

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. (See attached Legal Requirements Checklist). 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 prevent violations of ethics laws and regulations. If such violations occur, the ELO may also be involved in initiating the appropriate disciplinary action. What follows is a summary of responsibilities vested in ELOs under Commission regulations, the Uniform Ethics Code and Executive Orders.

I. Documents And Receipts

A. Code of Ethics 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 special State 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.

II. Reporting

A. 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 reminding employees to 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 as they occur.
2. After review by the employee's supervisor, it is the duty of the ELO to review these forms to determine whether the outside activity is permissible under the Conflicts Law, the UEC, the agency supplemental code and any other authority. The ELO is responsible for approving or disapproving each employee's form.
3. ELOs are responsible for requesting special State officers or employees who do not file an annual Financial Disclosure Statement to complete a Conflict of Interest form for disclosing outside activities. The ELO is responsible for distributing, collecting and reviewing COI Forms for special State officers and employees, and approving or disapproving each form.

B. Request for Approval for Attendance at Events Form, 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, for which the invitation was 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 under the Commission's "speaker's exception."

C. Annual College/University Disclosure Form, N.J.A.C. 19:61-6.10(b)

1. Under State ethics regulations, employees of State colleges and universities who receive travel, subsistence, entertainment expenses, honoraria, academic prizes or other things of value related to activities while acting in a scholarly capacity, must annually disclose this information to their department head on the Commission's College/University Disclosure Form. The ELO is responsible for ensuring that there is a procedure in place for distributing the form to all employees who have served or acted in a scholarly capacity during the reporting period.
2. After the ELO has obtained from all employees who serve in a scholarly capacity the College/University Disclosure Form, he/she must ensure that copies of their employees' forms are sent to the Commission by the deadline established in the Commission's rules.
3. The ELO should review the College/University Disclosure Form to determine if there are any ethics issues under the scholarly capacity rule, the Conflicts Law and regulations issued thereunder, and refer such issues to the SEC as appropriate.

D. Recusal, N.J.A.C. 19:61-7.4

1. ELOs are responsible for providing recusal advice as requested.
2. ELOs should retain a copy of any recusal letter in accordance with the agency's record retention policy, and ensure that the Commission has received a copy.

E. Joint Ventures

1. The ELO is responsible for reviewing and approving, or disapproving, jointly sponsored events between his/her agency and any private entity under the SEC's Guidelines Regarding Joint Ventures and Private Financing of State Activities.
2. The ELO will submit to the Commission a written analysis of all agency approved joint ventures..

F. Gifts N.J.A.C. 19:61-6.9, 6.10

1. ELOs should annually distribute the gift policy to all officers and employees.
2. Employees must report all gifts from employment-related sources to the ELO. The ELO must personally return all non-perishable gifts, sending the gift back to the donor with a letter explaining why the gift could not be accepted.
3. Perishable gifts must be turned in to the ELO when practicable. The ELO must arrange for the donation of perishable gifts to a charity, in the name of the donor, and advise the donor in writing why the gift could not be accepted and where it was donated.

G. Post Employment Restrictions N.J.S.A. 52:13D-17

1. ELOs shall ensure that their agencies inform departing employees of the post-employment restrictions. It is recommended that employees leaving State service be provided with a letter outlining the post employment restrictions, and that a copy of the letter, signed by the departing employee, be retained in the employee's permanent personnel file.
2. Whenever there is an allegation that a former agency employee has violated post employment restrictions, the ELO should refer the allegations to the Commission for investigation. The ELO may be asked to assist the Commission with its investigation of post employment violations.

H. Financial Disclosure Executive Order No. 1 (Corzine, 2006)

1. ELOs shall assist the agency in obtaining a list of persons required to file Financial Disclosure Statements and forwarding the list to the Ethics Commission annually upon request.
2. ELOs shall update the list of agency FDS filers throughout the year as new appointments, hires, and promotions occur, and when filers leave State service, and advise the Commission of the changes.
3. Upon receiving information from the SEC, prior to the annual deadline, that an agency official has not yet filed his/her FDS, the ELO shall contact the official to remind him/her of the upcoming deadline. The ELO should keep a record of these communications with FDS filers.

I. College/University Governing Board Member's Conflicts of Interest Form , Executive Order No. 14

1. State Colleges and Universities are responsible for providing the Commission with the names and addresses of their governing board members who are required to file an annual Conflicts of Interest Form. At the same time, ELOs and/or other assigned officials will provide their governing board members with the most recent vendors list for their institution to enable their members to accurately complete the COI form by the May 15th filing date.
2. College/University ELOs and/or other assigned officials, are responsible for ensuring that their governing board members receive a quarterly vendors list so members can determine if their previously filed COI Form needs to be updated.
3. If the SEC informs the ELO prior to the annual deadline that a college trustee has not yet filed the COI form, the ELO shall contact the official to remind him/her of the upcoming deadline. The ELO should keep a record of these communications with COI form filers.
4. If a college/university governing board member needs to obtain an exception under Executive Order No. 14, the ELO shall assist in providing information to the SEC relevant to the exception request.

J. Request For Casino Waivers, N.J.S.A 52:13D-17.2

1. If an ELO discovers that an agency employee has part-time casino employment or that an agency employee or official has an immediate family member living in their household who is employed by a New Jersey casino, or an applicant for or holder of a New Jersey casino license, the ELO should ask that employee whether he/she wishes to request a casino waiver. Upon receiving such a request, the ELO shall gather the relevant facts regarding the employee's State employment or service and his/her relative's or own casino employment, and forward that information to the State Ethics Commission with the request for the casino waiver.

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 ensure that there is a procedure in place for the agency to track employee attendance at on-site training sessions and employee completion of on-line training programs.

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 Records

1. Agency ELOs and/or staff training 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 in performing a compliance review of the ELO's agency, including providing documents, attending compliance review meetings and assessing the agency's effectiveness in preventing ethics violations.
2. The ELO shall assist the agency in remedying any deficiencies discovered during the compliance review, and implement the recommendations resulting from the compliance review process, incorporating when practicable those recommendations into a comprehensive agency-wide ethics program.

B. Procedure For Detecting Nepotism and Other Supervisory-Subordinate Conflicts, N.J.A.C. 19:61-5.7(c).

1. Each agency must have a written procedure in place that requires agency officials to disclose information to determine nepotism and other supervisor-subordinate conflicts.
2. An ELO will provide guidance to agency officials who may have nepotism or other supervisory-subordinate conflicts, and assist in remedying any such conflicts determined to exist. The ELO will report such conflicts to the SEC.

C. Disciplinary Action Violation(s) of Agency Code of Ethics N.J.S.A. 52:13D-23(d)

State agencies may take disciplinary action against an individual who violates a code of ethics, 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.

D. 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, the Uniform Ethics Code or an agency's supplemental ethics code (if applicable) must be filed with the Commission. If an agency has an ethics committee, all decisions by the committee should be forwarded to the Commission.

E. Investigative Process

ELOs shall assist the Commission's 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.

V. Meetings and Contact Information

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

ELOs must attend quarterly ELO meetings conducted by the State Ethics Commission. If an ELO cannot attend a scheduled quarterly meeting, it is his/her responsibility to send an alternate in his/her place.

B. Contact Information

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

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