



Court Services and Offender Supervision Agency
for the District of Columbia

POLICY STATEMENT

Policy Statement 1106

Policy Area: General Counsel

Effective Date: **JAN 07 2013**

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CONFIDENTIAL FINANCIAL DISCLOSURE REPORT PROGRAM

I. COVERAGE

This Policy Statement applies to employees of the Court Services and Offender Supervision Agency (“CSOSA”) and the Pretrial Services Agency (“PSA”) for the District of Columbia (collectively, “the Agency”). Specific employee positions which require the filing of the confidential 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 establishes the confidential financial disclosure reporting system for executive branch departments and agencies. *See* 5 C.F.R. § 2634.901 *et seq.* This system is designed to ensure that the public has confidence in the integrity of the federal government. The report seeks information from employees that is relevant to the administration and application of criminal conflict of interest laws, administrative standards of conduct, and Agency-specific statutory and program-related restrictions.

III. POLICY

Agency employees who occupy certain sensitive positions must file annually a Confidential Financial Disclosure Report (hereinafter referred to as “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., Title I, § 102(f) (Section 102(f), *Ethics in Government Act of*

1978)

5 C.F.R. Part 2634, Subpart I

B. Supersedures

PS 1106, Confidential Financial Disclosure Report Program (05/22/2007)

C. Procedural References

None

D. Attachments

Appendix A. General Procedures

APPENDIX A GENERAL PROCEDURES

A. APPLICABILITY

Certain executive branch employees whose duties involve the exercise of discretion in sensitive areas are required to complete a Confidential Financial Disclosure Report. (*See* 5 C.F.R. § 2634.904.) Areas where discretion may be required include contracting, procurement, administration of grants and licenses, and regulating or auditing non-Federal entities. The following positions will be required to file a report:

1. Positions Concerning Contracting and Procurement
 - a. Court Services and Offender Supervision Agency (“CSOSA”)
 - Director, Procurement
 - All Contracting Officers
 - All Contracting Officer’s Technical Representatives (“COTRs”)
 - All Contract Specialists and Senior Contract Specialists
 - b. Pretrial Services Agency (“PSA”)
 - Director, Procurement
 - All Contract Specialists
 - All Contracting Officers
 - All COTRs
2. Positions that Administer or Monitor Grants, Subsidies, Licenses, or Other Federally-Conferred Financial or Operational Benefits
3. Other Positions Involving Activities in Which the Final Decision or Action Will Have a Direct and Substantial Economic Effect on the Interests of Any Non-Federal Entity
 - a. CSOSA
 - Director, Office of Facilities
 - Director, Office of Financial Management
 - Project Managers

- Space Management Officer
- Facilities Management Officer
- Senior Space Management Specialist
- Senior Budget Analyst
- Senior Financial Management Analyst
- Senior Financial Specialist

b. PSA

- Director, Office of Financial Management
- Deputy Director, Office of Financial Management
- Senior Budget Analyst
- Comptroller
- Accounting Officer
- Facilities Manager

4. Positions Required to Report Because the Agency Believes that the Employee's Duties and Responsibilities Could Involve a Real or Apparent Conflict of Interest

a. CSOSA

- Deputy General Counsel
- Assistant General Counsel
- Director, Office of Research & Evaluation
- Director, Training and Career Development
- Deputy Director, Training and Career Development
- Training Specialist
- Information Systems Trainer
- Operating Plan Manager

b. PSA

- Director, Information Technology
- Director, Information System Development & Information Technology Security Director, Training and Career Development
- Laboratory Director
- Director, Forensic Research
- Director, Office of Research, Analysis and Development
- Program Directors, Office of Operations
- Deputy Program Directors, Office of Operations

5. Any officer or employee in any other position as may be determined by the

Designated Agency Ethics Official (“DAEO”). Upon making this determination, the DAEO shall advise the supervisor of the person designated to file a Confidential Financial Disclosure Report in writing of his/her decision.

B. REPORTING FORM AND FILING

1. The contents of the Report are as follows:
 - Interests in property, such as accounts, money market mutual funds and accounts, U.S. Government obligations, securities;
 - Income;
 - Gifts and travel reimbursements;
 - Liabilities;
 - Agreements and arrangements; and
 - Positions outside CSOSA and PSA, respectively, whether paid or unpaid.
2. There is no requirement for the employee to report the amount or values of any items. The Agency will use OGE Form 450, the form prescribed by the Office of Government Ethics, to collect this information, unless another form, duly approved by OGE, is approved by the DAEO. This form shall be made available on the CSOSA and PSA websites in a screen-fillable format. CSOSA Associate Directors and the Deputy Director of PSA will be responsible for either dissemination of the forms to their respective covered employees or ensuring that employees are able to retrieve the form.

C. REVIEW AND RETENTION OF REPORTS

1. Once the employee completes the Report, the Report shall be forwarded to the employee’s Associate Director, for CSOSA employees, or the Deputy Director of PSA, for PSA employees. The Associate Director of CSOSA and the Deputy Director of PSA shall review their respective Reports for any conflicts of interest. After review, the Associate Director of CSOSA and the Deputy Director of PSA shall sign each of their respective reviewed Reports in the block marked “Signature and Title of Supervisor/Other Intermediate Reviewer.”
2. The Associate Director of CSOSA and the Deputy Director of PSA shall submit a certification to the DAEO containing the following information:
 - A statement that all Reports have been collected and reviewed;
 - A list of the names, titles, and grades of all covered employees,

- identified as either an incumbent or new employee;
 - The date the review was completed on each Report;
 - The total number of filers; and
 - The name(s), status and anticipated review date of any missing employees' Reports for employees who have been designated to file Reports but who have failed to do so.
3. Each Associate Director of CSOSA and the Deputy Director of PSA shall forward all completed Reports and the certification to the DAEO for final review and signature no later than two weeks prior to the Office of Government Ethics (OGE) filing deadline for filers subject to this policy.
 4. All Reports 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.

D. CONFIDENTIALITY

Reports that are filed according to this Policy Statement are confidential. They contain sensitive commercial and financial information, as well as personal, Privacy Act-protected information. Section 107(a) of the Ethics in Government Act of 1978, 5 U.S.C. App. 4 § 101 *et seq.*, as amended, requires that the Agency withhold these Reports from the public. These Reports and the information therein are also exempt from being released to the public under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(3)(A) and (B), (b)(4), and (b)(6).

Agency personnel may only release the information contained in a Report pursuant to an order issued by a federal court, or as otherwise provided under applicable provisions of the Privacy Act, 5 U.S.C. § 552a, and the OGE /GOVT-2 Government-wide executive branch Privacy Act system of records.

E. PENALTIES FOR NOT REPORTING

All designated employees must file this Report. Penalties and remedial action may be taken if an employee fails to file a Report, falsifies information, or files late. The head of the Agency or the Director of OGE may, as appropriate, refer the name of a confidential filer to the United States Attorney General where there is reasonable cause to believe that such an individual willfully falsified information in the Report. *See* 5 C.F.R. § 2634.701(a). The United States Attorney General, where appropriate, may bring a civil action, and penalties may be assessed up to \$11,000. *See* 5 C.F.R. § 2634.701(b). In addition, other action may be taken in accordance with applicable law or regulation.

F. APPEAL OF DESIGNATION

If an employee believes that his or her position has been improperly determined to be one that requires the submission of a Report, the employee may seek a review of the designation by submitting a written request through his/her supervisor to the Deputy Director of CSOSA or PSA, whichever is appropriate, within 30 days after receiving the notification to file. The decision of the respective Deputy Director is final.

G. NEW ENTRANT REPORTS, ANNUAL FILINGS, AND EXTENSIONS TO FILE

For new entrants, the OGE Form 450 must be filed within 30 days of assuming a position designated for filing. *See* 5 C.F.R. § 2634.903(b). The reporting period for new entrants is the preceding 12 months from the date of filing. If an individual holds such a position and performs the duties of that position for more than 60 days during the preceding 12-month period, then a Report must be filed within 15 calendar days after the 60th day of such service in the position. *See* 5 C.F.R. § 2634.903(b)(2)(iii).

After an initial filing, annual Reports are due no later than February 15 of the following year. The annual reporting period covers the preceding calendar year (January 1 through December 31). The DAEO may, for good cause shown, grant to any employee or class of employees a filing extension or several extensions totaling not more than 90 days. *See* 5 C.F.R. § 2634.903(d)(1).

Further, an employee who is required to file a Report is not required to file a termination report upon leaving the filing position. *See* 5 C.F.R. § 2634.903(e).