



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

November 2, 2010

Martha Johnson
Administrator
General Services Administration
Office of the Administrator
1800 F Street, NW
Room 6137
Washington, DC 20405

Dear Ms. Johnson:

The United States Office of Government Ethics (OGE) has completed its review of the ethics program at the General Services Administration (GSA).

The purpose of an OGE review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

GSA's ethics program appears to be effectively administered and in compliance with applicable laws, regulations, and policies. GSA's ethics program has also been enhanced by employing a number of what OGE considers to be model practices. Additionally, GSA regional ethics officials are following established procedures for administering the ethics program and appear to have received adequate training to prepare them to perform their duties related to the review and certification of confidential financial disclosure reports.

If you have comments or would like to discuss the report, please contact me at 202-482-9286. You may also contact Joseph E. Gangloff, OGE's Deputy Director, at 202-482-9220.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia Zemple".

Patricia Zemple
Associate Director
Program Review Division

Enclosures



United States
Office of Government Ethics

1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

November 2, 2010

Brian D. Miller
Inspector General
General Services Administration
Office of the Inspector General
1800 F Street, NW
Room 5340
Washington, DC 20405

Dear Mr. Miller:

The United States Office of Government Ethics (OGE) has completed its review of the ethics program at the General Services Administration (GSA).

The purpose of an OGE review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

GSA's ethics program appears to be effectively administered and in compliance with applicable laws, regulations, and policies. GSA's ethics program has also been enhanced by employing a number of what OGE considers to be model practices. Additionally, GSA regional ethics officials are following established procedures for administering the ethics program and appear to have received adequate training to prepare them to perform their duties related to the review and certification of confidential financial disclosure reports.

If you have comments or would like to discuss the report, please contact me at 202-482-9286. You may also contact Joseph E. Gangloff, OGE's Deputy Director, at 202-482-9220.

Sincerely,

A handwritten signature in cursive script, reading "Patricia Zemple".

Patricia Zemple
Associate Director
Program Review Division

Enclosures



United States
Office of Government Ethics

1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

November 2, 2010

Kris E. Durmer
Designated Agency Ethics Official
General Services Administration
Office of the General Counsel
1800 F Street, NW
Room 4140
Washington, DC 20405

Dear Mr. Durmer:

The United States Office of Government Ethics (OGE) has completed its review of the ethics program at the General Services Administration (GSA).

The purpose of an OGE review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

GSA's ethics program appears to be effectively administered and in compliance with applicable laws, regulations, and policies. GSA's ethics program has also been enhanced by employing a number of what OGE considers to be model practices. Additionally, GSA regional ethics officials are following established procedures for administering the ethics program and appear to have received adequate training to prepare them to perform their duties related to the review and certification of confidential financial disclosure reports.

If you have comments or would like to discuss the report, please contact me at 202-482-9286. You may also contact Joseph E. Gangloff, OGE's Deputy Director, at 202-482-9220.

Sincerely,

A handwritten signature in black ink, which appears to read "Patricia Zemple", is written over the typed name.

Patricia Zemple
Associate Director
Program Review Division

Enclosures



United States Office
Of Government Ethics

Ethics Program Review

General Services Administration

October 2010 Report

RESULTS IN BRIEF

The United States Office of Government Ethics (OGE) conducted a review in June, 2010, of the General Services Administration (GSA) to evaluate the ethics program. The results of the review indicated that the GSA ethics program appears to be effectively administered and in compliance with applicable laws, regulations, and policies.

During the course of the review, OGE learned that while the bulk of GSA's ethics program is centralized and is administered by the headquarters ethics office, the confidential disclosure system is administered at the regional level. Therefore, OGE decided to extend its review to examine the confidential disclosure processes and procedures in place at five of GSA's regional ethics offices.

OGE's review of the regional ethics offices' confidential financial disclosure programs found them to be in general accordance with the Ethics in Government Act of 1978, as amended (the Ethics in Government Act) and 5 CFR part 2634. GSA regional ethics officials are following established internal procedures for administering the confidential financial disclosure program and appear to have received adequate training to prepare them to perform their duties related to the review and certification of the OGE Form 450 reports.

OBJECTIVES, SCOPE, AND METHODOLOGY

OGE provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance. The purpose of a review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program. OGE has the authority to evaluate the effectiveness of executive agency ethics programs. See Title IV of the Ethics in Government Act, and 5 CFR part 2638.

To assess GSA's ethics program, OGE examined a variety of documents provided by the headquarters ethics office; other documents that GSA forwarded to OGE, including the annual questionnaire; and prior program review reports. In addition, members of OGE's Program

Ethics Program Review: General Services Administration

Review Division met with the Designated Agency Ethics Official (DAEO) and headquarters ethics office officials to obtain additional information about the strengths and weaknesses of GSA's ethics program, seek clarification on issues that arose through the documentation analysis, and verify data collected.

OGE based the need to extend the review to the confidential financial disclosure programs administered by GSA's regional ethics offices on the on-site work conducted with the GSA headquarters ethics office. OGE found that GSA's confidential financial disclosure program is primarily administered by ethics officials at the regional level. GSA has eleven regional ethics offices that are responsible for administering the confidential financial disclosure program for their region. Generally there is one main ethics official at each regional office, while the other ethics officials work on ethics on a part-time basis, as needed.

Even though the headquarters ethics office provides oversight and support to the regional ethics offices, a decentralized financial disclosure program implies an increased potential for inconsistencies and deficiencies. Therefore, OGE's objective for the extended review was to evaluate whether GSA regional ethics officials (1) are following established internal procedures for administering the ethics program in the regions and (2) have received adequate training to prepare them to perform their duties related to the review and certification of confidential financial disclosure reports.

To meet this objective, OGE conducted in-depth interviews with representatives from 5 of the 11 GSA regional ethics offices. The interviews addressed the procedures regional ethics officials follow in the collection, review, and certification of confidential financial disclosure reports as well as the training those officials have received.

FINDINGS

It appears that the GSA ethics program is in compliance with the ethics requirements found in relevant laws, regulations, and policies. Specifically, we found that the program was meeting the objectives for each of the required elements: financial disclosure, training, and advice and counseling. In addition, GSA's ethics program has been enhanced by employing a number of what OGE considers to be model practices.

PUBLIC FINANCIAL DISCLOSURE

GSA's public financial disclosure system is well managed. In both 2008 and 2009, all required public financial disclosure reports were filed. The public financial disclosure system at GSA is centralized: reports are collected and initially reviewed by supervisors, but headquarters ethics officials perform the final review and certification. The headquarters ethics officials use an automated system to track various elements of the public financial disclosure report process including the master list of filers, receipt of the completed report, date of report review, status of the report review, extensions, and date of report certification. The system also allows headquarters ethics officials to archive reviewer notes. Copies of the notes are stored in the individual employee files, along with dated printouts from the tracking system, advice provided to the employee, recusals, position descriptions, and any other documentation that may be

Ethics Program Review: General Services Administration

relevant to the review. OGE believes that including ethics-related documentation in employee files can lead to a more effective and thorough review of financial disclosure reports. Additionally, GSA has written procedures for administering the public financial disclosure program that incorporate leadership involvement in the collection of reports, supervisory review, and a standardized process for delinquent filer follow-up. OGE considers incorporating these actions into the financial disclosure process to be a model practice.

CONFIDENTIAL FINANCIAL DISCLOSURE

GSA's confidential financial disclosure system is decentralized and is primarily administered at the regional level. Though GSA's headquarters ethics officials provide guidance and oversight, the confidential financial disclosure reports are collected, reviewed, and certified in GSA's 11 regional ethics offices. Because the bulk of the responsibility for administering the confidential financial disclosure program falls on the regional ethics offices, OGE conducted a focused review of the confidential disclosure processes and procedures in place at 5 of the 11 regional ethics offices.

The GSA headquarters ethics office has developed detailed procedures for the administration of the confidential financial disclosure program within the regions. According to the procedures, each regional ethics office has a designated "450 Manager" who is responsible for identifying a "450 Coordinator" to manage the administration of the confidential financial disclosure program at each individual office within the region. The 450 Coordinators are responsible for notifying filers and distributing the confidential financial disclosure forms, as well as ensuring the timely collection of the completed confidential financial disclosure reports for their respective offices. Subsequently, the reports are forwarded to the 450 Manager in the regional ethics office. The 450 Manager is responsible for ensuring that the reports are accurately reviewed and certified. Depending on the regional ethics office, the review and certification duties may be shared by multiple regional ethics officials. The completed confidential reports are maintained in the respective regional ethics offices. Based on interviews with regional ethics officials, OGE determined that the regional ethics officials are following the confidential financial disclosure procedures outlined by the headquarters ethics office.

Reviewer Training

GSA employs a number of methods to train the 450 Coordinators, Managers, and reviewers in the regions. First, the 450 Coordinators are given live training each year during a conference call with the headquarters ethics office. During the call headquarters ethics officials provide a detailed explanation of the confidential financial disclosure process. The 450 Coordinators are also issued a detailed memorandum which outlines the process and provides a timetable that indicates when certain actions, such as distributing the confidential financial disclosure forms, must occur. The 450 Managers also receive a memorandum explaining the process. Reviewers have the OGE Form 450 review guides as references and are instructed to contact the headquarters ethics office with any questions, both about technical review and resolution of potential conflicts. The reviewers also have access to sample cautionary emails which are stored on a shared drive. New reviewers receive training on how to review a

Ethics Program Review: General Services Administration

confidential financial disclosure report from a member of the headquarters ethics office or from a regional ethics official.

OGE found that most of the regional ethics officials instrumental in the administration of the confidential disclosure program have been in their respective positions for many years and are experienced reviewers. Regional ethics officials indicated that in addition to the formal training provided by the headquarters ethics office, there is extensive on-the-job training and mentoring and constant communication between the regional ethics offices and the headquarters ethics office, ensuring accurate and consistent review of the confidential disclosure reports. Regional ethics officials also indicated that whenever possible they attend OGE conferences and training sessions. Based on discussions with the regional ethics officials, OGE determined that they are adequately trained to perform their duties related to the review and certification of confidential financial disclosure reports.

ETHICS TRAINING

GSA's ethics training program is especially strong in terms of both employee and ethics official training. Initial ethics orientation is presented every 2 weeks at headquarters, and employees at the regional level receive it within 90 days of entering on duty. Initial ethics orientation is comprised of written materials and a live briefing. Public filers receive verbal training each year, and it is often delivered in person by headquarters ethics officials. Confidential filers receive verbal training at least once every 3 years; the headquarters ethics office has divided the agency into thirds and provides live training to a different third of the agency each year. In subsequent years those covered employees receive online training. Additionally, GSA provides live specialized training as needed, such as post-employment training for departing employees. In addition to these formal training efforts, headquarters ethics officials produce ethics articles for the GSA newsletter, issue regular advisories, post ethics information on the internal web site, and hang posters in GSA elevators. GSA also provides extensive training to ethics officials. For example, those individuals responsible for the confidential financial disclosure program in the regions receive specialized training each year. Finally, Agency leadership and regional officials are involved in identifying training topics to ensure that the training is relevant to employees. OGE considers leadership involvement in developing training to be a model practice.

ADVICE AND COUNSELING

The advice and counseling element appears to be effectively administered. GSA headquarters ethics officials try to standardize the advice and counseling provided to employees by centralizing most aspects of the program and monitoring the advice provided by regional ethics officials. GSA headquarters ethics officials also archive opinions, maintain constant communication with regional ethics officials, and require that regional ethics officials consult with the headquarters ethics office before issuing a final opinion. While all GSA ethics officials are authorized to provide advice and counsel, there are certain issues that are only handled through the headquarters ethics office, such as 208(b)(1) waivers, widely attended gathering approvals, and non-Federal travel.

Ethics Program Review: General Services Administration

SELF ASSESSMENT

GSA headquarters ethics officials make every effort to ensure consistency in the ethics program agency-wide. In conjunction with the live training visits every 3 years, headquarters ethics officials conduct self-assessments of GSA's regional offices in the form of internal program reviews. The internal program reviews include audits of the quality of the review of financial disclosure reports, the quality of training, and the accuracy and consistency of advice and counseling. If the self-assessment reveals there is an issue within a region, additional training is provided to the regional ethics officials or the processes are modified as needed. GSA also conducts self-assessments of the training program as a whole by administering surveys to employees at the end of training sessions both at headquarters and in the regions to assess the effectiveness of the training. The results of the surveys are shared with the relevant ethics officials who adjust the training as needed.

A headquarters ethics official also meets with the officials who have the main responsibility for the ethics program in each region and asks questions about whether the region is having any problems and if there is support that the headquarters ethics officials can provide to the region. Questions of this type are also asked of all GSA regions during a quarterly ethics conference call. During the quarterly conference call, the headquarters ethics officials also provide the regions with updates on current issues and changes to the law and ask each region what type of issues or problems they are facing.

SUMMARY

GSA's ethics program appears to be effectively administered and in compliance with applicable laws, regulations, and policies. GSA regional ethics officials are following established procedures for administering the ethics program and appear to have received adequate training to prepare them to perform their duties related to the review and certification of confidential financial disclosure reports. Additionally, GSA's ethics program has been enhanced by employing a number of what OGE considers to be model practices.

United States
Office of Government Ethics

2011 AGENCY ETHICS PROGRAM QUESTIONNAIRE

Executive branch agencies are required to submit an annual report to the United States Office of Government Ethics (OGE) concerning certain aspects of their ethics programs (Section 402(e)(1) of the Ethics in Government Act of 1978, as amended). The annual report must be filed with OGE on or before February 1 of each year (5 CFR § 2638.602(a)). This questionnaire serves as your annual report and is mandatory for headquarters locations. This year, submission of questionnaires for agency subcomponents is voluntary. Beginning next year, subcomponent annual reports will be mandatory.

Your responses to the questionnaire should reflect the 2011 calendar year (i.e., 1/1/2011 through 12/31/2011), except where specified. Throughout the questionnaire you will be offered an opportunity to provide comments. Please also use these sections to explain discrepancies between levels of required activity and actual activity. After OGE has reviewed your questionnaire submission, you may be contacted for follow-up.

If you have any questions, contact Karen Rigby, Lead Management Analyst, at 202-482-9212 or ksrigby@oge.gov.

SUBMISSION DEADLINE: FEBRUARY 1, 2012

PART 1. ORGANIZATION/RESOURCES

1. Agency: General Services Administration
2. Subcomponent (if applicable):

3. Number of full-time agency employees as of December 31, 2011 (*include employees detailed to another agency*): 12,628
4. Number of special Government employees¹ (SGE) as of December 31, 2011: 14
5. Number of IPAs² (Intergovernmental Personnel Act) as of December 31, 2011: 1

¹ For purposes of this questionnaire, the term "special Government employee" (SGE) means an officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not more than 130 days during any period of 365 consecutive days. The term "SGE" does not include enlisted members of the Armed Forces. It does, however, include these categories of officers or employees:

- Part-time United States commissioners
- Reserve officers of the Armed Forces and officers of the National Guard of the United States (unless otherwise officers or employees of the United States) while on active duty solely for training or serving involuntarily.

² The term "IPA" refers to employees appointed or detailed to positions under the Intergovernmental Personnel Act (5 U.S.C. §§ 3371-3376. Include the number of incoming appointments and outgoing details.

6. Name and title of the Designated Agency Ethics Official (DAEO):

a) Name: Kris Durmer

b) Title: General Counsel

c) Length of time the DAEO has held this position:

☐ 10 or more years

☐ 5 - 9 years

☒ 1 - 4 years

☐ Less than 1 year

☐ Position vacant

d) Grade level of the DAEO: SES

e) Percent of the DAEO's time spent on ethics: 20 %

7. Name and title of the Alternate DAEO (ADAEO):

a) Name: Eugenia Ellison

b) Title: Associate General Counsel for General Law

c) Length of time the ADAEO has held this position:

☒ 10 or more years

☐ 5 - 9 years

☐ 1 - 4 years

☐ Less than 1 year

☐ Position vacant

d) Grade level of the ADAEO: SES

e) Percent of the ADAEO's time spent on ethics: 30 %

8. Does your agency have a designated Deputy DAEO(s)? ☒ Yes ☐ No (If no, skip to question 9.)

Name(s) and title(s) of designated Deputy DAEO(s):

Sara Mitchell
Suzanne Dooley

9. Which of your agency's ethics officials have ethics duties as an element in their **position descriptions**? Check all that apply.

☒ DAEO

☒ ADAEO

☒ Deputy DAEO(s)

☒ Other ethics official(s) (specify) Attorneys in the Office of General Counsel, CBCA, and the IG's office

☐ None

10. Which of your agency's ethics officials have ethics duties as an element in their **performance appraisals**? Check all that apply.

☒ DAEO

☒ ADAEO

☒ Deputy DAEO(s)

☒ Other ethics official(s) (specify) Attorneys in the Office of General Counsel, CBCA, and the IG's office

☐ None

11. What type of training is provided to ethics officials to assist them in carrying out their ethics duties?
Check all that apply.
- ☒ Training provided by OGE
 - ☒ Structured training provided by your agency to groups of ethics officials (i.e., instructor-led training)
 - ☒ One-on-one training provided by your agency
 - ☒ Written education materials provided by your agency
 - ☐ Multimedia training (e.g., videotaped or computer-based training)
 - ☒ On-the-job training provided by your agency
 - ☐ Other (specify) _____
 - ☐ None
12. Agency Ethics Program Structure:
- a) How would you describe the structure of your agency's ethics program? Check one.
- ☒ Ethics program management is conducted solely within the main ethics office.
 - ☐ Ethics program management is distributed among multiple parts of the agency.
 - ☐ Other (specify) _____
- b) What aspects of your ethics program are managed outside of the main ethics office?
Check all that apply.
- ☐ Public financial disclosure program
 - ☒ Confidential financial disclosure program
 - ☒ Ethics advice and counseling
 - ☒ Ethics education and training
 - ☐ Assessment of program performance
 - ☐ Other (specify) _____
 - ☐ None
- c) Who does the DAEO report to regarding his/her ethics responsibilities?
- ☒ Agency Head
 - ☐ General Counsel
 - ☐ Human Resources Director
 - ☐ Other (specify) _____
- d) Who manages the day-to-day functions of your agency's ethics program? Check all that apply.
- ☐ DAEO
 - ☒ ADAEO
 - ☐ Deputy DAEO(s)
 - ☐ Program Manager(s)
 - ☐ Other (specify) _____

13. Number of ethics officials who worked in the ethics program in 2011 (Federal employees only; do not include contractors):

	Worked full-time on ethics	Worked part-time on ethics
HQ ethics officials	3	60
Regional/field office ethics officials	0	69

14. Are specific resources dedicated to the ethics program? ☒ Yes ☐ No

15. Do you need additional resources for the ethics program?
☐ Yes ☒ No (If no, skip to Additional Comments for Part 1.)

If yes, please describe the additional resources you require. In addition, please describe how these resources would be used, e.g., if you require additional personnel, what functions would the additional personnel perform?

ADDITIONAL COMMENTS FOR PART 1. Please indicate the question number to which the comment corresponds.

PART 2. PROGRAM ADMINISTRATION

1. Use the following scale to rate the amount of time your agency spends to administer each item.
Time Spent Scale: 1= No time 2=Limited amount of time 3=Moderate amount of time
 4=Considerable amount of time 5=Extreme amount of time

	Time Spent
Public financial disclosure program (OGE Form 278)	5 = Extreme amount of time
Confidential financial disclosure program (OGE Form 450)	4 = Considerable amount of time
Outside activity approval program	3 = Moderate amount of time
Written opinions and counseling	5 = Extreme amount of time
Education and training	4 = Considerable amount of time
Disciplinary process for violations	3 = Moderate amount of time
Special Government employee activities	3 = Moderate amount of time
Developing information technology applications for any aspect of the ethics program	4 = Considerable amount of time

2. Indicate the ethics program areas(s) for which your agency contracted with non-Government sources in 2011. Check all that apply.

- ☐ Initial ethics orientation
- ☒ Annual ethics training
- ☐ Public financial disclosure review (OGE Form 278)
- ☐ Confidential financial disclosure review (OGE Form 450)
- ☐ Program assessment/review
- ☐ Advice and counseling
- ☐ Program administration (tracking systems, databases, etc.)
- ☐ Other (specify) _____
- ☐ None

3. Did your agency conduct a self-assessment to evaluate any aspect of the ethics program in 2011? ☒ Yes ☐ No (If no, skip to question 4.)

- a) What was the purpose of the self-assessment? Check all that apply.

- ☐ Assess employee perceptions about the ethics program
- ☒ Assess employee knowledge of the ethics rules
- ☐ Assess employee perceptions about the agency's ethical culture
- ☐ Evaluate compliance with applicable ethics laws and regulations
- ☒ Assess employee knowledge before or after training
- ☒ Assess employee satisfaction with training offered
- ☐ Prepare for an OGE program review
- ☐ Other (specify) _____

- b) What mechanisms were used to conduct the self-assessment? Check all that apply.

- ☒ Internal Review/Audit
- ☒ Survey
- ☐ Focus Group/Interview
- ☐ Other (specify) _____

- c) What organization conducted the self-assessment? Check all that apply.

- ☒ Ethics Office
- ☐ Inspector General's Office
- ☐ General Counsel's Office
- ☐ Other (specify) _____

- d) If the self-assessment was conducted by other than the ethics office, was the ethics office provided feedback on the self-assessment? Check all that apply.

- ☐ Yes, written
- ☐ Yes, verbal
- ☐ No feedback provided
- ☐ Other (specify) _____

4. Which of the following tools did your agency use to ensure short- and long-term continuity of operations (succession planning) of its ethics program in 2011? Check all that apply.

- ☒ Training
- ☒ Mentoring
- ☐ Developmental assignments (e.g., detail assignments, cross training, job rotation, use of agency developmental programs such as interns, fellows, or leadership development)
- ☒ Individual development plans
- ☐ Written manuals/written standard operating procedures
- ☒ Knowledge library (Intranet, videos, shared drives)
- ☐ Competency/skills gap assessment
- ☐ Resources assessment (personnel and/or financial)
- ☐ Other (specify) _____
- ☐ None

5. Does your agency use an automated system to track the administration of the financial disclosure program? ☒ Yes ☐ No (If no, skip to question 6.)

If yes, what functions does the automated system perform? Check all that apply.

- ☐ Notifies ethics officials of new entrant filers (if selected, skip question 6)
- ☒ Maintains master list of filers
- ☐ Sends notifications/reminders to filers
- ☐ Distributes electronic copies of financial disclosure forms
- ☒ Tracks receipt of completed report
- ☒ Tracks date of initial review of report
- ☒ Tracks status of report review
- ☒ Tracks extensions
- ☒ Tracks date of certification of report
- ☐ Notifies filer of certification of report
- ☒ Archives reviewer notes
- ☐ Other (specify) _____

6. How do you receive timely notification of new entrant employees required to file financial disclosure reports?

The Office of Executive Resources notifies the Ethics Office when a new entrant OGE Form 278 filer has been hired.

7. For which aspect(s) of your ethics program do you have written procedures? Check all that apply.

- ☒ Financial disclosure
- ☒ Training
- ☐ Opinion/advice/counsel
- ☐ Other (specify) _____

8. List the most significant accomplishments in your ethics program in 2011.

Vetting career and non-career appointees and Special Government Employees on FACA committees.

Development of on-line tracking system for OGE Form 278s and Non Federal Source travel reports, and continuing to update knowledge library (I Manage).

Developed computer-based ethics training on "Social Media".

9. List significant challenges or emerging issues in your ethics program.

ADDITIONAL COMMENTS FOR PART 2. Please indicate the question number to which the comment corresponds.

PART 3. EDUCATION AND TRAINING

1. Does your agency use an automated system to administer the ethics training program?
☐ Yes ☒ No (If no, skip to question 2.)

If yes, what functions does the automated system perform? Check all that apply.

- ☐ Provides a list of covered employees requiring annual ethics training
- ☐ Provides a list of new employees requiring initial ethics orientation
- ☐ Sends notifications to employees requiring ethics training
- ☐ Sends reminders to employees requiring ethics training
- ☐ Distributes electronic copies of training materials
- ☐ Allows employees to access online training modules
- ☐ Tracks training certifications
- ☐ Archives training certifications
- ☐ Other (specify) _____

2. Initial Ethics Orientation:

a) Number of employees *required to receive* initial ethics orientation in 2011: 700

b) Number of employees who *received* initial ethics orientation in 2011: 689

- c) How often does your agency provide initial ethics orientation?

- ☐ Once a week
- ☒ Every two weeks
- ☐ Every 90 days
- ☐ Other (specify) and within 90 days in our Regional Offices

- d) How does your agency's ethics office ensure that new entrant employees receive required initial ethics orientation? Check all that apply.

- ☒ Check attendance rosters
- ☐ Check training evaluations
- ☐ Check completion via training management system
- ☒ Verify with Human Resources Office
- ☐ Other (specify) _____

3. Annual Ethics Training:

a) Number of employees who received annual ethics training in 2011 (include all types of training):

	<i>Required to receive</i> annual ethics training	<i>Received</i> annual ethics training
Public filers (OGE Form 278) - PAS	2	2
Public filers (OGE Form 278) - non-PAS	136	136
Confidential filers (OGE Form 450)	6,723	6,581
Others	2,064	3,389
TOTAL	8,925	10,108

b) How does your agency's ethics office ensure that employees receive required annual ethics training? Check all that apply.

- ☒ Check attendance rosters
- ☐ Check training evaluations
- ☐ Check completion via training management system
- ☒ Verify with Human Resources Office
- ☒ Other (specify) Check list of public and confidential disclosure form filers

4. Identify the topical areas on which ethics training was provided in 2011:

- ☒ 14 Principles of Ethical Conduct
- ☒ Conflicting financial interests
- ☒ Gifts
- ☒ Post employment
- ☒ Impartiality
- ☒ Seeking employment
- ☒ Misuse of position
- ☐ Outside and representational activities
- ☒ Other (specify) Hatch Act, Procurement Integrity

5. Which of the following training methods did your agency use for ethics training in 2011?

Check all that apply.

- ☒ Distribution of written materials
- ☒ Video presentation
- ☐ Satellite broadcast/videoconferencing
- ☒ Classroom instruction
- ☒ Individual briefings
- ☒ Computer/web-based training
- ☒ Other (specify) Telephone

6. Which of the following training materials did your agency use for ethics training in 2011? Check all that apply.
- ☒ Copies of the Standards of Conduct and/or agency supplemental regulations
 - ☒ Summaries of the Standards of Conduct
 - ☒ Pamphlets/brochures
 - ☒ Newsletters
 - ☒ Posters
 - ☐ Case studies
 - ☒ Videos
 - ☒ Message from agency leadership
 - ☒ Other (specify) Computer-based-training
7. Who produced the training materials checked above, in whole or in part? Check all that apply.
- ☒ My agency
 - ☒ Other agency or outside organization
 - ☒ OGE
 - ☒ Other (specify) Office of Special Counsel
8. What specialized ethics training did your agency provide in 2011? Check all that apply.
- ☐ Contractor training
 - ☐ Procurement Official training
 - ☒ Supervisor training
 - ☒ Financial disclosure training for reviewers
 - ☒ Financial disclosure training for filers
 - ☒ Other (specify) Hatch Act
 - ☐ None

ADDITIONAL COMMENTS FOR PART 3. Please indicate the question number to which the comment

#8 Supervisory training - one-on-one (formally)

PART 4. ETHICS OPINIONS, ADVICE, AND COUNSELING

1. Use the following scale to rate the topics on the frequency with which your agency provided opinions, advice, and counseling.
Frequency Scale: 1= Not at all 2= Rarely 3= Periodically 4= Frequently 5= Very Frequently

	Frequency
Outside employment/activities	3 = Periodically
Post-employment restrictions	4 = Frequently
Conflicting financial interests	5 = Very Frequently
Awards	2 = Rarely
Impartiality in performance of official duties	5 = Very Frequently
Misuse of position, Government resources and information	4 = Frequently
Travel, subsistence, and related expenses from non-Federal sources	4 = Frequently
Gift acceptance, excluding awards and travel, subsistence, and related expenses from non-Federal sources	4 = Frequently

2. Who is authorized to provide written advice on the Standards of Conduct? Check all that apply.
If the General Counsel is also the DAEO, please mark both.

- ☒ DAEO/ADAEO/Deputies/Ethics Officials
☒ General Counsel/Staff Attorneys
☒ Regional Counsels
☐ Supervisors
☐ Human Resources Staff
☐ Agency Head
☒ Other (specify) Counsel to the Inspector General, Counsel to the Civilian Board of Contract Appeals

3. Who is authorized to provide written advice on the conflict of interest statutes? Check all that apply. **If the General Counsel is also the DAEO, please mark both.**

- ☒ DAEO/ADAEO/Deputies/Ethics Officials
☒ General Counsel/Staff Attorneys
☒ Regional Counsels
☐ Supervisors
☐ Human Resources Staff
☐ Agency Head
☒ Other (specify) Counsel to the Inspector General, Counsel to the Civilian Board of Contract Appeals

4. How does your agency's DAEO or headquarters ethics office ensure that accurate and consistent opinions, advice, and counseling are provided to employees? Check all that apply.

- ☐ Review all written opinions
☒ Review selected written opinions
☒ Discuss opinions with staff before providing final decision
☐ Review ethics officials' phone logs
☒ Conduct periodic discussions with staff
☒ Other (specify) Quarterly Conf Calls with Ethics Officials and live audit of regional programs once every 3 years

5. Are PAS employees provided post-employment counseling? ☒ Yes ☐ No (If no, skip to Additional Comments for Part 4.)

a) How is the counseling provided?

- ☐ Verbal
☐ Written
☒ Both

b) When is the counseling provided?

- ☐ As requested by the employee
☐ Routinely provided as part of the check-out process
☒ Other (specify) Counseling is provided when requested and as part of the check-out process.

c) Please describe how PAS employees are made aware of the availability of post-employment counseling, e.g., employees are informed during initial ethics orientation or through periodic reminders.

PAS employees are made aware of the availability of post-employment counseling during the vetting process, during the initial ethics orientation, through periodic reminders, and prior to Government service.

ADDITIONAL COMMENTS FOR PART 4. Please indicate the question number to which the comment corresponds.

PART 5. ENFORCEMENT OF STANDARDS OF CONDUCT, CRIMINAL AND CIVIL STATUTES

1. Number of disciplinary actions taken based wholly or in part upon violations of the standards of conduct provisions (5 CFR part 2635) in 2011. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents. 15
2. Number of disciplinary actions taken based wholly or in part upon violations of the criminal conflict of interest statutes, 18 U.S.C. §§ 203, 205, 207, 208, and 209 in 2011. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents. 1
 - a) Number of referrals the ethics office made to the Office of Inspector General of potential violations of the criminal conflict of interest statutes in 2011: 2
 - b) Number of referrals the agency made to the Department of Justice of potential violations of the criminal conflict of interest statutes in 2011: 2

- c) Which office(s) within your agency make referrals of potential violations of the criminal conflict of interest statutes to the Department of Justice, including the U.S. Attorneys?

Check all that apply.

☐ DAEO/ADAE0

☐ General Counsel

☐ Agency Head

☒ IG

☐ Other (specify) _____

- d) Which office(s) are responsible for notifying OGE that a referral of a potential violation of the criminal conflict of interest statutes has been made to the Department of Justice, including the U.S. Attorneys? Check all that apply.

☐ DAEO/ADAE0

☐ General Counsel

☐ Agency Head

☒ IG

☐ Other (specify) _____

ADDITIONAL COMMENTS FOR PART 5. Please indicate the question number to which the comment corresponds.

PART 6. PUBLIC FINANCIAL DISCLOSURE

1. Report the number of public financial disclosure reports (OGE Form 278) required to be filed in 2011, **excluding SGEs**, and the number of reports filed. Derive totals for required new entrant and termination reports from the number of appointments to and the number of terminations from positions during 2011. Some totals may include late filings received in 2012.

	Nominee/ New Entrant		Annual		Termination		Combination ³		TOTAL	
	Required	Filed	Required	Filed	Required	Filed	Required	Filed	Required	Filed
PAS ⁴	0	0	2	2	0	0	0	0	2	2
Non-Career SES ⁵	2	2	9	9	0	0	0	0	11	11
Career SES ⁵	24	24	78	78	12	12	0	0	114	114
Schedule C	12	12	23	23	5	5	0	0	40	40
Other ⁶	12	12	17	17	11	11	0	0	40	40
TOTAL	50	50	129	129	28	28	0	0	207	207

³ Includes reports filed to satisfy both annual and termination requirements, as well as new entrant and termination requirements.

⁴ Presidential appointees confirmed by the Senate.

⁵ Senior Executive Service, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service, etc.

⁶ Includes members of the Uniformed Services, Administrative Law Judges, Senior Level employees (SES Equivalent), etc.

2. Does your agency have written procedures for following up with delinquent public financial disclosure (OGE Form 278) filers? ☐ Yes ☒ No
3. Does your agency require an intermediate review by someone other than an ethics official for public financial disclosure reports (OGE Form 278)? ☒ Yes ☐ No
4. Does your agency provide public financial disclosure (OGE Form 278) filers with feedback after their reports have been reviewed? ☒ Yes ☐ No
5. Does your agency use an electronic filing system for the public financial disclosure program?
☐ Yes ☒ No (If no, skip to question 6.)

If yes, which steps in the public financial disclosure program can be completed electronically?
Check all that apply.

- ☐ Filer electronically completes report
☐ Filer electronically signs report
☐ Filer electronically submits signed report for review
☐ Certifier electronically reviews report
☐ Certifier electronically signs report
☐ System electronically stores certified report (with all signatures)
☐ Other (specify) _____

6. Number of Schedule C employees exempted from the public financial disclosure (OGE Form 278) filing requirement by OGE in 2011: 0
7. Number of public financial disclosure (OGE Form 278) filers who requested filing extensions in 2011: 18
8. Number of public financial disclosure (OGE Form 278) filers who were granted filing extensions in 2011: 18

9. Number of public financial disclosure (OGE Form 278) filers who requested waivers of the late filing fee in 2011: 0
10. Number of public financial disclosure (OGE Form 278) filers who were granted waivers of the late filing fee in 2011: 0
11. Number of public financial disclosure (OGE Form 278) filers who paid the late filing fee in 2011: 0
12. Number of requests your agency received for public release of public financial disclosure reports (OGE Form 278) in 2011: 2
13. Number of individual public financial disclosure reports (OGE Form 278) requested to be released in 2011: 4
14. Number of public financial disclosure (OGE Form 278) filers who took specific corrective or remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. § 208 waiver, reassignment, etc.) in 2011: 17
15. Number of 18 U.S.C. § 208(b)(1) waivers granted to public financial disclosure (OGE Form 278) filers in 2011: 0

ADDITIONAL COMMENTS FOR PART 6. Please indicate the question number to which the comment corresponds.

PART 7. CONFIDENTIAL FINANCIAL DISCLOSURE

1. Total number of confidential financial disclosure reports (OGE Form 450, OGE Form 450A, and OGE-approved alternative form) *required to be filed* by permanent full-time employees in 2011, excluding SGEs : 6,674
2. Report the number of confidential financial disclosure reports (OGE Form 450, OGE Form 450A, and OGE-approved alternative form) *filed*.

	Confidential Financial Disclosure Reports Filed
OGE Form 450	3,495
OGE Form 450A	3,030
OGE-approved alternative form	
TOTAL	6,525

3. Does your agency have written procedures for following up with delinquent confidential financial disclosure (OGE Form 450) filers? ☐ Yes ☒ No
4. Does your agency require an intermediate review by someone other than an ethics official for confidential financial disclosure reports (OGE Form 450)? ☒ Yes ☐ No
5. Does your agency provide confidential financial disclosure (OGE Form 450) filers with feedback after their reports have been reviewed? ☒ Yes ☐ No
6. Does your agency use an electronic filing system for the confidential financial disclosure program?
☐ Yes ☒ No (If no, skip to question 7.)

If yes, which steps in your confidential financial disclosure program can be completed electronically?

Check all that apply.

- ☐ Filer electronically completes report
- ☐ Filer electronically signs report
- ☐ Filer electronically submits signed report for review
- ☐ Certifier electronically reviews report
- ☐ Certifier electronically signs report
- ☐ System electronically stores certified report (with all signatures)
- ☐ Other (specify) _____

7. Number of confidential financial disclosure (OGE Form 450) filers who took specific corrective or remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. § 208 waiver, reassignment, etc.) in 2011: 341
8. Number of 18 U.S.C. § 208(b)(1) waivers granted to confidential financial disclosure (OGE Form 450) filers in 2011: 0

ADDITIONAL COMMENTS PART 7. Please indicate the question number to which the comment corresponds.

[REDACTED]

PART 8. ADVISORY COMMITTEES/SPECIAL GOVERNMENT EMPLOYEES

1. Number of advisory committees (*do not include Federal Advisory Committees (FACA)*): 0
2. Number of advisory committee members (*do not include FACA members*): 0
3. Number of FACA advisory committees: 2
4. Number of FACA advisory committee members: 14

5. Does your agency provide ethics program services for any boards or commissions that are independent of your agency?

☐ Yes (please provide the names of the boards and commissions)

☒ No

6. Number of SGEs* who were required to file financial disclosure reports in 2011. Include the number who filed.

	Confidential Reports (OGE Form 450)		Public Reports (OGE Form 278)	
	Required	Filed	Required	Filed
Advisory Committee Members (FACA & non-FACA)	14	14	0	0
Experts/Consultants	0	0	0	0
Board Members	0	0	0	0
Commissioners	0	0	0	0
Other (specify):	0	0	0	0
TOTAL	14	14	0	0

* For the definition of SGEs, please see footnote 1.

7. Number of SGE filers who took specific corrective or remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. § 208 waiver, reassignment, etc.) in 2011. 0
8. Number of § 208(b)(1) waivers granted to SGEs in 2011? 0
9. Number of § 208(b)(3) waivers granted to SGEs in 2011? 0
10. Does your agency have written policies or procedures for designating SGE status?
☐ Yes ☒ No ☐ Not applicable
11. With respect to SGEs who serve as committee members or on boards, is ethics training provided prior to attendance at their first committee or board meeting?
☒ Yes ☐ No ☐ Not applicable

ADDITIONAL COMMENTS PART 8. Please indicate the question number to which the comment corresponds.

Provide a point of contact to answer OGE questions regarding this questionnaire:

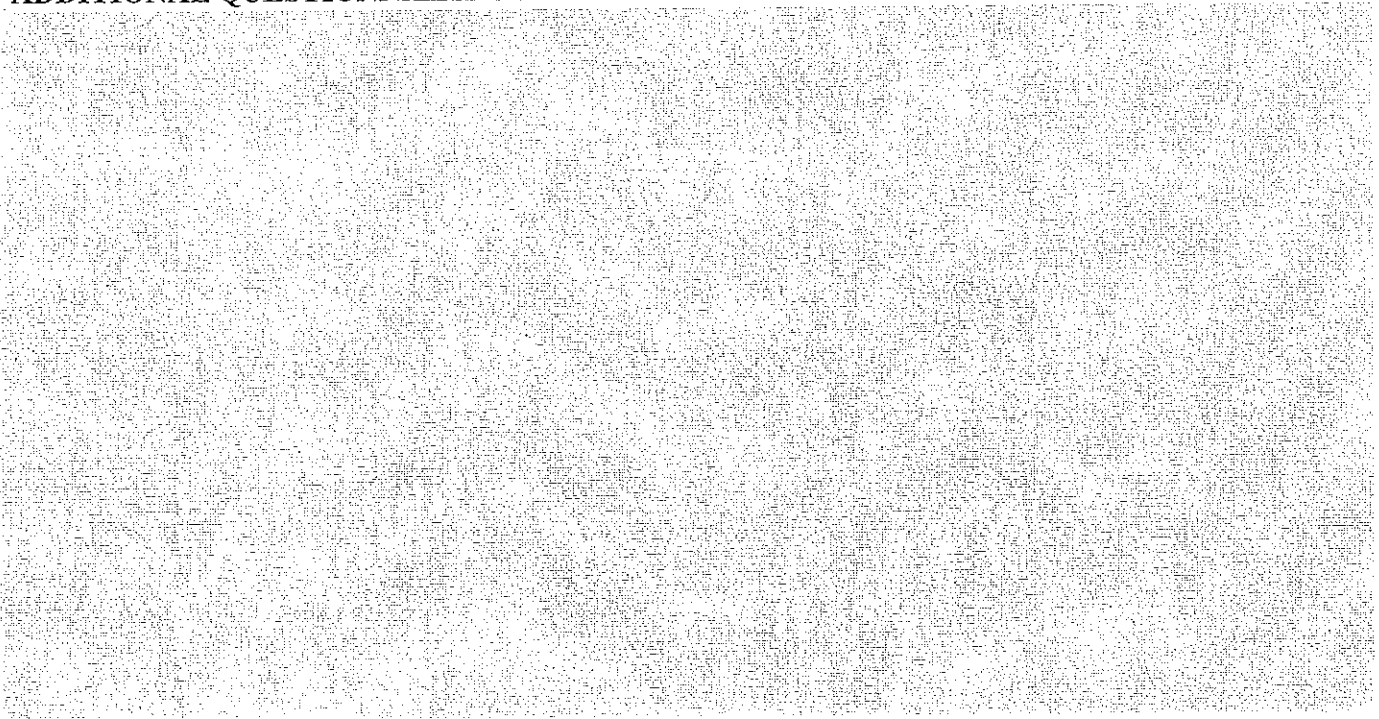
Name: Eugenia Ellison

Title/Position: Associate General Counsel for General Law, Alternate DAEO

Email Address: eugenia.ellison@gsa.gov

Phone Number: 202-501-3516

ADDITIONAL QUESTIONNAIRE COMMENTS:





*United States
Office of Government Ethics*

2010 AGENCY ETHICS PROGRAM QUESTIONNAIRE

Executive branch agencies are required to submit an annual report to the United States Office of Government Ethics (OGE) concerning certain aspects of their ethics programs (Section 402(e)(1) of the Ethics in Government Act of 1978, as amended). The annual report must be filed with OGE on or before February 1 of each year (5 CFR § 2638.602(a)). This questionnaire serves as your annual report.

Your responses to the questionnaire should reflect the 2010 calendar year (i.e., 1/1/2010 through 12/31/2010), except where specified. Please respond to each question as completely as possible. Use an [X] where appropriate.

Throughout the questionnaire you will be offered an opportunity to provide comments. If you use the comment sections, please indicate the question number to which the comment corresponds. After OGE has reviewed your questionnaire submission, you may be contacted for follow-up.

If you have any questions, contact Karen Rigby, Lead Management Analyst, at 202-482-9212 or ksrigby@oge.gov.

SUBMISSION DEADLINE: FEBRUARY 1, 2011

PART 1. ORGANIZATION/RESOURCES

1. Agency: General Services Administration
2. Number of full-time agency employees as of December 31, 2010 (*include employees detailed to another agency*): 12,904
3. Number of special Government employees¹ (SGE) as of December 31, 2010: 0
4. Number of IPAs² (Intergovernmental Personnel Act) as of December 31, 2010: 1

¹ For purposes of this questionnaire, the term "special Government employee" (SGE) means an officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not more than 130 days during any period of 365 consecutive days. In addition to these officers and employees, the term includes:

- Part-time United States commissioners
- Part-time United States magistrates
- Independent counsels appointed under chapter 40 of title 28 and any person appointed by those independent counsels under section 594(c) of title 28, regardless of the number of days of appointment for either of these positions
- Reserve officers of the Armed Forces and officers of the National Guard of the United States (unless otherwise officers or employees of the United States) while on active duty solely for training or serving involuntarily

The terms "officer or employee" and "SGE" shall not include enlisted members of the Armed Forces.

² The term "IPA" refers to employees appointed or detailed to positions under the Intergovernmental Personnel Act (5 U.S.C. §§ 3371-3376). Include the number of incoming appointments and outgoing details.

5. Name and title of the Designated Agency Ethics Official (DAEO):

a) Name: Kris E. Durmer

b) Title: General Counsel

c) Length of time the DAEO has held this position:

☐ 10 or more years

☐ 5 - 9 years

☒ 1 - 4 years

☐ Less than 1 year

☐ Position vacant

d) Grade level of the DAEO: SES

e) Percent of the DAEO's time spent on ethics: 20 %

6. Name and title of the Alternate DAEO (ADAEO):

a) Name: Eugenia D. Ellison

b) Title: Associate General Counsel for General Law

c) Length of time the ADAEO has held this position:

☒ 10 or more years

☐ 5 - 9 years

☐ 1 - 4 years

☐ Less than 1 year

☐ Position vacant

d) Grade level of the ADAEO: SES

e) Percent of the ADAEO's time spent on ethics: 30 %

7. Does your agency have a designated Deputy DAEO(s)? ☒ Yes ☐ No (If No, skip to question 8.)

Name(s) and title(s) of designated Deputy DAEO(s):

Dan Ross, Senior Assistant General Counsel

Sara Mitchell, Assistant General Counsel

8. Which of your agency's ethics officials have ethics duties as an element in their **position descriptions**? Check all that apply.

☐ DAEO

☒ ADAEO

☒ Deputy DAEO(s)

☐ Other ethics official(s) (specify)

☐ None

9. Which of your agency's ethics officials have ethics duties as an element in their **performance appraisals**? Check all that apply.

☒ DAEO

☒ ADAEO

☒ Deputy DAEO(s)

☐ Other ethics official(s) (specify)

☐ None

10. What type of training is provided to ethics officials to assist them in carrying out their ethics duties?
Check all that apply.
- ☒ Training provided by OGE
 - ☒ Structured training provided by your agency to groups of ethics officials (i.e., instructor-led training)
 - ☒ One-on-one training provided by your agency
 - ☐ Written education materials provided by your agency
 - ☒ Multimedia training (e.g., videotaped or computer-based training)
 - ☒ On-the-job training provided by your agency
 - ☐ Other (specify)
 - ☐ None
11. Agency Ethics Program Structure:
- a) How would you describe the structure of your agency's ethics program? Check one.
- ☒ Ethics program management is conducted solely within the main ethics office.
 - ☐ Ethics program management is distributed among multiple parts of the agency.
 - ☐ Other (specify)

Regional Counsels in the eleven regions, Counsel for the Inspector General and Counsel for the Civilian Board of Contract Appeals manage the ethics program for their respective
- b) What aspects of your ethics program are managed outside of the main ethics office?
Check all that apply.
- ☐ Public financial disclosure program
 - ☒ Confidential financial disclosure program
 - ☒ Ethics advice and counseling
 - ☒ Ethics education and training
 - ☐ Assessment of program performance
 - ☐ Other (specify)
 - ☐ None
- c) Who does the DAEO report to regarding his/her ethics responsibilities?
- ☒ Agency Head
 - ☐ General Counsel
 - ☐ Human Resources Director
 - ☐ Other (specify)
- d) Who manages the day-to-day functions of your agency's ethics program? Check all that apply.
- ☐ DAEO
 - ☒ ADAEO
 - ☐ Deputy DAEO(s)
 - ☐ Program Manager(s)
 - ☒ Other (specify)

Regional Counsels in the eleven regions, Counsel for the Inspector General and Counsel for the Civilian Board of Contract Appeals manage the ethics program for their respective

12. Number of ethics officials who worked in the ethics program in 2010 (Federal employees only; do not include contractors):

	Worked full-time on ethics	Worked part-time on ethics
HQ ethics officials	3	57
Regional/field office ethics officials	0	69

13. Are specific resources dedicated to the ethics program? ☒ Yes ☐ No

ADDITIONAL COMMENTS FOR PART 1.

PART 2. PROGRAM ADMINISTRATION

1. Use the following scale to rate the amount of time your agency spends to administer each item.
Time Spent Scale: 1= No time 2=Limited amount of time 3=Moderate amount of time
 4=Considerable amount of time 5=Extreme amount of time

	Time Spent
Public financial disclosure program (SF 278/OGE Form 278)	5 = Extreme amount of time
Confidential financial disclosure program (OGE Form 450)	5 = Extreme amount of time
Outside activity approval program	4 = Considerable amount of
Written opinions and counseling	5 = Extreme amount of time
Education and training	5 = Extreme amount of time
Disciplinary process for violations	3 = Moderate amount of time
Special Government employee activities	4 = Considerable amount of
Developing information technology applications for any aspect of the ethics program	4 = Considerable amount of

2. Indicate the ethics program areas(s) for which your agency contracted with non-Government sources in 2010. Check all that apply.

- ☐ Initial ethics orientation
☒ Annual ethics training
☐ Public financial disclosure review (SF 278/OGE Form 278)
☐ Confidential financial disclosure review (OGE Form 450)
☐ Program assessment/review
☐ Advice and counseling
☐ Program administration (tracking systems, databases, etc.)
☐ Other (specify)

☐ None

3. Did your agency conduct a self-assessment to evaluate any aspect of the ethics program in 2010? ☒ Yes ☐ No (If No, skip to question 4.)

a) What mechanisms were used to conduct the self-assessment? Check all that apply.

- ☒ Internal Review/Audit
- ☒ Survey
- ☐ Focus Group/Interview
- ☐ Other (specify)

b) What was the purpose of the self-assessment? Check all that apply.

- ☐ Assess employee perceptions about the ethics program
- ☒ Assess employee knowledge of the ethics rules
- ☐ Assess employee perceptions about the agency's ethical culture
- ☒ Evaluate compliance with applicable ethics laws and regulations
- ☒ Assess employee knowledge before or after training
- ☒ Assess employee satisfaction with training offered
- ☐ Prepare for an OGE program review
- ☐ Other (specify)

c) What organization conducted the self-assessment? Check all that apply.

- ☒ Ethics Office
- ☐ Inspector General's Office
- ☐ General Counsel's Office
- ☐ Other (specify)

d) If the self-assessment was conducted by other than the ethics office, was the ethics office provided feedback on the self-assessment? Check all that apply.

- ☐ Yes, written
- ☐ Yes, verbal
- ☒ No feedback provided
- ☐ Other (specify)

4. Which of the following tools did your agency use to ensure short- and long-term continuity of operations (succession planning) of its ethics program in 2010? Check all that apply.
- ☒ Training
 - ☒ Mentoring
 - ☐ Developmental assignments (e.g., detail assignments, cross training, job rotation, use of agency developmental programs such as interns, fellows, or leadership development)
 - ☒ Individual development plans
 - ☐ Written manuals/written standard operating procedures
 - ☒ Knowledge library (Intranet, videos, shared drives)
 - ☐ Competency/skills gap assessment
 - ☐ Resources assessment (personnel and/or financial)
 - ☐ Other (specify)

☐ None

5. Does your agency use an automated system to track the administration of the financial disclosure program? ☒ Yes ☐ No

If yes, what functions does the automated system perform? Check all that apply.

- ☐ Notifies ethics officials of new entrant filers (if selected, skip question 6)
- ☒ Maintains master list of filers
- ☐ Sends notifications/reminders to filers
- ☐ Distributes electronic copies of financial disclosure forms
- ☒ Tracks receipt of completed report
- ☒ Tracks date of initial review of report
- ☐ Tracks status of report review
- ☒ Tracks extensions
- ☒ Tracks date of certification of report
- ☐ Notifies filer of certification of report
- ☒ Archives reviewer notes
- ☐ Other (specify)

6. How do you receive timely notification of new entrant employees required to file financial disclosure reports?

The Office of Chief People Officer notifies the Ethics Office of new entrant employees required to file financial disclosure reports.

7. For which aspect(s) of your ethics program do you have written procedures? Check all that apply.
- ☒ Financial disclosure
 - ☒ Training
 - ☐ Opinion/advice/counsel
 - ☐ Other (specify)

ADDITIONAL COMMENTS FOR PART 2.

PART 3. EDUCATION AND TRAINING

1. Does your agency use an automated system to administer the ethics training program?
☐ Yes ☒ No

If yes, what functions does the automated system perform? Check all that apply.

- ☐ Provides a list of covered employees requiring annual ethics training
- ☐ Provides a list of new employees requiring initial ethics orientation
- ☐ Sends notifications to employees requiring ethics training
- ☐ Sends reminders to employees requiring ethics training
- ☐ Distributes electronic copies of training materials
- ☐ Allows employees to access online training modules
- ☐ Tracks training certifications
- ☐ Archives training certifications
- ☐ Other (specify)

2. Initial Ethics Orientation:

- a) Number of employees *required to receive* initial ethics orientation: 1,125
- b) Number of employees who *actually received* initial ethics orientation: 1,107
- c) How often does your agency provide initial ethics orientation?
- ☐ Once a week
 - ☐ Every two weeks
 - ☐ Every 90 days
 - ☐ Other (specify)

Once every two weeks in Central Office.

Within 90 days in Regional Offices

- d) How does your agency's ethics office ensure that new entrant employees receive required initial ethics orientation? Check all that apply.
- ☒ Check attendance rosters
 - ☐ Check training evaluations
 - ☐ Check completion via training management system
 - ☒ Verify with Human Resources Office
 - ☒ Other (specify)

All new employees have to complete a GSA Form 2160, Acknowledgement of Receipt of Standards of Conduct, and submit it to the Ethics Office or their servicing Regional Counsel's office.

3. Annual Ethics Training:

a) Number of employees who received annual ethics training (include all types of training):

	<i>Required to receive annual ethics training</i>	<i>Actually received annual ethics training</i>
Public filers (SF 278/OGE Form 278) - PAS	1	1
Public filers (SF 278/OGE Form 278) - non-PAS	125	125
Confidential filers (OGE Form 450)	6,566	6,293
Others	1,813	3,113
TOTAL	8,505	9,532

b) How does your agency's ethics office ensure that employees receive required annual ethics training? Check all that apply.

- ☒ Check attendance rosters
- ☐ Check training evaluations
- ☒ Check completion via training management system
- ☒ Verify with Human Resources Office
- ☒ Other (specify)

All new employees have to complete a GSA Form 2160, Acknowledgement of Receipt of Standards of Conduct, and submit it to the Ethics Office or their servicing Regional Counsel's office.

4. Identify the topical areas on which ethics training was provided in 2010:

- ☒ 14 Principles of Ethical Conduct
- ☒ Conflicting financial interests
- ☒ Gifts
- ☒ Post employment
- ☒ Impartiality
- ☒ Seeking employment
- ☒ Misuse of position
- ☒ Outside and representational activities
- ☒ Other (specify)

Financial Disclosure Report requirement; Hatch Act; Conflict of Interest statutes @ 18 U.S.C. sections, 203-209

5. Which of the following training methods did your agency use for ethics training?

Check all that apply.

- ☒ Distribution of written materials
- ☒ Video presentation
- ☐ Satellite broadcast/videoconferencing
- ☒ Classroom instruction
- ☒ Individual briefings
- ☒ Computer/web-based training
- ☒ Other (specify)

conference calls, one-on-one training sessions

6. Which of the following training materials did your agency use for ethics training?

Check all that apply.

- ☒ Copies of the Standards of Conduct and/or agency supplemental regulations
- ☒ Summaries of the Standards of Conduct
- ☒ Pamphlets/brochures
- ☒ Newsletters
- ☒ Posters
- ☒ Case studies
- ☒ Videos
- ☐ Message from agency leadership
- ☐ Other (specify)

7. Who produced the training materials checked above, in whole or in part? Check all that apply.

- ☒ My agency
- ☐ Other agency or outside organization
- ☒ OGE
- ☐ Other (specify)

8. What specialized ethics training did your agency provide in 2010? Check all that apply.

- ☐ Contractor training
- ☐ Procurement Official training
- ☐ Supervisor training
- ☒ Financial disclosure training for reviewers
- ☒ Financial disclosure training for filers
- ☒ Other (specify)

Training on the Hatch Act and Communication with Lobbyists

☐ None

ADDITIONAL COMMENTS FOR PART 3.

PART 4. ETHICS OPINIONS, ADVICE, AND COUNSELING

1. Use the following scale to rate the topics on the frequency with which your agency provided opinions, advice, and counseling.
Frequency Scale: 1= Not at all 2= Rarely 3= Periodically 4= Frequently 5= Very Frequently

	Frequency
Outside employment/activities	4 = Frequently
Post-employment restrictions	5 = Very Frequently
Conflicting financial interests	5 = Very Frequently
Awards	4 = Frequently
Impartiality in performance of official duties	5 = Very Frequently
Misuse of position, Government resources and information	5 = Very Frequently
Travel, subsistence, and related expenses from non-Federal sources	4 = Frequently
Gift acceptance, excluding awards and travel, subsistence, and related expenses from non-Federal sources	5 = Very Frequently

2. Who is authorized to provide written advice on the Standards of Conduct? Check all that apply.
If the General Counsel is also the DAEO, please mark both.

- ☒ DAEO/ADAEO/Deputies/Ethics Officials
- ☒ General Counsel/Staff Attorneys
- ☒ Regional Counsels
- ☐ Supervisors
- ☐ Human Resources Staff
- ☐ Agency Head
- ☒ Other (specify)

Ethics officials in the Office of General Counsel, Counsel for the Inspector General and Counsel for the Civilian Board of Contract Appeals

3. Who is authorized to provide written advice on the conflict of interest statutes? Check all that apply. **If the General Counsel is also the DAEO, please mark both.**

- ☐ DAEO/ADAEO/Deputies/Ethics Officials
- ☐ General Counsel/Staff Attorneys
- ☐ Regional Counsels
- ☐ Supervisors
- ☐ Human Resources Staff
- ☐ Agency Head
- ☒ Other (specify)

Ethics officials in the Office of General Counsel, Counsel for the Inspector General and Counsel for the Civilian Board of Contract Appeals

4. How does your agency's DAEO or headquarters ethics office ensure that accurate and consistent opinions, advice, and counseling are provided to employees? Check all that apply.

- ☐ Review all written opinions
- ☒ Review selected written opinions
- ☒ Discuss opinions with staff before providing final decision
- ☒ Review ethics officials' phone logs
- ☒ Conduct periodic discussions with staff
- ☒ Other (specify)

Conduct periodic on-site visits and quarterly conference calls with the ethics officials

ADDITIONAL COMMENTS FOR PART 4.

PART 5. ENFORCEMENT OF STANDARDS OF CONDUCT, CRIMINAL AND CIVIL STATUTES

1. Number of disciplinary actions taken based wholly or in part upon violations of the standards of conduct provisions (5 CFR part 2635). For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents. 29
2. Number of disciplinary actions taken based wholly or in part upon violations of the criminal conflict of interest statutes, 18 U.S.C. §§ 203, 205, 207, 208, and 209. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents. 0
 - a) Number of referrals the ethics office made to the Office of Inspector General of potential violations of the criminal conflict of interest statutes: 1
 - b) Number of referrals the agency made to the Department of Justice of potential violations of the criminal conflict of interest statutes: 4
 - c) Which office(s) within your agency make referrals of potential violations of the criminal conflict of interest statutes to the Department of Justice, including the U.S. Attorneys?
Check all that apply.
 - ☐ DAEO/ADAEO
 - ☐ General Counsel
 - ☐ Agency Head
 - ☒ IG
 - ☐ Other (specify)

- d) Which office(s) are responsible for notifying OGE that a referral of a potential violation of the criminal conflict of interest statutes has been made to the Department of Justice, including the U.S. Attorneys? Check all that apply.

- ☐ DAEO/ADAEO
☐ General Counsel
☐ Agency Head
☒ IG
☐ Other (specify)

ADDITIONAL COMMENTS FOR PART 5.

PART 6. PUBLIC FINANCIAL DISCLOSURE

1. Report the number of public financial disclosure reports (SF 278/OGE Form 278) required to be filed in 2010, *excluding SGEs*, and the number of reports actually filed. Derive totals for required new entrant and termination reports from the number of appointments to and the number of terminations from positions during 2010. Some totals may include late filings actually received in 2011.

	Nominee/ New Entrant		Annual		Termination		Combination ³		TOTAL	
	Required	Filed	Required	Filed	Required	Filed	Required	Filed	Required	Filed
PAS ⁴	1	1	1	1	0	0	0	0	2	2
Non-Career SES ⁵	3	3	5	5	1	1	0	0	9	9
Career SES ⁵	11	11	81	81	14	14	0	0	106	106
Schedule C	16	16	12	12	4	4	0	0	32	32
Other ⁶	16	16	15	15	9	9	0	0	40	40
TOTAL	47	47	114	114	28	28	0	0	189	189

³ Includes reports filed to satisfy both annual and termination requirements, as well as new entrant and termination requirements.

⁴ Presidential appointees confirmed by the Senate.

⁵ Senior Executive Service, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service, etc.

⁶ Includes members of the Uniformed Services, Administrative Law Judges, Senior Level employees (SES Equivalent), etc.

2. Does your agency have written procedures for following up with delinquent public financial disclosure (SF 278/OGE Form 278) filers? ☐ Yes ☒ No
3. Does your agency require an intermediate review by someone other than an ethics official for public financial disclosure reports (SF 278/OGE Form 278)? ☒ Yes ☐ No
4. Does your agency provide public financial disclosure (SF 278/OGE Form 278) filers with feedback after their reports have been reviewed? ☒ Yes ☐ No

5. Does your agency use an electronic filing system for the public financial disclosure program?
☐ Yes ☒ No

If yes, which steps in the public financial disclosure program can be completed electronically?
Check all that apply.

- ☐ Filer electronically completes report
- ☐ Filer electronically signs report
- ☐ Filer electronically submits signed report for review
- ☐ Certifier electronically reviews report
- ☐ Certifier electronically signs report
- ☐ System electronically stores certified report (with all signatures)
- ☐ Other (specify)

6. Number of Schedule C employees exempted from the public financial disclosure (SF 278/OGE Form 278) filing requirement by OGE: 0
7. Number of public financial disclosure (SF 278/OGE Form 278) filers who requested filing extensions: 16
8. Number of public financial disclosure (SF 278/OGE Form 278) filers who were granted filing extensions: 16
9. Number of public financial disclosure (SF 278/OGE Form 278) filers who requested waivers of the late filing fee: 0
10. Number of public financial disclosure (SF 278/OGE Form 278) filers who were granted waivers of the late filing fee: 0
11. Number of public financial disclosure (SF 278/OGE Form 278) filers who paid the late filing fee: 0
12. Number of requests your agency received for public release of public financial disclosure reports (SF 278/OGE Form 278): 3
13. Number of individual public financial disclosure reports (SF 278/OGE Form 278) requested to be released: 3
14. Number of public financial disclosure (SF 278/OGE Form 278) filers who took specific corrective or remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. § 208 waiver, reassignment, etc.) in 2010: 16
15. Number of 18 U.S.C. § 208(b)(1) waivers granted to public financial disclosure (SF 278/OGE Form 278) filers: 0

ADDITIONAL COMMENTS FOR PART 6.

42 Cautionary memos were issued to SF 278/OGE Form 278 filers.

PART 7. CONFIDENTIAL FINANCIAL DISCLOSURE

1. Total number of confidential financial disclosure reports (OGE Form 450, OGE Form 450A, and OGE-approved alternative form) *required to be filed* by permanent full-time employees in 2010, excluding SGEs : 6,750
2. Report the number of confidential financial disclosure reports (OGE Form 450, OGE Form 450A, and OGE-approved alternative form) *actually filed*.

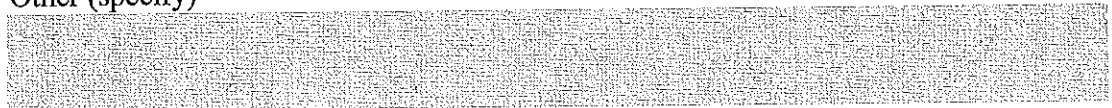
	Confidential Financial Disclosure Reports Filed
OGE Form 450	3,185
OGE Form 450A	3,347
OGE-approved alternative form	0
TOTAL	6,532

3. Does your agency have written procedures for following up with delinquent confidential financial disclosure (OGE Form 450) filers? ☐ Yes ☒ No
4. Does your agency require an intermediate review by someone other than an ethics official for confidential financial disclosure reports (OGE Form 450)? ☒ Yes ☐ No
5. Does your agency provide confidential financial disclosure (OGE Form 450) filers with feedback after their reports have been reviewed? ☒ Yes ☐ No
6. Does your agency use an electronic filing system for the confidential financial disclosure program?
☐ Yes ☒ No

If yes, which steps in your confidential financial disclosure program can be completed electronically?

Check all that apply.

- ☐ Filer electronically completes report
☐ Filer electronically signs report
☐ Filer electronically submits signed report for review
☐ Certifier electronically reviews report
☐ Certifier electronically signs report
☐ System electronically stores certified report (with all signatures)
☐ Other (specify)



7. Number of confidential financial disclosure (OGE Form 450) filers who took specific corrective or remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. § 208 waiver, reassignment, etc.) in 2010: 7
8. Number of 18 U.S.C. § 208(b)(1) waivers granted to confidential financial disclosure (OGE Form 450) filers: 0

ADDITIONAL COMMENTS PART 7.

#4 - The OGE Form 450 reports are filed with and reviewed by the agency ethics officials. Upon receipt and review of the OGE Form 450s, the ethics officials may request additional information and/or an intermediate review of the reports by the employee's supervisor to ensure that no actual or apparent conflict of interest exists between the employee's official duties and responsibilities and his or her financial interests reported on the Form.

PART 8. ADVISORY COMMITTEES/SPECIAL GOVERNMENT EMPLOYEES¹

1. Number of advisory committees (*do not include Federal Advisory Committees (FACA)*): 0
2. Number of advisory committee members (*do not include FACA members*): 0
3. Number of FACA advisory committees: 1
4. Number of FACA advisory committee members: 13
5. Does your agency provide ethics program services for any boards or commissions that are independent of your agency?

☐ Yes (please provide the names of the boards and commissions)

☒ No

6. Number of SGEs who were required to file financial disclosure reports in 2010. Include the number who actually filed.

	Confidential Reports (OGE Form 450)		Public Reports (SF 278/OGE Form 278)	
	Required	Filed	Required	Filed
Advisory Committee Members (FACA & non-FACA)	0	0	0	0
Experts/Consultants	0	0	0	0
Board Members	0	0	0	0
Commissioners	0	0	0	0
Other (specify):	0	0	0	0
TOTAL	0	0	0	0

¹ For purposes of this questionnaire, the term "special Government employee" (SGE) means an officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not more than 130 days during any period of 365 consecutive days. In addition to these officers and employees, the term includes:

- Part-time United States commissioners
- Part-time United States magistrates
- Independent counsels appointed under chapter 40 of title 28 and any person appointed by those independent counsels under section 594(c) of title 28, regardless of the number of days of appointment for either of these positions
- Reserve officers of the Armed Forces and officers of the National Guard of the United States (unless otherwise officers or employees of the United States) while on active duty solely for training or serving involuntarily

The terms "officer or employee" and "SGE" shall not include enlisted members of the Armed Forces.

7. Number of SGE filers who took specific corrective or remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. § 208 waiver, reassignment, etc.) in 2010. 0
8. Number of § 208(b)(1) waivers granted to SGEs? 0
9. Number of § 208(b)(3) waivers granted to SGEs? 0
10. Does your agency have written policies or procedures for designating SGE status?
☐ Yes ☒ No ☐ Not applicable
11. With respect to SGEs who serve as committee members or on boards, is ethics training provided prior to attendance at their first committee or board meeting?
☒ Yes ☐ No ☐ Not applicable

ADDITIONAL COMMENTS PART 8.

#6 - No reports were required. Charter terminated on March 18, 2010 before reports were due. Appointments ended on May 5, 2010.

Provide a point of contact to answer OGE questions regarding this questionnaire:

Name: Eugenia D. Ellison

Title/Position: Associate General Counsel for General Law/Alternate Designated Agency Ethics Official

Email Address: eugenia.ellison@gsa.gov

Phone Number: 202-501-1460

ADDITIONAL QUESTIONNAIRE COMMENTS:

2010 AGENCY ETHICS PROGRAM QUESTIONNAIRE

Expanded Responses

Page 2, Question 7:

Dan Ross, Senior Assistant General Counsel

Sara Mitchell, Assistant General Counsel

Travis Murphy, Assistant General Counsel

Page 3, Question 11(a)

Regional Counsels in the eleven regions, Counsel for the Inspector General and Counsel for the Civilian Board of Contract Appeals manage the ethics program for their respective organization. The Office of General Counsel's Ethics Law Staff is responsible for the overall management of the ethics program.

Page 3, Question 11(d)

Regional Counsels in the eleven regions, Counsel for the Inspector General and Counsel for the Civilian Board of Contract Appeals manage the ethics program for their respective organization. The Office of General Counsel's Ethics Law Staff is responsible for the overall management of the ethics program.



*United States
Office of Government Ethics*

2009 AGENCY ETHICS PROGRAM QUESTIONNAIRE

Executive branch agencies are required to submit an annual report to the United States Office of Government Ethics (OGE) concerning certain aspects of their ethics programs (Section 402(e)(1) of the Ethics in Government Act of 1978, as amended). The annual report must be filed with OGE on or before February 1 of each year (5 CFR § 2638.602(a)). This questionnaire serves as your annual report.

Your responses to the questionnaire should reflect the 2009 calendar year (i.e., 1/1/2009 through 12/31/2009), except where specified. Please respond to each question as completely as possible. Use an [X] where appropriate.

Throughout the questionnaire you will be offered an opportunity to provide comments. If you use the comment sections, please indicate the question number to which the comment corresponds. After OGE has reviewed your questionnaire submission, you may be contacted for follow-up.

If you have any questions, contact Teresa Weakley, Program Analyst, at 202-482-9283 or tlweakle@oge.gov.

SUBMISSION DEADLINE: FEBRUARY 1, 2010

PART 1. ORGANIZATION/RESOURCES

1. Agency: General Services Administration
2. Number of full-time agency employees as of December 31, 2009 (*include employees detailed to another agency*): 12557
 Number of special Government employees¹ (SGE) as of December 31, 2009: 0
 Number of IPAs² (Intergovernmental Personnel Act) as of December 31, 2009: 2

¹ For purposes of this questionnaire, the term "special Government employee" (SGE) means an officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not more than 130 days during any period of 365 consecutive days. In addition to these officers and employees, the term includes:

- Part-time United States commissioners
- Part-time United States magistrates
- Independent counsels appointed under chapter 40 of title 28 and any person appointed by those independent counsels under section 594(c) of title 28, regardless of the number of days of appointment for either of these positions
- Reserve officers of the Armed Forces and officers of the National Guard of the United States (unless otherwise officers or employees of the United States) while on active duty solely for training or serving involuntarily

The terms "officer or employee" and "SGE" shall not include enlisted members of the Armed Forces.

² The term "IPA" refers to employees appointed or detailed to positions under the Intergovernmental Personnel Act (5 U.S.C. §§ 3371-3376). Include the number of incoming appointments and outgoing details.

3. Name and title of the Designated Agency Ethics Official (DAEO):

Name: Kris Durmer

Title: General Counsel

Length of time the DAEO has held this position:

☐ 10 or more years

☐ 5 - 9 years

☐ 1 - 4 years

☒ Less than 1 year

☐ Position vacant

Grade level of the DAEO: SES

Percent of the DAEO's time spent on ethics: 15 %

4. Name and title of the Alternate DAEO (ADAEO):

Name: Eugenia Ellison

Title: Associate General Counsel for General Law

Length of time the ADAEO has held this position:

☒ 10 or more years

☐ 5 - 9 years

☐ 1 - 4 years

☐ Less than 1 year

☐ Position vacant

Grade level of the ADAEO: SES

Percent of the ADAEO's time spent on ethics: 25 %

5. Does your agency have designated Deputy DAEO(s)? ☒ Yes ☐ No (If No, skip to question 6.)

Name(s) and title(s) of designated Deputy DAEO(s):

Dan Ross

Sara Mitchell

Travis Murphy

6. Does your agency have regional or field office ethics officials? ☒ Yes ☐ No (If No, skip to question 7.)

Organizational location(s) of regional/field ethics officials. Check all that apply.

☒ Legal Office

☐ Human Resources Office

☐ Employee Relations Office

☐ Other (specify)

Elements of the ethics program regional/field office ethics officials administer. Check all that apply.

- ☐ Public financial disclosure program (SF 278)
- ☒ Confidential financial disclosure program (OGE Form 450)
- ☒ Ethics advice and counseling
- ☒ Ethics education and training
- ☐ Enforcement proceedings
- ☐ Acceptance of travel payments
- ☐ Other (specify)

During 2009, how often did the headquarters ethics office correspond with the regional/field office ethics officials? Check one.

- ☒ Daily
- ☐ Weekly
- ☐ Monthly
- ☐ Quarterly
- ☐ Semiannually
- ☐ Annually
- ☐ Other (specify)

During 2009, what mechanisms were used by the headquarters ethics office to provide guidance to the regional/field office ethics officials? Check all that apply.

- ☒ Emails
- ☒ Phone/conference calls
- ☒ Memoranda
- ☒ Periodic status reports
- ☒ Conferences
- ☐ Procedural manuals
- ☒ Other (specify) one-on-one meetings

7. Number of ethics officials who worked in the ethics program in 2009 (Federal employees only; do not include contractors) :

	Worked full-time on ethics	Worked part-time on ethics
HQ ethics officials	3	50
Regional/field office ethics officials	0	70

8. Are specific resources dedicated to the ethics program? ☒ Yes ☐ No

ADDITIONAL COMMENTS FOR PART 1.

PART 2. PROGRAM ADMINISTRATION

1. Use the following scale to rate the amount of time your agency spends to administer each item.
Time Spent Scale: 1=No time 2=Limited amount of time 3=Moderate amount of time
 4=Considerable amount of time 5=Extreme amount of time

	Time Spent
Public financial disclosure program (SF 278)	5 = Extreme amount of time
Confidential financial disclosure program (OGE Form 450)	5 = Extreme amount of time
Outside activity approval program	4 = Considerable amount of
Written opinions and counseling	5 = Extreme amount of time
Education and training	5 = Extreme amount of time
Disciplinary process for violations	3 = Moderate amount of time
Special Government employee activities	3 = Moderate amount of time
Developing information technology applications for any aspect of the ethics program	4 = Considerable amount of

2. Indicate the ethics program areas(s) for which your agency contracted with non-Government sources in 2009. Check all that apply.

- ☐ Initial ethics orientation
☒ Annual ethics training
☐ Public financial disclosure review (SF 278)
☐ Confidential financial disclosure review (OGE Form 450)
☐ Self-assessment
☐ Advice and counseling
☐ Program administration (tracking systems, databases, etc.)
☐ Other (specify)


☐ None

3. Did your agency conduct a self-assessment to evaluate any aspect of the ethics program in 2009? ☒ Yes ☐ No (If No, skip to question 4.)


What mechanisms were used to conduct the self-assessment? Check all that apply.

- ☒ Internal Review/Audit
☐ Survey
☐ Focus Group/Interview
☐ Other (specify)


What was the purpose of the self-assessment? Check all that apply.

- ☐ Assess employee perceptions about the ethics program
- ☒ Assess employee knowledge of the ethics rules
- ☐ Assess employee perceptions about the agency's ethical culture
- ☒ Evaluate compliance with applicable ethics laws and regulations
- ☒ Assess employee knowledge before or after training
- ☒ Assess employee satisfaction with training offered
- ☐ Prepare for an OGE program review
- ☐ Other (specify) 


What organization conducted the self-assessment? Check all that apply.

- ☒ Ethics Office
- ☐ Inspector General's Office
- ☐ General Counsel's Office
- ☐ Other (specify) 

If the self-assessment was conducted by other than the ethics office, was the ethics office provided feedback on the self-assessment? Check all that apply.

- ☐ Yes, written
- ☐ Yes, verbal
- ☒ No feedback provided
- ☐ Other (specify) 

4. Which of the following tools did your agency use to ensure short- and long-term continuity of operations (succession planning) of its ethics program? Check all that apply.

- ☒ Training
- ☒ Mentoring
- ☒ Developmental assignments (e.g., detail assignments, cross training, job rotation, use of agency developmental programs such as interns, fellows, or leadership development)
- ☒ Individual development plans
- ☐ Written manuals/written standard operating procedures
- ☒ Knowledge library (Intranet, videos, shared drives)
- ☐ Competency/skills gap assessment
- ☐ Resources assessment (personnel and/or financial)
- ☐ Other (specify) 

☐ None

ADDITIONAL COMMENTS FOR PART 2.

PART 3. EDUCATION AND TRAINING

1. Number of employees *required to receive* initial ethics orientation: 1339

Number of employees who *actually received* initial ethics orientation: 1336

How often does your agency provide initial ethics orientation?

- ☐ Once a week
☒ Every two weeks
☐ Every 90 days
☐ Other (specify)

Once every two weeks in Central Office . Within 90 days in Regional Offices.

2. Number of employees who received annual ethics training (include all types of training):

	<i>Required to receive</i> annual ethics training	<i>Actually received</i> annual ethics training
Public filers (SF 278) - PAS	1	1
Public filers (SF 278) - non-PAS	102	101
Confidential filers (OGE Form 450)	6,244	6,106
Others	1,761	2,929
TOTAL	8,108	9,137

How does your agency ensure that employees receive required annual ethics training?
Check all that apply.

- ☒ Attendance rosters
☒ Training evaluations
☒ Training management system
☒ Coordination with Human Resources Office
☒ Other (specify)

3. Identify the topical areas on which ethics training was provided:

- ☒ 14 Principles of Ethical Conduct
- ☒ Conflicting financial interests
- ☒ Gifts
- ☒ Post employment
- ☒ Impartiality
- ☒ Seeking employment
- ☒ Misuse of position
- ☒ Outside and representational activities
- ☒ Other (specify)

financial disclosure report requirement; Hatch Act; Conflicts of Interest Statutes at 18 U.S.C. sections 203-209.

4. Which of the following training methods did your agency use for ethics training? Check all that apply.

- ☒ Distribution of written materials
- ☒ Video presentation
- ☐ Satellite broadcast/videoconferencing
- ☒ Classroom instruction
- ☒ Individual briefings
- ☒ Computer/web-based training
- ☒ Other (specify)

Conference calls, one-on-one training sessions

5. Which of the following training materials did your agency use for your ethics training? Check all that apply.

- ☒ Copies of the Standards of Conduct and/or agency supplemental regulations
- ☒ Summaries of the Standards of Conduct
- ☒ Pamphlets/brochures
- ☒ Newsletters
- ☒ Posters
- ☒ Case studies
- ☒ Videos
- ☐ Message from agency leadership
- ☐ Other (specify)

Who produced the training materials checked above, in whole or in part? Check all that apply.

- ☒ My agency
- ☐ Other agency or outside organization
- ☒ OGE
- ☐ Other (specify)

ADDITIONAL COMMENTS FOR PART 3.

PART 4. ETHICS OPINIONS, ADVICE AND COUNSELING

1. Use the following scale to rate the topics on the frequency with which your agency provided opinions, advice and counseling.
Frequency Scale: 1= Not at all 2= Rarely 3= Periodically 4= Frequently 5= Very Frequently

	Frequency
Outside employment/activities	4 = Frequently
Post-employment restrictions	5 = Very Frequently
Conflicting financial interests	5 = Very Frequently
Awards	4 = Frequently
Impartiality in performance of official duties	5 = Very Frequently
Misuse of position, Government resources and information	5 = Very Frequently
Travel, subsistence, and related expenses from non-Federal sources	4 = Frequently
Gift acceptance, excluding awards and travel, subsistence, and related expenses from non-Federal sources	5 = Very Frequently

2. Who is authorized to provide written advice on the Standards of Conduct? Check all that apply.
If the General Counsel is also the DAEO, please mark both.

- ☒ DAEO/ADAE/Deputies/Ethics Officials
- ☒ General Counsel/Staff Attorneys
- ☒ Regional Counsels
- ☐ Supervisors
- ☐ Human Resources Staff
- ☐ Agency Head
- ☐ Other (specify)

3. Who is authorized to provide written advice on the conflict of interest statutes? Check all that apply. **If the General Counsel is also the DAEO, please mark both.**

- ☒ DAEO/ADAE/Deputies/Ethics Officials
- ☒ General Counsel/Staff Attorneys
- ☒ Regional Counsels
- ☐ Supervisors
- ☐ Human Resources Staff
- ☐ Agency Head
- ☐ Other (specify)

4. How does your agency's DAEO or headquarters ethics office ensure that accurate and consistent opinions, advice, and counseling are provided to employees? Check all that apply.

- ☐ Review all written opinions
☒ Review selected written opinions
☒ Discuss opinions with staff before providing final decision
☐ Review ethics officials' phone logs
☒ Conduct periodic discussions with staff
☒ Other (specify) periodic on-site visits

ADDITIONAL COMMENTS FOR PART 4.

PART 5. ENFORCEMENT OF STANDARDS OF CONDUCT, CRIMINAL AND CIVIL STATUTES

1. Number of disciplinary actions taken based wholly or in part upon violations of the standards of conduct provisions (5 CFR part 2635). For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents. 30
2. Number of disciplinary actions taken based wholly or in part upon violations of the criminal conflict of interest statutes, 18 U.S.C. §§ 203, 205, 207, 208, and 209. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents. 1

Number of referrals the ethics office made to the Office of Inspector General of potential Violations of the criminal conflict of interest statutes: 3

Number of referrals the agency made to the Department of Justice of potential violations of the criminal conflict of interest statutes: 4

Which office(s) within your agency make referrals of potential violations of the criminal conflict of interest statutes to the Department of Justice, including the U.S. Attorneys? Check all that apply.

- ☐ DAEO/ADAEO
☐ General Counsel
☐ Agency Head
☒ IG
☐ Other (specify)

Which office(s) are responsible for notifying OGE that a referral of a potential violation of the criminal conflict of interest statutes has been made to the Department of Justice, including the U.S. Attorneys? Check all that apply.

- ☐ DAEO/ADAEO
☐ General Counsel
☐ Agency Head
☒ IG
☐ Other (specify)

ADDITIONAL COMMENTS FOR PART 5.

PART 6. PUBLIC FINANCIAL DISCLOSURE

1. Report the number of public financial disclosure reports (SF 278) required to be filed in 2009, *excluding SGEs*, and the number of reports actually filed. Derive totals for required new entrant and termination reports from the number of appointments to and the number of terminations from positions during 2009. Some totals may include late filings actually received in 2010.

	Nominee/ New Entrant		Annual		Termination		Combination ³		TOTAL	
	Required	Filed	Required	Filed	Required	Filed	Required	Filed	Required	Filed
PAS ⁴	0	0	1	1	0	0	0	0	1	1
Non-Career SES ⁵	7	7	0	0	17	17	0	0	24	24
Career SES ⁵	7	7	77	77	5	5	0	0	89	89
Schedule C	17	17	0	0	27	27	0	0	44	44
Other ⁶	19	19	19	19	17	16	0	0	55	54
TOTAL	50	50	97	97	66	65	0	0	213	212

³ Includes reports filed to satisfy both annual and termination requirements, as well as new entrant and termination requirements.

⁴ Presidential appointees confirmed by the Senate.

⁵ Senior Executive Service, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service, etc.

⁶ Includes members of the Uniformed Services, Administrative Law Judges, Senior Level employees (SES Equivalent), etc.

2. Does your agency have written procedures for following up with delinquent public financial disclosure (SF 278) filers? ☐ Yes ☒ No
3. Does your agency require an intermediate review by someone other than an ethics official for public financial disclosure reports (SF 278)? ☒ Yes ☐ No
4. Does your agency provide public financial disclosure (SF 278) filers with feedback after their reports have been reviewed? ☒ Yes ☐ No

5. Does your agency use an electronic filing system? ☐ Yes ☒ No

Which steps in your public financial disclosure program can be completed electronically?
Check all that apply.

- ☒ Filer electronically completes report
☐ Filer electronically signs report
☐ Filer electronically submits signed report for review
☐ Certifier electronically reviews report
☐ Certifier electronically signs report
☐ System electronically stores certified report (with all signatures)
☐ Other (specify) _____

☐ None

6. Number of Schedule C employees exempted from the public financial disclosure (SF 278) filing requirement by OGE: 0
7. Number of public financial disclosure (SF 278) filers who requested filing extensions: 11
Number of public financial disclosure (SF 278) filers who were granted filing extensions: 11
8. Number of public financial disclosure (SF 278) filers who requested waivers of the late filing fee: 0
Number of public financial disclosure (SF 278) filers who were granted waivers of the late filing fee: 0
9. Number of public financial disclosure (SF 278) filers who paid the late filing fee: 0
10. Number of requests your agency received for public release of public financial disclosure reports (SF 278): 1
11. Number of individual public financial disclosure reports (SF 278) requested to be released: 9
12. Number of public financial disclosure (SF 278) filers who took specific corrective or remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. § 208 waiver, reassignment, etc.) in 2009: 12
13. Number of 18 U.S.C. § 208(b)(1) waivers granted to public financial disclosure (SF 278) filers: 0

ADDITIONAL COMMENTS FOR PART 6.

30 Cautionary memos were issued to employees.

PART 7. CONFIDENTIAL FINANCIAL DISCLOSURE

1. Number of confidential financial disclosure reports (OGE Form 450, OGE Form 450A, and OGE-approved alternative form) **required** to be filed by permanent full-time employees in 2009, **excluding SGEs**: 6,814

Report the number of confidential financial disclosure reports (OGE Form 450, OGE Form 450A, and OGE-approved alternative form) **actually filed**.

	Confidential Financial Disclosure Reports Filed
OGE Form 450	4,321
OGE Form 450A	2,283
OGE-approved alternative form	
TOTAL	6,604

2. Does your agency have written procedures for following up with delinquent confidential financial disclosure (OGE Form 450) filers? ☐ Yes ☒ No
3. Does your agency require an intermediate review by someone other than an ethics official for confidential financial disclosure reports (OGE Form 450)? ☒ Yes ☐ No
4. Does your agency provide confidential financial disclosure (OGE Form 450) filers with feedback after their reports have been reviewed? ☒ Yes ☐ No
5. Which steps in your confidential financial disclosure program can be completed electronically? Check all that apply.
- ☒ Filer electronically completes report
 - ☐ Filer electronically signs report
 - ☐ Filer electronically submits signed report for review
 - ☐ Certifier electronically reviews report
 - ☐ Certifier electronically signs report
 - ☐ System electronically stores certified report (with all signatures)
 - ☐ Other (specify)
- ☐ None
6. Number of confidential financial disclosure (OGE Form 450) filers who took specific corrective or remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. § 208 waiver, reassignment, etc.) in 2009: 13
7. Number of 18 U.S.C. § 208(b)(1) waivers granted to confidential financial disclosure (OGE Form 450) filers: 0

ADDITIONAL COMMENTS PART 7.

#1 - Permanent OGE Form 450 filers for 2009 include annual and new entrant filers.
#3 - Ethics official may seek intermediate review by the employee's supervisor to ensure that no actual or apparent conflicts of interest exist between the employee's official duties and responsibilities and his or her financial interests reported on the form.
#4 - Agency ethics officials provide feedback if there is a conflict of interest.
#6 - 315 cautionary memos were issued to employees.

PART 8. ADVISORY COMMITTEES/SPECIAL GOVERNMENT EMPLOYEES¹

1. Number of advisory committees (do not include Federal Advisory Committees (FACA)): 0

Number of advisory committee members (do not include FACA members): 0

2. Number of FACA advisory committees: 2

Number of FACA advisory committee members: 32

3. Does your agency provide ethics program services for any boards or commissions that are independent of your agency?

☐ Yes (please provide the names of the boards and commissions)

☒ No

4. Number of SGEs who were required to file financial disclosure reports in 2009. Include the number who actually filed.

	Confidential Reports (OGE Form 450)		Public Reports (SF 278)	
	Required	Filed	Required	Filed
Advisory Committee Members (FACA & non-FACA)	6	6	0	0
Experts/Consultants				
Board Members				
Commissioners				
Other (specify):				
TOTAL	6	6	0	0

5. Number of SGE filers who took specific corrective or remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. § 208 waiver, reassignment, etc.) in 2009. 0

6. Number of § 208(b)(1) waivers granted to SGEs? 0

Number of § 208(b)(3) waivers granted to SGEs? 0

¹ For purposes of this questionnaire, the term "special Government employee" (SGE) means an officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not more than 130 days during any period of 365 consecutive days. In addition to these officers and employees, the term includes:

- Part-time United States commissioners
- Part-time United States magistrates
- Independent counsels appointed under chapter 40 of title 28 and any person appointed by those independent counsels under section 594(c) of title 28, regardless of the number of days of appointment for either of these positions
- Reserve officers of the Armed Forces and officers of the National Guard of the United States (unless otherwise officers or employees of the United States) while on active duty solely for training or serving involuntarily

The terms "officer or employee" and "SGE" shall not include enlisted members of the Armed Forces.

ADDITIONAL COMMENTS PART 8.

Provide a point of contact to answer OGE questions regarding this questionnaire:

Name: Eugenia E. Ellison

Title/Position: General Services Administration

Email Address: eugenia.ellison@gsa.gov

Phone Number: 202-501-3516

ADDITIONAL QUESTIONNAIRE COMMENTS:



United States
Office of Government Ethics

2008 AGENCY ETHICS PROGRAM QUESTIONNAIRE

Executive branch agencies are required to submit an annual report to the Office of Government Ethics (OGE) concerning certain aspects of their ethics programs (Section 402(e)(1) of the Ethics in Government Act of 1978, as amended). The annual report must be filed with OGE on or before February 1 of each year (5 C.F.R. § 2638.602(a)). This questionnaire serves as your annual report.

Throughout the questionnaire, your responses should reflect the 2008 calendar year (i.e., 1/1/08 through 12/31/08), except where specified. Please respond to each question as completely as possible. Use an [X] where appropriate.

At the end of the questionnaire there is a comment area for adding additional information. If you use the comment section, please include the question number. After OGE has reviewed your questionnaire submission, you will be contacted for follow-up.

If you have any questions, contact Teresa Weakley at 202-482-9283.

DEADLINE: FEBRUARY 2, 2009

PART 1. ORGANIZATION/RESOURCES

1. Agency: General Services Administration

2. Number of full-time agency employees as of December 31, 2008 (*include employees detailed to another agency*): 11,961

Number of special Government employees¹ (SGE) as of December 31, 2008: 9

Number of IPAs² (Intergovernmental Personnel Act) as of December 31, 2008: 0

¹ For purposes of this questionnaire, the term "special Government employee" (SGE) means an officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not more than 130 days during any period of 365 consecutive days. In addition to these officers and employees, the term includes:

- Part-time United States commissioners
- Part-time United States magistrates
- Independent counsels appointed under chapter 40 of title 28 and any person appointed by those independent counsels under section 594(c) of title 28, regardless of the number of days of appointment for either of these positions
- Reserve officers of the Armed Forces and officers of the National Guard of the United States (unless otherwise officers or employees of the United States) while on active duty solely for training or serving involuntarily

The terms "officer or employee" and "SGE" shall not include enlisted members of the Armed Forces.

² The term "IPA" refers to employees appointed or detailed to positions under the Intergovernmental Personnel Act (5 U.S.C. §§ 3371-3376. Include the number of incoming appointments and outgoing details.

Next Page

3. Name and title of the Designated Agency Ethics Official (DAEO):

Name: _____ Vacant

Title: _____

If DAEO position is vacant check box ☐

Length of time the DAEO has held this position: _____ Years

Grade level of the DAEO: _____

Percent of the DAEO's time spent on ethics: _____ %

4. Name and title of the Alternate DAEO:

Name: _____ Eugenia D. Ellison

Title: _____ Alternate Designated Agency Ethics Official

If Alternate DAEO position is vacant check box ☐

Length of time the Alternate DAEO has held this position: 19 Years

Grade level of the Alternate DAEO: _____ SES

Percent of the Alternate DAEO's time spent on ethics: 25 %

5. Do you have designated Deputy DAEO(s)? ☒ Yes ☐ No

Name(s) and title(s) of designated Deputy DAEO(s):

Danny Ross
Sara Mitchell

6. Does your agency have regional or field office ethics officials? ☒ Yes ☐ No

Organizational locations(s) of regional/field ethics officials. Check all that apply.

☒ Legal office ☐ Human Resources office ☐ Employee Relations office

☐ Other (specify) _____

If you have regional or field office ethics officials, what elements of the ethics program do they administer? Check all that apply.

☐ Public financial disclosure reports
(SF 278)

☒ Confidential financial disclosure reports
(OGE Form 450)

☒ Ethics advice and counseling

☒ Ethics education and training

☐ Enforcement proceedings

☐ Acceptance of travel payments

☐ Other (specify) _____

If you have regional or field office ethics officials, during 2008 how often did the headquarters ethics office correspond with these officials? Check all that apply.

☒ Daily ☒ Weekly ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☐ Annually

If you have regional or field office ethics officials, during 2008 what mechanisms were used by the headquarters ethics office to provide guidance to these officials? Check all that apply.

☒ Emails
☒ Phone/conference calls
☒ Written memoranda
☒ Periodic status reports
☒ Conferences
☐ Procedural manuals
☐ Other (specify) _____

7. Number of ethics officials who worked in the ethics program in 2008 (Federal employees only; do not include contractors) :

	Worked full-time on ethics	Worked part-time on ethics
HQ Ethics Officials	2	48
Regional or Field Office Ethics Officials	0	65

8. Are specific resources dedicated to the ethics program? ☒ Yes ☐ No

PART 2. PROGRAM ADMINISTRATION

1. Use the following scale to rate the amount of time you spend to administer each item.

Time Spent Scale: 1= No time 2=Limited amount of time 3=Moderate amount of time
4=Considerable amount of time 5=Extreme amount of time

	Time Spent
Public financial disclosure system (SF 278)	5 = Extreme amount of time
Confidential financial disclosure system (OGE Form 450)	4 = Considerable amount of time
Outside activity approval system	2 = Limited amount of time
Written opinions and counseling	5 = Extreme amount of time
Education and training	5 = Extreme amount of time
Disciplinary process for violations	3 = Moderate amount of time
Special Government employees' activities	2 = Limited amount of time
Developing information technology applications for any aspect of the ethics program	4 = Considerable amount of time

2. Indicate the ethics program areas(s) for which your agency contracted with non-Government sources in 2008. Check all that apply.

- ☐ Initial ethics orientation
☒ Annual ethics training
☐ Public financial disclosure review (SF 278)
☐ Confidential financial disclosure review (OGE Form 450)
☐ Self-assessment
☐ Advice and counseling
☐ Program administration (tracking systems, databases etc.)
☐ Other (specify) _____
☐ None

3. Did your agency conduct a self-assessment to evaluate any aspect of the ethics program in 2008? ☒ Yes ☐ No

What mechanisms were used to conduct the self-assessment? Check all that apply.

- ☒ Internal Review/Audit ☐ Survey ☐ Focus Group/Interview ☐ Checklist
☐ Other (specify) _____

What was the purpose of the self-assessment? Check all that apply.

- ☐ Assess perceptions about the ethics program
☐ Assess employee knowledge of the ethics rules
☐ Assess perceptions about the agency's ethical culture
☒ Evaluate compliance with applicable ethics laws and regulations
☒ Assess transfer of knowledge before or after training
☒ Assess satisfaction with training offered
☒ Prepare for an OGE program review
☐ Other (specify) _____

What organization conducted the self-assessment?

- ☒ Agency Ethics Official(s) ☐ Inspector General's Office ☐ General Counsel's Office
☐ Other (specify) _____

Was the ethics office provided feedback from the self-assessment?

- ☐ Yes, written ☐ Yes, verbal ☐ No feedback provided
☒ Other (specify) Verbal and written **+**

Which of the following tools did your agency use to ensure short- and long-term continuity of operations (succession planning) of its ethics program? Check all that apply.

- ☒ Training
- ☒ Mentoring
- ☒ Cross training/Developmental assignments/Detail assignments
- ☒ Individual development plans
- ☐ Job Rotation/Use of agency developmental programs (e.g., Intern, Fellows, Leadership Development Programs)
- ☐ Written manuals/Written standard operating procedures
- ☒ Knowledge library (Intranet, videos, shared drives)
- ☐ Competency/Skills gap assessment
- ☐ Resources assessment (personnel and/or financial)
- ☐ Other (specify) _____

PART 3. EDUCATION AND TRAINING

1. Number of employees *required to receive* initial ethics orientation: 844
 Number of employees who *actually received* initial ethics orientation: 815

How often do you provide initial ethics orientation?

- ☐ Once a week
- ☐ Every two weeks
- ☐ Every ninety days
- ☒ Other (specify) Once a week in Central Office and within 90 days in the Region.

2. Number of employees who received annual ethics training (include all types of training):

	<i>Required to receive</i> annual ethics training	<i>Actually received</i> annual ethics training
Public filers (SF 278) – PAS	2	2
Public filers (SF 278) - non-PAS	147	143
Confidential filers (OGE Form 450)	6,388	6,097
Others _____	1,238	2,243

Number of PAS officials who received one-on-one annual ethics training: 2

How do you ensure that individual employees receive required annual ethics training? Check all that apply.

- ☒ Attendance rosters
- ☒ Training evaluations
- ☒ Training management system
- ☒ Coordinate with Human Resources office
- ☒ Other (specify) Coordinate with Training Coordinators

3. Identify the topical areas in which ethics training was provided. Check all that apply.

- ☒ 14 Principles of Ethical Conduct
- ☒ Conflicting Financial Interests
- ☒ Gifts
- ☒ Post Employment
- ☒ Impartiality
- ☒ Seeking Employment
- ☒ Misuse of Position
- ☒ Outside and Representational Activities
- ☒ Other (specify) Hatch Act

4. Which of the following training methods did you use for your ethics training? Check all that apply.

- ☒ Distribution of written materials
- ☒ Video presentation
- ☐ Satellite/Videoconferencing
- ☒ Classroom instruction
- ☒ Individual briefings
- ☒ Computer/web-based training
- ☒ Other (specify) teleconferences

5. Which of the following training materials did you use for your ethics training? Check all that apply.

- ☒ Copies of the Standards of Conduct and/or agency supplemental regulations
- ☒ Summaries of the Standards of Conduct
- ☒ Pamphlets/Brochures
- ☒ Newsletters
- ☒ Posters
- ☒ Hypothetical case studies
- ☒ Videos
- ☒ Message from Agency Leadership
- ☐ Other (specify) _____

Who produced the training materials checked above, in whole or in part? Check all that apply.

- ☒ My agency
- ☐ Other agency or outside organization
- ☒ OGE
- ☒ Other (specify) Office of Special Counsel

PART 4. ETHICS OPINIONS, ADVICE AND COUNSELING

1. Use the following scale to rate the topics on the frequency with which you provided opinions, advice and counseling.

Frequency Scale: 1= Not at all 2= Rarely 3= Periodically 4= Frequently 5= Very Frequently.

	Frequency
Outside employment/activities	4 = Frequently
Post-employment restrictions	5 = Very Frequently
Conflicting financial interests	5 = Very Frequently
Awards	3 = Periodically
Impartiality in performance of official duties	5 = Very Frequently
Misuse of position, Government resources and information	4 = Frequently
Travel, subsistence, and related expenses from non-Federal sources	4 = Frequently
Gift acceptance, excluding awards and travel, subsistence, and related expenses from non-Federal sources	5 = Very Frequently

2. Who is authorized to provide written advice on standards of conduct? Check all that apply.
If the General Counsel is also the DAEO, please mark both.

☒ DAEO/Alternate DAEO/Deputies/Ethics Officials

☒ General Counsel/Staff Attorneys

☒ Regional Counsels

☐ Supervisors

☐ Directors of Personnel/Staff

☐ Agency Head

☐ Other (specify) _____

3. Who is authorized to provide written advice on conflict of interest statutes? Check all that apply. **If the General Counsel is also the DAEO, please mark both.**

☒ DAEO/Alternate DAEO/Deputies/Ethics Officials

☒ General Counsel/Staff Attorneys

☒ Regional Counsels

☐ Supervisors

☐ Directors of Personnel/Staff

☐ Agency Head

☐ Other (specify) _____

4. How does your DAEO or HQ ethics office ensure that accurate and consistent opinions, advice and counseling are provided to employees? Check all that apply.

- ☐ Review all written opinions
☒ Review selected written opinions
☒ Discuss opinions with staff before providing final decision
☒ Review ethics officials' phone logs
☒ Conduct periodic discussions with staff
☒ Other (specify) Quarterly Ethics Conference Calls, Ethics List Serve **+**

PART 5. ENFORCEMENT OF STANDARDS OF ETHICAL CONDUCT, CRIMINAL AND CIVIL STATUTES

1. Number of disciplinary actions taken based wholly or in part upon *violations of the standards of ethical conduct provisions (5 C.F.R. part 2635)*. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents.

31

2. Number of disciplinary actions taken based wholly or in part upon *violations of the criminal conflict of interest statutes, 18 U.S.C. §§ 203, 205, 207, 208, and 209*. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents. 0

Number of referrals the ethics office made to the Office of Inspector General of potential violations of the criminal conflict of interest statutes: 5

Number of referrals the agency made to the Department of Justice of potential violations of the criminal conflict of interest statutes: 3

Which office(s) within your agency make referrals of potential violations of the criminal conflict of interest statutes to the Department of Justice, including the U.S. Attorneys? Check all that apply.

- ☐ DAEO/ADAEO ☐ General Counsel ☐ Agency Head ☒ IG
☐ Other (specify) _____

Which office(s) are responsible for notifying OGE that a referral of a potential violation of the criminal conflict of interest statutes has been made to the Department of Justice, including the U.S. Attorneys? Check all that apply.

- ☐ DAEO/ADAEO ☐ General Counsel ☐ Agency Head ☒ IG
☐ Other (specify) _____

PART 6. PUBLIC FINANCIAL DISCLOSURE

1. Report the number of public financial disclosure reports (SF 278) required to be filed in 2008, **excluding SGEs**, and the number of reports actually filed. Derive totals for required new entrant/termination reports from the number of appointments to and the number of terminations from positions during 2008. Some totals may include late filings actually received in 2009.

	Nominee/ New Entrant		Annual		Termination		Combination ³		TOTAL	
	Required	Filed	Required	Filed	Required	Filed	Required	Filed	Required	Filed
PAS ⁴	0	0	1	1	1	1	0	0	2	2
Non-Career SES ⁵	3	3	18	18	4	4	0	0	25	25
Career SES ⁵	8	8	84	84	11	11	0	0	103	103
Schedule C	4	4	27	27	8	8	0	0	39	39
Other ⁶	8	8	18	18	9	9	0	0	35	35
TOTAL	23	23	148	148	33	33	0	0	204	204

³ Includes reports filed to satisfy both annual and termination requirements, as well as new entrant and termination requirements.

⁴ Presidential appointees confirmed by the Senate.

⁵ Senior Executive Service, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service, etc.

⁶ Includes members of the Uniformed Services, Administrative Law Judges, Senior Level employees (SES Equivalent), etc.

2. Does your agency require an intermediate review by someone other than an ethics official for public financial disclosure reports (SF 278)? ☒ Yes ☐ No

3. Does your agency use an electronic filing system? ☐ Yes ☒ No

4. Number of Schedule C employees exempted from the public financial disclosure (SF 278) filing requirement by OGE: 0

5. Number of public financial disclosure (SF 278) filers who requested filing extensions: 10

Number of public financial disclosure (SF 278) filers who were granted filing extensions: 10

6. Number of public financial disclosure (SF 278) filers who requested waivers of the late filing fee: 0

Number of public financial disclosure (SF 278) filers who were granted waivers of the late filing fee: 0

7. Number of public financial disclosure (SF 278) filers who paid the late filing fee: 0

8. Number of requests your agency received for public release of public financial disclosure reports (SF 278): 3

9. Number of individual public financial disclosure reports (SF 278) requested to be released:

33

10. Number of public financial disclosure (SF 278) filers who took specific corrective or remedial (nondisciplinary) actions in 2008: 15

11. Number of 18 U.S.C. § 208(b)(1) waivers granted to public financial disclosure filers (SF 278):

0

PART 7. CONFIDENTIAL FINANCIAL DISCLOSURE

1. Report the number of confidential financial disclosure reports (OGE Form 450, OGE Form 450A, and alternative approved form) required to be filed by permanent full-time employees in 2008, excluding SGEs, and the number of OGE form 450s, OGE form 450As, or alternate OGE approved forms actually filed.

	Confidential Reports	
	Required	Filed
OGE Form 450	6,059	5,959
OGE Form 450A	0	0
Alternate OGE approved form	0	0
TOTAL	6,059	5,959

2. Does your agency require an intermediate review by someone other than an ethics official for confidential financial disclosure reports (OGE Form 450)? ☐ Yes ☒ No

3. Number of confidential financial disclosure (OGE Form 450) filers who took specific corrective or remedial (nondisciplinary) actions in 2008: 12

4. Number of 18 U.S.C. § 208(b)(1) waivers granted to confidential financial disclosure filers (OGE Form 450): 0

PART 8. ADVISORY COMMITTEES/SPECIAL GOVERNMENT EMPLOYEES¹

1. Number of advisory committees (*do not include Federal Advisory Committees (FACA)*): 0

Number of advisory committee members (*do not include FACA members*): 0

2. Number of FACA advisory committees: 2

Number of FACA advisory committee members: 27

3. Does your agency provide ethics program services for any boards or commissions that are independent of your agency?

☐ Yes (please provide the names of the boards and commissions)

☒ No

4. Number of SGEs who served as advisory committee members or as experts/consultants and were required to file financial disclosure reports in 2008. Include the total number who actually filed.

	Confidential Reports (OGE Form 450)		Public Reports (SF 278)	
	Required	Filed	Required	Filed
Advisory Committee Members (FACA & non-FACA)	9	9	0	0
Experts/Consultants	0	0	0	0
Board Members	0	0	0	0
Commissioners	0	0	0	0
Other (specify): _____	0	0	0	0
TOTAL	9	9	0	0

5. Number of SGE filers who took specific corrective or remedial (nondisciplinary) actions in 2008.
_____ 0

6. Number of § 208(b)(1) waivers granted to SGEs? _____ 0

7. Number of § 208(b)(3) waivers granted to SGEs? _____ 0

ADDITIONAL QUESTIONNAIRE COMMENTS:

Maunda Charles

From: Maunda Charles
Sent: Wednesday, April 18, 2012 2:44 PM
To: 'Sara Mitchell (LG)'
Cc: Eugenia Ellison; Jacqueline Henry (L)
Subject: RE: GSA Questionnaire Follow-Up

Sara,

Thank you for your prompt follow-up. I don't anticipate any additional questions at this time.

Maunda M. C. Charles
Office of Government Ethics
1201 New York Ave, NW., Suite 500
Washington, DC 20005-3179
202-482-9261 phone

CONFIDENTIALITY NOTICE: This email message and all attachments, if any, are intended solely for the use of the addressee and may contain legally privileged and confidential information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message is strictly prohibited. If you received this message in error, please notify the sender immediately by replying to this message and delete it from your computer and device.

From: Sara Mitchell (LG) [mailto:sara.mitchell@gsa.gov]
Sent: Wednesday, April 18, 2012 2:09 PM
To: Maunda Charles
Cc: Eugenia Ellison; Jacqueline Henry (L)
Subject: Re: GSA Questionnaire Follow-Up

Hi Maunda,

Below you will find GSA's answers to your questions. If you need any additional information, please do not hesitate to contact me.

Thanks,

Sara

Sara C. Mitchell
Assistant General Counsel
Ethics Law Staff
202-501-1769 (direct)
202-208-0085 (fax)

1. Your form indicates that the number of SGEs in your agency has increased from 0 to 14. Could you please explain the reason for the increase?

Answer: In 2010, GSA did not have any FACA committees. In 2011, GSA had two FACA committees, each of which had SGEs. The addition of two FACA committees is why the number of SGEs went from 0 to 14.

2. Your form indicates that the number of required **IEOs (Initial Ethics Orientations)** decreased from 1125 to 700? Could you please explain the reason for the decrease?

Answer: The reason that the number of required initial ethics orientations decreased is because GSA hired less employees in 2011 than it did in 2010.

3. Your form indicates that only 689 of the 700 employees that were required to receive the Initial Ethics Orientation training actually completed the training. Could you please explain why?

Answer: The eleven new employees not trained in 2011 are Regional employees. Regional employees are trained within 90 days of the time the employees begin work for GSA. One (1) employee terminated his service with GSA before his new employee orientation was held, though the orientation was scheduled to be held within 90 days of that employee starting with GSA. The other ten (10) employees were trained within 90 days of their start date but the training took place in early 2012 so it was not included in the agency training numbers for 2011.

4. Your form indicates that there was a decrease in the number of required 278 filers from 189 to 129. Could you please explain the decrease?

Answer: Our 2011 report to OGE shows the total number of required 278 filers is 207, which increased by 18 filers from the report covering 2010. The 18 filer increase is due to the fact that we had an additional: 2 Non-Career SES filers; 8 Career SES filers; and 8 Schedule C filers in 2011. The total number of annual filers was listed in our 2011 report as 129.

----- Forwarded message -----

From: **Maunda Charles** <mcharles@oge.gov>

Date: Tue, Apr 17, 2012 at 7:44 AM

Subject: GSA Questionnaire Follow-Up

To: "eugenia.ellison@gsa.gov" <eugenia.ellison@gsa.gov>

Ms. Ellison,

I am currently reviewing GSA's annual questionnaire responses and have a few follow-up questions.

1. Your form indicates that the number of SGEs in your agency has increased from 0 to 14. Could you please explain the reason for the increase?

In 2010, GSA did not have any FACA committees. In 2011, GSA obtained two FACA committees, both of which have SGEs as members. This is why the number of SGEs went from 0 to 14.

2. Your form indicates that the number of required IEOs (**Initial Ethics Orientations**) decreased from 1125 to 700? Could you please explain the reason for the decrease?

The reason GSA's IEOs decreased is because we hired less employees in 2011 compared with 2010.

3. Your form indicates that only 689 of the 700 employees that were required to receive the Initial Ethics Orientation training actually completed the training. Could you please explain why?

4. Your form indicates that there was a decrease in the number of required 278 filers from 189 to 129. Could you please explain the decrease?

I appreciate your time and attention to this matter and look forward to receiving your response.

Maunda M. C. Charles

Office of Government Ethics
1201 New York Ave, NW., Suite 500
Washington, DC 20005-3179
202-482-9261 phone
202-482-9296 fax

CONFIDENTIALITY NOTICE: This email message and all attachments, if any, are intended solely for the use of the addressee and may contain legally privileged and confidential information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message is strictly prohibited. If you received this message in error, please notify the sender immediately by replying to this message and delete it from your computer and device.



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

May 6, 2009

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510-6250

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Martha N. Johnson, who has been nominated by President Obama for the position of Administrator, General Services Administration.

We have reviewed the report and have also obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert I. Cusick".

Robert I. Cusick
Director

Enclosures

SMabry/SM(rj)
Johnson 278
Read File

January 20, 2010

MEMORANDUM

TO: Patricia Zemple
Associate Director, PRD

FROM: Leigh Snyder
Government Ethics Specialist, PRD

SUBJECT: Pre-Review Results for the General Services Administration (GSA)

Based on the results of the pre-review of the GSA, I recommend that OGE conduct a review.

DECISION OF ASSOCIATE DIRECTOR, PRD

- ☐ Approve
- ☐ Disapprove

Patricia Zemple
Associate Director
Program Review Division

Date

Purpose

The United States Office of Government Ethics (OGE) Program Review Division (PRD) is conducting pre-reviews of executive branch agencies that presented risks according to OGE's Resource Allocation Model (RAM). The General Services Administration (GSA) was identified as presenting risk factors that may necessitate review by PRD. This memorandum identifies and assesses some of those risk factors and suggests how PRD's resources would be best allocated in a review of GSA.

Materials Used in Pre-Review

This information was gathered through an examination of GSA's responses to the 2008 Agency Ethics Program Questionnaire (Questionnaire), OGE's 31 U.S.C. § 1353 travel files, OGE's SF 278 files, OGE's ethics agreement records, OGE's 18 U.S.C. § 208 (b) waiver records, OGE's file containing previous reviews of GSA, 5 CFR § 6701.101-107, GSA's website www.gsa.gov, and Internet records.

Agency Mission as an Ethics Risk

GSA leverages the buying power of the federal government to acquire the best value for taxpayers and federal customers by negotiating large multi-user contracts and using the volume of the Federal market to lower prices. In Fiscal Year 2008, GSA managed \$500 billion in federal assets. GSA's mission is to deliver superior workplaces, quality acquisition services and expert business solutions.

GSA's mission causes its employees to have higher risks of conflicts of interest. GSA was critiqued by media sources several times during the past few years for ethics-related transgressions. In 2005, amidst the Jack Abramoff¹ scandal, GSA's former chief of staff resigned and was arrested after the Federal Bureau of Investigation accused him of lying and obstructing a criminal investigation in connection with the scandal.

Again in 2007, GSA attracted media attention when the former GSA Administration Chief was suspected of violating federal ethics and procurement rules by awarding a contract to a friend. In a memorandum issued on May 31, 2007, the OGE Director determined that the violations were outside OGE's jurisdiction. Nonetheless, the scandal resulted in the chief's resignation and the public's renewed attention to GSA's ethics program.

¹ Abramoff is a former lobbyist who was incarcerated after defrauding American Indian tribes and corrupting public officials. Abramoff was also found guilty of trading expensive gifts, meals and sports trips in exchange for political favors.

GSA's mission and history of high-profile ethics violations make it susceptible to heightened public scrutiny. As such, GSA's ethics program should be regularly reviewed to ensure it runs effectively.

Administration of the Ethics Program as a Potential Risk Factor

GSA is one of three central management agencies within the federal government. The agency consists of 11,961 full-time employees located throughout its Central Office in Washington, DC and 11 regional offices.

The GSA ethics program is located within the Ethics Division of the Office of General Counsel (OGC). Since at least 2007, the Designated Agency Ethics Official (DAEO) position has been vacant. The Acting General Counsel currently serves as the Acting DAEO and reports directly to the agency's Administrator. Since the DAEO position at GSA has been filled in an acting capacity for several years, OGE should confirm that communication between agency leadership and the Acting DAEO is adequate.

The current Alternate Designated Agency Ethics Official (ADAEO) has served in the position for 19 years as of fiscal year 2008.² The Questionnaire reported GSA's ADAEO spent less than 25% of her time on ethics-related duties; agencies with ADAEOs spending less than 50% of time on ethics were identified as presenting risk on the RAM. The Central Office of GSA contains two full-time ethics officials and 48 part-time ethics officials, including two Deputy DAEOs.

There are not full-time ethics officials in the regional or field offices of GSA. However, there are 65 part-time ethics officials who administer some elements of the ethics program in the regional and field offices. The Central Office provides guidance to the field and regional offices on daily and weekly basis via emails, phone calls, written memoranda, periodic status reports and conferences. The existence of regional and field offices within an agency is identified as a risk factor on OGE's RAM.

The ethics offices in the field and regional offices of GSA are organizationally located within the legal offices. These offices administer the following elements of the ethics program: ethics advice and counseling, confidential financial disclosure reports, and ethics education and training. It appears from the most recent annual questionnaire that the GSA Central Office has a strong relationship with its field and regional offices.

Weaknesses in the Confidential Filing System

During OGE's 2002 review, it identified weaknesses in the Confidential Filing System. The Office of Human Resources (OHR) was responsible for the administration of the

² The ADAEO position at GSA is a Senior Executive Schedule (SES) position.

confidential financial disclosure program in 2002. During that time, new entrant filers were not being timely identified and potential conflicts of interest were not always detected. As a result, OGE recommended that the Ethics Division closely monitor OHR's administration of the confidential financial disclosure program.

OGE also recommended that other improvements be made to the confidential financial disclosure system at GSA: 1) ensure that OGE Optional Form 450-As (Form 450-A) are filed in accordance with 5 CFR § 2634.905(d) and 2) develop and update written procedures as necessary to ensure the timely filing of new entrant confidential reports in accordance with 5 CFR § 2634.903 (b).

OGE found other weaknesses in the confidential filing system at GSA. However, OGE did not make recommendations regarding these weaknesses: The majority of annual reports did not indicate the date of receipt as required by 5 CFR § 2634.605 (a), five of the 292 reports examined by OGE in 2002 were not certified and, many reports contained technical deficiencies such as underlying holdings of IRAs and 401 (k) accounts not being disclosed. These issues were addressed at the time of fieldwork.

During the six-month follow-up at GSA, OGE closed its recommendations finding that new procedures were in place for the identification of new entrant filers and that Form 450-As were being used correctly. Although the recommendations for the 2002 review were closed, further examination of the GSA review file revealed that OGE issued similar recommendations during a 1994 review and a 1997 review. Additionally, GSA's response to the 2008 Agency Ethics Program Questionnaire indicated that not all of the required confidential filers at GSA filed during 2008.

OGE should consider reviewing GSA's confidential filing system in the year 2010 since GSA has demonstrated continued weakness in its administration of the system.

Education and Training Appears Effective but Attendance not 100 percent

OGE found GSA's overall education and training to meet or exceed the training requirements found at subpart G of 5 CFR, part 2638 during the 1997 and 2002 reviews.

The 2008 Agency Ethics Program Questionnaire indicated that approximately 97 percent of required employees received Initial Ethics Orientation (IEO) during 2008, ninety-seven percent of Pubic (SF 278) non-PAS filers received annual ethics training, and 95 percent of confidential filers received annual ethics training.

In 1997, OGE found that two GSA field offices did not provide semiannual standards of conducts briefing as required by the GSA standards of conduct. Nothing was mentioned during the recent reviews about weaknesses in the regions. However, since GSA's field and regional

offices demonstrated weaknesses in the past, OGE should consider reviewing some education and training elements administered in the field and regional offices.

Previous reviews of GSA's education and training elements identified them as substantively effective. Therefore, OGE should consider a review of the attendance tracking and escalation processes, but not of the provided materials.

Public Financial Disclosure System Appears Effective

GSA does not have any 2009 public annual, termination or new entrant reports due to OGE at this time. Examination of the Ethics Agreement compliance documents indicated that GSA has fulfilled its ethics agreement requirements.

OGE's review of 2002 of GSA's public financial disclosure system identified the management of the system to be a model practice. The 2008 Agency Ethics Program Questionnaire indicated that all GSA employees who were required to file a public report (SF 278) had done so. GSA's public financial disclosure system appears to be well-managed and does not appear to need review by OGE at this time.

Waivers, Acceptance of Travel Sufficient

The information provided by GSA on the 2008 Agency Program Questionnaire indicates that no waivers pursuant to 5 CFR 2640.303 were granted to employees during that year. OGE's records indicate that GSA's bi-annual reports of acceptances of travel and related expenses from non-Federal sources in accordance with 31 U.S.C 1353 were submitted timely.

Conflict of Interest Referrals not Consistent

When any matter involving an alleged violation of Federal conflict of interest law is referred to the Attorney General, agencies are to concurrently notify the Director OGE of the referral (5 U.S.C. App. (Ethics in Government Act of 1978), § 167; 402(b)(10) & (e)(2); 5 CFR. § 167;2638.603(b)). GSA reported on the Agency Program Questionnaire that there were three Conflict of Interest referrals made to the Department of Justice. OGE's records indicate OGE was concurrently notified of two of these referrals. Since there is a minor discrepancy, OGE should examine GSA's notification procedures or remind ethics officials of the notification requirement.

Effect of Federal Advisory Committee Act (FACA)

GSA has two FACA committees. The existence of FACA committees at an agency was identified by the RAM as being an increased risk. However, GSA may be the exception to that rule. The Act assigned several government-wide roles and responsibilities to the Administrator of GSA and to GSA's Committee Management Secretariat which were designed to improve the

management and accountability of advisory committees. GSA, with OGE's assistance, has implemented several initiatives to make the identification of FACA members less complex.

Since OGE assisted GSA in addressing the Government Accountability Office's (GAO) April 2004 report (Federal Advisory Committees – Additional Guidance Could Help Agencies Better Ensure Independence and Balance, GAO-04-028), OGE should ensure that GSA's implementation of its own recommendations is accurate. OGE can accomplish this by examining the written policies and procedures that GSA has in place for the identification and management of FACA committees.

Advice and Counsel Appears Effective

During the 2002 review, OGE found that the advice and counsel GSA rendered was effective and useful. GSA employees were encouraged to contact either the Ethics Office or their designated ethics counselor via all forms of communication. In most cases, the ethics counselors consulted with the Ethics Office before rendering their advice. At that time most of the advice examined by OGE pertained to the receipt of gifts. OGE found the advice to be responsive to employees' needs and timely. OGE did find one piece of advice where GSA did not properly consult the Office of Personnel Management's guidance on the Combined Federal Campaign regulations which govern fund-raising in the Federal workplace.

OGE should collect a sample of advice and counsel from GSA since eight years have passed since the most recent review of GSA, there were substantive changes made to OGE's regulations (e.g. Post-Employment) and GSA's Ethics Office is under the leadership of an acting DAEO.

Supplemental Regulation Implementation Needs Examination

GSA has supplemental regulations codified at 5 CFR § 6701.101-107. These supplemental standards of ethical conduct for employees of GSA cover the following: Prohibition on solicited sales to subordinates, prohibited purchases of property sold by GSA, prohibited purchases of real estate by certain GSA employees involved in the acquisition or disposal of real estate, taking or disposing of government property, prior approval for outside employment and reporting waste, fraud, abuse, and corruption.

OGE should examine GSA's requirement for prior approval for outside employment. Specifically, OGE should examine financial disclosure forms and make certain that when there are outside positions reported on Schedule D; there are corresponding Notification of Outside Activity forms (GSA Form 1974) on file for that employee.

Conclusion

GSA should be reviewed by OGE. A review of OGE's past reviews, press documents and other relevant information revealed that GSAs' mission poses a heightened ethics risk. Past reviews indicate that GSA has chronic weaknesses in the area of confidential financial disclosure. A targeted review of GSA's confidential filing system will be beneficial. Additionally, OGE should review a sample of GSA's advice and counsel to ensure it is still being rendered in an efficient and timely manner and should examine GSA's implementation of its requirement for prior approval of outside activity.

OGE should also consider following up with GSA about the following issues: FACA policies and procedures, education and training attendance and escalation procedures, education and training sessions provided in the field and regional offices, concurrent notification procedures, and leadership involvement. The aforementioned areas could be addressed during the pre-review interview, during a review, or a more informal process.

General Services Administration (GSA)

Phone Interview: Great Lakes Region

DATE: Thursday, August 12, 2010

TIME: 11:00 AM -12:00 PM

OGE Participants:

Megan Granahan, Team Leader
Michelle Walker, Team Member

GSA Participants:

Paul Maxse, Regional Counsel, Great Lakes Region
Scott McCleary, Attorney
Joel MacCallum, Attorney

Summary

Mr. Maxse stated that the Great Lakes Region has approximately 1100 employees. He and 6 other attorneys stationed in Chicago are responsible for providing ethics services to those employees, including rendering advice and counsel, administering training, and reviewing and certifying approximately 800 OGE Form 450 reports required to be filed by employees throughout the region. All 6 attorneys are authorized to review and certify the reports. Among the 6 attorneys in the region, there is a range of experience from 3-33 years of service at GSA.

Mr. Maxse indicated that at GSA, all attorneys are designated as Deputy Ethics Counselors (DEC). He explained that DEC's have received a variety of training to prepare them for their ethics-related duties. The training includes on the job mentoring, formal training provided by the HQ office, the OGE 450 review guide, attendance at OGE conferences, Quarterly GSA-wide conference calls, periodic reminders, and OGE DAEOgrams.

About how many 450's do you review?

Do you also certify?

What kind of training have you received for reviewing 450s?

Walk us through the process you use to solicit and collect financial disclosure reports (who is involved, reminders sent, tracking, etc.).

Walk us through the process you use to review the reports, including what you're looking for, and tools, jobs aids, etc., you use (conflicts analysis).

What do you do if you find a potential conflict?

What is an example of a potential conflict?

What happens to the reports once you've completed your review (where routed, how tracked, where stored)?

Walk us through what happens if an employee wants approval for an outside activity (required forms, levels of approval, conflicts analysis, etc.).

About how many of the employees in your region have approvals?

How are employees made aware of the requirement?

How do you track outside activities?

Do you take them into account during your financial disclosure review process?

Have you been reviewed by the HQ team? Tell us about that experience.

What of value did you learn from the review?

General Services Administration (GSA)

On-site Interview Write-up

DATE: June 16, 2010

TIME: 10:30 AM -12:00 PM

PLACE: GSA Headquarters, Washington, DC

OGE Participants:

Megan Granahan, Team Leader
Michelle Walker, Team Member

GSA Participants:

Eugenia Ellison, ADAEO, Associate General Counsel for General Law
Dan Ross, Attorney-Advisor
Travis Murphy, General Attorney
Jacqueline Henry, Ethics Specialist

Summary

Ms. Ellison began by providing an overview of the structure of GSA's ethics program. She indicated that the bulk of the program is administered through the headquarters office (HQ). The DAEO is a political appointee who has been with the program for about a year. As the ADAEO, Ms. Ellison is responsible for the day-to-day administration of the ethics program. There are three full-time attorneys and one full-time ethics specialist who assist Ms. Ellison with the administration of the ethics program. In addition, Ms. Ellison indicated that all attorneys at HQ are designated as ethics officials. She estimated that there are approximately 64 attorneys based at HQ. Their participation in ethics ranges from no time at all to very active.

Ms. Ellison stated that GSA has eleven regional offices in addition to its HQ. She estimated that there are 64 attorneys based in the regional offices. Like at HQ, all attorneys are designated as ethics officials. Ms. Ellison indicated that there is generally 1 main ethics official at each regional office, while the other ethics officials work on ethics on a part-time basis, as needed. Ms. Ellison added that there is also an ethics official within the Office of Inspector General (OIG) and within the Civilian Board of Contract Appeals. Ms. Ellison indicated that there is constant communication between GSA ethics officials throughout the agency and that as a general practice ethics officials consult amongst themselves on ethics-related matters that arise. She emphasized that by designating all GSA attorneys as ethics officials, the agency ensures that attorneys of all specialties are suitably trained in ethics, are able to spot potential ethics issues before they occur, and are able to contribute valuable input to ethics-related decisions.

Miss Ellison indicated that HQ ethics staff has recently established very detailed plans to ensure proper succession planning which include constant training for ethics officials across the agency through continuing education programs and mentoring from established ethics officials to new ethics officials.

Ms. Ellison added that ethics duties are reflected in her position description and performance appraisal. Ethics duties are also reflected in the DAEO's position description and performance appraisal.

Ms. Ellison talked about the new Designated Agency Ethics Official (DAEO) and discussed the transition from the old DAEO. She indicated that she has a good relationship with the DAEO, and is often on the agenda whenever he and the other GSA political appointees meet. She also indicated that if she is not on the agenda the DAEO often runs the contents by her in an effort to identify potential ethics issues that may come up. Ms. Ellison added that the transition to the new DAEO was seamless, and that he has made no significant changes to established processes and procedures since entering on duty.

Ms. Ellison explained that the DAEO is not heavily involved in the day-to-day administration of the ethics program. However, he is responsible for certain ethics duties, such as signing off on WAG approvals, non-Federal travel approvals, and certain financial disclosure forms.

Ms. Ellison stated that there is a lot of interaction between the DAEO and the HQ ethics staff, and that in general she has easy access to GSA leadership. She also stated that she finds GSA leadership to be very supportive of the ethics program and that they respect the advice and opinions of the ethics staff as a whole.

The financial disclosure program at GSA is centralized for public financial disclosure reports and decentralized for confidential reports. Ms Ellison indicated that the HQ ethics office maintains the master list of public filers, and has a master list of confidential filers that is compiled from data submitted by the regions. The HQ ethics office monitors the confidential list by having regional offices submit statistical data on a regular basis. Public reports are submitted to designated supervisors who are responsible for an initial review of the public reports. The public reports are then forward to the HQ ethics office for final review and certification. Additionally, HQ provides a copy of individual employee's public reports to the employee's manager. "450 Managers" in the regions identify a "450 Coordinator" to manage the administration of the confidential program for individual offices within the region. The 450 Coordinator is responsible for the collection and review of the confidential reports for their office. The reports are then forwarded to the 450 Manager for certification. The completed confidential reports are maintained in the regions. Confidential reports are sometimes reviewed by a regional supervisor, as needed, but generally they are reviewed and certified by the regional ethics officials. Ms. Ellison indicated that GSA has a practice of sending multiple notices and reminders to filers regarding filing deadlines, and that they therefore do not have a problem with delinquent filers. If they did, GSA has written procedures in place that allow managers to take adverse action against the delinquent filer. Ms. Ellison also indicated that senior leadership would get involved, as needed. Ms. Ellison also indicated that they regularly send cautionary memos to both public and confidential filers to keep them apprised of potential conflicts.

Ms. Ellison added that ethics staff sometimes use a triage system for report review, i.e. new entrant reports are always reviewed first, high level leadership reports are reviewed first, etc. Ms. Ellison stated that HQ updates the written procedures for administering the financial disclosure program annually.

Ms. Ellison explained the process for training regional ethics officials for OGE Form 450 review: "We use a number of materials to train the OGE Form 450 coordinators, managers, and reviewers in the regions. First, the OGE Form 450 coordinators, who are members of our Regional Counsels' Offices, are given live training each year during a conference call with the Ethics Law Staff. During the call, the Ethics Law Staff in Central Office provides a detailed explanation of the 450 process. The coordinators are also provided with a memorandum which outlines the process and provides a time table which lays out when certain actions, such as distributing the forms, are to occur. The managers receive a memorandum explaining the process. Our OGE Form 450 reviewers, who are also members of the Regional Counsels' Offices, have the OGE Form 450 review guides as references and can ask the Ethics Law Staff any questions they may have, both about technical reviews and resolution of potential conflicts. If a potential conflict arises, the Ethics Law Staff works closely with the reviewer to resolve the potential conflict. The reviewers also have access to sample cautionary emails which are found on an office shared drive. New OGE Form 450 reviewers receive training on how to review an OGE Form 450 from a member of the Ethics Law Staff or from a member of the Regional Counsel's Office in that region."

HQ has an automated system to track the public financial disclosure reports. The system performs the following functions: maintains the master list of filers, tracks receipt of the completed report, tracks the review date of the reports, tracks the status of the report review, tracks extensions, tracks the date of report certification, and archives reviewer notes. Ms. Ellison indicated that she is particularly proud of the archived reviewer notes in the system. She finds them especially helpful during the review process. Copies of the notes are also stored in hard copy in the individual employee files, along with date prints outs from the tracking system, advice provided to the employee, recusals, WAG approvals, position descriptions, and any other relevant documents.

Ms. Ellison explained how the HQ ethics office receives timely notification of new entrant employees who are required to file financial disclosure reports. She indicated that for covered employees at Grade 15 and below who are entering the agency, HQ is made aware of their new entrant status through weekly reports from the Personnel Office. In terms of employees above Grade 15, those prospective employees are made aware of the filing requirement prior to their employment. The White House Liaison then notifies GSA's HQ ethics office that someone is being considered for employment and Ms. Ellison and the HQ ethics staff personally vet all prospective employees in this category. Among other things, the HQ ethics staff conducts a Google search on, examines the resume of, refers to the position description for, and identifies potential lobbyist issues for each prospective employee. Prospective employees are also asked to submit a draft financial disclosure form. Next, Ms. Ellison contacts the prospective employee and discusses the form, talks about options to resolve issues, provides an initial ethics briefing including a discussion of Post-employment restrictions, drafts ethics agreements, and discusses the Ethics Pledge requirements (see vetting document). Ms. Ellison indicated that not only is this an effective and thorough process for vetting appointees, but it also ensures that an ethics official is the first person at the agency that

incoming appointees have contact with, helping them to realize the importance of ethics. Ms. Ellison indicated that once appointed, the incoming appointee receives a formal ethics briefing on the first day on duty.

Ms. Ellison is particularly proud of GSA's training program. She stated that agency leadership and regional officials are involved in identifying training topics to ensure that the training is relevant to employees. She indicated that to ensure that all confidential filers receive live verbal training at least once every three years, HQ staff has divided the agency into thirds. Each year they rotate live training to a different third of the agency. In subsequent years covered employees receive written online training. Additionally, they provide live specialized training such as Hatch Act and Post-Employment. Mr. Ross added that they provide extensive training to ethics officials as well as employees. For example, the 450 coordinators responsible for the 450 program in the regions receive specialized training each year. Ms. Ellison explained that initial ethics orientation is presented every two weeks at HQ and that employees at the regional level receive it within 90 days of entering on duty. Initial ethics orientation is comprised of written materials and a live briefing. In addition, Ms. Ellison stated that HQ produces ethics articles for the GSA newsletter, issues regular advisories, posts ethics information in the internal web site, and hangs posters in GSA elevators. Ms. Ellison indicated that training is tracked with sign-in sheets at the live sessions and with computer generated lists for online training. The 450 Managers maintain the master lists of employees who require training in their respective regions and provide updates to HQ as needed.

Mr. Ross indicated that in conjunction with the live training visits every three years, the HQ ethics staff conducts self assessments of the regional offices in the form of regular internal program reviews. The internal program reviews include audits of the quality of the review of financial disclosure reports, the accuracy and consistency of advice and counseling, and the quality of training. If the HG ethics staff determines there is an issue, they provide additional training to the regional officials on that topic or modify the process as needed. HQ also conducts self assessments of the training program as a whole by administering surveys to employees at the end of training sessions both at HQ and in the regions to assess the effectiveness of the training. The results of the surveys are shared with the relevant ethics officials who adjust their training as needed.

Ms. Ellison described the review process in more detail: "When reviewing a regional program, the Ethics Law Staff member reviews a sample of the region's OGE Form 450s looking for both technical accuracy of the review and how potential conflicts were handled. The reviewer will also review a sample of the written guidance provided to the OGE Form 450 filers. The reports and written guidance are provided to the reviewer and the reviewer selects which reports to review at random. The reviewer will also review all written guidance provided to regional employees during the prior three years. The reviewer then sits down with both the Regional Counsel and attorneys who have the main responsibility for the ethics program in that region, assuming they are not the same, and ask questions about how the region is doing, if the region is having any problems, and if there is support that the Ethics Law Staff can provide to the region to the region's ethics program. Questions of this type are also asked of all GSA regions during our quarterly ethics conference call. During the quarterly conference call, the Ethics Law Staff also provides the regions with updates on current issues and changes to the law and asks each region what type of issues or problems they are facing."

Ms. Ellison continued by explaining that "Ethics agreements, Public Financial Disclosure Reports, independent boards and commissions, and travel payments accepted under 31 U.S.C.1353 are all handled by the Ethics Law Staff in Central Office and are therefore not part of our regional reviews."

Ms Ellison explained the process used when an issue is found during one of the internal program reviews: "A problem in one of our regions will be addressed verbally, supplemented by any appropriate written materials mentioned in question one, by either a member of the Regional Counsel's Office in that region or a member of the Ethics Law Staff. Problems with the managers are handled by the Regional Counsel's Office, in coordination with the Ethics Law Staff. Problems with either the OGE Form 450 coordinators or reviewers are handled by the Ethics Law Staff since the OGE Form 450 coordinators and reviewers are members of the Regional Counsels' Offices."

Ms. Ellison concluded by stating "We do not issue reports to the ethics officials. We provide them with guidance during and after the review process. At the conclusion of a regional visit, the Ethics Law Staff member conducting the review will discuss the visit with the Regional Counsel. The discussion will include a review of the region's strengths, as well as areas which need to be improved, if any. The Ethics Law Staff member will make recommendations on how to improve the regional ethics program, and will provide any necessary materials to the region. The Ethics Law Staff member will follow up with the Regional Counsel after the visit, if necessary."

Ms. Ellison stated that GSA ethics officials strive to ensure that employees know exactly why they are told they can or cannot do something when they request advice and counsel. Ethics officials are encouraged to provide employees with detailed information about the laws and regulations guiding ethics officials' determinations. Ms. Ellison indicated that they ensure advice and counsel is consistent throughout the agency through the use of archived opinions, constant communication between HQ and regional ethics staff, and requiring regional officials to check with HQ ethics staff before issuing a final opinion. Ms. Ellison added that while all GSA ethics officials are authorized to provide advice and counsel, there are certain issues that are only handled through the HQ ethics office, such as 208(b)(1) waivers (very rarely) and WAG approvals, which the General Counsel or Ms. Ellison sign off on, and non-Federal travel, for which only the DAEO can give approval.

Ms. Ellison indicated that in the case of potential ethics violations, generally the investigation comes to the HQ office first. The HQ office then informs the IG office if necessary. Sometimes the HQ office hears about potential ethics violations from the regional ethics officials, and sometimes employees come directly to them. Ms. Ellison stated that the relationship between the HQ office and the IG is very strong, in fact, the Counsel for the IG is an ethics official. Ms. Ellison indicated that the HQ office staff and the IG staff interact both formally and informally on a regular basis.

In terms of the enforcement process, the IG is responsible for reporting referrals to DOJ, concurrently notifying OGE, and conducting investigations of ethics-related violations. Managers are responsible for administering disciplinary actions, and the HQ office is available to provide support as needed. Managers also are responsible for taking action against employees for violations of the Standards of Conduct. The Personnel Office is responsible for ensuring that prompt and effective administrative action is taken against employees for violations as required.

GSA has a supplemental regulation requiring prior approval for outside activities with a prohibited source. Ms. Ellison believes that less than 10% of GSA employees have such an approval. She stated that managers handle the outside approval process, and that relevant records are kept at the regional level. However, the HQ office is often cc'd on requests and approvals.

*In a subsequent phone conversation with Ms. Ellison on August 17th at 1pm, she indicated the HQ office has procedures in place for the timely destruction of the OGE Form 450 reports in accordance with applicable laws and regulations. She also indicated that the regional officials are aware of these procedures. However, she will remind them of the procedures in their regularly scheduled conference call.

GSA Onsite Interview
Wednesday, June 16 @ 10:30 am

Organization/General

Program Structure

Explain the program structure.

What was the transition like to the new DAEO?

Has the DAEO made any changes to established processes and procedures?

How do you characterize your relationship with the DAEO?

How involved is the DAEO with the program?

In what ways?

What type of training has prepared the DAEO for this position? Check all that apply.

- ☐ Training provided by OGE
- ☐ Structured training provided by your agency to groups of ethics officials (i.e., instructor-led training)
- ☐ One-on-one training provided by your agency
- ☐ Written education materials provided by your agency
- ☐ Multimedia training (e.g., videotaped or computer-based training) (if checked, please attach or provide a summary in the space provided below)
- ☐ On-the-job training provided by your agency

Leadership

How involved is Leadership (GSA Administrator)?

What type of access do you have to your leadership?

How did you gain access to leadership?

What benefits has the ethics program derived from access to leadership?

In what other ways have leaders/supervisors been used to support the agency's ethics program?

Miscellaneous

Do you feel the ethics program has a significant presence in your agency? How do you ensure it remains visible/raise awareness?

Are ethics duties reflected in the DAEO's position description?

Are ethics duties reflected in the DAEO's performance appraisal?

Are ethics duties reflected in the ADAEO's position description?

Are ethics duties reflected in the ADAEO's performance appraisal?

Are ethics duties reflected in the deputy DAEO's position description?

Are ethics duties reflected in the deputy DAEO's performance appraisal?

What type of training has prepared the deputy DAEO's for this position?

What type of training has prepared the Deputy DAEO for this position? Check all that apply.

- ☐ Training provided by OGE
- ☐ Structured training provided by your agency to groups of ethics officials (i.e., instructor-led training)
- ☐ One-on-one training provided by your agency
- ☐ Written education materials provided by your agency
- ☐ Multimedia training (e.g., videotaped or computer-based training) (if checked, please attach or provide a summary in the space provided below)
- ☐ On-the-job training provided by your agency
- ☐ None

How often/how do you interact with your ethics officials that are outside of HQ?

Are ethics duties reflected in the field office ethics officials' position description?

Are ethics duties reflected in the field office ethics officials' performance appraisal?

What type of training has prepared the field office ethics officials' to carry out their ethics-related responsibilities?

What areas of your program do you believe are especially strong?

Areas of concern? Ways we can assist you?

Program Administration

In 2008 and 2009, the Ethics Office conducted a self-assessment. Can you tell us about the self-assessment process and outcome?

In your questionnaire, you checked off succession planning for short and long term continuity of operations in the Ethics Office. Could you tell us more about your succession planning.

Financial Disclosure

Do you have written procedures for administering your financial disclosure program?

When was the last time they were updated?

Do your written procedures incorporate any of the following model practices?

Leadership involvement in the collection of reports
Supervisory review
Notification to filers after their reports have been certified
Standardized process for delinquent filer follow-up
Other (specify)

None

Last year, you had 1 missing public reports and 210 missing confidential reports required and filed. Can you tell us the status of these reports.

Explain your process for collection, review, and certification of reports (278 and 450).

Automated system?

If yes, what functions does your automated system perform? Check all that apply.

- Notifies you of new entrant filers
- Maintains master list of filers
- Sends notifications/reminders to filers
- Distributes electronic copies of financial disclosure forms
- Tracks receipt of completed report
- Tracks date of initial review of report
- Tracks status of report review
- Tracks extensions
- Tracks date of certification of report
- Notifies filer of certification of report
- Archives reviewer notes
- Other (specify)

Do you have one tracking system for training and financial disclosure or separate tracking systems?

Once we confirm that they require an intermediate review for confidential fd forms and who those reviewers are, we need to ask how are the intermediate confidential fd reviewers trained?

What are they looking for during their review?

How does your tracking system help reach (ensure) compliance?

At what frequency is data inputted into the system and is data accessed from the system?

Have you had issues with consistency in the past that you have been able to overcome?

Is the system for HQ or is it used throughout the agency?

How do you ensure that the information is accurate?

Is there anything you are particularly proud of about your tracking system?

Do you triage/prioritize reports in a certain way (278 and 450)?

How do you receive timely notification of new entrant employees required to file financial disclosure reports?

How are you notified?

How do you ensure reports are filed timely?

What materials/documentation other than reports are stored in employee files?

Advice and Counsel

Confirm all are authorized to provide advice and counsel.

How do you ensure advice is consistent?

Does your agency have written policies or procedures for the ethics opinions, advice, and counseling elements of your ethics program?

Do you triage/prioritize?

Training

How did you ensure all employees received annual training?

How do you track training?

How do you choose training topics each year?

Do you involve leadership in choosing ethics training topics?

Discuss the initial ethics orientation process.

What kind of training do you use?

(see question 5. Page7 questionnaire)

Enforcement

1. How do you become aware of potential ethics-related violations?

2. Referrals to DOJ?

3. Which office is responsible for concurrently notifying OGE (§2638.603)?

4. Conducting investigations of ethics-related violations?

5. Who is responsible for administering disciplinary action?

6. How would you describe your relationship with the OIG/ethics officials?

7. Formal tracking system to ensure that prompt and effective administrative action is taken against employees for violations of the standards of conduct?

8. Do you take action against employees for violations of the Standards of Conduct?

9. Do you take action against employees for the failure to file a financial disclosure report?

10. IG?

Supplemental Regulation Implementation

How often do you grant approvals for outside employment?

How many employees who do

Do you have a prohibited source list?

Are there time limits for the approvals or indefinite.

How do you store the approval forms.

Do you have a tracking system?