

Bill No. 3244-07

No. 31-07-OR

## AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Code of the County of Allegheny, Division 1, entitled "Administrative Code," §5-1013.09 entitled "Standards of Conduct," in order to clarify the duties of Members of Allegheny County Council with regard to employment with local, state or federal government, and repealing Ordinance 43-06-OR.

**WHEREAS**, the Accountability, Conduct and Ethics Code of Allegheny County, contained within Article 1013 of the Administrative Code, sets forth guidelines for the accountability, conduct and ethics of Allegheny County; and

**WHEREAS**, Council desires to clarify §5-1013.09 of the Administrative Code insofar as it pertains to the employment of Members of Allegheny County Council by local, state, or federal government entities;

***The Council of the County of Allegheny hereby enacts as follows:***

### **SECTION 1.**

Ordinance No. 43-06-OR is hereby repealed, and Article 1013 of Division 1 of the Code of Allegheny County is hereby amended as follows:

#### **§5-1013.09. Standards of Conduct.**

All covered persons shall set and follow an example of proper conduct that shall include the following:

\* \* \*

#### **O. Political activity.**

- (1) Employees shall have the right to hold membership in a political party, to vote, to express publicly or privately opinions on political subjects and candidates, to maintain political neutrality, and to otherwise participate in political meetings and activities. Employees must engage in all such activities as private citizens, away from County workplaces, out of

uniform and during nonworking hours, except union officers in the normal conduct of union activities.

- (2) No covered person shall use the authority or influence of his or her office for the purpose of interfering with the result of an election.
- (3) No covered person shall solicit, directly or indirectly, any employee reporting to such covered person to engage in political activity or to suggest that such covered employee engage in such political activity. No covered person shall solicit, directly or indirectly, campaign contributions from a person reporting to such Covered Person.
- (4) County Council members are prohibited from being employed, in a confidential administrative capacity, in local, state or federal government. For the purposes of this section:
  - (a) An individual shall be deemed to be employed in government in a confidential administrative capacity only if he or she:
    - (i) Is employed on the personal staff of any elected official in local, state or federal government, or is employed by any legislative body to function as personal staff for any elected official;
    - (ii) Is appointed to any post in federal or state government for which confirmation by either house of the United States Congress or the Pennsylvania General Assembly is required;
    - (iii) Is appointed to any cabinet-level post in federal or state government;
    - (iv) Holds the post of Municipal Manager or an equivalent position in any municipality within Allegheny County;
    - (v) Is an individual elected to any office in federal or state government or in any municipality or school district located within Allegheny County.
  - (b) No individual shall be deemed to be employed in a confidential administrative capacity by virtue of employment with a government agency for the purpose of performing nondiscretionary or purely ministerial functions. Individuals subject to and protected by federal, state or local civil service regulations shall be deemed to perform purely ministerial functions within the scope of such civil service employment for the purposes of this section.

- (c) Notwithstanding the provisions of this section pertaining to the ability of individuals to hold elected or appointed office, County Council members shall remain bound by all rules governing abstention or other ethical guidelines as they apply to the members' other governmental employment.

\* \* \*

***SECTION 2. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.***


***PRIMARY SPONSOR: COUNCIL MEMBER DROZD***

***COSPONSORS: VICE PRESIDENT MARTONI***

Enacted in Council, this 21st day of August, 2007,

Council Agenda No. \_\_\_\_\_.

  
\_\_\_\_\_  
Rich Fitzgerald  
President of Council

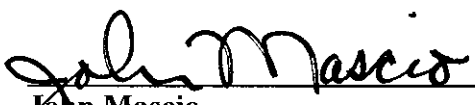
Attest:   
\_\_\_\_\_  
John Mascio  
Chief Clerk of Council

Chief Executive Office August 30, 2007

Approved: \_\_\_\_\_  
\_\_\_\_\_  
Dan Onorato  
Chief Executive

Attest: \_\_\_\_\_  
\_\_\_\_\_  
Donna Beltz  
Executive's Secretary

I do hereby certify that the foregoing Ordinance, duly engrossed and certified, was delivered by me to the Chief Executive for his approval or disapproval and that the Chief Executive failed to approve or disapprove the same, whereupon, it became law without his approval under the provisions of Section 311.07(E) of the Administrative Code of Allegheny County.

  
\_\_\_\_\_  
John Mascio  
Chief Clerk of Council