

## **Who Should File an OGE Form 450 “Confidential Financial Disclosure Report?”**

**Only *designated* military members and civilian personnel with grades or ranks at or below the level of O-6/GS-15 or a comparable pay level under other authority are required to file an OGE-450.**

The regulations governing OGE-450s (DOD 5500.7-R, § 7-300; 5 C.F.R. 2634.904(a)) provide that the personnel who should be required to file an OGE-450 by their supervisors are those who fall into three broad categories:

- 1 Those responsible for participating *personally and substantially in decision-making or the exercise of significant judgment, without substantial supervision and review<sup>1</sup> in Government action relating to contracting or procurement decisions; administering or monitoring grants, subsidies, licenses, etc.; or regulating or auditing any non-federal entity.* A non-Federal entity is generally a self-sustaining, non-Federal person or organization, established, operated and controlled by any individual(s) acting outside the scope of any official capacity as officers, employees or agents of the Federal Government.
- 2 Those responsible for participating *personally and substantially in decision-making or the exercise of significant judgment, without substantial supervision and review in decisions that are expected to have a direct and predictable effect on the financial interests of a non-federal entity.* A key factor is whether the person actually makes final agency decisions or does he or she make recommendations that are subject to reviews by higher-level officials who actually make the decisions – if it is the latter, then the person should not file an OGE-450.
- 3 Other personnel who do not fall into either of the categories above but whose supervisors decide that they should file to avoid involvement in conflicts of interest and to carry out their mission. This decision is left within the discretion of their supervisor.

When applying the regulations summarized above, the following analytical framework, based upon the rank or grade of the individual, may be helpful:

### **O-6s/GS-15s/Employees**

– Because individuals in these positions are senior Air Force leaders and occupy positions of significant responsibilities, it should be presumed that a majority of these personnel must file. A *supervisor*, can, however, exempt personnel in these

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<sup>1</sup> OGE revised the regulation concerning OGE-450s in 2006. The definition of an OGE-450 “filer” has new language indicating that when determining if an employee should be designated as an OGE-450 filer, supervisors should consider whether the employee’s participation in decision-making is “without substantial supervision and review.” See 5 CFR 2634.904. For example, if an individual has three levels of review, or even just one level of review that is rather extensive, he or she would not be required to file unless the supervisor determines that filing is necessary to avoid involvement in real or apparent conflicts of interest and to carry out their mission.

grades or ranks from filing if, in the supervisor's opinion, the person is not personally and substantially involved in contracting decisions without substantial supervision and review, or does not otherwise make final decisions that can be expected to have a direct and predictable effect on non-federal entities.

**O-4s, O-5s/GS-13s, GS-14s** – As a general rule, *an individualized assessment* must be made whether the duties and responsibilities of personnel at this level are such that they should file because they fall within one of the three regulatory categories described above.

**O-3/GS-12/Employees**

– Personnel in these ranks or grades are generally subject to *multiple levels of supervisory review* and generally do not make *final decisions* on behalf of the Air Force that have a *direct and predictable effect on the financial interests of a non-federal entity*. As a result, personnel at this level *should generally not be required to file an OGE-450*. A supervisor may, however, decide that the responsibilities and duties of a person's position are such that they should file.

**NOTE:** Supervisors should remember that they are the primary users of the completed forms, and they are in the best position to determine whether an individual falls under one of the three categories described above. If the information solicited by the form would not be relevant or helpful to them as a supervisor to prevent conflicts of interest, then they should not require that person to file.

If you have any questions or require additional information please feel free to contact the Air Force Ethics Office at 703-693-0417 or contact a member of the OGE 450 Program Team:

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