

## 11.03 DUTY TO REPORT UNLAWFUL OR IMPROPER ACTIONS

### General

~~Auditor's Office~~All City employees are expected to report observed unlawful or improper actions by ~~a city official, any elected official, employee, appointee of a board or commission or community volunteer authorized to act on behalf of the City of Portland.~~

Employees are expected to disclose waste, fraud, abuse, and corruption. ~~by a city official. For purposes of this rule the term "city official" means any elected official, employee, appointee of a board or commission or citizen volunteer authorized to act on behalf of the City of Portland.~~ Employees who are unsure whether to report an action are expected to bring the issue to the attention of their supervisor, ~~the City Auditor, the Management Services manager, or to~~ the Bureau of Human Resources ~~Business Partner or to~~ the Office of the Ombudsman or ~~to~~ the Auditor's ~~OpenCity Tipline~~~~Fraud Alert Line~~. The ~~Auditor's Office~~City will not tolerate any retaliation against an employee for filing a complaint or report under this rule or for cooperating in an internal or external ~~government~~ investigation. ~~Retaliation is prohibited even if the underlying complaint or report is not substantiated.~~

All information received in connection with this rule is treated as highly sensitive. To the extent possible, confidentiality will be maintained, ~~but however,~~ absolute confidentiality can-not be guaranteed.

See [Code of Ethics](#).

### Whistleblowing

When employees have a good faith and reasonable belief that the City has violated any federal or state law or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its action, and employees disclose such information, it is an unlawful employment practice for the City or the Auditor's Office to:

1. Discharge, demote, transfer, reassign or take disciplinary action against employees or threaten to take such action because of such disclosures;
2. Withhold work or suspend employees because of such disclosures;
3. Discriminate or retaliate against employees regarding promotion, compensation or other terms, conditions or privileges of employment because of such disclosures;
4. Direct employees not to make such disclosures, discourage employees from making such disclosures or require employees to notify the City before making such disclosures;
5. Prohibit employees from discussing, either specifically or generally, the activities of the City or any person authorized to act on the City's behalf, with:
  - a. Any member of the Legislative Assembly;
  - b. Any Legislative Committee staff acting under the direction of any member of the Legislative Assembly; or
  - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

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This policy does not authorize employees to disclose exempt public records or other information required or permitted to be confidential under the law.

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**Administrative Rule  
History**

~~Adopted by Chief Administrative Officer October 8, 2002~~  
~~Effective October 15, 2002~~  
~~Revised September 16, 2005~~  
~~Revised April 17, 2009~~  
~~Revised November 4, 2011~~  
~~Revised December 29, 2016~~

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