

INTERNAL COMPLIANCE PROGRAM (ICP) UPDATE - November 2010

Commission Direction:

In November 2007, the commission directed the department to develop an ICP with the mission to prevent and detect criminal conduct and otherwise promote an organizational culture that encourages ethical behavior and a commitment to compliance with the law. The minute order requires semi-annual reports to the commission. The last report was in June 2010.

Completed since the Commission Report in June, 2010

AWARDS

- AASHTO Performance Excellence Award – 2010 – Silver
Awarded for the research of the practices utilized in private and governmental organizations, and the development and implementation of a plan for the TxDOT ICP.
- TxDOT Journey Toward Excellence Award – 2010 – Bronze
Awarded for the research of the practices utilized in private and governmental organizations, and the development and implementation of a plan for the TxDOT ICP. Submitted to AASHTO.

TRAINING AND AWARENESS

- Employee Training - Increasing Departmental Ethical Awareness (IDEA) Refresher Course for all department employees was launched on the I-Way in June 2010. As of October 1, 98 percent, or 11,463 employees out of 11,810 have completed the course.
- New Employee Orientation – Ethics Section – was updated in July 2010.
- Commission and Administration Training - Annual Ethics Training for the commission, administration and commission aides is in progress and is scheduled to be completed by the end of the calendar year.
- ICP Newsletter “Compliance Focused” – the second will be sent electronically to all employees in October 2010. The issue focused on professionalism, seasonal issues such as gifts, simultaneous employment and the upcoming legislative session.
- Greer Lobby Poster – July, August, September, October 2010 – TxDOT Ethics Seal with statement about ethical employee behavior and the TxDOT Watch website information.

ETHICS FOR OUR PARTNERS

- Requirements of those doing business with TxDOT - TxDOT is implementing rules to encourage those who do business with the department and receive financial resources from TxDOT to implement a compliance program so that TxDOT can comply with the US Sentencing Guideline requirements.

- A. Contract sanction rules were proposed in August 2010 (MO 112386)
 - to provide that having an ethics and internal compliance program could be a mitigating factor when considering sanctions to impose for violations.
- B. New rules were proposed in August 2010 (MO 112385)
 - to adopt an entire chapter entitled, “Ethical Conduct by Entities Doing Business With the Department” which will combine the internal compliance requirements and the sanction rules into one section defining expected conduct by those who do business with TxDOT.

RISK ASSESSMENT

- Risk Assessment: - The workgroups completed their review, prioritized risks and submitted their recommendations to the Executive Internal Compliance Committee. The EICC reviewed and prioritized the top level risks and made a recommendation to the administration. Administration will work to prioritize needed changes concurrently with changes implemented due to the Grant Thornton report and the recommendations of the Restructuring Council. Prioritized items will be returned to ICP for distribution to the workgroups to coordinate with the divisions/offices to draft appropriate standard operating procedures that will adequately eliminate, mitigate, or properly reduce the risk.

Ongoing Projects:

- Risk assessment – A Risk Assessment will be conducted annually each June to coincide with the development of AUD plan. For future fiscal years, the department-wide risk assessment will incorporate the department strategic plan, and utilize the results of performance monitoring, audits, etc.
- Employee Training – The IDEA class will be reviewed annually and updated as needed.
- New Employee Training – Ethics Section – will be reviewed annually and updated as needed.
- Commission and Administration Training – will be held annually.
- TxDOT WATCH –ICP continues to review options for capturing additional data and generation of specific types of reports.
- Rules requiring additional entities which receive funds from the department to certify that they have an ethics and compliance program.
- Ethics Awareness Poster – produced and distributed annually
- ICP Newsletter “Compliance Focused” – next issue scheduled Spring 2011.
- Providing resources to other state agencies regarding our program.
- Research – continue to research other state agencies regarding their ethics policies.
- Training partners - providing assistance and guidance to our partners that are required to have ICPs.