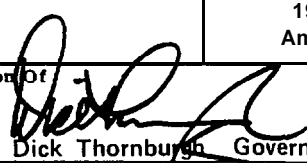


Commonwealth of Pennsylvania  
GOVERNOR'S OFFICE  
EXECUTIVE ORDER

Subject		Code of Conduct		Number
Date		Distribution	By Direction Of	1980-18 Amended
May 16, 1984		B	 Dick Thornburgh Governor	

- WHEREAS, there continues to be a need to insure that the citizens of our Commonwealth have complete confidence in those individuals appointed and employed to serve the Commonwealth; and
- WHEREAS, the ability of our Commonwealth to provide governmental services in an efficient fashion is endangered whenever acts of misconduct by appointed officials or employees occur; and
- WHEREAS, the General Assembly of our Commonwealth has from time to time enacted legislation designed to establish standards of conduct applicable to appointed officials and state employees; and
- WHEREAS, the Governor is determined to have all possible measures taken to insure that public confidence is maintained in the Government of our Commonwealth.

NOW, THEREFORE, I, Dick Thornburgh, as Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby promulgate the following Code of Conduct, which shall apply to officials and employees of the Commonwealth as follows:

PART I

RESTRICTED ACTIVITIES; CONFLICTS OF INTEREST

**No employe, appointee or official in the Executive Branch of the Commonwealth shall:**

**1. Adverse pecuniary interest.**

a. Engage directly or indirectly in any business transactions or private arrangement for profit which accrues from or is based upon his or her official position or authority.

b. Participate in the negotiation of or decision to award contracts, the settlement of any claims or charges in any contracts, the making of loans, the granting of subsidies, the fixing of rates, or the issuance of permits, certificates, guarantees or other things of value to, with or for any entity in which he or she has a financial or personal interest.

**2. Representation of interests.** Represent or act as agent for any private interest, whether for compensation or not, in any transaction in which the state has a direct and substantial interest and which could be reasonably expected to result in a conflict between a private interest of the official or employe and his official state responsibility.

3. **Gifts and favors.** Solicit or accept for the personal use of himself or herself or another, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who:
- a. Is seeking to obtain business from or has financial relations with the Commonwealth.
  - b. Conducts operations or activities that are regulated by the Commonwealth.
  - c. Is engaged, either as principal or attorney, in proceedings before the Commonwealth or in court proceedings in which the Commonwealth is an adverse party.
  - d. Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty.

**The only exceptions are limited to:**

- (1) The solicitation or acceptance of something of monetary value from a friend, parent, spouse, child or other close relative when the circumstances make it clear that the motivation for the action is a personal or family relationship;
- (2) Acceptance of food and refreshment of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting;
- (3) The acceptance of loans from banks or other financial institutions on customary terms of finance for proper and usual activities, such as home mortgage loans;
- (4) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other such items of nominal intrinsic value;
- (5) Receipts of bona fide reimbursement for actual expenses for travel and such other necessary subsistence as is compatible with other restrictions set forth in this part and for which no Commonwealth payment or reimbursement is made. However, an employe may not be reimbursed, and payment may not be made on his or her behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits nor may an employe be reimbursed by a person for travel on official business under Commonwealth orders;
- (6) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement from a charitable, religious, professional, social, fraternal or nonprofit educational, recreational, public service or civic organization;
- (7) A voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement; and
- (8) A plaque, memento or gift of nominal value offered as a token of esteem or appreciation on the occasion of a public appearance, visit, speech or the like.

4. **Misuse of information.** For his or her own personal gain or for the gain of others, use any information obtained as a result of service or employment with the Commonwealth and not available to the public at large or divulge such information in advance of the time prescribed for its authorized release.

5. **Misuse of office facilities and equipment.** Use any Commonwealth equipment, supplies or properties for his or her own private gain or for other than officially designated purposes.

6. **Supplementary employment.** Engage in or accept private employment or render services for a private interest unless such employment or service is approved in advance by the Head of the Agency to which the affected person is assigned. Supplementary employment may be undertaken only when not in conflict with the conditions of employment regulations promulgated by the Executive Board and, if applicable, the Civil Service Commission. Furthermore, supplementary employment may be undertaken only when not in conflict with the conditions of employment or regulations promulgated by the government agency by which such official or employe is employed. This paragraph shall not prohibit individuals appointed to serve part-time on Boards and Commissions from pursuing their usual occupation; however, they will not perform services or receive compensation from persons or institutions which they regulate or otherwise conduct themselves in a manner inconsistent with the impartial administration of their official duties.

7. **Honoraria.** Accept honoraria, speaking fees, or any other valuable consideration. Nor shall any appointed official or state employe receive compensation for consultation which draws upon ideas or data derived from his or her official duties. However, Commonwealth officials or employes may designate non-profit, charitable organizations to be recipients of honoraria or speaking fees offered to such Commonwealth employes or officials by groups which customarily offer such honoraria to guest speakers. This paragraph shall not apply to individuals appointed to serve on Boards and Commissions who may not, however, accept such honoraria from groups that are regulated by the board or commission on which they serve, or which could otherwise raise a legitimate question about their ability to fairly and impartially perform their official duties.

8. **Political Activity.**

a. Engage in any political activity such as campaigning, fundraising, canvassing or poll watching during his or her specified working hours, or which is determined by the Secretary of Administration to conflict or interfere with the ability of the affected official or employe to effectively and efficiently carry out the duties and functions of his or her position.

b. In any manner coerce any other person in government service or employ to contribute time, money or services to a political candidate or campaign.

9. **Enforcement.** Officials, appointees or employes who refuse or fail to comply with the regulations set forth herein shall be subjected to disciplinary action including, but not limited to, reprimands, suspensions, and termination.

## PART II

### FINANCIAL DISCLOSURE

1. **Executive Branch - Statements of Financial Interest.** The following officials and employes of the Commonwealth shall file Statements of Financial interest with the personnel office of their respective department, agency, board or commission, or other office as designated hereafter:

a. Governor.

b. Lieutenant Governor.

c. Heads of agencies and departments, their respective deputy secretaries, all Commonwealth officials or employes at the level of division chief and above, and all attorneys, press secretaries, legislative liaisons, and executive and special assistants.

d. Chairpersons and members of compensated boards and commissions under the Governor's jurisdiction.

- e. Executive directors, counsel, and administrative secretaries of compensated boards and commissions under the Governor's jurisdiction.
- f. Employees of all classes required by the Office of Administration to file financial disclosure under Act 170, the State Ethics Act.

2. **Additional Filings.** The Governor may require other officials or employees of the Commonwealth in the executive branch to file financial disclosure statements.

- 3. **Filing Procedure.** a. Financial disclosure statements shall be filed on forms promulgated by the Secretary of Administration and provided by the Office of Personnel of the Department or Agency to which the affected official or employee is assigned, which office shall receive, compile, and maintain copies of such statements. Personnel offices shall provide necessary assistance in assuring that financial disclosure statements are filed properly, accurately, and completely. Copies of statements filed shall be forwarded to the Department or Agency Head and their Chief Counsel for review. If either of them determines a statement is not in compliance with the disclosure requirements of this Order, or that a conflict of interest could exist, copies of the statement shall be forwarded to the Secretary of the Department, the Secretary of Administration, and the General Counsel, who shall determine whether such statement is in compliance or whether a conflict exists and take appropriate action.

- b. Cabinet officials, as well as the Governor and Lt. Governor, shall submit statements of financial interest to the Secretary of Administration and the General Counsel. The Secretary and Counsel shall review such statements and take appropriate action to insure compliance and to insure against any conflict of interest.

- c. The Secretary of Administration and the General Counsel shall submit statements to the Governor.

- d. Financial statements filed hereunder shall not be open to persons for commercial purposes; however, they shall be available, upon request, for inspection by accredited reporters employed by general news organizations, as well as the Secretary of Administration and the General Counsel, and, in the case of the Department of Transportation, the Inspector General. Persons required to file statements pursuant to this Order shall do so within 30 days from the date he or she assumes office and, further, shall file such statements on May 1st of each year thereafter (for the preceding calendar year) for the duration of his or her term of office.

- e. In the event any covered person fails or refuses to file a financial statement, the appropriate official shall notify such person of his or her noncompliance within ten days of the date of notice. Failure of any covered person to comply after receipt of the notice may be a basis for removal from office. The Head of the Department or Agency involved shall report failure of any person to comply to the Secretary of Administration and the General Counsel.

4. **Required Disclosures.** All persons subject to this Order shall disclose the following information, as well as such information as may be required by the State Ethics Commission:

- a. **Real Estate Property Interests.** All in-state and out-of-state real estate property interests including revenue-producing leased facilities and interests in gas, oil, coal, or other mineral royalty or lease (home of principal residence is to be excluded). The required schedule shall include, as to each disclosed interest:
  - (1) The name and nature of the property, its street or mailing address, and a description thereof;
  - (2) The nature and extent of the interest held, including any conditions or encumbrances upon the property interest and partners in the interest;

(3) The identity of the person from whom such interest was acquired, the date thereof, and the manner of the transfer or conveyance; and

(4) The transfer of any real property interest since the last required report was filed or since appointment or election, whichever occurs later. A description of the transferred interest, consideration received therefor, and the identity of the transferee shall be required.

b. **Personal Economic Interest.** All investments (including but not limited to stocks, notes, bonds, consulting arrangements, etc.) in any in-state or out-of-state business entity, whether or not such entity is involved in any transaction involving the Commonwealth. The required schedule shall include as to each such interest:

- (1) The name and address of the principal office of the business entity;
- (2) The nature of interest held, including conditions and encumbrances; and

(3) The transfer of any interest or portion thereof since the last required report was filed or since appointment or election, whichever is later. A description of the transferred interest and the identity of the transferee shall be required.

c. **Business Interests.** All interests (including but not limited to stocks, notes, bonds, partnerships, joint ownerships, proprietorships, etc.) in any business entity or not-for-profit entity doing business with the Commonwealth (if known). For purposes of this schedule, "interests" shall include not only personal economic interest but also such interests as non-paid memberships on boards of directors of business entities or not-for-profit entities. The required schedule shall include the following as to each such interest:

- (1) The name and address of the principal office of the business entity;
- (2) The nature and dollar value of interest held including conditions thereto and encumbrances thereon; and

(3) The transfer of any interest or portion thereof since the last required report was filed or since appointment or election, whichever is later. A description of the transferred interest and the identity of the transferee shall be required.

d. **Gifts.** All gifts of a value in excess of \$100, including the forgiveness of a debt, received since the last required report was filed or since appointment or election, whichever is later. For the purposes of this section, gifts from family members need not be disclosed. The required schedule shall include:

- (1) The nature and value of the gift and
- (2) The identity of the person from whom, or on behalf of whom directly or indirectly, the gift was received.

e. **Employment (excluding Commonwealth employment).** All payments, compensation, or consideration of any nature for services rendered or to be rendered. Such payments, compensation, or consideration shall include, but not be limited to offices, directorships, salaried employment, consultant fees, honoraria (travel and related expenses), and other fees earned since the last required report was filed or since appointment or election, whichever is later. This required report shall include:

- (1) The name and address of the office of the person for whom such services are or will be rendered;

(2) The title or nature of the service; and

(3) The total amount of compensation or consideration received.

- f. Liabilities. All liabilities owed to any person or institution since the last required report was filed, or since appointment or election, whichever is later, excluding retail credit accounts, commercial banks, savings and loan, and finance companies. This required schedule shall include:

(1) The identity of the person or institution to whom the liability is owed;

(2) The terms of payment of the liability;

(3) The amount of liability;

(4) The manner in which the liability was secured; and

(5) Any changes in the nature or amount of any liability since the last required report was filed.

### PART III

#### CRIMINAL CHARGES

Procedures to be followed by agencies under the Governor's jurisdiction in regard to employees, and officials appointed by the Governor, who are formally charged with criminal conduct:

##### 1. Definitions.

a. Agency: All departments, boards, commissions, and other government units under the Governor's jurisdiction.

b. Criminal Conduct Related to His or Her Employment with the Commonwealth: Conduct by an employe in violation of a criminal law arising in the course of or from the performance of an official duty or function; including, but not limited to, violations of law constituting misfeasance or malfeasance in office.

c. Employe: Individuals employed by, or appointed to serve on, an agency, board, commission or department of the Commonwealth. However, the term "employe" shall not include those individuals who are members of the Pennsylvania National Guard who are not otherwise employed by the Commonwealth.

d. Formally Charged with Criminal Conduct: An employe shall be deemed to be formally charged with criminal conduct when he or she has been arrested or named as a defendant in an indictment or information or, in the case of a private complaint, the complaint has been approved by the prosecuting authority.

e. Sufficient Reason for Disciplinary Action: "Sufficient reason for disciplinary action" shall be determined by the exercise of discretion of the Head of the Agency which employs such person, or his or her designee; except that, to the extent required by statute or contract, for those employes within the classified service and/or those employes covered by provisions of a collective bargaining agreement, "sufficient reason" for disciplinary action shall mean "just cause."

**2. Required Action When an Employee is Formally Charged with Criminal Conduct Related to His or Her Employment with the Commonwealth or which Constitutes a Felony.** As soon as practicable after an employee has been formally charged with criminal conduct related to his or her employment with the Commonwealth or which constitutes a felony, such employee shall be suspended without pay. If such charge results in conviction in a court of law, such employee shall be terminated.

**3. Required Action When an Employee is Formally Charged with Criminal Conduct other than a Felony and Not Related to His or Her Employment with the Commonwealth.** As soon as practicable after an employee is formally charged with criminal conduct other than a felony and not related to his or her employment with the Commonwealth, the Head of the Agency which employs such person, or his or her designee, shall conduct an inquiry and make a preliminary determination as to whether or not the employee should continue to perform his or her duties pending the outcome of the investigation and final determination in accordance with paragraphs 4 and 5, below.

a. **Purpose.** The purpose of the preliminary determination is to allow the agency to minimize the effect which the accusation of the commission of a crime by one of its employees may have upon the agency's ability to function pending an investigation and final determination by the appointed authority or his or her designee as to the existence of sufficient reason for disciplinary action against the employee.

b. **Making the Preliminary Determination.** In making a preliminary determination, the Agency Head or his or her designee shall select one of the three following alternatives and implement it as regards the employee:

(1) Allow the employee to continue to perform duties pending the outcome of the investigation and final determination; or

(2) Reassign the employee to other, less sensitive duties within the agency pending the outcome of the investigation and final determination; or

(3) Suspend the employee without pay pending the outcome of the investigation and final determination.

c. **Factors to be Considered in Making the Preliminary Determination.** In making the preliminary determination, the Agency Head shall consider, among other factors, the following:

(1) The employee's explanation, if available;

(2) The extent to which allowing the employee to continue in his or her position would be detrimental to the physical well-being of the employee, his or her fellow workers, or other persons;

(3) The nature of the employee's duties, including the amount of discretion exercised as part of those duties;

(4) The nature, weight, basis, and source of the accusations against him or her;

(5) The relationship of the accusations to the employee's duties;

(6) The extent to which the employee must deal directly with the public;

(7) The extent to which the accusations of wrongdoing may affect the public's trust and confidence in the employee, the agency, and state government; and

(8) Any undue hardship to the employee which would result from his or her temporary reassignment.

d. **Contact with Law Enforcement Agency.** In considering the nature, weight, and source of the accusations against an employe, the agency shall contact the law enforcement agency involved in the accusations against the employe to verify the charge and to obtain all available information as to the charges against the employe.

e. **Employe Status.** After the preliminary determination is made, employes shall remain in the status selected pending the outcome of the investigation and final determination in accordance with paragraphs 4 and 5, below. This status shall be temporary, pending the outcome of the investigation by the agency, and shall in no way bear upon the Agency Head's final determination.

4. **Investigation.** Any employe formally charged with criminal conduct, as referred to in paragraph 3, shall be subject to an immediate investigation conducted by the Agency Head or his or her designee.

a. **Purpose.** The purpose of this investigation shall be to determine whether sufficient reason exists for disciplinary action including, but not limited to, suspension without pay, demotion, or dismissal.

b. **Conduct of the Investigation.** In the investigation, all the relevant facts shall be promptly gathered and considered. The agency's chief counsel may assist the Agency Head or his or her designee in making the investigation. The investigation shall be completed within twelve (12) working days from the date on which the Secretary of Administration is notified pursuant to paragraph 6, below. An extension of this period may be granted only by the Secretary of Administration, in writing, and only on a showing, in writing, by the Agency Head or his or her designee of a conscientious effort to meet the deadline and an explanation of the reasons why that deadline cannot be met. Only one such extension may be granted, which extension shall not exceed twelve (12) working days.

(1) *Law Enforcement Agencies.* In the investigation, the Agency Head or his or her designee may request the assistance of any law enforcement agency involved in the matter; however, this shall not relieve the appointing authority or his or her designee of the responsibility to make an independent evaluation.

(2) *Employe Contact.* In the investigation, the Agency Head or his or her designee shall afford the employe an opportunity to explain the accusations made against him or her, and the opportunity to have representation during any meetings which relate to the investigation, if such representation is requested, and the opportunity to submit such additional information as the employe may wish to provide.

5. **Final Determination.** a. After completion of the investigation, the Agency Head shall have five (5) working days to make a final determination as to whether the results of the investigation establish sufficient reason for disciplinary action and, if established, what disciplinary action shall be taken. The Secretary of Administration and the General Counsel shall review this decision and ratify the decision of the Agency Head absent an abuse of discretion. An extension of this period may be granted only by the General Counsel or his designee, in writing, and only on a showing, in writing, by the Agency Head of a conscientious effort to meet the deadline and an explanation of the reasons why that deadline cannot be met. Only one such extension may be granted, which extension shall not exceed five (5) working days.

b. In determining whether sufficient reason for disciplinary action exists, the Agency Head shall consider, among other factors, all of the following:

(1) The employe's explanation, if available;

(2) The extent to which allowing the employe to continue in his or her position would be detrimental to the physical well-being of the employe, his or her fellow workers, or other persons;

(3) The nature of the employe's duties, including the amount of discretion exercised as part of those duties;

(4) The nature, weight, and source of the accusations against him or her;

(5) The relationship of the accusations to the employe's duties;

(6) The extent to which the employe must deal with the public; and

(7) The extent to which the accusations of wrongdoing may affect the public's trust and confidence in the employe, the agency, or state government.

c. If sufficient reason for disciplinary action is determined to exist, the Agency Head shall immediately take appropriate disciplinary action including, but not limited to, suspension of pay, demotion, or dismissal, which action shall be reviewed by the Secretary of Administration and the General Counsel and ratified by them absent a finding of abuse of discretion.

d. If, based on information available at that time, a finding of sufficient reason is not made, the employe shall be notified of the disposition and shall retain or be retroactively reinstated to his or her previous position.

e. The subsequent availability of pertinent information shall require an appointing authority or his or her designee to reconsider the previous disposition and renew investigation into the conduct at issue.


6. **Notification of the Secretary of Administration.** When an employe has been charged with criminal conduct, the Agency Head or his or her designee shall immediately notify the Secretary of Administration of the name and position of the employe, the criminal charges against the employe, and of the initiation of any agency investigation. Any action taken with regard to the employment status of the employe and the disposition of such criminal charges shall also be reported to the Secretary of Administration.

7. **Criminal Charges against the Head of an Agency.** Whenever a criminal charge involves the Head of an Agency, the steps set forth in this Part shall be followed as in the case of any other agency employe or official, except that the determinations and actions required shall be performed by the Secretary of Administration and subject to review by the Governor and the General Counsel.

**RESCISSIONS.** Executive Orders 1974-6 (4 Pennsylvania Code 7.151) and 1978-7 (4 Pennsylvania Code 7.71) are rescinded. This amended Order replaces Executive Order 1980-18, dated September 3, 1980, and Revisions I-9 thereto.



Commonwealth of Pennsylvania  
GOVERNOR'S OFFICE  
EXECUTIVE ORDER

Subject		Number	
Code of Conduct - Revision No. 1		1980-18 Amended	
Date	Distribution	By Direction Of	
September 28, 1987	B	 Robert P. Casey, Governor	

Executive Order 1980-I 8, Part I I, is revised to add:

g. In addition to the above information, all individuals required to file Statements of Financial Interest shall, within 30 days from the date they assume office, disclose any severance payments received or to be received, or any proceeds received or to be received from the sale or redemption of their interest in any corporation (which represents 5% or more of the common stock or assets of the corporation), professional corporation, partnership, or other entity, which payments or proceeds result from the termination of employment or withdrawal from a corporation, professional corporation, partnership, or other entity upon the assumption of public office, and shall file with their Statements of Financial Interest copies of any agreements relating to the receipt of such severance payments or proceeds.

h. In the event that a severance arrangement or sale or redemption of any interest specified in Section g is concluded more than 30 days following the date on which an individual assumes office, he or she shall, within 10 days following the conclusion of this transaction, update the information provided pursuant to Section g by disclosing any payments or proceeds received or to be received and filing any agreements relating to such payments or proceeds.

i. All individuals required to file Statements of Financial Interest, currently holding office or employed by the Commonwealth, who have not previously filed the information required under Sections g and h, shall file such information within 10 days of the effective date of this provision.