

## § 84.19

in 5 U.S.C. 2302(a)(2)(A) (i) through (x) for individuals in or applicants to the following DoD positions:

- (i) Competitive service employees;
- (ii) Career appointees in the Senior Executive Service; and
- (iii) Excepted service employees other than one who is appointed by the President or whose position has been determined to be of confidential, policy-determining, policy-making, or policy-advocating character.

(2) Each personnel action with respect to a DoD employee or applicant, as described in paragraph (c)(1) of this section, shall be taken without regard to any recommendation or statement, oral or written, made by the following types of individuals:

- (i) Members of Congress or Congressional employees;
- (ii) Elected officials of any State (including the District of Columbia and the Commonwealth of Puerto Rico), county, city, or other subdivision thereof;
- (iii) Officials of political parties; or
- (iv) Other individuals or organizations making such recommendations or statements on the basis of the party affiliations of the DoD employee or applicant recommended.

(3) DoD employees may solicit, accept, and consider any statement with respect to a DoD employee or applicant described in paragraph (c)(1) of this section if the statement meets one of the following conditions:

- (i) It is pursuant to a request or requirement of the DoD Component and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of the DoD employee or applicant;
- (ii) It relates solely to the character and residence of the DoD employee or applicant;
- (iii) It is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether the DoD employee or applicant meets suitability or security standards;
- (iv) It is furnished by a former employer of the DoD employee or applicant pursuant to a request of an agency, and consists solely of an evaluation of the work performance, ability, apti-

## 32 CFR Ch. I (7-1-98 Edition)

tude, and general qualifications of such DoD employee or applicant during employment with such former employer; or

(v) It is furnished pursuant to a provision of law or regulation authorizing consideration of such statement with respect to a specific position or category of positions.

(4) DoD Component Heads are required by 5 CFR 300.801 to ensure that DoD employees and applicants described in paragraph (c)(1) of this section are notified of the provisions of 5 U.S.C. 3303.

[60 FR 20030, Apr. 24, 1995]

### § 84.19 Political activities of military members.

See DoD Directive 1344.10<sup>20</sup>, “Political Activities by Members of the Armed Forces on Active Duty,” June 15, 1990.

[59 FR 13214, Mar. 21, 1994, as amended at 60 FR 20030, Apr. 24, 1995]

## Subpart G—Financial and Employment Disclosure

### § 84.20 Office of Government Ethics regulation.

See 5 CFR part 2634, “Financial Disclosures, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees”.

### § 84.21 Public financial disclosure report (SF-278).

(a) *Individuals required to file*—(1) *Covered positions.* For purposes of this section, the following individuals are in “covered positions” and are required by the Ethics in Government Act of 1978, Public Law 95-521 (5 U.S.C. App.) to file an SF 278, with their DoD component DAEO or designee as set out in paragraph (f) of this section:

- (i) Civilian Presidential appointees;
- (ii) Regular and reserve military officers whose pay grade is 0-7 or above;
- (iii) Members of the Senior Executive Service;
- (iv) Other civilian DoD employees, including special Government employees, whose positions are classified above GS/GM-15 prescribed by 5 U.S.C.

<sup>20</sup>See footnote 4 to § 84.7(d).