
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 1 Session of 2015

INTRODUCED BY CORMAN, JANUARY 6, 2015

INTRODUCED AND ADOPTED, JANUARY 6, 2015

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 199th and 200th Regular Session.

4 (2015-2016)

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 fund-raiser 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.

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

22 "Cash gift."

23 (1) Any of the following:

24 (i) United States or foreign currency.

25 (ii) A money order.

26 (iii) A check.

27 (iv) A prepaid debit or credit card.

28 (v) A gift card or certificate.

29 (2) The term does not include:

30 (i) An expenditure or other transaction subject to

1 reporting under Article XVI of the act of June 3, 1937
2 (P.L.1333, No.320), known as the Pennsylvania Election
3 Code.

4 (ii) A commercial loan made in the ordinary course
5 of business.

6 (iii) A transaction involving reasonable
7 consideration of equal or greater value.

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

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

17 (vi) An award or prize given to competitors in any
18 contest or event open to the public, including random
19 drawings.

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

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

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

29 "Newsletter." A printed document more than one page in
30 length that addresses more than one subject and is printed in

1 quantities of 25,000 copies or more.

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

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

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

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

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

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

20 "Senate office." All Senate offices and Senate conference or
21 meeting rooms located in the Capitol complex or any similar
22 space contained within a district office.

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

28 "Senate work time." Publicly paid work time consisting in
29 the aggregate of 75 hours every two weeks for full-time
30 employees and a lesser amount of publicly paid hours every two

1 weeks for part-time employees.

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

4 Rule 2. Practice.

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

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

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

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

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

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

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

28 (b) Office and resources.--No campaign activity may be
29 conducted by a Senator or a Senate employee in a Senate office
30 or with Senate resources.

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

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

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

13 (iii) Engaging in political conversation in the
14 natural course of personal communication.

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

19 (3) A Senator's official State website shall not contain
20 a link to his or her campaign website. A Senator's campaign
21 website shall not contain a link to his or her official State
22 website. A Senate employee who is on Senate work time and
23 using Senate resources may post legislative materials, media
24 advisories, news releases and announcements on social media
25 websites even if campaign-related information also exists on
26 such a website. A Senate employee who is on his or her own
27 time and using personal resources may post material involving
28 or referring to campaign activity on a social media website.

29 (c) Contributions.--The solicitation or receipt of campaign
30 contributions on Senate work time or with Senate resources is

1 prohibited.

2 (1) Solicitation or receipt of campaign contributions in
3 a Senate office or with Senate resources is prohibited at any
4 and all times.

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

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

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

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

18 (1) No Senator, no Senate employee acting on the
19 Senator's behalf and no Senate employee in a supervisory
20 position may require a Senate employee to perform any
21 campaign activity on Senate work time or on the employee's
22 own time as a condition of employment.

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

27 (3) A Senate employee who agrees or offers to
28 participate in any campaign activity on his or her own time
29 or who makes a campaign contribution may not do so in
30 consideration of receiving any additional Senate compensation

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

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

7 (e) Newsletters.--No Senate-funded newsletter may be printed
8 or distributed within 60 days of the primary or general election
9 for any Senate member running for the office of Senate or any
10 other elective office.

11 (1) This subsection shall apply to newsletters printed
12 by the Senate or by an outside vendor paid for with public
13 funds.

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

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

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

23 (1) Official Senate mailing lists shall not be provided
24 to any candidate, political party, political committee,
25 campaign or campaign committee or used for any campaign
26 purpose.

27 (2) Senate computers shall not be used to create, store
28 or maintain any mailing list that identifies the listed
29 individuals as campaign volunteers or contributors to any
30 candidate, political party, political committee, campaign or

1 campaign committee.

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

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

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

12 (1) No Senator, no Senate employee acting on the
13 Senator's behalf and no Senate employee in a supervisory
14 position may require a Senate employee to perform tasks
15 unrelated to the Senate employee's official duties as a
16 condition of employment.

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

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

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

28 (1) A lobbyist or principal.

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

1 Rule 3. Enforcement.

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

4 (1) A Senator or an employee who becomes aware of a
5 violation of these rules should report the violation to any
6 of the following:

7 (i) A Senator.

8 (ii) The President Pro Tempore, or an appropriate
9 designee.

10 (iii) The Majority Leader of the Senate, or an
11 appropriate designee.

12 (iv) The Minority Leader of the Senate, or an
13 appropriate designee.

14 (v) The employee's supervisor.

15 (vi) The Secretary of the Senate.

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

21 (3) Upon receipt of the written statement pursuant to
22 paragraph (2), the person to whom the violation is reported
23 as provided in paragraph (1) shall forward a copy of the
24 written statement within five business days to the Secretary
25 of the Senate or the Chief Clerk if the alleged violation
26 involves the Secretary of the Senate or a person in the
27 Secretary of the Senate's Office.

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

30 (b) Inquiry.--An inquiry and review of all properly

1 submitted reports regarding an alleged violation of these rules
2 shall be conducted.

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

24 (2) After receiving a recommendation from the Secretary
25 of the Senate under paragraph (1) that a formal investigation
26 is warranted, if the subject is a Senator, the President Pro
27 Tempore, the Majority Leader and the Minority Leader shall
28 proceed to refer the report to the Senate Committee on Ethics
29 for an investigation by that committee in accordance with
30 Rule 34 of the Rules of the Senate of Pennsylvania. The

1 provisions of Rule 34 of the Rules of the Senate of
2 Pennsylvania shall exclusively govern and apply in their
3 entirety to any further proceeding involving a Senator under
4 this rule.

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

14 (4) After reviewing the findings of fact and the
15 conclusion contained in the report prepared pursuant to
16 paragraph (3) regarding a Senate employee, the President Pro
17 Tempore, the Majority Leader and the Minority Leader shall
18 issue a final determination by unanimous vote regarding all
19 of the following:

20 (i) Whether a violation of these rules by a Senate
21 employee has occurred.

22 (ii) Whether a sanction regarding that violation by
23 a Senate employee is warranted.

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

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

27 (5) During the course of an investigation of a Senate
28 employee by the independent third party designated pursuant
29 to paragraph (3), the subject shall have the opportunity to
30 be heard, to present evidence, to cross-examine witnesses and

1 to be represented by counsel.

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

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

9 (8) If the President Pro Tempore, the Majority Leader or
10 the Minority Leader is the subject of a report, is a witness
11 or if for any reason is unavailable, the duties of the member
12 shall be performed by the Senate Whip of the respective
13 caucus.

14 (9) Retaliation against any Senate employee who files a
15 written statement in good faith under subsection (a)(3) or
16 who testifies in good faith regarding an alleged violation of
17 these rules is prohibited.

18 (c) Disciplinary action.--A violation of these rules may
19 subject a Senate employee to disciplinary action that, depending
20 on the circumstances of the violation, may include any of the
21 following:

22 (1) A warning.

23 (2) A written reprimand.

24 (3) A permanent disciplinary action noted in the
25 personnel record.

26 (4) Restitution for damages.

27 (5) Suspension of employment.

28 (6) Termination of employment.

29 (d) Sanction.--A violation of these rules may subject a
30 Senator to sanction by the full Senate and, depending on the

1 circumstances of the violation, may include any of the
2 following:

3 (1) A warning.

4 (2) A written reprimand.

5 (3) Restitution for damages.

6 (4) Any other sanction provided for under the Rules of
7 the Senate of Pennsylvania or the Constitution of
8 Pennsylvania.

9 Rule 4. Filing of financial interest statement.

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

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

21 (c) Location.--Senators must file their financial interest
22 statements with the Secretary of the Senate, the Ethics
23 Commission and any governmental agency, authority, board or
24 commission on which they serve. Affected Senate employees must
25 file their financial interest statements with the Secretary of
26 the Senate.

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

- 1 (1) Contracting or procurement.
- 2 (2) Administering or monitoring grants or subsidies.
- 3 (3) Planning or zoning.
- 4 (4) Inspecting, licensing, regulating or auditing any
- 5 person.

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

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

- 20 (1) Advice regarding how to vote on the Floor or in
21 Committee.
- 22 (2) The potential consideration of bills, resolutions,
23 amendments to bills or resolutions or nominations in
24 Committee.
- 25 (3) The drafting and preparation of legislation or
26 resolutions, and any amendments to bills or resolutions,
27 including advice on decisions regarding bill or resolution
28 sponsorships.

29 (f) Applicability.--The requirement to file a financial
30 interest statement shall apply to executive directors, counsels

1 or any Senate employee responsible for a Committee and to Senate
2 chiefs of staff. Executive, administrative and legislative
3 assistants may be subject to the filing requirements depending
4 on the nature and scope of the individual's employment
5 responsibilities.

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

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

17 Rule 5. Training.

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

24 (1) These rules.

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

28 (3) 65 Pa.C.S. Ch. 13A (relating to lobbying
29 disclosure).

30 Rule 6. Rules.

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

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

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