

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Election Assistance Commission (EAC)

Report No.: 19-441

Date: September 24, 2019

Period Covered by Review: January 1 through December 31, 2018

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

1.0 AGENCY DATA		
EMPLOYEES		
1.1	Number of full-time agency employees.	28
1.2	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed.	2
1.3	Number of non-PAS public financial disclosure reports required to be filed.	6
1.4	Number of confidential financial disclosure reports required to be filed.	17
ETHICS PROGRAM		
1.5	Title of Designated Agency Ethics Official (DAEO).	General Counsel
1.6	Grade level of DAEO.	AD00
1.7	Title of Alternate DAEO (ADAEO).	Records Manager/Legal Asst.
1.8	Grade level of ADAEO.	AD9
1.9	Title of the primary, day-to-day ethics program administrator.	General Counsel
1.10	Grade level of the primary, day-to-day ethics program administrator.	AD00
1.11	Current number of full-time ethics officials.	0
1.12	Current number of part-time ethics officials.	2
1.13	Number of reporting levels between the DAEO and the agency head.	1
COMMENTS		
(1.6, 1.8, 1.10) Pursuant to statutory authority, EAC uses the Administratively Determined Pay Plan to establish the salaries for its employees.		

2.0 LEADERSHIP				
COMPLIANCE REQUIREMENTS		Yes	No	N/A
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.107(a).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	OGE has received an up-to-date designation from the agency head naming the ADAEO. <i>See</i> 5 C.F.R. § 2638.107(a).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
None				

3.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278e, OGE Form 278-T)				
COMPLIANCE REQUIREMENTS		Yes	No	N/A
The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1).				
3.1	• Collection of public financial disclosure reports	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.2	• Review/evaluation of public financial disclosure reports.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.3	• Public availability of public financial disclosure reports	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.4	The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Election Assistance Commission (EAC)

Report No.: 19-441

Date: September 24, 2019

Period Covered by Review: January 1 through December 31, 2018



3.6	Public financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.603(g)(1).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.7	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.8	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after termination) notified the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS				%
3.9	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).	N/A		
3.10	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	100%		
3.11	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A		
3.12	Percentage of sampled non-PAS public financial disclosure reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
3.13	Percentage of sampled non-PAS public financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
3.14	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	100%		
3.15	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A		
3.16	Percentage of sampled PAS annual and termination reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
3.17	Percentage of sampled PAS annual and termination reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
COMMENTS				
<p>(3.1 – 3.3) At the time of OGE’s onsite review, EAC’s written procedures governing the public financial disclosure program did not address the collection, review/evaluation and public availability of periodic transaction reports (OGE Form 278-T). Therefore, OGE recommends that the Ethics Office update these procedures to address this issue. OGE also recommends that these procedures be updated to reflect the agency’s current use of OGE’s electronic filing system, <i>Integrity</i>, to collect, manage, process and store the agency’s public financial disclosure reports.</p> <p>(3.4) EAC did not have any public financial disclosure report filers who were subject to the late filing fee or who required a waiver of the fee during the period covered by the review.</p> <p>(3.6) At the time of OGE’s onsite review, not all public reports were retained in accordance with retention requirements. The DAEO confirmed that there were some public reports dating back to 2010 that had not yet been destroyed. OGE recommends that the Ethics Office destroy all public reports found to exceed the six-year retention period in accordance with 5 C.F.R. § 2634.603(g)(1).</p>				

4.0	CONFIDENTIAL FINANCIAL DISCLOSURE			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).			
4.1	<ul style="list-style-type: none"> • Collection of confidential financial disclosure reports. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.2	<ul style="list-style-type: none"> • Review/evaluation of confidential financial disclosure reports. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Election Assistance Commission (EAC)

Report No.: 19-441

Date: September 24, 2019

Period Covered by Review: January 1 through December 31, 2018



4.5	The agency's OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. See 5 C.F.R. § 2634.905(a).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.6	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports. See 5 C.F.R. § 2638.105(a)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS		%		
4.7	Percentage of sampled confidential new entrant reports filed timely. See 5 C.F.R. § 2634.903(b).	43%		
4.8	Percentage of sampled confidential annual reports filed timely. See 5 C.F.R. § 2634.903(a).	60%		
4.9	Percentage of sampled reports reviewed within 60 days of receipt. See 5 C.F.R. § 2634.605(a).	100%		
4.10	Percentage of sampled confidential financial disclosure reports certified within 60 days of receipt. See 5 C.F.R. §§ 2634.605(a) and 2634.909(a).	100%		
COMMENTS				
<p>(4.1) While OGE found written procedures in place governing the administration of EAC's confidential financial disclosure system, OGE noticed that these procedures still included the use of the OGE Optional Form 450-A. OGE notes that effective January 1, 2019, the OGE Optional Form 450-A is no longer approved for use. Agencies that wish to use a similar format as an alternative reporting procedure must now submit a written request to OGE in accordance with 5 C.F.R. § 2634.905. As a result, OGE recommends that EAC remove the reference of the OGE Optional Form 450-A from its written procedures.</p> <p>(4.4) As with EACs' public financial disclosure reports, at the time of OGE's onsite review, not all confidential reports were retained in accordance with retention requirements. Therefore, OGE recommends that the Ethics Office destroy all confidential reports found to exceed the six-year retention period in accordance with 5 C.F.R. § 2634.603(g)(1).</p> <p>(4.5) EAC does not have an OGE-approved alternative confidential financial disclosure system.</p> <p>(4.7) OGE examined seven new entrant confidential financial disclosure reports that were filed in 2018. Of the seven reports examined, four appeared to have been filed late. Ethics officials advised OGE that the filers of these reports incorrectly listed their dates of initial hire at EAC as their new entrant date instead of listing the date they assumed duties that required them to file a confidential financial disclosure report. EAC should also address this issue in their revised written procedures. Reports with inaccurate information should be returned to the filer for correction. OGE encourages Ethics Office officials to provide guidance to educate new entrant filers on using the proper new entrant date and to take steps to ensure that new entrant reports are not filed erroneously.</p> <p>(4.8) OGE examined all five annual confidential financial disclosure reports required to be filed in 2018. Of the five reports examined, two were filed late.</p>				

5.0	Notices to Prospective Employees			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	Written offers of employment for positions covered by the Standards of Conduct provide: See 5 C.F.R. § 2638.303.			
5.1	<ul style="list-style-type: none"> A statement regarding the agency's commitment to government ethics. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.2	<ul style="list-style-type: none"> Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.3	<ul style="list-style-type: none"> Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.4	<ul style="list-style-type: none"> Where applicable, notice of the timeframe for completing initial ethics training. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.5	<ul style="list-style-type: none"> Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.6	The agency has established written procedures for issuing the notice to prospective employees. See 5 C.F.R. § 2638.303(c).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Election Assistance Commission (EAC)

Report No.: 19-441

Date: September 24, 2019

Period Covered by Review: January 1 through December 31, 2018



5.7	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.303(c).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.8	The agency can demonstrate that there is an effective process for ensuring all covered employees receive the required information with their written offer of employment. <i>See</i> 5 C.F.R. § 2638.303.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
<p>(5.1 – 5.5) At the time of inspection, OGE could not determine whether the agency's offer letters included all of the content requirements of 5 C.F.R. § 2638.303.</p> <p>(5.6 – 5.8) At the time of inspection, the Ethics Office had not established written procedures or an effective process for issuing notices to prospective employees.</p>				

6.0	Notices to New Supervisors			
COMPLIANCE REQUIREMENTS		Yes	No	N/A
The agency provides each employee upon initial appointment to a supervisory position with: <i>See</i> 5 C.F.R. § 2638.306.				
6.1	<ul style="list-style-type: none"> Contact information for the agency's ethics office. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.2	<ul style="list-style-type: none"> The text of 5 C.F.R. § 2638.103. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.3	<ul style="list-style-type: none"> A copy of, a hyperlink to, or the address of a Web site containing the Principles of Ethical Conduct 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.4	<ul style="list-style-type: none"> Other information the DAEO deems necessary. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.5	The agency has established written procedures for supervisory ethics notices. <i>See</i> 5 C.F.R. § 2638.306(d).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.6	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.306(d).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.7	The agency can demonstrate that there is an effective process for ensuring that new supervisors receive the required information within one year of appointment. <i>See</i> 5 C.F.R. § 2638.306(b).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
<p>(6.1 – 6.4) At the time of inspection, OGE could not determine whether the agency's notices to new supervisors included all of the content requirements of 5 C.F.R. § 2638.306.</p> <p>(6.5, 6.7) At the time of inspection, the Ethics Office had not established written procedures nor an effective process for issuing notices to new supervisors.</p>				

7.0	Initial Ethics Training			
COMPLIANCE REQUIREMENTS		Yes	No	N/A
Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.				
7.1	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	The agency provided new employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3	The agency has established written procedures for initial ethics training. <i>See</i> 5 C.F.R. § 2638.304(f).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.4	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.304(f).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DATA ANALYSIS		%		

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Election Assistance Commission (EAC)

Report No.: 19-44I

Date: September 24, 2019

Period Covered by Review: January 1 through December 31, 2018

UNITED STATES OFFICE OF GOVERNMENT ETHICS


 Preventing Conflicts of Interest
 in the Executive Branch

7.5	Percentage of new employees who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	100%
7.6	Percentage of new employees who received initial ethics training within three months of appointment. <i>See</i> 5 C.F.R. § 2638.304(b).	100%
COMMENTS		
<p>(7.1) OGE found the initial ethics training presentation provided during the period covered by the review to address all required concepts. However, the training was less than fulsome with respect to addressing the concept of misuse of position. While OGE is not making a formal recommendation regarding the concept, OGE suggests that in future trainings, ethics officials make certain to highlight each of the four topics through discussion questions or summary statements by the instructor to ensure that each concept is adequately addressed.</p> <p>(7.3) At the time of OGE's review, EAC had not established written procedures for initial ethics training. Therefore, OGE recommends that the Ethics Office establish these procedures as required by 5 C.F.R. § 2638.304(f).</p>		

8.0 Annual Ethics Training						
COMPLIANCE REQUIREMENTS				Yes	No	N/A
Each calendar year, public filers, confidential filers, and certain other employees must complete ethics training which meets specified requirements. <i>See</i> 5 C.F.R. §§ 2638.307 and 2638.308.						
8.1	The training presentation(s) addressed concepts related to financial conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. §§ 2638.307(e)(1) and 2638.308(f)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8.2	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. §§ 2638.307(e)(2) and 2638.308(f)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8.3	The agency's annual ethics training complies with the formatting requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(d) and 2638.308(e).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8.4	The agency's program for annual ethics training complies with the tracking requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(f) and 2638.308(g).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8.5	The agency can demonstrate it has an effective process for ensuring covered public filers, other than those whose pay is set at Level I or Level II of the Executive Schedule, complete live annual ethics training at least once every two years. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
DATA ANALYSIS				Training Format		
				Live	Interactive	
Percentage of public filers who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.308(a).						
8.6	<ul style="list-style-type: none"> • Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1). 	N/A	N/A			
8.7	<ul style="list-style-type: none"> • Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2). 	100%	N/A			
8.8	<ul style="list-style-type: none"> • SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3). 	100%	N/A			
Percentage of confidential filers and certain other employees who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.307(a)(d).						
8.9	<ul style="list-style-type: none"> • Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1). 	100%	N/A			
8.10	<ul style="list-style-type: none"> • Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2). 	N/A	N/A			
8.11	<ul style="list-style-type: none"> • Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2). 	N/A	N/A			
8.12	<ul style="list-style-type: none"> • Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3). 	100%	N/A			
8.13	<ul style="list-style-type: none"> • Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4). 	100%	N/A			

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Election Assistance Commission (EAC)

Report No.: 19-44I

Date: September 24, 2019

Period Covered by Review: January 1 through December 31, 2018

UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

COMMENTS	
	<p>(8.1 – 8.2) According to the DAEO, ethics officials are able to interact with each employee on a daily and frequent basis because of the small number of employees in the agency. This frequent interaction has led to ethics officials' development of a routinely scheduled ethics update into EAC's monthly meetings. This allows for continuous conversations amongst the staff, which includes both public and confidential filers, addressing the four required training concepts and other subjects related to government ethics laws and regulations that employees may encounter. The DAEO provides the required written materials before the end of the calendar year. According to the DAEO, these monthly meetings occur throughout the year and are used to satisfy the agency's annual ethics training requirement.</p> <p>OGE allows agencies to use this approach to satisfy the annual training requirement for both public and confidential filers. However, OGE reminds ethics officials that should a covered employee miss one of the monthly meetings at which one of the required training concepts is presented; some form of make-up training is required. This could be a one-page handout summarizing the key points of the required concept or some other means, but all covered employees must receive training that addresses all required concepts.</p> <p><u>Suggestion</u> (8.4) The DAEO indicated that he does not routinely record the names of employees who attend each monthly meeting for purposes of satisfying the tracking requirement for annual training. Therefore, OGE suggests that ethics officials routinely record the names of both public and confidential filers in attendance at each monthly meeting to fully meet the tracking requirements at § 2638.307(f) and § 2638.308(g).</p> <p>(8.6, 8.10, 8.11) EAC does not have employees in these categories.</p> <p><u>Model Practice Identified</u> Providing annual ethics training to all employees, not just those required by the regulation is a model practice.</p>

9.0 ETHICS ADVICE AND COUNSELING		Yes	No	N/A
	COMPLIANCE REQUIREMENT			
9.1	Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations. <i>See</i> 5 C.F.R. § 2638.104(c)(4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	COMMENTS			
	None			

10.0 Special Government Employees (SGE) Serving on Advisory Committees and Boards		
Confidential Financial Disclosure		
10.1	Number of SGEs serving on Advisory Committees and Boards.	3
	DATA ANALYSIS	%
10.2	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	100%
10.3	Percentage of sampled reports reviewed within 60 days of receipt but not later than the SGE's first meeting. <i>See</i> 5 C.F.R. § 2634.605(a).	100%
10.4	Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%
Ethics Training		
	COMPLIANCE REQUIREMENTS	Yes No N/A
	Required ethics training must be provided to each SGE. <i>See</i> 5 C.F.R. §§ 2638.304 and 2638.307.	
10.5	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Election Assistance Commission (EAC)

Report No.: 19-441

Date: September 24, 2019

Period Covered by Review: January 1 through December 31, 2018



10.6	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DATA ANALYSIS		%		
10.7	Percentage of SGEs who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	N/A		
10.8	Percentage of SGEs who received initial ethics training timely. <i>See</i> 5 C.F.R. § 2638.304(b)(2).	N/A		
10.9	Percentage of SGEs who received annual ethics training. <i>See</i> 5 C.F.R. § 2638.307(d)(2).	N/A		
COMMENTS				
<p>(10.2) OGE examined three confidential financial disclosure reports filed by SGEs. None of the reports indicated the reporting status as "New Entrant," as required by 5 C.F.R. § 2634.903(b). OGE notes that this is an important distinction, because a new entrant report covers a different reporting period than an annual report does. Moreover, a new entrant filer, unlike an annual filer, does not have to report gifts or travel reimbursements. OGE recommends that, going forward, ethics officials ensure that all SGE members file only new entrant reports.</p> <p>(10.5 – 10.6) According to the DAEO, the Technical Guidelines Development Committee (TGDC) did not meet in 2018, therefore, ethics training was not provided to these committee members during the period under review. At the time of inspection, OGE notes that the last TGDC committee meeting was held in September 2017.</p>				

RECOMMENDATIONS		
#	Element	Recommendations
1	3.1 – 3.3	<u>RECOMMENDATION:</u> Update the agency's written procedures for public financial disclosure to address how the agency handles the collection, review and public availability of periodic transaction reports (OGE Form 278-T). OGE also recommends that these procedures properly reflect the agency's use of Integrity, OGE's secure public-facing web-based electronic financial disclosure reporting system, in administering the agency's public financial disclosure system.
2	3.6, 4.4	<u>RECOMMENDATION:</u> Destroy all public and confidential financial disclosure reports found to exceed the six-year retention period in accordance with the retention requirements at 5 C.F.R. §§ 2634.603(g)(1) and 2634.604.
3	4.1	<u>RECOMMENDATION:</u> Update the agency's written procedures for confidential financial disclosure by removing references to the OGE Optional Form 450-A.
4	4.8	<u>RECOMMENDATION:</u> Ensure that all confidential financial disclosure reports are filed timely as required by 5 C.F.R. § 2634.903(a)(b). Also, ensure that reports with inaccurate information are returned to filers for correction.
5	5.1 – 5.5	<u>RECOMMENDATION:</u> Ensure that all written offers of employment meet the requirements of 5 C.F.R. § 2638.303.
6	5.6 5.8	<u>RECOMMENDATION:</u> Develop written procedures for issuing notices to prospective employees and ensure that prospective employees receive the notices, as required by 5 C.F.R. § 2638.303.
7	6.1 – 6.4	<u>RECOMMENDATION:</u> Ensure that all written notices to new supervisors meet the requirements of 5 C.F.R. § 2638.306.

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Election Assistance Commission (EAC)

Report No.: 19-44I

Date: September 24, 2019

Period Covered by Review: January 1 through December 31, 2018



8	6.5	<u>RECOMMENDATION</u> : Develop written procedures for issuing notices to new supervisors and ensure supervisors receive the notices as required by 5 C.F.R. § 2638.306.
9	7.3	<u>RECOMMENDATION</u> : Establish written procedures for initial ethics training as required by 5 C.F.R. § 2638.304(f).
10	10.2	<u>RECOMMENDATION</u> : Ensure that all SGE members indicate their reporting status on the first page of the confidential report as New Entrant each year.