

**STATEMENT OF ACTIVITIES THAT ARE INCONSISTENT,
INCOMPATIBLE, OR IN CONFLICT WITH THE
DUTIES OF A BOARD MEMBER OF THE
PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

The Board of Administration of the Public Employees' Retirement System is empowered by Government Code section 20120 to "make such rules as it deems proper." By virtue of this authority, the Board adopts the following Statement of Incompatible Activities to be the official policy and minimum standard of conduct for each Board Member of the Public Employees' Retirement System (PERS).

The following activities are deemed to be: inconsistent, incompatible, in conflict with, or inimical to the duties and obligations of PERS Board Members:

I. General Standards of Conduct

1. Using the prestige or influence of the state or PERS for private gain or advantage, or the private gain or advantage of another.
2. Using state time, facilities, equipment (including but not limited to xerox machines, telephones, vehicles, postage meters, data processing or word processing equipment, or personal computers) or supplies for private gain or advantage, or for the private gain or advantage of another.
3. Using confidential information available by virtue of holding a position on the PERS Board (including, but not limited to, confidential data filed by a member or beneficiary with the Board, and confidential contract, financial, investment or legal information) for private gain or advantage, or for the private gain or advantage of another.
4. Providing confidential information (including, but not limited to, confidential data filed by a member or beneficiary with the Board, and confidential contract, financial, investment or legal information) to persons to whom issuance of this information has not been authorized.
5. Receiving or accepting money or any other consideration (including, but not limited to, entertainment, lodging, travel

expenses, services or other items) from anyone other than the state for the performance of his or her duties as a PERS Board Member.

6. Performance of an act in other than his or her capacity as a PERS Board Member knowing that the act may later be subject, directly or indirectly to the control, inspection, review, audit, or enforcement by the PERS Board.
7. Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the Public Employees Retirement System or whose activities are regulated or controlled by PERS under circumstances from which it reasonably could be substantiated that the gift was intended to influence the PERS Board Member in his or her official duties or was intended as reward for any official actions performed by the Board Member.
8. A Board Member shall not have an ex parte communication on the merits of an administrative appeal with any party or their attorney until after the Board's decision in the case is final.

II. Travel Expenses

9. (A) Accepting commercial transportation or lodging of any type, or accepting direct or indirect payment or reimbursement for lodging or transportation of any type from any persons, business entity, or organization doing or seeking to do business of any kind with PERS, except where: 1) the travel and/or accommodations or payment or reimbursement for such are provided in connection with training, or a meeting, seminar, or conference which the Board President has determined to be of educational value to the attendee; and 2) the acceptance of the transportation, lodging, payment or reimbursement for such is not prohibited by any other section of this Statement or by any other provision of law.
- (B) PERS or the State of California shall pay for travel and lodging expenses of PERS Board Members on PERS related business whenever possible. Only if the system or the state declines to pay the Board Members travel or lodging expenses, may a PERS Board

Member accept commercial transportation or lodging of any type, or reimbursement or direct or indirect payment for lodging or transportation of any type, from sources other than PERS or the State of California.

- (C) Prior to accepting commercial transportation or lodging or payment or reimbursement for lodging and/or transportation as is provided in section 9, subsection A and subsection 8 of this Statement, PERS Board Members shall obtain prior written approval from the Board President.
- 10. Claiming travel expenses from the state for other than state business. No Board Member shall accept dual payment for travel expenses.

III. Outside Activities

- 11. Publishing any writing or making any statement to the media, to state administrators, legislative personnel, or members of the public which purports to represent PERS' position or policy on any matter or subject, before the Board has finally adopted a policy or position on the matter or subject. This section shall not be interpreted to preclude Board Members, as private citizens, from expressing their personal views.

IV. Employment

- 12. Board Members must disclose to the PERS Board any of the following types of employment:
 - i. Employment with any person, organization or business entity of any type that contracts with PERS to provide goods, services, or contracts with PERS for any other purpose, or is seeking to contract or do business with PERS.
 - ii. Employment which involves being a partner, a trustee, an officer, or board member, or holder of a management position, or a consultant, or contractor, or employee, or an owner of an interest in any business, institution, or any agency of any type which he/she knows has financial dealings with PERS.

V. Gifts

13. All gifts, gratuities and other consideration which may not be accepted, pursuant to the provisions of this Statement, are to be returned to the sender whenever possible. The return of prohibited gifts and other considerations can be at the expense of PERS, through the mail room, and can include any insurance needed.

Scope of Rules

Nothing in this Statement shall exempt any Board Member from applicable provisions of any other laws of this state. The standards of conduct set forth in this Statement are in addition to those prescribed in the Department's Conflict of interest Code.