



# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240



IN REPLY REFER TO:

October 20, 2008

## MEMORANDUM

To: Office of the Secretary  
Office Directors  
Chairman National Indian Gaming Commission

From: Melinda Loftin, Director, Departmental Ethics Office  
*Melinda J. Loftin*

Subject: Annual Designation of Positions Required to File the OGE Form 450 Confidential Financial Disclosure Report

I am writing to request your annual list of designated positions that are required to file the annual OGE Form 450. When preparing your current list of designated positions, please be sure to include the following information:

1. Name
2. Title
3. Grade
4. Supervisor's Name
5. If the employee performs duties under the Surface Mining Control and Reclamation Act of 1977 (SMCRA); and
6. A listing of employees who are no longer with your office.

To assist you in completing this request, please refer to the criteria contained in Attachment A. These criteria are established by the U.S. Office of Government Ethics (OGE) in 5 C.F.R. § 2634.904. Please advise this Office of the names of employees who are no longer on your identified list so that we can update our records.

The confidential reporting system is designed to ensure that every citizen has confidence in the integrity of the Federal Government. Your role in this process is very important. Your ability to accurately designate covered positions in your bureaus and offices enhances the efficient and honest operation of the Government. Proper designation of covered positions helps to facilitate the review of possible conflicts of interests, and also assists the Department in administering its ethics program and counseling its employees.

Some of you may be in the process of, or just completed, updated, and transmitted to the Director of Office of Surface Mining, a list of positions that perform duties under SMCRA. Current occupants of positions shown on this list must also be included on your Designated Position list and must file the OGE Form 450 report. Be sure to denote these employees with an asterisk by their name.

**To ensure that the filing criteria are properly met, we request that managers submit new lists of positions required to file the OGE Form 450, rather than reviewing and submitting old lists. Please use Attachment A to decide which positions within your office should file the OGE Form 450. Please also prepare and return a list of those designated positions and include the names of the employees currently occupying them. All lists should be sent to the Departmental Ethics Office at Mail Stop 4251, Main Interior Building NO LATER THAN December 1, 2008.**

Also, in order to facilitate the coordination of the financial disclosure cycle, please designate a point of contact within your office that we can call upon during the filing cycle for assistance in assuring that all members of your staff have properly filed their OGE Form 450. Please provide me with his or her name and telephone number. If any new positions are designated after the December 1<sup>st</sup> deadline, please have your point of contact notify this Office so they may be added to the list. *Please be aware, when new qualified employees enter on duty, our office should be notified immediately. Employees are required to submit a completed OGE Form 450 within 30 days of entering the covered position.*

If you have any questions regarding the identification of designated positions. Please contact the Departmental Ethics Office at (202) 208-7960.

Once again, thank you for your cooperation in this matter.

Attachment

**CRITERIA FOR DESIGNATING POSITIONS UNDER THE  
OGE FORM 450 FILING REQUIREMENTS (5 C.F.R. § 2634.904)**

Your list of designations should contain the title and corresponding grade of all covered positions. The occupants of these positions will be required to file an OGE Form 450 financial disclosure report under 5 C.F.R. § 2634.904. Under this regulation the following employees are required to file the OGE Form 450:

- (1) Employees who occupy a position classified at GS-15 or below, and the duties and responsibilities of the position require the employee to participate personally and substantially through decision or the exercise of significant judgment, in taking a Government action regarding:
  - (a) Contracting or procurement (do not include IMPAC or purchase card holders whose purchases are limited to \$3,000 or less per transaction);
  - (b) Administering or monitoring grants, subsidies, licenses, or other federally conferred financial or operational benefits;
  - (c) Regulating or auditing any non-Federal entity; or
  - (d) Other activities in which the final decision or action will have a direct and substantial economic effect on the interests of any non-Federal entity.
- (2) Any position which the agency decides must file a report in order to avoid involvement in a real or apparent conflict of interest.
- (3) All Special Government Employees (unless required to file an SF 278 or granted a waiver by the DAEO).

*Personal and Substantial.* To participate personally means to participate directly. It includes the direct and active supervision of the participation of a subordinate in the matter. To participate substantially means that the employee's involvement is of significance to the matter. Personal and substantial participation may occur when, for example, an employee participates through decision, approval, disapproval, recommendation, investigation, or the rendering of advice in a particular matter. [5 C.F.R. § 2635.402(b)(4)]