



Text File

Introduced: 12/9/2008

Bill No: 2008-0972, Version: 3

Committee: Committee on Finance and Law

Status: Passed Finally

Amending and supplementing the Pittsburgh Code, Title One, Administrative, Article XI, Personnel, Chapter 197, Code of Conduct, by making various changes.

**Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code, Chapter 197, Code of Conduct, is hereby supplemented by adding Section 197.00 Preamble, as follows.

**Section 197.00 PREAMBLE**

Public service is a public trust. These prohibitions on the conduct of public servants are enacted to preserve the trust placed in the public servants of the City, to promote public confidence in government, to protect the integrity of government decision making, and to enhance government efficiency.

**Section 2.** The Pittsburgh Code, Chapter 197, Code of Conduct, Section 197.02 Definitions, is hereby supplemented by adding a definition of "Gift" as follows:

**197.02 DEFINITIONS**

k) IMMEDIATE FAMILY. A parent, **spouse or domestic partner as outlined in Chapter 186**, child, brother or sister.

l) GIFT. Any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of these or anything else of value received or given without equivalent compensation. The term shall not include a political contribution otherwise reportable as required by law or a commercially reasonable loan made in the ordinary course of business.

**NOMINAL VALUE: Valued at \$100.00 or less**

**Section 3.** The Pittsburgh Code, Chapter 197, Code of Conduct, Section 197.07 Offering of Accepting Gifts and Favors, is hereby amended by deleting the current language in its entirety, and replacing with new language, as follows:

**197.07 OFFERING, SOLICITING OR ACCEPTING GIFTS**

*[A public official, City employee or agent of the City shall not solicit or accept from an interested party, nor shall any interested party offer or give anything of value to a public official, City employee or agent of the city,*

subject to the following exceptions:

- (a) Gifts from immediate family members;
- (b) A nonpecuniary award publicly presented, in recognition of public service;
- (c) An occasional nonpecuniary gift of nominal value;
- (d) Complimentary travel for official purposes;
- (e) Admissions to charitable, civic, political or other public events;
- (f) Admissions to cultural or athletic events not to exceed two hundred fifty dollars (\$250.00) per calendar year in the aggregate and one hundred dollars (\$100.00) per calendar year from any single person, agent or other interested party; or
- (g) Complimentary meals and/or refreshments.]

- (a) General Rule on Soliciting Gifts. A Public Official, Public Employee, or City Employee shall not solicit anything of value from any person or entity that the Public Official, Public Employee, or City Employee knows, or has reason to know, is an Interested Party, subject to the exception in subsection (d)(1), and subsection (i).
- (b) General Rule on Accepting Gifts. A Public Official, Public Employee or City Employee shall not accept anything of value from any person or entity that the Public Official, Public Employee or City Employee knows, or has reason to know is an Interested Party, subject to the exceptions in subsection (d).
- (c) **General Rule on Offering Gifts.** No Interested Party shall offer or give anything of value to a Public Official, Public Employee, or City Employee subject to the exceptions in (d or g).
- (d) Exceptions.
  - (1) Any gift occasioned by ~~a~~ direct an immediate family relationship.
  - (2) Complimentary food and refreshment of nominal value, not to exceed four times per year from the same organization or individual.
  - (3) When offered by the sponsoring organization, and attended by the Employee in an official capacity, admission, attendance, food and refreshment at a public event or ceremony sponsored by a non-profit organization, or by a civic, political, community, sports or cultural organization. This exception is limited to two tickets per employee per event, not to exceed four events per year from the same organization or individual. These gifts are subject to the gift disclosure rules set forth in Section (e).
  - (4) Accompaniment as an immediate family member or spouse to a public event or ceremony where the immediate family member or spouse is acting in an official capacity.
  - (5) Memberships, events or admissions associated with any boards on which an Employee serves either in his/her official capacity or as a private citizen.
  - (6) A nonpecuniary award publicly presented, in recognition of public service.
  - (7) Gifts from one City Employee to another in recognition of a special occasion, illness or holiday.
  - (8) Gifts of nominal value in recognition of a special occasion such as the birth of child, marriage or retirement.
  - (9) Nonpecuniary gifts of nominal value.
  - (10) Reasonable expenses for travel and accommodation where the travel is business related.
- (e) Electronic Gift Disclosure. In addition to the financial disclosure requirements set forth in the

Pennsylvania Public Official and Employee Ethics Act, Public Officials and Public Employees employed by the City of Pittsburgh shall disclose any gifts received:

- (1) Which exceed \$100.00 in value per gift or aggregated together from any one source (an individual or an organization) unless from **direct immediate** family members.
  - (2) Such gifts shall be reported on a form developed by The Department of City Information Systems, to the webmaster of the City of Pittsburgh internet site. The report shall include a description of the gift and its approximate value, and the name and employer of the donor.
  - (3) The Department of City Information Systems will maintain an on-line database reflecting all gifts reported under subsection (c). The list will be updated no less frequently than monthly.
- (f) Ethics Board Review of Gifts Valued at \$500 or Higher. The Ethics Board will designate two members (hereinafter the Subcommittee) who will evaluate the propriety of gifts valued at \$500.00 or more. The subcommittee members will rotate their duties on a quarterly basis, according to the initials of the Board members' last names. Contact information for the Subcommittee will be posted on the City's website. Requests for approval of gifts valued at \$500.00 or more shall be made in written hard copy or e-mail to the Subcommittee, and shall specify the nature of the gift, its approximate value, the name and employer of the donor, the public purpose of the gift, and any other material facts. The Subcommittee will evaluate the propriety of the gift according to the following criteria:
- (1) The value of the gift and its relation, if any, to the Employee's official functions;
  - (2) The public purpose of the gift.
- The Subcommittee will issue a written opinion within twenty-one days unless the Employee requests a shorter timeline. The opinion will include all material facts relied on by the Subcommittee, and articulate a basis for the decision. All opinions will be posted on the City's website. The Employee will have the right to appeal the decision to the entire Ethics Hearing Board. Gifts from immediate family members are exempt from this subsection.
- (g) Gifts to Family Members. Members of a Public Official, Public Employee, or City Employee's immediate family may accept a gift from an Interested Party which arises from an independent relationship of the family member, if it cannot reasonably be inferred that the gift was intended to influence the Public Official, Public Employee or City Employee in the performance of his or her duties. In order to protect the public official, public employee or city employee, voluntary disclosure of such gifts from interested parties to immediate family members above \$100 is highly recommended. However, failure to disclose such gifts shall not be the basis for an Ethics Complaint under this Chapter
- (h) Effects of State Law. The prohibitions expressed in this section are in addition to the regulation of gifts expressed in the Pennsylvania Public Official and Employee Ethics Act, including the prohibition on undue influence and all applicable financial disclosure requirements.
- (i) Solicitation of donations. A Public Official, Public Employee or City Employee may solicit donations to the City in compliance with State law for charitable purposes, such as the Pittsburgh Promise, or to solicit donations for charitable purposed to a 501(c) or other charitable organization or to provide assistance to individuals affected by illness, crime or disaster or who have educational or other charitable needs.

**Section 4.** The Pittsburgh Code, Title 1, Administrative, Article IX Personnel, Chapter 197. Code of Conduct, Section 197.14 Education, is hereby amended in its entirety as follows:

**197.14 EDUCATION**

[The Ethics Hearing Board shall prepare and compile or shall cause to be prepared and compiled an ethics manual for distribution to City employees providing an overview of ethics laws, rules and regulations which may apply to such employees. Additionally, the Board shall conduct or cause to be conducted ethics seminars for City employees, as frequently as the Board deems necessary, to instruct new employees as to the rules of conduct which are applicable to them. ]

The Ethics Hearing Board shall conduct or shall cause to be conducted ethics training for the City workforce as follows:

- (a) The Ethics Hearing Board shall prepare and compile or shall cause to be prepared and compiled an ethics manual for distribution to Public Officials, Public Employees, and City Employees providing an overview of ethics laws, rules and regulations which may apply to such employees.
- (b) The Board shall conduct or cause to be conducted ethics training for Public Officials, Public Employees and City employees as frequently as the Board deems necessary, to instruct them as to the rules of ethical conduct. This training may be conducted live, in writing, or electronically.
- (c) The Board shall conduct or cause to be conducted a minimum of one hour of Ethics training per year for all Public Officials and Public Employees, who shall certify their attendance.