

WHISTLEBLOWER SCENARIOS

1. Bill Boxer is an employee in the Department of Procurement Management. On June 1, 2004, DPM issued an RFP to provide food services at the Richard Gerstein Courthouse. However, the project was delayed because of funding problems. On September 4, 2006, the Board of County Commissioners approved funding for the project. On September 14, 2006 Boxer, Boxer's supervisor and the GSA Building Manager met with the recommended provider and asked if he would be willing to honor his original agreement in a private meeting in Boxer's office. On November 15, 2006, Boxer was evaluated by his supervisor. The supervisor found Boxer deficient because he was slow in bringing projects to completion and recommended that Boxer not receive his annual raise. On December 3, 2006, Boxer filed a written complaint with the Ethics Commission, with a copy to the County Manager, alleging that DPM had violated the Code of Silence by holding unadvertised meetings with proposers. Is Boxer entitled to whistleblower protection and can he raise it in challenging his evaluation?

2. Carla Concepcion is an Administrative Officer in the Office of Historic Preservation. The Historic Preservation Board always holds a reception during Dade Heritage Days. After a board meeting, a Board member mentions to Concepcion that the board has opened a separate account for the fundraiser in a non authorized account. The board member is concerned because the board member in charge of the account asked that all donations to the account be made out to the individual member or CASH instead of the board. Concepcion alerts the Director, with a copy to the County Manager, of the board's unusual financial transactions. Two months later,

Concepcion is demoted from her post for failing to follow the chain of command in reporting her concerns. Is Concepcion a whistleblower and is her demotion retaliation?

3. The Ethics Commission receives an anonymous complaint that a County department is paying ghost employees. In order to verify the allegations, the Ethics Commission investigator requests pay records from the Department. Samantha Samuels, the Department DPR, provides pay information and personnel records to the Ethics Commission investigator. The Ethics Commission later files charges against several employees in the department including a Division Director who “hired and supervised” the ghost employees. The Division Director implicates Samuels for processing the false payrolls. The Ethics Commission finds that Samuels was not involved. However, Samuels is demoted and transferred for failing to follow procedure in handling records. Is Samuels a whistleblower? Is the false accusation and the transfer retaliation?

4. Pierre Paul is a trainee at the William Lehman Transit Yard. The Transit personnel rules require the employees to clock in and out every day. Paul observes that employees frequently clock in and out for each other. Paul mentions the problem to his supervisor. The supervisor does not take any action. Subsequently, Paul sends a letter to the Department Director, the County Manager, the Inspector General and the Ethics Commission regarding the practice. After his training period ends, Paul is not offered a position with the Department. Is Paul a whistleblower?