

Whistleblower Hotline Policy

1.2.8

PURPOSE

To provide a formal process for citizens and City employees to anonymously report concerns such as City Policy violations, theft or misuse of City resources, customer service complaints, discrimination, harassment, improper activities by City officials or employees, or to pose general questions.

BACKGROUND

On April 5, 2005, the San Jose City Council approved [Item 3.4](#), which proposed that the City Manager's Office, the City Auditor's Office, and the City Attorney's Office coordinate to implement a one year "Fraud and Audit Hotline" pilot program. Following the conclusion of this pilot program, on August 29, 2006, the San Jose City Council approved [Item 3.4](#) which continued the "Fraud and Audit Hotline," beyond its one year pilot program duration, and renamed it as the Whistleblower Hotline.

WHISTLEBLOWER HOTLINE INFORMATION

- Phone: (408) 535-8200 (Caller ID is disabled on this phone line)
- Fax: (408) 292-6436
- Email: hotline@sanjoseca.gov
- Internet Site: <http://www.sanjoseca.gov/index.aspx?NID=566>
- [Online Complaint Form](#)
- Address: City of San José
Whistleblower Hotline
200 E. Santa Clara St. (3rd Floor Wing)
San José, CA 95113-1905

ADMINISTRATION OF THE WHISTLEBLOWER HOTLINE

1. All calls placed to the Whistleblower Hotline are received on a dedicated phone, operated by the City Manager's Office of Employee Relations, that has Caller ID disabled to protect the anonymity of callers. Callers may choose to remain anonymous and are not required to provide any identifying information. An email address and online form have been established to receive concerns from persons who prefer to communicate in writing. The City also receives Whistleblower concerns through traditional mail, by facsimile, or in person. All incoming complaints are logged in a database maintained by the City Manager's Office of Employee Relations.
2. After receipt of a complaint, sufficient information is gathered and reviewed by the City Manager's Office of Employee Relations in order to determine the appropriate action for processing the complaint. Depending on the nature of the complaint, it may be appropriate to refer it to another City Department for review, investigation and/or response; or it may be investigated by the City Manager's Office of Employee Relations as a confidential personnel matter. In the event that a concern is raised involving an entity other than the City of San Jose, every effort will be made to provide the complainant with an appropriate contact or resources for his/her concern.

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3. In assessing appropriate action for a complaint, the complaint will be initially examined by the City Manager's Office of Employee Relations, and, if appropriate, in consultation with the Office of the City Attorney, before referring it for further action, including the initiation of an investigation. Care is taken to ensure that complaints are referred to appropriate sources within each department such that impartiality and objectivity are preserved; which may include the use of an outside investigator, if appropriate.
4. Investigations will be conducted in a prompt and thorough manner by an impartial investigator who is free from any conflicts of interest that would impede his/her ability to conduct an objective and unbiased investigation. Confidentiality of investigations shall be maintained to the extent reasonably possible and information related to an investigation shall be shared on a need or right to know basis. This relates to all investigations, not just those related to classified employees. All investigations will be conducted in accordance with the [Investigation Principles Policy](#), Section 2.1.4 of the City Policy Manual.
5. Upon the conclusion of an investigation, the City will inform the complainant, if the complainant's contact information is known, of such conclusion and will communicate any results, to the extent legally permissible.
6. Circumstances that may not justify further review or investigation include those instances where, after looking into the complaint, it has been determined there is no basis for an investigation. This may occur when it can be demonstrated that the conduct alleged would not violate any City policies or procedures, or other applicable laws. It also may occur when it can be determined that the matter should be handled by another organization or agency. All such determinations shall be reviewed and approved by the Director of the Office of Employee Relations or designee, and, if appropriate, in consultation with the Office of the City Attorney.

The City Manager's Office holds regularly scheduled meetings with the City Auditor's Office and the City Attorney's Office to provide a summary of the issues and concerns received through the Whistleblower Hotline. This includes a brief overview of the call, but excludes any names and any confidential information.

Approved:

/s/ Jennifer Schembri
Director of Employee Relations

July 13, 2016
Date

Approved for posting:

/s/ Jennifer A. Maguire
Senior Deputy City Manager

July 13, 2016
Date