

Approved: 12-9-08

**SUBJECT: CONFIDENTIAL FINANCIAL DISCLOSURE REPORTS (OGE 450)**

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1. **OBJECTIVES.** The purpose of this Order is to establish Department of Energy (DOE) requirements and responsibilities for Departmental elements and employees regarding filing Confidential Financial Disclosure Reports (OGE Form 450) in accordance with the Ethics in Government Act of 1978, as amended.
2. **CANCELLATIONS.** None.
3. **APPLICABILITY.** These requirements apply to career GS/GM and prevailing rate system and administratively determined employees, employees serving in excepted service positions designated EJ, EK, EN, and NNSA employees in pay bands.
  - a. **All Departmental Elements.** Except for the exclusions in paragraph 3c, this Order applies to all Departmental elements, including those created after the Order is issued. (Go to <http://www.directives.doe.gov/pdfs/reftools/org-list.pdf> for the current listing of Departmental elements.)

The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees comply with their respective responsibilities under this Order.
  - b. **DOE Contractors.** None.
  - c. **Exclusions.** None.
4. **REQUIREMENTS.**
  - a. **Who Must File.**
    - (1) All employees of the Department of Energy, including those in the National Nuclear Security Administration (who have occupied positions at GS-15, GM-15, prevailing rate system and administratively determined employees, and Excepted Service and NNSA pay band IV and below), unless the employee is required to file a Public Financial Disclosure Report (SF 278) or the employee occupies a position that is exempt from filing as indicated in Attachment 1.
    - (2) All employees working at the Department pursuant to an Interagency Personnel Act agreement unless the employee occupies a position the incumbent of which is required to file a Public Financial Disclosure Report (SF 278).

- (3) Employees who perform duties that require an Office of Government Ethics (OGE) Form 450 in accordance with 5 C.F.R. 2634.904(a), regardless of whether such employee occupies a position on the exempt list, Attachment 1.
- (4) All special Government employees, as defined in 18 U.S.C. 202, when appointed.

b. Who is Exempt from Filing.

- (1) Any position may be exempted from all or a portion of the confidential filing requirements when the Designated Agency Ethics Official, or his designee, determines that the duties of a position make remote the possibility that the employee will be involved in a real or apparent conflict of interest.
- (2) All positions exempt from filing the OGE Form 450 can be found in Attachment 1.

c. When to File.

- (1) Annual OGE Form 450 must be completed, signed, and submitted after January 1 of a calendar year and no later than February 15 of the same calendar year.
- (2) A person must complete, sign and submit a New Entrant OGE Form 450 within 30 days of the person entering a position subject to the reporting requirement.
- (3) A Special Government employees must file an OGE Form 450 when appointed to his position and, thereafter, only on his respective anniversary/reappointment date.
- (4) If the Annual or New Entrant report is due on a weekend or Federal holiday, the report will be due on the next Federal workday.

d. Where to File.

- (1) Employees duty stationed at DOE Headquarters and all employees of the Office of the Inspector General must submit their OGE Form 450 directly to the Office of the Assistant General Counsel for General Law, GC-77, Room 6A-211, Forrestal Building.
- (2) Unless otherwise instructed, employees duty stationed in the field must submit their OGE Form 450 directly to their respective field counsel.

e. Reporting Period.

- (1) The reporting period covered by the Annual OGE Form 450 is the previous calendar year.
- (2) The reporting period covered by New Entrant OGE Form 450 is the preceding 12 months prior to filing the form or for any portion of this period not covered by a previous confidential or public financial disclosure report.

f. Forms Required.

- (1) All employees serving in positions subject to the filing requirements or required to file pursuant to 5 C.F.R. 2634.904(a) must file OGE Form 450, available from the Internet on the OGE website. ([www.usoge.gov](http://www.usoge.gov))
- (2) If an employee meets the criteria, an abbreviated OGE Form 450A may be submitted in non-Presidential election years. The complete OGE Form 450 must be submitted in Presidential election years. Both forms may be obtained directly from on the OGE website.
- (3) All special Government employees appointed to serve as members of advisory committees under the Federal Advisory Committee Act may use the Confidential Conflict of Interest Statement for DOE Advisory Committee Members (HQ F 515.5) which is available from the respective Committee's Designated Federal Officer (DFO).

g. Information Required.

- (1) OGE Form 450 contains instructions regarding the information required to be disclosed.
- (2) Filers must provide a "yes" or "no" answer to the five questions in the middle of page 1 of OGE Form 450. If the answer is "yes" to any of the questions, the filer must complete the corresponding section of OGE Form 450.
- (3) Additional guidance can be obtained from the Office of the Assistant General Counsel for General Law, 202-586-1522, [StandardsOfConduct@hq.doe.gov](mailto:StandardsOfConduct@hq.doe.gov), or respective field counsel.

h. Nonexempt Positions. Regardless of whether an employee's position is otherwise exempt, see Attachment 1, employees in the following categories must file an OGE Form 450:

- (1) Employee holding a contracting officer's warrant,

- (2) Employee who serves as a contracting officer's representative or contracting officer's technical representative, or
- (3) Employee is a purchase card holder with a transactional limit exceeding \$3,000.00.
- (4) Any employee who DOE deems to be a Confidential filer pursuant to the regulatory provisions at 5 C.F.R. 2634.904.

i. Exempted Positions.

- (1) Unless the employee is in one of the nonexempt categories listed above, all other exempted positions are listed in Attachment 1 in numerical order by occupational series, with the respective exempted grade levels.
- (2) Unless the employee is in one of the nonexempt categories listed above, all employees who occupy wage grade positions in occupational series 02500 and higher are exempt.
- (3) Certain employees occupying an Excepted Service position (EJ, EK, and EN series) may be exempt from filing OGE Form 450, depending on his or her pay band and occupational series. Please see Attachment 2 to determine if the employee is exempt.

5. RESPONSIBILITIES.

a. Office of the General Counsel.

- (1) Reviews OGE Form 450 upon employee submission.
- (2) Ensures that all deadlines for receipt and review of OGE Form 450 are met.
- (3) Answers questions regarding OGE Form 450 if necessary.
- (4) Advises heads of Departmental elements regarding employees who have not complied with the reporting requirements.

b. Office of Human Capital Management.

- (1) Advises employees they must file an OGE Form 450 within 30 days of entering into a position subject to the filing requirements.
- (2) Directs covered employees where to file their reports and to contact the Office of the Assistant General Counsel for General Law with questions.

c. Heads of Departmental Elements. Ensure that employees comply with the reporting requirements as described above.

d. Field Counsel.

- (1) Review OGE Form 450 submitted by field employees.
- (2) Answer questions from respective field employees regarding OGE Form 450 if necessary.

e. Field Human Capital Management Officers.

- (1) Advise respective field employees they must file an OGE Form 450 within 30 days of entering into a position subject to the filing requirements.
- (2) Direct covered employees where to file their reports and to contact their respective field counsel with questions.

f. Employees serving in positions required to file OGE Form 450.

- (1) Ensure compliance with reporting requirements.
- (2) Remain aware of their nonexempt status.
- (3) Ensure all deadlines are met.

6. DEFINITIONS.

- a. Annual OGE Form 450. Same form as the Confidential Financial Disclosure Report (OGE Form 450) except the report is due on February 15 for the preceding calendar year.
- b. Confidential Financial Disclosure Report (OGE Form 450). Standardized form promulgated by the Office of Government Ethics that must be completed by DOE employees regarding their financial situation.
- c. Employee. An employee whose position is not listed as an exempt position on Attachment 1, or falls in one of the nonexempt categories of paragraph 4h.
- d. New Entrant OGE Form 450. Same form as the Confidential Financial Disclosure Report (OGE Form 450) except the form must be filed not later than 30 days after an employee enters a position subject to the filing requirements. The reporting period is the preceding 12 months prior to the report date.

7. REFERENCES.

- a. Title XXXII of P.L. 106-65, National Nuclear Security Administration Act, as amended, which established a separately organized agency within the Department of Energy.
- b. Ethics in Government Act of 1978, 5 U.S.C. App., as amended.

- c. Confidential Financial Disclosure Reports, 5 C.F.R. § 2634.901.
  - d. United States Code, 18 U.S.C. § 202.
  - e. Federal Advisory Committee Act, 5 U.S.C. App. § 3(2).
8. NECESSITY FINDING STATEMENT. In compliance with Sec. 3174 of P.L. 104-201 (50 U.S.C. 2584 note), DOE hereby finds that this Order is necessary for the protection of human health and the environment or safety, fulfillment of current legal requirements, or conduct of critical administrative functions.
9. CONTACT. Questions concerning this Order should be addressed to the Office of the Assistant General Counsel for General Law, Standards of Conduct, at 202-586-1522.

BY ORDER OF THE SECRETARY OF ENERGY:



JEFFREY F. KUPFER  
Acting Deputy Secretary

### EXEMPTED POSITIONS

All exempted positions are listed below in numerical order by occupational series, with the respective exempted grade levels. For example, all employees in the occupational series 00018 at grade 13 and below are exempt from filing a Report. For example, all employees in the Future Leaders Pay Plan, occupational series 0018 at pay band 3 or lower are exempt from filing a Report.

GS Employees			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
00018	13	00019	15
00020	13	00023	15
00028	13	00029	15
00080	13	00081	15
00084	15	00085	15
00086	15	00099	15
00101	13	00110	13
00119	13	00130-132	14
00134	15	00150	15
00170	15	00180	13
00193	13	00199	15
00201-299	15	00301	13
00302-305	15	00312-313	15
00318-319	15	00322	15
00326	15	00332	15
00334	13	00335	15
00340-343	13	00344	15
00346	15	00350-351	15
00360-361	15	00382	15
00390	15	00391	13
00392	15	00394	15
00399	15	00401	13
00403	13	00408	13
00415	13	00430	13
00440	13	00457	13

GS Employees (continued)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
00460	13	00462	15
00480	13	00482	13
00486	13	00499	15
00501	13	00503	15
00505	13	00510	11
00511	no exemptions	00525	15
00540	15	00544	15
00560	13	00561	15
00599	15	00601-603	13
00610	15	00621	15
00670-671	13	00690	13
00699	15	00801-804	13
00806-810	13	00817-818	15
00819	13	00830	13
00840	13	00850	13
00854-855	13	00856	15
00861	13	00880-881	13
00892-893	13	00896	13
00899	15	00901	12
00904	15	00905	12
00930	12	00935	13
00950	15	00963	15
00965	12	00986	15
00999	15	01001	13
01015	13	01016	15
01020	15	01035	13
01060	15	01071	13
01082-1084	13	01087	15
01099	15	01101	12
01102	11	01103-1105	12
01106-1107	15	01130	12



GS Employees (continued)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
01140	12	01150	12
01152	12	01160	12
01163	12	01170-1171	12
01176	12	01199	15
01202	15	01220-1222	12
01299	15	01301	13
01306	13	01310	13
01311	15	01313	13
01315	13	01316	15
01320	13	01321	13
01340	13	01341	15
01350	13	01370	13
01371	15	01372-1373	13
01374	15	01399	15
01410-1412	15	01420-1421	15
01499	15	01510	13
01515	13	01520	13
01521	15	01529	13
01530	13	01531	15
01550	13	01599	15
01601	13	01603	13
01640	13	01654	13
01670	13	01699	15
01701	12	01702	15
01712	13	01720	12
01750	13	01799	15
01801	12	01810	no exemptions
01811	no exemptions	01825	12
01899	15	01910	12
01999	15	02001	13
02003	13	02005	15

GS Employees (continued)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
02010	13	02030	15
02050	15	02099	15
02101	13	02102	15
02130-2131	13	02150-2151	13
02181	15	02199	15
02210	13	02299	15
02500 and higher	all are exempt		
Prevailing rate	all are exempt		
Administratively Determined	all are exempt		

**NNSA PAY BAND EMPLOYEES**

Future Leaders (NF)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
0018	03	0020	03
0023	03	0028	03
0080	03	0099	03
0101	03	0110	03
0130	03	0131	03
0132	03	0150	03
0170	03	0180	03
0193	03	0199	03
0201	03	0241	03
0243	03	0244	03
0249	03	0260	03
0299	03	0301	03
0340	03	0341	03
0342	03	0343	03

Future Leaders (NF) (continued)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
0346	03	0360	03
0391	03	0399	03
0401	03	0403	03
0408	03	0415	03
0430	03	0440	03
0460	03	0480	03
0482	03	0486	03
0499	03	0501	03
0505	03	0510	02
0511	no exemptions	0560	03
0599	03	0601	03
0602	03	0603	03
0610	03	0671	03
0690	03	0699	03
0801	03	0803	03
0804	03	0806	03
0807	03	0808	03
0810	03	0819	03
0830	03	0840	03
0850	03	0854	03
0855	03	0861	03
0880	03	0881	03
0892	03	0893	03
0896	03	0899	03
0901	02	0904	03
0905	02	0930	02
0935	02	0950	03
0965	02	0999	03
1001	03	1015	03
1035	03	1071	03
1082	03	1083	03

Future Leaders (NF) (continued)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
1084	03	1099	03
1101	02	1102	02
1103	02	1104	02
1130	02	1140	02
1150	02	1160	02
1163	02	1170	02
1171	02	1176	02
1199	03	1220	02
1221	02	1222	02
1299	03	1301	03
1306	03	1310	03
1313	03	1315	03
1320	03	1321	03
1340	03	1350	03
1370	03	1372	03
1373	03	1399	03
1410	03	1412	03
1420	03	1499	03
1510	03	1515	03
1520	03	1529	03
1530	03	1550	03
1599	03	1601	03
1640	03	1654	03
1670	03	1699	03
1701	02	1712	03
1750	03	1799	03
1801	02	1810	no exemptions
1811	no exemptions	1825	02
1899	03	1910	02
1999	03	2003	03
2010	03	2030	03

Future Leaders (NF) (continued)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
2050	03	2099	03
2101	03	2130	03
2150	03	2199	03
2210	03	2299	03

Engineering and Scientific (NN)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
0801	03	0803	03
0804	03	0806	03
0807	03	0808	03
0810	03	0819	03
0830	03	0840	03
0850	03	0854	03
0855	03	0861	03
0880	03	0881	03
0892	03	0893	03
0896	03	0899	04
1301	03	1306	03
1310	03	1313	03
1315	03	1320	03
1321	03	1340	03
1350	03	1370	03
1372	03	1373	03
1399	04		
0018	02	0019	04
0020	02	0023	04
0028	02	0029	04
0080	02	0081	04

Professional, Technical and Administrative (NQ)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
0099	04	0101	02
0110	02	0119	02
0130	03	0131	03
0132	03	0150	04
0170	04	0180	02
0193	02	0199	04
0201	04	0241	04
0243	04	0244	04
0249	04	0260	04
0299	04	0301	02
0340	02	0341	02
0342	02	0343	02
0346	04	0360	04
0390	04	0391	02
0399	04	0401	02
0403	02	0408	02
0415	02	0430	02
0440	02	0457	02
0460	02	0462	04
0480	02	0482	02
0486	02	0499	04
0501	02	0505	02
0510	01	0511	no exemptions
0560	02	0599	04
0601	02	0602	02
0603	02	0610	04
0621	04	0671	02
0690	02	0699	04
0802	02	0817	04
0856	04	0899	04
0904	04	0905	02

Professional, Technical and Administrative (NQ) (continued)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
0930	02	0950	04
0999	04	1001	02
1015	02	1016	04
1035	02	1060	04
1071	02	1082	02
1083	02	1084	02
1087	04	1099	04
1101	02	1102	01
1103	02	1104	02
1130	02	1140	02
1150	02	1160	02
1163	02	1170	02
1171	02	1176	02
1199	04	1202	04
1220	02	1221	02
1222	02	1299	04
1311	04	1316	04
1341	04	1371	04
1374	04	1399	04
1410	04	1412	04
1420	04	1421	04
1499	04	1510	02
1515	02	1520	02
1521	04	1529	02
1530	02	1531	04
1550	02	1599	04
1601	02	1640	02
1654	02	1670	02
1699	04	1701	02
1712	02	1750	02
1799	04	1801	02

Professional, Technical and Administrative (NQ) (continued)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
1810	no exemptions	1811	no exemptions
1825	02	1899	04
1910	02	1999	04
2001	02	2003	02
2010	02	2030	04
2050	04	2099	04
2101	02	2130	02
2131	02	2150	02
2181	04	2199	04
2210	02	2299	04

Technician and Administrative Support (NU)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
0019	03	0029	03
0081	03	0085	03
0086	03	0099	03
0119	03	0134	03
0199	03	0203	03
0299	03	0302	03
0303	03	0303	03
0304	03	0305	03
0312	03	0313	03
0318	03	0319	03
0322	03	0326	03
0332	03	0335	03
0344	03	0350	03
0361	03	0382	03
0390	03	0392	03
0394	03	0399	03



Technician and Administrative Support (NU) (continued)			
Occupational Series	This grade and lower grades are exempt	Occupational Series	This grade and lower grades are exempt
0462	03	0499	03
0503	03	0525	03
0540	03	0544	03
0561	03	0599	03
0621	03	0699	03
0802	03	0809	03
0817	03	0856	03
0899	03	0963	03
0986	03	0999	03
1001	03	1016	03
1020	03	1060	03
1087	03	1099	03
1101	03	1105	03
1106	03	1107	03
1152	03	1199	03
1202	03	1299	03
1311	03	1316	03
1341	03	1371	03
1374	03	1399	03
1411	03	1421	03
1499	03	1521	03
1531	03	1599	03
1603	03	1699	03
1702	03	1799	03
1899	03	1999	03
2001	03	2005	03
2099	03	2102	03
2131	03	2151	03
2181	03	2199	03
2299	03		

Nuclear Material Courier (NV):	
Occupational Series	This grade and lower grades are exempt
0084	04

### EXCEPTED SERVICE POSITIONS

Employees occupying an Excepted Service position (EJ, EK, and EN series) might be exempt from filing a Confidential Financial Disclosure Report, depending on his or her pay band and occupational series. First, on the chart below, an EJ, EK, or EN employee should use his or her Excepted Service pay band to determine the equivalent grade. (For example, the chart below shows that an EJ employee in pay band III has an equivalent grade of 12.) Then an EJ, EK, or EN employee may determine whether he or she is required to file a Report by referring to his or her occupational series and the equivalent grade level on the above list of Exempt Positions. (Continuing the example, if the same EJ employee at pay band III is in occupational series 00850, she would be exempt from filing this Report because the Exempt List shows that this occupational series to be exempt at grade 13 and below.)

<u>Excepted Service Pay Band</u>	<u>Equivalent Grade</u>
I	07
II	09
III	12
IV	14
V	All file a Public Financial Disclosure Report (SF 278).