



# Allegheny County Council

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## Legislation Details (With Text)

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**File created:** 3/17/2023      **In control:** County Council

**On agenda:** 3/21/2023      **Final action:**

**Title:** An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Article 1013 of the Administrative Code of Allegheny County, entitled "Political Activity; Accountability, Conduct and Ethics Code," §5-1013.09(G), entitled "Patronage/Nepotism," in order to alter the provisions relating to County employment.

**Sponsors:** Nick Futules

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/21/2023	1	County Council	Defeated	Fail

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Article 1013 of the Administrative Code of Allegheny County, entitled "Political Activity; Accountability, Conduct and Ethics Code," §5-1013.09(G), entitled "Patronage/Nepotism," in order to alter the provisions relating to County employment.

**Whereas**, the Administrative Code of Allegheny County, §5-1013.09(G) as currently worded establishes an outright prohibition upon the employment of any County official or County officer's family members by Allegheny County, regardless of a candidate's qualifications, education, or experience; and

**Whereas**, it is the judgment of Council that, while well-intentioned, the existing language of §5-1013.09(G) is unnecessarily restrictive, insofar as the goal of the anti-nepotism provision is to forbid preferential treatment in the hiring process or during performance of day-to-day duties, rather than to reflexively rule certain individuals ineligible for County employment based solely upon a single factor (family membership) over which those individuals have no control; and

**Whereas**, it is further the judgment of Council that the existing language of §5-1013.09(G) functions to the detriment of the County's residents and taxpayers, to the extent that it prohibits highly qualified individuals with a desire to serve as County employees from having any chance at doing so; and

**Whereas**, it is further the judgment of Council that the existing language of §5-1013.09(G) also has significant potential to force extremely difficult decisions upon current County employees, for example in situations in which a parent's position with the County would impede that parent's child in pursuing his or her career; and

**Whereas**, the Home Rule Charter of Allegheny County, Article IX, §2 expressly requires that the County utilize "a personnel system based on merit principles for all employees of the County."; and

**Whereas**, to the end specified by the Charter, the Administrative Code of Allegheny County, §5-1001.03.B. specifically requires that the County’s personnel system operate by “[r]ecruiting, selecting and promoting employees on the basis of their respective abilities, knowledge and skills required for the position, as determined through open and competitive means.”; and

**Whereas**, it is the judgment of Council that the Patronage/Nepotism provisions contained within the County’s Ethics Code operate in direct opposition to the concept of a merit-based personnel system, to the extent that they automatically render certain individuals ineligible for County employment based on factors that have nothing whatsoever to do with abilities, knowledge, or skill; and

**Whereas**, it is accordingly the desire of Council to render the Patronage/Nepotism provisions consistent with the Charter and Administrative Code provisions relating to the merit-based personnel system, while still prohibiting the exercise of undue influence by covered persons on behalf of family members;

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

***SECTION 1. Incorporation of the Preamble***

The provisions of the preamble to this Ordinance are hereby incorporated in their entirety by reference herein.

***SECTION 2. Amendment of the Administrative Code.***

Article 1013 of the Administrative Code of Allegheny County, entitled “Political Activity; Accountability, Conduct and Ethics Code,” Section 5-1013.09(G), entitled “Patronage/Nepotism,” 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:

\* \* \*

**G. Patronage/Nepotism.**

- (1) No covered person shall unduly exert, negatively or positively, his or her influence to gain, or attempt to gain, preferential treatment on behalf of an applicant for employment or advancement with the County.
- ~~(2) No family member of a County official or County officer shall be permitted to obtain full-time employment with the County or agency except through the election to a public office.~~
- ~~(3)~~(2) No covered person shall supervise a family member.
- (3) No covered person shall participate in the review of a family member’s application for County employment or interview of a family member.

- (4) No covered person shall vote upon, decide upon, authorize, or otherwise approve:
- (a) The hiring of a family member;
  - (b) The establishment of a family member's duties;
  - (c) The establishment or alteration of the terms and conditions of a family member's employment;
  - (d) The evaluation of a family member;
  - (e) The establishment of pay rates or pay adjustments for a family member; or
  - (f) Any disciplinary action relating to a family member.

For the purposes of this subsection, purely ministerial actions including (but not limited to) processing required forms for personnel actions and adding an individual to the County's payroll or information technology systems shall not be deemed to be a vote, decision, authorization or approval.

- ~~(4) — Exceptions:~~
- ~~(a) — Where the family member is employed by the County prior to the election of a related County officer or County official or appointment of a related agency member;~~
  - ~~(b) — Where, after the County officer or County official has obtained elected office, or an agency member has been appointed, an individual employed by the County becomes a family member;~~
  - ~~(c) — Where individuals were employees prior to the adoption of this code; or~~
  - ~~(d) — For good cause shown, as established under this article, where the County would suffer hardship as a result of the prohibition.~~

\* \* \*

### ***SECTION 3. Effective Date.***

The provisions of this ordinance shall become effective immediately upon the date of final approval.

***SECTION 4. Severability. 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.***

***SECTION 5. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.***