



United States Office
Of Government Ethics

Report Number 08-001

Highlights

OGE Suggests

- OGE suggests that CSOSA ethics officials consistently enter on all public financial disclosure reports the dates on which they review and certify the reports.

If you have comments or would like to discuss the report, please contact Dale Christopher, Associate Director for Program Reviews, at 202-482-9224 or dachrist@oge.gov

Ethics Program Review Court Services and Offender Supervision Agency

January 2008 Report

Executive Summary

The Office of Government Ethics (OGE) has completed its review of the ethics program at the Court Services and Offender Supervision Agency (CSOSA). The purpose of a review is to identify and report on the strengths and weaknesses of a program by evaluating: (1) agency compliance with ethics requirements found in relevant laws, regulations, and policies, and (2) ethics-related systems, processes, and procedures in place for administering the program. OGE determined that there is reasonable assurance that the performance and management of CSOSA's ethics program is effective.

OGE suggests that CSOSA ethics officials consistently enter on all public financial disclosure reports the dates on which they review and certify the reports.

This report has been forwarded to CSOSA's Designated Agency Ethics Official and CSOSA's Director of the Office of Professional Responsibility. OGE will follow-up with CSOSA within six months from the date of the report.



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Ethics Program Review

Court Services and Offender Supervision Agency

January 2008 Report

Introduction

OGE MISSION

The Office of Government Ethics (OGE) provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance initiatives.

PURPOSE OF A REVIEW

The purpose of a review is to identify and report on the strengths and weaknesses of an ethics program by evaluating: (1) agency compliance with ethics requirements found in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

REVIEW AUTHORITY AND SCOPE

OGE has the authority to evaluate the effectiveness of executive agency ethics programs. See Title IV of the Ethics in Government Act of 1978, as amended (the Ethics in Government Act), and 5 CFR part 2638. This review of the Court Services and Offender Supervision Agency (CSOSA) focused on:

- Program structure
- Financial disclosure systems
- Ethics education and training
- Ethics counseling
- Enforcement of ethics laws and regulations
- Travel payments from non-Federal sources

Ethics Program Review: CSOSA

OGE's review was conducted on-site at CSOSA Headquarters in Washington, DC in April 2007.

Program Elements

This report consists of descriptions, analyses, and conclusions regarding each program element reviewed.

PROGRAM STRUCTURE

CSOSA's ethics program is headed by the General Counsel who serves as the Designated Agency Ethics Official (DAEO). There is currently no Alternate Designated Agency Ethics Official (ADAEO) but, the DAEO is actively engaged in filling the position. Two Assistant General Counsels assist in managing the ethics program.

FINANCIAL DISCLOSURE SYSTEMS

Title I of the Ethics in Government Act requires that high-level Federal officials disclose publicly their personal financial interests to ensure confidence in the integrity of the Federal Government by demonstrating that they are able to carry out their duties without compromising the public trust. Title I also authorizes OGE to establish a confidential financial disclosure system for less senior executive branch personnel in certain designated positions to facilitate internal agency conflict of interest review.

Public and confidential financial disclosure serves to prevent conflicts of interest and to identify potential conflicts by providing for a systematic review of the financial interests of both current and prospective officers and employees. The financial disclosure reports also assist agencies in administering their ethics programs in providing counseling to employees. See 5 CFR § 2634.104(b).

The procedures for administering CSOSA's public and confidential financial disclosure systems are documented in CSOSA policy statements. CSOSA is currently amending its Confidential Financial Disclosure Report Program Policy Statement to move the conflict of interest review responsibility from the immediate supervisory level to the Associate Director level.¹ According to the DAEO, this move in responsibility was made to address a specific issue: some confidential filers may have concerns about immediate supervisors having access to financial information. Also, according to the DAEO, the Associate Directors are at a higher level and have a broader awareness of projects within their divisions, and therefore should be better able to identify potential conflicts.

¹ Agencies may request an intermediate review by the filer's supervisor but such a review is not required. See 5 CFR § 2634.605(b).

Ethics Program Review: CSOSA

Public Financial Disclosure System (SF 278)

To evaluate the filing, review, and certification of public reports at CSOSA, OGE examined all 13 of the public reports required to be filed in 2006. These 13 reports consisted of:

Type of Report

- 10 incumbent reports
- 2 new entrant reports
- 1 termination report

Filing Timeliness

- 11 reports were filed timely.
- 2 reports were filed more than 30 days late.²

Review/Certification Timeliness

- 7 reports were reviewed and certified in a timely manner.
- 6 reports could not be evaluated for review and certification timelines.³

Confidential Financial Disclosure System (OGE Form 450)

To evaluate the filing, review, and certification of the confidential reports at CSOSA, OGE examined all 99 of the confidential reports required to be filed in 2007. These 99 reports consisted of:

Type of Report

- 95 incumbent reports
- 4 new entrant reports

²One late filer was assessed a \$200 late filing fee. The other late filer was granted a filing extension.

³Ethics officials did not enter on these six reports the dates on which they reviewed and/or certified the reports. Therefore, OGE could not evaluate the reports for review and/or certification timeliness.

Ethics Program Review: CSOSA

Filing Timeliness

- 98 reports were filed timely.
- 1 report was filed more than 30 days late.

Review/Certification Timeliness

- All 99 reports were reviewed and certified in a timely manner.

ETHICS EDUCATION AND TRAINING

Each agency is required to have an ethics training program to teach employees about ethics laws and rules and to tell them where to go for ethics advice. The training program must include, at least, an initial ethics orientation for all employees and annual ethics training for covered employees. See subpart G of 5 CFR part 2638.

Initial Ethics Orientation

Within 90 days from the time an employee begins work for an agency, the agency must provide the employee with:

- the Standards of Ethical Conduct for Executive Branch Employees (Standards) and any agency supplemental standards;
- the names, titles, office addresses, and phone numbers of the DAEO and other ethics officials; and
- at least one hour of official duty time to review the items described above. See 5 CFR § 2638.703.

CSOSA's *New Employee Orientation Program*, which is provided to each new employee, includes a section devoted to providing initial ethics orientation. The initial ethics orientation, provided by the DAEO, consists of:

- an hour-long PowerPoint presentation that focuses on ethics issues pertinent to new employees, such as the 14 Principles, gift acceptance, conflicts of interest, misuse of position, outside activities, and the Hatch Act; and
- copies of the PowerPoint presentation, the 14 Principles of Ethical Conduct, the Standards, and materials explaining the various facets of the CSOSA ethics program.

Ethics Program Review: CSOSA

Following the initial ethics orientation, attendees are encouraged to fill out course evaluations that assist the DAEO in improving the presentation.

Annual Ethics Training

Public financial disclosure filers are required to receive verbal annual ethics training each year. See 5 CFR § 2638.704(a). Other covered employees (e.g., confidential filers) are required to receive verbal annual ethics training at least once every three years and may receive written annual training in the interceding years. See 5 CFR § 2638.705(c). The content requirements for both public filers and other covered employees are the same. Agencies are encouraged to vary the content of annual training from year to year but the training must include, at least, a review of:

- the 14 Principles of Ethical Conduct,
- the Standards,
- any agency supplemental standards,
- the Federal conflict of interest statutes, and
- the names, titles, office addresses, and phone numbers of the DAEO and other ethics officials. See 5 CFR § 2638.704(b).

Annual ethics training at CSOSA is provided by the DAEO. In 2006, the annual training consisted of the DAEO providing covered employees with:

- a variation of the PowerPoint presentation used for initial ethics orientation, and
- copies of the 14 Principles of Ethical Conduct, the Standards, and materials explaining the various facets of the CSOSA ethics program.

According to the DAEO, over 1,100 employees were required to receive annual ethics training in 2006. Only 15 employees did not receive the training. Employees being on extended sick leave or military leave accounted for the 15 employees who did not receive the training.

ETHICS COUNSELING

The DAEO is required to ensure that a counseling program for agency employees concerning all ethics and standards of conduct matters, including post-employment matters, is developed and conducted. See 5 CFR § 2638.203. The DAEO may delegate to one or more deputy ethics officials, among other things, the responsibility for developing and conducting the counseling program. See 5 CFR § 2638.204.

Ethics Program Review: CSOSA

According to CSOSA procedure, all written ethics counseling is signed by the DAEO. The counseling is drafted by either the DAEO or one of the two Assistant General Counsels.

To evaluate the counseling provided, OGE examined a sample of 12 pieces of written counseling recently provided to employees. The sample OGE examined addressed a variety of subjects such as conflicts of interest, seeking employment, and outside employment. The counseling OGE examined was timely, consistent, and accurately addressed applicable laws and regulations.

ENFORCEMENT

The DAEO is to ensure that (1) information developed by internal audit and review staff, the Office of the Inspector General, if any, or other audit groups is reviewed to determine whether such information discloses a need for revising agency standards of conduct or for taking prompt corrective action to remedy actual or potential conflict of interest situations and (2) the services of the agency's Office of the Inspector General, if any, are utilized when appropriate, including the referral of matters to and acceptance of matters from that Office. See 5 CFR § 2638.203(b)(11) and (12).

CSOSA's DAEO stated that he has an effective working relationship with CSOSA's Director of the Office of Professional Responsibility (OPR), who performs functions similar to those of an Inspector General. This relationship allows for coordination to ensure that information developed by OPR regarding alleged ethics violations is shared with ethics officials in accordance with 5 CFR § 2638.203(b)(11) and (12).

OPR would make any required referrals of alleged violations of the criminal conflict of interest laws to DOJ or a U.S. Attorney. An examination of OGE files did not show that any referrals to DOJ or a U.S. Attorney regarding alleged violations of the criminal conflict of interest laws were made in 2006. According to the Director of OPR, CSOSA made no such referrals.

The Director of OPR also stated that most of the disciplinary actions taken against employees for violations of the standards of conduct are for misuse of position and equipment. The process for considering taking action against an employee involves OPR recommending to Human Resources how to proceed. Human Resources then recommends to the employee's manager what action should be taken.

ACCEPTANCE OF TRAVEL PAYMENTS FROM NON-FEDERAL SOURCES

An employee may accept payment of travel expenses from a non-Federal source on behalf of the employee's agency for official travel to a meeting or similar function when specifically authorized to do so by the agency. Agencies must submit semiannual reports of travel payments from non-Federal sources in excess of \$250 to OGE. See 31 U.S.C. § 1353.

Ethics Program Review: CSOSA

CSOSA has written procedures for accepting travel payments from non-Federal sources. There were two instances of travel payments being accepted from April 1, 2006 through March 31, 2007 from non-Federal sources under the authority of 31 U.S.C. § 1353. In both instances the payments were appropriately approved, documented, and reported to OGE.

Summary

OGE's review determined that there is reasonable assurance that the performance and management of CSOSA's ethics program is effective.

OGE suggests CSOSA ethics officials consistently enter on all public financial disclosure reports the dates on which they review and certify the reports.

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