



**NEW JERSEY DEPARTMENT OF CHILDREN AND FAMILIES**

**DEPARTMENT WIDE POLICY MANUAL**

<b>Volume:</b> II	<b>Chapter:</b> D	<b>Subchapter:</b> 1	<b>Issuance:</b> 100	<b>Effective Date:</b> XX/XX/XXXX
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**Subject:** Department of Children and Families' Code of Ethics

**PURPOSE**

The New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) establishes specific standards of conduct for State employees. Pursuant to the Law, the State Ethics Commission has issued a Uniform Ethics Code (UEC) to govern and guide the conduct of State employees and special State officers 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 Children and Families (hereinafter the "Department" or "DCF") promulgates as a supplement to the UEC this Code of Ethics that addresses the particular needs and problems of the Department. 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 in the UEC regardless of whether such provisions are repeated or summarized in whole or in part in this Code.

**SCOPE**

This Code of Ethics has Department-wide applicability including, but not limited to, Department employees and special Department officers.

**AUTHORITY**

- N.J.S.A. 52:13D-12 et seq. (New Jersey Conflict of Interest Law)
- N.J.A.C. 19:61-1.1 et seq.
- New Jersey Uniform Ethics Code

**KEY TERMS**

As used in this Department of Children and Families Code of Ethics, and unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

Cohabitant means a person who shares a household with a non-related person or persons under circumstances where there is financial interdependence.

Department employee means any person, other than a special Department officer holding an office or employment within the Department.

Ethics Liaison Officer means the individual designated by the Commissioner to assist the State Ethics Commission in implementing and enforcing the Conflicts Law and related ethics codes.

Relative means an individual's spouse, civil union partner, or domestic partner, or the individual's or spouse's, civil union partner's, or domestic partner's parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, whether the relative is related to the individual or the individual's spouse, civil union partner, or domestic partner by blood, marriage or adoption.

Special State Officer means (1) any person holding an office or employment in a State agency, excluding an interstate agency, for which office or employment no compensation is authorized or provided by law, or no compensation other than a sum in reimbursement of expenses, whether payable per diem or per annum, is authorized or provided by law; (2) any person, not a member of the Legislature, holding a part-time elective or appointive office or employment in a State agency, excluding an interstate agency, or (3) any person appointed as a New Jersey member to an interstate agency the duties of which membership are not full-time.

## **POLICY AND PROCEDURES**

The Department of Children and Families has adopted this Code of Ethics to govern and guide the conduct of its employees and special State officers.

### **A) Attendance at Events**

1. When a Department employee wishes to attend an event sponsored or co-sponsored by an entity other than the State, the employee must complete the "Request for Approval for Attendance at Events" form, have it signed by his/her supervisor, and submit it to the Ethics Liaison Officer for approval **prior to the date of the event**. The submission should include any available information about the event including, but not limited to, the invitation or descriptive flyer.
2. See the UEC for additional rules and requirements.

### **B) Confidentiality**

1. Except as otherwise provided by State law or Federal law, the electronic and paper records relating to individuals and families receiving services through DCF are confidential and privileged.
2. No Department employee shall divulge, disclose, or use any information obtained in the course of his or her employment to further his or her private interest or the interests of others.
3. No Department employee shall attempt to access the DCF network or use any computer system, including, but not limited to, NJSPIRIT, CYBER or LIS, to obtain information for personal reasons. These systems are to be accessed by appropriate DCF staff for official, job-related purposes only.
4. See the UEC for additional rules and requirements.

### **C) Contracting with the State of New Jersey**

1. The Commissioner, Deputy Commissioner, Assistant Commissioner, Division Director, Deputy Division Director, or Assistant Division Director and any person acting in similar capacities are prohibited from having a contractual or business relationship with any DCF employee or special State officer.
2. Entering into an agreement for rental space with the State of New Jersey may be permissible pursuant to the law. Any Department employee considering any such agreement shall consult with the Ethics Liaison Officer prior to entering into any such agreement.
3. The Conflicts of Interest Law does not alter or affect any other laws regulating public contracts. Department employees should, therefore, be aware that the contract provisions contained in this Code of Ethics, the UEC, and the Conflicts of Interest Law contracting are not the only public contracting provisions with which they must comply.
4. Before entering into a contract falling within this section, approval must be obtained from the State Ethics Commission through the Ethics Liaison Officer. Disclosure shall be made on the Outside Activity Questionnaire.
5. See the UEC for additional rules and requirements.

### **D) Family Members/Cohabitants**

1. All Department employees who are supervisors or exercise authority regarding 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 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 employee has a dating relationship. The Certification shall be reviewed by the Ethics Liaison Officer to determine whether a supervisory conflict exists.

2. Any employee who becomes aware of or who is notified that he or she has a supervisory conflict of interest shall file with the Ethics Liaison Officer 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 employee has a dating relationship. It shall be the duty of the employee to file an amended Certification with the Ethics Liaison Officer as may be necessary.
3. No Department employee shall use his or her State position to secure an unwarranted privilege or advantage for any relative, cohabitant, or person with whom the employee has a dating relationship. No Department employee shall act in any Department employment matter involving a relative, cohabitant, or person with whom the employee has a dating relationship.
4. Department employees are required to notify Department management regarding any relative, cohabitant, or person with whom the employee has a dating relationship, who is employed by a contractor, consultant, vendor, or any other company or firm doing business with the Department.
5. Department employees are required to notify the Department of any relative or cohabitant (as defined in the UEC) who is employed by DCF.
6. Department employees are required to notify the Department of any immediate family member who is employed by a casino. Immediate family member means a spouse, child, parent, or sibling residing in your household.
7. See the UEC for additional rules and requirements.

#### **E) Gifts**

1. A Department employee must disclose to the Ethics Liaison Officer and the Department employee's supervisor any offer or receipt of anything of value from any party related to their State position.
  - a. Upon consultation with the Ethics Liaison Officer, the Department employee shall return the thing of value to the donor or, in the case

of a perishable thing of value, donate it to a nonprofit entity in the name of the donor.

- b. Upon a determination by the Ethics Liaison Officer that the gift is trivial and of nominal value, the Department employee may retain and use the unsolicited gift or benefit. These trivial gifts may include complimentary articles offered to the general public and gifts received as a result of mass advertising mailings to the general business public, if such use does not create an impression of a conflict of interest or a violation of the public trust.
2. Department employees shall not accept meals provided by event sponsors without prior approval from the Department ELO. Refer to the Uniform Ethics Code, Appendix B regarding special circumstances for speaker engagements.
3. When a Department employee purchases goods or services from a vendor for personal use, the Department employee may accept the State discount only if such discount is generally offered to the public.
4. Limitations on retirement gifts are set forth in section XI of the UEC.
5. See the UEC for additional rules and requirements.

#### **F) Joint Ventures and Private Financing of Department Activities**

1. All proposals for joint ventures between private entities and the Department or any of its components, or private financing of Department activities, must be reviewed and approved by the Ethics Liaison Officer prior to entering into such arrangements. When seeking approval of a joint venture or private financing proposal, the Department/Division shall provide the following information to the Ethics Liaison Officer:
  - a. The nature of the event or activity to be funded, including approximate date, time, duration, location, cost, and identities of participants and attendees;
  - b. The identities of joint sponsors or donors, including their relationship to the Department/Division (e.g., vendor, regulated entity, trade organization);
  - c. Identification of any amenities, such as an overnight stay at a hotel, meals, or transportation, that could accrue to the personal benefit of a Department employee or special State officer; and

- d. Identification of the role to be played by the Department/Division (e.g., providing speakers, lending the name of the agency to the invitation, funding a portion of the cost).
2. The Ethics Liaison Officer shall make a determination as to whether the joint venture or private financing arrangements would be problematic under Executive Order No. 189 of 1988, the Department Code of Ethics, the Conflicts of Interest Law, any statutory provisions dealing with financing of an agency's activities or dealing with charitable activities, and/or the criteria in the State Ethics Commission "Guidelines Regarding Joint Ventures And Private Financing of State Activities."
3. The Ethics Liaison Officer shall forward all joint venture and private financing determinations to the State Ethics Commission. The State Ethics Commission may accept, modify, or reject all such determinations.

#### **G) Misuse of Official Position**

1. Each Department employee and special State officer shall conduct him or herself in an appropriate and professional manner during the course of performing his or her public duties. Each DCF employee or special State officer is responsible for setting clear boundaries to assure that he or she does not establish an improper relationship with any person who is supervised, served, regulated, being investigated, or has a prior history with the Department.
2. No Department employee or special State officer shall 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.
3. No Department employee or special State officer shall 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 employee to act in a biased or partial manner.
4. No Department employee or special State officer shall use Department personnel, property, supplies, or information in any matter to further private interests or satisfy private obligations.

#### **H) Outside Activity and Employment**

1. Prior to being undertaken, Department employees and special State officers shall disclose, in writing, any outside activity or employment, regardless of whether such activity or employment is compensated. Such disclosure shall be on the form provided for that purpose.

2. Once approved, the hours of any outside activity or employment may not conflict or coincide with work hours needed for the Department employee's discharge of official duties, nor in any way interfere with the performance of those duties. No Department employee shall use State equipment or supplies for such activities.
3. No Department employee shall have a professional therapeutic relationship with any known client of the Department, regardless of whether such relationship is compensated or uncompensated.
4. No Department employee may solicit, establish or participate in a business, contractual or professional relationship with any child or adult who is a client of the department.
5. No Department employee shall serve in a consultant relationship to any public agency, nor see patients or clients for a fee when such fee is provided by or paid from New Jersey public funds, except upon submission of an Outside Activity Questionnaire and approval by the Ethics Liaison Officer.
6. It is the policy of DCF to encourage employee growth through participation in outside professional organizations. Department employees participating in such organizations shall not, however, utilize State equipment and time for professional organizational activities that are not related to their official duties. Furthermore, when participating in professional organizations, DCF employees shall ensure that there is no conflict of interest or barrier to the fulfillment of their official duties and responsibilities. All such activity is considered outside activity and must be reported pursuant to the Uniform Ethics Code.
7. A Department employee holding an active license or certification issued by a specific agency of State government to engage in any particular business, profession, trade, or occupation shall disclose such active license or certification. Such licenses and certifications shall include, but not be limited to, those for accountants, architects, attorneys, beauticians, electricians, insurance brokers, nurses, physicians, psychologists, real estate agents, social workers, and teachers. All such licenses and certifications reflect potential outside activity and must be reported pursuant to the Uniform Ethics Code.
8. Department employees must give written notice when serving or seeking to serve on the Board of Directors, Advisory Board, or other such entity to any agency or business, by submission of an Outside Activity Questionnaire and approval by the employee's management and the Ethics Liaison Officer.

9. Department employees must disclose any outside employment, business, or financial relationship with other Department employees, particularly subordinates or supervisors in their chain of command. Questions on supervisor/subordinate ethics conflicts should be referred to the Ethics Liaison Officer.
10. No Department employee shall apply to become a resource family parent without first completing the Outside Activity Questionnaire in compliance with policy II D 2200, Employees of the Department of Children and Families (DCF) as Licensed Resource Family Parents. No Department employee shall serve as a resource family parent for a child on his or her caseload.
11. Approval to engage in an outside activity or employment is subject to revocation when management, in consultation with the Ethics Liaison Officer, determines that the outside activity or employment is interfering with the employee's ability to perform his or her job.
12. Department employees must submit an Outside Activity Questionnaire when they begin working for DCF, and every three years thereafter. Department employees must also submit an updated Outside Activity Questionnaire when there is a change in the employee's outside activity or State employment, or when directed to do so by management.
13. See the UEC for additional rules and requirements.

#### **I) Political Activities**

1. No Department employee shall directly or indirectly use or seek to use his or her authority or influence of his or her position to control or modify the political action of another person. No Department employee shall engage in political activity during working hours; nor shall he or she at any other time participate in political activities so as to impair usefulness in the position in which he or she is employed.
2. Any Department employee engaged in any political activity, including, but not limited to, running for local office or managing a campaign, shall disclose that activity to the Ethics Liaison Officer.
3. See the UEC for additional rules and requirements.

#### **J) Recusal**

1. **Actions in Matters where Employee has a Private Interest:** No Department 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.

2. **Private Interests in Conflict with Duties or Operations of the Department:** No Department 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.
3. **Matters involving Former Employers:** Department employees are required to recuse themselves from an official matter that involves any entity that employed or did business with the Department employee during the one year prior to the start of his or her State service. Department employees who were formerly employed by any entity that contracts with or is licensed by DCF must contact the Ethics Liaison Officer for guidance.
4. **Screening Procedures:** Any employee who is recused from an official matter shall be subject to the screening procedures set forth below. All Department employees working on the official matter from which the employee has been screened shall be informed of these procedures and shall seek to ensure these screening procedures are followed by employees under their supervision. The screened employee shall be prohibited from:
  - a. Participating in any and all discussions, deliberations, decisions, or actions of the Department related to the official matter from which the employee has been recused.
  - b. Communicating with any other Department regarding the official matter, including, but not limited to, those Department employees working on the official matter.
  - c. Reviewing any documents related to the official matter, and no such documents may be maintained or stored in the office of the screened employee.

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

#### **K) Use of State Property**

1. Department employees are expected to refrain from the personal use of any Department equipment and supplies. Where circumstances dictate personal use, it shall be kept to a minimum and, where appropriate, the employee shall reimburse the State for such personal use, e.g., reimbursement for personal telephone calls.
2. Department employees shall not remove from the State worksite any State equipment or supplies for personal use or consumption.
3. See the UEC for additional rules and requirements.

#### **L) Reporting Complaints**

1. Allegations that a Department employee or special State officer has violated a provision of the Code of Ethics, the UEC, or the Conflicts Law should be reported to the Ethics Liaison Officer. Complaints may be made anonymously.
2. Allegations may also be made to the State Ethics Commission toll free hotline, 1-888-223-1355.

#### **M) Penalties**

1. Department employees and Special State officers who violate the UEC and/or this Code of Ethics are subject to removal, suspension, demotion, or other disciplinary action by the Department and may also be subject to investigation by the State Ethics Commission. Any time there is a violation of the UEC and/or the DCF Code of Ethics and discipline is to be considered, prior approval must be obtained from the State Ethics Commission.
2. See the UEC for additional rules and requirements.

#### **FORMS AND ATTACHMENTS:**

- Request for Approval for Attendance at Events Form
- Outside Activity Questionnaire
- Personal and Business Relationship Disclosure Form
- Supervisory Conflicts of Interest Form

**RELATED INFORMATION:**

- New Jersey Uniform Ethics Code.
- Plain Language Guide to New Jersey's Executive Branch Ethics Standards
- State Ethics Commission
- State Recusal Rule