OREGON GOVERNMENT ETHICS COMMISSION

Annual Performance Progress Report (APPR) for Fiscal Year (2009-2010)

Proposed KPM's for Biennium (2011-2013)

Original Submission Date: 2010

Finalize Date: 7/29/2010

Agency Management Report

KPMs For Reporting Year 2010

Finalize Date: 7/29/2010

Agency: OREGON GOVERNMENT ETHICS COMMISSION

	Green = Target to -5%	Yellow = Target -6% to -15%	Red = Target > -15%	Pending	Exception Can not calculate status (zero entered for either Actual or Target)
Summary Stats:	100.00%	0.00%	0.00%	0.00%	0.00%

Detailed Report:

KPMs	Actual	Target	Status	Most Recent Year	Management Comments
- Percentage of statutory time limit used for preliminary reviews, investigations, staff opinions and Commission advisory opinions.	75	90	Green	2010	This is a new meausre for the agency. In the past, all four of these statutory deallines were measured individually. This measure allows us to measure the agency's performance in all four areas with one measure. Below is a breakdown of the four percentages for informational purposes and pursuant to the request of the 2009 legislature.Preliminary Reviews: 78% (average 105 days of the 135 days statutorily allowed)Investigations 76% (average 137 days of the 180 days statutorily allowed)Staff Opinions 85% (average 25.5 days of the 30 days statutorily allowed)Advisory Opinions 59% (average 35.5 days of the 60 days statutorily allowed)
- Training Program's Effectiveness	90	50	Green	2010	The agency is looking to automate the before testing as to not take additional time during the training session. This will help to create more data for the agency to analyze. The agency ,when developing this measure , significantly underestimated public officials knowledge of the ethics laws. The limited data indicates the training is significantly increasing the attendees knowledge of the laws. The percentage of change is much higher than anticpated.

Agency Management Report

KPMs For Reporting Year 2010

Finalize Date: 7/29/2010

KPMs	Actual	Target	Status	Most Recent Year	Management Comments
- Quality of investigations completed	4.18	3.75	Green	2010	This is a new measure for the agency and has been a challenge. The data has needed to be collected in-house. In the future, management would like to see an outside thrid party.Ratings in each of the four areas are as follows:Timeliness 3.5Accessibility 4Objectivity 4.4Organization 4.15
8 - Minimize Case Disposition Costs - Percentage of contested cases settled before hearing.	100	90	Green	2010	
9 - 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.	89	75	Green	2010	
10 - Governance Best Practices - Percent of total best practices met by the commission.	88	85	Green	2010	

This report provides high-level performance information which may not be sufficient to fully explain the complexities associated with some of the reported measurement results. Please reference the agency's most recent Annual Performance Progress Report to better understand a measure's intent, performance history, factors impacting performance and data gather and calculation methodology.

Print Date: 8/4/2010

2009-2010 KPM #	2009-2010 Approved Key Performance Measures (KPMs)
	Percentage of statutory time limit used for preliminary reviews, investigations, staff opinions and Commission advisory opinions.
	Training Program's Effectiveness
	Quality of investigations completed
8	Minimize Case Disposition Costs - Percentage of contested cases settled before hearing.
9	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.
10	Governance Best Practices - Percent of total best practices met by the commission.

New Delete	Proposed Key Performance Measures (KPM's) for Biennium 2011-2013
	Title: **Rationale:**

OREGON GOVERNMENT ETHICS COMMISSION	I. EXECUTIVE SUMMARY

Agency Mission: To enforce and prevent, with an emphasis on service, violations of Oregon State laws that prohibit public officials from using their position for financial gain, require persons who lobby the Legislature to register and report their lobbying expenditures, and specify limited purposes for which the governing bodies of public bodies may meet in non-public sessions.

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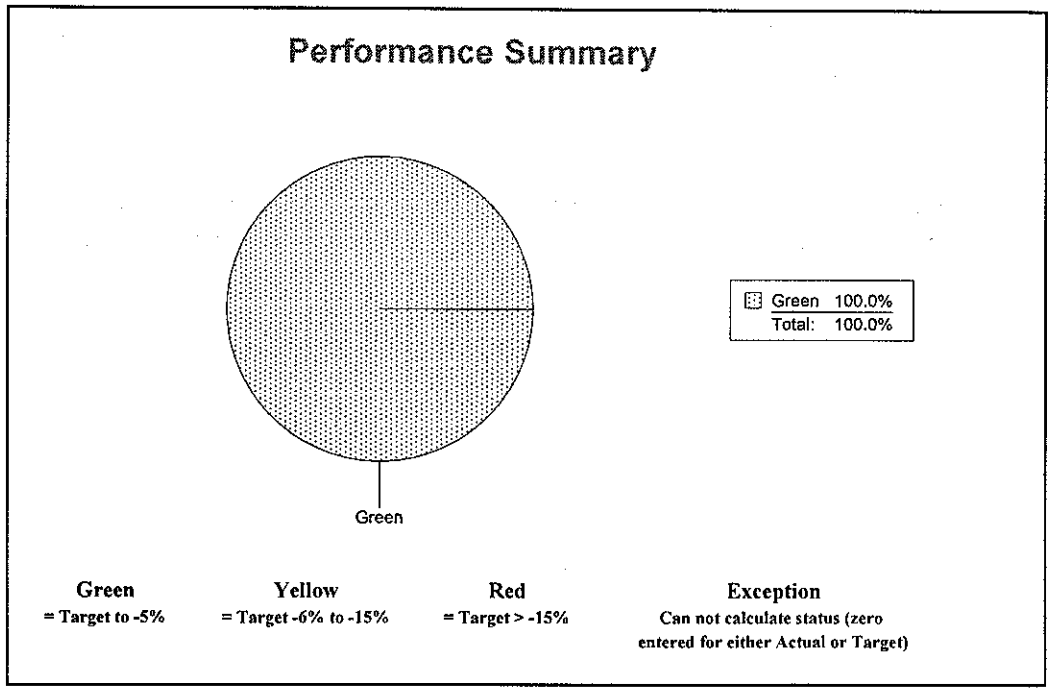


1. SCOPE OF REPORT

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 is to fairly and impartially administer the regulatory provisions of Government Ethics law, Lobby Regulation law and the Executive Session provisions of the Oregon Public Meetings law. This mission is to be accomplished with efficient, expedient customer service of the highest quality. 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 2010 the agency is exceeding its targets in all 6 measures. The agency has three new measures and will continue to look at the data and its target.

4. CHALLENGES

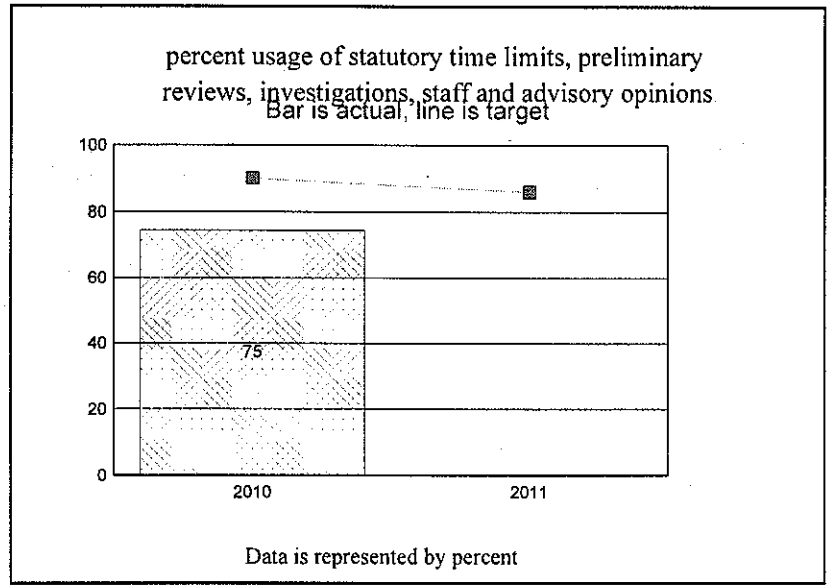
The OGEC continues to be challenged by limited staff. The lack of resources has hindered the agency in accomplishing its performance measure goals. This included the layoff of two employees in late 2008 and early 2009. The report shows progress on its six measures, exceeding targets on the measures. This is a result of focusing the agency's resources towards these measures. The agency continues to be challenged by another major review of its statutes and operating procedures by the 2009 Legislature. The changes made during this session have altered the agency's performance measures, requiring the deletion of seven measures and replacing them with five new measures.

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 ablility to meet its statutorily mandated time limts in performing its duties. The new measure will better measure the agency's efficiency and effectivness in meeting these time limits. The agency was forced to re-evaluate its resources in early 2009 due to budgetary restraints that created the layoff of two employees. This reduction of staff required the agency to use its resources effectively and efficiently to meet its performance measures.

OREGON GOVERNMENT ETHICS COMMISSION	II. KEY MEASURE ANALYSIS

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



1. OUR STRATEGY

The agency's strategy is continue to lower the percentage of statutuory time limits needed to complete its work. The agency consistantly 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.

2. ABOUT THE TARGETS

The targets were set previously when staff was down, and new staff was being trained. The agency has brought its new staff up-to-speed and it is showing in the actual numbers being decreased. The target may need to be revisited.

3. HOW WE ARE DOING

The agency is exceeding its targets currently. The percentage of statutory time limited used has dropped dramatically over the past year as reflected in the measure. One reason for this is the number of formal advice requested from the agency has dropped. This is due to the statutory changes made by the 2009 legislature which afforded more protection for informal staff advice. Many public organizations and public officials are opting for this informal advice over the formal advice, because of the very short turnaround. The agency will continue to provide all levels of advice for both public officials and their organizations, as well as the public.

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 to especially on requested advice. For investigations, the percentages have stayed consistant due to the requirements set forth in Chapter 244 on the investigative process; however, investigative times have been reduced a small percentage.

6. WHAT NEEDS TO BE DONE

The agency need 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.

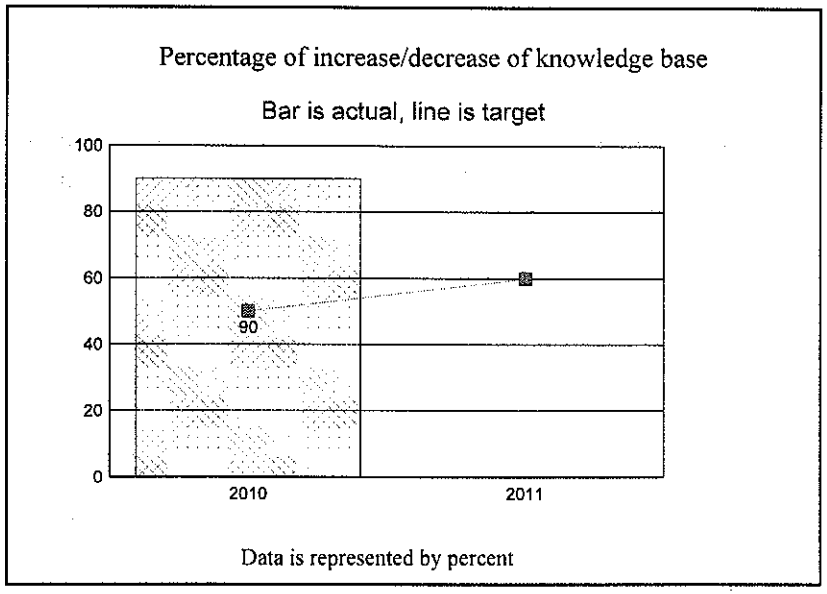
7. ABOUT THE DATA

The data is gathered manually from the investigative files, and advisory opinions issued by the agency. The agency is looking at an eletronic

reporting system. Once in place, the agency hopes to add to the system to capture the data used in this measure. By moving towards eletronic formats, the data could be collected in real-time.

OREGON GOVERNMENT ETHICS COMMISSION	II. KEY MEASURE ANALYSIS

KPM #	Training Program's Effectiveness	2008
Goal	To increase the agency's training programs effectivness.	
Oregon Context	To provide excellent customer service	
Data Source	Scores from before and after exams taken by attendees of the agency's trainings	
Owner	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. This effectiveness will include delievery of the training, and the knowledge held by the participants. The agency is moving toward 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 begining of a training session and at the end. The limited time we are given to train public officials is not always sufficent to include this testing. The agency also has been met with resistance of participants in completing the exams. Many public agencies do not want the Commission testing its staff. The agency mainly has had to rely on its web-based training for this measure. The web-based training is new and the data is limited.

4. HOW WE COMPARE

The agency is participating in a nationwide survery. 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 been forced to rely mainly on its web-based program for this data. Training has been limited especially with state agencies due to budget constraints. The agency has found most training requested to be from cities, counties and special districts.

6. WHAT NEEDS TO BE DONE

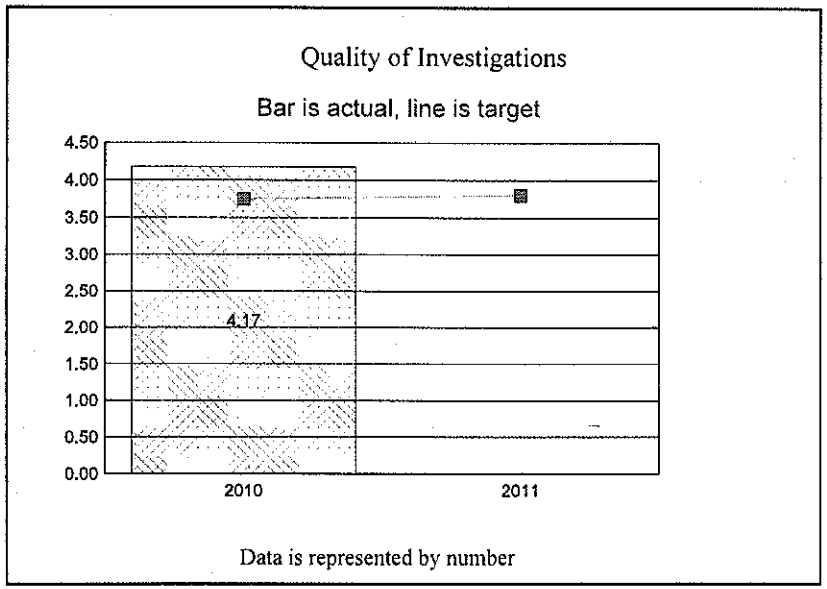
Develop a less intrusive testing method to obtain this data during in-person training sessions. This will give a truer picture of the effectiveness of all the agencies training.

7. ABOUT THE DATA

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

OREGON GOVERNMENT ETHICS COMMISSION	II. KEY MEASURE ANALYSIS

KPM #	Quality of investigations completed	2008
Goal	To measure the quality of the investigations performed by the agency.	
Oregon Context	Provide excellent customer service	
Data Source	The findings of the third party's evaluations	
Owner	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 against 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 continue to move forward in this area. This is the first year for this 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 paticipate in a nationwide review of Ethics Commissins. 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 (outside of investigations) to review the files and collect the data.

6. WHAT NEEDS TO BE DONE

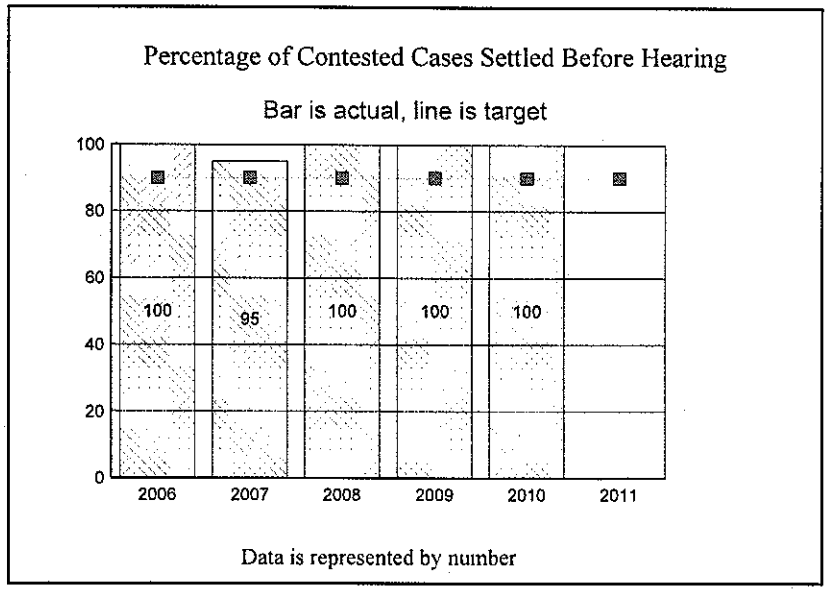
Find better ways to collect the data from the files.

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, Accessiblilty, Objectivity, and Organization.

OREGON GOVERNMENT ETHICS COMMISSION	II. KEY MEASURE ANALYSIS

KPM #8	Minimize Case Disposition Costs - Percentage of contested cases settled before hearing.	2006
Goal	Settlement of Contested Cases- #35 - Public Management Quality	
Oregon Context	Minimize case disposition costs	
Data Source	Agency case log database and individual case files	
Owner	Ronald A. Bersin, 503-378-5105	



1. OUR STRATEGY

The commission can dispose of all matters by negotiating settlements for any case in preliminary review or investigation. The executive director is delegated 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 though 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 develped 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

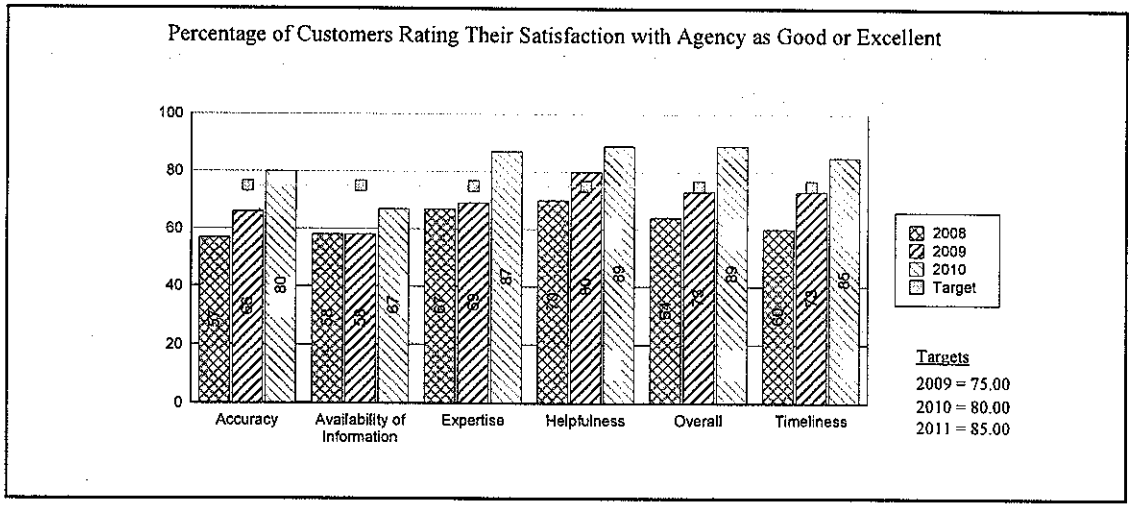
The agency needs to continue to use its penalty matrix to obtain consistency between respondents. The matrix will also give public officials knowledge of what penalties will be assessed if they are found in violation of the Ethics laws. Training of public officials will help to increase this measure,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

OREGON GOVERNMENT ETHICS COMMISSION	II. KEY MEASURE ANALYSIS

KPM #9	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
Goal	Customer Service	
Oregon Context	#35 - Public Management Quality	
Data Source	Survey Summaries	
Owner	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 showed a signifcant improvement in all areas of the survey this past year. The efforts into customer service by the agency including the adding of additional staff to process reports filed timely has contributed to these increases. The agency continues to focus on customer service and the benefits of this focus are showing in the survey.

4. HOW WE COMPARE

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

5. FACTORS AFFECTING RESULTS

The agency continually looks for ways to get more particpants 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. This next year, the Commission plans to announce the release date of the survey giving people advance notice.

6. WHAT NEEDS TO BE DONE

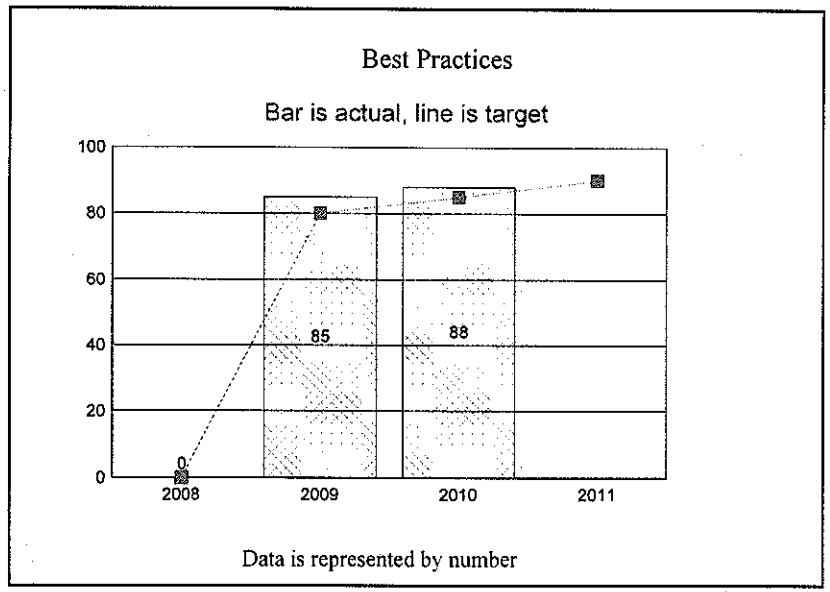
The agency needs to continue to focus on customer service. This means continuing to look for innovative ways to improve the agency's service and opening up lines of communication with the agency's stakeholders. The agency this next year, will look for ways to inform the public of the survey and encourage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

7. ABOUT THE DATA

The survey followed the agency's new assessment to local governments. This may have had some affect 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 near each other.

OREGON GOVERNMENT ETHICS COMMISSION	II. KEY MEASURE ANALYSIS

KPM #10	Governance Best Practices - Percent of total best practices met by the commission.	2007
Goal	Public Management Quality	
Oregon Context	To enhance public management quality	
Data Source	Agency actions	
Owner	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 is working to complete this measure. 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.

3. HOW WE ARE DOING

The agency is meeting targets for this measure.

4. HOW WE COMPARE

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

5. FACTORS AFFECTING RESULTS

The agency has seen a large turnover in Commission members. This turnover has created difficulties in obtaining the information. New Commisioners have a more difficult time answering the best practices questions. With 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.

7. ABOUT THE DATA

Data is compliled from agency actions for best practices.

OREGON GOVERNMENT ETHICS COMMISSION	III. USING PERFORMANCE DATA
Agency Mission: To enforce and prevent, with an emphasis on service, violations of Oregon State laws that prohibit public officials from using their position for financial gain, require persons who lobby the Legislature to register and report their lobbying expenditures, and specify limited purposes for which the governing bodies of public bodies may meet in non-public sessions.	
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Alternate: Virginia Lutz, Program Analyst	**Alternate Phone:** 503-378-5105

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 have been 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. * **Citizens:** Citizens are invited through the agency's website 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 targets have been adjusted and additional measures have been created. All performance measures were modified to increase or decrease targets during the budgets developed in the last two biennia to address the reductions in funding. Target data for this report shows that the agency's performance ability is been diminished significantly by the reductions.
3 STAFF TRAINING	The executive director and program analyst attended training presentations by the staff of the Progress Board. Additional members of the commission staff will be sent to future training opportunities when feasible.
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. * **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 perfomance measures to its stakeholder groups. Many of the groups request the information from the agency. * **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.