

Policy Number: 9.3

Title: Whistleblower Policy and Protection From Retaliation

Contact: Administrative Services Division, Human Resources Office

Policy Statement: The AOC encourages employees to raise concerns of improper governmental activities as soon as possible, without fear of retribution.

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(A) Overview

The AOC is committed to conducting its work ethically and in compliance with applicable law, including ensuring responsible use of public funds. In keeping with this commitment, as well as the AOC's goals of fostering open communication and early resolution of work-related concerns, the AOC encourages employees to promptly raise concerns about improper governmental activities—such as waste, fraud, abuse of authority, misuse or abuse of resources, violation of law or rule of court, noncompliance with judicial branch contracting manual, or threat to public health or safety by the judicial branch or by an employee—without fear of retribution. In compliance with the California Whistleblower Protection Act (Gov. Code, § 8547 et seq.), this policy:

- Provides a procedure for reporting and addressing complaints of improper governmental activities;
- Prohibits retaliation against employees who report improper governmental activities;
- Provides a procedure for reporting and addressing complaints of retaliation prohibited by this policy.

For purposes of this policy, "judicial branch" refers to the AOC and the California Supreme Court, Courts of Appeal, and superior courts.

(B) Application

The procedures set forth in this policy are not intended to serve as a general complaint procedure for concerns otherwise arising under other AOC policies. In particular, this policy does not generally apply to:

- Complaints that involve allegations of discrimination or harassment;
- Complaints of retaliation for filing a discrimination or harassment complaint or participating in an investigation of such complaints; or
- Other work-related concerns not involving improper governmental activities, as defined in this policy.

AOC employees with such concerns should refer to the [Open Door Policy and Internal Complaint Review Process, policy 9.1](#) or [Discrimination, Harassment, and Retaliation Complaint Resolution Policy, policy 9.2](#), as applicable.

(C) Reporting and Investigating Improper Governmental Activities

Consistent with the AOC's [Open Door Policy and Internal Complaint Review Process, policy 9.1](#), employees with work-related concerns are encouraged to discuss them with their supervisor or manager as soon as possible, so they can be promptly resolved. Employees wishing to raise concerns about improper governmental activities more formally may do so under any (or more than one) of the following options:

(1) Report to AOC Internal Audit Services Unit

Employees may report concerns by contacting the Judicial Branch Whistleblower Hotline (1-866-865-6400). Reports received by supervisors or through the Judicial Branch Whistleblower Hotline are referred to the AOC's Internal Audit Services Unit.

Upon receipt of a report concerning the AOC, Internal Audit Services—in consultation with the Human Resources Office and the Office of the General Counsel—will determine whether further investigation is warranted. Internal Audit Services will contact the reporting individual and request any further information necessary to evaluate the report. If Internal Audit Services decides that an investigation is warranted, it will arrange for an impartial investigator to conduct the investigation and prepare a report of the findings.

The investigator will provide a copy of the report to Internal Audit Services (unless Internal Audit Services performs the investigation), which in turn will provide the report to the Chief Deputy Director, in consultation with the appropriate division director. If the investigation leads Internal Audit Services to conclude that a crime may have been committed, the group will also report the results of the investigation to the appropriate law enforcement agency.

If the report concerns a judicial branch entity other than the AOC, Internal Audit Services will contact the applicable judicial branch authority to resolve the issue and may, where appropriate, partner with that authority to resolve matters at the local level.

The identity of the AOC employee who made the report will be kept confidential unless the reporting employee authorizes disclosure or disclosure is to a law enforcement agency or otherwise required by law.

(2) Report to State Auditor

Under the California Whistleblower Protection Act (Gov. Code, § 8547 et seq.), the [State Auditor](#) is authorized to receive and investigate reports of suspected improper governmental activities. If the State Auditor finds that an employee may have engaged or participated in improper governmental activities, the State Auditor will send a copy of the investigative report to the Administrative Director of the Courts. The State Auditor may also report the results of substantiated allegations to other government authorities, as deemed appropriate by the State Auditor. Information on filing a complaint with the State Auditor is at www.auditor.ca.gov/hotline.

(3) Report to State Attorney General

Under California Labor Code sections 1102.5 to 1106, the [State Attorney General](#) is authorized to receive calls from persons who have information regarding possible violations of state or federal statutes, rules, or regulations. Such activities may be reported through the [California State Attorney General's Whistleblower Hotline](#). The Attorney General will refer calls to the appropriate government authority for review and possible investigation. Reports may be referred to the AOC's Internal Audit Services Unit as the appropriate government authority for review and possible investigation.

(D) Protection From Retaliation

Employees who, in good faith, report improper governmental activities or who participate in the investigation of such reports, are protected from retaliation.

Employees who believe they have been retaliated against for reporting improper governmental activities should immediately report the matter through the procedures outlined in [Discrimination, Harassment, and Retaliation Complaint Resolution Policy, policy 9.2](#).

Employees who file a written complaint under AOC's policy 9.2 alleging retaliation for reporting improper governmental activities may also file a copy of the written complaint with the [State Personnel Board](#), together with a sworn statement that the contents of the written complaint are true or that the employee believes them to be true, under penalty of perjury. The complaint must be filed with the State Personnel Board within 12 months of the most recent alleged act. The State Personnel Board will investigate the complaint and make a recommendation to the AOC regarding the alleged retaliation. Information on filing complaints of retaliation with the State Personnel Board is at www.spb.ca.gov/whistleblower/index.cfm.

(E) References

Judicial Branch Whistleblower Hotline 1-866-865-6400

[California State Auditor](#)

[California Attorney General](#)

[American Recovery and Reinvestment Act](#)

**ADMINISTRATIVE OFFICE OF THE COURTS
PERSONNEL POLICIES AND PROCEDURES**

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Gov. Code, § 8547 et seq.; Lab. Code, § 1102.5 et seq. (whistleblower statutes)