

OCERS Board Policy **Whistleblower Policy**

Purpose and Background

1. It is the policy of the Board of Retirement of OCERS to encourage employees to notify an appropriate government or law enforcement agency when an employee has reasonable cause to believe that information in the employee's possession discloses a violation of a state or federal statute or a violation or noncompliance with a state or federal rule or regulation. Employees are provided with protection against retaliation for engaging in valid whistleblowing activities, as defined below, under the provisions of California Labor Code §1102.5. The purpose of this policy is to assure OCERS' employees that they are provided with such protection in compliance with the law.

Policy Objectives

2. The objectives of the policy are to provide guidance to OCERS Board members, staff, and management regarding the reporting of violations of state or federal laws, rules, and regulations, and to assure staff that reports based upon a reasonable belief of wrongdoing will be accepted and acted upon without fear of retaliation.

Policy Guidelines

3. OCERS should carry out its duties in the spirit of open governance.
4. The persons protected by the policy are "whistleblowers" who are OCERS employees, including employees of the County of Orange assigned to work at OCERS and OCERS Board members.
5. Under the Labor Code, protected activity is the disclosure of information to a government or law enforcement agency where the employee has reasonable cause to believe that the information discloses a violation of state or federal law or a violation or noncompliance with a state or federal rule or regulation.
6. Protected activity may also include the disclosure of suspected fraud, misuse of OCERS' resources by vendors, contractors, OCERS Board members or employees, and significant violations of OCERS or County of Orange policy.
7. Protected activity may also include, with reference to employee safety or health, disclosure of unsafe working conditions or work practices in the employee's employment or place of employment.
8. For the purposes of this policy, a report made by an OCERS employee to OCERS management or to a member of the Board of Retirement is a disclosure of information to a government or law enforcement agency.
9. It is the policy of the Board of Retirement of OCERS that no Board member, management employee, or other employee may retaliate against any OCERS Board member, employee, service provider, member, beneficiary, or any other person who discloses information to a government or law enforcement agency in compliance with the whistleblower provisions of the Labor Code. However, OCERS reserves the right to discipline (up to and including termination of) persons who

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make bad faith, knowingly false, or vexatious complaints, reports or inquiries or who otherwise abuse this policy.

10. Complaints, reports or inquiries may be made under this policy on a confidential or anonymous basis, but should describe in detail the specific facts demonstrating the bases for the complaint, report or inquiry. They may be directed to the Chief Executive Officer or Director of Administrative Services, or to the General Counsel if involving the Chief Executive Officer or Director of Administrative Services. OCERS will conduct a prompt, discreet, and objective review or investigation in response to the complaint, report or inquiry. However, employees must recognize that OCERS may be unable to fully evaluate or address a report or inquiry that is made anonymously on a vague or general matter. Further, OCERS cannot assure the complaining employee of complete confidentiality through the investigative process, as that process may require disclosure to others of the nature of the complaint made and related facts.

Policy Review


11. The Board of Retirement will review this policy at least every three (3) years to ensure that it remains relevant and appropriate.

Policy History

12. The Board of Retirement adopted this policy on May 17, 2011. The policy was revised on March 17, 2014 and January 16, 2019.

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

01/16/19

Date