

LEGADMINMAN

CHAPTER 11

ETHICS PROGRAM

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CHAPTER 11

ETHICS PROGRAM

11000. SCOPE. This chapter sets forth administrative instructions for the Marine Corps ethics program. Figure 11-1 is an annual calendar of filing and reporting dates under the program.

11001. JOINT ETHICS REGULATION. Department of Defense Directive 5500.7-R of 30 August 1993, the Joint Ethics Regulation (JER), is the single source for standards of ethical conduct and ethics guidance, including direction in the areas of financial disclosure, post-government employment rules, enforcement, and training for the Department of Defense.

11002. RESPONSIBILITIES. Supervision of the Marine Corps ethics program is shared between the Staff Judge Advocate to the Commandant (CMC (JA)) and Counsel for the Commandant (CMC (CL)), who are the designated agency ethics officials (DAEOs) for the Marine Corps. CMC (JA) and CMC (CL) provide ethics advice and training, and monitor financial disclosure reporting in their areas of responsibility as set forth below. Staff judge advocates and local CL attorneys serve as ethics counselors and supervise the ethics programs within their commands or areas of responsibility.

1. CMC (JA)

a. The Research and Civil Law Branch (JAR) administers the ethics program for CMC (JA).

b. JAR provides timely, individual, written notification, including an SF-278 Public Financial Disclosure Report, to all Marine Corps general officers whenever they are required to submit a new entrant, annual, or termination report, and monitors submissions to ensure that all reports are timely filed. JAR also maintains on file the SF-278 reports of all Marine Corps general officers.

c. CMC (JA) is responsible for the final review of the SF-278 reports of all Marine Corps general officers, except for those assigned to joint billets and those general officers at HQMC who fall under the cognizance of CMC (CL). CMC (JA) conducts the initial review of the SF-278 reports of the Counsel for the Commandant and the Deputy Counsel, and forwards the reports to the DON Office of General Counsel (Navy OGC) for final review; and conducts the final review of the SF-278 reports of the following general officers:

- (1) Assistant Commandant of the Marine Corps

- (2) Director, Marine Corps Staff
- (3) Deputy Chief of Staff for Manpower and Reserve Affairs
- (4) Deputy Chief of Staff for Plans, Policies, and Operations
- (5) Deputy Inspector General/Inspector General for Marine Corps
- (6) Commanding General, Marine Corps Recruiting Command
- (7) Director, Public Affairs
- (8) Director, Legislative Affairs

d. CMC (JA) conducts the legal review of the Office of Government Ethics (OGE) Form 450, Confidential Financial Disclosure Report, for all personnel who report to the general officers identified in paragraph 11002.1c, and maintains those reports on file.

e. JAR compiles and submits for the Marine Corps all reports required by the ethics program.

2. CMC (CL)

a. CMC (CL) provides timely, individual, written notification, including an SF-278 Public Financial Disclosure Report, to all Marine Corps Senior Executive Service (SES) personnel whenever they are required to submit a new entrant, annual, or termination report, and monitors submissions to ensure that all reports are timely filed.

b. CMC (CL) conducts the initial review of the SF-278 reports of all Marine Corps SES personnel (except CMC (CL)) and forwards them to the Navy OGC for final review. CMC (CL) is responsible for the final review of the SF-278 reports of the following general officers at HQMC:

- (1) Commandant of the Marine Corps
- (2) Deputy Chief of Staff for Aviation
- (3) Deputy Chief of Staff for Installations and Logistics
- (4) Deputy Chief of Staff for Programs and Resources
- (5) Deputy Chief of Staff for Command, Control, Communications, Computers and Intelligence
- (6) Staff Judge Advocate to the Commandant

c. CMC (CL) conducts the legal review of the OGE Form 450, Confidential Financial Disclosure Report, of personnel who report to the general officers identified in paragraph 11002.2b, and maintains those reports on file.

3. Ethics Counselors

a. Ethics counselors are responsible for supervising the ethics program for their organization, review and compliance with financial disclosure reporting, and providing ethics advice, to include post-government employment opinions, to commanders, individual Marines, and civilian personnel. CMC (CL) is responsible for the coordination and consistency of ethics opinions within the Marine Corps.

b. As DAEO for the Department of the Navy, the Navy OGC has designated, by Memorandum for Distribution of 25 January 1996, the following ethics counselors within the Marine Corps:

(1) Head, Research and Civil Law Branch, Judge Advocate Division, HQMC;

(2) Director, Joint Law Center, MCAS Yuma, AZ;

(3) Director, Joint Law Center, MCAS New River, NC;

(4) Director, Joint Law Center, MCAS Beaufort, SC;

(5) Station Judge Advocate, MCAS Iwakuni, Japan;

(6) Staff and force judge advocates for all staffs and commands having GCM convening authority; and

(7) CMC (CL) designated ethics counselors.

c. Pursuant to JER paragraph 1-401, ethics counselors must be designated in writing by the DAEO. Submit requests for additional designations to CMC (JA) or CMC (CL), as appropriate.

11003. FINANCIAL DISCLOSURE. The purpose of financial disclosure reports is to assist Federal agencies in identifying potential conflicts of interests between the official duties of employees and their private financial interests and affiliations. The Office of Government Ethics establishes rules and regulations for both the public and confidential financial disclosure systems.

1. Public Financial Disclosure Report (SF-278) (Report Control Symbol DN-5370-01)

a. Individuals Required to File. Regular and Reserve military officers whose pay grade is O-7 or above, and civilian employees in an SES position.

b. Time of Filing

(1) New Entrant Reports. Within 30 days of assuming a covered position, a reporting individual shall submit an SF-278.

(2) Annual Reports. Any time after 1 January, but not later than 15 May, a reporting individual who served in a covered position for more than 60 days during the preceding calendar year shall file an annual SF-278.

(3) Termination Reports. Not sooner than 15 days before, but not later than 30 days after, termination from a covered position, a reporting individual shall submit an SF-278.

(4) Combined Annual/Termination Report. Reporting individuals who anticipate terminating their DoD employment before 30 June may request an extension of up to 45 days in order to file one consolidated report. Combined annual/termination reports must be filed within 30 days after termination of employment but not later than 15 July.

(5) Late Filing Fee. Any reporting individual who is required to file an SF-278 and does so more than 30 days after the date the report is required to be filed shall be subject to a \$200.00 late filing fee.

2. Confidential Financial Disclosure Report (OGE Form 450) (Report Control Symbol DN-5370-02)

a. Individuals required to file

(1) Commanding officers, executive officers, heads, and deputy heads of:

(a) Navy shore installations with 500 or more military and civilian DoD employees; and

(b) All Army, Air Force, and Marine Corps installations, bases, air stations or activities.

(2) DoD employees when their official responsibilities require them to participate personally and substantially through decision making or the exercise of significant judgment in taking an official action for contracting or procurement, administering or monitoring grants, subsidies, licenses or other Federally conferred financial or operational benefits, regulating or auditing any non-

Federal entity, or other activities in which their final decision or action may have a direct and substantial economic impact on the interests of any non-Federal entity.

b. Time of Filing

(1) New Entrant Reports. A reporting individual shall submit an OGE Form 450 with information current as of the filing date for the preceding 12 months, through the supervisor to the ethics counselor not later than 30 days after assuming duties in a covered position.

(2) Annual Reports. A reporting individual who was employed at least 61 days during the preceding reporting period must submit an OGE Form 450 to the ethics counselor by 30 November of each year covering the preceding 12 months. Individuals who have previously filed an OGE Form 450 may be eligible to file the OGE Optional Form 450-A (short form). Refer to the JER for further guidance.

11004. TRAINING

1. Initial Ethics Orientation (IEO) for New DoD Employees

a. Within 90 days of entering on duty, all new DoD employees who have not previously received ethics training shall receive an IEO.

b. The DAEO shall ensure that new, active duty enlisted members of the armed services receive, within 180 days of entering on active duty, initial ethics training.

c. An IEO shall be a minimum of 1 hour of official duty time. The amount of official duty time given to new employees to review written materials required by the IEO may be reduced by the amount of time they spend receiving verbal ethics training during official duty time.

2. Annual Ethics Training. All DoD employees who file an SF-278 or OGE Form 450 shall receive 1 hour of ethics training annually to be completed by 31 December.

3. Training Materials. JAR will distribute annual ethics training materials prepared by OGE and the DoD Standards of Conduct Office to all commands.

11005. REPORTING GIFTS OF TRAVEL AND FOREIGN GIFTS Figure 11-1 lists required reporting dates. Refer to chapter 12 for reporting formats and guidance on processing these gifts.

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1 January: CMC (JAR) mails annual SF-278 notifications to all general officers.

15 January: Ethics counselors send responses to OGE annual questionnaire to CMC (JAR).

15 January: Ethics counselors report foreign gifts of more than minimal value received during previous calendar year to CMC (JAR).

30 January: CMC (JAR) reports foreign gifts of more than minimal value received by the Marine Corps during previous calendar year to Navy OGC.

30 April: Ethic counselors report gifts of travel/travel related expenses in excess of \$250.00 accepted under 31 U.S.C. § 1353 to CMC (JAR).

15 May: CMC (JAR) makes semiannual report of gifts of travel/travel related expenses to Navy OGC.

15 May: Annual SF-278s required to be filed with ethics counselors.

15 October: CMC (JAR) notifies HQMC personnel of requirement to file an annual OGE Form 450 on or before 30 November.

31 October: Ethic counselors report gifts of travel/travel related expenses in excess of \$250.00 accepted under 31 U.S.C. § 1353 to CMC (JAR).

15 November: CMC (JAR) makes semiannual report of gifts of travel/travel related expenses to Navy OGC.

30 November: All annual OGE Form 450s due. Report due to CMC (JAR) that all reports filed.

1 December: CMC (JAR) mails OGE annual ethics questionnaire to ethics counselors.

15 December: Ethics counselors report to CMC (JAR) on status of OGE Form 450 filings.

15 December: CMC (JAR) reports gifts to foreign governments and individuals to Navy OGC.

31 December: Ethics counselors report to CMC (JAR) on completion of annual ethics training.

Figure 11-1.--Ethics Program Calendar.