

TITLE 5

DEPARTMENT OF COMMUNITY AFFAIRS

CHAPTER 1

STANDARDS OF CONDUCT

Authority

N.J.S.A. 52:27D-3.

Source and Effective Date

R.2000 d.59, effective January 19, 2000.
See: 31 N.J.R. 2838(a), 32 N.J.R. 684(a).

Executive Order No. 66(1978) Expiration Date

Chapter 1, Standards of Conduct, expires on January 19, 2005.

Chapter Historical Note

Chapter 1, Standards of Conduct, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66 (1978), Chapter 1, Standards of Conduct, was readopted as R.1995 d.119, February 3, 1995. See: 26 N.J.R. 4866(a), 27 N.J.R. 877(c).

Pursuant to Executive Order No. 66(1978), Chapter 1, Standards of Conduct, was readopted as R.2000 d.59, effective January 19, 2000. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

5:1-1.1 Applicability

The standards of conduct applicable to employees in the career service pursuant to the rules of the Department of Personnel are hereby made applicable to all officers and employees of the Department of Community Affairs, irrespective of whether they are or are not in the career service.

Amended by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

Changes made to reflect change in name of Department.

SUBCHAPTER 2. DEFINITIONS

5:1-2.1 Words and phrases defined

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Code of Fair Practices” means the Governor’s Code of Fair Practices promulgated by the Honorable Richard J. Hughes as Executive Order No. 21, dated June 24, 1965.

“Commissioner” means the Commissioner of the Department of Community Affairs or his duly designated representative.

“Department” means the New Jersey Department of Community Affairs.

“Person” means an officer or employee of the Department of Community Affairs. This definition shall also include consultants, specially employed individuals and any one else who enters into an employment relationship, however temporary, with the Department or who is retained by the Department as an independent contractor. Where applicable, the term “person” shall include corporations, partnerships or other business entities. Furthermore, when the word “he” is used as a pronoun in place of the word “person” it shall include both sexes.

Amended by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

Deleted definitions for “Firm”, “Interest” and “State assisted urban renewal project”.

SUBCHAPTER 3. PENALTY

5:1-3.1 Violation

Any violation of these regulations shall subject a person to such penalty as the Commissioner may lawfully determine.

SUBCHAPTER 4. FAIR HEARING PROCEDURES
(RESERVED)

SUBCHAPTER 5. CODE OF FAIR PRACTICES

5:1-5.1 Conduct

Each person shall, in his dealings with any other person, including prospective officers and employees and individuals outside the Department, conduct himself consistently with the Code of Fair Practices, the New Jersey Law Against Discrimination and the Civil Rights Act.

5:1-5.2 Personnel actions

In furtherance of N.J.A.C. 5:1-5.1, this Department's policy is that all personnel actions, including, but without limitation, employment, promotion, demotion, transfer, recruitment, layoff or termination, rates of pay or other forms of compensation and work assignments shall be conducted on a wholly nondiscriminatory basis, and shall be on the basis of merit alone; provided, however, that nothing contained herein shall be construed to forbid the employment or upgrading of those persons who, by reason of prior invidious discrimination on the basis of race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, sex, atypical hereditary cellular or blood trait, or liability for service in the Armed Forces of the United States have been heretofore prevented from attaining their full productive potential.

Amended by R.1995 d.1119, effective March 6, 1995.
See: 26 N.J.R. 4866(a), 27 N.J.R. 877(c).

5:1-5.3 Inquiries

No person shall inquire, or cause an inquiry to be made, with respect to the race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, sex, atypical hereditary cellular or blood trait, or liability for service in the Armed Forces of the United States of any other person or prospective officer or employee of this Department, except to the extent that such inquiry is required by law. In such event, the information so received shall be used only for the purposes for which it was gathered, and under no circumstances shall it be used for any purpose prohibited by these rules or by any applicable law, statute or ordinance.

Amended by R.1995 d.119, effective March 6, 1995.
See: 26 N.J.R. 4866(a), 27 N.J.R. 877(c).

SUBCHAPTER 6. CONFLICT OF INTEREST

5:1-6.1 Compliance with Department of Community Affairs Code of Ethics

(a) All officers and employees of the Department of Community Affairs shall comply with the Department of Community Affairs Code of Ethics, approved by the Executive Commission on Ethical Standards pursuant to N.J.S.A. 52:13D-23 and effective November 1, 1989.

(b) Copies of the Department of Community Affairs Code of Ethics may be obtained from the Office of Internal Services, PO Box 800, Trenton, NJ 08625-0800. Telephone (609) 633-6926.

Repeal and New Rule: R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).
Amended by R.2000 d.59, effective February 22, 2000.
See: 31 N.J.R. 2838(a), 32 N.J.R. 684(a).

In (b), substituted a reference to the Office of Internal Services for a reference to the Office of Human Resources, and changed telephone number.

5:1-6.2 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

5:1-6.3 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

5:1-6.4 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

5:1-6.5 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

5:1-6.6 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

5:1-6.7 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

5:1-6.8 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

5:1-6.9 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

5:1-6.10 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

5:1-6.11 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).

SUBCHAPTER 7. POLITICAL ACTIVITIES

5:1-7.1 Use of position or authority; prohibition

No person shall use his official position or authority to influence or control, in any manner whatsoever, either directly or indirectly, another person's right to vote for political candidates of his own choosing, or to contribute or to refuse to contribute to political parties or candidates.

Amended by R.1995 d.119, effective March 6, 1995.
See: 26 N.J.R. 4866(a), 27 N.J.R. 877(c).

5:1-7.2 Hatch Act

In addition to the requirements imposed on all persons by the law of this State, those persons "principally employed in connection with the activities of this Department that are

financed in whole or in part by federal funds" are also subject to the Hatch Act (5 U.S.C. § 118 K).

Amended by R.1995 d.119, effective March 6, 1995.
See: 26 N.J.R. 4866(a), 27 N.J.R. 877(c).

5:1-7.3 Persons principally engaged

(a) To effectuate the provisions of applicable federal law without unduly restricting the freedom of any person, it shall be the duty of the Commissioner, in consultation with the Attorney General, to determine which persons are "principally engaged" in covered work. This shall be accomplished as promptly as possible following the adoption of these regulations, and thereafter as the circumstances may warrant.

(b) The persons determined to be covered shall be immediately informed of such fact, and the effect of such coverage shall be fully explained.

5:1-7.4 (Reserved)

Repealed by R.1990 d.99, effective February 5, 1990.
See: 21 N.J.R. 3693(a), 22 N.J.R. 335(b).