

# Monthly Status Report – Enterprise Compliance Activity

December 2023

Presented to  
Risk and Audit Committee  
February 2024

## 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 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, 86% were filed timely.
- Of all the Consultant Form 700 filers, 43% were filed timely.
- There were three 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 15.

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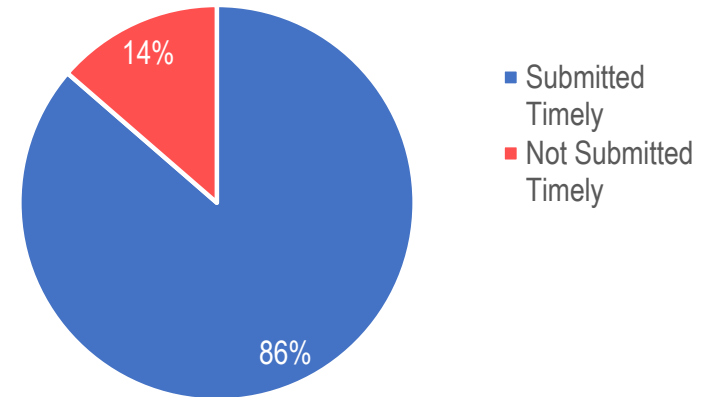
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## Board & Employee Form 700 Filings

December 2023 Statement Activity (Board & Employee)					
Statement Type	Submitted Timely	Submitted Late	Outstanding	Referred to FPPC	Total
Assuming Office	10	-	-	-	10
Leaving Office	7	2	-	1	10
Amendment	2	-	-	-	2
<b>Grand Total</b>	<b>19</b>	<b>2</b>	<b>-</b>	<b>1</b>	<b>22</b>

**Percent Submitted Timely  
December 2023**



### Observations:

- There were 21 Board and Employee statements submitted in December 2023.
- There was one outstanding statement referred to the FPPC in December 2023.

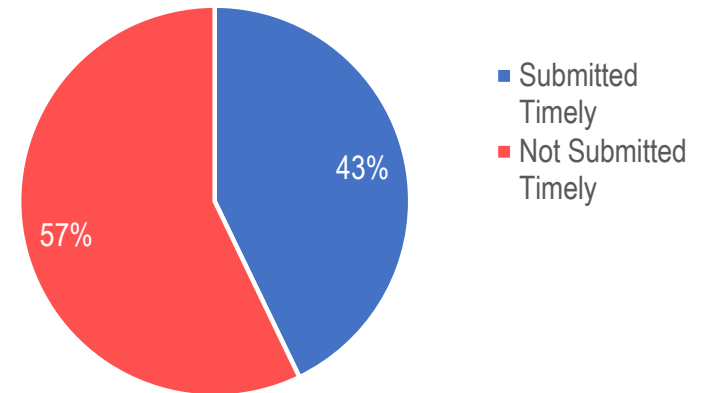
### Notes:

- 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

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

**Percent Submitted Timely  
December 2023**



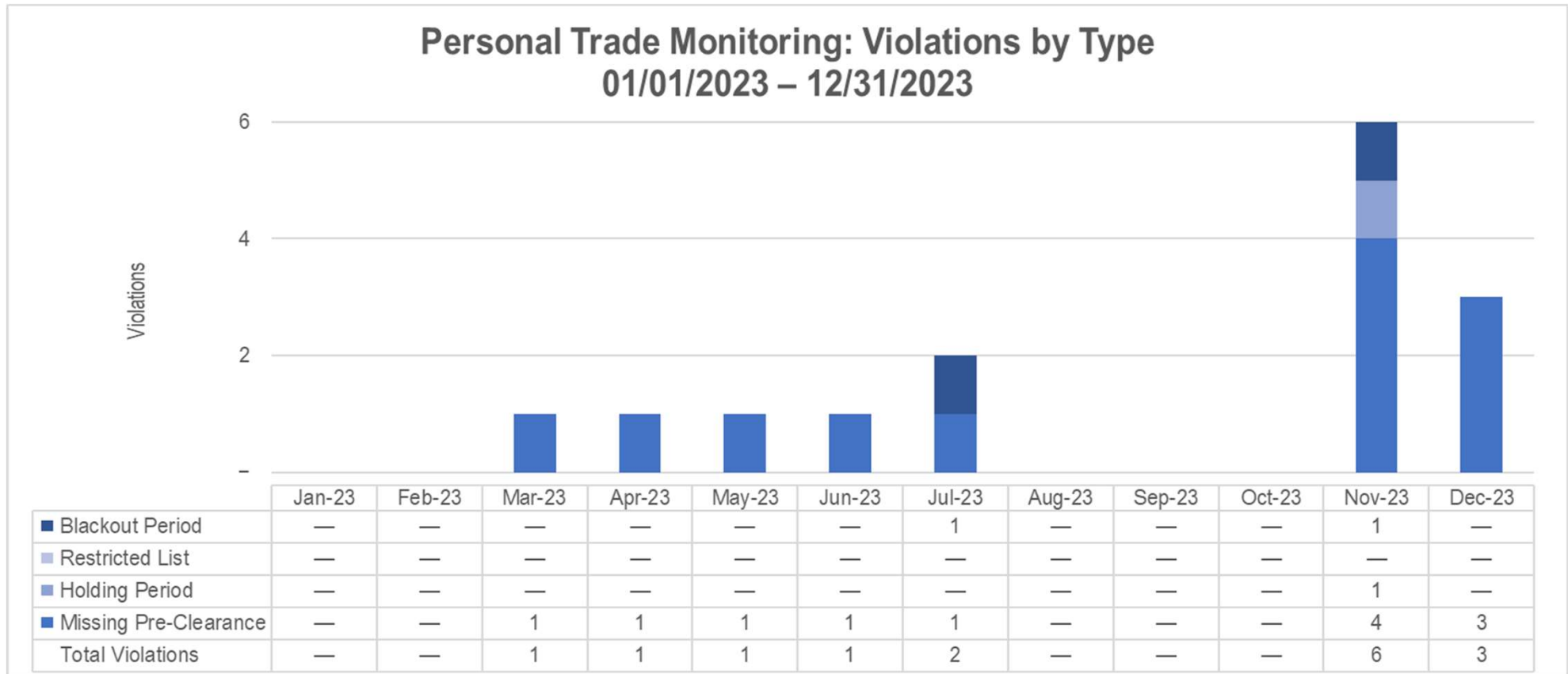
### Observations:

- There were seven Consultant statements submitted in December 2023.
- There were no outstanding Consultant statements as of 12/31/2023.

### 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 transactions, resulting in three Missing Pre-clearance violations.

**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 2023				
Affirmation Type	Total Due	Submitted Timely	Submitted Late	Outstanding
Initial Personal Trading Affirmations	10	10	-	-
<b>Total</b>	<b>10</b>	<b>10</b>	<b>-</b>	<b>-</b>

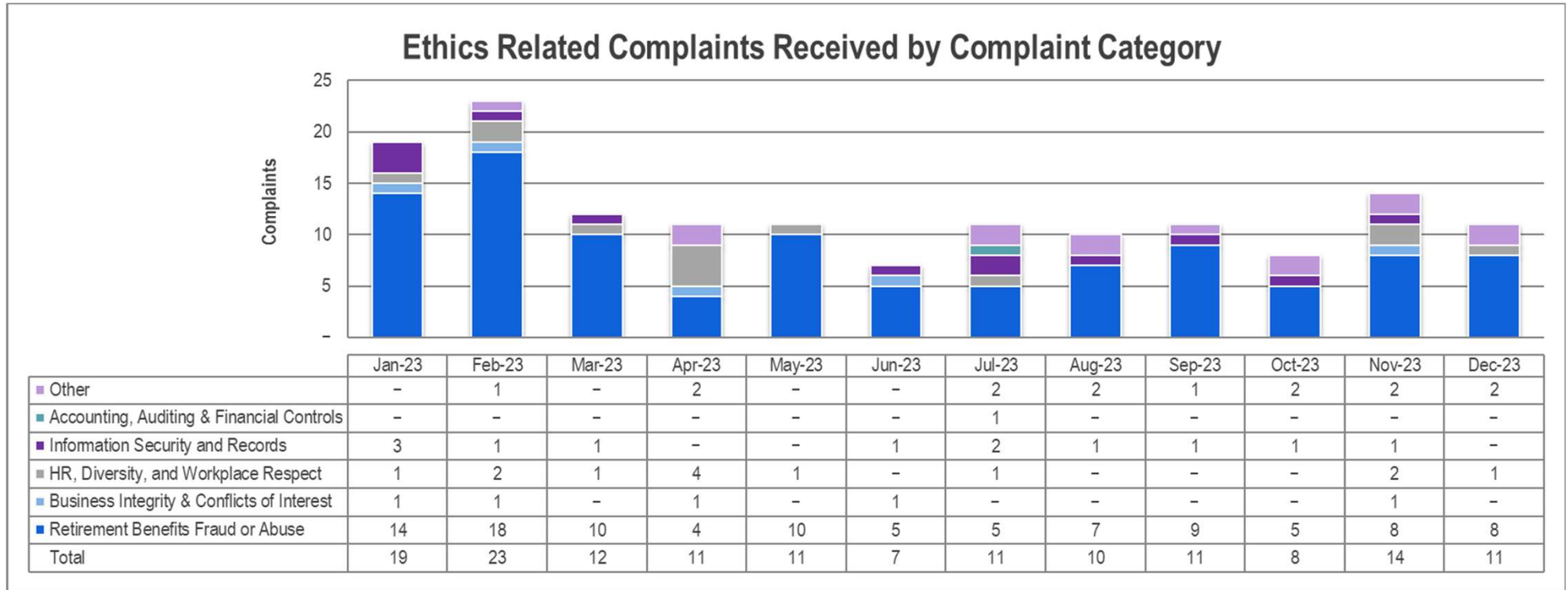
**Observation:**

- There were 10 Initial Personal Trading Affirmations due in December 2023; the affirmations were submitted timely.

*Note: See Appendix for related details.*



# Ethics Helpline: Complaints Received

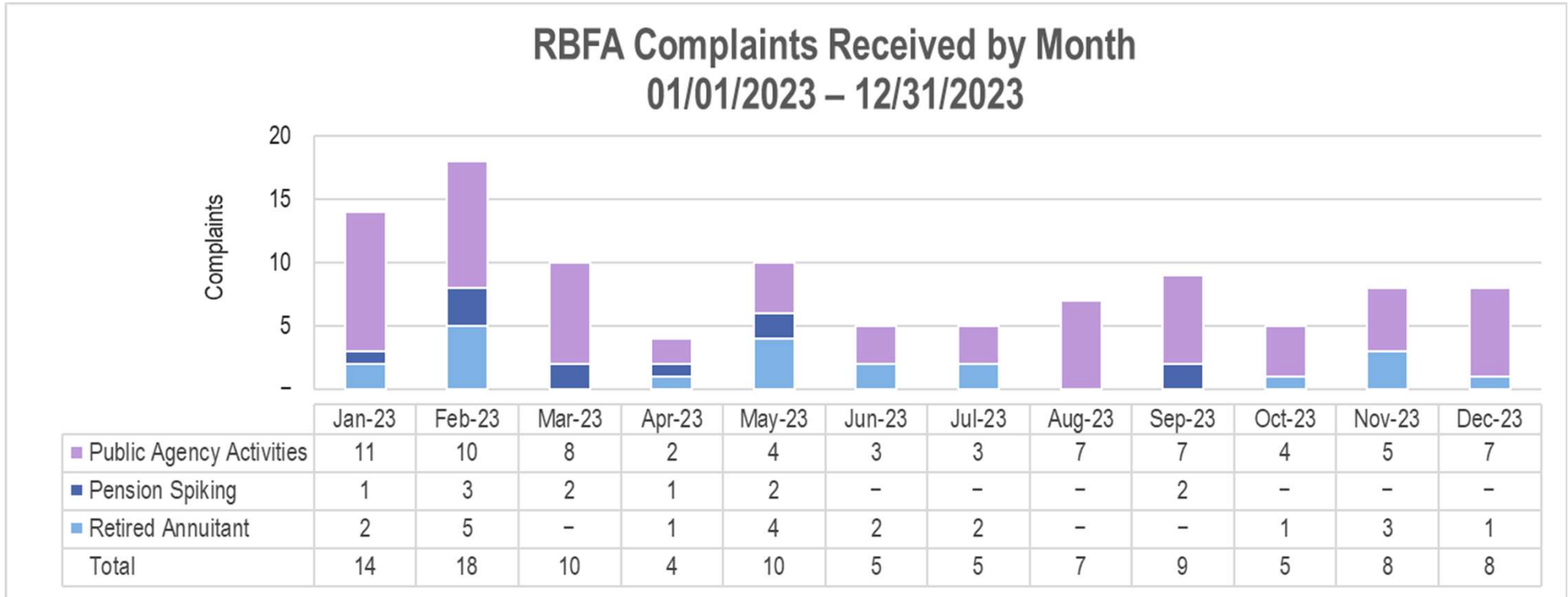


## Observations:

- In December 2023, there were 11 new complaints, a decrease from the prior month.
- Of the ethics related complaints received in December 2023, 73% (8 of 11) fell under the Retirement Benefits Fraud or Abuse category.
- There were five non-ethics cases received in December 2023.

**Note:** See Appendix for category descriptions.

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

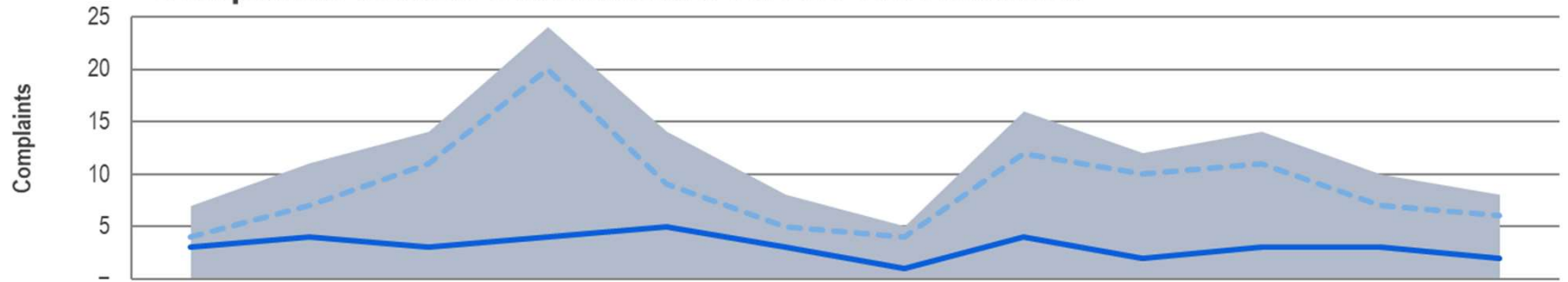


**Observation:**

- The Public Agency Activities subcategory accounted for 88% (7 of 8) of the RBFA complaints received in December 2023.

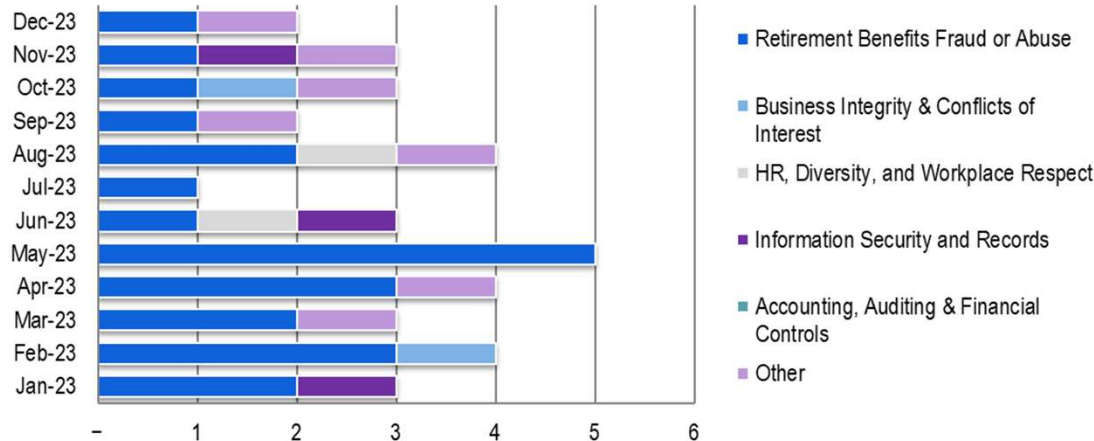
# Ethics Helpline: Complaints Closed

### Complaints Closed: Substantiated vs. Not Substantiated



	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
Total	7	11	14	24	14	8	5	16	12	14	10	8
Closed: Substantiated	3	4	3	4	5	3	1	4	2	3	3	2
Closed: Not Substantiated	4	7	11	20	9	5	4	12	10	11	7	6

### Substantiated Complaints by Category



### Observation:

- During the month of December, 75% (6 of 8) 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.

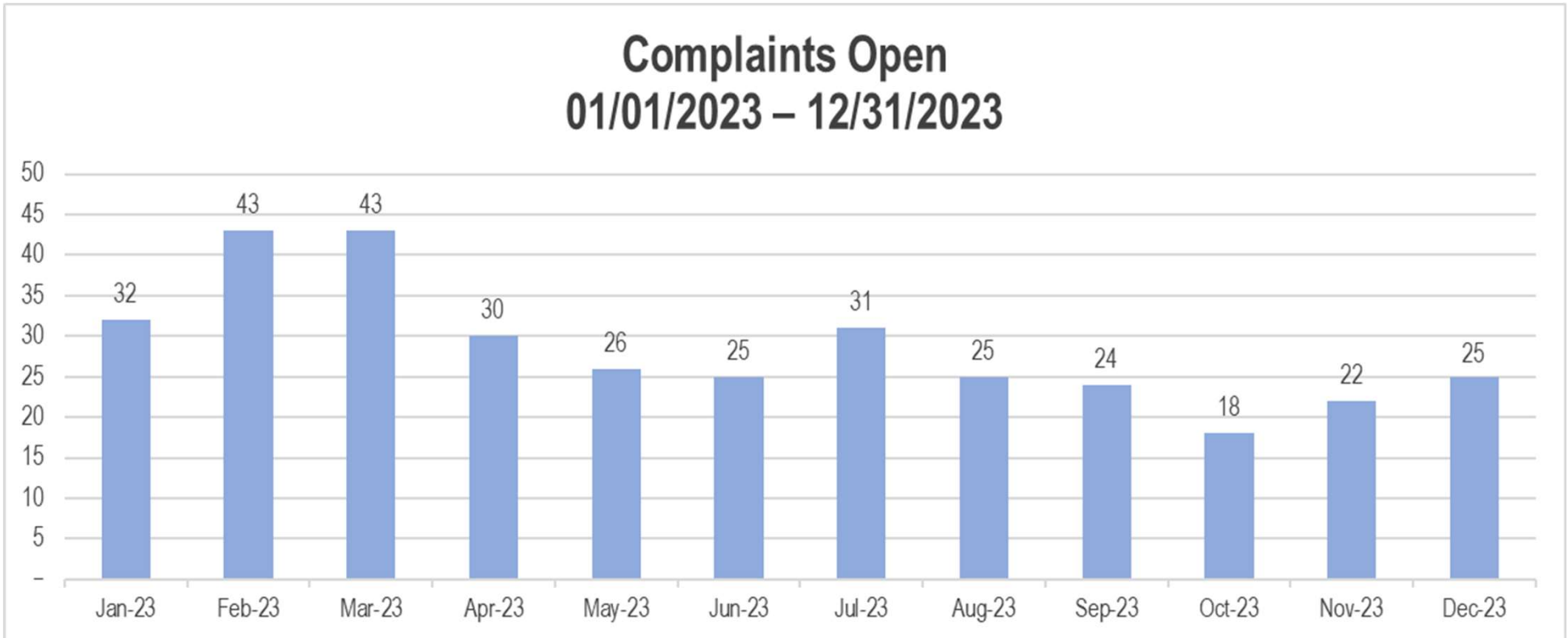
# Ethics Helpline: Summary of Closed Substantiated Complaints

## Closed Substantiated Complaints 12/01/2023 – 12/31/2023

Case Number	Issue Type	Allegation	Action Taken
2023-1535	Other	The reporting party alleges Anthem will not reimburse them for a qualifying medical expense.	Closed: 12/11/2023
2023-1486	Retirement Benefits Fraud or Abuse	The reporting party alleges there are retired annuitants working in violation of post-retirement employment laws.	Closed: 12/27/2023

## Ethics Helpline: Complaints Open

**Complaints Open**  
**01/01/2023 – 12/31/2023**

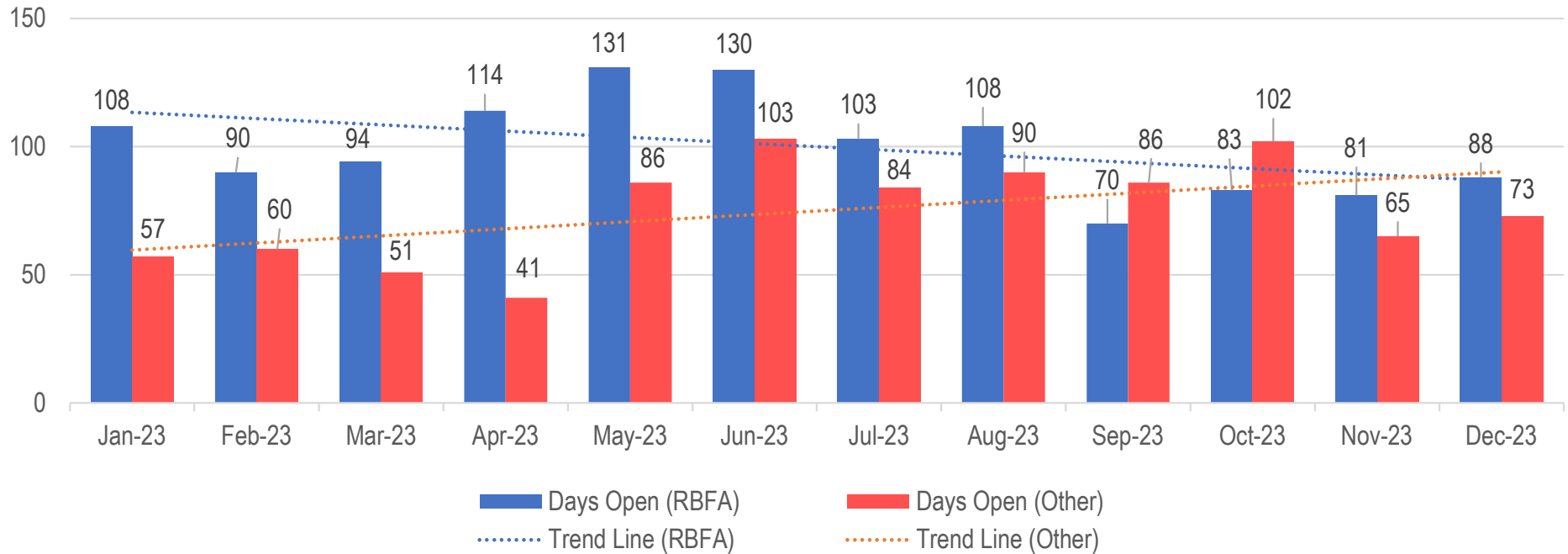


**Observation:**

- There were 25 open Ethics Helpline complaints as of 12/31/2023.

# Ethics Helpline: Average Days Open

Average Days Open  
01/01/2023 – 12/31/2023



**Observation:**

- As of 12/31/2023, Retirement Benefits Fraud or Abuse (RBFA) complaints were open for an average of 88 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 2023				
Training Type	Completed	Outstanding	Completion Rate	
Acceptable Use Policy	24	-	100%	
Code of Conduct	24	-	100%	
COVID-19 Prevention Plan	24	-	100%	
Gift Policy Attestation for New Filers	9	-	100%	
Harassment Prevention for Team Leaders	6	-	100%	
Harassment Prevention for Team Members	24	-	100%	
Health Insurance Portability and Accountability Act	18	-	100%	
Information Security and Privacy	24	-	100%	
Personal Trading Regulations	9	-	100%	
Workplace Violence Prevention	24	-	100%	
Attorney General's Ethics Course	14	-	100%	
<b>Total</b>	<b>200</b>	<b>-</b>	<b>100%</b>	

## Observation:

- Employees completed 100% (200 of 200) of assigned mandatory training courses due in December 2023.

## 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
- Employee Mandatory Training: Detail Report



## 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.