

# OFFICE OF ETHICS NEWSLETTER



January 2004



HAPPY NEW YEAR – FROM THE ETHICS STAFF



Volume 5 - Issue 1

## 2003 ETHICS RETREAT: A SPLASHING SUCCESS

With the hurricane clouds forming along the coast, the theme song for this year's USDA Ethics Retreat could well have been the Lena Horn classic "Stormy Weather." Or, for those with an eye towards their flights home, maybe the tune might have been Joni Mitchell's "Urge for Going." But considering that the first two days of the Retreat fit nicely under the Beatles' "Good Day Sunshine," the consensus choice for the 3-day event would have to be Meatloaf's "Two Out of Three Aint Bad."

All in all, the Ethics Retreat, held at the George Washington Carver Center in Beltsville, Maryland,

on September 16<sup>th</sup> and 17<sup>th</sup>, was a splashing success. [Pun intended]. Perhaps the best measurement of the interest in this year's Retreat is the fact that the number of attendees (72), more than doubled last year's Retreat attendance, which, at the time, was a commendable audience. Also of note: Almost half of the attendees (30) traveled from outside the Metropolitan DC area to attend. While most attendees were full-time or collateral duty ethics personnel, a fair number were not directly involved in the day-to-day work of ethics. Certainly, one reason for the increased attendance would be the emphasis that the Secretary and her Cabinet have placed on government ethics at USDA over the past two years. During CY 2003, the Office of Ethics (OE) met with Undersecretaries and Agency Administrators to set out the strengths and weaknesses of their respective programs. Given the response (see "2003: A Very Busy Year"), it is clear that they supported the need for improvements. The other reason, of course, was the specific emphasis placed this past year on government ethics as it relates to USDA scientists.

(See 2003 Ethics Retreat, Page 9)

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# Meet An Ethics Advisor



**1.9.6.2.8.3.J.R.**

**Name:** John Riffie  
**Agency:** Dairy Programs, Agriculture Marketing Service (AMS)  
**Address:** 1400 Independence Ave., SW,  
Room 2754-S  
**Tele. No.:** 202 690 -0930  
**Email:** [john.riffie@usda.gov](mailto:john.riffie@usda.gov)  
**Employee Count:** 450  
**No. of Confidential Filers:** 225

*Did you say “ethics” is boring and ethics advisors are dry? Obviously you haven’t met John Riffie!*

## **\*\* GENERAL INFORMATION \*\***

John is somewhat of a rare breed in these parts. He’s a native Washingtonian who has spent most of his 55 years in DC. Before entering the Federal service he, like most of us, held several jobs. His, however, were somewhat apart from the norm. John’s been a produce assistant manager, bellman for the Marriott, burglar alarm installer, electrician *roadie* for a rock band, and a bartender at the former Crazy Horse on M Street in Georgetown. In 1974, looking for even more excitement, John accepted a government position as a construction inspector the Department of the Navy. In his own words, “...a very cool job – I got to work around explosives at the Naval Ordnance Center in Indian Head, Md., the David Taylor Naval Research Center in Carderock, Md., and the Vice President’s house.” (!?!). After doing a bang-up job (pun intended), John became a staffing assistant at the Office of Personnel Management. He took a quick break from the Federal sector to try his hand at opening a business, and in 1991 he returned for a Personnel Management Specialist position in Dairy Programs, AMS, where he works today. Now, John

(See Meet An Ethics Advisor, Page 11, Column 2)

## **NEW LAW EXPANDS COVERAGE OF 1-YEAR “COOLING OFF” POST-EMPLOYMENT RESTRICTION TO MOST “SENIOR EMPLOYEES”**

**IMPORTANT: If you currently are a member of the Senior Executive Service (career or non-career) paid at levels ES-1 through ES-4 and are considering post- government employment that would involve interaction with the Department of Agriculture (USDA), you need to be aware of recent legislation that may affect your ability to interact with the USDA within one year of your termination.**

**Effective January 11, 2004**, most members of the Senior Executive Service (SES) became subject to the 1-year post-employment “cooling off” period, under 18 U.S.C. 207(c). This statute bars a former Federal “Senior Employee” from representing another before his or her former agency for a period of one year from termination and covers any particular matter in which the agency has an interest. For USDA “senior employees,” this means the entirety of USDA; not just your former component thereof. It also covers all matters before USDA; not just those before your component.

The expansion of coverage came about on November 24, 2003, when the President signed the National Defense Authorization Act for Fiscal Year 2004 (Act), Pub. L. No. 108-136. Section 1125 of the Act abolishes the existing SES compensation scheme (ES-1 through ES-6), as well as locality pay, and establishes a pay-for-performance system consisting of a single pay band. Under section 1125, the “cooling off” period now applies to individuals whose rate of basic pay exceeds 86.5 percent of the rate for level II of the Executive Schedule (EL II). Thus, while the old “cooling off” bar applied just to ES-5 and 6, as of January 11, 2004, the statute covers everyone down to and including all those now at ES-2, as well as those at ES-1 in San Francisco.

We will keep affected employees advised about new developments and/or guidance on the matter.

## ACKNOWLEDGED FOR PROGRAM IMPROVEMENT

As of September 2001, there were numerous areas within the Food and Nutrition Service (FNS) ethics program requiring immediate attention and corrective action. The prior year, the Office of Government Ethics (OGE) performed an audit in which several deficiencies were found. As a result of the OGE audit, FNS initiated its recovery by obtaining the services of an additional staff person (Anita Cunningham) to assume the bulk of the ethics program functions. Anita was assigned ethics as a full-time responsibility. FNS also implemented several corrective procedures that: improved timeliness of filing financial interest statements, developed an annual ethics training plan, established a process for receiving notification from Human Resources on all new employees, provided ethics orientation for new employees, and implemented new procedures concerning approval for Outside Employment and activities.

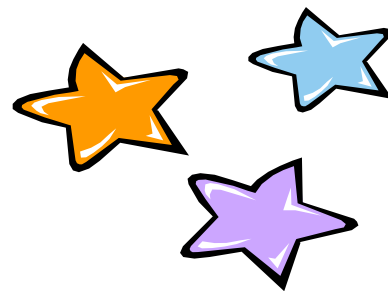
The subsequent OGE Audit Report, the Secretary issued her memorandum to all mission areas to review their ethics programs and to identify and correct any programmatic weaknesses. To properly address its weaknesses, FNS took an active approach toward improving its program. Several meetings were held with the FNS Administrator and Management staff to address the identified deficiencies. FNS' initial ethics program assessment rating by USDA Office of Ethics (OE) was "fair to good." Using the factors used by OE in reaching its rating, FNS staff made several additional moves to improve the OE rating, including the following:

**Program Visibility:** The FNS ethics position was relocated under Management and now reports directly to the Assistant Deputy for Management (The position was previously located in the Human Resources Division).

**Resources:** The FNS ethics position has been upgraded to a GS-13 level. The position was advertised and Anita Cunningham was selected for the position. The Deputy for Management has approved a budget for the ethics program to be used for training and travel expenses. These funds will be made available based upon need.

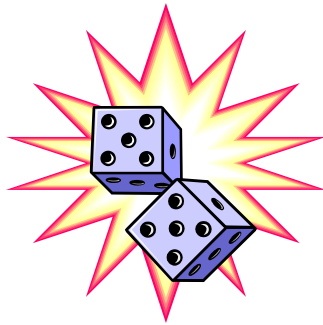
**Advisor Continuity:** The primary duties of this position will be managing the ethics program, processing all high-level hotline complaints and extensive disaster related technical responsibilities to sustain the GS-13 level. The agency still maintains one ethics advisor in the seven regions as well as 2 employees at Headquarters, including the ethics program manager. We are currently in discussions to plan a two-day training conference for all of the Agency's regional ethics advisors.

FNS' commitment to improve its ethics program is ongoing. The above corrective actions will be monitored closely to ensure the program continues to meet the program requirements identified by the Secretary necessary to establish and maintain an effective ethics program. Given the structural changes made by FNS, OE recently upgraded its rating of the FNS ethics program to "very good." Management and ethics staff are working together to elevate the ethics program assessment rating to "excellent."



# Gambling

## In the Federal Working Place



The end of the holiday season marks the beginning of sports-mania, especially for football and basketball enthusiasts. As the football season comes to a close, the Super Bowl is fast approaching. Not to be outdone, for hoop fans, is "March Madness," the March NCAA tournament. In short, this time of year is ripe for placing friendly wagers on one's favorite teams. While betting a couple of bucks is often a fun, social activity, if done at work, it runs afoul of the Federal regulations prohibiting gambling in the Federal workplace.

Federal rules on gambling are found at section 735.201 of title 5 of the Code of Federal Regulations. This section prohibits civilian employees from gambling while on duty, or while on government-owned or leased property, unless necessitated by the employee's official duties. This regulation applies not only to Federal employees, but also to members of the public while they are on GSA-controlled property.

**Violations may be cause for disciplinary action by the employee's agency, which may be in addition to any penalty prescribed by law.**

The only agency-approved exception to activities such as raffles is in connection with the Combined Federal Campaign (CFC) as prescribed by the law in accordance with Executive Order 12353. Similarly, each head of the Department or agency may approve policies and procedures for these activities, which are "conducted by organizations composed of civilian employees among there own members for the organizational support or for the

benefit of welfare funds for their members." Executive Order 12353. However, do not mistake permission to hold CFC raffles as providing permission to gamble. The two are NOT synonymous.

**Gambling requires three elements: a game of chance, consideration for the opportunity to play the game, and an offering of a prize.**

**GAME OF CHANCE** would include a raffle, lottery, football pool, the selling or purchasing of a numbers slip or ticket, or any game for money or property. **CONSIDERATION** includes a participation fee, a wager of money, and something of value in return for the possibility of winning a reward or prize. A **PRIZE** would include a monetary award, or a tangible or intangible item. This may include a meal, drinks, administrative leave, gift certificates, or cash.

The confidence of the public in its government is influenced not only by the manner in which employees serve the public, but also in the way they conduct themselves in the eyes of the public. Each employee must maintain an unusually high standard of honesty, integrity, impartiality, and conduct in the proper performance of the Government business and the maintenance of the confidence by citizens in their Government. In short, make your wagers at the bar or at the game.



## 2004 Annual Government Ethics

### Conference New York



The Office of Government Ethics will host its Annual Government Ethics Conference, March 1 through 4, 2004, at the

New York Marriott Marquis Hotel in New York, New York. This year's conference will include pre-conference training sessions on March 1 for new ethics officials. These sessions will require a separate registration and fee. The pre-conference participants will be able to choose between a two-part course on Conflicts of Interest or two separate courses on: Post Employment, Seeking Employment, Gifts or Misuse of Position. The participants will have an opportunity to join subgroup discussions with OGE desk officers on a variety of topics.

The main conference starts March 2. The Honorable Kay Cole James, Director of the Office of Personnel, will discuss Federal personnel trends and issues, and the importance of the ethics program in the Federal government. The main conference will also offer plenary and concurrent sessions, and a general session on the subject of Contractors in the Workplace.

For more detailed information regarding the conference, please visit OGE's web site at [www.usoge.gov](http://www.usoge.gov).

## A Detail To REE Ethics Office



("Lolita surviving a grueling detail.")

Lolita Roberson, Office of Ethics (OE), went on a 2-month developmental detail in June 2003 to work with Sue Mutchler, Mission Area Ethics Advisor, Research, Education and Economic (REE) and staff at the George Washington Carver Center in Greenbelt, Maryland. Lolita was exposed to the scientific side of ethics, which involved issues on: post employment, expert witness testimony, and outside activities. She also worked on employee association and subpoena issues. Lolita was also given the opportunity to spend some time reading up on the ethics rules and regulations. Lolita said: "I enjoyed working with a great group of people whose ethics program is so well organized. The staff was very helpful and understanding. I am glad that I was given the opportunity to go on such a detail. It was a good experience for me to be able to see how the REE ethics office operates and to be involved in some of the issues they face each day. The one thing that I enjoyed the most, besides the delight of working with such a warm group of people, was the environment that the George Washington Carver Center has to offer – it's serene and lovely. Thanks, Sue M., Sue P., Clarice, Lynn, and Debbie for such a great learning experience and let me not forget the great *parties*, too!!!" [OE: We now see why, near the end of her detail, Lolita hired an attorney -- To fight extradition!!]



## ACKNOWLEDGED AS “MOST IMPROVED PROGRAM”

In early 2002, the Office of Government Ethics (OGE) performed an audit of the Food Safety and Inspection Service (FSIS) ethics program that found that the FSIS ethics program was weak. OGE spotted many deficiencies that resulted from FSIS non-compliance with ethics program requirements. The subsequent Office of Ethics (OE) Program Assessment (Assessment) rated the program as “Poor.”

Organizationally, program visibility traditionally had been low. While the Designated Ethics Official (DEO) (FSIS Deputy Administrator for the Office of Management) was appropriately situated two levels below the Under Secretary, at the time of the Assessment, the Mission Area Ethics Advisor (MAEA), a GS-13 Employee Relations (ER) Specialist, was located three levels below the DEO. Moreover, the MAEA performed ethics duties on only a collateral basis. The MAEA had little or no access to decision makers.

On February 5, 2003, FSIS submitted a response addressing the deficiencies as noted by OGE. Included in the response to each deficiency, FSIS outlined plans to correct the deficiency and projected completion dates to accomplish each plan. On May 1, 2003, the Agency submitted an Agency Ethics Action plan outlining the steps taken to correct the deficiencies as well as status report on pending items.

To date, FSIS has made considerable progress addressing the concerns of OGE.

Since the Assessment, FSIS established a separate Ethics Office within the Labor and Employee Relations Division (LERD) to provide the kind of high-level support that is crucial to the functioning of the Agency’s ethics program. The FSIS Ethics Office is primarily responsible for

managing and coordinating the Agency’s ethics program.

In addition, FSIS created a full-time MAEA position. The MAEA reports directly to the Director, LERD up to the Associate Administrator for the Office of Management, who now serves as the DEO. In addition, the MAEA provides quarterly briefings to the Administrator and Under Secretary on the progress of the Agency ethics program as well as regularly providing briefing papers on the status of current ethics issues and will regularly attend the weekly Office of Administrator staff meeting.

Most importantly, FSIS sought to hire an MAEA with strong ethics credentials. The newly appointed MAEA, Monique Jones, has a strong and diverse background in ethics. She has extensive experience in providing legal advice and legal assistance in the areas of administrative law, and ethics and contract/procurement law. Her most recent position in the United States Army was Professor of Procurement and Ethics Law with the Judge Advocate General.

As a result of the Assessment, position descriptions also were re-written to include ethics responsibilities as a collateral duty for the: Labor Relations Branch Chief; Work Place Violence Program Branch Chief; Team Leader, Litigation Staff; Team Leader, and Labor Relations position.

In addition, the Field Labor and ER Specialist position descriptions were rewritten to include ethics responsibilities. The Specialists will serve as ethics advisors and will administer the ethics program in their program and geographic areas. The Agency’s ethics program will rely heavily upon coordination between the primary ethics office within the Agency and ethics advisor in the field and at headquarters.

In order to further the success of the ethics program, not only in the field, but also at headquarters, FSIS directed each program area

(Continued on the next page)

(Continued from page 6 – FSIS Program Improvement)

to designate a Program Area Ethics Advisor (PAEA). The PAEA will provide technical advice and guidance to Agency officials, managers, supervisors, and employees at all levels seeking advice on the application of the standards of conduct, conflict of interest statutes, and Hatch Act. In response to inquiries, the designated PAEA can offer informal verbal advice or forward that information to the MAEA for binding written ethics opinions. As a result of its actions, the OE rating has been upgraded to “very good.”

## “Changing Our Ethos”

**Tracking & Technology, Ethtrack and Ethos,** was the first USDA Ethics Retreat session ever to be devoted entirely to discussing systems management and ethics tracking responsibilities. How exciting, right? We all know that there is little glamour in this aspect of our jobs. For example, showing off an Excel spread sheet that highlights in **RED** the financial disclosure reports that are approaching the 60-day limit for review is not likely to be used in the same sentence as “exhilaration.” However, some of us are all too familiar with the eye crossing that results from calculating statistical figures for ethics reports and questionnaires on our own, using the old pencil to pad technique. So, maybe our threshold of excitement is not so high after all, eh. Now, although the Excel spreadsheet is something that you probably wouldn’t write home about, an Access database that helps keep you home during the holidays just might be (note: this is not an endorsement for Microsoft).

(See **Changing Our Ethos**, Page 13, Column 1)

Kudos



## OE’s Training Modules

“Just wanted to say that the humor of the modules makes the training more memorable and bearable. Thanks.”

**Beth Polge, NRCS, USDA**

“Major kudos to the author(s) of the ethics modules! They were not only informative and interesting, but entertaining as well. I can’t recall the last time I read anything agency-generated that hit all those marks. I actually laughed. Please send the author(s) to the Bighorn National Forest at their earliest convenience. We are deep in the quagmire of forest plan revision and literary talent like this would be a great boon when crafting the draft plan and environmental impact statement.” **Leslie Horsch, FS, USDA (a.k.a. Ethics Module Groupie)**

*[OE: Groupies?! We have Groupies?! Far out! See you at Ethicstock. As for the forest plan, you’re on your own. Nobody can live an EIS.]*

### Re: Teach, Speaking, and Writing Module

“really appreciated the add-ins under this module; allowed smiles while reading.”

“P.S. Note that guffawing and reading simultaneously MAY increase length of quiz.” **Chris Ritz, NRCS, USDA**

*[OE: Thanks. This won’t get you credit for 2 modules, however.]*

“Hello and congratulations on a great job with developing and providing the Ethics Newsletters! Was wondering if there is a subscription option to receive them automatically through our email ...? Thank you!” **JLNE, Spokane, RMA, USDA**

“It’s apparent you put a lot of effort into your product. It’s very well done; enjoyable and educational.”

“Happy Holidays to you too.” **Eric A. Curry, Ph.D. ARS, USDA**

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(Continued from page 7 – **Kudos OE Training Modules**)


“Thank you. I completed the Ethics Training Modules. They were good!” **Pratibha Goel, Dept. of Treasury**

“I actually enjoyed the Ethics Training Modules. They were informative yet easy to read - both because of a brief amount of information on each page and because of the humor and clip art included. The scenarios were helpful to solidify the lesson material.”

“Congratulations on a job well done!” **Terryl Kocsis, NRCS, USDA**

“I just completed my CY 2003 ethics training. I found it to be useful, informative and even a bit humorous. The lessons were well prepared and provided me with valuable insight into Departmental Rules. In fact, the lessons were sufficiently interesting that I had planned to do three modules but ended up completing seven modules. You and your staff have done an excellent job of making dry materials interesting and vastly improving on the old system of presentation.” **Randy Bramer, OGC, USDA**

*[OE Note: We appreciate such enthusiasm, but please remember this is ethics. Don't overdo it. If you intend to take more than 5 modules at one sitting, clear it with your doctor first. Also, don't take the modules within 1 hour of eating -- a good hour.]*

“Wow! online ethics training thats actually informative and fun. Please congratulate the staff that was involved in designing the training. They deserve an award or at least a coffee mug.”  - **Greg Hammer, Department of Veterans Affairs**

*[OE: No mugs, please! We have all the \$1.95 plastic mugs we can ever use. A waffle iron might be nice.]*

“I usually hate these web-based training modules - they are mostly a waste of time and take far too long to communicate a small amount of information... However, the ethics modules were brief, entertaining, contained useful information, were easy to use, and worked on a Macintosh. Even I won't complain about that! Paste a gold star on your forehead. (see if you can take over the other topics, too).” **Steve Goodman, Dept. of Education**

“I just wanted to compliment USDA on the Ethics training modules. Excellent, and entertaining. These made the training fun and memorable. Thanks for giving us such a great product.” **Cindy R. Swanson, Land Adjustment-WO Lands, FS, USDA**

“...just completed my three modules...gotta say it was painless and very user friendly...great way to do the training...” **Glenn Haggstrom, OPDM, USDA**

*[OE: Painless?? Painless? There's no "painless" in ethics! Did we miss something?]*

## Attention Online Trainees!

We have found that the email servers of certain USDA agencies are rejecting the automatically generated training certifications that are sent out when someone completes one of our online modules. Consequently, many folks are not receiving their training confirmation emails. We believe that this is because the servers see these confirmations as “spam,” although they are indeed legitimate. In the future, if you do not receive your training certification email(s), try the following:

Go to <http://www.usda.gov/ethics>, click on the "training" button, and then go to the 5th paragraph that reads as follows:

To inquire as a USDA employee about training modules completed, or as an Advisor wanting to report on Filers training completed, go to: Ethics Training Inquiry. If you click on the words "Ethics Training Inquiry," you will be taken to a secure site (encrypted site located behind the NFC firewall - URL: <https://www.nfc.usda.gov/ethtrack>) where you can check your training (cross referenced by your SSN).

Note that this will only work if you (1) indicated that you were a USDA employee (do this even if you are an affiliate) and (2) entered your SSN at the prompt to "certify" (on the last page of each module). If instead you simply exited the training modules, then your training will not appear at the Ethics Training Inquiry.

If this is the case, you will want to notify your Ethics Advisor that you have indeed completed the required training for the year (identify this person by going to <http://www.usda.gov/ethics> and then to “EthicsAdvisor Locator”).



(Continued from page 1 – 2003 Ethics Retreat)

Ethics and USDA scientists occupied center-stage on Wednesday the 17<sup>th</sup>. Ethics awareness on these issues increased over the past year as a result of the combined efforts of the OE and the Agricultural Research Service (ARS) to fashion an Ethics Issuance that would address the ethical issues facing USDA scientists co-located at universities and scientific institutions. Representatives from the science arms of ARS, the U.S. Forest Service (FS) and the Natural Resources Conservation Service (NRCS) attended and participated in these sessions. In the morning, Sue Mutchler, ARS Ethics Advisor, facilitated a breakout session for Research, Education and Economics attendees which did not fail to include the scientific folks from FS and NRCS, as well. The hot topic there was the pending Ethics Issuance concerning Adjunct Professors. In the afternoon, Sue assisted Dr. Richard Brenner, Deputy Assistant Administrator, Office of Technology Transfer (OTT), ARS, in presenting a thorough and concise view of ethics issues relating to Technology Transfer and the approach used by OTT to address conflicts.

Aside from scientific issues, the Retreat featured sessions concerning hot topic substantive issues such as Competitive Sourcing [Rhea Jack, NRCS; Benny Young, Office of the General Counsel (OGC); and Ray Sheehan, OE], Employee Associations [Pete Rockx, Office of Human Resource Management; Sarah Jirousek-Wint, OGC; Linda Simmons, National Finance Center; and Pat Tippett, OE], as well as programmatic subjects as Tracking and Technology [Mike Edwards, Dwaine Grove, and Leine Whittington, OE], Train the Trainer [Anita Cunningham, FNS], Confidential Disclosure [Pat Tippett, OE].

Undone by the gathering storm were several other sessions which, we suspect, will require little additional tweaking for use next September. [We already have the first day scheduled. How about that?].

All in all, the Retreat received positive reaction from the attendees, despite only going 2 of 3 days. Thanks goes to ARS for hosting the event and particularly to the ARS Ethics Office for all the hard work that they did to make it happen and happen well. Thanks also goes to all of the presenters and panelists, to Ed

Peterman of RD for both his assistance in planning the event and for bringing in a small invasion force of RD State ethics people. Also, many thanks to Dwaine Grove and Leine Whittington for lots of admin support over here at OE.

#### **ETHICS ADVISORS HONORED AT RETREAT**

The following awards either were presented at the 2003 Retreat, or were to be presented on the last day of the Retreat (which was washed out) and later presented:

#### **ORGANIZATIONAL AWARDS**

##### **SUSTAINED PROGRAM EXCELLENCE AWARD**

Agricultural Research Service  
National Finance Center  
Milk Marketing Administration

##### **PROGRAM IMPROVEMENT AWARD**

Food Safety Inspection Service (Most Improved Program)  
Food & Nutrition Service  
Natural Resources Conservation Service

##### **USDA ETHICS PROGRAM SUPPORT AWARD**

Agricultural Research Service “Excellence in Scientific Ethics”



#### **SPECIAL THANKS**

Agricultural Research Service Ethics Office, “Hosting and Planning of the 2003 Ethics Retreat” (Sue Mutchler, Clarice Fleming, Sue Prada, Debbie Griffin, and Lynn Best)

(Left to right: Sue Mutchler, Debbie Griffin, and Lynn Best)

#### **PERSONAL AWARDS**

##### **ETHICS INITIATIVE AWARD For Program Delivery**

Edwin Peterman, Rural Development  
“Ethics Forum”  
“2003 Ethics Retreat Logistics Support”  
“Presenter: 2003 Ethics Retreat”

Anita Cunningham, Food & Nutrition Service  
“Ethics Forum”  
“Presenter: 2003 Ethics Retreat”

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(Continued from Page 9 – 2003 Ethics Retreat)



Dawn Bolden, National Finance Center, “Training: “Ethics Orientation Package”  
“Presenter: 2003 Ethics Retreat”

Left to right: Dawn Bolden & Linda Simmons, NFC.

Susan Mutchler, Agricultural Research Service  
“Presenter: 2003 Ethics Retreat”

John Riffie, Milk Marketing Administration  
“Presenter: 2003 Ethics Retreat”

Linda Simmons, National Finance Center  
Presenter: 2003 Ethics Retreat”

Ellen Pearson, Farm Service Agency  
“Presenter: 2003 Ethics Retreat”

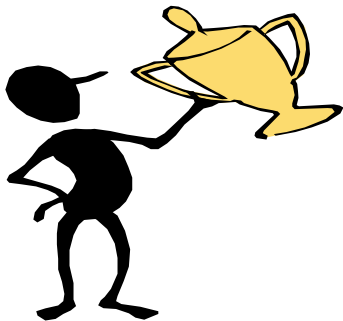
Diane Koch, Agricultural Research Service  
“Efforts in Development of Computer Tracking”

#### **ETHICS INITIATIVE AWARD For Advice and Policy**

Edwin Peterman, Rural Development  
“Rural Development Supplement”

Susan Mutchler, Agricultural Research Service  
“Scientific Ethics” and “A-76”

Caryl Butcher, Natural Resources Conservation Service  
“A-76” and “NRCS Supplement”



Keep Up the Good Work !

## Ethics “Downside”

As reported in the *Express Newspaper* on October 28<sup>th</sup> 2003, evidently one city manager so badly wanted to teach a University-level ethics class that he actually lied about his education in order to do so. While we certainly appreciate his enthusiasm for Ethics, as well as the delicious irony of it all, we do feel that something is amiss in his approach. This Ethics zealot managed to lose both positions.



## New Ethics Directive

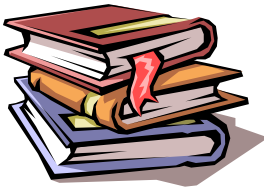
NRCS has a new Ethics directive. It is General Manual Title 100, Part 405 available on-line at [http://policy.nrcs.usda.gov/scripts/lpsiis.dll/GM/GM\\_10\\_405.htm](http://policy.nrcs.usda.gov/scripts/lpsiis.dll/GM/GM_10_405.htm) . It reflects NRCS policy that NRCS employees shall have a single source for standards of ethical conduct including ethics guidance in the areas of conflicting interest, employee responsibilities and conduct, ethics training, financial disclosure, outside employment, post-employment, participation in non-Federal organizations, political activity, lobbying, outside awards, and travel assistance from non-Federal sources.

### ETHICS QUOTE OF THE DAY:

*“During the times I gambled as manager, I never took an unfair advantage. I never bet more or less based on inquiries or inside information. I never allowed my wagers to influence my baseball decisions. So in my mind, I wasn’t corrupt”. – Pete Rose*



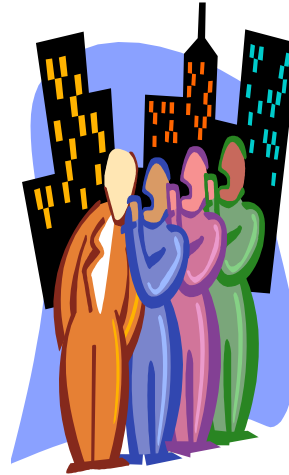
# Ethical Myth - Donor's



## Inscription in a Book does not Reduce the Value to Zero.

There is a widely-held belief that Federal personnel may accept gifts which normally they could not accept (since the gifts were offered because of the individual's official position or were offered by a prohibited source), as long as the gifts were personalized in some way, such as by inscribing a personal note inside the cover of a book, attaching a brass plate to the gift, or etching the recipient's name on the gift. Excluded from the definition of gift at 5 C.F.R. 2635.203(b)(2) are "greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation". Not excluded under 203(b)(2) are items of value such as crystal, glassware, items containing precious metals, works of art, swords, books, pistols, and pottery, even if they are inscribed, etched, embossed, engraved, or otherwise adorned with the individual's name. The only instance when such a gift may be accepted is if the retail value of the item is \$20 or less. 5 C.F.R. 2635.204(a). Such a value may be ascertained by appraisal or by the "garage sale or EBay test" - how much would the item sell for, if, in its present condition, it were offered on EBay or in a garage sale? An Information Paper styled "Gifts Intended Solely for Presentation" is available at the dod web site [http://www.defenselink.mil/dodgc/defense\\_ethics/](http://www.defenselink.mil/dodgc/defense_ethics/) under the ethics resource library under DoD Guidance.

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## Travel Alternatives When Visiting Contractor Facilities.

Ever have the question, "When may a Federal employee, on an official visit to a work site of a Government contractor, accept transportation provided by that contractor?"

The answer is found in an Information Paper at [http://www.defenselink.mil/dodgc/defense\\_ethics/](http://www.defenselink.mil/dodgc/defense_ethics/) under Ethics Resource Library and under DoD Guidance. Several options are presented in the Information Paper.

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spends about 10-15% of his time on the ethics program. The remainder of his time is spent providing guidance to employees on pay, classification, adverse actions, investigations, garnishments, recruitment, personnel management, etc. He also has 10 excellent "qualified individuals" in the field who spend about 10-15 % of their time on ethics problems. He adds that they have been the ones to really make the Market Administrator ethics program work. Now, let's hear directly from John.

**\*\*PRIVATE LIFE\*\***

*Yes, I have one! I was a very serious softball player. At one point I played on four different teams for about 10 years! I played with 4 or 5 guys on the same team for 20 years. We remain very close friends with lots of unforgettable experiences and bad knees. But, did we have FUN! The crowning glory of my 25 years of softball was playing a National Co-ed Championship in 1991. Now, I hope to retire to a life of golf and leisure in the next 5 to 7 years. Luckily for me, my wife Peggy, is a golfer. I also have a lovely*

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daughter, Jessica, who will be 19 in February.

### **How did you find your way to ethics?**

*Well, I guess I would say that it found its way to me. It became one of my assignments when I was hired in 1991. I can't say that I was all that thrilled about doing ethics work, but I have come around to the point where I actually – I can't believe I'm saying this – kind of enjoy most of it. It's all the record keeping we need to do that gets me. However, I was and am very fortunate to work for an organization where ethics had been and is considered very important. I am happy to say that we have never had to take any action against any employee based on an ethics problem.*

### **Did the program administration/coordination meet your expectations?**

*My ethics expectations – hhhmmmmm. I don't think I had any expectations when I was given the assignment to administer the Market Administrator (MA) ethics program. It was more like one more thing for me to attend to. I do know that when I told my friends that I was an ethics official they would almost fall down laughing – can you believe it? I have not had too much trouble with the administration or coordination of the program although I must say (and no, I'm not Martin Short) that the coordination and administration of the ethics program here at USDA has improved greatly since 1991.*

### **Were you surprised to find out what the administration of the ethics program in your agency entails? If so, please identify surprises.**

*Yes. To continue my diatribe (prolonged discourse v. bitter or abusive speech), I was cruising along with the MA program when, at that time, the worst thing in the world happened – my office was informed that the Office of Government Ethics (OGE) would be doing a "review" of my program. Oh boy, was I worried – I can't imagine what my boss felt. I couldn't believe the amount of paperwork that was necessary, although you'd think someone who works in personnel would not be surprised by that. Anyway, as things usually go, it was not as bad as we imagined it would be and we actually got some kudos from the Department and*

*OGE for how well we were running our program – WHEW, were we glad that was over or what!!!!*

*Seriously, I was surprised by the amount of time it takes to run an ethics program properly, and I can't imagine how some employees work solely on ethics matters – with hundreds of confidential and public filers, associations, scientists, etc. My hat is off to those who do.*



### **If you had one wish for the program what would it be?**

*Less paperwork! Actually, I hope in the near future we will be able to better administer and coordinate the ethics program. I believe that the steps taken in the Office of Ethics, including the USDA ethics conference, have already gone a long way towards that end and I just hope it continues. And, no, I have not been paid by Ray, or a member of his staff to say this stuff. That wouldn't be ethical now, would it?*

### **\*\*INVITATION TO NETWORK/PARTNER\*\***

*If you know me, you know that I am available to talk with you about ethics - or anything else for that matter. I'm not sure what I would have to offer since I am lucky enough to run such a small operation with no public filers but I am always willing to assist anyone in any way I can.*

### **Are there any special partnerships you'd like to engage in with USDA colleagues?**

*Hopefully, some of us already have "special" relationships with each other – particularly when it comes to getting the work done in an easier, more effective fashion. Unfortunately, since I also have other duties I cannot spend an inordinate amount of time on ethics. Employee relations cases, creating or amending MA Instructions, and just attending to the everyday personnel matters that come up, take up quite a bit of my time.*

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**\*\*CLOSING THOUGHTS\*\***

*Thoughts? Hmmmm. Boy, you guys sure are trusting. The main thing that bothers me about ethics is that it sometimes seems to be for the workers but not the “bigwigs.” Nonetheless, I think I’m lucky to live in these great United States of America – even with all of its problems. And, I am thankful for having a wonderful wife and daughter, a good job, and to be able to work with people I respect and whose company I enjoy. Sounds kind of sappy, doesn’t it?*

*Thanks!*

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Ethos-Confidential (Ethos-C) though has a bit more pizzazz than an Excel Spread sheet. Among other things, it allows you to email Confidential Financial Disclosure Report filers according to their tendencies, i.e., email those who owe a report, those who haven’t yet taken annual training, those whose first extension is coming due – and a whole lot more. It also lets you complete much more easily both the Office of Government Ethics (OGE) Questionnaire and the Office of Ethics (OE) Quarterly Program Status Reports in establishing active filer lists, and tracking whether reports have been reviewed and/or certified in a timely manner. Shortly after the 2003 Ethics Retreat, Linda Simmons and Dawn Bolden, National Finance Center (NFC), downloaded Ethos-C from the Ethics Advisor Network, and began to systematize ethics program elements at NFC. We were pleased to hear that in early October of 2003, Linda and Dawn had already completed a full implementation of Ethos-Confidential. In speaking with Dawn, she referred to Ethos-C as “conveniently effective and efficient. It’s completely one-stop shopping.”

NFC is not the only group “changing their ethos.” The applause for Ethos-C has been swift and loud. In addition to NFC, Departmental Administration

(DA), Food Nutrition Service (FNS), Forest Service (FS), and Marketing & Regulatory Programs (MRP), have already implemented Ethos-C at the Mission Area Ethics Advisor’s (MAEA) office; Food Safety Inspection Service (FSIS), and Office of the Inspector General (OIG) are preparing to set installation dates.

Installation procedures can vary, but the popular move has been to place the Ethos-C database back end, which contains the data, on a shared network drive. This allows for several Ethics Advisors to access the same data from each of their local desktops. In the case of FNS, MRP, and DA, several Ethics Advisors are accessing filer information, entering data simultaneously, and culling out information in the absence of ethics colleagues. The network installation at FNS was especially quick and painless. Anita Cunningham of FNS prepared for the installation by using the 2003 financial disclosure reports, which she had just certified, or was in the process of reviewing, as her foundational report data in the database. After about a month of using Ethos-C Anita stated, “Initially, the process was time consuming with lots of data entry, however, next year’s processing of 450 reports will only require changing dates. I find the system very useful in providing data for reports and it also provides an efficient system to add or delete filers.”

Still, not everything in the IT world is fine and dandy. We have heard horror stories of databases crashing in all types of business, but that happens with all systems. We believe with the right protections, and attention to detail, those stories don’t need to describe USDA Ethics. Certainly, if your Ethos-C is placed on the network drive, then as the network goes, so goes Ethos-C. On occasion, network maintenance at DA prevents us from accessing Ethos-C. If there are major problems with the network, then usually everything is inaccessible, Internet, email, etc. In

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that case, it might be a good time to pay a visit to a filing cabinet that's feeling neglected. In the spirit of keeping your data healthy, Mike Edwards (OE advisor who designed and developed the program) advises, "ETHOS is based on Access 2000, a very robust database. Nonetheless, it is important to remember that making a copy of your data **occasionally** is a good idea. (You do this by making a copy of your Ethos-C\_BE file and putting in on a disk or on a separate drive.) Someone might ask, "How occasionally is that?" The answer depends on how often you change your data and how important it is to safeguard what you put in. If you are very active, a daily backup is not unreasonable. For other users, perhaps weekly or even less often is appropriate. Secondly, don't forget to run the repair and compact database from the tools/database utilities menu "occasionally" also.

And with respect to improvements Mike explains, "Some have asked if they can keep track of agency groupings of filers whom they train and for whom they review reports. There is a way. Currently, the agency table contains mission areas and agencies from a USDA perspective. (That's because we developed it here.) There is no reason, however, why you cannot open this table and edit it for your own use. You would put your primary division in the mission area column and your secondary divisions under the agency column. Alternatively, if you have only one division, you could put your mission area or agency in all the mission area items and your primary division as the "agencies." If you do either of these, delete all entries that come from us. This will customize ETHOS-C for you. Please call if you'd like help with any of this."

## E THICS ANNOUNCEMENTS



**Monique Jones, FSIS**, - The newly appointed MAEA is truly an asset to the agency. She has a strong and diverse background in ethics. She has extensive experience in providing legal advice and legal assistance in the areas of administrative law, and ethics and contract/procurement law. Her most recent position in the United States Army was Professor of Procurement and Ethics Law with the Judge Advocate General.

**Lori Delgado, NRE** – is now the MAEA for the Forest Service (FS) ethics program. Her predecessor **Peggy St. Peter** has commenced new duties with the FS.

**Lolita Roberson, OE** - is on a detail for two days a week assisting Monique Jones with the FSIS Ethics program.

**Debbie Griffin, REE** – has been selected for an Ethics Assistant position with NRCS.

### Raymond J. Sheehan, Director Office of Ethics



(Ray's official duties?)



## **2003: A VERY BUSY YEAR**

CY 2003 was an active one for the USDA Ethics program. As a result of the OGE Audit and pursuant to the Secretary's Memorandum of February 28, 2003, the Office of Ethics (OE) undertook a wholesale review of the USDA Ethics program, both at the departmental level and at the mission area program level. Throughout the first half of CY 2003, OE representatives met with respective general officers, undersecretaries, agency heads and office directors setting out what we felt were the respective strengths and weaknesses of each program and setting forth potential actions that could resolve the weaknesses identified. Four major factors entered into our assessment: (1) Agency/Mission Area (MA) Ethics Risk; (2) Ethics Program Visibility at the MA level; (3) Resources dedicated to ethics; and (4) Ethics Advisor continuity (promotion potential).

The following summarizes some of the accomplishments achieved in 2003 as MAs set about addressing the Assessment:

### Ethics Risk:

- NRCS commenced including OE in the review and clearance of Memorandums of Understanding with partnering groups.
- ARS worked closely with OE to fashion a draft Ethics Issuance that sets out comprehensive ethics guidance for research scientists co-located at universities.

### Program Visibility:

- Higher placement of Deputy Ethics Official (DEO) – the official primarily responsible for the ethics program for the MA. Prior to January 2003, of 11 DEOs, only 6 were situated 2 or less organizational levels below the Senate confirmed presidential appointee (PAS) that they served and 2 were 4 levels below. Currently, 8 of 11 DEOs are 2 or less organizational levels below the PAS; the other 3 are 3 levels below. No DEO is more than 3 organizational levels below the PAS.
- Placement of the MA Ethics Advisor (MAEA) -- the person who is responsible for “hands-on” management of the program. The number of MAEAs who currently, in fact, report directly to the DEO on ethics matters has almost doubled; however, actual organizational placement changes that would better-ensure access in the future have been relatively few.
- Organizational investment, or “ownership” -- officials, other than the Undersecretary, Agency Administrator, and DEO, who take actual managerial responsibility for ensuring ethical awareness by MA employees and for the success of the ethics program. Several MAs either have designated, or are currently considering designating, their managers to serve as Assistant DEOs – not responsible for providing ethics advice, but responsible for ensuring that their organizations meet ethics requirements for financial disclosure and training. A few MAs are considering using ethics program performance as rating standards for managers.

### Resources:

- Full-time MAEAs. At the beginning of CY 2002, only 4 of 11 MAEAs were dedicated full-time to ethics responsibilities. That number has doubled to 8 of 11. Of equal importance to the numbers, is the fact that 6 of the 7 MAEAs of the medium and large MAs are now dedicated full-time to ethics duties.

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- Additional ethics personnel. In January 2003, we had 17.1 Ethics Full-time Equivalent (EFTE) positions (counting only those employees who spent 50% or more of their time on ethics); now we have 21.7. Increases in personnel resources occurred in 6 programs. As of January 2003, 5 programs had less than 1 EFTE and only 1 had between 2 and 3 EFTEs; now 3 programs have less than 1 EFTE while 3 have between 2 and 3 EFTEs.
- Ethics Advisor training. Problems existed in the past in terms of getting ethics training for ethics advisors. In CY 2002, OE issued Ethics Issuance 02-2 that set forth a continuing ethics education requirement for ethics advisors of ten hours of training per year. During CY 2003, all MAEAs met the 10-hour continuing ethics training requirements. USDA was well-represented (17 attendees, the most of any Federal ethics program) at the Office of Government Ethics (OGE) Annual Conference in March 2003. Also, all mission programs were represented at the OE Retreat at Beltsville in September and many mission areas sent new ethics advisors to OE New Advisor training in May 2003.

#### Ethics Advisor Continuity

- FSIS created and filled an ethics advisor position at the GS-14 level.
- FNS reclassified its Ethics Advisor position from a GS-12 to a GS-13..
- Other MAs currently considering the MAEA promotion potential issue are FFAS, MRP, NFC/OCFO, RD and REE.

We feel that a lot of good was accomplished during CY 2003; however, as the second half of a very famous utterance by Sir Winston Churchill attests, there is (cigar and brandy snifter, please), “so very much left to be done.” During CY 2004, the Office of Ethics will reconvene with senior personnel and assess the performance of the ethics program based on a review of CY 2003 450 filing and training statistics. We will continue to push for Ethics Advisor continuity, resources, and program placement improvements. Stay tuned for developments.