



Court Services and Offender Supervision Agency  
for the District of Columbia

# POLICY STATEMENT

Policy Statement 1107

Policy Area: General Counsel

Effective Date: **APR 24 2012**

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## PUBLIC FINANCIAL DISCLOSURE REPORT PROGRAM

### I. COVERAGE

This Policy Statement applies to employees of the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) and the Pretrial Services Agency for the District of Columbia (PSA) (collectively known as “the Agency”). Specific employee positions which require the filing of the public financial disclosure report are identified in Section A of the General Procedures of this Policy Statement.

### II. BACKGROUND

Title 5 of the Code of Federal Regulations (C.F.R.) establishes the public financial disclosure reporting system for executive branch departments and agencies. *See* 5 C.F.R. § 2634.101 *et seq.* This system is designed to ensure confidence in the integrity of the Federal Government by demonstrating that high-level Federal officials are able to carry out their duties without compromising the public trust. The Public Financial Disclosure Report (hereinafter referred to as “Report”) seeks information from employees that is relevant to the administration and application of criminal conflict of interest laws, other statutes on ethical conduct or financial interests, Executive orders or regulations on standards of ethical conduct, and Agency-specific statutory and program-related restrictions.

### III. POLICY

Agency employees who occupy certain high-level positions such as members of the Senior Executive Service, civilian employees (including Special Government Employees) whose positions are classified above GS-15, and Presidential appointees must file annually a Report to identify their financial interests and outside business activities to the Agency in order to determine if there are actual or potential conflicts between the employee’s public responsibilities and his or her private interests and activities.

**IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS**

A. Authorities

5 U.S.C. App. 4, Ethics in Government Act of 1978 (Pub. L. 95-521, as amended), as modified by the Ethics Reform Act of 1989 (Pub. L. 101-194, as amended).

5 C.F.R. Part 2634

B. Supersedures

None

C. Procedural References

None

D. Attachments

Appendix A. General Procedures

## APPENDIX A GENERAL PROCEDURES

### I. APPLICABILITY

- A. The following employees are required by Federal regulation to file public financial disclosure reports:
1. Each officer or employee, including special government employees as defined in 18 U.S.C. § 202(a), whose position is classified above GS-15 of the General Schedule prescribed by 5 U.S.C. § 5332, or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate equal to or greater than 120% of the minimum rate of basic pay for GS-15 of the General Schedule.
  2. The Designated Agency Ethics Officer (DAEO);
  3. Presidential nominees requiring Senate confirmation (PAS) regardless of pay grade; and
  4. Schedule C or other civilian employees regardless of pay grade who are in positions in the Executive Branch that are excepted from the competitive service by reason of being of a confidential or policy-making character (unless excluded by applicable regulation).
- B. If a public filer is not expected to perform the duties of his or her position for more than 60 days in any calendar year, he or she should be excluded from the filing requirement. *See* 5 C.F.R. § 2634.204(a). However, if this filer is a new entrant or special government employee, he or she should file an OGE 450. *See* 5 C.F.R. § 2634.204(b). In addition, a waiver may be available for individuals who perform or are expected to perform their duties for less than 130 days in a calendar year. *See* 5 C.F.R. § 2634.205.

### II. REPORTING FORM AND FILING

- A. The Office of Government Ethics has prescribed the use of OGE Form 278 for purposes of filing financial disclosure reports. This form is available on the CSOSA and PSA websites in a screen-fillable format.

1. New Entrant Filers

New employees shall file reports within 30 days of assuming their covered position, unless coming from another covered position within a 30-day period. However, no report shall be required if the individual: (a) has, within 30 days prior to assuming such position, left another position or office for which a public financial disclosure report under the Act was required to be filed; or (b) has already filed such a report as a nominee or candidate for the position. *See* 5 C.F.R. § 2634.201(b)(2)(i) and (b)(2)(ii).

2. Annual Filers

Incumbents who have served in a covered position for more than 60 days shall file the public financial disclosure report on or before May 15 of the succeeding year. *See* 5 C.F.R. § 2634.201(a).

3. Termination Filers

Termination reports are required from any public filer who leaves the U.S. Government or who moves to a non-filing position, either within CSOSA or PSA, or to another Federal agency. The public filer has 30 days from his or her last day of employment within which to file the termination report. *See* 5 C.F.R. § 2634.201(e).

Employees planning on terminating their employment or retiring after May 16, but before August 16, may request a full 90-day extension that will allow them to file a combined annual/termination report. Public filers are required to file a termination report within 30 days after the date of departure from a covered position unless entering another covered position within 30 days. Employees are also required to file a new entrant report within 30 days after entering a covered position.

B. After completing the financial disclosure form, employees shall return the form to the DAEO for review and certification.

III. DESIGNATED AGENCY ETHICS OFFICER REVIEW AND RETENTION OF PUBLIC FINANCIAL DISCLOSURE REPORTS

A. As forms are received, the DAEO will note the date on the form. The DAEO shall examine the form to determine that it meets Federal requirements. As part of the review, the DAEO will review all entries on the form, including assets, sources of income, and outside positions to determine that no interest or position disclosed on the form violates or appears to violate any applicable conflict of interest law or regulation.

- B. For forms that require further follow up, the DAEO will call or e-mail the employee and note the change on the form where possible, or will detail the question(s) that needs to be addressed in the e-mail. A copy of the e-mail will be placed in the employee's file or the telephone discussion will be noted on the form.
- C. For the forms that present issues under applicable laws and regulations, the DAEO will notify the filer and give the filer a reasonable opportunity to respond verbally or in writing. After the filer's response is received, the DAEO will determine whether or not the filer is in compliance with applicable laws and regulations. If the response does not fulfill the requirements, the DAEO will determine what remedial action should be taken. Once the action is determined, the filer will be notified in writing of the action needed and the date by which such action should be taken. The remedial action will be decided on a case-by-case basis and may include, but will not be limited to, divestiture, resignation from a position, or recusal.
- D. After the forms have been completely reviewed, the DAEO shall certify the form by signature and date. All forms shall be reviewed within 60 days after the date of filing. Final certification may, of necessity, occur later, where additional information is being taken under consideration.
- E. All forms shall be maintained by the DAEO for safekeeping in a locked receptacle for a period of six years after receipt. After the six-year period, the report shall be destroyed unless needed in an ongoing investigation.

#### IV. PENALTIES FOR NOT REPORTING

- A. Under 5 C.F.R. § 2634.201(f), the DAEO can give a filer a 45-day extension for good cause shown, and an additional 45-day extension if the filer sets forth in writing specific reasons why such additional time is necessary. The DAEO must approve or deny in writing such requests for a second 45-day extension in writing.
- B. If a filer fails to seek an extension before the filing deadline and fails to meet the filing deadline, the DAEO shall advise the delinquent filer in writing that a \$200.00 late filing fee is due and that the fee should be remitted to the Agency, payable to the United States Treasury. *See* 5 C.F.R. § 2634.704(a). Waivers may be given under extraordinary circumstances. *See* 5 C.F.R. § 2634.704(b).

- C. Penalties and remedial action may be taken in the event that an individual required to file a public financial disclosure report either fails to file a report, falsifies information, or files late. The Directors of CSOSA and PSA, respectively, are required to refer to the United States Attorney General the name of any individual reasonably believed to have willfully failed to file a report or provide information required to be filed, or to have willfully falsified information required to be reported. Agencies must report such referrals to OGE. They may use OGE Form 202, a “Notice of Conflict of Interest Referral Form.” An individual may be criminally prosecuted for supplying false information on any report. In addition, the United States Attorney General may bring a civil action against an individual, penalties for which may be assessed up to \$11,000. *See* 5 C.F.R. § 2634.701(b).

#### V. PUBLIC AVAILABILITY OF PUBLIC FINANCIAL DISCLOSURE REPORTS

The Agency is required to make reports filed under this Policy Statement available to any person who submits a written application pursuant to Agency procedure. The OGE 278s filed by Agency executives are available upon request by completing [OGE Form 201](#), “Request to Inspect or Receive Copies of OGE Form 278 Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records.” The OGE Form 201 may be submitted to the DAEO or to OGE directly for processing.

1. Any such report shall be made available to the public for a period of six years after receipt, after which it will be destroyed, unless needed for an on-going investigation. In no event may any person obtain a financial disclosure report for unlawful purposes, commercial purposes, or any other purpose that may be so designated under Federal regulation.