

Purpose

1. OCERS employees are protected against retaliation for engaging in valid whistleblowing activities under California Labor Code section 1102.5 (whistleblower statute). The purpose of this policy is to encourage OCERS employees to report unlawful acts without fear of retaliation and to outline how they may do so.

Policy Objectives

2. The objectives of this policy are to:
 - provide an atmosphere of open communication and accountability regarding compliance issues;
 - to ensure that OCERS employees know how to report actual or potential legal and policy violations;
 - to create an affirmative obligation for OCERS employees to report actual or potential legal and policy violations; and
 - to assure OCERS employees that they can raise genuine concerns without fear of reprisal, even if they turn out to be mistaken.

Policy Guidelines

3. Under California's whistleblower statute, an employer cannot prevent an employee from disclosing information to a government or law enforcement agency nor can an employer retaliate against an employee who makes such a disclosure when the employee has reasonable cause to believe that the report reveals a violation of a state or federal statute, rule, or regulation. OCERS extends this whistleblower protection to the good faith reporting of an OCERS policy violation.
4. A report made to OCERS management or to a member of the Board of Retirement (Board) constitutes the disclosure of information to a government agency that is protected by the whistleblower statute.
5. Therefore, it is the policy of the Board that no Board member, member of OCERS management, or other OCERS employee may retaliate or take adverse action against anyone for having engaged in protected whistleblower activity.
6. Given the assurance of this whistleblower protection, it is the policy of the Board that every OCERS employee has the obligation to promptly report actual or potential violations of law or OCERS policy that they become aware of or observe.

Reporting Procedures

7. Reports of actual or suspected violations of law or of OCERS policies and reports of retaliation for having engaged in protected whistleblower activities should be submitted to OCERS Chief Executive Officer or the Human Resources Director. Alternatively, reports may be directed to the General Counsel or to a member of the Board if the information involves the Chief Executive Officer or the Human Resources Director. OCERS employees may also submit reports to their direct supervisor or to any Senior Executive if the information involves the employee's direct supervisor.

OCERS Board Policy Whistleblower Policy

8. OCERS has established a Fraud Hotline for employees, vendors, and the public at large to report concerns about suspected fraud, waste, or abuse. OCERS has contracted with an independent company, EthicsPoint,¹ to accept calls and internet reports 24 hours a day, 7 days per week.
9. For reports of discrimination, OCERS employees may utilize the County of Orange's Equal Employment Opportunity (EEO) Access Office reporting procedure;² may contact the Department of Fair Employment and Housing (DFEH) at 1-800-884-1684 or www.dfeh.ca.gov; or the California State Attorney General's Whistleblower Hotline at (800) 952-5225.
10. Reports of actual or suspected violations of law or of OCERS policies may be made anonymously. However, the individual should provide, to the extent possible, relevant documents to support the allegations being made, such as e-mails, handwritten notes, photographs, or physical evidence.
11. Any report of an actual or potential violation should include the following information:
 - The names of the parties involved.
 - Any witnesses to the incident(s).
 - The location, date, and time of the incident(s).
 - Details about the incident(s).
 - Any additional information that would assist with an investigation.

Investigation of Reported Violations

12. All reports will be timely, fairly, and thoroughly investigated. Reasonable efforts will be made to protect the confidentiality and privacy of the parties involved. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, their identity may have to be disclosed to conduct a thorough investigation, comply with the law, or provide accused individuals their legal defense rights.

Policy Review

13. The Board will review this policy at least every three years to ensure that it remains relevant and appropriate.

¹ Ethicspoint website: https://secure.ethicspoint.com/domain/en/default_reporter.asp

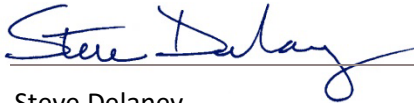
² Information regarding this procedure may be found at <http://ocgov.com/gov/hr/eo/complaint/form>, by calling the EEO Access Office at 714-834-5259, or by visiting the EEO Access Office at 333 W. Santa Ana Blvd. Room 200, Santa Ana, CA 92701.

Policy History

14. The Board adopted this policy on adopted this policy on May 17, 2011. The policy was revised on March 17, 2014, January 16, 2019, and June 20, 2022.

Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.



Steve Delaney
Secretary of the Board

06/20/2022

Date