

DEPARTMENT OF CHILDREN AND FAMILIES

EFFECTIVE DATE: June 18, 2008

SUBJECT: Department of Children and Families' Supplemental Code of Ethics

I. PURPOSE

The New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) establishes specific standards of conduct for State employees and officers. Pursuant to the Law, the State Ethics Commission has issued a Uniform Ethics Code to govern and guide the conduct of State officers and employees and special State officers and employees in State agencies in the Executive Branch of State Government and to serve as the primary code of ethics for such agencies. In accordance with N.J.S.A. 52:13D-23, the Department of Children and Families (hereinafter the "Department") promulgates as a supplement to the Uniform Ethics Code this Code of Ethics that addresses the particular needs of the Department with standards of conduct for all State officers and employees, as defined by N.J.S.A. 52:13D-13(b), and special State officers and employees, as defined by N.J.S.A. 52:13D-13(e), within the Department.

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

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

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

New Jersey Uniform Ethics Code

IV. DEFINITIONS

As used in this Department of Children and Families Supplemental Code of Ethics, and unless a different meaning clearly appears from the context, the following terms shall have the following meanings.

Cohabitant 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 State officer or employee, holding an office or employment in the Department.

Special State officer or employee means (1) any person holding an office or employment in a State agency, excluding an interstate agency, 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; (2) any person, not a member of the Legislature, holding a part-time elective or appointive office or employment in a State agency, excluding an interstate agency; or (3) any person appointed as a New Jersey member to an interstate agency the duties of which membership are not full-time.

V. POLICY AND PROCEDURES

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

A. General Standards of Conduct

See the Uniform Ethics Code for rules and requirements.

B. Gifts

1. A Department officer or employee must disclose to the Ethics Liaison Officer and the Department officer/employee's supervisor any offer or receipt of any thing of value from any party.
 - a. If instructed by the 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 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.
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 the Uniform Ethics Code, Appendix B 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 section XI of the Uniform Ethics Code.
6. See the Uniform Ethics Code for additional rules and requirements.

C. Attendance at Events

1. When a Department employee wishes to attend an event sponsored or co-sponsored by an entity other than the State, the employee must complete the "Request for Approval for Attendance at Events" form, have it signed by his/her supervisor and submit it to the Ethics Liaison Officer for approval **prior to attendance**. The submission should include any available information about the event including, but not limited to, the invitation or descriptive flyer.
2. See the Uniform Ethics Code for additional rules and requirements.

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

E. 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. No Department officer or employee shall 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, 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 Ethics Liaison Officer.
5. Department officers and employees must give written notice when serving or seeking to serve on the Board of Directors, Advisory Board, or other such entity for any agency or business by submission of an Outside Activity Questionnaire and approval by the 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 Ethics Liaison Officer.
7. No Department officer or employee shall have a professional therapeutic relationship with any known client of the Department, whether such relationship is compensated or not compensated.
8. 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 DCF Outside Activity Questionnaire. Any such outside activity or employment is subject to Department approval by the Ethics Liaison Officer.
9. No Department officer or employee shall apply to become a resource family parent without first completing the DCF Outside Activity Questionnaire in compliance with policy II D 2200, Employees of the Department of Children and Families (DCF) as Licensed Resource Family Parents. No Department officer or employee shall serve as a resource family parent for a child on his or her caseload.
10. See the Uniform Ethics Code for additional rules and requirements.

F. Official Stationary

See the Uniform Ethics Code for rules and requirements.

G. Post-Employment Restrictions

See the Uniform Ethics Code for rules and requirements.

H. Recusal

See the Uniform Ethics Code for rules and requirements.

I. Contracting with the State of New Jersey

1. No 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 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 should, therefore, be aware that this Code of Ethics, the Uniform 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 State Ethics Commission through the Ethics Liaison Officer. Disclosure shall be made on the DCF Outside Activity and Employment Questionnaire.
5. See the Uniform Ethics Code for additional rules and requirements.

J. Family Members/Cohabitants – Conflicts of Interest

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 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.
3. Department officers and employees are required to notify the Department of any relative or cohabitant (as defined herein) who is employed by the Department of Children and Families.
4. Department officers and employees are required to notify the Department of any immediate family member who is employed by a casino.
5. Department officers or employees shall not work within the line of authority with a relative or cohabitant. An exception may be made for previously hired employees provided the higher placed Department employee shall be prohibited from exercising authority, supervision, or control with regard to the incumbent holder of the state office or position.
6. Notifications required by this section shall be disclosed to the ELO on the DCF Outside Activity and Employment Questionnaire.
7. See the Uniform Ethics Code for additional rules and requirements.

K. 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.

L. 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. No Department officer or employee shall attempt to access the computerized NJ SPIRIT (NJS) program, Service Information System (SIS), Provider/Caregiver Information System (PCIS), Home Provider Tracker System (HPTS), the Permanency Tracking System (PTS), the Contract Management System (CMS),

IAIU data base or other data computer systems for personal reasons. These systems are to be accessed by appropriate DCF staff for official, job-related purposes only. See DCF Policy II A 1600.

3. 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 Open Public Records Act (OPRA) custodian in the Office of Legal Affairs before releasing the information.
4. See the Uniform Ethics Code for additional rules and requirements.

M. 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 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 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 Ethics Liaison Officer shall make a determination as to whether the joint venture or private financing arrangements conforms with Executive Order No. 189 of 1988, this Supplemental 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 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.

N. Reporting Complaints

1. Allegations that a Department officer or employee or special State officer or employee has violated a provision of this Supplemental Ethics Code, the Uniform Ethics Code, or the Conflicts Law should be reported to the Ethics Liaison Officer. The Ethics Liaison Officer will accept anonymous complaints. Please forward allegations to:

Department of Children and Families Ethics Liaison Officer
Office of Legal Affairs, CC#910
222 South Warren Street
Trenton, New Jersey 08625-0729

Or fax allegations to:
609-292-2547

P. Penalties

1. Department officers and employees who violate the Uniform Ethics Code and/or this Supplemental Code of Ethics are subject to disciplinary action by the Department. Any time there is a violation of the Uniform Ethics Code and/or the Department's supplemental Code of Ethics and discipline is to be considered, prior approval to impose said discipline must be obtained from the State Ethics Commission.
2. See the Uniform Ethics Code for additional rules and requirements.

Commissioner

Date: _____