

2013

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 2013-2015 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.

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 other organizations. (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.)

Noteworthy findings:

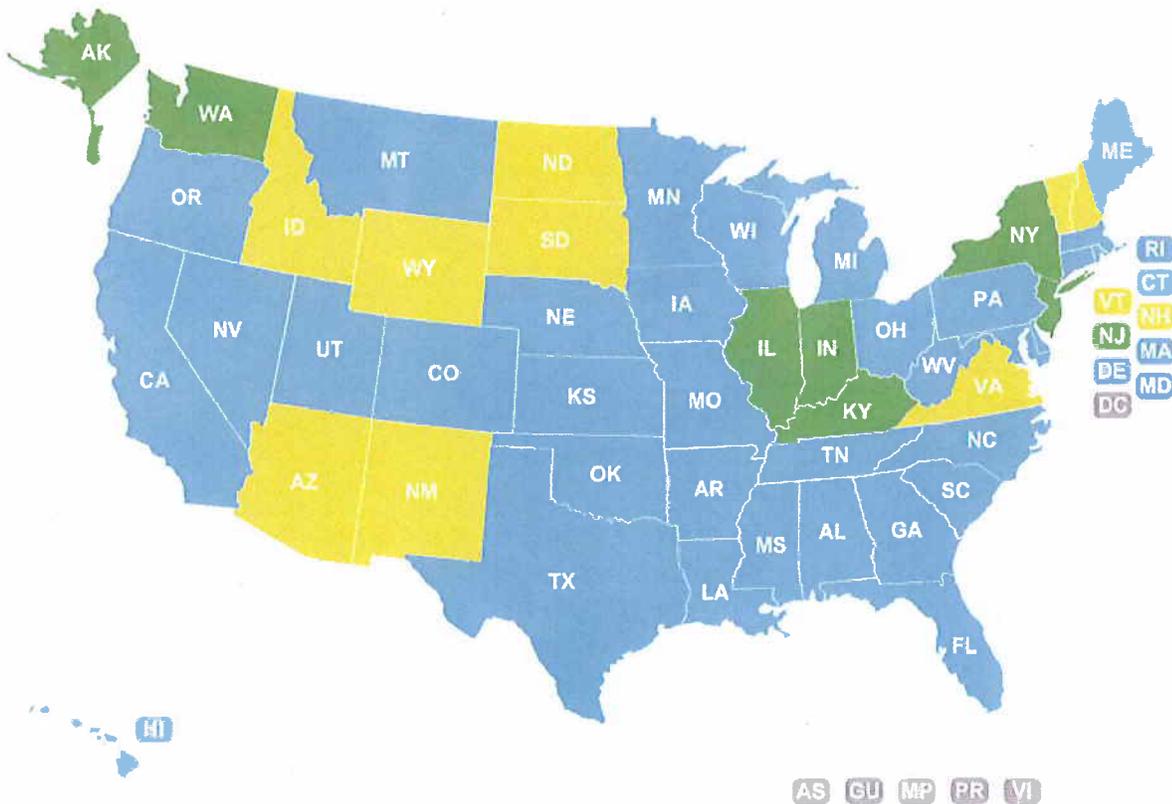
- The number of agencies receiving a 5-star rating almost doubled, increasing from 32 to 57, while the number of 4-star ratings increased 15 percent. The biggest change was in the 3-star rating category, which decreased from 22 agencies in 2011 to 10 in 2013. This change is attributed to agencies moving 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 settled 35 cases, the highest amount for the past 5 years.
- The number of employees who believed that preventing ethics violations was an objective of their agency's ethics training increased 3 percent.
- All agencies have appointed an Ethics Advisor.
- The number of employees who believe that ethical behavior is expected in their agency increased by 8 percent.

# **Benchmarking Against Other Ethics Boards and Commissions**

Forty-one states provide external oversight of their ethics laws through an ethics commission established in statute or in the constitution. Seven states—Alaska, Illinois, Indiana, Kentucky, New Jersey, New York and Washington—have more than one commission that oversees different branches of government. Nine states do not have ethics commissions—Arizona, Idaho, New Hampshire, New Mexico, North Dakota, South Dakota, Vermont, Virginia and Wyoming, but ethical oversight may be provided through other state agencies such as the Office of the Secretary of State or Office of Attorney General or a legislative ethics committee.<sup>1</sup>

### State Ethics Commissions

One Commission	More than One Commission	No Commission	N/A
One Commission	More than One Commission	No Commission	N/A



Based on a survey conducted by the Center for Ethics in Government. Information can be found at <http://www.ncsl.org/research/ethics/state-ethics-commissions.aspx>

<sup>1</sup> Based on information from the National Conference of State Legislatures at [www.ncsl.org](http://www.ncsl.org).

Established in 1995 via statute, 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.

***Budget***

Washington’s Executive Ethics Board has an annual operating budget of \$497,671, 3 staff members and jurisdiction over 100,371 employees in the Executive branch of state government (this amount includes higher education employees).

Only seven other states have ethic boards who have exclusive jurisdiction over employees of the executive branch. Other states either combine all branches of state government employees under one ethics board or combine ethics and campaign finance under one board.

Of the states with exclusive executive ethics boards, these boards have an average budget of \$2,080,973 and jurisdiction over an average work force of 118,141 state employees. The Washington Executive Ethics Board ranks 6<sup>th</sup> in the amount it receives in its annual operating budget and 5<sup>th</sup> in the number of state employees over whom it has jurisdiction.

State	Board staff	Board members	Annual budget	State employees <sup>2</sup>
Illinois	78	9	\$ 6,600,000	105,892
New York	33	13	\$ 3,878,000	226,662
Ohio	21	6	\$ 2,046,139	113,917
New Jersey	12	7	\$ 1,035,000	134,410
Kentucky	6	5	\$ 500,000	71,863
<b>Washington</b>	<b>3</b>	<b>5</b>	<b>\$ 497,671</b>	<b>100,371</b>
Indiana	15	5	\$ 369,408	73,874

***Staff***

The ethics boards listed above had an average of 24 staff members, but several of these boards also manage the state’s financial disclosure program. The Washington Board has three full-time employees.

***Board Members***

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

***Opinions***

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<sup>2</sup> Source: 2011 Annual Survey of Public Employees and Payroll published by the U.S. Census Bureau. Totals exclude higher education employees – updated May 2013.

Working toward a goal of becoming more nimble, the Board moved away from issuing formal Advisory Opinions on every question asked of them and instead now provide less formal answers to specific questions posed by individuals or agencies. This model has been applauded by client agencies as more user-friendly and timely. In 2013, the Board answered two questions via this method. Board staff also responds to questions from agencies or individuals. In 2013, Board staff responded to 1593 questions within 24 hours, 98 percent of the time. Board staff also provided informal written analysis of questions posed by employees and agencies.

### ***Investigations***

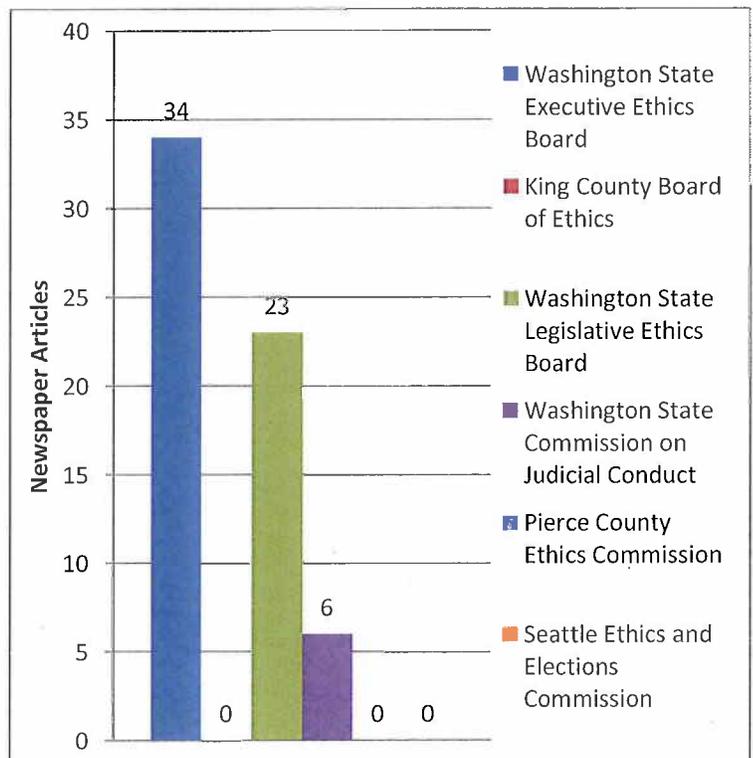
In January 2013, the Board had 53 open cases. During the next twelve months, the Board opened 60 new cases. The Board found Reasonable Cause in 42 cases. In 2013, the Board dismissed 16 cases and settled 35 with agreed stipulations, levying over \$102,900 in monetary penalties. Monies received as payment of these penalties are deposited into the state’s general fund. At the end of 2013, the Board had 55 open investigations.

### ***Training***

The Ethics in Public Service Act does not currently mandate ethics training. However, in 2013, Board staff conducted 41 live classroom training sessions for over 1,800 state employees. In addition to classroom training, the Board offered a web-based Ethics Challenge. The Board’s on-line ethics training, “Ethics Challenge” received 11,362 hits in 2013, a 15 percent increase over 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 2013 publications from seven newspapers published within Washington state.<sup>3</sup> As indicated, the Executive Ethics Board received the most amount of press regarding its activities and investigations. Three other ethics boards had no newspaper articles for this period. These include the King County Ethics Board, Pierce County Ethics Commission and the Seattle Ethics and Elections Commission.



<sup>3</sup> Spokesman Review, Everett Herald, Columbian, Bellingham Herald, Seattle Times, News Tribune and the Olympian.

# Ethical Program Reviews

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## *Ethical Culture*

To evaluate state agencies, 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.

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 harbor<sup>4</sup>.
3. An ethics training requirement, both for new employees and on-going refresher training.
4. Documented ethics training.

Board staff surveyed all state 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.

During the 2013 legislative session, the Ethics Act was amended to require that every agency appoint an ethics advisor, however, we are continuing to score this as part of an ethical culture. 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:**

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<sup>4</sup> 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.

If any type of 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 and is worth 50 points.
  - If any in-house training has been reviewed by the Board on a recurring basis, then this training is worth 100 points.
- Contract training provided by the Department of Enterprise Services (DES)
  - "Ethics in the State Government" receives 100 points.
  - "Ethics in Leadership & Decision Making" receives 100 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 50 points.
- Agencies that require their employees to complete a self-trained, self-graded training, such as a booklet with cases and/or quizzes receive 80 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 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 receives 80 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.

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.

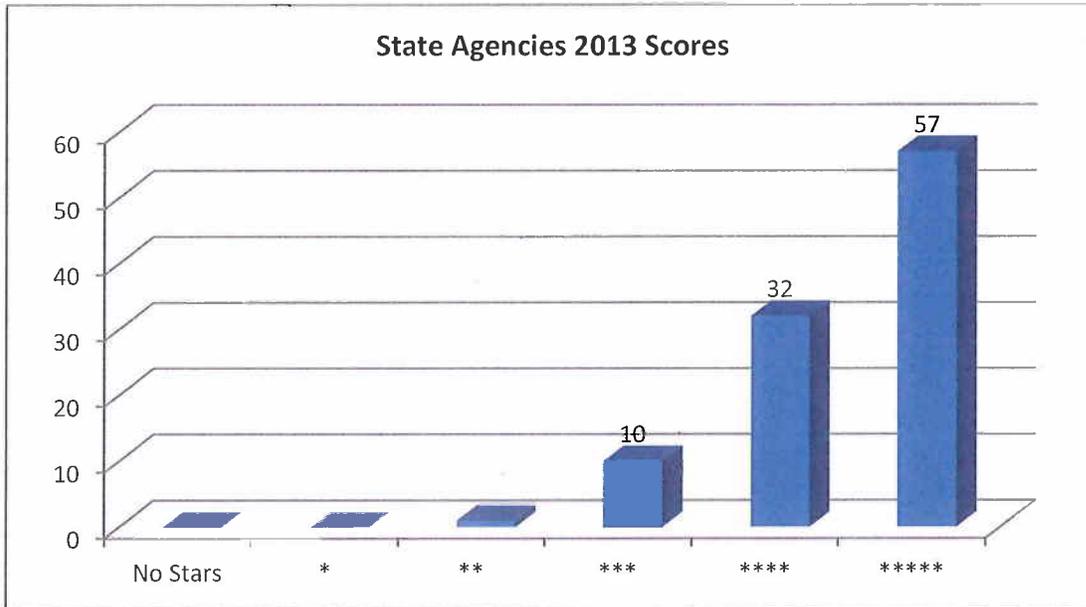
### ***Grading Scale***

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

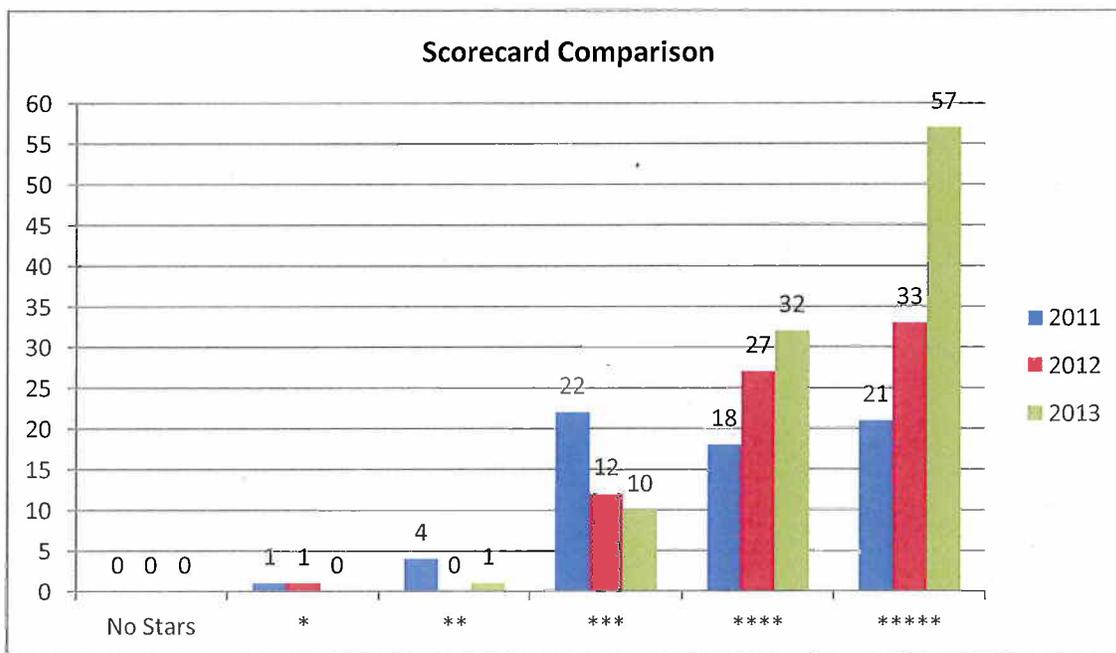
No Stars	0-9 percent of the total points
★	10-29 percent of the total points
★★	30-49 percent of the total points
★★★	50-69 percent of the total points
★★★★	70-89 percent of the total points
★★★★★	90-100 percent of the total points

### ***Key Findings***

The Board rated 100 agencies' ethics programs, up from 73 in 2012. When all of the criteria were complied, agencies received the following rankings:



A comparison of the data for the past three years indicates that every agency has improved their ethical programs significantly:



Comparing this data to that collected in 2012, the number of agencies receiving a 5-star rating almost doubled, increasing from 32 to 57, while the number of 4-star ratings increased 15 percent. The biggest change was in the 3-star rating category, which decreased from 22 agencies in 2011 to 10 in 2013. 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, including all of the universities, community and technical colleges and boards or commissions had a designated ethics advisor
- All agencies had an ethics policy. The Board reviewed and approved 16 policies in 2013 for state agencies.
- Many agencies took advantage of the Board’s ethics training in 2013. Board staff travelled to 25 different state agencies, several multiple times, to provide classroom ethics training. In 2013, Board staff completed 42 training sessions to 1,836 employees. Board staff also led four, 3.5-hour sessions in Tumwater that were open to any state employee, training 279 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.

### ***2013 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 2013, the Board made the following progress on these goals:

<b>Goal</b>	<b>Progress</b>
Increasing ethics advisors to 100 percent	All state agencies, including public universities, technical and community colleges and boards/commissions 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 16 policies in 2013; two of which were ethics policies.
Giving universities and colleges tools to train different types of employees	Developed and presented a college-unique 90-minute training session to 625 employees

	at 7 different universities and community colleges in 2013.
Creating lines of communication to the different ethics trainers	Began using the state-wide Learning Management System to advertise and register state employees for the 3.5 hour ethics course.
Standardizing ethics courses	Began working with DES to develop an on-line free ethics course for new employees.
Formalizing a method to review in-house training materials	Reviewed and approved in-house training programs from 6 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 16,074 responses. The responses are as follows:

How long have you been an employee of the state of Washington?						
Less than 3 months	2.4%					
3 months to 1 year	6.1%					
1-5 years	16.3%					
5-10 years	20.3%					
10-15 years	16.6%					
15-20 years	11.6%					
Longer than 20 years	26.8%					
What agency do you work for?		See Attachment One				
Are you a supervisor with at least one direct report?		Yes 26.7%	No 73.3%			
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	38.0%	41.2%	12.3%	4.6%	2.8%	1.1%
Educate employees on ethics standards expected of them	36.2%	44.3%	12.0%	4.5%	2.0%	0.9%
Strengthen the public's trust in State Government	30.5%	36.3%	22.2%	6.4%	3.0%	1.7%
Detect unethical behavior	26.4%	38.3%	20.8%	8.6%	4.6%	1.3%
Discipline violators	22.6%	34.6%	24.4%	9.1%	6.5%	2.9%
Ensure fair and impartial treatment of the public and outside organizations in their dealing with my agency	32.4%	39.8%	19.0%	3.9%	2.8%	2.1%
I understand:						

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A	
The state ethics law.	31.1%	53.5%	11.2%	3.1%	0.8%	31.1%	
My agency's ethics policy.	34.5%	51.5%	9.4%	3.1%	1.2%	34.5%	
<b>My work-related decisions and conduct are guided by:</b>							
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A	
The state ethics law.	38.1%	44.5%	13.0%	2.6%	0.9%	38.1%	
My agency's ethics policy.	40.4%	43.6%	11.4%	2.6%	1.2%	40.4%	
I know who my agency's ethics advisor is and how to contact this individual.			Yes 41.3%	No Advisor 2.7%	I don't know 56.0%		
<b>Within the last 2 years, I participated in or received an ethics-related</b>							
			Yes	No	Don't Know		
		Newsletter.	28.8%	55.1%	16.0%		
		Workbook.	9.6%	79.3%	11.2%		
		Webinar.	20.6%	69.1%	10.3%		
		Staff Meeting.	36.4%	56.1%	7.4%		
		Less-than-two-hour classroom training.	30.4%	61.1%	8.6%		
		2-hour or more classroom training.	21.5%	70.0%	8.5%		
<b>If you answered "Yes" to any option in the question, above, this information has</b>							
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Have not received training	N/A
Increased my knowledge of the ethics law.	21.3%	44.9%	16.6%	3.3%	0.6%	2.4%	10.9%
Increased my knowledge of my agency's ethics expectations and policy.	22.2%	43.9%	16.4%	3.5%	0.7%	2.3%	10.9%
Given me practical tools to understand how the ethics law applies to my position.	20.3%	40.5%	20.5%	4.5%	0.9%	2.4%	10.9%
Been an efficient means of communicating ethical expectations.	20.5%	41.9%	18.8%	4.2%	1.3%	2.3%	10.9%

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	0.9%	2.8%	9.1%	25.8%	54.0%	7.3%
Employees improperly benefitting financially from work they do for the State.	0.8%	2.0%	6.4%	21.5%	62.0%	7.4%
Employees misusing State property	1.5%	5.9%	19.0%	35.6%	33.6%	4.4%
Employees misusing State positions	2.1%	5.2%	12.4%	25.3%	49.0%	6.0%
Employees misusing their official time	3.0%	10.3%	24.9%	32.6%	25.2%	3.9%
Employees in supervisory positions asking for donations from subordinate employees in connection with personal charitable activities.	0.6%	1.2%	5.5%	17.7%	68.3%	6.7%
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	19.7%	32.6%	29.3%	10.8%	4.4%	3.4%
Office of the State Auditor	14.3%	26.7%	36.0%	13.7%	5.1%	4.2%
Office of the Attorney General	18.5%	31.6%	30.1%	11.7%	4.7%	3.4%
My agency's Ethics Advisor	25.3%	35.1%	22.3%	6.5%	4.3%	6.5%
A University or College's Ombudsman	12.4%	20.9%	32.0%	10.0%	4.6%	20.1%
Human Resources	23.6%	38.6%	19.0%	9.4%	7.8%	1.5%
A Manager	26.4%	42.7%	16.3%	7.4%	6.0%	1.1%
A Peer	22.4%	42.6%	23.0%	6.9%	3.5%	1.5%
Overall, I feel comfortable reporting unethical practices.	Strongly Agree 18.2%	Agree 42.2%	Neutral 20%	Disagree 12.5%	Strongly Disagree 6%	N/A 1.1%
If I see an ethical violation, I will report it.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A

	21.4%	46.5%	23.7%	5.3%	2.6%	.6%
In my agency, ethical behavior is						
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A
Expected	49.7%	33.9%	8.3%	4.2%	3.4%	0.6%
Encouraged (recognized as good, incentivized with awards, and so forth)	20.9%	25.1%	28.0%	14.4%	7.7%	3.8%
I believe my agency follows up on ethical concerns that are reported by employees.						
	Strongly Agree 20.0%	Agree 38.9%	Neutral 24.1%	Disagree 8.1%	Strongly Disagree 4.1%	N/A 4.9%
I believe my agency makes a serious effort to detect violations of its ethics policy and the state ethics law.						
	Strongly Agree 18.2%	Agree 37.8%	Neutral 27%	Disagree 9.8%	Strongly Disagree 4.1%	N/A 3%
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 16.3%	Agree 34.2%	Neutral 28.7%	Disagree 10%	Strongly Disagree 5.3%	N/A 5.3%
As a supervisor, I make an effort to						
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A
Discuss ethical issues at staff meetings	22.0%	43.7%	14.6%	3.6%	0.4%	15.7%
Encourage employees to identify ethical issues without fear of retaliation	28.2%	42.8%	11.5%	2.5%	0.5%	14.5%
Keep employees informed about changes to the ethics law	19.6%	36.8%	21.4%	5.8%	0.8%	15.7%
Make sure my employees are receiving ethics training	24.2%	37.2%	17.8%	4.6%	0.6%	15.7%

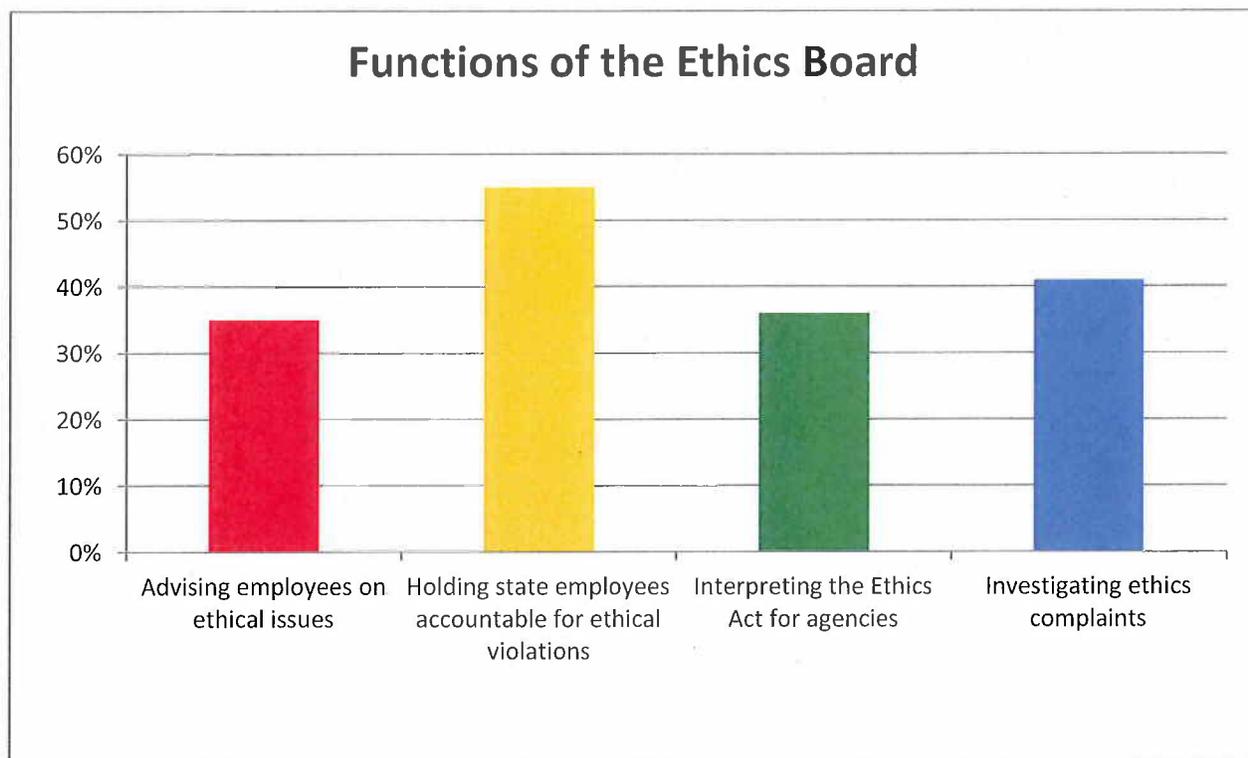
As a manager, I have been given the proper resources and training to						
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N/A
Investigate ethical violations	12.6%	27.3%	20.7%	17.4%	3.5%	18.5%
Update employees on recent Ethics Board decisions	9.6%	23.6%	24.5%	20.1%	3.9%	18.3%
Have ethical discussion topics for staff meetings	12.8%	31.9%	21.2%	13.6%	2.6%	18.0%
Counsel employees on ethical matters	15.9%	40.4%	15.8%	8.3%	2.4%	17.1%
Support employees' ethical behavior	24.9%	42.0%	10.4%	4.7%	1.5%	16.5%
Correct and/or discipline employees' unethical behavior	17.2%	37.6%	16.2%	8.0%	2.6%	18.3%
Reduce hostility directed toward a whistleblower	16.4%	26.6%	20.2%	9.4%	3.4%	23.9%

**Improvement from 2013 survey:**

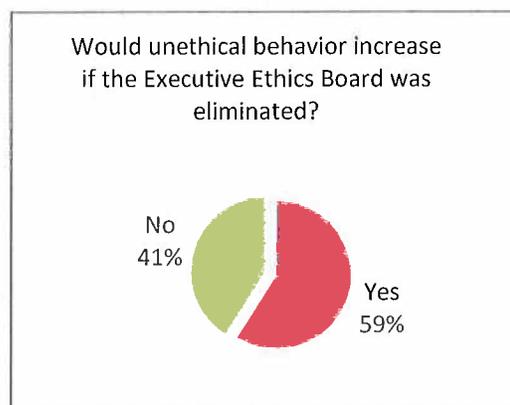
- The number of employees who believed that preventing ethics violations was an objective of their agency's ethics training increased 3 percent.
- Eight percent more employees know who their ethics advisor is.
- The number of employees who believe that ethical behavior is expected in their agency increased by 8 percent.

## 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 2013 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 2013 answers to the 2012 survey, the public's belief that the Ethics Board holds employees accountable for their actions increased 14 percent.

# 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 2013, Board staff continued to participate in this Network.

## ***Project Management Institute***

Project Management Institute (PMI) is the world's largest not-for-profit membership association for the project management profession. PMI was the first organization to offer a credential specifically for project managers, and their certification program remains the global standard. The Board's Executive Director was requested by PMI to present a 2-hour session at the University of Washington's Project Management certification class on how to make ethical decisions and how the Ethics Act would impact decisions for a state employee or officer.

# **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 \$995, 342.

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 117 ethics advisors, a 38 percent increase over last year, working in 81 state agencies, 34 community and technical colleges and six public colleges and universities. Board staff works with these advisors and provides 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 2013, the Board reaffirmed 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 is working to provide an on-line complaint form that individuals can fill out and merely push a button to submit.

### ***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.

This year Board staff began working with the Department of Enterprise Services to develop an on-line ethics training module in addition to designing and deploying an in-depth ethics training module on their own 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.

### ***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 – 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 as needed to discuss cases, training, upcoming projects or Board actions. They work in a very collaborative environment. The size of the Board's workforce enables them to participate in many in-house programs together. Board staff regularly participates in agency 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 six years, and no turnover, other than a retirement in the past three 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

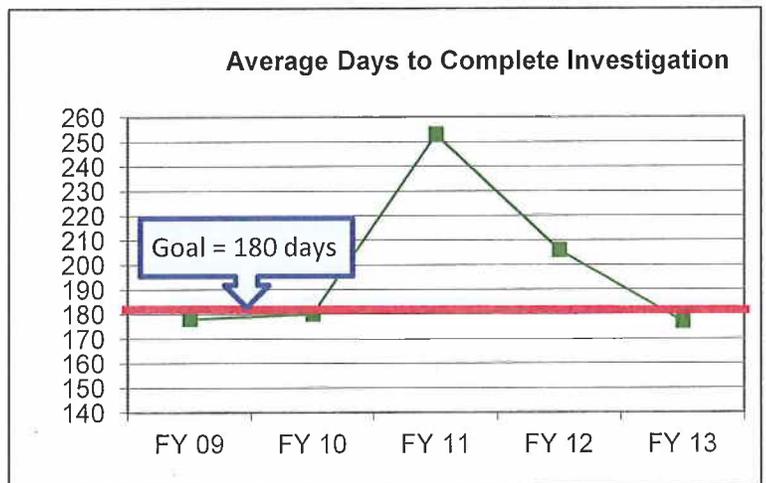
### **Product and Process Outcome**

Timeliness of investigations – Target: completed within 180 days.

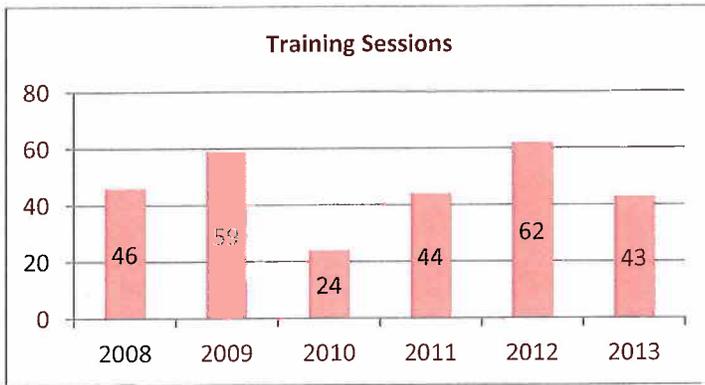
The target is to complete routine investigations within 180 days. In 2013, investigations were completed in an average of 177 days.

### **Customer-focused performance results**

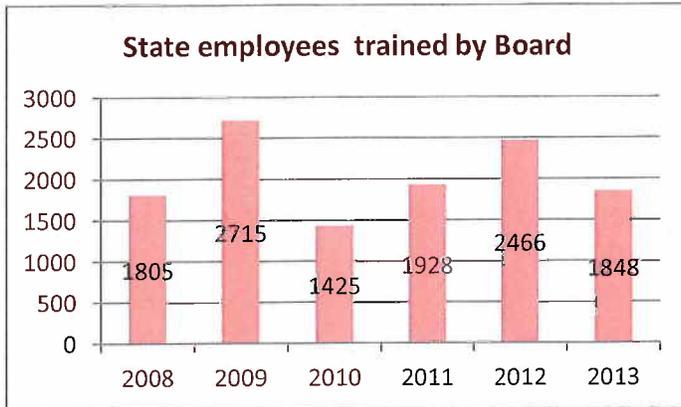
The Board offers free training to any state agency. Board staff provides the training and will travel to agency locations across the state to ensure all agencies have equal access to the training. In 2013, Board staff completed 43 sessions, including four sessions in Olympia that



any employee could attend.



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 95 percent. Our overall rating was 98 percent.

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%	32%	66%	98%
I can identify two prohibited uses of state resources.	0%	0%	1%	16%	83%	99%
I understand the basic gift rules.	0%	0%		37%	60%	97%

			3%			
The instructor knew the material.	0%	0%	0%	7%	92%	100%
The material and handouts were understandable.	0%	0%	2%	24%	73%	97%
I will use the information in my daily work environment.	0%	0%	4%	33%	61%	95%
Overall how would you rate the course?	0%	0%	2%	23%	74%	98%



### ***2013 Board Goals and Initiatives***

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

Acton items:

- *Develop informational materials focused on the role of an ethics advisor.* Board staff developed and deployed to every Ethics Advisor a portfolio containing a list of all Board-offered training, a list of all Advisory Opinions, information on how to file a complaint, an overview of the law and a separate gift rule brochure.
- *Develop specific educational materials for conflicts of interest, gifts and use of resources.* Board staff developed a handout specifically explaining the gift rules and is working on updating the Use of resources WAC.

- *Ascertain the viability of mandating initial and refresher ethics training in the statute.* Board staff worked with legislators to amend the Ethics Act to make ethics training mandatory, but that provision was struck by the House Government Operations and Elections Committee.

### ***Communication of Board Information***

The Board's website is a major tool used to communicate Board decisions, enforcement actions, and policy reviews. In 2013, the website had 27,966 hits, with 17,223 unique visitors and 119,285 page views.

### ***Board Goals and Initiatives***

#### ***Ethics questions answered in a timely manner***

**Target:** 90 percent same day.

**2013 Results:** Board staff answered 1593 questions on the same day they were received 98 percent of the time.

#### ***Timeliness of Contract Approval***

**Target:** 95 percent within 3 business days.

**2013 results:** 100 percent approved in 3 business days.

#### ***Workforce Focused Performance Results***

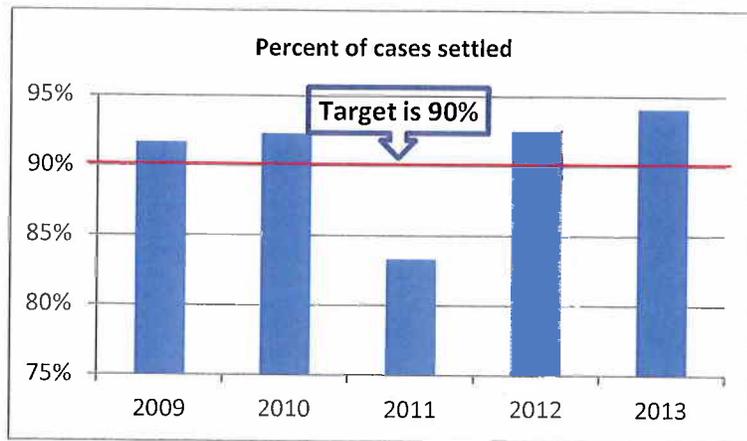
Board staff's performance is measured against their performance plan and whether each employee met or exceeded their stated performance goals. These goals are specifically tailored to each employee's position description and delineate performance expectations, expected key competencies and key results.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



Agencies responding to 2013 survey

Accountancy, State Board of (WBOA)	Actuary, Office of the State (OSA)	Administrative Hearings, Office of (OAH)	African-American Affairs, Washington State Commission on (CAA)	Aging & Long Term Care of Eastern Washington (ALTCEW) Agriculture, Department of (AGR)	Air National Guard	Apple Commission (AP PLE)	Archaeology & Historic Preservation, Department of (DAHPP) Architects, Board of Registration for (BRA)	Army National Guard (WAARN G)
0	0	70	0	0	0	0	0	0
Arts Commission	Agriculture	Asian Pacific American Affairs, State of Washington Commission (CAPAA)	Asparagus Commission	Attorney General, Office of the (ATG)	(JLARC)	Auditor	Aviation, Department of Transportation (DOTA)	Bates Technical College
1	178	0	0	548	0	149	0	89
Beef Commission (BEEF)	Beer Commission (BEER)	Bellevue College	Bellingham Technical College	Big Bend Community College	Biodiversity Council (BDC)	Blind, Department of Services for the (DSB)	Washington State School for the Blind	BLIA
0	0	2	66	42	0	33	7	41
Board of Tax Appeals	Cascadia Community College	Caseload Forecast Council, State of Washington (CFC)	Center for Childhood Deafness and Hearing Loss, Washington State (WSD)	Central Washington University	Centralia Community College	Clark Collee	Citizens Commission on Elected Officials, Washington (SALARIES)	Civil Legal Aid, Office of (OCLA)
1	0	0	0	2	4	2	0	0

Agencies responding to 2013 survey

83	Clover Park Technical College	Code Reviser Statute Law Committee (SLC)	Columbia Basin Community College	Columbia River Gorge Commission	Combined Fund Drive(CFD)	Commerce, Department of (COM)	Community & Technical Colleges, State Board for(SBCTC)	Conservation Commission, State (SCC)	Consolidated Technology Services(CTS)
		0	0	0	0	123	81	0	103
1635	Corrections, Department of (DOC)	County Road Administration Board (CRAB)	Court of Appeals (COA)	Courts, Administrative Office of the (AOC)	Criminal Justice Training Commission	Dairy Products Commission (DAIRY)	Deaf and Hard of Hearing, Office of the(ODHH)	Developmental Disabilities Council( DDC)	Disability Issues and Employment, Governor's Committee on(GCDE)
		0	0	0	33	0	0	0	0
113	Early Learning, Department of(DEL)	Eastern Washington University	Ecology, Department of(ECY)	Economic and Revenue Forecast Council (ERFC)	Economic Development Commission (WEDC)	Economic Development Finance Authority(WED FA)	Edmonds Community College	Education Research and Data Center (ERDC)	Education, State Board of(SBE)
		162	611	0	0	0	153	0	0
0	Emergency Management Division (EMD)	Employment Security, Department of (ESD)	Energy Facility Site Evaluation Council (EFSEC)	Engineers and Land Surveyors, Board of Registration for(BRELS)	Enterprise Services, Department of (DES)	Environmental and Land Use Hearings Office (ELUHO)	Everett Community College	Evergreen State College	Executive Ethics Board(ETHICS)
		664	0	0	367	1	122	113	0
0	Expenditure Limit Committee (ELC)	Extension Energy Program (ENERGY)	Family Policy Council(FPC)	Department of Financial Institutions (DFI)	Financial Management, Office of(OFM)	Fish and Wildlife, Department of(DFW)	Forest Practices Appeals Board(FPAB)	Forest Practices Board(FPB)	Freight Mobility Strategic Investment Board (FMSIB)
		0	0	116	6	500	0	0	0
19	Fruit Commission (FRUIT)	Gambling Commission	Geographic Information Council	Office of the Governor	Governor's Office of Indian Affairs(GOIA)	Grain Commission(W GC)	Grays Harbor College	Green River Community College	Hardwoods Commission (WHC)
		1	0	33	0	0	2	2	0

Agencies responding to 2013 survey

Health Care Authority, Washington State (HCA)	Health Care Facilities Authority (WHCFA)	Health, Department of (DOH)	Washington State Board of Health	Washington Student Achievement Council	Higher Education Facilities Authority (WHEFA)	Highline Community College	Hispanic Affairs, Washington State Commission on (CHA)	Historical Society, Eastern Washington State (WSHSEA ST)
222	0	587	0	41	0	0	0	2
History Museum, State (WSHS)	Home Care Referral Registry (HCRR)	Horse Racing Commission, Washington State (WHRC)	Housing Finance Commission (WSHFC)	Human Resources Director	Human Rights Commission (HRC)	Hydraulics Appeals Board (HAB)	Institute for Public Policy	Industrial Insurance Appeals, Board of (BIIA)
0	0	2	21	0	15	0	3	16
Insurance Commissioner, Office of the (OIC)	Investment Board, Washington State (SIB)	Jail Industries Board (JIB)	Joint Transportation Committee (JTC)	K-20 Education Network (K20)	Labor and Industries, Department of (LNI)	Labor Relations Office (LABOR)	Lake Washington Technical College	Land Commissioner, Office of the (CPL)
124	0	0	0	0	8	0	8	0
Land Use Study Commission (LANDUSE)	Landscape Architects, Board of Registration for (BRLA)	Law Enforcement Officers and Fire Fighters' Retirement Board (LEOFF)	Law Library, State (SLL)	Legislature Customer Service Center (LEGCS)	Legislature, State (LEG)*	Library, State (LIB)	Licensing, Department of (DOL)	Office of Lieutenant Governor
0	0	0	0	0	0	0	512	2
Liquor Control Board (LIQ)	Lottery, Washington State (LOTTERY)	Lower Columbia College	Marine Employees Commission (MAR)	Medical Quality Assurance Commission (MQAC)	Military Department (MIL)	Minority and Justice Commission, State (MJC)	Minority and Women's Business Enterprises, Office of (OMWBE)	Monitoring Salmon Recovery and Watershed Health, Forum on (MSRWH)
105	1	93	0	0	0	0	1	0





Agencies responding to 2013 survey

Washington Wellness(WW )	Wenatchee Valley College	Western Washington University	Whatcom Community College	Wine Commission (WINE)	Workforce Training and Education Coordinating Board (WFTECB)	Yakima Valley Community College	Small Agency (less than 10 employees)	Other
0	1	381	1	0	0	1	19	238