

## WHISTLEBLOWER HOTLINE POLICY

SECTION: Basic Policy

POLICY NUMBER:

AP 19

INITIAL DATE PREPARED: August 27, 2010

LAST DATE REVIEWED: May 2015

### I. PURPOSE

To provide a confidential process for reporting any fraud, waste, abuse, or potential violations of work-related laws or regulations in a manner that will permit the anonymity of the reporter, if so desired; and, to ensure timely identification and resolution of all issues that may adversely affect the Port of Oakland ("Port") or Port employees ~~or the organization~~.

### II. POLICY

- A. All employees are responsible for reporting any information, which if true, would constitute one of the following:
1. a work-related violation by a Port officer or employee of any law or regulation;
  2. fraud, waste, or mismanagement of Port assets or resources;
  3. gross abuse of authority;
  4. a specific and substantial danger to public health or safety due to an act or omission of a Port officer erial or employee;
  5. use of a Port office, position, or resources for personal gain.
- B. As outlined in Port Policy AP 13, an "open-door policy" will be maintained at all levels of management to encourage employees to report problems and concerns. Employees are strongly encouraged to report problems and concerns via the chain-of-command. However, the Whistleblower Hotline ("Hotline") is always available if special circumstances exist, if issues are not being properly addressed, or if an employee feels more comfortable using this channel of reporting.
- C. The Port has established and ~~will maintain~~ a Hhotline that employees and non-employees may use to report fraud, waste, abuse, or violations of work-related laws or regulations ~~problems and concerns~~ either anonymously or in confidence. The Hotline telephone number and website address ~~are will be made~~ readily available to all employees ~~as by~~ conspicuously posted ~~ing such information~~ in the Port's common work areas, on the Port's intranet, and on the Port's website.
- D. Employees who report problems in good faith and with reasonable grounds any information pursuant to Subsection II-A above ~~and concerns~~ via the Hhotline ~~in good faith~~ will be

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protected from any form of retaliation or retribution as outlined in Port Policy AP18 – Whistleblower Protection Policy.

- E. All staff employed in the Hhotline operation will act with utmost discretion and integrity in assuring that information received through the Hotline is acted upon in a timely, reasonable, and proper manner.
- F. The Chief Audit Officer (“CAO”) or his designee will serve as the designated Hotline Administrator.
- G. The CAO has the responsibility for directing all investigations. In a case where the allegation is a criminal violation of law, the Hotline Administrator may need to involve the Port Attorney to determine whether there is sufficient evidence to support referral of the case to an appropriate ~~duly authorized~~ law enforcement agency.
- H. Management must take appropriate measures to ensure support for this policy and encourage the reporting of problems or concerns. At a minimum, actions should be taken to ensure that employees are made aware of this policy and the Whistleblower Protection Policy (AP18).

### III. PROCEDURES

#### A. FILING A REPORT

1. Anyone with knowledge of information that falls within could result in any of the items enumerated categories set forth in Subsection II-A of this policy has an affirmative duty to report that information and to utilize through the Hhotline, if the individual so chooses to use this channel.
1. \_\_\_\_\_
2. \_\_\_\_\_
2. The Hhotline will be operated by an outside provider and available 24 hours a day, 365 days a year. It will be answered by a live person who will debrief the caller and make a report of n all information provided on a sequentially numbered. ~~Calls will be documented on the~~ confidential Hhotline intake form. All callers will be assigned a confidential report number and will be asked to contact the Hotline in 10 business days for any required follow-up. The Hotline Administrator will ensure

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that any required follow-up information is provided to the Hotline provider prior to the scheduled call-back date.

-records will be logged and sequentially numbered upon receipt on this form, and placed in the care and custody of the hotline provider on behalf of the Port.

3. When a new Hhotline report is submitted, the outside Hhotline provider will send a notification copy of the report simultaneously to the Chief Audit Officer, designated audit staff, ficer and the President of

President of the Board of Port Commissioners to advise that a new report has been received. All callers will be assigned a confidential report number and asked to contact the hotline in 10 business days for any required follow-up. The Hotline Administrator will ensure that any required follow-up information is provided to the hotline provider in advance of the scheduled call-back date.

- 3.4. No attempt will be made to identify a caller who requests anonymity. Whenever callers disclose their identity, it will be held in confidence to the fullest extent allowed by law.

### B. INVESTIGATION

1. The Hotline Administrator will ensure that all Hhotline reports are addressed in an appropriate and timely manner, as well as in accordance with this policy and all related policies and procedures.
2. Upon receipt of a Hhotline report, the Hotline Administrator will review the report to determine the most appropriate course of action to address the allegations.
3. Depending upon the report's allegation(s), the Hotline Administrator can refer a Hotlineeeertain reports from the hotline will be referred to the appropriate division director for further action to be completed within 30 days of receipt.
4. For a Hhotline reports warranting investigation, the Hotline Administrator will

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conduct an initial inquiry which may include document review, interviews, audit, or other investigative techniques. The investigation should be completed within 90 days, absent any extraordinary circumstances.

5. Those charged with investigation will maintain ~~ensure protection of~~ the confidentiality of the sources of information.
6. At the conclusion of an investigation, the Hotline Administrator will provide the Executive Director, Port Attorney, and ~~President of~~ the Board of Port Commissioners with a written report indicating the ~~final~~ results of the investigation.
7. The Port Attorney will review the written report's findings and will advise the Executive Director and the Board of Port Commissioners about the facts, circumstances, and proper courses of action to address the findings and close the investigation.

### C. REPORTS

The Hotline Administrator shall provide the Executive Director and the Board of Port Commissioners with a quarterly summary of all reports received from the Hhotline including the status of each report as of the end of each quarter.