Date: March 30, 2011

To: Human Resources Officers
Equal Employment Opportunity Directors

From: Bruce Gibson
Senior Director
Equal Opportunity & Whistleblower Compliance Unit
Human Resources

Subject: California Whistleblower Protection Act Requirements

Overview

Audience: Campus designee(s) responsible for implementation of the California Whistleblower Protection Act requirements

Action Items:
- Post the California Whistleblower Protection Act poster at locations where other employee notices are posted
- Send the notice to employees via electronic mail by **April 1, 2011, or as soon thereafter as possible**
- Complete the Survey to Confirm Compliance with the California Whistleblower Protection Act and submit it to the Chancellor's Office by **May 2, 2011**

Affected Employee Groups/Units: All employees

Summary

CSU campuses are required to post information regarding the California Whistleblower Protection Act and to annually e-mail an electronic notice regarding this law to all employees. This year, a new poster and email notice are provided by the California Bureau of State Audits ("BSA"). Campuses shall replace the current poster with the new poster; send the email notice to all employees this year by April 1, 2011, or as soon thereafter as possible; and complete and submit the attached survey to the Chancellor's Office by May 2, 2011.

The California State University is required to inform its employees about the California Whistleblower Protection Act (CWPA) (Government Code §§ 8547 et seq.) by displaying a poster and annually sending an electronic mail notice. Both the poster and notice are provided by the California Bureau of State Audits (BSA) to state agencies, including CSU, as required under California Government Code § 8548.2. Additionally, under California Labor Code §1102.8,
Campuses are required to include the California Attorney General’s whistleblower hotline numbers in the poster and electronic mail notice.

This year, BSA has once again changed its poster and electronic mail notice. For your convenience, these documents are attached (see Attachment A and Attachment B).

Campuses are required to print the BSA poster, which is located at http://www.bsa.ca.gov/pdfs/other/whstlblr.pdf. Campuses must add the name, title, campus address, and phone number(s) of the campus administrator(s) responsible for complying with CSU Executive Order 929 and Executive Order 822. This poster must also contain the following statement: “You may also call the California Attorney General’s confidential whistleblower hotlines at (800) 952-5225 or (916) 322-3360.” This statement shall be posted in a manner that distinguishes BSA’s hotline number from that of the California Attorney General’s numbers (e.g. use different fonts, bold the statement, etc.). Campuses must display this poster in locations where other employee notices are maintained.

In addition, campuses must notify employees annually by electronic mail of the provisions of the CWPA. This notice may be found at http://www.bsa.ca.gov/pdfs/other/whistleblower_memo.pdf. It must also include the statement, “You may also call the California Attorney General’s confidential whistleblower hotlines at (800) 952-5225 or (916) 322-3360.” Although the BSA stated in a recent letter that was sent to the campuses that the e-mail notice should be sent no later than April 1, 2011 this year, upon inquiry, BSA representatives have clarified that the e-mail notice should be sent by April 1, 2011 or as soon thereafter as possible.

To confirm your campus has distributed the required aforementioned materials, please complete and sign the attached survey on compliance (Attachment C). Please return the completed survey to Ellen Bui, Senior Manager, Equal Opportunity and Whistleblower Compliance Unit, by May 2, 2011 via fax at (562) 951-4899 or e-mail (ebui@calstate.edu).

If you have any questions, please call Ellen Bui at (562) 951-4427. This technical letter is available on Human Resources Management’s Web page at: http://www.calstate.edu/HRAdm/memos.shtml.

BG/eb

Attachments: (3)
REPORT IMPROPER ACTIVITY TODAY

Contact the Whistleblower Hotline

1-800-952-5665
www.bsa.ca.gov

WHAT TO REPORT

Improper acts by a state agency or employee* such as:

- Any suspected misuse of Recovery Act funds.
- Any violation of state or federal law including theft, fraud, or conflicts of interest.
- Misuse or waste of state resources including property or employee time.
- Gross misconduct, incompetence, or inefficiency.

* Effective January 1, 2011, this includes the courts, the Administrative Office of the Courts and their employees.

HOW TO REPORT

Contact the Whistleblower Hotline:
(800) 952-5665
(866) 293-8729 (TTY)
(916) 322-2603 (Fax)

Mail information to:
Investigations
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, California 95814

Submit a complaint online to:
www.bsa.ca.gov/hotline
(Note: complaints not accepted via e-mail.)

YOUR IDENTITY IS PROTECTED

The Whistleblower Protection Act requires the State Auditor to protect your identity.

COMPLAINTS ARE INVESTIGATED

The California State Auditor investigates complaints and reports the results of substantiated allegations to the:

- Head of the employing agency.
- The Legislature, the Governor, and appropriate law enforcement agencies.
- General public, keeping identities confidential.

YOU ARE LEGALLY PROTECTED FROM RETALIATION

Acts that could interfere with your right to report suspected improper governmental activities should be reported immediately:

- State and court employees contact the State Personnel Board in writing at 801 Capitol Mall, MS53, Sacramento, CA 95814.
- University of California (UC) employees contact the locally designated official for the UC facility at which you are employed. Visit www.ucop.edu.
- California State University employees contact the Vice Chancellor of Human Resources in writing at 401 Golden Shore, Long Beach, CA 90802-4210.

Protect the State. Protect Yourself. Take Action Today.
visit www.bsa.ca.gov
TO: All Department Employees
FROM: [Department Director or Designated Representative]
RE: Blow the Whistle on Government Fraud, Waste, and Abuse

The California State Auditor is your confidential avenue for reporting any type of improper activities by state agencies or employees. It is your responsibility as a government employee to report any type of fraud, waste, or abuse, which ultimately protects scarce budget dollars. Moreover, with the significant influx of American Recovery and Reinvestment Act funds, it is important for you to be alert to any suspected misuse of these funds and report them to the California State Auditor.

If you report an impropriety, you are protected by the Whistleblower Protection Act, which:

- Requires the State Auditor to protect your identity (except from law enforcement);
- Prohibits intimidation, threats, or coercion by state employees that could interfere with your right to disclose improper governmental activities.

In 2010 alone, the State Auditor received 4,203 complaints from state employees and members of the public. Such complaints triggered investigations that have revealed millions of dollars in wasteful spending in recent years, such as:

- Two departments wasted $580,000 in state funds by continuing to lease 5,900 square feet of office space that had not been occupied for more than four years.
- A department employee misused state time and equipment to teach at a state university and to give presentations for a professional organization during her work hours at a cost to the State of $70,105.
- A department supervisor misused the time of two subordinates by assigning them to perform clerical or administrative duties rather than providing direct care to patients, resulting in a loss to the State of $110,797.

**HOW TO REPORT**

You have three ways to confidentially report information to the California State Auditor:

- Call the Whistleblower Hotline at:
  800-952-5665
  866-293-8729 (TTY)
  916-322-2603 (Fax)

- Mail information to:
  Investigations, Bureau of State Audits
  CALIFORNIA STATE AUDITOR
  555 Capitol Mall, Suite 300
  Sacramento, CA 95814

- Submit a complaint online to:
  http://www.bsa.ca.gov/hotline/filecomp
  (Note: complaints not accepted via email.)
The California State University is required to inform its employees about the California Whistleblower Protection Act (CWPA) (Government Code §§ 8547 et seq.) by displaying a poster and annually sending an electronic mail notice. In order to confirm whether your campus has distributed the required aforementioned materials, please **complete and sign the below survey**. Please return the completed survey to Ellen Bui, Senior Manager, Equal Opportunity and Whistleblower Compliance Unit, Chancellor’s Office by May 2, 2011 via fax at (562) 951-4899 or email (ebui@calstate.edu).

### A. Campus
- [ ] Bakersfield
- [ ] Chancellor’s Office
- [ ] Channel Islands
- [ ] Chico
- [ ] Dominguez Hills
- [ ] East Bay
- [ ] Fresno
- [ ] Fullerton
- [ ] Humboldt
- [ ] Long Beach
- [ ] Los Angeles
- [ ] Maritime Academy
- [ ] Monterey Bay
- [ ] Northridge
- [ ] Pomona
- [ ] Sacramento
- [ ] San Bernardino
- [ ] San Diego
- [ ] San Francisco
- [ ] San José
- [ ] San Luis Obispo
- [ ] San Marcos
- [ ] Sonoma
- [ ] Stanislaus

### B. Number of Employees (Full-Time and Part-Time)
- [ ] 1-250
- [ ] 251-500
- [ ] 501-750
- [ ] 751-1,000
- [ ] 1,001-1,250
- [ ] 1,251-1,500
- [ ] 1,501-1,750
- [ ] 1,751-2,000
- [ ] 2,001-2,250
- [ ] 2,251-2,500
- [ ] 2,501-2,750
- [ ] 2,751-3,000
- [ ] 3,001-3,250
- [ ] 3,251-3,500
- [ ] 3,501-3,750
- [ ] 3,750-4,000

### C. Percentage of Employees with Access to Electronic Mail
- [ ] 00%-05%
- [ ] 06%-10%
- [ ] 11%-15%
- [ ] 16%-20%
- [ ] 21%-25%
- [ ] 26%-30%
- [ ] 31%-35%
- [ ] 36%-40%
- [ ] 41%-45%
- [ ] 46%-50%
- [ ] 51%-55%
- [ ] 56%-60%
- [ ] 61%-65%
- [ ] 66%-70%
- [ ] 71%-75%
- [ ] 76%-80%
- [ ] 81%-85%
- [ ] 86%-90%
- [ ] 91%-95%
- [ ] 96%-100%

### D. Date the Required Information Was Emailed to Employees: __________________________

### E. Locations Where the Required Information Was Posted (Select one or more choices)
- [ ] Break room
- [ ] Campus Blog
- [ ] Campus Career Center
- [ ] Campus Intranet, Diversity and Compliance Page
- [ ] Campus Intranet, Homepage
- [ ] Campus Intranet, Human Resources Page
- [ ] Campus Intranet, Labor & Employee Relations Page
- [ ] Campus Intranet, Office of the President Page
- [ ] Campus Newsletter, Electronic version
- [ ] Campus Newsletter, Print version
- [ ] Campus Newspaper, Online version
- [ ] Campus Newspaper, Print version
- [ ] Campus Website, Diversity and Compliance Page
- [ ] Campus Website, Human Resources Page
- [ ] Campus Website, Labor & Employee Relations Page
- [ ] Campus Website, Office of the President Page
- [ ] Job Opportunity Bulletin Board, Electronic version
- [ ] Job Opportunity Bulletin Board, Print version
- [ ] Lunch room
- [ ] Office of Human Resources
- [ ] Office of Labor & Employee Relations
- [ ] Office of the President
- [ ] Office of Payroll
- [ ] Paystubs
- [ ] Other (please specify) __________________________

### F. Total Number of Locations Where the Required Information Was Displayed: __________

### G. Campus Administrator Responsible for Complying with the California Whistleblower Protection Act

| Name | __________________________ |
|------|__________________________|
| Dept /Office | __________________________ |
| Phone | __________-__________ |
| Email | __________________________ |
| Signature | __________________________ |
| Date | __________________________ |

You have completed this survey. Thank you for your cooperation. Please return the survey to Ellen Bui via fax (562) 951-4899 or email (ebui@calstate.edu).