


MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania
Governor's Office

Subject: Code of Conduct Statement of Financial Interest - Filing	Number: 205.9 Amended
Date: December 11, 2013	By Direction of:  Kelly Powell Logan, Secretary of Administration
Contact Agency: Office of Administration, Office for Human Resources Management, Human Resources Service Center, Business Information and Support Division, Telephone 717.787.8001	

This directive establishes policy, responsibilities, and procedures for filing of the Code of Conduct Statement of Financial Interest (Form STD-323), in accordance with *Executive Order 1980-18, Code of Conduct, (4 Pennsylvania Code §§ 7.151 – 7.179)*. Marginal dots are excluded due to major changes.

- 1. PURPOSE.** To establish policy, responsibilities, and procedures for filing of Form STD-323, in accordance with *Executive Order 1980-18, Code of Conduct, (4 Pennsylvania Code §§ 7.151 – 7.179)*.
- 2. SCOPE.** This directive applies to employees of all departments, boards, commissions, and councils (hereinafter referred to as "agencies") under the Governor's jurisdiction. Specifically required to submit financial interest statements are: the Governor; the Lieutenant Governor; heads of agencies; deputy secretaries; all attorneys, press secretaries, legislative liaisons and executive and special assistants; chairpersons, members, executive directors, counsels and administrative secretaries of compensated boards and commissions under the Governor's jurisdiction; all commonwealth officials and employees at the division chief level and above; employees of all classes required by the Office of Administration (OA) to file financial interest statements under the *Public Official and Employee Ethics Act, 65 Pa. C. S. §§ 1101-1113*; and any other official or employee of the commonwealth designated by the Governor.
- 3. OBJECTIVE.** To ensure uniform implementation of the financial disclosure requirements of the *Code of Conduct*.

4. DEFINITION. Covered Positions. The Governor; the Lieutenant Governor; heads of agencies; deputy secretaries; all attorneys, press secretaries, legislative liaisons and executive and special assistants; chairpersons, members, executive directors, counsels and administrative secretaries of designated boards and commissions under the Governor's jurisdiction; all commonwealth officials and employees at the division chief level and above; employees of all classes required by OA to file financial interest statements under the *Public Official and Employee Ethics Act, 65 Pa. C. S. §§ 1101-1113*; and any other position so designated by the Governor.

5. POLICY.

- a. **By May 1** each year, officials and employees in covered positions must submit the Code of Conduct Statement of Financial Interests (SFI) to the Secretary of Administration using the financial disclosure filing website at <https://www.fd.state.pa.us>.
- b. Any official or employee who is appointed, promoted or transferred into a covered position must file a Code of Conduct SFI within 30 days of entering the position.
- c. Officials and employees in covered positions who are on military leave during the filing period shall file a Code of Conduct SFI within ninety days of their return from active military service.
- d. Officials and employees in covered positions who are on extended leave, other than military, during the filing period shall file a Code of Conduct SFI unless an exception is granted by the State Ethics Commission or the Secretary of Administration.

6. RESPONSIBILITIES.

a. Agency Heads shall:

- (1) Submit their Code of Conduct SFIs to the Secretary of Administration using the financial disclosure filing website at <https://www.fd.state.pa.us>.
- (2) Ensure that all officials and employees in covered positions under their jurisdiction and within the scope of this directive comply with financial disclosure requirements.
- (3) Review all submitted Code of Conduct SFIs with the agency Chief Counsel and refer any potential conflicts of interest to the Secretary of Administration, together with all information necessary and pertinent to the resolution of such conflict.

b. Agency Chief Counsels shall:

- (1) Review all submitted Code of Conduct SFIs for any conflicts of interest listed in the *Code of Conduct* or the *State Adverse Interest Act*; inform the agency head and the Office of General Counsel (OGC) of any actual or potential conflicts of interest; and provide the agency head and OGC with all information necessary and pertinent to the resolution of all such actual or potential conflicts.
- (2) Provide advice and assistance to agency officials and employees in covered positions on completion of Code of Conduct SFIs.

c. Agency Human Resources Directors shall:

- (1) Assist OA, Office for Human Resources Management, Human Resources Service Center (HRSC), as needed, with the distribution of the Code of Conduct SFI form to officials and employees in covered positions who do not have access to a commonwealth computer, except chairpersons and members of compensated boards and commissions under the Governor's jurisdiction.
- (2) Advise agency heads of any officials and employees in covered positions who fail to file a Code of Conduct SFI.
- (3) Ensure that any official or employee who is appointed, promoted or transferred into covered positions, files a Code of Conduct SFI within 30 days of entering the covered position.

d. Secretary of Administration shall:

- (1) Establish the process for filing Code of Conduct SFIs.
- (2) Establish the process for maintaining Code of Conduct SFIs in accordance with the commonwealth's General Records Retention and Disposition Schedule.
- (3) In conjunction with the General Counsel, review and take appropriate action when officials and employees in covered positions file Code of Conduct SFIs that contain actual or potential conflicts of interest.
- (4) In conjunction with the General Counsel, take appropriate action regarding officials or employees in covered positions who fail to comply with the financial disclosure requirements of the Code of Conduct.

e. Director, Governor's Office of Public Liaison shall:

- (1) Ensure that new members of compensated boards and commissions under the Governor's jurisdiction who are required to file an SFI receive the Code of Conduct SFI from their board or commission. They will be instructed to forward the completed form within 30 days to the:

Director, Governor's Office of Public Liaison
Office of the Governor
Room 508E
Main Capitol Building

- (2) Coordinate the notification, receipt and maintenance of Code of Conduct SFIs for all chairpersons and members of compensated boards and commissions under the Governor's jurisdiction.
- (3) Review submitted Code of Conduct SFIs for potential conflicts of interest and refer questionable situations to the Secretary of Administration.
- (4) Notify the Secretary of Administration of any failure to comply.

- f. **Officials and Employees in Covered Positions** shall file Code of Conduct SFIs by May 1 of each year, or within 30 days of being appointed, promoted or transferred to a covered position, whichever is earlier. Any official or employee who is appointed, promoted or transferred into a covered position after May 1 must file a Code of Conduct SFI within 30 days of entering the position.

7. PROCEDURES.

a. Filing.

- (1) Code of Conduct SFIs shall be submitted by **May 1** (or the first scheduled workday following) of each year. The financial information to be disclosed is for the preceding calendar year. All officials and employees in covered positions are required to use the financial disclosure filing website at <https://www.fd.state.pa.us> unless they do not have access to a commonwealth computer.
- (2) Officials and employees in covered positions without commonwealth computer access should contact the HRSC or their agency Human Resources Office to request the appropriate paper form(s).
- (3) If no Code of Conduct SFI is received within ten workdays after a required submittal date, or a SFI was received but is considered deficient, agency Human Resources Directors are to advise current officials and employees in covered positions of their non-compliance and of the requirement to submit a Code of Conduct SFI.
- (4) By **June 1** (or the first scheduled workday following) of each year, agency Human Resources Offices shall review the data provided by the HRSC indicating which officials and employees in covered positions of their respective agencies have not filed Code of Conduct SFIs and shall inform the HRSC of any errors in the data and of anyone who is deceased, on extended military leave, or who has filed an appeal that is under review.
- (5) The HRSC shall formally notify officials and employees in covered positions of their non-compliance and of the requirement to submit a Code of Conduct SFI within 10 days of the notification.
- (6) If a completed Code of Conduct SFI has not been submitted within 10 days after the notification from the HRSC, the Deputy Secretary for Human Resources shall formally notify officials and employees in covered positions who have not complied that they are in violation of the Governor's Code of Conduct.

b. Reviews.

- (1) Agency heads, in conjunction with agency Chief Counsels, shall review Code of Conduct SFIs for conflicts of interest and, as appropriate, conduct investigations on potential conflicts of interest.

- (2) Unless otherwise provided by specific agreement, agency heads shall forward all potential conflicts of interest by **June 1** (or the first scheduled workday following) of each year to the Secretary of Administration, attaching completed Code of Conduct SFIs and all investigative material. Information should also be provided on the rationale of the agency head for believing a conflict of interest exists.
- (3) Secretary of Administration will review all potential conflicts of interest and advise the agency head of the determination on the matter and any required action.

c. Access, Maintenance, and Release.

- (1) Agency Human Resources Directors are to establish a single central file of all paper Code of Conduct SFIs. They are not to be included in Official Personnel Folders. These paper Code of Conduct SFIs are also to be uploaded into the online filing website.
- (2) Either the agency Human Resources Director or a supervisor in the agency Human Resources Office at Division Chief level, is to act as the custodian of completed SFIs and provide access to these Code of Conduct SFIs in accordance with the *Code of Conduct* and this directive.
- (3) Code of Conduct SFIs may be released in response to requests made pursuant to the *Right-to-Know Law* (RTKL), *65 P.S. §§ 67.101, et seq.*
 - (a) In the event of a RTKL request for SFIs, OA, Office for Continuity of Government and Enterprise Records Management must be notified.
 - (b) Any disclosure of Code of Conduct SFIs must be coordinated with the Office for Continuity of Government and Enterprise Records Management and OA's RTKL Agency Open Records Officer.
 - (c) Personal financial information, as defined by the RTKL, will generally be redacted from any Code of Conduct SFI released in response to a RTKL request.
- (4) Requests for inspection of Code of Conduct SFIs by accredited news reporters employed by general news organizations must be referred to the Office for Continuity of Government and Enterprise Records Management.
 - (a) Any inspection of Code of Conduct SFIs must be coordinated with the Office for Continuity of Government and Enterprise Records Management.
 - (b) Personal financial information, as defined by the RTKL, will generally be redacted from any Code of Conduct SFI which is made available for inspection.
- (5) Code of Conduct SFIs shall not be open to persons for commercial purposes.
- (6) Code of Conduct SFIs shall be provided, upon request, to the Governor, the Lieutenant Governor, the Secretary of Administration, the General Counsel, and the Inspector General.

(7) Code of Conduct SFIs shall be maintained in accordance with *Manual 210.9, The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule*.

d. **Resolution of Disputes.** Questions or disputes arising out of the financial disclosure requirement shall be referred to the Secretary of Administration, unless otherwise provided by specific agreement.

This directive replaces, in its entirety, *Management Directive 205.9*, dated January 4, 2011.