

Code Of Ethics For Officers And Employees  
Under The Jurisdiction Of The Passaic County Ethics Board

I. Passaic County Ethics Board Declaration

The Ethics Board finds and declares that:

- a. Public office and employment are a public trust;
- b. The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives;
- c. Whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled;
- d. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and
- e. It is the purpose of this Code to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for county officers and employees shall be clear, consistent, uniform in their application, and enforceable on a county wide basis, and to provide county officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

II. Definitions

"Board", when used in its capitalized form, means the Passaic County Board of Ethics.

"Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity.

"County" means the County of Passaic or any agency thereof.

"Governing body" means the Board of Chosen Freeholders.

"Financial interest" or "interest" (when it appears in the singular and is not modified by the words "property" or "personal") means either the ownership or control of more than 5% of the profits, assets or stock of a business corporation or the

ownership or control of the profits, assets or stock of a business corporation having a market value of \$10,000 or more, whichever represents the lesser value. Financial interest shall not, however, include the control of assets in a non-profit entity or labor union.

"Agency" means any board, including but not limited to the Board of Social Services, and similarly situated boards, (but specifically excluding the County College Board or any board specifically within the jurisdiction of the Local Finance Board) agency, governing body, including the chief executive officer, bureau, division, office, commission or other governmental instrumentality within the authority of the County of Passaic, or which the County, in whole or in part, controls or contributes to their finances, and/or any independent authority created by or appointed under the authority of the County of Passaic, which performs functions other than of a purely advisory nature, excluding, however, any entity created by the County of Passaic and one, or more than one, other county.

"Employee" means any person, whether compensated or not, whether part-time or full-time, employed by the County or serving on a County agency who is not a County officer, but shall not mean any employee of a school district.

"Officer" means any person whether compensated or not, whether part-time or full-time: (1) elected to any office of a County agency; (2) serving on a County agency; (3) who is a member of an independent county or regional authority; or (4) who is a managerial executive or confidential employee of the County or of a County agency, as defined in section 3 of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-3), but shall not mean any employee of a school district or member of a school board.

"Member of the family" or "family" means the spouse, child, sibling, parent, grandparent, aunt, uncle, first cousin, in-law or members of the household of an officer or employee.

"Member of immediate family" means the spouse or dependent child of a county officer or employee residing in the same household.

"Local Finance Board" shall mean the Local Finance Board in the Division of Local Government Services in the State of New Jersey Department of Community Affairs.

"Substantial", when used to modify the words "benefit" and "involvement", shall mean that level of benefit received or to be received, directly or indirectly, as a result of a county employee's or county officer's vote or participation in a decision and/or that level of personal involvement with an

outside business organization, legal entity, or individual seeking a contract, determination, or thing of value from the county by a county employee or county officer which might reasonably be expected to impair his/her objectivity or prejudice his/her independence of judgment in the exercise of his/her official duties.

With respect to Section V, Financial Disclosure Statement, the terms and definitions set forth in N.J.S.A. 40A:9-22.3 are applicable and are incorporated as though set forth in full herein.

### III. Passaic County Ethics Board: Jurisdiction

The Passaic County Ethics Board shall have jurisdiction to govern and guide the conduct of county government officers or employees regarding violations of the provisions of this code. County government officers or employees serving a county agency shall be under the jurisdiction of the board. The board in interpreting and applying the provisions of this act shall recognize that under the principles of democracy, public officers and employees cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officers and employees have a right to private interests of a personal, financial and economic nature; and that standards of conduct shall distinguish between those conflicts of interest which are legitimate and unavoidable in a free society and those conflicts of interest which are prejudicial and material and are, therefore, corruptive of democracy and free society.

### IV. Ethical Standards for County Officers and Employees

County officers or employees shall comply with the following provisions:

#### A. General Prohibitions and General Precepts

a. No County officer or employee or member of his/her family shall have an interest in a business organization or engage in any business transaction or professional activity which is in substantial conflict with the proper discharge of his/her duties in the public interest.

b. No independent county authority shall, for a period of two years next subsequent to the termination of office of a member of that authority:

(1) award any contract which is not publicly bid to a former member of that authority;

(2) allow a former member of that authority to

represent, appear for or negotiate on behalf of any other party before that authority; or

(3) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.

The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

c. No county government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

As an example, and with no intent to limit the scope or meaning of this prohibition, no county officer or employee shall demand, solicit, or request that any individual, business entity, and/or non-profit organization that is seeking a contract with the county or county agency make or give any payment, gift, favor, loan, service, promise of future employment or other thing of value, not set forth in the contract, to any individual, business entity, county officer, employee or agency.

d. No county government officer or employee shall act in his official capacity in any matter where he, a member of his family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

e. No county officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of his/her official duties.

f. No county officer or employee, member of his/her family, or business organization in which he/she has an interest shall solicit or accept or arrange or be involved with the solicitation or acceptance of, any gift, favor, loan, political contribution, service, promise of future employment or other thing of value for his/her benefit or for the benefit of another based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him or her, directly or indirectly, and/or for the purpose of influencing another county officer or employee, directly or indirectly, in the discharge of his/her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local

government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his/her official duties.

g. No county officer or employee shall use, or allow to be used, his/her public office or employment, or any information, not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his/her office or employment, for the purpose of securing financial gain for himself or herself, any member of his/her family, or any organization in which he/she is serving as officer, director, trustee, general partner or employee or in which he/she or his/her family has a financial interest or for any business organization with which he/she is associated.

h. No county officer or employee or business organization in which he/she has an interest shall represent any person or party other than the county government in connection with any cause, proceeding, application or other matter pending before any agency in the county government in which he/she serves. This provision shall not be deemed to prohibit one county government employee from representing another where the county government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities.

i. No county officer shall be deemed in conflict with these provisions if, by reason of his/her participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him/her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

j. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his/her family, whether directly or indirectly, in return therefor.

k. Nothing shall prohibit any county officer or employee, or members of his immediate family, from representing himself or herself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

l. No County officer or employee shall vote or personally participate in the decision on any County measure, which would, if approved, result in the payment of money to a business entity,

non-profit organization, political organization, or individual which employs said County officer or employee or which employs a member of his or her family.

m. No County officer or employee shall vote or personally participate in the decision on any County measure, which would, if approved, result in the payment of money or other thing of value to the County officer or employee casting the vote, or to a member of the County officer's or employee's family.

n. No County officer or employee shall vote or personally participate in the decision on any County measure, which would, if approved, result in the direct benefit to a business entity or non-profit organization in which he/she or his/her family has a financial interest or holds a position as an officer or trustee or has a personal involvement that might reasonably be expected to impair his/her objectivity or prejudice his/her independence of judgment in the exercise of his/her official duties.

o. When awarding a contract exempted by the New Jersey Statutes from bidding requirements, no County officer or employee shall authorize or vote on the letting of such contract with any business entity, non-profit organization, government agency, or individual which employs him/her, or in which he or she has a financial interest, or which provides a substantial benefit to that individual or to his/her family.

p. No County officer or employee shall negotiate a contract, participate in meetings to negotiate a contract, or be a party to a contract with any County policymaking group, department, bureau, office or program on behalf of any business entity, non-profit corporation, governmental agency, union, or individual which employs him/her or which provides a benefit to that individual or his/her family, or in which he/she has a financial or property interest.

q. No county officer or employee shall participate personally as an officer or employee in a judicial, administrative or other proceeding, application, request for a ruling or other determination on a contract, request for a contract, claim, controversy, charge, accusation, investigation, arrest, or other particular matter (herein, collectively referred to as "matter") in which he/she or, to his/her knowledge, his/her family, general partner, or organization in which he/she is serving as officer, director, trustee, general partner or employee, or involves a situation where his/her family, general partner or organization (in which he/she is serving as an officer, director, trustee, general partner, or employee) has a financial interest, property interest or substantial personal interest or is representing a party.

r. No county officer or employee where his/her official

duties and responsibilities are involved shall knowingly participate in a county matter where he/she has a "financial interest" or involving a business organization in which he/she or a family member has a "financial interest", or participate in a county matter where he/she should have known of the involvement of a family member in which he/she or the family member has a "financial interest."

s. No county officer or employee shall vote or personally participate in the decision on any measure which would, if approved, result in:

- (a) the appointment of a member of his or her family to a County government position;
- (b) the use of county funds to improve, purchase, or authorize construction upon land(s), or land(s) which abut land or which are within 200 feet of land, in which the county officer or employee has a property interest.

#### B. Duty to Disclose Prior Relationship

Any County officer or member of a County agency is charged with the affirmative duty of public disclosure of his/her business or personal relationship that might reasonably be expected to impair his/her objectivity or prejudice his/her independence of judgment in the exercise of his/her official duties with any person who appears, makes application before, or is considered for employment or appointment by that officer or agency. Thereafter, he/she shall abstain from any vote on the matter pending.

#### C. Post-Employment Restrictions

1. The county shall not allow a former county employee or former county officer, or a partnership, firm or corporation in which said former county employee or former county officer has a financial interest, to represent any person, party, or organization, other than the State, before or against that county agency with whom said former employee or former officer was employed or had functioned officially on behalf of for a period of 2 years from the termination of the office or employment with the county of said former employee or former officer. This prohibition shall not apply to former secretarial or clerical county employees. This prohibition shall not apply to lawyers formerly employed by the County Prosecutors' Office. With respect to lawyers formerly employed by the County Prosecutors' Office, the County Prosecutor's office shall object to any such former lawyer making an appearance or representation after leaving his/her employment with the County Prosecutor's Office on any matter which he/she personally worked and/or supervised.

2. No county agency shall award or enter into a contract which is not publicly bid with a former county employee or

officer who was employed or had functioned officially on behalf of said county agency or with a partnership, firm or corporation in which said former county employee or former county officer is employed or has a financial interest, nor any partner, officer, or employee of any such partnership, firm, or corporation for a period of 2 years from the termination of said officer's or employee's office or employment with the county. This prohibition shall not apply to secretarial or clerical county employees.

3. Exceptions to these Post-Employment Restrictions may be permitted by prior application of the County Agency to the Board for an advisory opinion, in situations where the County Agency deems the former employee or officer to have special expertise not otherwise readily available, in cases of hardship, when the appearance of a conflict is substantially outweighed by legitimate circumstances, or when other circumstances warrant such an exception.

#### D. Use of Government Property

a. No officer or employee should utilize County materials or facilities for any substantial personal purpose. Mailings at County expense should be made in conformance with the following guidelines:

(1) Informational mailings should be used only when they further the official business of the County.

(2) The use of County mailings in whole or in part for personal reasons unrelated to official business, or to seek financial or political support or other unfair advantage, is prohibited.

(3) Descriptions and/or announcements of County services or County events may go out in several ways:

(i) unsigned material; e.g., fliers in the name of the entire agency;

(ii) a non-partisan letter by a County officer with specific responsibility for an area;

(iii) a non-partisan letter by the director, chairperson, or head of any County agency.

#### E. Political Activity

a. No County officer or employee shall make either



directly or indirectly or through any political organization any threats or intimidations to any County employee relating to his or her employment with the County for the purpose of receiving political contributions.

b. The County shall prohibit the receipt of political contributions at any building or room occupied for the discharge of official County related business.

#### V. Financial Disclosure Statement

In accordance with N.J.S.A. 40A:9-22.6, all officers shall annually file a financial disclosure statement. All financial disclosure statements shall include the following information which shall specify, where applicable, the name and address of each source and the officer's job title:

- (1) Each source of income, earned or unearned, exceeding \$2,000.00 received by the officer or a member of his/her immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the officer or member of his/her immediate family has an interest in the business organization;
  - (2) Each source of fees and honoraria having an aggregate amount exceeding \$250.00 from any single source for personal appearances, speeches or writings received by the officer or a member of his/her immediate family during the preceding calendar year;
  - (3) Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400.00 from any single source, excluding relatives, received by the officer or a member of his/her immediate family during the preceding calendar year;
  - (4) The name and address of all business organizations in which the officer or a member of his/her immediate family had an interest during the preceding calendar year; and
  - (5) The address and brief description of all real property in the State in which the officer or a member of his/her immediate family held an interest during the preceding calendar year.
- b. The Local Finance Board shall prescribe a financial disclosure statement form for filing purposes. The Local Finance Board shall transmit sufficient copies of the forms

to the Board for filing in accordance with this act. The Board shall make the forms available to the officers. The original statement shall be filed with the county clerk. A copy of the statement shall be filed with the Board. Officers shall file the initial financial disclosure statement within ninety (90) days following the effective date of this act. Thereafter, statements shall be filed on or before April 30th each year.

- c. All financial disclosure statements filed shall be public records.

#### VI. Duties and Powers of Board of Ethics

A. The Ethics Board shall have the following powers under N.J.S.A. 40A:9-22:

- a. To initiate, receive, hear and review complaints and hold hearings with regards to possible violations of the County's Code of Ethics or financial disclosure requirements by officers or employees serving the County;
- b. To issue subpoenas for the production of documents and the attendance of witnesses with respect to the Board's investigation of any complaint or the holding of a hearing;
- c. To forward to the County Prosecutor or the Attorney General, or other governmental body any information concerning violations of the County's Code of Ethics or financial disclosure requirements by officers or employees serving the County which may become the subject of criminal prosecution or may warrant the institution of other legal proceedings by the Attorney General;
- d. To render advisory opinions to officers or employees serving the County as to whether a given set of facts and circumstances would constitute a violation of any provisions of the County's Code of Ethics or financial disclosure requirements;
- e. To enforce the provisions of the County's Code of Ethics and financial disclosure requirements with regard to officers or employees serving the County and to impose penalties for the violation thereof as are authorized by the Local Government Ethics Law; and
- f. To adopt rules and regulations and do such other things as are necessary to implement the purposes of the Local Government Ethics Law and this Code.

## VII. Advisory Opinions of Ethics Board

A county government officer or employee may request and obtain from the Ethics Board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the provisions of this code. Advisory opinions of the board shall not be made public, except when the board by the vote of two-thirds of all of its members directs that the opinion be made public. Public advisory opinions shall not disclose the name of the local government officer or employee unless the board in directing that the opinion be made public so determines.

## VIII. Investigation; Hearings; Disciplinary Action; Violations

### A. Complaints To Board; Notice; Hearing; Decision

The Board, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee is in conflict with the provisions of this Code, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint. The Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the Board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the officer or employee against whom the complaint was filed. Otherwise the Board shall notify the officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the Board with any statement or information concerning the complaint which he/she wishes. Thereafter, if the Board determines that a reasonable doubt exists as to whether the officer or employee is in conflict with the provisions of this Code, the Board shall conduct a hearing in the manner prescribed in this Code, concerning the possible violation and any other facts and circumstances which may have come to the attention of the Board with respect to the conduct of the officer or employee. The Board shall render a decision as to whether the conduct of the officer or employee is in conflict with the provisions of this Code. This decision shall be made by no less than two-thirds of all members of the Board. If the Board determines that the officer or employee is in conflict with the provisions of this Code, it may impose any penalties which it believes appropriate within the limitations of this Code. A final decision of the Board may be appealed to the Local Finance Board within 30 days of the decision.

### B. Penalties

1. Any appointed county officer or employee found guilty by the Board of the violation of any provision of this Code of Ethics, shall be fined not less than \$ 100.00 nor more than \$500.00, which penalty may be collected in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.A. 2A:58-1 et seq.). The Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employee and may recommend that further disciplinary action be taken.

2. An elected county officer or employee found guilty by the Board of the violation of any provision of this Code of Ethics, shall be fined not less than \$100.00 nor more than \$500.00, which penalty may be collected in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.A. 2A:58-1 et seq.).

#### C. Disciplinary Action

The finding by the Board that an appointed county officer or employee is guilty of the violation of the provision of this Code of Ethics, shall be sufficient cause for his/her removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is charged with violating the provisions of this Code of Ethics, the procedure leading to removal, suspension, demotion or other disciplinary action shall be governed by any applicable procedures of Title 11A of the New Jersey Statutes and the rules promulgated pursuant thereto.

#### D. Rules And Procedures Applicable To Hearings

1. All hearings required pursuant to this Code shall be conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a State agency in contested cases under the "Administrative Procedure Act," P.L. 1968, c. 410 (C.52:14B-1 et seq.).

2. It shall not be a defense that the alleged violator did not know of the specific section involved.

#### IX. Preservation of Records

All statements, complaints, requests or other written materials filed pursuant to this Code, and any ruling, opinions, judgments, transcripts or other official papers prepared pursuant to this Code shall be preserved for a period of at least five years from the date of filing or preparation, as the case may be.