

**DEPARTMENT OF HUMAN SERVICES**

**DATE OF CURRENT ORDER:** February 14, 2007

**DATE OF PRIOR VERSIONS:** March 7, 2005

**SUPERCEDES:** Administrative Order 4:05, Department of Human Services' Code of Ethics  
(Pre-State Uniform Code of Ethics)

**SUBJECT:** Department of Human Services' Code of Ethics

**I. PURPOSE**

This Administrative Order sets forth the Department of Human Services' Code of Ethics. This Code is intended to supplement the Uniform Ethics Code adopted by the New Jersey State Ethics Commission ("Uniform Ethics Code") which establishes the general standards and requirements of conduct necessary for all State officers and employees. The Department of Human Services code establishes additional rules of conduct which are needed for the proper and efficient operation of this department. The rules and restrictions contained in both the Uniform Ethics Code and the Department of Human Services' Code of Ethics apply to all Department officers and employees and special Department officers and employees, whether compensated or not compensated.

**II. SCOPE**

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

**III. AUTHORITY**

Uniform Ethics Code

N.J.S.A. 52:13D-12 et seq. - New Jersey Conflicts of Interest Law

N.J.A.C. 19:61-1.1 et seq.

**IV. DEFINITIONS**

The following terms, when used in this Order, have the meanings indicated.

Allowable Entertainment Expenses means the costs for a guest speaker, incidental music and other ancillary entertainment at any meal at an event, provided they are moderate and not elaborate or excessive, but does not include the costs of personal recreation, such as being a spectator at or engaging in a sporting or athletic activity which may occur as part of that event.

Cohabitants means non-related persons who share a household under circumstances where there is financial interdependence.

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

Direct Benefit means acceptance by a Department officer or employee from the sponsor of an event or any other person of travel, meals, accommodation, waiver of conference or event fee or any other costs associated with attending the event for which no payment is made by the State but is not intended to mean nominal refreshments such as nonalcoholic beverages and snacks.

Event means a meeting, conference, seminar, speaking engagement, symposium, training course, ground-breaking, ribbon cutting, meal, open house, cocktail party, fundraiser, holiday party, social function, or similar event that takes place away from the Department officer or employee's work location, is sponsored or co-sponsored by a non-State government source and the invitation for which is extended to the Department officer or employee because of his/her official position.

Gift means anything of value including, but not limited to, loans, services, discounts, gratuities, cash, liquor, food, personal or household goods, use of cars, lodging and other favored treatment or anything of monetary value given directly to an employee, or indirectly as in given to a Department officer or employee's relative, co-habitant or organization designated by the Department officer or employee.

Government Entities means federal, State, county and municipal agencies, including Rutgers University and the State colleges.

Immediate Family Member means the person's spouse, child, parent, or sibling in the same household, or such other person who shares the same household and financial interdependence.

Indirect Benefit means acceptance by a Department officer or employee from the event sponsor or any other person of reimbursement for costs of travel, meals, accommodation, event fees, or any other costs associated with attending the event for which no reimbursement is made by the State but is not intended to mean nominal refreshments such as nonalcoholic beverages and snacks.

Interested Party means (1) any person, or employee, representative or agent thereof, who is or may reasonably be anticipated to be subject to the regulatory, licensing or supervisory authority of the Department; (2) any supplier, or employee, representative or agent thereof; (3) any organization that advocates or represents the positions of its members to the Department; and, (4) any organization a majority of whose members are as described in sections 1 through 3 above.

Reasonable Expenditures for Travel or Subsistence means commercial travel rates directly to and from an event and food and lodging expenses which are moderate and neither elaborate nor excessive.

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.

Special Department Officer or Employee means (1) any person holding an office or employment in the Department 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; or (2) any person, holding a part-time elective or appointive office or employment in the Department.

Thing of Value includes, but is not limited to, compensation; money; a stock, bond, note or other investment in an entity; employment, offer of employment; gift; reward; honorarium; favor; goods, service; loan; forgiveness of indebtedness; gratuity; property or real property; labor; fee; commission; contribution; rebate or discount in the price of any thing of value; an automobile or other means of personal transportation; entertainment; or any other thing of value offered to or solicited or accepted by a Department official in connection with his or her official position.

## **V. POLICY AND PROCEDURES**

The primary obligation of any Department officer or employee is to the Department and its clients.

### **A. Outside Activity and Employment**

1. The hours of outside activity or employment may not conflict or coincide with work hours needed for the discharge of official duties, nor in any way interfere with the performance of those duties. Nor shall the Department officer or employee use State equipment or supplies for such activities.
2. It is the policy of this Department to encourage Department officer and employee growth through participation in outside professional organizations. Department officers and 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, Department officers and 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.

3. A Department officer or 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 attorneys, social workers, accountants, architects, electricians, insurance brokers, land surveyors, plumbers, professional engineers, professional planners, real estate agents and brokers, physicians, teachers, nurses, beauticians and psychologists. All such licenses and certifications reflect potential outside activity and must be reported pursuant to the Uniform Ethics Code.
4. No Department officer or 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 appropriate Ethics Liaison Officer.
5. Department officers and employees must give written notice, pursuant to Section V.E.8, 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 appropriate Ethics Liaison Officer.
6. Department officers and employees must disclose any outside employment, business or financial relationship with other Department officers or employees, particularly subordinates or supervisors in their chain of command. Questions on supervisor/subordinate ethics conflicts should be referred to the appropriate Ethics Liaison Officer.
7. No Department officer or employee shall have a professional therapeutic relationship with any known client of the Division for which the employee works, whether such relationship is compensated or not compensated.
8. Reporting of Any Outside Activity or Employment
  - a. Prior to being undertaken, Department officers and employees shall disclose, in writing, any outside activity and employment, whether compensated or not. Such disclosure shall be on the DHS Outside Activity and Employment Questionnaire. Any such outside activity or employment is subject to Department approval by the assigned Ethics Liaison Officer.
9. See the Uniform Ethics Code for additional rules and requirements.

**B. Notification of Relative's Employment**

1. Department officers and employees are required to notify Department management regarding any relative or cohabitant employed by a contractor, consultant, vendor or any other company or firm doing business with the Department.
2. Department officers and employees are required to notify the Department of any relative or cohabitant (as defined in the uniform Ethics Code) who is employed by the Department of Human Services.
3. Department officers and employees are required to notify the Department of any immediate family member who is employed by a casino.
4. Notifications required by this section shall be disclosed on the DHS Outside Activity and Employment Questionnaire.
5. See the Uniform Ethics Code for additional rules and requirements.

**C. Contracting with the State of New Jersey**

1. No Commissioner, Deputy Commissioner, Special Deputy Commissioner, Assistant Commissioner, Division Director, Deputy Division Director, Assistant Division Director, Chief Executive Officer, Deputy Chief Executive Officer, or any person acting in one of these capacities may have any contractual or business relationship with another officer or employee or special State officer or employee of the Department.
2. Entering a rental agreement for rental space with the State of New Jersey may be permissible pursuant to the law. Any Department officer or employee considering any such agreement shall consult with the appropriate 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 officers and employees must, therefore, be mindful that this Code of Ethics and the Conflicts of Interest Law contracting provisions 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 Executive Commission on Ethical Standards through

the appropriate Ethics Liaison Officer. Disclosure shall be made on the DHS Outside Activity and Employment Questionnaire.

5. See the Uniform Ethics Code for additional rules and requirements.

#### **D. Appearances and Representation**

See the Uniform Ethics Code for rules and requirements.

#### **E. Gifts**

1. A Department officer or employee must disclose to and notify the appropriate Ethics Liaison Officer and the Department officer/employee's supervisor of any offer or receipt of any thing of value from any party.
  - a. Upon consultation with the appropriate Ethics Liaison Officer, the Department officer or 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. A list of nonprofit entities may be obtained from the Ethics Liaison Officer.
  - b. Upon a determination by the appropriate Ethics Liaison Officer that the gift is trivial and of nominal value, the Department officer or 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.
  - c. The Ethics Liaison Officer shall keep records of all such occurrences, including but not limited to, names of the Department officers, individuals, and companies involved, and the final disposition of the thing of value.
2. Department officers and employees shall not accept nor distribute "safe driver" or similar cards that are distributed by police organizations to individuals or groups of employees in their capacities as State employees.
3. Department officers and employees shall not accept meals provided under circumstances from which it might reasonably be inferred that the purpose

was to influence the discharge of their duties. Refer to Section J.3 below for policy regarding special circumstances for speaker engagements.

4. When a Department officer or employee purchases goods or services from a vendor for personal use, the Department officer or employee may accept the State discount only if such discount is generally offered to the public.
5. Limitations on retirement gifts are set forth in the Uniform Ethics Code.
6. See the Uniform Ethics Code for additional rules and requirements.

**F. Attendance at Events**

See the Uniform Ethics Code for rules and requirements.

**G. Use of State Property**

1. Department officers and 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 officers and employees shall not remove from the State worksite any State equipment or supplies for personal use or consumption.
3. See the Uniform Ethics Code for additional rules and requirements.

**H. Misuse of Position or Information**

1. No Department officer or employee shall use confidential information (information not available to the public) obtained in his or her work within the Department to further his or her private interest or the interests of others.
2. Where the Department officer or employee needs to determine whether the information requested is public information (which must be released on

appropriate request), the Department officer or employee shall consult with the appropriate Open Public Records Act (OPRA) custodian before releasing the information.

3. See the Uniform Ethics Code for additional rules and requirements.

#### **I. Employment of Relatives and Cohabitants**

1. No Department officer or employee shall use his or her State position to secure an unwarranted privilege or advantage for any relative or cohabitant. No Department officer or employee shall act in any Department employment matter involving a relative or cohabitant, wherein they have a direct or indirect financial interest, or wherein their actions might create the appearance of ethical misconduct.
2. Department officers or employees shall not work in a direct supervisor-subordinate relationship with a relative or cohabitant. There must be an intermediate supervisory level between the two, and the higher placed Department officer or employee shall have no supervisory or signatory authority regarding personnel matters affecting the subordinate Department officer or employee.
3. See the Uniform Ethics Code for additional rules and requirements.

#### **J. 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 assigned 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 assigned 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 officer or employee or special Department officer or employee; 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 assigned 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 assigned 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.

**K. Recusal**

See the Uniform Ethics Code for rules and requirements

**L. Circulating Résumé's Prior to Leaving State Service**

1. Department officers and employees who have direct and substantial contact with any consultants or vendors doing business with the State must refrain from circulating resumes or in any manner seeking employment with those firms while still in State service. If a Department officer or employee is solicited for potential employment by a firm with which he/she has direct and substantial contact, that solicitation must be disclosed immediately to the Department officer/employee's supervisor and the assigned Ethics Liaison Officer to avoid a situation where a Department officer or employee may appear to be using his/her official position to gain an unwarranted advantage.
2. Department officers and employees who do not have direct and substantial contact with consultants or vendors doing business with the State may circulate resumes and enter into discussions regarding potential employment with those firms as long as they avoid a situation that may

give rise to an unwarranted advantage. Discussions, interviews and negotiations shall not take place on State time.

3. See the Uniform Ethics Code for additional rules and requirements.

**M. Post-Employment Restrictions**

See the Uniform Ethics Code for rules and requirements.

**N. Casino-Related Considerations and Family Member Restrictions**

See the Uniform Ethics Code for rules and requirements.

**O. Political Activity of Department Employees**

1. No Department officer or 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. A Department officer or employee during the hours of duty shall neither engage in political activity; 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. A Department officer or employee retains the right to vote as he or she chooses and hold opinions on political subjects and candidates.
2. Additional restrictions on political activity of Department employees are contained in Administrative Order 4:06 and the Uniform Ethics Code.
3. See the Uniform Ethics Code for additional rules and requirements.

**P. Penalties**

1. Department officers and employees who violate the Uniform Ethics Code and/or this Administrative Order are subject to disciplinary action by the Department pursuant to Administrative Order 4:08. Any time there is a

violation of the Uniform Ethics Code and the Department's supplemental Code of Ethics (A.O. 4:05) and discipline is to be considered, prior approval must be obtained from the State Ethics Commission.

2. See the Uniform Ethics Code for additional rules and requirements.

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Jennifer Velez  
Acting Commissioner

Date: \_\_\_\_\_