

File No. 210349

Committee Item No. 1

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: April 15, 2021

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: John Carroll

Date: April 9, 2021

Prepared by: John Carroll

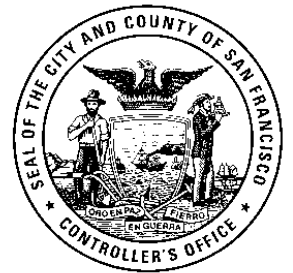
Date: \_\_\_\_\_

Prepared by: John Carroll

Date: \_\_\_\_\_

# Whistleblower Program Quarterly Report

October 1 Through December 31, 2020



March 15, 2021

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.

### Whistleblower Program Team:

Dave Jensen, *Acting Lead Audit Manager*

Tiffany Wong, *Acting Audit Manager*

Eryl Karr, *Senior Auditor*

Steven Muñoz, *Senior Auditor*

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



<http://www.sfcontroller.org>



@sfcontroller



LinkedIn Office of the Controller

## 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 149 new reports in Quarter 2 (October 1 through December 31, 2020).

- The 149 reports received is 2 percent less than the number of reports received in the same quarter last fiscal year.

In Quarter 2 the Whistleblower Program closed 185 reports and did so in an average of 83 days.

- The program closed 137 (74 percent) of the 185 reports within 90 days of receipt.
- Of the 185 reports closed, 42 did not contain sufficient information to investigate, and 93 (50 percent) reached closure after an investigation.
- Of the 93 investigations closed, 38 (41 percent) resulted in a city department or contactor taking 38 corrective or preventive actions, including 21 personnel actions (7 written or verbal warnings and a resignation).
- The program substantiated a diverse and complex set of allegations, including those concerning management not following COVID-19 safety protocols, incidents in which procurement policies were not followed, and an employee falsifying a medical note.

At the end of Quarter 2, the Whistleblower Program had 66 reports open, 37 (56 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 (District Attorney), 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 city officials and others, which were initially made public on January 28, 2020, the City Attorney is leading the investigation into alleged wrongdoing outlined in criminal charges brought by the U.S. Attorney's Office. Also, on February 4<sup>th</sup>, 2020, the Controller and City Attorney opened a Public Integrity Tip Line (Tip Line) to gather any investigation-related information it might receive. In Quarter 2 the Tip Line received 5 tips, bringing its total to 65 tips received.

Also, the Controller, in cooperation with the City Attorney, instituted additional controls and reviews of Public Works and other contracts, purchase orders, and grants for red flags and process failures.

To date, the Controller has issued the results of the first four public integrity preliminary assessments, which address:

- [San Francisco Public Works Contracting](#)
- [Gifts to Departments Through Non-City Organizations Lack Transparency and Create “Pay-to-Play” Risk](#)
- [San Francisco’s Debarment Process](#)
- [Ethical Standards for Contract Award Processes of the Airport Commission and Other Commissions and Boards](#)

Other preliminary assessments are underway, including reviews of the City’s rate-setting process for garbage collection, citywide ethics reporting requirements, the San Francisco Public Utilities Commission’s contracting process, and the Department of Building Inspection’s policies and practices to award permits. We will issue a final report summarizing the topics covered in the preliminary assessments and actions taken to implement the recommendations made, including updates and improvements to the City’s codes, policies, procedures, and regulations, to mitigate the risks identified and promote transparency.

## **QUARTER 2 OUTREACH AND EDUCATION HIGHLIGHTS**

To educate liaisons at city departments on investigative best practices, the Whistleblower Program, in partnership with the City Attorney and Ethics Commission, hosted a training session on how to conduct remote investigations on November 10, 2020.

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. This fiscal year, the program re-issued fraud bulletins on [mischaracterized expenses](#) and [split purchasing](#).

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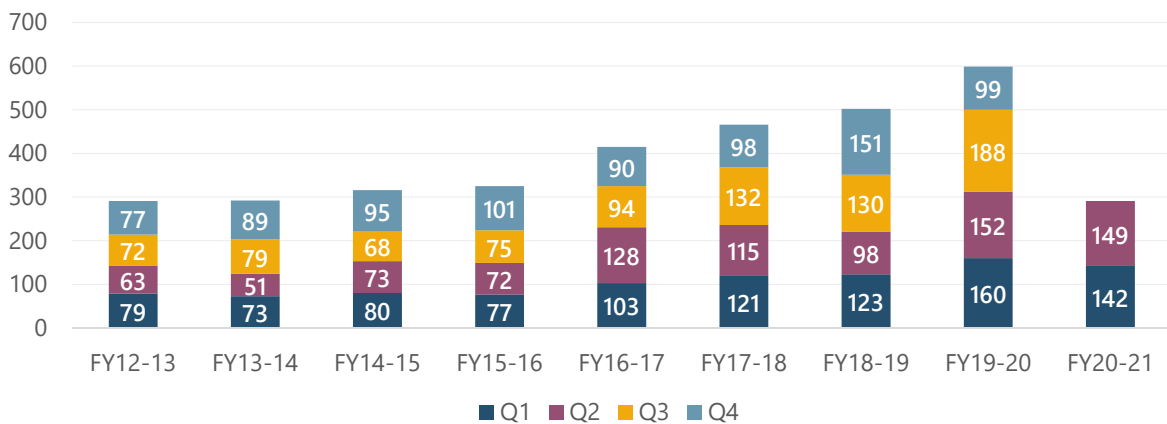
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# Quarter 2 – Key Statistics

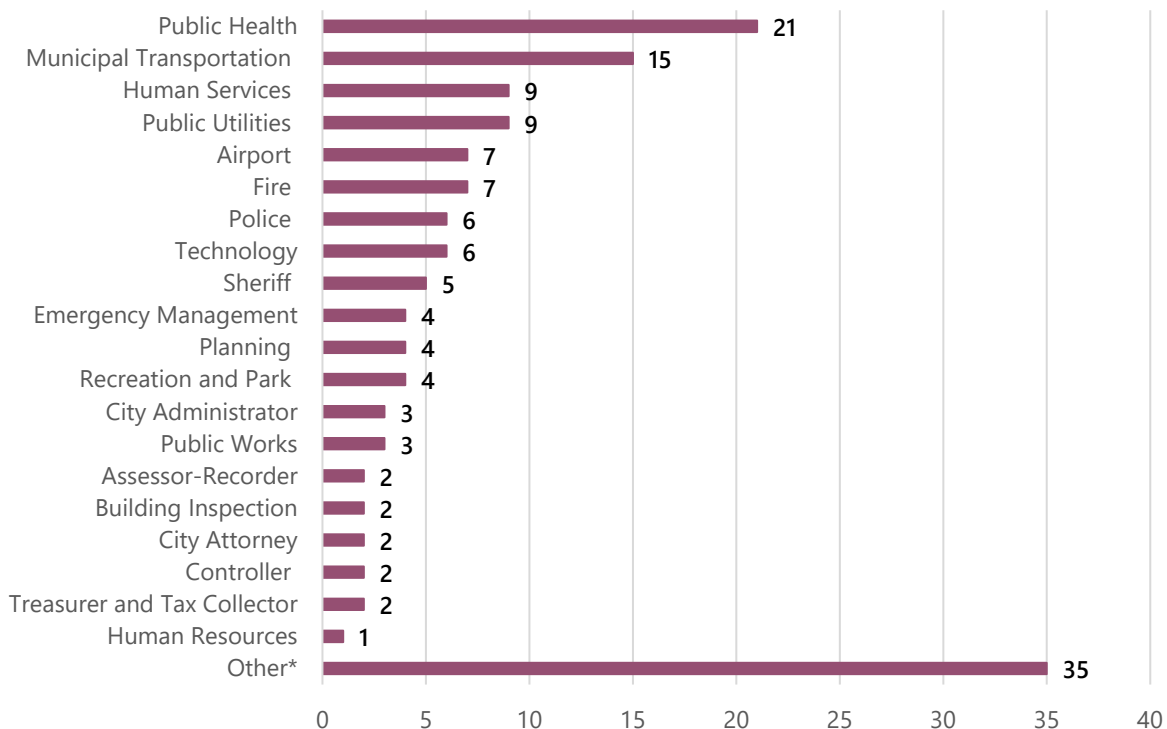
## REPORT VOLUME

In Quarter 2 the Whistleblower Program received 149 new reports, a 2 percent decrease from the same quarter of the previous fiscal year. This added to the 103 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 2, 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 2

Department	Quarter 2 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	1	2	1	3	20
Municipal Transportation	6	5	0	1	1	13
Sheriff	11	1	0	0	1	13
Public Utilities	6	1	0	2	1	10
Human Services	0	1	1	0	3	5
Public Works	4	0	0	0	0	4
Recreation and Park	1	2	0	0	1	4
City Administrator	3	0	0	0	0	3
Fire	3	0	0	0	0	3
Airport	2	0	0	0	0	2
Police	2	0	0	0	0	2
Technology	1	0	0	0	1	2
Building Inspection	0	0	0	0	1	1
Human Resources	1	0	0	0	0	1
Planning	1	0	0	0	0	1
Other*	4	3	1	1	0	9
<b>Total</b>	<b>58</b>	<b>14</b>	<b>4</b>	<b>5</b>	<b>12</b>	<b>93</b>

\* 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, District Attorney, 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 149 reports filed in Quarter 2, 138 (93 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 (91, or 61 percent) of reports were filed anonymously.

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

**Exhibit 4: 138 of the 149 reports received in Quarter 2 came through the website.**

Channel	Reports Filed		Reports Filed Anonymously	
 Online	138	93%	83	56%
 Mail	7	5%	7	5%
 E-mail	2	1%	-	-
 Phone	2	1%	1	<1%
<b>Total</b>	<b>149</b>	<b>100%</b>	<b>91</b>	<b>61%</b>

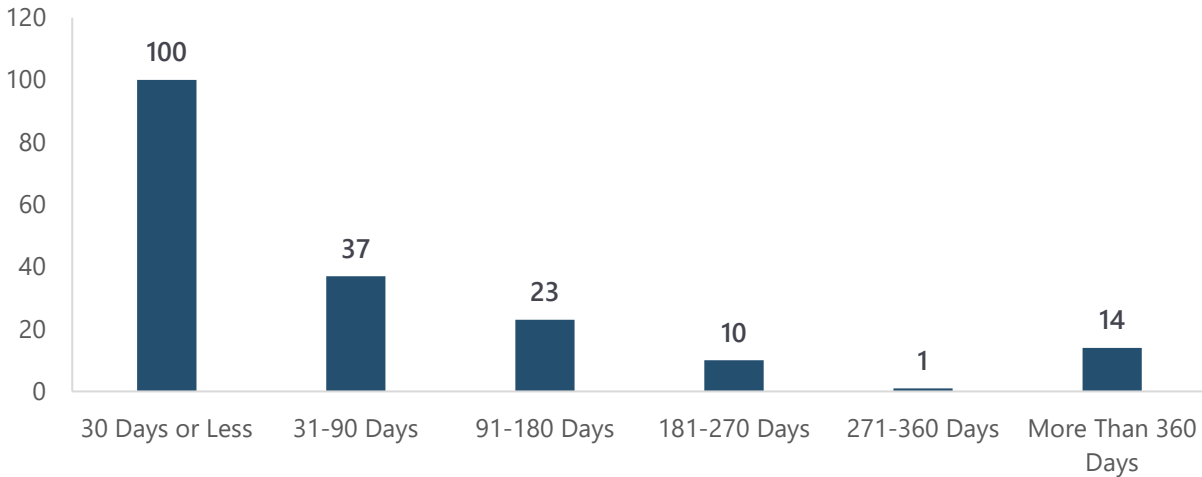
\*Percentages may not sum to total due to rounding.

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

In Quarter 2 the Whistleblower Program closed 185 reports and did so in an average of 83 days. The program closed 137 (74 percent) of the 185 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 closed in Quarter 2.

**Exhibit 5: 74 percent of reports closed in Quarter 2 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 and is required to refer certain reports directly to the City Attorney, District Attorney, Ethics Commission, or organizations that are required by law, contract, or policy to resolve them. 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. 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

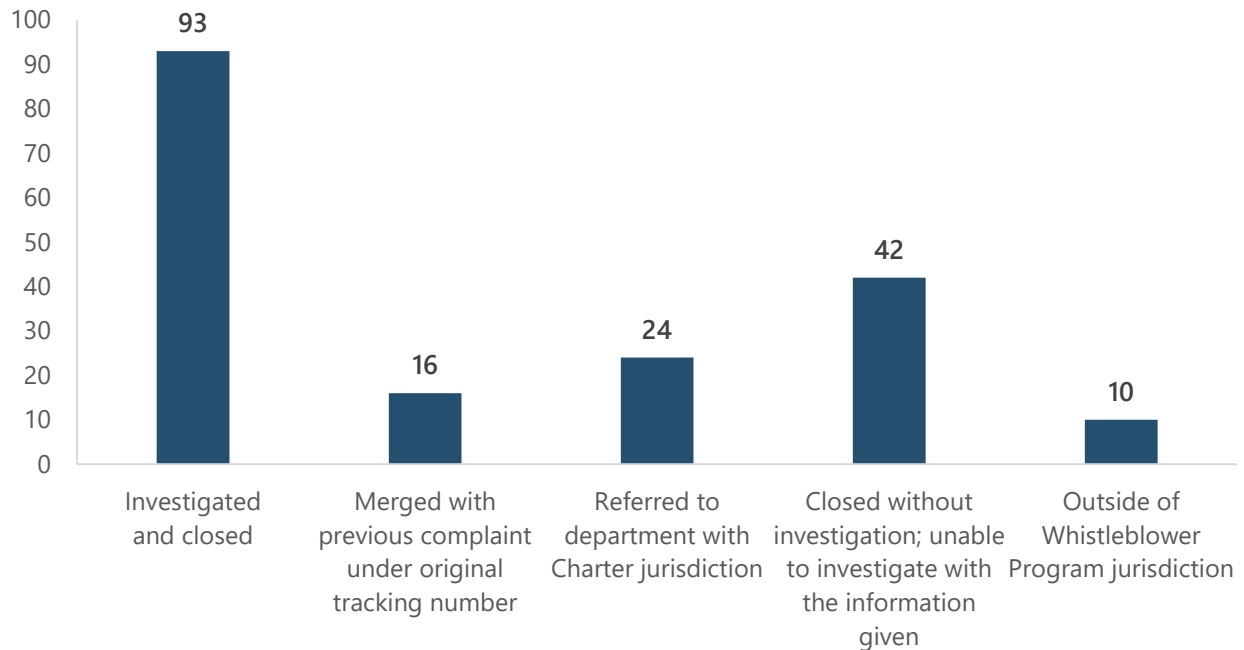
Of the 185 reports closed in Quarter 2, 93 (or 50 percent) reached closure after an investigation.

The remaining 92 closed reports (50 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 185 reports closed in Quarter 2.

**Exhibit 6: 93 of the 185 reports closed in Quarter 2 were investigated.**



## REPORTS INVESTIGATED AND CLOSED, BY DEPARTMENT

The Whistleblower Program investigated and closed 93 reports in Quarter 2. The vast majority (84, or 90 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 <sup>a</sup>		
	2018-19	2019-20	2020-21 <sup>b</sup>		FY 2018-19	FY 2019-20	FY 2020-21
Public Health	65	88	48	201	1.22	1.35	1.30
Municipal Transportation	41	30	27	98	0.92	0.54	0.87
Sheriff	19	28	14	61	2.37	2.85	2.57
Public Works	27	18	9	54	2.28	1.22	1.10
Human Services	21	16	11	48	1.27	0.78	0.97
Public Utilities	14	12	18	44	0.80	0.56	1.50
Fire	10	21	3	34	0.73	1.25	0.32
City Administrator	7	11	5	23	1.09	1.32	1.05
Recreation and Park	7	9	6	22	0.92	0.97	1.20
Airport	7	9	3	19	0.53	0.55	0.33
Building Inspection	3	5	5	13	1.33	1.83	3.31
Police	2	4	5	11	0.09	0.14	0.32
Public Library	4	5	1	10	0.77	0.78	0.28
Human Resources	1	4	1	6	0.63	2.00	0.89
Emergency Management	3	2	0	5	1.41	0.77	0.00
Planning	0	3	2	5	0.00	1.45	1.72
Technology	0	2	3	5	0.00	0.83	2.26
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
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 <sup>c</sup>	0	1	0	1	-	0.59	0.00
All Others <sup>d</sup>	20	37	16	73	1.42	2.53	1.77
<b>Total<sup>e</sup></b>	<b>256</b>	<b>318</b>	<b>177</b>	<b>751</b>	<b>-</b>	<b>-</b>	<b>-</b>

Notes:

<sup>a</sup> 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	28,268	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

<sup>b</sup> Through Quarter 2 of fiscal year 2020-21.

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

<sup>d</sup> Includes reports investigated and closed at 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.

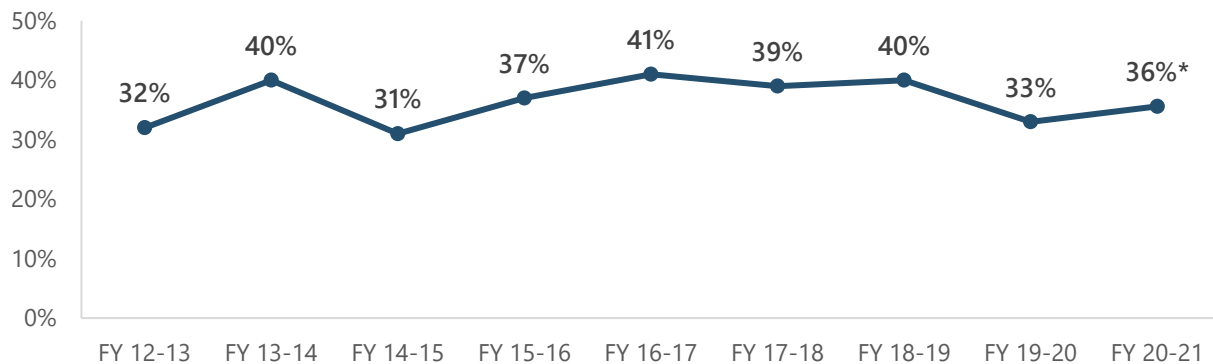
<sup>e</sup> See Exhibit 6 for the disposition of all reports closed in the fiscal year, including those referred to another department with Charter-granted jurisdiction over the alleged issue and those closed because they had insufficient information to investigate, were merged with another report, 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 93 investigations closed in Quarter 2, 38 (41 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.

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 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 38 corrective or preventive actions taken by departments in response to report investigations in Quarter 2.

### Exhibit 9: Report outcomes in Quarter 2

Action Taken	Quarter 1	Quarter 2	Total
<b>Personnel Action</b>			
<i>Employee Counseled (Verbal or Written Warning)</i>	6	7	13
<i>Employee Suspended</i>	1		1
<i>Employee Terminated</i>	-		
<i>Employee Resigned During Investigation</i>	-	1	1
<i>Contractor Employee Terminated</i>	-		
<i>Personnel Action Pending</i>	2	13	15
<b>Other Corrective Action*</b>	-		
<b>Policies or Procedures Changed or Reinforced</b>	16	16	32
<b>Restitution or Repayment</b>	-		
<b>Referred to Audit</b>		1	1
<b>Total</b>	25 <sup>1</sup>	38	63

\* 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.

<sup>1</sup> The Whistleblower Program Quarter 1 report omitted one report that was closed after investigation and resulted in corrective action. The total number of corrective or preventive actions in Quarter 1 is corrected here.

## 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:<sup>2</sup>

- 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 93 (50 percent) of 185 complaints closed in Quarter 2. Exhibit 10 shows the number of reports the program referred to other departments in Quarter 2.

**Exhibit 10: Reports Whistleblower Program referred to other city departments in Quarter 2**

Department to Which Report Was Referred	Quarter 1	Quarter 2	Total	% of Referrals
City Attorney	1	2	3	8.11%
City College*	-	1	1	2.70%
Civil Service	5	1	6	16.22%
Disability (Mayor's Office on)	-	1	1	2.70%
District Attorney	2	6	8	21.62%
Economic and Workforce Development	1	-	1	2.70%
Ethics	1	7	8	21.62%
Health Service	-	2	2	5.41%
Human Resources	1	3	4	10.81%
Human Services	1	-	1	2.70%
Police Accountability	1	-	1	2.70%
Unified School District*	-	1	1	2.70%
<b>Total</b>	<b>13</b>	<b>24</b>	<b>37</b>	<b>100.00%**</b>

\* Although not a city department, this organization is treated as one for the purpose of this report.

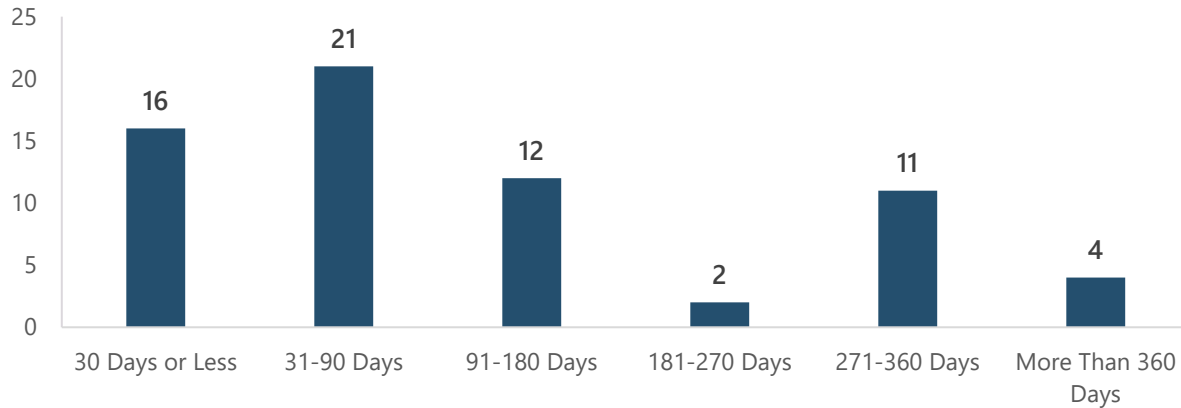
\*\* Percentages may not sum to total due to rounding.

<sup>2</sup> San Francisco Campaign and Governmental Conduct Code, Article IV, Section 4.107(b).

## REPORTS OPEN ON DECEMBER 31, 2020

Of the 66 reports open at the end of Quarter 2, 37 (56 percent) were 90 days old or less at that time. Exhibit 11 shows the age of reports open on December 31, 2020.

**Exhibit 11: 37 of the 66 reports open on December 31<sup>st</sup> 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.<sup>3</sup>

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.<sup>4</sup>

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 11 retaliation reports (9 related to the Whistleblower Program) that were open on December 31<sup>st</sup> and the number of retaliation reports the Ethics Commission received, closed, and sustained in Quarter 2.

### Exhibit 12: Whistleblower retaliation reports received and closed by the Ethics Commission in Quarter 2

Retaliation Reports With the Ethics Commission	All Retaliation Reports	Retaliation Reports Related to the Whistleblower Program
<b>Open on October 1, 2020</b>	16	12
Received	0	0
Closed	5	3
<b>Open on December 31, 2020</b>	11	9

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.

<sup>3</sup> San Francisco Campaign and Governmental Conduct Code, Article IV, Section 4.115(a)

<sup>4</sup> San Francisco Campaign and Governmental Conduct Code, Article IV, Section 4.117(a)

## PUBLIC INTEGRITY TIP LINE

In response to the federal criminal charges filed against former city officials and others, which were initially made public on January 28, 2020, the City Attorney's Office is leading the investigation into alleged wrongdoing outlined in criminal charges brought by the U.S. Attorney's Office. On February 4, 2020, the Controller and City Attorney opened a Public Integrity Tip Line (Tip Line) 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.

In 2020 the Controller issued the results of the first three public integrity reviews, "[Preliminary Assessment of San Francisco Public Works Contracting](#)" on June 29<sup>th</sup>, "[Preliminary Assessment: Gifts to Departments Through Non-City Organizations Lack Transparency and Create "Pay-to-Play" Risk](#)" on September 24<sup>th</sup>, and "[Preliminary Assessment: San Francisco's Debarment Process](#)" on November 5<sup>th</sup>. In 2021 the Controller issued the results of its fourth public integrity review, "[Preliminary Assessment - Ethical Standards for Contract Award Processes of the Airport Commission and Other Commissions and Boards](#)," on January 11<sup>th</sup>. Four other preliminary assessments underway will address the City's rate-setting process for garbage collection, the City's ethics reporting requirements, the San Francisco Public Utilities Commission's contracting process, and the Department of Building Inspection's policies and practices to award permits. We will issue a final report summarizing the topics covered in the preliminary assessments and actions taken to implement recommendations made, including updates and improvements to the City's codes, policies, procedures, and regulation, to mitigate the risks identified and promote transparency.

The Tip Line, which is staffed by Whistleblower Program investigators, has received 65 tips since its inception, 5 of which came in Quarter 2. Tips are carefully reviewed to determine whether the information they contain can 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 tips received by the Tip Line through Quarter 2.

**Exhibit 13: Disposition of Public Integrity Tip Line tips through Quarter 2, by fiscal year**

Department	Number of Tips		
	FY 19-20	FY 20-21*	Total
Retained by Whistleblower Program	19	5	24
<b>Referred to:</b>			
City Attorney	33	4	37
Ethics Commission	2	-	2
District Attorney	1	-	1
Office of Labor Standards Enforcement	1	-	1
<b>Total</b>	<b>56</b>	<b>9</b>	<b>65</b>

\* Year-to-date

### Public Integrity Tip Line Intake

Public integrity tips can be provided via e-mail at [publicintegrity@sfgov.org](mailto: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 2

The investigations highlighted in this section addressed allegations that resulted in a department taking some corrective or preventive action in Quarter 2.<sup>5</sup>

Allegation	Resolution Based on Investigation
A manager did not follow COVID-19 safety protocols in the workplace.	The investigation substantiated the allegation. The manager was required to review and sign a copy of the city’s COVID-19 workplace safety protocols.
A department inappropriately directed a vendor to contract for work with designated subcontractors, possibly to steer business to their associates.	The investigation did not substantiate that the department intentionally circumvented city procurement policies. However, the investigation did find purchases where procurement policies were not followed. The department reinforced to employees the appropriate procurement policies and reminded them of their obligation to follow city policy. The department is working with OCA to establish term contracts with certain suppliers.
A nonprofit organization misused public funds on a capital project, and some organization employees did not disclose details of the project to other employees or the public.	These allegations will be addressed by an audit.

<sup>5</sup> 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>An employee falsified a doctor’s note to request leave that that they were otherwise ineligible for, has unreported secondary employment, and works at their other job while on city time.</p>	<p>The investigation substantiated that the employee had altered the leave dates on a doctor’s note that was used to seek city approval of the leave request. The investigation also substantiated that the employee had unreported secondary employment but did not substantiate that the employee worked at the other job on city time. The employee was required to request and submit approval for the secondary employment. Corrective action is pending regarding the employee having submitted falsified medical documentation.</p>
<p>A department did not provide employees with enough workspace to allow them to socially distance. Supervisors at that location do not follow or effectively enforce social-distancing guidelines.</p>	<p>The investigation substantiated that supervisors did not follow or effectively enforce social-distancing guidelines. The investigation found that the workspace is a shared space for essential employees that lacked barriers that would enable social distancing. The department trained employees on how to clean their workspace and work safely there. The department installed air purifiers and plastic barriers in the shared working areas and supplied staff with personal protective equipment. The department also now regularly conducts walkthroughs of the workspace to ensure compliance with workplace health and safety standards.</p>
<p>An employee received kickback payments from contractors for helping them win city contracts.</p>	<p>The investigation did not substantiate the allegation but found that the employee had inappropriately accepted contractor payments at their work site rather than directing that the payments be made at the appropriate department location. Further, the investigation found that the employee made an unauthorized reduction to a previously contracted price. As the result of a previous Whistleblower Program investigation, the subject resigned in lieu of termination during the investigation and is permanently restricted from seeking employment with the City. The department is addressing findings concerning cash handling identified during the investigation.</p>

Allegation	Resolution Based on Investigation
<p>Three companies of a city contractor, each of which has a special city contracting designation, are actually operated and run by another contractor who does not qualify for the special city contracting designation. A department did not give timely updates to a reporter.</p>	<p>The investigation partially substantiated that two of the three companies were actually operated and owned by the other contractor. The department sent the two companies cease and desist letters, informing them that they could lose their special city contracting designation. The investigation did not substantiate the allegation regarding the third contractor or the allegation that the department did not give a reporter timely updates.</p>
<p>An employee did not follow safety protocols and operates equipment unsafely.</p>	<p>The investigation did not substantiate the allegations, but the department formally counseled the employee and required the employee to formally acknowledge the department’s relevant safety policies.</p>
<p>An employee did not follow COVID-19 safety protocols in the workplace.</p>	<p>The investigation substantiated the allegation. The department required the employee to formally acknowledge the City’s COVID-19 workplace safety protocols.</p>
<p>An employee, aided by managers, committed time fraud by excessively calling in sick and collecting pay for those days.</p>	<p>The investigation did not substantiate the allegation but found the employee did have excessive absences. The department counseled the employee on appropriate use of leave.</p>
<p>Managers authorized excessive overtime and inappropriate premium pay for some employees due to favoritism. One of the employees violated COVID-19 policies by working from home.</p>	<p>The investigation substantiated that employees inappropriately received excessive overtime and premium pay. Managers were counseled on appropriate payroll, time, and attendance procedures. The investigation did not substantiate that any employee had violated COVID-19 policies.</p>
<p>A city-related website jeopardized personal information because it would not allow users to reset their passwords after a security breach.</p>	<p>The investigation did not substantiate that any personal information was compromised due to the security breach. Technical issues with the website were identified and resolved.</p>
<p>An employee inappropriately used the city e-mail system to send personal communications.</p>	<p>The investigation substantiated inappropriate use of the city e-mail system. The employee was counseled on city e-mail policy, which prohibits personal use.</p>
<p>Managers allow an employee to ignore job duties and sleep on the job.</p>	<p>The investigation did not substantiate the allegation. However, all involved employees were reminded of their duty to adhere to city policy.</p>

Allegation	Resolution Based on Investigation
A senior manager has a substance abuse issue that adversely affects their job performance, falsifies time records, and made disrespectful comments about coworkers.	The investigation did not substantiate the allegations. However, the manager was required to formally acknowledge relevant city policies.
Employees create a hostile work environment when other employees submit overtime slips to them. The department does not (but should) accept overtime slips after the end of the pay period in which the overtime was worked and does not accurately record overtime hours for certain employees.	The investigation did not substantiate the allegations, but found that some employees were not accepting overtime slips per policy. The department reinforced its practice to accept all overtime and payroll correction requests. The department also reissued its overtime policy memorandum.
An employee uses city funds to purchase equipment for their personal use, hides equipment from their supervisor, and brought city equipment home for their personal use.	The investigation substantiated that the employee put to personal use equipment that a third party had loaned to the City. The department recommended that the employee be suspended for one day, but final action is pending.
An employee in a city vehicle smoked a cigarette, then discarded it from the vehicle's window.	The investigation substantiated the allegation. The employee was reminded that city policy prohibits smoking in a city vehicle, was counseled on the potential hazards of throwing a cigarette (or cigarette butt) into dry grass, and was instructed to refrain from littering while on duty.
An employee used offensive language and insulted a colleague.	The investigation did not substantiate the allegation, but the department required the employee to formally acknowledge the city policy on the treatment of coworkers and members of the public.
Employees falsified their time and attendance records and neglected their duties.	The investigation substantiated the allegations. Corrective action is pending.

Allegation	Resolution Based on Investigation
<p>A city contractor's employees commit time fraud, violate city policy on drugs in the workplace, misappropriate program supplies and funds, and use program vehicles for personal purposes. Contractor management does not discipline its employees for misconduct and discriminates in its hiring. City employees overseeing the contract approved payments to the contractor for unallowable expenses.</p>	<p>The investigation did not substantiate the allegations, but confirmed weaknesses in the contractor's controls over the use of its vehicles. The contractor installed Global Positioning System (GPS) monitoring devices in its vehicles and implemented new vehicle-use reporting procedures.</p>
<p>A supervisor inappropriately used city resources for personal use, instructed an employee to use a city vehicle to pick them up, falsified time worked, restricted access to shared city resources, engaged in and permitted destruction of city property, and parked their personal vehicle on city premises without permission. The supervisor also inappropriately approved overtime for employees to engage in non-city activities that benefitted the supervisor.</p>	<p>The investigation partially substantiated that the employee parked a personal vehicle on city premises, and corrective action is pending regarding this. The investigation did not substantiate the other allegations. However, a bulletin addressing the appropriate use of city resources will be posted.</p>
<p>A supervisor and employees work unnecessary overtime after their regular shifts and on days when they are not required to work. The supervisor falsifies their time and attendance records and is allowed to accrue overtime due to a friendship with their manager. The same supervisor uses a city computer for personal purposes.</p>	<p>The investigation substantiated that the supervisor and employee worked unnecessary overtime, but the overtime was approved by the division manager. The manager was counseled for approving the unnecessary overtime. The investigation did not substantiate that the subjects falsified time and attendance records or misused city resources for personal purposes.</p>
<p>An employee falsifies time and attendance records, and the employee's supervisors failed to address the allegations after they were informed of them.</p>	<p>The investigation substantiated that the employee falsified their time and attendance records. The investigation did not substantiate that the supervisors failed to address the allegations. Corrective action is pending.</p>
<p>A supervisor instructed other employees to take long breaks without appropriately recording this in time records and displayed unprofessional behavior.</p>	<p>Although the supervisor denied instructing staff to take longer breaks without accounting for their time, the investigation found that the supervisor displayed poor communication skills, which caused staff to misinterpret the supervisor's instruction. The subject was required to attend supervisor training.</p>

Allegation	Resolution Based on Investigation
An employee used inappropriate physical force against a client, and department management did not impose discipline.	The investigation substantiated that the employee used inappropriate force against a client. The department and employee are engaged in the disciplinary process, and corrective action is pending.
An employee used and instructed other employees to use city vehicles for their personal benefit and has unreported secondary employment.	The investigation found that the employee stated they took a city vehicle home for personal, emergency, and medical situations with the approval of a manager. However, that manager no longer works for the City, and the investigation found no documentation of such approval. The investigation did not substantiate that the employee had secondary employment. Corrective action for taking home a city vehicle without authorization is pending.
An employee sleeps during work hours and ignores their job duties.	The investigation found that the employee did not perform their duties as prescribed by policy, but did not substantiate that the employee slept during work hours. Corrective action is pending.
A supervisor instructed staff to falsify procurement documents and instructed subordinates to intentionally mishandle cash so that they could deposit it into their personal bank accounts.	The investigation did not substantiate the allegations but found that the supervisor engaged in an inappropriate workplace interaction. The supervisor was required to formally acknowledge the department's policy on respecting coworkers.
A supervisor claims excessive amounts of overtime and concealed information about another employee, who is a friend, from the department. Also, the supervisor and the employee have unreported secondary employment.	The investigation did not substantiate that the supervisor claims excessive amounts of overtime or concealed information about their coworker friend from the department, but did substantiate that both had unreported additional employment. Each was required to submit a request for additional employment.
An employee was rude and belittling to a colleague and recommended the wrong course of action regarding the treatment of a client.	The investigation did not substantiate the allegations, but the employee was counseled on the importance of speaking with colleagues and clients respectfully.



Allegation	Resolution Based on Investigation
<p>An employee falsifies time and attendance records, uses city resources for personal benefit, watches videos on a personal electronic device, and talks on a personal phone during work hours.</p>	<p>The investigation found that the employee was excessively tardy and used city resources for personal purposes. Although the employee acknowledged to have used a personal electronic device at work, it was, at least in part, to watch work-related training videos. The employee also was found to have made and received calls on a personal phone during work hours, but it was not to an extent that would reduce productivity. The department informed the employee that it does not allow excessive tardiness. The subject was also counseled on the appropriate use of city resources.</p>
<p>A supervisor hired employees based on their race and to perform tasks only for the supervisor. The supervisor sent an inappropriate e-mail to their team, uploaded to the internet a video depicting staff without their consent, served alcohol at a team lunch, and played music after a staff meeting and asked that everyone dance. The supervisor also failed to show interest in the team's operations.</p>	<p>The investigation did not substantiate the allegations, but the department provided management skills coaching to the supervisor.</p>
<p>An employee gained personally through the negotiation and approval of a contract, engaged in self-dealing, had unreported secondary employment, and inappropriately uses a city e-mail account for personal purposes.</p>	<p>The investigation did not substantiate the allegations concerning personal gain through the negotiation and approval of a contract, self-dealing, or unreported secondary employment. The investigation did substantiate that the employee inappropriately used a city e-mail account for personal purposes. The department verbally warned the employee about the improper use of the city e-mail system and reminded the employee to adhere to the department's statement of incompatible activities.</p>
<p>A departmental division failed to take appropriate steps to protect a recipient of its services, inappropriately revealed the identity of the reporter, failed to investigate the legality of documents, and provided poor customer service to the reporter.</p>	<p>The investigation did not substantiate the allegations. Although the investigation could not definitively determine whether the department appropriately considered the legality of documents, the department changed its procedures and opened an internal investigation into the matter.</p>

Allegation	Resolution Based on Investigation
<p>A manager falsifies time and attendance records by arriving to work late and leaving early. In the manager’s absence, supervisors also arrive late, which causes them to be unavailable to subordinate staff who need to consult with them.</p>	<p>The investigation substantiated the allegation against the manager, who separated from city employment before the department could take corrective action.</p>
<p>Unspecified employees misuse a former city employee’s badge (access card) that was not deactivated when the employee left city employment.</p>	<p>The investigation substantiated the allegations. The department deactivated the card and advised management of the employee’s unit that the unit’s internal controls do not comply with departmental policy.</p>
<p>An employee has undisclosed secondary employment and engages in unemployment insurance fraud.</p>	<p>The investigation substantiated that the employee failed to disclose their secondary employment, which contributed to the department’s decision to terminate the employee. The allegation concerning unemployment insurance fraud is outside the City’s jurisdiction, and the Whistleblower Program notified the reporter of the state agency to which such allegations should be reported.</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](mailto: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.**

### Whistleblower Program Contact Information

Dave Jensen	<i>Acting Lead Audit Manager</i>	415-915-8105	<a href="mailto:dave.a.jensen@sfgov.org">dave.a.jensen@sfgov.org</a>
Tiffany Wong	<i>Acting Audit Manager</i>	415-636-8578	<a href="mailto:tiffany.b.wong@sfgov.org">tiffany.b.wong@sfgov.org</a>
Eryl Karr	<i>Senior Auditor</i>	415-610-5044	<a href="mailto:eryl.karr@sfgov.org">eryl.karr@sfgov.org</a>
Steven Muñoz	<i>Senior Auditor</i>	415-636-7798	<a href="mailto:steven.munoz@sfgov.org">steven.munoz@sfgov.org</a>
Matthew Thomas	<i>Acting Senior Auditor</i>	415-855-2967	<a href="mailto:matthew.s.thomas@sfgov.org">matthew.s.thomas@sfgov.org</a>
William Zhou	<i>Acting Senior Auditor</i>	415-636-9405	<a href="mailto:william.zhou@sfgov.org">william.zhou@sfgov.org</a>
Majeedah Wesley	<i>Staff Analyst</i>	415-813-2574	<a href="mailto:majeedah.wesley@sfgov.org">majeedah.wesley@sfgov.org</a>

## File a Public Integrity Tip

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

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only