



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

February 10, 2012

Peggy R. Mastroianni
Legal Counsel
Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507-0100

Dear Ms. Mastroianni:

The United States Office of Government Ethics (OGE) has conducted a follow-up review of the ethics program at the Equal Employment Opportunity Commission (EEOC) to determine whether the improvements recommended in our December 2010 report have been achieved.

During OGE's initial review of EEOC's ethics program, OGE found that there was no formal agency-wide system to identify potential conflicts of interest prior to case assignment. Instead, EEOC primarily relied on employee training and generic memorandums sent to incumbent financial disclosure report filers reminding them to be cognizant of the need to recuse themselves when appropriate. OGE was concerned that annual ethics training may not be sufficient to ensure employees do not inadvertently accept cases which could present a conflict. OGE recommended that EEOC increase the frequency of employee ethics training. In response to this recommendation, EEOC reinstated the practice of sending a tailored recusal memorandum to each filer specifying cases from which they would have to recuse. Memorandums regarding recusal requirements are also sent to District Directors periodically. These reminders are shared with employees. While the memorandums do not constitute the training envisioned by the recommendation, they are responsive to OGE's concerns. Therefore, OGE closes the recommendation.

OGE's initial review also examined EEOC's annual process of comparing all charges opened within each district against the assets reported by that district's financial disclosure report filers. OGE was seriously concerned about the practice of District Directors assigning subordinates to conduct investigations when the Office of Legal Counsel (OLC) found that the subordinate's District Director may have taken action in a case in which he or she had a personal financial interest. Based on concerns over the propriety of having a subordinate investigate whether their District Director may have been involved in a potentially criminal conflict of interest, OGE recommended that EEOC create a process in which an independent party investigates potential violations committed by District Directors. Since OGE's initial review, OLC has taken responsibility for conducting investigations involving District Directors. OGE is satisfied that this change provides for an appropriate level of review of District Directors' potential conflicts of interest and has closed its recommendation regarding these investigations.

EEOC Report No. 12-32F

OGE's initial review further found that relying on the Office of Human Resources (OHR) to administer initial ethics orientation and identify new entrant financial disclosure report filers had led to complications in meeting regulatory requirements in these areas. OGE's report included the following recommendation:

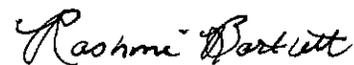
OGE recommends EEOC formalize and expand the roles of District Directors to fully support the ADAEO in the administration of the ethics program and amend its directives accordingly. Specifically, OGE recommends that all District Directors assume the following responsibilities:

- identifying new employees for purposes of IEO and financial disclosure and communicating that information directly to OLC,
- tracking the completion of IEO in their districts, and
- providing new entrant filers with confidential financial disclosure forms.

In response to this recommendation, EEOC sent a memo to the affected officials specifying new procedures and delegating responsibilities designed to more effectively administer the ethics program. The procedures and delegations of responsibility provide for more involvement on the part of District Directors in ensuring that new employees receive initial ethics orientation and that new entrant filers receive the appropriate forms and instructions. District Directors will also take a more active role in providing information to OLC so that OLC can track compliance with requirements. OGE is satisfied that EEOC's actions to address this recommendation are appropriate and has closed the recommendation.

Based on our follow-up, we have determined that EEOC has adequately implemented the recommendations in the December 2010 review report. As a result, OGE has closed the recommendations. Thank you for your assistance during the follow-up process. Please contact me at 202-482-9317 if you require any additional information.

Sincerely,



Rashmi Bartlett
Associate Director