

**From:** Wendy G. Pond  
**To:** [Wendy G. Pond](#)  
**Subject:** advance copy of 2018 Annual Agency Ethics Program Questionnaire  
**Date:** Tuesday, September 4, 2018 3:15:58 PM  
**Attachments:** [2018 AQ courtesy copy \(9.4.18\).docx](#)  
[Summary of Changes.pdf](#)

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This email is to provide you an advance copy of the 2018 Annual Agency Ethics Program Questionnaire and to answer questions you may have regarding the Questionnaire.

### **What's new in the Questionnaire?**

The attached advanced copy includes frequently asked questions, which are annotated using the "comment" feature.

We also added a few new questions and modified how we asked certain other ones.

More importantly, though, you'll notice this Questionnaire is, overall, much shorter than last year's. We've removed many of the "practice" questions (e.g., how do you plan for succession, how do you provide training, etc.), which took us from 97 questions down to 58 questions.

Currently, the tentative plan is to focus the annual Questionnaire largely on compliance data (e.g., how many filers filed timely, how many new employees trained timely, etc). However, we will still conduct a periodic data call (every three years or so) to collect information from the agencies about how they are administering their program.

### **How can I tell what's changed?**

In addition to the Questionnaire, attached please find the following:

- A list of the questions we removed from the Questionnaire (we will ask these questions, in some version, as part of the less-frequent data call)
- A list of the changes made to the existing Questionnaire

### **Why the significant change in approach?**

One of our goals is to use the less-frequent data call to better understand agency practices. This information will help us determine areas in which we could provide improved support and/or further guidance.

### **When do I submit my agency's response?**

As always, in January we will email you the link to the official survey. Your agency's response to the Questionnaire is due by February 1, 2019.

### **How do I submit my response?**

You must submit your response electronically through the link that we will circulate in January 2019. We cannot accept your response in a “Word” version.

### **What is the reporting period for the Questionnaire?**

The Questionnaire covers the 2018 calendar year (1/1/2018 through 12/31/2018), except where specified. The answers you will provide are for your agency in total, including components.

### **Why do I have to submit a response in the first place?**

Section 402(e)(1) of the Ethics in Government Act of 1978, as amended, requires executive branch agencies to submit an annual report to OGE. You fulfill that obligation by submitting your Questionnaire response.

### **What does OGE do with the Questionnaire responses?**

OGE uses the data to report on the executive branch ethics program to the public, Congress, the White House, and the ethics community. OGE also uses the information to carry out its oversight role, to gain knowledge about individual programs as well the overall program, and to make informed decisions about resource allocations and priorities.

Individual agency responses, as well as a summary report, are posted on our [website](#).

### **Questions? Concerns? Comments?**

If you have questions or concerns, please don't hesitate to contact me.

*Wendy*

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*United States  
Office of Government Ethics*

**2018 AGENCY ETHICS PROGRAM QUESTIONNAIRE**

**PART 1. INTRODUCTION**

Executive branch agencies are required to submit an annual report to the United States Office of Government Ethics (OGE) concerning certain aspects of their ethics programs (Section 402(e)(1) of the Ethics in Government Act of 1978, as amended). Your response(s) to OGE's Annual Ethics Program Questionnaire (the Questionnaire) serve as your annual report.

OGE uses the data collected through the Questionnaire in many ways, including sharing information about the entire executive branch ethics program with the public, Congress, and the ethics community. OGE also uses the information to carry out its oversight role, to gain knowledge about individual programs as well as the overall ethics program, and to make informed decisions about resource allocations and priorities. OGE posts a summary of Questionnaire responses as well as each agency's unedited responses on OGE's website. Therefore, please ensure your responses are suitable for publication.

OGE encourages each agency to use the annual exercise of completing the Questionnaire as an opportunity to evaluate your ethics program.

**DUE DATE:** By regulation, the Questionnaire is due to OGE by **February 1, 2019**. (5 C.F.R. 2638.207(a)).

**PART 2. INSTRUCTIONS**

Your response to this Questionnaire should reflect the 2018 calendar year (i.e., 1/1/2018 through 12/31/2018), except where specified. The answers provided should reflect the aggregated numbers for **your agency in total**. OGE will only accept **one submission per agency**.

Throughout the Questionnaire you will be offered an opportunity to provide comments or explanations for your responses. Please use these comment sections to explain any discrepancies between levels of required activity and actual activity. These comment sections should also be used to explain significant changes from your 2017 report. After OGE has reviewed your Questionnaire submission, you may be contacted for follow-up.

**FAQs:**

Which Internet browser should I use?

How do I save a draft of my response?

How do I access my saved draft and edit the Questionnaire?

Why is the field highlighted yellow?

How do I save a copy of my Questionnaire for my records?

I submitted the Questionnaire but then realized I made an error. Can I still edit my response?

The font is small, can I increase the size?

**If you have any questions, please contact Wendy Pond at [wgpond@oge.gov](mailto:wgpond@oge.gov).**

### **PART 3. DEFINITIONS**

**Agency Head:** For purposes of this Questionnaire, in the case of an agency headed by more than one person, the chair or comparable member of such agency.

**D.C Metro Area:** For purposes of this Questionnaire, D.C. Metro Area means the District of Columbia, DC; Calvert County, MD; Charles County, MD; Prince George's County, MD; Arlington County, VA; Clarke County, VA; Culpeper County, VA; Fairfax County, VA; Fauquier County, VA; Loudoun County, VA; Prince William County, VA; Rappahannock County, VA; Spotsylvania County, VA; Stafford County, VA; Warren County, VA; Alexandria city, VA; Fairfax city, VA; Falls Church city, VA; Fredericksburg city, VA; Manassas city, VA; Manassas Park city, VA; Jefferson County, WV; and, Silver Spring-Frederick-Rockville, MD Metropolitan Division Frederick County, and Montgomery County.

**Full-time Agency Employees:** For purposes of this Questionnaire, the term “full-time agency employees” includes employees detailed to another agency. It also includes officers, but not enlisted members, of the uniformed services.

**Special Government Employee (SGE):** For purposes of this Questionnaire, the term “special Government employee” (SGE) means an officer or employee who is retained, designated, appointed, or employed, to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not more than 130 days during any period of 365 consecutive days. The term “SGE” does not include enlisted members of the Armed Forces. It does, however, include these categories of officers or employees:

- Part-time United States commissioners;
- Reserve officers of the Armed Forces and officers of the National Guard of the United States (unless otherwise officers or employees of the United States) while on active duty solely for training or serving involuntarily.

**PART 4. PROGRAM RESOURCES AND ADMINISTRATION**

1. Agency: \_\_\_\_\_
2. Number of full-time agency **employees** as of December 31, 2018: \_\_\_\_\_
3. Information about the Designated Agency Ethics Official (DAEO):

a. Vacant (as of December 31, 2018)?	<input type="checkbox"/> Yes ( <i>skip to #4a</i> ) <input type="checkbox"/> No
b. Time in current DAEO position	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-4 years <input type="checkbox"/> 5-9 years <input type="checkbox"/> 10 or more years
c. Total years performing ethics duties	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-4 years <input type="checkbox"/> 5-9 years <input type="checkbox"/> 10 or more years
d. Percent of time spent on ethics	<input type="checkbox"/> 0-25% <input type="checkbox"/> 26-50% <input type="checkbox"/> 51-75% <input type="checkbox"/> 76-100%
e. Is the DAEO a career employee or a political appointee?	<input type="checkbox"/> career employee <input type="checkbox"/> political appointee
f. Number of reporting levels between the DAEO and the agency head.	

4. Information about the Alternate Designated Agency Ethics Official (ADAEO)

a. Vacant (as of December 31, 2018)?	<input type="checkbox"/> Yes ( <i>skip to #5</i> ) <input type="checkbox"/> No
b. Time in current ADAEO position	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-4 years <input type="checkbox"/> 5-9 years <input type="checkbox"/> 10 or more years
c. Total years performing ethics duties	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-4 years <input type="checkbox"/> 5-9 years <input type="checkbox"/> 10 or more years
d. Percent of time spent on ethics	<input type="checkbox"/> 0-25% <input type="checkbox"/> 26-50% <input type="checkbox"/> 51-75% <input type="checkbox"/> 76-100%
e. Is the ADAEO a career employee or a political appointee?	<input type="checkbox"/> career employee <input type="checkbox"/> political appointee

**Commented [WGP1]:**  
**Should I count employees who are detailed from another agency?**

In Part 3 above, we define “full time employees” to include those detailed to another agency. Accordingly, do not count employees detailed from another agency, since they will be counted by their home agency.

**Does “employee” include personal services contractors and independent contractors?**

Typically independent contractors are not employees. However, for both independent contractors and personal services contractors, the agency has to determine whether they are employees. As noted in advisory [07x9](#), agencies typically use a 3-part test found in 5 USC 2105(a) to determine who qualifies as an employee.

**The number of full-time employees is classified information. How should I answer this question?**

Mark it as “0” and add a note at the bottom of this Part to indicate that this information is classified.

5. Number of employees, including the DAEO and ADAEO, who performed ethics program duties in 2018 (e.g., financial disclosure, education and training, advice and counseling, program administration).

Commented [WGP2]:  
Should I include individuals who provide administrative, HR, and IT support to the ethics program?

Yes

My agency outsources its HR work to another agency, which includes sending the ethics notice prospective employees. Should I include those individuals in response to this question?

No. Do not count employees who work for another agency.

Duty Station	Number of employees by hours worked each week					TOTAL
	Less than 1 hour per week (up to .025 FTE*)	1-10 hours per week (up to .25 FTE*)	11-20 hours per week (up to .5 FTE*)	21-30 hours per week (up to .75 FTE*)	31-40 hours per week (up to 1 FTE*)	
a. D.C. Metro area						
b. Outside the D.C. Metro area						
TOTAL						

\*FTE = Full Time Equivalent

Example: The table below provides an example of an agency with 13 employees that performed ethics program duties in 2018.

Duty Station	Number of employees by hours worked each week					TOTAL
	Less than 1 hour per week (up to .025 FTE*)	1-10 hours per week (up to .25 FTE*)	11-20 hours per week (up to .5 FTE*)	21-30 hours per week (up to .75 FTE*)	31-40 hours per week (up to 1 FTE*)	
a. D.C. Metro area	1	0	2	2	1	6
b. Outside the D.C. Metro area	1	3	3	0	0	7
TOTAL	2	3	5	2	1	13

6. In what areas did contractors support the ethics program? Select all that apply.
- Not applicable (no contractors supported the ethics program)
  - IT services (e.g., developing or supporting electronic filing systems, applications, websites, and/or databases, etc.)
  - Administrative support (e.g., tracking filing or training requirements, sending reminders, data entry, etc.)
  - Substantive ethics support (e.g., providing training, initial review of financial disclosures, drafting advice for further review, etc.)
  - Other (please describe)
7. Did another federal agency or federal entity provide ethics services or support to your agency? Do not include contractors, OGE support, or OMB support of MAX.gov.
- Yes (please provide the name of the federal agency or entity and describe the services or support provided) \_\_\_\_\_
  - No
8. Does your agency's ethics program need additional resources? Check all that apply.
- No additional resources needed
  - Budgetary
  - Human Capital
  - Technology
  - Other (specify) \_\_\_\_\_
9. Did the agency head meet with the ethics staff to discuss the strengths and weaknesses of the ethics program in 2018?
- Yes
  - No
  - Not applicable (specify why) \_\_\_\_\_
10. Did your agency (e.g., ethics office, Inspector General, General Counsel, etc.) conduct a self-assessment to evaluate any aspect of the ethics program in 2018?
- Yes
  - No (*skip to #13*)
11. To whom were the results reported? Select all that apply.
- Agency Head
  - DAEO
  - Inspector General
  - Other (specify) \_\_\_\_\_

**Commented [WGP3]:**  
**How do you define self-assessment?**

A self-assessment is an evaluation performed by the agency which identifies strengths and weaknesses with the goal of identifying areas for improvement. Self-assessments can be formal or informal.

**My agency is a large department with several components. One of our components completed a self-assessment on its administration of its financial disclosure reports. Can I mark the response as "yes"?**

Yes. If any component of your agency conducted a self-assessment of any aspect of its ethics program, you can select "yes." Similarly, if only the headquarters conducted a self-assessment that did not cover the components, the agency can select "yes."

12. What kind of changes resulted from the assessment?

- Programmatic changes (please describe) \_\_\_\_\_
- Policy changes (please describe) \_\_\_\_\_
- No changes resulted (specify why not) \_\_\_\_\_
- Not applicable (specify why) \_\_\_\_\_

13. Of the following required written procedures, which did you have in place? Check all that apply:

- Collection of confidential financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i))
- Collection of public financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i))
- Follow up with delinquent confidential financial disclosure filers (DA-09-03-92)
- Follow up with delinquent public financial disclosure filers (DA-09-03-92)
- Public availability of public financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i))
- Review/evaluation of confidential financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i))
- Review/evaluation of public financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i))
- Issuance of notice of ethical obligations in written offers of employment (5 C.F.R. 2638.303)
- Provision of initial ethics training (5 C.F.R. 2638.304)
- Issuance of ethics notice to new supervisors (5 C.F.R. 2638.306)
- None

**ADDITIONAL COMMENTS FOR PART 4.** Please indicate the question number to which the comment corresponds. *(not required)*

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**PART 5. EDUCATION AND TRAINING**

14. Did all of the office(s) responsible for issuing ethics notices to prospective employees, pursuant to 5 C.F.R. 2638.303, provide the DAEO with the certification required pursuant to 5 C.F.R. 2638.310?
- All of the offices provided the certification to the DAEO
  - Some of the offices provided the certification to the DAEO (explain why not all offices) \_\_\_\_\_
  - None of the offices provided the certification to the DAEO (explain why not all offices) \_\_\_\_\_
  - Not applicable because my agency has less than 1,000 employees
  - Not applicable because the DAEO's office is responsible for issuing ethics notices to prospective employees
15. How many new agency leaders, as defined in 5 C.F.R. 2638.305(a), were required to receive ethics briefings by December 31, 2018? \_\_\_\_\_
- a. How many of those leaders received their briefing within 15 days of their appointment? \_\_\_\_\_
  - b. How many of those leaders received their briefing beyond the 15-day requirement? \_\_\_\_\_
  - c. How many of those leaders have yet to receive their briefing as of today? \_\_\_\_\_

If applicable, please explain why some of the leaders received their briefing beyond the 15-day requirement or have yet to receive their briefing. \_\_\_\_\_

16. How many employees, *including SGEs*, were required to receive Initial Ethics Training (IET) by December 31, 2018 (5 C.F.R. 2638.304)? Include employees who were excluded, under 5 C.F.R. 2638.304(a), from the requirement to receive the interactive portion of the IET. \_\_\_\_\_
- a. How many of those employees received IET within the 3-month requirement? \_\_\_\_\_
  - b. How many of those employees received IET beyond the 3-month requirement? \_\_\_\_\_
  - c. How many of those employee have not received IET as of today? \_\_\_\_\_

If applicable, please explain why some employees received IET beyond the 3-month requirement or have yet to receive IET. \_\_\_\_\_

**Commented [WGP4]:**  
The number of employees required to receive IET is classified information. How should I answer this question?

Mark it as "0" and add a note at the bottom of this Part to indicate that this information is classified. If possible, include, in the comments, the percentage rate of training compliance. For example, if your agency had 100 employees who were required to receive initial ethics training and 99 received it during the reporting period, note that you had 99% compliance.

*Example:* If an employee started the agency on December 15, 2018, and the employee completed IET prior to the end of the calendar year, include the employee in your required and received numbers. If, on January 1, the employee has not completed IET, do not count that employee in your required numbers. Instead, include the employee in your 2019 Questionnaire response in 2020.

17. How many non-supervisory positions at or below the GS-8 grade level, or the equivalent, were excluded from the requirement to receive the *interactive* portion of their initial ethics training during 2018, pursuant to 5 C.F.R. 2638.304(a) (i.e., they received only *written* materials)? \_\_\_\_\_
18. Did all of the office(s) delegated the responsibility for providing initial ethics training (IET) provide the required certification to the DAEO, pursuant to 5 C.F.R. 2638.310?
- All of the offices provided the certification to the DAEO
  - Some of the offices provided the certification to the DAEO (specify why) \_\_\_\_\_
  - None of the offices provided the certification to the DAEO (specify why) \_\_\_\_\_
  - Not applicable because my agency has less than 1,000 employees
  - Not applicable because all IET was provided by an office under the DAEO's supervision
19. Did the head of the agency complete either initial ethics training and/or annual ethics training in 2018?
- Yes
  - No (specify why) \_\_\_\_\_
  - Not Applicable (specify why) \_\_\_\_\_

20. Required Annual Ethics Training

Type of covered employees (Include SGE filers)	# Required	# Received (of those required)
a. Executive Schedule Level I or Level II public filers (OGE Form 278e)		
b. All other public filers (OGE Form 278e)		
c. Confidential filers (OGE Form 450, 450A, and OGE-approved alternative confidential financial disclosure forms)		
d. Other employees required by 5 C.F.R. 2638.307(a) (employees appointed by the President; employees of the Executive Office of the President; Contracting Officers; or, other employees designated by the head of the agency.)		
TOTAL		

**Commented [WGP5]:**  
The number of employees required to receive AET is classified information. How should I answer this question?

Mark it as "0" and note in the comment section at the end of this Part that this information is classified. If possible, include, in the comments, the percentage rate of training compliance. For example, if your agency had 100 employees who were required to receive annual ethics training and 99 received it during the reporting period, note that you had 99% compliance.

**Commented [WGP6]:**  
Why does Q20 distinguish between Executive Schedule I and II public filers vs. all other public filers? In the past the distinction used to be between PAS and non-PAS filers.

We made this change in the 2018 Questionnaire to reflect the new education rules in 5 C.F.R. 2638. These new rules require that those who occupy Executive Schedule I and II positions must get live training every year.

**Should I count employees who are paid at Executive Schedule I and II rates, even if not occupying Executive Schedule I and II positions?**

No. Count only individuals who actually occupy Executive Schedule I and II positions.

If applicable, please explain discrepancies between the number of employees who were required to receive training and the number of employees who received training: \_\_\_\_\_

21. Did you provide **annual** ethics training to other employees *not otherwise required by regulation to receive training* (i.e., any other employees not covered by the chart above)?

- Yes (please specify who) \_\_\_\_\_
- No

22. Did you provide additional, specialized ethics training during 2018 (i.e., beyond any required initial ethics training or annual ethics training)?

- Yes
- No (*skip to next Part*)

23. Which groups did you target for additional, specialized ethics training? Check all that apply.

- All agency personnel (including individuals not required by regulation to receive annual training)
  - HR personnel
  - IT personnel
  - Procurement personnel
  - Supervisors
  - Other (specify all)
- 

**ADDITIONAL COMMENTS FOR PART 5.** Please indicate the question number to which the comment corresponds. *(not required)*

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**PART 6. ADVICE, COUNSELING, AND REMEDIES**

24. From the list below, select the three topics that your employees most **frequently** sought guidance on in 2018. Please rate them in order, such that the first topic was the topic on which employees sought guidance the most frequently.

Conflicting financial interests
Gift acceptance
Financial disclosure reporting
Impartiality in performance of official duties
Misuse of position, government resources, and information
Outside employment/activities
Post-employment restrictions
Travel, subsistence, and related expenses from non-federal sources
Other (specify) _____

25. Number of notification statements of negotiation or recusal under section 17(a) of the STOCK Act submitted to the ethics office in 2018: \_\_\_\_\_
26. Number of public financial disclosure filers who took specific remedial actions because of information on a new entrant, annual, periodic transaction report, or termination report (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. section 208 waiver, reassignment, etc.) in 2018: \_\_\_\_\_
- Don't know/don't track



**PART 7. FINANCIAL DISCLOSURE PROGRAM MANAGEMENT AND ELECTRONIC FILING SYSTEMS**

29. How often, within the 15-day deadline, did the human resources office(s) notify the DAEO of appointments to public and confidential financial disclosure filing positions (5 C.F.R. 2638.105(a)(1))?

	In all Cases	In Most Cases	In Some Cases	Never	Not Applicable (specify why, below)
a. Public Filers					
b. Confidential Filers					

If not applicable, specify why. \_\_\_\_\_

30. How often, within the 15-day deadline, did the human resources office(s) notify the DAEO of terminations from public financial disclosure filing positions (5 C.F.R. 2638.105(a)(2))?

	In all Cases	In Most Cases	In Some Cases	Never	Not Applicable (specify why, below)
Public Filers					

If not applicable, specify why. \_\_\_\_\_

31. Did your agency use an electronic financial disclosure filing system (e-filing system) in calendar year 2018? Note: This includes *Integrity*.

- Yes
- No (*skip to next Part*)

32. Which system did your agency use?

- Integrity ONLY (skip to next Part)*
- Integrity AND Other (specify)* \_\_\_\_\_
- Other ONLY (specify)* \_\_\_\_\_

33. Indicate for which forms your agency uses the “Other” e-filing system. Check all that apply.

- Public Financial Disclosure (OGE Form 278e)
- Periodic Transactions (OGE Form 278-T)
- Confidential Financial Disclosure (OGE Form 450, 450A, or OGE-approved alternative form)

34. Indicate your FY 2018 actual costs for using the e-filing system. Note: Because OGE does not charge fees to use *Integrity*, there are no reportable costs associated with the use of *Integrity*.

	Public (do not include <i>Integrity</i> )	Confidential	Combined
a. Amount paid to a non-federal vendor in FY 2018			
b. Amount paid to a federal agency in FY 2018			
c. Amount for all internal costs associated with operating an e-filing system (e.g., FTE, overhead, etc.) in FY 2018			
Total FY 2018 actual costs			

35. Indicate the number of filers who filed electronically in FY 2018.

	Public (excluding filers in <i>Integrity</i> )	Confidential
Number of financial disclosure filers, not reports, who filed electronically in FY 2018		

Commented [WGP8]:  
We allow our employees to file their OGE 450 in a form-fillable PDF and sign it electronically. Does that count as electronic filing?

No, digital signature, alone, does not constitute an electronic filing system. See DO-09-004 and DO-07-014.

**ADDITIONAL COMMENTS FOR PART 7.** Please indicate the question number to which the comment corresponds. *(not required)*

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**PART 8. PUBLIC FINANCIAL DISCLOSURE**

36. Report the number of public financial disclosure reports (OGE Form 278e) required to be filed by December 31, 2018, *excluding SGEs*, and the number of reports actually filed (i.e., received in hand) by December 31, 2018.

OGE Form 278e Reports		PAS <sup>2</sup>	Non-Career SES <sup>3</sup>	Career SES <sup>3</sup>	Schedule C	Other <sup>4</sup>	TOTAL
a. Nominee/ New Entrant	Required						
	Filed						
b. Annual	Required						
	Filed						
c. Termination	Required						
	Filed						
d. Combination <sup>1</sup>	Required						
	Filed						
Total	Required						
	Filed						

**Commented [WGP9]:**  
**The number of employees required to file a 278 is classified information. How should I answer this question?**

Mark it as "0" and note in the comment section at the end of this Part that this information is classified. If possible, include, in the comments, the percentage rate of filing compliance. For example, if your agency had 100 employees who were required to file a 278 and 99 did so during the reportin period, note that you had 99% compliance.

<sup>1</sup> Includes reports filed to satisfy both annual and termination requirements, as well as new entrant and termination requirements.  
<sup>2</sup> Presidential appointees confirmed by the Senate.  
<sup>3</sup> Senior Executive Service, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service, etc.  
<sup>4</sup> Includes members of the Uniformed Services, Administrative Law Judges, Senior Level employees (SES Equivalent), administratively-determined positions, officials in the Executive Office of the President who do not otherwise meet the criteria of another section, etc.

*Example for new entrant and termination reports:* If an employee started/left the agency on December 15, 2018, and the employee filed a new entrant/termination report prior to the end of the calendar year, include the report in your required and filed numbers. If, on January 1, the employee has not filed a new entrant/termination report, do not count that report in your required numbers. Instead, include the employee in your 2019 Questionnaire response in 2020.

If applicable, please explain discrepancies between the number of reports required to be filed and the actual number of reports filed.

37. Number of periodic transaction reports filed, *excluding those filed by SGEs*: \_\_\_\_\_

Note: Count the total number of periodic transaction reports filed. *Example 1:* If two employees each file 5 periodic transaction reports during the calendar year, report “10” in the table above. *Example 2:* If an employee files one report each month, each report is counted separately. Report “12” in the table.

38. Extension and late fees for new entrant, annual, termination, and combination public financial disclosure reports and periodic transaction reports, *excluding those for reports filed by SGEs*.

	Granted Filing Extension	Granted Waiver of Late Filing Fee	Paid Late Filing Fee
a. Number of OGE Form 278e Reports			
b. Number of OGE Form 278-T Reports			

Commented [WGP10]:  
Should I count individuals or the total number of extensions? For example, we have several employees that requested a second 45- day extension. Do we count that as two extensions?

Count reports rather than total number of extensions. For example, if John Doe received a 45-day extension and then a second 45-day extension for his annual report, count that as one report.

39. Number of public financial disclosure filers reported in calendar year 2018 to the Attorney General for failure to file: \_\_\_\_\_

40. How many requests for public financial disclosure reports did you receive in 2018? Count each OGE Form 201 as one request, even if it contains a request for documents for multiple individuals. \_\_\_\_\_

**ADDITIONAL COMMENTS FOR PART 8.** Please indicate the question number to which the comment corresponds. *(not required)*

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**PART 9. CONFIDENTIAL FINANCIAL DISCLOSURE**

41. Report the number of confidential financial disclosure reports required to be filed by December 31, 2018, *excluding SGEs*, and the number of reports actually filed by December 31, 2018.

Confidential financial disclosure reports required to be filed in CY 2018:

	Required	Filed	
		450	
		450A	
		OGE-approved alternative form	
Total			

**Commented [WGP11]:**  
**The number of employees required to file a 450 is classified information. How should I answer this question?**

Mark it as "0" and note in the comment section at the end of this part that this information is classified. If possible, include, in the comments, the percentage rate of filing compliance. For example, if your agency had 100 employees who were required to file a 450 and 99 did so during the reporting period, note that you had 99% compliance.

*Example for new entrant reports:* If an employee started at the agency on December 15, 2018, and filed a new entrant report prior to the end of the calendar year, include the report in your required and filed numbers. If, on January 1, the employee has not filed a new entrant report, do not count that report in your required numbers. Instead, include the employee in your 2019 Questionnaire's new entrant numbers in 2020.

If applicable, please explain discrepancies between the number of reports required to be filed and the actual number of reports filed. \_\_\_\_\_

42. Number of OGE 450, 450A, or OGE-approved alternative forms granted filing extensions in 2018: \_\_\_\_\_

**ADDITIONAL COMMENTS PART 9.** Please indicate the question number to which the comment corresponds. *(not required)*

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**PART 10. ENFORCEMENT OF STANDARDS OF CONDUCT AND CRIMINAL AND CIVIL STATUTES**

43. Number of disciplinary actions taken based wholly or in part upon violations of the Standards of Conduct provisions (5 C.F.R. part 2635) or your agency’s supplemental Standards (if applicable) in 2018. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents: \_\_\_\_\_

Of those, how many were disciplinary actions were taken wholly or in part upon violations of:

- \_\_\_ Subpart A (General Provisions)
- \_\_\_ Subpart B (Gifts from Outside Sources)
- \_\_\_ Subpart C (Gifts Between Employees)
- \_\_\_ Subpart D (Conflicting Financial Interests)
- \_\_\_ Subpart E (Impartiality in Performing Official Duties)
- \_\_\_ Subpart F (Seeking Other Employment)
- \_\_\_ Subpart G (Misuse of Position)
- \_\_\_ Subpart H (Outside Activities)
- \_\_\_ Your agency’s supplemental Standards

Commented [WGP12]: Most of our cases do not specifically cite the criminal conflict or standards of conduct violations as an actual charge, but the description of the offense is outlined in the notices/disciplinary actions. Should we count only those cases where the violations of the Standards and/or ethics laws is included as part of the actual charge?  
Yes

44. Number of disciplinary actions taken based wholly or in part upon violations of the criminal conflict of interest statutes, 18 U.S.C. sections 203, 205, 208, and 209, in 2018. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents: \_\_\_\_\_

Of those, how many were disciplinary actions taken based wholly or in part upon violations of:

- 18 U.S.C. section 203 \_\_\_
- 18 U.S.C. section 205 \_\_\_
- 18 U.S.C. section 208 \_\_\_
- 18 U.S.C. section 209 \_\_\_

Commented [WGP13]: See previous Q&A

45. Number of referrals made to the Department of Justice of potential violations of the conflict of interest statutes (18 U.S.C. sections 203, 205, 207, 208, 209), failure to file or filing false public financial disclosures (5 U.S.C. app. section 104 or 18 U.S.C. section 1001), a civil matter involving outside earned income under 5 U.S.C. app. section 501, or outside activities under 5 U.S.C. app. section 502 in 2018: \_\_\_\_\_

DOJ Referrals

- a. How many of those referrals were accepted for prosecution \_\_\_\_\_
- b. How many of those referrals were declined for prosecution \_\_\_\_\_
- c. How many of those referrals were pending DOJ's decision as of December 31, 2018 \_\_\_\_\_

Disciplinary Action

- a. How many of those referrals resulted in disciplinary or corrective action \_\_\_\_\_
- b. How many of those referrals resulted in a determination not to take disciplinary or corrective action \_\_\_\_\_
- c. How many of those referrals are pending a determination as to whether disciplinary or corrective action will be taken \_\_\_\_\_

46. Did your agency submit all referral(s) and disposition(s) of the referral(s) to OGE via OGE Form 202 (as required by 5 C.F.R. 2638.206(a))?

- Yes
- No (specify why) \_\_\_\_\_
- Not Applicable (specify why) \_\_\_\_\_

**ADDITIONAL COMMENTS FOR PART 10.** Please indicate the question number to which the comment corresponds. *(not required)*

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Commented [WGP14]:  
DOJ has not yet told my agency their determination on a particular referral. Should we count that as "pending a determination as to whether a disciplinary or correction action will be taken"?

Yes

**PART 11. ETHICS PLEDGE ASSESSMENT**

47. Were any full-time non-career appointees (e.g., Presidentially Appointed Senate Confirmed (PAS), Presidentially Appointed (PA), non-career Senior Executive Service (SES), Schedule C, etc.) appointed to or by your agency from January 1 through December 31, 2018?

- Yes
- No (*skip to #51*)

Note: For guidance on what constitutes a full-time non-career appointee for purposes of the Ethics Pledge, see [LA-17-03](#) available at [www.oge.gov](http://www.oge.gov).

48. For each category of appointee, provide the number of full-time non-career appointees appointed between January 1 and December 31, 2018, and indicate the number who did and did not sign the Ethics Pledge. Note: Please include all appointees who did not sign, regardless of whether or not they were required to sign. Additional explanatory information is requested in the next question.

Number of Full-Time Non-Career Appointees	Type of Full-Time Non-Career Appointees by Category					
	PAS	PA	Non-career SES	Schedule C	Other	Total
a. Appointed 01/01/2018 – 12/31/2018						
i. Signed the Ethics Pledge						
ii. Did not sign the Ethics Pledge						

**Commented [WGP15]:**  
**One of our PAS appointees came from another executive branch agency where they had previously signed the Ethics Pledge. There was no break in service. This individual re-signed the pledge when they came to our agency. Should I count this person as having signed the Pledge?**

No. The individual was not required to re-sign the Pledge. Accordingly, in Q48, count that individual as “did not sign the Ethics Pledge,” and in Q49, count that individual as “Appointed without break in service after serving in another position for which the Ethics Pledge was already signed.”

**One of our Appointees was appointed in 2018 but signed the Pledge in 2019. Technically, the employee did not sign the Pledge during the Questionnaire reporting period. Should I count the employee as “did not sign the Ethics Pledge”?**

No. Because we use the Questionnaire to do a full accounting of whether appointees during the year signed the Pledge, do count the individual in the “signed the Ethics Pledge” line. However, include in the comments section a note that explains that the individual was appointed in 2018 but signed the Pledge in 2019.

If applicable, please explain discrepancies between the number appointed and the number who signed or did not sign the Pledge. \_\_\_\_\_

*If all appointees signed, skip to question 50*

49. For each appointee who did not sign the Ethics Pledge, find the appropriate rationale(s) and indicate the total number of appointees who fit into that category.

Rationale for Not Signing the Ethics Pledge	Number and Type of Full-Time Non-Career Appointees Who Did Not Sign the Ethics Pledge					
	PAS	PA	Non-career SES	Schedule C	Other	Total
a. Occupy an exempt non-policymaking position (Schedule C or other comparable authority)						
b. Appointed without break in service after serving in another position for which the Ethics Pledge was already signed						
c. Other (please explain)						

If other, please explain. \_\_\_\_\_

50. How many appointees appointed between January 1 and December 31, 2018 and subject to the Ethics Pledge were registered lobbyists during the two years prior to their appointment? \_\_\_\_

51. Section 3 of Executive Order 13770 provides a waiver mechanism for the restrictions contained in the Ethics Pledge. Indicate below how many waivers were granted to appointees in your agency in 2018, the names of those individuals granted waivers in 2018, and which of the Pledge paragraphs were implicated.

	Number of Ethics Pledge Waivers Granted By Pledge Paragraph	Name(s) of Individual(s) Granted Ethics Pledge Waivers
a. Paragraph 1		
b. Paragraph 2		
c. Paragraph 3		
d. Paragraph 4		
e. Paragraph 5		
f. Paragraph 6		
g. Paragraph 7		
h. Paragraph 8		
i. Paragraph 9		
j. Other (please explain)		

If other, please explain. \_\_\_\_\_

52. Were there any violations of the Ethics Pledge during 2018?

- Yes
- No (*skip to next Part*)

53. Please provide information on enforcement actions taken as a result of violations of the Pledge. \_\_\_\_\_

**ADDITIONAL COMMENTS FOR PART 11.** Please indicate the question number to which the comment corresponds. (*not required*)

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**PART 12. SPECIAL GOVERNMENT EMPLOYEES (SGEs)**

54. How many Special Government Employees (SGEs) did your agency have, in total, during calendar year 2018? \_\_\_\_\_ *(if zero, skip to Additional Comments for Part 12)*
55. How many SGEs serving on a board, commission, or committee were required to receive Initial Ethics Training (IET) by December 31, 2018 (5 C.F.R. 2638.304(b)(2))?  
\_\_\_\_\_
- a. How many of those SGEs received IET before or at the beginning of the first meeting? \_\_\_\_\_
  - b. How many of those SGEs received IET after the first meeting? \_\_\_\_\_
  - c. How many of those SGEs have not received IET as of today? \_\_\_\_\_

If applicable, please explain why some SGEs received IET after the first meeting or have yet to receive IET. \_\_\_\_\_

**Commented [WGP16]:**  
**Should agencies count interns as SGEs?**

Agencies need to determine whether interns are SGEs. OGE cannot. However, [LA-17-09](#) does provide some guidance. The advisory distinguishes between regular employee interns, SGE interns, and volunteer interns.

56. Report the number of SGE public and confidential financial disclosure reports required to be filed by December 31, 2018 and the number of reports actually filed by December 31, 2018.

Public Reports (OGE Form 278e)	Confidential Reports (OGE Form 450 or OGE- Approved Alternative Form)		Public Reports (OGE Form 278e)	
	Required	Filed	Required	Filed
a. Advisory Committee Members (FACA)				
b. Advisory Committee Members (non-FACA)				
c. Experts/Consultants				
d. Board Members				
e. Commissioners				
f. Other				
TOTAL				

**Commented [WGP17]:**  
The number of employees required to file a 450 is classified information. How should I answer this question?

Mark it as "0" and note in the comment section at the end of this Part that this information is classified. If possible, include, in the comments, the percentage rate of filing compliance. For example, if your agency had 100 employees who were required to file a 450 and 99 did so during the reporting period, note that you had 99% compliance.

*Example for new entrant and termination reports:* If an employee started with the agency on December 15, 2018, and filed a new entrant report prior to the end of the calendar year, include the report in your required and filed numbers. If, on January 1, the employee has not filed a new entrant report, do not count that report in your required numbers. Instead, include the employee in your 2019 Questionnaire response numbers in 2020.

If applicable, please explain discrepancies between the number of reports required to be filed and the actual number of reports filed. \_\_\_\_\_

57. Number of SGEs excluded from all or a portion of the confidential filing requirements per 5 C.F.R. 2634.904(b): \_\_\_\_\_

58. Extensions and late filing fees for SGE financial disclosure reports:

	Granted filing extension	Granted waiver of late filing fee	Paid late filing fee
a. Number of OGE Form 278e Reports			
b. Number of OGE Form 450 or OGE-Approved Alternative Forms			

**ADDITIONAL COMMENTS FOR PART 12.** Please indicate the question number to which the comment corresponds. *(not required)*

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**ADDITIONAL QUESTIONNAIRE COMMENTS:**

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**Point of contact to answer OGE follow-up questions regarding this Questionnaire:**

Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

What is the preferred mailing address for the Agency Head, Designated Agency Ethics Official, Chief Human Capital Officer, and Inspector General:

Agency Head *(not required)*

Street:  
City:  
State:  
Zipcode:

DAEO *(not required)*

Street:  
City:  
State:  
Zipcode:

Chief Human Capital Officer *(not required)*

Street:  
City:  
State:  
Zipcode:

Inspector General *(not required)*

Street:  
City:  
State:  
Zipcode:

## Summary of Changes to CY18 Annual Questionnaire

### New Questions

- Q3f – number of reporting levels between DAEO and agency head.
- Q11 and Q12 – if agency conducted self-assessment, we now ask to whom the results were reported and what changes resulted.
- Q28 – requires agencies to explain any discrepancy between the number of waivers granted and the number waivers provided to OGE.
- Q29 – agencies must now report on the timeliness of HR notifications of appointments to 450 positions (not just 278 positions, as before).
- Q30 – agencies must now report on timeliness of HR notification of terminations from 278 positions.
- Q52 and Q53 – this was once 1 question, but it's now broken into 2 questions. We are not asking for any new information.
- Q58 – agencies must report on extensions for SGE 450s (not just 278s, as before).

### Reorganization

- Combined “Part 4. Organization/Resources” and “Part 5. Program Administration” into “Part 4. Program Resources and Administration.”
- Re-arranged questions in “Part 5. Education and Training” so that they are grouped and go in the following order: notice to prospective employees, initial briefing, initial ethics training, annual ethics training.
- Moved remedy questions from Part 10 into Part 6 and re-named Part 6 as “Advice, Counseling, and Remedies.”
- Part 7 is a new part, but it essentially captures pre-existing questions from other parts.

### Substantive Changes to Questions and/or Response Choices and Clarifications Based on Previous Informal Guidance to Agencies

- Throughout: anywhere there is a “not applicable” response choice, included the requirement that agencies “specify why.”
- In several cases, added “n/a (specify why)” to response options.
- Q5 – specified that agencies should include A/DAEOs in the ethics officials count; clarified heading within the chart (changed to “number of employees by hours worked each week”); and corrected the heading in the third column (1-10 hours).
- Q6 – combined what had been two questions (“do contractors support the program” and “please describe”). Added specific answer options, based on last year’s responses, but still kept “other” so that agencies can write in a response.
- Q7 – instead of asking whether your agency provided ethics services to another agency, we now ask whether another agency provided ethics services to you.
- Q8 – took two existing questions (“are additional resources needed” and “which resources”) and

combined it into one question with “no additional resources needed” as an option. Added specific answer options, based on last year's responses, but still kept "other" so that agencies can write in a response.

- Q13 – regarding written policies and procedures: reworded question to clarify that all of the procedures listed are required.
- Q14 and Q18 – regarding certification of notice to prospective employees and initial ethics training. Reworded questions and response choices; we are still asking for the same information, but we tried to make the question clearer. We also provided response options to reflect that some large agencies may have multiple offices that undertake those activities.
- Q15 – now refers to initial ethics briefings for “agency leaders” instead of “appointees” to be consistent with the regulatory language.
- Q16 – regarding initial ethics training. Clarified that agencies should include in their count those employees who were excluded under 5 C.F.R. 2638.304(a) from the requirement to receive the interactive portion of the initial ethics training. (Since these individuals are still required to receive the written materials portion of the initial ethics training). Also, in the example, provided more definitive guidance on the counting methodology for those employees who start at an agency late in the year.
- Q17 – regarding initial ethics training. Clarified the question to indicate that those GS-8 employees (and equivalents) excluded from the interactive initial ethics training still must get written initial ethics training.
- Q19 – regarding training of agency head. Changed from “or” to “and/or,” since there might be cases where the head of an agency is required to complete both initial and annual ethics training in one year.
- Q20a. and b. – re-worded to highlight that we’re asking about Executive Schedule I and II (rather than PAS and non PAS).
- Q21 – regarding annual ethics training. Added language to clarify that we are asking about employees not already accounted for in the preceding chart. Also moved this question up from below.
- Q22 – regarding additional training. Clarified what “additional, specialized training” means.
- Q24 – regarding most popular advice topics. Made explicit that agencies should put responses in rank order.
- Q26 – regarding number of filers who took remedial action. Deleted old Q66 (number of filers who took remedial actions taken because of info on a periodic transaction report) and included periodic transaction reports as one of the disclosures listed in Q26.
- Q27 – regarding number of remedial actions. Added the ability for agencies to indicate, per remedy type, whether they track that type. Also, deleted old Q67 (number of remedial actions taken because of info on a periodic transaction report) and included periodic transaction reports as one of the disclosures listed in Q27.
- Q29 and Q30 – provided more nuanced response options to reflect that some large agencies may have multiple HR offices.
- Q33 – clarified that we are asking only about “other” e-filing systems. Also, moved this question up from below.
- Q34 – deleted questions regarding projected costs of e-filing systems and projected number of filers. Created auto totals for: amount paid to non-federal vendor + amount paid to a federal

agency + amount for all internal costs. Created ability for agency to break down cost between public and confidential systems or to provide one combined cost.

- Q35 – regarding number of filers in an agency’s e-filing system(s). This had previously been part of the preceding question. Separated into a stand-alone question. Clarified that we are not asking about filers in in *Integrity*.
- Q36 – regarding required and filed 278s. In the example, provided more definitive guidance on the counting methodology for those employees who start at an agency late in the year.
- Q40 – regarding requests for 278 reports. Clarified the counting methodology.
- Q41 – regarding required and filed 450s. In the example, provided more definitive guidance on the counting methodology for those employees who start at an agency late in the year.
- Q43 – agencies must now report disciplinary actions taken based on violations of an agency’s supplemental standards of conduct.
- Q44 – removed 18 USC 207 as a response choice, since agencies cannot take disciplinary actions against former employees.
- Q45 – modified question to reflect all of the reasons an agency might submit a Form 202 (rather than just violation of the criminal COI statutes). Updated the lettering of the sub-questions to indicate that the total number of DOJ Referrals should equal the top-line total number of referrals and that the total number in the Disciplinary Action sub-section should also equal the top-line total number of referrals.
- Q54 – we now ask about the total number of SGEs throughout the year, rather than just at a point in time.
- Q56 – regarding required and filed 278s and 450s for SGEs. In the example, provided more definitive guidance on the counting methodology for those employees who start at an agency late in the year.

### **Non Substantive Changes**

- Throughout: changed from present tense (“do you...”) to past tense (“did you...”) to clarify that we are asking about a specific reporting period.
- Throughout: every sub question now has a unique identifier to make it easier to track specific questions during follow up.
- Throughout: removed unnecessary “go to” skip logic.
- Throughout: added citations to relevant law and regulation.
- Throughout: minor typographical corrections and harmonization.
- Throughout: spelled out initial ethics training and annual ethics training, unless it was in a response choice.
- Q3c and 4c – changed order of response choices.
- Q28 – regarding 208 waivers. Put in chart format.
- Q34 – regarding cost of e-filing systems. Put in chart format.
- Q36 – regarding # of 278e filers. Added a “total” column and added clarification to footnote #4.
- Q38 – combined filing extension and late fee info for 278e and 278T into 1 chart.
- Q43 – regarding disciplinary actions. Specified the names of the Standards of Conduct subparts.
- Additional comments to the overall survey – moved up (previously, was below the request for

POC and addresses).

- Part 11 – deleted certain comment boxes, forcing users to use the comment box at the end of the Part. Homogenized “please explain” language with how we request explanation in other Parts.

### Deleted Questions

#### **PART 4. ORGANIZATION/RESOURCES**

##### 3. Information about the Designated Agency Ethics Official (DAEO):

	DAEO
b. When did the position become vacant?	Month/Year ( <i>skip to #4</i> )
c. Name	
d. Title	
g. Grade level	<input type="checkbox"/> Executive Schedule <input type="checkbox"/> SES or equivalent <input type="checkbox"/> GS 15 <input type="checkbox"/> GS 14 and below
i. Was the DAEO eligible to retire as of December 31, 2017?	<input type="checkbox"/> Yes <input type="checkbox"/> No
k. Has OGE been provided a copy of the DAEO’s designation letter? ( <i>response required only for DAEOs who have served less than 1 year in the current DAEO position</i> )	<input type="checkbox"/> Yes <input type="checkbox"/> No

##### 4. Information about the Alternate Designated Agency Ethics Official (ADAEO)

	ADAEO
b. When did the position become vacant?	Month/Year ( <i>skip to #5</i> )
c. Name	
d. Title	
g. Grade level	<input type="checkbox"/> Executive Schedule <input type="checkbox"/> SES or equivalent <input type="checkbox"/> GS 15 <input type="checkbox"/> GS 14 and below
i. Was the ADAEO eligible to retire as of December 31, 2017?	<input type="checkbox"/> Yes <input type="checkbox"/> No

k. Has OGE been provided a copy of the ADAEO's designation letter? <i>(response required only for DAEOs who have served less than 1 year in the current DAEO position)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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6. Does the DAEO/ADAEO have supervisory authority over the employees identified in question #5?

- Yes *(skip to #8)*
- No *(go to #7)*
- Not Applicable *(skip to #8)*

7. Indicate which elements of the ethics program have been delegated outside of the supervisory chain of the DAEO or ADAEO. Check all that apply.

- Assessment of program performance
- Confidential financial disclosure program
- Ethics advice and counseling
- Ethics education and training
- Public financial disclosure program
- Other (specify)

10. Identify the agency ethics officials who have ethics duties as a distinct element in their **performance standards**. Check all that apply.

- DAEO
- ADAEO
- All ethics officials (excluding DAEO/ADAEO)
- Some ethics officials (excluding DAEO/ADAEO)
- None

**PART 5. PROGRAM ADMINISTRATION**

11. Use the following scale to rate the amount of time your agency spends to administer each item. The first six categories exclude time devoted to SGEs.

Time Spent Scale: 1= No time 2=Limited amount of time 3=Moderate amount of time  
4=Significant amount of time 5=Very significant amount of time

	No Time	Limited	Moderate	Significant	Very Significant
Advice and counseling	1	2	3	4	5
Confidential financial disclosure program	1	2	3	4	5
Disciplinary process for violations	1	2	3	4	5

Education and training	1	2	3	4	5
Outside activity approval	1	2	3	4	5
Public financial disclosure program	1	2	3	4	5
Special Government Employee activities	1	2	3	4	5
Other (specify) _____	1	2	3	4	5

12. Please estimate the *percentage* of time your agency spends on administering the following:

- a. Confidential financial disclosure program \_\_\_\_\_
- b. Public financial disclosure program \_\_\_\_\_
- c. 201 Requests \_\_\_\_\_

15. Describe one concrete action the head of your agency took in 2017 to support or strengthen the agency's ethics program:

17. Which of the following tools did your agency use to ensure short- and long-term continuity of operations (succession planning) of its ethics program in 2017? Check all that apply.

**Professional Development**

- Competency/skills gap assessment
- Developmental assignments (e.g., detail assignments, cross training, job rotation, use of agency developmental programs such as interns, fellows, or leadership development)
- Individual development plans
- Mentoring
- Structured courses (e.g., classroom training, webinars, online modules, etc.)
- Provided by OGE
- Provided by my agency
- Provided by another agency
- Other (specify)
- None

**Programmatic tools**

- Job Aids
- Knowledge library (intranet, videos, shared drives, etc.)
- Resources assessment (personnel and/or financial)
- Written standard operating procedures
- Other (specify)
- None

19. What did you assess? Check all that apply.

- Accuracy of advice and counsel

- Timeliness of advice and counsel
- Consistency of advice and counsel
- Administration of confidential financial disclosure program
- Administration of public financial disclosure program
- Compliance with applicable ethics laws and regulations
- Employee knowledge before training
- Employee knowledge after training
- Employee satisfaction with training offered
- Employee perceptions about the agency's ethical culture
- Employee perceptions about the ethics program
- Employee knowledge of the ethics rules
- Knowledge and skills of ethics officials
- Other (specify)

21. Does your agency provide ethics program services for any board, commission, or agency that is independent of your agency?

- Yes (please provide the names of the board, commission, or agency)
- No

22. Please list any significant accomplishments your ethics program achieved in 2017.

23. Please list the greatest challenges facing your ethics program in the short term (next 1-3 years).

#### **PART 6. EDUCATION AND TRAINING**

29. Did the deputy head of the agency (e.g., Deputy Secretary, Deputy Administrator, etc.) complete either initial ethics training or annual ethics training in 2017?

30. How do you deliver IET to new employees? Check all that apply.

- Classroom instruction (in-person)
- Instructor-led web-based
- One-on-one briefings
- Satellite broadcast/videoconference
- Self-paced web-based
- Video
- Written materials
- Other (specify) \_\_\_\_\_

31. Who developed the IET training materials? Check all that apply.

- My agency
- OGE
- Another agency

How did you access the training materials? Check all that apply.

- OGE resource (e.g, OGE's page on MAX.gov, Desk Officer, etc.)
- Directly from the agency
- Other (specify)\_
- Other (specify)

33. Who provided the briefings to the appointees?

35. How do you deliver annual ethics training to Executive Schedule Level I or Level II employees? Check all that apply.

- Classroom instruction (in-person)
- Instructor-led web-based
- One-on-one briefings
- Video
- Satellite broadcast/videoconference
- Written materials
- Other (specify) \_

\_\_\_\_\_

36. How do you deliver annual ethics training to non-Executive Schedule Level I or Level II public filers? Check all that apply.

- Classroom instruction (in-person)
- Instructor-led web-based
- One-on-one briefings
- Self-paced web-based
- Video
- Satellite broadcast/videoconference
- Written materials
- Other (specify)

37. How do you deliver annual ethics training to confidential filers and other covered employees not required to file a public report? Check all that apply.

- Classroom instruction (in-person)
- Instructor-led web-based
- One-on-one briefings
- Self-paced web-based
- Video
- Satellite broadcast/videoconference
- Written materials
- Other (specify)

38. Who developed the annual training materials? Check all that apply.

- My agency
- OGE

- Another agency

How did you access the training materials? Check all that apply.

- OGE (e.g., OGE's page on MAX.gov, Desk Officer, etc.)
- Directly from the agency
- Other (specify) \_

## **PART 7. ADVICE AND COUNSELING**

43. Has your agency ethics program implemented any of the following practices? Check all that apply.

- Conduct customer satisfaction survey(s)
- Periodic supervisory review of advice given
- Guided discussion among staff
- Memorialize advice and counsel
  - All
  - Some
- Use advice and counsel templates
- Use a database Check all that apply:
  - to track timeliness
  - to conduct research
  - to identify topics for training
- Other (specify) \_\_\_\_\_
- None

45. How do you make employees aware of the availability of post-employment counseling? Check all that apply.

- Part of out-processing
- Emails
- Training
- Regulation or policy
- Other (specify) \_\_\_\_\_
- None
- Not Applicable

## **PART 8. PUBLIC FINANCIAL DISCLOSURE**

53. Does your agency use an automated system (e.g., Excel, Access, custom database) to track the administration of the financial disclosure program?

- Yes
- No

55. Does your agency require an intermediate review by someone other than ethics staff (e.g., supervisors and team leads) for public financial disclosure reports?

- Yes
- No

56. What steps do you take to collect delinquent public financial disclosure reports? Check all that apply.

- Repeated reminders to the filer
- Notify supervisor
- Certified letter to the filer
- Notify agency head or other senior official
- Referral to Department of Justice
- Other (specify) \_\_\_\_\_
- None
- Not Applicable

59. Indicate your fiscal year 2017 actual and fiscal year 2018 projected costs for using the e-filing system. Note: Because OGE does not charge fees to use *Integrity*, there are no reportable costs associated with the use of *Integrity*.

b) total FY 2018 projected costs:

d) amount projected to be paid to a non-federal vendor in FY 2018:

f) amount projected to be paid to a federal agency in FY 2018:

h) amount projected for all internal costs associated with operating an e-filing system (e.g., FTE, overhead, etc.) in FY 2018:

j) number of public financial disclosure filers projected to file electronically in FY 2018:

l) number of confidential financial disclosure filers projected to file electronically in FY 2018:

#### **PART 9. CONFIDENTIAL FINANCIAL DISCLOSURE**

63. What steps do you take to collect delinquent confidential financial disclosure reports?

- Repeated reminders to the filer
- Notify supervisor
- Certified letter to the filer
- Notify agency head or other senior official
- Other (specify) \_\_\_\_\_
- None
- Not Applicable

#### **PART 10. REMEDIES AND ENFORCEMENT OF STANDARDS OF CONDUCT, CRIMINAL, AND CIVIL STATUTES**

75. Which individual(s) is responsible for filing the Notification of Conflict of Interest Referral (Form 202) with OGE? Check all that apply.

#### **PART 12. ADVISORY COMMITTEES/ SPECIAL GOVERNMENT EMPLOYEES (SGEs)**

83. Does your agency have any FACA or Non-FACA advisory committees, boards, or commissions?

- Yes (go to #84)
- No (go to #88)

84. Number of FACA advisory committees: \_\_\_\_\_

85. Number of FACA advisory committee members: \_\_\_\_\_

86. Number of non-FACA advisory committees, boards, or commissions: \_\_\_\_\_

87. Number of non-FACA advisory committee, board, or commission members:

90. Does your agency have written policies or procedures for designating SGE status?

Yes

No

Not applicable (specify why) \_\_\_\_\_

91. Does the written policy or procedure include consultation with the ethics office?

Yes

No

Not applicable (specify why) \_\_\_\_\_

93. If yes, which office provides the training? \_\_\_\_\_

**From:** [Burow, Kathy](#)  
**To:** [Ketcham, Lori](#)  
**Subject:** FW: Public Financial Disclosure Report - Mark Gaston Pearce - (Attachments Contain CUI) - [ Message contains CUI ] - [ Message and any attachment(s) contain CUI ]  
**Date:** Friday, September 7, 2018 7:40:17 AM  
**Attachments:** [OGE CUI Coversheet.pdf](#)  
[Pearce, Mark Gaston final 278.pdf](#)  
[Pearce, Mark Gaston finalsenateltr.pdf](#)  
[Pearce, Mark Gaston finalEA.pdf](#)

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FYI – Pearce’s package has been forwarded to the HELP committee.

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**From:** Sandra S. Mabry [mailto:ssmabry@oge.gov]  
**Sent:** Thursday, September 06, 2018 6:27 PM  
**To:** Burow, Kathy <Kathy.Burow@nlrb.gov>  
**Cc:** Wendy G. Pond <wgpond@oge.gov>  
**Subject:** Public Financial Disclosure Report - Mark Gaston Pearce - (Attachments Contain CUI) - [ Message contains CUI ] - [ Message and any attachment(s) contain CUI ]

CONTROLLED

Attachments contain CUI. When the attachments are removed, this email is uncontrolled unclassified information.

Good Afternoon,

I’ve attached the financial disclosure package for Mark Gaston Pearce, who has been nominated by President Trump for the position of Member, National Labor Relations Board.

Thanks,  
Sandy

Sandra S. Mabry  
Presidential Nominations Branch  
U.S. Office of Government Ethics  
1201 New York Ave., NW, Suite 500  
Washington, DC 20005-3917  
Telephone: (202) 482-9258  
Facsimile: (202) 482-9237

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CONTROLLED UNCLASSIFIED INFORMATION (CUI)

ATTENTION

All individuals handling this information are required to protect it from unauthorized disclosure.

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Access to and dissemination of CUI shall be allowed as necessary and permissible to any individual(s), organization(s), or grouping(s) of users, provided such access or dissemination is consistent with or in furtherance of a Lawful Government Purpose and in a manner consistent with applicable law, regulations, and Government-wide policies.



UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



The Honorable Lamar Alexander  
Chairman  
Committee on Health, Education,  
Labor, and Pensions  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Mark Gaston Pearce, who has been nominated by President Trump for the position of Member, National Labor Relations Board.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Enclosures



August 9, 2018

Lori W. Ketcham  
Associate General Counsel, Ethics  
Designated Agency Ethics Official  
National Labor Relations Board  
1015 Half Street S.E.  
Washington, DC 20570

Dear Ms. Ketcham:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed as a Board Member of the National Labor Relations Board.

As required by 18 USC § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 USC § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 USC § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as a director, officer, trustee, general partner, or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

If I rely on a *de minimis* exemption under 5 CFR § 2640.202 with regard to any of my financial interests in securities, I will monitor the value of those interests. If the aggregate value of interests affected by the particular matter increases and exceeds the *de minimis* threshold, I will not participate personally and substantially in the particular matter that to my knowledge has a direct and predictable effect on the interests, unless I first obtain a written waiver under 18 USC § 208(b)(1).

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 CFR § 2640.201(a), obligations of the United States, or municipal bonds.

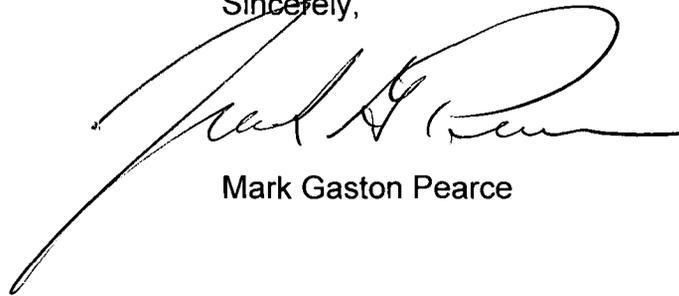
I will meet in person with you during the first week of my service in the position of Board Member in order to complete the initial ethics briefing required under 5 CFR § 2638.305. Within 90 days of my confirmation, I will document my compliance with this

ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

Finally, I have been advised that this ethics agreement will be posted publicly, consistent with 5 USC § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Gaston Pearce". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Mark Gaston Pearce