

PASSAIC COUNTY WORKFORCE DEVELOPMENT BOARD

Subject: WIOA Title I Procurement Conflict of Interest Policy

Effective Date: 05/08/26

PURPOSE

Conflict of interest policies at both the federal, New Jersey state and local levels are designed to ensure transparency and integrity in the use of public workforce funds. These policies strictly prohibit individuals in decision-making roles from personally or professionally benefiting from the award, administration, or expenditure of WIOA-supported contracts.

POLICY

The WDB adopts and implements the following Federal regulations and State of New Jersey NJDOL policies.

Federal WIOA Conflict of Interest Policies

The WDB Procurement Conflict of Interest Policy aligns with the Federal regulations from the federal Uniform Guidance 2 CFR part 200 WIOA and USDOL Joint Rule: 678.615, 678.620, 678.625, 679.302, 679.430, 683.200 (c)(5), 679.430 TEGL 15 – 16 and TEGL 21-1. mandating that all WIOA grant recipients and subrecipients maintain a written code of conduct including:

- **Prohibited Participation:** No individual may participate in the selection, award, or administration of a contract if a real or apparent conflict of interest exists.
- **Defining Conflicts:** A conflict arises when a financial or other interest is held by the individual, their immediate family (spouse, partner, child, or sibling), or an organization that employs or is about to employ any of them.
- **Voting Restrictions:** Members of the Workforce Development Boards (WDB) are prohibited from voting on matters related to the provision of services by that member or any organization they represent.
- **Gratuities:** Officers, employees, and agents are barred from soliciting or accepting gratuities, favors, or anything of monetary value from contractors.

- **Procurement Integrity:** For specific roles like One-Stop Operators, the WDB must use a competitive process and establish "firewalls" to prevent organizational conflicts where one entity might have multiple roles.

NJDOL Conflict of Interest

The framework for WIOA in New Jersey is defined through a series of Workforce Innovation Notices (WD-PY) issued by the New Jersey Department of Labor (NJDOL). These documents outline the structural, fiscal, and operational requirements for the WDB. The WDB policy follows the New Jersey Department of Labor (NJDOL) procurement conflict of interest policies which align with federal standards while emphasizing state-specific ethical guidelines:

- **Automatic Conflict Status:** Membership on the WDB, or receipt of WIOA funds, is considered a conflict of interest that must be documented and disclosed in writing.
- **Required Firewalls:** The WDB demonstrates clear separation between governance and operations activities through submitted procurement documents.
- **Disclosure and Recusal:** Individuals with a personal or financial interest must recuse themselves from discussions or decisions that could impair their objectivity.
- **State Ethics Compliance:** WIOA contractors must comply with the NJ Conflicts of Interest Law, which prohibits offering anything of value to state officers or employees to influence their duties.
- **Transparency:** WDB publicly discloses conflicts and recusals on their official websites to maintain public trust.

In New Jersey, WIOA firewall requirements and annual disclosure processes are strictly enforced by the New Jersey Department of Labor (NJDOL) to prevent "multi-role" conflicts where an entity might oversee itself.

NJDOL One-Stop Operator Firewall Requirements

Firewalls are mandatory due to potential conflict of interest whenever the Workforce Development Board (WDB) or its supporting organization takes on multiple roles, such as being both the fiscal agent and the One-Stop Operator. The WDB policies and procedures align with the following requirements

- **Competitive Selection Protection:** To prevent unfair advantages, a WDB seeking to be the One-Stop Operator cannot develop or manage its own competitive procurement process.

- **Outside Entities:** The WDB retains independent organizations or local public purchasing offices to conduct the competition to ensure full and open competition.
- **Separation of Oversight:** An entity cannot be responsible for the oversight, monitoring, or evaluation of its own performance.
 - **Certification Restriction:** If the WDB is selected as the One-Stop Operator, the State (NJDOLE) must take over the responsibility for certifying that specific One-Stop Center.
- **Internal Controls:** Organizations serving dual roles must document internal "firewalls" that clearly separate the staff performing One-Stop Operator duties from those performing WDB governance or fiscal oversight duties.
- **Documentation:** These firewalls must be formally submitted to NJDOLE through a waiver process for approval before the dual-role arrangement can begin.

Annual Disclosure and Acknowledgement Forms

NJDOLE requires a layered approach to annual disclosures to ensure ongoing transparency.

- **Financial Disclosure Statements (FDS):**
 - **Applicability:** Local Government Officers, which includes many WDB members and senior staff, must file an annual FDS with the New Jersey Local Finance Board by April 30th each year.
 - **Content:** These forms require disclosing business and personal relationships with vendors and any financial interests held by the individual or their immediate family.
- **WIOA Conflict of Interest Acknowledgement:**
 - **Annual Review:** All individuals engaged in WIOA-funded activities such as board members, committee members, and One-Stop staff must annually review and sign a conflict-of-interest form provided by the WDB.
 - **Update Requirement:** If circumstances change (e.g., a new job or investment), individuals must update their disclosure statement within 30 days.
- **Public Access:** The WDB posts the written conflict of interest policies and procurement materials on their official websites for public review.

Passaic County Government Conflict of Interest and Ethics Policy

The County Commissioners are awarded WIOA funding annually and the County Government and the Workforce Development Board administer the funds used in the local area. The County government does not have a Procurement Conflict of Interest Policy. Instead, the County addresses procurement through the Passaic County Finance Board and Ethics Board.

The Passaic County Finance Board (Administration and Finance Committee) and the Ethics Board (specific body focused on official conduct) oversee the financial integrity and official conduct of the county government.

The Passaic County Ethics Board ensures that public office remains a public trust by enforcing the county's Ethics Code.

- Purpose: To maintain public confidence in the integrity of elected and appointed officials.
- Key Responsibilities:
 - Enforcement: Investigates complaints of conduct unbecoming of an official or employee.
 - Financial Disclosures: Ensures all required officials complete their annual financial disclosure statements.
 - Advisory: Provides guidance to local officers regarding potential conflicts of interest.
- Authority: Can hold hearings, issue subpoenas for evidence, and impose penalties for violations of the local ethics code.

Passaic County Administration and Finance Committee

While there is no single entity officially named the "Finance Board," the Administration and Finance Committee is the primary legislative body overseeing the county's fiscal operations.

- Purpose: Oversees the day-to-day operations and financial health of Passaic County.
- Key Responsibilities:

- Budgeting: Works with the Passaic County Finance Department to prepare and manage the annual budget, which serves over 500,000 residents.
- Financial Oversight: Manages purchasing, taxes, capital funding, and debt management.
- Operations: Reviews resolutions related to personnel, self-insurance funds, and the Board of Taxation.
- Leadership: Typically chaired by a County Commissioner and includes the County Administrator and Finance Director.

Relationship to State Oversight

Both local bodies operate under the broader umbrella of the State of New Jersey law. The NJ Local Finance Board (part of the Department of Community Affairs) acts as the state-level authority that can hear appeals of local ethics board decisions and oversees statewide financial disclosure requirements.

THE LOCAL GOVERNMENT ETHICS LAW STATES:

1. NO LOCAL GOVERNMENT OFFICER OR EMPLOYEE OR MEMBER OF HIS IMMEDIATE FAMILY SHALL HAVE AN INTEREST IN A BUSINESS ORGANIZATION OR ENGAGE IN ANY BUSINESS, TRANSACTION, OR PROFESSIONAL ACTIVITY, WHICH IS INSUBSTANTIAL CONFLICT WITH THE PROPER DISCHARGE OF HIS DUTIES IN THE PUBLIC INTEREST;
2. NO LOCAL GOVERNMENT OFFICER OR EMPLOYEE SHALL USE OR ATTEMPT TO USE HIS OFFICIAL POSITION TO SECURE UNWARRANTED PRIVILEGES OR ADVANTAGES FOR HIMSELF OR OTHERS;
3. NO LOCAL GOVERNMENT OFFICER OR EMPLOYEE SHALL ACT IN HIS OFFICIAL CAPACITY IN ANY MATTER WHERE HE, A MEMBER OF HIS IMMEDIATE 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;
4. NO LOCAL GOVERNMENT OFFICER OR EMPLOYEE SHALL UNDERTAKE ANY EMPLOYMENT OR SERVICE, WHETHER COMPENSATED OR NOT, WHICH MIGHT BE REASONABLY BE EXPECTED TO PREJUDICE HIS INDEPENDENCE OF JUDGMENT IN THE EXERCISE OF HIS OFFICIAL DUTIES;
5. NO LOCAL GOVERNMENT OFFICER OR EMPLOYEE, MEMBER OF HIS IMMEDIATE FAMILY, OR BUSINESS ORGANIZATION IN WHICH HE HAS AN INTEREST, SHALL

SOLICIT OR ACCEPT ANY GIFT, FAVOR, LOAN, POLITICAL CONTRIBUTION, SERVICE, PROMISE OF FUTURE EMPLOYMENT, OR OTHER THING OF VALUE 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, DIRECTLY OR INDIRECTLY, IN THE DISCHARGE OF HIS OFFICIAL DUTIES. THIS PROVISION SHALL NOT APPLY TO THE SOLICITATION OR ACCEPTANCE CONTRIBUTIONS TO THE CAMPAIGN OF AN ANNOUNCED CANDIDATE FOR ELECTIVE PUBLIC OFFICE, IF THE LOCAL GOVERNMENT OFFICER HAS NO KNOWLEDGE OF 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 OFFICIAL DUTIES;

6. NO LOCAL GOVERNMENT OFFICER OR EMPLOYEE SHALL USE, OR ALLOWED TO BE USED, HIS PUBLIC OFFICE OR EMPLOYMENT, OR INFORMATION, NOT GENERALLY AVAILABLE TO THE MEMBERS OF THE PUBLIC, WHICH HE RECEIVES OR ACQUIRES IN THE COURSE OF AND BY REASON OF HIS OFFICE OR EMPLOYMENT, FOR THE PURPOSE OF SECURING FINANCIAL GAIN FOR HIMSELF, ANY MEMBER OF HIS IMMEDIATE FAMILY, OR ANY BUSINESS ORGANIZATION WITH WHICH HE IS ASSOCIATED;
7. NO LOCAL GOVERNMENT OFFICER OR EMPLOYEE OR BUSINESS ORGANIZATION IN WHICH HE HAS AN INTEREST SHALL REPRESENT ANY PERSON OR PARTY OTHER THAN THE LOCAL GOVERNMENT IN CONNECTION WITH ANY CAUSE, PROCEEDING, APPLICATION OR OTHER MATTER PENDING BEFORE ANY AGENCY IN THE LOCAL GOVERNMENT IN WHICH HE SERVES;
8. THIS PROVISION SHALL NOT BE DEEMED TO PROHIBIT ONE LOCAL GOVERNMENT EMPLOYEE FROM REPRESENTING ANOTHER LOCAL GOVERNMENT EMPLOYEE WHERE THE LOCAL GOVERNMENT AGENCY IS THE EMPLOYER AND THE REPRESENTATION IS WITHIN THE CONTEXT OF OFFICIAL LABOR UNION OR SIMILAR REPRESENTATIONAL RESPONSIBILITIES;
9. NO LOCAL GOVERNMENT OFFICER SHALL BE DEEMED IN CONFLICT WITH THESE PROVISIONS IF, BY REASON OF HIS 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 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;

10. 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 OFFICE OR A MEMBER OF HIS IMMEDIATE FAMILY, WHETHER DIRECTLY OR INDIRECTLY, IN RETURN THEREFORE; AND

11. NOTHING SHALL PROHIBIT ANY LOCAL GOVERNMENT OFFICER OR EMPLOYEE, OR MEMBERS OF HIS IMMEDIATE FAMILY, FROM REPRESENTING HIMSELF, OR THEMSELVES, IN NEGOTIATIONS OR PROCEEDINGS CONCERNING HIS, OR THEIR, OWN INTERESTS

TIMEFRAME: NOTICE IS IMMEDIATE

ATTACHMENTS:

NEW JERSEY STATUTES TITLE 40A:9-22.1 ET SEQ.

RESOLUTION:

BE IT RESOLVED THAT MEMBERS OF THE PASSAIC COUNTY WORKFORCE DEVELOPMENT BOARD AND COUNTY OF PASSAIC PERSONNEL EMPLOYED, DIRECTLY OR INDIRECTLY, THROUGH WORKFORCE INNOVATION & OPPORTUNITY ACT FUNDS, WORK FIRST NEW JERSEY FUNDS SHALL BE PROVIDED NOTICE OF THIS LOCAL GOVERNMENT ETHICS LAW & CONFLICTS OF INTEREST POLICY AND SHALL GOVERN THEMSELVES ACCORDINGLY;

BE IT FURTHER RESOLVED THAT ALL SUB-RECIPIENTS AWARDED FUNDING THROUGH WORKFORCE INNOVATION & OPPORTUNITY ACT FUNDS AND WORK FIRST NEW JERSEY FUNDS SHALL BE PROVIDED NOTICE OF THIS LOCAL GOVERNMENT ETHICS LAW & CONFLICTS OF INTEREST POLICY AND SHALL GOVERN THEMSELVES ACCORDINGLY;

BE IT FURTHER RESOLVED THAT MEMBERS OF THE PASSAIC COUNTY WORKFORCE DEVELOPMENT BOARD AWARDED ANY WORKFORCE FUNDING REFERENCED HEREIN SHALL ABSTAIN FROM VOTING ON MATTERS OF CONFLICT;

BE IT FURTHER RESOLVED THAT THE DIRECTOR OF THE WORKFORCE DEVELOPMENT BOARD SHALL ACT IN THE CAPACITY AS A FACILITATOR OF ANY PROCUREMENT PROCESS AND NOT PARTICIPATE IN THE REVIEW OF ANY PROPOSALS;

New Jersey Department of Community Affairs Division of Local Government Services Local Finance Board

The Local Government Ethics Law was enacted in 1991. The Local Finance Board in the Department of Community Affairs Division of Local Government Services performs certain functions under this law which are described in the DCA Programs Book under Local Government Ethics Law.

NEW JERSEY STATUTES TITLE 40A:9-22.1 et seq. LOCAL GOVERNMENT ETHICS LAW
(CURRENT TO 3/15/91)

The text of the statute follows:

SECTION

- 40A:9-22.1. Short title
- 40A:9-22.2. Findings, declarations
- 40A:9-22.3. Definitions
- 40A:9-22.4. Local Finance Board to have jurisdiction
- 40A:9-22.5. Provisions requiring compliance by local government officers, employees
- 40A:9-22.6. Annual financial disclosure statement
- 40A:9-22.7. Powers of Local Finance Board
- 40A:9-22.8. Request for advisory opinion from Local Finance Board
- 40A:9-22.9. Response by Local Finance Board to written complaint
- 40A:9-22.10. Violations, penalties
- 40A:9-22.11. Disciplinary actions against officer, employee found guilty of violation
- 40A:9-22.12. Conducting of hearings
- 40A:9-22.13. Establishment of county ethics board
- 40A:9-22.14. Provision of offices to county ethics board
- 40A:9-22.15. County code of ethics established
- 40A:9-22.16. Powers of county ethics board
- 40A:9-22.17. Request for advisory opinion from county ethics board
- 40A:9-22.18. Response by county ethics board to written complaint

- 40A:9-22.19. Establishment of municipal ethics board
- 40A:9-22.20. Provision of offices to municipal ethics board
- 40A:9-22.21. Municipal code of ethics established
- 40A:9-22.22. Powers of municipal ethics board
- 40A:9-22.23. Request for advisory opinion from municipal ethics board
- 40A:9-22.24. Response by municipal ethics board to written complaint

40A:9-22.25. Written materials to be preserved for at least five years

40A:9-22.1 Short title

This act shall be known and may be cited as the “Local Government Ethics Law.”

L.1991,c.29,s.1.

40A:9-22.2 Findings, declarations

The Legislature 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 act to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for local government officers and employees shall be clear, consistent, uniform in their application, and enforceable on a Statewide basis, and to provide local officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

L.1991,c.29,s.2.

40A:9-22.3 Definitions

As used in this act:

- a. "Board" means the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs;
- b. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity;
- c. "Governing body" means, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality, and, in the case of a county, the board of chosen freeholders, or, in the case of a county having adopted the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), as defined in the form of government adopted by the county under that act;
- d. "Interest" means the ownership or control of more than 10% of the profits, assets or stock of a business organization but shall not include the control of assets in a nonprofit entity or labor union;
- e. "Local government agency" means any agency, board, governing body, including the chief executive officer, bureau, division, office, commission or other instrumentality within a county or municipality, and any independent local authority, including any entity created by more than one county or municipality, which performs functions other than of a purely advisory nature, but shall not include a school board;
- f. "Local government employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on a local government agency who is not a local government officer, but shall not mean any employee of a school district;
- g. "Local government officer" means any person whether compensated or not, whether part-time or full-time: (1) elected to any office of a local government agency; (2) serving on a local government agency which has the authority to enact ordinances, approve development applications or grant zoning variances; (3) who is a member of an independent municipal, county or regional authority; or (4) who is a managerial executive or confidential employee of a local government 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;
- h. "Local government officer or employee" means a local government officer or a local government employee;
- i. "Member of immediate family" means the spouse or dependent child of a local government officer or employee residing in the same household.

L.1991,c.29,s.3.

40A:9-22.4 Local Finance Board to have jurisdiction

The Local Finance Board in the Division of Local Government Services in the Department of Community Affairs shall have jurisdiction to govern and guide the conduct of local government officers or employees regarding violations of the provisions of this act who are not otherwise regulated by a county or municipal code of ethics promulgated by a county or municipal ethics board in accordance with the provisions of this act. Local government officers or employees serving a local government agency created by more than one county or municipality 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.

L.1991,c.29,s.4.

40A:9-22.5 Provisions requiring compliance by local government officers, employees

Local government officers or employees under the jurisdiction of the Local Finance Board shall comply with the following provisions:

a. No local government officer or employee or member of his immediate 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 duties in the public interest;

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b. No independent local authority shall, for a period of one year 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 local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;

d. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate 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 local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

f. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value 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, directly or indirectly, in the discharge of his 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 official duties;

g. No local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;

h. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves.

This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;

i. No local government officer shall be deemed in conflict with these provisions if, by reason of his 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 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 immediate family, whether directly or indirectly, in return therefor; and

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

L.1991,c.29,s.5.

40A:9-22.6 Annual financial disclosure statement

a. Local government officers shall annually file a financial disclosure statement. All financial disclosure statements filed pursuant to this act shall include the following information which shall specify, where applicable, the name and address of each source and the local government officer's job title:

(1) Each source of income, earned or unearned, exceeding \$2,000 received by the local government officer or a member of his 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 local government officer or member of his immediate family has an interest in the business organization;

(2) Each source of fees and honorariums having an aggregate amount exceeding \$250 from any single source for personal appearances, speeches or writings received by the local government officer or a member of his immediate family during the preceding calendar year;

(3) Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives, received by the local government officer or a member of his immediate family during the preceding calendar year;

(4) The name and address of all business organizations in which the local government officer or a member of his 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 local government officer or a member of his 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. For counties and municipalities which have not established ethics boards, the board shall transmit sufficient copies of the forms to the municipal clerk in each municipality and the county clerk in each county for filing in accordance with this act. The municipal clerk shall make the forms available to the local government officers serving the municipality. The county clerk shall make the forms available to the local government officers serving the county.

For counties and municipalities which have established ethics boards, the Local Finance Board shall transmit sufficient copies of the forms to the ethics boards for filing in accordance with this act. The ethics boards shall make the forms available to the local government officers within their jurisdiction.

For local government officers serving the municipality, the original statement shall be filed with the municipal clerk in the municipality in which the local government officer serves. For local government officers serving the county, the original statement shall be filed with the county clerk in the county in which the local government officer serves. A copy of the statement shall be filed with the board. In counties or municipalities which have established ethics boards a copy of the statement shall also be filed with the ethics board having jurisdiction over the local government officer. Local government officers shall file the initial financial disclosure statement within 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. L.1991,c.29,s.6.

40A:9-22.7 Powers of Local Finance Board

With respect to its responsibilities for the implementation of the provisions of this act, the Local Finance Board shall have the following powers:

- a. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of this act;
- b. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing;
- c. To hear and determine any appeal of a decision made by a county or municipal ethics board;
- d. To forward to the county prosecutor or the Attorney General or other governmental body any information concerning violations of this act which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General;
- e. To render advisory opinions as to whether a given set of facts and circumstances would constitute a violation of this act;
- f. To enforce the provisions of this act and to impose penalties for the violation thereof as are authorized by this act; and
- g. To adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.) and to do other things as are necessary to implement the purposes of this act.

L.1991,c.29,s.7.

40A:9-22.8 Request for advisory opinion from Local Finance Board

A local government officer or employee not regulated by a county or municipal code of ethics may request and obtain from the Local Finance Board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the provisions of this act. 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.

L.1991,c.29,s.8.

40A:9-22.9 Response by Local Finance Board to written complaint

The Local Finance Board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee, not regulated by a county or municipal code of ethics, is in conflict with the provisions of this act, 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 local government officer or employee against whom the complaint was filed. Otherwise, the board shall notify the local government 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 wishes. Thereafter, if the board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with the provisions of this act, the board shall conduct a hearing in the manner prescribed by section 12 of this act, 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 local government 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 act. 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 act, it may impose any penalties which it believes appropriate within the limitations of this act. A final decision of the board may be appealed in the same manner as any other final State agency decision.

L.1991,c.29,s.9.

40A:9-22.10 Violations, penalties

a. An appointed local government officer or employee found guilty by the Local Finance Board or a county or municipal ethics board of the violation of any provision of this act or of any code of ethics in effect pursuant to this act, 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.2A:58-1 et seq.). The board or a county or municipal ethics board shall report its findings to the office or agency having the power of removal or discipline of the appointed local government officer or employee and may recommend that further disciplinary action be taken.

b. An elected local government officer or employee found guilty by the Local Finance Board or a county or municipal ethics board of the violation of any provision of this act or of any code of ethics in effect pursuant to this act, 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.2A:58-1 et seq.).

L.1991,c.29,s.10.

40A:9-22.11 Disciplinary actions against officer, employee found guilty of violation 40A:9-2.12 Conducting of hearings

All hearings required pursuant to this act 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.).

L.1991,c.29,s.12.

40A:9-22.13 Establishment of county ethics board

a. Each county of the State governed under the provisions of P.L.1972, c.154 (C.40:41A- 1 et seq.) may, by ordinance, and the remaining counties may, by resolution establish a county ethics board consisting of six members who are residents of the county, at least two of whom shall be public members. The members of the ethics board shall be appointed by the governing body of the county and no more than one of whom shall be from the same municipality. The members shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three members of the ethics board shall be of the same political party.

b. The members of the county ethics board shall annually elect a chairman from among the membership.

c. The members shall serve for a term of five years; except that of the members initially appointed, two of the public members shall be appointed to serve for a term of five years, one member shall be appointed to serve for a term of four years, and the remaining members shall be appointed to serve for a term of three years. Each member shall serve until his successor has been appointed and qualified. Any vacancy occurring in the membership of the ethics board shall be filled in the same manner as the original appointment for the unexpired term.

d. Members of the ethics board shall serve without compensation but shall be reimbursed by the county for necessary expenses incurred in the performance of their duties under this act.

L.1991,c.29,s.13.

40A:9-22.14 Provision of offices to county ethics board

a. The governing body of the county shall provide the county ethics board with offices for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.

b. All necessary expenses incurred by the county ethics board and its members shall be paid, upon certification of the chairman, by the county treasurer within the limits of funds appropriated by the county governing body by annual or emergency appropriations for those purposes.

c. The county ethics board may appoint employees, including independent counsel, and clerical staff as are necessary to carry out the provisions of this act within the limits of funds appropriated by the county governing body for those purposes.

L.1991,c.29,s.14.

40A:9-22.15 County code of ethics established

Within 90 days after the establishment of a county ethics board, that ethics board shall promulgate, by resolution, a county code of ethics for all local government officers and employees serving the county. Local government officers and employees serving a county independent authority shall be deemed to be serving the county for purposes of this act.

The county code of ethics so promulgated shall be either identical to the provisions set forth in section 5 of this act or more restrictive, but shall not be less restrictive. Within 15 days following the promulgation thereof, the county code of ethics, and a notice of the date of the public hearing to be held thereon, shall be published in at least one newspaper circulating within the county and shall be distributed to the county clerk and to the heads of the local government agencies serving the county for circulation among the local government officers and employees serving the county. The county ethics board shall hold a public hearing on the county code of ethics not less than 30 days following its promulgation at which any local government officer or employee serving the county and any other person wishing to be heard shall be permitted to testify. As a result of the hearing, the ethics board may amend or supplement the county code of ethics as it deems necessary. If the county code of ethics is not identical to the provisions set forth in section 5 of this act, the county ethics board shall thereafter submit the county code of ethics to the Local Finance Board for approval. The board shall approve or disapprove a county code of ethics within 60 days following receipt. If the board fails to act within that period, the county code of ethics shall be deemed approved. A county code of ethics requiring board approval shall take effect for all local government officers and employees serving the county 60 days after approval by the board. A county code of ethics identical to the provisions set forth in section 5 of this act shall take effect 10 days after the public hearing

thereon. The county ethics board shall forward a copy of the county code of ethics to the county clerk and shall make copies of the county code of ethics available to local government officers and employees serving the county.

L.1991,c.29,s.15.

40A:9-22.16 Powers of county ethics board

A county ethics board shall have the following powers:

- a. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the county code of ethics or financial disclosure requirements by local government officers or employees serving the county;
- b. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to 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 code of ethics or financial disclosure requirements by local government officers or employees serving the county which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General;
- d. To render advisory opinions to local government officers or employees serving the county as to whether a given set of facts and circumstances would constitute a violation of any provision of the county code of ethics or financial disclosure requirements;
- e. To enforce the provisions of the county code of ethics and financial disclosure requirements with regard to local government officers or employees serving the county and to impose penalties for the violation thereof as are authorized by this act; and
- f. To adopt rules and regulations and to do other things as are necessary to implement the purposes of this act.

L.1991,c.29,s.16.

40A:9-22.17 Request for advisory opinion from county ethics board

A local government officer or employee serving the county may request and obtain from the county ethics board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the county code of ethics or any financial disclosure requirements. Advisory opinions of the county ethics board shall not be made public, except when the ethics 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 ethics board in directing that the opinion be made public so determines.

L.1991,c.29,s.17.

40A:9-22.18 Response by county ethics board to written complaint

The county ethics board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee serving the county is in conflict with the county code of ethics or any financial disclosure requirements 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 ethics board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the ethics 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 local government officer or employee against whom the complaint was filed. Otherwise, the ethics board shall notify the local government 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 ethics board with any statement or information concerning the complaint which he wishes. Thereafter, if the ethics board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with the county code of ethics or any financial disclosure requirements, it shall conduct a hearing in the manner prescribed by section 12 of this act, concerning the possible violation and any other facts and circumstances which may have come to its attention with respect to the conduct of the local government officer or employee. The ethics board shall render a decision as to whether the conduct of the officer or employee is in conflict with the county code of ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds of all members of the ethics board. If the ethics board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limitations of this act. A final decision of the ethics board may be appealed to the Local Finance Board within 30 days of the decision.

L.1991,c.29,s.18.

40A:9-22.19 Establishment of municipal ethics board

a. Each municipality of the State may, by ordinance, establish a municipal ethics board consisting of six members who are residents of the municipality, at least two of whom shall be public members. The members of the ethics board shall be appointed by the governing

body of the municipality. The members shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three members of the ethics board shall be of the same political party.

b. The members of the municipal ethics board shall annually elect a chairman from among the membership.

c. The members shall serve for a term of five years; except that of the members initially appointed, two of the public members shall be appointed to serve for a term of five years, one member shall be appointed to serve for a term of four years, and the remaining members shall be appointed to serve for a term of three years. Each member shall serve until his successor has been appointed and qualified. Any vacancy occurring in the membership of the ethics board shall be filled in the same manner as the original appointment for the unexpired term.

d. Members of the ethics board shall serve without compensation but shall be reimbursed by the municipality for necessary expenses incurred in the performance of their duties under this act.

L.1991,c.29,s.19.

40A:9-22.20 Provision of offices to municipal ethics board

a. The governing body of the municipality shall provide the municipal ethics board with offices for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.

b. All necessary expenses incurred by the municipal ethics board and its members shall be paid, upon certification of the chairman, by the municipal treasurer within the limits of funds appropriated by the municipal governing body by annual or emergency appropriations for those purposes.

c. The municipal ethics board may appoint employees, including independent counsel, and clerical staff as are necessary to carry out the provisions of this act within the limits of funds appropriated by the municipal governing body for those purposes.

L.1991,c.29,s.20.

40A:9-22.21 Municipal code of ethics established

Within 90 days after the establishment of a municipal ethics board, that ethics board shall promulgate by resolution a municipal code of ethics for all local government officers and employees serving the municipality. Local government officers and employees serving a

municipal independent authority shall be deemed to be serving the municipality for purposes of this act.

The municipal code of ethics so promulgated shall be either identical to the provisions set forth in section 5 of this act or more restrictive, but shall not be less restrictive. Within 15 days following the promulgation thereof, the municipal code of ethics, and a notice of the date of the public hearing to be held thereon, shall be published in at least one newspaper circulating within the municipality and shall be distributed to the municipal clerk and to the heads of the local government agencies serving the municipality for circulation among the local government officers and employees serving the municipality. The municipal ethics board shall hold a public hearing on the municipal code of ethics not less than 30 days following its promulgation at which any local government officer or employee serving the municipality and any other person wishing to be heard shall be permitted to testify. As a result of the hearing, the ethics board may amend or supplement the municipal code of ethics as it deems necessary. If the municipal code of ethics is not identical to the provisions set forth in section 5 of this act, the municipal ethics board shall thereafter submit the municipal code of ethics to the Local Finance Board for approval. The board shall approve or disapprove a municipal code of ethics within 60 days following receipt. If the board fails to act within that period, the municipal code of ethics shall be deemed approved. A municipal code of ethics requiring board approval shall take effect for all local government officers and employees serving the municipality 60 days after approval by the board. A municipal code of ethics identical to the provisions set forth in section 5 of this act shall take effect 10 days after the public hearing held thereon. The municipal ethics board shall forward a copy of the municipal code of ethics to the municipal clerk and shall make copies of the municipal code of ethics available to local government officers and employees serving the municipality.

L.1991,c.29,s.21.

40A:9-22.22 Powers of municipal ethics board

A municipal ethics board shall have the following powers:

- a. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the municipal code of ethics or financial disclosure requirements by local government officers or employees serving the municipality;
- b. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to 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 municipal code of ethics or financial

disclosure requirements by local government officers or employees serving the municipality which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General;

d. To render advisory opinions to local government officers or employees serving the municipality as to whether a given set of facts and circumstances would constitute a violation of any provision of the municipal code of ethics or financial disclosure requirements;

e. To enforce the provisions of the municipal code of ethics and financial disclosure requirements with regard to local government officers or employees serving the municipality and to impose penalties for the violation thereof as are authorized by this act; and

f. To adopt rules and regulations and to do other things as are necessary to implement the purposes of this act.

L.1991,c.29,s.22.

40A:9-22.23 Request for advisory opinion from municipal ethics board

A local government officer or employee serving the municipality may request and obtain from the municipal ethics board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the municipal code of ethics or any financial disclosure requirements. Advisory opinions of the municipal ethics board shall not be made public, except when the ethics 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 ethics board in directing that the opinion be made public so determines.

L.1991,c.29,s.23.

40A:9-22.24 Response by municipal ethics board to written complaint

The municipal ethics board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee serving the municipality is in conflict with the municipal code of ethics or financial disclosure requirements, 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 ethics board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the ethics 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 local government officer or employee against whom the complaint was filed. Otherwise, the ethics board shall notify the local government 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 ethics board with any statement or information concerning the complaint which he wishes. Thereafter, if the ethics board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with the municipal code of ethics or any financial disclosure requirements, it shall conduct a hearing in the manner prescribed by section 12 of this act, concerning the possible violation and any other facts and circumstances which may have come to its attention with respect to the conduct of the local government officer or employee. The ethics board shall render a decision as to whether the conduct of the officer or employee is in conflict with the municipal code of ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds of all members of the ethics board.

If the ethics board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limitations of this act. A final decision of the ethics board may be appealed to the Local Finance Board within 30 days of the decision.

L.1991,c.29,s.24.

40A:9-22.25 Written materials to be preserved for at least five years

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

L.1991,c.29,s.25.

POLICY REVISIONS

The WDB Workforce Innovation and Opportunity Act (WIOA) policies are reviewed amended annually by the WDB to remain in compliance with all federal mandates and state-level policy changes issued by the New Jersey Department of Labor and Workforce Development. Partners will be notified of all policy revisions.