

County of Santa Clara
Board of Supervisors
Supervisory District Three
Supervisor Dave Cortese



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DATE: September 15, 2009

TO: Board of Supervisors

FROM: 

Dave Cortese
Supervisor, District 3

SUBJECT: Whistleblower Program for the County of Santa Clara

RECOMMENDED ACTION

Refer to ESA staff a request to bring forward through the Finance and Government Operations Committee the parameters for a Whistleblower Program.

REASONS FOR RECOMMENDATION

A comprehensive Whistleblower Program would provide the public and county employees with a safe means to express concerns about:

- employee misconduct
- supervisor misconduct
- misuse of public resources including government funds
- inefficiencies/wastefulness in the delivery of government services
- other observations of misconduct

BACKGROUND

The County of Santa Clara currently does not have a policy on whistleblowing. As such, there is no anonymity for complainants whether they are County employees or members of the public. Although best efforts may be made to protect the identity of a complainant, there is no guarantee.

Whistleblower programs have been proven to be an effective means for protecting the integrity and efficacy of government services. If an employee or member of the public observes a county business practice that is either wasteful or being conducted unethically, a whistleblower program (wherein complaints can be made anonymously or not) provides protection against retaliation against the complainant. As fear of retaliation is very natural, the protection afforded by whistleblower programs is a key reason that they are so popular amongst workforces and with the public. Over the years, whistleblower programs have evolved so investigators are not burdened by pursuing scores of anonymous complaints by requiring anonymous complainants to call back periodically so that any follow up questions from investigators may be asked.

It is recommended that county staff develop the parameters for a whistleblowing program that includes the following:

- types of complaints that may be reported
- method for registering complaints (email, fax, letter, hotline, etc)
- what type of information the complaint should include
- what the process will be for handling the complaint
- how to register an anonymous complaint
- to what extent anonymous and non-anonymous complaints can remain confidential
- how the whistleblower program will be marketed to the county workforce and the public

The proposed program should incorporate best practices from other jurisdictions as well as feedback from our collective bargaining units. The draft program should be presented for comment at the November FGOC, for eventual consideration by the Board in December.