What Ethics Officials Should Know About Ethics Program Reviews

This page is intended to help agency ethics officials know what to expect from and how to prepare for an ethics program review.

Things to Do Now

You should already be preparing for your next ethics program review. An ethics program review is OGE's assessment of an agency's compliance with relevant requirements. That assessment is to a large extent based on OGE's examination of documents and materials your agency will be requested to provide. Therefore, it is vital that you maintain records which document the activities of your ethics program and demonstrate that requirements have been met.

You should maintain not only materials that are required by statute or regulation, e.g., written procedures for administering your agency's public and confidential financial disclosure systems, but also any other materials that document your program's activities. These other materials could include, for example, spreadsheets used to document master lists for public and confidential filers, initial ethics training and annual ethics training trackers, guidance and templates provided to your human resources officials to assist them in providing prospective employees and new supervisors with required ethics notices.

If your program is required to do something, assume OGE will ask you to demonstrate it was done. If you don't meet a particular requirement, it's important to document why and what you've done to ensure the requirement will be met looking forward.

For an exhaustive list of documents and materials that OGE typically requests when conducting an ethics program review, see our *Request for Materials* (Appendix A). The *Request for Materials* will also help illustrate the program elements OGE looks at during an ethics program review.

Engagement Email

OGE will advise you via an engagement email when your agency has been selected for an ethics program review. The email will state whether OGE will be conducting a plenary review or an inspection, both of which are referred to as ethics program reviews. A plenary review is an in-depth assessment of an agency's ethics program that focuses on program processes and outcomes, the result of which are addressed in a narrative report. OGE generally conducts plenary reviews only at Cabinet-level agencies. An inspection is also an in-depth review, but

results in a streamlined report focusing on outcomes, e.g., what percentage of covered employees received annual ethics training or what percentage of confidential financial disclosure reports were filed timely.

Generally, an ethics program review looks at an ethics program's activities during the previous calendar year. However, depending on the time of year OGE conducts its review, you may be asked to provide materials that document your program's activities during the current calendar year as well. Depending on the deficiencies identified during its evaluation, OGE may expand the scope of its program review as it determines is appropriate. This could include, among other things, examining program activities occurring prior to the previous calendar year.

Request for Materials and Questionnaire

OGE's engagement email will include as attachments a *Request for Materials* and a *Questionnaire* (Appendix B). The *Request for Materials* will specify the documents and materials that are required to be provided. OGE will send a subsequent email with a link where agencies may upload the materials. As noted, an ethics program review generally focuses on materials and activities from during the previous calendar year.

The *Questionnaire* that accompanies an engagement email will ask for administrative data and narrative descriptions of how your agency performs some of its functions. These are things OGE needs to know to assess your program's compliance with applicable requirements. Instead of conducting extensive live interviews, OGE uses the questionnaire to offer agencies the opportunity to provide required information in a way that allows for a more thoughtful response.

Submitting Documents and Materials

OGE's engagement email will provide a due date for submission of all requested documents and materials. Generally, OGE requests that documents and materials requested as part of an inspection be provided within two weeks of the date of the engagement email. For plenary reviews, the due date is generally 30 days from the date of the engagement email. Extensions can be requested, but you may still be asked to provide as many of the requested materials as possible by the original due date. This is why it's critical that you maintain appropriate documentation of your ethics program's activities.

All materials must be provided electronically. OGE will send an email containing a link to where the agency may upload the documents. Please make sure it's clear for each document you submit which item on OGE's *Request for Materials* list the document responds to.

Review of Documents

A team from OGE's Ethics Compliance Branch will be assigned to review the materials you submit. OGE reviews more than 40 agencies each year and each Ethics Compliance Branch staff member is typically involved in 3-5 ethics program reviews at a time, along with their other duties. As a result, don't be concerned if you don't receive a substantive response from OGE immediately after you've submitted your materials. However, you should expect to receive confirmation that all materials were received within a day or two of submission.

An ethics program review team will review your questionnaire responses and the program materials you provide. The review team will then contact you to select and examine samples of ethics-related files and financial disclosure reports, address any points requiring clarification and, if necessary, schedule a teleconference. Please let us know if an on-site visit is preferred.

The Program Review Report

The program review team will draft a report based on all the materials and information received. That report will then undergo several layers of review within OGE.

Agency Comments on the Report

Once a draft report on an ethics program review has been completed and reviewed within OGE, the report is provided to the agency for its review and comment. Agencies are encouraged to provide their comments in two parts. First, if you find typos, factual errors, or other technical issues, please let us know and we will work with you to resolve these issues. Second, please provide any comments you would like included in OGE's final report. Comments can include statements concerning agreement or disagreement with OGE's findings, or steps your agency has taken to address issues OGE identifies in its report. Please make sure you clarify which comments you would like included in the final report. Please note that OGE reserves the right to respond to those comments.

Report Recommendations

When OGE determines that an agency's ethics program is not in substantial compliance with a particular requirement, a "recommendation" is issued. Recommendations are directives made when OGE determines there's a deficiency in an agency's ethics program, i.e., the program does not meet a requirement set forth in a statute, regulation, or other binding authority. Having determined that a deficiency exists, OGE directs the agency to take action to rectify the deficiency and bring the program into compliance.

Issues Identified and Resolved During the Review

Program review teams will discuss with ethics officials any deficiencies that are identified as the program review progresses. This may give agencies time to correct deficiencies before the report is issued. For example, the written procedures for administering the public financial disclosure system that an agency provides OGE in response to its *Request for Materials* may not include provisions for making reports publicly available, as required. The review team will make the agency's ethics officials aware of this deficiency in the course of conducting the review.

Agency ethics officials may be able to add the required provisions to the written procedures and provide the review team with the revised procedures before the review is completed. In this case, OGE still notes in the program review report that a deficiency existed, but that it was resolved during the review and, therefore, no recommendation is

being issued. OGE will not delay publishing its report to allow the agency additional time to correct deficiencies.

The final report will be emailed to the head of the agency, the DAEO, and the agency's Inspector General or equivalent official, if the agency has one. The final report is also typically emailed to the other ethics officials who served as the primary contact for the program review team. The final report will be posted to OGE's website, and therefore available to the public.

Follow-up Reviews/Reports

If the final report includes a recommendation, OGE will conduct a follow-up review after the agency has had time to correct the deficiencies underlying the recommendation.

You will be contacted when OGE is ready to conduct the follow-up review. You'll also receive a *Request for Materials* specific to the recommendation which is the subject of the follow-up review. Additional guidance will be provided, as required. Because follow-up reviews are tailored according to the recommendation(s) addressed, it's impossible to specify what documents or materials will be required to be submitted.

Alternatively, when an agency's ethics officials believe sufficient action has been taken to resolve the deficiencies underlying a recommendation, they can submit the relevant documentation to OGE at ProgramReview@oge.gov at any time. Please make sure you indicate which documents are submitted in response to which recommendations. OGE will review the material and determine whether the recommendation can be closed.

If OGE conducts a follow-up review and is unable to close a recommendation, a second, third, or fourth follow-up review will be conducted. Follow-up reviews will be conducted until a recommendation can be closed or the agency comes due for its next ethics program review. Additionally, while a follow-up review focuses on the recommendations issued in an ethics program review report, if, in conducting a follow-up review, a program review team identifies additional deficiencies, then new recommendations will be issued.

Once all the recommendations from an ethics program review report have been closed by OGE, the program review process is complete.

Appendix A.

Agency Materials Required For OGE Ethics Program Review

Note: The materials requested for this review cover calendar year 20XX, ***unless otherwise indicated.***

Please limit your submission to the information requested below. Do not provide additional information (e.g., training from previous calendar years) unless requested by the review team.

Public Financial Disclosure

1. Policies and procedures governing the administration of the public financial disclosure system. Including procedures for the collection, review, evaluation, and public availability of Periodic Transaction Reports (OGE Form 278-T). See 5 U.S.C. § 13122 (d)(1) & (2).

2. List of all PAS officials **required to file** public financial disclosure reports (For **CY20X**X and **CY20XX**.) Include anyone who was required to file a report, but didn't and an explanation as to why a report wasn't filed, if applicable.

3. List of Schedule C positions the agency has excluded from public financial disclosure reporting requirements pursuant to 5 C.F.R. § 2634.203 and a copy of the DAEO's written determination for each position.

4. List of all non-PAS employees **required to file** public financial disclosure reports (For **CY20XX** and **CY20XX**). Include anyone who was required to file a report but did not and an explanation as to why a report wasn't filed, if applicable. Please ensure the list indicates the type of report required to be filed and the type of report that was actually filed (i.e., new entrant, incumbent, or termination). OGE will use the list(s) to select samples of new entrant, incumbent, and termination public financial disclosure reports for examination. The review team will ask for permission to access the agency's public financial disclosure reports in *Integrity*. If an agency chooses not to allow review team members access to *Integrity*, a list of requested reports will be provided. The agency will be required to print the requested reports and associated audit data (when the report was filed, returned to the filer for additional information, etc.). Information for special Government employees is requested separately, below.

   (Note: If a tracking system (spreadsheet, database, etc.) is used to track filer names and submission, review, and certification dates, please provide the list of filers through the tracking system.)

5. Copies of written requests for filing extensions and the subsequent written approvals for extensions granted over 45 days. See 5 CFR 2634.201(f).

6. Copies of any financial disclosure review training given to supervisors or others with responsibility for the review and evaluation of public financial disclosure reports.

7. Memorandum of understanding or other documentation that demonstrates the process by which human resources officials promptly notify the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports. Also, please provide five of the most recent notifications provided to ethics officials. *See* 5 C.F.R. § 2638.105(a)(1).

8. Memorandum of understanding or other documentation that demonstrates human resources officials promptly notify the DAEO of the termination of employees in positions that require incumbents to file public financial disclosure reports. Also, please provide five of the most recent notifications provided to ethics officials. See 5 C.F.R. § 2638.105(a)(2).

Confidential Financial Disclosure

1. Policies and procedures governing the administration of the confidential financial disclosure system. See 5 U.S.C. § 13122 (d)(1) & (2).

2. Master list of all confidential financial disclosure filers identifying new entrant and incumbent report filers. (For **CY20XX** and **CY20XX**.) If the master list includes employees who file confidential financial disclosure reports under an OGE-approved alternative procedure, those employees should be indicated or you may provide a separate list. Please ensure all lists include the names of those who were required to file but did not, if applicable, (OGE will use the list(s) to select samples of new entrant and confidential financial disclosure reports for examination. The Inspection team will provide you with the list of selected reports during the pre-review process.)

   (Note: If a tracking system (spreadsheet, database, etc.) is used to track filer names and submission, review, and certification dates, please provide the list of filers through the tracking system.)

3. Copies of any financial disclosure review training given to supervisors or others with responsibility for the review and evaluation of confidential financial disclosure reports.

4. Memorandum of understanding or other documentation that demonstrates human resources officials promptly notify the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports. See 5 C.F.R. § 2638.105(a)(1).

Notices to Prospective Employees

1. Written procedures for issuing notices to prospective employees. *See* 5 C.F.R. § 2638.303(c).

2. Five recent (redacted) written notices sent to prospective employees for both non-filers and filers *See* 5 C.F.R. § 2638.303.

Notices to New Supervisors

1. Written procedures for issuing notices to new supervisors. *See* 5 C.F.R. § 2638.306(d).

2. Five recent (redacted) written notices sent to supervisors. (If you send different notices to different types of supervisors, please provide the template/notice for each category.) *See* 5 C.F.R. § 2638.306.

Initial Ethics Training

1. Written procedures for providing Initial Ethics Training. *See* 5 C.F.R. § 2638.304(f).

2. Documentation that demonstrates what information the Initial Ethics Training presentation addressed. *See* 5 C.F.R. § 2638.304(e)(1).

3. Copies of the written materials provided or instructions for accessing the materials required to be provided as part of Initial Ethics Training. *See* 5 C.F.R. § 2638.304(e)(2).

4. Documentation that demonstrates how completion of Initial Ethics Training is tracked. *See* 5 C.F.R. § 2638.304(f).

5. Documentation demonstrating that new employees hired in **20XX** received Initial Ethics Training.

Annual Ethics Training (For **CY20XX**)

1. Documentation that demonstrates what concepts the Annual Ethics Training presentation addressed. (If you provided different presentations to different categories of employees required to receive Annual Ethics Training-- ES Level I & II, Other PAS and equivalent, SES and equivalent, and confidential filers-- please provide each of the different presentations and indicate which presentation was given to which type of employee.) *See* 5 C.F.R. § 2638.308(f)(1).

2. Copies of the written materials provided or instructions for accessing the materials required to be provided as part of Annual Ethics Training. (If you provided different sets of materials or different instructions to different types of employees required to receive Annual Ethics Training-- ES Level I & II, Other PAS and equivalent, SES and equivalent, and confidential filers, please provide each of the different sets of materials/instructions and indicate which set of materials/instructions was given to which type of employee.) *See* 5 C.F.R. § 2638.308(f)(2).

   Documentation that demonstrates how completion of Annual Ethics Training is tracked and who received the training. The documentation should clearly indicate you track that

each type of employee (ES Level I & II, Other PAS and equivalent, SES and equivalent, and confidential filers) receives the appropriate training (live or interactive presentation). If your agency provides training that alternates between live and interactive formats for public filers who are only required to receive live training every other year, please ensure that you include documentation to demonstrate that live training is provided every other year. *See* 5 C.F.R. §§ 2638.307(d) and 2638.308(e).

Written Advice/Counseling

1. A total of five samples of written counseling provided to agency employees in **CY 20XX** addressing the criminal conflict of interest statutes (18 U.S.C. §§ 203, 205, 207, 208, and 209) or the Standards of Conduct. *See* 5 C.F.R. § 2638.104(c)(4).

Special Government Employees

1. List of any individuals who served for 130 days or less during any 365-day period (i.e., temporarily on either a full-time, intermittent, or part-time basis) and are assigned to committees, councils, boards, commissions, etc., identified, if applicable, as SGEs and non-SGEs (representatives). Also, include appointment dates for all SGEs. (This information is necessary to determine if SGE's filed financial disclosure reports and received Initial Ethics Training timely.)

2. List of any other individuals who served for 130 days or less during any period of 365 days (e.g., experts/consultants), not assigned to committees, councils, boards, commissions, etc., identified, if applicable, by SGEs and non-SGEs (representatives). Also, include appointment dates for these SGEs. (This information is necessary to determine if SGE's filed financial disclosure reports and received Initial Ethics Training timely.)

3. List of all advisory committees, copies of their charters, lists of their members and contact information for each committee manager/DFO. Also include the meeting dates for each committee, council, board, commission, etc., and which SGEs attended. (This information is necessary to determine if SGE's filed financial disclosure reports and received Initial Ethics Training timely.)

4. List of all SGEs required to file public financial disclosure reports in **CY20XX**.

5. List of all SGEs required to file confidential financial disclosure reports in **CY20XX**.

6. List of all SGEs excluded from filing confidential financial disclosure reports (or sections of the report) in CY20XX under 5 CFR 2634.904(b). Please provide any documentation used in making the exclusion determination.

7. Copies of written requests for filing extensions and the subsequent written approvals for extensions granted over 45 days for public financial disclosure-filing SGEs. See 5 CFR 2634.201(f).

8. Copies of any financial disclosure review training provided to any agency officials with responsibility for the review and evaluation of SGE public or confidential financial disclosure reports.

9. Documentation that demonstrates what information the Initial Ethics Training presentation addressed. See 5 C.F.R. § 2638.304(e)(1).

10. Copies of the written materials provided or instructions for accessing the materials required to be provided as part of Initial Ethics Training. See 5 C.F.R. §§ 2638.304(e)(2) and 2636.307(e)(2).

11. Documentation that demonstrates how completion of Initial Ethics Training is tracked and who received the training (e.g., tracking spreadsheet, email confirmations, sign-in rosters, procedures indicating material is automatically provided, etc.). See 5 C.F.R. § 2638.304(f).

12. Documentation that demonstrates what information the Annual Ethics Training presentation addressed. See 5 C.F.R. § 2638.307(e)(1).

13. Copies of the written materials provided or instructions for accessing the materials required to be provided as part of Annual Ethics Training. See 5 C.F.R. § 2638.307(e)(2).

14. Documentation that demonstrates how completion of Annual Ethics Training is tracked and who received the training. See 5 C.F.R. § 2637.307(f).

15. (Note: If different training material was provided to different groups of SGEs, please identify which material was provided to each group of SGEs.)

Appendix B.

CY2026 ETHICS PROGRAM INSPECTION QUESTIONNAIRE

Agency Data	**Agency Response**
Current number of full-time agency employees	
Name of DAEO:	
Title of DAEO:	
Grade level of DAEO:	
Name of ADAEO:	
Title of ADAEO:	
Grade level of ADAEO:	
Name of the primary, day-to-day ethics program administrator:	
Title of the primary, day-to-day ethics program administrator:	
Grade level of the primary, day-to-day ethics program administrator:	
Current number of full-time ethics officials:	
Current number of part-time ethics officials:	
Number of reporting levels between the DAEO and the agency head[1] :	

[1] If the DAEO reports directly to the agency head, there is one reporting level between the DAEO and agency head.

Contact Information
PRIMARY AGENCY CONTACT POINT FOR ETHICS PROGRAM REVIEW
[*Name*]
[*Title*]
[*Phone*]
[*email*]
Email Addresses **OGE's final report will be emailed to the agency head, DAEO, and Inspector General, if applicable. Copies of the report may also be transmitted to lead human resources officials, if there are significant findings regarding an area of the program they are responsible for.**

Agency Head	

DAEO	

Inspector General	

OGE requires the following information to assess whether agencies are administering the ethics program effectively and in accordance with relevant requirements. Requesting the information in a questionnaire format, rather than during an onsite interview, is intended to help ensure ethics officials can provide a more deliberate response and reduce the disruption of having OGE staff onsite for long periods of time.

Item	Public Financial Disclosure
1	Human resources officials are required to promptly notify the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports. *See* 5 C.F.R. § 2638.105(a)(1). Human resources officials are also required to notify the DAEO of the termination of employees in positions that require incumbents to file public financial disclosure reports. *See* 5 C.F.R. § 2638.105(a)(2). If the processes for carrying out those functions are not provided as part of the agency's response to OGE's request for materials (e.g., in a memorandum of understanding), please provide a narrative explanation to document how applicable requirements are met.
Agency Response to Item 1:	
2	Please provide a brief narrative statement explaining the general processes your agency uses to conduct a conflict-of-interest analysis of public financial disclosure reports. (E.g., whether there is an intermediate reviewer, if you use contractor or prohibited holdings lists, etc.) *See* 5 C.F.R. § 2634.605.
Agency Response to Item 2:	
3	How did your agency compile its master list of filers used to identify all employees who were required to file a public financial disclosure report? Are you confident that it was accurate?
Agency Response to Item 3:	
4	Are public financial disclosure reports securely maintained? Please provide a narrative explanation to document how applicable requirements are met. See OGE/GOVT-1
Agency Response to Item 4:	
5	Are public financial disclosure reports retained in accordance with the retention requirements? Please provide a narrative explanation to document how applicable requirements are met. See 5 C.F.R. § 2634.603(g)(1).
Agency Response to Item 5:	

Confidential Financial Disclosure	
6	Human resources officials are required to promptly notify the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports. *See* 5 C.F.R. § 2638.105(a)(1). If the processes for carrying out that function are not provided as part of the agency's response to OGE's request for materials (e.g., in a memorandum of understanding), please provide a narrative explanation to document how applicable requirements are met.
Agency Response to Item 6:	
7	How did your agency compile its master list of filers used to identify all employees who were required to file a confidential financial disclosure report? Are you confident that it was accurate?
Agency Response to Item 7:	
8	Are confidential financial disclosure reports securely maintained? Please provide a narrative explanation to document how applicable requirements are met. See OGE/GOVT-2
Agency Response to Item 8:	
9	Are confidential financial disclosure reports retained in accordance with the retention requirements? Please provide a narrative explanation to document how applicable requirements are met. See 5 C.F.R. §2634.604.
Agency Response to Item 9:	
10	Does your agency use an alternative confidential financial disclosure system? Was the alternative confidential financial disclosure system approved by OGE? If not, please explain. See 5 C.F.R. § 2634.905(a).
Agency Response to Item 10:	
Notices to Prospective Employees	
11	Does the DAEO review the written procedures for issuing the notice annually? If not, please explain. *See* 5 C.F.R. § 2638.303(c).

Agency Response to Item 11:	
Notices to New Supervisors	
12	Does the DAEO review the written procedures for issuing the notice annually? If not, please explain. *See* 5 C.F.R. § 2638.306(d).
Agency Response to Item 12:	
Initial Ethics Training	
13	Does the DAEO review the written procedures for providing Initial Ethics Training annually? If not, please explain. *See* 5 C.F.R. § 2638.304(f)
Agency Response to Item 13:	
Program Management and Internal Oversight	
14	How does your agency ensure that ethics-related requirements are met within regions, components, or offices that have been delegated authority to administer elements of the ethics program? For example, if a bureau or office has been authorized to collect, review, and certify confidential financial disclosure reports, how do you ensure that the reports are timely collected and reviewed and certified in accordance with relevant requirements?
Agency Response to Item 14 (if applicable):	
Significant Changes	
15	Have there been any recent changes within the agency that significantly affected the ethics program or are there any such changes anticipated? For example, has there been a significant change in the structure of the ethics program or the number of ethics officials?
Agency Response to Item 15:	
Challenges, Problems, and Significant Deficiencies	
16	Please note any challenges or problems (staffing shortages, technology failures, reorganizations) or deficiencies (a significant percentage of covered employees didn't receive required annual ethics training, inability to consistently identify new entrant confidential financial disclosure filers timely) that you are aware of. Include any actions you've taken to address them.

	Agency Response to Item 16 (if applicable):
Additional Information	
17	If there is anything that you would like OGE to know about your ethics program that is not addressed in this questionnaire or OGE's request for materials, please provide that information either here or as an attachment to the materials you provide to OGE in preparation for the ethics program review.
	Agency Response to Item 17 (if applicable):