good afternoon and welcome to preparing

0:24

your agency's ethics program for a

0:26

presidential election year

0:28

I'm Patrick Sheppard I'm very pleased to

0:30

join you today to discuss this important

0:32

topic you may be asking yourself it's

0:35

October more than a year before the

0:37

election why are we discussing

0:39

preparations for the ethics workload in

0:41

and around an election year

0:43

the first reason is that there's a

**Regulatory Requirement**

0:47

regulatory requirement OGE regulations

0:49

at 5 CFR 26:38 to 10a require us 12

0:58

months before on a presidential election

1:00

to assess the human capital the

1:03

qualifications of the ethics officials

1:05

who will support the work in and around

1:07

presidential election year and the

1:10

reason we ask you to begin this work

1:12

early is so that you have an opportunity

1:15

to correct any deficiencies to bring

1:17

skills up to snuff so that your programs

1:20

are all prepared for the increased

1:21

workload that happens around an election

1:23

so one year before the election there

1:26

there is a requirement to conduct this

1:27

assessment and what we'd like to do this

1:29

afternoon it spent some time helping you

1:31

think through ways that you can conduct

1:33

this assessment and also how you can

1:35

move from there to ensure that your

1:37

program is properly staffed is prepared

1:41

for the change in workload and also to

1:43

give you some strategies about how you

1:46

can move the work of the ethics program

1:48

around to free up some resources to use

1:50

them more efficiently to make sure that

1:52

the people who are most qualified to

1:54

conduct the complex work of income in

1:57

coming to 70 80 reviews complex advice

2:00

and counseling senior leadership

2:01

briefings as how you can use strategies

2:05

to help free up their time to make sure

2:06

your most qualified folks are doing the

2:08

most important work we think it's really

2:10

important to do this now at the

2:12

beginning of the fiscal year lots of

2:14

agencies have employee development

2:16

programs or individual individual

2:18

development plans that help employees

2:20

set goals for their personal

2:22

professional development this is a

2:24

program that you can use to help ensure

2:27

that your employees the team on your

2:29

ethics staff are prepared for the

2:32

increase in workload

2:33

so we're here today mostly to encourage

2:36

you to conduct this assessment and to

2:38

give you some ideas about what you can

2:40

do if you find that there are some areas

2:43

that maybe you need more skills or more

2:45

human capacity to take care of so what

2:48

kind of training is available if you

**Resources for Training Officials Institute for Ethics in Government**

2:51

find that you have employees whose

2:52

skills you need to build so that they

2:54

can support the work in and around a

2:56

presidential election year well first

2:58

there is the library of resources here

3:00

at the Institute for Ethics in

3:02

government we really encourage you to

3:04

use these in the development of your

3:06

internal staff members the way we use

3:08

them here at OGE when we have new folks

3:10

come on board we identify the tasks

3:12

they'll be performing we set them up

3:14

with a playlist of sports kind of a

3:16

collection of classes that they can work

3:18

through on their own pace and also an

3:20

opportunity to work with a more

3:22

experienced ethics official and

3:23

experienced mentor to ensure that

3:25

they're understanding the content that's

3:27

being being communicated in the on to my

3:29

math classes so this is really a

3:31

resource that you can use to help

3:33

develop your your employees to help

3:36

build their skills so that they can

3:37

support your programs also on-the-job

3:40

training we're a year out maybe more

3:42

than a year from from the inauguration

3:45

activities and the increase that

3:46

sometimes arises in the financial

3:48

disclosure area so if you have people

3:50

who are new to some area of the program

3:52

and you need their assistance you can

3:54

start giving them assignments now I'll

3:55

provide them some on-the-job training

3:57

provide them some opportunities to

3:59

practice and learn new skills we also

4:02

hold internal Brownback's here on

4:04

various topics so if we have expertise

4:07

that's concentrated in a single

4:08

individual or a group of individuals

4:10

that we'd like to share more widely

4:12

throughout the organization lunchtime

4:14

meetings or less formal training

4:16

conversations can be very effective so

4:19

throughout the next year you can you can

4:20

use some of these strategies to help

4:22

develop your folks

4:23

also mentoring is an important role

4:26

given the lead time that we have

4:29

providing someone with some tasks and

4:31

also some support to help them do that

4:33

is a good tool in order to help people

4:36

develop new skills and finally we're

4:39

going to be having an ethics summit in

4:40

in March and certainly there will be

4:42

opportunities at that event to develop

4:44

skills that will be important

4:47

in and around a presidential election so

4:49

these are just some of the resources and

4:50

as always if you are going through the

4:52

Institute for ethics and government and

4:54

you find there's a gap there's a hole

4:55

there's some things that's we really

4:58

need that og has not yet provided please

5:00

let your desk officer know you can reach

5:02

out to me you can also reach out to

5:03

Sheryl kay and Piasecki we're always

5:05

looking for your ideas and if there are

5:07

gaps that we have failed to address we'd

5:10

like to know about that so that we can

5:11

make sure you have the resources you

5:12

need so this isn't just a matter of

5:18

training exercises making sure that

5:20

people have the skills they need but

5:21

also an opportunity for us to think

5:23

about how we're going to manage the

5:25

workload pre and post election so I'd

5:29

like to take this opportunity to

5:30

encourage you to engage in some workload

5:32

planning and also suggest some

5:35

strategies about how you can flatten out

5:37

some of the peaks that we see in our

5:39

ethics work one of the nice things about

5:42

the ethics program is some of our work

5:43

is very predictable our work throughout

5:46

the year relies heavily upon certain

5:50

dates and deadlines for example the due

5:52

date for OGE forms 450 or the due date

5:55

for a GE forms to 780 we also have an

5:58

annual training requirement so some of

6:00

this activity is predictable from year

6:03

to year and I'd encourage you to think

6:06

about that and think about ways that you

6:08

can smooth out those peaks in order to

6:11

make space and to better utilize your

6:12

resources going into the election and

6:15

also in the post-election period so

6:17

let's take a look at how we might do

6:19

that so what you'll see on your screen

6:23

here is is a possible timeline of

6:26

roughly 1 year timeline starting in June

6:30

before elections so this will be next

6:31

summer going into August the year after

6:35

the election and we can see if we didn't

6:37

engage in any workload planning we'd

6:39

have a lot of peaks a lot of work

6:41

happening in large volumes at at a

6:44

particular time or starting at a

6:46

particular time and sometimes those

6:48

coincide and the coincidence of those

6:52

work peaks with our other work and the

6:54

work we may encounter post-election

6:58

can really stress the resources

7:00

available to our programs so what I'd

7:03

like to suggest to you is that there are

7:05

some ways that we can smooth out some of

7:08

those peaks we can distribute the work

7:10

more effectively a for example taking

7:14

care of our annual ethics training

7:15

requirements early on in 2020 well in

7:19

advance of the election period is

7:22

something that can really help us to be

7:24

prepared and have the resources

7:25

available as our workloads increase this

7:28

is something you can start on in January

7:30

you could begin your your annual ethics

7:32

training campaign so that you are not

7:35

racing to capture people at the end of

7:37

the calendar year and next year while

7:39

you're also advising folks about

7:40

post-election events while you're also

7:43

engaged in an increase in financial

7:44

disclosure work getting the annual

7:46

ethics training out of the way early can

7:48

be very helpful to you likewise with

7:52

your annual financial disclosure

7:54

workload we know that that the dates are

7:58

our February 15th and May 15th but the

8:01

information that's required to complete

8:04

an annual financial disclosure report be

8:06

it confidential or the public reports is

8:10

available at the close of the calendar

8:12

year so your employees can begin

8:14

completing these reports as early as

8:16

January 1 and this is something that you

8:19

can use to your advantage rather than

8:21

receiving all of the reports on a single

8:22

day you can begin to ask folks for

8:27

reports at the beginning of their of the

8:28

calendar year this not only helps to

8:30

spread out the work but it also gives

8:33

you more time to complete your reviews

8:34

so that's something you can consider and

8:36

you consider that in the area of annual

8:38

ethics training so that that work that

8:40

you cannot predict that is contingent

8:42

upon things outside of your control

8:43

there are more resources available for

8:46

you to address that so this is one kind

8:49

of planning that we'd encourage you to

8:50

engage in sort of calendar workload

8:53

planning find out when those Peaks are

8:54

going to be think about ways you can

8:56

flatten those out make sure you have the

8:58

personnel available to address those

9:00

challenges another nice thing about the

9:06

predictability of our work is when we go

9:09

to ask for resources

9:11

so if we're asking for resources from

**Resource Strategies**

9:13

say another part of the general law

9:15

office to help us support maybe we need

9:16

administrative resources to help us

9:18

through an annual filing cycle maybe we

9:21

need some administrative resources to

9:22

help us track our training requirements

9:24

maybe we need another attorney to come

9:27

assist us with annual 278 review because

9:31

our work is predictable we can make

9:34

requests of our colleagues or other

9:35

parts of the agency for resources in in

9:38

a very specific way so something we'd

9:41

encourage you to do is to use process

9:43

efficiencies to decrease some of the

9:45

resource loads so if you can spread the

9:46

work around use your people more

9:48

consistently throughout the year you can

9:50

reduce the down times when there's not

9:53

enough work to go around while also

9:54

maximizing the utility of the folks you

9:56

have throughout the year you can

9:59

increase the time available so by

10:01

encouraging folks to file their 278 or

10:04

450s beginning in January you can

10:06

stretch out the time that's available to

10:09

to complete your annual filing cycles

10:11

likewise if you begin annual ethics

10:14

training early in the year you can

10:16

increase the amount of time that you

10:18

have to track everyone down and make

10:19

sure they've received their training you

10:21

can also increase the efficiency of your

10:22

employees if you've not reviewed your

10:24

policies and procedures if you've not

10:26

reviewed the way you share information

10:27

now's a really good time to do that you

10:31

may have an advice and counsel database

10:33

that you use so that you can share your

10:36

advice with other colleagues if you've

10:38

not reviewed those things and how

10:39

they're working that this is a good time

10:41

to do that and if there are any sort of

10:42

chokepoints things that make it

10:44

difficult to use we still have time to

10:46

correct them and finally increasing

10:48

available resources may be necessary you

10:50

may need that support of someone from

10:52

another part of your office another part

10:54

of the general law section another part

10:56

of the Human Resources office and if

10:58

that's the case you really need to make

**The Case for More Resources**

11:01

a case and the nature of our work allows

11:03

us to do that we can be really specific

11:05

with our requests if we need 50 percent

11:08

of of someone's time at paralegals time

11:11

to help us triaging 450s we know those

11:14

are going to come in to the beginning of

11:15

the calendar year and we're mostly going

11:16

to be done with that process by the end

11:18

of March so we can make a specific

11:20

request there we can also quantify the

11:23

expected increase in

11:24

work so we know about how much work

11:27

happens when we get to the annual filing

11:28

cycle we have a sense of how many filing

11:31

positions we have our agencies so it

11:33

might be possible for you to say you

11:35

know we need someone's help with a dozen

11:37

reports or 20 reports or 50 reports

11:39

whatever it might be but you can

11:41

quantify that and if you keep statistics

11:43

about about how long it takes someone to

11:45

review a report that can be helpful when

11:47

you make the request we can also be very

11:50

specific about when we need the help so

11:52

if we say we're gonna start getting our

11:54

450s in January and we expect to be

11:57

finished or finished with the the the

11:59

bulk of the material where we're going

12:01

to need help we can put a date certain

12:04

on when that person would be able to

12:06

return to their normal duties and it's

12:08

also important that the challenge is an

12:10

agency challenged the result of our

12:12

ethics work in an election year redounds

12:15

to the benefit of the entire

12:17

organization when it's leadership all

12:18

the way down to its employees so our

12:21

work isn't just for our benefit we don't

12:23

do the ethics work just for the benefit

12:24

of the ethics office but we really do it

12:26

to make sure that our colleagues

12:28

throughout our organizations are able to

12:29

to serve in their in the capacities as

12:32

freely as possible and be protected from

12:34

the possibility of ethics challenges so

12:37

really they're the beneficiaries of our

12:38

work are not just the ethics office but

12:40

all of the employees and our agencies so

12:42

together this may give you some

12:44

strategies to start thinking about you

12:45

know when are you gonna need additional

12:47

resources and some ways to think about

12:48

asking for them so how can we smooth out

**Annual Financial Disclosure**

12:55

our annual financial disclosure program

12:57

to make sure we have resources available

12:59

for the post-election period one we can

13:02

better train our annual filers we have

13:04

people who are filing these reports year

13:06

after year if you know that there are

13:08

common items that people will miss they

13:10

miss report they don't break out their

13:12

401ks they fail to break out their IRAs

13:14

they don't give us the whole name of

13:16

mutual funds whatever the common errors

13:18

are communicating to those filers at the

13:21

time you request their filings may

13:23

assist you in reducing the amount of

13:25

back and forth and make your review

13:27

process more efficient you might also be

13:31

able to train reviewers to resolve

13:33

common issues before reports go to a

13:35

certifying official so if you have more

13:37

junior staff

13:38

laughs who were assisting in the review

13:40

of reports and commonly things slip

13:42

through come to a certifying official

13:44

and then you have a back and forth

13:46

required with the filer and the

13:48

intermediate reviewer better training

13:50

your your intermediate reviewers your

13:52

newer reviewers can help you reduce some

13:54

of that challenge we mentioned this

13:57

before but requesting reports as soon as

13:59

possible after January 1st can really

14:01

smooth out that work and increase the

14:03

amount of time you have to do it and

14:04

also make you better able to absorb the

14:07

spikes and workload that may be beyond

14:09

your control and finally you can sort

14:12

the reports into complex reports and

14:14

less complex reports to make best use of

14:17

your reviewers you know I think one of

14:19

the best strategies we have is to use

14:20

our most experienced most qualified

14:22

people to only do the work that requires

14:24

their unique set of skills if you can

14:27

have someone with less developed skills

14:30

take care of the the more routine work

14:32

the work that doesn't require a huge

14:34

amount of expertise we can make the best

14:37

use of our our most uh most qualified

14:39

folks so you know consider doing this

14:41

this is something we do here at OU GE we

14:44

don't bring people in who are brand new

14:45

reviewers and hand them 500 page reports

14:47

we start them with the easier less

14:49

complex reports and mentor them through

14:51

the process of development but that

14:53

allows us to use the most experienced

14:55

reviewers to handle the most complex

14:56

reports likewise our annual training we

15:02

discuss this a little bit you could

15:04

start your training as early in the year

15:05

as you want I know that training often

15:07

in agencies gets pushed towards the end

15:09

of the year because we are really

15:10

focused on our annual financial

15:12

disclosure during the winter and spring

15:14

months but knowing that a big spike in

15:16

workload is coming can help us we can

15:19

help ourselves by beginning out the

15:20

training campaign as early in the year

15:22

as possible and we can also think

15:24

strategically about what method if we're

15:27

deciding between interactive training

15:29

and in person training we can use a risk

15:32

based a risk based decision-making

15:34

process to make sure that the people who

15:36

really need it are getting the in-person

15:37

training but that our resources aren't

15:41

being taxed by training people in person

15:43

who maybe don't need that intensity or

15:45

maybe we don't need that intensity this

15:46

year so we may be able to maximize the

15:49

use of our resources there as well

**Advice and Counsel**

15:54

advice and counsel this is something we

15:55

don't usually think about this doesn't

15:57

sort of front of mind until it actually

15:58

happens a during an election year but

16:01

there is an increase in requests for

16:04

advice both maybe from new folks but

16:06

also leading up to an election if you're

16:08

like a lot of agencies even though the

16:10

Hatch Act and the political activity

16:11

isn't under OGIS purview it's under the

16:14

purview of the Office of Special Counsel

16:15

oftentimes it's the same individuals who

16:17

are providing advice on those rules as

16:19

the ethics rules so that's a resource

16:21

question to think about also in the

16:23

period after an election we often have

16:25

various events inaugural balls things

16:28

like that and that requires ethics

16:31

officials to think through various

16:32

invitations to those events so there

16:35

will be an increase in advice and

16:37

counsel activity and we want to make

16:39

sure that our programs are prepared so

16:41

we can do that by maximizing our

16:43

resources through training if there's

16:45

some routine advice and counsel work

16:47

that can be can be handled by more

16:49

junior employees we need to get them

16:51

trained up to make sure they're prepared

16:52

for that again we can triage requests so

16:56

that we leverage our most experienced

16:57

folks for our most complex challenges we

17:00

can review our processes to find

17:02

efficiencies so if if I use a database

17:04

system if you share advice between

17:07

employees so that you can reuse opinions

17:09

you can consult with opinions that have

17:11

been issued

17:11

make sure those processes are working

17:13

properly we can leverage colleagues in

17:16

other parts of general law or other

17:17

parts of whatever organization you

17:19

happen to work in so if you need to

17:21

share the Hatch Act counseling load

17:23

that's something to think about if it's

17:25

necessary and also to I anticipate

17:28

periods of high volume and staff them

17:30

appropriately so make sure you have the

17:31

people you need in the chairs ready

17:33

ready to handle the questions when they

17:35

come in so again they're sort of

17:37

timeline planning

17:42

so what does it really look like you

17:44

know what should we be doing right now

17:46

and this is kind of what I would

17:48

recommend you consider is to look at

17:51

your program work look at your election

17:53

work and start thinking through who's

17:54

going to do what who's gonna be

17:57

responsible for which of these pieces

17:59

and see if you have that the personnel

18:02

available who you need and then the next

18:05

step of that process is to identify

18:06

who's going to need more training to be

18:09

able to perform in in the roles that

18:10

they'll be required to fulfill and to

18:13

start that training process now so here

18:14

we have a an example of how you might do

18:16

that you say you know our 450 team these

18:18

are the three or four folks who are

18:20

going to be handling 450s next year in

18:21

the year after and two of them need to

18:23

be brought up to speed training wise so

18:25

you can start that process now either

18:27

through a formal process like an

18:29

individual development plan or just

18:31

through a training process within your

18:32

your organization so this is where you

18:35

want to start again this is the

18:37

beginning of the process at og we're

18:39

going to continue to support you as we

18:40

approach the election we're gonna have a

18:42

summit which is going to allow us to get

18:44

together if there are things you need

18:46

opportunities the OGE could provide to

18:48

you please do let us know because we

18:50

want to make sure that you're you're

18:51

prepared for the workload that you have

18:53

the tools you need to make sure that

18:54

you're your team members are up to speed

18:56

so if there's things you're missing

18:58

please let us know and start the process

19:00

now I really think this through make

19:02

sure that your you have the right people

19:04

taking advantage of the opportunities

19:05

between now and the election so thank

19:08

you for for for joining us we hope you

19:11

start preparing now we look forward to

19:12

seeing you at the summit if you're able

19:14

to join us and we will join you shortly

19:18

for for another broadcast so thanks for

19:21

joining us I'm Patrick Sheppard

English (auto-generated)