

## 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.

## 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 (hereinafter, “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 official 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 maintains a Hotline that employees may use to report fraud, waste, abuse, or violations of work-related laws or regulations either anonymously or in confidence. The Hotline telephone number and website address are readily available to all employees as conspicuously posted 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 via the Hotline will be protected from any form of

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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 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 -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. Any Port employee with knowledge of information that falls within the enumerated categories set forth in Subsection II-A of this policy has an affirmative duty to report that information and to utilize 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 all information provided on a sequentially numbered 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 that any required follow-up information is provided to the Hotline provider prior to the scheduled call-back date.

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3. When a new Hhotline report is submitted, the outside Hhotline provider will send a notification simultaneously to the CAO, designated audit staff, and the President of the Board of Port Commissioners to advise that a new report has been received.

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. In the event the Hotline Administrator or the Port Attorney determines that an investigation conducted by Port staff would create a conflict of interest or the appearance of a conflict of interest, the CAO or the Port Attorney shall appoint an outside independent investigator to conduct the investigation.
3. The Hotline Administrator can determine, at any time, that a Whistleblower Report is frivolous and dismiss it. A dismissal under these circumstances requires the Hotline Administrator to issue written findings that the Whistleblower Report lacks any arguable basis to support its claims, that it was made in reckless disregard of the truth, or that it was knowingly false. The Hotline Administrator may refer a vexatious Whistleblower for disciplinary action pursuant to Administrative Policy and Procedure 18, Section II(B) and/or may summarily dismiss their Whistleblower Reports without investigation. A vexatious Whistleblower is a Port employee who, based on the written findings of the Hotline Administrator, has filed more than one Whistleblower Report that was knowingly false, that was made

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in reckless disregard of the truth, or that lacked any arguable basis to support its claims.

4. Depending upon the report's allegation(s), the Hotline Administrator can refer a Hotline report to the appropriate division director for further action to be completed within 30 days of receipt.

3.5. For a Hotline report warranting investigation, the Hotline Administrator will 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.

4.6. Those charged with investigation will maintain the confidentiality of the sources of information.

5.7. At the conclusion of an investigation, the Hotline Administrator will provide the Executive Director, Port Attorney, and the Board of Port Commissioners with a written report indicating the results of the investigation.

6.8. 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 Hotline during the quarter including the status of each report as of the end of each quarter.