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Office of the Commanding General

VDF-HCG

03 January 2022

Command Policy Letter: CG Policy Letter 001-2022

SUBJECT: VDF Command Policy on Conflict of Interest Policy and Disclosure

References: 2.2-3100 Code of Virginia State and Local Government Conflict of Interest Act; 5 C.F.R. 2635 Standards of Ethics Conduct made applicable to "Title 32 National Guard Members" per DoD 5500.07, 1-300 (b), as applicable to VDF members; Conflicts of Interest Ethics Counselors Deskbook 2019; Reserve Component Ethics Issues, 14th Ethics Counselor Course Deskbook 2016; Department of Defense Standards of Conduct: <https://dodsoco.ogc.osd.mil/Ethics-Program-Resources/Ethics-Laws-and-Regulations/>

1. All VDF personnel shall adhere to the following guidelines in the event of possible conflicts of interest including, but not limited to, employment, financial or impartiality in performance of official duties.
2. The intent is to provide guidance for all personnel deployed under State Active Duty orders who maintain separate employment.
3. DMA has identified possible conflicts of interest for VDF members who while deployed on extended SAD orders continue to work full time simultaneously in their civilian status for their employers.
4. Be advised VDF member will generally not be allowed to also remain on full time work status if on extended SAD. There should be some form of leave status from their employer, unless on case-by-case basis they are reviewed by DMA, VDF Commanding General and a VDF Judge Advocate. Any possible conflicts of interest issues shall be submitted to a VDF Judge Advocate before any waiver request.
5. Employees shall place loyalty to the Constitution, the laws, and ethical principles above private gain. Employees may not hold financial interests that conflict with the conscientious performance of their duties.
6. Thomas Jefferson enunciated the basic principle of public service as "a public trust." This sentiment has been expressed by numerous others over the history of our Nation and over time has become the familiar principle that "public service is a public trust." To ensure public confidence in the integrity of government officials, and in our case, as members of the Virginia Defense Force (VDF), a state organization under the Virginia Department of

Military Affairs (VaDMA), ethical behavior is required and expected of all VDF personnel as representatives of the Commonwealth of Virginia. As a condition of public service, you are expected to adhere to the fundamental principles of ethical behavior, to include avoiding conflicts of interest when there is evidence of or the appearance of such that a VDF member's personal interests, to include financial interests, have influenced or may influence the execution of official Commonwealth duties, or that these interests take precedence over the interests, goals, and/or mission of the Commonwealth and the execution of such duties, particularly when serving in a State Active Duty (SAD) capacity.

6. Conflicts of interest, or the perception of such, for members of the VDF refer to conflicts between their public duties, i.e., while serving in a SAD status, with their private interests, e.g., as an employee with a private company, or conflicts between two or more public duties, e.g., a VDF member who also holds a position with official duties with a federal, state, tribal or local government entity. These situations are sometimes known as "wearing two hats." It is important to remember that having a conflict of interest or the perception of one is not only inherently problematic, but also, it is as equally important as to how the conflict or perception of one is managed to ensure the protection of the public interest as we are stewards of this trust.

7. Questions to ask yourself to identify potential conflicts:

- **Public duty/private interest:** Do I have a private interest or another public duty that may conflict, or be perceived to conflict with my public duty?
- **Potentialities:** Are there possible benefits for me now, or in the future, that have the potential to cast doubt on my objectivity in this situation?
- **Perception:** Remembering that perception is important in maintaining integrity, how will others perceive my involvement in this situation or potential for loss of objectivity?
- **Proportionality:** Does my involvement in this situation appear fair and reasonable, when taken in context?
- **Promises:** Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/decision?

8. To these questions, you are responsible for evaluating your own individual situation to assess if a conflict might exist and to manage, reduce, or eliminate this conflict, particularly prior to assuming an SAD status, such as being placed in a leave status by your employer during your period of SAD. The key to handling any conflict is full disclosure of any potential conflict or the appearance of a conflict.

9. If you have a question or concern as to whether a conflict of interest exists, I require you to discuss this first with your chain of command and then seek the guidance of the VDF's Judge Advocate in coordination with the VaDMA's senior staff attorney. All such conflicts of interest, actual or perceived, will be brought to the Commanding General for final adjudication.

/s/Justin P. Carlitti, Sr.
Justin P. Carlitti
BG, VDF Commanding

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