



2024 ANNUAL REPORT TO THE LEGISLATURE

WHISTLEBLOWER RETALIATION COMPLAINTS

Prepared by

State Personnel Board

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ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE COMPLAINTS OF RETALIATION FOR THE DISCLOSURE OF INFORMATION BY PUBLIC EMPLOYEES (WHISTLEBLOWER RETALIATION)

June 30, 2025

Introduction

Government Code section 19683, subdivision (f), provides: “In order for the Governor and the Legislature to determine the need to continue or modify state personnel procedures as they relate to the investigations of reprisals or retaliation for the disclosure of information by public employees, the State Personnel Board, by June 30 of each year¹, shall submit a report to the Governor and the Legislature regarding complaints filed, hearings held, and legal actions taken pursuant to this section.” This report is prepared by the State Personnel Board (SPB) for the calendar year of January 1, 2024, through December 31, 2024.

Background

Protection for state employees from retaliation for having reported improper governmental activities was first provided in 1985. At that time, SPB was assigned responsibility for investigation of complaints of whistleblower retaliation. Amendments to the whistleblower retaliation protections were made in 1987, 2000, 2001, 2004, 2010, 2011, 2012, and 2013.

In 2002, SPB adopted regulations to implement the whistleblower retaliation laws. Effective March 8, 2006, SPB’s regulations were revised to include the requirement that the Executive Officer refer accepted cases for investigation or schedule an informal hearing before a hearing officer. Effective August 18, 2010, SPB’s regulations concerning the whistleblower statutes were revised as part of a broader revision to SPB’s regulations. Effective January 1, 2018, SPB’s regulations were revised again. The revisions require that an appeal from sustained allegations of whistleblower retaliation be assigned to an evidentiary hearing before an administrative law judge. Effective April 2023, SPB revised its regulations for clarity.

Information

Whistleblowing is defined as disclosing information that an employee reasonably believes is evidence of an improper governmental activity, or refusing to obey an illegal order or directive. The term “employee” includes current employees, former employees, and applicants for state employment. Employees of state agencies, community

¹ Six reports were produced between 1987 and 1992. In 1992, Chapter 710 legislation (Government Code section 7550.5) instituted a moratorium on most reports to the Legislature. The moratorium was renewed in 1994 and 1996 and became inoperative on October 1, 1999. After the moratorium was repealed as of January 1, 2000, Whistleblower Retaliation Reports have been produced on an annual basis beginning with the calendar year 2000.

colleges, the California Supreme Court, courts of appeal, superior courts, and the Administrative Office of the Courts are protected from retaliation due to whistleblowing.

Three agencies play major roles in investigating whistleblower retaliation, the California State Auditor (CSA), the Office of the Inspector General (OIG), and SPB.

CSA accepts complaints in reference to improper governmental activities. CSA is the investigative agency that has jurisdiction to investigate the underlying improper governmental activity.

OIG's specific responsibility for whistleblower retaliation complaints is to investigate complaints of retaliation against those who report misconduct on the part of state correctional agencies and employees. OIG may, with the approval of the complaining employee, forward its investigative findings to SPB for the purpose of bringing disciplinary action against an employee who is found to have violated the retaliation provisions when the department fails to do so. As an independent agency, OIG reports to the Governor. OIG also provides impartial analysis and policy recommendations to the Governor, the Legislature, and correctional administrators. In 2024, OIG did not forward any investigative findings to SPB.

SPB is the adjudicatory body that hears and decides whistleblower retaliation complaints filed by employees who have alleged being subjected to an unlawful personnel action for disclosing an improper governmental activity or refusing to obey an illegal order or directive.

SPB exercises jurisdiction in whistleblower retaliation cases when all of the requirements listed below are met:

- An employee files a complaint.
- The complaint states a prima facie case of retaliation.
- The complaint is filed within one year of the most recent act of reprisal.
- The names and business addresses of each individual and entity alleged to have committed reprisal or retaliatory acts are provided.
- The complainant provides a sworn statement, under penalty of perjury, that the contents of the complaint are true.

SPB does not accept filed complaints when any of the above requirements are not met or SPB does not have jurisdiction over the employing entity (e.g. University of California or California State University).

Complaint Activity

In calendar year 2024, 25 whistleblower retaliation complaints were filed with SPB. In 2023, 24 complaints were filed. In 2022, 28 complaints were filed, and in both 2021 and 2020, 35 complaints were filed.

Of the 25 complaints filed in 2024, 5 complaints were accepted, representing an acceptance rate of 20 percent. This is an increase compared to the acceptance rate of 8 percent in 2024.

Of the 20 complaints that were not accepted, 17 complainants (85%) chose not to amend following SPB's dismissal of their complaint with leave to amend; thereby voluntarily ending the process. The rate of non-amendment affects the annual acceptance rate. All complaints that were accepted in 2023 and 2022 had been dismissed with leave to amend and amended prior to acceptance.

Three of the accepted complaints were referred to investigation utilizing SPB's investigatory hearing process. One matter was referred to SPB's informal hearing process and one matter was assigned to SPB's evidentiary hearing process.

Whistleblower Retaliation Complaints Activity Report

Total Filed	Complaints Accepted	Complaints Not Accepted
25	5	20

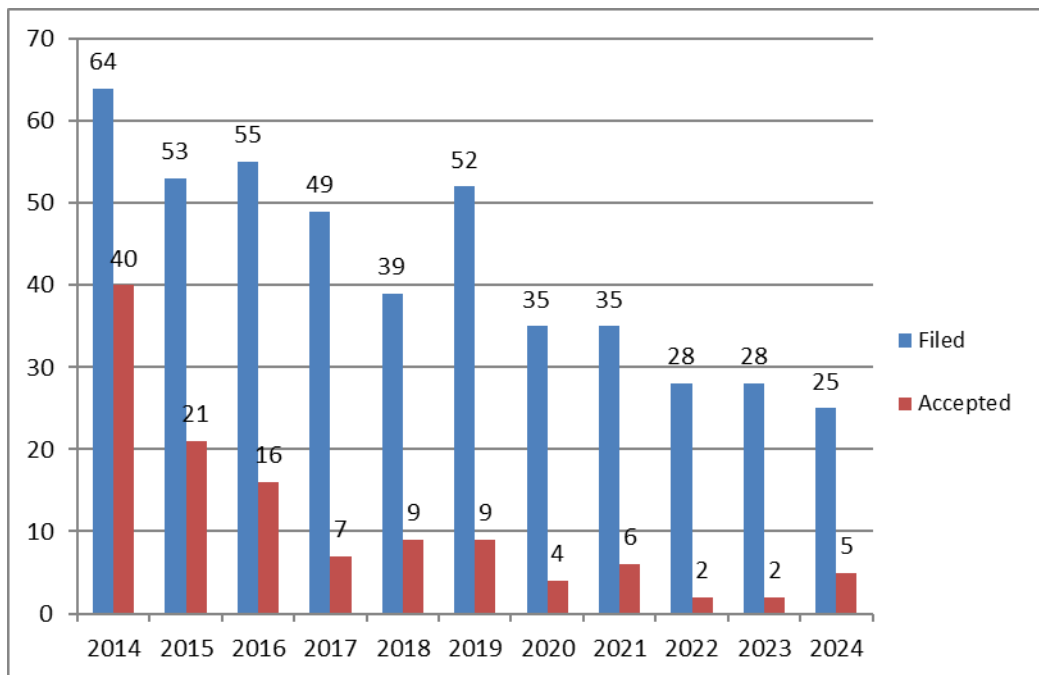
I. Disposition of Whistleblower Complaints Administered within the Informal Hearing or Investigatory Processes

Sustained	Dismissed	Withdrawn	Pending
0	3	0	1

II. Disposition of Whistleblower Complaints Assigned Directly to the Evidentiary Hearing Process

Sustained	Dismissed	Withdrawn	Pending
0	0	1	0

III. Comparison of Whistleblower Complaints Over the Past Decade



**Detailed Listing – Whistleblower Retaliation Complaints
Filed with SPB
Calendar Year 2024**

	Number	Filing Date	Case Status	Department	Consolidated ²	RDAT ³	Hearing Type
1	24-0115W	1/30/2024	Closed – No Prima Facie Case	DSH		No	
2	24-0178W	2/20/2024	Closed – No Prima Facie Case	CDCR		No	
3	24-0200W	2/23/2024	Closed – No Prima Facie Case	CCC		No	
4	24-0293WE	3/11/2024	Closed – Withdrawn After Acceptance	Caltrans		Yes	
5	24-0394W	4/3/2024	Closed – No Prima Facie Case	CDCR		No	
6	24-0410W	4/5/2024	Closed – No Prima Facie Case	CDCR		No	
7	24-0511W	4/30/2024	Closed – No Prima Facie Case	EDD		Yes	
8	24-0541W	5/3/2024	Closed – No Prima Facie Case	CDCR		No	

² AA: Whistleblower Retaliation Complaint consolidated with prior Adverse Action appeal.
DC: Whistleblower Retaliation Complaint consolidated with prior Discrimination Complaint.
E: Converted to formal evidentiary hearing.
VA: Whistleblower Retaliation Complaint consolidated with prior Voided Appointment appeal.
WB: Whistleblower Retaliation Complaint consolidated with other Whistleblower Retaliation Complaint.

³ RDAT: indicates whether complainant requested disciplinary action be taken.

**Detailed Listing – Whistleblower Retaliation Complaints
Filed with SPB
Calendar Year 2024**

	Number	Filing Date	Case Status	Department	Consolidated²	RDAT³	Hearing Type
9	24-0553W	5/6/2024	Closed – No Prima Facie Case	CDCSS		No	
10	24-0588W	5/8/2024	Closed – Notice of Findings (Dismissed)	CDCR		Yes	Investigatory
11	24-0745W	6/7/2024	Closed – No Prima Facie Case	CDFA		No	
12	24-0753W	6/10/2024	Closed – No Prima Facie Case	Caltrans		No	
13	24-0789W	6/18/2024	Pending	CDCR		Yes	Investigatory
14	24-0831W	6/27/2024	Closed – No Prima Facie Case	CARB		No	
15	24-0854W	7/1/2024	Closed – Notice of Findings (Dismissed)	CDCR		Yes	Investigatory
16	24-0936W	9/6/2024	Closed – No Prima Facie Case	CDFA		No	
17	24-1045W	8/7/2024	Closed – No Prima Facie Case	CHP		No	
18	24-1079W	8/20/2024	Closed – No Prima Facie Case	DGS		Yes	
19	24-1195W	9/16/2024	Closed – No Prima Facie Case	DMV		No	

**Detailed Listing – Whistleblower Retaliation Complaints
Filed with SPB
Calendar Year 2024**

	Number	Filing Date	Case Status	Department	Consolidated²	RDAT³	Hearing Type
20	24-1298W	10/7/2024	Closed – Notice of Findings (Dismissed)	WRCB		Yes	Informal
21	24-1328W	10/15/2024	Closed – No Prima Facie Case	CalOES		Yes	
22	24-1337W	10/14/2024	Closed – No Prima Facie Case	Conservation		No	
23	24-1364W	10/18/2024	Closed – No Prima Facie Case	DMV		No	
24	24-1408W	11/1/2024	Closed – No Prima Facie Case	DSH		No	
25	24-1641W	12/20/2024	Closed- No Prima Facie Case	CalTech		Yes	