



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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

March 21, 2024

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Deborah L. Aragon



SUBJECT: REQUEST FOR A HEARING BY DEBORAH ARAGON, GENERAL LABORER (7514) WITH THE DEPARTMENT OF PUBLIC WORKS ON THEIR PERMANENT FUTURE EMPLOYMENT RESTRICTIONS WITH THE CITY AND COUNTY OF SAN FRANCISCO.

Dear Deborah L. Aragon:

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 **April 1, 2024, at 2:00 p.m.** You will receive a separate email invite from a Civil Service Commission staff member to join and participate in the meeting.

The agenda will be posted for your review on the Civil Service Commission's website at www.sf.gov/CivilService under "Meetings" no later than end of day on Wednesday, March 27, 2024. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, please submit **one hardcopy 3-hole punch, double-sided and numbered at the bottom of each page to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at civilservice@sfgov.org by 5:00 p.m. on Tuesday, March 26, 2024**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

Attendance by you or an authorized representative is recommended. **You will have up to 10 minutes for your presentation unless your time is extended by the Commission.** Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. Where applicable, the Commission has the authority to uphold, increase, reduce, or modify any restrictions recommended by the department. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

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

CIVIL SERVICE COMMISSION

SANDRA ENG
Executive Officer

Attachment

Cc: Carol Isen, Department of Human Resources
Carla Short, Department of Public Works
Karen Hill, Department of Public Works
Christine Cayabyab, Department of Public Works
Jesse Franklin, Department of Public Works
Anna Biasbas, Department of Human Resources
Shawn Sherburne, Department of Human Resources
Paul Greene, Department of Human Resources
Lisa Pigula, Department of Human Resources
Donna Ho, Department of Human Resources
Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

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

B. Policy Requiring Written Reports

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

C. Policy on Written Submissions by Appellants

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

D. Policy on Materials being Considered by the Commission

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

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

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

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

F. Policy and Procedure on Hearing Items Out of Order

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

G. Procedure for Commission Hearings

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

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

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

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

Each presentation shall conform to the following:

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

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

H. Policy on Audio Recording of Commission Meetings

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

I. Speaking before the Civil Service Commission

Speaker cards are not required. The Commission will take in-person 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. People who have received an accommodation due to a disability (as described below) may provide their public comments remotely. The Commission will also allow public comment from members of the public who choose to participate remotely. It is possible that the Commission may experience technical challenges that interfere with the ability of members of the public to participate in the meeting remotely. If that happens, the Commission will attempt to correct the problem, but may continue the hearing so long as people attending in-person are able to observe and offer public comment.

J. Public Comment and Due Process

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

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

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

Information on Disability Access

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

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

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

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

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

San Francisco Lobbyist Ordinance

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




CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: 0031-22-7
2. For Civil Service Commission Meeting of: April 1, 2024
3. Check One:
 - Ratification Agenda
 - Consent Agenda
 - Regular Agenda** **X**
 - Human Resources Director's Report
4. Subject: **Appeal of Permanent Future Employment Restrictions by Deborah L. Aragon, former 7514 General Laborer with the San Francisco Department of Public Works.**
5. Recommendation: **Uphold Department of Public Works' decision to restrict the future employment of Deborah L. Aragon with the City and County of San Francisco and deny the appeal.**
6. Report prepared by: Jesse Franklin, Senior Employee and Labor Relations Analyst, San Francisco Public Works. Telephone number: 415-818-2154
7. Notifications: Please see attached Notification List.
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: 

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

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

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

<u>CSC RECEIPT STAMP</u>

Attachment

Notifications

Deborah L. Aragon



Carol Isen – Human Resources Director, Department of Human Resources
1 South Van Ness
San Francisco, CA 94103
Email: carol.isen@sfgov.org

Carla Short – Director of San Francisco Public Works
49 South Van Ness Ave. 12th Floor
San Francisco, CA 94103
Email: Carla.Short@sfdpw.org

Karen Hill – Director of Human Resources, San Francisco Public Works
49 South Van Ness Ave. 12th Floor
San Francisco, CA 94103
Email: karen.hill@sfdpw.org

Christine Cayabyab – Employee & Labor Relations Manager, San Francisco Public Works
49 South Van Ness Ave. 12th Floor
San Francisco, CA 94103
Email: Christine.cayabyab@sfdpw.org

Jesse Franklin – Senior Employee & Labor Relations Analyst, San Francisco Public Works
49 South Van Ness Ave. 12th Floor
San Francisco, CA 94103
Email: jesse.franklin@sfdpw.org

Anna Biasbas – Director, Employment Services, Department of Human Resources
1 South Van Ness
San Francisco, CA 94103
Email: anna.biasbas@sfgov.org

Shawn Sherburne – Assistant Director, Employment Services, Department of Human Resources
1 South Van Ness
San Francisco, CA 94103

Email: shawn.sherburne@sfgov.org

Paul Greene – Client Services Consulting Manager, Department of Human Resources
1 South Van Ness
San Francisco, CA 94103
Email: paul.greene@sfgov.org

Lisa Pigula – Client Services Consulting Manager, Department of Human Resources
1 South Van Ness
San Francisco, CA 94103
Email: lisa.pigula@sfgov.org

Donna Ho – Principal Human Resources Analyst, Department of Human Resources
1 South Van Ness
San Francisco, CA 94103
Email: donna.ho@sfgov.org



Carla Short, Interim Director | Director's Office

carla.short@sfdpw.org | T. 628.271.3078 | 49 South Van Ness Ave. Suite 1600, San Francisco, CA 94103

MEMORANDUM

Date: March 21, 2024

To: Honorable Civil Service Commission

Through: Carol Isen
Human Resources Director
City and County of San Francisco

Through: Karen Hill
Human Resources Director
San Francisco Public Works

Through: Christine Cayabyab
Employee and Labor Relations Manager
San Francisco Public Works

From: Jesse Franklin
Senior Employee & Labor Relations Analyst
San Francisco Public Works

Subject: Deborah L. Aragon, former 7514 General Laborer, San Francisco Public Works's
Decision to Place Future Employment Restriction; Civil Service Register No.
0031-22-7

BACKGROUND

Deborah L. Aragon (Appellant) is appealing the decision of San Francisco Public Works (PW or Department) to impose a permanent citywide future employment restriction for the Appellant on February 23, 2022, upon her dismissal from her Permanent Civil Service (PCS) 7514 General Laborer position.

ISSUE

The Appellant was dismissed from her Permanent Civil Service 7514 General Laborer position with the Department on February 23, 2022, for the following reasons:

- (1) Violation of Policy Prohibiting Employee Violence in the Workplace;
- (2) Violation of Policy Regarding the Treatment of Co-Workers and Members of the Public;
- (3) Conduct Unbecoming of a City Employee;

(4) and Dishonesty.

On March 10, 2022, the Appellant sent a request to appeal the future employment restriction to the Civil Service Commission (CSC). The matter before the Commission is if it is reasonable to permanently preclude the Appellant from future employment with the Department and the City and County of San Francisco. In accordance with the Civil Service Rules, the Department submits this staff report for the Civil Service Commission's review and consideration.

AUTHORITY AND STANDARDS

The Department's procedure of dismissal of permanent employees is governed by the Civil Service Commission Rule 114 (**Exhibit A**) and Civil Service Commission Rule 122 (**Exhibit B**) as set forth below:

Sec. 114.2 Permanent Appointment – Definition

A permanent appointment is an appointment made as a result from an eligible list to a permanent position.

Sec. 122.7.1 Dismissal of Permanent Employee

A permanent employee who has completed the probationary period may be dismissed for cause upon written charges and after having an opportunity to be heard in his/her own defense.

Policy and Guidelines regarding Future Employment Restrictions under Civil Service Rule Series 022

The Civil Service Rules Series 022 provides that the appointing officer of Human Resources Director may impose restrictions on a separated employee's future employment with the department and/or City – either indefinitely or conditioned on the individual meeting certain requirements – subject to appeal to the Civil Service Commission.

Policy Prohibiting Employee Violence in the Workplace

The City's Policy Prohibiting Employee Violence in the Workplace contained in the City's Employee Handbook (**Exhibit C**) states in relevant part:

The City is committed to maintaining a workplace free from violence and threats of violence, and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited and should be reported immediately.

“Violence” includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, 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, except when required by the City department in the performance of the employee's official duties. Weapons include, but are not limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

Policy Regarding the Treatment of Co-Workers and Members of the Public

The City's Policy Regarding the Treatment of Co-Workers and Members of the Public (**Exhibit D**) states:

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

Findings

The Appellant was hired on June 27, 2011, with Public Works as a temporary exempt classification 7514 General Laborer. The Appellant was dismissed from this appointment on February 21, 2012. The Appellant was rehired on November 9, 2015, as a temporary exempt classification 7501 General Laborer Apprentice. On April 21, 2018, the Appellant was promoted to a permanent civil servant classification 7514 General Laborer position. The Appellant was assigned to the Department's Bureau of Street and Environmental Services (BSES). As a General Laborer, the appellant was tasked with patrolling City streets collecting garbage and debris, and cleaning illegal dumping sites and spills on City streets.

On August 13, 2021, Jonathan Vaing (Vaing), Assistant Superintendent of BSES received a voicemail from a member of the public claiming they were assaulted by a PW employee. The member of the public, [REDACTED] ([REDACTED]) explained that while walking her dog around 9 a.m. at 23rd and Alabama Street, [REDACTED] was approached from behind by the Appellant. The Appellant then hit [REDACTED]'s left shoulder and pushed [REDACTED]'s chest with both hands. During the altercation, the Appellant said, "Fight me" and "I'm gonna beat your ass." [REDACTED] backed up to not engage with the Appellant. Per [REDACTED], the Appellant pulled her arm back to strike [REDACTED] when a neighbor, later identified as [REDACTED] ([REDACTED]), who had been watching, called out to [REDACTED] which caused the Appellant to back off and return to her vehicle.

Vaing met with the Appellant on August 13, 2021, at about 2:15 p.m. to discuss the complaint received. Vaing did not disclose the nature of the complaint but gave the Appellant the chance to explain what happened during her shift. The Appellant completed an incident report at that time. In the What Happened section, the Appellant wrote: "Don't know, just remember some gentleman asked me if I could pick up some garbage from corner – I did." The Appellant did not include any details of the conflict with [REDACTED]. (**Exhibit E**)

Each City Vehicle assigned to a PW employee is fitted with a Global Positioning System (GPS). The Appellant's assigned vehicle was vehicle number 431-616. GPS report for vehicle 431-616 show that on August 13, 2021, the Appellant stopped at 2929 23rd Street for three (3) minutes from 8:47 a.m. to 8:50 a.m. (**Exhibit F**)

The investigation established that on August 13, 2021, around 9 a.m. the Appellant arrived at 23rd and Alabama Street, exited her vehicle, and approached [REDACTED]. The Appellant shoulder-checked [REDACTED], pushed [REDACTED], said "fight me" and "I'm gonna beat your ass." The

Appellant pulled her arm back and was about to strike [REDACTED] when a neighbor, [REDACTED] called out in an effort to intervene.

[REDACTED] filed a Police Report with an SFPD officer at 9:23 a.m. on August 13, 2021. **(Exhibit G)**

On August 14, 2021, the Appellant posted a video on Facebook in which she states: “You wanted a hug. I hug you again. You stank ass bitch. You called the cops. I’m looking.” [REDACTED] believed that when the Appellant said “hug” she meant she would hit [REDACTED] again. [REDACTED] believes the Appellant posted the video in response to [REDACTED] contacting the police after the incident the day before. **(Exhibit H)**

On August 23, 2021, [REDACTED] filed for and was granted a Temporary Restraining Order (TRO) by the San Francisco County Superior Court. The TRO ordered the Appellant to refrain from doing the following: Harass, intimidate, molest, attach, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person ([REDACTED]). The TRO further required the Appellant to stay at least two hundred (200) yards away from [REDACTED]. **(Exhibit I)** Proof that the Appellant was served the TRO was provided to the Department. **(Exhibit J)**

On August 25, 2021, the Appellant posted a video on Facebook, while wearing a Department safety vest. In the video, the Appellant can be heard saying, “Just got a haircut. Had to get ready for Saturday. Piece of paper ain’t gonna stop me from getting my haircut. Nobody is. No police. No nobody, motherfucker. Bye.” [REDACTED] believed “piece of paper” was in reference to the temporary restraining order, which was served to the Appellant on August 23, 2021, at 5:52 p.m. **(Exhibit K)**

On August 26, 2021, the Appellant posted a video on Facebook. The Appellant is seen in the video near a City vehicle and wearing her Department safety vest. In the video, the Appellant says, “I’m on 24th and Hampshire. I’m gonna work my way up 24th towards Mission. So everyone knows where I’m at. If you’re scared, stay inside. We getting coffee and donuts. Scared people need to stay inside their houses. I feel sorry for you motherfuckers.” [REDACTED] believed the Appellant’s statements were directed at her because she lives near 24th and Alabama Street. **(Exhibit L)**

On September 3, 2021, the Appellant sent text messages to [REDACTED] ([REDACTED]), a classification 8420 Rehabilitation Services Coordinator with the San Francisco Sheriff Department. [REDACTED] is an ex-girlfriend of the Appellant and provided a series of text messages to the Department as part of the investigation. **(Exhibit M)**

The text messages sent by the Appellant to [REDACTED] at 7:19 a.m. on September 3, 2021, state:

“I’m calling you to tell you goodbye these motherfuckers got me a zombie in the tenderloin goodbye. Over the next few ours you will be seeing events that are going to shut the fuck out of you don’t be shocked you knew everything we’ve had discussions I told you in detail everything I’m gonna do my phone will prove that. Remember when people try to fuck me I’m gonna fuck them harder. Be careful you might also go to jail you know spending the city money on shit that wasn’t meant for the city. My bad this is you job phone oh sorry. Yeah bitch wanna be a cop

caller I'm a call the cops on you. Oh that's right though you taught her how to play the victim role.

There's no talking I'm gonna get this bitch I've already come to the my Jesus Christ moment I'm sick and tired I'm so fucking tired all these motherfuckers lying on me and getting away with it no more I'm taking care of our room fucking liars and we can go suck my dick. I need my girlfriend not even having my back thinking anything I'm saying is fucking not the truth fuck that I'm a make this bitch fucking tell everything every fucking lie she's been telling she's going to confess she's going to have her come to.

I'm gonna get that bitch maybe next time you'll listen to a motherfucker all you should've paid attention to what the fuck I was saying. Everybody wants to push my buttons and not take me serious that camels back is broke."

Included in the September 3, 2021, text exchange between the Appellant and [REDACTED] was a picture of a safety vest with a knife on top.



On October 8, 2021, the Superior Court of California for the County of San Francisco issued a permanent Restraining order against the Appellant which does not expire until 9 a.m. on October 8, 2026. The details of the order are identical to the TRO issued on August 23, 2021. **(Exhibit N)**

On November 30, 2021, the General Services Agency (GSA) Investigator concluded the investigation and submitted their report to the Deputy Director of the Operations Yard, DiJaida Durden. **(Exhibit O)**

On December 21, 2021, the Department issued the Notice of Proposed Dismissal From Employment with the City and County of San Francisco and Skelly Notice. The Skelly Meeting was scheduled for January 14, 2022. The Appellant was charged with (1) Violation of the Policy Prohibiting Employee Violence in the Workplace; (2) Violation of the Policy Regarding the Treatment of Co-Workers and Members of the Public; (3) Conduct Unbecoming of a City Employee; and (4) Dishonesty. **(Exhibit P)**

On January 13, 2022, the Appellant was placed on a 30-day Paid Administrative Leave effective the next day, January 14, 2022. **(Exhibit Q)**

On January 28, 2022, the Department held the Skelly meeting which was attended by the Appellant, and her Union Representative, Theresa Foglio. The Skelly officer was Lawlun Leung (Leung), a Senior Employee Relations Analyst with GSA. The Appellant submitted a written response to the charges. Ginorio provided a letter on the Appellant's behalf as well. **(Exhibit R)**

On February 8, 2022, Leung issued his Skelly response and sustained the charges against the Appellant. Leung sustained each of the charges against the Appellant. **(Exhibit S)**

The Appellant Violated the City's Policy Prohibiting Violence in the Workplace

The Appellant violated the City's Violence in the Workplace policy when on August 13, 2021, she committed acts of violence which included hitting ██████'s left shoulder, telling her "fight me" and "I'm going to beat your ass", and pushed ██████ with both hands while challenging ██████ to fight her. Further, the investigation established that the Appellant was about to punch ██████ when ██████, intervened. Before leaving the scene, the Appellant told ██████, "See you in an hour" – which ██████ perceived as a threat. Thereafter, on August 14, 25, and 26th 2021, the Appellant posted disturbing videos on Facebook threatening ██████.

██████ feared for her personal safety and filed a restraining order against the Appellant. San Francisco Superior Court believed that the Appellant was a legitimate threat to ██████ and issued a five-year Restraining Order which extended the restraining order through October 8, 2026. The order requires the Appellant to stay 200 yards away from ██████, her home, and her vehicle. The order also mandated the Appellant refrain from doing the following to ██████ harass, intimidate, molest, attack, strike, threaten, assault, destroy personal property of, or disturb the peace of ██████

The Appellant Violated the City's Policy Regarding the Treatment of Coworkers and Member of the Public and Conduct Unbecoming of a City Employee

The Appellant accepted this charge. The appellant said that she should have walked away from ██████ but instead engaged in a verbal altercation with her. The Appellant acknowledged that her conduct was unbecoming of an employee.

The Appellant Was Dishonest

The Appellant was found to be dishonest and not credible during her Weingarten interview for the following reasons:

1. The Appellant denied the August 13, 2021, incident with [REDACTED] and claimed she did not talk to or touch [REDACTED] that day. However, there is documentation which contradicts the Appellant's denial. GPS records show that the Appellant's City vehicle (431-686) was stopped at 2929 23rd Street near Alabama street where the incident occurred and at the time the incident occurred. Second, [REDACTED] promptly filed a Police Report, reinforcing [REDACTED]'s fear of the Appellant. Third, [REDACTED] witnessed the incident between the Appellant and [REDACTED] and gave statements that align with [REDACTED]'s story and the Police Report. Last, [REDACTED] was granted a temporary restraining and later a permanent restraining order against the Appellant.
2. The Appellant denied ever seeing the photo with a knife on top of a work safety vest. However, [REDACTED] provided a September 3, 2021, series of text messages from the Appellant with the photo along with text messages.
3. The Appellant also denied seeing a temporary restraining order filed by [REDACTED] against the Appellant. In video 2, posed on Facebook on August 25, 2021, the Appellant is in a City vehicle wearing her safety vest and states: "...Piece of paper ain't gonna stop me from getting my haircut. Nobody is. No police. No nobody, motherfucker. Bye." [REDACTED] believed that the Appellant's statements were directed at [REDACTED]. [REDACTED] believed "piece of paper" was referring to the Restraining order that was served to the Appellant.

[REDACTED] provided proof that the Appellant was served the temporary restraining order on August 23, 2021. The Appellant was dishonest when she claimed to not receive the restraining order.

Discussion and Analysis

The Civil Service Commission (CSC) guidelines on Future Employment Restrictions highlight the responsibility of departments to consider future employment restrictions on a case-by-case basis, factoring in the egregiousness, any patterned behavior, and consequence of the conduct.¹ The CSC further provides a non-exhaustive list of infractions that could merit placing employment restrictions on someone. (**Exhibit T**) Of that list, the following apply in the Appellant's case:

- Egregious misconduct.
- Serious unethical conduct that may mar the Department's reputation and/or the public's trust in the Department/City.
- Mistreatment of persons (e.g. sexual harassment, violence in the workplace).
- Acts or conduct which presented a danger to the health and safety of the individual, his or her coworkers, or members of the public.

The investigation established that on August 13, 2021, the Appellant drove her City vehicle to the block of 23rd and Alabama, hit and pushed [REDACTED], while trying to instigate [REDACTED] to fight back. The investigation further established that the Appellant was about to strike [REDACTED] again when [REDACTED] intervened. The Appellant's conduct on the morning of August 13, 2021, violated the City's Policy Prohibiting Violence in the Workplace and the Policy Regarding the

¹ Civil Service Commission Policy and Guideline on Restrictions on Future Employment – Adopted April 21, 2014, Memorandum No. 2014-10.

Treatment of Coworkers and Members of the Public. Further, the Appellant's conduct represented Conduct Unbecoming of a City Employee, and she was found to be dishonest and not credible. The Appellant's conduct on August 13, 2021, warranted dismissal from employment for these infractions.

Unfortunately, in the days after the altercation with [REDACTED], the Appellant continued to display conduct that was deeply concerning and merited a permanent ban on future employment with the City and County of San Francisco.

On August 14, 2021, a day after the initial altercation, the Appellant posted a video on Facebook in which she stated: "You wanted a hug. I hug you again. You stank ass bitch. You called the cops. I'm looking." There is a causal link to what the Appellant says in the video and what occurred the previous day. Specifically, the Appellant's reference to a "hug" could be reasonably perceived as a threat of physical violence.

In response to the threat of violence and the Appellant's escalation, [REDACTED] filed for a TRO on August 23, 2021. The TRO was granted and served to the Appellant later the same day. A hearing date to consider granting a Permanent Restraining Order was scheduled for October 8, 2021.

On August 25, 2021, after being issued the TRO, the Appellant again takes to Facebook, saying, "Just got a haircut. Had to get ready for Saturday. Piece of paper ain't gonna stop me from getting my haircut. Nobody is. No police. No nobody, motherfucker. Bye." It is never made clear what the Appellant means by haircut – it may be literal. However, it is clear that the Appellant does not intend to honor the requirement of the TRO to stay two hundred (200) yards away from [REDACTED] and it is reasonable to believe the Appellant may continue to escalate.

On August 26, 2021, the Appellant posted a video on Facebook. The Appellant is seen in the video near a City vehicle and wearing her Department safety vest. In the video, the Appellant says, "I'm on 24th and Hampshire. I'm gonna work my way up 24th towards Mission. So everyone knows where I'm at. If you're scared, stay inside. We getting coffee and donuts. Scared people need to stay inside their houses. I feel sorry for you motherfuckers." While the Appellant does not make threats in the post, they are shown in their City vehicle, and they are wearing their PW safety vest. It reflects poorly on the Department for an employee to be flaunting the TRO, on a social media platform, while wearing their department safety vest.

Last, we must examine the Appellant's text message exchange with [REDACTED] on September 3, 2021. In the text exchange, the Appellant's messages use idiomatic language which must be understood outside the literal word usage. "Zombie in the Tenderloin" is likely a reference to the Appellant's reported relapse after being sober for over twenty (20) years. "You will be seeing events that are going to shut the fuck out of you" and "...I'm gonna fuck them harder" are ambiguous but seem to point toward the Appellant doing something drastic. This sentiment is reinforced later when the Appellant texted "I have come to my Jesus Christ moment," and "I'm a make this bitch fucking tell everything every fucking lie she's been telling she is going to confess she's going to have her come to." It is reasonable to conclude that the Appellant was going to do something drastic – either to herself or [REDACTED].

The Appellant concludes the text saying, "The camel's back is broke" with an accompanying photo of a knife on a DPW safety vest.

Though the Appellant's language is at times unclear – due in large part to her use of idiomatic language – in totality, the message is clear. She is either a danger to ██████████, herself, someone else, or all of the above.

The Department would like to acknowledge that the Appellant's history with the department, with regard to disciplinary action, does not include any other instances of violence, threats, or any serious policy violations. The ban on future employment was based on the seriousness of the Appellant's conduct between August 13, 2021, and September 3, 2021.

During the Appellant's Skelly meeting, the Appellant submitted a letter speaking to the circumstances that led to her actions on August 13, 2021, and the following weeks. In that letter, the Appellant describes caring for her terminally ill mother, the abandonment of her grandchildren - which she is now the guardian of, and the death of family and a best friend. Per the Appellant, this culminated in her relapse of sobriety after twenty (20) years.

On January 26, 2022, ██████████ submitted a letter correcting previous statements she had made to the investigator, specifically that ██████████'s statement that the Appellant was "homicidal" was a mistake on ██████████'s part. In that letter, ██████████ explained the circumstances that she believed led the Appellant to commit gross misconduct which led to her dismissal. ██████████ expressed remorse that the Appellant was facing dismissal for her conduct and pleaded for the Skelly officer to consider restorative justice when making their decision.

In the closing portion of the letter, ██████████ writes:

"Since my report to DPW, the Appellant has gone into rehab, is currently enrolled in anger management classes, attends group therapy, regularly attends Narcotics Anonymous, and has a sponsor. There have been no further incidents, and she is getting the help she needs. She is not a threat and is not a liability and is willing to do whatever is necessary to stay employed with DPW. I urge you to please take this into consideration when deciding her employment."

Understanding the totality of the circumstances, acknowledging the Appellant's otherwise good standing and the strides the Appellant has made to address the root causes of the misconduct does not divorce the Department from defending the appropriate ban on future employment with the City and County of San Francisco.

The investigation established that the Appellant's actions on August 13, 2021, occurred. The Appellant arrived at the block of 23rd and Alabama, assaulted ██████████, and left – all while in a City vehicle, wearing a Department safety vest, and on the job.

██████████'s fear of the Appellant was serious enough that on August 23, 2021, she was granted the TRO. Following the issuance of the TRO, the Appellant continued to post threats on Facebook, seemingly ignoring the TRO. Then on October 8, 2021, ██████████ was issued the Permanent Restraining Order which is in place until October 8, 2026. To be issued the

Permanent Restraining Order required [REDACTED] to have “conclusive evidence of physical harm, harassment, or threats².”

Had the Appellant been involved in only the initial assault on August 13, 2021, she may have only been faced with dismissal. The fact is that the Appellant continued to threaten [REDACTED] after the initial assault. The culminating event in the Appellant’s spiral - the text message exchange with [REDACTED] on September 3, 2021 - cannot be overlooked. The concluding photo the Appellant sent [REDACTED], that of a knife, unfurled, sitting atop a DPW safety vest has a stark clarity. A reasonable person could not know whether these threats were real, and one must assume they were. [REDACTED] took steps to protect herself. The City and County Superior Court took steps on [REDACTED]’s behalf to issue the Permanent Restraining Order. The Department appropriately sought the dismissal of the Appellant. The Skelly officer supported the dismissal with their recommendation. The Department appropriately implemented the Citywide ban on employment. And now we must appropriately defend the ban.

Credible threats against a member of the public must be of paramount concern. Though we know what the Appellant was dealing at the time of these incidents, we cannot dismiss the liability the Appellant would present if she were to be allowed to work for the Department or the City again. Even though the Appellant has taken considerable steps to improve herself and gain sobriety again, we cannot know what challenges the Appellant may face in the future and how that may impact her conduct. The Department and the City are on notice of what the Appellant is capable of, and we have to weigh the risk of allowing the Appellant to ever be permitted to work for the City again.

Honorable Commissioners, it is the Department’s position that the Appellant’s assault of a member of the public and the subsequent threats of violence toward [REDACTED] represents a bell that cannot be un-rung. The Appellant engaged in multiple instances of a combination of violence, and threats of violence, and must now deal with the consequences.

Recommendation

For the reasons discussed above, the Department respectfully requests that the Civil Service Commission uphold the Appellant’s Citywide ban on future employment with the City and County of San Francisco.

Exhibits

Exhibit A: Civil Service Commission Rule 114

Exhibit B: Civil Service Commission Rule 122

Exhibit C: Employee Handbook’s City and County’s Policy Prohibiting Violence in the Workplace

Exhibit D: CCSF Policy Regarding the Treatment of Co-Workers and Members of the Public

² The requirements to obtain a Permanent Restraining Order taken from: <https://selfhelp.courts.ca.gov/DV-restraining-order/process>

Exhibit E: Aragon's Incident Report

Exhibit F: August 13, 2021, GSP Report for Aragon's Vehicle

Exhibit G: SFPD Police Report # 210515447

Exhibit H: Facebook Video – Posted August 14, 2021

Exhibit I: Temporary Restraining Order granted August 23, 2021

Exhibit J: Proof of Service of Temporary Restraining Order

Exhibit K: Facebook Video 2 – Posted August 25, 2021

Exhibit L: Facebook Video 3 – Posted August 26, 2021

Exhibit M: Texts from the Appellant to [REDACTED]

Exhibit N: Permanent Restraining Order Granted on October 8, 2021

Exhibit O: Investigatory Report

Exhibit P: Notice of Proposed Dismissal and Skelly Notification

Exhibit Q: Paid Administrative Leave Notice

Exhibit R: The Appellant and [REDACTED] Skelly Statements

Exhibit S: Leung Skelly Decision

Exhibit T: CSC Policy on Future Employment Restrictions Adopted April 21, 2014

Exhibit A

Civil Service Rule 114

Except as otherwise provided in these Rules, ordinances, or the Charter, the decision of the appointing officer in all matters regarding appointment shall be final.

Sec. 114.2 **Permanent Appointment - Definition**

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

Sec. 114.3 **Method of Appointment - Permanent Appointment**

Permanent appointments shall be made in the following order of priority:

114.3.1 by the return to duty of a permanent holdover;

114.3.2 by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees;

Sec. 114.3 **Method of Appointment - Permanent Appointment (cont.)**

114.3.3 by the appointing officer through use of any one of the following options:

1) advancement of a part-time or school-term employee to full-time status consistent with the requirements found elsewhere in this Rule; or

2) transfer; or

3) from requests for reinstatement other than by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees; or

4) by reappointment following resignation; or

5) by certification by the Department of Human Resources of eligibles from a regular list or reemployment register.

Exhibit B

Civil Service Rule 122

Visit San Francisco's new website, [SF.gov](https://sf.gov)

Civil Service Commission

Rule 122 Employee Separation Procedures

Rule 122

Employee Separation Procedures

Applicability: Rule 122 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 122 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Article I: Separation Procedures

Article II: Termination of Temporary Employee

Article III: Termination of Provisional Employee

Applicability: Article III, Rule 122, shall apply to employees in classes represented by the Transport Workers Union (TWU) - Locals 200 and 250A; except MTA Service-Critical classes. However, all definitions in Rule 122 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

Article IV: Dismissal of Permanent Employee

Article V: Resignation - Services Unsatisfactory

Article VI: Absence from Duty Without Leave (Automatic Resignation)

Article VII: Request to Remove Non-Permanent Ban

Applicability: Article VII, Rule 122, shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Rule 122

Employee Separation Procedures

Article I: Separation Procedures

Applicability: Rule 122 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 122 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volume II, III and IV. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 122.1 Rules of Procedure Governing Separation Hearings

122.1.1 This Article prescribes the procedures governing the separation of the following:

Except as otherwise noted, Section 122.1.1 shall apply only to employees in classes represented by the Transport Workers Union (TWU) - Locals 200 and 250A; excluding MTA Service-Critical classes.

1. Temporary employee from a list
2. Dismissal of permanent employee

122.1.2 This Article prescribes the procedures governing the separation of the following:

Except as otherwise noted, Section 122.1.2 shall apply only to employees in classes represented by the Transport Workers Union (TWU) - Locals 200 and 250A; excluding MTA Service-Critical classes.

1. Temporary employee from a list
2. Provisional employee
3. Dismissal of permanent employee

122.1.3 A notice of termination on the form prescribed by the Human Resources Director from the appointing officer to the employee detailing the specific reason(s) for the termination, shall serve as official notice of such termination. The notice of termination shall be sent by certified mail or personally delivered. Copies of the termination form must be filed in the Department of Human Resources.

Sec. 122.1 Rules of Procedure Governing Separation Hearings (cont.)

122.1.4 The notice of termination must include the following information:

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

2) The decision of the Civil Service Commission may affect any **future** employment with the City and County of San Francisco.

3) Representation by an attorney or authorized representative of the employee's choice at the inquiry;

4) Notification of date, time and place of inquiry a reasonable time in advance; and

5) Inspection by the employee's attorney or authorized representative of those records and materials on file with the Executive Officer which related to the termination.

122.1.5 Any interested party may request a continuance of the inquiry.

122.1.6 The stated reason(s) for the termination must be enumerated. Records of warnings, reprimands and previous suspensions, if applicable to the reasons for termination, must be attached to the termination form.

122.1.7 To the extent practicable, the departmental representative who has the most complete personal knowledge of the facts which constitute the basis for the termination shall appear when the matter is to be considered by the Commission. The matter will be heard in accordance with the procedures provided elsewhere in these Rules. Interested parties may record the inquiry if they provide the necessary equipment.

Sec. 122.2 Eligibility Status Pending Commission Action on Termination or Dismissal

Except as otherwise ordered by the Human Resources Director, pending action of the Commission on termination of any appointment or upon preferral of charges for dismissal, the name of the appointee shall be placed under waiver for all appointment(s) on any eligible list on which the person has standing and shall be otherwise ineligible for any employment in the City and County service.

Sec. 122.3 Effect of Commission Approval of Termination or Dismissal

Unless specifically ordered otherwise by the Commission, approval of termination or dismissal shall result in the cancellation of all current examination and eligibility status, and all **future** applications will require the approval of the Human Resources Director, after completion of one (1) year's satisfactory work experience outside the City and County service and by recommendation of the department head or Human Resources Director, the person shall be ineligible for **future** employment with the department from which separated.

Sec. 122.4 Effect of Failure to Request Commission Review of Termination or Dismissal

122.4.1 Failure to request a Commission review within the twenty (20) day period as provided elsewhere within this Rule shall result in the following actions:

1) The adoption of the departmental recommendation as approved by the Human Resources Director; or approval of the separation, if such action is appropriate; and/or

2) Dismissal from the City and County service; and/or

3) The cancellation of all current examination and eligibility status; and/or

4) All **future** applications shall be subject to the review and approval of the Human Resources Director after satisfactory completion of one (1) year's work experience outside the City and County service;

and/or

5) By recommendation of the department head or Human Resources Director, the separated employee may not be employed with the same department in the **future**.

122.4.2 This action shall be final and shall not be subject to reconsideration unless the person can present evidence in writing of being unable to communicate with the Commission within thirty (30) days of being able to so communicate. All requests for reconsideration shall be in writing and shall be processed in accordance with the procedure for reconsideration provided elsewhere in these Rules.

Rule 122

Employee Separation Procedures

Article II: Termination of Temporary Employee

Applicability: Rule 122 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 122 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volume II, III and IV. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 122.5 Procedure for Termination of Temporary Employee

122.5.1 A temporary employee may be terminated for cause by an appointing officer at any time. The notification and hearing procedure shall be in accordance with the provisions of this Rule.

122.5.2 The Commission shall take one or more of the following actions:

1) Declare the person dismissed from the service and remove the name of the person from the eligible list;

2) Order the name of the person removed from any other list or lists on which the person has eligibility;

3) Restrict **future** employment as it deems appropriate;

4) Return the name of the person to the eligible list from which appointed without restriction or under such conditions for further appointment as it deems appropriate. If the list from which the terminated employee was appointed has expired, the name of the employee may be placed on a reemployment register for the class for an additional period of eligibility of twelve (12) months under such conditions for further appointment as the Commission deems appropriate.

Rule 122

Employee Separation Procedures

Article III: Termination of Provisional Employee

Applicability: Article III, Rule 122, shall apply to employees in classes represented by the Transport Workers Union (TWU) - Locals 200 and 250A; except MTA Service-Critical classes. However, all definitions in Rule 122 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

Sec. 122.6 **Procedure for Termination of Provisional Employee**

122.6.1 A provisional employee may be terminated for good cause by an appointing officer at any time with the approval of the Commission. The notification and hearing procedure shall be in accordance with the provisions of this Rule.

122.6.2 The Commission shall take one or more of the following actions:

- 1) Approve the termination and declare the person dismissed from the service.
- 2) Order the name of the person removed from any regular eligible list or lists on which the person may have standing.
- 3) Restrict **future** employment as it deems appropriate.
- 4) Disapprove the termination and reinstate the person to the department.

Rule 122

Employee Separation Procedures

Article IV: Dismissal of Permanent Employee

Applicability: Rule 122 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 122 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 122.7 **Procedure for Dismissal of Regular Permanent Employee**

122.7.1 Dismissal of Permanent Employee

A permanent employee who has completed the probationary period may be dismissed for cause upon written charges and after having an opportunity to be heard in her/his own defense.

122.7.2 Notification of Time and Place of Hearing

When the charges are made, the appointing officer shall notify the person in writing of the time and place where the charges will be heard by mailing such statement via certified mail to the employee's last known address. Such hearing shall not be held within five (5) working days of the date on which the notice is mailed. The employee may be represented by counsel or other representatives of the employee's choice.

122.7.3 Hearing Officer - Sources

The hearing itself, as required by Charter, shall be conducted by a hearing officer under contract to the appointing officer chosen as follows in each case: From organizations such as the American Arbitration Association or the State Conciliation Service which customarily provide hearing officers; or from a list of qualified hearing officers certified by the Civil Service Commission, which shall be kept current and contain at all times at least three (3) names.

Sec. 122.7 Procedure for Dismissal of Regular Permanent Employee (cont.)**122.7.4 Hearing Officer - Method of Selection**

The Civil Service Commission shall certify its list of hearing officers by the following method:

- 1) The Commission shall cause to be published in a newspaper of general circulation an announcement of openings for hearing officers. This announcement shall run either for a period of five (5) working days or for two (2) weekends at the discretion of the Civil Service Commission;

- 2) The Commission shall include in its list only such applicants as to satisfy the following criteria: have at least one (1) year of experience in the conduct of judicial hearings in the capacity of a hearing officer and have experience in the resolution of disputes involving the interpretation of labor-management contracts;

- 3) The Executive Officer shall post the list of panel members so selected for a period of five (5) working days during which time employees, public employee organizations or City departments may seek to demonstrate in writing that any member of the panel is unacceptable. The Executive Officer shall review such challenges and shall determine whether on the basis of the challenge the individual should be eliminated from the approved list.

122.7.5 Hearing Officer - Challenge of Employee

The employee may challenge the competence of the hearing officer who is scheduled to hear the employee's case on the basis that the hearing officer is in some demonstrable manner biased or prejudiced against the employee and that, therefore, the employee will not be afforded a fair hearing. The challenge must be made in the following manner:

- 1) The challenge must be by written affidavit;

- 2) The challenge must be received by the appointing officer at least twenty four (24) hours prior to the commencement of the hearing;

Sec. 122.7 Procedure for Dismissal of Regular Permanent Employees (cont.)**122.7.5 Hearing Officer - Challenge of Employee (cont.)**

3) Should the challenge cause the department to incur expense through the cancellation of the hearing officer, shorthand reporter, etc., such expenses shall be borne by the employee in keeping with the section on costs below. If the employee has been placed on suspension pending the hearing, any delay in the hearing occasioned through challenge or replacement of a hearing officer shall be considered a delay of the hearing by act of the accused employee and shall extend indefinitely the thirty (30)-day period referred to in Charter Section A8.341;

4) In the event that the appointing officer shall determine that the hearing officer cannot afford the employee a fair hearing, the appointing officer shall immediately make arrangement to obtain the services of another hearing officer in accordance with the methods stated above.

122.7.6 Hearing Officer - Evidence to be Considered

The hearing officer shall decide the case on the basis of the evidence presented. The hearing officer shall determine whether the accused employee has adhered to the applicable orders, Rules, regulations, ordinances, Charter provisions, or applicable sections of any memoranda of agreement or memoranda of understanding. The hearing officer shall be prohibited from considering the relative merits or social desirability of such orders, Rules, regulations, ordinances, Charter provisions or sections of memoranda of agreement or memoranda of understanding as may be applicable to the case.

122.7.7 Hearing Officer - Decision

Within five (5) working days of the close of the hearing, unless specifically exempted for good cause by the appointing officer, the hearing officer shall notify the appointing officer in writing of a decision in the case. The hearing officer shall be limited to the following options in deciding the case:

1) The hearing officer may exonerate the employee in which case the record may, at the discretion of the hearing officer, be expunged and the employee may receive back pay for all time lost;

Sec. 122.7 Procedure for Dismissal of Regular Permanent Employee (cont.)**122.7.7 Hearing Officer - Decision (cont.)**

2) The hearing officer may find the employee guilty as charged, in which case the following provisions apply:

§ the hearing officer may order the employee returned to work but without back pay for any time not worked between the time charges were made and the time of the hearing or the time the hearing officer renders a decision, whichever is longer;

§ the hearing officer may suspend the employee without pay but may not at her/his discretion, order back pay for any periods not worked prior to the hearing; or

§ the hearing officer may dismiss the employee.

122.7.8 Notification of Decision of Hearing Officer

Within five (5) working days after the appointing officer receives written notification of the decision of the hearing officer, the appointing officer shall inform the employee in writing of the decision of the hearing officer and shall, by copies of this correspondence and the written notification from the hearing officer, inform the Civil Service Commission of the decision and the action taken.

122.7.9 Costs

1) The department bringing charges against an employee shall pay all fees for hearing officers and court reporters, and, if required, the cost of preparation of the transcript with the following exception:

2) If additional costs are incurred as a result of any request of the employee (such as costs occasioned by the untimely postponement of a hearing, challenges of hearing officer, etc.), all such additional costs, such as cancellation fees or fees when court reporters cannot be notified of the cancellation of a hearing within their established and customary limits, shall be borne by the employee.

Sec. 122.8 Procedure for Hearing on Charges Against an Employee When the Appointing Officer Neglects or Refuses to Act

122.8.1 When the appointing officer neglects or refuses to act pertaining to the removal of any employee subject to the civil service provisions of the Charter, the Commission may hear and determine any charge filed by

a citizen, or by any member of or by an authorized agent of the Commission. In rendering its decision, the Commission shall determine the charges and may exonerate, suspend or dismiss the accused employee in accordance with the provisions of Charter Section A8.341.

122.8.2 The appointing officer or the departmental representative shall appear when the matter is to be considered. The matter will be heard in accordance with this procedure provided elsewhere in these Rules.

Rule 122

Employee Separation Procedures

Article V: Resignation - Services Unsatisfactory

Applicability: Rule 122 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 122 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 122.9 Procedure for Review of Resignation - Services Unsatisfactory

122.9.1 Notice of Proposed Action

If the services of a resignee are to be designated as unsatisfactory, the appointing officer or designated representative shall notify the resignee of intention to so certify the resignation. The resignee shall be informed of the reasons for this determination and shall be offered an opportunity for review by the appointing officer or designated representative.

122.9.2 Action by Appointing Officer

As a result of review, if such review is requested by the resignee, the appointing officer may amend or sustain the certification of services.

122.9.3 Notification to Employee

If the appointing officer amends the resignation, the resignee shall immediately be notified by copy of the resignation form with services clearly marked satisfactory. If the appointing officer sustains the original

determination, the appointing officer shall immediately notify the resignee on the separation form prescribed by the Department of Human Resources.

122.9.4 Report Requirement

A resignation certified by the appointing officer as services unsatisfactory shall be accompanied with a statement of the reasons for this action and shall contain a statement that the notification and review procedure outlined above was completed.

Sec. 122.9 Procedure for Review of Resignation - Services Unsatisfactory (cont.)

122.9.5 Commission Review

The Commission shall consider the resignations of persons whose services have been designated as unsatisfactory provided that a request for review is made in writing and is received in the Commission office within twenty (20) calendar days of the date of mailing of the Notice of Separation designating the services as unsatisfactory. In the event the 20th day falls on a non-business day, the deadline shall be extended to the close of business on the first (1st) business day following the 20th day. The Commission shall take one or more of the following actions:

- 1) Accept the resignation as certified;
- 2) Remove the name of the resignee from other eligible lists on which the eligible's name appears;
- 3) Restrict participation in **future** examinations as it deems just;
- 4) Restrict **future** employment as it deems just;
- 5) Accept the resignation as certified and order that **future** employment be without restriction including the right to request reappointment; or
- 6) Remand the resignation to the appointing officer for reconsideration.

122.9.6 Failure to Request Review

1) Failure to request a Commission review within the twenty (20)-day period provided above shall result in the adoption of the departmental recommendation as approved by the Human Resources Director; or the cancellation of all current examination and eligibility status; and all **future** applications shall be subject to the review and approval of the Human Resources Director after satisfactory completion of one (1) year's work experience outside City and County service.

2) This action shall be final and shall not be subject to reconsideration unless the person can present evidence in writing of being unable to communicate with the Commission within thirty (30) days of being able to so communicate. All requests for reconsideration shall be in writing and shall be processed in accordance with the procedure for reconsideration provided elsewhere in these Rules.

Sec. 122.9 Procedure for Review of Resignation - Services Unsatisfactory (cont.)

122.9.7 Hearing Procedures

Hearings pursuant to this Rule shall be conducted in accordance with the procedures provided elsewhere in these Rules.

122.9.8 Waiver of Employment

Pending final action, the resignee shall be ineligible for all employment.

Rule 122

Employee Separation Procedures

Article VI: Absence from Duty Without Leave

Applicability: Rule 122 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 122 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes

II, III and IV. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 122.10 **When Five Days or Less**

Absence from duty without proper authorization for any period of time up to and including five (5) or less working days shall be cause for disciplinary action by the appointing officer.

Sec. 122.11 **When Over Five Days - Automatic Resignation**

122.11.1 Absence from duty without proper authorization in excess of five (5) continuous working days shall constitute abandonment of the position and shall be reported to the Department of Human Resources and recorded as an automatic resignation. The appointing officer shall notify the employee on the form prescribed by the Human Resources Director. The employee shall be notified by certified mail.

122.11.2 The automatic resignation shall be subject to appeal to the Commission, if so requested by the person in writing, within fifteen (15) calendar days of the mailing date of the notice of automatic resignation. The fifteen (15) days includes the date on which the notice was mailed. The Commission shall hear such appeal. The decision of the Commission shall be final and not be reconsidered.

122.11.3 Failure to appeal within the fifteen (15) day period shall result in the adoption of the recommendation of the department head as approved by the Human Resources Director, or the cancellation of all current examination and eligibility status; the review and approval of the Human Resources Director, of all **future** applications after satisfactory completion of one (1) year's work experience outside the City and County service.

Sec. 122.11 **When Over Five Days - Automatic Resignation (cont.)**

122.11.4 If the person can present evidence in writing of being unable to communicate with the appointing officer within thirty (30) calendar days of being able to so communicate, the automatic resignation may then be subject to reconsideration by the Commission. All requests for reconsideration will be in writing and will be processed in accordance with the procedures for reconsideration provided elsewhere in these Rules.

122.11.5 Pending final action under this Rule, an individual under automatic resignation shall be placed under waiver on all eligible lists on which the individual's name appears.

122.11.6 In considering the appeal of an automatic resignation, the Commission shall take one or more of the following actions:

- 1) deny the appeal and approve the resignation;

- 2) order the name of the person removed from any other eligible list or lists on which the person's name appears;

- 3) restrict participation in further examinations as it sees fit;

- 4) return the name to the eligible list under such conditions for further appointment as it deem appropriate; or

- 5) disapprove the resignation.

Sec. 122.12 **Hearing Procedures**

Hearings conducted under this Rule shall be conducted in accordance with the procedures provided elsewhere in these Rules.

Rule 122

Employee Separation Procedures

Article VII: Request to Remove Non-Permanent Ban

Applicability: Article VII, Rule 122, shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Sec. 122.13 **Those Individuals Covered Under Rule 122, Article VII**

Former employees of the City and County of San Francisco who were banned from **future** employment in one or more department(s) in accordance with the provisions of Civil Service Rule 122 may request reconsideration of any non-permanent ban if it has been five (5) or more years since the ban was imposed. For the purpose of this Rule, any Citywide ban imposed before April 21, 2014 is considered a permanent ban not subject to reconsideration.

Sec. 122.14 Reconsideration

Individuals as defined in Section 122.13 may submit a written request to the Human Resources Director for reconsideration of a ban on their **future** employment. It shall be the responsibility of the requesting individual to submit to the Human Resources Director all available documentation and information regarding the separation. The individual must also provide reasons for the request for reconsideration of the employment restriction.

Sec. 122.15 Action of the Human Resources Director

The Human Resources Director shall consider the request and the recommendation from the affected department(s). The Human Resources Director may request additional information deemed necessary to make a recommendation to the Civil Service Commission. The decision of the Civil Service Commission is final.

Exhibit C

City and County of San Francisco's Policy Prohibiting Violence in the
Workplace

WORKPLACE VIOLENCE PROHIBITED

Policy Prohibiting Employee Violence in the Workplace

The City is committed to maintaining a workplace free from violence and threats of violence, and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited and should be reported immediately.

“Violence” includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, 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, except when required by the City department in the performance of the employee’s official duties. Weapons include, but are not limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

Reporting and Responding to Workplace Violence

All employees are responsible for reporting any acts of intimidation, threats of violence or acts of violence to their supervisor, manager or departmental personnel officer. Supervisors and managers are responsible for documenting and reporting all observed or reported incidents of workplace violence.

Exhibit D

City and County of San Francisco's Policy Regarding the Treatment of
Coworkers and Members of the Public

or privileged information obtained by virtue of your office or employment for non-business purposes, and you may not use that information to advance the financial or other private interest of yourself or others.

- For a period of one (1) year after you leave City employment, you may not contact your former department on behalf of any person for the purpose of influencing a governmental decision. You also may not work for or receive compensation from any party to a City contract if, within the previous twelve (12) months, you were personally and substantially involved in the City's award of that contract. For other post-employment restrictions, please visit www.sfethics.org.
- Depending on your level of decision-making authority, you may be required to file a statement of economic interests. For a list of those employees who are required to file these statements, and instructions on how to do so, contact your supervisor.

The San Francisco Ethics Commission investigates violations of these rules and other improper government activities. If you are aware of any such violations or activities, or if you have any questions concerning the ethics rules for City employees, contact the Ethics Commission at (415) 252-3100. All complaints will be kept confidential to the extent permitted by law.

Policy Regarding the Treatment of Co-Workers and Members of the Public

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

Smoke-Free Workplace

Smoking is not permitted in City offices, or within 20 feet of entrances, exits, or operable windows of public buildings.

Drug-Free Workplace

You may not manufacture, distribute, dispense, possess, use or be under the influence of alcohol or illegal drugs in workplace. This prohibition includes prescription drugs used improperly (e.g., those not prescribed for the user). Any violation of this policy may be grounds for discipline up to and including dismissal.

If you perform activities in your job that are funded by a federal grant, you must notify your department head of any drug convictions for violation of drug laws that took place in the workplace within five days of any such conviction. Employees in certain safety-sensitive positions, or in positions where testing is required by federal law, may be required to submit to periodic drug tests. All employees may be required to submit to drug testing under certain circumstances consistent with federal, state, and local laws and applicable collective bargaining agreements.

Exhibit E

The Appellant's August 13, 2021 Incident Report



London N. Breed, Mayor
Alaric Degrafinried, Acting Director

2323 Cesar Chavez
San Francisco, CA 94124
(415) 695-2011 sfpublishworks.org

Peter Lau, Superintendent

INCIDENT REPORT

DATE & TIME OF INCIDENT: 8/13 ??

LOCATION: 23rd ST

EMPLOYEE(S) INVOLVED: Deborah Aways

WHAT HAPPENED?

DONT KNOW just remember some gentlemen
asked me if I could pick up garbage from
corner - I DID

WAS SFPD CALLED? _____ POLICE REPORT NO.: _____

OFFICER: _____ STAR N/A# _____

WITNESSES:

Report prepared by: Deborah Aways

Class Number: 2514

Supervisor's Signature: [Signature] Date: 8.13.21



Exhibit F

August 13, 2021 GPS Report for Vehicle 431-686

Fri Aug 13 431686

Total stop duration	3h 20m
Total driving duration	3h 36m
Total idling duration	1h 25m
Total Distance	38mi

2575 Marin St, San Francisco, CA 94124, USA

Stopped	10:23 am - 07:14 am
Stop duration	20h 51m
Idling	2s

2575 Marin St, San Francisco, CA 94124, USA

Driving	07:14 am - 07:15 am
Driving duration	39s
Distance	0mi

2575 Marin St, San Francisco, CA 94124, USA

Stopped	07:15 am - 07:23 am
Stop duration	7m 37s
Idling	7m 37s

2575 Marin St, San Francisco, CA 94124, USA

Driving	07:23 am - 07:24 am
Driving duration	1m 11s
Distance	0mi

2575 Marin St, San Francisco, CA 94124, USA

Stopped	07:24 am - 07:29 am
Stop duration	5m 7s
Idling	13s

2575 Marin St, San Francisco, CA 94124, USA

Driving	07:29 am - 07:35 am
Driving duration	5m 36s
Distance	1mi

1121 Alabama St, San Francisco, CA 94110, USA

Stopped	07:35 am - 07:51 am
Stop duration	16m 51s
Idling	14m 37s

1121 Alabama St, San Francisco, CA 94110, USA

Driving	07:51 am - 08:05 am
Driving duration	13m 12s
Distance	1mi

840 Potrero Ave, San Francisco, CA 94110, USA

- Stopped **08:05 am - 08:08 am**
- Stop duration **3m 33s**
- Idling **0s**



840 Potrero Ave, San Francisco, CA 94110, USA

- Driving **08:08 am - 08:11 am**
- Driving duration **3m 11s**
- Distance **0mi**



580 York St, San Francisco, CA 94110, USA

- Stopped **08:11 am - 08:17 am**
- Stop duration **6m 4s**
- Idling **6m 4s**



580 York St, San Francisco, CA 94110, USA

- Driving **08:17 am - 08:24 am**
- Driving duration **6m 9s**
- Distance **0mi**




Bryant St & Mariposa St, San Francisco, CA 94110, USA

- Stopped **08:24 am - 08:28 am**
- Stop duration **4m 5s**
- Idling **4m 5s**



1890 Bryant St #311, San Francisco, CA 94110, USA

- Driving **08:28 am - 08:29 am**
- Driving duration **1m 34s**
- Distance **0mi**



Bryant St & 19th St, San Francisco, CA 94110, USA

- Stopped **08:29 am - 08:36 am**
- Stop duration **7m 8s**
- Idling **7m 8s**




Bryant St & 19th St, San Francisco, CA 94110, USA

- Driving **08:36 am - 08:47 am**
- Driving duration **10m 45s**
- Distance **1mi**



2929 23rd St, San Francisco, CA 94110, USA

- Stopped **08:47 am - 08:50 am**
- Stop duration **3m 17s**
- Idling **7s**



2929 23rd St, San Francisco, CA 94110, USA

Driving 08:50 am - 09:12 am
Driving duration 21m 24s
Distance 5mi



41 Sears St, San Francisco, CA 94112, USA

Stopped 09:12 am - 09:18 am
Stop duration 6m 10s
Idling 10s

41 Sears St, San Francisco, CA 94112, USA

Driving 09:18 am - 09:38 am
Driving duration 19m 35s
Distance 5mi



3500 18th St, San Francisco, CA 94110, USA

Stopped 09:38 am - 09:44 am
Stop duration 6m 50s
Idling 1m 56s

677 Valencia St, San Francisco, CA 94110, USA

Driving 09:44 am - 09:54 am
Driving duration 9m 43s
Distance 0mi



190A Capp St, San Francisco, CA 94110, USA

Stopped 09:54 am - 09:59 am
Stop duration 4m 47s
Idling 39s

190A Capp St, San Francisco, CA 94110, USA

Driving 09:59 am - 09:59 am
Driving duration 10s
Distance 0mi



3246 17th St, San Francisco, CA 94110, USA

Stopped 09:59 am - 10:00 am
Stop duration 1m 16s
Idling 2s

199 Capp St, San Francisco, CA 94110, USA

Driving 10:00 am - 10:01 am
Driving duration 9s
Distance 0mi

Exhibit G

San Francisco Police Department Report # 210515447

**San Francisco Police Department
INCIDENT REPORT**

SFPD CISU B0024300
2021 AUG 17 15:24
210515447

Report Type: Initial

210515447

INCIDENT	Incident Number 210-515-447	Occurrence From Date / Time 08/13/2021 08:45	Occurrence To Date / Time 08/13/2021 09:23	Reported Date / Time 08/13/2021 09:30	CAD Number 212250911
	Type of incident BATTERY 04134 DISTURBING THE PEACE, FIGHTING 19024				
	Location of Occurrence: [REDACTED]		At Intersection with/Premise Type SIDEWALK		District MISSION
	Confidential Report? <input type="checkbox"/>	Arrest Made? <input type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>
				Domestic Violence? <input type="checkbox"/>	(Type of Weapon Used)
	Location Seen / On View: [REDACTED]			At Intersection with	
				Reporting District MISSION	
	Crime and Clearance Status 0	Reported to Bureau	Name	Star	Date/ Time
			Elder Victim <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>
			Prejudice Based? <input type="checkbox"/>		
Have you reviewed the attached list of procedures required by Department General Order (DGO) 7.04?					

OFFICER	I declare under penalty of perjury, this report of <u>4</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.				
	PROP 115 CERTIFIED Post Training				
	Reporting Officer BALZA, PAUL M	Star 1207	Station Mission Station	Watch 0600-1600	Date 08/13/21 17:38
	Reviewing Officer SHUGARS, MICHAEL A	Star 1747	Station Mission Station	Watch 1500-0100	Date 08/13/21 17:40
	OIC POGGIO, LEONARD F	Star 391	Station Mission Station	Watch 1500-0100	Date 08/13/21 18:09
	Related Case -	Related Case -	Re-assigned to Copies to 3D300 3*300 3*300	Assigned to 3D300 Add'l Copies	Assigned by MS 1747

1	Code RV 1	Name (Last, First Middle) [REDACTED]			Alias	Email
	Day Phone [REDACTED]	Type Cell	Home Address [REDACTED]		City	State Zip Code
	Night Phone	Type	Work Address		City	State Zip Code
	DOB / Age [REDACTED]	DOB Unk. <input type="checkbox"/>	or age between and	Race	Sex	Height Weight Hair Color Eye Color
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input checked="" type="checkbox"/>	293 PC Notification <input checked="" type="checkbox"/>	Star 1207	Follow-up Form YES <input checked="" type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>
	School (if Juvenile)		Injury/Treatment REDNESS RIGHT CHEST / TREATED BY MEDIC K15		Other Information/If Interpreter Needed Specify Language FORMER FRIEND OF (S) ARAGON	
	Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)		Language Line Service/Interpreter ID#	Bilingual Ofc Star#

1	Code W 1	Name (Last, First Middle) [REDACTED]			Alias	Email
	Day Phone [REDACTED]	Type Home	Home Address		City	State Zip Code
	Night Phone	Type	Work Address		City	State Zip Code
	DOB / Age [REDACTED]	DOB Unk. <input type="checkbox"/>	or age between and	Race	Sex	Height Weight Hair Color Eye Color
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>
	School (if Juvenile)		Injury/Treatment		Other Information/If Interpreter Needed Specify Language NEIGHBOR OF (RV) [REDACTED]	
	Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)		Language Line Service/Interpreter ID#	Bilingual Ofc Star#

**San Francisco Police Department
INCIDENT REPORT**

210515447

Report Type: Initial

S U S P E C T	Code S 1	Name (Last, First Middle) DEBORAH, ARAGON LYNN			Alias			Email		
	Day Phone	Type	Home Address		City			State	Zip Code	
	Night Phone	Type	Work Address		City			State	Zip Code	
	DOB Unknown <input type="checkbox"/>	Date of Birth	Age	or age between and	Race	Sex	Height	Weight	Hair Color	Eye Color
	SENO	J/D# (if Juvi)	ID Type/Jurisdiction/Number		ID Type/Jurisdiction/Number			ID Type/Jurisdiction/Number		
	Booking Charge(s)					Booking Location				
	Warrant #	Court#	Action#		Dept#		Enroute to			
	Warrant Violation(s)							Bail (\$)		
	Citation#	Violation(s)			Appear Date/time		Location of Appearance			
	<input type="checkbox"/> CA Form Booked Copy Attached	Mirandized: Star <input type="checkbox"/>		Date Time		CWB Check		Star		
Book/Cite Approval	Star	Mass Arrest Code		M X-Rays <input type="checkbox"/>	School (if Juvenile)			Statement <input type="checkbox"/>		
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos FORMER FRIEND OF (RV) [REDACTED]										
Interpreter Needed <input type="checkbox"/>	Language		Language Description (if Other)		Language Line Service/Interpreter ID#		Bilingual Ofc Star#			

P R O P E R T Y	Code/No EVD 1	Item Description CD			Brand			Model		
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value			
	Seized by (Star) 1207		From Where							
	Additional Description/Identifying Numbers PHOTOS Submitted at: D - Mission									

P R O P E R T Y	Code/No EVD 2	Item Description DOCUMENTS			Brand			Model		
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 2	Value			
	Seized by (Star) 1207		From Where							
	Additional Description/Identifying Numbers HANDWRITTEN NOTES Submitted at: D - Mission									

P R O P E R T Y	Code/No BWC 1	Item Description BODY-WORN CAMERA FOOTAGE			Brand AXON			Model BODY 2		
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value			
	Seized by (Star) 1207		From Where EVIDENCE.COM							
	Additional Description/Identifying Numbers									

**San Francisco Police Department
INCIDENT REPORT**

Report Type: **Initial**

210515447

VEHICLE INFORMATION	VEHICLE CODES: B - BOOSTED; D - DAMAGED; F - USED FELONY; R - RECOVERED; S - STOLEN; S/R - STOLEN/RECOVERED; T - TOWED; U - USED OTHER; V - VANDALIZED; X - STRIPPED					
	Code U 1	Plate No.	State CA	Reg Yr	Plate Type	VIN No.
	Veh Year	Make	Model			
	Style Pickup	Color White		Plates/VIN Match? <input type="checkbox"/>	Plates Missing? FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
	Condition (Check all that apply) APPARENTLY DRIVABLE? <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGE? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>			Damage	Point of Entry	
	Crime Scene Tech. Notified? <input type="checkbox"/>	387 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name) Star	Towed to (Name/Address)	Tow Check (Name) Star	
	Hold For			Other Information DPW WORK TRUCK, USED BY (S) ARAGON		
	Registered Owner Business Name/Last Name (R/O)		First Name			Residence Phone
	Residence Address		City	State	Zip	Business Phone

Retrieved by 822996 on 8/17/21 at 12:02:14 PM
SFPD Crime Information Services Unit (415) 575-7232

NARRATIVE

On August 13, 2021 at about 0923 hours, I was working uniformed patrol, in a marked patrol car, as unit 3D13A with FTO Wheeler #4361. We were dispatched to [REDACTED] regarding a verbal and physical argument. The suspect was named as Deborah Aragon, described as mixed race [REDACTED] medium build, brown sweater, khaki overalls, boots, driving a white work truck. The suspect was said to be driving down 22nd St.

FTO Wheeler arrived and met with (R/V) [REDACTED] [REDACTED] was treated for her injuries, left chest where she felt pain, by King American Medic K15.

[REDACTED] told me the following in summary. She said at around 0845 hours [REDACTED] left her residence with her dog and walked northbound on Alabama St and continued eastbound on 23rd St. As she was walking she heard the sound of a vehicle approaching her from behind and coming to a halt. She then observed (S) Deborah Aragon exit the truck and approach her in an aggressive manner. Aragon used her left shoulder to hit Santiago on her left shoulder. Aragon said, "I'm going to beat your ass," and told [REDACTED] to fight her. She told Aragon that she was not going to fight and backed away from her. She turned around and tried walking away but Aragon moved and blocked her pathway and aggressively, using bodyweight, pushed [REDACTED]'s chest with both hands. [REDACTED] said she did not fall from the force of the push. While she was walking away, Aragon followed her down the sidewalk while continuously challenging her to fight. [REDACTED] stopped to tell Aragon to leave her alone. Aragon then loaded back her right arm, at about arms distance from [REDACTED] and motioned to punch [REDACTED] but stopped when [REDACTED]'s neighbor (W) [REDACTED] came outside of his residence. [REDACTED] said Aragon then said she would see her in an hour and drove away in her truck down Alabama St towards 22nd St. She described the truck Aragon was driving as a DPW work truck.

[REDACTED] said she knows Aragon from childhood and that they used to be friends. She says Aragon's hostility began in April of 2021. She said she had received a (E2) paper notes and believes them to be from Aragon. She received one note in July 2021 and another in August 2021. In summary one note says to avoid attention at a funeral she was attending. The second note says the reason [REDACTED] was allowed to join and stay in Aragon's club was because they wanted to make fun of her. She said Aragon has repeatedly rang her doorbell and yelled obscenities. She had a screenshot of texts exchanged between a friend and Aragon. The screenshot showed messages saying someone wants to fight [REDACTED] and saying that [REDACTED] should hide. She said Aragon works for DPW in San Francisco.

[REDACTED] said she did not want to press charges against Aragon. I gave her a follow-up form, Marsy's Card, and a victim of crime form. I advised her that she could obtain a restraining order at 400 McAlister St. Using my department issued cell phone I took pictures of [REDACTED]'s left shoulder and left chest and pictures of [REDACTED]'s screenshot, photo of a note placed on her car, and the notes. I observed redness on [REDACTED]'s left chest region. [REDACTED] gave me both notes.

I searched the area for cameras and located one at 1103 Alabama St and another at 1105 Alabama St. The camera footage could not be retrieved. I attempted to contact [REDACTED] with negative results.

I returned to Mission station to upload the pictures onto a (E1) CD and book the CD and notes. FTO Wheeler spoke with DPW supervisor Chris Banks and advised them of the incident.



**San Francisco
Police Department**



Incident Reports and Traffic Collision Reports

Crime Information Services Unit (CISU)

PHQ, 1245 3rd Street, 1st Floor

Email: sfpd.records@sfgov.org

Phone: (415) 575-7232

CAD Reports: Calls for service (9-1-1)

Department of Emergency Management (DEM)

1011 Turk Street

Email: Dem.cor@sfgov.org

Phone: (415) 558-3826

Public Records Act (PRA) Requests: evidence,
BWC video, photos, logs, other attachments.

* Legal Division *

Online:

<https://sanfranciscopolice.org/publicrecordsrequest>

Phone: (415) 837-7394

RAP sheets and Letters of Clearance

ID Bureau

HOJ, 850 Bryant St., Room 475

Phone: (415) 553-1415

Exhibit H

August 14, 2021, Facebook Post Transcript and Video

Exhibit H

August 14, 2021, Facebook Post Transcript

The Appellant: “You wanted a hug, I’ll hug you again. Stank-ass bitch. You called the cops. I’m looking.”

Exhibit I

Temporary Restraining Order

Clerk stamps date here when form is filed.

Person in (1) must complete items (1), (2), and (3) only.

(1) Protected Person

a. Your Full Name: [Redacted]

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: [Redacted]

City: [Redacted] State: [Redacted] Zip: [Redacted]

Telephone: [Redacted] Fax: _____

E-Mail Address: [Redacted]

ENDORSED FILED San Francisco County Superior Court AUG 28 2021 CLERK OF THE COURT NEYL WEBB Deputy Clerk

Fill in court name and street address: Superior Court of California, County of San Francisco Superior Court 400 McAllister Street San Francisco, CA 94102-4514 Civic Center Courthouse

Court file in case number when form is filed. Case Number: CH-21-583966

(2) Restrained Person

Full Name: Deborah Aragon

Description: _____

Sex: [] M Height: [Redacted] Weight: [Redacted] Date of Birth: [Redacted] Hair Color: [Redacted] Eye Color: [Redacted] Age: [Redacted] Race: [Redacted] Home Address (if known): [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted] Relationship to Protected Person: ex-friend

(3) [] Additional Protected Persons

In addition to the person named in (1), the following family or household members of that person are protected by the temporary orders indicated below:

Table with columns: Full Name, Sex, Age, Household Member?, Relation to Protected Person. Includes Yes/No checkboxes for household member status.

[] Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

The court will complete the rest of this form.

(4) Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: 10/08/21 Time: 9:00 [x] a.m. [] p.m.

This is a Court Order.

To the Person in 2:

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

5 Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

a. You must not do the following things to the person named in ①

and to the other protected persons listed in ③:

- (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) Other (specify):
 Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①.

6 Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

a. You must stay at least 200 yards away from (check all that apply):

- (1) The person in ①
- (2) Each person in ③
- (3) The home of the person in ①
- (4) The job or workplace of the person in ①
- (5) The school of the person in ①
- (6) The school of the children of the person in ①
- (7) The place of child care of the children of the person in ①
- (8) The vehicle of the person in ①
- (9) Other (specify):
Request includes in 200
(1) stay away from person in
(2) must stay at least 100 yds
away from yard " wherever you
might be

b. This stay-away order does not prevent you from going to or from your home or place of employment.

7 No Guns or Other Firearms and Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.

This is a Court Order.



(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)

c. The court has received information that you own or possess a firearm.

8 Possession and Protection of Animals

Not Requested Denied Until the Hearing Granted as Follows (specify):

a. The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

b. The person in ② must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

9 Other Orders

Not Requested Denied Until the Hearing Granted as Follows (specify):

Additional orders are attached at the end of this Order on Attachment 9.

To the Person in ①:

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

This is a Court Order.



(11) No Fee to Serve (Notify) Restrained Person Ordered Not Ordered

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
 b. The person in (1)s entitled to a fee waiver.

(12) Number of pages attached to this Order, if any: _____

Date: 8/23/24

[Signature]
 Judicial Officer

Warnings and Notices to the Restrained Person in (2)

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item (7) above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form CH-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item (2).

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in (1).
- You must have form CH-120 served by mail on the person in (1) or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.

This is a Court Order

- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item (4) on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Case Number: _____

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.



(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: AUG 23 2021 Clerk, by Clerk of the Court, Deputy

This is a Court Order.

Exhibit J

Proof of Service of Temporary Restraining Order

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) [REDACTED]		POS-020 FOR COURT USE ONLY
TELEPHONE NO. [REDACTED]	FAX NO. (Optional)	
E-MAIL ADDRESS (Optional)		
ATTORNEY FOR (Name)		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco		
STREET ADDRESS 400 McAllister Street		CASE NUMBER CCH21583966 LEVYING OFFICER FILE NUMBER 21464472
MAILING ADDRESS San Francisco CA 94102		
CITY AND ZIP CODE		
BRANCH NAME		
PETITIONER/PLAINTIFF: [REDACTED]		PROOF OF PERSONAL SERVICE—CIVIL
RESPONDENT/DEFENDANT: Deborah Aragon		

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and not a party to this action.
2. I served the following documents (specify): CH-110, CH-100, CH-109, CH-120, CH-120-INFO, CH-800, CH-250, CH-800-INFO, Reportee Follow-Up

The documents are listed in the Attachment to Proof of Personal Service—Civil (Documents Served) (form POS-020(D)).

3. I personally served the following persons at the address, date, and time stated:

- a. Name: Deborah Aragon
- b. Address: [REDACTED]
- c. Date: 08/23/2021 Remarks:
- d. Time: 5:52 pm

The persons are listed in the Attachment to Proof of Personal Service—Civil (Persons Served) (form POS-020(P)).

4. Hearing date: 10/08/2021 Remarks:
 Time: 9:00 am

Fee for service was: \$40.00 Bill to Court

5. My name, address, telephone number, and, if applicable, county of registration and number are (specify):

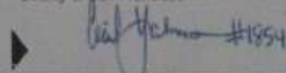
Name: Dep. Ceciel Yambao #1854
 Address: 1 Dr. Carlton B. Goodlett PL Rm 456 Civil Section San Francisco, CA 94102
 Telephone number: (415) 554-7235

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or 7. I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date: Monday, August 23, 2021

PAUL MIYAMOTO, Sheriff
 County of San Francisco

 #1854

Signature of Sheriff's Authorized Agent

Exhibit K

August 25, 2021, Facebook Post Transcript and Video

Exhibit K

August 25, 2021, Facebook Post Transcript

The Appellant: "...aircut. Had to get ready for Saturday. Piece of paper ain't gonna stop me from getting my haircut. Nobody is. No police, no nobody, motherfucker. Bye."

Exhibit L

August 26, 2021, Facebook Post

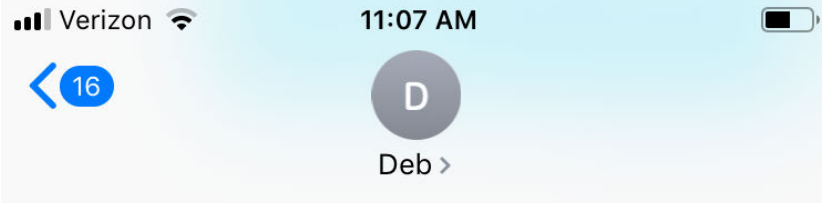
Exhibit L

August 26, 2021, Facebook Post Transcript

The Appellant: “I’m on 24th and Hampshire. Hehehehehe. I’m gonna work my up 24th towards Mission. So everybody knows where I’m at. If you scrrred, stay inside. We getting coffee and donuts. Scrrrd people need to stay inside their houses. I feel sorry for you motherfuckers.”

Exhibit M

Text Message Exchange Between the Appellant and 



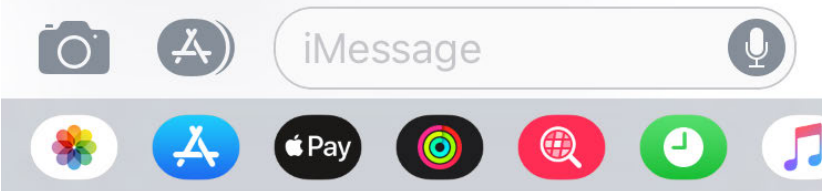
Today 7:19 AM

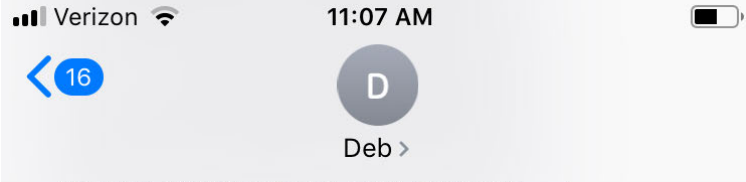
I was going to say goodbye

Yeah I see what side of the coin it was so I'm calling you to tell you goodbye these motherfuckers got me a zombie in the tenderloin goodbye

Over the next few hours you will be seeing events that are going to shut the fuck out of you don't be shocked you knew everything we've had discussions I told you in detail everything I'm gonna do my phone will prove that

Remember when people try to fuck me I'm gonna fuck





detail everything I'm gonna
do my phone will prove that

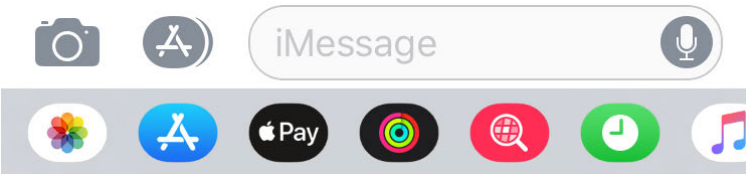
Remember when people try
to fuck me I'm gonna fuck
them harder

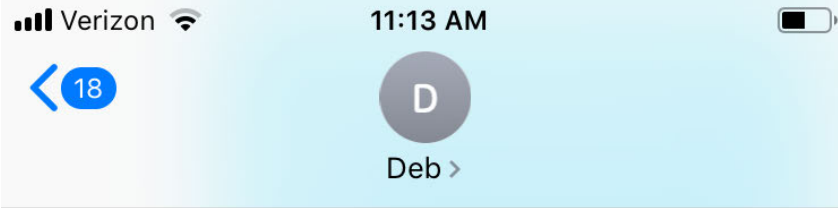
Be careful you might also go
to jail you know spending
the city money on shit that
wasn't for the city

My bad this is your job
phone oh sorry

Yeah bitch wanna be a cop
caller I'm a call the cops on
you

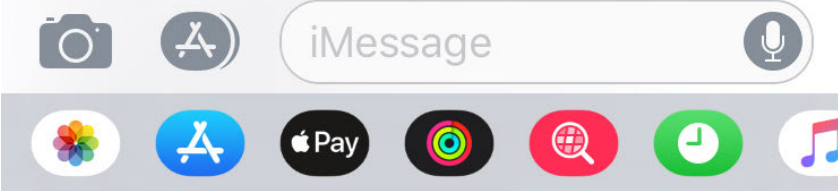
Oh that's right though you
taught her how to play the
victim role





There's no talking I'm gonna get this bitch I've already come to the my Jesus Christ moment I'm sick and tired I'm so fucking tired all these motherfuckers lying on me and getting away with it no more I'm taking care of our room fucking liars and we can go suck my dick

I need my girlfriend not even having my back and thinking anything I'm saying is fucking not the truth fuck that I'm a make this bitch fucking tell everything every fucking lie she's been telling she's going to confess she's going to have her come to





Deb >

and she could promise me that she wasn't gonna touch you you are part of a fucking cheerleaders

Do you remember when I asked you are you just being nice to me just so I won't beat her up I feel like I was set up

Yes and I replied to you to that text because I was uoset that you asked me that and you never replied to it
Please don't accuse me of setting you up

Don't start treating me like that



iMessage





I'm gonna get that bitch maybe next time you'll listen to a motherfucker all you you should've paid attention to what the fuck I was saying

Everybody wants to push my buttons and not take me serious that camels back is broke

Exhibit N

Permanent Restraining Order

CH-130 Civil Harassment Restraining Order After Hearing

Clerk stamps date here when form is filed.

ENDORSED FILED
 San Francisco County Superior Court

OCT 8 - 2021

CLERK OF THE COURT
 BY: _____ Deputy Clerk

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

a. Your Full Name: _____
 Your Lawyer (if you have one for this case)
 Name: _____ State Bar No.: _____
 Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of San Francisco

400 McAllister Street
 San Francisco, CA 94102

Court fills in case number when form is filed.

Case Number:
 CCH-21-583966

② Restrained Person

Full Name: Deborah Aragon
 Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
 Home Address (if known): _____
 City: _____ State: _____ Zip: _____
 Relationship to Protected Person: Former Friend

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

④ Expiration Date

This Order, except for any award of lawyer's fees, expires at

Time: 9:00 a.m. p.m. midnight on (date): 10/8/2026

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

5 Hearing

- a. There was a hearing on (date): Oct 8, 2021 at (time): 9:00 AM in Dept.: 514 Room: 514
(Name of judicial officer): Honorable Murlene J Randle made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The person in ①. (3) The lawyer for the person in ① (name): _____
 - (2) The person in ②. (4) The lawyer for the person in ② (name): _____
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on (date): _____ at (time): _____.

To the Person in ②:

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. You must not do the following things to the person named in ①
 - and to the other protected persons listed in ③:
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
 - (4) Other (specify):
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

7 Stay-Away Orders

- a. You must stay at least 200 yards away from (check all that apply):
 - (1) The person in ①. (7) The place of child care of the children of the person in ①.
 - (2) Each person in ③.
 - (3) The home of the person in ①. (8) The vehicle of the person in ①.
 - (4) The job or workplace of the person in ①. (9) Other (specify): _____
 - (5) The school of the person in ①. _____
 - (6) The school of the children of the person in ①. _____
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.



8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. If you have not already done so, you must:
 - Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)
- c. The court has received information that you own or possess a firearm.
- d. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)):

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

9 Lawyer's Fees and Costs

The person in ___ must pay to the person in ___ the following amounts for

<input type="checkbox"/> lawyer's fees	<input type="checkbox"/> costs:		
<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Possession and Protection of Animals

- a. The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

- b. The person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

11 Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order.



To the Person in ①:

⑫ Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

⑬ Service of Order on Restrained Person

- a. The person in ② personally attended the hearing. No other proof of service is needed.
- b. The person in ② did not attend the hearing.
 - (1) Proof of service of form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
 - (2) The judge's orders in this form are different from the temporary restraining orders in form CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

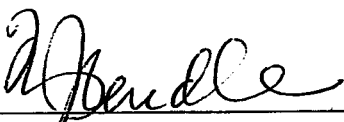
⑭ No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in ① is entitled to a fee waiver.

⑮ Number of pages attached to this Order, if any: _____

Date: October 8, 2021



 Judicial Officer
MURLENE J. RANDLE

This is a Court Order.



Warning and Notice to the Restrained Person in 2:

You Cannot Have Guns or Firearms

Unless item 8d is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item 8 above. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item 4 on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.



Conflicting Orders—Priorities of Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Clerk's Certificate
[seal]

(Clerk will fill out this part.)
—Clerk's Certificate—

I certify that this *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.



Date: 10 / 6 / 21 Clerk, by JUANITA MURPHY, Deputy

This is a Court Order.

Exhibit O

Investigatory Report



INVESTIGATIVE REPORT

TO: DiJaida Durden, Deputy Director for Public Works Operations,
San Francisco Public Works *D.D.*

THROUGH: Christopher McDaniels, Superintendent, Bureau of Street Environmental Services,
San Francisco Public Works *CM*

THROUGH: Svetlana Vaksberg, Employee and Labor Relations Division Director, City
Administrator Human Resources *SV*

FROM: Jason Jimenez, Senior Employee and Labor Relations Analyst, City Administrator
Human Resources *JJ*

DATE: November 30, 2021

SUBJECT: Deborah Aragon, 7514 General Laborer

BACKGROUND

In November 2015, San Francisco Public Works (Department) hired Deborah Aragon to a Temporary Exempt (TEX) 7501 Environmental Service Worker position. In April 2018, the Department hired Aragon to a Permanent Civil Service (PCS) 7514 General Laborer position (**Exhibit 1**). Aragon currently works Tuesdays through Saturdays from 7:00 a.m. to 3:30 p.m., and is assigned to the Department's Bureau of Street Environmental Services (BSES). Aragon works in Zone D which includes the Mission District (**Exhibit 11**).

Aragon's essential job functions include regular and reliable attendance, patrolling City streets in a City pickup truck collecting garbage and debris, and cleaning illegal dumping sites and spills on city streets. Aragon must be available to respond to emergency requests to remove debris from public right-of-ways on a consistent and reliable basis.

August 13, 2021 Incident

On August 13, 2021, Jonathan Vaing, BSES Assistant Superintendent, emailed me about a voicemail the Department received from a citizen claiming she was assaulted by a Department employee. Based on Department records, including review of the identified City vehicle and the sign-in sheet for that day, Vaing determined that the employee was Aragon.

INVESTIGATION

I. AUGUST 13, 2021 INCIDENT WITH LUZ [REDACTED] AND RESTRAINING ORDER

A. [REDACTED] Interview

On August 27 and 31, 2021, I spoke with [REDACTED] who is a member of the public and knows Aragon's ex-girlfriend. [REDACTED] said that Aragon and Aragon's girlfriend recently ended their relationship and that Aragon is upset at [REDACTED] who is friends with the ex-girlfriend.

[REDACTED] stated that on August 13, 2021 at around 9:00 a.m., on Alabama Street (San Francisco) near her home, she was walking her dog northbound on Alabama Street and heard a vehicle stop near her. She saw that the vehicle was a City vehicle and then saw Aragon come out of the vehicle. [REDACTED] said that Aragon hit [REDACTED]'s left shoulder with her left shoulder and told [REDACTED] "Fight me. I'm going to beat your ass." [REDACTED] refused and backed away from Aragon. Aragon then pushed [REDACTED]'s chest with both of her hands and [REDACTED] landed on the ground. Aragon then followed [REDACTED] down the street challenging her to fight again. [REDACTED] said, "Leave me alone." Aragon was about to punch [REDACTED] with her right fist but stopped because she saw another person, [REDACTED] who is one of [REDACTED]'s neighbors. Aragon then said, "See you in an hour" and walked back to her City vehicle.

Police Report

[REDACTED] provided a copy of the Police Report she filed with the SFPD (**Exhibit 5**). The police officer noted that an ambulance was on the scene and [REDACTED] was treated for her injuries which included pain in her left chest. In the report, [REDACTED] reported that Aragon hit [REDACTED]'s left shoulder with her left shoulder and told [REDACTED], "Fight me. I'm going to beat your ass." [REDACTED] refused and backed away from Aragon. Aragon then pushed [REDACTED]'s chest with both of her hands and [REDACTED] landed on the ground. Aragon then followed [REDACTED] down the street challenging her to fight again. [REDACTED] said "leave me alone" but when Aragon was about to punch [REDACTED] with her right fist but stopped because she saw witness [REDACTED]. Aragon then said, "see you in an hour" and walked back to the vehicle.

Temporary and Permanent Restraining Orders

[REDACTED] provided a copy of a Temporary Restraining Order (TRO) she obtained from the San Francisco Superior Court against Aragon (**Exhibit 4**). A court hearing was scheduled on October 8, 2021. The TRO states that Aragon must stay **200 yards** away from [REDACTED] her home and her vehicle.

On October 8, 2021, the Court issued a five-year Restraining Order through October 8, 2026 against Aragon. The Restraining Order requires Aragon to stay **200 yards** away from [REDACTED] her home, and her vehicle. It states that she must not do the following things to [REDACTED]:

harass, intimidate, molest, attack, strike, stalk, threaten, assault, destroy personal property of or disturb the peace of [REDACTED] (Exhibit 13)

Facebook Videos

[REDACTED] provided three videos that Aragon posted on Facebook. (Exhibit 8)

In video 1, posted on Facebook on August 14, 2021, Aragon does not appear to be working and she states, "You wanted a hug. I hug you again. You stank ass bitch. You called the cops. I'm looking." [REDACTED] believes that Aragon's statements were directed at her. [REDACTED] believes that when Aragon says "hug," she is referring to getting hit again by Aragon. [REDACTED] said Aragon is upset that [REDACTED] called the police and obtained a police report for the August 13, 2021 incident.

In video 2, posted on Facebook on August 25, 2021, Aragon is in a City vehicle with her safety vest on and says, "Just got a haircut. Had to get ready for Saturday. Piece of paper ain't gonna stop me from getting my haircut. Nobody is. No police. No nobody, motherfucker. Bye." [REDACTED] believes that Aragon's statements were directed at her. She said when Aragon says "piece of paper," she is referring to the TRO that was served to her. [REDACTED] believes that Aragon was upset that she received the TRO.

In video 3, posted on Facebook on August 26, 2021, Aragon appears near a City vehicle with her City issued safety vest on and says, "I'm on 24th and Hampshire. I'm gonna work my way up 24th towards Mission. So everyone knows where I'm at. If you're scared, stay in inside. We getting coffee and donuts. Scared people need to stay inside their houses. I feel sorry for you motherfuckers." [REDACTED] believes that Aragon's statements were directed at her. [REDACTED] believes Aragon is threatening her because she lives near 24th Street and Alabama Street and is telling her to stay inside her house.

B. [REDACTED] Interview

[REDACTED] witnessed the August 13, 2021 incident between Aragon and [REDACTED]. He said before 9:00 a.m., he was coming out of his house on Alabama Street near 23rd Street, he heard yelling and saw [REDACTED] running backward with her dog. He also saw a City employee who was wearing a department safety vest near a City vehicle with short hair chasing [REDACTED] for a couple of meters. [REDACTED] said the City employee was about to throw a punch at [REDACTED] when [REDACTED] yelled out, "Hey, what's going on!" At that point, the City employee stopped and went back to her City vehicle that was parked on the corner of Alabama and 23rd Streets. [REDACTED] said he could not hear what was said by both [REDACTED] and the City employee because they both had face coverings on. [REDACTED] has seen the City employee before because she works in the neighborhood. When asked if he believed the City employee would have hit [REDACTED] if he was not there, [REDACTED] said, "Yes" and that by being present, he stopped the City employee from hitting [REDACTED].

C. Aragon Weingarten Interview

On September 7, 2021, a Weingarten interview was scheduled with Aragon but she asked to reschedule because she did not have a representative. On September 14, 2021, a Weingarten interview was conducted with Aragon. LaVonda Williams, 3417 Gardener and Local 261 Steward represented Aragon.

Aragon has worked for the Department for seven years and her work schedule is Tuesdays to Saturdays from 6:30 a.m. to 3:00 p.m. She said that she usually drives City vehicle 431-686 and that her work area is Zone D (Mission District).

On August 13, 2021, Aragon provided an incident report for August 13, 2021 where she wrote, "gentleman asked me if I could pick up garbage from corner. I did." (**Exhibit 7**).

When asked if there were any other incidents that day, Aragon said there were no other incidents that occurred on August 13, 2021. When asked who is [REDACTED] Aragon said that is her ex-girlfriend's friend. When asked if she had an incident with [REDACTED] on August 13, 2021, Aragon said she did not have any incident with [REDACTED].

Temporary Restraining Order

When told that there is an August 13, 2021 Police Report about an incident between her and [REDACTED] Aragon again said there was no incident and she did not see, talk, or touch [REDACTED] that day.

When asked if she received a temporary restraining order to stay away from [REDACTED] Aragon said she has not seen a temporary restraining order and that she may have received it because there is mail at her house that she has not opened.

D. Department Documentation

The Department provided the August 13, 2021 GPS Report of Aragon's assigned City vehicle 431-686 (**Exhibit 6**). The report shows that from 8:47 a.m. to 8:50 a.m., the vehicle was stopped at 2929 23rd Street near Alabama Street.

II. THREATS TO [REDACTED]

A. [REDACTED] Interview

On September 3, 2021, [REDACTED] 8420 Rehabilitation Services Coordinator employed with the San Francisco's Sheriff's Department, contacted me and said that she is Aragon's ex-girlfriend. She has worked with the San Francisco Sheriff's Department for twenty years and that she received my phone number from [REDACTED].

████████ said that on September 3, 2021 at about 7:19 a.m., Aragon sent her disturbing text messages and that she feared that Aragon is suicidal or homicidal and wants the Department to conduct a wellness check. ██████████ provided text messages (**Exhibit 9**).

The text messages from a “Deb” state at 7:19 a.m.:

“I’m calling you to tell you goodbye these motherfuckers got me a zombie in the tenderloin goodbye. Over the next few hours you will be seeing events that are going to shut the fuck out of you don’t be shocked you knew everything we’ve had discussions I told you in detail everything I’m gonna do my phone will prove that. Remember when people try to fuck me I’m gonna fuck them harder. Be careful you might also go to jail you know spending the city money on shit that wasn’t for the city. My bad this is your job phone oh sorry. Yeah bitch wanna be a cop caller I’m a call the cops on you. Oh that’s right though you taught her how to play the victim role.

There’s no talking I’m gonna get this bitch I’ve already come to the my Jesus Christ moment I’m sick and tired I’m so fucking tired all these motherfuckers lying on me and getting away with it no more I’m taking care of our room fucking liars and we can go suck my dick. I need my girlfriend not even having my back thinking anything I’m saying is fucking not the truth fuck that I’m a make this bitch fucking tell everything every fucking lie she’s been telling she’s going to confess she’s going to have her come to.

I’m gonna get that bitch maybe next time you’ll listen to a motherfucker all you should’ve paid attention to what the fuck I was saying. Everybody wants to push my buttons and not take me serious that camels back is broke.”



B. Weingarten Interview

When Aragon was asked to explain the photo with a knife placed on top of an unworn safety vest, Aragon said that she has never seen the photo before.

C. Department Documentation

On September 3, 2021, the Department said Aragon was temporarily assigned to work in the Tenderloin. She started work on time at 6:30 a.m., but left work at 8:30 a.m. for a family emergency. (**Exhibit 10**)

FINDINGS AND ANALYSIS

Based on the information above, it is evident that on August 13, 2021, Aragon engaged in egregious misconduct when she violated the City's Policy Prohibiting Employee Violence in the Workplace and the Policy Regarding the Treatment of Co-Workers and Members of the Public. Aragon was also found to be not credible and dishonest.

A. Violation of Policy Prohibiting Employee Violence in the Workplace

The City's Policy Prohibiting Employee Violence in the Workplace states in relevant part, "Any act or threat of violence in the workplace is strictly prohibited... 'Violence' includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, which causes another to reasonably fear for his or her own personal safety." (**Exhibit 2**) The City has zero tolerance for employee violence in the workplace.

Aragon violated the workplace policy when on August 13, 2021, she committed acts of violence which included hitting ██████'s left shoulder, telling her, "Fight me. I'm going to beat your ass," pushing ██████'s chest with both of her hands causing ██████ to fall to the ground, and injuring ██████ (which required an ambulance to be called); she also challenged ██████ to a fight. The investigation established that Aragon was about to punch ██████ with her right fist but stopped because she saw ██████. In addition, before leaving the scene, Aragon told ██████, "See you in an hour" which ██████ perceived as another threat. Thereafter, on August 14, 25, and 26, 2021 Aragon posted three disturbing videos on Facebook threatening ██████.

██████ feared for her personal safety and filed a restraining order against Aragon. San Francisco Superior Court believed that Aragon was a threat to ██████. On October 8, 2021, the Court issued Aragon with a five-year Restraining Order through October 8, 2026. The Restraining Order requires Aragon to stay **200 yards** away from ██████ her home, and her vehicle. It states that she must not do the following things to ██████: harass, intimidate, molest, attack, strike, stalk, threaten, assault, destroy personal property of or disturb the peace of ██████.

B. Violation of Policy Regarding the Treatment of Co-Workers and Members of the Public and Conduct Unbecoming of a City Employee

The City's Policy Regarding the Treatment of Co-Workers and Members of the Public (Respect Policy) states in relevant part, "City policy requires employees to treat co-workers and members of the public with courtesy and respect." **(Exhibit 3)**

As discussed above, Aragon's egregious misconduct and threats violated the City's Respect Policy and also demonstrate conduct unbecoming of a City employee.

C. Aragon is Not Credible and Dishonest

Aragon was found to be dishonest and not credible during her Weingarten interview for the following reasons:

1. Aragon denied the August 13, 2021 incident with [REDACTED] and said she did not see, talk, or touch [REDACTED] that day. However, there is documentation to contradicting Aragon's denial. First, GPS records show that from 8:47 a.m. to 8:50 a.m., Aragon's assigned City vehicle, Vehicle # 431-686 was stopped at 2929 23rd Street near Alabama Street where the incident occurred. Second, [REDACTED] promptly filed a Police Report showing her concern and fear. [REDACTED] filed the Police Report under the penalty of perjury. Penal Code Section 148.5 makes it illegal to make a false police report of a crime. Third, [REDACTED] witnessed to the incident between Aragon and [REDACTED]. Fourth, [REDACTED] promptly filed a temporary restraining and then the Court granted her a permanent restraining order against Aragon.
2. Aragon denied ever seeing the photo with a knife on top of a work safety vest. However, [REDACTED] provided a September 3, 2021 text message from Aragon with the photo along with text messages. **(Exhibit 9)**.
3. Aragon denied seeing a temporary restraining order filed by [REDACTED] against her. In video 2, posted on Facebook on August 25, 2021, Aragon is in a City vehicle with her safety vest on and she states, "... Piece of paper ain't gonna stop me from getting my haircut. Nobody is. No police. No nobody, motherfucker. Bye." [REDACTED] believes that Aragon's statements were directed at her. She said when Aragon said "piece of paper," she was referring to the TRO that was served to her.

Also, [REDACTED] provided proof of service documentation that on August 23, 2021, Aragon was served the temporary restraining order. **(Exhibit 12)**

EXHIBITS

- Exhibit 1: 7514 General Laborer Job Description
- Exhibit 2: Policy Prohibiting Employee Violence in the Workplace
- Exhibit 3: City's Respect Policy
- Exhibit 4: Temporary Restraining Order
- Exhibit 5: Police Report
- Exhibit 6: GPS Report
- Exhibit 7: Aragon Incident Report
- Exhibit 8: Videos from [REDACTED]
- Exhibit 9: Text messages from [REDACTED]
- Exhibit 10: September 3, 2021 Sign-In Sheet
- Exhibit 11: Zone D Map
- Exhibit 12: Proof of being served TRO
- Exhibit 13: Restraining Order

EXHIBIT 1

City and County of San Francisco General Laborer (#7514)

DEFINITION

Under general supervision, performs a variety of manual labor tasks such as removing debris from construction, maintenance, wrecking, or repair work; loading and unloading materials, supplies, furniture, and equipment; may work as part of a crew with other crafts; and operating various types of equipment and machinery including pneumatic and hand tools associated with general construction.

DISTINGUISHING FEATURES

This class is the entry-level class in the laborer series. Positions involve sustained physical effort and exposure to a variety of disagreeable working conditions and inclement weather.

SUPERVISION EXERCISED

None.

EXAMPLES OF IMPORTANT AND ESSENTIAL 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.

1. Excavates trenches (using various pneumatic and hand tools, including 90-pound jackhammers) for water and sewer lines, underground utility repair, or electrical conduits; backfills and compacts excavations; and potholes transmission mains and service piping.
2. Clears culverts, stakes fabric to prevent erosion of work sites, and cements and rip-raps upstream and downstream of culverts.
3. Stabilizes embankments by building wetwalls and drywalls alongside roadways and waterways.
4. Clears obstacles prior to machine mowing.
5. Serves as flag operator and sets up traffic barricades and lights or other barriers around work sites (on streets or in other locations).
6. Clears and chips vegetation, brush, limbs; clears firebreaks, watershed roadways, v-ditches, jogging and foot paths, pipeline rights-of-way, around structures, buildings, risers, vaults, and valve lots; cuts access routes to watershed domestic utility lines and springs; removes small trees and grinds stumps.
7. Installs and maintains chain link, barbed wire and hogwire fencing; cements watershed gate posts and chain link fence posts.

8. Loads and unloads materials, supplies, furniture, and/or equipment by hand or with booms, power tailgate, forklift, and other moving equipment for moving to and from worksites (examples: jackhammers, sandbags, cement bags, debris bags, railroad ties, whackers, vibratory plates).
9. Removes and cleans up debris resulting from construction, maintenance, wrecking, or repair work around grounds and building areas using hands, broom, shovel, wheel barrow, etc.
10. Works in confined spaces to assist in cleaning and flushing catch basins, septic tanks, or sewage treatment plants with shovels, hoses, and pumps to ensure proper drainage of the sewer system.
11. Operates and maintains pneumatic, electrical, mechanical, and hand tools including air compressors, jack hammers, tie tampers, sand blasters, steam cleaners, hoists, drills, chain saws, cement mixers, chipping guns, weed whackers, spaders, stump grinders, fence stretchers, aerial lift buckets, and other hand tools to assist craft workers in getting their jobs done.
12. Mixes and prepares concrete.
13. Assists in the application of concrete and asphalt to repair roads and sidewalks.
14. Sweeps streets and sidewalks
15. Applies disinfectants, de-greasers, and herbicides to streets and sidewalks.
16. Scrubs streets, sidewalks, and plazas with a broom or high-pressure water hose.
17. Picks up litter and puts debris into bags.
18. Cleans up illegal dumping sites, spills on city streets, and sites of accidents. 19. Removes litter and signs from poles and benches.
20. Operates motorized sidewalk sweepers to clean sidewalks.
21. Uses radio communication system or other communication devices.
22. Manages a tool room, distributing tools and tracking inventory.
23. Completes forms such as work orders, daily work or field reports, and/or accident report forms.
24. Drives a truck and/or car to work sites and follows route or other maps.

25. Prepare surfaces for painting; removes graffiti from public/private property using a computerized color matching program, soda blaster, and/or steam cleaner.

KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of: safe work practices, and safety equipment.

Ability and Skill to: perform basic general labor procedures such as shoveling, trenching, grading, cribbing, lifting and carrying heavy materials; load and unload trucks, wheel barrows, etc.; break up pavement and concrete and assist in mixing and putting in sidewalks, streets, and pathways; take care of tools and equipment; wear appropriate forms of respiratory protection equipment; read, write, and follow oral and written instructions and complete simple reports; interact with co-workers, supervisors and the public in a polite and friendly manner; drive a car or truck to work sites and follow route or other maps; use pneumatic and hand tools such as air compressors, jack hammers, sand blasters, tampers, concrete saws, chipping guns, chainsaws, concrete mixers, water pumps, air hoses, shovels, pipe and crescent wrenches, pliers, screwdrivers, hammers, crowbars, scoops, and hacksaws, etc.

MINIMUM QUALIFICATIONS

These minimum qualifications establish the education, training, experience, special skills and/or license(s) which are required for employment in the classification. Please note, additional qualifications (i.e., special conditions) may apply to a particular position and will be stated on the exam/job announcement.

Education:

Experience:

Three (3) years (6000 hours) of journey-level experience as a general laborer in the construction field.

License and Certification:

Possession of a valid Class C California driver license (must be maintained during employment).

Substitution:

Completion of a California Division of Apprenticeship Standards (DAS) or United States Department of Labor (DOL) approved apprentice construction laborer program may be substituted for the required experience.

DISASTER SERVICE WORKERS

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.

EXHIBIT 2

WORKPLACE VIOLENCE PROHIBITED

Policy Prohibiting Employee Violence in the Workplace

The City is committed to maintaining a workplace free from violence and threats of violence, and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited and should be reported immediately.

“Violence” includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, 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, except when required by the City department in the performance of the employee’s official duties. Weapons include, but are not limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

Reporting and Responding to Workplace Violence

All employees are responsible for reporting any acts of intimidation, threats of violence or acts of violence to their supervisor, manager or departmental personnel officer. Supervisors and managers are responsible for documenting and reporting all observed or reported incidents of workplace violence.

EXHIBIT 3

CITY AND COUNTY OF SAN FRANCISCO



DEPARTMENT OF HUMAN RESOURCES

POLICY REGARDING THE TREATMENT OF CO-WORKERS AND MEMBERS OF THE PUBLIC

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

City and County of San Francisco Department of Human Resources Employee Handbook January 2012, p. 46.

Exhibit P

Notice of Intent to Dismiss and Skelly Notice



Carla Short, Interim Director | Director's Office

carla.short@sfdpw.org | T. 628.271.3078 | 49 South Van Ness Ave. Suite 1600, San Francisco, CA 94103

Via Hand Delivery

December 21, 2021

Deborah Aragon
[REDACTED]
[REDACTED]

Re: Notice of Proposed Dismissal from Employment with the City and County of San Francisco and Skelly Meeting

Dear Ms. Aragon:

This is to inform you that San Francisco Public Works (Department) is recommending to dismiss you from your position as a permanent civil service (PCS) 7514 General Laborer. The Department has scheduled a *Skelly* meeting on **January 14, 2022 at 10:00 a.m. at 2323 Cesar Chavez Street, Building A, SSR Conference Room, San Francisco, CA 94124** to address the charges. The meeting will provide you the opportunity to respond to the charges and proposed dismissal of employment. You are entitled to representation and may bring a representative to the *Skelly* meeting.

Please note that due to COVID-19, the *Skelly* meeting officer will be attending via videoconferencing. If you prefer to join the hearing via video conferencing, please inform Jason Jimenez, Senior Employee and Labor Relations Analyst, City Administrator Human Resources, at (415) 695-2033 or via email at Jason.Jimenez@sfgov.org by January 13, 2022 so he can email you a link to the meeting. You must download the Microsoft Teams video conferencing application to your phone or computer if you choose this option.

CHARGES

The charges that support the proposed dismissal are as follows:

1. Violation of Policy Prohibiting Employee Violence in the Workplace.
2. Violation of Policy Regarding the Treatment of Co-Workers and Members of the Public.
3. Conduct Unbecoming of City Employee.
4. Dishonesty.

BACKGROUND

In November 2015, the Department hired you to a Temporary Exempt (TEX) 7501 Environmental Service Worker position. In April 2018, the Department hired you to a PCS 7514 General Laborer position. You currently work Tuesdays through Saturdays from 7:00 a.m. to 3:30 p.m., and are assigned to the Department's Bureau of Street Environmental Services (BSES). You work in Zone D which includes the Mission District.

Your essential job functions include regular and reliable attendance, patrolling City streets in a City pickup truck collecting garbage and debris, and cleaning illegal dumping sites and spills on city streets. You must be available to respond to emergency requests to remove debris from public right-of-ways on a consistent and reliable basis.

August 13, 2021 Incident

On August 13, 2021, Jonathan Vaing, BSES Assistant Superintendent, informed City Administrator Human Resources (CAHR) about a voicemail from a member of the public claiming she was assaulted by a Department employee. Based on Department records, including review of the identified City vehicle and the sign-in sheet for that day, Vaing determined that the employee was you.

INVESTIGATIVE FINDINGS AND DISCIPLINARY CHARGES

Attached to this notice as Exhibit 1 is a copy of the investigation report (Report) and exhibits. The Report details the evidence supporting the charges. Based on the extent of your misconduct as discussed in the Report, the Department is recommending that you be dismissed from employment. The charges against you are as follows:

Charge 1: Violation of Policy Prohibiting Employee Violence in the Workplace

The City's Policy Prohibiting Employee Violence in the Workplace states in relevant part, "Any act or threat of violence in the workplace is strictly prohibited... 'Violence' includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, which causes another to reasonably fear for his or her own personal safety." The City has zero tolerance for employee violence in the workplace.

You violated the workplace policy when on August 13, 2021, you committed acts of violence which included hitting ██████'s left shoulder, telling her, "Fight me. I'm going to beat your ass," pushing ██████'s chest with both of her hands causing ██████ to fall to the ground, and injuring ██████ (which required an ambulance to be called); you also challenged ██████ to a fight. The investigation established that you were about to punch ██████ with your right fist but stopped because you saw ██████. In addition, before leaving the scene, you told ██████, "See you in an hour" which ██████ perceived as another threat. Thereafter, on August 14, 25, and 26, 2021 you posted three disturbing videos on Facebook threatening ██████.

██████████ feared for her personal safety and filed a restraining order against you. San Francisco Superior Court believed that you were a threat to ██████████. On October 8, 2021, the Court issued you with a five-year Restraining Order through October 8, 2026. The Restraining Order requires you to stay **200 yards** away from ██████████, her home, and her vehicle. It states that you must not do the following things to ██████████: harass, intimidate, molest, attack, strike, stalk, threaten, assault, destroy personal property of or disturb the peace of ██████████.

Charge 2: Violation of Policy Regarding the Treatment of Co-Workers and Members of the Public and Conduct Unbecoming of a City Employee

The City's Policy Regarding the Treatment of Co-Workers and Members of the Public (Respect Policy) states in relevant part, "City policy requires employees to treat co-workers and members of the public with courtesy and respect."

As discussed above, your egregious misconduct and threats violated the City's Respect Policy and also demonstrate conduct unbecoming of a City employee.

Charge 3: You are not Credible and Dishonest

You were found to be dishonest and not credible during your Weingarten interview for the following reasons:

1. You denied the August 13, 2021 incident with ██████████ and said you did not see, talk, or touch ██████████ that day. However, there is documentation to contradicting your denial. First, GPS records show that from 8:47 a.m. to 8:50 a.m., your assigned City vehicle, Vehicle # 431-686 was stopped at 2929 23rd Street near Alabama Street where the incident occurred. Second, ██████████ promptly filed a Police Report showing her concern and fear. ██████████ filed the Police Report under the penalty of perjury. Penal Code Section 148.5 makes it illegal to make a false police report of a crime. Third, ██████████ witnessed to the incident between you and ██████████. Fourth, ██████████ promptly filed a temporary restraining and then the Court granted her a permanent restraining order against you.
2. You denied ever seeing the photo with a knife on top of a work safety vest. However, ██████████ provided a September 3, 2021 text message from you with the photo along with text messages.
3. You denied seeing a temporary restraining order filed by ██████████ against you. In video 2, posted on Facebook on August 25, 2021, you are in a City vehicle with safety vest on and you state, "... Piece of paper ain't gonna stop me from getting my haircut. Nobody is. No police. No nobody, motherfucker. Bye." ██████████ believes that your statements were directed at her. She said when you said "piece of paper," you were referring to the TRO that was served to you.

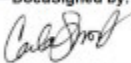
Also, [REDACTED] provided proof of service documentation that on August 23, 2021, Aragon was served the temporary restraining order.

SKELLY MEETING

You are entitled to bring a representative to the *Skelly* meeting. You are not required to attend the *Skelly* meeting and instead, you may submit a written response with any relevant written materials for the *Skelly* officer and the Department to consider before making a final decision. If you choose this option, you must submit your written materials to Jimenez at jason.jimenez@sfgov.org or 2323 Cesar Chavez Street, Building A, San Francisco, CA 94124 by close of business on January 13, 2022.

If you need to reschedule the *Skelly* meeting, you must inform Jimenez at (415) 695-2033 by January 13, 2022. Please be advised that the Department allows for only one reschedule of the *Skelly* meeting. If you neither appear at the meeting nor submit any written materials, the meeting officer and the Department will make a decision based on the materials referenced in this letter and the attachments. If you have any questions in this matter, please contact Jimenez.

Sincerely,

DocuSigned by:

073CF73A4EA6486...

Carla Short
Interim Director, San Francisco Public Works

cc: Dijaida Durden, Deputy Director for Operations
Christopher McDaniels, Superintendent, Bureau of Street Environmental Services
Jason Jimenez, Senior Employee and Labor Relations Analyst
Personnel File

EXHIBITS

1. 2021 Investigatory Report

Exhibit Q

Notice of Paid Administrative Leave



Carla Short, Interim Director | Director's Office

carla.short@sfdpw.org | T. 628.271.3078 | 49 South Van Ness Ave. Suite 1600, San Francisco, CA 94103

Via Hand Delivery and Email

[REDACTED]

January 13, 2022

Deborah Aragon

[REDACTED]
[REDACTED]

Re: Notice of Placement on Paid Administrative Leave

Dear Ms. Aragon:

This letter is to notify you that effective January 13, 2022, San Francisco Public Works (Department) is placing you on paid administrative leave pending completion of an investigation into potential misconduct. Thus, do not report to work on January 14, 2022. The leave may continue for a period of up to 30 calendar days.

This action is authorized under the City and County of San Francisco Administrative Code Section 16.17(a) (1), which permits such leave pending investigation relating to an employee's conduct when the Department determines that the employee should be placed on leave "in order to protect the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the investigation, or potential harm to employees, to the public interest or to the operation of the City."

During this period of paid administrative leave, you are directed to participate and cooperate with the investigation, and you must remain ready and available to answer any phone calls, email, or report to work within one hour, Tuesday to Saturday between 7:00 a.m. and 3:30 p.m. Failure to comply with these terms may lead to discipline in addition to any findings resulting from the investigation.

The Department may end the administrative leave at any time.

While on paid administrative leave, you will receive the compensation you would have earned if you had worked during the same period, without the inclusion of overtime earnings or special pay. **You must not report to any Department work location until notified otherwise.**

Deborah Aragon
Notice of Placement on Paid Admin Leave
Page 2 of 3

In the meantime, please follow the instructions below:

1. Immediately return to the Department, and stop using, any and all of the Department's property, including but not limited to, City ID, department badges, office and FOB keys, and parking pass. Please promptly contact Kenneth Bruce, Assistant Superintendent, at 415-695-2036 or Kenny.Bruce@sfdpw.org to coordinate the return of your City property.
2. Do not conduct Department business or communicate about work-related matters with all City departments and City employees, and entities doing business with the Department. On all matters related to your current status and work-related matters, you should contact Mr. Bruce;
3. Respond to any work-related requests that I or my designee may have to ensure, among other things, that the Department continues its operations during your administrative leave;
4. Do not enter the Department's office/City property unless I have authorized your access in advance. If you need to gain access to any remaining personal belongings that you left in the workplace during your administrative leave, please contact Mr. Bruce to make arrangements to return your property.

To ensure the integrity of the investigatory process and fairness, we request that you not discuss with anyone, other than your representative, the existence of the investigation. We ask that you maintain this confidentiality until the conclusion of the investigation.

You are also advised that retaliation against any employee who participates in this investigation is strictly prohibited.


Failure to comply with these terms may lead to discipline in addition to any findings resulting from the investigation.

The City's Employee Assistance Program (EAP) provides confidential, voluntary mental health services to City employees. A brochure about EAP is enclosed.

Deborah Aragon
Notice of Placement on Paid Admin Leave
Page 3 of 3

Should you have any questions regarding your placement on paid administrative leave, you may contact Jason Jimenez, Senior Employee and Labor Relations Analyst, City Administrator Human Resources, at email Jason.jimenez@sfgov.org.

Sincerely,

DocuSigned by:

073CF73A4EA6486...

Carla Short
Interim Director, San Francisco Public Works

Enclosure: EAP brochure

cc: DiJaida Durden, Deputy Director for Operations, San Francisco Public Works
Chris McDaniels, Superintendent, BSES, San Francisco Public Works
Kenneth Bruce, Assistant Superintendent, BSES, San Francisco Public Works
Jason Jimenez, Senior Employee and Labor Relations Analyst, CAHR
Donna Ho, Senior Human Resources Consultant, DHR, Client Services
Personnel File

Exhibit R

The Appellant and [REDACTED]'s Skelly Statements

January 26, 2022

Department of Public Works
49 South Van Ness Avenue
San Francisco, CA 94103

Dear Department of Public Works:

I am writing this affidavit in support of Deborah Aragon whose hearing is today.

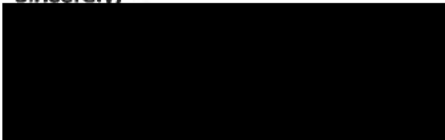
On September 3, I reported to DPW that Deborah, who at the time was suffering a severe breakdown, was suicidal and homicidal. I deeply regret and retract that I said she was homicidal at that time. I was incredibly concerned for Deborah's mental health and was trying to get her the help she desperately needed. Shortly after reporting to DPW, I was able to talk with Deborah; and although she was despondent, she was not homicidal. She was under an incredible amount of stress with our break up and with her family, more specifically her two sisters, who were attempting to sell the family home out from under her in which she lives with her elderly, terminally ill mother and her two grandchildren to whom she is guardian.

Leading up to this starting in April, Deborah's godmother, with whom she was extremely close, passed away. In June, her best friend of over 40 years was diagnosed with cancer and died in late July which was a devastating loss as well. Adding to all of this was a shoulder injury which put her on disability and that led to surgery, a serious blood clot, hospitalization, and near death. All the while, she was dealing with COVID isolation and being responsible for the virtual learning of her grandchildren. Deborah also relapsed after 25 years of sobriety. All of this led to her breakdown.

The last thing I or anyone involved wanted was for Deborah to lose her job as this would be catastrophic. I am the Director of the San Francisco Sheriff's Department Survivor Restoration Program and am an expert in restorative justice. This is a perfect opportunity to support Deborah in a restorative justice process, rather than a punitive process; and I would be happy to provide DPW with any resources or information needed.

Since my report to DPW, Deborah has gone into rehab, is currently enrolled in anger management classes, attends group therapy, regularly attends Narcotics Anonymous meetings, and has a sponsor. There have been no further incidents, and she is getting the help she needs. She is not a threat and is not a liability and is willing to do whatever is necessary to stay employed with DPW. I urge you to please take all this into consideration when deciding her employment.

Sincerely,



1/26/22

*SEE ATTACHED
JURAT/ACKNOWLEDGMENT
FOR NOTARY*

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SAN MATEO)

On JANUARY 26, 2022 before me, GERALDINE TAMBANILLO, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared [REDACTED]
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [REDACTED] (Seal)



Department of Public Works,

Since this meeting is about me, I think you should also hear from me. I take responsibility in my part of this whole thing, and you need to know what led up to my actions.

In December I found out that my mother has 6 months to 1 year to live, at this time I was the only one caring for my mother. In April my Godmother passed away, this is the woman who raised me. In June I find out that my best friend is in hospital not doing well, in July she passed away. I just went to Hawaii last week with her daughter and granddaughters to spread her ashes.

With everything going on I have guardianship of my 2 grandsons because my daughter left them. I knew that I couldn't deal with all of this, I relapsed after being clean and sober for over 20 years. I called EAP (Employee Assistance Program) with no results. My supervisor told me to go to 1145 Market Street to speak with them. Nobody was in office but there was a number on door. I called that number and spoke with receptionist, and she said someone will be getting back to me by the end of day. I waited and again no results. I talked to my supervisor again and the next morning someone from EAP finally reached out to me, at this time she informed me that the phone number on the flyers had been changed a while ago.

We had 2 therapy sessions, and this is when she explained to me that EAP was a short term fix I needed to get in contact with Kaiser for long term therapy. I tried making appointment with kaiser and they said soonest I could see them was in few weeks. I needed help ASAP, so I went to Kaiser Emergency and had myself put on 72-hour hold. I did all of this on my own because I knew I needed help. After 72 hours I was in 21-day program, after that I was in 30-day program, I still have weekly therapy sessions, and support groups to help me never having to go through any of this again.

I love my job and I do it good, if you look at my file or ask questions of any my supervisors or coworkers, they will all agree that I am team player and I take pride in my job. I hope you can see that I knew I had a problem, and I did everything to take the necessary steps to fix it.

Thank you
Deborah Aragon

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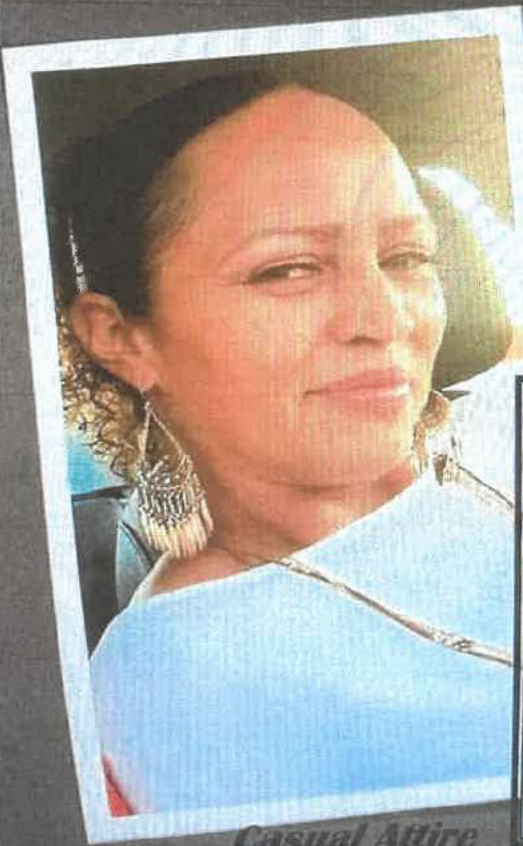

www.facebook.com/photo?fbid=10220564876571290&set=pcb.10220564894611741

Annette "NiteOwl" Fraticelli

Celebration of Life

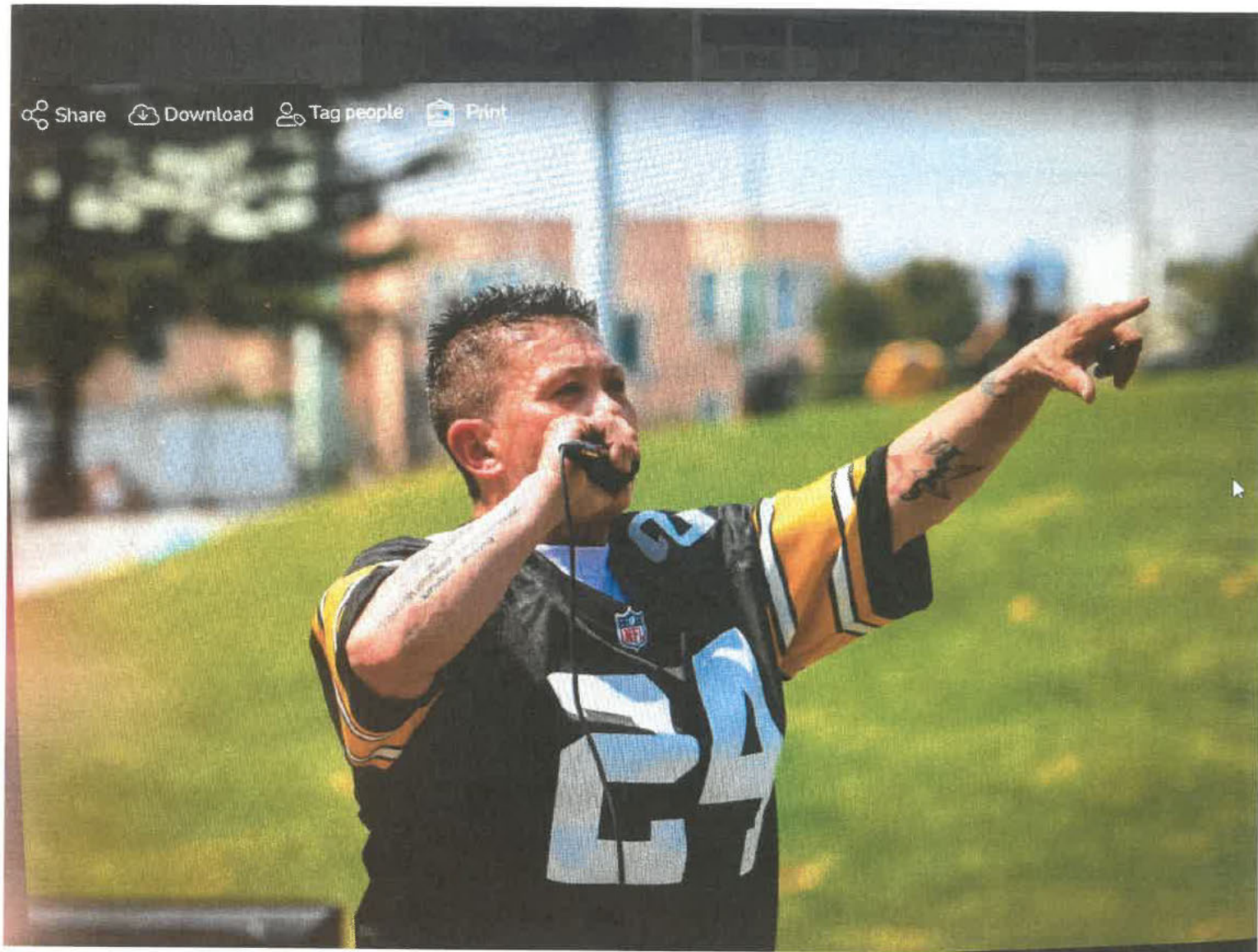
Saturday, August 28, 21

12 p.m. – 6 p.m.
Potrero Del Sol Park
(La Raza Park)
1460 San Bruno Ave.
San Francisco, CA.

Casual Attire

hp





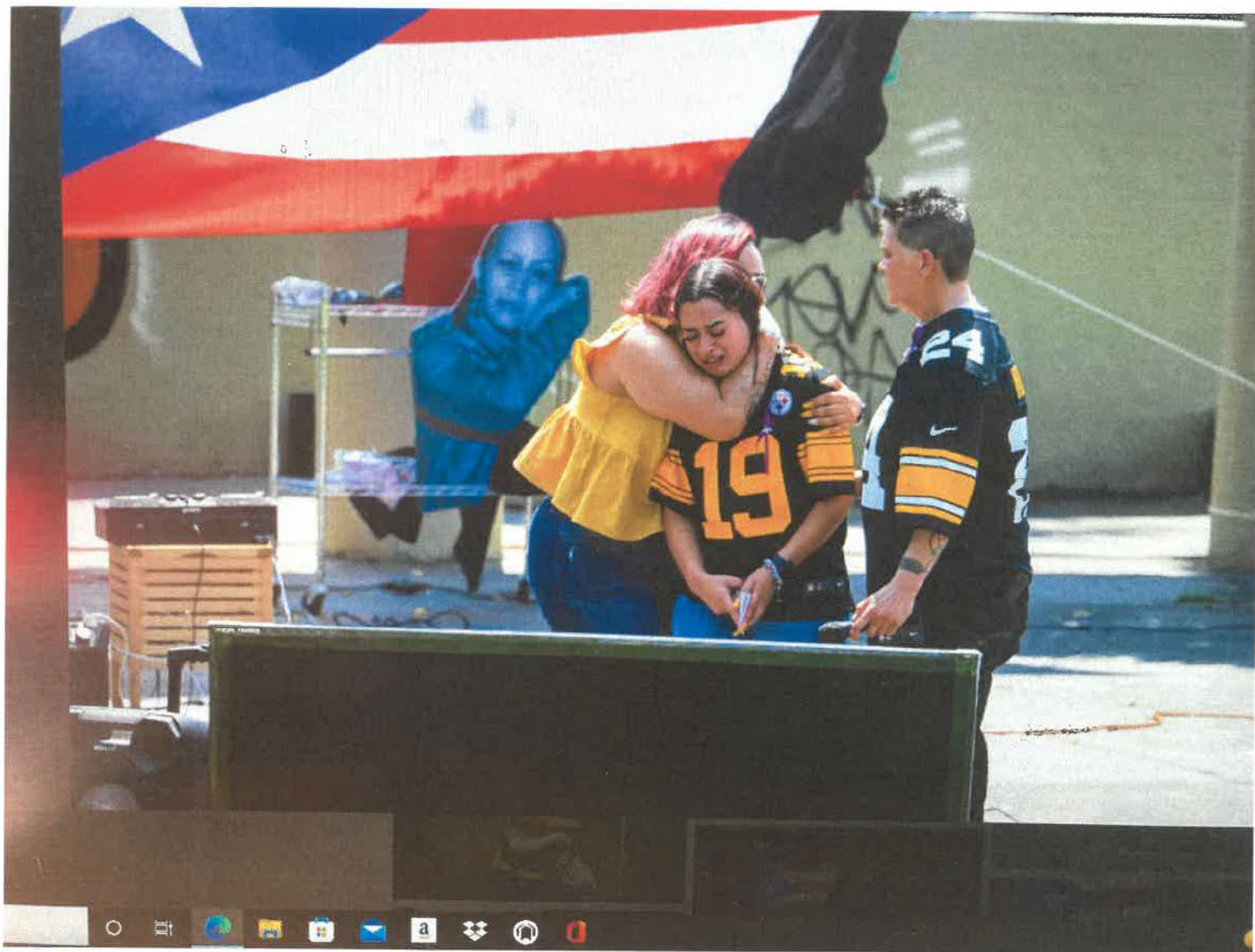












Exhibit S

Skelly Officer's Decision

City & County of San Francisco
London N. Breed, Mayor



Office of the City Administrator
Carmen Chu, City Administrator
Chanda Ikeda, Human Resources Director

SKELLY MEETING DECISION

TO: Carla Short, Interim Director, San Francisco Public Works

THROUGH: DiJaida Durden, Deputy Director for Operations, San Francisco Public Works DS
DD

FROM: Lawlun Leung, Senior Employee and Labor Relations Analyst, City Administrator LL
Human Resources

DATE: February 9, 2022

SUBJECT: Deborah Aragon, 7514 General Laborer, Bureau of Street Environmental Services
Skelly Decision Regarding Recommendation for a Dismissal

On January 28, 2022, a *Skelly* meeting was held for Deborah Aragon 7514 General Laborer, employed with the San Francisco Public Works, Bureau of Street and Environmental Services (SES or Department). The purpose of the meeting was to provide Aragon the opportunity to respond to the following charges:

- Violation of Policy Prohibiting Employee Violence in the Workplace.
- Violation of Policy Regarding the Treatment of Co-Workers and Members of the Public and Conduct Unbecoming of City Employee.
- Dishonesty.

At issue is whether there is sufficient reason to uphold the Department’s recommendation for a dismissal. After reviewing the information provided by the Department and Aragon, it is my recommendation to uphold the charges and the dismissal.

APPROVED: _____
Carla Short, Interim Director
San Francisco Public Works

BACKGROUND

In November 2015, the Department hired Aragon to a Temporary Exempt (TEX) 7501 Environmental Service Worker position. In April 2018, the Department hired Aragon to a PCS 7514 General Laborer position.

Aragon's essential job functions include regular and reliable attendance, patrolling City streets in a City pickup truck collecting garbage and debris, and cleaning illegal dumping sites and spills on city streets.

The Department's investigation established that on August 13, 2021, Aragon violated the City's Policy Prohibiting Employee Violence in the Workplace and Policy Regarding the Treatment of Co-Workers and Members of the Public, when she committed acts of violence which included hitting a member of the public, ██████████'s left shoulder, threatening her, pushing her until she fell to the ground, and injuring her. The Department's investigation also established that she was about to punch ██████████ but stopped when she saw another person. In addition, before leaving the scene, Aragon threatened ██████████, when she told her, "See you in an hour." Thereafter, on August 14, 25, and 26, 2021, Aragon posted three videos on Facebook threatening ██████████. As a result of Aragon's misconduct, ██████████ obtained a permanent restraining order.

The Department also found Aragon to be dishonest, when:

1. She denied the August 13, 2021 incident with ██████████ and said she did not see, talk, or touch ██████████ that day.
2. She denied seeing a photo with a knife on top of a work safety vest.
3. She denied seeing a temporary restraining order filed by ██████████ against her.

SKELLY HEARING

Due to the COVID-19 pandemic, the *Skelly* meeting was conducted via videoconference. Present at the *Skelly* meeting were Ms. Johnson, Theresa Foglio, Business Agent, Laborers 261; Jonathan Vaing, Assistant Superintendent, SES; Jason Jimenez, Senior Employee and Labor Relations Analyst, City Administrator Human Resources (CAHR). I, Lawlun Leung, Senior Employee and Labor Relations Analyst, CAHR, served as the *Skelly* Officer.

At the *Skelly* meeting, Aragon was provided the opportunity to respond to the Department's Notice of Proposed Disciplinary Action. The *Skelly* process is an opportunity to obtain information that can confirm, exonerate, or mitigate the conduct of an employee. This information may affect the imposition of discipline or the type of discipline. My role as the *Skelly* Officer is to be an impartial, non-involved reviewer of the facts involved in a disciplinary matter. My role is not to substitute judgment with respect to the discipline to be imposed, but rather to reach a conclusion as to whether, based upon the record, there are reasonable grounds to proceed with the proposed discipline, or whether it should be modified or revoked.

My review and analysis of the information provided by all parties is as follows:

FINDINGS**Charge 1: Violation of Policy Prohibiting Employee Violence in the Workplace**

The City's Policy Prohibiting Employee Violence in the Workplace states in relevant part, "Any act or threat of violence in the workplace is strictly prohibited... 'Violence' includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, which causes another to reasonably fear for his or her own personal safety." The City has zero tolerance for employee violence in the workplace.

Aragon denied the allegation. She said that she only had a verbal altercation with [REDACTED] and did not push her. She also denied verbally threatening [REDACTED] and physically threatening to punch her. Aragon said that [REDACTED] instigated the altercation and that she only exchanged words with [REDACTED]. Aragon also argued that [REDACTED] did not feel threatened by the altercation because on August 28, 2021, [REDACTED] and Aragon both attended a funeral for a mutual friend. She said [REDACTED]'s attendance proves that she did not feel that Aragon was a threat.

Aragon admitted that she "screwed up" and should not have engaged with [REDACTED]. She said she was dealing with recent deaths of loved ones and as a result she had a relapse after 20 years of being "clean and sober." After the incident, she sought assistance from EAP multiple times in September 2021, but received no response. She described herself as suicidal and that she resorted to turning herself in to Kaiser Hospital (or 5150) where she received treatment and entered a 30 day program.

In regards to the threatening videos posted on Facebook, Aragon said she did not recall who she was threatening. She said that she was "under the influence" and admitted that it "could of" been for [REDACTED].

Foglio argued that a dismissal was too severe because according to the Police Report, Aragon did not push [REDACTED] and thus did not cause her to fall. She requested that the Department reconsider the dismissal as Aragon is the sole guardian for her two grandsons. Aragon adds that she loved her job and is working on making herself better.

The Department's investigation, included a police report filed by [REDACTED], a copy of the temporary restraining order, and an interview with an eye witness who stopped Aragon from hitting [REDACTED]. Thus, the evidence established that [REDACTED] feared for her safety and that Aragon threatened her. Additionally, Aragon did not deny that her threatening videos were referring to [REDACTED] and that the videos could have been for anyone at the time.

Aragon appeared contrite and apologized for her actions. She admitted that at the time she was suicidal, "mad at a lot of people", and under the influence. Given her state of mind it is likely that she made both physical and verbal threats to [REDACTED].

The Charge of Violation of Policy Prohibiting Employee Violence in the Workplace is SUSTAINED.

Charge 2: Violation of Policy Regarding the Treatment of Co-Workers and Members of the Public and Conduct Unbecoming of a City Employee

Aragon accepted this charge. Aragon said that she should have walked away from [REDACTED], but instead she engaged in a verbal altercation with her. She acknowledged that her conduct was unbecoming of an employee.

The Charge of Violation of Policy Regarding the Treatment of Co-Workers and Members of the Public and Conduct Unbecoming of a City Employee is SUSTAINED.

Charge 3: Dishonesty

1. Aragon denied that she was dishonest when she was asked about the altercation with [REDACTED]. She explained that at the time of the *Weingarten* interview, she was asked if she knew "[REDACTED]". She denied that she knew her because she only knew [REDACTED] as "[REDACTED]".
2. Aragon admitted that she was dishonest when she denied seeing the photo with a knife on top of a work safety vest. She said at the time of the photo, she was suicidal and did not recall sending the photo to anyone.
3. Aragon denied that she was dishonest when she asked about the temporary restraining order filed by [REDACTED] against her. She said that her mother handles her mail and she often is unaware of what mail she has received.

Aragon's explanation that at the time of the interview she did not know that "[REDACTED]" was "[REDACTED]" is not credible. Also, the Department provided a Proof of Personal Service documentation stating that on August 23, 2021, Aragon was served the temporary restraining order. Aragon was given opportunities to tell the truth when she was questioned at a *Weingarten* interview and at the Skelly Meeting. Aragon chose instead to be unforthcoming.

The Charge of Dishonesty SUSTAINED.

Enclosure – Aragon's *Skelly* response

January 26, 2022

Department of Public Works
49 South Van Ness Avenue
San Francisco, CA 94103

Dear Department of Public Works:

I am writing this affidavit in support of Deborah Aragon whose hearing is today.

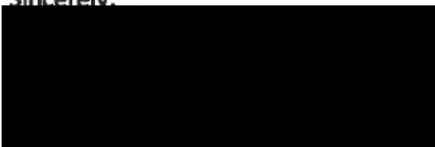
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The last thing I or anyone involved wanted was for Deborah to lose her job as this would be catastrophic. I am the Director of the San Francisco Sheriff's Department Survivor Restoration Program and am an expert in restorative justice. This is a perfect opportunity to support Deborah in a restorative justice process, rather than a punitive process; and I would be happy to provide DPW with any resources or information needed.

Since my report to DPW, Deborah has gone into rehab, is currently enrolled in anger management classes, attends group therapy, regularly attends Narcotics Anonymous meetings, and has a sponsor. There have been no further incidents, and she is getting the help she needs. She is not a threat and is not a liability and is willing to do whatever is necessary to stay employed with DPW. I urge you to please take all this into consideration when deciding her employment.

Sincerely,



1/26/22

*SEE ATTACHED
JURAT/ACKNOWLEDGMENT
FOR NOTARY*

ACKNOWLEDGMENT

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State of California
County of SAN MATEO)

On JANUARY 26, 2022 before me, GERALDINE TAMBANILLO, NOTARY PUBLIC
(insert name and title of the officer)

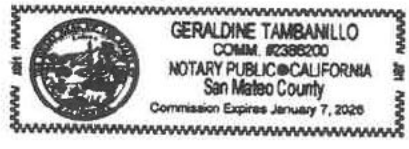
personally appeared [REDACTED]
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [REDACTED]

(Seal)



Department of Public Works,

Since this meeting is about me, I think you should also hear from me. I take responsibility in my part of this whole thing, and you need to know what led up to my actions.

In December I found out that my mother has 6 months to 1 year to live, at this time I was the only one caring for my mother. In April my Godmother passed away, this is the woman who raised me. In June I find out that my best friend is in hospital not doing well, in July she passed away. I just went to Hawaii last week with her daughter and granddaughters to spread her ashes.

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Thank you
Deborah Aragon

The image shows a computer monitor displaying a Facebook event page. The browser tabs at the top include Snappr, facebook log in - Bing, and (18) Facebook. The address bar shows a Facebook photo URL. The event title is "Annette 'NiteOwl' Fraticelli Celebration of Life" in a gold, cursive font. The date is "Saturday, August 28, 21". The time is "12 p.m. - 6 p.m.". The location is "Potrero Del Sol Park (La Raza Park) 1460 San Bruno Ave. San Francisco, CA.". There are two photos: a large one of Annette in a light blue dress and a smaller one of her in a denim jacket. The text "Casual Attire" is at the bottom of the photos. The HP logo is visible on the monitor bezel.

www.facebook.com/photo?fbid=10220564876571290&set=pcb.10220564894611741

Annette "NiteOwl" Fraticelli

Celebration of Life

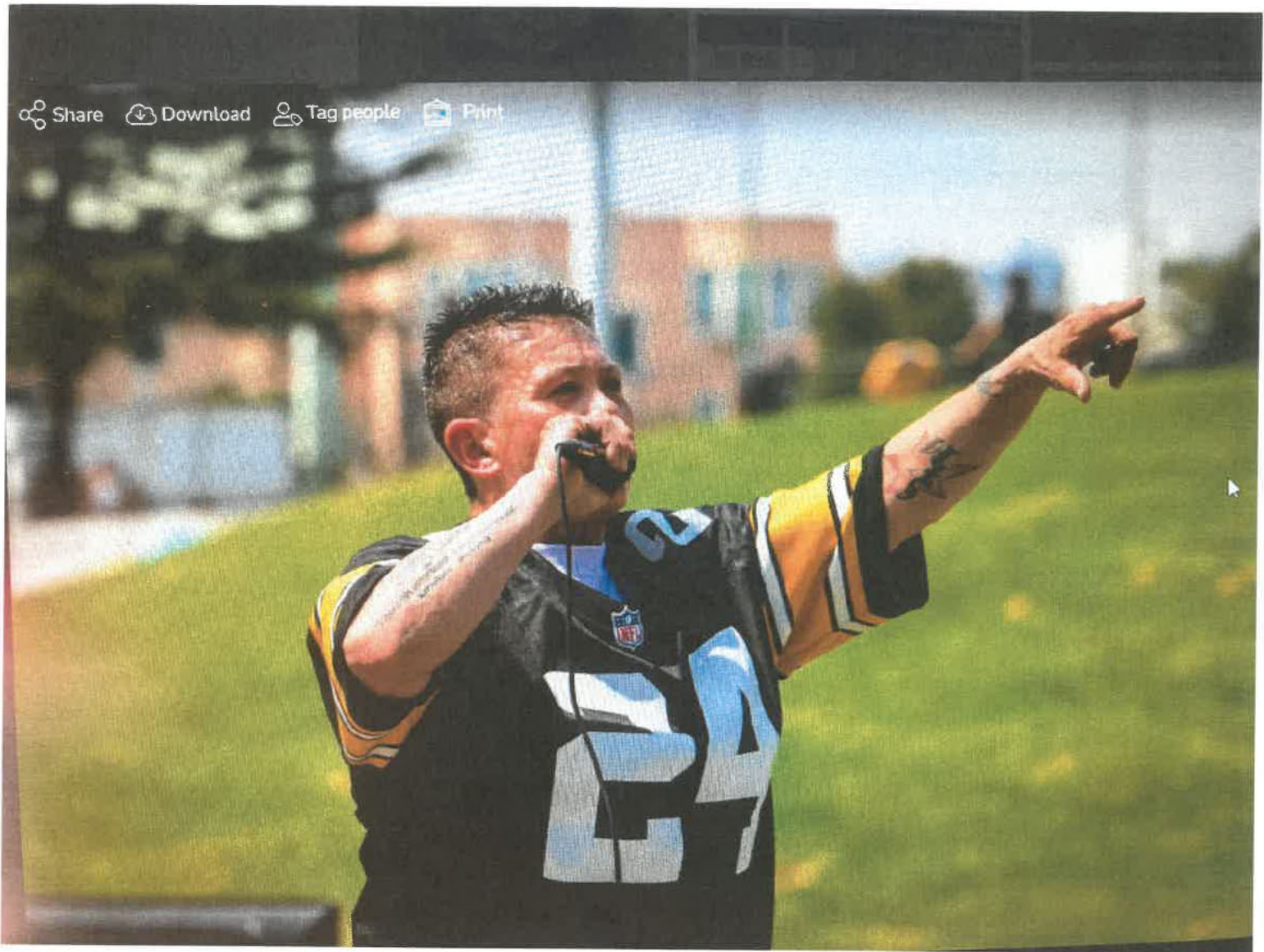
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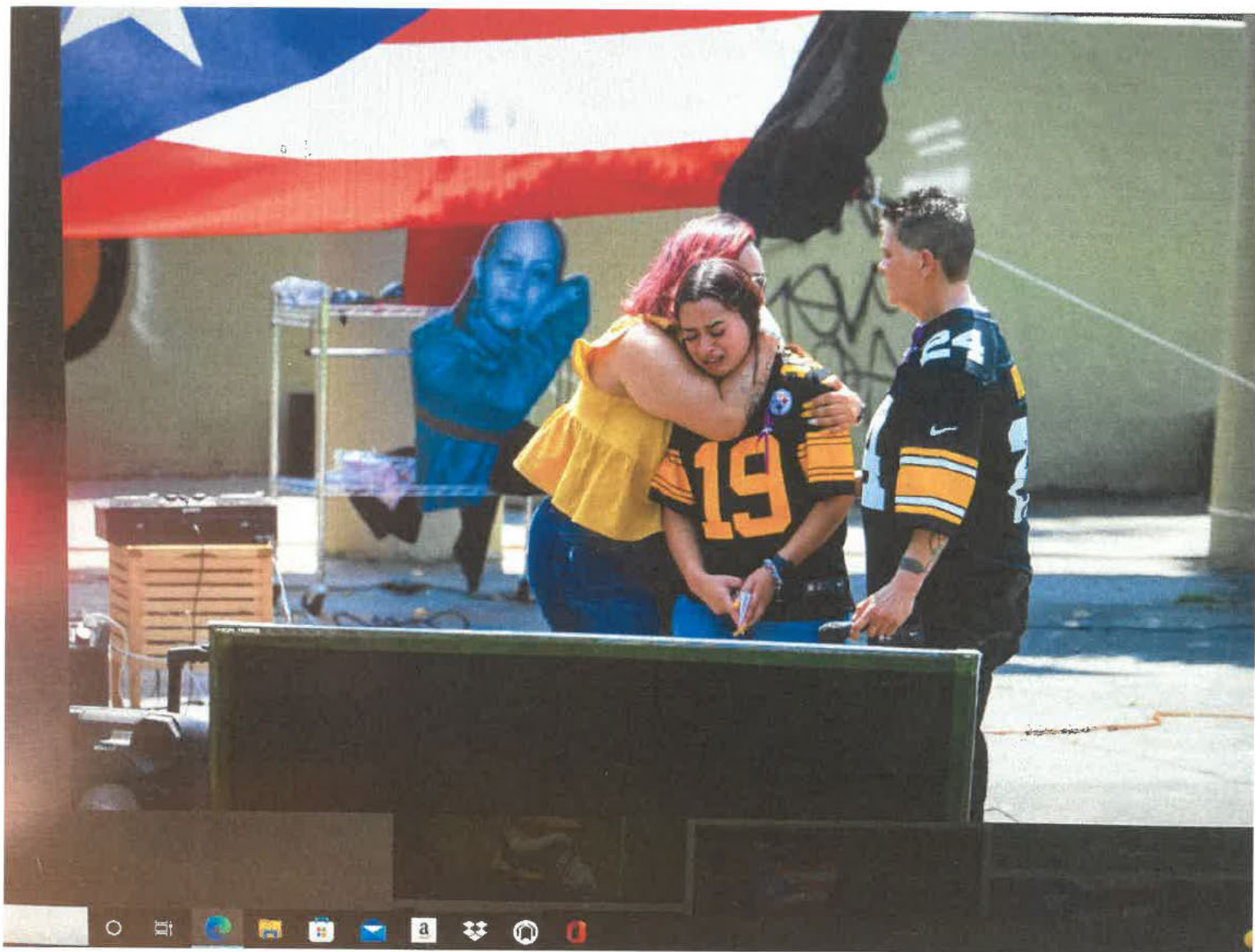
Potrero Del Sol Park
(La Raza Park)
1460 San Bruno Ave.
San Francisco, CA.

Casual Attire

hp













Internet Explorer browser window showing a search bar and a URL.



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facebook login - Bing | 1177 facebook |
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Taskbar icons: Start button, Internet Explorer, File Explorer, Microsoft Edge, Mail, Photos, Windows Defender, Task View, Power, Network, Volume, Bluetooth, System tray.



Exhibit T

Civil Service Commission's Policy and Guidelines regarding Future
Employment Restrictions under Civil Service Rule Series 022



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

MEMORANDUM
CSC No. 2014 - 10


SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

Date: April 24, 2014
To: Department Heads
Human Resources Representatives
Cc: Micki Callahan, Human Resources Director
From: Jennifer Johnston, Executive Officer 
Subject: **Policy and Guidelines regarding Future Employment Restrictions
under Civil Service Rule Series 022**

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

Civil Service Rule Series 022 provides that the appointing officer or Human Resources Director may impose restrictions on a separated employee's future employment with the department and/or City—either indefinitely or conditioned on the individual meeting certain requirements—subject to appeal to the Civil Service Commission (“Commission”). Such restrictions apply to all future employment with the City in any appointment type (e.g., permanent civil service, exempt, provisional, etc.).

This memorandum states the Commission's policies and guidelines on the imposition, removal and appeal of such future employment restrictions, as adopted by the Commission on April 21, 2014. Civil Service Adviser No. 021 provides additional guidance on appeals of proposed restrictions on future employment.

I. Authority

Under Charter Section 10.100, the Commission is charged with “the duty of providing qualified persons for appointment to the service of the City and County.” Charter Section 10.101 provides that the Commission shall adopt rules, policies and procedures to carry out the civil service merit system provisions of the Charter, including rules governing eligibility for employment with the City and County of San Francisco.

II. Overview

Departments have an affirmative duty to their employees, other departments, the taxpayers of the City and County of San Francisco and the individuals to whom

the City provides services, to ensure that the selection and appointment of individuals for City employment is done in a careful and responsible manner. This includes the obligation to review the circumstances of any negative separation to determine whether it would be appropriate to restrict a former employee's future employment with the City.

This also includes the responsibility to review the employment history of any current or former employee prior to making an appointment. Departments are prohibited from appointing individuals with any applicable restriction on their future employment, irrespective of the appointment type of the position (e.g., permanent civil service, temporary exempt, provisional, etc.).

There are two primary benefits of future employment restrictions. First, they serve to limit the possibility of a City department making any hiring decision mistakes in the future and/or exposing itself to liability for negligent hiring. This is particularly important in light of the fact that there may not be sufficient existing documentation regarding the circumstances of a former employee's release, since City departments are not required to retain a former City employee's personnel file more than seven years following separation pursuant to the Commission's Citywide Employee Personnel Records Guidelines. Second, individuals who are restricted from future employment with the City do not get referred to a department for selection off of an eligible list, and therefore do not count against the number of reachable eligibles that a department may consider for employment under the applicable certification rule.

III. Imposing a Restriction

When to Impose a Restriction on Future Employment

All negative separations (e.g., discharge/negative release/termination, disciplinary release from probation, designation of services unsatisfactory following a resignation, etc.), irrespective of appointment type (e.g., permanent civil service, exempt, etc.), should be evaluated to determine whether a restriction on future employment would be appropriate.

This evaluation should be on a case-by-case basis, based on the totality of the circumstances (e.g., the egregiousness of the conduct, the consequences of the conduct, whether it was repeated or a one-time occurrence, etc.). *Generally speaking*, and depending on the circumstances, one or more of the following situations would likely merit a future employment restriction of some kind (note that the following is not intended to be an exhaustive list):

- Egregious misconduct (malfeasance or nonfeasance) (e.g., being intoxicated in the workplace).
- Serious unethical conduct which may mar the department's reputation and/or the public's trust in the department/City (e.g., using one's City position for personal gain).
- Misappropriation of public/City/department funds or property.
- Destruction or serious misuse of public/City/department property.
- Mistreatment of persons (e.g., sexual harassment, violence in the workplace).
- Acts or conduct which presented a danger to the health and safety of the individual, his or her coworkers or members of the public.

- Significant, continued performance issues/deficiencies that would indicate that the individual would not satisfactorily perform the duties of his or her future employment with the City.

Type of Restriction to be Imposed

There are a multitude of different types of restrictions that a department may consider. They range from any of the following or a combination of the following: requiring evidence of subsequent satisfactory work performance outside the City for a specified duration; cancelling eligibility status; restricting employment in a particular department, classification or type of job (for example a job that requires driving); and, any other job-related restrictions, up to and including no future employment with the department and/or City and County of San Francisco.

Except in cases of misconduct/malfeasance, the Commission *generally* favors demonstration of satisfactory work experience outside the City consistent with the position for a period of time, prior to allowing a former employee to return to the City workforce.

Departments must be thoughtful in recommending a department-specific ban instead of a City-wide ban, as the latter would be more appropriate absent special circumstances unique to a specific department. For example, an individual who was separated from City employment for violating the City's policy prohibiting workplace violence should be banned from employment in all City departments, not just the one from which he or she was separated. Likewise, a restriction on future employment conditioned on proof of a satisfactory driving record for an individual separated for numerous driving infractions/accidents should apply to any driving position with the City, not just those with the department from which he or she was separated.

There must also be a nexus between the conduct that resulted in the negative separation and the type of the restriction. For example, if an employee has been released due to his or her unsafe driving, the restriction should be related to restricting that person's employment in a driving position with the City pending proof of a satisfactory driving record in a similar position for another employer. Note that this would not prohibit the individual from being appointed to non-driving positions with the City. Again, the restriction should be for *any* driving position with *the City* (not just with the specific department), since many City departments have driving positions.

The severity (scope and duration) of the restriction should also be correlative to, and commensurate with, the conduct that resulted in the negative separation. The duration of the restriction should be meaningful, and should be whatever time period the department believes would be enough to correct the employee's conduct that led to his or her negative separation. Permanent, unconditional bans should be imposed judiciously and only in circumstances that would merit such a severe restriction.

Effective Date of the Employment Restriction

If appealed, recommendations on future employment restrictions become final by action of the Civil Service Commission. In the absence of an appeal, a recommendation of the appointing officer or Human Resources Director that results in a "Final Administrative Action" is in effect a

final action of the Commission, provided that the restriction conforms to Civil Service Rules and applicable laws.

Individuals are placed under general waiver for all appointments pending resolution of an appeal of a restriction on their future employment in accordance with the Civil Service Rules. Further, the Department of Human Resources (“DHR”) and the Municipal Transportation Agency (“MTA”) place individuals under general waiver on all eligible lists pending the outcome of any grievances/arbitrations regarding their dismissal, discharge or termination.

Unless it is a permanent, unconditional ban on any and all future City employment, an individual may still be placed on an eligible list for future consideration under waiver pending satisfaction of any conditions on his or her future employment.

IV. Appeals

The decision of the appointing officer or Human Resource Director to impose restrictions on an individual’s future employment with the City may be appealed to the Commission in accordance with Rule Series 022. The Commission may uphold, modify or expand the recommendation of the appointing officer on the future employment restriction. Again, see Civil Service Adviser No. 021 for additional guidance on appeals of future employment restrictions.

A proposed employment restriction should not be rescinded solely because it has been appealed to the Commission. A department should only consider rescinding a proposed restriction for good cause (e.g., in the event that the department learns of new information that mitigates the conduct, or if DHR advises that the circumstances do not warrant the proposed restriction, etc.).

Commission’s Review

The Commission does not determine if the negative release itself was appropriate, nor does it re-adjudicate an arbitrator’s decision. Rather, the Commission’s role is to determine *if the proposed restriction on future employment is appropriate* (i.e., whether the circumstances surrounding the individual’s negative separation merit a restriction on his or her future employment with the City/department; and whether the scope, duration and type of restriction itself is appropriate under the circumstances).

Requirement for a Staff Report

As indicated, the individual is placed under general waiver for all appointments pending resolution of an appeal of a restriction on future employment to the Civil Service Commission. Therefore, departments are required to submit a staff report to the Commission within sixty (60) calendar days of receiving notification of an appeal on a future employment restriction to ensure that the matter is resolved expeditiously.

The department’s staff report should support the department’s position and address the issue to be determined on appeal: whether the proposed restriction on future employment is appropriate (i.e., whether the circumstances surrounding the individual’s negative separation merit a restriction

on his or her future employment with the City/department; and, whether the scope, duration and type of the restriction itself is appropriate under the circumstances).

The department must notify the Executive Officer as soon as possible if the individual has filed a grievance or lawsuit challenging the underlying separation so that the matter may be postponed until that proceeding has concluded. In the event that the former employee's separation is overturned, therefore making the appeal moot, the department must submit a Form 13 with supporting documentation within ten (10) business days to request administrative closure. In the event that the former employee's separation is upheld, the department must submit a staff report within sixty (60) calendar days so that the appeal can be scheduled for a Commission hearing.

The appeal will be calendared at the next Commission hearing date following receipt of the staff report in accordance with the Commission's meeting calendar.

V. Removing a Restriction

Permanent restrictions on future employment may never be removed. Unless the restriction specifically indicates that it is a "permanent" ban on the individual's future employment with the City and/or department, it will be considered to be a non-permanent restriction eligible for reconsideration after five years in accordance with Civil Service Rule Series 022. A permanent restriction must specify, for example, "Permanent restriction on any future employment with the City and County of San Francisco;" or "Permanent restriction on any future employment in a driving position with the City and County of San Francisco;" or "Permanent restriction on any future employment with the MTA;" etc. Citywide bans imposed before April 21, 2014 are considered permanent restrictions and are therefore not subject to reconsideration.

Non-permanent, unconditional future employment restrictions may be removed by action of the Commission; and conditional restrictions on future employment may generally be removed with the approval of the Human Resources Director (or Director of Transportation, if the conditional restriction is specific to an MTA service-critical class or position), unless otherwise specified by the Commission. The removal of a restriction does not serve to rescind or abrogate the Commission action that imposed the restriction in the first place.

The procedures for removing a future employment restriction are outlined below. In all instances, it is the individual's responsibility to submit a *complete and thorough* request that the restriction/ban be lifted, including all relevant documentation in support of the request.

Individuals cannot be considered for employment in accordance with the terms of any restriction until it is removed. Therefore, DHR and/or the department should endeavor to respond to and process an individual's request to have a non-permanent ban lifted within a reasonable amount of time.

Request to Remove a Conditional Restriction

Unless otherwise specified by the Commission, the Human Resources Director (or Director of Transportation, if the conditional restriction is specific to an MTA service-critical class or

position) may approve the removal of a conditional restriction on an individual's future employment upon determination that he or she has met or otherwise satisfied the terms or conditions of that restriction (e.g., future employment conditioned on the demonstration of one year of satisfactory service with another employer, future employment conditioned on the demonstration of a satisfactory driving record for a period of five years, etc.).

DHR/MTA should endeavor to respond to an individual's *complete* request to remove a conditional ban within thirty (30) calendar days of receipt of the request, notifying him or her of the Human Resources Director's/Director of Transportation's determination on whether the terms or conditions of the restriction have been met. The decision of the Human Resources Director/Director of Transportation is not appealable to the Commission.

Requests to Remove a Non-Permanent, Unconditional Restriction (Requests for Reconsideration)

As indicated, the removal of a non-permanent, unconditional ban may only be done through Commission action. Civil Service Rule Series 022 governs the process and procedures for a request to remove such restrictions.

Departments are required to forward to DHR within thirty (30) calendar days, an individual's *complete* request to lift a non-permanent and an accompanying memorandum with the department's recommendation on whether the request should be approved, declined or modified, and the reason(s) therefor. The memorandum must also include sufficient information that may be available regarding the circumstances of the individual's negative separation (including an overview of what happened and the reason(s) for the separation) and any supporting relevant documentation to inform the Human Resources Director's recommendation to the Commission

Within sixty (60) calendar days of receipt of the department's memorandum, DHR must submit a staff report to the Commission (with the department's memorandum packet attached) with the Human Resources Director's recommendation to either approve, decline or modify the individual's request to remove the restriction, and the reason(s) therefore.

VI. Additional Roles and Responsibilities

Appointing Officers/Departments

An Appointing Officer must properly notify an individual of his or her intent to impose a restriction on his or her future employment in accordance with the procedures prescribed by DHR. The notification must clearly indicate the type (i.e., whether it is permanent or not), scope and duration of the restriction; and it must include information on the process for appealing the restriction. Departments are also required to adequately document in the system of record the base(s) for the employment restriction.

Departments are responsible for ensuring that any proposed employment restriction is appropriately and accurately documented in the system of record and in the individual's personnel file. Departments are also responsible for documenting in the system of record when an individual has appealed a proposed employment restriction, and what the disposition was if the matter did not

ultimately go before the Commission for review.

Finally, departments are responsible for ensuring that any other necessary actions are undertaken to implement a final employment restriction. This includes notifying the DHR Recruitment and Assessment Services Division and/or the MTA of any restriction that requires that an individual's name from any eligible lists.

Human Resources Director/DHR and Director of Transportation/MTA

The Human Resources Director is responsible for establishing the procedures for implementing these policies and guidelines for all departments except for the MTA, which shall be the responsibility of the Director of Transportation.

DHR is required to report to the Commission in February and August of each year with information on individuals who appealed a restriction on their future employment but ultimately withdrew the appeal because the department reduced or rescinded the restriction. The MTA is also required to report such information to the Commission for MTA service-critical positions in February and August of each year.

DHR and the MTA are responsible for ensuring that the Human Resources Director's/Director of Transportation's decision to lift a conditional employment restriction is appropriately and accurately documented in the system of record, and that any other necessary actions are undertaken to implement that decision.

Executive Officer/Commission Staff

The Executive Officer is responsible for ensuring that departments understand their roles and responsibilities as outlined herein. This includes providing any training that may be needed.

The Executive Officer is also responsible for notifying all parties of the Commission's action on an appeal or request to remove an employment restriction, and for ensuring that such action is properly documented in the system of record.

QUESTIONS

Questions on Civil Service Rules or Commission policies, procedures and guidelines may be directed to Commission staff at (415) 252-3247.