

Monthly Status Report – Enterprise Compliance Activity

September 2022

Presented to
Risk and Audit Committee
November 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 September 2022. 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, 83% were filed timely.
- Of all the Consultant Form 700 filers, 50% were filed timely.
- There were no Personal Trading violations for the month.
- There were three ethics complaints received in the month.
- Of the Mandatory Employee Trainings, 99% were completed on time.

Additional details relating to these compliance activities can be found in pages 5 through 15.

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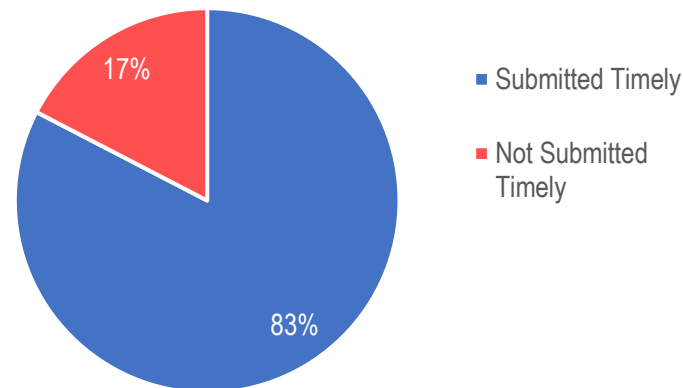
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Board & Employee Form 700 Filings

September 2022 Statement Activity (Board & Employee)					
Statement Type	Submitted Timely	Submitted Late	Outstanding	Referred to FPPC/Filing Obligation Removed	Total
Assuming Office	11	-	-	-	11
Leaving Office	8	-	2	-	10
Annual	-	-	-	1	1
Amendment	-	-	-	1	1
Grand Total	19	-	2	2	23

Percent Submitted Timely
September 2022



Observations:

- There were 19 Board and Employee statements submitted in September 2022.
- There were two outstanding Board and Employee statements as of 09/30/2022.
- There were two Board and Employee statements referred to the Fair Political Practices Commission in September 2022; both statements belong to a filer who has separated from CalPERS.

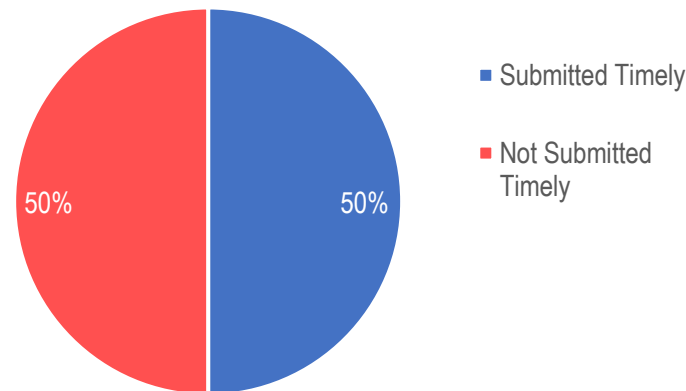
Notes:

- Monthly statement activity includes all Form 700 statements submitted during the month, and all outstanding statements.
- See Appendix for related details and definitions.

Consultant Form 700 Filings

September 2022 Statement Activity (Consultant)					
Statement Type	Submitted Timely	Submitted Late	Outstanding	Referred to FPPC/Filing Obligation Removed	Total
Assuming Office	2	-	-	-	2
Leaving Office	2	3	-	-	5
Annual	-	-	-	-	-
Amendment	-	-	1	-	1
Grand Total	4	3	1	-	8

Percent Submitted Timely
September 2022



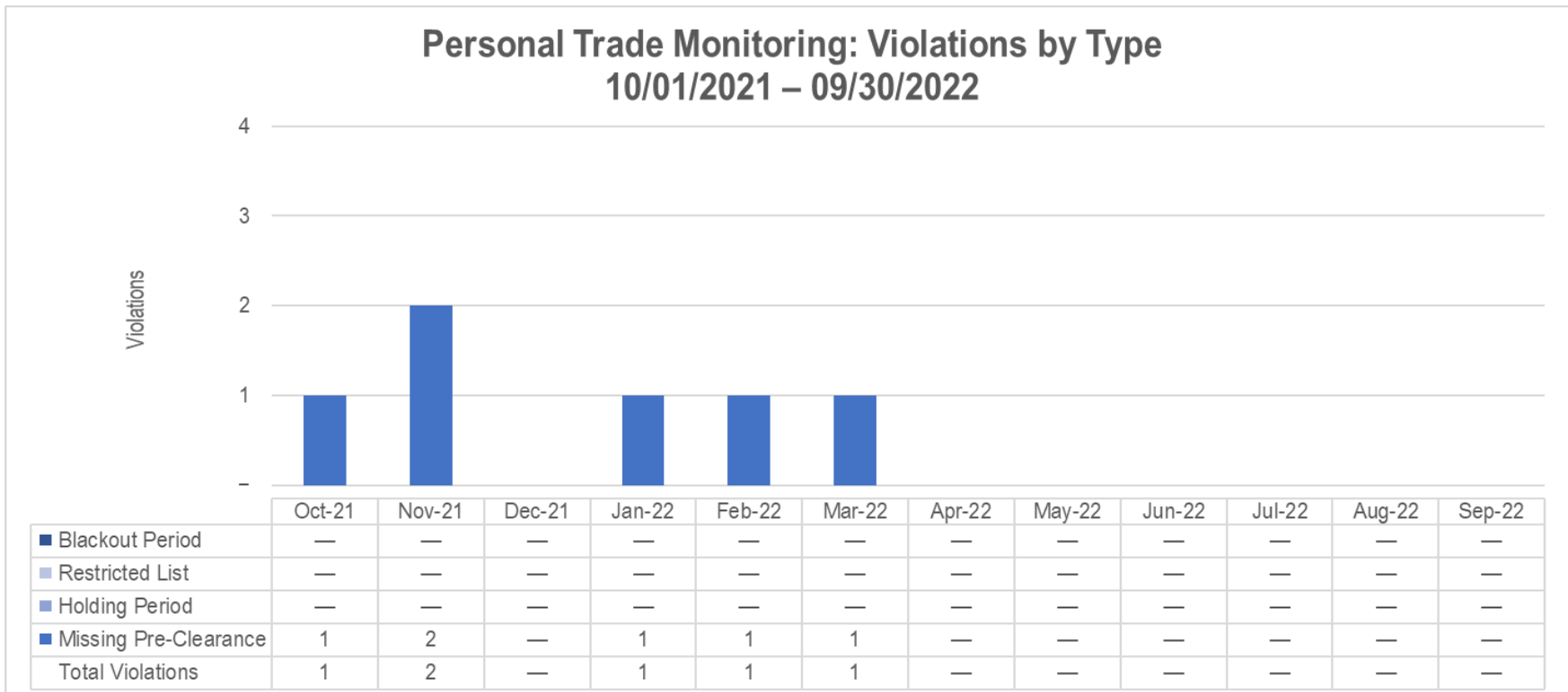
Observations:

- There were seven Consultant statements submitted in September 2022.
- There was one outstanding Consultant statement as of 09/30/2022.

Notes:

- *Monthly statement activity includes all Form 700 statements submitted during the month, and all outstanding statements.*
- *See Appendix for related details and definitions.*

Personal Trade Monitoring: Violations



Observation:

- There were no Personal Trading violations in September 2022.

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

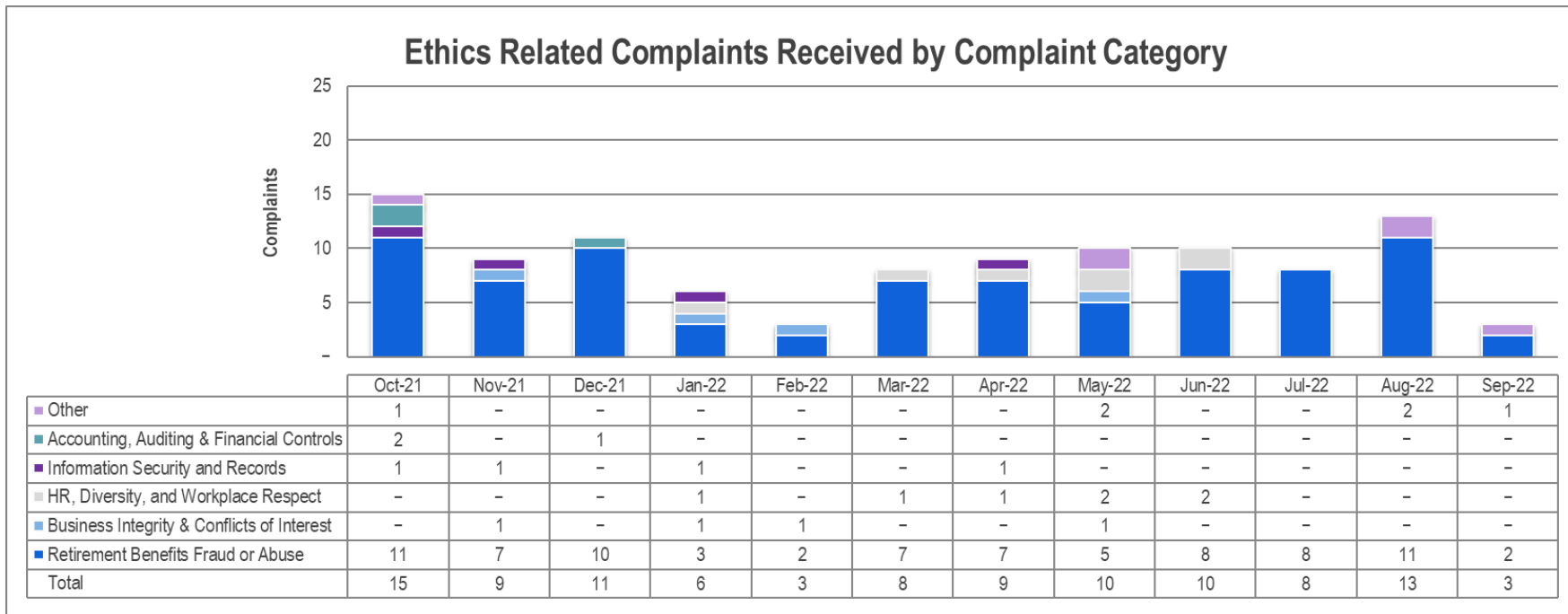
Personal Trading Affirmation / Attestation Filing Report September 2022				
Affirmation Type	Total Due	Submitted Timely	Submitted Late	Outstanding
Initial Personal Trading Affirmations	1	1	-	-
Annual Personal Trading Affirmations	1	-	1	-
Total	2	1	1	-

Observations:

- There was one Initial Personal Trading Affirmation due in September 2022; the affirmation was submitted timely.
- There was one Annual Personal Trading Affirmation submitted in September 2022; as previously reported, the Covered Person was on a leave of absence.

Note: See Appendix for related details.

Ethics Helpline: Complaints Received



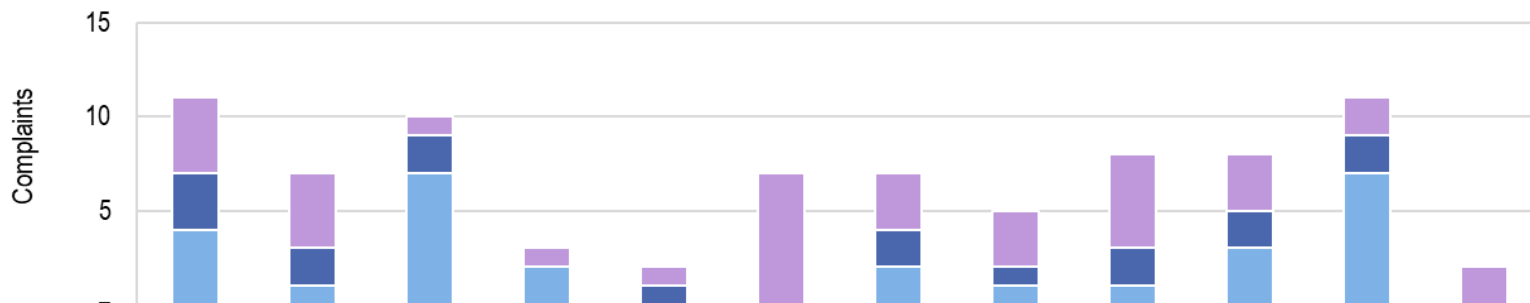
Observations:

- In September 2022, there were three new complaints, a decrease from the prior month.
- Of the ethics related complaints received in September 2022, 67% (2 of 3) fell under the Retirement Benefits Fraud or Abuse category.
- There were three non-ethics cases received in September 2022.

Note: See Appendix for category descriptions.

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

RBFA Complaints Received by Month
10/01/2021 – 09/30/2022



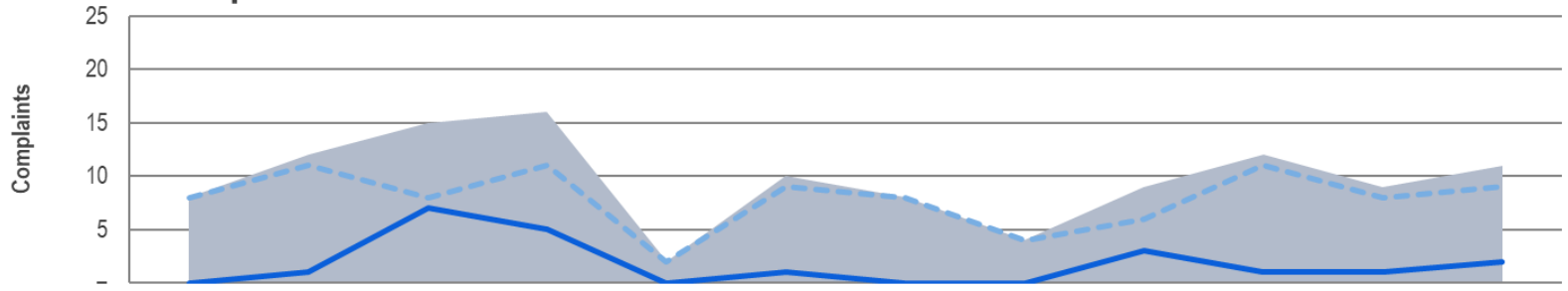
	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22
Public Agency Activities	4	4	1	1	1	7	3	3	5	3	2	2
Pension Spiking	3	2	2	-	1	-	2	1	2	2	2	-
Retired Annuitant	4	1	7	2	-	-	2	1	1	3	7	-
Total	11	7	10	3	2	7	7	5	8	8	11	2

Observation:

- The Public Agency Activities subcategory accounted for 100% (2 of 2) of the RBFA complaints received in September 2022.

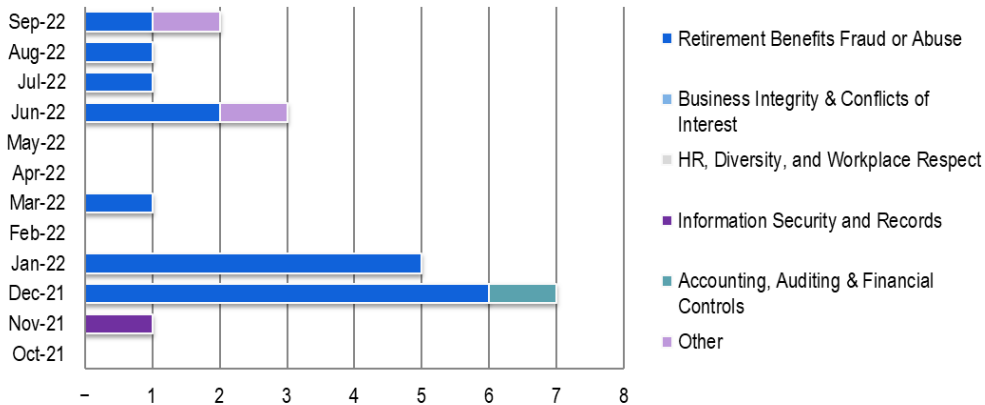
Ethics Helpline: Complaints Closed

Complaints Closed: Substantiated vs. Not Substantiated



	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22
— Total	8	12	15	16	2	10	8	4	9	12	9	11
— Closed: Substantiated	—	1	7	5	—	1	—	—	3	1	1	2
— Closed: Not Substantiated	8	11	8	11	2	9	8	4	6	11	8	9

Substantiated Complaints by Category



Observation:

- During the month of September, 82% (9 of 11) of closed complaints were not substantiated.

Notes:

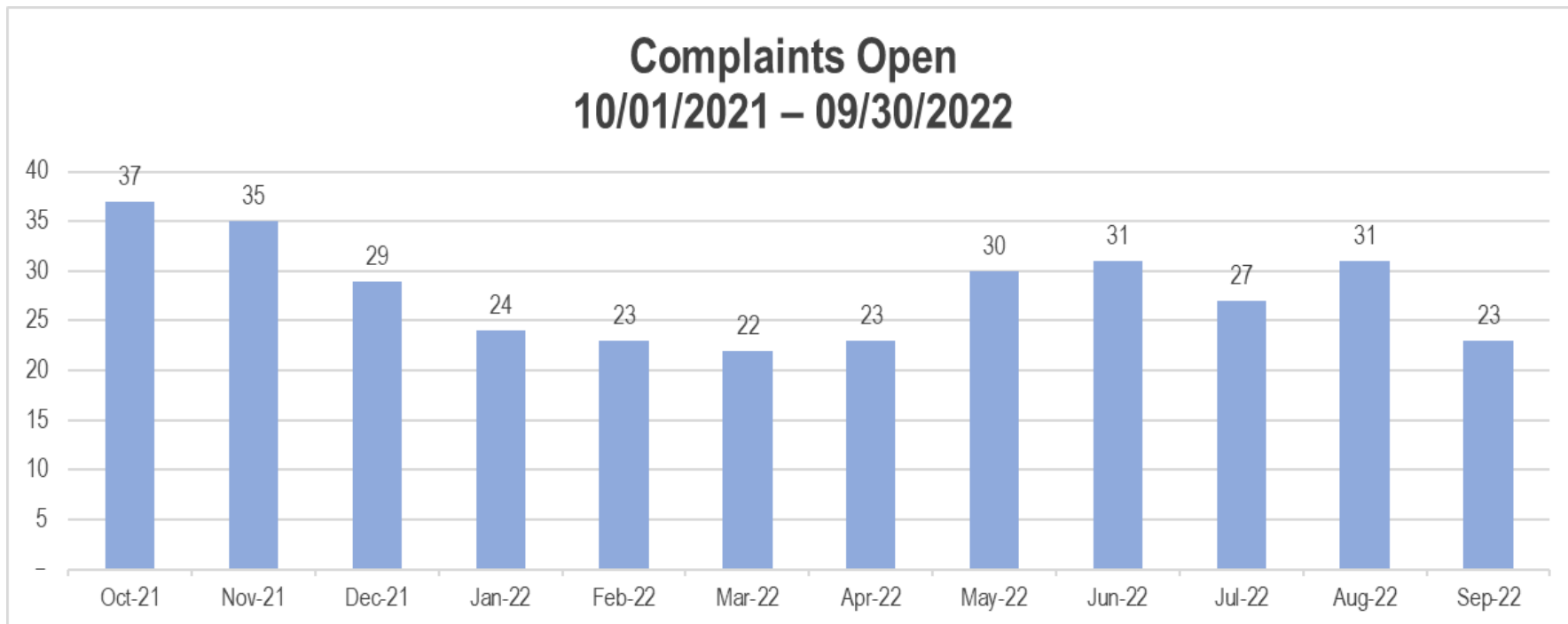
- “Not substantiated” includes complaints that were closed as unsubstantiated, inconclusive, or for insufficient information.
- See Appendix for complaint category definitions and case status definitions.

Ethics Helpline: Summary of Closed Substantiated Complaints

Closed Substantiated Complaints 09/01/2022 – 09/30/2022

Case Number	Issue Type	Allegation	Finding	Action Taken
2022-1380	Retirement Benefits Fraud or Abuse	The reporting party alleges a retiree is working in violation of post retirement employment rules.	A preliminary determination letter for a payrate violation is being drafted to send to the member.	Closed: 09/29/2022
2022-1389	Other	The reporting party alleges they are not able to access their retirement benefits.	The member requested a refund of their contributions. The member has been assisted and their refund is in process.	Closed: 09/30/2022

Ethics Helpline: Complaints Open

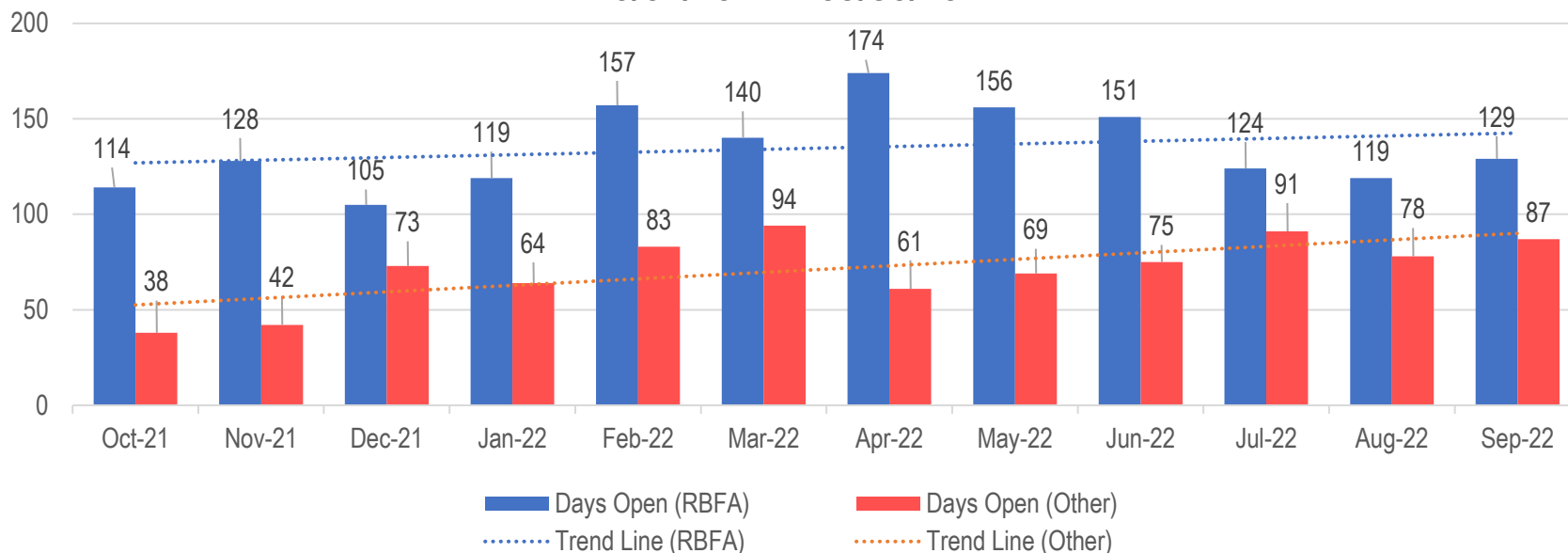


Observation:

- There were 23 open Ethics Helpline complaints as of 09/30/2022.

Ethics Helpline: Average Days Open

Average Days Open
10/01/2021 – 09/30/2022



Observation:

- As of 09/30/2022, Retirement Benefits Fraud or Abuse (RBFA) complaints were open for an average of 129 days, while all other complaints were open for an average of 87 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 September 2022				
Training Type	Completed	Outstanding	Completion Rate	
Acceptable Use Policy	26	-	100%	
CalPERS Personal Trading Regulations	1	-	100%	
Gift Policy Attestation for New Filers	8	-	100%	
Harassment Prevention for Team Leaders	8	-	100%	
Harassment Prevention for Team Members	25	-	100%	
Health Insurance Portability and Accountability Act	23	-	100%	
Information Security and Privacy	25	1	96%	
Workplace Violence Prevention Training	26	-	100%	
COVID-19 Prevention Plan	26	-	100%	
AG Ethics	12	-	100%	
Code of Conduct	26	-	100%	
Total	206	1	99%	

Observation:

- Employees completed 99% (206 of 207) of assigned mandatory training courses due in September 2022.

Notes:

- *As of 10/04/2022, all outstanding Employee Mandatory Training courses have been completed.*
- *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.

Amendment: Form 700 statement that must be amended within 30 days of the amendment request date.

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 and 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.