

Monthly Status Report – Enterprise Compliance Activity

December 2021

To Be Presented
Risk and Audit Committee
February 14, 2022

Purpose

Provide the Risk and Audit Committee with compliance monitoring and oversight analytics to aid in fulfilling their role in overseeing key compliance and ethics activities.

Executive Summary

This report provides activity regarding four components of the Enterprise Compliance program for the month of December 2021. Those components are Form 700 filings, Personal Trading Monitoring, Ethics Helpline Complaints, and Mandatory Training completion rates.

- Of all the Board and Employee Form 700 filers, 100% were filed timely.
- Of all the Consultant Form 700 filers, 100% were filed timely.
- There were no Personal Trading violations for the month.
- There were 11 ethics complaints received in the month.
- Of the Mandatory Employee Trainings, 100% were completed on time.

Additional details relating to these compliance activities can be found in pages 5 through 16.

Table of Contents

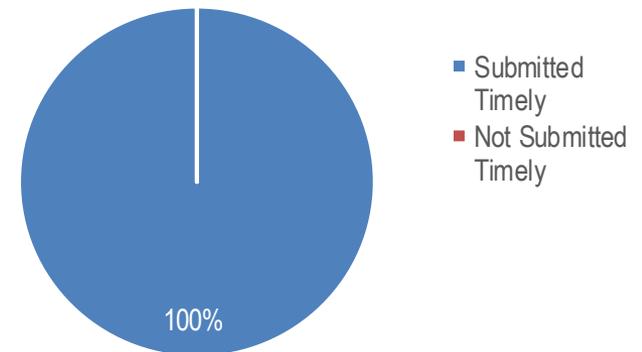
Page

5	<u>Board and Employee Form 700 Filings</u> <ul style="list-style-type: none">Filing status of Board Members and employees required to file Statements of Economic Interests – Form 700, mandated by the CalPERS – Conflict of Interest Code
6	<u>Consultant Form 700 Filings</u> <ul style="list-style-type: none">Filing status of consultants required to file Statements of Economic Interests – Form 700, mandated by the CalPERS – Conflict of Interest Code
7	<u>Personal Trading Monitoring</u> <ul style="list-style-type: none">Transactions and violations to CalPERS Personal Trading Regulations
9	<u>Ethics Helpline</u> <ul style="list-style-type: none">Complaints or reports received through CalPERS Ethics HelplineSummary of Closed Substantiated Complaints
16	<u>Training Compliance</u> <ul style="list-style-type: none">Mandatory TrainingECOM Led Training
17	<u>Appendix</u> <ul style="list-style-type: none">Form 700: Statement Definitions, Board and Employee Filings Past Due Detail Report, Consultant Filings Past Due Detail ReportPersonal Trading: Violation Type Definitions, Violation Detail Report, Affirmations Past Due Detail ReportEthics Helpline: Complaint Category Definitions

Board & Employee Form 700 Filings

December 2021 Statements Due (Board & Employee)				
Statement Type	Submitted Timely	Submitted Late	Outstanding	Total Due
Assuming Office	7	-	-	7
Leaving Office	5	-	-	5
Grand Total	12	-	-	12

Percent Submitted Timely December 2021



Observations:

- There were 12 Board and Employee statements due in December 2021.
- There were no Board and Employee statements outstanding as of 12/31/2021.

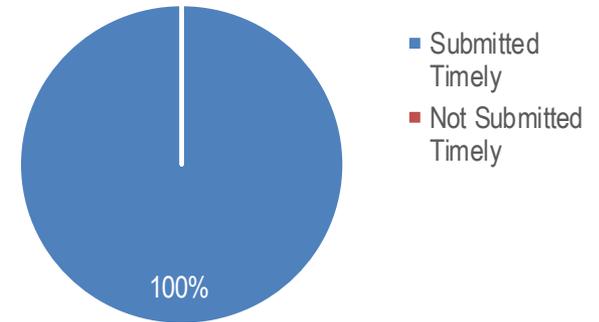
Notes:

- See Appendix for related details and definitions.

Consultant Form 700 Filings

December 2021 Statements Due (Consultant)				
Statement Type	Submitted Timely	Submitted Late	Outstanding	Total Due
Assuming Office	4	-	-	4
Leaving Office	3	-	-	3
Grand Total	7	-	-	7

Percent Submitted Timely December 2021



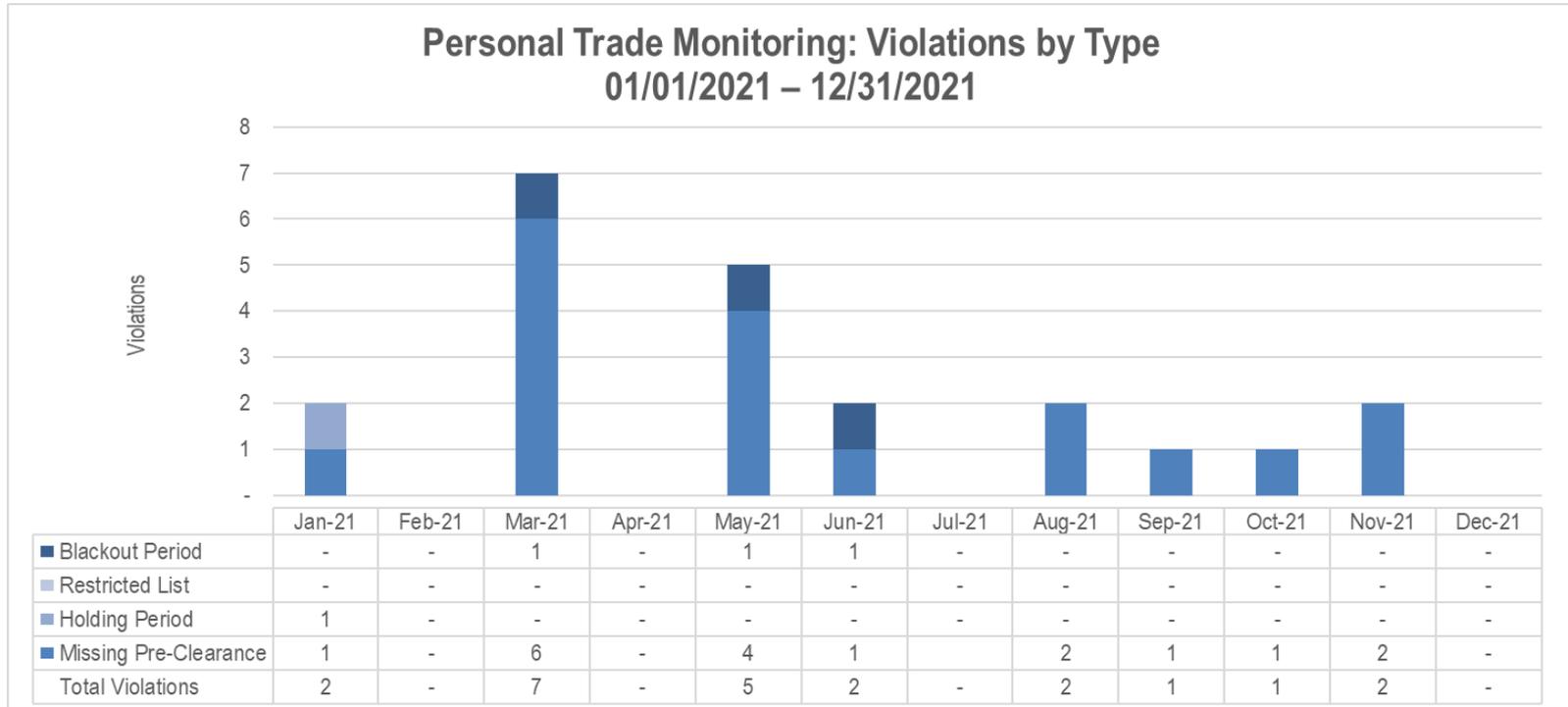
Observations:

- There were 7 Consultant statements due in December 2021.
- There were no Consultant statements outstanding as of 12/31/2021.

Notes:

- See Appendix for related details and definitions.

Personal Trade Monitoring: Violations



Observations:

- There were no Personal Trading violations in December 2021.

Notes:

- See Appendix for related details.
- Multiple violations can be triggered by a single Covered Person at one time..

Personal Trade Monitoring: Personal Trading Affirmations

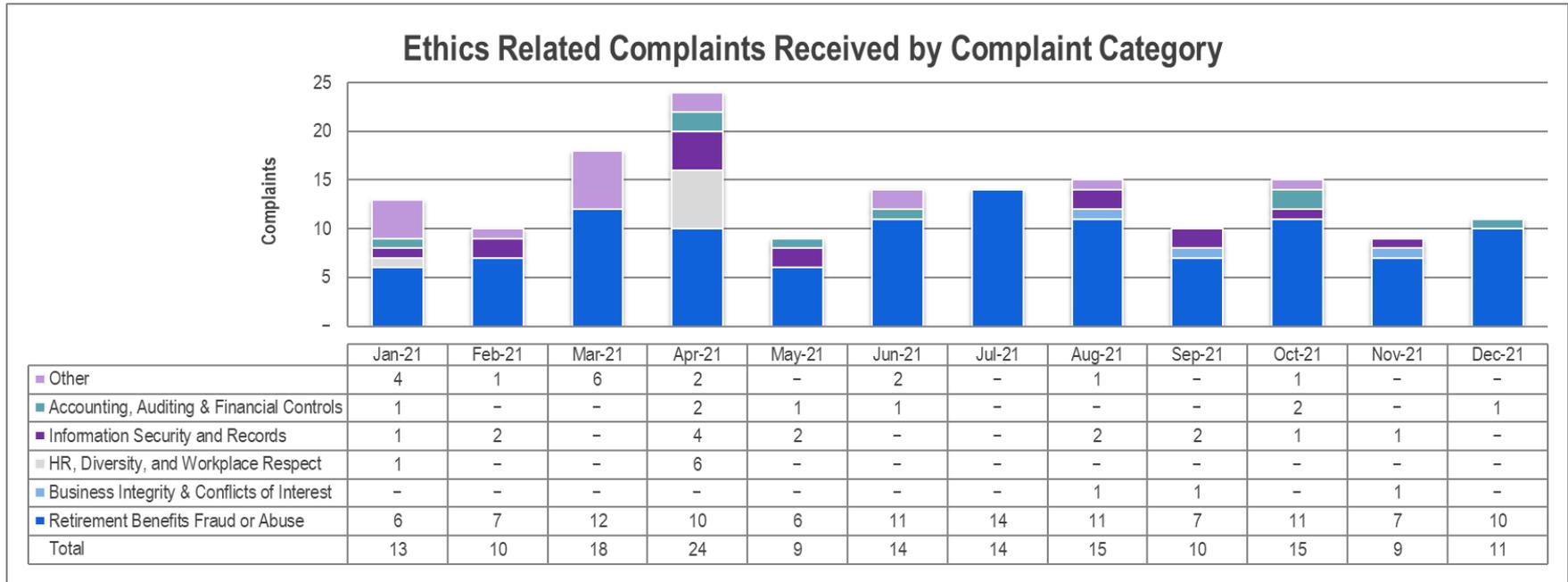
Personal Trading Affirmation / Attestation Filing Report December 2021				
Affirmation Type	Total Due	Submitted Timely	Submitted Late	Outstanding
Initial Personal Trading Affirmations	4	4	-	-
Total	4	4	-	-

Observations:

- There were four Initial Personal Trading Affirmations due in December 2021; all were submitted on time.

Note: See Appendix for related details.

Ethics Helpline: Complaints Received



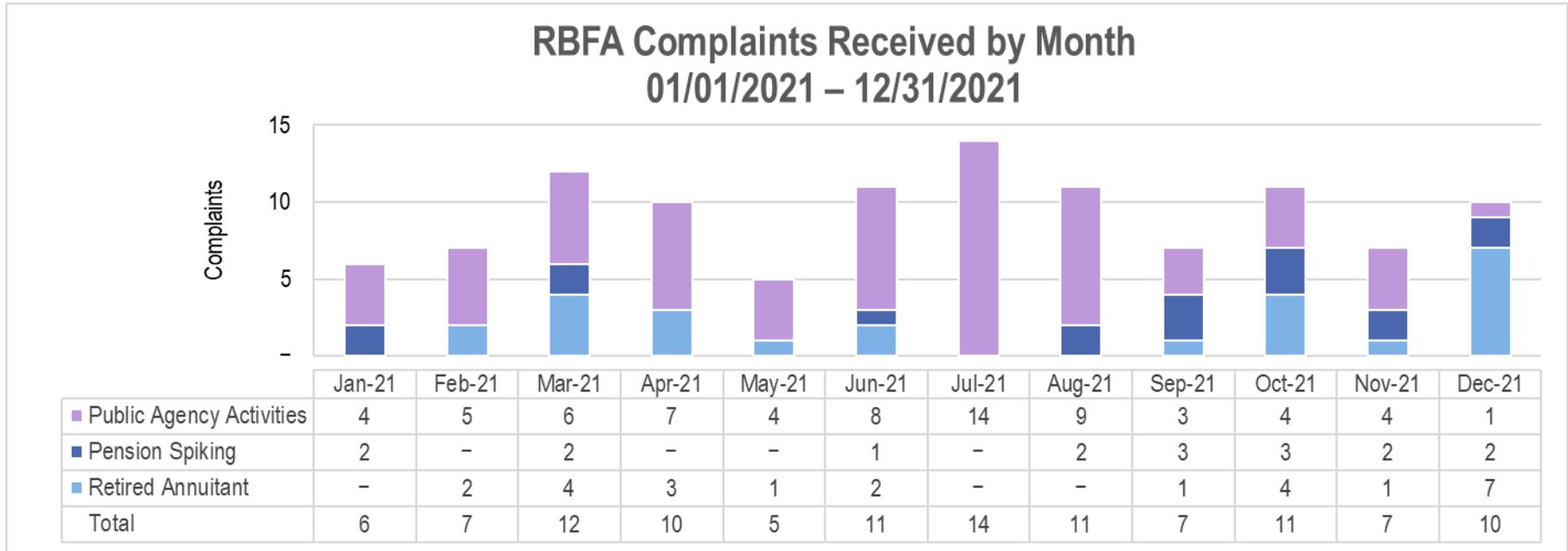
Observations:

- In December 2021, there were 11 new complaints, an increase from the prior month.
- Of the ethics related complaints received in December, 91% (10 of 11) fell under the Retirement Benefits Fraud or Abuse category.
- There were five non-ethics cases received in December 2021.

Notes:

- See Appendix for category descriptions.

Ethics Helpline Retirement Benefit Fraud or Abuse (RBFA) 1-Year Trend

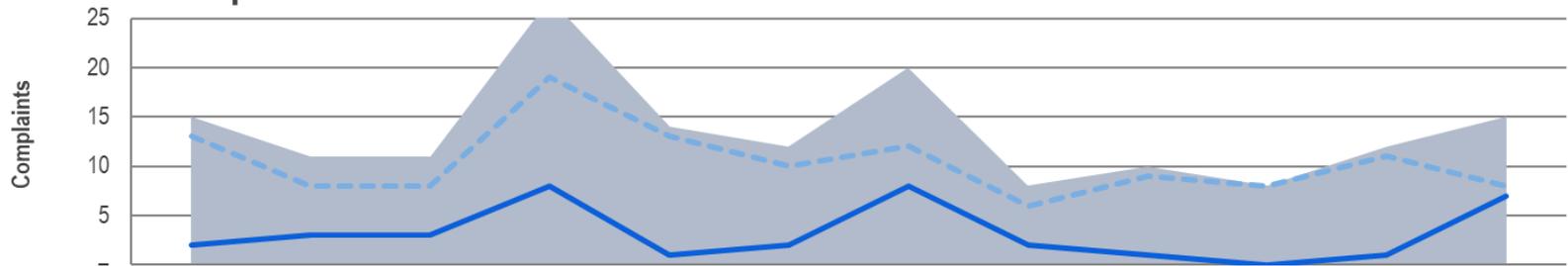


Observation:

- The Public Agency Activities subcategory accounted for 10% (1 of 10) of the RBFA complaints received in December 2021.

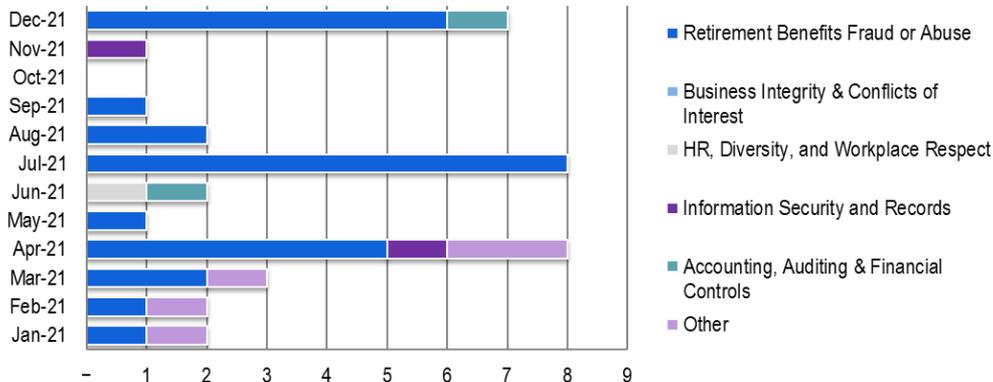
Ethics Helpline: Complaints Closed

Complaints Closed: Substantiated vs. Not Substantiated



	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
Total	15	11	11	27	14	12	20	8	10	8	12	15
Closed: Substantiated	2	3	3	8	1	2	8	2	1	–	1	7
Closed: Not Substantiated	13	8	8	19	13	10	12	6	9	8	11	8

Substantiated Complaints by Category



Observation:

- During the month of December, 53% (8 of 15) of closed complaints were not substantiated.

Notes:

- “Not substantiated” includes complaints that were closed as unsubstantiated, inconclusive, or for insufficient information.
- See Appendix for complaint category definitions and case status definitions.

Ethics Helpline Summary of Closed Substantiated Complaints

Closed Substantiated Complaints 12/01/2021 – 12/31/2021

Case Number	Issue Type	Allegation	Finding	Action Taken
2021-1279b	Retirement Benefits Fraud or Abuse	The reporting party alleges someone is trying to spike their pension.	The member benefited from pension spiking on Special Compensation Items. CalPERS issued a Formal Determination Letter to the employer who appealed the decision. The case will proceed with an Administrative Hearing.	Closed: 12/01/2021
2021-1311	Accounting, Auditing & Financial Controls	The reporting party alleges SCO is deducting retirement contributions over the pensionable compensation limit.	CalPERS has been in contact with SCO and learned that they have implemented a process to correct this issue. SCO is refunding previous contributions collected over the pensionable limit.	Closed: 12/01/2021
2021-1301	Retirement Benefits Fraud or Abuse	The reporting party alleges an employer is hiring retired annuitants instead of promoting qualified employees.	Allegations of pension spiking and retired annuitants working in violation of post retirement laws were substantiated. Working with the employer to correct.	Closed: 12/31/2021
2021-1239	Retirement Benefits Fraud or Abuse	The reporting party alleges an employer is not bringing eligible employees into membership and that retirees are working in violation of post retirement employment rules.	Allegations of pension spiking and retired annuitants working in violation of post retirement laws were substantiated. Working with the employer to correct.	Closed: 12/31/2021

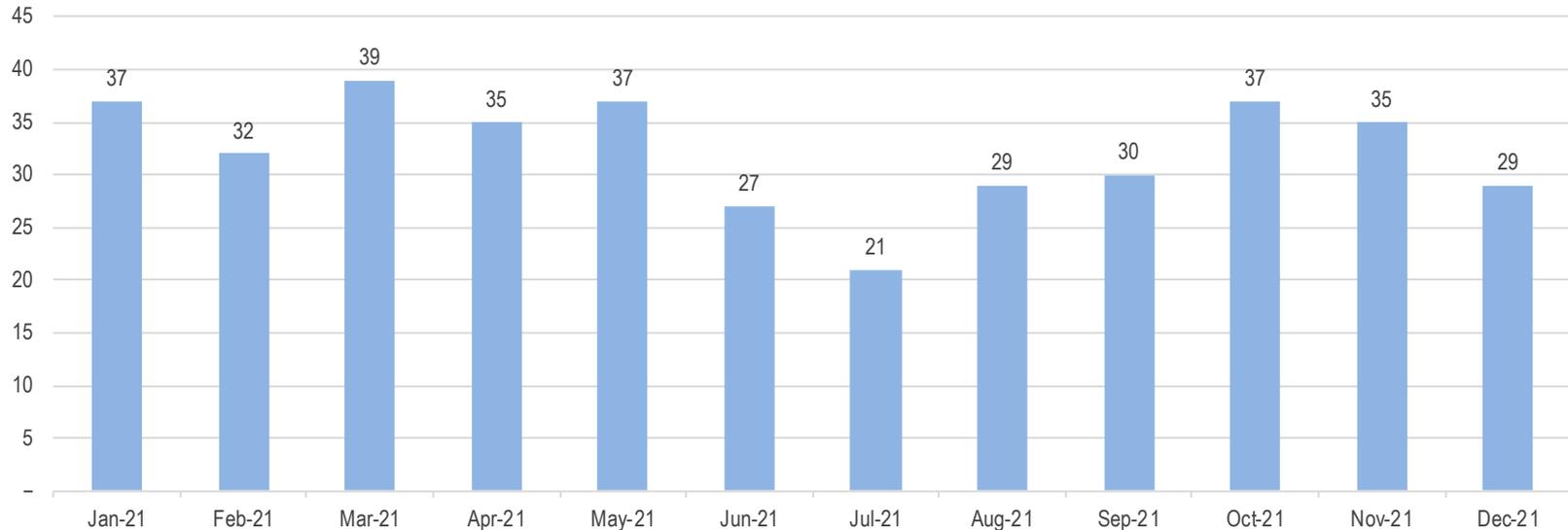
Ethics Helpline Summary of Closed Substantiated Complaints

Closed Substantiated Complaints 12/01/2021 – 12/31/2021

Case Number	Issue Type	Allegation	Finding	Action Taken
2021-1198c	Retirement Benefits Fraud or Abuse	The reporting party alleges a CalPERS retiree is participating in pension spiking.	Allegations of pension spiking and retired annuitants working in violation of post retirement laws were substantiated. Working with the employer to correct.	Closed: 12/31/2021
2021-1198b	Retirement Benefits Fraud or Abuse	The reporting party alleges a CalPERS retiree is working in violation of post retirement laws.	Allegations of pension spiking and retired annuitants working in violation of post retirement laws were substantiated. Working with the employer to correct.	Closed: 12/31/2021
2021-1198a	Retirement Benefits Fraud or Abuse	The reporting party alleges a retiree spiked their pension.	Allegations of pension spiking and retired annuitants working in violation of post retirement laws were substantiated. Working with the employer to correct.	Closed: 12/31/2021

Ethics Helpline: Complaints Open

Complaints Open
01/01/2021 – 12/31/2021

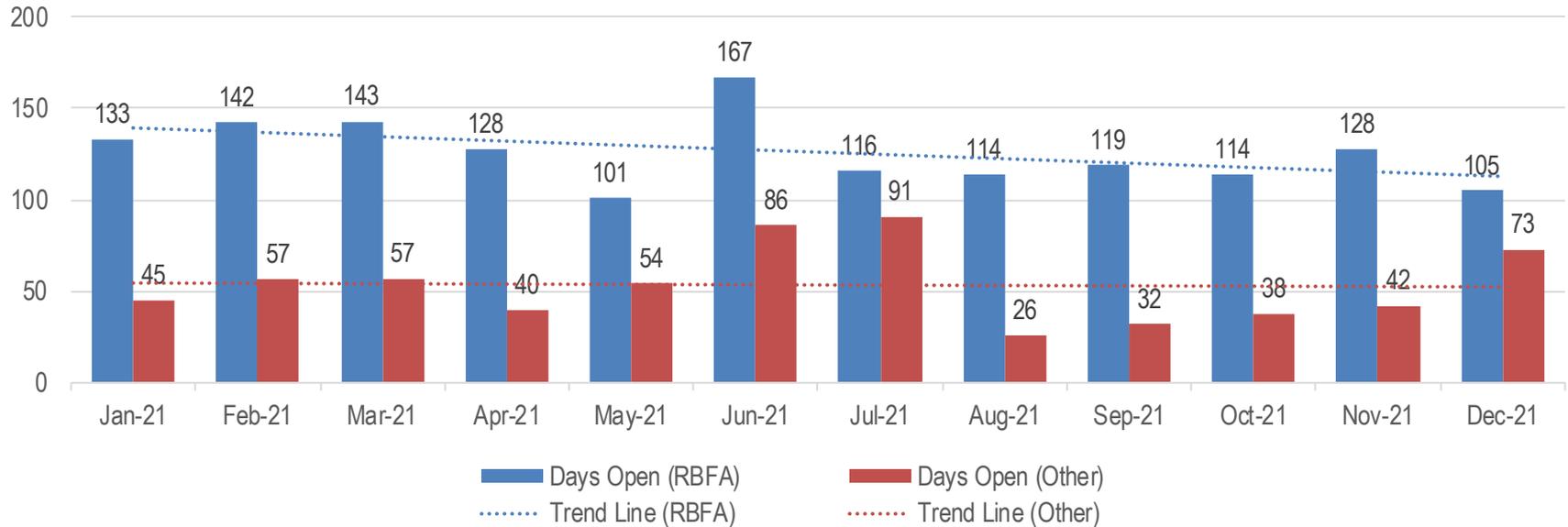


Observation:

- There were 29 open complaints as of 12/31/2021.

Ethics Helpline: Average Days Open

Average Days Open
01/01/2021 – 12/31/2021



Observation:

- As of 12/31/21, Retirement Benefit Fraud or Abuse (RBFA) complaints were open for an average of 105 days, while all other complaints were open for an average of 73 days.

Note: Retirement Benefits Fraud or Abuse complaints often require research by external agencies, resulting in closure times greater than 30 days.

Training Compliance: Employee Mandatory Training

Employee Mandated Training – Due December 2021				
Training Type	Completed	Outstanding	Completion Rate	
Acceptable Use Policy	13	-	100%	
CalPERS Personal Trading Regulations	3	-	100%	
Gift Policy Attestation for New Filers	3	-	100%	
Harassment Prevention for Team Leaders	2	-	100%	
Harassment Prevention for Team Members	14	-	100%	
Health Insurance Portability and Accountability Act	8	-	100%	
Information Security and Privacy	14	-	100%	
Workplace Violence Prevention Training	13	-	100%	
COVID-19 Prevention Plan	13	-	100%	
AG Ethics	27	-	100%	
Total	110	-	100%	

Observation:

- Employees completed 100% (110 of 110) of assigned mandatory training courses due in December 2021.

Notes:

- *Mandatory training is due within 30 days of a new employee’s start date.*
- *Annual enterprise-wide mandatory training due December 31 is reported separately.*
- *Completion rates are calculated based on all active team members required to take each mandatory training. Team members on an official leave of absence and retired team members who have separated are not included in the calculation.*

Appendix - Additional Information

- Form 700 Statement Definitions
- Board and Employee Form 700 Filings: Detail Report
- Consultant Form 700 Filings: Detail Report
- Personal Trading Violation Type Definitions
- Personal Trading Violation Detail Report
- Personal Trading Affirmations Past Due Detail Report
- Ethics Helpline Complaint Category Definitions
- Ethics Helpline Case Status Definitions
- Ethics Helpline Summary of Closed Substantiated Complaints

Form 700 Statement Definitions

Statement Type

Annual: Form 700 statement that is due on April 1st (or the following Monday if April 1st falls on a weekend).

Assuming Office: Form 700 statement that is due within 30 days of assuming office.

Leaving Office: Form 700 statement that is due within 30 days of leaving office.

Statement Status

Submitted Timely: Form 700 statements submitted within the due date.

Submitted Late: Form 700 statements submitted after the due date.

Outstanding: Unsubmitted Form 700 statements after the due date has passed.

Referred: Unsubmitted Form 700 referred to Fair Political Practices Commission (FPPC) for enforcement.

Note: See Pages 5 & 6 for details.

Personal Trading Violation Type Definitions

Blackout Period: Covered Persons are prohibited from buying, selling or transferring Covered Securities during the Blackout Period, which is the three (3) day period of time that commences one market day before and ends one market day after a transaction in Covered Securities by CalPERS.

Holding Period: The 30-calendar-day period between the acquisition and sale, and the 30-calendar-day period between sale and re-acquisition, of a Covered Security.

Missing Pre-Clearance: Covered Persons are required to obtain pre-clearance approval before the purchase, sale or transfer of Covered Securities is executed in a Covered Account, unless the transaction is exempt from the requirement of pre-clearance.

Restricted List: A Restricted List means the list of Covered Securities that identifies companies that CalPERS Employees and/or Board Members have information that may be material non-public.

Note: See Page 7 for details.

Ethics Helpline Complaint Category Definitions

All Ethics Helpline complaints now fall under one of the following six issue types. These categories were developed with CalPERS' priorities in mind and to bring our reporting processes in line with established industry standards.

Complaint Categories	Examples of Violations
Accounting, Auditing & Financial Controls	Accounting & Auditing Matters; Compliance with Laws & Regulations; Document Creation & Retention; Fraud (Non-retirement benefits related); Override of Internal Controls; Securities Valuation; Tax Issues
Business Integrity & Conflicts of Interest	Contract Compliance; Foreign Corrupt Practices Act & Improper Payments; Improper Giving & Receiving of Gifts; Insider Trading; Outside Employment & Compensation; Relationships with Clients, Suppliers & Vendors
Human Resources, Diversity & Workplace Respect	Discrimination or Harassment; EEOC or ADA Matters; Human Resources (HR); Retaliation; Safety, Health & Environment; Sexual Harassment; Workplace Violence
Information Security & Records	Badging & Access Control; Computer, Email & Internet Use; Data Privacy; Disclosure of Confidential Information; Health Insurance Portability & Accountability Act (HIPAA) Violations; Identity Theft
Retirement Benefits Fraud or Abuse	<ul style="list-style-type: none"> Retired Annuitants - Involves retired CalPERS members who work for a CalPERS covered agency post retirement. Pension Spiking - Involves situations where a CalPERS covered employer inflates the compensation of an employee in the years immediately preceding retirement for the purpose of increasing their monthly retirement allowance. Public Agency Activities - Refers to a CalPERS public agency's failure to bring a qualified employee into CalPERS membership or any other allegations that do not fit either of the other subtypes.
Other	Reporting parties can select this issue type if they feel the ethical violation they are reporting doesn't fall under one of the other five categories.

Note: See Pages 9-11 for details.

Ethics Helpline Case Status Definitions

Case Status	Definition
Substantiated	The investigation establishes that it is more likely than not that the alleged conduct occurred.
Unsubstantiated	The investigation establishes that it is more likely than not that the alleged conduct did not occur.
Inconclusive	The investigation fails to establish one way or another whether the alleged conduct occurred.
Insufficient Information	Information submitted was not sufficient to initiate investigation.

Note: See Page 11 for details.