



# **City of Philadelphia**

## **Ethics Manual**

**for**

## **Boards & Commissions**

Updated June 30, 2025

# City of Philadelphia Board of Ethics

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# City Ethics Manual

for Boards & Commissions

## Welcome to the City of Philadelphia!

This manual is a guide to the ethics rules administered and enforced by the City's Board of Ethics. This manual is not meant as legal advice.

There are two types of City boards & commissions:

- boards & commissions that exercise **significant powers of government**
- **advisory** boards & commissions

A list of boards & commissions that exercise significant powers of government is on the next page. While many ethics rules apply similarly, rules that apply **only** to bodies that exercise significant powers of government are highlighted in yellow in this manual.

## What is the Board of Ethics?

The Board of Ethics is a five-member, independent board that provides advice, training, and enforcement for the ethics, lobbying, and campaign finance laws in the **Philadelphia Home Rule Charter** and **The Philadelphia Code**. The Board also issues **regulations** interpreting the laws it administers.

## What are the City's ethics rules?

The Board oversees rules for City officers and employees including:

- Conflicts of Interest
- Financial Disclosures
- Gifts & Gratuities
- Interests in City Contracts
- Political Activity
- Post-employment
- Representation
- Confidential Information

Members of boards & commissions that exercise significant powers of government, as well as the Commission for Women, are also subject to the State Ethics Act. Many rules apply differently to **City employees, elected officers**, and **Council staff**, and we provide separate manuals for those groups. If you have more than one role with the City, you must follow the most restrictive version of the ethics rules that applies.



## Boards & Commissions that Exercise Significant Powers of Government

*A board or commission that existed prior to the date on the cover of this manual and is **not listed below** is advisory. Members of bodies formed after that date should seek advice from Board staff.*

- Air Pollution Control Board
- Art Commission
- Board of Building Standards
- Board of Ethics
- Board of Health
- Board of Labor Standards
- Board of Pensions and Retirement
- Board of Revision of Taxes
- Board of Safety and Fire Prevention
- Board of Surveyors
- City Planning Commission
- Civil Service Commission
- Citizens Police Oversight Commission
- Commission on Human Relations
- *Commission on Women (State law only)*
- Fair Housing Commission
- Free Library of Philadelphia, Board of Trustees
- Historical Commission
- Historical Commission Architectural Committee
- Historical Commission Committee on Historic Designation
- Licenses & Inspections Review Board
- Living Wage and Benefits Review Committee
- Philadelphia Gas Commission
- Sinking Fund Commission
- Tax Review Board
- Vacant Property Review Committee
- Water, Sewer and Storm Water Rate Board
- Zoning Board of Adjustment

*Nominating Panels (select ethics rules apply only when convened)*

- Civil Service Panel
- Citizens Police Oversight Commission Selection Panel
- Education Nominating Panel
- Finance Panel

# Notes

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## Ethics Resources

Board of Ethics Advisory Opinions  
[ethics.pub/opinions](https://ethics.pub/opinions)

Board of Ethics Regulations  
[ethics.pub/regs](https://ethics.pub/regs)

Mayor's Chief Integrity Officer  
[bit.ly/2Rh5NR7](https://bit.ly/2Rh5NR7)  
(215) 686-2178  
[integrity@phila.gov](mailto:integrity@phila.gov)

Pennsylvania State Ethics Commission  
[www.ethics.pa.gov](https://www.ethics.pa.gov)  
(800) 932-0936

City of Philadelphia Law Department  
[bit.ly/2INKYC2](https://bit.ly/2INKYC2)  
(215) 683-5001

# Conflicts of Interest

As board or commission member, you cannot use your City position for your financial benefit. This means you cannot take official action if that action would affect your financial interest or the financial interest of a:

- **family member;**
- **prospective employer;**
- client of your outside business or employer;
- outside business of which you are a member;
- fellow member of such a business; **OR**
- **nonprofit you are affiliated with (per the State Ethics Act).**

Such situations create a conflict of interest which must be managed according to the **City Code, Board Regulation No. 5**, and (where applicable) the **State Ethics Act**.

## What is a financial interest?

A financial interest is any interest involving money or its equivalent. It also includes any right, power, or privilege that has economic value, including interests in property or investments. You have a financial interest in anything that could impact your income, assets, wealth, employment prospects, or business prospects.

Note that the Ethics Code does not apply to past financial interests, absent some ongoing financial relationship or obligation.

## What is official action?

Official action is any action you take (or decide not to take) in your official capacity, using your City position or title, or using City resources. Official action is not just the final action on a matter – it includes steps leading up to the final action, such as discussions, analysis, and recommendations. Thus, most actions that you take in your City role – even as a member of an advisory board or commission – will be considered official action.

Official action does not include ministerial acts. Ministerial refers to situations where a predetermined response is mandatory such that no exercise of official judgment or discretion is required. If a potential conflict arises but you believe the action involved is ministerial, you should contact Board staff for guidance before proceeding.



## Non-City employment

Many board and commission members work for a non-City employer or are self-employed. Take care to identify any situations where your outside employment or business dealings overlap with the activities of your board or commission. For example, you will have a conflict if:

- your employer seeks official action from the City board of which you are a member;
- you apply for a position with a firm that comes before your commission; or
- one of your business partners or business clients appears before your board or commission.

Example 1: You are an Art Commission member who also runs a small art gallery in the City. If you are able to take official action that could impact your own business, such as selling your gallery's art to the City, you would have a conflict of interest.

Example 2: You are a Trustee for the Free Library of Philadelphia whose sibling is a budding children's book author. If you are able to take official action that could impact your sibling, such as deciding whether to host an author event at the Library to promote their book, you would have a conflict of interest.

## What should I do if I have a conflict of interest?

Having a financial interest does not, by itself, violate the ethics rules. If, however, you can take official action to affect that financial interest, you must:

- remove yourself from any such official action; **AND**
- formally disclose the conflict of interest (see process below).

## Which official actions am I disqualified from taking?

The general rule is that you cannot take official action that would affect a covered financial interest. If you are an employee, officer, or owner of a for-profit business, you are disqualified from any official action that would affect that business' financial interest, including the interests of its clients. Other financial interests, such as those involving nonprofit employment, independent contractor arrangements, or family members, involve a slightly narrower range of disqualification. **Board Regulation No. 5, Subpart E** details how disqualification applies to a variety of financial interests.

## How do I disclose a conflict of interest?

Disclosure requirements differ for legislative and non-legislative conflicts. Regardless of the method, a disclosure must include:

- your full name & City title;
- if the interest is through a family member, their full name;
- a description of the financial interest;
- a description of the official actions from which you are disqualified; **AND**
- effective date of disqualification if before date of disclosure.

A disclosure form is available at [ethics.pub/DnD](https://ethics.pub/DnD).

### Non-legislative conflicts

For conflicts unrelated to legislation, or those that relate to potential legislation not yet introduced in Council, you must submit a written disclosure by tracked delivery service\* to:

- Board of Ethics (c/o General Counsel);
- City Department of Records (c/o Records Commissioner); **AND**
- the head of your City board or commission.

### Legislative conflicts

The disclosure requirements are different for conflicts related to legislation that has been introduced in Council.

If you know about the conflict **before the public hearing** on the legislation, the disclosure must be submitted at least five days before such hearing, and shall become part of the official record of hearing.

If you discover the conflict **after the public hearing**, the disclosure must be submitted before the meeting at which Council is scheduled to take action on the legislation.

*Note that legislative conflict disclosures for Councilmembers are different from those for other City officials. Please see the [Ethics Manual for City Elected Officials](#) or [Regulation No. 5, Paragraph 5.20](#) for details.*

### Are there any exceptions to disqualification?

Disqualification is not required where a conflict involves a **matter of general interest**. This exception applies only if the matter

- affects the financial interest of the general public (or a substantial segment thereof); **AND**
- the impact of such action is proportionate to the impact on the general public (or members of the relevant segment thereof).

\* The delivery service must record the dates of both mailing and delivery. Letters can be sent via email, but must also be submitted via tracked delivery.

*Example:* As a member of the Tax Reform Commission, Mr. Phil Lee is considering whether the Commission should recommend reducing property taxes for all City property owners. As a City homeowner, Mr. Lee could save some money if property taxes went down. While Mr. Lee has a financial interest in a real estate tax cut, the bill affects all property owners in the City (a substantial segment of the general public). Because the bill affects Mr. Lee's interests similarly to those of other property owners, he is not disqualified from contributing to this recommendation.

You also may take actions necessary to comply with the disclosure and disqualification requirements, such as asking for ethics advice.

### **Can I reassign duties I am disqualified from performing?**

If you are disqualified from taking official actions, you cannot be the person to reassign responsibility for those tasks. Reassignment can only be made:

- by a superior; **OR**
- by a pre-existing written policy (but not to your subordinate).

For further guidance on handling tasks from which you are disqualified, including how to create a reassignment policy, we recommend that you contact the City's **Law Department** to ensure compliance with the **State Ethics Act**.

### **Are there other conflicts rules I need to know?**

**State Ethics Act:** The **State Ethics Act**, which applies to **many City officers and employees**, also addresses conflicts of interest. Notably, under state law, if you (or a family member) are an officer or director of a nonprofit you will also have a conflict of interest with regard to that entity even if you are not compensated for your nonprofit role. Whether the State Ethics Act applies depends on your City position and duties. The Board can provide informal guidance on State ethics rules. Formal advice is available from the **State Ethics Commission** or the **Law Department**.

**Outside Employment Rules:** **Executive Order 12-16** or departmental policy may restrict your ability to have a second job or run your own business, even if those activities do not create a conflict of interest under City or State law. You should get approval before engaging in outside work. Check with your supervisor and the **Chief Integrity Officer** for guidance.

## Gifts & Gratuities

The Board administers and enforces the **Home Rule Charter** and **City Code** rules on gratuities and gifts. The acceptance of gratuities is prohibited, and the acceptance of gifts is restricted, subject to several exceptions listed in **Code §20-604(3)**.

If you work in the Executive or Administrative branch, **Executive Order 10-16** further restricts gifts. Contact the **Chief Integrity Officer** for guidance on the Executive Order.

Your board or commission may also have its own gift policy. Finally, permissible gifts may be subject to **financial disclosure** requirements.

### What is a gratuity?

A gratuity is anything of value offered as a tip or thank you for your work as a City official. Gratuities of any amount are **prohibited**, unless the gratuity is something of value publicly offered and paid for by the City in recognition of a specific accomplishment.

*Example:* A resident gives you, a Zoning board member, a \$50 gift card as a thank you for approving a new variance on their property. You cannot accept because the gift card is a gratuity.

### What about honoraria?

Honoraria are payments made in recognition of your published works, appearances, speeches, or presentations. If you are subject to the **State Ethics Act**, it prohibits you from accepting honoraria, other than tokens of *de minimis* economic value, while in City office. Additionally, a payment is **not** an honorarium if:

- it is legitimate compensation for your work; **AND**
- the publication or appearance is made in your private professional or occupational capacity **not related to your City position**.

Non-honorarium payments for appearances or publications may still be restricted under other ethics rules. For definitive guidance on State law, please contact the **Law Department** or **State Ethics Commission**.

*Example:* You were invited to speak at a conference about your experience as a member of the Library Board. Because you would be speaking about your role as a member of a non-advisory City board, you may not accept an honorarium for the appearance.

## What is a gift?

A gift is a thing of value not given as thanks for an official act or omission for which you do not pay full value. Whether you can accept a gift depends on its type, value, and source. The restrictions below do not apply to gifts from family members.

## Can I accept a gift?

Restrictions apply to accepting or soliciting gifts from **restricted sources**. Someone is a restricted source if they are:

- seeking official action from you at the time of the gift; **OR**
- if you can affect that person's financial interest through official action in temporal proximity to the gift.

You cannot solicit gifts of any type or value from a restricted source. You cannot accept **monetary gifts** (cash, checks, gift cards) of any amount from a restricted source. You cannot accept **non-monetary gifts worth more than \$99** in total over the course of the calendar year from a single restricted source.

*Example: A resident seeking a grant from a program administered by your City board leaves a \$25 gift card on your desk on July 3rd with a card that says "The British blew a thirteen colony lead – Happy Independence Day!" Because you can affect the applicant's financial interest through your official action, you cannot accept the gift card. You may keep the greeting card because that, by itself, is not a monetary gift (and is worth less than \$99).*

*Note that for members of boards and commissions under the authority of the Executive or Administrative branches, **Mayor's Executive Order 10-16** further restricts the acceptance of non-monetary gifts, making the value threshold \$0 rather than \$99, subject to some exceptions. Contact the **Chief Integrity Officer** for guidance on the Executive Order.*

Under the City Code you may accept non-monetary gifts of \$99 total per calendar year from a restricted source.\* Additionally, exceptions allow you to accept (but not solicit) gifts from restricted sources in excess of \$99 in certain situations. Because each exception is fact-specific, we encourage you to consult with Board staff about whether an exception applies. A full list of exceptions can be found at **Code §20-604(3)**.

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\* Gifts under \$99 may still be prohibited by the Executive Order or internal policy.

Commonly applied exceptions include:

- food and drink given to all attendees at a meeting;
- admission to political events and major life celebrations for which no tickets are required;
- gifts from government entities; **AND**
- attendance at events related to your City duties or expertise (written pre-approval required for non-elected officials).

Finally, you may accept gifts in any amount from someone who is not a restricted source. You may also accept gifts without restriction from a **relative within the third degree of consanguinity**. A commercially reasonable loan made in the ordinary course of business is not a gift.

### **What if I receive a prohibited gift or gratuity?**

You must take prompt action to avoid a violation of the Ethics Code.

#### ***Gratuities & non-perishable prohibited gifts:***

You must return the gift or gratuity within 3 days (or pay full value to its source) and send a letter or email to the Board's Executive Director including:

- Your name and title;
- Source of gratuity or gift; **AND**
- Dates of receipt and return (or payment).

A **form letter** is available on our website.

You may not redirect prohibited gifts, including to a nonprofit.

#### ***Perishable prohibited gifts:***

You must donate, destroy, or share the gift with your coworkers. Note that wine is not considered a perishable gift. You are not required to submit a letter to the Board, but it is prudent to keep your own records of how you handle perishable prohibited gifts.

*Example 1:* A resident who is appealing a tax valuation offers you, a member of the Board of Revision of Taxes, two Eagles tickets with a face value of \$150. The official must decline (or pay for) the tickets because this is a gift from a restricted source with a value over \$99.

*Example 2:* A friend who lives in New Jersey and does no business in Philadelphia gives you two tickets to a Beyoncé concert. You can accept because the tickets are not from a restricted source.

## Confidential Information

As a City board or commission member, you may have access to confidential information. The **City Code** prohibits you from disclosing such information for the purpose of promoting your own financial interests or those of another. This includes confidential information about City property, government, or affairs. Disclosing such information requires proper legal authorization.

*Example:* As a member of the Board of Health, you have information about the City's plans to seek proposals for contracted home healthcare services. You cannot discuss or disclose the details of the City's preferences or process with your colleague who owns a home healthcare company.

## Ex Parte Communications

*Ex parte* means one-sided, and covers any communication that does not include all interested parties. The **City Code** prohibits anyone - whether or not they work for the City - from having *ex parte* communications with members of boards, agencies, authorities, or commissions about a pending adjudication. While many boards and commissions do not handle adjudications, this rule will still apply to you if you do business with the City in your private capacity.

An exception may apply if your official City duties require you to have *ex parte* communications with City officials. This is a narrow exception and you should proceed with caution. You may also be subject to other rules or procedures that do not allow *ex parte* communication even when it would not violate the ethics rules.

*Example:* You are a member of the L&I Review Board who is approached by a neighbor who happens to have a pending appeal of citations issued by L&I. After some small talk, your neighbor launches into their arguments about why the disputed citations should be dismissed. This attempt to engage you in *ex parte* communications is prohibited. You should inform your neighbor that you cannot discuss the pending appeal unless L&I is given the opportunity to participate in the discussion.

# Interests in City Contracts\*

This section only applies to:

- Board of Revision of Taxes Members
- Chair of the Philadelphia Commission on Human Relations

**Home Rule Charter §10-102** prohibits you from financially benefiting from a contract with the City, even if that contract is unrelated to your City duties. In other words, you cannot enter into any arrangement to receive a financial benefit from the City beyond the salary and benefits associated with your City position.

You cannot, for example:

- lease or sell property you own to the City;
- subcontract to do construction on a structure paid for by the City;
- take a job that pays you with funds from a City contract; **OR**
- enter into a contract to provide services to a City department.

The Charter also prohibits you from soliciting any contract that would result in a prohibited interest. This means you cannot seek out an arrangement that would give you an interest you could not hold while in City service. This applies even if you will not actually receive the interest until after you leave City service.

*Example 1:* You own land that the City wants to buy. As a City official, you cannot sell the land to the City. You cannot avoid the rules by selling to the City through a third party.

*Example 2:* While looking for a new job, you see a posting for a position with a City contractor. If the position will be funded by a City contract, you cannot apply for that job while still working for the City.

*Example 3:* You write a book about City Hall. You cannot accept payment either directly or through your publisher for books purchased by the City. You can, however, donate copies of the book.

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\* Similar restrictions on Councilmembers' interests in City contracts can be found at **Charter Section 10-100.**



# Financial Disclosures

If you are a member of a board or commission listed on page ii of this manual, you are required to file an annual statement of financial interests (aka financial disclosure form).

## How do I know if I need to file?

There are two disclosure forms – a **State form**, and a **City form**.

**State Form:** Members of City boards & commissions that exercise significant powers of government under the **State Ethics Act** (those listed in this manual *plus* the Commission on Women) must file the State Form.

**City Form:** Members of City boards and commissions that exercise significant powers of government under City law must file the City Form. **Board Regulation No. 3** further explains the City Form requirements.

You can find further details at [ethics.pub/WhoFilesWhat](https://ethics.pub/WhoFilesWhat). You should get an email in the spring with a link to the **Financial Disclosure Filing System**.

## What do I need to disclose?

The City and State forms require slightly different information and have different thresholds for reporting. Generally, you will need to disclose information about your income, gifts, debts, and ownership interests for the previous calendar year. **Board Regulation No. 3** further explains the City Form requirements.

## When do I need to file?

In general, Financial Disclosure forms must be filed on or before May 1 of each year. If May 1 is not a business day, forms must be filed on or before the next day the City is open for business.

For the **City form**, if it is your first year with the City and you started between January 1 and April 2, you must file by May 1. If you started on or after April 2, you must file within 30 days of your start date.

For the **State form**, if it is your first year and you started before May 1, you must file by May 1. If you start after May 1, you will not need to file for the previous calendar year. Your first filing will be May 1 of the next calendar year.

*Note that depending on your start date, you may need to make disclosures for a calendar year in which you did not have a City role. You will also need to make disclosures for the last calendar year in which you had a City role, even if the filing deadline is after your departure.*

*Example 1a:* You start as a Board of Health member on March 17, 2026. You must file both a City form and a State form by May 1, 2026 disclosing information about calendar year 2025.

*Example 1b:* You are nominated to the Historical Commission on March 17, 2026, but your appointment does not become effective until June 3. You must file a City form no later than July 3, 2026 disclosing information about calendar year 2025. You do not need to file a State form disclosing information about 2025. You will need to file both a City and State form by May 1, 2027 disclosing information about 2026.

*Example 1c:* You resign from the City Planning Commission effective August 30, 2027. You will need to file both a City and State form by May 1, 2028 disclosing information about 2027.

*Example 2a:* You started your new role as a member of the Air Pollution Control Board on February 14, 2025. You must file a State form by May 1 disclosing information about 2024.

*Example 2b:* You start as a member of the Air Pollution Control Board on July 4, 2025. You will need to file a State form by May 1, 2026 disclosing information about 2025.

*Example 2c:* You resign from the City effective October 25, 2026. You will need to file a State form by May 1, 2027 disclosing information about 2026.

## **What if I need help filing?**

Instructions for the **City form** and **State form** are available on the Board's website. If you need additional help, you can reach the Board by email at **[FinancialDisclosures@phila.gov](mailto:FinancialDisclosures@phila.gov)**.

# Political Activity

The **Home Rule Charter** restricts whether, how, and when all City officers and employees can participate in political activity. **Board Regulation No. 8** interprets the Charter and explains more about how these restrictions apply to appointed City officers and employees, including members of City boards and commissions.

## What is political activity?

Political activity is any activity directed toward the success or failure of a candidate, political campaign, political party, or partisan political group. This includes efforts to get a candidate on the ballot (or keep them off), as well as any support for (or opposition to) a candidate, party, campaign, or partisan political group.

This does not include activity related to issues, ballot questions, legislation, or getting out the vote, so long as such activity is not in coordination with a political party, candidate, campaign, or partisan political group.

*Note that the City's ethics laws permit appointed officers and employees from the Administrative or Executive Branch to be temporarily assigned to the Office of the City Commissioners to carry out legally mandated duties to support the administration of public elections. This is not considered political activity and is work done on behalf of the City Commissioners. See the **Election Activity Quick Reference Guide** for more information.*

## What rules apply to members of boards & commissions?

The political activity rules apply differently to four distinct categories of City officers and employees, as outlined below. If you are reading this manual, you should be in either **Group 1 (non-advisory)** or **Group 4 (advisory)**. There are separate manuals for **City officers and employees**, **City Council Staff**, and **elected City officers**.

*Note that Group 2 has the most restrictions on political activity.*

<p><b>1</b> <i>Most officers &amp; employees in the Administrative &amp; Executive Branches</i> <i>Members of Boards &amp; Commissions that exercise significant powers of government</i> <i>(see Reg. 8, ¶8.16)</i></p>	<p><b>2</b> <i>Employees &amp; officers of the City Commissioners, District Attorney, Police, Sheriff, &amp; Board of Ethics</i></p>
<p><b>3</b> <i>City Council Staff</i> <i>(see Reg. 8, ¶8.15)</i></p>	<p><b>4</b> <i>Members of Advisory Boards &amp; Commissions</i></p>

### What is prohibited for all groups?

You are not allowed to engage in any political activity while you are:

- on duty,
- in uniform,
- using City resources,
- in non-public areas of City property, **OR**
- using your City title or position.

You also cannot use your official authority to influence the political activity of your subordinates.

### What restrictions apply to members of non-advisory boards and commissions?

**Political fundraising:** Groups 1, 2 and 3 are all prohibited from having any role in soliciting, collecting, or receiving political contributions. Members of these groups cannot plan or promote political fundraisers, or be a treasurer of a partisan political group.

**Political management:** Groups 1 and 2 are prohibited from having any role in the management of a political party, campaign, or partisan political group. This includes both paid work for any of these groups, as well as any role that involves directing campaign strategy, communications, compliance, or supervising campaign workers. Members of these groups also cannot be a candidate for any public elective office or serve as a committee person, ward leader, or delegate to a political party convention.

**Coordinating with a candidate or campaign:** Group 2 is prohibited from participating in political activity in coordination with any candidate, campaign, party, or partisan political group. Group 1 cannot engage in political activity in coordination with (1) a candidate or campaign for *local office*, or (2) a political party or partisan political group in support of or opposition to a candidate for *local office*.

*Local offices* are: Mayor, City Council, City Commissioner, District Attorney, City Controller, Sheriff, Register of Wills, Court of Common Pleas, Municipal Court, Judge of Elections, Majority and Minority Inspector, and all State Senate and House districts that include any part of the City.

### **What activity is permissible for all officers and employees?**

All City officers and employees may vote in an election and register as a member of a political party. So long as they are off duty, not in uniform, not using City resources, not on City owned or leased property, and do not use their City title, all City officers and employees may also display political signs at home, attend a political event as a spectator, wear a campaign button, and talk about their political opinions. Most City officers and employees may also make political contributions.\*

### **What additional activity is permissible for specific groups?**

So long as they are **not** on duty, using City resources, in non-public City-owned spaces, wearing a City uniform or insignia, or using their City title, position, or status:

- Members of **Group 1**, including members of non-advisory boards and commissions, may volunteer in a non-managerial, non-fundraising role for a campaign for non-local office, including federal and state-wide offices such as President, U.S. House of Representatives, and Pennsylvania Governor.
- Members of **Group 3** may also work on local campaigns; they can also be involved in political management (but not political fundraising), including as a committeeperson or ward leader.
- Members of advisory boards and commissions in **Group 4** may also participate in political management; they can also engage in political fundraising.

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\* Employees of the Police Department have additional restrictions on political donations. They may make political contributions only to political committees not affiliated with a candidate.

## Do the political activity rules apply to social media?

Yes. You can create and engage with political content on social media, but in doing so you must follow the same basic rules as you would if engaging in political activity through any other medium.

This means that you cannot use social media to express your political opinions while you are on duty, using City resources, on City property, or using your City title or your status as a City officer or employee.

This manual offers an outline of some basic restrictions applicable to political activity on social media. For further detail and examples, see our **Political Activity Social Media Guide**.

**Political fundraising.** You also cannot use social media to engage in political fundraising. This includes promoting any content that includes a request for political contributions or a link to a political fundraiser.

**Coordinated political activity.** Members of Group 1 can engage in political activity on social media as a volunteer for a non-local campaign, including political activity coordinated by such a campaign. Members of Group 2 cannot participate in social media activity in coordination with any candidate, campaign, political party, or partisan political group.

**Use of City title or position.** You may not include your City title or employment status in any political content you create or promote. Many social media platforms automatically include user profile information with content you create. **Including your City title or status in your profile through text or images may limit your ability to engage in political activity with that account.** It is your responsibility to know how each platform displays your profile information. If your City title or status will automatically appear with your actions or content, you must choose between including your City title or status and using your social media account for political activity.

**Political activity using City accounts.** You may not engage in political activity using any City-owned or City-operated social media account, or any account that presents itself as being for official City business. This includes creating or interacting with content that supports (or opposes) a candidate, party, campaign or partisan political group.

# Representing Others in City Transactions

The **City Code** restricts when you can represent another person or entity in transactions involving the City.

## What is a transaction involving the City?

A **transaction involving the City** is anything that may:

- be subject to City action;
- involve the City as a party; **OR**
- involve a direct proprietary interest of the City.

Routine applications and information requests, or other matters not requiring a City official to exercise discretion, are not included.

## What type of representation is restricted?

If your role as a member of a City board or commission is **unpaid, part-time, or both**, you cannot act as an agent or attorney in any matter that is:

- pending before your board or commission; **OR**
- you have already participated in through your City role.

This restriction applies equally to **both paid and unpaid** representation, as well as direct and indirect representation.

If you are a **paid, full-time** board or commission member, you cannot act as an agent or attorney in **any** transaction involving the City. This restriction applies even if the transaction is with a different department and is not something you can affect through official action. This rule is meant to prevent any appearance that City officers or employees can get special treatment for their friends or associates.

*Example 1:* You cannot represent your local civic association in applying for or negotiating the terms of a City grant. The grant-making process is a transaction involving the City, and presenting a grant application or negotiating terms involves acting as an agent.

*Example 2:* You may help a vision-impaired neighbor read their water bill.

## Are there additional rules if I am part of a private business?

Yes. If you are a member of a firm, company, or other for-profit business, and other members of that business represent someone in a transaction involving the City that you have authority to act on in your City role, you must disclose and disqualify yourself from taking official action.

## Are there any exceptions?

Except for matters in which you have personally participated or are part of your City duties, you may represent yourself, **close relatives**, or someone for whom you serve as a legal guardian, fiduciary, or executor. You may also represent a City employee in a personnel matter.

In addition, you may be able to represent someone in a transaction with the City if doing so is part of your official duties. This exception does not permit attorneys to represent third parties in transactions with the City. You also may not accept a referral fee for referring any matter in which you are barred from representing a client under the City's ethics rules.

Note that the **Conflicts of Interest** rules still apply even if representation is allowed under the ethics rules.

## Post-City Service

The **City Code** and **State Ethics Act** have restrictions that apply both during a job search for a new/additional job, and after you leave the City.

### What restrictions apply if I am job hunting?

**Conflicts of Interest:** If you can affect a potential or future employer's financial interests through your City role, you must follow the **disclosure and disqualification procedures** outlined in the **Conflicts of Interest** section. This requirement applies regardless of whether you are planning to leave City service.

**Interests in City Contracts:** If you are a member of the Board of Revision of Taxes or the chair of the Commission on Human Relations, you cannot apply for a job that would be funded by a City contract until after your City service ends.

### What restrictions apply after I leave City service?

**One Year:** No representation before your former government body.

For one year after you leave City service, the **State Ethics Act** prohibits you from being paid to represent someone before your former government body. Your former government body is usually the City department or agency you work for, and may also include other departments or agencies you work with or that are in the same vertical on the City's organizational chart.



Representation includes appearances, lobbying, and submitting documents with your name on them. It also includes contacting or attending meetings with employees or members of your former government body if you are doing so on behalf of a new employer or client.

For further guidance on the one-year restriction, please contact the **State Ethics Commission**.

**Examples for State one-year rule:**

*Grant Applications:* You may not be paid to submit a grant application to your former governmental body on behalf of your new employer.

*Meetings:* You may not participate in a meeting with your former colleagues on behalf of your new employer.

*Independent Contractor:* You may not be retained as an independent contractor or subcontractor by your former governmental body.

**Note for attorneys:** *The State Ethics Act does not apply if you are representing someone as an attorney. However, **Pennsylvania Rule of Professional Conduct 1.19** was recently **amended** to prohibit lawyers from lobbying their former government body for a period of one year. For guidance on the Rules of Professional Conduct, please contact the **Philadelphia Bar Association** or **Pennsylvania Bar Association**.*

**Two Years:** No financial interest in your official actions.

For two years after leaving City service, you cannot become financially interested in any actions you took in your City job.

**Examples for City two-year rule:**

*Grant Funding:* If you awarded a City grant to a nonprofit, for two years after you leave the City, you may not be paid through that grant.

*Nonprofits:* For two years after leaving City service, you may not become an employee of a City-related non-profit that you helped establish as part of your City work.

*Contract Work:* If during your City service you approved a vendor's contract, for two years after leaving the City you may not be paid by the vendor to work on that contract.

**Forever:** No assistance with any matter in which you participated.

If you were compensated to any degree for your role as a member of a City board or commission, you may never assist another person in a **transaction involving the City** if you participated in that transaction during your City service. This applies even if you are unpaid or just working behind the scenes.

#### **Examples for City permanent rule:**

*Lobbying:* You may not lobby City officials regarding legislation you worked on for the City, nor may you draft talking points for your new employer to present.

*Contract Negotiations:* You may not negotiate with the City on behalf of your new employer if you participated in the same negotiations before leaving City service. You may, however, assist your new employer in negotiating a renewal of a contract you worked on for the City (subject to the one- and two-year rules).

#### **What about financial disclosures?**

If you are required to file a **statement of financial interests** under either City or State law, you will need to file the year after you leave City service. Forms are due by May 1 and disclose information about the previous calendar year. Disclosures are required for each year you served, regardless of the reason your service ended or how many days you served during that calendar year. Therefore, you must file disclosures for your final year of service by May 1 of the next year.

# Other Ethics & Transparency Rules

## Mandatory Ethics Training

Under **Board Regulation No. 7**, all City officials must attend ethics training within 90 calendar days of their effective date of employment or beginning of their term of service.

In addition to this initial training, ***members of all City boards and commissions must attend ethics refresher training each calendar year.*** The annual training requirement also applies to elected officials, cabinet members, agency heads, and any other City officer or employee that the Mayor designates. An agency head may also require their subordinates to attend annual ethics training at their discretion.

Beginning in 2025, all other City officers and employees must attend ethics training at least once every five years as follows:

<i>Start Years Ending</i>	<i>Training Required In</i>
<i>0 or 5</i>	<i>2025</i>
<i>1 or 6</i>	<i>2026</i>
<i>2 or 7</i>	<i>2027</i>
<i>3 or 8</i>	<i>2028</i>
<i>4 or 9</i>	<i>2029</i>

## Lobbying

The City's Lobbying Law, as set forth in **City Code §20-1200** and **Board Regulation No. 9**, ensures the disclosure of lobbying activity by those seeking to influence City government. Lobbying includes any effort to influence legislative or administrative action by:

- direct communications (interactions between the lobbyist, lobbying firm, or principal and a City officer or employee);
- indirect communications (efforts to encourage others, usually members of the public, to take action); **OR**
- providing any gift, hospitality, transportation or lodging to a City official or employee to advance the interest of a principal, lobbyist, or lobbying firm.

Lobbying does not need to involve a specific “ask.” It includes promotion of policy positions or the interests of groups or organizations.

## **What should I do if I am being lobbied?**

If you are required to file a **statement of financial interests** under either City or State law, you must disclose gifts, hospitality, transportation, and lodging received from or paid for by a lobbyist, principal, or lobbying firm on those forms.

All other lobbying disclosures are the responsibility of the principals, lobbyists, and lobbying firms. You are not required to file lobbying disclosures when somebody lobbies you or your office.

Lobbyists and principals must also disclose gifts to you or your family members of \$25 or more on quarterly lobbying reports. Lobbying filers must notify you before disclosing any gifts.

## **What if my City office wants to engage in lobbying?**

If your board or commission decides to engage in lobbying of other City officials, such lobbying is not subject to registration and disclosure so long as it is performed entirely by government employees. If you hire outside lobbyists or a lobbying firm and spend over the quarterly threshold, your office needs to register as a principal and file lobbying reports.

Note that this only applies to lobbying of City officials. Lobbying other government officials may be subject to disclosure under State or Federal law.

## **Are there any restrictions on lobbyist behavior?**

In addition to requiring registration and reporting, the Lobbying Law does have some guardrails for lobbyists' handling of clients and interactions with public officials. Among other things, lobbyists cannot attempt to influence City officers and employees with any promise of money, including personal loans or campaign contributions. Lobbyists must disclose, if asked, the name of the principal they represent. You can search for registered lobbyists, lobbying firms, and principals and view public expense reports online in the **Philadelphia Lobbying Information System (PLIS)**.

## Campaign Finance

Philadelphia's Campaign Finance Law applies to candidates for City elective office, people and organizations that contribute to those candidates, and others who make expenditures to influence City elections. Candidates for City elective office must also comply with the **Pennsylvania Election Code**.

The City's Campaign Finance Law, as set forth in **City Code §20-1000** and **Board Regulation No. 1**, has three main components:

- Contribution limits;
- Required electronic filing of campaign finance reports; **AND**
- Rules about how candidates use political committees and bank accounts for their campaigns.

Campaign finance obligations do not stop after an election. The campaigns of a former candidates, including those who win, must continue to file campaign finance reports until all outstanding debt is paid off. Reports must also be filed for any litigation fund or transition and inauguration committees.

For more information on Campaign Finance Law, see our **Campaign Finance Resource Guide** and **Frequently Asked Questions**. Specific questions can be directed to [campaign.finance@phila.gov](mailto:campaign.finance@phila.gov).

## Penalties

Violations of the City's ethics rules can have serious consequences. The Board can impose civil penalties of up to \$2,000 for most violations. Violators may also be required to repay illegal financial gains, and may be subject to disciplinary action up to and including removal from their City position.

The **State Ethics Act** separately provides for penalties, damages, and other consequences for violations of State ethics rules.

The **settlement agreements** posted on the Board's website provide examples of penalties levied for violations of the City's ethics rules.

# Philadelphia Home Rule Charter\*

## *(Selected Sections Administered by the Board of Ethics)*

### ***§ 10-100. Councilmembers Not to Engage in Certain Activities; Penalties.***

As provided by statute, no councilmember shall solicit, benefit by, or be interested directly or indirectly in any contract for the purchase of property of any kind to be paid for from the City Treasury, nor shall such councilmember be interested directly or indirectly in any contract for the erection of any structure, or for the supplying of any services to be paid for out of the City Treasury, nor shall such councilmember solicit or recommend the appointment of any person to any position in the civil service, nor shall such councilmember interfere with the performance of the duties of the members of the Philadelphia Police, or of any other employees in any department, board or commission of the City.

#### **ANNOTATION**

Sources: Act of June 24, 1939, P.L. 872, Section 682; Act of June 25, 1919, P.L. 581, Article XX, Section 3; A Model State Civil Service Law, Section 19.

Purposes: 1. Ethical standards of conduct preclude one who is a City officer from soliciting in a private capacity or personally profiting or being interested, directly or indirectly, in contracts with the City whose officer he is. See Act of June 24, 1939, P.L. 872, Section 682.

2. An effective civil service regime and principles of employment on merit preclude a legislator from soliciting or recommending the appointment of any person to a civil service position. Councilmen appropriate funds to City agencies and are in a position to affect in that manner and in other ways administrative operations. Officers of such agencies must remain completely free from pressures of legislators, direct or indirect, in staffing their offices with civil service personnel. If a Councilman were permitted to solicit or recommend an appointment, an administrative officer might assume such pressure and might be influenced by it as a matter of protecting the interest of his agency and position, regardless of the motives, integrity and intentions of the Councilman.

3. For comparable reasons, Councilmen are emphatically prohibited from interfering with the performance of the duties of any employees in the executive and administrative branch of the City government. An employee should perform his duties as required by law and by his superiors and not because of a fear of legislative retaliation, whether or not such fear is in fact warranted.

4. For penalties for violating this section, see Section 10-109.

### ***§ 10-102. City Officers and Employees Not to Engage in Certain Activities.***

As provided by statute, the Mayor, the Managing Director, the Director of Finance, the Personnel Director, any department head, any City employee, and any other governmental officer or employee whose salary is paid out of the City Treasury shall not benefit from and shall not be interested directly or indirectly in any contract for the purchase of property of any kind nor shall they be interested directly or indirectly in any contract for the erection of any structure or the supplying of any services to be paid for out of the City Treasury; nor shall they solicit any contract in which they may have any such direct or indirect interest.

#### **ANNOTATION**

Sources: See Section 10-100.

Purposes: See Annotation to Section 10-100.

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\* A complete and updated version of the Charter is available at [bit.ly/3ui4qFX](http://bit.ly/3ui4qFX).

### **§ 10-105. Gratuities.**

No officer or employee of the City and no officer or employee whose salary or other compensation is paid out of the City Treasury shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or omission in the course of his public work. Provided, however, that the head of any department, board or commission of the City or other agency receiving appropriations from the City Treasury may permit an employee to receive a reward publicly offered and paid, for the accomplishment of a particular task.

#### **ANNOTATION**

Sources: No specific source.

Purposes: 1. Public officers and employees are compensated with public funds to perform the task for which they were elected, appointed or employed. Their holding office or employment presupposes their faithful discharge of all their duties without more. An exception is recognized and permitted in instances of a special reward authorized by the head of an agency for special accomplishments, such as the apprehension of a criminal, acts of particular courage and bravery, the devising of new methods or inventions to effect economies in the expenditure of City funds, and the like. Otherwise, however, no public official or employee should do that which he ought to do or not do that which he is not supposed to do because of the inducement of receiving directly or indirectly any benefit in addition to that which is the lawful incident of his position. The solicitation or acceptance of any such benefit by any City officer or employee of the executive or legislative branch or by any County or other governmental employee whose compensation is paid from the City Treasury is prohibited.

2. For penalties for violating this section, see Section 10-109.

### **§ 10-107. Political Activities.**

(1) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the civil service.

(2) No person shall, for the purpose of influencing the vote or political action of any person, or for any consideration, use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the civil service, or an increase in pay or other advantage in employment in any such position.

(3) No officer or employee of the City and no officer or employee of any governmental agency whose compensation is paid from the City Treasury shall, from any person, and no officer or member of a committee of any political party or club shall, from any civil service employee, directly or indirectly demand, solicit, collect or receive, or be in any manner concerned in demanding, soliciting, collecting or receiving, any assessment, subscription or contribution, whether voluntary or involuntary, intended for any political purpose whatever. No officer or member of the Philadelphia Police or of the Fire Department shall pay or give any money or valuable thing or make any subscription or contribution, whether voluntary or involuntary, for any political purpose whatever.\*

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\* The City was permanently enjoined from enforcing the last sentence of this subsection as to uniformed members of the Fire Department, by a decision of the federal court on October 6, 2003. *Philadelphia Fire Fighter's Union Local 22, AFL-CIO v. City*, 286 F. Supp. 2d 476 (E.D. Pa. 2003).

(4) No appointed officer or employee of the City, except for an employee of the Council, shall be a committee person, ward leader, delegate, or other officer of a political party, or an officer of a partisan political group, or take any part in the management or affairs of any political party, partisan political group or political campaign, with the following generally applicable exception.

(a) Such appointed officers and employees may participate in non-managerial volunteer activity in support of a candidate for any office, but not including for a state or local office for which Philadelphia electors cast ballots other than in a campaign for an office elected on a state-wide basis.

(b) The exception for participation in non-managerial volunteer activity in support of a candidate set forth in subsection (a) shall not apply to an employee of the Offices of the Sheriff, City Commissioners or District Attorney, or any officer or member of the Police Department, or any member or employee of the Board of Ethics.

(c) No appointed officer or employee of the City shall use a City title while engaged in any political activity.

(d) No officer or employee of the City shall engage in any political activity while on duty or utilize City resources for or while engaging in political activity.

(e) Nothing in this section prohibits an appointed officer or employee from expressing a political or other opinion as a private citizen or from exercising the right to vote.

(5) No officer or employee of the City, except elected officers running for re-election, shall be a candidate for nomination or election to any public office unless he shall have first resigned from his then office or employment.

(6) Any officer or employee of the City who violates any of the foregoing provisions of this section shall, in addition to any penalties provided for hereafter, be subject to a sanction of ineligibility for any office or position under the City for up to one year.

### **ANNOTATION**

Sources: A Model State Civil Service Law, Section 19; Act of June 25, 1919, P.L. 581, Article XIX, Section 23.

Purposes: 1. Merit principles of governmental employment require the divorcement of politics from such employment. They presuppose employment upon merit and not because of political connections, powers and pressures. They also presuppose that governmental employment will not serve as a means for political tribute to maintain political parties and regimes. The prohibitions of this section are intended to sustain these basic principles and precepts subject to certain qualifications which political necessities require to be made at certain levels of employment and office-holding. Absolutism in this area is neither necessary nor practicable for the fact is that political parties are essential parts of the democratic form of government in the United States. This section attempts to balance the public interest involved.

2. All City officers, elected or appointed, and all City employees, civil service or non-civil service, and all officers and all employees of governmental agencies compensated with City funds, such as County officers and employees, are prohibited from demanding, soliciting, collecting or receiving from any person assessments, subscriptions or contributions for political purposes.

3. Members of a political party or clubs are prohibited from demanding, soliciting, collecting or receiving from any civil service employee such assessments, subscriptions or contributions. This prohibition does not apply to elected and appointed officers and non-civil service employees because political realism and democratic traditions require that a line be drawn here.

4. Voluntary contributions for political purposes are permitted to be made by civil service employees except that, because of the nature of their duties, policemen and firemen may not under any circumstances make any contributions for political purposes.



5. Officers and employees, except officers running for re-election, must resign before becoming candidates for nomination or election to public office. This requirement is imposed because an officer or employee who is a candidate for elective office is in a position to influence unduly and to intimidate employees under his supervision and because he may neglect his official duties in the interest of his candidacy.

6. The prohibitions of this section are phrased so that they may not be evaded by any indirect means whatsoever. Thus it is unlawful for a member of a political party to solicit advertisements from a civil service employee for a program or magazine the profits of which will inure to the benefit of a political party. It is likewise unlawful to sell tickets to a civil service employee for a dance or show benefiting a political party.

7. Any person violating this section is subject to penalties of imprisonment, fine and, if he is an officer or employee, to removal from office or dismissal (Section 10-109) and ineligibility for a period of one year to holding office or any position under the City.

### ***§ 10-109. Penalties.***

A violation of any of the foregoing sections of this article shall be punishable by a fine of up to the maximum of the City's authority to establish fines by statute, and if the violator is an officer or employee of the City, ineligibility for any office or position under the City for up to one year or, in the case of egregious conduct, by removal from office or immediate dismissal.

### ***ANNOTATION***

Sources: See Act of April 21, 1949, P.L. 665, Section 17.

Purposes: The maximum penalties that can be imposed under the enabling legislation (see Act of April 21, 1949, P.L. 665, Section 17) are made applicable in cases of violation of Sections 10-100 to 10-108 inclusive because of the gravity of such offenses. In addition, if a violator is an elective or appointive officer of the City, he is to be immediately dismissed from his position and in certain instances he becomes ineligible for appointment to or employment in any City position. See Sections 10-107 and 10-108.\*

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\* General Counsel's Note: Annotations to Sections 10-107 and 10-109 were not updated to reflect amendments to the penalty structure.

# The Philadelphia Code\*

## ***Chapter 20-600. Standards of Conduct and Ethics***

### ***§ 20-601. Definitions.***

- (1) Agency. Any office, department, board, commission, or other entity that is part of the government of the City, including City Council.
- (2) Annual Salary. Payment for services pursuant to Section 20-303, 20-304 and 20-305 of this Chapter except in those instances in which the rate of compensation is based upon the number of meetings attended or days worked.
- (3) Board. Board of Ethics.
- (4) Board or commission member. A member of any City of Philadelphia board or commission established by The Philadelphia Home Rule Charter, The Philadelphia Code, or an Executive Order.
- (5) Business. Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or legal entity organized for profit.
- (6) City. City of Philadelphia.
- (7) Commodity. Any movable or tangible thing that is produced or used as the subject of barter or sale.
- (8) Family member. A parent, spouse, life partner, child, brother, sister or like relative-in-law.
- (9) Financial Interest. An interest involving money or its equivalent or an interest involving any right, power or privilege that has economic value.
- (10) Gift. A payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value given to, or for the benefit of, an officer or employee, unless consideration of equal or greater value is received. "Gift" shall not include a political contribution otherwise reportable as required by law, a commercially reasonable loan made in the ordinary course of business, or a gift received from a Family member of the individual or from a relative within the third degree of consanguinity of the individual or of the individual's spouse or Life Partner, or from the spouse or Life Partner of any such relative.
- (11) Government entity. Any agency, office, department, board, commission, authority, or other entity that is part of the United States or a State, local, or foreign government.
- (12) Income. Any money or thing or value received, or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other form of recompense or any combination thereof.
- (13) Indirect Interest in Real Estate. Any business entity the assets of which are 80 percent or more in real property.
- (14) Life partner. A member of a Life Partnership that meets the criteria set forth in Code Section 9-1102(1)(r) and is verified pursuant to § 9-1123(1) (relating to verification of life partnerships).
- (15) Major life event. Marriage, separation from City employment, birth or adoption of a child, death or serious illness of a family member, 25th or 50th wedding anniversary, a ceremony celebrating a religious or cultural life cycle event such as baptism, first communion, or bar mitzvah, or a similarly rare and significant event in someone's life.

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\* A complete and updated version of the Code is available at [bit.ly/3qKVqqE](https://bit.ly/3qKVqqE).

- (16) Money or monetary gifts. Cash, checks, money orders, or the equivalent, including pre-paid debit or gift or credit cards.
- (17) Official action. An act or omission taken by an officer or employee in his or her official capacity that requires discretion and is not ministerial in nature.
- (18) Officer or Employee. Any person who is elected or appointed to a position in any branch of the government of the City and/or County of Philadelphia or to any elected or appointed position which serves the City and/or County of Philadelphia including, but not limited to, members of agencies, authorities, boards and commissions however elected or appointed; persons serving full-time or intermittently; persons serving with or without compensation.
- (19) Part-time Service. Service rendered by any City officer or employee who is not employed by the City on a full-time basis in any capacity. This shall include members of agencies, authorities, boards and commissions who are paid on the basis of each meeting attended.
- (20) Person. A business, individual, corporation, non-profit, union, association, firm, partnership, committee, political committee, club, or other organization or group of persons.
- (21) Reception. An afternoon or evening event at which only items such as appetizers, beverages, or light fare are served or a morning event at which items such as coffee, juice, pastries, or bagels are served.
- (22) Relative within the third degree of consanguinity. An individual's family members and grandparent, grandchild, great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual.
- (23) Security. Any contract, transaction or scheme whereby a person invests his money in a common enterprise and there is an expectation of profit solely through the efforts of a third party. The term security shall include, but not be limited to, any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas or other mineral rights, or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, warrant or right to subscribe to or purchase, any of the foregoing.
- (24) Solicit. To directly or indirectly request, ask, appeal for, or demand any gift, cash or otherwise, that falls within the confines and definitions of this Chapter.
- (25) Subordinate. An officer or employee is the subordinate of his or her superior and of his or her superior's superiors.
- (26) Superior. An officer or employee whose official duties include directing or evaluating the performance of an officer or employee and any superior of that officer's or employee's superior.

(27) Transactions Involving the City. Any proceeding, application, submission, request for a ruling, or other determination, contract, lease, claim, case, award, decision, decree, judgment or legislation including ordinances and resolutions or other particular matter which the City officer or employee in question believes, or has reason to believe (a) is or will be the subject of City action; or (b) is one to which the City is or will be a party; or (c) is one in which the City has a direct proprietary interest. This shall not include routine applications or requests for routine information or other matters which are of a ministerial nature and do not require the exercise of discretion on the part of any City officer or employee.

***§ 20-602. Representation by City Officers, Employees and Members of Council.***

(1) (a) No member of the Council nor other City officer or employee shall assist another person by representing him directly or indirectly as his agent or attorney, whether or not for compensation, in any transaction involving the City. This Section shall not apply to any assistance rendered by any member of Council or other City officer or employee in the course of or incident to his official duties, or to any person who holds any City office or position who is not compensated for his service by the City. Subject to Section 20-602(4).

(b) No member of Council or other City officer or employee shall accept any fee from anyone for referring any matter to another person where the member of Council or other City officer or employee would be barred from assisting or representing them under this ordinance.

(2) An uncompensated City officer or employee or a compensated City officer or employee whose service is part-time (excluding members of City Council or other City officers or employees who are paid on an annual basis) is subject to the foregoing paragraph only in relation to a particular matter (a) in which he has at any time participated through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or (b) which is pending in the department, agency, authority, board or commission of the City in which he is serving.

(3) A member of Council or other City officer or employee may take uncompensated action, not inconsistent with the faithful performance of his duties, to aid or assist any person who is the subject of disciplinary, or other personnel administration proceedings with respect to those proceedings.

(4) A member of the Council or any other City officer or employee may act, with or without compensation, on his own behalf or as agent or attorney for, or otherwise aiding or assisting, his parents, spouse, Life Partner, child, brother, sister or any person for whom he is serving as guardian, executor, administrator, trustee, or other personal fiduciary, except in those matters in which he has participated personally as a member of Council, City officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility.

(5) No member or employee of a partnership, firm, corporation, or other business organization or professional association organized for profit of which a member of the Council or other City officer or employee is a member shall represent any person directly or indirectly as agent or attorney in any matter in which such member of the Council or other City officer or employee has the responsibility for decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise determining such matters, unless such member of the Council or other City officer or employee shall disclose such fact and disqualify himself from such responsibility in the manner set forth in Section 20-608.

### ***§ 20-603. Post-Employment Representation.***

(1) No person who has served for compensation as a member of Council, City officer or employee shall assist, at any time subsequent to his City service or employment, another person, with or without compensation, in any transaction involving the City in which he at any time participated during his City service or employment.

### ***§ 20-604. Gifts, Loans and Favors to City Personnel.***

(1) No City officer or employee shall accept or receive gifts worth more than \$99.00 in the aggregate per calendar year or any gifts of money from any person who is seeking official action from that officer or employee or who has a financial interest at the time, or in close proximity to the time the gift is received, which the officer or employee is able to substantially affect through official action. An officer or employee may not solicit gifts of any value from a person who is seeking official action from that officer or employee or who has a financial interest the officer or employee is able to substantially affect through official action.

(2) No person shall offer, make or render gifts worth more than \$99.00 in the aggregate per calendar year or any gifts of money to any City officer or employee if the person is seeking official action from that officer or employee or has a financial interest at the time, or in close proximity to the time the gift is received, which the officer or employee is able to substantially affect through official action.

(3) An officer or employee may accept, but not solicit, the following gifts, notwithstanding that the person giving the gift may be seeking official action from that officer or employee or may have a financial interest the officer or employee receiving the gift is able to substantially affect through official action:

(a) Hospitality provided at a residence when the donor or a family member of the donor is present;

(b) Food, beverages, or entertainment provided at a reception for which attendees do not have to purchase a ticket;

(c) Rebates or discounts offered to members of the general public or a class of persons, including rebates or discounts offered to a class of officers or employees;

(d) Gifts resulting solely from the officer's or employee's membership in a bona fide charitable, professional, educational, labor, or trade organization;

(e) Free attendance at an event celebrating a major life event of another individual, for which attendees do not have to purchase a ticket;

(f) Food and beverages provided to all participants in the ordinary course of a meeting where the food and beverages are provided at the site of the meeting;

(g) Food and beverages provided by a superior, subordinate, or other co-worker and consumed as part of an office or agency event;

(h) Gifts resulting solely from the officer's or employee's outside employment;

(i) Gifts resulting solely from the officer's or employee's life partner's or spouse's business or employment activities;

(j) Free admission to political events, including food and beverages, if the officer or employee is permitted to engage in political activity in coordination with candidates, political parties, or partisan political groups;

(k) Payment or reimbursement of an officer's or employee's reasonable expenses for admission, travel, lodging, or food and beverage related to attendance at an event, convention, conference, seminar, or fact-finding trip that will benefit the City and is reasonably related to the officer's or employee's official duties or expertise.

(l) Tickets for public events given to an elected officer or employee that the elected officer or employee does not personally make use of and gives to members of the public, who shall not include a family member of the officer or employee or a member of the officer's or employee's government or campaign staff.

(m) A gift from a government entity.

(4) Other Limitations On Gifts.

(a) No person shall give a gift to an officer or employee through another person if this Ordinance would prohibit the person from giving the gift directly to the officer or employee.

(b) A gift to another person is a gift to an officer or employee if the officer or employee solicits the gift and receives a financial benefit from it.

(c) If a person offers an officer or employee a gift prohibited by this Ordinance, the officer or employee shall not suggest or request an alternative recipient, such as a charity.

(5) Valuation of Gifts.

(a) The value of a gift is the retail cost the officer or employee would incur to purchase the gift. An officer or employee who does not know the retail cost of a gift shall estimate the retail cost by reference to similar items of like quality.

(b) The value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit shall be the face value of the ticket.

(6) Written Approval.

(a) Elected officers and board and commission members. An elected officer or a board or commission member does not need to obtain written approval in order to accept a gift pursuant to subsection (3)(k) of this Section.

(b) Heads of Executive Branch agencies. The head of an Executive Branch agency must obtain written approval from either the Mayor or the Mayor's designees prior to accepting a gift pursuant to subsection (3)(k) of this Section. The written approval must identify the date of the receipt and nature of the gift and describe how the officer's or employee's participation or attendance will benefit the City and is related to his or her official duties and/or expertise.

(c) Most officers and employees. Any officer or employee not covered by subsection (6)(a) or subsection (6)(b) must obtain written approval from the head of his or her agency, or the agency head's designee, prior to accepting a gift pursuant to subsection (3)(k) of this Section. The written approval must identify the date of the receipt and nature of the gift and describe how the officer's or employee's participation or attendance will benefit the City and is related to his or her official duties and/or expertise.

(d) Factors relevant to determining whether an officer's or employee's attendance at an event, convention, conference, seminar, or fact-finding trip will benefit the City and is reasonably related to the officer or employee's official duties or expertise include but are not limited to:

i. Whether the officer or employee is scheduled to deliver a speech, make a presentation, serve on a panel, or otherwise represent the City in his or her official capacity; and

ii. Whether the officer or employee will receive training or information that he or she can use to fulfill his or her official duties.

(7) The Board shall not impose a civil penalty on an officer or employee who receives a gift restricted by this Ordinance if he or she within three days of receiving the gift:

(a) If the gift is perishable and it is not practicable to return it to the donor, donates the gift to charity, shares it with co-workers, or destroys it; or

(b) Notifies the Board's Executive Director by postal mail or e-mail that he or she has returned the gift to the donor or paid the donor the full value of the gift and provides the following information:

- i. The officer's or employee's name and title;
- ii. The source of the gift;
- iii. The date the gift was received or accepted; and
- iv. The date the gift was returned or paid for, and, if paid for, the amount paid.

### ***§ 20-605. Exparte Communication.***

No person shall, directly or indirectly, communicate in any way with any member of any board, agency, authority or commission of the City as to any adjudicative matter which is, or which may reasonably be, expected to be pending before such board, agency, authority or commission for the purpose of influencing said member of such board, agency, authority or commission, unless a full disclosure of such communication is simultaneously made available to the other party or parties in interest with respect to such matter. This shall not apply to any communication by a member of Council or by any other City officer or employee in the performance of his official duties.

### ***§ 20-606. Board of Ethics.***

(1) Powers and Duties.

(a) Rules and Regulations. The Board shall promulgate rules and regulations as are necessary to implement and interpret the provisions of this Chapter consistent with the goal of providing clear guidance regarding standards of conduct and ethics.

(b) Mandatory Training and Education.

(i) The Board shall have the responsibility of training and educating all City officers and employees regarding the standards of conduct and ethics. In fulfilling this responsibility, the Board shall prepare and disseminate educational materials regarding the provisions contained within this Chapter and related interpretive regulations, including a Code of Ethics Manual, and shall develop and conduct routine and mandatory educational and training programs for all City officers and employees. The Board shall consult with City departments and agencies in developing and conducting routine and mandatory educational and training programs for all City employees. Failure to attend a mandatory ethics program shall be deemed a violation of this Chapter.

(ii) Within sixty (60) days of the effective date of the Ordinance adding this provision to The Philadelphia Code, each head of a City department shall provide a copy of this Chapter to all employees under his or her direction. Thereafter, on or before the tenth day after an individual becomes a City officer or employee, each head of a City department shall provide a copy of this Chapter to all such new officers or employees. Upon receipt of a copy of this Chapter, the City officer or employee shall sign a written statement that such officer or employee has read and shall conform with the provisions of this Chapter, and this statement shall be placed in the City officer's or employee's personnel file. Failure of a City officer or employee to receive a copy of this Chapter, failure to receive and sign such written statement, or failure to maintain the written statement on file shall have no effect on the duty of the City officer or employee to be in compliance with this Chapter.

(iii) Within one year of the effective date of the Ordinance adding this provision to The Philadelphia Code and annually thereafter, all elected City officers, all cabinet members, all City department heads, and all board and commission members, and their respective staff members as determined by the Board based on staff position, shall participate in an educational and training program conducted by the Board. Failure to attend the mandatory ethics program shall be deemed a violation of this Chapter.

(iv) The Board shall develop procedures for all City officers and employees to obtain informal guidance and assistance in understanding and maintaining compliance with the standards of conduct and ethics.

(c) Ethics Training and Education for Businesses. The Board shall develop, in conjunction with the Procurement Commissioner, a code of business ethics manual and conduct education and training programs for use by all businesses who may conduct business with the City.

(d) Advisory Opinions.

(i) The Board shall render advisory opinions with respect to all matters pertaining to the standards of conduct and ethics. An advisory opinion shall be rendered on the request of a City officer or employee or a supervisor of such City officer or employee and shall apply only to such City officer or employee. The request shall be in such form as the Board may require and shall be signed by the person making the request. The opinion of the Board shall be based on such facts as are presented in the request or subsequently submitted in a written, signed document.

(ii) Advisory opinions shall be issued only with respect to proposed future conduct or action by a City officer or employee. A City officer or employee whose conduct or action is the subject of an advisory opinion shall not be subject to penalties or sanctions under this Chapter by virtue of acting or failing to act due to a reasonable reliance on such opinion, unless material facts were omitted or misstated in the request for the opinion. The Board may amend a previously issued advisory opinion after giving reasonable notice to the City officer or employee that it is reconsidering its opinion; provided that such amended advisory opinion shall apply only to future conduct or action of the City officer or employee.

(iii) The Board shall make public its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of any City officer or employee or other involved party in accordance with regulations promulgated by the Board.

(e) Financial Disclosure.

(i) All Statements of Financial Interest required pursuant to Section 20-610 shall be filed with the Board.

(ii) The Board shall issue rules and regulations concerning the filing of Statements of Financial Interest for the purpose of ensuring compliance by all City officers and employees with the applicable provisions of financial disclosure law. The Board shall investigate any instances of non-compliance and take appropriate action.

(f) Complaints.

(i) The Board shall receive written complaints alleging violations of this Chapter. All such complaints must be signed by the complainant and the Board shall preserve the confidentiality of the complainant and keep information, records and proceedings relating to an investigation confidential at all times.

(ii) Whenever a written complaint is received by the Board, it shall:

(.1) Dismiss the complaint if it determines that no further action is required by the Board;

(.2) Investigate internally;



(.3) Make an initial determination as to whether there is probable cause to believe that a City officer or employee has violated a provision of this Chapter and, if so, proceed to adjudicate the matter in accordance with the regulations promulgated under paragraph (g) of this Section; or

(.4) Refer the alleged violation of this Chapter to the head of the City agency in which the City officer or employee serves if the Board deems the violation to be minor or if related disciplinary charges are pending against the City officer or employee; or

(.5) Refer the alleged violation to the Inspector General or other appropriate enforcement authorities.

(g) Investigations and Referrals.

(i) The Board shall have the power to conduct an investigation of any matter related to the Board's responsibilities under this Chapter.

(ii) Whenever a City agency receives a complaint alleging a violation of the provisions of this Chapter or determines that a violation of this Chapter may have occurred, it shall refer such matter to the Board. Such referral shall be reviewed and acted upon by the Board in the same manner as a complaint received by the Board under paragraph (e) of this Section.

(h) Adjudication. The Board shall, by regulation, provide for adjudication of alleged violations of this Chapter; or Section 10-102, 10-105 or 10-107 of the Home Rule Charter (relating to City Officers and Employees; Gratuities; and Political Activities); insuring in each case that notice and an opportunity to be heard are provided prior to any final decision by the Board. If the Board finds that there has been a violation of this Chapter it may impose penalties pursuant to Section 20-612. If the Board finds that there has been a violation of Section 10-102, 10-105 or 10-107 of the Charter, it may impose penalties pursuant to Section 10-109 of the Charter (relating to Penalties), provided that no penalty set forth in Section 10-109 other than a monetary penalty shall be issued in an adjudication under this subsection (h). Findings and decisions of the Board on any actions taken by the Board shall be final and there shall be no further appeal other than to court as provided by law.

(i) Confidentiality. Except as otherwise provided in this Chapter, the records, reports, memoranda and files of the Board shall be confidential and shall not be subject to public inspection, except as otherwise provided by law. Also, no person shall disclose or acknowledge to any other person any information relating to a complaint, investigation, referral or pending adjudication, except as otherwise provided by law.

(j) Retaliation Prohibited. No officer or employee shall discharge, or change the official rank, grade or compensation, or deny a promotion or threaten to do so of an officer or employee for filing a complaint with or providing information to the Board, or for testifying in any Board proceeding.

(k) Frivolous Complaints. If an officer or employee has reason to believe a complaint to the Board is frivolous, or without probable cause and made primarily for a purpose other than that of reporting a violation of this Chapter, or a person publicly disclosed or caused to be disclosed that a complaint against an officer or employee has been filed with the Board, the official or employee shall notify the Board and the Board shall conduct an investigation.

(l) Annual Report and Recommendations.

(i) The Board shall submit an annual report to the Mayor and City Council. The report shall include a summary of the proceedings and activities of the Board, a description of the education and training conducted, a summary and evaluation of complaints and referrals received and their disposition, such legislative and administrative recommendations the Board deems appropriate, the rules of the Board,

and an index of opinions and orders of that year. The report, which shall be made available to the public, shall not contain any information which, if disclosed, would constitute an invasion of the privacy of a City officer or employee.

(ii) The Board shall, whenever it deems necessary, make recommendations to the Mayor and to City Council which seek to improve the administration and enforcement of this Chapter, including any legislative changes which help strengthen or clarify the standards of conduct and ethics.

(2) Mandatory Cooperation with the Board. All City officers and employees shall cooperate fully with any request of the Board made pursuant to the execution of the Board's powers and duties. Any City officer or employee who fails or refuses to cooperate with the Board shall be deemed to be in violation of this Chapter.

### ***§ 20-607. Conflict of Interest.***

(1) Unless there is public disclosure and disqualification as provided for in Section 20-608 hereof, no member of Council, or other City officer or employee shall be financially interested in any legislation including ordinances and resolutions, award, contract, lease, case, claim, decision, decree or judgment made by him in his official capacity, or by any board or body of which he is a member nor shall any financial interest be held by a parent, spouse, Life Partner, child, brother, sister or like relative-in-law, or by any person, firm, partnership, corporation, business association, trustee or straw party for his or her benefit, nor shall a member of Council or other City officer or employee be a purchaser at any sale or vendor at any purchase made by him in his official capacity. This latter prohibition shall apply so as to prevent a parent, spouse, child, brother, sister or like relative-in-law or any person, firm, partnership, corporation, business association, trustee or straw party from being such purchaser or vendor for or on behalf of the member of City Council, City officer or employee.

(2) In the event that a financial interest in any legislation (including ordinances and resolutions) award, contract, lease, case, claim, decision, decree or judgment, resides in a parent, spouse, Life Partner, child, brother, sister, or like relative-in-law of the member of City Council, other City officer or employee; or in a member of a partnership, firm, corporation or other business organization or professional association organized for profit of which said member of City Council, City officer or employee is a member and where said member of City Council, City officer or employee has knowledge of the existence of such financial interest he or she shall comply with the provisions of Section 20-608(a)(b)(c) of this ordinance and shall thereafter disqualify himself or herself from any further official action regarding such legislation (including ordinances and resolutions) award, contract, lease, case, claim, decision, decree or judgment.

(3) No member of Council or other City officer or employee shall become financially interested, subsequent to final action, in any legislation including ordinances and resolutions, award, contract, lease, case, claim, decision, decree or judgment made by him in his official capacity, during his term of office or employment and until two (2) years have elapsed since the expiration of service or employment in the term of office of said member of Council or other City officer or employee.

This prohibition shall apply so as to prevent a parent, spouse, Life Partner, child, brother, sister or like relative-in-law or any person, firm, partnership, corporation, business association, trustee or straw party from becoming financially interested for or on behalf of a member of City Council, City officer or employee within said two (2) year period.

### ***§ 20-608. Public Disclosure and Disqualification.***

(1) Any member of City Council having a financial interest, under Section 20-607(a), (b), in any legislation including ordinances and resolutions, shall make public the nature and extent of such interest as set forth in paragraph (a) hereof. Other City officers and employees having a financial interest in legislation, including ordinances and resolutions, shall make public the nature and extent of their interest as set forth in paragraph (b) hereof. When any member of City Council or other officer or employee has a financial interest in an award, lease, case, claim, decree or judgment, such person shall make public the nature and extent of the interest as set forth in paragraph (c) hereof. Thereafter, such person shall disqualify himself or herself from any further official action regarding such legislation including ordinances and resolutions; award, contract, lease, case, claim, decree or judgment.

(a) In the case of a member of Council, it shall be done at the scheduled public hearing of such legislation including ordinances and resolutions; if such interest occurs after the public hearing and prior to five (5) days before such legislation is to be acted upon, it shall be made by registered or certified mail to the Chief Clerk of the Council and all members of the Council and be announced by the presiding officer of the Council at the time the legislation is called up for consideration; if such interest occurs less than five (5) days prior to the action by the Council on such legislation, the member shall announce his interest publicly on the floor of the Council in public session. This provision shall apply notwithstanding the fact that the member of Council did not participate or was absent upon or during the vote or consideration of such legislation.

(b) In the case of any other City officer or employee having such interest in legislation including ordinances and resolutions, he shall notify the Chief Clerk of the Council and every member of the Council, by registered or certified mail, at least five (5) days prior to the public hearing on the legislation and such notice shall be made part of the official records; in the event said interest occurs after the public hearing, the City officer or employee shall notify the Chief Clerk of the Council and every member of the Council by registered or certified mail, prior to the time of the Council meeting when action is to be taken upon said legislation.

(c) Where there is a financial interest, as set forth in Section 20-607(a), by any member of Council or other City officer or employee in any award, contract, lease, case, claim, decree or judgment, other than legislation, the person having such interest, prior to any City action thereon, shall notify, by registered or certified mail, the Commissioner, Secretary and/or Executive Director of the pertinent agency, authority, board or commission, and the Board of Ethics and the Department of Records which shall maintain a public record of such notices; in the event of action within a department or by a department head, such notice by registered or certified mail shall be given, prior to any action taken, to the Mayor, the Managing Director, the Board of Ethics and the Department of Records which shall maintain a public record of such notices.

This Section shall not apply to routine applications or requests for routine information or other matters which are of a ministerial nature and do not require substantial discretion on the part of a City officer or employee.

### ***§ 20-609. Confidential Information.***

No member of the Council or other elected official or City officer or employee, paid or unpaid, full-time or part-time, shall directly or indirectly disclose or make available confidential information concerning the property, government or affairs of the City without proper legal authorization, for the purpose of advancing the financial interest of himself or others.

### ***§ 20-610. Statement of Financial Interests.***

(1) The following individuals shall file a statement of financial interests for the preceding calendar year with the Board of Ethics no later than the first day of May of each year that the individual holds office and of the year after the individual leaves such office. All such individuals who take office after the effective filing date or less than thirty (30) days before the effective filing date must file a statement of financial interest for the preceding calendar year within thirty (30) days of taking office.

- (a) Individuals who hold City elective office;
- (b) The Finance Director, Managing Director, City Solicitor, the Mayor's Chief of Staff, and all deputy mayors;
- (c) Heads of executive branch agencies;
- (d) Members of the Mayor's cabinet not otherwise listed;
- (e) Members and executive directors of boards and commissions that exercise significant powers of government, as determined by the Board of Ethics by regulation;
- (f) Any other executive branch employee whose position is designated by the Mayor in writing to the Board of Ethics.

(2) The statement of financial interests filed pursuant to this Section shall be signed under penalty of perjury and include the following information for the prior calendar year with regard to the filer:

- (a) The name and City position of the filer.
- (b) The occupation or profession of the filer.
- (c) Any real estate directly or indirectly owned in whole or in part by the filer that was sold or leased to, purchased or leased from, or subject to any condemnation proceeding by the City of Philadelphia or any other government entity or any City-related non-profit or agency.
- (d) The name and address of each creditor to whom is owed in excess of five thousand dollars (\$5,000) and the interest rate thereon. However, loans or credit extended between members of the immediate family and mortgages securing real property which is the principal residence of the individual filing shall not be included.
- (e) The name of any person who is the direct or indirect source of income totaling in the aggregate five hundred dollars (\$500) or more. Any filer whose salary is paid out of the City Treasury, not including members of boards and commission who receive compensation on a per-meeting basis, shall additionally report the amount of income received from any direct or indirect source of income totaling more than five thousand dollars (\$5,000). Election not to receive a salary that is fixed by Charter or ordinance shall not relieve a filer from their obligations pursuant to this subsection. However, this subsection shall not be construed to require the divulgence of confidential information protected by statute or existing professional codes of ethics.
- (f) The name of any person from whom a gift or gifts valued in the aggregate at two hundred dollars (\$200) or more were received, and the value and the circumstances of each gift. A filer need not disclose any tickets received from the City. A filer who is an elected official must disclose tickets for public events received from a third party if the filer sells the tickets, attends the event themselves, or gives the tickets to a family member or a member of their campaign staff, but need not disclose such tickets when distributed to constituents or others for free. Records of receipt and distribution of tickets not subject to disclosure must be maintained.
- (g) The source and amount of any honorarium received which is in excess of one hundred dollars (\$100).

(h) The name of any business or not-for-profit entity in which the filer holds any office, directorship or employment of any nature whatsoever.

(i) The legal name of any business entity engaged in business for profit in which the filer holds a financial interest of more than five percent (5%).

(3) All statements of financial interest filed pursuant to the provisions of this Section shall be made available online and for public inspections and copying during regular office hours.

(4) For purposes of this Section, the following definitions shall apply:

(a) Filer means an individual required to file a statement of financial interests pursuant to subsection 20-610(1).

***§ 20-611. Notice to Members of Council, Other City Officers and Employees.***

It shall be the duty of each head of a department, agency, authority, board, and commission to furnish a copy of this ordinance to each and every employee under his or her direction.

***§ 20-612. Penalties and Other Consequences of Violations.***

(1) Penalties for violations of this Chapter shall be as set forth in Chapter 20-1300.

(2) City Council shall have the right to repeal legislation enacted in violation of this Chapter. The Mayor, with the concurrence of a majority of all the members of City Council, may void any award, contract, lease, case, claim, decision, decree or judgment made in violation of this Chapter, provided that no such legislative act including ordinances and resolutions, award, contract, lease, case, claim, decision, decree of judgment may be avoided because of the interest of an officer or employee unless such contract is made in the official capacity of such officer or employee or by a board or body of which he is an officer, member or employee.

***§ 20-613. Ethics-Related Matters Incorporated as Part of this Chapter.***

(1) The following provisions of the Code are incorporated by reference as part of this Chapter and shall be subject to the jurisdiction of the Board of Ethics under § 20-606 (including, but not limited to, the Board's powers and duties relating to education, training, issuance of advisory opinions, receipt of complaints, investigations, referral, and adjudication), and violations of these provisions shall be subject to the penalties set forth in Chapter 20-1300:

(a) The provisions of § 17-1407(2) prohibiting certain persons from making material misrepresentations or omissions in disclosures required by Chapter 17-1400 (relating to Non-Competitively Bid Contracts) and by Chapter 17-1300 (relating to Competitively Bid Contracts).

(b) The provision of § 20-1006(4) prohibiting the failure to file information as required by § 20-1006 or the making of material misstatements or omissions in any filing required by that Section in Chapter 20-1000 (relating to Campaign Contributions and Expenditures).

***§ 20-614. Severability.***

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are severable.

***§ 20-615. Repealer.***

This ordinance hereby repeals any prior inconsistent ordinance.

# Regulation No. 3 (Statement of Financial Interests)

## SUBPART A. SCOPE; DEFINITIONS

**3.0 Scope.** This Regulation, promulgated by the Board pursuant to its authority under Sections 4-1100 and 8-407 of the Philadelphia Home Rule Charter and Chapter 20-600 of The Philadelphia Code, interprets the requirements and prohibitions of Philadelphia Code Section 20-610 (Statement of Financial Interests). The examples provided in this Regulation are for illustration and are not exhaustive.

**3.1 Definitions.** As used herein, the following words and phrases shall have the meanings indicated.

**a. Board.** Board of Ethics.

**b. Business.** Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or legal entity organized for profit.

**c. City.** City of Philadelphia.

**d. City-related agency.** Any governmental entity, such as SEPTA or the Philadelphia Redevelopment Authority, or other body established by federal, state, or City law that receives appropriations from the City or has board members or directors who are appointed by the Mayor or City Council or are City officers or employees serving ex officio.

**e. City-related non-profit.** Any not-for-profit entity established by the City, such as the Delaware River Waterfront Corporation, Community Behavioral Health, the Philadelphia Housing Development Corporation, and the Philadelphia Industrial Development Corporation.

**f. Employee.** An employee of the City, including those serving full-time, part-time, or seasonally, and those on leaves of absence with or without pay, but not including:

i. Elected officials; or

ii. An employee on unpaid leave to be a full-time elected officer or appointed staff representative of a City employee union.

**g. Family member.** A parent, spouse, life partner, child, brother, sister, or like relative-in-law.

**h. Filer.** An individual required to file a Statement of Financial Interests pursuant to this Regulation.

**i. Financial interest.** An interest involving money or its equivalent or an interest involving any right, power, or privilege that has economic value, including interests in property or investments.

**j. Gift.** A payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value given to, or for the benefit of, an officer or employee, unless consideration of equal or greater value is received. "Gift" shall not include a political contribution otherwise reportable as required by law, a commercially reasonable loan made in the ordinary course of business, or a gift received from a family member of the individual or from a relative within the third degree of consanguinity of the individual or of the individual's spouse or Life Partner, or from the spouse or Life Partner of any such relative.

**k. Government entity.** Any agency, office, department, board, commission, authority, or other entity that is part of the United States or a State, local, or foreign government.

**l. Honorarium.** Payment made in recognition of published works, appearances, speeches, or presentations and which is not intended as consideration for the value of such services. The term does not include tokens presented or provided which are of de minimis economic impact.

**m. Immediate family member.** A parent, spouse, life partner, child, or sibling.

**n. Income.** Any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense, or any combination thereof. As used in this Regulation, amounts of income refer to gross income, i.e. the amount before any costs, taxes, fees, benefit premiums, or other deductions or offsets are applied.

**o. Life partner.** An individual who has a long-term committed relationship with another individual of any gender.

**p. Officer.** An individual who is elected or appointed to any position under the Charter or in a City department, agency, office, board, or commission, whether paid or unpaid.

**q. Person.** A business, individual, corporation, non-profit, union, association, firm, partnership, committee, political committee, club, or other organization or group of persons.

**r. Reporting year.** The calendar year immediately preceding the year in which a Statement of Financial Interests must be filed.

**3.2 Applicability.** Except where expressly indicated otherwise, the provisions of this Regulation apply to all officers and employees of the City who are required to file a Statement of Financial Interests.

## ***SUBPART B. WHO MUST FILE A STATEMENT OF FINANCIAL INTERESTS***

**3.3 Elected Officers.** Mayor, City Councilmember, City Controller, District Attorney, City Commissioner, and Sheriff.

### **3.4 Executive Branch Officers and Employees.**

**a.** The Managing Director, City Solicitor, Mayor's Chief of Staff, Finance Director, Chief Administrative Officer, Commerce Director, Director of Planning and Development, Director of Labor, City Representative, Chief Integrity Officer, Chief Diversity, Equity, and Inclusion Officer, Chief Education Officer, Inspector General, City Treasurer, and any other deputy mayor or member of the Mayor's cabinet not specifically listed herein.

**b.** The Police Commissioner, Health Commissioner, Fire Commissioner, Streets Commissioner, Parks and Recreation Commissioner, Commissioner for the Department of Human Services, Water Commissioner, Commissioner of Public Property, Commissioner of Licenses and Inspections, Commissioner of Records, Revenue Commissioner, Procurement Commissioner, Prisons Commissioner, Commissioner for the Department of Behavioral Health and Intellectual disability Services, Commissioner of the Department of Fleet Services, and Director of the Free Library.

**c.** The heads of the following offices: Office of Policy; Office of Communications; Office of LGBT Affairs; Office of People with Disabilities; Office of Public Engagement; Mayor's Office of Black Male Engagement; Mayor's Office of Civic Engagement and Volunteer Services; Mayor's Office of Engagement for Women; Mayor's Office of Youth Engagement; Office of Faith-Based and Interfaith Affairs; Office of Worker Protections; Office of Labor Standards; Office of Labor Relations; Office of Violence Prevention; Office of Homeless Services; Office of Emergency Management; Office of Community Empowerment & Opportunity; Office of Arts, Culture, and the Creative Economy;

Office of Special Events; Office of Immigrant Affairs; Office of Transportation, Infrastructure, and Sustainability; Office of Complete Streets; Office of Sustainability; Office of Economic Opportunity; Office of Administrative Review; Office of Innovation and Technology; Office of Human Resources; Office of Grants and Recovery; Office of Budget and Program Evaluation; Office of Risk Management; Office of Property Assessment; Finance Program Management Office; and Office of Children and Families.

**d.** Any executive branch employee whose position is designated by the Mayor in writing to the Board's Executive Director via email or letter. The Board shall maintain a list of all such designated positions.

**3.5 Boards and Commissions.** Members and executive directors of the following boards and commissions:

- a.** Air Pollution Control Board
- b.** Art Commission
- c.** Board of Building Standards
- d.** Board of Ethics
- e.** Board of Health
- f.** Board of Labor Standards
- g.** Board of Pensions and Retirement
- h.** Board of Revision of Taxes
- i.** Board of Safety and Fire Prevention
- j.** Board of Surveyors
- k.** City Planning Commission
- l.** Citizens Police Oversight Commission
- m.** Civil Service Commission
- n.** Commission on Human Relations
- o.** Fair Housing Commission
- p.** Free Library of Philadelphia, Board of Trustees
- q.** Historical Commission
- r.** Historical Commission Architectural Committee
- s.** Historical Commission Committee on Historic Designation
- t.** Licenses & Inspections Review Board
- u.** Living Wage and Benefits Review Committee
- v.** Philadelphia Gas Commission
- w.** Police Advisory Commission
- x.** Sinking Fund Commission
- y.** Tax Review Board
- z.** Water, Sewer and Storm Water Rate Board
- aa.** Zoning Board of Adjustment

**3.6 Nominating Panels.** A member of the Educational Nominating Panel, Civil Service Panel, Citizens Police Oversight Commission Selection Panel, or Finance Panel, but only when the panel is convened.



## **SUBPART C. FILING STATEMENTS OF FINANCIAL INTERESTS**

### **3.7 Filing Deadline**

**a.** An individual who is required to file a Statement of Financial Interests must do so by the first day of May in any year in which they hold office and by the first day of May of the year after they leave such office.

**b.** An individual who takes office after the first day of April shall file within 30 days of taking office.

**c.** An employee that the Mayor designates to file a Statement pursuant to Paragraph 3.4(d), shall do so either by May 1st or within 30 days of the designation.

#### *Examples for Paragraph 3.7*

1) An individual accepts a position as the head of a City Department on April 28, 2021. They must file a Statement of Financial Interests with the Board by May 28, 2021. The information in the Statement will relate to calendar year 2020.

2) An individual is appointed to a board listed in Paragraph 3.5 on August 3, 2021. They must file a Statement of Financial Interests with the Board by September 2, 2021. The information in the Statement will relate to calendar year 2020.

3) An individual steps down as a member of a board listed in Paragraph 3.5 on January 2, 2021. They must file a Statement of Financial Interests with the Board by May 1, 2021 disclosing information related to calendar year 2020. They must also file a Statement of Financial Interests with the Board by May 1, 2022 disclosing information related to calendar year 2021.

4) A nominating panel listed in Paragraph 3.6 convenes on September 15, 2021 and concludes its work on November 1, 2021. The panel's members must each file a Statement of Financial Interests with the Board by October 15, 2021 disclosing information related to calendar year 2020. They must also each file a Statement of Financial Interests with the Board by May 1, 2022 disclosing information related to calendar year 2021.

### **3.8 Filing Requirements & Responsibilities**

**a.** A Statement of Financial Interests is considered filed when it is received by the Department of Records. Electronic filings are filed when successfully submitted through the electronic filing system. Paper filings are filed when received during business hours by the Department of Records at the address specified on the form.

**b.** A Statement of Financial Interests must certify that the information is true and correct under Pennsylvania criminal law prohibiting false statements to authorities, 18 Pa. C.S. § 4904. Both the electronic filing system and the paper form must include such a certification.

**c.** A Statement of Financial Interests must include all the information required by Subpart D.

**3.9 Amendments.** Filers shall promptly amend a previously filed Statement of Financial Interests upon learning that any information required therein is missing or incorrect. Amendments may be submitted electronically using the "Amend" button next to any existing filing. Only Statements previously filed electronically may be amended using the electronic filing system. Amendments made using paper forms must check the "Amended Statement" box.

## **SUBPART D. CONTENT OF STATEMENT OF FINANCIAL INTERESTS**

**3.10** A Statement of Financial Interests shall include the information described in Paragraphs 3.11 through 3.18 as follows:

**a. Reporting year.** Any information required to be disclosed in a Statement of Financial Interests shall be for the calendar year preceding the year in which it is filed, unless the filing is late or is amending a report from an earlier year. A late Statement must provide information for the reporting year for which it is overdue. An amended Statement must disclose information for the same reporting year as the initial filing.

**b. Reportable interests.** A filer must disclose all financial interests held by the filer at any time during the reporting year, even if no longer held at the time of filing and regardless of whether they were a filer at the time the interest was held or received.

**c. Interests responsive to multiple categories.** If a filer holds a financial interest that is covered by more than one disclosure category, the filer shall include the relevant information in all applicable categories.

*Example for Paragraph 3.10(c)*

During the reporting year, you received a property worth \$200,000 as a gift, collected rents of \$4,500 on that property for part of the year, and then sold the property to a State agency for \$250,000. The property must be addressed as a gift under Paragraph 3.15, as a real estate interest under Paragraph 3.12, and as income under Paragraph 3.14.

**3.11 Identifying information.** A filer shall include the following identifying information:

**a. Name.** The filer's first name, last name, and middle initial.

**b. Public position or office.** Each position or office the filer holds (or at any time during the reporting year held). If the filer holds more than one City position or office, they shall list each such position and office.

**c. City entity.** For each position or office listed, provide the City department, agency, board, or commission within which that position or office resides.

**d. Occupation or profession.** The filer's occupation or profession. This should reflect the work performed by the filer as their primary role or employment, whether or not they perform that work for the City. The filer's occupation or profession may be different from the title of the filer's position or office, or it may be the same.

**3.12 Real estate interests.** A filer shall disclose any real estate directly or indirectly owned in whole or in part by the filer that was sold or leased to, purchased or leased from, or subject to any condemnation proceeding by the City of Philadelphia or any other government entity or any City-related non-profit or agency. For each such property, the filer shall disclose:

**a.** the physical address of the property, and

**b.** the nature of the financial interest the filer holds (or at any time during the reporting year held), including the type and percentage of ownership.

**3.13 Creditors.** A filer shall disclose each creditor to whom the filer owed more than \$5,000 at any time during the reporting year.

**a.** For each such creditor, the filer shall disclose:

**1.** the creditor's name;

**2.** the creditor's address; and

**3.** the interest rate(s) applied to the debt(s) owed to that creditor.

**b.** Disclosure of creditors is not required for:

**1.** loans or credit extended between members of the filer's immediate family; or

**2.** mortgages securing real property which is the principal residence of the filer.

### **3.14 Income.**

**a.** A filer shall make disclosures related to sources of income as follows:

**1.** Gross income of \$500 or more. A filer shall disclose the name of any person who is the direct or indirect source for the filer of income totaling in the aggregate \$500 or more during the reporting year.

**2.** Gross income of more than \$5,000. In addition to disclosing the name of the source as required in Paragraph 3.14(a), a filer shall disclose the gross amount of any income totaling more than \$5,000 in the aggregate received from a single source during the reporting year.

**b.** Disclosures required by Paragraph 3.14(a) must meet the following requirements:

**1.** A filer must disclose income from any business entity in which the filer holds a financial interest if during the reporting year the entity:

- i.** distributes money to the filer;
- ii.** agrees to distribute funds to the filer at some point in the future; or
- iii.** makes any payment for the personal financial benefit of the filer.

**2.** A filer who operates a business as a sole proprietor must report all income earned by that business during the reporting year.

**3.** A filer may disclose income from a business by EITHER:

**i.** listing the particular business to which such income can be attributed and disclosing the gross amount received if more than \$5,000; OR

**ii.** listing the name of each individual client of the business that paid \$500 or more and disclosing the gross amount received from any individual client in excess of \$5,000.

The filer must disclose all names under which the business operates. If the type of business conducted is not evident from the business name, the filer shall include a brief description of the type of business conducted.

**4.** In making such disclosures, the filer need not divulge any confidential information protected by statute or existing professional codes of ethics.

#### *Examples for Paragraph 3.14*

1) Stella Luna practices law as the Law Office of Stella Luna, Esq. Her law practice had \$360,000 in gross receipts during the reporting year. On her disclosure form, Stella may list the Law Office of Stella Luna, Esq. and the full amount of income she received from the business (\$360,000). Alternatively, Stella may list each client from whom she received \$500 or more and include the amount received for any client from whom she received more than \$5,000.

2) Jane Drain operates a modest plumbing business that grossed \$60,000 during the reporting year. During the reporting year, Jane's business had six clients. One client paid her \$400, one paid her \$4,000, and the other four each paid her more than \$5,000.

On her disclosure form, Jane may disclose the business under her name if she adds a description such as "(plumbing business)" and also discloses that she received \$60,000 from the business. Alternatively, Jane may list each of the five clients who paid \$500 or more. For the clients who paid her more than \$5,000 she must also list the actual amount she received from each of them.

3) You are the Vice President of and have a 50% interest in a limited liability company that owns several commercial properties. Tenants of those properties pay rent to the LLC.

3a) During the reporting year, you receive a distribution of \$3,000 from the LLC. You must report the LLC as a source of income, but because the amount you received was less than \$5,000 you need not disclose the amount of income.

3b) During the reporting year, you make a payment of \$10,000 from the LLC's bank account to purchase a new car for yourself. You must report the LLC as a source of income and must disclose \$10,000 as the amount of income received.

3c) During the reporting year, the LLC uses all rents and other funds received to pay the ownership and maintenance costs of its existing properties, as well as purchase a new property for the LLC. It does not make a distribution to you, nor does it make any payments for your personal financial benefit. As a result, you need not disclose the LLC as a source of income (although you do need to disclose the LLC, as provided by Paragraphs 3.17 and 3.18).

**3.15 Gifts.** For each person who gave the filer any gifts worth \$200 or more in the aggregate in the calendar year, the filer shall disclose the name of the person, the value of the gift(s), and the circumstances of each gift. Disclosure is required regardless of whether the gift was permissible under City Code Section 20-604, an Executive Order, or other applicable gift rule.

**a. Gifts to others.** A gift to another person is a gift to the filer if the filer solicits the gift and receives a financial benefit from it.

**b. Gift exceptions.** The following are not "gifts" for the purposes of this Regulation and need not be disclosed:

1. a political contribution otherwise reportable as required by law;
2. a commercially reasonable loan made in the ordinary course of business; or
3. a gift received from a family member of the individual or from a relative within the third degree of consanguinity of the individual or of the individual's spouse or Life Partner, or from the spouse or Life Partner of any such relative.

**c. Valuation of gifts.** Except as provided in Paragraph 3.15(d)(4) relating to tickets, the value of a gift is the retail cost the officer or employee would incur to purchase the gift. An officer or employee who does not know the retail cost of a gift shall estimate the retail cost by reference to similar items of like quality.

**d. Tickets.**

**1. Tickets from the City.** A filer need not disclose any tickets received from the City.

**2. Tickets received by City elected officials.** A filer who is a City elected official must disclose tickets for public events received from a third party only if the filer:

- i. sells the tickets;
- ii. attends the event themselves; or
- iii. gives the tickets to a family member or a member of their campaign staff.

The elected official need not disclose tickets received from a third party if those tickets are distributed to constituents or others for free.

Records of the receipt and distribution of tickets must be maintained by the filer regardless of whether those tickets are subject to disclosure on the filer's Statement of Financial Interests.

**3. Valuation of tickets.** The value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit shall be the face value of the ticket.

**3.16 Honoraria.** For each honorarium of more than \$1001F received by the filer in the reporting year, the filer shall disclose the name of the source and the amount of the honorarium.

**3.17 Offices, directorships, and employment.** For each business or nonprofit entity in which the filer holds any office, directorship, or employment of any nature whatsoever, the filer shall disclose:

- a. the legal name of the entity and
- b. the position(s) held.

**3.18 Interests in for-profit businesses.** For each entity engaged in business for profit in which the filer holds a financial interest of more than 5%, the filer shall disclose the legal name of the entity.

### ***SUBPART E. PENALTIES***

**3.19** An officer or employee of the City who violates any of the restrictions set forth in this Regulation shall be subject to a civil penalty of up to \$2,000 for each such violation. In determining the appropriate amount of monetary penalty, the Board may consider both mitigating and aggravating factors.

Mitigating factors that the Board may consider include: (i) a good faith effort to comply with the law; (ii) prompt corrective action; and (iii) prompt self-reporting to the Board of Ethics.

Aggravating factors that the Board may consider include whether the violator: (i) acted knowingly; (ii) is a repeat offender; or (iii) obstructed the investigation of the Board of Ethics.

# Regulation No. 5 (Conflicts of Interest)

## ***SUBPART A. SCOPE; DEFINITIONS.***

**5.0 Scope.** This Regulation, promulgated by the Board pursuant to its authority under Sections 4-1100 and 8-407 of the Philadelphia Home Rule Charter and Chapter 20-600 of The Philadelphia Code, interprets the requirements and prohibitions of The Philadelphia Code Sections 20-607, 20-608, and 20-602(5). To the extent this Regulation references, but does not incorporate, prohibitions or requirements of the State Ethics Act, 65 Pa. C.S. §1101, et seq., such references (in bracketed, italicized text) are for educational purposes only and do not confer any new authority on the Board to enforce State law. The examples and lists provided in this Regulation are for illustration and are not exhaustive.

**5.1 Definitions.** As used herein, the following words and phrases shall have the meanings indicated.

**a. Board.** Board of Ethics.

**b. Business.** Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or legal entity organized for profit, including nonprofits and limited liability companies, but not including a government entity or City-related nonprofit.

**c. City.** City of Philadelphia.

**d. City board or commission.** Any City board or commission, without regard to the body's title (including a body denoted as a board, commission, council, committee, task force, working group, panel, or other similar designation), established by the City's Home Rule Charter, ordinance, or Executive Order.

**e. City officer or employee.** Any person who is elected or appointed to a position in any branch of the government of the City including:

1. elected City officials;
2. employees of the City, including those serving full-time, part-time, or seasonally, and those on leaves of absence with or without pay;
3. members of City boards and commissions;
4. individuals appointed or assigned to any City position, whether paid or unpaid, that exercises significant powers of government.

**f. City-related nonprofit.** Any not-for-profit entity established by the City through administrative or legislative action, such as the Delaware River Waterfront Corporation, Community Behavioral Health, the Philadelphia Housing Development Corporation, and the Philadelphia Industrial Development Corporation.

**g. City resources.** All real and personal property, facilities, equipment, supplies, and services that are owned, purchased, or leased by the City.

**h. Family member.** A parent, spouse, life partner, child, brother, sister, or like relative-in-law.

**i. Final action.** As to an individual, any approval, denial, disposition, or decision that typically concludes that individual's authority over or consideration of a matter. As to a board, commission, or other body, any approval, denial, disposition, collective positive or negative consensus, or other determination, whether by vote or otherwise, that concludes the body's authority over or consideration of a matter.

**j. Financial interest.** An interest involving money or its equivalent or an interest involving any right, power, or privilege that has economic value, including interests in property or investments. See Subpart C for further details of the types and scope of financial interests covered by this Regulation.

**k. Government entity.** Any agency, office, department, board, commission, authority, or other entity that is part of the United States or a State, local, or foreign government.

**l. Legislation.** Bills, resolutions, amendments, and nominations pending or proposed in City Council, and any other matter that may become the subject of action by City Council.

**m. Life partner.** An individual who has a long-term committed relationship with another individual of any gender.

**n. Member of a for-profit business.** An officer, director, partner, manager, board member, trustee, owner, operator, or employee of a for-profit business.

**o. Ministerial.** Requiring a prescribed response when faced with a specific set of facts.

**p. Official action.** An act or omission taken by an officer or employee in their official capacity that requires discretion and is not ministerial in nature, including any non-ministerial act or omission by a City officer or employee in the course of discharging their City duties, using their City position or title, or using City resources available by virtue of their City position. See Subpart D for further details of the types and scope of official actions covered by this Regulation.

**q. Person.** A business, individual, corporation, union, association, firm, partnership, committee, political committee, club, or other organization or group of persons, including nonprofits and limited liability companies.

**5.2 Applicability.** Except where expressly indicated otherwise, the provisions of this Regulation apply to all officers and employees of the City.

## ***SUBPART B. IDENTIFYING AND RESOLVING CONFLICTS OF INTEREST.<sup>1</sup>***

**5.3** A conflict of interest arises under City law when a City officer or employee can take official action that would affect a financial interest of:

- a.** the City officer or employee;
- b.** a family member of the City officer or employee; or
- c.** a for-profit business of which the City officer or employee is a member.

*[Conflicts of interest also arise under State law under the circumstances listed above. Additionally, a conflict of interest arises under State law when a public official or public employee, as defined by the State Ethics Act, 65 Pa. C.S. §1101, et seq., can take official action that would financially benefit a nonprofit of which they, or an immediate family member (parent, child, spouse, or sibling), are an officer, director, or employee.]*

**5.4** A City officer or employee who has a conflict of interest: a. is disqualified from certain official actions as set forth in Subpart E; and b. shall disclose the conflict of interest as required by Subpart F.

<sup>1</sup> Certain financial interests in City contracts are prohibited under Charter Sections 10-100 and 10-102. Those restrictions are not addressed in this Regulation.

## ***SUBPART C. FINANCIAL INTERESTS OF CITY OFFICERS AND EMPLOYEES.***

**5.5** A City officer or employee has a financial interest in matters that have a potential impact on their income, compensation, value of assets, wealth, employment prospects, or economic opportunities. Where a City officer or employee has a financial interest as described below, they may have a conflict of interest that requires disclosure and disqualification under Subparts E and F.<sup>2</sup>

**a. Personal financial interest.** A personal financial interest is one held, in full or in part, by a City officer or employee, including:

1. a contract to provide goods or services;
2. employment by a nonprofit;
3. ownership of real property;
4. investment income; or
5. freelance or gig work.

**b. Financial interest of family members.** A financial interest held by any of the following family members:

1. Spouse;
2. Sibling;
3. Child;
4. Parent;
5. Life partner; or
6. Like in-law (e.g., parent-in-law), including any individual who is a sibling, child, or parent of a life partner.

**c. Member of a for-profit business.** A City officer or employee has a financial interest in any for-profit business of which they are a member, including as a(n):

1. Officer;
2. Director;
3. Partner;
4. Manager;
5. Board member;
6. Trustee;
7. Owner;
8. Operator; or
9. Employee.

An independent contractor of a for-profit business is not a member of a for-profit business but has a personal financial interest in such business under Paragraph 5.5(a).

**5.6 Interests held by others for the benefit of a City officer or employee.** A financial interest held by a family member, trustee, or other person for the specific benefit of the City officer or employee shall be treated the same as if held directly by that officer or employee.

**5.7 Past financial interests not covered.** This Regulation does not apply to past financial interests absent some ongoing financial relationship or obligation.

<sup>2</sup>Certain financial interests in City contracts are prohibited under Charter Sections 10-100 and 10-102. Those restrictions are not addressed in this Regulation.



#### *Example for Paragraph 5.7*

Several years prior to becoming a member of the Historical Commission, Abigail Ballot was retained by Calvin Delegate to provide a letter of technical support for the proposed designation of Hogwarts as a historic building. At the time, Ms. Ballot was a principal in SPEW Consulting and submitted her letter on SPEW letterhead. Ms. Ballot left SPEW several months before joining the Historical Commission. Neither Ms. Ballot nor her new employer have a financial relationship with Mr. Delegate. Because there is no current financial relationship, Ms. Ballot does not have a financial interest that could give rise to a conflict of interest.

### **SUBPART D. OFFICIAL ACTION.**

**5.8 Official action.** For the purpose of this Regulation, official action includes any non-ministerial act or omission by a City officer or employee:

- a. In the course of discharging their duties as a City officer or employee; or
- b. Using their City position or title, or City resources available by virtue of their City position (whether or not authorized).

As defined in Paragraph 5.1(o), an act is ministerial if a prescribed response is required when faced with a specific set of facts.

#### *Examples for Paragraph 5.8*

- 1) Mikayla Nominee is an investigator in the City's Department of Labor tasked with evaluating whether an employer complied with the City's fair workweek requirements. Because the employer failed to maintain clear records of employees' schedules, Ms. Nominee must reconstruct the schedules through interviews and transaction logs. Ms. Nominee's investigative work requires the exercise of discretion and is non-ministerial.
- 2) Oakley Precinct is a clerk in the Department of Revenue who is responsible for processing tax payments. Revenue's procedures require that Mx. Precinct accepts payment via check so long as the check is signed and the amount, account number, and bank routing number are legible. Mx. Precinct's acceptance of a check that meets these criteria is ministerial.

**5.9 Not limited to final action.** Official action includes not only a final action, but also any discussion, review, deliberation, consideration, analysis, or recommendation. Official action can occur even in the absence of a final action.

**5.10 Omissions presumed non-ministerial.** An omission is presumed to be non-ministerial unless:

- a. the omitted act, if taken, would have been ministerial, and
- b. the omission was inadvertent.

### **SUBPART E. DISQUALIFICATION.**

**5.11 Disqualification; official action prohibited.** No City officer or employee shall take official action if the officer or employee knows, or should know, that such official action will affect a financial interest identified in Subpart C.

**5.12 Scope of disqualification; employment relationships.** For the employment relationships listed below, the scope of official actions from which a City officer or employee is disqualified depends on the type of employment relationships affected as follows:

**a. For-profit employment.** A City officer or employee who is an employee of a for-profit business is disqualified from any official action that would affect any financial interest of such business. Examples of prohibited official actions include any official action that:

1. affects the for-profit business' profits, assets, or future economic opportunities;
2. affects the financial interests of clients of the for-profit business;
3. involves fellow members of the for-profit business acting on behalf of the business or its clients; or
4. involves a matter in which a fellow member of the for-profit business represents any person as an agent or attorney.

**b. Future employment.** A City officer or employee who applies for or is offered non-City employment is disqualified from any official action that would affect the financial interests of such prospective employer. Disqualification is required until an application is rejected or a pending offer is declined or rescinded.

*[Note that State Ethics Commission has opined that a conflict may arise where a public employee or public officer reasonably anticipates pursuing future employment. See, e.g., State Ethics Comm'n Confidential Advice No. 11-514.]*

**c. Nonprofit employment.** A City officer or employee who is an employee of a nonprofit is disqualified from any official action that would affect their employment by the nonprofit, including any official action that would affect:

1. the nonprofit employer's ability to pay the City officer or employee;
2. the value of the compensation or benefits provided; or
3. the willingness to hire or retain the City officer or employee.

This threshold may also be met if the official action would have a significant and substantial impact on the employer.

**d. Employment of family members.** Where the financial interest at issue is the employment of a family member, the City officer or employee is disqualified from any official action that would affect the employment of their family member, including any official action that would affect:

1. the employer's ability to pay the family member;
2. the value of the compensation or benefits provided; or
3. the willingness to hire or retain the family member.

This threshold may also be met if the official action would have a significant and substantial impact on the employer.

*Examples for Paragraph 5.12(b)*

1a) Shonda Tally is a project manager with the Department of Aviation. She is considering a move to the private sector but wants to know more before applying for any positions. A manager with BuildCo, a firm she deals with regularly in her City position, offers her an informational interview to help evaluate her options. The informational interview is not a job application or offer and does not require disqualification or disclosure.

b) Ms. Tally decides to apply for a recently posted position with ConstruX, a firm that is the general contractor on the Terminal Z project Ms. Tally manages. As project manager, Ms. Tally reviews all work performed by ConstruX on Terminal Z. ConstruX only gets paid if Ms. Tally signs off on their work and invoices. Once Ms. Tally submits an application to ConstruX, she has a conflict of interest and is disqualified from any official action that would affect the financial interests of ConstruX, including oversight of the Terminal Z project.

**5.13 Scope of disqualification; independent contractors.** For the independent contractor arrangements listed below, the scope of official actions from which a City officer or employee is disqualified is as follows:

a. City officers or employees as independent contractors. A City officer or employee who is an independent contractor is disqualified from any official action that would affect their relationship with any business with which they have a contract, including any official action that would affect:

1. the contracting business' ability to pay the City officer or employee;
2. the value of the compensation or benefits provided by the contracting business;
3. the willingness to continue the contractual relationship; or
4. the opportunity for future contracts.

b. Family members as independent contractors. Where the financial interest at issue is a family member who works as an independent contractor, the City officer or employee is disqualified from any official action that would affect the family member's relationship with any business with which they have a contract, including any official action that would affect:

1. the contracting business' ability to pay the family member;
2. the value of the compensation or benefits provided by the contracting business;
3. the willingness to continue the contractual relationship; or
4. the opportunity for future contracts.

**5.14 Scope of disqualification; non-employment membership in a for-profit business.** Where the financial interest at issue is membership in a for-profit business other than as an employee (see Paragraph 5.5(c)), the scope of official actions from which a City officer or employee is disqualified depends on whether they or a family member are affiliated with the for-profit business as follows:

a. **Non-employee members of a for-profit business.** A City officer or employee who is a non-employee member of a for-profit business is disqualified from any official action that would affect any financial interest of such business. Examples of prohibited official actions include any official action that could be reasonably expected to:

1. affects the for-profit business' profits, assets, or future economic opportunities;
2. affects the financial interests of clients of the for-profit business;
3. involves fellow members of the for-profit business acting on behalf of the business or its clients; or
4. involves a matter in which a fellow member of the for-profit business represents any person as an agent or attorney.

b. **Family members as non-employee members of a for-profit business.** Where the financial interest at issue is a family member's non-employment interest in a for-profit business, the City officer or employee is disqualified from any official action that would affect the financial interest of their family member, including any official action that would affect:

1. the business' ability to pay the family member;
2. the value of the compensation or benefits provided by the business to the family member;
3. the willingness to continue the membership relationship with the family member; or
4. future economic opportunities of the for-profit business. This threshold may also be met if the official action would have a significant and substantial impact on the business.

This threshold may also be met if the official action would have a significant and substantial impact on the business.

*[Nonprofit affiliation. In addition to the disqualification required by this subpart, any public employee or public official as defined by the State Ethics Act must also recuse themselves from any use of their City authority that would financially benefit a nonprofit of which they, or an immediate family member, are an officer, director, or employee or in which they otherwise have a financial interest.]*

**5.15 Delegating prohibited official action.** Where a City officer or employee is disqualified from taking official action under this subpart, the responsibility or authority for such official action shall not be reallocated or reassigned by the disqualified officer or employee to a subordinate. Delegation of prohibited official action may be accomplished by:

- a. A superior officer or employee; or
- b. A pre-existing policy that specifies how and by whom such reallocation or reassignment shall be accomplished, so long as the responsibility or authority for taking such official action is not reallocated or reassigned to a subordinate of the disqualified City officer or employee.

**5.16 Exceptions to disqualification.**

**a. Matters of general application.** A City officer or employee may take official action with respect to a matter of general application even if such official action will affect a financial interest listed in Paragraph 5.5. A matter is of general application if:

1. it affects the financial interest of the general public or a substantial segment thereof in a manner substantially similar to that in which it affects the financial interest of the City officer or employee; and
2. the impact of the matter on the financial interest of the City officer or employee is substantially proportionate to its impact on the financial interests of members of the general public or members of the relevant segment thereof. The scope or nature of the relevant segment of the public may change over the course of the legislative, regulatory, or other decision-making process if the scope or nature of the matter under consideration changes.

**b. Actions necessary for compliance.** Discussions and correspondence necessary to identify the conflict, determine the scope of disqualification, and effectuate such disqualification are permitted.

*Examples for Paragraph 5.16(a)*

1) Ezra Form is a manager with Parks and Recreation who has three school-age children. He is asked to write a grant to fund expanded after-school programming at City rec centers. Mr. Form and his husband could save a lot of money on after-school childcare if more seats were available. While Mr. Form has a financial interest in the expansion of after-school programs, his interest is affected in the same manner as any other City resident with school-age children (who collectively are a substantial segment of the general public). Thus, Mr. Form is not disqualified from serving on the working group.

2) In addition to serving as a legislative aide to a Councilmember, Georgina House owns six bowling alleys in the City. Fifteen operators control approximately 80% of City bowling alleys.

a) After a highly publicized brawl outside a bowling alley in Camden, Ms. House's Councilmember asks her to draft a bill that would require bowling alleys to provide private security patrols during certain operating hours. The cost of private security officers would increase operating costs for all bowling alleys in the City. Ms. House has a financial interest in legislation that would increase the operating cost of the for-profit businesses she owns. Because the bowling industry in the City is concentrated

in a small number of owners and operators, the segment of the population affected by the legislation is not substantial and therefore the matter is not of general application. As a result, Ms. House is disqualified from working on the bowling alley legislation and must disclose her conflict of interest as required by Subpart F.

b) To combat a difficult economic climate, Council is considering a year-long moratorium on the business privilege tax. Ms. House's Councilmember asks her to review the proposal and make recommendations as to how the Councilmember should vote. While Ms. House has a financial interest in a tax break for businesses, her interest is the same as that of any of the many thousands of business owners in the City. Because the proposed tax moratorium would affect Ms. House's interest similarly to a substantial segment of the population, Ms. House is not disqualified from working on the legislation.

3) Ira Jacket is a Deputy Health Commissioner. He is also an entrepreneur who has invested in a variety of industries, including nail salons. After several news stories regarding workplace and consumer safety concerns around UV nail lamps, Council is considering a bill to require additional safety certifications for all nail salons in the City where UV nail lamps are used. The Health Commissioner was invited to present testimony at the committee hearing and has asked for Mr. Jacket's assistance in preparing her testimony.

Mr. Jacket owns 250 nail salons in the City. All of those salons use UV lamps, meaning all locations would need to be certified. There are 2,500 nail salons in the City. There are 2,000 nail salon owners, with most owners having an interest in only one or two salons. The next largest owner has six nail salons.

Although the proposed legislation would impact all nail salon owners in a similar manner – each would need to bear the cost of both time and money to obtain a certification – it has a disproportionate impact on Mr. Jacket as compared to the universe of nail salon owners because he controls a much larger share of the market as compared to most other owners. As a result, Mr. Jacket is disqualified from participating in the Health Department's preparation of testimony or recommendations regarding the proposed ordinance.

#### **5.17 Compatibility with City position to be determined by the appointing authority.**

In some cases, disqualification required by this subpart may make it impractical or even impossible for the City officer or employee to carry out the essential functions of their City role. Although the scope of disqualification required for a particular matter is for the Board to determine, it is left to the relevant appointing authority to evaluate whether such disqualification is compatible with continued employment or service.

### ***SUBPART F. DISCLOSURE.***

**5.18 Required disclosures.** A City officer or employee who can take official action that would affect a financial interest described in Subpart C shall disclose the conflict of interest as set forth in this subpart.

**5.19 Content of disclosures.** Whether submitted in writing or entered into the record of a public meeting or hearing, disclosures made pursuant to this subpart shall include all of the following information:

- a. Full name of the City officer or employee making the disclosures;
- b. City title(s);
- c. If the financial interest is through a family member, the full name of the family member(s);
- d. Brief description of the nature and extent of the financial interest;

- e. Brief description of the official actions from which the City officer or employee is disqualified; and
- f. Effective date of disqualification if before the date of disclosure.

**5.20 Disclosure of legislative conflicts of interest by Councilmembers.** Disclosure of a financial interest in legislation shall be made at the following time and in the following manner, based on when the Councilmember knew or should have known of the financial interest:

**a. Before or at the time of the public hearing on the legislation:**

**1. When:** At the public hearing on that legislation before any committee of Council (including the Committee of the Whole), regardless of whether the Councilmember serves on the committee holding the hearing.

**2. How:** By making a statement on the record consistent with Paragraph 5.19. Such statement shall be made part of the official hearing transcript.

**b. After the public hearing but more than five days before the legislation is to be acted upon by Council:**

**1. When:** No less than five days before the meeting at which Council is scheduled to take action on the legislation.

**2. How:** By submitting a written statement consistent with Paragraph 5.19 via tracked delivery service as described in Paragraph 5.23 to:

- i. the Chief Clerk of Council and
- ii. all members of Council.

In addition, the presiding officer of Council at the time legislation is called up for consideration shall read the written statement into the public record of the Council meeting.

**c. Less than five days before legislation is to be acted upon by Council:**

**1. When:** At the public meeting at which Council is scheduled to take action on the legislation.

**2. How:** By making a statement on the record consistent with Paragraph 5.19. Such statement shall be made part of the official meeting transcript.

**d. Absence.** If the Councilmember is absent from a hearing or meeting at which disclosure on the record are required by:

**1. Paragraph 5.20(a) or 5.20(c),** the Councilmember shall either send a designee to make the required disclosures on the record on their behalf or shall submit a written disclosure consistent with Paragraph 5.19 to the presiding officer to be read into the official record of the hearing or meeting.

**2. Paragraph 5.20(b),** the Councilmember must still submit the written disclosure as required by Paragraph 5.20(b)(2) and the presiding officer shall read such disclosure into the record regardless of whether the Councilmember is in attendance.

**e. Non-participation.** Whether the Councilmember participates in consideration of the legislation in a hearing or meeting shall have no effect on their duty to comply with the disclosures required by this subpart.

**f. Disqualification required upon knowledge of interest.** Regardless of when disclosed, once a Councilmember knows, or should know, of a financial interest in legislation, the Councilmember shall not take any official action regarding that legislation beyond the disclosures required by this subpart or permitted by Paragraph 5.16(b).

5.21 Disclosure of legislative conflicts of interest by other City officers and employees. Disclosure of a financial interest in legislation shall be made at the following time and in the following manner, based on when a City officer or employee (other than a Councilmember) knew or should have known of the financial interest:

a. Before or at the time of the public hearing on the legislation:

1. When: No less than five days before the scheduled public hearing.

2. How: By submitting a written statement consistent with Paragraph 5.19 via tracked delivery service to:

i. the Chief Clerk of Council and

ii. all members of Council. In addition, the written statement shall be made a part of the official record of the hearing.

b. After the public hearing:

1. When: Before the meeting at which Council is scheduled to take action on the legislation.

2. How: By submitting a written statement consistent with Paragraph 5.19 via tracked delivery service to: i. the Chief Clerk of Council and ii. all members of Council.

**5.22 Disclosure of non-legislative conflicts of interest.** Any City officer or employee who knows, or should know, that they have a financial interest in any official action other than legislation shall disclose such interest in a written statement consistent with Paragraph 5.19. a. Submission of disclosures. All disclosures made under this paragraph shall be submitted via tracked delivery service as described in Paragraph 5.23.

**1. Heads of City departments.** A department head shall submit disclosures made under this paragraph to the following:

i. Mayor;

ii. Managing Director;

ii. Board of Ethics; and

iv. Department of Records.

**2. Other City officers and employees.**<sup>3</sup> All other City officers and employees shall submit disclosures made under this paragraph to the following:

i. Head of the City officer or employee's City department, agency, board, or commission;

ii. Board of Ethics; and

iii. Department of Records.

**b. Timing of disclosures.** Disclosures made after the City officer or employee has taken official action from which they were disqualified do not cure any violation of this Regulation arising from such official action.

**c. Recordkeeping.** The Department of Records shall be the custodian of records for all disclosures made under this paragraph and shall maintain a public record of all such submissions.

*[Non-legislative voting conflicts. In addition to the written disclosures required by this subpart, any public employee or public official as defined by the State Ethics Act must also comply with Section 1103(j) of the State Ethics Act, 65 Pa. C.S. §1101, et seq., regarding voting conflicts.]*

<sup>3</sup>A form letter for submitting disclosures under Paragraph 5.20(a)(2), including mailing addresses for the Board of Ethics and Department of Records, is available at [ethics.pub/DnD](https://ethics.pub/DnD).

### **5.23 Delivery methods.**

**a. Tracked delivery services.** Delivery methods must provide tracking, delivery confirmation, or other proof of the date sent and date delivered.

**b. Date of submission.** For disclosures sent via certified or registered U.S. mail, other than for disclosures by Councilmembers under Paragraph 5.20(b)(2), the date of submission shall be the date of mailing. For disclosures by Councilmembers under Paragraph 5.20(b)(2), or where a method other than certified or registered U.S. mail is selected, the date of submission shall be the date of delivery.

**c. Email submissions.** Where disclosure via tracked delivery service is required under this subpart, submission exclusively via email shall not fulfill the disclosure requirements. If, however, a City officer or employee submits disclosures by both email and tracked delivery service, the date of any email delivery receipt or acknowledgement from the recipient (whichever is earlier) shall be considered the date of disclosure for purposes of evaluating whether the submission was timely.

**5.24 Statement of Financial Interests not affected.** City officers and employees required to make disclosures under this subpart may also be required to file a Statement of Financial Interests under Code Section 20-610. Disclosures made pursuant to this subpart do not fulfill the requirements of Section 20-610.

### ***SUBPART G. PAST OFFICIAL ACTIONS.***

**5.25 No financial interest in past official action.** After a final action, no City officer or employee shall obtain a financial interest in any official action they took as part of or related to that final action: a. during their City service or employment; and b. for two years after the end of such service or employment. This paragraph shall apply regardless of who took or was responsible for taking the final action.

#### ***Example for Paragraph 5.25***

Kasey Ladder works in the Mayor's office supervising volunteer service programs. She is part of a team that selects a vendor for volunteer management software. The vendor is so impressed by Ms. Ladder's technical knowledge that they offer her a part-time position working on their contract with the City. Ms. Ladder cannot accept that position as a second job while working for the City. She also cannot accept that position as post-City employment for the first two years after she leaves her City job. She may, however, be able to accept a different position with the same vendor that is unrelated to a City contract.

**5.26 Covered financial interests.** This subpart applies only to:

- a.** personal financial interests as described in Paragraph 5.5(a); and
- b.** membership in a for-profit business as described in Paragraph 5.5(c).

**5.27 Interests obtained by others for the benefit of a City officer or employee.** A financial interest obtained by a family member, trustee, or other person for the specific benefit of the City officer or employee shall be treated the same as if obtained directly by that officer or employee.

### ***SUBPART H. PENALTIES.***

**5.28** An officer or employee of the City who violates any of the restrictions set forth in this Regulation shall be subject to a civil penalty of up to \$2,000 for each such violation. In determining the appropriate amount of monetary penalty, the Board may consider both mitigating and aggravating factors.

Mitigating factors that the Board may consider include: (i) a good faith effort to comply with the law; (ii) prompt corrective action; and (iii) prompt self-reporting to the Board of Ethics.

Aggravating factors that the Board may consider include whether the violator: (i) acted knowingly; (ii) is a repeat offender; or (iii) obstructed the investigation of the Board of Ethics.



# Regulation No. 7 (Required Ethics Training)

## ***SUBPART A. SCOPE; DEFINITIONS.***

**7.0 Scope.** This Regulation, promulgated by the Board pursuant to its authority under Sections 4-1100 and 8-407 of the Philadelphia Home Rule Charter and Chapter 20-600 of The Philadelphia Code, interprets the requirements of Philadelphia Code Sections 20-606(1)(b)(.1) and (.3) regarding routine and mandatory educational and training programs for City officers and employees.

**7.1 Definitions.** As used herein, the following words and phrases shall have the meanings indicated.

**a. Agency head.** The head of any office, department, board, commission, or other governmental agency of the City authorized to appoint employees.

**b. Board.** Board of Ethics.

**c. Cabinet member.** The Managing Director, the Director of Finance, the City Solicitor, the Chief Public Safety Director, the Director of Planning and Development, the Director of Commerce, the Director of Labor, the City Representative, and such other officers as the Mayor may designate as members of the Mayor's cabinet.

**d. City.** City of Philadelphia.

**e. City board or commission.** Any City board or commission, without regard to the body's title (including a body denoted as a board, commission, council, committee, task force, working group, panel, or other similar designation), established by the City's Home Rule Charter, ordinance, or Executive Order.

**f. City officer or employee.** Any person who is elected or appointed to a position in any branch of the government of the City including:

1. elected City officials;
2. employees of the City, including those serving full-time, part-time, or seasonally, and those on leaves of absence with or without pay;
3. members of City boards and commissions;
4. individuals appointed or assigned to any City position, whether paid or unpaid,<sup>2</sup> that exercises significant powers of government.

**g. Effective date of employment.** For City employees, the first calendar day of the first pay period they perform work for the City and are on the City's payroll.

**h. Ethics laws.** Chapter 20-600 of the Philadelphia Code, Article X of the Philadelphia Home Rule Charter, and any other matters relating to ethical standards of conduct for City officers and employees later added to the Code or Charter or otherwise assigned to the Board by ordinance.

**i. Term of service.** For appointed or elected City officials, the period beginning on the date the officer's position takes effect by operation of law or action of the appointing authority and ending on the effective date of separation.

**j. Training.** Any program presented or approved by the Board to educate City officers and employees about the City's ethics laws, regardless of whether delivered (1) live by Board staff either in-person or virtually; (2) through pre-recorded presentations or online activities developed by Board staff; or (3) in limited circumstances with the pre-approval of Board staff, through programs presented by departmental training staff or other designees.

**k. Uninterrupted employment or term of service.** The continuous employment or term of service of City officers and employees, whether paid or unpaid, full-time or parttime. Any period of authorized leave (e.g. FMLA; parental leave; union leave) is not considered an interruption of employment or service for the purpose of this regulation.<sup>1</sup>

**7.2 Applicability.** Except where expressly indicated otherwise, the provisions of this Regulation apply to all City officers and employees.

### ***SUBPART B. INITIAL TRAINING AND ACKNOWLEDGEMENT.***

**7.3 Initial training.** A City officer or employee, regardless of position, duties, or responsibilities, shall attend initial training within 90 calendar days of the effective date of the officer or employee's employment or the beginning of their term of service.

**7.4 Copy of the City's ethics laws.** An agency head shall provide a copy of the City's ethics laws to each City officer or employee upon the effective date of their employment or the beginning of their term of service. This requirement may be met by providing either an electronic or paper copy of the most current version of the appropriate position-specific ethics manual published by the Board. The most recent versions of the manuals are available for viewing or download at [ethics.pub/manuals](https://ethics.pub/manuals).

**7.5 Acknowledgement.** Within 15 calendar days of the effective date of employment or the beginning of a term of service, each City officer or employee shall acknowledge in writing that the officer or employee has received and reviewed a copy of the City's ethics laws in the form outlined in Paragraph 7.4. The agency head shall maintain a copy of the acknowledgement and shall make copies of such acknowledgements available for inspection by the Board upon request.

**7.6 Effect of failure to comply.** Failure of a City officer or employee to receive, review, or acknowledge receipt of a copy of the ethics laws, or failure of the agency head to maintain a copy of the acknowledgement, shall have no effect on the duty of the City officer or employee to comply with the ethics laws.

### ***SUBPART C. ANNUAL AND ROUTINE TRAINING.***

**7.7 Annual training.** The following City officers and employees shall attend training at least once in each calendar year:

- a. Elected City officers;
- b. Cabinet members;
- c. Agency heads;
- d. Members of all City boards and commissions; and

e. Any other City officer or employee that the Mayor may designate. An agency head may, at the agency head's discretion, require additional personnel to attend annual ethics training.

**7.8 Routine training.** In addition to the initial training detailed in Paragraph 7.3, a City officer or employee not required to receive annual training as provided in Paragraph 7.7 shall attend routine ethics training every five (5) years. These City officers and employees shall be divided into five groups for training compliance based on the year in which they started their uninterrupted employment or term of service with the City as follows:

<sup>1</sup>An interruption in a term of service for a member of a nominating panel occurs when the panel is inactive or not empaneled.

Group	Start years	Routine training due
A	Years ending in 0 and 5	December 31, 2025 and every year thereafter ending in 0 and 5
B	Years ending in 1 and 6	December 31, 2026 and every year thereafter ending in 1 and 6
C	Years ending in 2 and 7	December 31, 2027 and every year thereafter ending in 2 and 7
D	Years ending in 3 and 8	December 31, 2028 and every year thereafter ending in 3 and 8
E	Years ending in 4 and 9	December 31, 2029 and every year thereafter ending in 4 and 9

*Examples for Paragraph 7.8*

1) Employees who started in 2007 must attend their first routine training by December 31, 2027. Their next routine training must be completed no later than December 31, 2032.

2) An employee starting in 2023 must attend their first routine training by December 31, 2028. Their next routine training must be completed no later than December 31, 2033.

**7.9 Additional training.** The Board may from time-to-time determine that additional training is required for some or all City officers and employees. In assessing whether additional training is necessary, factors the Board may consider include:

- a. Amendments or additions to the ethics laws, including the degree of substantive change represented by such amendments or additions;
- b. Issuance of significant Board opinions interpreting the ethics laws;
- c. Other significant events or legal developments that may indicate that additional training is appropriate;
- d. The availability, feasibility, and cost of methods of delivering training, such as online training platforms;
- e. Trends in advice, compliance, or enforcement matters that may indicate additional training is needed; and
- f. The departmental assignment or responsibilities of City officers or employees.

***SUBPART D. COMPLIANCE.***

**7.10 Compliance.** Each agency head shall cooperate with the Board to ensure compliance with the training requirements for City officers and employees, including through the provision of information necessary to determine who is required to receive training pursuant to the requirements of Paragraphs 7.7, 7.8 and 7.9 above.

***SUBPART E. REMEDIES.***

**7.11 Failure to comply with the requirements set forth in Subparts B-D of this regulation may result in penalties as further provided for in Philadelphia Code Section 20-1301.**

# Regulation No. 8 (Political Activity)

## ***SUBPART A. SCOPE; DEFINITIONS***

**8.0 Scope.** This Regulation, promulgated by the Board pursuant to its authority under Sections 4-1100 and 8-407 of the Philadelphia Home Rule Charter and Chapter 20-600 of The Philadelphia Code, interprets the requirements and prohibitions of Philadelphia Home Rule Charter Subsections 10-107(3) & (4) as applied to appointed City officers and employees, but not to elected officials. The examples and lists of permissible and prohibited behavior provided in this Regulation are for illustration and are not exhaustive.

**8.1 Definitions.** As used herein, the following words and phrases shall have the meanings indicated.

**a. Appointed officer.** An individual who is appointed to any position in a City department, agency, office, board, or commission, whether paid or unpaid, but not including elected officials.

**b. Board.** Board of Ethics.

**c. Blog.** A website that displays in chronological order the postings of one or more individuals.

**d. Candidate.** An individual who:

- i.** Files nomination petitions or papers for public elective office; or
- ii.** Publicly announces candidacy for public elective office.

**e. City.** City of Philadelphia.

**f. Contribution intended for a political purpose.**

**i.** Money or things having a monetary value received by a candidate or their agent for use in advocating for or influencing the election of the candidate; and

**ii.** Money or things having a monetary value received by a political committee, political party, political campaign, or partisan political group.

**g. Election.** Any primary, general, or special election for public elective office.

**h. Employee.** An employee of the City, including those serving full-time, part-time, or seasonally, and those on leaves of absence with or without pay, but not including:

**i.** Elected officials; or

**ii.** An employee on unpaid leave to be a full-time elected officer or appointed staff representative of a City employee union.

**i. Family member.** A parent, spouse, life partner, child, brother, sister, or like relative-in-law.

**j. Life partner.** An individual who has a long-term committed relationship with another individual of any gender, provided that both individuals meet the same criteria as set out in The Philadelphia Code Section 9-1106(2)(a)(i)-(vi).

**k. Local elective office.**

**i.** Mayor, City Council, District Attorney, City Controller, City Commissioner, Sheriff;

**ii.** Philadelphia Court of Common Pleas, Philadelphia Municipal Court, Register of Wills;

**iii.** State Senator or State Representative for any seat that includes any part of Philadelphia in its district; and

**iv.** Judge of Election, Majority Inspector, and Minority Inspector for a Philadelphia polling place.

**i. On duty.** An appointed officer or employee is on duty:

**i.** During normal working hours, which for those with fixed work schedules includes the time between the start and end of the workday excluding a lunch break;

**ii.** When performing the duties of the officer's or employee's City job or appointment; or

**iii.** When acting in their official capacity as a City appointed officer or employee.

**m. Partisan political group.** Any committee, club, or other organization whose primary purpose is to promote the success or failure of a political party, candidate, or political campaign.

**n. Political activity.** An activity directed toward the success or failure of a political party, candidate, political campaign, or partisan political group.

**o. Political campaign.** A group of people organized by or on behalf of an individual in order to obtain that individual's nomination or election to public elective office.

**p. Political party.** Includes any national, state, or local political party, or any affiliate thereof, such as a ward committee.

**q. Public elective office.** Any public office for which candidates are nominated or elected as representing a political party.

**r. Social media.** Facebook, Twitter, Myspace, LinkedIn, Instagram, Reddit, a blog, SnapChat, or any similar website, application, or Internet platform.

**8.2 Applicability.** Except where expressly indicated otherwise, the provisions of this Regulation apply to all appointed officers and employees.

## ***SUBPART B. PROHIBITED ACTIVITY***

### **8.3 No political activity on duty.**

An appointed officer or employee shall not engage in political activity while:

**a.** On duty;

**b.** In uniform, or while wearing a badge or other insignia that identifies them as a City officer or employee; or

**c.** In City Hall or in any other City-owned or City-leased building, property, or office space, except that an appointed officer or employee may, while not on duty, attend a political event held in a City-owned or leased building, property, or office space if the event is open to the public.

#### ***Examples for Paragraph 8.3***

1) An employee may not display in her City workplace a sticker promoting a political party or candidate.

2) An employee may not wear a button promoting a candidate while in his uniform, even if he is not on duty.

3) An employee may not sign a nominating petition while in City Hall or in a City-owned or City-leased building or office.

4) An employee may not use a personal social media account to post content supporting or opposing a political party while on duty, even if the account uses an alias.

5) An appointed officer uses a photograph of herself with a candidate for President as a profile picture on her personal Twitter account. Because the profile photo will be reproduced with every tweet, comment, or retweet, she cannot use that account while on duty.

## **8.4 No political activity using City resources.**

An appointed officer or employee shall not engage in political activity:

**a.** Using any City-owned or City-leased resources, such as telephones, smart phones, tablets, vehicles, printers, computers, or other supplies or equipment.

**b.** Via a City-owned or City-operated social media account or a social media account that presents itself as being for official City business. An account presents itself as being for official City business if it contains little to no personal content and primarily shares or promotes material related to official City activities.

### *Examples for Paragraph 8.4*

1) An employee may not send an email that supports a candidate while using the City's email system, a City computer, or a City-provided smart phone.

2) An appointed officer may not make a post that supports a political party on the official Facebook page for the officer's department.

3) An employee may not use a City-owned photocopier to copy campaign literature.

4) An employee whose personal Facebook profile photo depicts him with a current candidate for Mayor cannot share, post, or otherwise create content with that account using his City computer or City-provided smart phone.

5) An appointed officer may not use a Zoom account paid for by the City to host a virtual training for campaign volunteers.

6) An employee's personal Twitter account has occasional posts about family gatherings, but most of his posts are retweets of official City accounts and photographs of official events. The employee may not use this account for political activity.

## **8.5 No political activity using City title or position.**

An appointed officer or employee shall not use their authority, influence, title, or status as a City officer or employee while engaging in political activity, such as:

**a.** Using their City title or status as a City officer or employee while participating in political activity;

**b.** Using their authority or influence to coerce any individual to participate in political activity;

**c.** Requesting, directing, or suggesting that a subordinate officer or employee participate in political activity; or

**d.** Using their City title or status as a City officer or employee while participating in political activity on social media. Specifically, an officer or employee using a social media account for political activity cannot use text or images that identify, reference, or depict their City title or status as a City officer or employee:

**i.** in a post or other content that contains political activity;

**ii.** in an account profile on any social media platform that references, reproduces, or depicts that information alongside posts or other user-created content; or

**iii.** in a profile picture, handle, username, or other account identifier.

Paragraph 8.5(d) does not require an appointed officer or employee to remove social media content (1) created by someone else or (2) that they created before becoming a City officer or employee.

### *Examples for Paragraph 8.5*

1) An employee may write a letter to the editor promoting a candidate for public office so long as he does not make reference to his title or his status as a City employee in that letter.

2) An employee uses a photo of herself in her uniform in her personal Google account profile. The employee may not send emails in support of a candidate from this account because her profile photo of herself in uniform will appear as part of each such email.

3) An employee uses her City title in the profile headline on her LinkedIn account. Because a LinkedIn headline automatically accompanies almost every action on that platform, the employee may not post messages on LinkedIn supporting a candidate for public elective office.

4) An employee of the Managing Director's Office uses the Twitter handle @PhillyMDOGuy. He cannot use that account to tweet in support of a political party using that Twitter account unless he changes the handle to something that does not identify his City position.

5) An appointed officer is Facebook friends with several of her subordinates. If she uses her personal Facebook account to send a group message explaining why she supports a specific candidate, she cannot include her subordinates as recipients of that message.

6) Several subordinates follow an appointed officer's personal Twitter account. The appointed officer may tweet generally about his support of a candidate, but may not mention or tag a subordinate in such tweets.

## **8.6 No political fundraising.**

An appointed officer or employee shall not:

**a.** Be in any manner concerned in the collection, receipt, or solicitation of contributions intended for a political purpose, either directly or indirectly.

**b.** Authorize or use a political committee to collect, receive, or solicit contributions intended for a political purpose on their behalf.

**c.** Permit, authorize, or direct others to collect, receive, or solicit contributions intended for a political purpose for the appointed officer or employee's benefit or on behalf of the appointed officer or employee.

An appointed officer or employee of the Police Department shall not make a contribution to a candidate or a political committee affiliated with a candidate.

*Examples for Paragraph 8.6*

1) An employee may not sell tickets to a candidate's fundraiser event.

2) An employee may not be a treasurer of a political committee.

3) An employee may not promote a candidate's fundraiser event on Facebook.

## **8.7 No involvement in the management of political parties, political campaigns, or partisan political groups.**

No appointed officer or employee, other than an employee of City Council\*, shall take any part in the management of any political party, political campaign, or partisan political group such as:

**a.** Supervising or directing party or campaign workers or volunteers.

**b.** Having responsibility for or more than minimal input into the strategy, communications, compliance, or finances of a political party, political campaign, or partisan political group.

**c.** Holding any paid position for a political party, political campaign, or partisan political group, including as an independent contractor.

**d.** Being a candidate for public elective office or political party office.

**e.** Being a member of any committee of a national, state, or local political campaign, political party, or partisan political group.

**f.** Being a committee person, ward leader, delegate, or other officer of a political party or be an officer of a partisan political group.

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\* For permissible activity for City Council employees, see Paragraph 8.15.

### *Examples for Paragraph 8.7*

- 1) An appointed officer may not serve as a delegate to a political party convention.
- 2) An employee may not be a candidate for a position on an election board such as judge of election, majority inspector, or minority inspector, or serve in any such position.
- 3) An appointed officer may not serve as a campaign manager for a political campaign.
- 4) An employee may not develop or direct public relations strategies for a political campaign.

### **8.8 No involvement in any political campaign by appointed officers and employees of the Police Department, the Board of Ethics, or the Office of the City Commissioners, Sheriff, or District Attorney.**

Appointed officers or employees of the Police Department, the Board of Ethics, or the Office of the City Commissioners, Sheriff, or District Attorney shall not:

- a.** Take any part in any political campaign.
- b.** Engage in political activity in coordination with a political party, political campaign, or partisan political group.
- c.** Republish or distribute any printed campaign literature that was produced or paid for by a candidate, political party, or political campaign.

For any officer or employee temporarily assigned to one of the listed offices, this Paragraph shall apply for the entirety of each calendar day on which any such temporarily assigned duties are performed.

If, however, the officer or employee is temporarily assigned to perform duties relating to the administration of an election, this Paragraph shall also apply for the entirety of the day of the election and each of the ten (10) calendar days preceding that day through the end of the last calendar day on which all such temporarily assigned duties are completed with regard to that election.

### *Examples for Paragraph 8.8*

- 1) An employee of the Commissioners' office may not volunteer for the campaign of a candidate for Governor.
- 2) An employee of the Police Department may not distribute palm cards printed by the campaign of a candidate for United States Senate.
- 3) An appointed officer of the Board of Ethics may not stuff envelopes for a friend running for state representative in Wisconsin.
- 4) An employee of the Airport who is temporarily assigned to the City Commissioners to assist with delivering supplies to polling places on November 3, 2020 may not engage in volunteer activities for any campaign from 12:00 A.M. on October 24, 2020 until 11:59 P.M. on the last day after election day on which they perform their temporary duties.

### **8.9 No involvement in political campaigns for local elective office.**

No appointed officer or employee, other than an employee of City Council\*, shall:

- a.** Take any part in any political campaign in support of a candidate for local elective office.
- b.** Engage in political activity in coordination with a political party, political campaign, or partisan political group in support of a candidate for local elective office.
- c.** Republish or distribute any printed campaign literature in support of a candidate for local elective office that was produced or paid for by a candidate, political party, political campaign, or partisan political group.

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\* For permissible activity for City Council employees, see Paragraph 8.15.



**d. Local elective office is:**

- i.** Mayor, City Council, District Attorney, City Controller, City Commissioner, Sheriff;
- ii.** Philadelphia Court of Common Pleas, Philadelphia Municipal Court, Register of Wills;
- iii.** Pennsylvania State Senator or Representative for any seat that includes any part of Philadelphia in its district; and
- iv.** Judge of Election, Majority Inspector, and Minority Inspector for a Philadelphia polling place.

*Examples for Paragraph 8.9*

- 1) An appointed officer may not circulate nomination petitions for a candidate for Philadelphia Court of Common Pleas.
- 2) An employee may not distribute campaign posters that she obtains from the campaign of a candidate for Mayor.
- 3) An employee may not volunteer at a phone bank organized by a political party in support of a candidate for a State Senate seat in a district that includes part of Philadelphia.
- 4) An appointed officer may not volunteer to knock on doors as part of a partisan political group's efforts to support a candidate for State Representative in a district that includes neighborhoods in both Philadelphia and Montgomery counties.
- 5) A representative of the campaign of a candidate for a Philadelphia Court of Common Pleas judgeship sends an appointed officer a direct message on Twitter asking the appointed officer to tweet about the candidate's upcoming rally. The appointed officer may not make such tweets at the request of the campaign.

**SUBPART C. PERMISSIBLE ACTIVITY**

**8.10** Appointed officers or employees may register and vote in any election and may be members of a political party or a partisan political group.

**8.11** So long as they comply with the restrictions set forth in Subpart B, all appointed officers and employees may:

- a.** Publicly express their personal opinion on political matters or candidates.
- b.** Campaign for or against referendum questions, constitutional amendments, federal or state laws, or municipal ordinances.
- c.** Participate in civic, community, labor, or professional organizations, including seeking election to positions within such organizations.
- d.** Circulate petitions related to referendum questions, constitutional amendments, federal or state laws, municipal ordinances, or other matters of public interest.
- e.** Assist in voter registration drives that are not organized or sponsored by a political party, a candidate, or a political campaign.
- f.** Sign a political petition, such as a nominating petition, including those that are circulated by a political party, candidate, or political campaign.
- g.** Attend political rallies, conventions, fundraisers, or other political events as a spectator.
- h.** Make contributions intended for a political purpose, except that appointed officers and employees of the Police Department may not make contributions to a candidate or to a political committee affiliated with a candidate.
- i.** Participate in political activities organized or sponsored by a civic, community, labor, or professional organization where the organization or group has not acted in coordination with a political party, candidate, partisan political group, or political campaign with regard to those activities.

### *Examples for Paragraph 8.11*

- 1) An employee may place in his yard a sign supporting a candidate.
- 2) An appointed officer may write a letter to the editor expressing their support for a candidate for City office.
- 3) An employee may wear a political party button when the employee is not on duty, at her City workplace, or in uniform.
- 4) An employee may volunteer at a phone bank that promotes a candidate and that is organized by the employee's union, where the union has not coordinated with a candidate's campaign.

### **8.12 Participation in non-local campaigns permitted for some employees.**

In addition to the activities listed in Paragraph 8.11, an appointed officer or employee who is not part of the Police Department, the Board of Ethics, or the Office of the City Commissioners, Sheriff, or District Attorney may volunteer in support of a candidate who is not running for local elective office, so long as they:

- a. Comply with the restrictions set forth in Subpart B;
- b. Do not participate in any tasks that involve the management, strategy, supervision, or direction of campaign work as set forth in Paragraph 8.7;
- c. Do not seek or accept any compensation for their participation, including:
  - i. Any salary, wages, stipend, or any other payment; or
  - ii. Any clothing, travel, lodging, entertainment, food, beverage, or any similar benefit, or reimbursement for the same, beyond what would reasonably be provided to volunteers by a campaign in the ordinary course of its activities.

### *Examples for Paragraph 8.12*

- 1) An employee of the Streets Department may volunteer for a canvassing effort organized by a political party in support of a candidate for Attorney General of Pennsylvania.
- 2) A member of the Free Library Board of Trustees may distribute sample ballots on behalf of a candidate for City Council in Pittsburgh.
- 3) An employee of the Water Department may participate in a get-out-the-vote drive organized by a candidate for Montgomery County Commissioner.
- 4) An employee of the Health Department may volunteer to hand out campaign t-shirts at a rally in support of a candidate for United States Senate.
- 5) An employee of the Mayor's Office volunteers to staff a rally in support of a Presidential candidate. If the campaign offers cheesesteaks to all volunteers staffing the rally, the employee may accept the cheesesteak.

### **8.13 Permissible activity involving social media.**

So long as they are using a personal social media account on their own time and using their own resources as further described in Subpart B, appointed officers and employees may:

- a. Use social media to express their personal opinion on political matters, including to express support for or opposition to a candidate, political campaign, or political party.
- b. Identify in their social media profile their title or status as a City officer or employee and the political party they support.
- c. Share, respond to, or follow the social media account, post, or page of a political party, candidate, or political campaign.

As described in Paragraph 8.5, City officers and employees must ensure that their City title or status is not referenced, reproduced, or depicted in or with any social media content they create that expresses support for or opposition to a candidate, political campaign, political party, or partisan political group.

### *Examples for Paragraph 8.13*

- 1) An off-duty employee using her personal mobile phone and Instagram account may “like” an Instagram post made by a candidate for Mayor.
- 2) An off-duty employee using his personal mobile phone and Twitter account may retweet a tweet by a candidate for the U. S. Senate.
- 3) The campaign of a candidate for the U. S. House of Representatives publishes a post on Instagram that includes a picture of the candidate with Beyoncé and the statement “Hey everybody! Please share this amazing picture with all your friends!!” A City employee may share the photo on his personal social media accounts.

### **8.14 Family member of a candidate.**

In addition to activity permitted by Paragraphs 8.10 through 8.13, an appointed officer or employee who is the family member of a candidate may appear in photographs of the candidate’s family that appear in a political advertisement, broadcast, campaign literature, or similar material. A family member also may attend political events with the candidate, but may not engage in any other activity that would be prohibited by this Regulation.

### *Examples for Paragraph 8.14*

- 1) An employee who is the spouse of a candidate may stand in the receiving line and sit at the head table during a political fundraising dinner honoring the spouse, but he may not organize, speak at, distribute invitations to, or sell tickets to the event.
- 2) An appointed officer who is the daughter of a candidate for City Council may appear in a family photograph that is printed in a campaign flier, but she may not distribute the flier at a campaign rally.

### **8.15 City Council employees.**

In addition to activity permitted by Paragraphs 8.10 through 8.14, so long as they comply with the applicable restrictions set forth in Subpart B, appointed officers and employees of City Council may:

- a.** Take part in the management or affairs of a political party or in a political campaign, including engaging in activity in coordination with a candidate, political party, or political campaign.
- b.** Republish or distribute printed campaign literature that was produced or paid for by a candidate, political party, or political campaign.
- c.** Be a member of any committee of a national, state, or local political campaign, political party, or partisan political group.

### *Examples for Paragraph 8.15*

- 1) An employee of City Council may be a committeeperson.
- 2) An employee of City Council may be a candidate for political party office.
- 3) An employee of City Council may serve as the campaign manager for a candidate for City Council.
- 4) An employee of City Council may serve as a delegate to a political party convention.

## ***SUBPART D. MEMBERS OF CITY BOARDS AND COMMISSIONS***

**8.16** Because the following entities exercise significant powers of City government, their members shall be fully subject to the provisions of this Regulation, except as provided in Paragraph 8.19:

- a. Air Pollution Control Board
- b. Art Commission
- c. Board of Building Standards
- d. Board of Ethics
- e. Board of Health
- f. Board of Labor Standards
- g. Board of Pensions and Retirement
- h. Board of Revision of Taxes
- i. Board of Safety and Fire Prevention
- j. Board of Surveyors
- k. City Planning Commission
- l. Civil Service Commission
- m. Commission on Human Relations
- n. Fair Housing Commission
- o. Free Library of Philadelphia, Board of Trustees
- p. Historical Commission
- q. Historical Commission Architectural Committee
- r. Historical Commission Committee on Historic Designation
- s. Licenses & Inspections Review Board
- t. Living Wage and Benefits Review Committee
- u. Philadelphia Gas Commission
- v. Police Advisory Commission
- w. Sinking Fund Commission
- x. Tax Review Board
- y. Vacant Property Review Committee
- z. Water, Sewer and Storm Water Rate Board
- aa. Zoning Board of Adjustment

**8.17** A member of a board or commission not listed in Paragraph 8.16 shall only be subject to those provisions of this Regulation that prohibit (a) political activity while on duty (Paragraph 8.3), (b) political activity using City resources (Paragraph 8.4), or (c) the use of City position for political activity (Paragraph 8.5).

### **8.18 Nominating Panels.**

A member of the Educational Nominating Panel, Civil Service Panel, or Finance Panel shall be fully subject to the provisions of this Regulation, but only for those periods of time when the panel is convened, as provided in Home Rule Charter Sections 3-1003 and 12-207.

**8.19** A member of a board or commission who is separately a City officer or employee shall be subject to this Regulation without regard to their position on the board or commission.

### *Examples for Paragraph 8.19*

- 1) An employee of the Water Department is a member of the Commission for Women. The employee is subject to all parts of this Regulation that apply to City employees, even though the Commission is not listed in Paragraph 8.16.
- 2) An employee of City Council serves on an advisory Board formed by the Mayor. The City Council employee is subject to this Regulation as provided in Subparts B and C, not as provided by Paragraph 8.17.
- 3) A City of Philadelphia elected official serves on a commission listed in Paragraph 8.16. The elected official is not subject to this Regulation.

### ***SUBPART E. PENALTIES***

**8.20** An appointed officer or employee who violates any of the restrictions set forth in this Regulation shall be subject to a civil penalty of up to \$2,000 for each such violation. In determining the appropriate amount of monetary penalty, the Board may consider both mitigating and aggravating factors. Mitigating factors that the Board may consider include: (i) a good faith effort to comply with the law; (ii) prompt corrective action; and (iii) prompt self-reporting to the Board of Ethics. Aggravating factors that the Board may consider include: whether the violator (i) acted knowingly; (ii) is a repeat offender; or (iii) obstructed the investigation of the Board of Ethics.

**8.21** In addition to civil monetary penalties imposed by the Board or a court, an appointed officer or employee who violates any of the restrictions set forth in this Regulation shall, in the case of egregious conduct, as determined by the Board, be subject to removal from office or immediate dismissal.

