

5 C.F.R. Part 2638

The Executive Branch Ethics Program

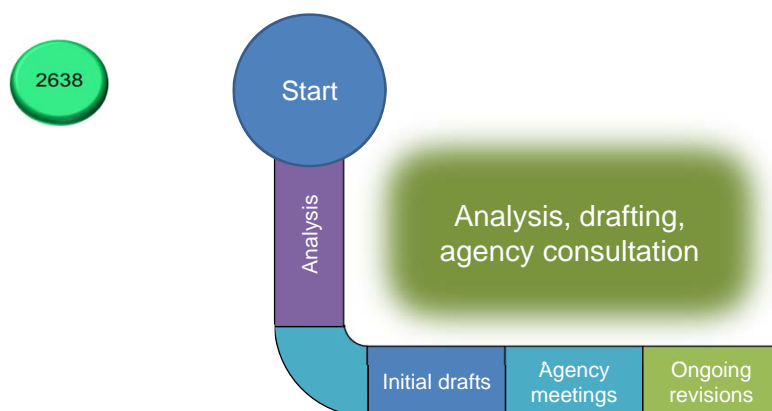


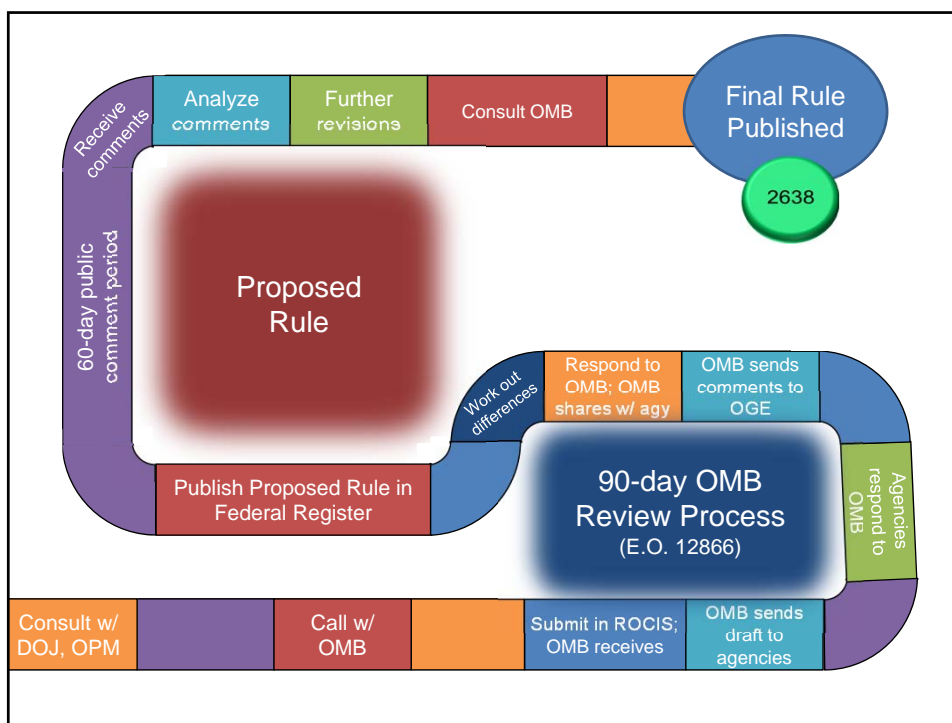
Part I: Overview and Highlights

1

Revision of OGE's Regulations

Where we began...





Overview of Revised Part 2638

Subpart A – Mission and Responsibilities

- Mission
- Government ethics responsibilities of: employees, supervisors, agency ethics officials, lead human resources officials, IGs, agency heads, and OGE

Subpart B – Procedures of the Executive Branch Ethics Program

- Collection of financial disclosure reports
- Records and reports (records generally, notice of referrals, annual agy. reports)
- Written guidance
- Formal advisory opinions
- Presidential transition planning

Subpart C – Government Ethics Education

Subpart D – Correction of Executive Branch Agency Ethics Programs

Subpart E – Corrective Action Involving Individual Employees

Subpart F – General Provisions

- Authority and purpose
- Agency regulations
- Definitions
- Key program dates

Mission (Subpart A)

219, as modified by E.O. 12751, 55 FR 42347, 3 CFR, 1990 Comp., p. 306.

Subpart A—Mission and Responsibilities

§ 2638.101 Mission.

(a) *Mission*. The primary mission of the executive branch ethics program is to prevent conflicts of interest on the part of executive branch employees.

(b) *Breadth*. The executive branch ethics program works to ensure that public servants make impartial decisions based on the interests of the public when carrying out the governmental responsibilities entrusted to them, serve as good stewards of public resources, and loyally adhere to the Constitution and laws of the United States. In the broadest sense of the term, “conflicts of interest” stem from financial interests: business or personal

Responsibilities (Subpart A)

Current

Responsibilities of the agency head
5 C.F.R. § 2638.202

Designated agency ethics officials and deputy ethics officials
5 C.F.R. §§ 2638.201, 2638.203, and 2638.204

Office of Government Ethics (“general policies”)
5 C.F.R. § 2638.102

New

Government ethics responsibilities of:

- employees
- supervisors
- lead human resources officials
- inspectors general
- agency ethics officials
- agency heads
- Office of Government Ethics

5 C.F.R. §§ 2638.102 through 2638.108

Institutionalized Practices



Convening quarterly meetings with key agency ethics officials

5 C.F.R. § 2638.108(a)(7)

Maintaining an ethics agreement guide

C.F.R. § 2638.108(a)(12)

Issuing year-end reports to agencies on financial disclosure

5 C.F.R. § 2638.108(a)(11)

Consulting with agencies regarding proposed advisories and revisions to OGE's regulations

5 C.F.R. §§ 2638.108(a)(4) and 2638.108(a)(1)

7

5 C.F.R. Part 2638

Ethics Responsibilities: HR



Required:

- Must notify DAEO of all appointments to financial disclosure filing positions (no later than 15 days after appointment)
- Must notify DAEO of all terminations from public financial disclosure filing positions (no later than 15 days after termination)

If additional duties are assigned by agency:

- Must coordinate with the DAEO, follow the DAEO's directions, and comply with substantive and procedural requirements
- Must provide a written summary of established procedures and confirmation that procedures have been implemented

5 C.F.R. § 2638.105

8

5 C.F.R. Part 2638

DAEO Pay Level


 New

In any agency with 1,000 or more employees and at least 10 positions at the senior executive level or higher, any DAEO appointed after January 1, 2017, must be an employee at the senior executive level or higher.

5 C.F.R. § 2638.104(b)(4)

9

5 C.F.R. Part 2638

Subpart B: Procedures

	<i>New</i> Subpart B	<i>Existing</i>
Furnishing records and information generally:	5 C.F.R. § 2638.202	5 C.F.R. § 2638.601
Notice to Director of certain referrals to DOJ:	5 C.F.R. § 2638.206	5 C.F.R. § 2638.603
Annual report on agency's ethics program:	5 C.F.R. § 2638.207	5 C.F.R. § 2638.602
Collection of financial disclosure reports:	5 C.F.R. §§ 2638.203 through 2638.205	OGE Program Advisory 15-01
Written guidance:	5 C.F.R. § 2638.208	DAEOgram DO-10-021
Formal advisory opinions:	5 C.F.R. § 2638.209	5 C.F.R. 2638 subpart C

10

5 C.F.R. Part 2638

Presidential transition planning



New

Not later than 12 months before any Presidential election, each agency must evaluate whether its ethics program has an adequate number of trained personnel to effectively support a Presidential transition.

5 C.F.R. § 2638.210

11

5 C.F.R. Part 2638

Overview of Revised Part 2638

Subpart A – Mission and Responsibilities

- Mission
- Government ethics responsibilities of: employees, supervisors, agency ethics officials, lead human resources officials, IGs, agency heads, and OGE

Subpart B – Procedures of the Executive Branch Ethics Program

- Collection of financial disclosure reports
- Records and reports (records generally, notice of referrals, annual agy. reports)
- Written guidance
- Formal advisory opinions
- Presidential transition planning

Subpart C – Government Ethics Education

Subpart D – Correction of Executive Branch Agency Ethics Programs

Subpart E – Corrective Action Involving Individual Employees


Subpart F – General Provisions

- Authority and purpose
- Agency regulations
- Definitions
- Key program dates

12

5 C.F.R. Part 2638

Subpart F: General Provisions

	<i>New</i> Subpart F	<i>Current</i> Subpart A
Authority and purpose:	5 C.F.R. § 2638.601 (<i>unchanged from prior</i>)	5 C.F.R. § 2638.101
Agency regulations:	5 C.F.R. § 2638.602	5 C.F.R. § 2638.103
Definitions:	5 C.F.R. § 2638.603	5 C.F.R. § 2638.104
 Key program dates:	5 C.F.R. § 2638.604	

Thank You

