

# THE PHILADELPHIA PARKING AUTHORITY

## WHISTLEBLOWER POLICY

**1. PURPOSE.** This document establishes policy, responsibilities, and procedures for the immediate and continuing notification of Philadelphia Parking Authority (“Authority”) employees about the protections and obligations under the *Whistleblower Law, Act 1986-169 as amended by Act 2014-87*, 43 P.S. §1421 *et seq.*

### **2. DEFINITIONS.**

**Appropriate Authority.** 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 Authority. 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.

**Good Faith Report.** A report of conduct defined in the *Whistleblower Law* as “wrongdoing” or “waste” which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true. An Authority is not barred from taking disciplinary action against the employee who completed the report if the employee’s report was submitted in bad faith.

**Waste.** Conduct or omission of the Authority or its officers, employees or agents which results in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from Commonwealth or city sources.

**Whistleblower.** A person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person's superiors, to an agent of the Authority or to an appropriate authority.

**Wrongdoing.** A violation which is not of a merely technical or minimal nature of a Federal or State statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or ethics designed to protect the interest of the public or the Authority.

**3. POLICY.** *The Act of December 12, 1986, as amended (P.L. 1559 No. 169, 43 P.S. §§1421–1428), known as the Whistleblower Law*, provides legal protections to public employees who report, in good faith, wrongdoing or waste to their employer or to an appropriate authority. The *Whistleblower Law* stipulates that:

(a) Employers may not discharge, threaten, or otherwise engage in employment discrimination against an employee because the employee:

- i. Reports, in good faith, an instance of wrongdoing or waste to the employer or to an appropriate authority.

ii. Is requested by an appropriate authority to participate in an investigation, hearing, inquiry, or court action.

(b) An appropriate authority to which a violation of the *Whistleblower Law* was reported may not disclose the identity of a whistleblower without the whistleblower's consent, unless the disclosure is unavoidable in the investigation of the alleged violation.

(c) Within 180 days after an alleged violation of the *Whistleblower Law*, the affected employee may bring a civil action in court for injunctive relief and/or damages. The employee must show by a preponderance of evidence that, prior to the alleged reprisal, he or she had reported or was about to report an instance of wrongdoing or waste to the employer or to an appropriate law authority.

(d) In defending against charges, the employer must provide a preponderance of evidence proving that action against the employee occurred for separate and legitimate reasons.

(e) Remedies and penalties for violation of the law may include the following:

i. Reinstatement of an employee, payment of back wages, reinstatement of fringe benefits and seniority rights, actual damages, or a combination of these remedies. The court may also award the complainant attorney fees and costs of litigation.

ii. Against a person acting under the employer's authority, a civil fine of not more than \$10,000 and/or suspension from the public service for not more than seven years.

#### 4. RESPONSIBILITIES.

(a) The **Human Resources Department** shall:

i. Ensure that newly-hired employees sign and acknowledge receipt of this policy and Enclosure 1, which is the full text of the *Whistleblower Law*, as part of the completion of the hiring process.

ii. Post a copy of this policy and Enclosure 1, on employee bulletin boards or other appropriate locations.

iii. Include the *Whistleblower Law* into appropriate supervisory and management training programs.

iv. The **Information and Technology Department** shall post this policy and Enclosure 1 on the Authority website in a publicly available space.

#### 5. REPORTING WASTE OR WRONGDOING.

(a) Reports of waste or wrongdoing as defined by the *Whistleblower Law* should be made as soon as possible to an appropriate authority. The Parking Authority has designated the Senior Director of


Human Resources (“HR Director”) receive these reports on its behalf. The HR Director may be contacted at:

Antonina Miller, Senior Director of Human Resources  
701 Market Street, Suite 5400  
Philadelphia, PA 19106  
Phone: 215-683-9705  
Email: AMiller@PhilaPark.org

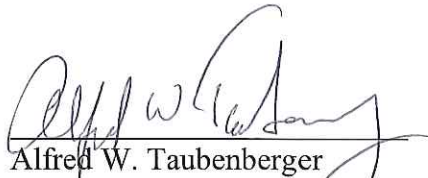
- (b) The HR Director will promptly confirm receipt of a report filed pursuant to this directive with the filing party, unless made anonymously.
- (c) The HR Director must initiate a prompt review of all reports made pursuant to this directive. Investigations of reports will be made with confidentiality in mind, to the extent possible. Because of the nature of some reports, the period before the conclusion of each review will vary, but should be advanced as expeditiously as practicable.
- (d) The HR Director’s report following each review must be filed with the Executive Director and the Chair of the Board’s Human Resources Committee, unless one of those positions is compromised by the report and findings. In such cases the HR Director shall file the report with the Chair of the Board, or such other appropriate authority deemed proper by the HR Director.
- (e) The HR Director’s report will include a recommendation related to next steps, including the referral of the matter to an external appropriate authority.

**THE PHILADELPHIA PARKING  
AUTHORITY**

**Certified:**



Lynette M. Brown-Sow  
Chairperson



Alfred W. Taubenberger  
Vice-Chairman/Secretary

Policy adopted: November 14, 2023

**Pennsylvania’s Whistleblower Law is attached as Enclosure 1.**