U. S. Office of Government Ethics

Agency Profile

PREVENTING CONFLICTS OF INTEREST

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OGE

U.S. OFFICE OF GOVERNMENT ETHICS

About OGE

INTRODUCTION

Preventing Conflicts of Interest in the Executive Branch

The Office of Government Ethics (OGE) is a small agency with a big mission. OGE oversees an ethics program comprising more than 4,500 agency ethics officials across the executive branch that is designed to prevent conflicts of interest on the part of 2.7 million civilian federal employees. At its heart, the ethics program stands for the bedrock principle that *public service is a public trust.*

Each day, some part of the ethics program is at work in every agency in the executive branch. The program ensures that ethics is a top priority for Presidential appointees as they begin government service. It ensures that public servants at all levels remain free from conflicts of interest, and even the appearance of conflicts of interest, as they carry out the responsibilities the American people have entrusted to them. It ensures that employees who are seeking to leave the government avoid conflicts of interest and, after they leave, ensures that they do not exercise undue influence over their former agencies on behalf of others. Above all, it is working to protect the public's trust in government.

As the statutorily established "supervising ethics office" for the executive branch, OGE ensures that the ethics program remains an effective prevention mechanism to guard against conflicts of interest and violations of ethical standards. Working with agency ethics officials, OGE carries out this vital mission through a strategic plan that focuses on promoting uniformity, continuity, and transparency.

At its heart, the ethics program stands for the bedrock principle that public service is a public trust.

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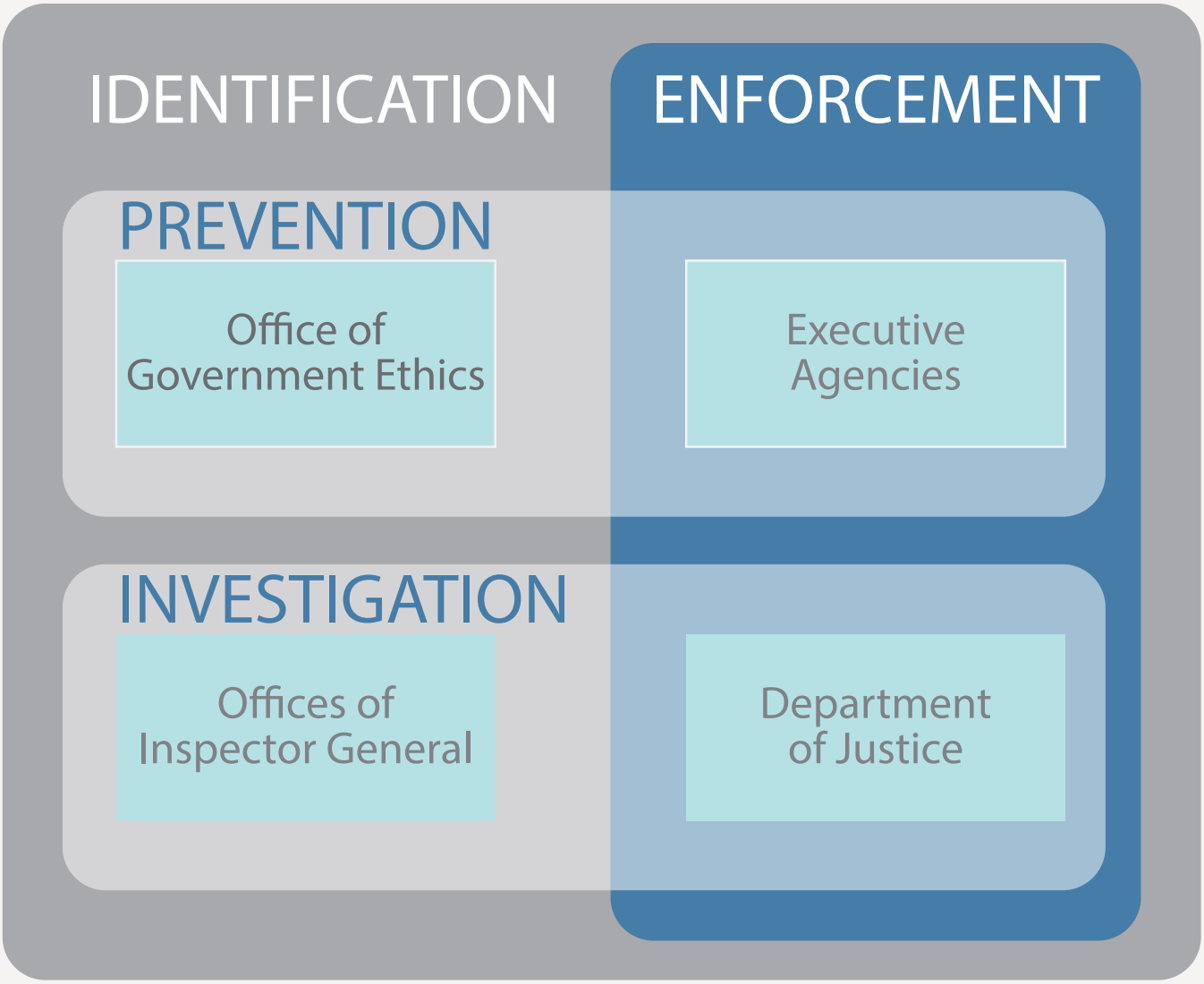
01

THE EXECUTIVE BRANCH ETHICS PROGRAM & THE OFFICE OF GOVERNMENT ETHICS

Though the roots of the executive branch ethics program go back further, 1978 was the pivotal year when Congress enacted sweeping post-Watergate civil service reforms. That year, OGE was established under the Ethics in Government Act, which came out of the same Congressional committee in the same month as the Inspector General Act.

The Ethics in Government Act charges OGE with the unique mission of supervising the government's efforts to prevent conflicts of interest. OGE undertakes this important mission as part of a framework comprised of executive branch agencies and entities focused on institutional integrity. In addition to government ethics, the reach of this broad framework includes merit system protections in the civil service; fair competition in procurement; fiscal controls; transparency programs; investigation of waste, fraud, and abuse; and criminal, civil, and administrative enforcement. Potential violations of the legal authorities established under this framework, including government ethics authorities, are primarily investigated by the approximately 14,000 members of the staffs of Inspectors General across the executive branch. In addition, the Department of Justice has enforcement authority that includes civil and criminal penalties.

The Ethics in Government Act vests OGE with responsibility for providing "overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency." As this statutory language makes clear, the primary objective of the executive branch ethics program is one of ***prevention***.



The ethics program works to ensure that public servants carry out the governmental responsibilities entrusted to them impartially and that they serve as good stewards of public resources. Toward this goal, the program's mission centers on preventing conflicts of interest and the appearance of conflicts of interest that stem from: financial interests; business or personal relationships; misuses of official position, official time, or public resources; and the receipt of gifts. The systems in place to prevent conflicts of interest, including financial disclosure systems and training, establish a foundation on which to build and sustain an ethical culture across the executive branch.

As mentioned previously, OGE is the supervising ethics office for the decentralized ethics program established by the Ethics in Government Act. While the statute does not give OGE direct supervisory control over the approximately 4,500 agency ethics officials working in the more than 130 executive branch agencies, OGE issues ethics regulations and interpretive guidance that define the contours of their work. OGE oversees a financial disclosure system covering approximately 26,000 public filers and 380,000 confidential filers. OGE also provides ethics officials with ongoing training to promote consistency and uniformity in the application of these regulations to the 2.7 million federal civilian employees across the executive branch. In addition, OGE conducts reviews of agency ethics programs to ensure that executive branch agencies have established appropriate procedures to implement the statutory and regulatory requirements.

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OGE

LEADERSHIP & STRUCTURE

OGE's Director is a Senate-confirmed Presidential appointee serving a five-year term. Three of OGE's four divisions are led by career members of the federal Senior Executive Service, and the fourth is led by a GS-15 level manager. The Program Counsel serves as OGE's Chief of Staff and the General Counsel serves as the Chief Legal Officer for the executive branch ethics program.

OGE

LEADERSHIP

Hon. Walter M. Shaub, Jr.
Director

On January 8, 2013, President Obama appointed Walter M. Shaub, Jr., to serve as Director of OGE for a term of five years. Prior to his appointment as Director, Mr. Shaub served as OGE's Deputy General Counsel, a career Senior Executive Service position that he held since 2008. In addition, he served as a supervisory attorney at OGE from 2006 to 2008. From 2004 to 2006, he worked as an attorney with the law firm Shaw, Bransford, Veilleux and Roth, P.C., where he focused on federal employment law. Previously, Mr. Shaub served as a staff attorney at several federal agencies, including OGE from 2001 to 2004, the Central Office of the U.S. Department of Veterans Affairs (VA) from 2000 to 2001, the Office of General Counsel of the U.S. Department of Health and Human Services from 1998 to 2000, and the VA's Baltimore-Washington Regional Counsel's office from 1997 to 1998. He earned a B.A. in History from James Madison University and a J.D. from American University Washington College of Law.

Shelley K. Finlayson
Chief of Staff and Program Counsel

As Chief of Staff, Ms. Finlayson directs OGE's overall operations and staff. As Program Counsel, her responsibilities include: executive branch-wide and agency-wide strategic planning; program performance monitoring; training for agency ethics officials; direct support for stakeholders through OGE's Desk Officer program; congressional affairs; strategic initiatives, including an executive branch-wide electronic filing system for financial disclosures; external communications; and OGE's own legal compliance activities. Before coming to OGE in 2006, Ms. Finlayson developed expertise through positions with local, state, and federal governments, and in private legal practice. Her experience includes serving at the Congressional Budget Office, the Maryland General Assembly, the government of the District of Columbia, and the DLA Piper law firm. Ms. Finlayson earned a Juris Doctor degree from Georgetown University Law Center, a Masters degree in Public Policy from Rutgers University, and a Bachelors degree in Political Science from the University of California, Riverside.

David J. Apol
General Counsel

As General Counsel, Mr. Apol is the Chief Legal Officer for the executive branch ethics program, responsible for developing executive branch-wide regulations for government ethics, providing authoritative interpretation of government ethics laws and regulations, and assisting the Director in the formulation of ethics policy for the executive branch. Prior to his appointment as OGE's General Counsel in 2014, Mr. Apol served as Chief Counsel for Administrative Law in the Office of the U.S. Trade Representative since 2004. In addition, he served as an Associate General Counsel at OGE from 2001 until 2004. Mr. Apol served as Associate Counsel to the President from 2000 until 2001. He also served as Counsel for Department of Labor's ethics program from 1992 to 2000. He served as a Counsel for the Senate Ethics Committee from 1987 to 1992. Prior to coming to Washington, Mr. Apol served as a Judge Advocate General Officer in the U.S. Army's Strategic Missile Defense Command. He is a graduate of Wheaton College and the University of Michigan Law School.

Dale A. Christopher
Deputy Director for Compliance

As Deputy Director for Compliance, Mr. Christopher is responsible for monitoring executive branch agencies for compliance with statutory and regulatory requirements for agency ethics programs. His staff conducts program reviews of agency ethics programs, reviews the financial disclosures of Senate-confirmed Presidential appointees across the executive branch, tracks criminal referrals to the Department of Justice, and releases financial disclosures and other ethics documents to the public. Prior to his appointment as Deputy Director in 2015, he served as Chief of the Agency Assistance Branch since 2013, supporting agencies through OGE's Desk Officer program. Prior to that, he served as Lead Financial Analyst in the Presidential Nominations Branch from 2010 to 2013. He also served as the head of the predecessor to OGE's Program Review Branch from 2006 to 2010. He served as a Management Analyst in that same unit from 1991 until his promotion to supervisor in 2006. He earned a Bachelor of Science in Business Administration from West Virginia University.

C. Nelson Cabrera, Jr., Assistant Director for Internal Operations

As Assistant Director for Internal Operations, Mr. Cabrera is responsible for providing overall technological, administrative, and legal compliance support to OGE. His staff ensures OGE's network security and manages a broad range of functions that include information technology; human resources procurement; payroll, facilities, and property management; travel; and oversight responsibilities related to contracts with private vendors and shared services agreements with other federal agencies. Prior to joining OGE in 2016, Mr. Cabrera served as a Senior Attorney in the General Law Division of the Department of Health and Human Services (DHHS) where he headed a group of litigation attorneys. Mr. Cabrera served for over 18 years as an attorney in DHHS. Before that, he served as an attorney for National Labor Relations Board (NLRB) and an attorney for the New Jersey Turnpike Authority. Mr. Cabrera earned his J.D. degree from Rutgers University School of Law-Newark and his B.A. degree in Political Science from Rutgers College.

OGE'S BRANCH CHIEFS:

(PCD) Legal, External Affairs, & Performance Branch: Diana J. Veilleux

(PCD) Agency Assistance Branch: Nicole E. Stein

(GCLPD) Ethics Law & Policy Branch: Seth H. Jaffe

(GCLPD) Presidential Nominations Branch: Deborah J. Bortot

(CD) Program Review Branch: Doug L. Chapman

(CD) Financial Disclosure Branch: Daniel L. Skalla

(IOD) Information Technology Branch: James T. Cooper

(IOD) Administration Branch: Kaneisha T. Cunningham

DESCRIPTION OF OGE'S COMPONENTS

OFFICE OF THE DIRECTOR

The Office of the Director provides overall direction to the executive branch ethics program and is responsible for ensuring that OGE fulfills its mission. The Director is appointed to a five-year term by the President and is confirmed by the Senate. The Director also serves as a member of the Council of Inspectors General for Integrity and Efficiency (CIGIE); CIGIE's Integrity Committee, and the Administrative Conference of the United States.

PROGRAM COUNSEL DIVISION

The Program Counsel is the Chief of Staff with responsibility for managing all of OGE's career personnel. The Program Counsel Division (PCD) is responsible for: (1) conducting outreach to OGE's stakeholders and the public; (2) overseeing executive branch-wide strategic initiatives, such as the electronic filing system for financial disclosure; (3) directly supporting agency ethics officials through OGE's Desk Officers; (3) training agency ethics officials; (4) providing internal legal support to OGE; and (5) managing OGE's budget, performance, compliance, and legislative affairs programs.

LEGAL, EXTERNAL AFFAIRS & PERFORMANCE BRANCH

The Legal, External Affairs, and Performance Branch (LEAP) provides agency-specific legal support to OGE. LEAP is responsible for strategic initiatives and manages OGE's budget, performance, compliance, and legislative affairs programs. LEAP oversees OGE's Freedom of Information Act, Privacy Act, and records management programs. LEAP also develops and delivers substantive government ethics training to agency ethics officials throughout the executive branch and to OGE's staff. In addition, LEAP conducts OGE's Annual Agency Ethics Program Questionnaire.

AGENCY ASSISTANCE BRANCH

The Agency Assistance Branch (AAB) provides direct assistance to agency ethics officials throughout the executive branch. Through its Desk Officer program, AAB provides timely and accurate advice to ethics officials in response to questions regarding unique or emerging ethics issues they encounter. In addition to responding to requests for advice, AAB Desk Officers actively communicate with the executive branch ethics community to address issues and challenges that are of common interest in order to arrive at and share collaborative solutions. AAB also manages OGE's quarterly meetings with agency ethics program leaders and other forms of outreach to support agency ethics programs.

GENERAL COUNSEL & LEGAL POLICY DIVISION

The General Counsel is the chief legal officer supporting the Director with regard to the legal authorities for government ethics in the executive branch. The General Counsel and Legal Policy Division (GCLPD) is responsible for: (1) establishing and maintaining a legal framework for the executive branch ethics program through regulations and executive branch-wide policy issuances; (2) providing interpretive guidance regarding government ethics authorities to the executive branch; and (3) providing assistance to the President and Senate in the Presidential appointment process.

ETHICS LAW AND POLICY BRANCH

The Ethics Law and Policy Branch (ELPB) develops and issues the executive branch's ethics regulations. ELPB also reviews and authorizes agency-specific supplemental ethics regulations. ELPB publishes written guidance in the form of Legal Advisories, assists stakeholders in resolving complex ethics issues, and supports enforcement authorities—including the Department of Justice and Inspectors General—with regard to the consistent application of government ethics laws and regulations. When appropriate, ELPB also drafts recommendations for changes in the conflicts of interest laws and other ethics statutes.

PRESIDENTIAL NOMINATIONS BRANCH

The Presidential Nominations Branch (PNB) works closely with the White House, the Senate, agency ethics officials, nominees, and nominees' representatives with regard to the ethics review of Presidential nominees for Senate-confirmed positions. PNB ensures compliance with financial disclosure requirements and assists in the resolution of potential conflicts of interest. PNB carefully evaluates nominees' financial disclosure reports and works with agency ethics officials to prepare individualized ethics agreements. PNB also reviews new entrant disclosures by the most senior White House officials, as well as disclosures by major party candidates for the offices of President and Vice President.

COMPLIANCE DIVISION

The Compliance Division (CD) monitors agency ethics programs to ensure compliance with applicable ethics requirements established by statutes, rules, regulations, Executive Orders, and policies. CD issues Program Advisories regarding the requirements for agency ethics programs. CD also conducts reviews of individual agency ethics programs and manages the executive branch-wide public financial disclosure program for Senate-confirmed Presidential appointees. In addition, CD evaluates requests from agencies regarding various discretionary program elements and serves as a repository for certain executive branch ethics documents.

PROGRAM REVIEW BRANCH (PRB)

The Program Review Branch (PRB) exercises systemic oversight of the executive branch ethics program through reviews of agency ethics programs. PRB's program review reports make specific recommendations to agencies for meaningful ethics program improvement, and PRB monitors agencies' implementation of those recommendations. PRB tracks individual compliance with ethics agreements and tracks criminal referrals to the Department of Justice. In addition, PRB makes determinations on requests for exclusions from public financial disclosure requirements and for alternate confidential financial disclosure procedures.

FINANCIAL DISCLOSURE BRANCH

The Financial Disclosure Branch (FDB) ensures that senior government leaders are free of conflicts of interest by reviewing and analyzing their public financial disclosure reports following certification by agency ethics officials. These reports include new entrant, periodic transaction, annual, and termination public financial disclosure reports. In addition to reviewing these reports, FDB is responsible for releasing these reports to the public upon request and for publishing on OGE's website the reports of officials paid at Levels I and II of the Executive Schedule.

INTERNAL OPERATIONS DIVISION

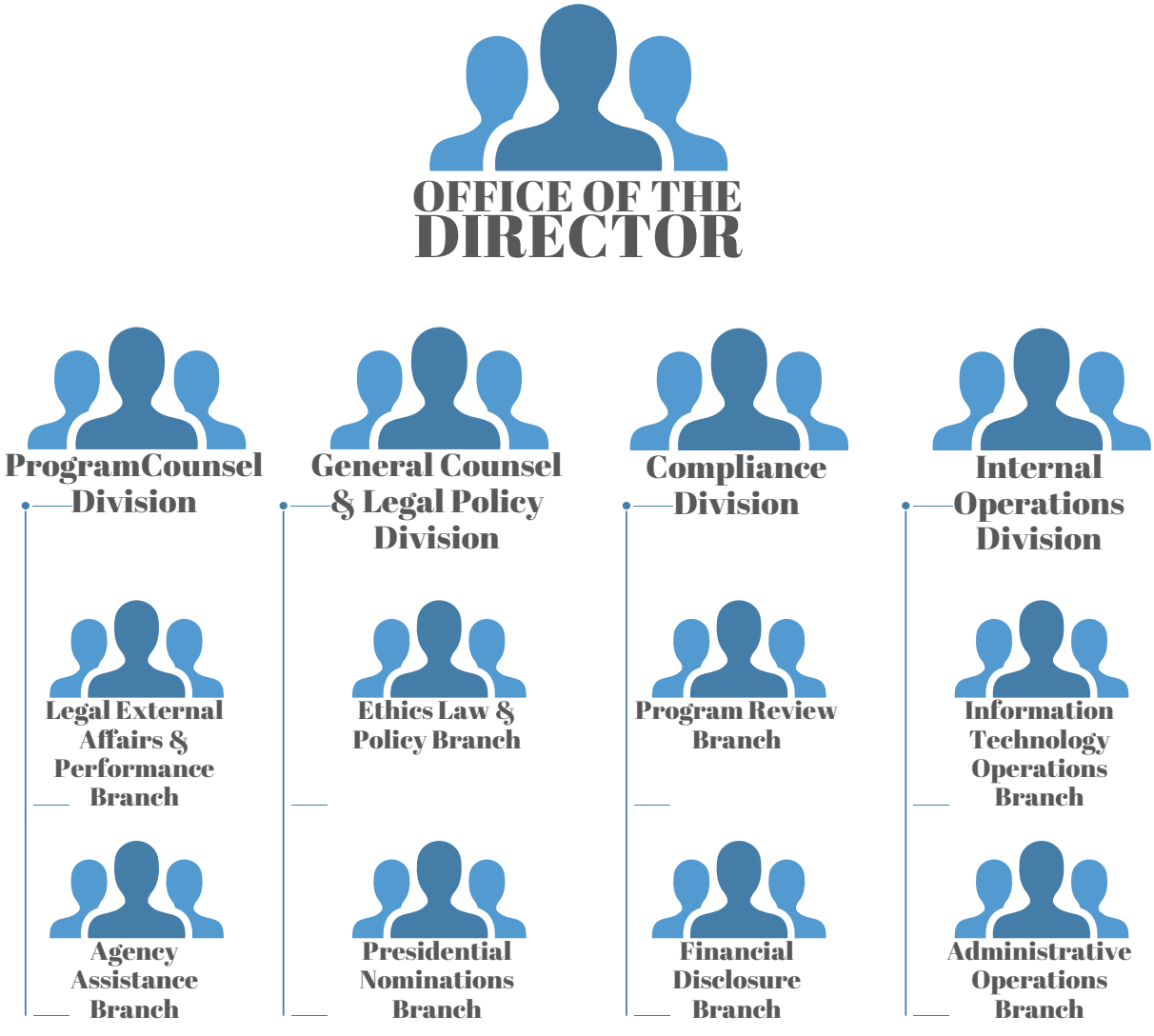
The Internal Operations Division (IOD) is responsible for: (1) maintaining OGE's information technology systems, equipment, and security; (2) creating and operating network applications; (3) ensuring compliance with administrative requirements for agencies; (4) overseeing human resources functions; (5) purchasing and contracting; and (6) property management and other administrative programs. The Assistant Director is supported by a Human Resources Officer and specialists in the Department of Treasury's Bureau of Fiscal Service and other agencies that perform services through interagency shared services agreements.

INFORMATION TECHNOLOGY OPERATIONS BRANCH

The mission of the Information Technology Operations Branch (ITOB) is to provide the information technology infrastructure and services necessary to support OGE's mission, while implementing appropriate security controls to protect OGE's data and information systems. ITOB's support of OGE's mission includes planning, developing, testing, implementing, securing, and supporting technology-based business solutions and services. In addition, ITOB is responsible for OGE's compliance with mandates for executive branch IT systems.

ADMINISTRATIVE OPERATIONS BRANCH

The Administrative Operations Branch (AOB) carries out a range of functions critical to OGE's operations, including procurement, management of contracts and interagency shared services agreements, payroll, travel, report preparation and submission to agencies with oversight authority over OGE, physical security and lease management services, inventory management, and deliveries. AOB collects and publishes agencies' reports of official travel paid by outside sources. AOB's Chief also supervises a centralized pool of administrative employees who support OGE's divisions and branches.



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OGE'S MAJOR FUNCTIONAL AREAS

Although specialized, the work performed by OGE's staff of approximately 75 employees covers a wide range of activities for such a small agency. Speaking broadly, most of OGE's work to achieve uniformity, continuity, and transparency in the ethics program can be grouped into seven major areas:

PRESIDENTIAL NOMINATIONS AND SUPPORT FOR PRESIDENTIAL TRANSITIONS

OGE provides an independent review of the financial disclosure reports of candidates for the highest level positions in the executive branch: Presidentially appointed, Senate-confirmed nominees and candidates for the Offices of the President and Vice President of the United States. OGE makes sure that these individuals have complied with the extensive requirements for financial disclosure under the Ethics in Government Act. These requirements are highly complex, and ensuring full compliance is necessarily labor-intensive. OGE's goal with regard to a nominee's disclosures is to ensure that the Senate receives a thorough accounting of relevant financial interests in order to facilitate its advice-and-consent role in considering the President's nominees. The goal as to a Presidential candidate is to provide the electorate with similar information. OGE does not recruit, conduct background investigations, or politically vet nominees.

OGE's review of nominees' disclosures presents a critical opportunity to evaluate their financial interests for potential conflicts of interest and introduces top leaders to the importance of ethical leadership. OGE approaches this function from the perspective of managing risk. To that end, OGE requires nominees to reduce the potential for ethical issues to arise in the first place, and OGE prescribes mechanisms for addressing conflicts of interest if issues do arise. In evaluating potential risks, OGE consults with agency ethics officials who are familiar with their agencies' programs and activities. Based on these consultations, OGE and agency ethics officials prepare an ethics agreement that describes the steps a nominee will take to avoid conflicts of interest. After confirming with the agency that there are no unresolved conflicts of interest, OGE then transmits the financial disclosure report, the ethics agreement, and a cover letter directly to the Senate.

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The nominee function is never more important than during the transition between Presidential administrations. A Presidential transition is a critical time when the nation is vulnerable, with the potential for manmade, natural, or economic disasters to strike while the government's top leadership positions are vacant. OGE works expeditiously to make sure that prospective candidates are free of conflicts of interest, so that top leadership positions can be filled quickly.

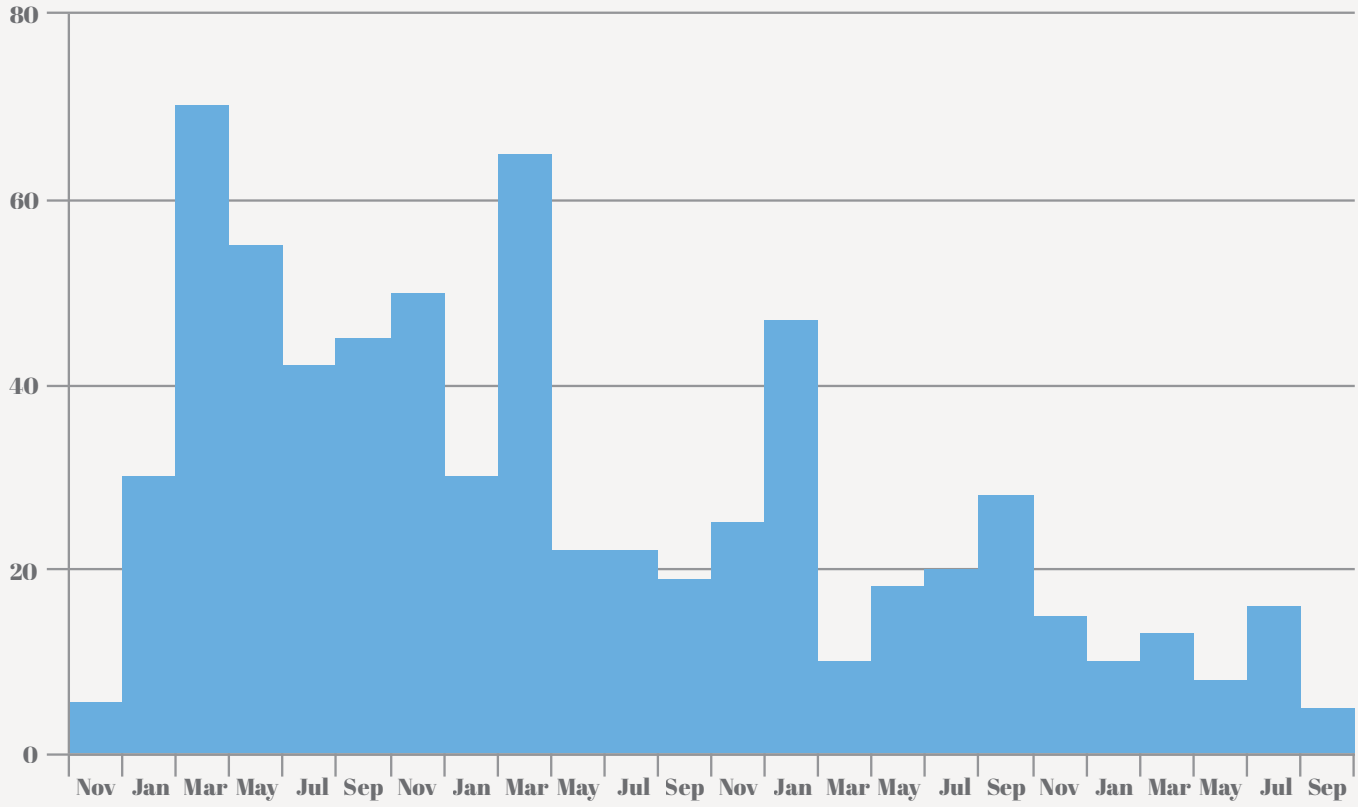
During Presidential transitions, nominations going through OGE typically triple in volume and increase in complexity. When a President is reelected, the increased volume of work is challenging, due to the turnover of appointees between the first and second terms. When a new President is elected, however, the challenge is even greater, and delivering on the promise of a smooth transition demands a full commitment of resources.

To manage this challenge, OGE must prepare for the possibility of a full transition every four years. Starting two years before a transition, OGE begins training additional staff members to review nominee packages. One year before the inauguration, OGE steps up both its internal training and the training it provides to agency ethics officials. This training focuses not only on reviewing nominees, but also on counseling outgoing officials on legal restrictions applicable to them when they are seeking post-government employment and after they leave government. For example, prior to the most recent Presidential election, OGE convened a National Government Ethics Summit for hundreds of in-person participants and thousands of viewers online that focused on preparation for the Presidential transition. OGE also presented a full-day financial disclosure symposium, with separate tracks for beginner and advanced financial disclosure reviewers. Over the remainder of the fiscal year, OGE conducted a Transition Readiness training series for experienced agency ethics officials.

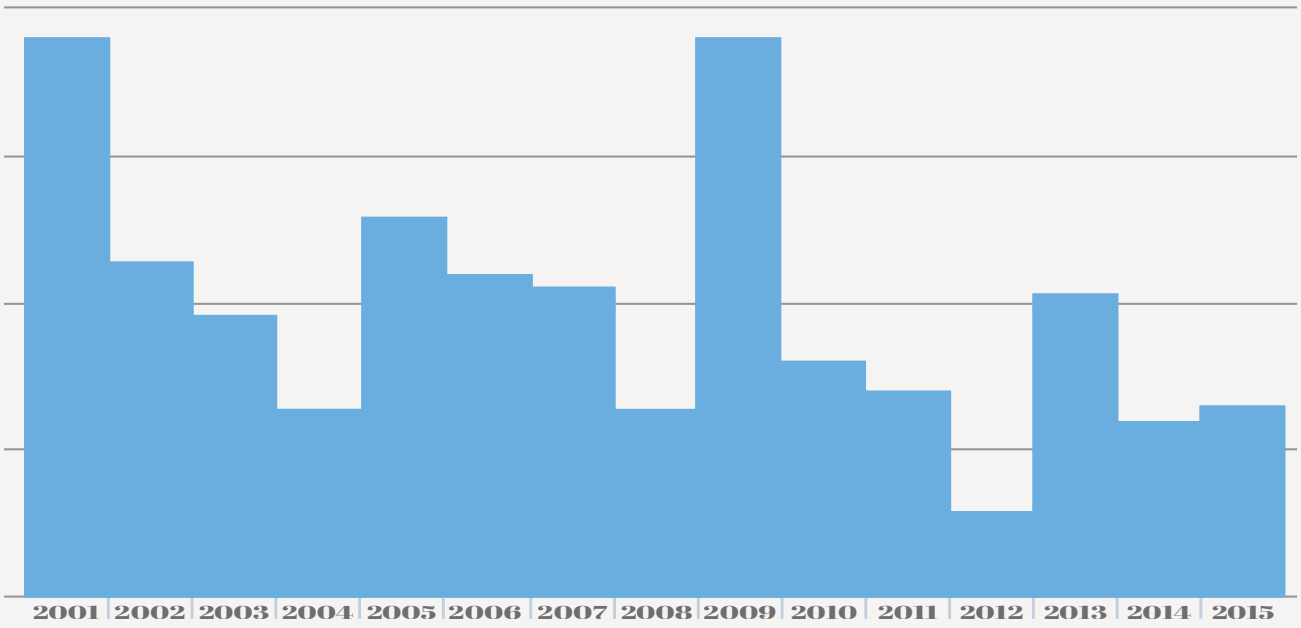
OGE took a number of other measures to prepare prior to the most recent election. Examples include: streamlining OGE's nominee processes; revising the 75-page ethics agreement guide; issuing a new comprehensive guide as an online reference module for public financial disclosure; issuing a similarly comprehensive online guide for confidential financial disclosure; publishing legal and program advisories on topics relevant to Presidential transitions; launching a new, highly complex nominee workflow feature in *Integrity*, OGE's executive branch electronic financial disclosure filing system; publishing a Nominee Ethics Guide for Presidential nominees; contributing to a Transition Guide prepared by the nonpartisan Partnership for Public Service; contributing to the transition website managed by the General Service Administration; collaborating in formal sessions with other transition service providers (e.g., General Services Administration, the Department of Justice, the Office of Personnel Management, and the National Archives and Records Administration); and serving on two federal transition councils.

Finally, OGE works with representatives of Presidential candidates in connection with their financial disclosure reports and their early transition efforts. Prior to the most recent Presidential election, OGE published a detailed Transition Guide to advise transition teams on the government ethics aspects of the Presidential transition, including ethics clearance during the nominations process. OGE also met with representatives of the campaigns regarding their transition efforts on a number of occasions prior to the election.

In the year after a Presidential election, OGE necessarily draws down on other activities in order to commit resources to managing the volume of transition-related work. By cross-training staff and assigning nominee work across divisions and branches, OGE has developed surge capacity to manage the significantly increased nominee workload experienced during Presidential transitions. The increased volume typically lasts up to 16 months after the election when a new President is elected.



Volume of nominee reports received during a 4-year Presidential term (Nov. 2008 – Oct. 2012)



Volume of nominee reports certified over 15 years

REGULATIONS & INTERPRETIVE GUIDANCE

OGE ensures uniformity in the executive branch ethics program through regulations and interpretive guidance. OGE issues and interprets regulations that are applicable to all executive branch agencies, such as the Standards of Ethical Conduct for Employees of the Executive Branch and regulations implementing the conflict of interest laws, among others.

OGE recently undertook a thorough review of its regulations and carried out a significant regulatory modernization project. This effort resulted in regulatory issuances regarding gifts from outside sources (5 C.F.R. part 2635, subpart B), seeking other employment (5 C.F.R. part 2635, subpart F), financial disclosure (5 C.F.R. part 2634), requirements for agency ethics programs (5 C.F.R. part 2638), and OGE's internal operations (5 C.F.R. parts 2600, 2601, and 2604). All of these activities involved extensive consultations with agency ethics officials to capture the best thinking and expertise of the entire community of ethics officials.

91% of agency ethics officials surveyed believe that OGE's publication of guidance materials helps them to perform their jobs effectively.

OGE also successfully maintained regulatory practice during this same period. These activities included OGE's oversight of the establishment and modification of supplemental ethics regulations for individual agencies in order to address agency-specific ethics issues. As of the printing of this publication, 53 agencies have established supplemental agency ethics regulations with OGE's concurrence. OGE also routinely updates provisions regarding civil monetary penalties (5 C.F.R. parts 2634 and 2636), separate component designations for purposes of post-employment restrictions (5 C.F.R. part 2641), and exemptions to the primary criminal conflicts of interest statute (5 C.F.R. part 2640).

OGE issues publicly available legal and program guidance in a variety of forms. For example, in calendar years 2013 through 2016, OGE published approximately 50 legal and program advisories, a highly detailed financial disclosure guide, an updated ethics agreement guide, and dozens of summaries of key subjects related to government ethics. This guidance is used by ethics officials throughout the executive branch, as well as by outside entities that interact with the government. In addition, OGE works with agencies to develop or distribute materials addressed directly to the government employees who are covered by the ethics rules. Feedback on OGE's work has been highly favorable. Annual executive branch-wide surveys revealed that 91% of agency ethics officials surveyed believe that OGE's publication of guidance materials helps them to perform their jobs effectively.

OVERSIGHT OF AGENCY ETHICS PROGRAMS

OGE ensures uniformity and compliance by conducting oversight of agency ethics programs in a variety of ways. OGE's most significant oversight activities include conducting ethics program reviews, issuing executive branch-wide data calls, examining financial disclosures of high level officials reviewed by the agencies, and monitoring compliance with ethics agreements by Senate-confirmed Presidential appointees.

As part of OGE's process of conducting agency ethics program reviews, OGE issues program review reports that make recommendations for improving individual agency ethics programs. OGE holds agencies accountable by monitoring their efforts to implement the recommendations. OGE's Compliance Division published 100 reports and issued 343 recommendations for improving agency ethics programs during fiscal years 2013 through 2016. OGE makes the reports available on its website. Between 2013 and 2016, OGE refined its review methodology to significantly reduce the time it takes to complete a full cycle of reviews of executive branch agencies. As a result, OGE is on pace to review all agencies during the current Director's five-year term. OGE seeks to further shorten the review cycle to a four-year cycle beginning in January 2018, depending on resources.

Another important oversight mechanism is OGE's annual executive branch-wide data call. OGE employs a comprehensive questionnaire to gather information about the composition and activities of agency ethics programs. OGE regularly achieves a 100% response rate for this data call. Recognizing the value of this data to a wider audience, OGE published a summary of the aggregate data on its website for the first time in 2014. To further increase transparency, in 2015 OGE began a practice of also posting all of the raw data from agency responses on its website.

In addition to these activities, each year OGE reviews 800-1,000 annual and termination financial disclosures from Senate-confirmed Presidential appointees. Timely review of these disclosures is necessary to prevent conflicts of interest, so strengthening this oversight mechanism has been a focus for OGE's Director. Since 2013, OGE significantly improved its efficiency by going paperless and reduced its average review time for these disclosures from over 150 days to less than 30 days. Notably, OGE achieved this while receiving periodic transaction disclosures for the first time, following passage of the Stop Trading on Congressional Knowledge Act (STOCK Act) of 2012. OGE now receives over 800 periodic transaction disclosures per year in addition to other types of financial disclosure reports.

OGE's second-level review of financial disclosures is a quality control mechanism. It ensures that agencies timely review these disclosures for conflicts of interest and that filers comply with their ethics agreements. Starting in 2014, OGE began holding agencies accountable by sending year-end reports to agency heads regarding their agency's efforts to timely review annual financial disclosure of Senate-confirmed appointees. These "report cards" have resulted in agencies getting annual filings to OGE earlier than in the past.

STOCK ACT-MANDATED ELECTRONIC FILING

The STOCK Act of 2012 created significant new legal requirements for OGE and the executive branch ethics program, resulting in a permanent increase in workload across all of OGE's functions. The most notable of these requirements mandated that OGE develop an electronic filing system for the approximately 26,000 executive branch public financial disclosure filers.

Although a considerable undertaking for a small agency, OGE successfully launched *Integrity*, a secure, web-based electronic filing system for the executive branch on January 1, 2015. OGE named its new electronic filing system *Integrity* to emphasize to users the importance of financial disclosure for preventing conflicts of interest. OGE contributed its own extensive financial disclosure expertise to develop the system, which enhances the filing, review, and program management aspects of the executive branch public financial disclosure program. A combination of smart data-entry tables and context-dependent questions helps filers disclose all of their reportable financial interests with increased accuracy.

Integrity enables agency ethics officials to assign, review, track, and manage reports electronically. OGE also focused on ensuring the security of user access and maintaining data. Notably, *Integrity* is hosted in a secure government cloud and has successfully undergone two full, independent security assessments. Both *Integrity's* authentication provider and host are authorized under the Federal Risk and Authorization Management Program (FedRAMP). Using a shared-services model with operational funding in OGE's budget, OGE is continuing to make *Integrity* available to executive branch agencies without charge, thereby reducing duplication and fragmentation within the executive branch.

More than 130 agencies and over 13,000 filers are successfully using the system, including the White House for Presidentially-appointed, Senate-confirmed nominees. The system has been extremely well received. Based on feedback from agency users, *Integrity* has already resulted in more accurate and complete public financial disclosures. In addition, OGE continues to focus on increasing the security and functionality of this important system. Recently, 83 agencies responded to a customer-satisfaction survey and 82 of them indicated they were satisfied or very satisfied with the support OGE provides for *Integrity*.

DIRECT ASSISTANCE TO STAKEHOLDERS

OGE provides direct assistance to stakeholders in the executive branch ethics community. The primary recipients of this support are agency ethics officials, who are responsible for providing ethics services to the 2.7 million civilian employees at the more than 130 executive branch agencies. OGE's Desk Officers assist agency ethics officials in evaluating complex issues, provide information about how other agencies are implementing ethics requirements, and give guidance on OGE's policies regarding program activities. Desk Officers are also able to assist agencies in implementing recommendations made in OGE's program reviews. In addition, OGE uses information collected through Desk Officer interactions to make data-driven decisions on how best to serve agency ethics programs and to identify agencies in need of special outreach or training.

95% of agency ethics officials surveyed indicated that assistance from OGE's Desk Officers helped them to perform their job duties.

To enhance OGE's staff expertise to perform this complex work, OGE's current Director launched an aggressive Employee Development Program. As a result, feedback about Desk Officer responses to the nearly 2,000 requests for assistance received each year has been very favorable. On average, 95% of agency ethics officials surveyed indicated that assistance from OGE's Desk Officers helped them to perform their job duties.

OGE also actively supports the investigative and enforcement communities. For example, OGE's Director serves as a statutory member of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), the body that addresses integrity, economy, and effectiveness issues across government, and aids in developing a professional and highly skilled workforce in Offices of Inspectors General (OIG). The Director participates in CIGIE's monthly meetings and has made presentations to the Council. The Director also serves as a statutory member of CIGIE's Integrity Committee, which investigates allegations against individual Inspectors General.

On a day to day basis, OGE's staff supports Inspectors General. Staff members respond to requests from Inspectors General for assistance in interpreting the complex ethics laws and regulations in connection with their investigations. In addition, OGE provides training for OIG investigators throughout the executive branch. OGE has provided similar assistance and training to the U.S. Department of Justice, related to both prosecutions and civil penalty enforcement. Finally, with information provided by the Executive Office for U.S. Attorneys, OGE publishes an annual prosecution survey to raise awareness of the consequences of violating ethics laws.

OGE has also undertaken significant efforts to improve stakeholder awareness and communications. Internal to the government, OGE has directed communications efforts toward officials whose activities intersect with the ethics program. Since his appointment, OGE's Director has held quarterly meetings for the leaders of agency ethics programs throughout the government. OGE's staff hosts a conference call after each quarterly meeting to recap the discussion for any ethics officials who were unable to attend the meeting. OGE also actively engages with the employee relations community, whose members are key partners in the administrative enforcement of ethics violations. In addition, OGE disseminates information and announcements for government officials through its website, an internal web-based government platform (MAX.gov), an electronic mailing list (Listserv), direct calls and emails from Desk Officers, social media, and formal issuances.

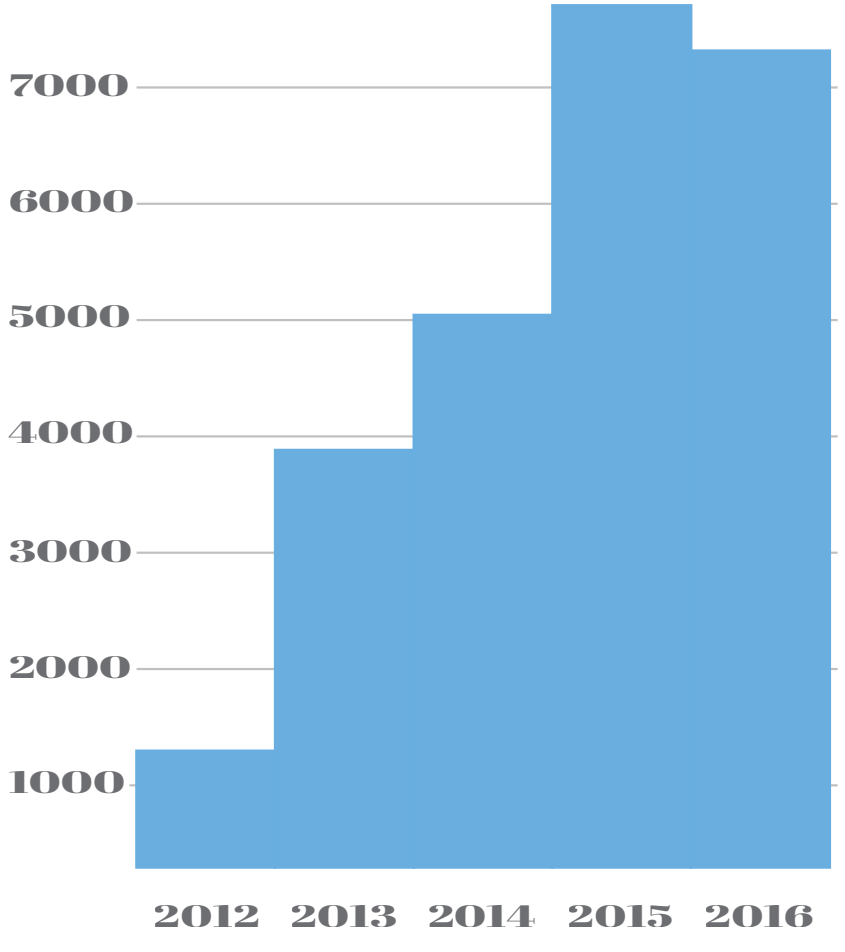
OGE has directed its communication efforts outward, as well. OGE's staff regularly provides technical assistance to Congressional committees in connection with legislation directly or indirectly related to ethics issues. In recent years, OGE initiated a forum of ethics officials from the four supervising ethics offices of the three branches of the federal government (OGE, Senate Select Committee on Ethics, House Committee on Ethics, and the Judicial Conference of the United States), which now meets regularly to share expertise and address common issues. Similarly, OGE also regularly provides the State Department with substantial support for the United States' participation in anti-corruption mutual evaluation mechanisms designed to monitor compliance with international anti-corruption standards.

OGE has made an effort to increase public understanding of the systems in place to detect and prevent potential conflicts of interest by increasing access to information through its website. The Director regularly posts articles to educate the public about OGE's work in a section of the website called "Director's Notes." To broaden the reach of these materials, OGE leverages social media to drive audiences to OGE's website. In addition, OGE routinely responds to contacts from outside sources, such as the media, non-governmental organizations, government contractors, and individual members of the public. Additional information about OGE's outreach to the public is provided in OGE's open government plan.

ETHICS EDUCATION

A fundamental way that OGE ensures uniformity and prevents conflicts of interest is by training the community of roughly 4,500 agency ethics officials in the executive branch who in turn train agency employees. OGE instructs agency ethics officials on reviewing financial disclosure reports, analyzing potential conflicts of interest, providing advice and counseling on the Standards of Ethical Conduct for Employees of the Executive Branch, applying other ethics laws and regulations, conducting training for their own agencies' employees on applicable ethics obligations, and managing risk by promoting an ethical agency culture.

In delivering ethics education OGE faces the challenge of reaching a large and geographically dispersed audience with limited resources. At the beginning of his appointment in 2013, OGE's Director tasked OGE's staff to pursue an aggressive reinvention of its approach to delivering training. As reflected in responses to OGE's annual call for data from agency ethics programs, 70% of agency ethics officials are stationed outside Washington, DC. They typically have less experience than ethics officials in Washington, DC, because they spend a smaller percentage of their time working on ethics matters. Partly for this reason, OGE began leveraging technology to steadily increase its reach. As a result, annual training registrations grew from 1,200 in fiscal year 2012 to more than 7,200 by fiscal year 2016. OGE also began posting its written, audio, and video training materials online and on an internal government platform (MAX.gov). Agency ethics officials can now access over 100 OGE-produced courses on demand.



OGE also found a way to reinvent its ethics conference. By using federal space and technical support offered by agency partners, OGE held its first National Government Ethics Summit in 2014 for roughly 500 in-person and 4,000 virtual attendees for only about $10,000, or less than 1% of the cost of OGE's previous traditional ethics conferences. OGE successfully repeated this model for subsequent events.

These events and many of OGE's routine training efforts are also more transparent than ever. The National Government Ethics Summit and dozens of OGE's regular training courses have been streamed live on OGE's YouTube and Google+ channels, where they remain available on-demand to any ethics official or member of the public. The most recent Summit presentations alone have been viewed more than 5,500 times. Even in the area of traditional classroom instruction, OGE has found opportunities to increase efficiency. Since 2013, OGE has successfully conducted a certification program to train agency ethics officials, at no cost to their agencies, to teach OGE's courses to other ethics officials and to employees in their agencies. This program reduces redundant course and training material development while promoting accuracy and consistency in the ethics training across government. Agency ethics officials also continue to have access to, and receive support from, OGE's education staff as they become more adept at teaching the courses themselves.

OGE not only expanded the reach of its ethics education program, cut costs, and increased transparency, but OGE also met the highest standards of quality. From 2014 through 2016, over 90% of participants surveyed indicated they were able to do their jobs better as a result of participating in OGE's training events.

ENGAGING SENIOR LEADERS

OGE plays an important role in engaging with senior leaders regarding the importance of ethical compliance, as well as in creating and sustaining an ethical organizational culture. OGE seeks to build awareness about the necessity of incorporating ethics into the fabric of agency culture. OGE's work with nominees and the Presidential Transition Team provides OGE a timely opportunity to introduce incoming leaders to the executive branch ethics program. OGE's Nominee Ethics Guide not only introduces Presidential nominees to financial disclosure requirements and the nomination process, it also addresses substantive government ethics requirements that will apply to them if they are confirmed and appointed. In the same vein, OGE's Transition Guide emphasizes the need to establish a strong ethical culture in a new Administration.

OGE continues to underscore for agency leaders the necessity of a strong ethics program through its oversight activities and direct communications. OGE's Director and senior staff meet personally with these leaders to encourage them to take active roles in their agencies' ethics programs.

OGE's education group also continues to disseminate innovative tools and products that can be used by agency ethics officials to reinforce with agency leaders that ethics matters.

OGE helps to create a management culture across government that incorporates values-based decision making. At OGE's recommendation, the Office of Management and Budget incorporated ethics requirements and the involvement of agency ethics officials in their guidance to agencies for establishing Enterprise Risk Management frameworks. OGE's catalog of training offerings now also includes sessions on Enterprise Risk Management.

At its heart, the executive branch ethics program is a values-based program. The 14 principles of ethical conduct for executive branch employees, first set out in Executive Order 12674, are the shared values that capture the spirit of public service in the nation. Building on these principles, OGE consistently encourages agencies to innovate in pursuit of a stronger ethical culture and share their innovations with the broader ethics community. OGE has facilitated exchanges of job aids and expertise among ethics officials across the executive branch. Through collaboration, communication, and transparency, OGE aims to sustain a government in which ethical values are embodied by leaders, integrated into agency management, supported by organizational cultures, and safeguarded by concrete, uniform rules.

Over 90% of participants surveyed indicated they were able to do their jobs better as a result of participating in OGE's training events.

03

CRITICAL MANAGEMENT PRACTICES

OGE's senior leadership is committed to the highest standards of excellence. To that end, leadership keeps a constant focus on five critical management practices that enhance the quality and effectiveness of OGE's work.

FISCAL RESPONSIBILITY

Conscious of the need to be a good steward of taxpayer dollars, OGE has a track record of strong financial responsibility. OGE consistently receives excellent results from independent third party reviews of its financial systems and practices. Specifically, no material weaknesses have been identified in OGE's internal controls over financial reporting under the Federal Managers Financial Integrity Act. OGE consistently receives clean financial audits conducted by an independent audit company. OGE is subject to weekly, monthly, quarterly, and annual compliance reports covering a variety of metrics from prompt payments, payment delinquency, human resources processing, open obligations, and required financial management accounts, which consistently find no instances of noncompliance or other matters reportable under Government Auditing Standards and OMB Bulletin No. 14-02.

OGE continuously evaluates its practices and systems to identify ways to strengthen them even further. Since the beginning of the current Director's appointment, OGE has completed a series of system improvements to enhance internal controls. For example, OGE application developers launched an automated procurement tracking system to strengthen the process for requesting, documenting, approving, and managing financial commitments and obligations. This system has made processing purchase requests more efficient and has bolstered recordkeeping. In addition, OGE has implemented a significantly improved process to formulate its annual budget request and develop its planned work. This new process has increased accuracy and program accountability. In addition, OGE strengthened management controls by reviewing and standardizing the procedures for many of its programs.

In recent years, OGE has taken advantage of economies of scale by increasing its use of shared service centers. In addition to saving money, reliance on these shared service centers has improved the quality of internal services by affording OGE access to large staffs of subject matter experts and specialists. For example, OGE uses the services of the Treasury Department's Bureau of Fiscal Service (BFS) on a reimbursable basis for all of the agency's non-core administrative support services (e.g., financial management, human resources, procurement, and travel). OGE's electronic filing system, *Integrity*, relies on shared services from the Budget Formulation and Execution Line of Business under the auspices of the Office of Management and Budget, as well as the National Information Technology Center of the U.S. Department of Agriculture. The following other federal agencies also provide OGE with services that would be difficult or impossible for an agency of OGE's size to provide for itself: DC Net (utilities); U.S. Department of Homeland Security, Federal Protective Service (security); Department of Veterans Affairs (Equal Employment Opportunity); Government Printing Office (printing services); General Services Administration (HSPD-12 PIV cards for secure authentication, facilities and lease management); U.S. Department of Health and Human Services (Federal Occupational Health program); National Archives and Records Administration (records management); U.S. Department of Agriculture, National Finance Center (payroll services); and U.S. Department of Treasury Executive Institute (training services).

SUSTAINING A PERFORMANCE CULTURE

OGE maintains a strong culture of performance in which supervisors recognize employees for high levels of achievement and hold employees accountable for low levels of performance. To reinforce a culture of performance at the individual level, OGE's supervisors are required to tie employees' performance standards directly to the strategic goals established in OGE's Strategic Plan. At the end of each annual rating period, rather than merely providing unexplained numeric scores, supervisors are required to issue employees individualized written narratives substantively discussing their performance. OGE's supervisors have also been active in addressing poor performance. As a result, particularly since the beginning of 2013, low performing employees have improved, have chosen to leave the agency, or have been terminated.

The effectiveness of this approach is reflected in the fact that responses to the Federal Employee Viewpoint Survey indicate that over 95% of OGE employees surveyed know how their work relates to the agency's goals and priorities. In addition, 95% responded that they are held accountable for achieving results, and 95% responded that they are constantly looking for ways to do their job better. In 2016, OGE placed third among very small agencies and tied for seventh among all agencies on the U.S. Office of Personnel Management's Employee Engagement Index.

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In recent years, OGE has focused on expanding its practice of agency-wide and programmatic performance management in accordance with the framework established by the Government Performance and Results Modernization Act of 2010. In 2013, OGE drafted a new strategic plan which included extensive stakeholder input. Published in 2014, the Strategic Plan set forth a framework to guide OGE's work and established measurable performance goals. OGE's process for developing its strategic plan was recognized by the federal Performance Improvement Council as an example of how to successfully develop, rollout, and implement a strategic plan. Following issuance of the Strategic Plan, OGE has described its planned work and the outcomes of its efforts in its Annual Performance Plan, Annual Performance Report, and Performance and Financial Information Summary, all of which can be found on the OGE website.

PROCESS IMPROVEMENT AND COMPLIANCE ACTIVITIES

Since 2013, OGE's leadership has undertaken a broad effort to enhance performance by strengthening the agency's business processes and the agency's compliance with legal requirements applicable to federal agencies. This effort has included redesigning and streamlining workflows for agency programs, increasing the use of technology, enhancing records management practices, reviewing applicable legal requirements, and strengthening compliance activities.

In its Strategic Plan for 2014-2018, OGE committed to transforming the way it conducts business through process improvement. To fulfill this pledge, OGE studied its processes and procedures and has created or revised more than 80 standard operating procedures. For example, OGE's consolidation of responsibilities for intake, assignment, and tracking of incoming public financial disclosures and adoption of a paperless process resulted in the Financial Disclosure Branch assigning disclosures for review sooner, monitoring progress more closely, and providing the Director detailed weekly status updates. OGE also created a new legislative team program guide and bill tracking system that has increased that program's effectiveness. OGE also developed an updated process for approving requisitions with additional internal controls and enhanced tracking. Other examples include new procedures for ethics reviews of Presidential nominees, adjudication of requests under 5 C.F.R. § 2634.203 for exclusions from disclosure requirements, approval of requests for alternate disclosure procedures, Desk Officer services and referrals to the General Counsel, development of legal advisories, release of information to the public, tracking ethics agreements, and compliance with legal requirements applicable to OGE as a federal agency.

In its Strategic Plan for 2014-2018, OGE committed to transforming the way it conducts business through process improvement.

Beginning in 2014, OGE's Director also launched a significant initiative to leverage technology in support of OGE's important mission-related work while maintaining a fully-compliant IT program. Senior IT personnel began developing a host of new applications to facilitate streamlined workflows and better tracking. For example, they have been responsible for applications that perform such functions as tracking disclosures; tracking and evaluating requests for information and assistance; processing procurements; storing, searching, and retrieving records; housing special collections of documents; collecting agency responses to OGE's annual data calls; accessing emergency contact information; updating OGE's website; capturing and managing electronic communications; tracking requests for IT assistance; tracking and coordinating reviews of agency ethics programs; collecting documents from outside sources; coordinating OGE's National Government Ethics Summit; and monitoring ethics agreement compliance. In 2015, OGE also cut costs and increased day-to-day control over its website by taking website management in house.

OGE also maintains a strong records management program. As part of the Director's IT initiative, OGE recently digitized one million pages of paper records and now uses almost entirely paperless work processes. OGE has established records management policies to ensure that all records, including email, are maintained and disposed of according to disposition schedules approved by the National Archives and Records

Administration (NARA). In addition, OGE worked with NARA to ensure that its electronic filing system for public financial disclosure is compliant with the Presidential Records Act with regard to covered users.

At the same time, OGE has strengthened its internal compliance function. The managers leading this effort have included the Program Counsel, the LEAP Branch Chief, the Assistant Director for Internal Operations, and the Chief Information Officer (CIO). For example, before 2016, OGE successfully implemented two-factor authentication in compliance with an executive branch directive of the Department of Homeland Security (HSPD-12). Before 2016, OGE also successfully implemented another important branch-wide mandate of the Office of Management and Budget for increasing internet security (OMB Mandate M-05-22, addressing IPv6). The executive branch-wide CIO Council invited OGE's CIO to present on these impressive achievements.

Another example of OGE's successful compliance efforts is OGE's strong Freedom of Information Act (FOIA) program. The Department of Justice's Office of Information Policy has awarded OGE the highest possible score for its FOIA program. Notably, OGE has harnessed technology to create a self-service portal for requests, has increased the number of documents available to the public on its website, and has no backlog of FOIA requests. OGE's FOIA reports are available on OGE's website.

OGE's compliance efforts are visible in other agency activities as well. Examples include: OGE's own internal agency ethics program; OGE's whistleblower protection program, which was one of the first to be certified by the Office of Special Counsel; OGE's Equal Employment Opportunity (EEO) program, which is supported by the EEO investigative unit of a large cabinet agency; and OGE's fiscal and human resources systems, which are supported by specialists in another large cabinet agency. Likewise, protecting the privacy of both federal employees and the public remains a high priority for OGE. OGE maintains Privacy Impact Assessments for its information technology systems in keeping with Office of Management and Budget guidance, and has also recently updated its Privacy Act System of Records Notice for its system of records containing public financial disclosure reports and other name-retrieved ethics program records. OGE's Privacy Act system of records notices, privacy impact assessments, and breach policy are all available on OGE's website.

The Department of Justice's Office of Information Policy has awarded OGE the highest possible score for its FOIA program.

EMPLOYEE DEVELOPMENT

OGE has prioritized efforts to ensure that its staff has the expertise needed to accomplish the goals of its Strategic Plan. For example, OGE has conducted internal classroom training, sent employees to outside training, implemented a structured training program for new employees, and used staff meetings to present instruction on substantive issues. In 2013, OGE's Director launched an innovative new program called the Employee Development Plan (EDP). Key requirements of the EDP program include the following:

1. Each employee must have an EDP, with specific learning objectives tied directly to OGE's strategic goals;
2. The EDP must describe steps the employee will undertake to achieve the learning objectives;
3. The EDP must indicate how OGE will assess the employee's achievement of the learning objectives; and
4. The employee's performance standards must require successful completion of the learning objectives.

This mixture of support and accountability has produced a discernable increase in the level of expertise of OGE's employees. In addition, OGE's scores on a recent government-wide survey reflect its success: 86% of OGE employees reported that they are given real opportunities to improve their skills (compared to 63% of all federal employees).

TRANSPARENCY

OGE has adopted the philosophy that public availability of government ethics information assures the American public that its senior leaders are making decisions based on the interests of the public rather than their own personal financial interests. The availability of this information also assists executive branch employees in understanding the basic obligations of public service, holds OGE accountable for its activities, and supports ethics officials in carrying out the duties of their positions. For this reason, OGE has made a concerted effort to post useful information on its website, including the information listed in the table below.

Available at OGE.gov	
About OGE	*General overview of OGE's mission and activities*
Organization	*OGE's organizational chart*
Performance and Strategic Documents	*OGE's budget justification, performance plan, performance report, financial report, and employee survey results*
Dates and Deadlines	*Schedule of important ethics dates for the current year*
Director's Notes	*Series of notes by the Director about the ethics program*
News Releases	*Summaries of recent ethics program activities*
Financial Disclosures	*Financial disclosure reports of Senate-confirmed Presidential nominees and appointees*
Ethics Agreements	*Ethics agreements of Senate-confirmed Presidential nominees and appointees*
Ethics Pledge Waivers	*Copies of limited waivers to the Ethics Pledge under Executive Order 13490*
Program Review Reports	*Copies of reports of plenary, inspection, and follow-up program reviews*
Legal Advisories	*Memoranda interpreting government ethics authorities*
Program Advisories	*Memoranda announcing policies and procedures of the executive branch ethics program*
Agency Questionnaire Responses	*Agency responses to OGE's Annual Agency Ethics Program Questionnaire with information about agency ethics programs*
Conflict of Interest Laws	*Summaries and links to criminal conflict of interest statutes*
Standards of Conduct	*Summaries and links to the Standards of Ethical Conduct for Employees of the Executive Branch*
International Activities	*Description of OGE's international activities with links to documents and websites*
Financial Disclosure Guide	*Interactive tool providing guidance on public financial disclosure reports (OGE Form 278e and OGE Form 278-T)*
Ethics Agreement Guide	*Instructions for drafting ethics agreements for Presidential nominees*
Travel Reports	*Semi-annual reports of agencies' acceptance of payments for travel expenses from non-Federal sources*
Forms Library	*Forms created or used by OGE*
Transparency Plan	*OGE's Open Government Plan describing OGE's transparency initiatives*
Available on Other Websites	
Integrity	*OGE's electronic filing system for public financial disclosures, accessed at integrity.gov*
OGE's YouTube Channel	*Site containing training videos produced by OGE, accessed at youtube.com/OGEInstitute*
OGE's Google+ Account	*Site containing training videos produced by OGE, accessed at plus.google.com/+OGEInstitute*
OGE's Twitter account	*OGE's Twitter handle is @OfficeGovEthics*

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UNITED STATES OFFICE OF
GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

1201 NEW YORK AVE NW SUITE 500 WASHINGTON DC 20005