

**LEGISLATIVE REFERENCE BUREAU**

L.R.B. Form No. 4 (Rev. 1/11/17)

No. \_\_\_\_\_

**A Resolution adopting Ethical  
Conduct Rules of the Senate.**

**Legislative Reference Bureau**

**INTRODUCED** \_\_\_\_\_

By Williams, Lindsey M. District  
NO. \_\_\_\_\_

By \_\_\_\_\_ District  
NO. \_\_\_\_\_

By \_\_\_\_\_ District  
NO. \_\_\_\_\_

By \_\_\_\_\_ District  
NO. \_\_\_\_\_

See next page for additional co-sponsors.

Prior Session \_\_\_\_\_

**Referred to Committee on**

**Date** \_\_\_\_\_

**Reported** \_\_\_\_\_

**As Committed-Amended**

**Recomendation**  
\_\_\_\_\_

**By Hon.** \_\_\_\_\_

## 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 207th and 208th Regular Session.

4 2023-2024

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.

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 or other electronic media  
21 websites.

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

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

27 "Cash gift."

28 (1) Any of the following:

29 (i) United States or foreign currency.

30 (ii) A money order.

- 1 (iii) A check.
- 2 (iv) A prepaid debit or credit card.
- 3 (v) A gift card or certificate.
- 4 (2) The term does not include:
- 5 (i) An expenditure or other transaction subject to
- 6 reporting under Article XVI of the act of June 3, 1937
- 7 (P.L.1333, No.320), known as the Pennsylvania Election
- 8 Code.
- 9 (ii) A commercial loan made in the ordinary course
- 10 of business.
- 11 (iii) A transaction involving reasonable
- 12 consideration of equal or greater value.
- 13 (iv) A cash gift from a parent, sibling, spouse,
- 14 child, stepchild, stepparent, stepsibling, grandparent,
- 15 grandchild, parent-in-law, sibling-in-law or other close
- 16 relative when the circumstances make it clear that the
- 17 motivation for the action was a personal or family
- 18 relationship.
- 19 (v) A cash gift available to the public or offered
- 20 to members of a group or class in which membership is not
- 21 related to being a Senator or Senate employee.
- 22 (vi) An award or prize given to competitors in any
- 23 contest or event open to the public, including random
- 24 drawings.
- 25 "Commercial loan made in the ordinary course of business." A
- 26 loan from a bank or other financial institution on terms
- 27 generally available to the public.
- 28 "De minimis." An economic consequence which has an
- 29 insignificant effect.
- 30 "Lobbyist." Any individual, firm, association, corporation,

1 partnership, business trust or other entity that is registered  
2 as a lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbying  
3 disclosure).

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

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

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

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

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

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

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

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

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

1 devices and office supplies.

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

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

8 Rule 2. Practice.

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

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

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

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

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

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

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

1 responsibilities.

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

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

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

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

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

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

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

1 which is not a campaign website for any candidate, even if  
2 campaign-related information also exists on such a website. A  
3 Senate employee who is on his or her own time and using  
4 personal resources may post material involving or referring  
5 to campaign activity on a social media website or other  
6 electronic media website.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

30           (f) Official Senate contact lists.--Official Senate contact

1 lists shall be used solely for legislative purposes.

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

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

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

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

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

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 tasks  
26 unrelated to the Senate employee's official duties as a  
27 condition of employment.

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

1 additional State Senate compensation or employee benefit in  
2 the form of a salary adjustment, bonus, compensatory time  
3 off, continued employment or any other public benefit.

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

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

9 (1) A lobbyist or principal.

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

12 Rule 3 Professional conduct.

13 (a) Prohibitions.--No member or officer of the Senate shall  
14 do any of the following:

15 (1) Use the submission to or rejection by a Senate  
16 employee of conduct constituting sexual harassment as a basis  
17 for an employment decision affecting the employee.

18 (2) Make submission to conduct constituting sexual  
19 harassment, either explicitly or implicitly, a term or  
20 condition of a Senate employee's employment.

21 (3) Engage in conduct constituting sexual harassment  
22 that is so frequent or severe that it creates a hostile or  
23 offensive work environment for a Senate employee or another  
24 member or officer of the Senate.

25 (4) Engage in sexual harassment while performing Senate-  
26 related services or duties or in or on any Senate owned or  
27 leased property or facilities.

28 (b) Retaliation.--No member or officer of the Senate shall  
29 retaliate against a Senate employee or another member or officer  
30 of the Senate in response to any of the following actions taken

1 in good faith:

2 (1) Filing:

3 (i) A complaint of sexual harassment under Rules of  
4 the Senate or the policies and procedures of an employer.

5 (ii) A charge of sex discrimination relating to  
6 sexual harassment with a government agency or commission  
7 charged with enforcing laws relating to sex  
8 discrimination.

9 (iii) A civil action relating to sexual harassment  
10 in a court of competent jurisdiction.

11 (iv) A criminal complaint relating to sexual  
12 harassment with a law enforcement agency.

13 (2) Participating in an investigation in connection with  
14 or proceedings resulting from the filing of a complaint or  
15 proceeding under paragraph (1).

16 (c) Construction.--Nothing under subsection (b) shall be  
17 construed to prevent action against a member or officer of the  
18 Senate who is the subject of a complaint or proceeding related  
19 to sexual harassment.

20 Rule 4. Committee on Ethics.

21 The following shall apply to the Committee on Ethics:

22 (1) The Committee shall consist of eight members, four  
23 of whom shall be members of the majority party appointed by  
24 the President Pro Tempore, and four of whom shall be members  
25 of the minority party appointed by the Minority Leader. From  
26 the members appointed to the Committee, the President Pro  
27 Tempore shall appoint a chair, vice-chair and secretary for  
28 the Committee. The chair shall be a member of the majority  
29 party, and the vice chair shall be a member of the minority  
30 party.

1           (2) The members of the Committee shall first meet upon  
2 the call of the chair and perfect its organization. A  
3 majority of the Committee shall constitute a quorum for it to  
4 proceed to business. Unless otherwise provided in this rule,  
5 a majority of the Committee shall be required to take any  
6 action authorized by this rule. The Committee shall have the  
7 power to promulgate rules not inconsistent with this rule or  
8 Rules of the Senate that may be necessary for the orderly  
9 conduct of its business.

10           (3) The chair of the Committee shall notify all members  
11 of the Committee at least 24 hours in advance of the date,  
12 time and place of meetings and, insofar as possible, the  
13 subjects on the agenda. Meetings may be called from time to  
14 time by the chair of the Committee as the chair deems  
15 necessary. A member of the Committee may request that the  
16 chair call a meeting for a specific purpose. If the chair  
17 refuses to call a meeting upon such request, a majority of  
18 the Committee may vote to call a meeting by giving two days'  
19 written notice to the President Pro Tempore setting forth the  
20 time and place for such meeting. Such notice shall be read in  
21 the Senate and posted in the Senate Chamber by the Secretary  
22 of the Senate or a designee. Thereafter, the meeting shall be  
23 held at the time and place specified in such notice.

24           (4) The Committee shall not continue to exist after sine  
25 die adjournment of the General Assembly. Proceedings on  
26 matters before the Committee that have not been concluded or  
27 disposed of by sine die adjournment of the General Assembly  
28 shall cease on such date and all documents, reports,  
29 communications, transcripts and other materials compiled by  
30 the Committee for such matters, as well as any communications

1 or other materials received by the Committee after sine die  
2 adjournment of the General Assembly, shall be collected,  
3 organized and submitted to the Secretary of the Senate under  
4 seal for transition to the reconstituted Committee consisting  
5 of members appointed from the incoming General Assembly.  
6 These materials shall be held in a secure manner and nothing  
7 in this rule shall authorize the Secretary of the Senate or  
8 any other person to view such materials. Within 30 days  
9 following the reconstitution of the Committee in the next  
10 succeeding legislative term, the Committee shall review such  
11 materials and determine whether or not to proceed with one or  
12 more of the matters under review by the former Committee or  
13 received after sine die adjournment. Any time period required  
14 for any actions of the Committee or others under this rule  
15 shall be tolled until the reconstituted Committee has made a  
16 determination whether or not to proceed. If the Committee  
17 determines to proceed with a matter, the Committee shall, if  
18 applicable, continue from the stage in the consideration of  
19 the matter where the former Committee ended.

20 (5) The Committee shall compile, update and distribute a  
21 members' Handbook on Ethics for members and Senate Employees  
22 on matters regarding the ethical conduct of their legislative  
23 duties. Each member shall complete two hours of ethics  
24 education and training and one hour of sexual harassment and  
25 discrimination in the workplace education and training each  
26 legislative term. A member shall be excused from one hour of  
27 ethics training for any full year the member was absent due  
28 to illness, injury, military service or any other permissible  
29 excuse approved by the Senate pursuant to its rules. The  
30 Committee shall be responsible for planning and offering the

1 education and training programs.

2 (6) The Committee shall issue to a member upon the  
3 member's request an advisory opinion regarding the member's  
4 duties under Rule 2. The opinion shall be issued within 14  
5 days following the request. No member who acts in good faith  
6 on an opinion issued under this paragraph shall be subject to  
7 any sanctions for so acting if the material facts are as  
8 stated in the request. Opinions issued under this paragraph  
9 shall be public records and may from time to time be  
10 published.

11 (7) Notwithstanding the foregoing, the member requesting  
12 the opinion may request that an opinion undergo deletions and  
13 changes necessary to protect the identity of the persons  
14 involved, and the Committee shall make such deletions and  
15 changes.

16 (8) The Committee may issue other advisory opinions with  
17 regard to questions pertaining to other legislative ethics or  
18 decorum at the request of a member or Senate employee. An  
19 opinion issued under this paragraph shall be confidential and  
20 shall apply exclusively to the requestor. No requestor who  
21 acts in good faith on an opinion issued under this paragraph  
22 shall be subject to any sanctions for acting in accordance  
23 with the opinion if the material facts are as stated in the  
24 request.

25 (9) The Committee may receive complaints against  
26 members, officers and employees of the Senate alleging  
27 unethical conduct under the Legislative Code of Ethics or the  
28 Rules of the Senate, including for violations of Rule 3. A  
29 complaint must be in writing and be signed by the person  
30 filing the complaint under penalty of law under 18 Pa.C.S. §

1 4904 (relating to unsworn falsification to authorities). The  
2 complaint must set forth in detail the actions constituting  
3 the alleged unethical conduct or violation. No person shall  
4 disclose or acknowledge to any other person any information  
5 relating to the filing of a complaint or the proposed filing  
6 of a complaint, except as otherwise authorized under this  
7 rule or Rule 3, for the purpose of seeking legal advice, as  
8 otherwise required by law or to carry out a function of the  
9 Committee.

10 (10) The Committee shall not have jurisdiction over,  
11 shall not accept for review or action and shall return to the  
12 complainant with a notice explaining the Committee's lack of  
13 jurisdiction any of the following:

14 (i) a complaint filed later than five years  
15 following the occurrence of the alleged unethical conduct  
16 or violation; or

17 (ii) a complaint filed against a former member or  
18 former Senate employee unless required by Section 7(c) of  
19 the Legislative Code of Ethics.

20 (11) Within 30 days following receipt of a complaint  
21 over which the Committee has jurisdiction under this rule,  
22 the Committee shall do one of the following:

23 (i) dismiss the complaint, with notice explaining  
24 the basis for the Committee's dismissal, if it:

25 (A) alleges facts that do not constitute  
26 unethical conduct or a violation of Rule 3;

27 (B) is objectively baseless;

28 (C) is insufficient as to form;

29 (D) is a frivolous complaint; or

30 (ii) initiate a preliminary investigation of the



1           alleged unethical conduct or violation.

2           (12) If the Committee initiates a preliminary  
3 investigation, it shall, promptly upon voting to proceed,  
4 send the subject a letter setting forth each allegation in  
5 the complaint. Within 15 days after receipt of the letter,  
6 the subject may file a written response with the Committee.  
7 Failure of the subject to file a response shall not be deemed  
8 to be an admission, or create an inference or presumption,  
9 that the allegations in the complaint are true, and such  
10 failure shall not prohibit the Committee from either  
11 proceeding with the preliminary or a formal investigation or  
12 dismissing the complaint. The Committee may engage an  
13 independent counsel to assist in a preliminary investigation.  
14 The subject may be represented by counsel of the subject's  
15 choosing at any point during an investigation under this  
16 rule.

17           (13) If the Committee initiates a preliminary  
18 investigation of a complaint of a violation under Rule 3, it  
19 shall also send to the appropriate employer a copy of the  
20 letter sent to the subject setting forth each allegation in  
21 the complaint. Upon the request of the complainant, the  
22 employer shall make adjustments to the complainant's work  
23 hours, assignment or duties or location that may be  
24 appropriate under the circumstances of the allegations in the  
25 complaint. The adjustments may include:

26           (i) removing the complainant or the subject from the  
27 physical work location of the complainant;

28           (ii) allowing the complainant to be placed on  
29 administrative leave with continued pay and benefits, if  
30 applicable; or

1           (iii) any other reasonable accommodation agreed to  
2           by the employer and the complainant.

3           (14) The employer shall keep the letter and the fact of  
4           the initiation of a preliminary investigation confidential  
5           but may disclose necessary information to members, officers  
6           of the Senate or Senate employees as needed in order to  
7           implement the foregoing adjustments. No Senate employee shall  
8           retaliate or take adverse actions against the complainant in  
9           response to the filing of a complaint of a violation of Rule  
10          3 with the Committee.

11          (15) A member of the Committee who is the complainant,  
12          the subject or a witness to the unethical conduct or  
13          violation alleged in a complaint shall not participate in any  
14          Committee consideration of the complaint. The member shall be  
15          temporarily replaced on the Committee in a like manner as his  
16          or her original appointment.

17          (16) Within 30 days following the initiation of a  
18          preliminary investigation, the Committee shall vote to  
19          dismiss the complaint for lack of probable cause to support  
20          the alleged unethical conduct or violation or to proceed with  
21          a formal investigation because it finds that probable cause  
22          exists. If a majority of the Committee is unable to agree on  
23          either course of action, the Committee shall dismiss the  
24          complaint. The Committee shall promptly notify the subject in  
25          writing of the result.

26          (17) If the Committee votes to proceed with a formal  
27          investigation, the Committee shall engage an independent  
28          counsel unless the Committee determines that the alleged  
29          unethical conduct or violation raised in the complaint does  
30          not warrant the expense of engaging an independent counsel.

1 If the Committee does not engage an independent counsel, the  
2 Committee shall be represented in the investigation and any  
3 hearing conducted under this rule by Committee staff  
4 attorneys, including at least one from each party.

5 (18) The Committee, including Committee staff attorneys,  
6 and any independent counsel engaged by the Committee shall  
7 have the power to conduct investigations and hearings under  
8 the guidelines set out in this rule.

9 (19) Where a provision of this rule conflicts with  
10 another Rule of the Senate, the provision of this rule shall  
11 govern.

12 (20) This rule shall be construed to empower the  
13 Committee and its independent counsel to do all of the  
14 following:

15 (i) act as a neutral fact-finder;

16 (ii) protect due process and other constitutional  
17 rights of a subject;

18 (iii) fully investigate and deter unethical conduct  
19 or violation of Rule 3; and

20 (iv) protect the public trust.

21 (21) The Chief Clerk shall pay the fees and expenses of  
22 an Independent Counsel engaged by the Committee under this  
23 rule.

24 (22) The Committee may issue subpoenas for documents or  
25 testimony as part of a preliminary investigation, a formal  
26 investigation or in connection with a hearing before the  
27 Committee. Notwithstanding the provision of any other Rule of  
28 the Senate, subpoenas issued under this rule shall be in the  
29 name of the Committee, shall be signed by the chair of the  
30 Committee and shall be attested by another member of the

1 Committee who voted in favor of authorizing the subpoena.

2 (23) A subpoena issued by the Committee may be served  
3 upon any person and shall have the force and effect of a  
4 subpoena issued out of the courts of this Commonwealth.  
5 Subpoenas shall be served by the Sergeant-at-Arms of the  
6 Senate or another person designated by the Committee when  
7 directed to do so by the Committee. Each subpoena shall be  
8 addressed to the witness and shall state that such proceeding  
9 is before a Committee of the Senate for which the witness is  
10 required to attend and testify at a specified time and place;  
11 or to produce books, papers, records, accounts, reports,  
12 documents and data and information produced and stored by any  
13 electronic data processing system; or both, as the Committee  
14 may also require. Mileage and witness fees shall be paid by  
15 the Senate to such witness in an amount prescribed by law.  
16 Unless addressed to and served on the subject, a copy of a  
17 subpoena issued by the Committee shall be provided to the  
18 subject and the subject's counsel, if applicable. A person  
19 who willfully neglects or refuses to comply with a subpoena  
20 issued by the Committee shall be subject to the penalties  
21 provided by the laws of this Commonwealth with respect to  
22 such willful neglect or refusal. Notwithstanding the  
23 foregoing, a recipient of a subpoena issued by the Committee  
24 may object to the subpoena by serving notice of such  
25 objection on the signatory to the subpoena and the Committee.  
26 The Committee may quash or modify the subpoena if it finds  
27 the subpoena to be overly broad or without proper purpose.  
28 Each member of the Committee shall have the power to  
29 administer oaths and affirmations to witnesses appearing  
30 before the Committee.

1           (24) All subpoenaed books, papers, records, accounts,  
2 reports, documents, data and information shall be returned to  
3 the person from whom such material was subpoenaed when the  
4 Committee has completed its examination of such material, but  
5 in no event later than the date of final disposition of the  
6 matter.

7           (25) Following the completion of a formal investigation,  
8 the Committee shall conduct a hearing if:

9           (i) the independent counsel engaged by the Committee  
10 recommends that a hearing be conducted and the Committee  
11 votes to adopt the recommendation; or

12           (ii) an independent counsel was not engaged by the  
13 Committee but the Committee finds that the testimony and  
14 documents reviewed by the Committee during the formal  
15 investigation indicates more likely than not that the  
16 unethical conduct or violation alleged in the complaint  
17 occurred.

18           (26) If a hearing is to be conducted, the Committee  
19 shall provide the subject and the subject's counsel, if  
20 applicable, with written notice consistent with  
21 constitutional principles of due process. The Pennsylvania  
22 Rules of Evidence shall apply during the hearing, unless the  
23 Committee determines otherwise. Notwithstanding the  
24 foregoing, the Committee may not infringe on the right of the  
25 subject to present evidence, cross-examine witnesses, face  
26 his or her accuser and be represented by counsel at a hearing  
27 conducted under this rule.

28           (27) Witnesses called to appear at a hearing under this  
29 rule, including a subject, may be accompanied by his or her  
30 own counsel for the purpose of advising him or her concerning

1 his or her constitutional rights. Counsel may interpose legal  
2 objection to any and all questions which in the opinion of  
3 counsel may violate the constitutional rights of his or her  
4 clients.

5 (28) The proceedings of a hearing conducted under this  
6 rule shall be either stenographically or electronically  
7 recorded. The Committee shall determine which parts of such  
8 recorded proceedings, if any, shall be transcribed.

9 (29) The burden shall be on the independent counsel, if  
10 one has been engaged by the Committee, or the Committee staff  
11 attorneys, if an independent counsel has not been engaged, to  
12 prove, by clear and convincing evidence, that the unethical  
13 conduct or violation alleged in the complaint occurred.

14 Within 30 days following the conclusion of the formal  
15 investigation and hearing, the Committee shall make a  
16 determination as to whether the burden was met and shall  
17 submit its finding to the Senate. If the Committee finds that  
18 the burden was met, the Committee may make one or more of the  
19 following recommendations to the Senate:

- 20 (i) a reprimand of the subject;  
21 (ii) a censure of the subject;  
22 (iii) expulsion of the subject from the Senate; or  
23 (iv) the denial or limitation of any right, power or  
24 privilege of the member granted by Rules of the Senate  
25 and not contrary to the Pennsylvania Constitution.

26 (30) The Committee shall provide a written report of its  
27 findings and recommendations, if any, to the subject and  
28 shall simultaneously submit a copy of the same to the Senate.  
29 Only findings and recommendations agreed to by a majority of  
30 the Committee shall be included in the report. The report may

1 include a minority report. The Senate shall not take any  
2 action on the findings and recommendations submitted by the  
3 Committee and shall not make such findings and  
4 recommendations public until a period of at least seven days  
5 has passed following the Committee's provision of the report  
6 to the subject.

7 (31) The Committee may extend any of the time periods,  
8 other than those relating to the jurisdiction of the  
9 Committee, required for any actions of the Committee or  
10 others under this rule.

11 (32) The Committee shall maintain the confidentiality of  
12 all complaints and complaint-related proceedings and actions,  
13 except as provided in this rule. The Committee may disclose  
14 complaint data, including the number of complaints received  
15 and dispositions on complaints in the aggregate without  
16 identifying information regarding the complainant or the  
17 accused. The Committee shall maintain the confidentiality of  
18 all investigations, hearings and meetings of the Committee  
19 relating to an investigation and the existence of such  
20 investigations, hearings, and meetings. A majority of the  
21 members of the Committee may vote to suspend the  
22 confidentiality provisions in this rule in whole or in part  
23 if information regarding a complaint or an investigation has  
24 been entered into the public domain by someone other than a  
25 member of the Committee and the Committee determines that it  
26 is in the best interest of the Committee to address public  
27 inquiry or information on the complaint or investigation. In  
28 this case, the Committee may disclose whether a complaint has  
29 been filed, the disposition or status of action on the  
30 complaint and other information as the Committee may

1 determine is appropriate under the circumstances. All other  
2 meetings of the Committee shall be open to the public. Any  
3 member of the Committee breaching the confidentiality  
4 provisions specified in this rule shall be removed  
5 immediately from the Committee and replaced by another member  
6 in a like manner as his or her original appointment.

7 (33) Meetings and hearings held related to the  
8 investigation of a complaint shall be in the nature of  
9 executive session and shall not be open to the public. All  
10 other meetings of the Committee shall be open to the public.

11 (34) Notwithstanding the above, except for a hearing on  
12 complaints of a violation of Rule 3, the Committee shall  
13 conduct a hearing in public upon the written request of the  
14 subject unless the Committee determines that evidence or  
15 testimony to be received at the hearing may substantially  
16 defame, degrade, or incriminate a person other than the  
17 subject. In that event, the Committee shall receive such  
18 evidence or testimony in executive session. No evidence or  
19 testimony taken in executive session may be released to any  
20 person or authority or used in public sessions without the  
21 consent of the Committee.

22 (35) The Committee may enter into a consent agreement  
23 with the subject at any point in the proceedings. The  
24 Committee may make an appropriate referral of a complaint to  
25 a law enforcement agency at any point in the proceedings.

26 (36) The complaint, response and records of the  
27 Committee shall be confidential. Notwithstanding the  
28 foregoing:

29 (i) consent agreements and final findings by the  
30 Committee of unethical conduct and the Committee's



1 recommendations with respect to such findings shall not  
2 be confidential;

3 (ii) consent agreements and final findings by the  
4 Committee of a violation of Rule 3 shall not be  
5 confidential, except that at the request of a  
6 complainant, the name of the complainant and, unless the  
7 Senate considers a resolution to discipline the subject,  
8 any facts that may lead to the identification of the  
9 complainant, including the name of the subject, shall be  
10 redacted before an agreement or final findings of the  
11 Committee are made public;

12 (iii) the subject may, in his or her discretion,  
13 make public a finding by the Committee that no unethical  
14 conduct or violation of Rule 3 had occurred or that there  
15 was insufficient evidence presented to the Committee that  
16 unethical conduct or a violation of Rule 3 had occurred,  
17 except that the subject shall not make public the name of  
18 a complainant who filed a complaint alleging a violation  
19 of Rule 3; and

20 (iv) if the Committee makes a referral of a  
21 complaint to a law enforcement agency, the Committee may  
22 provide the agency with copies of documents and  
23 information in its possession.

24 (37) Any member of the Committee breaching the  
25 confidentiality provisions set forth in this rule shall be  
26 removed immediately from the Committee and replaced by  
27 another member in a like manner as his or her original  
28 appointment.

29 (38) A nondisclosure agreement shall not be imposed on  
30 an individual as a condition of the initiation of the

1 procedures available under this rule for the filing and  
2 hearing of a complaint of a violation of Rule 3.

3 (39) Nothing in this paragraph shall be construed to  
4 prohibit the complainant and the subject from voluntarily  
5 entering into a settlement agreement with a nondisclosure  
6 provision agreed to by each party as part of the settlement  
7 of a complaint or proceeding. Notwithstanding the foregoing,  
8 a member who is the subject of a complaint of a violation of  
9 Rule 3 filed with the Committee shall not benefit from a  
10 nondisclosure agreement or provision if a completed formal  
11 investigation of the Committee finds that the complaint is  
12 credible or a final decision by the Committee finds a  
13 violation.

14 (40) The Committee may meet with a committee of the  
15 House to hold investigations or hearings involving complaints  
16 against employees of the two chambers jointly or officers or  
17 employees of the Legislative Reference Bureau, the Joint  
18 State Government Commission, the Local Government Commission,  
19 the Legislative Budget and Finance Committee, the Legislative  
20 Data Processing Committee or other legislative service  
21 agencies. No action may be taken at a joint meeting unless it  
22 is approved by the Committee. A member of the Committee who  
23 is the complainant, the subject or a witness to the unethical  
24 conduct or violation of Rule 3 alleged in a complaint under  
25 this paragraph shall not participate in any joint proceedings  
26 under this paragraph. The member shall be temporarily  
27 replaced on the Committee in a like manner as his or her  
28 original appointment.

29 Rule 5. Enforcement.

30 (a) Standardized process.--There shall be a standardized

1 process for reporting any alleged violation of these rules.

2 (1) A Senator, an employee or other complainant who  
3 becomes aware of a violation of these rules should report the  
4 violation to any of the following:

5 (i) A Senator.

6 (ii) The President Pro Tempore, or an appropriate  
7 designee.

8 (iii) The Majority Leader of the Senate, or an  
9 appropriate designee.

10 (iv) The Minority Leader of the Senate, or an  
11 appropriate designee.

12 (v) The employee's supervisor.

13 (vi) The Secretary of the Senate.

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

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

27 (4) A report of a possible violation of these rules must  
28 be filed within five years of the alleged conduct.

29 (b) Inquiry.--An inquiry and review of all properly  
30 submitted reports regarding an alleged violation of these rules

1 shall be conducted.

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

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

1 Pennsylvania shall exclusively govern and apply in their  
2 entirety to any further proceeding involving a Senator under  
3 this rule.

4 (3) 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 Senate employee, the  
7 President Pro Tempore, the Majority Leader and the Minority  
8 Leader shall proceed to obtain the services of an independent  
9 third party to conduct a formal investigation. Upon  
10 completion of the investigation, a report shall be prepared  
11 containing findings of fact and a conclusion as to whether a  
12 violation of these rules has occurred.

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

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

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

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

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

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

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

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

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

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

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

21 (1) A warning.

22 (2) A written reprimand.

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

25 (4) Restitution for damages.

26 (5) Suspension of employment.

27 (6) Termination of employment.

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

1 following:

2 (1) A warning.

3 (2) A written reprimand.

4 (3) Restitution for damages.

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

8 Rule 6. Filing of financial interest statement.

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

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

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

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

30 (1) Contracting or procurement.

1 (2) Administering or monitoring grants or subsidies.

2 (3) Planning or zoning.

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

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

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

19 (1) Advice regarding how to vote on the Floor or in  
20 Committee.

21 (2) The potential consideration of bills, resolutions,  
22 amendments to bills or resolutions or nominations in  
23 Committee.

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

28 (f) Applicability.--The requirement to file a financial  
29 interest statement shall apply to executive directors, counsels  
30 or any Senate employee responsible for a Committee and to Senate



1 chiefs of staff. Executive, administrative and legislative  
2 assistants may be subject to the filing requirements depending  
3 on the nature and scope of the individual's employment  
4 responsibilities.

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

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

#### 16 Rule 7. Training.

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

23 (1) These rules.

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

27 (3) 65 Pa.C.S. Ch. 13A (relating to lobbying  
28 disclosure).

#### 29 Rule 8. Rules.

30 (a) Force and effect.--These Rules shall be in full force

1 and effect until altered, changed, amended or repealed as  
2 provided in subsection (c).

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

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