

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Agency for Global Media (USAGM)

Report No.: 19-371

Date: September 5, 2019

Period Covered by Review: January 1, 2018 - April 30, 2019

UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

1.0 AGENCY DATA		
EMPLOYEES		
1.1	Number of full-time agency employees.	1,423
1.2	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed.	0
1.3	Number of non-PAS public financial disclosure reports required to be filed.	20
1.4	Number of confidential financial disclosure reports required to be filed.	454
ETHICS PROGRAM		
1.5	Title of Designated Agency Ethics Official (DAEO).	General Counsel
1.6	Grade level of DAEO.	ES
1.7	Title of Alternate DAEO (ADAEO).	Deputy General Counsel
1.8	Grade level of ADAEO.	GS-15
1.9	Title of the primary, day-to-day ethics program administrator.	Ethics Counsel
1.10	Grade level of the primary, day-to-day ethics program administrator.	GS-15
1.11	Current number of full-time ethics officials.	0
1.12	Current number of part-time ethics officials.	4
1.13	Number of reporting levels between the DAEO and the agency head.	1
COMMENTS		
(1.2) The USAGM Board is composed of nine members. Eight members are appointed to the board by the President and confirmed by the Senate (PAS). These eight PAS members are special Government employees (SGE) who file confidential public reports upon appointment and confidential financial disclosure reports annually during their terms. The ninth member, the Secretary of State, serves ex officio.		

2.0 LEADERSHIP				
COMPLIANCE REQUIREMENTS		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 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278e, OGE Form 278-T)				
COMPLIANCE REQUIREMENTS		Yes	No	N/A
The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1).				
3.1	• Collection of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	• Review/evaluation of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	• Public availability of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.5	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ETHICS PROGRAM INSPECTION REPORT

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Report No.: 19-371

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Period Covered by Review: January 1, 2018 - April 30, 2019



3.6	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"/>
3.7	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.8	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after termination) notified the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(2).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS		%		
3.9	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).	0		
3.10	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	86%		
3.11	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	50%		
3.12	Percentage of sampled non-PAS public financial disclosure reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	71%		
3.13	Percentage of sampled non-PAS public financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	71%		
3.14	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	N/A		
3.15	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A		
3.16	Percentage of sampled PAS annual and termination reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A		
3.17	Percentage of sampled PAS annual and termination reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A		
COMMENTS				
<p>(3.4) Four public filers, who had been granted extensions, submitted their 2018 reports more than 30 days after the reports' respective due dates. Ethics officials took no action to assess late filing fees or grant waivers until OGE raised the issue during its inspection. Ethics officials then waived the late filing fee for all four public filers.</p> <p>(3.7-3.8) Effective January 1, 2017, lead human resources officials became responsible for promptly notifying the DAEO of all appointments to positions that require incumbents to file public or confidential financial disclosure reports. Notification must occur no later than 15 days after the appointment. Also effective January 1, 2017, lead human resources officials became responsible for promptly notifying ethics officials of terminations of employees in positions that require incumbents to file termination public financial disclosure reports. Notification must occur no later than 15 days after the termination. <i>See</i> 5 C.F.R. § 2638.105(a)(1)(2). These requirements were not implemented within USAGM until February 2019, when ethics officials signed a Memorandum of Agreement (MOA) with the Office of Management Services, which oversees the Office of Human Resources (HR). OGE will examine whether USAGM's actions have been effective in meeting relevant requirements when it conducts its follow-up review.</p> <p>(3.9) OGE examined the one new entrant public report required to be filed in 2018. The report was filed one day past the deadline to require the assessment of the late filing fee.</p> <p>(3.11) There were only two termination reports required to be filed in 2018. One of the reports was filed 17 days after the deadline to require the assessment of the late filing fee.</p> <p>(3.14-3.16) No public financial disclosure reports were required to be filed by PAS employees during the period covered by this review.</p>				

4.0	CONFIDENTIAL FINANCIAL DISCLOSURE			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).			
4.1	• Collection of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	• Review/evaluation of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Agency for Global Media (USAGM)

Report No.: 19-371

Date: September 5, 2019

Period Covered by Review: January 1, 2018 - April 30, 2019



4.4	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"/>
4.5	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"/>
4.6	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS		%		
4.7	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b)	47%		
4.8	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	100%		
4.9	Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	97%		
4.10	Percentage of sampled confidential financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. §§ 2634.605(a) and 2634.909(a).	97%		
COMMENTS				
<p>(4.5) USAGM does not have an OGE-approved alternative confidential financial disclosure system.</p> <p>(4.6 and 4.7) Prior to February 2019, The Ethics Office relied on program office supervisors to notify them when an employee entered a covered position. In February 2019 and pursuant to 5 C.F.R. §§ 2638.104 and 2368.105, the Ethics Office signed a MOA with the Office of Management Services, which oversees the Office of Human Resources (HR). The terms of the MOA require HR to send notices directly to the Ethics Office when an employee enters a covered position. Additionally, the two offices have since developed a draft joint SOP detailing the notification procedures. OGE will assess the effectiveness of the new procedures during its follow-up inspection.</p>				

5.0 Notices to Prospective Employees						
COMPLIANCE REQUIREMENTS				Yes	No	N/A
Written offers of employment for positions covered by the Standards of Conduct provide: <i>See</i> 5 C.F.R. § 2638.303.						
5.1	<ul style="list-style-type: none"> A statement regarding the agency's commitment to government ethics. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
5.2	<ul style="list-style-type: none"> Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
5.3	<ul style="list-style-type: none"> Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
5.4	<ul style="list-style-type: none"> Where applicable, notice of the time frame for completing initial ethics training. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
5.5	<ul style="list-style-type: none"> Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
5.6	The agency has established written procedures for issuing the notice to prospective employees. <i>See</i> 5 C.F.R. § 2638.303(c).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
5.7	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.303(c).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
5.8	The agency can demonstrate that there is an effective process for ensuring all covered employees receive the required information with their written offer of employment. <i>See</i> 5 C.F.R. § 2638.303.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
COMMENTS						
<p>(5.1-5.8) USAGM had no procedures in place to provide the required notices to prospective employees during the period covered by OGE's review. However, after OGE brought the relevant requirements to USAGM's attention, ethics officials prepared a template for the notices and began coordinating with HR officials to establish a process to provide the required notices to prospective employees. After reviewing OGE's draft inspection report, USAGM provided OGE with a copy of notices to prospective employees, standard operating procedures issued in August 2019, and an example of an offer letter including the required language. OGE will assess the effectiveness of the new procedures during its follow-up inspection.</p>						

ETHICS PROGRAM INSPECTION REPORT

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Report No.: 19-37I

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UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

6.0 Notices to New Supervisors					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
The agency must provide each employee upon initial appointment to a supervisory position with: <i>See</i> 5 C.F.R. § 2638.306.					
6.1	• Contact information for the agency's ethics office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.2	• The text of 5 C.F.R. § 2638.103.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.3	• A copy of, a hyperlink to, or the address of a Web site containing the Principles of Ethical Conduct.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.4	• Other information the DAEO deems necessary.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.5	The agency has established written procedures for supervisory ethics notices. <i>See</i> 5 C.F.R. § 2638.306(d).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.6	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.306(d).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.7	The agency can demonstrate that there is an effective process for ensuring that new supervisors receive the required information within one year of appointment. <i>See</i> 5 C.F.R. § 2638.306(b).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
COMMENTS					
(6.1-6.7) USAGM had no procedures in place to provide the required notices to new supervisors during the period covered by OGE's review. However, after OGE brought the relevant requirements to USAGM's attention, ethics officials prepared a template for the notices and began coordinating with HR officials to establish a process to provide the required notices to new supervisors. After reviewing OGE's draft inspection report, USAGM provided OGE with a copy of notices to supervisors, standard operating procedures issued in August 2019, and a copy of an email sent to all supervisors by the ethics office including the required language. OGE will assess the effectiveness of the new procedures during its follow-up Inspection.					

7.0 Initial Ethics Training					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.					
7.1	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.2	The agency provided new employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.3	The agency has established written procedures for initial ethics training. <i>See</i> 5 C.F.R. § 2638.304(f).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7.4	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.304(f).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
DATA ANALYSIS			%		
7.5	Percentage of new employees who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	94%			
7.6	Percentage of new employees who received initial ethics training within three months of appointment. <i>See</i> 5 C.F.R. § 2638.304(b).	94%			
COMMENTS					
(7.3-7.4) Ethics officials indicated that the written procedures are reviewed every year by the DAEO. However, the ethics officials were not able to provide OGE with the procedures that were in place during the period covered by the inspection. After reviewing OGE's draft inspection report, USAGM provided OGE with a draft of standard operating procedures for initial ethics training issued in September 2019. OGE will assess the effectiveness of the new procedures during its follow-up Inspection.					

ETHICS PROGRAM INSPECTION REPORT

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UNITED STATES OFFICE OF GOVERNMENT ETHICS


 Preventing Conflicts of Interest
 in the Executive Branch

8.0 Annual Ethics Training					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
Each calendar year, public filers, confidential filers, and certain other employees must complete ethics training which meets specified requirements. <i>See</i> 5 C.F.R. §§ 2638.307 and 2638.308.					
8.1	The training presentation(s) addressed concepts related to financial conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. §§ 2638.307(e)(1) and 2638.308(f)(1).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8.2	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8.3	The agency's annual ethics training complies with the formatting requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(d) and 2638.308(e).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.4	The agency's program for annual ethics training complies with the tracking requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(f) and 2638.308(g).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8.5	The agency can demonstrate it has an effective process for ensuring covered public filers, other than those whose pay is set at Level I or Level II of the Executive Schedule, complete live annual ethics training at least once every two years. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
DATA ANALYSIS			Training Format		
			Live	Interactive	
Percentage of public filers who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.308(a).					
8.6	<ul style="list-style-type: none"> Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1). 	N/A	N/A		
8.7	<ul style="list-style-type: none"> Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2). 	N/A	N/A		
8.8	<ul style="list-style-type: none"> SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3). 	Could not Determine	Could not Determine		
Percentage of confidential filers and certain other employees who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.307(a)(d).					
8.9	<ul style="list-style-type: none"> Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1). 	0	100%		
8.10	<ul style="list-style-type: none"> Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2). 	N/A	N/A		
8.11	<ul style="list-style-type: none"> Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2). 	N/A	N/A		
8.12	<ul style="list-style-type: none"> Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3). 	N/A	100%		
8.13	<ul style="list-style-type: none"> Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4). 	N/A	N/A		
COMMENTS					
<p>(8.1) According to ethics officials USAGM provided both live and interactive online training in 2018. The live training presentation covered all required content. However, the four online modules used during 2018 to satisfy the annual ethics training requirement did not cover concepts related to financial conflicts of interest and impartiality. Instead, the modules covered gifts, political activity, acceptance of payment from a non-Federal source for travel expenses and fundraising. After reviewing OGE's inspection report, USAGM provided OGE with a training plan for 2019. USAGM ethics officials assured OGE that the training will cover all required content. OGE will assess the effectiveness of the new procedures during its follow-up Inspection</p> <p>(8.2) USAGM did not provide employees with any of the cited materials or written instructions for finding them. However, training notices did provide the contact information of the Ethics Office and encouraged employees to reach out with any questions.</p> <p>(8.4) According to ethics officials, public filers and many confidential filers received live training in 2018. However, USAGM could not provide attendance records of the, live presentations. USAGM's annual ethics training tracking system only recorded the completion of the online training by confidential filers.</p>					

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in the Executive Branch

(8.5) USAGM could not provide OGE with 2018 annual training completion records for public filers.
 (8.6) USAGM has no Executive Schedule Level I and Level II employees.
 (8.7) See line 10.9
 (8.8 & 8.9) OGE reviewed available training records to determine whether USAGM provided annual ethics training to those employees whose public and confidential annual financial disclosure reports OGE examined. USAGM could not provide OGE with 2018 annual training completion records for public filers.

9.0 ETHICS ADVICE AND COUNSELING				
COMPLIANCE REQUIREMENT		Yes	No	N/A
9.1	Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations. <i>See</i> 5 C.F.R. § 2638.104(c)(4).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
None				

10.0 Special Government Employees (SGE) Serving on Advisory Committees and Boards		
Confidential Financial Disclosure		
10.1	Number of SGEs serving on Advisory Committees and Boards.	6
DATA ANALYSIS		%
10.2	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	25%
10.3	Percentage of sampled reports reviewed within 60 days of receipt but not later than the SGE's first meeting. <i>See</i> 5 C.F.R. § 2634.605(a).	75%
10.4	Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	75%

Ethics Training				
COMPLIANCE REQUIREMENTS		Yes	No	N/A
Required ethics training must be provided to each SGE. <i>See</i> 5 C.F.R. §§ 2638.304 and 2638.307.				
10.5	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.6	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS		%		
10.7	Percentage of SGEs who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	N/A		
10.8	Percentage of SGEs who received initial ethics training timely. <i>See</i> 5 C.F.R. § 2638.304(b)(2).	N/A		
10.9	Percentage of SGEs who received annual ethics training. <i>See</i> 5 C.F.R. § 2638.307(d)(2).	67%		
COMMENTS				
(10.2-10.3) Only four SGEs filed the required confidential reports in 2018. Ethics officials explained that one of the SGE Board members received notice to file their report but has not filed it yet. A second Board member did not receive notice to file his confidential report due to a turnover in Ethics Office personnel. Ethics officials are following up actively and anticipate receiving both reports shortly. Only one of the four reports OGE examined was filed timely. After reviewing OGE's draft inspection report, USAGM indicated that they since received all				

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GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

outstanding SGE New Entrant 450 reports. The low sample percentages reflected in several quantitative sections of the report are a direct result of the unusually small number of SGE filers in USAGM.
(10.7-10.8) No SGEs were required to receive initial ethics training in 2018.
(10.9) Four of the six SGEs received live training in 2018. In addition, the DAEO provided all six SGEs with electronic and/or hard copies of a comprehensive ethics briefing created for the board members.

ISSUES IDENTIFIED AND RESOLVED DURING THE INSPECTION

Element	ISSUE
3.4	<p>ISSUE: Four public filers submitted their reports more than 30 days late. None of the four were assessed the late filing fee and none of the four were granted a waiver.</p> <p>AGENCY RESPONSE: During the course of OGE's inspection, ethics officials waived the late filing fees for all four filers.</p>

RECOMMENDATIONS

#	Element	RECOMMENDATIONS
1	3.7	<p>RECOMMENDATION: Increase coordination efforts with HR to ensure that the lead HR official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports</p> <p>AGENCY RESPONSE: Since February 2019, the USAGM Ethics Office and its Office of Human Resources have worked together closely to ensure that the Ethics Office has adequate information to identify appointments to positions that require incumbents to file public financial disclosure reports. To this end, on a bi-weekly basis, a designee of the lead human resources official is responsible for providing the Ethics Office with a list of on-boarding employees prior to their accession date. Another of her designees provides the Ethics Office with a list of current employees being promoted or detailed for more than 60 days on a bi-weekly basis. Ethics Officials also meet with all new employees on their first day of work to provide an initial ethics briefing during which they confirm whether any public filers are among the group of new employees. Together, these resources currently provide the Ethics Office with ample information to identify and confirm in a timely manner all appointments to positions that require incumbents to file public financial disclosure reports.</p>
2	3.8	<p>RECOMMENDATION: Increase coordination efforts with HR to ensure that the lead HR official or designee promptly (no later than 15 days after termination) notifies the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports.</p> <p>AGENCY RESPONSE: As noted above, since February 2019, prior to OGE's on-site visit, the USAGM Ethics Office and its Office of Human Resources have worked together closely to ensure that the Ethics Office receives timely notification of the pending separation of incumbents who file public financial disclosure reports. A designee of the lead human resources official now is tasked with providing the Ethics Office with a list of separating employees on a bi-weekly basis. Additionally, several Ethics Officials receive electronic notice concurrent with the initiation of all separations as part of the agency's electronic off boarding system. A recent example of an electronic off-boarding notice [was provided to OGE]. Together, these resources provide the Ethics Office with ample notification of the termination of employees in positions that require incumbents to file public financial disclosure reports.</p>
3	4.6	<p>RECOMMENDATION: Increase coordination efforts with HR to ensure that the lead HR official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports.</p> <p>AGENCY RESPONSE: Since February 2019, the USAGM Ethics Office and its Office of Human Resources have worked together closely to ensure that the Ethics Office has adequate information to identify appointments to positions that require incumbents to file confidential financial disclosure reports. To this end, a designee of the lead human resources official provides</p>

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Agency for Global Media (USAGM)

Report No.: 19-371

Date: September 5, 2019

Period Covered by Review: January 1, 2018 - April 30, 2019

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

		<p>the Ethics Office with a list of on-boarding employees prior to their accession date. Another of her designees is tasked with providing the Ethics Office with a list of current employees being promoted on a bi-weekly basis. Ethics Officials also meet with all new employees on their first day of work to provide an initial ethics briefing during which they confirm which new employees are confidential filers. When required, Ethics Officials may reach out new employees' supervisors on the same day and work with them to fill out OGE's 450 Filer's Worksheet. Together, these resources provide the Ethics Office with ample information to identify and confirm all appointments to positions that require incumbents to file confidential financial disclosure reports.</p>
4	4.7	<p>RECOMMENDATION: Ensure that confidential new entrant reports are filed timely.</p> <p>AGENCY RESPONSE: The Ethics Office agrees that it must take more aggressive steps to ensure that all confidential new entrant reports are filed in a timely manner. To this end, we now calendar additional follow-ups with filers prior to the due dates for all reports. We also have incorporated into our updated written procedures for filing public and confidential reports (provided to OGE), additional supervisory notification procedures up the filers' chain of command.</p>
5	5.1-5.8	<p>RECOMMENDATION: Establish written procedures for issuing the required notice to prospective employees</p> <p>AGENCY RESPONSE: The USAGM's draft SOP for OGC-HR, which include procedures for providing required ethics notices in written offers of employment was provided to OGE. Although the draft procedures currently are in the agency review and concurrence process, we expect them to be finalized within the next 30 days. Additionally, the Ethics Office wishes to emphasize that currently all written offers of employment for positions covered by the Standards of Conduct contain the ethics statements and notices mandated by 5 C.F.R. 2638.303. In May of 2019, prior to OGE's on-site visit to USAGM on May 23, 2019, our newly hired Ethics Counsel brought to the ADAEO's attention the need for these notices. Soon after a May 20, 2019 meeting between the ADAEO, Ethics Counsel, USAGM's Director of Administration, and the Director of the Office of Human Resources, the agency began including in all offers of employment the required ethics language. A recent sample of an offer letter, redacted of personally identifiable information, was provided to OGE.</p>
6	6.1-6.8	<p>RECOMMENDATION: Establish procedures for issuing the required notice to new supervisors, as required by 5 C.F.R. § 2638.306(d).</p> <p>AGENCY RESPONSE: A copy of the agency's written procedures for providing new supervisors with the ethics notices and materials required by 5 C.F.R. 2638.306(d) was provided to OGE. The DAEO intends to review these and all of the Ethics Office's written procedures annually. The ADAEO recently emailed to all current agency supervisors the ethics notices and materials required by 5 C.F.R. 2638.306 (see Exhibit 8). The Ethics Office also now provides the notices and materials to all new supervisors on a biannual basis.</p>
7	7.3	<p>RECOMMENDATION: Establish written procedures for initial ethics training.</p> <p>AGENCY RESPONSE: USAGM requests that OGE change these findings from No to Yes. The Agency's written procedures for initial ethics training (those in place during the period covered by OGE's review) are captured in a document entitled "DAEO's Ethics Orientation Welcome Letter," attached as Exhibit 7. This letter is provided to all new employees during live ethics training on their first day of work. The DAEO discussed with Ethics staff the initial ethics training content and procedures in detail, as well as reviewed the Welcome Letter. The Agency expects that he will continue to do so, in addition to now reviewing the written training procedures and plan annually.</p> <p>OGE COMMENT: OGE disagrees with USAGM in that a letter to employees does not constitute standard operating procedures for the initial ethics training program.</p>
8	8.1	<p>RECOMMENDATION: Ensure that the annual training presentation(s) addresses concepts related to financial conflicts of interest, impartiality, misuse of position and gifts</p> <p>AGENCY RESPONSE: In 2018, OGC 450 filers received on-line training that did not touch on 3 of the 4 required ethics topics. As discussed in, USAGM's Training Procedures, all training will include the required topics going forward.</p>

ETHICS PROGRAM INSPECTION REPORT

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UNITED STATES OFFICE OF
GOVERNMENT ETHICS


Preventing Conflicts of Interest
in the Executive Branch

9	8.2	<p>RECOMMENDATION: As part of annual ethics training, provide employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials.</p> <p>AGENCY RESPONSE: Our initial annual training notices and follow-up emails (seeking feedback on effectiveness) both will include the 14 Principles and links to USAGM's customized versions of OGE's summaries of the Ethics Standards and Criminal Conflict of Interest Statutes, as well as instructions for contacting the Ethics Office.</p>
10	8.4 & 8.8	<p>RECOMMENDATION: Ensure that USAGM's program for annual ethics training complies with the tracking requirements for public filers, confidential filers, and certain other employees.</p> <p>AGENCY RESPONSE: USAGM will ensure that its 2019 training of public filers and SGEs is tracked in accordance with applicable tracking requirements. USAGM's tracking of annual ethics training of confidential filers is, and historically has been, compliant with OGE requirements.</p>
11	10.2	<p>RECOMMENDATION: Ensure that SGEs file required confidential new entrant reports timely.</p> <p>AGENCY RESPONSE: USAGM has taken steps to ensure that SGEs file required confidential new entrant reports in a timely manner, including synching their filing deadline with those of the agency's annual OGE-450 filers.</p>
12	10.9	<p>RECOMMENDATION: Ensure that SGEs receive annual ethics training.</p> <p>AGENCY RESPONSE: In 2018, USAGM provided in--person training to 4 of the 6 Board members and ethics training materials to all six. We will continue to ensure that SGEs receive required annual ethics training in 2019 and thereafter. Going forward, USAGM will continue to ensure that SGEs receive required annual ethics training and will track the training as required by our new Training Procedures.</p>