

ETHICS PROGRAM INSPECTION REPORT

Agency: National Capital Planning Commission (NCPC)

Report No.: 21-411

Date: September 8, 2021

Period Covered by Review: January 1, 2020 through August 1, 2021

UNITED STATES OFFICE OF
GOVERNMENT ETHICS


Preventing Conflicts of Interest
in the Executive Branch

1.0 AGENCY DATA		
EMPLOYEES		
1.1	Number of full-time agency employees.	33
1.2	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed.	N/A
1.3	Number of non-PAS public financial disclosure reports required to be filed.	2
1.4	Number of confidential financial disclosure reports required to be filed.	11
ETHICS PROGRAM		
1.5	Title of Designated Agency Ethics Official (DAEO).	General Counsel
1.6	Grade level of DAEO.	GS-15
1.7	Title of Alternate DAEO (ADAEO).	Director, Office of Administration
1.8	Grade level of ADAEO.	GS-15
1.9	Title of the primary, day-to-day ethics program administrator.	General Counsel
1.10	Grade level of the primary, day-to-day ethics program administrator.	GS-15
1.11	Current number of full-time ethics officials.	0
1.12	Current number of part-time ethics officials.	2
1.13	Number of reporting levels between the DAEO and the agency head.	1
COMMENTS		
1.2: NCPC has no PAS positions.		

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. § 2638.107(a).	<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. § 2638.107(a).	<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"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: National Capital Planning Commission (NCPC)

Report No.: 21-411

Date: September 8, 2021

Period Covered by Review: January 1, 2020 through August 1, 2021

UNITED STATES OFFICE OF
GOVERNMENT ETHICS


 Preventing Conflicts of Interest
 in the Executive Branch

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).	N/A		
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).	N/A		
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).	100%		
3.14	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	N/A		
3.15	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A		
3.16	Percentage of sampled PAS annual reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A		
3.17	Percentage of sampled PAS annual reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A		
COMMENTS				
3.9: No non-PAS 278 new entrant reports were required to be filed during the period covered by the inspection. 3.11: No non-PAS 278 termination reports were required to be filed during the period covered by the inspection. (3.14 – 3.17) NCPC has no PAS positions.				

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	<ul style="list-style-type: none"> • Collection of confidential financial disclosure reports. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	<ul style="list-style-type: none"> • 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"/>
DATA ANALYSIS		%		
4.7	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	N/A		
4.8	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	80%		

ETHICS PROGRAM INSPECTION REPORT

Agency: National Capital Planning Commission (NCPC)

Report No.: 21-411

Date: September 8, 2021

Period Covered by Review: January 1, 2020 through August 1, 2021

UNITED STATES OFFICE OF
GOVERNMENT ETHICS


 Preventing Conflicts of Interest
 in the Executive Branch

4.9	Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	80%
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).	80%
COMMENTS		
4.1: NCPC's written procedures did not specify the due date for annual reports. Ethics officials were advised to add this information to their procedures. 4.5: NCPC does not have an OGE-approved alternative FD system. 4.7: No new entrant reports were required to be filed during the period covered by the inspection. (4.9-4:10): NCPC ethics official reviewed and certified 8 of the 10 confidential reports examined by OGE within 60 days of receipt.		

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	<ul style="list-style-type: none"> A statement regarding the agency's commitment to government ethics. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5.2	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Where applicable, notice of the time frame for completing initial ethics training. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5.5	<ul style="list-style-type: none"> 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
COMMENTS						
(5.1-5.7): Prior to OGE's inspection, NCPC had not established written procedures for issuing the required notices to prospective employees, nor were they providing the notices to prospective employees during the period of inspection. 5.8: OGE will assess NCPC's implementation of its written procedures during the follow-up review process.						

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	<ul style="list-style-type: none"> Contact information for the agency's ethics office. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
6.2	<ul style="list-style-type: none"> The text of 5 C.F.R. § 2638.103. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
6.3	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Other information the DAEO deems necessary. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

ETHICS PROGRAM INSPECTION REPORT

Agency: National Capital Planning Commission (NCPC)

Report No.: 21-411

Date: September 8, 2021

Period Covered by Review: January 1, 2020 through August 1, 2021

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**


 Preventing Conflicts of Interest
 in the Executive Branch

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-----	---	--------------------------	-------------------------------------	--------------------------

COMMENTS

(6.1 - 6.6) Prior to OGE's inspection, NCPC did not have written procedures for issuing notices to new supervisors, nor were they providing the notices to new supervisors during the period of inspection.
 6.4: The DAEO did not deem any other information necessary.
 6.7: OGE will assess NCPC's implementation of its written procedures during the follow-up review process.

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DATA ANALYSIS	%		
7.5	Percentage of new employees who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	100%		
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).	100%		
	COMMENTS			
	7.3: NCPC did not have written procedures in place during the period covered by the inspection. NCPC later provided newly implemented written procedures, which OGE determined did sufficiently comply with regulatory requirements. (7.5 - 7.6) Four new employees were required to receive IET in FY2020. Ethics officials provided documentation showing three employees had received initial ethics training and confirmed through personal knowledge that the fourth employee had also received the training.			

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"/>

ETHICS PROGRAM INSPECTION REPORT

Agency: National Capital Planning Commission (NCPC)

Report No.: 21-411

Date: September 8, 2021

Period Covered by Review: January 1, 2020 through August 1, 2021

UNITED STATES OFFICE OF
GOVERNMENT ETHICS


 Preventing Conflicts of Interest
 in the Executive Branch

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<ul style="list-style-type: none"> • Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1). 	N/A	N/A	
8.7	<ul style="list-style-type: none"> • Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2). 	N/A	N/A	
8.8	<ul style="list-style-type: none"> • SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3). 	N/A	100%	
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	<ul style="list-style-type: none"> • Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1). 	N/A	100%	
8.10	<ul style="list-style-type: none"> • Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2). 	N/A	N/A	
8.11	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3). 	N/A	100%	
8.13	<ul style="list-style-type: none"> • Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4). 	N/A	N/A	
COMMENTS				
8.3: Although all required content was addressed, the presentation was not interactive. 8.5: NCPC does not have PAS and/or other equivalent public filers who are required to complete live annual ethics training. 8.6: NCPC does not have any Executive Schedule I or II positions. 8.7: NCPC does not have PAS positions. (8.10 – 8.11, 8.13): NCPC does not have any employees in these categories.				

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"/>
COMMENTS				
None.				

10.0	SPECIAL GOVERNMENT EMPLOYEES (SGE)			
Confidential Financial Disclosure				
10.1	Number of SGEs.	3		
DATA ANALYSIS		%		

ETHICS PROGRAM INSPECTION REPORT

Agency: National Capital Planning Commission (NCPC)

Report No.: 21-411

Date: September 8, 2021

Period Covered by Review: January 1, 2020 through August 1, 2021

UNITED STATES OFFICE OF
GOVERNMENT ETHICS


 Preventing Conflicts of Interest
 in the Executive Branch

10.2	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	33%
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).	100%
10.4	Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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).	100%		

COMMENTS

10.1: The twelve-member Commission within NCPC includes seven ex-officio members along with three citizens appointed by the President and two citizens appointed by the Mayor of Washington, D.C. (The Commissioners appointed by the President are not confirmed by the Senate.) The Commissioners appointed by the President and those appointed by the Mayor of Washington D.C. are SGEs and are, therefore, required to receive ethics training and file financial disclosure reports. The number of appointed Commissioners declined from four to three in January 2021 when one Commissioner's term expired.

(10.2 – 10.4): NCPC collected, reviewed and certified the three reports filed by the remaining SGE Commissioners. Of the three reports, one was filed timely and two were filed late. All three reports were reviewed and certified within 60 days of receipt.
 (10.7 - 10.8) No new SGEs were appointed during the period covered by OGE's inspection.

10.9: Ethics officials could not document that ethics training was provided to Commission members because the training completion certificates used to document training are stored in NCPC's office space and NCPC staff are working remotely during the ongoing Coronavirus pandemic. NCPC ethics officials confirmed that all 4 SGEs serving in 2020 did receive annual training.

Ex-officio Commission Members

NCPC's practice has been to rely on ex-officio members' home agencies to determine whether the member's personal financial interests conflicted with their official NCPC duties. This practice has been noted in previous OGE ethics program review reports, most recently in the review report issued in February 2012.

None of OGE's previous review reports included a recommendation specifically requiring NCPC to collect financial disclosure reports from the ex-officio members. However, there were recommendations, including in the 2012 report, that NCPC develop a means of ensuring that ex-officio members do not have conflicts of interest with respect to the work they perform for NCPC. In response to the recommendation in OGE's 2012 report, NCPC stated that the DAEO had, "generated a memorandum requesting copies of financial disclosure forms from all ex-officio members, not just executive branch ex-officio members, for review to determine the presence of potential conflicts of interests."

ETHICS PROGRAM INSPECTION REPORT

Agency: National Capital Planning Commission (NCPC)

Report No.: 21-411

Date: September 8, 2021

Period Covered by Review: January 1, 2020 through August 1, 2021

UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

OGE's current review found that NCPC still does not receive financial disclosure reports from all ex-officio members' home agencies, nor has NCPC developed another means of independently ensuring that ex-officio members do not have conflicts of interest. As a result, OGE recommends that NCPC collect financial disclosure reports from all ex-officio members. These reports should be collected far enough in advance of any meeting members attend to allow ethics officials to conduct a conflict of interest analysis. Further, any member who does not provide a financial disclosure report should not be allowed to participate in a meeting or any other activity.

NCPC may wish to consider seeking OGE's approval to implement an alternative financial disclosure procedure for ex-officio members, as allowed for by 5 C.F.R. §2634.905. An alternative procedure could be narrowly tailored to require disclosure of only those interests and assets having the potential to create conflicts of interest for the ex-officio members relevant to the work they perform for NCPC. This limited scope of disclosure might lessen some of the resistance that NCPC has experienced in the past when requesting financial disclosure reports. Additionally, if NCPC experiences such resistance in the future OGE should be promptly notified.

ISSUES IDENTIFIED AND RESOLVED DURING THE INSPECTION

Element	ISSUE
5.1-5.7	<p><u>ISSUE:</u> Prior to OGE's inspection, NCPC did not include the required ethics-related information in the written offers of employment sent to prospective employees, as required by 5 C.F.R. § 2638.303. During the course of the inspection, NCPC prepared a template letter for prospective employees which met applicable requirements.</p> <p><u>AGENCY RESPONSE:</u> In March 2017, following OGE adoption of the notification policy, the DAEO notified the then Director of Administration in writing of the written notice requirement and provided language to be included letters of offer going forward. For unexplained reasons, this advice was never acted upon. As soon as this omission was revealed during the review, NCPC drafted and adopted a new written policy requiring the notices.</p>
6.1-6.6	<p><u>ISSUE:</u> Prior to OGE's inspection, NCPC did not provide the written notices to new supervisors required by 5 C.F.R. § 2638.306. During the course of the inspection, NCPC prepared a template letter for new supervisors which met applicable requirements.</p> <p><u>AGENCY RESPONSE:</u> In March 2017, following OGE adoption of the notification policy, the DAEO notified the then Director of Administration in writing of the written notice requirement and provided language to be included letters of offer going forward. For unexplained reasons, this advice was never acted upon. As soon as this omission was revealed during the review, NCPC drafted and adopted a new written policy requiring the notices.</p>
7.3	<p><u>ISSUE:</u> NCPC did not have compliant written procedures for initial ethics training in place during the period under review. NCPC submitted new written procedures during the course of the inspection. The new procedures met applicable requirements.</p> <p><u>AGENCY RESPONSE:</u> For at least the past 13 years, NCPC has consistently conducted initial ethics training as required by an adopted 2008 agency ethics policy. The policy was determined outdated during the review period and subsequently updated.</p>

ETHICS PROGRAM INSPECTION REPORT

Agency: National Capital Planning Commission (NCPC)

Report No.: 21-411

Date: September 8, 2021

Period Covered by Review: January 1, 2020 through August 1, 2021

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

RECOMMENDATIONS			
#	Element	RECOMMENDATION	Compliance Due
1	5.8	<p><u>RECOMMENDATION:</u> Ensure required notices are provided to prospective employees.</p> <p><u>AGENCY RESPONSE:</u> The omission noted above has been rectified.</p>	December 31, 2021
2	6.7	<p><u>RECOMMENDATION:</u> Ensure required notices are provided to new supervisors.</p> <p><u>AGENCY RESPONSE:</u> The omission noted above has been rectified.</p>	December 31, 2021
3	8.3	<p><u>RECOMMENDATION:</u> Provide a robust, interactive annual ethics training presentation for covered employees.</p> <p><u>AGENCY RESPONSE:</u> The recommendation implies NCPC's annual ethics training is deficient. This is far from the case. NCPC's DAEO selects ethics training based on frequent issues brought by staff to the DAEO or timely ethics issues that merit attention. Interactive training is not always available for a particular topic. Going forward NCPC's DAEO will endeavor to provide interactive training when possible.</p>	December 31, 2021
4	10.2	<p><u>RECOMMENDATION:</u> Collect the financial disclosure reports from every Ex-officio Commission Member and conduct a conflict of interest analysis prior to members attending a NCPC meeting. (OGE is holding this recommendation in abeyance until issues raised by NCPC regarding OGE's authority to collect certain financial disclosure reports are resolved. NCPC will be apprised of OGE's determinations, which will also be included in OGE's follow-up review report. If action is required, OGE will assess NCPC's compliance during the follow-up review process.)</p>	Pending