

ETHICS PROGRAM INSPECTION REPORT

Agency: Office of Science and Technology Policy

Report No.: 15-43I

Date: May 26, 2015

Period Covered by Review: January-December 2013



1.0 AGENCY DATA

| EMPLOYEES (as reported in the most recent Annual Ethics Program Questionnaire) | | |
|--|--|---|
| 1.1 | Number of full-time agency employees | 91 |
| 1.2 | Number of agency special Government employees | 1 |
| 1.3 | Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed | 2 |
| 1.4 | Number of non-PAS public financial disclosure reports required to be filed | 8 |
| 1.5 | Number of confidential financial disclosure reports required to be filed | 11 |
| ETHICS PROGRAM | | |
| 1.6 | Title of Designated Agency Ethics Official (DAEO) | General Counsel |
| 1.7 | Grade level of DAEO | GS-15 |
| 1.8 | Title of Alternate DAEO (ADAEO) | Senior Associate General Counsel and Policy Advisor |
| 1.9 | Grade level of ADAEO | GS-13 |
| 1.10 | Title of the primary, day-to-day ethics program administrator | General Counsel |
| 1.11 | Grade level of the primary, day-to-day ethics program administrator | GS-15 |
| 1.12 | Current number of full-time ethics officials | 0 |
| 1.13 | Current number of part-time ethics officials | 3 |
| 1.14 | Average full-time equivalent (FTE) value of a part-time ethics official(s) (For example, if part-time ethics officials at the agency generally devote 10 hours per week to ethics work, the average FTE value is 25%.) | 25% |
| 1.15 | Number of reporting levels between the DAEO and the agency head | 1 |
| COMMENTS | | |
| None | | |

2.0 LEADERSHIP

| COMPLIANCE REQUIREMENT | | Yes | No | N/A |
|------------------------|--|-------------------------------------|--------------------------|--------------------------|
| 2.1 | OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.202(c). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.2 | OGE has received an up-to-date designation from the agency head naming the ADAEO. <i>See</i> 5 C.F.R. § 2638.202(c). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| COMMENTS | | | | |
| None | | | | |

3.0 ETHICS AGREEMENTS

| COMPLIANCE REQUIREMENT | | Yes | No | N/A |
|------------------------|--|-------------------------------------|--------------------------|--------------------------|
| 3.1 | During the period under review, all PAS officials complied with their ethics agreements. <i>See</i> 5 C.F.R. § 2634.804. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.2 | During the period under review, all PAS officials complied with their ethics agreements in a timely fashion. <i>See</i> 5 C.F.R. § 2634.804. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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|-----------------|---|-------------------------------------|--------------------------|--------------------------|
| 3.3 | During the period under review, the agency notified OGE of ethics agreement compliance in a timely fashion. <i>See</i> DO-09-015. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.4 | For all officials currently in PAS positions, the agency maintains documentation of actions taken to comply with ethics agreements. <i>See</i> 5 C.F.R. § 2634.804. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.5 | For all officials currently in PAS positions, ethics agreements are maintained with their financial disclosure reports. <i>See</i> 5 C.F.R. § 2634.805. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| COMMENTS | | | | |
| None | | | | |

| 4.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278, OGE Form 278-T) | | | | | | | |
|---|---|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| COMPLIANCE REQUIREMENT | | | | Yes | No | N/A | |
| 4.1 | The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1). | | | | | | |
| 4.1.1 | • Collection of public financial disclosure reports | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| 4.1.2 | • Review/evaluation of public financial disclosure reports | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| 4.1.3 | • Public availability of public financial disclosure reports | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| 4.2 | The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports. | | | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.3 | Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1. | | | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.4 | Public financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.603(g)(1). | | | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.5 | Agency ethics officials respond promptly to requests by OGE for additional information regarding PAS annual and termination public financial disclosure reports. <i>See</i> 5 U.S.C. app. IV, § 402(d)(1). <i>See</i> 5 C.F.R. § 2638.203(b)(14). | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| DATA ANALYSIS | | | | % | | | |
| 4.6 | Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b). | | | | 100% | | |
| 4.7 | Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a). | | | | 100% | | |
| 4.8 | Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e). | | | | N/A | | |
| 4.9 | Percentage of sampled non-PAS public financial disclosure reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> PA-11-04. | | | | 100% | | |
| 4.10 | Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a). | | | | 100% | | |
| 4.11 | Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e). | | | | N/A | | |
| 4.12 | Percentage of sampled PAS annual and termination reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> 5 C.F.R. § 2634.605(a). | | | | 100% | | |
| COMMENTS | | | | | | | |
| (4.5) OGE made no relevant requests during the period covered by the inspection. (4.8) No non-PAS termination reports were required to be filed during the period covered by the inspection. (4.11) No PAS termination reports were required to be filed during the period covered by the inspection. | | | | | | | |

| 5.0 CONFIDENTIAL FINANCIAL DISCLOSURE | | | | | | | |
|---------------------------------------|---|--|--|-----|----|-----|--|
| COMPLIANCE REQUIREMENT | | | | Yes | No | N/A | |
| 5.1 | The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1). | | | | | | |

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|--|---|-------------------------------------|--------------------------|-------------------------------------|
| 5.1.1 | • Collection of confidential financial disclosure reports | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.2 | • Review/evaluation of confidential financial disclosure reports | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.2 | Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.3 | The agency's OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. <i>See</i> 5 C.F.R. § 2634.905(a). | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5.4 | Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DATA ANALYSIS | | % | | |
| 5.5 | Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b). | 80% | | |
| 5.6 | Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a). | 100% | | |
| 5.7 | Percentage of sampled confidential financial disclosure reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> 5 C.F.R. §§ 2634.605(a), 2634.909(a). | 89% | | |
| COMMENTS | | | | |
| (5.3) The agency does not have an alternative confidential financial disclosure system. (5.5) The agency failed to notify one new entrant of the filing requirement. (Five new entrant reports were required to be filed in 2013.) (5.7) One of the nine reports examined by OGE was certified late. | | | | |

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|----------------------|--|-------------------------------------|--------------------------|--------------------------|
| 6.0 | INITIAL ETHICS ORIENTATION | | | |
| | COMPLIANCE REQUIREMENT | Yes | No | N/A |
| 6.1 | All initial ethics orientation material contains: <i>See</i> 5 C.F.R. § 2638.703(a) and (b). | | | |
| 6.1.1 | • Current contact information of relevant ethics official(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6.1.2 | • Copy of the Standards of Ethical Conduct and any agency supplemental standards to keep or review; or • Summaries of the Standards, any agency supplemental standards, and 14 Principles for employees to keep | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6.2 | The agency can demonstrate that it has an effective process to ensure that new employees receive initial ethics orientations. <i>See</i> 5 C.F.R. § 2638.703(c). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DATA ANALYSIS | | % | | |
| 6.3 | Percentage of new agency employees who received initial ethics orientation within 90 days. <i>See</i> 5 C.F.R. § 2638.703. | 100% | | |
| COMMENTS | | | | |
| None | | | | |

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|------------|--|-------------------------------------|--------------------------|--------------------------|
| 7.0 | ANNUAL ETHICS TRAINING | | | |
| | COMPLIANCE REQUIREMENT | Yes | No | N/A |
| 7.1 | All annual ethics training material contains: <i>See</i> 5 C.F.R. § 2638.704(b). | | | |
| 7.1.1 | • Current contact information of relevant ethics official(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.1.2 | • Review of the criminal conflict of interest statutes | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.1.3 | • Review of the Standards of Ethical Conduct | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.1.4 | • Review of the 14 Principles | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| 7.1.5 | <ul style="list-style-type: none"> Review of any agency supplemental standards | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7.2 | The agency can demonstrate that it has an effective process to ensure that covered employees receive annual ethics training. <i>See</i> 5 C.F.R. § 2638.704(c) and 705(c). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DATA ANALYSIS | | % | | |
| 7.3 | Public financial disclosure filers who completed annual ethics training. <i>See</i> 5 C.F.R. § 2638.704(a). | 100% | | |
| 7.4 | Confidential financial disclosure filers who completed annual ethics training. <i>See</i> 5 C.F.R. § 2638.705(a)(3). | 100% | | |
| COMMENTS | | | | |
| (7.1.5) OSTP does not have any supplemental standards. | | | | |

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|---|--|-------------------------------------|--------------------------|--------------------------|
| 8.0 ETHICS ADVICE AND COUNSELING | | | | |
| COMPLIANCE REQUIREMENT | | Yes | No | N/A |
| 8.1 | Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| COMMENTS | | | | |
| None | | | | |