



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

December 1, 2011

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

Dear Ms. Joseph:

The United States Office of Government Ethics (OGE) recently conducted an on-site follow-up review of the ethics program at the National Labor Relations Board (NLRB) to determine whether the improvements recommended or suggested in our February 2011 report have been achieved.

OGE recommended that NLRB Perform a conflict of interest analysis on all financial disclosure reports. Based on recommendations in OGE's program review report issued in 2006, NLRB adopted the practice of performing a conflict of interest analysis on a 10 percent random sampling of financial disclosure reports. In addition, NLRB required filers to sign the NLRB Certification of Conflicts Check/Non-Participation form during the annual filing cycle. This form required the filer to certify that they did not participate in any particular matters involving a personal financial interest for the past calendar year. As a result of the ethics program review conducted in February, 2011, OGE reconsidered its position regarding this process and, as noted, recommended that NLRB conduct a conflict of interest analysis on all reports.

To address the current recommendation, NLRB has adopted new policies and procedures to ensure all financial disclosure reports are reviewed for conflicts of interest. Public financial disclosure report filers are required to sign NLRB's new Certification of Conflicts Check/Non-Participation form. By signing the form, filers certify that during the preceding calendar year, they did not participate in any NLRB matters that affected their personal financial interests—unless they were granted a waiver to do so under the provisions of 18 USC 208(b)(1). This is the same self-certification filers were required to execute after OGE's 2006 review. However, under the procedures adopted to address the recommendation in OGE's 2011 report, filers are now also responsible for providing a list of their personal financial interests exceeding \$15,000 in value to a designated "certifier" within their office. This certifier is someone familiar with the matters handled within that particular office. The certifier is responsible for reviewing records to determine whether or not the filer participated in any particular matter involving the reported financial interests. The certifier then counter-signs the new Certification of Conflicts Check/Non-Participation form indicating their determination. Reports are then submitted with the form to ethics officials at NLRB headquarters who conduct a thorough technical review to ensure all interests are adequately disclosed. Once satisfied that all interests were adequately

identified and based on the certifier's statement that available records were reviewed and the filer did not participate in matters affecting their financial interests, NLRB's Designated Agency Ethics Official certifies the report. Ethics officials then provide the filer with a cautionary memorandum reminding them of the obligation to avoid participation in any particular matter that could affect their personal financial interests, specifically calling their attention their reported interests which exceed \$15,000.

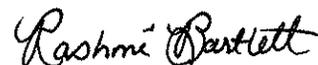
NLRB also now reviews all confidential financial disclosure reports for conflicts of interest. Confidential filers do not complete the Certification of Conflicts Check/Non-participation form and receive cautionary memoranda only depending on the circumstances.

OGE suggested that NLRB provide cautionary memoranda to designated screeners for each filer. NLRB did not adopt this suggestion during the 2011 annual filing cycle, but ethics officials indicated that it would be part of the process during the upcoming 2012 filing cycle.

OGE also suggested that NLRB employ the use of an OGE-approved alternative form that would require filers to certify they have no conflicts of interest before accepting a case. Ethics officials have decided not to adopt this process stating that it would create an undue burden for employees and the agency

Based on our follow-up, we have determined that NLRB has adequately implemented the recommendation in the February 2011 review report. As a result, OGE has closed the recommendations. Thank you for your assistance during the follow-up process. Please contact me at 202-482-9317 if you require any additional information.

Sincerely,



Rashmi Bartlett
Associate Director