



U.S. Office of Government Ethics
Program Review Division

Ethics Program Review

Corporation for National and Community Service

Report No. 11-011
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Results in Brief

The United States Office of Government Ethics (OGE) conducted a review of the Corporation for National and Community Service's (CNCS) ethics program between November and December, 2010. The results of the review indicated that the CNCS's ethics program appears to be effectively administered and in compliance with applicable laws, regulations, and policies.

Highlights

- The CNCS's ethics officials have shown consistent interest and enthusiasm toward seeking further improvements to the ethics program.
 - The CNCS provides targeted training to specialized groups, such as senior officials, Board members, SGEs and Information Technology specialists.
 - The CNCS has developed a standardized process for approving event attendance.
 - The CNCS creates ethics agreements for all employees, as needed.
 - The CNCS has written procedures for every element of its ethics program.
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Objectives, Scope, and Methodology

OGE provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance. 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 as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program. OGE has the authority to evaluate the effectiveness of executive agency ethics programs. See Title IV of the Ethics in Government Act and 5 CFR part 2638.

To assess the CNCS's ethics program, OGE examined a variety of documents provided by ethics officials; other documents that the CNCS forwarded to OGE, including the annual questionnaire; prior program review reports; and a sample of the CNCS's public and confidential financial disclosure reports and advice and counsel provided to employees. In addition, members of OGE's Program Review Division met with the Designated Agency Ethics Official (DAEO) and the Alternate DAEO (ADAEO) to obtain additional information about the strengths and weaknesses of the CNCS's ethics program, seek clarification on issues that arose through the documentation analysis, and verify data collected.

Program Administration

The CNCS's ethics program is administered within the Office of General Counsel (OGC). The Acting General Counsel (GC) serves as the DAEO. An Associate General Counsel serves as the ADAEO. The DAEO and ADAEO are primarily responsible for the day-to-day administration of the ethics program. They are assisted by a law office manager, who is responsible for the administration of the confidential financial disclosure program, and two staff attorneys who serve as Deputy Ethics Counselors (DEC).

Because the DAEO also holds the position of GC, ethics officials consistently have a voice in matters affecting the CNCS. OGE believes this agency structure is advantageous in proactively addressing ethics concerns that could affect the agency.

Financial Disclosure

The CNCS ethics officials indicated that all covered employees filed the required financial disclosure reports in 2009. When questioned about specific financial disclosure reports during OGE's review, the CNCS ethics officials displayed working knowledge of individual reports and circumstances.

However, some public reports were missing information such as income type or amount and were still certified. Although there was evidence of follow-up being done with filers to obtain missing information, the reports should have remained uncertified until all of the missing information was received. Additionally, some reports were certified more than 60 days after the report was received although there were no reviewer notes to indicate that additional information

was needed. The CNCS ethics officials informed OGE prior to the start of the review that they had difficulties conducting follow-up and certifying reports within 60 days of receipt because of an increased workload. As a result, the CNCS has since designated two DEC's and hired a contractor to provide additional ethics support. The CNCS believes the increased support will prevent protracted follow-up and certification in future filing cycles.

Since the missing information and delay in follow-up and certification did not preclude CNCS from making a conflict of interest determination, OGE is not making a formal recommendation or suggestion at this time. Additionally, the increased support to the ethics program may remedy the problem in future filing cycles.

Education & Training

The CNCS's training program meets all relevant requirements. All required employees received initial ethics orientation and annual ethics training in 2009. Additionally, the CNCS provides targeted training for the Board of Directors, special Government employees (SGE), senior officials, Information Technology (IT) specialists, program officers, SF 278 filers, OGE 450 filers and the Chief Executive Officer (CEO).

CNCS also issues regular ethics guidance to employees in the form of ethics advisories and provides filers of the SF 278 and OGE 450 with a guide for filling out the financial disclosure reports. OGE considers these training efforts to be model practices.

Advice & Counsel

OGE reviewed a sample of the CNCS's written advice and counsel issued to agency employees and found that all pieces of advice and counsel appeared accurate. The CNCS's advice and counsel process is clearly defined within the agency, with the DAEO and ADAEO handling most ethics-related questions. The two staff attorneys who serve as DEC's are responsible for reviewing invitations to the CEO. The DEC's determinations are reviewed by the DAEO or the ADAEO before they are issued.

The CNCS uses event questionnaires and speaking engagement questionnaires to get facts about events from the event sponsor. The questionnaires allow the CNCS ethics officials to make a determination about the appropriateness of the event quickly and accurately. Advice and counsel provided for these events is maintained in a database that all the CNCS ethics officials may access; the records are organized by event name or sponsor. OGE considers the event determination process to be a model practice.

With the exception of decisions about events and speaking engagements, however, advice and counseling records are not consistently maintained. Although the DAEO and the ADAEO share copies of advice to ensure accuracy and consistency, the CNCS does not have a records maintenance system that allows all ethics officials to access previously rendered opinions.

Suggestion

- For purposes of succession planning and program continuity, OGE suggests that the CNCS develop a system for maintaining accessible advice and counsel.

Ethics Agreements

Although there has not been a need for any Presidentially appointed, Senate confirmed (PAS) officials to enter into ethics agreements during the last two calendar years, the CNCS has used ethics agreements for any filer who needs to resolve potential or actual conflicts of interest. OGE considers this to be a model practice.

Enforcement

OGE found that the CNCS ethics officials have a good working relationship with the Office of Inspector General and have established written procedures for the administration of the enforcement element of the ethics program. The CNCS reported no disciplinary actions based wholly or in part on violations of the standards of conduct provisions (5 CFR part 2635) or the criminal conflict of interest statutes (18 U.S.C §§ 203, 205, 207, 208, and 209). The CNCS made no referrals to the Department of Justice of potential violations of the criminal conflict of interest statutes.

1353 Travel Acceptances

The CNCS submitted to OGE in a timely manner the required semi-annual reports of payments accepted from non-Federal sources. A clear system exists to identify and communicate with those employees who might file a report under 31 U.S.C. 1353. Additionally, the CNCS has established written procedures for the administration of the travel element of the ethics program as well as detailed instruction memos to employees outlining the requirements for submitting travel payment requests.

Agency Comments

The CNCS was given the opportunity to review a draft version of this report. CNCS had no comments.