

CalPERS Ethics Helpline

SUMMARY OF CLOSED SUBSTANTIATED REPORTS
8/16/2014 through 10/15/2014

**Issue Type: Retirement Benefits Fraud or Abuse-Retired Annuitants
2014-415**

Allegation: An anonymous source alleges that an identified CalPERS retiree is working for a CalPERS covered agency in violation of post retirement employment laws.

Finding: CalPERS predetermined that the retiree was doing the work of a CalPERS employee rather than as a contractor. A determination letter was sent to the employer, and the allegation was verified. The city brought the retiree's post-retirement employment into compliance with government code.

Action Taken: Counseled (verbal/written warning)

**Issue Type: Retirement Benefits Fraud or Abuse-Retired Annuitants
2014-419**

Allegation: An anonymous source alleges that an identified CalPERS retiree is working in a permanent position at a CalPERS covered agency and is performing full duties of an employee but classified and paid as a consultant to avoid CalPERS membership.

Finding: CalPERS determined the retiree's employment was not as an independent contractor, and therefore, subject to retired annuitant requirements. The retiree quit working and will not be reinstated. A letter was also sent to the retiree and the agency advising them both of the retired annuitant requirements.

Action Taken: Counseled (verbal/written warning)

**Issue Type: Retirement Benefits Fraud or Abuse-Public Agency Activities
2014-442**

Allegation: An anonymous reporting party alleges a CalPERS member received lower medical insurance plans and pay differential due to reporting errors and is not being retroactively corrected.

Finding: CalPERS member held a position that qualified for premium pay consistent with the Memorandum of Understanding. Member's pay rate reported during this time was verified. Member took a promotion and lost eligibility for the premium pay. Payroll records show that a single premium payment was reported after member lost eligibility. The employer confirmed this was an error and reversed the payment.

Action Taken: Resolved by State or Public Agency

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8/16/2014 through 10/15/2014

**Issue Type: Retirement Benefits Fraud or Abuse-Retired Annuitants
2014-446**

Allegation: An identified reporting party alleges a CalPERS member is working for a CalPERS covered agency in violation of post retirement laws.

Finding: CalPERS contacted the CalPERS covered agency about a member's appointment as a city building inspector. Agency informed CalPERS that the member did not inform the agency of the member's retiree status before accepting the position. The retiree subsequently resigned from his post-retirement employment.

Action Taken: Counseled (verbal/written warning)