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|  | <b>Orange County<br/>Sanitation District<br/>Personnel Policies</b> | <b>Policy Number: 1.2</b>                 |
|   |   | <b>Effective Date: September 26, 2018</b> |
| <b>Subject: Retaliation &amp;<br/>Whistleblowing</b>                              |   | <b>Supersedes: June 17, 2008</b>          |
|   |   | <b>Approved by: General Manager</b>       |

## 1.0 PURPOSE

- 1.1 The purpose of this policy is to establish uniform guidelines and procedures prohibiting retaliation against individuals who report or participate in the investigation of a report of discrimination, harassment, or individuals who engage in whistleblowing, or a protected activity as defined herein.

## 2.0 ORGANIZATIONAL UNITS AFFECTED

- 2.1 This policy applies to all Orange County Sanitation District (OCSD) employees, potential employees, volunteers, interns, and all persons who perform services for the OCSD, including persons working under contract.

## 3.0 DEFINITIONS

- 3.1 Retaliation means that a supervisor or manager has taken action(s) toward an individual for engaging in protected activity described within this policy, wherein the action(s) have a substantial and material impact on an employee's terms and conditions of employment. Depending on the facts, it may be retaliatory if action, is taken because of the following, but not limited to, unfounded discipline, failure to promote, failure to hire, termination of a contract, inaccurate poor performance evaluations, arbitrarily changing work assignments, or arbitrarily changing work locations.
- 3.2 Whistleblowing refers to the act of an employee who discloses information to a government or law enforcement authority or to a supervisor or other person responsible for investigating, discovering, or correcting such matters, where the employee has reasonable cause to believe that the information reveals (1) violations or non-compliance with state or federal statutes; (2) unfair labor practices; (3) billing for services not performed or for goods not delivered; (4) gross mismanagement, significant waste of funds, and abuse of authority; and/or (5) a substantial and specific danger to the public health, safety or unsafe working conditions.

## 4.0 POLICY

- 4.1 It is OCSD's policy to prohibit retaliation or reprisals towards employees, prospective employees and outside contractors who engage in, the following protected activities:
- 4.1.1 Disclosing information to a government or law enforcement agency or internally to OCSD, where there is reasonable cause to believe that the information discloses a violation of state or federal statute or non-compliance with a state or federal regulation.
- 4.1.2 Disclosing the filing of a false claim for money, goods, or services to OCSD.

- 4.1.3 Filing a written complaint, under penalty of perjury, of gross mismanagement, a significant waste of funds, an abuse of authority or a substantial and specific danger to public health or safety.
  - 4.1.4 Complaints of discrimination or harassment or any other conduct prohibited by the Fair Employment and Housing Act (FEHA) or related federal laws.
  - 4.1.5 Complaints about an unfair labor practice.
  - 4.1.6 Participating in an administrative investigation either as the complainant, a witness or the accused, or conducting an administrative investigation.
- 4.2 Any employee who, in good faith, reports an alleged incident involving the protected activities described in this policy, under no circumstances, shall be subjected to reprisal or retaliation of any kind. A report is made in good faith when the complainant has reasonable cause to believe there is a violation of policy.

## **5.0 PROCEDURE**

- 5.1 OCSD policy requires employees to report all perceived incidents of retaliation, or conditions justifying whistleblowing, regardless of the offender's identity or position.
- 5.2 Any employee who believes that he or she has been the victim of retaliation prohibited by this policy should report the matter to his or her supervisor or manager, or to any other supervisor or manager, including the General Manager or Assistant General Manager.
- 5.3 Reports of retaliation will be investigated fairly, timely, and thoroughly. The investigation may include individual interviews with the parties involved and, where, necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- 5.4 Confidentiality will be maintained throughout the investigatory process to the extent permissible under the circumstances and consistent with applicable law.
- 5.5 No fixed report period has been established. However, prompt reporting of complaints or concerns have proven to be the most effective method in finding rapid and constructive action and resolution.

## **6.0 EXCEPTIONS**

- 6.1 An employee who knowingly files a false and malicious report of retaliation, as opposed to a complaint which, even if erroneous, is made in good faith may be the subject of appropriate disciplinary action, up to and including termination.

## **7.0 PROVISIONS AND CONDITIONS**

## **8.0 RELATED DOCUMENTS**

- 8.1 Policy 1.1, Harassment & Discrimination
- 8.2 Policy 1.8, Conflict of Interest & Business Ethics
- 8.3 Policy 5.1, Rules of Conduct