

## ETHICS PROGRAM INSPECTION REPORT

Agency: Defense Commissary Agency (DeCA)

Report No.: 20-32I

Date: June 16, 2020

Period Covered by Review: January 1-December 31, 2019

## UNITED STATES OFFICE OF GOVERNMENT ETHICS

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in the Executive Branch

1.0 AGENCY DATA		
<b>EMPLOYEES</b>		
1.1	Number of full-time agency employees.	11,918
1.2	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed.	0
1.3	Number of non-PAS public financial disclosure reports required to be filed.	5
1.4	Number of confidential financial disclosure reports required to be filed.	84
<b>ETHICS PROGRAM</b>		
1.5	Title of Designated Agency Ethics Official (DAEO).	General Counsel
1.6	Grade level of DAEO.	GS 15
1.7	Title of Alternate DAEO (ADAEO).	Principal Deputy General Counsel
1.8	Grade level of ADAEO.	GS 15
1.9	Title of the primary, day-to-day ethics program administrator.	Deputy General Counsel
1.10	Grade level of the primary, day-to-day ethics program administrator.	GS 15
1.11	Current number of full-time ethics officials.	1
1.12	Current number of part-time ethics officials.	3
1.13	Number of reporting levels between the DAEO and the agency head.	1
<b>COMMENTS</b>		
None.		

2.0 LEADERSHIP				
<b>COMPLIANCE REQUIREMENTS</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
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"/>
<b>COMMENTS</b>				
None.				

3.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278e, OGE Form 278-T)				
<b>COMPLIANCE REQUIREMENTS</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	• Review/evaluation of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	• Public availability of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input 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"/>

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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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>DATA ANALYSIS</b>		<b>%</b>		
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).	100%		
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).	N/A		
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).	N/A		
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).	N/A		
<b>COMMENTS</b>				
<p>3.4: All public reports were filed timely in 2019.</p> <p>3.8: Ethics officials explained that the Human Resources Office (HR) did not notify the DAEO of the termination of a public filer given that the DAEO is personally involved with other public filers on a day to day basis. Departing public filers receive in-person counseling by the DAEO. During this counseling, the DAEO discusses the requirement for filing a termination report. This practice is possible because of the small number of public filer positions (six) and the current number of filers (four). Additionally, the recent departures of 278 filers have coincided with annual reports. However, based on the OGE inspection, DeCA has amended its practice to require HR to notify the DAEO when someone is appointed to a position whose incumbent is required to file a public financial disclosure report.</p> <p>3.9: No new entrant public financial disclosure reports were required to be filed in 2019.</p> <p>3.14-3.17: DeCA has no PAS positions.</p>				

<b>4.0</b>	<b>CONFIDENTIAL FINANCIAL DISCLOSURE</b>			
	<b>COMPLIANCE REQUIREMENTS</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).			
4.1	• Collection of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	• 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5	The agency's OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. <i>See</i> 5 C.F.R. § 2634.905(a).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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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. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>DATA ANALYSIS</b>		<b>%</b>		
4.7	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	55%		
4.8	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	100%		
4.9	Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
4.10	Percentage of sampled confidential financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. §§ 2634.605(a) and 2634.909(a).	100%		
<b>COMMENTS</b>				
<p>4.5: DeCA does not have an OGE-approved alternative confidential financial disclosure system.</p> <p>4.6: DeCA ethics officials indicated that the ethics office did not receive these notifications. Instead, the ethics counselors and the DAEO work hand-in-hand with the Human Resources (HR) at DeCA to identify confidential filers. DeCA explained that this practice was possible because of the small number of confidential filers (under 80) and the DAEO's direct visibility over all appointments to positions requiring confidential filing. However, because of the OGE ethics program review, DeCA will require HR notification to the DAEO of any appointment to position requiring confidential filing. Accordingly, DeCA revised its standard operating procedures for confidential financial disclosure to require HR to notify the ethics office when someone is appointed to a position whose incumbent is required to file a confidential financial disclosure report.</p> <p>4.7: Only 6 of the 11 new entrant confidential reports reviewed by OGE were filed timely. However, one of the late reports was filed only one day after its due date and another was filed three days after its due date.</p>				

<b>5.0</b>	<b>Notices to Prospective Employees</b>			
	<b>COMPLIANCE REQUIREMENTS</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Written offers of employment for positions covered by the Standards of Conduct provide: <i>See</i> 5 C.F.R. § 2638.303.			
5.1	<ul style="list-style-type: none"> <li>A statement regarding the agency's commitment to government ethics.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	<ul style="list-style-type: none"> <li>Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	<ul style="list-style-type: none"> <li>Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4	<ul style="list-style-type: none"> <li>Where applicable, notice of the time frame for completing initial ethics training.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.5	<ul style="list-style-type: none"> <li>Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.6	The agency has established written procedures for issuing the notice to prospective employees. <i>See</i> 5 C.F.R. § 2638.303(c).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENTS</b>				
5.6-5.7: While DeCA has a long-standing practice of providing the ethics notice to prospective employees, it had not established written procedures. OGE brought this to the attention of DeCA's ethics officials. Subsequently, DeCA drafted a memorandum of understanding between the ethics office and HR to document the process for issuing the notice to prospective employees.				

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6.0 Notices to New Supervisors						
COMPLIANCE REQUIREMENTS				Yes	No	N/A
The agency must provide each employee upon initial appointment to a supervisory position with: <i>See</i> 5 C.F.R. § 2638.306.						
6.1	•	Contact information for the agency's ethics office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.2	•	The text of 5 C.F.R. § 2638.103.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.3	•	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	•	Other information the DAEO deems necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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>6.1-6.6: DeCA did not have written procedures for issuing the required notices to new supervisors during the period covered by OGE's inspection. However, because of the OGE inspection, the Director of HR has put the policy in writing. Additionally, DeCA ethics officials amended the template for the email that HR sends to all new supervisors upon their appointment to include the required ethics content.</p> <p><u>Model Practice:</u> DeCA requires all new supervisors to receive tailored in-person ethics training within the first quarter of their supervisory appointment.</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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DATA ANALYSIS				%		
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).		96.5%			
COMMENTS						
7.5-7.6 DeCA is a world-wide organization, with a headquarters, 13 distribution centers, and 236 commercial grocery stores around the world. The majority of DeCA's new hires work at the stores and distribution centers as cashiers or store clerks. Ethics officials explained that these positions are graded below the GS-08 level and the employees do not have routine computer access. Based on the job descriptions and grade levels of these employees, the DAEO has exempted them from the requirement to complete the online training. However, the DAEO						

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provided store managers with the IET materials in a CD with instructions to ensure that each new employee receives at least one hour of official time to review the materials on the CD.

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 type="checkbox"/>	<input checked="" 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. § 2638.304(e)(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 type="checkbox"/>	<input checked="" 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"> <li>Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1).</li> </ul>			N/A	N/A	
8.7	<ul style="list-style-type: none"> <li>Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2).</li> </ul>			N/A	N/A	
8.8	<ul style="list-style-type: none"> <li>SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3).</li> </ul>			0%	100%	
	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"> <li>Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1).</li> </ul>			0%	100%	
8.10	<ul style="list-style-type: none"> <li>Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).</li> </ul>			N/A	N/A	
8.11	<ul style="list-style-type: none"> <li>Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).</li> </ul>			N/A	N/A	
8.12	<ul style="list-style-type: none"> <li>Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3).</li> </ul>			0%	100%	
8.13	<ul style="list-style-type: none"> <li>Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4).</li> </ul>			N/A	N/A	
COMMENTS						
<p>8.1: The annual training did not cover the concept of impartiality.</p> <p>8.5: DeCA did not provide live training to public filers in 2018 or 2019. The last live formal training provided to public filers was in 2017. The DAEO intends to provide live training to public filers during 2020. DeCA also revised its Public Financial Disclosure written procedures to capture the requirement of annual live ethics training for public filers.</p> <p>8.6-8.7: DeCA has no PAS positions.</p> <p>8.10-8.11 &amp; 8.13: DeCA has no employees in these categories.</p>						

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Model Practice: During weekly Senior Staff meetings, the DAEO regularly discusses relevant and timely ethics issues.

### 9.0 ETHICS ADVICE AND COUNSELING

COMPLIANCE REQUIREMENT		Yes	No	N/A
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.	0		
DATA ANALYSIS		%		
10.2	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	N/A		
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).	N/A		
10.4	Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A		

#### 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"/>
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				
10.2-10.9: DeCA has no SGEs.				

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### ISSUES IDENTIFIED AND RESOLVED DURING THE INSPECTION

Element	ISSUE
3.8	<u>ISSUE:</u> Ethics officials explained that the Human Resources Office (HR) did not notify the DAEO of the termination of public filers. Because of the OGE inspection, DeCA has amended its practice to require HR notification to the DAEO of any appointment to positions requiring public filing. HR will begin notifying the General Counsel, via email, of all appointments to covered positions.
4.6	<u>ISSUE:</u> DeCA ethics officials indicated that the ethics office did not receive HR notifications of appointments to confidential filing positions. Because of the OGE ethics program review, DeCA will require HR notification to the DAEO of any appointment to position requiring confidential filing. Accordingly, DeCA revised its standard operating procedures for confidential financial disclosure to require HR to notify the ethics office, via email, of all appointments to covered positions.
5.6 & 5.7	<u>ISSUE:</u> DeCA did not have written procedures for providing the ethics notice to prospective employees. Because of OGE's inspection, DeCA drafted a memorandum of understanding between the ethics office and HR to document the process for issuing the notice to prospective employees.
6.1-.6.7	<u>ISSUE:</u> DeCA did not have written procedures for issuing the notices to new supervisors during the period examined by OGE. Because of the OGE inspection, the Director of HR has put the policy in writing. Additionally, DeCA ethics officials amended the template for the email that HR sends to all new supervisors upon their appointment to include the required ethics content.

### RECOMMENDATIONS

#	Element	RECOMMENDATION	Compliance Due
1	4.7	<u>RECOMMENDATION:</u> Ensure that new entrant confidential disclosure reports are filed timely.  <u>AGENCY RESPONSE:</u> DeCA has already initiated a process with HR whereby HR will notify OGC of all employee appointments to positions requiring confidential disclosure upon appointment. If necessary, the EC will ensure the date is adjusted in FDM to reflect the actual date of appointment, not the date of assignment in FDM, thus ensuring timeliness.	January 2021
2	8.1	<u>RECOMMENDATION:</u> Ensure that training presentations addresses concepts related to financial conflicts of interest, impartiality, misuse of position, and gifts.  <u>AGENCY RESPONSE:</u> DeCA OGC is in the process of making minor revisions to all ethics training presentations to address concepts related to financial COI, impartiality, misuse of position, and gifts.	January 2021
3	8.5	<u>RECOMMENDATION:</u> Ensure that 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.  <u>AGENCY RESPONSE:</u> DeCA OGC plans on conducting "live" annual ethics training during 2020. If the COVID-19 outbreak continues to keep employees out of the office, DeCA will use available technology to ensure some form of live training whether in person or virtual is conducted.	January 2021