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**ATTACHMENT 1**

**DRAFT WHISTLEBLOWER PROTECTION ORDINANCE REGULATIONS  
For Consideration at Ethics Commission’s Regular Meeting on March 28, 2016**

*Assumes Existing Ordinance Language*

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**Regulation 4.110. Complaints.**

(a) A “complaint” can be any formal or informal writing such as a letter, email or other written communication sufficient to convey what the complainant in good faith believes evidences improper government activity by a city officer or employee. A “complaint” can also include an oral communication that is recorded in writing by the recipient of the complaint or that is accompanied by written information demonstrating improper government activity by a city officer or employee.

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**Regulation 4.115(a)-1. Other Similar Adverse Employment Actions.**

(a) An “other similar adverse employment action” includes effecting any reprisal; or taking or directing others to take, or recommending, or approving, any negative personnel action with regard to any appointment, promotion, transfer, reassignment, performance evaluation, suspension, termination, or other disciplinary action.

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**Regulation 4.115(b)-1. Preponderance of the Evidence.**

(a) As used in Sec. 4.115(a), the preponderance of the evidence standard shall apply during the adjudication of the complaint by the Ethics Commission and shall not apply during the preliminary review or investigation of any complaint. [Note: This standard of proof reference also appears in SFEC Enforcement Regulation XII.A.2, which generally addresses the rules and procedures for Commission hearings on the merits. The Commission may wish to consider whether additional reference to this standard is necessary in these regulations].

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**Ethics Commission Enforcement Regulation IV.A(1) – Whistleblower Retaliation Complaint Timeframes and Report to Commission**

(a) Ethics Commission Staff will initiate a preliminary review of any complaint it receives that alleges retaliation under Campaign & Gov't Conduct Code, Article IV, Chapter 1, § 4.100, et seq.

1 within two business days of receiving the complaint, and will work to complete the preliminary  
2 review within 90 days of receipt.

3 (b) No less than quarterly, the Executive Director shall provide a summary to the Commission of  
4 the status of all complaints received that allege Whistleblower retaliation that remain under  
5 preliminary review, and for matters that have been pending for over 90 days, an explanation for  
6 why the Ethics Commission Staff has not completed the preliminary review and a target date for  
7 its completion.

8 (c) Ethics Commission Staff will notify any complainant who has alleged retaliation under  
9 Campaign & Gov't Conduct Code, Article IV, Chapter 1, § 4.100, et seq. and whose complaint  
10 remains under preliminary review 90 days after receipt of that complaint that it remains under  
11 preliminary review. Subsequent notice shall be provided to the complainant at the end of every  
12 additional 90 days that the complaint remains under preliminary review. Ethics Commission  
13 staff providing such notification may not provide any details about its preliminary review, except  
14 as necessary to conduct the investigation.

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