

## **WHO MUST FILE THE STATE FINANCIAL DISCLOSURE FORM**

Under the State Ethics Act, Pa. C.S. § 1101 et seq., and State regulations, 51 Pa. Code § 11.1, officials and employees who meet the following guidelines are required to file the State Financial Disclosure Form:

Any official or employee who is responsible for taking or recommending official action of a non-ministerial nature with regard to either:

- (1) contracting or procurement;
  - (2) grants or subsidies;
  - (3) planning or zoning;
  - (4) inspecting, licensing, regulating or auditing any person;
- or
- (5) any other activity where the official action has greater than a de minimis economic impact (this includes being a supervisor)

**AND** who routinely and normally:

- (a) performs these actions in the field without on-site supervision, is the immediate supervisor of such and employee, is the highest level field supervisor of such an employee.

- or -

- (b) has the authority to make final decisions on these actions, prepares or supervises preparation of final recommendations on such actions, has the authority to forward or stop such recommendations, or makes final recommendations, where such actions or recommendations affect organizations other than the employee's own unit.

Please note that the State Ethics Act is revised nearly every year. Please read the “Caution” at the bottom of the Instructions page for the form, and use the form for the current year. Older forms should be discarded.

Under the Act, whether a person must file the State form depends upon the particular duties and responsibilities of the person’s position. The previous page is a description of those kinds of duties and responsibilities that that trigger the disclosure requirement. Based on that description, persons now holding, or who at any time during the previous calendar year (2007) or the current year (2008) held, the following specific types of positions are generally held to be among those who must file:

- Executive directors of boards and commissions;
- Departmental Deputies, unit chiefs, and their assistants (including Police and Fire);
- Attorneys who are employed by the City in that capacity;
- Employees who perform inspections and their immediate and chief supervisors (including Licenses and Inspections, Police and Fire);
- Police and Fire officers, Lieutenant and above;
- Technicians who perform on-site surveys or gather on-site materials for inspections and their immediate and chief supervisors;
- Grant and contract managers and their supervisors who routinely make final decisions or recommendations thereon;
- Code compliance officers and their immediate and chief supervisors;
- Administrative service officers; and
- Accountants and auditors who operate in the field and who make recommendations in their audits, and their supervisors.

As an example, the State Ethics Commission has explicitly ruled that employees with following titles in Philadelphia are among those who must file: Procurement Tech. I and II, Procurement Tech. Supervisor, Tax and Revenue Conferee, Tax and Revenue Conferee Supervisor, Collection Customer Representative Supervisor, Revenue Examiner I, II, and III, Revenue Examiner Trainee, Tax Assessor, Revenue Investigation Supervisor, and Revenue Investigator.

The following positions are generally **not** required to file:

- Members of advisory boards with no authority to spend public funds;
- Clerical and secretarial workers;
- Employees with purely ministerial and non-discretionary duties;
- Internal auditors and analysts who do not review actions of individuals outside government;
- Doctors and nurses who only treat patients;
- Maintenance, construction and road workers and laborers;
- Judges of Elections, Election Inspectors, Clerks of Election and Machine Inspectors;
- Firefighters and police officers who are not unit commanders, unless their duties involve inspecting or licensing;
- Detectives; and
- Security guards.

## **QUESTIONS**

If you have any questions as to whether particular persons must file any form, or any other questions concerning financial disclosure, please contact the Board of Ethics at 686-9450.