



DEPARTMENT OF THE NAVY
NAVAL MEDICAL RESEARCH CENTER DETACHMENT
LIMA, PERU
UNIT NUMBER 3800
APO AA 34031 - 3800

IN REPLY REFER TO
NMRCINST 5370.1C
18 Mar 2004

NMRCD INSTRUCTION 5370.1C

From: Officer-in-Charge, Naval Medical Research Center Detachment
To: All Personnel

Subj: STANDARDS OF CONDUCT

Ref: (a) DOD DIRECTIVE 5500.7-R

1. Purpose. This instruction implements command action required by reference (a).

2. Cancellation. NMRCD Instruction 5370.1B is hereby cancelled

3. Discussion. Reference (a) details required standards of ethical conduct governing all Department of Defense personnel, sets forth requirements applicable to all personnel of certain categories in the DOD, provides guidance for personnel in interpreting and executing the standards of conduct, and spells out responsibilities and procedures for monitoring and enforcing compliance with the standards of conduct. The standards cover various subjects and are applicable to FSN, civilian employees and all active-duty military personnel of the DOD, though individuals are affected in varying degrees based on assignments and grades. To act within the prescribed standards requires a good deal of care since the individual not only must avoid any conduct that is in actual violation, but also must avoid conduct that creates the appearance of conduct prejudicial to the Government. Noncompliance with the regulations and provisions prescribed in reference (a) can result in disciplinary actions, punitive proceedings, or appropriate administrative measures. It is incumbent upon each individual to understand and abide by the standards of conduct and to properly represent the Government's interest.

4. Regulations Concerning the Conduct of NMRCD personnel. Some of the regulations embodied in reference (a), which are of the most widespread applicability to members of this command are as follows:

a. Affiliations and Financial Interests. NMRCD personnel shall not engage in any personal, business, or professional

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activity, or receive or retain any direct or indirect financial interest, which places them in a position of conflict between their private interests and the public interest of the United States related to the duties or responsibilities of their official positions

b. Using Naval Position. NMRC D personnel are prohibited from using their official positions to induce, coerce, or in any manner unlawfully influence any person, including subordinates, to provide any benefit, financial or otherwise, to themselves or others.

c. Commercial Soliciting. To eliminate the appearance of coercion, intimidation, or pressure from rank, grade, or position, Naval personnel are prohibited from making personal commercial solicitations or sales to DOD personnel who are junior in rank or grade, at any time, on or off duty.

d. Gratuities. Except as noted in specific non-applicable situations stated in reference (a), NMRC D personnel and their spouses, minor children, and member of their household shall not solicit, accept or agree to accept any gratuity for themselves, members of their families, or others, either directly or indirectly from, or on behalf of, a defense contractor. A defense contractor is a person or other entity, which is engaged in or seeks business or financial relations of any sort with any DOD component. Gratuity is defined as any gift, favor, entertainment, hospitality, transportation, loan, or any other tangible benefit - for example, discounts, passes, and promotional vendor training given or extended to, or on behalf of, naval personnel or their spouses, minor children, or households, for which fair market value is not paid by the recipient of the United States Government.

e. Speaking, Lecturing, Writing, and Appearing as an Expert Witness. Except as provided for in reference (a), NMRC D personnel are prohibited from accepting fees, reimbursements, or honoraria for speaking, lecturing, or writing, or for appearing as expert witness before State agencies.

f. Prohibition of Contributions or Presents to Superiors. Except as provided for in reference (a), NMRC D personnel shall not solicit a contribution from other DOD personnel for a gift to an official superior, or accept a gift from other DOD personnel subordinate to themselves. This, however, does not

prohibit voluntary gifts or contributions of nominal value on special occasions such as marriage, illness, transfer, or retirement, provided any gifts acquired with such contributions shall not exceed a reasonable value, as stated in reference (a)

g. Use of Government Facilities, Property and Man-power. NMRCD personnel shall not directly or indirectly use, take, dispose, or allow the use, taking, or disposing of, Government property or facilities or any kind, including property leased to the Government, for other than officially approved purposes. Government facilities, property, and manpower (such as stationery, stenographic, and typing assistance, mimeograph and chauffeur services) shall be used only for official Government business.

h. Outside Employment of DOD Personnel. NMRCD personnel shall not engage in outside employment or other outside activity, with or without compensation, that interferes with the performance of Government duties, may be expected to bring discredit upon the Government or the Navy, or which can reasonably be expected to create the appearance of conflicts of interest.

i. Gambling, Betting, and Lotteries. While on Government owned, leased, or controlled property, or otherwise while on duty for the Government, NMRCD personnel shall not participate in any gambling activity, including a lottery or pool, a game for money or property, or the sale of a number slip or ticket. The only exceptions are for activities, which have been specifically approved by the Secretary of the Navy.

j. Indebtedness. NMRCD personnel shall pay their just financial obligations in a timely manner, particularly those imposed by law (such as federal, state and local taxes), so that their indebtedness does not adversely affect the Government as their employer.

5. Reporting Suspected Violations. NMRCD personnel, who have information, which causes them to believe that other DOD personnel have violated a statute of standard of conduct imposed by reference (a) should bring the matter to the attention of appropriate command authority. The matter thereafter should be brought to the attention of the person concerned, for possible

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resolution without further command action, unless the command determines that such communication is not likely to remedy the problem or will adversely affect a proper investigation of the matter.

6. Resolving Violations. The resolution of standards of conduct violations shall be accomplished by one or more measures, such as divestiture of conflicting interests, disqualification for particular assignment or other appropriate action. Disciplinary actions shall be in accordance with established personnel procedures.

7. Statements of Affiliations and Financial Interests (OGE Form 450). Reference (a) explains what types of personnel are required to file, the time of filing, the pace of submission, and other pertinent details.

8. Responsibility. The basic responsibility for complying with this instruction and the requirements imposed by reference (a) rests with individual personnel concerned, but the primary responsibility for ensuring such compliance rests with the Officer-in-Charge. In exercising this responsibility the Officer-in-Charge is responsible for several functions, which include:

a. Disseminating applicable standards of conduct information within the Detachment at least semi-annually

b. Ensuring that all personnel required to file confidential statements of affiliation and financial interests reports submit them in a timely manner.

c. Make conflicts of interest determination and take appropriate action. Receiving and taking prompt and appropriate action on reports concerning acceptance of gratuities or other violations by personnel within the detachment.

9 Action.

a. Individual. Personnel who are involved in situations in which they believe there may be a conflict of interest should report the pertinent information to their Department Head.

b. Department Heads Shall:

(1) Ensure that all personnel under their supervision read and understand this instruction and semiannual notices regarding standards of conduct.

(2) Read and develop a good working knowledge of reference (a).

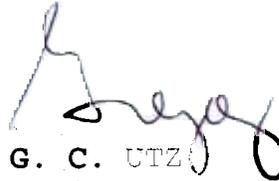
(3) Advise the Administrative Officer of information received regarding possible conflicts of interest and violations of the standards of conduct.

c. The Administrative Officer Shall Perform the Following Duties:

(1) At least semiannually, disseminate applicable standards of conduct information.

(2) Perform an annual review of positions and advise the Officer-in-Charge of the names of personnel within the organization, who should file statements of affiliations and financial interest.

(3) Recommend a course of action to the Officer-in-Charge regarding reports of violations of the standards of conduct.


G. C. UTZ
Acting

