

PERSONNEL POLICY

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| SECTION: EMPLOYMENT POLICIES | CHAPTER: FOURTEEN | |
| SUBJECT: DISCRIMINATION COMPLAINT PROCEDURE | DATE ISSUED: 03-01-03 | DATE REVISED: |

14.0 **Employees**

In all of the following, the term “employee” may be used interchangeably with “employee or employee’s designated representative”.

14.1 **Informal Procedures**

- (a) The employee desiring to register a complaint for discrimination must contact his/her immediate supervisor in order to initiate procedures for resolution of the complaint. At the time of the initial interview with the employee, the supervisor will set a time and date for a joint conference regarding the matter with the appropriate manager and employee present.
- (b) Prior to the joint conference, the manager having authority over the parties involved will conduct an informal investigation of the matter by:
 - (1) Interviewing all involved parties; and,
 - (2) Making any inquiries necessary to determine what facts will be needed to resolve the issue.
- (c) All findings and possible methods of resolving the issue will be discussed at the joint conference. The manager shall advise the employee of his/her right to initiate formal proceedings by filing a written complaint. If informal resolution cannot be made, and the employee elects to initiate formal proceedings, a written complaint must be filed with the Human Resources Officer or in his/her absence, the Assistant Court Executive Officer.
- (d) The complaint will serve as a basis for the employee’s allegation of discriminatory practices and must be limited to matters discussed with the supervisor and manager.
- (e) Upon receipt of the written complaint, the Human Resources Officer shall conduct any further investigation necessary and shall prepare a report identifying the issues, describing his/her findings, explaining what resolution, if any, is recommended and making recommendation to what corrective actions, if any, may need to be undertaken. The investigation report will be submitted to the Court Executive Officer for final disposition.

REPORT

IMPROPER

ACTIVITY



Contact the Whistleblower Hotline by phone, web, or mail

Phone

(800) 952-5665

Web

www.auditor.ca.gov

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.

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.

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.

***** INFORMATION PROVIDED BY THE JUDICIAL BRANCH

OTHER OPTIONS TO REPORT IMPROPER ACTIVITIES* BY THE JUDICIAL BRANCH OR BY A JUDICIAL BRANCH EMPLOYEE:

- Your Supervisor or Manager
- The Judicial Branch Whistleblower Hotline--
Judicial Council Audit Services Unit
1-866-865-6400

YOU ARE PROTECTED FROM RETALIATION FOR REPORTING IMPROPER ACTIVITIES

**Note that the judicial branch is not subject to executive orders, the State Administrative Manual, or the State Contracting Manual cited in the State Auditor's notice above. The judicial branch is subject to the Judicial Branch Contracting Manual.*

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 2014 alone, we received 2,526 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:

- 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.
- A manager at a state department embezzled more than \$3,500 in state funds that she received when she recycled surplus state property on behalf of the department.
- A state department failed to keep an accurate inventory of state property at a training facility, which led to a loss of inventory valued at \$33,400.

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.