

Date: June 5, 2014

Code: TECHNICAL LETTER
HR/Whistleblower 2014-01

To: Human Resources Officers
Whistleblower Administrators

From: John Swarbrick
Associate Vice Chancellor, Labor Relations
Human Resources

Ellen Bui
Sr. Mgr., Equal Opportunity & Whistleblower Compliance
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 notice at locations where other employee notices are posted
- Email the notice to employees
- Email the California State Auditor by **June 27, 2014** to confirm campus's completion of above two responsibilities and attach a copy of the email notice sent to employees.

Affected Employee Groups/Units: All employees

Summary

CSU campuses are required to post information regarding the California Whistleblower Protection Act and to annually email an electronic notice regarding this law to all employees. Campuses may download a copy of the poster and email notice at the California State Auditor's website. Campuses must complete the posting and notice requirements and email the California State Auditor a confirmation by **June 27, 2014**.

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 State Auditor (CSA) to state agencies, including the 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 number in the poster.

This year the CSA poster references the California Attorney General's whistleblower hotline number. Thus, campuses no longer need to insert this number on the poster or in the email notice, as was done in past years. In fact, the CSA email to campuses in late May clearly instructs employers to **not** edit the text of the poster or the text

Distribution:

CSU East Bay President
Cal Maritime Academy President
Vice Presidents, Administration and Finance

of the memorandum that is to be emailed to employees. Thus, any information or wording that campuses want to communicate to employees beyond that which is in the CSA poster and memorandum (such as the name and contact information of the campus administrator in charge of handling whistleblower complaints) should appear in a cover letter that shall be separate from the CSA poster and CSA memorandum.

Each campus shall follow the instructions CSA provided in its May 2014 communication by:

- Displaying the poster (<http://www.auditor.ca.gov/pdfs/other/whstlblr.pdf>) at campus locations where employee notices are posted;
- Emailing (http://www.auditor.ca.gov/pdfs/other/whistleblower_memo.pdf) the memorandum to employees;
- Emailing the CSA (WhistleblowerNotification@auditor.ca.gov) by **June 27, 2014** to confirm the campus's completion of the above two items and attaching a copy of the email notice that the campus has sent to employees. Please copy Ellen, Bui, Senior Manager, Equal Opportunity and Whistleblower Compliance Unit (ebui@calstate.edu), on this email to the CSA.

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>.

JS/eb

REPORT IMPROPER ACTIVITY



Contact the Whistleblower Hotline by phone, web, or mail

Phone

(800) 952-5665

Web

www.auditor.ca.gov

WHAT TO REPORT

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

- Violation of state or federal law.
- Noncompliance with an executive order, a Rule of Court, the State Administrative Manual, or the State Contracting Manual.
- Misuse or waste of state resources.
- Gross misconduct, incompetence, or inefficiency.

Some of the most commonly reported improper acts include misuse of state property, improper travel expenditures, and time and attendance abuse.

The California State Auditor does not have the authority to investigate violations of a department's internal policies or procedures.

COMPLAINTS ARE INVESTIGATED

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

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

WHISTLEBLOWERS ARE PROTECTED

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

It also prohibits intimidation, threats, or coercion by state employees that could interfere with your right to disclose improper governmental activities.

If you feel that you have been retaliated against for reporting an improper governmental activity, you should report this immediately to one of the following agencies:

- State and court employees: write to the State Personnel Board 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.
- California State University employees: write to the Vice Chancellor of Human Resources at 401 Golden Shore, Long Beach, CA 90802 or contact the appointed campus administrator.

**HOW
TO
REPORT**



(800) 952-5665 phone
(916) 322-2603 fax



Investigations
California State Auditor
P.O. Box 1019
Sacramento, CA 95812



www.auditor.ca.gov/hotline
Note: complaints not accepted via e-mail

Pursuant to California Government Code section 8548.2, each state agency shall post this notice at its state office(s) in locations where employee notices are maintained. In compliance with California Labor Code section 1102.8, if you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.

The California State Auditor's Office is your confidential avenue for reporting 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 state resources, and to be free from retaliation for doing so.

In 2013 alone, we received 3,103 allegations of wrongdoing from state employees and members of the public, most of which concerned misuse of state property, improper travel expenditures, and time and attendance abuse. Whistleblower complaints have triggered investigations revealing millions of dollars in wasteful spending in recent years, such as:

- Two state departments wasted state resources worth nearly \$170,000 by improperly accounting for time off taken by their employees during a 12-month period.
- An administrator of a veterans home squandered more than \$652,000 by executing two wasteful contracts that did not comply with state contracting requirements. One contract was for the construction of an adventure park on the grounds of the home. The other contract was for the operation of a café and tavern at the home that could have been operated at no cost to the home.
- A state department missed an opportunity to collect an estimated \$516 million in benefit overpayments owed to the State by failing for more than three years to participate in a program to intercept the federal tax refunds and other federal payments of those who were overpaid.

To view our investigative reports, please visit our Web site: <http://www.auditor.ca.gov/reports/investigative>.

WHAT TO REPORT

Pursuant to Government Code section 8547.2, subdivision (b), improper acts by a state agency or employee that should be reported to the State Auditor include:

- Violations of state or federal law, including theft, fraud, or conflict of interest;
- Noncompliance with an executive order or Rule of Court;
- Noncompliance with the *State Administrative Manual* or the *State Contracting Manual*;
- Misuse or waste of state resources including property or employee time;
- Gross misconduct, incompetence, or inefficiency.

We do not have the authority to investigate violations of internal department policies or procedures.

WHISTLEBLOWERS ARE PROTECTED

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

- Requires us 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.

If you believe that you have been retaliated against for disclosing an improper governmental activity, you should report this immediately to one of the following agencies:

State and court employees

State Personnel Board
801 Capitol Mall, MS53
Sacramento, CA 95814

California State University employees

Vice Chancellor of Human Resources
401 Golden Shore
Long Beach, CA 90802
Or contact the appointed campus administrator.

University of California (UC) employees

Contact the locally designated official for the UC facility at which you are employed. Visit www.ucop.edu for more information.

HOW TO REPORT

You have three ways to report information to us confidentially:

Call the Whistleblower Hotline at:

800-952-5665

916-322-2603 (Fax)

(Note: The hotline is staffed Monday through Friday, 8 a.m. to 5 p.m. However, callers may leave a brief recorded message during other hours.)

Mail information to:

Investigations

California State Auditor

P.O. Box 1019

Sacramento, CA 95812

Submit a complaint online to:

<http://www.auditor.ca.gov/hotline>

(Note: The State Auditor does not accept complaints sent by e-mail.)

HELPFUL TIPS WHEN FILING A COMPLAINT

- **Prepare Before Filing.** Before we can investigate your complaint, we must understand what you are alleging. We have found that complainants are more effective in communicating with us if they gather their thoughts before filing a complaint and prepare themselves to answer the following questions: What is the improper activity? Who acted improperly? Where does that person work? How can we prove your allegation is true? Why do you think the activity is improper?
- **Support What You Allege.** To open an investigation regarding your complaint, we need to know that evidence exists to support what you are alleging. So when you file a complaint, it is very important that you describe the evidence that proves what you are saying and that you give us the names and telephone numbers of knowledgeable witnesses. It also is very helpful for you to provide us with copies of any documents you have in your possession that will support what you are saying. Please do not submit original documents, as they cannot be returned.
- **Consider Providing Contact Information.** You have a right to file a complaint without providing your name or any other information about who you are and how we may contact you. However, we may not be able to investigate your complaint if we cannot talk to you to confirm the information you are providing or obtain additional information. Please remember that if you identify yourself to us we will not reveal your identity to anyone else without your permission, except to appropriate law enforcement personnel who are conducting a criminal investigation.
- **Keep Your Complaint Confidential.** We investigate complaints as confidentially as possible to protect both your identity as a whistleblower and our ability to gather information without interference. To protect the confidentiality of your complaint, we encourage you not to tell anyone that you filed a complaint with us.

INVESTIGATION OF COMPLAINTS

We investigate complaints and report substantiated allegations to the head of the employing agency, the Legislature, and the Governor. In addition, some of the substantiated allegations will be reported to the general public, keeping confidential the identities of the state employees involved. These reports may be viewed on our website at www.auditor.ca.gov/reports. Substantiated violations of law will be referred to law enforcement agencies, as appropriate.