

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 1

Session of 2021

INTRODUCED BY YAW AND K. WARD, JANUARY 5, 2021

INTRODUCED AND ADOPTED, JANUARY 5, 2021

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 205th and 206th Regular Session.

4 2021-2022

5 ETHICAL CONDUCT RULES OF THE SENATE

6 Rule 1. Preliminary provisions.

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

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:

15 (1) Organizing a campaign meeting, campaign rally or
16 other campaign event, including a fundraiser where campaign
17 contributions are solicited or received.

18 (2) Preparing or completing responses to candidate

1 questionnaires that are intended solely for campaign use.

2 (3) Preparing a campaign finance report.

3 (4) Conducting background research on a candidate.

4 (5) Preparing or conducting a campaign poll.

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

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

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

14 (9) Managing a campaign for elective office.

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

18 (11) Posting campaign-related information on a website,
19 including social media websites or other electronic media
20 websites.

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

23 "Candidate." As defined in section 1621 of the act of June
24 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election
25 Code.

26 "Cash gift."

27 (1) Any of the following:

28 (i) United States or foreign currency.

29 (ii) A money order.

30 (iii) A check.

1 (iv) A prepaid debit or credit card.

2 (v) A gift card or certificate.

3 (2) The term does not include:

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

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

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

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

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

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

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

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

29 "Lobbyist." Any individual, firm, association, corporation,
30 partnership, business trust or other entity that is registered

1 as a lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbying
2 disclosure).

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

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

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

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

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

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

1 campaign-related information also exists on such a website. A
2 Senate employee who is on his or her own time and using
3 personal resources may post material involving or referring
4 to campaign activity on a social media website or other
5 electronic media website.

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

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

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

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

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

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

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

30 (2) No Senator, no Senate employee acting on the

1 Senator's behalf and no Senate employee in a supervisory
2 position may require any Senate employee to make a campaign
3 contribution as a condition of employment.

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

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

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

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

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

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

29 (f) Official Senate contact lists.--Official Senate contact
30 lists shall be used solely for legislative purposes.

1 (1) Official Senate contact lists shall not be provided
2 to any candidate, political party, political committee,
3 campaign or campaign committee or used for any campaign
4 purpose.

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

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

14 (4) Official Senate contact lists may be purchased at
15 fair market value from a private source with Senate funds if
16 the lists are used solely for legislative purposes. An
17 official Senate contact list that is so acquired may not be
18 used or redirected in the same or a modified form for
19 campaign purposes.

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

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

27 (2) An employee who agrees or offers to perform a task
28 unrelated to that person's official duties on his or her own
29 time may not do so in consideration of receiving any
30 additional State Senate compensation or employee benefit in

1 the form of a salary adjustment, bonus, compensatory time
2 off, continued employment or any other public benefit.

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

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

8 (1) A lobbyist or principal.

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

11 Rule 3. Enforcement.

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

14 (1) A Senator or an employee who becomes aware of a
15 violation of these rules should report the violation to any
16 of the following:

17 (i) A Senator.

18 (ii) The President Pro Tempore, or an appropriate
19 designee.

20 (iii) The Majority Leader of the Senate, or an
21 appropriate designee.

22 (iv) The Minority Leader of the Senate, or an
23 appropriate designee.

24 (v) The employee's supervisor.

25 (vi) The Secretary of the Senate.

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

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

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

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

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

1 the subject of an alleged violation, the responsibilities
2 under this subsection shall be performed by the Chief Clerk
3 of the Senate.

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

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

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

30 (i) Whether a violation of these rules by a Senate

1 employee has occurred.

2 (ii) Whether a sanction regarding that violation by
3 a Senate employee is warranted.

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

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

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

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

16 (7) All proceedings under this rule shall be
17 confidential unless otherwise waived in writing by the
18 subject of the proceeding.

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

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

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

1 following:

2 (1) A warning.

3 (2) A written reprimand.

4 (3) A permanent disciplinary action noted in the
5 personnel record.

6 (4) Restitution for damages.

7 (5) Suspension of employment.

8 (6) Termination of employment.

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

13 (1) A warning.

14 (2) A written reprimand.

15 (3) Restitution for damages.

16 (4) Any other sanction provided for under the Rules of
17 the Senate of Pennsylvania or the Constitution of
18 Pennsylvania.

19 Rule 4. Filing of financial interest statement.

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

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

1 (c) Location.--Senators must file their financial interest
2 statements with the Secretary of the Senate, the Ethics
3 Commission and any governmental agency, authority, board or
4 commission on which they serve. Affected Senate employees must
5 file their financial interest statements with the Secretary of
6 the Senate.

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

11 (1) Contracting or procurement.

12 (2) Administering or monitoring grants or subsidies.

13 (3) Planning or zoning.

14 (4) Inspecting, licensing, regulating or auditing any
15 person.

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

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

30 (1) Advice regarding how to vote on the Floor or in

1 Committee.

2 (2) The potential consideration of bills, resolutions,
3 amendments to bills or resolutions or nominations in
4 Committee.

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

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

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

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

27 Rule 5. Training.

28 To assure compliance with these rules and other laws related
29 to ethical behavior by Senators and Senate employees,
30 appropriate training measures shall be implemented by the

1 Senate. Training shall be provided annually for all Senators and
2 Senate employees on various topics, which shall include, but are
3 not limited to, all of the following:

4 (1) These rules.

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

8 (3) 65 Pa.C.S. Ch. 13A (relating to lobbying
9 disclosure).

10 Rule 6. Rules.

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

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

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