



The City of New York
Department of Investigation

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BY HAND DELIVERY

Hon. Bill de Blasio
Mayor
City of New York
City Hall
New York, New York 10007

Hon. Melissa Mark-Viverito
Speaker
New York City Council
City Hall
New York, New York 10007

Re: Whistleblower Law Complaints for Fiscal Year 2014

Dear Mr. Mayor and Madam Speaker:

The New York City Department of Investigation ("DOI") is submitting this report pursuant to Section 12-113 of the New York City Administrative Code, the City's "Whistleblower Law." Subsection (i) of the Whistleblower Law provides that, "[n]ot later than October thirty-first of each year, the commissioner [of investigation] shall prepare and forward to the mayor and the council a report on the complaints governed by this section during the preceding fiscal year. The report shall include, but not be limited to, the number of complaints received pursuant to this section, and the disposition of such complaints."

As you are aware, the Whistleblower Law protects City employees from retaliation for reporting misconduct, corruption, criminal activity, conflicts of interest, gross mismanagement and abuse of authority in City government. In order to qualify for protection under the Whistleblower Law, City employees must make these complaints to DOI; employees may also make their complaint to a member of the City Council, the Public Advocate or the Comptroller, each of whom must refer the complaints to DOI. The Whistleblower Law has undergone several amendments in the past several years. A 2007 amendment expanded the scope of the Whistleblower Law to include complaints about children's educational welfare, health and safety. In 2012, the City Council further amended the Law to extend its protection to officers and employees of City

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contractors and subcontractors.

During Fiscal Year 2014, DOI received complaints from 36 individuals who alleged retaliation for reporting corruption that DOI classified as whistleblower complaints. In some of the 36 cases, the complainant explicitly referenced the Whistleblower Law. In other cases, the complainant did not specifically mention the Whistleblower Law, but in all 36 cases the complainants alleged some form of retaliation for reporting misconduct. DOI reviews all complaints of alleged retaliation in any form regardless of whether the complainant specifically invokes the Whistleblower Law.

We believe the overall number of complaints received in Fiscal Year 2014 can be attributed to a comprehensive education program in which DOI conducts Corruption Prevention/Whistleblower Protection lectures to the City's workforce throughout the year. In Fiscal Year 2014, DOI conducted 535 such lectures, covering 13,425 City employees.

A review of the 36 whistleblower complaints received by DOI did not reveal that retaliation for providing information about fraud, corruption, conflicts of interest, gross mismanagement or abuse of authority is pervasive in City government. Broken down by the agencies where the complainants or the subject(s) of the complaint were employed, the whistleblower complaints DOI received in Fiscal Year 2014 are as follows:

Administration for Children's Services	1
Department of Citywide Administrative Services	4
Department of Education	18
Human Resources Administration	1
Department of Health and Mental Hygiene	1
New York City Housing Authority	5
Department of Housing Preservation & Development	2
Office of Chief Medical Examiner	1
Department of Parks and Recreation	1
Office of Payroll Administration	1
Police Pension Fund	1

Each of these 36 matters was carefully reviewed by DOI's General Counsel's Office and/or by the Inspector General for the agency where the complainant or subjects worked. The 36 complaints were dispositioned in one of the following ways, depending on the allegations and supporting facts: (1) opened for investigation/preliminary investigation; (2) no action/filed for intelligence purposes; or (3) referred to another agency for appropriate action. Broken down in this manner, the complaints DOI received were dispositioned as follows:

Opened for investigation/preliminary investigation	20
No action/filed for intelligence purposes	6
Referred to another agency	10

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Of the 20 matters that were opened for investigation in the past fiscal year, 12 remained open and under investigation at the end of the reporting period, June 30, 2014. DOI closed 26 investigations – 19 of which were opened in a prior fiscal year, and seven of which were opened in Fiscal Year 2014 – without a finding that the complainant was entitled to protection under the City’s Whistleblower Law, and closed one preliminary investigation after the complainant withdrew her claim. Please note, however, that even when a complainant is found not to have met the statutory requirements for protection under the Whistleblower Law, DOI will, where warranted, still make recommendations to an agency to redress problematic conduct related to that complaint.

In three of the six instances where complaints were filed as no action/for intelligence purposes, the complainant reiterated the same or similar allegations that DOI previously had investigated and determined did not fall under the protection of the Whistleblower Law. In the remaining three instances, and in the case of the 10 complaints referred to other agencies, DOI determined that none of the complaints made out a claim for protection under the City’s Whistleblower Law. In each instance where the complaint was referred to a City agency outside of DOI, it was determined that either that agency could assist the complainant with their issue, or a referral to the individual agency was necessary so the agency could review and be aware of the allegations of misconduct.

The protections afforded by the Whistleblower Law are essential to helping to create and maintain a government that functions with integrity and transparency. DOI remains committed to insuring that City employees or employees of a City contractor who report corruption or other wrongdoing in City government are free to do so without fear of retaliation.

Thank you for the opportunity to submit this report.

Very truly yours,



Mark G. Peters
Commissioner