

WHO MUST FILE THE STATE, CITY AND MAYOR'S FINANCIAL DISCLOSURE FORMS

1. State Form.

The State Ethics Act, 65 Pa. C.S. § 1101 *et seq.*, provides that each “public employee” shall file a statement of financial interests for the preceding calendar year no later than May 1 of each year he holds such a position and of the year after he leaves such a position. The Definitions section of the State Ethics Regulations, which are located at 51 Pa. Code §11.1, *et seq.*, defines “public employee” as follows:

Public employee -

(i) The term includes an individual who is employed by the Commonwealth or a political subdivision and who is responsible for taking or recommending official action of a nonministerial¹ nature with regard to one or more of the following:

(A) Contracting or procurement.²

(B) Administering or monitoring grants or subsidies.³

(C) Planning or zoning.⁴

(D) Inspecting, licensing, regulating or auditing a person.⁵

(E) Other activities in which the official action has greater than a de minimis economic impact.⁶

(ii) The following criteria will be used, in part, to determine whether an individual is within the definition of “public employee”:

(A) The individual normally performs his responsibility in the field without onsite supervision.

(B) The individual is the immediate supervisor of a person who normally performs his responsibility in the field without onsite supervision.

¹ Nonministerial action - An action in which the person exercises his own judgment as to the desirability of the action taken. Ministerial action - An action that a person performs in a prescribed manner in obedience to the mandate of legal authority, without regard to or the exercise of the person’s own judgment as to the desirability of the action being taken.

² Contracting or procurement - Awarding a contract or making a decision to purchase by the preparation of requests for bids and proposals, the solicitation and evaluation of proposals or the selection of a vendor. The term does not include contracting or purchasing through master contracts or purchasing schedules already awarded.

³ Administering or monitoring grants - Directing, supervising or approving the expenditure or reimbursement of grant funds or monitoring another person’s or organization’s administering of grant funds. The term does not include compiling expenditures, comparing actual to planned expenditures or reimbursements, preparing comparative reports or completing grant proposals or reimbursement forms under specific direction.

⁴ Planning or zoning - An action which is directed by a planning commission, zoning board, department, agency or governmental body which involves the regulation of real property.

⁵ Inspecting, licensing, regulating or auditing - The normal meanings of the terms apply, but the terms do not include activities which are exclusively internal in nature, such as auditing the internal process of an organization, and clerical and procedural activities in issuing permits and licenses.

⁶ De minimis economic impact - An economic consequence which has an insignificant effect.

- (C) The individual is the supervisor of a highest level field office.
- (D) The individual has the authority to make final decisions.
- (E) The individual has the authority to forward or stop recommendations from being sent to the person or body with the authority to make final decisions.
- (F) The individual prepares or supervises the preparation of final recommendations.
- (G) The individual makes final technical recommendations.
- (H) The individual's recommendations or actions are an inherent and recurring part of his position.
- (I) The individual's recommendations or actions affect organizations other than his own organization.

(iii) The term does not include individuals who are employed by the Commonwealth or a political subdivision of the Commonwealth in teaching as distinguished from administrative duties.

(iv) Persons in the following positions are generally considered public employees:

- (A) Executive and special directors or assistants reporting directly to the agency head or governing body.
- (B) Commonwealth bureau directors, division chiefs or heads of equivalent organization elements and other governmental body department heads.
- (C) Staff attorneys engaged in representing the department, agency or other governmental bodies.
- (D) Engineers, managers and secretary-treasurers acting as managers, police chiefs, chief clerks, chief purchasing agents, grant and contract managers, administrative officers, housing and building inspectors, investigators, auditors, sewer enforcement officers and zoning officers in all governmental bodies.
- (E) Court administrators, assistants for fiscal affairs and deputies for the minor judiciary.
- (F) School superintendents, assistant superintendents, school business managers and principals.
- (G) Persons who report directly to heads of executive, legislative and independent agencies, boards and commissions except clerical personnel.

(v) Persons in the following positions are generally not considered public employees:

- (A) City clerks, other clerical staff, road masters, secretaries, police officers, maintenance workers, construction workers, equipment operators and recreation directors.
- (B) Law clerks, court criers, court reporters, probation officers, security guards and writ servers.
- (C) School teachers and clerks of the schools.

2. City Form.

All officials who now hold, or at any time during the current or the previous calendar year held, the following positions are required to file the statement setting forth all financial interests held during the previous calendar year, as required by Philadelphia Code Section 20-610:

Mayor	City Representative
City Councilmembers	Director of Commerce
Managing Director	Fire Commissioner
Director of Finance	Personnel Director
City Solicitor	Procurement Commissioner
Water Commissioner	City Treasurer
Streets Commissioner	Commissioner of Records
Human Services Commissioner	City Controller
Health Commissioner	Sheriff
Police Commissioner	Clerk of Quarter Sessions
Revenue Commissioner	Register of Wills
Commissioner of Licenses & Inspections	District Attorney
Recreation Commissioner	City Commissioners
Commissioner of Public Property	

Board and Commission Members, whether or not compensated (including alternates).

3. Mayor's Form.

All persons who presently hold the following positions are required to file (by Mayor's Executive Order 11-84, as amended):

Mayor	Recreation Commissioner
Members of the Mayor's Office	Commissioner of Public Property
Managing Director	City Representative
Director of Finance	Director of Commerce
Director of Housing	Fire Commissioner
City Solicitor	Procurement Commissioner
Water Commissioner	City Treasurer
Streets Commissioner	Commissioner of Records
Human Services Commissioner	Revenue Commissioner
Health Commissioner	Police Commissioner
Commissioner of Licenses & Inspections	

Deputies of any of the above

Board and Commission Members appointed by the Mayor who receive more than \$40 per meeting or who are paid on an annual basis.