

THE DEPARTMENT OF HEALTH AND SENIOR SERVICES

CODE OF ETHICS

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**THE DEPARTMENT OF HEALTH AND SENIOR SERVICES
CODE OF ETHICS**

I. GENERAL PRINCIPLES AND PROCEDURES

A. General Principles

1. Purpose

This code of ethics for the New Jersey Department of Health and Senior Services is promulgated pursuant to N.J.S.A. 52:13D-23 of the New Jersey Conflicts of Interest Law, N.J.S.A. 13D-12 et seq. Accordingly it conforms to the general standards set forth in the law and is intended to complement the law by addressing the particular needs and problems faced by employees of the Department of Health and Senior Services.

2. Applicability

This code, as well as the Conflicts of Interest Law, is applicable to all employees of the Department, whether in the classified or the unclassified service, whether temporary or permanent, and to all special officers and employees of the Department of Health and Senior Services. It is deemed to have been accepted as a condition of employment or appointment by any individual who continues to be or becomes a part of the Department after its effective date.

This code supersedes any and all previous codes of ethics of the Department of Health and Senior Services.

3. General Definitions

"Department" - shall mean the New Jersey Department of Health and Senior Services.

"Code" - shall mean this code of ethics.

"Employee" - shall mean any person employed by the Department of Health and Senior Services, excepting "special State officer or employee" as later defined.

"Immediate family" - shall mean the person's spouse, child, parent or sibling residing in the same household.

"Special State officer or employee" means any person holding an office or employment, full or part-time, in the Department of Health and Senior Services, including but not limited to the members of the Public Health Council, the Health Care Administration Board, the Health Care Facilities Financing Authority, the Essential

Health Services Commission, the Hospital Rate Setting Commission and the State Health Planning Board, 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 by law.

B. Procedure

1. Concerning Conflict of Interest Questionnaire

- a. Each employee will be required to complete a Department Conflict of Interest Questionnaire (PER-18) upon commencing employment and anytime the employee accepts, or anticipates accepting, secondary employment. The employee must update the questionnaire annually, on a schedule set by Human Resources.
- b. The employee's immediate supervisor will review the information contained on the PER-18. If the completed form indicates that the employee has no outside interests, i.e. all answers to Section A are "no", the supervisor will sign and forward the form to Human Resources and give the employee a copy. If the completed form indicates outside interests the supervisor shall make a preliminary determination concerning whether or not there is a potential conflict, based on the Department's Code of Ethics. If the supervisor determines that no potential conflict exists, his supervisor shall review and co-sign the form before it is sent to Human Resources and a copy returned to the employee.
- c. If either of the supervisors identifies a potential conflict, the completed form shall be sent to the Assistant Commissioner, or Chief of Staff where appropriate, who shall review the questionnaire, and any additional information she finds necessary, to determine whether or not a potential conflict of interest exists, based on the Department of Health and Senior Services Code of Ethics.
- f. If the Assistant Commissioner determines that there is no conflict, she shall sign and forward the form to Human Resources. If the Assistant Commissioner determines that there is a potential conflict of interest, she shall notify the employee of this decision by memorandum and advise him that, in the event he disagrees with the Assistant Commissioner's decision, he may, within 10 days, request in writing a review by the Department of Health and Senior Service's Ethics Committee.
- e. If the Assistant Commissioner is the immediate supervisor of the employee completing the PER-18, the appropriate Deputy Commissioner shall perform the functions assigned the Assistant Commissioner in §d above. If either the Chief of Staff or the Deputy Commissioner is the immediate supervisor of the employee, the Commissioner shall perform the functions assigned the Assistant Commissioner in §d above.

- f. If a review is requested by the employee, the Department's Ethics Committee will review the questionnaire and the Assistant Commissioner's (or relevant supervisor's) determination at the next possible regularly scheduled meeting. Once a decision is made the Committee will forward the decision and questionnaire to the employee, thru Human Resources, with instructions regarding the secondary employment.
- g. The completed conflicts of interest questionnaires of the Deputy Commissioners, the Chief of Staff, the Director of Office of Minority Health and Legal Specialist shall be reviewed by the Commissioner and the Department's Ethics Committee.
- h. The Department's Division of Human Resources shall forward all completed PER-18 to the Executive Commission on Ethical Standards.

2. Concerning Other Ethics Questions

- a. Department of Health and Senior Services employees should direct any questions they have with regard to ethical standards governing their job performance, through their immediate supervisor, to their Assistant Commissioner. Assistant Commissioners shall direct questions concerning their jobs to their Deputy Commissioner and Deputy Commissioners and the Chief of Staff, directly to the Department's Ethics Committee. Special Department officers and employees shall also direct their questions directly to the Department of Health and Senior Service's Ethics Committee through the Ethics Liaison Officer. The answers to such questions shall be guided by the Department of Health and Senior Service's Code of Ethics and the New Jersey Conflicts of Interest Law.
- b. In the event the employee disagrees with the Assistant or Deputy Commissioner's determination, he may appeal the decision to the Department's Ethics Committee. In the event the Assistant or Deputy Commissioner is unable to answer the employee's question, she shall refer it to the Department's Ethics Committee for response.
- c. All determinations of the Department's Ethics Committee, i.e., decisions on appeals from determinations of Assistant or Deputy Commissioners and decisions in the first instance on requests from special Department of Health and Senior Services officers, may be appealed to the New Jersey Executive Committee on Ethical Standards.

II. REPRESENTATION BEFORE AND CONTRACTS WITH THE STATE

A. Representation of Others Before the State

1. Definition of Interest

If you have an "interest" in an organization outside the Department of Health and Senior Services, the New Jersey Conflicts of Interest Law contains some prohibitions on the activities you may perform for that organization when the State is involved in any way in a particular matter. In the Conflicts of Interest Law and the Department of Health and Senior Services Code of Ethics, "interest" is defined as the ownership or control of more than 10% of the profits of a firm, association or partnership; more than 10% of the stock in a corporation for profit other than a professional service corporation organized under the Professional Service Corporation Act, N.J.S.A. 14A:17-1 et seq.; or being a member of the Board of Directors of, or a paid consultant to, or an employee of, a corporation or agency, whether for profit or not. If you have any questions as to whether you have an interest for the purposes of this section, please request a clarification from the Department's Ethics Committee.

2. Prohibited Activities

The Conflicts of Interest Law prohibits any employee of this Department from either agreeing to, or in fact representing appearing for, or negotiating on behalf of, any person or party other than the State in connection with any cause, proceeding, application, or other matter pending before any State agency except those listed in Section 4 below. The prohibition, pursuant to this Code, extends to any partnership, firm, or corporation, in which you have an interest and to any partner, officer or employee of, or consultant to, that partnership, firm or corporation. However, the prohibition does NOT prohibit a partnership, firm or corporation from appearing on its own behalf.

The prohibition for a special State officer or employee is narrower. A special State officer is prohibited from either agreeing to or in fact representing, appearing for, or negotiating on behalf of any person or party, other than the State, in connection with any cause, proceeding, application or other matter pending before the particular office, board, council, commission, authority, or agency in which she holds office or employment. As with employees, the prohibition extends to any partnership, firm or corporation in which the special State officer has an interest and to any partner, officer or employee of, or consultant to, that partnership, firm or corporation.

3. Exceptions to Prohibition Against Representing Other Parties Department of Health and Senior Services employees are not prohibited from representing a person or party in any of the following instances:

- a. before a court of record (this does NOT include the Office of Administrative Law);
- b. in regard to a claim for workmen's compensation;
- c. in a proceeding related to the determination or review of transfer inheritance or estate taxes;
- d. in connection with the filing of corporate or other documents in the office of the Secretary of State;
- e. before the Division on Civil Rights;
- f. before the New Jersey State Board of Mediation;
- g. before the New Jersey Public Employment Relations Commission;
- h. before the Unsatisfied Claim and Judgment Fund Board solely for the purpose of filing a notice of intention; or
- i. before any state agency on behalf of a county, municipality, school district, or any authority, agency, or commission of any thereof except where the State is an adverse party and provided he is not holding office or employment in the State agency in which any such proceeding is pending.

B. Contracting with the State

1. Prohibited Contractual Relations

Employees and special officers of the Department face several restrictions with regard to their involvement in contracts or agreements.

- a. A Department of Health and Senior Services officer and employee, either himself or through his partners or through any corporation in which he owns or controls more than 1% of the stock, or through any other person for his use or benefit or on his account, is prohibited from undertaking or executing any contract, agreement, sale or purchase of a value of \$25 or more with any agency of the State of New Jersey except as provided below.
- b. A special officer or employee of the Department of Health and Senior Services having any duties or responsibilities in connection with the purchase or acquisition of property or services by the Department of Health and Senior Services is prohibited from undertaking or executing himself, or through his partner or through a corporation in which he controls or owns more than 1% of the stock, or through any other person acting for his use or benefit, in whole or part, any contract, agreement, sale or purchase of a value of \$25 or more entered into by that State agency except as provided below.
- c. The preceding provisions are intended to prevent any direct conflict of interest and to prevent or minimize to the greatest extent possible the appearance of a conflict by Department of Health and Senior Services employees. Consequently, the provisions in (a) and (b) also apply in the instance where the special state officer, state officer or employee, himself or through his partner, is an officer of,

member of the board of directors, or a paid consultant to a not-for-profit corporation which enters into an agreement to provide services, or goods, or for the sale of property to the Department of Health and Senior Services.

- d. The above restrictions apply to contracts of interstate agencies to the extent consistent with law only if the contract, agreement, sale or purchase is undertaken or executed by a New Jersey member to the interstate agency, or by his or her partner or a corporation in which he owns or controls more than 1% of the stock.

2. Permitted Contractual Relations

Exception to sections (a), (b) or (c) are allowed only where the following conditions have been met:

Where the purchase, contract, agreement or sale is

- a. made or let after public notice and competitive bidding; or
 - b. is permitted to be made, negotiated or awarded without public advertising for bids pursuant to applicable law, (See N.J.S.A. 52:13-19(b); 52:34-10.) and
 - c. receives the prior approval of the Executive Commission on Ethical Standards.
3. Department of Health and Senior Services employees are prohibited from acting as the officer or agent for any State agency for the transaction of any business with themselves or with a corporation, company, association or firm in which they have an interest.

III. POST-EMPLOYMENT RESTRICTIONS

There are certain restrictions on the activities of both Department of Health and Senior Services employees and special Department officers and employees, once their employment with the Department of Health and Senior Services is terminated.

- A. The restrictions apply to any cause, proceeding, application or other matter with respect to which the employee (special or otherwise) had been substantially and directly involved at any time during the course of her association with the Department. Substantial and direct involvement may include, but is not limited to, making an investigation, reviewing an application, rendering a ruling or giving an opinion. In other words, the restrictions apply to discrete matters in which the employee was involved and do not prohibit the employee from taking a position upon leaving the Department in the same area of expertise in which he was employed at the Department.

B. The restrictions include

1. representing
2. appearing on behalf of
3. negotiating on behalf of
4. providing services to
5. providing information not generally available to the public to or merely
6. agreeing to do 1, 2, 3, or 4, or 5 for any person or party other than the State in connection with any matter in which the ex-employee had been substantially and directly involved, and govern the ex-employee indefinitely after leaving the Department.

C. The above restrictions govern not only the ex-employee of the Department, but also any partnership, firm or corporation in which the ex-employee has an interest or any partner, officer or employee of the partnership, firm or corporation.

IV. ATTENDANCE AT EVENTS OR FUNCTIONS

The purpose of these guidelines is to assist state officers, employees and special state officers in determining when a potential or actual conflict of interest may be created by their attendance at a function or event sponsored in whole or in part by an organization regulated by or doing business with the Department of Health and Senior Services. For the purpose of these guidelines regulated means organizations which are licensed, controlled or certified by, party to a contract with, or the recipient of a grant from, the State Department of Health and Senior Services.

A. Attendance in your official capacity at an event sponsored in whole or in part by an organization specifically regulated by the Department of Health and Senior Services is permitted so long as a legitimate State purpose is being served and can be demonstrated. Such purposes may include performance of your routine official duties, information transfer, education and communication. Attendance as an official representative of the Department of Health and Senior Services can only be claimed with prior approval of the Commissioner or his designee. Upon the approval of the Commissioner or his designee and in accordance with State travel regulations, the employee shall be reimbursed by the State all reasonable expenses of attendance at the event. During your attendance you may participate in the event but should be careful to avoid the following:

- meals not part of a plenary work session
- gifts, favors or free services (see the section governing acceptance of gifts)
- free lodging
- fees for performance of your official duties (see the section governing speeches and publications)
- unwarranted privileges

B. Reimbursement

If during your attendance, refusal of a meal or refreshments offered outside the work session proved too awkward, you may estimate the reasonable cost of such meal or refreshment and pay the host by check at the event or by mail upon return to the Department. You may then submit a travel voucher for reimbursement. Requests for reimbursement should not include the costs of any alcoholic beverages consumed.

- C. Attendance in a private capacity at events sponsored in whole or in part by organizations regulated by the Department of Health and Senior Services is subject to all of the guidelines listed in section A with the exception that the employee is not eligible for reimbursement for any of the costs for attending the event.

V. SPEECHES AND PUBLICATIONS

A. Fees

1. Speeches

Employees of the Department of Health and Senior Services may not accept fees for speeches within his or her official duties and responsibilities. An employee may accept a reasonable fee for a speech on a topic outside his or her official responsibility providing it is made at a time other than the working hours of the employee, and to a group that is NOT regulated by or doing business with the Department, as defined in IV above.

Example: A manager in the grants management function within the Department may not receive a fee for a speech given to an organization of private, nonprofit agencies on the topic of Department of Health and Senior Services grants and how to apply for them. That same employee also has extensive professional background in budgeting and is considered an authority on governmental budgets. He may receive a reasonable fee for a speech on the State of New Jersey budget in general. The speech must be given at a time other than the working hours of the employee or when the employee is on official leave and to a group NOT regulated by or doing business with the Department of Health and Senior Services.

2. Publications

Employees of the Department of Health and Senior Services may accept reasonable fees for published works on subjects within or outside their official duties. Efforts toward completion of the published works may not be made during normal working hours. Information in the published works may not include material not generally available to the public as a public record.

B. Travel and Expenses

1. Employees of the Department of Health and Senior Services may receive reimbursement from the State of New Jersey, in accordance with State travel regulations for travel expenditures made for the purpose of making speeches on matters within his or her official duties, if the employee received prior approval from the Commissioner or his designee to attend the function.
2. Employees of the Department of Health and Senior Services who make a speech outside his/her official responsibilities, and to a group that is not regulated by or doing business with the Department as defined in § IV above (i.e., in his private capacity), may accept reasonable fees and travel reimbursement from the sponsoring organization.

C. Definition of Reasonable

1. Fees

Fees are considered to be reasonable when they are within the range of fees paid to other participants at the same event. If no other speakers at an event receive a fee, reasonable should be measured by fees paid to speakers at similar or previous events by the same organization. If the speaker is the only one receiving a fee, he or she should be prepared to justify this situation.

2. Subsistence

Reasonable subsistence should follow State of New Jersey travel regulations, which is available for inspection in the Department's Office of Regulatory and Legal Affairs, or federal Internal Revenue Code for meals and lodging.

VI. ACCEPTANCE OF GIFTS

A. Statutory Prohibitions

With respect to the acceptance or solicitation of any gift, favor, service at preferential rates, employment, offer of employment or any other thing of value, all Department of Health and Senior Services employees and special officers are subject to the provisions of the New Jersey Conflicts of Interest Law.

Accordingly, no such officer or employee, shall accept from any person, whether directly or indirectly and whether by herself or through her spouse or any member of her family or through any partner or associates, any gift, favor, service, employment or offer of employment or any other thing of value which she knows or has reason to believe is offered to her with intent to influence her in the performance of her public duties and

responsibilities. (N.J.S.A. 52:13D-14. This section does not apply to the acceptance of contributions to the campaign of an announced candidate for elective public office.)

No such officer or employee, shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift or other thing of value from any source other than the State of New Jersey, for any service, advice, assistance or other matter related to her official duties. (N.J.S.A. 52:13D-24. This section also does not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office.) (See Speeches and Publications of this code a providing certain exceptions to this prohibition.)

Finally, the law holds that no such officer or employee should accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing her in the discharge of her official duties. (N.J.S.A. 52:13D-26(e)6.)

Therefore, the conflicts law prohibits the acceptance of "anything of value" given with the intent of rewarding or influencing the performance of the recipient's public duties and responsibilities, whether the intent is known or should be known by the recipient or can be "reasonably inferred" by receipt of the gift.

B. "Thing of Value" and "Reasonable Inference"

Examples of a "thing of value" are cash, liquor, food (meals), personal or household goods, clothing, use of cars, lodging and tickets to events. Unsolicited gifts or benefits of trivial or nominal value, such as complimentary articles offered to the public in general, and gifts received as a result of mass advertising mailings to the general business public may be retained by the recipient or the Department for general use if such use does not create an impression of a conflict of interest or a violation of the public trust. An impression of a conflict may be created, for example, if a Department of Health and Senior Services employee uses a pocket calendar conspicuously marked with the name of a company that it regulates or if an office in the Department displays a wall calendar from a vendor, creating the impression of an endorsement.

A "reasonable inference" that the thing of value was offered for the purpose of influencing or rewarding the recipient's official duties is created when the donor is a person, corporation, association or other business entity with whom the recipient has had contact in her official capacity.

C. Procedure

All Department of Health and Senior Services employees must report the receipt of and remit if possible, anything of value received from a person, corporation, or association with whom they have had contact in their official capacity through their supervisor to the Department's Ethics Liaison Officer. Special Department of Health and Senior Services

employees must report and remit directly to the Ethics Liaison Officer. The Ethics Liaison Officer will determine whether the employee may retain the gift or refer the matter to the full Department of Health and Senior Services Ethics Committee for the rendering of such a determination.

If it is determined that acceptance of the thing of value conflicts with this code of ethics, the recipient will be required to return the gift to the donor and to copy the Ethics Liaison Officer on the cover letter.

VII. IMPROPER USE OF POSITION

A. Improper Influence

1. No officer or employee, or special officer or employee of the Department of Health and Senior Services shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.
2. No officer or employee or special officer or employee of the Department of Health and Senior Services shall engage in political activity during working hours, or directly or indirectly, use or attempt to use his position to control or affect the political action of another person.
3. All officers and employees of the Department of Health and Senior Services whose principal employment is in connection with a program financed in whole or in part by Federal funds or loans, must abide by the provisions of the Hatch Act, 5 U.S.C. 1501 et seq., a copy of which is available in the Department's Office of Regulatory and Legal Affairs.

B. Improper Use of Information

1. No officer or employee, or special officer or employee, of the Department of Health and Senior Services shall willfully disclose to any person, whether or not for financial gain, any information that is not generally available to members of the public, which he receives or acquires in the course of, and by reason of, his official duties.
2. No officer or employee, or special officer or employee of the Department of Health and Senior Services, shall use for financial gain, whether directly or indirectly, any information not generally available to members of the public, which he receives or acquires in the course of, and by reason of, his official duties.

The determination of what is "information generally available to the public" shall be made by the Department's Office of Regulatory and Legal Affairs.

VIII. CASINO INDUSTRY RESTRICTIONS

A. Current Employment

1. All Department of Health and Senior Services employees, members of their immediate families or any partnership, firm or corporation with which they are associated or in which they have an interest, are prohibited from holding a direct or indirect interest in, employment with, or representing, appearing for, or negotiating on or behalf of, a holder or applicant for a casino license. This does not apply to persons who become spouses of Department of Health and Senior Services employees after their appointment to a position within the Department except if the spouse is directly employed by the holder of, or applicant for, a casino license or any holding or intermediary company.
2. Special Department of Health and Senior Services officers and employees are not prohibited from any association with a holder of, or applicant for, a casino license or any holding or intermediary company.
3. Department employees may not solicit or accept, directly or indirectly, any complimentary service or discount from any casino applicant or licensee other than that which is offered to the general public.

B. Post Employment

1. The Department of Health and Senior Services employees who are required to file financial disclosure statements with the Executive Commission on Ethical Standards are prohibited, for two years subsequent to their separation from the Department of Health and Senior Services, from holding any interest in or employment with, or representing or negotiating on behalf of, any holder of, or applicant for, a casino license or any related holding or intermediary company. This restriction also applies to the immediate family members of the above-named Department of Health and Senior Services employees and any partnership, firm or corporation, in which the employee has an interest, as well as any partner, officer, director or employee of these entities.
2. There is no post employment restriction for special State officers, or employees, or for Department of Health and Senior Services employees not required to file a financial disclosure statement.

C. Statutory Authority

The Conflicts of Interest laws, N.J.S.A. 52:13D-17.2, is the section which governs Casino Industry Restrictions.

IX. SECONDARY EMPLOYMENT

The purpose of these guidelines is to assist state officers, employees and special state officers in determining when a potential or actual conflict of interest may be created by their secondary employment by an organization either inside or outside state government, whether in the public or private sector. For the purposes of these guidelines secondary employment means the provision by a State Department of Health and Senior Services employee, officer or special officer, of services, or goods, to an individual or organization other than the State Department of Health and Senior Services. The provision of such services or goods may or may not be compensated on a monetary or other basis.

- A. No employee, officer or special officer of the State Department of Health and Senior Services shall undertake the provision of services or goods, compensated or not, when in doing so they might reasonably be expected to impair their objectivity or independence of judgement in the exercise of their official duties. Under most circumstances an employee of the State Department of Health and Senior Services shall not provide services, or goods, to an individual or organization licensed, certified, controlled, regulated by or doing business with the Division of the Department in which they are employed. This prohibition includes employment in other state, county and local government and quasi-governmental agencies as well as the private profit and not-for-profit sectors.
- B. No employee, officer or special officer of the State Department of Health and Senior Services shall provide goods or services to an individual or organization for which they directly oversee the awarding of contracts or grants.
- C. No employee, officer or special officer of the State Department of Health and Senior Services shall provide a service or good to an organization other than the State Department of Health and Senior Services when the time required for the provision of such service or good could reasonably be expected to interfere with or overlap the time required to perform their official duties as an employee of the Department.

Recognizing that there may be unusual circumstances in which Department employees are required to hold certification, licenses, registrations and the like as a condition of employment, and such certifications require continuing education or employment in order to remain valid, an exception to sections A through C may be granted under the following conditions:

- 1. the experience or education can only be obtained at New Jersey facilities regulated by the Department (e.g. N.J. Paramedic certification).
- 2. the Department reviews and approves such employment in advance.
- 3. appropriate safeguards and supervision are provided to ensure that the employee has no interaction with the facility which is regulated by the Department as part of his or her official duties as a departmental employee.

4. any change in the employment status or the certification requirements of the employee are reported to the Department Ethical Standards officer immediately.

Discussion

In considering whether or not a potential or actual conflict exists the employee and the Department should consider the following questions.

1. What are the individual employee's regular job duties and responsibilities?
2. Does the employee perform other work for the State, and if so, what is it?
3. Does the Division where the individual is employed regulate any activities in the area of the individual's outside employment? If yes, then:
 - a) What are the areas subject to regulation?
 - b) Does the individual employee participate in any way in the regulatory process, and if so, what is the individual's role?
 - c) Is there any reasonable possibility that the outside employment activities of the individual may be subject to regulation by the Division?
 - d) Is there any reasonable possibility that the individual employee may be in a position to influence a regulatory decision on a matter directly affecting the individual's outside employment? If yes, how could this occur (e.g. by providing basic information, a preliminary or initial decision or recommendation, or participating in the Division's decision or recommendation to the Department)?
4. Does the Division where the individual is employed fund (by direct contract/grant or by way of subcontract/subgrant) any activities in the area of the individual's outside employment, or does it have any other role with respect to activities in that area? If yes, then:
 - a) What is the Division's role and what are the private activities affected by the Division?
 - b) Does the individual employee participate in any way in the Division's decision-making process, and if so, how?
 - c) Is there any reasonable possibility that the outside employment activities of the individual may be subject to funding or other action by the Division?
 - d) Is there any reasonable possibility that the individual employee may be in a position to influence the division's decision or action?

5. Is the individual's outside employment subject to regulation, funding or other action by the Department of Health and Senior Services (through other Divisions of the Department)? If yes, then:
 - a) What are the outside employment activities subject to action by the other Division(s) or by the Department?
 - b) What is the relationship of the individual to the other Division(s) in the Department?
 - c) Is there any reasonable possibility that the individual may be in a position to affect or influence a decision by the other Division(s) and/or the Department? If yes, how could this occur?
6. Is the individual's outside employment subject to regulation, funding or other action by any other Department of State government? If yes, then:
 - a) What are the outside employment activities subject to action by another Department of State government?
 - b) What is the relationship of the individual to the other Departments?
 - c) Is there any reasonable possibility that the individual may be in a position to affect or influence a decision by the other Departments? If yes, how could this come about?
7. Is there any reasonable possibility that the individual employee will appear before the Division, the Department of Health and Senior Services, or any other Department of State government in the individual's private capacity because of the individual's outside employment? If yes, how would or could that occur?
8. Is there any reasonable possibility that the individual employee will be performing any activities related to his/her outside employment on State time (e.g., making phone calls for the private employment, soliciting State employees for business, using information acquired on the job, copying State information)? If yes, what are the activities likely to be performed on State time?
9. Is there any reasonable possibility that the individual employee will be doing very much the same work in outside employment that he/she does on the State job, using information acquired on the State job? If yes, then:
 - a) Will the outside employment be performed within the State of New Jersey or out-of-State?
 - b) How extensive is the duplication of State work in the outside employment?

- c) Will the individual be using any State information which is confidential or not generally available to the public?

In instances where there is disagreement concerning the existence of a potential or actual conflict of interest, the matter shall be referred in writing to the Department's Ethical Standards Committee for disposition.