
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 1

Session of
2013

INTRODUCED BY PILEGGI AND COSTA, JANUARY 1, 2013

INTRODUCED AND ADOPTED, JANUARY 1, 2013

A RESOLUTION

1 Adopting Ethical Conduct Rules of the Senate.

2 RESOLVED, That Ethical Conduct Rules of the Senate be adopted
3 for the governing of the 197th and 198th Regular Session until
4 amended, repealed or otherwise altered or changed.

5 (2013-2014)

6 ETHICAL CONDUCT RULES OF THE SENATE

7 Rule 1. Preliminary provisions.

8 As used in these rules, the following words and phrases shall
9 have the meanings given to them in this rule unless the context
10 clearly indicates otherwise:

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

16 (1) Organizing a campaign meeting, campaign rally or
17 other campaign event, including a fund-raiser where campaign
18 contributions are solicited or received.

1 (2) Preparing or completing responses to candidate
2 questionnaires that are intended solely for campaign use.

3 (3) Preparing a campaign finance report.

4 (4) Conducting background research on a candidate.

5 (5) Preparing or conducting a campaign poll.

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

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

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

15 (9) Managing a campaign for elective office.

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

19 (11) Posting campaign-related information on a website,
20 including social media websites such as Facebook and Twitter.

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

23 "De minimis." An economic consequence which has an
24 insignificant effect.

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

28 "Official mailing lists." Any list containing individuals,
29 companies or vendors, including names, addresses, telephone
30 numbers or e-mail addresses that are procured, compiled,

1 maintained or produced with Senate funds.

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

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

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

9 "Senate office." All Senate offices and Senate conference or
10 meeting rooms located in the Capitol complex or any similar
11 space contained within a district office.

12 "Senate resources." Senate-owned or Senate-leased equipment
13 including telephones, computer hardware or software, copiers,
14 scanners, fax machines, file cabinets or other office furniture,
15 cell phones, personal digital assistants or similar electronic
16 devices and office supplies.

17 "Senate work time." Publicly paid work time consisting in
18 the aggregate of 75 hours every two weeks for full-time
19 employees and a lesser amount of publicly paid hours every two
20 weeks for part-time employees.

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

23 Rule 2. Practice.

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

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

28 (2) Senate employees may work irregular hours often
29 depending upon the time the Senate is in session. As a
30 result, a staffer's own time can occur during what may be

1 considered "normal" business hours.

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

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

8 (5) Senate employees, with the permission of their
9 employing Senator, may reduce their Senate hours with a
10 commensurate reduction in pay (and benefits, as required) to
11 perform campaign activities. These arrangements must be
12 memorialized in writing and filed with the Chief Clerk.

13 (6) Any Senate employee who has reduced his or her
14 Senate hours to perform campaign activities shall keep a
15 daily written log outlining Senate hours and related work
16 responsibilities.

17 (b) Office and resources.--No campaign activity may be
18 conducted by a Senator or a Senate employee in a Senate office
19 or with Senate resources.

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

23 (i) In responding to inquiries from the public, a
24 Senator or a Senate employee may need to address
25 questions that relate to a Senator's or other person's
26 campaign for elective office or a related legislative
27 record.

28 (ii) Scheduling assistance and information from the
29 Senator or a Senate employee may be requested by campaign
30 staff to ensure that no conflict occurs among the

1 Senator's campaign schedule, official schedule and
2 personal schedule.

3 (iii) Engaging in political conversation in the
4 natural course of personal communication.

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

9 (3) A Senator's official State website shall not contain
10 a link to his or her campaign website. A Senator's principal
11 campaign website shall not contain a link to his or her
12 official State website. A Senate employee who is on Senate
13 work time and using Senate resources may post legislative
14 materials, media advisories, news releases and announcements
15 on social media websites such as Facebook and Twitter even if
16 campaign-related information also exists on such a website. A
17 Senate employee who is on his or her own time and using
18 personal resources may post material involving or referring
19 to campaign activity on a social media website.

20 (c) Contributions.--The solicitation or receipt of campaign
21 contributions on Senate work time or with Senate resources is
22 prohibited.

23 (1) Solicitation or receipt of campaign contributions in
24 a Senate office or with Senate resources is prohibited at any
25 and all times.

26 (2) If an unsolicited contribution is sent to a Senate
27 office through the mail or in an unidentifiable form, the
28 employee who receives it shall turn it over to the campaign
29 and notify the donor that campaign contributions should not
30 be received at a Senate office within no more than seven

1 days.

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

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

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

9 (1) No Senator, no Senate employee acting on the
10 Senator's behalf and no Senate employee in a supervisory
11 position may require a Senate employee to perform any
12 campaign activity on Senate work time or on the employee's
13 own time as a condition of employment.

14 (2) No Senator, no Senate employee acting on the
15 Senator's behalf and no Senate employee in a supervisory
16 position may require any Senate employee to make a campaign
17 contribution as a condition of employment.

18 (3) A Senate employee who agrees or offers to
19 participate in any campaign activity on his or her own time
20 or who makes a campaign contribution may not do so in
21 consideration of receiving any additional Senate compensation
22 or employee benefit in the form of a salary adjustment,
23 bonus, compensatory time off, continued employment or any
24 other similar benefit.

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

28 (e) Newsletters.--No Senate-funded newsletter may be printed
29 or distributed within 60 days of the primary or general election
30 for any Senate member running for the office of Senate or any

1 other elective office.

2 (1) This subsection shall apply to newsletters printed
3 by the Senate or by an outside vendor paid for with public
4 funds.

5 (2) The Chief Clerk of the Senate may not authorize the
6 reimbursement or payment of any moneys expended for print,
7 distribution or postage incurred after the 60-day deadline.

8 (3) Senators running for the office of the Senate or any
9 other elective office shall submit to the Secretary of the
10 Senate a final proof copy of any newsletters no less than 90
11 days prior to a primary or general election.

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

14 (1) Official Senate mailing lists shall not be provided
15 to any candidate, political party, political committee,
16 campaign or campaign committee or used for any campaign
17 purpose.

18 (2) Senate computers shall not be used to create, store
19 or maintain any mailing list that identifies the listed
20 individuals as campaign volunteers or contributors to any
21 candidate, political party, political committee, campaign or
22 campaign committee.

23 (3) No list may be developed by a Senator or a Senate
24 employee for the purpose of monitoring or tracking campaign
25 activity or campaign contributions of any Senate employee.

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

1 (g) Nonwork-related tasks.--No Senate employee may be
2 required to perform any nonwork-related task.

3 (1) No Senator, no Senate employee acting on the
4 Senator's behalf and no Senate employee in a supervisory
5 position may require a Senate employee to perform tasks
6 unrelated to the Senate employee's official duties as a
7 condition of employment.

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

14 (3) An employee who refuses to perform a task unrelated
15 to that person's official duties cannot be sanctioned for
16 that refusal.

17 Rule 3. Enforcement.

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

20 (1) A Senator or an employee who becomes aware of a
21 violation of these rules should report the violation to any
22 of the following:

23 (i) A Senator.

24 (ii) The President Pro Tempore, or an appropriate
25 designee.

26 (iii) The Majority Leader of the Senate, or an
27 appropriate designee.

28 (iv) The Minority Leader of the Senate, or an
29 appropriate designee.

30 (v) The employee's supervisor.

1 (vi) The Secretary of the Senate.

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

7 (3) Upon receipt of the written statement pursuant to
8 paragraph (2), the person to whom the violation is reported
9 as provided in paragraph (1) shall forward a copy of the
10 written statement within five business days to the Secretary
11 of the Senate or the Chief Clerk if the alleged violation
12 involves the Secretary of the Senate or a person in the
13 Secretary of the Senate's Office.

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

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

19 (1) The Secretary of the Senate shall conduct a
20 preliminary inquiry of any written statement forwarded under
21 subsection (a)(3). The subject of the report shall be
22 notified within five business days by the Secretary of the
23 Senate that a written statement has been forwarded to the
24 Secretary's office under subsection (a)(3). The Secretary of
25 the Senate shall also notify the President Pro Tempore, the
26 Majority Leader and the Minority Leader within five business
27 days that a written statement has been forwarded to the
28 Secretary's office under subsection (a)(3). The Secretary of
29 the Senate shall have 14 business days from the date of those
30 notifications to complete a preliminary inquiry and determine

1 whether there is more than a de minimis violation of these
2 rules and whether there is a satisfactory basis for the
3 initiation of a formal investigation and shall report that
4 recommendation to the President Pro Tempore, the Majority
5 Leader and the Minority Leader. If the Secretary of the
6 Senate or a person in the Secretary of the Senate's office is
7 the subject of an alleged violation, the responsibilities
8 under this subsection shall be performed by the Chief Clerk
9 of the Senate.

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

21 (3) After receiving a recommendation from the Secretary
22 of the Senate under paragraph (1) that a formal investigation
23 is warranted, if the subject is a Senate employee, the
24 President Pro Tempore, the Majority Leader and the Minority
25 Leader shall proceed to obtain the services of an independent
26 third party to conduct a formal investigation. Upon
27 completion of the investigation, a report shall be prepared
28 containing findings of fact and a conclusion as to whether a
29 violation of these rules has occurred.

30 (4) After reviewing the findings of fact and the

1 conclusion contained in the report prepared pursuant to
2 paragraph (3) regarding a Senate employee, the President Pro
3 Tempore, the Majority Leader and the Minority Leader shall
4 issue a final determination by unanimous vote regarding all
5 of the following:

6 (i) Whether a violation of these rules by a Senate
7 employee has occurred.

8 (ii) Whether a sanction regarding that violation by
9 a Senate employee is warranted.

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

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

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

18 (6) Prior to the issuance of a final determination under
19 paragraph (4), the subject shall have an opportunity to
20 submit a written presentation prepared by either the subject
21 or the subject's counsel.

22 (7) All proceedings under this rule shall be
23 confidential unless otherwise waived in writing by the
24 subject of the proceeding.

25 (8) If the President Pro Tempore, the Majority Leader or
26 the Minority Leader is the subject of a report, is a witness
27 or if for any reason is unavailable, the duties of the member
28 shall be performed by the Senate Whip of the respective
29 caucus.

30 (9) Retaliation against any Senate employee who files a

1 written statement in good faith under subsection (a)(3) or
2 who testifies in good faith regarding an alleged violation of
3 these rules is prohibited.

4 (c) Disciplinary action.--A violation of these rules may
5 subject a Senate employee to disciplinary action that, depending
6 on the circumstances of the violation, may include any of the
7 following:

8 (1) A warning.

9 (2) A written reprimand.

10 (3) A permanent disciplinary action noted in the
11 personnel record.

12 (4) Restitution for damages.

13 (5) Suspension of employment.

14 (6) Termination of employment.

15 (d) Sanction.--A violation of these rules may subject a
16 Senator to sanction by the full Senate and, depending on the
17 circumstances of the violation, may include any of the
18 following:

19 (1) A warning.

20 (2) A written reprimand.

21 (3) Restitution for damages.

22 (4) Any other sanction provided for under the Rules of
23 the Senate of Pennsylvania or the Constitution of
24 Pennsylvania.

25 Rule 4. Filing of financial interest statement.

26 (a) Compliance.--Compliance with the financial interest
27 statement requirements and all other requirements under the
28 Public Official and Employee Ethics Act, 65 Pa.C.S. Ch. 11
29 (relating to ethics standards and financial disclosure), shall
30 be mandatory for all Senators and Senate employees who meet the

1 criteria set forth in subsection (d) or (e).

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

7 (c) Location.--Senators must file their financial interest
8 statements with the Secretary of the Senate, the Ethics
9 Commission and any governmental agency, authority, board or
10 commission on which they serve. Affected Senate employees must
11 file their financial interest statements with the Secretary of
12 the Senate.

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

17 (1) Contracting or procurement.

18 (2) Administering or monitoring grants or subsidies.

19 (3) Planning or zoning.

20 (4) Inspecting, licensing, regulating or auditing any
21 person.

22 (5) Any other activity where the official or recommended
23 official action has an economic impact of more than a de
24 minimis nature on the interests of any person. For most
25 employees on a Senator's staff or in a caucus office, this
26 category would be most applicable, since recommending
27 "official action" to a Senator as part of job
28 responsibilities triggers the duty to file a financial
29 interest statement. Official action would relate to a
30 Senator's lawmaking duties especially as that relates to

1 legislation and confirmations.

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

6 (1) Advice regarding how to vote on the Floor or in
7 Committee.

8 (2) The potential consideration of bills, resolutions,
9 amendments to bills or resolutions or nominations in
10 Committee.

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

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

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

29 (h) District office.--A Senate employee assigned to a
30 district office shall be subject to the same filing requirements

1 as a Harrisburg-based Senate employee depending on the nature of
2 that individual's employment responsibilities.

3 Rule 5. Training.

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

10 (1) These rules.

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

14 (3) 65 Pa.C.S. Ch. 13A (relating to lobbying
15 disclosure).

16 APPENDIX
17 TRANSITIONAL PROVISIONS

18 OLD RULE	NEW RULE
19 I	Rule 1
20 1.	
21 II	Rule 2
22 1.	(a)
23 (a)	(1)
24 (b)	(2)
25 (c)	(3)
26 (d)	(4)
27 (e)	(5)
28 (f)	(6)
29 2.	(b)
30 (a)	(1)
31 (1)	(i)
32 (2)	(ii)
33 (3)	(iii)
34 (b)	(2)
35 (c)	(3)
36 3.	(c)
37 (a)	(1)
38 (b)	(2)
39 (c)	(3)
40 (d)	(4)

1			(d)	
2		(a)		(1)
3		(b)		(2)
4		(c)		(3)
5		(d)		(4)
6		5.	(e)	
7		(a)		(1)
8		(b)		(2)
9		(c)		(3)
10		6.	(f)	
11		(a)		(1)
12		(b)		(2)
13		(c)		(3)
14		(d)		(4)
15		7.	(g)	
16		(a)		(1)
17		(b)		(2)
18		(c)		(3)
19	III		Rule 3	
20		1.	(a)	
21		(a)		(1)
22		(1)		(i)
23		(2)		(ii)
24		(3)		(iii)
25		(4)		(iv)
26		(5)		(v)
27		(6)		(vi)
28		(b)		(2)
29		(c)		(3)
30		(d)		(4)
31		2.	(b)	
32		(a)		(1)
33		(b)		(2)
34		(c)		(3)
35		(d)		(4)
36		(1)		(i)
37		(2)		(ii)
38		(3)		(iii)
39		(4)		(iv)
40		(e)		(5)
41		(f)		(6)
42		(g)		(7)
43		(h)		(8)
44		(i)		(9)
45		3.	(c)	
46		(a)		(1)
47		(b)		(2)
48		(c)		(3)
49		(d)		(4)
50		(e)		(5)
51		(f)		(6)

1		4.		(d)
2		(a)		(1)
3		(b)		(2)
4		(c)		(3)
5		(d)		(4)
6	IV			Rule 4
7		1.		(a)
8		(a)		(b)
9		(b)		(c)
10		(c)		(d)
11		(1)		(1)
12		(2)		(2)
13		(3)		(3)
14		(4)		(4)
15		(5)		(5)
16		(d)		(e)
17		(1)		(1)
18		(2)		(2)
19		(3)		(3)
20		(e)		(f)
21		(f)		(g)
22		(g)		(h)
23	V			Rule 5
24		1.		
25		(a)		(1)
26		(b)		(2)
27		(c)		(3)