

Agency: Corporation for National and Community Service	
Report No.: 18-50I	Date: September 18, 2018
Period Covered by Review: January 1, 2017 - December 31, 2017	

1.0 AGENCY DATA		
<b>EMPLOYEES</b>		
1.1	Number of full-time agency employees.	521
1.2	Number of non-PAS public financial disclosure reports required to be filed.	45
1.3	Number of confidential financial disclosure reports required to be filed.	437
<b>ETHICS PROGRAM</b>		
1.4	Title of Designated Agency Ethics Official (DAEO).	Senior Attorney
1.5	Grade level of DAEO.	GS-15 equivalent
1.6	Title of Alternate DAEO (ADAEO).	Associate General Counsel
1.7	Grade level of ADAEO.	GS-15 equivalent
1.8	Title of the primary, day-to-day ethics program administrator.	Senior Attorney
1.9	Grade level of the primary, day-to-day ethics program administrator.	GS-15
1.10	Current number of full-time ethics officials.	1
1.11	Current number of part-time ethics officials.	1
1.12	Number of reporting levels between the DAEO and the agency head.	3
<b>COMMENTS</b>		
<p><u>Concerns</u>            During the period covered by this review, the Corporation for National and Community Service’s (CNCS) ethics program experienced vacancies in key ethics leadership positions. From December 2016 to mid-September 2017, CNCS was without a permanent DAEO to help provide the necessary leadership and management support for the agency’s ethics program.</p> <p>In December 2016, the agency’s longstanding DAEO retired and a new DAEO was hired. However, by the end of February 2017, the ADAEO, the Administrative Assistant who assisted with the administration of the ethics program, and the newly-hired DAEO had all left the agency. Due to the 2017 federal hiring freeze, CNCS was not able to hire anyone to replace these key ethics officials. Therefore, CNCS named a detailee from another agency to serve as the DAEO from February 2017 to May 2017. The detailee provided ethics program support to CNCS one day a week. Additionally, the ADAEO position had been vacant from January 2017 through August 2017. The hiring freeze was lifted in the summer of 2017 and CNCS immediately sought to fill the DAEO position. The current DAEO and ADAEO both assumed their ethics positions in mid-September 2017.</p> <p>Each agency head is responsible for exercising personal leadership in establishing and maintaining an effective agency ethics program. Each agency head is also responsible for designating “employees” to serve as the DAEO and ADAEO and providing the DAEO with sufficient resources, including staffing, to sustain an effective ethics program. (See 5 C.F.R. § 2638.107.) The requirement to designate employees to serve as the DAEO and ADAEO is not met by assigning the responsibilities of the DAEO to a detailee from another agency who only works one day a week. Leaving the DAEO position vacant for a prolonged period, particularly when the ADAEO position is also vacant, is also not an acceptable practice. In order to have a credible ethics program, CNCS must ensure that the program is adequately staffed and resourced at all times. If the DAEO position were to become vacant in the future, it would be more appropriate to appoint either the General Counsel or Deputy General Counsel as Acting DAEO until the DAEO position can be filled. If the General Counsel and Deputy General Counsel positions are also vacant, the agency head must still appoint someone who is a full-time CNCS employee. Additional staff (or detailees) can be used to augment the staff of ethics officials on a part-time basis, as needed.</p> <p>(1.12) According to CNCS’s organizational structure, the DAEO, a senior attorney, reports to the agency head through the Deputy General Counsel—a position which was vacant during the period covered by OGE’s review—and the General Counsel. OGE notes that during its last review of CNCS’s ethics program in 2014, the then Deputy General Counsel served as the agency’s DAEO. OGE reminds CNCS that the DAEO must be an employee at an appropriate level in the organization, such that the DAEO is able to coordinate effectively with officials in relevant agency components and gain access to the agency head when necessary to discuss important matters related to the agency’s ethics program. See 5 C.F.R. § 2638.104(b).</p>		

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2.0 LEADERSHIP					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.202(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.2	OGE has received an up-to-date designation from the agency head naming the ADAEO. <i>See</i> 5 C.F.R. § 2638.202(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMMENTS					
None					

3.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278e, OGE Form 278-T)					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1).					
3.1	• Collection of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.2	• Review/evaluation of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.3	• Public availability of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.4	The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.5	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.6	Public financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.603(g)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.7	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.8	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after termination) notified the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DATA ANALYSIS			%		
3.9	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).				60%
3.10	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).				100%
3.11	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).				92%
3.12	Percentage of sampled non-PAS public financial disclosure reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).				100%
3.13	Percentage of sampled non-PAS public financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).				86%
3.14	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).				100%
3.15	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).				100%
3.16	Percentage of sampled PAS annual and termination reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).				100%
3.17	Percentage of sampled PAS annual and termination reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).				100%

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COMMENTS	
	(3.7 – 3.8) Despite eight new entrant filers not receiving timely notification of the filing requirements from the ethics office in 2017, the DAEO assured OGE that the ethics office receives the required notifications about appointments to and terminations from covered public filing positions, as required.
	<u>Concern</u> (3.9) Due to the ethics staffing vacancies that occurred in 2017, eight new entrant public filers were not notified timely of their requirement to file a public financial disclosure report and therefore their reports were filed late. The DAEO granted these filers waivers of the late filing fee.

4.0 CONFIDENTIAL FINANCIAL DISCLOSURE						
COMPLIANCE REQUIREMENTS			Yes	No	N/A	
	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).					
4.1	•	Collection of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.2	•	Review/evaluation of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.3		Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.4		Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.5		The agency’s OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. <i>See</i> 5 C.F.R. § 2634.905(a).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.6		There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<b>DATA ANALYSIS</b>			<b>%</b>		
4.7		Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	73%			
4.8		Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	95%			
4.9		Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	53%			
4.10		Percentage of sampled confidential financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. §§ 2634.605(a) and 2634.909(a).	53%			
COMMENTS						
	(4.5) CNCS does not have an alternative confidential financial disclosure system.					
	<u>Concerns</u> (4.7, 4.9 and 4.10) OGE selected 40 new entrant confidential financial disclosure reports filed in 2017 for examination. Of the 40 new entrant confidential reports, 11 were filed late. Additionally, 38 of the 40 new entrant confidential reports examined were reviewed and certified by CNCS beyond 60 days of receipt, 11 of which were still not certified by the time of OGE’s onsite review in July 2018.					

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5.0 Notices to Prospective Employees					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
Written offers of employment for positions covered by the Standards of Conduct provide: <i>See</i> 5 C.F.R. § 2638.303.					
5.1	• A statement regarding the agency's commitment to government ethics.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.2	• Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.3	• Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.4	• Where applicable, notice of the time frame for completing initial ethics training.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.5	• Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.6	The agency has established written procedures for issuing the notice to prospective employees. <i>See</i> 5 C.F.R. § 2638.303(c).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5.7	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.303(c).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.8	The agency can demonstrate that there is an effective process for ensuring all covered employees receive the required information with their written offer of employment. <i>See</i> 5 C.F.R. § 2638.303.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMMENTS					
<u>Concern</u> (5.6) At the time of OGE's onsite review, CNCS had not established written procedures for issuing notices to prospective employees as required by 5 C.F.R. § 2638.303(c).					

6.0 Notices to New Supervisors					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
The agency must provide each employee upon initial appointment to a supervisory position with: <i>See</i> 5 C.F.R. § 2638.306.					
6.1	• Contact information for the agency's ethics office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.2	• The text of 5 C.F.R. § 2638.103.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.3	• A copy of, a hyperlink to, or the address of a Web site containing the Principles of Ethical Conduct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.4	• Other information the DAEO deems necessary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.5	The agency has established written procedures for supervisory ethics notices. <i>See</i> 5 C.F.R. § 2638.306(d).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.6	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.306(d).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.7	The agency can demonstrate that there is an effective process for ensuring that new supervisors receive the required information within one year of appointment. <i>See</i> 5 C.F.R. § 2638.306(b).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMMENTS					
<u>Concerns</u> (6.5) At the time of OGE's onsite review, CNCS had not established written procedures for supervisory ethics notices as required by 5 C.F.R. § 2638.306(d).  (6.7) During the period under review, the CNCS Human Capital Office (HCO) was not notifying new supervisors of the required ethics information. However, the DAEO has since rectified this and ensures all new supervisors receive the appropriate ethics information.					

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7.0 Initial Ethics Training					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
	Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.				
7.1	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.2	The agency provided new employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.3	The agency has established written procedures for initial ethics training. <i>See</i> 5 C.F.R. § 2638.304(f).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7.4	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.304(f).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>DATA ANALYSIS</b>			<b>%</b>		
7.5	Percentage of new employees who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.				96%
7.6	Percentage of new employees who received initial ethics training within three months of appointment. <i>See</i> 5 C.F.R. § 2638.304(b).				73%
<b>COMMENTS</b>					
<p><u>Concerns</u>            (7.3) At the time of OGE's onsite review, CNCS had not established written procedures for initial ethics training as required by 5 C.F.R. § 2638.304(f).</p> <p>(7.5 and 7.6) During the period under review, 86 new employees were required to receive an initial ethics orientation. Of the 86 new employees, 63 received the required training within 3 months of their appointment, 20 received training beyond the required 3 months, and 3 did not receive the training at all in 2017.</p>					

8.0 Annual Ethics Training					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
	Each calendar year, public filers, confidential filers, and certain other employees must complete ethics training which meets specified requirements. <i>See</i> 5 C.F.R. §§ 2638.307 and 2638.308.				
8.1	The training presentation(s) addressed concepts related to financial conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. §§ 2638.307(e)(1) and 2638.308(f)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.2	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.3	The agency's annual ethics training complies with the formatting requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(d) and 2638.308(e).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.4	The agency's program for annual ethics training complies with the tracking requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(f) and 2638.308(g).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.5	The agency can demonstrate it has an effective process for ensuring covered public filers, other than those whose pay is set at Level I or Level II of the Executive Schedule, complete live annual ethics training at least once every two years. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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	DATA ANALYSIS	Training Format	
		Live	Interactive
	Percentage of public filers who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.308(a).		
8.6	• Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1).	100%	N/A
8.7	• Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	N/A	N/A
8.8	• SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3).	100%	N/A
	Percentage of confidential filers and certain other employees who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.307(a)(d).		
8.9	• Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1).	96%	N/A
8.10	• Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).	100%	N/A
8.11	• Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).	N/A	N/A
8.12	• Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3).	70%	N/A
8.13	• Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4).	84%	N/A
<b>COMMENTS</b>			
	<p><u>Model Practice Identified</u>            To satisfy the annual training requirement for 2017, in-person, annual ethics training was offered to all CNCS employees, including those not required to be annually trained. The training was conducted by the DAEO in November and December 2017.</p> <p><u>Concern</u>            (8.12) Only 7 of 10 contracting officers required to receive training in 2017 completed the training.</p>		

9.0 ETHICS ADVICE AND COUNSELING				
	COMPLIANCE REQUIREMENT	Yes	No	N/A
9.1	Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations. <i>See</i> 5 C.F.R. § 2638.104(c)(4).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENTS</b>				
	None			

10.0 Special Government Employees (SGE) Serving on Advisory Committees and Boards			
Confidential Financial Disclosure			
10.1	Number of SGEs serving on Advisory Committees and Boards.	16	
	<b>DATA ANALYSIS</b>	<b>%</b>	
10.2	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	99%	
10.3	Percentage of sampled reports reviewed within 60 days of receipt but not later than the SGE's first meeting. <i>See</i> 5 C.F.R. § 2634.605(a).	0%	
10.4	Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	0%	

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**Ethics Training**

COMPLIANCE REQUIREMENTS		Yes	No	N/A
Required ethics training must be provided to each SGE. <i>See</i> 5 C.F.R. §§ 2638.304 and 2638.307.				
10.5	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.6	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DATA ANALYSIS		%		
10.7	Percentage of SGEs who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	N/A		
10.8	Percentage of SGEs who received initial ethics training timely. <i>See</i> 5 C.F.R. § 2638.304(b)(2).	N/A		
10.9	Percentage of SGEs who received annual ethics training. <i>See</i> 5 C.F.R. § 2638.307(d)(2).	0%		

COMMENTS	
<p>(10.1) During the period under review, CNCS had SGE members serving on two advisory committees – the CNCS Board of Directors and the National Civilian Community Corps (NCCC) Advisory Board. Six SGEs were on the CNCS Board of Directors and 10 were on the NCCC Advisory Board. OGE’s examination found deficiencies in the provision of ethics-related services provided to SGE’s serving on both committees. The lack of consistent day-to-day management within the ethics program in 2017 was cited by the DAEO as a contributing factor.</p> <p>(10.7 – 10.8) There were no new SGEs required to receive initial ethics training during the period under review.</p> <p><u>Concerns</u></p> <p>(10.3) The CNCS Board of Directors was the only advisory committee that met during the period under review. OGE determined the reports filed by all six members were not reviewed before the first SGE meeting.</p> <p>(10.4) Of the 16 SGE confidential reports filed during the period under review, only 7 were certified at all, and even these 7 reports were not certified until July 2018.</p> <p>(10.5-10.9) No SGEs received annual training during the period under review. As a result, OGE could not assess whether the required ethics training met content requirements for SGEs.</p>	

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**RECOMMENDATION(S)**

**OVERALL AGENCY RESPONSE:** Most of CNCS’s ethics program lapses were directly related to ethics staffing vacancies and turnover for the majority of 2017. Many of the written procedures that should have been in place (but were not) were new requirements under Part 2638 (Executive Branch Ethics Program) that were required to be implemented in 2017. However, as stated above, from February to mid-September 2017, there was no full-time ethics official to implement the new requirements. The scope of CNCS’s ethics program often requires more than one full-time ethics official to be successful. The new DAEO and ADAEO, who started mid-September 2017, essentially started from scratch. Since then, they have drafted written procedures for government ethics responsibilities for OHC. CNCS’s ethics office is in the process of creating written policies for initial ethics training and other standard operating procedures in order to ensure that loss of institutional knowledge does not happen again.

#	Element	RECOMMENDATION	Compliance Due
1	4.7	<p><u>RECOMMENDATION:</u> Ensure that new entrant confidential reports are filed timely as required by 5 C.F.R. § 2634.903(b).</p> <p><u>AGENCY RESPONSE:</u> The ethics office has established new tracking procedures to ensure that new entrants are notified in a timely manner of their reporting requirements, and that the ethics staff follows up. Additionally, in 2018, existing staff has been trained to assist the ethics program.</p>	January 2019
2	4.9 4.10	<p><u>RECOMMENDATION:</u> Ensure that new entrant confidential financial disclosure reports are reviewed and certified within 60 days of receipt as required by 5 C.F.R. §§ 2634.605(a) and 2634.909(a).</p> <p><u>AGENCY RESPONSE:</u> Similar to the response to Recommendation #1, in 2018 the ethics officials trained existing staff to assist the ethics program. Further, CNCS’s new tracking procedures ensure that reports are reviewed in a timely manner and that records are properly annotated when they are missing information from the filer that may cause the report to be certified past 60 days.</p>	January 2019
3	5.6	<p><u>RECOMMENDATION:</u> Establish written procedures for issuing notices to prospective employees as required by 5 C.F.R. § 2638.303(c).</p> <p><u>AGENCY RESPONSE:</u> The Office of Human Capital (OHC) for years has as a best practice provided notice to prospective employees of the ethical obligations associated with their positions even though there was no formal written procedure for this. CNCS has drafted procedures for issuing notices to prospective employees and has provided a draft policy to OGE.</p>	January 2019
4	6.5	<p><u>RECOMMENDATION:</u> Establish written procedures for supervisory ethics notices as required by 5 C.F.R. § 2638.306(d).</p> <p><u>AGENCY RESPONSE:</u> Written procedures regarding supervisory ethics notices are included in the draft policy provided to OGE. Supervisory ethics notices are included in external employee notices and in internal promotions.</p>	January 2019
5	7.3	<p><u>RECOMMENDATION:</u> Established written procedures for initial ethics training as required by 5 C.F.R. § 2638.304(f).</p> <p><u>AGENCY RESPONSE:</u> CNCS does provide initial ethics training for all of its new employees, and is establishing an ethics training policy to address both initial and annual ethics training. As a best practice, annual ethics training is required for all employees at CNCS.</p>	January 2019

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6	7.5 7.6	<p><b>RECOMMENDATION:</b> Ensure that new employees receive initial ethics training within three months of their appointment as required by 5 C.F.R. § 2638.304(b).</p> <p><b>AGENCY RESPONSE:</b> The ethics office has established new tracking procedures to ensure that all new employees receive their initial ethics training within three months of their appointment.</p>	January 2019
7	8.12	<p><b>RECOMMENDATION:</b> Ensure that all contracting officers described in 41 U.S.C. § 2101 receive annual ethics training, as required by 5 C.F.R. § 2638.307(a)(3).</p> <p><b>AGENCY RESPONSE:</b> CNCS's new tracking procedures establish a specific section for contracting officers, so that we can ensure 100% annual ethics training compliance.</p>	January 2019
8	10.3 10.4	<p><b>RECOMMENDATION:</b> Ensure that confidential reports filed by SGE committee members are reviewed timely and certified within 60 days of receipt, unless additional information is being sought or remedial action is being taken, as required by 5 C.F.R. § 2634.605(a).</p> <p><b>AGENCY RESPONSE:</b> CNCS's ethics office is establishing standard operating procedures regarding confidential reports filing, review and certification for the two agency Boards that have SGE members.</p>	January 2019
9	10.7 10.8 10.9	<p><b>RECOMMENDATION:</b> Ensure that SGE committee members are initially trained when they come on board and annually thereafter as required by 5 C.F.R. §§ 2638.304 and 2638.307.</p> <p><b>AGENCY RESPONSE:</b> CNCS is establishing a policy that all incumbent SGEs receive annual ethics during the 2<sup>nd</sup> quarter of the year. The Board of Directors is meeting on September 19, 2018, and the DAEO is scheduled to train them then. The NCCC Advisory Board has not met in over two years and all of the members' appointments have expired.</p>	January 2019