Whistleblower Program Quarterly Report

July 1 Through September 30, 2022

AUDITS DIVISION

January 5, 2023

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.

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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 of the City and County of San Francisco (City) received 132 new reports in Quarter 1 (July 1 through September 30, 2022).

The Whistleblower Program closed 153 reports in Quarter 1 and did so in an average of 57 days.

- The program closed 129 (84 percent) of the 153 reports within 90 days of receipt.
- Of the 153 reports closed, 84 (55 percent) reached closure after an investigation.
- Of the 84 investigations closed, 33 (39 percent) resulted in a city department or contractor taking 35 corrective or preventive actions.
- The program substantiated a diverse and complex set of allegations, including those concerning an employee parking their city vehicle in the same location, away from the work site, almost every day for hours at a time, employees neglecting their job duties, and employees falsifying their time and attendance records.

At the end of Quarter 1, the Whistleblower Program had 61 reports open, 50 (82 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

In response to the federal criminal charges filed against former city officials and others, which were initially made public in January 2020, the City Attorney is leading the investigation into alleged wrongdoing outlined in criminal charges brought by the U.S. Attorney's Office. Also, in February 2020 the Controller and City Attorney opened a Public Integrity Tip Line (Tip Line) to gather any investigation-related information it might receive.

The Controller, in cooperation with the City Attorney, began a series of reviews of Public Works and other departments' internal control processes for contracts, purchase orders, and grants for red flags and process failures. To date, the Controller has issued the results of the following eight public integrity preliminary assessments, one audit, and two annual updates on the implementation status of recommendations from the assessments it had completed through December 23, 2022:

- 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
- Refuse Rate-Setting Process Lacks Transparency and Timely Safeguards
- 12-Month Update: Implementation Status of Recommendations From Assessments to Date
- Department of Building Inspection's Permitting and Inspections Processes
- San Francisco Public Utilities Commission's Social Impact Partnership Program Audit
- San Francisco Department of the Environment's Relationship With Recology and Lack of Compliance With Ethics Rules
- Refuse Rate-Setting Process – Update Based on Additional Reviews and Meetings With Recology
- 24-Month Update: Implementation Status of Recommendations From Assessments to Date

Preliminary assessments underway will review compliance of the City's landfill disposal agreement, and procurement processes at the San Francisco Public Utilities Commission. These public integrity preliminary assessments will include internal control reviews, when applicable, and best practice recommendations.

FISCAL YEAR 2022-23 OUTREACH AND EDUCATION HIGHLIGHTS

In October 2022 the Whistleblower Program hosted a webinar, Embezzlement and Procurement Fraud in the Public Sector – A Case Study, to promote leading fraud hotline operational practices and effective investigative techniques to jurisdictions throughout the United States.

THE INVESTIGATION AND REFERRAL PROCESS

The Whistleblower Program is the City's central point for report intake and coordinated referral. This process helps ensure that reports are promptly assigned and investigated so city management can address them and identify risk trends.[1] Exhibit 1 shows how the Whistleblower Program receives and addresses allegations.

[1] See page 15 for additional information on how the Whistleblower Program refers reports to other agencies.

Exhibit 1: How the Whistleblower Program receives and addresses allegations

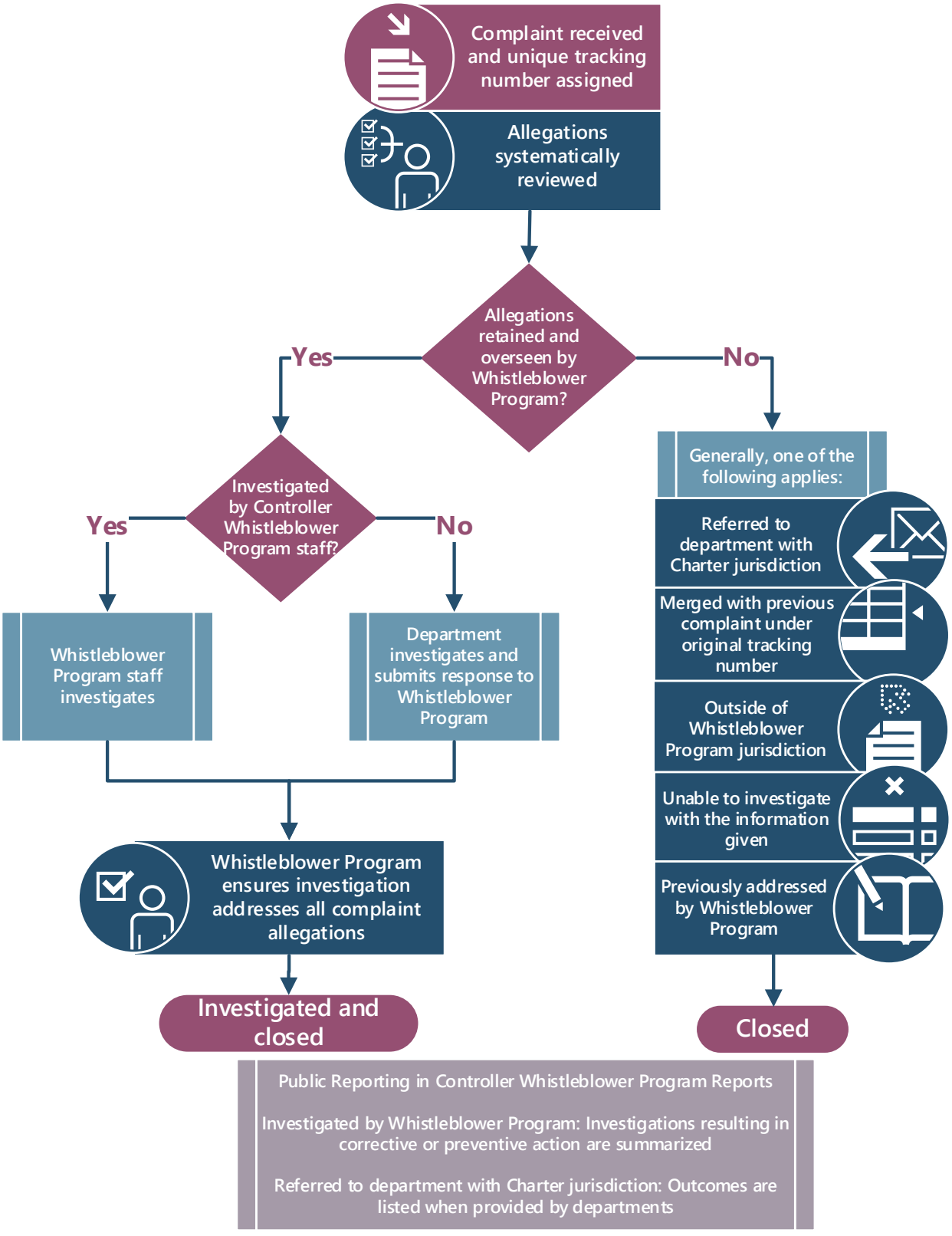


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Quarter 1 – Key Statistics

REPORT VOLUME

In Quarter 1 the Whistleblower Program received 132 new reports. Exhibit 2 summarizes the program's receipt of new reports, by quarter, since fiscal year 2013-14, and Exhibit 3 shows the reports received in Quarter 1 by department.

Exhibit 2: Reports received, by quarter, since fiscal year 2013-14

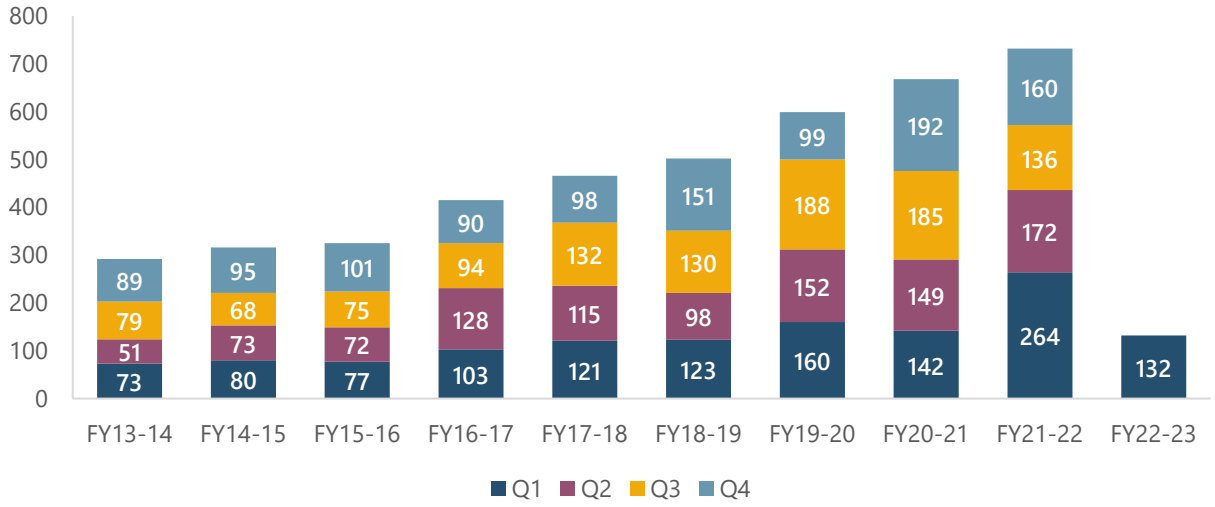
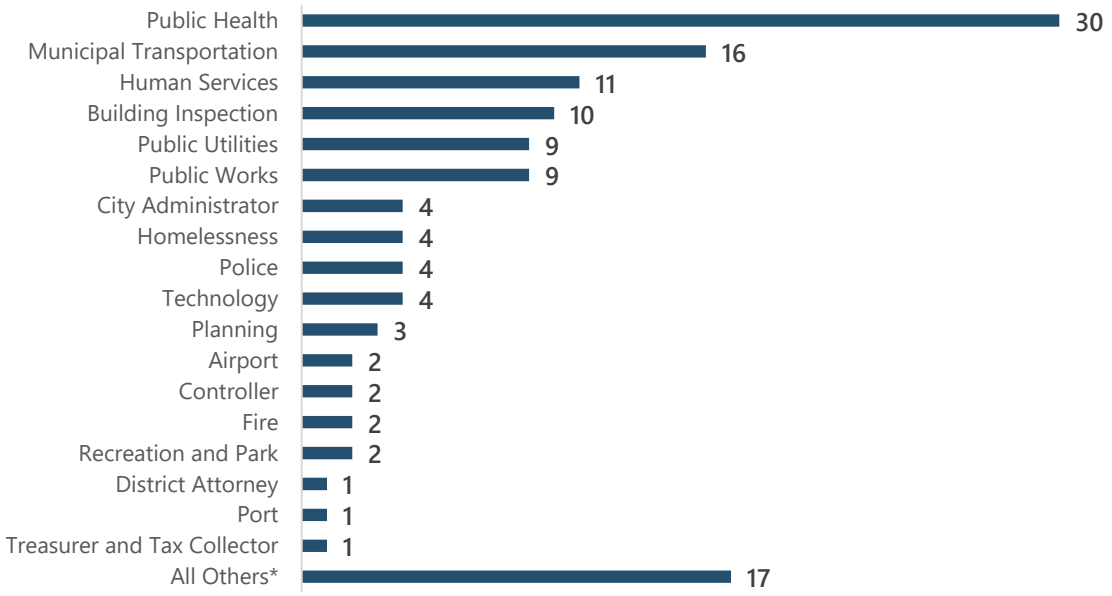


Exhibit 3: Reports received in Quarter 1, by department



Note: *Includes reports received about departments with fewer than 200 authorized full-time equivalent (FTE) positions. The names of these departments are excluded to protect the confidentiality of those who reported. The City has over 50 departments and divisions, of which 26 have fewer than 200 FTE positions.

Exhibit 4 shows the allegation categories reporters used when filing reports that the Whistleblower Program investigated and closed.

Exhibit 4: Allegation categories of reports investigated and closed in Quarter 1

Department	Quarter 1 of Fiscal Year 2022-23						
	Improper Activities by City Employees	Misuse of City Funds	Wasteful and Inefficient Government Practices	Quality and Delivery of Government Services	Other	Multiple Allegation Categories	Total
Public Health	9	1	0	1	3	4	18
Building Inspection	6	0	0	2	1	1	10
Public Utilities	5	0	0	0	1	4	10
Municipal Transportation	3	0	1	0	0	5	9
Human Services	1	0	0	1	1	3	6
Sheriff	3	1	0	0	0	1	5
City Administrator	2	0	0	0	0	1	3
Fire	1	1	0	0	0	1	3
Planning	1	0	0	2	0	0	3
Police	0	0	0	1	1	1	3
Public Works	0	0	0	1	0	2	3
Homelessness	0	0	0	0	0	2	2
Technology	2	0	0	0	0	0	2
Assessor-Recorder	0	1	0	0	0	0	1
Port	0	0	0	0	1	0	1
Public Library	0	0	0	0	0	1	1
All Others*	1	0	0	0	1	2	4
Total	34	4	1	8	9	28	84

Note: * Includes reports received about departments with fewer than 200 authorized FTE positions. The names of these departments are excluded to protect the confidentiality of those who reported. The City has over 50 departments, of which 26 have fewer than 200 FTE positions.

The Whistleblower Program has received more reports each year since fiscal year 2013-14. 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 uses 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. Further, this multiagency, coordinated referral and follow-up process creates safeguards that mitigate investigative conflicts of interest when complaints are received about certain departments or department heads.

REPORT INTAKE CHANNEL

Of the 132 reports filed in Quarter 1, 104 (79 percent) came through the Whistleblower Program's online report form. The Whistleblower Program is available to anyone, including city employees, contractors, and members of the public. Multiple intake channels ensure the program is readily accessible to potential reporters. The goal is to offer any potential reporter a channel with which they are comfortable. The majority (93, or 70 percent) of reports were filed anonymously.

Exhibit 5 summarizes reporters' use of various channels to file reports with the Whistleblower Program.

Exhibit 5: 104 of the 132 reports received in Quarter 1 came through the online report form

Channel	Reports Filed		Reports Filed Anonymously	
Online	104	79%	79	60%
E-mail	10	8%	8	6%
Mail	9	7%	4	3%
Phone	8	6%	2	2%
Other (Fax and Walk-In)	1	1%	0	0%
Total	132	100%*	93	70%*

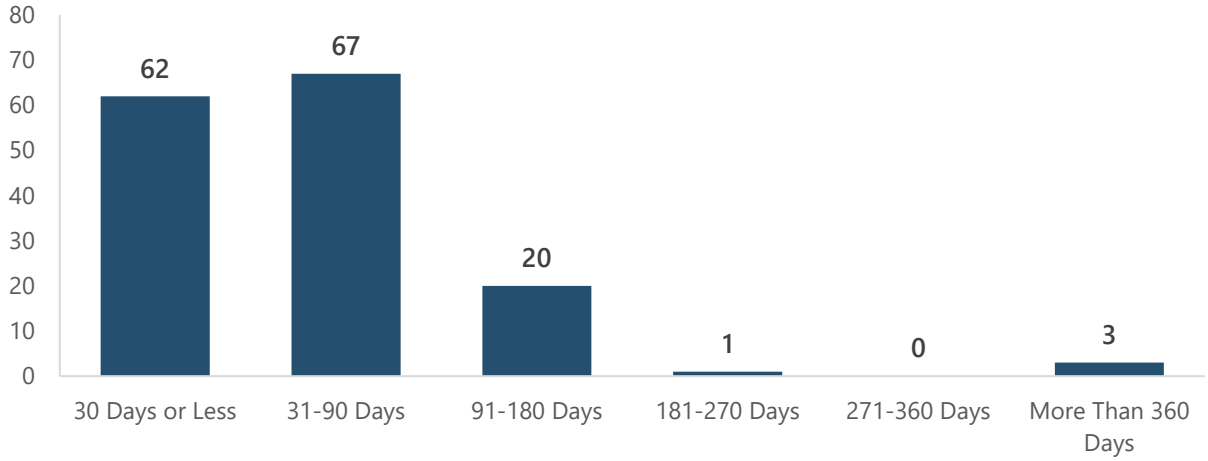
Note: * Percentages may not sum to totals shown due to rounding.

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 while also ensuring investigation protocols and ethical safeguards are met. 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 identify risk trends.

Report Closure Time

In Quarter 1 the Whistleblower Program closed 153 reports and did so in an average of 57 days. Closed reports include reports that were retained and addressed by the Whistleblower Program and reports that were referred to other departments that have Charter jurisdiction over the alleged issues. (*See Exhibit 7 for a complete summary.*) The program closed 129 (84 percent) of the 153 reports within 90 days of receipt, exceeding its goal to close at least 75 percent of all reports within 90 days. Exhibit 6 shows the age of reports closed in Quarter 1.

Exhibit 6: 84 percent of reports closed in Quarter 1 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 or not being acted on. However, several factors can influence report closure time, including the:

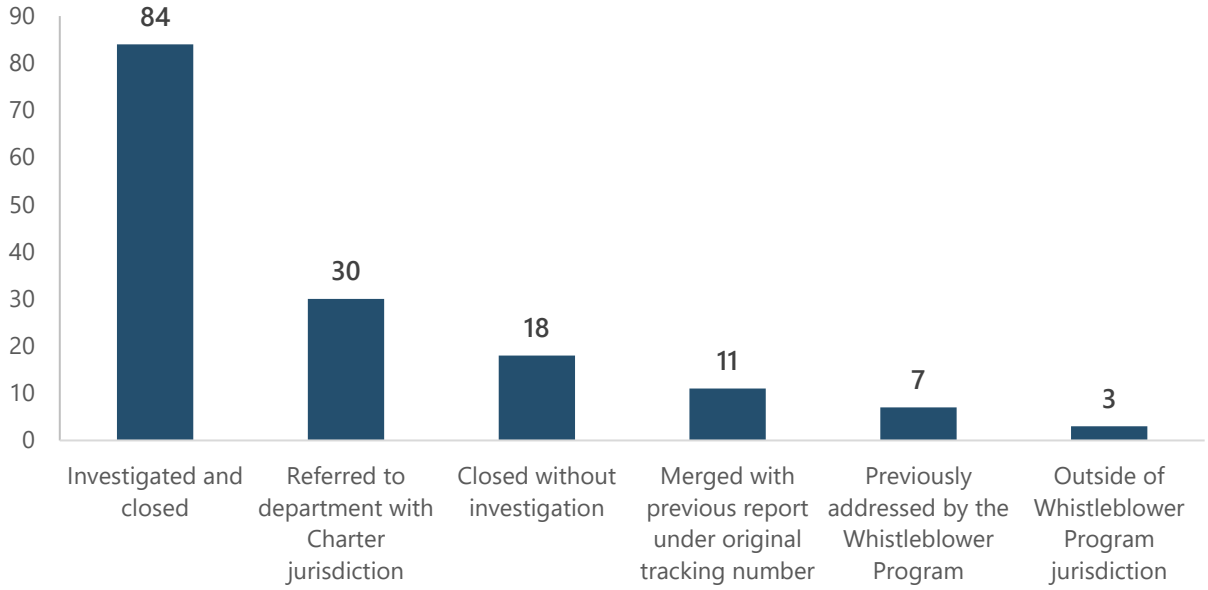
- Complexity of the report's allegations.
- Number of allegations made in the report.
- Availability of corroborating witnesses and evidence.

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 other reports may be referred to another city department involved in the allegation 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 addressed. Management of the department associated with the report must respond to the Whistleblower Program on any corrective or preventive action taken in response to the report.

DISPOSITION OF CLOSED REPORTS

Exhibit 7 summarizes the disposition of the 153 reports the program closed in Quarter 1. Of these reports, 84 (55 percent) reached closure after an investigation by the Whistleblower Program.

Exhibit 7: 84 of the 153 reports closed in Quarter 1 were investigated



The remaining 69 closed reports (45 percent) fall into one of the following categories:

- Referred to another department. Reporter was referred to the city department with Charter-granted jurisdiction over the alleged issue. Last fiscal year, the Whistleblower Program began tracking outcomes of reports referred to other departments.[2]

- Closed without investigation. Reporter provided insufficient information to investigate. For example, the department or employee involved was not indicated.

- Merged with previous report. Reporter provided information for a matter that is already under investigation.

  Previously addressed. Reporter provided information for a matter that the Whistleblower Program previously addressed in a separate report.

- Outside of jurisdiction. Reporter provided information for a matter that falls outside the Whistleblower Program's jurisdiction and is 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.

[2] The status of reports referred to another department with Charter jurisdiction in previous fiscal years is summarized in Exhibit 12.

Reports Investigated and Closed, by Department

The Whistleblower Program investigated and closed 84 reports in Quarter 1. The majority (80, or 95 percent) of the investigations occurred at city departments with more than 200 authorized FTE positions. Exhibit 8 summarizes the number of reports investigated and closed at these departments in the last four quarters (October 2021 through September 2022).

Exhibit 8: Reports investigated and closed in the last four quarters, by department

Department	Reports Investigated and Closed in the Last Four Quarters (October 2021 – September 2022)	Ratio of the Percentage of Reports Investigated and Closed Divided by Department's Percentage of City Workforce[a]
Public Health	69	1.05
Municipal Transportation	38	0.71
Building Inspection	31	12.02
Public Utilities	23	1.09
Human Services	18	0.91
Sheriff	18	1.93
Public Works	17	1.33
City Administrator	9	1.06
Fire	7	0.43
Police	7	0.29
Homelessness	6	3.01
Controller	5	1.95
Human Resources	5	2.27
Planning	5	2.58
Airport	4	0.26
Emergency Management	4	1.45
Public Library	4	0.66
Technology	3	1.30
Assessor-Recorder	2	1.21
Recreation and Park	2	0.23
District Attorney	1	0.38
Port	1	0.39
Treasurer and Tax Collector	1	0.55
All Others[b]	27	1.98
Total	307	

Notes:

[a] Per its annual salary ordinances, the City had the following authorized FTE positions:

Fiscal Year	Number of FTE Positions
2022-23	39,813
2021-22	38,549

The ratio assigns value to 2021-22 and 2022-23 FTE totals based on the number of fiscal year quarters included in the ratio.

Ratio Legend	
</= 1	Low
>1 but </= 1.25	Medium
>1.25	High

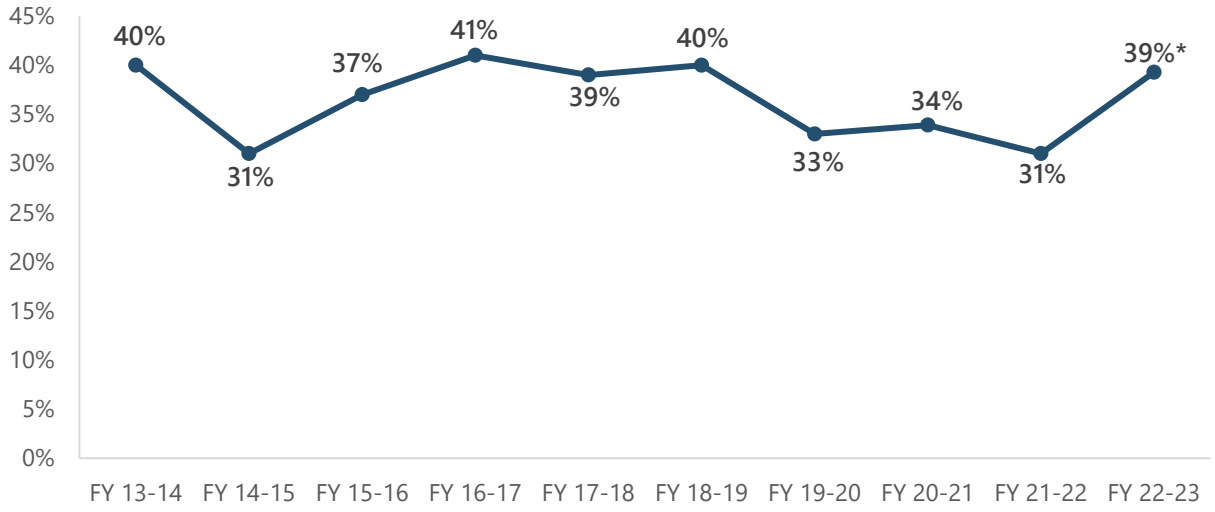
A lower ratio means there are fewer reports in comparison to total FTEs, while a higher ratio means there are more reports in comparison to total FTEs.

[b] Includes reports investigated and closed at departments with fewer than 200 authorized FTE positions. The names of these departments are excluded to protect the confidentiality of those who reported. The City has over 50 departments and divisions, of which 26 have fewer than 200 FTE positions.

REPORT OUTCOMES

Of the 84 investigations closed in Quarter 1, 33 (39 percent) resulted in a department taking 35 corrective or preventive actions. Exhibit 9 shows the percentage of investigated reports that resulted in a corrective or preventive action each year since fiscal year 2013-14.

Exhibit 9: Percentage of investigated reports that resulted in corrective or preventive action



Note: *Reflects year-to-date percentage through Quarter 1.

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. 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.

The Whistleblower Program also hosts a biannual webinar series to promote leading fraud hotline operational practices and effective investigation techniques to jurisdictions throughout the United States. In October 2022 the Whistleblower Program hosted a webinar, Embezzlement and Procurement Fraud in the Public Sector – A Case Study, to promote leading fraud hotline operational practices and effective investigative techniques to jurisdictions throughout the United States.

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 counseling (a verbal or written warning), a suspension, and finally, separation for cause.

Exhibit 10 shows the 35 corrective or preventive actions taken by departments in response to 33 investigations in Quarter 1.

Exhibit 10: Report outcomes in Quarter 1

Action Taken	Quarter 1
Personnel Action	
Employee Counseled (Verbal/Written Warning)	4
Employee Suspended	-
Employee Terminated	-
Contractor Employee Terminated[a]	-
Personnel Action Pending	12
Other Corrective Action[b]	-
Restitution/Repayment	1
Polices/Procedures Changed/Reinforced	18
Referred to Audit	-
Total	**35**

Notes:

[a] Employees of city contractors may also be the subject of whistleblower complaints and face personnel actions.

[b] Includes corrective actions such as requiring employees to attend training or to submit additional employment paperwork or for departments to develop and administer a performance improvement plan for an employee.

REPORTS REFERRED TO OTHER AGENCIES

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:[3]

- 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 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 report meets one of these conditions and, when appropriate, ensures the report is addressed by referring it to the agency with jurisdiction or by giving the reporter contact information for the agency with jurisdiction. If a report contains allegations about the agency to which the report normally would be referred, the Whistleblower Program will identify a different venue for the reporter to ensure that the allegations are addressed by an independent agency.

The Whistleblower Program retained and investigated 84 (55 percent) of 153 reports closed in Quarter 1. Exhibit 11 shows the number of reports the program referred to other agencies in the quarter.

Exhibit 11: Reports referred to other city departments and oversight units in Quarter 1*

Department to Which Report Was Referred	Quarter 1	% of Referrals
Civil Service	9	28%
City Attorney	7	22%
Human Resources	6	19%
Ethics	5	16%
Police Accountability	2	6%
District Attorney	1	3%
Department of Building Inspection	1	3%
Mayor's Office on Disability	1	3%
Total	32	100%

Note: * Includes reports that the Whistleblower Program investigated and closed in this fiscal year that were referred to other city departments and oversight units for appropriate action. These reports are recorded as investigated and closed but are also included in the number of reports referred to these agencies.

[3] San Francisco Campaign and Governmental Conduct Code, Article IV, Section 4.107(b).

The Whistleblower Program also tracks outcomes related to reports that were referred to other city departments with jurisdiction over certain allegations filed with the program. The Controller's Whistleblower Program Unit must refer these reports to those departments.[4] Exhibit 12 shows how many of the referred reports over the last two fiscal years remain open at the time of this report.

Exhibit 12: Status of reports referred to other departments over the last two fiscal years

Department to Which Report Was Referred	Number of Referrals	Number of Referrals Closed[a]	Closed Referrals Resulting in Corrective Action[a]	% of Closed Referrals Resulting in Corrective Action
Human Resources	40	23	3	13%
Civil Service	37	33	3	9%
Ethics	20	17	2	12%
City Attorney	11	7	2	29%
District Attorney	11	7	-	-
Police Department	7	5	1	20%
Police Accountability	4	1	-	-
Sunshine Ordinance Task Force	2	2	1	50%
Health Service System	1	1	-	-
Sheriff	1	1	-	-
Mayor's Office on Disability	1	1	1	100%
Office of Economic and Workforce Development	1	1	1	100%
Building Inspection	1	-	-	-
Human Services Agency	1	1	1	100%
Total	138	100	15	15%

Note:

[a] The Whistleblower Program will follow up with departments and update the values in this column quarterly.

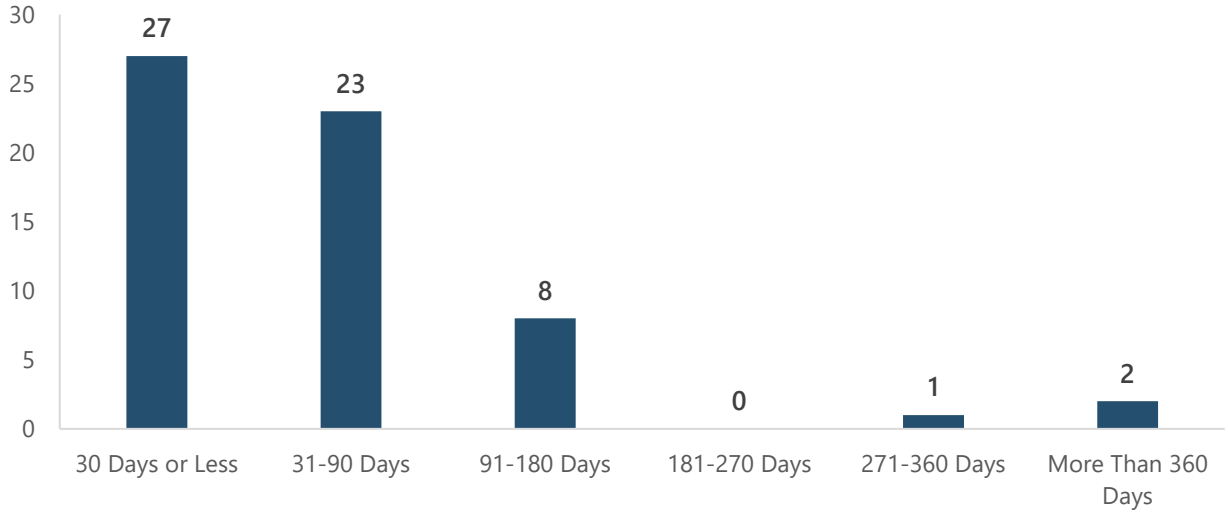
Source: The departments that asserted jurisdiction over allegations from reports referred per San Francisco Campaign and Governmental Conduct Code, Section 4.107(b).

[4] Per San Francisco Campaign and Governmental Conduct Code, Section 4.107(b).

REPORTS OPEN WITH THE WHISTLEBLOWER PROGRAM ON SEPTEMBER 30, 2022

Of the 61 reports open at the end of Quarter 1, 50 (82 percent) were 90 days old or less at that time. Exhibit 13 shows the age of reports open on September 30, 2022.

Exhibit 13: 50 of the 61 reports open at the end of Quarter 1 were 90 days old or less



The Whistleblower Program examines the factors that delay report closure and, in some cases, works with the leaders of departments to address these issues. The program has focused on training departmental staff responsible for investigating reports to standardize the investigation processes they use, increase their investigative skillsets, 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.[5]

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.[6]

The Ethics Commission is the city department responsible for investigating reports alleging whistleblower retaliation. Exhibit 14 summarizes the results reported by the Ethics Commission, including the eight retaliation reports (three related to the Whistleblower Program) that were open on September 30, 2022, and the number of retaliation reports the Ethics Commission received, closed, and sustained in Quarter 1.

Exhibit 14: Whistleblower retaliation reports the Ethics Commission received and closed in Quarter 1

Retaliation Reports With the Ethics Commission	All Retaliation Reports	Retaliation Reports Related to the Whistleblower Program
Open on Jul 1, 2022	7	4
Received	7	2
Closed	6	3
Sustained *(of those closed)*	-	-
Open on September 30, 2022	8	3

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.[7]

The Ethics Commission's website has more information on whistleblower protections, retaliation investigations, and available remedies in the event retaliation occurred.

[5] San Francisco Campaign and Governmental Conduct Code, Article IV, Section 4.115(a).
[6] Ibid., Section 4.117(a).
[7] Ibid., Section 4.115(b)(i).

PUBLIC INTEGRITY

In response to the federal criminal charges filed against former city officials and others, which were initially made public in January 2020, the City Attorney is leading the investigation into alleged wrongdoing outlined in criminal charges brought by the U.S. Attorney's Office. In February 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 reviews of city contracts, purchase orders, and grants to identify any red flags or process failures.

Exhibit 15 lists the reports resulting from the nine public integrity reviews or audits and the two annual updates on the implementation status of recommendations the Controller has issued to date.

Exhibit 15: The Controller's public integrity reports issued to date

Date Issued	Report Title
6/29/20	Preliminary Assessment of San Francisco Public Works Contracting
9/24/20	Preliminary Assessment: Gifts to Departments Through Non-City Organizations Lack Transparency and Create "Pay-to-Play" Risk
11/5/20	Preliminary Assessment: San Francisco's Debarment Process
1/11/21	Preliminary Assessment: Ethical Standards for Contract Award Processes of the Airport Commission and Other Commissions and Boards
4/14/21	Preliminary Assessment: Refuse Rate-Setting Process Lacks Transparency and Timely Safeguards
8/4/21	12-Month Update: Implementation Status of Recommendations From Assessments to Date
9/16/21	Preliminary Assessment: Department of Building Inspection's Permitting and Inspections Process
12/9/21	Audit: San Francisco Public Utilities Commission's Social Impact Partnership Program
4/8/22	Preliminary Assessment: San Francisco Department of the Environment's Relationship With Recology and Lack of Compliance With Ethics Rules
5/16/22	Preliminary Assessment: Refuse Rate-Setting Process – Update Based on Additional Reviews and Meetings With Recology
12/21/22	24-Month Update: Implementation Status of Recommendations From Assessments to Date

Preliminary assessments underway will review the compliance of the landfill disposal agreement and procurement processes at the San Francisco Public Utilities Commission. These public integrity preliminary assessments will include internal control reviews, when applicable, and best practice recommendations.

The Tip Line, which is staffed by Whistleblower Program investigators, has received 77 tips since its inception, 73 of which came in fiscal year 2020-21 and 4 of which came in fiscal year 2021-22. No tips were received in Quarter 1 of fiscal year 2022-23.

Investigation Results

Investigations highlighted in this section resulted in a department taking 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 1

The investigations highlighted in this section addressed allegations that resulted in a department taking corrective or preventive action in Quarter 1.[8]

Allegation	Resolution Based on Investigation
Allegations Fully Substantiated	
An employee parks their city vehicle in the same location, away from the worksite, almost every day for hours at a time.	The investigation substantiated the allegation and found that the employee misused their city vehicle for personal purposes, was inattentive to their duties, falsified their time and attendance records, and lied to investigators during a directed interview. Corrective action is pending.
An employee was driving recklessly.	The investigation substantiated that the employee drove recklessly and was speeding. The department will issue applicable written policies to the employee to review, sign, and acknowledge.
A city employee drove a city vehicle unsafely.	The investigation substantiated the allegation. The department counseled the employee and recommended that the employee enroll in a driver safety class.
A location maintained by a city department is inadequately secured and routinely accessed by individuals without authority to be there.	The investigation substantiated the allegation. The department changed the procedures by which it secures the location to prevent further unauthorized access.
Employees routinely leave their workspace via emergency exit doors.	The investigation substantiated the allegation. The department reminded employees of the policy against using emergency exit doors in non-emergency situations.
A department's website does not comply with federal or local accessibility standards.	The investigation substantiated the allegation. The department has implemented a plan to update its website so it complies with federal and local accessibility standards.

[8] The results of these investigations are separate from and in addition to the recommendations in the public integrity review reports issued thus far (and linked to on the preceding page).

Allegation	Resolution Based on Investigation
A supervisor angrily and unprofessionally confronted one of their subordinates.	The investigation substantiated the allegation. Corrective action against the supervisor is pending.
Unidentified employees communicated disrespectfully over social media about a client.	The investigation substantiated that the disrespectful communication occurred, but could not identify the employees involved. The department circulated relevant department and city policies on use of social media, respectful behavior, and privacy to all division employees.
Two city employees bully their coworkers, neglect their job duties, and falsify their time and attendance records.	The investigation substantiated the allegations. Corrective action by the department is pending.
Employees do not report or respond to threats of danger in a timely manner.	The investigation substantiated the allegation but found that employees may not be aware of how to report threats of danger. The department retrained the employees on the applicable threat-reporting procedures.
An employee posted inappropriate messages on social media.	The investigation substantiated the allegation. The department took corrective action by verbally counseling the employee and reminding them of the City's policies regarding equal employment opportunity and respect toward coworkers and the public.
A department refers client complaints to another department without providing clear explanations or expectations for the referrals or a means by which the clients can follow up. The receiving department has no clear process for tracking the complaint referrals or for reporting back to the clients or the referring department.	The investigation substantiated the allegations. The two departments are working to improve their referral processes and websites to increase efficiency and provide better customer service. Corrective action is pending.
A former manager inappropriately and prematurely approved a document submitted by a member of the public.	The investigation substantiated that a former manager inappropriately and prematurely approved a document. The department retracted the approval and required the member of the public to correct the identified issues.

Allegation	Resolution Based on Investigation
Allegations Partially Substantiated	
Two employees inappropriately modified their city vehicles. An employee engaged in inappropriate conduct by yelling in the workplace. A manager falsifies their time and attendance records, engages in personal leisure activities during work hours, does not hold employees accountable for their work, and allows employees to engage in misconduct.	The investigation substantiated that one employee modified the city vehicle assigned to them. Corrective action is pending. The employee who engaged in inappropriate conduct in the workplace was counseled and reminded of the City's policy on the treatment of coworkers. The investigation found that the manager falsified their time and attendance records, apparently on at least five occasions. Corrective action is pending.
A city employee misappropriated items while on a meal break.	The investigation substantiated that the employee was present when the items were misappropriated but did not substantiate that the employee directly took the items. The department will issue applicable written policies to the employee to review, sign, and acknowledge.
An employee misuses city time and resources to shop for supplies for their secondary employment.	The investigation did not substantiate that the employee has or had secondary employment, but the employee admitted to using city resources for personal purposes during dedicated break times. The employee was counselled to no longer use city resources for personal purposes, including during their breaks.
A department did not adequately protect its staff from abusive behavior by its clients.	The investigation partially substantiated the allegations, finding that a member of the public engaged in repeated unprofessional behavior with department staff and that it is unlikely that the member of the public received a response that would deter them from repeating their behavior. The department is preparing to train its staff on safety and security, including the protocol for escalating any such concerns to management and the department's Human Resources unit.
A city employee received additional pay to which they were not entitled, and their supervisor was aware of the matter but took no action to correct it. The department gave the employee a supervisory pay differential while other employees in the unit should have received the differential but did not.	The investigation found that the employee was erroneously overpaid, but that the employee's supervisor was unaware of the matter. The investigation found that the employee appropriately received a supervisory pay differential but did not substantiate the allegation that other employees in the unit were entitled to a supervisory pay differential that they did not receive. The employee has agreed to restore the overpaid amount to the City. The department is planning a timekeeping training for unit staff.

Allegation	Resolution Based on Investigation
An employee mishandled complaints made by a customer due to an inappropriate personal relationship with another customer.	The investigation substantiated that the employee did not perform their job duties in accordance with departmental policies and procedures but did not substantiate that the employee acted inappropriately due to any personal relationship with a customer or customers. The department will retrain the employee to reinforce relevant departmental and city policies and confirm expectations. The department will also reinforce the relevant policies, procedures, and expectations to other employees in the division.
An employee misuses city resources and facilities to support their unapproved secondary employment. Their supervisor is aware of the alleged activity and allows it to continue.	The investigation found that the employee serviced their personal property while on city property, but did not use city resources. The investigation did not substantiate the other allegations. The department instructed the employee to stop servicing their personal property on city property and reissued the City's policy on the appropriate use of city resources and appropriate conduct at work.
A manager uses city equipment for personal purposes, conducts personal activities during work hours, and uses their city job to find business opportunities.	The investigation substantiated that the manager used city equipment and conducted personal activities during work hours. The investigation did not substantiate that the manager used their city position to find business opportunities. The department issued the manager a letter of concern regarding their misuse of city resources and time.
An employee did work for their secondary job while on city time.	The investigation did not substantiate the allegation. However, the investigation did confirm that the employee had unpermitted secondary employment but was on an extended leave from that secondary job. The department reviewed the relevant city policy with the Department of Human Resources and received advice that, despite the employee's extended leave status with their other employer, the employee was still considered to have unpermitted secondary employment. The department shared and reinforced the city policy with the employee, and the employee permanently resigned from their secondary job.
An employee uses city time and resources to work on a political issue and directs other employees to do so, too. The reporter alleged that the employee was also taking time off from work for this purpose.	The investigation substantiated that the employee uses city time and resources to work on a political issue and directs other employees to do so but did not substantiate that the employee also takes time off from work for this purpose. The department's Human Resources unit is further investigating the first allegation. Corrective action is pending.

Allegation	Resolution Based on Investigation
An employee spends work time on a family business.	The investigation did not substantiate the allegation. However, the investigation found that the subject has been teleworking from their family business's worksite during city work hours. Corrective action is pending.
An employee inappropriately reported to the workplace while intoxicated. A supervisor inappropriately condones the employee's behavior, prioritizing scheduling coverage.	The investigation substantiated the allegation that the employee reported to work while intoxicated. The department took corrective action by reminding the employee to refrain from alcohol consumption at least four hours before their shift start time. Further, the department provided the employee with a list of support services and resources. The investigation did not substantiate that the supervisor condoned the behavior or failed to take corrective action.
Allegations Not Substantiated but That Led to Preventive or Corrective Actions	
An employee refused to provide service to a client.	The investigation did not substantiate the allegation. It appears that a miscommunication between the employee and client caused the misunderstanding. Therefore, the department is focusing on improving communication between its staff and clients.
An employee violates policy because they use their personal cellphone on city time.	The investigation did not substantiate that the employee did not comply with policy. However, management retrained the employee and other staff in the unit on the allowed use of electronic devices while on duty.
A city employee used an unauthorized recording device in the workplace.	The investigation did not substantiate the allegation. However, the employee's supervisor is now monitoring to identify any unauthorized recording activity that may occur, and the department issued a reminder to unit staff about policy covering recording in the workplace. The investigation also revealed that the employee has not received a performance evaluation in the last year. The department plans to evaluate the employee's performance during the next annual review cycle.
An employee gave a client preferential treatment by allowing the client to skip to the head of the queue ahead of other clients.	The investigation did not substantiate the allegation. However, the department reminded the employee about its customer service policies.
An employee was under the influence of a controlled substance on city time. Management was aware of this concern but failed to address it.	The investigation did not substantiate that the employee worked under the influence of a controlled substance. Management is monitoring for compliance with the City's policy that prohibits working under the influence of a controlled substance and provided information to the employee about leave options and the City's Employee Assistance Program.

Allegation	Resolution Based on Investigation
In violation of confidentiality law (the Health Insurance Portability and Accountability Act), a city employee uses a speaker to listen to voicemails regarding employees' COVID-19 exposure.	The investigation did not substantiate the allegation, but the department proactively reminded staff not to use a speakerphone when listening to such messages or to do so in a private, closed-door room.
A department's policy inappropriately relies on employees not trained on how to implement the policy.	The investigation did not substantiate the allegation. However, the department will review its policies to identify any that may benefit from being updated.
Employees misuse city resources, falsify their time and attendance records, and are engaged in undisclosed personal relationships. An employee is working outside of their classification. Management displays favoritism toward some employees and knowingly tolerates this misconduct.	The investigation did not substantiate any of the allegations. However, unit employees were reissued policies on the appropriate use of city resources and reminded of their duty to adhere to those policies.

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

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.

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File a Public Integrity Tip

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