

**CITY OF PITTSBURGH
COMMISSION ON HUMAN RELATIONS**

CODE OF CONDUCT



CITY OF PITTSBURGH

Commission on Human Relations

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The Commission on Human Relations assures fair and equitable treatment of all people living in, visiting and doing business with the City of Pittsburgh. The integrity of the Commissioners enforcing the civil rights laws of Pittsburgh is reinforced by their voluntary adherence to the standards expressed within this document.

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PART I: VALUES

The City of Pittsburgh has entrusted the care, preservation and enforcement of its fair practices and non-discrimination laws to the independent Commission on Human Relations. The Commission commits to discharge its duties and fulfill its public service in a manner worthy of that public trust.

The values guiding the Commission shall mold the professional atmosphere in which business is conducted and cases adjudicated and they are:

- **ACCOUNTABILITY**

Accountability is essential to preserving the public trust and procedural integrity. We respect the painful circumstances and accompanying burdens that bring people to the Commission and seek to minimize processing time associated with the case compliance review and adjudication.

- **IMPARTIALITY**

Impartiality is a mandatory component of our decision making and fact-finding. Objective, bias-free decision making is non-negotiable and necessary to assure our adherence to fairness and procedural due process.

- **PUBLIC SERVICE**

The fundamental motivation of all Commissioners is to serve the public and protect the public's interest. Through our community outreach we seek to increase compliance to the requirements and spirit of our civil rights laws by employers, housing and service providers and to reduce incidents of community tension.

- **CULTURAL COMPETENCE**

We embrace the diversity of our City and respect and value the depth of our multi-cultural traditions and customs. The Commission is committed to enhancing intergroup and community relations by providing educational and outreach programs.

- **TRANSPARENCY**

By-Laws, public policies, procedures, rules, operating standards, decisions with related public documents and meeting minutes will be readily available in easily understandable language and in formats necessary to assure access to the public. Electronic access to Commission documents of public interest will be available.

**PART II: PREAMBLE HOME RULE CHARTER CITY OF PITTSBURGH ADOPTED
11/3/1974**

In order to achieve increased independence for city government, and more power over local matters, the people of Pittsburgh adopt this home rule charter as an instrument of progress and hope.

It has been created in a long labor, open to all citizens and participated in by many.

The purpose of this charter is a responsible city. A responsible city is one which seeks to ensure that all of its citizens' needs are met, whether from public or private, city, county, state or national sources.

A responsible city is one which expects aggressive action from its officials toward the achievement of dignified housing, useful employment, pure air and water, efficient transportation excellent education, health, safety, recreation and culture, and the other conditions conducive to human growth.

It is one which provides equal protection of the law for all citizens, with no one denied the enjoyment of civil, economic or political rights, or discriminated against in the exercise thereof because of race, color, creed, national origin, age, handicap or sex.

It is one where all citizens have reasonable access to records and officials and where police power is under civil direction at all times.

It is one where citizens generously accept service in government, participate thoughtfully in public decisions, support public employees in the performance of lawful duties, avoid frivolous use of their rights and supply their government with sufficient resources to meet its responsibilities.

The achievement of the purpose of this home rule charter depends upon the constant interest and concern of citizens.

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PART III: OATH OF OFFICE

The Oath of a Commissioner is a solemn declaration that the Commissioner will conscientiously perform the duties entrusted to the Commission:

"I do solemnly swear or affirm that I will support the Constitution of the United States and of this state and the charter of this City and that I will faithfully discharge the duties of office to the best of my ability."

This oath, duly certified before the officer before whom it was taken, is filed with the City Clerk in the office of City Council.

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PART IV: STANDARDS

The Human Relations Commission of the City of Pittsburgh will promote the enjoyment of civil, economic or political rights without discrimination and as guaranteed by law, the Home Rule Charter or ordinance and will enforce and secure equal protection of the law through an impartial investigation, and public process.

As a properly appointed Commissioner I acknowledge and commit to discharging the duties conveyed to me by my Oath of Office and to publicly and privately uphold the principles therein contained and not betray the confidence and trust extended to me.

I pledge to uphold the standards of public service embraced by the preamble of the Charter of the City and aspire to achieve and maintain the personal integrity and organizational integrity expected of the Commission on Human Relations.

To protect and enhance the reputation and integrity of the Commission, the Commission hereby adopts the following standards of conduct to which Commissioners shall aspire and be mindful:

1. PERSONAL CONFLICTS

- a. A Commissioner shall not appear for compensation on behalf of any private person other than him/herself, or his/her immediate family, before any quasi- judicial tribunal of the City.
- b. A Commissioner shall not accept a fee from another person for referring a matter to such person for action when the official or employee is barred by the City Code or Home Rule Charter from taking action directly.
- c. A Commissioner shall not use or permit the use of his/her title, City or Commission insignia or position in connection with any private business from which he/she receives compensation.
- d. A Commissioner shall not use or allow the use of any City facilities, property, staff, or information obtained in the course of his/her Commission service for personal use other than would be generally available to the public at large.
- e. A Commissioner shall avoid associations, activities and conduct that may be perceived as contrary to the mission of the Commission and which may potentially compromise the impartiality and objectivity of the Commissioner.

2. ORGANIZATIONAL PROTOCOL

- a. A Commissioner shall not presume to speak for the Commission unless the body has so designated the Commissioner and/or the Commission has agreed that particular information is to be publicly disseminated.
- b. A Commissioner shall attend all meetings or shall extend notice of unavailability in advance of a designated meeting.

- c. A Commissioner shall prepare fully for meetings and engage in discussions and decision-making.
- d. A Commissioner shall be prepared to participate in discussion, debate and voting on Commission business.
- e. A Commissioner will extend respect to colleagues by contributing constructively to discussions, carefully listening to others and challenging opposing views respectfully, striving to avoid creation or perpetuation of intractable conflicts.
- f. A Commissioner shall participate in a collective decision-making process and accept the majority decision as the Commission's position and shall not act individually or subvert the Commission's collective decision.
- g. A Commissioner shall maintain the confidentiality of all information as required by applicable law and Commission operating standards.

3. ADJUDICATION

- a. A Commissioner shall preside over assigned public hearings as an impartial and objective fact-finder and will extend due diligence to all matters before her/him.
- b. A Commissioner participating in the compliance review process shall impartially and objectively weigh the evidence presented when evaluating whether probable cause exists to charge a violation.
- c. A Commissioner shall consider all evidence fairly and objectively and find facts based on the more convincing evidence weighed on its probable truth and accuracy and will not demand evidence beyond a preponderance of the evidence presented.
- d. A Commissioner shall readily disclose any actual, perceived or potential conflict of interest as required by the By-laws and applicable laws.

4. ETHICS

- a. A Commissioner shall adhere to the requirements expressed in the Ethics Code of the City of Pittsburgh.
- b. A Commissioner shall adhere to the Public Official and Employee Ethics Act of Pennsylvania (Act 170-1978) as re authorized and amended.

Ethics Code, City of Pittsburgh (Link)

http://www.pittsburghpa.gov/personnel/files/policies/10_Ethics_Handbook.pdf

(48 pages not reproduced here)

PURPOSE: To insure for responsible conduct of public officials and City of Pittsburgh employees.

POLICY STATEMENT: This policy is presented to provide answers to frequently asked questions regarding the City Code of Conduct. The Code mandates the independent, impartial and responsible conduct of public officials and employees.

Original Date: November 14, 2006

Revised Date: January 2010/2015 pending publication

PART V: PENNSYLVANIA PUBLIC OFFICIAL AND EMPLOYEE ETHICS ACT

65 Pa.C.S. §1101 et seq.

“Public official.” Any person elected by the public or elected or appointed by a governmental body or an appointed official in the executive, legislative or judicial branch of this Commonwealth or any political subdivision thereof, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the State or any political subdivision thereof.

§ 1103. Restricted activities

- (a) Conflict of interest. – No public official or public employee shall engage in conduct that constitutes a conflict of interest.
- (b) Seeking improper influence. – No person shall offer or give to a public official, public employee or nominee or candidate for public office or a member of his immediate family or a business with which he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror’s or donor’s understanding that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.
- (c) Accepting improper influence. – No public official, public employee or nominee or candidate for public office shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that public official, public employee or nominee that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.
- (d) Honorarium. – No public official or public employee shall accept an honorarium.
- (e) Contingent and severance payments. –
 - 1. No person shall solicit or accept a severance payment or anything of monetary value contingent upon the assumption or acceptance of public office or employment. 9
 - 2. This subsection shall not prohibit:
 - (i) Payments received pursuant to an employment agreement in existence prior to the time a person becomes a candidate or is notified by a member of a transition team, a search committee or a person with appointive power that he is under consideration for public office or makes application for public employment.

- (ii) Receipt of a salary, fees, severance payment or proceeds resulting from the sale of a person's interest in a corporation, professional corporation, partnership or other entity resulting from termination or withdrawal therefrom upon the assumption or acceptance of public office or employment.
 - (iii) Payments made or received pursuant to paragraph (2)(i) and (ii) shall not be based on the agreement, written or otherwise, that the vote or official action of the prospective public official or employee would be influenced thereby.
- (f) **Contract.** – No public official or public employee or his spouse or child or any business in which the person or his spouse or child is associated shall enter into any contract valued at \$500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at \$500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated, unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of the making of the contract or subcontract.
- (g) **Former official or employee.** – No former public official or public employee shall represent a person, with promised or actual compensation, on any matter before the governmental body with which he has been associated for one year after he leaves that body.
- (h) **Misuse of statement of financial interest.** – No person shall use for any commercial purpose information copied from statements of financial interests required by this chapter or from lists compiled from such statements.
- (i) **Former executive-level employee.** – No former executive-level State employee may for a period of two years from the time that he terminates employment with this Commonwealth be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participated in recruiting to this Commonwealth or that he actively participated in inducing to open a new plant, facility or branch in this Commonwealth or that he actively participated in inducing to expand an existent plant or facility within this Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.

- (j) Voting conflict. – Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed. Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, provided that whenever a governing body would be unable to take any action on a matter before it because the number of members of the body required to abstain from voting under the provisions of this section makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if disclosures are made as otherwise provided herein. In the case of a three-member governing body of a political subdivision, where one member has abstained from voting as a result of a conflict of interest and the remaining two members of the governing body have cast opposing votes, the member who has abstained shall be permitted to vote to break the tie vote if disclosure is made as otherwise provided herein.