c Accept semi-annual report from the Office of the County Counsel relating to the status of the 24/7 Whistleblower Program established by the Board for the reporting and investigation of improper government activity.

Information

<table>
<thead>
<tr>
<th>Department:</th>
<th>County Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category:</td>
<td>Report</td>
</tr>
</tbody>
</table>

Sponsors:

Attachments

Whistleblower Program Report - November 1, 2013 - April 15, 2014

Body

**FISCAL IMPLICATIONS**

There is no impact to the General Fund as a result of this action.

**REASONS FOR RECOMMENDATION**

Section 3.50.4 of the Board of Supervisors’ Policy Manual provides that the Office of the County Counsel shall be responsible with regard to the 24/7 Whistleblower Program ("Program") for reporting at least twice per year to the Board the number of complaints received, a synopsis of each complaint, investigative findings and disposition.

An analysis of the complaints received and handled during the reporting period November 1, 2013 to April 15, 2014 is attached to this transmittal.

**CHILD IMPACT**

The recommended action will have no/neutral impact on children and youth.

**SENIOR IMPACT**

The recommended action will have no/neutral impact on seniors.

**SUSTAINABILITY IMPLICATIONS**

The recommended action will have no/neutral sustainability implications.

**BACKGROUND**
At its April 13, 2010 meeting, the Board adopted Policy Resolution No. 2010-211 adding Section 3.50 to the Board of Supervisors’ Policy Manual directing the establishment of a process for the receipt, acceptance, investigation, documentation and monitoring of reports of improper government activity in accordance with County of Santa Clara Ordinance Code, Division A25, sections A25-750 to A25-753. On April 27, 2010, the Board adopted an amendment to Chapter VII of Division A25 to establish a central intake system through the Office of the County Counsel to receive, accept, screen, document, analyze, investigate and track whistleblower complaints.

County Counsel implemented the Program, assigning responsibility to an Assistant County Counsel and specified staff members to develop a telephone-based system to receive and process whistleblower complaints along with an online system developed in cooperation with the Information Services Department (ISD). An anonymous telephone reporting service was established allowing callers to speak with specified staff members during business hours and to leave confidential messages at a voicemail address during non-business hours, accessible only by members of the County Counsel team. A web-based reporting system was created, which includes a form to be completed and submitted online by complainants and which is then automatically directed to a specified member of the team. Finally, an internal protocol for handling complaints was enacted, calling for all complaints to be forwarded to the Assistant County Counsel for screening and referral for investigation, for records to be retained confidentially in County Counsel’s document system, for maintenance of a record of complaints handled, and for coordination with the Employee Services Agency (ESA) where many of the complaints are investigated.

Before this reporting period, the County had received 369 complaints through the Whistleblower Program since its inception, which is an average of about 53 complaints per six-month period.

**Update for this Reporting Period (November 1, 2013 – April 15, 2014)**

During the current reporting period from November 1, 2013 to April 15, 2014, County Counsel received 35 contacts through the Whistleblower Program. Twenty-four (69%) were complaints concerning personnel matters, including hiring, employee interactions with co-workers, and other personnel-related matters; six were non-personnel complaints; and five were determined not to be County whistleblower matters, because the complaint concerned entities other than the County or the complaint failed to provide sufficient information to conduct an investigation or the contact did not constitute a complaint within the scope of the County’s Whistleblower Program.

This reporting period evidenced a 36 percent decrease in the number of complaints received as compared with the last reporting period (May 1, 2013 to October 31, 2013). A continuing trend in the Program is that the majority of the complaints concern personnel matters, often involving employees complaining about co-workers or supervisors.
During this reporting period, County Counsel continued working with ESA to investigate and close pending complaints concerning personnel matters and to address new complaints. County Counsel also referred certain personnel complaints directly to County agencies and departments where the issues arose.

The attachment to this transmittal briefly describes the complaints that were received during this reporting period, as well as the investigation status and file-closure status of those complaints. Of the 30 personnel and non-personnel complaints, six were closed. The County closed six additional complaints that had been received during prior reporting periods.

Beginning in October 2013, two members of County Counsel’s office began participating in a new webinar/teleconference forum that encourages discussion and collaboration among public entities throughout the nation regarding best practices for fraud-reporting hotlines and whistleblower programs. The Office of the Controller for the City and County of San Francisco, which has operated a whistleblower program since 2004, is coordinating this collaborative information exchange. County Counsel intends to evaluate information and best practices from other jurisdictions and, if appropriate, recommend modifications to the County’s policies and practices.

**CONSEQUENCES OF NEGATIVE ACTION**

The semi-annual report of the 24/7 Whistleblower Program will not be accepted.

**Meeting History**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Video Status</th>
<th>Board of Supervisors</th>
<th>Regular Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jun 10, 2014 9:00 AM</td>
<td>Video</td>
<td>Board of Supervisors</td>
<td>Regular Meeting</td>
<td></td>
</tr>
</tbody>
</table>

**RESULT:**  ACCEPTED [UNANIMOUS]

**MOVER:** Cindy Chavez, Supervisor

**SECONDER:** Ken Yeager, Supervisor

**AYES:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

Powered by IQM2
Intelligent Meeting Management Solutions