



State of New Jersey

STATE ETHICS COMMISSION

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Agency Compliance Review **Instructions**

Pursuant to *N.J.S.A.* 52:13D-21(e)(3), the State Ethics Commission's ("SEC") Ethics Compliance Officer is required to conduct systematic reviews of State agencies in the Executive Branch for compliance with laws, regulations, codes, orders, procedures, advisory opinions, and rulings concerning the ethical standards for State officers and employees and special State officers and employees. SEC staff utilizes the compliance review process to identify areas of common concern and provide training on these issues at the quarterly Ethics Liaison Officer ("ELO") meetings. The review process also provides a forum for ELOs to discuss questions or concerns and to request assistance from SEC staff on any issues that the agency's ethics program may be facing.

Attached you will find a copy of the **Agency Compliance Review Questionnaire**. Please answer all questions to the best of your ability. In some cases, you may need to contact other personnel at your agency to gain an understanding of current procedures implemented. The questionnaire will also prompt you to attach various documents, which are noted in *italics*. A complete list of requested documents can be found on the **Agency Compliance Review Document List**, also attached. Recent document samples are preferred when possible. If the number of samples requested does not exist for your agency, please provide all available.

Please submit the completed questionnaire and requested documents to the SEC Ethics Compliance Officer via email at least two (2) weeks prior to your scheduled review meeting.

Following the meeting, the Ethics Compliance Officer will prepare a report indicating whether your agency is in substantial compliance with the letter and spirit of the State's ethics laws. Once the report is approved by the SEC Executive Director, the Executive Director and Ethics Compliance Officer jointly send the agency head a letter stating the findings of the review, identifying strengths and any opportunities for improvement.

If an agency is found not to be in substantial compliance, SEC staff will issue an interim report and help you to create a plan to address deficiencies. Once deficiencies are addressed, a final report will be issued. All final compliance review reports are posted to the SEC website.

If you have any questions or concerns, please contact the SEC Ethics Compliance Officer at 609-292-1892.

Agency Compliance Review
Questionnaire

Agency:
Ethics Liaison Officer (ELO):
Date of Review Meeting:

I. Background Information

A. Agency Information

1. Approximately how many employees work for your agency?
2. Please identify all agency work locations (satellite offices, facilities, etc.).
3. *Please attach the most up-to-date agency organizational chart available.*

B. ELO Information

1. How long have you served as your agency's ELO?
2. Have you attended an ELO orientation session?
3. Do you have a deputy/assistant/alternate ELO? If so, please identify.
4. Are any of your ELO duties delegated to other agency officials (distribution and review of forms, conducting ethics-related investigations, etc.)? If so, please identify those individuals and their responsibilities.
5. Do you serve as ELO for any boards, commissions, councils, etc. within your agency? If so, please identify those entities.

II. ELO Quarterly Meetings

1. Do you or a designee attend ELO quarterly meetings?
2. Please list any topics you would like to see covered at a future ELO quarterly meeting.

III. Distribution of Ethics Documents

A. Uniform Ethics Code (UEC) and Plain Language Guide (PLG)

1. Describe how your agency distributes the UEC and PLG to new employees.
2. Describe how your agency distributes the UEC and PLG to new special State officers, including members of your agency's boards, commissions, councils, etc.
3. *Please attach three (3) sample acknowledgements of receipt of the UEC and PLG from employees.*
4. *Please attach three (3) sample acknowledgements of receipt of the UEC and PLG from special State officers.*

B. Supplemental Code of Ethics

1. Does your agency have a supplemental ethics code? If not, skip to Section IV.
2. Describe how your agency distributes its supplemental code to new State employees and special State officers.
3. *Please attach three (3) sample supplemental code receipts.*

IV. Ethics Training

A. Training Schedule

1. Please identify all ethics training methods used by your agency (online on the SEC website, through the Learning Management System, in-person, ethics brochure, etc.).
2. How does your agency ensure that new employees receive required ethics training within 60 days of appointment?
3. How does your agency ensure that new special State officers receive required ethics training within 60 days of appointment?
4. Describe how trainings are assigned to employees/officers and special State employees/officers each year. Please note if all officials are on the same schedule (full training year vs. briefing year) or if each individual follows their own schedule.

B. Training Receipts

1. *Please attach three (3) sample receipts from full employee ethics training.*
2. *Please attach three (3) sample receipts from ethics briefing.*
3. *Please attach three (3) sample receipts from special State officer ethics training.*
4. Describe how your agency tracks the completion of ethics trainings.
5. *If your agency uses the Learning Management System (LMS), please attach employee ethics training records for the last three (3) years. If your agency does not use LMS, please attach documentation showing how ethics training is tracked.*

V. **Outside Activities**

A. Outside Activity Questionnaire (OAQ)

1. Describe your agency's procedure for distributing and collecting completed OAQs from new employees.
2. Does your agency remind employees to review and update their OAQs on an annual basis?
3. *Please attach annual reminder to review and update OAQs.*
4. How does your agency ensure that all employees submit an updated OAQ at least every three years?
5. *Please attach three (3) sample approved OAQs.*

B. Outside Employment Questionnaire (OEQ)

1. Describe your agency's procedure for distributing and collecting completed OEQs from new special State officers.
2. How often are special State officers prompted to update their OEQs?
3. *Please attach three (3) sample completed OEQs.*

C. Political Activity

1. Are employees sent a reminder prior to election season regarding the restrictions on political activity in the workplace?
2. *Please attach political activity memo.*

D. Casino/Cannabis Waivers

1. Has an employee ever disclosed secondary employment or an immediate family member's employment with a casino or cannabis entity?
2. If so, have waiver requests been submitted to the SEC?
3. *Please attach three (3) sample casino/cannabis waiver request letters.*

VI. Attendance at Events

1. Does your agency use the SEC's Request for Approval for Attendance at Events form or a modified version approved by the SEC?
2. *Please attach three (3) sample Attendance at Events forms.*
3. Are Attendance at Events forms involving a speaker's exception sent to the SEC for review?
4. *Please attach three (3) sample Attendance at Events forms with speaker's exception.*

VII. Gifts

A. Disposition of Gifts

1. Please describe your agency's procedure for documenting and returning/donating gifts received by agency officials.
2. *Please attach three (3) sample gift return/donation letters.*

B. Gift Reminders

1. Does your agency send out a reminder each year prior to the holiday season regarding the State's zero-tolerance gift policy?
2. *Please attach holiday gift memo.*

VIII. Recusals

A. Recusal Statements

1. Do recusal statements conform to the requirements of SEC regulations and best practices?
2. Are written recusals filed with the SEC?
3. *Please attach three (3) sample recusal statements.*

B. Personal and Business Relationships Disclosure Forms

1. Do officials involved in the procurement process complete the Personal and Business Relationships Disclosure (PBRD) form? How does your agency identify who is required to file a PBRD?
2. *Please attach a current list of PBRD filers.*
3. Are completed PBRD forms filed with the SEC?
4. *Please attach three (3) sample PBRD forms.*

IX. Joint Ventures

1. Does your agency enter into joint ventures (co-sponsored conferences, ongoing financial partnerships, etc.) with private entities?
2. Are Agency Jointly Sponsored Events/Activities (Joint Venture) Forms completed and sent to the SEC for review?
3. *Please attach three (3) sample Joint Venture Forms.*

X. Financial Disclosure

1. *Please attach a current list of Financial Disclosure Statement (FDS) filers.*
2. Does the ELO notify SEC staff of new FDS filers as they are appointed?
3. Does the ELO send reminders to FDS filers regarding the May 15th deadline as the deadline approaches?
4. *Please attach evidence of reminders to FDS filers.*

XI. Nepotism and Supervisory Conflicts

A. Supervisory Conflict of Interest Certification

1. Does your agency distribute the Supervisory Conflict of Interest Certification or similar form to supervisors?
2. If so, describe the process for distribution of the form.
3. *Please attach three (3) sample Supervisory COI Certifications.*

B. Nepotism Policies

1. Does your agency have any additional policies that address nepotism or supervisory conflicts of interest?
2. *Please attach agency nepotism policies, if applicable.*

XII. Ethics Code Enforcement

A. Ethics Investigations

1. Identify any mechanisms that are in place for agency officials to report potential ethics violations (hotline, complaint form, etc.).
2. Is the SEC notified of complaints alleging ethics code violations?
3. Who at your agency investigates ethics code violations?

B. Ethics Discipline

1. Do you provide input and/or review recommended disciplinary actions involving ethics code violations?
2. Do you refer recommended disciplinary actions involving ethics code violations to the SEC for review?
3. *Please attach three (3) sample referrals to SEC concerning ethics-related discipline.*

XIII. Post-Employment Restrictions

1. Describe your agency's procedure for notifying separating employees about their post-employment restrictions.

2. Does your agency use the SEC post-employment sample letter or a modified version?
3. Does the notice include information about the representation restrictions and rules relating to the casino/cannabis industries, to which only certain State officials, and their immediate family members, are subject?
4. Does your agency maintain a record that a separating employee has received a post-employment notice – for example, a signed acknowledgement form, email read receipt, etc.?
5. *Please attach three (3) sample post-employment letters.*

Agency Compliance Review
Document List

- ___ Agency organizational chart, most up-to-date version available
- ___ Three (3) acknowledgements of receipt of UEC and PLG from employees
- ___ Three (3) acknowledgements of receipt of UEC and PLG from special State officers
- ___ Three (3) supplemental code receipts, if applicable
- ___ Three (3) receipts from full employee ethics training
- ___ Three (3) receipts from ethics briefing
- ___ Three (3) receipts from special State officer ethics training
- ___ For LMS users: Employee ethics training records for the last three (3) years OR
For non-LMS users: Documentation showing how ethics training is tracked
- ___ Annual reminder to review and update OAQ
- ___ Three (3) approved OAQs
- ___ Three (3) completed OEQs
- ___ Political activity memo
- ___ Three (3) casino/cannabis waiver request letters
- ___ Three (3) Attendance at Events forms
- ___ Three (3) Attendance at Events forms with speaker's exception
- ___ Three (3) gift return/donation letters
- ___ Holiday gift memo
- ___ Three (3) recusal statements
- ___ Current list of PBRD filers
- ___ Three (3) PBRD forms

- ___ Three (3) Joint Venture forms
- ___ Current list of Financial Disclosure Statement filers
- ___ Evidence of reminders to Financial Disclosure Statement filers
- ___ Three (3) Supervisory COI Certifications
- ___ Agency nepotism policies, if applicable
- ___ Three (3) referrals to SEC concerning ethics-related discipline
- ___ Three (3) post-employment letters

College/University Compliance Review
Questionnaire Supplement

XIV. College/University Additional Requirements

A. Annual College and University Disclosure Form (Scholarly Capacity)

1. Is the Annual Disclosure Form distributed to employees who serve in a scholarly capacity? If so, how is the form distributed?
2. How does your college/university ensure that all employees who act in a scholarly capacity complete the Annual Disclosure Form?
3. Are copies of the Annual Disclosure Form filed with the SEC?
4. *Please attach three (3) sample Scholarly Capacity Annual Disclosure Forms.*

B. Conflict of Interest Forms

1. *Please attach a current list of COI filers.*
2. Is the SEC notified when new COI filers are appointed?
3. Does the ELO send reminders to COI filers regarding the May 15th deadline as it approaches?

C. Quarterly Vendor Lists

1. Are trustees provided with an updated vendor list each quarter?
2. *Please attach evidence that the most recent vendor list was sent to trustees.*
3. Is a copy of the updated vendor list sent to the SEC each quarter?
4. *Please attach the three (3) most recent quarterly vendor lists.*

D. Executive Order 14 Exception Requests

1. Has a trustee ever disclosed that they, or an immediate family member, is employed by or receives compensation from any firm, association, or partnership that does business with your college/university?
2. If so, was an EO 14 exception request submitted to the SEC?

Additional Document List

- ___ Three (3) Scholarly Capacity Annual Disclosure Forms
- ___ Current list of COI filers
- ___ Evidence of most recent vendor list sent to trustees
- ___ Three (3) most recent quarterly vendor lists