

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: U.S. AbilityOne Commission

Follow-up to OGE Report Number: 20-50I

Report No.: 22-17IF

Date: February 1, 2022

UNITED STATES OFFICE OF
GOVERNMENT ETHICS


Preventing Conflicts of Interest
in the Executive Branch

As a result of its inspection of the U.S. AbilityOne Commission (Commission) ethics program, the Office of Government Ethics (OGE) issued ten recommendations in its September 2020 inspection report. OGE conducted a follow-up review intermittently from January through March 2021 to assess whether the Commission had taken sufficient action to resolve the deficiencies underlying these recommendations. Follow-up fieldwork was conducted in January 2022 to gather additional, updated information regarding the public financial disclosure program.

OGE notes that since the time of its initial follow-up fieldwork in 2021, the Commission has experienced transitions within its leadership and staff. The Executive Director retired in July 2021 and the Commission named a new ADAEO and DAEO respectively in August and December 2021. At the time of report issuance, a new Executive Director had not yet been appointed. The results of the follow-up review are summarized below.

	Recommendation	Agency Action and OGE Finding	Status
1	Update the agency's written procedures for public financial disclosure to address how the agency handles the collection, review and certification of termination public financial disclosure reports. OGE also recommends that these procedures be updated to reflect that the ADAEO position is the one responsible for the review and certification of the DAEO's public report.	Commission ethics officials coordinated with the Commission's Chief of Staff and the OGE Desk Officer assigned to the Commission to amend the written procedures for the collection, review and certification of termination public financial disclosure reports. OGE examined the Commission's updated written procedures and found they address how termination public reports are managed as well as the ADAEO's responsibility to review and certify the DAEO's report.	Closed
2	Collect the \$200 late filing fee from the Executive Director as a result of the 2019 public financial disclosure report being filed late.	On September 26, 2020, the Commission's Deputy Executive Director certified via a memorandum of record that the required late filing fee of \$200 associated with the former Executive Director's 2019 annual public report was received on September 3, 2020.	Closed

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3	<p>Ensure all public reports are reviewed and certified within 60 days of receipt.</p>	<p>The Executive Director, the General Counsel/DAEO, and the Inspector General positions are the Commission’s only public financial disclosure filers. During the follow-up review, OGE examined all three public reports filed in 2020. Of the three reports examined, two were filed late (67%) and all three (100%) were certified more than 60 days after receipt.</p> <p>During OGE’s updated fieldwork in January 2022, OGE examined four public reports that were required to be filed in 2021. Of the four, one was a new entrant report and three were annual reports. (The new entrant report was filed by the Acting Executive Director). All four reports were reviewed and certified timely.</p>	Closed
4	<p>Review and certify all confidential reports filed in 2019 and 2020.</p>	<p>At the time of initial examination, OGE was not able to independently verify whether all confidential reports filed in 2019 and 2020 were reviewed and certified. However, the former DAEO did confirm that all confidential reports filed in 2020 were certified. Certification of the 2019 confidential reports would also be done as part of the 2021 review of confidential reports. The former DAEO explained that some of the 2019 reports were filed in hardcopy and some electronically, and it was a more “tedious” process to track the certification of these reports.</p> <p>OGE was advised that the Commission worked with an IT SharePoint specialist to establish a framework for issuing and tracking confidential reports. This should help improve the Commission’s ability to track and manage the filing and certification process more efficiently beginning in 2022. OGE will keep this recommendation open until the Commission can demonstrate compliance with applicable requirements.</p>	Open

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5	Ensure that all written offers of employment meet the requirements of 5 C.F.R. § 2638.303.	<p>Commission ethics officials coordinated with the Commission’s Chief of Staff and the OGE Desk Officer to ensure the required language was included in all written offers of employment.</p> <p>OGE examined a draft written offer of employment and found it met all applicable content requirements.</p>	Closed
6	Develop written procedures for issuing notices to prospective employees and ensure that prospective employees receive the notices, as required by 5 C.F.R. § 2638.303.	<p>Commission ethics officials coordinated with the Commission’s Chief of Staff and the OGE Desk Officer to develop procedures for issuing notices to prospective employees.</p> <p>OGE examined the Commission’s written procedures issued on March 29, 2021 and found they comply with the requirements of 5 C.F.R. § 2638.303.</p>	Closed
7	Ensure that all written notices to new supervisors meet the requirements of 5 C.F.R. § 2638.306.	<p>Commission ethics officials coordinated with the Commission’s Chief of Staff and the OGE Desk Officer to ensure the required language was included in written notices to all new supervisors.</p> <p>OGE examined a draft written notice to new supervisors and found it met all applicable content requirements.</p>	Closed
8	Develop written procedures for issuing notices to new supervisors and ensure supervisors receive the notices as required by 5 C.F.R. § 2638.306.	<p>Commission ethics officials coordinated with the Commission’s Chief of Staff and OGE Desk Officer to develop procedures for the Commission Chief of Staff to provide the appropriate notices to Commission supervisors.</p> <p>OGE examined the Commission’s written procedures issued on March 29, 2021 for issuing notices to new supervisors and found them to comply with the requirements of § 2638.306.</p>	Closed

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9	Establish written procedures for initial ethics training as required by 5 C.F.R. § 2638.304(f).	Written procedures for initial ethics training were established and incorporated into the agency’s annual ethics training plan. OGE was advised that these procedures would be updated annually. OGE found the procedures for initial ethics training to be in compliance with applicable requirements.	Closed
10	Ensure that all Commission covered employees, including all Commission private members, receive the required annual ethics training by the end of 2020.	Ethics officials provided the required annual ethics training to Commission covered employees, including Commission private members on November 30, 2020. Two employees were unavailable the day of training and were on leave through the month of December 2020 but completed the training as of January 27, 2021.	Closed

Based on the results of OGE’s follow-up review, all recommendations except for recommendation 4 are closed. OGE will conduct an additional follow-up review in 2022 to assess whether the remaining recommendation can be closed.