



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

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Whistleblower Program - Protection from Retaliation

PROTECTION OF WHISTLEBLOWERS – RETALIATION PROHIBITED

Who is protected from retaliation?

Any current or former City officer or employee who believes s/he has been the subject of retaliation in violation of Article IV of the San Francisco Campaign and Governmental Conduct Code (Code) may file a complaint with the Ethics Commission, which shall investigate or refer the complaint.

What is "retaliation" under the Code?

The Code defines retaliation is the "termination, demotion, suspension, or other similar adverse employment action" taken against any city officer or employee for having participated in good faith in any of the following protected activities:

- Filing a complaint with the Ethics Commission, Controller, District Attorney, or City Attorney, or filing a written complaint with the complainant's department, alleging that a city officer or employee engaged in *improper governmental activity*.
- Filing a complaint with the Controller's Whistleblower Program.
- Cooperating with an investigation of a complaint conducted under the Code.

"Improper government activity" includes the following:

- Violating local campaign finance, lobbying, conflict of interests, or governmental ethics laws, regulations, or rules.
- Violating the California Penal Code by misusing city resources.
- Creating a specified and substantial danger to public health or safety by failing to perform duties required by the officer or employee's city position.
- Abusing his or her city position to advance a private interest.

What protections are provided to a whistleblower?

You are protected from adverse employment action if you filed a complaint as defined above or cooperated with an investigation of a complaint under the Code.

What should I do if I believe I have been subject to retaliation?

If you believe you have suffered an adverse employment action because of a complaint you filed as listed in Code Section 4.115(a) or because of your cooperation with an investigation under the Code, you must file a complaint with the Ethics Commission within two years after the date of the alleged retaliation. (Code Section 4.115(b)(1))

How do I report that I have been retaliated against?

It is strongly recommended that you speak with an Ethics Commission investigator to determine whether the matter about which you are complaining is within the Ethics Commission's jurisdiction. If it is not within the Ethics Commission's jurisdiction, staff will refer you to the most appropriate agency.

To speak with an investigator, please call the Ethics Commission at (415) 252-3100.

More information regarding filing a complaint with the Ethics Commission may be found at:

<http://www.sfethics.org/ethics/2009/05/complaints.html#ii>