

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: U.S. Agency for Global Media (USAGM)

Follow-up to OGE Report Number: 19-37I

Report No.: 21-15IF

Date: April 5, 2021

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

As a result of its review of the U.S. Agency for Global Media (USAGM) ethics program, the Office of Government Ethics (OGE) issued 12 recommendations in its September 2019 review report. OGE subsequently conducted a follow-up review to assess whether USAGM had taken sufficient action to resolve the deficiencies underlying these recommendations. The results of the follow-up review are summarized below.

	Recommendation	Agency Action and OGE Finding	Status
1	Increase coordination efforts with the office of human resources (OHR) to ensure that the lead OHR official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports.	<p><u>Agency Action:</u> USAGM issued a memorandum of agreement titled <i>Procedures for OHR-OGC Ethics Program Coordination</i>. The memorandum states that OHR will email the Ethics Office on a biweekly basis the names, grades, titles and office of all new, promoted, transferred, and separated employees, as well as those detailed for more than 60 days, during the prior 2 weeks.</p> <p><u>OGE Finding:</u> OGE reviewed the memorandum of understanding and determined the new guidance is adequate. OGE also reviewed a sample notification from OHR provided by ethics officials.</p>	Closed
2	Increase coordination efforts with OHR to ensure that the lead OHR official or designee promptly (no later than 15 days after termination) notifies the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports.	<p><u>Agency Action:</u> USAGM issued a memorandum of agreement titled <i>Procedures for OHR-OGC Ethics Program Coordination</i>. The memorandum states that OHR will email to the Ethics Office on a biweekly basis the names, grades, titles and office of all new, promoted, transferred, and separated employees, as well as those detailed for more than 60 days, during the prior 2 weeks.</p> <p><u>OGE Finding:</u> OGE reviewed the memorandum of understanding and determined the new guidance is adequate. OGE also reviewed a sample notification from OHR listing departing employees.</p>	Closed

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3	<p>Increase coordination efforts with HR to ensure that the lead HR official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports.</p>	<p><u>Agency Action:</u> USAGM issued a Memorandum of Agreement with their HR office titled <i>Procedures for OHR-OGC Ethics Program Coordination</i>. The Memorandum states that “OHR will email to the Ethics Office on a biweekly basis the name, grade, title and office of all new, promoted, transferred, and separated employees, as well as those detailed for more than 60 days, during the prior 2 weeks.”</p> <p><u>OGE Finding:</u> OGE reviewed the Memorandum of Understanding and determined the new guidance listed under “Procedures” on page one of the memo is adequate. OGE also reviewed a sample of notifications received from OHR listing departing employees.</p>	Closed
4	<p>Ensure that confidential new entrant reports are filed timely.</p>	<p><u>Agency Action:</u> USAGM collected only paper copies of OGE Forms 450 during the period covered by OGE’s inspection. OGE requested copies of recently filed new entrant forms to evaluate USAGM’s implementation of OGE’s recommendation. USAGM stated that agency-wide mandatory telework is in effect because of the COVID-19 pandemic; therefore, they could not provide OGE with the requested copies. They agreed to provide the requested copies when they regain access to their offices, where they securely store all OGE Forms 450.</p>	Open

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5	Establish written procedures for issuing the required notice to prospective employees.	<p><u>Agency Action:</u> USAGM issued a memorandum of agreement titled <i>Procedures for OHR-OGC Ethics Program Coordination</i>. The memorandum outlines the ethics-related language required to be included in all written offers of employment.</p> <p><u>OGE Finding:</u> OGE reviewed the memorandum of understanding and determined that the new guidance is adequate. Additionally, OGE reviewed two offers of employment from USAGM’s OHR to prospective employees. OGE determined that the offer letters included the required language.</p>	Closed
6	Establish procedures for issuing the required notice to new supervisors, as required by 5 C.F.R. § 2638.306(d).	<p><u>Agency Action:</u> USAGM issued a memorandum of agreement titled <i>Procedures for OHR-OGC Ethics Program Coordination</i>. The memorandum states that the Ethics Office will email all new supervisors the 14 Ethics Principles and the New Supervisors Ethics Notice.</p> <p><u>OGE Finding:</u> The ADAEO sent all supervisors an email in August 2019 containing the required notice to new supervisors. USAGM has neither designated nor hired any new supervisors since August 2019. Nevertheless, on May 4, 2020, the ADAEO resent the notice to all supervisors. The ADAEO plans to continue sending the notice to all supervisors twice a year. OGE examined the email sent to all supervisors and determined it contained the required language for the notices to new supervisors.</p>	Closed

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7	Establish written procedures for initial ethics training.	<p><u>Agency Action:</u> USAGM provided OGE a copy of the USAGM Ethics Office Training Procedures.</p> <p><u>OGE Finding:</u> OGE reviewed the procedures provided by USAGM and determined that they sufficiently describe the process for providing initial ethics training.</p>	Closed
8	Ensure that the annual training presentation(s) addresses concepts related to financial conflicts of interest, impartiality, misuse of position and gifts.	<p><u>Agency Action:</u> USAGM provided OGE its 2020 Ethics Training Plan, which established the content to be included in the training.</p> <p><u>OGE Finding:</u> OGE reviewed the annual training provided in a virtual session in 2020 and found that it covered all the required content.</p>	Closed
9	As part of annual ethics training, provide employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials.	<p><u>Agency Action:</u> During its December 2019 annual training, USAGM provided public filers OGE's <i>Ethical Service</i> pamphlet and a USAGM authored pamphlet titled, <i>Ethics for Supervisors</i>.</p> <p><u>OGE Finding:</u> OGE reviewed the materials provided by USAGM and found that they appropriately included the Standards of Conduct and instructions for contacting the agency's ethics officials.</p>	Closed
10	Ensure that USAGM's program for annual ethics training complies with the tracking requirements for public filers, confidential filers, and certain other employees.	<p><u>Agency Action:</u> USAGM tracked its 2019 training of public filers in accordance with applicable tracking requirements.</p> <p><u>OGE Finding:</u> As evidence of its training tracking efforts for public filers, USAGM provided copies of sign-in sheets for the two annual training sessions conducted for public filers in December 2019. However, USAGM did not provide evidence of tracking for confidential filers.</p>	Open

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11	Ensure that SGEs file required confidential new entrant reports timely.	<p>Agency Action: As noted previously, USAGM collects only paper copies of confidential financial disclosure reports. Copies of the requested reports will be provided when ethics officials regain access to their offices.</p>	Open
12	Ensure that SGEs receive annual ethics training.	<p>Agency Action: With the exception of a re-employed annuitant, each of the 10 SGEs who joined the agency in 2019 attended a live ethics orientation on their first day with the agency. They also received another 45-60 minutes of live ethics training for personal service contractors from the Ethics Office.</p> <p>As required by Part III B of USAGM’s Training Procedures, all SGEs who are confidential disclosure filers are to receive annual training in accordance with the requirements of 5 CFR 2638, Part C. SGEs filing confidential disclosure reports in lieu of public financial disclosure reports by virtue of working fewer than 60 days annually will continue to receive live ethics training, as deemed practicable by the DAEO. These SGEs will also receive written ethics training materials annually. USAGM’s Board Members, who fall into the latter category of SGE filers, received live training in 2019, as well as required written ethics training materials.</p> <p>OGE Finding: OGE will determine whether SGEs received annual training in 2020 during its next review.</p>	Open

Based on the results of OGE’s follow-up review, recommendations 1-3 and 5-9 are closed. OGE will conduct an additional follow-up review in approximately 6 months to assess whether USAGM has taken sufficient action to resolve the deficiencies underlying the recommendations which remain open.