



Board Governance Committee

Agenda Item 6c

March 17, 2020

Item Name: CalPERS Processes for Addressing Harassment Allegations

Program: Board Governance

Item Type: Information

Recommendation

Consider and compare the California Legislature's approach to handling allegations of harassment to CalPERS' approach.

Executive Summary

At the January 2020 Board meeting, three Members of the California Legislature presented information about how that body addresses allegations of workplace harassment. After the meeting, the Board President asked management to compare the Legislature's procedures with CalPERS' procedures. This agenda item presents that comparison.

Background and Analysis

CalPERS' primary policy for addressing workplace harassment has long been its Harassment, Discrimination, and Retaliation Prevention Policy (CalPERS Policy), a copy of which is attached as Attachment 1. At its core, the CalPERS Policy confirms that CalPERS is committed to ensuring a work environment that is free from harassment and discrimination of all kinds, and that CalPERS prohibits any form of retaliation for good faith reporting of perceived violations of the policy and/or for participating in the investigation of a complaint. The CalPERS Policy defines key terms, identifies common forms of prohibited conduct and identifies the rights and responsibilities of employees, supervisors, managers, and CalPERS. The CalPERS Policy also describes the complaint process and confirms that CalPERS will maintain the confidentiality of complaints, inquiries and investigations to the maximum extent possible.

Following the 2017 emergence of the MeToo and TimesUp movements, the Board began considering whether to adopt a policy to confirm and clarify that the CalPERS Policy applies to Board members as well. In 2018, the Board did adopt such a policy, the "Policy for Reviewing Allegations of Board Member Harassment" (Board's Policy), a copy of which is attached as Attachment 2. The Board's Policy sets forth procedures for handling allegations of harassment against Board members and the potential sanctions that may be imposed upon a determination that harassment has, in fact, occurred.

In addition, and at the suggestion of the Finance and Administration Committee, staff will be bringing forward as part of the election regulatory package a provision encouraging candidates for elected Board seats to voluntarily disclose any prior findings of workplace harassment against them.

At the January 2020 Board Meeting, Assembly Member Laura Friedman and Senators Connie Leyva and Holly Mitchell described the Legislature's recent work to address allegations of harassment, which culminated in its "Policy on Appropriate Workplace Conduct" (Legislature's Policy), a copy of which is attached as Attachment 3.

Attachment 4 compares the key components of each of the three policies.

Budget and Fiscal Impacts

N/A

Benefits and Risks

For Committee discussion.

Attachments

Attachment 1 – CalPERS Harassment, Discrimination, and Retaliation Prevention Policy

Attachment 2 – CalPERS Board's Policy for Reviewing Allegations of Board Member Harassment

Attachment 3 – California Legislature's Policy on Appropriate Workplace Conduct: Creating a Culture of Respect, Civility and Diversity

Attachment 4 – Comparison of CalPERS', the Board's and the California Legislature's Policies Addressing Harassment

Matthew G. Jacobs
General Counsel

Marcie Frost
Chief Executive Officer