

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY MILITARY
DISTRICT OF WASHINGTON
FORT LESLEY J. MCNAIR, DC 20319-5058

25 September 2001

**Personnel - General
COMMAND ETHICS PROGRAM**

Expires 25 September 2003

FOR THE COMMANDER:

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History. This circular was originally published on 11 February 1994. It expired 1 April 1995. This is a reissuance of that circular with changes made since that date.

Summary. This circular covers all US Army Military District of Washington (MDW) major Army command (MACOM) Command Ethics Program duties and

responsibilities. It delineates the specific responsibilities of commanders, activity heads, supervisors, personnel officials, and staff judge advocates throughout the MACOM.

Applicability. This circular applies to all MACOM, installation, subordinate command, and activity personnel.

Authority. This circular is predicated upon the Joint Ethics Regulation (JER) (DOD 5500.7-R).

Supplementation. This circular is administrative in nature, not substantive. Supplementation of the substantive provisions of the JER is prohibited without the express written approval of the Office of Government Ethics (OGE), the DoD Designated Ethics Official, and

Headquarters, Department of the Army (HQDA), Standards of Conduct Office (SOCO). To meet the responsibilities set out in this circular, users may publish additional administrative guidance. Users shall furnish copies of such policy guidance to Commander, MDW, ATTN: ANJA-AL, 103 Third Avenue, Fort Lesley J. McNair, DC 20319-5058.

Suggested improvements. The proponent of this circular is the Staff Judge Advocate, MDW. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander, MDW, ATTN: ANJA-AL, 103 Third Avenue, Fort Lesley J. McNair, DC 20319-5058.

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1. Purpose

a. The Joint Ethics Regulation (JER) (DoD 5500.7-R) and related supervisory guidance from Department of the Army make it clear that the ethics program is a command responsibility. The JER sets out specific responsibilities for commanders, activity heads, supervisors, personnel officers, and ethics counselors. These individuals must ensure that they, and their subordinates, are thoroughly knowledgeable of the substantive provisions of the JER.

b. This circular implements the Command Ethics Program within this MACOM. Commanders, activity heads, and supervisors, from MACOM headquarters and installation through each individual office, will, with the guidance and assistance of supporting civilian personnel officers (CPO), military personnel officers (MILPO), and staff judge advocates (SJA), ensure that mandatory JER training and OGE 450 (Executive Branch Confidential Financial Disclosure Report Form), filing procedures are implemented within their unit/activity. Essential tasks for accomplishment of this mission are set out below.

2. References

DoD 5500.7-R, Joint Ethics Regulation (JER)

3. Explanation of abbreviations and terms

Users must understand the following definitions in order to understand the training requirements:

a. **New employee.** Any employee, military or civilian, who assumes duties within Department of Defense (DoD) from outside DoD.

b. **OGE 450 filer.** A federal employee in the grade of GS-15 or below, or the rank of O-6 and below, has significant duties involving: (1) Contract administration or procurement; (2) Administration or monitoring of grants, subsidies, or licenses; (3) Regulation or audit of any non-Federal entity; or (4) Any activities which will have a direct and substantial impact on a non-Federal entity. Persons who are commanders, heads and deputy heads, and executive officers of Army installations and activities are also required to file the OGE 450. Additionally, a person who is in a position, which, in the judgment of the commander or agency, requires the filing of a confidential report to avoid an actual or apparent conflict of interest, must file. The Joint Ethics Regulation (JER), DoD 5500.7-R, para 7-300b. has excluded employees who control expenditures of less than \$20,000 cumulatively per year from the filing requirement. Additionally, the Secretary of the Army has determined that International Merchant Purchase Authorization Card (IMPAC) card holders who make annual purchases totaling less than the small purchase threshold, as defined in the Federal Acquisition Regulation (*currently* \$100,000), shall be excluded from filing the OGE Form 450. This determination does not preclude individual supervisors from requiring subordinates to file the form when, in the supervisor's judgment, the subordinate has duties involving the exercise of significant independent judgment over matters that will have a substantial impact on the integrity of Army operations and relationships with non-federal parties. Further, this determination does not apply to individuals who hold contracting warrants.

c. **New entrant.** Any employee, military or civilian, who assumes duties in a designated OGE 450 filing position [i.e., begins work in a position for which he or she will be required to file OGE 450 (Confidential Financial Disclosure Report)]. For purposes of JER training and filing requirements, an employee is a New Entrant regardless of whether or not the employee was assigned to, or hired for, the new position from inside or outside DoD.

4. General responsibilities

Commanders, activity heads, and supervisors, at all levels, will, with the assistance of supporting personnel officers and SJAs--

a. Review, quarterly, the OGE 450 master filing list prepared by your supporting SJA. Ensure that filing positions are accurately designated (i.e., no required filing positions omitted, and no position included for which filing is not required) and that names of incumbents are up to date.

b. Ensure that designated OGE 450 filing position job descriptions, and military and civilian evaluation support forms, state that incumbent is required to file OGE 450. Ensure that civilian job announcements state that applicant will be required to file OGE 450 upon assuming duties.

c. Ensure that all OGE 450 filers receive mandatory Annual Ethics Training (AET) during the 3rd or 4th quarter of each calendar year. The AET must be accomplished by your supporting SJA ethics counselor.

d. Ensure that incumbent OGE 450 filers file their annual OGE 450 NLT 30 November, each year. Your SJA will provide additional guidance in September, each year.

e. Ensure that new entrant employees, military or civilian, file an OGE 450 within 30 days of assumption of duties in a designated OGE 450 filing position.

f. Ensure that all new (civilian) employees receive Initial Ethics Training (IET) from your supporting civilian personnel office within 90 days of employment within DoD. Note: New military personnel will receive IET during initial military training.

g. Ensure that all departing employees receive post-employment restrictions information during out-processing. Personnel desiring further information, guidance, or written advice concerning post-government employment restrictions shall be referred to the ethics counselor supporting the organization from which they are leaving employment.

5. Principal Assistant Responsible for Contracting (PARC) and directors of contracting (DOCs) - additional responsibilities

The PARC and DOCs will--

a. Ensure that commanders, activity heads, and supervisors implement the Federal Acquisition Regulation (FAR) procurement certification program and ensure that procurement integrity files are complete and current.

b. Ensure that a list of currently certified procurement officials is prepared, updated monthly, and provided quarterly to supporting SJA contract attorneys and ethics counselors.

c. Ensure that procurement integrity training is provided annually to procurement officials. Supporting SJA ethics counselors will assist PARC and DOCs with this training.

6. Civilian Personnel Director (CPD) and civilian personnel officers (CPOs) - additional responsibilities

The CPD and CPOs will--

a. Develop and implement a system for providing IET to all new (civilian) employees.

b. Develop and implement a system for providing post-government employment restrictions information to civilian employees leaving DoD employment. Personnel desiring further information, guidance, or written advice concerning post-employment restrictions shall be referred to the ethics counselor supporting the organization from which they are leaving employment.

c. Develop and implement a system for identifying civilian OGE 450 filers. System should include notification to supervisor of new entrant OGE 450 filing requirement and annotation of OGE 450 filing requirement on job descriptions, support forms, and job announcements.

7. Deputy Chief of Staff for Personnel (DCSPER) and military personnel officers (MILPOs) - additional responsibilities

The DCSPER and MILPOs will--

a. Develop and implement a system for providing post-employment restrictions briefings to military employees leaving DoD employment. Personnel desiring further information, guidance, or written advice concerning post-employment restrictions shall be referred to the ethics counselor supporting the organization from which they are leaving employment.

b. Develop and implement a system for identifying incoming military OGE 450 filers. System should include notification to supervisors of new entrant OGE 450 filing requirement and annotation of OGE 450 filing requirement on officer evaluation report (OER) and noncommissioned officer evaluation report (NCOER) support forms.

8. Staff judge advocates (SJAs) and ethics counselors

The SJAs will, through properly designated ethics counselors--

a. Provide periodic guidance and, as necessary, set time lines for completion of the tasks set forth in this circular.

b. Conduct AET for OGE 450 filers.

c. Provide training and guidance to CPOs and other unit/ activity training personnel concerning IET and other local unit/activity training. An ethics counselor will not generally be provided to conduct training unless the JER requires the presence of a "qualified individual" (i.e., ethics counselor).

d. Provide guidance on ethics laws and regulations.

e. Conduct annual OGE 450 filing process.

f. Assist commanders/supervisors and new entrant employees in filing new entrant OGE 450s.

g. Provide information and guidance necessary for personnel officials to maintain complete, accurate records and data banks.

h. Retain OGE 450s filed within the command in accordance with paragraph 7-307 of the JER and applicable Army regulations.

9. Periodic review

The above-stated responsibilities are continuous in nature. Commanders, activity heads, and supervisors will periodically review the implementation of this program in their unit/activity to ensure compliance with the spirit, as well as the letter, of the Joint Ethics Regulation.