Massive Open Online Course Widely Attended Gatherings (Part 1) Patrick Shepherd: Thank you Holly. Good afternoon and welcome to part one of our Widely Attended Gatherings Massive Open

0:07

Online Course. I’m Patrick Shepherd and I’m very pleased to be joined today by Cheryl Kane-Piasecki. Welcome Cheryl. Cheryl Kane-Piasecki: Thanks very much Patrick.

0:13

Patrick Shepherd: So what are we going to be doing today? Cheryl Kane-Piasecki: Well we’re going to be doing several things today.

0:19

First of all, I think the agenda on the agenda is we want to talk a little bit about why the widely attended gathering, like why does that exception exist, because our experience

0:28

has been that sometimes folks are ready to jump to the WAG exception without really appreciating

0:35

that it isn’t sort of the only authority or the exclusive authority to allow acceptance

0:40

of free attendance at certain events. So we’re going to spend a little bit of time, not a lot, but just a little bit of time sort of reorienting to the whys and wherefores of the genesis of the WAG exception, and then

0:51

we’re going to go through and we’re going to highlight for you, sort of the changes to the gifts rule. We’re going to highlight those things that are new, either provisions that are new, or

0:59

just placements of provisions that are new so that everybody’s aware of what’s changed

1:06

with respect to the Widely Attended Gathering exception. Patrick Shepherd: Yeah because we did some shuffling around really to make the regulation

1:11

clearer, but when you’re not accustomed to using the regulation it’s easy to kind of get lost. Cheryl Kane-Piasecki: Well and particularly if you were used to the way it was structured

1:18

before. Patrick Shepherd: Right. Cheryl Kane-Piasecki: Sort of, you know, reorienting yourself to the new structure I think is just helpful.

1:23

And then we have revised the Widely Attended Gatherings analysis worksheet, which a lot of folks say they use and they enjoy.

1:30

It’s a helpful job aid. And so we’re basically just going to be using that tool to walk you through the various

1:37

analysis pieces that you will have to do when you do a Widely Attended Gatherings analysis. Patrick Shepherd: Okay.

1:42

Cheryl Kane-Piasecki: And we want to familiarize you with that worksheet because at the end of our broadcast today we’re going to assign you an exercise, and we’ve sent you that

1:51

exercise, we’ve sent you the revised Widely Attended Gathering analysis worksheet, we sent you a revised travel table, we’ve sent you the pdf version of the Federal Register

2:02

Notice with the changes to the gifts provisions of the Standards of Conduct. So on Thursday, we are going to ask you to, or we’re going to debrief with you the exercise

2:13

that we’ve laid out for you today. Patrick Shepherd: That’s great, and it’ll give us an opportunity to find out if we’re

2:18

familiar enough with the changes to actually apply them to the new exception, and an opportunity to experiment and practice with the new elements.

2:25

Cheryl Kane-Piasecki: Very good. Patrick Shepherd: Great. Shall I pull up the deck? Cheryl Kane-Piasecki: Yeah, if you could do that, that would be awesome. Yes, so we’re going to start today by doing a little bit of a conversation about the whys

2:35

and wherefores of the Widely Attended Gathering exception. So we want to start with just sort of talking about, you know, why does the WAG exception

**Why does the wag exception exist**

2:43

exist, what was in OGE’s mind, and what were we thinking when we created this exception? Patrick Shepherd: Yeah, I like to remember that it was possible for government officials

2:52

to attend meetings and similar events prior to 1992. Cheryl Kane-Piasecki: Yes, yes. We did not suddenly craft a whole new positive right for people to attend events that they

3:02

otherwise had never had an ability to do. If anyone has had an opportunity to read, and we always encourage people to read the

3:09

preambles to the Federal Register notices when we do new rule makings, the preamble to the, I think it is, to the final issuance of the Standards of conduct back in 1992 has

3:19

a rather extensive discussion of the Widely Attended Gathering exception and sort of the thinking behind it, and I like to remind people that what the Widely Attended Gathering exception

3:29

recognizes first and foremost, is that certain agencies have statutory gift acceptance authority

3:38

that they can use to accept things like free attendance at events that are happening at someone’s duty station.

3:44

So when you have conferences, and when you have events where someone is being comped

3:50

the waiver of fee or being comped meals in association with that attendance at that event,

3:59

agencies that have Statutory Gift Acceptance authority have always then, if their authority reaches to that, have always had the ability to accept those things.

4:07

Patrick Shepherd: Right, and that makes sense, that we would be able to use our gift acceptance authority where it’s available to send people to these things in their official capacities.

4:14

Cheryl Kane-Piasecki: Exactly, and so what we tried to do with the Widely Attended Gathering Exception is to acknowledge that not all agencies do have Statutory gift Acceptance authority.

4:22

So for those agencies that don’t, unless there was some other authority, like the GSA

4:29

travel authority 1353, which allows you to accept these free attendance types of things, but only when someone’s in travel status,

4:35

Patrick Shepherd: Right. Cheryl Kane-Piasecki: And there’s another authority, 4111, we’re going to touch on these later on today too, but there are certain stipulations with when and from whom you can

4:45

accept offers of free attendance at events under 5 U.S.C. 4111. So there are these other authorities out there, and what OGE was acknowledging was that there

4:54

is this sort of missing piece for agencies that don’t have Statutory Gift Acceptance authority, where if, you know, where if we created an authority we want it to allow those

5:07

agencies without Statutory Gift Acceptance authority to have a mechanism to be able to

5:13

accept these offers of free attendance when they thought it was in the agency’s interest for their employees to attend.

5:19

Patrick Shepherd: So there was a sort of a crack in framework that was preventing agencies, and particularly in this case employees, from attending events that are really in the government’s

5:28

interest for them to attend, but for a variety of reasons that wasn’t possible in these

5:33

limited circumstances, so we created the WAG exception to assist agencies I managing those

5:39

situation. Cheryl Kane-Piasecki: Yes. Patrick Shepherd: And I think the trouble people get into is that sort of decision to

5:47

fill the crack, so you know, fill in that gap, has become the way we do these things. Cheryl Kane-Piasecki: Right.

5:52

Patrick Shepherd: right, and it creates all sorts of complications for the agency and the employees when we sort of over-apply WAG. Cheryl Kane-Piasecki: And I think that’s exactly it, is that I think that it’s a

5:59

matter for people to really understand where WAG fits in vise a vie the other authorities,

6:05

such that you don’t always automatically have to go, or maybe even in some instances,

6:11

maybe you really shouldn’t go to the WAG, that maybe it would be more appropriate, for example, for you to use your own Statutory Gift Acceptance authority, if you have it,

6:19

to send your person in their official capacity, on official duty time, as an official duty

6:25

activity, Patrick Shepherd: Right. Cheryl Kane-Piasecki: And you just accept the gift of free attendance under your statutory authority.

6:30

There’s absolutely nothing that prevents you from doing that, and in fact, it was just understood that agencies who have Statutory Gift Acceptance authority were presumably

6:37

doing that. Patrick Shepherd: And we presumed in 1992 that they would continue to do so. Cheryl Kane-Piasecki: Right.

6:42

Patrick Shepherd: And over time I think, you know, a lot of it is the convenience of process. You know, we establish processes for vetting Widely Attended Gatherings, so that becomes

6:51

the way we do them. Cheryl Kane-Piasecki: The default way. Patrick Shepherd: The default way because there’s a form and I know where it is on the internet or whatever, but it does create some difficulties, because again when people

7:00

are attending widely attended gatherings they’re accepting this gift personally. Cheryl Kane-Piasecki: Right. Patrick Shepherd: Right, this isn’t the agency accepting the gift, and that creates

7:06

reporting burden and all sorts of other considerations. Cheryl Kane-Piasecki: Yeah and we have the gyrations of that they can’t be there on

7:13

official duty time, so there has to be excused absence, or it has to be, otherwise without, you know, it can be without charge to leave, but it has to be on, you know, administrative

7:22

leave or excused absence. So this is just a kind of reminder, so when to use the Widely Attended Gathering exception,

7:32

well when you don’t have Statutory Gift Acceptance authority, you know, or your authority doesn’t allow for you to accept these kinds of things, or you know, when there aren’t

7:41

other authorities that would apply, or maybe the other authorities wouldn’t be quite appropriate.

7:46

Patrick Shepherd: So our order of operations, we should see if other authorities are appropriate and available, and if they are, use them, and where we’ve exhausted those possibilities,

7:53

only then go to the widely attended gathering exception. Cheryl Kane-Piasecki: I think that is a way to approach it, and I think what we’re encouraging

8:00

folks to do is to be thoughtful about when you’re using WAG, and make sure that it really is the appropriate authority to be using in each and every circumstance where

8:11

you’re being offered a gift of free attendance. Patrick Shepherd: Excellent. Cheryl Kane-Piasecki: Okay.

**Other authorities**

8:16

So as we were just mentioning this earlier, and we’ve actually included, this is part of the analysis that’s in the Widely Attended Gathering analysis worksheet that we’re

8:24

going to be walking through in a minute, but just kind of as a brief reminder, these are some of the other authorities that we’re referring to when we say, you know, that you

8:31

should be conferring or consulting other authorities before making a determination, so your agency

8:37

Gift Acceptance authority, 1353, which as we all know is the GSA Travel reg, 5 U.S.C.

8:43

4111, which is for meetings and it’s the government employee’s training act, and then of course the Foreign Gifts and Decorations Act, which is 5 U.S.C. 7342.

8:51

Patrick Shepherd: Right, it’s important to think about this because in some cases, like in the case of 1453, the use of the authority’s compulsory if you’re going to accept a travel

9:02

payment. So it’s good to keep these in mind. Cheryl Kane-Piasecki: Right.

**Gifts analysis**

9:08

So why don’t we start at the beginning with respect to the gifts analysis. We have crafted a new chart to sort o give everybody sort of an overarching sensibility

9:18

about how you do a gifts analysis whether it’s a Widely Attended Gathering exception analysis, you know, a Free Attendance gift analysis, or any gift.

9:25

So Patrick I know that you helped work on this. You want to sort of just kind of give us the schematic here?

9:30

Patrick Shepherd: Well we added a few spheres. Now with more spheres.

9:36

No, I think some of this should look very familiar to folks, but the left most portion

9:42

of this chart is a little bit different, and this is a function of recent changes to subpart

9:48

b of the Standards, and essentially what we’ve done is, as sort of a preface for examining

9:55

whether a gift may be accepted using an exclusion or exception. Ask first a prudential question, and that’s whether it’s even a good idea to try and

10:04

accept the gift, and a question that we encourage employees to ask themselves is, would their impartiality or integrity be questioned were they to accept this gift, and regardless of

10:14

anything that might come afterwards, if it would be, it’s probably not a good idea to accept the gift, so it should not be accepted.

10:21

Cheryl Kane-Piasecki: Okay. Patrick Shepherd: And where we’ve decided that prudential considerations don’t agitate

10:26

in the direction of declining the gift, we have a process that allows us to analyze whether

10:33

an exclusion or exception may be appropriate in that circumstance. Cheryl Kane-Piasecki: Okay.

10:39

So we’ve got this prefatory piece that we’re going to talk about here in a second, and then the gift analysis after that is, you know, you ask yourself, is the thing actually

10:49

a gift because we have exclusions from the definition of a gift, Patrick Shepherd: That’s right. Cheryl Kane-Piasecki: So we want to make sure that whatever the person’s being offered is actually considered a gift under the, because if it’s not a gift it’s just not subject

10:58

to the prohibitions. Patrick Shepherd: That’s right. Cheryl Kane-Piasecki: So once we’ve decided it’s a gift then we ask ourselves, is it

11:04

prohibited? So then we look at the two prongs of the prohibition and then if we decide that it isn’t prohibited

11:11

you can accept the gift, if you decide that it is prohibited, then we can avail ourselves of the exceptions, and then we make a determination whether any of the exceptions apply.

11:21

So that part of the analysis has not changed at all, the only piece we’re really adding is the prudential piece that goes in the front.

11:27

So let’s talk a little bit about this prudential piece. This new piece, it comes before the prohibitions, before the statement of the prohibitions in

11:37

the regulation, and it’s located at 2635.201(b). In a nutshell it says employees should consider declining otherwise permissible gifts if they

11:47

believe a reasonable person with knowledge of the relevant facts would question the employee’s integrity or impartiality as a result of accepting the gift.

11:59

So what are the factors really that we’re asking employees to consider, Patrick? Patrick Shepherd: So we sort of lay this out as a framework for considering whether or

12:08

not it would be prudent to accept the gift. Things we should think about are the value of the gift.

12:14

Is it an expensive gift? Is it extraordinary for the circumstance, or is it a relatively a small value gift?

12:21

The timing, is the gift given at a time such that it appears that it might be given with

12:29

the goal of influencing some government7 action or the employee in some way? The identity of the donor, who is the donor and what’s their relationship to the employee,

12:37

the employee’s work and the agency? And access, I think this is a really important one.

12:42

Does this gift or the acceptance of this gift provide disparate access to certain groups

12:48

of citizens that is not available to other citizens who are not offering similar things,

12:54

and I think this is always something we’ve kind of thought about around the edges, but here we’re making it really clear that gifts given with the intention of securing access

13:05

that would be otherwise unavailable should be looked very carefully from a prudential perspective, because that sort of gift has the potential to have a corrosive effect on

13:16

the public’s trust, and the perception of the government’s fairness in its decision making and processes.

13:21

So I think these are really good. This is probably not an exhaustive list of things that you might consider when determining

13:26

whether your impartiality or integrity might be questioned, but they do provide a really good frame work to start thinking about it.

13:34

Cheryl Kane-Piasecki: Well, and I think particularly in the context of Widely Attended Gatherings, you’re talking about people whose presence at an event is being underwritten by another

13:46

entity or individual, and the types of events that typically people get invited to are quite

13:54

often events where one of the underlying purposes of the event is for there to be some sort

14:01

of access. Patrick Shepherd: Right. Cheryl Kane-Piasecki: And I think that that’s all the more reason why we have to exercise

14:08

some caution when we look at the nature of the events, and we built actually some of this into the Widely Attended Gathering determination as well, and we’re going to talk about that

14:16

in a little bit, about when you’re looking at the agency interests and whether the agency interest outweighs any appearance concerns. We’re really taking into account they’re very similar issues as what you’re asking

14:26

the employee to do on the front end of the analysis here, which is to say that we are concerned about influence, we are concerned about undue influence.

14:35

Patrick Shepherd: Right. Cheryl Kane-Piasecki: And not necessarily corrupt giving practices, but things that

14:41

are designed to enable greater access, and thereby greater influence.

14:46

Patrick Shepherd: And I think, you know, what we’re getting at fundamentally here is managing the fairness of government processes.

14:52

Cheryl Kane-Piasecki: Right. Patrick Shepherd: The government belongs to the citizens and it belongs to them equally,

14:57

and things that detract from that or appear to sort of contravene that sort of assumption

15:05

that we operate under may not be a good idea, and we want to consider that when we’re

15:11

making these decisions. Cheryl Kane-Piasecki: Okay. So why is this, we call it a paradigm shift, why is this important Patrick?

**Why is this important**

15:17

Patrick Shepherd: Well I think, and as you sort of say here, it changes the default, and defaults are important.

15:22

So basically what we’re saying and codifying is, first, don’t accept gifts that would

15:28

have a corrosive effect on your integrity and impartiality. Right? That’s the default, is that we don’t accept gifts and especially not in cases where there

15:36

would be a negative effect on the integrity and impartiality of the employee and their work.

15:41

The focus changes here. We’re talking about not, can I accept it, not, is there a legal way to accept this thing,

15:50

but is it appropriate for me to accept this, and if I am to accept this what would be the consequences for the agency or myself and my work, and I think that’s really an important

16:00

difference, because I think before we changed this, and I think it maybe happened over time, there was almost this perception that the gift exceptions created a right to accept

16:10

something, and we did have that line in the old regulations that it’s always appropriate to decline a gift, but that was sort of like a,

16:15

Cheryl Kane-Piasecki: It was almost like a toss away. Patrick Shepherd: Right. Cheryl Kane-Piasecki: It was like a second thought or something. Patrick Shepherd: Yeah, exactly, and so I think we’re reasserting sort of as forcefully

16:23

as the regulation will allow us that prudential consideration should always be forefront, and that these exceptions should be used in cases where there isn’t going to be any

16:33

degradation to the integrity or the impartiality of the work or the agency, and it also asks

16:39

employees to think differently. Cheryl Kane-Piasecki: Yes. Patrick Shepherd: Right? Cheryl Kane-Piasecki: That’s exactly it. Patrick Shepherd: to balance, not just, I think in some of the old framework it was

16:47

easier for employees to say that this is nineteen dollars so I can have it. Cheryl Kane-Piasecki: Right. Patrick Shepherd: Right, and what we’re asking here is to say, well you know, whose

16:54

interests are affected? Is this fair to all of our agency stakeholders?

16:59

Would citizens looking at our operations find this to be objectionable in some ways? So really to think more broadly about what it is you’re doing and who would be affect,

17:10

and whether or not that’s a good thing for the agency or the government as a whole. Cheryl Kane-Piasecki: Well and I think that it exactly it.

17:16

So it becomes another focus as well, like you’re focusing on others, you’re not just focusing on yourself.

17:22

When it becomes a question of can I accept this legally, it becomes all about you, the individual employee, it’s all about me.

17:28

Can I take it, can I take it? If I take it will I get in trouble? It’s all about kind of me, me, me, me.

17:34

When you take the focus off of the legal consideration, like is it legal or isn’t it, and you start

17:40

focusing on the prudential, you start saying, how does this look to other people.

17:46

You know, irrespective of the ramifications for you personally, what is the fallout to

17:51

the agency? If people think that this is untoured, notwithstanding that it doesn’t have to be illegal, what

17:59

are the ramifications of that, on the agency, on the program, on people’s perception of the integrity of the agency’s programs?

18:06

So you start taking a much broader focus and a much less sort of individual liability,

18:13

legal focus. Patrick Shepherd: Right, and I think, you know, we’re both trainers, and I think there’s a great training opportunity here.

18:20

So when you talk to employees about this regulation, this part of the rule, you can help employees

18:26

practice determining if a gift might compromise their integrity or impartiality, and you can

18:33

do a lot of that, and where you come to a conclusion that their impartiality and integrity are not going to be questioned, you can go on to see if an exception might permit someone

18:42

to participate, but by setting the default in this position we can really put that up at the forefront and maybe weed out some of those less desirable legal analyses where,

18:56

yeah we can squeeze it within the rule, but man does it look bad. Cheryl Kane-Piasecki: Right. Patrick Shepherd: We can sort of dispense with those before we look at the exceptions

19:05

specifically. Cheryl Kane-Piasecki: Right.

19:10

So OGE obviously has some intentionality here, and we had some idea of how we thought the

19:18

change to the subpart b framework, like what those results might look like, and I do think

19:25

that we saw this as assisting agency ethics officials, who, I mean how many of you out

19:30

there have had this issue where you get somebody who comes in for advice and the question is

19:36

can I accept this gift, or where does it say that I can’t do this. Patrick Shepherd: Right.

19:41

Cheryl Kane-Piasecki: And you get the, you know, the armchair legal lawyer from your

19:50

non-lawyer employees and then you wind up feeling pressured to, you know,

19:56

Patrick Shepherd: Make it fit. Cheryl Kane-Piasecki: Make it fit, and you know these considerations are just so much

20:02

more than just a strictly four corners of the law analysis, and the ramifications of

20:07

it are much more than just a strictly, you know, is it or isn’t it a violation of rule

20:13

or law. So I think if we can begin to encourage our employees to seriously undertake the .201(b)

20:22

and internalize it, we may very well relieve some of that pressure from you all to have

20:30

to be justifying through an explicit citation to law why someone can or can’t accept,

20:39

or why someone should or shouldn’t accept a gift. Patrick Shepherd: And this isn’t a radical departure from president.

20:44

This very much uses a similar decision making framework to subpart e of the standards that

20:50

we’ve been living and working with for decades. So I don’t think that this is a huge c change, and it’s probably something we should have

21:00

been doing anyway. Cheryl Kane-Piasecki: Right. Patrick Shepherd: but we’re really just making it explicit here just like we do in subpart e, that look, things that erode the integrity of the government that aren’t

21:13

a good idea are things that you probably shouldn’t do. Cheryl Kane-Piasecki: Right. Patrick Shepherd: Right, that’s not a really radical idea. Cheryl Kane-Piasecki: I think one of the expectations was that there may be fewer gifts being accepted,

21:23

or at the very least less, as you were alluding to earlier, less problematic gifts being accepted.

21:29

If people have a better sensibility about prudential advice as opposed to strictly legal

21:34

advice, and we’re just hoping that this will spread to other areas of ethical decision

21:43

making so that if we begin in an area that I think most employees familiar with to begin

21:49

with, I think most if they’re familiar with any part of the standards of conduct, a lot of employees, the gifts regs they seem to know pretty well.

21:55

So if we start there then our hope is that that will spread to sort of like all of their conduct, so in other instantiations where it doesn’t involve a gift per say, maybe

22:04

it involves misuse of position or something, that they will have that kind of sensibility that’s informing their decision making.

22:11

Patrick Shepherd: I think we’re also here being considerate of the adverse consequences

22:17

and how they affect agencies. Right? Because the thing that you should be afraid of when you’re going to events that provide

22:24

disparate access, or accepting gifts that are problematic, is that there’s an erosion of the agency’s reputation, of the government’s reputation, there may be criticism from the

22:33

outside, and all of those things are things that exist external to the framework of the rules and any penalties that they might prescribe, and those are things that are really harmful

22:43

to the agencies so we want, with that external focus, to think about those things before

22:48

we act. Cheryl Kane-Piasecki: So what are the actual mechanics then of applying these factors.

**What are the mechanics**

22:55

I think people need to be clear about what our expectation is about how these will actually

23:01

be incorporated in the decision making process. Patrick Shepherd: So generally we’re asking employees to do this.

23:08

Right? Similar to subpart e, we don’t want this to be a “gotcha” where the agency comes

23:14

around behind the employee and says, “Well you accepted an otherwise permissible gift, but we disagree with your prudential analysis so we’re going to penalize you.”

23:22

So the goal is that the employees internalize this and apply it themselves. Certainly just like with subpart e if they would like the assistance of an ethics official

23:30

in making these determinations, that’s what ethics officials are for, and in these limited

23:35

instances, in some cases the exception requires the ethics official to assist in that determination,

23:41

and actually document it. So those are kind of the two ideas, because we’re trying to split the difference here.

23:47

We don’t want an open ended subjective prohibition that we can run around, sort of, beating people

23:54

with as a club, but we also want to make sure the this decision making process is taking

24:01

place and it’s being respected by the employee and the agency. Cheryl Kane-Piasecki: And I do want to point out explicitly we have that in that first

24:07

bullet point there that .204(h), which is the social invitation exception, and .204(m),

24:13

which are the materials, I believe, exception, it’s the new materials exception, those are two exceptions where the ethics official is explicitly required to engage in this analysis,

24:26

so just a kind of heads up that there are certain provisions and exceptions in the standard

24:32

where it’s expected that you will do that analysis. So, you know, if we look at the factors and what the factors are, I just want to kind

**What are the factors**

24:46

of repeat these because these would be the things that we would be looking at, for example, when we’re doing a widely attended gathering analysis, sort of like the precursor analysis

24:54

to your full blown legal analysis. If we apply .201(b) we would be looking at first, what’s the value of the gift that’s

25:02

being offered. So is the value of free attendance, is it something that’s really swanky and expensive,

25:08

or is it something that’s relatively inexpensive? Patrick Shepherd: Right. Cheryl Kane-Piasecki: Is the gift given at a time when the donor is seeking or has business

25:14

before the agency? I think this is a really critical one. Patrick, what do you think? Patrick Shepherd: No I think this is, in some ways, for events this is kind of the crooks

25:24

of it, and this is going to be interrelated with access.

25:29

Really, is this thing an attempt to nudge or cajole or influence an active decision

25:38

making process, and if the timing suggests that, we should be really, really careful,

25:45

especially if it’s a sensitive process. Cheryl Kane-Piasecki: So in keeping with that then too, is the donor someone who has interests

25:53

that could be affected by the employee’s official duties? So on the one hand we want to be looking at, I mean from the timing standpoint, we want

25:59

to be looking at kind of, is the agency undertaking a process that, you know, that is sensitive

26:07

enough such that having affiliations with entities that can be affected by that process, it’s probably not a good thing to be seen accepting gifts from, and/or socializing with

26:17

them, but then it gets even worse frankly, if the donor is someone who actually or if

26:23

the employee is someone who actually has duties in connection with that matter where the employee

26:30

him or herself can actually sort of affect the outcome of that matter.

26:35

And then finally, it’s the access issue that we talked about before, which, you know, is the gift going to provide the donor with significantly disproportionate access to the

26:42

employee and the agency, and this is a big one. It really is. I think we have to look at what it appears is happening by way of giving certain entities

26:53

a leg up because you’re giving them an opportunity to sort of pigeon hole or otherwise have access

27:00

to our employees. Patrick Shepherd: And I think these are very helpful because they allow us to easily imagine the kind of a spectrum of gifts, you know, a set of gifts being totally benign.

27:11

You know, in the context of an event, you know, something that has a very low value that isn’t timed to coincide with any agency action that’s given by someone who isn’t

27:21

interested at all in the employee’s duties on way or the other, and doesn’t provide

27:26

a special kind of access, and on the other side, you could imagine an event, a very fancy expensive event, that is timed to coincide with a sensitive government matter that the

27:36

employee is personally working on and may be in charge of, and is being offered by someone who has a significant interest in that matter, and it provides very limited access to that

27:46

individual and to the event, and we can kind of operate between those poles to try and

27:54

help us decide when it’s appropriate to move forward with a full WAG analysis. Cheryl Kane-Piasecki: Yeah, and I mean I think this is one thing that again, talk about an

28:01

educational moment, I mean I really do think for some of your employees who are very active WAG participants, and I know that certain agencies you just have certain employees who

28:10

are more apt to be invited to these types of events that it would be very useful to sort of educate them about this, that when they get an invitation to an event, ask them

28:19

to consider going through this kind of an analysis first before they bring it to you for an analysis because again, and we’re going to look at this when we get to the WAG

28:28

analysis worksheet, when you have to do your written authorization, part of the consideration

28:34

you have to have is whether or not the agency’s interest in their attendance outweighs any appearance concerns, and these types of things are obviously going to be factors to be considered.

28:45

So if the employee on the front end can sort of be making that kind of, you know, cautionary

28:50

determination, in some instances it can save you from having to ultimately do any kind of analysis.

28:55

Patrick Shepherd: Right. Cheryl Kane-Piasecki: Just because the employee will, themselves, have decided, you know, given the timing, given what’s going on, given my role in it, given who’s asking

29:03

me, maybe it’s not a very good idea for me to go to this thing. Patrick Shepherd: And a thing that I really appreciate about these factors, especially

29:08

in the WAG contest is, I remember before, you’d have events that seemed to be set up in a way as to kind of gain the WAG rule.

29:17

Cheryl Kane-Piasecki: yes. Patrick Shepherd: And you’d look at it and you’d say that just looks terrible, but you know, obviously the person who’s providing the invitation has sort of looked at the process,

29:28

and you know, there’s an attempt to sort get around sort of what would be the prudential

29:34

decision making aspect, and here by putting it up front that kind of thing becomes less

29:42

beneficial, so hopefully we’ll see less of that in the future.

**G1 provision**

29:47

Cheryl Kane-Piasecki: Okay. So that’s the .201(b), sort of like overview of the .201(b) provisions which are new to

29:53

the Standards of Conduct, the gifts provisions. We also have a new, well I say the provision isn’t new, but what we’ve done is we’ve

30:04

moved (g)(1), what we refer to as the (g)(1) provision in the shorthand, which is the free

30:10

attendance on the day that the employee is presenting information, speaking or otherwise

30:15

presenting information on behalf of the agency, and the used to be housed right next to the Widely Attended Gathering exception, and all we have done folks, is we’ve moved it.

30:24

We’ve moved it from .204, which is where the exceptions reside, to the .203 section

30:30

which is where the exclusions from the definition off a gift reside, and the definitions are.

30:36

So .203(b)(8), we’ve just, we’ve created an additional exclusion from the definition

30:42

which is effectively what (g)(1) always was, and what we do is we explicitly make it part

30:49

of that list of exclusions to the definition of a gift, and what we’ve done there as

30:54

well as we’ve included in that exclusion both the fact that it covers the employee,

31:00

the extent to which it covers a spouse or guest, and then the extent to which it can also encompass an accompanying, an employee who is accompanying the speaker, the presenter

31:12

to the event. So that’s all housed in the same location now, and the location is now under the exclusions

31:19

from the definition of a gift at .203(b)(8). Patrick Shepherd: And I really appreciate this change. I think the location of this exclusion in the exception for Widely Attended Gatherings

31:29

gave the impression that OGE was sort of creating this special authority of agencies to allow

31:37

their people to attend events for the purpose of giving a speech, and what it really is, is it reflects our understanding that agencies sometimes have organic authority to send people

31:47

to talk places, and when they exercise that authority to send someone to an event and that person experiences the event as a consequence of engaging in the speaking activity, that

31:58

there’s no gift there, and it’s really our understanding so you can sort of think about this that there’s really no gift there.

32:04

This isn’t an authority that you use to accept a gift, it’s an understanding that there isn’t a gift when someone attends an event for the purposes of speaking.

32:13

That doesn’t take away agencies’ management discretion to say that you’re not staying for the concert afterwards, or we’d like you just to attend for the morning while you’re

32:24

speaking, and not the afternoon where they’re having the circus performer. Cheryl Kane-Piasecki: Right. Patrick Shepherd: Right, because they’re attending in their official capacity.

32:29

Cheryl Kane-Piasecki: Right. Patrick Shepherd: So the agency maintains managerial control over the employee for the duration.

32:35

Cheryl Kane-Piasecki: Right. Patrick Shepherd: And that’s fine and as it should be. So we’re not creating any new rights or responsibilities, we’re just acknowledging

32:42

that reality. Cheryl Kane-Piasecki: The next things that’s new, which again, is that the provision itself

**Definition of free attendance**

32:52

isn’t new, it’s just been moved, and that is the definition of free attendance. The definition of free attendance again, used to be housed in the exception for Widely Attended

33:02

Gatherings, and what we have done instead in an effort to be consistent, is to move that definition of free attendance into the definition section, imagine that, where it

33:12

rightfully belongs. So it’s not located at 2635.203(g).

33:20

It doesn’t change anything else about it, except that it just puts that definition in a different location and that free attendance is the definition you use for purposes of

33:29

the Widely Attended Gathering exception, as well as for purposes of the exclusion from

33:34

the definition of a gift for free attendance on dates that you are presenting information or speaking on behalf of the agency, and it’s just that simple

33:43

So, having highlighted the new stuff, we want to sort of walk you through the WAG analysis

**Worksheet**

33:52

that you’ll be doing with your exercise, using the WAG analysis worksheet.

33:58

We’ve made some changes to the worksheet, not a ton of changes, but we’ve tried to

34:03

make it reflect more adequately sort of the information that is now in the regulation and some stipulations that have come out by way legal advisories.

34:12

What I do want to inform you though is, we do think that the first step, as we mentioned

**First Step**

34:17

before, we do think the first step is to encourage employees to do this impartiality integrity

34:23

analysis under .201(b). We haven’t included that on the worksheet because that’s not really your analysis

34:30

to undertake per say unless the employee asks you to, but we do want to remind you that

34:36

even in the context of Widely Attended Gatherings, employees should be encouraged to do the .201(b)

34:43

analysis, which is, would my impartiality or integrity be questioned if I were to accept this offer of free attendance and with the following factors, value, timing, identity,

**wag Worksheet**

34:54

and access. So let’s jump into the WAG worksheet. We’ve given you all a copy of the WAG worksheet, and the first page should not look terribly

35:05

different from the old worksheet. It’s mostly been a matter of tweaking things here and there and giving you new citations

35:14

as to where these things can be found, but the WAG worksheet basically follows that schematic

35:20

that Patrick and I walked you through before, which is you know, when you’re doing a gifts analysis you start with, is it a gift and what is being offered.

35:30

So on the first page of the WAG worksheet at 1.1 and 1.2 we’re basically asking you

35:39

what gifts are being offered, and we want to know, is there a gift of free attendance and we walk you through what the things are that would constitute a gift of free attendance

35:49

that would be subject to the Widely Attended Gathering analysis. Then we also ask you to consider whether or not there are other gifts that can’t offered

36:00

or that can’t be accepted under the Widely Attended Gathering exception, and we ask you to explicitly make decisions about whether or not any of those other gifts might be subject

36:10

to these other authorities. Now based on what Patrick and I said in the very beginning of this session, I would encourage

36:17

you to consider these other authorities as well, even if all you’re being offered, even if all your employee is being offered is a gift of free attendance, because again,

36:26

it may very well be that there are circumstances where it would be more appropriate for your

36:31

employee to attend the event on official duty time as part of an official duty activity,

36:37

and if you have agency gift acceptance authority, it would be more appropriate for you to accept the free attendance under that gift acceptance authority rather than you know, resorting

36:45

to a Widely Attended Gathering exception analysis, having them go on excused absence or administrative

36:50

leave, having them be there in this quasi sort of official, you know, way, and jumping

36:57

through all those hoops. Patrick Shepherd: Yeah and I think that ambiguity is underappreciated, that when someone’s

37:03

attending a WAG, they are attending in their personal capacity, they’re not attending as a representative of the agency, but they’re also there because the agency thinks it’s

37:10

in its interest for them to attend, and that’s not without its challenges, and simply sending

37:16

someone where you can in their official capacity where appropriate relieves a lot of that ambiguity.

37:22

Cheryl Kane-Piasecki: So again, we’re not telling you that you absolutely can’t use the WAG if you have statutory gift acceptance authority, that is not what we’re saying,

37:30

but what we are saying is that if you do have statutory gift acceptance authority, you should

37:35

consider whether or not that may not be the more appropriate authority to use for certain participation of certain officials at certain events for certain purposes.

37:43

Patrick Shepherd: Yeah. Cheryl Kane-Piasecki: Okay. So let’s move on to page two then of the WAG worksheet, and this is what it looks like.

37:54

We’ve changed this up just a little bit, and I want to talk a little bit about how

38:00

we’ve changed it up and sort of how the regulation is worded because the regulation is a little bit strange in this way, and we kind of went back and forth about how to structure

38:13

the worksheet. We start out with, you know, the gathering itself, the nature of the gathering itself

38:19

has to meet the Widely Attended Gather exception, and that has to be part of your written authorization,

38:24

which is, is it a Widely Attended Gathering. So what are we talking about? We want to know what is the size and type of the gathering, you know, and we list sort

38:34

of the criteria on the WAG worksheet as to what are the things you should consider in

38:40

determining if it’s a widely attended gathering, you know, are there a large number of people who will attend, is there going to be a diversity of views, will there be opportunity for the

38:51

exchange of ideas and views among the invited persons.

38:57

Now one thing I did want to point to you all is this opportunity for exchange of ideas and views among invited persons.

39:03

That didn’t use to be actually in the body of the regulation before that used to only reside in that very extensive widely attended gathering legal advisory that we issued.

39:14

We have since incorporated it into the language of the regulation itself so that is an element

39:21

in the determination about whether or not something is a widely attended gathering. Patrick Shepherd: Right, and I’ve gotten some questions about that opinion since the

39:29

update of the regulation, and you do see in a number of places where we have taken guidance

39:37

from that and included it in the regulation, and that is what we did.

39:43

It’s not a big change, it’s just to sort of clarify within the regulation that that

39:49

guidance is accurate. Cheryl Kane-Piasecki: So under (g)(2) all of these things are present, and that’s

39:54

what we’re asking you to sort of check the box off of in box 2.1 on page 2 of the Widely

40:01

Attended gathering worksheet. Then in box 2.2 and 2.3 is where we move on to the determination of agency interests,

40:13

and as you’ll see we have one box which just basically says, is the employee’s attendance in the agency’s interest because it will further the programs and operations of the

40:22

agency, and we see that a kind of just, that’s a very general threshold determination because

40:29

that has to be established before you can authorize the person to attend, and that’s

40:36

even before you get to this balancing, the weighing and balancing of whether or not that it outweighs the appearance concern.

40:42

You have to fully establish what the agency’s interest is in the employee’s attendance of this event. Patrick Shepherd: Right.

40:48

What’s the reason for them to go? Cheryl Kane-Piasecki: So with the determination of agency interest, that’s going to be part

40:55

of your written authorization, so at (g)(3), all (g)(3) talks about in the regulation is

41:00

sort of like that you need to craft a written authorization for any employee to avail themselves

41:07

of the Widely Attended Gathering exception, that it’s the agency designee that will be making this written authorization and among the things that you have to establish or that

41:16

is part of that written authorization, is the agency’s interest.

41:23

In addition to that, other things that have to be in the written authorization is whether

41:29

or not the employee’s attendance outweighs the concern that the employee may appear to be improperly influenced in the performance of their official duties, and also if the

41:38

person is other than the sponsor of the event, and we’re going to get to those determinations in a minute, but I just want you to understand that (g)(3), what (g)(3) is doing is saying

41:46

this is what has to be in the written authorization. In order for you to do a written authorization, you have to show that it’s a Widely Attended

41:53

Gathering, that the attendance is in the interest of the agency, that that interest outweighs any appearance concerns, and establishing that if it’s not from the sponsor of the

42:02

event that the gathering meets all of the criteria for a non-sponsor. Patrick Shepherd: Yeah I think (g)(3) also provides us a really good reason to use the

42:11

Widely Attended Gatherings worksheet, because it helps us ensure that we have made and engaged

42:18

in all of the things that we’re required to consider before making the determination. SO you know, if you thought this was useful before, it’s even more useful now.

42:27

Cheryl Kane-Piasecki: Yes. So I do want you to be very thoughtful, and particularly in the exercise that we’re

42:33

going to do because we have it as a separate element in the analysis worksheet. So we are going to ask you to really consider, you know, how would an employee’s attendance

42:42

necessarily further the programs and operations of the agency, and you know, while OGE certainly

42:47

doesn’t make that determination for you and typically we do not second guess agencies’ determination of agency interest because you know your program and operations far better

42:55

than we could ever hope to. We just wanted to give you some indicia things that you might want to consider as being material

43:02

to this kind of a determination. Patrick Shepherd: Right. Cheryl Kane-Piasecki: So you know, is it an opportunity for the agency to share information,

43:10

important information, and is the group that’s going to be there the kind of group that is appropriate to receive this information?

43:16

Patrick Shepherd: Right, you know, if you’re publicizing some agency initiative and it’s

43:21

important to communicate with key stakeholders and those people happen to be assembled, using that opportunity seems like a good idea, right, or something that at least agitates in the

43:29

direction of it being within the agency’s interest. Cheryl Kane-Piasecki: You know often times if the agency is engaging in a new rule making,

43:37

or if the agency has, you know, staked out an imposition on something, or has a new initiative, you know, there are certain events where maybe it’s an opportunity for the agency to reach

43:46

a very wide audience and be able to publicly, or publicize, or further sort of spread the

43:55

news about where the latest initiative is. Patrick Shepherd: Absolutely, and there are lots of things that we do in government where it’s very important that the people who need to know about those new requirements

44:04

or opportunities are made aware of them and to use opportunities where people are assembled

44:12

to publicize or clarify, very, very helpful. Cheryl Kane-Piasecki: And I think that we also recognize that sometimes it’s important

44:20

not just for the agency to disseminate information, but it’s also important for the agency to gather information.

44:25

So we fully recognize that there are often times where you want to send your people to an event because the other people who are there are in possession of information that

44:34

would be very helpful and useful to the people in your organization. Patrick Shepherd: Right, exactly.

44:39

So if the work of your agency affects a group of stakeholders, those people happen to be assembled, and you want to learn more about their concerns, their perspectives, their

44:49

interests, that’s something that we often need to do.

44:54

Cheryl Kane-Piasecki: So I mean, at the end of the day, and I don’t want belabor this, but just as I think it’s really important that you’ve spent a considerable amount

45:00

of time making sure that you and whoever else that you think needs to be involved in this, I mean for example at OGE, our process is that when an employee wants to attend an event

45:11

for which they are receiving an offer of free attendance, we go to the supervisor first, and the supervisor helps to make the determination of agency interest before I as the ethics

45:22

official actually go through the rest of the WAG analysis, but I think it’s really important that everybody who is involved in this understands that agency interest is sort of paramount

45:33

here. So then after you’ve established or after we’ve asked you the question of agency interest,

45:40

we get to the next part of the reg. which is .204(g)(4), and it’s at .204(g)(4) where

45:46

you are asked to do this balancing test between the agency’s interest and the potential

45:56

appearance concerns of having the employee participate, and these are the factors that we’ve given you to consider, and we’ve outlined those.

46:03

We’ve actually put those into the chart itself so that they’re right there for you as you’re going through your analysis. Patrick Shepherd: It’s very similar to the potential determination,

46:10

Cheryl Kane-Piasecki: Exactly. Patrick Shepherd: that employees do, but kind of on steroids. IT’s more specific to the type of gift, the gift of free attendance, but is a very

46:18

similar line of thinking. Cheryl Kane-Piasecki: So I think a couple of things that I want to sort of point your attention to because I think that they’re not brand new, but they may be articulated

46:27

really for the first time. We’re concerned about making sure that acceptance of free attendance at an event and sort of

46:38

the nature of the event itself is not going to create the appearance of preferential treatment to the donor.

46:43

I think this is one of the biggest concerns we have with a lot of Widely Attended Gatherings is because as you all know, often times, you know, your employee can be sort of singled

46:55

out or targeted by prohibited sources to sort of like get all the attention as it were,

47:03

you know, or certain entities are getting greater access to your employee than other

47:10

entities. They’re similarly situated entities. So I think we always have to be mindful of, okay what is the nature of the event, who’s

47:16

going to be there, who’s bearing the cost of my person being there, is this giving an untoward amount or appears to be giving this donor an untoward amount of access to my person?

47:28

And again, and that kind of goes hand in hand with seven is, you know, is the government

47:34

providing persons with views or interests that differ from the donor with access to the government.

47:39

So it’s kind of like, again, this gets to the, what is the playing field? Patrick Shepherd: Right.

47:44

Cheryl Kane-Piasecki: What is the diversity of interest that are going to be present at this event? Patrick Shepherd: Right, and are there opportunities for people who are not in that group who might

47:53

be interested in similar matters to access the government to make their opinions and views known.

47:59

Cheryl Kane-Piasecki: Exactly. So these are all considerations that we expect you to sort of take very seriously and be

48:06

focusing on when you’re making the determination that it’s in the interest of the agency for the employee, and so much so that it outweighs any appearance concerns.

48:16

So the next page of the WAG worksheet covers the sponsor of the event, and what we’ve

48:24

done in block 3.1 for your convenience is, once you’ve identified who you think the

48:32

sponsor of the event is, we’ve included those indicia of sponsorship that we issued

48:38

in our legal advisory 1704.

**Sponsors**

48:44

So when you’re talking about who is the sponsor of the event, we’ve given you in box 3.1 the things that we outlined in that legal advisory, so we’re trying to clarify

48:55

for everybody what constitutes a sponsor and what isn’t a sponsor. Patrick Shepherd: Right. That’s a little less than intuitive so I think it’s important that we included those

49:02

here for your convenience because I think sometimes we’ll have difficulty with that

49:09

concept because it seems to differ from the plain language meaning of sponsor. Cheryl Kane-Piasecki: Yes. Patrick Shepherd: So rely upon them.

49:15

Cheryl Kane-Piasecki: Yeah and I think that when you look at this laundry list, it’s you know, when we talk about sponsor, probably the better word to use for what we’re really

49:24

trying to get at is the host. Who is hosting the event? And by that we mean, you know, are they responsible for organizing it, planning it, or conducting

49:33

it, you know, do they have the administrative responsibilities for notifying people, for coming up with the guest list?

49:41

Are they determining the agenda of the event, like the topics to be covered and who’s going to come speak, and the date, and the location?

49:49

Are they the primary point of contact, I mean, so are they the people who are in charge of making sure that they do the registration and they know that they’re doing the RSVPing

49:58

and they are taking care of that whole logistical aspect of it?

50:04

What we want you to understand is that for our purposes, we don’t think a sponsor of the event is someone who’s providing financial support only.

50:14

Patrick Shepherd: Exclusively, merely financial support. Cheryl Kane-Piasecki: Merely financial support. If all they’re doing is underwriting the event with financial support, even though

50:21

they get called sponsors, they get called gold sponsors, and silver sponsors, and platinum sponsors, and friend of the whatever sponsors, but that doesn’t make them a sponsor for

50:30

purposes of the Widely Attended Gathering exception. So when you’re making that determination just keep those points in mind and hopefully

50:38

it’s a little clearer now than it used to be. Patrick Shepherd: Yeah and I think this is challenge from a drafting perspective.

50:45

There isn’t one perfect word, right? Using host comes with its own set of problems because you have someone who’s providing

50:52

the venue, and you say we’re hosted by them, but actually someone else, the organizer. Someone may be the organizer as appropriate and say well we’ve hired an organizer.

51:01

So it’s really just important to understand that the words that the organizers of the

51:06

event use to describe people are not very useful for us, and what you really have to

51:12

do is look at who’s offering the thing and see if these criteria apply to them. Cheryl Kane-Piasecki: And that’s what we want to find out, because what we’re really

51:20

trying to drive at is we want to know, who is bearing the cost of the employee’s attendance, and is that person or entity the sponsor or a sponsor, because sometimes there are multiple

51:29

sponsors of an event. Okay. Now, as we all know if it’s a non-sponsor, then we have an additional set of criteria

51:36

that have to be met about the event itself, and that is that there have to be more than

51:42

100 persons expected to attend the event, and the market value of the gift of free attendance

51:47

is, now this is new because the dollar threshold has just gone up, it used to be $375 or less,

**Gift of Free Attendance**

51:55

and now it is $390 or less, so that just went into effect I think in May, I think is when

52:03

that went into effect. So we’re looking at, for non-sponsor events, are there 100 people expected to be in attendance

52:10

and will the value of free attendance be $390 or less.

**Sponsor**

52:19

So then on what the forth page of the WAG worksheet, we’re talking about sponsors guests, and here, again, we want to know has the invitation been offered to spouse or other

**SpouseGuest**

52:34

guest. One thing I like to point out here that I know that I run up against, myself, in my own practice here at OGE, is the question of, if the invitation is silent on whether

52:47

or not a spouse or guest is included, how to handle that. Patrick Shepherd: Yeah.

52:53

Do you go back and, “can I bring my spouse?” Cheryl Kane-Piasecki: And I mean you can’t solicit a gift, and if the employee goes back

53:02

and says, “can I bring my spouse,” or “is my spouse invited,” or “is a guest invited,” then that has the sort of patina of a solicitation.

53:10

The way that we have handled it here is that someone other than the invitee, myself mainly,

53:17

have called the organizer to let them know I am the ethics official and that I simply

53:23

need to know whether or not people in attendance are being allowed to bring guests and spouses

53:28

or whether or not the invitation is intended to be only for the person who received the invitation, and that has been at least a good way to sort of handle those, but I think you

53:37

want to make sure that your employees understand that they really shouldn’t be going back and seeking clarification about whether or not they can bring a spouse or guest as that

53:47

may read down to a solicitation. Patrick Shepherd: Or other upgrades to the invitation. Cheryl Kane-Piasecki: Right, true.

53:52

Patrick Shepherd: “Is this for the big table at the front of the room?” Cheryl Kane-Piasecki: “Do I get a swag bag?”

53:57

You know. Patrick Shepherd: Yeah. So it’s something to be careful about because we sometimes overlook that provision that

54:05

prohibits solicitation. Cheryl Kane-Piasecki: So you know, the things that you have to consider is whether or not other people in attendance are also going to be accompanied by a spouse or guest and,

54:14

you know, whether or not the invitation to the spouse is coming from a sponsor or non-sponsor

54:20

of the event, and then the same rules apply there which is 100 people or more expected

54:26

to attend and then the total cost of the attendance of both the employee and the guest cannot

54:33

exceed $390. Where it’s owed has to be $390 or less.

54:41

So really as you can see from the WAG worksheet, there’s not a whole lot that has really

54:47

changed substantially in what we’ve done with the Widely Attended Gathering, most of it has been, I think, a restructuring, a clarifying.

54:56

One thing that is paramount though is that you do understand all of your determinations have to be in writing. They didn’t use to have to be, they could be orally or in writing.

55:03

Now they all have to be written determinations, and then the one final thing that I always like to remind folks of is because of the Widely Attended Gathering exception, the employee,

**Employee**

55:14

him or herself, is accepting the gift in their personal capacity.

55:20

This means that if it meets the reporting threshold for either the 278, the Public Financial Disclosure form, or the Confidential Financial Disclosure form, the 450, they may be required

55:29

to disclose the free attendance on one of their financial disclosure forms.

55:36

So we’re looking at $390 per source, but you can pull out any item that $156 or less,

55:43

can be pulled out of the aggregation, and there are certain items that are excluded

55:49

from reporting requirements under 2634.105(h)(4), so you might want to take a look at some of

55:54

the exclusions from the filing requirements to see if anything that was offered under the free attendance is eligible for one of the exclusions, but I always just like to

56:03

remind folks that as you’re keeping track of your WAGs, you may also want to be keeping track of them for purposes of financial disclosure.

56:10

Okay. Patrick Shepherd: No and I think this is very helpful because while the regulation, as you

56:17

go through the text of the regulation, it seems quite different. Kind of walking through the process we see that a lot of this is very familiar, and that

56:26

we’re not in a totally different world, we’re in a slightly different world, and you know, these changes are manageable and we just have to be aware of them as we move

56:36

forward with the regs and I guess we’ll have an opportunity on Thursday to see how our proficiency is going with these new provisions.

56:44

Cheryl Kane-Piasecki: Now you all should have received an exercise. It is a sample email from a person from the Governmental Affairs vice president for Advocacy

56:56

Now to an employee. I would like you to use the Widely Attended Gathering analysis sheet to sort of walk through

57:04

the analysis for the facts that you are given. If you’ve had a chance to look at that email, you will see that it is very short on facts,

57:13

so one of the challenges that you’re going to face is sort of coming up with a series of questions, you know, what information do you have, what additional information do you

57:20

need. Patrick Shepherd: Right. Cheryl Kane-Piasecki: But on Thursday, Patrick and I are going to walk you through that analysis

57:28

worksheet with those facts, and we’re going to try to come up with a way to make it a

57:34

little bit more interactive on Thursday I think, if we can, rather than it just be sort of a Q&A thing.

57:40

I think we’re interested in knowing exactly what your thinking is, and what your questions

57:45

are, and what your analysis is. So I would ask you to please on Thursday come prepared to either share that over the phone

57:52

or, Patrick Shepherd: Just be thinking about it. Cheryl Kane-Piasecki: Or be thinking about it so that it isn’t just a matter of, you

57:59

know, Patrick and I, you know, talking at you with an analysis, but it actually gives you an ability to engage in that analysis as well.

58:09

Do we have any questions on the phone? We would be happy to take any questions that anyone has at the moment.

58:17

Female Speaker: Thank you. If you would like to ask a question unmute your phone and press star followed by the

**Questions**

58:29

number one, and when prompted record your name clearly so we may introduce you. To withdraw your question press star two. Again to ask a question star one. It will take a few moments for questions to come in.

58:35

Please stand by. Patrick Shepherd: And as we’re waiting for our first question, I’d like to invite the folks who are on the video broadcast, if you have a burning question at the conclusion

58:45

of today’s presentation, now you can submit that to trainingregistrations@OGE.gov and we will try to address those first thing on Thursday morning.

58:52

Cheryl Kane-Piasecki: Okay so that’s training registrations Patrick Shepherd: @OGE.gov Cheryl Kane-Piasecki: @OGE.gov.

58:57

Yeah, and we will address those on Thursday morning, before we get started. Patrick Shepherd: Thursday afternoon.

59:02

First thing Thursday afternoon, yes. Do we have any questions, Holly? Female Speaker: I show no questions at this time, and again as a reminder, if you would

59:11

like to ask a question, press star followed by the number one.

59:23

Patrick Shepherd: Okay. I’d also just like to remind folks that we did provide you with a pdf of the new regulation. Cheryl Kane-Piasecki: Yes we did. Patrick Shepherd: This is something that I’ve been guilty of a few times, is that I really

59:30

like my little blue book and it is no longer very useful for dealing with gift questions.

59:36

I find this rather frustrating, but it’s important to remember to look at the current

59:41

version of the regulation. Cheryl Kane-Piasecki: Yes it is. Patrick Shepherd: Okay. Folks don’t have any questions.

59:46

If you think of anything feel free to email us and we look forward to seeing you on Thursday

59:51

for part two of the Widely Attended Gathering Massive Open Online Course. Cheryl Kane-Piasecki: Thanks very much everyone.

English

All

From OGE Institute for Ethics in Government

Presentations

Learning

Related

For you

Recently uploaded

Watched