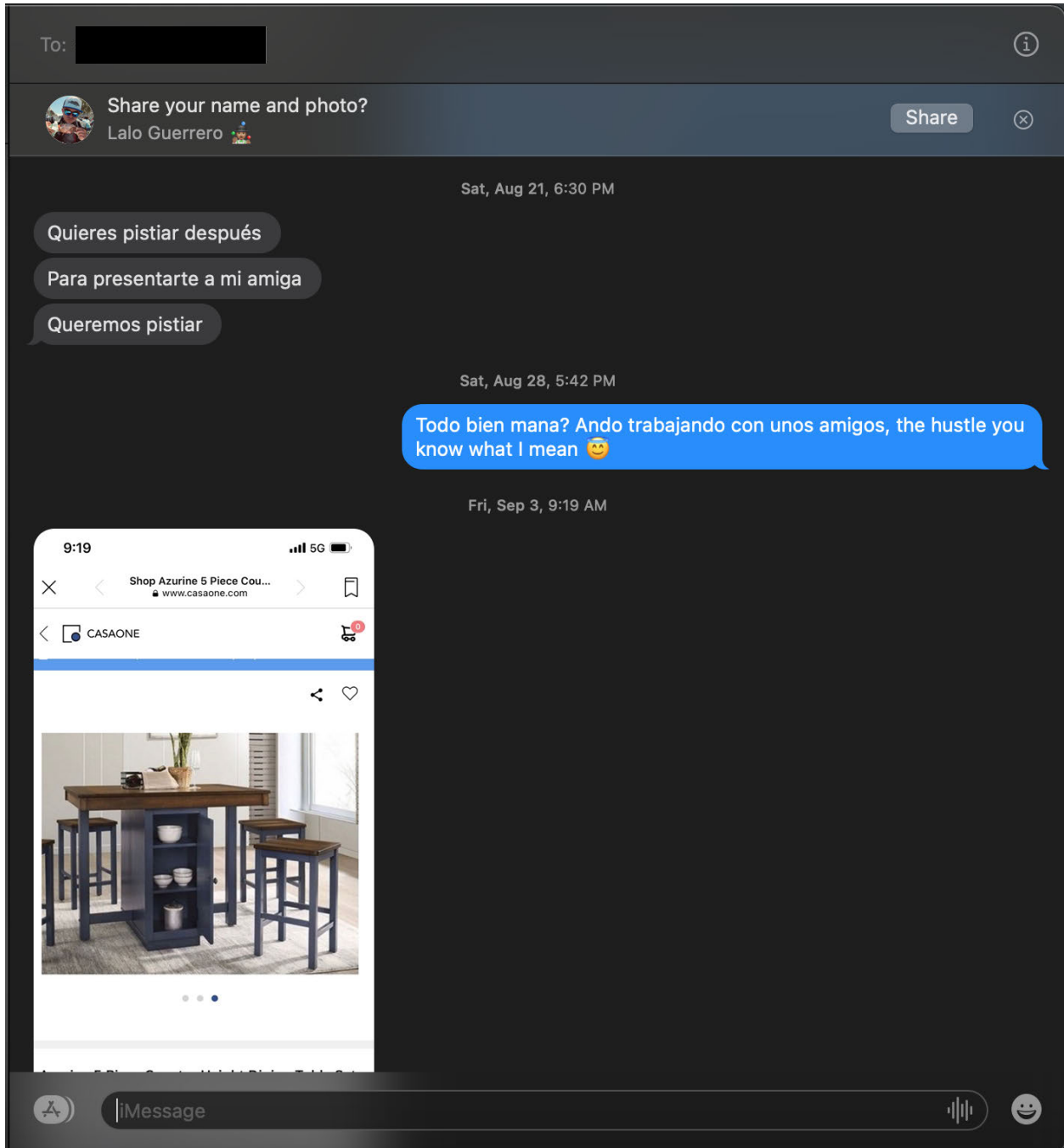




### August 28th

About a week later she Facetimed me. I saw the call, but didn't pick up. Instead I sent her the message you see below. Which says "Is everything ok, homie? I'm just here working with some friends." See text below.

In this next text, you can also see the pattern of her continuously reaching out to me with the photo she sent about a week later, on September 3rd. Sometimes I would respond saying "maybe, I'll let you know," just to be nice, but normally I would politely decline saying that I had plans or was too tired, or I wouldn't answer.



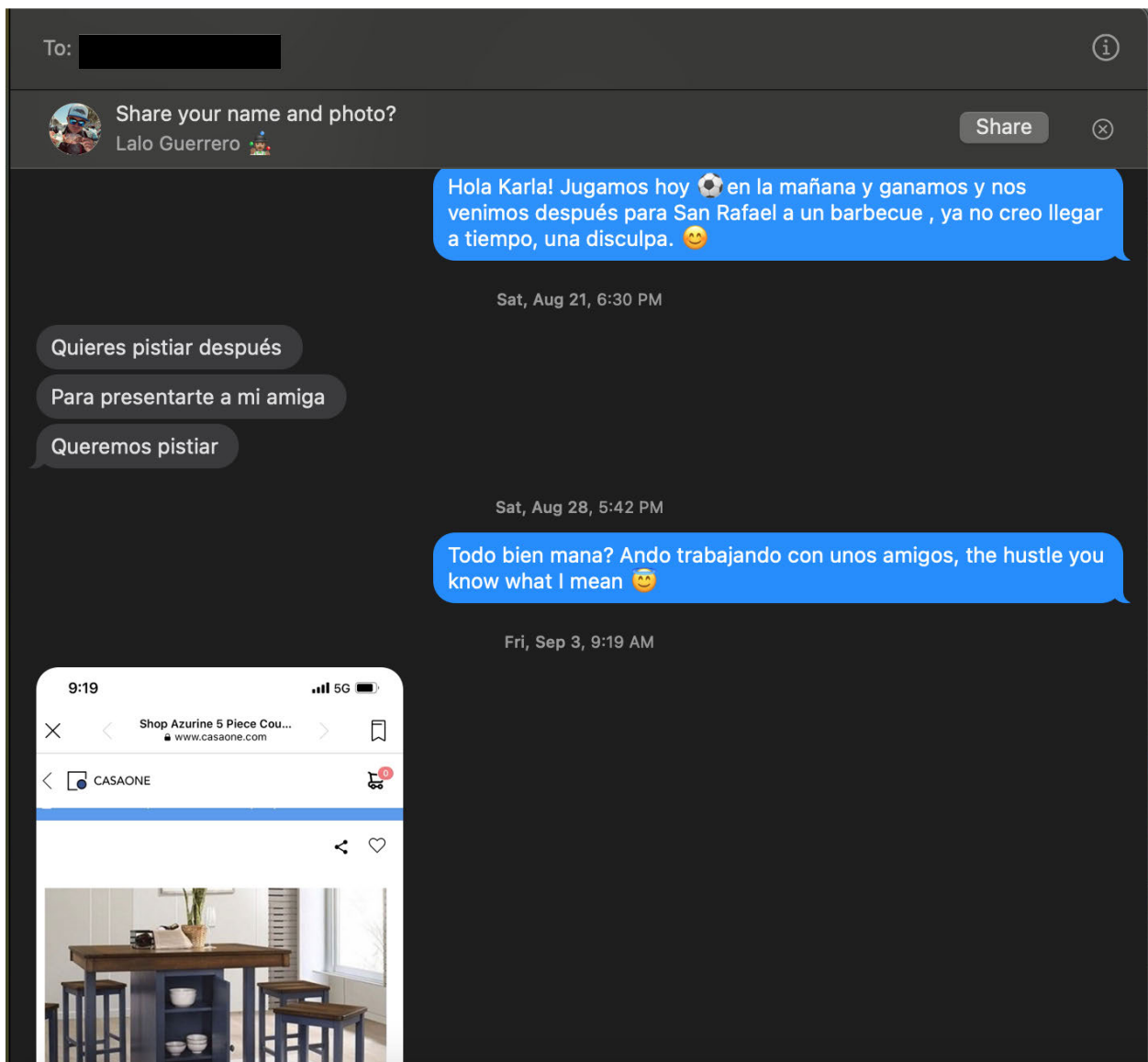
### August 31 - September 2

We always work at Crocker Amazon the last week of the month or the first week in the following month. Whenever we work at Crocker Amazon, us gardeners are the first to arrive in the parking lot so it is empty. I've been one of the only people who parks under the trees on the edges of the lot. Everyone else parks in the middle of the parking lot. Karla Hernandez Garcia began parking here too, very, very close to me, even though there was plenty of room in the rest of the lot, so that when she opened her door she would hit my truck. She did this multiple times and every time would say "oh sorry, I didn't know you were that close." I didn't say anything, I was just

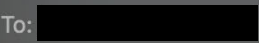
surprised that she could do this kind of thing. My friend Noem Andradei told me that Karla had also parked so close to her that she hit her car when she opened her door. Noemi also had to move her car in order to prevent Karla from hitting her car when she opened the door. I wondered if she did this to Noemi because Noemi is my friend.

### September 3

Karla Hernandez Garcia asked me if I knew a woodworker, someone who could make tables, and sent a photo, seen above. I said I might know someone, but wasn't sure. The next day, which was Saturday, she called me multiple times, via facetime and phone calls. I answered the first time she called and told her that if I was able to get in touch with my friend I'd let her know at work on Monday. She kept calling over the weekend anyway, without leaving a message. These calls were excessive and unnecessary.



To:



Share your name and photo?

Lalo Guerrero

Share



Azurine 5 Piece Counter Height Dining Table Set  
Dark Oak & Blue

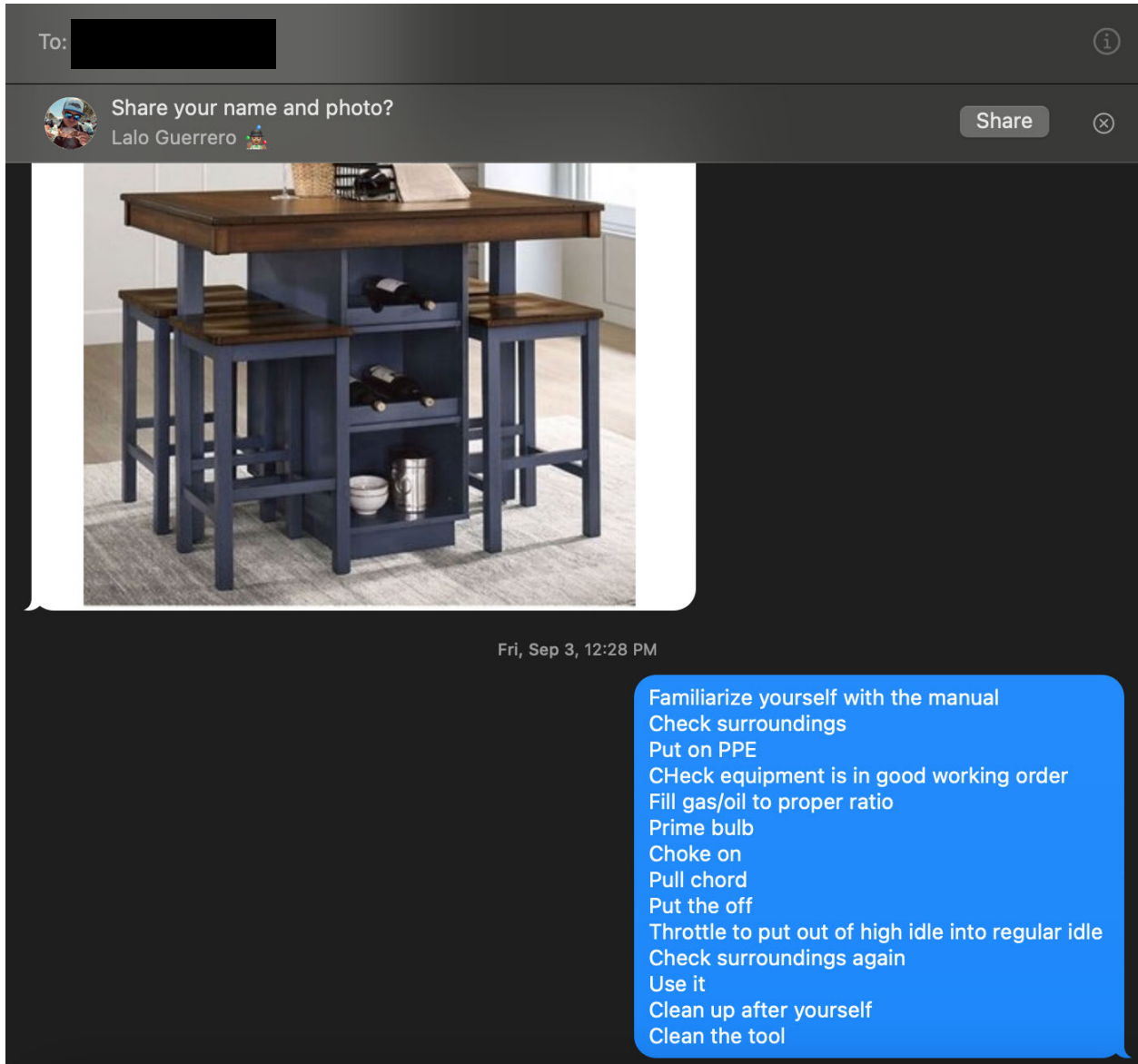
By : Furniture of America

Choose how you'd like to furnish your space

Rent

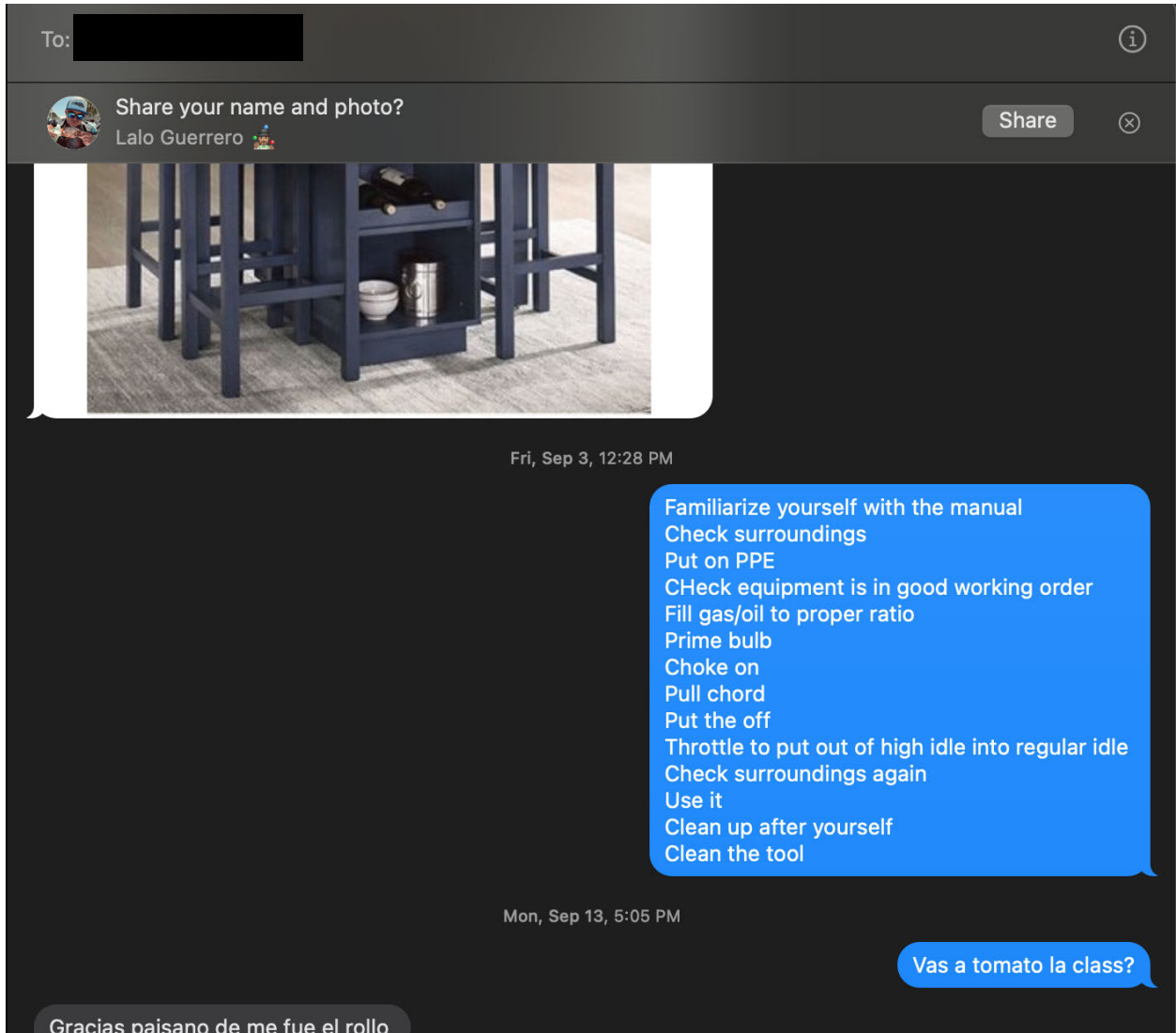
Not available for selected





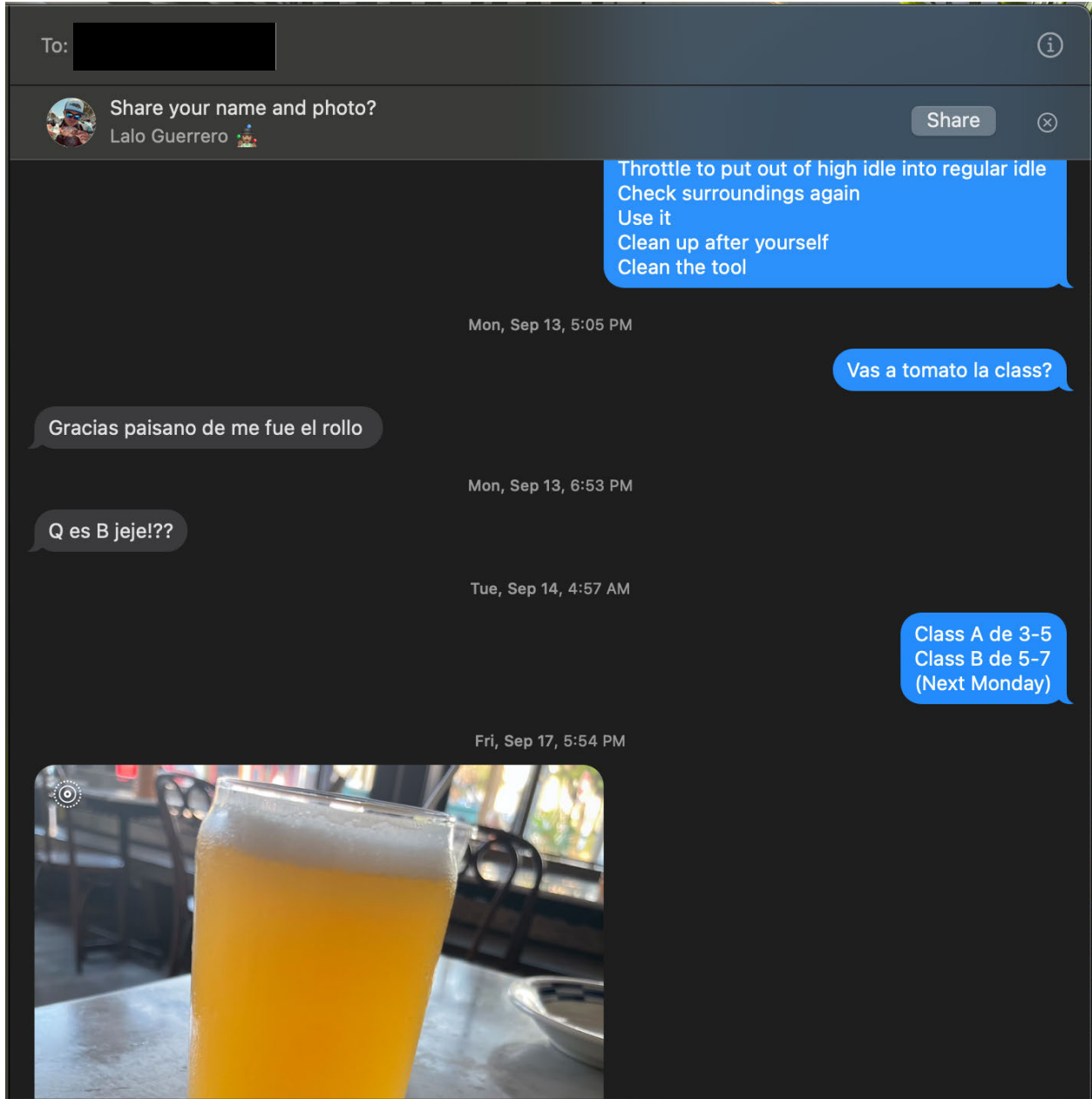
September 3

When Karla Hernandez Garcia asked me during lunch if I knew a woodworker to make a table for her, she saw that I was studying for an upcoming quiz. She asked if I could send her the list I had made for myself to study from. I didn't want to but she continued to insist so I sent it to her.



### September 13

I was in class, via zoom and Karla Hernandez Garcia was late. The teacher asked if I knew whether or not she was coming. Everyone in the class saw when the professor asked me to contact Karla. I didn't want to text her, but felt that it was the right thing to do given the teacher was asking about her. I sent her a text asking if she was coming. She responded yes and thanked me for reminding her. At the end of the class she asked for information that had been given in the class. I didn't want to respond, because I felt it was her responsibility to know the answer if she had attended class and suspected she had lied when she said she was coming. The following day, Sept 14, I sent the answer. See below.

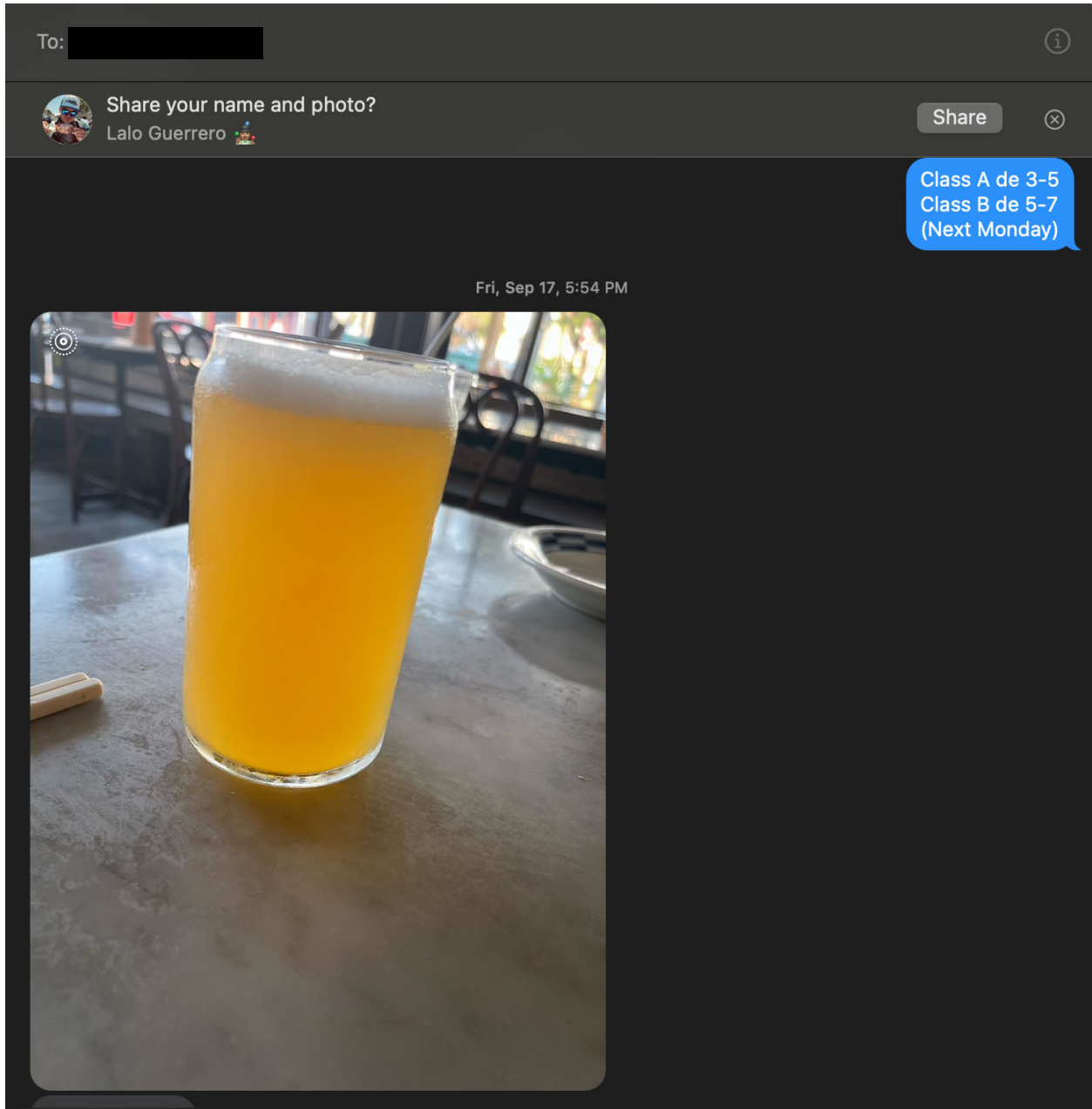


September 14 - 17

The rest of the week Karla Hernandez Garcia continued to invite me to go out drinking. I told her I was busy and couldn't.

September 17

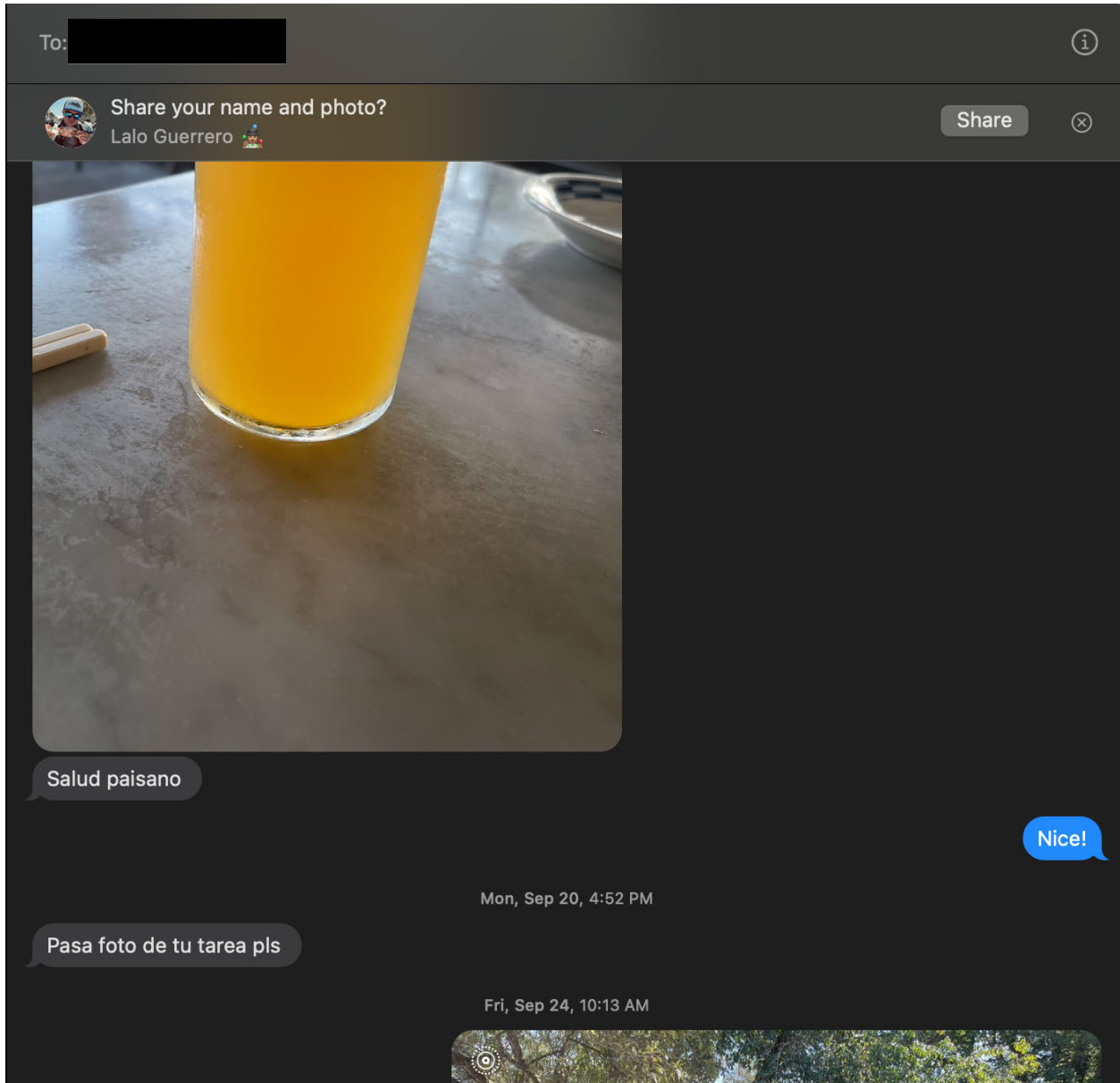
Not realizing or accepting that I preferred space, Karla Hernandez Garcia sent me a photo of a beer.



September 20th

That Monday Karla Hernandez Garcia asked for a photo of my homework and I didn't respond.





September 24th

That Friday she asked me to take photos of her driving the Toro truck and I texted them to her. That same day she kept asking me if I wanted to go out for a drink and I told her "No thank you, I have a wedding to go to."

To:



Share your name and photo?

Lalo Guerrero 🇲🇽

Share



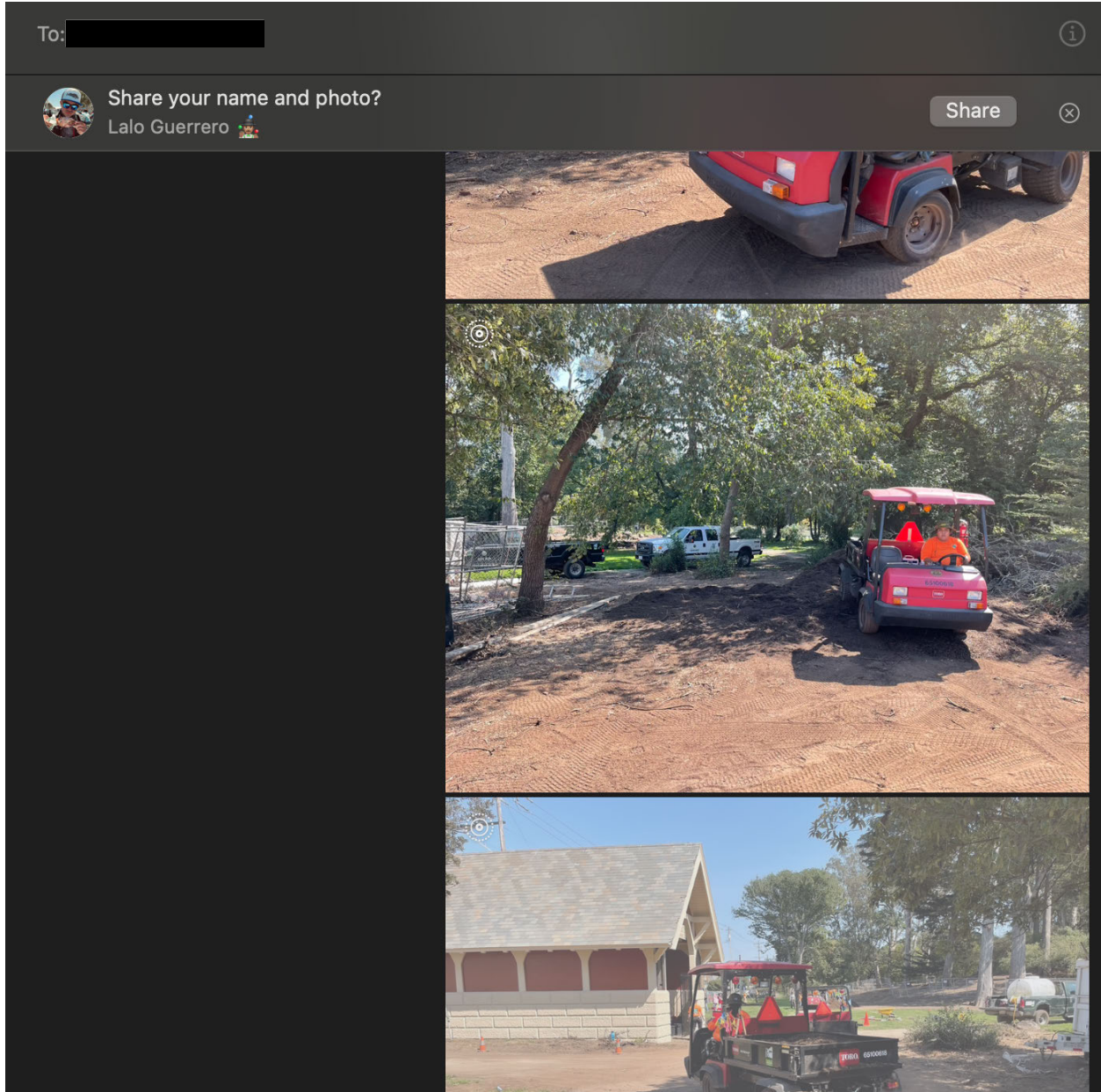
Nice!

Mon, Sep 20, 4:52 PM

Pasa foto de tu tarea pls

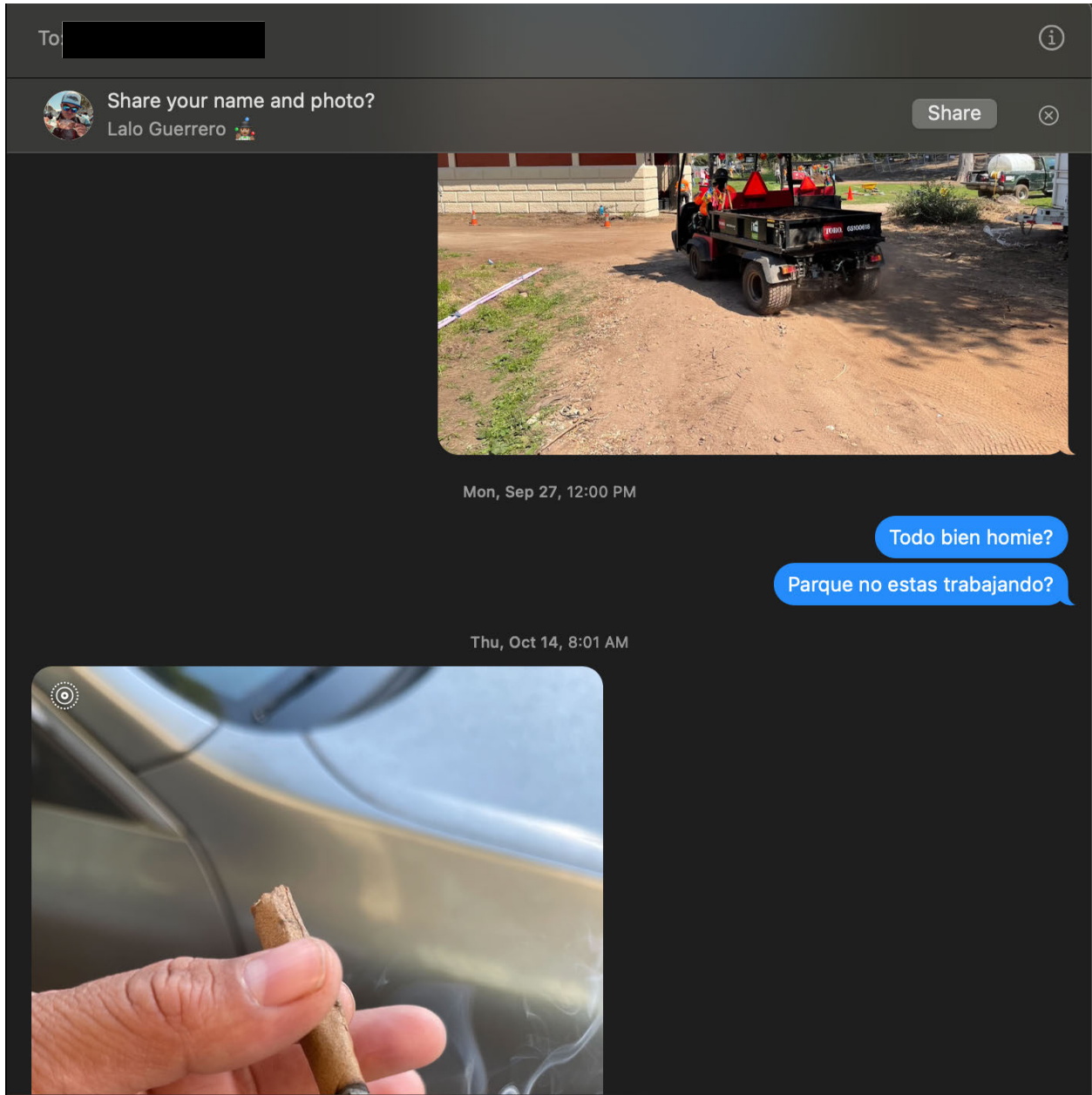
Fri, Sep 24, 10:13 AM





September 27

Karla wasn't at work. [redacted] asked if I could text her because she had forgotten her phone. I texted her "is everything ok homie, why aren't you at work?" she didn't respond. See below.

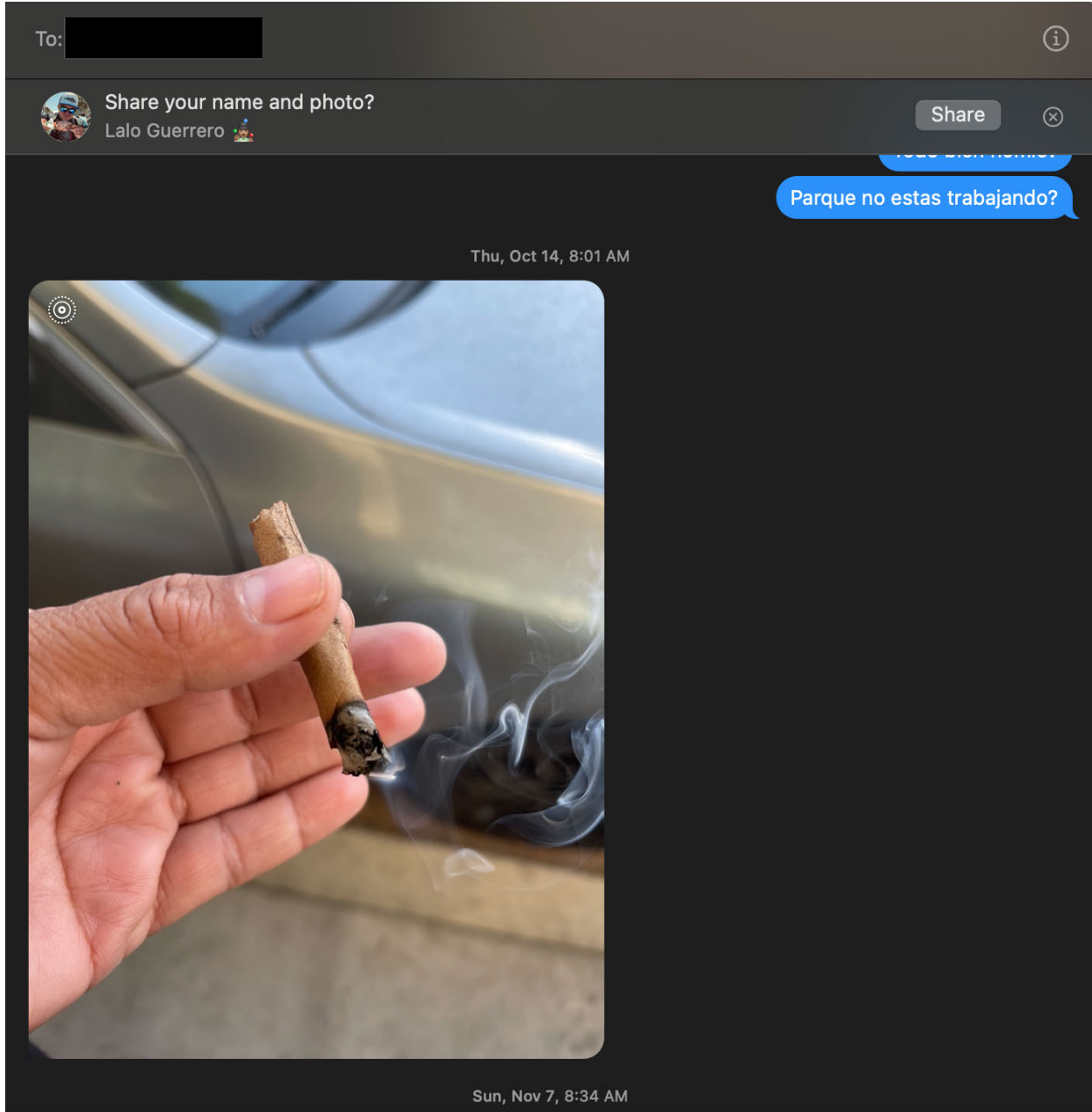


#### October 4

We were working at Crocker Amazon, like we do the last week of the month/beginning of the next month and I parked my car where I had been parking, under the trees on the edge of the lot. This time, I arrived early and turned off my truck and stayed in the car. When Karla Hernandez Garcia arrived she parked very close to me. She was about to get out of her car and I turned my truck on and moved it over before she had a chance to open the door and hit my car, which I felt she was doing on purpose.

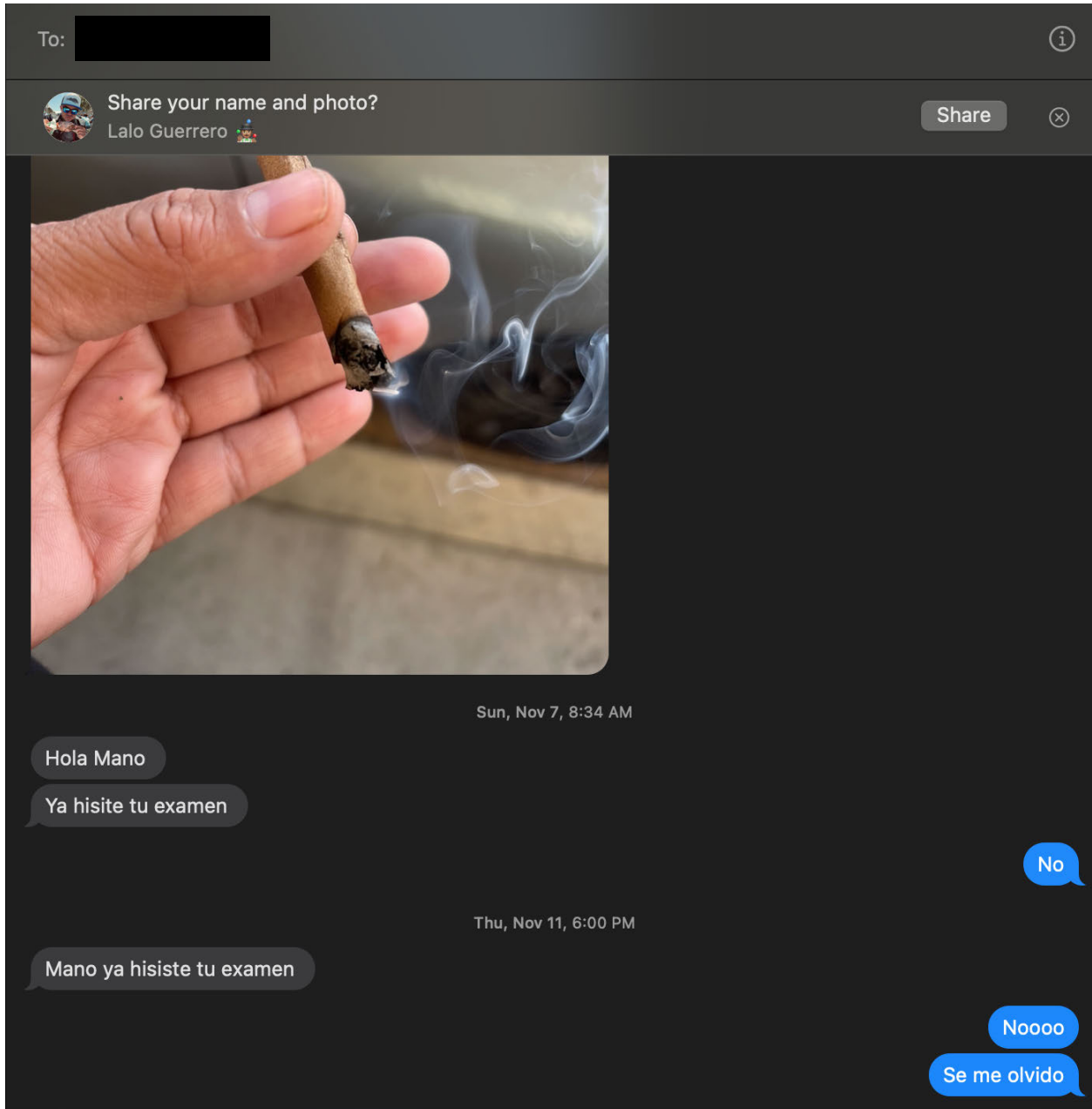
October 14

When we began our rescape training which happened every Thursday via zoom, Karla Hernandez Garcia asked me if I wanted to meet and smoke weed and take the training together. Karla Hernandez Garcia sent me a photo of a joint she was smoking and I didn't respond.



November 7

Early Sunday morning Karla Hernandez Garcia asked me if I'd done the test from our rescape training. I told her "no."



### November 11

Karla Hernandez Garcia kept insisting and asked again. Saying “did you already do your test?” See below. I told her I’d forgotten. That same day, after sending the text, she called me asking for my answers and I told her that I had sent the answers already and didn’t have them anymore, sorry.

### The following events happened in the month of November

Karla Hernandez Garcia often asked me why I didn’t talk a lot. I would say, I’m just shy. She would say “you feel like you’re the shit, is that why you don’t want to talk me?” I would say “no, no, that wasn’t it at all”

Since Karla Hernandez Garcia kept doing this almost every morning, I got to the point where I thought maybe if I shared a little about my life she'd understand. I had told her many times that I had a girlfriend. This relationship had just ended and I told her that I was sad, and that is why I was being quiet. I opened up to her and told her everything that happened leading to the end of the relationship. I told her that early in the relationship my girlfriend [REDACTED] that her parents never supported our relationship and wanted her to be with someone who was better than me. The only response she gave me was to say "thats how white bitches are, they cheat on you, why were you even with her? Whats her name?" She said "someone else is fucking her already, why do you even bother?" She began to sing a song in Spanish everytime I was near her "dale tilin" translated as "give her dick." She even did this during our huddles in the morning, knowing that no one else understood because it was in Spanish. The only one who understood was [REDACTED] who knew what was happening in my life and might have been aware of the way that Karla was bothering me. She kept doing this so I tried telling her how important the relationship was to me, that this was someone I had been hoping to have children with and that I really wanted to start a family. Her response was "well I have lots of kids, you can take care of one of them." This made me feel horrible, like she didn't care. It became obvious to me that the whole time that she was trying to be my friend, she was really bullying and harassing me.

Karla Hernandez Garcia continued singing songs every morning, during the huddle, taunting me. Every morning it was a new song and it was clear that she was trying to bother me and get a reaction out of me. I just ignored her.

After I told Karla Hernandez Garcia about my breakup, she began to continuously ask me "how are you sleeping these days, buddy? You sleeping like shit?" I was always cordial to her, I just wanted her to leave me alone. I wouldn't respond when she said this.

#### November 19

One morning when I was loading the truck for the day with [REDACTED], I was telling him about a woman I'd met, that we were dating and that she had a cute dog. Suddenly I heard Karla Hernandez Garcia say loudly "you shouldn't talk to your bosses about that kind of thing, you're gonna get fired for that." She and I always spoke Spanish, but these comments she made in English.

I would share these kinds of things with [REDACTED] because he was a good leader and very supportive of my work and who I am as a person. He also shared personal things with me and was a big support to me during my breakup.

After all of this, I tried to maintain my distance from her as much as I could. Karla Hernandez Garcia saw me being friends with others, and that I wasn't friends with her. She seemed to notice this and it made her angry. I even spoke to my closest work friends about it and they agreed that she was mad that she wasn't part of what I had.

### December 3

Friday morning, 5 - 10 minutes before the shift started while we were all gathering, I was talking with [REDACTED] about the camping weekend that was coming up. I told Jay that Thomas, my professor from Ornamental Horticulture 50 (OH 50), had given me a marijuana plant and that I'd bought a really nice pot for it. We were talking about this and suddenly, I heard Karla Hernandez Garcia saying right next to me, but loudly so that others could hear, "you should keep that to yourself, you're going to get fired for that." This felt threatening. If she really cared about me getting fired, she wouldn't have said it so loudly.

### December 6th

We had an OH 50 class at the Botanical Garden. I had plans to meet up with Noemi Andrade and [REDACTED] to eat at Underdog after work and before the class. Karla Hernandez Garcia was at Underdog with them. It surprised me that she was there because she doesn't speak to Noemi Andrade and from what Noemi has said, she treats her coldly and rudely. I think she invited herself through [REDACTED]. I said hi to everyone including her, we all had a good time and then we went to the Botanical Garden for class.

### December 6th

During this class we had a walk through the botanical garden and De Young museum gardens. During this walk I was talking to [REDACTED] about something having to do with our house. [REDACTED] is a co-worker and a roommate. Karla Hernandez Garcia overheard us talking and said "sometimes I just want to punch you in the face, Lalo." [REDACTED] and I heard what she had said, we looked at each other and were speechless.

### December 7th and 8th

As usual Karla Hernandez Garcia sang songs when I was close by, with the same purpose of trying to bother me.

### December 9th

We were working in Noe valley and I was working with Allison McCarthy, my supervisor, digging a hole. We were talking casually like coworkers. The conversation didn't feel serious, just like Ali naturally was curious about a few things. Allison McCarthy told me that someone had told her that I had said "mamacita" referring to a woman passing by when I was in the work truck driving towards the field. I was shocked, "I said, no I never said this, I would never say something like this, especially at work." She didn't say anything. Then she asked me how things were between Karla and I. I said, "everything's fine, why?" She said Karla had told her that I'd said she was working slowly and that this insulted her. I told Ali that I never said this. Ali told me that Karla wanted to speak with her and I about this. All of this made me think that all of these complaints came from the same person. I told her this wasn't necessary, that I would apologize to Karla on my own and resolve this as the adults that we are. Ali said, "yeah, it's a good idea for you to apologize to her, maybe on break, and you can resolve this."



I approached Karla Hernandez Garcia in the middle of the park. I chose to do this in the middle of the park so that everyone could see that I was giving her an apology and so that I felt safe and so would she. Ali was standing nearby, she gave us space, but saw it happen. I said to Karla,

“Ali let me know that you told her that I’d made a comment about your work. I’m sorry if I said something like this, I don’t remember having said it. But if I did, please know it wasn’t my intention to hurt you and the next time there is something you need to say, please come to me and tell me. It isn’t necessary to talk to Ali.” I continued, saying, “do you remember the time that you mentioned that we don’t see many Latino’s working for Rec and Parks? And as Latinos we need to support each other? There are many examples of times that I could have spoken to Ali, like when you hit my car with your car door, but I chose not to. Please accept my apology and I promise this won’t happen again. When was it that I said this to you?” She started to cry and said,

“yeah but sometimes you don’t want to talk to me and you don’t even know whats going on in my life. I have a lot going on, and the day that we were at Underdog you hardly spoke to me” She didn’t answer my question about when I had said she worked slowly, she just focused on the time at Underdog. I put my hand on her shoulder and said “its ok.” I said,

“I arrived and I said hello to you. If I talk more with [REDACTED] and Noemi, its because they’re close friends of mine and I’ve hung out with them outside of work. I don’t know you very well. I’ve always been polite and a gentleman to you.” She responded,

“yeah but it didn’t seem like you wanted me there and you didnt’ talk to me, only to [REDACTED] and Noemi”

“Because they’re my friends and I feel more comfortable with them. You and I are only coworkers and classmates, and thats it. Is that ok with you? Do you agree?”

“Yes”

“So now there isn’t a problem? Everything’s good between us? We’ll treat each other with respect, like coworkers? Is there anything else I can do for you? Are we cool?”

“Yeah, we’re cool”

“Ok, cool”

“Have a nice break”

“Yeah you too”

It surprised me that she brought up me not having talked to her, when she never talks to Noemi Andrade, at work or in class. Noemi was also there the day at Underdog. Noemi is a wonderful person, gets along really well with everyone and is one of my best friends. Also, we never ended up talking about what Allison had said Karla had been upset about. This made me think, she wasn’t really concerned with that comment, that I didn’t even remember making, but had something else against me. I began to feel that she was trying to ruin my reputation. After this Ali and I continued working together fixing the hole that we were digging earlier and she asked me how the apology went. I told her that I thought it went ok, that when I apologized to Karla she began to talk about other things and began to cry, but that I thought we had resolved it. I said to Ali, maybe it would be good if she talked to Karla now to see how it went for her.

After this, Karla Herandez Garcia continued singing songs and began making lewd gestures with her mouth open pumping the air in front of her mouth with her fist when she saw me alone. Every day was this same sort of behavior.

I didn't hear anything from Allison McCarthy after this incident and everything seemed like it had been resolved. Allison seemed a bit distant and upset with me, but she didn't say anything. She never asked for my side of the story, which I was expecting after the accusations Karla had made. I just put my head down and continued to work. After this, I noticed Allison seemed to always have paperwork to give to us. She would forget to give it to me, or forget to get it back from me after I had filled it out, so oftentimes I was either asking for it or giving it back to her. It seemed like she was doing it on purpose.

Looking back on my time as an Apprentice Gardener, I remember that in the beginning of my employment I felt that Allison McCarthy was cold and distant towards me. During a conversation with Ali about a problem I was having with Randy Vasquez (which I have a thorough, written account of and feel that he had something against me because I'm Mexican), we sat down and Ali listened to my side of the story. In the beginning of the conversation she said that she had been under the impression that sometimes I wasn't paying attention to her instructions and that I didn't understand English. She said she was surprised by how good my English is. I told her, "No, I'm just quiet, I'm fully fluent and understand and speak English and it just takes me a while to make continuous eye contact with someone because I'm shy, quiet and tend to be private. I like to keep my head down and work hard. This gave me the impression that the cold and distant treatment she was giving me was due to my Mexican heritage, nationality and status as a naturalized immigrant. I felt treated differently from my coworkers and that she would have actively sought their side of the story had they been in my position. I never felt supported by her or that she was interested in seeing me thrive. In the incident I had with Randy, Ali gave me the opportunity to speak to HR when she heard my part of the story. She took the papers out of her backpack for me to fill out and file with HR. I told her that I didn't want to file a complaint with HR because I didn't want to create any waves and increase problems. I wanted to solve the problems like adults and continue working as a family and learn from each other and our mistakes. I just wanted to do my job and do it well.

I was very surprised to be brought to the warehouse and presented with the letter of separation on December 17th, 2021. That day of my separation [REDACTED] kept saying you are going to land on your feet and he also said you don't belong to the public sector and I should stick to the private sector, also I should just speak to HR.

I worked for multiple years to get the kind of job that is now being taken away from me. I am a hardworker with an incredible work ethic. I am ready to give my life to this job and to the City for all that it has given to me. I've never been late, I've never called in sick, I've always finished the work that is assigned to me, I have multiple years of experience in this kind of work. I love this work. I love plants, gardens and nature and I love working with them. I'm not here just for the benefits or the salary, I'm here because I love what I do and I like to see things done well. I have allies at work that are willing to testify on my behalf and can verify what I am writing here. Since

the separation, I've received texts and calls of support from my coworkers. They will be able to corroborate much of what I have written here and will support me in whatever comes next.

As you can see, many times while working for SFRPD, I experienced harassment, retaliation and discrimination. The document that I referenced earlier about events that occurred with Randy Vasquez, further detail this treatment. I'd be happy to share it. I was fired based on false claims and I would like my job back immediately.

Sincerely,

Eduardo Guerrero Ortiz

[REDACTED]

## **Events with Randy Vasquez**

### August 11th

I was assigned to ride in Randy Vasquez truck, the captain of my group, by my supervisor, Allison McCarthy to go to the job site. When I got to the truck, he said to me "you don't belong here," in a gruff manner. I said, "I was told to go with you," he said "lemme check with [REDACTED]" I ended up going with a different truck. This was the first one-one interaction I had with Randy. This felt really threatening and intimidating especially when I was just working first week in the program.

### August 19th

Many times in the morning, while I was drinking my coffee, he would come and ask me why I was so quiet. I'd tell him "this is just how I am, I'm shy, I'm just here to do my work." He would respond with "what, you don't like me?" even after I assured him that it was nothing personal.

### August 23th

Every time Randy came to talk to me he always touched my back, with a slap on the back saying "all right bro." This made me feel uncomfortable.

### August 24th

He would often assign me to work with [REDACTED] and would say "this way you can speak your own language together." This made me feel uncomfortable, the tone of his voice and the look in his eye seemed challenging and I felt singled out, as though he were provoking me. It also separated me from the rest of the group to whom English is their first language.

### August 25th

He has always watched me while working and even during lunch. Even from a distance I noticed that he seemed to position himself in such a way that he could always see me. This was not to say hello, or be friendly, because he never greeted me during these times.

Many times he would ask me, "why don't you take off your hoody or your vest?" I would reply "No reason, I like to sweat, I'm a bit shy of my body, I want to lose weight using extra layers," or he'd say, "Lalo, you're not hot, man?" I am used to working in extreme heat in the east bay and on the peninsula, the heat of San Francisco does not compare to over the 100 degree weather I am used to working in. I would wear a hoodie in this weather to protect me from the sun.

He liked telling us that he never used the words "please" or "thank you." He would make this kinds of comments very often and it felt like he was threatening everyone by using this kind of words.

He also would say so often that as an apprentice i dont really matter and my words or comments don't count or dont matter.

#### September 8th

One day when I didn't have any layers on, in front of everyone right before lunch when we were all walking to do our lunch huddle, he yelled so everyone could hear, "Hey Lalo, you've got a big chest man!" and made a bodybuilder gesture. No one said anything, it was a commentary out of nowhere. The only person who said anything was Karla Hernandez Garcia who said to me, "I told you, you got a big chest, man!" I didn't say anything, just smiled

#### September 14th

I had always arrived by bicycle or motorcycle. The first time that I drove my truck to work I was pulling into the parking lot doing no more than 5 miles/hour and I saw Randy. As I walked to the warehouse, Randy came up to me and said "can you drive more slowly?" Again, this felt like being singled out, even though I had done nothing wrong.

#### September 22

I began to notice that Randy would tend to grab the tool I was using, even if there were plenty of this same type of tool to go around. I always ignored this time and again and would just go to get more tools.

#### October 5th

Randy Vasquez would keep making comments about how he never tells people thank you or please because that is not who he is, this felt very uncomfortable and challenging. He would say it very often.

Also the comments about me just being an apprentice where i don't really matter at all because one day i can get fired for any reason. This felt very no cool at all.

October 15th

All this interactions with Randy Vasquez fell out of control but at the same time i was trying to just not get in trouble and just finish my day of work and go home and being happy to have a good job, i tried my best way for him Randy Vasquez to get to like me or just get along in some way, i even try with a picture of me and my girlfriend having dinner at this restaurant in the Richmon because that day we talked about good places to go out for a date, so that day i went on a date with my girlfriend and i took a picture of the food we had and i sent to him to try to connect with him, not a single response from him.



October 29

One day after Randy used the tools I'd been using, I was using a flex rake that Randy picked up and began to use. I said to him, "Randy, I was using that." He said "oh, can I use it? Is that ok, Lalo, is that ok with you?" "Do you own this?" "can i use it?" I said "yeah, its all good man." Grabbing tools that I was using unnecessarily and without asking, felt aggressive. A few

moments after this happened, he called me with his hand yelling my name. Then he asked me to finish doing the job he was working on using the same tool that he had just grabbed from me.

#### November 4th

The following week, at the end of the day Randy approached me saying that he felt a “vibe” from me. He called me outside of the warehouse. I said “whats up? is everything good?” He responded

“everything’s fine, only I feel a vibe from you,”

“What, what kind of vibe? Can you be more specific?” I asked

“Nothing, I just feel a vibe”

“Doest have to be about my work from today or did i say something”?

“No, not that, don’t worry about that, only a vibe” He was looking at me in a way that was very challenging as though he wanted to physically fight. He was puffing out his chest and standing very close to me. So I said,

“Well, since we’re here I’ll tell you some things that have been bothering me. Every time you talk to me you touch me on the back,

He said “oh, so there is vibe...” nodding his head still with the challenging stance he had had.

I just continued telling him about how i felt about his treatment towards me “it was good chance to speak to him and have things clear.

“ I don’t take off my sweatshirt because I’m a little shy about my body and this comment that you made in front of everyone about my big chest, wasn’t right. Every time you talk to me it feels like you want to fight with me.” I didn’t bring up everything he had done that felt aggressive.

“Please just don’t do this. Look, you’re harassing me. It doesn’t feel good when you make these comments in front of the group. I’m shy. I’m on probation and this job is really important to me, I’ve never been late and I work really hard. I’m only here to work. I’m learning and you are also covering for someone and learning the position you’re in, so lets just keep it cool and move on like adults”

“Please if you don't like me or you don't like people around you speaking spanish so be more direct or specific about it, instead of pulling me off the entire group very often and say something like in this way you can speak your own language, i few times you have done it and [REDACTED] is with me, she told me that your comments feel very rude and out of place”

#### November 5th

The following day, Allison McCarthy told me she wanted to speak to me, so the morning went as usual, we took care of everything before we head off to the field, the whole group left the nursery and i stayed at the Elvas Greenhouse with Ali, we sat and we spoke about what happened the day before.

She started the conversation with something like she had been under the impression that sometimes I wasn’t paying attention to her instructions and that I didn’t understand English. She

said she was surprised by how good my English is. I told her, "No, I'm just quiet, I'm fully fluent and understand and speak English and it just takes me a while to make continuous eye contact with someone because I'm shy, quiet and tend to be private. I like to keep my head down and work hard.

I told her about our conversation, about him asking me about the vibe without telling me anything specific. I let her know that I told him I would take this opportunity to tell him that it felt like he was coming after me. I told Ali all the reasons why I felt he was doing this, from his comment about my chest and why I never took off my hoodie, in the mornings asking me why I'm so quiet, his habit of grabbing my tools, always slapping me or touching me on the back. I told her about everything that is in the document. I was very clear about everything that had been happening with him since I started working here.

But what it was very sad and serious is the fact the he separated many times from the group, he would always choose me and [REDACTED] to work separately from the group so in that way we could speak our own language, [REDACTED] felt very uncomfortable and offended about these kind of comments from Randy Vasquez.

She listened and she told me that this was very serious and that I should file a report with HR. She took the HR papers out of her backpack and offered them to me. I told her I didn't want problems and I didn't want this to become a big thing, I wanted to resolve this like adults and that we are a big family who is learning everything together, and that we can learn how to resolve these things between ourselves without it becoming a big thing. Ali listened and said, "ok." She apologized for what had been happening and thanked me. She gave me a ride to the rest of the group at Dolores Park.

After this I maintained my distance from Randy like I always tried and he maintained his distance from me and things calmed down. He stopped using my tools, stopped slapping me on the back, stopped making comments about me in front of the group, stopped asking me about being quiet, stopped asking me about wearing a hoodie, he stopped pulling me from the group with [REDACTED] to speak our own language but he did continue to watch me from a distance as usual, he just kept doing it in a very obsessive way, very uncomfortable.

**EEO File No. 3963**  
**Exhibit B, Attachment 1**





**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT  
WITNESS INTERVIEW NOTES**

<b>Complainant-</b> Eduardo Guerrero Ortiz- Self identified male with he/his pronouns	<b>EEO File No./Dept.:</b> POT 2022/REC
EEO Investigator: Prisma R. Corona	Date & Time: Thursday, April 14, 2022, from 7:00 a.m. 10:15 a.m.
Others Present:	
Location: Microsoft Teams Video Conference	Pages:

**I. BACKGROUND INFORMATION**

**Our HR system shows that on August 7, 2021, you were hired as a temporary exempt 3410 Apprentice Gardner. Is that Correct?**

*Yes, that is correct but my start date was actually on August 5, 2021.*

**Was that your only position within the City?**

*Yes, this was my only position with the City. I waited a long time for a position like this.*

**Documentation shows that on December 18, 2021, you were released from your 3410 position. Is that correct?**

*I was really released from my position on December 17, 2021, but I requested my personnel file from the City and the paperwork says December 18, 2021.*

**Were you aware that this position was an at-will position, meaning that your employment may be terminated at any time by the Appointing Officer with or without cause?**

*Yes, I knew this.*

**Do you understand what this means?**

*Yes, I do.*

**A. Working Relationship with Allison McCarthy**

**Looks like you reported to Allison McCarthy while at REC. Is that right?**

*Yes, that is correct.*

**Did you meet Allison at REC?**

*I met Allison on my first day of work, but prior to that we had emailed each other regarding the position.*

**How would you describe Allison's personality?**

*She's a nice lady. She takes her job very seriously, and she loves what she does. She has been with the City for over 10 years.*

**How would you describe your relationship with Allison?**

*Allison was pretty distant and kind of cold towards me. Occasionally, when I said good morning she would not respond, so I stopped saying it. She did sometimes make comments about her personal life so I would say our relationship was professional and a little bit social.*

**Do you and Allison get along?**

*We kind of got along. I was careful around her because I had a feeling that she did not like me.*

**Are you/were you ever friends?**

*No, we were not friends. She was my boss and I was just an apprentice.*

**Did you and Allison socialize outside of work?**

*No.*

**B. Working Relationship with Karla Hernandez Garcia**

**How and when did you meet Karla?**

*I met Karla my first day in the program.*

**How often did you interact with Karla? Daily, weekly, rarely?**

*I saw Karla every day that I was at work.*

**How would you describe your relationship with Karla?**

*She was my coworker. I wanted to be professional and friendly towards her.*

**Do you and Karla get along?**

*We got along a little. I think she wanted to be more than just co-workers.*

**When you say more that co-workers, do you mean she wanted to be friends with you or that she wanted a romantic relationship?**

*I think she wanted to be friends with me.*

**Are you/were you ever friends?**

*Not really. She tried to be friends, but we never got there.*

**Did you and Karla socialize outside of work?**

*I only saw Karla outside of work one time. I described it in my complaint. It was a group setting, and I did not know she was going to be there.*

**C. Working Relationship with Randy Vasquez**

**How and when did you meet Randy?**

*I met Randy my first day in the program.*

**How would you describe Randy's personality?**

*Randy is very intense.*

**What kind of interactions did you have with Randy?**

*Randy and I had work related interactions. He was the captain of the team I worked on. Randy would tell me what to do and what not to do.*

**How often did you interact with Randy? Daily, weekly, rarely?**

*I saw Randy every day at work.*

**How would you describe your relationship with Randy?**

*Randy and I were just co-workers. Maybe acquaintances.*

**Did you and Randy get along?**

*I do not know. We were just there to make a living, and that is what we did.*

**Are you/were you ever friends?**

*No.*

**Did you and Randy socialize outside of work?**

*No, we did not.*

**II. ALLEGATION: HARASSMENT**

**A. Allegations Against Allison McCarthy**

**1. December 3-6, 2021: Allison Threw a Sharpie at Eduardo's Face and Following Comments**

I am going to review your allegations and make sure I understand them. First, you alleged that on December 3, 2021, Allison McCarthy threw a sharpie at your face, said something like you shouldn't be so hard on yourself. Your coworkers witness this and it was caught on camera.

**Does that sound Correct?**

*Yes.*

**Why do you believe Allison threw the sharpie at you?**

*I guess she was comfortable enough with me to do something like that. I think she did it playfully. I thought it was friendly. I do not think she was thinking when she threw it.*

**Based on your protected category?**

*No. I think she threw it at me in the moment.*

**Did she make any comments about [protected category]?**

*No, she did not.*

Next, on December 6, 2021, outside of Elvas Greenhouse, you heard Allison mentioned that being sarcastic isn't a good idea, and brought up your comment from December 3<sup>rd</sup>, while pointing at you. She also told you "You don't want to stir the pot.

**"Does that sound correct?"**

*Yes.*

**Why do you believe Allison made these comments?**

*To be honest, I am not sure why Allison made these comments.*

**Based on your protected category?**

*I felt like all of my interactions with Alison had to do with my heritage. I always felt like she was looking at me like, "this Mexican is doing something bad."*

**What makes you say that?**

*It was just a feeling I always had.*

**Did she make any comments about [protected category]?**

*No.*

You mentioned that you felt the conduct that happened on December 3<sup>rd</sup> (sharpie incident) and this December 6<sup>th</sup> incident made you think that Allison was part of the reason you were fired.

**Why do you think this?**

*I think Allison had something to do with me losing my job because she always gave me the cold shoulder. She had always been distant and cold towards me. It was obvious and it made me feel like she did not want me there. Then she made the comment "don't stir the pot," like I was doing something wrong.*

**Why do you think Allison would want to have you fired?**

*I think Allison wanted to get rid of me based on the interactions I had with her, and because I am an immigrant.*

**Did Allison know you were an immigrant? If so, how do you know that?**

*Yes, Allison knew I was an immigrant. When I was hired we all introduced ourselves and shared a little bit about ourselves. I told everyone that I migrated to San Francisco from Mexico.*

**Why would Allison want to fire you due to your immigrant status?**

*I am not sure, jealousy? Maybe because I speak another language. I speak Spanish and she does not. Also, because I am a male.*

**Why do you think Allison was jealous that you could speak Spanish?**

*Allison told me that she had always wanted to speak Spanish but that it was difficult for her.*

**Do you have other co-workers that speak Spanish?**

*Yes.*

**Do you think Allison is jealous of those co-workers as well?**

*I do not know about their situation. I only know about my situation.*

**Why do you believe Allison wanted to fire you due to you being a male?**

*Allison always spoke about how a lady started the Gardening program. It was always a focus for her to keep the ladies in the program and get rid of the guys.*

**Did she make any comments about males?**

*Yes, she did. She said that there are too many males doing this job and that ladies can do this job just as well.*

**How many males did you work with? How many females?**

*There were three males, me, [REDACTED] 3410 Apprentice Gardner's. There were about ten ladies in the group.*

**Did Allison target all the males in your group?**

*I do not know, but I do not think so. It was different though because those males are white. (PRC verified the other two males are White). Allison targeted me because I am a Mexican male.*

**Why you think Allison has something specifically against Mexican males?**

*I think Allison has something against Mexican males because I have a bottle of water with a Mexican flag, and she pointed out the sticker and said, "I don't think that looks good." Also, because of the comment she made about how she did not think I knew how to speak English.*

In your complaint, you also said: The sharpie incident "hadn't seemed like a big deal to you," and that Allison was trying to hurt you with that sharpie she threw at you."

**Can you tell me why you think Allison would want to hurt you?**

*Allison obviously wanted to hurt me because she threw the sharpie at my face. Who throws something at your face unless they want to hurt you? At first, I thought it was not a big deal, but then she made the sarcasm comment, and I realized that she was serious when she threw it at me. That means that she was trying to shut my mouths with the Sharpie.*

**Based on your protected category?**

*It had to do with me being Mexican because she did not do that to anyone else. Other people make jokes all the time and she never did anything to them at all. The fact that I am an immigrant male is what made me different.*

**Did she make any comments about you being Mexican?**

*No.*

In your complaint you stated that Ali (Allison?) made a comment about how sometimes you weren't paying attention to her instructions and that she didn't think you understood English. You also stated that you believe Allison's treatment of you due to your Mexican heritage, nationality and status as a naturalized immigrant.

**Does that sound correct?**

*Yes.*

**When did this conversation happen?**

*In November 2021.*

**Had you spoken to Allison in English prior to this?**

*Not really. Usually, we were in a group and Allison was in the front and spoke to us. I always listened. On this day in November, I approached her to talk about Randy. This was the first time that I spoke to her directly.*

**Did Allison say anything else about your language?**

*No.*

**Why do you believe Allison's conduct had to do with your Mexican heritage?**

*The fact that she knows that I am from Mexico.*

**Did she make any comments about your heritage?**

*Yes, she said, "So, you're from Mexico. Where from?" She also said she had never been to Mexico.*

**Did you find her questions offensive?**

*Not these questions specifically, but it was one more way that she focused on me being Mexican.*

**Did Allison's comments have to do with you being Mexican?**

*Yes, because she was talking about me not being able to speak English. She was wrong but she had already made an assumption about me.*

**2. December 9, 2021: Conversation Between Allison and Eduardo**

In your complaint you stated that Allison, told you that she was informed that you had said "mamacita" referring to a woman passing by when I was in the work truck driving towards the field, and that Allison would forget to give you or pick up your paperwork.

**Did this conduct offend you?**

*Yes*

**Why?**

*I would never say "mamacita." I told Allison that I did not say that. She did not believe me. It was obviously because she did not want me there. She would always forget to give me paperwork in front of everyone. It was obvious that she was doing it on purpose because it was only with me.*

**Based on your protected category?**

*Yes, Allison treated me this way because I am a Mexican male.*

**If so, what makes you believe that?**

*Because Allison only treated me this way. No one else. I was the only Mexican male.*

**Did she make any comments about [protected category]?**

*No.*

**B. Allegations Against Karla Hernandez**

**1. EEO Allegations**

**a. Comments**

In your complaint, you detailed several interactions between you and Karla. I am going to review many of those with you, and specifically focus on those in which you allege conduct that may be within our jurisdiction. For example, you alleged that Karla Hernandez made inappropriate comments to you, including commenting on your beard, saying you looked good, but that she would love to touch it up for you because you would look more handsome, made a comment about your chest, and that she wanted your hoodie.

**What nationality is Karla?**

*I do not know. I know she speaks Spanish.*

**When did she make these comments?**

*Karla began making these comments from the time I got hired. She was very comfortable.*

**How often?**

*Karla made a comment about something every single day.*

**Did anyone hear her make these comments?**

*Yes. [REDACTED] 3410 Apprentice Gardner witnessed most of Karla's comments.*

**Were you offended by these comments?**

*Yes.*

**Why?**

*These comments were personal to me. For example, she said that I have a Chino beard. She said my beard was stringy and weird. She made jokes about it. Then when she said she wanted my hoodie. That is offensive because the hoodie is mine. She did not want a hoodie like mine, she wanted my hoodie.*

**Based on a Protected Category?**

*Yes, it has to do with me being a Mexican male.*

**Why do you believe Karla's comments had to do with you being a Mexican male?**

*Karla did and said everything she did because I am a Mexican male. She called me paisano. She referred to everyone as Mr. or Ms., except me because I was just paisano. She made the comment about my beard being a Chino beard, and not the way a Mexican beard should look.*

**Did you find these comments to be sexual in nature?**

*Not all of the comments were sexual but the tone that she used when she said she wanted my hoodie sounded sexual.*

**Did you report the comments?**

*No.*

**If not, why not?**

*I never wanted to report anything. I did not want to have any problem at works. This job is important to me.*

You also alleged that in November 2021, after you told Karla about your relationship status, she made the comment "that's how white bitches are, they cheat on you, why were you even with her? and someone else is fucking her already, why do you even bother?"

**How did you respond to this?**

*I was shocked. I could not believe she said these things. I did not say anything back to her.*

**Did these comments offend you?**

*Of course.*

**Why?**

*Because she was speaking offensively about my lady. The things she said were not right.*

**Do you believe this comment was sexual in nature?**

*Obviously. She was talking about sex.*

**Did anyone witness these comments?**

██████ witnessed these comments. One day (unknown) ███████ apologized to me for the way Karla treated me. She was always following along with Karla, and she wanted to apologize.

**Did you report these comments?**

*No.*

**Why or why not?**

*I did not want to have any problems. I just wanted to focus on my job.*

**Based on your protected category?**

*Yes. Karla made these comments because I am Mexican. If I was not Mexican, she would not have said "White bitches." It was always because I am Mexican.*



You also alleged that Karla sang a song “dale tilin” translated as “give her dick.”

**What exactly did Karla say?**

*That was it. She only used these words over and over: Dale talin, dale talin.*

**How did you respond?**

*Sometimes I shook my head but usually I did not respond.*

**Why do you think Karla sang this?**

*Karla is a bully. She wanted to get to me.*

**Do you believe this song was sexual in nature?**

*Yes. This song is very sexual.*

**Did this offend you?**

*Yes.*

**Why?**

*This was very offensive because she is singing it about someone else fucking my ex-girlfriend.*

**Did anyone witness Karla singing these lyrics?**

██████████

**Did you report these comments?**

*No.*

**Why or why not?**

*I did not want any trouble.*

**Based on your protected category?**

*Yes, it was because I was Mexican. The lyrics were in Spanish.*

**If so, what makes you believe that?**

*Karla did not like that my ex-girlfriend was White and I am Mexican.*

**How many times did Karla sing the lyrics “Dale Tilin”?**

*More than ten times for sure.*

**b. Gestures**

In your complaint you stated that Karla made lewd gestures with her mouth open pumping the air in front of her mouth with her fist.

**Is that correct?**

*Yes. It is the symbol for a blow job.*

**When did this occur? (Dates/Frequency)**

*Karla started to make this gesture on December 9, 2021. It felt like she did it almost every day after that. She might have done this like seven times total.*

**Where were you when this happened?**

*I was in multiple places. Sometimes I was in the parking lot, sometimes I was near the bathroom. It was always while she passed by me while we were working.*

**How did you respond?**

*I did not respond.*

**Why do you think Karla made this gesture?**

*I think Karla was trying to get me fired. She wanted me to react.*

**What makes you believe that?**

*Because she made multiple comments about me getting fired. I mentioned them in my complaint. She yelled at me that I was going to get fired at least two times.*

**Why would she want to get you fired?**

*I think Karla wanted to get me fired to get back at me because she wanted to be friend and I did not want to be her friend.*

**Do you believe this gesture was sexual in nature?**

*Yes.*

**Why?**

*It is a sexual gesture.*

**Was anyone else around at the time?**

██████████ both saw Karla make this gesture.

**Did you mention this gesture to anyone?**

*I told ██████████ 3410 Apprentice Gardner, about this.*

**Did ██████████ say anything to you about the comment?**

██████████ said, "that little...." She used bad words. ██████████ is my roommate.

**When did you tell her?**

*I told ██████████ the first time it happened. I told her on our commute home.*

**2. Non EEO Allegations**

You also said that in August 2021, Karla texted you outside of work hours, and that she invited you to go drinking with her, and that she wanted to introduce you to her friend. You provided several additional instances of text exchanges with Karla, including her asking for your study guide and test.

**Were you offended by these texts?**

*Yes.*

**Why?**

*Karla was pushy. I kept telling her that I had a girlfriend, but she still wanted me to meet her friend. That, or she wanted to copy my work. Or she wanted to hang out with me.*

**Did you find them to be sexual advances?**

*I am not sure to be honest. It started to feel like it towards the end.*

**Did you report Karla's messages?**

*No.*

**Why/why not?**

*I was planning to report Karla's behavior when Allison told me that Karla had complained about me.*

**Based on your protected category?**

*Yes. It all has to do with me being Mexican.*

**If so, what makes you believe that?**

*I know Karla felt more comfortable with me because we both spoke Spanish. She always called me Paisano.*

**Did she make any comments about you being Mexican?**

*Yes. Karla said her stepfather is Mexican just like me. She also said that I should not be dating a White girl because I am Mexican.*

In addition, you also provided information that Karla was parking too close to you and that on two separate occasions she interrupted a conversation between you and a supervisor by saying "you shouldn't talk to your bosses about that kind of thing, you're gonna get fired for that." Karla also made a comment like "sometimes I just want to punch you in the face, Lalo."

**Why do you think Karla made this comment?**

*I am not sure why Karla did this. She is out of her mind. She wanted me to get fired.*

**Based on your protected category?**

*It is because I am Mexican*

**If so, what makes you believe that?**

*Karla took it offensively that we were both Hispanic, but I did not want to be her friend. She decided "fuck him" and turned against me. Karla was angry that I did not want to be her friend and told me that I only wanted to be friends with White people and did not want to be friends with my own people. She told me that about seven times. Everything is connected to the fact that I am a Mexican male. If I was a female, she would not have tried that hard. Everything only happened to me and I am the only Mexican male.*

**How did you respond?**

*I told her that it was not true. I told her that I am friends with Noemi Andrade, 3410 Apprentice Gardner, and she is from the Philippines.*

**C. Allegations Against Randy**

**1. August 2021: Interactions between Randy and Eduardo**

In your complaint you stated that in August 2021, Randy told you you don't belong in his truck, asked you why you were so quiet, slapped you on the back, saying "all right bro, made comments about you wearing a hoodie, made a comment about your chest, watched you while you worked and during lunch, and told you that you don't matter as an apprentice because one day you can get fired for any reason." You stated that Randy's conduct made you uncomfortable.

**Does that sound correct?**

*Yes.*

**Did Randy's conduct offend you?**

*Yes.*

**Why?**

*Because what Randy did and said was offensive. The comment about my chest, was a comment about my body. Nobody should make comments about another person's body. The comment he made about not mattering as an apprentice is offensive because he was talking about my career as if it was nothing.*

**What about Randy's conduct made you uncomfortable?**

*Randy's conduct made me uncomfortable because it was offensive. Usually when something is offensive it makes you uncomfortable.*

**Based on your protected category?**

*I do not know. Randy made the apprentice comment to everyone, not just me. But the other stuff was just to me.*

You stated that on August 24, 2021, Randy assigned you to work with [REDACTED] and said "this way you can speak your own language together, "which separated you from those who spoke English as their first language.

**Does that sound correct?**

*Yes.*

**Did anyone hear him make this comment?**

*Randy made this comment when [REDACTED] was with me. [REDACTED] said "that's not cool."*

**Were you offended by this comment?**

*Yes, I was offended. [REDACTED] got offended by it too.*

**Why?**

*He had previously paired us together prior to making this comment. Then when he made this comment, I understood why he used to pair us together.*

**How many times were you paired together prior to the comment?**

*Probably three times.*

**Did you report the comments?**

*Not to someone else.*

**If so, to who?**

*I told Randy about the comment when he confronted me about my vibe.*

**Why do you believe Randy made this comment?**

*Randy made this comment because I'm Mexican. He specifically mentioned us speaking Spanish as a reason for putting us together. He separated us from others because of our race.*

**2. September through November 2021: Interactions between Randy and Eduardo**

You stated on that on September 14, 2021, Randy asked you if you could drive more slowly. You also stated that on November 4, 2021, Randy told you he felt a vibe from you, while trying to be physically intimidating. You then explained to Randy what had been bothering you.

**Does that sound right?**

*Yes.*

**Did this conduct offend you?**

*Yes, Randy offended me. His comment about me driving fast was a lie. I was going slow. It was also about how he approached me. Like "hey bro, you're driving way too fast." He wanted to get a reaction out of me.*

**Based on your protected category?**

*Yes. Randy acted this way toward me because I'm a Mexican male.*

**If so, what makes you believe that?**

*Randy only treated me like this, no one else. I'm the only Mexican male.*

**Did he make any comments about you being Mexican or male?**

*Yes. Randy once made a comment about my mustache getting long and asked if it was the Mexican style. I told him it was and he told me I needed to trim it.*

**When did Randy make this comment?**

*It was in September 2021.*

You stated that on November 5, 2021, you spoke to Allison about Randy's conduct, and after that Randy stopped slapping me you on the back, stopped making comments about you in front of the group, stopped asking you about being quiet, stopped asking you about wearing a hoodie, and he stopped pulling you from the group with [REDACTED] to speak your own language.

**When exactly did this conduct stop?**

*After I spoke to Allison, the conduct stopped pretty much right away. To me it was proof that he was doing something wrong. He stopped the comments but he continued to watch me from a distance.*

**III. ALLEGATIONS: DISCRIMINATION**

**A. Termination**

**When and how did you learn that you may/would be terminated from employment?**

*It was December 17, 2021. [REDACTED] 0922 Manager, told me in person that they were going to release me from my employment. [REDACTED] told me that I should stay with the private sector. He said, "you don't belong with the public sector."*

**Where were you?**

*I was at the warehouse in Golden Gate park.*

**Who else was present?**

*[REDACTED], 3417 Gardner, and Allison were there.*

**Did they say anything?**

*[REDACTED] said, "I'm sorry man." I had a connection with [REDACTED] He's a really nice guy. He said he thought it might have something to do with Karla. I told him that wasn't fair because nobody wanted to hear my side of the story.*

**What was your reaction? Why?**

*I asked them why they released me and if I had done anything wrong. [REDACTED] just told me that I could talk to HR if I had any questions.*

**What was stated or indicated as the reason for your release?**

*[REDACTED] just said to talk to HR.*

**Do you think that your release had to do with Karla?**

*It had to have something to do with Karla. It had to do with the lies that she told about me. I always behaved and was professional. I am a quiet person. (PRC reconfirmed that this was the reason he believed he was released)*

**B. Alleged Bias for Termination Decision**

*In your complaint you said "that the events (December 3 and 6- sharpie incident) made you think that Allison had to be part of the reason you were fired.*

**Is that correct?**

*Yes.*

**What makes you believe that?**

*I think Alison knew she made a mistake when she threw the sharpie at me and she wanted to delete that mistake by getting rid of me.*

**Do you believe there is any other reason for your termination besides what was stated or indicated?**

*Someone didn't want me there.*

**Did anyone do anything to make you believe that it was because of your race/ethnicity?**

*Allison didn't like me because I'm a Mexican male and Karla's behavior towards me was because I am Mexican.*

**When did you first think that your termination might be because of your race/ethnicity?**  
*Right away. As soon as they told me I was released from the program.*

**What do you think Allison would say in response to your allegation that your termination was because of your race/ethnicity?**  
*She would deny it.*

**What makes you say that?**  
*She has to deny it. It would look bad if she admitted to it.*

**C. Other Reasons for Termination Decision**

**Were you aware of any issues with your performance prior to notice of your termination?**  
*No, nothing. Allison and [REDACTED] both told me I was doing great. During my employee review they told me I had a great work ethic. They also asked me to speak up more.*

**Did they say anything else other than speak up more?**  
*They told me to interact and participate more, but everything else was good.*

**When was your review?**  
*November 2021.*

**Was this your only performance review?**  
*Yes.*

**Did you see your performance review?**  
*I have it. They gave me a copy. I thought it was good.*

**Did you have any issues with attendance prior to notice of your termination?**  
*No. I was always on time. I was never late.*

**Did you have any negative performance evaluations prior to notice of your termination?**  
*No.*

**Who was involved in the decision to terminate you?**  
*I have no idea.*

**In your complaint you stated: "...my firing was unfair and illegal. Due process was not taken."**

**Can you explain this more?**  
*When someone tells you that you did something that you didn't do and you do not get to give your side of the story but they still fire you, it is not legal.*

**Who told you that you did something that you did not do?**

I spoke to [REDACTED] 1244 Senior Human Resources Analyst. He told me that I was released because I called someone a *mamacita*. I never did that. But I remembered Allison had brought this up before.

I think [REDACTED]'s comment made it very clear that I was released based on my race. I was released for using a word in my native language. A single word that shows that they used a race-based reason to release me. And it was a false accusation.

**Are you aware of anyone else who was terminated for the same reason(s) as your termination?**

I heard that another Latino person was fired. I spoke to him and he shared a little of what happened to him.

**Who?**

[REDACTED], then 3410 Apprentice Gardner.

**Why did he get released?**

I don't want to share his story. That's his information.

PRC stated "There were five other employees released around the same time as you. These employees' races were Black, White, Hispanic, and Asian."

**Based on that information, do you still think your termination was due to your race?**

I do because of what I went through. Everything I experienced was due to my race.

**E. Documents and Other Records**

**Other than what you've already identified, do you have any documents, files, or other records about your termination or the reasons for your termination? This would include any text messages, emails, voicemails, notes, or other documents, records, or files in written, electronic, or some other format.**

No.

**III. IMPACT**

**How did Allison's conduct affect or impact you?**

Her conduct made me lose my job.

**How did Karla's conduct affect or impact you?**

Her conduct made me lose my job.

**How did Randy's conduct affect or impact you?**

His conduct made me lose my job.

**Did you take time off work as a result of the alleged conduct?**

I was fired.

**Have you incurred any medical expenses as a result of the above conduct?**



**How has the conduct described in this complaint impacted you?**

*I've been in a very bad place since I got fired. It broke my heart and I think about killing myself. PRC asked if CP needed the number for suicide prevention or any other resources.*

**IV. REPORTING OF COMPLAINT**

**When did you first report your concerns?**

*I made my complaint to REC on December 23, 2021.*

**Who did you report the conduct to?**

*I sent my complaint to [REDACTED] Telly, Melissa Tucker, 1246 Principle Human Resources Analyst and to the union labor 261.*

**What did you tell them?**

*It was the same information I sent EEO, but less detailed.*

**How did they respond?**

*Nobody responded to me from REC*

**Do you know if they took any action?**

*No, I don't know.*

**V. REMEDIES**

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

*I just want my job back. That's all I wanted from the beginning. As an immigrant I've always known that I have to behave. I became a citizen of the U.S. in 2018 and I take my responsibility very seriously.*

**VI. MISCELLANEOUS**

**Have you filed a complaint with EEOC/DFEH (external agencies)?**

*Yes, I filed with the EEOC the same day that I filed with EEO. I got a response from them and they want to speak to me too.*

**Have you filed a lawsuit?**

*Yes, I'm working on it.*

**Have you file grievance with union?**

*I spoke to the union, but they were not very helpful.*

**Have you filed a workers' compensation claim?**

*No.*

**VII. CONCLUSION**

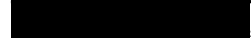
**Is there anything I have not asked you that you think would be relevant to the investigation of your claims? Additional information or documents you think I should have?**

*I have many people who are willing to speak up on my behalf.*

**Do you want to add anyone who you did not include in your complaint?**

*Maybe my ex and my current lady. PRC explained that we try to rely on City employees as witnesses.*

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

, 3422 Park Section Supervisor

**What knowledge do they have?**

*He helped me through the process.*

I thanked Eduardo for participating in the interview, and read him the below reminders:

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

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

**EEO File No. 3963**  
**Exhibit B, Attachment 2**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**REBUTTAL INTERVIEW**

<b>Complainant: Eduardo Guerrero Ortiz</b> – Self identified male with he/his pronouns	<b>EEO File No./Dept.:</b> REC, File No. 3963
EEO Investigator: Prisma R. Corona	Date & Time: Wednesday, March 7, 2023 from 10:00 a.m. to a.m. 10:45
Others Present:	
Location: Microsoft Teams Video	Pages:

The purpose of this interview is to allow you the opportunity to respond to the respondents (Karla, Allison, and Randy) responses to your allegations. I am going to provide you their specific statements and allow you to respond.

**I. ALLEGATION REBUTTAL**

**A. Sexual Harassment**

**During your intake interview we discussed your allegations against Karla Hernandez. Can you explain to me the nature of your relationship with her prior to your complaint? (Just colleagues? Friends?)**

*We were just co-workers. Team mates. That's it.*

**Was your relationship with Karla ever cordial?**

*Yes, of course.*

**If so, when?**

*Every time.*

**When did it change?**

*From my part it was always polite. From her, it was a feeling I had that she wanted to be more than just my co-worker. She always made inappropriate comments. One of my co-workers even asked me why I speak to Karla if she's a bully.*

**Which co-workers asked you this this?**

*Noemi.*

**Why did your relationship with Karla change?**

*It didn't change. Her behavior was always the same.*

**Just to clarify, Karla's behavior did not actually change, your feelings towards their behavior did?**

*Yes. If I didn't talk to her she would get upset. I just got to the point where I felt like I needed to keep my distance from her because of her behavior. When she noticed that I didn't want to interact with her she got upset and started to make allegations against me.*

**2. Guerrero Ortiz: Rebuttal to Hernandez's Response**

***(Allegation)- You alleged that Karla asked you for your hoodie in a sexual tone***

**Karla's response was that she maybe once asked you if you had an extra sweatshirt.**

**Karla denied that it was in a sexual tone.**

**What is your response?**

**What is your response?**

*No, that's not true. What I'm telling you is completely true. She said, "that hoodie is going to be mine someday. She never asked for an extra sweatshirt or hoodie. She wanted mine.*

**No Witnesses collaborated this allegation [REDACTED] What is your response?**

*[REDACTED] is very close friends with Karla. She was there when Karla made all these comments. One day [REDACTED] apologized to me for Karla's comments. I'm pretty sure that [REDACTED] was there.*

***(Allegation)- You alleged that Karla told you that you had a chino beard, and referred to it as stringy and weird and did not look the way a Mexican beard should.***

**Karla denied telling you that you had a Chino beard; saying that it was stringy and weird, or saying that it did not look the way a Mexican bard should.**

**What is your response?**

**What is your response?**

*It happened. Why would I say something like that about myself.*

**No Witnesses collaborated this allegation [REDACTED] What is your response?**

*[REDACTED] was there.*

*(Allegation)- You alleged that in November 2021, Karla made the comment “that’s how White Bitches are, they cheat on you. Why were you even with her? Someone else is fucking her already, why do you even bother?”*

**Karla denied making these comments.**

**Karla stated that the only conversation you had about your girlfriend was when you were discussing it with her and [REDACTED]. You mentioned that your girlfriend’s parents made you feel less because you’re Mexican. Karla told you to be patient and not to take it personally.**

<b>What is your response?</b>
<b><u>What is your response?</u></b> <i>Why would I say something like this? Of course, she’s going to deny it.</i>

*(Allegation)- You alleged that Karla sang the song “dale tilin” more than ten times.*

**Karla acknowledged that she sang this song. She stated that the song was popular, and it was in her head. Karla only remembered singing this song once while working at Golden Gate Park.**

**Karla denied that she sang the song to you or that it was directed at you. She also denied that the song had anything to do with your girlfriend.**

<b>What is your response?</b>
<b><u>What is your response?</u></b> <i>She sang it towards me. She admitted that she sang this song. When she made the comment about somebody else fucking my girlfriend, she immediately started singing “dale tilin”</i>
<b><u>No Witnesses collaborated this allegation [REDACTED]. What is your response?</u></b> <i>[REDACTED] was there. It’s hard because the only people that really spoke Spanish were [REDACTED] me and Karla.</i>

*(Allegation)- You alleged Karla made a lewd gesture with her mouth open pumping the air in front of her mouth with her fist. (The symbol for a blow job). You alleged that she might have done this like seven times total.*

**Karla denied making this gesture.**

**Karla stated that she was never vulgar, especially not in this way.**

What is your response?
<p><b><u>What is your response?</u></b> <i>She is denying everything. Of course, she would. She did it. Why would I says something like that?</i></p> <p><b><u>No Witnesses collaborated this allegation [REDACTED]. What is your response?</u></b> <i>They're lying.</i></p> <p><b><u>Why do you think they would lie?</u></b> <i>Because they are friends with Karla.</i></p>

**B. HARASSMENT ALLEGATION**

**During your intake interview we discussed your allegations against Randy Vasquez. Can you explain to me the nature of your relationship with him prior to your complaint? (Just colleagues? Friends?)**

*We were just co-workers. Teammates.*

**Was your relationship with Randy ever cordial?**

*Yes, of course. We said, "how are you doing," and "good morning."*

**If so, when?**

*I am always respectful*

**When did it change?**

*He always made inappropriate comments as a captain or leader. I noticed it so I kept my distance.*

**Why did it change?**

*It did change. It escalated. He started asking me, "why don't you want to speak to me? You don't like me?" He would call me with his fingers instead of talking to me.*

**(Allegation)- You alleged that Randy assigned you to work with [REDACTED] and said "this way you can speak your own language together.**

**Randy stated that he was trying to compliment you and [REDACTED] for being bilingual. He stated that it is random how people are assigned to work together; they can be standing next to each other, or volunteer for a specific job.**

Randy acknowledged that he commented something along the lines of “It’s great that you can ride together and keep talking, but denied that he paired you together due to the language you speak.

<b>What is your response?</b>
<p><b><u>What is your response?</u></b> <i>He’s not denying it At first he made the comment and then [REDACTED] was like “did he just say that? Then it hit me that he just said that. Me as an immigrant, we always get that treatment. I’m always going to get that treatment.</i></p> <p><b><u>The witness did not corroborate your allegation. What is your response?</u></b> <i>At the end, Karla and Randy and [REDACTED] all became friends.</i></p>

**(Allegation)- You alleged that in September 2021, Randy made a comment about your mustache getting long. You alleged that Randy asked you if it was a Mexican style and then told you that you needed to trim it. You alleged this comment was due to your race.**

Randy acknowledged that he has a beard, and [REDACTED] has a beard, and that sometimes people talk about beards at work.

Randy denied making this comment about your mustache.

<b>What is your response?</b>
<p><b><u>What is your response?</u></b> <i>Of course, he’s going to deny it, but he did say it.</i></p>

Randy stated that you could be making these allegations because you want to get your job back.

**What is your response?**  
*Not at all. I’m not trying to get anyone in trouble. It will take me years to get a job like this again. I’m not a kid anymore. As an immigrant, we have to work harder and harder. I’m just doing this for my own justice. That’s it.*



**Did you make these allegations in hopes of getting your job back?**

*No. I'm just trying to clear my name. To say what really happened. I'm pretty sure that I'm not the only one in the City who has gone through something like this. I'm trying to show that some people are in the wrong.*

**C. DISCRIMINATION ALLEGATIONS**

**(Allegation)- You alleged that Allison commented that a woman started the Gardening program. You also alleged that she said that there are too many males doing this job and that females could do the job just as well.**

Allison stated that she may have made the comment about a female Gardener having a very strong role in starting the apprenticeship program during orientation when she talks about the program's history.

Allison denied commenting that that are too many males in the program or saying that a female could do the job just as well.

She explained that she does discuss the difference in body mechanics and that tools are designed for larger, male frames.

What is your response?
<b><u>What is your response?</u></b> <i>She said it in front of the group. I'm just saying what she said.</i>

**(Allegation)- You alleged that Allison commented that she did not think you spoke or understood English.**

Allison denied commenting that she did not think you spoke English.

Allison stated that she was aware you spoke English because she heard you speak English the day you were hired.

She stated that when she first noticed that you were not engaging, she asked you that if something is not clear, if you were an English learner, there are other techniques she can use to help you. She wanted to create a safe space.

What is your response?
<b><u>What is your response?</u></b>

*No, not at all. She made that comment when she pulled me apart from the group. I'm a friendly guy but I'm kind of shy, so I don't speak a lot. It was the first time I spoke to her and she commented, "oh wow, you speak English."*

**(Allegation)- You alleged Allison told you she heard that you referred to a woman passing by as "mamacita". You alleged that you were released from your position due to your race (due to this comment)**

**Allison stated that she told you she was told you made a "mamacita" comment, and you asked "who told you this?" During her conversation with you, you agreed to apologize to Karla.**

**After lunch you told Allison that Karla cried like a baby and you think everything is okay now.**

**Allison denied that you were release from your employment due to your race. She stated that you were released due to the respect policy violation.**

**What is your response?**

**What is your response?**

*First, I thought, I would never say that. I did ask her, "who told you this?" I went to speak to Karla. Once I was done talking to Karla, I told Allison that Karla started crying.*

**Multiple witnesses stated they heard about the mamacita comment. One witness stated they witnessed the comment. What is your response?**

*Okay. I never said it. They just said that to get me in trouble.*

**Why would a witness want to get you in trouble?**

*I'm not sure. I never made that comment. This is just Karla's whole thing.*

**Did you tell Allison that Karla cried like a baby and everything was okay now?**

*No. I told Allison that Karla started crying. I said that instead of focusing on the fact that I said that she was working slow, she was focusing on the fact that I hadn't really spoken to her when we went out.*

**If not, why would Allison say this?**

*Allison said that crazy things happen in every group. That people act like babies, like they're in high school.*

**You stated that [REDACTED] told you, you were released because of the mamacita comment. [REDACTED] denied making this statement?**

*I have a witness. My girlfriend was there. She was speaking with us on the phone. He told me immediately, "you got fired because of this, move on."*

**Why would [REDACTED] would deny this?**

*I'm not sure. Why would I say he said this?*

**Karla stated that you confronted her about complaining to Ally, and you told her, "If I were you, I would be careful with what you say because I can say things bout you to get you fired too."**

**What is your response?**

*No, I never said that. I said, remember when you hit my truck, when you did that I didn't tell on you. I told her that we were co-workers and we needed to support each other.*

**Did you make this comment?**

*No, never. It's all a lie.*

**(Allegation)- You alleged that Allison directed your release from the Gardening program because you are male.**

**Allison denied this allegation stating that she would never do that.**

**What is your response?**

**What is your response?**

*Allison wasn't very supportive. She was more supportive towards the ladies. It made me think she was not supportive because I'm a dude. She was pro ladies. She never supported me at all.*

## **II. CONCLUSION**

### **A. Additional Information**

**Is there anything I have not asked you that you think would be relevant to the investigation of your claims?**

*I want to say that HR did not conduct an investigation. They did not ask me anything. They just got rid of me. That's not right.*

I thanked Eduardo for participating in the interview

**EEO File No. 3963**  
**Exhibit C, Attachment 1**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**WITNESS INTERVIEW NOTES**

<b>Witness:</b> [REDACTED] - self-identified male with he/him pronouns	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: December 13, 2022 from 1:00 p.m. to 2:38 p.m.
Others Present:	Union Representative:
Location: Teams	Pages:

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you've been employed with the City since July 3, 2006. Is that correct?**

*Yes.*

**In what classification?**

*As a 3417 Gardener.*

**What is your current classification?**

*I am a 0922 Manager I.*

**How long have you been in this position?**

*I've been a manager since October 2019. (PeopleSoft shows October 5, 2019).*

**Who do you report to?**

*I report to Eric Anderson, 0953 Deputy Director III.*

**What is your work location?**

*I work at 501 Stanyan St., San Francisco, CA. It's in the lodge annex.*

**What is your work schedule?**

*I work Monday through Friday from 7:30 a.m. to 4:00 p.m.*

**What are your job duties, generally?**

*I am the field operations support manager. I manage the apprenticeship program. I also manage the broader administration of the program and oversee the custodial relief program. I administer*

*the Gardener and custodial bids. I'm also involved in negotiations with the union on bids. I do staff analysis and management analyses. I'm a jack of all trades to tell you the truth. I am very involved in the onboarding of all the 3417's. I run the training and evaluation programs of all the new hires. I'm the management link in the horticultural aspect of our program.*

**B. Working Relationship with Allison McCarthy**

**How long have you known Allison?**

*I've known Ally since she was in the apprenticeship program in 2014 or 2015. I got to know her a lot better when she became the supervisor of the apprenticeship program and became my direct report.*

**Do you work directly with Allison?**

*She was just promoted, so we work occasionally, but prior to that she was my direct report*

**Co-workers/supervisor relationship?**

*She was my direct report.*

**How often do you interact? Daily, weekly, rarely?**

*We have daily contact to work on problem solving. We are in pretty regular contact.*

**How would you describe Allison's personality?**

*Allison is vivacious. She's extraverted and energetic. She is very intelligent and capable. Our work together is more of a collaboration. Frankly, I think she's smarter than I am. She's one of the best and the brightest people I've worked with. Ally is conscientious and sophisticated. We have a very honest and energetic relationship. Working with her is very gratifying. The way she treats her employees is very respectful. She's very present with people.*

**Are you/were you ever friends?**

*No. I mean other than professionally. I keep a very precise distance, specifically with my subordinates. I keep my personal life and work life pretty separate. I'm very fond of Ally, but we are not friends. We are friendly.*

**Have you socialized outside of work? Specific instances?**

*On a couple of occasions, I had her over. Ally came over for dinner when she was promoted and she also came to my wedding.*

**When was the last time you socialized outside of work?**

*I think the last time was in 2019.*

**Did you have any conflicts or disagreements?**

*Nothing bad. We disagree philosophically. We talk things out. I challenge her and she made me a better manager. I never felt like I was in conflict with Ally. We are always very cordial and very professional.*

**C. Working Relationship with Randy Vasquez****How long have you known Randy?**

*Randy was a new hire that I brought into the system in I think 2018. At that point I knew him as a new hire. I thought he was good. He stood out in the crowd as someone who knew the trade. My first impression was that he was very polished. We ran a temporary captain recruitment when one of our captains went on maternity leave. He did great at the interview. Then he came in as a captain in the Fall of 2021.*

**When and how did you first Randy?**

*I got to know him better through the team meetings we had.*

**Do you work directly with Randy?**

*I do sometimes. Right now, I do more than before. Ally got promoted and we have an acting supervisor in place so I'm meeting with the captains once a week. I'm on the phone with them, making sure everything is okay.*

**Co-workers/supervisor relationship?**

*Randy reported to Ally, and Ally reported to me. The way it works is that you have a group of apprentices. Then you have two Gardeners who are also the captains of the program. The captains get paid a premium of 10%. They provide supplemental support for the supervisor.*

**How often do you interact? Daily, weekly, rarely?**

*Once or twice a week I have some kind of communication with Randy. In the past, not so much. Most of my communication was with Ally.*

**How would you describe Randy's personality?**

*Randy is very polished. He seems to have an even temper. He is very clear in his communication. He's a straight shooter. He's very empathetic which is one of the reasons I thought he would be good for the apprenticeship program. Randy is always self-evaluating. He's an excellent arborist. He's got excellent experience with large equipment.*

**How would you describe your working relationship with Randy?**

*It's fine. It is a very straightforward relationship. I'm a pretty horizontal guy. My style of management is that I'm pretty clear with my expectations but I also explain my position. Randy is eager to learn. He seems to trust my direction. He's very honest. I have a lot of trust in him.*

**Are you/were you ever friends?**

*No. We're acquaintances.*

**Did you socialize outside of work? Specific instances?**

*I had a couple of the apprentices over my home for a birthday party. He was there. I try to keep a safe distance from my employees.*



**When?**

*When he was coming into the program. I don't remember the date.*

**Have you had any conflicts or disagreements?**

*No.*

**D. Working Relationship with Karla Hernandez****How long have you known Karla?**

*So, Karla came into the program the summer of 2021. I knew her very superficially. I knew who she was. She had some issues with attendance. Other than that, I didn't really hear too much about her.*

*I did do a recruitment at one point and she joined that. It was in April of 2022. She came and she was nice and helpful.*

**Do you work directly with Karla?**

*Other than the day of the recruitment, not really. She was a direct report of my direct report.*

*There was one point where I did coach her on some things that occurred with Lalo. To reassure her that things were being taken care of.*

**How would you describe Karla's personality?**

*Karla was very amicable. She seemed somewhat introverted. She was also hardworking. She was doing what she was supposed to be doing. She seemed very pleasant.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No.*

**E. Working Relationship with Eduardo Guerrero Ortiz****How long have you known Eduardo?**

*Lalo started at the same time that Karla did. He was in the apprenticeship program as well. His name came up throughout the program. I didn't do any direct counsels with him until the end but I did see him in the field a couple of times. My impression was that he was doing his thing. He seemed like a hard worker.*

**Did you work directly with Eduardo?**

*No.*

**How often did you interact? Daily, weekly, rarely?**

*We only interacted during the trainings for the onboarding. The only time I had a conversation with him was when we released him.*

**How would you describe Eduardo's personality?**

*Based on the information I got, he was very earnest. He seemed to be very sensitive. He was serious. From what I've been told, he could be oppositional at times. Lalo had some experience, so I think the adjustment of starting from square one was difficult for him. He had been doing things a different way, and I think it was a hard adjustment for him to be that entry level.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No. Except at the end. Lalo wasn't very pleased with my decision to release him. I wouldn't call that a conflict though. That was the most extensive conversation I had with him.*

**II. HARASSMENT****A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):****Did you ever see Eduardo and Randy interact?**

*No.*

**Did you ever hear about Randy and Eduardo having problems?**

*Yes.*

**If yes, what did you hear?**

*Ally brought it to my attention in early November that Randy and Lalo were having problems. There were reports that Lalo was ignoring Randy's instruction, pushing back, and not taking directions well.*

*Ally also explained that there was an incident where Lalo and Randy got into some conversation. Randy was being aggressive and Lalo was puffing up. They were both puffing up. Randy tapped Lalo on the back a couple of times to get his attention, and Lalo didn't like it. I guess the guys had also had a conversation about facial hair, and it made Lalo uncomfortable. Ally said she would go over the Respect Policy. She spoke to both of them. Ally took care of it. After that I didn't hear about any more incidents.*

**How many times did Ally discuss the issue between Randy and Lalo with you?**

*Ally called me about this incident a few times. She told me about the initial incident, then told me about when she trained them, and then the follow-up.*

*I told Randy to keep his distance from Lalo and that hopefully he learned from the experience.*

**When did this happen?**

*It was a couple of weeks after it settled down.*

**What did Randy say?**

*He was mortified. It seemed to me that there was nothing that rose beyond a misunderstanding.*

**Why do you think this happened?**

*I think it was just an adjustment issue. I did mention it to our HR staff. They said it was handled well. Ally did the right thing.*

**Did you ever hear of other problems?**

*No. I didn't hear anything else after that. I assumed the issue had been resolved.*

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

*Yes, but that came later. I saw that there was more detail in the story line. I kicked all the documents up to Melissa Tucker, 1246 Principal Human Resources Analyst and [REDACTED] 1244 Senior Human Resources Analyst. This was all part of the conversation on how to handle the Karla situation. They said that since Ally went through the trainings it seemed satisfactory with how it was resolved. Based on their judgment, I left it alone. It didn't seem like we had to investigate.*

**What did you hear about the conflict?**

*It was something to the effect of Randy saying that Lalo could speak his language with another co-worker. Randy meant well but it's about the impact, not the intention. That was kind of the end of it.*

**Who told you about this?**

*Ally.*

**When?**

*When Ally sent me the documentation on the Karla situation.*

**How many times did this happen?**

*All I know about is the one incident.*

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

*What I heard is that the guys were commenting on facial hair and Randy said something about Lalo's facial hair. It was portrayed to me as being complementary.*

**Do you remember the exact comment?**

No.

**When did this happen?**

*It was in November.*

**From Who?**

*Ally*

**How many times?**

*Just the once.*

**Do you think this had anything to do with Eduardo's race/ethnicity? Why or why not?**

*No. That just didn't seem like part of the mix.*

**Did you ever see or hear about Randy assigning Eduardo to work with [REDACTED]?**

*Yes, this was the language thing addressed above.*

**Do you think this had anything to do with Eduardo's or [REDACTED] race? Why or why not?**

*They are both Spanish speakers. Randy's last name is Vasquez. Randy may have said what he said because both Lalo and [REDACTED] are Spanish speakers. It's hard to say. I honestly can't answer this question. That's why I went to HR. Randy does not spark me as racist. He wouldn't allow that to be a motive.*

**III. SEXUAL HARASSMENT**

**Did you ever see Karla interact with Eduardo?**

*Not at all.*

**Did you ever hear about Karla and Eduardo having problems?**

*Yes.*

**If yes, what did you hear?**

*It was the whole incident.*

**From who?**

*Ally told me about it.*

**Did you ever hear that Lalo felt uncomfortable around Karla?**

*I didn't get any information that he was uncomfortable around Karla. Everything was kind of happening all at once. I got the report that Lalo had catcalled a woman in the street. Karla overheard him. Karla told Ally about it and then Ally addressed it with him. Then Lalo went to Karla and confronted her. Lalo said it was just drama. He was annoyed by Karla.*

*Ally told Lalo to apologize. He went to Karla and he told her she should have spoken to him directly. He told her, "if I get fired, I'm going to get you fired too." He also told her, "the worst*

*enemy of a Mexican is another Mexican.” That’s where the alarm bells went off for me, when he threatened her with her with retaliation.*

*The way Karla explained everything, it seemed credible. I went to HR and they said it seemed more likely than not that Karla was saying the truth. At that point we decided that we should probably release Lalo. What he said was so egregious. The way Karla conveyed it, it seemed totally credible and HR agreed with me. After the fact we got more information and it looked like Lalo was shaming Karla and attacking her credibility.*

**Did anyone investigate Karla’s allegations against Lalo?**

*From the reports I got from Ally, it was very straight forward. The fact that Lalo threatened her confirms, in a way, what had occurred. It seemed to me that there was nothing else to investigate.*

*Ally went to ask Lalo about everything and he denied it. But that’s what Lalo did. He denied doing everything. This was what he did. It didn’t seem like a story someone would make up. I believe Karla.*

*Then we went through the process I told Karla that it had been handled. This was after Lalo was released.*

**Did you hear of any other problems with Karla and Lalo?**

*No.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*No. After the fact, Lalo sent a bunch of stuff to HR. Nothing he sent seemed credible. I didn’t read all of it. It was well after I had released him. Lalo made all kinds of allegations, like that Karla was hitting on him. He was attacking Karla’s credibility. It seemed retaliatory.*

*I want to make it clear that Lalo was released because of his retaliation comment. Lalo went to Karla and threatened her.*

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**

*Nothing until he submitted his complaint.*

**Did you ever hear about Karla asking Eduardo for his hoodie?**

*No.*

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**

*No*

**Did you ever hear or hear about Karla talking about Eduardo’s ex-girlfriend?**

*No.*

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo?**

No.

**IV. DISCRIMINATION DUE TO RACE AND GENDER****1. Comments****Did you ever see Allison interact with Eduardo?**

*Just on a couple of occasions, but it was just normal. When they were all together in a group, working.*

**Did you ever hear about Allison and Eduardo having problems?**

*Yes, but it was further down the road. There was some incident where Lalo was being insolent and Ally tossed a pen in his direction. Then I heard about him pushing back and being difficult to manage. He started questioning things.*

*At first, I thought it was because he was having a difficult adjustment. Then I thought he was just responding to the conflict with Randy. I didn't want to be too hard on him. Then the issue with Karla happened. Lalo could be very confrontational. There was just a lot of drama with this guy. Once I got the full story, I was like "oh my God." The honest truth is that if he hadn't threatened Karla with retaliation, I probably would have continued to work with him. But in good consciousness I couldn't let that go.*

*Lalo didn't say anything until after his release. Then he attacked Karla's character. It felt very retaliatory.*

**From who?**

*Ally told me.*

**When?**

*I don't remember the date.*

**Any other problems?**

No.

**Did you ever hear or hear about Allison making comments about males?**

No.

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

No.

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

*I have no recollection of this but I think that's true, actually.*

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

*No, other than mentioning the language policy when necessary.*

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

*No.*

**2. Release of Employment****Can you tell me about Eduardo as an employee?**

*Lalo didn't follow direction well but he was a hard worker. I felt like he might make it, he might not. He seemed to have a hard time getting along with others. He didn't seem to really want to accept direction and accept where he fell in the chain of command. His basic ability of being able to do the work was there. I think he had trouble discerning between someone giving him feedback and some someone denigrating him.*

*What happened between him and Randy, it was something that needed to be addressed. I recognized that they needed space. I know he was given reassurance.*

*Ally and Randy were very honest about it. The incidents were small enough to be fixed with direction. Lalo seemed to internalize that. [REDACTED] did not have any conflict with Lalo but [REDACTED] is softer in his approach than Randy. I think there were many incidents where Lalo was given normal criticism, and he seemed to internalize it.*

**Were you part of Eduardo's employee performance review?**

*All I did was look at what they put in the review and signed off on it. Ally gives them their reviews directly. Lalo wasn't failing at that point. Even after the initial incident with Karla, we were not going to release him for that.*

**Do you know why Eduardo was released from employment?**

*Lalo was released for retaliation. It was not only that he threatened Karla, but also how he said it. I always run everything by our HR. I never make these decisions in a vacuum.*

**Do you know who released Eduardo?**

*This is how it works. Lalo was in a PEX position. We have an apprentice's agreement. There is a list of expectations. It's basically a contract. If the apprentice violates the expectations, or any part of their agreement, we can coach/counsel or release them. We do not do disciplinary action in the apprentice's program.*

*I make the recommendation to release, and HR reviews it. Then that goes to my superintendent and we also talk to the union.*

*In Lalo's case it was within the first 6 months so he did not get appeal rights. When I issued the release that was it. The decision was made between HR and myself, based on the information we were getting from Ally.*

**What was Ally's role in Lalo release?**

*Ally just sends the recommendation up the line. She gives me her documentation and then I take a look at that. I engage HR to make the final determination.*

**Did you hear or hear about Eduardo referring to a woman passing by as "Mamacita"?**

*Yes.*

**If yes, what did you hear? Can you tell me about this?**

*I just heard that Karla was close to him and she heard him say it. She reported it to Ally. Ally told me. Ally talked to Lalo. Lalo denied it.*

*When Ally spoke to Lalo, she did not disclose that it was Karla who told her about the mamacita comment. Lalo kept pushing and demanding to know who said it. Ally declined repeatedly. He went and confronted Karla about that and that is when the whole conversation of him threatening her occurred. It was clear that it happened.*

**Did it have to do with Eduardo's release?**

*Not in itself. We would have had a conversation with him, had him apologize to Karla and then left it alone. That would have been the end of it.*

**What did you tell Lalo about his release?**

*I told him that it was not a discussion or negotiation. I handed him his release. He was being released to the violation of the respect policy and for threatening retaliation.*

**What was Eduardo's reaction?**

*He was just apoplectic. It was the hardest release of my life. I had Ally and [REDACTED] with me. Lalo was begging and denying everything. It took me an hour to get him out of there. It was very intense.*

**What was your reaction?**

*It was a job and I understood that he was upset, but it seemed a little disproportionate to what was happening. He was invested in telling his story but why now when he was being released? It was too much. After that I got him off site and he came to the lodge and wanted to come to my desk and talk to me. I told him that he had to talk to HR.*

*It was uncomfortable. I left the building. He was very emotional. He eventually started calling and talking to [REDACTED]. He did show up at the building later, unannounced and tried to talk to me. It was really not okay.*

*The things he was saying about Karla, I don't buy it. It seemed like he was attacking her because she reported him.*

**Do you know if Eduardo's release was due to his race/ethnicity? Why or why not?**

*No, not at all. We have a really diverse group.*

**Do you know if Eduardo's release was due to his gender (male)? Why or why not?**



No

V. **CONCLUSION**

**Is there anything I have not asked you that you think would be relevant to the investigation?**

*There was one incident between Lalo and [REDACTED] He was being very critical of her. He was making comments to her. I don't know the specifics though.*

**Anything else?**

*No, that's pretty much everything I know.*

**Do you know if there are any other witnesses who have knowledge of these issues?**

*I don't know. Maybe our HR team because they were included.*

I thanked [REDACTED] for participating in the interview and reminded him of the confidential nature of the investigation and the prohibition against retaliation.

**EEO File No. 3963**  
**Exhibit C, Attachment 2**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**WITNESS INTERVIEW NOTES**

<b>Witness:</b> [REDACTED] – self-identified female with She/they pronouns	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: October 31, 2022 from 1:00 p.m. to 2:15 p.m.
Others Present:	Union Representative:
Location: Teams	Pages:

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you've been employed with the City since April 5, 2021. Is that correct?**

*Yes*

**Was that as a 9916 Public Service Aid?**

*Yes.*

**What is your current classification?**

*I am currently a 3410 Apprentice Gardener*

**Since when?**

*I started as an apprentice on August 7, 2021.*

**Who do you report to?**

*I reported to Ally McCarthy, when she was a 3422 Park Section Supervisor. Allison just got promoted, so now I report to Olga Gomez Chiappe, 3417 Gardener.*

**What is your work location?**

*I work at the Buena Vista Complex, at 199 Museum Way, in San Francisco.*

**What is your work schedule?**

*I work Monday through Friday from 6:30 a.m. to 3:00 p.m.*

**What are your job duties, generally?**

*Right now, as an apprentice, I do daily safety checks, landscaping tasks, and litter pick-up. I also empty trash cans and do park maintenance in different areas.*

**How many people do you work with? Who?**

*In my current team we have seven Gardeners, and one Public Service Trainee.*

**B. Working Relationship with Allison McCarthy**

**How long have you known Allison?**

*I met Allison when I was still a PSA on May 17, 2021, but I only saw her that day. Then, I met her again at my interview. Then I saw her again when I joined the apprenticeship program.*

**Do you work directly with Allison?**

*Yes, as of August 9, 2021.*

**Co-workers/supervisor relationship?**

*Allison was the supervisor.*

**How often do you interact? Daily, weekly, rarely?**

*I saw Allison Monday through Friday, during my scheduled work time.*

**How would you describe Allison's personality?**

*Allison is kind, professional, caring, and organized.*

**Are you/were you ever friends?**

*No. She's my supervisor.*

**Did you socialize outside of work? Specific instances?**

*No, we have never hung out outside of work.*

**Did you have any conflicts or disagreements?**

*Never.*

**C. Working Relationship with Randy Vasquez**

**How long have you known Randy?**

*I met Randy on August 9, 2021.*

**When and how did you first meet Randy?**

*I met Randy at the apprenticeship program. He was one of the captains.*

**Do you work directly with Randy?**

*Yes.*

**Co-workers/supervisor relationship?**

*Randy was the captain. He was in the field with us. I guess you can say he is in-between us and the supervisor.*

**How often do you interact? Daily, weekly, rarely?**

*I saw Randy every day, Monday through Friday.*

**How would you describe Randy's personality?**

*Randy is funny and knowledgeable. He is super patient and caring. Randy is passionate about what he does. He is a very good teacher.*

**How would you describe your working relationship with Randy?**

*It is a beneficia relationship. There is no tension. It's a great working relationship. I can trust his guidance. He'll take the time to make sure I know what I'm doing.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No.*

**D. Working Relationship with Karla Hernandez**

**How long have you known Karla?**

*I also met Karla on August 9, 2021.*

**Do you work directly with Karla?**

*I did, but she's no longer with the department. I worked with her every day during that time. I also worked with her for my first rotation in January 2022.*

**Co-workers/supervisor relationship?**

*Karla was my peer.*

**How would you describe Karla's personality?**

*Karla is so caring. She has a really big heart. It makes me sad that she's not here anymore. We bonded a little bit. She's funny.*

**How would you describe your working relationship with Karla?**

*It was a great working relationship.*

**Are you/were you ever friends?**

*Yes. I just texted her recently.*

**Did you socialize outside of work? Specific instances?**

*I think we only socialized one time.*

**When was this?**

*I don't remember the day, but it was after a union meeting. It was after January 2022.*

**Did you have any conflicts or disagreements?**

*No.*

**E. Working Relationship with Eduardo Guerrero Ortiz****How long have you known Eduardo?**

*I met Lalo on August 9, 2021.*

**When and how did you first Eduardo?**

*I met Lalo at the apprenticeship program. We sat at the same table.*

**Did you work directly with Eduardo?**

*Yes.*

**Co-workers/supervisor relationship?**

*He was my peer.*

**How often do you interact? Daily, weekly, rarely?**

*I saw Lalo daily. We worked together on the mobile crew during that time.*

**How would you describe Eduardo's personality?**

*Lalo is cold and calculated. He's not really a team player. He is very intense. He's quiet.*

**How would you describe your working relationship with Eduardo?**

*Our working relationship was fine. We got along then. It was all good.*

**Are you/were you ever friends?**

*Lalo is my roommate. I moved in to the house he lives in, in October 2021. We are not friends right now. I thought we kind of were before, but it changed in December 2021.*

**Why did it change?**

*Lalo got fired and he blamed me for it. We would get into yelling matches in my kitchen. It got pretty aggressive.*

**Why did he blame you?**

*He's delusional. That's the way he's coping with the loss of his job. He thought I could have helped him keep his job in some way. Then he said I was spreading stories about him. It didn't make sense.*

**Did you socialize outside of work? Specific instances?**

*We went to lunch once. And we live in the same house.*

**Did you have any conflicts or disagreements?**

*Just what I explained about him blaming me and yelling at me.*

**II. HARASSMENT**

**A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):**

**Did you ever see Eduardo and Randy interact?**

*Yeah.*

**In what way?**

*In the everyday working way. We all planted together. I saw them standing behind the greenhouse once talking by themselves.*

**When?**

*I don't remember.*

**Do you know what they talked about?**

*No.*

**Did you ever hear about Randy and Eduardo having problems?**

*Yes.*

**If yes, what did you hear?**

*I don't want to say anything that is incorrect. Eduardo said...I don't 100% recall. He disagreed with Randy. Lalo was upset because he thought Randy was puffing his chest out at him.*

**Any other problems?**

*This one time Lalo got upset because Randy used his shovel.*

**Who told you about this?**

*Lalo told me.*

**When?**

*I don't remember.*

**How many times did this happen?**

*Twice, maybe.*

**Did you hear about this from anyone else?**

*No.*

**Any other problems?**

*No.*

**Why do you think this happened?**

*I think that Lalo thinks that people are against him.*

**Why do you think that?**

*He also told me that Ally doesn't like him. It was a pattern I noticed.*

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

*No.*

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

*No.*

**Did you ever see or hear about Randy assigning Eduardo to work with [REDACTED]?**

*Yes, but it was probably because we all got paired up. But I don't remember if Randy is who paired them together.*

**III. SEXUAL HARASSMENT**

**Did you ever see Karla interact with Eduardo?**

*Yes.*

**In what way?**

*One time we were working at the Buena Vista complex and they were having a conversation during their lunch break. They were speaking Spanish, so I don't know what they said.*

**Did you ever hear about Karla and Eduardo having problems?**

*Yes.*

**If yes, what did you hear?**

*Me and [REDACTED] were eating lunch and Karla came in crying. She said she was upset because of what Lalo said to her. That he said something about them being Mexican and they are both supposed to have each other's back. She said he doesn't have to like her but he has to respect her.*

**Any other problems?**

*One other time I guess they went out to eat. Karla told me that Lalo was sitting across from her and totally ignored her and that made her feel sad.*

*Lalo didn't like her. He told me that Karla was only my friend because she wants to get closer to him. He was trying to convince me that she was using me.*



**From who?**

*Both Karla and Lalo told me these things.*

**When?**

*It was sometime between August and December 2021.*

**Why do you think this happened?**

*I think that Lalo thought Karla was fake. He would get mad because she would say Mr. and Mrs. to everyone but not to him. Lalo said it was all fake.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*No.*

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**

*No. Wait. I think there was a text message about weed. I don't know if that's inappropriate though.*

**From who?**

*Lalo told me.*

**When?**

*I don't remember.*

**Did you ever hear about Karla asking Eduardo for his hoodie?**

*No.*

**Did you ever hear about Karla commenting about Eduardo's beard?**

*No. I don't recall that.*

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**

*Yes. Lalo told me about this.*

**When?**

*This was sometime in December.*

**How many times?**

*Once.*

**Did you ever hear or hear about Karla talking about Eduardo's ex-girlfriend?**

*Yes. Karla one asked me about her but I don't know if it was about his new girlfriend or his old girlfriend.*

**When?**

*It was also in December.*

**How many times?**

*I don't remember.*

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo?**

*No.*

**Why do you think Eduardo would say that you knew about this?**

*I don't know. I think that I would have remembered this because I remember other things.*

**IV. DISCRIMINATION DUE TO RACE AND GENDER**

**1. Comments**

**Did you ever see Allison interact with Eduardo?**

*Yes.*

**In what way?**

*We all worked together.*

**Did you ever hear about Allison and Eduardo having problems?**

*Lalo just said Ally doesn't like him because one time she changed her mind about letting him drive the truck. He took it personal.*

**Anything else?**

*I know Ally threw a pen at him. We were at the Amazon Crocker. She laughed and flicked a pen at him. He wasn't mad at her at first, but then he took it personally.*

**Who told you about this?**

*Lalo told me how he felt about the truck, but I was there when Ally changed her mind about him driving. I was also there when Ally threw the pen at him.*

**When?**

*I don't remember.*

**How many times did this happen?**

*Just once each.*

**Why do you think this happened?**

*It's all Lalo's perception of things.*

**Did you ever hear or hear about Allison making comments about males?**

*No.*

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

*Maybe she said something like it's a male dominated department or something like that. Our class was more female than male, but gardening is usually more male dominated.*

**From who?**

*Allison would be talking to all of us. It was true information.*

**When?**

*I don't remember. I felt empowered by it.*

**How many times did this happen?**

*It was just that once.*

**Why do you think she made this comment?**

*Because we were a class of mostly women. She was telling us what to expect while entering the department.*

**Do you think Allison has something against males? Why or why not?**

*No. Ally doesn't have anything against anyone.*

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

*No.*

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

*I feel like she was encouraging people to speak their native language to each other so they can communicate better. It was supportive.*

**From who?**

*Allison.*

**When?**

*I don't remember. It was sometime between August through December.*

**How many times did this happen?**

*I remember one time.*

**Why do you think she made this comment?**

*To be supportive.*

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

*No.*

## 2. Release of Employment

### Can you tell me about Eduardo as an employee?

*Lalo showed up on time. He was neat and organized. He was a hard worker. He kept to himself and he was thorough.*

### Do you know why Eduardo was released from employment?

*No. I know what he said, but I don't know if it's true.*

### What did he tell you?

*Lalo thinks it had something to do with him and Karla. He thinks it's because he's Mexican and because they didn't like him. He said Karla did something to get him fired. Then I didn't help him, so it's my fault*

### Do you know why he thinks it was because he is Mexican?

*No. It's what he said. He thinks the world is against him, and so anything that he is can be used against him. He feels like a victim and is always on the defensive.*

### Do you know who released Eduardo?

*Lalo said that it was [REDACTED], 3417 Gardener, Ally, and [REDACTED] 0922 manager.*

### Who gives the recommendation for release?

*I don't know.*

### Did you hear or hear about Eduardo referring to a woman passing by as "Mamacita"?

*Lalo kept saying something about this, but I have no idea about what he was talking about.*

### When?

*He talked about this after he was released.*

### Do you think this had anything to do with Eduardo's release? Why or why not?

*I don't know.*

### Do you think if Eduardo's release was due to his race/ethnicity? Why or why not?

*No. Because that's not how the people in the program are. I trust my team, captains and manager.*

### Do you think if Eduardo's release was due to his gender (male)? Why or why not?

*No, for the same reason as above.*

### If Eduardo was a good employee, why do you think he was released?

*I think Lalo was released because he has a dark side. He is a pathological liar. If he displayed any of that at work, that's why he was released. He did the job, but the problem was with how he did it. He was apart and we were a team. He was not a team player.*

**Why do you say he is a liar?**

*He's lied to me plenty of times. And you get to know people when you live with them.*

**V. CONCLUSION**

**Is there anything I have not asked you that you think would be relevant to the investigation?**

*No. I'm worried about this information getting back to Lalo. He scares me and I live with him. (PRC explained confidentiality and how it works).*

**Do you know if there are any other witnesses who have knowledge of these issues?**

*was the closest person to Karla. We were all in mobile crew together.*

I thanked [REDACTED] for participating in the interview and reminded him of the confidential nature of the investigation and the prohibition against retaliation.

**EEO File No. 3963**  
**Exhibit C, Attachment 3**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**WITNESS INTERVIEW NOTES**

<b>Witness:</b> [REDACTED] - self identified he/him	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: October 24, 2022 from 1:00 p.m. to 1:45 p.m.
Others Present:	Union Representative:
Location: Teams	Pages:

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you've been employed with the City since August 7, 2021. Is that correct?**

Yes.

**In what classification? (Apprentice Gardener)**

*I'm a 3410*

**Is that your current position?**

Yes.

**Who do you report to?**

*I report to Allison McCarthy, 3422 Park Section Supervisor. I also have a host supervisor, Eric Hill, 3422 Park Section Supervisor. I also have two Captains, [REDACTED], and Olga [REDACTED]. I also have captains: [REDACTED] and Olga Gomez Chiappe, both 3417 Gardeners. [REDACTED] 0922 is the manager.*

**What is your work location?**

*I work at the boat house at lake Merced.*

**What is your work schedule?**

*I work Monday through Friday from 6:30 a.m. to 3:00 p.m.*

**What are your job duties, generally?**

*I mostly work on the maintenance of City parks, in the Lake Merced sections. There are a series of parks there. Depending on the day, I may visit seven to eight different parks. I check on safety, do litter removal, and water the parks.*

**How many people do you work with? Who?**

*I usually work with one other person. Sometimes I'll work with four or five other people. As an apprentice I'm usually with another Gardener. It depends on what we are doing. It changes daily.*

**B. Working Relationship with Allison McCarthy****How long have you known Allison?**

*I've known Ally since August 7, 2021.*

**When and how did you first Allison?**

*I was formally introduced to Allison on my first day of work.*

**Did you work directly with Allison at any point?**

*For the first few months of my apprenticeship, I worked directly with Allison. That lasted for about six months. After my apprenticeship, we met up once a month on the fourth Thursday of every month. We do a group project and Ally is there for that.*

**Co-workers/supervisor relationship?**

*Allison is my supervisor.*

**How often do you interact? Daily, weekly, rarely?**

*I see Allison once a month.*

**How would you describe Allison's personality?**

*Allison is outgoing, confident, approachable, and friendly. She is very supportive. She wants everyone to succeed.*

**Are you/were you ever friends?**

*Not outside of work.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No.*

**C. Working Relationship with Randy Vasquez****How long have you known Randy?**

*I've known Randy for the same amount of time as Ally.*



**When and how did you first Randy?**

*I met Randy my first day, just like Ally.*

**Do you work directly with Randy?**

*Not currently. I did for the first 6 months, while in the mobile crew.*

**Co-workers/supervisor relationship?**

*He was one of the two captains.*

**How often do you interact? Daily, weekly, rarely?**

*I saw Randy every day at work. We had work interactions. He gave us guidance, taught us safe practices, and how to use tools properly.*

**How would you describe Randy's personality?**

*Randy is friendly, outgoing, confident, and supportive.*

**How would you describe your working relationship with Randy?**

*We have a positive relationship.*

**Are you/were you ever friends?**

*No, just for work.*

**Did you socialize outside of work? Specific instances?**

*Only when it is work related. I've seen him at union meetings, and the holiday party.*

**Did you have any conflicts or disagreements?**

*No.*

**D. Working Relationship with Karla Hernandez**

**How long have you known Karla?**

*I met Karla on the first day.*

**Do you work directly with Karla?**

*Yes, I did during the first 6 months. Then there were an additional 6 weeks between April and June when we were in rotation. We were paired together for that.*

**Co-workers/supervisor relationship?**

*Karla was my co-worker. She was also an apprentice.*

**When you did work with Karla, how often did you interact? Daily, weekly, rarely?**

*When we were on rotation we pretty much worked together every day. Other than when she was sick or whatever.*

**How would you describe Karla's personality?**

*Karla is generally happy and friendly. She's bubbly.*

**How would you describe your working relationship with Karla?**

*It was fine. We had no real issues or arguments.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*We may have hung out once or twice outside of work. It was with a group.*

**Do you remember when this was?**

*There was a bomb fire, so maybe July or August of this year.*

**Did you have any conflicts or disagreements?**

*No.*

**E. Working Relationship with Eduardo Guerrero Ortiz**

**How long have you known Eduardo?**

*Since the first day we started the apprenticeship program.*

**Did you work directly with Eduardo?**

*Yes.*

**Co-workers/supervisor relationship?**

*We were co-workers. He was also an apprentice.*

**How often do you interact? Daily, weekly, rarely?**

*Daily.*

**How would you describe Eduardo's personality?**

*Lalo was happy, friendly, and always willing to help. He was eager to please. He was hard working.*

**How would you describe your working relationship with Eduardo?**

*We had a positive working relationship. We got along and both worked similarly. He got along with everybody.*

**Are you/were you ever friends?**

*We were friends during his time with us.*

**Did you socialize outside of work? Specific instances?**

*I think we hung out outside of work a couple of times.*

**Do you remember the date?**

Maybe in like December. [REDACTED] Noemi Andrade, and Erica Miller, all 3419 apprentice Gardeners were there. Lalo came by for a minute. It was after he stopped working with us.

**Did you have any conflicts or disagreements?**

*No.*

**II. HARASSMENT**

**A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):**

**Did you ever see Eduardo and Randy interact?**

*Just normal work stuff.*

**Did you ever hear about Randy and Eduardo having problems?**

*No.*

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

*Aside from a translation for a plant notification? No.*

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

*No. I don't recall anything about that.*

**Did you ever see or hear about Randy assigning Eduardo to work with [REDACTED]?**

*No, I don't have a specific memory of that.*

**III. SEXUAL HARASSMENT**

**Did you ever see Karla interact with Eduardo?**

*Nothing out of the day to day work.*

**Did you ever hear about Karla and Eduardo having problems?**

*I don't remember anything specific. When Lalo left there was speculation that it had something to do with Karla. I still don't really know what happened.*

**If yes, what did you hear?**

*Karla had told me that Lalo had said something to her and that he was let go because of it. I was taken back because that was not Lalo's character. Karla never mentioned what Lalo said.*

**When?**

*I don't know when or how it happened.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*I don't have any memory of her making any comments to anyone specific. Everyone gets together and makes jokes and laughs.*

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**

*I never heard that, no.*

**Did you ever hear about Karla asking Eduardo for his hoodie?**

*I do not remember hearing that. If she would have asked, I feel like Lalo would have no issue lending her his hoodie if she was cold.*

**Did you ever hear about Karla commenting about Eduardo's beard?**

*Not that I remember.*

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**

*I don't have any specific memory, but that doesn't surprise me. I remember her singing a lot.*

**If yes, what did you hear?**

*I don't remember any specific song.*

**Did you ever hear or hear about Karla talking about Eduardo's ex-girlfriend?**

*I don't remember any specific comments.*

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo?**

*Nope. She's kind of funny. I wouldn't see it beyond her, but I don't have a memory of her doing anything specific.*

**IV. DISCRIMINATION DUE TO RACE AND GENDER**

**1. Comments**

**Did you ever see Allison interact with Eduardo?**

*Yes, we all work together.*

**In what way?**

*In the work setting.*

**Did you ever hear about Allison and Eduardo having problems?**

*No. There was one thing where there was a language barrier type of thing.*

**Can you explain that a little bit?**

*We were doing a plant identification. Ally was writing out the names and at the end she said I hope it helps. Lalo said "this is really going to help Ally. She took it as sarcasm.*

*With Lalo, he felt like plant identification wasn't his strong suit. That's how I understood it. I think it was a language thing. It was nothing more than that.*

**Who told you about this?**

*I witnessed it.*

**When?**

*In the beginning of the apprenticeship program.*

**How many times did this happen?**

*Once.*

**Why do you think this happened?**

*It was just a language barrier.*

**Did you ever hear or hear about Allison making comments about males?**

*Nothing is popping up. I don't have anything.*

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

*Not in those words, no. She said something about how it was generally a male dominated workforce. There are a lot more males than females.*

**Do you remember the context?**

*I don't remember exactly. I think it was about the ratio, how it was like a 70% male, or something like that. She didn't have a negative tone or anything like that.*

**How do you know this?**

*I witnessed this.*

**When?**

*I don't remember.*

**Why do you think she made this comment?**

*Allison was just sharing information.*

**Do you think Allison has something against males? Why or why not?**

*No.*

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

*No. I don't remember hearing anything about that. I don't have a memory about who started it at all.*

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

*No.*

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

No.

**2. Release of Employment**

**Can you tell me about Eduardo as an employee?**

*Lalo was hardworking. He was great. He was always on time, and always willing to help. He volunteered to pick up tasks. He was encouraging.*

**Do you know why Eduardo was released from employment?**

*I don't know any specifics. It was a he said she said kind of thing.*

**Do you know who released Eduardo?**

*I do not know.*

**Did you hear or hear about Eduardo referring to a woman passing by as "Mamacita"?**

*No. In the sense of catcalling? No.*

**In any sense?**

*No.*

**Do you know if Allison had anything to do with the decision to release Eduardo?**

*I do not know.*

**Do you know if Eduardo's release was due to his race/ethnicity? Why or why not?**

*I don't believe it would, no. I never got the idea that his race had anything to do with anything. There was a language barrier in delivery and tone, maybe.*

**Do you know if Eduardo's release was due to his gender (male)? Why or why not?**

*I do not know.*

**V. CONCLUSION**

**Is there anything I have not asked you that you think would be relevant to the investigation?**

*I don't know. I didn't witness anything specific. From what I understand, something was said to Karla from Lalo. I don't know what was said, but I can't imagine Lalo saying anything that would get him released. It's not in his character. If Karla's name came up he would stick up for her. He was friendly.*

**Do you know if there are any other witnesses who have knowledge of these issues?**

*I don't know if Lalo talked to anyone else and told them something.*

I thanked [redacted] for participating in the interview and reminded him of the confidential nature of the investigation and the prohibition against retaliation.

**EEO File No. 3963**  
**Exhibit C, Attachment 4**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**WITNESS INTERVIEW NOTES**

<b>Witness:</b> [REDACTED] – self-identified female with she/her pronouns	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: November 1, 2022 from 10:00 a.m. to 11:10 a.m.
Others Present:	Union Representative:
Location: Teams	Pages:

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you’ve been employed with the City since August 7, 2021. Is that correct?**

*Yes.*

**What is your current classification (3410 Apprentice Gardener)?**

*3410 Apprentice Gardener.*

**Who do you report to?**

*I currently report to Olga Gomez Chiappe, 3417 Gardener. That is a recent transition. I’ve only reported to her since yesterday. Before that it was Ally McCarthy, 3422 Park Section Supervisor.*

**What is your work location?**

*I work at the Botanical Garden in San Francisco, CA.*

**What is your work schedule?**

*I work Monday through Friday from 6:30 a.m. to 3:00 p.m.*

**What are your job duties, generally?**

*I work on park maintenance. I do safety checks, litter pick up, line trimming, mowing, tree pruning, planting, and pest control (weeding, mulching).*

**How many people do you work with? Who?**

*Usually I work with one Gardener per day. Sometimes I’m on my own. Sometimes I work with a group. In my current section there are about nine people in the group.*

**B. Working Relationship with Allison McCarthy**



**How long have you known Allison?**

*I've known Allison since August 2021.*

**When and how did you first Allison?**

*I met Allison my first day on the job.*

**Do you work directly with Allison?**

*Yes.*

**Co-workers/supervisor relationship?**

*She was the supervisor.*

**How often do you interact? Daily, weekly, rarely?**

*For the first six months, I saw Allison every day. After that, maybe once or twice per month.*

**How would you describe Allison's personality?**

*Allison is very pleasant. She cares about everybody and she cares about making sure that we are doing good. She wants us to learn, and wants to make sure that we make it through the program successfully.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No.*

**C. Working Relationship with Randy Vasquez**

**How long have you known Randy?**

*I've known Randy, also since my first day of work.*

**When and how did you first Randy?**

*Randy was introduced as a captain of the apprenticeship program.*

**Do you work directly with Randy?**

*Yes.*

**Co-workers/supervisor relationship?**

*Randy was a captain, so, he was a lead on the field.*

**How often do you interact? Daily, weekly, rarely?**

*I interacted with Randy on a daily basis for the first six months. After that, it was about once a month.*

**How would you describe Randy's personality?**

*Randy is cheerful, knowledgeable, has high energy, and is pleasant to work with.*

**How would you describe your working relationship with Randy?**

*It's great. I can count on Randy for any questions I may have because he is knowledgeable and approachable. He means good and will show me how to approach a situation.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No.*

**D. Working Relationship with Karla Hernandez**

**How long have you known Karla?**

*I met Karla the first day of work.*

**How did you meet**

*We were both apprentices on the first day.*

**Do you work directly with Karla?**

*Yes.*

**Co-workers/supervisor relationship?**

*We were both in the same class. Our group was hired at the same time.*

**How often did you interact with Karla? Daily, weekly, rarely?**

*I interacted with Karla daily for the first six months. After that, once a month during the all apprentice's day.*

**How would you describe Karla's personality?**

*Karla is friendly and sincere. She cares for everybody. She wants to make sure that everybody is okay. She's hardworking.*

**How would you describe your working relationship with Karla?**

*We became really close during the apprenticeship program, and we stayed in contact after she left.*

**Are you/were you ever friends?**

*No. I wouldn't consider her my friend, but more like an acquaintance. Though I do message her and ask her how she is doing.*

**Did you socialize outside of work? Specific instances?**

*Yes.*

**When was the last time?**

*I gave her a ride to a doctor's appointment. I think it was a couple of weeks before she was terminated.*

**Was that the only time?**

*We also went to a union event together. They had a holiday party.*

**Did you have any conflicts or disagreements?**

*No.*

**E. Working Relationship with Eduardo Guerrero Ortiz**

**How long have you known Eduardo?**

*I met Lalo on my first day of work.*

**When and how did you first Eduardo?**

*We started talking because we were both apprentices in the same class.*

**Did you work directly with Eduardo?**

*Yes.*

**Co-workers/supervisor relationship?**

*We were co-workers.*

**How often do you interact? Daily, weekly, rarely?**

*We interacted daily until he was terminated.*

**How would you describe Eduardo's personality?**

*Lalo was hard working. He always volunteered for any job that was needed. He was pleasant to work with. He had a good spirit.*

**How would you describe your working relationship with Eduardo?**

*He was very respectful. We would have fun, and he was always willing to help since he was stronger than me.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

No.

**Did you have any conflicts or disagreements?**

No.

**II. HARASSMENT**

**A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):**

**Did you ever see Eduardo and Randy interact?**

Yes. All the time.

**In what way?**

We always tried to have fun while working. I saw that they cooperated with each other. Lalo was always open to Randy's guidance.

**Did you ever hear about Randy and Eduardo having problems?**

Never saw it but I did hear about it.

**If yes, what did you hear?**

The only think I heard was that they had a disagreement.

**What was the disagreement?**

I don't know what it was or what happened.

**From who did you hear about it?**

I don't remember.

**When did you hear about it?**

It was after Lalo was released.

**How many times did this happen?**

Only once.

**Why do you think this happened?**

I really don't know.

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

No, not to me. I don't think Randy ever had a problem with us speaking Spanish. I think he was trying to learn from us. I speak Spanish so I would practice with him.

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

No.

**Did Randy ever assign you to work with Eduardo because of the language you spoke?**

*Not with that intention. Not that I can recollect.*

**If yes, can you tell me about this?**

*Now that you mention it, I do remember him saying something like that. He said it smiling. He said that we could work together and could talk to each other.*

**From who?**

*That's what Randy said.*

**When?**

*This was before Lalo left.*

**How many times?**

*I don't remember.*

**Do you think he assigned you to work together because you both spoke Spanish?**

*No, I don't think it was with that intention.*

**Then why did he pair you together?**

*We probably both volunteered for that assignment. We would raise our hands if we wanted to work on something.*

**Do you think this had anything to do with Eduardo's or your race? Why or why not?**

*No.*

**III. SEXUAL HARASSMENT**

**Did you ever see Karla interact with Eduardo?**

*Yes.*

**In what way?**

*We're Latinos. We all speak Spanish and so we all joked around with each other a little more. We had something in common. We could communicate in a more comfortable way. Things were always respectful between the three of us.*

**Did you ever hear about Karla and Eduardo having problems?**

*Yes.*

**If yes, what did you hear?**

*Lalo was acting indifferent with her. He wasn't talking to her. She was concerned about it. But I don't know what was wrong with him. I kept it neutral. I told her to give him time.*

**Any other problems?**

*She asked him for keys and he threw them at her. That's when she decided to speak up because she wanted to make sure he was okay and that was the only way she could find out what was going on with him. She got Ally involved.*

**Who did you hear this from?**

*Karla*

**When?**

*It was while we working.*

**Why do you think this happened?**

*I don't know if anything was bothering him.*

**Any other problems?**

*No, that was it.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*Karla told me that when she finally spoke to Lalo, he was being serious and not talking to her because she had parked too close to him and she had bumped into his car.*

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**

*No.*

**Did you ever hear about Karla asking Eduardo for his hoodie?**

*No.*

**Did you ever hear about Karla commenting about Eduardo's beard?**

*No.*

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**

*Yes. Karla would sing a lot. All the time. I didn't even know what the song was about. We hear it all the time.*

**Did she sing it for a specific a specific reason?**

*I don't know. I thought the song was just for fun, it's a moving song.*

**Did you ever hear or hear about Karla talking about Eduardo's ex-girlfriend (Bitches comment)?**

*We would all talk about it.*

**If yes, what did you hear? (What did she say)?**

*Lalo trusted Karla to talk about his relationship. She tried to make him feel like he was okay with or without her (his ex-girlfriend). I don't know what advice she would give him but we would talk about his girlfriend.*

**Did you ever hear Karla call Lalo's ex-girlfriend a "White Bitch"?**

*I don't remember the comment being that specific. I have a really bad memory. She could have said this. It was meant to open his eyes so he wouldn't be played with.*

**When?**

*This was during our break. It was during the middle part of his employment.*

**How many times?**

*It wasn't that many times. It was during occasions when his girlfriend would do things and they got unstable.*

**Did it happen more than once?**

*I can say that it was at least three times.*

**Did you witness these comments?**

*Yes, I did witness these comments.*

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo?**

*No.*

**If not, why would Eduardo say you witnessed this?**

*I'm not going to say that Lalo is lying. I'm just going to say that if it happened, I didn't see it, and that even if I did, it isn't something that would bother me or that it would be something that would stay in my memory. It's one of those things that are not important enough for me to notice if they happened.*

**IV. DISCRIMINATION DUE TO RACE AND GENDER**

**1. Comments**

**Did you ever see Allison interact with Eduardo?**

*Yes.*

**In what way?**

*I saw Allison assigning Lalo his work duties. She taught him how to work with certain tools.*

**Did you ever hear about Allison and Eduardo having problems?**

*No.*

**Did you ever hear or hear about Allison making comments about males?**

No.

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

No.

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

*She mentioned something about it. It was when she talked about the background information about the program.*

**When?**

*In the beginning of the program.*

**How many times did this happen?**

*Just this once.*

**Why do you think she made this comment?**

*She was sharing information.*

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

*I don't remember Allison saying anything specifically about language. She made a comment about having to be respectful when someone else is talking.*

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

*No. But sometimes if she notices that we are not catching something, she would ask if we understood the directions. She was just making sure we understood.*

**When?**

*I don't remember.*

**How many times did this happen?**

*I don't know.*

**Why do you think she made this comment?**

*To be helpful.*

## **2. Release of Employment**

**Can you tell me about Eduardo as an employee?**

*Lalo was really a hard-working person. He was responsible as well. If you assign him a job he would do everything in his capacity to do the job right. He would take advice and guidance. He was open minded.*

**Do you know why Eduardo was released from employment?**



No.

**Do you remember if [REDACTED] gave a speech?**

*I remember that he gave a speech but I don't remember what he said. He did not mention Lalo's name.*

**Do you know who released Eduardo?**

*No, I don't know if it was [REDACTED] or Randy. I know that it wasn't Ally because she wasn't there when he left.*

**Who gives the recommendation for release?**

*I don't know.*

**Did you hear or hear about Eduardo referring to a woman passing by as "Mamacita"?**

*Yes.*

**If yes, what did you hear? Can you tell me about this?**

*He was attracted to a Gardener, but he didn't tell anyone. He used the word when referring to this particular Gardener, but he did not say it to her. He was talking to me and Karla. He did not say it out loud.*

**Exactly what did he say?**

*He said, "está bien bonita esa muchacha. Es una mamacita."*

**How many times?**

*Only once.*

**From who?**

*Lalo was talking to me and Karla.*

**When?**

*It was when we were working at the conservatory valley.*

**Who was the Gardener he was referring to?**

*I don't know her name. I don't think she works in that section any more.*

**Do you think this had anything to do with Eduardo's release? Why or why not?**

*No. Lalo wouldn't be disrespectful to any person. I thought his release was a combination between what Karla told Ally about her and Lalo and something that happened with [REDACTED]*

**What happened with [REDACTED]**

*[REDACTED] had a habit of being late all the time. One time, when [REDACTED] arrived we were in a circle, and as she was walking by, Lalo asked "you're late again homie?" She looked at him and didn't say anything. Ally talked to Lalo and told him that [REDACTED] made a complaint.*

When we were driving in the truck, we saw Ally and [REDACTED] talking, so Lalo rolled down his window and apologized to [REDACTED]. He said, "I'm sorry I didn't mean to offend you in any way. I will never do that again." [REDACTED] didn't respond or acknowledge Lalo.

**Do you think if Eduardo's release was due to his race/ethnicity? Why or why not?**

*At one point I thought about it because letting him go was not fair. Why him? It seemed to me that he was released and then Karla was released, and they are both Hispanic and hard workers. I wondered if my job was at risk because I am Hispanic too.*

**Do you think Eduardo's release was due to his gender (male)? Why or why not?**

*No. Because there are a lot of other men in the program, and everyone works fine together.*

**V. CONCLUSION**

**Is there anything I have not asked you that you think would be relevant to the investigation?**

*No.*

**Do you know if there are any other witnesses who have knowledge of these issues?**

*No.*

I thanked [REDACTED] for participating in the interview and reminded him of the confidential nature of the investigation and the prohibition against retaliation.

**EEO File No. 3963**  
**Exhibit C, Attachment 5**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**WITNESS INTERVIEW NOTES**

<b>Witness:</b> [REDACTED]	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: October 18, 2022, from 9:00 a.m. to 10:05 a.m.
Others Present: Latorya King, EEO Programs Specialist	Union Representative:
Location: Teams	Pages:

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you've been employed with the City since June 3, 2001. Is that correct?**

*No, that's not right. I did start working for the City around that time. I worked in temporary roles as a Lifeguard and as a Camp Assistant. Then I moved to New Zealand. I never fully officially separated from the City, but I moved*

**What is your current classification? (3422 Park Supervisor)**

*If I remember correctly, I came back to work for the City as a Camp Assistant in 2006. Then I became a Park Supervisor on December 2, 2006.*

**Who do you report to?**

*I report to David Iribarne, 0923 Manager II.*

**What is your work location?**

*I work at section 6 at Golden Gate Park.*

**What is your work schedule?**

*I work Monday through Friday from 6:30 a.m. to 3:00 p.m.*

**What are your job duties, generally?**

*I manage 300 acres of the park along with six employees. I'm responsible for the care and maintained of tulips. I manage the Gardeners who care for the specialty gardens.*

**What is your role in the Apprenticeship program?**

*Prior to working in section six at Golden Gate Park, I was in section two. For the last 12 years I've worked with every class who has gone through the Apprenticeship program.*

*Every year I get two to three Apprentices on location. The Apprenticeship group comes out to support the Gardeners. They aid in the work we do.*

**In August 2021 were you working in Section two or Section six?**

*In August 2021 I started in section 6. From Jan 2009 to August 8, 2021 I was in section 2.*

**B. Working Relationship with Allison McCarthy****How long have you known Allison?**

*I met Allison when she was an Apprentice. She got promoted to Gardner in maybe 2016. Allison came to work in Section two when I left. She got promoted again in 2018 or 2019. I've worked with her pretty closely since then.*

**When and how did you first Allison?**

*She was being transitioned from Apprentice to Gardner. I was getting reassigned. We met in the transitional period.*

**Do you work directly with Allison?**

*I do not work with Allison on a daily basis, but we are colleagues. Our jobs overlap. When there is an apprentice working in our section, we report their actions to her since she is their supervisor.*

**Co-workers/supervisor relationship?**

*Allison and I are equals. Well, she just got promoted last week but I don't work for her.*

**How often do you interact? Daily, weekly, rarely?**

*It depends. In January, we interacted on a daily basis. When there is an Apprentice in our section, I'll interact with Allison, maybe two to three times a week, although it is mostly through email and text. When there are no Apprentices in our section, I may communicate with her once to twice a month.*

**How would you describe Allison's personality?**

*She's one of the smartest and hardworking people I know in the department. She is an incredibly talented Gardner. I would like to work for her at some point because of her ability and skill.*

**Are you/were you ever friends?**

*I've only known Allison through work. I have a hard time quantifying that. Maybe, a work friend.*

**Did you socialize outside of work? Specific instances?**

*No. Although we did run into each other at a trail.*

**Did you have any conflicts or disagreements?**

*I can't think of any right now, but probably. We have different styles. We disagree on things, but we've always reached a compromise. We've disagreed but never argued. She's easy to talk to.*

**C. Working Relationship with Randy Vasquez****How long have you known Randy?**

*I don't know Randy. I was reassigned to work in section six in August.*

**When and how did you first Randy?**

*In January 2022, I was asked to do a couple of things with the Apprentices. Randy was taking over for Olga, who was in maternity leave. So, basically, I just worked with Randy for the month of January. Prior to that, I had no contact with him. I did not speak to him after that.*

**Do you work directly with Randy?**

*For the month of January, I worked with him directly.*

**Co-workers/supervisor relationship?**

*When I worked with Randy, Ally was his supervisor. I'm one level above him. I told him what to do.*

**How would you describe Randy's personality?**

*He seemed very ambitious. He was a slightly green captain. He seemed high energy.*

**How would you describe your working relationship with Randy?**

*We worked together okay for that time period. We haven't worked together since. In my position, I've worked directly with 50-60 Gardner's, and maybe a couple hundred Apprentices. I don't always follow up with people.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*No*

**Did you have any conflicts or disagreements?**

*I can't think of any.*

**D. Working Relationship with Karla Hernandez****Do you know Karla?**

*I can't put a name to the face, but I remember the name.*

**Did you remember hearing anything about Karla?**

*I remember there was some drama with the apprentice crew at the time. I didn't know if it was due to personality differences or what. I learned not to really ask questions or get involved. That is why they have their own supervisors.*

**Do you work directly with Karla?**

*No.*

**E. Working Relationship with Eduardo Guerrero Ortiz****Do you know Eduardo Guerrero Ortiz?**

*Lalo? I've knowns him for a little bit longer. One day I got a phone call from Lalo. He said he got my phone number from an Apprentice. He wanted to be a Gardner. I knew he had skills. I had him meet me for lunch. When he showed up I realized that I thought he was somebody else. I explained the mix up, but he still had questions. I told him about the apprenticeship program, as I would any member of the public. He came by a couple of times after that to ask questions about the plants. He applied for the apprenticeship program, and he got it. I know that because I saw him on the crew.*

**Did you work directly with Eduardo?**

*I worked with Lalo a few times while he was an Apprentice working in the park.*

**How often did you interact? Daily, weekly, rarely?**

*Maybe a total of a half a dozen times.*

**How would you describe Eduardo's personality?**

*He seemed like a nice guy. He seemed to like plants He seemed like a pretty decent dude.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No.*

**II. HARASSMENT****A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):****Did you ever see Eduardo and Randy interact?**

*I can't think of a specific time.*

**In what way?**

*There are different styles of leadership. I felt like Randy seemed to think he knew more than he actually did. I watched him explain details to the class, and I had to correct him. I don't think Randy's style with the crew is a long-term great fit. He seemed a bit macho. Maybe not macho, but maybe alpha-y. The captain position is a teaching position, and there's a difference between being a teacher and being in charge.*

**Did you ever hear about Randy and Eduardo having problems?**

*I think they were separated at a point, but I don't know the details. I think the crew got divided up. I didn't concern myself with those issues too much.*

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

*I did not hear anything about that.*

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

*No.*

**Did you ever see or hear about Randy assigning Eduardo to work with [REDACTED]**

*I can't say that I did, but I think when the crew was split up, the Spanish speakers were predominately together. There may have been three or four of them.*

**III. SEXUAL HARASSMENT****Did you ever see Karla interact with Eduardo?**

*I can't remember who she is.*

**Did you ever hear about Karla and Eduardo having problems?**

*I think there were grumblings on the crew, but I don't know for sure.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*Yes, I did hear about inappropriate comments, but I don't know the specifics. I don't know if was just that class, the leadership, or the different personalities, but things were not going smooth with that particular class.*

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**

*I didn't hear anything specific from anyone. All I heard was that people were cranky and we couldn't talk about it. It didn't affect the work, so I stayed out of it.*



**IV. DISCRIMINATION DUE TO RACE AND GENDER****1. Comments****Did you ever see Allison interact with Eduardo?**

*I can't think of anything specific. I know that she was there when he was there. I can't think of anything that stood out.*

**Did you ever hear about Allison and Eduardo having problems?**

*He might have brought it up. He said that things weren't going smoothly, and I know that he eventually got terminated.*

**If yes, what did you hear?**

*Something happened and he complained. He came by my office to Section six. He complained about getting let go. People complain all the time. I know he and Allison were not friends. Another person was also involved. I'm assuming it was the woman I don't remember.*

**From who?**

*Eduardo.*

**When?**

*After he was released.*

**Did you ever hear or hear about Allison making comments about males?**

*I can't think of anything.*

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

*She is the women in charge. I think the department needs more women. I can't say that I remember her saying it that, but I do know that we are disproportionately male and White. It has been brought up many times in meetings. They want us to diversity. It is openly discussed.*

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

*No. I don't believe it's true either.*

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

*No.*

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

*No. I don't think there was a language barrier. When he came to see me after he was let go of, he started going into details of what happened, but I told him I did not want to hear it because I still work for this department. I told him to call the whistleblowers department and make a formal complaint. He said he had.*

## 2. Release of Employment

### Can you tell me about Eduardo as an employee?

*I don't know much about that. I was optimistic about him as a worker, from what I saw the few times I worked with him. I was happy that he made it.*

### Did Eduardo have any performance issues?

*No.*

### Do you know why Eduardo was released from employment?

*I never formally heard about his release. I only heard what he told me. He said something about a female coworker, and how it got personal. I couldn't help. So, I guess, no, I don't know why. I never spoke to Ally or [REDACTED] or Olga about Lalo.*

### Do you know who would have released Eduardo?

*He would have formally been released from HR. The decision would have come from [REDACTED] 0922 Manager I, Ally, and the Board.*

### How do you know?

*In my experience it's never a one-person decision.*

### Did you hear or hear about Eduardo referring to a woman passing by as "Mamacita"?

*He told me about this. He said he didn't say it. He said someone said he said it. And I asked him if it was derogatory. He shut up and didn't say anything back.*

### When?

*When he came to see me.*

### Do you think this had anything to do with Eduardo's release? Why or why not?

*I hope not. Only because I would like to give people the benefit of the doubt. If they were accused of saying something and say they didn't say it, I'd like to give them the benefit of the doubt.*

*I honestly don't know. There are plenty of words that get used at work that are cultural that I am not familiar with. I don't always understand the connect between Salvadorians, Mexicans, Irish and Scottish. Context for me is incredibly important.*

### Do you know if Allison had anything to do with the decision to release Eduardo?

*Yes. As, I've already said, the decision was most likely from [REDACTED] Allison, and the Board. They want a group decision.*

### Do you know if Eduardo's release was due to his race/ethnicity? Why or why not?

*I don't know.*

### Do you know if Eduardo's release was due to his gender (male)? Why or why not?

*I don't know.*

V. CONCLUSION

**Is there anything I have not asked you that you think would be relevant to the investigation?**

*I can't think of anything. The crew has always been pretty diverse. I know plenty of dudes and women who have made it through the program. You might want to check the track record for the last five years.*

**Do you know if there are any other witnesses who have knowledge of these issues?**

*The other only captain would be [REDACTED], 3417 Gardener.*

I thanked [REDACTED] for participating in the interview and reminded him of the confidential nature of the investigation and the prohibition against retaliation.

**EEO File No. 3963**  
**Exhibit C, Attachment 6**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**WITNESS INTERVIEW NOTES**

<b>Witness:</b> [REDACTED] self-identified male with he/him pronouns.	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: October 17, 2022, from 7:00 a.m. to 8:35 a.m.
Others Present:	Union Representative:
Location: Teams	Pages:

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you've been employed with the City since August 15, 2015. Is that correct?**

*Yes.*

**In what classification? (3410 Apprentice Gardener)**

*I started working as a 3410 Apprentice Gardener.*

**What is your current classification? (3417 Gardener)**

*I am now a 3417 Gardener.*

**How long have you been in this position?**

*I got promoted in January 2017.*

**Who do you report to?**

*My supervisor is Allison McCarthy, 3422 Park Section Supervisor.*

**What is your work location?**

*I work at the Golden Gate Park Nursery. It's at 100 Martin Luther King Drive, San Francisco, CA. We start our day there, but we could end up working at any park in the City.*

**What is your work schedule?**

*I work Monday through Friday from 6:30 a.m. to 3:00 p.m.*

**What are your job duties, generally?**

*I'm a Captain for the Apprenticeship program. I teach and mentor the 3410's who are trying to become 3417's (Gardeners). We teach them corrosion control, irrigation, general horticulture, how to use power tools (example: chainsaws), and basically anything that has to do with gardening work. We teach them how to be successful Gardener's in REC and Park system. There are usually anywhere from seven to ten apprentices at a time.*

**Is it 7-10 apprentices per captain?**

*No. There are two captains and one supervisor per group of apprentices. At six months the apprentices go on rotation Every six months we get a new group.*

**How many people do you work with? Who?**

*Right now, there are nine apprentices. That number can vary every six months.*

**B. Working Relationship with Allison McCarthy****How long have you known Allison?**

*I probably met her around the time that I got hired. It was approximately seven years ago.*

**When and how did you first Allison?**

*Allison started as an apprentice. She had been a Gardener for two to three years already when I became an apprentice. We all meet each other at work.*

**Do you work directly with Allison?**

*Yes.*

**Co-workers/supervisor relationship?**

*Allison is my supervisor.*

**How often do you interact? Daily, weekly, rarely?**

*I've been in this position for four years and we've been working together since then. I work with her daily. Prior to that I saw Allison but did not work in the same unit as her.*

**How would you describe Allison's personality?**

*She's awesome. She's great. She's an amazing boss. She's fair, very knowledgeable and pleasant. She always wants to help. We get whatever we need to do our jobs. I enjoy working with her. She's someone I trust and look up to. She is someone I learn a lot from.*

**Are you/were you ever friends?**

*Yes.*

**Have you socialized outside of work? Specific instances?**

*I have but not in a while.*

**When was the last time you socialized outside of work?**

*It was maybe like four years ago. Her and her partner have watched my kids before as well.*

**Did you have any conflicts or disagreements?**

*No way.*

**C. Working Relationship with Randy Vasquez****How long have you known Randy?**

*I met him when he started but I can't remember when he started. Maybe like two or three years ago.*

**When and how did you first Randy?**

*I met Randy at the Richmond complex. When you work at a different complex, you meet the crew working there. I met him on one of those workdays.*

**Do you work directly with Randy?**

*He worked with me as a co-captain. We have another captain, Olga Gomez Chiappe, 3417 Gardener. She had left on maternity leave, but she's back now. She is the co-captain on my unit.*

**Co-workers/supervisor relationship?**

*We are co-workers.*

**How often do you interact? Daily, weekly, rarely?**

*When we worked together, it was every day.*

**What time period did you work with Randy?**

*It was from August 2021 to February 2022.*

**How would you describe Randy's personality?**

*Randy is another great person to work with. He's a super nice guy. He loves his work and is enthusiastic. He's always laughing and smiling. He's a trustworthy person.*

**How would you describe your working relationship with Randy?**

*We are good teammates. We get each other psyched up, work hard and have fun. We get things done.*

**Are you/were you ever friends?**

*Yes, we are friends. We text each other. Maybe talked on the phone a couple of times.*

**Did you socialize outside of work? Specific instances?**

*We have never gone out together.*

**Have you had any conflicts or disagreements?**

No.

**D. Working Relationship with Karla Hernandez****How long have you known Karla?**

*I met Karla in August 2021. I haven't seen Karla in a while. She came in as an apprentice Gardener.*

**Do you work directly with Karla?**

*I don't anymore but I did for the six months that she was on the mobile crew. After they get on rotation, we only see the apprentices maybe once a month.*

**Co-workers/supervisor relationship?**

*I was her captain. I'm not an official supervisor, but yes, I did supervise her. Captains are field supervisors.*

**When you did work with Karla, how often did you interact? Daily, weekly, rarely?**

*When we worked together, daily.*

**How would you describe Karla's personality?**

*Karla is sweet and bubbly. She is always looking out for other people. She's a nice person and a hard worker.*

**How would you describe your working relationship with Karla?**

*Our working relationship was good. My job is to help and coach, to mentor. She called everybody Mr. or Miss. She said she was raised that way.*

**Are you/were you ever friends?**

*No. It's not good to become friends with apprentices.*

**Did you socialize outside of work? Specific instances?**

No.

**Did you have any conflicts or disagreements?**

No.

**E. Working Relationship with Eduardo Guerrero Ortiz****How long have you known Eduardo?**

*I met him in August 2021. I can't remember when he was released, but I saw him a couple of times after that because he lives at Golden Gate Park.*

**When and how did you first Eduardo?**

*I met him when he started the program.*



**Did you work directly with Eduardo?**

*Yes. In the same way as Karla. He was an apprentice. He was a really hard worker.*

**Co-workers/supervisor relationship?**

*I was his captain.*

**How often do you interact? Daily, weekly, rarely?**

*When we worked together? Daily.*

**How would you describe Eduardo's personality?**

*He was very quiet. I like to joke around and have easy going conversations with people.*

**How would you describe your working relationship with Eduardo?**

*We had a good working relationship. He was a hard worker. If I said we had to do something, he would say okay.*

**Are you/were you ever friends?**

*No. We are friendly. We don't text each other or anything like that.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*We got along. We never had any conflict.*

**II. HARASSMENT****A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):****Did you ever see Eduardo and Randy interact?**

*Yes.*

**In what way?**

*Just through work. I saw Randy direct Lalo on how to do work.*

**Did Eduardo follow directives from Randy?**

*From what I saw, yes. There was a time when Randy told me he asked Lalo to do something, and Lalo did not respond.*

**Did you ever hear about Randy and Eduardo having problems?**

*Yes. I don't think the problems got resolved.*

**If yes, what did you hear?**

*I don't know when it went sour or when it got to that point. Randy said that he told Lalo to do something, and Lalo ignored him and did something else instead.*

*I know that when we have any kind of negative conflict on the job, it should be written down. I didn't write it down because it did not happen to me.*

**From who?**

*Randy told me. I did not witness it.*

**When?**

*Months after Lalo started.*

**How many times did this happen?**

*Definitely once. Maybe another time.*

**Why do you think this happened?**

*I think there were some misunderstandings between them. Randy is nothing but straightforward and is a good-hearted person. I think Lalo misread the situation and he didn't like Randy's style.*

**Did you ever hear of other problems?**

*There was another time, but I don't know the date. Randy said he wanted to check in with Lalo. Randy said that Lalo was puffing out his chest at Randy. There were no witnesses. Randy was really upset by it. It really hurt him. Randy felt a little threatened from Lalo.*

**Any other problems?**

*Not that I can think of. These are the two examples that stick out in my memory.*

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

*Yes.*

**What did you hear?**

*Randy is of Spanish speaking decent. There are other Spanish speaking employees in the apprenticeship. Randy said something like "that's great, you guys can speak Spanish together." There was no ill intention in his comment.*

**From who?**

*Randy told me.*

**When?**

*I don't remember. It would be during that time from August to when Lalo was released.*

**How many times did this happen?**

*This was the only time.*

**Why do you think this happened?**

*I don't know but there was no mal intent. It sounds like it wasn't received well though.*

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

*Yes.*

**If yes, what did you hear?**

*Randy told me about it. I think maybe Lalo shaved or something and Randy said it was cool that Lalo had a mustache.*

**Do you remember the exact comment?**

*I don't.*

**When?**

*Sometimes during those months when Lalo worked.*

**How many times?**

*I just remember the one time.*

**Why do you think Randy made this comment?**

*Probably because he thought Lalo looked cool. I get comments on my beard all the time.*

**Do you think this had anything to do with Eduardo's race/ethnicity? Why or why not?**

*No. I don't see why it would. I get comments on my beard all the time. I don't think race has anything to do with it.*

**Did you ever see or hear about Randy assigning Eduardo to work with [REDACTED]?**

*Everybody works with everybody. Maybe this was the thing about language.*

**What did you hear?**

*Randy told me that he said something like, "You can work together, and you can speak to each other in Spanish." Randy told me after it happened. Randy said he felt like what he said was taken the wrong way. He felt like he may have offended Lalo.*

**Why would he think he offended Lalo?**

*I don't remember. I don't know if Lalo brought it up or something.*

**When?**

*I don't recall the dates.*

**How many times did this happen?**

*I don't remember.*

**Why did he assign them to work together?**

*I think one time he assigned them to work together so they could speak to each other. But everybody works with everybody.*

**How do you know this?**

*Randy told me.*

**Do you think this had anything to do with Eduardo's or [REDACTED]'s race? Why or why not?**

*It probably did because they both speak Spanish. Not in a negative way though. In Randy's mind it was cool. They could speak Spanish together. That's Randy. He did not mean anything bad by it.*

**III. SEXUAL HARASSMENT****Did you ever see Karla interact with Eduardo?**

*Sure. You interact with everyone in this job. You work closely with others. You ride in vehicles with others; share tools with them.*

**In what way?**

*Just in the normal working together way.*

**Did you ever hear about Karla and Eduardo having problems?**

*Yes.*

**If yes, what did you hear?**

*I heard everything from Karla texting Lalo to her maybe liking him in a romantic way. I think that was Lalo's perception. He told me he wasn't comfortable around Karla. I don't know what happened when, but that relationship went sour too. He showed me some text messages. A lot of texts from her.*

**Were any of the texts inappropriate?**

*Yes.*

**Can you explain?**

*I know in one text she was holding marijuana. It was a photo of a joint. That is really the only one that was inappropriate.*

**From who?**

*Lalo.*

**When?**

*I don't remember.*

**How many times did this happen?**

*I don't remember the exact times Lalo told me these things, but maybe five times.*

**Why do you think this happened?**

*I don't know. Karla is sweet. I mean Lalo is cool too. I don't know why. Maybe he thought she liked him more than he wanted her to.*

**Did you ever report that Lalo felt uncomfortable around Karla?**

*I don't think I did. Maybe I should have. I didn't report this.*

**Did you hear of any other problems with Karla and Lalo?**

*No. I think that's generally what the issue between them was.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*No.*

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**

*Yes.*

**If yes, what did you hear?**

*I don't remember exactly what they were. I know that he had some texts. None that I was a witness to.*

**From who?**

*Lalo told me.*

**When?**

*I don't remember.*

**How many times?**

*I don't remember. At least a couple of times.*

**Why do you think Karla made this comment?**

*Maybe because she was trying to be friends with him.*

**Did you ever hear about Karla asking Eduardo for his hoodie?**

*No.*

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**

*No. I don't remember that.*

**Did you ever hear or hear about Karla talking about Eduardo's ex-girlfriend?**

*No.*

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo?**

No.

**IV. DISCRIMINATION DUE TO RACE AND GENDER****1. Comments****Did you ever see Allison interact with Eduardo?**

Yes. I would have had to. Everybody works with everybody in mobile crew.

**In what way?**

The way an apprentice and supervisor interact. It was a work-related relationship. She would direct Lalo and the rest of the crew on what to do.

**Did you ever hear about Allison and Eduardo having problems?**

Yes.

**If yes, what did you hear?**

I was in the room (but I didn't see) and heard Lalo complain that Allison threw a pen at him. I don't think she threw a pen at him in a mean way.

**From who?**

Allison told me. She said Lalo complained about her throwing the pen at him. She told me she was joking.

**When?**

I don't remember.

**How many times did this happen?**

Just the once.

**Why do you think this happened?**

Allison was joking around.

**Any other problems?**

No that was really it.

**Did you ever hear or hear about Allison making comments about males?**

Maybe. Allison has talked about body mechanics. Allison is smaller than me. She said sometimes with tools you have to adjust because of your body weight. Basically, she is saying that a smaller woman can't use the tool in the same exact way as a male because some tools aren't "smaller body type" friendly.

**From who?**

*I heard Allison explain it.*

**When?**

*Every time she explains safe work practices.*

**Why do you think she made this comment?**

*She was sharing safe work practices.*

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

*No.*

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

*Oh yeah. One of the founders of the apprenticeship program is a woman named Joan Valentino. It's just a fact. Anytime we have a new group of apprenticeship we talk about the founding facts of the program.*

**From who?**

*I hear her give the speech.*

**Why do you think she made this comment?**

*It's a fact she shares about the program.*

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

*Well, we've had apprentices where English was their second language. It's harder for some apprentices because of the language. We don't have translators all the time. We've had apprentices receive instructions over texts so they can translate it.*

**Do you know if Lalo got texts?**

*I don't think so.*

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

*No.*

**2. Release of Employment****Can you tell me about Eduardo as an employee?**

*Lalo was a hard worker. He was very quiet, and he liked to work alone. He could work in a group, but it looked like he preferred working alone. With me he went above and beyond, for sure. He was a solid worker. While Lalo did quality work, there is another part of the job. You have to be able to work with people. I feel like Lalo didn't do his part in that.*

**Can you explain?**

*When everything happened with Randy, we tried to work with Lalo and smooth it out. I felt like Lalo wasn't on board with that. We had a meeting. It was Allison, Randy, me and Lalo. Randy apologized if he offended Lalo. He explained his intentions and he wanted to clear the air and move forward.*

*Randy explained that he had directed Lalo to do something, and Lalo ignored him and walked away. Lalo told Randy, "You're wrong. That didn't happen." I feel like Lalo didn't take any accountability. Especially after Randy took accountability and tried to amend the situation. That set the tone for the rest of the time Lalo kept working.*

**Did Eduardo have any performance issues?**

*No. I think he worked really hard and enjoyed the work.*

**Were you part of Eduardo's employee performance review?**

*Yes.*

**Did you ever tell Eduardo he was doing well?**

*I did. Definitely, because he was.*

**Do you know why Eduardo was released from employment?**

*I think it was...I don't remember exactly. I think maybe it was insubordination. I can't remember to be honest.*

**Why do you think Eduardo was released?**

*I think it had to do with the situation with Randy, the insubordination. It's the toxicity. You can't have that in the group. It won't work.*

**Do you know who released Eduardo?**

*I was present. Allison and [REDACTED] 0922 Manager I were there. He is our manager.*

**Who gives the recommendation for release?**

*Allison does. I've been a witness to the release, but I am not part of the process.*

**How do you know?**

*I know there is a process with HR and the union.*

**How do you know that Allison gives the recommendation?**

*When we check-in, during our meetings, she'll say "I'm recommending, so and so for release." Sometimes if we're having a meeting with [REDACTED] he may say that too. Both of them can recommend a release.*

**Who recommended Eduardo's release?**

*I think it was Allison.*



**Did you hear or hear about Eduardo referring to a woman passing by as “Mamacita”?**

Yes.

**If yes, what did you hear? Can you tell me about this?**

Allison told me about it. I can't remember if Allison heard Lalo say it or if Karla heard it and reported it to Allison.

**When?**

I don't remember the date.

**Was it close to Eduardo's release?**

I don't really remember.

**Do you think this had anything to do with Eduardo's release? Why or why not?**

It could have. It could be a collection of instances. I'm not entirely sure. I'm not 100% sure.

**Do you know if there was an investigation on whether Lalo actually made the comment?**

I don't remember.

**Were you there when Eduardo was released?**

Yes.

**If so, can you tell me about this?**

We were at the Elvis Green house. That day we were working in Bernal heights. I had to drive Lalo back because he was going to have a meeting with [REDACTED] [REDACTED] told Lalo that he was going to be released. Lalo was really upset. Normally, it's "you're released, please leave your equipment." It took Lalo a long time. He kept saying "you can't do this."

**What was Eduardo's reaction?**

He was begging. He was like "no, I love this job. Please, please." He was very upset. [REDACTED] had to walk him out of the nursery.

**What was your reaction?**

It's the crappie part of the job for sure. I was upset.

**Why?**

It sucks to see someone get released. It's going to alter their life. It's hard to watch someone have a hard time like that.

**Do you know if Allison had anything to do with the decision to release Eduardo?**

She did.

**Do you know if Eduardo's release was due to his race/ethnicity? Why or why not?**

*Definitely not. We wouldn't do that. That is not something we would do.*

**Do you know if Eduardo's release was due to his gender (male)? Why or why not?**

*No. I mean we don't do that. That's not how we operate. We have men, women, non-binary. From all different backgrounds. We like having a diverse group of people.*

**V. CONCLUSION****Is there anything I have not asked you that you think would be relevant to the investigation?**

*No. You asked me a lot of questions.*

**Do you know if there are any other witnesses who have knowledge of these issues?**

*You may want to talk to [REDACTED] She might have some insight. She was an apprentice with Lalo as well.*

I thanked [REDACTED] for participating in the interview and reminded him of the confidential nature of the investigation and the prohibition against retaliation.

**EEO File No. 3963**  
**Exhibit C, Attachment 7**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**WITNESS INTERVIEW NOTES**

<b>Witness:</b> [REDACTED] self identified male with he/him pronouns.	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: October 25, 2022 from 1:00 p.m. to 1:45p.m.
Others Present:	Union Representative:
Location: Teams	Pages:

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you've been employed with the City since August 7, 2021. Is that correct?**

*Yes.*

**In what classification?**

*3410 Apprentice Gardener.*

**Is that your current position?**

*Yes.*

**Who do you report to?**

*I report to Allison McCarthy, 3422 Park Section Supervisor.*

**What is your work location?**

*I work at the Amazon Park, but my location on paper is the Golden Gate nursery.*

**What is your work schedule?**

*I work Monday through Friday from 6:30 a.m. to 3:00 p.m.*

**What are your job duties, generally?**

*I'm an Apprentice gardener. I'm in a learning program and have hands on training. I'm working towards being a Gardener.*

**How many people do you work with? Who?**

*In my cohort there are nine people.*

**B. Working Relationship with Allison McCarthy**

**How long have you known Allison?**

*I've known Allison since I started working here. She interviewed me, but I did not know her then.*

**When and how did you first Allison?**

*I met her at the interview and then at work.*

**Do you work directly with Allison?**

*Yes.*

**Co-workers/supervisor relationship?**

*She was my Supervisor.*

**How often do you interact? Daily, weekly, rarely?**

*I saw Allison on a daily basis. She gave us directions and personal guidance. We had typical boss/employee interactions.*

**How would you describe Allison's personality?**

*Ally is organized and pragmatic. She's caring and kind.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*Only at a union event. It's a work socialization.*

**Did you have any conflicts or disagreements?**

*No.*

**C. Working Relationship with Randy Vasquez**

**How long have you known Randy?**

*I've known Randy since day one of the program.*

**When and how did you first Randy?**

*He was my captain, so another leader of the program.*

**Do you work directly with Randy?**

*Yes.*

**Co-workers/supervisor relationship?**

*Captains are like an Assistant Supervisors.*

**How often do you interact? Daily, weekly, rarely?**

*I interacted with Randy daily, similar to Allison. He would give us advice and direction.*

**How would you describe Randy's personality?**

*Randy is easygoing, organized, and kind.*

**How would you describe your working relationship with Randy?**

*It's good. I've never had an issue with him. We work well together.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*I've seen him at the union event.*

**Did you have any conflicts or disagreements?**

*No.*

**D. Working Relationship with Karla Hernandez**

**How long have you known Karla?**

*I've known Karla since the first day of the program.*

**Do you work directly with Karla?**

*I did.*

**Co-workers/supervisor relationship?**

*We were co-workers.*

**When you did work with Karla, how often did you interact? Daily, weekly, rarely?**

*I saw Karla daily. Although sometimes we worked in groups, but for the most part our cohort worked together.*

**How would you describe Karla's personality?**

*Karla is outgoing, bubbly, and kind.*

**How would you describe your working relationship with Karla?**

*We had a good working relationship. There were never any issues.*

**Are you/were you ever friends?**

*Yes. Since she was let go, I haven't heard much from her, but I wouldn't say we aren't friends anymore.*

**Did you socialize outside of work? Specific instances?**

*Yes. We socialized outside of work five to ten times.*

**When was the last time?**

*Like a month ago.*

**Did you have any conflicts or disagreements?**

*No.*

**E. Working Relationship with Eduardo Guerrero Ortiz**

**How long have you known Eduardo?**

*I've known Lalo since the first day of the program.*

**When and how did you first meet Eduardo?**

*I met Lalo at work.*

**Did you work directly with Eduardo?**

*Yes.*

**Co-workers/supervisor relationship?**

*We were co-workers.*

**How often do you interact? Daily, weekly, rarely?**

*On a daily basis.*

**How would you describe Eduardo's personality?**

*Lalo was shy, kind, and playful.*

**How would you describe your working relationship with Eduardo?**

*It was fine. We didn't have any issues.*

**Are you/were you ever friends?**

*No. We were more acquaintances/colleagues.*

**Did you socialize outside of work? Specific instances?**

*I hung out with him outside of work maybe a couple of times.*

**When was the last time?**

*It was maybe a year ago. It was before he was released.*

**Did you have any conflicts or disagreements?**

*No.*

**II. HARASSMENT**

**A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):**

**Did you ever see Eduardo and Randy interact?**

*Yes.*

**In what way?**

*I saw them working together. There were 12 of us working together.*

**Did you ever hear about Randy and Eduardo having problems?**

*No.*

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

*No.*

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

*No.*

**Did you ever see or hear about Randy assigning Eduardo to work with [REDACTED]?**

*Not any specific time.*

**III. SEXUAL HARASSMENT**

**Did you ever see Karla interact with Eduardo?**

*Yes.*

**In what way?**

*They were talking about work. We met and hung out outside of work together.*

**Did you ever hear about Karla and Eduardo having problems?**

*I know that they had some kind of issues between the two of them.*

**If yes, what did you hear?**

*I know that everyone was friendly and then there were issues. I think it had to do with work ethics but I'm not sure.*

**Can you elaborate?**

*Sometimes it seemed like Karla was on the phone a lot and not pulling her weight and Lalo would have had a problem with that. But I don't know. Those are just my thoughts.*

**Did you hear of any other problems between Lalo and Karla?**

*No.*



**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*No.*

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**

*No.*

**Did you ever hear about Karla asking Eduardo for his hoodie?**

*No.*

**Did you ever hear about Karla commenting about Eduardo's beard?**

*No.*

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**

*Yes, she sang at work.*

**Do you recall what song?**

*No, she just sang.*

**Do you know if it was a sexual-based song?**

*I don't know.*

**Do you remember hearing the words "Dale Tilin?"**

*Not that I can recall.*

**Did you ever hear or hear about Karla talking about Eduardo's ex-girlfriend?**

*No.*

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo?**

*No.*

#### **IV. DISCRIMINATION DUE TO RACE AND GENDER**

##### **1. Comments**

**Did you ever see Allison interact with Eduardo?**

*Yes.*

**In what way?**

*In the boss to employee way. She gave him direction and guidance.*

**Did you ever hear about Allison and Eduardo having problems?**

*No.*

**Did you ever hear or hear about Allison making comments about males?**

*No.*

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

*No. There were three males working in that cohort and the rest were women.*

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

*No. It was started by a Gardner, but I'm not sure who.*

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

*No.*

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

*No.*

## **2. Release of Employment**

**Can you tell me about Eduardo as an employee?**

*Lalo didn't take anything super seriously. He got the job done and worked on par with everyone else.*

**Do you know why Eduardo was released from employment?**

*There was some kind of inappropriate conduct. There were a lot of people talking about it.*

**Can you elaborate?**

*came to give us a speech. He said that there was some kind of inappropriate conduct not in par with the City policies. He didn't say Lalo's name, but it was obvious that is what he was referring to.*

**How do you know this?**

*I was there for the speech.*

**When?**

*Sometime soon after Lalo was released. Within a week of the release.*

**Do you know who released Eduardo?**

*I don't know.*

**Who gives the recommendation for release?**

*They took him away from the site and he didn't come back. I would assume Allison and made the decision, but I don't know.*

**Did you hear or hear about Eduardo referring to a woman passing by as “Mamacita”?**

*No.*

**V. CONCLUSION**

**Is there anything I have not asked you that you think would be relevant to the investigation?**

*No.*

**Do you know if there are any other witnesses who have knowledge of these issues?**

*You can ask the people involved. It would have been better if you had asked these questions was it was closer to when it happened instead of a year after it happened. A lot of it I can't remember anymore. It was so long ago.*

*You might want to talk to [REDACTED] 3410 Apprentice Gardner. She rented a room with him.*

I thanked [REDACTED] for participating in the interview and reminded him of the confidential nature of the investigation and the prohibition against retaliation.

**EEO File No. 3963**  
**Exhibit C, Attachment 8**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**WITNESS INTERVIEW NOTES**

<b>Witness:</b> [REDACTED] – he/him pronouns	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: October 17, 2022 from 10:00 a.m. to 11:30 a.m.
Others Present: Samantha Tarallo, EEO Programs Specialist	Union Representative:
Location: Teams	Pages:

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you’ve been employed with the City since June 22, 2015. Is that correct?**

*Yes.*

**In what classification?**

*As a 1244.*

**Is that your current classification?**

*I’m still a 1244.*

**Who do you report to?**

*Melissa Tucker, 1246 Principal Resources Analyst at REC and Park.*

**What is your work location?**

*I work at 501 Stanyan Street, San Francisco, CA. It’s right across from St. Mary’s hospital. At Golden Gate Park.*

**What is your work schedule?**

*I work Monday through Friday from 7:00 a.m. to 4:00 p.m.*

**What are your job duties, generally?**

*I write all the notices of intent for disciplinary matters. I conduct investigative reviews. I do DMV polls for random testing. I take questions from supervisors and managers related to leaves.*

*I also work on processing employee status, meaning that when we have releases, I prepare the paperwork.*

**B. Working Relationship with Allison McCarthy**

**Do you know Allison McCarthy?**

*I know her generally. Allison is a supervisor in our apprenticeship program. Most of my interaction with her have been through email and it's usually when she has a question.*

**When and how did you first meet Allison?**

*It was probably a year ago. I met Allison in person when she was in our office. She introduced herself.*

**Do you work directly with Allison?**

*I do not work directly with Allison, but she seems very nice.*

**In what capacity do you work with Allison?**

*I give Allison HR guidance and advice.*

**How often do you interact? Daily, weekly, rarely?**

*I do not interact with her on a regular basis.*

**How would you describe Allison's personality?**

*I'm not sure I can answer that. I'll say that if she wasn't a good employee I would have heard about it.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No.*

**C. Working Relationship with Randy Vasquez**

**Do you know Randy Vasquez?**

*I don't know Randy. I know his name because I believe he's a captain in the gardening apprenticeship program. I don't recall ever meeting him or chatting with him.*

**Do you work directly with Randy?**

*No.*

**How often do you interact? Daily, weekly, rarely?**

*No. I don't know him. There is an administrative reason that I know his name.*

**Are you/were you ever friends?**

No

**Did you socialize outside of work? Specific instances?**

No.

**Did you have any conflicts or disagreements?**

No.

**D. Working Relationship with Karla Hernandez****Do you know Karla Hernandez?**

*I don't know her. I did some work with Karla. She is a woman who was in our apprenticeship program. She worked a certain number of hours for the program. If you work a certain number of hours, you get a hearing about your release. At the end of the program, you can be offered employment.*

*Karla was released from the program but was eligible for the hearing. I set up the meeting for her. I'm sure that she received emails from me. If I recall, I sent information to the board. I am the note taker at the board meeting. I don't remember the date of the meeting, but I have records of it. I took notes at that meeting.*

**Karla is no longer a city employee?**

*As far as I know, that is correct. The apprenticeship program is a little different from other programs we have. I don't know if she's applied for other programs.*

**Do you work directly with Karla?**

No.

**Are you/were you ever friends?**

*I never met Karla in person.*

**Did you socialize outside of work? Specific instances?**

No.

**Did you have any conflicts or disagreements?**

*No. I guess I only see the best in people. She was very charming.*

**E. Working Relationship with Eduardo Guerrero Ortiz****Do you know Eduardo Guerrero Ortiz?**

*I don't know him. I spoke to him on the phone. I had an email relationship with him.*

**When and how did you first meet Eduardo?**

*He contacted me because he had a question about his release from the program. The letter he received has my contact information.*

*I told him I could not answer any managerial questions about how the decision for his release was formed. I also told him that he could reapply for other jobs in the City.*

*I think it's important for you to know that when I spoke to Eduardo, he and his girlfriend wanted to ask about questions that were beyond administration.*

*I expected questions about unemployment. But instead, he stated that everything is a lie; that the person who made the complaint against him (I did not know the context about what he was talking about, because I did not investigate this) lied. He stated that he was a victim of harassment. I told him that if he wanted to submit a complaint, he could call EEO, DHR and the DFEH, or he could submit his information to me.*

*My understanding was that there was an issue of respect in the workplace. Eduardo wanted copies of the investigatory notes. I told him that investigatory notes would not be available for review.*

*I explained that it was not a personal thing. When the department investigates and they find the results credible, an employee can be released from the program.*

*Eduardo believed that somehow, I had the ability to change the decision of his release from employment. I explained that was not my role. The decision was made by the department, and it was final. I told him he could reapply to the apprenticeship program.*

*Also, he requested to see his personnel file. I forwarded that request to Pauline Liang, 1246 Principle Human Resources Analyst. He made the request on January 12, 2022.*

**Did he get the file?**

*I believe he did. I saw the emails. I think this is important for you to know that he didn't like what was in it. He thought there should have been something more in there.*

*On March 11, 2022, he sent me an email. He said that he had questions regarding his case. I had already told him that I'm not really involved in the case.*

*When I spoke to him again, he had questions about unemployment and personal references. My perception was that he was worried about getting future employment. I explained that he was free to get unemployment and to apply for another role. He was focused on references. I told him the City will not tell anyone anything negative and when it comes to references the City only gives dates of employment. He asked about personal references, so I told him that he could use my number if he needed a personal reference. (PRC requested the notes from [REDACTED])*

**Are you/were you ever friends?**

*No*

**Did you socialize outside of work? Specific instances?**

*No.*



**Did you have any conflicts or disagreements?**

No.

**II. HARASSMENT**

**Do you remember receiving a letter from Eduardo on December 23, 2021?**

Yes. On December 23rd, Eduardo sent a message saying he would like the decision to release him to be reviewed. The information that was sent to Melissa Tucker, Philip Ginsburg, 0964 Department Head IV, [REDACTED], 0922 Manager I, and Allison McCarthy, 3422 Park Section Supervisor.

**What is the process when you receive a letter like this? (a compliant)**

I forward it on to Melissa.

**Did you respond to Eduardo? Why or why not?**

I don't think I did. Let me check. I did not respond as far as I could tell.

**Did you read Eduardo's complaint?**

I scanned through it, but since I wasn't investigating it, it wasn't something that I analyzed.

**A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):**

**Did you ever see Eduardo and Randy interact?**

No. I wouldn't know what either of them look like.

**Did you ever hear about Randy and Eduardo having problems? (It was in the letter)**

I know that when we were gathering emails, Randy's name came up.

**If yes, what did you hear?**

I'm not privy to anything else.

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

That's a new one. No. That's rare for this department. As a part of our department orientation, we let the employees know that language is a big part of our community. 40% of the people who utilize our services do not have English as their first language or do not communicate the standard way.

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

Again, that's a new one. I didn't know that Eduardo had a mustache.

**Did you ever see or hear about Randy assigning Eduardo to work with [REDACTED]?**

No.

**Do you know if Eduardo filed a complaint with HR about Randy?**

*I know he filed a complaint. I don't know if it was about Randy. I know recently he made a follow up complaint. I don't know how many complaints there are.*

*Wait a minute. I remember that there was a complaint about Randy. I don't know if it was Eduardo, but I'm speculating that it was. When they were reviewing Eduardo's work history, I heard one of the managers say that Eduardo had made a complaint about one or more of the supervisors. His supervisor would have been Allison.*

**How do you know?**

*I know he made a complaint about Ally because I heard about it.*

**If yes, what was the complaint about?**

*I don't know.*

**When did he file it?**

*I'm sorry to tell you, I don't know. It was before they chose not to keep him in the program.*

**Was it resolved?**

*I don't know.*

**III. SEXUAL HARASSMENT****Did you ever see Karla interact with Eduardo?**

*No. They were in the same cohort though.*

**Did you ever hear about Karla and Eduardo having problems?**

*I understood from what Eduardo sent that they had some personal thing going on between them. If I understood correctly, Eduardo accused Karla of inappropriate behavior outside of work. It wasn't related to work. I think it was maybe about smoking pot. [REDACTED] was evaluating, and he asked me about smoking pot through an HR perspective. I explained that it was not something that we would investigate through HR.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*Karla ended up not making it through the program. It had nothing to do with behavior. I think it was an attendance issue.*

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**

*This is important. I think, if I understand correctly, Karla had made a complaint against Eduardo. They investigated something about respect in the workplace. When Eduardo talked to me, he said that someone who made a complaint against him was out to get him. I'm going to guess that must have been Karla.*

**Did you ever hear about Karla asking Eduardo for his sweatshirt? (It was in the letter)**

*No.*

**Did you ever hear about Karla commenting about Eduardo's beard?**

*No.*

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)? (It was in the letter)**

*No. My understanding is that Eduardo may have had a friendship with Karla. I know because they were in the same cohort. After his release, he believed Karla was out to get him.*

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo? (It was in the letter)**

*No.*

#### **IV. DISCRIMINATION DUE TO RACE AND GENDER**

##### **1. Comments**

**Did you ever see Allison interact with Eduardo?**

*No. I have never seen Allison in the field. From my understanding she is spoken of very highly.*

**Did you ever hear about Allison and Eduardo having problems?**

*I understand that Eduardo complained about her.*

**If yes, what did you hear?**

*I don't know. I know that they are very thorough in the program. It is not uncommon for the apprentices to complain about their supervisor.*

**From whom?**

*It is standard practice that when they release an employee, they review the employee's information. Melissa reviewed Eduardo's documents with [REDACTED]. If I recall, a mention was made that there was a complaint made about Allison. It was important because Ally is regarded as a good employee. A complaint against her was unusual.*

**Did you ever hear or hear about Allison making comments about males?**

*No.*

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

*No. I wouldn't have blamed her if she did. The reality is that in the trade there are more males than females. I think they need to have more women.*

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

*I don't recall that. I think I heard that a woman helped start it, but I don't know if it's true.*

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

*No. She never made a comment about that.*

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English? (It was in the letter)**

*No.*

**2. Release of Employment****Can you tell me about the release from employment process for TEX employees?**

*TEX employees are formed on budget and have a time frame. I've done very few releases because we have few TEX employees who have been released at the request of their supervisor. Many employees who didn't get vaccinated were released.*

**Can you tell me about TEX employees?**

*When you are appointed as a TEX employee, you are informed that the position is temporary in nature. TEX employees are usually for less than three years. In most cases they would not exceed three years. TEX employees can be released without cause for any reason.*

*From a Civil Service standpoint, the same applies to a PEX position. There is no such thing as at will employees. That is ridiculous. We have to have a reason to release you.*

**Do you know why Eduardo was released from employment?**

*Eduardo was a special case. Eduardo was a PEX employee not a TEX. In the apprenticeship program they are PEX employees. There is no guarantee of employment.*

*From my understanding, the reason why Eduardo was released was because of a violation of the respect in the workplace policy.*

**How do you know this?**

*Because when I was asked to release him, I asked why this person was being released. I also got an email for administration purposes.*

**When?**

*It would have been December 16th or 17<sup>th</sup> because it was effective the 18th. I would have received the email at least two days before the effective date. I have to prepare it and get a signature for it.*

**Do you know who recommended Eduardo's release?**

*It had to be Allison and/or [REDACTED] They would have also discussed it with Melissa.*

**How do you know?**

*It's our process. Part of our job is to make sure there is a reason for an employee's release. You are ending someone's employment. I know Mellissa would have asked, "Are you sure there is nothing else you can do?"*

**Did you hear or hear about Eduardo referring to a woman passing by as “Mamacita”? (It was in the letter)**

*I am not aware of that, but that would fall under the respect in the workplace issue.*

**You don’t recall hearing this specifically?**

*I think that [REDACTED] and Allison discussed Eduardo’s behavior. I believe it might have been about something he said. I can’t imagine that there was only one thing. There had to be something more to it.*

**What was your role in Eduardo’s release?**

*My role was with the administrative process. My role is distinctly limited. I do a very good job of it. I don’t have the ability to undue any decisions.*

**Did you tell Eduardo that he was released because he called someone a “mamacita”?**

*I did not. I told him that he was released for a violation of the respect in the workplace.*

**Is there a reason why Eduardo would say that you told him he was release for calling someone “mamacita”?**

*I respect him and spoke to him on the phone a couple of times. I understand that it was a violation of the respect policy. That’s what I told him.*

**Do you know if Eduardo’s release was due to his race/ethnicity? Why or why not?**

*I’m going to say no. It’s pretty clear that there was a reason that they decided Eduardo would not remain in the program.*

**Do you know if Eduardo’s release was due to his gender (male)? Why or why not?**

*That would be baffling. I can’t imagine that would be a consideration.*

**V. CONCLUSION**

**Is there anything I have not asked you that you think would be relevant to the investigation?**

*I think you should know that [REDACTED] did not believe he should have been released from the program. He made a statement that what was said about him was a lie. He was very upset and there must have been something more that they discussed with him that would have inspired that statement.*

*When Eduardo reviewed his file, he did not believe that it was complete. That’s it, I can’t think of anything else.*

**Do you know if there are any other witnesses who have knowledge of these issues?**

*No.*

I thanked [REDACTED] for participating in the interview and reminded him of the confidential nature of the investigation and the prohibition against retaliation.

**EEO File No. 3963**  
**Exhibit C, Attachment 9**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**WITNESS INTERVIEW NOTES**

<b>Witness:</b> [REDACTED] – self-identified female with she/her pronouns	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: October 26, 2022 from 1:00 p.m. to 1:50 p.m.
Others Present:	Union Representative:
Location: Teams	Pages:

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you've been employed with the City since August 7, 2021. Is that correct?**

*Yes.*

**In what classification?**

*3410 Apprentice Gardener.*

**Is that your current position?**

*Yes.*

**Who do you report to?**

*Allison McCarthy, 3422 Park Section Supervisor.*

**What is your work location?**

*I work at Golden Gate Park, in section 2.*

**What are your job duties, generally?**

*My responsibilities change from day to day. I can be responsible for setting gopher traps or for setting out water. This morning we prepped a bed that's going in soon.*

**How many people do you work with? Who?**

*In the current section, there are six or seven people.*

**B. Working Relationship with Allison McCarthy**

**How long have you known Allison?**

*I've known Allison since August of last year.*

**When and how did you first Allison?**

*Allison interviewed me. Then I met her through the apprenticeship program. I met her on my first day of work.*

**Do you work directly with Allison?**

*Yes.*

**Co-workers/supervisor relationship?**

*She was my supervisor.*

**How often do you interact? Daily, weekly, rarely?**

*I see Allison daily. She does check-ins with the group. In the beginning she would give us instructions and teachings. She'd give us lessons and feedback.*

**How would you describe Allison's personality?**

*Allison is really nice. She cares about us as people and as people in the department. She wants us to do well. She'll tell us what to expect. Allison is fair. She treats everyone the same regardless of their background or experience.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No.*

**C. Working Relationship with Randy Vasquez**

**How long have you known Randy?**

*I've known Randy since August of last year.*

**When and how did you first Randy?**

*I met Randy through the apprenticeship program. He is the captain of our crew.*

**Do you work directly with Randy?**

*Yes.*



**Co-workers/supervisor relationship?**

*He was captain. H worked with us all day. He acted like a field supervisor. He would teach us and give us demos and made sure everyone was focused.*

**How often do you interact? Daily, weekly, rarely?**

*I interacted with Randy every day. He was also there during check in and check out.*

**How would you describe Randy's personality?**

*Randy is really sweet. I like him as a person. I think in the beginning he was rough around the edges. I think he was learning his groove as a captain, and has a better balance now. He cares a lot about us.*

**How would you describe your working relationship with Randy?**

*I think my working relationship with Randy is good. I don't see him as much anymore because I am not on mobile grew, but when I did, we worked well together.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No.*

**D. Working Relationship with Karla Hernandez****How long have you known Karla?**

*I met Karla in August of last year. We were in the same class and she sat at my table. She was one of the first people I met through the apprenticeship program.*

**Do you work directly with Karla?**

*Yes.*

**Co-workers/supervisor relationship?**

*Karla was my coworker. We worked together every day. We all worked as a group even though we worked on different projects.*

**When you did work with Karla, how often did you interact? Daily, weekly, rarely?**

*I saw Karla every day.*

**How would you describe Karla's personality?**

*She is really nice and caring. Karla would always bring everyone food. You could tell that she wanted everyone to be okay. She was always positive.*

**How would you describe your working relationship with Karla?**

*We were always good.*

**Are you/were you ever friends?**

*I would say we are friends. I haven't spoken to her since she got released though.*

**Did you socialize outside of work? Specific instances?**

*I think we were at a union party together, but I've never made plans with her or hung out with her.*

**Did you have any conflicts or disagreements?**

*No.*

**E. Working Relationship with Eduardo Guerrero Ortiz**

**How long have you known Eduardo?**

*I've known Lalo the same as everyone else, since August of last year.*

**When and how did you first Eduardo?**

*I met Lalo through the apprenticeship program.*

**Did you work directly with Eduardo?**

*Yes.*

**Co-workers/supervisor relationship?**

*We were co-workers.*

**How often do you interact? Daily, weekly, rarely?**

*I saw Lalo every day. We worked together. It was the same as with Karla.*

**How would you describe Eduardo's personality?**

*Lalo was really funny. I didn't know him very well, but he was outgoing. Had a lot of energy. We always got along really well.*

**How would you describe your working relationship with Eduardo?**

*It was good. We worked well together.*

**Are you/were you ever friends?**

*No. Although I think we were work friends.*

**Did you socialize outside of work? Specific instances?**

*As far as I can recall we did not hang out outside of work.*

**Did you have any conflicts or disagreements?**

*No.*

**II. HARASSMENT**

**A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):**

**Did you ever see Eduardo and Randy interact?**

Yes.

**In what way?**

*Nothing in particular that I can recall. I know that Randy would be teaching us about work. I saw Randy telling Lalo what to do. I never saw them interact in a way that was unprofessional.*

**Did you ever hear about Randy and Eduardo having problems?**

Yes.

**If yes, what did you hear?**

*I remember Lalo and I had a conversation and Lalo said, "I don't like Randy."*

**Did Lalo say anything else?**

*No. It was a really long time ago.*

**When did Lalo say this?**

*I think it was maybe in October or November 2021.*

**How many times did this happen?**

*Just the once. After that, I could tell that Lalo was upset or didn't want to interact with Randy.*

**Did you hear about this from anyone else?**

*No. I think it was kind of just known. It was obvious.*

**Why do you think this happened?**

*If I had to guess, it was that Lalo didn't like being wrong. They are both men, and men can get weird when another man tells them they did something wrong. Maybe Lalo couldn't take constructive criticism.*

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

*No. I think Randy is Latino, and he would say, "I can't speak Spanish." He never made fun of anyone's language or anything like that.*

**Did you ever see or hear about Randy assigning Eduardo to work with [REDACTED]?**

*No. We all kind of got assigned randomly. It all moved around so much.*

**III. SEXUAL HARASSMENT**

**Did you ever see Karla interact with Eduardo?**

Yes.

**In what way?**

*We are all coworkers, so we interacted every day. Nothing in particular stands out about their interactions. I feel like towards the end they didn't get along.*

**Did you ever hear about Karla and Eduardo having problems?**

Yes.

**If yes, what did you hear?**

*Someone said that Lalo said something about Karla that she got really upset at. I don't know what he said.*

**From who?**

*I don't remember. I feel like it was just known among the group.*

**When did you hear this?**

*It was after Lalo got released. Maybe in January 2022.*

**Did you hear about any other problems between Lalo and Karla?**

No.

**Why do you think this happened?**

*I think maybe it had to do with who they are. Karla could be more sensitive and Lalo was funny. Maybe their personalities were too different.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

No.

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**

Yes.

**If yes, what did you hear?**

*I heard through the mill that she was like hitting on him. But that's it. I heard it was maybe through text. I didn't hear it directly so I don't know if it actually happened.*

**From who?**

*I don't remember.*

**When?**

*I don't remember.*

**Did you ever hear about Karla asking Eduardo for his hoodie?**

No.

**Did you ever hear about Karla commenting about Eduardo's beard?**

No.

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**

No.

**Did you ever hear or hear about Karla talking about Eduardo's ex-girlfriend?**

No.

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo?**

No.

**IV. DISCRIMINATION DUE TO RACE AND GENDER**

**1. Comments**

**Did you ever see Allison interact with Eduardo?**

Yes.

**In what way?**

*As his supervisor.*

**Did you ever hear about Allison and Eduardo having problems?**

No.

**Did you ever hear or hear about Allison making comments about males?**

No.

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

*I feel like it could have been brought up, but maybe that we need more women represented in the department. It's true. There are more men than women here.*

**From who?**

*I don't remember specifically. I just remember this as a general comment.*

**How many men were there in the cohort?**

*In this cohort there were three men and nine women. But I think that's rare.*

**Do you think Allison has something against males? Why or why not?**

*No. Allison is not like that.*

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

No.

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

No.

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

No.

**2. Release of Employment**

**Can you tell me about Eduardo as an employee?**

*I think Lalo worked really hard. When he got released it was very shocking. One day he wasn't there anymore. He was always on time and worked really hard.*

**Do you know why Eduardo was released from employment?**

No.

**Do you remember if [REDACTED] gave a speech?**

*Yes, I remember he made a speech. He didn't tell us what happened. He just said that we need to remember that we work in a public space and have to be aware of how we treat people and what we say to people.*

**When did this occur?**

*He gave us this speech the Monday after Lalo was released.*

**Do you know who released Eduardo?**

*I assume Ally and [REDACTED] make the call to release him.*

**Did you hear or hear about Eduardo referring to a woman passing by as "Mamacita"?**

No.

**Do you think if Eduardo's release was due to his race/ethnicity? Why or why not?**

*No. It never crossed my mind.*

**Do you think Eduardo's release was due to his gender (male)? Why or why not?**

*No. It never crossed my min.*

**V. CONCLUSION**

**Is there anything I have not asked you that you think would be relevant to the investigation?**

No.

**Do you know if there are any other witnesses who have knowledge of these issues?**

*You could always ask anyone in our class because we were all working together.*

I thanked ██████████ for participating in the interview and reminded him of the confidential nature of the investigation and the prohibition against retaliation.

**EEO File No. 3963**

**Exhibit C, Attachment 10**





**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**WITNESS INTERVIEW NOTES**

<b>Witness:</b> [REDACTED] –self identified female with she/ her pronouns	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: November 10, 2022, from 10:00 a.m. to 11:00 a.m.
Others Present:	Union Representative:
Location: Teams	Pages:

[REDACTED] stated that she has short term memory loss. She was willing to continue the interview but wanted to make the disclosure.

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you began employment with the City on September 27, 2017, as a 9910 Public Service Trainee. Is that correct?**

Yes.

**According to my records your current classification is 3417 Gardner. Is that correct?**

Yes.

**Since when?**

*Since January 2022. (PeopleSoft shows January 22, 2022)*

**Who do you report to?**

*I report to Laura Garcia (Lau), 3417 Gardener. Lau is the- acting supervisor. The previous supervisor, Joe (Joseph) Wehrheim, prior 3417 Gardener resigned. Joe was the acting supervisor for almost a year.*

*When I was an apprentice I reported to Allison McCarthy, 0922 Manager. She was a Park Section Supervisor then.*

**What is your work location?**

*I work at section 1 of Golden Gate Park.*

**What is your work schedule?**

*I work Monday through Friday from 6:30 a.m. to 3:00 p.m.*

**What are your job duties, generally?**

*I help maintain the park. We plant things. We do line trimming, pick up trash, and work on irrigation. Basically, anything that falls under the Gardener classification.*

**How many people do you work with? Who?**

*I work by myself, usually. Sometimes I work with an apprentice, but most of the time I'm alone. On Wednesdays we get together as a group, and I work with up to six people.*

**B. Working Relationship with Allison McCarthy**

**How long have you known Allison?**

*I've known Allison since I got hired in 2019.*

**When and how did you first Allison?**

*Allison was the supervisor when I got hired.*

**Did you work directly with Allison?**

*Yes. She was my boss.*

**How often did you interact? Daily, weekly, rarely?**

*I spoke to Allison every day.*

**How would you describe Allison's personality?**

*Allison is awesome. She's really helpful. I felt like I could always go to her. She tried her best to help everyone.*

**Are you/were you ever friends?**

*No. I just know her from work.*

**Did you socialize outside of work? Specific instances?**

*Not really. It was just work stuff, like a union meeting or the Christmas work party.*

**Did you have any conflicts or disagreements?**

*No.*

**C. Working Relationship with Randy Vasquez**

**How long have you known Randy?**

*I don't really know Randy. My old captain was Olga Gomez Chiappe, 3417 Gardner. She went out on Maternity leave and Randy filled in for her.*

**When and how did you first meet Randy?**

*I met Randy when he became a captain for the apprenticeship program.*

**Did you work directly with Randy?**

*Not really. I wasn't part of their circle.*

**How often do you interact? Daily, weekly, rarely?**

*I saw Randy every day during sign-in.*

**How would you describe Randy's personality?**

*Randy is very chipper. He's always ready to go. He's always smiling and is always positive.*

**Are you/were you ever friends?**

*No. I just know him from work.*

**Did you socialize outside of work? Specific instances?**

*No.*

**Did you have any conflicts or disagreements?**

*No.*

**D. Working Relationship with Karla Hernandez**

**How long have you known Karla?**

*I've known Karla for many years. I went to school with her younger sister. But I didn't really know her.*

**Did you work directly with Karla?**

*Yes.*

**Co-workers/supervisor relationship?**

*She was my co-worker.*

**How often did you interact with Karla? Daily, weekly, rarely?**

*I saw Karla daily. She was an apprentice.*

**How would you describe Karla's personality?**

*Karla is very bubbly, and happy. She's very mothering, and everyone loves her. She was very hardworking and did well as a worker.*

**How would you describe your working relationship with Karla?**

*I would give her advice as an apprentice. She would always just do what she had to do.*

**Are you/were you ever friends?**

*We're acquaintances. We don't hang out.*

**Did you socialize outside of work? Specific instances?**

*We've met at community events, but we did not attend together. She did my makeup once for the Carnival in May of this year. I haven't seen her since then.*

**Did you have any conflicts or disagreements?**

No.

**E. Working Relationship with Eduardo Guerrero Ortiz****How long have you known Eduardo?**

*I don't know him. I just saw him at work.*

**When and how did you first Eduardo?**

*At work.*

**Did you work directly with Eduardo?**

*Not really. He was here, but I didn't work with him.*

**Co-workers/supervisor relationship?**

*He was my co-worker.*

**How often do you interact? Daily, weekly, rarely?**

*I saw him daily when I signed in to work at the nursery starting in November 2021. Before that I saw him the day I met him, and then maybe twice after that when he came to my area.*

**How would you describe Eduardo's personality?**

*From what I saw, he seemed like those "macho" type men. I didn't really like him, so I didn't pay him much attention.*

**How would you describe your working relationship with Eduardo?**

*I stayed away from him. The first time I met him was at a union event, and the first thing he said to me was "you're so beautiful, I want to get to know you better." I told him that what he was saying was sexual harassment and told him not to talk to me that way. I told him he had to be careful. From there, he didn't talk to me anymore. I would see him acting flirty, flirty with others.*

*One day I came in late, and when I walked in, Lalo asked, "you're late again?" When he said that I told him, "Don't talk to me." I told Ally she needed to talk to her apprentice because he needs to mind his own business. Ally spoke to him and then he apologized to me, but I told him not to talk to me. After that, I acted like he did not exist.*

**Are you/were you ever friends?**

No.

**Did you socialize outside of work? Specific instances?**

*No. Just the one union event where I met him.*

**Did you have any conflicts or disagreements?**

*Just what I've already said.*

**II. HARASSMENT**

**A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):**

**Did you ever see Eduardo and Randy interact?**

*No.*

**Did you ever hear about Randy and Eduardo having problems?**

*No.*

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

*No.*

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

*No.*

**III. SEXUAL HARASSMENT**

**Did you ever see Karla interact with Eduardo?**

*No.*

**Did you ever hear about Karla and Eduardo having problems?**

*Yes. All the time.*

**If yes, what did you hear?**

*I heard that he called her fat, lazy and slow. I heard that he would say bad things to her. I heard that they said bad things to each other, but I don't know exactly what they said. I don't think they got along.*

*I heard that something was going on and she told Ally the things that he said to her. I think that caused him to get let go of. Then some girls didn't want to talk to her after that.*

**From who?**

*Their whole class would talk about this. I also heard it from Karla.*

**When?**

*I think it was around the time when Lalo was getting released. I think everything added up for him. Karla complained about him, and I had complained about him.*

**Why do you think this happened?**

*I don't know.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*Not that I know of.*

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**  
*She only told me her side of the story, so I don't know.*

**Did you ever hear about Karla asking Eduardo for his hoodie?**  
*No.*

**Did you ever hear about Karla commenting about Eduardo's beard?**  
*No.*

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**  
*No. They would play music on their phone. They would vibe to the music.*

**Did you ever hear or hear about Karla talking about Eduardo's ex-girlfriend (Bitches comment)?**  
*No.*

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo?**  
*No.*

#### **IV. DISCRIMINATION DUE TO RACE AND GENDER**

##### **1. Comments**

**Did you ever see Allison interact with Eduardo?**  
*Not really.*

**Did you ever hear about Allison and Eduardo having problems?**  
*No.*

**Did you ever hear or hear about Allison making comments about males?**  
*No. Allison is very against anything that has to do with gender issues. She's on top of it.*

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**  
*No. She's trying to make it more equal. Before Allison came in to work here, there were more males.*

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**  
*No.*

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**  
*Yes. She's said not to speak certain ways; to use respectful language. She's told us not to use curse words. She's also said to keep our personal stuff out of work, and that we shouldn't talk about politics or religion.*

*She told us to speak English so that everyone could know what was being said. She said be aware, so people don't think you are talking about them. Everybody's language is respected.*

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

*No.*

**2. Release of Employment**

**Can you tell me about Eduardo as an employee?**

*From what I saw, he was always talking to the girls. I didn't really work with him though.*

**Do you know why Eduardo was released from employment?**

*I don't know. I just know one day he was gone. Karla told me that she thought it was her fault he was released. She said she felt bad about it. I told her it is never about one thing. It could be many things.*

**Do you know who released Eduardo?**

*No.*

**Do you know who gives the recommendation for release?**

*No.*

**Did you hear or hear about Eduardo referring to a woman passing by as "Mamacita"?**

*No.*

**Do you think if Eduardo's release was due to his race/ethnicity? Why or why not?**

*No. I mean, he's Latino. There are so many Latino people that work here. This place is so diverse. There are so many languages being spoken.*

*IN my experience, apprentices that don't make it, don't make it because of who they are. There is a personality conflict, attendance issues, or performance issues. It is never based on gender, race, ethnicity, or sexuality.*

**Do you think Eduardo's release was due to his gender (male)? Why or why not?**

*No. For the same reasons that I gave above.*

**V. CONCLUSION**

**Is there anything I have not asked you that you think would be relevant to the investigation?**

*No, not really. I love working with people here and the apprenticeship program. Ally is great and is all about equity and diversity: black, white, yellow, blue, men, women, non-binary. We are all a nice melting pot. I think Lalo is lying. I just want to say, I wouldn't want to work with Lalo. I mean, he sexually harassed me the first time he met me.*

**Why do you think Lalo would lie?**

*Lalo would lie to get his job back A job is important.*

I thanked [REDACTED] for participating in the interview and reminded her of the confidential nature of the investigation and the prohibition against retaliation.



**EEO File No. 3963**

**Exhibit C, Attachment 11**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**RESPONDENT INTERVIEW NOTES**

<b>Complainant: Allison McCarthy-</b> self identified female with she/her pronouns.	<b>EEO File No./Dept.: 3963/REC</b>
EEO Investigator: Prisma R. Corona	Date & Time: November 18, 2022, from 9:30 a.m. to 11:30 a.m.
Others Present:	Union Representative:
Location: Microsoft Teams	Pages:

**I. Knowledge re Complaint**

**Have you spoken with anyone about this interview or investigation?**

*No.*

**II. BACKGROUND INFORMATION**

**A. Employment History**

**According to our HR records, you began working for the City and County of San Francisco on June 22, 2013, as a 3410 Apprentice Gardener. Is that correct?**

*Yes.*

**What is your current classification?**

*0922 Park Services Manager.*

**Was this a promotional position?**

*Yes.*

**Since when have you been in this position?**

*Since October 31, 2022.*

**What was your previous position?**

*3422 Park Section Supervisor.*

**How long were you in this position?**

*I was acting in this role from September 2018, for 9 months prior to getting the position. I started in this position on October 30, 2022.*

**Who do you report to?**

*I report to Eric Anderson, 0953 Deputy Director III. In my previous position I reported to [REDACTED] 0922 Park Services Manager.*

**What is your work location?**

*I work at Civic Center and the Western Complex, in park section area two.*

**What is your work schedule?**

*I'm salary, and I'm still trying to figure out my schedule. I work Monday through Friday. In my prior position I worked Monday through Friday from 6:30 a.m. to 3:00 p.m.*

**What were your job duties as a Park Section Supervisor?**

*I was the supervisor of the Gardener Apprenticeship Program. I supervised up to 33 apprentices and two captains.*

**B. Working Relationship with Eduardo Guerrero Ortiz**

**Do you know Eduardo (Lalo)?**

*Yes. I remember Lalo.*

**How long have you known Eduardo?**

*Lalo was hired as a Gardener in August 2021.*

**When and how did you first meet Eduardo?**

*Lalo was hired as an apprentice. He was in a cohort. For the first six months of employment they are in mobile crew. I handle their sign in, sign out, and day to day.*

**Did you interview him?**

*No. Lalo was not on my interview panel.*

**How would you describe Eduardo's personality?**

*Lalo is a hard worker. He is very good with physical labor but he struggled with interpersonal relationships. We had some bumps in the road, in terms of following instruction.*

*But from August through the first eight weeks of his employment, it was okay. He was friendly. Things started unraveling around October/November.*

**Have you worked with Eduardo?**

*I worked with Lalo daily.*

**If so, how long did you work directly with Eduardo and what were the nature of those interactions?**

*I led the morning check in, introduced the work that needed to be done, and the learning practices. I was kind of the lead trainer. Some days I was shovel to shove with everyone, but that is usually what the captains do.*

*Every morning I was there and every afternoon for sign out to discuss what we did and what we learned.*

**How would you describe your working relationship with Eduardo?**

*We had the I'm the teacher, he's the student relationship. I'm the coach. When he was working hard I'd say good work. When we started having problems with interpersonal relationships I checked in with him privately.*

*I never felt that our relationship was negative. I felt like he sometimes would not listen to my direction. For example, I would say we're going to plant this way and he would not plant that way.*

**Did you have any involvement in him becoming an apprentice? If so, in what way?**

*No.*

**Did you socialize with Eduardo outside of work? Specific instances?**

*No.*

**Were you ever friends with Eduardo?**

*No.*

**C. Working Relationship with Randy Vasquez**

**Do you know Randy?**

*Yes.*

**How long have you known Randy?**

*Randy became a temporary captain in July 2021. He came in on a temporary assignment because my permanent captain was on maternity leave. Randy was on a six-month assignment.*

**When and how did you first meet Randy?**

*I knew of Randy because he was a Gardener but I did not work directly with him until he became a captain with the mobile crew.*

**How would you describe Randy's personality?**

*Randy is very outgoing and direct. He's also kind of bubbly. No, is he bubbly? He's very direct in his instruction, but he's also friendly and open. He was definitely very eager. He wanted to do a good job. It was his first shot at it.*

*Lalo's class was Randy's first time as a captain.*

**Have you worked directly with Randy?**

*Yes. The way the mobile crew worked is that I worked directly with both captains. Before it became official, we had a training week with Randy.*

**If so, what were the nature of your interactions?**

*I managed the sign in and sign out. With my captains, Randy and [REDACTED] [REDACTED] 3417 Gardener, we would have weekly captain meeting to discuss logistics and to check in on how the apprentices were doing, talk about projects, and discuss materials and supplies.*

**How often did you interact with Randy? Daily, weekly, rarely?**

*We interacted every day.*

**How would you describe you working relationship with Randy?**

*We had a very positive working relationship.*

**Did you socialize with Randy outside of work? Specific instances?**

*No.*

**Were you ever friends with Randy?**

*No.*

**D. Working Relationship with Karla Hernandez**

**Do you know Karla?**

*Yes.*

**How long have you known Karla?**

*Karla was hired in the apprenticeship program in August 2021 with Lalo's cohort.*

**When and how did you first meet Karla?**

*Just like with Lalo, I met Karla on her first day of employment as an apprentice.*

**How would you describe Karla's personality?**

*Karla is very customer service oriented. She would be bubbly, very kind, positive, hardworking, and friendly.*

**Have you worked directly with Karla?**

*Yes.*

**If so, what were the nature of your interactions?**

*It was the same as Lalo. I was their direct supervisor and mentor.*

**How often did you interact with Karla? Daily, weekly, rarely?**

*I interacted with her daily.*

**How would you describe you working relationship with Karla?**

*It was very positive. She had bumps in the road that needed my one on one counsel. Her issues were more related to attendance issues and work life balance.*

**Did you socialize with Karla outside of work? Specific instances?**

No.

**Were you ever friends with Karla?**

No.

**III. Allegations**

**A. Harassment**

- 1. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):**

**Did you ever see Eduardo and Randy interact?**

Yes.

**In what way?**

*Randy is a Gardener captain, and he would give Lalo step by step instructions. In the first eight weeks their interactions were positive. Almost like a, "hey how's it going bro." Things started to change in October and November. Lalo started stepping back from the group around that time. He started isolating himself from the group dynamic.*

**Did you ever hear about Randy and Eduardo having problems?**

*An incident happened on November 2, 2021, between Randy and Lalo that really shifted their relationship.*

**If yes, what did you hear?**

*I was not at sign out where the incident occurred. I didn't see the interaction take place. From my understanding, at the end of the day Randy went to check in with Lalo. It was supposed to be a coaching session. Lalo responded with a list of grievances against Randy. Randy did not know how to respond to the situation at the time, so he told Lalo, "We'll talk about this at a later time."*

*I got involved and tried to mediate the issues that Lalo brought up to Randy. I don't think Randy was aware of the way Lalo felt, prior to Lalo saying anything.*

**From who?**

*Randy told me. He pulled me aside the very next day.*

**How many times did this happen?**

*This was the first negative encounter between Randy and Lalo that I was aware of.*

**Why do you think this happened?**

*Miscommunication. I think Lalo was holding a lot in that could have been addressed in open communication.*

*Two weeks prior to the Randy incident I started to see Lalo detach from the group. The not following instruction piece was always there but it started getting out of hand.*

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

*No. but through my investigation of one of Lalo's grievances, Lalo mentioned that there was a time where Randy was paired with [REDACTED] who often spoke Spanish during the day, which is wonderful. Randy made a comment about how he was going to pair them together so they could speak their language.*

*I counseled Randy on this. I explained that it was not appropriate. I don't think he had the wrong intent. I knew Lalo was from Mexico because he shared that when we introduced ourselves.*

*At that point I didn't know how well his English was. When he didn't listen to my direction I thought it could be because of a language barrier. It happens in the program.*

**What did you hear?**

*Lalo told me about Randy pairing him with [REDACTED] when I met with him privately about his incident with Randy.*

**When?**

*I met with him on November 3, 2021. I sat down with Lalo to talk about what had happened.*

**How many times did this happen?**

*Lalo only mentioned one incident.*

**Did you ask Randy about this?**

*Yes. Randy said it did happen. He apologized and said he realized how it could have been perceived.*

*I had him review the language policy, harassment, and discrimination policies.*

**Did you report this to EEO?**

*No. I did tell Lalo that he could report it if he wanted to. I handed him all the policies and told him that if he felt discriminated against, he could go to EEO.*

*I also reported it to my supervisor [REDACTED]. We followed up with having Randy take the trainings. We also had a mediation meeting with Randy, Lalo, and me.*

*At the November 3, 2021, meeting, Lalo said he did not want any drama and did not want to report anything. (PRC explained that a supervisor is mandated to report EEO issues to EEO)*

*I want to double check my statement with that because I did work with my HR about the Lalo issue.*

**Who in HR did you work with?**

*With Melissa Tucker, 1246 Principal Resources Analyst. I actually don't remember if I actually reached out to her.*

**Why do you think this happened?**

*It was a singular incident during the workday. Apprentices are paired off to do different tasks. Lalo was paired off with different people. I think this was a one-off thing.*

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

*Yes. This was during the time when they still had a positive relationship.*

**If yes, what did you hear?**

*Randy has a very distinctive beard. They would both make comments about each other's facial hair.*

*When I checked in with Lalo about these grievances, Lalo did mention that he was uncomfortable about Randy mentioning his beard but did not tell me that Randy asked him, "is that a Mexican thing."*

**From who?**

*I witnessed them talking like this. It was morning banter.*

**When?**

*This was on November 3, 2021.*

**Why do you think Randy made this comment?**

*Morning banter. It is not very often that a captain and apprentice are one on one.*

**Do you think this had anything to do with Eduardo's race/ethnicity? Why or why not?**

*No.*

**Did you ever see or hear about Randy assigning Eduardo to work with [REDACTED]?**

*Yes. Discussed above.*

**Do you think this had anything to do with Eduardo's or [REDACTED] race? Why or why not?**

*No. I think Randy just made an inappropriate comment.*

**I. SEXUAL HARASSMENT**

**Did you ever see Karla interact with Eduardo?**

*Yes.*



**In what way?**

*From what I saw it was a normal co-worker interaction. They would speak to each other in Spanish. Karla would translate instructions to Lalo in Spanish.*

**Did you ever hear about Karla and Eduardo having problems?**

*Yes. In late November Karla pulled me aside to tell me that Lalo made her uncomfortable by commenting on her work performance. He said she was working too slow. She asked me what should she do. I coached her. I told her it was not okay for someone to comment on her performance. I followed up with Lalo regarding that as well.*

**From whom?**

*Karla told me.*

**When?**

*This was in late November.*

**How many times did this Karla go to you about Eduardo?**

*Twice.*

**Was this the first time?**

*Yes. The second time Karla told me that Lalo was actively avoiding her at work. He was not talking to her. She mentioned that to me in passing. Karla also told me that Lalo had called someone "mamacita." I did not witness this, neither did my captains.*

**When did this conversation take place?**

*This was also in November.*

**What was your response?**

*I validated that Lalo's conduct was in violation of departmental policy. I thanked Karla for reporting it. I told her that I was going to have a conversation with Lalo. Then I had a conversation with Lalo in December.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*No.*

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**

*No.*

**Did you ever hear about Karla asking Eduardo for his hoodie?**

*No.*

**Did you ever hear about Karla commenting about Eduardo's beard?**

*No.*

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**

No.

**Did you ever hear or hear about Karla talking about Eduardo's ex-girlfriend?**

No.

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo?**

No.

**Did Karla ever tell you that Eduardo called a woman passing by "mamacita"?**

Yes. I mentioned this above.

**Did you talk to Eduardo about this particular issue?**

Yes.

**What was his response?**

*Lalo had also previously commented on another apprentice's performance. My conversation with him was about professional conduct and possible work relationships. I paired myself with Lalo during the workday so we could talk. I told him that there were a couple of disturbing interactions.*

*He had apologized to the first apprentice he made a comment about. I thanked him for apologizing to her.*

*I then told him about him commenting about Karla's performance. I asked him not to comment on another employee's performance. His response was to say that Karla is immature and of course she would go say this. He almost tried to say that Karla was in love with him. I tried to keep the conversation away from that.*

*I told him about the "mamacita" comment. His response was "who told you this?" He got kind of aggressive about this. He was very upset about this accusation. I just told him that if it did happen it was not appropriate. Once we got through that I was trying to move the conversation forward. I told him an apology would go a long way with Karla. He said he would do that.*

*After lunch he told me he apologized to Karla. He said she cried like a baby and that he thinks everything is okay now.*

*Shortly after that, Karla told me that Lalo threatened her. He told her, "if I lose my job you're going to lose yours too."*

*After that incident that we started his release of employment. He was going to be released for violation of the respect policy and retaliation against Karla for reporting his conduct to me.*

**Were there any witnesses to Mamacita comment or Karla reporting it?**  
*Just Karla. This is why I didn't make it the forefront of my coaching with him.*

#### **IV. DISCRIMINATION DUE TO RACE AND GENDER**

**What was your role in the apprenticeship program?**

*I supervised the program.*

**What was your role in evaluating employee performances?**

*Employees come into the program to learn. They learn on the job. Evaluation is about following basic instruction, getting along with the team, being willing to learn, learning about the machines. There is a lot of training around policy stuff the first two weeks.*

*My role is to design the curriculum and schedule the work projects. I try to make things increasingly more difficult for the apprentices all while setting them up for success.*

*Many people haven't worked in a group dynamic before they start the program. I try to catch the bumps early and then work on it through coaching before we have to discipline. I think it's important to give people grace and time to learn.*

**How often do apprentices get evaluated?**

*Every six months employees receive a formal evaluation and plan. Permanent employees get one evaluation every year.*

*I like to have check in meetings with apprentices on month three. It's more of a check in and not a formal evaluation.*

*At month three there is not a lot of meat to evaluate on. It's more of check-in on the quantity/quality of their work. I call it a training log. We document where they are at month three.*

*Formal evaluations that you turn into HR are conducted on months 6, 12, 18 and 24.*

**Is anyone else involved in the evaluation process? (for the informal log)**

*I conduct the evaluation with the captain. We evaluate based on what we've seen.*

**Who reviews the training logs?**

*my manager reviews the logs. These do not go through multiple layers because they are not formal.*

##### **1. Eduardo's performance**

**Did you evaluate Eduardo's performance while he was in apprentice program?**

*Lalo did revive a training log, but not a formal evaluation.*

**How would you describe his performance?**

*His work performance was good. He was a very good worker. What he struggled with was open communication. I would tell Lalo to do a task and he wouldn't do it as instructed. It was hard for me to gage whether he didn't want to follow my directions or if he didn't understand it. He was good with equipment.*

*Once he started to retreat into himself, he didn't seem interested in learning anymore.*

**How would you compare him to others in program?**

*I think he struggled working in a crew setting. He worked well independently. He struggled more than most on top-down instructions.*

*In terms of quantity, he was in the top realm. It also depended on the task he was working on. In terms of picking up the material, he was in the medium to low realm.*

**Among all apprentices, where would you rank him and why?**

*I would put him in the medium range without the interpersonal issues he was having. If he could have maintained professional relationships, he would have done fine.*

**Did you ever talk to him about any issues he had?**

*Yes, at his check in with the training log. I specifically told him he needed to work on open and honest communication; This is a team effort. He needed to remain engaged and ask more questions.*

*The Karla incidents and the Randy incident happened after the training check in happened.*

**How long after his training log was Eduardo released?**

*Maybe 4 to six weeks.*

**2. Gender Bias**

**How many males were in the apprenticeship program in August 2021 (3)?**

*Lalo, [REDACTED] 3410 Apprentice Gardener, ... I want to say three or four. Both of my Gardener captains are male as well.*

**How many females (10)?**

*I think seven. There were more women than men in this cohort, which never happens. It's pretty cool.*

**How many other genders?**

*There may have been one non-binary employee.*

**Do you consider gender when hiring for the apprenticeship program?**

*No.*

**(Allegation)- Eduardo alleged that you stated that a woman started the Gardening program.**

**What is your response?**

*That's not completely accurate. A female Gardner had a very strong role in starting the program. Joan V.*

**Did you make this comment?**

*I would not have emphasized gender.*

**If so, why did you make this comment?**

*I don't remember. I may have made this comment. During orientation I talk about the program history, where we started and where we are today.*

**If so, what was Eduardo's response?**

*My recollection is that Lalo was very excited about the position.*

**If not, why would Eduardo allege this?**

*I don't know.*

**Two witnesses heard that you made this comment (One of the founders was a woman) Why do you think they would say this?**

*If I said it, it was during a presentation.*

**Allegation- Eduardo alleged that you stated that there are too many males doing this job (apprentice), and that females could do the job just as well.)**

**What is your response?**

*No.*

**Did you make this comment?**

*No. I would not have said that. I believe that maybe when I talk about body mechanics, I mention that the tools are designed for larger, male frames, and that women or those with a smaller frame have to maneuver their bodies differently for safety reasons.*

**If so, why did you make this comment?**

*Well, because I'm smaller framed and to use the equipment and to prevent injury there are some things I have to do differently for safety.*

**If not, why would Eduardo allege this?**

*I don't know.*

**Two witnesses heard that you made a part of this comment or something similar to it (Said it is a male dominated industry) Why do you think they would say this?**

*No. Again, maybe when I talk about managing tools and equipment and how things are designed for larger framed men, that's what they understood. Or maybe they were referring to orientation when I talk about respectful work behavior. I may mention that it is important because there are only a few women in a male dominated industry. I want to create a safe way for people to interact.*

**3. Racial Bias**

**Do you consider race or national origin when hiring for the apprenticeship program?**

*No. For the record, [REDACTED] and the City deal with the hiring process. I am only on the interview panel.*

**Do you consider languages spoken when hiring for the apprenticeship program?**

*No.*

**Are you aware that Eduardo speaks Spanish?**

*Yes.*

**How did you become aware of this?**

*He regularly spoke Spanish at work.*

**Did it have anything to do with his appearance?**

*No.*

**Can you explain?**

*Lalo was very open about being Mexican. He made it obvious. I wouldn't His appearance told me he was a man of color, not that he was Mexican.*

**Are you aware that Eduardo speaks English?**

*Yes.*

**When did you become aware of this?**

*During the first day of his hire.*

**How?**

*I heard him speak English.*

**Allegation- Eduardo alleged that you stated that you did not think he spoke nor understood English.**

**What is your response?**

*No.*

**Did you make this comment?**

*Several weeks after orientation, when I first began to notice that Lalo did not engage, I told him that if anything is not clear, if he is an English language learner, there are other techniques I can use to help him.*

*I wanted to create a safe space. I text other employees in their language, or I use an app that translates. Or I try to be repetitive during lesson planning.*

**If so, why did you make this comment?**

*I did not. I did not know what his English language level was.*

**a. Decision to Terminate**

**What's your understanding as to why Eduardo was terminated from program?**

*Lalo was released for a violation of the respect policy. You cannot retaliate against someone for reporting your behavior. That's the main reason for his release. His total disregard for Karla. When he said, "she cried like a baby," it was not okay. Lalo was not able to work in a crew setting in a professional way.*

**Were there any witnesses to Lalo and Karla's conversation?**

*It was during lunch, not during the workday. It was in the middle of the park. I saw the conversation but did not hear it because I was in my work vehicle.*

**Did any witnesses overhear it?**

*No.*

**Did you ask Lalo if he retaliated against Karla?**

*I did not. I was alarmed with Karla being upset and crying hysterically. I had also just experienced Eduardo being insistent when he wanted to know who told me about the "mamacita" comment. He was demanding. I did not reengage with Lalo after that.*

*Once Karla made the report to me, I immediately called my supervisor, [REDACTED]*

**How do you know that Karla was credible?**

*When we had the release meeting with Lalo, he admitted to saying what Karla said he said. I did trust Karla's statement at that moment. And based on Karla's previous accusations and based on my previous conversation with Lalo, it all seemed verifiable.*

**What did Lalo admit to?**

*He admitted to the conversation with Karla. Lalo was very upset at the release meeting for obvious reasons. He felt like Karla was framing him. He didn't feel like Karla should have come to me to complain.*

**Did he admit to threatening her?**

*No, he did not.*

**Did you investigate this situation?**

*No, I was confident in Karla.*

**Did anyone ever tell you that Eduardo was uncomfortable around Karla?**

*No.*

**Did you recommend Eduardo's release?**

*In partnership with my supervisor. He supported the decision.*

**Who else was involved?**

*We always consult with our HR team for releases and with our union partners at local 261.*

**Who made decision?**

*It was a partnership decision.*

**How do you know?**

*That's the procedure.*

**Is there anything else you want to share about why Eduardo was released from the program?**

*No.*

**b. Communication of Decision to Terminate**

**How was termination communicated to him?**

*It was me, [REDACTED] and Lalo at the end of the day. [REDACTED] was the leader of the conversation.*

**Was there a reason or reasons provided at the time?**

*Not that I recall. I said very little. I believe [REDACTED] stated that it was a respect in the workplace violation.*

**What was your response?**

*Every release is hard for me personally. I did not talk. I walked Lalo out of the nursery gate.*

**What was his response?**

*Lalo was very upset. He did not want to accept the decision. He begged. He said, "please no."*

**Can you explain why you thought Lalo thought Karla framed him?**

*I don't remember if that was at the release meeting.*

**Do you think it's possible that Karla made up these allegations against Lalo?**

*No. I mean Lalo's entire demeanor with Karla, made it seem true. Karla was so upset after. It felt very truthful. When Lalo first asked me who reported him for saying it, he named a few people. It made sense that he said it. It all kind of added up.*



**Allegation- Eduardo alleged that you directed his release from the Gardening Apprenticeship Program due to his gender (male).**

**What is your response?**

*No. I would never do that.*

**Did you direct his release from employment?**

*No.*

**If not, why would Eduardo allege this?**

*Maye Lalo does not understand how the release process works.*

**Allegation- Eduardo alleged that you directed his release from the Gardening Apprenticeship Program due to his race and national origin (Hispanic/Mexican).**

**What is your response?**

*I personally would never do that.*

**Did you direct Eduardo's release from the program due to his race/national origin?**

*The release process includes multiple people.*

**If not, why would Eduardo allege this?**

*I don't know.*

**c. Veracity of Complaint**

**Do you have any reason to believe that Eduardo would lie about these allegations?**

*I just understand that Lalo was very upset about being released from the program.*

**Why or why not?**

*Lalo was very upset about being released from the program and emailed demanding he get his job back. Per release, every employee has the right to file for discrimination.*

**Do you have any reason to believe that Eduardo would lie about you?**

*I don't know.*

**Why do you believe Eduardo filed this complaint about your conduct?**

*Because Lalo was very upset about losing his position.*

**Any other reason?**

*No.*

**Do you have any reason to believe that any one of your co-workers/subordinates would lie about you?**

*I don't know. Why would anyone lie?*

## **I. HARASSMENT KNOWLEDGE**

### **What's your understanding of the City's EEO Policy?**

*It is the equal employment opportunity policy. There are many protected classes, and we cannot change or direct the status of employment based on these protected classes. There are several avenues employees can take when they feel their rights have been violated.*

### **How do you have that understanding?**

*I review the policy every six months when we have employee orientation.*

### **Did you understand it?**

*Yes.*

### **When did you take Harassment prevention training?**

*I either take it every year or every two years. I also do the overview every six months line by line in orientation.*

## **II. CONCLUSION**

### **A. Additional Info**

### **Is there anything I have not asked you that you think would be relevant to the events/issues we discussed or to my investigation?**

*No.*

### **Is there anyone else that you think I should speak to that may have knowledge of the events/issues we discussed? If yes:**

*If you haven't talked to [REDACTED] he spoke the most during Lalo's release.*

I Thanked Allison for participating in interview and read her the below reminders:

**Reminder:** This is a confidential investigation. We request that all participants, including the complainant, the respondent, and any witnesses, not discuss with anyone the existence of the investigation or information we discussed, other than with representative or attorney, until the conclusion of the investigation.

**Reminder:** There is no retaliation for participating in the investigation so if you believe you are experiencing retaliation for your participation in this investigation, you can contact me (you have my business card), DHR EEO, the EEO helpline, or your Department's personnel officer.

**EEO File No. 3963**

**Exhibit C, Attachment 12**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**RESPONDENT INTERVIEW NOTES**

<b>Complainant: Randy Vasquez-</b> self identified male with he/him pronouns	<b>EEO File No./Dept.: 3963/REC</b>
EEO Investigator: Prisma R. Corona	Date & Time: February 8, 2023, from 1:30 p.m. to 2:30p.m.
Others Present:	Union Representative: Vince Courtney, laborer's union.
Location: Microsoft Teams	Pages:

**I. Knowledge re Complaint**

**Have you spoken with anyone about this interview or investigation?**

*No.*

**II. BACKGROUND INFORMATION**

**A. Employment History**

**According to our HR records, you began working for the City and County of San Francisco on August 24, 2019, as a 3417 Gardener. Is that correct?**

*Yes.*

**Is that your current classification?**

*Yes.*

**Who do you report to?**

*I report to Kendra Armitage, 3422 Park Section Supervisor.*

**What is your work location?**

*We meet at the Golden Gate Park nursery.*

**What is your work schedule?**

*I work Monday through Friday from 6:30 a.m. to 3:00 p.m.*

**What were your job duties?**

*As a captain, I supervise new hires and train them to become Gardeners.*

**B. Working Relationship with Eduardo Guerrero Ortiz**

**Do you know Eduardo (Lalo)?**

*I know Lalo from work.*

**How long have you known Eduardo?**

*I only knew him for the window of time that he worked with us. I don't know how long that was.*

**When and how did you first meet Eduardo?**

*I met him on his first day of work.*

**How would you describe Eduardo's personality?**

*He was pretty quiet. Hardworking.*

**If so, how long did you work directly with Eduardo and what were the nature of those interactions?**

*That question is pretty hard to answer because we don't really work one on one in the apprenticeship program. We work as a whole group for the most part.*

**How often did you interact with Eduardo? Daily, weekly, rarely?**

*I worked with Lalo daily.*

**How would you describe your working relationship with Eduardo?**

*I thought we had a good working relationship. He always seemed a bit nervous though.*

**Did you have any involvement in him becoming an apprentice? If so, in what way?**

*No.*

**Did you socialize with Eduardo outside of work? Specific instances?**

*No.*

**Were you ever friends with Eduardo?**

*No.*

**C. Working Relationship with Allison McCarthy**

**Do you know Allison?**

*Yes.*

**How long have you known Allison?**

*I met Allison when I started working for the apprenticeship program. I started at the same time as Lalo, in August 2021.*

**When and how did you first meet Allison?**

*The first time I met Allison was when I transferred over to the apprenticeship program. I may have met her in passing before then, but I don't remember.*

**How would you describe Allison's personality?**

*Allison is hardworking, intelligent, and easy going.*

**Have you worked directly with Allison?**

*I did. It was during the time I was a captain and she was a supervisor.*

**If so, what were the nature of your interactions?**

*It was professional. She was my immediate supervisors so we would have meetings about the program.*

**How often did you interact with Allison? Daily, weekly, rarely?**

*I worked with Allison every day.*

**How would you describe your working relationship with Allison?**

*It was good.*

**Did you socialize with Allison outside of work? Specific instances?**

*No.*

**Were you ever friends with Allison?**

*Not outside of work, no.*

**D. Working Relationship with Karla Hernandez**

**Do you know Karla?**

*Yes.*

**How long have you known Karla?**

*I met Karla when I started at the apprenticeship program.*

**When and how did you first meet Karla?**

*I met Karla on her first day of work.*

**How would you describe Karla's personality?**

*She is hard working. She looked happy.*

**Have you worked directly with Karla?**

*Yes, like with all the other apprentices.*

**How often did you interact with Karla? Daily, weekly, rarely?**

*On a daily basis.*

**How would you describe your working relationship with Karla?**

*It was good.*

**Did you socialize with Karla outside of work? Specific instances?**

*No.*

**Were you ever friends with Karla?**

*No.*

**III. Allegations**

**A. SEXUAL HARASSMENT**

**Did you ever see Karla interact with Eduardo?**

*Yes. They worked together.*

**Did you ever hear about Karla and Eduardo having problems?**

*I mean, yes, there was an issue.*

**If yes, what did you hear?**

*Honestly, it's fuzzy and I don't know all the details, but basically Karla came to me and said that Lalo had catcalled a woman or something to that effect. I let her know that she needed to report it up the chain of command. I guess she did. The whole issue led to Lalo basically needing to apologize to her. Rather than apologize, Lalo chewed her out and threatened her. Lalo told her that she was going to lose her job if he lost his.*

**From who?**

*Karla told me all this.*

**When?**

*I don't know the date.*

**Did you hear about Any other problems between Karla and Lalo?**

*No.*

**Did you ever hear or hear about Kara making any inappropriate comments to any employees?**

*No.*

**Did you ever hear or hear about Karla making any inappropriate comments to Eduardo?**

*No.*

**Did you ever hear about Karla asking Eduardo for his hoodie?**

*No.*

**Did you ever hear about Karla commenting about Eduardo's beard?**

No.

**Did you ever hear or hear about Karla singing a sexual based song to Eduardo (Dale Tilin)?**

No.

**Did you ever hear or hear about Karla talking about Eduardo's ex-girlfriend?**

No.

**Did you ever hear or hear about Karla making a sexual gesture to Eduardo?**

No.

**Did Karla ever tell you that Eduardo called a woman passing by "mamacita"?**

*I don't remember the word, just that it was catcalling. Catcalling is my word. I don't remember what word Karla used.*

**B. DISCRIMINATION DUE TO RACE AND GENDER**

**What was your role in the apprenticeship program?**

*I am a captain. We facilitate logistics. I make sure we have the tools we need, and that everyone has everything they need. I help coordinate where people need to be, and what they need to have with them. I make sure people are on time.*

**What was your role in evaluating performance?**

*We take notes on the employees. We make sure everyone is working and doing what they are supposed to. We look for different things, like if anyone needs more time on the job assignment. We want to make sure that all employees get the training they need to become a Gardener.*

*Vince: I want to stop you and explain something. Randy is not a supervisor. The union and the department agreed that there should be a field supervisor to facilitate the apprenticeship program. There is extra pay for the position, but they are not supervisors, and do not conduct evaluations in that sense.*

**1. Eduardo's performance**

**Did you ever see Allison interact with Eduardo?**

Yes.

**In what way?**

*Allison interacts with the whole group every morning. She lays out what we're doing for the day. That's an underestimation of what she does. She does so much more than that. She does an amazing job.*

**Did you ever hear about Allison and Eduardo having problems?**

No.



**Did you ever hear or hear about Allison making comments about males?**

No.

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

No.

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

No.

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

No.

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

No.

## **2. Release of Employment**

**Can you tell me about Eduardo as an employee?**

*I would say Lalo started off as a very strong employee but as things moved on, he hit some rough spots.*

*Vince: I want to clarify something. They are not employees in the way that you mean. They are candidates for a position. They are at-will employees. The position is to see if they can make it and learn enough to get a permanent position with the City. If they come in and start to decline in the position, they are done. I just ask that when you say employee, you think candidate, in that nature.*

**Can you explain what you mean by rough spots?**

*I would say that maybe it's not true insubordination, but I would ask him not to rake leaves right now because we were focusing on something else, but he would just continue to rake leaves.*

**Any other examples?**

*It was mostly that he would not follow instructions.*

**Do you know who released Eduardo?**

No.

**Do you know who gives the recommendation for release?**

*I do not.*

*Vince: The board recommends release.*

**Do you think Eduardo's release was due to his race/ethnicity? Why or why not?**

*No, because that is not one of the guidelines employees are rated on.*

**Do you think Eduardo's release was due to his gender (male)? Why or why not?**

*No. I really think Lalo's release had to do with his performance as a Gardener, or lack there-of.*

**C. HARASSMENT**

**1. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):**

**Did you ever make any comments to any employees about the language they speak?**

*Yes.*

**Can you tell me what you said?**

*I don't remember exactly. I was trying to compliment Lalo and [REDACTED] for being bilingual. It's a very valuable skill. They had both shared that they were bilingual. I don't remember what I actually said but it came out wrong or landed wrong.*

**To who?**

*[REDACTED] and Lalo.*

**When?**

*I don't remember the day but it was fairly early in the program.*

**How many times did this happen?**

*That was the only time.*

**Why did you make this comment?**

*They were new and I was trying to build everybody up. I wanted to compliment them on something that they were good at. These people are under a lot of stress. They are at will employees. I try to get everyone rolling in a positive direction as soon as possible. I thought that was what I was doing.*

**Have you ever paired apprentices to work together based on the language they spoke?**

*No.*

**Allegation-Eduardo alleged that you assigned him to work with [REDACTED] so they can speak their own language to each other. You assigned them to work together four times. You assigned them to work together due to their race.**

**What is your response?**

*No. That is not true.*

**Did you assign [REDACTED] and Eduardo to work together because they could speak the same language?**

*No.*

**If not, why would Eduardo allege this?**

*I have no idea. In all honesty, it is pretty random how people are assigned to work together. They could be assigned together because they are standing next to each other. It could be because they volunteered for a specific job.*

**3 witnesses stated they heard you or heard that you assigned [REDACTED] to work with Eduardo so they could speak the same language. Why would they allege this?**

*Because I said something along the lines of, "you both speak Spanish, that is great." I just remember that Lalo and [REDACTED] were going to get in a truck to work together and I said something like, "it's great that you can ride together and get to keep talking."*

*I have no idea how many times Lalo and [REDACTED] worked together. Or how many times any other employees worked with each other, for that matter.*

**To clarify, Lalo and [REDACTED] were already going to work together when you made the comment?**

*Yes, that is correct.*

**Did you ever make any comments about anyone's facial hair?**

*Not that I can remember.*

**Allegation- Eduardo alleged that in September 2021, you made a comment about his mustache getting long. Eduardo alleged that you asked him if it was a Mexican style and then told him that he needed to trim it. Eduardo alleged your comment was due to his race.**

**What is your response?**

*It's not true.*

**Did you comment about his mustache?**

*No. Not that I remember.*

**If not, why would Eduardo allege this?**

*Because he got fired and he's trying to do anything to get his job back.*

**2 witnesses stated they heard you or heard that you made a comment about Eduardo's facial hair. Why would they say this?**

*The only thing I can think of is that I have a beard, [REDACTED] 3417 Gardener, has a beard, and sometimes people talk about their beards at work.*

a. **Veracity of Complaint**

**Do you have any reason to believe Eduardo would lie about these allegations?**

*Only that Lalo was released from the program and he is trying to retaliate.*

**Do you have any reason to believe that Eduardo would lie about you?**

*Yes. He has something against me for something.*

**Why do you believe Eduardo filed this complaint about your conduct?**

*He is grasping for anything he can do to get his job back.*

**Any other reason?**

*Not that I know of.*

**Do you have any reason to believe that any one of your co-workers/subordinates would lie about you?**

*No.*

**I. HARASSMENT KNOWLEDGE**

**What's your understanding of the City's EEO Policy?**

*That we are an equal opportunity employer.*

**Do you have specific City policy knowledge?**

*(Respondent left the room for a discussion with his union representative) That we need to create a safe work environment for all of our employees, including in the fields of race, gender, and sex, and make sure that nobody is being singled out.*

PRC explained the EEO policy to respondent.

**How do you have that understanding?**

*It is an integral part of being a good human being.*

**When did you take Harassment prevention training?**

*I don't remember the date but it was during the six months that I was in the apprenticeship program.*

**II. CONCLUSION**

A. **Additional Info**

**Is there anything I have not asked you that you think would be relevant to the events/issues we discussed or to my investigation?**

*No.*

**Is there anyone else that you think I should speak to that may have knowledge of the events/issues we discussed? If yes:**

I Thanked Randy for participating in interview and read him the below reminders:

**Reminder:** This is a confidential investigation. We request that all participants, including the complainant, the respondent, and any witnesses, not discuss with anyone the existence of the investigation or information we discussed, other than with representative or attorney, until the conclusion of the investigation.

**Reminder:** There is no retaliation for participating in the investigation so if you believe you are experiencing retaliation for your participation in this investigation, you can contact me (you have my business card), DHR EEO, the EEO helpline, or your Department's personnel officer.

*Vince: I just wanted to add, you have been a delight, and I want to thank you for your patience. I also want to reiterate that the apprenticeship program is a unique job assignment. A lot of these candidates are not ready for City employment. We are doing a service by running these programs.*

**EEO File No. 3963**

**Exhibit C, Attachment 13**



**CONFIDENTIAL**

**DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT**

**RESPONDENT INTERVIEW NOTES**

<b>Respondent:</b> Karla Hernandez- self-identified she/her	<b>EEO File No./Dept.:</b> 3963/REC
EEO Investigator: Prisma R. Corona	Date & Time: December 15, 2022, from 9:00 a.m. to 10:35 a.m.
Others Present:	Union Representative:
Location: Teams	Pages:

Disclosure: Interview was conducted mainly in Spanish

**I. BACKGROUND INFORMATION**

**A. Employment History**

**According to my records, you've been employed with the City since April 5, 2021. Is that correct?**

*Yes.*

**In what classification?**

*I was a 9916 Public Service Aid.*

**What was your last classification with the City?**

*I was a 3410 Apprentice Gardener.*

**Are you a current City employee?**

*No.*

**Since when?**

*I was released on July 23, 2022.*

**Who did you report to?**

*Allison McCarthy, 3422 Park Section Supervisor.*

**What was your work location?**

*I was on light duty at the Nursery, at Golden Gate Park.*

**What was your work schedule?**

*I worked Monday through Friday from 6:00 a.m. to 3:00 p.m.*

**What were your job duties, generally?**

*I was transferring pots. I would transfer pots from small ones to big ones. I also did some weeding and watered the plants.*

**How many people did you work with?**

*I worked with five people.*

**B. Working Relationship with Allison McCarthy**

**How long have you known Allison?**

*I've known Miss Ally since my first day of work as an Apprentice Gardener. I think it was August 7, 2021.*

**When and how did you first Allison?**

*I met her my first day of class.*

**Did you work directly with Allison?**

*We were always in a group, so yes.*

**Co-workers/supervisor relationship?**

*She was the supervisor.*

**How often did you interact? Daily, weekly, rarely?**

*I saw her every day. We all came in, gathered around, did some stretches and some learning. We would do daily activities together.*

**How would you describe Allison's personality?**

*Ally is professional and respectful. She is understanding and kind.*

**Are you/were you ever friends?**

*No. Not outside of work.*

**Did you socialize outside of work? Specific instances?**

*Not really. We would go to our union meeting, but we didn't go together. We would just say hi.*

**Did you have any conflicts or disagreements?**

*Maybe just when we would have our meetings every six months. I understand she had expectations. I just feel like she could have been more understanding of my situation. For example, one of my notes for feedback said that my energy level would slow down. I mentioned that I am a 260 lb. woman and the work we do is hard. I got tired.*



*I would also call in sick because I had an issue with my daughter. She has depression. I feel like Ally could have been more understanding about that.*

**C. Working Relationship with Randy Vasquez**

**How long have you known Randy?**

*I also met Randy the first day that we started the program.*

**Did you work directly with Randy?**

*With Randy, it was the same thing as with Ally. We would get together and do our stretches and talks and then work in groups.*

**Co-workers/supervisor relationship?**

*I believe he was a supervisor. He was the captain.*

**How often did you interact? Daily, weekly, rarely?**

*With Mr. Randy, it was sometimes daily, sometimes it was three days. Then it became two days. It depended on how they divided us up into groups. I also worked with Mr. Randy for my first six-month rotation.*

**How would you describe Randy's personality?**

*His personality was nothing out of the ordinary. He's respectful, kind, and understanding. He shares his knowledge with the group.*

**How would you describe your working relationship with Randy?**

*We worked well together.*

**Are you/were you ever friends?**

*He was a really good co-worker.*

**Did you socialize outside of work? Specific instances?**

*Just once, again, when we went to our union meeting. Just a simple, hey, hi and that's it.*

**Did you have any conflicts or disagreements?**

*Before my rotation we had...I don't want to say it was a misunderstanding. I had to pull up the truck. I mistakenly didn't put the truck on the side like I was supposed to. We were all talking and taking a little longer than usual to get back to work. Mr. Randy told us we had to get work. It's the way he said it. I'm a very emotional person, and I think there's a way you should say things especially when you are a captain. I did tear up because I felt like he was scolding me. He did apologize.*

**E. Working Relationship with Eduardo Guerrero Ortiz**

**How long have you known Eduardo?**

*I met him the first day we both started working as apprentices.*

**Did you work directly with Eduardo?**

*Yes. We worked together, just us two, twice. Otherwise, we worked together in a team.*

**Co-workers/supervisor relationship?**

*We were co-workers.*

**How often did you interact? Daily, weekly, rarely?**

*We interacted daily. We would get together in the mornings before being split into groups.*

**How would you describe Eduardo's personality?**

*I would say you cannot really read Lalo's personality. He was kind and respectful in the beginning and then he changed.*

**How would you describe your working relationship with Eduardo?**

*Workwise we were a great team. Our communication was good.*

**Are you/were you ever friends?**

*No.*

**Did you socialize outside of work? Specific instances?**

*We did one time. We were going to our night school class. Before class, me and my co-workers went to get coffee, and it was me, Lalo, Noemi Andrade and [REDACTED] both 3410 Apprentice Gardeners.*

**II. HARASSMENT**

**A. Between August and November 2021, Randy subjected Eduardo to the offensive and unwelcome conduct based on race (Hispanic):**

**Did you ever see Eduardo and Randy interact?**

*To be honest, I just saw them working together. We were all in a group, really.*

**In what way?**

*Just normal work stuff.*

**Did you ever hear about Randy and Eduardo having problems?**

*Yes*

**If yes, what did you hear?**

*Lalo mentioned that Randy was racist against him. He didn't really specify. That's about it.*

**From who?**

*Lalo told me.*

**When?**

*I don't remember, to be honest with you.*

**How many times did this happen?**

*I think we talked about it twice.*

**Did you hear about this from anyone else?**

*No.*

**Why do you think Lalo said Randy was racist?**

*He said that Randy was trying to speak Spanish to him, and Lalo didn't like it. I told Lalo that Randy is half Mexican.*

**Did you ever hear or hear about Randy making any comments to any employees about the language they speak?**

*To be honest no, never. The times that we worked together; Randy was helping me learn the names of the different plants. He taught me in English, and I told him about the names in Spanish.*

**Did you ever hear or hear about Randy commenting about Eduardo's mustache?**

*No.*

**Did you ever see or hear about Randy assigning Eduardo to work with [REDACTED]?**

*In specific, no. He would assign us to work with everybody.*

**III. DISCRIMINATION DUE TO RACE AND GENDER**

**1. Comments**

**Did you ever see Allison interact with Eduardo?**

*Just in the group. He did talk to Ally individually after I complained, but otherwise it was normal work stuff.*

**Did you ever hear about Allison and Eduardo having problems?**

*Yes*

**If yes, what did you hear?**

*Lalo said that Miss Ally was racist. I had never experienced that from her, so I told him not to take it personally.*

**When?**

*I don't remember. Most of the conversations we had were when we walked from the nursery to Golden Gate Park.*

**How many times did this happen?**

*I don't remember, maybe twice.*

**Why do you think Lalo said that Miss Ally was racist?**

*I really don't know. But looking back, I was let go of because of my absences but I feel like they gave others more chances than me. It makes you feel discriminated against. Maybe Lalo felt like that.*

**Did you ever hear or heard about Allison making comments about males?**

*No.*

**Did you ever hear or hear about Allison commenting that there are too many males working in the Gardening Apprenticeship program?**

*No.*

**Did you ever hear or hear about Allison commenting that a woman started the Gardening Apprenticeship program?**

*I think she told us the story about who started the apprenticeship program, but I don't remember if she said that it was a woman who started the program.*

**Did you ever hear or hear about Allison commenting about the languages spoken at work?**

*I believe one time yes, it did happen. Someone in our class felt uncomfortable when we spoke Spanish and Miss Ally said to be respectful to others. I understand because let's be honest, sometimes we say things we're not supposed to. She never said for us not to speak Spanish, just that at times it could make others uncomfortable.*

**When?**

*I don't remember, but it was in a meeting.*

**How many times did this happen?**

*Just this once.*

**Did you ever hear or hear about Allison commenting that she did not think Eduardo spoke or understood English?**

*No, never.*

**2. Release of Employment**

**Can you tell me about Eduardo as an employee?**

*Well, workwise, what made me feel uncomfortable was that he would say that I was his competition.*

**Do you know why Eduardo was released from employment?**

*No, I don't know. It did make me sad; I'm not going to lie. When I met with Ally, I told her that I was uncomfortable working with Lalo. I told her that I tried to talk to him but he already had an attitude and he wasn't going to change.*

*After that, work felt really heavy. I don't know why he was released, specifically. I thought maybe it was something I said. I didn't want him to lose his job, I just wanted someone to talk to him and have him change his behavior towards me.*

**Do you know who released Eduardo?**

*No, I don't know.*

**Did you hear or hear about Eduardo referring to a woman as "Mamacita"?**

*He always called the women passing by as mamacita, or say, "que estaba bien buena." This made me uncomfortable as a woman. Specifically, when we were working with Miss Karissa. She was also an apprentice. Lalo would talk in Spanish and say "hay va la mamacita. Esta bien Buena. We would say "ay, Lalo."*

**If yes, what did you hear? Can you tell me about this?**

*I heard him say this. Everything was fine. He got comfortable in front of me and [REDACTED] I don't know what I did to turn him against me. I always respected him, although some days he was in a bad mood.*

*So, [REDACTED] 3410 Apprentice Gardener had said that she didn't have anywhere to stay. Lalo got her a room where he lived. Then, one day, we were talking, and Lalo said that [REDACTED] left the room in her tiny little shorts. I felt like that was a lack of respect. He didn't have any respect. I never told [REDACTED] that. I think Lalo just got too comfortable. Personally, I think there was malice there.*

**When?**

*I don't remember the dates.*

**Did your report this to Allison?**

*Yes, I did tell Miss Ally, but only about the "Mamacita" comment.*

**What exactly did you say?**

*I told Miss Ally that there were lots of things I wanted to discuss with her. I told her Lalo was acting different towards me. I asked him for the keys once and he threw the keys at me instead of handing them to me. He had already been acting mean towards me. I had already asked him what was wrong and told him that he changed. He denied it. I told him I could feel the difference. He didn't want to tell me what was wrong.*

*So, I told Miss Ally that I didn't like how he talked to women. I told him the same thing. I told him that I was a woman, a mom, and a sister.*

*I didn't tell Miss Ally who Lalo was talking about when he made the comment "mamacita." I told her that I wanted to talk to Lalo and her in a meeting. I wanted to meet so that we could find a way to work together.*

**When was your conversation with Allison?**

*We were working on Noe Street, but I don't remember the date. It was at a park by 30<sup>th</sup> street.*

**What was her response?**

*Miss Ally said that she was going to talk to Lalo that day. I saw her speaking to him.*

**Why did you report this?**

*I was scared of him because he already had a bad vibe towards me.*

*That same day, Lalo came and told me that I went to Ally to complain about him. I told him that I didn't complain, but that I did want her help to help us work together better.*

*He said, "If I were you, I would be careful with what you say because I can say things about you to get you fired too." He threatened me. It made me sad. I started crying. Then I went to talk to Ally and told her what Lalo told me. I was always respectful towards him, and I don't know why he turned against me.*

**Do you think this had anything to do with Eduardo's release? Why or why not?**

*I did because after I reported this to Ally, [REDACTED] and Noemi would look at me like they despised me. Lalo and Noemi were very close. They hung out outside of work.*

**Do you think Eduardo's release was due to his race/ethnicity? Why or why not?**

*No, I don't think so. I don't know though.*

**Do you think if Eduardo's release was due to his gender (male)? Why or why not?**

*No.*

**IV. SEXUAL HARASSMENT**

**Did you ever interact with Eduardo?**

*Yes, at work.*

**In what way?**

*We worked on the same team.*

**Did you text Eduardo?**

*When we would have exams, we would send each other text messages about the class work. All the messages were about work.*

**Did you every text him non work or school related messages?**

*When we first started working together, I had texted him about meeting up with a friend of mine. It didn't happen though.*

*I also texted him about soccer. My dad was part of a team and Lalo had mentioned wanting to play soccer, so I sent him the information.*

**How often did you text him?**

*Maybe three or four times.*

**Were you involved with Eduardo romantically?**

*No, never.*

**If not, did you want to be?**

*No.*

**Did you ever make any inappropriate comments to any employees?**

*No.*

**Did you ever make any inappropriate comments to Eduardo?**

*Comments, no. When we talk in Spanish, we say “ay, no mames.” Which means don’t kid like that. It’s maybe not appropriate, but it wasn’t with bad intention. Nothing sexual or inappropriate in that way.*

**Did you ever mention Eduardo’s appearance or his clothes?**

*I think once, we were all together and he took off his hoodie. He always had his hoodie on and it was the first time I had seen him with it off. I told him his uniform looked good on him. I saw that it made him uncomfortable. We were all talking about how it was the first time we’d seen him without a hoodie.*

**When?**

*I don’t remember dates.*

**Did anyone witness this?**

*I don’t remember. I think [REDACTED] 3417 Gardener, was there. There were plenty of us there. Lalo looked uncomfortable.*

**Allegation: Eduardo alleged that you asked him for his hoodie in a sexual tone**

**What is your response to this allegation?**

*Ay, no. Not in a sexual tone.*

**Did you ask Eduardo for his hoodie?**

*I believe maybe once I asked him if he had an extra sweatshirt.*

**Was your tone sexual in nature?**

*No, no, no.*

**If not, why would Eduardo allege this?**

*The truth, I don't know. I don't want to think bad, but he didn't like me.*

**Did you ever make any comments about Eduardo's beard?**

*No.*

**Allegation: Eduardo alleged that you told him that he had a chino beard, referred to it as stringy and weird, and said that it did not look the way a Mexican beard should.**

**What is your response to this allegation?**

*No.*

**Did you tell Eduardo that he had a Chino beard?**

*No.*

**Did you tell Eduardo that his beard was stringy and weird?**

*No.*

**Did you tell Eduardo his beard did not look the way a Mexican's beard should?**

*No.*

**If not, why would Eduardo make these allegations?**

*The truth, I don't know.*

**Did you and Eduardo ever discuss his ex-girlfriend?**

*Yes, he told me and [REDACTED] about his girlfriend. I told him to be patient because he was talking about having problems with her.*

**Why did you discuss her?**

*He started talking about her to us.*

**Did you ever sing a song to Eduardo about his girlfriend braking up with him?**

*No.*

**Allegation: Eduardo alleged that you sang "dale tilin" referring to someone else being with his girlfriend. Lalo said you sang these lyrics more than ten times.**

**What is your response to this allegation?**

*No. Well, I do sing. I sing a lot. I did sing this song. This song was popular, and it was in my head.*

**Did you sing this song?**

*I did.*



**Why did you sing it?**

*It was popular. I never sang it to him, or directed at him, or anything to do with his girlfriend.*

**Did you sing these lyrics more than 10 times?**

*No.*

**How many times did you sing this?**

*I only remember once, when we were working at Golden Gate Park.*

**If not, why would Eduardo allege this?**

*I don't know.*

**Allegation: Eduardo alleged that you commented "that's how white bitches are, they cheat on you. Why were you even with her? Someone else is fucking her already, why do you even bother?"**

**What is your response to this allegation?**

*No. I never made a comment like this.*

**Did you make these comments?**

*No.*

**If not, why would Eduardo allege this?**

*I honestly don't know. The only conversation we had about his girlfriend was when he was discussing it with me and [REDACTED]. He said that his girlfriend's parents made him feel less because he's Mexican. I only told him to be patient and not take it personally.*

**Have you ever made any inappropriate gestures at work?**

*No.*

**Allegation: Eduardo alleged that you made a lewd gesture with your mouth open pumping the air in front of your mouth with your fist. (The symbol for a blow job)**

**What is your response to this allegation?**

*No.*

**Did you make this gesture?**

*No.*

**If not, why would Eduardo make this allegation?**

*I honestly don't know. I was never vulgar. Especially not in this way.*

**Allegation: Eduardo alleged that you complained about him because you wanted him to get fired. He alleged that on multiple occasions you yelled "Don't say that, you're going to get fired," while he was talking to other people."**

**What is your response to this allegation?**

*I told him not to say that, when he would make the comments about other women.*

**Did you want Eduardo to get fired?**

*Of course not. I think things need to be talked out. I had no bad intentions.*

**Did you yell this out?**

*No. I told him this when he was making the comments.*

**If not, why would Eduardo allege this?**

*I honestly don't know.*

**V. CONCLUSION**

**Is there anything I have not asked you that you think would be relevant to the investigation?**

*There was one incident we had when Lalo and I were working alone. We were cleaning the tool room. I like to make sure things are cleaned well. I was on my knees cleaning, I asked him to help. He said, no, why would I help clean, haven't you seen how messy Ally is? She's not going to care if you clean this well. It made me uncomfortable to be on my knees in front of him, so I got up.*

**Did he say anything to make you feel uncomfortable?**

*No. But I felt uncomfortable.*

**Anything else?**

*No, that's it.*

**Do you know if there are any other witnesses who have knowledge of these issues?**

*No.*

I thanked Karla for participating in the interview and reminded her of the confidential nature of the investigation and the prohibition against retaliation.

**EEO File No. 3963**

**Exhibit D**

## Corona, Prisma (HRD)

---

**From:** Tucker, Melissa (REC)  
**Sent:** Thursday, October 6, 2022 4:15 PM  
**To:** Corona, Prisma (HRD)  
**Cc:** Martinez, Amalia (HRD); Jou, Dianna (REC)  
**Subject:** Guerrero Ortiz DHR EEO File No. 3963 - Response to RFI  
**Attachments:** Guerrero Response to DHR EEO Request for Info 100722.pdf; Exhibit A - 3410 Job Description.pdf; Exhibit B - Eduardo Guerrero Release document.pdf; Exhibit C - Equal-Employment-Opportunity-Policy.pdf; Exhibit D - RPD Respect in the Workplace Policy.pdf; Exhibit E - SF Civil Service Rule 103.pdf; Exhibit F - Guerrero Ortiz, Eduardo Exempt Release.pdf; Exhibit G - Communications related to complainant's release.pdf; Exhibit H - Notes on Eduardo Guerrero.pdf; Exhibit I - Guerrero Payroll part one.pdf; Exhibit I - Guerrero Payroll part two.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Prisma,

Attached is the Department's response to the allegations, request for information and request for documents. Please note, you may contact me to schedule interviews, with the exception of Karla Hernandez, who no longer works for the Department.

Let me know if you have any questions.

### Melissa Tucker

Principal Human Resources Analyst

*Pronouns: She/her/hers*

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

(415) 831-2793 | [Melissa.Tucker@sfgov.org](mailto:Melissa.Tucker@sfgov.org)



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London N. Breed, Mayor  
Philip A. Ginsburg, General Manager

October 7, 2022

Prisma Corona  
EEO Programs Senior Specialist  
Department of Human Resources  
1 South Van Ness, 4<sup>th</sup> floor  
San Francisco, CA 94103

RE: Notification of Charge of Discrimination and Request for Information  
Complainant: Eduardo Guerrero Ortiz, DHR EEO File No. 3963

Dear Ms. Corona:

The following is in response to your September 22, 2022, request for information in the abovementioned case.

### **REQUEST FOR INFORMATION AND DEPARTMENTAL RESPONSE**

#### **A. BACKGROUND: Complainant's Employment with the Department**

On August 7, 2021, Complainant started working for the Department as a permanent exempt Class 3410 Apprentice Gardener. The 3410 Apprentice Gardener job description contains the following duties:

Essential functions include: Apprentice Gardeners perform routine tasks in support of Gardeners. Assigned duties increase in scope and difficulty as the Apprentice Gardener demonstrates skills in performing diverse duties that are learned through an on-the-job training rotation. Work is performed under direct supervision and is evaluated on the basis of progress in a structured work experience training program. Demonstrated competence and successful completion of the structured training program leads to meeting the minimum qualifications for the promotional class of Gardener. *Failure to achieve demonstrated competence and acceptable work habits or the inability to complete the training program within two (2) years results in loss of employment in the 3410 class.* The appointing officer may provide an extension of time to complete the training program, however, appointments to this class cannot exceed 3 years. Under direct supervision, learns to perform care and maintenance of a variety of plants and landscaped areas, including planting, pruning and pest control; removes debris and litter; operates hand or power lawn mower; performs routine maintenance of tools and equipment; and performs related duties as required.

**Exhibit A.** [Emphasis added.]

Complainant worked for the Department for approximately four months. During that time, he had conflicts with multiple co-workers; retaliated against a co-worker who reported his harassing conduct; and had other performance-related issues.

On November 2, 2021, Complainant was instructed by Apprentice Captain Randy Vasquez to work with his assigned group. Instead of complying with the directive, Complainant walked away from his group and toward the other group. Vasquez had to repeat his directive two additional times before Complainant complied. **Exhibit B.**

At the end of the day on November 2, 2021, Vasquez pulled Complainant aside to find out what was going on, as he could sense some tension. Complainant then mentioned that he felt uncomfortable when Vasquez mentioned his big chest and he did not like Vasquez patting him on the back. During the conversation, Vasquez noted that Complainant's posture was very "aggressive" and threatening, including clenching his fists. The incident was later addressed with the supervisor, Allison McCarthy, who held a meeting on November 9<sup>th</sup> with both parties to resolve the issue. Vasquez apologized for his conduct and both parties agreed to start fresh and focus on the work. See **Exhibit B.**

On November 24, 2021, Apprentice Karla Hernandez informed McCarthy that Complainant told her that she "worked too slow" and that she felt he generally did not respect her as he did not talk to her or communicate with her during the workdays. See **Exhibit B.**

On December 7, 2021, [REDACTED] informed Allison McCarthy that Complainant should "mind his own business as he just commented to me about being late." McCarthy spoke with Complainant that it was not appropriate for him to comment on a co-worker's punctuality. See **Exhibit B.**

On December 9, 2021, McCarthy mentioned to Complainant that his comments to Hernandez about working too slowly hurt her feelings. McCarthy offered solutions for resolving the conflict - they could have a mediation meeting, or he could simply apologize to Hernandez. Complainant stated that he did not want the drama of mediation and opted to apologize. During her conversation with Complainant, McCarthy also mentioned that it was not appropriate to say "mamacita" when an attractive woman walks by. Complainant demanded to know who reported this to McCarthy and she declined to answer. See **Exhibit B.**

Later that day, McCarthy noticed that Hernandez was upset and spoke with her. Hernandez told her, while crying, that Complainant had scolded her for talking to McCarthy and told her "*If I lose my job, you're going to lose yours, too.*" He also said, "*what they say is true, the enemy of a Mexican is another Mexican.*" Complainant also called Hernandez "*childish for reporting his behavior instead of speaking to him directly.*" By retaliating against a co-worker for raising a good faith complaint of harassment with a supervisor, Complainant violated the Department's Respect in the Workplace Policy and the City's EEO Policy. See **Exhibits B, C, and D.**

## **B. Respondent's Response to the Charge**

The Department serves as the City and County of San Francisco's (City) provider of recreational activities and programs, and parks and open spaces for the enjoyment of all San Francisco residents. The Department and the City are committed to providing equal employment opportunity for all persons and ensuring a discrimination-free work environment. The Department has both a non-discrimination policy and Civil Service Rules that protect employees, job applicants, interns, and volunteers against unlawful employment discrimination. Managers, supervisors, and human resources personnel receive

regular training on these antidiscrimination protections. Employees also receive training and periodic dissemination of the non-discrimination policy along with information regarding the Department's discrimination complaint process. See **Exhibits C and E**.

Mr. Guerrero Ortiz alleged that Allison McCarthy subjected him to discrimination based on race (Hispanic) and gender (male), when she recommended his release from probation [sic]; Randy Vasquez subjected Guerrero Ortiz to harassment based on race when Vasquez separated Guerrero Ortiz from his English speaking coworkers and when Vasquez made a race-based comment about Guerrero Ortiz's mustache; and Karla Hernandez subjected Guerrero Ortiz to sexual harassment when she made multiple sex-based comments and acted out a sexually explicit gesture. The Department did not conduct its own investigation into most of these allegations and, therefore, cannot respond to the specific allegations.

The only allegation that was investigated in response to Complainant's EEOC complaint was that Ms. McCarthy did not think Complainant spoke or understood English. As stated in the Department's response to the EEOC complaint, during the apprentices' first week of work in August 2021, Complainant informed all the apprentices, the captains, and McCarthy that he was from Mexico. After two to three weeks of work, McCarthy noticed that Complainant would at times not follow instruction as given or seem to not be paying attention when McCarthy or the Captains spoke. McCarthy pulled Complainant aside and told him that she knows that she speaks fast, and if he ever needed her to slow down or have words repeated to please let me know, as we have many English-learner apprentices on staff. Complainant told McCarthy that he understood her and English very well and that he is just used to working independently. See **Exhibit B**.

Complainant's harassment claim is without merit. McCarthy was making sure that he understood her; she did not discriminate against him based on his race or national origin.

**C. Witnesses for the Department**

Please provide a list of witnesses the Department requests to be interviewed on its behalf.



**D. Request for Information**

You have requested the following information:

1. Any processes, rules, procedures, policies and or practices – whether written or not – that the Gardener Apprenticeship Program used from August 7, 2021, to December 18, 2021, for extending an employee's probation, including bases for extensions, notice to probationary employees, documentation, etc.

Probationary periods are served by employees in a Permanent Civil Service Class. An apprentice Gardener holds a Permanent Exempt position and must complete the training program within two years. In limited situations, the Appointing Officer may provide an extension of time to complete the training program. However, appointments to this class cannot exceed three years. The entire time spent in the program is considered a probationary period. The few occasions where an

apprentice's time was extended beyond two years were for cases where an employee took an approved medical leave. Employees who have served at least 1000 hours in the program are afforded an appeal hearing if they are released from the program.

2. Any processes, rules, procedures, policies and or practices – whether written or not – that the Gardener Apprenticeship Program used from August 7, 2021, to December 18, 2021, for releasing an employee from probation, including bases for releases, notice to probationary employees, documentation, etc.

Release from the program is based on documented performance deficiencies, including attendance issues, inability to follow direction, inability to learn horticultural practices, etc. The notices given to released employees are the same as those sent to Complainant. See **Exhibit F**.

3. Names, DSW numbers, and job classifications of all employees released from the Gardener Apprenticeship Program since December 2019.

There were two apprentices who were released from the program in December after Complainant:

- [REDACTED]
- [REDACTED]

There were two additional apprentices who were released since December:

- [REDACTED]
- Karla Hernandez, [REDACTED]

4. Name of supervisor recommending the release of all employees released from the Gardener Apprenticeship Program since December 2019.

- [REDACTED] Parks and Open Spaces Field Support Services Manager, and
- Allison McCarthy, Gardener Apprenticeship Program Coordinator.

#### **E. Requests for Documents**

You have requested the following documents:

- A. All communications and documents related to Guerrero Ortiz's release from probation.

See **Exhibit G**.

- B. Guerrero Ortiz's payroll records from August 7, 2021, to December 18, 2021.

See **Exhibit H**.

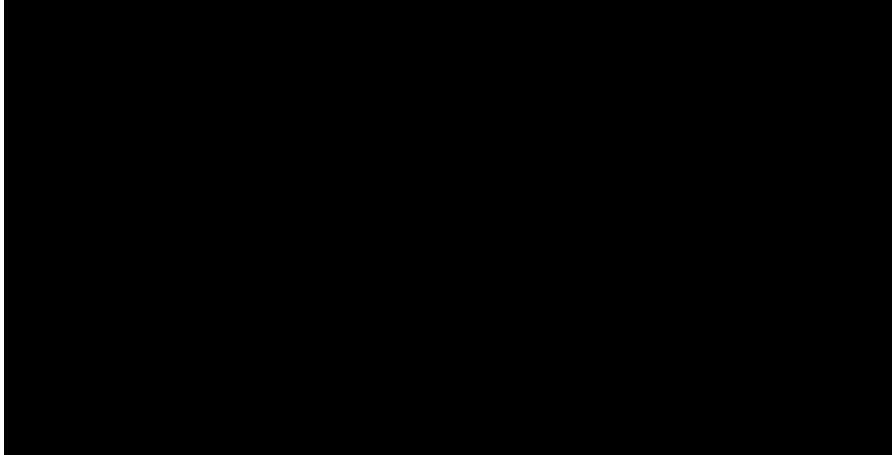
- C. If not contained in the above, all communications and documents related to the alleged complaint about Guerrero Ortiz calling someone "mamacita."



There are no additional documents. See Exhibit B.

**F. Scheduling of Interviews**

You have requested assistance in scheduling interviews with the following staff:



I can assist in scheduling all of the above interviews except for Ms. Hernandez, who is no longer employed with the Department.

I hope the foregoing information adequately addresses your request for information in this matter. If you have any questions or need further information, I may be contacted by phone at (415) 831-2793 or by email at [Melissa.Tucker@sfgov.org](mailto:Melissa.Tucker@sfgov.org).

Yours truly,



Melissa Tucker  
Principal Human Resources Analyst

cc: Dianna Jou, Director of People and Organizational Culture  
Amalia Martinez, DHR/EEO Director

Exhibits:

- A. 3410 Apprentice Gardener Job Description
- B. Supervisor notes related to Complainant
- C. Department's Respect in the Workplace Policy
- D. CCSF Equal Employment Opportunity Policy
- E. S.F. Civil Service Rule 103 Regarding Equal Employment Opportunity
- F. Release documents (Complainant)
- G. Communications related to Complainant's release
- H. Additional notes about complainant
- I. Complaint's payroll records (two parts)



# 3410-Apprentice Gardener

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## Know the class code?

Class codes are four characters long.

Search

## Search by keyword:

Use a keyword to search for a class.

Search within Title  Search within Job Descriptions

Search

Compensation set id:

Citywide

## Apprentice Gardener

### Job classification

<b>Class</b>	<b>3410</b>
<b>Title</b>	Apprentice Gardener
<b>Overtime eligibility</b>	Covered (Non-Z)
<b>Labor agreement</b>	Laborers, Local 261

## Current compensation plan

Effective: Jul 01, 2022

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

Step:	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
<b>Rate /hr:</b>	\$23.0375	\$25.1375	\$27.2375	\$29.3250	\$31.4250	\$33.5375
<b>Rate /year:</b>	\$47,918	\$52,286	\$56,654	\$60,996	\$65,364	\$69,758

## Job description

### Definition

The Apprentice Gardener class is an entry level training class. This class exists to develop the competencies required of a journey level Gardener, while working under close guidance and direct supervision. Apprentice Gardeners perform routine tasks in support of Gardeners. Assigned duties increase in scope and difficulty as the Apprentice Gardener demonstrates skills in performing diverse duties that are learned through an on-the-job training rotation. Work is performed under direct supervision and is evaluated on the basis of progress in a structured work experience training program. Demonstrated competence and successful completion of the structured training program leads to meeting the minimum qualifications for the promotional class of Gardener. Failure to achieve demonstrated competence and acceptable work habits or the inability to complete the training program within two (2) years results in loss of employment in the 3410 class. The appointing officer may provide an extension of time to complete the training program.

however, appointments to this class cannot exceed 3 years. Under direct supervision, learns to perform care and maintenance of a variety of plants and landscaped areas, including planting, pruning and pest control; removes debris and litter; operates hand or power lawn mower; performs routine maintenance of tools and equipment; and performs related duties as required.

## Distinguishing Features

The Apprentice Gardener is a trainee classification which performs routine and basic duties to assist Gardeners in the care of athletic fields, squares, parks, playgrounds, stadiums, thoroughfares, medians and/or other landscaped areas. This class is distinguished from the Gardener class by structured training program requirements, the close supervision received, and the developmental nature of the class. Incumbents in this class are Exempt City employees, serving at the pleasure of the appointing authority, and participate in a formal alternative work program which provides experience and training needed to qualify to compete for positions in class 3417 Gardener.

## Supervision Exercised

None

## Duties

According to Civil Service Commission Rule 109, the duties specified below are representative of the range of duties assigned to this job code/class and are not intended to be an inclusive list. Under direct supervision, duties include: 1. Participates in a structured on-the-job and classroom training program and learns routine and basic manual labor tasks. 2. Waters lawns, planted areas and playfields, manually or by means of automatic sprinklers; uses hand or power mower to cut lawns; fertilizes lawns, shrubs and flower beds. 3. Performs routine and limited trimming and pruning of shrubs and hedges by use of hand or power shears; gathers and disposes of cuttings. 4. With close supervision, sprays herbicides; plants and transplants shrubs or small plants; traps or destroys rodents; assists in the renovation of lawns or play areas. 5. Removes debris and litter; sweeps and otherwise cleans play areas, paths or roadways; removes trash; assists in the loading of debris on truck. 6. Rakes and weeds lawns; weeds and cultivates planted areas; cleans restrooms or other auxiliary buildings in a playground or park. 7. Sharpens, cleans and otherwise maintains tools and equipment, and performs general maintenance duties. 8. Assists in responding to specific service requests generated by the public, department or other City agency. 9. Loads and unloads materials, supplies, and equipment on and off trucks in proper and safe manner. 10. Assists in making minor repairs and adjustments to landscape irrigation systems, mower equipment, and hoses. 11. Performs related duties and responsibilities as assigned.

## Qualifications

### Knowledge, Skills, and Abilities

Ability to: learn general grounds maintenance and plant care, pest and rodent control and the use of the required tools and equipment. Requires ability to: follow oral and written instructions and cooperate with others in the performance of duties.

### Required Experience

These minimum qualifications are to be used as a guide for establishing the education, training, experience, special skills and/or license which may be required for employment in the class. Although these minimum qualifications are typical of the class, additional minimum qualifications and special conditions may apply to a particular position and will be stated on the job announcement. Any combination of training and experience that would provide the required knowledge, skills and abilities may be qualifying. SPECIAL REQUIREMENTS Essential duties require the following physical skills and work environment: Ability to safely and correctly lift, drag and/or move with assistance large and/or heavy plants and equipment to truck bed level and the ability to kneel, bend and squat for considerable periods of time. The nature of the work may require exposure to inclement weather conditions and may require exposure to infectious and/or hazardous materials and/or conditions. Some positions require driving. Some positions may require riding mowers and driving small utility vehicles. Some positions may require weekend or shift work.

## Standard information

### Disaster service work

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

### Historic and future compensation

Effective (Sched)	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Jul 01, 2022 (W)	\$23.0375	\$25.1375	\$27.2375	\$29.3250	\$31.4250	\$33.5375
Jan 08, 2022 (V)	\$21.8875	\$23.8875	\$25.8750	\$27.8625	\$29.8625	\$31.8625

<b>Jul 01, 2021 (U)</b>	\$21,7750	\$23,7625	\$25,7500	\$27,7250	\$29,7125	\$31,7000
<b>Dec 26, 2020 (T)</b>	\$21,0375	\$22,9500	\$24,8750	\$26,7875	\$28,7000	\$30,6250

Sources: San Francisco Open Data Portal: [Classification descriptions table](#), [Compensation plan table](#)

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**Allison McCarthy**

**12/13/2021**

#### **Justification for Eduardo Guerrero Release**

- **Respect-in-the-Workplace Violation of Policy:** At 9:30am on Thursday December 9<sup>th</sup>, 2021: Employee Eduardo Guerrero retaliated against co-worker Karla Hernandez for reporting incidents of perceived disrespectful behavior to apprenticeship 3422 supervisor Allison McCarthy. Under the guise of an apology for comments he made to Karla regarding her pace-at-work: Eduardo called Karla “childish for reporting his behavior instead of speaking to him directly”, told her “If I lose this job you are going to lose yours too” and that she is the reason why they say, “The worst enemy of a Mexican is another Mexican”. This occurred after Eduardo agreed to apologize to Karla to 3422 Allison McCarthy. After Eduardo spoke with Karla, he reported directly to Allison McCarthy that “he had apologized to Karla, Karla cried, and everything is ok”.

Eduardo’s words to Karla were in direct violation of the Department’s Respect in the Workplace Policy that he was trained on when he entered the program, specifically “Retaliation against anyone who has raised a concern about disrespectful behavior is also prohibited”.

- **Record of Repeated Conflicts with Others**
  - Captain Randy Vasquez: 11/2/21
  - Co-worker [REDACTED] 12/7/21
  - Observed disengagement with the crew during workdays, repeated instances of not appearing to be listening or understanding of instruction.



Date	Supervisor Comments
11/2/2021	As the crew was signing out, Captains Randy Vasquez and [REDACTED] pulled me aside to discuss an incident that occurred between Randy and Lalo (Eduardo Guerrero). Randy appeared confused and distraught. Randy reported that he had pulled Lalo aside around 2:40pm to ask him what was wrong, as Randy had sensed tension from Lalo over the course of the workday and told Lalo that he felt he was being avoided and ignored by Lalo. Lalo responded defensively: and questioned Randy why he would pull him aside in front of other people. Lalo then told Randy that he felt Randy had been harassing him and other employees, and Lalo described several instances where he felt Randy was harassing, such as "patting him on the back" or "asking him about his facial hair". Randy also reported that Lalo told him "Randy you're new here and only temporary, let's just be cool and get through this". Randy reported that Lalo's body language appeared really aggressive and that he found it threatening. Apparently Lalo, during the conversation, came in close with his arms turned inward, his fists clenched and his shoulder lifted. Since it was time to leave, Randy ended the conversation without it being resolved and reported it to me and [REDACTED] immediately. I told Randy I would look into the situation the next day since it was already after 3:00pm.
11/3/2021	I asked Lalo to stay behind as the rest of the crew reported to the Rhododendron Dell so we could talk. I asked Lalo what happened with Randy at sign out the day before. Lalo stated that he felt Randy's tone and body projected a threatening "you want to fight" attitude. Lalo told me that he has body image issues and felt insulted by Randy's commentary in front of others when Randy asked Lalo "why do you wear a hoodie in the heat?". Lalo also mentioned an incident when Randy told [REDACTED] and Lalo that he paired them together so "they could both speak each other's language to each other". I validated Lalo in stating that pairing people up for the language they speak is not appropriate and that I would coach Randy. I tried to steer the conversation to the specific incident that Randy pulled Lalo aside about, which was that Lalo was avoiding Randy, not following instruction, and exhibiting a defiant demeanor when instructed during the workday. I told Lalo that it is not appropriate to ignore the directives of the captain unless the directives are in violation of safety or department policy. Lalo denied ever avoiding Randy or not following instruction and told me "He always follows instructions and just wants to do his job". I told Lalo that open and honest communication is important, and in the future to please communicate to me or [REDACTED] if there are ways of coaching or acts of communication he finds triggering or insulting- so that small grievances of miscommunication or misunderstanding do not blow out of proportion and can be addressed immediately. I provided Lalo with a copy of both the Respect in the Workplace and the Harassment policies, and I read the definition of harassment aloud to Lalo. Lalo said that he just wanted no drama and to be left alone do his work. I left the conversation by repeating what we had discussed in terms of open and honest communication, told Lalo that I would coach & counsel Randy and to expect a mediation meeting later. I then drove Lalo to Dolores Park for the workday, and Lalo disclosed that he is currently involved in a break-up with his girlfriend. I told Lalo I was sorry to hear that and empathized how stressful that is.



- 11/9/2021 I started the conversation by expressing that I wanted to collectively address the incident between Randy and Lalo so that a clear understanding of the miscommunication can be reached and that we could start on a fresh page and develop a renewed relationship with this understanding reached. I reviewed the incident: that Randy had pulled Lalo aside at the end of the day to address instances of avoidance and not following directive- and that Lalo responded by expressing a list of grievances that he had against Randy. After this summary Randy immediately apologized for his actions, specifically around making Lalo uncomfortable with "pats on the back" or "mentioning facial hair" and for telling Lalo that he paired him and [REDACTED] together "so they could speak their language together". Lalo appeared disengaged and would not make eye contact or respond to Randy's apology. Lalo then re-stated his grievances and said that "others on the crew" disliked the way that Randy spoke to them. I told Lalo that bringing up how others felt during this discussion was not appropriate, and that Randy just apologized for actions and stated that his original intent was never to insult Lalo or make him feel uncomfortable. I then told Lalo that in the future to please communicate openly as situations arise, and to understand that to avoid or ignore directives from Captains or supervisors in the field is never appropriate. Lalo denied ever doing this. I then reviewed Lalo's training log and made note on his need to communicate and ask more questions in the field as there have been instances of giving instruction and then Lalo immediately doing the task differently from how he was instructed to do it. The conversation ended with an agreement to start fresh and focus on the work and improving in areas that we needed to. I did not feel confident that Lalo heard me or respected Randy's apology as expressed in his body language, specifically lack of eye contact and closed stance.
- 11/24/2021 While we were in a Toro together at the Nursery, Karla asked me if she could talk to me about incidents she experienced with co-workers and how she should respond. She told me that Lalo told her that "she worked too slow", and she felt that he generally did not respect her as he did not talk or communicate with her during the workdays. She also told me that at the last "All Apprentice Day" on 11/16/21 that apprentice Henry Palacios told her "Oh you're the one that's always late and doesn't come to work". I told her that it was inappropriate for any co-worker to comment on her performance and to openly express to them that it wasn't appropriate. I commended her for coming to me for advice and told her should she ever want me to mediate conflict I can assist and to also understand when co-workers say things that hurt our feelings we should tell them directly & that there will always be instances where co-workers may not get-along or have "off" days and to remember our job is to get the work done through a team effort safely and effectively and not to necessarily "be friends".
- 12/7/2021 [REDACTED] pulled me aside to tell me "Please tell Lalo to mind his own business as he just commented to me about being late and I don't know him like that"
- 12/7/21 I pulled Lalo aside and told him it was not appropriate to comment on anyone's punctuality. We were loading up to a project site, so I ended the conversation there and talked to [REDACTED] While talking to [REDACTED] Lalo yelled out of the work truck as it was driving away "[REDACTED] I'm sorry for saying anything".
- 12/9/2021 The group was paired in groups of (2) to dig out irrigation heads together. I volunteered to pair with Lalo so that I could touch base with him and discuss the communication issues that have occurred between him and other co-workers over the last 2-week period. I started by first apologizing to Lalo for our mobile crew's "Secret Santa", as I had not asked the group collectively



prior to name-grab-bag- distribution if everyone wanted to participate. I told Lalo he did not have to participate as Lalo had expressed to me at yesterday's sign out. I then thanked Lalo for apologizing to [REDACTED]. Lalo explained that he did not mean to hurt [REDACTED] feelings and thought he was being friendly. I then stated that this plays into his area of improvement of communication as we stated during our last training log: that it's important to maintain boundaries of professional and appropriate communication with co-workers and to avoid performance or punctuality commentary. I asked Lalo how his relationship with Karla is as I had received reports of tension between them. Lalo told me that "Karla just wants attention" and "acts like a little kid". Lalo then said "for some reason I always attract this attention at every job I have" I asked Lalo if he had ever told Karla that she worked slowly, and he denied. Lalo expressed frustration with "drama" and that he "just wants to do his job". I told Lalo that whatever he did say to her, it hurt her feelings, and we can either have a mediation meeting or he can own up to his mistake and apologize to Karla. Lalo said he did not want the drama of a mediation meeting and would apologize to Karla. I also reminded Lalo of the importance of professional behavior at work, and an employee saying anything along the lines of "mamacita" when an attractive woman walks past a worksite is inappropriate. Lalo then demanded to know who reported this to me, and I declined to answer stating it's inappropriate to do so. Lalo said, "let's be real you can tell me" several times and I repeatedly declined. Lalo seemed annoyed by my refusal to tell him who reported it and said, "wow you really don't know who your friends are here". Lalo agreed to apologize to Karla but did not seem to really hear or accept a need for improvement in how he communicates with others.

12/9/2021 I saw Karla was very upset while working with Captain Randy Vasquez and asked her to walk me to my vehicle. Karla told me while crying that Lalo had scolded her for talking to me about his behavior and told her "If I lose my job, you're going to lose yours too" and that "since they were both Latino, they should be looking out for each other" and that "what they say is true, the enemy of a Mexican is another Mexican". Karla apologized for being emotional and stated that she told herself that she would no longer put up with "men who disrespect her" at work. I told Karla to focus on her own performance and to keep her distance from Lalo until this issue is addressed. I also encouraged Karla to keep communication with me open and told her she did the right thing by asking for support in addressing this conflict.

**Manager Notes**

**Date**

11/3/21 Ali called me to discuss an incident that happened between Captain Randy Vasquez and apprentice Eduardo (Lala) Guerrero. Apparently, Lalo was uncomfortable with the way Randy had communicated with him on a number of occasions. He also expressed discomfort around Randy patting him on the shoulder. Ali mentioned that Lalo was a bit aggressive in his body language when the conversation occurred on 11/2 during checkout. We both agreed that it would be best for the 3 of them to meet and resolve the situation. Ali told me that she would check in with Lalo separately and then would set up a meeting time with Randy and Lalo to go over what had occurred and to mediate a resolution. Ali also mentioned that she would review the respect in the workplace and harassment policies with both Randy and Lalo. She also said she would coach both of them on the specifics of professional communication.

11/5/21 Met with Randy to discuss the incident that occurred on 10/20/21 with Eduardo (Lalo). Asked about what led up to the situation. Randy reported to me the same details that Ali went over in her documentation. He said he was mortified to discover that he was making Eduardo





Apprentice Employee Documentation  
Release Recommendation – Eduardo (Lola) Guerrero

uncomfortable. I told him that it did not rise to the level of harassment but that going forward he would need to be more careful and to follow the instructions Ali gave him when she counseled him over the issue. I reassured him that he was an excellent employee and that I had the greatest confidence in him. I let him know that he was learning and to take a balanced view, that he had misjudged the situation and that he just needed to remember that he needs to keep clear boundaries with subordinates going forward.

11/9/21

Ali reported that she met with both Lalo and Randy to go over the issues that led up to the incident on 11/2. She mentioned that Randy handled himself professionally, apologized to Lalo, and made a commitment to be sensitive to Lalo’s boundaries going forward. Ali noted that Lalo did not seem to be receptive to the apology nor willing to take responsibility for his part in the misunderstanding.

12/09/21

Ali called me to let me know of several incidents that occurred between Apprentices Eduardo (Lalo) Guerrero and Karla Hernandez. Apparently, Lalo had made inappropriate comments in front of Karla about women. When confronted, he demanded to know who had reported the issue. Ali did not disclose this information. Lalo then proceeded to confront Karla in an inappropriate and somewhat threatening manner. Ali recommended that we release Lalo based on this incident and I agreed.

12/09/21

I spoke with [REDACTED] to let him know that Ali and I had decided to recommend the release of Eduardo Guerrero based on the incident with Karla Hernandez. I let him know that Ali and I would organize documentation and send it to him and Melissa with a formal recommendation of release.

**Captain Field Notes August – November 2021**

**Captain Randy Vasquez**

**8/10/21** Tuesday J, Anna, Noamy, lalo- All spread buckets of mulch at rhododendron Dell Satisfactory performance.

**10/29** Friday Lalo 7th and Fulton

1. I was instructing Lalo on the specifics of how the supervisor wanted everyone to plant. Based on the specialties Location. We were taking the time to show every apprentices individual in an attempt to have every one planting Exactly the same. As I began to explain what the supervisor wanted Lalo interrupted me and said, "I already knew how to Plant".

2. Lalo was grabbing a young newly planted tree by it the base of its trunk and was wrenching it in one direction. I was standing with Christa (the supervisor) she exclaimed why is he doing that I don't want him to do that. I told her I would handle it and Immediately Approached Lalo at the tree. When I asked him to stop, he replied, ``Why? aren't we are gardeners’ man? As I began to instruct him as to why, he turned and started to walk away. I asked him to come back that I wasn't done explaining why we shouldn't be touching the tree. He reluctantly turned back toward me. The situation was very tense. When I was finished, he said nothing and walked away.

**11/2 Tuesday • Lalo • Bernal Heights**



o We were shoveling sand. Lalo stopped shoveling and grabbed a flex rake. I asked him to not rake right now, that we would rake at the end. He went and raked anyway.

o Communicated with crew after first break for the crew to split into two one crew 618 go to the truck and the 588 people will get the cones from where the sand pile was. Lalo was in the 618 crew. He did not go with is crew. Proceed to go and get cones. Then I asked "Lalo you need to go get with your crew in the 618 truck." he Continued to walk up the Hill away from his group. I repeated myself "Lalo you need to go get with your crew in the 618 truck." He continued his walk up the hill. At this point I was following him up the hill. I repeated a 3rd time. "Lalo you need to go with the other crew." At this point he turned around to walk back down the Hill to join the 618 crew at the truck. As he passed me he looked right at me and said and "what?" As he continued to walk down the hill.

**11/2 Tuesday • Lalo • St. Mary's • After lunch**

1)Lalo Turned on his music on his phone. I Asked him to turn it off. He asked why? Then he answered because is not allowed? I said yes

2)I worked with Lalo all day and had a few instances with him that felt off, which followed other incidents that felt a bit off from the preceding week. It was 2:45pm at the end of the day on Tuesday 11/2/2021 and after feeling tension from Lalo all day it felt important to me to check in with him about it. I pulled Lalo aside – we walked outside and he asked me “what’s going on”. I said I wanted to talk to him, that I had noticed a weird vibe from him and wanted to make sure everything was ok. He responded with “there is no vibe, everything is fine”. I said “oh ok, because I’m feeling something and am just not sure what it is”. He responded by saying “Ok, bro, you told me that I have a big chest on the day when I came to work and wasn’t wearing my hoodie. You said it in front of everybody and I didn’t like that. You’re always patting me on the back and I don’t like that either. It’s harassment and you’re inappropriate.”

I responded with “oh, ok I didn’t know that you were feeling that way”.

He said “also, you’re pulling me aside in front of everybody and making a big deal about talking to me and that makes me feel uncomfortable as well. You need to pull me aside at a different time when people can’t see that you’re talking to me.”

I responded by offering to move further away from the building, and emphasized that I pulled him aside in the first place in an effort to speak privately and not speak in front of others. I also shared this was really good information for me to know that he was upset, doesn’t like the way I’ve talked to him, and stated I can adjust my behavior – “thank you this is really good information for me to have, and I can make that correction”

Lalo also said “you made a comment about my moustache and my beard and said it was getting so long that it was covering up my lip and you saying that is inappropriate. You can’t do that”.

I responded with “I don’t remember ever saying that” and noted “that would be a weird thing for me to say because I have a giant beard and don’t care if you have a beard”.

Lalo said “you’re harassing everyone, you make everyone feel uncomfortable. I heard you made someone cry but I don’t really talk about that because I just want to do my job and go to work”.



Apprentice Employee Documentation  
Release Recommendation – Eduardo (Lola) Guerrero

I said “Lalo, I’m sorry that I made a comment about your chest, and I’m sorry that I patted you on the back to tell you ‘good job’, and I don’t remember saying anything about your beard. But I will make the correction and I want to apologize to you for making you feel uncomfortable. My job is to teach you guys and make this feel like a safe place.”

He proceeded to say “I just don’t like to bring these things up, man. This is drama, and I just want to avoid that. I just want to show up and do my job and be left alone. That’s why I’m always so quiet. I think that we just need to chill out. You’re new to this job and you’re just figuring it out. This job is temporary for you. You’re only here to fill in for somebody. You’re going back. You don’t need to take this so serious. So let’s just be chill.”

He ended the conversation with “hey, man, it’s all good. I just want to do my job and be cool here.”

I said “ok. Thanks for that information. You can go back now.” And I walked away.

[REDACTED]

**11/9/21 (taken from [REDACTED])**

During apprentice evaluation conversation with Lalo.

Present were Eduardo Guerrero (Lalo), myself [REDACTED] Captain Randy Vasquez and Supervisor Ali McCarthy.

Captain Randy Vasquez apologized for unknowingly making Lalo feel uncomfortable on a couple of occasions (patting him on the back saying 'good job', commenting on his facial hair).

Randy then explained during the evaluation about two recent situations with Lalo on the same day: 11/2/21 at Bernal Heights where Lalo did not follow the Captain's instructions.

Lalo’s response to this was ‘I don’t remember this...it didn’t happen’

Randy said, "Ok" and we continued to go over Lalo's eval form with him. At the end there was an agreement by all parties to move forward with a fresh start.

At the end of the eval the three of us felt that the situation did not have a clear resolution.

**City and County of San Francisco and  
Laborers International Union North America Local 261  
3410 Gardener Apprenticeship  
Rules and Expectations**

As you begin your career as an apprentice with the City and County of San Francisco ("City") and the Laborers International Union North America Local 261 ("Union") remember that regardless of where you work or the nature of your job assignment, public employment is a noble calling. You are part of a large team of dedicated and talented individuals striving to ensure that San Franciscans receive the highest quality services possible from their government. Indeed, our City government's greatest asset is its workforce - you.

As a City apprentice, you are required to read these Rules and Expectations. It provides important information on the City's and Union's commitment to safety on the job, and your obligations as a City apprentice.

***Training and Meeting Attendance***

All apprentices will attend their host department New Employee Orientation session, the department all staff meetings, all division or unit meetings and trainings, the all apprenticeship training and classroom sessions, and all assigned Union training meetings and orientations. Failure to attend a scheduled training (unexcused absence) or failure to report to a scheduled meeting (unexcused absence) may lead to separation from the program.

***Vehicles***

An apprentice who uses a City vehicle must follow the current City Vehicle Use policy. Additionally, an apprentice is prohibited from using a cell phone, hands on or hands off, or similar device while driving, whether the business conducted is personal or City apprenticeship related.

***License***

If your job duties require you to drive, you must have the appropriate licenses and maintain insurability under your department's automobile liability insurance policy. Only apprentices with a valid California Driver License will be authorized to operate a City and/or private vehicle. The City will use the State Department of Motor Vehicles Pull Notice Program to obtain information about apprentices as actions appear on their driving records. Apprentices must comply with the California Vehicle Code at all times while operating a motor vehicle.

***Cell phones***

Unless otherwise authorized, cell phone use is restricted to an apprentice's personal time. To ensure the effectiveness of your training, apprentices are asked to leave cell on vibrate mode.

### ***Drug and Alcohol-Free Workplace Policy***

To ensure the safety of the City's employees, co-workers and the public, no apprentice may sell, purchase, transfer, possess, furnish, manufacture, use or be under the influence of alcohol, marijuana, prescription drugs that impair safe functioning or illegal drugs at any City jobsite, while on City business or in City facilities.

Apprentices may forfeit their apprenticeship and may be immediately removed from the worksite if the Union or the City find sufficient evidence that the apprentice participated in the misappropriation of public or Union funds or property; misuse or destruction of public or Union property

### ***Assignment***

Consistent with the formal Apprenticeship Agreement and the Apprenticeship Standards, departmental operational needs may require an apprentice to be assigned to different locations.

### ***Appearance / Dress Code***

As a City apprentice, you represent the Union and the City when you are on duty and/or when you are on a City jobsite. Apprentices are expected to be neat and clean, and to dress for work according to generally accepted professional standards as dictated by their work assignment and as required by their department. The City and the Union reserves the right to restrict dress for reasons relating to safety, hygiene or environmental conditions. All apprentices are expected to wear appropriately fitting work pants with belt; an Apprenticeship t-shirt; safety vest; steel-toed boots and all appropriate Personal Protective Equipment (PPE).

### ***Attendance and Punctuality***

Regular and prompt attendance is an essential requirement of your job. As a City apprentice, you are to report to your work site at your scheduled work time. Your time records must accurately reflect the time you start work and the number of hours worked in every workday. The start time will be clearly communicated to the apprentice. Failure to report to work (unexcused absence) twice in the academic year or three (3) times in the calendar year may lead to separation from the program.

### ***Absences***

All planned absences must be requested and approved in advance. If illness or some other emergency causes an unplanned or unforeseeable absence, you must notify your supervisor. A call in phone number and procedure will be clearly communicated to all apprentices.

### ***Misuse of Leave***

Failure to present medical certification when required, excessive absenteeism, tardiness, unauthorized absence or failure to notify your supervisor when you are unable to report to work, may result in forfeiture of your apprenticeship.

Examples of misuse of sick leave include calling in sick to extend an approved vacation; using sick leave when your arrival at work is delayed by traffic or car trouble; claiming you cannot work due to illness, when you are not ill; and using sick leave to cover a period of incarceration.

### ***Personal Protective Equipment***

In all cases where protective clothing and equipment is provided by a department, apprentices shall be expected to wear such clothing during the performance of their duties and bring such clothing and equipment with them to work and training daily.

### ***Safety Meetings***

Apprentices are required to attend Safety meetings that shall be held in accordance with State CAL-OSHA requirements.

### ***Clean up***

Apprentices will be provided appropriate clean-up time before meal breaks and at the end of the workday.

The City also recognizes that apprentices may at times have to ingest prescribed drugs or medications. If an employee takes any drug or medication known to have potential side effects that may interfere with job performance, the apprentice is required to immediately notify her/his supervisor of those side effects before performing his/her job functions. If an apprentice is temporarily unable to perform safety sensitive functions because of any potential side effects caused by prescribed medication, the apprentice shall be reassigned to perform non-safety sensitive functions without loss of pay until either the apprentice is off the prescribed medication or is cleared by a licensed healthcare provider.

### ***License to Drive***

City vehicles may not be used for personal business.

### ***Change of Address***

If you change your address and/or telephone number, you are required to notify your departmental personnel officer and the Union immediately by submitting a change of address form or a letter with your new address and telephone number.

### ***Separation from Apprenticeship***

Before you leave your apprenticeship with the City, you must return all supplies, keys, identification cards (including your Disaster Service Worker identification badge), access cards and all other City or Union property. Any materials, files, documents, or other items collected or created by you in connection with your employment remain the property of the City or the Union. You may not take any such materials, or copies of those materials, with you when you depart.

***Respect in the Workplace***

The City and the Union will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence physical, verbal, or electronic in or about the workplace is strictly prohibited. "Violence" includes both acts and threats of violence. For example, violence includes any conduct, verbal, physical, or electronic which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property. Employees are also prohibited from possessing, storing or having control of any weapon on the job.

***Co-Workers and the Public***

City and Union apprenticeship policy requires apprentices to treat co-workers and members of the public with courtesy and respect. City supervisors and Union apprenticeship coordinators are responsible for maintaining a safe and productive workplace that is free from inappropriate workplace behavior. Keep in mind how the public may interpret your actions.

***Maintenance of Minimum Qualifications***

Apprentices are required to register for required related instruction and attend all scheduled classes. Apprentices must successfully pass all related and supplemental instruction examinations with 75% correct or higher. You will be provided one opportunity to retake a failed examination.

I have read and I understand the rules and expectations and I agree. I further acknowledge that a violation of these rules may lead to my immediate release from the 3410 Apprentice Gardener program.

Apprentice Name and Signature:

Print Name: Eduardo Exerregui Signature: [Signature]  
Date: 08.09.21

City Department Authorized Representative Name and Signature

Print Name: Adam McArthur Signature: [Signature]  
Date: 8/9/21



**RECREATION AND PARKS DEPARTMENT  
3410 GARDENER APPRENTICE TRAINING LOG**

DATE: 11/1/21	EVALUATION FOR: Guerrero, Eduardo
SUPERVISOR COMPLETING THIS EVALUATION: Allison McCarthy	RATE LEVEL: <input checked="" type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory

How long has this apprentice been working on your jobsite? Started August 9th, 2021

**\*IMPORTANT:** Does Apprentice demonstrate skills, knowledge and ability equal to or greater than other apprentices at the same rate level? (please check)      YES       NO

General:	Good	Average	Needs Improvement	Unsatisfactory	Comments (must comment for needs improvement or unsatisfactory)
Shows normal ability for level in apprenticeship	✓				
Appropriate appearance & dress for work performed	✓				
Works consistently with normal alertness & energy	✓				
Exhibits desire to achieve & meets goals	✓				
Good memory, grasps new ideas		✓			Ask questions, Improve Plant I.D. & Technology

Work Habits:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Asks necessary questions at the right times		✓			Ask more questions
Grasps instructions, meets changing conditions	✓	✓			
Completes tasks well with minimum supervision	✓				
Work performed is neat and accurate	✓				
Does an appropriate amount of work each day	✓				
Follows instructions	✓				
Observes all safety rules		✓			Be mindful of PPE (eyes & gloves for most tasks)
Uses tools properly		✓			
Considerate of co-workers safety	✓				

Attitude:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Accepts working conditions	✓				
Withstands pressure and remains calm in a crisis	✓				
Is courteous and cooperative with others	✓				
Uses constructive criticism to improve performance	✓				

Attendance:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Reports to work daily as scheduled	✓				
Is punctual	✓				

**Work Process Hours Earned:**

<u>53</u> IPM	<u>9</u> Erosion Control	<u>271</u> Landscape Maintenance and Installation Essentials	<u>57</u> Irrigation
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**Comments:**  
The above work process hours are through November 1st, 2021. Eduardo is a hard laborer, regularly demonstrates a willingness to complete any task as assigned, and has exhibited reliable and dependable performance & attendance.





## RECREATION AND PARKS DEPARTMENT 3410 GARDENER APPRENTICE TRAINING LOG

### Comments:

One area of improvement for Eduardo is open communication. Eduardo hardly asks questions after lecture or instruction, which can make it difficult for lead mentors to assess whether instruction is understood or if Eduardo is engaged with the task at hand.

Eduardo has successfully completed the following benchmarks during his first (3) months of the program:

#### Landscape Maintenance & Installation Elements:

- \* Demonstrated proper planting techniques for trees & perennials
- \* Can identify commonly used hand-tools in landscape maintenance
- \* Demonstrated proper use & operation of most commonly used 2-cycle landscape machines (line trimmer, blower, hedger) \* Note that chainsaw operation is being introduced in November 2021
- \* Demonstrated the proper "3-cut" pruning technique \* Note that pruning techniques are being introduced in November 2021
- \* Continues to develop basic plant identification of most commonly used trees, shrubs, and perennials in the San Francisco Park & Recreation system & how they're managed.

#### Irrigation

- \* Has repaired damaged rotor and pop-up sprinklers & changed swing joints
- \* Has set an impact and quill into a quick-coupler connection
- \* Can identify basic manual & automatic irrigation components

#### Integrated & Past Management

- \* Weeded general invasive plant species
- \* Understands the importance of sheet-mulching
- \* Gopher Trap

#### Erosion Control

- \* Completed installation of both jute netting & waddles
- \* Understands important roles that plants have in slope stabilization

By Eduardo's next training log (January 2022), he should demonstrate the ability to

- \* Confidently drive & maneuver both F350 truck & Toro Workman
- \* Identify manual & automatic irrigation parts (example: quill, rotor, pop-up, elbow, swing-joint)
- \* Program an irrigation clock (3 programs- 5 stations each)
- \* Identify most commonly used methods for Erosion Control
- \* Identify the following plants (With examples from mobile crew projects)  
5 trees - 5 evergreen shrubs 5- perennials 5- groundcovers



**RECREATION AND PARKS DEPARTMENT  
3410 GARDENER APPRENTICE TRAINING LOG**

**Purpose:** An honest and thoughtful evaluation should pinpoint strengths and weaknesses.

**Instructions:**

Carefully read and evaluate each characteristics, trait or ability. Check the rating scale that most closely describes your observance of the apprentice's behavior.

- Be honest in evaluations
- Normally, the apprentice should not be shocked by the evaluation. Please coach and counsel employees as the need arises.
- Review the content of the training log with the apprentice. Make sure work process hours are correct.

Be sure to list the specific areas you trained this apprentice:

IPM - Erosion Control - Landscape Maintenance and Installation Essentials - Irrigation

**Category Descriptions:**

**General:**

Shows normal ability for level in apprenticeship	Compare to others at similar pay rate and class
Appropriate appearance and dress for work performed	Cleanliness, grooming, safe clothing? Typical for work being performed?
Works consistently with normal alertness and energy	Energetic? Tires often?
Always willing to help	Team player
Exhibits desire to achieve & meets goals	Acts with purpose, puts forth effort

**Work Habits:**

Asks necessary questions at the right times	Are the subject and timing of questions appropriate?
Grasps instructions, meets changing conditions	Quick to understand? Solves problems?
Completes tasks well with minimum supervision	Completes tasks promptly and correctly
Work performed is neat and accurate	Loose ends, craftsmanship or rework needed
Does an appropriate amount of work each day	Volume or quantity of work in a work day
Follows instructions	Grasps instructions and carries them out correctly
Observes all safety rules	Observes industry and job safety rules

**Attitude:**

Accepts working conditions	Handles change, environment, job tasks without complaint
Ability to work under pressure or changing conditions	Tolerance for crises without irritation or temper
Is courteous and cooperative with others	Polite, willing to help, part of the team
Shows initiative	Stays productive with minimal supervision
Uses constructive criticism to improve performance	Makes a positive change when corrected?

**Attendance:**

Reports to work daily as scheduled	Minimum number of absences - gives notification in timely manner
Is punctual	Reports to work, back from lunch and breaks on time

D. O.	FILE NUMBER

A	B	C	D	E	Official Use
Gender	Ethnic	Dependents	Education	Yrs Employ	STATUS



State of California – Department of Industrial Relations – DIVISION OF APPRENTICESHIP STANDARDS

# APPRENTICE AGREEMENT

APPRENTICE LAST NAME <b>Guerreiro</b>	FIRST NAME <b>Eduardo</b>	MIDDLE	
			F - VETERAN Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
OCCUPATION <b>Gardener   Horticultural Worker</b>		O*Net code <b>37.3011.00</b>	
TERM OF APPRENTICESHIP <b>3000</b> Hours Within <b>2</b> Years	STRAIGHT TIME Hours per day: <b>8</b> Hours per week: <b>40</b>		

This agreement is between the above named apprentice employed by the below named employer, and

## City & County of San Francisco | Recreation & Park Department

PROGRAM SPONSOR

**AGREEMENT:** The undersigned parties mutually agree that they will use their best endeavors to secure employment and training for the apprentice. The apprentice agrees to perform satisfactorily all work and learning assignments. The provisions of the Apprenticeship Standards for the above occupation adopted by the program sponsor and approved by the Chief of the Division of Apprenticeship Standards, are hereby made a part of this agreement. An official copy of the standards is on file in the headquarters of the Division of Apprenticeship Standards. This apprentice agreement will continue in effect until the training is completed or otherwise terminated in accordance with the standards.

The apprentice commences participation under these standards on the date of execution of this agreement by the Apprentice. The signatory apprentice is credited with having 0 months toward completion of the term of apprenticeship. The apprentice is expected to complete training on or about March 23, 2023, upon satisfactory completion of the total remaining hours of on-the-job training and hours and/or units of related and supplemental instruction.

**APPRENTICE:** I, the undersigned apprentice, understand and agree that there is a valid and reasonable necessity that those academic records accumulated throughout related and supplemental instruction during my period of apprenticeship be made available to the apprenticeship committee. Further, I agree to release to the apprenticeship committee any other academic records which I feel may enhance my status as an apprentice.

I, the undersigned apprentice, hereby request that the Administrator of Apprenticeship terminate any other apprenticeship agreements in which I am currently registered.

Executed this 9 day of August, 2021 by [Signature]  
DAY MONTH YEAR SIGNATURE OF APPRENTICE

**AGREED TO BY THE EMPLOYER**

[Signature]  
SIGNATURE OF EMPLOYER OR ITS REPRESENTATIVE  
3422 Park Section Supervisor  
TITLE

SIGNATURE OF PARENT OR GUARDIAN (IF APPRENTICE IS 16 OR 17)

**AGREED TO AND APPROVED BY, FOR THE COMMITTEE**

NAME OF EMPLOYER City & County of San Francisco, Recreation & Park Department
ADDRESS 1 South Van Ness Ave, 4th Floor, San Francisco, CA, 94103   501 Stanyan Street, San Francisco, CA, 94117

SIGNATURE -- SECRETARY / CHAIR / COORDINATOR \_\_\_\_\_ DATE \_\_\_\_\_

**ACCEPTED BY DAS**

SIGNATURE -- APPRENTICESHIP CONSULTANT \_\_\_\_\_ DATE \_\_\_\_\_

for unilateral programs only ]

This agreement is approved by \_\_\_\_\_

for the Administrator of Apprenticeship





*submit*

## Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

### 1. Trainer Information

Name of Trainer Allison McCarthy		Date Training Conducted 8/9/2021
Division/Section Gardener Apprenticeship	Location GGP NURSERY	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ <small>(Employee Name and Date of Injury)</small>		

### 2. Topics Covered

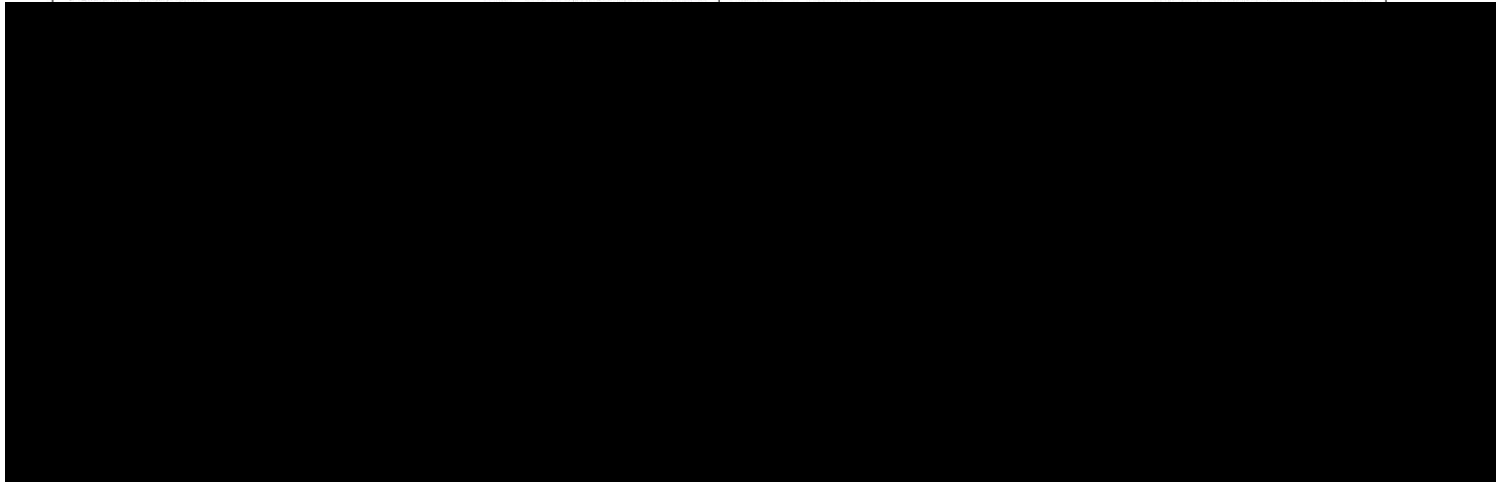
If more topics were covered, please list on back and check here .

Topic	Source*
Review of Apprentice Rules & Expectations	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
Review of Apprentice Standards + DAS 104 (a)	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
PowerPoint Presentation (Introduction to Program)	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<del>Respect in the Workplace</del>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

### 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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# Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

## 1. Trainer Information

Name of Trainer <i>ALLISON MCCARTHY</i>		Date Training Conducted <i>8/11/21</i>
Division/Section <i>APPRENTICESHIP</i>	Location <i>GIG P NURSERY</i>	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ <small>(Employee Name and Date of Injury)</small>		

## 2. Topics Covered

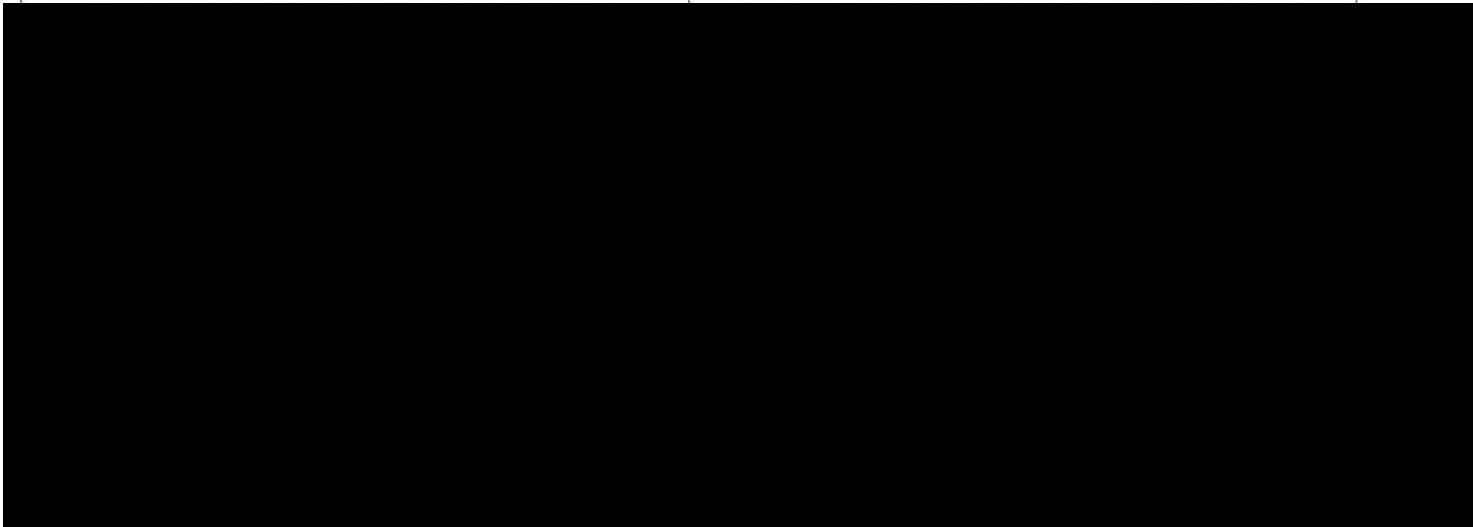
If more topics were covered, please list on back and check here .

Topic	Source*
<i>Respect in the Workplace</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) <i>Policy</i>
<i>(Distribution &amp; Review)</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

## 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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# Training Documentation Form

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 501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

## 1. Trainer Information

Name of Trainer [REDACTED]		Date Training Conducted 8/13/21
Division/Section APPRENTICESHIP	Location GCP NURSERY	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ (Employee Name and Date of Injury)		

## 2. Topics Covered

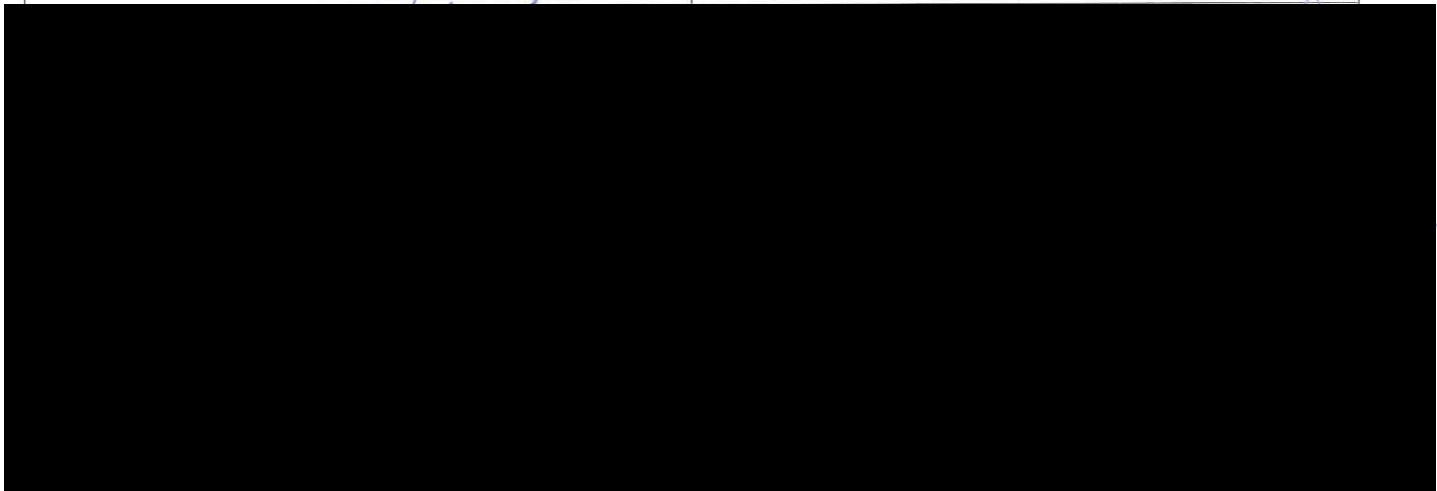
If more topics were covered, please list on back and check here .

Topic	Source*
DISCRIMINATION, HARASSMENT, +	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
RETALIATION - FREE WORKPLACE POLICY	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
DISTRIBUTION + REVIEW	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

## 3. Employee's Signature

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PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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# Training Documentation Form

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 501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

## 1. Trainer Information

Name of Trainer <i>Allison McCarthy</i>		Date Training Conducted <i>8/13/21</i>
Division/Section <i>Apprenticeship</i>	Location	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ (Employee Name and Date of Injury)		

## 2. Topics Covered

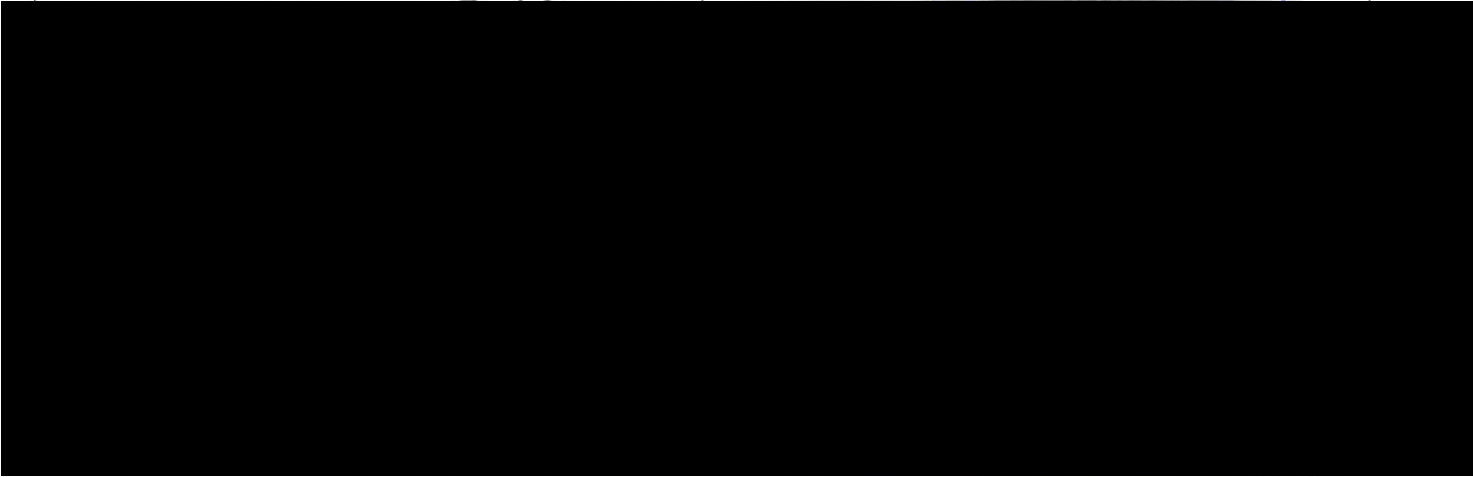
If more topics were covered, please list on back and check here .

Topic	Source*
<i>DHR Orientation</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input checked="" type="checkbox"/> Other (list) _____
<i>RPD Handbook</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<i>MOU L261</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<i>See attached</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

## 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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## McCarthy, Allison (REC)

---

**From:** McCarthy, Allison (REC)  
**Sent:** Friday, August 13, 2021 7:45 AM  
**To:** [REDACTED]; Anne Franken; Noemi Andrade; [REDACTED]; Malindi Walker; Karla Hernandez; [REDACTED]; Erika Miller; Betty Tan; [REDACTED]  
**Cc:** Vasquez, Randy (REC)  
**Subject:** Apprenticeship: Onboarding Orientation Task List

Great first week everyone!

Below is a bullet-pointed guide to complete online onboarding, read through important documents relevant to the City & Department, & get acquainted with the online resources available to you.

- Please watch the DHR Orientation Video and email a picture of your completion certificate & any other documentation requested by the HR representative on your paperwork. <https://sfdhr.org/new-employee-onboarding>
- Please click through the documents on the "Onboarding Checklist" <https://sfdhr.org/sites/default/files/documents/Onboarding/Citywide-Onboarding-Checklist.pdf>
- Please call the Department of Technology Help Desk 628-652-5000 so you can receive a password to access SF Employee Gateway: which is a city-employee wide portal <https://sfgov.org/sfc/employee-gateway>
- Click through the SF Employee Gateway if you can: especially the "My Learning" Tab where you will be taking additional online trainings over the next few weeks.
- **RPD "Intranet"** if you do receive a password to access SF Employee Gateway, this password will allow you to access the Recreation & Park Department's "intranet" : which is a treasure trove of information. Please click through. <https://rpdnet.org/> if you have access. Once you receive your city email account, these passwords will all be linked.
- **MAKE SURE TO ENROLL IN HEALTHCARE! YOU HAVE 30 DAYS FROM FIRST DATE OF HIRE.**
  - Here is the link to HSS' website for new hire with options and instructions on how to enroll: <https://sfhss.org/new-hire>
  - New hires may enroll online by going to [San Francisco Employee Portal](#) or complete attached enrollment form and submit via fax or mail with a copy of their Appointment Processing Form.

### Useful Documents

- [RPD Employee Handbook](#)

- [L261 MOU](#)
- [RPD Operations Overview](#) (last updated 2/19)
- 

Give me a call with any questions!

•

**Allison McCarthy**

(she, her, hers) [What's this?](#)

*3422 Park Section Supervisor*

Gardener Apprenticeship Program

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117  
[415-802-5863|allison.mccarthy@sfgov.org](mailto:415-802-5863|allison.mccarthy@sfgov.org)



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# Training Documentation Form

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 501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

## 1. Trainer Information

Name of Trainer [REDACTED]		Date Training Conducted 8/26/21
Div Apprenticeship	Location GGP NURSERY	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ (Employee Name and Date of Injury)		

## 2. Topics Covered

If more topics were covered, please list on back and check here .

Topic	Source*
Communication	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input checked="" type="checkbox"/> Other (list) _____
Power Point	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
Romantic Relationships @ work	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
Policy Distribution	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

## 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL / SIGNATURE	PRINT NAME	INITIAL / SIGNATURE
[REDACTED]			



## McCarthy, Allison (REC)

---

**From:** Gretchen Lott  
**Sent:** Wednesday, October 6, 2021 3:56 PM  
**To:** McCarthy, Allison (REC)  
Catherine Heath  
**Subject:** Re: Your employee is to attend the REC-NEO Communication Training Session  
**Attachments:** SF RPD, ALI version.pptx

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

Hi Ali,

There is another exercise we do during our communications course that is about listening and sharing details. Attached is a drawing that you will share with only 1/2 of your apprentice gardeners. The other 1/2 will then be instructed to draw this picture, without seeing, based on the input and "details" provided by the 1/2 that did see it. You will break your apprentice gardeners into groups of 2: 1 that will have seen the attached picture and describe it to the partner who has not seen it. So it is a way to show how people communicate enough detail that they understand the facts.

We will let you know when to bring this slide up. I will call you now to make sure I have articulated this effectively for you to lead the exercise. It is really fun, gets people drawing and sharing and laughing when they compare the actual picture to what they have drawn.

With peace,  
Gretchen

On Wed, 6 Oct 2021 at 10:27, Gretchen Lott <[REDACTED]> wrote:  
Dear Ali,

Thank you for the quick chat on the breakout groups for the "apprentice gardeners." Attached are the scenarios for you to use during the role play aspect of the program.

With peace,  
Gretchen Lott  
[REDACTED]

On Wed, 6 Oct 2021 at 05:51, McCarthy, Allison (REC) <[allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)> wrote:  
Hi Gretchen & thank you for sending link!

We were told the workshop is from 10:00am thru 2:00pm. Our crews work a 6:30-3:00 shift. Is it possible for event to run from 10:30-2:30 or up until 3?

Thank you & see you tomorrow

Allison McCarthy  
3422 Park Section Supervisor  
San Francisco Recreation & Park Department  
415.802.5863

---

**From:** Talley, Ian (REC) <[ian.talley@sfgov.org](mailto:ian.talley@sfgov.org)>  
**Sent:** Thursday, September 16, 2021 9:28:59 AM  
**To:** Bradley, Stacy (REC) <[stacy.bradley@sfgov.org](mailto:stacy.bradley@sfgov.org)>; [REDACTED] <[\[REDACTED\]@sfgov.org](mailto:[REDACTED]@sfgov.org)>; Santiago, Marcus (REC) <[marcus.santiago@sfgov.org](mailto:marcus.santiago@sfgov.org)>; Padilla, Joe (REC) <[joepadilla@sfgov.org](mailto:joepadilla@sfgov.org)>; Bogetz, Shauna (REC) <[shauna.bogetz@sfgov.org](mailto:shauna.bogetz@sfgov.org)>; Benjamin, Elizabeth (REC) <[elizabeth.benjamin@sfgov.org](mailto:elizabeth.benjamin@sfgov.org)>; Jackson, Ryan (REC) <[ryan.jackson@sfgov.org](mailto:ryan.jackson@sfgov.org)>; Ridgely, George (REC) <[george.ridgely@sfgov.org](mailto:george.ridgely@sfgov.org)>; Ng, Beverly (REC) <[beverly.ng@sfgov.org](mailto:beverly.ng@sfgov.org)>; McCarthy, Allison (REC) <[allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)>; Hickey, Martin (REC) <[martin.hickey@sfgov.org](mailto:martin.hickey@sfgov.org)>; Vazquez, Arianna (REC) <[arianna.vazquez@sfgov.org](mailto:arianna.vazquez@sfgov.org)>  
**Subject:** Your employee is to attend the REC-NEO Communication Training Session

Hello Supervisors,

The Communication/Customer Service Session of the SF Recreation and Parks New Employee Orientation for August-October 2021 attendees will be conducted via Zoom on **Thursday, October 7, 2021**. Your following employees listed below are slated to attend at the designated times. Please see details below. The Zoom link will follow as we get closer to the date. **Please note: Attendees are expected to attend both morning and afternoon sessions.** If you have any questions, please let us know— thank you all in advance!

**Date: Thursday, October 7, 2021**

**Time: Morning Session: 10:00AM- 11:30AM (PST)**

**Afternoon Session: 12:30PM- 2:00PM (PST)**

Name	Class	Title	Status	Union	Supervisor	Email
Harrison, Jordan	5291	Planner III	TEX/AN	IFPTE L21	Stacy Bradley	
Cun, Say Tien	2708	Custodian	TEX/AN	SEIU 1021		
Guan, Wei Yang	2708	Custodian	TEX/AN	SEIU 1021		
Chiang, Joseph	8208	Park Ranger	PCS/FT	SEIU 1021	Santiago, Marcus	
Lopez Tamayo, Juan	7346	Painter	PCS/FT	Painters	Padilla, Joe	
Hutchinson, James	1820	Jr. Administrative Analyst	PCS/FT	SEIU 1021	Bogetz, Shauna	
Vuong, Catherine F	1820	Jr. Administrative Analyst	PCS/FT	SEIU 1021	Benjamin, Elizabeth	
Soo, Henry	7345	Electrician	PCS/FT	Electricians L6	Jackson, Ryan	
Lau, Serena	3302	Admission Attendant	TEX/AN	SEIU 1021	Ridgely, George	
Belt, Madeline	9910	Public Service Trainee	TEX/AN	SEIU 1021	Ng, Beverly	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Hernandez, Karla	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Miller, Erika	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Andrade, Noemi	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Guerrero, Eduardo	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Franken, Anne	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Walker, Malindi	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Tan, Betty	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Raden, David	3417	Gardener	PCS/FT	LIUNA 261		
Menjivar, Fabio	3417	Gardener	PCS/FT	LIUNA 261		
Lum, Gregory C	3417	Gardener	PCS/FT	LIUNA 261		
Tan, Guohui	3417	Gardener	PCS/FT	LIUNA 261		
Balestra, Leslie R	3417	Gardener	PCS/FT	LIUNA 261		
Ball, William E	3417	Gardener	PCS/FT	LIUNA 261		
Borrou, Gedion	7514	General Laborer	PCS/FT	LIUNA 261	Hickey, Martin	
Lopez, Jose L	8208	Park Ranger	PROP F	SEIU 1021	Santiago, Marcus	

Marjory Castillo

McCarthy Fellow

Vazquez, Ariana

**Ian Talley**

Human Resources Analyst

San Francisco Recreation and Park Department | City & County of San Francisco

McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

0468

Phone No.: (415) 831-2737 | Fax No.: (415) 221-4305 | [ian.talley@sfgov.org](mailto:ian.talley@sfgov.org)



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London N. Breed, Mayor  
Philip A. Ginsburg, General Manager

## RESPECT IN THE WORKPLACE POLICY

It is the policy of the Recreation and Park Department that all employees treat co-workers and members of the public with courtesy and respect at all times. A respectful workplace enhances our ability to maintain beautiful parks and provide enriching recreational activities, and makes our Department a more pleasant and rewarding place to work.

Disrespectful behaviors are defined here as unwelcome, offensive conduct, expressed either verbally, in writing, or through physical behavior. It is important to keep in mind that it is not what is intended that is important so much as how a reasonable person would perceive such conduct. When an employee is disrespected their motivation is adversely impacted and work performance suffers. Examples of disrespectful behaviors may include but are not limited to:

- Derogatory comments, malicious gossip or any language that is used to degrade, intimidate or coerce another individual or group of individuals
- Insults, slurs, jokes or any language that infers a negative characteristic
- Profanity
- Offensive posters, drawings, insignias or signs
- Blocking normal movement, offensive gestures, unwelcome touching or shoving
- Threats or assault

Everyone has responsibility to stop disrespectful behavior at the workplace.

- If another's actions or words offend you, let them know their behavior is unwelcome and ask them to stop.
- If you have any reason to believe your actions offend someone, stop the behavior.
- If you observe disrespectful behavior, you should tell the person behaving disrespectfully their behavior is inappropriate or report the behavior to your supervisor.

If the unwelcome behavior continues, report this to your supervisor or the Human Resources Division. Supervisors and managers should model respectful behavior and have a responsibility to keep the workplace free of inappropriate conduct. Supervisors and managers must take such complaints seriously, find out what happened, and take appropriate action. Timely intervention is key to providing a respectful workplace. Retaliation against anyone who has raised a concern about disrespectful behavior is also prohibited.

Any employee who believes he or she has been treated disrespectfully in violation of this policy may file a complaint of disrespectful behavior by contacting the employee's supervisor or manager, or the Department's Human Resources Division. If a complaint of disrespectful behavior is made to a supervisor or manager, the supervisor/manager must report the complaint to the Department's Human Resources Division.

Any employee found to have engaged in disrespectful behavior or retaliation may be subject to disciplinary action up to and including dismissal.

This policy shall not alter or affect the right of any person to file a discrimination charge with the Recreation and Park Department's Human Resources Division, the Department of Human Resources' Equal Employment Opportunity Unit, the California Department of Fair Employment and Housing, the United States Equal Employment Opportunity Commission, or to consult with a union representative or private attorney.

Rev. June 2004





## EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

### Discrimination and Harassment Prohibited

Discriminating against, or harassing City and County of San Francisco (City) employees, applicants, or persons providing services to the City by contract, including supervisory and non-supervisory employees, because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful. For the purpose of this policy only, the term “employees” includes unpaid interns and volunteers. Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal, or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

### Sexual Harassment Prohibited

Sexual harassment is illegal under federal and state law. Federal law defines sexual harassment as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, visual, or written conduct of a sexual nature directed to persons of the same or opposite sex when:

- submission to such conduct is made explicitly or implicitly as a term or condition of employment;
- submission to or rejection of such conduct by an employee or applicant is used as a basis for employment decisions affecting the employee or applicant; or
- such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or otherwise offensive working environment.

State law defines sexual harassment as unwanted sexual advances or verbal, visual, or physical conduct of either a sexual nature, or other conduct based on sex. These are some examples of sexual harassment:

- requests for sexual favors or unwanted sexual advances;
- offering employment benefits in exchange for sexual favors;
- making or threatening reprisals after a negative response to sexual advances;
- verbal harassment (e.g., graphic comments, derogatory comments, sexually suggestive or obscene jokes or telephone calls);
- physical harassment (e.g., assault, impeding or blocking movement, gestures, or any physical interference with normal work or movements); or
- visual forms of harassment (e.g., leering, derogatory or sexually explicit emails, posters, letters, poems, graffiti, cartoons, computer screen savers, or drawings).

### Retaliation Prohibited

Retaliation against an individual who reports, files a complaint of, or otherwise opposes conduct he or she reasonably believes to be unlawful discrimination, harassment, or retaliation, or assists in the investigation of a complaint, is also prohibited.

### Responsibility for Responding to and Reporting Discrimination, Harassment, and Retaliation

All employees are encouraged to report discriminatory, harassing, or retaliatory behavior, whether directed at themselves or at co-workers.

Supervisory employees are required to take corrective action if employees are subjected to discrimination, harassment, or retaliation on the basis of a protected category. If a complaint is made to a supervisor, or if a supervisor becomes aware of potential discrimination, harassment, or retaliation, the supervisor **must** immediately report it to the department's EEO or Human Resources personnel. Any supervisor who receives a complaint of discrimination, harassment, or retaliation and fails to report it may be subject to disciplinary action.

Departments **must** report all complaints of discrimination, harassment, and retaliation to the Human Resources Director within five days of becoming aware of such complaints. Departments are responsible for ensuring that all employees know of and are trained periodically regarding this policy.

### **Complaint Procedures**

Any employee or applicant who believes he or she has been discriminated against, harassed, or retaliated against in violation of this policy should promptly report the incident and the individuals involved. Complaints must be filed within 180 calendar days of the date of the alleged discriminatory action, harassment, or retaliatory action, or the date the individual should have first become aware of a violation. For information or to file a complaint, contact any of the following:

- the employee's supervisor or any other supervisor or manager;
- the department's EEO or Human Resources personnel;
- the City's Department of Human Resources, EEO Division located at 1 South Van Ness Avenue, 4th Floor, San Francisco, CA 94103, via email at [DHR-EEO@sfgov.org](mailto:DHR-EEO@sfgov.org) or online at [www.sfdhr.org](http://www.sfdhr.org); the City's EEO Helpline at (415) 557-4900 or (415) 557-4810 (TTY); or SFMTA employees may also contact SFMTA's EEO Officer, Virginia Harmon, at (415) 701-4404 or [EEO@sfmta.com](mailto:EEO@sfmta.com)

The Human Resources Director is responsible for the investigation and resolution of all discrimination, harassment, and retaliation complaints. All complaints are kept confidential (to the extent possible); responded to timely; investigated (if necessary) by qualified personnel in a timely and impartial manner; and documented and tracked. If the Human Resources Director determines that discrimination, harassment, or retaliation occurred, the City will take appropriate remedial action.

The [U.S.](http://www.eeoc.gov) Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate and prosecute employment discrimination, harassment, and retaliation complaints. Employees who believe that they have been discriminated against, harassed, or retaliated against may file a complaint with either of these agencies using the following contact information:

- EEOC: (800) 669-4000 or TTY (800) 669-6820; or online at [www.eeoc.gov](http://www.eeoc.gov)
- DFEH: (800) 884-1684 or TTY (800) 700-2320; or online at [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Remedies available through these agencies include hiring or reinstatement, back pay or promotion, fines or damages for emotional distress, and changes in the policies or practices of the employer.

### **Discipline**

Any employee, supervisor, or agent of the City found to have engaged in conduct in violation of this policy may be subject to disciplinary action, up to and including termination. An employee may be subject to discipline for engaging in harassing conduct that does not meet the definition of harassment under the law, but that, if repeated or allowed to continue, might meet that definition.

Para mayor información sobre el hostigamiento en el trabajo: (415) 557-4900.

如欲索取更多資料或要舉報在工作場所受到騷擾,可致電415-557-4900



Carol Isen  
Human Resources Director

## **Rule 103**

### **Equal Employment Opportunity**

Applicability: Rule 103 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

**Sec. 103.1**      **Policies for Equal Employment Opportunities**

**Sec. 103.2**      **Equal Employment Opportunity Analysis**

**Sec. 103.3**      **Discrimination Complaints**

**Sec. 103.4**      **Authority to Override Civil Service Rules to Effectuate a  
Discrimination Remedy**

## **Rule 103**

### **Equal Employment Opportunity**

Applicability: Rule 103 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

#### **Sec. 103.1**      **Policies for Equal Employment Opportunities**

##### **103.1.1**      **Equal Employment Opportunity**

It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment; that selection of employees to positions in the City and County be made on the basis of merit; and that continuing programs be maintained to afford equal employment opportunities at all levels. Vigorous enforcement of the laws against discrimination shall be carried out at every level of each department. All persons shall have equal access to employment within the City and County, limited only by their ability to do the job.

**103.1.2**      No person shall be appointed, reduced, removed, or in any way favored or discriminated against in employment or opportunity for employment because of race, color, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, medical condition (cancer-related), ethnicity or the conditions Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions or other non-merit factors or any other category provided by ordinance.

##### **103.1.3**      **Language Diversity Policy**

It is the policy of the Civil Service Commission that an employee's use of a language other than English is not only an asset in the provision of public services but, with few exceptions, such as business necessity, is a legally protected right.

##### **103.1.4**      **Employment of Persons with AIDS, HIV, and AIDS-related conditions**

Departments, agencies, boards, and commissions of the City and County of San Francisco shall be required to provide reasonable accommodation to qualified employees and applicants who have the conditions known as Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions.

**103.1.5 Prohibition of Sexual Harassment**

It is the policy of the Civil Service Commission, consistent with Federal, State and local laws, rules and official policies that sexual harassment of City employees and applicants for employment is prohibited and will not be tolerated.

**103.1.6 Prohibition of Unlawful Workplace Harassment**

It is the policy of the City and County of San Francisco that each official, employee, and agent acting in official capacity, will treat all persons equally and respectfully, and will refrain from unlawful workplace harassment in accordance with applicable Federal, State and local laws, rules and official policies.

**103.1.7 Employment of Persons with Disabilities**

In accordance with the Federal, State and local laws, it is the policy of the Civil Service Commission to provide equal access for individuals with disabilities in all areas of employment. No disabled person shall be denied employment or any other term, condition, or privilege of employment based upon disability or the need for a reasonable accommodation, so long as the accommodation does not result in undue hardship on the operations of the department or the City and County of San Francisco.

**103.1.8 Prohibition of Retaliation**

It shall be a violation of this Rule to discriminate against, retaliate against, or harass any employee or applicant because such employee or applicant has complained of or opposed any discriminatory practice prohibited under this Rule or has made a complaint, testified, supplied evidence, assisted, or participated in any manner in any investigation, proceeding, or hearing under this Rule.

**Sec. 103.2 Equal Employment Opportunity Analysis**

**103.2.1** The Department of Human Resources shall annually prepare an analysis of the work force.

**103.2.2** The City shall maintain records of its work force composition by race, sex, ethnicity, and classification (job code). These records shall also reflect new employments, promotions, transfers, and separations; and shall be reported to Federal, State and local agencies as required. Individual employee names shall remain a confidential part of these records. Non-confidential elements of these records shall be made available for public review upon request.

**Sec. 103.2**      **Equal Employment Opportunity Analysis (cont.)**

**103.2.3**      From the foregoing records, the Department of Human Resources staff shall prepare and report to the Civil Service Commission every five (5) years with an analysis of the work force to determine whether percentages of sex, race, or ethnic groups in occupational categories are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job-related qualifications.

**103.2.4**      For each year thereafter until the next five-year report, the Department of Human Resources staff shall report back to the Civil Service Commission on those City classes identified in the last five-year report as having lower percentages of sex, race or ethnic groups than those occupational categories in the relevant job market.

**103.2.5**      **Compliance with Reporting Requirements**

Nothing in these Rules shall prohibit compliance with Federal or State reporting requirements.

**Sec. 103.3**      **Discrimination Complaints**

**Employees of the Municipal Transportation Agency (MTA) are covered under Section 103.3 with specific modifications as noted in Volume IV, Section 403.3.**

**103.3.1**      **Purpose**

Any employee or applicant may file a complaint alleging that he or she has been discriminated against as a result of any employment decision made by any agency, department, or commission of the City and County of San Francisco on the basis of any protected category identified in Section 103.1.2 of this Rule. Any employee or applicant may file a complaint alleging that he or she has been retaliated against in violation of this Rule and any such complaint shall be filed and processed in the same manner as other discrimination complaints under this Rule.

**103.3.2**      **Responsibility**

1) The Human Resources Director shall be responsible for the review and resolution of employment discrimination complaints. The decision of the Human Resources Director shall forthwith be enforced by every employee and officer, unless the decision is appealed to the Commission and reversed.

**Sec. 103.3**     **Discrimination Complaints (cont.)****103.3.2**     **Responsibility (cont.)**

2) The Civil Service Commission shall review and resolve complaints of employment discrimination appealed to it pursuant to procedures established by the Executive Officer in accordance with Rule 104, Section 104.4.5. The determination reached under Commission procedures shall be final and shall be enforced by every employee and officer.

**103.3.3**     **Procedures for Complaints of Discrimination**

Pursuant to the provisions of the Charter and this Rule, the Human Resources Director shall promulgate procedures for the review and resolution of employment discrimination complaints.

**103.3.4**     Appeal of the Human Resources Director decision may be filed in writing with the Executive Officer to the Civil Service Commission in accordance with Section 103.3.2 of this Rule.

**103.3.5**     **Discrimination Complaints Involving Employees of the Municipal Transportation Agency (MTA)**

Within the MTA, complaints shall be addressed within the Agency based on procedures promulgated by the Agency. The MTA Director of Transportation shall review and resolve employment discrimination complaints. The decision of the MTA Director of Transportation may be appealed to the Civil Service Commission.

**Sec. 103.4**     **Authority to Override Civil Service Rules to Effectuate a Discrimination Remedy****103.4.1**     **Commission Authority**

In its discretion, the Commission may depart from any provision of these Rules in order to effectuate an appropriate remedy for discrimination in an appeal heard by the Commission.

**103.4.2**     **Authority of Human Resources Director and MTA Director of Transportation**

The Human Resources Director and MTA Director of Transportation may not depart from a provision of these Rules in order to effectuate an appropriate remedy for discrimination when reviewing and resolving an employment discrimination complaint, without specific authorization from the Commission in a particular case, following a request for such authority in that case from the Human Resources Director or MTA Director of Transportation.



London N. Breed, Mayor  
Philip A. Ginsburg, General Manager

*Hand Delivered*

December 17, 2021

Eduardo Guerrero Ortiz  
[REDACTED]

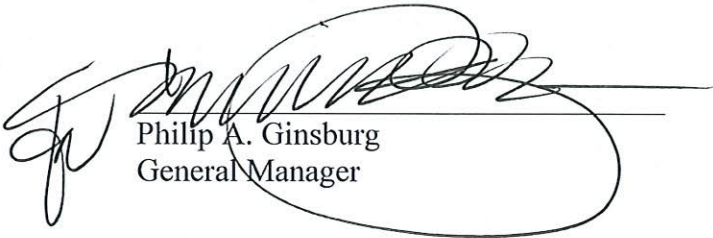
### NOTICE OF TERMINATION

In accordance with Civil Service Commission Rule 114.44, exempt employees serve at the discretion of the Appointing Officer.

This is to advise you that you will be separated from your exempt appointment in Class 3410 Apprentice Gardener position effective today, December 17, 2021, Close of Business (COB).

If you have any questions, please call [REDACTED] of Human Resources at (415) 831-2775.

Approved by:

  
Philip A. Ginsburg  
General Manager

cc: Jeffrey Bramlett, Acting Senior Departmental Personnel Officer  
[REDACTED]  
Employee Personnel File  
Payroll





### SEPARATION REPORT

INSTRUCTIONS: Please complete the Separation Report to:

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

Date of Request: 12/17/2021

Department Contact: [REDACTED] Email: [REDACTED]@sfgov.org Phone: (415) 831-2775

#### SECTION I: PERSONAL AND JOB INFORMATION

Name (Last, First, M.I.): Guerrero Ortiz, Eduardo Employee I.D.: [REDACTED]

Job Code: 3410 Job Title: Apprentice Gardener

Position Number: 01124020 Hourly Rate: \$23.7625 Step: 2 Effective Date: 12/17/21 COB

Empl. Class: PEX Work Schedule: Full-Time

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

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

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

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

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

#### SECTION II: SEPARATION INFORMATION

- Resignation
- Satisfactory Services (TER\_RSS)  Unsatisfactory Services (TER\_RUS)  
(Form DHR 1-13 must be on file)

By the appointee: I hereby freely and voluntarily resign from the above position. I request approval of this resignation as of the effective date with the full understanding that once approved, I may acquire another position in this class 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 \_\_\_\_\_

# SEPARATION REPORT

## DEPARTMENT USE ONLY

Termination

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

Release from appointment:

Release from probation:

Dismissal:

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

Automatic Resignation (ARS)

Never Reported to Work (DSH)

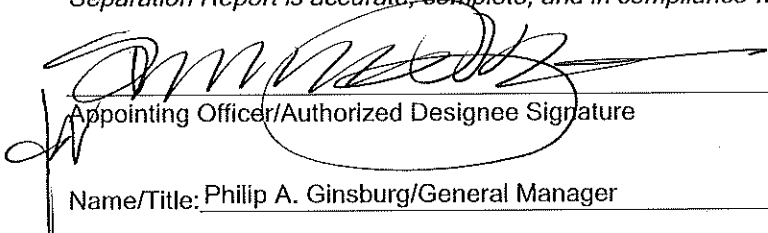
Death of an employee (DEA)

Other (Specify): \_\_\_\_\_

Retirement:

## DEPARTMENT CERTIFICATION

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



415-831-2776

Appointing Officer/Authorized Designee Signature

Telephone

Name/Title: Philip A. Ginsburg/General Manager

Department Number: \_\_\_\_\_ Department Name: \_\_\_\_\_

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: \_\_\_\_\_

[REDACTED] (REC)

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Friday, March 11, 2022 11:20 AM  
**To:** [REDACTED] (REC)  
**Subject:** 03.10.2022

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

H [REDACTED] Its me Eduardo Guerrero.

Would you give a call? I have a a few questions regarding my case.  
Thank you.

Here's my number [REDACTED]

Eduardo

[REDACTED] (REC)

**From:** [REDACTED] (REC)  
**Sent:** Wednesday, January 12, 2022 1:06 PM  
**To:** eduardo guerrero  
**Cc:** Liang, Pauline (REC)  
**Subject:** to request a copy of my personal file

Eduardo:  
Thank you for your message.

Please contact Processing Supervisor Pauline Liang for assistance in receiving a copy of your personnel file.

I have included her in this message.

Respectfully,

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

Direct No.: (415) 831-2775 | General No.: (415) 831-2730  
| Email [REDACTED]@sfgov.org



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**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Wednesday, January 12, 2022 12:10 PM  
**To:** [REDACTED]@sfgov.org  
**Subject:** Re: Automatic reply: Discrimination, Retaliation and Harassment Complaint

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

Good afternoon [REDACTED]

I would like to request a copy of my personal file and a copy of my first/only work review.

Thanks for your cooperation

Eduardo Guerrero

On Tue, Jan 11, 2022 at 4:27 PM [REDACTED] <[REDACTED]@sfgov.org> wrote:

I am away from my desk on Tuesday, January 11, 2022. I return to my desk on Wednesday, January 12, 2022 at 730am. Please contact [melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org) while I am away from my desk.

[REDACTED] (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Friday, March 11, 2022 11:23 AM  
**To:** eduardo guerrero  
**Subject:** RE: 03.10.2022

I am away from my desk today. I will give you a call on Monday.  
Thank you for your message, Eduardo.

[REDACTED] (REC)

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Monday, January 24, 2022 8:02 AM  
**To:** [REDACTED] (REC)  
**Subject:** Re: to request a copy of my personal file

Hello good morn [REDACTED]

I was there on Thursday (01.20.22) and I paid 5.85 dollars for my personnel file. I was requesting from the beginning my fist/only work review and this doesn't come with the file. Also on the termination form doesn't clarify the reasons I was separated from the program. It's very unclear.

Would you please assist me with some help over this matter. Its very important. Thanks for your cooperation.

Here's my number

[REDACTED]  
Eduardo Guerrero

Sent from my iPhone

On Jan 12, 2022, at 1:06 PM, [REDACTED] <[REDACTED]@sfgov.org> wrote:

Eduardo:  
Thank you for your message.

Please contact Processing Supervisor Pauline Liang for assistance in receiving a copy of your personnel file.

I have included her in this message.

Respectfully,

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

Direct No.: (415) 831-2775 | General No.: (415) 831-2730  
| Email [REDACTED]



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**From:** eduardo guerrero [REDACTED]  
**Sent:** Wednesday, January 12, 2022 12:10 PM  
**To:** [REDACTED]@sfgov.org>  
**Subject:** Re: Automatic reply: Discrimination, Retaliation and Harassment Complaint

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Good afternoon [REDACTED]

I would like to request a copy of my personal file and a copy of my first/only work review.

Thanks for your cooperation

Eduardo Guerrero  
[REDACTED]

On Tue, Jan 11, 2022 at 4:27 PM Lindisch, Lawrence (REC) [REDACTED]@sfgov.org> wrote:

I am away from my desk on Tuesday, January 11, 2022. I return to my desk on Wednesday, January 12, 2022 at 730am. Please contact [melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org) while I am away from my desk.



[REDACTED] (REC)

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Monday, January 24, 2022 8:02 AM  
**To:** [REDACTED] (REC)  
**Subject:** Re: to request a copy of my personal file

Hello good morning [REDACTED]

I was there on Thursday (01.20.22) and I paid 5.85 dollars for my personnel file. I was requesting from the beginning my fist/only work review and this doesn't come with the file. Also on the termination form doesn't clarify the reasons I was separated from the program. It's very unclear.

Would you please assist me with some help over this matter. Its very important. Thanks for your cooperation.

Here's my number

[REDACTED]  
Eduardo Guerrero

Sent from my iPhone

On Jan 12, 2022, at 1:06 PM, [REDACTED] <[REDACTED]@sfgov.org> wrote:

**Eduardo:**  
Thank you for your message.

Please contact Processing Supervisor Pauline Liang for assistance in receiving a copy of your personnel file.

I have included her in this message.

Respectfully,

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
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**From:** eduardo guerrero [REDACTED]  
**Sent:** Wednesday, January 12, 2022 12:10 PM  
**To:** [REDACTED]@sfgov.org>  
**Subject:** Re: Automatic reply: Discrimination, Retaliation and Harassment Complaint

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

Good afternoon [REDACTED]

I would like to request a copy of my personal file and a copy of my first/only work review.

Thanks for your cooperation

Eduardo Guerrero  
[REDACTED]

On Tue, Jan 11, 2022 at 4:27 PM [REDACTED]@sfgov.org> wrote:

I am away from my desk on Tuesday, January 11, 2022. I return to my desk on Wednesday, January 12, 2022 at 730am. Please contact [melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org) while I am away from my desk.

[REDACTED] (REC)

**From:** [REDACTED] (REC)  
**Sent:** Wednesday, January 12, 2022 1:06 PM  
**To:** eduardo guerrero  
**Cc:** Liang, Pauline (REC)  
**Subject:** to request a copy of my personal file

Eduardo:  
Thank you for your message.

Please contact Processing Supervisor Pauline Liang for assistance in receiving a copy of your personnel file.

I have included her in this message.

Respectfully,

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

Direct No.: (415) 831-2775 | General No.: (415) 831-2730

| Email: [REDACTED]



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**From:** eduardo guerrero [REDACTED]  
**Sent:** Wednesday, January 12, 2022 12:10 PM  
**To:** [REDACTED]@sfgov.org>  
**Subject:** Re: Automatic reply: Discrimination, Retaliation and Harassment Complaint

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

Good afternoon [REDACTED],

I would like to request a copy of my personal file and a copy of my first/only work review.

Thanks for your cooperation

Eduardo Guerrero  
[REDACTED]

On Tue, Jan 11, 2022 at 4:27 PM [REDACTED] <[\[REDACTED\]@sfgov.org](mailto:[REDACTED]@sfgov.org)> wrote:

I am away from my desk on Tuesday, January 11, 2022. I return to my desk on Wednesday, January 12, 2022 at 730am. Please contact [melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org) while I am away from my desk.

**Lindisch, Lawrence (REC)**

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Wednesday, January 12, 2022 12:10 PM  
**To:** [REDACTED] (REC)  
**Subject:** Re: Automatic reply: Discrimination, Retaliation and Harassment Complaint

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

Good afternoon [REDACTED]

I would like to request a copy of my personal file and a copy of my first/only work review.

Thanks for your cooperation

Eduardo Guerrero  
[REDACTED]

On Tue, Jan 11, 2022 at 4:27 PM [REDACTED] <[\[REDACTED\]@sfgov.org](mailto:[REDACTED]@sfgov.org)> wrote:

I am away from my desk on Tuesday, January 11, 2022. I return to my desk on Wednesday, January 12, 2022 at 730am. Please contact [melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org) while I am away from my desk.

[REDACTED] (REC)

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Thursday, January 20, 2022 1:00 PM  
**To:** Fung, Lily (REC)  
**Cc:** [REDACTED] (REC)  
**Subject:** Re: Copy (personnel file and work review)

Hi its me again, i was just there and i said 5.85 dollars for a copy of my personnel file.

I don't see any information about my work review I had last November and also I don't see any information about why I was separated from the program other than the words RSL Release (Exempt)

Would you get back to me asap about this manner

Here's my phone number

[REDACTED]

On Jan 20, 2022, at 10:17 AM, eduardo guerrero [REDACTED] wrote:

I'll be there at noon

Sent from my iPhone

On Jan 20, 2022, at 8:16 AM, Fung, Lily (REC) <[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)> wrote:

Good morning Eduardo,

The total charge for your personnel file is \$5.85. Please bring exact change or a personnel check payable to SF Rec and Park. Please let me know when you would like to come pick up today.

**Lily Fung**

Human Resources – Processing Unit

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

Direct: (415) 831-2714 | General: (415) 831-2730 | Fax: (415) 221-4305 |  
[E-mail: lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)

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**From:** eduardo guerrero [REDACTED]  
**Sent:** Wednesday, January 19, 2022 12:44 PM  
**To:** Fung, Lily (REC) <[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)>  
**Subject:** Re: Copy (personnel file and work review)

Thanks!

On Jan 19, 2022, at 11:43 AM, Fung, Lily (REC) <[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)> wrote:

Hi Eduardo, I will let you know tomorrow morning what is the cost. You can stop by in the afternoon to pick it up.

Lily

Get [Outlook for iOS](#)

**From:** eduardo guerrero [REDACTED]  
**Sent:** Wednesday, January 19, 2022 11:32:01 AM  
**To:** Fung, Lily (REC) <[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)>  
**Subject:** Fwd: Copy (personnel file and work review)

Hello Lily good morning,

Any news about my request?

Thanks

Here's my number [REDACTED]

Begin forwarded message:

**From:** "Liang, Pauline (REC)" <[pauline.liang@sfgov.org](mailto:pauline.liang@sfgov.org)>  
**Subject:** RE: Copy (personnel file and work review)

Date: January 13, 2022 at 1:35:07 PM PST  
To: 'eduardo guerrero' [REDACTED]  
Cc: "Fung, Lily (REC)" <lily.fung@sfgov.org>

Hi Eduardo,

Lily will notify you once the file is available for pick up along with the cost. However, it may take a week or two. You can make a check payable to San Francisco Recreation and Parks.

Regards,  
Pauline

From: eduardo guerrero  
[REDACTED]  
Sent: Thursday, January 13, 2022 1:32 PM  
To: Liang, Pauline (REC) <pauline.liang@sfgov.org>  
Subject: Re: Copy (personnel file and work review)

Hello Pauline,

When would you have my file ready?

What time and day?

How should I make the payment ?

Eduardo Guerrero  
[REDACTED]

Sent from my iPhone

On Jan 12, 2022, at 3:58 PM,  
eduardo guerrero

[REDACTED]  
wrote:

Yes not a problem, please proceed.

Thank you for your help

Eduardo Guerrero

Begin forwarded  
message:



**From:** "Liang,  
Pauline (REC)"  
<[pauline.liang@sfgov.org](mailto:pauline.liang@sfgov.org)>

**Subject:** RE: Copy  
(personnel file and  
work review)

**Date:** January 12,  
2022 at 3:18:58 PM  
PST

**To:** 'eduardo guerrero'

[REDACTED]

**Cc:** "Fung, Lily  
(REC)"  
<[lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)>

Afternoon Eduardo,

We general provide  
the first 5 pages for  
free, any additional  
pages will cost \$0.15  
per page. Please let  
us know if you still  
want us to proceed  
with making a copy of  
your personnel file?

Thank you,  
Pauline

-----Original  
Message-----  
From: eduardo  
guerrero

[REDACTED]

Sent: Wednesday,  
January 12, 2022 2:49  
PM

To: Liang, Pauline  
(REC)  
<[pauline.liang@sfgov.org](mailto:pauline.liang@sfgov.org)>

Subject: Copy  
(personnel file and  
work review)

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Hello Pauline, good afternoon,

I emailed this morning [REDACTED] [REDACTED] I requested a copy of my personnel file and a copy of my first/only work review during my time with the Gardener Apprenticeship Program. He mentioned I can get assistance in receiving my request from you.

Thank you so much for you time and help. Down below my information for any questions.

Eduardo Guerrero

[REDACTED]

## Tucker, Melissa (REC)

---

**From:** eduardo guerrero [REDACTED]  
**Sent:** Tuesday, January 11, 2022 4:26 PM  
**To:** DHR-EEO  
**Cc:** [REDACTED] (REC); Philip.Ginsburg@sfgov.org; [REDACTED] (REC); McCarthy, Allison (REC); Santiago, Marcus (REC); Tucker, Melissa (REC); [REDACTED]  
**Subject:** Discrimination, Retaliation and Harassment Complaint  
**Attachments:** EEO (1).pdf

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Eduardo Guerrero Ortiz  
Phone number: [REDACTED] (preferred method of communication)  
Email: [REDACTED]  
Apprentice Gardener, San Francisco Recreation and Parks

To whom it may concern,

The following is a discrimination complaint against the San Francisco Parks and Recreation Department. Over the course of my employment with SFPRD from August 7 - December 17, 2021, I experienced drismimination, harassment and retaliation against my person from my immediate captain Randy Vasquez, coworker Karla Hernandez Garcia and my supervisor Allison McCarthy. I've attached a document detailing harassment, discrimination and retaliation by Karla Hernandez, harassment and discrimination and retaliation by Randy Vasquez, and discrimination, harassment and retaliation by Alison McCarthy. These documents include dates of offenses, text messages and photos. Please see attached.

I got fired from my job on December 17th, 2021. Based on the little information I obtained regarding the reasons I was fired I assert that these claims are false. Rather than having committed harassment and retaliation, as I was told it was deemed I had committed, I have experienced harassment, discrimination and retaliation myself.

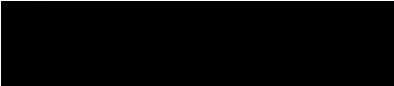
False accusations were made against me., This has affected my entire life. My health, my family and friends, it has been a tremendous source of stress for me. I worked very hard to get this job, I dedicated my whole life to it and my firing was unfair and illegal. Due process was not taken. This should not be ignored, and should be taken care of in a very serious manner. I'm a human being and no human being deserves to be treated like this.

For background, I filed a letter with an attachment (included here) to HR of SFRPD on December 23rd, requesting that they review my case and return my job. I told my story of harassment, discrimination and retaliation. I have not heard back from them. That's why I'm taking the issue to you.

The attached document records in detail, with photos and text messages, events of discrimination, retaliation and harassment against me. In addition, allegations about me by Allison McCarthy, Randy Vasquez and Karla Hernandez and my responses to them are detailed. These allegations are false.

Thanks for your time and consideration. I would like my job back. I am happy to answer any questions.

Eduardo Guerrero



## Tucker, Melissa (REC)

---

**From:** Fung, Lily (REC)  
**Sent:** Monday, January 3, 2022 9:42 AM  
**To:** Archuleta, Antonio (REC); Bobila, LilliAnn (REC); Bramlett, Jeffrey (REC); Chau, Cindy (REC); Chiu, Cecilia (REC); Chung, Stacy (REC); Dere, Katherine (REC); Fung, Lily (REC); Huang, Sainie (REC); Lecain, Sara (REC); Liang, Pauline (REC); [REDACTED] (REC); Lo, Clifford (REC); Mok, Shirley (REC); Nakamura, Lisa (REC); Paw, Eugenia (REC); Recinos, Margarita (REC); Santiago, Marcus (REC); Stoermer, Hilary (REC); Support, REC IT (REC); Talley, Ian (REC); Tucker, Melissa (REC); Turner, Shawnda (REC); Uong, Kathleen (REC); Wong, Angie (REC); Wong, Johnny (REC); Young, Dorothy (REC); Zaverukha, Lydia (REC); Zhang, Ying (REC)  
**Subject:** Separation Notification CONFIDENTIAL

**NAME:** Guerrero Ortiz, Eduardo  
**DSW:** [REDACTED]  
**CLASS AND TITLE:** 3410 Apprentice Gardener  
**SEPARATION DATE:** 12/17/21 COB

Disclaimer: Separation notifications are sent primarily for PCS, PEX, TPV or TEX-FT/PT appointments. Separation notifications are not sent for as-needed appointments due to the status and volume. For all non-retirement separations, 'COB' (close-of-business) will be used to identify the last day worked, and for all retirement separations, 'Effective' will be used to identify the day after COB or the first day the employee is retired.

Should you have any questions or concerns, please contact the Processing Office at x2730 immediately.

### Lily Fung

Human Resources – Processing Unit

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

Direct: (415) 831-2714 | General: (415) 831-2730 | Fax: (415) 221-4305 |  
E-mail: [lily.fung@sfgov.org](mailto:lily.fung@sfgov.org)



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## Tucker, Melissa (REC)

---

**From:** Gina Tobar.Rec  
**Sent:** Tuesday, December 28, 2021 2:34 PM  
**To:** Tucker, Melissa (REC)  
**Cc:** [REDACTED] (REC); [REDACTED] (REC); McCarthy, Allison (REC)  
**Subject:** Annex visitor Eduardo Guerrero re termination

Hello Melissa,  
Eduardo Guerrero dropped by the Annex this afternoon.

Mr. Guerrero stated that he wanted to speak with [REDACTED] because he was fired on Friday. I informed him that [REDACTED] was unavailable today and I do not know what his availability is for the remainder of the week. And I noted down his message with his name and phone number.

**Eduardo Guerrero** [REDACTED]

**Gina Tobar**  
(she/her/hers)

### Field Operations Junior Clerk

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Annex in Golden Gate Park | 501 Stanyan Street, San Francisco, CA 94117  
(415) 269-0582 | [gina.tobar.rec@sfgov.org](mailto:gina.tobar.rec@sfgov.org)



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## Tucker, Melissa (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Friday, December 24, 2021 7:17 AM  
**To:** Tucker, Melissa (REC)  
**Subject:** FW: Filling Testimony for Eduardo Guerrero's Case

I am not responding to this message.

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

Direct No.: (415) 831-2775 | General No.: (415) 831-2730  
| Email: [REDACTED]@sfgov.org



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**From:** eduardo guerrero [REDACTED]  
**Sent:** Thursday, December 23, 2021 9:09 PM  
**To:** [REDACTED]@sfgov.org  
**Cc:** McCarthy, Allison (REC) <allison.mccarthy@sfgov.org>; [REDACTED]; Tucker, Melissa (REC) <melissa.tucker@sfgov.org>; [REDACTED]@sfgov.org; Philip.Ginsburg@sfgov.org  
**Subject:** Re: Filling Testimony for Eduardo Guerrero's Case

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Dear [REDACTED]

Just to be clear and make sure it's on record, I would like you and RPD to reconsider your decision and reopen this case.

Thank you,

Eduardo Guerrero

On Thu, Dec 23, 2021 at 11:53 AM eduardo guerrero <[REDACTED]> wrote:

Dear [REDACTED]

This is my side of the story which was never heard. Please see attached.

Thanks for your time

Lalo



## Tucker, Melissa (REC)

---

**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Thursday, December 23, 2021 9:09 PM  
**To:** [REDACTED] (REC)  
**Cc:** McCarthy, Allison (REC); [REDACTED] Tucker, Melissa (REC); [REDACTED] (REC); Philip.Ginsburg@sfgov.org  
**Subject:** Re: Filling Testimony for Eduardo Guerrero's Case

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

Dear [REDACTED]

Just to be clear and make sure it's on record, I would like you and RPD to reconsider your decision and reopen this case.

Thank you,

Eduardo Guerrero

On Thu, Dec 23, 2021 at 11:53 AM eduardo guerrero <[REDACTED]> wrote:

Dear [REDACTED]

This is my side of the story which was never heard. Please see attached.

Thanks for your time

Lalo

## Tucker, Melissa (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Thursday, December 23, 2021 12:39 PM  
**To:** Tucker, Melissa (REC)  
**Cc:** [REDACTED] (REC)  
**Subject:** FW: Filing Testimony for Eduardo Guerrero's Case  
**Attachments:** Case Filing Eduardo Guerrero.pdf

Melissa and Mark:

I received the 21-page document from Eduardo Guerrero today. Please advise.

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

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| Email: [REDACTED]@sfgov.org



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**From:** eduardo guerrero [REDACTED]  
**Sent:** Thursday, December 23, 2021 11:54 AM  
**To:** [REDACTED]@sfgov.org  
**Cc:** McCarthy, Allison (REC) <allison.mccarthy@sfgov.org>; [REDACTED] Tucker, Melissa (REC) <melissa.tucker@sfgov.org>; [REDACTED]@sfgov.org; Philip.Ginsburg@sfgov.org  
**Subject:** Filing Testimony for Eduardo Guerrero's Case

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Dear [REDACTED]

This is my side of the story which was never heard. Please see attached.

Thanks for your time

Lalo

## Tucker, Melissa (REC)

---

**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Thursday, December 23, 2021 11:54 AM  
**To:** [REDACTED] (REC)  
**Cc:** McCarthy, Allison (REC); [REDACTED] Tucker, Melissa (REC); [REDACTED] (REC); Philip.Ginsburg@sfgov.org  
**Subject:** Filling Testimony for Eduardo Guerrero's Case  
**Attachments:** Case Filing Eduardo Guerrero.pdf

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

Dear [REDACTED]

This is my side of the story which was never heard. Please see attached.

Thanks for your time

Lalo

## Tucker, Melissa (REC)

---

**From:** Tucker, Melissa (REC)  
**Sent:** Wednesday, December 22, 2021 11:31 AM  
**To:** [REDACTED] (REC)  
**Subject:** RE: meeting with you re: HR

Thank you.

**From:** [REDACTED]@sfgov.org  
**Sent:** Wednesday, December 22, 2021 11:30 AM  
**To:** Tucker, Melissa (REC) <melissa.tucker@sfgov.org>  
**Subject:** FW: meeting with you re: HR

I spoke with Eduardo and his girlfriend on Monday. I told his girlfriend that I would speak to them by telephone, which we did on Monday. I stated I would not meet them in person. During the telephone call, the issue came up again. I confirmed the decision was final and not appealable and that I would not schedule a further meeting in person.

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

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**From:** Tucker, Melissa (REC) <melissa.tucker@sfgov.org>  
**Sent:** Wednesday, December 22, 2021 11:09 AM  
**To:** eduardo guerrero <[REDACTED]>  
**Cc:** [REDACTED]@sfgov.org  
**Subject:** RE: meeting with you re: HR

Hi,

Please continue to deal with my colleague [REDACTED] as I have been sick and will not be returning to the office until January.

**From:** eduardo guerrero [REDACTED]  
**Sent:** Monday, December 20, 2021 9:37 AM  
**To:** Tucker, Melissa (REC) <[melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org)>  
**Subject:** meeting with you re: HR

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Good morning Melissa,

I would like to meet with you this week to discuss the circumstances of my separation, I have some documents I would like to provide to you in person.

Can you please let me know when you are available?

Looking forward to hearing from you.

Eduardo Guerrero

## Tucker, Melissa (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Wednesday, December 22, 2021 11:30 AM  
**To:** Tucker, Melissa (REC)  
**Subject:** FW: meeting with you re: HR

I spoke with Eduardo and his girlfriend on Monday. I told his girlfriend that I would speak to them by telephone, which we did on Monday. I stated I would not meet them in person. During the telephone call, the issue came up again. I confirmed the decision was final and not appealable and that I would not schedule a further meeting in person.

[REDACTED]  
Senior Human Resources Analyst, Employee and Labor Relations  
Human Resources

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**From:** Tucker, Melissa (REC) <[melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org)>  
**Sent:** Wednesday, December 22, 2021 11:09 AM  
**To:** eduardo guerrero [REDACTED]  
**Cc:** [REDACTED]@sfgov.org>  
**Subject:** RE: meeting with you re: HR

Hi,

Please continue to deal with my colleague [REDACTED] as I have been sick and will not be returning to the office until January.

**From:** eduardo guerrero [REDACTED]  
**Sent:** Monday, December 20, 2021 9:37 AM  
**To:** Tucker, Melissa (REC) <[melissa.tucker@sfgov.org](mailto:melissa.tucker@sfgov.org)>  
**Subject:** meeting with you re: HR

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Can you please let me know when you are available?

Looking forward to hearing from you.

Eduardo Guerrero



## Tucker, Melissa (REC)

---

**From:** Tucker, Melissa (REC)  
**Sent:** Wednesday, December 22, 2021 11:09 AM  
**To:** eduardo.guerrero  
**Cc:** [REDACTED] (REC)  
**Subject:** RE: meeting with you re: HR

Hi,

Please continue to deal with my colleague, [REDACTED] as I have been sick and will not be returning to the office until January.

**From:** eduardo.guerrero [REDACTED]  
**Sent:** Monday, December 20, 2021 9:37 AM  
**To:** Tucker, Melissa (REC) <melissa.tucker@sfgov.org>  
**Subject:** meeting with you re: HR

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Looking forward to hearing from you.

Eduardo Guerrero

## Tucker, Melissa (REC)

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**From:** eduardo guerrero <[REDACTED]>  
**Sent:** Monday, December 20, 2021 9:37 AM  
**To:** Tucker, Melissa (REC)  
**Subject:** meeting with you re: HR

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Can you please let me know when you are available?

Looking forward to hearing from you.

Eduardo Guerrero

## Tucker, Melissa (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Tuesday, December 14, 2021 10:49 AM  
**To:** [REDACTED] (REC); Tucker, Melissa (REC)  
**Cc:** Andersen, Eric (REC); McCarthy, Allison (REC)  
**Subject:** Eduardo (Lalo) Guerrero - Release  
**Attachments:** Eduardo Guerrero Release document.pdf

Hi Melissa, [REDACTED]

I'd like to consult with you both re: Eduardo Guerrero. Ali and I are both of the mind to release him but I wanted you both to review the documentation attached before we proceed. Documentation includes, supervisor, manager and captains notes as well as training documentation and training logs. Look most closely at the supervisor and Captain Randy Vasquez notes.

[REDACTED]  
**Parks and Open Spaces**  
**Field Support Services Manager**

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

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## Tucker, Melissa (REC)

---

**From:** Tucker, Melissa (REC)  
**Sent:** Tuesday, December 14, 2021 11:24 AM  
**To:** [REDACTED] (REC); [REDACTED] (REC)  
**Cc:** Andersen, Eric (REC); McCarthy, Allison (REC)  
**Subject:** RE: Eduardo (Lalo) Guerrero - Release

Hi [REDACTED]

Perhaps we can discuss tomorrow when I'm in the office.

**From:** [REDACTED]@sfgov.org>  
**Sent:** Tuesday, December 14, 2021 10:49 AM  
**To:** [REDACTED]@sfgov.org>; Tucker, Melissa (REC) <melissa.tucker@sfgov.org>  
**Cc:** Andersen, Eric (REC) <eric.andersen@sfgov.org>; McCarthy, Allison (REC) <allison.mccarthy@sfgov.org>  
**Subject:** Eduardo (Lalo) Guerrero - Release

Hi Melissa, [REDACTED]

I'd like to consult with you both re: Eduardo Guerrero. Ali and I are both of the mind to release him but I wanted you both to review the documentation attached before we proceed. Documentation includes, supervisor, manager and captains notes as well as training documentation and training logs. Look most closely at the supervisor and Captain Randy Vasquez notes.

[REDACTED]

**Parks and Open Spaces**  
**Field Support Services Manager**

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## McCarthy, Allison (REC)

---

**From:** Gretchen Lott [REDACTED]  
**Sent:** Wednesday, October 6, 2021 3:56 PM  
**To:** McCarthy, Allison (REC); Catherine Heath  
**Subject:** Re: Your employee is to attend the REC-NEO Communication Training Session  
**Attachments:** SF RPD, ALL version.pptx

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

Hi Ali,

There is another exercise we do during our communications course that is about listening and sharing details. Attached is a drawing that you will share with only 1/2 of your apprentice gardeners. The other 1/2 will then be instructed to draw this picture, without seeing, based on the input and "details" provided by the 1/2 that did see it. You will break your apprentice gardeners into groups of 2. 1 that will have seen the attached picture and describe it to the partner who has not seen it. So it is a way to show how people communicate enough detail that they understand the facts.

We will let you know when to bring this slide up. I will call you now to make sure I have articulated this effectively for you to lead the exercise. It is really fun. Gets people drawing and sharing and laughing when they compare the actual picture to what they have drawn.

With peace,  
Gretchen

On Wed, 6 Oct 2021 at 10:27, Gretchen Lott [REDACTED] wrote:  
Dear Ali,

Thank you for the quick chat on the breakout groups for the "apprentice gardeners." Attached are the scenarios for you to use during the role play aspect of the program.

With peace,  
Gretchen Lott [REDACTED]

On Wed, 6 Oct 2021 at 05:51, McCarthy, Allison (REC) <[allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)> wrote:  
Hi Gretchen & thank you for sending link!

We were told the workshop is from 10:00am thru 2:00pm. Our crews work a 6:30-3:00 shift. Is it possible for event to run from 10:30-2:30 or up until 3?

Thank you & see you tomorrow

Allison McCarthy  
3422 Park Section Supervisor  
San Francisco Recreation & Park Department  
415.802.5863

**From:** Talley, Ian (REC) <[ian.talley@sfgov.org](mailto:ian.talley@sfgov.org)>  
**Sent:** Thursday, September 16, 2021 9:28:59 AM  
**To:** Bradley, Stacy (REC) <[stacy.bradley@sfgov.org](mailto:stacy.bradley@sfgov.org)>

[REDACTED] <[\[REDACTED\]@sfgov.org](mailto:[REDACTED]@sfgov.org)>; Santiago, Marcus (REC) <[marcus.santiago@sfgov.org](mailto:marcus.santiago@sfgov.org)>; Padilla, Joe (REC) <[joe.padilla@sfgov.org](mailto:joe.padilla@sfgov.org)>; Bogetz, Shauna (REC) <[shauna.bogetz@sfgov.org](mailto:shauna.bogetz@sfgov.org)>; Benjamin, Elizabeth (REC) <[elizabeth.benjamin@sfgov.org](mailto:elizabeth.benjamin@sfgov.org)>; Jackson, Ryan (REC) <[ryan.jackson@sfgov.org](mailto:ryan.jackson@sfgov.org)>; Ridgely, George (REC) <[george.ridgely@sfgov.org](mailto:george.ridgely@sfgov.org)>; Ng, Beverly (REC) <[beverly.ng@sfgov.org](mailto:beverly.ng@sfgov.org)>; McCarthy, Allison (REC) <[allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)>; Hickey, Martin (REC) <[martin.hickey@sfgov.org](mailto:martin.hickey@sfgov.org)>; Vazquez, Arianna (REC) <[arianna.vazquez@sfgov.org](mailto:arianna.vazquez@sfgov.org)>  
**Subject:** Your employee is to attend the REC-NEO Communication Training Session

Hello Supervisors,

The Communication/Customer Service Session of the SF Recreation and Parks New Employee Orientation for August-October 2021 attendees will be conducted via Zoom on **Thursday, October 7, 2021**. Your following employees listed below are slated to attend at the designated times. Please see details below. The Zoom link will follow as we get closer to the date. **Please note: Attendees are expected to attend both morning and afternoon sessions.** If you have any questions, please let us know— thank you all in advance!

**Date: Thursday, October 7, 2021**

**Time: Morning Session: 10:00AM- 11:30AM (PST)**

**Afternoon Session: 12:30PM- 2:00PM (PST)**

Name	Class	Title	Status	Union	Supervisor	Email
Harrison, Jordan	5291	Planner III	TEX/AN	IFPTE L21	Stacy Bradley	
Cun, Say Tien	2708	Custodian	TEX/AN	SEIU 1021		
Guan, Wei Yang	2708	Custodian	TEX/AN	SEIU 1021		
Chiang, Joseph	8208	Park Ranger	PCS/FT	SEIU 1021	Santiago, Marcus	
Lopez Tamayo, Juan	7346	Painter	PCS/FT	Painters	Padilla, Joe	
Hutchinson, James	1820	Jr. Administrative Analyst	PCS/FT	SEIU 1021	Bogetz, Shauna	
Vuong, Catherine F	1820	Jr. Administrative Analyst	PCS/FT	SEIU 1021	Benjamin, Elizabeth	
Soo, Henry	7345	Electrician	PCS/FT	Electricians L6	Jackson, Ryan	
Lau, Serena	3302	Admission Attendant	TEX/AN	SEIU 1021	Ridgely, George	
Belt, Madeline	9910	Public Service Trainee	TEX/AN	SEIU 1021	Ng, Beverly	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Hernandez, Karla	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Miller, Erika	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Andrade, Noemi	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Guerrero, Eduardo	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Franken, Anne	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Walker, Malindi	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Tan, Betty	3410	Apprentice Gardener	PEX/FT	LIUNA 261	McCarthy, Allison	
Raden, David	3417	Gardener	PCS/FT	LIUNA 261		
Menjivar, Fabio	3417	Gardener	PCS/FT	LIUNA 261		
Lum, Gregory C	3417	Gardener	PCS/FT	LIUNA 261		
Tan, Guohui	3417	Gardener	PCS/FT	LIUNA 261		
Balestra, Leslie R	3417	Gardener	PCS/FT	LIUNA 261		
Ball, William E	3417	Gardener	PCS/FT	LIUNA 261		
Borrou, Gedion	7514	General Laborer	PCS/FT	LIUNA 261	Hickey, Martin	
Lopez, Jose L	8208	Park Ranger	PROP F	SEIU 1021	Santiago, Marcus	

Marjory Castillo

McCarthy Fellow

Vazquez, Ariana

Ian Talley

Human Resources Analyst

San Francisco Recreation and Park Department | City & County of San Francisco

McLaren Lodge in Golden Gate Park | 501 Starvan Street | San Francisco, CA | 94117

Phone No.: (415) 831-2737 | Fax No.: (415) 221-4305 | [ian.talley@sfgov.org](mailto:ian.talley@sfgov.org)



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*Submit*

## Training Documentation Form

ENVIRONMENTAL HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

### 1. Trainer Information

Name of Trainer <b>Allison McCarthy</b>		Date Training Conducted <b>8/9/2021</b>
Division/Section <b>Gardener Apprenticeship</b>	Location <b>GGP NURSERY</b>	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ <small>(Employee Name and Date of Injury)</small>		

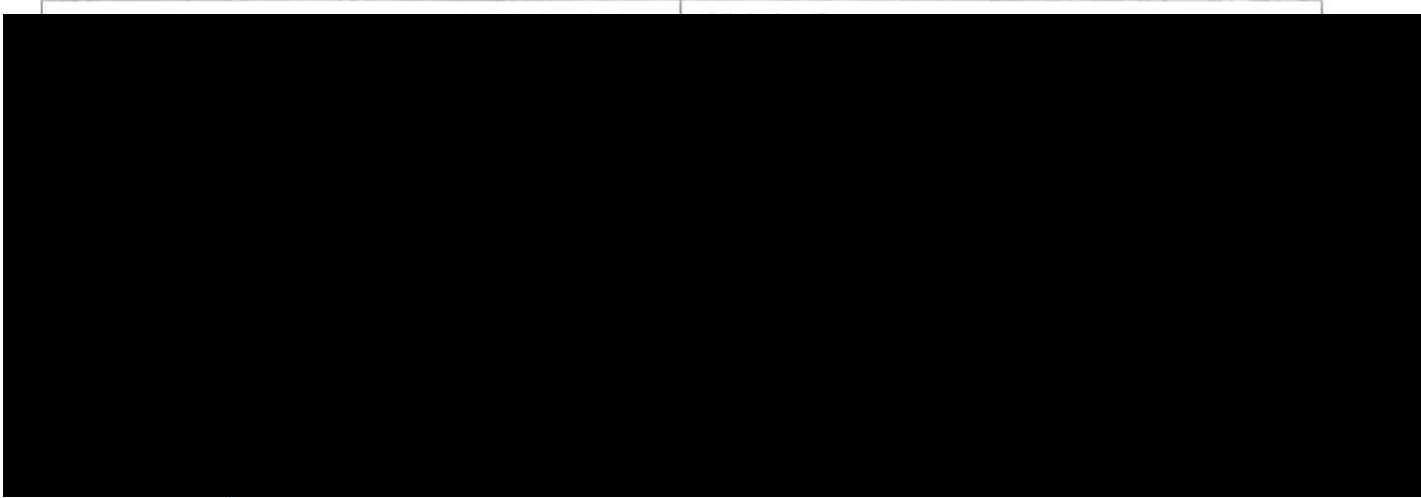
### 2. Topics Covered

If more topics were covered, please list on back and check here .

Topic	Source*
Review of Apprentice Rules & Expectations	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSI <input type="checkbox"/> Other (list) _____
Review of Apprentice Standards <i>1 DAS 104</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
PowerPoint Presentation (Introduction to Program)	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSI <input type="checkbox"/> Other (list) _____
<del>_____</del>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

### 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.





## Training Documentation Form

ENVIRONMENT HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-4898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

### 1. Trainer Information

Name of Trainer <i>ALISON MCCARTHY</i>		Date Training Conducted <i>8/11/21</i>
Division/Section <i>APPRENTICESHIP</i>	Location <i>G.P. NURSERY</i>	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ <small>(Employee Name and Date of Injury)</small>		

### 2. Topics Covered

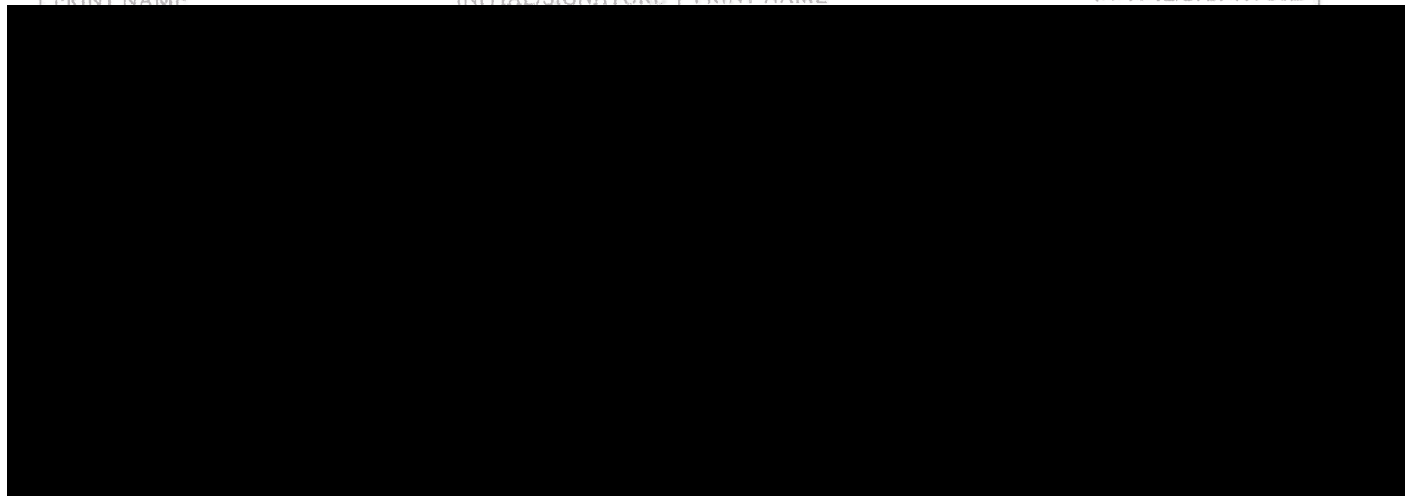
If more topics were covered, please list on back and check here

Topic	Source*
<i>Respect in the Workplace</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) <i>Policy</i>
<i>(Distribution + Review)</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

### 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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# Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
 501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

## 1. Trainer Information

Name [REDACTED]		Date Training Conducted 8/13/21	
Division APPRENTICESHIP	Location GAP NURSERY	Name of Supervisor (if different than trainer)	
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)			
<input type="checkbox"/> Done as a corrective action for case _____ (Employee Name and Date of Injury)			

## 2. Topics Covered

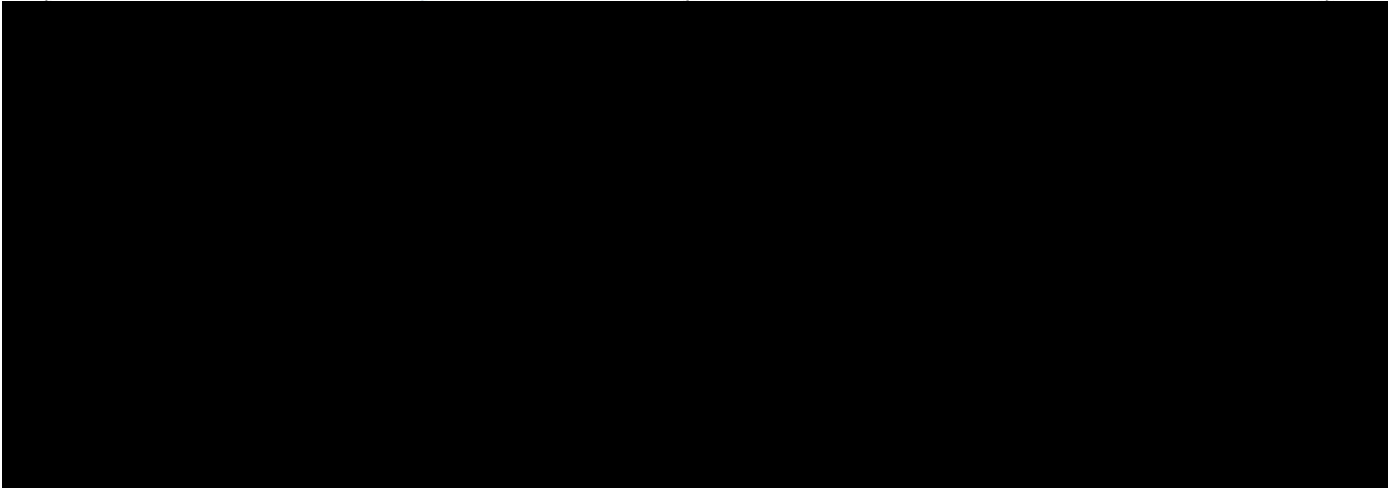
If more topics were covered, please list on back and check here .

Topic	Source*
DISCRIMINATION, HARASSMENT, +	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSIT <input type="checkbox"/> Other (list) _____
RETALIATION FREE WORKPLACE POLICY	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
DISTRIBUTION + REVIEW	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

## 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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## Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117 1898 ♦ 415.831.2780 F ♦ 415.831.2098 T

**DIRECTIONS:** Complete the form below. Return completed to EHS.

### 1. Trainer Information

Name of Trainer <i>ALLISON MCCARTHY</i>		Date Training Conducted <i>8/13/21</i>
Division/Section <i>Apprenticeship</i>	Location	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ (Employee Name and Date of Injury)		

### 2. Topics Covered

If more topics were covered, please list on back and check here .

Topic	Source*
<i>DHR Orientation</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input checked="" type="checkbox"/> Other (list) _____
<i>RPD Handbook</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<i>MOU 1261</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
<i>See attached</i>	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

### 3. Employee's Signature

By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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## McCarthy, Allison (REC)

**From:** McCarthy, Allison (REC)  
**Sent:** Friday, August 13, 2021 7:45 AM  
**To:** Anne Franken; Noemi Andrade; Malindi Walker; Karla Hernandez  
Erika Miller; Betty Tan;  
Vasquez, Randy (REC); Daniel (REC)  
**Cc:**  
**Subject:** Apprenticeship: Onboarding Orientation Task List

Great first week everyone!

Below is a bullet-pointed guide to complete online onboarding, read through important documents relevant to the City & Department, & get acquainted with the online resources available to you.

- Please watch the DHR Orientation Video and email a picture of your completion certificate & any other documentation requested by the HR representative on your paperwork. <https://sfdhr.org/new-employee-onboarding>
- Please click through the documents on the "Onboarding Checklist" <https://sfdhr.org/sites/default/files/documents/Onboarding/Citywide-Onboarding-Checklist.pdf>
- Please call the Department of Technology Help Desk 628-652-5000 so you can receive a password to access SF Employee Gateway: which is a city-employee wide portal <https://sfgov.org/sfc/employee-gateway>
- Click through the SF Employee Gateway if you can: especially the "My Learning" Tab where you will be taking additional online trainings over the next few weeks.
- RPD "Intranet" If you do receive a password to access SF Employee Gateway, this password will allow you to access the Recreation & Park Department's "intranet" : which is a treasure trove of information. Please click through. <https://rpdnet.org/> if you have access. Once you receive your city email account, these passwords will all be linked.
- **MAKE SURE TO ENROLL IN HEALTHCARE! YOU HAVE 30 DAYS FROM FIRST DATE OF HIRE.**
  - o Here is the link to HSS' website for new hire with options and instructions on how to enroll: <https://sfhss.org/new-hire>
  - o New hires may enroll online by going to [San Francisco Employee Portal](#) or complete attached enrollment form and submit via fax or mail with a copy of their Appointment Processing Form.

### Useful Documents

- [RPD Employee Handbook](#)

- [L261 MOU](#)
- [RPD Operations Overview \(last updated 2/19\)](#)
- 

Give me a call with any questions!

- 

**Allison McCarthy**

(she, her, hers) [what's this?](#)

3422 Park Section Supervisor

Gardener Apprenticeship Program

San Francisco Recreation and Park Department | City & County of San Francisco  
 McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117  
[415-802-5863](tel:415-802-5863) [allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)



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Recreation and Park Department  
UNIVERSITY

# Training Documentation Form

ENVIRONMENT, HEALTH AND SAFETY PROGRAM  
501 STANYAN STREET ♦ SAN FRANCISCO, CA 94117-1898 ♦ 415.831.2780 P ♦ 415.831.2098 F

**DIRECTIONS:** Complete the form below. Return completed to EHS.

### 1. Trainer Information

Name of Trainer [REDACTED]		Date Training Conducted 3/26/18
Div Apprenticeship	Location WSP NASDAQ	Name of Supervisor (if different than trainer)
Reason for Completion (REQUIRED TO RECEIVE CREDIT FOR A CORRECTIVE ACTION)		
<input type="checkbox"/> Done as a corrective action for case _____ (Employee Name and Date of Injury)		

### 2. Topics Covered

 If more topics were covered, please list on back and check here 

Topic	Source*
Communication	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input checked="" type="checkbox"/> Other (list) _____
Power Point	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
Remuneration Relationships @ work	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____
Policy Distribution	<input type="checkbox"/> SAM/SWP <input type="checkbox"/> SSH <input type="checkbox"/> Other (list) _____

### 3. Employee's Signature

 By signing your name below, you are acknowledging that the information above was presented to you, and that you had a full understanding of the contents.

PRINT NAME	INITIAL/SIGNATURE	PRINT NAME	INITIAL/SIGNATURE
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D. O.	FILE NUMBER

A	B	C	D	E	Official Use
Gender	Ethnic	Dependents	Education	Yrs Employ	STATUS



State of California -- Department of Industrial Relations -- DIVISION OF APPRENTICESHIP STANDARDS

# APPRENTICE AGREEMENT

APPRENTICE LAST NAME <u>Guzaruelo</u>	FIRST NAME <u>Eduardo</u>	MIDDLE	SOCIAL SECURITY NUMBER [REDACTED]
[REDACTED]			F VETERAN Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
OCCUPATION <u>Gardener   Horticultural Worker</u>			O*Net code <u>37.3011.00</u>
TERM OF APPRENTICESHIP <u>3000</u> Hours Within <u>2</u> Years		STRAIGHT TIME Hours per day: <u>8</u> Hours per week: <u>40</u>	

This agreement is between the above named apprentice employed by the below named employer, and

## City & County of San Francisco | Recreation & Park Department

PROGRAM SPONSOR

**AGREEMENT:** The undersigned parties mutually agree that they will use their best endeavors to secure employment and training for the apprentice. The apprentice agrees to perform satisfactorily all work and learning assignments. The provisions of the Apprenticeship Standards for the above occupation adopted by the program sponsor and approved by the Chief of the Division of Apprenticeship Standards, are hereby made a part of this agreement. An official copy of the standards is on file in the headquarters of the Division of Apprenticeship Standards. This apprentice agreement will continue in effect until the training is completed or otherwise terminated in accordance with the standards.

The apprentice commences participation under these standards on the date of execution of this agreement by the Apprentice. The signatory apprentice is credited with having 0 months toward completion of the term of apprenticeship. The apprentice is expected to complete training on or about March 2023, upon satisfactory completion of the total remaining hours of on-the-job training and hours and/or units of related and supplemental instruction.

**APPRENTICE:** I, the undersigned apprentice, understand and agree that there is a valid and reasonable necessity that those academic records accumulated throughout related and supplemental instruction during my period of apprenticeship be made available to the apprenticeship committee. Further, I agree to release to the apprenticeship committee any other academic records which I feel may enhance my status as an apprentice.

I, the undersigned apprentice, hereby request that the Administrator of Apprenticeship terminate any other apprenticeship agreements in which I am currently registered.

Executed this 9 day of August, 2021 by [Signature]  
DAY MONTH YEAR SIGNATURE OF APPRENTICE

AGREED TO BY THE EMPLOYER

[Signature] 3022 Park Section Supervisor  
SIGNATURE OF EMPLOYER OR ITS REPRESENTATIVE TITLE

SIGNATURE OF PARENT OR GUARDIAN (IF APPRENTICE IS 16 OR 17)

AGREED TO AND APPROVED BY, FOR THE COMMITTEE

NAME OF EMPLOYER City & County of San Francisco, Recreation & Park Department
ADDRESS 1 South Van Ness Ave, 4th Floor, San Francisco, CA, 94103   501 Stanyan Street, San Francisco, CA, 94117

SIGNATURE -- SECRETARY / CHAIR / COORDINATOR \_\_\_\_\_ DATE \_\_\_\_\_

ACCEPTED BY DAS

SIGNATURE -- APPRENTICESHIP CONSULTANT \_\_\_\_\_ DATE \_\_\_\_\_

for unilateral programs only ]

This agreement is approved by \_\_\_\_\_

for the Administrator of Apprenticeship







**RECREATION AND PARKS DEPARTMENT  
3410 GARDENER APPRENTICE TRAINING LOG**

DATE: 11/1/21	EVALUATION FOR: Guerrero, Eduardo
SUPERVISOR COMPLETING THIS EVALUATION: Allison McCarthy	RATE LEVEL: <input checked="" type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory

How long has this apprentice been working on your jobsite? Started August 9th, 2021

**\*IMPORTANT:** Does Apprentice demonstrate skills, knowledge and ability equal to or greater than other apprentices at the same rate level? (please check)      YES       NO

General:	Good	Average	Needs Improvement	Unsatisfactory	Comments (must comment for needs improvement or unsatisfactory)
Shows normal ability for level in apprenticeship	✓				
Appropriate appearance & dress for work performed	✓				
Works consistently with normal alertness & energy	✓				
Exhibits desire to achieve & meets goals	✓				
Good memory, grasps new ideas		✓			Ask questions, Improve Plant I.D. & Technology

Work Habits:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Asks necessary questions at the right times		✓			Ask more questions
Grasps instructions, meets changing conditions	✓	✓			
Completes tasks well with minimum supervision	✓				
Work performed is neat and accurate	✓				
Does an appropriate amount of work each day	✓				
Follows instructions	✓				
Observes all safety rules		✓			Be mindful of PPE (eyes & gloves for most tasks)
Uses tools properly		✓			
Considerate of co-workers safety	✓				

Attitude:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Accepts working conditions	✓				
Withstands pressure and remains calm in a crisis	✓				
Is courteous and cooperative with others	✓				
Uses constructive criticism to improve performance	✓				

Attendance:	Good	Average	Needs Improvement	Unsatisfactory	Comments
Reports to work daily as scheduled	✓				
Is punctual	✓				

**Work Process Hours Earned:**

53 IPM   9 Erosion Control   271 Landscape Maintenance and Installation Essentials   57 Irrigation

**Comments:**  
The above work process hours are through November 1st, 2021. Eduardo is a hard laborer, regularly demonstrates a willingness to complete any task as assigned, and has exhibited reliable and dependable performance & attendance.



**RECREATION AND PARKS DEPARTMENT  
3410 GARDENER APPRENTICE TRAINING LOG**

**Comments:**

One area of improvement for Eduardo is open communication. Eduardo hardly asks questions after lecture or instruction, which can make it difficult for lead mentors to assess whether instruction is understood or if Eduardo is engaged with the task at hand.

Eduardo has successfully completed the following benchmarks during his first (3) months of the program:

**Landscape Maintenance & Installation Elements:**

- \* Demonstrated proper planting techniques for trees & perennials
- \* Can identify commonly used hand-tools in landscape maintenance
- \* Demonstrated proper use & operation of most commonly used 2-cycle landscape machines (line trimmer, blower, hedger) \* Note that chainsaw operation is being introduced in November 2021
- \* Demonstrated the proper "3-cut" pruning technique \* Note that pruning techniques are being introduced in November 2021
- \* Continues to develop basic plant identification of most commonly used trees, shrubs, and perennials in the San Francisco Park & Recreation system & how they're managed.

**Irrigation**

- \* Has repaired damaged rotor and pop-up sprinklers & changed swing joints
- \* Has set an impact and quill into a quick-coupler connection
- \* Can identify basic manual & automatic irrigation components

**Integrated & Past Management**

- \* Weeded general invasive plant species
- \* Understands the importance of sheet-mulching
- \* Gopher Trap

**Erosion Control**

- \* Completed installation of both jute netting & waddles
- \* Understands important roles that plants have in slope stabilization

By Eduardo's next training log (January 2022), he should demonstrate the ability to

- \* Confidently drive & maneuver both F350 truck & Toro Workman
- \* Identify manual & automatic irrigation parts (example: quill, rotor, pop-up, elbow, swing-joint)
- \* Program an irrigation clock (3 programs- 5 stations each)
- \* Identify most commonly used methods for Erosion Control
- \* Identify the following plants (With examples from mobile crew projects)  
5 trees - 5 evergreen shrubs 5- perennials 5- groundcovers



## RECREATION AND PARKS DEPARTMENT 3410 GARDENER APPRENTICE TRAINING LOG

**Purpose:** An honest and thoughtful evaluation should pinpoint strengths and weaknesses.

**Instructions:**

Carefully read and evaluate each characteristics, trait or ability. Check the rating scale that most closely describes your observance of the apprentice's behavior.

- Be honest in evaluations
- Normally, the apprentice should not be shocked by the evaluation. Please coach and counsel employees as the need arises.
- Review the content of the training log with the apprentice. Make sure work process hours are correct.

Be sure to list the specific areas you trained this apprentice:

IPM - Erosion Control - Landscape Maintenance and Installation Essentials - Irrigation

**Category Descriptions:**

**General:**

Shows normal ability for level in apprenticeship	Compare to others at similar pay rate and class
Appropriate appearance and dress for work performed	Cleanliness, grooming, safe clothing? Typical for work being performed?
Works consistently with normal alertness and energy	Energetic? Tires often?
Always willing to help	Team player
Exhibits desire to achieve & meets goals	Acts with purpose, puts forth effort

**Work Habits:**

Asks necessary questions at the right times	Are the subject and timing of questions appropriate?
Grasps instructions, meets changing conditions	Quick to understand? Solves problems?
Completes tasks well with minimum supervision	Completes tasks promptly and correctly
Work performed is neat and accurate	Loose ends, craftsmanship or rework needed
Does an appropriate amount of work each day	Volume or quantity of work in a work day
Follows instructions	Grasps instructions and carries them out correctly
Observes all safety rules	Observes industry and job safety rules

**Attitude:**

Accepts working conditions	Handles change, environment, job tasks without complaint
Ability to work under pressure or changing conditions	Tolerance for crises without irritation or temper
Is courteous and cooperative with others	Polite, willing to help, part of the team
Shows initiative	Stays productive with minimal supervision
Uses constructive criticism to improve performance	Makes a positive change when corrected?

**Attendance:**

Reports to work daily as scheduled	Minimum number of absences - gives notification in timely manner
Is punctual	Reports to work, back from lunch and breaks on time

**City and County of San Francisco and  
Laborers International Union North America Local 261  
3410 Gardener Apprenticeship  
Rules and Expectations**

As you begin your career as an apprentice with the City and County of San Francisco ("City") and the Laborers International Union North America Local 261 ("Union") remember that regardless of where you work or the nature of your job assignment, public employment is a noble calling. You are part of a large team of dedicated and talented individuals striving to ensure that San Franciscans receive the highest quality services possible from their government. Indeed, our City government's greatest asset is its workforce - you.

As a City apprentice, you are required to read these Rules and Expectations. It provides important information on the City's and Union's commitment to safety on the job, and your obligations as a City apprentice.

***Training and Meeting Attendance***

All apprentices will attend their host department New Employee Orientation session, the department all staff meetings, all division or unit meetings and trainings, the all apprenticeship training and classroom sessions, and all assigned Union training meetings and orientations. Failure to attend a scheduled training (unexcused absence) or failure to report to a scheduled meeting (unexcused absence) may lead to separation from the program.

***Vehicles***

An apprentice who uses a City vehicle must follow the current City Vehicle Use policy. Additionally, an apprentice is prohibited from using a cell phone, hands on or hands off, or similar device while driving, whether the business conducted is personal or City apprenticeship related.

***License***

If your job duties require you to drive, you must have the appropriate licenses and maintain insurability under your department's automobile liability insurance policy. Only apprentices with a valid California Driver License will be authorized to operate a City and/or private vehicle. The City will use the State Department of Motor Vehicles Pull Notice Program to obtain information about apprentices as actions appear on their driving records. Apprentices must comply with the California Vehicle Code at all times while operating a motor vehicle.

***Cell phones***

Unless otherwise authorized, cell phone use is restricted to an apprentice's personal time. To ensure the effectiveness of your training, apprentices are asked to leave cell on vibrate mode.

### ***Drug and Alcohol-Free Workplace Policy***

To ensure the safety of the City's employees, co-workers and the public, no apprentice may sell, purchase, transfer, possess, furnish, manufacture, use or be under the influence of alcohol, marijuana, prescription drugs that impair safe functioning or illegal drugs at any City jobsite, while on City business or in City facilities.

Apprentices may forfeit their apprenticeship and may be immediately removed from the worksite if the Union or the City find sufficient evidence that the apprentice participated in the misappropriation of public or Union funds or property; misuse or destruction of public or Union property

### ***Assignment***

Consistent with the formal Apprenticeship Agreement and the Apprenticeship Standards, departmental operational needs may require an apprentice to be assigned to different locations.

### ***Appearance / Dress Code***

As a City apprentice, you represent the Union and the City when you are on duty and/or when you are on a City jobsite. Apprentices are expected to be neat and clean, and to dress for work according to generally accepted professional standards as dictated by their work assignment and as required by their department. The City and the Union reserves the right to restrict dress for reasons relating to safety, hygiene or environmental conditions. All apprentices are expected to wear appropriately fitting work pants with belt; an Apprenticeship t-shirt; safety vest; steel-toed boots and all appropriate Personal Protective Equipment (PPE).

### ***Attendance and Punctuality***

Regular and prompt attendance is an essential requirement of your job. As a City apprentice, you are to report to your work site at your scheduled work time. Your time records must accurately reflect the time you start work and the number of hours worked in every workday. The start time will be clearly communicated to the apprentice. Failure to report to work (unexcused absence) twice in the academic year or three (3) times in the calendar year may lead to separation from the program.

### ***Absences***

All planned absences must be requested and approved in advance. If illness or some other emergency causes an unplanned or unforeseeable absence, you must notify your supervisor. A call in phone number and procedure will be clearly communicated to all apprentices.

### ***Misuse of Leave***

Failure to present medical certification when required, excessive absenteeism, tardiness, unauthorized absence or failure to notify your supervisor when you are unable to report to work, may result in forfeiture of your apprenticeship.

Examples of misuse of sick leave include calling in sick to extend an approved vacation; using sick leave when your arrival at work is delayed by traffic or car trouble; claiming you cannot work due to illness, when you are not ill; and using sick leave to cover a period of incarceration.

### ***Personal Protective Equipment***

In all cases where protective clothing and equipment is provided by a department, apprentices shall be expected to wear such clothing during the performance of their duties and bring such clothing and equipment with them to work and training daily.

### ***Safety Meetings***

Apprentices are required to attend Safety meetings that shall be held in accordance with State CAL-OSHA requirements.

### ***Clean up***

Apprentices will be provided appropriate clean-up time before meal breaks and at the end of the workday.

The City also recognizes that apprentices may at times have to ingest prescribed drugs or medications. If an employee takes any drug or medication known to have potential side effects that may interfere with job performance, the apprentice is required to immediately notify her/his supervisor of those side effects before performing his/her job functions. If an apprentice is temporarily unable to perform safety sensitive functions because of any potential side effects caused by prescribed medication, the apprentice shall be reassigned to perform non-safety sensitive functions without loss of pay until either the apprentice is off the prescribed medication or is cleared by a licensed healthcare provider.

### ***License to Drive***

City vehicles may not be used for personal business.

### ***Change of Address***

If you change your address and/or telephone number, you are required to notify your departmental personnel officer and the Union immediately by submitting a change of address form or a letter with your new address and telephone number.

### ***Separation from Apprenticeship***

Before you leave your apprenticeship with the City, you must return all supplies, keys, identification cards (including your Disaster Service Worker identification badge), access cards and all other City or Union property. Any materials, files, documents, or other items collected or created by you in connection with your employment remain the property of the City or the Union. You may not take any such materials, or copies of those materials, with you when you depart.

*Respect in the Workplace*

The City and the Union will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence physical, verbal, or electronic in or about the workplace is strictly prohibited. "Violence" includes both acts and threats of violence. For example, violence includes any conduct, verbal, physical, or electronic which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property. Employees are also prohibited from possessing, storing or having control of any weapon on the job.

*Co-Workers and the Public*

City and Union apprenticeship policy requires apprentices to treat co-workers and members of the public with courtesy and respect. City supervisors and Union apprenticeship coordinators are responsible for maintaining a safe and productive workplace that is free from inappropriate workplace behavior. Keep in mind how the public may interpret your actions.

*Maintenance of Minimum Qualifications*

Apprentices are required to register for required related instruction and attend all scheduled classes. Apprentices must successfully pass all related and supplemental instruction examinations with 75% correct or higher. You will be provided one opportunity to retake a failed examination.

I have read and I understand the rules and expectations and I agree. I further acknowledge that a violation of these rules may lead to my immediate release from the 3410 Apprentice Gardener program.

Apprentice Name and Signature:

Print Name: Eduardo Escobedo Signature: [Signature]  
Date: 08 09 21

City Department Authorized Representative Name and Signature

Print Name: Alan Harty Signature: [Signature]  
Date: 8/9/21



## Tucker, Melissa (REC)

---

**From:** [REDACTED] (REC)  
**Sent:** Friday, September 30, 2022 1:10 PM  
**To:** Tucker, Melissa (REC)  
**Subject:** FW: Apprenticeship: Eduardo Guerrero Release | Training Documentation, Apprentice Agreement, Training Log  
**Attachments:** Guerrero\_Eduardo\_DAS\_104\_Form.pdf; Guerrero\_Apprentice Rules\_Expectations.pdf; Guerrero\_Signed Documentation Forms.pdf; SF RPD. ALI version.pptx; NEO Communications Training 10\_7\_21.pdf; Guerrero\_Eduardo\_3-month Training Log.pdf

[REDACTED]  
Field Support Services Manager  
Recreation and Parks Lodge Annex, 2<sup>nd</sup> floor  
415.813.7188

**From:** McCarthy, Allison (REC) <allison.mccarthy@sfgov.org>  
**Sent:** Monday, December 13, 2021 9:12 AM  
**To:** [REDACTED]@sfgov.org  
**Subject:** Apprenticeship: Eduardo Guerrero Release | Training Documentation, Apprentice Agreement, Training Log

Hey [REDACTED]

Attached are the following documents relevant to the release of Eduardo Guerrero

- Training Documentation Forms for Relevant Trainings regarding the department's policies of Respect in the Workplace & Discrimination, Harassment, & Retaliation-Free workplace
  - 8/9/21: Review of Apprentice Rules & Expectations | Review of Apprenticeship Standards & DAS-104 Apprentice Agreement | Powerpoint Presentation (Introduction to Program) (Agenda Attached)
  - 8/11/21: Distribution & Group Review of Respect in the Workplace Policy
  - 8/13/21: Distribution & Review of the department's Discrimination, Harassment, & Retaliation Free Workplace Policy
  - 8/13/21: DHR Orientation Video/RPD Handbook/MOU Review
  - 8/26/21: Communication Training by 0922 Mark Tilley | Romantic Relationship @ Work Policy Distribution & Review
  - 10/7/21: New Employee Communications Training led by 3<sup>rd</sup> Party Vendor Gretchen Lott | Email of Attendee List & Power-Point Attached
- Signature Sheet for the 3410 Apprentice Rules & Expectations
- Signed DAS 104- Apprentice Agreement
- 3- month Training Log

**Allison McCarthy**  
*Park Section Supervisor*  
Gardener Apprenticeship Program

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117  
[415-802-5863](tel:415-802-5863) | [allison.mccarthy@sfgov.org](mailto:allison.mccarthy@sfgov.org)



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Watch us on [sfRecParkTV](#)  
Sign up for our [e-News](#)

8/10/21 Tuesday

J, Anna, Noamy, lalo- All spread buckets of mulch at rhododendron Dell Satisfactory performance.

10/29 Friday

Lalo

7th and Fulton

1. I was instructing Lalo on the specifics of how the supervisor wanted everyone to plant. Based on the specialties Location. We were taking the time to show every apprentice individual in an attempt to have every one planting Exactly the same. As I began to explain what the supervisor wanted Lalo interrupted me and said "I already knew how to Plat".
2. Lalo was grabbed a Is young newly planted tree by it the base of its trunk and was wrenching it in one direction. I was standing with Christa (the supervisor) she exclaimed why is he doing that I don't want him to do that. I told her I would handle it and Immediately Approached lalo at the tree. When I asked him to stop he replied, ``Why? aren't we are gardeners man? As I began to instructed him as to why. He turned And started to walk away. I asked him to come back that I wasn't done explaining why we shouldn't be touching the tree. He reluctantly turned back toward me. The situation was very tense. When I was finished he said nothing and walked away.

11/2 Tuesday

- Lalo
- Bernal Hights
  - We were shoveling sand. Lalo stopped shoveling and grabbed a flex rack. I asked him to not rack right now. That we would rack at the end. He went and racked anyway.
  - Communicated with crew after first break for the crew to split into two one crew 618 go to there truck and the 588 people will get the cones from where the sand pile was. Lalo was in the 618 crew. He did not go with is crew. Proceed to go and get cones. Then I asked "Lalo you need to go get with your crew in the 618 truck." he Continued to walk up the Hill away from his group. So I repeated my self "Lalo you need to go get with your crew in the 618 truck." He continued his walk up the hill. At this point I was following him up the hill. I repeated a 3rd time. "Lalo you need to go with the other crew." At this point he turned around to walk back down the Hill to join the 618 crew at there truck. As he passed me he looked right at me and said and "what?" As he continued to walk down the hill.

11/2 Tuesday

- Lalo
- St. Mary's

- After lunch
- Lalo
  - Turned on his music on his phon. I Asked him to turn it off. He asked why? Then he answered because is not allowed? I said yes.

CITY AND COUNTY OF SAN FRANCISCO  
PAYROLL REGISTER - BY EMPLOYEE

Employee Name Employee Id Sen Group Job Code/Indicator Position Nbr Off Cycle Form ID PAY Period End	Empl Status Dep't Location Rate Check Nbr Roster Code	Empl Rcd	Earm Type	Earm Code	Add To Grs	Current Hours	EARNINGS		YTD Amount	Curr Grs	Ytd Grs	DEDUCTIONS				TAXES				Net Pay			
							Current Amount	Ytd Amount				Ded Type	Ded Code	Ded Cls	Current Amount	Ytd Amount	Tax Type	Tax Entify	Tax Cls		Current Amount	Ytd Amount	
Guerrero Ortiz, Eduardo REC 3410 / Primary 01124020 N Advice 17-SEP-2021	A 150709 REC005 21,7750 8164937 RECJ1	0	LEGL	HOL	LHP	Y	8.00	174.20	174.20	1742.00	5226.00	CAF DENT	DEN001	B	2.31	4.62	CO HI	Fed	Q	24.33	73.41	1238.23	
		0	REGULAR		WKP	Y	72.00	1567.80	5051.80			CAF HLTH	MED002	B	22.05	44.10	HI TAX	Fed	F	24.33	73.41		
												CTY DENT	DEN001	N	24.29	48.58	FEDERAL	Fed	H	120.10	363.80		
												CTY HR	HLT002	N	17.42	52.26	SDI TAX	CA	D	20.14	60.76		
												CTY LTD	LTD001	N	0.00	10.95	SUI TAX	CA	U	4.53	13.67		
												HLT RET	HLT001	B	34.84	104.52	CO OASDI	Fed	E	104.03	313.91		
												HSS SHAR	MED002	N	292.94	585.88	OASDITAX	Fed	D	104.03	313.91		
												PRTX RET	RPT022	B	130.65	391.95	STATETAX	CA	H	40.47	123.33		
												RET SHAR	RSH022	N	410.24	1230.72							
												Vision - B	VBUYUP	B	4.85	9.70							
Guerrero Ortiz, Eduardo REC 3410 / Primary 01124020 N Advice 01-OCT-2021	A 150709 REC005 21,7750 8199696 RECJ1	0	LEGL	HOL	LHP	Y	0.00	174.20	174.20	1742.00	6986.00	CAF DENT	DEN001	B	2.31	6.93	CO HI	Fed	Q	24.33	97.74	1238.24	
		0	REGULAR		WKP	Y	80.00	1742.00	6793.80			CAF HLTH	MED002	B	22.05	66.15	HI TAX	Fed	F	24.33	97.74		
												CTY DENT	DEN001	N	24.29	72.87	FEDERAL	Fed	H	120.10	483.90		
												CTY HR	HLT002	N	17.42	69.68	SDI TAX	CA	D	20.13	80.89		
												CTY LTD	LTD001	N	10.95	21.90	SUI TAX	CA	U	1.68	15.35		
												HLT RET	HLT001	B	34.84	139.36	CO OASDI	Fed	E	104.03	417.94		
												HSS SHAR	MED002	N	292.94	878.82	OASDITAX	Fed	D	104.03	417.94		
												PRTX RET	RPT022	B	130.65	522.60	STATETAX	CA	H	40.47	163.80		
												RET SHAR	RSH022	N	410.24	1640.96							
												UN DUES	UND002	A	0.00	0.00							
												Vision - B	VBUYUP	B	4.85	14.55							
Guerrero Ortiz, Eduardo REC 3410 / Primary 01124020 N Advice 15-OCT-2021	A 150709 REC005 21,7750 8234224 RECJ1	0	LEGL	HOL	LHP	Y	8.00	174.20	348.40	1742.00	8710.00	CAF DENT	DEN001	B	2.31	9.24	CO HI	Fed	Q	24.33	122.07	1216.44	
		0	REGULAR		WKP	Y	72.00	1567.80	8361.60			CAF HLTH	MED002	B	22.05	86.20	HI TAX	Fed	F	24.33	122.07		
												CTY DENT	DEN001	N	24.29	97.16	FEDERAL	Fed	H	120.10	604.00		
												CTY HR	HLT002	N	17.42	87.10	SDI TAX	CA	D	20.14	101.03		
												CTY LTD	LTD001	N	0.00	21.90	SUI TAX	CA	U	1.68	17.03		
												HLT RET	HLT001	B	34.84	174.20	CO OASDI	Fed	E	104.04	521.98		
												HSS SHAR	MED002	N	292.94	1171.76	OASDITAX	Fed	D	104.04	521.98		
												PRTX RET	RPT022	B	130.65	653.25	STATETAX	CA	H	40.47	204.27		
												RET SHAR	RSH022	N	410.24	2051.20							
												UN DUES	UND002	A	21.78	21.78							
												Vision - B	VBUYUP	B	4.85	19.40							

Employee Name Employee Id Sen Group Job Code/Indicator Position Nbr Off Cycle Form ID PAY Perfed End	Empl Status Deptid Location Rate Check Nbr Roster Code	Empl Rcd	Empl Type	Eam Code	Eam To	EARNINGS			DEDUCTIONS			TAXES			Net Pay										
						Current Amount	YTD Amount	Ytd Grs	Current Amount	Ded Code	Ded Type	Current Amount	Ytd Amount	Ytd Amount		Tax Type	Tax Entify	Tax Cls	Current Amount	Ytd Amount					
Guerrero Ortiz,Eduardo REC 3410 / Primary 01124020 N Advice 29-OCT-2021	A 150709 REC005 21.7750 8268781 RECJ1	0	0	REGULAR	LHP Y	WPK Y	0.00	348.40	10452.00	1742.00	10452.00	CAF DENT	DEN001	B	CAF HLTH	CAF HLTH	2.31	11.55	10452.00	CO HI	Fed	Q	24.34	146.41	1216.45
		0	0	REGULAR	WPK Y	WPK Y	80.00	10103.60	1742.00	1742.00	10452.00	CTY DENT	MED002	B	CTY DENT	CTY DENT	22.05	110.25	10452.00	HI TAX	Fed	F	24.34	146.41	
												CTY HR	DEN001	N	CTY HR	CTY HR	24.29	121.45	10452.00	FEDERAL	Fed	H	120.10	724.10	
												CTY LTD	HLT001	N	CTY LTD	CTY LTD	17.42	104.52	10452.00	SDI TAX	CA	D	20.13	121.16	
												HLT RET	HLT001	B	HLT RET	HLT RET	10.95	32.85	10452.00	SUI TAX	CA	U	1.67	18.70	
												HSS SHAR	MED002	N	HSS SHAR	HSS SHAR	34.84	209.04	10452.00	CO OASDI	Fed	E	104.03	626.01	
												PRTX RET	RPT022	B	PRTX RET	PRTX RET	292.94	1464.70	10452.00	OASDITAX	Fed	D	104.03	626.01	
												RET SHAR	RSH022	N	RET SHAR	RET SHAR	130.65	783.90	10452.00	STATETAX	CA	H	40.47	244.74	
												UN DUES	UND002	A	UN DUES	UN DUES	410.24	2461.44	10452.00	STATETAX	CA	H	40.47	244.74	
												Vision - B	VBUYUP	B	Vision - B	Vision - B	21.78	43.56	10452.00						
																	4.85	24.25	10452.00						
Guerrero Ortiz,Eduardo REC 3410 / Primary 01124020 N Advice 12-NOV-2021	A 150709 REC005 23.7625 8303170 RECJ1	0	0	REGULAR	LHP Y	WPK Y	8.00	538.50	12305.30	1853.30	12305.30	CAF DENT	DEN001	B	CAF HLTH	CAF HLTH	2.31	13.86	12305.30	CO HI	Fed	Q	25.91	172.32	1287.40
		0	0	REGULAR	WPK Y	WPK Y	72.00	11766.80	12305.30	1853.30	12305.30	CTY DENT	MED002	B	CTY DENT	CTY DENT	22.05	132.30	12305.30	HI TAX	Fed	F	25.91	172.32	
												CTY HR	DEN001	N	CTY HR	CTY HR	24.29	145.74	12305.30	FEDERAL	Fed	H	132.19	856.29	
												CTY LTD	HLT001	N	CTY LTD	CTY LTD	18.53	123.05	12305.30	SDI TAX	CA	D	21.45	142.61	
												HLT RET	HLT001	B	HLT RET	HLT RET	0.00	32.85	12305.30	SUI TAX	CA	U	1.79	20.49	
												HSS SHAR	MED002	N	HSS SHAR	HSS SHAR	37.07	246.11	12305.30	CO OASDI	Fed	E	110.79	736.80	
												PRTX RET	RPT022	B	PRTX RET	PRTX RET	292.94	1757.64	12305.30	OASDITAX	Fed	D	110.79	736.80	
												RET SHAR	RSH022	N	RET SHAR	RET SHAR	139.00	922.90	12305.30	STATETAX	CA	H	47.11	291.85	
												UN DUES	UND002	A	UN DUES	UN DUES	436.45	2897.89	12305.30	STATETAX	CA	H	47.11	291.85	
												Vision - B	VBUYUP	B	Vision - B	Vision - B	23.17	66.73	12305.30						
																	4.85	29.10	12305.30						

Employee Name Employee Id Sen Group Job Code/Indicator Position Nbr Off Cycle Form ID PAY Period End	Empl Status Depidid Location Rate Check Nbr Roster Code	Empl Rcd	Empl Type	Eam Code	Add To Grs	Current Hours	Current Amount	YTD Amount	Curr Grs	Ytd Grs	DEDUCTIONS				TAXES				Net Pay			
											Ded Type	Ded Code	Ded Cls	Current Amount	Ytd Amount	Tax Type	Tax Entity	Tax Cls		Current Amount	Ytd Amount	
Guillermo Ortiz,Eduardo REC 3410 / Primary 01124020 N Advice 26-NOV-2021	A 150709 REC005 23.7625 8371881 RECJ1	0	0	LEGL REGULAR	LHP WKP	Y Y	16.00 64.00	380.20 1520.80	918.70 13287.60	1901.00	14206.30	CAF DENT CAF HLTH CTY DENT CTY HR CTY LTD HLT RET	DEN001 MED002 DEN001 HLT002 LTD001 HLT001	B B N N N B	2.31 22.05 24.29 19.01 11.94 38.02	16.17 154.35 170.03 142.06 44.79 284.13	CO HI HI TAX FEDERAL SDI TAX SUI TAX CO OASDI	Fed Fed Fed CA CA Fed	Q F H D U E	26.59 26.59 137.37 22.00 1.83 113.70	198.91 198.91 993.66 164.61 22.32 850.50	1317.81
Guillermo Ortiz,Eduardo REC 3410 / Primary 01124020 N Advice 10-DEC-2021	A 150709 REC005 23.7625 8371881 RECJ1	0	0	LEGL REGULAR	LHP WKP	Y Y	0.00 80.00	0.00 1901.00	918.70 15188.60	1901.00	16107.30	CAF DENT CAF HLTH CTY DENT CTY HR CTY LTD HLT RET	DEN001 MED002 DEN001 HLT002 LTD001 HLT001	B B N N N B	2.31 22.05 24.29 19.01 0.00 38.02	16.48 176.40 194.32 161.07 44.79 322.15	CO HI HI TAX FEDERAL SDI TAX SUI TAX CO OASDI	Fed Fed Fed CA CA Fed	Q F H D U E	26.59 26.59 137.37 22.01 1.84 113.69	225.50 225.50 1131.03 186.62 24.16 964.19	1317.81

Employee Name Employee Id San Group Job Code/Indicator Position Nbr Off Cycle Form ID PAY Period End	Empl Status Dept/Location Rate Check Nbr Roster Code	Empl Rcd	Earn Code	YTD Amount	Curr Amount	YTD Grs	Curr Grs	EARNINGS				DEDUCTIONS				TAXES				Net Pay	
								YTD Amount	Current Amount	YTD Grs	Current Grs	YTD Amount	Current Amount	YTD Amount	Current Amount	Tax Type	Tax Entity	Tax Cls	Current Amount		YTD Amount
Guerrero Ortiz, Eduardo REC 3410 / Primary 01124020	A 150709 REC005 23.7625 0 RECJ1	0	REGULAR LHP Y WKP Y	918.70 15188.60	0.00 0.00	16107.30	0.00	0.00	0.00	0.00	114.25 18.48 322.15 176.40 1208.06 38.80	0.00 0.00 0.00 0.00 0.00 0.00	UND002 DEN001 HLT001 MED002 RPT022 VBUYUP	A B B B B B	UN DUJES CAF DENT HLT RET CAF HLTH PRTX RET Vision - B	CO HI CO OASDI FEDERAL HI TAX OASDITAX SDI TAX	Fed Fed Fed Fed Fed CA	Q E H F D D	0.00 0.00 0.00 0.00 0.00 0.00	225.50 964.19 1131.03 225.50 964.19 186.62	0.00
11-DEC-2021											194.32 161.07 44.79 2343.52 3793.27	0.00 0.00 0.00 0.00 0.00	DEN001 HLT002 LTD001 MED002 RSH022	N N N N N	CTY DENT CTY HR CTY LTD HSS SHAR RET SHAR	STATETAX	CA	H	0.00	391.77	
054 Guerrero Ortiz, Eduardo REC 3410 / Primary 01124020	A 150709 REC005 23.7625 0 RECJ1	0	REGULAR LHP Y WKP Y	918.70 15188.60	0.00 0.00	16107.30	0.00	0.00	0.00	0.00	114.25 18.48 322.15 176.40 1208.06 38.80	0.00 0.00 0.00 0.00 0.00 0.00	UND002 DEN001 HLT001 MED002 RPT022 VBUYUP	A B B B B B	UN DUJES CAF DENT HLT RET CAF HLTH PRTX RET Vision - B	CO HI CO OASDI FEDERAL HI TAX OASDITAX SDI TAX	Fed Fed Fed Fed Fed CA	Q E H F D D	0.00 0.00 0.00 0.00 0.00 0.00	225.50 964.19 1131.03 225.50 964.19 186.62	0.00
12-DEC-2021											194.32 161.07 44.79 2343.52 3793.27	0.00 0.00 0.00 0.00 0.00	DEN001 HLT002 LTD001 MED002 RSH022	N N N N N	CTY DENT CTY HR CTY LTD HSS SHAR RET SHAR	STATETAX	CA	H	0.00	391.77	





# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: 12/21/2021

Advice No. 8371891

THE TREASURER HAS DEPOSITED:

\$1,317.81

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

	Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008371891 Pay Date: 12/21/2021 Pay Period Begin Date: 11/27/2021 Pay Period End Date: 12/10/2021	TAX DATA: Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0			
Employee ID: [REDACTED] Name: Eduardo Guerrero Ortiz	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$23.7625 Hourly	PAID TIME OFF: Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	Balance 0.00 36.00 0.00 0.00 0.00 0.00					
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS		AFTER-TAX DEDUCTIONS			
Description	Rate	Hours	Earnings	Hours	Earnings	Description	Current	YTD
Regular Pay	23.7625	80.00	1,901.00	680.00	15,188.60	KAISER	22.05	176.40
Legal Hol				40.00	918.70	DELTA	2.31	18.48
						RPTX MSC N	142.58	1,208.06
						HLT RET EE	38.02	322.15
						VsnPremier	4.85	38.80
<b>TOTAL:</b>	<b>80.00</b>	<b>1,901.00</b>	<b>720.00</b>	<b>16,107.30</b>	<b>209.81</b>	<b>1,763.89</b>	<b>23.76</b>	<b>114.25</b>
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS		
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD
Fed Withholding	137.37	1,131.03	Fed Med/ER	26.59	225.50	KAISER	292.94	2,343.52
Fed MED/EE	26.59	225.50	Fed OASDI/ER	113.69	964.19	DELTA	24.29	194.32
Fed OASDI/EE	113.69	964.19	CA Unempl ER	1.84	24.16	RSHR MSC N	447.69	3,793.27
CA Withholding	49.96	391.77				HLT RET ER	19.01	161.07
CA OASDI/EE	22.01	186.62				LTD	44.79	44.79
<b>TOTAL:</b>	<b>349.62</b>	<b>2,899.11</b>	<b>TOTAL:</b>	<b>142.12</b>	<b>1,213.85</b>	<b>TOTAL:</b>	<b>783.93</b>	<b>6,536.97</b>
<b>TOTAL GROSS</b>	<b>1,901.00</b>	<b>233.57</b>	<b>TOTAL DEDUCTIONS</b>	<b>349.62</b>	<b>1,317.81</b>	<b>TOTAL PAY AND BENEFITS</b>	<b>16,107.30</b>	<b>YTD</b>
Current	1,901.00	233.57	TOTAL TAXES	349.62	1,317.81	Gross Pay	16,107.30	
YTD	16,107.30	1,878.14	NET PAY	2,899.11	11,330.05	Benefits	7,750.82	
			<b>TOTAL:</b>	<b>23,858.12</b>	<b>23,858.12</b>	<b>TOTAL:</b>	<b>23,858.12</b>	
<b>Retain for your records</b>			<b>NET PAY DISTRIBUTION</b>					
MESSAGE:			<b>Bank Name</b>	<b>Account Type</b>	<b>Account Number</b>	<b>Deposit Amount</b>		
			WELLS FARGO BANK NA	Savings	[REDACTED]	\$1,317.81		
			<b>TOTAL DIRECT DEPOSIT:</b>			<b>\$1,317.81</b>		

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

**Date:** 12/07/2021

**Advice No.** 8337385

**THE TREASURER HAS DEPOSITED:**

**\$1,317.81**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008337385 Pay Date: 12/07/2021 Pay Period Begin Date: 11/13/2021 Pay Period End Date: 11/26/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0							
Employee ID: [REDACTED]  Name: Eduardo Guerrero Ortiz	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$23.7625 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 32.00 0.00 0.00 0.00 0.00								
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS					
Description	Current		YTD		Description	Current	YTD	Description	Current	YTD	
	Rate	Hours	Earnings	Hours							Earnings
Regular Pay	23.7625	64.00	1,520.80	600.00	13,287.60	KAISER	22.05	154.35	UNDUE 261	23.76	90.49
Legal Hol	23.7625	16.00	380.20	40.00	918.70	DELTA	2.31	16.17			
						VsnPremier	4.85	33.95			
						HLT RET EE	38.02	284.13			
						RPTX MSC N	142.58	1,065.48			
<b>TOTAL:</b>	<b>80.00</b>	<b>1,901.00</b>	<b>640.00</b>	<b>14,206.30</b>	<b>TOTAL:</b>	<b>209.81</b>	<b>1,554.08</b>	<b>TOTAL:</b>	<b>23.76</b>	<b>90.49</b>	
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS					
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD			
Fed Withholdng	137.37	993.66	Fed Med/ER	26.59	198.91	KAISER	292.94	2,050.58			
Fed MED/EE	26.59	198.91	Fed OASDI/ER	113.70	850.50	DELTA	24.29	170.03			
Fed OASDI/EE	113.70	850.50	CA Unempl ER	1.83	22.32	LTD	11.94	44.79			
CA Withholdng	49.96	341.81				HLT RET ER	19.01	142.06			
CA OASDI/EE	22.00	164.61				RSHR MSC N	447.69	3,345.58			
<b>TOTAL:</b>	<b>349.62</b>	<b>2,549.49</b>	<b>TOTAL:</b>	<b>142.12</b>	<b>1,071.73</b>	<b>TOTAL:</b>	<b>795.87</b>	<b>5,753.04</b>			
TOTAL GROSS		TOTAL DEDUCTIONS		TOTAL TAXES		NET PAY		TOTAL PAY AND BENEFITS			
Current	1,901.00	233.57	349.62	1,317.81	Gross Pay	14,206.30					
YTD	14,206.30	1,644.57	2,549.49	10,012.24	Benefits	6,824.77					
					<b>TOTAL:</b>	<b>21,031.07</b>					
<b>Retain for your records</b>			<b>NET PAY DISTRIBUTION</b>								
			MESSAGE:	Bank Name WELLS FARGO BANK NA	Account Type Savings	Account Number [REDACTED]	Deposit Amount \$1,317.81				
			<b>TOTAL DIRECT DEPOSIT: \$1,317.81</b>								

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: 11/23/2021

Advice No. 8303170

THE TREASURER HAS DEPOSITED:

\$1,287.40

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

	Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008303170 Pay Date: 11/23/2021 Pay Period Begin Date: 10/30/2021 Pay Period End Date: 11/12/2021	TAX DATA: Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0						
Employee ID: [REDACTED]	Name: Eduardo Guerrero Ortiz	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$23.7625 Hourly	PAID TIME OFF: Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	Balance 0.00 28.00 0.00 0.00 0.00 0.00							
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS		AFTER-TAX DEDUCTIONS						
Description	Current		YTD		Description	Current	YTD				
	Rate	Hours	Earnings	Hours				Earnings			
RegularPay	23.7625	48.00	1,140.60	536.00	11,766.80	KAISER	22.05	132.30	UNDUE 261	23.17	66.73
RegularPay	21.7750	24.00	522.60			DELTA	2.31	13.86			
Legal Hol	23.7625	8.00	190.10	24.00	538.50	VsnPremier	4.85	29.10			
						HLT RET EE	37.07	246.11			
						RPTX MSC N	139.00	922.90			
<b>TOTAL:</b>	<b>80.00</b>	<b>1,853.30</b>	<b>560.00</b>	<b>12,305.30</b>	<b>TOTAL:</b>	<b>205.28</b>	<b>1,344.27</b>	<b>TOTAL:</b>	<b>23.17</b>	<b>66.73</b>	
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS					
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD			
Fed Withholding	132.19	856.29	Fed Med/ER	25.91	172.32	KAISER	292.94	1,757.64			
Fed MED/EE	25.91	172.32	Fed OASDI/ER	110.79	736.80	DELTA	24.29	145.74			
Fed OASDI/EE	110.79	736.80	CA Unempl ER	1.79	20.49	HLT RET ER	18.53	123.05			
CA Withholding	47.11	291.85				RSHR MSC N	436.45	2,897.89			
CA OASDI/EE	21.45	142.61				LTD		32.85			
<b>TOTAL:</b>	<b>337.45</b>	<b>2,199.87</b>	<b>TOTAL:</b>	<b>138.49</b>	<b>929.61</b>	<b>TOTAL:</b>	<b>772.21</b>	<b>4,957.17</b>			
TOTAL GROSS		TOTAL DEDUCTIONS		TOTAL TAXES		NET PAY		TOTAL PAY AND BENEFITS			
Current	1,853.30	228.45	337.45	1,287.40	Gross Pay	12,305.30					
YTD	12,305.30	1,411.00	2,199.87	8,694.43	Benefits	5,886.78					
					<b>TOTAL:</b>	<b>18,192.08</b>					
<b>Retain for your records</b>			NET PAY DISTRIBUTION								
			MESSAGE:	Bank Name WELLS FARGO BANK NA	Account Type Savings	Account Number [REDACTED]	Deposit Amount \$1,287.40				
			<b>TOTAL DIRECT DEPOSIT:</b>		<b>\$1,287.40</b>						

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: 11/09/2021

Advice No. 8268781

THE TREASURER HAS DEPOSITED:

\$1,216.45

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008268781 Pay Date: 11/09/2021 Pay Period Begin Date: 10/16/2021 Pay Period End Date: 10/29/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	<b>Federal</b> Single N/A	<b>CA State</b> Single 0															
Employee ID: [REDACTED] Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00																
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS													
Description	--- Current ---			--- YTD ---			Description	Current	YTD	Description	Current	YTD							
	Rate	Hours	Earnings	Hours	Earnings	Current							YTD						
RegularPay	21.7750	80.00	1,742.00	480.00	10,452.00	KAISER	22.05	110.25	UNDUE 261	21.78	43.56								
Legal Hol				16.00	348.40	DELTA	2.31	11.55											
						VsnPremier	4.85	24.25											
						HLT RET EE	34.84	209.04											
						RPTX MSC N	130.65	783.90											
<b>TOTAL:</b>	<b>80.00</b>	<b>1,742.00</b>	<b>1,862.42</b>	<b>480.00</b>	<b>10,452.00</b>	<b>TOTAL:</b>	<b>194.70</b>	<b>1,138.99</b>	<b>TOTAL:</b>	<b>21.78</b>	<b>43.56</b>								
EMPLOYEE PAID TAXES				EMPLOYER PAID TAXES				EMPLOYER PAID BENEFITS											
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD	Description	Current	YTD								
Fed Withholdng	120.10	724.10	Fed Med/ER	24.34	146.41	KAISER	292.94	1,464.70	DELTA	24.29	121.45								
Fed MED/EE	24.34	146.41	Fed OASDI/ER	104.03	626.01	DELTA	10.95	32.85	LTD	17.42	104.52								
Fed OASDI/EE	104.03	626.01	CA Unempl ER	1.67	18.70	HLT RET ER	410.24	2,461.44	RSHR MSC N										
CA Withholdng	40.47	244.74																	
CA OASDI/EE	20.13	121.16																	
<b>TOTAL:</b>	<b>309.07</b>	<b>1,862.42</b>	<b>TOTAL:</b>	<b>130.04</b>	<b>791.12</b>	<b>TOTAL:</b>	<b>755.84</b>	<b>4,184.96</b>											
<b>TOTAL GROSS</b>	<b>1,742.00</b>	<b>10,452.00</b>	<b>TOTAL DEDUCTIONS</b>	<b>216.48</b>	<b>1,182.55</b>	<b>TOTAL TAXES</b>	<b>309.07</b>	<b>1,216.45</b>	<b>TOTAL PAY AND BENEFITS</b>	<b>10,452.00</b>	<b>YTD</b>								
Current	1,742.00	10,452.00				NET PAY	1,216.45	7,407.03	Gross Pay	10,452.00									
YTD	1,742.00	10,452.00					7,407.03	15,428.08	Benefits	4,976.08									
									<b>TOTAL:</b>	<b>15,428.08</b>									
<b>Retain for your records</b> MESSAGE:				NET PAY DISTRIBUTION															
				Bank Name				Account Type				Account Number				Deposit Amount			
				WELLS FARGO BANK NA				Savings				[REDACTED]				\$1,216.45			
				<b>TOTAL DIRECT DEPOSIT:</b>								<b>\$1,216.45</b>							

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: 10/26/2021

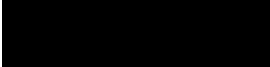
Advice No. 8234224

THE TREASURER HAS DEPOSITED:

<b>\$1,216.44</b>
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To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008234224 Pay Date: 10/26/2021 Pay Period Begin Date: 10/02/2021 Pay Period End Date: 10/15/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0									
Employee ID: [REDACTED] Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00										
<b>HOURS AND EARNINGS</b>			<b>BEFORE-TAX DEDUCTIONS</b>		<b>AFTER-TAX DEDUCTIONS</b>								
Description Regular Pay Legal Hol	Rate 21.7750 21.7750	Hours 72.00 8.00	Earnings 1,567.80 174.20	Hours 384.00 16.00	Earnings 8,361.60 348.40	Description KAISER DELTA VsnPremier HLT RET EE RPTX MSC N	Current 22.05 2.31 4.85 34.84 130.65	YTD 88.20 9.24 19.40 174.20 653.25	Description UNDUE 261	Current 21.78	YTD 21.78		
<b>TOTAL:</b>		80.00	1,742.00	400.00	8,710.00	<b>TOTAL:</b>		194.70	944.29	<b>TOTAL:</b>		21.78	21.78
<b>EMPLOYEE PAID TAXES</b>			<b>EMPLOYER PAID TAXES</b>			<b>EMPLOYER PAID BENEFITS</b>							
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD					
Fed Withholdng	120.10	604.00	Fed Med/ER	24.33	122.07	KAISER	292.94	1,171.76					
Fed MED/EE	24.33	122.07	Fed OASDI/ER	104.04	521.98	DELTA	24.29	97.16					
Fed OASDI/EE	104.04	521.98	CA Unempl ER	1.68	17.03	HLT RET ER	17.42	87.10					
CA Withholdng	40.47	204.27				RSHR MSC N	410.24	2,051.20					
CA OASDI/EE	20.14	101.03				LTD	21.90	21.90					
<b>TOTAL:</b>	<b>309.08</b>	<b>1,553.35</b>	<b>TOTAL:</b>	<b>130.05</b>	<b>661.08</b>	<b>TOTAL:</b>	<b>744.89</b>	<b>3,429.12</b>					
<b>TOTAL GROSS</b>		<b>TOTAL DEDUCTIONS</b>		<b>TOTAL TAXES</b>		<b>NET PAY</b>		<b>TOTAL PAY AND BENEFITS</b>					
Current	1,742.00	216.48	309.08	1,216.44	<b>Gross Pay</b>		8,710.00						
YTD	8,710.00	966.07	1,553.35	6,190.58	<b>Benefits</b>		4,090.20						
						<b>TOTAL:</b>		<b>12,800.20</b>					
<b>Retain for your records</b>						<b>NET PAY DISTRIBUTION</b>							
MESSAGE:						<b>Bank Name</b>		<b>Account Type</b>		<b>Account Number</b>		<b>Deposit Amount</b>	
						WELLS FARGO BANK NA		Savings		[REDACTED]		\$1,216.44	
						<b>TOTAL DIRECT DEPOSIT:</b>		<b>\$1,216.44</b>					

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: 10/12/2021

Advice No. 8199696

THE TREASURER HAS DEPOSITED:

\$1,238.24

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008199696 Pay Date: 10/12/2021 Pay Period Begin Date: 09/18/2021 Pay Period End Date: 10/01/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0							
Employee ID: <span style="background-color: black; color: black;">XXXXXXXXXX</span> Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00								
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS					
Description	--- Current ---		--- YTD ---		Description	Current	YTD	Description	Current	YTD	
	Rate	Hours	Earnings	Hours							Earnings
Regular Pay	21.7750	80.00	1,742.00	312.00	6,793.80	KAISER	22.05	66.15	DELTA	2.31	6.93
Legal Hol				8.00	174.20	VsnPremier	4.85	14.55	HLT RET EE	34.84	139.36
						RPTX MSC N	130.65	522.60			
<b>TOTAL:</b>	<b>80.00</b>	<b>1,742.00</b>	<b>1,742.00</b>	<b>320.00</b>	<b>6,968.00</b>	<b>TOTAL:</b>	<b>194.70</b>	<b>749.59</b>	<b>TOTAL:</b>	<b>0.00</b>	<b>0.00</b>
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS					
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD			
Fed Withholdng	120.10	483.90	Fed Med/ER	24.33	97.74	KAISER	292.94	878.82			
Fed MED/EE	24.33	97.74	Fed OASDI/ER	104.03	417.94	DELTA	24.29	72.87			
Fed OASDI/EE	104.03	417.94	CA Unempl ER	1.68	15.35	LTD	10.95	21.90			
CA Withholdng	40.47	163.80				HLT RET ER	17.42	69.68			
CA OASDI/EE	20.13	80.89				RSHR MSC N	410.24	1,640.96			
<b>TOTAL:</b>	<b>309.06</b>	<b>1,244.27</b>	<b>TOTAL:</b>	<b>130.04</b>	<b>531.03</b>	<b>TOTAL:</b>	<b>755.84</b>	<b>2,684.23</b>			
<b>TOTAL GROSS</b>	<b>1,742.00</b>		<b>TOTAL DEDUCTIONS</b>	<b>194.70</b>		<b>TOTAL PAY AND BENEFITS</b>	<b>1,547.30</b>				
<b>Current</b>	<b>1,742.00</b>		<b>TOTAL TAXES</b>	<b>309.06</b>		<b>Gross Pay</b>	<b>6,968.00</b>				
<b>YTD</b>	<b>6,968.00</b>		<b>NET PAY</b>	<b>1,238.24</b>		<b>Benefits</b>	<b>3,215.26</b>				
				<b>1,244.27</b>	<b>4,974.14</b>	<b>TOTAL:</b>	<b>10,183.26</b>				
<b>Retain for your records</b>			<b>NET PAY DISTRIBUTION</b>								
			<b>MESSAGE:</b>			<b>Bank Name</b>	<b>Account Type</b>	<b>Account Number</b>	<b>Deposit Amount</b>		
				WELLS FARGO BANK NA	Savings	<span style="background-color: black; color: black;">XXXXXXXXXX</span>	\$1,238.24				
			<b>TOTAL DIRECT DEPOSIT:</b>			<b>\$1,238.24</b>					

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: **09/28/2021**

Advice No. **8164937**

THE TREASURER HAS DEPOSITED:

**\$1,238.23**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

Statement of Earnings and Deductions City and County of San Francisco			Pay Advice Number: 00000008164937 Pay Date: 09/28/2021 Pay Period Begin Date: 09/04/2021 Pay Period End Date: 09/17/2021			<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:			Federal Single N/A		CA State Single 0		
Employee ID: [REDACTED] Name: <b>Eduardo Guerrero Ortiz</b>			Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly			<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:			<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00				
HOURS AND EARNINGS						BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS				
		--- Current ---			--- YTD ---								
Description	Rate	Hours	Earnings	Hours	Earnings	Description	Current	YTD	Description	Current	YTD		
Regular Pay	21.7750	72.00	1,567.80	232.00	5,051.80	KAISER	22.05	44.10					
Legal Hol	21.7750	8.00	174.20	8.00	174.20	DELTA	2.31	4.62					
						VsnPremier	4.85	9.70					
						HLT RET EE	34.84	104.52					
						RPTX MSC N	130.65	391.95					
<b>TOTAL:</b>		<b>80.00</b>	<b>1,742.00</b>	<b>240.00</b>	<b>5,226.00</b>	<b>TOTAL:</b>	<b>194.70</b>	<b>554.89</b>	<b>TOTAL:</b>	<b>0.00</b>	<b>0.00</b>		
EMPLOYEE PAID TAXES				EMPLOYER PAID TAXES				EMPLOYER PAID BENEFITS					
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD	Description	Current	YTD		
Fed Withholdng	120.10	363.80	Fed Med/ER	24.33	73.41	KAISER	292.94	585.88					
Fed MED/EE	24.33	73.41	Fed OASDI/ER	104.03	313.91	DELTA	24.29	48.58					
Fed OASDI/EE	104.03	313.91	CA Unempl ER	4.53	13.67	HLT RET ER	17.42	52.26					
CA Withholdng	40.47	123.33				RSHR MSC N	410.24	1,230.72					
CA OASDI/EE	20.14	60.76				LTD		10.95					
<b>TOTAL:</b>	<b>309.07</b>	<b>935.21</b>	<b>TOTAL:</b>	<b>132.89</b>	<b>400.99</b>	<b>TOTAL:</b>	<b>744.89</b>	<b>1,928.39</b>					
<b>TOTAL GROSS</b>		<b>TOTAL DEDUCTIONS</b>		<b>TOTAL TAXES</b>		<b>NET PAY</b>		<b>TOTAL PAY AND BENEFITS</b>					
Current	1,742.00	194.70	309.07	1,238.23	Gross Pay	5,226.00							
YTD	5,226.00	554.89	935.21	3,735.90	Benefits	2,329.38							
						<b>TOTAL:</b>	<b>7,555.38</b>						
<b>Retain for your records</b>						<b>NET PAY DISTRIBUTION</b>							
MESSAGE:						<b>Bank Name</b>		<b>Account Type</b>		<b>Account Number</b>		<b>Deposit Amount</b>	
						WELLS FARGO BANK NA		Savings		[REDACTED]		\$1,238.23	
						<b>TOTAL DIRECT DEPOSIT:</b>							
						<b>\$1,238.23</b>							



# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

**Date:** 09/14/2021

**Advice No. 8130192**

THE TREASURER HAS DEPOSITED:

**\$1,238.23**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008130192 Pay Date: 09/14/2021 Pay Period Begin Date: 08/21/2021 Pay Period End Date: 09/03/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0					
Employee ID: [REDACTED] Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00						
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS			
Description	--- Current ---			--- YTD ---			Description	Current	YTD
	Rate	Hours	Earnings	Hours	Earnings	Description			
RegularPay	21.7750	80.00	1,742.00	160.00	3,484.00	KAISER	22.05	22.05	
						DELTA	2.31	2.31	
						VsnPremier	4.85	4.85	
						HLT RET EE	34.84	69.68	
						RPTX MSC N	130.65	261.30	
<b>TOTAL:</b>	<b>80.00</b>	<b>1,742.00</b>	<b>160.00</b>	<b>3,484.00</b>	<b>TOTAL:</b>	<b>194.70</b>	<b>360.19</b>	<b>TOTAL:</b>	<b>0.00</b>
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS			
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD	
Fed Withholdng	120.10	243.70	Fed Med/ER	24.33	49.08	KAISER	292.94	292.94	
Fed MED/EE	24.33	49.08	Fed OASDI/ER	104.04	209.88	DELTA	24.29	24.29	
Fed OASDI/EE	104.04	209.88	CA Unempl ER	4.53	9.14	LTD	10.95	10.95	
CA Withholdng	40.47	82.86				HLT RET ER	17.42	34.84	
CA OASDI/EE	20.13	40.62				RSHR MSC N	410.24	820.48	
<b>TOTAL:</b>	<b>309.07</b>	<b>626.14</b>	<b>TOTAL:</b>	<b>132.90</b>	<b>268.10</b>	<b>TOTAL:</b>	<b>755.84</b>	<b>1,183.50</b>	
TOTAL GROSS		TOTAL DEDUCTIONS		TOTAL TAXES		NET PAY		TOTAL PAY AND BENEFITS	
Current	1,742.00	194.70	309.07	1,238.23	Gross Pay	3,484.00			
YTD	3,484.00	360.19	626.14	2,497.67	Benefits	1,451.60			
					<b>TOTAL:</b>	<b>4,935.60</b>			
<b>Retain for your records</b>				<b>NET PAY DISTRIBUTION</b>					
MESSAGE:				<b>Bank Name</b>	<b>Account Type</b>	<b>Account Number</b>	<b>Deposit Amount</b>		
				WELLS FARGO BANK NA	Savings	[REDACTED]	\$1,238.23		
				<b>TOTAL DIRECT DEPOSIT:</b>					
				<b>\$1,238.23</b>					

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

Date: **08/31/2021**

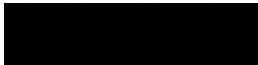
Advice No. 8095740

THE TREASURER HAS DEPOSITED:

<b>\$1,259.44</b>
-------------------

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008095740 Pay Date: 08/31/2021 Pay Period Begin Date: 08/07/2021 Pay Period End Date: 08/20/2021	<b>TAX DATA:</b> Tax Status: Single Allowances: N/A Additional Amount:	Federal Single N/A	CA State Single 0																
Employee ID: <span style="background-color: black; color: black;">XXXXXXXXXX</span> Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$21.7750 Hourly	<b>PAID TIME OFF:</b> Vacation: 0.00 Sick Leave: 0.00 Floating Holiday: 0.00 Furlough Floating Holiday: 0.00 Compensatory Time Off: 0.00 Management Leave: 0.00	<b>Balance</b> 0.00 0.00 0.00 0.00 0.00 0.00																	
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS														
Description	--- Current ---		--- YTD ---		Description	Current	YTD	Description	Current	YTD										
	Rate	Hours	Earnings	Hours							Earnings									
RegularPay	21.7750	80.00	1,742.00	80.00	1,742.00	RPTX MSC N	130.65	130.65	HLT RET EE	34.84	34.84									
<b>TOTAL:</b>			<b>80.00</b>	<b>1,742.00</b>	<b>80.00</b>	<b>1,742.00</b>	<b>TOTAL:</b>		<b>165.49</b>	<b>165.49</b>	<b>TOTAL:</b>		<b>0.00</b>	<b>0.00</b>						
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS														
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD												
Fed Withholdng	123.60	123.60	Fed Med/ER	24.75	24.75	RSHR MSC N	410.24	410.24												
Fed MED/EE	24.75	24.75	Fed OASDI/ER	105.84	105.84	HLT RET EE	17.42	17.42												
Fed OASDI/EE	105.84	105.84	CA Unempl ER	4.61	4.61															
CA Withholdng	42.39	42.39																		
CA OASDI/EE	20.49	20.49																		
<b>TOTAL:</b>		<b>317.07</b>	<b>TOTAL:</b>		<b>135.20</b>	<b>TOTAL:</b>		<b>427.66</b>	<b>427.66</b>											
<b>TOTAL GROSS</b>			<b>TOTAL DEDUCTIONS</b>			<b>TOTAL TAXES</b>			<b>NET PAY</b>			<b>TOTAL PAY AND BENEFITS</b>								
<b>Current</b>			1,742.00	<b>Current</b>			165.49	<b>Current</b>			317.07	<b>Current</b>			1,259.44	<b>Current</b>			1,742.00	
<b>YTD</b>			1,742.00	<b>YTD</b>			165.49	<b>YTD</b>			317.07	<b>YTD</b>			1,259.44	<b>YTD</b>			1,742.00	
<b>Retain for your records</b>			<b>NET PAY DISTRIBUTION</b>																	
			MESSAGE:			Bank Name WELLS FARGO BANK NA			Account Type Savings			Account Number <span style="background-color: black; color: black;">XXXXXXXXXX</span>			Deposit Amount \$1,259.44					
			<b>TOTAL DIRECT DEPOSIT:</b>									<b>\$1,259.44</b>								

# City and County of San Francisco

1155 MARKET STREET 5TH FLOOR  
SAN FRANCISCO, CA 94103

## Statement of Earnings and Deductions

**Date:** 01/04/2022

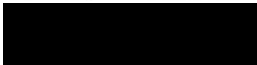
**Advice No. 8405888**

**THE TREASURER HAS DEPOSITED:**

**\$696.60**

To The  
Account Of

**EDUARDO GUERRERO ORTIZ**



Statement of Earnings  
and Deductions

City and County of San Francisco

 Statement of Earnings and Deductions City and County of San Francisco	Pay Advice Number: 00000008405888 Pay Date: 01/04/2022 Pay Period Begin Date: 12/11/2021 Pay Period End Date: 12/24/2021	<b>TAX DATA:</b> Tax Status: Allowances: Additional Amount:	Federal Single N/A	CA State Single 0													
Employee ID: <span style="background-color: black; color: black;">[REDACTED]</span> Name: <b>Eduardo Guerrero Ortiz</b>	Department: 150709-REC Apprentice Program Location: Golden Gate Park Job Title: Apprentice Gardener Pay Rate: \$23.7625 Hourly	<b>PAID TIME OFF:</b> Vacation: Sick Leave: Floating Holiday: Furlough Floating Holiday: Compensatory Time Off: Management Leave:	<b>Balance</b> 0.00 38.00 0.00 0.00 0.00 0.00														
HOURS AND EARNINGS			BEFORE-TAX DEDUCTIONS			AFTER-TAX DEDUCTIONS											
--- Current ---			--- YTD ---														
Description	Rate	Hours	Earnings	Hours	Earnings	Description	Current	YTD	Description	Current	YTD						
RegularPay	23.7625	40.00	950.50	40.00	950.50	KAISER	22.05	22.05	UNDUE 261	11.88	11.88						
						DELTA	2.31	2.31									
						VsnPremier	4.85	4.85									
						HLT RET EE	19.01	19.01									
						RPTX MSC N	71.29	71.29									
<b>TOTAL:</b>			<b>40.00</b>	<b>950.50</b>	<b>40.00</b>	<b>950.50</b>	<b>TOTAL:</b>		<b>119.51</b>	<b>119.51</b>	<b>TOTAL:</b>		<b>11.88</b>	<b>11.88</b>			
EMPLOYEE PAID TAXES			EMPLOYER PAID TAXES			EMPLOYER PAID BENEFITS											
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD									
Fed Withholdng	33.29	33.29	Fed Med/ER	13.08	13.08	KAISER	292.94	292.94									
Fed MED/EE	13.08	13.08	Fed OASDI/ER	55.94	55.94	DELTA	24.29	24.29									
Fed OASDI/EE	55.94	55.94	CA Unempl ER	0.90	0.90	LTD	11.94	11.94									
CA Withholdng	10.27	10.27				HLT RET ER	9.51	9.51									
CA OASDI/EE	9.93	9.93				RSHR MSC N	223.84	223.84									
<b>TOTAL:</b>	<b>122.51</b>	<b>122.51</b>	<b>TOTAL:</b>	<b>69.92</b>	<b>69.92</b>	<b>TOTAL:</b>	<b>562.52</b>	<b>562.52</b>									
<b>TOTAL GROSS</b>			<b>TOTAL DEDUCTIONS</b>			<b>TOTAL TAXES</b>			<b>NET PAY</b>			<b>TOTAL PAY AND BENEFITS</b>					
Current	950.50		131.39		122.51	696.60	<b>Gross Pay</b>			950.50							
YTD	950.50		131.39		122.51	696.60	<b>Benefits</b>			632.44							
							<b>TOTAL:</b>			<b>1,582.94</b>							
<b>Retain for your records</b>						<b>NET PAY DISTRIBUTION</b>											
MESSAGE:						<b>Bank Name</b> WELLS FARGO BANK NA			<b>Account Type</b> Savings			<b>Account Number</b> <span style="background-color: black; color: black;">[REDACTED]</span>			<b>Deposit Amount</b> \$696.60		
												<b>TOTAL DIRECT DEPOSIT:</b>					

**EXHIBIT F, Attachments 1-2:**

**Determination Letter for EEO File No. 3963**

# **EXHIBIT F, Attachment 1**

Determination Letter Email, EEO File No. 3963

June 1, 2023

**From:** [Lavina, Eric \(HRD\)](#)  
**To:** [REDACTED]  
**Cc:** [Martinez, Amalia \(HRD\)](#); [Kwan, Alison \(HRD\)](#)  
**Bcc:** [Grealish, Mick \(HRD\)](#); [Mercado, Ruth \(HRD\)](#); [Corona, Prisma \(HRD\)](#)  
**Subject:** Guerrero Ortiz, Eduardo - Determination Letter  
**Date:** Thursday, June 1, 2023 4:52:00 PM  
**Attachments:** [Guerrero Ortiz, Eduardo - Determination Letter.pdf](#)  
[City's EEO Policy.pdf](#)  
[Equitable, Fair, and Respectful Workplace Policy \(Updated Respect Policy\).pdf](#)  
[image001.png](#)

---

Dear Eduardo Guerrero Ortiz:

Please find attached a determination letter from Carol Isen, Human Resources Director, regarding the above-referenced complaint. Feel free to contact our office should you have any questions.

Thank you,



**Eric Lavina, EEO Management Assistant  
(he/him/his)**

Department of Human Resources  
One South Van Ness Ave., 4<sup>th</sup> Floor  
San Francisco, CA 94103  
Phone: (415) 557-4818  
Website: [www.sfdhr.org](http://www.sfdhr.org)

# **EXHIBIT F, Attachment 2**

Determination Letter, EEO File No. 3963

June 1, 2023



**CONFIDENTIAL**

June 1, 2023

Eduardo Guerrero Ortiz

Via E-mail

RE: EEO Complaint - EEO File No. 3963

Dear Eduardo Guerrero Ortiz:

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 City has completed its investigation of the allegations made in your complaint. You alleged that from August to December 2021, Karla Hernandez (Hernandez), then-3410 Apprentice Gardener, subjected you to sexual harassment when she made inappropriate sexual based comments, sang a sexually explicit song, and made sexual gestures. You alleged that you were subjected to harassment when Randy Vasquez (Vasquez), 3417 Gardener, assigned you to work with another Spanish speaking co-worker due to your race (Hispanic), and made a race-based comment about your mustache. You further alleged that you were subjected to discrimination based on race (Hispanic) and sex (male) when Allison McCarthy (McCarthy), 0922 Park Services Manager, directed your release from the Gardening Apprenticeship Program.

The investigation 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. After a review of the evidence, I have concluded that based upon a preponderance of the evidence standard, some of the conduct you alleged, including Hernandez's sexual comments and singing, would violate the City's EEO Policy, and the City's Fair, Equitable and Respectful Workplace Policy. As such, REC will take appropriate action to address these allegations. I have also concluded that based upon a preponderance of the evidence, some of the conduct you alleged, including Hernandez's alleged sexual gesture and the allegations against Vasquez and McCarthy, did not violate the City's EEO Policy. Nonetheless, please be advised that I will direct REC to take appropriate action, as needed.

Thank you for your cooperation in this matter. This investigation is now considered closed. My determination is final, unless appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Room 720, San Francisco, CA 94102, within 30 calendar days of the date of the e-mail sending this letter. For your information, you may file a complaint of employment discrimination with the California Civil Rights Department, or the United States Equal Employment Opportunity Commission. Please contact those agencies directly for filing requirements and deadlines. Please feel free to contact Amalia Martinez, EEO Director, Department of Human Resources, at (415) 557-4932, should you have any questions.



Sincerely,



Carol Isen  
Human Resources Director

Encl.: City's EEO Policy  
City's the City's Fair, Equitable and Respectful Workplace Policy

c: Philip Ginsburg, General Manager, REC  
Dianna Jou, Human Resources Director, REC  
Melissa Tucker, Principal Personnel Analyst, REC  
Amalia Martinez, EEO Director, DHR

**EXHIBIT G, Attachments 1-2:**

**Department Determination Letter for EEO File No. 3963**

# **EXHIBIT G, Attachment 1**

Department Determination Letter Email, EEO File No. 3963

June 1, 2023

## Villarreal, Estevan (HRD)

---

**From:** Lavina, Eric (HRD)  
**Sent:** Thursday, June 1, 2023 4:53 PM  
**To:** Ginsburg, Phil (REC)  
**Cc:** Jou, Dianna (REC); Tucker, Melissa (REC); Martinez, Amalia (HRD); Kwan, Alison (HRD); Corona, Prisma (HRD); Grealish, Mick (HRD); Mercado, Ruth (HRD)  
**Subject:** Guerrero Ortiz, Eduardo - Department Letter  
**Attachments:** Guerrero Ortiz, Eduardo - Department Letter.pdf; Guerrero Ortiz, Eduardo - Determination Letter.pdf; City's EEO Policy.pdf; Equitable, Fair, and Respectful Workplace Policy (Updated Respect Policy).pdf; Acknowledgement of Receipt (EEO & Respect Policies) 2023.pdf

Dear General Manager Ginsburg:

Please see the attached letters (department letter and letter to the complainant) from Carol Isen, Human Resources Director, regarding the above-referenced complaint. Also, note that DHR EEO requires that the department report back regarding completion of corrective actions no later than June 15, 2023. Feel free to contact our office should you have any questions.

Thank you,



**Eric Lavina, EEO Management Assistant**  
**(he/him/his)**

Department of Human Resources  
One South Van Ness Ave., 4<sup>th</sup> Floor  
San Francisco, CA 94103  
Phone: (415) 557-4818  
Website: [www.sfdhr.org](http://www.sfdhr.org)

# **EXHIBIT G, Attachment 2**

Department Determination Letter, EEO File No. 3963

June 1, 2023



**CONFIDENTIAL**

June 1, 2023

Philip Ginsburg  
General Manager, REC  
McLaren Lodge, Golden Gate Park  
501 Stanyan Street  
San Francisco, CA 94117

Via E-mail  
[philip.ginsburg@sfgov.org](mailto:philip.ginsburg@sfgov.org)

RE: EEO Complaint Filed by Eduardo Guerrero Ortiz, EEO File No. 3963

Dear General Manager Ginsburg:

On January 11, 2022, the City's Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received a complaint filed by Eduardo Guerrero Ortiz (Guerrero Ortiz), former 3410 Apprentice Gardener, alleging sexual harassment against Karla Hernandez (Hernandez), former 3410 Apprentice Gardner; harassment due to race (Hispanic) against Randy Vasquez (Vasquez), 3417 Gardener; and discrimination due to race (Hispanic) and gender (male), against Allison McCarthy (McCarthy), 0922 Park Services Manager.

On April 14, 2022, Guerrero Ortiz met with Prisma R. Corona (Corona) for an intake interview. Corona completed the investigation of Guerrero Ortiz's complaint. As discussed in the enclosed determination letter, the investigation established that Hernandez subjected Guerrero Ortiz to sexual harassment when she sang a sexually explicit song and when she made inappropriate sexual comments. The investigation did not establish that Vasquez subjected Guerrero Ortiz to harassment based on race (Hispanic), or that McCarthy subjected Guerrero Ortiz to discrimination based on race (Hispanic) or gender (male). A copy of the determination letter to Guerrero Ortiz is enclosed for your review.

Guerrero Ortiz also alleged that McCarthy threw a sharpie at Guerrero Ortiz's face, which would violate the City's Equitable, Fair, and Respectful Workplace Policy.

Based on the foregoing, I am recommending that REC Human Resources take the following actions:

**Karla Hernandez**

On July 22, 2022, Hernandez was released from City employment. If Hernandez were still employed, I would recommend that REC take appropriate action against Hernandez, including informing Hernandez that a complaint was filed against her, and that her conduct violated the City's EEO and Equitable, Fair, and Respectful Workplace Policies. In lieu of, please place a copy of this determination letter in Hernandez's personnel file.

**Randy Vasquez**

1. Please inform Vasquez that the investigation did not establish that he subjected Guerrero Ortiz to harassment based on race (Hispanic).
2. Please remind Vasquez that retaliation against any person who made or participated in an EEO complaint is prohibited by law and City policy and will not be tolerated.

**Allison McCarthy**

1. Please Inform McCarthy that the investigation did not establish that she subjected Guerrero Ortiz to discrimination based on race (Hispanic) or gender (male) when she recommended his release from employment.
2. Guerrero Ortiz alleged that McCarthy threw a sharpie at his face after she believed that he responded sarcastically to her question. Please issue McCarthy a copy of the City's Equitable, Fair, and Respectful Workplace Policy, with a signed acknowledgment of receipt to be placed in her personnel file. Please remind McCarthy that she should not throw things at other employees and that as a supervisor, it is her responsibility to model appropriate behavior.
2. Please remind McCarthy that retaliation against any person who made or participated in an EEO complaint is prohibited by law and City policy and will not be tolerated.

Please provide a report on completion of these corrective actions, including a copy of training completion, addressed to Amalia Martinez, EEO Director, DHR, c/o Prisma R. Corona, [prisma.corona@sfgov.org](mailto:prisma.corona@sfgov.org) no later than June 15, 2023.

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

Sincerely,



Carol Isen  
Human Resources Director

Encl.: June 1, 2023 Letter from Carol Isen to Eduardo Guerrero Ortiz  
EEO Policy  
Equitable, Fair, and Respectful Workplace Policy  
Acknowledgement Form

c: Dianna Jou, Human Resources Director, REC  
Melissa Tucker, Principal Personnel Analyst, REC  
Amalia Martinez, EEO Director, DHR

## **EXHIBIT H, Attachments 1-2:**

**Confirmation of Corrective Actions for EEO File No. 3963**



# **EXHIBIT H, Attachment 1**

Confirmation of Corrective Actions Email, EEO File No. 3963

June 1, 2023

## Villarreal, Estevan (HRD)

---

**From:** Tucker, Melissa (REC)  
**Sent:** Thursday, June 8, 2023 3:30 PM  
**To:** Lavina, Eric (HRD)  
**Cc:** Jou, Dianna (REC); Martinez, Amalia (HRD); Kwan, Alison (HRD); Corona, Prisma (HRD); Grealish, Mick (HRD); Mercado, Ruth (HRD)  
**Subject:** RE: Guerrero Ortiz, Eduardo - Department Letter  
**Attachments:** McCarthy Acknowledgement of Receipt 060723 -signed.pdf

All:

Alison's McCarthy's acknowledgement form is attached. I have issued the reminders to Randy Vasquez and Alison McCarthy as well. The Department has completed all corrective actions.

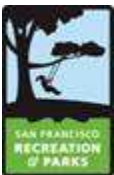
### Melissa Tucker

Principal Human Resources Analyst

*Pronouns: She/her/hers*

San Francisco Recreation and Park Department | City & County of San Francisco  
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

(415) 831-2793 | [Melissa.Tucker@sfgov.org](mailto:Melissa.Tucker@sfgov.org)



Visit us at [sfrecpark.org](http://sfrecpark.org)

Like us on [Facebook](#)

Follow us on [Twitter](#)

Watch us on [sfRecParkTV](#)

Sign up for our [e-News](#)

---

**From:** Lavina, Eric (HRD) <eric.lavina@sfgov.org>  
**Sent:** Thursday, June 1, 2023 4:53 PM  
**To:** Ginsburg, Phil (REC) <phil.ginsburg@sfgov.org>  
**Cc:** Jou, Dianna (REC) <Dianna.Jou@sfgov.org>; Tucker, Melissa (REC) <melissa.tucker@sfgov.org>; Martinez, Amalia (HRD) <amalia.martinez1@sfgov.org>; Kwan, Alison (HRD) <alison.kwan@sfgov.org>; Corona, Prisma (HRD) <prisma.corona@sfgov.org>; Grealish, Mick (HRD) <mick.grealish@sfgov.org>; Mercado, Ruth (HRD) <ruth.mercado@sfgov.org>  
**Subject:** Guerrero Ortiz, Eduardo - Department Letter

Dear General Manager Ginsburg:

Please see the attached letters (department letter and letter to the complainant) from Carol Isen, Human Resources Director, regarding the above-referenced complaint. Also, note that DHR EEO requires that the department report back regarding completion of corrective actions no later than June 15, 2023. Feel free to contact our office should you have any questions.

Thank you,



**Eric Lavina, EEO Management Assistant  
(he/him/his)**

Department of Human Resources  
One South Van Ness Ave., 4<sup>th</sup> Floor  
San Francisco, CA 94103  
Phone: (415) 557-4818  
Website: [www.sfdhr.org](http://www.sfdhr.org)

# **EXHIBIT H, Attachment 2**

Confirmation of Corrective Actions, EEO File No. 3963

June 1, 2023



## ACKNOWLEDGMENT OF RECEIPT OF CCSF POLICIES

I, Alison McCarthy, acknowledge that I have read and received a copy of:

- City's Equal Employment Opportunity (EEO) Policy
- City's Fair, Equitable and Respectful Workplace Policy

I further acknowledge that a copy of this acknowledgement will be placed in my Official Personnel File.

This signed acknowledgement is only to serve as a reminder of the policy. This form is not to be construed as any type of discipline.

Signature

6.8.23

Date

# **EXHIBIT I**

Notice of Appeal by E. Guerrero Ortiz

July 3, 2023



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

**LONDON N. BREED  
MAYOR**

*Sent via Email*

**NOTICE OF RECEIPT OF APPEAL**

DATE: July 3, 2023  
REGISTER NO.: 0140-23-6  
APPELLANT: EDUARDO ORTIZ

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

Dear Carol Isen:

The Civil Service Commission has received the attached letter from Eduardo Ortiz appealing the Human Resources Director's determination regarding their EEO Complaint, DHR EEO File No. 3963. Your review and action are required.

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

In the event that Eduardo Ortiz'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 September 7, 2023**, so that it may be heard by the Civil Service Commission at its meeting on September 18, 2023. If you will be unable to transmit the staff report by the September 7<sup>th</sup> deadline, or if required departmental representatives will not be available to attend the September 18<sup>th</sup> meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

Appellant: Eduardo Ortiz  
July 3, 2023  
Page 2 of 2

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

Sincerely,

CIVIL SERVICE COMMISSION

/s/

Lavena Holmes  
Deputy Director

Attachment

Cc: Jeanne Buick, Department of Human Resources  
Kate Howard, Department of Human Resources  
Amalia Martinez, Department of Human Resources  
Mawuli Tugbenyoh, Department of Human Resources  
Dianna Jou, Recreation and Park Department





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

**LONDON N. BREED  
MAYOR**

*Sent via Email*

July 3, 2023

Eduardo Ortiz  
[REDACTED]

**Subject: Register No. 0140-23-6: Appealing the Human Resources Director's Determination Regarding their EEO Complaint, DHR EEO File No. 3963.**

Dear Eduardo Ortiz:

This is in response to your appeal submitted to the Civil Service Commission on June 30, 2023, appealing the Human Resources Director's determination regarding your EEO Complaint, DHR EEO File No. 3963. Your appeal has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will receive notice of the meeting and the department's staff report on your appeal two Fridays before the hearing date via email, as you have requested on your appeal form.

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date by email to [civilservice@sfgov.org](mailto:civilservice@sfgov.org). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

You may contact me by email [Lavena.Holmes@sfgov.org](mailto:Lavena.Holmes@sfgov.org) or by phone at (628) 652-1100 if you have any questions. You may also access the Civil Service Commission's meeting calendar, and information regarding staff reports and meeting procedures, on the Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService).

Sincerely,

CIVIL SERVICE COMMISSION

/s/

LAVENA HOLMES  
Deputy Director



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

CSC Register No.

0140-23-6

To: XI C Isen  
 C J Buick  
 C K Howard  
 CC: C M Tubenyah  
 C A Martinez  
 C D Jara

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

"During the Shelter Order dated March 17, 2020, we are accepting appeals by email at [civilservice@sfgov.org](mailto:civilservice@sfgov.org)"

Eduardo Guerrero Ortiz

Full Name of Appellant

Work Address

Work Telephone

3410

Apprentice Hardener

Rec and Parks

Job Code

Title

Department

Residence Address

City

State

Zip

Home Telephone

Full Name of Authorized Representative (if any)

Telephone Number of Representative (including Area Code)

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

Email:

**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

No

Original Signature of Appellant or Authorized Representative

2023 JUN 30 11:01:34

RECEIVED  
 EXECUTIVE OFFICER  
 CIVIL SERVICE COMMISSION  
 SAN FRANCISCO

CSC-12 (5/2021)

Date Received by Civil Service Commission:

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

## EEO Complaint - EEO File No. 3963

I am appealing my allegations against Karla Hernandez <sup>2410</sup>, I was subjected to sexual harassment, sexual gestures, very inappropriate comments towards my person and please read the whole document I submitted, she lied about all the things she said I did or said. Everything is a lie, she attacked me from different angles to get me in this place, without a job, my health is not good, my mental health is not good, my whole family is affected from these lies.

I am appealing my allegations against Randy Vasquez <sup>3417</sup>, I was subjected to harassment when Randy would put to work only with Spanish speakers to speak my own language, very inappropriate comments about my body and my mustache. He was just harassing me the whole time, not just me, a lot of people are complaining about him, he is a liar about what he says.

I am appealing my allegations against Allison McCarthy <sup>0122</sup>, I was subjected to discrimination based on my race and sex (male). She never went to me to speak about the investigation going against me.