



Consent

Agenda Item 4g

June 17, 2014

ITEM NAME: CalPERS Ethics Helpline Report

PROGRAM: Enterprise Compliance Division

ITEM TYPE: Information Consent

EXECUTIVE SUMMARY

This report provides the status of 43 pending and closed Ethics Helpline complaints covering the period February 16, 2014 through May 15, 2014.

STRATEGIC PLAN

The CalPERS Ethics Helpline (Helpline) supports the 2012-2017 Strategic Plan Goal B to cultivate a high-performing, risk-intelligent and innovative organization. The Helpline manages risk by providing a method to identify and assess allegations of incompatible activities, conflicts of interests and other inappropriate activities that pertain to CalPERS business. Helpline complaint submissions help CalPERS identify, assess and mitigate potential risks and foster a business culture of integrity, transparency and compliance.

BACKGROUND

The Ethics Helpline was launched on September 13, 2010. A Helpline user submits their complaint to an independent third-party administrator (NAVEX Global) and has the option to remain anonymous. Since the Helpline's launch in 2010, CalPERS has received a total of 414 complaints. An average of 66 percent of the total number of complaints received to date was submitted anonymously; this is up from the average of 64 percent for the three years ending December 2013. Compared to a 2014 survey conducted by NAVEX Global, the industry averages for 2013 and 2012 from anonymous sources were 60 and 62 percent respectively. The benchmark statistics are based on data gathered from over 8000 NAVEX Global clients representing 42 million employees in 23 industries and 45 sub-industries.

Once a Helpline complaint is submitted, the Enterprise Compliance Division (ECOM) conducts an initial inquiry and then assigns the complaint to the appropriate CalPERS program area for ongoing investigation and resolution. The assigned program area provides ECOM with periodic updates until the investigation is closed.

Program staff and management either substantiate the allegation made or close the complaint with no finding. ECOM assigns a resolution description to all substantiated complaints based on the action taken by program staff or management to resolve the alleged issue(s).

ANALYSIS

This report details the status of 43 complaints; of those, 28 complaints were closed while 15 complaints remain pending. ECOM received 20 new complaints during this reporting period. Sixteen of the 20 new complaints received involved allegations of retirement benefit fraud or abuse.

Twenty-eight out of the 43 complaints were closed by program staff. Of those, 9 complaints were substantiated, and 19 complaints were closed with no finding. Staff completed their investigations within an average of 72 days, equal to the prior reporting period.

Of the 28 complaints closed during this reporting period, 18 complaints involved allegations of retirement benefits fraud or abuse. Investigations into retirement benefits fraud or abuse allegations are often complex. Staff request and wait for documentation from employers for a thorough investigation, which can result in additional delays. To better understand the impact this has on the overall length of an investigation, ECOM and Customer Services & Support (CSS) track the number of days staff wait for receipt of requested documentation. Staff waited an average of 31 days to receive the documentation needed to investigate and close the 18 complaints involving allegations of retirement benefits fraud or abuse.

As of May 15, 2014, 15 cases remain pending. Six complaints have been open longer than 90 days. CalPERS staff have waited between 23 and 299 days for documentation with an average wait time of 121 days.

BUDGET AND FISCAL IMPACTS

There is no new information to report.

ATTACHMENTS

Attachment 1 – The graphs in Attachment 1 show the issue type and status of reportable cases and a breakout of retirement benefit fraud or abuse subtypes.

Attachment 2 – The three graphs in Attachment 2 compare Helpline data for the reporting period February 16, 2013 through May 15, 2013 to data collected for the current reporting period February 16, 2014 through May 15, 2014. The first graph shows that 8 complaints were closed as substantiated during the reporting period ending May 15, 2013; 9 reports were closed as substantiated during the reporting period ending May 15, 2014. The second graph shows that 20 complaints were pending during the reporting period ending May 15, 2013; at present, 15 complaints remain pending. The third graph shows that 17 complaints were closed with no

finding during the reporting period ending May 15, 2013, while 19 complaints were closed with no finding during this reporting period.

Attachment 3 - The *Report Resolution Chart* describes CalPERS actions with regard to the 28 reports closed during the reporting period.

Attachment 4 - The *Summary of Closed Substantiated Cases* summarizes the 9 substantiated complaints identified in this report.

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