



POLICY STATEMENT

Policy Statement 1106

Policy Area: General Counsel

Effective Date: **MAY 22 2007**

Approved:

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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 for the District of Columbia ("CSOSA") and the District of Columbia Pretrial Services Agency ("PSA") (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 to 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. § 2634.904. 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 at the GS-15 level or below 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. All higher-level Agency officials must complete a public financial disclosure form under a separate reporting program. The confidential reporting system complements the public financial disclosure program that applies to higher-level government officials.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities

5 U.S.C. App. § 102(f) (Section 102(f), *Ethics in Government Act of 1978*)
5 C.F.R. Part 2634

B. Supersedures

Confidential Financial Disclosure Report Program (04/04/2005)

C. Procedural References

None

D. Attachments

Appendix A. General Procedures

**APPENDIX A
GENERAL PROCEDURES**

A. APPLICABILITY

Certain senior executive branch employees whose duties involve the exercise of discretion in sensitive areas are required to complete a Confidential Financial Disclosure Report. 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 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, Facilities
 - Director, Office of Financial Management
 - Project Manager
 - Space Management Officer
 - Facilities Management Officer
 - Senior Space Management Specialist
 - Senior Budget Analyst
 - Senior Financial Management Analyst
 - Senior Financial Specialist

 - b. PSA
 - Director, Finance and Administration
 - Deputy Director, Finance and Administration
 - 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
 - Assistant General Counsel
 - Director of Training and Career Development
 - Training Specialist
 - Information Systems Trainer
 - Operating Plan Manager

 - b. PSA
 - Director, Information Technology
 - Director, Training and Career Development
 - Laboratory Director
 - Director, Forensic Research

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 reimbursements;
 - Liabilities;
 - Agreements and arrangements; and
 - Outside positions.
2. There is no requirement for the employee to report the amount or values of any item. The Agency will use OGE Form 450, the form prescribed by the Office of Government Ethics, to collect this information. This form is 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 and the Deputy Director of PSA shall review their respective reports for any conflicts of interests. After review, the Associate Director 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 and the Deputy Director of PSA shall submit a certification to the Agency's ethics officer containing the following information:
 - A statement that all reports have been reviewed and collected;
 - 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.
3. Each Associate Director and the Deputy Director of PSA shall forward all completed reports and the certification to the Agency's ethics officer for final

review and signature not 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 Agency's ethics officer 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 are confidential. They contain sensitive commercial and financial information, as well as personal privacy-protected information. Section 107(a) of the *Ethics in Government Act of 1978* 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). Other FOIA exceptions may apply to particular reports or portions of reports. Agency personnel can 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 in 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 Attorney General may bring a civil action, and penalties may be assessed up to \$10,000. 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 CSOSA's or PSA's deputy director, whichever is appropriate, within 30 days after receiving the notification to file. The decision of the deputy director is final.

G. INITIAL REPORT AND PARTIAL YEAR IN POSITION

After an initial filing, annual reports are due no later than October 31. The annual reporting period covers October 1 through September 30. For new entrants, this report must be filed within 30 days of assuming a position designated for filing. The reporting period for new entrants is the preceding twelve 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 12-month period ending September 30, he or she must file a report as an incumbent on or before October 31.