

Monthly Status Report – Enterprise Compliance Activity

October 2022

Presented to
Risk and Audit Committee
February 2023

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 October 2022. 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, 89% were filed timely.
- Of all the Consultant Form 700 filers, 67% were filed timely.
- There was one Personal Trading violation for the month.
- There were seven ethics complaints received in the month.
- Of the Mandatory Employee Trainings, 99% were completed on time.

Additional details relating to these compliance activities can be found in pages 5 through 15.

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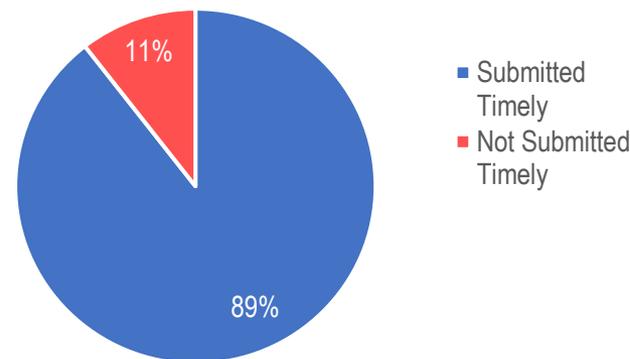
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|----|--|
| 5 | <u>Board and Employee Form 700 Filings</u> <ul style="list-style-type: none">Filing status of Board Members and employees required to file Statements of Economic Interests – Form 700, mandated by the CalPERS – Conflict of Interest Code |
| 6 | <u>Consultant Form 700 Filings</u> <ul style="list-style-type: none">Filing status of consultants required to file Statements of Economic Interests – Form 700, mandated by the CalPERS – Conflict of Interest Code |
| 7 | <u>Personal Trading Monitoring</u> <ul style="list-style-type: none">Violations to CalPERS Personal Trading Regulations |
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| 15 | <u>Training Compliance</u> <ul style="list-style-type: none">Mandatory Training |
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Board & Employee Form 700 Filings

| October 2022 Statement Activity (Board & Employee) | | | | | |
|--|------------------|----------------|-------------|------------------|-----------|
| Statement Type | Submitted Timely | Submitted Late | Outstanding | Referred to FPPC | Total |
| Assuming Office | 10 | - | - | - | 10 |
| Leaving Office | 4 | - | 1 | 1 | 6 |
| Amendment | 3 | - | - | - | 3 |
| Grand Total | 17 | - | 1 | 1 | 19 |

Percent Submitted Timely
October 2022



Observations:

- There were 17 Board and Employee statements submitted in October 2022.
- There was one outstanding Board and Employee statement as of 10/31/2022.
- There was one Board and Employee statement referred to the Fair Political Practices Commission in October 2022; the statement belongs to a filer who has separated from CalPERS.

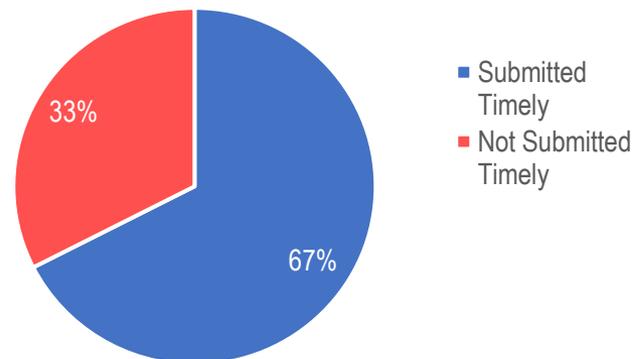
Notes:

- Monthly statement activity includes all Form 700 statements submitted during the month, and all outstanding statements.
- Amendments are due within 30 days of the initial Amendment request date, which is an internal CalPERS deadline.
- See Appendix for related details and definitions.

Consultant Form 700 Filings

| October 2022 Statement Activity (Consultant) | | | | | |
|--|------------------|----------------|-------------|------------------|-----------|
| Statement Type | Submitted Timely | Submitted Late | Outstanding | Referred to FPPC | Total |
| Assuming Office | 5 | - | - | - | 5 |
| Leaving Office | 1 | 1 | 1 | - | 3 |
| Amendment | 21 | - | 11 | - | 32 |
| Grand Total | 27 | 1 | 12 | - | 40 |

Percent Submitted Timely
October 2022



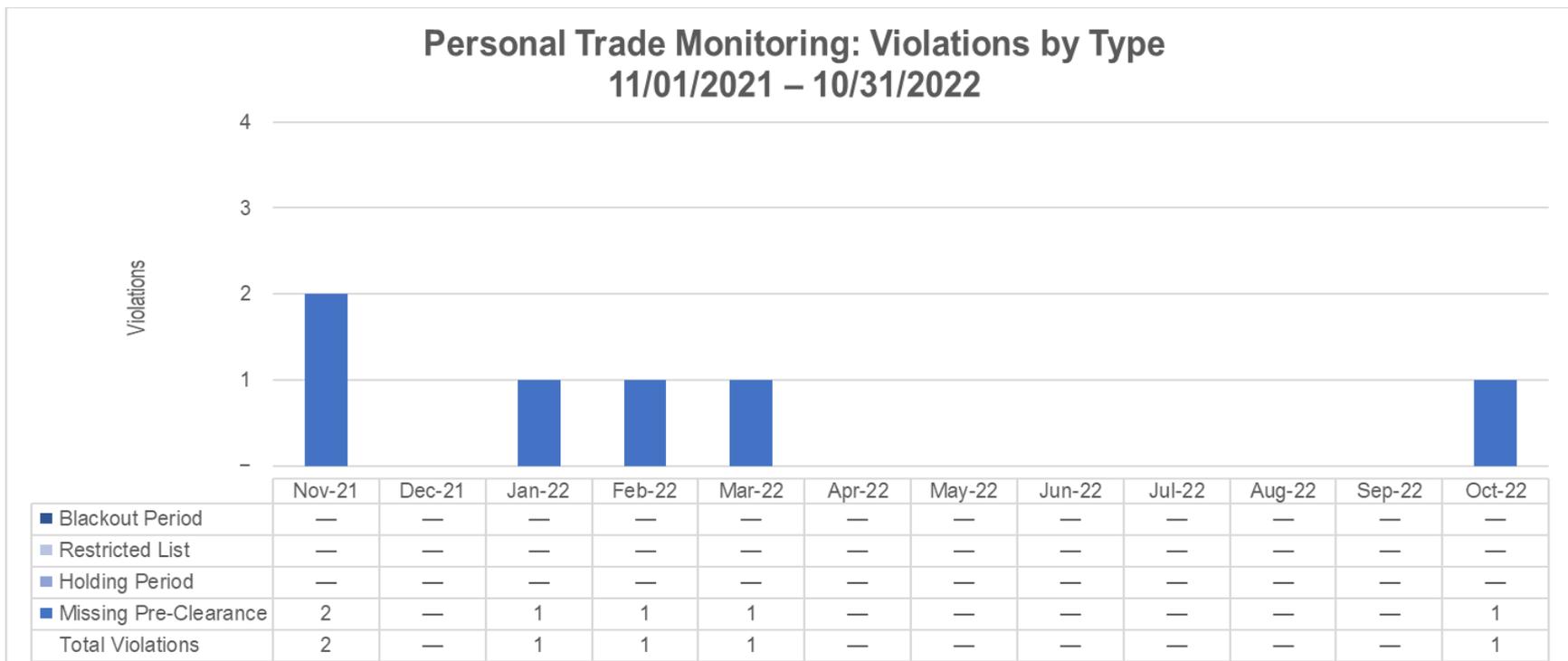
Observations:

- There were 28 Consultant statements submitted in October 2022.
- There were 12 outstanding Consultant statements as of 10/31/2022.

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 initial Amendment request date, which is an internal CalPERS deadline.*
- *See Appendix for related details and definitions.*

Personal Trade Monitoring: Violations



Observation:

- One Covered Person failed to pre-clear their transaction, resulting in one Missing Pre-clearance violation.

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

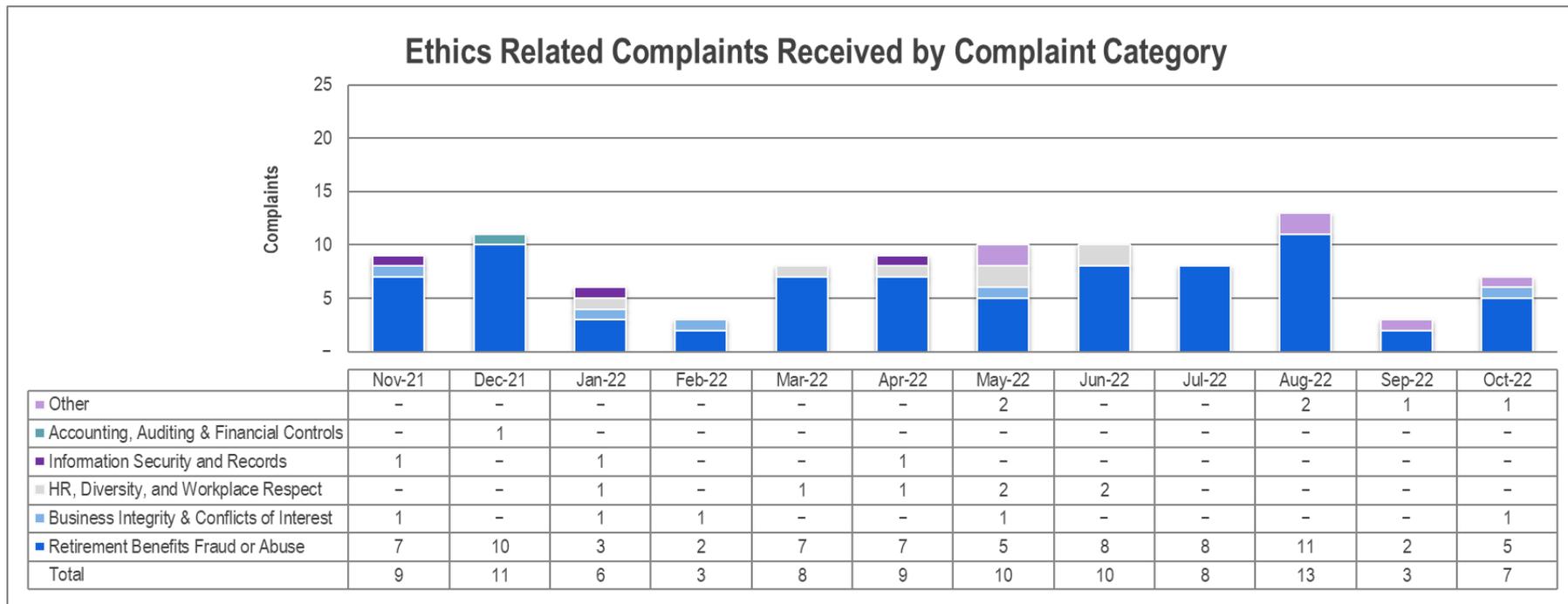
| Personal Trading Affirmation / Attestation Filing Report October 2022 | | | | |
|--|-----------|------------------|----------------|-------------|
| Affirmation Type | Total Due | Submitted Timely | Submitted Late | Outstanding |
| Initial Personal Trading Affirmations | 3 | 3 | - | - |
| Total | 3 | 3 | - | - |

Observation:

- There were three Initial Personal Trading Affirmations due in October 2022; all were submitted timely.

Note: See Appendix for related details.

Ethics Helpline: Complaints Received



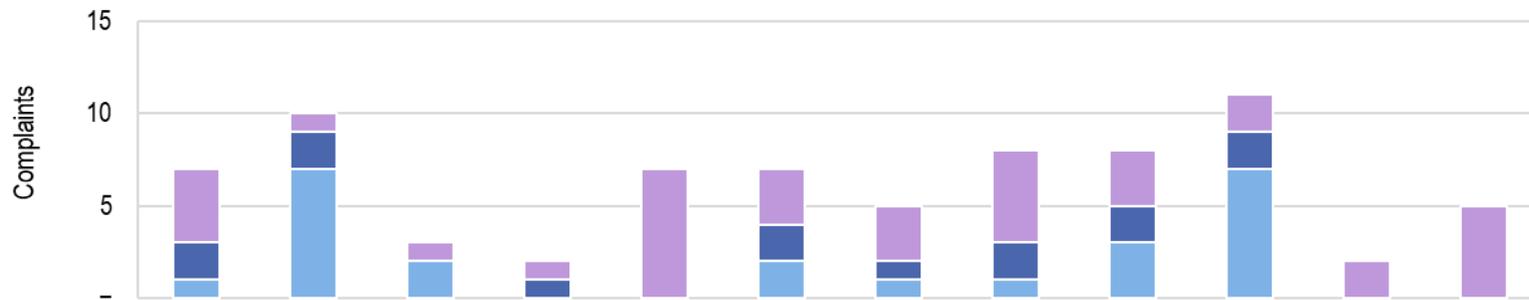
Observations:

- In October 2022, there were seven new complaints, an increase from the prior month.
- Of the ethics related complaints received in October 2022, 71% (5 of 7) fell under the Retirement Benefits Fraud or Abuse category.
- There were three non-ethics cases received in October 2022.

Note: See Appendix for category descriptions.

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

RBFA Complaints Received by Month
11/01/2021 – 10/31/2022



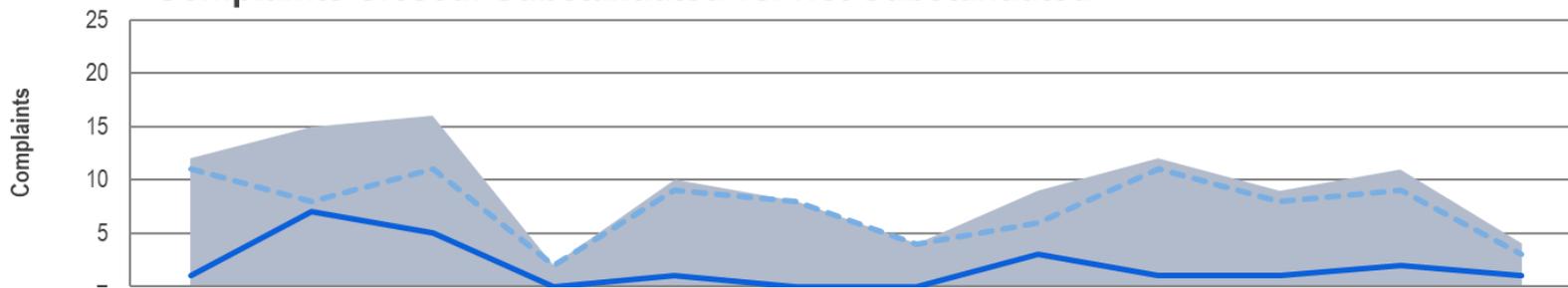
| | Nov-21 | Dec-21 | Jan-22 | Feb-22 | Mar-22 | Apr-22 | May-22 | Jun-22 | Jul-22 | Aug-22 | Sep-22 | Oct-22 |
|--------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Public Agency Activities | 4 | 1 | 1 | 1 | 7 | 3 | 3 | 5 | 3 | 2 | 2 | 5 |
| Pension Spiking | 2 | 2 | - | 1 | - | 2 | 1 | 2 | 2 | 2 | - | - |
| Retired Annuitant | 1 | 7 | 2 | - | - | 2 | 1 | 1 | 3 | 7 | - | - |
| Total | 7 | 10 | 3 | 2 | 7 | 7 | 5 | 8 | 8 | 11 | 2 | 5 |

Observation:

- The Public Agency Activities subcategory accounted for 100% (5 of 5) of the RBFA complaints received in October 2022.

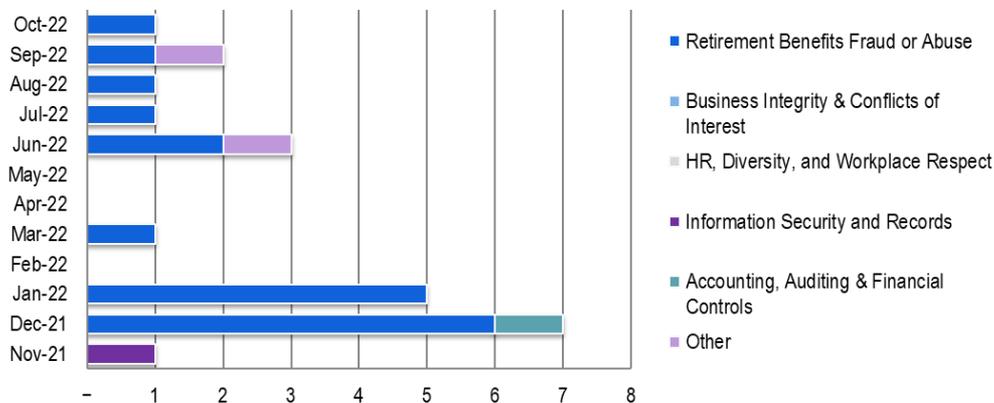
Ethics Helpline: Complaints Closed

Complaints Closed: Substantiated vs. Not Substantiated



| | Nov-21 | Dec-21 | Jan-22 | Feb-22 | Mar-22 | Apr-22 | May-22 | Jun-22 | Jul-22 | Aug-22 | Sep-22 | Oct-22 |
|---------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Total | 12 | 15 | 16 | 2 | 10 | 8 | 4 | 9 | 12 | 9 | 11 | 4 |
| Closed: Substantiated | 1 | 7 | 5 | – | 1 | – | – | 3 | 1 | 1 | 2 | 1 |
| Closed: Not Substantiated | 11 | 8 | 11 | 2 | 9 | 8 | 4 | 6 | 11 | 8 | 9 | 3 |

Substantiated Complaints by Category



Observation:

- During the month of October, 75% (3 of 4) of closed complaints were not substantiated.

Notes:

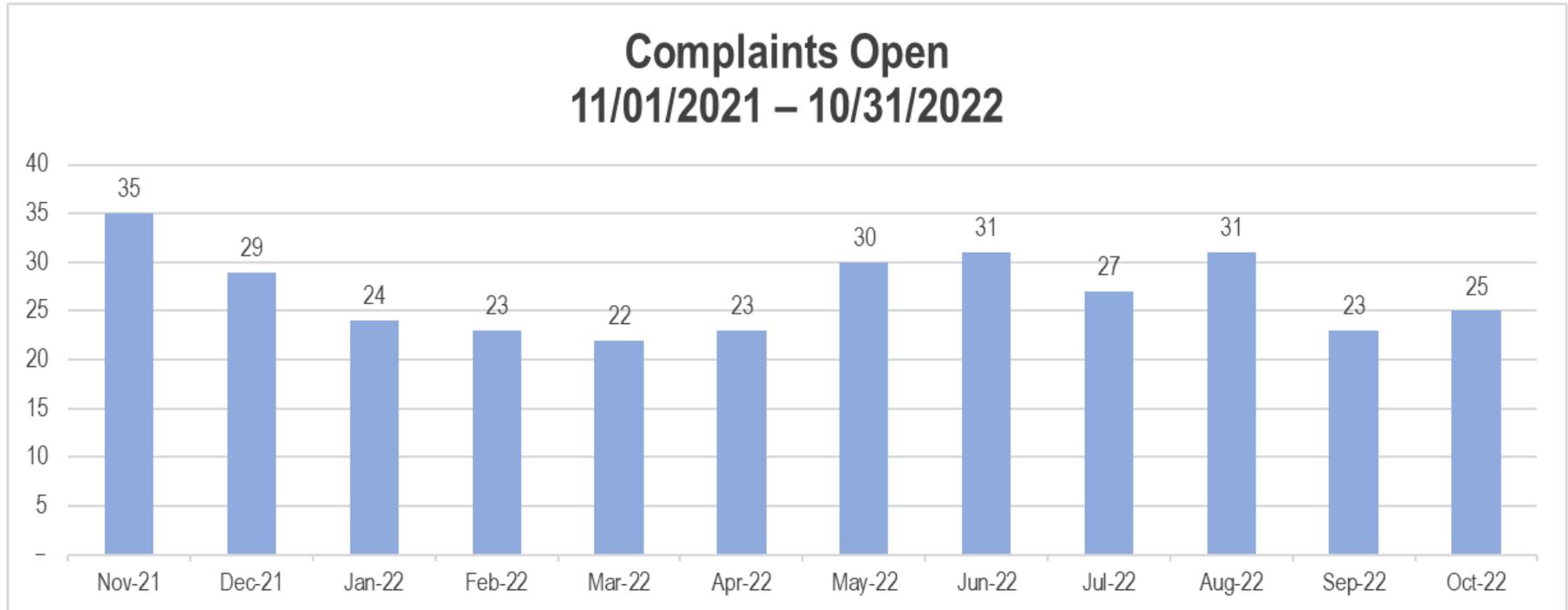
- “Not substantiated” includes complaints that were closed as unsubstantiated, inconclusive, or for insufficient information.
- See Appendix for complaint category definitions and case status definitions.

Ethics Helpline: Summary of Closed Substantiated Complaints

Closed Substantiated Complaints 10/01/2022 – 10/31/2022

| Case Number | Issue Type | Allegation | Finding | Action Taken |
|-------------|------------------------------------|--|---|--------------------|
| 2022-1405 | Retirement Benefits Fraud or Abuse | The reporting party alleged they received a call regarding their CalPERS account that seemed fraudulent. | ISOF determined the call did not originate from CalPERS and was fraudulent. | Closed: 10/31/2022 |

Ethics Helpline: Complaints Open

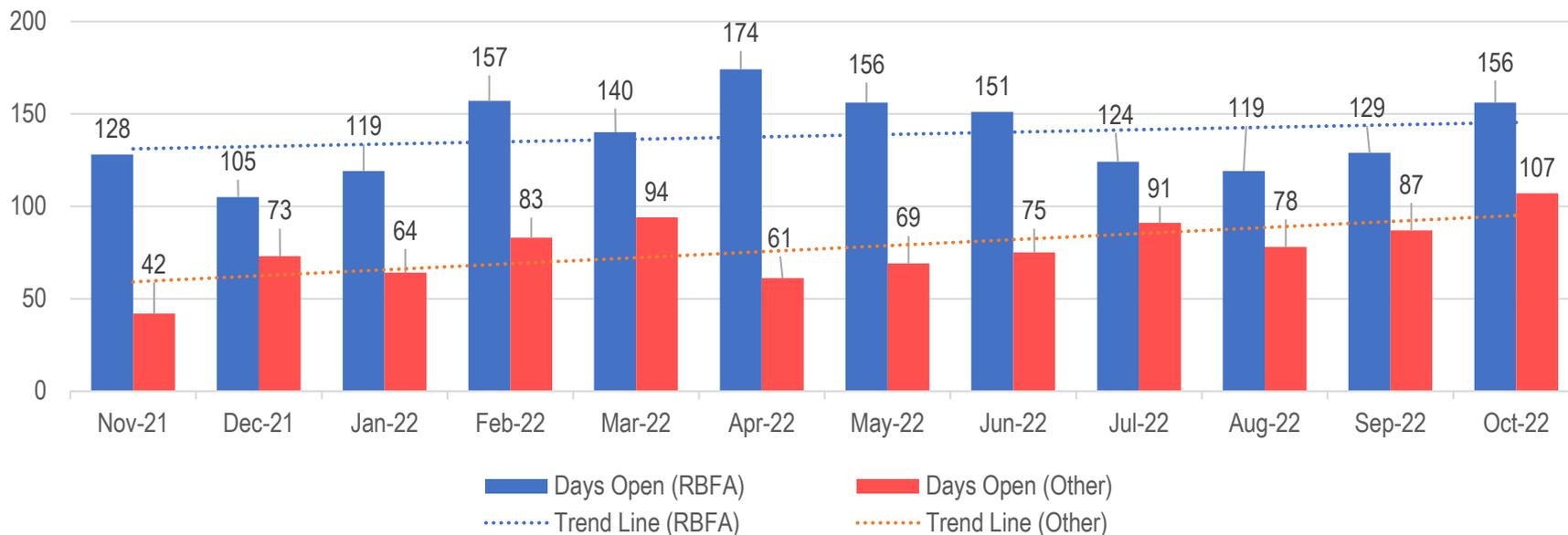


Observation:

- There were 25 open Ethics Helpline complaints as of 10/31/2022.

Ethics Helpline: Average Days Open

Average Days Open
11/01/2021 – 10/31/2022



Observation:

- As of 10/31/2022, Retirement Benefits Fraud or Abuse (RBFA) complaints were open for an average of 156 days, while all other complaints were open for an average of 107 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 October 2022 | | | | |
|---|------------|-------------|-----------------|--|
| Training Type | Completed | Outstanding | Completion Rate | |
| Acceptable Use Policy | 20 | - | 100% | |
| CalPERS Personal Trading Regulations | 4 | - | 100% | |
| Gift Policy Attestation for New Filers | 11 | 1 | 92% | |
| Harassment Prevention for Team Leaders | 7 | - | 100% | |
| Harassment Prevention for Team Members | 17 | - | 100% | |
| Health Insurance Portability and Accountability Act | 16 | - | 100% | |
| Information Security and Privacy | 20 | - | 96% | |
| Workplace Violence Prevention Training | 20 | - | 100% | |
| COVID-19 Prevention Plan | 20 | - | 100% | |
| AG Ethics | 15 | 1 | 94% | |
| Code of Conduct | 20 | - | 100% | |
| Total | 170 | 2 | 99% | |

Observation:

- Employees completed 99% (170 of 172) of assigned mandatory training courses due in October 2022.

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
- Ethics Helpline Summary of Closed Substantiated Complaints

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: Form 700 statement that must be amended 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: Unsubmitted Form 700 referred to 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"> • Retired Annuitants - Involves retired CalPERS members who work for a CalPERS covered agency post retirement. • 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. • 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. |
| 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.