

**COUNTY OF CHESTER
EMPLOYEE CODE OF ETHICS**

I. STATEMENT OF PURPOSE

This Employee Code of Ethics (the “Code”) is intended to set forth, and govern, the ethical conduct of all individuals employed by Chester County (the “County”). In addition to the provisions of this Code, all employees and elected officials are subject to and are expected to adhere to and be familiar with the Pennsylvania Public Official and Employee Ethics Act; 65 P.S. §§ 1101, et seq.

II. GENERAL PROVISIONS

- A. Reference to Chester County or the “County” herein shall not include the Judicial Branch or the elected Row Officers. Each Row Office operates independently and has the right to adopt its own policies, including this Code or its own Ethics Policy or Code of Conduct.
1. If Row Officers do not adopt this Code or their own Ethics Policy or Code of Conduct, Row Officers and their employees must adhere to the Pennsylvania Public Official and Employee Ethics Act; 65 P.S. §§ 1101, et seq.
 2. Judicial Branch employees must adhere to the Supreme Court of Pennsylvania’s Code of Conduct for Employees of the Unified Judicial System and/or other orders issued by the President Judge.
- B. This Code of Ethics applies to employees over which the Board of Commissioners has supervisory authority, including the Board of Commissioners and all persons they appoint to authorities, boards, and commissions.
- C. The County Administrator shall be responsible for communicating to all employees the provisions of this Code of Ethics, which may be done through intermediaries such as Department heads or their deputies should the County Administrator determine it appropriate. These provisions will be covered as part of the orientation provided to all new and current employees and shall be included in the Chester County Employee Handbook.
- D. As a condition of initial and continuing continued employment with the County, each person shall sign a statement to the effect they have received a copy of this Code, understands its contents, and agrees to abide by established policies.
- E. From time to time, the County Administrator may require additional training and/or orientation on issues related to ethics. Each employee shall be required to participate in any such additional training and/or orientation.

- F. Each employee of the County is charged with knowledge of this Code of Ethics and is expected to follow its mandates and intent. Should any employee of the County have reason to doubt the applicability of any provision to their position, it is the duty of that person to seek clarification from their Department Head.
- G. Current or former employees may request an advisory opinion for interpretation of this Code relating to a specific situation. They must make this request for their own affairs and should submit the request in writing, with sufficient details to allow for the Director of Human Resources and County Solicitor to provide clarification on the situation.
- H. The Commissioners may subsequently modify all or part of this Code at their sole discretion.

III. CONFLICTS OF INTEREST: ACTUAL & POTENTIAL

- A. An actual conflict of interest is defined as the receipt of some personal benefit in exchange for the employee doing their job or in an effort to influence the employee's performance of their job. Employees shall not engage in behavior that creates an actual conflict of interest.
- B. Employees must take all necessary steps to avoid potential conflicts of interest or the appearance of impropriety. A potential conflict of interest arises when an employee has the opportunity to exploit their employment for their personal benefit or when circumstances exist that create the impression that an employee is misusing or abusing their position. Recognizing that certain potential conflicts of interest may arise, all such potential conflicts of interests must be reported to the Director of Human Resources immediately upon discovery.
- C. Specific types of conduct create unacceptable actual or potential conflicts of interest. This conduct is prohibited. It includes, but is not limited to, the following behavior by County employees:
 - 1. Engaging in outside employment which might, in any way, interfere with or be in conflict with their duties as employees of the County (if an employee is uncertain, they should consult with their Department Head and/or the Director of Human Resources);
 - 2. Engaging directly or indirectly in any business transaction or private arrangement for profit which arises from or is based upon the employee's official position or authority;
 - 3. Soliciting or receiving any benefit resulting in personal gain to the employee (excluding County remuneration) or someone on their behalf, the receipt of which influences, or would be reasonably likely to influence, the performance of that employee's job within the County;

4. Representing or acting as an agent for any private interest, whether for compensation or not, in any transaction in which the County has a direct and substantial interest and which could be reasonably expected to result in a conflict between a private interest of the employee and their official public responsibility;
5. Engaging in any personal business transaction which would be reasonably likely to negatively influence the performance of that employee's job within the County; or
6. Acting in violation of state and/or federal law, including but not limited to the Pennsylvania Public Official and Employee Ethics Act; 65 P.S. §§ 1101, et seq.

IV. POLITICAL ACTIVITY

- A. Employees of the County may participate in an individual capacity in political activities (such as campaigning, solicitation, fundraising, or poll watching) on their own personal time, but only to the extent that such participation does not conflict or interfere with the performance of their duties and provided that such participation does not conflict with any applicable law, statute, regulation, management directive or other order. For the purpose of this policy, personal time excludes any time during an employee's working hours. Lunch breaks do not constitute working hours. Employees may engage in political activity at any time during an employee's working hours by using accrued time off benefits or taking an approved, qualified leave of absence. However, with the exception of a sitting County elected official, to the extent a County employee participates in any form of political activity on their own personal time, such employee shall not use their County seal/title or other County identification in connection with such activities.
- B. Employees of the County are prohibited from participating in any political activities during the employee's working hours, and are prohibited from using County supplies, stationery, equipment, uniforms, and all other County resources in connection with any political activity. Moreover, with the exception of a sitting County elected official, County employees are prohibited from using any information which is not already public record, and obtained by them as a result of their employment with the County in connection with any political activity.
- C. Employees of the County are prohibited from participating in any political activities on any property owned or leased by Chester County, except for those areas which are considered public spaces and which are generally open to members of the public.
- D. No employee shall solicit or be solicited for political contributions as a condition of current or future employment or with the intent of receiving a personal favor or other benefit related to their County employment.

- E. With the exception of a sitting County elected official, an employee of the County who is a candidate for any public office to which remuneration is or is not provided must notify their Department Head and the Director of Human Resources in writing within one business day after any general public announcement of the candidacy or the filing of appropriate documents, whichever is earlier.
- F. With the exception of a sitting County elected official, an employee of the County may not accept appointment to another governmental position without first notifying their Department Head and the Director of Human Resources in writing at least one week before any general public announcement of the appointment. Included in these positions are appointments to state and local offices which may have no set term and which are uncompensated and advisory, but which are nonetheless charged with a governmental purpose. The Director of Human Resources, in consultation with the County Solicitor, will issue a written determination for the employee as to whether the appointment presents a conflict of interest.
- G. No County employee at any time shall be compelled, whether directly or indirectly, to perform political activity of any kind, whether on County time or personal time.
- H. An employee of the County may participate in charitable, religious, and any other public service volunteer work without limitation, subject to the other requirements of this Code.
- I. No employee may be given a benefit in their job in exchange for the performance of a political task.
- J. With the exception of a sitting elected official, employees must abide the Hatch Act, 5 U.S.C. §1501, *et seq.*, and are prohibited from becoming a candidate for partisan elective office if the salary of their position is paid completely, directly or indirectly, by loans or grants made by the United States or Federal agency. The Hatch Act of 1939 precludes certain political activities by local employees “who are principally employed in connection with programs financed in whole or in part by loans or grants made by the United States or a federal agency.” For specific information about the requirements of this Act, please visit the Federal Office of Special Counsel’s website at www.osc.gov or consult with the Director of Human Resources and the County Solicitor.

V. GIFTS

- A. No employee shall accept gifts, gratuities, favors, loans, or any other item(s) from:
 - 1. A person or business having a financial relationship with the County;
 - 2. A person or business whose operations or activities are regulated or inspected by the County;

3. A principal and/or attorney in proceedings in which the County is an adverse party; or
 4. Any person or business where the performance or non-performance of any official duty may be influenced or affected.
- B. Gifts motivated solely by a family relationship or personal friendship may be accepted and are not prohibited by this Code. For the purposes of this Code, family is defined as spouse, child, brother, sister, parent, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, uncle, aunt, niece, nephew, and first cousin.
- C. Food and perishable items of nominal value may be accepted. Nominal value is considered \$100 or less.
- D. Those items intended to memorialize community events, special award presentations, unique occasions and other public appearances (i.e., plaques, medals, t-shirts, flowers, candy, baked goods and other perishable items) are assumed to have nominal value and therefore may be accepted.
- E. If an employee is uncertain whether a gift offered from a member of the public is acceptable or considered of nominal value, the gift may be conditionally accepted, and the Director of Human Resources or County Solicitor shall be consulted as soon as practical regarding whether the gift may be kept, given to charity, or returned to the giver.

VI. MISUSE OF PERSONAL SERVICES AND COUNTY PROPERTY

- A. No employee shall receive, request, encourage, or otherwise allow any other County employee to provide services of a personal nature to them during work hours. However, employees may voluntarily provide services of a personal nature for co-workers on their own personal time.
- B. County materials and equipment are intended to be utilized for official County purposes. Personal usage is allowed only if “de minimus” in nature and reasonable under the totality of circumstances, as determined by the Director of Human Resources or County Solicitor. However, under no circumstances shall any County materials or equipment be utilized for political purposes, even if considered “de minimus” in nature.

VII. CONFIDENTIALITY

- A. All information, no matter how acquired during the course of employment with the County, is deemed strictly confidential unless such information is available to the

public, and is not to be disseminated for any reason unless connected with the performance of an employee's official duties. No County documents shall be removed from the office where the person is employed unless express permission has been granted by the Department Head. No County documents except public records may be copied, including electronic copies, unless express permission has been granted by the Department Head, County Public Information Officer, or County Right-to-Know Officer. Information deemed public should be released in accordance with the County's Right-to-Know policy and/or a Department's policy concerning the release of information. Nothing in this section should be construed as limiting an employee's right to report any concerns to any entity or appropriate authority¹, nor limiting any rights or protections afforded employees under any County policy, regulation, statute, or law for making such report.

VIII. ETHICAL VIOLATIONS – REPORTING / ENFORCEMENT / PENALTIES

A. All employees are under an ethical obligation to disclose any violations of this Code to their immediate supervisor, who shall then report the alleged violation to the Department Head, Director of Human Resources or the County Solicitor.* The obligation to report applies to any alleged violation which is either:

1. Personally witnessed by the employee; or
2. Where the employee has received reliable information that a violation has occurred.

*In instances where an Elected Row Officer chooses to adopt this Ethics Policy as written, said Elected Row Officer should determine where employees of that particular Office shall report any and all ethical violations.

B. Attorneys in supervisory roles must pay special attention to Pennsylvania Rule of Professional Conduct 5.1, infra, Responsibilities of Partners, Managers and Supervisory Lawyers, which holds certain individuals in supervisory positions accountable for the ethical violations of others (See Appendix "A").

C. When a violation of the Code of Ethics is alleged to have occurred, the Director of Human Resources, together with the County Solicitor, shall gather all pertinent information related to any alleged violation, make a determination as to whether a violation of the Code of Ethics has occurred, and report their findings in a written report to the employee alleged to have committed the violation, with a copy to the employee's Department Head and the County Administrator. In the event such

¹ "Appropriate Authority" is defined under the Pennsylvania Whistleblower Law is "[a] Federal, State or local government body, agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or waste; or a member, officer, agent, representative or supervisory employee of the body, agency or organization. The term includes, but is not limited to, the Office of Inspector General, the Office of Attorney General, the Department of the Auditor General, the Treasury Department, the General Assembly and committees of the General Assembly having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or waste. See, 43 P.S. §1422.

employee disputes the written report, the employee may request the County Administrator conduct a review of that determination. Such a request shall be made within ten business days of receipt by the employee of the written determination. The County Administrator will issue a written determination of their review. In the event the employee disputes the County Administrator's written determination of the review, said employee may request that the Commissioners conduct a review. Such a request shall be made in writing within five business days of receipt by the employee of the County Administrator's written determination. The Commissioners, by a majority decision, shall issue a written determination which will be provided to the employee as to whether a violation of the Code of Ethics has occurred. The decision of the Board of Commissioners will be final and binding.

*In instances where an Elected Row Officer chooses to adopt this Ethics Policy as written, the Elected Row Officer should determine whether they will gather all of the pertinent information related to the alleged violation and any findings resulting therefrom, or whether they will delegate that responsibility to the Director of Human Resources, together with the County Solicitor, to conduct the investigation and report said findings back in writing to the Elected Row Officer for further handling. The Elected Row Officer should advise the employee of said findings in writing and this decision will be binding on the employee.

- D. When a violation of the Code of Ethics is found to have occurred the disciplinary procedure applicable to that employee shall be followed. Depending on the seriousness of the violation, an employee may be subject to disciplinary action up to and including termination.

IX. SPECIAL RULES FOR ATTORNEYS

Attorneys employed by the County:

- A. Shall not refer to private attorneys any claims or actual cases which involve the County as an actual or potential adverse party, nor advise private attorneys regarding such matters;
- B. Shall conduct themselves in accordance with 204 Pa. Code Chapter 81 (relating to the Rules of Professional Conduct) and, upon termination of County employment, shall carefully adhere to Pennsylvania Rule of Professional Conduct Rule 1.11, infra, Special Conflicts of Interest for Former and Current Government Offices and Employees;
- C. If subject to the Pennsylvania Public Official and Employee Ethics Act; 65 P.S. §§ 1101, et seq., shall follow the provisions of such law and any regulations thereunder;
- D. Shall make timely payment of the annual registration fee to the Pennsylvania Supreme Court as a prerequisite to the practice of law in Pennsylvania and thus a condition of continued employment in the County; and

- E. Shall ensure that they are compliant with the annual requirements of the Pennsylvania Continuing Legal Education Board as a prerequisite to the practice of law in Pennsylvania and thus a condition of continued employment in the County.

X. CONTRACTING/DOING BUSINESS WITH COUNTY

- A. No elected official or employee may enter into a contract with, or do work for, resulting in remuneration, with the County outside their normal scope of employment or elected office.
- B. No former elected official or former employee meeting the criteria set forth in subparagraph (i) below may enter into a contract with, or do work for, the County for a period of 12 months following their separation from service with the County to the extent restricted or prohibited under the Pennsylvania State Ethics Act; 65 P.S. §§ 1101, et seq. This includes acting as a subcontractor for a firm holding or attempting to hold a contract with the County as well as being an employee of a firm holding or attempting to hold a contract with the County. In the event a former elected official or former employee leaves County service to work for a firm holding a contract with or attempting to hold a contract with the County, that former elected official or former employee cannot do work on the County's contract for a period of 12 months following their separation from service with the County. Nothing in this section prohibits the County from rehiring a former elected official or former employee as an employee of the County at any time.

i. "Former Employee" is defined as an individual formerly employed by the County who was responsible for taking or recommending official action of a non-ministerial nature regarding any or all of the following:

- a. contracting or procurement;
- b. administering or monitoring grants or subsidies;
- c. planning or zoning;
- d. inspecting, licensing, regulating or auditing any person; or
- e. any other activity where the official action has an economic impact of greater than a "de minimis" nature on the interests of any person.