

## **CODE OF ETHICS OF THE OFFICE OF ADMINISTRATIVE LAW**

The Uniform Ethics Code shall be the primary code of ethics for the employees of the Office of Administrative Law. In accordance with N.J.S.A. 52:13D-23(a)(1), the OAL adopts this supplement to the Uniform Ethics Code to govern the conduct of its employees. In addition, administrative law judges shall be subject to the Code of Judicial Conduct for Administrative Law Judges, which shall supplement and override any less stringent requirements contained in this code.

### **I. Ex parte Communication**

No employee shall either initiate or repeat to the assigned judge prohibited ex parte communications from litigants, witnesses, or attorneys. Prohibited ex parte communications include discussions about procedural and substantive matters over which a judge exercises judicial discretion. Informing judges about communications with a litigant regarding scheduling a hearing or other similar administrative matters is not a violation of this provision.

### **II. Outside Employment**

Each full-time employee's position with the OAL must be the employee's primary employment. Outside employment in any business, profession, trade or occupation, whether compensated or not, is permissible only if it complies with the following criteria:

1. the outside employment is not with an entity that regularly appears in the OAL or conducts business with the OAL, and it does not require the employee to have frequent contact with attorneys who regularly appear in the OAL; and
2. the outside employment is capable of being fulfilled outside of normal working hours and is not incompatible with or does not interfere with the performance of the employee's duties and responsibilities;

For Administrative Law Judges, the outside employment shall not require the practice of law.

An employee is required to disclose the outside activity and/or business interest by submitting an OAL Outside Employment/Business Disclosure Form to the Ethics Liaison Officer for approval prior to beginning any such work.

### **III. Activities Unrelated to Employment in the Office of Administrative Law**

An employee shall not publish any work or give any speech that impairs the performance of his or her duties or interferes with the operation of the OAL or otherwise violates this code or any OAL policy. Prior to making any off-duty formal written or verbal statement that identifies him or her as an employee of the OAL, the employee shall seek the approval of the Director by submitting a copy of the writing or prepared remarks or discussing the topics to be addressed with the Director.

#### **IV. Disclosure**

1. An employee who (a) is charged pursuant to N.J.S.A. 2C:1-1 et seq., (b) is charged with a motor vehicle violation that would adversely impact on the performance of duties, or (c) intends to testify on behalf of an accused in a criminal action or on behalf of a party that is an adversary of the State in any civil judicial action, shall promptly report the charge or the intention to testify to the Director.

2. An employee who is aware of conduct by himself or herself or any other employee in the OAL that violates the Uniform Ethics Code, this supplement, or State or federal law shall disclose the conduct to the Director.

3. It is the duty of employees to appear and testify upon matters directly related to the conduct of their offices, positions, or employment before any state or federal court or grand jury, or the State Commission of Investigation. In no case shall an employee simply refuse to appear and testify. If necessary, a protective order may be obtained with the assistance of the Office of the Attorney General. Any employee who fails or refuses to appear and testify, after having been informed of his or her duty to appear and testify by the prosecuting attorney, or an attorney for the State Commission of Investigation, as the case may be, shall be subject to removal from his or her office, position, or employment.