



Court Services and Offender Supervision Agency
for the District of Columbia



Pretrial Services Agency for the District of Columbia

POLICY STATEMENT

Policy Statement 1107
Policy Area: General Counsel
Effective Date: July 15, 2016

7/15/2016

X 

CSOSA Dir
Dir
Signed by: NANCY WARE

Approved:

4/20/2016

X 

PSA Director
Director of PSA
Signed by: CLIFFORD KEENAN

Approved:

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, “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. On April 4, 2012 President Obama signed the Stop Trading on Congressional Knowledge Act (Stock Act) which amended the Ethics in Government Act of 1978 and established among other things the reporting of new periodic transactions for all public filers. 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 individually and in a timely manner file annually a Report with the Agency to identify their financial interests and outside business activities 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. Employees are also required to file certain periodic transactions that occur after the annual filing requirement. Only the Presidential Appointee with Senate Confirmation (PAS) and the Designated Agency Ethics Official (DAEO) Reports are forwarded to the Office of Government Ethics (OGE) by the Agency's Office of General Counsel (OGC).

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), and the Stop Trading on Congressional Knowledge Act of 2012 ("STOCK" Act Pub. L. 112-105, 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 (“covered positions”) are required by Federal regulation to file public financial disclosure reports:
1. Each officer or employee, including Special Government Employee 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 Official (“DAEO”);
 3. Presidential nominees requiring Senate confirmation (PAS) regardless of pay grade; and
 4. Schedule C or other civilian employee regardless of their pay grade who is in a position in the Executive Branch which is 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 sixty (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 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 one hundred thirty (130) days in a calendar year. *See* 5 C.F.R. § 2634.205.

II. REPORTING FORMS AND FILING

- A. The Office of Government Ethics has prescribed the use of OGE Form 278e for purposes of filing financial disclosure reports. This form is available on the CSOSA and PSA websites for viewing; however, each public filer is required to file the form through INTEGRITY, OGE’s electronic filing system. Login at <https://integrity.gov>.

B. The Office of Government Ethics has prescribed the use of the OGE Form 278T for purposes of filing certain transactions that may occur after initially filing OGE Form 278. OGE Form 278T is also available on the CSOSA and PSA intranet for viewing; however, each public filer is required to file the form through the online INTEGRITY system. Login at <https://integrity.gov>.

1. New Entrant Filers

New employees shall file reports within thirty (30) calendar 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 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. Transaction Filers

The Stock Act requires public filers to submit a report within thirty (30) calendar days of purchase, sale or exchange for certain transactions (or 45 calendar days of learning of a transaction) over \$1000 of the filer, the filer's spouse or the filer's dependent children. Use the OGE 278T form for reporting the transactions and review the instructions section to determine what specific transactions are reportable.

3. Annual Filers

Incumbents who have served in a covered position for more than sixty (60) calendar 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).

4. Termination Filers

Termination reports are required from any public filer who leaves U.S. Government service or who moves out of a public filing position, either within CSOSA or PSA, or to another Federal agency. The public filer has thirty (30) calendar days from his or her last day of employment in the public filing position within which to file the termination report. 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-calendar day extension that will allow them to file a combined annual/termination report.

- C. After completing the financial disclosure form in INTEGRITY, the online system will notify the DAEO/ADAEO that a report is ready for review and certification.
- D. All OGE 278e filers are required to file their financial disclosure reports (OGE 278e and OGE 278T) electronically on the OGE's INTEGRITY system. Login at <https://integrity.gov>.

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

- A. As notification is received through the INTEGRITY system that a form has been submitted, the system automatically documents the date of submission. The DAEO shall review the submission 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. The Agency Director will review and certify the DAEO's 278e and 278T report to OGE through INTEGRITY.
- B. For forms that require further follow up and/or subsequent changes, the DAEO will forward questions that need to be addressed by the filer in the INTEGRITY comments section. Phone calls, e-mail or other written communications may also be utilized to resolve issues. A copy of the communication will be placed in the employee's file and/or the telephone discussion will be noted in the comments section in INTEGRITY.
- C. For 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 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 of a position, or recusal.
- D. After the forms have been completely reviewed, the DAEO shall certify the form through INTEGRITY. All forms shall be reviewed within sixty (60) calendar days after the date of filing. Final certification may, if necessary, occur later, where additional information is being taken under consideration.

- E. All OGE Forms 278e shall be maintained in INTEGRITY. Hard copies may be maintained by the DAEO for safekeeping in a locked receptacle for a period of six (6) years after receipt. After the 6-year period, the report shall be destroyed unless needed in an ongoing investigation. All OGE Forms 278T shall be maintained in INTEGRITY. Hard copies may be maintained by the DAEO for safekeeping in a locked receptacle for a period of seven (7) years after receipt. After the 7-year period, the report shall be destroyed unless needed in an ongoing investigation.
- F. OGC is only required the forward to OGE the Reports of the DAEO and PAS.
- G. The DAEO may delegate any or all of the above mentioned duties to the ADAEO and/or other Agency Ethics Official (other OGC staff designated to perform ethics duties).

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 file the report (278e or 278T) within 30 days of the 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 (upon assessment) either to CSOSA's Office of Financial Management or to PSA's Office of Finance and Administration, in the form a check payable to the United States Treasury. 5 C.F.R. 2634.704(a). As it relates to the filing of the 278T, the \$200.00 late fee applies to periodic transaction reports and not individual transactions. The late fee therefore covers all transactions that the employee could have timely included in a single report. 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 CSOSA and PSA Directors are required to refer to the U.S. 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. The Agency's DAEO 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 U.S.

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). Additionally, the agency head or another appropriate official may take administrative action, including adverse action under 5 CFR §7634.701(d). In cases where the CSOSA or PSA Director fails to file, the DAEO will consult with OGE and shall ensure that a referral to the U.S. Attorney is made.

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 Forms 278e filed by these persons are available upon request by completing [OGE Form 201](#) (under Office of General Counsel Forms on the intranet), “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. All requests to review the agency head or the DAEO report should be made directly to OGE.

Any such report shall be made available to the public for a period of six (6) 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 so designated under Federal regulation.