Article 3. Public Employees' Retirement System – Conflict-of-Interest Code

Proposed Amendment of Section 560 of Article 3 of Subchapter 1 of Chapter 2 of Division 1 of Title 2 of the California Code of Regulations

§560. General Provisions.

The Political Reform Act (Government Code ~~sections~~ Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 ~~Cal.~~ California Code of ~~Regs. Sec.~~ Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the ~~attached~~ Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the ~~California Public Employees' Retirement System ("CalPERS").~~ **California Public Employees' Retirement System ("CalPERS").**

~~Designated employees, consultants, board members, designees or alternates, and candidates shall file their statements of economic interests with the CalPERS filing officer, who will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) With respect to board members, designees or alternates, candidates, and the chief executive officer, CalPERS shall make and retain copies and forward the originals to the Fair Political Practices Commission. All other statements will be retained by CalPERS. While public officials who manage investments are not required to be listed in this code, those officials are listed at the end of this document for clarity. Unlike the designated positions, these officials' reporting obligations are not limited by reference to a reporting category.~~

Officials who must file under Government Code Section 87200, Board Member designees or alternates, and candidates must file their statements of economic interests electronically with the **Fair Political Practices Commission**. These positions that file electronically with the Fair Political Practices Commission are listed in Appendix A under "OFFICIALS WHO MANAGE PUBLIC INVESTMENTS" for informational purposes only. All other individuals holding designated positions must file their statements electronically with **CalPERS**. All statements must be made available for public inspection and reproduction under Government Code Section 81008.

NOTE: Authority cited: Sections 81008, 87300, 87306, Government Code. Reference: Section 87302, Government Code.

~~**CONFLICT-OF-INTEREST CODE**~~

~~**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**~~

APPENDIX A

DESIGNATED POSITIONS

~~***Designated Positions*** ~~***Disclosure Category***~~

Designated Positions *Disclosure Category*

Accounting Administrator (All Levels)……2
Actuarial Analyst……2
Actuarial Analyst Supervisor……2
Actuarial Senior Analyst……2
Actuary……2
Actuary Senior……2
Actuary Supervisor……2
Analyst (III, IV)……2
Assistant Chief Counsel……1
Associate Program Auditor……2
Associate Telecommunications Engineer……3
Attorney (All Levels)……1
Business Services Officer (I)……2
Career Executive Assignment (All Levels)……1
Deputy General Counsel……1
Financial Accountant (All Levels)……2
Health Program Manager (All Levels)……2
Health Program Specialist (All Levels)……3
Information Officer (II)……2
Information Technology Manager (All Levels)……3
Information Technology Specialist (II, III)……3
Information Technology Supervisor (All Levels)……3
~~Research Scientist Manager……1~~
~~Special Consultant……1~~
~~Accounting Administrator (All Levels)……2~~
~~Actuarial Analyst……2~~
~~Actuarial Analyst Supervisor……2~~
~~Actuarial Senior Analyst……2~~
~~Actuary……2~~
~~Associate Program Auditor……2~~
~~Financial Accountant (All Levels)……2~~

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~~Health Program Manager (All Levels)……2~~
Investment Officer (All Levels)……2
Labor Relations Manager (All Levels)……2
Labor Relations Specialist……2
Manager (All Levels)……2
Medical Consultant (All Levels)……3
Medical Program Consultant……3
Nurse Consultant (All Levels)……3
Pharmaceutical Consultant (All Levels)……3
Pharmaceutical Program Consultant……3
Program Auditor (All Levels)……2
Research Data Manager……2
Research Data Specialist (All Levels)……2
Research Data Supervisor (All Levels)……2
Research Program Specialist (All Levels)……2
Research Scientist (All Levels)……3
Research Scientist Manager (All Levels)……3
Research Scientist Supervisor (All Levels)……2
Senior Accounting Officer (All Levels)……2
Senior Management Auditor……2
~~Actuary Senior……2~~
Senior Program Auditor (All Levels)……2
Senior Telecommunications Engineer……3
Special Consultant……1
Staff Administrative Analyst (Accounting System)……2
Staff Management Auditor……2
Staff Program Auditor (All Levels)……2
~~Staff Services Manager (All Levels)……2~~
Supervising Management Auditor……2
Supervising Special Investigator (All Levels)……2
Supervisor (All Levels)……2
~~Actuary Supervisor……2~~
~~Health Program Specialist (All Levels)……3~~
~~Medical Consultant (All Levels)……3~~
~~Medical Program Consultant……3~~
~~Nurse Consultant (All Levels)……3~~
~~Pharmaceutical Consultant (All Levels)……3~~
~~Research Scientist (All Levels)……3~~
~~Information Technology Managers (All Levels)……4~~
~~Information Technology Specialist (II, III)……4~~

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~~Information Technology Supervisor (All Levels)……4~~
~~Senior Telecommunications Engineer……4~~
~~Staff Services Manager (All Levels), Information Technology……4~~
Consultants/New Positions……*

~~CONTRACTS FOR SERVICES~~

~~Consultants Who Do Not Manage Public Investments/New Positions……*~~

* Consultants/new positions ~~New Positions~~ shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code ~~code,~~ subject to the following limitation:

The General Counsel may determine in writing that a particular ~~consultant,~~ consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in ~~scope, and thus,~~ scope and thus is not required to ~~fully~~ comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Counsel's determination is a public record and shall be retained for public inspection in the same manner and location as this ~~conflict-of-interest~~ conflict of interest code. (~~Gov. Code Sec.~~ Government Code Section 81008.)

~~NOTE: The "All" reference for designated positions include all levels within the classification series.~~

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

The following positions are NOT covered by the conflict-of-interest code because they must file under Government Code Section 87200. Those who file under Government Code Section 87200 are required to file electronically with the Fair Political Practices Commission, therefore, these positions are listed for informational purposes only.

Board Members

Chief Executive Officer

Chief Health Director

Chief Operating Officer

Chief Actuary

Chief Financial Officer

General Counsel

Chief Investment Officer

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Chief Operating Investment Officer

Deputy Chief Investment Officer

Managing Investment Director

Investment Director

Investment Manager

Associate Investment Manager

Consultant, Public Official Who Manages Public Investments

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

APPENDIX B

DISCLOSURE CATEGORIES

~~*Category 1*~~ ***Category 1***

Designated ~~individuals~~ positions in Category 1 must report:

All investments and business positions in business ~~entities,~~ entities and sources of income (including receipt of gifts, loans, and travel ~~payments).~~ payments) and real property located in the State of California.

~~All interest in real estate located in whole or in part within the State of California.~~

~~*Category 2*~~ ***Category 2***

Designated ~~individuals~~ positions in Category 2 must report:

~~All investments,~~ Investments and business positions in business ~~entities,~~ entities and sources of income (including receipt of gifts, loans, and travel payments) ~~from sources which are~~ if the business entity or source is of the type (1) to contract with CalPERS, (2) in which funds administered by the Board may be invested (including securities, real estate and business entities), or (3) to act as finder, solicitor, marketer, consultant, broker, placement agent or other intermediary to a contract or investment referenced in (1) or (2) above.

All interest in real ~~estate~~ property located in ~~whole or in part within~~ the State of California.

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Category 3

Designated positions in Category 3 must report:

Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source is of the type (1) to contract with CalPERS, (2) in which funds administered by the Board may be invested (including securities, real estate and business entities), or (3) to act as finder, solicitor, marketer, consultant, broker, placement agent or other intermediary to a contract or investment referenced in (1) or (2) above.

~~*Category 3*~~

~~Designated individuals in Category 3 must report:~~

~~All investments, business positions in business entities, and income (including gifts, loans, and travel payments) from sources which are of the type (1) to contract with CalPERS to provide health care services or (2) to act as a finder, solicitor, marketer, consultant, broker, placement agent or other intermediary to a contract referenced in (1).~~

~~*Category 4*~~

~~Designated individuals in Category 4 must report:~~

~~All investments, business positions in business entities, and income (including gifts, loans, and travel payments) from sources which are of the type (1) to sell, rent or lease information technology equipment, hardware, software, facilities, supplies or services to CalPERS or (2) to act as a finder, solicitor, marketer, consultant, broker, placement agent or other intermediary to any goods or services referenced in (1).~~

~~Note: (1) All disclosure categories are subject to exceptions and limitations as provided for in the Political Reform Act and regulations adopted by the Fair Political Practices Commission.~~

~~(2) Designated individuals with multiple positions listed in the code, shall file with the broadest disclosure category.~~

~~**AGENCY POSITIONS THAT MANAGE PUBLIC INVESTMENT FOR PURPOSES OF SECTION 87200 OF THE GOVERNMENT CODE**~~

~~It has been determined that individuals in the positions listed below are officials who manage public investments, within the meaning of Government Code section 87200, and will file the Form 700 Statement of Economic Interests:~~

~~Board Members~~

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~~Chief Executive Officer~~

~~Chief Actuary~~

~~Chief Financial Officer~~

~~Chief Operating Officer~~

~~General Counsel~~

~~Chief Health Director~~

~~Chief Investment Officer~~

~~Chief Operating Investment Officer~~

~~Deputy Chief Investment Officer~~

~~Managing Investment Director~~

~~Investment Director~~

~~Investment Manager~~

~~Associate Investment Manager~~

~~Consultants Who Manage Public Investments~~

~~Note: Authority cited: Article XVI, Section 17, California Constitution; Sections 87200 et seq., 87300 and 87304, Government Code. Reference: Sections 87200 et seq. and 87300 et seq., Government Code.~~

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