



State of New Jersey
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
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DEPARTMENTAL BULLETIN
No. 5-12

30 August 2012

CONFLICT OF INTEREST CERTIFICATION (NEPOTISM)

1. **Purpose.** To provide guidance, information, and reinforce the New Jersey Statutes on Nepotism in the workplace.
2. **Applicability.** This bulletin applies to all of the New Jersey Department of Military and Veterans Affairs state supervisory employees, including state-contracted individuals and temporary hires of the Department.
3. **Reference.**
 - N.J.S.A. 52:13D-21.2, New Jersey Conflict of Interest Law (NCOIL).
 - N.J.A.C. 19:61-5.7, New Jersey Administrative Code – State Ethics Commission.
 - New Jersey Uniform Ethics Code, February 2011.
4. **Background.**
 - a. The dictionary defines Nepotism as favoritism shown by persons in office to relatives or close friends, especially in granting jobs.
 - b. Nepotism is prohibited by the New Jersey Conflict of Interest Law (NCOIL), wherein at N.J.S.A. 52:13D-21.2 it prohibits the situation described above. “A State officer or employee or a special State officer or employee of a State agency in the Executive Branch shall not supervise, or exercise authority with regard to personnel actions over a relative of the officer or employee.” “As used in this section, “relative” means an individual’s spouse or the individual’s or spouse’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 by blood, marriage, or adoption.”

c. The New Jersey Uniform Ethics Code and Certification further expands the definition of who is included in the nepotism prohibition to persons living in the same household or persons in a relationship (e.g. dating).

d. Attorney General Opinion 06-0006 addresses the issue of the application of the anti-nepotism provision, N.J.S.A. 52:13D-21.2, to previously hired employees and advises that a State employee is not required to be terminated when a relative is subsequently appointed to a high level position within the agency. However, arrangements must be made to prohibit the relative's involvement in the exercise of authority, supervision, or control with regard to the incumbent holder of the affected State office or position (excerpt, Appendix M, Uniform Ethics Code).

5. **Guidance.**


a. DMAVA State Directorates, Offices, and Facilities, are directed to have all employees in supervisory positions read, sign, and date the attached Certification and forward, through channels, to the Ethics Liaison Officer, LTC (Ret) Jack Dillie by 15 October 2012.

b. The certification form can be found on DMAVANet, in the Ethics forms folder at: <http://dmavanet/SiteDirectory/ethics/Forms/Supervisor%20Conflict%20of%20Interest%20Certification.dot> the form will be automatically dated the day of the download. A hard copy is also attached to this publication (see Encl 1).

c. Personnel managers will ensure submission of the form for promotions and/or upon hiring of all Supervisory positions in DMAVA as part of the "Selection process".

6. Questions pertaining to this bulletin should be addressed to LTC (Ret) Jack Dillie, Ethics Liaison Officer at 609-530-7107 or e-mail John.Dillie@njdmava.state.nj.us.

OFFICIAL:


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DISTRIBUTION: A, D, E, F, S: Ethics Liaison (10ea)

1 Encl

N.J. STATE ETHICS COMMISSION

SUPERVISORY CONFLICTS OF INTEREST CERTIFICATION

AGENCY: New Jersey Department of Military & Veterans Affairs

This certification is made in accordance with the New Jersey State Ethics Commission regulations, *N.J.A.C.* 19:61-5.7, and the Uniform Ethics Code, which prohibits a State officer or employee, or Special State officer, from supervising or exercising authority with regard to personnel actions over a relative*, cohabitant or someone a State employee or officer is dating. By my signature below, I certify that I have undertaken a review of the employees directly under my supervision/chain of command and have made the following determination:

Check one:

I do not supervise or have any personnel authority over a relative, someone I live with or someone I am dating.

I do supervise or exercise personnel authority over a relative, someone I live with or someone I am dating. (If this box is checked, indicate in space provided below the name, title and relationship of subordinate who is your relative, person you live with or are dating).

Date:

Printed Name:

Signature: _____

Title:

Work Unit:

*Relative means an individual's spouse or the individual's or spouse's parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, step brother, stepsister, half brother.

Note: *This form must be printed, signed and submitted through the supervisory chain to the agency Ethics Liaison Officer after it is completed and signed.*