

**DEPARTMENT OF LAW AND PUBLIC SAFETY  
SUPPLEMENTARY CODE OF ETHICS**

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**FOREWORD**

The New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) establishes specific standards of conduct for State employees and officers. Pursuant to the Law, the State Ethics Commission has issued a Uniform Ethics Code to govern and guide the conduct of State officers and employees and special State officers and employees in State agencies in the Executive Branch of State Government and to serve as the primary code of ethics for such agencies. In accordance with N.J.S.A. 52:13D-23, the Department of Law and Public Safety (hereinafter the “Department”) promulgates as a supplement to the Uniform Ethics Code this Code of Ethics that addresses the particular needs and problems of the Department with standards of conduct for all State officer and employees, as defined by N.J.S.A. 52:13D-13(b), and special State officers and employees, as defined by N.J.S.A. 52:13D-13(e), within the Department.

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**I. Scope and Purpose:** This Code of Ethics shall be followed by all officers and employees within the Department of Law and Public Safety under the supervision of the Attorney General. It is applicable to all temporary and permanent personnel in the career, unclassified, and senior executive services, and it is deemed to have been accepted as a condition of employment by any individual who continues to be or becomes an officer or employee of any Division or Agency within the Department. An agency designated as "in, but not of, the Department" may choose to make this Code applicable to its personnel upon written notification to the Department Ethics Liaison Officer and the State Ethics Commission.

In addition to the purposes and goals stated in N.J.S.A. 52:13D-12 and N.J.S.A. 52:13D-23, the Department promulgates this Code to preserve public confidence in the administration of justice and the enforcement of laws, to maintain the efficiency and morale of the Department's officers and employees, to protect the integrity of the public employment system, and to protect its officers and employees from private, commercial, economic, or political interference.

**II. Administration:** The Attorney General shall designate a Department Ethics Liaison Officer to serve as the Department liaison officer to the State Ethics Commission. The Officer shall perform such duties as the Uniform Ethics Code or this Code assigns. Each division director or agency head shall designate an ethics liaison officer to assist the Department Ethics Liaison Officer and perform such duties as this Code assigns. The Department Administrator, through the Human Resource Management section, shall provide for the distribution of such forms, notices, and advisories as may be necessary to implement the provisions of the Code or the policies or directives of the State Ethics Commission. The Department Ethics Liaison Officer shall meet periodically with the ethics personnel of the Department to discuss outstanding issues and may recommend to the Attorney General additions or modifications to this Code.

**III. Terms Used in the Department Code:** Except where otherwise indicated, terms used in this Code that are defined by the Uniform Ethics Code shall have the same meaning as provided by the Uniform Ethics Code. In addition, for the purposes of the Department Code, the following terms shall have the meanings indicated unless the context clearly indicates otherwise:

"AELO" means the ethics liaison officer designated by a division or agency head.

"Agency" means a division or agency in the Department or an agency in, but not of, the Department that has chosen to follow this Code.

"Agency Head" means a division director or other agency head.

"COIL" means the Conflicts of Interest Law.

"DELO" means the Department Ethics Liaison Officer.

“Department Code” or “Code of Ethics” or “this Code” means the Department of Law and Public Safety Supplementary Code of Ethics.

"Legal Staff" means any Assistant Attorney General, Deputy Attorney General, Law Assistant, or any attorney holding office or employment and rendering legal advice, legal analysis or legal services to the Department.

"Officer or Employee" means all State officers and employees and all special State officers and employees in the Department of Law and Public Safety or in an agency in, but not of, this Department that has chosen to follow this Code.

"Department ethical standards" means the COIL, the UEC, this Code of Ethics, the Division of Gaming Enforcement Code of Ethics, the Code of Ethics for County Prosecutors, and any other code, statute, regulation, directive, or policy applicable to the conduct at issue.

"Information" means information whether or not reduced to a record in any medium.

"SEC" means the State Ethics Commission.

"UEC" means the Uniform Ethics Code.

**IV. Supplemental Provisions:** All officers and employees are subject to the provisions of the UEC and the supplemental provisions of this Code set forth below. Officers and employees shall refer to both the Uniform Ethics Code and this Code to determine standards applicable to their conduct. For purposes of guidance and clarity, this Code may repeat or summarize in whole or in part selected provisions of the UEC; however, officers and employees must abide by all provisions of the UEC whether or not such provisions are repeated or summarized in whole or in part in this Code.

## **Section II: General Standards of Conduct**

**A. General Duties:** An officer or employee shall have the duty to:

1. Hold office or employment as a public trust and strive to preserve and protect the public's confidence in the Department's fair and impartial execution of its duties and responsibilities.
2. Support the Constitution of the United States and the Constitution of the State of New Jersey and comply with the laws of the United States and the laws of this State and its political subdivisions.
3. Make decisions in connection with official duties on a fair and impartial basis and without regard to race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), religion, affectional or sexual orientation, marital status, familial status, atypical hereditary cellular or

blood trait, gender identity or expression, disability, political affiliation, or other improper consideration.

4. Refrain at all times from any criminal conduct and cooperate with law enforcement officers in the proper performance of their official duties.
5. Meet his or her responsibilities for the payment of federal, state, and local taxes and shall promptly satisfy all final judgments, liens, decrees, or similar court-ordered obligations placed upon him or her.
6. Perform duties with professionalism and with courtesy to other officers and employees and the public.
7. Hold in public trust any property owned or leased by the State, or any other property or funds entrusted to him or her in the course of his or her duties and shall exercise reasonable care to protect such property from waste, destruction, or improper use.
8. Timely file any financial disclosure required by statute, executive order, or regulation.

**B. Misuse of Official Position or Information / Other Prohibited Activity / Interests:** No officer or employee shall:

1. Make use of his or her office or employment for the purpose of promoting or advertising any off-duty activity, regardless of whether said activity is prohibited or permitted by this Code.
2. Perform official duties in any manner from which it might be reasonably inferred that the influence either of a personal relationship or of an unprofessional circumstance caused the officer or employee to act in a biased or partial manner.
3. Use Department personnel, property, supplies or information in any manner to further private interests or satisfy private obligations.
4. Falsify, or knowingly alter, destroy, or conceal any writing or record or other form of evidence required to be kept by law or regulation or Departmental policy which is entrusted to them in the course of their duties.
5. Disclose, other than to persons authorized to receive such information, or use in the furtherance of any private interest of the officer or employee or another, whether or not for pecuniary gain, (a) any confidential information, any non-public, material information, or any other information not generally available to the public, acquired in the course of official duties or by virtue of his or her office or employment. The term “material non-public information” means information (1) which can reasonably be expected to be significant to the public at large or

members of the public interested in an official matter whether the matter be civil or criminal or related to legislation or licensing or other regulatory matters or eligibility for or receipt of financial assistance from the State and (2) where such disclosure would provide an unwarranted advantage to another or interfere with the fair and objective determination of a matter or the operations of the Department and (3) has not been made public by the Department. Information made public may be considered "non-public" if the time during which it has been made public has been insufficient to allow for the public's evaluation and response to the official matter.

6. Use any information in the custody and control of the Department or agency thereof for the furtherance of any private interest of the officer or employee or another, whether or not the interest is pecuniary in nature.

7. Engage in any transactions, business, or professional activity which is in substantial conflict with the proper discharge of duties or interferes with the operation of the Department.

### **C. Duty to Disclose and Seek Assistance**

1. Any officer or employee who (a) is charged with a crime, (b) is charged with an offense, (c) is charged with a motor vehicle violation that would adversely impact on the performance of duties, or (d) intends to testify on behalf of an accused in a criminal action, or on behalf of a party that is an adversary of the State of New Jersey in any civil judicial action, shall promptly report the charge or the intention to testify to the AELO.

2. Any officer or employee who is aware of conduct by himself or herself or any other officer or employee in the Department which violates the UEC, this Code of Ethics, State, federal or other Department ethical standards shall disclose the conduct to the DELO.

3. An officer or employee who has a reasonable doubt as to the propriety of any action under the UEC, this Code, or other Department ethical standards shall seek the assistance of the AELO or the DELO to resolve the doubt before taking the action. Such assistance shall also be sought when reasonable doubt exists as to the application or meaning of any provision of the UEC, this Code or other Department ethical standards.

4. An officer or employee shall submit in the form of a written explanation all relevant circumstances and details any disclosure, notification, report, or request for assistance or advice required by the provisions of this Code. In appropriate matters, the Agency Head shall request the DELO to seek, on behalf of the employee or the Department, a formal advisory opinion from the SEC.

5. An officer or employee who reasonably believes any activity, policy, or practice of the Department is in violation of a law, or a rule or regulation promulgated pursuant to law, or is fraudulent or criminal, or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare shall disclose the activity, policy, or practice to the person designated by the officer or employee's agency to receive such disclosures pursuant to the provisions of the Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq.

6. In situations where the conduct of an officer or employee in the Department involves potential criminality, disclosure shall be made in accordance with the procedures set forth in Section XV of this Code.

### **Section III: Acceptance of Gifts**

- A. Prohibition on Accepting Gifts:** No officer or employee shall solicit, receive, or agree, directly or indirectly, to receive any gift or benefit of any kind, whether or not pecuniary in nature, under circumstances from which it might reasonably be inferred that the gift or benefit was given or offered for the purpose of influencing the officer or employee in, or rewarding him or her for, the discharge of official duties or because of his or her status as a public officer or employee.
- B. Reporting:** Any officer or employee shall report immediately through the AELO to the DELO any offer of employment or any gift or benefit, whether or not pecuniary in nature, made with the purpose of influencing the performance of his or her duties or made because of his or her status as an officer or employee by a person or organization with whom the officer or employee has had contact in his or her official capacity. No such offer or gift or benefit shall be accepted or transferred by an officer or employee prior to receiving approval from the DELO.
- C. Awards and Honors:** An officer or employee may accept an award or other honor given by a charitable or civic group because of the officer's or employee's public service provided the officer or employee accepts no monetary award, honorarium or stipend or other thing of value other than a plaque, trophy, or other commemorative item of nominal value and provided attendance at any event or function at which the award is made is in accordance with this Code and other applicable guidelines issued by the SEC. Notice of such award should be given to the Agency Head and AELO prior to its acceptance by the officer or employee.

### **Section IV: Attendance at Events**

- A. Definitions:** For the purposes of this section, this Code adopts the following definitions:
  - 1. An "event" is a meeting, conference, seminar, symposium, training course, groundbreaking, ribbon cutting, meal, open house, cocktail party,



fundraiser, holiday party, social function, or similar event that takes place away from the State official's work location, which is sponsored or co-sponsored by a supplier or a non-State government source and the invitation for which is extended to the State official because of his or her official position.

2. For the purposes of this section, this Code has adopted the SEC's definition of "event," codified at N.J.A.C. 19:61-6.2, and any subsequent changes to that definition by the SEC are hereby incorporated.
3. A "regulated event" means an event, exhibition, or activity to which admission is charged, and either (a) which is licensed or otherwise regulated by an officer's or employee's agency, or (b) the participants in which are licensed or otherwise regulated as participants by an officer's or employee's agency.

**B. Payment or Reimbursement:** No officer or employee shall accept payment or reimbursement from any source other than the State of New Jersey for expenses associated with attendance at an event sponsored by a non-State government source other than as permitted by the rules of the SEC (codified at N.J.A.C. 19:61-6.1 et seq.).

**C. Approval Required for attendance at events:** No officer or employee shall attend an event, whether or not the attendance will occur in whole or in part during working time and whether or not at State expense, without first obtaining:

1. Prior "business" approval from the Attorney General or his or her designee in accordance with applicable OMB travel regulations and any travel restrictions or policies imposed by the Governor's Office; and
2. Prior "ethics" approval that the attendance will be in compliance with the provisions of the UEC and other Department ethical standards.

**D. Required Forms:** To obtain prior ethics approval in accordance with subsection C above, the officer or employee shall complete and submit a "Request for Approval of Attendance at an Event" form (hereinafter "the request form") with the recommendation of his or her supervisor and the AELO as to whether the attendance should be approved.

1. In a situation where the attendance requires the submission of a travel authorization form required by OMB travel regulations, the request form shall be submitted with the OMB travel authorization form to the OAG travel section. The OAG AELO shall submit the request to the DELO for approval.

2. If the attendance does not require submission of a travel authorization form required by OMB, the request form shall be submitted directly to the AELO for submission to and approval by the DELO.
  3. In the case of an officer or employee of an agency that is authorized to engage in public education, training and outreach programs, the AELO may approve the request form for an officer's or employee's attendance at an event for such purpose provided (1) all travel expenses are incurred by the State or the employee, (2) the event occurs within the State of New Jersey and (3) the event involves no overnight stays by the officer or employee. In accordance with the UEC and N.J.A.C. 19:61- 6.1 et seq., a meal or waiver of a registration fee may be accepted by the officer or employee. The AELO shall maintain a record of his or her approval and provide a copy to the DELO.
- E. Attendance at Events on Personal Time:** An officer or employee who plans to attend an event on personal time shall submit a request form through the AELO to the DELO for approval in accordance with the provisions of this section.
- F. Attendance at Functions Sponsored by a State Government Source:** Attendance at a meeting, conference, seminar, symposium, training course or other function sponsored solely by a State government source does not require prior ethics approval or the submission of a request form pursuant to the provisions of the above provisions except when the State government source engages in an activity that the employee's agency regulates or licenses or for which the employee's agency issues a permit. An officer or employee who plans to attend a function sponsored by a State government source shall confirm with the AELO that the request form is not required.
- G. Tickets:** Any agency that receives free passes or tickets to an event shall not distribute such passes or tickets to any officer or employee or other person until the AELO has been consulted with and obtained from the DELO the approval to do so and the conditions which the distribution may take place.
- H. Recorded or Memorialized Presentations:** No officer or employee who speaks as a Department representative at an event sponsored by an entity other than a New Jersey state or local government agency, a non-New Jersey state or local government agency, or a federal agency shall agree to permit such remarks to be taped or otherwise memorialized by that entity for commercial purposes or for re-sale or for re-use without first seeking the approval of the AELO and DELO.
- I. Speaking in a Private Capacity:** Any officer or employee attending an event as a speaker in a private capacity under circumstances that identify him or her as an employee or officer of the Department shall declare orally where appropriate that the views expressed are his or hers and do not reflect the views of the Attorney General or the Department or any other agency of State Government.

**J. Attendance at Regulated Events:** All officers or employees shall comply with the following provisions regarding attendance at a regulated event.

1. An officer or employee who (a) attends a regulated event for purposes other than to perform official duties or (b) obtains tickets for the attendance of others must purchase tickets to the regulated event under the same conditions and at the same prices that are available to the general public. If the officer or employee receives tickets from any other source for his or her own attendance or for the attendance of others, such officer or employee shall, within five business days of the receipt of the ticket, disclose to the DELO the following information in writing: (a) the date, the location, and the nature of the event for which each ticket was received, and (b) the source from which each ticket was received.
2. No officer or employee subject to this subsection shall, directly or indirectly, (a) accept cost-free seating at a regulated event unless in attendance to perform official duties or (b) provide cost-free seating at a regulated event to any individual who is not an officer or employee of the agency unless that individual will be in attendance for an official business purpose that requires the individual to be seated during the regulated event and the Agency Head, after consultation with the DELO, has approved said attendance, in writing and prior to the individual's attendance at the regulated event.

**Section V: Political Activities**

**A. Political Activity Prohibited**

As to all Officers and Employees: No officer or employee shall:

1. Engage in political activity during the hours of duty or at any other time so as to interfere with the operation of the Department of Law and Public Safety.
2. Directly or indirectly use or seek to use the authority or influence of his or her position to control or modify the political action of another person, to coerce contributions from another person in support of any political cause, or to interfere with or influence any political matter.
3. Contribute or induce another to contribute funds, personal services, or any other thing of value to a candidate for public office, in a manner designed to circumvent the requirements of any statute governing contributions.
4. Display a political picture or sticker on any state-owned or state-leased property or wear any indicia of political affiliation while on duty or while in a uniform identifying the individual as an officer or employee.

**B. Officers and Employees Covered by Other Prohibitions:** All Division Directors, Agency Heads, Deputy Directors, Assistant Directors, any employee functioning as the Chief of Staff, Chief Executive Officer, Chief Administrative Officer, Chief Fiscal Officer, or Chief Personnel Officer of any agency, all employees functioning as executive directors or executive secretaries of professional boards or commissions, all employees in the Senior Executive Service, all Legal Staff, all State officers and employees with authority to enforce the criminal laws of New Jersey, and all Division of Elections officers and employees shall refrain from engaging in the following activities:

1. Be a candidate for or hold any appointed or elected public office, or be a candidate for or hold any elected or appointed political party office, or actively participate or assist in any campaign for these offices, including but not limited to, planning, hosting, being a speaker at, or otherwise actively participating in events relating to such campaigns.
2. Organize or reorganize a political party organization or political club. or be a candidate for or serve as an officer or member of any partisan political committee.
3. Perform any polling duties except when in the performance of his or her official duties.
4. Directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments or other funds for a partisan political purpose.
5. Publicly endorse or speak on behalf of or against the election to public office or political party office of a specific candidate or candidates or of the candidates of a particular political party in general.
6. Engage in any political activity in a manner that calls attention to or in any way relies on his or her status as a Division Director, Agency Head, Deputy Director, Assistant Director, Chief of Staff, Chief Executive Officer, Chief Administrative Officer, Chief Fiscal Officer, Chief Personnel Officer, an executive directors or executive secretaries of professional boards or commissions, employee in the Senior Executive Service or of the Legal Staff, State officer and employee with authority to enforce the criminal laws of New Jersey, or Division of Elections officer or employee.

A covered officer or employee is not prohibited from voting, making political contributions when otherwise permitted to do so, privately expressing partisan political preferences, or attending political functions in a private capacity except that no officer or employee of the Division of Elections shall make any contribution to a political party or candidate, attend any political fundraising event, or sign any nomination petition in support of a State or Federal candidate for elective office.

- C. Other State officers and employees not covered by Above Prohibitions on Candidacy or Holding of Public Office:** All other State officers and employees who intend to be a candidate for or hold any elected or appointed public or political party office shall give written notice of such activity to the Agency Head. Upon election or appointment to the public or political party office, the officer or employee shall file a request for approval of an outside activity in accordance with subsection 6, G of this Code.
- D. Hatch Act Restrictions:** Any officer or employee whose principal employment with the Department is in connection with an activity that is financed in whole or in part by loans or grants made by the United States or a Federal Agency shall not engage in political activities that would violate the Hatch Act, 5 U.S.C. § 1501 et seq.
- E. Definitions:**
1. When used in this Section, the term "political activity" means activity primarily aimed at affecting the election to public office or political party office of a specific candidate or candidates or of the candidates of a particular political party in general.
  2. When used in this Section, the term "appointed public office" does not include purely informal or advisory bodies with no effective authority to affect personal rights or to spend public money. However, Department State officers and employees may not accept an appointment, in their personal capacity, to such a non-public office without first submitting a written request for approval to their Agency Head or designee in accordance with the relevant provisions of this section.
- F. Appointments to Serve in Official Capacity:** The restrictions on appointment to public office set forth in this section do not apply to State officers and employees designated in their official capacity to serve on a public body or purely informal or advisory bodies.

### **Section VI: Outside Employment and Business Interests**

- A. Definitions:** Consistent with Section VI of the UEC, the term "outside employment or other activity" as used in this section includes the following:
1. Any business, trade, profession or other compensated employment, including the acceptance of compensation for a speech or published work;
  2. Uncompensated or volunteer work for or with any entity; or
  3. Holding office or title in the governing or advisory board of any entity.

The term also includes employment, self-employment, activity as an independent contractor, or any other form of service. For the purposes of this Code, military service in any of the armed forces of the United States, such as service in the National Guard or Reserves, does not constitute “outside employment or other activity” and is not subject to the procedures and restrictions detailed herein.

- B. Limitations on Outside Employment:** No State officer or employee shall engage in any outside employment or other activity, whether compensated or not, which might reasonably be expected to impair the objectivity and independence of judgment required in public employment or interferes with the operation of the Department.
- C. Activities subject to Licensing or Regulation by a State Agency:** No officer or employee shall engage in any business, profession, trade or occupation that is subject to licensing or regulation by a division or agency in the Department or any other State agency without first filing notice of such activity with the SEC and the AELO.
- D. Volunteer Activities:** Officers and employees are free to engage in volunteer activities on behalf of nonprofit charitable, religious, sports, professional, and other nonprofit organizations provided such activities would not reasonably be expected to cast material doubt on their objectivity and independence of judgment in the exercise of their official functions and subject to the disclosure and prior approval requirements set forth in this section.
- E. Prohibition on the Private Practice of Law by Attorneys:** As used in this subsection, the term “attorney” shall include any person licensed to engage in the practice of law in this or any other jurisdiction who holds office or employment with the Department other than as a special State officer or employee. The prohibitions on the practice of law set forth in this subsection do not apply to any actions taken by an “attorney” in the furtherance of his or military service under the judicial arm of any of the United States armed forces.
  - 1. Attorneys shall conduct themselves in accordance with every affirmative duty and obligation imposed by the New Jersey Rules of Professional Conduct and other court rules and directives or laws governing the conduct of attorneys.
  - 2. Attorneys shall not represent any party other than the State of New Jersey, or engage in the private practice of law in any other way, except with the prior, written approval of the Attorney General or designee. Such approval may, in the discretion of the Attorney General or designee, be given when:
    - (a) The activity is undertaken on behalf of the attorney or the attorney’s spouse, domestic partner, partner in a civil union, children, or parents, the

attorney receives no compensation for the activity, and the representation of the designated family member is limited to matters which are not of an adversarial nature; or

- (b) The activity is continued in order to complete a professional obligation entered into before this provision of the Department Code was adopted and is concluded as soon as practicable consistent with the rules of professional conduct to which the attorney is subject.

The activity shall not be approved if it requires the attorney to represent any party in any criminal or quasi-criminal matter or before a State licensing or regulatory body or in any matter or litigation in which the State has an interest adverse to that of the attorney's client, or is prohibited by the Conflicts of Interest Law, whether or not the representation is for compensation.

- F. Outside Activity Questionnaire:** All State officers and employees shall complete the Outside Activity Questionnaire issued by the SEC in accordance with the procedures adopted by the Department. They shall have a duty to (1) provide such information as may be necessary to determine whether an outside activity is permissible under the Code and other Department ethical standards and (2) notify the personnel officer of the employee's agency of any changes to the information disclosed on the questionnaire, including the employee's transfer to another agency within the Department, or a change in title or position, or other change in State employment.

Notwithstanding the requirement to disclose outside employment or other activities for review and approval, the UEC authorizes the Department to exempt disclosure and approval of specific kinds of outside employment or other activities if the agency is satisfied that such employment or activity does not present a conflict of interest. The DELO shall distribute a list of such outside employment or other activities to all State officers and employees as needed.

- G. Approval Procedure:** The following procedures shall apply to all State officers and employees other than Legal Staff for the prior approval of outside employment or other activity:

No State officer or employee shall engage in any outside employment or other activity, whether or not for compensation, without first submitting a written request for approval to the Agency Head, or designee. The request shall be on a form supplied by the agency. The request shall be reviewed by the AELO and a recommendation made by the AELO to the DELO as to whether the outside employment or other activity is permissible under Department ethical standards. The approval may be conditioned on the requirement that the State officer or employee seek annual approval of the outside employment or other activity or other restrictions deemed necessary. The approval of such outside employment or other activity shall not be unreasonably withheld. The provisions of this

subsection are not intended to supersede or conflict with any existing negotiated labor agreement that may govern an officer's or employee's rights and obligations in this area; nor are they intended to apply to special State officers or employees. Notice of the approval shall be filed by the officer or employee with the SEC and the AELO if the business, profession, trade or occupation is subject to licensing or regulation by a specific agency of State government. The AELO shall notify the Agency Head or designee of the determination.

**H. Procedures for Approval of Outside Employment or Other Activity by Legal Staff:**

1. Members of the Department's Legal Staff are expected to devote their full attention to official duties and to be available for work outside of normal office hours as their caseload requires and in emergent situations. However, with the approval of the Attorney General or designee, any such member may engage in limited outside employment or provide services as an independent contractor that do not involve the private practice of law or the provision of other legal services, provided the employment or services will not interfere with the performance of the attorney's duties, including the attorney's ability to respond to unanticipated caseload and emergent time demands. An attorney may receive reasonable compensation for such services. Requests for approval shall be submitted in writing to the attorney's Agency Head who shall forward the request along with a recommendation through the AELO to the DELO for review by the Attorney General or designee. Renewed approvals of such outside activity must be sought annually from the Attorney General.
2. Participation in Bar or Professional Organization
  - (a) A member of the Legal Staff, in a private capacity, may be a member of, hold any leadership position in, or participate in the activities of any bar or professional organization devoted to the improvement of the law, the legal system, the administration of justice, or the enhancement of the skills and professionalism of the members of the bar, subject to subsection D, above. Such member may also serve on the editorial board of, or contribute written work to, publications of such organizations or of other legal or professional publications, subject to the provisions of Section XII of this Code.
  - (b) A member of the Department's Legal Staff may also be designated by the Attorney General, Division Director or Agency Head to engage in such activities in an official capacity.

- I. Appeal:** A State officer or employee may appeal a denial of a request to engage in outside employment or other activity to the SEC within sixty days from the receipt of the denial in accordance with the provisions of Section VI of the UEC.



**J. Special State Officer and Employees**

1. Every special State Officer and employee shall complete the Conflicts of Interest Questionnaire issued by the officer or employee's agency in accordance with procedures adopted by the Department. The officer or employee shall have a duty to:
  - (a) Provide such information as may be necessary to determine whether an outside activity is permissible under the Code and other Department ethical standards.
  - (b) Notify the personnel officer of the employee's agency of any changes to the information disclosed on the questionnaire, including the employee's transfer to another agency within the Department, or a change in title or position, or other change in State employment.
2. The AELO shall review the Questionnaire and consult with the DELO to determine whether the special State officer or employee has a conflict of interest and shall notify the special State officer or employee what steps must be taken to remove the conflict.

**K. Records maintained:** Outside Activity Questionnaires, requests for approval of outside employment or other activities, and Conflicts of Interest Questionnaires shall be maintained in the personnel file of the officer or employee.

**Section VII: Official Stationery**

- A. Prior approval required for Certain Uses of Official Stationery:** An officer or employee who wishes to use official stationery to recommend a current or former employee or colleague for another position, admission to a school or program or similar purpose, or to respond to inquiries about a current or former colleague or other use permitted by Section VIII, Appendix G of the UEC shall obtain the prior approval of his or her supervisor and the AELO before doing so.
- B. Personal Stationery with Agency Office or Title:** No officer or employee shall imprint personal stationery paid for by the officer or employee with the agency office or title of the State officer or employee without the prior approval of the Department.

**Section VIII: Post-Employment Restrictions**

This Code contains no provisions supplemental to this Section of the UEC.

## **Section IX: Recusal on Official Matters**

- A. Actions in Matters where Employee has a Private Interest:** No officer or employee shall act in an official capacity in any matter wherein he or she has direct or indirect personal, financial, or other interest that might reasonably be expected to impair his or her objectivity or independence of judgment or interfere with the operations of the Department.
- B. Private Interests in Conflict with Duties or Operations of the Department:** No officer or employee shall have any direct or indirect interest, financial or otherwise, which is in substantial conflict with the proper discharge of duties or interferes with the operation of the Department.
- C. Screening Procedures:** Any officer or employee who is recused from an official matter shall be subject to the screening procedures set forth below. All Departments officers and employees working on the official matter from which the officer or employee has been screened shall be informed of these procedures and shall seek to ensure these screening procedures are followed by all officers and employees under their supervision. The screened officer or employee shall be prohibited from:
1. Participating in any and all discussion, deliberations, decisions, or actions of the Department related to the official matter from which the employee had been recused.
  2. Communicating with any other Department officer or employee regarding the official matter, including, but not limited to, those Department officers and employees working on the official matter.
  3. Reviewing any documents related to the official matter, and no such documents may be maintained or stored in the office of the screened officer or employee.

All other Department officers and employees working on the official matter shall be prohibited from discussing the matter with the screened officer or employee or in the screened officer's or employee's presence. The prohibitions above do not prohibit the recused officer or employee from discussing the official matter for the purpose of seeking ethics advice from the AELO or DELO.

## **Section X: Contracts**

- A. Restrictions:** No officer or employee responsible for selecting, evaluating, or procuring goods, materials, supplies, equipment or services for any Department agency shall knowingly solicit a bid or quote from, or recommend or authorize

entering into a contract with, an officer or employee of the Department or other person or entity where such contract is prohibited by Section X of the UEC or would require the prior approval of the SEC.

### **Section XI: Retirement Gifts**

- A. Retirement Gifts Subject to UEC Standards:** The officers and employees responsible for organizing a retirement function for a retiring officer or employee at which the retiring officer or employee will receive a retirement gift shall file with the AELO a notice of the function to ensure compliance with the monetary limits on gifts and/or monetary tokens and other standards established by the SEC in Section IX, Appendix K of the UEC.
- B. No use of official stationery:** Official stationery, or personal stationery of an officer or employee paid for by the employee if it is imprinted with the agency office or the title of the officer or employee, shall not be used for invitations to a retirement function.

### **Section XII: Compensation for Published Works**

- A. Limitations and Disclaimers:** Subject to the provisions of Section XII of the UEC, an officer or employee, in a private capacity, may publish any work not created as part of his or her official duties, which would not reasonably be expected to cast material doubt on his or her objectivity and independence of judgment in the exercise of his or her official functions. When publishing any work in a private capacity under circumstances which identify him or her as an employee or official of this Department, an officer or employee shall declare, in writing as appropriate, that the views expressed are his or hers and do not reflect the views of the Attorney General, the Department or any other agency of State Government. The officer or employee shall not use his or her official title in soliciting compensation for the work or acceptance of the work for publication.
- B. Compensation for Published Work Subject to Rules Governing Outside Activities:** In accordance with UEC Section VI, the officer or employee shall secure the permission of the Attorney General or designee to accept compensation for published works not created as part of the officer's or employee's official duties.
- C. Approval Required for Use of State Time and Resources:** No officer or employee shall submit for publication any work created as part of his or her official duties, or derived from Department information, or create such a work using State time and resources, without the prior approval of his or her Agency Head and a review of the work or the subject matter of a proposed work by the DELO.

### **Section XIII: Family Members Conflicts of Interest**

- A. Supervision of Family Members:** An assistant or deputy head of the Department, or the head or assistant head of a division or agency, and all others officers and employees who are supervisors or exercise authority in regard to personnel actions shall complete the Certification Regarding Supervisory Conflicts of Interest in accordance with procedures established by the Department. They shall provide such additional information as may be necessary to determine whether the officer or employee is in compliance with the prohibitions set forth in Section XIII of the UEC on the supervision or exercise of any authority with regard to personnel actions over a relative, a cohabitant, or a person with whom the officer or employee has a dating relationship. The Certification shall be reviewed by the AELO who shall consult with the DELO, if necessary, to determine whether a supervisory conflict exists.

Any officer or employee who becomes aware of or who is notified that he or she has a supervisory conflict of interest shall file with the AELO a written recusal from participation in any matter involving his or her supervisory authority or authority to exercise personnel actions over the relative, cohabitant or person with whom the officer or employee has a dating relationship. It shall be the duty of the officer or employee to file an amended Certification with the AELO as may be necessary.

- B. Dating Relationships:** No officer or employee shall have any involvement in his or her official capacity in any matter that pertains to or involves any individual with whom he or she has a dating relationship. In such cases, the officer or employee shall file a written recusal with the AELO.
- C. Records Maintained:** The Certification and any recusals required by this section shall be maintained in the personnel file of the officer or employee.

### **Section XIV: Casino-Related Family Member Restrictions**

This Code contains no provisions supplemental to this Section of the UEC.

### **Section XV: Reporting Complaints**

- A. Reporting of Ethical Complaints:** Allegations that an officer or employee has violated a provision of the UEC, this Code or other Department ethical standards shall be reported to the DELO or the staff of the SEC. Allegations should contain as much detail as possible and, if the complainant chooses to identify himself or herself, should include contact information so that the DELO or the SEC may obtain additional information if necessary. A complainant is not required to disclose his or her identity when reporting an ethics violation.

- B. Reporting of Potentially Criminal Conduct:** In situations where the conduct of an officer or employee involves potential criminality, the allegation should be reported to the Director of the Criminal Justice Division who shall initiate, if necessary, a confidential investigation and inform the DELO or other relevant supervisor of the conduct at the appropriate time.

### **Section XVI: Penalties**

- A. Penalties:** Persons who violate the provisions of this Code of Ethics shall be subject to removal, suspension, demotion, or other disciplinary action by the Department and may also be subject to investigation by the SEC and the penalties set forth in Section XVI of the UEC or in any analogous statute subsequently provided by legislative action. Violations committed by a former officer or employee may be subject to these penalties provided the investigation of the alleged violation by the SEC is initiated not later than two years following the officer or employee's termination.
- B. Limitations:** Any paraphrased restatements of criminal or civil statutes contained in this Code of Ethics in no way constitute an interpretation or construction of them that is binding upon the Department of Law and Public Safety or the State of New Jersey. This Code does not purport to paraphrase or enumerate all restrictions or requirements imposed by statutes, Executive Orders, regulations, or directives issued by the Attorney General on State officers and employees and special State officers and employees. Nothing herein is intended to limit the authority of the Attorney General or the Commissioner of Personnel to impose or administer discipline on a Department employee pursuant to the laws, rules, and regulations governing the status and discipline of officers and employees or to modify or abridge standards of conduct imposed by statute or law on the officers and employees of any division or agency in the Department.

#### **Effective Date:**

This Department of Law and Public Safety Supplementary Code of Ethics shall take effect sixty (60) days after approval by the State Ethics Commission. On that date, it shall supersede any previously promulgated Department Code of Ethics.

Formally approved by the State Ethics Commission on March 21, 2007.