

Whistleblower Program Quarterly Report

July 1 Through September 30, 2020



December 14, 2020
City & County of San Francisco
Office of the Controller
City Services Auditor

About the Audits Division

The City Services Auditor (CSA) was created in the Office of the Controller through an amendment to the Charter of the City and County of San Francisco (City) that voters approved in November 2003. Within CSA, the Audits Division ensures the City's financial integrity and promotes efficient, effective, and accountable government by:

- Conducting performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of service delivery and business processes.
- Investigating reports received through its whistleblower hotline of fraud, waste, and abuse of city resources.
- Providing actionable recommendations to city leaders to promote and enhance accountability and improve the overall performance and efficiency of city government.

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<http://www.sfcontroller.org>



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Whistleblower Program Authority

CSA conducts investigations under the authority of the San Francisco Charter, Appendix F, which requires that CSA receive individual complaints concerning the quality and delivery of government services, wasteful and inefficient city government practices, the misuse of city government funds, and improper activities by city government officers and employees.

Executive Summary

INVESTIGATION HIGHLIGHTS

The Whistleblower Program received 142 new reports in Quarter 1 (July 1 through September 30, 2020).

- The 142 reports received is 11 percent less than the number of reports received in the same quarter last fiscal year.

The Whistleblower Program closed 144 reports in Quarter 1 and did so in an average of 71 days.

- The program closed 106 (74 percent) of the 144 reports within 90 days of receipt.
- Of the 144 reports closed, 12 did not contain sufficient information to investigate, and 83 (58 percent) reached closure after an investigation.
- Of the 83 investigations closed, 24 (29 percent) resulted in a city department or contactor taking 24 corrective or preventive actions, including 7 personnel actions (6 written or verbal warnings and a suspension).
- The program substantiated a diverse and complex set of allegations, including those concerning management at a department spending tens of thousands of dollars of city funds and hundreds of staff hours to organize an employee appreciation event, a manager spending more than \$900 of city funds on a catered breakfast and lunch for seven city employees at the manager's home, misuse of work resources for personal purposes, and a manager requiring an employee to work although a doctor had ordered the employee to self-quarantine after potential exposure to COVID-19.

The Whistleblower Program had 103 reports open at the end of Quarter 1, 51 (49 percent) of which were 90 days old or less at that time.

To continue to manage the sustained, high number of reports received, the program has a multidisciplinary Controller's Office (Controller) team, along with a coordinated referral and follow-up process with the City Attorney's Office (City Attorney), District Attorney's Office, Ethics Commission, and others with jurisdictional oversight, that collectively possesses the experience and expertise to address the diverse range of allegations received.

PUBLIC INTEGRITY TIP LINE

In response to the federal criminal charges filed against former Public Works Director Mohammed Nuru, which were made public on January 28, 2020, the Controller and City Attorney began a joint public corruption investigation and opened a Public Integrity Tip Line (Tip Line) on February 4th to gather information specific to the investigation. The Tip Line received four tips from July 1st through September 30th, bringing the Tip Line total tips received of 60.

Also, the Controller, in cooperation with the City Attorney, instituted additional controls and reviews of Public Works contracts, purchase orders, and grants for red flags and process failures. Since late June, the Controller has issued the results of the first three parts of its ongoing series of preliminary public integrity assessments, [Preliminary Assessment of San Francisco Public Works Contracting](#), [Preliminary Assessment: Gifts to Departments Through Non-City Organizations Lack Transparency and Create “Pay-to-Play” Risk](#), and [Preliminary Assessment: San Francisco’s Debarment Process](#). Other preliminary assessments are underway for Ethical Standards for Procurement Processes of the Airport Commission and Other Commissions, Citywide Ethics Reporting Requirements, The Department of Building Inspection’s policies and practices to award permits, and a final report on the topics covered in these preliminary assessments.

QUARTER 1 OUTREACH AND EDUCATION HIGHLIGHTS

To make city employees aware of the red flags associated with various types of costly occupational fraud, the Whistleblower Program since 2016 has periodically issued bulletins on potentially fraudulent actions appropriate for investigation. In Quarter 1 the program re-issued fraud bulletins on and [mischaracterized expenses](#) and [split purchasing](#).

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Quarter 1 – Key Statistics

REPORT VOLUME

The Whistleblower Program received 142 new reports in Quarter 1, an 11 percent decrease from the same quarter of the previous fiscal year. This added to the 105 open reports the program had at the end of the previous quarter. Exhibit 1 summarizes the program’s receipt of new reports, by quarter, since fiscal year 2012-13.

Exhibit 1: Reports received, by quarter, since fiscal year 2012-13

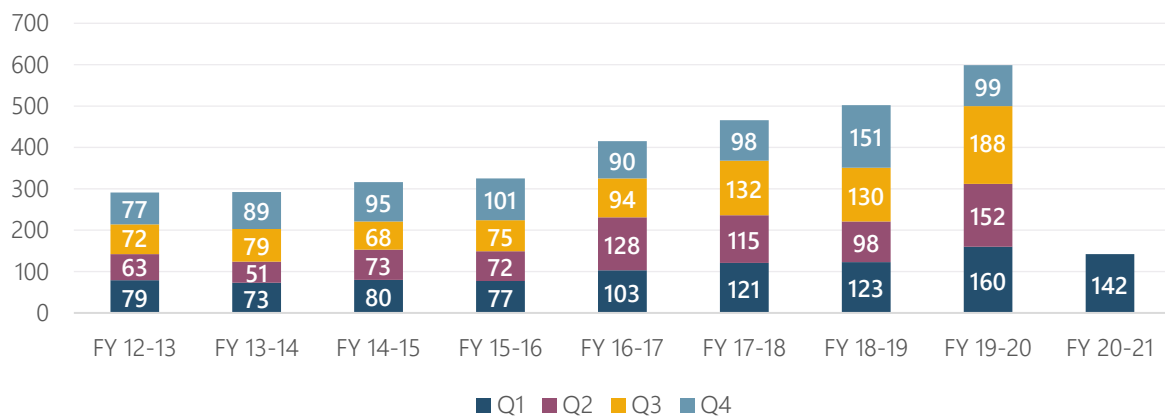
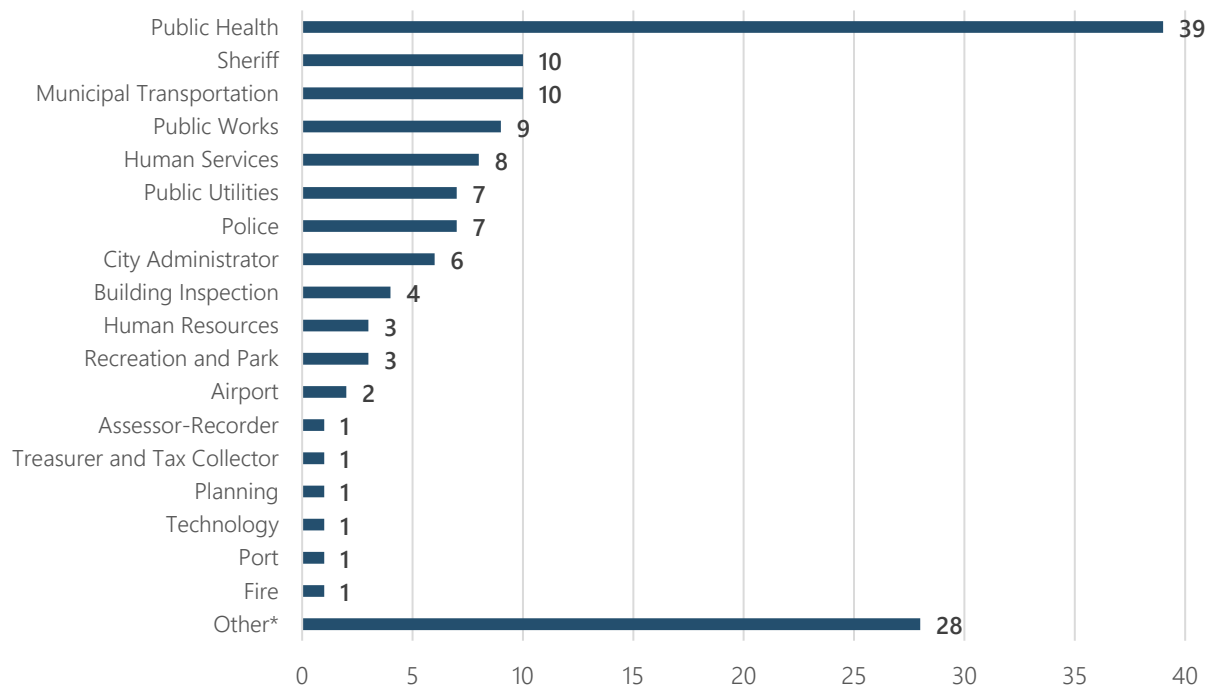


Exhibit 2: Reports received in Quarter 1, by department



*Includes reports received about departments with fewer than 200 authorized full-time equivalent (FTE) positions. The names of these departments are excluded from this exhibit to protect the confidentiality of those who reported.

Exhibit 3 shows the allegation categories reporters used when filing reports that the Whistleblower Program later investigated and closed.

Exhibit 3: Allegation categories of complaints investigated and closed in Quarter 1

Department	Quarter 1 of Fiscal Year 2020-21					Total
	Improper Activities by City Employees	Misuse of City Funds	Quality and Delivery of Government Services	Wasteful and Inefficient Government Practices	Other Complaints	
Public Health	13	7	2	1	4	27
Municipal Transportation	7	1	4	-	2	14
Public Utilities	4	2	-	1	1	8
Human Services	1	1	1	-	3	6
Public Works	4	-	1	-	-	5
Building Inspection	1	-	2	-	1	4
Police	-	-	2	-	1	3
City Administrator	-	-	-	1	1	2
Recreation and Park	1	-	-	-	1	2
Airport	1	-	-	-	-	1
Human Resources	-	-	1	-	-	1
Planning	1	-	-	-	-	1
Public Library	1	-	-	-	-	1
Sheriff	1	-	-	-	-	1
Technology	-	1	-	-	-	1
Other Departments*	3	-	1	-	2	6
Total	38	12	14	3	16	83

*Includes reports received about departments with fewer than 200 authorized FTE positions. The names of these departments are excluded from this exhibit to protect the confidentiality of those who reported.




The Whistleblower Program has received more reports each year since fiscal year 2012-13. The rising number of reports received in recent years cannot be attributed to just one factor. To continue to manage the sustained, high number of reports received, the program has a multidisciplinary team of Controller staff that use a coordinated referral and follow-up process with the City Attorney, the District Attorney, the Ethics Commission and others with jurisdictional oversight. Together, the Whistleblower Program and its partners collectively possesses the experience and expertise to address the diverse range of allegations received.

REPORT INTAKE CHANNEL

Of the 142 reports filed in Quarter 1, 126 (89 percent) came through the Whistleblower Program’s website. The Whistleblower Program is available to anyone, including employees of the City and County of San Francisco (City). Multiple intake channels ensure the program is readily accessible to potential reporters and available to them in a manner with which they are comfortable. The majority (95, or 67 percent) of reports were filed anonymously.

Exhibit 4 summarizes reporters’ use of various channels to file reports with the Whistleblower Program.

Exhibit 4: 126 of the 142 reports received in Quarter 1 came through the website

Channel	Reports Filed		Reports Filed Anonymously	
 Online	126	89%	87	61%
 Mail	7	5%	6	4%
 E-mail	9	6%	2	1%
Total	142	100%	95	67%*

*Percentages do not sum to total due to rounding.

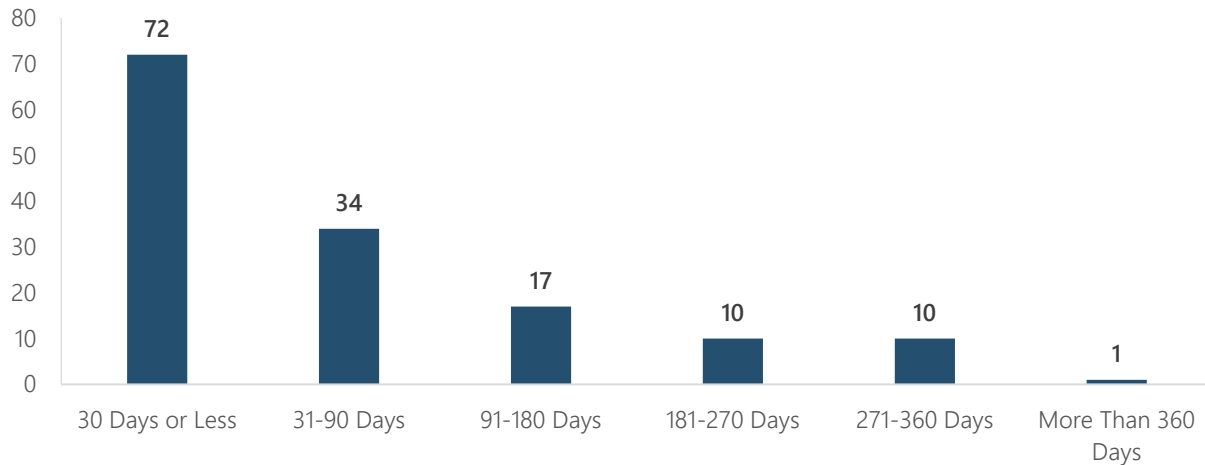
Regardless of the reporting channel used, each report is assigned a unique tracking number and is systematically reviewed so it can be resolved as efficiently and effectively as possible. Having the Whistleblower Program as the City’s central point for report intake and coordinated referrals helps ensure that reports are promptly assigned and investigated so city management can address them and that risk trends are identified.

REPORT CLOSURE TIME

The Whistleblower Program closed 144 reports in Quarter 1 and did so in an average of 71 days.

The program closed 106 (74 percent) of the 144 reports within 90 days of receipt, nearly meeting its goal to close at least 75 percent of all reports within 90 days. Exhibit 5 shows the age of reports that were closed in Quarter 1.

Exhibit 5: 74 percent of reports closed in Quarter 1 were closed within 90 days



If reports are not resolved in a timely manner, reporters may conclude that their allegations are not being taken seriously. However, there are several factors that can influence report closure time, including the:

- Complexity of the report’s allegations.
- Number of allegations made in the report.
- Availability of corroborating witnesses and evidence.

The Whistleblower Program uses a co-sourced investigation model to resolve reports.

Whistleblower Program staff leads certain investigations, whereas others may be referred to another city department involved in the allegation or with jurisdictional oversight for investigation and response. Although doing so can cause some reports to remain open longer, by coordinating with other departments, the Whistleblower Program uses the expertise of all involved and leverages resources to ensure all allegations are effectively resolved. Management of the department associated with the report must respond to the Whistleblower Program on any action(s) taken in response to the report.

DISPOSITION OF CLOSED REPORTS

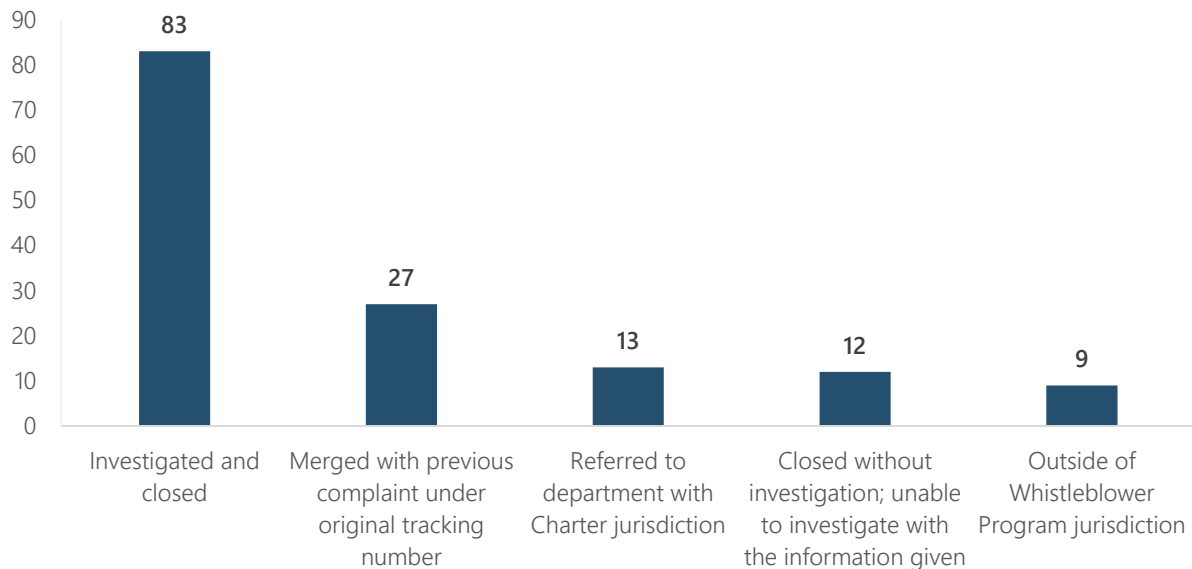
Of the 144 reports closed, 83 (or 58 percent): reached closure after an investigation.

The remaining 61 closed reports (42 percent) were categorized as follows:

- Merged with previous report. Reporter provided information for a matter that is already under investigation or that the Whistleblower Program previously investigated.
- Referred to another department. Reporter was referred to the city department with Charter-granted jurisdiction over the alleged issue.
- Closed without investigation. Reporter provided insufficient information to investigate. For example, the department or employee involved was not indicated.
- Outside of jurisdiction. The alleged issue falls within the jurisdiction of a federal, state, or other noncity government agency or is a suggestion or general report about decisions that are within management’s discretion. The Whistleblower Program will advise reporters to file such reports with another fraud hotline program if one is available and appropriate.

Exhibit 6 summarizes the disposition of the 144 reports closed in Quarter 1.

Exhibit 6: 83 of the 144 reports closed in Quarter 1 were investigated



REPORTS INVESTIGATED AND CLOSED, BY DEPARTMENT

The Whistleblower Program investigated and closed 83 reports in Quarter 1. The vast majority (76, or 92 percent) of the investigations occurred at city departments with more than 200 authorized FTE positions. Exhibit 7 summarizes the number of reports investigated and closed at these departments.

Exhibit 7: Reports investigated and closed in the last three fiscal years, by department

Department	Fiscal Year (FY)			Total	Ratio of the Percentage of Reports Investigated and Closed Divided by Department's Percentage of City Workforce ^a		
	2018-19	2019-20	2020-21 ^b		FY 2018-19	FY 2019-20	FY 2020-21
Public Health	65	88	27	180	1.22	1.35	1.56
Municipal Transportation	41	30	14	85	0.92	0.54	0.97
Public Works	27	18	5	50	2.28	1.22	1.30
Sheriff	19	28	1	48	2.37	2.85	0.39
Human Services	21	16	6	43	1.27	0.78	1.13
Public Utilities	14	12	8	34	0.80	0.56	1.42
Fire	10	21	0	31	0.73	1.25	0.00
City Administrator	7	11	2	20	1.09	1.32	0.90
Recreation and Park	7	9	2	18	0.92	0.97	0.85
Airport	7	9	1	17	0.53	0.55	0.24
Building Inspection	3	5	4	12	1.33	1.83	5.64
Public Library	4	5	1	10	0.77	0.78	0.61
Police	2	4	3	9	0.09	0.14	0.41
Emergency Management	3	2	0	5	1.41	0.77	0.00
Human Resources	1	4	0	5	0.63	2.00	0.00
Planning	0	3	1	4	0.00	1.45	1.84
Controller	1	3	0	4	0.47	1.12	0.00
Port	2	2	0	4	0.92	0.74	0.00
Treasurer and Tax Collector	1	3	0	4	0.61	1.50	0.00
Technology	0	2	1	3	0.00	0.83	1.61
Juvenile Probation	0	3	0	3	0.00	1.41	0.00
District Attorney	0	2	0	2	0.00	0.74	0.00
City Attorney	1	0	0	1	0.43	0.00	0.00
Public Defender ^c	-	1	0	1	-	0.59	0.00
All Others ^d	20	37	7	64	1.42	2.53	1.65
Total^e	256	318	83	657	-	-	-

Notes:

^a The City had the following authorized FTE positions

Fiscal Year	FTE	City and County of San Francisco, Salary Ordinance for Fiscal Year Ending:
2020-21	38,268	June 30, 2021, and Fiscal Year Ending June 30, 2022
2019-20	37,907	June 30, 2020, and Fiscal Year Ending June 30, 2021
2018-19	37,132	June 30, 2019, and Fiscal Year Ending June 30, 2020

^b Through Quarter 1 of fiscal year 2020-21.

^c Department had fewer than 200 authorized FTE positions or did not have reports investigated and closed in fiscal year 2018-19.

^d Includes reports investigated and closed at departments with fewer than 200 authorized FTE positions. The names of these departments are excluded from this table to protect the confidentiality of those who reported.

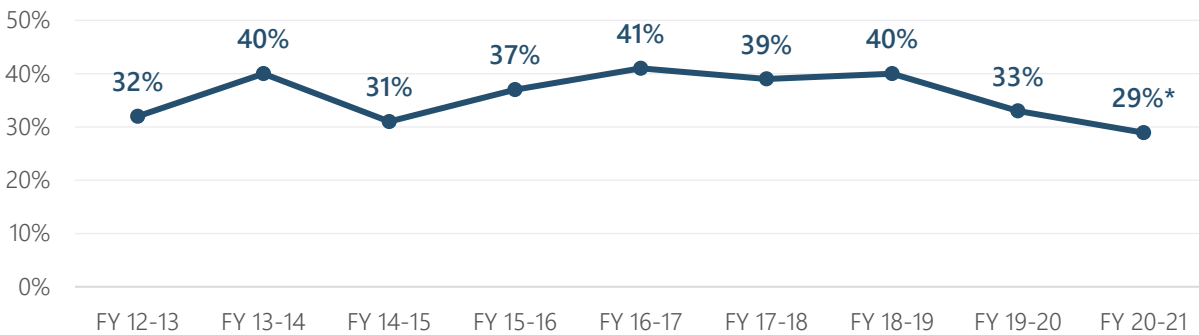
^e See Exhibit 6 for the disposition of all reports closed in the fiscal year, including those referred to another department with Charter-granted jurisdiction over the alleged issue and those closed because they had insufficient information to investigate, were merged with another report, or concerned alleged matters outside the City's jurisdiction.

Ratio Legend	
<= 1	Low
>1 but <= 1.25	Medium
>1.25	High

REPORT OUTCOMES

Of the 83 investigations closed in Quarter 1, 24 (29 percent) resulted in a department taking a corrective or preventive action. Exhibit 8 shows the percentage of investigated reports that resulted in a corrective or preventive action each year since fiscal year 2012-13.

Exhibit 8: Percentage of investigated reports that resulted in corrective or preventive action



* Year-to-date

The Whistleblower Program receives and tracks information on the corrective and preventive actions departments take in response to reports. Because reports may involve multiple subjects or contain multiple allegations, a report may have multiple outcomes.

Allegations reported to the Whistleblower Program are substantiated at a higher rate and result in more corrective and preventive actions when well-informed reporters make high-quality reports that are effectively investigated. To make city employees aware of the red flags associated with various types of costly occupational fraud, the Whistleblower Program since 2016 has periodically issued one-page bulletins on potentially fraudulent actions appropriate for investigation. In Quarter 1 the program re-issued fraud bulletins on [mischaracterized expenses](#) and [split purchasing](#), which were first issued in 2016 and 2017, respectively.

The Department of Human Resources publishes a [discipline checklist](#) to guide departments through the entire disciplinary process. For most offenses, department management is to use a system of progressive discipline under which the employee is given increasingly more severe discipline is given each time the employee commits an offense. However, management is not bound by progressive discipline in cases of serious offenses. In these cases, no specific warning or prior disciplinary action must precede an employee being separated from service for cause. A progressive discipline process may include an oral warning, a written warning, a suspension, and finally, separation for cause.

Exhibit 9 shows the 24 corrective or preventive actions taken by departments in response to report investigations in Quarter 1.

Exhibit 9: Report outcomes in Quarter 1

Action Taken	Number of Actions
Personnel Action	
<i>Employee Counseled (Verbal or Written Warning)</i>	6
<i>Employee Suspended</i>	1
<i>Employee Terminated</i>	-
<i>Employee Resigned During Investigation</i>	-
<i>Contractor Employee Terminated</i>	-
<i>Personnel Action Pending</i>	3
Other Corrective Action*	-
Polices or Procedures Changed or Reinforced	14
Restitution or Repayment	-
Total	24

* Includes corrective actions such as requiring employees to attend training or to submit additional employment paperwork or developing a professional development plan for an employee.

REPORTS REFERRED TO OTHER JURISDICTIONS

The Whistleblower Program must refer some of the reports it receives to other organizations that are required by law, contract, or policy to resolve them. Specifically, certain reports must be sent to the:¹

- City department with legal jurisdiction when federal, state, or local law requires another city department to adjudicate the report.
- City department designated in a collective bargaining agreement when the report can be resolved through a grievance mechanism established by an applicable contract between the City and a labor organization.
- Appropriate law enforcement agency (federal, state, or local) when the report involves allegations of conduct that may violate criminal law.
- Investigating city department when the report is related to an existing investigation by the District Attorney, City Attorney, or Ethics Commission and when the applicable official or department states in writing that investigation by the Whistleblower Program would substantially impede or delay its own investigation of the matter.
- Ethics Commission and City Attorney when the report alleges conduct that may violate local campaign finance, lobbying, conflict of interest, or governmental ethics laws, regulations, or rules.

The Whistleblower Program informs reporters when their allegations meet one of the above conditions and, when appropriate, ensures the report is addressed by referring it to the agency with jurisdiction or providing the reporter with contact information for the agency with jurisdiction. The Controller's Whistleblower Program retained and investigated 83 (58 percent) of 144 complaints closed in Quarter 1. Exhibit 10 shows the number of reports the Whistleblower Program referred to other departments in Quarter 1.

Exhibit 10: Reports referred to other city departments in Quarter 1

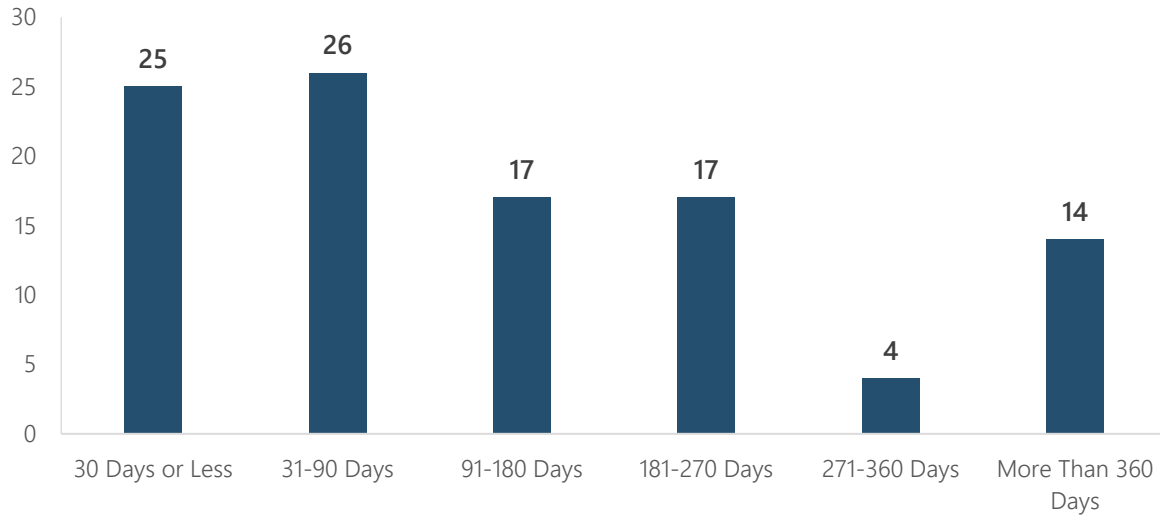
Department to Which Report Was Referred	Number of Referrals	Percentage of Q1 Complaints
City Attorney	1	1%
Civil Service	5	3%
District Attorney	2	1%
Economic and Workforce Development	1	1%
Ethics	1	1%
Human Resources	1	1%
Human Services	1	1%
Police Accountability	1	1%
Total	13	9%

¹ San Francisco Campaign and Governmental Conduct Code, Article IV, Section 4.107(b).

REPORTS OPEN ON SEPTEMBER 30, 2020

Of the 103 reports open at the end of Quarter 1, 51 (50 percent) were 90 days old or less at that time. Exhibit 11 shows the age of reports open on September 30, 2020.

Exhibit 11: 51 of the 103 reports open on September 30th were 90 days old or less



The Whistleblower Program examines the factors that delay report closure and, in some cases, works with departments' leadership to address these issues. The Whistleblower Program has focused on training departmental staff responsible for investigating reports to standardize the investigation processes used, increase the investigative skillsets of these employees, and ensure they have a uniform understanding of the responsibilities entrusted to them to carry out Whistleblower Program investigations.

WHISTLEBLOWER RETALIATION

Retaliation against whistleblowers is illegal. Protections exist for city officers and employees who in good faith file, or attempt to file, reports with the Whistleblower Program, Ethics Commission, District Attorney, City Attorney, or their own department, or who provide any information in connection with or otherwise cooperate with a whistleblower investigation.²

Whistleblower protections also apply to city contractors and their employees who file reports with any supervisor in a city department or who provide any information in connection with or otherwise cooperate with a whistleblower investigation.³

The Ethics Commission is the city department responsible for investigating reports alleging whistleblower retaliation. Exhibit 12 summarizes the results reported by the City’s Ethics Commission, including the 16 retaliation reports (12 related to the Whistleblower Program) that were open on September 30th and the number of retaliation reports the Ethics Commission received, closed, and sustained in Quarter 1.

Exhibit 12: Whistleblower retaliation reports received and closed by the Ethics Commission in Quarter 1

Retaliation Reports With the Ethics Commission	All Retaliation Reports	Retaliation Reports Related to the Whistleblower Program
Open on July 1, 2020	15	11
Received	1	1
Closed	-	-
Sustained (of those closed)	-	-
Open on September 30, 2020	16	12

Source: Ethics Commission

To establish retaliation, a reporter must demonstrate by a preponderance of the evidence that the reporter’s engagement in a protected activity was a substantial motivating factor for an adverse action that a city officer or employee took against the reporter. Reports of retaliation must be filed within two years after the date of the alleged retaliation.

The Ethics Commission’s [website](#) has more information on whistleblower protections, retaliation investigations, and available remedies in the event retaliation occurred.

² San Francisco Campaign and Governmental Conduct Code, Article IV, Section 4.115(a)

³ San Francisco Campaign and Governmental Conduct Code, Article IV, Section 4.117(a)

PUBLIC INTEGRITY TIP LINE

In response to federal criminal charges filed against the former director of San Francisco Public Works (Public Works), Mohammed Nuru, which were made public on January 28, 2020, the Controller and the City Attorney began a joint public corruption investigation and opened a Public Integrity Tip Line (Tip Line) on February 4th to gather any information the line might receive related to the investigation. Also, the Controller, in cooperation with the City Attorney, instituted additional controls and reviews of Public Works contracts, purchase orders, and grants for red flags and process failures. To date, the Controller has issued the results of the first three public integrity reviews, "[Preliminary Assessment of San Francisco Public Works Contracting](#)" on June 29th, "[Preliminary Assessment: Gifts to Departments Through Non-City Organizations Lack Transparency and Create "Pay-to-Play" Risk](#)" on September 24th, and "[Preliminary Assessment: San Francisco's Debarment Process](#)" on November 5th. Preliminary Assessments are also underway for Ethical Standards for Procurement Processes of the Airport Commission and Other Commissions, Citywide Ethics Reporting Requirements, The Department of Building Inspection's policies and practices to award permits, and a final report on the topics covered in these preliminary assessments.

The Tip Line, which is staffed by Whistleblower Program investigators, received four tips in Quarter 1. These tips were carefully reviewed to determine whether the information they contain could be used for the joint public corruption investigation or is more appropriate for another government agency to address. Exhibit 13 summarizes the dispositions of the four tips.

Exhibit 13: Disposition of tips from the Public Integrity Tip Line in Quarter 1, by fiscal year

Department	Number of Tips		
	FY 19-20	FY 20-21*	Total
Retained by Whistleblower Program	19	2	21
<i>Referred to:</i>			
City Attorney	33	2	35
Ethics Commission	2	-	2
District Attorney	1	-	1
Office of Labor Standards Enforcement	1	-	1
Total	56	4	60

* Year-to-date

Public Integrity Tip Line Intake

Public integrity tips can be provided via e-mail at publicintegrity@sfgov.org or by phone at (415) 554-7657. All tips may be submitted anonymously and remain confidential.

Investigation Results

Investigations highlighted in this section resulted in a department taking some corrective or preventive action. The diversity of these allegations and resolutions demonstrates the breadth and complexity of the Whistleblower Program’s investigative work. A complete list of reports published in previous reporting periods can be found on the [Whistleblower Program Summary Reports](#) page.

SUMMARY OF ALL INVESTIGATIONS RESULTING IN CORRECTIVE OR PREVENTIVE ACTION IN QUARTER 1

The investigations highlighted in this section addressed allegations that resulted in a department taking some corrective or preventive action in Quarter 1.⁴

Allegation	Resolution Based on Investigation
<p>A department head organized a series of employee appreciation events that cost the department thousands of dollars and a significant amount of staff time. Department managers instructed employees to bill their time spent at these events as vacation or other personal time, but did not do so themselves. A vendor used at the events was selected due to personal connections to a departmental leader.</p>	<p>The investigation substantiated that these events cost the department tens of thousands of dollars and hundreds of hours of staff time. It also substantiated that department managers recorded their hours to work (non-leave) codes after instructing staff to use personal time for these events. The investigation did not substantiate that the vendor the department used (and paid for goods and/or services provided) at the events was selected due to its relationship with any departmental leader.</p> <p>The department's response cited employee turnover as a significant impact on department operations and characterized the appreciation events as an investment in employee morale to help reduce turnover.</p> <p>Given the COVID-19 emergency, the department reports that it has no plans for additional employee appreciation events at this time but intends to discuss business at any future employee appreciation events, so that employees need not use personal time to attend.</p>

⁴ The results of these investigations are separate from and in addition to the recommendations in the public integrity review reports issued thus far (linked to on the preceding page).

Allegation	Resolution Based on Investigation
<p>A manager spent more than \$900 in city funds to cater breakfast and lunch for seven employees at their home.</p>	<p>The investigation found that the manager spent \$900 of city funds on seven employees, or approximately \$64 per meal. Although limited policy and guidance requires city employees to conduct the City’s business in a fair and cost-efficient manner, the City does not have a policy on allowable costs when providing food and beverages at work-related events. Therefore, the department developed its own policy based on the U.S. General Services Agency’s per diem expense guidelines for federal agencies.</p>
<p>A manager assigned an employee to perform field assignments despite that employee being under doctor’s orders to self-quarantine after potential exposure to COVID-19.</p>	<p>The investigation substantiated the allegation. The manager was issued a Notice of Intent to Suspend for one workday.</p>
<p>A nonprofit organization that is a fiscal agent for a city agency or commission failed to submit reimbursement requests on a timely basis.</p>	<p>The investigation substantiated the allegation. An audit of the nonprofit organization’s finances is underway.</p>
<p>An employee inappropriately socializes with individuals who seek official approvals from the employee’s department. Also, the employee has an undisclosed romantic relationship with a person who seeks official approvals from the employee’s department and gives this person improper preferential treatment in the approval process.</p>	<p>The investigation found that the employee used a city e-mail account to communicate with non-city employees on matters unrelated to work, including exchanging e-mails with individuals who seek official approvals from the employee’s department. The investigation substantiated that the employee had an undisclosed romantic relationship with a client of the department. However, the investigation found no evidence that this relationship caused the client to receive any preferential treatment. The department verbally counseled the employee on avoiding inappropriate interactions with those who do business with the City and required the employee to take Ethics training.</p>
<p>Employees abuse sick leave to prolong their employment and delay their retirement dates. The department inappropriately allows retiring employees to abuse sick leave in this way.</p>	<p>The investigation did not substantiate the allegations. However, the department refined its procedures for managing sick leave and reminded staff of its policies on this subject.</p>
<p>A division understaffs a certain position. An employee bullies staff. The bullying was</p>	<p>The investigation did not substantiate that a department’s division understaffs a certain position. The investigation substantiated that the employee exhibits</p>

Allegation	Resolution Based on Investigation
<p>previously reported to the department, but it did not stop.</p>	<p>unacceptable bullying behavior with staff and that, although this was previously reported to the department, the employee did not stop the behavior. The department is now considering the appropriate disciplinary action.</p>
<p>An employee does not properly perform job duties, including by following questionable billing practices, and conducts non-work activities during work hours. These issues have been previously reported but no action was taken.</p>	<p>The investigation substantiated that the employee was not properly performing their job duties. The department verbally counseled the employee regarding their improper work performance and billing documentation.</p>
<p>An employee inappropriately recorded coworkers without their consent. The department received a complaint about this but took no corrective action.</p>	<p>The investigation substantiated that the employee had inappropriately recorded coworkers without their consent. The department verbally counseled the employee.</p>
<p>A supervisor and their subordinate did not disclose a familial relationship to the supervisor’s manager. Also, by working on the same shift, the supervisor and subordinate violated a management plan, which was unknown to their current manager, developed by a former manager who knew of the relationship.</p>	<p>The investigation substantiated the allegations. The department established a new management plan so the subordinate no longer reports to the supervisor. Additional corrective action for failing to disclose their relationship is pending.</p>
<p>An employee slept in a city vehicle while on duty.</p>	<p>The investigation substantiated the allegation. The department verbally counseled the employee.</p>
<p>An employee slept in a city vehicle while on duty.</p>	<p>The investigation did not substantiate the allegation but did find that the employee did not comply with the department’s policy requiring employees to remain alert while on duty. The department verbally counseled the employee.</p>
<p>An employee damaged private property in the course of their work and, when confronted by the property owner, threatened to discontinue providing services to the property owner.</p>	<p>The investigation did not substantiate the allegations and found that the employee continued to respond to and provide service to the property owner after the alleged incident. However, the department verbally counseled the employee and their supervisor on the department’s core values and the need for professional conduct when interacting with the public.</p>

Allegation	Resolution Based on Investigation
<p>Two employees of a city contractor failed to follow COVID-19 health and safety protocols by not wearing face masks at a city worksite.</p>	<p>The investigation substantiated the allegation. One of the employees was permanently removed from the worksite, and the contractor no longer provides service to the City as its contract ended before the investigation was completed.</p>
<p>An employee uses a city e-mail account for personal matters and performs work outside the scope of their job duties. A manager assigns personal projects to this employee. The department’s human resources unit has failed to address these issues.</p>	<p>The investigation substantiated that the employee uses a city e-mail account for personal matters. The employee was counseled, verbally and in writing, on the appropriate use of city resources. The investigation did not substantiate the other allegations</p>
<p>A manager showed favoritism toward an employee by approving excessive overtime, which the employee did not work.</p>	<p>The investigation did not substantiate that the manager showed favoritism or inappropriately approved overtime for the employee or that the employee did not work the overtime. However, the investigation found that the employee made a typographical error when entering their time in one instance related to overtime. The department adjusted the employee’s payroll record to correct the error and the employee’s pay.</p>
<p>An employee verbally attacked and made demeaning comments about a coworker.</p>	<p>The investigation substantiated that both employees had behaved unprofessionally in the workplace. The department coached and counseled both employees, who acknowledged in writing that they have now reviewed the department’s professional conduct policy.</p>
<p>A city contractor inappropriately eliminated positions, placing greater demands on the remaining staff without a corresponding increase in compensation. The contractor’s management inappropriately created a hostile work environment, and its oversight body failed to adequately oversee and address these concerns.</p>	<p>The investigation did not substantiate the allegations. The investigation found that an ongoing review is addressing these concerns, which also have been communicated to the oversight body and city staff that works with the contractor. The City is working with the contractor to identify opportunities to improve its processes.</p>
<p>An employee posted offensive images on their personal social media platform.</p>	<p>The investigation substantiated the allegation. The department verbally counseled the employee on the City’s Equal Employment Opportunity policy, which strictly prohibits harassment based on membership in a protected category. The department also required the employee to complete harassment prevention training.</p>

Allegation	Resolution Based on Investigation
<p>A manager inappropriately approved an acting assignment pay request for an employee who was not entitled to receive such pay.</p>	<p>The investigation did not substantiate the allegation. However, the department verbally counseled the manager on the proper use of acting assignments and implemented a new acting assignments policy.</p>
<p>An employee used sick leave for time spent running a personal errand.</p>	<p>The investigation substantiated that the employee ran a personal errand while on sick leave, but records indicate that the time spent on the errand was short enough that it did not constitute a misuse of sick leave or warrant further personnel action. The department instructed the employee’s managers to closely monitor the employee’s future use of sick leave.</p>
<p>An employee acted inappropriately while parked in a city vehicle.</p>	<p>The investigation did not identify the employee that was alleged to have acted inappropriately and did not substantiate that this occurred. However, the department reports that it will counsel all of its employees on appropriate behavior while driving a city vehicle.</p>
<p>Contrary to policy, an employee did not wear a face mask.</p>	<p>The investigation substantiated that the employee did not comply with the city’s mask-wearing policy to combat the COVID-19 pandemic. The department verbally counseled the employee on wearing a mask and reminded the employee of related requirements in effect due to the pandemic.</p>
<p>A department failed to investigate a city resident’s complaint.</p>	<p>The investigation did not substantiate the allegation. However, the department explicitly notified the parties involved of the actions taken and the status of the complaint.</p>

File a Whistleblower Report

Report the misuse of funds, waste, or mismanagement in City and County of San Francisco programs and operations by contacting the Whistleblower Program.

Internet: <http://sfcontroller.org/whistleblower-program>

Telephone: 311 or, if outside the 415 area code, 415-701-2311

OR download a [report form](#) and return it via:

E-Mail: whistleblower@sfgov.org

Mail: Office of the Controller
Attention: Whistleblower Program
1 Dr. Carlton B. Goodlett Place, Room 316
San Francisco, CA 94102

Fax: 415-554-7856

**INVESTIGATIONS ARE CONFIDENTIAL.
REPORTERS MAY REMAIN ANONYMOUS.**

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File a Public Integrity Tip

Report public integrity tips by e-mail at publicintegrity@sfgov.org or by phone at (415) 554-7657. All tips may be submitted anonymously and will remain confidential.