

2012

Executive
Ethics Board

[PERFORMANCE MEASURES]

A report regarding performance measures on the efficiency and effectiveness of the Board, and performance measures to measure and monitor the ethics and integrity of all state agencies.

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Executive Summary

The 2011-2013 Operating Budget mandated that the Executive Ethics Board (“the Board”):

- (a) develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices;
- (b) coordinate and work with the commission on judicial conduct and the legislative ethics board;
- (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington State Quality Award feedback reports, and publish an annual report on the results to the public; and
- (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.¹

This report documents how the Board fulfilled the requirements of the Legislative mandate as follows:

- (a) The Board developed a method to rate each agency’s ethics program, compared Washington’s program with others across the country to benchmark our program and deployed a survey to gather the input of agency employees. (See the Benchmarking against Other Ethics Boards, Scorecard and Surveys sections.)
- (b) The Board collaborated on several ventures with the Public Disclosure Commission, and the Legislative Ethics Board. (See the Coordinating with Others section.)
- (c) The Board developed and deployed surveys to all state employees under their jurisdiction to gather information about individual agency’s ethical culture. The Board used the Washington State Quality Award criteria to evaluate its own performance. (See the Surveys, Scorecard and Elements of the Washington State Quality Award Criteria sections.)
- (d) The Board compared its performance against other local government ethics boards and commissions and gathered the public’s opinions and perceptions of the Board’s duties and responsibilities through a survey. The Board continued its relationship with the Northwest Ethics Network. (See Benchmarking against Other Ethics Boards, Surveys and the Coordinating with Others sections.)

¹ Second Engrossed Substitute House Bill 1087, Section 125 (12).

Noteworthy findings:

- When compared to 19 other states that have ethics boards who do not handle campaign finance matters, our Board completes more investigations than the largest board (Illinois), with 75 fewer staff members and 94 percent *less* budget. The Board's performance regarding the amount of training performed and investigations conducted was at or better than the performance of 20 other state ethics boards, even though Washington's Board has a 75 percent smaller budget and an 80 percent smaller staff than the average of these other boards.
- The number of agencies receiving a 5-star ethics program rating increased 30 percent over last year and the number of agencies with a 4-star rating increased 33 percent.
- The public's perception of the Board improved, with 61 percent of those surveyed believing that unethical behavior would increase if the Executive Ethics Board was eliminated.
- The Board trained more employees than last year and deployed training materials on their website for any agency to use.
- The Board found reasonable cause in 44 cases, the highest amount for the past 5 years and settled 28 of those cases through agreed orders, again the highest number of stipulations to date.

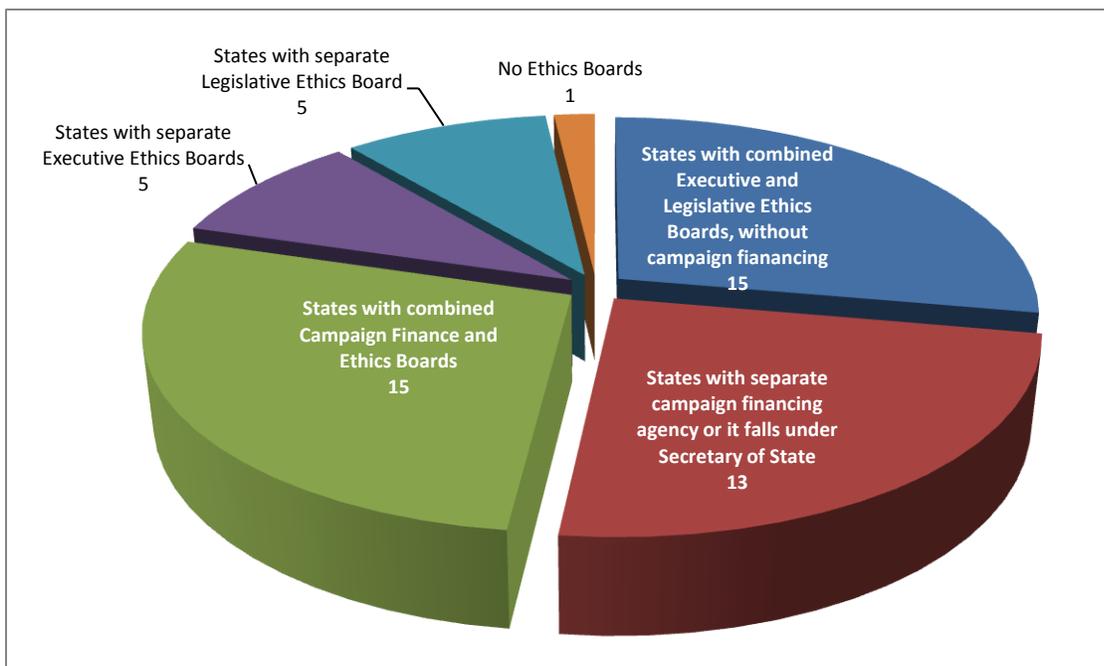
Benchmarking Against Other Ethics Boards and Commissions

Established in 1995, the Washington State Executive Ethics Board (“the Board”) is comprised of five members appointed by the Governor for five-year terms. The Board is an independent agency, but the Board’s staff is funded and supported through the Attorney General’s Office.

Twenty-five states have some type of ethics board that is separate from campaign finance and only 15 states have combined ethics and campaign finance into one board or commission. Of the 25 states with separate ethics boards:

- 15 have boards with combined jurisdiction over legislative and executive branch employees
- 5 have a separate board for the executive branch
- 5 have a separate ethics board for the legislative branch

Thirteen states have a separate board that deals only with campaign finance or they have integrated elections and campaign finance within their Secretary of State’s office.²



Budget

Thirty-eight states have ethics programs, including some that combine campaign finance with executive and legislative ethics boards. These boards have an average budget of \$1,627,748 with a range between \$226,300 (Colorado Independent Ethics Commission) and \$6,600,000 (Illinois Executive Ethics Commission).³

² The Council on Governmental Ethics Laws, “COGEL Blue Book: 2011 Ethics Update,” 33rd Annual Conference, Dec. 4-7, 2011, Nashville, TN.

³ The Council on Governmental Ethics Laws, “COGEL Blue Book: 2011 Ethics Update,” 33rd Annual Conference, Dec. 4-7, 2011, Nashville, TN.

To determine how the Washington State Executive Ethics Board compared to other state ethics boards, the Board compared itself against 16 other states. The boards/commissions in this comparison do not include any board that also has jurisdiction over campaign finance matters, although the boards/commissions may handle financial disclosure forms from state elected and lobbyists. The average annual budget of the boards used in this comparison was \$1,515,353.18 with an average of 15 staff members.⁴

Washington’s Executive Ethics Board has an annual operating budget of \$386,040 (75 percent *lower* than the average) and 3 staff members. While, the Washington Board ranks 8th in the number of state employees over whom it has jurisdiction, it ranks 16th (next to last) in the amount it receives in its annual operating budget.

State	Board staff	Board members	Annual budget	State employees ⁵
Illinois ⁶	78	9	\$ 6,600,000	69,163
Florida	23.5	9	\$ 2,420,135	128,355
Alabama	14	5	\$ 2,338,560	51,357
Massachusetts	23	5	\$ 1,796,500	60,822
Pennsylvania	19	7	\$ 1,768,000	107,631
Oregon	8	7	\$ 1,673,000	42,043
Rhode Island	12	9	\$ 1,437,730	13,204
Connecticut	13	9	\$ 1,436,068	43,853
North Carolina	12	8	\$ 1,144,598	88,821
New Jersey	12	7	\$ 1,024,000	113,334
Maryland	10.5	5	\$ 971,122	58,658
West Virginia	7.5	12	\$ 755,305	26,360
Nevada	5	8	\$ 680,000	18,211
Mississippi	8	8	\$ 603,586	38,159
Kentucky	6	5	\$ 500,000	43,717
Washington	3	5	\$ 386,040	54,642
Colorado	1	5	\$ 226,000	34,556

Staff

The ethics boards listed above had an average of 15 staff members. In contrast, the Washington Board has three full-time employees. The Washington Board also ranks 16th (next to last) in the number of Board staff it has to support its statutory mission.

⁴ The Council on Governmental Ethics Laws, “COGEL Blue Book: 2011 Ethics Update,” 33rd Annual Conference, Dec. 4-7, 2011, Nashville, TN.

⁵ Source: 2011 Annual Survey of Public Employees and Payroll published by the U.S. Census Bureau. Totals exclude higher education employees.

⁶ The Illinois Executive Ethics Board also has jurisdiction over employees of the Chicago Transit Authority, Regional Transit Authority and Chicago-area rail and bus systems.

Board Members

The compared state ethics boards had an average of seven board members, while Washington’s Board only has five members.

Opinions

Working toward a goal of becoming more nimble, the Board is moving away from issuing Advisory Opinions, which sometimes take months to finalize and are now working to provide quick answers to specific questions posed by individuals or agencies. This model has been applauded by client agencies as more user-friendly and timely. In 2012, the Board answered four questions via this method. Board staff also responds to questions from agencies or individuals. In 2012, Board staff responded to 1431 questions within 24 hours, 97 percent of the time.

Investigations

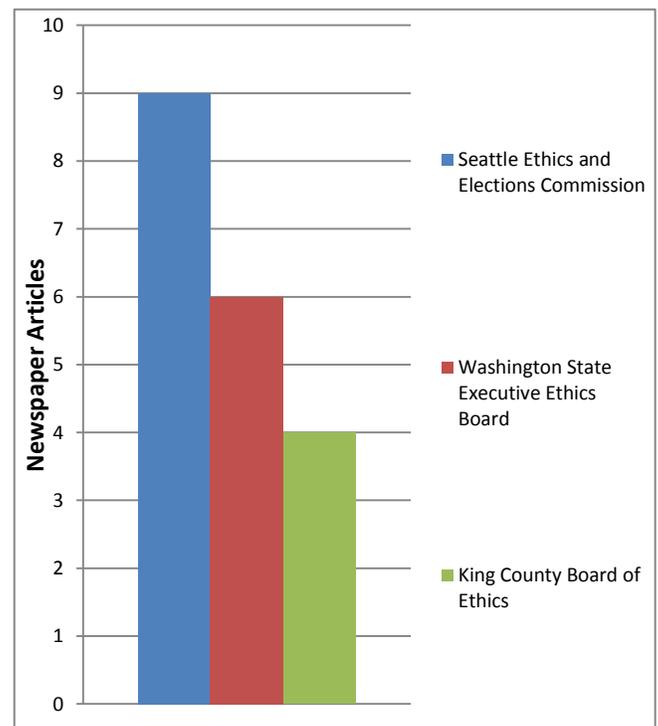
In January 2012, the Board had 37 open cases. During the next twelve months, the Board opened 74 new cases and completed investigations on 49 of those cases. Of those 49 cases, the Board dismissed 20 and settled 29 with agreed stipulations, levying over \$75,000 in monetary penalties. Monies received as payment of these penalties are deposited into the state’s general fund. At the end of 2012, the Board had 52 open investigations.

Training

The Ethics in Public Service Act does not currently mandate ethics training. However, in 2012, Board staff conducted 62 live classroom training sessions for over 2,400 state employees. In addition to classroom training, the Board offers a web-based Ethics Challenge. The Board’s on-line ethics training, “Ethics Challenge” received 9688 hits in 2012.

The Board’s News Profile

The amount of news articles is a good measure of transparency to the public. The Board compared the number of newspaper articles published about local ethics boards and commissions issues/cases and benchmarked the Board’s performance against these other boards. The graph charts 2012 publications from four newspapers published within



Washington state.⁷ As indicated, the Executive Ethics Board was second, only to the Seattle Ethics and Elections Commission, on the number of newspaper articles published regarding its activities and investigations. Three other ethics boards had no newspaper articles for this period. These include the Washington State Legislative Ethics Board, the Commission on Judicial Conduct and the Pierce County Ethics Commission.

⁷ Spokesman Review, Bellingham Herald, Seattle Times and the Olympian.

Ethical Program Reviews

Ethical Culture

To evaluate state agencies, the Board had to define what an “ethical culture” would consist of and then how to assess each agency to evaluate how well their program met the established definition.

In researching ethical cultures, the Board reviewed an article written in 2004 by the Institute of Internal Auditors Research Foundation entitled, *The Professional Practices Framework for Internal Auditing*. This publication listed eleven features that are critical for an ethical organization to possess. These elements are:

1. A formal code of conduct that is clear, understandable and related statements or policies.
2. Frequent communications and demonstrations of expected ethical attitudes and behavior by the organization’s leaders.
3. Explicit strategies to support and enhance the ethical culture with regular programs to update and renew the organization’s commitment to an ethical culture.
4. Several, easily accessible ways for people to confidentially report alleged violations.
5. Regular declarations by employees, suppliers, and customers that they are aware of the requirements for ethical behavior in transacting the organization’s affairs.
6. Clear delegation of responsibilities to ensure that ethical consequences are evaluated, allegations of misconduct are investigated and case findings properly reported.
7. Easy access to learning opportunities to enable all employees to be ethics advocates.
8. Positive personnel practices that encourage every employee to contribute to the ethical climate of the organization.
9. Regular surveys of employees, suppliers and customers to determine the state of the ethical climate in the organization.
10. Regular reviews of the formal and informal processes within the organization that could potentially create pressures and biases that would undermine the ethical culture.
11. Regular reference and background checks as part of hiring procedures, including integrity tests, drug screening and similar measures.

Using these features as a guideline, the Board developed a set of criteria that would indicate whether a state agency had an “ethical culture,” then surveyed state agencies to determine if they met the criteria. This measure will serve as a baseline for each agency and will be used to help them build on their ethical foundation in the future.

These criteria are:

1. A designated ethics advisor
2. A published ethics policy. An ethics policy that has been reviewed and approved by the Board provides agency employees with safe harbor⁸.
3. An ethics training requirement, both for new employees and on-going refresher training.

⁸ Under WAC 292-120-035, Safe harbor provision, the board encourages agencies to adopt policies that prevent agency employees from violating the Ethics in Public Service Act. Pursuant to RCW 42.52.360(4), the board may review and approve agency policies. In determining appropriate sanctions, the board may consider agency policies in effect at the time of the conduct.

4. Documented ethics training.

Board staff surveyed all large agencies and each agency received a score based upon whether their ethical program met some or all of the above criteria.

Scoring Criteria

1. Ethics Advisor:

An ethics advisor is a member of an agency who is a point of contact between the Board and his or her agency, as well as the person identified within the agency from whom agency employees can seek ethical guidance. This person may attend Board meetings and/or advisor meetings, provide feedback on the Board's activities, receive and possibly distribute Board newsletters or other information and direct questions from employees to the Board or Board staff.

An agency either has an identified ethics advisor or it does not. An agency receives 100 points for identifying an ethics advisor. This criterion constitutes 30 percent of an agency's total points.

2. Ethics Policy:

As long as an agency's ethics policy contains information pertaining to the Ethics in Public Service Act (the Act), this policy qualifies as an ethics policy, even if it does not address every detail of the Act. By having the policy, the agency receives 80 points. An agency will receive an additional 20 points if the Board reviews and approves the policy. This criterion constitutes 10 percent of an agency's total points.

3. Training Requirements:

If ethics training is mandatory within the agency, the agency receives 100 points. If an agency offers optional training, the agency receives 50 points. This criterion constitutes 20 percent of an agency's total points.

4. Comprehensive Ethics Training:

The makeup of the actual training provided by the agency is a separately scored measure. A comprehensive training program not only provides a new state employee with a detailed description of the Act, but also provides recurring refresher training to career employees to make sure they are kept up-to-date on changes in the Act and/or how the Board interprets it.

There are several ways that agencies can provide their employees with ethics training:

- In-house training.
 - If training has been created by an agency or by the agency's Assistant Attorney General, then it qualifies as an in-house training. If this training lasts between

two and three hours, it receives 25 points; if it is longer than 4 hours, it is worth 50 points.

- If any in-house training has been reviewed by the Board on a recurring basis, then this training is worth as many points as the Board's trainings of the same length.
- Contract training provided by the Department of Enterprise Services (DES)
 - "Sexual Harassment, Diversity, and Ethics Training," receives 60 points. Because there are two different trainers and three topics, the amount of ethics content fluctuates. However, the Board awards 60 point for this class despite this variable.
 - "Ethics in the State Government" receives 100 points.
 - "Ethics in Leadership & Decision Making" receives 90 points.
- The Executive Ethics Board offers a half-day, in-depth course designed for new state employees, which is worth 100 points.

For an agency's past trainings to qualify for points, these training practices must have been conducted in the last 5 years.

The points from this criterion consist of 25 percent of agencies' overall rating.

5. Renewal Training:

After employees have taken a comprehensive training, preferably when hired, their knowledge should be regularly updated by taking renewal/refresher courses throughout their employment with the state. Refresher training can come in a variety of forms:

- Newsletters or other ethically relevant documents, which are less than 10 pages and are not the ethics policy, receive 10 points.
- Agencies that use the Board's online Ethics Challenge for refresher training receive 25 points.
- Agencies that require their employees to complete a self-trained, self-graded training, such as a booklet with cases and/or quizzes receive 40 points.

While these forms of renewal training have value, they are not interactive and might leave employees with unaddressed questions. Because of this, this type of training does not receive as many points as a live training. Live refresher trainings are as follows:

- Board-provided 1-hour hot-topics course receives 60 points.
- Board-provided 2-hour refresher course receives 100 points.
- In-house refresher training is defined as a training that is in-person and is at least 30 minutes long, but less than 2 hours. Depending on the length of the training, the points will vary. For example, a 30-minute course is 30 points; a 1-hour class is 45 points; and a 90-minute session is 60 points.

- If an agency has a discussion-based training where employees talk about real-world issues that they face and work with their peers to find an answer, this will qualify as an in-house, renewal training.
- If an agency conducts a comprehensive ethics training more than every five years, this training can also fulfill the renewal-training criterion and earn an additional 100 points. The 5-year requirement is a derivative of the Sexual Harassment training requirement.

These training practices must have been conducted in the last 5 years to qualify for points.

Some agencies distribute the Ethics in Public Service Act as a form of renewal training. While this may renew employees’ technical knowledge of the law, it does not provide any practical knowledge of how the law is interpreted or how it applies to their work environment. This type of training does not receive any points.

This criterion constitutes 15 percent of an agency’s total points.

Grading Scale

After the scores are calculated with the weight of each criterion, the percentage of total points are ranked based on this grading scale:

No Stars	0-9 percent of the total points
★	10-29 percent of the total points
★★	30-49 percent of the total points
★★★	50-69 percent of the total points
★★★★	70-89 percent of the total points
★★★★★	90-100 percent of the total points

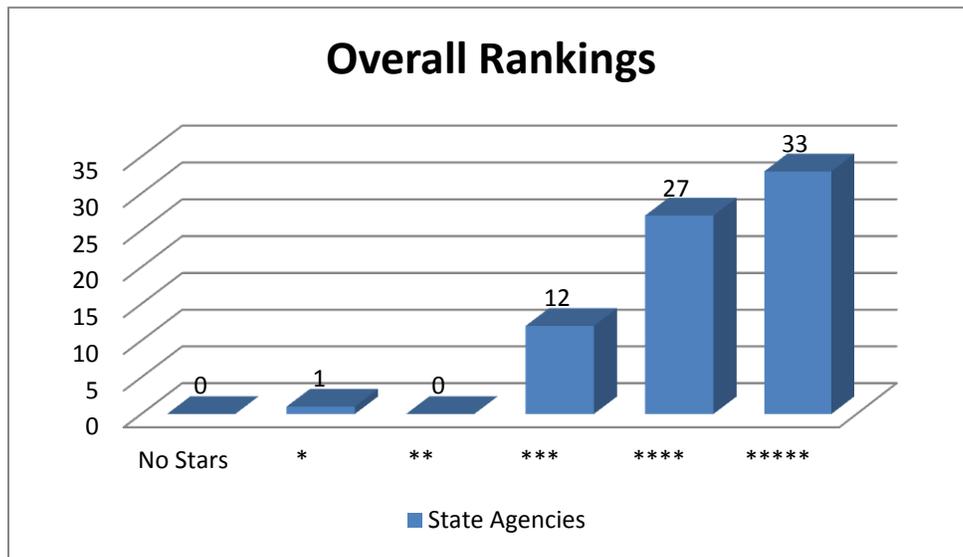
Small Agencies

Phase-one agencies and agencies with less than 11 employees were not rated due to their restricted resources. However, the Board still completed an abstract review.

Small Agency Services has 33 phase-one agencies, which currently fluctuate between 1 and 181 employee(s). The Department of Enterprise Services has furnished these agencies with an ethics policy template and mandatory trainings, including training by the Board for the agencies’ Human Resources representatives.

Key Findings

The Board rated 73 agencies’ ethics programs, up from 66 in 2011 (the increase was due to better timing of the Board’s queries). Board staff provided each agency with their initial rating and discussed how to improve their program. When all of the criteria were complied, agencies received the following rankings:



Comparing this data to that collected in 2011, the number of agencies receiving a 5-star rating increased 30 percent, from 21 to 33, while the number of 4-star ratings increased 33 percent. The biggest change was in the 3-star rating category, which decreased from 22 agencies in 2011 to 12 in 2012. This change is attributed to agencies moving their 3-star program to a higher rating. Lastly, there was only one agency that had a less than 3-star rated program. Overall, agencies are emphasizing ethics throughout their organizations as evidenced by the increase in these ethics scores.

The Board also found that:

- All agencies with more than 11 employees and 76 percent of the universities, community and technical colleges had a designated ethics advisor
- All agencies had an ethics policy; four policies were reviewed and approved by the Board in 2012.
- Many agencies took advantage of the Board’s ethics training in 2012. Board staff travelled to 35 different state agencies, several multiple times, to provide classroom ethics training. In 2012, Board staff completed 62 training sessions to 2,200 employees. Board staff also led five, 3.5-hour sessions in Tumwater that were open to any state employee, training 260 more employees, many of whom were new to state employment.
- Board staff also provided ethics training to state employees who specialize in contracting and to many board and commission members who are not full-time employees.

2012 Board Goals and Initiatives

In 2011, the Board set the following goals:

- Increasing ethics advisors to 100 percent
- Making agencies aware of the importance of having their ethics policies approved
- Giving universities and colleges tools to train different types of employees
- Creating lines of communication to the different ethics trainers
- Standardizing ethics courses
- Formalizing a method to review in-house training materials

In 2012, the Board made the following progress on these goals:

Goal	Progress
Increasing ethics advisors to 100 percent	All state agencies with more than 11 employees and 76 percent of the public universities, technical and community colleges have designated ethics advisors.
Making agencies aware of the importance of having their ethics policies approved	Increased the number of policies reviewed and approved by the Board. Board approved 4 revised ethics policies in 2012.
Giving universities and colleges tools to train different types of employees	Developed and presented a college-unique 90-minute training session to 10 different universities and community colleges in 2012.
Creating lines of communication to the different ethics trainers	Invited contracted ethics trainers to attend the Ethics Advisor Group meetings to insure they keep up with new trends and changes in the Ethics Act.
Standardizing ethics courses	Developed and deployed a complete training program on the Ethics Board's website that includes a 54-page manual and a 35-slide Power point presentation that any agency can download and use.
Formalizing a method to review in-house training materials	Reviewed and approved in-house training programs from 20 state agencies.

Surveys

Employee Survey

Board staff deployed the employee survey to every known ethics advisor, human resource advisor and agency leader for them to distribute within their agency. Since the Board does not have access to a global listserv of all state employees, it had to rely on each agency to deploy the survey. The Board received 19,029 responses, a 13 percent increase over last year's response rate. The responses are as follows:

How long have you been an employee of the state of Washington?						
Less than 3 months	2.5%					
3 months to 1 year	5.3%					
1-5 years	16.3%					
5-10 years	19.2%					
10-15 years	17.6%					
15-20 years	11.9%					
Longer than 20 years	27.2%					
What agency to do work for?		See Attachment One				
Are you a supervisor with at least one direct report?		Yes 25.8%		No 74.2%		
The following items are objectives of my agency's ethics training, leadership and investigative efforts:						
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A
Prevent ethics violations	36.6%	40.7%	13.3%	4.9%	3.4%	1.1%
Educate employees on ethics standards expected of them	34.9%	44.7%	12.3%	4.8%	2.4%	0.9%
Strengthen the public's trust in State Government	29.4%	35.6%	22.8%	6.8%	3.6%	1.7%
Detect unethical behavior	25.0%	37.4%	21.1%	9.7%	5.4%	1.5%
Discipline violators	21.75%	33.7%	24.2%	9.6%	7.9%	2.8%
Ensure fair and impartial treatment of the public and outside organizations in their dealing with my agency	30.9%	39.4%	20.0%	4.3%	3.2%	2.2%

I understand:							
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A	
The state ethics law.	30.6%	53.4%	11.5%	3.5%	.7%	.4%	
My agency's ethics policy.	33.7%	51.5%	9.8%	3.3%	1.1%	.5%	
My work-related decisions and conduct are guided by:							
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A	
The state ethics law.	36.6%	45.1%	13.6%	2.7%	1.0%	1.0%	
My agency's ethics policy.	38.8%	43.7%	12.4%	2.8%	1.3%	1.0%	
I know who my agency's ethics advisor is and how to contact this individual.				Yes 38.4%	No Advisor 3.2%	I don't know 58.3%	
Within the last 2 years, I participated in or received an ethics-related							
	Yes	No	Don't Know				
Newsletter.	28.7%	55.4%	15.9%				
Workbook.	9.8%	79.4%	10.8%				
Webinar.	19.2%	70.5%	10.3%				
Staff Meeting.	36.2%	56.3%	7.4%				
Less-than-two-hour classroom training.	28.9%	62.0%	9.1%				
2-hour or more classroom training.	21.3%	70.3%	8.4%				
If you answered "Yes" to any option in the question, above, this information has							
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Have not received training	N/A
Increased my knowledge of the ethics law.	20.4%	44.2%	17.8%	3.3%	.8%	2.4%	11.1%
Increased my knowledge of my agency's ethics expectations and policy.	21%	44.%	17.1%	3.3%	.9%	2.4%	11.2%
Given me practical tools to understand how the ethics law applies to my position.	18.8%	41.%	21.%	4.4%	1.2%	2.5%	11.1%

Been an efficient means of communicating ethical expectations.	19.5%	41.3%	19.7%	4.6%	1.3%	2.4%	11.1%
According to my perception, these types of conduct occur at my agency.							
	Always	Often	Sometimes	Rarely	Never	N/A	
Employees improperly giving gifts to their supervisors or accepting gifts from their subordinates	1.2%	2.7%	9.1%	23.4%	57.2%	6.4%	
Employees improperly benefitting financially from work they do for the State.	1%	2.1%	6.1%	18.3%	65.5%	7%	
Employees misusing State property	2%	6.3%	19.5%	33.8%	34.4%	3.9%	
Employees misusing State positions	2.4%	5.9%	12.6%	23.3%	50.5%	5.2%	
Employees misusing their official time	3.7%	11%	25.2%	31.6%	25.1%	3.4%	
Employees in supervisory positions asking for donations from subordinate employees in connection with personal charitable activities.	.7%	1.4%	5.5%	15.7%	70.5%	6.1%	
I would feel comfortable asking for ethical advice from this person or agency							
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A	
The Executive Ethics Board	19.4%	32.4%	28.9%	10.8%	5%	3.6%	
Office of the State Auditor	13.9%	25.7%	35.7%	14.3%	5.7%	4.6%	
Office of the Attorney General	17.6%	31%	29.5%	12.6%	5.4%	3.85	
My agency's Ethics Advisor	23.5%	34.2%	23.3%	6.8%	4.7%	7.5%	
A University or College's Ombudsman	11.6%	20.2%	31.3%	9.8%	4.9%	22.2%	
Human Resources	22%	38.9%	19.4%	9.5%	8.5%	1.75	
A Manager	24.6%	42.2%	17.3%	7.9%	6.75	1.4%	
A Peer	20.5%	41.9%	24.4%	7.3%	4.1%	1.8%	

Overall, I feel comfortable reporting unethical practices.	Strongly Agree 17.1%	Agree 42.2%	Neutral 20%	Disagree 12.9%	Strongly Disagree 6.9%	N/A 1%
If I see an ethical violation, I will report it.	Strongly Agree 20.3%	Agree 46.6%	Neutral 23.7%	Disagree 5.7%	Strongly Disagree 2.9%	N/A .8%
In my agency, ethical behavior is						
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A
Expected	42.2%	34.8%	9.5%	4.5%	3.4%	.6%
Encouraged (recognized as good, incentivized with awards, and so forth)	18.8%	25.0%	28.3%	15.2%	8.8%	3.9%
I believe my agency follows up on ethical concerns that are reported by employees.	Strongly Agree 18.1%	Agree 38.6%	Neutral 25%	Disagree 8.5%	Strongly Disagree 5.2%	N/A 4.5%
I believe my agency makes a serious effort to detect violations of its ethics policy and the state ethics law.	Strongly Agree 16.8%	Agree 37.9%	Neutral 26.8%	Disagree 10.6%	Strongly Disagree 5.3%	N/A 2.6%
When my agency detects an ethics violation, I believe it takes the proper corrective or disciplinary action in a fair and swift manner.	Strongly Agree 14.8%	Agree 34.1%	Neutral 28.8%	Disagree 10.6%	Strongly Disagree 6.9%	N/A 4.7%
As a supervisor, I make an effort to						
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A
Discuss ethical issues at staff meetings	21.6%	43.4%	14.7%	3.6%	.6%	16.6%
Encourage employees to identify ethical issues without fear of retaliation	27.3%	42.4%	12%	2.6%	.8%	14.9%
Keep employees informed about changes to the ethics	19.6%	36.9%	20.7%	6.1%	1%	15.7%

law						
Make sure my employees are receiving ethics training	23.8%	35.9%	18.5%	5%	.9%	16%
As a manager, I have been given the proper resources and training to						
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A
Investigate ethical violations	11.8%	28.0%	20%	17.5%	4.2%	18.5%
Update employees on recent Ethics Board decisions	9.9%	23%	23.8%	20.8%	4.3%	18.15
Have ethical discussion topics for staff meetings	12.5%	31.9%	20.9%	13.7%	3%	17.9%
Counsel employees on ethical matters	15.3%	39.5%	16.1%	9.1%	2.6%	17.4%
Support employees' ethical behavior	23.9%	41.8%	10.6%	4.9%	2.0%	16.7%
Correct and/or discipline employees' unethical behavior	16.9%	37.6%	15.2%	9%	3.1%	18.3%
Reduce hostility directed toward a whistleblower	15.4%	26.1%	21.0%	9.5%	3.6%	24.3%

Comments

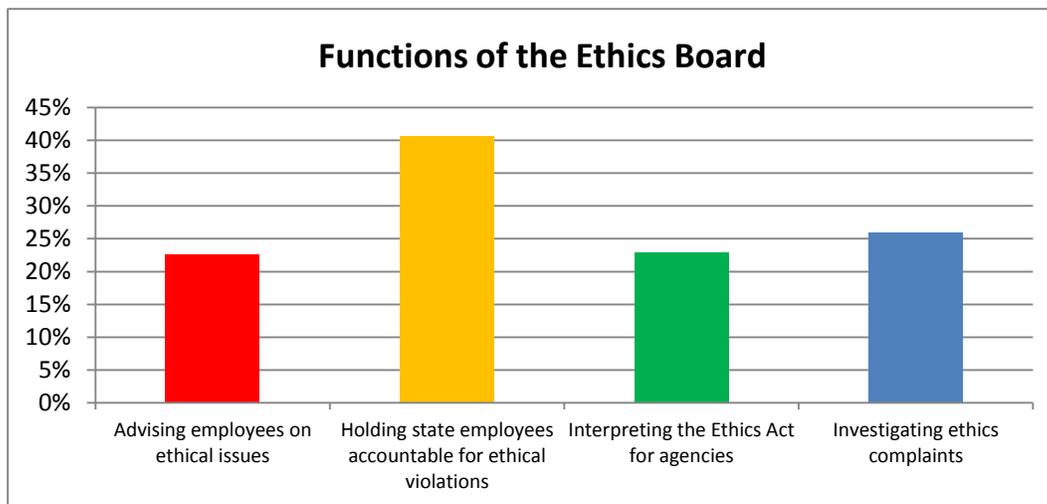
The 2012 survey was changed slightly to incorporate input received from agency ethics advisors. Therefore, there is no direct comparison with the results from the 2011 survey. However, there were some noteworthy trends:

Improvement:

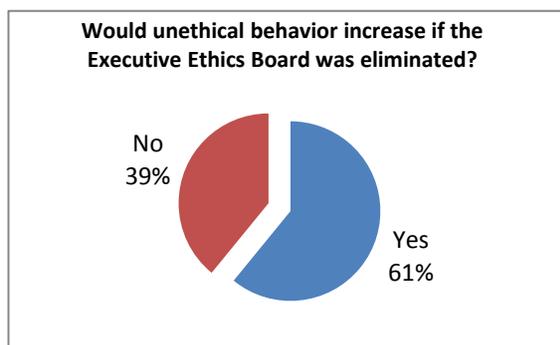
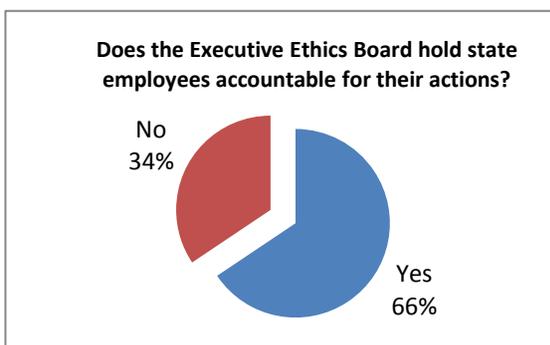
- More employees knew that their agency had a designated ethics advisor (5 percent increase over 2011).
- Employees' perception of the ethical conduct in their agency improved immensely, with a 5 percent increase in the number of employees stating that employees never misuse state resources and a 3 percent increase in the number of employees who believe that state employees never misuse their official time.

Public Survey

Since 2010, the Board has had a link to a public survey on its website to gather the public's perceptions. Based upon 2012 responses to this survey, the public ranks holding state employees accountable for ethical violations as the most important role of the Ethics Board.



The public also believes that the Board holds state employees accountable for their actions and unethical behavior would increase if the Board was eliminated:



Comparing 2011 answers to the 2012 survey, the public's belief that the Ethics Board holds employees accountable for their actions increased 3 percent. Further, there was a 6 percent increase in the number of survey participants who believed that unethical behavior would increase if the Ethics Board was eliminated

Coordinating with Others

Overview

The Executive Ethics Board routinely works with the Commission on Judicial Conduct, the Legislative Ethics Board and the Public Disclosure Commission (PDC) on items of mutual interest or to discuss or resolve similar issues.

Personal Service Contract Managers

The Board staff annually makes a presentation at the Personal Service Contracts Overview, a 7-hour class for agency personnel who manage personal service contracts. In the presentation, the staff distributes informational materials and informs the agency personnel about conflicts of interest, post-employment laws, special privilege and use of state resources.

Northwest Ethics Network

In 2011, representatives of the Board joined the Northwest Ethics Network (the Network). It was created in 1993 by Seattle University's Albers School for Business and Economics and is a conglomerate of local ethical leaders from over 30 non-profit, corporate, and government organizations. Throughout 2012, Board staff continued to participate in this Network.

Elements of the Washington State Quality Award Criteria

Board staff compared the Board's organization, strategic planning, performance measures and outcomes with the criteria set forth in the Washington State Quality Award. Each category is discussed below.

Category 1 - Leadership, Governance & Social Responsibility

The Board is comprised of five members appointed by the Governor for five-year terms. Two of the five members must be current state employees, one an exempt employee and one a classified employee. One of the remaining three members of the Board is selected from names provided by the State Auditor's Office; one from names provided by the Attorney General's Office; and one is a citizen-at-large. Except for initial members and those completing partial terms, members serve a single five-year term during which time they may not hold partisan or full-time nonpartisan elective office, make campaign contributions, or lobby other than on matters relating to the ethics law. The members play a crucial role in the policy setting and enforcement of the Ethics Act.

Board staff is comprised of an Executive Director, Administrative Officer and Investigator. There are no layers of supervision in that all Board staff report to the Executive Director. Funding and support for these positions is provided by the Attorney General's Office (AGO) with a biennial budget of \$772,080.

The Executive Director reports to the AGO's Chief of Staff. Board staff complies with all of the AGO's policies and procedures and follows the AGO's Performance Management System in which each staff member's work performance is evaluated on an annual basis against mutually agreed upon performance goals. Performance goals are discussed throughout the year, with staff receiving formal interim performance reports at least once during the performance year to ensure that they understand the performance goals and that they are progressing toward reaching the goals.

Board staff is housed in an AGO-leased facility.

The Board's budget is derived from the Legal Services Revolving Fund and is separate from the AGO, and the Board must reimburse the AGO for all legal work as well as purchase all materials and supplies from that budget.

Vision and Mission

The Executive Ethics Board is statutorily tasked with enforcing the Ethics in Public Service Act, RCW 42.52. The Board's mission is to promote integrity, confidence and public trust in state government through education, interpretation and enforcement of the Ethics in Public Service Act. The Board develops a strategic plan at their annual retreat and Board staff is tasked with carrying out the plan's strategic goals.

While the Board sets policy for the executive branch ethics program, the head of each agency has primary responsibility for the ethics program within that agency. To support the day-to-day activities of the ethics program, each agency's head selects an individual to serve as the agency's

ethics advisor. Currently, there are approximately 73 ethics advisors working across 81 state agencies, 34 community and technical colleges and six public colleges and universities. Board staff works along side this ethics community by providing oversight, advice, and training.

The Board's customer groups include state agencies, state employees and separately-elected officials, the media and the public. State employees, state officials, state agencies and the public are also the Board's stakeholders since they are all affected by the Board's actions.

The Board has no key suppliers.

The Board has no role in the ethics programs of the legislative or judicial branches of the state government. Similarly, the Board has no jurisdiction over state or local government ethics programs or K-12 ethics programs.

Communication and Organizational Performance

The Executive Director works directly with the Board staff on a daily basis. The Executive Director meets with the Ethics Advisory Group (consisting of representatives from state agencies) after every Board meeting to discuss Board opinions, interpretations or other ethical issues that may impact their agency. The Executive Director uses the Ethics Advisory Group as a sounding board for proposed rulemaking and other actions proposed by the Board.

The Executive Director publishes a newsletter after each Board meeting that is distributed to all Ethics Advisors, Human Resource Managers and Assistant Attorneys General to ensure they are kept abreast of Board opinions and case dispositions. This newsletter is posted to the Board's public website as well.

The Executive Director reports a number of performance measures on a monthly basis to the AGO, the Board and the public at large and on an annual basis as part of the Board's annual report. These performance measures include the number of complaints received, complaint disposition, timeliness of investigations, ethics questions researched, advisory opinions published, number of contracts reviewed, policies approved, ethics training sessions provided and number of state employees trained and amounts of penalties.

The Board actively solicits input from public stakeholders via a public survey located on the Board's website (see the "Surveys" section) and through discussions with local civic leaders (see "Coordinating with Others" section).

Board staff participates in community service projects and diversity programs through the AGO.

Category 2 – Strategic Planning

Board members, the Executive Director, and Board staff participate in the strategic planning process that occurs at the annual Board retreat. In July 2012, the Board updated its 5-year strategic plan as follows:

Strategic goal #1: Strengthening the ethical culture and promoting a stronger ethical workforce within the executive branch of Washington State government.

The following three objectives support *Strengthening the Ethical Culture*:

- Objective 1.1 Enhance assistance to and oversight of agency ethics programs.
- Objective 1.2 Increase employee awareness of their ethics responsibilities.
- Objective 1.3 Increase focus on senior officials' role in implementing the ethics program.

Strategies for Objective 1.1

Ensure that ethics officials have the knowledge required to effectively carry out their duties by (1) expanding the number and type of training and education opportunities and (2) developing and maintaining an easily accessible database of informal ethics program advice.

The Board provides training and education opportunities to all ethics officials through classroom instruction, educational materials and on-line materials.

Acton items:

- 1.1.1 Increase training opportunities offered by developing a web-based course and advanced instructor-led training.
- 1.1.2 Develop and maintain a system to centrally collect the informal advice the Board provides and identify an appropriate mechanism to disseminate the advice

Strategies for Objective 1.2

Develop educational support for various sectors of the executive branch workforce.

Acton items:

- 1.2.1. Develop educational materials focused on new employee orientations.
- 1.2.2 Develop specific educational materials for conflicts of interest, gifts and use of resources.
- 1.2.3 Ascertain the viability of mandating initial and refresher ethics training in the statute.

Strategies for Objective 1.3

Demonstrated enforcement of the ethics rules complements the training employees receive on the rules themselves. The Board will use data collected on administrative sanctions to reinforce the significance of the ethics program and will use the information to effectively focus education and outreach efforts.

Action items:

- 1.3.1 Develop and deploy ethics posters regarding enforcement actions.

1.3.2 Update Board Blotter with enforcement actions after each Board meeting.

Strategic goal #2: Promoting good governance.

The Board will seek to work with other local agencies that have responsibilities which are part of the larger goal of good governance. Additionally, by more proactively reaching out to the public and private sector about the executive branch ethics program, EEB promotes a better understanding of the standards expected of public servants.

OBJECTIVES

The following Objectives support *Promoting Good Governance*.

Objective 2.1 Increase information sharing with Federal, state and local agencies implementing programs that help support good governance.

Objective 2.2 Increase outreach to the private sector.

Action items:

2.1.1 Board and Board staff attend other local government and private sector ethics meetings.

2.1.2 Determine viability of a joint ethics conference for Fall 2013 that would include local and state ethics boards/commissions.

Strategic goal # 3: Improve the complaint process to make filing easier and investigation time shorter.

OBJECTIVES

The following Objectives support *Improving the complaint process*.

Objective 3.1 Increase information to the public on the Board's jurisdiction and investigative process.

Objective 3.2 Simplify process for public to file complaints

Objective 3.3 Review investigative process as part of LEAN Governing initiative

Action items:

3.1.1 Develop citizen guide for filing complaints to help them understand the Board's jurisdiction and process.

3.1.2 Redesign website to make filing a complaint easier.

3.1.3 Review and reduce any waste found in the investigation process to reduce the time it takes to complete an investigation.

The Board's website continues to be the main source of information for state agencies and the public at large, it is updated after every Board meeting and at any time when new information is available. In keeping with technological advancements and the public's need for real-time information, the Board updated their website in 2012 to include a "How to file a complaint" section that provides better assistance and information to anyone wanting to file an ethics complaint.

Category 3 – Customer Focus

The Board's key customers and stakeholders are complainants, state employees, officials, and agencies in the Executive Branch of state government. The Executive Director routinely requests input from the Ethics Advisory Group on how to better serve the needs of state agencies. Ethics advisors are asked to provide comments and suggest improvements when updating rules to ensure the changes are consistent with the needs of their agencies.

The Board assists customers—including agency advisors, state employees, elected officials and the public at large—via e-mail, the phone, or face-to-face meetings. Board staff routinely answer hundreds of queries a year from customers regarding ethical situations and how to effectively handle these situations.

Board staff designed and deployed an in-depth ethics training module on their website that includes a 54-page training manual/workbook and a 34-slide PowerPoint presentation that agencies can download and use for in-house ethics training. Board staff is also actively working with DES to develop an on-line ethics training module.

Category 4 – Measurement, Analysis, and Knowledge Management

Every month, the Board gathers workload data that is communicated via an annual report published within the first quarter of each calendar year. This report is uploaded to the Board's website for all to see.

Board staff deploys an annual ethics survey to all executive branch state employees to gather information on their agency's ethical culture (see the "Survey" section). Board staff also developed a "scorecard" to measure each agency's ethics program based upon four criteria and will use this information to help improve the agency's ethics program (see the "Scorecard section").

Performance measures

Timeliness of investigations – Target: completed within 180 days.

Settlement of cases to minimize the cost to the public – Target: 90 percent.

Effectiveness of ethics training – Target: The training received a rating of 3 or higher in all categories 95 percent of the time.

Communication of Board information – Target: increase the hits on the website by 20 percent

Ethics questions answered in timely manner (under development) – Target: 90 percent same day.

Timeliness of contract approval – Target 95 percent within 3 business days.

Category 5 – Workforce Focus

The Executive Ethics Board has a staff of three full-time employees. Board staff fall under the Attorney General’s Office (AGO) for human resource, budget, information technology and employee training support. Each employee meets with their immediate supervisor annually to discuss performance goals for the upcoming year and to determine any training needs required to enhance the employee’s skills, knowledge and abilities. At this meeting the two develop a performance plan with measurable goals to be achieved during the performance period. During this performance period, the employee meets with their immediate supervisor to discuss progress on completing the goals as well as to make any necessary adjustments. At the end of the performance period, the immediate supervisor completes an evaluation, gathering input during a 360° review of the employee’s performance and begins developing the performance plan for the next cycle.

The AGO’s performance management system was one of the first in the state and is lauded for its use of employee input, customer feedback and incorporate stretch goals, which allow employees to set goals outside their normal job duties. Board staff will continue to be a part of this system for the indefinite future.

Board staff are encouraged to attend training provided by the AGO or the Department of Enterprise Services and does so frequently. The Executive Director routinely attends Core Management training as well as continuing legal education courses offered by the AGO.

Board staff meets bi-weekly to discuss cases, training, upcoming projects or Board actions. They work in a very collaborative environment, and the size of the Board’s workforce enables them to participate in many in-house programs together. Board staff regularly participates in Wellness programs, diversity and breast cancer awareness programs, and charity and holiday events. There have been no employee grievances or disciplinary actions in the past four years, and no turnover, other than a retirement in the past two years.

Newly appointed Board members meet with Board staff to review Board policies and meeting protocol. Each member is given a copy of the Ethics Act, all associated rules, the Open Public Meetings Act and the Administrative Procedures Act. Board members also attend the New Board and Commission Member training provided by the Governor’s office.

Category 6 – Operations Focus

The Board’s strategic objectives are mandated statutorily and the overall operational focus remains unchanged from year to year unless the legislature amends the law to add, delete or

refine the Board’s mandate. However, the means of accomplishing the mandate are left up to the discretion of the Board and Board staff and have evolved as technology and information access have improved.

The Board provides advice to agencies regarding ethical issues, promulgates rules to implement the Act and take enforcement action against state employees who violate the Act.

The Board staff’s key processes are to investigate complaints, provide ethics training to all state agencies, review and approve or disapprove all contracts between state employees and other state agencies, provide informal advice regarding ethics in the workplace to ensure that state officers and employees perform their public responsibilities with the highest ethical standards, and conduct the business of the state to advance the public’s interest and not use their position for personal gain or private advantage.

The Executive Director translates job-specific competencies into the training and performance plans of the Board staff.

The Board’s website contains all of the enforcement actions that have been completed since the Board’s inception as well as all of their formal advisory opinions. After each meeting is concluded, Board staff also posts Board meeting minutes, the *EEB Newsletter*, and a synopsis of the Board’s actions.

Category 7 – Results

Product and Process Outcome

Timeliness of investigations – Target: completed within 180 days.

The target is to complete routine investigations within 180 days. In 2012, investigations were completed in an average of 162 days.

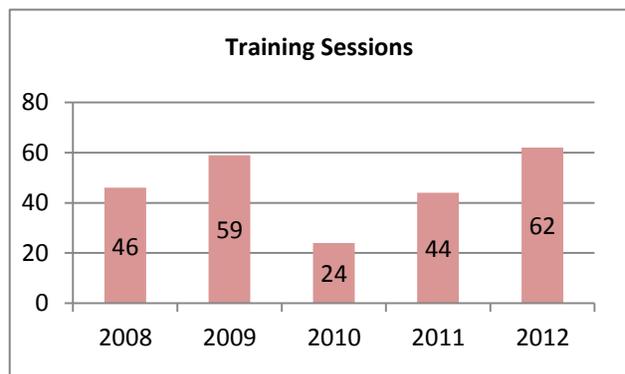
Average Days to Complete Investigation



Customer-focused performance results

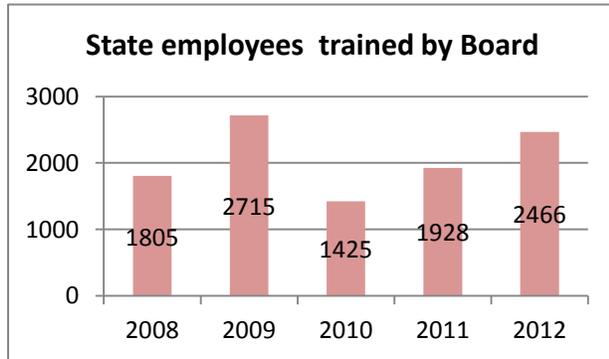
The Board offers free training to any state agency. The Executive Director provides the training and will travel to agency locations across the state to ensure all agencies have equal access to the training. In 2012, Board staff completed 62 sessions, including five sessions in Olympia that any employee could

Training Sessions



attend. The remaining 57 sessions were at agency-specific locations throughout the state.

Number of participants:



Training satisfaction

The four-hour ethics training class (full session) is measured by an evaluation form containing seven rated questions. The rating on each question ranges from 0-4, with “0” being the lowest rating and with “4” the highest. The target was to have the training receive a “3” or “4” rating for each question asked 95 percent of the time. For all questions, the training received a rating of at least 97 percent, well above the target.

Questions	Score					Participant satisfaction rating
	0 (Not at All)	1	2 (It's Still Unclear)	3	4 (Very Much)	
I understand the purpose of the Ethics Act.	0%	0%	1%	36%	63%	99%
I can identify two prohibited uses of state resources.	0%	0%	1%	16%	83%	99%
I understand the basic gift rules.	0%	0%	2%	37%	61%	98%
The instructor knew the material.	0%	0%	1%	11%	88%	99%
The material and handouts were understandable.	0%	0%	2%	23%	75%	98%
I will use the information in my daily work environment.	0%	0%	2%	28%	70%	98%

Overall how would you rate the course?	0%	0%	3%	27%	70%	97%
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2012 Board Goals and Initiatives

- Develop online ethics training. *The Board staff is currently working with DES to launch on-line training as part of their eLearning suite.*
- Clarify the gift rules and the purpose of the ethics act in the training. *Board staff designed and marketed a brochure specifically regarding gift rules.*
- Create a pre- and post-training test to evaluate the effectiveness of the training. *Still in development.*

Communication of Board Information

The Board’s website is a major tool used to communicate Board decisions, enforcement actions, and policy reviews. In 2010, the Board’s goal was to increase the hits on the website by 20 percent. In 2011, the Board’s website had 16, 890 hits. In 2012, the website had 30,088 hits, almost doubling the number in 2011.

In addition to the 30,088 hits, the website had 18,784 unique visitors and 123,244 page views.

Board staff worked to increase the user-friendliness of their website by adding a button regarding how to file a complaint.

2012 Board Goals and Initiatives

- Increase overall views by 20 percent. *Hits increased by 43 percent over 2011.*
- Map the website differently to make information about the Board more prominent and accessible to increase internet traffic and awareness. *Added “How to file a complaint” button to provide more information and easier access to complaint forms.*
- Inform agencies about the rate their employees take the training since many agencies require this training and might want to verify that employees are taking the test. *Still under development.*

Ethics questions answered in a timely manner

Ethics questions answered in timely manner.

Target: 90 percent same day.

2012 Results: Board staff answered 1461 questions on the same day 97 percent of the time.

Timeliness of Contract Approval

Target: 95 percent within 3 business days.

2012 results: 100 percent approved in 3 business days.

Customer Satisfaction

Customer satisfaction (still under development).

Workforce Focused Performance Results

Board staff's performance is measured against their performance plan and whether each employee met or exceeded their stated performance goals. These goals are specifically tailored to each employee's position description and delineate performance expectations, expected key competencies and key results. For the past four years, Board staff have met or exceeded all of their performance goals.

Leadership and Governance Results

N/A due to Board staff's size.

Financial and Marketplace Results

Settlement of cases to minimize the cost to the public.

