

Ethics Program Model Practices

Listed below are model practices, compiled by topic, relating to elements of agency ethics programs. Many of these practices have been used to enhance the effectiveness of agency ethics programs. Agencies using model practices have recognized that leadership from the top is the keystone for ensuring the integrity of an agency's ethical culture and for promoting public confidence in the decision-making processes of government. Model practices establish standards that reach beyond mere technical compliance requirements and demonstrate commitment to promoting transparency, accountability, and efficiency. Not all of the below-listed practices are suited to every agency. Implementation and maintenance of a highly effective ethics program requires careful, ongoing assessment of the program and the development of agency-specific strategies.

The model practices set forth below have been drawn from the following sources: the Program Review Division's engagement letter template, the Ethics Program Review Guidelines, OGE's web site topical example list, the Office of Agency Program's Leadership Study (draft), a letter to an agency suggesting model leadership practices, OGE's Ethics Practitioner Handbook (draft), specific ethics Program Review Reports, and recent Department of the Interior Program Review Reports (2 reports covering 5 components).

Leadership Involvement in Establishing and Maintaining the Agency's Ethics Program

Demonstrate commitment to and support of the ethics program by:

- meeting with OGE leadership, particularly in connection with OGE's onsite reviews, to discuss the ethics program of the agency
- meeting with the OGE review team during the course of the agency's onsite ethics program review
- addressing agency ethics officials periodically at official functions ✓
- signing written ethics-related guidance or instructions prepared by agency ethics officials ✓

Communicate the importance of ethics by:

- participating personally in the selection of the DAEO ✓
- underscoring the importance of the DAEO position by designating it at an SES level, and publicizing the designation and role throughout the agency ✓
- including ethics officials in senior staff meetings or other meetings attended by PAS employees, and inviting discussion of pertinent ethics issues ✓

- highlighting the relevance of the ethics program agency-wide via speeches, e-mail, newsletters, memoranda and other effective means ✓
- emphasizing the importance of ethics requirements, such as filing financial disclosure forms and attending ethics training, utilizing speeches, e-mail, newsletters, memoranda, and other effective means ✓
- disseminating information on pertinent ethics issues agency-wide by writing ethics-related articles for agency newsletters or other publications ✓ ✓
- awarding the achievements of ethics officials in areas including the timeliness, scope and content of training, as well as the administration of the financial disclosure filing systems ✓ ✓
- publicizing agency-wide any awards or commendations received by the ethics office, including OGE awards ✓ ✓

Promote awareness of the consequences of unethical behavior and underscore commitment to an ethical culture by:

- posting possible penalties for violating the ethics laws and regulations in public areas such as your agency's Intranet ✓ ✓
- issuing agency-wide notices of employee ethics violations and resulting disciplinary actions ✓ ✓
- presenting news media accounts illustrating the pitfalls of neglecting ethical considerations ✓ ✓

Promote awareness of the ethics training program by having ethics officials brief senior staff on important ethics training program measurement outcomes including:

- the effectiveness of ethics training based on the results of training evaluations ✓
- the percentage of employees who completed training ✓
- the timeliness of training employees on emerging ethics issues ✓

Demonstrate the emphasis placed on ethics training by:

- including in the agency's performance plan the development of specific ethics training projects such as videos, online training, pamphlets, and job aids ✓
- making a personal appearance at one or more ethics training session ✓
- participating in an ethics training session alongside employees ✓ ✓

- authoring a statement or speaking in a video segment to be used in ethics training sessions ✓✓

- announcing new training initiatives undertaken by ethics program officials and encouraging employee participation ✓✓

Demonstrate the emphasis placed on an ethical culture by:

- including a welcome letter underscoring the importance of ethical culture in orientation materials for new employees ✓

- making managers and supervisors accountable for the actions of staff who fail to fulfill their ethics requirements ✓✓

- delaying or precluding promotions and awards for failing to timely file financial disclosure reports or participate in training ✓✓

Demonstrate personal ethical behavior by:

- participating in Office of Government Ethics conferences and working groups, or other ethics community events ✓✓

- discussing ethical behavior and ethical decision-making with senior staff and employees on a routine basis ✓

- consistently seeking ethics advice and counseling in a timely manner ✓

- modeling a, "Should I do it?" versus, "Can I do it?" mentality ✓

Promote the ethical merit of leadership actions by emphasizing the themes of transparency and accountability throughout the agency by:

- explaining to employees, and when appropriate the public, how specific agency determinations were made ✓✓

- publicizing the completion of leadership's own ethics requirements, such as timely filing, prompt divestiture of financial interests when directed, creation of recusal screening arrangements, and attendance at ethics training ✓✓

- publicizing the outcome of ethics program reviews, describing what actions the agency plans to take to correct any deficiencies ✓✓

Demonstrate vision by:

- participating in meetings with officials from other similarly situated agencies to discuss common issues and share model practices to enhance the ethics program ✓✓
- incorporating ethics elements in the agency emergency preparedness plan ✓✓
- designating an ethics official to serve as a member of the agency emergency response team ✓✓
- consulting with ethics officials prior to implementing new agency programs, policies, or procedures to determine if there are potential ethical implications ✓✓
- incorporating ethics into the strategic plan of the agency ✓✓
- identifying the necessary resources for an effective ethics program and allocating them accordingly ✓

Promote an ethical culture of transparency, efficiency, and accountability by:

- soliciting employees' ideas on how to maximize involvement in ethics ✓
- including ethics responsibilities as a critical element in performance plans and formal appraisals for agency ethics officials and supervisors ✓
- including meeting ethics requirements as a critical element in performance plans and formal appraisals of covered employees ✓✓
- encouraging participation in Office of Government Ethics or other ethics community events ✓
- recognizing the value and expertise of the ethics staff in official statements and agency-wide communications ✓

Emphasize the importance of enforcement by:

- personally monitoring OIG or other investigative office involvement in investigations in the cases of possible violations of the conflict of interest laws and the standards of conduct ✓
- ensuring that appropriate administrative action is taken in the cases of alleged violations of the conflict of interest laws and the standards of conduct ✓✓
- ensuring that appropriate administrative action is taken in cases of delinquent financial disclosure forms ✓✓

- encouraging the full cooperation of agency employees with all investigations, audits, or reviews ✓
- assuring that the results of all investigations, audits, or reviews are timely and thoroughly addressed by the agency ✓

Ethics Office Involvement in Establishing and Maintaining the Agency's Ethics Program

Periodically conduct a self-assessment of the ethics program aimed at:

- evaluating its effectiveness ✓
- identifying areas of strength and weakness ✓
- measuring the agency's ethical culture ✓✓

Promote awareness of the ethics office by:

- highlighting the availability of ethics officials to provide advice and counseling to employees, and encouraging employees to seek advice as needed ✓
- providing current contact information ✓

Provide employees with detailed advice and counseling by:

- preparing a brief summary of the employee's request for advice, the relevant laws and regulations, an analysis of the issue, and the advice of the ethics official ✓✓
- developing post-employment counseling and written materials to be provided to all departing employees ✓✓
- relating advice and counseling provided to prior problems relevant to the agency ✓✓

Establish formal policies and practices for:

- defining "where appropriate" at 5 C.F.R. § 2638.203(b)(8) for use in determining when to keep records of advice and counseling ✓✓
- sharing among ethics officials records of advice and counseling provided to employees ✓
- assessing the accuracy, quality, and timeliness of advice and counseling ✓
- enhancing employee awareness of current ethics issues via e-mail, newsletters, memoranda, and other effective means ✓

- ensuring timely advice and counseling is provided by tracking the date the request for advice was received, the status of the request, and the date a response was provided ✓✓

Exceed minimum training requirements by providing:

- training to PAS employees, in-person, one-on-one by the DAEO or Alternate DAEO ✓
- training to non-covered employees such as contracting officers and other employees designated by the agency head ✓
- training to non-Government employees such as contractors in the Federal workplace ✓
- verbal training that exceeds one hour ✓
- training tailored to reflect issues of particular concern to the agency ✓
- training to covered employees more frequently than required for minimal compliance ✓
- training on financial disclosure for individuals required to file financial disclosure reports ✓✓
- training that addresses 18 U.S.C § 208 and 5 C.F.R. § 2635.502 to filers of a self-certification form under an alternative procedure ✓✓
- training that fully takes advantage of information technology ✓✓
- training that utilizes resources outside of the ethics office ✓✓
- training to employees through routine ethics-related discussions by managers and supervisors at staff meetings and in other work settings ✓
- training to ethics officials assigned throughout large departments or agencies with components or regional offices through periodic meetings or conferences with headquarters officials ✓
- training that targets supervisors ✓
- training focused on the 14 Principles of Ethical Conduct (Executive Order 12674, as amended) ✓
- training based on specific advice and counseling experiences, OIG cases, and other pertinent sources ✓

Develop a policy or practice for:

- soliciting feedback from employees to evaluate the effectiveness of ethics training ✓
- certifying completion of training ✓✓

Promote consistency, accountability, and measurability of the financial disclosure systems by:

- issuing cautionary warnings to filers with financial holdings that present potential conflicts of interest ✓
- developing an automated database to track filing ✓✓
- utilizing a financial disclosure review checklist during the report review process ✓

Enhance the effectiveness of the 31 U.S.C. § 1353 travel payment acceptance process by:

- providing appropriate training to those officials authorized to approve travel payments ✓
- ensuring that a meaningful conflict-of-interest analysis is conducted and documented ✓
- developing an automated system for tracking the approval process for acceptance of travel payments from non-Federal sources to assist the approving officials ✓