



DEPARTMENT NOTICE

21-071
04/22/21

Rights and Responsibilities under California Whistleblower Laws (Re-issue DB 19-068)

A “whistleblower” is an employee who reports a violation of the law by their employer. California’s Whistleblower Law (California Labor Code section 1102.5, et seq.) prohibits employers from preventing an employee from disclosing violations of a state or federal statute, or a violation or noncompliance with a local, state, or federal rule or regulation to a government or law enforcement agency. The law also prohibits retaliation against an employee who makes a disclosure. A violation is punishable as a misdemeanor.

A “whistleblower” can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation. The law prohibits an employer from retaliating against any employee for refusing to participate in such activity.

The law extends protections to employees who reported a violation of a state or federal statute, or a violation of or noncompliance with a state or federal rule or regulation, or who exercised these rights during a former employment.

The law prohibits an employer from retaliating against an employee for exercising any of these rights, including those provided under existing law. It also provides an additional civil penalty for violations, and establishes the evidentiary burdens of the parties participating in a civil action or administrative hearing involving an alleged violation.

The law also established a “Whistleblower Hotline” within the California Attorney General’s Office. The hotline number is 1-800-952-5665. Calls made to the hotline will be reviewed and forwarded to the appropriate government authority for review and possible investigation.


WILLIAM SCOTT
Chief of Police

Per DN 20-150, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional information.