



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE
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CAMP LEJEUNE NC 28542-0005

MCIEAST-MCB CAMLEJO 5370.11A
SJA
MAY 18 2021

MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE ORDER
5370.11A

From: Commanding General
To: Distribution List

Subj: CONFIDENTIAL FINANCIAL DISCLOSURE REPORTS

Ref: (a) 5 CFR Parts 2635-2641
(b) DoD Directive 5500.7-R, "Joint Ethics Regulations,"
November 17, 2021

Encl: (1) Worksheet for Determining Need to File Confidential
Financial Disclosure Report

Reports Required: I. Financial Disclosure Report (Reports Control
Symbol EXEMPT), par. 4c

1. Situation. The confidential financial disclosure program exists to prevent, identify, and resolve any conflicts of interest that could cast doubt on the ability of Marine Corps Installations East-Marine Corps Base Camp Lejeune (MCIEAST-MCB CAMLEJ) and subordinate MCIEAST commands' personnel to act as stewards of the public trust.

2. Cancellation. MCIEAST-MCB CAMLEJO 5370.11.

3. Mission

a. To promulgate procedures for the MCIEAST-MCB CAMLEJ staff and MCIEAST subordinate commands regarding the submission the Confidential Financial Disclosure Report (OGE 450).

b. Summary of Revision. This Order has been completely revised and should be read in its entirety.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. Personnel that are required to file confidential financial disclosure reports shall do so in accordance with the references and the policy set forth herein.

(2) Concept of Operations. Certain personnel are required to file confidential financial disclosure reports on an annual basis or upon entering new positions. Once the reports are filed, they are reviewed by the Office of the Staff Judge Advocate (OSJA) for

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compliance with Federal ethics regulations. A successful confidential financial disclosure program requires integrity and forthrightness from individual filers, careful attention from supervisors, and diligent review by properly trained ethics attorneys.

b. Tasks

(1) Director, Local Civilian Human Resources Office (CHRO). In accordance with section 7-301 of reference (b), the Director, CHRO shall coordinate as follows with the Office of the Staff Judge Advocate (OSJA):

(a) When a new employee is hired for a covered position, immediately provide the name of the employee, the position or billet, the organization, and the date the employee began work. This will allow the OSJA to ensure the prompt filing of a new entrant form.

(b) Not later than 31 October of each calendar year, provide an accurate list of all personnel assigned to MCIEAST-MCB CAMLEJ who are in covered positions. This will require coordination with the supervisors of each department.

(c) Ensure that the position or billet descriptions for all covered positions indicate that such filing is necessary.

(2) Staff Judge Advocate (SJA). As the Designated Agency Ethics Official, the SJA shall:

(a) Review and sign all completed OGE-450 reports in accordance with the references.

(b) Coordinate with the Assistant Chief of Staff, G-1 to maintain an updated list of covered positions.

(c) Advise employees and supervisors regarding those positions for which filing is required.

(3) Commander and Appropriate Supervisors shall:

(a) Not later than 1 October of each calendar year, provide a list of covered positions to the Assistant Chief of Staff, G-1. (The list should include the name of the employee currently holding the covered position and the date the employee began work in the position. Use enclosure (1) to ensure compliance with reference (b)).

(b) Ensure that all new entrants that assume a covered position submit an OGE-450 report within 30 days of starting work.

(c) Ensure that all personnel holding covered positions submit an annual report as required.

(d) Review and certify all reports before forwarding to the OSJA.

c. Coordinating Instructions

(1) Determining those Personnel Required to File

(a) Definitions

1. Covered Positions. A position or billet for which the filing of a confidential disclosure form is mandatory in accordance with the references.

2. Employee. For purposes of this Order, the term "employee" encompasses both military and civilian personnel who work for MCIEAST-MCB CAMLEJ and any subordinate MCIEAST command.

(2) Responsibility for Determination. Supervisors shall ensure compliance by those employees - and only those employees - who are required to file per reference (a). Correctly determining those jobs that are covered positions is crucial. Employees should not be instructed to file "just to be on the safe side." If an employee is unlikely to be involved in a real or apparent conflict of interest, is subject to a substantial degree of supervision, or exercises control over matters that are inconsequential to Department of the Navy's integrity, then he or she is not in a covered position and will not be required to file.

(3) Underfiling and Overfiling. If an employee is required to file but does not (i.e., underfiling), then there is no chance to determine if a conflict of interest exists. Similarly, if employees file when not required to (i.e., overfiling), then the OSJA's ability to spot potential problems is overwhelmed by unnecessary reports. Overfiling also results in the unnecessary disclosure of confidential and highly private financial information. Thus, either underfiling or overfiling puts the goals of the financial disclosure program at risk and must be avoided.

(4) Use of Filing Requirement Worksheet. Enclosure (1) is a step-by-step worksheet intended to assist supervisors and individual employees in determining who needs to file and who does not. This worksheet should be used prior to any determination being made. If questions remain, contact the SJA for guidance before filing or instructing a subordinate to file.

(5) Supervisory Discretion to Require Filing. In general, an employee who does not meet the criteria outlined in enclosure (1) is

not in a covered position and the employee is not required to file. In rare cases, however, it may be appropriate to instruct an employee to file even when those criteria are not met. This will only be done when the supervisor concludes that filing is necessary to avoid an actual or apparent conflict of interest. For questions regarding an employee's filing requirement, contact the OSJA.

(6) General Filing Instructions. There are two occasions that warrant the filing of a confidential financial disclosure form. These are described below.

(a) New Entrant Reports. Within 30 days of assuming a covered position, an employee shall file a new entrant OGE-450 report. A new entrant report must reflect all financial interests held during the 12 months prior to the report being filed. However, a new entrant report is not required to file when the employee assumes the new position within 30 days of leaving another covered position.

(b) Annual Reports

1. Employees who hold covered positions must turn in a report every calendar year. Reports must be signed and turned into OSJA no earlier than 1 January and no later than 15 February.

2. An annual report will cover financial interests held during the preceding calendar year. Example: An employee turning in an annual report in January 2021 would report all financial interests held between 1 January 2020 and 31 December 2020.

3. If an employee previously filed a new entrant form, then the next annual report will cover only that period not covered by the new entrant report. Example: A new employee begins work at a covered position on 15 July 2020. The employee turns in his/her new entrant form on 1 August 2020, covering the financial interests held between 1 August 2019 and 1 August 2020. In January 2021, he/she turns in an annual report to cover his financial interests between 2 August 2020 and 31 December 2020.

4. An employee is not required to file an annual report if he/she held the covered position for less than 61 days during the reporting period. Example: A new employee begins work in a position requiring filing on 15 November 2019. The employee files a new entrant report on 10 December 2019, covering the period from 10 December 2018 to 10 December 2019. The annual report for January 2020 will not be filed due to the employee not being in the position for at least 61 calendar days in 2019. The next report due will be in January 2021, to cover from 11 December 2019 to 31 December 2020.

(7) OGE-450. The OGE-450 is a five-part form that requires filers to disclose sources of income, assets, debt, outside positions

and other agreements and arrangements for themselves and their spouses and children. An employee in a covered position must use an OGE-450 form when any of the following is applicable:

(a) When filing a new entrant form;

(b) When filing an annual form, if the filer's financial interests have changed since the previous report (Example: if a filer gained new financial assets, sources of income, or debts in the previous calendar year, then they are required to file an OGE-450 form); and

(c) When filing an annual form during a leap year (e.g., 2012, 2016, 2020, etc.) All employees in covered positions must use an OGE-450 form, even if those financial interests are unchanged from the year before.

(8) Submission Process

(a) All OGE 450s require electronic filing via the Financial Disclosure Management (FDM) website at www.fdm.army.mil.

(b) Once a filer has filled out his/her report and signed it, the report shall be forwarded to that individual's supervisor for review and signature.

(c) Filers are required to complete annual ethics training by the end of the calendar year in which they filed. The ethics training may be completed online at: [https://twms.dc3n.navy.mil/selfservice/online Training/](https://twms.dc3n.navy.mil/selfservice/online%20Training/). Once training is complete, employees must submit their certificate to the OSJA.

(9) Extension of Filing Deadline. An employee may request an extension of the filing deadline for reason of duty assignment, infirmity, or other good cause. The extension request must be made in writing. When good cause exists, the SJA may grant an extension of up to 60 days for an annual report and up to 90 days for a new entrant report.

(10) Avoiding Common Mistakes. The following are common errors that may cause delays in submission of the report:

(a) Not reporting underlying assets. Many common investment assets (particularly 401(k) plans or IRA's) are actually vehicles that contain other assets such as stocks, bonds and mutual funds. Those stocks, bonds and mutual funds are the underlying assets of the 401(k) or IRA. These underlying assets must be individually reported if they meet the disclosure requirements. For example, if a stock held in a filer's 401(k) was worth more than \$1,000 or generated

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more than \$200 in income during the reporting period, it must be disclosed. It is not sufficient merely to disclose ownership of the 401(k), since doing so does not provide enough information for a conflict of interest analysis.

(b) Listing too many assets. Filers do not have to list any of the following on part one of an OGE-450 form: Salaries or retirement benefits from U.S. government employment (including Thrift Savings Plan accounts); veterans benefits; a personal residence that is not rented out; ordinary savings and checking accounts; U.S. government obligations such as Treasury bonds, bills or notes; or diversified mutual funds. A mutual fund is diversified if it does not have a stated policy of concentrating its investments in any industry, business or single country outside the U.S.

(11) For answers to frequently asked questions, filers may consult the FAQs section on the FDM website at www.fdm.army.mil, or contact the OSJA.

5. Administration and Logistics. Not applicable.

6. Command and Signal

a. Command. This Order is applicable to the MCIEAST-MCB CAMLEJ Staff and all MCIEAST subordinate commands.

b. Signal. This Order is effective the date signed.



N. E. DAVIS
Chief of Staff

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Reporting Requirement: Exempt - Financial Disclosure Report

Worksheet for Determining Those Positions Required to File Confidential Financial Disclosure Reports

Step One: Billet		
1. <input type="checkbox"/> Is the service member the Commanding Officer OR Executive Officer of a Marine Corps installation, base, or air station? OR <input type="checkbox"/> Is the employee the Head or Deputy Head of a Marine Corps activity (e.g. MCCS)?	<input type="checkbox"/> IF YES TO EITHER QUESTION The employee must file per Joint Ethics Regulation Section 7-300	<input type="checkbox"/> IF NO TO BOTH QUESTIONS GO TO STEP TWO
Step Two: Pay Grade		
2. <input type="checkbox"/> Is the employee's position classified at or below the GS-15 level? OR <input type="checkbox"/> Does the service member have the rank of O-7 or below?	<input type="checkbox"/> IF YES TO EITHER QUESTION, GO TO STEP THREE	<input type="checkbox"/> IF NO TO EITHER QUESTION, STOP! The employee may be required to file an OGE-278 Form. Contact Civil Law for guidance.
Step Three: Type of Work Done		
3. <input type="checkbox"/> Does the employee or service member's work involve at least one of the following: <ul style="list-style-type: none"> ▪ Contracting or procurements worth more than \$2,500 per occasion or more than \$20,000 cumulatively per year? ▪ Administering, awarding, monitoring, or making determinations regarding grants, subsidies, licenses or other federal benefits? ▪ Regulating, auditing, or inspecting non-federal entities (NFE's)? Note: An NFE is any business, non-profit organization, or state and local government. ▪ Performing any other activity that would have a direct and substantial effect on the financial interest of an NFE? 	<input type="checkbox"/> IF YES GO TO STEP FOUR	<input type="checkbox"/> IF NO, GO TO QUESTION 4
4. <input type="checkbox"/> Is the employee or service member serving in any other position where there is a potential for conflict of interest, appearance of favoritism or loss of impartiality? Examples include: <ul style="list-style-type: none"> ▪ Investigating or prosecuting violations of criminal or civil law. ▪ Representing the United States in litigation or other proceedings. ▪ Scientific or social science research, where such research will have a direct and substantial effect on the financial interests of an NFE. 	<input type="checkbox"/> IF YES GO TO STEP FOUR	<input type="checkbox"/> IF NO, GO TO QUESTION 5
5. <input type="checkbox"/> Is the employee or service member authorized to make purchases worth more than \$150,000 per year? OR <input type="checkbox"/> Does the employee or service member certify or approve purchases made by others that cumulatively exceed \$150,000 per year?	<input type="checkbox"/> IF YES GO TO STEP FOUR	<input type="checkbox"/> IF NO STOP! If the answer was "no" for question 3, 4 and 5, then the employee does NOT need to file.
Step Four: Level of Responsibility		
6. <input type="checkbox"/> Does the employee or service member carry out one of the functions identified in Step Three by exercising significant judgment in any of the following ways: <ul style="list-style-type: none"> ▪ Making decisions? (Example: Having final say on who is awarded a grant or contract). ▪ Approving or disapproving? (Example: Having authority to decide if an NFE will be given a license) ▪ Making recommendations? ▪ Conducting investigations? ▪ Rendering advice or opinions? OR <input type="checkbox"/> Does the employee actively supervise a subordinate who has any of the job functions listed above?	<input type="checkbox"/> IF YES TO EITHER QUESTION, GO TO QUESTION 7	<input type="checkbox"/> IF NO TO BOTH QUESTIONS, STOP! If the employee does not exercise this kind of judgment, then he or she does NOT need to file.

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<p>7. <input type="checkbox"/> Does the employee or service member carry out one of the the functions identified in Step Three by:</p> <ul style="list-style-type: none"> ▪ <i>Simplifying providing information?</i> (Example: A GS-11 engineer provides input as to whether a bid for a contract will satisfy the Base's requirements, but does not make the final decision and is not otherwise involved in the contracting process. There is no need for the employee to file). <p>OR</p> <ul style="list-style-type: none"> ▪ <i>Working on administrative or peripheral matters?</i> (Example: An administrative assistant prepares the documents used to solicit bids for a contract and performs other office support duties, such as maintaining a database or replying to enquiries. There is no need for the employee to file.) 	<p><input type="checkbox"/> IF YES TO EITHER QUESTION, STOP! If the employee's duties are of this nature, then he or she does NOT need to file.</p>	<p><input type="checkbox"/> IF NO TO BOTH QUESTIONS, GO TO QUESTION 8</p>
<p>8. Do the employee's actions or decisions receive substantial supervisory review? (Example: A GS-13 employee conducts the initial agency review of license applications submitted by NFE's. Although this involves significant judgment, the employee's recommendations are reviewed by a supervisor who ultimately decides whether to grant the license. This employee does not need to file.)</p>	<p><input type="checkbox"/> IF YES, STOP! This employee does NOT need to file.</p>	<p><input type="checkbox"/> IF NO, THEN THE EMPLOYEE IS REQUIRED TO FILE.</p>