

SENATE RESOLUTION

No. 1 Session of 2017

INTRODUCED AND ADOPTED, JANUARY 3, 2017

1 Adopting Ethical Conduct Rules of the Senate.

4 (2017-2018)

6 Rule 1. Preliminary provisions.

10 "Campaign activity." An activity on behalf of a political
11 party, candidate, political committee or campaign, which is
12 intended to advance the interests of a specific party,
13 candidate, political committee or campaign for elective office,
14 including any of the following:

18 (2) Preparing or completing responses to candidate

questionnaires that are intended solely for campaign use.

(3) Preparing a campaign finance report.

(4) Conducting background research on a candidate.

(5) Preparing or conducting a campaign poll.

(6) Preparing, circulating or filing a candidate nominating petition or papers.

(7) Participating in, preparing, reviewing or filing a legal challenge to a nominating petition.

(8) Preparing, distributing or mailing any campaign literature, campaign signs or other campaign material, including television and radio ads, website construction, e-mails, facsimiles and robocalls, on behalf of any candidate for elective office.

(9) Managing a campaign for elective office.

(10) Participating in, preparing, reviewing or filing any documents in any recount, challenge or contest of any election.

(11) Posting campaign-related information on a website, including social media websites.

"Campaign contribution." A monetary or in-kind contribution made to an electoral candidate campaign.

"Candidate." As defined in section 1621 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

"Cash gift."

(1) Any of the following:

(i) United States or foreign currency.

(ii) A money order.

(iii) A check.

(iv) A prepaid debit or credit card.

1 (v) A gift card or certificate.

2 (2) The term does not include:

3 (i) An expenditure or other transaction subject to
4 reporting under Article XVI of the act of June 3, 1937
5 (P.L.1333, No.320), known as the Pennsylvania Election
6 Code.

7 (ii) A commercial loan made in the ordinary course
8 of business.

9 (iii) A transaction involving reasonable
10 consideration of equal or greater value.

11 (iv) A cash gift from a parent, sibling, spouse,
12 child, stepchild, stepparent, stepsibling, grandparent,
13 grandchild, parent-in-law, sibling-in-law or other close
14 relative when the circumstances make it clear that the
15 motivation for the action was a personal or family
16 relationship.

17 (v) A cash gift available to the public or offered
18 to members of a group or class in which membership is not
19 related to being a Senator or Senate employee.

20 (vi) An award or prize given to competitors in any
21 contest or event open to the public, including random
22 drawings.

23 "Commercial loan made in the ordinary course of business." A
24 loan from a bank or other financial institution on terms
25 generally available to the public.

26 "De minimis." An economic consequence which has an
27 insignificant effect.

28 "Lobbyist." Any individual, firm, association, corporation,
29 partnership, business trust or other entity that is registered
30 as a lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbying

1 disclosure).

2 "Newsletter." A printed document more than one page in
3 length that addresses more than one subject and is printed in
4 quantities of 25,000 copies or more.

5 "Official action." An administrative action or legislative
6 action, as those terms are defined in 65 Pa.C.S. § 13A03
7 (relating to definitions).

8 "Official mailing lists." Any list containing individuals,
9 companies or vendors, including names, addresses, telephone
10 numbers or e-mail addresses that are procured, compiled,
11 maintained or produced with Senate funds.

12 "Own time." A Senate employee's time that is distinct from
13 Senate work time and includes all leave.

14 "Principal." Any individual, association, corporation,
15 partnership, business trust or other entity that is registered
16 as a principal under 65 Pa.C.S. Ch. 13A (relating to lobbying
17 disclosure).

18 "Senate employee." A person employed by the Senate,
19 including the Chief Clerk and the Secretary of the Senate.

20 "Senate employee in a supervisory position." A Senate
21 employee who has a general supervisory role within: a caucus; an
22 individual Senator's office; or a Senate services office.

23 "Senate office." All Senate offices and Senate conference or
24 meeting rooms located in the Capitol complex or any similar
25 space contained within a district office.

26 "Senate resources." Senate-owned or Senate-leased equipment
27 including telephones, computer hardware or software, copiers,
28 scanners, fax machines, file cabinets or other office furniture,
29 cell phones, personal digital assistants or similar electronic
30 devices and office supplies.

1 "Senate work time." Publicly paid work time consisting in
2 the aggregate of 75 hours every two weeks for full-time
3 employees and a lesser amount of publicly paid hours every two
4 weeks for part-time employees.

5 "Senator." A person elected to serve in the Pennsylvania
6 Senate from each of the fifty Senatorial districts.

7 Rule 2. Practice.

8 (a) Work time.--No campaign activity may be conducted by a
9 Senate employee on Senate work time. The following shall apply:

10 (1) Senate employees are permitted to engage in campaign
11 activities on their own time, as volunteers or for pay.

12 (2) Senate employees may work irregular hours often
13 depending upon the time the Senate is in session. As a
14 result, a staffer's own time can occur during what may be
15 considered "normal" business hours.

16 (3) Sick leave, family and medical leave, work-related
17 disability leave, parental leave, short-term disability
18 leave, civil leave or military leave cannot be requested by a
19 Senate employee to perform campaign activities.

20 (4) No Senate employee may be allowed any amount of
21 Senate work time for time spent doing campaign activities.

22 (5) Senate employees, with the permission of their
23 employing Senator, may reduce their Senate hours with a
24 commensurate reduction in pay (and benefits, as required) to
25 perform campaign activities. These arrangements must be
26 memorialized in writing and filed with the Chief Clerk.

27 (6) Any Senate employee who has reduced his or her
28 Senate hours to perform campaign activities shall keep a
29 daily written log outlining Senate hours and related work
30 responsibilities.

1 (b) Office and resources.--No campaign activity may be
2 conducted by a Senator or a Senate employee in a Senate office
3 or with Senate resources.

4 (1) De minimis campaign activities may be unavoidable
5 for a Senator or Senate employee in the course of their
6 official duties. Examples include the following:

7 (i) In responding to inquiries from the public, a
8 Senator or a Senate employee may need to address
9 questions that relate to a Senator's or other candidate's
10 campaign for elective office or a related legislative
11 record.

12 (ii) Scheduling assistance and information from the
13 Senator or a Senate employee may be provided to ensure
14 that no conflict occurs among the Senator's campaign
15 schedule, official schedule and personal schedule.

16 (iii) Engaging in political conversation in the
17 natural course of personal communication.

18 (2) Unsolicited campaign-related communication on a
19 personally owned cell phone, personal digital assistant or
20 similar electronic device may occur on a de minimis basis in
21 a Senate office but may not interfere with Senate work time.

22 (3) A Senator's official State website shall not contain
23 a link to a campaign website for any candidate. A Senator's
24 campaign website shall not contain a link to his or her
25 official State website. A Senate employee who is on Senate
26 work time and using Senate resources may post legislative
27 materials, media advisories, news releases and announcements
28 on a social media website, which is not a campaign website
29 for any candidate, even if campaign-related information also
30 exists on such a website. A Senate employee who is on his or

1 her own time and using personal resources may post material
2 involving or referring to campaign activity on a social media
3 website.

4 (c) Contributions.--The solicitation or receipt of campaign
5 contributions on Senate work time or with Senate resources is
6 prohibited.

7 (1) Solicitation or receipt of campaign contributions in
8 a Senate office or with Senate resources is prohibited at any
9 and all times.

10 (2) If an unsolicited contribution is sent to a Senate
11 office through the mail or in an unidentifiable form, the
12 employee who receives it shall turn it over to the campaign
13 within no more than seven (7) days and immediately notify the
14 donor that campaign contributions should not be received at a
15 Senate office.

16 (3) No Senate employee may serve as an officer on a
17 campaign committee or a campaign finance committee on behalf
18 of any Senator, Senate candidate or Senate caucus.

19 (4) A Senate employee may help plan and may provide
20 assistance at a campaign event on his or her own time.

21 (d) Employees.--No Senate employee may be required to
22 perform any campaign activity or make any campaign contribution.

23 (1) No Senator, no Senate employee acting on the
24 Senator's behalf and no Senate employee in a supervisory
25 position may require a Senate employee to perform any
26 campaign activity on Senate work time or on the employee's
27 own time as a condition of employment.

28 (2) No Senator, no Senate employee acting on the
29 Senator's behalf and no Senate employee in a supervisory
30 position may require any Senate employee to make a campaign

1 contribution as a condition of employment.

2 (3) A Senate employee who agrees or offers to
3 participate in any campaign activity on his or her own time
4 or who makes a campaign contribution may not do so in
5 consideration of receiving any additional Senate compensation
6 or employee benefit in the form of a salary adjustment,
7 bonus, compensatory time off, continued employment or any
8 other similar benefit.

9 (4) A Senate employee who declines to participate in a
10 campaign activity or to make a campaign contribution shall
11 not be sanctioned for that refusal.

12 (e) Newsletters.--No Senate-funded newsletter may be printed
13 or distributed within 60 days of the primary or general election
14 at which any Senate member is a candidate for the office of
15 Senate or any other elective office.

16 (1) This subsection shall apply to newsletters printed
17 by the Senate or by an outside vendor paid for with public
18 funds.

19 (2) The Chief Clerk of the Senate may not authorize the
20 reimbursement or payment of any money expended for print,
21 distribution or postage incurred after the 60-day deadline.

22 (3) Senators who are candidates for the office of the
23 Senate or any other elective office shall submit to the
24 Secretary of the Senate a final proof copy of any newsletters
25 no less than 90 days prior to the next occurring primary or
26 general election.

27 (f) Official Senate mailing lists.--Official Senate mailing
28 lists shall be used solely for legislative purposes.

29 (1) Official Senate mailing lists shall not be provided
30 to any candidate, political party, political committee,

1 campaign or campaign committee or used for any campaign
2 purpose.

3 (2) Senate time and resources shall not be used to
4 create, store or maintain any mailing list that identifies
5 the listed individuals as campaign volunteers or contributors
6 to any candidate, political party, political committee,
7 campaign or campaign committee.

8 (3) No list may be developed by a Senator or a Senate
9 employee using Senate time and resources for the purpose of
10 monitoring or tracking campaign activity or campaign
11 contributions of any Senate employee.

12 (4) Mailing lists may be purchased at fair market value
13 from a private source with Senate funds if the lists are used
14 solely for legislative purposes. A mailing list that is so
15 acquired may not be used or redirected in the same or a
16 modified form for campaign purposes.

17 (g) Non-work-related tasks.--No Senate employee may be
18 required to perform any non-work-related task.

19 (1) No Senator, no Senate employee acting on the
20 Senator's behalf and no Senate employee in a supervisory
21 position may require a Senate employee to perform tasks
22 unrelated to the Senate employee's official duties as a
23 condition of employment.

24 (2) An employee who agrees or offers to perform a task
25 unrelated to that person's official duties on his or her own
26 time may not do so in consideration of receiving any
27 additional State Senate compensation or employee benefit in
28 the form of a salary adjustment, bonus, compensatory time
29 off, continued employment or any other public benefit.

30 (3) An employee who refuses to perform a task unrelated

1 to that person's official duties cannot be sanctioned for
2 that refusal.

3 (h) Cash gifts.--No Senator or Senate employee shall accept
4 or solicit a cash gift from any of the following:

5 (1) A lobbyist or principal.

6 (2) A person that is seeking official action from the
7 Senator or Senate employee.

8 Rule 3. Enforcement.

9 (a) Standardized process.--There shall be a standardized
10 process for reporting any alleged violation of these rules.

11 (1) A Senator or an employee who becomes aware of a
12 violation of these rules should report the violation to any
13 of the following:

14 (i) A Senator.

15 (ii) The President Pro Tempore, or an appropriate
16 designee.

17 (iii) The Majority Leader of the Senate, or an
18 appropriate designee.

19 (iv) The Minority Leader of the Senate, or an
20 appropriate designee.

21 (v) The employee's supervisor.

22 (vi) The Secretary of the Senate.

23 (2) A verbal report by an employee is acceptable but
24 must be followed up with a written statement that includes
25 the date, time and place, names of possible witnesses and the
26 nature of the ethical conduct violation. The written
27 statement must be signed by the employee.

28 (3) Upon receipt of the written statement pursuant to
29 paragraph (2), the person to whom the violation is reported
30 as provided in paragraph (1) shall forward a copy of the

1 written statement within five business days to the Secretary
2 of the Senate or the Chief Clerk if the alleged violation
3 involves the Secretary of the Senate or a person in the
4 Secretary of the Senate's Office.

5 (4) A report of a possible violation of these rules must
6 be filed within one year of the alleged conduct.

7 (b) Inquiry.--An inquiry and review of all properly
8 submitted reports regarding an alleged violation of these rules
9 shall be conducted.

10 (1) The Secretary of the Senate shall conduct a
11 preliminary inquiry of any written statement forwarded under
12 subsection (a) (3). The subject of the report shall be
13 notified within five business days by the Secretary of the
14 Senate that a written statement has been forwarded to the
15 Secretary's office under subsection (a) (3). The Secretary of
16 the Senate shall also notify the President Pro Tempore, the
17 Majority Leader and the Minority Leader within five business
18 days that a written statement has been forwarded to the
19 Secretary's office under subsection (a) (3). The Secretary of
20 the Senate shall have 14 business days from the date of those
21 notifications to complete a preliminary inquiry and determine
22 whether there is more than a de minimis violation of these
23 rules and whether there is a satisfactory basis for the
24 initiation of a formal investigation and shall report that
25 recommendation to the President Pro Tempore, the Majority
26 Leader and the Minority Leader. If the Secretary of the
27 Senate or a person in the Secretary of the Senate's office is
28 the subject of an alleged violation, the responsibilities
29 under this subsection shall be performed by the Chief Clerk
30 of the Senate.

1 (2) After receiving a recommendation from the Secretary
2 of the Senate under paragraph (1) that a formal investigation
3 is warranted, if the subject is a Senator, the President Pro
4 Tempore, the Majority Leader and the Minority Leader shall
5 proceed to refer the report to the Senate Committee on Ethics
6 for an investigation by that committee in accordance with
7 Rule 34 of the Rules of the Senate of Pennsylvania. The
8 provisions of Rule 34 of the Rules of the Senate of
9 Pennsylvania shall exclusively govern and apply in their
10 entirety to any further proceeding involving a Senator under
11 this rule.

12 (3) After receiving a recommendation from the Secretary
13 of the Senate under paragraph (1) that a formal investigation
14 is warranted, if the subject is a Senate employee, the
15 President Pro Tempore, the Majority Leader and the Minority
16 Leader shall proceed to obtain the services of an independent
17 third party to conduct a formal investigation. Upon
18 completion of the investigation, a report shall be prepared
19 containing findings of fact and a conclusion as to whether a
20 violation of these rules has occurred.

21 (4) After reviewing the findings of fact and the
22 conclusion contained in the report prepared pursuant to
23 paragraph (3) regarding a Senate employee, the President Pro
24 Tempore, the Majority Leader and the Minority Leader shall
25 issue a final determination by unanimous vote regarding all
26 of the following:

27 (i) Whether a violation of these rules by a Senate
28 employee has occurred.

29 (ii) Whether a sanction regarding that violation by
30 a Senate employee is warranted.

1 (iii) If a sanction is deemed warranted, the type of
2 sanction that should be imposed.

3 (iv) When and how the sanction should be imposed.

4 (5) During the course of an investigation of a Senate
5 employee by the independent third party designated pursuant
6 to paragraph (3), the subject shall have the opportunity to
7 be heard, to present evidence, to cross-examine witnesses and
8 to be represented by counsel.

9 (6) Prior to the issuance of a final determination under
10 paragraph (4), the subject shall have an opportunity to
11 submit a written presentation prepared by either the subject
12 or the subject's counsel.

13 (7) All proceedings under this rule shall be
14 confidential unless otherwise waived in writing by the
15 subject of the proceeding.

16 (8) If the President Pro Tempore, the Majority Leader or
17 the Minority Leader is the subject of a report, is a witness
18 or if for any reason is unavailable, the duties of the member
19 shall be performed by the Senate Whip of the respective
20 caucus.

21 (9) Retaliation against any Senate employee who files a
22 written statement in good faith under subsection (a)(3) or
23 who testifies in good faith regarding an alleged violation of
24 these rules is prohibited.

25 (c) Disciplinary action.--A violation of these rules may
26 subject a Senate employee to disciplinary action that, depending
27 on the circumstances of the violation, may include any of the
28 following:

29 (1) A warning.

30 (2) A written reprimand.

1 (3) A permanent disciplinary action noted in the
2 personnel record.

3 (4) Restitution for damages.

4 (5) Suspension of employment.

5 (6) Termination of employment.

6 (d) Sanction.--A violation of these rules may subject a
7 Senator to sanction by the full Senate and, depending on the
8 circumstances of the violation, may include any of the
9 following:

10 (1) A warning.

11 (2) A written reprimand.

12 (3) Restitution for damages.

13 (4) Any other sanction provided for under the Rules of
14 the Senate of Pennsylvania or the Constitution of
15 Pennsylvania.

16 Rule 4. Filing of financial interest statement.

17 (a) Compliance.--Compliance with the financial interest
18 statement requirements and all other requirements under the
19 Public Official and Employee Ethics Act, 65 Pa.C.S. Ch. 11
20 (relating to ethics standards and financial disclosure), shall
21 be mandatory for all Senators and Senate employees who meet the
22 criteria set forth in subsection (d) or (e).

23 (b) Time.--Financial interest statements covering the
24 previous calendar year must be filed by May 1 of each year for
25 every Senator and those Senate employees who make purchasing
26 decisions or other official decisions or provide input that can
27 influence a purchase or official decision.

28 (c) Location.--Senators must file their financial interest
29 statements with the Secretary of the Senate, the Ethics
30 Commission and any governmental agency, authority, board or

1 commission on which they serve. Affected Senate employees must
2 file their financial interest statements with the Secretary of
3 the Senate.

4 (d) Required filing for official nonministerial action.--
5 Filing a financial interest statement shall be required for
6 employees who are responsible for taking or recommending
7 official nonministerial action concerning any of the following:

8 (1) Contracting or procurement.

9 (2) Administering or monitoring grants or subsidies.

10 (3) Planning or zoning.

11 (4) Inspecting, licensing, regulating or auditing any
12 person.

13 (5) Any other activity where the official or recommended
14 official action has an economic impact of more than a de
15 minimis nature on the interests of any person. For most
16 employees on a Senator's staff or in a caucus office, this
17 category would be most applicable, since recommending
18 "official action" to a Senator as part of job
19 responsibilities triggers the duty to file a financial
20 interest statement. Official action would relate to a
21 Senator's lawmaking duties especially as that relates to
22 legislation and confirmations.

23 (e) Required filing for recommendations.--A financial
24 interest statement must be filed if a Senate employee's
25 responsibility includes making a recommendation to a Senator as
26 to any of the following:

27 (1) Advice regarding how to vote on the Floor or in
28 Committee.

29 (2) The potential consideration of bills, resolutions,
30 amendments to bills or resolutions or nominations in

Committee.

(3) The drafting and preparation of legislation or resolutions, and any amendments to bills or resolutions, including advice on decisions regarding bill or resolution sponsorships.

(f) Applicability.--The requirement to file a financial interest statement shall apply to executive directors, counsels or any Senate employee responsible for a Committee and to Senate chiefs of staff. Executive, administrative and legislative assistants may be subject to the filing requirements depending on the nature and scope of the individual's employment responsibilities.

(g) Personal point of view.--A Senate employee who does nothing more than occasionally share a personal point of view with a Senator is not required to file a financial interest statement. In most cases, a Senate employee with job responsibilities not directly related to the actual lawmaking process, such as correspondence or scheduling, does not need to file a financial interest statement.

(h) District office.--A Senate employee assigned to a district office shall be subject to the same filing requirements as a Harrisburg-based Senate employee depending on the nature of that individual's employment responsibilities.

Rule 5. Training.

To assure compliance with these rules and other laws related to ethical behavior by Senators and Senate employees, appropriate training measures shall be implemented by the Senate. Training shall be provided annually for all Senators and Senate employees on various topics, which shall include, but are not limited to, all of the following:

1 (1) These rules.

2 (2) The Public Official and Employee Ethics Act, 65
3 Pa.C.S. Ch. 11 (relating to ethics standards and financial
4 disclosure).

5 (3) 65 Pa.C.S. Ch. 13A (relating to lobbying
6 disclosure).

7 Rule 6. Rules.

8 (a) Force and effect.--These Rules shall be in full force
9 and effect until altered, changed, amended or repealed as
10 provided in subsection (c).

11 (b) Voting for altering, changing or amending rules.--The
12 consent of a majority of the Senators elected shall be necessary
13 to alter, change or amend these Rules.

14 (c) Alteration, change or amendment of rules by
15 resolution.--All alterations, changes or amendments to Senate
16 Rules shall be by resolution which shall not be considered
17 unless first referred to and reported from the Rules Committee.