

CODE OF CONDUCT
FOR EMPLOYEES
OF THE OFFICE OF THE GOVERNOR

I. PURPOSE

The Governor hereby adopts this Code of Conduct as the appropriate standard of conduct for employees of the Office of the Governor. This Code supersedes all previous codes of conduct promulgated for the Governor's Office and shall apply to all employees, as hereinafter defined. The Code is adopted to ensure public trust and confidence and to inform employees of the standard of conduct expected of them.

II. STATEMENT OF POLICY

The Office of the Governor exists to serve the public interest. All employees of the Governor's Office must, therefore, conduct themselves in the course of their duties in a manner that fosters the respect, trust and confidence of the public. Employees must avoid any activity or association that is, or appears to be, a violation of the public trust.

This Code of Conduct prohibits conflicts that are substantial and material or that may bring government into disrepute. This Code is not intended to be applied in a vacuum. To that end, it attempts to balance public perception with the practical realities of government service. Under our democratic form of government, public employees should be drawn from all of our society and citizens who serve in government and should enjoy a presumption of honest behavior and faithful performance in the discharge of their duties. The standards set forth in this Code should be read so as to prohibit conflicts that are substantial and material or that bring government into disrepute.

In any instance in which an employee is not certain what the standard of conduct should be, the employee should consult the Chief Counsel to the Governor or his or her designee, who, for purposes of this Code, shall serve as the Governor's Ethics Liaison Officer to the New Jersey Executive Commission on Ethical Standards.

III. DEFINITIONS

Unless a different meaning appears from the context, the following terms shall have the following meanings:

“Cause, proceeding, application or other matter” shall mean a specific cause, proceeding or matter and does not mean or include determinations of general applicability or the preparation or review of legislation which is no longer pending before the Legislature or the Governor.

“Code” shall mean this Code of Conduct.

“Employee” shall mean any person employed in the Governor’s Office, whether classified, unclassified, senior executive service member, temporary or permanent, in a part-time or full-time capacity.

“Entity” shall mean any committee, corporation, partnership, firm, organization or association.

“Ethics Liaison Officer” shall mean the Chief Counsel to the Governor or his or her designee.

“Legislative agent” shall mean any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value (including reimbursement of his or her expenses where such reimbursement exceeds \$100.00 in any three-month period), to influence legislation or to influence regulation, or both, by direct or indirect communication with or by making or authorizing, or causing to be made or authorized, any expenditures providing a benefit to a member of the Legislature, legislative staff, the Governor, the Governor’s staff, or any officer or staff member of the Executive Branch, or who holds himself or herself out as engaging in the business of influencing legislation or regulation by such means or who, incident to his or her regular employment, engages in influencing legislation or regulation by such means. However, a person shall not be deemed a legislative agent who, in relation to the duties or interests of his or her employment or at the request or suggestion of his or her employer, communicates with a member of the Legislature, with legislative staff, with the Governor, with the Governor’s staff, or with an officer or staff member of the Executive Branch concerning any legislation or regulation, if such communication is an isolated, exceptional or infrequent activity in relation to the usual duties of his or her employment. For the purposes of this definition, activities to influence legislation or influence regulation, shall be deemed “isolated, exceptional or infrequent” if they constitute less than 20 hours of the time an employee spends working at his or her employment during a calendar year. “Legislative agent” shall include any person or entity acting on behalf of same.

“Lobbyist” shall mean any corporation, partnership, firm, organization, association, individual, labor union, committee or person that employs, retains, designates, engages or otherwise uses the services of any legislative agent to influence legislation or regulation. “Lobbyist” shall include any person or entity acting on behalf of same.

“Member of the immediate family” shall mean the spouse, child, parent, or sibling residing in the same household as the person in question.

“Office or Governor’s Office” shall mean the Office of the Governor including, by way of example and not limitation, the Office of the Chief of Staff, the Office of

Management and Operations, the Office of Policy and Communications and the Office of the Chief Counsel to the Governor.

“Personal funds” shall mean funds of a natural person. “Personal funds” shall not include funds that are loaned, advanced or reimbursed to that person for the purpose of providing anything of value to an employee by a vendor, regulated entity, legislative agent or lobbyist.

“Regulated entity” shall mean any casino license applicant or casino licensee and any corporation, partnership, firm, organization, association, individual or person, which or who is subject to rate or other significant regulation by the State and any affiliates, subsidiaries, co-adventures or partners thereof. “Regulated entity” shall include any person or entity acting on behalf of same. “Regulated entity” shall not include any municipal or county authority established pursuant to the Revised Statutes of New Jersey.

“State” shall mean the State of New Jersey.

“State Committee” shall mean the State Committee of any political party organized pursuant to N.J.S.A 19:5-4.

“Vendor” shall mean any corporation, partnership, firm, organization, association, individual or person who has contracted or bid to provide property, goods or services directly to the Office of the Governor. “Vendor” shall include any person or entity acting on behalf of same.

IV. CODE OF CONDUCT

(A) SOLICITATION AND RECEIPT OF GIFTS AND OTHER ITEMS

(1) Except as otherwise provided herein or unless offered to the general public, an employee shall not solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, gift, favor, service, outside employment, offer of outside employment, preferential loans, services at preferential rates, discounts, gratuities, meals, lodging, travel expenses or anything of monetary value from any vendor, regulated entity, legislative agent or lobbyist.

(2) An employee may accept gifts, favors, services, gratuities, meals, lodging or travel expenses from relatives or personal friends that are paid for with personal funds.

(3) An employee may accept gifts, favors, services, gratuities, meals, lodging or travel expenses that are paid for by a State Committee or similar entity.

(4) An employee may accept, with the approval of the Ethics Liaison Officer, reimbursement of actual expenses for travel, lodging and meals in connection with

speeches or published works on matters within the scope of the employee's official duties, for which reimbursement is not sought or received from the State.

(5) An employee shall report and turn over to the Ethics Liaison Officer any offer or receipt of any compensation, reward, gift, favor, service, outside employment, preferential loan, services at preferential rates, discounts, gratuities, meals, lodging, travel expenses or anything of monetary value from any vendor, regulated entity, legislative agent or lobbyist, within (5) business days of such offer or receipt.

The report shall be made on forms or in the manner prescribed by the Ethics Liaison Officer and shall describe:

(a) the compensation, reward, gift, favor, service, outside employment, offer of outside employment, preferential loan, service at preferential rates, discount, gratuity, meal, lodging, travel expenses or thing of monetary value;

(b) the identity of the vendor, regulated entity, legislative agent or lobbyist;

(c) the circumstances under which the gift, reward, favor, compensation, service, outside employment, offer of outside employment, preferential loan, service at preferential rates, discount, gratuity, meal, lodging, travel expenses or thing of monetary value was offered;

(d) the nature of the employee's interaction or relationship with the donor;

(e) whether the offer, receipt or agreement was made on work time or personal time; and

(f) why the employee believes that acceptance of the compensation, reward, gift, favor, service, outside employment, offer of outside employment, preferential loan, service at preferential rates, discount, gratuity, meal, lodging, travel expenses or thing of monetary value will not create an appearance of impropriety or otherwise violate this Code.

(6) An employee is not required to notify the Ethics Liaison Officer of the receipt of unsolicited ordinary advertising material or nominal monetary value, including, by way of example, pens, pencils, calendars and similar items.

(7) For purposes of this section IV of this Code, something will be considered to be indirectly solicited or received if it is delivered to someone other than the employee in the name of the employee and at the direction of the employee. Compensation, rewards, gifts, favors, services, outside employment, offers of outside employment, preferential loans, services at preferential rates, discounts, gratuities, meals, lodging,

travel expenses or things of monetary value will not be considered to be received or indirectly solicited by the employee if the employee donates said things to the State or a charity, provided that the donation is made in the name of the donor by the employee. A copy of the correspondence documenting such a donation by an employee shall, at the time of transmission to the organization, be provided to the Ethics Liaison Officer.

(B) ATTENDANCE AT EVENTS AND FUNCTIONS

(1) An employee may attend any event or function paid for with personal funds on the employee's personal time.

(2) An employee may attend any event or function on work time if approved by the employee's supervisor as official business and if the employee's attendance is paid for by the State.

(3) An employee may, on the employee's personal time, attend an event or function paid for by a State Committee or other similar entity.

(4) An employee may attend events or functions other than events or functions open to the general public or those described in (1), (2) or (3) above only after consulting with and receiving approval from the Ethics Liaison Officer.

Examples of such events or functions include a conference, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fund-raiser, holiday party, social or business function. If the employee wishes to attend such an event or function, the employee shall report the receipt of the invitation through his or her supervisor to the Ethics Liaison Officer in such form as the Liaison shall request. The Liaison shall consider:

- (a) the nature of the event or function;
- (b) the identity of the sponsoring organization;
- (c) the circumstances under which the invitation was extended;
- (d) the nature of the employee's interaction or relationship with the sponsoring organization;
- (e) whether the employee will attend the event on work time or personal time; and
- (f) why the employee believes that the employee's attendance at the event or function and/or acceptance of a thing of monetary value from the sponsoring organization will not create an appearance of impropriety or otherwise violate this Code.

The Ethics Liaison Officer shall, in consultation with the employee's supervisor, determine:

(a) whether representation of the Office is appropriate or whether the employee may only attend the event or function on personal time;

(b) whether acceptance of the invitation is in conflict with this Code;
and

(c) whether the Governor's Office might wish to underwrite the costs incurred for participation in the activity as an alternative to accepting the invitation as offered.

(C) CONFLICTS AND APPEARANCES OF CONFLICTS

(1) An employee shall not have any direct or indirect interest, financial or otherwise, or engage in any business or transaction or professional activity that is in substantial conflict with the proper discharge of the employee's duties in the public interest.

(2) An employee licensed by the State or a State agency to engage in any business, profession, trade or occupation shall not engage in such business, profession, trade or occupation without promptly filing notice of such activity with the Ethics Liaison Officer and the New Jersey Executive Commission on Ethical Standards.

(3) An employee shall not use or attempt to use the employee's official position or information in the employee's possession as a result of the employee's official position to secure unwarranted privileges or advantages for the employee or others.

(4) An employee shall not act in the employee's official capacity in any matter wherein the employee has a direct or indirect personal financial interest that might reasonably be expected to impair the employee's objectivity or independence of judgment.

(5) An employee shall not either personally or through any person or entity undertake or execute any contract, agreement, sale or purchase valued at \$25.00 or more with any State agency, except as otherwise provided by statute and approved by the Ethics Liaison Officer.

(6) An employee shall not undertake any outside employment or service, whether compensated or not, which might reasonably be expected to impair the employee's objectivity and independence of judgment in the exercise of the employee's official duties.

(7) An employee shall not accept any personal gift, favor, service or other thing of value under circumstances from which the employee knows or has reason to believe that such personal gift, favor, service or other thing of value is offered with the intent to influence the employee in the performance of the employee's public duties or 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 the employee in the discharge of the employee's official duties.

(8) An employee shall not directly or indirectly solicit, receive or agree to receive any compensation, reward, favor, service, outside employment, preferential loan, service at preferential rates, discount, gratuity, meal, lodging, payment of travel expenses or anything of value from any source other than the State for any service, advice, assistance or other matter related to the employee's official duties. This prohibition shall not apply to reimbursement, approved by the Ethics Liaison Officer, of actual expenses for travel, lodging and meals in connection with speeches or published works on matters within the scope of the employee's official duties for which reimbursement is not sought or received from the State.

(9) An employee shall not knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his or her acts that the employee may be engaged in conduct inconsistent with this Code.

(D) OUTSIDE EMPLOYMENT AND ACTIVITIES

(1) An employee shall not accept outside employment, render services, represent, appear for or negotiate on behalf of any private or public interest except the State if such outside employment or activity is incompatible or in conflict with the discharge of the employee's official duties. Additionally, the hours during which the employee engages in outside employment or activities shall not conflict with the employee's work hours.

(2) An employee shall disclose to the Ethics Liaison Officer and the New Jersey Executive Commission on Ethical Standards all outside employment or activities, whether compensated or not, on forms prescribed by the Ethics Liaison Officer or the New Jersey Executive Commission on Ethical Standards, as the case may be, before undertaking any such employment or activity. For purposes of this Code, "outside employment" shall include service for any other State, county, regional or municipal government body, agency, commission, department or board, whether compensated or not.

(3) An employee shall not engage in such outside employment or activities without first receiving approval from the Ethics Liaison Officer. The Ethics Liaison Officer may determine that continuing or engaging in certain outside employment or activities would result in a violation of this Code and may withhold approval. The Ethics Liaison Officer may approve outside employment or activities that are limited in scope

and which avoid the potential for a conflict or an appearance of a conflict because the outside employment or activity does not involve substantial or material dealings with any vendor, regulated entity, legislative agent or lobbyist.

(4) An employee licensed by the State or any State agency to engage in any business, profession, trade or occupation shall disclose that licensure to the Ethics Liaison Officer and the New Jersey Executive Commission on Ethical Standards. Examples of such licenses include, but are not limited to, licenses for accountants, architects, attorneys, electricians, insurance brokers, counselors, land surveyors, plumbers, professional engineers, professional planners, real estate agents and brokers.

(E) USE OF STATE INFORMATION, PROPERTY AND FUNDS, INCLUDING OFFICIAL STATIONERY

(1) An employee shall use the information, property and funds under his or her official control in accordance with prescribed procedures and not for personal gain or benefit.

(2) An employee shall not use or disclose information not generally available to members of the public, which information is obtained during the course of the employee's work within the Office, other than such use or disclosure connected with the employee's official duties.

(3) In addition to all other official uses, the following uses of State stationery are generally permissible:

(a) to recommend a current or former employee or colleague for another position, admission to a school or program, etc.; or

(b) to respond to inquiries from a private entity about a current or former employee or colleague.

(4) The following uses of State stationery are impermissible:

(a) to promote a candidate for elective office;

(b) to promote a vendor;

(c) to express a personal opinion on a matter that is not related to one's official duties; or

(d) to secure a personal financial gain or pursue a vested interest.

(5) The use of “personal” stationery imprinted with the name of the Office, the State Seal or other indicia of the Office or the office or title of any employee, even though paid for with personal funds, is impermissible.

(F) EMPLOYMENT AFTER LEAVING STATE EMPLOYMENT

After leaving employment in the Office, an employee shall not represent, appear for, negotiate on behalf of or provide information or services not generally available to the public to anyone regarding any cause, proceeding, application or other matter with respect to which the employee shall have made any investigation, rendered any ruling, given any opinion, or been otherwise substantially and directly involved at any time during the course of his or her employment. This prohibition also applies to professional corporations and to partnerships, firms or corporations in which the former employee has an interest and to all partners, officers or employees of such partnerships, firms or corporations.

Questions concerning possible post employment conflicts should be addressed to the Ethics Liaison Officer prior to termination of employment.

(G) SPECIAL CASINO RELATED CONSIDERATIONS

(1) An employee is subject to the statutory provisions concerning contemporaneous and post-State employment restrictions regarding casinos. The proscription is contained in N.J.S.A. 52:13D-17.2, a copy of which is available from the Ethics Liaison Officer.

(2) In the event that the Legislature repeals or suspends N.J.S.A. 52:13D-17.2, in whole or in part, the companion sections of this Code shall, to the same extent, be deemed repealed or suspended and of no effect.

(H) CAMPAIGN WORK

(1) An employee shall not engage in campaign work on State time. “Campaign work” is work that both: (a) does not reasonably and primarily fulfill the employee’s official duties; and (b) materially contributes to a person’s chance of election or reelection to public office or the prospects of a candidate.

(2) An employee may engage in campaign work voluntarily whenever he or she is not present in State facilities or obligated to perform official duties.

(3) An employee shall not use the property of the Governor’s Office for campaign work.

V. OTHER STATUTES AND RULES

In addition to this Code of Conduct, the applicable sections of which may be enforced by the New Jersey Executive Commission on Ethical Standards, an employee is subject to all other applicable statutes, rules and executive orders.

VI. VIOLATIONS AND SANCTIONS

An employee who violates this Code is subject to disciplinary action by the Governor's Office. Violations of this Code may also constitute violations of other standards or statutes, including the New Jersey Code of Criminal Justice, the sanctions for which may include fines and imprisonment.

All employees are advised to adhere to this Code strictly and to seek advice from the Ethics Liaison Officer if they have questions concerning their obligations.

APPROVED and ADOPTED this
Day of February, 2002:

James E. McGreevey
Governor

Attest:

Paul A. Levinsohn
Chief Counsel to the Governor