

# State Ethics Liaison Officers' Responsibilities

As mandated by Executive Order No.1 (Corzine, 2006) every State department, board, commission, authority, agency and instrumentality must appoint an individual to serve as an Ethics Liaison Officer (ELO).

The ELO plays an essential role in ensuring that his/her agency's employees are aware of and comply with State ethics laws, regulations and executive orders. The ELO is also the vital link between his/her agency and the State Ethics Commission. The ELO is responsible for administering an agency-based ethics compliance program. The ELO ensures that employees receive required documents, complete necessary filings, attend mandatory training, and avoid violations of ethics laws and regulations. If such violations occur, the ELO may also be involved in initiating the appropriate disciplinary action or assisting the Commission's investigators with gathering documents and information. What follows is a summary of responsibilities vested in ELOs.

## **I. Documents**

### **A. Uniform Ethics Code and Supplemental Ethics Code N.J.S.A. 52:13D-23 and N.J.A.C. 19:61-2.2(c)**

1. Ensure that all employees and officers receive a copy of the Uniform Ethics Code and the agency's supplemental code of ethics if applicable.
2. Ensure that all employees and officers sign a receipt indicating the date the code was received and an acknowledgement that the employee or officer is responsible for reading and is bound by the code.
3. Ensure that the receipt is maintained in the employee's or officer's personnel file.

### **B. Plain Language Ethics Guide N.J.S.A. 52:13D-21(o)**

1. Ensure that all employees and officers receive the Plain Language Ethics Guide.
2. Ensure that all employees and officers sign a receipt acknowledging that they received and reviewed the guide.

### **C. Outside Activity Questionnaire N.J.A.C. 19:61-2.2(a)**

1. Under State ethics rules, all employees must fill out an outside activity questionnaire. Employees are required to disclose all secondary employment, outside business interests and outside activities such as volunteer boards. ELOs have the responsibility of ensuring that employees update the questionnaire when necessary. It is recommended that the ELO require employees to fill out a new questionnaire at regular intervals – for example – every other year, and require that employees report any changes in the non-filing year.

2. It is the duty of the ELO to review these forms to eliminate or prevent conflicts with an employee's official job duties and approve or disapprove each form.

### **D. Personal and Business Relationships Disclosure Form N.J.S.A. 52:34-10.9**

1. Ensure that any employee or State officer who is involved in the procurement process at his/her State agency or is involved in the procurement process of a State agency other than his/her own fills out the Personal and Business Relationships Disclosure Form. ELOs must ensure that employees review the form annually to verify its accuracy and completeness and fill out a new form if there is a material change to any response.

2. It is the duty of the ELO to review these forms to eliminate conflicts of interest if employees have business, personal or professional relationships with an entity or individual that is seeking to contract with the State. ELOs must ensure that employees who have conflicts execute a written recusal.

## **II. Reporting**

### **A. Request for Approval for Attendance at Events N.J.A.C. 19:61-6.1(c) et seq.**

1. Under State ethics rules, each employee and officer must fill out a Request for Approval for Attendance at Events form before attending an event away from his/her work location that is sponsored by a supplier or a non-State government source, and the invitation is extended because of his/her official position.

2. ELOs must approve all attendance at events forms prior to the employee's attendance.

3. ELOs must forward attendance at events forms to the Commission if the event is sponsored by an interested party and the employee is allowed to accept any benefit from the sponsor.

#### **B. Recusal N.J.A.C. 19:61-7.4**

1. ELOs should ensure that each employee and officer executes a recusal letter when he/she has a personal or financial interest that conflicts with his/her official duties.

2. All Recusal letters must be copied to the Commission.

#### **C. Joint Ventures**

The Commission must be copied on all agency determinations regarding proposed joint ventures or private financing. See the Commission's guidelines regarding Joint Ventures and Private Financing of State Activities.

#### **D. Gifts N.J.A.C. 19:61-6.9, 6.10**

1. ELOs should distribute the gift policy to all officers and employees before the holiday season.

2. Employees must report all gifts from employment-related sources to the ELO.

3. Perishable gifts from interested parties must be turned in to the ELO when practicable. The ELO must donate perishable gifts to a charity, in the name of the donor.

4. A written record should be kept of the donation, advising the donor why the gift could not be accepted and where it was donated. A copy of that letter should be sent to the State Ethics Commission.

#### **E. Post Employment Restrictions N.J.S.A. 52:13D-17**

ELOs shall inform departing employees of post-employment restrictions.

## **F. Financial Disclosure Executive Order No. 1 (Corzine, 2006)**

1. ELOs shall compile a list of persons required to file Financial Disclosure Statements and forward that list to Ethics Commission annually upon request. ELOs shall update the list as new appointments are made throughout the year and when filers leave State service.

2. ELOs shall inform employees of the deadlines for filing Financial Disclosure Statements - within 120 days of appointment and on May 15 of each subsequent year – and maintain records of those contacts.

## **G. Nepotism N.J.S.A. 52:13D-21.2 and N.J.A.C. 19:61-5.7**

1. ELOs shall obtain information necessary to ensure that employees are not supervising or exercising personnel authority over relatives.

2. ELOs can use the Commission's Supervisory Conflict of Interest Form for this purpose. ELOs should review the form. If nepotism situations are disclosed, the ELO should work with the agency's personnel department to ensure that relatives within the statutory definition are not within each other's direct supervision or personnel authority.

## **III. Training**

### **A. Ethics Training N.J.S.A. 52:13D-21.1**

1. ELOs shall assist the Commission's Ethics Training Officer in scheduling ethics training for employees.

2. ELOs shall track employee attendance at on-site training sessions and employee completion of on-line training programs to ensure compliance with ethics training requirements.

## **B. Ethics Briefing N.J.S.A. 52:13D-21.1**

1. ELOs shall ensure that the mandatory annual ethics briefing is delivered to all employees in years that they do not receive ethics training.

2. The format of the briefing shall be an oral delivery by an authorized agency employee such as the ELO, a manager, a supervisor, staff development professionals; or by brochure or video presentation.

## **C. Ethics Training Compliance**

Agency ELOs and/or staff developmental professionals, managers or supervisors shall maintain a record that employees have received mandatory ethics training and in years when they do not receive training, the mandatory annual ethics briefing.

# **IV. Compliance and Enforcement**

## **A. Compliance Review N.J.S.A. 52:13D-21(e)(3)**

1. ELO's shall assist the Commission's Ethics Compliance Officer with the compliance review process, including providing documents, attending compliance review meetings and assessing the agency's effectiveness in preventing ethics violations.

2. The ELO shall implement the recommendations resulting from the compliance review process and incorporate those recommendations into a comprehensive agency-wide ethics program.

## **B. Disciplinary Action Violation(s) of the Uniform Ethics Code or an Agency Supplemental Ethics Code N.J.S.A. 52:13D-23(d)**

State agencies may take disciplinary action against an individual who violates an the Uniform Ethics Code or an agency supplemental ethics code, but the Commission must approve the discipline before it is imposed. Therefore, the ELO must send any determination by an agency to impose any discipline for a code violation to the Commission for review and approval.

**C. Agency Determinations Re: Conflicts Law or Agency Code of Ethics N.J.A.C. 19:61-2.1(b)**

All determinations by a State agency with regard to the Conflicts Law or the agency code of ethics must be filed with the Commission. If an agency has an ethics committee, all decisions by the committee should be forwarded to the Commission. Conflicts decisions made or advice given by the ELO or other administrative or management personnel should be forwarded to the Commission.

**D. Investigative Process**

ELOs should assist the Commission's investigative staff in providing information and documents that are requested in the course of an investigation. ELOs shall maintain the confidentiality of the investigative process when providing such assistance.

**E. Request for Guidance/Advice**

The Commission receives many requests for advice from agencies and individuals, particularly with regard to secondary employment and post-employment issues. In reviewing these requests, the Commission needs the following types of information in order to reach a decision: the State employees's official job description or a statement of duties and responsibilities, a detailed description of the work to be performed in the outside position or the post-employment position, and a statement expressing the agency's perspective. If these elements are not included with the original request, we are unable to begin the staff review and significant delays in response can occur.

**V. Meetings and Contact Information**

**A. ELO Meetings Executive Order No. 1 (Corzine 2006)**

ELOs must attend quarterly ELO meetings as scheduled by the State Ethics Commission.

## **B. Substitute/Deputy ELO**

ELOs should designate a deputy or substitute ELO to handle ethics matters in their absence and inform the Commission of the identity of the designee.

## **C. Contact Information**

ELOs must update the Commission on any changes in contact information, including any changes to an agency's designated ELO or substitute/deputy ELO.

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