

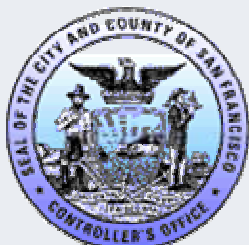


Whistleblower Program Annual Newsletter

FY 2004-05

*The Controller's Office
Whistleblower Program is
one year old.*

*Complainants may report,
for example, bribery;
fraud; campaign
irregularities; falsification
of records; malfeasance;
coercion; deliberate
neglect to perform a
duty; someone ordering a
City employee to
deliberately violate a law;
or gross misconduct.*



First Annual Report

As a result of legislation passed by the voters in 2003, the Controller was instructed to set up and administer a whistleblower program to receive and track complaints regarding waste, fraud and abuse of City resources. Program kickoff occurred August 2, 2004. Prior to that date, all City employees received a notice informing them about the new program and how to use it. This newsletter informs employees and citizens of program activity through its first year of operation.

Examples of Whistleblower Complaints Received in 2004-05

Below are some complaint allegations received from City employee whistleblowers and the results of the investigations.

Complaint Allegation

Allegation that employee was using City resources to conduct a personal real estate business.

Employee reported possible non-billing of Medi-Cal for significant drug therapies used in an AIDS program.

Allegation that staff were not showing up for work but getting paid as if working full time.

Allegation of falsification of time records by a manager for one of her staff.

Allegation that a half time City employee was working full time directing an agency contracting with the City and not performing actual work for the City.

Resolution

Investigation determined complaint had merit. Recommended 10-day suspension of employee.

Investigation revealed that billing for indicated program services was properly reimbursed at an all-inclusive rate per visit. This information was conveyed to staff to dispel misinformation.

Investigation determined allegation had merit. One supervisory employee has resigned with service noted as unsatisfactory and with no opportunity for future City employment; another has been reprimanded and warned; and the entire unit is now keeping to regular hours as assigned.

Investigation determined complainant was incorrectly stating work schedule of employee, which had been properly approved not only by immediate manager, but also by higher manager. Complaint not sustained.

Investigation determined the complaint had merit. Employee was directed to correct dual relationship and perform City work but chose to retire instead.

The Whistleblower Program received 230 complaints in its first year.

59% of the complaints were resolved within 72 hours.

57% of the complaints were received via the Hotline, 24% via the online complaint form, and 14% by email or letter.

Whistleblower Hotline
554-CITY

Hotline Hours
M, W, Th, F 9:00 – 5:00
T 10:30 – 5:00

Online
www.sfgov.org/whistleblower

E-mail
whistleblower@sfgov.org

Postal mail
Whistleblower Program
c/o Controller
City Hall – Room 316
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

This is just a small sample of whistleblower complaints that have been investigated and brought to resolution. The program has handled numerous non-whistleblower complaints as well. For examples of those, and quarterly reports, visit the Whistleblower Program website at <http://www.sfgov.org/whistleblower>.

A Reminder Of What The Program Is About

Callers who report theft, waste, or misuse of City property or other resources are called “whistleblowers.” If you believe you have observed improper professional conduct or someone has attempted to improperly influence your own professional conduct, you may report your complaint to the Whistleblower Hotline (554-CITY), by using the whistleblower complaint form on our website (<http://www.sfgov.org/whistleblower>), or by emailing the Whistleblower Program at whistleblower@sfgov.org. The San Francisco Campaign and Governmental Conduct Code provides protection against retaliation for whistleblowers as does state law. You may remain anonymous when filing a complaint.



What Do We Do With Your Complaint?

Every whistleblower complaint is reviewed to determine how it might be investigated or resolved, but all aspects of investigation and disposition are confidential by law. When you report your complaint through the Controller’s Hotline or website, you will be given a tracking number. You may follow up, using that tracking number, to determine if the complaint is awaiting investigation, being investigated, has been referred to one of the City’s legal authorities, or has been closed following investigation. Depending on the circumstances, further information may not be given. Often analysis of complaints takes a significant amount of time as other City agencies such as the City Attorney, Ethics Commission, Human Resources or District Attorney may be involved and investigators must be meticulous in every case and certain in the disposition. However, you can be assured your complaint will be given thorough attention.



Grievance Issues

Employees have also contacted the Whistleblower Program with complaints about which they have already filed a grievance. Under City law the Whistleblower Program has no jurisdiction over and may not investigate grievance issues. Each employee’s MOU delineates his or her appropriate grievance and appeal process.