

Whistleblower Protection

Rationale: To protect an employee when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a state or federal rule or regulation.

Policy:

Who is protected?

Pursuant to California Labor Code Section 1102.5 and HIPAA regulations, employees are the protected class of individuals. “Employee” means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California [California Labor Code Section 1106]

What is a whistleblower?

A “whistleblower” is an employee who discloses information to a government or law enforcement agency where the employee has reasonable cause to believe that the information discloses:

- A violation of a state or federal statute
- A violation or noncompliance with a state or federal rule or regulation, or
- With reference to employee safety or health, unsafe working conditions or work practices in the employee’s employment or place of employment

What protections are afforded to whistleblowers?

- An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower
- An employer may not retaliate against an employee who is a whistleblower
- An employer may not retaliate against employees because the employer believes the employee has blown the whistle, even if the employee has not actually done so
- An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation
- An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment
- An employer may not retaliate against an employee because a family member of the employee has engaged in any of the protected whistleblowing activities, or is perceived to have engaged in protected whistleblowing activity.
- If an employer retaliates against a whistleblower, the employer may be required to reinstate the employee’s employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

Procedure:

SOCIAL ADVOCATES FOR YOUTH (SAY) SAN DIEGO

How to report violations

If an employee has 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 Attorney General will refer the call to the appropriate government authority for review and possible investigation. Or, employees may report it to a member of the Executive Committee of the SAY Board of Directors, the Compliance Officer, the Compliance Hotline (858-565-4148 X529), or in accordance with any other authorized and posted reporting mechanism.

HIPAA

HIPAA includes some additional information regarding whistle blowing as it pertains to protected health information. For more information, see the HIPAA Manual for the policy titled "Whistleblowers and Workforce Crime Victims."