

**U.S. OFFICE OF GOVERNMENT ETHICS
ADMINISTRATIVE MANUAL**

CHAPTER FIVE - PRINTING

January 2008

**ADMINISTRATIVE MANUAL
CHAPTER 5 - PRINTING**

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ADMINISTRATIVE MANUAL

CHAPTER 5 - PRINTING

SUBCHAPTER 1. Purpose. This chapter provides policy guidelines and responsibilities for the acquisition of Government printing and related supplies printing for the Office of Government Ethics (OGE).

SUBCHAPTER 2. Policy. OGE adheres to Federal printing policy established through U.S. Code, Title 44, Section 501, which states:

Government printing must be done by or through the Government Printing Office (GPO) (44 U.S.C. 501, FAR 8.802.

All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, must be done at the Government Printing Office, except—

- (1) The GPO cannot provide the printing service (44 U.S.C. 504);
- (2) The printing is done in field plants operated by an executive agency (44 U.S.C 501)(2);
- (3) The printing is acquired by an executive agency from allotments for contract field printing (44 U.S.C. 501(2);
- (4) The printing is specifically authorized by statute to be done other than by the GPO.

SUBCHAPTER 3. Responsibility. OGE has a designated Printing Officer who is responsible for establishing printing policy guidance and direction of OGE's printing program. The Printing Officer is responsible for:

- ensuring print requests are in accordance with the laws pertaining to the expenditure of public funds for printing;
- conforming to the requirements of the Joint Committee on Printing (JPC) Printing and Binding Regulations;
- submission of SF 1s for Federal Register items in coordination with OGC;
- providing advice and guidance agency-wide on all printing needs; and
- liaison to GPO on agency print related issues.

SUBCHAPTER 4. Authority. The Printing Officer has authority for requisitioning printing and binding through GPO and is the official liaison with GPO on matters relating to printing and distribution. OGE's Printing Officer provides GPO with facsimile signatures of any employee authorized to sign printing requisitions. Only those employees so designated with facsimile signatures are accepted by GPO. The Printing Officer is also the liaison with the Superintendent of Documents (SupDocs) for sale of OGE materials.

SUBCHAPTER 5. GPO Print Requests. The Printing and Binding Requisition, SF 1 (see Appendix A), is the only acceptable means of requesting printing, binding and related services through GPO. The form is required to:

- request individual (one-time) printing requirements,
- request the establishment or renewal of a term contract,
- place work on general usage contracts,
- print documents for agency-wide riders, and
- request a waiver (see subchapter 6.).

The Printing Officer will assist employees with a printing request in filling out the form and providing guidance on related issues. Some issues relating to a request may be:

- what constitutes camera-ready-art,
- how to estimate time frames,
- how to estimate costs,
- whether or not to request proofs,
- how to bind the job,
- how to put a job "out to ride",
- how to mail the finished product, and
- quality of print products.

The Printing Officer receives all print jobs when they are delivered to the agency. This is to allow for:

- obtaining paperwork associated with the job,
- inspection of the print work,
- retention of "Random Samples", and
- where to place the print job.

SUBCHAPTER 6. Quality Assurance. The Printing Officer will assist the employee who is not satisfied with the completed print job. GPO has an established procedure for assessing the products acceptability, Quality Assurance Through Attributes Program (QATAP). A Notice of Quality Defects, GPO Form 1815 (see Appendix C) is completed and sent to GPO along with the Random Samples package.

SUBCHAPTER 7. Riders. Riders is a term used when other Federal agencies and departments are allowed to submit a requisition from their agency or department to obtain copies of our print request. GPO must be notified of OGE's intent to have a rider and a draft of the document announcing the rider as they must provide a jacket number to the Printing Officer. OGE will announce the option to ride the print job in a DAEOgram stating the title of the document, OGE's requisition number, GPO's jacket number, when the rider will close (date), and an estimate of cost if possible. The more time a rider is open (4-6 weeks), the more copies will be requested which lowers the cost per document.

SUBCHAPTER 8. Sale of Documents. When an employee wants or needs SupDocs to sell their print job, the Printing Officer will assist them in completing a Notification of Intent to Publish, GPO Form 3868 (see Appendix B). This form is submitted to SupDocs at the same time as the requisition form is submitted to GPO.

SUBCHAPTER 9. Mailing of Print Jobs. OGE may determine that the completed print job is to be mailed directly to a specified mailing list. The Printing Officer will work with both the employee requesting this and GPO to accomplish it. The procedure will vary depending on the contractor that receives the print job. However, in general the requestor will have to provide a mailing list and one of the following: mailing labels, electronic version of mailing labels, and/or pre-addressed envelopes. At the same time the requisition form is submitted to GPO, an Authorization to Mail Without Affixing Postage Stamps, Post Office Form 3601 will be completed and submitted by the Printing Officer.

SUBCHAPTER 10. GPO Waivers. Permission for a Federal agency to procure printing directly from a commercial printing source may be granted **only** through issuance of a GPO waiver. Requests for waivers must be submitted to the Public Printer manager in writing, accompanied by a properly completed SF 1 which describes the product to be procured.

Procurement restrictions embodied in section 207 of Public Law 102-392 as amended by P.L. 103-283, certifies that:

“(a)(1) None of the funds appropriated for any fiscal year may be obligated or expended by any entity of the executive branch for the procurement of any printing related to the production of Government publications (including printed forms), unless such procurement is by or through the Government Printing Office.

(2) Paragraph (1) does not apply to (A) individual printing orders costing not more than \$1,000, if the work is not of a continuing or repetitive nature, and, as certified by the Public Printer, if the work is included in a class of work which cannot be provided more economically through the Government Printing Office, (B) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or (C) printing from other sources that is specifically authorized by law.

(3) As used in this subsection, the term “printing” includes the processes of composition, platemaking, presswork, duplicating, silk screen processes, binding, microform, and the end items of such processes.”

SUBCHAPTER 11. In-House Reproduction. The Printing Officer will be consulted whenever in-house duplicating of official documents is done in lieu of requests to GPO for printing. This is to ensure the compliance with printing and procurement rules and regulations, as well as to provide guidance on production quality

SUBCHAPTER 12. Record Keeping. The agency Printing Officer is responsible for the maintenance, filing, retention and destruction of all printing related documents. Printing records are considered to be Federal financial documents and destroyed 6 years and 3 months after final payment.

**U.S. OFFICE OF GOVERNMENT ETHICS
ADMINISTRATIVE MANUAL**

CHAPTER 9 - TELECOMMUNICATIONS

December 2000

**ADMINISTRATIVE MANUAL
CHAPTER 9 - TELECOMMUNICATIONS
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ADMINISTRATIVE MANUAL
CHAPTER 9 - TELECOMMUNICATIONS

SUBCHAPTER 1. Purpose. This chapter provides policy, guidelines and responsibility governing the use of the Office of Government Ethics (OGE) telecommunications resources when placing official and personal calls.

SUBCHAPTER 2. Policy. The Federal Telecommunications System (FTS) and other Government-provided long-distance telephone services, as well as local carrier services, are for official Government business only. An employee may not use Government phones for personal reasons, except as provided in this chapter. An employee who violates this policy may be subject to criminal, civil, or administrative action, including suspension or dismissal.

SUBCHAPTER 3. Responsibility. The Chief Information Officer (CIO) has delegated to the Deputy Chief Information Officer (DCIO) responsibility for the policy guidance and direction of OGE programs and activities related to Government-provided telecommunications equipment and services, and for the administration, coordination, and transmittal of all related reports to the General Services Administration (GSA).

SUBCHAPTER 4. Authority. The authority for this policy is cited as 5 U.S.C. § 301 which provides that the head of an executive department or military department may prescribe regulations for the use of its property; and Executive Order 13011, Federal Information Technology, § 3(a)(1), which delineates the responsibilities of the CIO council in providing recommendations to agency heads relating to the management and use of information technology resources.

SUBCHAPTER 5. Definitions.

a. *Authorized Personal Calls*. Authorized personal calls are those calls that do not adversely interfere with the performance of an employee's official duties. Supervisors are responsible for determining whether calls interfere with an employee's performance of official duties.

b. *Official Calls*. Official calls are those calls placed over the FTS network and/or other Government-provided service, equipment and/or facilities to conduct official U.S. Government business.

c. *FTS*. FTS is a Federal telecommunications services contract with Sprint and MCI WorldCom, under the direction and management of the General Services Administration (GSA). The

services provided under this contract includes voice, data, Internet, and video services over point-to-point and switched networks. FTS is the primary and recommended system for use by OGE for long distance calling.

d. *Government Telephone System.* Any Government provided service, equipment or facility, including both hardware and software, that transmits and receives telephonic signals.

e. *Unauthorized Personal Calls.* Non-Government business related calls placed over any Government telephone system, network or service to a person or establishment, locally or in a distant city, town or community, that can be made at home during non-duty hours, weekends or holidays. Examples of unauthorized personal calls may include calls to explore or discuss employment opportunities outside the Government; matters related to second or part-time jobs, except military reserves; personal travel or holiday arrangements, reservations or confirmations; calls to conduct private club, religious, or fraternal organization business or other socially related affairs; 900 number calls; stock market reports/updates; verifying movie theater or sports events performance time or schedules.

f. *Sprint FONCARD.* Telephone authorization cards contain an 14-digit personal identification number that identifies individual callers, much like a commercial telephone credit card, and will allow authorized users to place calls onto the network from off-net locations.

1) *On-net.* Telecommunication systems/devices that are part of and connected to the FTS2001 network.

2) *Off-net.* Telecommunication systems/devices that are not part of or connected to the FTS network (i.e. public phones).

SUBCHAPTER 6. General Instructions for Telephone Use.

a. Sprint is the long distance phone service provider for OGE under the FTS telecommunications contract with the Federal Government. This service is provided for official Government business only. An employee may use Government provided telephone services for personal business on a limited reasonable basis.

b. Collect telephone calls should be accepted only under unusual circumstances, and for official business only. Calls should be prepaid by the calling party.

SUBCHAPTER 7. General Instructions for FTS Use. FTS "on net" calls can be made from OGE to all other Government offices in the continental United States by getting dial tone, and then dialing 9 and then 1 and then 10 digit telephone number.

SUBCHAPTER 8. Sprint FONCARDS.

a. *Authorization.* The Director, OGE, or his/her representative is responsible for authorizing the use of Sprint FONCARDS by OGE employees.

- Each Office/Division head will submit a request (Appendix A) for a Sprint FONCARD to the DCIO, who will order the card from Sprint.

b. *Issuance.* Upon approval, Sprint FONCARDS will be issued to OGE personnel by IRMD through the Administration Division. Employees will required to read and sign an "EMPLOYEE ACKNOWLEDGMENT" (Appendix B) before receiving their card.

c. *Security of the Card.*

(1) Employees who receive an Sprint FONCARD will be responsible for exercising the same care and responsibility for the security of the card and number as he/she would with a personal charge card.

(2) Any lost or stolen card should be reported immediately to Sprint according to the instructions described on the wallet size booklet that came with your card. Also, employees should notify the OGE Administration Division as soon as possible regarding the lost/stolen card.

(3) When an employee leaves, retires, or transfers to another Government agency, the card must be returned to the OGE Administrative Officer for cancellation.

(4) If an employee dials a wrong number, receives a poor connection, an accidental disconnect, or experiences any other problem, he or she should

call the Sprint Operator to get credit for the call. The employee should request and note the operator number for credit verification purposes.

SUBCHAPTER 9. Placing Personal Calls.

a. The use of Government telephone systems, including calls over commercial systems, which will be paid for by the Government, shall be limited to the conduct of official business. Such official business calls may include emergency calls and calls that are necessary in the interest of the Government.

b. Use of Government telephone systems may properly be authorized as being necessary in the interest of the Government if such use satisfies the following criteria:

- (1) It does not adversely affect the performance of the employee's official duties;
- (2) It is of reasonable duration and frequency; and
- (3) It reasonably could not have been made at another time.

c. Personal calls that must be made during working hours may be made over the government long distance network if the call is consistent with the criteria in 9b above and is:

- (1) Charged to the employee's home phone number or other non-Government number (third number call).
- (2) Made to an 800 toll-free number.
- (3) Charged to the called party if a non-Government number (collect call).
- (4) Charged to a personal telephone calling (credit) card.

d. Examples of authorized personal calls consistent with 9b above:

- (1) Calls to notify a family physician, etc., when an employee injures himself or herself on the job.
- (2) An employee traveling on Government business is delayed due to official business or transportation

delay, and calls to notify his or her family of a schedule change.

(3) An employee traveling for more than one night on Government business in the United States makes a brief call to his or her residence (but not more than an average of one call per day and an average of five minutes per call).

(4) An employee must work overtime without advance notice and calls within the local commuting area (the area from which the employee regularly commutes to work) to advise his or her family of the change in schedule or to make alternate transportation or child care arrangements.

(5) In-flight calls are authorized only in emergency situations. Calls placed in-flight will be evaluated on a case-by-case basis, with joint approvals for reimbursements required by the traveler's supervisor and the APC for travel.

(6) An employee makes a brief (approximately five minutes) daily call to locations within the local commuting area to speak to spouse or minor children (or to those responsible for them, e.g. school or day-care center) to inquire of their welfare.

(7) An employee makes brief calls to locations within the local commuting area that can be reached only during working hours, such as a local government agency or physician.

(8) An employee makes brief calls to locations within the local commuting area to arrange for emergency repairs to his or her residence or automobile.

e. Employee Responsibility.

(1) Employees should be particularly sensitive to the use of Government telephone facilities under the conditions outlined in this chapter. If possible, personal calls should be made during lunch, break, or other off-duty periods.

(2) Abuse of Government telephone systems, including abuse of the privileges stated herein, may result in disciplinary action in accordance with applicable OGE guidelines.

f. Supervisor's Responsibility. Supervisors are responsible for the proper management of telephone usage within their areas of responsibility and jurisdiction. At a minimum, supervisors should ensure that subordinate employees are familiar with and understand the restrictions regarding personal calls.

SUBCHAPTER 10. Calls Made While on Travel Status.

a. The following guidelines are applicable to all OGE employees:

(1) An employee on overnight travel status within the 50 states may make a brief (five minutes or less) daily call to his or her residence. An employee on travel status outside the 50 states and the District of Columbia may make a brief call to his or her residence every third day of travel.

(2) If an employee makes a call and charges it to his or her hotel bill, the employee should request the telephone charges appear on the hotel or motel billing statement indicating the length of the call (to the nearest minute) and the total cost of the call(s) made.

(3) If it is advantageous to the Government, calls longer than five minutes may be reimbursed. For example, an employee may be reimbursed for one 15-minute call over several days in lieu of one five minute call each day during the travel period.

(4) It is not necessary for employees to originate a call from a Government telephone. However, employees should make a reasonable effort to minimize call costs and use Government telephone systems, since they usually provide the most economical service and do not require employee reimbursement. If Government provided telephone service is not available or convenient, using commercial service is permissible.

(5) Employees who travel frequently will be provided an Sprint FONCARD (see 8a above), and will be required to use this card for making all authorized Government or personal calls. Sprint FONCARDS provide a convenient and efficient means for employees to bill calls to their office and provide documentation to manage and control costs. Although it is permissible to use operator assisted or hotel telephone service to make a call, such

calls are discouraged since they are the most expensive way to place long distance calls.

(6) In-flight calls are authorized only in emergency situations. Calls placed in-flight will be evaluated on a case-by-case basis, with joint approvals for reimbursements required by the traveler's supervisor and the APC for travel.

SUBCHAPTER 11. Call Detail Reports (CDR). Sprint provides OGE with monthly call detail reports to verify usage and billing, distribute cost within the agency, and to detect and deter possible abuse of Government long distance services. CDRs typically include such information as the number of the Sprint FONCARD charging a call, the originating telephone number area code, the telephone number, city and state called, date and time of day the call was made, and the duration and cost of the calls.

a. *CDR Distribution*. The Administrative Officer (AO) in the Administration Division receives all monthly CDRs and is responsible for review, verification, investigation, and action as necessary.

b. *Review of CDRs*. The AO will review the CDRs for misuse or abuse of Government provided long distance services. The analysis may reveal calls with the following characteristics:

Calls of excessively long duration.

Calls placed while not on duty or travel status.

Calls placed to locations not associated with normal official business, e.g. mountain and beach resorts.

Calls placed, while on travel, to various locations other than the traveler's residence.

Calls with any of the above characteristics should be questioned by the AO and verification obtained that the call was an authorized official call.

c. Administrative and telecommunications management personnel must ensure that CDRs are safeguarded in accordance with the provisions of the Privacy Act. Program Managers should be familiar with the Office of Management and Budget (OMB) "Guidance on the Privacy Act Implications of Call Detail Programs to Manage Employees' Use of the Government's Telecommunications Systems" (52 Federal Register 12990, April 20, 1987). As suggested by OMB, OGE will publish a notice in

the Federal Register describing a system of records for these CDR reports.

d. In accordance with National Archives and Records Administration General Schedule 12, Item 4, CDR records, including those in electronic form, must be retained for three years and thereafter destroyed.

e. CDRs shall not be used for any purpose other than the management of Government telecommunications services.

SUBCHAPTER 12. Collections.

a. OGE will collect for any unauthorized calls made by an employee, or other person where it is cost-effective to do so. Reimbursing the Government for unauthorized calls does not exempt an employee from appropriate administrative, civil, or criminal action.

b. The OGE collection policy and procedure is as follows:

(1) The call(s) value is based on the commercial long distance rates and rounded to the next whole dollar amount. Example: if a call(s) value is \$.01 to \$.99, reimbursement will be \$1.00; if the call(s) value is \$1.00 to \$1.99 reimbursement will be \$2.00, etc.

(2) The amount rounded to the nearest whole dollar is to cover the administrative cost of identifying the unauthorized call and processing the collection.

(3) Checks will be made payable to the Department of Treasury and given to OGE's Budget Officer for processing.

OFFICE OF GOVERNMENT ETHICS

ADMINISTRATIVE MANUAL

CHAPTER 11

DESIGN SERVICES

September 2005

I. PURPOSE

The Administration Division (AD) Design Services Section is responsible for the planning, development and implementation of a comprehensive Visual identity Program for the Office of Government Ethics (OGE). The purpose of this program is to visually communicate information to Congress, other Government agencies, the public and national organizations to explain, interpret, and defend OGE's functions, policies, programs, actions and performance.

II. DESIGN SERVICES FUNCTIONS.

The functions of the AD Design Services section are as follows:

- Provides technical and administrative support in connection with conception, planning, design and development of printed material, presentations and displays.
- Consults with program officials to determine the information to be communicated and the educational, cultural characteristics of the intended audience.
- Serves as design consultant, originating concepts through finished camera ready art for the production of OGE presentations and publications.
- Develops specifications for commercial services for design and printing to OGE programmatic needs.
- Provides identification of agency requirements and the development of long range plans and policies as well as immediate projects to meet these requirements effectively and economically.
- Develops specifications and coordinates with the Government Printing Office for the printing of OGE publications.
- Monitors new developments in hardware and software, and processes and submits requirements detailing the evaluation and recommendation of system software and hardware for the section.

III. Products and Services

The products and services rendered are:

- *Printed material:* brochures, folders, pamphlets, booklets, posters, business cards, newsgrams, invitations and similar material.
- *Presentation art:* logo design, signage, charts, certificates, plaques, awards, and similar material.
- *Exhibit design and displays*
- *Forms design*
- *Desktop publishing*
- *Preparation of printed material for the Internet*
- *Printing support*
- *In-house color production of multiple products.* Actual products are produced in color, folded and trimmed to include posters, folders, displays, flyers, invitations, and similar material.

ADMINISTRATIVE MANUAL
CHAPTER 3: GENERAL ADMINISTRATIVE MANAGEMENT
SUBCHAPTER 4: BUSINESS CARD POLICY

SUMMARY: Federal employees have, in the past, been required to pay for their own business cards. The Javits-Wagner-O'Day Act (JWOD) program offers business cards which may be acquired with Federal funds. Ordering is now available for OGE from The Lighthouse for the Blind, Inc. in Seattle, Washington.

THE JWOD PROGRAM: The JWOD program is a job training and employment program governed by the President's Committee for Purchase From Persons Who Are Blind or Severely Disabled. Products or services provided by local non-profit agencies participating in this program are given priority within the Federal procurement process. The JWOD program is a mandatory source for any product or service listed, such as business cards.

SOURCE OF BUSINESS CARDS: The General Services Administration (GSA) has issued a Federal Supply Schedule to The Lighthouse for the Blind, Inc. 2510 South Plum Street, P.O. Box C1419, Seattle, Washington 98114.

Effective November, 2006, OAIM authorized the purchase of two distinct sets of business cards for agency employees.

1. The Standard Business Card



*This card is printed on regular card stock in blue ink.
This is the card that will be used by non-SES employees
within the agency.*

2. The Foil Business Card



*This card is printed on linen card stock,
with black ink and a gold foil seal.
This card is restricted to the Director and
Senior Executive Service employees only.*

Ordering Business Cards:

To order business cards, an employee must first complete [OGE Form 113, Request for Official OGE Employee Business Card](#). Once completed and signed by the employee's supervisor, the employee must submit this form to the Administrative Officer.

Upon receipt of OGE Form 113, the Administrative Officer provides the employee with a Government Business Card Order Form. This is the order form issued by The Lighthouse and will vary based on the type of card being ordered. The employee must complete the appropriate sections of this form **identifying how they want the information to be displayed** on their business cards. However, only official job titles may be used. Once completed the employee submits the form to the Administrative Officer. This form is then submitted to The Lighthouse for processing.

Receipt of Business Cards:

If there are no issues with the order, the business cards normally arrive within 2-3 weeks from the date of order. Once received, the employee will sign for receipt of the cards.



United States
Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

MEMORANDUM

APR 02 2014

TO: OGE Employees

FROM: Walter M. Shaub, Jr.
Director

A handwritten signature in dark ink, appearing to read "Walter M. Shaub, Jr.", is written over the printed name and title.

SUBJECT: OGE Policy on Volunteer and Pro Bono Activities by OGE Employees

Executive Order 12988 prompts federal agencies to develop appropriate programs to “encourage and facilitate pro bono legal and other volunteer service by Government employees.” Consistent with Section 2 of Executive Order 12988,¹ Executive Order 13401,² and the Office of Personnel Management’s (OPM) Guidelines,³ the Office of Government Ethics (OGE) encourages employees to participate voluntarily in direct and consequential community service. These services include pro bono legal services and other volunteer activities to be performed by employees on their own time, in accordance with applicable statutes, regulations, and rules of conduct.

For employees who are interested in becoming involved in volunteer activities, but are uncertain of an outlet, a list of volunteer and pro bono resources and opportunities is included in Attachment A. Employees should not feel that their potential volunteer or pro bono opportunities are limited to those organizations and activities on this attached list. OGE does not seek to restrict the types of volunteer activities in which employees may engage in their free time, provided that the activities do not violate any statutory or regulatory restrictions.

I. Definitions

- a. Pro Bono Legal Services:⁴ Pro Bono legal services are those legal services performed without compensation⁵ and include, but are not limited to, the provision of legal services to:

¹ Exec. Order No. 12988, 61 Fed. Reg. 4729 (February 7, 1996).

² Exec. Order No. 13401, 71 Fed. Reg. 24737 (May 1, 2006).

³ Guidance on Scheduling Work and Granting Time Off to Permit Federal Employees to Participate in Volunteer Activities, Office of Personnel Management, Apr. 6, 2004.

⁴ This definition is based on Rule 6.1 of the ABA Model Rules of Professional Conduct, with some modifications that, among other things, make clear that pro bono legal services must be provided without fee. This definition of pro bono legal services includes a broad range of activities; the listed activities are intended as examples only. OGE recognizes, however, that statutory or regulatory restrictions may prohibit government lawyers from performing certain pro bono services. See Section II.

⁵ “Performed without compensation” means that no person or organization may be compensated for the employee’s time, e.g., fees may not be sought by anyone for an OGE attorney’s services in a pro bono case.

- i. persons of limited means or other disadvantaged persons;
 - ii. charitable, religious, civic community, governmental, health, and educational organizations in matters which are designated primarily to address the needs of persons of limited means or other disadvantaged persons, or to further their organizational purpose;
 - iii. individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties or public rights; or
 - iv. activities seeking to improve the law, the legal system, or the legal profession.
- b. *Volunteer Activities*: Volunteer Activities are those activities, other than the practice of law, performed without compensation. They include, but are not limited to, the provision of services to:
- i. persons of limited means or other disadvantaged persons;
 - ii. charitable, religious, civic community, governmental, health, and educational organizations in matters which are designated primarily to address the needs of persons of limited means or other disadvantaged persons, or to further their organizational purpose.

II. Limitations on Volunteer and Pro Bono Activities

Certain restrictions apply to outside activities performed by executive branch employees, even if the activity is a voluntary and/or charitable one. OGE employees may not engage in volunteer or pro bono activities that create or appear to create a conflict of interest with their work here at OGE. *See generally*, 18 U.S.C. § 201 *et. seq.* and 5 C.F.R. part 2635.

Under the Standards of Ethical Conduct for Employees of the Executive Branch (Standards), 5 C.F.R. part 2635, employees are prohibited from engaging in activities that would:

- a. require the recusal of the employee from significant aspects of the employee's official duties, *see* 5 C.F.R. § 2635.802(b);
- b. create an appearance that the employee's official duties were performed in a biased or less than impartial manner, *see* 5 C.F.R. § 2635.502;⁶ or

⁶ Employees should bear in mind that participation in an outside organization could give rise to a covered relationship under 5 C.F.R. § 2635.502(b)(1)(v). Employees should remain conscious of potential appearance problems and use the process described at section 2635.502 of the Standards to determine whether an outside activity would require them to recuse from aspects of their official duties.

- c. create an appearance of official sanction or endorsement, *see* 5 C.F.R. § 2635.702(b).

In addition, 18 U.S.C. § 205 prohibits an employee from representing another person before any court or agency of the United States, in a matter in which the United States is a party or has a direct and substantial interest. There are limited exceptions for representing immediate family (spouse, child, and parents), fellow employees in personnel administration proceedings, and certain employee organizations in limited circumstances.

Outside activities by OGE employees must also comport with the Hatch Act, which limits certain political activities of most executive branch employees. *See* 5 U.S.C. §§ 7321-7326. The Hatch Act and related regulations govern participation with organizations or persons whose activities are geared towards the success or failure of a partisan political party, candidate, or group. You should consult with OGE's Alternate Designated Agency Ethics Official and review information from the U.S. Office of Special Counsel if you have questions about the rules for engaging in partisan political activities in a volunteer capacity.

If you are unsure about the application of the restrictions to a proposed volunteer or pro bono activity, you should consult with OGE's Alternate Designated Agency Ethics Official.

III. Use of Official Property and Staff

Under the Standards, an employee may only use Government property for official business or as authorized. *See* 5 C.F.R. § 2635.704. OGE employees are hereby authorized to use OGE equipment and facilities in connection with their volunteer and pro bono activities, if the use does not interfere with the mission or operations of the Office or the employee's official duties, and incurs negligible additional expense to the Government.

Negligible additional expense would include such things as electricity, ink, very small amounts of paper, and ordinary wear and tear. Employees wishing to use more than a small amount of paper must provide their own or pay its cost. Limited phone and facsimile calls are also permitted, subject to the same considerations. Employees may also use the OGE library and the LEXIS database to conduct legal research provided such use incurs no extra cost to the Government. If there is any question as to whether a particular use would be considered "negligible," you should contact your supervisor.

Use of E-mail and the Internet in connection with volunteer activities must be consistent with OGE's policy on use of these technologies. That policy has been issued separately. In addition, pro bono or other volunteer work may not be assigned to or required of support staff.

IV. Use of Official Position

Any volunteer activity in which an employee participates would be in his or her personal capacity. It is therefore prohibited to indicate or represent in any way that such activity is on behalf of the Government, or in the employee's official capacity. Employees cannot use OGE letterhead or business cards that identify them as OGE employees, nor can they identify

themselves as OGE employees in communication or correspondence undertaken in connection with their chosen volunteer activity. If an employee uses OGE's e-mail system in connection with volunteer activities, the employee must ensure that any signature block stating the employee's title and affiliation with OGE is removed. Incidental identification of an employee's official position or office, such as providing the employee's office phone number when necessary to receive a telephone call, is not prohibited.

V. Scheduling Volunteer and Pro Bono Activities

Because any volunteer or pro bono activity is the personal activity of the employee and not performed on behalf of OGE, employees are encouraged to seek volunteer opportunities that can be accomplished outside of work hours on their own personal time. An employee's official OGE assignments must be given priority over any outside activities.

a. Alternative Work Schedules

Compressed Work Schedules⁷ and/or Flexible Work Schedules⁸ may be established for employees who wish to engage in volunteer activities during normal working hours.

b. One-Time or Limited Basis Work Schedule Adjustments

The employee may also seek to adjust his or her work schedule on a one-time or limited basis to accommodate those infrequent occasions when volunteer activities require time that would ordinarily fall within his or her official duty hours. Employees may therefore request to report for work earlier or later than the regularly scheduled time, in order to meet the needs of their volunteer activities. Requests for such temporary schedule changes must be made at least one day before the first day on which the change is requested, and if at all possible the requested changes in the schedule should occur within a single pay period. In any event, a requested change is not effective unless approved by the supervisor. Supervisors will inform the employee of their approval or disapproval of the request.

c. Annual Leave

When employees request annual leave to perform volunteer service, OGE will be as accommodating as possible in reviewing and approving such requests consistent with regulations in 5 C.F.R. part 630, subpart C, and OGE's Annual Leave policy.

⁷ Under 5 U.S.C. § 6121(5) a compressed work schedule means that an employee's basic work requirement for each pay period is scheduled by the agency for less than 10 workdays.

⁸ Under 5 U.S.C. § 6122, a flexible work schedule includes designated hours (core hours) and days when an employee must be present for work; and designated hours during which an employee on such a schedule may elect the time of such employee's arrival at and departure from work, solely for such purpose or, if and to the extent permitted, for the purpose of accumulating credit hours to reduce the length of the workweek or another workday.

d. *Excused Absence (administrative leave)*

In some circumstances, OGE may authorize administrative leave for the performance of pro bono activities that cannot be accomplished outside of business hours or by use of alternative work schedules, such as some court appearances, mediations, and client or witness interactions where access to a client or witness is circumscribed (e.g., by hospital or prison visiting hours). An employee who would like to request administrative leave for such pro bono activities must consult with his or her supervisor and OGE's Alternate Designated Agency Ethics Official to ensure the proposed use of administrative leave meets the following criteria identified by the Office of Personnel Management (OPM).

OPM permits the use of administrative leave for such activities where:

- i. the employee's absence is directly related to the agency's mission;
- ii. the employee's absence is officially sponsored or sanctioned by agency leadership;
- iii. the employee's absence will clearly enhance an employee's professional development of skills in his or her current position; or
- iv. the employee's absence is brief and in the interest of the agency.

Consistent with OPM guidance, second-level supervisors may approve requests for administrative leave for pro bono activities that can only be accomplished during normal business hours. The decision to grant administrative leave is wholly discretionary. However, the decision to grant administrative leave may not be affected by a supervisor's personal views regarding the substance of the pro bono activity. Second-level supervisors may grant up to 30 hours of administrative leave for pro bono activities to any employee in a calendar year.

VI. Special Issues for Attorneys

While attorneys are, of course, free to participate in volunteer activities in accordance with this policy just as any other OGE employee, their particular expertise gives them the opportunity to provide unique assistance to the disadvantaged in our society. There is a fine tradition in the law for providing services pro bono publico, and OGE attorneys are encouraged to follow this tradition and help meet this societal need. OGE attorneys examining pro bono opportunities should be aware of certain issues that may affect the decisions that they make regarding pro bono service. These include the following:

- a. *Malpractice Insurance*: Before agreeing to meet with or accept a pro bono legal client, an OGE attorney should determine whether the referring pro bono program or organization has a malpractice insurance policy which covers volunteer attorneys.⁹ OGE does not provide malpractice coverage for pro bono work.

⁹ Generally, pro bono programs organized by the local bar or the more established referral programs do provide malpractice coverage. The Pro Bono Program Manager will have information regarding which programs

- b. *Restrictions on Unauthorized Practice of Law:* D.C. Court of Appeals Rule 49 permits a Federal Government attorney who is a member in good standing of another state bar to accept pro bono cases, if the attorney is assigned or referred by an organization that provides legal services to the public without fee, provided that the attorney is supervised by an active member of the D.C. Bar. Such representation is therefore not considered to violate the D.C. Bar restrictions prohibiting the unauthorized practice of law in the District.

This policy does not create any enforceable rights.

Attachment

provide malpractice insurance coverage for volunteer attorneys. Attorneys who choose to provide legal services without malpractice insurance coverage are acting at their own risk.

Attachment A: List of Volunteer and Pro Bono Resources

The following is a non-exclusive list of volunteer and pro bono resources in the area. Some of the volunteer opportunities may not be appropriate for every employee, and employees are responsible for ensuring that such volunteer activities do not violate any statutory or regulatory restrictions. In addition, OGE's representative to the Federal Interagency Pro Bono Working Group can provide you important information about pro bono legal work.

Pro Bono Resources

- **District of Columbia Pro Bono Opportunities**
The D.C. Bar Pro Bono Program's Directory of Pro Bono Opportunities provides a comprehensive listing of agencies in D.C. that need volunteer lawyers, legal assistants and law students.
<http://www.dcbbar.org/pro-bono/resources-and-training/directory-legal-service-providers.cfm>
- **Maryland Pro Bono Opportunities**
<http://www.probono.net/dc/library/attachment.38196?print>
- **Virginia Pro Bono Opportunities**
<http://www.probono.net/dc/library/attachment.39784>
- **Pro Bono Opportunities in Other States**
<http://www.probono.net/>
- **Pro Bono Opportunities for Non-Lawyers**
The following directory includes pro bono opportunities for volunteers who are not attorneys.
<http://www.probono.net/dc/library/attachment.38294>

Volunteer Resources

- **Serve.gov**
United We Serve, President Obama's Service Initiative, is an online resource for finding volunteer opportunities in your community.
<http://www.serve.gov/>
- **Volunteer.gov**
Volunteer.gov is America's Natural and Cultural Resources Volunteer Portal.
<http://www.volunteer.gov>
- **Corporation for National & Community Service**
<http://www.nationalservice.gov/>

International Technical Assistance Briefing Handbook

Last Updated October 2016

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Appendix A: Gift Tags

Appendix B: OGE Briefers

I. BACKGROUND

Overview of OGE's International Program

OGE's International Outreach and Assistance Team administers the international program. OGE's international program involves the following activities, many of which are done at the request of foreign policy agencies of the U.S. government:

- Bilateral Activities: OGE responds to bilateral requests for information on topics under OGE's purview, including financial disclosure, standards of conduct, preventing conflicts of interest, and/or program oversight. While some bilateral programs involve site visits, OGE provides much of its assistance digitally, for instance reviewing documents via the internet and conducting video conferences.
- Multilateral Activities: OGE plays a role in mechanisms designed to follow up on implementation of existing international anticorruption agreements, such as those undertaken by the United Nations, the Council of Europe's Group of States against Corruption (GRECO), and the Organization of American States' Committee of Experts of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC). OGE also responds to questionnaires or data calls from intergovernmental organizations. These data calls relate to topics under OGE's purview, such as financial disclosure, standards of conduct, preventing conflicts of interest, and/or program oversight.
- International Technical Assistance Briefings: At the request of foreign policy agencies and entities of the U.S. government, OGE frequently hosts international delegations at its offices.

International Technical Assistance Briefings

One of the primary ways OGE provides technical assistance is through its International Technical Assistance (ITA) Briefing Program. Each year OGE hosts about 40 delegations made up of approximately 375 foreign visitors who participate in the State Department's International Visitor Leadership Program (IVLP) and other international exchange programs. The delegations are composed of representatives from the public sector and the private sector, including business, press, civil society, and academia. During the briefings, representatives from OGE provide the visitors with information about OGE and the executive branch ethics program and engage in discussion regarding government ethics. The International Outreach and Assistance Team reports ITA briefing statistics to the [Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training](#) (IAWG).¹

¹ The IAWG is mandated by Executive Order 13055 and Public Law 105-277, Division G, Section 2414.

The International Visitor Leadership Program (IVLP)

Many of the delegations hosted by OGE are foreign visitors participating in the [Department of State's International Visitor Leadership Program \(IVLP\)](#), which falls under the Bureau of Education and Cultural Affairs. Visitors participating in the IVLP are selected by foreign service officers overseas and are current or potential leaders in their countries. The program annually brings approximately 5,000 foreign visitors from all over the world to the U.S. to meet with their professional counterparts and to experience the U.S. firsthand.

International Visitors travel to the U.S. for carefully designed programs that reflect their professional interests and U.S. foreign policy goals. They travel in a variety of thematic programs, either individually or in groups, for up to three weeks. While in the U.S., International Visitors typically visit Washington, D.C. and three additional towns or cities that highlight the tremendous diversity of the U.S. They attend professional appointments with their American counterparts; learn about the U.S. system of government at the national, state, and local levels; visit American schools; and experience American culture and social life.

Most International Visitors are accompanied in the U.S. by either foreign language interpreters or English language officers who are contracted through the State Department's Office of Language Services. Not only do they provide language interpretation for the International Visitors, they also help to explain American society, history, and culture.

Non-IVLP Organizations

OGE also has provided briefings to delegations sponsored by organizations that are not on contract with the U.S. State Department's International Visitor Leadership Program (IVLP). Examples of such organizations include:

George Washington University Center for Latin American Issues: GW's Center for Latin American Issues organizes several training programs aimed at government officials from Latin America. OGE typically provides briefing to these groups twice a year.

http://www.gwu.edu/~clai/training_programs/index.htm

Defense Institute of International Legal Studies (DIILS): DIILS is a Defense Department organization. Its staff organizes professional legal education and international engagement focused on human rights, international humanitarian law, and the law of armed conflict. DIILS is one of several Defense resources that support the conduct of U.S. foreign policy through security cooperation. <https://globalnetplatform.org/diils>

Duke Center for International Development (DCID): DCID's mission is to advance international development policy and practice worldwide through interdisciplinary approaches to graduate-level education, executive training, policy advising, and research.

<http://dcid.sanford.duke.edu/>

Syracuse University's Maxwell School of Citizenship and Public Affairs: The Maxwell School, along with the Training Center for Peking University-Hong Kong University of Science and Technology Shenzhen-Hong Kong Institution, hosts an annual training program for senior and middle-level government officials from the Shenzhen City government.

<http://maxwell.syr.edu/>

Triway International Group: Triway provides professional training and visit programs designed for Chinese delegations in the U.S. <http://www.triwayinc.com/>

U.S.-China Business Training Center: The U.S.-China Business Training Center is an overseas training venue approved by the Chinese State Administration of Foreign Experts Affairs (SAFEA). Located in the Greater Los Angeles Area with two branch offices in Beijing and Shanghai, the center organizes professional training programs for Chinese government officials, business executives, and industry professionals. <http://ucbtc.org/index.php>

II. PROCESS

ITA Briefing Checklist

The checklist below provides step-by-step instructions for scheduling ITA briefings.

Receipt of Request and Initial Determination

- ❑ When the request is received, send an acknowledgement letting the requesting organization know that OGE is considering its request. Conduct additional online research on the requesting organization or individual, as needed.
- ❑ Determine whether the request was received from an organization on contract with the U.S. State Department's International Visitor Leadership Program (IVLP). A list of these organizations is available at the following link: <http://eca.state.gov/ivlp/about-ivlp/implementing-partnerships>.
 - If the request is from an IVLP organization or an organization for which OGE regularly conducts briefings (see page 2-3), proceed to the next step.
 - If the request is from any other organization or individual, consult with OGE's International Outreach and Assistance Team Lead. If OGE would like to proceed, contact the applicable country desk at the State Department for further guidance. A telephone directory is available by going to the following link <http://www.state.gov/m/a/gps/directory/> and clicking on "Country Offices."
- ❑ After receiving guidance from the State Department (if applicable), determine whether OGE could potentially meet with the delegation or individual. Factors include the level of the individual or delegation, how closely the delegation's professional interests align with OGE's mission, whether the request is from an IVLP organization, and the number of ITA briefings that are already scheduled to take place that month.
- ❑ If OGE cannot accommodate the request, based on the guidance of the State Department or due to other factors, email the requester to decline. Enter the information about the briefing request in the ITA Events database at [REDACTED]

Scheduling

Non-Responsive Internal Network

Once a decision is made to accommodate the request for a briefing, follow these steps to schedule the meeting. Note: the following steps in the process generally overlap.

- ❑ Coordinate with the requester to determine preferred dates and times. Determine the number of possible participants to ensure that an OGE meeting room can accommodate them. Include the InternationalTeam@oge.gov email address on correspondence with requesters.
- ❑ Request basic biographical information on participants (name, position, organization) if this information has not already been provided. Determine whether the requesting group will provide interpretation, and if so, whether it will be simultaneous or consecutive interpretation.
- ❑ Identify OGE briefer(s) and confirm availability. Ask the Ethics Law & Policy Branch Chief before contacting attorneys from ELPB. A list of OGE employees who have been trained to

conduct briefings and who have expressed an interest in being scheduled to do so is located in Appendix B. Any OGE employee may participate, however, as long as the employee has supervisory approval and has received training from the International Outreach and Assistance Team.

- ❑ Determine meeting space availability and reserve room. Groups from non-IVLP organizations should be scheduled exclusively in the first-floor Conference Center at 1201 New York Avenue NW. Use OGE meeting rooms for IVLP groups only if the first-floor Conference Center is unavailable. The room reservation should begin a half hour before the scheduled meeting time to allow for room set-up and early arrivals. The International Outreach and Assistance Team Lead has the login information for using the online scheduling tool for the first-floor Conference Center.
- ❑ Send a Microsoft Outlook meeting invitation from the InternationalTeam@oge.gov calendar to the OGE briefer(s) with the finalized date, time, and location.
- ❑ Send an email to the requesting organization confirming the date, time, location, number of visitors, and OGE briefer(s). Include directions to OGE, information on accessing the building, and bios of the OGE briefers. The sample text is located on page 7. Many staff biographies are available through the Communication Outreach Group in the following folder: [REDACTED] Non-Responsive Internal Network
- ❑ Update the information about the briefing request in the ITA Events database

Briefing Preparation

- ❑ (*Optional*) Particularly if OGE senior staff are involved in the briefing, prepare any informational materials that might be useful in conducting the briefing. These could include the State Department's Fact Sheet for a particular country (<http://www.state.gov/r/pa/ei/bgn/index.htm>), the country's [CIA World Factbook](https://www.cia.gov/library/publications/the-world-factbook/index.html) entry (<https://www.cia.gov/library/publications/the-world-factbook/index.html>), or other relevant information from the internet. For high-level meetings, consult the physical country file for relevant background information, such as names of recent high-level visitors from that country. For high-level foreign officials, check with the State Department country desk officer or the respective embassy to determine the appropriate form of address (e.g., "Madame Vice President" or "Vice President Ortega.")
- ❑ Provide the OGE briefer(s) with
 - General background information on the visiting delegation or individual. Include information on the type of interpretation (consecutive or simultaneous) and any particular topics that the visitor(s) would like covered in the presentation.
 - The link to the ITA Handbook [REDACTED] which includes a copy of the Standard ITA Briefing and the FAQs Non-Responsive Internal Network
 - The link to [REDACTED] where the briefer will find "key slides" and full slide presentations used by ITA briefers in the past
- ❑ Inform the OGE briefer of the standard OGE handouts provided at the briefing (see below).
- ❑ The week before: Prepare a blue OGE folder for each of the meeting participants, including the OGE briefer(s), plus two extra. Each folder should contain the following:
 - One-page inventory of translated documents available on OGE's website

- Summary of the Standards of Ethical Conduct (from OGE’s website)
- One-page summary of the criminal ethics statutes
- Public financial disclosure form without the instructions, OGE Form 278e (*English*).
- Confidential financial disclosure form, OGE Form 450 (*English*)

The English versions of these documents are available at [REDACTED]
 [REDACTED] The translations of the Standards of Ethical Conduct and criminal statutes are available at [REDACTED].

Non-Responsive
Internal Network

- ❑ Print several blank gift “tags.” See Appendix A.
- ❑ Thursday, the week before: From the InternationalTeam@oge.gov email address, send an email to the Agency Wide mail group with descriptions of the upcoming briefings for the following week. Sample email text is located on page 8.

Day of Briefing

- ❑ Ensure the meeting room is clean and properly set up according to the needs of the briefer(s) and the visiting group.
- ❑ Provide the OGE briefers with several blank gift “tags” and remind the briefers to notify the International Outreach and Assistance Team if they receive any gifts from the attendees of the ITA briefing.
- ❑ Have the OGE briefers bring the following materials to the meeting room:
 - Blue OGE folders, to be placed at each participant’s seat.
 - A business card for each OGE briever, to be placed on top of each folder.
- ❑ Follow up with the OGE briefers to determine whether they received any gifts from the delegation. If gifts were received, follow the gift procedure on page 9.

Post Briefing

- ❑ Enter the remaining information about the briefing request, as well as gifts received, into the ITA Events database at [REDACTED]
- ❑ File gift tags for gifts “received by OGE” in the envelope in Wendy’s office.
- ❑ Print and file the following in the respective country or multi-regional file: the screen shot of the Event from the ITA Events database, the participant list, and a copy of the original request for the briefing

Non-Responsive Internal
Network

Directions to OGE

The following text can be used or adapted for ITA briefings that take place at OGE in either the first-floor Conference Center or OGE's Main or Executive Conference Rooms.

In preparation for your upcoming meeting with OGE, which is scheduled for [insert date] at [insert time], we would like to provide you with information about our security requirements and directions to our office.

The U.S. Office of Government Ethics is located at 1201 New York Avenue, NW, Washington, D.C. 20005. The meeting will take place [options: in the first-floor Conference Center, which is located in the atrium of the building OR in OGE's offices, which are located on the 5th floor.]

We require visitors to bring some form of government-issued photo identification. This could include a passport, driver's license, or other form of government identification.

If you are taking the Metro, our office is easily accessible from both the Metro Center station, servicing the red, blue, orange, and silver lines, and the McPherson Square station, servicing the blue, orange, and silver lines.

- From the Metro Center station, use the 12th and G Street exit. Walk north up 12th Street (in the direction of the Marriott Hotel) for two blocks until you reach New York Avenue. Our building is at the corner of 12th Street and New York Avenue. The address is 1201 New York Avenue.
- From the McPherson Square station, cross 14th Street heading east on I Street. Cross 13th Street and continue for another half a block to the back entrance of our building, which is labeled "1201 New York Avenue."

[*For meetings that take place on the 1st floor:* If you enter the building from New York Avenue, go down the stairs to the lobby. If you enter from the I Street side, walk around the atrium (you will be on the second floor) and go down the stairs to the lobby. The Conference Center is on the other side of the fountain, to the right of the security desk.]

[*For meetings that take place on the 5th floor:* If you enter the building from New York Avenue, go down the stairs in the atrium. If you enter from the I Street side, walk around the atrium (you will be on the second floor) and go down the stairs. Someone from our office will be there to greet you.

Please do not hesitate to contact me at InternationalTeam@oge.gov or [your phone number] if you have any questions. We look forward to meeting with you.

Sample Thursday Email

Each Thursday, an email describing the briefings for the following week should be sent to the Agency Wide MailGroup. An email need not be sent if there are no ITA briefings scheduled for that week.

The email should include the date and time of the briefing, the OGE staff members that are presenting, and a general description of the delegation. The email should also include the location where the briefing is taking place. A sample email is provided below:

From: InternationalTeam@oge.gov
To: ITA Briefing Email List
Subject: ITA Briefing Next Week (November 18)

There is one International Technical Assistance (ITA) briefing scheduled for next week:

Tuesday, November 18, 2:00 p.m. – 3:30 p.m. (Crystal City)

On Tuesday, Doug Chapman will meet with approximately 30 foreign participants attending a program sponsored by the Defense Institute of International Legal Studies (DIILS). The DIILS is a Defense Department organization that plans and executes professional legal education and international engagement focused on human rights, international humanitarian law, and the law of armed conflict. DIILS is one of several Defense resources that support the conduct of U.S. foreign policy through security cooperation.

Gifts Received During ITA Briefings

Often, delegations that attend OGE ITA briefings will present a small gift to each OGE briefer as a mark of courtesy. Under the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342, an employee generally may accept a gift of minimal value from a foreign government “tendered and received as a souvenir or mark of courtesy.” The following procedure is to be used when an OGE briefer receives a gift in the context of an ITA briefing.

Procedure for Briefer Gift Retention or Excess of Gift

Step 1: The OGE briefer completes a “tag” with information about the gift. Blank gift tags, located in Appendix A, are provided to the briefers in advance of the presentation.

Step 2: If the OGE briefer would like to keep the gift, he or she shall meet with the OGE ADAEO to confirm that he or she may retain the gift. If the ADAEO approves, the OGE briefer may retain the gift. The OGE briefer will return the completed gift tag to a member of the International Outreach and Assistance Team.

Step 3: If the OGE briefer does not wish to keep the gift or if the ADAEO does not approve retention by the employee, the gift will be deemed to have been received by OGE. The OGE briefer will secure the completed gift tag to the gift and deposit the gift with a member of the International Outreach and Assistance Team.

Step 4: Gifts that are retained by OGE may be placed in the display case or another appropriate location within the agency. If the gift is not displayed, it should be stored in a designated location until it is ready to be excessed.

Step 5: The International Assistance and Outreach Team will ensure that information for all gifts, whether retained by a briefer or received by OGE, are logged in the ITA Events database.

Step 7: The International Assistance and Outreach Team will work with OGE’s Internal Operations Division to excess gifts retained by OGE, as needed.

End-of-Year Reporting

Each year, OGE is responsible for reporting statistics on international exchange and training activities, as well as information on certain gifts given to foreign officials and received from officials.

Reporting International Exchanges and Training

The Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG) annually issues a data call to federal organizations that engage in international exchange and training activities. The data collection and the resulting annual Inventory of Programs is required by Congress.

ITA briefing statistics are reported in the IAWG's online Federal Exchanges Data System (FEDS) (<https://feds.iawg.gov/>). In order to access the IAWG's Federal Exchanges Data System (FEDS), users will need a Site Name, a User Name and Password. More information is available by visiting www.iawg.gov or contacting IAWGMail@state.gov.

Gift Reporting

The State Department's Office of the Chief of Protocol requires agencies to report annually on gifts of more than minimal value² received by an employee from a foreign government during the calendar year. This data call comes in the form of an email to the Director, with a copy to the International Outreach and Assistance Team. The timing of the report varies each year.³

² The public law regarding the receipt and disposition of foreign gifts and decorations, 5 U.S.C. §7342, requires that, at 3-year intervals, the Administrator of General Services redefine via regulation the minimal value for foreign gifts.

³ The Office of the Chief of Protocol also requires agencies to annually report on gifts of more than minimal value given by the U.S. government to foreign individuals. However, OGE typically does not give gifts to ITA Briefing visitors.

III. STANDARD BRIEFING OUTLINE

The following is the standard outline that individual briefers are encouraged to use when preparing for ITA briefings. Where appropriate, frequently asked questions (FAQs) related to the main subject area are listed after the respective section of the outline; the answers to these questions begin on page 24.

Individual briever may exercise discretion to modify the standard briefing, keeping in mind the following guidance on the briever's role: as OGE's representative, each individual briever supports U.S. foreign policy interests by providing visitors with information about OGE and the executive branch ethics program, engaging the visitors in discussion regarding government ethics, and promoting mutual understanding and goodwill through the shared experience of cross-cultural exchange and learning.

Modifications to the standard briefing within the discretion of the individual briever include, but are not limited to:

- *Changing the order of the topics;*
- *Omitting certain topics, including, most commonly, “The Bigger Picture” and “International Technical Assistance” due to time constraints; and*
- *Incorporating information from the answers to the FAQs into the content of the briefing itself.*

Note: the International Outreach and Assistance Team annually reviews and updates the information highlighted in gray.

Preliminary Remarks

- Speakers introduce themselves.
- Emphasize informal nature of the discussion & encourage questions.
- Invite participants to share their experiences: OGE uses these briefings as an opportunity to learn.
- Location of restrooms outside of the lobby Conference Center, if applicable. When meeting in OGE's main conference room or executive conference room, OGE briefers may need to escort visitors to OGE's restroom.
- OGE = Office of Government Ethics (although try not to use the acronym).
- Today we will discuss the following (as applicable):
 - Introduction to the Office of Government Ethics
 - Enforceable Standards
 - Financial Disclosure
 - Training & Counseling
 - Oversight
 - The Bigger Picture of Ethics and Good Governance in the Executive Branch
 - International Technical Assistance

Introduction to the Office of Government Ethics

Topics covered: formation and mission, structure of the executive branch ethics program, OGE's jurisdiction, definition of a conflict of interest, and the main features of the executive branch ethics program.

<i>Formation/ Mission</i>	<ul style="list-style-type: none">▪ Mission and mandate is based on a law, passed by Congress: the Ethics in Government Act of 1978.▪ The Ethics in Government Act of 1978 was part of a series of reforms following the Watergate scandal (same time as the creation of the Inspector General Act and the Government in the Sunshine Act).▪ Mission: "Provide overall leadership and oversight of the executive branch ethics program designed to prevent and resolve conflicts of interest." (Emphasize exec branch, only).▪ OGE does this through a specific ethics program, the elements of which will be outlined in a moment.▪ Very important: OGE does NOT investigate or prosecute cases. We are a prevention agency.
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	<p><i>Related FAQs</i></p> <ol style="list-style-type: none"> 1. How does OGE measure its effectiveness? Does OGE’s work actually prevent corruption? (p. 24) 2. Who supervises OGE? What reporting is OGE required to make to the President and Congress? (p. 24) 3. Is OGE independent if the Director is appointed by the President? (p. 25) 4. Where does OGE’s budget come from? How large is it? (p. 25) 5. Why doesn’t OGE have enforcement powers? How can OGE be effective without the power of enforcement? (p. 25)
<i>COI Defined</i>	<ul style="list-style-type: none"> ▪ What do I mean by “conflict of interest”? ▪ The U.S. has specific situations defined by statute or regulation that are deemed conflicts of interest. ▪ More generally, though, it is a situation where one’s personal/family/private interests or activities may conflict or appear to conflict with the impartial conduct of duties.
<i>Structure of the Exec. Branch Ethics Program</i>	<ul style="list-style-type: none"> ▪ There are roughly 2.7 million civilian executive branch employees who work in Washington D.C., throughout the country, and abroad for approximately 130 executive branch departments and agencies. (CY 15) ▪ OGE is a policy-setting agency, issuing guidance and overseeing agency ethics programs, and it performs certain required functions for administering ethics requirements for the most senior executive branch officials. OGE has about 70 full-time employees. ▪ How can 70 individuals effectively reach out to almost 3 million executive branch employees? As a practical matter, our system is highly decentralized. ▪ Each agency has a Designated Agency Ethics Official who is appointed by the head of the agency to manage the day-to-day work of the ethics program. There are approximately 4,500 ethics officials in the executive branch. (CY 15) ▪ If you talk to a typical executive branch employee, s/he may not know about OGE, but s/he will probably know who their ethics official is or remember having received training from their ethics official. <p><i>Related FAQs</i></p> <ol style="list-style-type: none"> 6. What kind of background do you need to work at OGE? (p. 26) 7. Who hires and supervises agency ethics officials? (p. 26) 8. If ethics officials are ultimately responsible to the Director of their agency, how can they provide unbiased advice? (p. 26)
<i>Jurisdiction</i>	<ul style="list-style-type: none"> ▪ Ethics program in executive branch is distinct from those in the legislative and judicial branches. ▪ Under the U.S. Constitution each of the three branches is independent. As a result, each branch is responsible for administratively disciplining its employees.

	<ul style="list-style-type: none"> ▪ The Constitution also leaves to the individual states the power to oversee their state and local ethics regimes. OGE does not have jurisdiction over them. Most states and many large cities have their own ethics bodies (board, commission, etc.) and often handle other “ethics”-related issues such as access to information, elections, whistleblowing, lobbying, and campaign finance.
<i>Main Features of the Exec. Branch Ethics Program</i>	<ul style="list-style-type: none"> ▪ Written, Enforceable Standards. ▪ Financial Disclosure. ▪ Training and Counseling. ▪ Oversight.

Enforceable Standards – Criminal, Civil (Monetary Penalties), and Administrative (Disciplinary)

Topics covered: criminal conflict of interest statutes, civil statutes, Standards of Ethical Conduct for Employees of the Executive Branch, and detection and enforcement

The Criminal Conflict of Interest Statutes	
<i>Overview</i>	<ul style="list-style-type: none"> ▪ Govern situations where a government official could misuse his/her official position for personal gain or let the government official’s personal interest affect his/her public duties. ▪ With the exception of the bribery statute, OGE has the authority to provide guidance on these statutes. ▪ Violation of statute can lead to jail time and/or a fine.
	<p><i>Related FAQs</i></p> <p>9. Are the President and Vice President subject to the same requirements as executive branch employees? Does the White House have to obey the ethics laws? (p. 26)</p>
<i>Financial Conflicts of Interest</i> 18 U.S.C. 208	<ul style="list-style-type: none"> ▪ Primary restriction designed to prevent self-dealing. ▪ Prohibits a government official from acting in his/her official position on matters in which s/he, the spouse, a minor child, or others have a financial interest. Also requires recusal when the interests of those with whom s/he is negotiating for private employment are affected. Doesn’t prevent the official from having a certain interest but rather prohibits the official from taking an official action affecting the interest. ▪ Possible examples to use: <ul style="list-style-type: none"> - Postmaster General who owned Coca-Cola stock, participated in a Postal Service decision on a contract with Coke. \$27K settlement. - Darleen Druyun, a top procurement official at the Air Force, responsible for \$30 billion of expenditures every year, pled guilty to conspiracy to violate title 18,

	section 208(a) and admitted favoring Boeing as a result of her employment negotiations. Druryun served jail time as a result.
<i>Supplementa- tion of Salary</i> 18 U.S.C. 209	<ul style="list-style-type: none"> Prohibits a government official from receiving any additional salary, compensation, or a thing of value, for doing his or her government work. Prevents the government employee from having to decide who to favor – the government or the other entity. Designed to prohibit situations where there may be a conflict of loyalty (distinct from the bribery statute, since there is no quid pro quo).
<i>Representa- tional Activities</i> 18 U.S.C. 203 18 U.S.C. 205	<ul style="list-style-type: none"> Prohibits government officials from using their official influence by prohibiting them from seeking action from the government on behalf of others. Basic premise is that primary loyalty of official is to the entire government as an employer. An employee can represent herself, though, for instance. Example: A government employee couldn't help his brother-in-law get a government contract, even with a different agency.
<i>Post- Government Employment</i> 18 U.S.C. 207	<ul style="list-style-type: none"> Protects government processes by prohibiting the types of communications former government officials can have with the government on behalf of a private party after they leave public service. Restricts “what” a former employee can do, not “who” they can do it on behalf of. Purpose is to prevent government officials from misusing their information, influence, and contacts they had gained while in public service on behalf of their new employer/client or some other private party. There is no employment-ban per se. Government officials can work for whomever they like once they leave government (assuming they don't violate another statute in getting the new position). The more senior the government official was before leaving, the more restrictions there will be.
	<p><i>Related FAQs</i></p> <p>10. Can a former government employee who goes to work for the private sector use government information in their new private sector job? (p. 27)</p> <p>11. Are there revolving door restrictions on individuals entering government? (p. 28)</p>
Civil Statutes	
<i>5 U.S.C. app. 501, et seq.</i>	<ul style="list-style-type: none"> Certain high level noncareer employees have limits on the amount of outside earned income they can receive and they are prohibited from receiving compensation for an outside job that involves a fiduciary relationship.

The Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635)	
<i>Overview</i>	<ul style="list-style-type: none"> ▪ Issued as a regulation by OGE at the request of the first President Bush and took effect in 1993, replacing individual agency regulations based on a 1965 model code. ▪ It is a disciplinary code applicable to ALL executive branch employees. ▪ Implement Presidential Executive Orders and complement the conflict of interest laws and civil ethics statutes. Has a broader reach in order to protect employees from violating a criminal law. ▪ It covers issues such as gifts, conflicts of financial interests, impartiality, misuse of position, outside activities, and seeking employment. ▪ A violation of the SOC is administrative misconduct, punishable with discipline, up to and including termination.
	<p><i>Related FAQs</i></p> <p>12. How often does OGE update its regulations? (p. 28)</p> <p>13. How have the Standards of Conduct changed since their issuance? (p. 28)</p> <p>14. Do the Standards of Conduct apply to government contractors? (p. 29)</p> <p>15. Do the Standards of Conduct govern an employees' personal life -- for instance, are there rules against excessive drinking, gambling, etc.? (p. 29)</p>
<i>Gifts</i> <i>Subparts B and C</i>	<ul style="list-style-type: none"> ▪ Government officials cannot accept a gift given to them because of their official position. ▪ Government officials cannot accept gifts from prohibited sources – those who are doing business with their agency, seeking to do business, regulated by the agency or part of group wanting to do any of the above. ▪ Exceptions: basic one is \$20 rule, no more than \$50 from a single source in a given year. ▪ Government officials cannot give gifts to other government officials who make more pay than they do or are supervisors, nor can intended recipient accept the gifts. ▪ Supports the principle of a merit-based civil service.
<i>Conflicting Financial Interests</i> <i>Subpart D</i>	<ul style="list-style-type: none"> ▪ Government officials are not allowed to take official action on matters in which they have a financial interest. ▪ If employee would need to recuse too frequently because of an interest, the agency can require the employee to sell the asset or resign from an outside position.
<i>Impartiality</i> <i>Subpart E</i>	<ul style="list-style-type: none"> ▪ Employees must avoid the appearance of bias/partiality. The appearance of bias can be just as damaging as a real bias. ▪ In general, there is a test employees are asked to apply to their own actions: would a reasonable person with knowledge of the relevant facts question the employee's impartiality in the matter on which he is being asked to act.

	<ul style="list-style-type: none"> ▪ Example: according to the law, crime for a public employee to award a contract to a company that the employee is part owner of...but he also shouldn't, without authorization, award a contract to a company owned by his adult child.
<i>Misuse of Position</i> <i>Subpart G</i>	<ul style="list-style-type: none"> ▪ Government officials should not use their public office for private gain. ▪ Common examples include: seeking special treatment with use of official title; endorsing products; misusing property; and misusing non-public information.
<i>Outside Activities</i> <i>Subpart H</i>	<ul style="list-style-type: none"> ▪ Government employees may not have outside employment that conflicts with their official duties and in some cases must seek approval from their agency for outside employment or activities. ▪ There are limitations on their participation, fundraising activities, and on paid teaching, speaking, and writing, particularly when those outside activities and financial obligations conflict with their official position.
<i>Seeking Employment</i> <i>Subpart F</i>	<ul style="list-style-type: none"> ▪ Government officials are not allowed to take official action on matters in which they have a financial interest. This extends to those entities with which they may be seeking employment. ▪ Requires employees to not take an action affecting potential new employers, as well as some reporting requirements to agency. The prohibition starts at the beginning of the job search.
Detection and Enforcement	
<i>Criminal</i>	<ul style="list-style-type: none"> ▪ Alleged violation of a statute? Generally, the Office of Inspector General for an agency will conduct an investigation, although the investigation can begin with the FBI. If there is potential criminal conduct, the OIG is required to refer the matter to the Department of Justice and concurrently notify OGE. ▪ The Department of Justice can choose to prosecute or not. <ul style="list-style-type: none"> - If DOJ prosecutes and the official is found guilty, he or she is liable for fines and imprisonment, and the agency can concurrently impose disciplinary sanctions. - If DOJ declines to prosecute, the agency can still take disciplinary action if the conduct violates the Standards.
<i>Administrative</i>	<ul style="list-style-type: none"> ▪ Alleged violation of the code of conduct? The Office of Inspector General or a supervisor for the agency will conduct an initial investigation, depending on the alleged violation. ▪ Agency chooses the discipline: counseling; reprimand; suspension; demotion; transfer; and firing.
	<ul style="list-style-type: none"> ▪ It is possible to discipline an employee at the same time he or she is being prosecuted, but it takes agency coordination with the prosecutors so as not to disrupt the criminal proceedings. However, generally, agency management and the Office of Inspector General will wait until any criminal investigation is complete before conducting an administrative investigation. In some circumstances, an agency can place an employee in an indefinite suspension pending resolution of a criminal matter.

<i>Detection and Enforcement</i>	<p><i>Related FAQs</i></p> <p>16. How does an agency know when an employee has accepted a prohibited gift or otherwise violated an ethics rule or law? (p. 30)</p> <p>17. How are violations of the Standards of Conduct handled? Who carries out the discipline/sanction/penalty? (p. 31)</p> <p>18. Who enforces the civil and criminal conflict of interest statutes? (p. 31)</p> <p>19. How many corruption cases/Standards of Conduct violations are there each year? What are the most common violations? (p. 31)</p> <p>20. Can an employee be fined for violating the Standards of Conduct? (p. 31)</p> <p>21. How can an employee be fired for misconduct if s/he hasn't been first convicted in a court for wrongdoing? (p. 32)</p> <p>22. If an employee is fired after violating the Standards of Conduct or a conflict of interest law, is he or she eligible for federal employment later? (p. 32)</p> <p>23. If an employee has a disciplinary action taken against him, what appeal options does he/she have? (p. 32)</p>
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Financial Disclosure

Topics covered: *Comparison of U.S. system to other systems, public financial disclosure, confidential financial disclosure, and purposes of financial disclosure.*

Introduction	
<i>Comparison of U.S. System to Other Systems</i>	<ul style="list-style-type: none"> ▪ Internationally, there are two models for financial disclosure systems: models that are designed to catch illicit wealth (i.e., wealth illegally obtained or wealth that cannot be explained), and models that are designed to identify conflicts of interest. ▪ The U.S. uses the latter model: financial disclosure serves as a tool to both detect conflicts and prevent those that could occur. ▪ Requires information to be disclosed on assets and income, liabilities, gifts and reimbursements, agreements and arrangements with private entities or persons, outside positions, and identification of certain private clients. ▪ Identifying conflicts of interest does not require a precise accounting of an employee's net worth. We must also consider the balance between the need for information to conduct our analysis on one hand, and the privacy concerns of the employee and the administrative costs of reviewing reports on the other. <p><i>Related FAQs</i></p> <p>24. Why don't the financial disclosure forms require the reporting of cars, jewelry, and homes? (p. 33)</p>

	<p>25. How do you check to see if public officials are lying on their financial disclosure forms? How do you verify the financial holdings of public officials? (p. 33)</p> <p>26. Why don't we use tax returns as the form of financial disclosure? (p. 33)</p> <p>27. Why can't reviewers access bank accounts or other financial information to verify the content of the financial disclosures? (p. 33)</p>
Two Types: Public and Confidential	
<i>Public Financial Disclosure</i>	<ul style="list-style-type: none"> ▪ Covers all senior positions and all political positions. ▪ About 1,100PAS and about 26,000 senior officials. ▪ File at nomination/appointment, annually, and upon leaving the position. In addition, certain transactions must be reported shortly after they occur. ▪ Reviewed and certified at the agency level. OGE conducts a second review and certification of the PAS and DAEO reports. ▪ Publicly available upon request. The majority of the reports that OGE reviews are available for download on its website. ▪ OGE recently updated its financial disclosure form (from the OGE Form 278 to the OGE Form 278e) to enhance readability and to make the disclosure process less confusing for filers. The redesigned form furthers the goal of transparency by ensuring that the reports can easily be understood by members of the public. ▪ OGE also recently created an electronic filing system for public financial disclosure filers. The system asks targeted, detailed questions intended to help improve the accuracy of the reported information. The filing system also allows comparison of reports that a filer has filed previously, allowing reviewers to easily check for new assets and to see discrepancies between years.
<i>Confidential Financial Disclosure</i>	<ul style="list-style-type: none"> ▪ Covers at-risk positions below a senior level which are more at risk for conflicts – about 380,000 filers. ▪ Examples: those officials in contracting, regulating, procurement and acquisition, and grant-issuing positions. ▪ File with agency ethics official upon entering at-risk position and annually. ▪ Reports are confidential – they cannot be released to the public.
Purposes of Financial Disclosure	
<i>Prevent COI</i>	<ul style="list-style-type: none"> ▪ First and foremost, financial disclosure helps agencies to spot and prevent conflicts of interest or appearance concerns before they occur. ▪ When an individual is under consideration for or enters a covered position, an initial financial disclosure report is collected and reviewed. ▪ After completing the review, an agency will counsel the filer and recommend appropriate remedies for any potential conflicts. Remedies include recusal from matters affecting or involving a financial interest; divestiture of an asset; resignation of an outside position; or, in rare cases, a waiver of the restriction.

	<ul style="list-style-type: none"> Depending on the needed remedies and the filer's position, the agency may issue a formal counseling memo or the filer may enter into a written ethics agreement which sets forth what actions he or she must take in order to comply with all ethics rules. The Office of Government Ethics collects compliance documentation for Presidential appointees requiring Senate confirmation.
<i>Promote Confidence in Decision-Making</i>	<ul style="list-style-type: none"> The second core aim of financial disclosure is to promote confidence in the integrity of government decision-making. The existence of a structured review and advisory process for employees at heightened risk for conflicts gives the public more confidence that conflicts of interest are being addressed. Public disclosure for senior officials goes one step further by allowing people to see what ethics officials see and reach their own conclusions. The hope is that once the public sees the interests and affiliations they will understand that there is no cause for concern. The transparency of the process also acts as a check to ensure the review process is functioning appropriately.
<i>Financial Disclosure as a Counseling Tool</i>	<ul style="list-style-type: none"> Financial disclosure is also used as a counseling tool, alerting the filer to possible conflicts between her financial holdings or outside positions and her official duties. The review of the financial disclosure also helps sensitize the filer to the types of holdings they should avoid in the future.

Training & Counseling

Topics covered: Training and counseling of executive branch employees, the role of OGE in the training and counseling process.

Training	
<i>Overview</i>	<ul style="list-style-type: none"> Not good enough to have rules, need to make sure that government employees know they exist and understand them. OGE's regulations specify who is required to receive training, the frequency of the training, and the information that must be covered. Many agencies exceed these minimum requirements. Many senior officials receive their training one-on-one.
<i>Initial Ethics Orientation</i>	<ul style="list-style-type: none"> Each agency is responsible for training when new employees arrive. The training must cover the Standards of Ethical Conduct and provide the contact information of agency ethics officials.
<i>Annual Ethics Training</i>	<ul style="list-style-type: none"> Because they hold either senior positions or positions deemed more at-risk for conflicts, financial disclosure filers receive additional training annually. Some agencies extend the annual training requirement to all agency employees.

Counseling	
<i>Overview</i>	<ul style="list-style-type: none"> ▪ Important that employees know that they can ask ethics officials for advice at any time before they take an action that would lead them to break a rule, perhaps inadvertently. ▪ Agency ethics officials provide advice on demand to agency employees.
Role of OGE in Training and Counseling	
<i>Train the Trainers</i>	<ul style="list-style-type: none"> ▪ OGE typically doesn't train executive branch employees directly. OGE trains agency ethics officials, who in turn train their agency employees. ▪ OGE does develop educational tools, including handbooks, slide decks, and instructor guides, that agencies can use in their training, such as online training modules, etc.
<i>Role of the Desk Officer</i>	<ul style="list-style-type: none"> ▪ If ethics official needs guidance s/he goes to OGE Desk Officer for advice on demand.

Oversight

<i>Oversight at the Programmatic Level</i>	<ul style="list-style-type: none"> ▪ OGE ensures that the agencies are correctly implementing the ethics program requirements through program reviews. ▪ OGE's goal is to review each agency in the executive branch at least once every four years – more frequently if there's evidence to indicate a specific agency is not meeting requirements. This approach results in approximately 30-40 on-site agency reviews each year. ▪ During the review, OGE ensures that <ul style="list-style-type: none"> - the agency is collecting and reviewing financial disclosures in a timely manner and conflicts of interest have been identified and remedied - the advice and counsel given to the agency employees is consistent and accurate - the agency is training the appropriate personnel and the training meets the minimum standards ▪ At the conclusion of a review OGE issues a written report, which is posted on OGE's website. The report includes recommendations for addressing deficiencies and identifies model practices. ▪ OGE follows up on implementation of the reports to ensure the agencies have corrected problems identified in the reports.
	<p><i>Related FAQs</i></p> <p>5. Why doesn't OGE have enforcement powers? How can OGE be effective without the power of enforcement? (p. 25)</p>

The Bigger Picture of Ethics and Good Governance in the Executive Branch: Institutional Integrity

<i>Overview</i>	<ul style="list-style-type: none"> ▪ In the U.S., promoting ethics in government and fighting corruption is not done in one agency or through one program. Fighting corruption requires creating and maintaining interlocking governmental systems that are transparent, accountable, and participatory.
<i>Transparent, Standardized, and Open Processes</i>	<p>Examples:</p> <ul style="list-style-type: none"> ▪ Standardized, written administrative procedures ▪ Budgetary and financial accountability ▪ Freedom of Information Act ▪ Notice and Comment Rulemaking ▪ Open, Competitive Procurement System ▪ Open, Competitive, Merit-Based (politically-neutral) Civil Service (Merit Systems Protection Board) ▪ Whistleblower protections (Office of Special Counsel) () ▪ Transparent judicial and legislative proceedings <p><i>Related FAQs</i></p> <p>28. Are there rules against hiring family members (nepotism)? (p. 34)</p> <p>29. What are the salaries of government employees? (p. 34)</p> <p>30. Are there rules that deal with the political activities of government employees? (p. 34)</p> <p>31. What rules are in place to deal with lobbying? (p. 34)</p> <p>32. Does OGE deal with campaign finance? (p. 35)</p> <p>33. Does OGE have rules that protect individuals who report misconduct of public servants (whistleblower protection)? (p. 35)</p>
<i>Checks and Balances</i>	<ul style="list-style-type: none"> ▪ Internal: budget and financial controls. ▪ External: Congressional oversight committees and Government Accountability Office. ▪ Independent Offices of Inspectors General. <p><i>Related FAQs</i></p> <p>34. What are Inspectors General and which agencies have them? (p. 35)</p>
<i>Freedom of Press and Speech</i>	<ul style="list-style-type: none"> ▪ Open, free, and active news and media ▪ Active civil society organizations

International Technical Assistance

<i>Bilateral Assistance</i>	<ul style="list-style-type: none">▪ Most of our international technical assistance is “virtual” - through email and tele- or video-conferences.▪ OGE has done very short site visits, but always at the request of our foreign policy bodies (State & DOJ).▪ Includes sharing best practices and providing information on how our system works. For example, a country might be researching financial disclosure systems because it’s rewriting its financial disclosure laws. We’d share how our system is structured and possibly provide contacts in other countries that might be helpful.
<i>Multi-lateral Assistance</i>	<ul style="list-style-type: none">▪ OGE also represents the U.S. on corruption prevention topics of global interest including conflicts of interest, codes of conduct, financial disclosure, and related good governance issues, at international fora such as the United Nations, Organization for Economic Cooperation and Development (OECD), Asia-Pacific Economic Cooperation (APEC), Organization of American States (OAS). This could also include participating in peer-review mechanisms with other countries.

Miscellaneous FAQs

35. What can OGE do about corporate ethics scandals? (p. 36)
36. Does the private sector have similar ethics programs? Are private sector employees aware of the ethics rules for public servants in their dealings with the government? (p. 36)
37. What are the ethics requirements for Congressmen and Senators? (p. 37)
38. Can an individual be elected to Congress if s/he has been convicted of a crime? (p. 37)
39. What are the ethics requirements for judges? (p. 37)

IV. FREQUENTLY ASKED QUESTIONS

OGE Operations

1. How does OGE measure its effectiveness? Does OGE's work actually prevent corruption?

Measuring prevention is extremely difficult. When one doesn't know how many individuals would act corruptly, it is impossible to measure how many individuals didn't act improperly because of the programs administered by OGE. What OGE does measure directly and through each agency ethics program is how well it ensures that employees have reasonable guidance and standards, sufficient training to help them understand those standards, and on-call advice from their own agency ethics official. In short, this program tries to give officers and employees the support necessary to make the right decisions.

Having said that, we try to measure how well we are providing those services. For example, we not only measure how much training we provide, but how useful the participants felt it was. We keep track of the financial disclosures reviewed and the ethics agreements that are entered into because of the conversations with the filers on avoiding conflicts of interest. In addition, we have a 5-year strategic plan that sets out long-term strategic goals and identifies specific performance targets for meeting those goals.

[Briefers may be asked about prosecution statistics as a way of telling if we are successful. For us, an increase in prosecutions may mean that, because of the ethics program, everyone (including the press) is more aware of the application of the laws and more cases come to the attention of the prosecutors. It could also mean that because of the counseling and financial disclosure system, there is more proof that someone intended to break the law and thus the prosecutions are more easily handled. Both of these things happened in the early days of the program – prosecutions went up substantially.]

2. Who supervises OGE? What reporting is OGE required to make to the President and Congress?

There are many ways in which OGE is held accountable. OGE is an agency within the executive branch; under our Constitution, this means that, ultimately, OGE reports to the President. The President nominates and the Senate confirms OGE's Director for a 5-year term of appointment. And like all executive branch agencies, OGE is required to have in place a number of systems of internal controls (as well as an annual independent financial audit) and is required to submit annual performance reports and future plans to the President and the Congress. Congress, through its Constitutional power to appropriate funds for the rest of the government, sets the amount of money OGE can spend each year and, through its Government Accountability Office, can audit OGE's expenditure of funds as well as evaluate its programs. Congress can also conduct oversight hearings requiring OGE testimony and can enact or modify laws that affect

OGE without waiting for the executive branch to propose them. Finally, the judicial branch has a role in the event that anyone challenges the laws or regulations in the courts.

3. Is OGE independent if the Director is appointed by the President?

OGE's Director is appointed by the President after first receiving Senate confirmation (approval) and serves a five-year term, thereby guaranteeing a bridge across the Director's term and a four-year Presidential Administration. With the typical exception of a Director's special assistant, all other OGE employees are career civil servants. This helps to prevent even an appearance of political influence over the agency. Congress appropriates money to OGE in a public budgeting process and can provide more or less than the President has asked them to give the agency. These features help ensure the independence and political neutrality of OGE.

4. Where does OGE's budget come from? How large is it?

As it does for all parts of the U.S. federal government, the Congress appropriates the funds for OGE each year. OGE submits its request and justification for a yearly appropriation to the Office of Management and Budget, who reviews and modifies it if necessary to balance all executive agency requests into one target spending goal. It is then a part of the President's budget recommendation to Congress. Congress then goes through a lengthy process to appropriate funds to executive branch agencies and their programs, including OGE. Congress can provide more or less money to OGE than the President has suggested it receive. OGE's current annual budget is approximately \$16 million (FY16).

5. Why doesn't OGE enforce the ethics rules? How can OGE be effective without enforcement?

As the program is designed, OGE does not take enforcement actions against individuals. Misconduct or criminal behavior is investigated and addressed through other already existing channels in the executive branch: the Department of Justice handles criminal enforcement actions, while the agencies individually impose disciplinary sanctions. These standardized enforcement systems were in place before OGE was created, and Congress felt there was no need to replicate them. Prior to the creation of OGE, what didn't exist was a body that was devoted to *preventing* ethical misconduct.

While OGE does not take enforcement action against *individuals* for wrongdoing, OGE does have the power to order *agencies* to take corrective action if their ethics programs do not meet the minimum requirements. . OGE has a staff devoted to reviewing agency ethics programs and they work collaboratively with the agencies to identify and remedy program weaknesses early, before there is any need to order corrective action. OGE, through these program reviews, also works to identify model practices and share those with all the agencies.

6. What happens if an agency does not comply with an OGE corrective action?

Ultimately, OGE can report to the President and Congress that an agency has not implemented a required corrective action. Such a report would cause serious reputational harm to an agency; the mere possibility of such an action has always been sufficient motivation for an agency to come into compliance.

7. What kind of background do you need to work at OGE?

OGE hires employees with a variety of backgrounds to fill its positions, which include attorney, management, and program analyst positions. All OGE employees, with the exception of the Director and typically an assistant, are career civil servants who obtain their positions through the standardized, open, and competitive merit-based hiring system for the executive branch.

Agency-Related Questions

8. Who hires and supervises agency ethics officials?

Agency ethics officials are hired by and are employees of their respective agencies. They are not employees of OGE. The top ethics officials are ultimately designated by the agency head; we hold the agency head responsible for the ethics program, as he or she is ultimately responsible for the conduct of that agency's employees. Most ethics officials are attorneys in an agency's general counsel's office and are supervised through that chain of command. Some ethics officials fall under the human resources department and are supervised through that chain of command.

9. If ethics officials are ultimately responsible to the Director of their agency, how can ethics officials provide unbiased advice?

Most ethics officials are now selected in a way in which they continue in their positions even if the agency head changes, thus providing program continuity. A new agency head can change that person if he or she wishes, but that is rare. During regular agency program reviews, OGE looks at the guidance provided by ethics officials and the manner in which they are reviewing the financial disclosures of the employees of the agency. This oversight is carried out to ensure that their advice and review is consistent with OGE's interpretation of the ethics laws and rules. Through this review process, we help ensure that ethics officials are providing unbiased advice. In addition, the majority of ethics officials are career civil servants, which helps prevent political influence and ensures consistent program services.

Conflict of Interest Laws and the Standards of Ethical Conduct

10. Are the President and Vice President subject to the same requirements as executive branch employees? Does the White House have to obey the ethics laws?

No, these two positions are not always subject to the same requirements. There is a Constitutional issue with limiting these two positions from fully carrying out their official duties. Congress cannot limit by law the ability of the President and Vice President to carry out their duties as described in the Constitution or create additional qualifications for serving in the positions. Although the Department of Justice has determined that the President cannot be subject to criminal proceedings while in office, the President is not immune from prosecution for violations of laws that occurred while he or she was in office once he or she has left office. Unlike the President, the Vice President can be subject to criminal proceedings while in office. As a result, both the President and Vice President may ultimately be subject to prosecution for bribery or such other crimes as theft, tax evasion, murder, etc. In addition, the Constitution authorizes the Congress to remove the President or the Vice President from office through impeachment procedures. Impeachment can occur as a result of bribery, treason, or high crimes or misdemeanors. In general, the Standards of Ethical Conduct do not apply to the President or Vice President either, although they do model their conduct after them to the extent possible. The practical reason they don't apply is that there is no higher authority in the executive branch that can discipline them for a violation. They can be voted out of office or they can be impeached by the House, tried by the Senate, and if found guilty of a high crime or misdemeanor, removed. Looking at just the gift provisions, a President frequently receives gifts from around the world. For protocol and etiquette reasons, he is allowed to accept any gift, so long as it isn't a bribe. In practice, the President personally keeps very few of those gifts and those kept are reported on his personal financial disclosure report. Those gifts that are not kept by the President are recorded by the White House on a publicly available document and are then exhibited somewhere within the government or disposed of following standard, public processes.

The President and Vice President and candidates for those two offices are required to file public financial disclosures as candidates, annually if elected, and then following the end of office.

The officers and employees of the White House are fully subject to the same laws and regulations as are other employees of the executive branch.

11. Can a former government employee who goes to work for the private sector use government information in her new private sector job?

There are certain restrictions on what information former government employees may share with others after leaving government service. For instance, there are laws that make it a crime to divulge classified information. Criminal and civil penalties can be applied to improper sharing of procurement related information. There is, however, no general restriction on a former official sharing his knowledge of how his former agency works, but there are restrictions on what a former employee can do for a new employer or even as a volunteer when it comes to making representations back to the government on behalf a private party.

12. Are there revolving door restrictions on individuals entering government?

Yes. Individuals who enter government and who still have a financial interest in a former employer will, absent a written waiver, have to recuse themselves from a particular matter affecting that interest or divest of the financial interest. In addition, the Standards of Ethical Conduct address actual or apparent impartiality with regard to former employers by prohibiting an employee from participating in a particular matter in which a former employer (within the last year) is a party. There is also a cooling-off period on participating in a particular matter if a former employer paid the employee a particularly unique severance payment before coming into government. In addition, through an Executive Order, President Obama placed longer recusal restrictions on his appointees coming into government.

13. How often does OGE update its regulations?

OGE updates its regulations for a variety of reasons. Principally, OGE will update its regulations if a law is enacted or amended in a way that requires a change in the regulations; if the experience of ethics officials (which we solicit in both formal and informal ways) indicates that a particular provision needs to be amended to meet new challenges or to make it more understandable; or if OGE determines that modifications are appropriate to ensure that the regulations continue to effectively support an ethical culture.

When changes need to be made, OGE develops a draft, typically with informal input from ethics officials, and circulates the draft within the executive branch to ensure consistency with other laws and regulations not administered by OGE. Proposed changes are then published in the Federal Register and the public is given an opportunity to provide comments within a time period set forth in the notice. Following standard regulatory issuance requirements, OGE analyzes all comments received, revises the draft accordingly, and publishes the regulation as final in the Federal Register. The final regulation will state an effective date and must include a written analysis of all comments received and how those comments affected the final regulation.

14. How have the Standards of Ethical Conduct changed since their issuance?

Much of the Standards have changed very little since their issuance in 1992. Some of changes have simply been technical amendments (for instance updating citations to modified laws or the automatic increase in the *de minimis* value related to certain gift acceptance exceptions) or minor changes to conform the Standards to changes in other laws (for instance, changes in the Hatch Act Reform Act of 1993 redefined the class of employees who may participate in political campaigns and, therefore, changed who may accept gifts when provided in connection with their participation in the campaign). Other changes have been made to conform the Standards to OGE's interpretive advice and to improve clarity. Two substantive changes resulted from legal challenges. OGE was required by law to issue regulations prohibiting the receipt of honoraria; the law was subject to a successful legal challenge and OGE withdrew its regulations on the subject. Another legal challenge required OGE to narrow a prohibition on employees' receiving travel expenses when speaking in their unofficial capacities but on topics that were related to

their official duties. More recently, OGE amended the regulations governing when employees are required to recuse themselves from matters that could have a financial effect on a future employer as a result of legislation passed by Congress in 2012 entitled the Stop Trading on Congressional Knowledge Act. In 2016, OGE also made comprehensive updates to its rules dealing with when employees may accept gifts from outside sources. A principle aim of these amendments was to give employees guidance in how to effectively exercise their discretion to accept gifts from outside sources in a way that will promote the public trust.

15. Do the Standards of Ethical Conduct apply to government contractors?

No, the Standards do not apply to contractors but there are other ways in which the conduct of contractor personnel can be controlled. Some agencies include clauses in their contracts that require contract employees to abide by certain provisions of the executive branch Standards of Ethical Conduct. Some agencies go further and provide an initial orientation to contractors regarding the standards of conduct. Acquisition regulations also require contracting officers to identify and address organizational conflicts of interest – that is, cases where the contractor has a business interest that may bias its judgment or the advice it gives the government. And for certain very large contracts (value of contract is expected to exceed \$5.5 million and the performance period is 120 days or more), business codes of ethics and conduct are mandatory.⁴

In addition, with limited exception, a contracting officer may not knowingly award a contract to a government employee or to a business or organization owned or substantially controlled by one or more government employees. This policy is intended to avoid any conflict of interest that might arise between the employees' interests and their government duties and to avoid the appearance of favoritism or preferential treatment by the government toward its employees.⁵

16. Do the Standards of Ethical Conduct govern an employees' personal life, for instance, are there rules against excessive drinking, gambling, etc.?

In general, the Standards deal with conduct that uses or relies upon some aspect of a government position to gain or provide (or appear to gain or provide) an unwarranted advantage. There is a general conduct regulation issued by the Office of Personnel Management that can be used by an agency to address some of these other types of conduct when there is a nexus between the private activities and the employee's government duties. That regulation states that "an employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government."⁶ Certain agencies may have agency-specific rules related to these types of activities, again if there is a nexus between an employee's private activities and the employee's government activities. For instance, some law enforcement agencies have rules specific to alcohol, such as prohibitions against buying or consuming alcohol while in uniform, operating a government vehicle (on or off duty) while under the influence, or drinking prior to reporting for duty.

⁴ 48 C.F.R. § 3.1004(a)

⁵ 48 C.F.R. § 3.601(a)

⁶ 5 C.F.R. § 735.203

Training & Counseling

17. How does OGE provide training to ethics officials? Can you provide examples?

The bulk of OGE's training is conducted online, which allows OGE to reach the greatest number of individuals, including those who are outside the Washington, D.C. area. OGE conducts two online courses each month. One focuses on teaching the ethics fundamentals and is geared toward newer ethics officials. The other addresses more advanced topics and is geared toward the more experienced ethics officials. Topics range from the substantive (gifts, outside activities, financial disclosure) to program management (how to effectively administer a financial disclosure program, how to engage agency leadership in the ethics program). All of OGE's virtual content is available on our YouTube page. OGE also holds a multi-day government ethics summit every 18 months, which brings together practitioners from across the country. Many of these sessions are streamed and available on our YouTube page, as well. OGE also intermittently holds in-person trainings focused on topical issues. In addition, OGE develops job aids, brochures, quick reference guides and posters that ethics officials can use and in some cases customize to meet the daily needs and demands of the employees they serve.

Detection & Enforcement

18. How does an agency know when an employee has accepted a prohibited gift or otherwise violated an ethics rule or law?

There are a variety of ways that illegal or unethical conduct is detected. Detection can come from within an agency or from reports of others from outside the agency. Inside an agency, an employee can and is obligated to report the misconduct of his/her peers. Many agencies have anonymous reporting hotlines for this purpose. Supervisors may also discover misconduct and take appropriate action. Ethics officials should be alert for possible violations of the criminal or civil statutes or the Standards of Ethical Conduct. When ethics officials find evidence that an employee has violated an ethics criminal statute or regulation, they must refer that evidence to the appropriate authority for action. In addition, the role of an agency's Inspector General is to detect fraud, waste, and abuse. To do so, the IG regularly audits various agency programs to ensure they are efficient and effective. In the course of the audit, an IG may uncover individual misconduct.

Detection from information provided by those outside the agency can also happen in a number of ways. For example, in the procurement world, a competitor in a contracting process or a "disappointed bidder" may alert the agency if they believe an employee involved in the process has engaged in misconduct. IG hotlines are also open for public complaints. It's also not uncommon for press to report a story that then triggers an Inspector General or Department of Justice investigation. The Government Accountability Office, an arm of the Congress, can detect potential misconduct while doing a program or financial review of an agency. And, while conducting unrelated investigations, the various investigative arms of the Department of Justice can uncover evidence of corruption.

19. How are violations of the Standards of Ethical Conduct handled? Who carries out the discipline/sanction/penalty?

If an allegation or suspicion of a violation of the Standards requires further investigation, that investigation may be handled first by an investigator from an Office of Inspector General or an agency designee. If the investigation determines that the Standards have been violated, the Office of Inspector General or other investigator will issue a report to the employee's supervisor recommending appropriate disciplinary action. Under standard personnel procedures, discipline is issued by an employee's supervisor. An employee has the right to be heard prior to any serious disciplinary action being taken and to appeal if a more serious form of discipline is imposed.

20. Who enforces the civil and criminal conflict of interest statutes?

The Department of Justice enforces both the civil and criminal conflict of interest statutes. If an investigation by an Office of Inspector General or agency designee determines that a statute may have been violated, the matter is referred to the Department of Justice for review for prosecution and possible further investigation by the FBI. If both regulatory and statutory violations are implicated, the Department of Justice action takes precedence. The Department of Justice determines whether to prosecute an individual for a statutory violation. If the individual is tried and found guilty, the Department requests the judge to impose a certain penalty. The actual penalty is within the Judge's discretion within the terms of the statutes violated and with guidance from the Federal Sentencing Guidelines.

21. How many corruption cases/Standards of Ethical Conduct violations are there each year?

Each year OGE gathers information from Department of Justice prosecutors nation-wide with regard to the conflict of interest and financial disclosure cases their offices have prosecuted. Based on the information collected OGE publishes a summary of these cases on its website. OGE receives reports on an average of a dozen cases each year. While this number may seem low, many times the conflict of interest/financial disclosure offenses are only a part of the charges against the individual and the case may only be tracked by the Department of Justice using the most significant offenses. In addition, OGE surveys ethics officials at all executive branch agencies annually. Based on the agencies' estimates, there are on average 2,800 disciplinary actions taken against employees for violations of the Standard and the ethics laws. Included in this number of violations would be activities such as the misuse of a government computer. When considering the large size of the executive branch, this is a very small number. This is less than 1/10th of 1%.

22. Can an employee be fined for violating the Standards?

No, an employee cannot be fined for violating the Standards. An employee can only be disciplined, which includes: counseling, reprimand, suspension, demotion, transfer, or firing.

Fines may be imposed for violating other statutes that are related to conduct or conflicts of interest, and those fines are imposed by the courts.

23. How can an employee be fired for misconduct if s/he hasn't been first convicted in a court for wrongdoing?

An employee can be fired for any misconduct if the termination would promote the efficiency of the service and the employee is granted sufficient due process. An agency must demonstrate that the employee's misconduct was sufficiently egregious to justify termination. A criminal conviction can support a termination or other disciplinary action but it is not required to justify termination. However, usually if a criminal case is ongoing, any disciplinary or administrative action will be deferred until after the criminal case is resolved.

24. If an employee is fired after violating the Standards of Ethical Conduct or a conflict of interest law, is he or she eligible for federal employment later?

All government employees must meet the suitability standards for federal employment. If an employee was removed for cause from his or her previous federal employment, it will not necessarily bar the employee from further federal service. The facts in each case as developed by inquiry or investigation will determine the person's fitness for re-entry into government service. Employees may be barred from government service for an initial period of up to three years either by the Office of Personal Management (government-wide ban) or by a specific agency.⁷ In addition, the employee will be required to disclose the action on an application for new Government employment. It can also come to light through a background investigation, if the position requires more than a basic check. If a disciplinary sanction was imposed on an employee, a record of that action would remain in his/her official personnel file for at least a certain period of time, and possibly permanently, depending on the level of discipline imposed. The agency to which the individual is now applying can take this information into consideration when determining the individual's suitability for the job for which he or she is applying.

25. If an employee has a disciplinary action taken against him, what appeal options does he/she have?

Even before a final disciplinary action is taken, an employee has the right to review the proposed action and provide a response. Once final action is imposed, if an employee feels that a disciplinary action has been wrongly taken against him or her, the employee can appeal the matter to the Merit Systems Protection Board, which is a quasi-judicial agency in the executive branch. Finally, decisions of the Board can be appealed to federal court.

⁷ 5 CFR 731.204 & 731.205

Financial Disclosure

26. Why don't the financial disclosure forms require the reporting of cars, jewelry, and homes?

Typically, these types of assets don't create conflicts of interest with one's official duties, which is what the U.S. financial disclosure system is designed to detect. If our system were designed to detect illicit enrichment, we would probably ask the filer to report these types of major assets.

27. How do you check to see if public officials are lying on their financial disclosure forms? How do you verify the financial holdings of public officials?

Ethics officials do not independently verify the accuracy of the information that is reported on a financial disclosure form; they review the forms for internal inconsistencies and against publicly known information (for example, information that can be found through a basic internet search). When the financial disclosure law was passed in 1978, the legislative history made it clear that the intent of Congress was that the forms would not be audited; rather, they would be reviewed for conflicts and be made publicly available—fairly radical for the time. That said, falsification or willful omission of information required to be reported on a financial disclosure form are criminal offenses. When an ethics official reviews an annual form, he or she will consult with the filer and compare the form with the previous year's form, asking for clarification and additional information if needed. Making the forms publicly available can also lead to inquiries about such things as missing assets or positions, primarily by the press but also by good governance groups, and others such as former political rivals or former spouses.

28. Why don't we use tax returns as the form of financial disclosure?

U.S. tax forms are designed to determine an individual's tax liability. They do not contain the information necessary to conduct a conflict of interest analysis. For instance, a tax return in the U.S. does not require the reporting of individual investment instruments (stocks, bonds, etc.) if they don't generate interest or dividends during that tax year. The tax form doesn't require the reporting of many types of gifts, agreements for future employment, unpaid positions held, liabilities, etc. This type of information is important to determining potential conflicts of interest. Individual taxpayer information is closely protected by the government in order to help encourage the voluntary filing and full reporting of income. It is not available to ethics officials. It can be made available to investigators under specific circumstances.

29. Why can't reviewers access bank accounts or other financial information to verify the content of the financial disclosures?

Reviewers don't need that level of detail, since actual amounts aren't necessary for a conflict of interest analysis. The U.S. federal financial disclosure system is not designed to detect illicit enrichment. In addition to not being necessary for most conflict of interest reviews, this

information is protected by a variety of laws dealing with confidentiality. That said, enforcement authorities can get access to those accounts if necessary for a specific investigation.

Ethics & Good Governance

30. Are there rules against hiring family members (nepotism)?

Section 3110 of title 5, United States Code, sets forth the legal restrictions on the employment of relatives. Those rules⁸ are administered by the Office of Personnel Management, which is the central agency responsible for the full range of personnel rules. OGE was a part of that agency when it was first created.

31. What are the salaries of government employees?

The majority of positions in the executive branch in particular are characterized by specific grade levels, such as GS 1-15, by determination that the position is one in the Senior Executive Service, or that the position is a Presidential appointment created by a specific law that also designates it as being paid at one of five Executive Levels. The Office of Personnel Management is the agency responsible for setting human capital policy for the executive branch and each year it posts the pay for each grade and level on its public website at www.opm.gov. Only the Senior Executive Service salaries are set within a range and not set at a specific amount that can be determined by looking at a pay table. However, the pay of every employee (with certain exceptions for example, for those involved in intelligence gathering activities) is public information.

32. Are there rules that deal with the political activities of government employees?

Yes, the general restrictions are administered by another agency, the Office of Special Counsel (OSC). The principal law governing political activities is the Hatch Act.⁹ The Hatch Act, passed in 1939, limits certain political activities of federal employees. The law's purposes are to ensure that federal programs are administered in a nonpartisan fashion, to protect federal employees from political coercion in the workplace, and to ensure that federal employees are advanced based on merit and not based on political affiliation. In addition there are restrictions on using government resources and buildings for partisan political activity.¹⁰

33. What rules are in place to deal with lobbying?

The First Amendment guarantees U.S. citizens the right to freedom of speech and petition, so lobbying is not necessarily considered a negative phenomenon. Paid, professional lobbyists are subject to annual, public reporting requirements but they are not subject to conduct restrictions

⁸ 5 C.F.R. part 310.

⁹ 5 U.S.C. § 7321 – 7326

¹⁰ 5 U.S.C. § 7324.

simply because they are lobbyists. President Obama, when he entered office, placed additional restrictions on his appointees. These restrictions prohibit certain political appointees from accepting gifts from lobbyists (with some exceptions), require that government officials who were former lobbyists recuse from certain matters, prevent lobbyists from taking jobs in agencies they lobbied within the previous two years, and prohibit former political appointees from lobbying certain government officials after leaving government.¹¹

The lobbying activities of federal agencies are governed by the Anti-Lobbying Act (18 U.S.C. section 1913, originally enacted in 1919). The purpose of the Act is to prevent agencies, acting through their employees, from using appropriated funds, or resources secured with appropriated funds, to lobby any federal, state, or local government official with respect to any pending or proposed legislation, resolution, appropriation, or measure.

34. Does OGE deal with campaign finance?

No – this is the responsibility of the Federal Election Commission. Campaign contributions made to support, for example, someone running for President or an incumbent President running for election are reported to the Federal Election Commission on the numerous reports they receive. Campaign contributions are not required to be reported on an individual's personal financial disclosure statement.

35. Does OGE have rules that protect individuals who report misconduct of public servants (whistleblower protection)?

Whistleblower protection is handled by the Office of Special Counsel.

36. What are Inspectors General and which agencies have them?

Inspectors General (IGs) are independent investigators within many agencies who are responsible for conducting investigations, audits, and inspections to prevent and detect fraud, waste, and abuse within their agencies. While, by law, IGs are under the general supervision of the agency head, the agency head cannot prevent or prohibit an IG from conducting an audit or investigation. All of the large departments and agencies have an IG and smaller agencies without one, like OGE, can ask for assistance on a reimbursable basis from an IG office of a larger agency if needed. There are two types of statutorily-mandated IGs – those appointed by the President and confirmed by the Senate who serve in Cabinet level and the larger agencies, and those appointed by the head of the agency. The IGs have separate reporting requirements to Congress, and Congress must be notified if an IG is removed by the President or the agency head.

¹¹ E.O. 13490

Miscellaneous

37. What can OGE do about corporate ethics scandals?

OGE does not have jurisdiction over publicly traded companies and would not have any role in purely private sector scandals such as the one at Enron. There are other agencies that can and do have a role in oversight and enforcement for private sector misconduct, notably the Department of Justice's Fraud Section, the Securities and Exchange Commission, and the various financial entity regulatory agencies within the executive branch (Federal Reserve, Dept. of Treasury, FDIC, NCUA etc.). Also the Sarbanes-Oxley Act of 2002 created the Public Accounting Oversight Board, which is a private-sector, non-profit corporation, to oversee the auditors of private companies in order to protect the interests of investors and further the public interest in the preparation of informative, fair, and independent audit reports.

38. Does the private sector have similar ethics programs? Are private sector employees aware of the ethics rules for federal employees?

Many private sector entities have ethics and compliance programs. The programs typically cover a broad range of topics ranging from equal opportunity and discrimination issues to the company's compliance with laws regarding international technology transfer, etc. These programs typically include implementation of a code of conduct. In addition, the federal Acquisition Regulation generally requires companies with large federal contracts of more than \$5 million to have a written code of business ethics and conduct,¹² ethics training,¹³ and the display of fraud hotline posters to report wrongdoing.¹⁴

Private sector entities that do business with the government are also very likely to be aware of the ethics rules that apply to federal employees and to counsel their employees on interacting with them. There is a practical reason for this: the "private" side of a conflict of interest can also be prosecuted, as well as the government official. The Department of Justice has prosecuted private individuals for "conspiring" with a government employee to commit a conflict of interest offense or "aiding and abetting" the government employee's commission of the offense. For example, the CFO of Boeing, Michael Sears, was convicted of aiding and abetting Darleen Druyen's conflict interest while negotiating for employment at Boeing, and Boeing paid what at that time was a record settlement of \$615 million to resolve the government's investigations and claims relating to Darleen Druyen's hiring and other matters.

A consortium of U.S. defense industry contractors called the Defense Industry Initiative (<http://www.dii.org>) on Business Ethics and Conduct was established in 1986. The consortium currently has over 70 signatories who have pledged to adopt and implement a set of principles of business ethics and conduct that acknowledge and express their federal-procurement-related corporate responsibilities to the Department of Defense, as well as to the public, the government, and to each other.

¹² 48 C.F.R. § 52.203-13(b)(1)(i), as referenced by 48 C.F.R. § 3-1004(a)

¹³ 48 C.F.R. § 52.203-13(c)(1)(ii), as referenced by 48 C.F.R. § 3-1004(a)

¹⁴ 48 C.F.R. § 3-1004(b)

39. What are the ethics requirements for Congressman and Senators?

The Constitution states that each House of Congress is responsible for dealing with the (non-criminal) conduct of its members. Each House has developed a code of conduct with similar ethics requirements for Members of Congress and Senators. The rules cover such topics as gifts, travel, use of official resources, and lobbying. Each house has created a committee to deal with these issues (the House Committee on Standards of Official Conduct and the Senate Select Committee on Ethics). Senators and Congressman and their senior staff are also required to file public financial disclosures.

Members of Congress are not immune from prosecution for violating civil or criminal laws. Many of the criminal laws that apply to the executive branch also apply to Congress. For example, the bribery law applies to Members of Congress and all their staff. Members of Congress and their senior staff are subject to post employment restrictions, and limits on outside earned income and activities (similar to incompatibilities laws that many of the visitors are familiar with).

40. Can an individual be elected to Congress if s/he has been convicted of a crime?

Yes. The Constitution sets out only very basic eligibility requirements for being elected to the Congress; those requirements deal with age, length of citizenship and residency. Once those qualifications are met, it is up to the voters of the state or district to decide who to elect. However, after election, the Constitution provides that each house can determine if the person will actually be allowed to take his or her seat in Congress and each house at any time can with a 2/3 vote expel one of its members.

41. What are the ethics requirements for judges?

The federal court system governs the non-criminal conduct of its members at the national level through the Judicial Conference of the United States. The Judicial Conference has a Committee on Codes of Conduct that renders advisory opinions concerning the application and interpretation of the Code of Conduct for United States Judges and the Code of Conduct for Judicial Employees. Judges in the federal court system, known as Article III judges because they exercise what Article III of the U.S. Constitution calls "the judicial power of the United States," are required to file financial disclosures; judicial officers and employees whose basic rate of pay is at or above a specified threshold amount are also required to file.

Judges in the executive branch, including Administrative Law Judges (ALJs), Administrative Judges (AJs), and military judges, are subject to the same Standards of Ethical Conduct and laws as all other executive branch employees. In addition, administrative law judges are required to file public financial disclosures (5 U.S.C. App. § 101(f)(4)). Administrative judges may have to file a public disclosure if their pay meets the triggering amount, and military judges are required to file public financial disclosure reports if their pay grade is 0-7 or higher. If not, they could be required to file a confidential disclosure.

Appendix A: Gift Tags

Date Gift Received: _____ Estimated Value: _____

Brief Description of Gift: _____

Donor/Government Name: _____

OGE Recipient Name: _____

Disposition of Gift (*select one*): ☐ Retained by Recipient ☐ Received by OGE

Please return this tag (and the gift, if being received by OGE) to a member of the International Outreach and Assistance Team.

Date Gift Received: _____ Estimated Value: _____

Brief Description of Gift: _____

Donor/Government Name: _____

OGE Recipient Name: _____

Disposition of Gift (*select one*): ☐ Retained by Recipient ☐ Received by OGE

Please return this tag (and the gift, if being received by OGE) to a member of the International Outreach and Assistance Team.

Date Gift Received: _____ Estimated Value: _____

Brief Description of Gift: _____

Donor/Government Name: _____

OGE Recipient Name: _____

Disposition of Gift (*select one*): ☐ Retained by Recipient ☐ Received by OGE

Please return this tag (and the gift, if being received by OGE) to a member of the International Outreach and Assistance Team.

Appendix B: OGE Briefers

The following individuals have been trained to conduct briefings and have expressed an interest in being scheduled. A typical briefing will feature one or two OGE briefers. The Director and/or other senior staff members (not listed below) may be asked to conduct briefings for particularly high-level delegations or other dignitaries.

Program Counsel Division

Kim Kaplan
Jennifer Matis
Wendy Pond
Patrick Shepherd
Brandon Steele

Compliance Division

Michelle Walker

General Counsel and Legal Policy Division

[Ask the Ethics Law & Policy Branch Chief before contacting attorneys from ELPB.]

Monica Ashar
Rachel Dowell
Leigh Francis
Chris Swartz
Patrick Lightfoot

★ IDENTITY GUIDELINES ★

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

In order to insure consistency in branding please review materials in this manual carefully.

- 2 Introduction
- 3 Identity Elements
- 4 Logo Without The Tagline
- 5 Sizing Restrictions
- 6 Clear Space
- 7 Color Specifications: Full Color
- 8 Color Specifications - One Color (Print Only)
- 9 Color Specifications - Black and White (Print Only)
- 10 Color Variations
- 11 Logo Misuse
- 12 Typography
- 13 File Naming Convention

Welcome to The United States Office of Government Ethics (OGE) identity guidelines. These guidelines define the OGE logo and give instructions regarding its use. In partnership with other executive branch agencies, the U.S. Office of Government Ethics prevents conflicts of interest by educating executive branch employees on the criminal conflict of interest statutes and the standards of ethical conduct and by administering the financial disclosure reporting process.

If you are using the OGE logo, please take the time to review this manual and follow it carefully. All uses of the OGE brand MUST conform to the accepted uses outlined in this manual.

Any additional questions regarding the OGE brand or logo should be directed to The United States Office of Government Ethics.

U.S. Office of Government Ethics

1201 New York Avenue, NW.

Suite 500

Washington, DC 20005

Phone: 202-482-9300

email: ContactOGE@oge.gov

IDENTITY ELEMENTS

p.3

The term “logo” is used to indicate the major elements of the identity:

1. Typographic signature (“UNITED STATES OFFICE OF GOVERNMENT ETHICS”)
2. Graphical elements
3. Tagline (“Preventing Conflicts of Interest in the Executive Branch”)



LOGO WITHOUT THE TAGLINE

p.4

It is preferred that the OGE logo be used as a whole without changing the relationship of the icon to the text. There may be cases, however, in which the logo without tagline is needed.



SIZING RESTRICTIONS

p.5

The following guidelines represent the smallest size at which the OGE logo may be used, both with and without the tagline, in each respective medium.

It is important to carefully follow the guidelines outlined on this page to ensure the clarity and readability of the OGE brand.

PRINT

With Tagline

Minimum size for print reproduction
Width of 0.75"

UNITED STATES OFFICE OF
GOVERNMENT ETHICS
Preventing Conflicts of Interest
in the Executive Branch



0.75 inch

Without Tagline

Minimum size for print reproduction
Width of 0.5"

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



0.75 inch

WEB

With Tagline

Minimum size for web reproduction
Width of 150 pixels

UNITED STATES OFFICE OF
GOVERNMENT ETHICS
Preventing Conflicts of Interest
in the Executive Branch



150 pixels

Without Tagline

Minimum size for web reproduction
Width of 100 pixels

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



150 pixels

CLEAR SPACE

p.6

To protect the logo from competing graphic elements, a field of clear space must always surround the OGE logo. Clear space isolates the logo from text, symbols and other artwork and helps to ensure its legibility and impact.

As shown in the exhibit, the minimum allowable clear space is equal to the height of the “G” in the logotype’s reproduced size. Surround the logo on all four sides wherever it is applied.



COLOR SPECIFICATIONS: FULL COLOR

The following guidelines are for the primary logos which comprise the OGE branding.

When used in print, the Pantone colors listed below or their CMYK equivalents should be used. Note that the spot color of Gold consists of PMS 126C for coated paper and PMS 125U for uncoated paper. When printing in CMYK, the full color version of the logo should always be used.

When used on the web, the proper hexadecimal numbers should be used. The online version of the logo should always appear in full color.



PRINT		WEB	
Spot Color	CMYK Process	RGB	Web Hexadecimal
PANTONE 288C (Coated Paper)	C 100 M 67 Y 0 K 23	R 0 G 75 B 141	004B8D
PANTONE 288U (Uncoated Paper)			
PANTONE 126C (Coated Paper)	C 0 M 25 Y 100 K 37	R 173 G 134 B 5	AD8605
PANTONE 125U (Uncoated Paper)			

COLOR SPECIFICATIONS: ONE COLOR (PRINT ONLY)

It is preferred that the OGE logo be printed in full color. There may be cases, however, in which a one color logo is needed. In this case, the logo may be printed entirely in the OGE blue (PMS288).



PRINT	
Spot Color	CMYK Process
PANTONE 288C (Coated Paper)	C 100 M 67 Y 0 K 23
PANTONE 288U (Uncoated Paper)	

COLOR SPECIFICATIONS: BLACK AND WHITE (PRINT ONLY)

When printing in black and white, the grayscale version of the logo should be used. This logo is made up of percentages of black which are listed below.



PRINT	
Black On White	
OGE text	100% Black
Graphic elements	100% Black
Tagline	100% Black

PRINT	
White on Black	
OGE text	Reversed out white
Graphic elements	Reversed out white
Tagline	Reversed out white

COLOR VARIATIONS

p.10

The full-color OGE logo is preferred for all brand communications. However, when an application requires a background that limits the logo's effectiveness, one of the logo color variations should be used.

These versions were created to ensure the signature's flexibility in a variety of communications and to accommodate various printing requirements and limitations.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

Full-color Pantone 288/126C
(or 125U for uncoated paper)

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

1-color Pantone 288

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

1-color black on white

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

1-color white on black

LOGO MISUSE

p.11

OGE logo may not be redrawn, reproportioned, distorted or altered in any way.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

Never change the color of the logo

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

Never distort the logo

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GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

Never confine the logo in a shape

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Preventing Conflicts of Interest
in the Executive Branch

Never apply the special Effects
(No drop shadows)

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

*Preventing Conflicts of Interest
in the Executive Branch*

Never re-typeset the wordmark
of the signature

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

Never outline the logo

When using the OGE graphic identity system, the use of only one family of typefaces is encouraged - Scala Sans (Caps, Bold, and Regular.) These typefaces are widely available from graphic designers and should be used wherever possible.

The graphic identity system includes not just the brandmark, but all elements used to market and promote OGE. The use of type is an integral part of that branding. In using these two typefaces, we reinforce the visual identity of OGE by repeating a significant element of the graphic system. While we do not expect people to identify these typefaces by name, over time and repeated use OGE's audience will become aware of these graphic shapes, and the type will become a part of how people recognize OGE.

A note that Scala Sans Caps should not be used for body copy, since this typeface does not include lower case characters.

The typeface shown below is Scala Sans Caps.

ABCDEFGHIJKLMNOPQRSTUVWXYZ

ABCDEFGHIJKLMNOPQRSTUVWXYZ

1234567890~! \$% &*()

The typeface shown below is Scala Sans Bold.

ABCDEFGHIJKLMNOPQRSTUVWXYZ

abcdefghijklmnopqrstuvwxyz

1234567890~!@#\$%^&*()

The typeface shown below is Scala Sans Regular.

ABCDEFGHIJKLMNOPQRSTUVWXYZ

abcdefghijklmnopqrstuvwxyz

1234567890~!@#\$%^&*()

Use this naming convention guide to select the appropriate electronic OGE logo. The file formats are explained below.

EPS
Preferred file format for sending to outside vendors. (can also be used in environments with Postscript-enabled or Postscript-emulated laser printers)

JPEG
For use on internal documents targeted for printing to desktop inkjet/laser printers or electronic documents. (Microsoft Word, PDF, PowerPoint, web, video)

TIF
Can be used for internal printing/distribution or for outside vendors when logo is used in black.

LOGO FILE FORMAT

OGE_288_coated.eps





United States
Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

MEMORANDUM

TO: OGE Employees

FROM: Walter M. Shaub Jr. *Walter M. Shaub Jr.*
Director

DATE: January 17, 2014

SUBJECT: OGE Policy for the Creation and Use of Official OGE Social Media Accounts on Third-Party Websites

I. Overview and Purpose

OGE is committed to expanding its external communication efforts to raise the visibility of the executive branch ethics program generally and OGE's work in particular. These efforts will promote greater understanding of the systems in place to detect and resolve conflicts of interest, thereby increasing public confidence in the integrity of government programs and operations. Social media accounts on third-party websites ("third-party accounts") provide an additional avenue for OGE to inform, educate, and engage its external audiences. In addition, third-party accounts can be used to provide cost-effective online training for ethics officials. This training provides ethics officials with the knowledge and skills needed to carry out the duties of their positions.

This memorandum describes OGE's policies and procedures for the authorization and use of official OGE third-party accounts.

II. Applicability

This policy applies to all OGE employees acting in an official capacity when creating, using, or managing an official OGE third-party account.

This policy does not apply to OGE employees using social media for personal use while using government-owned office equipment; such use is covered by OGE's Policy on Limited Personal Use of OGE Office Equipment. This policy also does not apply to OGE employees using social media in their personal capacities; however, employees are always required to follow the Standards of Ethical Conduct and other applicable laws and regulations (such as the Hatch Act).

III. Definitions

"Social Media" is an umbrella term for forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content.

These include social networking sites (such as Twitter and Facebook), video-sharing websites (such as YouTube), blogs, and forums.

“Third-Party Website” refers to a website that is not exclusively operated or controlled by a government entity.

IV. Policy

- a. All OGE third-party accounts, including profile content, must be approved in writing by the Program Counsel prior to creating the account.
- b. Prior to setting up an OGE third-party account, employees must consult with the agency employee responsible for reviewing terms of service, the Privacy Officer, the Chief Information Officer, the Records Officer, and any other agency employee with responsibilities in ensuring compliance with applicable federal laws and regulations for the use of a third-party account.
- c. Where feasible, OGE third-party accounts should be identified by using OGE’s full name (U.S. Office of Government Ethics) and official logo, include a link to OGE’s official website (www.oge.gov), and include general contact information for OGE, such as ContactOGE@oge.gov and 202-482-9300.
- d. Links to a third-party account on OGE’s official webpage, www.oge.gov, must be clearly designated as a link to an outside webpage, such as using the icon for the third-party website.
- e. Prior to setting up an OGE third-party account, the account username, profile page content, and associated email account must be approved by the Program Counsel or the head of the branch or division determined by the Program Counsel to be responsible for the third-party account. Third-party account passwords should be created by the employee responsible for setting up and maintaining the third-party account (the account manager).
- f. OGE third-party account passwords should follow best practices for password security. The password should be unique to each third-party account OGE uses. Employees should use due diligence to protect written passwords from unauthorized access.
- g. When prompted to enter an account password, employees should check the URL to make sure they are on the third-party website. If in doubt, employees should go directly to the homepage for that third-party website in the browser.
- h. Third-party account passwords may be shared only with those employees approved in writing to have access to the account by the Program Counsel or by the head of the branch or division determined by the Program Counsel to be responsible for the third-party account. Account access should be granted to a limited number of persons.

- i. The account manager must monitor the third-party account for updates to the third party website's policies and terms of service. The account manager must consult with the appropriate agency official to ensure any changes comply with federal law.
- j. All content posted on OGE third-party accounts must be reviewed and approved in accordance with the policies set forth in the appendices listed in Section VI for each type of third-party account.
- k. When a third-party account "follows," "friends," "subscribes" to, or makes other similar connections to another account, such action does not constitute an endorsement of that account holder. However, OGE employees should be aware that such action could be misconstrued by others to be an endorsement. Therefore, OGE third-party accounts may not "follow," "friend," "subscribe" to, or similarly connect with other user accounts, except for U.S. government entities as approved by the Program Counsel or by the head of the branch or division determined by the Program Counsel to be responsible for the third-party account.
- l. No personally identifiable information (PII) may be requested, collected, or maintained through OGE third-party accounts. Employees may review comments and messages directed at OGE through the third-party website and may use information provided by the user, including PII, to respond to the comment or message.
- m. To the extent that a user posts or sends PII to OGE through its third-party accounts, employees will use the minimum amount of information necessary to accomplish a purpose authorized by statute, executive order, or regulation.
- n. The above privacy policies listed at (l) and (m) must be reflected in a privacy statement and made available, either in full text or through a link to the statement on OGE's official website (www.oge.gov), on the profile page of each OGE third-party account. The statement must also include the following:
 - 1. the specific purpose of OGE's use of the third-party account;
 - 2. a link to the privacy policy of the third-party website and an explanation that the website is controlled or operated by a third party that is not governed by OGE's privacy policies;
 - 3. a statement explaining that all information provided to OGE through its account may be available to the operator of the third-party website and other users; and
 - 4. notice of the use of any web measurement and customization technology in connection with the third-party account.¹

¹ This notice must include the information required by *Memorandum M-10-23: Guidance for Agency Use of Third-Party Websites and Applications*, at Attachment 3, Office of Management & Budget, Executive Office of the President, June 25, 2010

- o. All privacy statements must be reviewed by OGE's Privacy Officer.
- p. To the extent that OGE third-party accounts are used to solicit comments and feedback, the accounts may only be used to solicit general feedback, unless the collection of information complies with the Paperwork Reduction Act and is approved by the Program Counsel or the head of the branch or division determined by the Program Counsel to be responsible for the third-party account.²
- q. In the event that information posted, received, or connected with an OGE third-party account meets the definition of a record, as defined by 44 U.S.C. § 3301 and 36 C.F.R. § 1222.10, employees will adhere and conform to OGE's Records Management Policy. If unsure about how best to comply, employees should contact and work with the Records Management Officer.
- r. Employees using a third-party account on behalf of OGE are bound by the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, and other applicable laws and regulations.
- s. All content posted through a third-party account must follow all laws, regulations, and executive orders, which includes but is not limited to copyright, trademark, and privacy laws. Content posted through an OGE third-party account must comply with Section 508 of the American Rehabilitation Act of 1973.
- t. Any use of web measurement and customization technologies in connection with OGE third-party accounts must comply with OMB Memorandum M-10-22: Guidance for Online Use of Web Measurement and Customization Technologies.³ For OGE third-party accounts that use bit.ly hyperlinks as a web measurement technology, the "bit.ly" account may not be linked to the third-party account and the default settings for the "bit.ly" account must be set to private.

V. Responsibilities

The **Program Counsel** is responsible for approving the creation and use of official OGE social media accounts on third-party websites.

The **Program Counsel Division** is responsible for developing policies and procedures for the use of third-party accounts.

² The Paperwork Reduction Act (PRA) does not apply to general solicitations and feedback requests on social media sites, but surveys and specific, structured questions may create a federal record and be covered by the PRA. *See Memorandum for the Heads of Executive Departments and Agencies and Independent Regulatory Agencies*, Office of Mgmt. & Budget, Exec. Office of the President, at 3-4, April 7, 2010.

³ *Memorandum M-10-23: Guidance for Agency Use of Third-Party Websites and Applications*, Office of Management & Budget, Executive Office of the President, June 25, 2010

The **Account Manager** assists in setting up and maintaining the third-party account, posting content to the third-party account, and monitoring for updates to the third-party website's policies and terms of service.

The **Chief Information Officer** is responsible for completing any necessary security assessments and reviewing OGE's third-party account policies and procedures to ensure compliance with IT security policies and procedures.

The **Privacy Officer** is responsible for reviewing OGE's third-party account policies and associated privacy impact assessments and privacy statements to ensure compliance with federal privacy laws.

The **Records Officer** is responsible for reviewing OGE's third-party account policies to ensure compliance with federal records laws.

VI. Related Procedures, Standards, and Guidance

See the attached appendices for additional procedures, standards, and guidance for each type of OGE social media account on a third-party website.

1. Appendix A: Twitter Policies, Procedures, and Guidance
2. Appendix B: YouTube Policies and Procedures
3. Appendix C: Google+ Policies and Procedures

Appendix A: Twitter Policies, Procedures, and Guidance

I. Background

Twitter is an online social networking and microblogging site started in 2006 that has become one of the top ten most visited Internet sites.⁴ All 24 major agencies use Twitter,⁵ as well as agencies comparable in size to OGE.

OGE uses Twitter to promote transparency of executive branch decision making processes by raising visibility of the executive branch ethics program. More specifically, OGE uses its Twitter account to direct users to OGE's official website and to provide target audiences with the latest news from OGE regarding executive branch ethics; links to OGE's latest advisories, education materials, program reviews, reports, and other updated information; updates on relevant ethics legislation; general information about OGE and executive branch ethics; and important dates for federal employees and ethics officials.

II. Policies and Procedures

- a. For security purposes, any Twitter account password should consist of at least 10 characters, including upper and lower case characters, numbers, and symbols.
- b. All content posted through OGE's Twitter account must be approved by the Program Counsel or the designated backup.
- c. All content posted through Twitter that provides evidence of OGE's organization, functions, policies, decisions, procedures, or operations⁶ or contains other substantive information must also exist on OGE's official website (www.oge.gov) and include a hyperlink to the information.
- d. The account manager will respond to direct messages in Twitter requiring substantive information by directing the sender to contact OGE through ContactOGE@oge.gov or by calling 202-482-9300.

III. Guidance for Drafting Tweets

- a. Tweets are limited to 140 characters or less, including spaces. Hyperlinks are shortened to 20 characters, leaving 120 characters for text.

⁴ Twitter now has over 500 million registered users and handles over 1.6 billion searches a day. *Twitter Turns Six*, Twitter.com, (March 21, 2012), <http://blog.twitter.com/2012/03/twitter-turns-six.html>; *Statistic Summary for Twitter.com*, Alexa, (last viewed February 22, 2013) <http://www.alexa.com/siteinfo/twitter.com>

⁵ The major federal agencies include all cabinet level agencies, EPA, GSA, NASA, NSF, OPM, SBA, SSA, and USAID. U.S. Gov't Accountability Office, GAO-11-605, *Social Media* (2011).

⁶ See 36 C.F.R. § 1222.14(b) (extra copies of documents preserved for convenience of reference are considered non-record materials).

- b. The purpose of a tweet is to catch the target audience's attention and direct them to OGE's website and other executive branch ethics information. Tweets should be short and succinct, but interesting enough to catch the reader's attention. Additionally, tweets should use keywords, avoid covering multiple topics in one tweet (one tweet per story), avoid excessive abbreviations, and should link directly to the information or document upon which the tweet is based.
- c. The tone of a tweet should be less formal and more conversational. Employees should write tweets in plain English. Employees should keep tweets simple and use a hyperlink to provide the reader with more details.
- d. When applicable, a tweet should include a hashtag referencing a key term and should include other key terms that match trending topics.
- e. Tweets should be drafted in a manner that makes the content more accessible.⁷
- f. In most circumstances, more than one tweet should be drafted for a given document, website post, or topic. Such circumstances include, but are not limited to, the following:
 - 1. the tweet covers content containing more than one topic;
 - 2. the information provided in the tweet is relevant to more than one type of audience and can be written differently to target each audience;
 - 3. the tweet addresses the release of an OGE report or document.⁸

IV. Managing Twitter Trends

- a. Twitter accounts are most effective when posting tweets related to currently trending issues and stories in the media and on Twitter. To best utilize Twitter, tweets should be targeted towards trends related to executive branch ethics and include key words relating to the trend.
- b. Communication Outreach Group (COG) members will monitor replies to OGE tweets and comments directed at OGE for trends and draft responsive tweets.
- c. COG members will conduct regular searches of Twitter for trending topics and the use of key terms such as, but not limited to, OGE, Office of Government Ethics, conflicts of interest, STOCK Act, and financial disclosure. Based on these searches, COG members will draft appropriate tweets and suggest tweets from other users to re-tweet.

⁷ HowTo.gov, *Improving the Accessibility of Social Media in Government*, General Services Administration (November 19, 2013) <http://www.howto.gov/social-media/using-social-media-in-government/improving-accessibility#tip-twitter>

⁸ For example, the first tweet could announce that the report is released (linking to the report) and a second tweet could contain an explanation of the report or document (linking to an OGE webpage that explains the report in further depth).

- d. COG members will run regular reports through AIMS for inquiries from the press, Congress, federal employees, academia, and public citizens and draft responsive tweets based on topics of interest.

V. Responsibilities

All **OGE employees** are responsible for drafting tweets for all listserv messages, documents and content to be posted to OGE's official website and external education and events for which the employee is responsible.

COG is responsible for reviewing and revising submitted tweets; scheduling the release of tweets; monitoring replies to OGE tweets, comments directed at OGE, and executive branch ethics trends; drafting appropriate responsive tweets; and managing the overall communications strategy for using (or making use of) Twitter.

The **COG Program Manager** is responsible for setting up the Twitter account, posting scheduled tweets with the appropriate hyperlink, responding to direct messages, maintaining the Twitter account, and monitoring for emails regarding Twitter policy and terms of service updates.

The **Program Counsel** is responsible for reviewing and approving all content posted to Twitter, including tweets.

Appendix B: YouTube Policies and Procedures

I. Background

YouTube is a video-sharing website through which users can stream, upload, share, and view videos. OGE uses YouTube to provide educational videos about executive branch ethics rules and the executive branch ethics program and to contribute to the professional development of executive branch agency ethics officials.

II. Policies and Procedures

- a. For security purposes, any OGE YouTube account password should include at least 10 characters, upper and lower case characters, numbers, and symbols.
- b. All final videos or broadcasts must be approved by the Chief of the Legal, External Affairs, and Performance Branch (LEAP) prior to being posted online. The Chief will notify the Training Products Development Section (TPDS) when the videos have been approved and are ready to be posted.
- c. To the extent possible, YouTube settings should be set to not allow comments. Where not possible, TPDS will monitor for comments and replies to OGE posts. OGE will not respond directly to comments received via YouTube other than to direct the commenter to responsive content on OGE's official website (www.oge.gov) or to direct the commenter to contact OGE through ContactOGE@oge.gov or by calling 202-482-9300.
- d. TPDS will create and edit the educational videos to be posted on OGE's YouTube Channel. For webcasts, TPDS will set up and facilitate the webcast and edit the video for final approval of the Chief of LEAP before posting the video to YouTube.
- e. To comply with Section 508 of the Rehabilitation Act, OGE will ensure that videos loaded on YouTube are captioned or will include in the video description on the YouTube channel a statement regarding how an individual may access or obtain a captioned version of the video from OGE. OGE will take all other necessary steps to comply with Section 508 requirements for videos and multimedia presentation as summarized at <http://www.howto.gov/web-content/accessibility/508-compliant-and-accessible-multimedia>.
- f. Multimedia presentations that provide evidence of OGE's organization, functions, policies, decisions, procedures, or operations (including instructional materials for executive branch agency ethics officials) are considered records and must be retained according to OGE's Approved Records Disposition Authorities and the General Records Schedule.

III. Responsibilities

TPDS is responsible for setting up the YouTube account, posting approved videos, maintaining

the YouTube account, and monitoring for emails regarding YouTube policy and terms of service updates.

The **Chief of LEAP** is responsible for reviewing and approving all content posted to YouTube.

Appendix C: Google+ Policies and Procedures

I. Background

Google+ is an online social networking site through which users can share information, pictures, and videos. Google+ also has a live video chatting feature called Google “Hangouts” that allows a user to share documents, scratchpads, images, and YouTube videos with other users. It also includes a feature for broadcasting live video conversations that are accessible to anyone with a web browser. OGE uses Google+ to provide information about the executive branch ethics program and to conduct training for executive branch ethics officials through the Google+ Hangouts feature.

II. Policies and Procedures

- a. For security purposes, any OGE Google+ account password should include at least 10 characters, upper and lower case characters, numbers, and symbols.
- b. All content posted through OGE’s Google+ account must be approved by the Chief of the Legal, External Affairs, and Performance Branch (LEAP). For live video chats through Google+ Hangouts, a proposed schedule of events with topic summaries must be submitted in advance and approved before the event is hosted on Google+.
- c. All content posted through Google+ that provides evidence of OGE’s organization, functions, policies, decisions, procedures, or operations⁹ or contains other substantive information must also exist on OGE’s official website and include a hyperlink to the information.
- d. To the extent possible, the Google+ account settings should be set to allow only OGE to comment. Where not possible, the Training Products Development Section (TPDS) will monitor for comments and replies to OGE posts. OGE will not respond directly to comments received via Google+ other than to direct the commenter to responsive content on OGE’s official website (www.oge.gov) or OGE’s pages on OMB Max (www.max.omb.gov) or to direct the commenter to contact TPDS directly by email or phone or to contact OGE through ContactOGE@oge.gov or by calling 202-482-9300.
- e. TPDS will respond to direct messages in Google+ by directing the commenter to responsive content on OGE’s official website (www.oge.gov) or OGE’s pages on OMB Max (www.max.omb.gov) or by directing the commenter to contact TPDS, Contact OGE, or another OGE employee or group.¹⁰

⁹ 36 C.F.R. 1222.14(b) extra copies of documents preserved for convenience of reference are considered non-record materials.

¹⁰ For example, TPDS would direct press inquiries to the Press Officer and congressional inquiries to the Legislative Team.

- f. OGE will ensure that all multimedia presentations created through Google+ Hangouts are captioned. To the extent that live-captioning of the multimedia presentation creates an undue burden, OGE will provide a captioned version of the presentation either by subsequently posting the captioned presentation on YouTube or Max.gov or posting a statement regarding how an individual may access or obtain a captioned version of the presentation from OGE. OGE will take all other necessary steps to comply with Section 508 requirements for videos and multimedia presentation as summarized at <http://www.howto.gov/web-content/accessibility/508-compliant-and-accessible-multimedia>.
- g. Multimedia presentations created through Google+ Hangouts that provide evidence of OGE's organization, functions, policies, decisions, procedures, or operations (including instructional materials for ethics officials within the executive branch) are considered records and must be retained according to OGE's Approved Records Disposition Authorities and the General Records Schedule.

III. Responsibilities

TPDS is responsible for setting up Google+ accounts, posting approved content, monitoring for message and comments directed at OGE through its Google+ accounts, monitoring for Google+ policy and terms of service updates, and otherwise maintaining the Google+ accounts.

The **Chief of LEAP** is responsible for reviewing and approving content posted to Google+.