

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: Department of Commerce

Follow-up to OGE Report Number: 18-59

Report No.: 20-27F

Date: May 28, 2020

UNITED STATES OFFICE OF
GOVERNMENT ETHICS


Preventing Conflicts of Interest
in the Executive Branch

As a result of its review of the Department of Commerce ethics program, the Office of Government Ethics (OGE) issued seven recommendations in its September 2018 plenary report. OGE recently conducted a follow-up review to assess whether the Commerce Ethics Division had taken sufficient action to resolve the deficiencies underlying the recommendations. The results of our follow-up review are summarized below.

	Recommendation	Agency Action and OGE Finding	Status
1	Increase coordination efforts with Commerce human resources officials to help ensure the prompt notification of appointments to positions that require incumbents to file confidential reports.	<p>During the follow-up review, OGE determined that the Ethics Division has increased its coordination efforts with Commerce's human resources office despite a significant reorganization occurring within that office.</p> <p>As one example, the Ethics Division indicated that they met with key human resource officials to explain and establish procedures to help ensure the prompt notification of appointments to positions that require incumbents to file confidential reports. This led to new determinations to reassign certain positions as confidential financial disclosure filers while other positions were removed from confidential filing status.</p> <p>Greater coordination between offices will help to improve efficiency, effectiveness, and accountability. Although OGE is closing this recommendation based on the initial coordination steps made by the Ethics Division, this is a long-term effort that will require a continual reevaluation of process and procedures from both offices to ensure they are working as intended.</p>	Closed
2	Establish written procedures to help ensure that the government ethics responsibilities for human resource officials are met, in accordance with 5 C.F.R § 2638.105	Written procedures highlighting the government ethics responsibilities for Commerce human resource officials were established.	Closed

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3	Implement corrective action to improve the filing timeliness of new entrant confidential reports, particularly with regard to current employees who are assigned new duties or responsibilities throughout the year that trigger the confidential filing requirement.	During the follow-up review, OGE determined that Commerce is working to improve the timely filing of new entrant confidential reports. OGE will keep this recommendation open pending additional follow-up.	Open
4	Establish written procedures for issuing notices to prospective employees, as required by 5 C.F.R. § 2638.303(c).	Guidance for issuing notices to prospective employees was provided by the Ethics Division to Commerce's Office of Workforce Development and Office of Human Resources Management. OGE was advised that the required ethics language was reviewed and approved by the Designated Agency Ethics Official (DAEO) before final inclusion into the Department's notice to prospective employees.	Closed
5	Establish written procedures for supervisory ethics notices, as required by 5 C.F.R. § 2638.306(d).	Guidance for issuing notices to supervisors was provided by the Ethics Division to Commerce's Office of Workforce Development and Office of Human Resources Management. OGE was advised that the required ethics language was reviewed and approved by the DAEO prior to final inclusion into the Department's ethics notice to supervisors.	Closed
6	Complete Part 3 of the OGE Form 202 to explain: whether disciplinary or other corrective action has been initiated or taken against the employee who is subject of the adverse finding; if no disciplinary or corrective action has been initiated or taken, whether an official with authority over the employee's activity considered whether such action was warranted; and if not, the reason that the official did not actively consider whether corrective action was warranted.	The Commerce Ethics Division completed and submitted to OGE, Part 3 of the OGE Form 202. The referral indicated that disciplinary action was initiated against the employee who was subject to the adverse finding.	Closed
7	Ensure that confidential reports filed by advisory committee members serving on the Board of Overseers and the Judges Panelist of the Malcolm Bridge National Quality Award are certified in a timely manner.	OGE will keep this recommendation open pending additional follow-up.	Open

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Based on the results of OGE’s follow-up review, all recommendations except for recommendations 3 and 7 are closed. OGE will conduct an additional follow-up review to assess whether the remaining two recommendations can be closed.