File No. 18058

Item No. 6

## SUNSHINE ORDINANCE TASK FORCE AGENDA PACKET CONTENTS LIST

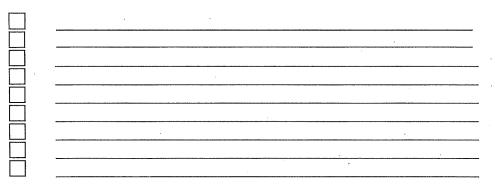
Compliance and Amendments Committee

Date: December 18, 2018



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## OTHER



Completed by: C. Leger Date 12/13/18

\*An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

From: Sent: To: Subject:	Google Forms <sfbdsupvrs@gmail.com> Monday, June 25, 2018 11:08 AM SOTF, (BOS) New Response Complaint Form</sfbdsupvrs@gmail.com>
Your form has a new entry.	
Here are the results.	en e
Complaint against which Department or Commission	Sfmta
	· · · · · · · · · · · · ·
Name of individual contacted at Department or Commission	Mike helms, ify, dexter, Charles, Donald Ellison, Lawrence L, James Cenario, Cherylynn Nortona,
· · ·	en e
Alleged Violation	Public Records
	A second seco
Please describe alleged violation	Asked for public records information in April 2018 didn't receive it until May 2018. Asked for information in May and they're refusing to give it to us. I have emails to prove.
Date	6/25/18
, and a sub-sub-	• • • • • • • • • • • • • • • • • • • •
Name	Tamara Reed and Deonte Walker

Address

## 123 Kathy Ellen Drive #b2

City

Vallejo

Zip

94591

Telephone

4155099608 4153165923

Email

Simply.janae@icloud.com

Send personalized emails with Mail Merge for Gmail.

This email was sent via the Google Forms Add-on.

## City and County of San Francisco



Dennis J. Herrera City Attorney

## OFFICE OF THE CITY ATTORNEY

NICHOLAS COLLA Deputy City Attorney

Direct Dial: (415) 554-3819 Email: nicholas.colla @sfgov.org

## MEMORANDUM

TO: Sunshine Ordinance Task Force

FROM: Nicholas Colla

Deputy City Attorney

DATE: August 17, 2018

RE: Complaint No. 18058 – Walker & Reed v. Municipal Transportation Agency

## COMPLAINT

Complainants Deonte Walker and Tamara Reed ("Complainants") allege that the Municipal Transportation Agency ("MTA") violated the public records laws by failing to provide them with of the documents requested on April 26, 2018 in a timely manner.

## COMPLAINANT FILES COMPLAINT

On June 25, 2018, Complainant filed this complaint with the Task Force alleging that MTA failed to timely respond to her request for public records and also failed to answer her questions.

## JURISDICTION

The MTA is a City department subject to the provisions of the Sunshine Ordinance governing public records. The MTA does not contest jurisdiction to hear this complaint.

## **APPLICABLE STATUTORY SECTION(S)**

#### Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs responses to a public records request.
- Section 67.26 governs withholding of records.
- Section 67.27 governs written justification for withholding of records.

#### Section 6250 et seq. of the Cal. Gov't Code

- Section 6253 governs the release of public records and the timing of responses.
- Section 6254 describes the types of documents not subject to public record request laws.

## APPLICABLE CASE LAW

- Los Angeles Police Dep't v. Superior Court (1977) 65 Cal. App. 3d 661, 668 [a person who may be the subject of the particular record sought does not, because he is personally affected, have any greater right than any person to examine the record].
- Int'l Fed'n of Prof'l & Technical Engineers, Local 21, AFL-CIO v. Superior Court (2007) 42 Cal. 4th 319 [Disclosure of city employees' salaries is not exempt under the

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OFFICE OF THE CITY ATTORNEY

#### MEMORANDUM

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California Public Records Act nor does disclosure violate state constitutional right to privacy.]

• *Black Panther Party v. Kehoe* (1974) 42 Cal. App. 3d 645 [By disclosing exempted records to one requestor, a government agency may not deny access to subsequent requests to disclose those same records.]

#### BACKGROUND

On April 6, 2018 Complainant Reed sent an email to MTA on behalf of her brother/MTA employee Complainant Walker, to document an unpleasant exchange between Walker and MTA's Human Resources Department, when Walker was allegedly denied access to a copy of MTA's official Absent Without Leave (AWOL) policy on the previous day. Complainant Reed's email renewed the request for MTA's AWOL policy and requested Complainant Walker's MTA timesheets as well as other MTA employee's timesheets.

On April 16, 2018, Complainant Reed sent an email to MTA asking when she should be expecting to receive the requested documents.

On April 19, 2018, MTA employee Mike Helms ("Mr. Helms") responded to Complainant Reed's email by asking that Complainants specify which documents they are requesting.

On the same date, Complainant Reed replied to Mr. Helms requesting all time cards and civil service exams for MTA employees with the same job classification as Complainant Walker for 2016.

Several email exchanges between MTA personnel and Complainants took place between April 19, 2018 and May 10, 2018. Responsive records were allegedly provided to Complainants on May 8, 2018 and May 10, 2018.

On June 26, 2018, Complainants filed this complaint alleging that MTA did not timely/completely respond to their record request.

On July 3, 2018, MTA sent a letter to the Task Force acknowledging that its initial response to the request was tardy but that the delay was in not in bad faith because MTA personnel didn't initially recognize the email correspondence as being a request for public records. MTA's letter also stated that it provided all available public documents to Complainants and that MTA "views this as an ongoing personnel matter and not a public records request."

#### QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS

- Did MTA ever state to Complainants that responsive records were being withheld under applicable exemptions to disclosure? If so, when?
- What documents, if any, do Complainants believe MTA continues to withhold and what evidence do Complainants offer to support such a belief?

#### LEGAL ISSUES/LEGAL DETERMINATIONS

- Did MTA respond to Complainants' request in a timely manner?
- Did MTA properly withhold documents pursuant to any exemption?

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- Did MTA violate the Sunshine Ordinance or the CPRA by failing to provide Complainants with assistance in locating the documents requested?
- Is there a statutory exemption from disclosure for employee personnel files?

#### SUGGESTED ANALYSIS

#### **Privacy** Exemption

Section 67.26 of the Sunshine Ordinance states that "[n]o record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute." The California Public Records Act ("CPRA") doesn't require the disclosure of documents that would warrant an invasion of personal privacy in addition to records which are exempt pursuant to federal or state law. Gov't Code Section 6254(c); Gov't Code Section 6254(k).

In a 2007 case before the California Supreme Court, a newspaper publisher petitioned for writ of mandate, under the CPRA, to require a city to disclose records indicating name, job title, and gross salaries of all city employees who earned at least \$100,000 in specified fiscal year. Int'l *Fed'n of Prof'l & Technical Engineers, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal. 4th 319. The Court held that public employees' earnings are not exempted by the privacy exemption under the CPRA because public employees' expectations of privacy in their earnings in the public sector is outweighed by the public's interest in knowing about government expenditures. *Id.* at 329-331.

Further, the Court in *Local 21* held that public employees do not have a reasonable expectation of privacy in the amount of their public earnings under Article I, Section 1 of the California Constitution because the employees failed to establish that they had a "(1) a legally protected privacy interest, (2) a reasonable expectation of privacy under the circumstances, and (3) a serious invasion of the privacy interest." *Id.* at 338.

In deciding whether the documents requested by Complainant fall under the privacy exemption under the CPRA, the Task Force may wish to consider whether the public's interest in disclosure outweighs the expectation of privacy in the documents. Then, when considering whether there is a reasonable expectation of privacy in the documents under the California Constitution, the Task Force may wish to consider the following factors: (1) do the initially withheld documents contain information regarding a legally protected privacy interest, (2) is there a reasonable expectation of privacy in the information contained in documents under the circumstances, and (3) would disclosure of the documents pose a serious invasion of the privacy interest?

#### Equal Access to Public Documents

"[A] person who may be the subject of the particular record sought does not, because he is personally affected, have any greater right than any person to examine the record." *Los Angeles Police Dep't v. Superior Court* (1977) 65 Cal. App. 3d 661, 668.

In Los Angeles Police Dep't, the Court held that the documents regarding a police investigation were exempt from the CPRA and that members of a church had no greater right to document disclosure than the general public solely because the church members were the subject

## City and County of San Francisco

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of the requested documents. *Id.* Considering the holding in *Los Angeles Police Dep't*, did MTA act properly by requiring Complainant to sign a privacy waiver to access documents about her?

In addition, in *Black Panther Party v. Kehoe*, the court held that by disclosing records of complaints about licensed collection agencies to said collection agencies, the Department of Consumer Affairs could not subsequently deny access to Plaintiffs requesting the same documents by asserting that the documents were exempt from disclosure under CPRA Section 6254. *Black Panther Party v. Kehoe* (1974) 42 Cal. App. 3d 645, 656-657. Considering the holding in *Black Panther Party*, the Task Force may wish to consider that disclosing the requested documents to Complainant may mandate subsequent disclosure of the same documents to subsequent requestors.

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#### CONCLUSION

#### THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

#### THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

\* \* \*

# CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)

# SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. *If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.* 

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

#### SEC. 67.26. WITHHOLDING OF RECORDS

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released,

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and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any City employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

#### CAL. PUBLIC RECORDS ACT (GOVT. CODE §§ 6250, ET SEQ.)

#### SEC. 6253

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

SEC. 6254

OFFICE OF THE CITY ATTORNEY

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Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(k) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

#### CAL. CONST. ART. I

#### SEC. 1

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

#### **SEC. 3**

(a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

(3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

(4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.

(5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

(6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses provided by Section 7 of Article IV, state law, or

## City and County of San Francisco

## MEMORANDUM

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legislative rules adopted in furtherance of those provisions; nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

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## Sunshine Ordinance Task Force Complaint Summary

File No. 18058

Deonte Walker, Tamara Reed v. SFMTA

Date filed with SOTF: 6/25/18

Contacts information (Complainant information listed first): <u>Simply.janae@icloud.com (C</u>omplainant) Mike Helms (Mike.Helms@sfmta.com), Charles Dexter, Donald Ellison (Donald.Ellison@sfmta.com), Lawrence L. James Cenario, Cherylynn Nortona (Respondents)

File No. 18058: Complaint filed by Deonte Walker and Tamara Reed against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Administrative Summary if applicable:

**Complaint Attached.** 

# **Complainant/Petitioners Documents Submission**

From:	Janae Reed <simply.janae@icloud.com></simply.janae@icloud.com>
Sent:	Thursday, November 15, 2018 2:07 PM
То:	SOTF, (BOS)
Cc:	Ellison, Donald (MTA); deontewalker88@gmail.com
Subject:	Re: SOTF - Tamara Reed v. Don Ellison, SFMTA - Update on documents to be provided by Mr. Ellison to Ms. Reed

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

Hello Cheryl.

No we haven't received all documents. We received the personnel file, the Workers Comp form. We didn't received the rest of the items. Mr. Ellison is become very dismissive and very unhelpful in our most recent meetings. We've met twice and still don't have everything. When we left the meeting with SOTF I thought we were all on the same page as to what information we actually needed.

Best regards,

Tamara

On Nov 15, 2018, at 10:37 AM, SOTF, (BOS) <<u>sotf@sfgov.org</u>> wrote:

Dear Mr. Ellison and Ms. Reed:

I write to ask if you both have been able to meet and if Mr. Ellison has provided the documents listed below to Ms. Reed:

- Mr. Walker's personnel file
- Workers compensation form with the signatures of Mr. Walker and his supervisor
- Updated and approved leaves and vacation schedule
- *AWOL policy/dates and documentation*
- *Page numbers of the MOU related to the leave policy/requests)*

As you both know, the matter was referred to the Compliance and Amendments Committee to ensure that the documents have been provided to the Petitioner, Ms. Reed. The Committee will meet again December 18, 2018 to review the matter. Thank you.

Cheryl Leger Assistant Clerk, Board of Supervisors Tel: 415-554-7724

<image001.png> Click <u>here</u> to complete a Board of Supervisors Customer Service Satisfaction form.

The <u>Legislative Research Center</u> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

From:	SOTF, (BOS)
То:	'Julian.Sarkar@gmail.com'; Buckley, Theresa (TTX); Boomer, Roberta (MTA); Celaya,
	Caroline (MTA); Ellison, Donald (MTA); Janae Reed; Carol Cypert; Peters, Michelle (PUC); Public Records
Subject:	SOTF - Notice of Hearing - Compliance and Amendments Committee; December 18, 2018, 4:30 p.m.

## Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee of the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date:	December 18, 2018	

Location: City Hall, Room 408

Time: 4:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

**File No. 18001: Hearing on the Status of the Order of Determination,** Complaint filed by Julian Sarkar against Jose Cisneros and the Office of the Treasurer and Tax Collector for violating Administrative Code (Sunshine Ordinance, Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

**File No. 18058: Hearing on the Status of the Order of Determination,** Complaint filed by Deonte Walker and Tamara Reed against the San Francisco Municipal Transportation Agency for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

**File No. 18086:** Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

File No. 18087: Complaint filed by Carol Cypert against San Francisco Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 18088:** Complaint filed by Carol Cypert against San Francisco Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

## **Documentation (evidence supporting/disputing complaint)**

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by 5:00 pm, December 11, 2018.

Cheryl Leger Assistant Clerk, Board of Supervisors Tel: 415-554-7724

Click here to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

## MEMORANDUM OF UNDERSTANDING

## BETWEEN

## SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

## AND

## TRANSPORT WORKERS' UNION, LOCAL 250-A (9163)

JULY 1, 2014– JUNE 30, 2019

Memorandum of Understanding Between Transport Workers Union, Local 250-A (9163) and Municipal Transportation Agency July 1, 2014 – June 30, 2019

MP #4816-5079-7833 v1

#### Section 9.9 Floating Holiday Sign-Up

83. At a separate sign up held immediately after the regular vacation sign up for that year. Operators shall sign up for the two floating holidays for that year. The number of slots available for the floating holidays will take into account the number of Operators in the division, but there will be not less than one slot for each day of the week in each division.

#### ARTICLE 10. LEAVES OF ABSENCE

#### Section 10.1 Bereavement Leave

84. Three (3) days' leave with pay shall be allowed to each Operator for the death of the employee's spouse or domestic partner, parents, step parents, grandparents, parents-in-law, sibling, step child, adopted child, a child for whom the Operator has parenting responsibilities, aunt or uncle, legal guardian, or any person who is residing in the household of the Operator. Such leave shall not exceed three working days and shall be taken within 30 calendar days after the date of death.

#### Section 10.2 Leave without Pay for Bereavement

85. In addition to the three (3) paid days, an Operator may take up to two (2) days leave without pay for the reasons described in this section at the Operator's option. The Operator may request pay on these two (2) days be charged against the Operator's floating holiday or vacation.

#### Section 10.3 Jury Duty Leave

86. An Operator who is required to perform jury duty during the Operator's regular workday will be granted leave of absence with pay. Such pay shall be the same as if the Operator had worked in accordance with the Operator's regular schedule for such day, less the amount received for jury duty on such day, An Operator who is required to perform jury duty shall be considered to have Saturday and Sunday as assigned days off while performing jury duty.

#### Section 10.4 State Disability Insurance

87. The payment of sick leave pursuant to Rule 420 of the Civil Service Commission shall not be affected and shall be supplementary to payments from State Disability Insurance. An Operator entitled to SDI shall receive in addition thereto such portion of his/her accumulated sick leave with pay as will equal, but not exceed, the regular biweekly gross earnings of the Operator, including any regularly paid premiums. Such supplementary payments shall continue for the duration of the Operator's illness or disability or until sick leave with pay credited

> Memorandum of Understanding Between Transport Workers Union, Local 250-A (9163) and Municipal Transportation Agency July 1, 2014 – June 30, 2019

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to the Operator is exhausted, whichever occurs first.

#### Section 10.5 State Unemployment Insurance Program

88. The SFMTA agrees to continue participating in the State Unemployment Insurance Program as long as applicable laws so require.

#### Section 10.6 Pregnancy and Parental Leave

89. SFMTA shall administer pregnancy and parental leave according to State, Federal, and Local law.

#### Section 10.7 Childcare/Personal Leave Without Pay

90. An Operator will be granted childcare or personal leave without pay in accordance with the provisions of Civil Service Rules 420.33 and 420.20 if SFMTA determines that it will not interfere with the needs of the service.

#### Section 10.8 Domestic Partners

91. In all Articles of this MOU which provide rights or benefits for dependents of a transit Operator, the same shall be provided to a Domestic Partner consistent with existing law which may be subsequently amended.

#### Section 10.9 Sick Pay or Vacation Pay

92. Any Operator using sick pay or vacation pay credit shall be given the option of receiving either eight (8) hours pay or an amount equivalent to run pay from their sick or vacation credit. Sick leave without pay will be permitted only after all sick leave with pay has been exhausted.

#### Section 10.10 Industrial Accident Leave

#### Transport Workers Union Local 250-A Notification

93. Notice of the occurrence of an injury to any employee sustained in the course of his employment shall be given to the Transport Workers Union Local 250-A as soon as knowledge of such an injury comes to SFMTA.

#### 94. Industrial Injury Leave

95. An Operator who is absent because of an occupational or non- occupational disability and who is receiving Temporary Disability, Vocational Rehabilitation Maintenance Allowance, or State Disability Insurance, may request that the

Memorandum of Understanding Between Transport Workers Union, Local 250-A (9163) and Municipal Transportation Agency July 1, 2014 – June 30, 2019 22

amount of disability indemnity payment be supplemented with salary to be charged against the Operator's accumulated unused sick leave with pay credit balance at the time of disability, or vacation, so as to equal the normal salary the Operator would have earned for the regular work schedule. An Operator who wishes not to supplement, or who wishes to supplement with vacation, must submit a written request to the appointing officer or designee within seven (7) calendar days following the first date of absence. Disability indemnity payments will be automatically supplemented with sick pay credits (if the Operator has sick pay credits and is eligible to use them) to provide up to the Operator's normal salary unless the Operator makes an alternative election as provided in this section. Operator supplementation of workers' compensation payment to equal the full salary the Operator would have earned for the regular work schedule in effect at the commencement of the workers compensation leave shall be drawn only from an Operator's paid leave credits including vacation, sick leave balance, or other paid leave as available. Pursuant to Civil Service Rule 420.24, an Operator returning from disability leave as defined by CSC Rule 420.24 will accrue sick leave and/or supplemental disability credits at an accelerated rate. Salary may be paid on regular time-rolls and charged against the Operator's sick leave with pay, or vacation credit balance during any period prior to the determination of eligibility for disability indemnity payment without requiring a signed option by the Operator. Sick leave with pay, or vacation credits shall be used to supplement disability indemnity pay in increments of at least one (1) hour. Notwithstanding past practice, if an Operator is injured from an unavoidable collision accident or malfunction of MUNI equipment while operating MUNI equipment resulting in loss of time from work, the Operator shall suffer no loss of pay time on the day the injury occurs. In the event of such injury, the Operator shall be paid eight (8) hours time for each scheduled work day lost during the waiting period until workers compensation temporary disability benefits begin, and after the waiting period, he/she shall receive from MUNI 60% of the difference between workers compensation temporary disability benefits and eight (8) hours time for each scheduled work day lost for a maximum of one (1) month of continuous absence each fiscal year, or through the end of the current sign-up period, whichever period is greater. An Operator may request to supplement his or her pay while on leave to be changed against his or her accumulated unused sick leave, or vacation. SFMTA shall continue to pay premiums at the amounts set forth in Article 8 for the Operator and his/her dependents until the end of the period in which he/she receives workers compensation temporary disability benefits.

#### ARTICLE 11. PART-TIME OPERATORS

96.

#### Section 11.1 Part-Time Operator Definition

A Part-Time Operator is an Operator employed by SFMTA and regularly scheduled on a less than full-time basis. Upon gualification as a transit

Memorandum of Understanding Between Transport Workers Union, Local 250-A (9163) and Municipal Transportation Agency July 1, 2014 – June 30, 2019 23

23

those comments attached to derogatory material in the personnel file.

- 236. An Operator, or a Transport Workers Union Local 250-A representative with the Operator's written authorization, shall have the right to examine and/or to obtain copies of materials in the Operator's personnel file. The Operator shall make an advance appointment with the SFMTA Human Resources office to examine the file.
- 237. If material of a derogatory nature from any source, including a Customer Service Complaint or any other investigation, is found not to relate to a particular Operator (i.e. involves mistaken identity) the material shall not be placed in or shall be removed from the Operator's personnel file.
- 238. Only one (1) official personnel file shall be maintained on any represented employee. The official personnel file shall be located at the SFMTA Human Resources Division.

# Section 19.12 Late For Work ("Lateness") and Absence Without Leave ("AWOL")

A. Late For Work

If an Operator reports late for duty without approval but does report and takes a scheduled non-overtime run, such late reports will be tracked and recorded on a rolling five month period with the disciplinary procedures up to the following:

- i. First violation within a five (5) month period oral warning
- ii. Second violation within a five (5) month period written warning.
- iii. Third violation within a five (5) month period five (5) day suspension
- iv. Fourth violation within a five (5) month period -ten (10) day suspension
- v. Fifth violation within a five (5) month period up to termination
- B. Absence Without Leave (AWOL)

240.

When an Operator fails to report for duty, and does not receive approval, the absence will be defined as an Absence Without Leave (AWOL) and will be tracked and recorded on a rolling eight (8) month period with the disciplinary procedures up to the following:

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- i. First violation within an eight (8) month period - Discipline a two (2) day suspension
- ii. Second violation within an eight (8) month period - Discipline a ten (10) day suspension
- iii. Third or further violation within an eight (8) month period termination.

#### Section 19.13 Loss of Funds

Pursuant to Administrative Code Sections 10.25.1 through 10.25.9, no Operator shall be charged for losses of funds or equipment in his/her possession, belonging to the SFMTA, resulting from petty theft, robbery or other crime, as proven by the Operator, or resulting from a situation where it is proven by the Operator that no action of the Operator contributed to the loss.

#### Section 19.14 Wrongful Suspensions or Discharges

242. If it is finally determined that a suspension or discharge is unwarranted, the Operator shall be reinstated to his or her former position without loss of seniority; he or she shall be paid wages lost as though he or she had not been suspended or discharged; and no entry shall be made in the Operator's personnel record of such suspension or discharge.

#### Section 19.15 Notification to Operators

- 243. Notification to Operators through Certified Mail will be used for:
  - Step 3 Dismissal/Termination Cases (scheduling and decisions) a.
  - b. Civil Service Rule 22 Hearing
  - C, Arbitration

#### ARTICLE 20. 244. PAY DAYS Section 20.1 Pavchecks

# PAPERLESS PAY POLICY

245.

Effective on a date to be established by the Controller, but not sooner than

Memorandum of Understanding Between Transport Workers Union, Local 250-A (9163) and Municipal Transportation Agency July 1, 2014 – June 30, 2019 51

241.

From:Janae Reed <simply.janae@icloud.com>Sent:Thursday, September 20, 2018 8:40 AMTo:deontewalker88@gmail.com; SOTF, (BOS)Subject:Fwd: Follow-Up: SOTF - Education, Outreach, and Training Committee

Begin forwarded message:

From: Deonte Walker <<u>deontewalker88@gmail.com</u>> Date: September 12, 2018 at 1:39:00 PM PDT To: simply.janae@icloud.com

Subject: Fwd: Follow-Up: SOTF - Education, Outreach, and Training Committee

Sent from my iPhone

Begin forwarded message:

From: "Norona, Cherylynn" <<u>Cherylynn.Norona@sfmta.com</u>> Date: August 22, 2018 at 8:36:36 AM PDT To: "simplyjanae@icloud.com" <<u>simplyjanae@icloud.com</u>>,

"deontewalker88@gmail.com" <deontewalker88@gmail.com>

**Cc:** "JIMENEZ, ISIDRO (CAT)" <<u>Isidro.Jimenez@sfcityatty.org</u>>, "Ellison, Donald" <<u>Donald.Ellison@sfmta.com</u>>, "Roach, Dan" <<u>Dan.Roach@sfmta.com</u>>, "Cerenio, James" <<u>James.Cerenio@sfmta.com</u>>

Subject: Follow-Up: SOTF - Education, Outreach, and Training Committee

Good Morning Ms. Reed and Mr. Walker,

I hope this email finds you well!

As a follow-up to yesterday's hearing with the Education, Outreach, and Training Committee, kindly provide a list of outstanding documents that you've requested with MTA.

Thanks in advance, Cherylynn

Cherylynn Norona Senior Human Resources Analyst Employee & Labor Relations



Office 415.646.2896

San Francisco Municipal Transportation Agency 1 South Van Ness, 6th floor San Francisco, CA 94103



From:Janae Reed <simply.janae@icloud.com>Sent:Thursday, September 20, 2018 8:41 AMTo:deontewalker88@gmail.com; SOTF, (BOS)Subject:Fwd: Follow-Up: SOTF - Education, Outreach, and Training Committee

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>>

Date: September 12, 2018 at 2:12:17 PM PDT

To: <u>deontewalker88@gmail.com</u>, <u>cherylynn.norona@sfmta.com</u>, <u>donald.ellison@sfmta.com</u>, <u>james.cerenio@sfmta.com</u>, <u>dan.roach@sfmta.com</u>, <u>isidro.Jimenez@sfcityatty.org</u> Subject: Fwd: Follow-Up: SOTF - Education, Outreach, and Training Committee

Good afternoon everyone.

My apologies for this late response to this email as I did not receive it. Thank you for reaching out to us. Below is the list of outstanding documents that we still haven't received.

- Approved leaves in SFMTA/DHR system
- Vacation hour/ final pay stub
- SFMTA and DHR AWOL letter
- Temp-exempt disabled worker policy
- Original DWC-1 form & copy of form signed by Young
- Clear copy of Deonte's timecard
- Sick pay, vacation hours & all times on record before and after the leave
- Deonte's personnel file
- Clear copy of the timecards that were previously requested

Please let us know when we can receive these documents. Best regards,

#### Tamara

Begin forwarded message:

From: Deonte Walker <<u>deontewalker88@gmail.com</u>>

Date: September 12, 2018 1:39:03 PM

To: <u>simply.janae@icloud.com</u>

Subject: Fwd: Follow-Up: SOTF - Education, Outreach, and Training Committee

Sent from my iPhone

Begin forwarded message:

From: "Norona, Cherylynn" <<u>Cherylynn.Norona@sfmta.com</u>> Date: August 22, 2018 at 8:36:36 AM PDT

To: "<u>simplyjanae@icloud.com</u>" <<u>simplyjanae@icloud.com</u>>, "<u>deontewalker88@gmail.com</u>" <<u>deontewalker88@gmail.com</u>> Cc: "JIMENEZ, ISIDRO (CAT)"

<<u>Isidro.Jimenez@sfcityatty.org</u>>, "Ellison, Donald"

<<u>Donald.Ellison@sfmta.com</u>>, "Roach, Dan"

<<u>Dan.Roach@sfmta.com</u>>, "Cerenio, James"

<James.Cerenio@sfmta.com>

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Thanks in advance,

Cherylynn

Cherylynn Norona

Senior Human Resources Analyst

Employee & Labor Relations



## Office 415.646.2896

San Francisco Municipal Transportation Agency

1 South Van Ness, 6th floor

San Francisco, CA 94103



From:Janae Reed <simply.janae@icloud.com>Sent:Thursday, September 20, 2018 8:42 AMTo:deontewalker88@gmail.com; SOTF, (BOS)Subject:Fwd: Follow-Up: SOTF - Education, Outreach, and Training Committee

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>>

Date: September 18, 2018 at 12:24:36 PM PDT

**To:** Deonte Walker <<u>deontewalker88@gmail.com</u>>, <u>donald.ellison@sfmta.com</u>, <u>Dan.Roach@sfmta.com</u>, <u>Cherylynn.Norona@sfmta.com</u>, <u>James.Cerenio@sfmta.com</u>, <u>isidro.jimenez@sfcityatty.org</u>, <u>sotf@sfgov.org</u>

Subject: Re: Follow-Up: SOTF - Education, Outreach, and Training Committee

Hello Donald Ellison and staff.

Just want to send a follow up email in regards to the email that was sent on September 12, 2018. That original email is below. I was just wondering if there's an update as well as when the documents will be provided.

At minimum, is it possible for everyone to acknowledge that they've received the emails and that our requests are being worked on. This is been the same communication issues we had with the FIRST set of responses.

Best regards,

Tamara and Deonte

On Sep 12, 2018, at 1:39 PM, Deonte Walker <<u>deontewalker88@gmail.com</u>> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Norona, Cherylynn" <<u>Cherylynn.Norona@sfmta.com</u>> Date: August 22, 2018 at 8:36:36 AM PDT To: "<u>simplyjanae@icloud.com</u>" <<u>simplyjanae@icloud.com</u>>, "<u>deontewalker88@gmail.com</u>" <<u>deontewalker88@gmail.com</u>> Cc: "JIMENEZ, ISIDRO (CAT)" <<u>Isidro.Jimenez@sfcityatty.org</u>>, "Ellison, Donald" <<u>Donald.Ellison@sfmta.com</u>>, "Roach, Dan" <<u>Dan.Roach@sfmta.com</u>>, "Cerenio, James" <<u>James.Cerenio@sfmta.com</u>> Subject: Follow-Up: SOTF - Education, Outreach, and Training Committee Good Morning Ms. Reed and Mr. Walker,

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Thanks in advance, Cherylynn

Cherylynn Norona Senior Human Resources Analyst Employee & Labor Relations

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Office 415.646.2896

San Francisco Municipal Transportation Agency 1 South Van Ness, 6th floor San Francisco, CA 94103 <image012.png><image013.png><image014.png><image015.png>

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From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:20 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 11, 2018 at 3:35:45 PM PDT To: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie♥□��□�? <<u>deontewalker88@gmail.com</u>> Subject: Re: Complaint and continued issues

Thank you for this.

Tamara

On May 11, 2018, at 3:18 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Thank you for following up. All of the documents responsive to your request have been provided to you by the Agency.

As stated in an earlier email, you may file a complaint with the Sunshine Ordinance Task Force if you'd like to take further action regarding this public records request.

Sincerely,

Caroline Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/ rs/supporthome.aspx

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Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 11, 2018 11:54 AM To: Celaya, Caroline <Caroline.Celaya@sfmta.com>

#### Cc: Wookie♥ Generation <a href="mailto:deontewalker88@gmail.com">deontewalker88@gmail.com</a>> Subject: Re: Complaint and continued issues

I forwarded the original email to you that clearly shows when it was requested. He didn't respond that my emails until then. You will send you those emails as well.

On May 11, 2018, at 11:50 AM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Response from staff:

She requested by telephone on April 19.

Mike (Helms)

From: Celaya, Caroline

Tamara:

I've asked staff to confirm the date of receipt of the request.

The sunshine ordinance states the following with regards to allotted time to respond to requests:

the SFMTA has ten calendar days to respond to a request to inspect or receive copies of records. In certain circumstances, the SFMTA may extend its time to respond by an additional 14 calendar days. Those circumstances include where the SFMTA must (a) search for, collect and appropriately examine a voluminous amount of separate and distinct records; (b) search for and collect the records from a remote storage facility or location separate from SFMTA Headquarters; (c) consult with another agency or City department that has a substantial interest in the response to the request; and/or (d) compile data, write programming language or a computer program, or construct a computer report to extract data.

Therefore, if the request date is April 6, then the due date would be April 16. If an extension were invoked for 14 days, the due date would be April 30.

Caroline Celaya Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx

#### <image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com]Sent: Friday, May 11, 2018 9:47 AMTo: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>Cc: Wookie♥ ▲ 🕮 <</td>Cc: Wookie♥ Complaint and continued issues

Thank you Caroline. Can you confirm that the original requests were made April 6th, 2018? Can you also confirm the dates the requests would've needed to be filled by since we originally requested it on the 6th of April?

#### Best regards,

Tamara

## On May 8, 2018, at 3:40 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Hello Tamara:

Thank you for providing the additional information. I sent you an email, through our online records request system, with the AWOL language and the link to the MOU. I'll send the remaining responsive documents as soon as they are ready, hopefully tomorrow.

The process to file a complaint that an agency has not responded to a records request in a timely manner is with the Sunshine Ordinance Task Force. Here is the link to their website <u>https://sfgov.org/sunshine/</u> You can follow the procedures on the site if you wish to file a complaint.

Let me know if you have additional questions.

## Caroline Celaya Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supportho

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Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image 005.png>

#### Hello Caroline.

It was a pleasure to meet you this morning. It was a breath of fresh air to finally get some real answers, a nice and pleasant tone and some actual help. I've forwarded the original email that was sent with the request on 4/6/2018.

Also a question I have is once you can determine the information requests was done prior to the 4/19/2018 date you received, what is the process? What happens after and who actions are taken when you guys are unlawfully out of code? Can you confirm this stuff?

Best regards,

Tamara

Begin forwarded message:

Good afternoon Mr. Ellison and all others attached to this email.

I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

Tamara

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:19 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Date: May 11, 2018 at 3:18:58 PM PDT To: Janae Reed <<u>simply.janae@icloud.com</u>> Cc: Wookie

Thank you for following up. All of the documents responsive to your request have been provided to you by the Agency.

As stated in an earlier email, you may file a complaint with the Sunshine Ordinance Task Force if you'd like to take further action regarding this public records request.

Sincerely,

## **Caroline** Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx



Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103



From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 11, 2018 11:54 AM To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie♥ ▲@@? <<u>deontewalker88@gmail.com</u>> Subject: Re: Complaint and continued issues

I forwarded the original email to you that clearly shows when it was requested. He didn't respond that my emails until then. You will send you those emails as well.

On May 11, 2018, at 11:50 AM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Response from staff:

She requested by telephone on April 19.

Mike (Helms)

From: Celaya, Caroline

Sent: Friday, May 11, 2018 10:40 AM
To: 'Janae Reed' <<u>simply.janae@icloud.com</u>>
Cc: Wookie♥ ▲ and and a continued issues

Tamara:

I've asked staff to confirm the date of receipt of the request.

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#### Caroline Celaya

Manager, Public Records Requests <a href="https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx">https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx</a>

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Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png> Subject: Re: Complaint and continued issues

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Tamara

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Let me know if you have additional questions.

Caroline Celaya

Manager, Public Records Requests <a href="https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx">https://supporthome.aspx</a>

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Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com]Sent: Tuesday, May 08, 2018 2:15 PMTo: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>Cc: Wookie♥ ▲ඞඞ? <<u>deontewalker88@gmail.com</u>>Subject: Fwd: Complaint and continued issues

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Best regards,

Tamara

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 6, 2018 at 12:29:14 PM PDT To: <u>donald.ellison@sfmta.com</u> Cc: Wookie♥ ▲□ ♣? <<u>deontewalker88@gmail.com</u>>, <u>sandra.eng@sfhov.org</u>, <u>mike.helms@sfmta.com</u>, <u>derek.kim@sfmta.com</u>, <u>lawrence.lindisch@sfmta.com</u> Subject: Complaint and continued issues

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I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

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From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:19 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 11, 2018 at 11:54:07 AM PDT To: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie

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## Caroline Celaya

Manager, Public Records Requests <u>https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx</u>

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#### Office 415.701.4670

San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

 From: Janae Reed [mailto:simply.janae@icloud.com]

 Sent: Friday, May 11, 2018 9:47 AM

 To: Celaya, Caroline < Caroline.Celaya@sfmta.com>

 Cc: Wookie
 Caroline < Caroline.Celaya@sfmta.com>

 Subject: Re: Complaint and continued issues

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## Caroline Celaya Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx

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Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com]Sent: Tuesday, May 08, 2018 2:15 PMTo: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>Cc: Wookie♥ ▲2019 <<u>deontewalker88@gmail.com</u>>Subject: Fwd: Complaint and continued issues

Hello Caroline.

It was a pleasure to meet you this morning. It was a breath of fresh air to finally get some real answers, a nice and pleasant tone and some actual help. I've forwarded the original email that was sent with the request on 4/6/2018.

Also a question I have is once you can determine the information requests was done prior to the 4/19/2018 date you received, what is the process? What happens after and who actions are taken when you guys are unlawfully out of code? Can you confirm this stuff?

Best regards,

Tamara

Begin forwarded message:

Good afternoon Mr. Ellison and all others attached to this email.

### P629

I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:18 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Date: May 11, 2018 at 11:50:01 AM PDT To: Janae Reed <<u>simply.janae@icloud.com</u>> Cc: Wookie

Response from staff:

She requested by telephone on April 19.

Mike (Helms)

From: Celaya, Caroline
Sent: Friday, May 11, 2018 10:40 AM
To: 'Janae Reed' <<u>simply.janae@icloud.com</u>>
Cc: Wookie♥ ▲@@? <<u>deontewalker88@gmail.com</u>>
Subject: RE: Complaint and continued issues

Tamara:

I've asked staff to confirm the date of receipt of the request.

The sunshine ordinance states the following with regards to allotted time to respond to requests:

the SFMTA has ten calendar days to respond to a request to inspect or receive copies of records. In certain circumstances, the SFMTA may extend its time to respond by an additional 14 calendar days. Those circumstances include where the SFMTA must (a) search for, collect and appropriately examine a voluminous amount of separate and distinct records; (b) search for and collect the records from a remote storage facility or location separate from SFMTA Headquarters; (c) consult with another agency or City department that has a substantial interest in the response to the request; and/or (d) compile data, write programming language or a computer program, or construct a computer report to extract data. Therefore, if the request date is April 6, then the due date would be April 16. If an extension were invoked for 14 days, the due date would be April 30.

Caroline Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx



Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103



Thank you Caroline. Can you confirm that the original requests were made April 6th, 2018? Can you also confirm the dates the requests would've needed to be filled by since we originally requested it on the 6th of April?

Best regards,

Tamara

On May 8, 2018, at 3:40 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Hello Tamara:

Thank you for providing the additional information. I sent you an email, through our online records request system, with the AWOL language and the link to the MOU. I'll send the remaining responsive documents as soon as they are ready, hopefully tomorrow.

The process to file a complaint that an agency has not responded to a records request in a timely manner is with the Sunshine Ordinance Task Force. Here is the link to their website <u>https://sfgov.org/sunshine/</u>

You can follow the procedures on the site if you wish to file a complaint.

Let me know if you have additional questions.

#### **Caroline** Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx

#### <image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

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## P633

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:17 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Date: May 11, 2018 at 10:39:52 AM PDT To: Janae Reed <<u>simply.janae@icloud.com</u>> Cc: Wookie♥□₲ Celeanter Complaint and continued issues

Tamara:

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Therefore, if the request date is April 6, then the due date would be April 16. If an extension were invoked for 14 days, the due date would be April 30.

#### **Caroline** Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx



Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor

# Image: SFMTA.com

From: Janae Reed [mailto:simply.janae@icloud.com]
Sent: Friday, May 11, 2018 9:47 AM
To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>
Cc: Wookie 
Cc: Wookie 
Cc: Wookie 
Cc: Complaint and continued issues

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From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Tuesday, May 08, 2018 2:15 PM To: Celaya, Caroline <<u>Caroline Celaya@sfmta.com</u>> Cc: Wookie♥ ▲@@@? <<u>deontewalker88@gmail.com</u>> Subject: Fwd: Complaint and continued issues

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Best regards,

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:16 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 11, 2018 at 9:47:05 AM PDT To: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie♥□₲□₲? <<u>deontewalker88@gmail.com</u>> Subject: Re: Complaint and continued issues

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Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor P638 San Francisco, CA 94103

<image002.jpg><image003.jpg><image004.jpg><image005.png>

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Best regards,

Tamara

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 6, 2018 at 12:29:14 PM PDT To: <u>donald.ellison@sfmta.com</u> Cc: Wookie <a href="mailto:deontewalker88@gmail.com">mailto:deontewalker88@gmail.com</a>>, <u>sandra.eng@sfhov.org, mike.helms@sfmta.com</u>, <u>derek.kim@sfmta.com</u>, <u>lawrence.lindisch@sfmta.com</u> Subject: Complaint and continued issues

Good afternoon Mr. Ellison and all others attached to this email.

I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

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Begin forwarded message:

From: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Date: May 8, 2018 at 3:40:07 PM PDT To: Janae Reed <<u>simply.janae@icloud.com</u>> Cc: Wookie♥□��□�? <<u>deontewalker88@gmail.com</u>> Subject: RE: Complaint and continued issues

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Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx



Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103



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Tamara

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 6, 2018 at 12:29:14 PM PDT

To: donald.ellison@sfmta.com

Cc: Wookie **C**: Complexity of the set of the set

Good afternoon Mr. Ellison and all others attached to this email.

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Best regards,

From: Sent: To: Subject: Attachments: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:16 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA On April 5, 2018 at 9am, Deonte Walker and I went to SFMTA's HR department....pdf

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 8, 2018 at 2:14:46 PM PDT To: <u>caroline.celaya@sfmta.com</u> Cc: Wookie♥□��□�? <<u>deontewalker88@gmail.com</u>> Subject: Fwd: Complaint and continued issues

Hello Caroline.

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Tamara

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From: Janae Reed <<u>simply.janae@icloud.com</u>>

Date: April 6, 2018 at 12:29:14 PM PDT

To: donald.ellison@sfmta.com

Cc: Wookie <a>Cdeontewalker88@gmail.com</a>, <a href="mailto:sandra.eng@sfhov.org">sandra.eng@sfhov.org</a>, <a href="mailto:mike.helms@sfmta.com">mike.helms@sfmta.com</a>, <a href="mailto:derek.kim@sfmta.com">derek.kim@sfmta.com</a>, <a href="mailto:lawrence.lindisch@sfmta.com">lawrence.lindisch@sfmta.com</a>, <a href="mailto:subject">Subject: Complaint and continued issues</a>

Good afternoon Mr. Ellison and all others attached to this email.

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Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

On April 5, 2018 at 9am, Deonte Walker and I went to SFMTA's HR department to request public records for himself and others, a copy of the civil service test list he placed on when he got hired and he also requested a copy of SFMTA's AWOL policy. The guy at the window A told him he had to go to the 4th floor and request it from CCSF's HR department. We went there and the guy there told him only SFMTA's HR would have those things. We went back to the 6th Floor and asked the lady at window T. She said she would get someone to come help. A man named Lawrence Lindisch came out to help him with his request. Lawrence asked Deonte what he could help him with and Deonte explained all the items he needed. Lawrence told Deonte that there's a lady who handles the civil service test stuff and he would have to go see if she's at her desk. Deonte asked what the

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AWOL policy is for SFMTA. Lawrence told him if you're AWOL that means you're fired. He asked Deonte why he wanted to know about the AWOL and Deonte told him he was given a letter stating he was AWOL and that he wild like a copy of the company's policy in Writing. Lawrence told Deonte that he doesn't have one in writing and that he doesn't have to give it to him. Lawrence told Deonte it's the company's right by law to give those letters to employees who don't return to work. Deonte explained that he's on workers comp and that he is still actively an employee. Lawrence asked Deonte why was he given the notice and who sent it. I told Lawrence the letter came from Cherylenn Nona and Steve Shih. And that it came in December of last year. Lawrence asked to see the letter but we didn't have the letter on hand so he gave us his business card and

told us to send him a copy of that letter. Lawrence asked Deonte about how the letter came and he explained that he was turning in his notes the department and division was saying they didn't have them. Lawrence asked him why he can't get The things he's requesting from his direct supervisor. Deonte explained to him that he has a complaint against his supervisor and that he didn't feel comfortable. Lawrence explained to him that he needed to be the one to turn in his notes too. Supervisor on his own. I explained to him that Deonte didn't feel comfortable and that we were told by the human resource department that I could take them to his supervisor and department because of those reasons. Lawrence told us that Deonte has to take them on his own he cannot have anyone else turn them in for him. He said the only

way someone else can turn in the forms for an employee is if they are in capable of doing so themselves and he said to Deonte that there's nothing wrong with you you seem to be pretty fine to do so on your own. Lawrence said he'll be right back he will talk to whoever he needs to talk to in the back and that he will come back and follow up with the antics he also explained to Deonte that the union local 261 should have all of that information in the MOU and that he will print a copy of that for Deonte's records. We waited about five minutes to ten minutes for Lawrence to come out and when he came out he gave Deonte the MOU told Deonte the lady who does the civil service test is not at her desk and that he will follow up with her later and have her contact Deonte. He also said he is not going to give him the AWOL policy because he

does it have to. He told Deonte that he needs to go to the union local 0261 and have them help him. Deonte explain to Lawrence that we just left from there that same morning and they told him to go straight to SFMTA's human resource department to provide that Information. Lawrence told Deonte that it seems that you have a grievance against our company so you need to have your own union help you with this. Deonte explain to Lawrence that he does not have a grievance filed with the union for the company. And Deonte asked for the public records for timesheets and clock in for his self and others. Lawrence told him you need to go back to the union and have Ramon help you because you are a union member and you pay your dues and he needs to be the one to request the public records and any other information Deonte needs

because we will not give it to you. Deonte walked off and said I will call you later to follow up . And Lawrence said do not contact me. I asked Lawrence why I can Deonte not contact you when you provided him your business card to do so. Lauren said well I can't help him with anything anymore. And I said that was a little unprofessional and dismissive to tell him that he cannot contact you for no reason. I thanked him for the conversation information and we left.

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:14 PM SOTF, (BOS) Deonte/Tamara VS, SFMTA

#### Begin forwarded message:

From: Deonte Walker <<u>deontewalker88@gmail.com</u>> Date: May 18, 2018 at 11:13:06 AM PDT

To: Janae Reed <<u>simply.janae@icloud.com</u>>

Cc: "Ellison, Donald" <<u>Donald.Ellison@sfmta.com</u>>, "Roach, Dan" <<u>Dan.Roach@sfmta.com</u>>, "Cerenio, James" <<u>James.Cerenio@sfmta.com</u>>, "Omokaro, Ify" <<u>Ify.Omokaro@sfmta.com</u>>, "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>>, RTWTeam <<u>RTWTeam@sfmta.com</u>>, "Eng, Sandra (CSC)" <<u>sandra.eng@sfgov.org</u>>

Subject: Re: 2nd Incident with Mike Helms

Good morning Mr. Ellison.

Thank you for assisting me with these issues. Can you ask your team in the front HR windows, if they're intimidated by me? I was told by Mike that they all said they're intimidated by me. I'm asking for future references because I've dealt with them in the past and the communication was positive and questions were answers in a positive manner on both ends. There was never any issues. Also, if they were intimidated they would never come from behind the glass to talk to me. If they were intimidated by me they would've called security on the other occasions when I went to requests information. I also received the information i requested at those times without security and police escorts.

Deonte

Sent from my iPhone

On May 18, 2018, at 11:00 AM, Janae Reed <<u>simply.janae@icloud.com</u>> wrote:

Thank you so much Mr. Ellison for your prompt response, your helpful and humbling tone. I truly appreciate the help and the assistance. We'll patiently wait to hear back from you.

Best regards,

Tamara

On May 18, 2018, at 10:54 AM, Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>> wrote:

I appreciate you taking the time to document your experience and following up on the request that you put your questions in an email.

My email will serve as the agency's response to this email, so no one else has to acknowledge the receiving of this email. I will be handling the communication and responses going forth. By close of business Monday my plan is to be able to come up with a timeline on putting the info you requested together. I will let you and Deonte know soon thereafter how long it will take and make sure each one is address as well as possible.

The incident, as described by you, with Mike Helms was unfortunate. On my part I assure you I will look into this and will address this when we meet.

My goal is that this episode is resolved as quickly and cordially as possible.

Take care,

**Donald E. Ellison** Director Human Resources & Payroll

<image001.png>

Office 415.701.5079 Mobile 415.314.1183

San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 18, 2018 10:29 AM To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Roach, Dan <<u>Dan.Roach@sfmta.com</u>>; Cerenio, James <<u>James.Cerenio@sfmta.com</u>>; Omokaro, Ify <<u>Ify.Omokaro@sfmta.com</u>>; Helms, Mike <<u>Mike.Helms@sfmta.com</u>>; RTWTeam <<u>RTWTeam@sfmta.com</u>> Cc: deontewalker88@gmail.com; Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>> Subject: 2nd Incident with Mike Helms

Good morning Mr. Ellison.

Please read the attached letter. This incident is very unfortunate. This also shows that there's a pattern of harassment, discrimination and retaliation towards Mr. Walker due to his race and him filing the initial complaint. Mike Helm's condescending behavior and his actual language, lead me to believe that he was in charge of the whole HR team. After doing my research and looking into the chain of command for SFMTA, I discovered Donald Ellison is the person in charge. And with Mike Helms behavior, it is displaying himself to be in Mr. Ellison's position. It would be greatly appreciated if everyone can acknowledge that they've received this email. It would be great if we can set up a meeting with all necessary parties to address the issues at hand. We're requesting a copy of Mr. Walker's approved leaves that are in the SFMTA system as of today, May 18th, 2018. We're also requesting a copy of how many hours (vacation, sick, floating holiday, etc.), that Mr. Walker had before he was given his vacation pay out. Also, a copy of the policy which says that when an employee leaves the company, whether terminated or quit, has to wait the next pay period in order to get paid. I would like a copy of Mr. walker's hours after he was paid his vacation. Also, we would like to know why Mr. Walker's pay was separated? His sick pay and his vacation were on one pay stub that he received on May 16th, 2018. However, he only received his vacation pay out. Why was the money paid out separately but there's only one pay stub? I would like a copy of the policy that states once you're physically off work but still employed, that your sick, floating, and vacation pay stops accumulating. I would also like to know how Mr. Walker received a pay raise but his time didn't continue to accumulate? Also, Mr. Walker was terminated on April 27th, 2018, he hasn't physically been at work since January 2017. However, he had benefits deducted from his vacation pay out. Also, we would like to see a separate check sub with appropriate break down from the sick pay. We also need a break down of how the vacation was paid out because the stub he recived doesn't make sense.

Best regards,

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#### Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 18, 2018 at 11:00:16 AM PDT To: "Ellison, Donald" <<u>Donald.Ellison@sfmta.com</u>>

Cc: "Roach, Dan" <<u>Dan.Roach@sfmta.com</u>>, "Cerenio, James" <<u>James.Cerenio@sfmta.com</u>>, "Omokaro, Ify" <<u>Ify.Omokaro@sfmta.com</u>>, "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>>, RTWTeam <<u>RTWTeam@sfmta.com</u>>, "<u>deontewalker88@gmail.com</u>" <<u>deontewalker88@gmail.com</u>>, "Eng, Sandra (CSC)" <<u>sandra.eng@sfgov.org</u>> Subject: Re: 2nd Incident with Mike Helms

Thank you so much Mr. Ellison for your prompt response, your helpful and humbling tone. I truly appreciate the help and the assistance. We'll patiently wait to hear back from you.

Best regards,

#### Tamara

On May 18, 2018, at 10:54 AM, Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>> wrote:

Tamara,

I appreciate you taking the time to document your experience and following up on the request that you put your questions in an email.

My email will serve as the agency's response to this email, so no one else has to acknowledge the receiving of this email. I will be handling the communication and responses going forth. By close of business Monday my plan is to be able to come up with a timeline on putting the info you requested together. I will let you and Deonte know soon thereafter how long it will take and make sure each one is address as well as possible.

The incident, as described by you, with Mike Helms was unfortunate. On my part I assure you I will look into this and will address this when we meet.

My goal is that this episode is resolved as quickly and cordially as possible.

Take care,

**Donald E. Ellison** Director Human Resources & Payroll

#### <image001.png>

Office 415.701.5079 Mobile 415.314.1183

San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com]

Sent: Friday, May 18, 2018 10:29 AM

To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Roach, Dan <<u>Dan.Roach@sfmta.com</u>>; Cerenio, James <<u>James.Cerenio@sfmta.com</u>>; Omokaro, Ify <<u>Ify.Omokaro@sfmta.com</u>>; Helms, Mike <<u>Mike.Helms@sfmta.com</u>>; RTWTeam <<u>RTWTeam@sfmta.com</u>> Cc: <u>deontewalker88@gmail.com</u>; Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>> Subject: 2nd Incident with Mike Helms

### Good morning Mr. Ellison.

Please read the attached letter. This incident is very unfortunate. This also shows that there's a pattern of harassment, discrimination and retaliation towards Mr. Walker due to his race and him filing the initial complaint. Mike Helm's condescending behavior and his actual language, lead me to believe that he was in charge of the whole HR team. After doing my research and looking into the chain of command for SFMTA, I discovered Donald Ellison is the person in charge. And with Mike Helms behavior, it is displaying himself to be in Mr. Ellison's position. It would be greatly appreciated if everyone can acknowledge that they've received this email. It would be great if we can set up a meeting with all necessary parties to address the issues at hand. We're requesting a copy of Mr. Walker's approved leaves that are in the SFMTA system as of today, May 18th, 2018. We're also requesting a copy of how many hours (vacation, sick, floating holiday, etc.), that Mr. Walker had before he was given his vacation pay out. Also, a copy of the policy which says that when an employee leaves the company, whether terminated or quit, has to wait the next pay period in order to get paid. I would like a copy of Mr. walker's hours after he was paid his vacation. Also, we would like to know why Mr. Walker's pay was separated? His sick pay and his vacation were on one pay stub that he received on May 16th, 2018, However, he only received his vacation pay out. Why was the money paid out separately but there's only one pay stub? I would like a copy of the policy that states once you're physically off work but still employed, that your sick, floating, and vacation pay stops accumulating. I would also like to know how Mr. Walker received a pay raise but his time didn't continue to accumulate? Also, Mr. Walker was terminated on April 27th, 2018, he hasn't physically been at work since January 2017. However, he had benefits deducted from his vacation pay out. Also, we would

P6255

like to see a separate check sub with appropriate break down from the sick pay. We also need a break down of how the vacation was paid out because the stub he recived doesn't make sense.

Best regards,

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:13 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: "Ellison, Donald" <<u>Donald.Ellison@sfmta.com</u>> Date: May 18, 2018 at 10:54:55 AM PDT

To: Janae Reed <<u>simply.janae@icloud.com</u>>, "Roach, Dan" <<u>Dan.Roach@sfmta.com</u>>, "Cerenio, James" <<u>James.Cerenio@sfmta.com</u>>, "Omokaro, Ify" <<u>Ify.Omokaro@sfmta.com</u>>, "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>>, RTWTeam <<u>RTWTeam@sfmta.com</u>> Cc: "<u>deontewalker88@gmail.com</u>" <<u>deontewalker88@gmail.com</u>>, "Eng, Sandra (CSC)" <<u>sandra.eng@sfgov.org</u>>

Subject: RE: 2nd Incident with Mike Helms

Tamara,

I appreciate you taking the time to document your experience and following up on the request that you put your questions in an email.

My email will serve as the agency's response to this email, so no one else has to acknowledge the receiving of this email. I will be handling the communication and responses going forth. By close of business Monday my plan is to be able to come up with a timeline on putting the info you requested together. I will let you and Deonte know soon thereafter how long it will take and make sure each one is address as well as possible.

The incident, as described by you, with Mike Helms was unfortunate. On my part I assure you I will look into this and will address this when we meet.

My goal is that this episode is resolved as quickly and cordially as possible.

Take care,

**Donald E. Ellison** Director Human Resources & Payroll



Office 415.701.5079 Mobile 415.314.1183

San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor



From: Janae Reed [mailto:simply.janae@icloud.com]
Sent: Friday, May 18, 2018 10:29 AM
To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Roach, Dan <<u>Dan.Roach@sfmta.com</u>>; Cerenio, James <<u>James.Cerenio@sfmta.com</u>>; Omokaro, Ify <<u>Ify.Omokaro@sfmta.com</u>>; Helms, Mike
<<u>Mike.Helms@sfmta.com</u>>; RTWTeam <<u>RTWTeam@sfmta.com</u>>
Cc: deontewalker88@gmail.com; Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>>
Subject: 2nd Incident with Mike Helms

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Best regards,

From: Sent: To: Subject: Attachments: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:12 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA Mike helms incident.docx

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 18, 2018 at 10:29:14 AM PDT To: <u>donald.ellison@sfmta.com</u>, <u>dan.roach@sfmta.com</u>, <u>james.cerenio@sfmta.com</u>, <u>ify.omokaro@sfmta.com</u>, <u>mike.helms@sfmta.com</u>, <u>RTWteam@sfmta.com</u> Cc: <u>deontewalker88@gmail.com</u>, <u>sandra.eng@sfgov.org</u> Subject: 2nd Incident with Mike Helms

Good morning Mr. Ellison.

Please read the attached letter. This incident is very unfortunate. This also shows that there's a pattern of harassment, discrimination and retaliation towards Mr. Walker due to his race and him filing the initial complaint. Mike Helm's condescending behavior and his actual language, lead me to believe that he was in charge of the whole HR team. After doing my research and looking into the chain of command for SFMTA, I discovered Donald Ellison is the person in charge. And with Mike Helms behavior, it is displaying himself to be in Mr. Ellison's position. It would be greatly appreciated if everyone can acknowledge that they've received this email. It would be great if we can set up a meeting with all necessary parties to address the issues at hand. We're requesting a copy of Mr. Walker's approved leaves that are in the SFMTA system as of today, May 18th, 2018. We're also requesting a copy of how many hours (vacation, sick, floating holiday, etc.), that Mr. Walker had before he was given his vacation pay out. Also, a copy of the policy which says that when an employee leaves the company, whether terminated or quit, has to wait the next pay period in order to get paid. I would like a copy of Mr. walker's hours after he was paid his vacation. Also, we would like to know why Mr. Walker's pay was separated? His sick pay and his vacation were on one pay stub that he received on May 16th, 2018. However, he only received his vacation pay out. Why was the money paid out separately but there's only one pay stub? I would like a copy of the policy that states once you're physically off work but still employed, that your sick, floating, and vacation pay stops accumulating. I would also like to know how Mr. Walker received a pay raise but his time didn't continue to accumulate? Also, Mr. Walker was terminated on April 27th, 2018, he hasn't physically been at work since January 2017. However, he had benefits deducted from his vacation pay out. Also, we would like to see a separate check sub with appropriate break down from the sick pay. We also need a break down of how the vacation was paid out because the stub he recived doesn't make sense.

Best regards,

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Tuesday, August 14, 2018 3:10 PM SOTF, (BOS) Deonte/Tamara VS. Sfmta

Begin forwarded message:

From: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Date: May 11, 2018 at 3:18:58 PM PDT To: Janae Reed <<u>simply.janae@icloud.com</u>> Cc: Wookie♥□♣□♣? <<u>deontewalker88@gmail.com</u>> Subject: RE: Complaint and continued issues

Thank you for following up. All of the documents responsive to your request have been provided to you by the Agency.

As stated in an earlier email, you may file a complaint with the Sunshine Ordinance Task Force if you'd like to take further action regarding this public records request.

Sincerely,

#### Caroline Celaya

Manager, Public Records Requests <u>https://sfmta.mycusthelp.com/WEBAPP/ rs/supporthome.aspx</u>



Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103

SFMTA.com

From: Janae Reed [mailto:simply.janae@icloud.com]
Sent: Friday, May 11, 2018 11:54 AM
To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>
Cc: Wookie 
Cc: Wookie 
Cc: Wookie 
Cc: Caroline 
Complaint and continued issues

I forwarded the original email to you that clearly shows when it was requested. He didn't respond that my emails until then. You will send you those emails as well.

On May 11, 2018, at 11:50 AM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Response from staff:

She requested by telephone on April 19.

Mike (Helms)

Tamara:

I've asked staff to confirm the date of receipt of the request.

The sunshine ordinance states the following with regards to allotted time to respond to requests:

the SFMTA has ten calendar days to respond to a request to inspect or receive copies of records. In certain circumstances, the SFMTA may extend its time to respond by an additional 14 calendar days. Those circumstances include where the SFMTA must (a) search for, collect and appropriately examine a voluminous amount of separate and distinct records; (b) search for and collect the records from a remote storage facility or location separate from SFMTA Headquarters; (c) consult with another agency or City department that has a substantial interest in the response to the request; and/or (d) compile data, write programming language or a computer program, or construct a computer report to extract data.

Therefore, if the request date is April 6, then the due date would be April 16. If an extension were invoked for 14 days, the due date would be April 30.

P6:61

### Caroline Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx

<image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png> From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 11, 2018 9:47 AM To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie♥ ▲@@ <<u>deontewalker88@gmail.com</u>> Subject: Re: Complaint and continued issues

Thank you Caroline. Can you confirm that the original requests were made April 6th, 2018? Can you also confirm the dates the requests would've needed to be filled by since we originally requested it on the 6th of April?

Best regards,

Tamara

On May 8, 2018, at 3:40 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

### Hello Tamara:

Thank you for providing the additional information. I sent you an email, through our online records request system, with the AWOL language and the link to the MOU. I'll send the remaining responsive documents as soon as they are ready, hopefully tomorrow.

The process to file a complaint that an agency has not responded to a records request in a timely manner is with the Sunshine Ordinance Task Force. Here is the link to their website <u>https://sfgov.org/sunshine/</u> You can follow the procedures on the site if you wish to file a complaint.

Let me know if you have additional questions.

### Caroline Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/ rs/supporthome.aspx

<image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com]Sent: Tuesday, May 08, 2018 2:15 PMTo: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>Cc: WookieCc: WookieCc: WookieSubject: Fwd: Complaint and continued issues

Hello Caroline.

It was a pleasure to meet you this morning. It was a breath of fresh air to finally get some real answers, a nice and pleasant tone and some actual help. I've forwarded the original email that was sent with the request on 4/6/2018.

Also a question I have is once you can determine the information requests was done prior to the 4/19/2018 date you received, what is the process? What happens after and who actions are taken when you guys are unlawfully out of code? Can you confirm this stuff?

Best regards,

Tamara

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 6, 2018 at 12:29:14 PM PDT To: <u>donald.ellison@sfmta.com</u> Cc: Wookie **G** <<u>deontewalker88@gmail.com</u>>, <u>sandra.eng@sfhov.org</u>, <u>mike.helms@sfmta.com</u>, <u>derek.kim@sfmta.com</u>, <u>lawrence.lindisch@sfmta.com</u> Subject: Complaint and continued issues

Good afternoon Mr. Ellison and all others attached to this email.

I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:09 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 27, 2018 at 10:36:20 AM PDT To: "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Thank you for the update. However, is possible to have it by next Tuesday? I need to have it No later than Tuesday. We've requested this information a few weeks back so can you please make it one day sooner?

Tamara

On Apr 27, 2018, at 10:30 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

I will have the information you requested and be able to electronically send it to you by COB next Wednesday.

Thanks,

Mike Helms

-----Original Message-----From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Wednesday, April 25, 2018 10:11 AM To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Thank you For your response.

P664

Best regards,

Tamara

On Apr 25, 2018, at 10:04 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

I am currently in the process of gathering the information you have requested.

Hopefully I will be able to get this information as you requested by this Friday.

If I cannot I will inform you on Friday morning.

Thanks,

Mike Helms

-----Original Message-----

From: Janae Reed [<u>mailto:simply.janae@icloud.com]</u> Sent: Wednesday, April 25, 2018 9:22 AM To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Good morning Mr. Helms.

Just wanted to follow up and see if you've been able to gather this information as we've requested this information from the department over two weeks. Also, we need Mr. Walkers original DWC-1 form that he turned in to initiate his Workers Comp claim and the copy of the form that was signed by Young Laolagi on February 8,2017.

With the respect that you're a bust man we've been extremely patient. However, we need these things no later than this Friday, April 28th, 2018. I'm more than happy to pick them up if you don't have time to email them to me.

### P6265

Best regards,

Tamara

On Apr 19, 2018, at 10:25 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

Would you please send me the list of the information you are requesting?

Thanks,

Mike Helms

-----Original Message-----

From: Janae Reed [mailto:simply.janae@icloud.com]

Sent: Monday, April 16, 2018 11:03 AM

To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>>

Cc: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch@sfmta.com</u>>; Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>>; Wookie

Subject: Re: Follow Up

Good morning Mr. Helms.

Thank you for your response. What kind of follow up does that mean for Mr. Walker? Will someone be providing him with the documents and information he asked for? If so, When will it be available for me to pick up?

Best regards,

On Apr 16, 2018, at 9:46 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

I was the person responsible for looking into this complaint.

I have looked into this matter and taken the appropriate action.

Thanks for your inquiry.

Mike Helms

-----Original Message-----

From: Janae Reed [mailto:simply.janae@icloud.com]

Sent: Thursday, April 12, 2018 1:39 PM

To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Helms, Mike <<u>Mike.Helms@sfmta.com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch@sfmta.com</u>>

Cc: Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>>; Wookie♥ ▲□ᡨ <<u>deontewalker88@gmail.com</u>>

Subject: Follow Up

Good afternoon everyone.

On Friday, April 6th, 2018, and email was sent in regards to an issue Mr. Walker encountered while requesting information. To this date, almost a week later, we haven't had a response from anyone. I just wanted to follow up and see what the results are, if anything is being done or if at minimum, you guys can confirm you've received the original email as well as this one. It would also be great to know that there's going to be a follow up or not for this issue.

Best regards,

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:09 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 25, 2018 at 10:10:59 AM PDT To: "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Thank you For your response.

Best regards,

Tamara

On Apr 25, 2018, at 10:04 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

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With the respect that you're a bust man we've been extremely patient. However, we need these things no later than this Friday, April 28th, 2018. I'm more than happy to pick them up if you don't have time to email them to me.

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Tamara

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Sent: Monday, April 16, 2018 11:03 AM

To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>>

Cc: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y

<<u>Derek.Kim@sfmta.com</u>>; Lindisch, Lawrence

<<u>Lawrence.Lindisch@sfmta.com</u>>; Eng, Sandra (CSC)

<<u>sandra.eng@sfgov.org</u>>; Wookie

<<u>deontewalker88@gmail.com</u>>

Subject: Re: Follow Up

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I have looked into this matter and taken the appropriate action.

Thanks for your inquiry.

Mike Helms

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Sent: Thursday, April 12, 2018 1:39 PM

To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Helms, Mike <<u>Mike.Helms@sfmta.com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch@sfmta.com</u>>

Good afternoon everyone.

On Friday, April 6th, 2018, and email was sent in regards to an issue Mr. Walker encountered while P6371

requesting information. To this date, almost a week later, we haven't had a response from anyone. I just wanted to follow up and see what the results are, if anything is being done or if at minimum, you guys can confirm you've received the original email as well as this one. It would also be great to know that there's going to be a follow up or not for this issue.

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From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:09 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 25, 2018 at 9:22:01 AM PDT To: "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Good morning Mr. Helms.

Just wanted to follow up and see if you've been able to gather this information as we've requested this information from the department over two weeks. Also, we need Mr. Walkers original DWC-1 form that he turned in to initiate his Workers Comp claim and the copy of the form that was signed by Young Laolagi on February 8,2017.

With the respect that you're a bust man we've been extremely patient. However, we need these things no later than this Friday, April 28th, 2018. I'm more than happy to pick them up if you don't have time to email them to me.

Best regards,

Tamara

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Thanks,

Mike Helms

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From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Monday, April 16, 2018 11:03 AM P673 To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>>

Cc: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch@sfmta.com</u>>; Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>>; Wookie

Subject: Re: Follow Up

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Best regards,

Tamara

On Apr 16, 2018, at 9:46 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

I was the person responsible for looking into this complaint.

I have looked into this matter and taken the appropriate action.

Thanks for your inquiry.

Mike Helms

-----Original Message-----

From: Janae Reed [mailto:simply.janae@icloud.com]

Sent: Thursday, April 12, 2018 1:39 PM

To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Helms, Mike <<u>Mike.Helms@sfmta.com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch@sfmta.com</u>>

Cc: Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>>; Wookie♥ ▲□♪? <<u>deontewalker88@gmail.com</u>>

Subject: Follow Up

Good afternoon everyone.

On Friday, April 6th, 2018, and email was sent in regards to an issue Mr. Walker encountered while requesting information. To this date, almost a week later, we haven't had a response from anyone. I just wanted to follow up and see what the results are, if anything is being done or if at minimum, you guys can confirm you've received the original email as well as this one. It would also be great to know that there's going to be a follow up or not for this issue.

Best regards,

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:08 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 19, 2018 at 1:17:38 PM PDT To: "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

We need the time cards for all 7458 that worked on day shift for the ENTIRE year of 2016 as well as Steve's timecards for the ENTIRE year of 2016. We need the 7458 civil service test list from when Deonte originally got hired. We need the SFMTA AWOL policy and definition.

Tamara

On Apr 19, 2018, at 10:25 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

Would you please send me the list of the information you are requesting?

Thanks,

Mike Helms

-----Original Message-----

From: Janae Reed [mailto:simply.janae@icloud.com]

Sent: Monday, April 16, 2018 11:03 AM

To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>>

Cc: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch@sfmta.com</u>>; Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>>; Wookie

Subject: Re: Follow Up

Good morning Mr. Helms.

Thank you for your response. What kind of follow up does that mean for Mr. Walker? Will someone be providing him with the documents and information he asked for? If so, When will it be available for me to pick up?

Best regards,

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Cc: Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>>; Wookie♥ ▲□ ♀? <<u>deontewalker88@gmail.com</u>>

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P677

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Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 16, 2018 at 11:03:10 AM PDT To: "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>> Cc: "Ellison, Donald" <<u>Donald.Ellison@sfmta.com</u>>, "Kim, Derek Y" <<u>Derek.Kim@sfmta.com</u>>, "Lindisch, Lawrence" <<u>Lawrence.Lindisch@sfmta.com</u>>, "Eng, Sandra (CSC)" <<u>sandra.eng@sfgov.org</u>>, Wookie

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Mike Helms

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From: Janae Reed [mailto:simply.janae@icloud.com]

P6<sub>1</sub>79

Sent: Thursday, April 12, 2018 1:39 PM

To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Helms, Mike <<u>Mike.Helms@sfmta.com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch@sfmta.com</u>>

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From: "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>> Date: April 16, 2018 at 9:46:46 AM PDT To: Janae Reed <<u>simply.janae@icloud.com</u>>, "Ellison, Donald" <<u>Donald.Ellison@sfmta.com</u>>, "Kim, Derek Y" <<u>Derek.Kim@sfmta.com</u>>, "Lindisch, Lawrence" <<u>Lawrence.Lindisch@sfmta.com</u>>, "Lindisch, Lawrence" Cc: "Eng, Sandra (CSC)" <<u>sandra.eng@sfgov.org</u>>, Wookie

Subject: RE: Follow Up

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From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:07 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 12, 2018 at 1:38:34 PM PDT To: <u>donald.ellison@sfmta.com</u>, <u>derek.kim@sfmta.com</u>, <u>mike.helms@sfmta.com</u>, <u>lawrence.lindisch@sfmta.com</u> Cc: <u>sandra.eng@sfgov.org</u>, Wookie

Good afternoon everyone.

On Friday, April 6th, 2018, and email was sent in regards to an issue Mr. Walker encountered while requesting information. To this date, almost a week later, we haven't had a response from anyone. I just wanted to follow up and see what the results are, if anything is being done or if at minimum, you guys can confirm you've received the original email as well as this one. It would also be great to know that there's going to be a follow up or not for this issue.

Best regards,

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 3:02 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 11, 2018 at 12:07:01 PM PDT To: <u>caroline.celaya@sfmta.com</u> Cc: Wookie

Never spoke to him on the phone it was through email. If you read the other emails you'll see I requested them sooner he just decided to respond then. His behavior is unacceptable and very deceiving. This is a pattern of the departments actions, behavior and responses that my Brother Deonte has encountered the entire time.

Tamara

Begin forwarded message:

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We need the time cards for all 7458 that worked on day shift for the ENTIRE year of 2016 as well as Steve's timecards for the ENTIRE year of 2016. We need the 7458 civil service test list from when Deonte originally got hired. We need the SFMTA AWOL policy and definition.

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Thanks,

Mike Helms

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To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>>

Cc: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch@sfmta.com</u>>; Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>>; Wookie **Captor** <deontewalker88@gmail.com>

Subject: Re: Follow Up

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To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Helms, Mike <<u>Mike.Helms@sfmta.com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch@sfmta.com</u>>

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Best regards,

From: Sent: To: Subject: Deonte Walker <deontewalker88@gmail.com> Tuesday, August 14, 2018 2:58 PM SOTF, (BOS) Deonte/Tamara VS. SFMTA

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 11, 2018 at 3:35:45 PM PDT To: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie

Thank you for this.

Tamara

On May 11, 2018, at 3:18 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Thank you for following up. All of the documents responsive to your request have been provided to you by the Agency.

As stated in an earlier email, you may file a complaint with the Sunshine Ordinance Task Force if you'd like to take further action regarding this public records request.

Sincerely,

Caroline Celaya Manager, Public Records Requests <u>https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx</u>

<image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

I forwarded the original email to you that clearly shows when it was requested. He didn't respond that my emails until then. You will send you those emails as well.

On May 11, 2018, at 11:50 AM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Response from staff:

She requested by telephone on April 19.

Mike (Helms)

From: Celava, Caroline

Sent: Friday, May 11, 2018 10:40 AM
To: 'Janae Reed' <<u>simply.janae@icloud.com</u>>
Cc: Wookie♥ ▲ @ # ? <<u>deontewalker88@gmail.com</u>>
Subject: RE: Complaint and continued issues

Tamara:

I've asked staff to confirm the date of receipt of the request.

The sunshine ordinance states the following with regards to allotted time to respond to requests:

the SFMTA has ten calendar days to respond to a request to inspect or receive copies of records. In certain circumstances, the SFMTA may extend its time to respond by an additional 14 calendar days. Those circumstances include where the SFMTA must (a) search for, collect and appropriately examine a voluminous amount of separate and distinct records; (b) search for and collect the records from a remote storage facility or location separate from SFMTA Headquarters; (c) consult with another agency or City department that has a substantial interest in the response to the request; and/or (d) compile data, write programming language or a computer program, or construct a computer report to extract data.

Therefore, if the request date is April 6, then the due date would be April 16. If an extension were invoked for 14 days, the due date would be April 30.

### Caroline Celaya

Manager, Public Records Requests <u>https://sfmta.mycusthelp.com/WEBAPP/ rs/supporthome.aspx</u>

<image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 11, 2018 9:47 AM To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie <a href="mailto:Garoline.celaya@sfmta.com">Garoline.Celaya@sfmta.com</a>> Subject: Re: Complaint and continued issues

Thank you Caroline. Can you confirm that the original requests were made April 6th, 2018? Can you also confirm the dates the requests would've needed to be filled by since we originally requested it on the 6th of April?

Best regards,

Tamara

On May 8, 2018, at 3:40 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Hello Tamara:

Thank you for providing the additional information. I sent you an email, through our online records request system, with the AWOL language and the link to the MOU. I'll send the remaining responsive documents as soon as they are ready, hopefully tomorrow.

The process to file a complaint that an agency has not responded to a records request in a timely manner is with the Sunshine Ordinance Task Force. Here is the link to their website <u>https://sfgov.org/sunshine/</u> You can follow the procedures on the site if you wish to file a complaint.

Let me know if you have additional questions.

#### Caroline Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/ rs/supportho me.aspx

<image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image 005.png>

From: Janae Reed [mailto:simply.janae@icloud.com]Sent: Tuesday, May 08, 2018 2:15 PMTo: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>Cc: WookieCc: WookieCc: WookieSubject: Fwd: Complaint and continued issues

### Hello Caroline.

It was a pleasure to meet you this morning. It was a breath of fresh air to finally get some real answers, a nice and pleasant tone and some actual help. I've forwarded the original email that was sent with the request on 4/6/2018.

Also a question I have is once you can determine the information requests was done prior to the 4/19/2018 date you received, what is the process? What happens after and who actions are taken when you guys are unlawfully out of code? Can you confirm this stuff?

Best regards,

Tamara

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 6, 2018 at 12:29:14 PM PDT To: <u>donald.ellison@sfmta.com</u> Cc: Wookie **C** <u>deontewalker88@gmail.com</u>>, <u>sandra.eng@sfhov.org</u>, <u>mike.helms@sfmta.com</u>, <u>derek.kim@sfmta.com</u>, <u>lawrence.lindisch@sfmta.com</u> Subject: Complaint and continued issues

Good afternoon Mr. Ellison and all others attached to this email.

I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:24 PM SOTF, (BOS) Fwd: Payroll request

Begin forwarded message:

From: Deonte Walker <<u>deontewalker88@gmail.com</u>> Date: April 30, 2018 at 11:40:41 AM PDT To: <u>dan.roach@sfmta.com</u> Cc: <u>simply.janae@icloud.com</u>, <u>sandra.eng@sfgov.org</u>, <u>ify.omokaro@sfmta.com</u>, Mike Helms <<u>mike.helms@sfmta.com</u>>, <u>derek.kim@sfmta.com</u>, <u>donald.ellison@sfmta.com</u>, jose.morales@sfmta.com Subject: Payroll request

## To EVERYONE WHO CAN RESPOND PROMPTLY,

On Thursday April 26,2018, My sister and I,went in to the payroll department to request my vacation pay. The lady at the window gave me the proper form and told me Jose Morales, my payroll clerk isn't available. She asked me what kind of leave I was on and I told her workers comp. She looked it up in the system and couldn't find it under my name or my claim number. She went to talk to Ify who works in the Workers comp department to see if he can come out and help me. I waited about 3 to 5 minutes and Ify came to the window and talked to the lady but never came and spoke to me directly. She came out and told me he said I need to call Dan Roach because they took regular employees access to my file. He also said not to call him but I can call my payroll clerk.

It is very frustrating and very intimidating to go to a regular department or any department within SFMTA and CITY AND COUNTY OF SF OFFICES and be told that I have to deal with the highest person in the department. Payroll has nothing to do with my discrimination case. Why am I always given the run around and not being able to get help from anyone without an issue? Why can't I be treated as if I don't have an open discrimination case? Why can't I be treated like the other 30,000 employees working with the city and SFMTA? Why am I always being delayed when I request something?

It would be greatly appreciated if everyone can acknowledge that they've received this email and please respond to all. It would also be appreciated to receive a prompt response and for there to be an update on my payroll request?

Best regards,

Deonte Walker

Sent from my iPhone

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:31 PM SOTF, (BOS) Fwd: Follow up

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 30, 2018 at 11:04:28 AM PDT To: <u>donald.ellison@sfmta.com</u> Cc: Deonte Walker <<u>deontewalker88@gmail.com</u>>, <u>Dan.Roach@sfmta.com</u>, Sandra Eng <<u>sandra.eng@sfgov.org</u>>, <u>mike.helms@sfmta.com</u> Subject: Follow up

Good morning Mr. Roach and Mr. Ellison.

First, thank you Dan for being available to discuss the Workers compensation issues with us. We appreciate your assistance.

I'm sending this email as a follow up to the emails that were sent on 5/17/18 and 5/18/18 in regards to the issues we had as well as the questions we need answers to. This is also a follow up to the meeting we had yesterday with Dan.

Has anything been figured out on the first two emails? Deonte was told on the 16th by Mike Helms that he would receive his 31.85 sick hours in a separate check because it was sent out prior to the 15th of May. He was also told on May 17th by Mike Helms that that check wasn't ready until Wednesday the 23rd. We called and waited and still no one responded until we went in yesterday. Dan didn't know anything about it and he went to ask Mr. Ellison about it and what we were told is SFMTA is waiting to hear back from EDD so they can pay him the difference from what he was payed on state disability. This isn't what we were told from the beginning. Deonte has a check stub which shows he was suppose to be paid vacation and sick pay. To this date, he has only received his vacation payout. He would also like a copy of his last pay check stub from January 2017 or February 2017 when he was actually at work. We would also like the person who did the vacation pay out to explain the breakdown of how each thing that was deducted is deducted. He's been trying to also get in contact with the payroll clerk to get some clarity but no one is ever available. Can someone please explain what's going on? And when can we expect to get some clear straight answers. My apologies in advance if the tone of my email seem a little frustrating but we seem to keep getting many answers but not the right ones.

Best regards,

Young, Victor

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Best regards,

## Young, Victor

From: Sent: To: Cc: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:33 PM SOTF, (BOS) deontewalker88@gmail.com Re: Records from the San Francisco Municipal Transportation Agency

Thank you. You were suppose to send me an initial email. However, I've forwarded the emails to this email separately. I've also included Deonte on this email thread for future corespondents.

Best regards,

Tamara and Deonte

On Jun 25, 2018, at 12:20 PM, SOTF, (BOS) <<u>sotf@sfgov.org</u>> wrote:

Dear Ms. Reed and Mr. Walker:

We are in receipt of your new complaint form. However, as I stated in an earlier email to you, we need a copy of your original response and the replies you received from the SFMTA. Can you please forward those to me. Once I have those documents, I can open a file on your behalf. Thank you.

Cheryl Leger Assistant Clerk, Board of Supervisors Tel: 415-554-7724

<image001.png> Click here to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

## Young, Victor

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:29 PM SOTF, (BOS) Fwd: 2nd Incident with Mike Helms

Begin forwarded message:

From: Deonte Walker <<u>deontewalker88@gmail.com</u>> Date: May 18, 2018 at 11:13:06 AM PDT To: Janae Reed <<u>simply.janae@icloud.com</u>> Cc: "Ellison, Donald" <<u>Donald.Ellison@sfmta.com</u>>, "Roach, Dan" <<u>Dan.Roach@sfmta.com</u>>, "Cerenio, James" <<u>James.Cerenio@sfmta.com</u>>, "Omokaro, Ify" <<u>Ify.Omokaro@sfmta.com</u>>, "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>>, RTWTeam <<u>RTWTeam@sfmta.com</u>>, "Eng, Sandra (CSC)" <<u>sandra.eng@sfgov.org</u>>

Subject: Re: 2nd Incident with Mike Helms

Good morning Mr. Ellison.

Thank you for assisting me with these issues. Can you ask your team in the front HR windows, if they're intimidated by me? I was told by Mike that they all said they're intimidated by me. I'm asking for future references because I've dealt with them in the past and the communication was positive and questions were answers in a positive manner on both ends. There was never any issues. Also, if they were intimidated they would never come from behind the glass to talk to me. If they were intimidated by me they would've called security on the other occasions when I went to requests information. I also received the information i requested at those times without security and police escorts.

Deonte

Sent from my iPhone

On May 18, 2018, at 11:00 AM, Janae Reed <<u>simply.janae@icloud.com</u>> wrote:

Thank you so much Mr. Ellison for your prompt response, your helpful and humbling tone. I truly appreciate the help and the assistance. We'll patiently wait to hear back from you.

Best regards,

Tamara

On May 18, 2018, at 10:54 AM, Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>> wrote:

Tamara,

I appreciate you taking the time to document your experience and following up on the request that you put your questions in an email.

My email will serve as the agency's response to this email, so no one else has to acknowledge the receiving of this email. I will be handling the communication and responses going forth. By close of business Monday my plan is to be able to come up with a timeline on putting the info you requested together. I will let you and Deonte know soon thereafter how long it will take and make sure each one is address as well as possible.

The incident, as described by you, with Mike Helms was unfortunate. On my part I assure you I will look into this and will address this when we meet.

My goal is that this episode is resolved as quickly and cordially as possible.

Take care,

**Donald E. Ellison** Director Human Resources & Payroll

<image001.png>

Office 415.701.5079 Mobile 415.314.1183

San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 18, 2018 10:29 AM To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Roach, Dan <<u>Dan.Roach@sfmta.com</u>>; Cerenio, James <<u>James.Cerenio@sfmta.com</u>>; Omokaro, Ify <<u>Ify.Omokaro@sfmta.com</u>>; Helms, Mike <<u>Mike.Helms@sfmta.com</u>>; RTWTeam <<u>RTWTeam@sfmta.com</u>> Cc: <u>deontewalker88@gmail.com</u>; Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>> Subject: 2nd Incident with Mike Helms

Good morning Mr. Ellison.

Please read the attached letter. This incident is very unfortunate. This also shows that there's a pattern of harassment, discrimination and retaliation towards Mr. Walker due to his race and him filing the initial complaint. Mike Helm's condescending behavior and his actual language, lead me to believe that he was in charge of the whole HR team. After doing my research and looking into the chain of command for SFMTA, I discovered Donald Ellison is the person in charge. And with Mike Helms behavior, it is displaying himself to be in Mr. Ellison's position. It would be greatly appreciated if everyone can acknowledge that they've received this email. It would be great if we can set up a meeting with all necessary parties to address the issues at hand. We're requesting a copy of Mr. Walker's approved leaves that are in the SFMTA system as of today, May 18th, 2018. We're also requesting a copy of how many hours (vacation, sick, floating holiday, etc.), that Mr. Walker had before he was given his vacation pay out. Also, a copy of the policy which says that when an employee leaves the company, whether terminated or quit, has to wait the next pay period in order to get paid. I would like a copy of Mr. walker's hours after he was paid his vacation. Also, we would like to know why Mr. Walker's pay was separated? His sick pay and his vacation were on one pay stub that he received on May 16th, 2018. However, he only received his vacation pay out. Why was the money paid out separately but there's only one pay stub? I would like a copy of the policy that states once you're physically off work but still employed, that your sick, floating, and vacation pay stops accumulating. I would also like to know how Mr. Walker received a pay raise but his time didn't continue to accumulate? Also, Mr. Walker was terminated on April 27th, 2018, he hasn't physically been at work since January 2017. However, he had benefits deducted from his vacation pay out. Also, we would like to see a separate check sub with appropriate break down from the sick pay. We also need a break down of how the vacation was paid out because the stub he recived doesn't make sense.

Best regards,

Tamara

Young, Victor

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:28 PM SOTF, (BOS) Fwd: Complaint and continued issues

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 11, 2018 at 3:35:45 PM PDT To: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie♥□₲□₲? <<u>deontewalker88@gmail.com</u>> Subject: Re: Complaint and continued issues

Thank you for this.

Tamara

On May 11, 2018, at 3:18 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Thank you for following up. All of the documents responsive to your request have been provided to you by the Agency.

As stated in an earlier email, you may file a complaint with the Sunshine Ordinance Task Force if you'd like to take further action regarding this public records request.

Sincerely,

Caroline Celaya Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/ rs/supporthome.aspx

<image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com]
Sent: Friday, May 11, 2018 11:54 AM
To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>
Cc: Wookie♥□④♀ <<u>deontewalker88@gmail.com</u>>
Subject: Re: Complaint and continued issues

I forwarded the original email to you that clearly shows when it was requested. He didn't respond that my emails until then. You will send you those emails as well.

On May 11, 2018, at 11:50 AM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Response from staff:

She requested by telephone on April 19.

Mike (Helms)

دی د دیستو مربق و به وسیونو ای در و دروان می و اور و این و ا

From: Celaya, Caroline
Sent: Friday, May 11, 2018 10:40 AM
To: 'Janae Reed' <<u>simply.janae@icloud.com</u>>
Cc: Wookie♥□€₽? <<u>deontewalker88@gmail.com</u>>
Subject: RE: Complaint and continued issues

Tamara:

I've asked staff to confirm the date of receipt of the request.

The sunshine ordinance states the following with regards to allotted time to respond to requests:

the SFMTA has ten calendar days to respond to a request to inspect or receive copies of records. In certain circumstances, the SFMTA may extend its time to respond by an additional 14 calendar days. Those circumstances include where the SFMTA must (a) search for, collect and appropriately examine a voluminous amount of separate and distinct records; (b) search for and collect the records from a remote storage facility or location separate from SFMTA Headquarters; (c) consult with another agency or City department that has a substantial interest in the response to the request; and/or (d) compile data, write programming language or a computer program, or construct a computer report to extract data.

Therefore, if the request date is April 6, then the due date would be April 16. If an extension were invoked for 14 days, the due date would be April 30.

**Caroline** Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/ rs/supporthome.aspx

<image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 11, 2018 9:47 AM To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie♥□��? <<u>deontewalker88@gmail.com</u>> Subject: Re: Complaint and continued issues

Thank you Caroline. Can you confirm that the original requests were made April 6th, 2018? Can you also confirm the dates the requests would've needed to be filled by since we originally requested it on the 6th of April?

Best regards,

Tamara

On May 8, 2018, at 3:40 PM, Celaya, Caroline <Caroline.Celaya@sfmta.com> wrote:

Hello Tamara:

Thank you for providing the additional information. I sent you an email, through our online records request system, with the AWOL language and the link to the MOU. I'll send the remaining responsive documents as soon as they are ready, hopefully tomorrow.

The process to file a complaint that an agency has not responded to a records request in a timely manner is with the Sunshine Ordinance Task Force. Here is the link to their website <u>https://sfgov.org/sunshine/</u>You can follow the procedures on the site if you wish to file a complaint.

Let me know if you have additional questions.

#### Caroline Celaya

Manager, Public Records Requests <u>https://sfmta.mycusthelp.com/WEBAPP/\_rs/supportho\_me.aspx</u>

<image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image 005.png>

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Tuesday, May 08, 2018 2:15 PM To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie Caroline <<u>Caroline.Celaya@sfmta.com</u>> Subject: Fwd: Complaint and continued issues

#### Hello Caroline.

It was a pleasure to meet you this morning. It was a breath of fresh air to finally get some real answers, a nice and pleasant tone and some actual help. I've forwarded the original email that was sent with the request on 4/6/2018.

Also a question I have is once you can determine the information requests was done prior to the 4/19/2018 date you received, what is the process? What happens after and who actions are taken when you guys are unlawfully out of code? Can you confirm this stuff?

Best regards,

Tamara

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 6, 2018 at 12:29:14 PM PDT To: <u>donald.ellison@sfmta.com</u> Cc: Wookie Caperto Cap

Good afternoon Mr. Ellison and all others attached to this email.

does it have to. He told Deonte that he needs to go to the union local 0261 and have them help him. Deonte explain to Lawrence that we just left from there that same morning and they told him to go straight to SFMTA's human resource department to provide that Information. Lawrence told Deonte that it seems that you have a grievance against our company so you need to have your own union help you with this. Deonte explain to Lawrence that he does not have a grievance filed with the union for the company. And Deonte asked for the public records for timesheets and clock in for his self and others. Lawrence told him you need to go back to the union and have Ramon help you because you are a union member and you pay your dues and he needs to be the one to request the public records and any other information Deonte needs

way someone else can turn in the forms for an employee is if they are in capable of doing so themselves and he said to Deonte that there's nothing wrong with you you seem to be pretty fine to do so on your own. Lawrence said he'll be right back he will talk to whoever he needs to talk to in the back and that he will come back and follow up with the antics he also explained to Deonte that the union local 261 should have all of that information in the MOU and that he will print a copy of that for Deonte's records. We waited about five minutes to ten minutes for Lawrence to come out and when he came out he gave Deonte the MOU told Deonte the lady who does the civil service test is not at her desk and that he will follow up with her later and have her contact Deonte. He also said he is not going to give him the AWOL policy because he

told us to send him a copy of that letter. Lawrence asked Deonte about how the letter came and he explained that he was turning in his notes the department and division was saying they didn't have them. Lawrence asked him why he can't get The things he's requesting from his direct supervisor. Deonte explained to him that he has a complaint against his supervisor and that he didn't feel comfortable. Lawrence explained to him that he needed to be the one to turn in his notes too. Supervisor on his own. I explained to him that Deonte didn't feel comfortable and that we were told by the human resource department that I could take them to his supervisor and department because of those reasons. Lawrence told us that Deonte has to take them on his own he cannot have anyone else turn them in for him.<sup>17</sup>fe<sup>6</sup> said the only

AWOL policy is for SFMTA. Lawrence told him if you're AWOL that means you're fired. He asked Deonte why he wanted to know about the AWOL and Deonte told him he was given a letter stating he was AWOL and that he wild like a copy of the company's policy in Writing. Lawrence told Deonte that he doesn't have one in writing and that he doesn't have to give it to him. Lawrence told Deonte it's the company's right by law to give those letters to employees who don't return to work. Deonte explained that he's on workers comp and that he is still actively an employee. Lawrence asked Deonte why was he given the notice and who sent it. I told Lawrence the letter came from Cherylenn Nona and Steve Shih. And that it came in December of last year. Lawrence asked to see the letter but we didn't have the letter on hand so he gave us his business card and

## Helms, Mike

From:	Janae Reed <simply.janae@icloud.com></simply.janae@icloud.com>
Sent:	Friday, April 06, 2018 12:29 PM
То:	Ellison, Donald
Cc:	Wookie🍽 🖧 🛙 🕼; sandra.eng@sfhov.org; Helms, Mike; Kim, Derek Y; Lindisch, Lawrence
Subject:	Complaint and continued issues
Attachments:	On April 5, 2018 at 9am, Deonte Walker and I went to SFMTA's HR departmentpdf

Good afternoon Mr. Ellison and all others attached to this email.

I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

Tamara

I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

Tamara

Young, Victor

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:26 PM SOTF, (BOS) Fwd: Follow Up

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 11, 2018 at 12:10:07 PM PDT To: <u>caroline.celaya@sfmta.com</u> Subject: Fwd: Follow Up

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 27, 2018 at 10:36:20 AM PDT To: "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Thank you for the update. However, is possible to have it by next Tuesday? I need to have it No later than Tuesday. We've requested this information a few weeks back so can you please make it one day sooner?

Tamara

On Apr 27, 2018, at 10:30 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

I will have the information you requested and be able to electronically send it to you by COB next Wednesday.

Thanks,

Mike Helms

-----Original Message-----

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Wednesday, April 25, 2018 10:11 AM To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Thank you For your response.

Best regards,

Tamara

On Apr 25, 2018, at 10:04 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

I am currently in the process of gathering the information you have requested.

Hopefully I will be able to get this information as you requested by this Friday.

If I cannot I will inform you on Friday morning.

Thanks,

Mike Helms

-----Original Message-----

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Wednesday, April 25, 2018 9:22 AM To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Good morning Mr. Helms.

Just wanted to follow up and see if you've been able to gather this information as we've requested this information from the department over two weeks. Also, we need Mr. Walkers original DWC-1 form that he turned in to initiate his Workers Comp claim and the copy of the form that was signed by Young Laolagi on February 8,2017.

With the respect that you're a bust man we've been extremely patient. However, we need these things no later than this Friday, April 28th, 2018. I'm more than happy to pick them up if you don't have time to email them to me.

Best regards,

Tamara

On Apr 19, 2018, at 10:25 AM, Helms, Mike <Mike.Helms@sfmta.com> wrote:

Hi Ms. Reed,

Would you please send me the list of the information you are requesting?

Thanks,

Mike Helms

-----Original Message-----

From: Janae Reed

[mailto:simply.janae@icloud.com]

Sent: Monday, April 16, 2018 11:03 AM

To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>>

Cc: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch@sfmta.com</u>>; Eng, Sandra (CSC) <sandra.eng@sfgov.org>;

P7,12

## Wookie♥□�₽□₽₽

<<u>deontewalker88@gmail.com</u>>

Subject: Re: Follow Up

Good morning Mr. Helms.

Thank you for your response. What kind of follow up does that mean for Mr. Walker? Will someone be providing him with the documents and information he asked for? If so, When will it be available for me to pick up?

Best regards,

Tamara

On Apr 16, 2018, at 9:46 AM, Helms, Mike <<u>Mike.Helms@sfmta.</u> <u>com</u>> wrote:

Hi Ms. Reed,

I was the person responsible for looking into this complaint.

I have looked into this matter and taken the appropriate action.

Thanks for your inquiry.

Mike Helms

-----Original Message----- From: Janae Reed [mailto:simply.janae @icloud.com]

Sent: Thursday, April 12, 2018 1:39 PM

To: Ellison, Donald <<u>Donald.Ellison@sf</u> <u>mta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.c</u> <u>om</u>>; Helms, Mike <<u>Mike.Helms@sfmta.</u> <u>com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch</u> <u>@sfmta.com</u>>

Cc: Eng, Sandra (CSC) <<u>sandra.eng@sfgov.o</u> rg>; Wookie♥□**4**,□**6**? <<u>deontewalker88@g</u> <u>mail.com</u>> Subject: Follow Up

Good afternoon everyone.

On Friday, April 6th, 2018, and email was sent in regards to an issue Mr. Walker encountered while requesting information. To this date, almost a week later, we haven't had a response from anyone. I just wanted to follow up and see what the results are, if anything is being done or if at minimum, you guys can confirm you've received the original email as well as this one. It would also be

P714

great to know that there's going to be a follow up or not for this issue.

Best regards,

Tamara

## Young, Victor

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:27 PM SOTF, (BOS) Fwd: Complaint and continued issues

Begin forwarded message:

From: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Date: May 11, 2018 at 3:18:58 PM PDT To: Janae Reed <<u>simply.janae@icloud.com</u>> Cc: Wookie

Thank you for following up. All of the documents responsive to your request have been provided to you by the Agency.

As stated in an earlier email, you may file a complaint with the Sunshine Ordinance Task Force if you'd like to take further action regarding this public records request.

Sincerely,

**Caroline Celaya** 

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx



Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103



From: Janae Reed [mailto:simply.janae@icloud.com]
Sent: Friday, May 11, 2018 11:54 AM
To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>
Cc: Wookie♥□€?
Cdeontewalker88@gmail.com>
Subject: Re: Complaint and continued issues

I forwarded the original email to you that clearly shows when it was requested. He didn't respond that my emails until then. You will send you those emails as well.

On May 11, 2018, at 11:50 AM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Response from staff:

She requested by telephone on April 19.

Mike (Helms)

 From: Celaya, Caroline

 Sent: Friday, May 11, 2018 10:40 AM

 To: 'Janae Reed' <<u>simply.janae@icloud.com</u>>

 Cc: Wookie♥□€€2€3

 <a href="mailto:deontewalker88@gmail.com">deontewalker88@gmail.com</a>>

 Subject: RE: Complaint and continued issues

Tamara:

I've asked staff to confirm the date of receipt of the request.

The sunshine ordinance states the following with regards to allotted time to respond to requests:

the SFMTA has ten calendar days to respond to a request to inspect or receive copies of records. In certain circumstances, the SFMTA may extend its time to respond by an additional 14 calendar days. Those circumstances include where the SFMTA must (a) search for, collect and appropriately examine a voluminous amount of separate and distinct records; (b) search for and collect the records from a remote storage facility or location separate from SFMTA Headquarters; (c) consult with another agency or City department that has a substantial interest in the response to the request; and/or (d) compile data, write programming language or a computer program, or construct a computer report to extract data.

Therefore, if the request date is April 6, then the due date would be April 16. If an extension were invoked for 14 days, the due date would be April 30.

#### Caroline Celaya

Manager, Public Records Requests <u>https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx\_</u>

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Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png> From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 11, 2018 9:47 AM To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie♥□▲₽₹ <<u>deontewalker88@gmail.com</u>> Subject: Re: Complaint and continued issues

Thank you Caroline. Can you confirm that the original requests were made April 6th, 2018? Can you also confirm the dates the requests would've needed to be filled by since we originally requested it on the 6th of April?

Best regards,

Tamara

On May 8, 2018, at 3:40 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

#### Hello Tamara:

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The process to file a complaint that an agency has not responded to a records request in a timely manner is with the Sunshine Ordinance Task Force. Here is the link to their website <u>https://sfgov.org/sunshine/</u> You can follow the procedures on the site if you wish to file a complaint.

Let me know if you have additional questions.

#### Caroline Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx

<image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Tuesday, May 08, 2018 2:15 PM To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie♥□��?<<u>deontewalker88@gmail.com</u>> Subject: Fwd: Complaint and continued issues

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Also a question I have is once you can determine the information requests was done prior to the 4/19/2018 date you received, what is the process? What happens after and who actions are taken when you guys are unlawfully out of code? Can you confirm this stuff?

Best regards,

Tamara

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 6, 2018 at 12:29:14 PM PDT To: <u>donald.ellison@sfmta.com</u>

Cc: Wookie Call Complete Cc: Wookie Cc: Wookie Complete C

Good afternoon Mr. Ellison and all others attached to this email.

I hope this letter finds you well. My name is Tamara, I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

Tamara

### Young, Victor

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:28 PM SOTF, (BOS) Fwd: 2nd Incident with Mike Helms

Begin forwarded message:

From: Deonte Walker <<u>deontewalker88@gmail.com</u>>

Date: May 18, 2018 at 11:13:06 AM PDT

To: Janae Reed <<u>simply.janae@icloud.com</u>>

Cc: "Ellison, Donald" <<u>Donald.Ellison@sfmta.com</u>>, "Roach, Dan" <<u>Dan.Roach@sfmta.com</u>>, "Cerenio, James" <<u>James.Cerenio@sfmta.com</u>>, "Omokaro, Ify" <<u>Ify.Omokaro@sfmta.com</u>>, "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>>, RTWTeam <<u>RTWTeam@sfmta.com</u>>, "Eng, Sandra (CSC)" <<u>sandra.eng@sfgov.org</u>>

Subject: Re: 2nd Incident with Mike Helms

Good morning Mr. Ellison.

Thank you for assisting me with these issues. Can you ask your team in the front HR windows, if they're intimidated by me? I was told by Mike that they all said they're intimidated by me. I'm asking for future references because I've dealt with them in the past and the communication was positive and questions were answers in a positive manner on both ends. There was never any issues. Also, if they were intimidated they would never come from behind the glass to talk to me. If they were intimidated by me they would've called security on the other occasions when I went to requests information. I also received the information i requested at those times without security and police escorts.

Deonte

Sent from my iPhone

On May 18, 2018, at 11:00 AM, Janae Reed <<u>simply.janae@icloud.com</u>> wrote:

Thank you so much Mr. Ellison for your prompt response, your helpful and humbling tone. I truly appreciate the help and the assistance. We'll patiently wait to hear back from you.

Best regards,

Tamara

On May 18, 2018, at 10:54 AM, Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>> wrote:

Tamara,

I appreciate you taking the time to document your experience and following up on the request that you put your questions in an email.

My email will serve as the agency's response to this email, so no one else has to acknowledge the receiving of this email. I will be handling the communication and responses going forth. By close of business Monday my plan is to be able to come up with a timeline on putting the info you requested together. I will let you and Deonte know soon thereafter how long it will take and make sure each one is address as well as possible.

The incident, as described by you, with Mike Helms was unfortunate. On my part I assure you I will look into this and will address this when we meet.

My goal is that this episode is resolved as quickly and cordially as possible.

Take care,

**Donald E. Ellison** Director Human Resources & Payroll

<image001.png>

Office 415.701.5079 Mobile 415.314.1183

San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 18, 2018 10:29 AM To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Roach, Dan <<u>Dan.Roach@sfmta.com</u>>; Cerenio, James <<u>James.Cerenio@sfmta.com</u>>; Omokaro, Ify <<u>Ify.Omokaro@sfmta.com</u>>; Helms, Mike <<u>Mike.Helms@sfmta.com</u>>; RTWTeam <<u>RTWTeam@sfmta.com</u>> Cc: <u>deontewalker88@gmail.com</u>; Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>> Subject: 2nd Incident with Mike Helms

Good morning Mr. Ellison.

Please read the attached letter. This incident is very unfortunate. This also shows that there's a pattern of harassment, discrimination and retaliation towards Mr. Walker due to his race and him filing the initial complaint. Mike Helm's condescending behavior and his actual language, lead me to believe that he was in charge of the whole HR team. After doing my research and looking into the chain of command for SFMTA, I discovered Donald Ellison is the person in charge. And with Mike Helms behavior, it is displaying himself to be in Mr. Ellison's position. It would be greatly appreciated if everyone can acknowledge that they've received this email. It would be great if we can set up a meeting with all necessary parties to address the issues at hand. We're requesting a copy of Mr. Walker's approved leaves that are in the SFMTA system as of today, May 18th, 2018. We're also requesting a copy of how many hours (vacation, sick, floating holiday, etc.), that Mr. Walker had before he was given his vacation pay out. Also, a copy of the policy which says that when an employee leaves the company, whether terminated or quit, has to wait the next pay period in order to get paid. I would like a copy of Mr. walker's hours after he was paid his vacation. Also, we would like to know why Mr. Walker's pay was separated? His sick pay and his vacation were on one pay stub that he received on May 16th, 2018. However, he only received his vacation pay out. Why was the money paid out separately but there's only one pay stub? I would like a copy of the policy that states once you're physically off work but still employed, that your sick, floating, and vacation pay stops accumulating. I would also like to know how Mr. Walker received a pay raise but his time didn't continue to accumulate? Also, Mr. Walker was terminated on April 27th, 2018, he hasn't physically been at work since January 2017. However, he had benefits deducted from his vacation pay out. Also, we would like to see a separate check sub with appropriate break down from the sick pay. We also need a break down of how the vacation was paid out because the stub he recived doesn't make sense.

Best regards,

Tamara

# Respondents Document Submission



Mark Farrell, Mayor

Cheryl Brinkman, Chairman Malcolm Heinicke, Vice Chairman Art Torres, Director Gwyneth Borden, Director Lee Hsu, Director

Cristina Rubke, Director

Edward D. Reiskin, Director of Transportation

July 3, 2018

Mr. Bruce Wolfe Chair, Sunshine Ordinance Task Force (SOTF) City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

Re: Complaint File No. 18058

Dear Mr. Wolfe:

I am writing in response to complaint #18058 filed by Tamara Reed and Deonte Walker. Mr. Walker is a former SFMTA employee, and Ms. Reed has indicated she is Mr. Walker's sister and representative. (See Attachment #1.) Ms. Reed and Mr. Walker's complaint makes two allegations:

Allegation #1

Ms. Reed and Mr. Walker allege the SFMTA did not provide a timely response to Ms. Reed's public records request for: (i) the completed time cards for all SFMTA employees with job code 7458 classifications (switch repairer) that worked on day shift for the entire year of 2016; (ii) the list of persons who took the civil service test for job code 7458 when the SFMTA originally hired Mr. Walker; and (iii) the SFMTA's absence without leave (AWOL) policy and definition of AWOL. (See Attachment #1.)

Ms. Reed requested these records outside the SFMTA's public records website, which website is well known by SFMTA employees and the public. Instead, Ms. Reed made her request through an email dated April 6, 2018, which Ms. Reed addressed to staff at the SFMTA Human Resources Division, including Donald E. Ellison, Derek Kim, Mike Helms, and Lawrence Lindisch, and Sandra Eng from the Civil Service Commission. (See Attachment #1.)

SFMTA staff did not immediately identify the email as a public records request. Between April 6 and May 2, 2018, Ms. Reed and SFMTA staff engaged in a number of emails and telephone calls to confirm the status of and clarify Ms. Reed's request. (See Attachment #2.) This resulted in inadvertent delays in alerting me, SFMTA's Manager of Public Records Requests, in my logging Ms. Reed's request into the SFMTA's database for tracking public records requests, and in delivering responsive documents to Ms. Reed.



Upon interpreting as a public records request Ms. Reed's request for documents, the appropriate SFMTA staff were alerted and quickly began gathering responsive records. I transmitted to Ms. Reed responsive records separately on May 8 and May 10, 2018. (See Attachment #3.)

Regrettably, these transmittals were made after the 10-day deadline set forth in the Sunshine Ordinance. The delay, however, was unintentional and the SFMTA has acted in good faith to provide all responsive materials.

Allegation #2

Ms. Reed and Mr. Walker allege the SFMTA is refusing to give them information they requested in May 2018. This second allegation is vague and ambiguous because it does not identify the specific information or records at issue. A public entity is not required to respond to a public records request unless the request is for a reasonably identifiable record or records. (Cal. Gov. Code section 6253(b).)

However, Donald Ellison, SFMTA Director of Human Services, has spoken in person and exchanged emails with Ms. Reed and Mr. Walker a number of times between May 17 and the week of May 21, 2018 to address matters regarding Mr. Walker's previous employment with the SFMTA. (See Attachment #4.)

Based on the employment issues raised in Mr. Ellison's interactions with Ms. Reed and Mr. Walker, the SFMTA views this as an ongoing personnel matter and not a public records request.

The SFMTA appreciates the efforts of SOTF staff to mediate a resolution to this complaint.

Sincerely,

Aaron Lampkin for Caroline Celaya Manager, Public Records Requests

Attachments

cc: Deonte Walker Tamara Reed

## ATTACHMENT #1

## Helms, Mike

From:	Janae Reed <simply.janae@icloud.com></simply.janae@icloud.com>
Sent:	Friday, April 06, 2018 12:29 PM
То:	Ellison, Donald
Cc:	Wookie🍽崎💵; sandra.eng@sfhov.org; Helms, Mike; Kim, Derek Y; Lindisch, Lawrence
Subject:	Complaint and continued issues
Attachments:	On April 5, 2018 at 9am, Deonte Walker and I went to SFMTA's HR departmentpdf

Good afternoon Mr. Ellison and all others attached to this email.

I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

Tamara

On April 5, 2018 at 9am, Deonte Walker and I went to SFMTA's HR department to request public records for himself and others, a copy of the civil service test list he placed on when he got hired and he also requested a copy of SFMTA's AWOL policy. The guy at the window A told him he had to go to the 4th floor and request it from CCSF's HR department. We went there and the guy there told him only SFMTA's HR would have those things. We went back to the 6th Floor and asked the lady at window T. She said she would get someone to come help. A man named Lawrence Lindisch came out to help him with his request. Lawrence asked Deonte what he could help him with and Deonte explained all the items he needed. Lawrence told Deonte that there's a lady who handles the civil service test stuff and he would have to go see if she's at her desk. Deonte asked what the

AWOL policy is for SFMTA. Lawrence told him if you're AWOL that means you're fired. He asked Deonte why he wanted to know about the AWOL and Deonte told him he was given a letter stating he was AWOL and that he wild like a copy of the company's policy in Writing. Lawrence told Deonte that he doesn't have one in writing and that he doesn't have to give it to him. Lawrence told Deonte it's the company's right by law to give those letters to employees who don't return to work. Deonte explained that he's on workers comp and that he is still actively an employee. Lawrence asked Deonte why was he given the notice and who sent it I told I awrence the letter came from Cherylenn Nona and Steve Shih. And that it came in December of last year. Lawrence asked to see the letter but we didn't have the letter on hand so he gave us his business card and

told us to send him a copy of that letter, Lawrence asked Deonte about how the letter came and he explained that he was turning in his notes the department and division was saying they didn't have them. Lawrence asked him why he can't get The things he's requesting from his direct supervisor. Deonte explained to him that he has a complaint against his supervisor and that he didn't feel comfortable. Lawrence explained to him that he needed to be the one to turn in his notes too. Supervisor on his own. I explained to him that Deonte didn't feel comfortable and that we were told by the human resource department that I could take them to his supervisor and department because of those reasons. Lawrence told us that Deonte has to take them on his own he cannot have anyone else turn them in for him. He said the only

way someone else can turn in the forms for an employee is if they are in capable of doing so themselves and he said to Deonte that there's nothing wrong with you you seem to be pretty fine to do so on your own. Lawrence said he'll be right back he will talk to whoever he needs to talk to in the back and that he will come back and follow up with the antics he also explained to Deonte that the union local 261 should have all of that information in the MOU and that he will print a copy of that for Deonte's records. We waited about five minutes to ten minutes for Lawrence to come out and when he came out he gave Deonte the MOU told Deonte the lady who does the civil service test is not at her desk and that he will follow up with her later and have her contact Deonte. He also said he is not going to give him the AWOL policy because he P7੨1

does it have to. He told Deonte that he needs to go to the union local 0261 and have them help him. Deonte explain to Lawrence that we just left from there that same morning and they told him to go straight to SFMTA's human resource department to provide that Information. Lawrence told Deonte that it seems that you have a grievance against our company so you need to have your own union help you with this. Deonte explain to Lawrence that he does not have a grievance filed with the union for the company. And Deonte asked for the public records for timesheets and clock in for his self and others. Lawrence told him you need to go back to the union and have Ramon help you because you are a union member and you pay your dues and he needs to be the one to request the public records and any other information Deonte needs

because we will not give it to you. Deonte walked off and said I will call you later to follow up . And Lawrence said do not contact me. I asked Lawrence why I can Deonte not contact you when you provided him your business card to do so. Lauren said well I can't help him with anything anymore. And I said that was a little unprofessional and dismissive to tell him that he cannot contact you for no reason. I thanked him for the conversation information and we left. ATTACHMENT #2

From: Sent: To: Subject: Helms, Mike Thursday, April 19, 2018 10:25 AM Janae Reed RE: Follow Up

Hi Ms. Reed,

Would you please send me the list of the information you are requesting?

Thanks,

Mike Helms

-----Original Message-----

From: Janae Reed [mailto:simply.janae@icloud.com]

Sent: Monday, April 16, 2018 11:03 AM

To: Helms, Mike < Mike.Helms@sfmta.com>

Cc: Ellison, Donald <Donald.Ellison@sfmta.com>; Kim, Derek Y <Derek.Kim@sfmta.com>; Lindisch, Lawrence <Lawrence.Lindisch@sfmta.com>; Eng, Sandra (CSC) <sandra.eng@sfgov.org>; Wookie♥□�@î <deontewalker88@gmail.com> Subject: Re: Follow Up

Good morning Mr. Helms.

Thank you for your response. What kind of follow up does that mean for Mr. Walker? Will someone be providing him with the documents and information he asked for? If so, When will it be available for me to pick up?

Best regards,

Tamara

> On Apr 16, 2018, at 9:46 AM, Helms, Mike <Mike.Helms@sfmta.com> wrote:

>`

> Hi Ms. Reed,

>

> I was the person responsible for looking into this complaint.

> I have looked into this matter and taken the appropriate action.

>

>

> Thanks for your inquiry.

>

> Mike Helms

>

> ----- Original Message-----

> From: Janae Reed [mailto:simply.janae@icloud.com]

> Sent: Thursday, April 12, 2018 1:39 PM

> To: Ellison, Donald <Donald.Ellison@sfmta.com>; Kim, Derek Y <Derek.Kim@sfmta.com>; Helms, Mike <Mike.Helms@sfmta.com>; Lindisch, Lawrence <Lawrence.Lindisch@sfmta.com> > Cc: Eng, Sandra (CSC) <sandra.eng@sfgov.org>; Wookie Clarker and Conterval and Conte

> Subject: Follow Up

>

> Good afternoon everyone.

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> On Friday, April 6th, 2018, and email was sent in regards to an issue Mr. Walker encountered while requesting information. To this date, almost a week later, we haven't had a response from anyone. I just wanted to follow up and see what the results are, if anything is being done or if at minimum, you guys can confirm you've received the original email as well as this one. It would also be great to know that there's going to be a follow up or not for this issue.

>

> Best regards,

>

> Tamara

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Thursday, April 19, 2018 1:18 PM Helms, Mike Re: Follow Up

We need the time cards for all 7458 that worked on day shift for the ENTIRE year of 2016 as well as Steve's timecards for the ENTIRE year of 2016. We need the 7458 civil service test list from when Deonte originally got hired. We need the SFMTA AWOL policy and definition.

Tamara

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> Would you please send me the list of the information you are requesting?

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> Sent: Monday, April 16, 2018 11:03 AM

> To: Helms, Mike < Mike.Helms@sfmta.com>

> Cc: Ellison, Donald <Donald.Ellison@sfmta.com>; Kim, Derek Y <Derek.Kim@sfmta.com>; Lindisch, Lawrence

<Lawrence.Lindisch@sfmta.com>; Eng, Sandra (CSC) <sandra.eng@sfgov.org>; Wookie

<deontewalker88@gmail.com>

> Subject: Re: Follow Up

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> Good morning Mr. Helms.

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>> To: Ellison, Donald <Donald.Ellison@sfmta.com>; Kim, Derek Y <Derek.Kim@sfmta.com>; Helms, Mike <Mike.Helms@sfmta.com>; Lindisch, Lawrence <Lawrence.Lindisch@sfmta.com>

>> Cc: Eng, Sandra (CSC) <sandra.eng@sfgov.org>; Wookie Carbon Contervalker88@gmail.com> >> Subject: Follow Up

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>> Best regards,

>>

>> Tamara

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Wednesday, April 25, 2018 10:11 AM Helms, Mike Re: Follow Up

Thank you For your response.

Best regards,

Tamara

> On Apr 25, 2018, at 10:04 AM, Helms, Mike <Mike.Helms@sfmta.com> wrote:

>

> Hi Ms. Reed,

>

> I am currently in the process of gathering the information you have requested.

>

> Hopefully I will be able to get this information as you requested by this Friday.

>

> If I cannot I will inform you on Friday morning.

>

> Thanks,

>

> Mike Helms

>

> ----- Original Message-----

> From: Janae Reed [mailto:simply.janae@icloud.com]

> Sent: Wednesday, April 25, 2018 9:22 AM

> To: Helms, Mike < Mike.Helms@sfmta.com>

> Subject: Re: Follow Up

>

> Good morning Mr. Helms.

>

> Just wanted to follow up and see if you've been able to gather this information as we've requested this information from the department over two weeks. Also, we need Mr. Walkers original DWC-1 form that he turned in to initiate his Workers Comp claim and the copy of the form that was signed by Young Laolagi on February 8,2017.

>

> With the respect that you're a bust man we've been extremely patient. However, we need these things no later than this Friday, April 28th, 2018. I'm more than happy to pick them up if you don't have time to email them to me.

>
> Best regards,
>
> Tamara
>> On Apr 19, 2018, at 10:25 AM, Helms, Mike <mike.helms@sfmta.com> wrote:</mike.helms@sfmta.com>
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From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Friday, April 27, 2018 10:56 AM Helms, Mike Re: Follow Up

Thank you. If you're not able to get it by then, can you have the people or departments who control those requests have them available as they are really very simple requests. I respect that you're busy and they may be as well but it just seems every time we need information, it's either being delayed or we can't seem to get it at all.

#### Tamara

> On Apr 27, 2018, at 10:45 AM, Helms, Mike <Mike.Helms@sfmta.com> wrote:

>

> I will try my best.

>

> Thanks,

>

> Mike

>

> -----Original Message-----

> From: Janae Reed [mailto:simply.janae@icloud.com]

> Sent: Friday, April 27, 2018 10:36 AM

> To: Helms, Mike < Mike.Helms@sfmta.com>

> Subject: Re: Follow Up

>

> Thank you for the update. However, is possible to have it by next Tuesday? I need to have it No later than Tuesday. We've requested this information a few weeks back so can you please make it one day sooner?

>

> Tamara

>

>> On Apr 27, 2018; at 10:30 AM, Helms, Mike <Mike.Helms@sfmta.com> wrote:

>>

>> Hi Ms. Reed,

>>

>> I will have the information you requested and be able to electronically send it to you by COB next Wednesday.

>>

>> Thanks,

>>

>> Mike Helms

>>

>> ----- Original Message-----

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>> Sent: Wednesday, April 25, 2018 10:11 AM

>> To: Helms, Mike <Mike.Helms@sfmta.com>

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>>>> Cc: Eng, Sandra (CSC) <sandra.eng@sfgov.org>; Wookie 🖤 🛛 🕰 🖓 <deontewalker88@gmail.com>
>>>> Subject: Follow Up
>>>>>
>>>> Good afternoon everyone.
>>>>>
>>>>> On Friday, April 6th, 2018, and email was sent in regards to an issue Mr. Walker encountered while requesting
information. To this date, almost a week later, we haven't had a response from anyone. I just wanted to follow up and
see what the results are, if anything is being done or if at minimum, you guys can confirm you've received the original
email as well as this one. It would also be great to know that there's going to be a follow up or not for this issue.
>>>>>
>>>> Best regards,
>>>>>
```

>>>> Tamara

From:Janae Reed <simply.janae@icloud.com>Sent:Wednesday, May 02, 2018 12:02 PMTo:Helms, MikeCc:Eng, Sandra (CSC); Wookie@@III; Ellison, Donald; Kim, Derek YSubject:Termination

#### Hello everyone.

As usual we can't receive a response. However, we just learned yesterday that Mr. Walker was laid off due to his 3 year temporary exempt assignment. This is to be discussed at a later date. However, since he was terminated on April 27th, he has not received his payment. Also, he requested his sick pay last year and he was denied for unknown reasons. Then he requested it again and was told he can't because his leave wasn't approved. His sick pay should also be paid as well because he requested it prior to being terminated. Can you ensure that Deonte receives his payment by 3pm and I'll be there to get it? I left a message for Mike Helms this morning as well. I'm just waiting for a response.

Best regards,

Tamara

## **ATTACHMENT #3**

(Please note: We were not able to download the timecards that were transmitted to Ms. Reed on May 10, 2018 from the GovQA website. Once we're able to access the files, we'll provide them to you).

## GovQA - SFMTA - Cherylynn Norona

## Page 1 of 1

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On 5/8/2018 11:07:00 AM, Caroline Celaya wrote: [Message Truncated...]

On 5/8/2018 1:00:39 PM, Caroline Celaya wrote: [Message Truncated...]

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On 5/8/2018 11:02:17 AM, Caroline Celaya wrote: Request was created by staff

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## GovQA - SFMTA - Cherylynn Norona

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#### City and County of San Francisco Department of Human Resources Eligible List

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Class:		7458 Switch	Repairer		Scope:	SFMTA
Workin	g Title:					
Post:		10/8/2014	Cert Rule:	Rule of Ten Scores	Duration:	12 Months
Inspect	ion Start:	10/9/2014	Inspection End:	10/14/2014	Adoption:	Tentative
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2	985	JAIME CANELO		EZEQUIEL		
3	963	WALKER		DEONTE		D
4	910	MURCEHAJIC		AMIR		
5	873	CHOW		MICHAEL		
6	745	SOLORZANO		ERWIN		J
7	738	WADE		GEVARRION		D.
8	700	WILLIAMS		KEVIN		R

10/8/2014 1:31:10 PM

# ATTACHMENT #4

From:	Janae Reed <simply.janae@icloud.com></simply.janae@icloud.com>
Sent:	Thursday, May 17, 2018 3:17 PM
То:	Ellison, Donald; Helms, Mike; Eng, Sandra (CSC); deontewalker88@gmail.com; Cerenio, James; Norona, Cherylynn; Roach, Dan
Subject: Attachments:	Issue with remedy meeting employee and labor def.docx; remedy arguement.docx

#### Hello everyone.

I've attached the incident that happened yesterday at the meeting that we believed to be strictly for the remedy. The meeting was about workers comp and if Deonte filled out his leave forms correctly and timely. We had another issue with Mike Helms' aggressive and attacking behavior today as well. This will be followed up in a separate email. Mike works for the Employee and Labor relations department. He's also in charge of protecting the SFMTA employees with a disability which he has failed to do so. In the SF Commission hearing, SFMTA and/or the DHR requested to go in to closed session due to Mr. Walker's disability. Instead of assisting Mr. Walker, he's done nothing but attack him verbally. At this point and moving forward, we are requesting not to deal with Mr. Helms for the safety of Mr Walker's health. Please read the attached document and it would be greatly appreciated if everyone can acknowledge that they've received this email as well as assisting us with what can be done to discuss the remedy as the SF Commissioners have directed.

I also attached a copy of the description provided on sftma's website for Mike Helms department which describes their role. He has done the complete opposite for Mr. Walker. Mr. Walker just wants to be treated with respect and to be treated fairly as everyone is treated.

Best regards,

Tamara

#### Skip to main content



About Us

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## **Employee & Labor Relations**

Employee & Labor Relations

The Employee and Labor Relations Division supports the Agency's Mission, Vision and Values by promoting non-adversarial labor-management relations in dealing with employees and their organizations to effectively and positively resolve labor management issues relating to wages, hours and working conditions. We negotiate collective bargaining agreements and memorandums of understanding, provide guidance on the proper interpretation of the bargaining agreements, provide counsel regarding disciplinary actions, serve as Hearing Officer for disciplinary appeals, and administer the grievance process.

Want more information?

**Labor Relations Site Information Menu** 

<u>Labor Relations Overview</u> - Provides information regarding the role and responsibilities of the Labor Relations Division. **Division Organizational Structure** - Provides information regarding staff's assignments.

<u>Governing Rules and Regulations</u> - Provides information regarding the rules and regulations governing SFMTA labor relations

<u>MOU's/CBA's</u> - Provides links to current SFMTA servicecritical and shared City MOU's/CBA's.

**Forms and Documents** - Provides links to relevant labor relations forms and documents.

<u>Labor Union Information</u> - Provides union representatives' contacts and other information.

**<u>Resources</u>** - Provides additional relevant resources and information.

UPDATE: Disclosure of Labor Agreement with TWU Local 200

More in this section

Michael C. Helms Manager, Employee and Labor Relations

Overseen by

### **Human Resources**

The Division of Human Resources enables the SFMTA to accomplish its goals by supplying...

Staff

Betsy Moy Staff Support Cherylynn Norona Labor Relations Analyst Chris Iborra Employee/Labor Relations Manager Christina Penland Senior Labor Relations Analyst Cynthia Hamada Senior Labor Relations Analyst Mike Helms Labor Relations Manager Parveen Boparai Senior Labor Relations Analyst On May 15<sup>th</sup>, 2018, Cherylynn called me and said that her and Mike Helms would like to give Deonte his last paycheck and to have a meeting to discuss the make-whole remedy. We made an appointment for 5/16/18 at 9am. I asked who would be in the meeting and she told me she wasn't sure. We came in the meeting and the people in attendance was Mike Helms, Cherylynn Norona, James Cenario, and Dan Roach, myself and Deonte Walker.

Everyone introduced themselves and Mike Helms explained the amount of hours Deonte was paid for. He said the reason for the meeting was because the Civil Service Commission directed them to have a meeting with Mr. Walker to discuss his workers comp. He explained to Deonte that his hours were missing because they paid it on a different pay period and that he would have to wait for it. Mike and Cherylynn told him he had 123.76 vacation hours and 31.85 sick hours. He continued the discussion by asking if we had any questions for workers comp. I explained to him that The Civil Service Commission directed SFMTA to meet with Mr. Walker to discuss his remedy. Mike's response was that the department believes the remedy is correct and that we were arguing through the commission that is wasn't. I told him no and he said that's the departments understanding. Cherylynn mention the sick leave restoration to him and he said oh the 104 hours will be restored and since Mr. Walker isn't employed he can't get that time paid out to him. He stated that those hours were on Deonte's records so if he comes back to work, they'll be waiting for him to use. Deonte asked Mike why he was only being paid the 31 hours and he responded by saying that those were hours he could've used legally if he was still employed but they didn't allow him to use them. He said Deonte had a protected leave and he let him use them because of that. He said that those 31.85 hours was all they had paperwork to cover Mr. Walker for that. Deonte asked so you don't pay sick hours. I told Mike that Deonte has been on leave since January 2017. Mike told us he only has paperwork that covers him for 31.85 hours' worth of approved leave. I told him Deonte has been on leave since last year. He said the rest of the time they don't believe he had proper paperwork for. SIDE NOTE: THE COMMISSIONERS ASK CHERYLYNN IF MR

WALKER WASN'T DOING THE PAPERWORK CORRECTLY, WHY WASN'T ANYONE IN THE DEPARTMENT ASSISTING HIM? I asked him if he believed Mr. Walker didn't have the proper paperwork from what? He said he only had paperwork to cover him for 33 hours. I asked him what days was that covered for? He didn't answer, so Cherylynn said its 31 hours and it should be on Deonte's check stub, which it isn't. I asked what days was the sick leave paid for and Mike said he had to ask a guy named Muhammed. I looked at the check stub in front of them and told them I was confused how they can say he was only covered for 31 hours of sick time when he requested it and Mike told me it was only for hours he was on a protected leave. I asked him when the protected leave started because the stub they gave him only says vacation. Deonte asked mike if he wasn't on a protected leave from the beginning and I asked when did Deonte's leave get approved and what days was it approved for specifically and Mike went out the room to talk to a guy named Muhammed. I mentioned to everyone that I felt we were in a meeting for a reason other than what we were told to come there for. Deonte asked Cherylynn about the remedy being solely based on the stuff we went through with Alvarez and she said the DHR's determination determined that he should be restored 104 sick hours but that was from DHR. She said SFMTA had nothing to do with the DHR's remedy and that the remedy was just their recommendation to SFMTA. So I asked her if what she was saying was that since it was just a suggestion, Deonte's not entitled to a remedy and SFMTA is only going to restore his sick hours? She said no what she's saying is that DHR recommended that Deonte be made whole by giving him his 104 sick hours. I asked her is that the only thing the DHR suggested and she said she wasn't sure I would have to discuss this with DHR. I told her I had a copy of the remedy. I asked her was she at the hearing on 4/2/2018 and she said yes. I asked her did she hear the Commissioners specifically say that MTA needs to discuss the remedy with Mr. Walker before he's put back on calendar for another hearing. She replied and said yes. I then told her Mike mentioned we were there to talk about his pay. She said give her a minute so she can go talk to him about it and fill him in. She left the room and I stated that that's not what the commission said. I

mentioned that we emailed Dan Roach and a few others about Workers comp and didn't receive any responses. Dan Roach said he only got one email from me on April 30<sup>th</sup> about payroll and being given the run around and him being in the meeting was to address that. I asked him if he replied to the email and that today was 5/16/2018 and he replied by saying right. He asked if we had any questions about workers comp and I told him no because we're dealing with their attorney for that. I stated that we don't need to ask questions about Workers Comp because when we reach out we don't get any responses.

Cherylynn and Mike returned after a few minutes. Mike said they paid him on 4/21/18 for 8 hours, 4/24/18 for 8 hours, 4/25/18 for 8 hours and on 4/26/18 for 7.85 hours of sick leave. Side note: THIS WAS HIS LAST WEEK OF EMPLOYMENT THAT HE COINCIDENTLY GOT APPROVED LEAVE FOR.

I asked Mike What was this based on. He said that's based on they shouldn't have paid him but their boss said go ahead and pay him anyway. I said you shouldn't have paid him why? He said yea because you don't get to cash out on your sick leave when you leave. He said they mistakenly paid the 31.85 sick hours and since it was already paid they're not going to ask for it back. ANOTHER MISTAKE ON THEIR END He told Deonte he's lucky he's getting that. Deonte asked how is he lucky when he requested the time. He said we never pay sick leave. I told him when he was on state disability he requested it and was denied it because he was AWOL. I asked when he was considered AWOL and Cherylynn said the department called her and said Deonte has been AWOL as of January 27<sup>th</sup>, 2017. I asked how can he be AWOL as of January 27<sup>th</sup>, 2017? I stated that the issue is the department is either intentionally overlooking or not paying attention to what is going on but the discrepancy is the department says hes AWOL in January. So, I asked her again if she said the division told her that Deonte was AWOL as of January 27<sup>th</sup>, 2017? Mike started answering for her and I said are you going to talk for her or allow her to

talk and he told me I can talk for her anytime she works for me. This is very upprofessional and very disrespectful to his employee because she does not work for him. She is a City and County of San Francisco employee who's employed by SFMTA. Cherylynn said yes, that's what the division said and Mike Helms said yes. I explained to her that she sent a letter stating he was AWOL as of 2/2/2017 and that he needed to return to work or respond by 12/20/2017. She said I'm sorry I misspoke. The division said you've been out on leave since January 27<sup>th</sup> but you are considered AWOL as whatever date is on the paper. I told her the date was 2/2/2017. I told her I have a form that was sent to us 2/9/2017 from the RTW Team that stated his leave was going to expire 2/17/17. I explained to her that I continued to turn in the notes to the division and we didn't get anything else so we figured everything was fine. The next thing we got was the AWOL letter that said he was AWOL as of 2/2/17. But the other letter says he was on an approved leave until 2/17/17 so how could it be possible that Mr. Walker is AWOL as of 2/2/17? I explained to her on 3/6/18 we came to the RTW Team and asked for a copy of the approved leave and they say approved until 3/5/17. I asked her how can she accept the division to tell her 2/2/17? I asked her how wasn't he on an approved leave when his workers comp claim form was filled out on 2/3/17 and they signed it on 2/8/17 which is also another discrepancy on the department and the divisions end because by law when a worker's comp form is filled out, the employer has within one working day to turn the form in once submitted by the employee. The division, Young who signed it, didn't sign it until the 8<sup>th</sup> of February. Then the next thing he hears from you guys is that he's AWOL. Mike asked everyone in the room if they followed what I said and if anyone had an explanation because he didn't know. Cherylynn said she sent out the letter that says Return to Work Immediately because the Division told her Deonte was AWOL. She explained that she was doing her due diligence and sending the letter because according to the division Deonte didn't have the proper paperwork. I asked her when did she receive notification from them and she said one to two weeks before the letter was sent out in December 2017. I asked her who said he was AWOL? She didn't answer. I asked her how could they say

that because he has paperwork to say he was approved until 3/5/17. I also mentioned the fact that on 2/22/17 the division did an interview with workers comp and that's when they found out exactly why Mr Walker was off work. The note for the 2/18/17 thru 3/5/17 was submitted on 2/17/17. The paperwork for that leave was already approved so they couldn't take it back. But coincidently, every leave request after that was "NEVER RECEIVED BY THE DIVISION." | asked Cherylynn why would they pay him for sick hours that they shouldn't be paying him for. Why would they do something they're not suppose to do, if they didn't have to do it they could've said Mr. Walker isn't entitled to anything and he can go about his business. Mike said that the note in the system said he was on an approved leave until 2/18/17 and the Workers Comp was denied. I explained to him that there was no way the reason they didn't update his leave after March was because his workers comp wasn't approved in March because that was denied in May. Deonte asked is that why his notes weren't updated in the system? Dan Roach said correct, because they weren't approving his leave. He said they update the system only if the leave is approved. Deonte asked even if he has doctor's notes and Dan said yes. James stepped in and told Dan that for his fabrication, even though the workers comp claim was denied, the fact that there are doctors notes, falls back on the RTW side to fill in those claims. He said since Deonte has doctor's notes, his leave is valid its just not workers comp. Dan replied and said correct he was just explaining how workers comp goes. Deonte asked again if the system wasn't updated because of the workers comp being denied even though he was on an approved leave. Mike said he wasn't on an approved leave. Then Deonte said his leave must not have been approved because he received an AWOL letter. Mike said it all comes down to if Deonte was on an approved leave or not. If he was on an approved leave then they will pay him if he wasn't then they won't. Deonte said why would he be considered AWOL? Cherylynn said she wanted to clarify that it was not an AWOL letter it was a return to work letter and they didn't charge Deonte with AWOL. Deonte mentioned to her that she wrote in her letter that he was AWOL. She continued to argue that Deonte wasn't AWOL but the language she used in her letter says

the opposite. Mike Helms said yes that's what it says and then she said no this is not an AWOL letter. Then Mike said, no its not. I asked is the language in the letter incorrect and he said no the language is completely correct. Cherylynn said that's a standard letter that gets sent out. I asked them if everything is correct that's written in the letter, does that mean Deonte complied. She said no because it wasn't timely and Deonte asked how when he has stamps when it was received and she said the division doesn't have that paperwork. Deonte asked how if they're the ones who stamped it. They continued to argue that Deonte wasn't in compliance. I explained that we turned all the notes in but never thought we needed anything else because we didn't receive anything else in the mail until the AWOL and that's where we had to start keeping a paper trail. Cherylynn said Jimmy, who I've been turning my notes into, told her I never gave her notes I only stuck an envelope through the door. I told her that was completely incorrect. Deonte told them to check their cameras because they can see. Mike said he'll follow up with Jimmy. Mike said that the bigger issue is the fact that the division is saying they don't have anything but we have paperwork. Deonte started talking about the discrepancy and Mike started yelling at him telling him if he didn't let him talk he would end the meeting. Deonte said I don't want to talk to you because you don't seem to know what's going on and Mike said do you have any other questions and I said yes can we talk about the remedy and Deonte continued to talk to Cherylynn and Mike got up from his seat started yelling the meeting is over. Deonte said I would like to go to the Commissioners and Mike said I would be glad to meet to you there and if she comes and you tell them she's your sister, we're going to have a problem with that too. I told him they're already aware and he said she's not your sister you don't even have a sister. I asked him how can he say that, we have another sister older than us. He was very rude, very aggressive and a very bad representation of SFMTA's management team. He wasn't very helpful at all.

Sent: Friday, May 18, 2018 10:29 AM
To: Ellison, Donald; Roach, Dan; Cerenio, James; Omokaro, Ify; Helms, Mike; RTWTeam
Cc: deontewalker88@gmail.com; Eng, Sandra (CSC)
Subject: 2nd Incident with Mike Helms
Attachments: Mike helms incident.docx

#### Good morning Mr. Ellison.

Please read the attached letter. This incident is very unfortunate. This also shows that there's a pattern of harassment, discrimination and retaliation towards Mr. Walker due to his race and him filing the initial complaint. Mike Helm's condescending behavior and his actual language, lead me to believe that he was in charge of the whole HR team. After doing my research and looking into the chain of command for SFMTA, I discovered Donald Ellison is the person in charge. And with Mike Helms behavior, it is displaying himself to be in Mr. Ellison's position. It would be greatly appreciated if everyone can acknowledge that they've received this email. It would be great if we can set up a meeting with all necessary parties to address the issues at hand. We're requesting a copy of Mr. Walker's approved leaves that are in the SFMTA system as of today, May 18th, 2018. We're also requesting a copy of how many hours (vacation, sick, floating holiday, etc.), that Mr. Walker had before he was given his vacation pay out. Also, a copy of the policy which says that when an employee leaves the company, whether terminated or quit, has to wait the next pay period in order to get paid. I would like a copy of Mr. walker's hours after he was paid his vacation. Also, we would like to know why Mr. Walker's pay was separated? His sick pay and his vacation were on one pay stub that he received on May 16th, 2018. However, he only received his vacation pay out. Why was the money paid out separately but there's only one pay stub? I would like a copy of the policy that states once you're physically off work but still employed, that your sick, floating, and vacation pay stops accumulating. I would also like to know how Mr. Walker received a pay raise but his time didn't continue to accumulate? Also, Mr. Walker was terminated on April 27th, 2018, he hasn't physically been at work since January 2017. However, he had benefits deducted from his vacation pay out. Also, we would like to see a separate check sub with appropriate break down from the sick pay. We also need a break down of how the vacation was paid out because the stub he recived doesn't make sense.

Best regards,

Tamara

Good morning Mr. Ellison and all other necessary parties.

First, thank you Mr. Ellison for making the time to listen, get an understanding and provide us with the information we requested. Thank you for showing my brother Deonte some respect and treating him like a human being just as you would treat anyone else. Second, thank you Mr. Roach for also providing the same experience in short amount of time. It was a breath of fresh air to be able to talk someone from SFMTA who didn't pass judgements, listen to understand and not to respond.

On May 17th, 2018 myself and Deonte got off the elevator and saw Mike Helms walking towards us. Deonte said Mike, just the man I need to see. He said how can I help you? Deonte asked him about his pay stub that he received the day before along with a few other questions. Mike told him have a seat and he'll be back with that information. As we waited for Mike to come out, Deonte went to the RTW window to request a copy of the approved leaves that are in the system. The lady at the window said she has to have someone else look it up. So, we waited. Then Deonte went to the payroll window to ask for Jose to ask him some payroll questions. The guy Charles at the payroll window told Deonte he would get his supervisor Hu Hong, please excuse me if I'm misspelling or mispronouncing her name. The lady from the RTW team said she went to request the information and was told since Deonte is requesting information from two different departments he has to speak to Mike Helms. So I asked, why would he need to speak to Mike if mike is Employee and Labor relations? She told us that's what she was instructed to tell us. So we waited for Mike to come out. He came out with some papers that show or don't show Deontes hours in the system. When Deonte requested to see that he said no. Deonte asked why and he said because I don't have to. Deonte asked him about his hours that were suppose to be restored and if he has something that shows it has been restored and Mike said it hasn't been done. He told Deonte the sick hours that was suppose to be paid two pay checks ago will be ready for him to pick.

up next Wednesday and that he will need to come back to get another card with that money on it. Deonte asked if he can have a copy of the approved leaves in the system and he said no you need to wait until next Wednesday. I asked why does he need to wait til next week when we requested the information in March we got it the same day. He said no one else is available they're all busy. I said two people from the RTW team are sitting at the window and the payroll guy is still there how are they not available. He said because they need to help everyone else. So, Deonte walked away and went to the middle window to ask the lady Martha a question and Mike picked up his paperwork and followed Deonte to the window and said Martha close hour window do not talk to him. No one else is available to talk to him I'm the only person they get to talk to today. I went over to the window and asked him why is he instructing people not to talk to us when we're requesting simple indentation. He said because Deonte intimidated everyone, we're causing a verbal disturbance and now you guys need to leave. He told Martha to call security. I asked him how did we cause a disturbance if we're having a discussion. He ignored me I asked him to give em his supervisors name and contact information so we can leave. He said I'm not giving you anything you need to leave. I asked him if he was refusing to provide me that information and he replied and said you're way past talking to my supervisor you can't talk to anyone but me. I said how can you dictate that. He ignored me so I turned around saw James Cenerio, I went over to him and asked him what's Mikes supervisors name and if he can provide me the contact information and Mike yelled across the room and said James don't talk to her. I told James I just need the contact information and what happened and he asked what Mike said I told him that Mike refused to provide it to me. We walked back to the windows where Mike and Deonte were and he said James don't talk to them they caused a verbal disturbance. I said | just want the supervisor info and we can do and James said Donald Ellison. The security came with one police officer the officer asked what happened I explained the whole situation and he asked Mike if he can give us the info and Mike said tell her to send me an email and I will send it to her then. I asked why I needed to send an email to get

contact info when I'm requesting it in person. He said because you need to leave everyone is intimidated by you guys. He said I'm even intimidated. Deonte asked Ify if he was intimidated he said no. He asked another lady she said no. I asked Mike how could he say he's intimidated by Deonte or myself even if he followed Deonte to the window yelling and screaming over Deonte as Deonte sat at the middle window facing the window while he was standing over him. I asked him how anyone in the back can say they're intimidated by Deonte if they never came out. The officer told us just send him an email and I explained to him Mike doesn't reply to our emails and if he does he's untimely. So, we were leaving. As we approached the elevator to leave Mr. Ellison walked passed. I told Deonte there's Mike supervisor Mr. Ellison. Deonte called out to Mr. Ellison and asked if he had time to talk and he said yes. We introduced ourselves to him. We briefly explained what happened and started talking to him about the discrepancies and then Mr. Roach approached us and join in on the conversation. Mr. Ellison told the police they didn't need to stay because he had everything handled. Mr. Ellison gave Deonte his business card and told us to send him an email and he will sit with us with a few others and we left.

This incident as well as the rest that we've encountered when coming to SFMTA, shows that Mr. Walker has been singled out because he filed the claim he did with the EEO department. It continues to show the type of discriminating, harassing and retaliating communication, actions and behavior that Deonte has been dealing with from the beginning. Mike's condescending behavior and tone was very unprofessional and very unacceptable. He was not only rude and disrespectful but a very bad representation of SFMTA's management and HR team. His actions were intimidating to me personally. To have him yelling and screaming at me the day prior telling me I'm not Deonte's sister and that he has a problem with me representing Deonte. His job is to represent Deonte as the disabled worker as well. He also shows no respect for the employees he manages and he uses the power and authority he has through SFMTA to communicate with everyone. He has not showed any compassion towards Mr. Walker and he was very unhelpful.

You guys may not understand or know how it feels to watch my brother be attacked and disrespected on multiple occasions, over and over and the only thing you can do or be told to do is send an email. You guys may not know how Deonte feels or how your actions affect his health. On the outside he may seem fine but he's not. You guys don't know how this incident has affected our entire family especially Deonte's 7-year-old son. All Deonte wants is the proper meeting for the remedy as directed by the Civil Service, to be treated fairly and to get back to his normal self.

Best regards,

Tamara

From:Ellison, DonaldSent:Friday, May 18, 2018 10:55 AMTo:Janae Reed; Roach, Dan; Cerenio, James; Omokaro, Ify; Helms, Mike; RTWTeamCc:deontewalker88@gmail.com; Eng, Sandra (CSC)Subject:RE: 2nd Incident with Mike Helms

Tamara,

I appreciate you taking the time to document your experience and following up on the request that you put your questions in an email.

My email will serve as the agency's response to this email, so no one else has to acknowledge the receiving of this email. I will be handling the communication and responses going forth. By close of business Monday my plan is to be able to come up with a timeline on putting the info you requested together. I will let you and Deonte know soon thereafter how long it will take and make sure each one is address as well as possible.

The incident, as described by you, with Mike Helms was unfortunate. On my part I assure you I will look into this and will address this when we meet.

My goal is that this episode is resolved as quickly and cordially as possible.

Take care,

#### **Donald E. Ellison**

Director Human Resources & Payroll



Office 415.701.5079 Mobile 415.314.1183

San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103



From: Janae Reed [mailto:simply.janae@icloud.com]
Sent: Friday, May 18, 2018 10:29 AM
To: Ellison, Donald <Donald.Ellison@sfmta.com>; Roach, Dan <Dan.Roach@sfmta.com>; Cerenio, James
<James.Cerenio@sfmta.com>; Omokaro, Ify <Ify.Omokaro@sfmta.com>; Helms, Mike <Mike.Helms@sfmta.com>;
RTWTeam <RTWTeam@sfmta.com>
Cc: deontewalker88@gmail.com; Eng, Sandra (CSC) <sandra.eng@sfgov.org>
Subject: 2nd Incident with Mike Helms

Good morning Mr. Ellison.

Please read the attached letter. This incident is very unfortunate. This also shows that there's a pattern of harassment, discrimination and retaliation towards Mr. Walker due to his race and him filing the initial complaint. Mike Helm's condescending behavior and his actual language, lead me to believe that he was in charge of the whole HR team. After doing my research and looking into the chain of command for SFMTA, I discovered Donald Ellison is the person in charge. And with Mike Helms behavior, it is displaying himself to be in Mr. Ellison's position. It would be greatly appreciated if everyone can acknowledge that they've received this email. It would be great if we can set up a meeting with all necessary parties to address the issues at hand. We're requesting a copy of Mr. Walker's approved leaves that are in the SFMTA system as of today, May 18th, 2018. We're also requesting a copy of how many hours (vacation, sick, floating holiday, etc.), that Mr. Walker had before he was given his vacation pay out. Also, a copy of the policy which says that when an employee leaves the company, whether terminated or quit, has to wait the next pay period in order to get paid. I would like a copy of Mr. walker's hours after he was paid his vacation. Also, we would like to know why Mr. Walker's pay was separated? His sick pay and his vacation were on one pay stub that he received on May 16th, 2018. However, he only received his vacation pay out. Why was the money paid out separately but there's only one pay stub? I would like a copy of the policy that states once you're physically off work but still employed, that your sick, floating, and vacation pay stops accumulating. I would also like to know how Mr. Walker received a pay raise but his time didn't continue to accumulate? Also, Mr. Walker was terminated on April 27th, 2018, he hasn't physically been at work since January 2017. However, he had benefits deducted from his vacation pay out. Also, we would like to see a separate check sub with appropriate break down from the sick pay. We also need a break down of how the vacation was paid out because the stub he recived doesn't make sense.

Best regards,

## Norona, Cherylynn

From: Sent: To: Subject: Roach, Dan Thursday, May 24, 2018 9:14 AM Helms, Mike; Norona, Cherylynn FW: Meeting

Mike and Cherylynn,

FYI I've asked Don to advise.

Thanks

Dan Roach Manager Workers' Compensation Road to Fitness

Office 415.701.4351 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103

-----Original Message-----From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Thursday, May 24, 2018 9:01 AM To: Roach, Dan <Dan.Roach@sfmta.com> Cc: deontewalker88@gmail.com Subject: Meeting

Good morning Dan.

I was wondering if you had any time available for us to discuss the Workers Comp issues with you. We have some questions and somethings to show you about the Workers Comp. Please let me know what days you have available preferably in the morning and ASAP if you can.

Best regards,

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:27 PM SOTF, (BOS) Fwd: Complaint and continued issues

Begin forwarded message:

From: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Date: May 11, 2018 at 3:18:58 PM PDT To: Janae Reed <<u>simply.janae@icloud.com</u>> Cc: Wookie♥□G=C=Celevalker88@gmail.com> Subject: RE: Complaint and continued issues

Thank you for following up. All of the documents responsive to your request have been provided to you by the Agency.

As stated in an earlier email, you may file a complaint with the Sunshine Ordinance Task Force if you'd like to take further action regarding this public records request.

Sincerely,

### Caroline Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx



Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103

SFMTA.com

From: Janae Reed [mailto:simply.janae@icloud.com]
Sent: Friday, May 11, 2018 11:54 AM
To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>
Cc: Wookie 
Caroline <</li>
Caroline 
Caroline

I forwarded the original email to you that clearly shows when it was requested. He didn't respond that my emails until then. You will send you those emails as well.

On May 11, 2018, at 11:50 AM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Response from staff:

She requested by telephone on April 19.

Mike (Helms)

From: Celaya, Caroline

Sent: Friday, May 11, 2018 10:40 AM

Tamara:

I've asked staff to confirm the date of receipt of the request.

The sunshine ordinance states the following with regards to allotted time to respond to requests:

the SFMTA has ten calendar days to respond to a request to inspect or receive copies of records. In certain circumstances, the SFMTA may extend its time to respond by an additional 14 calendar days. Those circumstances include where the SFMTA must (a) search for, collect and appropriately examine a voluminous amount of separate and distinct records; (b) search for and collect the records from a remote storage facility or location separate from SFMTA Headquarters; (c) consult with another agency or City department that has a substantial interest in the response to the request; and/or (d) compile data, write programming language or a computer program, or construct a computer report to extract data.

Therefore, if the request date is April 6, then the due date would be April 16. If an extension were invoked for 14 days, the due date would be April 30.

### **Caroline** Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/ rs/supporthome.aspx

<image001.png>

Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png> From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 11, 2018 9:47 AM To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie♥ ▲@@? <<u>deontewalker88@gmail.com</u>> Subject: Re: Complaint and continued issues

Thank you Caroline. Can you confirm that the original requests were made April 6th, 2018? Can you also confirm the dates the requests would've needed to be filled by since we originally requested it on the 6th of April?

Best regards,

Tamara

On May 8, 2018, at 3:40 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Hello Tamara:

Thank you for providing the additional information. I sent you an email, through our online records request system, with the AWOL language and the link to the MOU. I'll send the remaining responsive documents as soon as they are ready, hopefully tomorrow.

The process to file a complaint that an agency has not responded to a records request in a timely manner is with the Sunshine Ordinance Task Force. Here is the link to their website <u>https://sfgov.org/sunshine/</u> You can follow the procedures on the site if you wish to file a complaint.

Let me know if you have additional questions.

Caroline Celaya

Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx

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Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

Hello Caroline.

It was a pleasure to meet you this morning. It was a breath of fresh air to finally get some real answers, a nice and pleasant tone and some actual help. I've forwarded the original email that was sent with the request on 4/6/2018.

Also a question I have is once you can determine the information requests was done prior to the 4/19/2018 date you received, what is the process? What happens after and who actions are taken when you guys are unlawfully out of code? Can you confirm this stuff?

Best regards,

Tamara

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 6, 2018 at 12:29:14 PM PDT To: <u>donald.ellison@sfmta.com</u>

Cc: Wookie♥ ▲□♪? <<u>deontewalker88@gmail.com</u>>, <u>sandra.eng@sfhov.org</u>, <u>mike.helms@sfmta.com</u>, <u>derek.kim@sfmta.com</u>, <u>lawrence.lindisch@sfmta.com</u> Subject: Complaint and continued issues

Good afternoon Mr. Ellison and all others attached to this email.

I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:26 PM SOTF, (BOS) Fwd: Follow Up

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 11, 2018 at 12:10:07 PM PDT To: <u>caroline.celaya@sfmta.com</u> Subject: Fwd: Follow Up

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 27, 2018 at 10:36:20 AM PDT To: "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Thank you for the update. However, is possible to have it by next Tuesday? I need to have it No later than Tuesday. We've requested this information a few weeks back so can you please make it one day sooner?

Tamara

On Apr 27, 2018, at 10:30 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

I will have the information you requested and be able to electronically send it to you by COB next Wednesday.

Thanks,

Mike Helms

-----Original Message-----

From: Janae Reed [<u>mailto:simply.janae@icloud.com</u>] Sent: Wednesday, April 25, 2018 10:11 AM To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Thank you For your response.

Best regards,

Tamara

On Apr 25, 2018, at 10:04 AM, Helms, Mike <<u>Mike.Helms@sfmta.com</u>> wrote:

Hi Ms. Reed,

I am currently in the process of gathering the information you have requested.

Hopefully I will be able to get this information as you requested by this Friday.

If I cannot I will inform you on Friday morning.

Thanks,

Mike Helms

-----Original Message-----From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Wednesday, April 25, 2018 9:22 AM To: Helms, Mike <<u>Mike.Helms@sfmta.com</u>> Subject: Re: Follow Up

Good morning Mr. Helms.

Just wanted to follow up and see if you've been able to gather this information as we've requested this information from the department over two weeks. Also, we need Mr. Walkers original DWC-1 form that he turned in to initiate his Workers Comp claim and the copy of the form that was signed by Young Laolagi on February 8,2017.

With the respect that you're a bust man we've been extremely patient. However, we need these things no later than this Friday, April 28th, 2018. I'm more than happy to pick them up if you don't have time to email them to me.

Best regards,

Tamara

On Apr 19, 2018, at 10:25 AM, Helms, Mike <Mike.Helms@sfmta.com> wrote:

Hi Ms. Reed,

Would you please send me the list of the information you are requesting?

Thanks,

Mike Helms

-----Original Message-----

From: Janae Reed

[mailto:simply.janae@icloud.com]

Sent: Monday, April 16, 2018 11:03 AM

To: Helms, Mike <Mike.Helms@sfmta.com>

Cc: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.com</u>>; Lindisch, Lawrence <Lawrence.Lindisch@sfmta.com>;

P7<sup>3</sup>78

Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>>; Wookie♥□**400**? <<u>deontewalker88@gmail.com</u>> Subject: Re: Follow Up

Good morning Mr. Helms.

Thank you for your response. What kind of follow up does that mean for Mr. Walker? Will someone be providing him with the documents and information he asked for? If so, When will it be available for me to pick up?

Best regards,

Tamara

On Apr 16, 2018, at 9:46 AM, Helms, Mike <<u>Mike.Helms@sfmta.</u> com> wrote:

Hi Ms. Reed,

I was the person responsible for looking into this complaint.

I have looked into this matter and taken the appropriate action.

Thanks for your inquiry.

Mike Helms

P7479

-----Original Message-----

From: Janae Reed [mailto:simply.janae @icloud.com]

Sent: Thursday, April 12, 2018 1:39 PM

To: Ellison, Donald <<u>Donald.Ellison@sf</u> <u>mta.com</u>>; Kim, Derek Y <<u>Derek.Kim@sfmta.c</u> <u>om</u>>; Helms, Mike <<u>Mike.Helms@sfmta.</u> <u>com</u>>; Lindisch, Lawrence <<u>Lawrence.Lindisch</u>

@sfmta.com>

Cc: Eng, Sandra (CSC) <<u>sandra.eng@sfgov.o</u> rg>; Wookie♥ ▲□₽? <<u>deontewalker88@g</u> <u>mail.com</u>>

Subject: Follow Up

Good afternoon everyone.

On Friday, April 6th, 2018, and email was sent in regards to an issue Mr. Walker encountered while requesting information. To this date, almost a week later, we haven't had a response from anyone. I just wanted to follow up and see what the results are, if anything is being done or if at minimum, you guys can confirm you've

P7580

received the original email as well as this one. It would also be great to know that there's going to be a follow up or not for this issue.

Best regards,

From:	Janae Reed <simply.janae@icloud.com></simply.janae@icloud.com>
Sent:	Monday, June 25, 2018 12:33 PM
То:	SOTF, (BOS)
Cc:	deontewalker88@gmail.com
Subject:	Re: Records from the San Francisco Municipal Transportation Agency

Thank you. You were suppose to send me an initial email. However, I've forwarded the emails to this email separately. I've also included Deonte on this email thread for future corespondents.

Best regards,

Tamara and Deonte

On Jun 25, 2018, at 12:20 PM, SOTF, (BOS) <<u>sotf@sfgov.org</u>> wrote:

Dear Ms. Reed and Mr. Walker:

We are in receipt of your new complaint form. However, as I stated in an earlier email to you, we need a copy of your original response and the replies you received from the SFMTA. Can you please forward those to me. Once I have those documents, I can open a file on your behalf. Thank you.

Cheryl Leger Assistant Clerk, Board of Supervisors Tel: 415-554-7724

<image001.png> Click here to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:28 PM SOTF, (BOS) Fwd: Complaint and continued issues

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: May 11, 2018 at 3:35:45 PM PDT To: "Celaya, Caroline" <<u>Caroline.Celaya@sfmta.com</u>> Cc: Wookie

Thank you for this.

Tamara

On May 11, 2018, at 3:18 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Thank you for following up. All of the documents responsive to your request have been provided to you by the Agency.

As stated in an earlier email, you may file a complaint with the Sunshine Ordinance Task Force if you'd like to take further action regarding this public records request.

Sincerely,

Caroline Celaya Manager, Public Records Requests https://sfmta.mycusthelp.com/WEBAPP/ rs/supporthome.aspx

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Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 11, 2018 11:54 AM To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>

## Cc: Wookie♥ ▲@@ <a>deontewalker88@gmail.com</a> Subject: Re: Complaint and continued issues

I forwarded the original email to you that clearly shows when it was requested.

He didn't respond that my emails until then. You will send you those emails as well.

On May 11, 2018, at 11:50 AM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

Response from staff:

She requested by telephone on April 19.

Mike (Helms)

From: Celaya, CarolineSent: Friday, May 11, 2018 10:40 AMTo: 'Janae Reed' <simply.janae@icloud.com>Cc: WookieCc: WookieSubject: RE: Complaint and continued issues

Tamara:

I've asked staff to confirm the date of receipt of the request.

The sunshine ordinance states the following with regards to allotted time to respond to requests:

the SFMTA has ten calendar days to respond to a request to inspect or receive copies of records. In certain circumstances, the SFMTA may extend its time to respond by an additional 14 calendar days. Those circumstances include where the SFMTA must (a) search for, collect and appropriately examine a voluminous amount of separate and distinct records; (b) search for and collect the records from a remote storage facility or location separate from SFMTA Headquarters; (c) consult with another agency or City department that has a substantial interest in the response to the request; and/or (d) compile data, write programming language or a computer program, or construct a computer report to extract data.

Therefore, if the request date is April 6, then the due date would be April 16. If an extension were invoked for 14 days, the due date would be April 30.

Caroline Celaya Manager, Public Records Requests <u>https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx</u>

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Office 415.701.4670 San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

 From: Janae Reed [mailto:simply.janae@icloud.com]

 Sent: Friday, May 11, 2018 9:47 AM

 To: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>

 Cc: Wookie♥
 Geontewalker88@gmail.com>

 Subject: Re: Complaint and continued issues

Thank you Caroline. Can you confirm that the original requests were made April 6th, 2018? Can you also confirm the dates the requests would've needed to be filled by since we originally requested it on the 6th of April?

#### Best regards,

Tamara

On May 8, 2018, at 3:40 PM, Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>> wrote:

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The process to file a complaint that an agency has not responded to a records request in a timely manner is with the Sunshine Ordinance Task Force. Here is the link to their website <u>https://sfgov.org/sunshine/</u> You can follow the procedures on the site if you wish to file a complaint.

Let me know if you have additional questions.

#### Caroline Celaya

Manager, Public Records Requests <u>https://sfmta.mycusthelp.com/WEBAPP/\_rs/supportho</u> me.aspx

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Office 415.701.4670

San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7th floor

San Francisco, CA 94103

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From: Janae Reed [mailto:simply.janae@icloud.com]Sent: Tuesday, May 08, 2018 2:15 PMTo: Celaya, Caroline <<u>Caroline.Celaya@sfmta.com</u>>Cc: Wookie♥ ▲201 <</td>Cc: Wookie♥ ▲201 <</td>Subject: Fwd: Complaint and continued issues

## Hello Caroline.

It was a pleasure to meet you this morning. It was a breath of fresh air to finally get some real answers, a nice and pleasant tone and some actual help. I've forwarded the original email that was sent with the request on 4/6/2018.

Also a question I have is once you can determine the information requests was done prior to the 4/19/2018 date you received, what is the process? What happens after and who actions are taken when you guys are unlawfully out of code? Can you confirm this stuff?

Best regards,

Tamara

Begin forwarded message:

From: Janae Reed <<u>simply.janae@icloud.com</u>> Date: April 6, 2018 at 12:29:14 PM PDT To: <u>donald.ellison@sfmta.com</u> Cc: Wookie♥ ▲□ ♣ <<u>deontewalker88@gmail.com</u>>, <u>sandra.eng@sfhov.org</u>, <u>mike.helms@sfmta.com</u>, <u>derek.kim@sfmta.com</u>, <u>lawrence.lindisch@sfmta.com</u> Subject: Complaint and continued issues Good afternoon Mr. Ellison and all others attached to this email.

I hope this letter finds you well. My name is Tamara. I'm the sister of Deonte Walker and also his representative. Deonte has encountered another issue with the SFMTA staff. This seems to happen every time he has contact with anyone within the company. I've attached a letter about the incident that happened yesterday morning. I've also CC'd Deonte to this email.

Please feel free to respond by email with any questions, concerns and follow up you have.

Best regards,

From: Sent: To: Subject: Janae Reed <simply.janae@icloud.com> Monday, June 25, 2018 12:28 PM SOTF, (BOS) Fwd: 2nd Incident with Mike Helms

Begin forwarded message:

From: Deonte Walker <<u>deontewalker88@gmail.com</u>> Date: May 18, 2018 at 11:13:06 AM PDT To: Janae Reed <<u>simply.janae@icloud.com</u>> Cc: "Ellison, Donald" <<u>Donald.Ellison@sfmta.com</u>>, "Roach, Dan" <<u>Dan.Roach@sfmta.com</u>>, "Cerenio, James" <<u>James.Cerenio@sfmta.com</u>>, "Omokaro, Ify" <<u>Ify.Omokaro@sfmta.com</u>>, "Helms, Mike" <<u>Mike.Helms@sfmta.com</u>>, RTWTeam <<u>RTWTeam@sfmta.com</u>>, "Eng, Sandra (CSC)" <<u>sandra.eng@sfgov.org</u>> Subject: Re: 2nd Incident with Mike Helms

Good morning Mr. Ellison.

Thank you for assisting me with these issues. Can you ask your team in the front HR windows, if they're intimidated by me? I was told by Mike that they all said they're intimidated by me. I'm asking for future references because I've dealt with them in the past and the communication was positive and questions were answers in a positive manner on both ends. There was never any issues. Also, if they were intimidated they would never come from behind the glass to talk to me. If they were intimidated by me they would've called security on the other occasions when I went to requests information. I also received the information i requested at those times without security and police escorts.

Deonte

Sent from my iPhone

On May 18, 2018, at 11:00 AM, Janae Reed <<u>simply.janae@icloud.com</u>> wrote:

Thank you so much Mr. Ellison for your prompt response, your helpful and humbling tone. I truly appreciate the help and the assistance. We'll patiently wait to hear back from you.

Best regards,

Tamara On May 18, 2018, at 10:54 AM, Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>> wrote:

I appreciate you taking the time to document your experience and following up on the request that you put your questions in an email.

My email will serve as the agency's response to this email, so no one else has to acknowledge the receiving of this email. I will be handling the communication and responses going forth. By close of business Monday my plan is to be able to come up with a timeline on putting the info you requested together. I will let you and Deonte know soon thereafter how long it will take and make sure each one is address as well as possible.

The incident, as described by you, with Mike Helms was unfortunate. On my part I assure you I will look into this and will address this when we meet.

My goal is that this episode is resolved as quickly and cordially as possible.

Take care,

**Donald E. Ellison** Director Human Resources & Payroll

<image001.png>

Office 415.701.5079 Mobile 415.314.1183

San Francisco Municipal Transportation Agency 1 South Van Ness Avenue, 7th floor San Francisco, CA 94103 <image002.jpg><image003.jpg><image004.jpg><image005.png>

From: Janae Reed [mailto:simply.janae@icloud.com] Sent: Friday, May 18, 2018 10:29 AM To: Ellison, Donald <<u>Donald.Ellison@sfmta.com</u>>; Roach, Dan <<u>Dan.Roach@sfmta.com</u>>; Cerenio, James <<u>James.Cerenio@sfmta.com</u>>; Omokaro, Ify <<u>Ify.Omokaro@sfmta.com</u>>; Helms, Mike <<u>Mike.Helms@sfmta.com</u>>; RTWTeam <<u>RTWTeam@sfmta.com</u>> Cc: deontewalker88@gmail.com; Eng, Sandra (CSC) <<u>sandra.eng@sfgov.org</u>> Subject: 2nd Incident with Mike Helms

Good morning Mr. Ellison.

Please read the attached letter. This incident is very unfortunate. This also shows that there's a pattern of harassment, discrimination and retaliation towards Mr. Walker due to his race and him filing the initial complaint. Mike Helm's condescending behavior and his actual language, lead me to believe that he was in charge of the whole HR team. After doing my research and looking into the chain of command for SFMTA, I discovered Donald Ellison is the person in charge. And with Mike Helms behavior, it is displaying himself to be in Mr. Ellison's position. It would be greatly appreciated if everyone can acknowledge that they've received this email. It would be great if we can set up a meeting with all necessary parties to address the issues at hand. We're requesting a copy of Mr. Walker's approved leaves that are in the SFMTA system as of today, May 18th, 2018. We're also requesting a copy of how many hours (vacation, sick, floating holiday, etc.), that Mr. Walker had before he was given his vacation pay out. Also, a copy of the policy which says that when an employee leaves the company, whether terminated or quit, has to wait the next pay period in order to get paid. I would like a copy of Mr. walker's hours after he was paid his vacation. Also, we would like to know why Mr. Walker's pay was separated? His sick pay and his vacation were on one pay stub that he received on May 16th, 2018. However, he only received his vacation pay out. Why was the money paid out separately but there's only one pay stub? I would like a copy of the policy that states once you're physically off work but still employed, that your sick, floating, and vacation pay stops accumulating. I would also like to know how Mr. Walker received a pay raise but his time didn't continue to accumulate? Also, Mr. Walker was terminated on April 27th, 2018, he hasn't physically been at work since January 2017. However, he had benefits deducted from his vacation pay out. Also, we would like to see a separate check sub with appropriate break down from the sick pay. We also need a break down of how the vacation was paid out because the stub he recived doesn't make sense.

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Best regards,

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Shire Reg.	A M	INI OUT		2016 MAR 15 pm 1:51 Swing Shift
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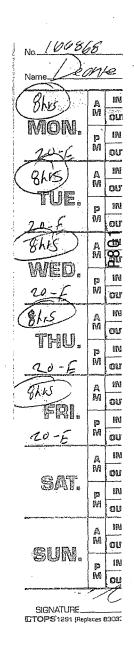
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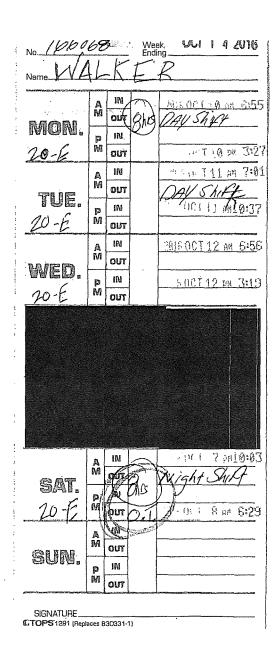
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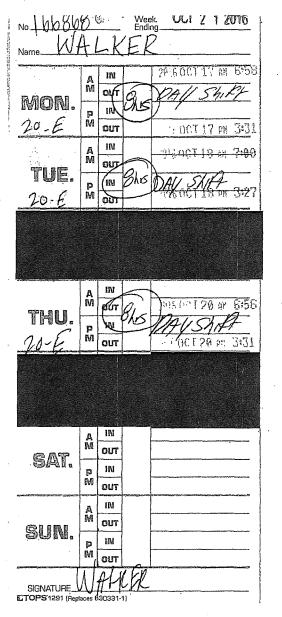
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E M OUT 2916 NOU 28 PH 3130		MON. P IN 2816 DEC 12 PH 3:31	10 - 6 M OUT 2016 DEC 19 PH 3:30	
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		A IN 2015 DEC 14 AM 7:01	WED.	
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	A         IN         2016 DEC         9 All         6:56           P         IN         2016 DEC         9 All         6:56           M         OUT         2016 DEC         9 All         6:33	$FRI_{a} \xrightarrow{A  M \\ M  out}$ $\frac{A  M}{D  out}$ $\frac{A  M}{D  out}$		-24
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and the second second second		2816FEB 1 am 7 2818FEB 1 pm 3	Mon	A IN 2016 F 0007 2016 F P IN 0007	EB 8 AM 7:01 EB 8 PM 3:31	MON.		HOLISAY	MON.		
ŢŲE.	A IN M OUT P IN M OUT	2016FEB 2 AM 7 2016FEB 2 PM 3	- TUE.	M OUT 2916 F	EB 9 AM 7:05 EB 9 PM 3:32	TUE.		2016FEB16 AH 7:01 2016FEB16 AH 7:01 2016FEB16 PH 3:18 .5	ŤUE.		2816FFB23 AM 6
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FRI.		2016FEB 5 AM 7: 2016FEB 5 AM 3:1	FRI.	A IN VALGES M OUT PALES	EB 12 AM 7:02. EB 12 PM 3:31	FRI.	A M OUT P M OUT	MIGFEB19 AM 659 MIGFEB19 AM 3:33	REP		687082 + 687082 + 9/037087372 19167E826 ph 7:3
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		COLLEMAR 1 AM 7:01	- <del></del>			IWIQDW -		MILHAR 15. AT E			
ŤŮE.	M OUT	916 MAR 1 PH 329	TUE.	M олт р IN M олт		TUE.		2016 MAR 15 pm 3202	ŤUE.		ЭЯТЕ МАК 22 рн. 3: 
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LVAREZ, A.F.	No VVeex 4/8/2015 Name ALVAREZ, AIF,	No Week APK 1 5 2010 Name ALVAREZ, A.F.	No Week APR 2 2 2016 No Name ALVAREZ A.F. Name
Ma DUT COULOUS		MON. A IN 2915 APR 11 AM 7:03 M OUT 2915 APR 11 AM 7:03 2916 APR 11 PH 3:32 PM OUT 2916 APR 11 PH 3:32 A	-04-
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IND	Game Ending	No	Week 13 MA 116		Week 20 MAM 16			.V16
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		FRI.	IN	FRI.	IN         315 MGY 20 AM 7:03           M         OUT           **** MAY 20 PM 3:37           P         IN           M         OUT	FRI.		
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<u> 191</u> .			MON.	A IN M OU P IN M OU	F	2015 JUN 6 AN 7:04 2016 JUN 6 AN 7:04	MON.	A M P M	IN QUT	2016 JUN 13 AM 7:00 2016 JUN 13 AM 7:00 2016 JUN 13 PM 3:57		A M O P		2815 JUN 20 AM 6:57 2936 JUN 20 PM 3:34	Name 2°
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			sun.	A IN M OUT p IN M OUT			SUN.	A M P M	או דעס ווע דעס		sun.		JT 3		61
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me_ALVAREZ	Ending AIG - > 2015 A.F.	No Name_ALVA	RFZ, AJ.		No Name ALVA	rŧż,	A.F.	No NameALVA	Enc. REZ, A.F.	fiŋg
	<u>ais alla 1 an 6555</u> <u>ais alla 1 an 31</u> 27	MON.	A M OUT P M OUT	2016 AUG 8 AM 7:80 44 41:AUG 8 00 3:33	MON.			MÖN.	A M OUT P M OUT	
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ame ALVARËZ	A.F.	Name_ALV	REZ, A	Inding	Name ALVA	AREZ,	Week OCT 2 1 2016		AREZ, A.F.	
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8 Non.	A IN M OUT	2016 JAN 4 AN 3746	A STATE OF A	n - 2818 JAN 11 an 5+44		2816 JAN 17 PH 6:42 Harli DAY OT		2016 JAN 25 AH 5:3
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8 Tue.	A IN M OUT	2816 JAN 5 AH 5:48	5 101 A.	2816 JAN 12 AM 5:41		7816 JAN 19 AM 5:30		2016 JAN 26 AM 5:
	P IN M OUT		Mo	N 2815 JAN 12 PM 2:31		2816 JAN 19 pm 2:31		3816 JAN 26 pm 2:3
3 VEÐ.	M IN M OUT	- [1] - (18) - [1]		N 2816 JAN 13 AF 5:59		2016 JAN 20 AN 5:51		BUE JAN 27 AM 5 to
2 07)			EL AND L	N 2816 JAN 13 PH 6:30		2016 JAN 20 pm 2:33		2016 JAN 27 pm 2:3
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La des constantinos de la constanti	P IN M OUT	2816 JAN 7 pm 2:30	@ P	N 2016 JAN 14 PM 2:30		2816 JAN 21 ph 2:30		2816 JAN 28 PH 2:3
3 Fri,	A IN M OUT	281 <del>5 JAN 8'AM 1=44</del>		2010/2014 13 80 0.444		2816 JAN 22 AH 5:46		2816 JAN 29 AM 54
1	M OUT	2016 JAN 8 pm 2:30				-7916 JAN 22 PM 2:30		2016 JAN 29 PH 23
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	р IN M силг		907 p M ol		SAT. P IN 9 07 M OUT	7818 JAN 16 AN 7:03		
UN, -	A IN M OUT		SUN M OL		A IN OUT	2016 JAN 16 PM 3:50	SUNI. A IN OUT	2018 JAN 24 AN 5H
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vame Z		2816 FEB 1 AM 5:48	Name 2 Corry		2816 FEB 8 AM 5:47			-16	LIDAY	B		2816 FEB 22 AM 5:4 19 z - 20E
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		9816 FEB 2 AM 3:49			2016FEB 9 AN 538	ŤUE.				8 TUE.	A IN M OUT	<u>1916FEB23 AM 5:</u> 192-200
TUE. 201	M OUT	2016 FEB 2 ph 2:30	TUE. 8		2016 FEB 9 ph 2:32	IUC.	P IN M OUT				р IN М олт	7916 FEB 23 PM 2:300
g Wed.		<u> 2018 FEB 3 an 5:40</u>	WED.		1916 FEB 19 AN 5:43	WED.				8 WED.		$\frac{2816FFR 24 \text{ m} 150}{92 - 2050}$
H <del>ar sait in an</del> a ao amin'ny fisia		2016FEB-3 pt-2031		P IN M OUT	1916 FEB 10 PM 2:33		P IN M OUT			407	MOUT	2016 FEB 24 ph 2:3
8 Thu.	A IN M OUT	1916/EB 4 AH 546	<b></b>		2016 FEB 11 AM 5:44	THU.	A IN M OUT			S. Thu.		192 - 20E
LITLU.	P IN M OUT	2016 FEB 4 PM 2:38	THU.	P IN M OUT	"HIEFEB 11 PM 2:30	B E B S	p IN M out				p IN M OUT	1916 FEB 25 PM 2:0
8 Fri.	A IN M OUT	2016 FEB 5 AM 5:51	407 FRI.		**************************************	FRI.	A IN M OUT			s Fri.		<u> 1916FFB26 ah 5:4</u> 192- EOE
07 0750 a	M DUT	MINFEB 5 PH 2:30	S.	P IN M OUT		у. П. <u>Н. 1</u> 6Ц р.	P IN M OUT					1916FEB 26 PH 25
eat			9°7		<u>"016768 5 pm 9:45</u>	SAT.	A IN M OUT			SAT.		
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9 07		2915 JAN 31 PH 3:00	SMIA"		2016 FEB 7 AM 6:02	· • • • • • • • • • • • • • • • • • • •	P IN M OUT				p IN M OUT	
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	2016 FEB 29 AM 5:38 1/2- 20 E 3816 FEB 29 AM 2:30	8 MON. 497	A IN M QUT M IN M OUT	2016 MAR 7 AN 1:43 <u>192 - 20 E</u> 	R MON,		2016 MAR 14 AN12:31 192 206 311F MAR 14 PM 1:32	8 MON. # 07		2915 MAR 21 AN 1:4 <i>VO E-192-</i> 2016 MAR 21 PM 2:
Representation of the second s	<u>1986 MAR 1 am 5:50</u> 192-205 19816 MAR 1 pm 2:30	8. TUE. 4 or		2916 MAR 8 an 1 <b>:50</b> 192-20E <del>2016 HAR 8 ph 2:33</del>	8 TUE, 4 of	A IN M OUT P IN M OUT	2016 MAR 15 0012:34 	8 <b>TUE.</b> 9 07 8	A IN OUT P IN M OUT	1816 MAR 22 an 114 205 - 192 1816 MAR 22 pm 2:0
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A IN OUT B IN M OUT	<u>2916 HAR 3 AN 5:51</u> <u>192 - 20E</u> <u>915 HAR 3 AN 2:33</u> (916 MAR 4 AN 1:50	8 THU. 4 or		1915 MAR 10 am 1:49 192- 20 F 1916 MAR 10 pm 2:31	B THU: 4 or	A IN M OUT P IN M OUT	ЭШЕ МАР 17 ан. 1:39 192 - 205 ЭЩЕ МАР 17 ан. 2:30	8 THU. 407	A IN M OUT P IN M OUT	<u>аньная 24 ан. 14</u> <u>206 - 192 -</u> Сялемая 24 рн. 2:3
B FPI 4 07 M M OUT	(1916 MAR 4 an 1:50 /9 <i>2-20E</i> 1916 MAR 4 dh 2:31	8 FRI. 4 07		1916 MAR 11 am 1:54 192- 205 1915 MAR 11 pm 2:31	FRI.		2916 MAR 18 AM 1:44 697 - 20 F 2016 MAR 18 PM 2:33	FRI. 4 07	A IN OUT p IN M OUT	MIE MAR 25 am 13 <i>20E - 192</i> MIE MAR 25 pm 2:5
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574 A 445-200	13+4 IN CALL PH 3:32	M OUT 777 1816 JAN 19 PH 3:32	27777 A IN JC 24 HIL JAN 26 PH 3:3 05
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	14+h	2/74 NI COUT 77772016 JAN 20 PH 3:38	2874 A IN ANT 2816 JAN 28 AM 124
THU. AND JOE	THU.	M 011 76 77916 JAN 21 AN 6:49	THU. IN OUT JOE Rebuild
S M GUALDIN 7 PM 3:34	M OUT ALE SID JAN 14 PH 3:32		M OUT 474716 JAN 28 PH 2:3
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A INV	9+11 A IN 2815 JAN 8 PH 9:40	7677 A IN 2816 JAN 15 PH 9:45	2374 A IN 177 2416 JAN 22 PH 9:4
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MOUT	(9 57) M OUT 929-2018 JAN 9 AH 7:03	9 07 M OUT AT TELE JAN 16 AM 7:03	9 0 M OUT 7472816 JAN 23 AH 7:0
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Nome Jose G Simenel	Name JOSE & JIMENEZ	Name Jose G JIMEnez
87h	75 A IN 2816 FEB 15 AH 6:51	A IN A HIGFEB 22 AT 6-5
MANI	MON.	MONI
M DUT YOUT FEB 8 PH 3-32	8 0 M our 4772016 FEB 15 PH 3:33	M OUT THISFEB 22 PH 313
THA A IN CHIEFEB 9 AM 6:50	17 HA	23-th A IN A ANTET EB 23 AM 6:4
THE Mound 20E	TUE.	THE OUT VY JOE
		M OUT PHISFER 23 PH 3:30
TOTA IN CONTRACTOR	17th was been	1/4/ ·
MOUT JJJJJE	WED.	Mour Voy 207
M OUT WHIFFER 10 PH 3:36		M OUT WINFEB 24 PH 3:3
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	PIN p Silvet 14.4.5	
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64/1 001 001 000 000	OUT 779916 FEB 19 PM 3:43	
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	1474 A IN ANTEFERIS PH 9:50	2174 A IN 2816 FEB 20 PN SIL
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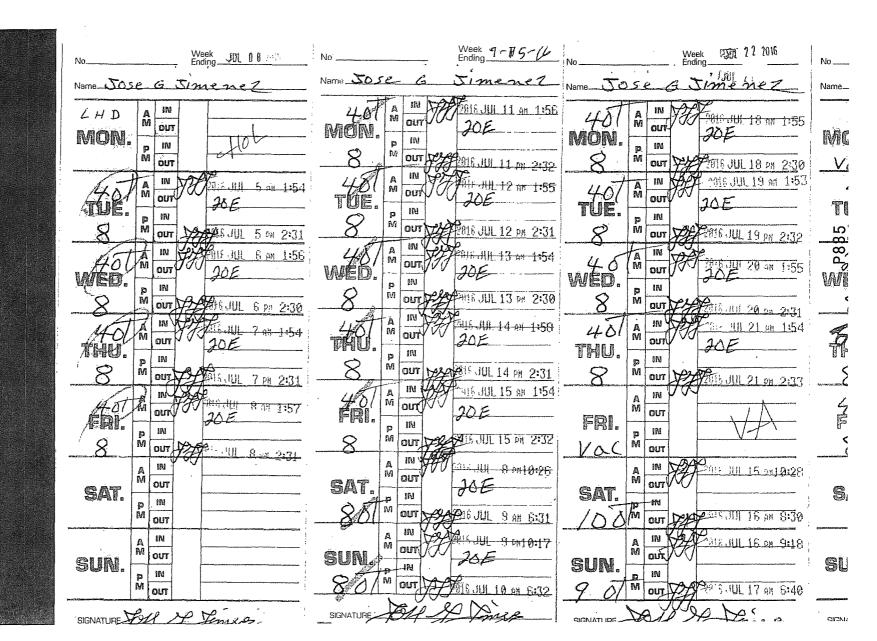
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8 M OUT 72/ ALE MAR 14 PX 1-39	8 M OUT \$ 915 HAR 21 PH 2:3
177 A IN PERSIAR 1 AM 5:47 87 4 57 A IN PILEMAR B AM 1:52 74 IN PERSIA MAR 15 AM 12:42	A M OUT PHENAR 22 AN 1:4
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S M OUT ALTHIS MAR 4 PH 2:31 S M OUT ALTHIS HAR 11 PH 2:30 S M OUT ALTHIS MAR 18 PH 2:35	OUT THAT 25 PH 2:3
741 A IN 474 316 FEB 26 PH 9:46 54 A IN 474 316 HAR 4 OH 9:48 A IN 474 316 HAR 11 PH 9:49	A IN THE BUS HAR 18 PH 9:5
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8. 07 M OUT 22 MAJEFEB 27 AM 5:05 8 0/ M OUT 22 MAIE MAR 12 AM 6:04	8 0/ M OUT ARBIN MAR 19 AM 5-20
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	457 A IN REPRESENCE 4 AM 1:45			257
	MON. PIN 20E			
AIN	40 A IN 400 THE APR 5 AM 1:52			
	TUE. P IN OUT APR 5 PH 2:33			
M QUT	40 A IN PHILAPH S AN 1:47			77100 2
A IN THE MIDIAPIT ( DM	IN CAPACING APR 5 PM 2:31		A IN	784
16th Church CGE 030"	THU. PIN 20E			T
M DUT DE HE HAR 31 PH 7:59	A IN CONTRACT R AN 1:49	A IN Y	AIN	7444
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OT M OUT SATELATIR 25 AR B:04	10-0/M OUT PHENTR 2 NH E:02	9 0/ M OUT APR 9 AM 7:09	Mout	3441
M OUT 20E	VSUN.	SUN. A IN OUT HEAFR 3 PH 9:47		Šl
07 M OUT 777916 MAR 27 AH 6:02	10- AM OUT TO THEAPK 3 AN 5:01	80/ Mour 19 Alt APR 10 AM 6:02		
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Name JOSE G JIMENEZ	Name Jase & Jimenez	Name JOSE G Jimene?	Name Jose G Jimenez
407 A IN 77 2016 MAY 2 AN 1:57 MON. P IN 20 E 20 E	HOTA IN 2916 MAY 9 AM 1:46 MON: P IN 20E	MON. MON. Marr 20E	HON. MON. Mar De Pristary 23 pri 24
8 M OUT 19 PERISMAY 2 PH 2:32			8 M OUT 29 PUBLICAY 23 PU 21
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M OUT 247 11AY 1 DH 2:31	<b>β</b> ουτ <b>β</b> <u>414</u> ΗΑΥ 11 PM 2:30	8 M OUT 1224-117 MAY 18 PH 2:32	8 M DUT 12111 MAY 25 54 2:3
THU: PIN 205	THU. p IN		THIG. M OUT 20E
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TA OUT THIE MAY 30 PH 3:00	M OUT 22 ANS JUN 6 PA 2:31	8 M OUT PAPERTE JUN 13 PH 2:30	
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	A IN FORMULA UN 3 PH 9:53	A IN 10 PH 9:57	
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Ath IN Next DR. N	8 0/ M our Capette HIN it an 6:01	8.0/M OUT PARTY JUNIT AN E-102	80/M OUT WITE JIN 19 M FIRE
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	S O M OUT A PASS JUN 5 RM 5:00	8 07 M OUT 1418 6 JUN 12 AM 6:02	8 57 M OUT PAPER JUN 19 AM 6:12
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ame Jose G Jimenez	Name Jose a Jimenez	Name Jose & Jimenez	Name Jose & Jimenez
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D ( A IN CONTRALIG 30 AM 250 M OUT 20E P IN M OUT 7241E AUG 20 BH 3132	TUE. M M M M M M M M M M M M M		4 0 M 0017 20 E 20 E 8 M 0017 20 E 20 E 20 S	<b>8</b> 37 = K
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M OUT PATE AUG 27 AM 5:34		SAT. M OUT 20 F 8 0/M OUT 20 F	SAT. A IN 351-16 == 10120 OUT 20E 8 0 M OUT 777 5:51 7 3- 6:31	
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Week 107 07	No Week OCT 1 4 2016	No Week OCT 2 1 2016	No Week 28 OET 16
me Jose & Jimenez	Name JOSE & Jimenez	Name Jose G Simenez	Name Jose G Jimenez
40 A IN THE HIGH 1-57 MON. P IN 20E	MON. MIN PARENCE STR. SINGE	40 A IN A 2011 17 - 1155 MON. P IN 20E	
TUE. PIN 20E	4.0/ M out 9 20 E 11 60 1152	40 A our 20E	
8 M aut 7 M		Р Мант 213 - сист. 8 р. 213;-	
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8 M OUT APPRILOT 5 11 2000		8 M OUT 2021 10CT 19 pr 2130	8 M OUT 26 PH 213
HOA CUT 20E	40 M out 7 20E	THU. P IN JOE	$\frac{40^{\text{M}}}{100^{\text{M}}} = \frac{100^{10}}{20E}$
	M OUT 777301-ACT 13 2# 2:30	8 M OUT 120 PM 120 PM 2:30	M our 200 - 10127 0# 213
FRI. DIN 20E	$\frac{40^{\text{N}}}{1000} = 1000000000000000000000000000000000000$	$40^{\text{A}}$ M out $20^{\text{B}}$	HOM OUT 20E
	<b>P</b> M <b>OUT C C C C C C C C C C</b>	8 M OUT AREA CT 21 24 2:32	
SAT. A IN 20E	SAT. N 20E	SAT A IN 20E	SAT. A IN 205 21 Selfing
8 0 M OUT 77 - 11 1 AU 6133	8 0/ M OUT 97 1: 001 8 at 6431	80/M OUT 999 ME 15 HE BAST	8 0 M OUT 1 1 10 1 12 AM 543
	SUN. A IN COLL HER 952	SUN. PIN 20 E	SUN. PIN
- 8 0/M OUT 7 4 5:03	8 0 M OUT 11 47 1001 9 AM 6:00		8.0 M OUT #74 27 5 10 T 23 3 7 518
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Jose G Jimenez	Name Jose G Jimenez	Name Jose & Jimenez	Name Jose G Jimenez Name
		MON. 8 MONT 20 E MONT 20 E 20 20 E 20 E 20 20 E 20 20 E 20 20 20 20 20 20 20 20 20 20	MON. 8 M OUT 2016 NOV 21 AH 6-51 2015 2015 NOV 21 AH 6-51 2015 MO 2015 2016 NOV 21 AH 6-51 2015 MO 2015 2016 NOV 21 AH 6-51 2015 2016 2015
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M         M	RI. 20E 8 0 M OUT 2016 NOU 11 AH 6:55 HOLDSO 20E 20E 3:02	A         INV         A         INV         A         B         B         B         B         INV         JC         E         JC         E         B         INV         JC         E         INV         JC         INV         INV	FRI. M OUT FI
	SAT. 8 0 M out 20 E 8 0 M out 20 E	SAT. 8 0/M CUT 2816 NOU 11 PH1026 8 0/M CUT 2816 NOU 12 AH 6-30	SAT. 9 0/ M OUT 292916 NOV 18 PH10:25 20F SA 9 0/ M OUT 292916 NOV 19 AH 7:35
	SUN. 8 0 M out 20 E 9 1N 8 0 M out 20 E 9 500	SUN. 9 0 M OUT 29116 NOV 12 PH 9:55 SUN. 9 0 M OUT 2916 NOV 13 AH 7:69	SUN. 9 07 M OUT 2016 NOV 19 pr 9:53 20E SU 9 07 M OUT 2016 NOV 20 AN 7:01
RE HALL Jones	SIGNATURE STATISTICS	CIGNIATI IDE SCALL SA NO. MO 2	VAID ANP-12

Vo Week Ending DEC 1 9 2016	No Week DFC 1 6 7016	No Week DEC 13 2018	No	Week DEC 30 2018
Vame Jose & Jimenez	Name Jose G JIMENEZ	Name Jose & Jimenel	1 Name	IMENEE
H ON M OUT 2016 DEC 5 AM 5:50 MON. P IR OUT 2016 DEC 5 PM 7:28 M OUT 2016 DEC 5 PM 7:28			MON.	
4 8 M our 2016 DEC 6 AM 1:57 TUE. P IN 225 8 M OUT 2016 DEC 6 AM 1:57	2016 DEC 13 AM 1:55 2016 DEC 13 AM 1:55 2016 8 M aur 22 2016 DEC 13 PM 2:31		A M	101 TUO 100 100 100 100 100
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Truch Dept Keek 1-8-16	No. TRACK DONT Week 1-15-16	No Traged Dar Week 1-22-16	No TRACE Dor Week Ending 1-2.9-16
о <u>Глиси Дарт</u> <u>Week</u> <u>1-8-16</u> ame_ <u>Rive</u> *(0402)	Name_Mike Offon	Name 14128 CHOD	Name USING CHAND
MOND MUT CALCONT CO	Bisy         A         IN         2816 JAN 10 PM 7:50           MON:         MON:         SUPFACE-SUBACHY	MON. PIN X HELDAY	MON. PIN 3 2815 JAN 24 PM 7:2 MON. PIN 3
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Broy A IN CHIEJAN 4 PM 7:56	BROY A IN WILL JAN 11 PH R. OR MOUT & WOST PARM RWP	BROM A IN 2815 JAN 10 PM 8:00 TUE IN S JODGY	Basy         A         W         2016 JAN 25 PH1010           TUE.         D         IM         D         IM
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SA MOUT 2015 JAN & RM 6:56	(29) M OUT 7816 JAN 15 AM 7:01		M OUT ROLE JAN 29 AM 645
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	11	n.	~ •	•	Ending <u>2-3-19</u>			7		Ending72-76			• •	- ,	9-16			•	· ·	ing <u>666 16</u>	
Sech         A         N         2016 FEB 1 or 16 - 57         Sech         A         N         2016 FEB 1 or 16 - 57         Sech         A         N         A         N         A         N         A         N         A         N         A         N         Out         Call FEB 2 and a         Sech         A         N         Out         Call FEB 2 and a         Sech         A         N         Out         Call FEB 2 and a         Sech         A         N         Out         Call FEB 2 and a         Sech         A         N         Out         Call FEB 2 and a         Sech         A         N         Out         Call FEB 2 and a         Sech         A         N         Out         Call FEB 2 and a         Sech         A         N         Out         Call FEB 2 and a         Sech         N         N         Out         Call FEB 2 and a         Sech         N	Jame	<u> </u>	· •		-	Name_0414	8["	4011	)		NameP	1K	8 (40)	W IVII	1044	Name	<u>\$0</u>	( 40			
MON.         m out         Strattage         MON.         m out         Strattage         MON.         m out         Strattage           49%         m out         250/10         1 at 6157         250/10	PROY			1		BROY			-	2016 FEB 7 PM 8:06		. M		14 2816 FE	E 14 pm 9:52	8 noy	A		i	2816 FEB 21 PM1	0:1
4 %       in our N       2.5 0/r       in our N <t< td=""><td>MON.</td><td></td><td>+ ¥</td><td></td><td></td><td>MON.</td><td></td><td>1.7.2</td><td>1</td><td>SUBULAR</td><th>MON.</th><td></td><td></td><td><b>T</b> ' '</td><td></td><td>MON.</td><td></td><td>IN</td><td></td><td></td><td></td></t<>	MON.		+ ¥			MON.		1.7.2	1	SUBULAR	MON.			<b>T</b> ' '		MON.		IN			
Jack       M       Out       M <t< td=""><td>4%-</td><td></td><td>OUT</td><td></td><td></td><td>2.50/2</td><td></td><td>our</td><td>×.</td><td>2016 FEB 8 AM 6:53</td><th></th><td>M</td><td></td><td>14 2815 Ft</td><td>B15 AH 8:04</td><td>**************************************</td><td>M</td><td>1001</td><td></td><td></td><td></td></t<>	4%-		OUT			2.50/2		our	×.	2016 FEB 8 AM 6:53		M		14 2815 Ft	B15 AH 8:04	**************************************	M	1001			
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9 OM.	A IN OUT P IN M OUT	2016 HAY 2 pt 143	<i>Вабу</i> MON. 494	M C		2015 MAY 3 PT 3125 HETROYARD SUDTINES NORTH LADDOR LAISMAY 9 1410:59	Ensy MON.	A. M P M	001	2515 MAY 16 pm 2:30	бля. MON. 4%	A M P M	1001	HETAY 23 AZ SH HETAO Y HED TEST TRAIN
y 'UE.		2015 HAY 3 441 1:33 700 Pould Sorres Hornostano Pour	8054 TUE. 2%	M o P	IN IN IN IN	1314 NAY 10 cm 1227 Horro 4 AND Revenue Loor 5-6 5-11-16 (00 AH	êra <sub>n</sub> TUE.	A M P M		2416 MAY 17 pg 2:67	8 ROL. TUE. <b>3</b> %	A M P M	IN S	BALLMAY 24 GALDA DHARIN YARD METRO YARD SOTT
ÊD.	A IN M OUT p IN M OUT	<u>304 MAY 3 50 144</u> 8	804 WED. 4%	M O			<i>в</i> лоц WED.	A M P M	IN	<u></u>	впац WED. 4 <i>°1</i> ,	A M P M	IN 2	HOW 25 me you HETRO YAAD SWITCHES BUCCHY
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o. <u>r ruged</u> ame_14112		<u> </u>		Ending_ <u>6-2-16</u>	No	,	alon	Ending0-10-10	No. TRACE. Name	· · ·	PT En	ling <u><i>Q-17-16</i></u>	No. TRAPS	• •		ek <u>6·24·16</u>
<b>66</b> Mon. 597	A M P M	OUT IN	1411	Hond Star Hond A.	MON.	A M P M	IN OUT IN CUT	2016 JUN 6 pm 2(15	Secq MON.	AM PM	HU OUT IN OUT		849 MON. 494	p	Young III II	Alter of the D
ær Tue.	A M P M	out IN		<u>1814 864 31 na 2016</u>		A M P M	IN OUT IN OUT	<u> 2014 - 2014 - 2014</u>	Erey TUE.	A M P M		<u> </u>	Ельу TUE. 494			Hores GAAD Nonth LADDER
3 <i>eg</i> e WED. ? 94	A M P M	IN	7/14-1	Ногал Чако. Ногал Чако. Ногал Ца тоота Ногал Ца тоота	Eroq WED.	A M P M	IN OUT IN OUT		8nay WED. 4%	A M P M		VEGATATION CALIONON BOACH	87.64 WED. 497			ULETRO YVED NORTH LEGATOR
гед ТНИ. <u>194</u>	a M P M	1003	TOUNIN MIR	HERE S-8 SEDENA	Erocy THU.	A N P N	IN OUT IN OUT		Екти ТНИ. 494	P M	IN SOCIAL	HOTRO YARD (HSTROYARD) (HSTROTTA)	Ее <i>б</i> у ТН <b>U.</b> 4%	P P		Матад Умар Копти Цаддея
'ел, FRI. '94	A M P M		rever	EauraHont EauraHont C Jun 3 11 p-	8n 59. FRI. 495	A M P M	N UT I I	MARNYMAD BASBALL	8rsy FRI. 4%	A M P M	IN hyperson	Исто ЧАЛД Swird Repare	Влоц FRI. 494		HANNO HAN	<u>Елабия SHOSF</u> Нотас Чало © 6[24]) Ф
'SAT. <i>8%</i>	A M P M	IN		Hanin Hard	<b>S</b> AT. <i>8%</i>	A M P M		PUP 3 MSS SIMAN Harry Har	SAT. Ensy	A M P M		Horid Higo Cau Out 30055	SAT. 8.%-			HARN YARD CALLOUT EHB
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1 NE CHOW	Ending 7-1-16	No. <u>Záde</u> t Name <u>I</u>	28 Cron	Ending 7-8-11			27 : Ending 7-15-16 2405	No. Trace Name Mi	· · · ·	Week Ending <u>7-22-16</u>	No Nam
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o <u>Inacile</u> ame_ <u>Mai</u>	٢.,	<u>``</u> `	•	ng5-16	No. Tra		Orr. Crian	VVeek Ending	2:-16	No. <u>TRACU</u> NameU		677 (4		Week Ending <u>8-19-16</u>	No. <u>TRACU</u> Name	<u>DEPT</u> IKS ( <sup>9</sup> 46	•	Week Ending <u>8-26-16</u>
<sup>ŝ</sup> r <i>e</i> i, MON.	A M P M	IN OUT IN OUT			- Erz, MON	A M P M	IN			8azy MONI.	P	IN OUT IN OUT	1		<i>Enoy</i> MON.	A IN M OUT P IN M OUT		
Broy, TUE.	A M P M	IN QUT IN QŬT		· · · · · · · · · · · · · · · · · · ·	- Bray TUE	A W P M	IN			Влон ТИЕ. 459-459	AM PM	in Out In Out	PHIL PGS	GH KINY Venatorox	Erey TUE.	A IN MOUT P IN MOUT	-	
RED.	A M P M	IN OUT IN OUT	80	8-3-16 210 P BPOKEN TIME Clock 8316 11007	- WED	A M P M	IN	· · · · · · · · · · · · · · · · · · ·	- <u></u> ! !	8e WED. 4.9	A M P M	IN OUT IN OUT	PHIL	ALERLAND Likes	Bray WED. <u>494</u>	A IN MOUT P IN MOUT		а Девеня Каналал Ензакондеко
THU:	A A M M	IN TUO IN OUT	& wrd	8-4-16 10:30 Moteo Guino Non 24 (2000) Non 24 (2000)	- <b>THU</b> - 4%	P M	IN OUT	RWP CUS	222	826h THU: 4%	A M P M	IN OUT IN OUT	PHIL	Ourie Loke in	Вроц ТНО: 494			4600 61412415 4+4 KIN4
<sup>2</sup> R64 FRI.	A M P M				- <i>Bra</i> - <b>FRI</b> - <i>49</i>	P W	IN OUT IM OUT	<u> Uloreo</u> Gai G <sup>+4</sup> -Kin		BR54 FRI. 1.5%	A M P M	ini Out Ini Out	PHIL	METRO TOST TRAIN	Еюц FRI.	A IN M OUT P IN M OUT		HETRO GREON
SAT. 1947	A M P M	IN OUT IN OUT	F	Mareo YARD	- <b>SAT</b> - <u>8%</u>	A M P M	in Out In Out	4844 JUZ 5.0001 Br	:	SAT.	A M P M	in Out In Out			SAT.	A IN M OUT P IN M OUT		· · · · · · · · · · · · · · · · · · ·
BUN.	A M P M				- SUN - 8%	A M P M	ini Out Ini Out	48= 700 Swort AB	met	SUN. 8%	A M P M	IN OUT IN OUT	ואור	<u>Енгена Suce Fry</u> 4 <sup>44</sup> Кілц Swittert	<b>SUN.</b> 8°#	A IN M OUT P IN M OUT	× 	HAR MetpoGree
- JIGNATURE _ <b>DPS</b> 1291 (Re	places	83033	1-1]	MADE IN S	SIGNATUR		(830331	-1) MADE	INJ I C A	. SIGNATURE _	-		<u> </u>		SIGNATURE			•

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	MON. 8% MON. B%			
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VO. TRACI DETT. Vame ULING CHOW	Vveek Ending_ <u>10-7-16</u>	No. Traded Name_14140	· · ·	Week Ending <u>10-14-16</u>	No Name	Der 126. Cr		No, <u>Friec</u> Name <u>Hu</u>	DETT 18 CHONS	Week Ending_ <u>10-28-14</u>
EROY MON. 404 MON. MOUT	Caulor Horses Geost-Contraction	MON. 84		Hawer Horev Roy Loop	Seoq MON.		- 7015 MCT 17 1081 21:57-	Bean MON.	a IN OUT P IN M OUT	2016 OCT 24 ph 2=15 2016 OCT 24 ph10=57
Breary TUE - A IN M CUT P IN M CUT		Bron TUE.	A IN M OUT P IN M OUT		<i>Ве</i> бц <b>ТИЕ.</b> 4%	A IN M OUT P IN M OUT	The Gott Kindy	<sup>В</sup> коц ТИЕ: 4%		2016 OCT 25 AH10:11 <i>Morae Banage</i> <i>Comment Borney</i> 2016 OCT 25 PH10:55
		Eron WED:	A IN M OUT P IN M OUT		8ktu WED.	A IN M OUT P IN M OUT		8 <sub>eq</sub> WED,	A IN OUT P IN M OUT	2016 OCT 26 рм 2:0 2016 OCT 26 рм10:5E
		Еген ТН <b>U</b> . 494		Cartonost Benert Alomo-4 thinky	Ееон <b>THU.</b> 14.0/г		A Eccest a S-los FLY 2016 OCT 20 PM 10:55	829, THU. 494		2016 OCT 27 AN1 0:20 <i>Cortula Schoole</i> <i>Get Rinley</i> 2016 OCT 27 PH1 0:51
		ideot FRI.	A IN M OUT P IN M OUT		Ewon FRI.		HUTCHET ST BETRE	Exery FRI.	A IN OUT P IN M OUT	2016 OCT 28 PM 1:58 2016 OCT 28 PM1 0:58
	Bure Carries Swetch Back	SAT. 8%	A IN M OUT JIH P IN HQ M OUT	On Herron' Brow-1	15 oct SAT.	A IN M OUT P IN M OUT		SAT. <i>8%</i> .		2016 OCT 22 PH 1:12 Calification Barriel 5 annel 2016 OCT 22 PH10:29
SUN. SUN. PIN MOUT PIN MOUT	Buisconsss Switter Back	SUN. 8%		Chaumin Bower	w oci SUN.	A IN M OUT P IN M OUT		SUN. <i>8%</i>		2016 OCT 23 PM 1:27 Care Corr Cass Corr Cass Corr 2016 OCT 23 PM10:42
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ed DEPT	Ending_//-4/-1/e	No. Trace Dopr	Ending 11-11-16	No TRACK DOPT	Vveek Ending <u>11-18-16</u>	No. 1A 104 DEPT	Vveek <u>11-25-16</u> No. 74
Unde CHOW	الله المراجع ال المراجع المراجع	Name Hills Cifer		Name Mills Course	<u> </u>	Name MINE CHE	Name_
	2016 ОСТ 31 рн 1:53 2016 ОСТ 31 рн10:53		Vacarrest		Vacation		2816 NOV 21 PH 2:05 2816 NOV 21 PH10:54
A IN A M OUT STATE	2816 NOV 1 AN 7:01 Tarce Transing		2016 NOV 8 pm 1:47	BREY TUE. A IN MOUT	2016 NOV 15 PH 1:34		2016 NOV 22 AH10:35 ERAT Nora Rovenuz Hatro Garnez
M OUT	2016 NOV 1 PH 9:02 2016 NOV 2 AM 7:07 Траск Гранничу		2816 NOU 8 PH10:55		2016 NOV 15 PH10:54	BROY A M	Напед G 90003         2.26           2015 NOV 22 PH10:55         2.26           2016 NOV 23 PH 1:41         884           2016 NOV 23 PH 1:41         884           2016 NOV 23 PH 1:55         884
P IN NARD	2816 NOV 2 ph 7:56		2816 NOV 10 PH 2:05				2016 NOV 23 PH10:55
	2816 NOV 3 ph 1:47				2816 NOV 17 PH 2:10 2816 NOV 17 PH10:51		Нашрач Т
	2016 NOV 3 PH10:55 2016 NOV 4 PH 1:24 2016 NOV 4 PH10:47		2916 NOV 10 PM10:55		VAGATION	FRI. A IN MODT 8%	2016 NOV 25 PM 1:44 Houthay, Liquite 2016 NOV 25 FME 0:431
	2016 OCT 29 PH 1:44 RAIN K-MLINIL SCOTTONES 2016 OCT 29 PH 10:45		2816 NOV 5 PH 1:42 (1911 Ours, Light Ul бле Gason 2816 NOV 5 PH10:30	SAT. <i>B</i> <sup>A</sup> <i>M</i> <i>OUT</i> <i>P</i> <i>M</i> <i>OUT</i>	2816 NOV 12 PH 1:21 ( 4) LC OUTS 2810 THO 2810 THO 2810 NOV 12 PH 10:25	SAT MOUT	2016 NOV 19 PH 2:41 4""KING Cound on TEM-LING TRAINS 2016 NOV 19 PH 10:51 8%
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No. TRACH DEPT Name Hills CHOW	vveek Ending <u>12-9-16</u>	No. Track		ичеек Ending <u>12-16-16</u>		Dov.	Week Ending23-16 )	No. TRACH Name_M	UTT INS CHE	<sup>уудык</sup> Ending <u>12-30-46</u> Ю
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	2816 DEC 6 PH 1:47 2816 DEC 6 PH 1:47	TUE.	A IN M OUT P IN M PUT	2016 DEC 13 PH 1:49 2016 DEC 13 PH 1:01	BRA TUE.		2016 DEC 20 PM 2:08 2016 DEC 20 PM10:59	êæy TUE.	A IN M OUT P IN M OUT	2016 DEC 27 PM 1:51 2016 DEC 27 PM10:51
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Ù.	A IN 2 HE MAR J AN 5:00	THU.		<del>10 м 3.55</del> тн.	A IN SE	aus HAR 17 AM 5:51	THU.		щ т MOR 24 ан 4:26	Can
۵.	р IN M от 2115 МАХ - 3 рн - 2:36	leuco.		аран <u>а</u> 1 <del>4 вн. 1034</del>		115 HAR 17 PH 2:30	2	P IN M OUT 52	415 MAR 24 ph 3:08	Paratika (nirusta) 
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$\begin{array}{c c} A & IN \\ M & OUT \\ \hline \\ M & OUT \\ \hline \\ M & OUT \\ \hline \end{array}$				P84
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# Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Wednesday, September 19, 2018 8:48 AM
To:	'Julian.Sarkar@gmail.com'; Buckley, Theresa (TTX); Cisneros, Jose (TTX); 'Patrick Roddie';
	Garcia, Barbara (DPH); Acosta, Linda (DPH); 'dc250@netzero.net'; Silva-Re, Pauline (JUV);
	'amgodman@yahoo.com'; 'Boomer, Roberta'; 'Celaya, Caroline';
	'sfmtasunshinerequests@sfmta.com'; 'simplyjanae@icloud.com'; Helms, Mike (MTA);
•	Ellison, Donald (MTA); Norona, Cherylynn (MTA); deontewalker88@gmail.com
Subject:	SOTF - Notice of Hearing - Sunshine Ordinance Task Force: October 3, 2018, 4:00 p.m.

### Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date:	October 3, 2018
Location:	City Hall, Room 408
Time:	4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 17129: Complaint filed by Patrick Roddie against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**File No: 18001**: Complaint filed by Julian Sarkar against Jose Cisneros and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance, Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

**File No. 18024:** Complaint filed by Patrick Roddie against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18050: Complaint filed by Don Chan against the Juvenile Probation Commission (JPC) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

# SPECIAL ORDER

The hearings on File Nos. 18017 and 18058 will not begin earlier than 5:30 pm.

**File No. 18017:** Complaint filed by Aaron Goodman against the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrative Code, Sections 67.7 and 67.7-1, by taking action on an item prior to posting an agenda.

**File No. 18058:** Complaint filed by Deonte Walker and Tamara Reed against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

#### **Documentation (evidence supporting/disputing complaint)**

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by 5:00 pm, September 26, 2018.

Cheryl Leger Assistant Clerk, Board of Supervisors Tel: 415-554-7724

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**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy. SUNSHINE ORDINANCE TASK FORCE



City Hall 1 Dr Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689 Tel. No. (415) 554-7724 Fax No. (415) 554-7854 TTD/TTY No. (415) 554-5227

# ORDER OF DETERMINATION October 31, 2018

# DATE DECISION ISSUED October 3, 2018

CASE TITLE – Deonte Walker and Tamara Reed v. San Francisco Municipal Transportation Agency (File No. 18058)

# FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

Complaint filed by Deonte Walker and Tamara Reed against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

# HEARING ON THE COMPLAINT

On August 21, 2018, the Education, Outreach and Training Committee acting in its capacity to hear petitions/complaints heard the matter.

Tamara Reed and Deonte Walker (Petitioners) provided a summary of their complaint and requested the Committee find a violation. Ms. Reed stated that in early April both she and Mr. Walker went to Human Resources and explained that Mr. Walker needed his personnel records as well as other documents. Ms. Reed stated that she had also emailed Donald Ellison (SFMTA) explaining the documents she needed and did not receive a response. Ms. Reed stated that some of the requested documents included a copy of Mr. Walker's personnel file, the Memorandum of Understanding (MOU), timesheets for day shifts switch repairs and supervisors, the AWOL policy and definition, Job Classification No. 7458 Service List test, Mr. Walker's workers comp form signed by both Mr. Walker and his supervisor, Mr. Walker's leaves that were in the system and vacation schedule. Ms. Reed stated that she received the MOU, Civil Service List, timesheets but still does not have the leaves policy, AWOL documents and disabled worker policy. There were no speakers on behalf of the Petitioner.

Donald Ellison, Director of Human Resources and Cheryl Lynn Norona, Labor Representative, San Francisco Municipal Transportation Agency (SFMTA) (Respondents) provided a summary of the department's position. Mr. Ellison acknowledged that the SFMTA's response was not timely but all requested documents have been provided. Mr. Ellison stated that the timeliness issue was and issue because the request was not made through the SFMTA's public records requests system on their website. Ms. Norona stated that all documents were provided by their public records manager, Caroline Celaya, who was able to enter them into the system and provided them to Ms. Reed. There were no speakers on behalf of the Respondent.

A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

Member B. Wolfe stated that on May 11, 2018, the SFMTA indicated to the Petitioner stated that they have 14 days to respond is not in the Sunshine Ordinance. Member B. Wolfe stated that when making a public records request the Respondent has 10 day to provide the requested records. Member. B. Wolfe stated that when making an immediate disclosure request, one must respond by the end of the next business day and determine if they have the records and if so, when someone can expect to receive them. If the documents are voluminous, the documents would come on a rolling basis. Member B. Wolfe requested that the above information be noted for the full SOTF.

Member B. Wolfe, seconded by Chair J. Wolf, moved to find that the records are public and referred the matter to the SOTF for hearing.

On October 3, 2018, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Member J. Wolf provided a summary of the Education, Outreach and Training Committee hearing.

Tamara Reed and Deonte Walker (Petitioner) provided a summary of the complaint and requested the Committee find a violation. Ms. Reed provided a timeline of when emails were sent requesting documents and what was and was not received.

Donald Ellison, Director of Human Resources, San Francisco Municipal Transportation Agency (SFMTA) (Respondent), provided a summary of the department's position.

Mr. Ellison stated the following documents were requested and provided if they existed:

- approved leave
- vacation hours provided
- AWOL leave
- temp exempt disabled worker policies
- DWC workers comp forms

- time cards
- sick pay and vacation time before and after the leave
- Mr. Walker's personnel file (cannot be provided but can be viewed in the SFMTA Office)

In response to questions from the SOTF Mr. Ellison stated that there is a disability leave and AWOL policy listed in the Memorandum of Understanding which was provided.

Chair B. Wolfe stated that Ms. Reed wants copies of the following documents:

- Access to Mr. Walker's personnel file
- Workers compensation form with the signatures of Mr. Walker and his supervisor
- Updated and approved leaves and vacation schedule
- AWOL policy/dates and documentation
- Page numbers of the MOU related to the leave policy/requests

Chair Wolfe suggested that the parties consult with each other to determine if there are any other documents not yet provided.

### FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the San Francisco Municipal Transportation Agency violated Administrative Code (Sunshine Ordinance), Section 67.21.

#### DECISION AND ORDER OF DETERMINATIONS

Member Tesfai, seconded by Member Hinze, moved to find that the San Francisco Municipal Transportation Agency violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner and to refer the matter to the Compliance and Amendments Committee to ensure that the remaining documents have been provided.

The motion PASSED by the following vote:

Ayes: 7 - Tesfai, Hinze J. Wolf, Cannata, Cate, LaHood, B. Wolfe Noes: 0 - None Absent: 2 - Hyland, Chopra



Bruce Wolfe, Chair

# Sunshine Ordinance Task Force

cc. Tamara Reed and Deonte Walker (Petitioner/Complainant) Donald Ellison, San Francisco Municipal Transportation Agency (Respondent)