



U.S. Office of Government Ethics
Program Review Division

Ethics Program Review

Office of the Special Inspector
General for Iraq Reconstruction

Report No. 11-001
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Results in Brief

The United States Office of Government Ethics (OGE) conducted a review of the Office of the Special Inspector General for Iraq Reconstruction's (SIGIR) ethics program between November and December 2010. The results of the review indicated that the SIGIR's ethics program generally appears to be effectively administered and in compliance with applicable laws, regulations, and policies.

Highlights

- To address its highest risk area, SIGIR requires *all* departing employees to meet with the Designated Agency Ethics Official (DAEO) for post-employment counseling.
- The DAEO and Alternate DAEO (ADAEO) personally conduct one-on-one Initial Ethics Orientation (IEO).
- SIGIR considers the importance of its position as an independent IG when analyzing potential acceptance of non-Federal travel payments.

Concerns

- Several public financial disclosure reports contained extraneous information that should be redacted prior to release.
- Annual in-person ethics training required supplementation in order to meet regulatory requirements.

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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 the SIGIR's ethics program, OGE examined a variety of documents provided by the ethics official; other documents that SIGIR forwarded to OGE, including the annual questionnaire; all of SIGIR's public and confidential financial disclosure reports and a sample of the advice and counsel provided to SIGIR's employees.

In addition, members of OGE's Program Review Division met with the DAEO to obtain additional information about the strengths and weaknesses of SIGIR's ethics program, seek clarification on issues that arose through the documentation analysis, and verify data collected.

Program Administration

The SIGIR's ethics program is administered within SIGIR's Office of General Counsel (OGC). The Deputy General Counsel serves as the DAEO and is the primary, day-to-day administrator of the ethics program. The General Counsel (GC) serves as the ADAEO. An Administrative Assistant provides administrative support to the DAEO.

Because of the ethics program's positioning within OGC, the DAEO and ADAEO regularly attend senior staff meetings where they are given the opportunity to discuss ethics issues. OGE believes this organizational structure is well-suited to promote ethical culture by providing ethics officials regular access to agency leadership.

Financial Disclosure

OGE's review of financial disclosures filed at SIGIR in 2010 found the forms to have been filed timely in nearly all cases, certified timely in most cases, and generally free from technical deficiencies or potential conflicts of interest.

Two trends were worth noting: Though reviewed timely, a small number of financial disclosures were certified late due to unforeseen demands on both ethics officials in their Deputy GC and GC capacities. Should circumstances like this become more regular, OGE urges SIGIR to consider designating a third reviewing official, trained and authorized to certify financial disclosures in the absence of the DAEO and ADAEO.

A second trend worth noting was the frequent inclusion of extraneous information on publically available financial disclosures. It is a common practice for agencies to redact such extraneous information prior to the certification of these reports. OGE suggests additional training or reminders be provided to employees to help lessen the redaction burden on ethics officials.

Suggestions

- Should circumstances warrant it, designate a third reviewing official to address situations when the DAEO and ADAEO are unable to timely certify financial disclosure reports.
- Clarify reporting requirements to SIGIR public financial disclosure filers.

Education & Training

SIGIR reported that all new employees received IEO within 90 days of their date of entry in 2010. The DAEO receives a current monthly roster for SIGIR's human resources (HR) office with the dates of appointment for each new employee. The DAEO is also contacted with new employee information via duplicative email from the Department of the Army's personnel office and SIGIR's HR office. As a part of in-processing, the DAEO or ADAEO meets individually with all new employees to provide IEO. IEO for financial disclosure filers includes a review of the relevant financial disclosure form and the basics of its completion. The OGE review team reviewed SIGIR's IEO materials and found them to be in compliance with 5 CFR § 2638.703.

The OGE review team examined SIGIR's annual training plan and found that it met the requirements of 5 CFR 2638.706. OGE commends SIGIR for requiring all employees receive annual ethics training. To meet the annual training requirement, employees have the option of attending in-person brown bag sessions or reviewing Department of Defense online annual ethics training. Ethics training is tracked using sign-in sheets and certificates of completion. The OGE review team examined certifications and confirmed all employees received annual training during the 2010 calendar year.

Online annual ethics training was found to meet requirements. However, in-person brown bag training materials did not show all requirements had been fulfilled. SIGIR's ethics office demonstrated its flexibility by immediately providing supplemental training to all employees via email to ensure requirements were fully met for 2010.

Because of the nature of SIGIR's work, the DAEO identified post-employment as a high risk area for the agency. To address this area of risk, all departing employees are required to meet with the DAEO for post-employment counseling during the checkout process.

Advice & Counsel

The DAEO is the primary provider of SIGIR's ethics guidance with support from the ADAEO when necessary in the DAEO's absence. Sensitive or complicated situations are further discussed with the ADAEO and OGE prior to issuing advice and counsel.

Guidance is provided primarily via email, and in limited cases may be provided verbally with an email follow-up summary when warranted. Emails are stored in a permanent electronic archive and documented chronologically on an "Ethics Advice Log". Advice pertinent to individual employees, including outside activity requests and conflict of interest analysis, is also kept in an employee's financial disclosure file.

Written advice and counsel samples reviewed by OGE were consistently accurate. OGE was pleased to see the DAEO use specific regulatory language to further clarify select pieces of guidance. Notably, the DAEO also promoted ethical culture by discussing alternative actions with an employee in a situation where actions permissible by regulation might not be in the best interest of the employee or the agency.

Agency-Specific Ethics Rules

SIGIR issued a supplemental regulation on September 22, 2010, which requires prior written approval for outside activities. The DAEO has been advising new employees of the supplemental regulation during IEO and will revise annual ethics training to address the new requirement.

Enforcement

SIGIR reported no disciplinary actions based wholly or in part upon violations of the standards of conduct provisions (5 CFR part 2635) or the criminal conflict of interest statutes (18 U.S.C §§ 203, 205, 207, 208, and 209). SIGIR made no referrals to the Department of Justice of potential violations of the criminal conflict of interest statutes.

SIGIR, as an independent Office of Inspector General (OIG), does not have an independent OIG within its organization. In the event of allegations involving ethical misconduct, the DAEO or ADAEO would be appointed by the Inspector General (IG) to investigate and make recommendations to the IG. The IG would, if necessary, make referrals to the Department of Justice and concurrently notify OGE of any such referrals.

1353 Travel Acceptances

The required semi-annual reports of payments accepted from non-Federal sources were submitted to OGE in a timely manner. OGE commends the DAEO for underscoring the importance of SIGIR's position as an independent IG when considering acceptance of these payments.

Agency Comments

In an email dated December 30, 2010, SIGIR provided the following comment on OGE's draft report:

"SIGIR concurs in OGE's suggestions in this report and will implement them as warranted."