



October 31, 2019
PA-19-12

PROGRAM ADVISORY

TO: Designated Agency Ethics Officials

FROM: Shelley K. Finlayson
Chief of Staff and Program Counsel

SUBJECT: Agency Practices Data Call: Advice and Counsel

This Program Advisory announces a data call for agency practices related to providing ethics advice and counsel and attaches an advance copy of the questions that will be asked. The information requested must be submitted to the U.S. Office of Government Ethics (OGE) by December 6, 2019.

OGE seeks this information in order to better carry out its responsibilities with regard to the executive branchwide ethics program.¹ One of the critical responsibilities of ethics officials is to advise current and former employees regarding government ethics laws and regulations. The provision of prospective advice supports the mission of the ethics program, which is to prevent conflicts of interest. The results of this data call will provide OGE insight into each agency's implementation of this key element of their ethics program. OGE will use the results to tailor the support it provides to agencies. OGE will also share the results with executive branch ethics officials so they can learn from other practitioners.

The sections below explain how and when to submit a response, provide background information, and describe the availability of the data.

I. How and When to Submit a Response

On November 5th, OGE will email Designated Agency Ethics Officials (DAEOs) and their Alternates (ADAEOs) a link to the online tool that agencies will use to submit their response to the data call. Agencies must submit their response electronically through that online tool. OGE will not accept responses in any other format. OGE will accept only one response per agency.

Agency responses are due December 6, 2019.

¹ OGE is the "supervising ethics office" for the executive branch ethics program. *See* 5 U.S.C. app. § 109(18)(D). The information subject to this data call is necessary for the performance of the duties of OGE's Director and in furtherance of OGE's mission with respect to executive branch ethics programs. *See* 5 U.S.C. app. §§ 402(b)(10), 403(a)(2); 5 C.F.R. § 2638.202.



II. Background

An agency's ethics program involves a variety of elements and functions, including leadership support, financial disclosure, education and training, ethics counseling, conflict remedies, and transparency.² Every year, agencies respond to the Annual Agency Ethics Program Questionnaire (questionnaire) about these elements. In 2018, as a result of a comprehensive review of the purpose and utility of the questionnaire, OGE decided to separate its collection of program information into two distinct data calls: an annual, compliance-focused questionnaire and a triennial data call focused on program practices. By inquiring about agency practices separately from compliance, OGE can identify the wide array of strategies that have been implemented across the executive branch and share this information with ethics officials. OGE will select a different program element to focus on every three years. When selecting the topic, OGE will consider what will have the most value to ethics officials and provide useful insights.

OGE recognizes that agencies implement the ethics program requirements in a variety of ways, which reflect differences in agency size, structure, mission, and other factors. Therefore, the questions in this data call are open-ended to allow agencies maximum flexibility to identify and describe the practices that are most successful for them.

III. Public Availability

OGE will make the results of the data call available to the public in a summary report that will be posted on its website (www.oge.gov).

If you have questions, please contact Wendy Pond at 202-482-9285 or wgpond@oge.gov.

Attachment

² See 5 U.S.C. § 402; 5 U.S.C. app. § 101 et seq.; 5 C.F.R. §§ 2638.101-.310; 5 C.F.R. pt. 2634.

Agency Practices Data Call: Advice and Counsel

1. Agency

[Drop down selection]

2. Advice and Counsel: Structure, Volume, Staffing, Support

Briefly describe the structure and other key aspects of your ethics program, as it relates to the function of providing advice and counsel. At a minimum, please address the following in your response:

- Structure: Is the advice and counsel process centralized (all advice comes out of one office) or decentralized (multiple, distinct offices or components provide advice to their respective areas)?
- Volume: Average number of questions received, percent of employees that seek advice.
- Staffing: How is the advice and counsel function staffed? How does your agency assign who answers requests for advice? Are certain staff assigned to certain types of employees or topics? Do the staff who provide advice and counsel support other aspects of the ethics program?
- Support: What, if any, role does each of the following employees play in supporting the ethics advice function: supervisors, HR, others?
- Please provide any additional, relevant information.

3. Employee Awareness of Availability of Ethics Advice

Describe how your agency informs employees and program offices about the availability of ethics advice and counsel.

4. Consistency of Advice

Describe what practices, if any, your agency has in place to ensure that ethics advice is consistent over time and between employees.

5. Use of Technology

How does your agency use technology to support or manage your advice and counsel function? At a minimum, please address the following in your response:

- Do you use technology to do any of the following: track the volume of ethics advice and counsel, memorialize advice given, conduct research, identify topics for training, or conduct oversight of advice provided?
- For the technology solutions you chose to describe, please specify whether they are off-the-shelf applications (e.g., Excel, Access, SharePoint, ProLaw) or custom built.

6. Assessing the Advice and Counsel Process

Describe what practices, if any, your agency has in place to assess its ethics advice and counseling process?

7. Comments

Please share any additional comments you may have.

Point of contact to answer OGE follow up questions regarding this Data Call:

Name:

Title/Position:

Email Address:

Confirm Email Address:

Phone Number: