

REPORT OF DIRECTORS
S.A. 4/27/05

CITY OF JERSEY CITY

JERRAMIAH T. HEALY
MAYOR



CITY HALL
JERSEY CITY, NJ 07302
TEL: (201) 547-5200
FAX: (201) 547-4288

E.O. 2005-001

April 14, 2005

EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF JERSEY CITY

TO ESTABLISH A CODE OF CONDUCT FOR THE STAFF OF THE MAYOR'S OFFICE AND MANAGERIAL EMPLOYEES

In accordance with the authority vested in the Mayor of the City of Jersey City pursuant to N.J.S.A. 40:69A-39, 40, and 44, I hereby issue this Executive Order applicable to all such classified and unclassified, nonunion employees.

Public Employment is a public trust for the benefit of the citizens of Jersey City. Those of us privileged to hold positions of public trust must assure residents of Jersey City that their governmental business will be conducted with both competence and integrity and that public officers will not abuse the trust and power delegated to them by the people of this City. Public trust is undermined unless government employees, especially those in management positions, make decisions fairly, based on the merits of the matter at hand, and free of any personal benefit.

In 1991, the Council adopted a Code of Ethics under authority of the Local Government Ethics Law. That code is now incorporated into the Jersey City Codes as Sections 33-1 to 33-16. This Order is intended both to reiterate and supplement that code. Accordingly, I have directed that the Business Administrator provide copies of the ethics code to all managerial employees and all members of the Mayor's staff. Additionally, each employee must acknowledge in writing that he or she has both received and read this Executive Order and the Code of Ethics within 30 days from its effective date. All future managerial employees must sign and submit the same acknowledgment upon acceptance of employment.

For the purpose of understanding whether a violation of any ethical norm exists, employees must understand such terms as "personal interest," "member of immediate family," and "business organization," which are defined in Section 33-6 of the Jersey Code. I urge all affected employees to read those definitions as well as Section 33-6 with particular care.

In addition, because the City of Jersey City abolished its Ethical Standards Board on February 11, 2003, , the Local Finance Board has been the enforcer of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq and Jersey City's Code of Ethics, Section 33-11 et seq. In my judgment, local enforcement will result in more timely and vigorous enforcement of the Ethics Laws. Accordingly, I will submit an Ordinance to the Municipal Council to reestablish the Ethical Standards Board and restore public confidence in the Ethics Laws.

I. General Standards of Ethical Conduct

Although the specific ethical standards found in Sec. 33-16 govern the conduct of public employees, I consider it both prudent and appropriate to state here what those standards are intended to achieve. Employees must take all reasonable steps to avoid any action, whether or not specifically prohibited by this Order, which would undermine their independence or impartiality in any of the following ways:

- (1) Take official action on the basis of unfair considerations;
- (2) Give preferential treatment to any private interest on the basis of unfair considerations;
- (3) Give preferential treatment to any family member or member of the Employee's household;
- (4) Use their employment for the advancement of any personal interest;
- (5) Use public office to secure special privileges or exemption;
- (6) Make any false statement or perform any fraudulent act in connection with any official transaction;
- (7) Use their position to control or affect the political action of another person; or
- (8) Engage in political activity during work hours or at any time on municipal premises.

II. Solicitation or Receipt of Gifts or Other Remuneration

Employees shall not solicit or receive, directly, any compensation, gift, favor, service, outside employment, offer of outside employment, discount, gratuity, meal, lodging, travel expenses, loan or any other preferential treatment in their capacity as public employees that is intended to influence them in the conduct of their public duties.

III. Personal Interests, Outside Employment, and Financial Activities

(1) No Full-time employees shall own or be financially interested in, directly or indirectly, any entity or interest that is subject to the supervision of the employees. For the purpose of this Executive Order, a direct or indirect financial interest excludes:

(i) any insignificant interest held individually or by a member of the Appointee's immediate household or by a business associate, or

(ii) any interest which is no greater than that of other persons who might be generally affected by the department's supervision.

(2) Employees shall not take any official action that materially advances the interest of any entity (except the City) with which the Employees are actively seeking employment.

(3) Employees shall not, for pecuniary gain, be advocates for any private entity in any matter before any City board, agency, commission or committee.

(4) Employees while in City employ, shall not solicit or receive any payment, gift, or favor based on any understanding that it may influence any official action.

(5) Employees shall not solicit or receive any payment, gift or favor from any private interest which (i) has, or seeks to obtain, contractual or other business or financial relationships with the City or (ii) conducts business or activities that are regulated by the City or (iii) creates an appearance of a conflict of interest.

(6) Unless disclosure is required by law, employees shall not disclose to any private entity any confidential or privileged information obtained while in City employ.

(7) Employees shall not trade in stock or otherwise transact private business based upon information obtained by the Employees through their work on behalf of the City.

IV. Acknowledgment of the Executive Order

All current Management and Managerial Employees must sign an acknowledgment of this executive order and submit it to the Office of the City Clerk no later than 30 days from its effective date. All future Management and Managerial Employees must sign and submit an acknowledgment upon acceptance of employment.

V. Enforcement

The purpose of this Executive Order is to provide guidance to the employees covered herein, and during such appointment. Violation of this Order may result in disciplinary action, including but not limited to suspension or termination from employment.

In any instance where an employee is not certain as to what the standard of conduct as prescribed by this prder should be, the employee should consult with Corporation Counsel or his designee, for clarification.

VI. Conflict with Law

This order is intended to supplement the Local Ethics Ordinance adopted pursuant to N.J.S.A. 40A:9-22.1 et seq; any administrative rules governing the conduct of classified and unclassified employees under N.J.S.A. 4A:10-1 et seq. or the Jersey City Municipal Code 33-1 et seq.

VII. Effective Date

This Executive Order takes effect upon execution and except as otherwise required by law, shall clarify and supplement Federal State or local law pertaining to the same or similar subject.

Very truly yours,


JERRAMIAH T. HEALY
MAYOR

Approved as to Legal Form:


William Matsikoudis
Corporation Counsel

cc: Robert Byrne, City Clerk
Brian O'Reilly, Business Administrator
Larry Ross, Director of Personnel