

United States Office of Government Ethics

Compliance Division

Ethics Program Review

U. S. Department of Housing and Urban Development

Results in Brief

The United States Office of Government Ethics (OGE) conducted a review of the Department of Housing and Urban Development's (HUD) ethics program during May and June of 2013. The review indicated that HUD's ethics program appears to be effectively administered and in compliance with applicable laws, regulations, and policies. However, OGE also made recommendations to improve the financial disclosure and the education and training processes. Below are the highlights identified and recommendations made during the review. OGE will follow up on the recommendations.

Highlights

- HUD's Ethics and Appeals Division (EAD) conducts self-assessment surveys to measure the effectiveness of the agency's ethics program.
- The agency has actively promoted annual ethics training to encourage agency-wide attendance.
- HUD's supplemental ethics training facilitates the promotion of an ethical culture at the agency.
- The agency requires departing employees to consult with the ethics officials in-person as part of the exit process.

Recommendations

- Develop a process to ensure financial disclosure reports are assessed for retention and destroyed when appropriate.
- Develop a plan to improve the timeliness of filing and certification of confidential financial disclosure reports.
- Develop a plan to ensure that all new employees receive initial ethics orientation within 90 days of employment.
- Develop a plan to escalate instances where filers have not confirmed training attendance.

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Objectives, Scope, and Methodology

OGE provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance. The purpose of a review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program. OGE has the authority to evaluate the effectiveness of executive agency ethics programs. *See* title IV of the Ethics in Government Act, 5 U.S.C. app. § 402, and 5 C.F.R. part 2638.

To assess HUD’s ethics program, OGE examined a variety of documents, including the 2012 Agency Ethics Program Questionnaire, the public and confidential financial disclosure reports filed in 2012 and 2013, and a sample of the ethics advice and counsel rendered to employees. Members of OGE’s Compliance Division met with HUD’s headquarters ethics personnel and staff from other offices such as the Office of the Inspector General (OIG) to discuss the information initially gathered, clarify issues identified during the review, and discuss ethics program operations in further detail.

Program Administration

The Department of Housing and Urban Development Act of 1965 established HUD as a Cabinet-level agency that is administered by a Presidentially appointed and Senate-confirmed (PAS) Secretary. The agency’s mission includes creating sustainable communities and affordable homes. To accomplish its mission and strengthen the housing market, HUD operates various programs that address issues such as community planning and development, fair housing, and mortgage affordability. HUD’s nearly 8,500 employees are assigned to program offices at 10 operating regions across the country and headquarters in Washington, D.C.

The General Counsel is the agency's Designated Agency Ethics Official (DAEO), while the Deputy General Counsel for Operations is the Alternate DAEO (ADAEO). The day-to-day operations of the ethics program are managed by the Ethics and Appeals Division (EAD), situated organizationally at HUD headquarters within the General Counsel's Office of Ethics, Appeals and Personnel Law, which is led by an Associate General Counsel. An Assistant General Counsel heads EAD, with support from a Deputy Assistant General Counsel and four headquarters attorneys to review the financial disclosure reports, provide ethics training, and render advice and counsel. In addition, two management analysts collect the financial disclosure reports, identify and track filers, and track training.

EAD also provides oversight over the ethics programs at the regional offices and at the OIG. The regional and OIG ethics programs are managed by the respective counsel offices that are responsible for the review and certification of confidential financial disclosure reports, providing ethics training, and rendering advice and counsel in each location. EAD holds monthly conference calls with the regional counsel offices to discuss various ethics issues and provide training on topics such as reviewing OGE Form 450s, gifts, and 208 exemptions. EAD also occasionally provides input on and clearance to ethics memos and other guidance that the regional counsels issue to employees on novel issues.

Self Assessments

At the time of our review EAD personnel were preparing to conduct inaugural surveys of regional ethics officials and HUD employees (see Appendix 1 and Appendix 2). The purpose of these surveys is to assess and improve EAD's management of the agency's overall ethics program. The survey of ethics officials includes queries on the background of the officials, ethics work load, training needs, and support received from EAD. The survey of the employees includes questions on the employees' awareness of the ethics program and ethics rules, impressions of the ethical culture at HUD, and employee utilization of EAD services.

Model Practices

OGE identifies model practices that other agencies should consider adopting. The following is a model practice.

- EAD's surveys of regional ethics officials and agency employees allow independent assessments of the management and effectiveness of HUD's ethics program.

Financial Disclosure

Title I of the Ethics in Government Act requires that agencies ensure confidence in the integrity of the federal government by demonstrating that officials are able to carry out their duties without compromising the public trust. High-level federal officials publicly disclose their personal financial interests using the OGE Form 278. Title I also authorizes OGE to establish a

confidential financial disclosure system, in which less senior executive branch personnel in certain designated positions may be required to complete the OGE Form 450. Financial disclosure serves to prevent, identify, and resolve conflicts of interest by providing for a systematic review of the financial interests of officers and employees. The financial disclosure reports assist agencies in administering their ethics programs and also assist in providing counseling to employees. *See* 5 C.F.R. part 2634.

Written Procedures

Section 402(d)(1) of the Ethics in Government Act requires that each executive branch agency establish written procedures for collecting, reviewing, evaluating, and where applicable, making publicly available financial disclosure reports filed by the agency's officers and employees. HUD has issued separate written procedures for its public and confidential financial disclosure systems. The procedures meet the requirements of the Ethics in Government Act as they detail how the reports are to be collected, reviewed, evaluated, and made publicly available, where applicable. Included are instructions to remind filers that extensions are available, an escalation process to address delinquent filers, and a listing of the milestones, including reminders with due dates, for each step in the financial disclosure reporting process.

Public Financial Disclosure

HUD's master list of public filers identified 194 filers, including 10 PAS filers. EAD is notified monthly of senior-level staffing changes by HUD's Executive Personnel Office (EPO), which tracks the non-OIG, senior-level employees at the agency. The OIG notifies EAD of its senior personnel. In addition, HUD's Office of Chief Human Capital Officer provides EAD a monthly listing of new and departing employees throughout the agency. By reconciling these multiple lists on a monthly basis, EAD's Management Analyst for Public Financial Disclosure maintains a current master list of public filers.

Once notified of new filers, EAD informs the filer of their requirement to file, along with the due date, the availability of an extension, and the possibility of a late fee if the filer fails to file within appropriate deadlines. Annual filers receive notifications of the filing requirement a month prior to the filing deadline and reminders 10 and 5 days ahead of the due date. Delinquent filers are sent daily automated email notices for 30 days, and HUD initiates the process for collecting the \$200 late filing fee, if the report is not received within 30 days after the due date. Departing employees are sent notices to file once EAD is informed of the expected departure, and are required to file their financial disclosure reports within 30 days of employment termination.

In January 2012, HUD implemented FDonline, an electronic financial disclosure filing system, to process financial disclosure reports. The Management Analyst for Public Financial Disclosure checks the system daily to identify filings and assign reports to EAD's reviewing attorneys. The review process includes a check of HUD's procurement system to identify relationships with or ownership in vendors doing business with the agency. The reviewer, in addition to performing a standard conflicts analysis, also verifies that the filer does not have any HUD-specific prohibited holdings or income sources.

To evaluate the effectiveness of the public system, we reviewed the 32 new entrant public reports required to be filed in 2012. We also reviewed 42 annual reports filed in 2012 and the 17 termination reports filed in 2012 and 2013. Table 1 presents the results of our review.

Table 1. Review of HUD’s Public Financial Disclosure Reports

	New Entrant	Annual	Termination
278 Reports Sampled	32	42	17
Filed Timely	29 (91%)	42 (100%)	17 (100%)
Certified Timely	29 (91%)	41 (98%)	16 (94%)

HUD noted that the late filings may have occurred due to filers’ difficulties with using the new FDonline system. EAD had issued a temporary late fee waiver for public reports filed in 2012 to account for this unfamiliarity and did not collect a late filing fee from these filers. The waiver, however, did not apply to instances where ethics officials determined that the failure to file was intentional. OGE determined that the reports that were certified late were not indicative of a systemic deficiency as the delays were either not significant or occurred due to issues related to transitioning from paper filing to electronic filing. OGE also noted detailed reviewer comments and received explanations from EAD that indicated extensive communication with the filers and thorough review of the reports.

Confidential Financial Disclosure

HUD’s master list of confidential filers identified 2,413 filers. According to EAD officials, a new employee who joins the agency is identified as a filer by the administrative officer at the program office where the employee is hired. The administrative officers use guidance provided by EAD to identify filers and also receive monthly reminders from EAD to provide notification of any new filers. The master list of confidential filers is further updated annually in October when the administrative officers are provided the master list to identify filers who have either terminated employment, are no longer in covered positions, or are not captured on the master list.

Once notified of new filers, EAD’s Management Analyst for Confidential Financial Disclosure builds a profile in FDonline and emails the employee a reminder and instructions on how to file their new entrant report. Annual filers are notified in early January of their requirement to file, the due date in February, and availability of an extension. EAD attorneys review the reports of filers at headquarters while regional counsel attorneys review the reports in their respective locations. Delinquent filers receive daily automatic email notices of the past due status of their reports, in addition to being contacted via phone by EAD staff. After a report is delinquent over 30 days, EAD contacts the filers’ supervisors for resolution.

To evaluate the effectiveness of the confidential system, we reviewed the 28 new entrant confidential reports and 40 annual reports filed in 2013. Table 2 presents the results of our review.

Table 2. Review of HUD’s Confidential Financial Disclosure Reports

	New Entrant		Annual	
450 Reports Sampled	28		40	
Filed Timely	25	(89%)	30	(75%)
Certified Timely	24	(86%)	35	(88%)

EAD officials confirmed that late filers were sent daily notices of their delinquency, and all except one filer submitted the reports within 30 days. EAD contacted the supervisor of the remaining filer whose report was over 30 days late to ensure filing. Regarding the reports that were certified late, HUD said this occurred because of a variety of factors, including difficulties with FDonline and a reorganization at one of the regions. However, several of the late certifications occurred due to delayed review by regional and EAD reviewers. While the timeliness issues identified in the confidential system are not indicative of a systemic deficiency, OGE recommends that HUD develop a plan to improve the timeliness of filing and certification of confidential financial disclosure reports.

Retention of Financial Disclosure Reports

Public and confidential financial disclosure reports are to be retained by agencies for six years and then destroyed, unless needed for an ongoing investigation. *See* 5 C.F.R. § 2634.603 and 604. HUD’s written procedures reflect this guidance, and ethics officials stated they review the financial disclosure files to identify for destruction those reports older than six years. We reviewed the paper reports stored in secure, locked cabinets that were filed prior to the implementation of FDonline in 2012. We observed that financial disclosure reports older than six years were not consistently destroyed, as required. EAD officials agreed to update the process to ensure that reports older than six years are appropriately destroyed.

Recommendations

- Develop a process to ensure financial disclosure reports are assessed for retention and destroyed when appropriate.
- Develop a plan to improve the timeliness of filing and certification of confidential financial disclosure reports.

Education and Training

Initial Ethics Orientation

OGE regulation requires all new agency employees receive ethics official contact information along with the following material within 90 days of beginning work for an agency: (1) the Standards of Ethical Conduct for Employees of the Executive Branch (the Standards) and any

agency supplemental Standards to keep or review; or (2) summaries of the Standards, any agency supplemental Standards, and the Principles of Ethical Conduct (the Principals) to keep. Employees must receive one hour of official duty time to review the material. *See* 5 C.F.R. § 2638.703.

The initial ethics orientation presentation material provided by HUD met the regulatory requirements as it covered the Principles, the Standards, the agency's supplemental regulations, and its ethics official contact information. According to EAD officials, an ethics briefing is part of the new employee orientation held on the first Monday of every pay period. An EAD attorney conducts the ethics briefings, and ethics officials have recently begun collecting sign-in sheets to confirm attendance. HUD indicated in its 2012 Agency Ethics Program Questionnaire that its new employees received initial ethics orientation, as required. However OGE found instances where initial ethics orientation was not provided within the required 90-day period. Therefore we recommend that HUD develop a plan to ensure that new employees receive initial ethics orientation within 90 days of employment.

Annual Ethics Training Plan

OGE regulations under 5 C.F.R. § 2638.706 require agencies to develop, at the beginning of each year, a written plan for annual ethics training. The plan must contain a brief description of the agency's annual training and include estimates of the number of employees who will receive written training. HUD's annual ethics training plan for 2013 complies with the regulatory requirements of 5 C.F.R. § 2638.706. The plan (1) contains a discussion of how EAD plans to deliver the training to public and confidential filers, (2) lists the topics to be covered, including post employment, gifts, and the agency's supplemental regulations, (3) lists the number of public and non-public filers who will receive annual training, and (4) lists the number of filers who will receive written training.

Annual Ethics Training

OGE regulation requires all covered employees receive annual ethics training consisting of a review of: (1) the Principles; (2) the Standards; (3) any agency supplemental Standards; (4) the criminal conflict of interest statutes; and (5) ethics official contact information. Training length and delivery method vary by an employee's financial disclosure filing status. *See* 5 C.F.R. § 2638.704 and 705.

HUD's 2012 annual ethics training presentation material includes a presentation on the Standards, the STOCK Act, HUD's supplemental regulations, the conflict of interest statutes most applicable to HUD employees, and the Hatch Act. The training material also includes a handout containing the Principles and contact information for ethics officials. However there was no coverage of sections 203, 205, and 209 of the Federal conflict of interest statutes. Ethics officials stated that these sections are generally covered and was likely not covered in 2012 due to the length of the training in 2012. Ethics officials agreed to include these sections in its 2013 annual training.

Filers are notified via email of live annual ethics training sessions that are webcast and archived on HUD's intranet. The training is also advertised throughout the agency via emails sent to all employees every Monday, via posters, and on television broadcasts within HUD's cafeteria. The sessions are typically held during the fall at HUD's auditorium and are open to all employees. Attendees sign a certification form while online attendees send email confirmations. EAD tracks training completion on spreadsheets that are updated upon receipt of training confirmation. The regional offices and OIG are responsible for tracking their filers' training and providing evidence of completion to EAD.

To assess whether filers receive annual ethics training, OGE compared the master list of all public filers and a sample of 100 confidential filers to EAD's 2012 training completion spreadsheet. OGE found that over 90 percent of the public and confidential filers received annual ethics training. Of the majority of filers whose training could not be confirmed, EAD officials informed us that the filers received multiple reminders to access training, but did not provide confirmation of training attendance. The remaining filers had either left the agency or had accessed the training in early 2013. Because annual ethics training is vital to ensuring that employees adhere to ethics-related statutes and regulations, OGE recommends that HUD develop a plan to escalate instances where filers have not confirmed training attendance.

Supplemental Training

HUD's ethics training program offers an extensive array of training, in addition to the initial ethics orientation and the annual training required by ethics regulations. The supplemental training is targeted to specific agency personnel and is an additional way to promote a positive ethical culture at the agency. Examples include training provided by EAD and OIG ethics attorneys to HUD and OIG employees on seeking outside employment and post-government employment activities, training for new political employees, and briefings for administrative officers on the confidential financial disclosure process.

Model Practice

OGE identifies model practices that other agencies should consider adopting. The following is a model practice.

- HUD utilizes a variety of methods to advertise its annual ethics training to remind filers and encourage attendance by non-filers.
- The supplemental training included in HUD's ethics training program facilitates the promotion of an ethical culture at the agency.

Recommendations

- Develop a plan to ensure that all new employees receive initial ethics orientation within 90 days of employment.

- Develop a plan to escalate instances where filers have not confirmed training attendance.

Advice and Counsel

The DAEO is required to ensure that a counseling program for agency employees, concerning ethics and standards of conduct matters, including post-employment matters, is developed and conducted. *See* 5 C.F.R. § 2638.203. The DAEO may delegate to one or more deputy ethics officials the responsibility for developing and conducting the counseling program. *See* 5 C.F.R. § 2638.204.

EAD's procedures manual includes details on how ethics advice is to be rendered to agency employees. The procedures also specify that departing agency employees are to receive post-employment counseling from EAD, and out-processing forms are to be signed-off by an EAD attorney. Advice and counsel provided to individual employees are documented via email, and any verbal advice is followed-up with an email that summarizes the issues discussed and the counsel provided. The email is then printed and archived by EAD's Legal Assistant. OGE reviewed the advice memos and emails provided in 2012 to individual employees covering ethics topics such as financial conflicts of interest, impartiality, gifts, misuse of position, outside activities, and post government employment. The guidance was provided in a timely manner and was supported by detailed citations to statutory and regulatory criteria.

Model Practice

OGE identifies model practices that other agencies should consider adopting. The following is a model practice.

- Departing employees are required to receive post-employment counseling from ethics officials.

Agency-Specific Ethics Rules

As authorized by Executive Order 12674 and implemented by 5 C.F.R. § 2635.105, an agency may modify or supplement the Standards of Ethical Conduct, with the concurrence of OGE, to meet the particular needs of that agency. A supplemental agency regulation is issued jointly by the agency and OGE and is published in title 5 of the Code of Federal Regulations.

HUD's supplemental standards of ethical conduct for its employees contain prohibitions on financial interests related to the housing, real estate, mortgage banking, and related industries. These standards also prohibit employment and outside activities participation within these industries. HUD personnel are therefore required to clear any related transaction or holding with ethics officials. *See* 5 C.F.R. part 7501. OGE's review of the samples of public and confidential financial disclosure reports did not identify any holdings or outside activities prohibited by

HUD's supplemental regulations. OGE also reviewed the seven outside activity requests received by EAD from HUD employees and confirmed that guidance was provided in a timely manner and contained detailed rationale for the determinations rendered.

Conflict Remedies

The Ethics in Government Act expressly recognizes the need for PAS nominees to address actual or apparent conflicts of interest by requiring written notice of the specific actions to be taken in order to alleviate the conflict of interest. *See* 5 U.S.C. app. § 110. In addition, OGE regulations under 5 C.F.R. part 2634 provide guidance on compliance deadlines and the notification requirements for affirming compliance. OGE confirmed that HUD's current PAS officials are in compliance with their ethics agreements and that the requisite evidence of action taken was also submitted timely to OGE. HUD also consulted with OGE on waivers allowed by 18 U.S.C. § 208 to individual employees from prohibitions on participating in a particular matter in which an employee has a personal or imputed financial interest.

Enforcement

HUD reported eight disciplinary actions based wholly or in part upon violations of the Standards (5 C.F.R. part 2635). The violations ranged from misuse of government property to violation of the agency's supplemental standards of ethical conduct. EAD determined that two of the cases were not violations of the standards of conduct. For the remaining six that were determined to be violations, the employees were either removed from their positions or reprimanded.

HUD's OIG conducts investigations of potential violations of the Federal conflict of interest statutes and makes any necessary referrals to the Department of Justice (Justice). The OIG is also responsible for notifying OGE of any referrals made to Justice. HUD did not have any referrals to Justice in 2012.

Special Government Employees

Special Government employees (SGE) are officers or employees of the executive or legislative branch, retained, designated, appointed or employed to perform their duties, full-time or intermittently, for not more than 130 days in any 365-day period. SGEs typically serve on agency advisory boards or commissions.

HUD identified eight confidential SGE filers for 2012. The filers are tracked in EAD's master lists of financial disclosure filers and training tracking spreadsheets. In addition, SGE filers follow the same procedures and deadlines as the non-SGE filers when filing financial disclosure reports and attending training. We were informed that one of the eight SEGs did not file a financial disclosure report because the filer's appointment with the agency had expired, and the filer was not reappointed. Our review of the remaining seven SGE financial disclosure reports indicated that six of the seven SGEs financial disclosure reports were filed timely and all seven reports were certified in a timely manner. The one filer who filed late was sent reminders to file,

in accordance with EAD's financial disclosure procedures. EAD also provided confirmation of annual training for all seven SGEs.

1353 Travel Acceptances

Federal agencies may allow employees to accept payments from non-Federal sources for travel, subsistence, and related expenses incurred on official travel under the authority of the General Services Administration (GSA) regulation at 41 C.F.R. chapter 304, implementing 31 U.S.C. § 1353. Semiannual reports of payments accepted under 31 U.S.C. § 1353 must be submitted to OGE by May 31 and November 30 of each year.

HUD employees are permitted to accept payments from non-Federal sources for travel, subsistence, and related expenses incurred on official travel when a payment offer is voluntary and without HUD solicitation. Prior to accepting such offers, employees are required to receive both approval from the Deputy Secretary and a determination from an ethics official that acceptance would not be improper. OGE examined the two semiannual reports submitted during 2012 and found that both reports were submitted in a timely manner.

Agency Comments

We appreciate the thorough and thoughtful review by the Office of Government Ethics (OGE) of our ethics program. We are taking steps to complete all of the recommendations and suggestions that OGE raised in the report. These actions will enhance our ability to monitor, track and comply with the ethics rules overseen by OGE.

Records Retention

Recommendation - Develop a process to ensure financial disclosure reports are assessed for retention at the beginning of each calendar year and destroyed when appropriate.

HUD Response: We are taking steps to update our records to ensure we are only maintaining reports that are six years old or newer and destroying all other reports provided they are not the subject of an OIG investigation. Looking forward, we have put in place a policy to ensure that the reports are properly destroyed each year. At the beginning of each calendar year, the Ethics and Appeals Division (EAD) will add an automatic alert to the responsible staff members' Outlook calendars and its Ethics webpage calendar that reminds EAD to notify the OIG that unless reports identified as having been filed more than six years ago are subject to an investigatory hold, they will be destroyed fourteen days after the notice to the OIG is received and acknowledged by the OIG. Once we obtain confirmation that there are no reports subject to a pending OIG investigation, we will destroy the reports.

Confidential Financial Disclosure Reports

Recommendation - Develop a plan to improve the timeliness of filing and certification of confidential financial disclosure reports.

HUD Response: EAD will continue to send a daily delinquent filing notice to a filer for up to 30 days past the filing due date. In addition, EAD has put in place a policy that supervisors of delinquent filers will now be contacted of the delinquent report 15 days after the filing due date and each week thereafter until the report is filed. The Regional Counsel will continue to certify reports of Regional and Field filers. To ensure timely certification of reports, EAD has put in place a policy to alert certifiers of the financial disclosure reports each week that they have reports ready for certification. Regional Counsels will implement a similar policy.

Training

Recommendation - Develop a plan to ensure that new employees receive initial ethics orientation within 90 days of employment.

HUD Response: EAD has developed a policy to ensure that all new employees are receiving initial ethics orientation. Within 90 days of employment, all new employees HUD-wide (including SGEs, IPAs and political appointees) now receive a written initial ethics orientation package and one hour to review the summary of the ethics rules and regulations. All new employees in Headquarters will continue to also receive an initial ethics orientation conducted by a Headquarters EAD attorney. All new employees will be required to self-certify that they received initial ethics orientation via a sign-in sheet at the live training or an email certification to the EAD mailbox. All new employees in the Regional and Field offices will continue to receive initial ethics orientation as established by each Region. Each Regional Counsel's office will now document to EAD that the new employee received initial ethics orientation via a sign-in sheet or an email certification to the EAD mailbox.

Recommendation - Develop a plan to escalate instances where filers have not confirmed training attendance.

HUD Response: EAD will continue to send reminder notices to confirm filer attendance at annual ethics training through the end of the calendar year. Each Regional Counsel's office will continue to document to EAD via the annual ethics training spreadsheet in SharePoint confirmation of annual training attendance. EAD has updated its policy and now EAD and the Regional Counsel offices will now contact filers' supervisors 30 days after the date of the training to assist filers with receiving the required training. Supervisors will be reminded each week thereafter until the filer confirms training attendance.

2013 Survey of Regional Ethics Officials

If you have received this survey, it is because you currently have ethics duties or you have had ethics duties in the recent past. Please complete the survey to the best of your knowledge. This survey is 30 questions long and should take 15 minutes to complete. We are hoping to improve HUD's ethics program management and we appreciate your time and effort.

BACKGROUND INFORMATION (2 questions)

1. How long have you worked for HUD?

Less than 1 year
1 to 5 years
5 to 10 years
10 to 20 years
More than 20 years

2. How long have you had ethics duties here at HUD?

Less than 1 year
1 to 5 years
5 to 10 years
10 to 20 years
More than 20 years

ETHICS PROGRAM STRUCTURE AND STAFFING (3 questions)

3. Did your ethics responsibilities increase or decrease as a result of the October 2012 re-org?

Increased
Decreased
Stayed the same

4. Approximately how many hours per week do you spend on ethics when it is not filing season for 450's (April to December)?

Less than 1 hour per week
1-5 hours per week
5-10 hours per week
More than 10 hours per week

5. Approximately how many hours per week do you spend on ethics during peak filing season for 450's (January to March)?

Less than 1 hour per week
1-5 hours per week

12. How often do you use the resources on HUD's internal ethics webpage when researching and providing ethics advice?

- Often (once every couple weeks or more)
- Sometimes (once every couple months)
- Rarely (less than once a quarter)
- Never

13. How often do you use the resources on the Office of Government Ethics' (OGE's) website?

- Often (once every couple weeks or more)
- Sometimes (once every couple months)
- Rarely (less than once a quarter)
- Never

14. How often do you access OGE's 450 reviewer's guide?

- Often (once every couple weeks or more)
- Sometimes (once every couple months)
- Rarely (less than once a quarter)
- Never

15. How often do you use other resources/webpages (not HUD or OGE) and which do you use?

- Often (once every couple weeks or more)
- Sometimes (once every couple months)
- Rarely (less than once a quarter)
- Never

Name of other resource/webpage: _____

ETHICS PROGRAM EVALUATION (10 questions)

Confidential Financial Disclosure

16. How satisfied are you with FDonline (HUD's new electronic system for financial disclosure)?

- Very satisfied
- Satisfied
- Neutral
- Unsatisfied

17. How could your FDonline experience be improved? (open ended)

18. How often does a 450 report that you have reviewed require a conflict of interest warning or other remedy (divestiture/waiver/recusal/reassignment of duties)?

- Often (once every couple weeks or more)
- Sometimes (once every couple months)
- Rarely (less than once a quarter)
- Never

19. Do you think HUD's review process for financial disclosure is an effective way to PREVENT conflicts of interest?

- Yes
- No
- I Don't Know

20. Do you think HUD's review process for financial disclosures leads to an effective ENFORCEMENT of resolutions or penalties once a conflict of interest is discovered?

- Yes
- No
- I Don't Know

ETHICS ADVICE/COUNSELING:

21. How does your office intake ethics questions? (rank by frequency)

- Email
- Phone
- In person
- Formal ethics request or intake memo

22. What method does your office use to respond to ethics questions? (rank by frequency)

- Email
- Phone
- In person
- Formal ethics memo

23. In your experience, what is the average response time for the most frequent response method (see above) used by your office?

- Same day
- 1-3 Business days
- One week
- Two or more weeks

24. How effective is your office in receiving and tracking incoming ethics questions?

- Very Effective
- Somewhat Effective
- Neutral
- Ineffective

25. How effective is the method and timeliness of your office's response to ethics questions?

- Very Effective
- Somewhat Effective
- Neutral
- Ineffective

TRAINING NEEDS ASSESSMENT (5 questions)

26. In your opinion, has the ethics program staff in your office received adequate ethics-related training to effectively administer your office's program?

- Yes
- No
- I Don't Know

27. On which ethics topics do you need/want training? (check all that apply)

- Gifts from outside sources and between employees
- HUD Supplemental Ethics Regulations
- Conflicts of interest and 18 U.S.C. 208
- Impartiality in performance of official duties
- Outside employment/activities
- Misuse of position, resources, information (5 CFR 2635 subpart G)
- Co-Sponsorships
- Hatch Act
- Seeking/Post employment
- U.S.C. 203/205 (representation to the federal government)
- 18 U.S.C. 209 (supplementation of salary)
- Reviewing 450's from start to finish
- Writing effective ethics advice
- Creating engaging ethics trainings
- Other ethics program administration advice

28. Have you viewed HQ's annual training via webcast or in person?

- Yes
- No

29. If so, how effective do you think HQ's 2012 annual training was in communicating ethics rules and engaging the audience?

- Very effective
- Somewhat effective
- Neutral
- Somewhat ineffective
- Very Ineffective

30. How could HQ annual training be improved? (open ended)

One Last Big Picture Question:

31. Do you have any ideas for improvement of HUD's ethics program?

Thank you for completing this survey.

If you have comments on the survey or ideas for improving HUD's ethics program, please email us at EthicsLawDivision@hud.gov or call us at 202-708-3815.

Draft Ethics Survey

General Instructions

- 1) The survey should take about 10 minutes to complete.
- 2) This survey is intended for HUD employees.
- 3) This survey is anonymous. As you will see, we do not seek any personally identifying information about you.
- 4) For purposes of completing this survey you should keep in mind that the term "ethics" primarily refers to principles concerning employees not misusing their public offices for personal gain, not having conflicts of interest, and generally not violating the public's trust.
- 5) Please feel free to contact the Office of General Counsel with any specific ideas, comments, or questions, at ethicslawdivision@hud.gov.

We appreciate your time and your contributions to our ethics program. Thank you.

PART A. HUD'S ETHICS PROGRAM

General

1. Do you know your ethics officer?

- Yes
 No

HUD'S ETHICS PROGRAM

General

2. Have you visited the Office of General Counsel's internal ethics webpage?

- Yes
 No

HUD'S ETHICS PROGRAM

General

3. Are the government's ethics rules and regulations easy to understand?

- Yes
 No

HUD'S ETHICS PROGRAM

Draft Ethics Survey

General

4. Are the HUD specific ethics regulations easy to understand?

Yes

No

HUD'S ETHICS PROGRAM

General

5. Which area(s) of the ethics rules do you believe you know the LEAST about?

Gifts

Conflicts of Interest

Outside Employment/Activity Restrictions

Misuse of Federal Position or Resources

Attendance at Outside Events

Post-Employment Restrictions

HUD'S ETHICS PROGRAM

General

6. How would you rate your present knowledge of HUD's ethics rules and practices?

High Level

Above Average Level

Average Level

Below Average Level

Poor

HUD'S ETHICS PROGRAM

Ethics Training

Draft Ethics Survey

***7. During the past 5 years, how often have you received ethics training of any kind?**

- Once, as part of my new employee orientation.
- Every few years.
- Every year.
- Have not received ethics training in the last five years.
- Have never received ethics training.

HUD'S ETHICS PROGRAM

Ethics Training

***8. How have you received ethics training in the last 5 years?**

- In-person Instructor led training only
- Webcast training
- Both
- None

HUD'S ETHICS PROGRAM

Ethics Training

9. If you attended an instructor led training, how effective was the instructor led training you received?

- Very Effective
- Somewhat Effective
- Neither Effective Nor Ineffective
- Not Effective

HUD'S ETHICS PROGRAM

Ethics Training

Draft Ethics Survey

10. If you viewed a webcast training, how effective was the webcast you viewed?

- Very Effective
- Somewhat Effective
- Neither Effective Nor Ineffective
- Not Effective

HUD'S ETHICS PROGRAM

Ethics Training

11. Do you recall receiving, in the last two years, any informational materials/communications, e.g., newsletters, memos, e-mails, pamphlets, etc., on ethics topics/issues?

- Yes
- No

HUD'S ETHICS PROGRAM

Compliance with the Ethics Rules

*** 12. In the last five years have you sought ethics - related advice from an OGC ethics officer?**

- Yes
- No

HUD'S ETHICS PROGRAM

Compliance with the Ethics Rules

*** 13. If so, how useful was the ethics advice given by the OGC ethics officer?**

- Very useful
- Somewhat useful
- Not useful

HUD'S ETHICS PROGRAM

Compliance with the Ethics Rules

Draft Ethics Survey

*** 14. Why have you not sought ethics-related advice in the last 5 years?**

- Never had a question/problem.
- Did not know who to ask.
- Confident in my own ability to address the issue.
- No confidence I would get good advice.
- Afraid I'd get into trouble.

Other (please specify)

HUD'S ETHICS PROGRAM

Compliance with the Ethics Rules

15. Overall, what is your opinion of the ethics rules and how they are applied here at HUD?

- Too strict and limiting
- Very effective
- Too lenient
- Ineffective
- No Opinion

HUD'S ETHICS PROGRAM

Compliance with the Ethics Rules

16. Have you ever been asked to provide information on any of your outside jobs, businesses and activities for purposes of compliance with HUD's ethics requirements?

- Yes- I file a financial disclosure form on an annual basis
- Yes- I have filed a financial disclosure form while working at HUD (but not annually)
- Yes- I have been asked to provide such information even though I've never filed a financial disclosure form (i.e. Supervisors have asked for an alternate form)
- Never
- I don't know

HUD'S ETHICS PROGRAM

Draft Ethics Survey

Compliance with the Ethics Rules

17. In your HUD career have you ever been asked to take an action compromising your personal ethics values?

- Never
- Once
- Sometimes
- Frequently

HUD'S ETHICS PROGRAM

Compliance with the Ethics Rules

18. Which of the following would you prefer to use to report any ethics concerns or complaints?

- A confidential meeting with my manager.
- A confidential meeting with my agency's ethics officer.
- An anonymous complaint to HUD's Office of Inspector General.
- I would not report a concern or complaint.
- The ethics e-mail box

ETHICS CULTURE

Impressions of Ethical Culture

19. In my experience, the Department follows up on ethical concerns that are reported by employees.

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree
- I don't know

ETHICS CULTURE

Draft Ethics Survey

Impressions of Ethical Culture

20. In my experience, employees here at HUD feel comfortable talking about ethics with their peers and supervisors.

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

ETHICS CULTURE

Impressions of Ethical Culture

21. In my opinion, senior officials here at HUD are less likely to be disciplined for violating ethical standards than other employees.

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

ETHICS CULTURE

Impressions of Ethical Culture

22. In my experience, supervisors usually do not pay attention to ethics.

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

ETHICS CULTURE

Impressions of Ethical Culture

Draft Ethics Survey

23. In my experience, the Department makes a serious attempt to detect ethics violations.

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

ETHICS CULTURE

Impressions of Ethical Compliance

24. In your opinion, do HUD employees ever improperly accept gifts from people that do business with HUD?

- No, never
- Yes, but infrequently
- Yes, sometimes
- Yes, frequently
- Don't Know

ETHICS CULTURE

Impressions of Ethical Compliance

25. In your opinion, do HUD employees ever improperly give gifts to their supervisors or accept gifts from their subordinates?

- No, never
- Yes, but infrequently
- Yes, sometimes
- Yes, frequently
- Don't Know

ETHICS CULTURE

Impressions of Ethical Compliance

Draft Ethics Survey

26. In your opinion, do HUD employees ever misuse their official positions for a personal benefit to themselves or others?

- No, never
- Yes, but infrequently
- Yes, sometimes
- Yes, frequently
- Don't Know

ETHICS CULTURE

Impressions of Ethical Compliance

27. In your opinion, have ethical concerns played a major role in HUD's culture?

- Yes
- Neutral
- No

ETHICS CULTURE

Impressions of Ethical Compliance

28. In your opinion, has the ethics culture at HUD improved in the last 5 years?

- Yes (the ethics culture has improved)
- Neutral (the ethics culture has stayed the same)
- No (the ethics culture has gotten worse)

Financial Disclosure Reports

Note: This section covers financial disclosure reports. Certain employees are required to file financial disclosure reports. HUD employees in the Senior Executive Service, Executive Schedule, Administrative Law Judges, and all political appointees are required to file public financial disclosure reports (OGE-278). HUD employees paid on the General Schedule scale who have been designated based on their position as having some responsibilities that will affect the financial interests of outside entities are required to file confidential financial disclosures (OGE-450). If you do not file a report, you will only be asked one question. If you do file a report, we would appreciate your feedback on your filing experience, especially about the Department's new electronic filing system, FDonline.

Financial Disclosure Reports

Draft Ethics Survey

29. What type of disclosure report do you file?

- Public Financial Disclosure Report (OGE-278)
- Confidential Financial Disclosure Report (OGE-450)
- Do not file a report.
- I don't know which report I file.

Financial Disclosure Reports

30. How long have you been filing a Financial Disclosure Report?

- 2013 was my first report
- 1-3 years
- 3-5 years
- More than 5 years

Financial Disclosure Reports

31. How long did it take you to complete the first report you submitted on FDonline?

- Less than 30 minutes
- 30 minutes – 1 hour
- 1-2 hours
- More than 2 hours

Financial Disclosure Reports

32. How long did it take you to complete the second report you submitted on FDonline?

- Less than 30 minutes
- 30 minutes – 1 hour
- 1-2 hours
- More than 2 hours

Financial Disclosure Reports

Draft Ethics Survey

33. In general, how satisfied are you with FDonline?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat unsatisfied
- Very unsatisfied

Financial Disclosure Reports

34. Were the instructions for FDonline clear?

- Very clear
- Somewhat clear
- Neutral
- Somewhat unclear
- Very unclear

Financial Disclosure Reports

35. Is FDonline easy to use (good design, intuitive interface, etc.)?

- Yes
- Neutral
- No

Financial Disclosure Reports

36. How much assistance did you need from an OGC ethics official to complete your online report the first time?

- A lot of help
- Some help
- No help

Financial Disclosure Reports

Draft Ethics Survey

37. How much assistance did you need from an OGC ethics official to complete your online report the second time?

- A lot of help
- Some help
- No help

Financial Disclosure Reports

38. Did the OGC ethics official have follow up questions on your most recent report in FDonline?

- Yes
- No

Financial Disclosure Reports

39. Were the follow up questions clear?

- Very Clear
- Somewhat Clear
- Neutral
- Somewhat unclear
- Very Unclear

Financial Disclosure Reports

40. Was the OGC ethics official helpful?

- Very helpful
- Somewhat helpful
- Neutral
- Somewhat unhelpful
- Very unhelpful

Financial Disclosure Reports

Draft Ethics Survey

41. Do you have any suggestions on how to improve FDonline?

Information

Instructions: Please mark the one response for each question that most closely describes you.

42. How long have you worked for the federal government?

- Less than 1 year
- 1 year to 5 years
- 5 years to 20 years
- More than 20 years

Information

43. How long have you worked for HUD?

- Less than 1 year
- 1 year to 5 years
- 5 years to 20 years
- More than 20 years

Information

44. Which of the following job categories best describes your current title or duties?

- Political Appointee
- Career position- management or supervisor
- Career position- non-supervisory
- Other (please specify)

Information

Draft Ethics Survey

45. In which office do you work? (OPTIONAL QUESTION)

- Secretary
- Deputy Secretary
- Housing
- PIH
- CPD
- FHEO
- PDR
- CIR
- GNMA
- OGC
- CPO
- OCHCO
- OCIO
- CFO
- OSHC
- OHHLHC
- OIG
- FBNP
- FPM
- ODEEO
- ODOC
- OSPM
- OPA
- Other (please specify)

Thank you for completing the Employee Ethics Survey.

As you know, all HUD employees recently voted for Integrity as HUD's number one Core Value. A first rate ethics program is essential to the Core Value of Integrity. This online survey is conducted by the Office of General Counsel. We plan to use the results of this survey to assess our current ethics program and identify ways to improve.

If you have comments on the survey or ideas for improving HUD's ethics program and culture, please email us at

Draft Ethics Survey

EthicsLawDivision@hud.gov or call us at 202-708-3815.