



ETHICS CODE FOR  
ALLEGHENY COUNTY

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## **Introduction**

We are please to enclose the proposed Code of Ethics for the County of Allegheny as conceived by the Allegheny Institute for Public Policy. This is an ambitious document, written with a regard for stringency in monitoring and warding off potential conflicts of interest, whether they are personal, financial, political, or familial.

Of import in this code are the strict prohibitions against the exploitation of county employment for political ends. Also, the anti-nepotism provisions are particularly strong.

Under the Commission established by this Code, the rights of the accused will be safeguarded and complaints will be fairly, but aggressively, prosecuted. If necessary, the County Accountability and Ethics Commission will have the authority to make criminal referrals. The code also provides for a forum in which the public may air their grievances.

## **Table of Contents**

Section One: Preamble	2
Section Two: Short Title	2
Section Three: Statement of Purpose and Policy	2
Section Four: Definitions	4
Section Five: Establishment of the Accountability, Conduct and Ethics Commission	5
Section Six: Composition of the Accountability, Conduct and Ethics Commission	5
Section Seven: Powers of the Accountability, Conduct and Ethics Commission	8
Section Eight: Executive Director and Staff of the Accountability, conduct and Ethics Commission	10
Section Nine: Vacancy, Removal, Relinquishment	11
Section Ten: Disclosures of Pecuniary and Financial Statements	11
Section Eleven: Training and Education	17
Section Twelve: Required Conduct, Prohibited Conduct, Full Time Employment, Conflict of Interest and Nepotism	18
Section Thirteen: Strict Adherence to Open Meetings Laws, Sunshine Laws, and avoidance of Selective Bidding, Transparency; In Bidding	29
Section Fourteen: Investigations and Hearings Before The Accountability, Conduct and Ethics Commission	30
Section Fifteen: Abuse of Process of the Accountability, Conduct and Ethics Commission	34
Section Sixteen: Penalties	

## ARTICLE XXXXXX

### CODE OF ACCOUNTABILITY, CONDUCT AND ETHICS OF AND FOR THE COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA

#### SECTION ONE

##### PREAMBLE

1.1 It being the intent of the Government of Allegheny County, Pennsylvania, and the express will of the citizens of said jurisdiction as expressed in the County Home Rule Charter adopted by ballot of said voters at the spring primary in 1998, that high standards of ethics rule the actions in office of any and all office holders and employees and appointees who serve the government of Allegheny County, it is the purpose of this section to establish an Accountability, Conduct and Ethics Code, and an Accountability, Conduct and Ethics Commission (Commission), and to endow said Commission with the requisite powers necessary and appropriate to fulfill the ethics mandate of the County Charter, and to ensure that those powers are used to attain and enforce the warranted standards of ethics

#### SECTION TWO

##### SHORT TITLE

2.1 This chapter may be cited as the Allegheny County Ethics Code.

#### SECTION THREE

##### STATEMENT OF PURPOSE AND POLICY

3.1 The purpose and policy of this chapter shall be:

3.1(A) To promote the continued trust and confidence of the citizens of Allegheny County in the impartiality, fairness, and independent judgment of the public officials, employees and appointees of Allegheny County; and

3.1(B) To guard against improper influence; and

3.1(C) To set minimum standards for the ethical conduct of public business; and

3.1(D) To maintain a policy of liberally construing this chapter, except for the provisions for criminal sanctions.

## SECTION FOUR DEFINITIONS

4.1 The words used in this chapter shall have their normal, accepted meanings except as set forth hereinafter in this subsection:

4.1(A) Business entity:: Any corporation, general or limited partnership, sole proprietorship, Including a private consultation operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

4.1(B) Commission: : The Accountability, Conduct and Ethics Commission of Allegheny County established pursuant to this chapter.

4.1(C) Compensation: Any money or thing of value regardless of form, received or to be received by any individual covered by this chapter for service rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

4.1(D) Doing business with, contracting with:

4.1(D)(1) Having or negotiating a contract that involves the commitment (either in a single or a combination of transactions of Five hundred dollars (\$500.00) or more of funds controlled by Allegheny County; or

4.1(D)(2) Being regulated by or otherwise under the authority of any branch, office, department, commission, or board or other agency of Allegheny County; or

4.1(D)(3) Being registered as a lobbyist as defined elsewhere in this chapter.

4.1(E) Executive action: Any action taken by an official, appointee, or employee of the County Executive branch of the government of Allegheny County for which the Executive Branch or the office of the County Executive is responsible.

4.1(F) Gift: The transfer of anything of economic value regardless of the form, without lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of the Pennsylvania Elections Code or any other provisions of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

4.1(G) Interest: Any economic interest, either legal or equitable, whether or not subject to an encumbrance or a condition, which has been owned or held, in whole or in part, jointly or severally, directly or indirectly, by any employee, appointee, or office holder of the County of Allegheny subject to the disciplines of this Chapter, or any covered family member or relative as defined in this Chapter. For purposes of the provisions of this Chapter relating to the filing of Statements of Financial Interest, "interest" applies to any interest held at any time during the calendar year for which a required statement is to be filed. "Interest" does not include:

4.1(G)(1) An interest held in the capacity of a personal agent, representative, custodian, fiduciary or trustee, unless the holder has an equitable interest therein; or

4.1(G)(2) An interest in a time or demand deposit in a financial institution, a money market fund or retirement fund; or

4.1(G)(3) An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number or dollars, whether in a lump sum or periodically for life, or some other specified period; or

4.1(G)(4) A common trust fund or a trust fund which forms part of a pension or profit sharing plan which has been determined by the Internal Service to be a qualified trust under sections 401 and 501 of the Internal Revenue Code of 1954.

4.1(H) Legislative Action: Introduction, sponsorship, debate, amendments, passage, defeat, approval, veto or any other official action or nonaction on any bill, resolution or amendment.

4.1(I) Lobbying: Communicating with any official or employee for the purpose of influencing any executive or legislative action by a person required to register pursuant to the provisions of this Chapter. Lobbying does not include:

4.1(I)(1) Drafting bills; or

4.1(I)(2) Advising and rendering opinions to clients as to the construction and effect of proposed or pending legislative or executive actions; or

4.1(I)(3) Communication from a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization; or

4.1(I)(4) Communication as an expert witness at specific invitation or

request of an official, employee or registered lobbyist; or

4.1(I)(5) Communication by any public official, appointee, or employee of the County of Allegheny as part of his or her official duties.

4.1(J) Lobbyist: Any person lobbying, if such person:

4.1(J)(1) Spends, or intends to spend one hundred dollars (\$100.00) or more on food, entertainment or gifts for officials or appointees, or employees of the County of Allegheny, or their spouses, parents, siblings or children or in-laws during a calendar year; or

4.1(J)(2) Is compensated five hundred dollars (\$500.00) or more in a calendar year for lobbying to influence executive or legislative action.

4.1(K) Official, appointee, employee: Means any person elected to, appointed to, or employed by the County of Allegheny, or any County agency, board, authority, or commission, whether or not said person is compensated.

## SECTION FIVE

### ESTABLISHMENT OF THE ACCOUNTABILITY, CONDUCT AND ETHICS COMMISSION

5.1 Consistent with Article XI of the Home Rule Charter of Allegheny County, Pennsylvania, an Accountability, Conduct and Ethics Commission is hereby created as hereinafter described in this instrument, and hereby is vested with all the powers, duties, and responsibilities set forth in the said Home Rule Charter, for the operation of an ethical code consistent with said charter.

## SECTION SIX

### COMPOSITION OF THE ACCOUNTABILITY, CONDUCT AND ETHICS COMMISSION

6.1 The Accountability, Conduct and Ethics Commission will consist of five members.

6.2. The County Executive shall appoint the chair of the Accountability, Conduct and Ethics Commission. The remaining four members, two Republicans and two Democrats, shall be appointed to the Commission by the County Council.

6.3. Each member of the Accountability, Conduct and Ethics Commission

shall serve a term of five years, or until a successor is appointed or confirmed. The terms of the initial members shall be staggered in the following manner:

6.3(A) . The Chair of the Commission shall serve for five years.

6.3(B) One of the Republican Appointees, and one of the Democratic appointees to the Commission, shall each serve for two years, to be followed by the commencement by such member of a full five-year term unless removed in the interim by County council for cause.

6.3(C) One of the Republican Appointees, and one of the Democratic appointees to the Commission, shall each serve for three years, to be followed by the commencement by such member of a full five-year term unless removed in the interim by County council for cause.

6.3(D) . No appointee to the Accountability, Conduct and Ethics Commission shall serve more than two full five-year terms upon said Commission.

6.4 The Accountability, Conduct and Ethics Commission shall have the power and the responsibility to adopt rules and regulations of procedure and operation to ensure efficacious functioning by said Commission, so long as the said rules, regulations and procedures are not inconsistent with the expressed intent of this Article, and are duly ratified by the County Council and the County Executive.

6.5 At no time while serving on the Accountability, Conduct and Ethics Commission of Allegheny County, and at no time during a period of five years preceding the commencement of service on said commission, shall any individual appointee:

6.5(A) . Serve or have served as an employee, public office holder, or appointee, of any municipal or governmental entity, or any authority, or governmental board, or commission, with the exception of other governmental or academic ethics boards or commissions; nor

6.5(B) Serve or have served as an employee of any business, corporation, company or entity which either directly or indirectly operated as a contractor doing business with Allegheny County; nor

6.5(C) Hold or campaign for elective office; nor

6.5(D) . Serve as an office holder or official of any kind in any partisan political organization, or any political party, or any political committee, or participate as an official in any capacity in any partisan political campaign; nor

6.5(E) . Campaign for or have campaigned for partisan public office of any kind, paid or unpaid, official or unofficial, including the position of delegate to any national or state party convention; nor

6.5(F) Permit his or her name to be used, or make contributions in support of or in opposition to any candidate or proposition or initiative or ballot question or referendum; nor

6.5(G) . Participate in any election campaign in any way, including donating space on any part of any property owned for the purpose of installation or erection of political signs; nor

6.5(H) . Participate in any committee that provides ratings of candidates for office; nor

6.5(I) Own or participate in a Political Action Committee (PAC), or serve as an officer of a PAC, nor make or receive or solicit PAC contributions, nor

6.5(J) . Lobby or contract to or with a lobbyist, or assist a lobbyist, or be paid by a lobbyist.

6.6 Criminal activity: Any individual person convicted of a felony or a misdemeanor within the Commonwealth of Pennsylvania or elsewhere at any time shall be ineligible to serve on the Accountability, Conduct and Ethics Commission of Allegheny County.

6.6(A) Criminal referral: As provided elsewhere in this Chapter, if, at any time in the discharge of the duties of the Accountability, Conduct and Ethics Commission of Allegheny County, a member, appointee, or employee of said Commission should perceive what a reasonable person would regard as criminal activity on the part of any employee, appointee, or office holder of Allegheny County, such person shall forthwith report the said suspected criminal conduct to the appropriate law enforcement agencies as have jurisdiction in the matter. Such a criminal referral shall not be considered as transferring elsewhere the duly constituted investigative responsibilities of the Accountability, Conduct and Ethics Commission of Allegheny County, nor shall such referral be construed to terminate any properly convened investigation, inquiry, or hearing underway under the suzerainty of the Accountability, Conduct and Ethics Commission of Allegheny County

6.7 Resident voters: At all times while serving on the Accountability, Conduct and Ethics Commission of Allegheny County, the individual appointees shall be registered voters and residents within Allegheny County.

6.8 Remuneration and expenses: The members of the Accountability, Conduct and Ethics Commission shall serve without pay during their time on the Commission, but nothing in this section shall prohibit any member from submitting recognized expense vouchers for reimbursement for any reasonable expenses incurred by a member while on the legitimate business of the Accountability, Conduct and Ethics Commission, so long as said expense has a cognizable connection to the business of the Commission.

## SECTION SEVEN

### POWERS OF THE ACCOUNTABILITY, CONDUCT AND ETHICS COMMISSION

7.1 The Accountability, Conduct and Ethics Commission shall have all reasonable powers at law to fulfill its mandate to uphold high ethical standards throughout the government of Allegheny County, and to publish and enforce its findings, orders, rulings and sanctions, including but not limited to:

7.1(A) . Public Hearings: Authority to call and conduct public hearings, to administer oaths and affirmations, to make and file transcripts of all proceedings, to conduct all proceeding under oath; and

7.1(B) Full Investigative Powers: Complete Investigative, interrogative and discovery powers, which authority includes all necessary and appropriate power to secure production of documents, papers, letters, accounts, books, records, software and hardware, and to compel discovery and testimony and attendance of persons by subpoena; and

7.1(B)(1) A subpoena shall be served by delivering a copy either to the person named or to an agent authorized by appointment or by law to receive service for the person named. A subpoena may be served by any deputy sheriff of any county, or by a constable or process server, or by any competent adult who is not a party to the instant controversy or complaint; and

7.1(B)(2) The Executive Director, or the Counsel, of the Commission, or the County Solicitor of the County of Allegheny, on behalf of the Commission, may apply to a court of competent jurisdiction for an order to enforce the subpoena; and

7.1(C) Findings, reports and Orders: To make and publish findings as warranted, to make reports and publish the conclusions of the Commission in such manner as the Commission finds fit and appropriate to carry out its mandate, including the power as specified elsewhere in this Chapter to use any and all such reports, findings and Orders as advisory and educational materials so as to advance the cause of strong ethics compliance in Allegheny

County; and

7.1(D) Criminal and ethical referrals: As elsewhere specified in this Chapter, to refer any and all potential matters involving court action, either criminal or civil, to the Solicitor of Allegheny County, or the District Attorney of Allegheny County, or to the Pennsylvania State Ethics commission; and

7.1(E) Expert consultants: To retain, as deemed necessary and prudent, expert and consultative services and make such expenditures as are consistent with this section.

7.2 Staff Counsel: The Commission shall have the power to employ a staff attorney and such subsidiary paralegal or investigative personnel as deemed necessary and as authorized by the County Council and the County Executive to be proper and appropriate for carrying out the mission of the Accountability, Conduct and Ethics Commission.

7.3 Record keeping: The Accountability, Conduct and Ethics Commission shall keep and maintain all records and communications pertaining to the business of the Commission. The Commission shall designate and appoint a secretary and shall keep on file the minutes of its proceedings. The Commission shall be the custodian of any and all forms submitted by any person in accordance with this Chapter.

7.4 Open Meetings of Commission: Except as otherwise specified elsewhere in this Chapter, all regular meetings and administrative proceedings of the Accountability, Conduct and Ethics Commission shall be open, with the exception that the normal routine of business, and the initial review of complaints as hereinafter provided under this section or under any other ethics provision, may be conducted with the appropriate discretion so as to detect and deter malicious or frivolous or groundless or ill motivated complaints and to protect the rights and reputations of the innocent. Deliberations, consultations, and decision making may be made accomplished in closed session as otherwise consistent with this chapter. All complaints shall be investigated as hereinafter provided.

7.5 Quorum: Three members of the Commission shall constitute a quorum for the transaction of business and a majority vote of those present at any meeting is sufficient for any official action, except as otherwise provided herein.

7.6 Special Meetings: The Chair of the Accountability, Conduct and Ethics Commission or any four (4) members of the Commission may call a special meeting of the Commission.

SECTION EIGHT  
EXECUTIVE DIRECTOR AND STAFF OF THE ACCOUNTABILITY, CONDUCT  
AND ETHICS COMMISSION

8.1 Executive Director: The Accountability, Conduct and Ethics Commission shall, subject to confirmation by County Council, appoint a full time Executive Director whose functions, under the supervision of the Commission shall enforce and implement Commission policy and edict, including supervising and recommending staff, conducting educational efforts, assistance and information programs and training of County Code ethics compliance, and compliance with requirements of filing statements of financial interest. The Executive Director and the staff of the Accountability, Conduct and Ethics Commission shall prepare all necessary forms, including the requisite ethics violation complaint form hereinafter referred to, together with comments, instructions, and such procedure and office manuals which may be deemed advisable and necessary.

8.2 Staff: The Accountability, Conduct and Ethics Commission shall hire and employ such full time staff personnel, including legal personnel as may be required to efficaciously discharge the duties of the Commission.

8.3 Political Activity by Commission staff: All staff and subordinate personnel employed by the Accountability, Conduct and Ethics Commission, in addition to all of the prohibitions on political activity enjoined elsewhere in this Article, are held to a strict standard of neutrality in political campaigns, and shall not:

8.3(A) Hold or campaign for elective office; nor

8.3(B) . Serve as an office holder or official of any kind in any partisan political organization, or any political party, or any political committee, or participate as an official in any capacity in any partisan political campaign; nor

8.3(C) Permit his or her name to be used, or make contributions in support of or in opposition to any candidate or proposition or initiative or ballot question or referendum; nor

8.3(D) . Participate in any election campaign in any way, including donating space on any part of any property owned for the purpose of installation or erection of political signs; nor

8.3(E) . Participate in any committee that provides ratings of candidates for office; nor

8.3(F) Campaign for unpaid and unofficial public office of any kind, including the position of delegate to any national or state party convention.

8.3(G) Own or run a Political Action Committee (PAC), or serve as an officer of a PAC, nor make or receive or solicit PAC contributions.

8.3(H) . Lobby or contract to or with a lobbyist, or assist a lobbyist, or be paid by a lobbyist.

## SECTION NINE

### VACANCY, REMOVAL, RELINQUISHMENT

9.1 Vacancy: A vacancy in the office of member of the Accountability, Conduct and Ethics Commission shall be filled in the same manner as used in the making of the original appointment. A person appointed to fill a vacancy serves for the remainder of the term.

9.2. Removal for Cause Shown: At any time, by majority vote of the County Council, any members of the Accountability, Conduct and Ethics Commission may be dismissed from office for such good cause as may be deemed sufficient, including but not limited to engaging in conduct which tends to cast disrepute upon Allegheny County, engaging in prohibited political activity, conflict of interest, conviction of a crime, violation of any provision of Allegheny County's code, and such other reasons and misdemeanors which County Council finds inconsistent with the ethical standards of this Article.

9.3 Voluntary Relinquishment of Office: Absence without excuse from three (3) successive meetings of the Accountability, Conduct and Ethics Commission shall constitute a voluntary relinquishment of office and create a vacancy which shall be filled in the same manner as used in the making of the original appointment.

## SECTION TEN

### DISCLOSURES OF PECUNIARY INTEREST AND FINANCIAL STATEMENTS

10.1 Compliance with the Pennsylvania Ethics Act: The provisions of the Pennsylvania Ethics Act are herein by respected and shall be deemed controlling and pertinent and not inconsistent with the Accountability, Conduct and Ethics Code of Allegheny County. All employees or appointees, or office holders of Allegheny County required to file a Statement of Financial Interests with the Commonwealth of Pennsylvania shall be provided a copy of the Pennsylvania Ethics Act and supporting material upon his or her assumption of office, or upon his or her initial appointment, and every

elected official or public employee required to file a Statement of Financial Interests shall attend a seminar provided by the Pennsylvania Ethics Commission within ninety (90) days of his or her assumption of office, or of his or her initial appointment, or as soon thereafter as may be practicable.

10.2 Requirement for covered County employees to file Statement of Financial Interests: The Accountability, Conduct and Ethics Commission of Allegheny County shall, as hereinafter provided, prepare, or cause to be prepared, a Statement of Financial Interests to be completed by such County employees, appointees, and office holders as may be designated by this Chapter or by County Council. No person shall be employed by the County of Allegheny in any of the capacities which are subject to the disclosure requirements of this Chapter until and unless said prospective covered employee, appointee, or office holder has successfully fulfilled the disclosure requirements of this Chapter in every respect.

10.3 Filings of Statements of Financial Interest: On or before April 15 of each year, all employees, appointees, or office holders of Allegheny County required by this Chapter to file Statements of Financial Interest, shall file a prescribed sworn Statement for the previous calendar year with the Accountability, Conduct and Ethics Commission.

10.4 Listing of required disclosed interests; amendments: Subject to other requirements of this Chapter, the Accountability, Conduct and Ethics Commission shall prepare and promulgate, and recommend, and the County Council may amend by rule from time to time, a list of the interests and information required to be disclosed and the forms upon which such disclosure is declared and filed by employees or appointees, or office holders of the County of Allegheny.

10.5 Listing of covered employees; amendments: Subject to other requirements of this Chapter, the Accountability, Conduct and Ethics Commission shall prepare and promulgate, and recommend, and the County Council may amend by rule from time to time, a list of the employees or appointees, or office holders of the County of Allegheny, identified by job title, position description, or other means which provide adequate specificity, who shall file or cause to be filed a Statement of Financial Interests with the Commission.

10.6 Covered employees, appointees, and office holders: The following employees, appointees and office holders of Allegheny County are required to file a Statement of Financial Interest:

10.6(A) County Executive

10.6(B) County Council members

10.6(C) County Manager

10.6(D) Department heads

10.6(E) All persons holding or appointed to the following positions:

10.6(A)(1) All employees, appointees or office holders authorized to draft specifications for, negotiate or execute a contract which commits the County, or any of its boards, agencies or departments to expend in excess of two thousand five hundred dollars (\$2500.00); and

10.6(A)(2) All employees, appointees or office holders in managerial or policy making positions as determined by the Accountability, Conduct and Ethics Commission upon recommendation of their department or agency head. In making such a recommendation, the department or agency head shall consider such factors as the employee's responsibility for decision making and policy recommendation in the areas of contracting, procurement, administration and or monitoring of grants and subsidies, planning or zoning, inspecting, licensing, regulating, auditing and budgeting; and

10.6(A)(3) Every employee, appointee or office holder who supervises five or more persons.

10.6(F) All members of the following boards, agencies, authorities and Commissions:

10.6(F)(1) Property Assessment Board;

10.6(F)(2) Airport Authority;

10.7 Filing Upon Resignation or Termination: Upon resignation or termination, all employees, appointees, or office holders of Allegheny County required by the provisions of this Chapter to file statements of financial interest, shall file with the Accountability, Conduct and Ethics Commission a sworn statement of their financial interests for the period in the current calendar year from January 1 to the date of the resignation or termination.

10.8 Appointments subject to County Council Confirmation: all employees, appointees, or office holders of Allegheny County required by the provisions of this Chapter to file statements of financial interest, and whose appointment is subject to County Council confirmation shall file with the Accountability, Conduct and Ethics Commission the sworn statement of their financial interests for the previous calendar year prior to confirmation. Statements of nominees shall remain confidential until confirmation. Statements of nominees not confirmed shall be retired.

10.9 Employees, appointees, or office holders appointed by County Council: all employees, appointees, or office holders of Allegheny County required by the provisions of this Chapter to file statements of financial interest, and who have been appointed by County Council to their posts confirmation shall file with the Accountability, Conduct and Ethics Commission the sworn statement of their financial interests for the previous calendar year prior to actual appointment.

10.10 Interests which must be disclosed: In order to complete and file a statement of financial interest for the calendar year of the required statement the following information shall be considered the interests of he person required to file.

10.10(A) Any financial interest held by the spouse, parent, sibling or dependent child of the person making the statement, or any other person or business entity, if such interest was controlled directly or indirectly by the person required to file.

10.10(B) Any interest held by a business in which the person filing held a thirty- percent (30) or greater equity interest.

10.10(C) Any interest held by a trust, other than a common trust fund which is administered by a financial institution, under which trust he person required to file held a reversionary interest or was a trustor or a beneficiary.

10.10(D) The name and address of each person engaged in any transaction or activity with the County, from whom the reporting person, or a member of the reporting person's immediate family has received compensation in any form of a total value of Two thousand five hundred dollars (\$2500) or more, excluding campaign contributions reported in accordance with applicable law, and the name of each County agency involved in the transaction or activity, if known.

10.10(E) The name and address of each person engaged in any transaction or activity with the County, in which the reporting person, or a member of the reporting person's immediate family held a direct financial interest with a value Of One Thousand five hundred dollars (\$1500.00) or more; provided that policies of insurance and amounts on deposit in accounts with banks, savings and loan associations or credit unions shall not constitute a direct financial interest within the meaning of this section, and the name of each County agency involved in the transaction or activity, if known.

10.10(F) If a reporting person or a member of his or her immediate family holds a position in an entity engaged in any transaction with the County, the name of the person holding the office and the title of office, directorship,

or trusteeship held shall be disclosed to the Accountability, Conduct and Ethics Commission. The reporting person shall include the name and address of the entity, and, if known, the name of each County agency with which the entity was involved.

10.11 Contents of Statements of Financial Interest: The sworn statement required to be filed by this sub chapter shall be on a form prescribed by the Accountability, Conduct and Ethics Commission as above mandated. At minimum it shall disclose the following interests of the person making the statement for the calendar year for which the required statement is filed:

10.11(A) Real Property Interests: A schedule of all interests (including leasehold interests and interests in an oil, gas, or other mineral royalty or lease) in or with respect to any real property wherever situated in the Commonwealth of Pennsylvania. This schedule, as to each interest, shall include:

10.11(A)(1) The nature of the property, location by street address, and legal description of the property; and

10.11(A)(2) The nature and extent of the interest held; and

10.11(A)(3) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

10.11(A)(4) With respect to any interest transferred, or acquired, in whole or in part, at any time during the year for which the statement was filed, a description of the interest acquired or transferred and the disclosure of the identity of the person to whom the interest was transferred; and

10.11(A)(5) The identity of any other person with an interest in the property, unless the property is owned by a business entity whose stock is traded publicly.

10.11(B) Business or Professional Interests: A schedule of all interests in any business entity or profession. This schedule, as to each such interest shall include:

10.11(B)(1) The name and address of the business entity or profession and, where applicable, the exchange on which the stock of the business is traded; and

10.11(B)(2) The nature of the interest held and the manner of acquisition, if other than by purchase, including any conditions thereto and encumbrances thereon; and

10.11(B)(3) With respect to any interest transferred, in whole or in part, at any time during the year for which the statement is filed, a description of the interest transferred, and if known, the identity of the person to whom the interest was transferred.

10.11(C) Sources of Income: A schedule of the sources of all earned income of the person required to file, or of his or her spouse or dependent child received in excess of one hundred dollars (\$100.00), including the name and address of each place of salaried employment and of each business entity solely or partially owned and from which income was earned. Where the source of income is from an attorney-client, or from a physician/psychiatrist/psychologist-patient relationship, the names of the individual clients or patients need not be disclosed.

10.11(D) Gifts: A schedule of each gift in excess of fifty dollars (\$50) in value (or an aggregate of one hundred dollars (\$100.00) from any one person) directly or indirectly from any person who does business with Allegheny County. This schedule, as to each gift, shall include:

10.11(D)(1) The nature and the value of the gift; and

10.11(D)(2) The identity of the person from whom, directly or indirectly, the gift was received; and

10.11(D)(3) For the purposes of this subsection, "gift" does not include:

10.11(D)(3)(1) Ceremonial gifts or awards of insignificant monetary value; or

10.11(D)(3)(2) Unsolicited gifts of nominal value or trivial items of informational value.

10.11(E) Offices Held: A schedule of all offices and directorships held in a corporation or other business entity. This schedule, as to each such office or directorship, shall include:

10.11(E)(1) The name and address of the principal office of the business entity; and

10.11(E)(2) The title and nature of the office or directorship held.

10.11(F) Liabilities: A schedule of the source of all liabilities owed to any business entity or person doing business with the County of Allegheny. Liabilities do not include mortgages to state and federally insured lending institutions which are secured by the principal residence of the person making the statement, nor do they include retail credit accounts having an

average balance of less than five thousand dollars (\$5000.00). The schedule shall list liabilities of the spouse, dependent children only if the person making the statement was involved in the transaction giving rise to the liability. This schedule, as to each liability required to be reported, shall include:

10.11(F)(1) The identity of the person or business entity to which the liability was owed; and

10.11(F)(2) The security, if any, given for the liability.

10.11(G) List of Family Members Employed by the County: A list of any spouse or dependent children of the person making the statement who were employed by the County in any capacity.

10.12 Incomplete information: When the person required to file is unable to obtain the information needed to complete the schedules required by this section, the person shall report the unavailability of certain information and shall provide a written statement of the efforts made to obtain the information. The Accountability, Conduct and Ethics Commission shall conduct an investigation to determine if the person has used due diligence in attempting to obtain the missing information and whether, considering the circumstances, the omission of the material is justified. In making this determination, the Commission shall request and consider the opinion of the County Solicitor. The Solicitor's opinion and the report of the Commission shall be made part of the statement of the person required to file.

## SECTION ELEVEN TRAINING AND EDUCATION

11.1 Allegheny County ethics manual: The Accountability, Conduct and Ethics Commission shall prepare and compile, or shall cause to be prepared and compiled, an ethics manual for distribution to all employees or appointees, or office holders of the County of Allegheny providing an overview of ethics laws, rules, regulations and provisions which may apply to such individuals. Said distribution may include a copy of the relevant portions of the County Code including but not limited to this Article, a copy of the Ethics Code of the Commonwealth of Pennsylvania, and such other ethics rulings, opinions, and advisory opinions as may be deemed relevant and appropriate.

11.2 Ethics training: Additionally, the Commission shall conduct or cause to be conducted ethics seminars for employees or appointees, or office holders of the County of Allegheny as frequently as the Commission deems necessary, and at such time and place as the commission deems necessary and

appropriate, to instruct new employees or appointees, or office holders of the County of Allegheny as to the rules of conduct and ethics provisions which are applicable to them. The Accountability, Conduct and Ethics Commission shall additionally instruct employees or appointees, or office holders of the County of Allegheny as set forth elsewhere in this section.

11.3 Advisory opinions: The County Solicitor, with the assistance and the contribution of the Accountability, Conduct and Ethics Commission and its counsel and staff, shall be authorized to issue such advisory opinions as are from time to time deemed appropriate upon the referral to them by employees or appointees, or office holders of the County of Allegheny of any request for such guidance as would avert any violation of the provisions of the Allegheny County Accountability, Conduct and Ethics Code. Such opinions may be published and issued by the Commission for educational purposes as hereinbefore described in this Article.

11.3(A) An advisory opinion so issued as consistent with this Article may be used as a defense against any subsequent investigation or prosecution hereunder to the extent that the employees or appointees, or office holders of the County of Allegheny who sought the opinion acted on it in good faith and only to the extent material facts were not omitted or misstated in the request for the advisory opinion.

## SECTION TWELVE REQUIRED CONDUCT, PROHIBITED CONDUCT, FULL TIME EMPLOYMENT, CONFLICT OF INTEREST AND NEPOTISM

12.1 Requirement of proper conduct: It is expected that at all times employees or appointees, or office holders of the County of Allegheny will conduct themselves with dignity and decency, with respect and courtesy for all. Employees or appointees, or office holder of the County of Allegheny are to refrain from personal conduct which would tend to cast disrepute upon Allegheny County. It is furthermore expected that the primary interest and objective of the employee or appointee, or office holder of the County of Allegheny will be to advance and uphold the rights, general well being, and political and economic freedoms of the citizens of Allegheny County. It is expected that at all times employees or appointees, or office holders of the County of Allegheny will so bear themselves in office as to at all times exercise clear, independent judgment toward the discharge of their duties and toward protecting the constitutional rights of the citizens of Allegheny County.

12.2 Respect for prestige of office: No employee, appointee, or official of Allegheny County shall intentionally use the prestige of his or her office for their own gain or that of another. The performance of usual and

necessary and customary constituent service without additional compensation shall not constitute the use of prestige of office for private gain or that of another.

12.3 Bond of confidentiality: Other than in the discharge of official duties, employees, appointees, and office holders of the County of Allegheny may not disclose or use, for their own gain or that of another, confidential information acquired by reason of public position and which is not available to the public.

12.4 Avoidance of conflict of interest: No employee or appointee, or office holder of the County of Allegheny shall allow any conflict of interest to arise between said individual and his or her sworn duty to the business of the residents of Allegheny County, or to come between his or her private interest and the business of the County of Allegheny, nor shall said employee or appointee, or office holder of the County of Allegheny direct or divert his or her energies or activities away from the business and interests of the residents of Allegheny County for the sake of any private interest of the aforesaid individuals or any related or interested party.

12.4(A) Employees, appointees, or office holders of the County of Allegheny shall not, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to the matter, participate on behalf of the County in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse, parent, child, sibling, or in-laws or upon any business interest with which they or anyone described in this section are affiliated;

12.4(B) Employees, appointees, or office holders of the County of Allegheny shall not, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to the matter, participate on behalf of the County in any matter which would, to their knowledge, involve a business entity with which they, their spouse, parent, child, sibling, or inlays are negotiating or have an arrangement concerning prospective employment.

12.5 Prohibited financial interests: No employee or appointee, or office holder of the County of Allegheny shall have a financial interest, either directly or indirectly, in any contract, sale or transaction to which the County or any affiliate, or agency or board of the County is a party and neither shall any officer or employee, or member of any board or commission, have an interest in any contract, sale or transaction to which the County is a party and which comes before said officer or employee, or member of any board or commission, or the department or office of the County with which he or she is connected for official action. Any such contract or transaction in

which there shall be such an interest shall become void at the election of the County Council, when so declared by resolution of the County Council.

12.5(A) Insignificant stock interest: No employee or appointee, or office holder of the County of Allegheny shall be deemed to have a financial interest, within the meaning of the foregoing provisions, in any contract made with a corporation by reason of the ownership of stock in such corporation unless said stock owned by him or her shall amount to at least three percent of all the stock of such corporation issued and outstanding.

12.5(B) Prohibited stock ownership: Except as provided above, no employee or appointee, or office holder of the County of Allegheny shall vote on or participate in any contract or transaction in which he has directly or indirectly a financial interest whether as a stockholder of the corporation or otherwise.

12.5(C) Disqualification: If any employee or appointee, or office holder of the County of Allegheny shall, during the term for which he or she was elected or appointed, shall so vote or participate, or shall have a financial interest as aforesaid, upon conviction thereof, he or she shall vacate said office or position.

12.6 Recusal: No employee or appointee, or office holder of the County of Allegheny shall participate in any decision arising in the course of his or her duty to the residents of Allegheny County which shall tend to benefit said individual employee, appointee or office holder, or any closely related party or family member as hereinafter defined, in any financial sense.

12.7 Disclosure of conflict: Any employee or appointee, or office holder of the County of Allegheny who may participate in any decision arising in the course of his or her duty to the residents of Allegheny County which shall tend to benefit said individuals or any closely related party in any financial sense shall disclose the same facts to the Accountability, Conduct and Ethics Commission of Allegheny County, and shall refrain from any involvement either directly or by indirection through another person, in the said matter.

12.8 Full time County employment: The duty of all employees or appointees, or office holders of the County of Allegheny is at all times to the interests of the residents of the County of Allegheny, and is a full-time duty, with the following exceptions:

12.8(A) Permitted employment: .An employee or appointee, or office holder of the County of Allegheny, with the exception of the provisions relating to high level management delineated below, is permitted to engage in private business on his or her own time, and to pursue private business or employment

on his or her own time provided that said private business is not inconsistent with the high ethical standards of the County of Allegheny, does not constitute a conflict of interest as defined elsewhere in this Section, does not constitute a breach of the law or of public decorum, does not cast disrepute upon the County of Allegheny and its employees, appointees and officeholders, is not conducted on County time, does not divert County assets, and does not detract from the time the employee or appointee, or office holder must and is required to devote to his or her employment or engagement with Allegheny County.

12.8(B) Prohibited employment: Except as exempted by the County Council pursuant to the provisions of the Accountability, Conduct and Ethics Code of Allegheny County, when the employment or interest or interest does not create an actual or apparent conflict of interest, or by hearing as provided herein, employees, appointees, or office holders of Allegheny County shall not:

12.8(B)(1) Be employed by:

12.8(B)(1)(a) Any entity subject to their official authority; or

12.8(B)(1)(b) Any entity subject to the Allegheny County agency, board or commission with which they are affiliated; or

12.8(B)(1)(c) Any entity which is negotiating or has entered into a contract with any agency, board or commission of Allegheny County; or

12.8(B)(2) Represent any party for a fee, commission or other compensation before any County body.

12.8(C) Exemptions: The employment restrictions listed above do not apply to:

12.8(C)(1) An employee, appointee, or official of the County of Allegheny who is appointed to a regulatory or licensing authority pursuant to a requirement that persons subject to its jurisdiction be represented in appointments to it;

12.8(C)(2) Employees, appointees or officials, whose duties are ministerial, provided that the private employment does not create a conflict of interest or the appearance of such a conflict.

12.9 High level County management personnel: High level management personnel, as defined hereinafter, are expected to be full time employees of Allegheny County in the most stringent sense of the term, and are not permitted to have any earned income generated by any remunerative activity outside their County salary. High level management personnel are prohibited from earning any outside income from consulting, professional work, lecture

fees, honoraria, board of directorship fees, or advances of book publication fees or royalties, or from any other source which generates income or compensation for services of any kind rendered. High level management personnel may continue to derive interest and dividend income from passive investments provided such income shall in its generation be in full compliance with all applicable provisions of this Article pertinent to conflict-of-interest avoidance. High-level management personnel are required to file their Federal Income Tax returns with the Accountability, Conduct and Ethics Commission each year on April 15, commensurate with their federal tax filings.

12.9(A) Those positions in Allegheny County which are denominated "High Level Management positions" shall be:

12.9(A)(1) County Executive; and

12.9(A)(2) County Manager; and

12.9(A)(3) Row Officers; and

12.9(A)(4) County Department Heads; and

12.9(A)(5) Such other officers, employees and appointees of Allegheny County as the County Council may from time to time designate as consistent with this Chapter.

12.9(B) Prohibited outside interests of High Level County Managers: High level County Managers, during the term of their office, and for one year afterward, shall not have or maintain private business relationships which generate income or compensation for services of any kind rendered with any other governmental entities, agencies, board, commissions, in Allegheny County or elsewhere.

12.10 Prohibited personal use of or diversion of County property and facilities: Other than in accordance with the provisions hereinafter stipulated, at no time is any material, device, property, real or personal, store of supplies, communication device, motor vehicle, computer hardware or software, subsidiary employee, or personnel time properly required to be devoted to the duties of Allegheny County, to be diverted from the duties owed to Allegheny County by any person for his or her own use or interest, except in such case of dire emergency as subsequently ratified by the County Council.

12.10(A) The Accountability, Conduct and Ethics Commission may from time to time propose, and the County Council may from time to time approve, rules and regulations and policies which modify and clarify the prohibitions set

forth above, in the following respects:

12.10(A)(1) So as to provide for reasonable flexibility in interpretation, the Accountability, Conduct and Ethics Commission may from time to time propose, and the County Council may from time to time approve, rules and regulations and policies which define and codify the extent to which employees, appointees, and office holders of Allegheny County may retain within their possession and control, and devote to reasonable and necessary use, such materials, devices, property, real or personal, stores of supplies, communication devices, motor vehicles, computer hardware or software, subsidiary employee, or personnel time properly required to be devoted to the duties of Allegheny County, in such a manner and at such a time as the use by the County employee, appointee, or office holder, may be considered reasonably necessary to carry out County duties, and shall not be automatically deemed a violation of this Chapter.

12.11. Volunteer public service: Service devoted on their own time by employees or appointees, or office holders of Allegheny County to boards of religious institutions, community service or neighborhood organizations, or to hospital committees, or to educational or to other eleemosynary and charitable or philanthropic organizations and institutions is not inconsistent with the provisions of the Accountability, Conduct and Ethics Code of Allegheny County, unless the said agency, institution, board or organization is a contractor with and for, or otherwise receives funds from the County of Allegheny, and provided there is no other real or apparent conflict of interest.

12.12 Gift and gratuity prohibition: No employee or appointee, or office holder of the County of Allegheny shall receive or accept any tangible or in-kind gift, service, donation, emolument of office, discounted service, meal payment or remuneration of any kind as compensation for services of any kind rendered to any person, group or entity while said employee or appointee, or office holder of the County of Allegheny is working during the standard work time and while upon the duty of the business of Allegheny County. No employee or appointee, or office holder of the County of Allegheny shall at any time receive or accept any tangible or in-kind gift, service, donation, emolument of office, discounted service, meal payment or remuneration of any from any person that he or she knows, or has reason to know, has financial interests, distinguished from the interests of the public, that would be affected by the actions of the employee, appointee, or official. Nothing in this chapter shall prohibit the bestowal of plaques, commemorations, resolutions, citations, and certificates of merit, etc. upon employees or appointees, or office holders of the County of Allegheny as certificates of recognition for achievement or for thanks from citizens or groups.

12.13 Nepotism: It is the policy of Allegheny County that nepotism is an inherent conflict of interest based upon familial relationship or domestic partnership and is inconsistent with the Accountability, Conduct and Ethics Code of Allegheny County.

12.13(A) No employee or appointee, or office holder of the County of Allegheny shall engage in any official decision making, or decision, including the decision to employ or offer employment in any agency, board, commission, staff of Allegheny County, or to authorize any other official county action or inaction which shall redound to the benefit of, in any way, financial or otherwise, including the conference of salary, any close relative. This provision and all other such related provisions in the Accountability, Conduct and Ethics Code of Allegheny County shall apply with equal force to part-time personnel: those engaged for brief and terminable periods of time as consultants or experts on behalf of and for any authority, agency, board or commission of Allegheny County.

12.13(B) Close relative includes:

12.13(B)(1) Spouses, children, in-laws, parents, grandparent, grandchildren, nieces, nephews, uncles and aunts. The children, in-laws, parents, grandparent, grandchildren, nieces, nephews, uncles and aunts of spouses, if by a prior marriage or marriages are deemed sufficiently close to trigger enforcement and prohibition under this section. Spouses shall specifically include domestic partners of any sex, and shall specifically include same sex domestic partners, and extends to the spouses, children, in-laws, parents, grandparent, grandchildren, nieces, nephews, uncles and aunts of domestic partners.

12.14 Specifically: No employee or appointee, or office holder of the County of Allegheny shall participate in any matter which directly or indirectly affects the interests of a close family member, as defined in this section, who is also a County Employee, including:

12.14(A) Advocating or participating in, or causing the employment, appointment, reappointment, classification, reclassification, evaluation, promotion, transfer or discipline of a close family member or domestic partner in a county position, or in an agency over which he or she exercises jurisdiction or control;

12.14(B) Participating in the determination of a close family member's compensation; or

12.14(C) Delegating any tasks related to employment, appointment, reappointment, classification, reclassification, evaluation, promotion, transfer or discipline of a close family member or domestic partner to a

subordinate; and; or

12.14(D) Supervising, directly or indirectly, a close family member or domestic partner or delegating such supervision to a subordinate; or

12.15 Duty to disclose nepotism: It is expressly noted that while management of the County of Allegheny has an affirmative obligation to address nepotism when it occurs in the workplace, management may not be aware of the specific family or domestic partnership situations which may create situations where nepotism or other conflict of interest occurs. Accordingly, any and all employees or appointees, or office holders of the County of Allegheny who become aware, or who reasonably should be aware, that a situation has arisen which may give rise to a conflict of interest or nepotism in the course of his or her official duties shall notify the Accountability, Conduct and Ethics Commission in writing of such conflict. If the employees or appointees, or office holder does so he or she will be considered as having met the requirements of this section of the Accountability, Conduct and Ethics Code of Allegheny County. If he or she fails to do so such omission will be considered grounds for sanction under the Code.

12.16 Informal resolution of conflict: Upon receipt of such notification the Accountability, Conduct and Ethics Commission shall take action to resolve the potential conflict of interest, including but not limited to, designating within a reasonable time an alternative employee to perform the duty which is involved in the potential conflict. The disposition of the potential conflict shall be stated in writing and the record kept with the records maintained by the Accountability, Conduct and Ethics Commission as required elsewhere in this chapter. The disposition of the potential conflict may also be made by exemption hearing as hereinafter provided with the consent or request of the subject employee, appointee or office holder of Allegheny County.

12.17 Merit hiring and promotion; Protocol: In addition to prohibiting familial nepotism, the Accountability, Conduct and Ethics Commission shall adopt an Allegheny County hiring protocol, to be approved by County Council, which shall be intended to create and enforce a merit system and ensure merit system hiring and promotion. Said protocol shall apply to all County departments, board, agencies, and commissions, and shall, at a minimum, require:

12.17(A) Strict compliance with applicable civil service laws.

12.17(B) Job offers and hire tenders will be restricted to the top twenty-five percent (25%) of those individuals appearing on the civil service test result list, with appropriate regard for state and national civil rights

laws.

12.18 Prohibition of political activity by all Allegheny County employees, appointees, and office holders: Notwithstanding the provisions of the Accountability, Conduct and Ethics Code, herein stated, which prohibit political activity and involvement on the part of members and staff of the Accountability, Conduct and Ethics Commission itself, at no time during full time employment with Allegheny County, shall any individual appointee, employee or office holder:

12.18(A) . Serve or have served as an employee, public office holder, or appointee, of any municipal or governmental entity, or any authority, or governmental board, or commission, with the exception of other governmental or academic ethics boards or commissions; nor

12.18(B) Serve or have served as an employee of any business, corporation, company or entity which either directly or indirectly operated as a contractor doing business with Allegheny County; nor

12.18(C) Hold or campaign for elective office; nor

12.18(D) Serve as an office holder or official of any kind in any partisan political organization, or any political party, or any political committee, or participate as an official in any capacity in any partisan political campaign; nor

12.18(E) Campaign for or have campaigned for partisan public office of any kind, paid or unpaid, official or unofficial, including the position of delegate to any national or state party convention; nor

12.18(F) Permit his or her name to be used, or make contributions in support of or in opposition to any candidate or proposition or initiative or ballot question or referendum; nor

12.18(G) Participate in any election campaign in any way, including donating space on any part of any property owned for the purpose of installation or erection of political signs; nor

12.18(H) Participate in any committee that provides ratings of candidates for office; nor

12.18(I) Own or run a PAC, or serve as an officer of a PAC, nor make or receive or solicit PAC contributions, nor

12.18(J) Lobby or contract to or with a lobbyist, or assist a lobbyist, or be paid by a lobbyist.

12.19 Resignation or termination from County employment upon declaring or campaigning for public office: Upon entering into or embarking on a partisan political campaign as defined in this Chapter, or upon engaging or preparing to engage in any political activity proscribed by this Chapter, the subject employee, appointee, or office holder of Allegheny County shall forthwith resign his or her position with the County, and or immediately sever any full or part time consultative position with Allegheny County. Failure to comply with this subsection may be considered a breach of the Accountability, Conduct and Ethics Code and may be properly considered a fit subject for investigation and or Hearing by the Accountability, Conduct and Ethics Commission, or may be properly considered as a fit subject for removal and termination for cause by County Council.

12.20 Political activity by elected Allegheny County officials: No language in this Chapter shall be construed to prevent those officials of Allegheny County who are by virtue of the requirements of the Allegheny County Home Rule Charter elected officials chosen by, and whose terms are established by, the voters of Allegheny County, from engaging in the traditional political activities of constituent work, community service, and political campaigning when seeking reelection to their posts.

12.21 Exemption authorization: The Accountability, Conduct and Ethics Commission of Allegheny County may authorize employees, appointees, and office holders of the County to have an interest in or be employed by an entity which has dealings with the County, or to engage in political or public community service which might otherwise be prohibited by this Chapter, provided that, after a public hearing and full disclosure, the Commission, applying the criteria listed below in this subchapter, determines that the interest or employment or political or community activity does not violate the public interest.

12.21(A) Request: The employee of official who wishes such an authorization shall make a signed request in writing to the Commission. The request shall explain in detail:

12.21(A)(1) The nature of the entity in which the interest or employment is held and its dealings and relationships with Allegheny County;

12.21(A)(2) The nature and scope of the interest or employment of the affected employee, appointee, or officeholder with the entity;

12.21(A)(3) The nature and scope of the affected employee, appointee, or officeholder's duties with and for Allegheny County;

12.21(A)(4) Any additional information which is relevant to determining

whether the public interest would be violated by the interest or employment.

12.21(B) Hearings: The Accountability, Conduct and Ethics Commission shall schedule a public hearing on the request to take place within thirty (30) calendar days after the Commission's receipt of the request. The hearing shall be advertised at least twice in a newspaper of general circulation in the County. At the public hearing the Commission may hear testimony from the employee, appointee or office holder making the request, from other individuals with knowledge of the employee, appointee or office holder's role in the County, or in the outside entity, and from members of the public.

12.21(C) Criteria: The Accountability, Conduct and Ethics Commission shall consider the following criteria in determining whether to conclude that the outside employment or interest does not violate the public interest and therefore to authorize the interest or employment.

12.21(C)(1) Whether the employee, appointee or office holder's duties with the County do not significantly impact on the entity in which a financial interest is held, or on the outside employer, or on the contract or proposed contract between the County and the entity or outside employer.

12.21(C)(2) Whether the employee, appointee or office holder is or is not directly supervised by a person who has duties that significantly impact on the entity or on the outside employer or on the contract or on the proposed contract; and

12.21(C)(3) Whether the employee, appointee or office holder supervises a person who has duties that significantly impact on the or on the outside employer or on the contract or on the proposed contract; and

12.21(C)(4) Whether the employee, appointee or office holder is affiliated with the department, office, board, agency or commission within the County that exercises authority over the entity or over the outside employer or is involved in contracts with the outside employer or entity; and

12.21(C)(5) Whether the employee, appointee or office holder has complied with other relevant sections of the Accountability, Conduct and Ethics Code of Allegheny County relating to the matters involved; and

12.21(C)(6) Whether the employee, appointee or office holder's financial interest in an outside entity or outside employment involves no substantive nonministerial duties which significantly relate to the County's authority over the outside employment or entity; and

12.21(C)(7) Whether the employee, appointee or office holder's private

compensation is funded to any significant extent by the County Contract(s);  
and

12.21(C)(8) Whether the employee, appointee or office holder's specific employment circumstances do not otherwise raise a conflict of interest or appearance of conflict as contemplated by the Accountability, Conduct and Ethics Code; and

12.21(C)(9) Whether the proposed political or public community activity is of such character that there is no real or apparent conflict of interest, or the conflict is so minimal that it is deemed harmless.

12.21(D) Decision: The Accountability, Conduct and Ethics Commission shall, within thirty (30) days after the conclusion of the public hearing, issue a written decision stating that the requested outside employment is or is not authorized, and give the reasons for the decision. Such decision shall be final and not appeal able.

## SECTION THIRTEEN

### STRICT ADHERANCE TO OPEN MEETINGS LAWS, SUNSHINE LAWS, AND AVOIDANCE OF SELECTIVE BIDDING, TRANSPARENCY; IN BIDDING

13.1 Open contracts: At all times it shall be the policy of Allegheny County and its subordinate agencies, commissions, boards and authorities, that any and all contract letting, contract bidding, and contract awarding shall be accomplished in such a manner that the due right of the public to be made aware of expenditures in the public fisc shall be vindicated.

13.2 Compliance with open meeting laws: With respect to any and all contract letting, contract bidding, and contract awarding, and with respect to all other financial questions, decisions, rulings and expenditures, Allegheny County and its subordinate agencies, commissions, boards and authorities, shall comply strictly with all sunshine and or open meetings laws from time to time enacted and then in force in the Commonwealth of Pennsylvania.

SECTION FOURTEEN  
INVESTIGATIONS AND HEARINGS BEFORE THE ACCOUNTABILITY,  
CONDUCT AND ETHICS COMMISSION

14.1 Complaint: Commencement of an investigation of an alleged violation of the Accountability, Conduct and Ethics Code of Allegheny County shall be initiated by the formal filing of a complaint, or as otherwise provided in this Chapter, in such form as the Accountability, Conduct and Ethics Commission shall provide, and signed under penalty of perjury.

14.2 Preliminary inquiry: Upon the filing of a complaint by any individual or upon the Accountability, Conduct and Ethics Commission's own motion, or upon referral from the District Attorney of Allegheny County, or upon referral from the office of the County Solicitor of Allegheny County, staff counsel for the Accountability, Conduct and Ethics Commission shall conduct a preliminary inquiry into any alleged violation of the provisions of the County Code, including but not limited to the ethics provision.

14.3 Inquiry confidentiality: Staff Counsel and the Commission shall keep information, complaints, records, conversations and proceedings relating to a preliminary inquiry confidential. The Staff counsel shall have the authority to refer the case to law enforcement officials during a preliminary inquiry or at any time thereafter without providing notice to the subject of the inquiry. Staff Counsel shall initiate a preliminary inquiry within thirty (30) days of its receipt, and complete the preliminary inquiry within sixty (60) days of its initiation.

14.3(A) During the preliminary inquiry the Staff Counsel has the authority to assign investigative tasks to conduct interviews with involved parties, including the complainant and the alleged violator, and to examine records kept in the normal course of business by any office or agency of Allegheny County. The Counsel cannot compel testimony or issue subpoenas at this stage. Counsel may notify the target party of the preliminary inquiry so as to seek clarification or resolution.

14.3(B) If the preliminary inquiry fails to establish probable cause to believe that the County Accountability, Conduct and Ethics Code provisions, or any other County Code provisions have been violated, the Accountability, Conduct and Ethics Commission, the Executive Director of the Commission shall issue a findings letter or report to said effect and terminate the investigation with due notice to each party. Said letters or reports shall at all times be kept as confidential records of the Commission.

14.4. Formal investigation: If a preliminary inquiry establishes probable cause to believe that the County Accountability, Conduct and Ethics Code provisions, or any other County Code provisions have been violated, the

Accountability, Conduct and Ethics Commission may, through the County Solicitor's office, initiate a full investigation to determine if there has been a violation of the provisions of the County code, including but not limited to the Accountability, Conduct and Ethics Code.

14.4(A) The Commission shall keep information, records and proceedings relating to an investigation confidential until a final determination is made, except as otherwise provided elsewhere in this section.

14.4(B) No investigation may be commenced until the person who is the subject of the investigation has been notified and provided a general statement of the alleged violation or violations of the County Code provisions and of the identity of the complainant. Service of the notice is complete upon mailing, which shall be by certified, or registered mail.

14.4(C) The Commission shall notify the complainant within seventy-two (72) hours of the commencement of an investigation, and, thereafter, the Commission shall advise the complainant and the person who is the subject of the investigation of the status of the investigation at least every ninety (90) days until the investigation is terminated.

14.4(D) The Commission shall, within one hundred eighty days (180) of the initiation of an investigation, either terminate the investigation pursuant to this subsection, or issue findings report subject to this Article. Upon a showing of the office of the County Solicitor of a need for the extension of this period, the Commission may extend an investigation up to two (2) ninety (90) day periods, provided that each ninety (90) day extension shall be approved by a majority vote of members present. In no event shall a findings report be issued later than 360 days after initiation of an investigation.

14.5 Termination of investigation: If the investigation establishes to the satisfaction of the County Solicitor that no County Accountability, Conduct and Ethics Code provisions, or any other County Code provisions have been violated, the Commission shall immediately terminate the investigation and send written notice of the determination to the complainant and the person who was the subject of the investigation.

14.6 Investigative Report: The Commission, upon completion of an investigation, shall issue a findings report to the subject of the investigation, setting forth the pertinent findings of fact.

14.6(A) The subject shall have the right to respond to the findings and to request an evidentiary hearing on the matter. The Commission shall grant any request for a hearing.

14.6(B) Any response to a findings report shall either admit or deny by

corresponding number and letter the pertinent facts set forth. The subject to the investigation shall have access to any evidence intended to be used by the County Solicitor at the hearing as well as any exculpatory evidence developed by the County Solicitor in the course of the investigation. Matters not specifically denied in the response shall be deemed admitted.

14.6(C) The response shall be filed within thirty (30) days of the issuance of the findings report unless the Commission for good cause shown extends the time period.

14.6(D) Hearings conducted by request shall be instituted within forty-five (45) days after the filing of the response, unless continued in accordance with other provisions of this Chapter.

14.6(E) Hearings before the Accountability, Conduct and Ethics Commission shall be conducted with the full powers of evidentiary inquiry as set forth more fully elsewhere in this Chapter.

14.7 Formal hearing: Hearings conducted pursuant to this section shall be closed to the public unless the subject requests an open hearing. Any person who appears before the Accountability, Conduct and Ethics Commission shall have all of the due process rights, privileges and responsibilities of a party or witness appearing before an administrative agency of the Commonwealth of Pennsylvania. All witnesses summoned for hearing shall receive reimbursement for reasonable expenses in accordance with 42 PA.C.S.A. Section 5903 (relating to compensation and expenses of witnesses). At the conclusion of a hearing concerning an alleged violation, and in a timely manner, the Commission shall deliberate on the evidence and determine whether there has been a violation of the County Code provisions. At least three members of the Commission present at a meeting shall find a violation by clear and convincing proof. The names of the members finding a violation and the names of those dissenting and abstaining shall be listed in the order. The determination of the Commission, in the form of a final order and findings of fact, shall be a matter of public record.

14.8 Order: Within thirty (30) days of the receipt by the Commission of the hearing record, or, if no hearing was held, within thirty (30) days of the receipt by the Commission of the response to the findings report, the Commission shall issue an order which shall be final.

14.8(A) Orders which become final in accordance with the provisions of this section shall be available as public documents, but the files and records of the Commission, the County Solicitor, gathered in connection with the preliminary investigation of the cases shall remain confidential.

14.9 Appeal: Any person aggrieved by an opinion or order of the Commission

which becomes final in accordance with the provisions hereof who has direct interest in the opinion or order shall have the right to appeal therefrom in accordance with law and general rules and the Administrative Procedure Acts of the Commonwealth of Pennsylvania. Decisions of the County Solicitor that an investigation fails to establish probable cause that there exists a violation of County Code provisions and standards shall be a decision within the prosecutorial discretion and therefore not appealable.

14.10 Whistleblower protection: No employee or appointee, or office holder of the County of Allegheny shall discharge any official or employee or change his or her official rank, grade or compensation, or deny him or her a promotion, or threaten to do so or take any other retaliatory measures, for filing a complaint, with or providing information in connection herewith, testifying in any Accountability, Conduct and Ethics Commission proceeding or being the subject of a complaint or investigation hereunder except as provided elsewhere in this Section.

14.11 Non disclosure No employee or appointee, or office holder of the County of Allegheny shall, as a general rule, shall disclose or acknowledge, to any other person, any information relating to a complaint, preliminary inquiry, investigation, hearing or petition for reconsideration, which is before the Commission. However, a person may disclose or acknowledge to another person matters held confidential in accordance with this subsection when the matters pertain to any of the following:

14.11(A) Final Orders of the Commission as provided in subsection hereof; or

14.11(B) Hearings conducted in public pursuant to subsection hereof; or

14.11(C) For the purpose of seeking legal counsel; or

14.11(D) Filing an appeal from a Commission order; or

14.11(E) Communicating with the Commission or its staff, in the course of a preliminary inquiry, investigation, hearing or petition for reconsideration by the Commission; or

14.11(F) Consulting with a law enforcement official or agency for the purpose of initiating, participating in or responding to an investigation or prosecution by the law enforcement official or agency; or

14.11(G). Testifying under oath before a governmental body or a similar body of the United States of America; or

14.11(H). Any information, records or proceedings relating to a complaint,

preliminary inquiry, investigation, hearing or petition for reconsideration which the person is the subject of; or

14.11(I) Such other exceptions as the Commission, by regulation, from time to time direct.

14.12 Misuse of process: If any employee or appointee, or office holder of the County of Allegheny has reason to believe that a complaint lodged as described in this chapter is frivolous as defined hereby, or without probable cause and made primarily for a purpose other than that of reporting a violation of the County Code provisions, or a person publicly disclosed or caused to be disclosed that a complaint against the employee or appointee, or office holder of the County of Allegheny has been filed with the Commission, the employees or appointees, or office holders of the County of Allegheny shall notify the Commission and the Commission, shall conduct an investigation.

14.13 Limitations: The Commission may conduct an investigation within three years after the alleged occurrence of any violation of this Article.

14.14 Special counsel: If the Commission in its discretion deems for any reason that the County Solicitor cannot impartially handle a complaint as provided for herein, the Commission shall be authorized to hire special legal counsel to investigate and, where proper and appropriate, to prosecute the complaint.

## SECTION FIFTEEN ABUSE OF PROCESS OF THE ACCOUNTABILITY, CONDUCT AND ETHICS COMMISSION

15.1 Wrongful use of ethics investigation process: A person who signs or causes or precipitates the signing of a complaint alleging a violation of County Code provisions against another person is subject to liability for wrongful use of this chapter if:

15.1(A) The complaint was frivolous as defined thereby, or without probable cause and made primarily for a purpose other than that of reporting a violation of the County Code provisions; or

15.1(B) The person publicly disclosed or caused to be disclosed that a complaint against a person had been filed with Accountability, Conduct and Ethics Commission; or

15.1(C) A person who signs a complaint alleging a violation of the County

Code provisions has probable cause for doing so if he or she reasonably believes in the existence of facts upon which the claim is based and either;  
or

15.1(D) Reasonably believes that under those facts the complaint maybe valid under this chapter; or

15.1(E) Believes to this effect in reliance upon the advice of counsel, sought in good faith and given after full disclosure of all relevant facts within his or her knowledge and information.

15.2 Allegations of wrongful use and abuse of the ethics provisions of the Allegheny County Code shall be investigated as set forth elsewhere in this chapter and shall in and of themselves be deemed potential violations of the ethics provisions of the Allegheny County Code.

15.3 When the essential elements of an action brought pursuant to this section have been established, damages may be assessed by a court of competent and appropriate jurisdiction considering the following:

15.3(A) The harm to reputation potentially worked by a defamatory matter alleged as the basis of the proceeding; or

15.3(B) The expenses, including any reasonable attorney fees, that the person has reasonably incurred in proceedings before Accountability, Conduct and Ethics Commission; or

15.3(C) Any specific pecuniary loss that has resulted from the proceedings; or

15.3(D) Any emotional distress that has been caused by the proceedings; or

15.3(E) Any punitive damages according to law in appropriate cases; or

## SECTION SIXTEEN PENALTIES

16.1 Upon any proven violation of the the ethics provisions of the Allegheny County Code, including the wrongful acts as described above, any of the following penalties shall be available to the Accountability, Conduct and Ethics Commission for imposition:

16.1(A) Admonition. In compliance with existing personnel practices, collective bargaining agreements, relevant and appropriate statutes, a letter to the respondent, the County Executive, the County council, the director of

the department or the Chair of the board, agency or commission in which the respondent is employed or serving, if any, and the complainant, if any, indicating that the respondent has been found to have violated the the ethics provisions of the Allegheny County Code; or

16.1(B) Public Censure. In compliance with existing personnel practices, collective bargaining agreements, relevant and appropriate statutes, a letter to the respondent, the County Executive, the County Council, the director of the department or the Chair of the board, agency or commission in which the respondent is employed or serving, if any, and the complainant, if any, and the news media, indicating that the respondent has been found to have violated the ethics provisions of the Allegheny County Code, and further that the County of Allegheny strongly disapproves of the actions and activities of the employee or appointee, or office holder of the County of Allegheny and disavows the same; or

16.1(C) Suspension. Recommendation to the County Executive of suspension, without compensation, in compliance with existing personnel practices, collective bargaining agreements, relevant and appropriate statutes, with notification to the respondent, the Director of the department, board, agency or commission in which the respondent is employed, if any, and the complainant, if any; or

16.1(D) Employment termination. Recommendation to the County Executive of termination, in compliance with existing personnel practices, collective bargaining agreements, relevant and appropriate statutes, with notification to the respondent, the Director of the department, board, agency or commission in which the respondent is employed, if any, and the complainant, if any; or

16.1(E) Impeachment. Recommendations of impeachment of an elected official, with notification to the County Executive, the County Council, the respondent and the complainant, if any; or

16.1(F) Restitution. Any person who realizes financial gain by way of a violation of any provision of the County Code, in addition to any other penalty provided by the law or this chapter, shall pay into the treasury of the County of Allegheny, a sum of money to the sum total of the financial gain which resulted from the violation. The Accountability, Conduct and Ethics Commission shall have the power to determine the amount of financial gain realized; or

16.1(G) Business severance. Any employees, or appointees, or office holders of the County of Allegheny, and additionally any person, corporation, company, or other entity found to have participated in or benefited from a violation of this chapter, may be barred from participating in business

dealings with the County of Allegheny for a period of time to be determined by Accountability, Conduct and Ethics Commission in addition to being subject to any other penalty deemed appropriate by the Commission; or

16.1(H) A fine of up to \$5000.00 per violation; or

16.1(I) In cases where the violation of this chapter is also a violation of federal or state law, or of any other summary, misdemeanor or felony violation of any municipal, borough or township law within the County of Allegheny or elsewhere, the matter shall be promptly referred by Accountability, Conduct and Ethics Commission to the proper and appropriate authority or authorities for criminal prosecution; or

16.1(J) Any combination of the above as the Accountability, Conduct and Ethics Commission shall deem fit, reasonable, necessary and appropriate under the circumstances.