

RESOLUTION 2020-2

**A RESOLUTION OF THE
READING PARKING AUTHORITY,
COUNTY OF BERKS, PENNSYLVANIA**

Adopted: January 14, 2020

ADOPTING A WHISTLEBLOWER POLICY FOR THE
REPORTING OF WASTE AND WRONGDOING BY
EMPLOYEES.

WHEREAS, the Reading Parking Authority (“Authority”) is a body corporate and politic organized and existing under the Parking Authority Law, approved June 5, 1947, P.L. 458, 53 Pa.C.S. §5501 *et seq.*, as amended and supplemented (“Act”); and

WHEREAS, the Commonwealth of Pennsylvania has in place an act known as the Whistleblower Law, 43 P.S. § 1421, *et seq.* (“Act”); and

WHEREAS, the Authority is a Public Body covered by the Act; and

WHEREAS, the Act prohibits retaliation against individuals that witness or have evidence of wrongdoing or waste who make a good faith report of the wrongdoing or waste while employed by a Public Body or who participate in any investigation of such reported acts; and

WHEREAS, the Authority wishes to and does by this Resolution adopt the Whistleblower Policy attached hereto as Attachment “A”, as may be amended from time-to-time by motion of the Authority’s Board of Directors, to encourage the reporting of waste and wrongdoing by its employees and to prohibit retaliation against any employee that makes such a report or participates in any investigation of such reported acts.

NOW, THEREFORE, BE IT RESOLVED, by the Board of this Authority, in lawful session duly assembled, as follows:

SECTION 1. The Authority hereby adopts the Whistleblower Policy attached hereto as Attachment "A", as may be amended from time-to-time by motion of the Authority's Board of Directors, for itself and to further ensure the protections afforded by the Act to its employees and to prohibit retaliation against any employee that makes a good faith report of wrongdoing or waste while employed by the Authority, or who participates in any investigation of such reported acts, and as more fully set forth in the Act.

SECTION 2. The Authority by means of this Resolution encourages its employees to make good faith reports of wrongdoing or waste and ensures to any such employee that the Authority shall act in conformance with the prohibitions of the Act to prevent retaliation against any employee that makes any such good faith report or who participates in the investigation of any such reported acts.

SECTION 3. This Resolution shall not prohibit, restrict or change in any way the Act, which is governed by the Commonwealth of PA and controlling in all aspects.

SECTION 4. This Resolution shall take effect immediately.

DULY ADOPTED, this 14th day of January, 2020, by the Board of The Reading Parking Authority.

ATTEST:

READING PARKING AUTHORITY



Nate Rivera, Secretary

By: 

Frank Denbowski, Chairperson

(SEAL)

SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by a majority vote of the Board of Directors of the Reading Parking Authority at a meeting of said Board duly held on January 14, 2020, a quorum being present; that public notice of said meeting was given in the manner provided by law; that said resolution has been duly recorded upon the minutes of the Board, has not been amended or rescinded and is in full force and effect this 14th day of January, 2020.

READING PARKING AUTHORITY

By:



Nate Rivera, Secretary (SEAL)

ATTACHMENT "A"

READING PARKING AUTHORITY WHISTLEBLOWER POLICY

Purpose

The Reading Parking Authority ("Authority") is committed to facilitating open and honest communications relevant to its governance, finances, and compliance with all applicable laws and regulations. The Authority requires its management team and its employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the Authority must practice honesty and integrity in fulfilling their responsibilities and in complying with all applicable laws and regulations. The Authority's Board of Directors ("Authority Board") finds that employees who make a good faith report to the Authority or who cooperate in investigations of suspected waste or wrongdoing should not be subject to discrimination or other adverse employment consequences.

The Pennsylvania Whistleblower Law provides protection to employees against discharge or discrimination by reason of filing good faith reports of suspected waste or wrongdoing or cooperating in the investigation of such reports.[1][2]

Definitions

Good faith report – a report of conduct defined in this policy as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report reasonably believes is true.

Waste – conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from Commonwealth or political subdivision 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 employer 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 employer, including but not limited to the following:

1. Theft.

2. Financial reporting which is fraudulent, intentionally misleading or negligent in any manner.
3. Improper or undocumented financial transactions.
4. Forgery or alteration of documents.
5. Unauthorized alteration or manipulation of computer files.
6. Improper destruction of records.
7. Improper use of Authority assets, including but not limited to its funds, supplies, intellectual property and other assets.
8. Improper access or use of confidential information.
9. Authorizing or receiving compensation for goods not received or services not performed.
10. Violations of the Authority Board's conflict-of-interest policy.
11. Any other improper occurrence regarding cash, financial procedures, or reporting.
12. Any abuse of or discrimination against an Authority employee, client, vendor or person connected with the Authority.
13. Any crime defined by the Pennsylvania Drug Device and Cosmetic Act and/or the Pennsylvania Crime Code, or any federal criminal statute.

Guidelines

Employee Education

All current employees will receive a copy of this Whistleblower Policy.

All new employees will be required to sign a statement indicating that they have read and understand this policy as part of their orientation.

The Authority will annually inform all employees of this Whistleblower policy and the identification of the Compliance Officer as herein defined.

Protection of Employees

Persons Not to be Discharged –

No employee may be discharged, threatened or otherwise discriminated or retaliated against regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or to an appropriate authority an instance of wrongdoing or waste.

Discrimination Prohibited –

No employee may be discharged, threatened or otherwise discriminated or retaliated against regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee is required by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.

Reporting Procedure

An employee that has knowledge of or a concern about waste or wrongdoing as defined herein, or illegal or dishonest activities which are violations of federal, state or local laws, billing for services not performed or goods not delivered, and other fraudulent activity, should contact his/her immediate supervisor to make a report of any such activity. If the behavior of the immediate supervisor is of concern to an employee, the employee should contact the Executive Director of the Authority. If the behavior of the Executive Director is of concern to any employee, the employee should contact the Authority Board of Directors. Employees must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to further disciplinary action including but not limited to discharge from employment.[3]

Acting in Good Faith

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates waste or wrongdoing or an improper accounting or auditing practice, or a violation of Authority Board policies. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including a civil lawsuit.

Appeal Procedure

1. If an employee that files a report ("Complainant") is not satisfied with the ultimate finding in regard to the subject of their report or with the corrective

action recommended, he or she may submit a written appeal to the Authority Board of Directors within thirty (30) days.

2. The Authority Board will review the investigation and the investigative report, and may also conduct a reasonable investigation.
3. The Authority Board shall issue a written response to the Complainant's appeal within fifteen (15) days. Copies of the response shall be provided to the Complainant.

Delegation of Responsibility

In order to maintain a professional environment that discourages and prohibits punitive action against whistleblowers, the Authority Board has assigned the Authority's solicitor as its Compliance Officer.

The Compliance Officer shall receive written complaints from employees who allege that this Whistleblower Policy has been violated. The Compliance Officer shall investigate these complaints and, within fifteen (15) days of receipt of the complaint, issue a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint. A copy of the findings shall be provided to the complainant.

If the investigation results in finding that the complaint is factual and constitutes a violation of this policy, the Authority shall take prompt, corrective action to prevent the reoccurrence of such action and to correct its effect on the complainant and others, if applicable.

Disciplinary action shall be consistent with Authority Board policies and procedures, applicable collective bargaining agreements, and state and federal laws.

Legal

1. 43 P.S. 1421 et seq
2. 18 U.S.C. 1513
3. Pol. 820