

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 209th and 210th Regular Session.

4 2025-2026

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 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 "Discrimination." An adverse employment action based on a
30 protected classification.

1 "Harassment." Unwelcome conduct based on an individual's
2 protected classification when:

3 (1) submission to the conduct is made either an explicit
4 or implicit term or condition of employment;

5 (2) submission to or rejection of the conduct is used as
6 the basis for an employment decision; or

7 (3) the conduct is so frequent or severe that it creates
8 a hostile or offensive work environment.

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

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

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

19 "Official Senate contact lists." Any list containing
20 individuals, companies or vendors, including names, addresses,
21 telephone numbers or e-mail addresses that are procured,
22 compiled, maintained or produced with Senate funds.

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

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

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

30 "Senate employee in a supervisory position." A Senate

1 employee who has a general supervisory role within: a caucus; an
2 individual Senator's office; or a Senate services office.

3 "Senate office." All Senate offices and Senate conference or
4 meeting rooms located in the Capitol complex or any similar
5 space contained within a district office.

6 "Senate resources." Senate-owned or Senate-leased equipment
7 including telephones, computer hardware or software, copiers,
8 scanners, fax machines, file cabinets or other office furniture,
9 cell phones, personal digital assistants or similar electronic
10 devices and office supplies.

11 "Senate work time." Publicly paid work time consisting in
12 the aggregate of 75 hours every two weeks for full-time
13 employees and a lesser amount of publicly paid hours every two
14 weeks for part-time employees.

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

17 "Sexual harassment." Unwelcome sexual advances, requests for
18 sexual favors or other verbal or physical conduct of a sexual
19 nature.

20 Rule 2. Practice.

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

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

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

29 (3) Sick leave, family and medical leave, work-related
30 disability leave, parental leave, short-term disability

1 leave, civil leave or military leave cannot be requested by a
2 Senate employee to perform campaign activities.

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

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

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

14 (b) Office and resources.--No campaign activity may be
15 conducted by a Senator or a Senate employee in a Senate office
16 or with Senate resources.

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

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

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

29 (iii) Engaging in political conversation in the
30 natural course of personal communication.

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

5 (3) A Senator's official Senate website, social media
6 website or other electronic media website shall not contain a
7 link to a campaign website for any candidate. A Senator's
8 campaign website shall not contain a link to his or her
9 official Senate website. A Senate employee who is on Senate
10 work time and using Senate resources may post legislative
11 materials, media advisories, news releases and announcements
12 on a social media website or other electronic media website,
13 which is not a campaign website for any candidate, even if
14 campaign-related information also exists on such a website. A
15 Senate employee who is on his or her own time and using
16 personal resources may post material involving or referring
17 to campaign activity on a social media website or other
18 electronic media website.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (4) Official Senate contact lists may be purchased at
28 fair market value from a private source with Senate funds if
29 the lists are used solely for legislative purposes. An
30 official Senate contact list that is so acquired may not be

1 used or redirected in the same or a modified form for
2 campaign purposes.

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

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

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

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

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

21 (1) A lobbyist or principal.

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

24 Rule 3. Professional conduct.

25 (a) Discrimination and harassment.--The Senate is committed
26 to creating and maintaining a work environment free from
27 discrimination and harassment. No member or officer of the
28 Senate shall engage in discrimination or harassment, including
29 sexual harassment of:

30 (1) another member or officer of the Senate or Senate

1 employee; or

2 (2) any individual:

3 (i) while performing services or duties of the
4 Senate;

5 (ii) in or on Senate designated offices, property or
6 facilities; or

7 (iii) at a Senate-sponsored meeting or event.

8 (b) Retaliation.--No member or officer of the Senate or
9 Senate employee shall retaliate against an individual in
10 response to any of the following actions taken in good faith:

11 (1) Filing:

12 (i) A complaint of discrimination or harassment
13 under Rules of the Senate or the policies and procedures
14 of an employer.

15 (ii) A charge of discrimination or harassment with a
16 government agency or commission charged with enforcing
17 laws relating to discrimination or harassment.

18 (iii) A civil action or arbitration relating to
19 discrimination or harassment in a court of competent
20 jurisdiction.

21 (iv) A criminal complaint relating to discrimination
22 or harassment with a law enforcement agency.

23 (2) Participating in an investigation in connection with
24 or proceedings resulting from the filing of a complaint or
25 proceeding under paragraph (1).

26 (c) Construction.--Nothing under subsection (b) shall be
27 construed to prevent action against a member or officer of the
28 Senate who is the subject of a complaint or proceeding related
29 to discrimination or harassment.

30 Rule 4. Committee on Ethics.

1 The following shall apply to the Committee on Ethics:

2 (1) The Committee shall consist of eight members, four
3 of whom shall be members of the majority party appointed by
4 the President Pro Tempore, and four of whom shall be members
5 of the minority party appointed by the Minority Leader. From
6 the members appointed to the Committee, the President Pro
7 Tempore shall appoint a chair, vice-chair and secretary for
8 the Committee. The chair shall be a member of the majority
9 party, and the vice chair shall be a member of the minority
10 party.

11 (2) The members of the Committee shall first meet upon
12 the call of the chair and perfect its organization. A
13 majority of the Committee shall constitute a quorum for it to
14 proceed to business. Unless otherwise provided in this rule,
15 a majority of the Committee shall be required to take any
16 action authorized by this rule. The Committee shall have the
17 power to promulgate rules not inconsistent with this rule or
18 Rules of the Senate that may be necessary for the orderly
19 conduct of its business.

20 (3) The chair of the Committee shall notify all members
21 of the Committee at least 24 hours in advance of the date,
22 time and place of meetings and, insofar as possible, the
23 subjects on the agenda. Meetings may be called from time to
24 time by the chair of the Committee as the chair deems
25 necessary. A member of the Committee may request that the
26 chair call a meeting for a specific purpose. If the chair
27 refuses to call a meeting upon such request, a majority of
28 the Committee may vote to call a meeting by giving two days'
29 written notice to the President Pro Tempore setting forth the
30 time and place for such meeting. Such notice shall be read in

1 the Senate and posted in the Senate Chamber by the Secretary
2 of the Senate or a designee. Thereafter, the meeting shall be
3 held at the time and place specified in such notice.

4 (4) The Committee shall not continue to exist after sine
5 die adjournment of the General Assembly. Proceedings on
6 matters before the Committee that have not been concluded or
7 disposed of by sine die adjournment of the General Assembly
8 shall cease on such date and all documents, reports,
9 communications, transcripts and other materials compiled by
10 the Committee for such matters, as well as any communications
11 or other materials received by the Committee after sine die
12 adjournment of the General Assembly, shall be collected,
13 organized and submitted to the Secretary of the Senate under
14 seal for transition to the reconstituted Committee consisting
15 of members appointed from the incoming General Assembly.
16 These materials shall be held in a secure manner and nothing
17 in this rule shall authorize the Secretary of the Senate or
18 any other person to view such materials. Within 30 days
19 following the reconstitution of the Committee in the next
20 succeeding legislative term, the Committee shall review such
21 materials and determine whether or not to proceed with one or
22 more of the matters under review by the former Committee or
23 received after sine die adjournment. Any time period required
24 for any actions of the Committee or others under this rule
25 shall be tolled until the reconstituted Committee has made a
26 determination whether or not to proceed. If the Committee
27 determines to proceed with a matter, the Committee shall, if
28 applicable, continue from the stage in the consideration of
29 the matter where the former Committee ended if a majority of
30 the Committee determines that such continuation is

1 appropriate without reconsideration of the information
2 provided by the former Committee.

3 (5) The Committee shall compile, update and distribute a
4 members' Handbook on Ethics for members and Senate employees
5 on matters regarding the ethical conduct of their legislative
6 duties. Each member shall complete two hours of ethics
7 education and training and one hour of discrimination and
8 harassment in the workplace education and training each
9 legislative term. A member shall be excused from one hour of
10 ethics training for any full year the member was absent due
11 to illness, injury, military service or any other permissible
12 excuse approved by the Senate pursuant to its rules. The
13 Committee shall be responsible for planning and administering
14 the education and training programs.

15 (6) The Committee shall issue to a member upon the
16 member's request an advisory opinion regarding the member's
17 duties under Rule 2. The opinion shall be issued within 14
18 days following the request. No member who acts in good faith
19 on an opinion issued under this paragraph shall be subject to
20 any sanctions for so acting if the material facts are as
21 stated in the request. Opinions issued under this paragraph
22 shall be public records and may from time to time be
23 published.

24 (7) Notwithstanding the foregoing, the member requesting
25 the opinion may request that an opinion undergo deletions and
26 changes necessary to protect the identity of the persons
27 involved, and the Committee shall make such deletions and
28 changes.

29 (8) The Committee may issue other advisory opinions with
30 regard to questions pertaining to other legislative ethics or

1 decorum at the request of a member or Senate employee. An
2 opinion issued under this paragraph shall be confidential and
3 shall apply exclusively to the requestor. No requestor who
4 acts in good faith on an opinion issued under this paragraph
5 shall be subject to any sanctions for acting in accordance
6 with the opinion if the material facts are as stated in the
7 request.

8 (9) The Committee shall receive complaints against
9 members, officers and employees of the Senate alleging
10 unethical conduct under the Legislative Code of Ethics or the
11 Rules of the Senate, including for violations of Rule 3. A
12 complaint must be in writing and be signed and dated by the
13 person filing the complaint under penalty of law under 18
14 Pa.C.S. § 4904 (relating to unsworn falsification to
15 authorities). The complaint must set forth in detail the
16 actions constituting the alleged unethical conduct or
17 violation. No person shall disclose or acknowledge to any
18 other person any information relating to the filing of a
19 complaint or the proposed filing of a complaint, except as
20 otherwise authorized under this rule or Rule 3, for the
21 purpose of seeking legal advice, as otherwise required by law
22 or to carry out a function of the Committee.

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

27 (i) a complaint filed later than five years
28 following the occurrence of the alleged unethical conduct
29 or violation;

30 (ii) a complaint filed against a former member or

1 former Senate employee unless required by Section 7(c) of
2 the Legislative Code of Ethics; or

3 (iii) a complaint filed against a member during a
4 restricted period.

5 A five-year limitations period that expires during a
6 restricted period shall be tolled until the day following the
7 election occurring at the expiration of the restricted
8 period.

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

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

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

16 (B) is objectively baseless;

17 (C) is materially insufficient as to form;

18 (D) is a frivolous complaint; or

19 (ii) initiate a preliminary investigation of the
20 alleged unethical conduct or violation.

21 (12) If the Committee initiates a preliminary
22 investigation, it shall, promptly upon voting to proceed,
23 send the subject a letter setting forth each allegation in
24 the complaint. Within 15 days after receipt of the letter,
25 the subject may file a written response with the Committee.
26 Failure of the subject to file a response shall not be deemed
27 to be an admission, or create an inference or presumption,
28 that the allegations in the complaint are true, and such
29 failure shall not prohibit the Committee from either
30 proceeding with the preliminary or a formal investigation or

1 dismissing the complaint. The Committee may engage
2 independent counsel to assist in a preliminary investigation.
3 The subject may be represented by counsel of the subject's
4 choosing at any point during an investigation under this
5 rule.

6 (13) If the Committee initiates a preliminary
7 investigation of a complaint of a violation under Rule 3, it
8 shall also send to the appropriate employer a copy of the
9 letter sent to the subject setting forth each allegation in
10 the complaint. Upon the request of the complainant, the
11 employer shall make adjustments to the complainant's work
12 hours, assignment or duties or location that may be
13 appropriate under the circumstances of the allegations in the
14 complaint. The adjustments may include:

15 (i) removing the complainant or the subject from the
16 physical work location of the complainant;

17 (ii) allowing the complainant to be placed on
18 administrative leave with continued pay and benefits, if
19 applicable; or

20 (iii) any other reasonable accommodation agreed to
21 by the employer and the complainant.

22 (14) The employer shall keep the letter and the fact of
23 the initiation of a preliminary investigation confidential
24 but may disclose necessary information to members, officers
25 of the Senate or Senate employees as needed in order to
26 implement the foregoing adjustments. No Senate employee shall
27 retaliate or take adverse actions against the complainant in
28 response to the filing of a complaint of a violation of Rule
29 3 with the Committee.

30 (15) A member of the Committee who is the complainant,

1 the subject or a witness to the unethical conduct or
2 violation alleged in a complaint shall not participate in any
3 Committee consideration of the complaint. The member shall be
4 temporarily replaced on the Committee in a like manner as the
5 member's original appointment.

6 (16) Within 30 days following the initiation of a
7 preliminary investigation, the Committee shall vote to
8 dismiss the complaint for lack of probable cause to support
9 the alleged unethical conduct or violation or to proceed with
10 a formal investigation because it finds that probable cause
11 exists. If a majority of the Committee is unable to agree on
12 either course of action, the Committee shall dismiss the
13 complaint. The Committee shall promptly notify the
14 complainant and the subject in writing of the result.

15 (17) If the Committee votes to proceed with a formal
16 investigation, the Committee shall engage independent counsel
17 unless the Committee determines that the alleged unethical
18 conduct or violation raised in the complaint does not warrant
19 the expense of engaging independent counsel. If the Committee
20 does not engage independent counsel, the Committee shall be
21 represented in the investigation and any hearing conducted
22 under this rule by Committee staff attorneys, including at
23 least one from each party.

24 (18) The Committee, including Committee staff attorneys,
25 and any independent counsel engaged by the Committee shall
26 have the power to conduct investigations and hearings under
27 the guidelines set out in this rule.

28 (19) Where a provision of this rule conflicts with
29 another Rule of the Senate, the provision of this rule shall
30 govern.

1 (20) This rule shall be construed to empower the
2 Committee and its independent counsel to do all of the
3 following:

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

5 (ii) protect due process and other constitutional
6 rights of a subject;

7 (iii) fully investigate and deter unethical conduct
8 or violation of Rule 3; and

9 (iv) protect the public trust.

10 (21) The Chief Clerk shall pay the fees and expenses of
11 an independent counsel engaged by the Committee under this
12 rule.

13 (22) The Committee may issue subpoenas for documents or
14 testimony as part of a preliminary investigation, a formal
15 investigation or in connection with a hearing before the
16 Committee. Notwithstanding the provision of any other Rule of
17 the Senate, subpoenas issued under this rule shall be in the
18 name of the Committee, shall be signed by the chair of the
19 Committee and shall be attested by another member of the
20 Committee who voted in favor of authorizing the subpoena.

21 (23) A subpoena issued by the Committee may be served
22 upon any person and shall have the force and effect of a
23 subpoena issued out of the courts of this Commonwealth.
24 Subpoenas shall be served by the Sergeant-at-Arms of the
25 Senate or another person designated by the Committee when
26 directed to do so by the Committee. Each subpoena shall be
27 addressed to the witness and shall state that such proceeding
28 is before a Committee of the Senate for which the witness is
29 required to attend and testify at a specified time and place;
30 or to produce books, papers, records, accounts, reports,

1 documents and data and information produced and stored by any
2 electronic data processing system; or both, as the Committee
3 may also require. Mileage and witness fees shall be paid by
4 the Senate to such witness in an amount prescribed by law.
5 Unless addressed to and served on the subject, a copy of a
6 subpoena issued by the Committee shall be provided to the
7 subject and the subject's counsel, if applicable. A person
8 who willfully neglects or refuses to comply with a subpoena
9 issued by the Committee shall be subject to the penalties
10 provided by the laws of this Commonwealth with respect to
11 such willful neglect or refusal. Notwithstanding the
12 foregoing, a recipient of a subpoena issued by the Committee
13 may object to the subpoena by serving notice of such
14 objection on the signatory to the subpoena and the Committee.
15 The Committee may quash or modify the subpoena if it finds
16 the subpoena to be overly broad or without proper purpose.
17 Each member of the Committee shall have the power to
18 administer oaths and affirmations to witnesses appearing
19 before the Committee.

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

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

- 28 (i) independent counsel engaged by the Committee
29 recommends that a hearing be conducted and the Committee
30 votes to adopt the recommendation; or

1 (ii) independent counsel was not engaged by the
2 Committee but the Committee finds that the testimony and
3 documents reviewed by the Committee during the formal
4 investigation indicates more likely than not that the
5 unethical conduct or violation alleged in the complaint
6 occurred.

7 (26) If a hearing is to be conducted, the Committee
8 shall provide the subject and the subject's counsel and
9 complainant and their counsel, if applicable, with written
10 notice consistent with constitutional principles of due
11 process. The Pennsylvania Rules of Evidence shall apply
12 during the hearing, unless the Committee determines
13 otherwise. Notwithstanding the foregoing, the Committee may
14 not infringe on the right of the subject to present evidence,
15 cross-examine witnesses, face accusers and be represented by
16 counsel at a hearing conducted under this rule.

17 (27) Witnesses called to appear at a hearing under this
18 rule, including a subject, may be accompanied by their own
19 counsel for the purpose of advising them concerning their
20 constitutional rights. Counsel may interpose legal objection
21 to any and all questions which in the opinion of counsel may
22 violate the constitutional rights of counsel's clients.

23 (28) The proceedings of a hearing conducted under this
24 rule shall be either stenographically or electronically
25 recorded. The Committee shall determine which parts of such
26 recorded proceedings, if any, shall be transcribed.

27 (29) The burden shall be on independent counsel, if one
28 has been engaged by the Committee, or the Committee staff
29 attorneys, if independent counsel has not been engaged, to
30 prove that the unethical conduct or violation alleged in the

1 complaint occurred. Within 30 days following the conclusion
2 of the formal investigation and hearing, the Committee shall
3 make a determination as to whether the unethical conduct or
4 violation occurred and shall submit its finding to the
5 Senate. If the Committee determines that the unethical
6 conduct or violation occurred, the Committee may make one or
7 more of the following recommendations to the Senate:

8 (i) a reprimand of the subject;

9 (ii) a censure of the subject;

10 (iii) expulsion of the subject from the Senate; or

11 (iv) the denial or limitation of any right, power or
12 privilege of the member granted by Rules of the Senate
13 and not contrary to the Constitution of Pennsylvania.

14 (30) The Committee shall provide a written report of its
15 findings and recommendations, if any, to the subject and
16 complainant shall simultaneously submit a copy of the same to
17 the Senate. Only findings and recommendations agreed to by a
18 majority of the Committee shall be included in the report.
19 The report may include a minority report. The Senate shall
20 not take any action on the findings and recommendations
21 submitted by the Committee and shall not make such findings
22 and recommendations public until a period of at least seven
23 days has passed following the Committee's provision of the
24 report to the subject and complainant.

25 (31) The Committee may extend any of the time periods,
26 other than those relating to the jurisdiction of the
27 Committee, required for any actions of the Committee or
28 others under this rule.

29 (32) Investigations, hearings and meetings of the
30 Committee relating to an investigation and the existence of

1 such investigations, hearings and meetings shall not be open
2 to the public and shall be confidential. All other meetings
3 of the Committee shall be open to the public.

4 (33) Notwithstanding the above, except for a hearing on
5 complaints of a violation of Rule 3, the Committee shall
6 conduct a hearing in public upon the written request of the
7 subject unless the Committee determines that evidence or
8 testimony to be received at the hearing may substantially
9 defame, degrade, or incriminate a person other than the
10 subject. In that event, the Committee shall receive such
11 evidence or testimony in executive session. No evidence or
12 testimony taken in executive session may be released to any
13 person or authority or used in public sessions without the
14 consent of the Committee.

15 (34) The Committee may enter into a consent agreement
16 with the subject at any point in the proceedings. The
17 Committee may make an appropriate referral of a complaint to
18 a law enforcement agency at any point in the proceedings.

19 (35) The complaint, response and records of the
20 Committee shall be confidential. Notwithstanding the
21 foregoing:

22 (i) consent agreements and final findings by the
23 Committee of unethical conduct and the Committee's
24 recommendations with respect to such findings shall not
25 be confidential;

26 (ii) consent agreements and final findings by the
27 Committee of a violation of Rule 3 shall not be
28 confidential, except that at the request of a
29 complainant, the name of the complainant and, unless the
30 Senate considers a resolution to discipline the subject,

1 any facts that may lead to the identification of the
2 complainant, including the name of the subject, shall be
3 redacted before an agreement or final findings of the
4 Committee are made public;

5 (iii) the subject may, in his or her discretion,
6 make public a finding by the Committee that no unethical
7 conduct or violation of Rule 3 had occurred or that there
8 was insufficient evidence presented to the Committee that
9 unethical conduct or a violation of Rule 3 had occurred,
10 except that the subject shall not make public the name of
11 a complainant who filed a complaint alleging a violation
12 of Rule 3; and

13 (iv) if the Committee makes a referral of a
14 complaint to a law enforcement agency, the Committee may
15 provide the agency with copies of documents and
16 information in its possession.

17 (36) Any member of the Committee breaching the
18 confidentiality provisions set forth in this rule as
19 determined by a majority of the members of the Committee
20 shall be removed immediately from the Committee and replaced
21 by another member in a like manner as the member's original
22 appointment.

23 (37) A nondisclosure agreement shall not be imposed on
24 an individual as a condition of the initiation of the
25 procedures available under this rule for the filing and
26 hearing of a complaint of a violation of Rule 3.

27 (38) Nothing in this paragraph shall be construed to
28 prohibit the complainant and the subject from voluntarily
29 entering into a settlement agreement with a nondisclosure
30 provision agreed to by each party as part of the settlement

1 of a complaint or proceeding. Notwithstanding the foregoing,
2 a member who is the subject of a complaint of a violation of
3 Rule 3 filed with the Committee shall not benefit from a
4 nondisclosure agreement or provision if a completed formal
5 investigation of the Committee finds that the complaint is
6 credible or a final decision by the Committee finds a
7 violation.

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

23 Rule 5. Enforcement.

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

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

29 (i) A Senator.

30 (ii) The President Pro Tempore, or an appropriate

1 designee.

2 (iii) The Majority Leader of the Senate, or an
3 appropriate designee.

4 (iv) The Minority Leader of the Senate, or an
5 appropriate designee.

6 (v) The employee's supervisor.

7 (vi) The Secretary of the Senate.

8 (2) A verbal report by an employee or other complainant
9 is acceptable but must be followed up with a written
10 statement that includes the date, time and place, names of
11 possible witnesses and the nature of the ethical conduct
12 violation. The written statement must be signed by the
13 employee or other complainant.

14 (3) Upon receipt of the written statement pursuant to
15 paragraph (2), the person to whom the violation is reported
16 as provided in paragraph (1) shall forward a copy of the
17 written statement within five business days to the Secretary
18 of the Senate or the Chief Clerk if the alleged violation
19 involves the Secretary of the Senate or a person in the
20 Secretary of the Senate's Office.

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

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

26 (1) The Secretary of the Senate shall conduct a
27 preliminary inquiry of any written statement forwarded under
28 subsection (a) (3). The subject of the report shall be
29 notified within five business days by the Secretary of the
30 Senate that a written statement has been forwarded to the

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

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

28 (3) After receiving a recommendation from the Secretary
29 of the Senate under paragraph (1) that a formal investigation
30 is warranted, if the subject is a Senate employee, the

1 President Pro Tempore, the Majority Leader and the Minority
2 Leader shall proceed to obtain the services of an independent
3 third party to conduct a formal investigation. Upon
4 completion of the investigation, a report shall be prepared
5 containing findings of fact and a conclusion as to whether a
6 violation of these rules has occurred.

7 (4) After reviewing the findings of fact and the
8 conclusion contained in the report prepared pursuant to
9 paragraph (3) regarding a Senate employee, the President Pro
10 Tempore, the Majority Leader and the Minority Leader shall
11 issue a final determination by unanimous vote regarding all
12 of the following:

13 (i) Whether a violation of these rules by a Senate
14 employee has occurred.

15 (ii) Whether a sanction regarding that violation by
16 a Senate employee is warranted.

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

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

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

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

29 (7) All proceedings under this rule shall be
30 confidential unless otherwise waived in writing by the

1 subject of the proceeding.

2 (8) If the President Pro Tempore, the Majority Leader or
3 the Minority Leader is the subject of a report, is a witness
4 or if for any reason is unavailable, the duties of the member
5 shall be performed by the Senate Whip of the respective
6 caucus.

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

11 (c) Disciplinary action.--A violation of these rules may
12 subject a Senate employee to disciplinary action that, depending
13 on the circumstances of the violation, may include any of the
14 following:

15 (1) A warning.

16 (2) A written reprimand.

17 (3) A permanent disciplinary action noted in the
18 personnel record.

19 (4) Restitution for damages.

20 (5) Suspension of employment.

21 (6) Termination of employment.

22 (d) Sanction.--A violation of these rules may subject a
23 Senator to sanction by the full Senate and, depending on the
24 circumstances of the violation, may include any of the
25 following:

26 (1) A warning.

27 (2) A written reprimand.

28 (3) Restitution for damages.

29 (4) Any other sanction provided for under the Rules of
30 the Senate of Pennsylvania or the Constitution of

1 Pennsylvania.

2 Rule 6. Filing of financial interest statement.

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

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

14 (c) Location.--Senators must file their financial interest
15 statements with the Secretary of the Senate, the Ethics
16 Commission and any governmental agency, authority, board or
17 commission on which they serve. Affected Senate employees must
18 file their financial interest statements with the Secretary of
19 the Senate.

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

24 (1) Contracting or procurement.

25 (2) Administering or monitoring grants or subsidies.

26 (3) Planning or zoning.

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

29 (5) Any other activity where the official or recommended
30 official action has an economic impact of more than a de

1 minimis nature on the interests of any person. For most
2 employees on a Senator's staff or in a caucus office, this
3 category would be most applicable, since recommending
4 "official action" to a Senator as part of job
5 responsibilities triggers the duty to file a financial
6 interest statement. Official action would relate to a
7 Senator's lawmaking duties especially as that relates to
8 legislation and confirmations.

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

13 (1) Advice regarding how to vote on the Floor or in
14 Committee.

15 (2) The potential consideration of bills, resolutions,
16 amendments to bills or resolutions or nominations in
17 Committee.

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

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

29 (g) Personal point of view.--A Senate employee who does
30 nothing more than occasionally share a personal point of view

1 with a Senator is not required to file a financial interest
2 statement. In most cases, a Senate employee with job
3 responsibilities not directly related to the actual lawmaking
4 process, such as correspondence or scheduling, does not need to
5 file a financial interest statement.

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

10 Rule 7. Training.

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

17 (1) These rules.

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

21 (3) 65 Pa.C.S. Ch. 13A (relating to lobbying
22 disclosure).

23 Rule 8. Rules.

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

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

30 (c) Alteration, change or amendment of rules by

1 resolution.--All alterations, changes or amendments to Senate
2 Rules shall be by resolution which shall not be considered
3 unless first referred to and reported from the Rules Committee.