

Monthly Status Report – Enterprise Compliance Activity

December 2022

Presented to
Risk and Audit Committee
February 2023

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 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, 92% were filed timely.
- Of all the Consultant Form 700 filers, 67% were filed timely.
- There was one Personal Trading violation for the month.
- There were six 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 15.

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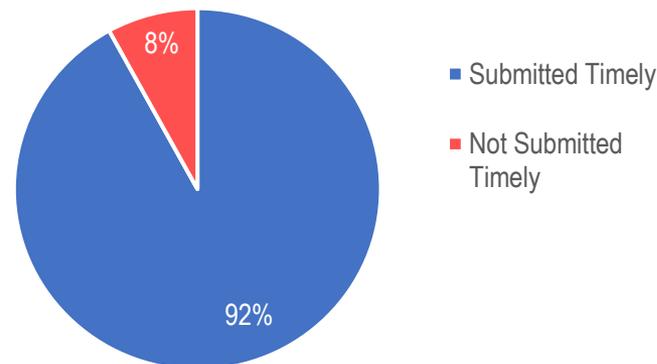
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Board & Employee Form 700 Filings

December 2022 Statement Activity (Board & Employee)					
Statement Type	Submitted Timely	Submitted Late	Outstanding	Referred to FPPC	Total
Assuming Office	10	-	-	-	10
Leaving Office	13	3	-	-	16
Amendment	23	-	1	-	24
Grand Total	46	3	1	-	50

Percent Submitted Timely
December 2022



Observations:

- There were 49 Board and Employee statements submitted in December 2022.
- There was one outstanding Board and Employee statement as of 12/31/2022.

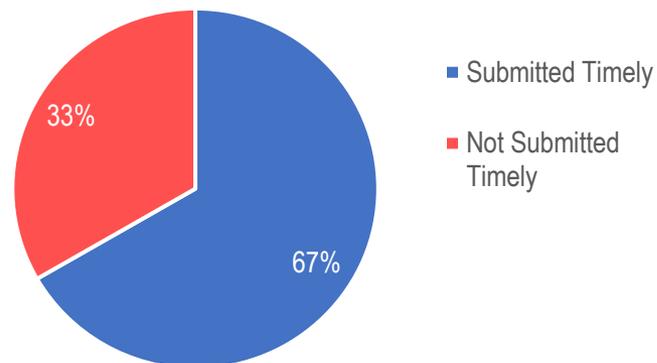
Notes:

- Monthly statement activity includes all Form 700 statements submitted during the month, and all outstanding statements.
- Amendments are due within 30 days of the initial Amendment request date, which is an internal CalPERS deadline.
- See Appendix for related details and definitions.

Consultant Form 700 Filings

December 2022 Statement Activity (Consultant)					
Statement Type	Submitted Timely	Submitted Late	Outstanding	Referred to FPPC	Total
Assuming Office	-	-	-	-	-
Leaving Office	2	2	1	-	5
Amendment	8	1	1	-	10
Grand Total	10	3	2	-	15

Percent Submitted Timely
December 2022



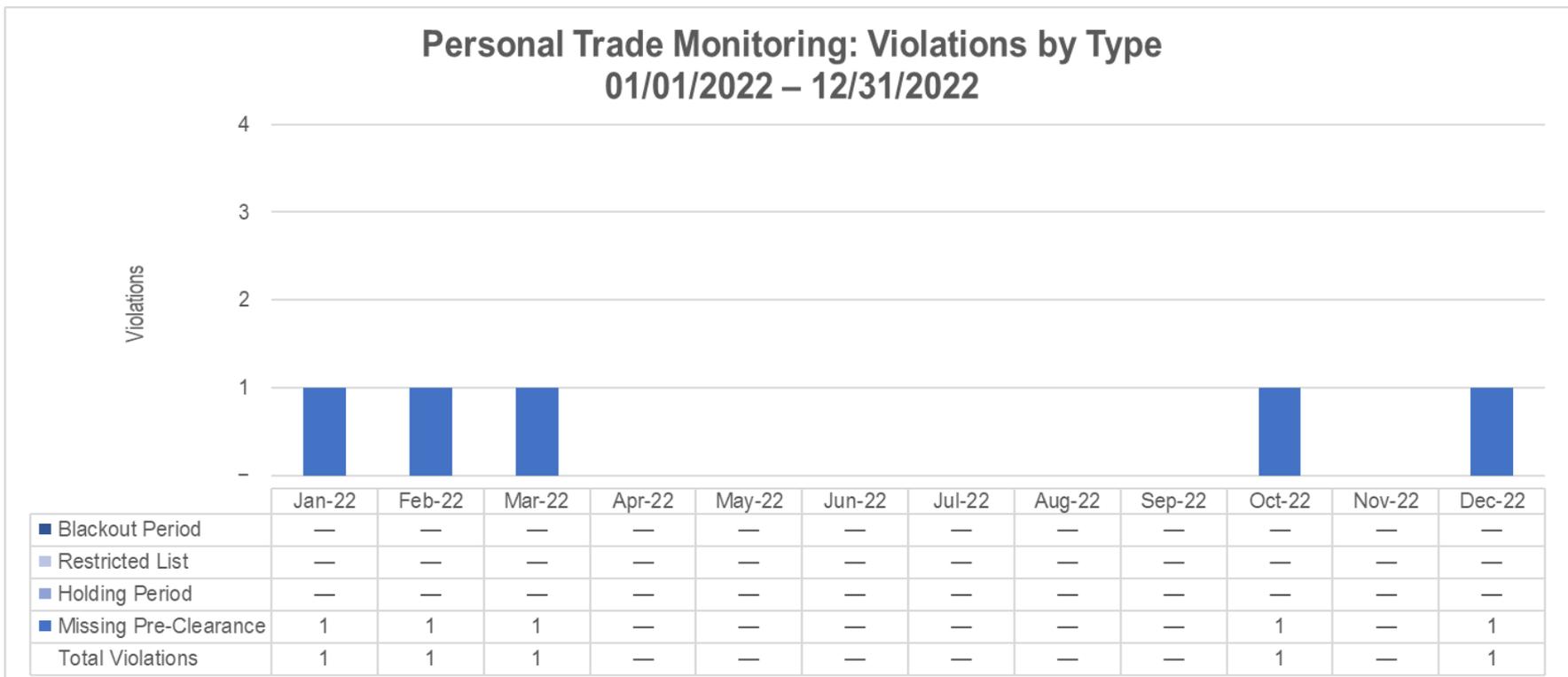
Observations:

- There were 13 Consultant statements submitted in December 2022.
- There were two outstanding Consultant statements as of 12/31/2022.

Notes:

- *Monthly statement activity includes all Form 700 statements submitted during the month, and all outstanding statements.*
- *Amendments are due within 30 days of the initial Amendment request date, which is an internal CalPERS deadline.*
- *See Appendix for related details and definitions.*

Personal Trade Monitoring: Violations



Observation:

- One Covered Person failed to pre-clear their transaction, resulting in one Missing Pre-clearance violation.

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

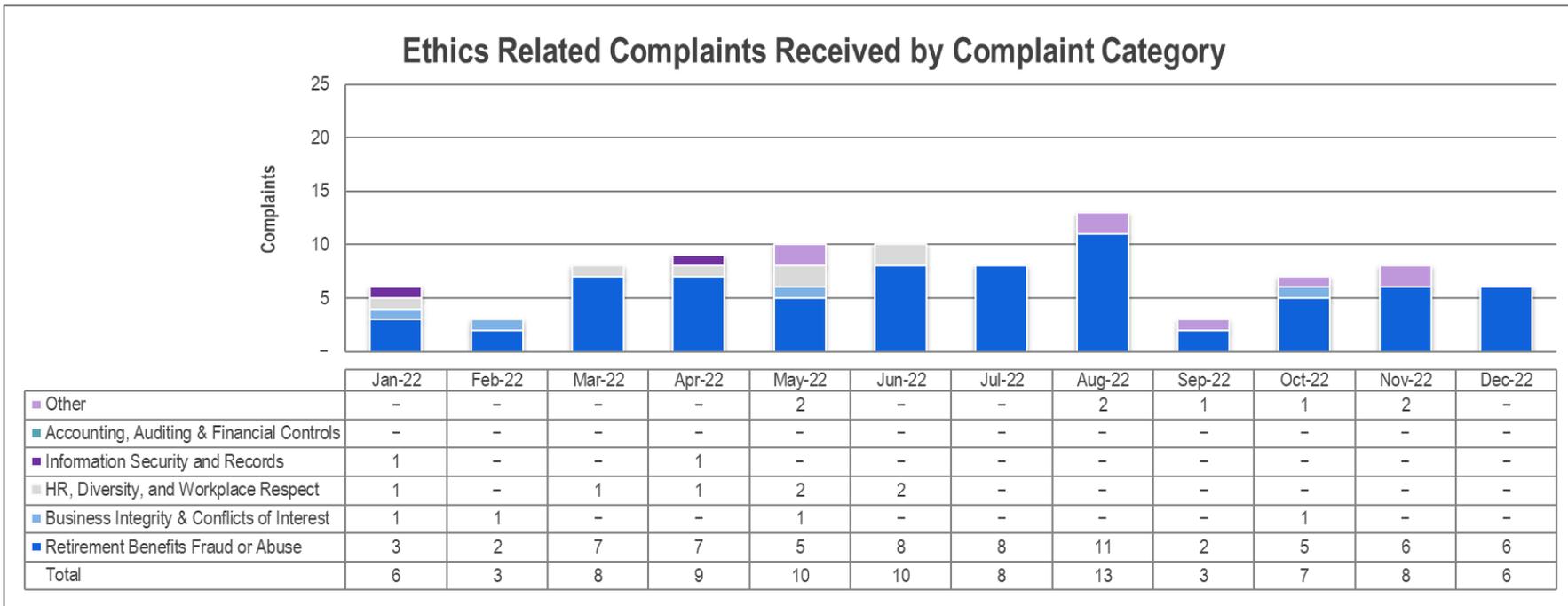
Personal Trading Affirmation / Attestation Filing Report December 2022				
Affirmation Type	Total Due	Submitted Timely	Submitted Late	Outstanding
Initial Personal Trading Affirmations	5	5	-	-
Total	5	5	-	-

Observation:

- There were five Initial Personal Trading Affirmations due in December 2022; all were submitted timely.

Note: See Appendix for related details.

Ethics Helpline: Complaints Received

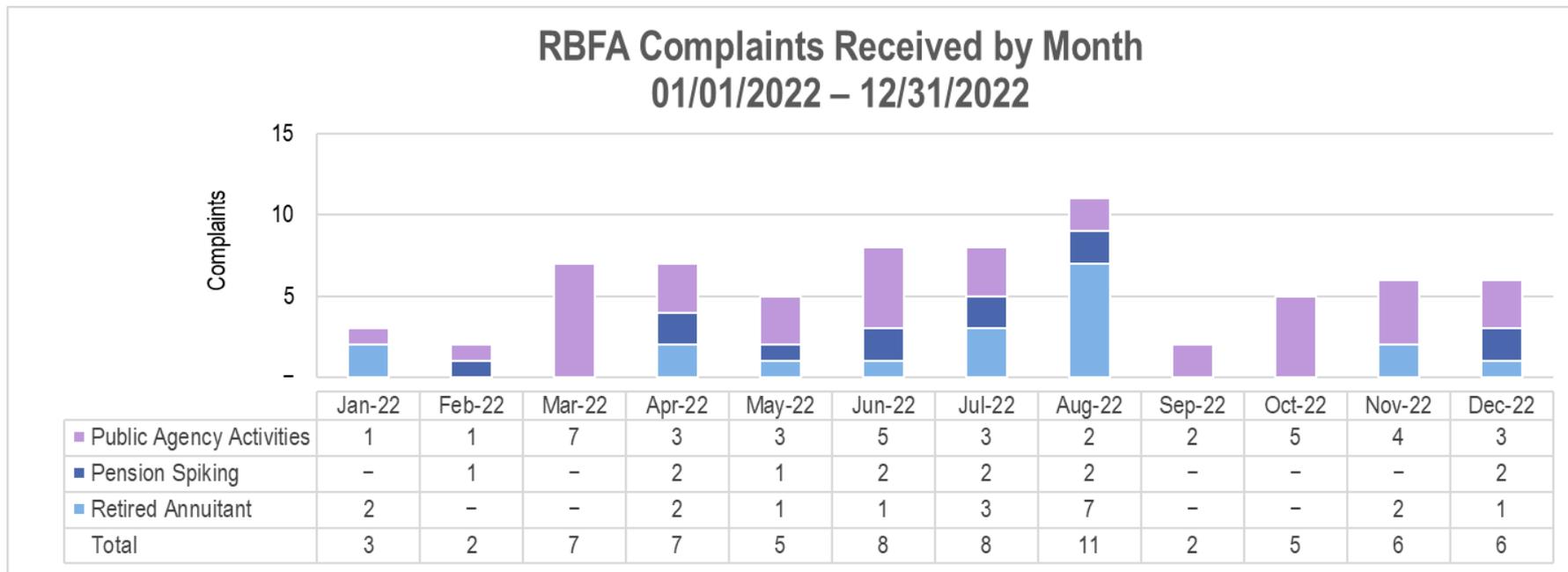


Observations:

- In December 2022, there were six new complaints, a decrease from the prior month.
- Of the ethics related complaints received in December 2022, 100% (6 of 6) fell under the Retirement Benefits Fraud or Abuse category.
- There were two non-ethics cases received in December 2022.

Note: See Appendix for category descriptions.

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

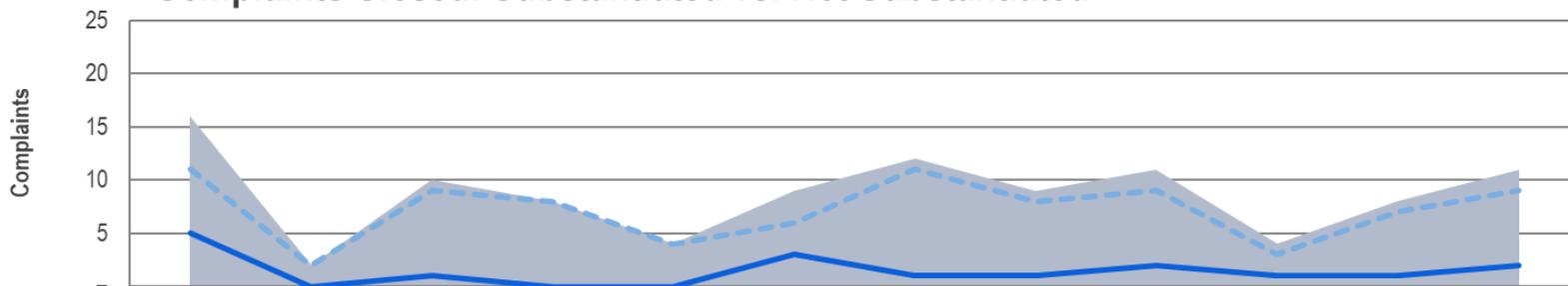


Observation:

- The Public Agency Activities subcategory accounted for 50% (3 of 6) of the RBFA complaints received in December 2022.

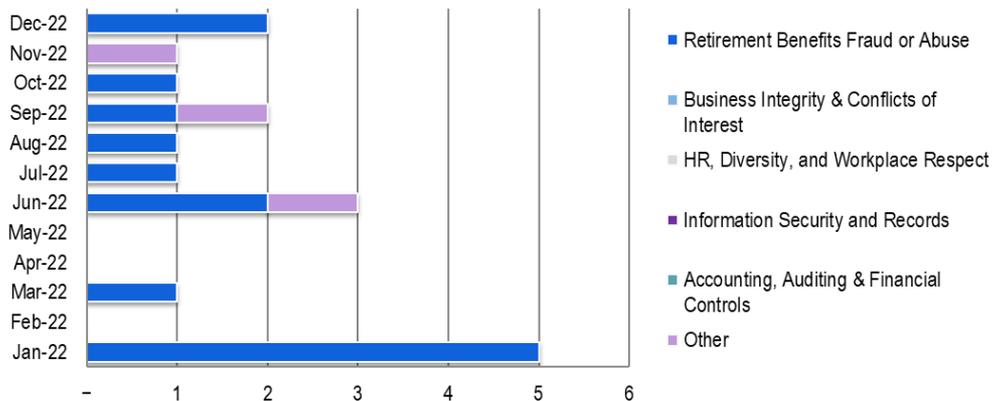
Ethics Helpline: Complaints Closed

Complaints Closed: Substantiated vs. Not Substantiated



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

Substantiated Complaints by Category



Observation:

- During the month of December, 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.

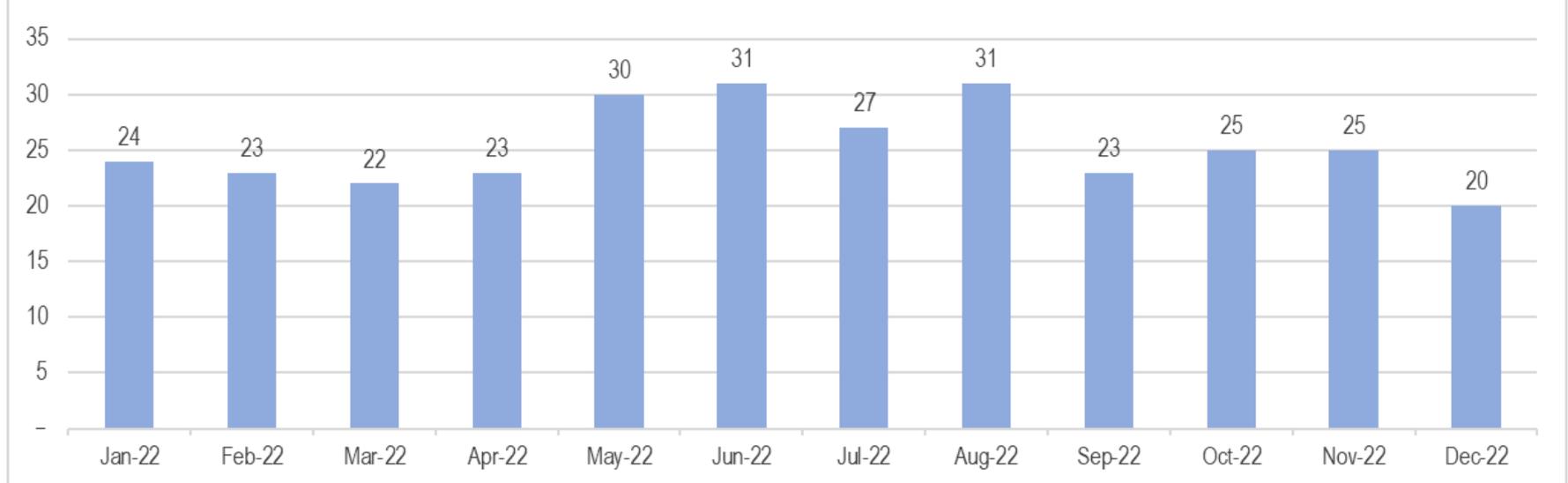
Ethics Helpline: Summary of Closed Substantiated Complaints

Closed Substantiated Complaints 12/01/2022 – 12/31/2022

Case Number	Issue Type	Allegation	Finding	Action Taken
2022-1373	Retirement Benefits Fraud or Abuse	The reporting party alleged a retiree was working in violation of post-retirement employment rules.	The allegation was substantiated. The Employer Account Management Division has confirmed that the post-retirement employment has ended, and the retired annuitant is no longer employed.	Closed: 12/22/2022
2021-1319	Retirement Benefits Fraud or Abuse	The reporting party alleged someone is fraudulently collecting a CalPERS medical retirement.	The allegation was substantiated. The Customer Services & Support branch has distributed a letter to the retiree indicating that disability retirement benefits will be discontinued.	Closed: 12/30/2022

Ethics Helpline: Complaints Open

Complaints Open
01/01/2022 – 12/31/2022

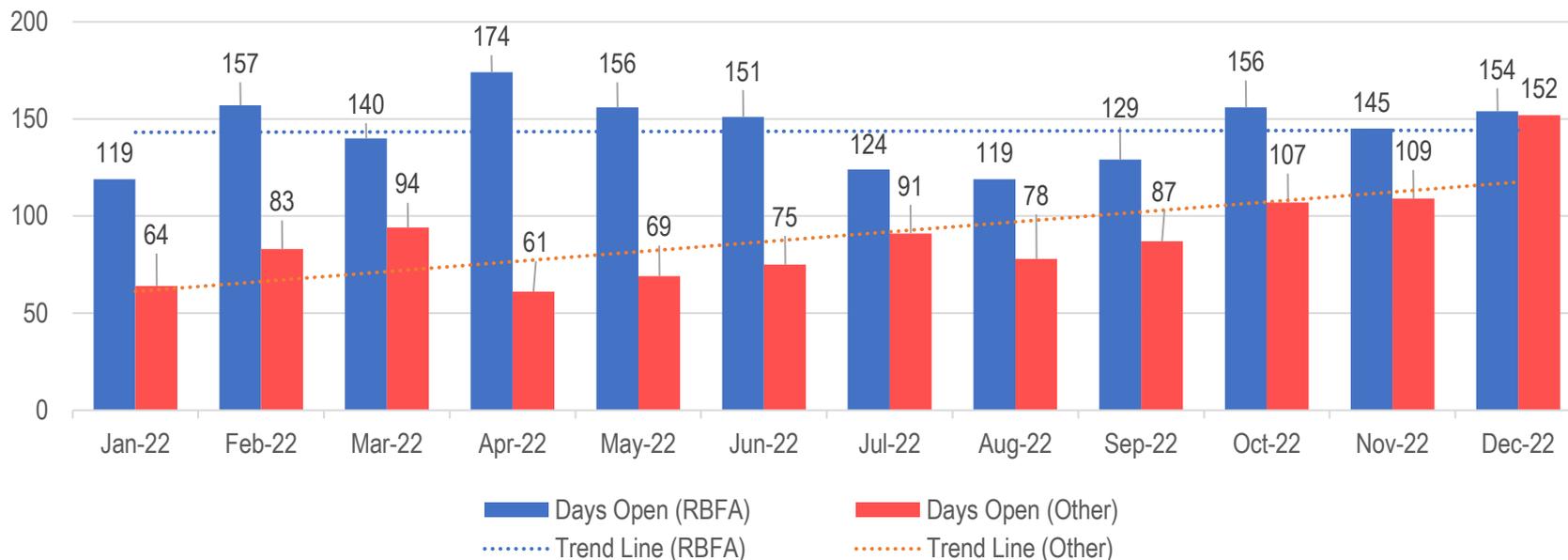


Observation:

- There were 20 open Ethics Helpline complaints as of 12/31/2022.

Ethics Helpline: Average Days Open

Average Days Open
01/01/2022 – 12/31/2022



Observation:

- As of 12/31/2022, Retirement Benefits Fraud or Abuse (RBFA) complaints were open for an average of 154 days, while all other complaints were open for an average of 152 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 2022				
Training Type	Completed	Outstanding	Completion Rate	
Acceptable Use Policy	21	-	100%	
CalPERS Personal Trading Regulations	5	-	100%	
Gift Policy Attestation for New Filers	9	-	100%	
Harassment Prevention for Team Leaders	10	-	100%	
Harassment Prevention for Team Members	18	-	100%	
Health Insurance Portability and Accountability Act	209	-	100%	
Information Security and Privacy	21	-	100%	
Workplace Violence Prevention Training	21	-	100%	
COVID-19 Prevention Plan	21	-	100%	
AG Ethics	11	-	100%	
Code of Conduct	21	-	100%	
Total	367	-	100%	

Observation:

- Employees completed 100% (367 of 367) of assigned mandatory training courses due in December 2022.

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.

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 3 and 4 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 Pages 6 and 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.