

Bergen Community College
Board of Trustees
Section: HR

Policy #: HR 010-001.2024

Effective Date: May 7, 2024

**Responsible Official: Vice President
of Human Resources and
Organizational Development**

Financial Disclosure Statement

Policy Statement:

In keeping with N.J.S.A. 40A:9-22.1 et seq., the *Local Government Ethics Law*, and New Jersey higher education law, N.J.S.A. 18A:64A-1 et seq., Bergen Community College (the “College”) is committed to preserving the trust and confidence of the public. As required by the *Local Government Ethics Law*, all members of the Bergen Community College Board of Trustees and Bergen Community College employees holding an identified position must file a Financial Disclosure Statement Form with the Local Finance Board.

Who Should Read This Policy:

Identified employees, as defined in this Policy, and Board of Trustee members.

Definitions:

“*Confidential employee*” is defined as an employee who has access to confidential information of the employer, which is relevant to the labor relations of the local government agency.

“*Identified employee*” is defined as an employee that maintains a position matching that of a “confidential employee” or “managerial executive” defined within this policy (e.g. Executive Director, Vice President, Chief Financial Officer, or Provost).

“*Local government agency*” is defined as any agency, board, governing body, including the chief executive officer, bureau, division office, commission or other instrumentality within a county or municipality and any September 20, 1991, 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. (N.J.S.A. 40A:9-22.3(e))

- Pursuant to Attorney General Opinion 91-0093,¹ the Boards of Trustees of County Colleges are “local government agencies” within the scope of the *Local Government Ethics Act*.

“*Local government officer*” is defined as 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 employee of a local government agency, as defined in rules and regulations adopted by the Director of the Division of Local Government Services in the Department of Community Affairs pursuant to the “Administrative Procedure Act...” (N.J.S.A. 40A:9-22.3(g)).
- Pursuant to Attorney General Opinion 91-0093, members of the boards of trustees of a county college are “local government officer” within the scope of the *Local Government Ethics Act* as a “managerial executive” or “confidential employee.”
 - Members of the Board of Trustees of Bergen Community College and identified employees (“confidential employees” and “managerial executives”) are considered local government officers (“LGOs”).

“*Managerial executive*” is defined as persons who formulate management policies and practices, and persons who are charged with the responsibility of directing the effectuation of such management policies and practices. (N.J.S.A. 34:13A-3(f)). Pursuant to the Employer-Employee Relations Act, managerial executives as defined above are excluded from local collective bargaining agreements. N.J.S.A. 34:13A-5.3.

“*Member of the immediate family*” is defined as the spouse or dependent child of a local government officer or employee residing in the same household.

¹ Financial Disclosure Statements Required by Local Government Officers, Op. Att’y Gen. 91-0093 (Sept. 20, 1991).

Procedure:

- A. Identified employees and members of the Board of Trustees must file a FDS annually with the Local Finance Board by April 30th or within 30 days of taking office. The Financial Disclosure Statement is a short document comprised of three sections: (1) Personal Information; (2) Financial Information; (3) Certification and Online Filing Process.²
- B. To ensure compliance with the *Local Government Ethics Law*, Bergen Community College shall establish and maintain procedures that detail the necessary steps and actions to fulfill the obligations imposed by the statute. These procedures will be regularly reviewed and updated to reflect any changes in the law.
- C. The failure of any Local Government Officer to comply with the annual filing requirement subjects the Local Government Officer personally to the penalties and disciplinary action provisions set forth in N.J.S.A. 40A:9-22.10 and 40A:9-22.11.

Related Documents/Policies:

n/a

Policy History: (adopted/amended)

Adopted: May 7, 2024

Amended:

Reviewed:

² Further guidance can be found at:

New Jersey Department of Community Affairs, Financial Disclosure Statements Definitions and Instructions, (Feb. 7, 2024), https://www.nj.gov/dca/divisions/dlgs/resources/fds_docs/fds_general_form_instructions.pdf;

New Jersey Department of Community Affairs, Financial Disclosure Statements and Instructions, (Feb. 7, 2024), [nj.gov/dca/dlgs/resources/fds.shtml](https://www.nj.gov/dca/dlgs/resources/fds.shtml).

All policies are subject to amendment. Please refer to the College Policy website (<https://bergen.edu/about-us/college-policies/>) for the official, most recent version.