

# Monthly Status Report – Enterprise Compliance Activity

March 2023

Presented to  
Risk and Audit Committee  
June 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 March 2023. 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, 99% were filed timely.
- Of all the Consultant Form 700 filers, 96% were filed timely.
- There was one Personal Trading violation for the month.
- There were 12 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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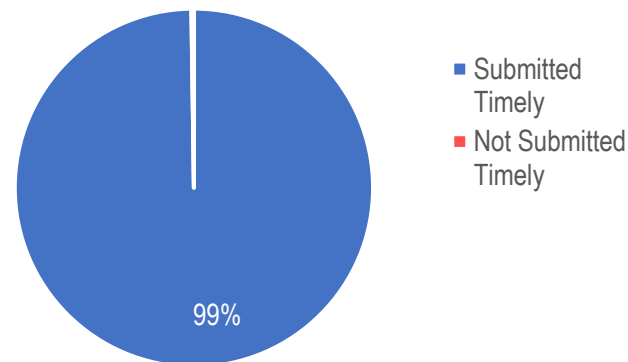
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5	<b><u>Board and Employee Form 700 Filings</u></b> <ul style="list-style-type: none"><li>Filing status of Board Members and employees required to file Statements of Economic Interests – Form 700, mandated by the CalPERS – Conflict of Interest Code</li></ul>
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## Board & Employee Form 700 Filings

March 2023 Statement Activity (Board & Employee)					
Statement Type	Submitted Timely	Submitted Late	Outstanding	Referred to FPPC	Total
Assuming Office	15	-	-	-	15
Leaving Office	10	-	-	-	10
Amendment	19	1	-	-	20
Annual	394	-	-	-	394
<b>Grand Total</b>	<b>438</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>439</b>

Percent Submitted Timely  
March 2023



### Observations:

- There were 439 Board and Employee statements submitted in March 2023.
- There were no outstanding Board and Employee statements as of 03/31/2023.

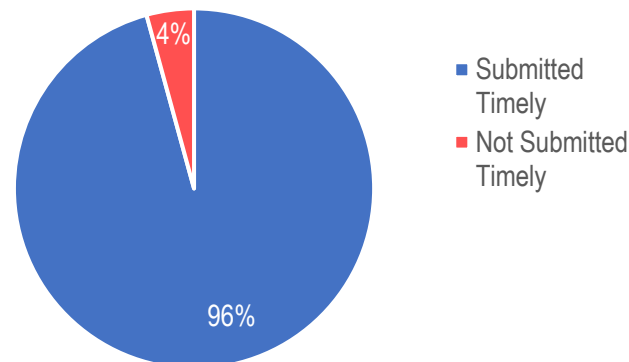
### Notes:

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

## Consultant Form 700 Filings

March 2023 Statement Activity (Consultant)					
Statement Type	Submitted Timely	Submitted Late	Outstanding	Referred to FPPC	Total
Assuming Office	2	1	-	-	3
Leaving Office	4	1	2	-	7
Amendment	8	-	-	-	8
Annual	76	-	-	-	76
<b>Grand Total</b>	<b>90</b>	<b>2</b>	<b>2</b>	<b>-</b>	<b>94</b>

Percent Submitted Timely  
March 2023



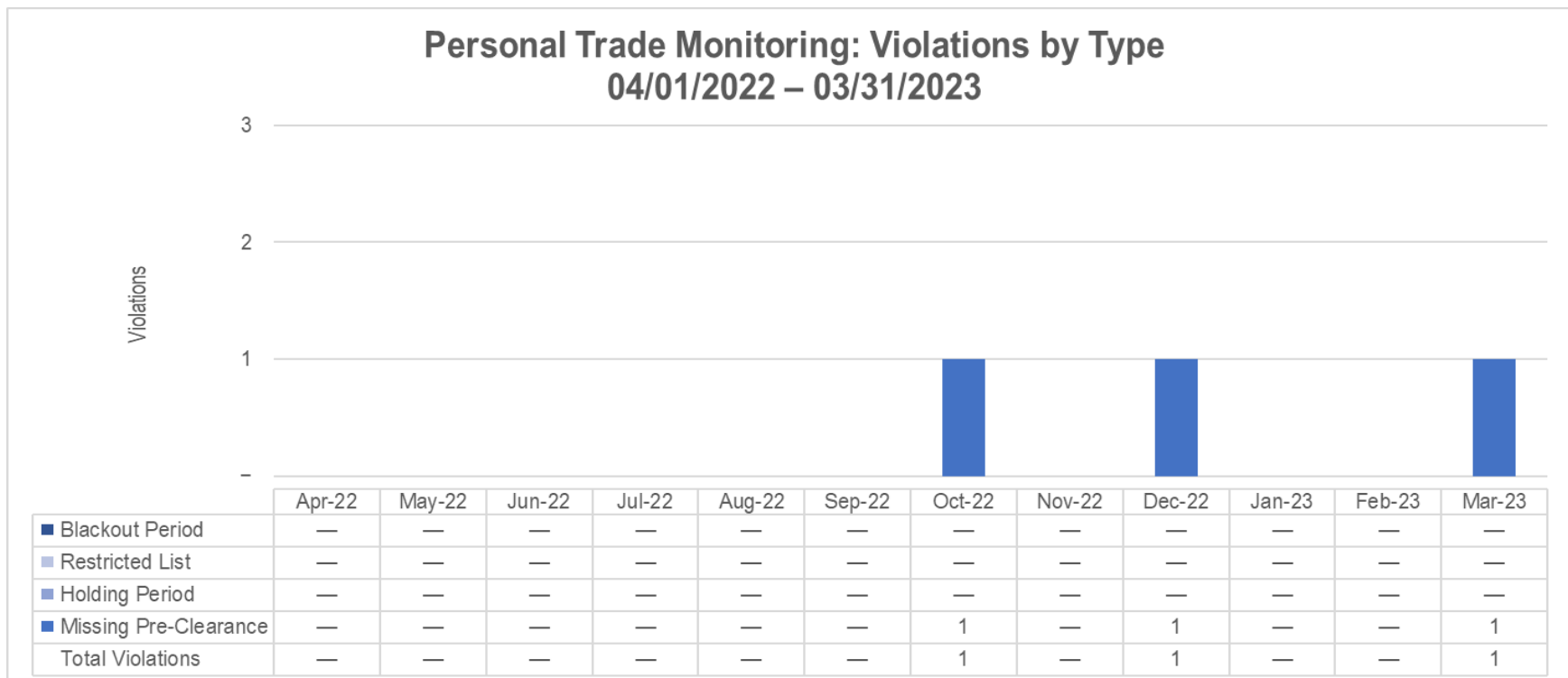
### Observations:

- There were 92 Consultant statements submitted in March 2023.
- There were two outstanding Consultant statements as of 03/31/2023.

### 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 request date, which is a CalPERS initiated 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 March 2023				
Affirmation Type	Total Due	Submitted Timely	Submitted Late	Outstanding
Initial Personal Trading Affirmations	4	4	-	-
Annual Personal Trading Affirmations	406	406	-	-
2023 Managed Account Certifications	30	30	-	-
<b>Total</b>	<b>440</b>	<b>440</b>	<b>-</b>	<b>-</b>

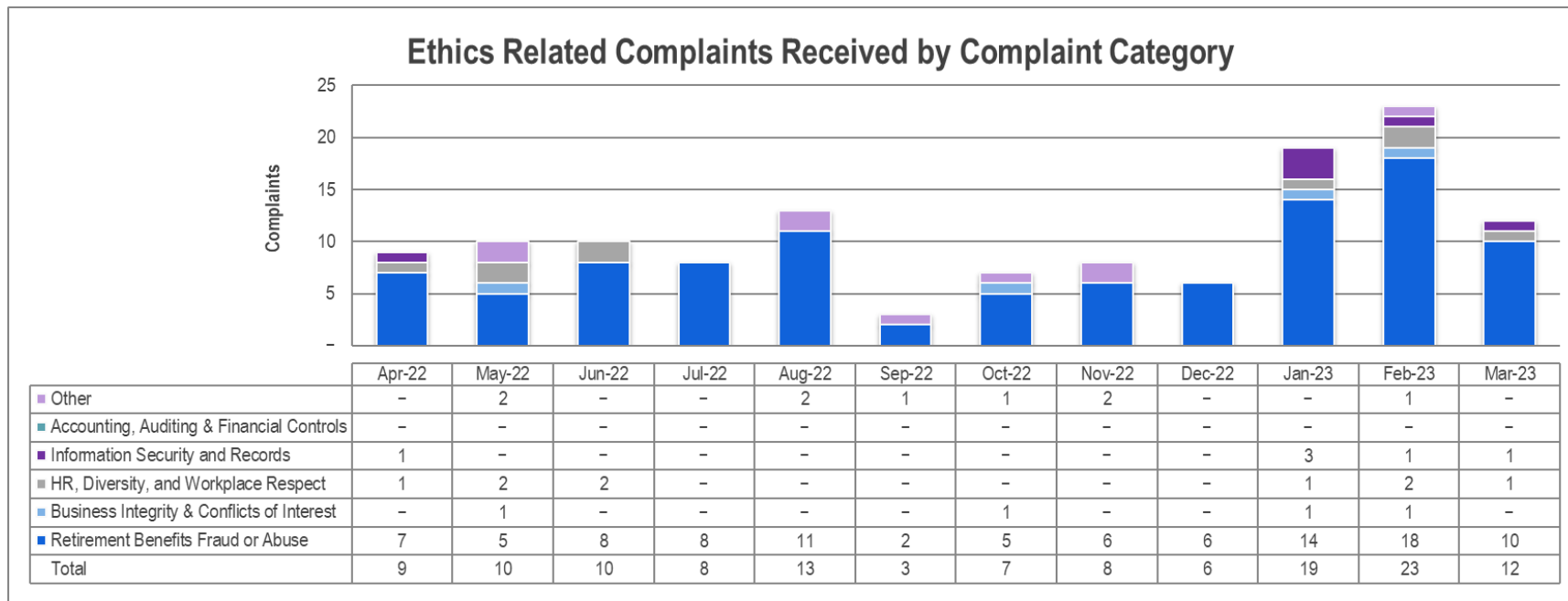
### Observations:

- There were four Initial Personal Trading Affirmations due in March 2023; all were submitted timely.
- There were 406 Annual Personal Trading Affirmations submitted in March 2023; all were submitted timely.
- There were 30 2023 Managed Account Certifications submitted in March 2023; all were submitted timely.

**Note:** See Appendix for related details.



# Ethics Helpline: Complaints Received



## Observations:

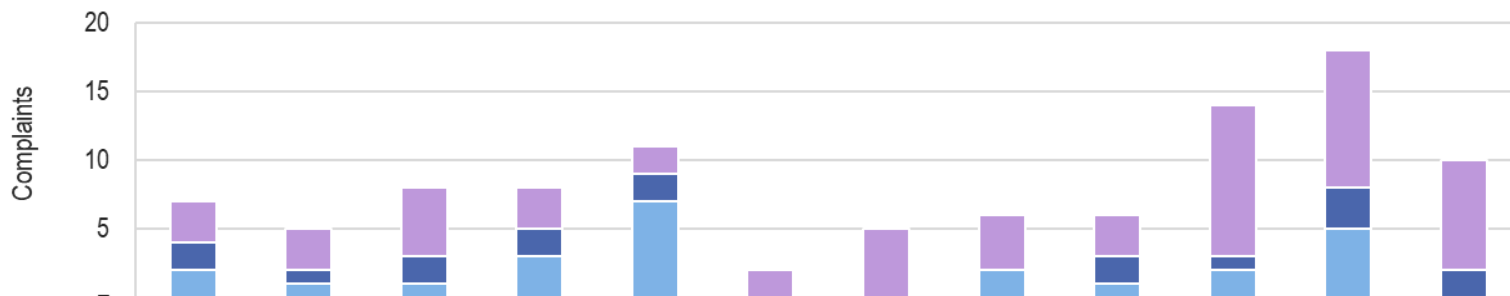
- In March 2023, there were 12 new complaints, a decrease from the prior month.
- Of the ethics related complaints received in March 2023, 83% (10 of 12) fell under the Retirement Benefits Fraud or Abuse category.
- There were five non-ethics cases received in March 2023.

## Notes:

- Two Ethics complaints closed in February 2023 were reopened in March 2023 with the original opened date and are not included in March’s total.
- See Appendix for category descriptions.

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

**RBFA Complaints Received by Month**  
04/01/2022 – 03/31/2023



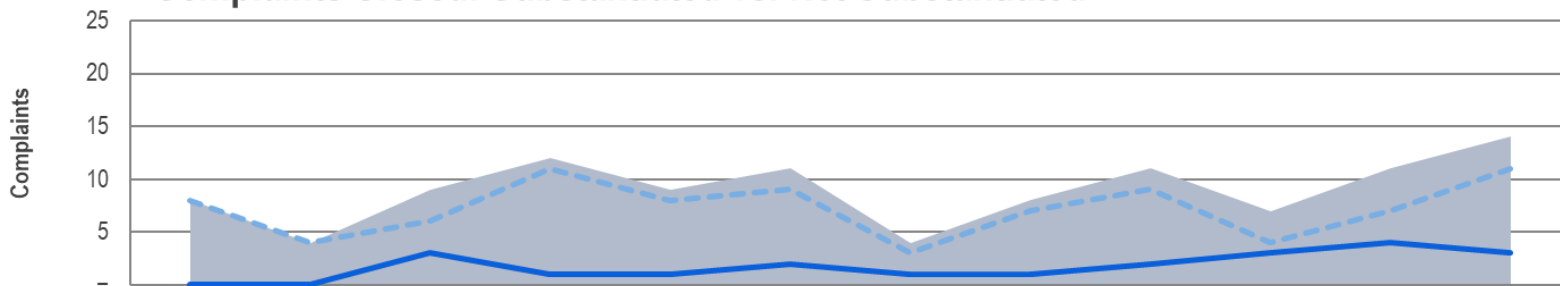
	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
Public Agency Activities	3	3	5	3	2	2	5	4	3	11	10	8
Pension Spiking	2	1	2	2	2	-	-	-	2	1	3	2
Retired Annuitant	2	1	1	3	7	-	-	2	1	2	5	-
Total	7	5	8	8	11	2	5	6	6	14	18	10

**Observation:**

- The Public Agency Activities subcategory accounted for 80% (8 of 10) of the RBFA complaints received in March 2023.

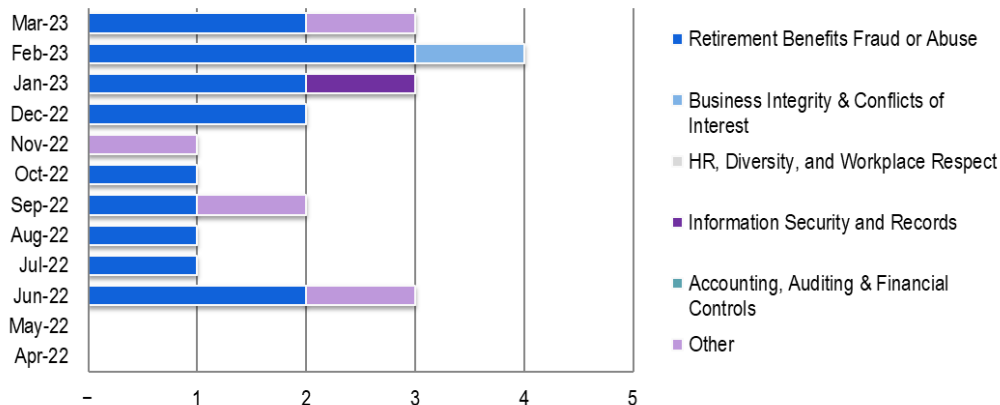
# Ethics Helpline: Complaints Closed

### Complaints Closed: Substantiated vs. Not Substantiated



	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
Total	8	4	9	12	9	11	4	8	11	7	11	14
Closed: Substantiated	-	-	3	1	1	2	1	1	2	3	4	3
Closed: Not Substantiated	8	4	6	11	8	9	3	7	9	4	7	11

### Substantiated Complaints by Category



### Observation:

- During the month of March, 79% (11 of 14) 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.

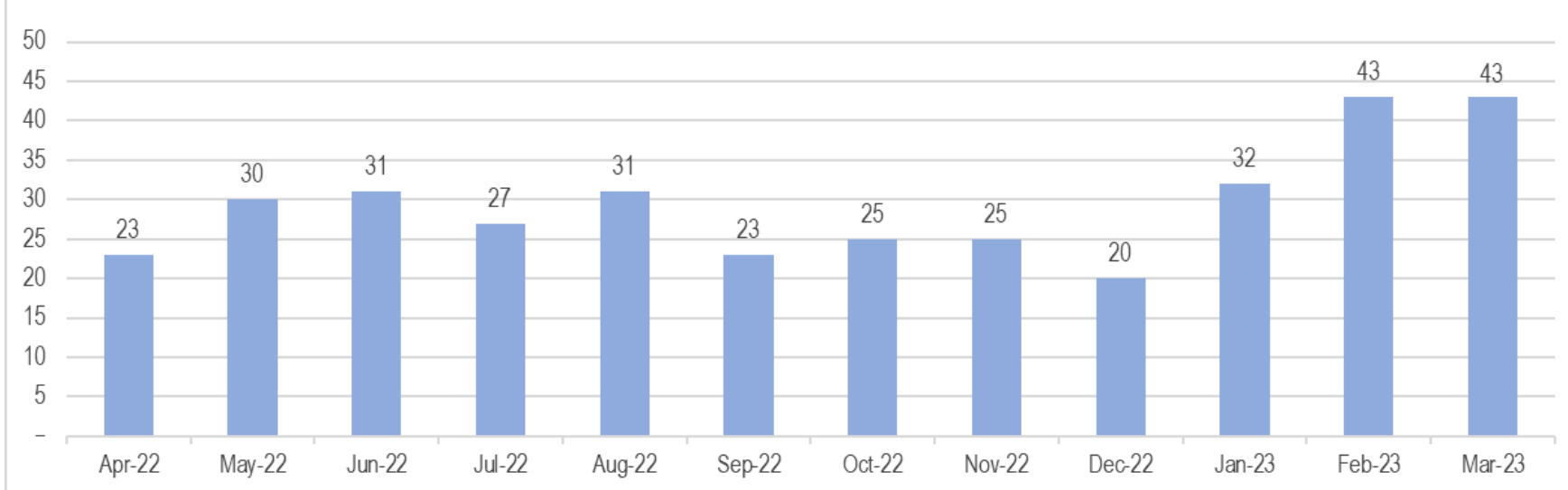
# Ethics Helpline: Summary of Closed Substantiated Complaints

## Closed Substantiated Complaints 03/01/2023 – 03/31/2023

Case Number	Issue Type	Allegation	Finding	Action Taken
2023-1452	Retirement Benefits Fraud or Abuse	The reporting party alleges a member is attempting to get a medical retirement but isn't really disabled.	The member did not respond to a final request for additional documents. The member appears to still be working as the allegation indicated. Their Industrial Disability Retirement (IDR) application is being canceled and a flag is being placed on the member's account in the event that they reapply for IDR in the future.	Closed: 03/22/2023
2023-1438	Other	The reporting party alleges they are not receiving their pension and health care benefits.	Benefits were delayed due to an administrative error. Staff contacted the member and advised them that they are able to seek medical services now and their first benefit payment has been distributed.	Closed: 03/08/2023
2022-1394	Retirement Benefits Fraud or Abuse	The reporting party alleges that a retiree is working in violation of post-retirement employment laws.	The hours worked, payrate, and wait period requirements were appropriate; however, the employment was not considered work of a limited duration as defined by CalPERS. The retiree has already separated from this employment as of September 1, 2022.	Closed: 03/21/2023

## Ethics Helpline: Complaints Open

**Complaints Open**  
**04/01/2022 – 03/31/2023**

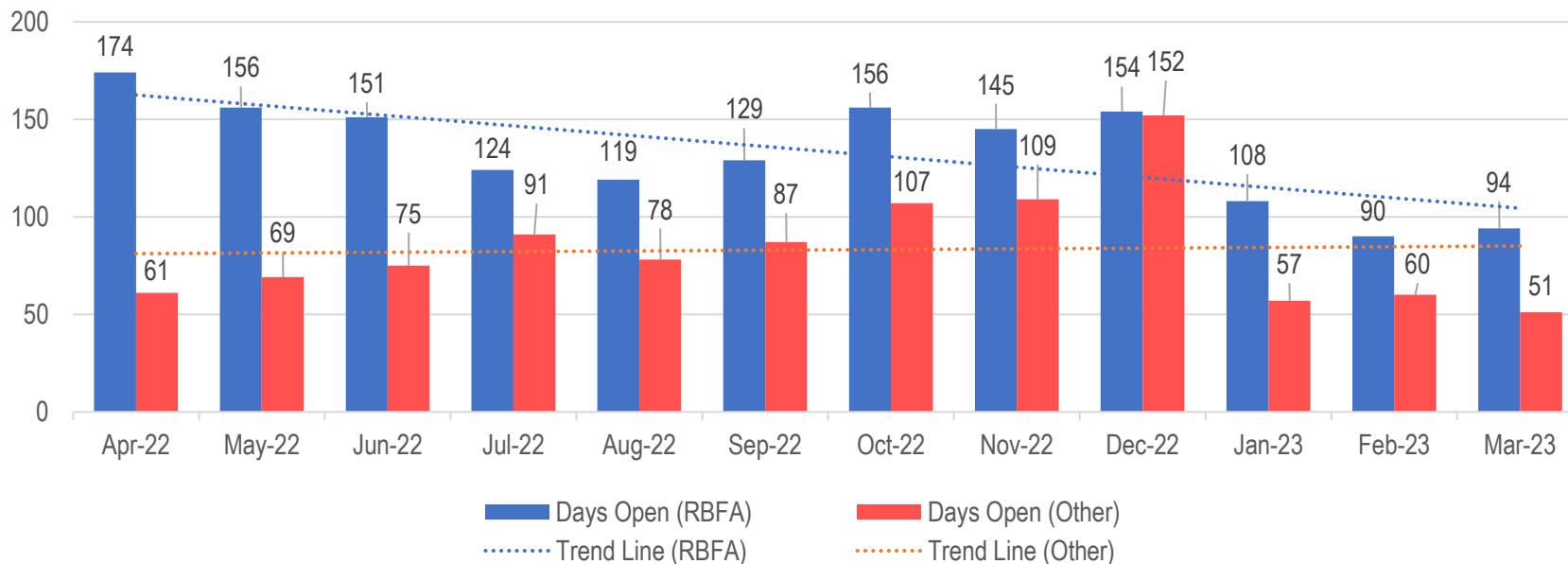


**Observation:**

- There were 43 open Ethics Helpline complaints as of 03/31/2023.

# Ethics Helpline: Average Days Open

Average Days Open  
04/01/2022 – 03/31/2023



## Observation:

- As of 03/31/2023, Retirement Benefits Fraud or Abuse (RBFA) complaints were open for an average of 94 days, while all other complaints were open for an average of 51 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 March 2023				
Training Type	Completed	Outstanding	Completion Rate	
Acceptable Use Policy	24	-	100%	
Personal Trading Regulations	3	-	100%	
Gift Policy Attestation for New Filers	12	-	100%	
Harassment Prevention for Team Leaders	10	-	100%	
Harassment Prevention for Team Members	25	-	100%	
Health Insurance Portability and Accountability Act	22	-	100%	
Information Security and Privacy	25	-	100%	
Workplace Violence Prevention	27	-	100%	
COVID-19 Prevention Plan	25	-	100%	
Code of Conduct	25	-	100%	
Attorney General's Ethics Course	15	1	94%	
<b>Total</b>	<b>213</b>	<b>1</b>	<b>99%</b>	

## Observation:

- Employees completed 99% (213 of 214) of assigned mandatory training courses due in March 2023.

## Notes:

- *As of 04/04/2023, all 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
- Personal Trading Violation Type Definitions
- Ethics Helpline Complaint Category Definitions
- Ethics Helpline Case Status Definitions



## 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:** An amended Form 700 statement that is due 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 to FPPC:** Unsubmitted Form 700 referred to the 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"> <li>• Retired Annuitants - Involves retired CalPERS members who work for a CalPERS covered agency post retirement.</li> <li>• 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.</li> <li>• 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.</li> </ul>
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.