

## **OCERS Board Policy** **Whistleblower Policy**

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### **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 a member of the Board of Retirement (Board) constitutes the disclosure of information to a government agency protected by the whistleblower statute.
5. Therefore, the Board policy is 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, the Board policy is that every OCERS employee has an 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 OCERS policies and reports of retaliation for engaging in protected whistleblower activities should be submitted to OCERS Chief Executive Officer or Human Resources Director. Alternatively, reports may be directed to the General Counsel or a Board member if the information involves the Chief Executive Officer or the Human Resources Director. OCERS employees may also submit reports to their direct supervisor or any Senior Executive if the information involves the employee's direct supervisor.

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8. OCERS has established a Fraud Hotline for employees, vendors, and the public to report suspected fraud, waste, or abuse concerns. OCERS has contracted with an independent company, EthicsPoint, to accept calls and internet reports 24 hours a day, 7 days per week.<sup>1</sup>
9. For reports of discrimination, OCERS employees may utilize the County of Orange's Equal Employment Opportunity (EEO) Access Office reporting procedure;<sup>2</sup> may contact the Department of Fair Employment and Housing (DFEH) at 1-800-884-1684 or [www.dfeh.ca.gov](http://www.dfeh.ca.gov); or the California State Attorney General's Whistleblower Hotline at (800) 952-5225.
10. Reports of actual or suspected law violations or OCERS policies may be made anonymously. However, the individual should provide relevant documents, such as e-mails, handwritten notes, photographs, or physical evidence, to support the allegations being made, to the extent possible.
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 it remains relevant and appropriate.

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<sup>1</sup> Ethicspoint website: [https://secure.ethicspoint.com/domain/en/default\\_reporter.asp](https://secure.ethicspoint.com/domain/en/default_reporter.asp)

<sup>2</sup> Information regarding this procedure may be found at <http://ocgov.com/gov/hr/eoo/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.

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## **Policy History**

14. The Board adopted this policy on May 17, 2011. The policy was revised on March 17, 2014, January 16, 2019, June 20, 2022, and May 19, 2025.

## **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

**5/19/2025**

Date