

File No. 130111

Committee Item No. 8

Board Item No. 2

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 3/7/13

Board of Supervisors Meeting

Date 3/26/13

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Linda Wong

Date 3/4/13

Completed by: L.W.

Date 3/13/13

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

1 [Settlement of Lawsuit - Derek Kerr, M.D. - \$750,000]

2

3 Ordinance authorizing settlement of the lawsuit filed by Derek Kerr, M.D., against the  
4 City and County of San Francisco for \$750,000; the lawsuit was filed on November 16,  
5 2010, in United States District Court of California, Case No. C-10-5733 CW; entitled  
6 Derek Kerr, M.D. v. City and County of San Francisco, et al.

7

8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. The City Attorney is hereby authorized to settle the action entitled "Derek  
10 Kerr, M.D. v. City and County of San Francisco, et al.", United States District Court, Court No.  
11 C-10-5733 CW by the payment of \$750,000.

12 Section 2. The above-named action was filed in United States District Court on  
13 November 16, 2010, and the following parties were named in the lawsuit: Plaintiff Derek Kerr;  
14 Defendants City and County of San Francisco, Mitchell Katz, Mivic Hirose and Colleen Riley.

15

16 APPROVED AS TO FORM AND  
17 RECOMMENDED:

18 DENNIS J. HERRERA  
City Attorney

19 See File for Signature  
20 ELIZABETH S. SALVESON  
Chief Labor Attorney

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

See File for Signature  
BARBARA A. GARCIA  
Director

21 FUNDS AVAILABLE:

22 See File for Signature  
23 BEN ROSENFELD  
24 Controller

APPROVED:

See File for Signature  
SECRETARY OF THE SAN FRANCISCO  
HEALTH COMMISSION

25

TODAY, YOU ARE REVIEWING A WHISTLEBLOWER RETALIATION SETTLEMENT TITLED DR. DEREK KERR v CCSF.

Received  
in Committee  
3/7/13  
File # 130111

I AM THE PLAINTIFF - AND I DIDN'T WANT TO SUE THE CITY.

BUT DR. MARIA RIVERO AND I STUMBLED UPON WRONGDOING - INVOLVING LAGUNA HONDA'S CEO - THAT WE COULDN'T IGNORE.

AFTER NOTIFYING THE WHISTLEBLOWER PROGRAM, I RECEIVED A UNIQUE "PERMANENT LAYOFF" - WHILE DR. RIVERO WAS HARASSED.

WE REPORTED THE RETALIATION TO THE ETHICS COMMISSION.

BUT ETHICS DID NOTHING TO PROTECT MY CAREER.

INSTEAD, I WAS TOLD TO GET A LAWYER.

THEN, ETHICS TOOK 2 YEARS TO COMPLETE THEIR INVESTIGATION

IN RETROSPECT, A LAWSUIT WAS OUR ONLY HOPE...

BECAUSE ETHICS HASN'T SUSTAINED A SINGLE WHISTLEBLOWER RETALIATION CLAIM SINCE IT WAS FOUNDED - NOT ONE.

MANY STUDIES HAVE SHOWN THAT REPRISALS AGAINST WHISTLEBLOWERS ARE COMMON, WITH RATES UP TO 90%.

BUT WITH OUR ETHICS COMMISSION, THE RETALIATION RATE IS ALWAYS ZERO.

THAT'S WHY WE'RE HERE TODAY.

WE HOPE SOME PUBLIC BENEFIT WILL COME OF THIS, AND OFFER 2 SUGGESTIONS TO PREVENT FUTURE LAWSUITS:

1) ASK WHY - THE ETHICS COMMISSION DISMISSES EVERY RETALIATION COMPLAINT IT RECEIVES.

2) ASK THE CONTROLLER TO PERFORM A WHISTLEBLOWER SATISFACTION SURVEY.

RULES COMMITTEE 3/7/13 - KERR v CCSF

