

THE PHILADELPHIA PARKING AUTHORITY

PPA Policy



PPA 02. Standards of Conduct.

PPA 02.530. Conflict of Interest

DEFINITIONS:

Board Member: An individual appointed to the governing board of The Philadelphia Parking Authority (Authority).

Conflict or Conflict of Interest: When an Authority employee or Board Member uses their position with the Authority, or any confidential information received through that position to benefit the financial interest of any of the following persons (Covered Persons):

1. The employee or Board Member.
2. The immediate family of the employee or Board member.
3. A business with which the employee, Board Member or their immediate family is associated.

Acceptance of prohibited gifts or favors or any violation of the additional standards of conduct identified in this policy also constitute a conflict.

Note: Please direct questions on this issue to Human Resources.

Immediate Family: A parent, spouse, child, brother, or sister.

Gift: any conveyance of anything of value, including a gift, gratuity, favor, entertainment, invitation, food, drink, or loan, unless consideration of equal or greater value is conveyed in return. The term shall not include a political contribution otherwise reported as required by law, or a commercially reasonable loan made in the ordinary course of business.

Person: a natural person or a business, governmental body, corporation, union, association, firm, partnership, committee, club or other organization or group of persons or agents thereof.

PURPOSE:

The purpose of this policy is to provide Authority employees and Board Members with additional guidance intended to ensure official business is conducted in a fair, honest, and transparent manner.

It is important to recognize and understand that while acting as Authority employees and Board Members our objective must be to benefit the public good through the advancement of the best interests of the Authority. No other goal should steer decision making or conduct.

This policy is intended to be read consistent with the requirements of the Pennsylvania Public Official and Employee Ethics Act, 65 Pa. C.S. § 1101 *et seq.* (the "Ethics Act"), except where more stringent standards are identified.

POLICY: A covered person may not engage in conduct that constitutes a conflict of interest or violation of this section.

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1) ADDITIONAL STANDARDS OF CONDUCT

- a) *Conflicting Representation* - No employee or Board Member may represent or act as agent for a third party, whether for compensation or not, in a transaction or dispute involving the Authority. Nothing in this policy shall be interpreted to interfere with an employee's right to participate in any act, representation, or function in furtherance of collective bargaining.
- b) *Conflicting employment* - No employee or Board Member shall engage in any employment, consulting, advisory or similar activity which is in conflict with the interests of the Authority or relies upon the knowledge or information derived from employment or service with the Authority.
- c) *Other close relationships* - An Authority employee shall disclose the existence of a personal relationship or a past business or professional association with a person that would otherwise require disclosure as a conflict if that person were an immediate family member.
- d) *Procurement evaluation committee members* - A member of a procurement evaluation committee will be disqualified as conflicted if the member has been employed by a bidder or offeror subject to review by that panel within the preceding two years. This conflict cannot be waived.
- e) *Contracts prohibited* – Contracts between the Authority and an employee or Board Member are prohibited as provided in 53 Pa. C.S. § 5511(e) (relating to competition in award of contracts).

2) DISCLOSURE:

- a) *Employees* – In the event the continued performance of an employee's duties would create a conflict of interest the employee shall make an immediate and full written disclosure of all relevant facts to the employee's supervisor.
- b) *Notice Process* – Upon receipt of a written conflict disclosure, the conflicted employee's supervisor shall take immediate action to prevent a conflict of interest and deliver the employee's conflict disclosure to the next higher level of management in the chain of command and to the Human Resources Department.
- c) *Waiver* – The Executive Director may waive an employee's reported conflict if it is determined that the disclosed relationship is sufficiently remote so as not to interfere with the proper performance of the employee's official duties. The Executive Director shall deliver the waiver to the Human Resources Department and a copy to the Chair of the HR Committee.
- d) *Board Members* – In the event the continued performance of a Board Member's duties would create a conflict of interest or where such a conflict has already been created, the Board Member shall make an immediate and full written disclosure of all relevant facts to the Board Chair and Board Secretary and shall:

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- i. Refrain from participating in any deliberations related to the subject matter of the disclosure.
- ii. Abstain from voting on or lobbying on behalf of any matter related to the subject matter of the disclosure.

3) GIFTS PROHIBITED:

- a) In addition to the limitations of the Ethics Act or other applicable laws, Board Members and employees may not seek or accept a gift from the following sources under any circumstances:
 - i. A person seeking to obtain business from, or who has financial relations with the Authority.
 - ii. A person whose operations or activities are regulated, inspected or subject to enforcement by the Authority.
 - iii. A person engaged, either as principal, attorney, or hearing officer in proceedings before any government agency, department, office, board, commission or in court proceedings in which the Authority is a party.
 - iv. A person seeking administrative action or assistance from the Authority.
 - v. A person who may be substantially affected by the performance or nonperformance of the Authority employee's official duties.
- b) *Exceptions:* The prohibitions under this section shall not apply to:
 - i. The acceptance of food and refreshment of nominal value on infrequent occasions in the ordinary course of a work related meeting if offered to all participants at the meeting.
 - ii. A plaque, memento or gift of nominal value offered as a token of esteem or appreciation on the occasion of a public appearance, visit, speech or the like.
 - iii. A promotional offer of discounted goods, services, food, drink or entertainment when offered to all or at least a large portion of Authority employees.

4) STATEMENTS OF FINANCIAL INTEREST:

- a) The following Authority employees shall complete and file statements of financial interest pursuant to the Ethics Act:
 - i. Employees holding the position of deputy manager or above.
 - ii. Employees who regularly perform work to procure goods and services on behalf of the Authority or who regularly participate in the operation of Authority administered vehicle auctions.
 - iii. Employees who regularly participate in the review of requests for cancellation or adjudication of violation notices or hold power to authorize the release of vehicles from impoundment.
 - iv. Any employee designated by the Authority's Board Chair or Executive Director to hold discretionary powers which may affect the outcome of an Authority decision in relation

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to a person or business.

VIOLATIONS:

Violation of this policy will result in immediate discipline up to and including dismissal. In some cases conduct that violates this policy may also be a violation of law that could result in prosecution.

ADDITIONAL GUIDANCE:

Employees are encouraged to contact the Human Resources Department with specific questions related to the application of this policy.

PROCEDURE:

1) TRAINING:

- a) The Authority shall provide ethics training to employees required to file a Financial Disclosure as part of its regular Employee Manual training process. A copy of this policy shall be reissued to each employee upon retraining.

2) PROCUREMENT REVIEW PANELS:

- a) Each member of a panel of employees assembled with the intent to develop guidelines for the procurement of any product or service on the Authority's behalf or to review such a procurement shall be re-issued a copy of this policy. The signed acknowledgement of receipt of this policy by every member of the panel shall be obtained at that time and be maintained as part of the procurement file related to that panel.

AUTHORITY: HR Committee of the Board Reviewed this policy on July 12, 2023
The Authority's Board Approved this policy on July 18, 2023