

WHISTLEBLOWER PROTECTION ACT

2084

(No.13 February 2010)

The California Whistleblower Protection Act (Government Code §8547) authorizes the California State Auditor to receive complaints from state employees and members of the public who wish to report an "improper governmental activity," which is defined as any action that violates the law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. The complaints received by the State Auditor shall remain confidential, and the identity of the complainant may not be revealed without the permission of the complainant, except to an appropriate law enforcement agency conducting a criminal investigation.

Administered by the Bureau of State Audits (BSA), the Whistleblower Protection Act also protects every state employee who files a complaint from suffering any retaliation by his or her state employer for having made the complaint. The Act forbids every state official and employee from retaliating or attempting to retaliate against any employee or applicant for employment who reports an improper activity. Retaliation includes intimidation, the denial of appointment or promotion, a threat of adverse action, a poor performance evaluation, involuntary transfer, or any form of disciplinary action.

REFERENCE

2084.1

(No.13 February 2010)

California Government Code §8547-8547.12; §8548-8548.5; §9149.20-9149.23
<http://www.bsa.ca.gov/hotline>

POLICY

2084.2

(No. 13 February 2010)

It is the policy of the California Department of Forestry and Fire Protection (CAL FIRE) to promote efficiency, effectiveness, and accountability in all of the services and programs that it administers for the State of California. As such, CAL FIRE will respond to all Whistleblower complaints thoroughly and in a timely manner.

PROCEDURES

2084.3

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- All Whistleblower complaints received will be routed to the CAL FIRE Director's Office. The Director's Office will assign an internal CAL FIRE tracking number (Director's Action Request or DAR) and forward the complaint to the Office of Program Accountability (OPA).
- The Chief of OPA will assign the Whistleblower complaint to the appropriate Program or Unit within CAL FIRE and assign a reply date.

- The Program Manager or Unit Manager will follow-up on the allegations of the complaint and provide written documentation of any confirmation of wrong doing by staff and the corrections made. If the allegations are unsubstantiated, the Program Manager or Unit Manager must submit documentation of the review.
- The Chief of OPA, or assigned staff, will review the report and verify that corrective actions have been taken.
- The Chief of OPA, or assigned staff, will prepare a final report and cover memo for the Director's signature detailing the actions taken or that the allegation was unsubstantiated.
- After the Director signs the report, OPA will route it to BSA.
- Some Whistleblower complaints that come to CAL FIRE do not require an "official response." However, all complaints will be investigated internally with a report filed with OPA.
- For those Whistleblower complaints received that require CAL FIRE staff to work directly with BSA staff, all interactions shall include OPA. For more information on interacting with external auditors, see Section 2083 of the Administrative Information Handbook.

[\(See HB Table of Contents\)](#)

[\(See Forms or Forms Samples\)](#)