

PHILADELPHIA PARKING AUTHORITY

CONFLICT OF INTEREST POLICY

1. Purpose.

- (a) The purpose of this policy is to provide employees and Board Members of the Philadelphia Parking Authority (“Authority”) with additional guidance intended to ensure that official business is conducted in a fair, honest and transparent manner.
- (b) It is important that we 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 interest of the Authority. No other goal should steer our decision making or conduct.
- (c) This policy is not intended to replace requirements created by the Pennsylvania Public Official and Employee Ethics Act, 65 Pa. C.S. § 1101 *et seq.* (the “Ethics Act”) or the Authority’s Employee Manual.

2. Definitions.

- (a) “Board Member.” An individual appointed to the governing board of the Authority.
- (b) “Employee.” Any individual employed by the Authority who is responsible for taking or recommending action on behalf of the Authority involving the exercise of personal judgment with regard to:
1. contracting or procurement, including participation as a member of a procurement review committee and the administration of contracts or leases;
 2. policies or practices related to regulation of any person, the issuance of violation notices or citations;
 3. dismissal or cancelation of a violation notice or citation or release of a vehicle from impoundment;
 4. any other activity where the official action has an economic impact of greater than a *de minimis* nature on the interests of any person.
- (c) “Financial interest.” Any financial interest in a legal entity engaged in business for profit which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness
- (d) “Immediate family.” A parent, spouse, child, brother or sister.
- (e) An individual who is employed in the Procurement Department or who participates in any process to procure goods or services on the Authority’s behalf or who directly oversees the delivery of such goods and services shall be considered an employee for purposes of this policy.

3. Conflict of interest.

In order to avoid a conflict of interest an employee may not do the following:

(a) Engage directly or indirectly in business transactions or private arrangements for profit which accrues from or is based upon his or her position with the Authority.

(b) Participate in the negotiation of or decision to relieve an obligation, award contracts, the settlement of claims or charges in contracts, the fixing of rates, or the issuance of formal decisions, permits, licenses, certificates or other things of value to a person or entity in which a financial interest is held by one of the following:

1. the employee or Board Member;

2. the employee or Board Member's immediate family; or

3. any individual having a personal relationship or a past business or professional association with the employee or Board Member. The purpose of the prohibition in this paragraph is to prevent personal or professional relationships (even from the past) from impacting or appearing to impact the judgement of employees or Board Members.

4. Disclosure.

(a) **Employees.** In the event the continued performance of an employee's duties would create a conflict of interest or where such a conflict has already been created, the employee shall make an immediate and full disclosure of all relevant facts to the employee's supervisor by using the conflict of interest disclosure form attached to this policy.

(b) **Notice process.** Upon receipt of a conflict disclosure, the supervisor shall take immediate action to end or prevent any conflict of interest and deliver the employee's conflict disclosure as follows:

1. to the next higher level of management in his or her chain of command;

2. to the Deputy Executive Director in his or her chain of command;

3. to the Executive Director; and

4. to the Chair of the Authority's Human Resources Committee.

(c) **Waiver.** The Executive Director and Board Chair may grant a written waiver to an employee who discloses a conflict as provided in Section 3. (b) 3. upon written determination that a conflict, or the appearance of a conflict, will not occur if the disclosing employee continues with his or her relevant work duties.

(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:

1. refrain from participating in any deliberations related to the subject matter of the disclosure;

2. abstain from voting on or lobbying on behalf of any matter related to the subject matter of the disclosure; and

3. at the request of the Chairman, or ranking Member having no conflict of interest in the subject matter of the disclosure, leave the meeting room during the Board's deliberation and vote regarding any matter related to the subject matter of the disclosure.

5. Representation of interests.

(a) 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 employee collective bargaining.

(b) 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.

6. Gifts and favors.

(a) For purposes of this section, the following terms shall apply (this section is intended to be read consistently with the Authority's Employee Manual):

"Gift" shall mean 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" shall mean 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.

(b) No employee or Board Member shall solicit or accept, directly or indirectly, any gift from any of the following sources:

1. a person seeking to obtain business from, or who has financial relations with the Authority;

2. a person whose operations or activities are regulated or inspected by any Authority department, office or Board.

3. 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.

4. a person seeking administrative action or legislative liaison assistance from the Authority.

5. a person whose interests may be substantially affected by the performance or nonperformance of the Authority employee's official duties.

(c) Exceptions - The prohibitions under this section shall not apply to:

1. the solicitation or acceptance of a gift, including an invitation to an event, from or by a friend (provided that the friend is not seeking official action from the Authority employee or Board Member and does not have an interest which the employee is able to substantially affect through official action).
2. 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.
3. a voluntary gift of nominal value or donation in a nominal amount made by one co-worker to another on a special occasion such as marriage, illness, retirement or a holiday on which the exchange of gifts is customary.
4. 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.
5. promotional offer of discounted goods, services, food, drink or entertainment when offered to all or at least a large portion of Authority employees.

7. Misuse of information.

No employee or Board Member may for his or her own personal gain or for the gain of others, use any information obtained as a result of employment or service with the Authority and not available to the public at large or divulge that information in advance of the time prescribed for its authorized release.

8. Statements of financial interest.

The following Authority employees shall complete and file statements of financial interest pursuant to the Ethics Act ("Financial Disclosure") (Board Members are required to complete and file the Financial Disclosure pursuant to the Ethics Act):

1. employees holding the position of manager or above;
2. employees who regularly perform work to procure goods and services on behalf of Authority or who regularly participate in the operation of Authority administered vehicle auctions;
4. employees who regularly participate in the review of requests for cancelation or adjudication of violation notices or hold power to authorize the release of vehicles from impoundment; or
5. 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 to a person or business or any employee who by virtue of his job function could influence the outcome of such a decision.

9. Filing procedure.

- (a) Each completed original Financial Disclosure shall be filed with the Authority's Human Resources Department on or before May 1 of each year and shall be maintained as part of the employee's Human Resources file.
- (b) In the event an employee is required to file the Financial Disclosure directly with the Pennsylvania Ethics Commission, a copy shall be filed as provided in subsection (a).
- (c) The Human Resources Department shall forward copies of the Financial Disclosure to the Executive Director and the Deputy Executive Director in the disclosing employee's chain of command.
- (d) Copies of the Financial Disclosure of each employee holding the position of Deputy Executive Director or higher shall be forwarded to the Chair of the Authority's Human Resources Committee for review.
- (e) If an employee's Financial Disclosure is not filed or is not in compliance with the disclosure requirements of this policy or the Ethics Act, or if an actual or potential conflict of interest is believed to exist, the matter will be referred to the Executive Director or the Authority's Human Resources Committee, as necessary, for resolution.

10. Training.

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.

11. 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.
- (b) A member of a procurement review panel will be disqualified as conflicted if he or she has been employed by a bidder or offeror subject to review by that panel within the preceding two years. This conflict cannot be waived.

12. Enforcement.

Employees who fail to comply with these provisions shall be subjected to disciplinary action including, but not limited to, reprimands, suspensions and termination.

13. Record of receipt.

- (a) The Human Resources Department shall distribute this policy to each covered employee after approval by the Board. The policy may be distributed by email, but the acknowledgement required by subsection (b) must be signed in ink.
- (b) Each employee shall acknowledge receipt of this policy by signing the form attached as Exhibit “A”. The acknowledgement form shall be maintained by the Human Resources Department.
- (c) The Chair of the Board’s Human Resources Committee shall make certain that each Board Member has received a copy of this policy and provides written acknowledgement of receipt.