

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



November 10, 2015

Adrian Sevier  
Chief Counsel  
Federal Emergency Management Agency  
Room 8NE-1007  
500 C Street, SW, MS 3515  
Washington, DC 20472-3100

Dear Mr. Sevier:

As a result of its review of the Federal Emergency Management Agency's (FEMA) ethics program, the United States Office of Government Ethics (OGE) issued 19 recommendations in its January 2014 ethics program review report. In April 2015 OGE conducted a follow-up review to assess the implementation of the recommendations which resulted in 12 recommendations being closed. OGE conducted a second follow-up in October 2015 to evaluate the actions FEMA has taken to address the remaining seven open recommendations. Based on the second follow-up review, OGE has determined that six additional recommendations have been implemented and are now considered closed. The results of the second follow-up review are summarized below.

	Recommendation	Agency Action	Status
8	Develop an action plan in coordination with the Office of the Chief Component Human Capital Officer (OCCHCO) to ensure that new entrant confidential filers are identified timely and ethics officials are notified.	FEMA continues to take steps to address this recommendation.	Open
9	Establish a tracking mechanism for workers under the Intergovernmental Personnel Act (IPA).	Working with the FEMA Office of the Chief Financial Officer (OCFO), the Ethics Office was able to identify the funding code under which all IPAs are brought onboard to FEMA. With that code, OCFO ran a report of all FEMA IPA detailees and the Ethics Office successfully validated the report results with FEMA program offices in which the detailees work. Looking forward, FEMA OCFO has agreed to notify the Ethics Office every time this funding code is tripped relating to an IPA agreement. The Ethics Office has also decided to proactively request monthly IPA reports from OCFO.	Closed

10	Ensure IPAs file financial disclosure reports, as required.	<p>The Ethics Office identified three current IPAs. Ethics officials determined that the three IPAs do not need to file a financial disclosure report.</p> <p>FEMA indicated that, while the IPAs salaries may be higher than the salary of other Government employees, they do not have clearly defined positions and they retain their non-federal salaries. Thus, their pay is not reflective of the level of responsibility for their Government duties and they are therefore not required to file a public financial disclosure report (OGE Form 278). <i>See</i> OGE 02x11.</p> <p>In terms of confidential financial disclosure reports (OGE Form 450), FEMA determined that the duties and responsibilities of the current IPAs do not meet the confidential filing criteria of 5 C.F.R. § 2634.904(a)(1). Ethics Officials believe this will be the case for the vast majority of IPAs at FEMA. However, in the future they will do a case-by-case analysis with new IPAs.</p>	Closed
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<p>11</p>	<p>Ensure that all new employees receive initial ethics orientation (IEO) and put in place an effective IEO tracking mechanism.</p>	<p>FEMA ethics officials indicated that all employees timely complete their IEO in one of two ways: as part of a new employee orientation program or, in the case of OGE Form 278 filers, through a face-to-face briefing upon entering a public filing position.</p> <p>Beginning in November 2014, all new GS-level employees are required to attend New Employee Orientation at the Center for Domestic Preparedness in Anniston, AL, before reporting to their normal duty station. There are no exceptions to this rule. This training includes an hour of time to complete ethics training online and receive copies of ethics rules, as per the regulatory requirements for IEO.</p> <p>For new OGE Form 278 filers, the Ethics Office receives monthly updates from OCCHCO in order to closely track the status of all SES employees and political appointees, including when they enter on duty and when they leave their position. To ensure the Ethics Office receives this report on a timely basis, ethics officials started requesting the report from OCCHCO at the beginning of each month, rather than waiting for OCCHCO to send it to them. In almost all cases, the IEO for OGE Form 278 filers is completed through a face-to-face briefing with an ethics counselor within the first 90 days of employment.</p>	<p>Closed</p>
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<p>12</p>	<p>Ensure that all covered employees receive annual ethics training by the end of this year (2014).</p>	<p>FEMA ethics officials indicated that for the OGE Form 278 filers, FEMA was 100% compliant in providing them with annual training in 2014.</p> <p>To meet the annual training requirement for 2015, OGE Form 278 filers will receive live training during the month of November. FEMA’s Ethics Office will provide training to any filer who can’t attend any of the scheduled group sessions with one-on-one “desk-side” briefings as needed.</p> <p>Beginning in 2015, OGE Form 450 filers were required to submit proof of 2015 training as an attachment to their completed OGE Form 450. Acceptable training included completion of the online training, live training conducted by an ethics counselor, or other training that complied with OGE regulation. Acceptable proof of training included training certificates, sign-in sheets, or class lists from certified ethics counselors. Over 70% of OGE Form 450 filers submitted the requisite proof of training with their report. Ethics officials followed up to obtain proof of training from those who did not submit it with their report. Ethics officials stated that as of October 2015, 2,040 out of 2,149 OGE Form 450 filers (over 96%) completed the annual training. Ethics officials will continue working to collect evidence of training for the remaining filers by the end of the calendar year.</p>	<p>Closed</p>
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<p>13</p>	<p>Implement an effective ethics training tracking system.</p>	<p>In 2015, FEMA’s Ethics Office created two tracking systems using SharePoint; one tracker is for OGE Form 278 filers and the other is for OGE Form 450 filers.</p> <p>The OGE Form 278 filer tracker has two tables. The first table contains information on filers, including when they enter on duty and when they leave a covered position, when training was completed, and other information about the filer. The second table tracks the disclosure reports themselves, including the type of reports.</p> <p>The second table is used to ensure each report receives a timely review within 60 days of the filer’s submission. Ethics officials also use this table to ensure they remind filers of filing obligations and to take action on penalties and enforcement as needed.</p> <p>The OGE Form 450 tracking system documents who is required to file a confidential financial disclosure report, when the report was filed, and when the individual completed their required annual ethics training.</p> <p>This tracking system now allows FEMA’s Ethics Office to report exactly how many filers have completed annual ethics training. The Ethics Office is working with IT support to further enhance the system to better ensure that all program points of contact and reviewing attorneys are aware of the review status of each report and will be able to closely track the 60-day review timeline.</p>	<p>Closed</p>
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16	Ensure that reappointed SGEs mark the “new entrant” box on their confidential financial disclosure reports and complete their reports accordingly.	FEMA SGEs work on FACA committees or on one non-FACA advisory committee. Ethics officials have instructed all SGEs as well as the ethics counsel for these committees to ensure that all SGE OGE Form 450 reports are filed with the “new entrant” box checked. Ethics officials also instructed SGE filers that the reporting period covers the preceding 12 months prior to filing the form. The Ethics Office updated its training to specifically reiterate these points to the SGEs in training conducted in August and September 2015.	Closed
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Thank you for your assistance during the follow-up process. OGE will perform a third follow-up during 2016 to assess the status of the one outstanding recommendation. We encourage you to contact your Desk Officer for ethics program support.

Sincerely,



Dale Christopher  
Deputy Director for Compliance