

# **OREGON GOVERNMENT ETHICS COMMISSION**

## **Annual Performance Progress Report (APPR) for Fiscal Year (2014-2015)**

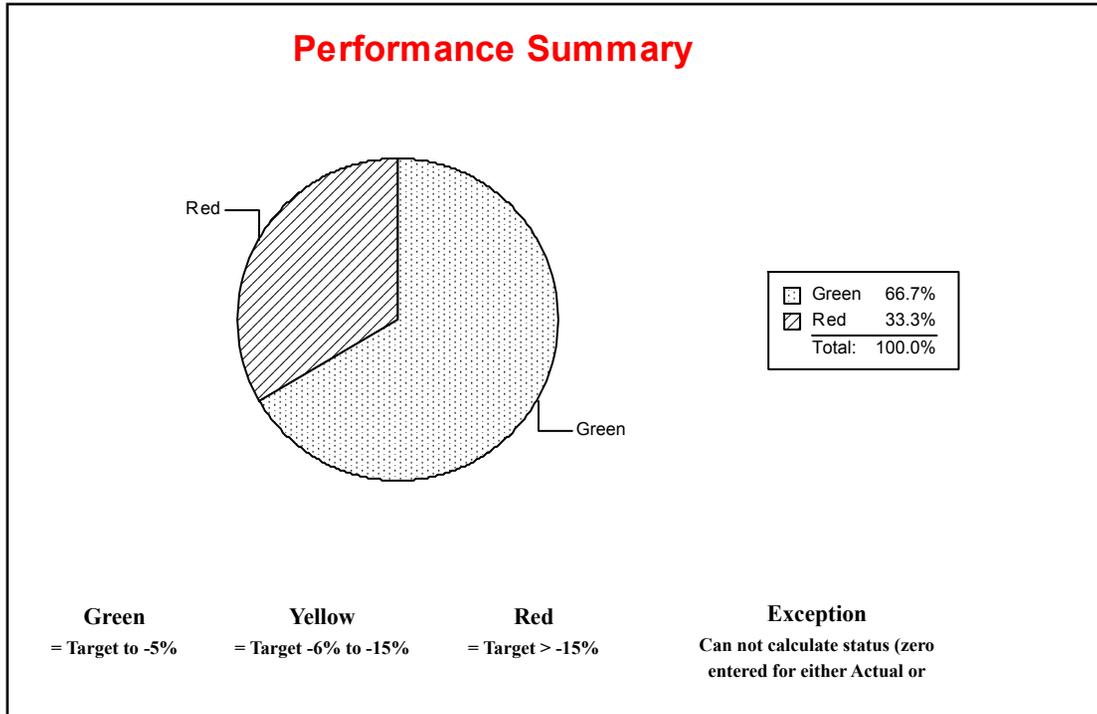
Original Submission Date: 2015

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2014-2015 KPM #	2014-2015 Approved Key Performance Measures (KPMs)
1	Percentage of statutory time limit used for preliminary reviews, investigations, staff opinions and Commission advisory opinions.
2	Quality of investigations completed
3	Training Program's Effectiveness
4	Minimize Case Disposition Costs - Percentage of contested cases settled before hearing.
5	Customer Service - Percentage of customers rating their satisfaction with agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.
6	Governance Best Practices - Percent of total best practices met by the commission.

<b>New Delete</b>	<b>Proposed Key Performance Measures (KPM's) for Biennium 2015-2017</b>
	<b>Title:</b>  <b>Rationale:</b>

<b>OREGON GOVERNMENT ETHICS COMMISSION</b>		<b>I. EXECUTIVE SUMMARY</b>	
<b>Agency Mission:</b> The Oregon Government Ethics Commission will impartially and effectively administer and enforce Oregon's government ethics laws for the benefit of Oregon's citizens. The Commission will emphasize education in achieving its mission. The regulatory jurisdiction of the Oregon Government Ethics Commission covers provisions of ORS Chapter 244, Oregon Government Ethics law; ORS 171.725 to 171.785 and 171.992, Lobby Regulation law; and executive session provisions of Oregon Public Meetings law, ORS 192.660			
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**1. SCOPE OF REPORT**

The scope of this report includes all of the program and service areas administered by the Government Ethics Commission. The information regarding the key performance measures relates to training and education, compliance, administration, lobbying registration and reporting, and the filing of annual statements of economic interest.

## **2. THE OREGON CONTEXT**

The mission of the Government Ethics Commission:

The Oregon Government Ethics Commission will impartially and effectively administer and enforce Oregon's government ethics laws for the benefit of Oregon's citizens. The Commission will emphasize education in achieving its mission.

This is a foundation for the commission's high-level outcomes and linked to Oregon Benchmark No. 35, Public Management Quality.

## **3. PERFORMANCE SUMMARY**

In 2014, the agency is exceeding its targets in three of six measures. The agency has three newer measures and will continue to look at the data and its targets. The measures not met in this past year were partly due to a change to the testing metric for public officials trained and the number of responses from individuals in the customer service survey upset with the former Governor and First Lady, blaming the Commission for its inability to hold these officials accountable. The Best Practices Survey showed that even though staff of the agency has made intensive efforts to keep the Commissioners informed on all programs of the agency, some feel less than fully informed. The agency and its Executive Director will increase these efforts to inform the current Commissioners, and meet the needs of the two additional Commissioners that will be appointed in 2016. The agency will monitor these measures progress in the next reporting period.

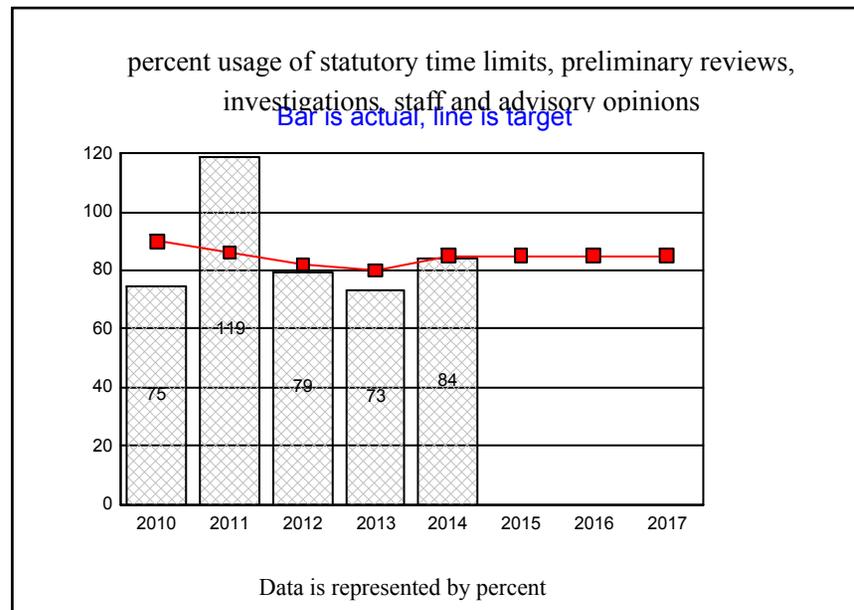
## **4. CHALLENGES**

The OGEC continues to be challenged by limited staff. The agency was granted an additional staff person from the 2015 legislative session. This additional person will allow the Executive Director to focus more of his time on getting all performance measures exceeding their targets. The report shows progress on its six measures, exceeding targets on three of the six measures. This is a result of focusing the agency's resources towards these measures. The agency will continue to focus its resources towards its measures, especially those that are not being met.

## **5. RESOURCES AND EFFICIENCY**

Performance Measure number 1 is an efficiency measure. The agency continues to use its resources in an efficient and effective manner. The new measures developed in 2008 will illustrate this performance much better than the prior measures. Current measures illustrate the agency's ability to meet its statutorily mandated time limits in performing its duties. Percentage of time used for these measured actions is decreasing, as the experience of the staff continues to increase. The new measure better measures the agency's efficiency and effectiveness in meeting these time limits. In the next year, the agency will be looking to increase the number of responses to its customer survey. The agency will be developing an on-line system for investigations that should inform the public of the Commission's work to reduce violations, and what sanctions the Commission imposes on those who violate the ethics laws. The information should assist the public in knowing how the Commission is meeting its mission.

<b>KPM #1</b>	Percentage of statutory time limit used for preliminary reviews, investigations, staff opinions and Commission advisory opinions.	2008
<b>Goal</b>	More timely completion of statutorily required duties of agency and agency mission	
<b>Oregon Context</b>	To provide excellent customer service	
<b>Data Source</b>	Agency case log database, opinion database and individual case files	
<b>Owner</b>	Ronald A. Bersin 503-378-5105	



**1. OUR STRATEGY**

The agency's strategy is to continue to lower the percentage of statutory time limits needed to complete its work. The agency consistently looks for ways to streamline the process to obtain efficiencies. The agency added additional staff to help with meeting the demands of these four areas; however, turnover this

past year of veteran employees has set this measure back. With training of current staff, the agency predicts the measure will be on target in the next reporting period.

## **2. ABOUT THE TARGETS**

The targets in prior years were set previously when staff was down, and new staff was being trained. The agency has brought its new staff up-to-speed and numbers for the current reporting period are better.

## **3. HOW WE ARE DOING**

The agency is meeting its targets currently. The percentage of statutory time limit used has increased dramatically over the past year as reflected in the measure. The number of preliminary reviews, investigations, and staff opinions challenged the current staff to meet the statutory deadlines. The 2015 legislature recognized this and granted the agency an additional position which should help lower the percentage of time. However, in this same legislative session, the preliminary review time was reduced from 135 days, to 30 days. We will need to continue to look at this measure.

## **4. HOW WE COMPARE**

The agency is participating in a look at Ethics Commissions throughout the country. The agency will be looking for the results of this work to compare itself with other Commissions nationwide.

## **5. FACTORS AFFECTING RESULTS**

The agency has increased its staff, allowing the agency to better respond especially to requested advice. For investigations, the percentages have stayed consistent due to the requirements set forth in Chapter 244 on the investigative process. The percentage of time used on investigations has some skewing by the fact that the majority of cases settled with the Commission before the statutory deadline ended.

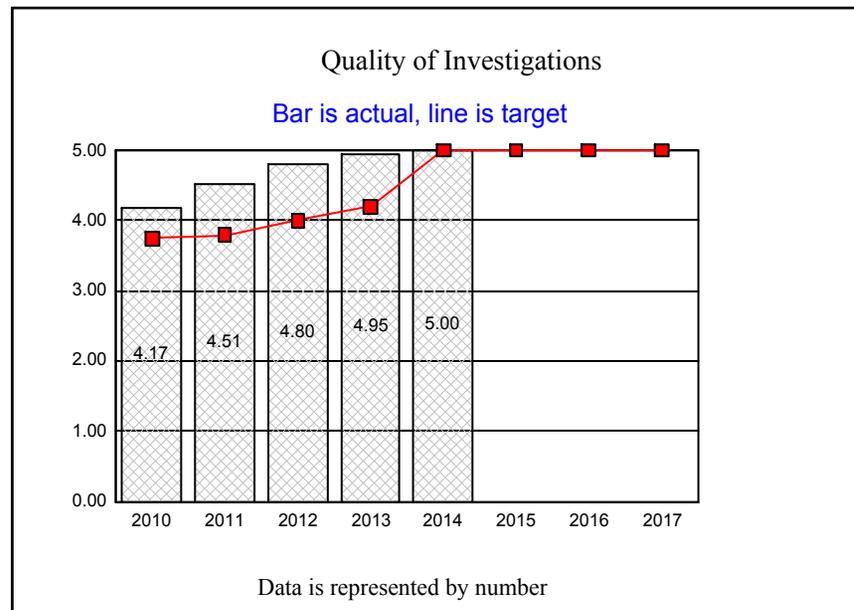
## **6. WHAT NEEDS TO BE DONE**

The agency needs to continue to monitor this data. This is a new measure and changes to the targets or measure itself should not be looked at until more data is received and reported on.

**7. ABOUT THE DATA**

The data is gathered manually from the investigative files, and advisory opinions issued by the agency. The agency is currently developing an electronic reporting system. Once in place, the agency hopes to add to the system to capture the data used in this measure. By moving towards electronic formats, the data could be collected in real-time.

<b>KPM #2</b>	Quality of investigations completed	2008
<b>Goal</b>	To measure the quality of the investigations performed by the agency.	
<b>Oregon Context</b>	Provide excellent customer service	
<b>Data Source</b>	The findings of the third party's evaluations	
<b>Owner</b>	Ronald A. Bersin 503-378-5105	



**1. OUR STRATEGY**

To determine the effectiveness of the agency's investigations. This will be done by comparing the investigations to a set of criteria determined by the agency. The agency is looking for a third party to compare the investigations to this criteria. The agency will then use this data to streamline its investigations and at the

same time make them more effective.

## 2. ABOUT THE TARGETS

The agency is using a 1-5 scale to rate its effectiveness. The targets reflect the agency's goals in its effectiveness. The targets will continue to increase as the agency learns more about its investigations and creates ways to improve them.

## 3. HOW WE ARE DOING

The agency continues to move forward in this area. This is a relatively new measure and the data is new to the agency. The agency will look at this year's data and make changes appropriately.

## 4. HOW WE COMPARE

The agency continues to participate in a nationwide review of Ethics Commissions. The agency hopes to obtain data to make comparisons.

## 5. FACTORS AFFECTING RESULTS

Finding a third party to review the investigations has been a challenge. With the budget constraints of the past year, the agency cannot afford to pay a third party to review the data; therefore, the agency has had to use in-house staff to review the files and collect the data. With the decrease in time for preliminary review passed out of the 2015 legislative session, we will be looking closely at timeliness and whether current resources can continue to be timely in the preliminary reviews

## 6. WHAT NEEDS TO BE DONE

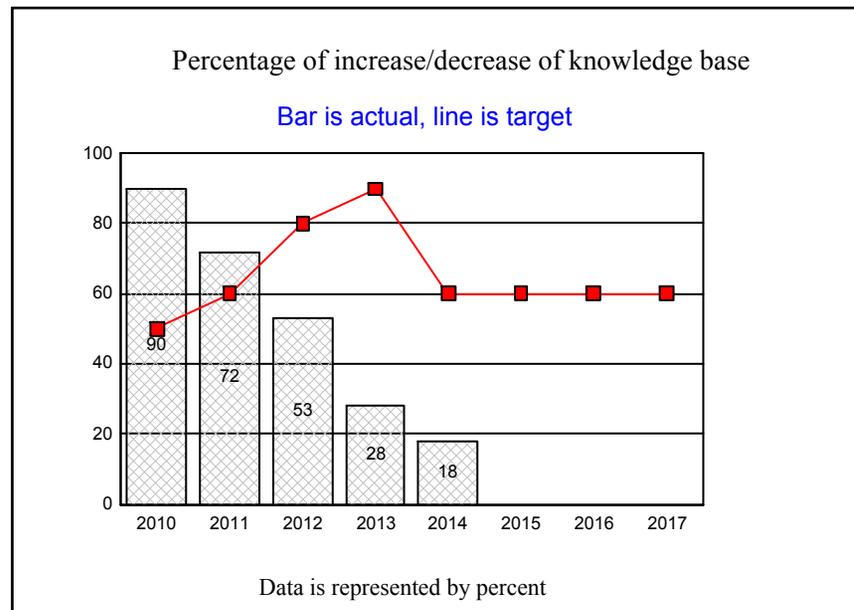
Find better ways to collect the data from the files. The agency is reviewing the idea of having investigators from other small agencies review the cases for criteria.

## 7. ABOUT THE DATA

The data is collected in-house, and with budget constraints, the data cannot be collected from an outside party. The data will be collected throughout the fiscal

year. The investigations are rated in four areas: Timeliness, Accessibililty, Objectivity, and Organization.

<b>KPM #3</b>	Training Program's Effectiveness	2008
<b>Goal</b>	To increase the agency's training programs effectiveness.	
<b>Oregon Context</b>	To provide excellent customer service	
<b>Data Source</b>	Scores from before and after exams taken by attendees of the agency's trainings	
<b>Owner</b>	Ronald A. Bersin 503-378-5105	



**1. OUR STRATEGY**

Our strategy is create training that meets the needs of public officials and their organizations throughout the State. The effectiveness will include delievery of the training, and the knowledge held by the participants. The agency is utilizing web-based training to help accomplish this measure.

## 2. ABOUT THE TARGETS

The targets represent an increase in knowledge between going into a training, both in-person and on the web, and coming out of the training. It is important for the agency to know whether its training is increasing the public officials knowledge of the ethics laws.

## 3. HOW WE ARE DOING

The agency finds it a challenge to test participants both at the beginning of a training session and at the end. The limited time we are given to train public officials is not always sufficient to include this testing. The agency also has been met with resistance from participants in completing the exams. Many public agencies do not want the Commission testing its staff. The agency has incorporated web-based training into this measure. The web-based training currently does not have as dramatic an effect on learning as in-person training. The agency will evaluate the training modules for effectiveness. The past year, training has become more targeted, concentrating on each public body's specific needs. This has also affected the testing. The trainers are testing on a more specific area of law as opposed to years past when the tests were on the entire ethics laws. The percentage of change has lowered due to the new testing metric. In the current reporting year, attendees began the training sessions, answering the questions correctly 77% of the time. The after test showed those same attendees answering the questions correctly 95% of the time for an 18% increase. Even though this increase is below target, it shows attendees are gaining knowledge of the subjects trained upon.

## 4. HOW WE COMPARE

The agency is participating in a nationwide survey. The agency anticipates data to be used for a comparison with other Ethics Commissions.

## 5. FACTORS AFFECTING RESULTS

The reluctance of the participating public agencies to participate in the testing program. The training time is limited, and participants do not want to take tests both coming into the sessions and at the end. The agency has found most training requested to be from cities, counties and special districts. Web-based training is reaching more public officials, but the retention of the materials seems to be less than in-person training. The agency will need to re-evaluate its web based training modules. Tests have become more focused on a specific area of ethics laws. The trainers, responding to the need for less time spent testing, have developed true/false tests. This has resulted in a decrease of percentage change.

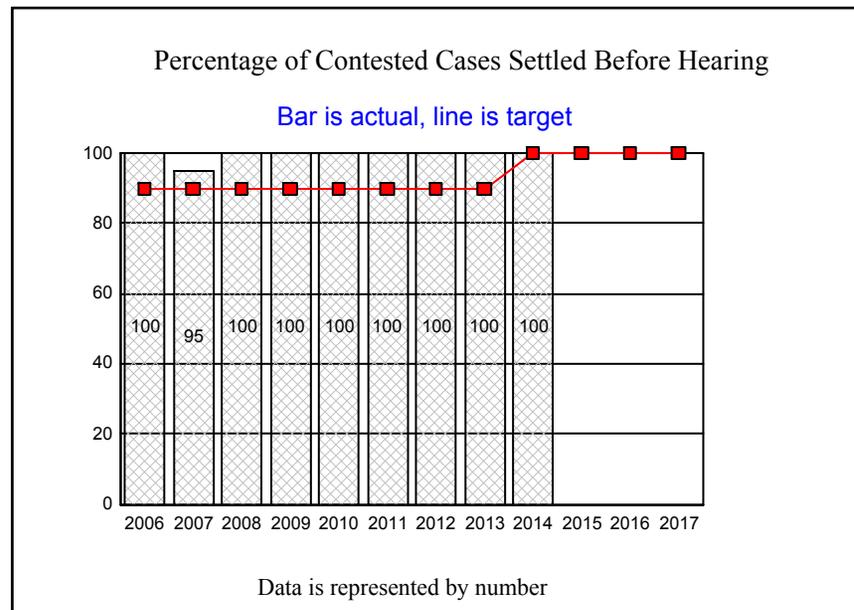
## 6. WHAT NEEDS TO BE DONE

Develop a less intrusive testing method to obtain this data during in-person training sessions. This will give a truer picture of the effectiveness of all the agency's training. Re-evaluate web based training modules.

**7. ABOUT THE DATA**

The data is accumulated in-house from the training session. The trainers keep a manual file on the data.

<b>KPM #4</b>	Minimize Case Disposition Costs - Percentage of contested cases settled before hearing.	2006
<b>Goal</b>	Settlement of Contested Cases- #35 - Public Management Quality	
<b>Oregon Context</b>	Minimize case disposition costs	
<b>Data Source</b>	Agency case log database and individual case files	
<b>Owner</b>	Ronald A. Bersin, 503-378-5105	



**1. OUR STRATEGY**

The commission can dispose of all matters by negotiating settlements for any case during preliminary review or investigation phases. The executive director has been delegated the authority to negotiate settlements at the most appropriate and earliest opportunity.

## 2. ABOUT THE TARGETS

The current target is to settle 90 percent of the cases through a negotiated settlement. The desirable outcome would be to reach or exceed the target in 100 % of the cases.

## 3. HOW WE ARE DOING

This measure was new in 2006 and the commission exceeded the target of 90 percent. The agency is exceeding this measure. The agency encourages respondents to settle their cases before the Commission at the lowest level possible.

## 4. HOW WE COMPARE

Comparable agencies or standards are not known at this time. However the agency is participating in a nationwide survey with other Ethics Commissions. The agency hopes to learn how cases are disposed of by other State Ethics Commissions.

## 5. FACTORS AFFECTING RESULTS

The agency encourages settlements with respondents. The agency continues to work with interest groups to encourage settling cases instead of moving to a contested case hearing. The increase in civil penalties has encouraged some respondents to challenge the Commission's findings at a contested case hearing. The agency has developed a penalty matrix by Administrative Rule. The use of the matrix has allowed the Commission to be consistent in its assessment of civil penalty.

## 6. WHAT NEEDS TO BE DONE

The agency needs to continue to use its penalty matrix to obtain consistency between respondents. The matrix will also give public officials knowledge of what penalties will be assessed if they are found in violation of the Ethics laws. Training of public officials will help to increase this measure, making it possible for more respondents to settle their cases.

## 7. ABOUT THE DATA

Data comes from the case information database and would be empirical in nature.

<b>KPM #5</b>	Customer Service - Percentage of customers rating their satisfaction with agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	2006
<b>Goal</b>	Customer Service	
<b>Oregon Context</b>	#35 - Public Management Quality	
<b>Data Source</b>	Survey Summaries	
<b>Owner</b>	Ronald A. Bersin, 503-378-5105	



**1. OUR STRATEGY**

This is a new measure and the agency is collecting this data from its various customers, complainants, respondents, training attendees, stakeholders and others. The agency's strategy is to encourage all of its stakeholder groups to participate in the annual customer service survey.

**2. ABOUT THE TARGETS**

The agency strives for continual improvement in its targets. The agency believes customer service affects all other areas of the agency. The agency will continue to look for ways to improve its service to its customers, and the targets reflect this goal.

### **3. HOW WE ARE DOING**

The agency fell well below targets in each category this past year. I believe this was due to the former Governor and First Lady complaints filed with the Commission and the Commission's requirement to cease investigations once the Department of Justice and the Federal Bureau of Investigations began their criminal inquiries. The public in their comments to the Commission on the survey were extremely critical of the Commission for not holding the former Governor and First Lady accountable. I believe this is a one time anomaly and will be looking to next years survey to show a significant increase, confirming the anomaly.

### **4. HOW WE COMPARE**

The agency is currently participating in nationwide survey of other Ethics Commissions. The agency hopes to learn from this survey and compare itself with other Ethics Commissions.

### **5. FACTORS AFFECTING RESULTS**

The agency continually looks for ways to get more participants in the annual survey. This is a difficult task encouraging people to take their time and complete a survey. The agency continues to look for ways to improve on the number. Next year, the Commission plans to announce the release date of the survey giving people advance notice. The agency has been working with the stakeholder groups asking for their participation. Articles have been published in their newsletters asking the stakeholders to participate in the customer service survey. This past year's efforts to increase participants through "blast" emails, has had an undesirable result. Many of the participants have had no contact with the agency and therefore marked "Don't Know" on their responses to the survey. This has resulted in an overall decrease in the percentage of "Excellent" and "Good" responses. If the number of "Don't Know" responses were removed from the survey, the percentage of "Excellent" and "Good" responses would range from a low of 90% to a high of 99%.

### **6. WHAT NEEDS TO BE DONE**

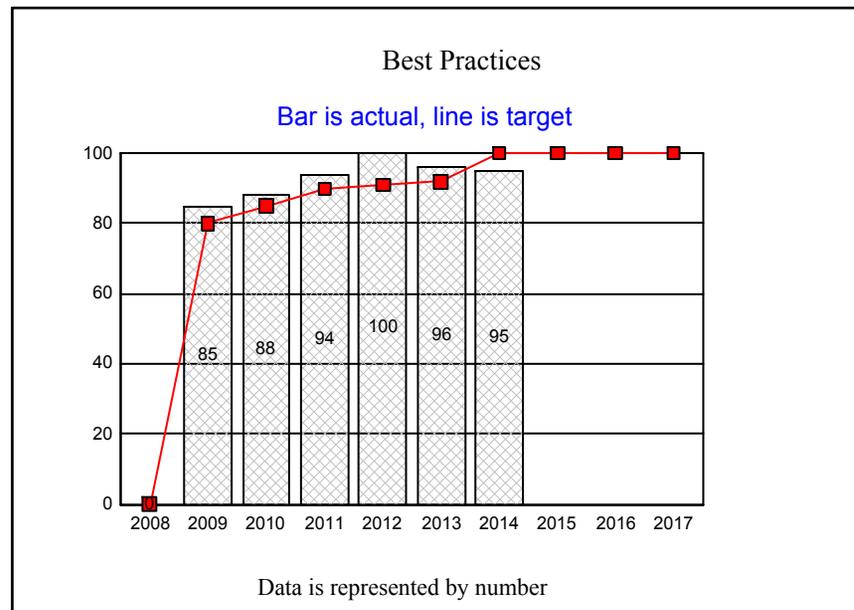
The agency needs to continue to focus on customer service. This means continuing to look for innovative ways to improve the agency's service and opening up lines of communication with the agency's stakeholders. Next year, the agency will look for ways to inform the public of the survey and encourage their

participation from public officials and the public that have had contact with the agency over the prior year. A more focused encouragement of participation.

### **7. ABOUT THE DATA**

The survey followed the agency's new assessment, including a special assessment for the electronic reporting system, to local governments. This may have had some effect on the results of the survey. The timing of the survey will always have some effect on the data. Both the survey and the assessments are sent within a close timeframe.

<b>KPM #6</b>	Governance Best Practices - Percent of total best practices met by the commission.	2007
<b>Goal</b>	Public Management Quality	
<b>Oregon Context</b>	To enhance public management quality	
<b>Data Source</b>	Agency actions	
<b>Owner</b>	Ronald A. Bersin (503) 378-5105	



**1. OUR STRATEGY**

This measure is to ensure the agency is using its appropriated resources effectively and efficiently. This measure requires the agency to check its progress in several areas annually.

## 2. ABOUT THE TARGETS

The agency strives for a high output/result in this measure. In previous years, the agency was not able to complete this measure. 2008 is the first year for completion. The target was increased to 100 percent this year.

## 3. HOW WE ARE DOING

The agency increased its target to 100%, spending resource in assuring the Commissioners were better informed of the Best Practices and they are regularly updated on progress in each of the areas. This past year, one or two of the Commissioners felt they had not been informed or updated in four of the categories including mission, key communications, management practices and training sessions. This is surprising to staff, since the agency updated its mission over several Commission meetings culminating in a vote of the Commission on its new mission statement. Each meeting contains updating training calendars to make sure all Commissioners are informed of trainings and inviting them to participate. And lastly, an in-depth Director report, reporting on management decisions, is provided regularly at each meeting.

## 4. HOW WE COMPARE

The agency will look to compare itself with other small boards and commissions.

## 5. FACTORS AFFECTING RESULTS

The agency continues to see an expected turnover in Commission members. This turnover has created difficulties in obtaining the information. New Commissioners have a more difficult time answering the best practices questions. When they gain more experience on the Commission, the agency expects to receive more useful information from the Commissioners. Currently, the senior members of the Commission are the main sources of the information.

## 6. WHAT NEEDS TO BE DONE

Develop and collect the data for the measure. Continue to inform Commissioners on all areas of Best Practices. This will include lengthy discussions with all Commissioners involved in each of the areas.

## 7. ABOUT THE DATA

Data is compiled from agency actions for best practices.

**Agency Mission:** The Oregon Government Ethics Commission will impartially and effectively administer and enforce Oregon's government ethics laws for the benefit of Oregon's citizens. The Commission will emphasize education in achieving its mission. The regulatory jurisdiction of the Oregon Government Ethics Commission covers provisions of ORS Chapter 244, Oregon Government Ethics law; ORS 171.725 to 171.785 and 171.992, Lobby Regulation law; and executive session provisions of Oregon Public Meetings law, ORS 192.660

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**The following questions indicate how performance measures and data are used for management and accountability purposes.**

**1. INCLUSIVITY**

\* **Staff:** The staff developed the commission's performance measures with the concurrence of commission members at the time (1998-99). Suggestions made to the agency during the 2003 Performance Measure Review were adopted and two additional performance measures were added for the 2005-07 biennium. Several measures have been deleted and new performance measures have been added for the 2007-09 biennium.

\* **Elected Officials:** Elected officials were included in the development of the new measures for 2008.

\* **Stakeholders:** The agency continues to encourage and receive feedback from its stakeholder groups when developing its performance measures. The agency takes an active role in encouraging the stakeholders to participate in its annual customer service survey.

\* **Citizens:** Citizens are invited through the agency's website to participate in its annual customer service survey. The agency takes an active role in encouraging customers to participate in its annual customer service survey.

**2 MANAGING FOR RESULTS**

Performance measure targets are reviewed and compared to actual data on an annual basis. That analysis is used to determine if performance measures need to be modified and/or targets need to be adjusted. The agency will continue to manage towards the measure's intended targets. The agency will also continue to look for better ways to deliver its products, therefore, increasing the effectiveness of the measures.

**3 STAFF TRAINING**

The executive director and program analyst attended training presentations by the staff of the Progress Board. Commission members have attended training this past year concerning both customer satisfaction survey and best practices. This has led to a greater understanding by Commissioners on the importance of the measures.

**4 COMMUNICATING RESULTS**

\* **Staff:** The agency has communicated performance results biennially in budget requests to DAS, the Governor, and

the Legislative Assembly. Performance Reports are available on the agency website at <http://www.oregon.gov/ogec>. The agency annually reports the performance measures to the Commission and public during its regularly schedule public meetings.

\* **Elected Officials:** The agency has communicated performance results biennially in budget requests to DAS, the Governor, and the Legislative Assembly. Performance Reports are available on the agency website at <http://www.oregon.gov/ogec>.

\* **Stakeholders:** The agency continually reports the results of its performance measures to its stakeholder groups. Many of the groups request the information from the agency. The agency uses the stakeholders regularly scheduled newsletters to communicate its measures.

\* **Citizens:** The agency has communicated performance results biennially in budget requests to DAS, the Governor, and the Legislative Assembly. Performance Reports are available on the agency website at <http://www.oregon.gov/ogec>. The agency uses its public meetings to reports its annual performance measures results.