



United States
Office of Government Ethics
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MEMORANDUM

TO: Designated Agency Ethics Officials and Inspectors General

FROM: Stephen D. Potts Director

SUBJECT: Results of the Review of the Structure of Ethics Offices Within the Executive Branch

As part of our ongoing efforts to evaluate ethics programs and improve ethics in the Government, the Office of Government Ethics (OGE) recently completed a review of the structure of ethics offices within the executive branch. Accordingly, I would like to share with you the results of this review.

In conducting this review we focused on several issues of concern essential to having a successful ethics program. These included:

- Staffing and location of the ethics office within the agency. 1
- Funding of the ethics program.
- Measurement of ethics program effectiveness.
- Ethics official certification program.

We discussed these issues with ethics officials at 17 agencies that we believe to be representative. This included meeting with officials from 10 departments, 1 large sub-department, and 6 other large and small independent agencies. Notwithstanding the diversity of ethics officials' opinions and differences in the ethics offices we reviewed--which limited the number of findings-- the following summary highlights significant findings which resulted from this review.

STAFFING AND LOCATION OF THE ETHICS OFFICE WITHIN THE AGENCY

Most ethics officials enjoy having the flexibility to staff and locate their ethics offices as they see fit, rather than OGE imposing or enforcing a specific type of structure. We found a lack of consensus on whether employees from one job discipline or another (e.g. attorney, paralegal, management analyst, personnel specialist, etc.) are best suited to administer an ethics program or perform the required functions. Some ethics officials believe that attorneys' education and

training backgrounds make them the best suited, while other ethics officials from attorney-dominated ethics programs no longer believe their programs should be executed by attorneys only. Moreover, ethics officials whose offices consist of staff with a mix of job disciplines--albeit, primarily non-attorneys--tend to be very satisfied with the functioning of their ethics programs. They believe the mix of disciplines allows the flexibility to assign functions to the most qualified staff member.

There is also a lack of agreement on where the ethics office should be located within the agency, although the ethics office at 13 of the 17 agencies is located in the legal office. There is, however, overwhelming consensus that having access to and support from an agency head is the key to having a successful ethics program.

FUNDING OF THE ETHICS PROGRAM

Most ethics officials advised us that their ethics programs are funded as part of an "umbrella" office, such as a legal office, and are satisfied with this arrangement because they believe it allows for flexibility. Most ethics officials believe that their funding levels are fair and adequate and some expressed the belief that, considering the tight budgetary climate overall, their ethics programs are faring well.

Nevertheless, a certain amount of concern was expressed as to what an increasingly tight budgetary climate overall portends for future ethics program funding. Many ethics officials believe that more creative funding strategies may need to be explored in order to keep ethics programs properly funded, but did not suggest any such strategies. Only a few agencies have some form of separate budget line item for ethics activities, but there was limited support for the concept among ethics officials. In fact, many believed that it had more drawbacks than benefits.

MEASUREMENT OF ETHICS PROGRAM EFFECTIVENESS

Most ethics officials do not know how to measure the effectiveness of their ethics program, which is bothersome to some of the officials and not to others. Many informally use compliance-type measures to assess their program's effectiveness (e.g. attendance at required ethics training sessions, filing of timely and complete financial disclosure reports, etc.). For some ethics officials, a "soft" measure of their success might be the number of employees who seek the advice of ethics officials.

ETHICS OFFICIAL CERTIFICATION PROGRAM

Most ethics officials support the concept of OGE developing an "ethics official certification program." They believe that this would be an effective way of providing early comprehensive ethics training to new ethics officials, especially newly appointed Designated Agency Ethics Officials. Some ethics officials, however, are wary that OGE might make any such certification program mandatory, requiring more than just the receipt of early comprehensive training.

CONCLUSIONS

Overall, we found that most ethics officials were content with the structure, staffing and funding of their ethics programs. We have seen many different ethics program structures throughout the executive branch that work very effectively. Even though tight budgetary times have affected most of us, we are finding ways to achieve our programmatic goals. This challenge will become even greater in years to come.

OGE's policy since its inception has been that the ethics program is the responsibility of the agency head. Early in 1997, I will be starting a program to meet with the heads of major departments and agencies to impress upon them the importance of maintaining strong ethics programs. This includes not only their support in terms of budget and staffing, but also their personal commitment to the program. We will contact you personally before we schedule such meetings.

In conclusion, I would like to express my appreciation to the ethics officials who took time out from their busy schedules to share their wisdom, opinions and experiences with us during this review. I hope you will continue to share your views with us. For additional details concerning this review, please contact Ilene Cranisky at 202-208-8000, extension 1218.

Endnote: (1) For writing convenience, throughout this memorandum the terms "agency" or "agencies" will be used to denote "department(s)" as well as "agency(ies)."