0:04

hello and welcome to the calendar year

0:06

20 annual agency ethics program

0:08

questionnaire benchmark your program

0:11

presentation

0:12

my name is patrick shepard i'm a senior

0:14

instructor here at the institute for

0:15

ethics and government and today we're

0:16

very fortunate to be joined by wendy

0:18

pond from og's agency assistance branch

0:21

welcome wendy

0:23

hi patrick

0:25

so

0:26

let's get started

0:27

i am a senior desk officer at oge um and

**What is benchmarking**

0:31

i've been the lead on the annual

0:33

questionnaire since 2018.

0:35

so today i'm going to give you some data

0:38

that can help you benchmark your program

0:41

against other agencies ethics programs

0:45

so let me start by asking what is

0:48

benchmarking and why is it important

0:51

generally benchmarking is comparing

0:53

yourself against an external standard

0:56

it's a fancy way of saying that you're

0:58

comparing yourself to others who are

1:00

ideally doing a good job

1:03

so benchmarking can be one of several

1:05

tools available to adeo or ethics

1:07

program manager to assess how your

1:10

program is doing obviously you want to

1:13

meet all the requirements and the

1:14

regulation and oge comes out every three

1:17

or four years to do program reviews to

1:20

see how you're doing

1:21

but getting 100 compliance across all

1:24

employees in all program areas is not

1:27

always realistic

1:28

so one way to judge your performance

1:31

especially in between program reviews is

1:34

to compare yourself against your peers

1:36

so today's presentation is really a mix

1:39

of

1:40

practices and benchmarking

1:43

i'll show you some stats and charts

1:45

showing you for instance the

1:46

distribution of compliance rates for

1:49

certain program areas i'll be focusing

1:52

specifically on training and financial

1:54

disclosure

1:55

but i'll also be sharing examples of

1:58

specific agency practices that hopefully

2:01

inspire you

2:02

for your

2:03

ethics program

2:05

hopefully you'll be able to apply some

2:07

of these practices if you aren't already

2:09

so let's get to today's agenda i'm on

**Agenda**

2:12

the next slide slide number two

2:15

first i'll give you very brief

2:17

background about why we do the

2:18

questionnaire

2:20

then i do want to talk about

2:22

some of the challenges associated with

2:24

the pandemic

2:26

how did your peers fare with respect to

2:28

running an ethics program during this

2:30

time and what were some of the common

2:32

experiences

2:34

next i'll focus on how agencies are

2:37

assessing and evaluating their programs

2:40

we'll provide some statistics and some

2:41

examples and again the idea is to see

2:45

what other agencies are doing and learn

2:47

from them

2:48

then i will get to some key compliance

2:51

rates for benchmarking and again it's

2:54

for training and financial disclosure

2:57

and finally i'll discuss some ways that

2:59

oge can consult with your agency to pull

3:02

data from the questionnaire

3:04

to help you benchmark against specific

3:06

data points that are most relevant to

3:08

you

**Background**

3:12

okay so let's start with the background

3:14

on the next slide slide number three

3:17

we do the questionnaire as part of a

3:19

statutory reporting requirement the

3:22

ethics and government act requires

3:24

agencies to submit an annual report to

3:27

oge and as set out in our regulations

3:30

the questionnaire fulfills that

3:32

requirement

3:34

we post individual responses online

3:37

and we also post a summary document

3:39

online which aggregates all of the data

3:43

and gives a narrative

3:45

description of what's happening in the

3:47

challenger year 2020 across the

3:49

executive branch

**Screenshots**

3:52

so slides 4 through i think it's 10 are

3:56

screenshots on how to get to

3:59

the individual agency responses which

4:02

are on one part of the website and the

4:04

summary document which is on a different

4:06

part i'm not going to go through those

4:08

screenshots

4:10

but i did want to have them available to

4:12

you in case you needed assistance in

4:13

finding

4:15

those documents

4:17

so i'm skipping now to

4:19

slide 10.

4:20

back to the agenda i want to talk about

4:22

the effects of the panthemic

**Coronavirus**

4:27

okay so now we're on slide 11 and we

4:29

have the infamous photo of the

4:31

coronavirus

4:33

ubiquitous at this point

4:35

in march 2020 the president declared a

4:38

national emergency and as we know most

4:41

federal agencies switched to telework

4:44

and despite the many disruptions

4:46

agencies quickly adapted and continued

4:48

to achieve high levels of compliance

4:51

but we did of course see some recurring

4:53

themes in the comments to the

4:56

questionnaire responses so i'm going to

4:58

highlight some of those

5:00

with respect to financial disclosure

5:03

some agencies as we know were directly

5:06

involved with responding to the pandemic

5:09

and in some cases agencies noted that

5:12

they prioritized pandemic-related work

5:15

which created some delays in

5:17

administering the financial disclosure

5:19

program

5:21

there were also logistical delays caused

5:23

by essentially switching overnight all

5:26

almost all of the federal workforce

5:28

to telework so things as mundane as

5:31

getting laptops out to employees and

5:33

getting remote access to agency systems

5:38

and of course

5:39

there are some agencies that still use

5:41

paper forms and so the adjustment uh in

5:44

the telework

5:45

process was also a bit of a pain point

5:49

with respect to training the biggest

5:51

thing in the most frequent

5:54

refrain was that agencies switched to

5:57

either phone training or online training

6:00

so that was a large adjustment

6:02

and

6:03

lastly i'll mention

6:04

with respect to advice and counsel that

6:07

we ask in the questionnaire what are the

6:09

most popular topics

6:11

which employees seek guidance on

6:13

and gifts is always a popular topic and

6:16

it still was

6:17

for 2020 but there was a market drop in

6:20

the popularity of gifts as questions

6:23

and i suspect it's a result of less

6:25

travel fewer events less face time and

6:27

opportunities for exchanging gifts

6:33

okay so we're going to go to the next

6:34

slide

6:35

that's slide 12

6:37

back to the agenda

6:39

we just spoke about some of the effects

6:41

of the pandemic and i'm moving now to

6:43

program practices

6:45

how do other agencies assess and

6:47

evaluate their programs

6:50

and i'm going to give specific examples

6:53

of what people did when they assessed

6:55

i'll start with those examples and then

6:57

move to some of the methods for

6:58

assessment

7:02

next slide slide 13.

7:05

in question 11 of the questionnaire

7:07

we asked whether your agency evaluated

7:10

any aspect of the program in 2020

7:13

and 62 percent of agencies said they did

7:17

so we asked what resulted from the

7:19

evaluation

7:22

next slide is slide 14.

7:25

and so we asked agencies where they're

7:27

programmatic or policy changes and and

7:30

please describe what those changes were

7:34

to see

7:35

the full set of responses if you want to

7:37

see what every agency wrote in in terms

7:40

of their

7:41

assessment results

7:42

go to the summary report

7:44

and i show the screenshots in slides

7:46

seven through nine

7:48

and if you go to question 13 it includes

7:51

a link to a table where you can see all

7:54

of the agencies written responses

7:56

what i've done for purposes of this

7:58

presentation is pull some examples to

8:01

share

8:01

um and i i put quite a few examples on

8:04

the slides i'm not going to read through

8:06

each of them instead i'll highlight one

8:09

from each slide going forward but i did

8:12

want to include lots of examples so that

8:14

you can see

8:15

or get a flavor for the breadth of

8:17

agency actions and have something to

8:19

refer to after the presentation

**Training Improvements**

8:24

okay next slide we're on slide 15. uh

8:28

we saw self-assessments that resulted in

8:31

training improvements

8:32

and so on that first bullet you'll see

8:34

an agency said that they've decided to

8:37

move training closer to the beginning of

8:39

the year

8:40

and so this is a great example of how a

8:42

small change can have big effects

8:45

some agencies may wait until later in

8:47

the year to train

8:49

and of course

8:50

there's some benefits to that but the

8:52

risk is that employees miss the training

8:55

and they don't have time to make it up

8:57

so moving in earlier in the year can

8:59

catch the stragglers

9:02

and if you want to pause the

9:04

presentation now you can read through

9:06

some of the other bullet points

**Counseling Improvements**

9:10

but i am going to move on to the next

9:12

slide

9:13

slide 16

9:15

and talk about some of the results

9:18

with respect to counseling

9:21

so in that first bullet we see that one

9:23

agency now requires employees to

9:26

complete outside activity approval forms

9:29

every two years

9:30

renewing or advising that they're no

9:32

longer applicable

9:34

and so this is a great idea we know that

9:37

employee duties change over time which

9:39

means that ethics guidance can change

9:42

so say you have an employee who maybe is

9:44

performing mostly administrative tasks

9:47

and they received outside approval to

9:49

serve as a treasurer of a local

9:51

non-profit

9:53

maybe that employee starts to take on

9:55

more responsibilities at work and begins

9:57

reviewing grant proposals

9:59

so

10:00

the their ability to maintain that

10:02

outside position may change or at least

10:05

the guidance that they're given

10:07

and so

10:08

obviously

10:09

it may be the employee's responsibility

10:11

to alert ethics officials when these

10:13

changes happen but

10:14

having an institutionalized check-in

10:17

every two years

10:18

can be helpful in reminding people of

10:20

that responsibility

10:22

and wendy i find these this part of the

10:23

questionnaire to be really really

10:25

helpful because we see real solutions

10:27

from agencies you know what we're doing

10:29

is aggregating some of the positive

10:31

changes that have been made in our

10:32

community throughout the year

10:34

so i really appreciate you bringing

10:36

this kind of information pulling it out

10:38

of the annual questionnaire and i hope

10:39

people find that to be really helpful

10:43

yeah and i i think that we see year over

10:46

year some similar uh responses so for

10:49

instance moving training earlier or

10:51

renewing the outside activities form may

10:53

be an idea you've heard before but when

10:56

you heard it that time it wasn't

10:57

relevant to you so hearing at this time

11:00

maybe hitting a need that you've

11:01

discovered when you've done an

11:03

assessment so

11:04

hopefully this is helpful great

11:09

so the next slide is slide 17 and these

**Financial Disclosure Improvements**

11:12

are

11:14

in

11:15

program improvements related to

11:16

financial disclosure

11:18

so as the first bullet shows

11:21

one of the agencies now uses what they

11:23

call on the move

11:24

on the move notices to management

11:27

officials

11:28

to update filers reviewers

11:31

again this is twice a year

11:33

and i pulled this one out because as a

11:35

desk officer

11:36

one of the challenges we hear about you

11:39

know quite a bit is the struggle to keep

11:41

up with staffing changes people go on

11:44

detail they get promoted they move in

11:46

and out of acting positions

11:49

and these movements can trigger filing

11:51

and possibly training requirements so

11:54

managers are really the people who know

11:56

what's happening with their staff so

11:58

establishing regular communications with

12:00

them

12:01

in addition to your hr office

12:04

but establishing regular communications

12:06

with managers who know what's going on

12:08

with their employees is really a helpful

12:10

programmatic improvement

12:13

again if you want to read the rest of

12:14

the slide just go ahead and pause

**Staffing Coordination Improvements**

12:17

but i'm going to move on now to slide 18

12:19

and give you a few examples of staffing

12:22

and coordination improvements

12:24

so the first bullet shows

12:26

an agency that

12:29

is using or used temporary details in

12:32

the ethics office

12:34

to support their program and maintain a

12:36

high level of customer service

12:38

while the office was in the process of

12:41

hiring a permanent employee

12:43

and this is a really great example

12:45

because i think most ethics officials

12:47

and offices could use a full-time

12:50

employee but budgets don't always permit

12:53

so bringing in auxiliary help either

12:56

while they're trying to fill a spot or

12:58

during uh high seasons like

13:01

financial disclosure and change of

13:02

administration when there's lots more

13:04

financial disclosures and training to do

13:06

it's a great way to uh

13:09

you know temporarily expand your

13:10

resources

13:14

okay so now i'm going to move on to

13:16

slide 19.

13:18

uh and this the the slides previous were

13:21

examples of implementing changes uh and

13:24

these next two slides talk about well

13:26

how do you assess in the first place

13:29

so in question 23 we asked of the

13:32

questionnaire

13:33

we asked agencies whether and how they

13:36

assessed risk to inform their education

13:39

and communication approaches

13:42

so we had several options that they

13:44

could pick from and they could also

13:45

describe something other than what we

13:48

provided them

13:49

but these are an order of the most

13:50

common to the least common

13:53

i should also mention that agencies

13:54

could select more than one and many

13:56

agencies did

13:58

the most common approach with 81

14:00

agencies implementing it was to talk to

14:03

employees

14:04

about the ethics concerns they encounter

14:06

in the workplace

14:08

the next most popular with 72 agencies

14:11

doing it was

14:12

discussing upcoming work and agency

14:15

priorities with senior staff

14:18

so i won't go through each of these but

14:20

these give you ideas of how to assess

14:22

risk and really some of these are are

14:24

low uh

14:26

level of effort certainly talking to a

14:28

variety of people may take time but it

14:31

doesn't take a lot of preparation

14:33

and it's a way to inform how you

14:35

communicate and what you communicate on

14:38

yeah i think this is really good to see

14:39

because when we think about ethics

14:41

training we really want to make sure

14:42

we're getting the value out of the time

14:44

people spend receiving their ethics

14:46

training and one of the ways we can do

14:48

that is to make sure that the content is

14:50

relevant to the work that they do so if

14:51

you're really doing these kinds of

14:53

assessments to find out what kind of

14:54

ethics information is going to help your

14:56

colleagues do their jobs better

14:59

you're able to maximize the value so i

15:01

think it's really good to see this as a

15:03

trend in the community

**Assessing Risk**

15:05

yeah

15:06

and i i think it's great and

15:09

the next slide is a touches on some

15:12

similar themes this one is about

15:14

assessing risk so

15:16

what is it that your employees and

15:17

managers are facing and the next slide

15:21

uh slide 20 talks about well okay you've

15:24

identified what you need to communicate

15:26

and train on now how effective was that

15:30

and so

15:31

you can see again that 75 agencies

15:35

conducted self-assessments

15:37

to ensure that the employees

15:41

are receiving training

15:43

the next one was 55 employees let's see

15:46

that first one is conducted

15:47

self-assessments to ensure that required

15:49

employees are receiving training that's

15:50

right and 55

15:52

agencies had discussions with leaders

15:55

and employees to evaluate whether what

15:57

they received helps them in doing their

16:00

job

16:01

and again i won't read through the rest

16:02

but you can pause the slide to see some

16:04

ideas of how to evaluate effectiveness

**Compliance Rates**

16:09

okay so uh now on slide 21

16:12

and we're at the point of talking about

16:14

key compliance rates for purposes of

16:16

benchmarking

16:17

so

16:18

uh the two

16:19

buckets of of benchmarking that i'll be

16:22

looking at are

16:23

timeliness of initial ethics training

16:27

and timeliness of processing financial

16:29

disclosures

16:30

so why is this important

16:34

i will say that we have modified our

16:36

questionnaire over time to focus not

16:38

just on whether compliance is happening

16:41

so whether training is happening and

16:42

disclosures are

16:44

uh filed but also on the timeliness of

16:47

the training and disclosures because you

16:50

know for new employees the training is

16:52

the introduction to risk

16:55

at your agency it's their roadmap for

16:57

issue spotting

16:58

and introducing

17:00

ethics office to them

17:02

and for financial disclosure timely

17:04

review means timely identifying

17:06

uh and resolving potential conflicts of

17:08

interest so it's helpful for the

17:10

employee and it's really helpful for the

17:12

agency as well to manage risk

17:16

and ensure that their programs and their

17:18

processes are being handled uh

**Data**

17:21

impartially

17:23

so uh let's take a look at the data

17:27

i'm now on slide 22 and we're starting

17:30

with timeliness of initial ethics

17:32

training in the questionnaire we asked

17:34

agencies to report how many employees

17:36

were required to receive the training

17:38

and then how many received it within the

17:41

three-month deadline

17:43

so starting with the column on the far

**Ethics Training**

17:45

right you can see that 89 agencies

17:48

reported

17:49

that 95 percent of their new employees

17:53

received ethics training within three

17:55

months

17:56

and if you move over one column you'll

17:58

see that 11 agencies

18:01

had between 90 and 94

18:03

of their employees complete initial

18:06

ethics training timely

18:08

so this is a histogram which is a fancy

18:10

word for showing distribution of of

18:13

agencies and really what we see

18:16

with that far column to the right

18:19

is that the majority of agencies are are

18:21

doing a great job 95 percent of their

18:24

employees are getting training within

18:26

the deadline

18:28

for purposes of benchmarking i think the

18:31

question is well where do you fall on

18:33

this chart

18:34

where do you want to be

18:36

if you have a low or lower percentage of

18:38

employees who are getting timely

18:40

training

18:41

that means obviously you have a higher

18:43

percentage of employees who are

18:45

receiving it late which creates risk for

18:47

you for the employees

18:49

and so

18:50

then the of course the next natural

18:52

question is okay well what can we do to

18:54

improve our timeliness

18:57

and i really encourage people to look at

18:59

the slides earlier where we talk about

19:01

some specific training

19:03

improvements

19:04

but then also

19:05

look at the summary report for

19:08

more examples from your colleagues about

19:10

what they're doing

19:11

maybe it's offering trainings a little

19:14

more frequently

19:15

maybe it's establishing monthly reports

19:18

from hr to help identify new employees

19:22

maybe it's something like working with

19:24

leadership in i.t to implement a freeze

19:27

on computer access until training is

19:29

complete

19:30

i'm not sure what the best approach is

19:31

for your agency but there's a lot of

19:33

ideas from your colleagues that you can

19:35

draw on

**Financial Disclosure**

19:40

okay let's look at the next slide slide

19:42

23

19:44

slides 23 and 24 are about financial

19:47

disclosure

19:49

and

19:50

the reporting period for 2020 this last

19:53

questionnaire

19:55

was the second year that we asked about

19:57

timeliness of review and certification

20:00

of reports the first year we collected

20:02

this data agencies were still working to

20:04

implement systems for

20:06

[Music]

20:08

measuring and tracking these metrics so

20:10

we didn't report out on the data this is

20:12

the first year that we're reporting out

20:14

the data so this is this is new

20:16

information

20:18

uh let's see if you

20:20

this chart combines 278 reports and 450

20:25

reports

20:26

the 278 reports are the public report so

20:28

there are the blue lines the blue bars

20:31

the 450 reports of course are the

20:33

confidential reports and those are the

20:35

orange bars

20:37

and if you look to the bars farthest

20:40

right

20:41

you'll see that 115 agencies reported

20:44

that they completed initial review

20:46

within 60 days

20:48

for 95 percent of their 278 reports

20:52

and similarly for the orange bar we see

20:54

that 102 agencies

20:57

reported completing an initial review

20:59

within 60 days for 95 percent of their

21:02

450 reports

21:04

and so these compliance rates are really

21:07

quite good and i think we should take a

21:09

moment to celebrate some um really

**Excellence**

21:13

some the excellence of the ex uh the

21:15

ethics program

21:16

um yeah i completely agree let me go on

21:19

i think this has been a challenging year

21:20

for everyone and it's wonderful to see

21:22

that people have

21:23

updated their processes and figured out

21:25

how to work in this environment and the

21:27

results are very strong

21:30

they are and i think it's a testament

21:32

both to uh the ethics programs and the

21:35

hard work of the ethics officials

21:37

i think it's also a testament to the

21:38

value of electronic filing when we

21:41

switched to telework uh agencies were

21:43

ready it didn't

21:44

clearly there were lots of obstacles and

21:46

challenges including with getting people

21:49

to the electronic filing but once they

21:52

did

21:53

there it ran smoothly

21:56

okay let's look at the next slide

21:58

this talks about timeliness of

22:00

certification

22:02

so again um blue is the

22:05

public reports orange is the

22:07

confidential reports and on the far

22:09

right you'll see that

22:11

83 agencies reported certification

22:14

within 60 days for 95 percent of their

22:17

reports

22:18

and 89 agencies respond reported

22:22

certifying within 60 days

22:24

95 of their 450 reports again the

22:27

numbers are quite good

22:29

uh there is a little slippage

22:32

between uh initial review and

22:34

certification

22:36

uh so for instance in the previous slide

22:38

we see if you look at the far left

22:41

it's very small but there are five

22:43

agencies that reported less than 75

22:46

percent

22:47

timely review

22:49

and when you go to

22:51

certification it's 18 agencies that

22:54

reported a

22:55

timely certification for less than 75

22:58

percent of their agency so if you have

23:00

an agency with 30 3 000 employees you

23:04

know that's what's a

23:05

quarter of that 750 somewhere in there

23:08

that are not getting reviewed timely so

23:11

that could be a large number and it just

23:13

accrues a possibility of

23:17

risk for the agency

23:20

so

23:21

i think the question is what you know to

23:24

the extent that you might have slightly

23:25

lower numbers

23:27

or you're uh

23:30

you're getting a lag time between your

23:32

review and your final certification

23:34

the question i think is well what

23:36

what are some processes or process

23:39

improvements that you could implement to

23:42

close the gap

23:43

and again i recommend looking at some of

23:46

the practices we highlight in the slides

23:48

above and looking at also what your

23:50

colleagues report

23:52

in the full response to the

23:53

questionnaire

23:55

the other thing i can

23:57

offer up is that if there are agencies

24:00

that have certain practices that you see

24:02

in the questionnaire or if there are

24:04

certain practices that you're interested

24:05

in hearing

24:07

how are they working i can help identify

24:09

agencies that are implementing them and

**Benchmarking**

24:10

put people in contact

24:15

so let's see um i'm gonna move on to the

24:18

next slide which is uh the

24:21

last item on our agenda

24:23

uh this is slide 25

24:26

and then slide 26 is where i talk about

24:28

the benchmarking and what we can do for

24:30

you so um

24:32

basically what is it that she would like

24:34

to know that we haven't talked about

24:36

it's there's a lot of data in the

24:37

questionnaire and i've just pulled out

24:40

some of the highlights but

24:41

um if there's particular benchmarking

24:44

you would like to do for instance maybe

24:46

compare yourself to similarly sized

24:48

agencies

24:49

or if you have particular agencies that

24:52

have similar missions that you want to

24:54

benchmark against

24:56

we can look at the data

24:58

for instance you know how much time uh

25:00

are ada spending on ethics uh at your

25:03

agency compared to other agencies uh

25:06

in terms of staffing use of contractors

25:10

you know maybe you have a seeking

25:12

suspicion that your agency does a lot

25:14

more waivers than other agencies and you

25:16

just want to get a sense of how you fit

25:18

in with the pack we can look at that as

25:21

well

25:22

or if there's something else

25:24

we can we can look at it so i'm moving

**Conclusion**

25:26

on to slide 27 which is the last slide

25:29

it has my name and email address and i

25:33

just welcome you to contact me if you'd

25:35

like to explore the data further

25:37

excellent well wendy thank you so much

25:39

for joining us today and thank you for

25:41

all of uh the members of our community

25:43

who have watched this presentation and

25:45

i'd just really like to encourage you to

25:47

the extent that oge can help put you in

25:49

charge with others uh wendy's offer to

25:51

help you find similarly situated

25:53

agencies

25:54

could be a really powerful one the

25:55

amount of expertise

25:57

throughout the community is much more

25:59

than could ever reside within oge

26:01

um so

26:03

make use of that and and

26:06

reach out to oge and allow us to help

26:08

you get in touch with your colleagues

26:09

who have maybe worked through these

26:11

kinds of challenges so i think this data

26:13

is really helpful uh i think the annual

26:15

question is an excellent process and i

26:16

hope people have found this to be

26:17

helpful and we look forward to joining

26:19

you next year wendy for the 21

26:22

and you'll question your presentation

26:25

absolutely thanks

English (auto-generated)

All

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