

19:61-6.5 Attendance at an event sponsored by an entity other than an interested party

(a) The State official shall secure the prior approval of the department head to attend such an event.

(b) The State official, acting in a scholarly capacity, may attend, participate in, or make presentations at colloquia, seminars, conferences, or similar scholarly gatherings, so long as the State official notifies his or her department head of his or her attendance, participation or presentation, in which case (a) above need not apply. The direct or indirect benefit provided to the State official, acting in a scholarly capacity, may include the acceptance of reasonable travel and subsistence expenses and allowable entertainment expenses. The State official, acting in a scholarly capacity, may accept an honorarium, academic prize or other thing of value if the honorarium, academic prize or other thing of value reflects payment for orally sharing his or her intellectual property.

(c) The State may pay the reasonable expenses of the State official associated with attending the event or may permit the State official to accept direct or indirect benefits. Direct or indirect benefits may include the following:

1. Reimbursement or payment of actual and reasonable expenditures for travel or subsistence and allowable entertainment expenses associated with attending an event in New Jersey if expenditures for travel or subsistence and entertainment expenses are not paid for by the State of New Jersey;

2. Reimbursement or payment of actual and reasonable expenditures for travel or subsistence outside New Jersey, not to exceed \$500.00 per trip, if expenditures for travel or subsistence and entertainment expenses are not paid for by the State of New Jersey. The \$500.00 per trip limitation shall not apply to State officials acting in a scholarly capacity or if the reimbursement or payment is made by:

i. A nonprofit organization of which the State official is, at the time of reimbursement or payment, an active member as a result of the payment of a fee or charge for membership to the organization by the State;

ii. A nonprofit organization that does not contract with the State to provide goods, materials, equipment, or services; or

iii. Any agency of the Federal government, any agency of another state or of two or more states, or any political subdivision of another state.

(d) An interested party shall not provide a direct or indirect benefit to the State official in order to facilitate his or her attendance unless in accordance with (b) above.

(e) A State official making a speech or presentation at the event shall not accept an honorarium or fee from the sponsor unless in accordance with (b) above.

(f) Under no circumstances shall a State official³ accept entertainment collateral to the event, such as a golf outing, or meals taken other than in a group setting with all attendees, or reimbursement therefor.

Examples

An employee of the Commerce, Economic Growth and Tourism Commission has been invited, by the Mexican Tourist Bureau, an agency of the Mexican government, to attend a series of meetings on promoting tourism in both countries. The employee will be giving a speech at dinner on the final day of the meetings and has been offered a \$500.00 honorarium. The employee may attend the meetings but is not permitted to accept an honorarium in connection with his speech. He may accept, directly or by reimbursement, actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State, not to exceed the statutory limit of \$500.00.

A local non-profit organization would like to hold a dinner/fundraiser honoring a Technical Assistant at the Department of Insurance who has been a long-time supporter of the organization. The organization plans to use the Technical Assistant's picture, name and official title on the promotional literature. The Technical Assistant may attend the event but is prohibited from allowing such use of his official title for fundraising purposes.

A history professor at a State college has been asked by his department head to attend the dedication of a restored historic house museum and speak about the importance of maintaining New Jersey's historic resources. The professor has produced several films about New Jersey historic houses. The historic association has offered to provide the professor with a \$300.00 honorarium for his attendance and speech. The professor may attend the event and accept the honorarium since the professor is attending in his scholarly capacity, the event relates to his scholarly activities and the honorarium is essentially a payment for his oral presentation of his own intellectual property.

Amended by R.1997 d.88, effective February 18, 1997.
See: 28 N.J.R. 4755(b), 29 N.J.R. 593(a).

Deleted (b); and recodified former (c) through (e) as (b) through (d).
Amended by R.2004 d.390, effective October 18, 2004.
See: 36 N.J.R. 2316(a), 36 N.J.R. 4842(a).

Rewrote the section.
Amended by R.2006 d.292, effective August 21, 2006.
See: 38 N.J.R. 1804(a), 38 N.J.R. 3318(a).

In (b)2i, deleted "or" from the end; in (b)2ii, inserted "; or" at the end; added (b)2iii; and in "Examples", substituted "the Commerce, Economic Growth and Tourism Commission" for "Travel and Tourism at the Department of Commerce".

Amended by R.2007 d.357, effective November 19, 2007.
See: 39 N.J.R. 3286(a), 39 N.J.R. 4951(a).

Added new (b); recodified former (b) through (e) as (c) through (f); in (c)2, inserted "to State officials acting in a scholarly capacity or"; in (d) and (e), inserted "unless in accordance with (b) above"; and in the *Examples*, added the third paragraph.

19:61-6.6 Use of official title for private fundraising

A State official shall not permit the use of his or her official title for the purpose of fundraising for a private organization.

New Rule, R.1997 d.88, effective February 18, 1997.
See: 28 N.J.R. 4755(b), 29 N.J.R. 593(a).
Former section recodified to N.J.A.C. 19:61-6.7.

19:61-6.7 Compensation for published work(s)

(a) Except as provided in (e) below, a State official shall not accept compensation for published work(s) created as part of his or her official duties on State time utilizing State resources, but may accept compensation for published works not created as part of his or her official duties.

(b) A State official shall secure the permission of the department head to accept compensation for published work(s) not created as part of his or her official duties. In determining whether such approval can be granted, the Department head shall consider the provisions of the Conflicts of Interest Law, the uniform ethics code, the agency code of ethics, any applicable Executive Orders, the Commission's Guidelines Governing Outside Activities, any other applicable guidelines or rules of the Commission, any applicable administrative policies of the agency, and the following conditions:

1. Whether compensation is being paid by an interested party;
2. Whether the published work(s) uses or discloses information not generally available to the public;

(c) The State official shall prepare the published work(s) on his or her own time, without using the services of other State officials or resources owned by the State.

(d) Except as provided in (e) below, the State official shall not use his or her official title in any way in soliciting compensation.

(e) A State official acting in a scholarly capacity may accept compensation for published works created as part of his or her official duties on State time utilizing State resources.

(f) A State official acting in a scholarly capacity may require the use of his or her own published work in a course that he or she teaches. However, monies resulting from such use must be donated to the college or university or other nonprofit institution.

(g) A State official acting in a scholarly capacity may accept compensation for the use of his or her published work in a course that he or she does not teach, provided that he or she was not involved in the selection of the published work for use in that course.

Examples

As part of his official duties, a Department of Transportation employee evaluates surveying equipment and trains Department employees on its use. The employee recently completed an in-depth evaluation of ten different types of surveying instruments and made a recommendation to the purchasing unit. The employee would like to publish the entire report in Transportation Magazine. He has been offered \$500 for the article. The Department must make a policy decision as to whether the article may be published. The employee is prohibited from accepting compensation for the article, even if the Department grants permission for the publication, since it was created as part of his official duties prepared on State time and utilizing State resources.

An Environmental Technician at the Department of Environmental Protection has been asked to write an article for an environmental journal on how New Jersey's automobile emission standards differ from those of Pennsylvania. He has been offered \$500 for the article. The Environmental Technician is permitted to publish the article and receive compensation since it is on a subject matter related to, but not a part of, his official duties, so long as he prepares the article at home, on his own time, without using any State resources.

Recodified from 19:61-6.6 and amended by R.1997 d.88, effective February 18, 1997.

See: 28 N.J.R. 4755(b), 29 N.J.R. 593(a).

Substantially amended (b)1 and (b)2; and recodified (b)3 and (b)4 as (c) and (d). Former section recodified to N.J.A.C. 19:61-6.8.

Amended by R.2006 d.292, effective August 21, 2006.

See: 38 N.J.R. 1804(a), 38 N.J.R. 3318(a).

In introductory paragraph of (b), inserted "the uniform ethics code", substituted "agency" for "departmental" preceding "code of ethics", deleted "departmental" preceding "administrative policies" and inserted "of the agency"; and in (d), deleted "and shall indicate that his or her views do not represent those of the State" from the end.

Amended by R.2007 d.67, effective February 20, 2007.

See: 38 N.J.R. 4685(a), 39 N.J.R. 670(a).

In the introductory paragraph of (b), substituted "Governing Outside Activities" for "for Secondary Employment".

Amended by R.2007 d.357, effective November 19, 2007.

See: 39 N.J.R. 3286(a), 39 N.J.R. 4951(a).

In (a), substituted "Except as provided in (e) below, a" for "A"; in (d), substituted "Except as provided in (e) below, the" for "The"; and added (e) through (g).

19:61-6.8 Approval request form

(a) State officials shall use the following form to request approval to attend events.

REQUEST FOR APPROVAL FOR
ATTENDANCE AT EVENT

DEPARTMENT OF _____

Name _____ Division _____

Title _____ Telephone _____ FAX _____

E-mail address _____

Event _____

Sponsor _____

Is the sponsor an "interested party"? Yes ___ No ___

Is the State official a speaker, panel participant or resource person? Yes ___ No ___

Is the sponsor an agency of the federal government, one or more other states or a political subdivision thereof? Yes ___ No ___
 Is the sponsor a nonprofit organization? Yes ___ No ___
 If Yes, is the employee or agency a member? Yes ___ No ___
 Does the nonprofit organization have any contracts with the State? Yes ___ No ___
 Location _____ Date(s) _____
 Overnight accommodation required? Yes ___ No ___
 Out-of-state travel required? Yes ___ No ___
 Estimated cost? \$ _____
 Agency to pay cost? Yes ___ No ___
 Sponsor to pay cost? Yes ___ No ___
 Employee to pay cost? Yes ___ No ___
 Reason for attendance: _____

Will sponsor offer an honorarium or fee? Yes ___ No ___

Employee Signature _____ Date _____

NOTE: Any substitutions or changes of circumstances must be reported.

Attendance approved Yes ___ No ___ Note: Acceptance of honoraria or fees is not permitted.

Conditions: _____

Signature _____ Date _____

Recodified from 19:61-6.7 and amended by R.1997 d.88, effective February 18, 1997.
 See: 28 N.J.R. 4755(b), 29 N.J.R. 593(a).
 Added the "Note" relating to substitutions or changes to the request form.
 Amended by R.2004 d.390, effective October 18, 2004.
 See: 36 N.J.R. 2316(a), 36 N.J.R. 4842(a).
 Rewrote the section.
 Amended by R.2006 d.292, effective August 21, 2006.
 See: 38 N.J.R. 1804(a), 38 N.J.R. 3318(a).
 Section was "Sample approval request form". Rewrote the section.

19:61-6.9 Solicitation or acceptance of a thing of value

(a) Except in accordance with the Commission's rules on attendance at events, N.J.A.C. 19:61-6.4 and 6.5 and compensation for published works, N.J.A.C. 19:61-6.7, no State official, whether by himself or herself or through his or her spouse, or member of his or her family or through any partner or associate shall solicit or accept, directly or indirectly, any thing of value that is related in any way to the State official's public duties.

(b) A State official must disclose and remit to his or her Department head any offer or receipt of any thing of value that is related in any way to the State official's public duties.

(c) The Department head shall return the thing of value to the donor or, in the case of a perishable thing of value, transfer it to an appropriate nonprofit entity in the name of the donor.

(d) A State official or his or her agency may retain and use unsolicited gifts or benefits of trivial value, such as com-

plimentary articles offered to the general public, and gifts received as a result of mass advertising mailings to the general business public if such use does not create an impression of a conflict of interest or a violation of the public trust. An impression of a conflict may be created, for example, if a State official in a regulatory agency uses a pocket calendar conspicuously marked with the name of a company that it regulates or if an office in a State agency displays a wall calendar from a vendor, creating the impression of endorsement. If circumstances exist which create a reasonable doubt as to the intention with which the gift or benefit was offered, (c) above shall govern. The provisions of (b), (c) and (e) above do not apply to items of trivial value.

(e) The Department head shall keep records of all such occurrences, names of the State officials, individuals, and companies involved, and the final disposition of the thing of value.

(f) Notwithstanding (a) through (e) above, a State official, acting in a scholarly capacity, may accept an honorarium, academic prize or other thing of value if the honorarium, academic prize or other thing of value reflects payment for sharing his or her intellectual property orally or in writing, acting in an editorial capacity for a journal or other publication or reviewing journal or book manuscripts, or grants or contract proposals, or participating in accreditation or other peer review activities.

New Rule, R.2004 d.390, effective October 18, 2004.
 See: 36 N.J.R. 2316(a), 36 N.J.R. 4842(a).
 Amended by R.2007 d.67, effective February 20, 2007.
 See: 38 N.J.R. 4685(a), 39 N.J.R. 670(a).
 Rewrote (a); in (b), substituted "that is related in any way to the State official's public duties" for "from an interested party"; and in (d), added the last sentence.
 Amended by R.2007 d.357, effective November 19, 2007.
 See: 39 N.J.R. 3286(a), 39 N.J.R. 4951(a).
 Section was "Solicitation or acceptance of a thing of value from an interested party". In (a), inserted "and compensation for published works, N.J.A.C. 19:61-6.7"; and added (f).

19:61-6.10 Annual disclosure

(a) A State official serving in a scholarly capacity shall disclose annually to his or her department head any travel, subsistence or entertainment expenses, honoraria, academic prizes, or other things of value related to activities performed in his or her scholarly capacity received in the prior calendar year. The sources of all such expenses and things of value shall be identified.

(b) A State official serving in a scholarly capacity shall use the following form for his or her annual disclosure. The completed forms shall be submitted to his or her department head, and the form shall be kept on file for a period of five years. Each State college and university shall forward copies of the forms to the Commission annually, at the end of each January.

College and University Disclosure Form

Date of Statement _____ For Calendar Year _____
 First Name _____
 Last Name _____
 Institution _____
 Department _____
 Position _____
 Daytime Telephone _____
 Email Address _____

Do you assign educational materials authored by you as a course requirement?

Yes ___ No ___

Do you receive royalties from those educational materials?

Yes ___ No ___

List below any benefit you received, from any source, including, but not limited to, travel, subsistence or entertainment expenses, honoraria, academic prizes, or other things of value related to activities performed in your scholarly capacity. Identify the source of each benefit received.

New Rule, R.2004 d.390, effective October 18, 2004.
 See: 36 N.J.R. 2316(a), 36 N.J.R. 4842(a).
 Amended by R.2006 d.292, effective August 21, 2006.
 See: 38 N.J.R. 1804(a), 38 N.J.R. 3318(a).
 In (b) and (d), deleted the last sentence.
 Repealed by R.2007 d.67, effective February 20, 2007.
 See: 38 N.J.R. 4685(a), 39 N.J.R. 670(a).

Section was "Solicitation or acceptance of a thing of value from an entity other than an interested party".
 New Rule, R.2007 d.357, effective November 19, 2007.
 See: 39 N.J.R. 3286(a), 39 N.J.R. 4951(a).

Type of Benefit	Amount of Benefit	Source
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

List below all compensation excluding salary from your employing institution, you received, from any source, in connection with work performed in your scholarly capacity. Identify each source.

SUBCHAPTER 7. RECUSAL PROCESS

19:61-7.1 Purpose

The purpose of this subchapter is to provide State officials with guidance regarding the circumstances under which a State official must recuse himself or herself and procedures as to properly effectuating a recusal.