



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

August 7, 2007

MEMORANDUM

TO: Joseph E. Gangloff
Deputy Director

THRU: Dale Christopher *DK*
Associate Director, PRD

FROM: James W. Macon
Management Analyst, PRD

SUBJECT: Follow-up Review of the National Labor Relations Board's (NLRB) Ethics Program.

On August 7, 2007, I contacted Ms. Kym Heinzmann, Administrative Officer, NLRB, to determine whether actions were taken to affect closure on the recommendation contained in OGE's September, 2006 report (06-013) regarding NLRB's ethics program.

RECOMMENDATION

1. **To bring NLRB's ethics program into full compliance with applicable laws and regulations, we recommend that the NLRB develop a written proposal for identifying potential conflicts of interest on the part of its public and confidential financial disclosure filers and certifying their reports in accordance with 5 CFR §§ 2634.605 and 2634.909(a).**

NLRB's 60 Day Response

For CY 2007, the following procedures will be implemented with respect to the filing of the public and confidential financial disclosure reports:

Upon filing their Financial Disclosure Reports, filers will certify that during the reporting period (January 1 - December 31) they performed the appropriate conflicts checks and that they did not participate in any particular matters involving a personal financial interest. The NLRB will develop a form which filers will sign and file along with their financial disclosure reports. The form will be maintained in the filer's report file for the same time period as the financial disclosure report to which it applies.

When reviewing the public reports, the reviewer will identify those reported financial

interests where the reported value exceeds the \$15,000 regulatory exemption and filers will be reminded that the asset does not meet the regulatory exemption and that they are not to participate in any cases involving those entities unless they receive a waiver from the NLRB's DAEO.

A conflicts analysis will be performed on a 10% random sampling of reports each year by reviewing them against a case and/or contractor listing.

Results Of The OGE Follow-up

Ms. Heinzmann e-mailed me a Certification of Conflicts form which the NLRB public and confidential financial disclosure filers must sign certifying the following:

1. As mandated by 18 USC § 208(a), I understand that I am prohibited from participating personally and substantially in any NLRB case, proceeding, or other particular matter that could affect my own financial interests or those of persons whose interests are imputed to me under the law.
2. During the calendar year, January 1, 20__ through December 31, 20__, I certify that I performed the necessary conflict of interest checks when assigned an NLRB case, proceeding, or other particular matter and did not participate in any NLRB matters that affected a personal financial interest unless I qualified for a regulatory exemption or received a waiver for participation from the Designated Agency Ethics Official under 18 USC § 208(b)(1).

Status Of Recommendation - Closed

SUMMARY

Based on the follow-up I suggest the recommendation be closed.

cc: Marilyn Glynn
Trish Zemple
Stephanie Nonleucha



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
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August 30, 2007

Gloria J. Joseph
Designated Agency Ethics Official
National Labor Relations Board
Suite 7100
1099 14th Street, NW.
Washington, DC 20570

Dear Ms. Joseph:

This letter relates to the U.S. Office of Government Ethics' (OGE) recent follow-up review of the National Labor Relations Board (NLRB). The follow-up review was conducted to determine whether the one recommendation from OGE's September 2006 report had been implemented.

The recommendation directs the NLRB to develop a written proposal for identifying potential conflicts of interest on the part of its public and confidential financial disclosure filers and certifying their reports in accordance 5 CFR §§ 2634.605 and 2634.909(a).

In your November 2006 letter responding to the findings of OGE's September 2006 report, you stated that beginning in CY 2007, the following procedures will be implemented with respect to public and confidential financial disclosure reports:

- Upon filing their financial disclosure reports, filers will certify that during the reporting period (January 1 - December 31) they performed the appropriate conflicts checks and that they did not participate in any particular matters involving a personal financial interest. The NLRB will develop a form which filers will sign and file along with their financial disclosure reports. The form will be maintained in the filer's report file for the same time period as the financial disclosure report to which it applies.
- When reviewing the public reports, the reviewer will identify those reported financial interests where the reported value exceeds the \$15,000 regulatory exemption and filers will be reminded that the asset does not meet the regulatory exemption and that they are not to participate in any cases involving those entities unless they receive a waiver from the NLRB's DAEO.

- A conflicts analysis will be performed on a 10% random sampling of reports each year by reviewing them against a case and/or contractor listing.

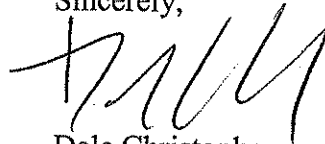
During the follow-up review, OGE was provided with a copy of the Certification of Conflicts Check/Non Participation form that the NLRB public and confidential financial disclosure filers must sign certifying the following:

- As mandated by 18 USC § 208(a), I understand that I am prohibited from participating personally and substantially in any NLRB case, proceeding, or other particular matter that could affect my own financial interests or those of persons whose interests are imputed to me under the law.
- During the calendar year, January 1, 20__ through December 31, 20__, I certify that I performed the necessary conflict of interest checks when assigned an NLRB case, preceding, or other particular matter and did not participate in any NLRB matters that affected a personal financial interest unless I qualified for a regulatory exemption or received a waiver for participation from the Designated Agency Ethics Official under 18 USC § 208(b)(1).

OGE has determined that the NLRB has taken steps to identify potential conflicts of interest on the part of its public and confidential financial disclosure report filers, in conformance with OGE's recommendation. However, the use of the Certification of Conflicts Check/Non-Participation form appears to constitute a supplemental confidential reporting requirement under 5 CFR § 2634.103(a)(2). While OGE no longer requires that an agency issue a supplemental regulation to implement supplemental confidential reporting (as previously required by 5 CFR § 2634.103(a)), an agency must still request approval from OGE in writing to implement any supplemental confidential reporting requirement.

Please contact me at 202-482-9224 to discuss the process for requesting approval to implement a supplemental confidential reporting requirement or if you would otherwise like to discuss OGE's report.

Sincerely,



Dale Christopher
Associate Director for
Program Reviews

CC: Kym Heinzmann
Administrative Officer
National Labor Relations Board