

**ETHICS PROGRAM INSPECTION REPORT**

Agency: U.S. Ability One Commission (Commission)

Report No.: 24-061

Date: October 23, 2023

Period Covered by Review: January 1, 2022 through July 31, 2023

**UNITED STATES OFFICE OF  
GOVERNMENT ETHICS**Preventing Conflicts of Interest  
in the Executive Branch

<b>1.0</b>	<b>AGENCY DATA</b>		
	<b>EMPLOYEES</b>		
1.1	Number of full-time agency employees.	32	
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.	4	
1.4	Number of confidential financial disclosure reports required to be filed.	19	
	<b>ETHICS PROGRAM</b>		
1.5	Title of Designated Agency Ethics Official (DAEO).	General Counsel	
1.6	Grade level of DAEO.	GS-15	
1.7	Title of Alternate DAEO (ADAEO).	Assistant General Counsel	
1.8	Grade level of ADAEO.	GS-15	
1.9	Title of the primary, day-to-day ethics program administrator.	Assistant General 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.	2	
1.13	Number of reporting levels between the DAEO and the agency head.	1	
	<b>COMMENTS</b>		
	None.		

<b>2.0</b>	<b>LEADERSHIP</b>			
	<b>COMPLIANCE REQUIREMENTS</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See 5 C.F.R. § 2638.107(a).</i>	<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 5 C.F.R. § 2638.107(a).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>COMMENTS</b>			
	None.			

<b>3.0</b>	<b>PUBLIC FINANCIAL DISCLOSURE (OGE Form 278e, OGE Form 278-T)</b>			
	<b>COMPLIANCE REQUIREMENTS</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	The agency has written policies and procedures in place governing: <i>See 5 U.S.C. app. IV, § 402(d)(1).</i>			
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 type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	Public financial disclosure reports are securely maintained. <i>See OGE/GOVT-1.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS		%		
3.9	Percentage of sampled non-PASnew entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).	100%		
3.10	Percentage of sampled non-PASannual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	100%		
3.11	Percentage of sampled non-PAStermination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A		
3.12	Percentage of sampled non-PASpublic financial disclosure reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
3.13	Percentage of sampled non-PASpublic financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
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) None of the reports filed during the period covered by the inspection were subject to the late filing fee.</p> <p>(3.7 - 3.8) The requirement for human resources officials to notify the DAEO of appointments to or terminations from positions that require incumbents to file public financial disclosure reports is intended to ensure the DAEO can timely advise employees of relevant filing requirements. Because of the limited and unchanging number of public filers and small size of the Commission, OGE is confident the DAEO would be aware of pending appointments to and terminations from the limited public filer positions.</p> <p>(3.11) There were no non-PAStermination reports required to be filed during the period covered by OGE’s inspection.</p> <p>(3.14-3.17) The Commission has no PAS positions.</p>				

**4.0 CONFIDENTIAL FINANCIAL DISCLOSURE**

<b>COMPLIANCE REQUIREMENTS</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
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"/>
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"/>

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>DATA ANALYSIS</b>	<b>%</b>		
4.7	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	100%		
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).	50%		
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).	53%		
	<b>COMMENTS</b>			
	<p>(4.5) The Commission does not have an OGE-approved alternative confidential financial disclosure system.</p> <p>(4.6) The Commission typically brings onboard one to three new employees in a calendar year. The DAEO/ADAEO coordinate internally with any new employee entering a covered filing position.</p> <p>(4.9-4.10) OGE examined 18 of the Commission’s annual confidential financial disclosure reports filed in 2023. Half of the reports were reviewed beyond the 60-day timeframe and more than half were certified beyond the timeframe. The ADAEO explained that the Commission operated with the understanding that the 60-day timeframe for review and certification started from the February 15 due date for annual reports, rather than from the date a report is submitted.</p>			

<b>5.0</b>	<b>NOTICES TO PROSPECTIVE EMPLOYEES</b>			
	<b>COMPLIANCE REQUIREMENTS</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	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"> <li>A statement regarding the agency's commitment to government ethics.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	<ul style="list-style-type: none"> <li>Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	<ul style="list-style-type: none"> <li>Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4	<ul style="list-style-type: none"> <li>Where applicable, notice of the time frame for completing initial ethics training.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.5	<ul style="list-style-type: none"> <li>Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment.</li> </ul>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENTS</b>				
<p>(5.3) The two written offer of employment notices provided to OGE for evaluation did not contain the required contact information for the agency ethics office or an explanation on how to obtain additional information on applicable ethics requirements. Upon being notified of the missing information by OGE, the ADAEO provided OGE an updated template containing the required contact information for the agency ethics office.</p> <p>(5.5) The two written offer of employment notices provided to OGE for evaluation contained a statement regarding the possibility of the employee having to file a financial disclosure statement, but did not contain the required explanation that new entrant reports must be filed</p>				

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within 30 days of appointment. Upon being notified of the missing language by OGE, the ADAEO sent OGE an updated template that now contains the required deadline for filing a new entrant financial disclosure report.

**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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	• The text of 5 C.F.R. § 2638.103.	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.4	• Other information the DAEO deems necessary.	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
COMMENTS				
(6.7) The Commission did not appoint any new supervisors during the period covered by the inspection; therefore, no notices were required to be provided.				

**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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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.	100%		
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).	100%		
COMMENTS				
(7.2) During the initial ethics training of the two new employees in 2022, the Commission did not provide written materials or written instructions on how new employees could access the Standards of Conduct; however, the ADAEO did provide the required materials to an incoming new employee in 2023.				

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(7.5-7.6) Two new employees joined the Commission in October and November 2022. The new employees received the initial ethics training during the live annual ethics training provided on November 28, 2022.

**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. *See* 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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. *See* 5 C.F.R. § 2638.308(a).

8.6	• Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1).	N/A	N/A
8.7	• Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	N/A	N/A
8.8	• SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3).	N/A	100%

Percentage of confidential filers and certain other employees who completed annual ethics training before the end of the calendar year. *See* 5 C.F.R. § 2638.307(a)(d).

8.9	• Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1).	N/A	100%
8.10	• Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).	N/A	N/A
8.11	• 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	• Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3).	N/A	N/A
8.13	• 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**

(8.2) The Commission did not provide written materials containing the summary of the Standards of Conduct as part of the annual ethics training.

(8.6, 8.7, 8.10, 8.11, and 8.13) The Commission has no employees who fall within these categories.

(8.12) The Commission's contracting officer is included in category 8.9.

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	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.	4
	DATA ANALYSIS	%
10.2	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	100%
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).	100%
10.4	Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%

**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 type="checkbox"/>	<input checked="" 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).			100%
	COMMENTS			
	(10.2) One of the four commissioners was required to file the OGE Form 278 public report due to exceeding 60 days of work during the calendar year.			
	(10.6) The Commission did not provide written materials containing a summary of the Standards of Conduct as part of the annual training.			

**ISSUES IDENTIFIED AND RESOLVED DURING THE INSPECTION**

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Element	ISSUE
5.3	<p><b>ISSUE:</b> Written offer of employment notices did not contain the required contact information for the agency ethics office or an explanation on how to obtain additional information on applicable ethics requirements. Once notified of this deficiency by OGE, the Commission provided OGE an updated template that contains the missing required contact information for the agency ethics office.</p> <p><b>AGENCY RESPONSE:</b> No additional action is required.</p>
5.5	<p><b>ISSUE:</b> Written offer of employment notices did not contain the required explanation that new entrant financial disclosure reports must be filed within 30 days of appointment. Once notified of this deficiency by OGE, the Commission provided OGE an updated template that contains the required deadline for filing financial disclosure reports.</p> <p><b>AGENCY RESPONSE:</b> No additional action is required.</p>
7.2	<p><b>ISSUE:</b> In 2022, the Commission did not provide new employees written materials or written instructions on how new employees could access the Standards of Conduct during initial ethics training. However, in 2023, the Commission did provide the required written instructions to an incoming new employee.</p> <p><b>AGENCY RESPONSE:</b> The Commission developed an email template record of attendance for Initial Ethics Training (IET). This template email provides the citation to the IET requirement, confirms the new employee's IET attendance, provides hyperlinks to OGE's summary of the Standards of Ethical Conduct (and other information available at <a href="https://oge.gov/web/oge.nsf/resources_standards-of-conduct">https://oge.gov/web/oge.nsf/resources_standards-of-conduct</a>), and provides the contact information for the Commission's DAEO and ADAEO. After completion of IET, this email will be sent to the employee.</p>

RECOMMENDATIONS			
#	Element	RECOMMENDATION	Compliance Due
1	(4.9-4.10)	<p><b>RECOMMENDATION:</b> Ensure annual confidential financial disclosure reports are reviewed and certified within 60 days of receipt.</p> <p><b>AGENCY RESPONSE:</b> The Commission accepts OGE's recommendation as well as OGE's interpretation that "date of filing" in 5 CFR 2634.605(a) means the date the Commission's DAEO/ADAEO receives the Filer's OGE 450. <i>Confidential Financial Disclosure Guide: OGE Form 450</i>, § 3, p.44 (December 2018). The Commission respectfully notes, however, that "date of filing" or "filing date" is not a defined term at 5 CFR 2634.105. The Commission universally used the annual regulatory filing deadline of February 15 to start the 60-day review/certification clock as a measure to preserve and economize agency time and staffing resources. Because the regulation at 2634.605(a) does not expressly state "date of receipt" as explained in OGE's <i>Guide</i>, the Commission did not feel this was an unreasonable interpretation of 2634.605(a) when read together with 2634.903(a). Although some Filers submitted their CY 2022 OGE 450 report prior to February 15, 2023, per 2634.903(a), no incumbent OGE 450 Reports are <i>due</i> prior to February 15 in any calendar year. The Commission believes it important to note that although the Commission was not compliant in CY 2022 with OGE's <i>Guide</i>, had OGE concurred with the Commission's interpretation, all the Commission's OGE 450 Reports for CY 2022 were reviewed within 60 days of February 15, 2023. Nevertheless, moving forward, the Commission will review and certify all OGE 450 Reports within 60 days of receipt, unless otherwise extended as permitted by 5 CFR 2634.903(d).</p>	June 2024



## ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Ability One Commission (Commission)

Report No.: 24-061

Date: October 23, 2023

Period Covered by Review: January 1, 2022 through July 31, 2023

UNITED STATES OFFICE OF  
**GOVERNMENT ETHICS**  
  
Preventing Conflicts of Interest  
in the Executive Branch

2	8.2	<p><u>RECOMMENDATION:</u> Ensure employees are provided written materials containing a summary of the Standards of Conduct as part of annual ethics training.</p> <p><u>AGENCY RESPONSE:</u> The Commission developed an email template to send Filers when Annual Ethics Training (AET) has been assigned in USDA's AgLearn, which is the Commission's contracted online training system. This template email provides the citation to the annual AET requirement, advises the annual course completion deadline of December 31st, provides the DAEO/ADAEO telephone and email contact information, and hyperlinks to OGE's summary of the Standards of Ethical Conduct (and other information available at <a href="https://oge.gov/web/oge.nsf/resources_standards-of-conduct">https://oge.gov/web/oge.nsf/resources_standards-of-conduct</a>).</p>	June 2024
3	10.6	<p><u>RECOMMENDATION:</u> Ensure commissioners are provided written materials containing a summary of the Standards of Conduct as part of annual ethics training.</p> <p><u>AGENCY RESPONSE:</u> IAW 5 CFR 2638.307(d)(2), and in lieu of attending interactive Annual Ethics Training (AET), the Commission will send written materials to the SGE commissioners filing an OGE 450 because the DAEO has determined that requiring interactive training to those SGE's working less than 60 days is impractical. However, for any commissioners who surpass 60 workdays in a calendar year (thus transitioning to a public report Filer), those commissioners are/will be assigned AET through USDA's AgLearn system and will receive the template email described in Recommendation #2 above, which contains the information required in 2638.307(e)(2).</p>	June 2024