

**PLAIN LANGUAGE GUIDE TO
NEW JERSEY'S EXECUTIVE BRANCH
ETHICS STANDARDS**

Revised January 2024

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Prohibition on Use of Confidential Information

reimbursement of expenses, a part-time employee or a New Jersey member of an interstate agency if your duties are not full-time).

GIFTS, FAVORS, SERVICES AND OTHER THINGS OF VALUE

function or similar event that takes place away from your work location is sponsored or cosponsored by a supplier or a non-State government source and the invitation for which is extended to you because of your official position

an organization a majority of whose members are interested parties

In general, an interested party is any person or entity that you or your agency deal with, contact, or regulate in the course of official business

You or the State must pay your reasonable expenses associated with attending the event, and neither you or the State can receive travel, meals, accommodation, waiver of conference event fees or any other costs associated with attending the event, or reimbursement for such costs, from any source. There may be an exception to this rule if you take an active role in the event (see below).

If You Take an Active Role in the Event: If an event is designed to provide training, dissemination of information, or the exchange of ideas, and you will be making a speech, participating in a panel at the event, or acting as an accompanying resource person for the speaker and/or participant, you must seek approval

submit a bid to provide this equipment, and is therefore an interested party with respect to the MVC, the employees may not partake of the seafood buffet at the expense of the vendor. The employees may, however, pay the cost of the buffet personally.

Three employees from different units of the Department of Transportation are responsible for weekly monitoring of a construction project. Each Friday morning they meet with the contractor's representative at the site field office to review the week's progress and to assess projected schedules. The meetings generally last one to two hours, coffee is available, but no other refreshments or meals are served or offered. Because no direct or indirect benefits are offered or provided, and because the meetings are part of the employees' job responsibilities, the meetings are not considered "events" for the purposes of this Guide.

Considerations in Granting Approval. Your ELO must determine whether a legitimate State purpose will be served by your attendance at an event, and must consider applicable laws, regulations, the Uniform Ethics Code, any agency supplemental ethics code, guidelines, departmental administrative policies, and any other relevant considerations. These might include the identity of the sponsor and the other participants, the purpose of the event, whether the event will assist you in carrying out your official duties and support your agency's mission, and the value and character of the costs, and/or benefits provided by the sponsor (including whether they are comparable to those offered to or purchased by other attendees). In some instances, the ELO is required to forward the approval to the Commission for review.

Scholarly Capacity. Special rules apply to State officials acting in a scholarly capacity, as that term is defined in N.J.A.C. 19:61-62. State officials acting in a scholarly capacity may accept honoraria related to their scholarly activities, and must complete an annual disclosure form that discloses reimbursement for any travel, subsistence or entertainment expenses, honoraria, academic prizes, or other things of value related to activities performed in a scholarly capacity that were received during the prior calendar year.

Other Resources. For a more complete discussion of this subject, see N.J.A.C. 19:61-61 to -68 at www.nj.gov/ethics/statutes/rules/.

POLITICAL ACTIVITY

You are permitted to be involved in partisan political activities, provided there is no provision in your agency's supplemental code of ethics prohibiting those activities. The supplemental ethics codes of the Election Law Enforcement Commission, the State Ethics Commission, and several other agencies have specific provisions prohibiting such activities. Under no circumstances may you use State time or State resources in pursuit of political activities. You should notify your ELO prior to engaging in partisan political activities so that your situation can be reviewed to determine what, if any, restrictions apply.

The restrictions on your soliciting or accepting things of value do not apply to the solicitation or acceptance of contributions to the campaign of a named candidate for elective public office. However, you cannot accept a campaign contribution if you know it is being given in lieu of a payment that you would otherwise be prohibited from accepting.

Federal Hatch Act. On December 19, 2012, Congress passed the Hatch Act Modernization Act of 2012. The Act allows State and local government employees to run for partisan political office unless the employee's salary is paid for entirely by federal loans or grants. Prior to this change, State and local government employees were prohibited from running for partisan office if they worked in connection with programs financed in whole or in part by federal loans or grants. The House Speaker

Covered State and Local Employees May:

run for public office in partisan elections;

actively campaign for candidates for public office in partisan and non-partisan elections; and

contribute money to political organizations and attend political fundraising functions

Covered State and Local Employees May Not:

use official authority or influence to interfere with or affect the results of an election or nomination or

directly or indirectly coerce contributions from subordinates in support of a political party or candidate

The Hatch Act is a federal statute, not under the jurisdiction of the Commission. An interested party may request an advisory opinion from the Office of Special Counsel, Hatch Act Unit, 1730 M Street, NW, Suite 300 Washington, DC 20036-4505 Telephone 800 85 HATCH (800 854 2824) or 202 254 3650. You may also visit the website of the United States Office of Special Counsel, at www.osc.gov.

Other Resources. For a more complete discussion of this subject, see "State Employees' participation in Political Activities," www.nj.gov/efics/states/guide/political_activities.html.

OUTSIDE EMPLOYMENT/ACTIVITIES

Special Rules Applicable to Designated State Officers. The Governor; the Attorney General, Commissioners of State agencies, heads of the other Executive Branch departments, specified members of the Appellate Division of the Superior Court, and the State Board of Education.

assist small businesses employing fifty people or less, pursuant to the same terms and conditions as those offered to members of the public generally.

Prohibitions on Representing Parties other than the State There are severe restrictions on your ability (and that of any partnership, corporation, or firm in which you have an interest) to represent, appear for, or negotiate on behalf of a person other than the State in connection with any cause, proceeding, application, or other matter, including a negotiation concerning the acquisition or sale of property of any sort, pending before any State agency. See N.J.S.A. 52:13D-15 and 16

Representation does not only involve personally appearing before a State agency on behalf of an individual or entity. Under Commission precedent, representational activities also include

Personal or Financial Interest Sometimes, conflicts situations occur because of your personal relationships or financial circumstances. For example, you may be involved in reviewing vendor qualifications for a contract your agency is preparing to issue, and discover that your sibling's company has submitted a proposal. To avoid that inherent conflict of interest, you must formally recuse yourself from the review by assigning another individual to handle the matter (or advising your supervisor of the need to do so), and by ensuring that you are screened from any communications about the review. See the Commission's rule on recusal, at N.J.A.C. 1961-71 et seq for more information about when and how to recuse yourself.

FINANCIAL DISCLOSURE

Some State offices and employees and special State offices and employees are required by statute,

request, after the Commission has reviewed the matter. Interviews are occasionally conducted via telephone. Investigations also frequently involve the review of documents.

If the Commission determines that the testimony of any person is required, and that person refuses to appear, a subpoena may be issued.

During the course of a preliminary investigation, no information concerning an allegation is made public. Upon the conclusion of the preliminary investigation, a written report is presented to the entire Commission. The Commission's meeting is not a formal hearing. No witnesses appear. A full due process hearing is held at the Office of Administrative Law ("OAL"), if and when the Commission determines that indications of a violation exist. The Commission meeting dates are posted on the Commission's website at www.nj.gov/ethics. Its meetings are open to the public. Reports of the Commission's preliminary investigations are privileged communications between the staff and Commission members, and are considered in closed session.

If the Commission finds that there has been no violation of the Conflicts Law, the Uniform Ethics Code or the relevant agency's supplemental code of ethics, as alleged, it will dismiss the allegation. This occurs in an open public session. If the Commission determines that there are indications of a violation warranting further proceedings, a complaint is issued and the matter is transferred to the Office of Administrative Law for a hearing pursuant to the requirements of the Administrative Procedure Act, N.J.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1 et seq. Although the Commission is also authorized to hold hearings, they are not normally done due to time constraints. Prior to an OAL hearing, witnesses may be interviewed by the investigative staff. After the OAL hearing is concluded, a decision is issued in accordance with the time frame set forth in d C.

This can happen in a number of ways, ranging from very informal advice to official written opinions. In many cases, questions can be answered with a telephone call or a visit with Commission staff. In other cases, employees might want to get a written opinion from the staff that is "unofficial," but does not represent the advice sought and received.

An "official" advisory opinion is one that is presented to the full Commission at a public meeting. Such an opinion is given in situations that are less clear, or for which there is little precedent. If you receive and