

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LABOR AND CIVIL SERVICE

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 30, 2013
10:00 a.m.

PRESENT:

COUNCILMAN JAMES KENNEY, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILMAN MARK SQUILLA

RESOLUTION 130661 - Resolution authorizing the Committee on Labor and Civil Service to hold public hearings to review the decision of the Philadelphia Fire Department to demote nine Fire Lieutenants and five Fire Captains after their recent promotion this past May.

- - -

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COUNCILMAN KENNEY: Good morning. The Committee on Labor and Civil Service is now in session. It is exactly 10:00 a.m. I understand I have 25 minutes, so I'd like to ask the Administration to please come to the table.

(Witnesses approached witness table.)

COUNCILMAN KENNEY: Before we get started, I'm glad to see Commissioner Ayers here, because the Commonwealth Court did vest the authority to demote or promote or do nothing in the Commissioner, not in the civil administration. So I'm glad he's hear. But I want to make a comment on a news report regarding this hearing.

In a story, an anonymous Administration source was quoted as saying that the Commissioner was not being sent to testify because of a lack of courtesy shown to the Commissioner in past hearings. Then I read the Daily

1 10/30/13 - LABOR - RES. 130661
2 News this morning, and the Mayor's
3 spokesman is, once again, making
4 disparaging comments about these brave
5 men who put their lives on the line every
6 day for all of our citizens, people who
7 will literally run into a burning
8 building while everyone else is running
9 out.

10 The contempt that this
11 Administration has for its employees is
12 disgraceful, and if the Mayor thinks that
13 these comments are how City employees are
14 to be treated, well then maybe we should
15 treat his appointees with the same
16 courtesy. I won't do that today, but I
17 challenge Mark McDonald any time right
18 now or any time in the future to come
19 before this body and prove the fact that
20 these employees are underperforming
21 employees. That's a disgraceful comment
22 meant to be incendiary and not to help
23 the situation get resolved. So he'll get
24 a resolution tomorrow asking him to come.
25 I may need a subpoena to do that with him

1 10/30/13 - LABOR - RES. 130661

2 too, but he's going to sit here and
3 explain how he has access to these
4 employees' files and why he can ever say
5 that someone is an underperforming
6 firefighter.

7 So let's --

8 MR. RESNICK: I'm not familiar
9 with the comment.

10 COUNCILMAN KENNEY: Just the
11 read the paper. It's in the Daily News.
12 He works for the Mayor.

13 Okay. Let's get to the meat of
14 the situation, because I know you're
15 pressed for time.

16 Did the order of Commonwealth
17 Court demand that these members be
18 demoted from their positions?

19 MR. RESNICK: Did the order
20 demand that they be demoted? Well, the
21 order of the Commonwealth Court
22 overturned the Common Pleas Court
23 opinion -- or decision promoting them.

24 COUNCILMAN KENNEY: Did it
25 demand that they be demoted?

1 10/30/13 - LABOR - RES. 130661

2 MR. RESNICK: In effect, that's
3 what it did.

4 COUNCILMAN KENNEY: No. Did
5 the order state specifically that these
6 employees needed to be demoted? It gave
7 you the authority to demote them, but did
8 it say that they had to be demoted?

9 MR. RESNICK: "And, now, this
10 18th day of September 2013, the order of
11 the Court of Common Pleas of Philadelphia
12 dated May 14th, 2013 promoting them at
13 May Term 2013, No. 1039 is reversed."

14 So whatever happened under that
15 order is reversed and does not happen
16 anymore, so it's put back to the status
17 quo.

18 COUNCILMAN KENNEY: Did the
19 court demand that they be demoted? You
20 use the term "management prerogative" all
21 the time. Did the court take away your
22 management prerogative and tell you you
23 had to demote these people?

24 MR. RESNICK: The court said
25 that what the lower court did is now

1 10/30/13 - LABOR - RES. 130661

2 undone. So if you're promoted pursuant
3 to the lower court order, that is now
4 undone.

5 COUNCILMAN KENNEY: So it's not
6 a prerogative?

7 MR. RESNICK: I beg your
8 pardon?

9 COUNCILMAN KENNEY: So your
10 decision was not a prerogative; it was,
11 according to you, mandated by the court?

12 MR. RESNICK: No. I'm saying
13 what the Commonwealth Court did was, it
14 reversed the Common Pleas Court. So if
15 you're promoted pursuant to an order and
16 not Civil Service regulations, pursuant
17 to an order of Common Pleas, and
18 Commonwealth Court reverses that, then we
19 have the authority to demote those --

20 COUNCILMAN KENNEY: You have
21 the authority, but you weren't required
22 by the court to do it; it was your
23 decision?

24 MR. RESNICK: Exactly. It's
25 our decision.

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN KENNEY: That was
3 the question I asked from the beginning.

4 Is there any procedure in the
5 Charter or Civil Service regulations for
6 handling the reversal of a court order?

7 MR. RESNICK: I don't believe
8 so. I think that's specifically what
9 Judge Tucker said in his later order, in
10 his later opinion. Judge Tucker stated
11 that -- this is Common Pleas. Judge
12 Tucker stated that the court finds that
13 this court is not bound by Civil Service
14 regulations inasmuch as Civil Service
15 regulations do not apply to this matter,
16 as it is undisputed that the Fire
17 Department was neither planning or
18 intending to promote 14 employees
19 involved in this matter and the
20 Department was forced to do so from an
21 expiring list pursuant to this court's
22 May 14, 2013 order, which has been
23 reversed by Commonwealth Court. Civil
24 Service regs do not apply to this matter,
25 as plaintiffs cannot claim rights under

1 10/30/13 - LABOR - RES. 130661

2 the regs for promotion, as they never had
3 a right to do so in the first instance.

4 So the regs, according to the
5 court, don't apply.

6 COUNCILMAN KENNEY: Were you
7 required to do a ceremonial swearing-in
8 ceremony and promotion ceremony in July?
9 Did the court require that?

10 MR. RESNICK: Did the court
11 require it?

12 COUNCILMAN KENNEY: Yeah. Why
13 did it happen?

14 MR. RESNICK: Because they were
15 promoted. They were promoted pursuant to
16 a court order. So they were promoted,
17 just like everybody else that day was
18 promoted. So they came to a ceremony.
19 But unlike everybody at that ceremony,
20 they had a letter from the Commissioner
21 telling them their promotion was
22 contingent upon the court order, and we
23 are currently in litigation. And if the
24 court that promoted them was reversed,
25 they would go back to their previous

1 10/30/13 - LABOR - RES. 130661

2 ranks.

3 COUNCILMAN KENNEY: So it was a
4 temporary appointment? No?

5 Commissioner, you're free to
6 speak. I don't know what they told you
7 you can't say, but you're free to speak
8 here.

9 Did you ever refer,
10 Mr. Resnick, to the promotions as being
11 temporary?

12 MR. RESNICK: Did I refer to
13 them as being temporary? I think the
14 position of the Department all along,
15 Councilman, was that if the court ordered
16 them promoted was vacated and overturned,
17 they would be put back to their original
18 positions. So I don't know if we used
19 the word "temporary," but it was clearly
20 stated to all of those -- all 14 members
21 that if this court order, the Court of
22 Common Pleas order, was versed and
23 vacated, they would be put back to their
24 previous positions. So I think you even
25 sent me a letter wondering why they

1 10/30/13 - LABOR - RES. 130661
2 didn't have a promotional ceremony, and I
3 explained to you that they were sworn in
4 in the Commissioner's office after the
5 interviews and that there would be a
6 ceremony, just like everybody else who
7 got promoted would be a part of a
8 ceremony.

9 COUNCILMAN KENNEY: In your
10 testimony, you mentioned, Mr. D'Attilio,
11 was considering these employees to be a
12 temporary appointment under Civil Service
13 regulations. I assume you're referencing
14 Regulation 12.02; is that correct?

15 MR. D'ATTILIO: Can you repeat
16 that, Councilman?

17 COUNCILMAN KENNEY: Since these
18 were considered by the Administration to
19 be temporary appointments, under Civil
20 Service Regulation 12.02, is that what
21 the Administration was basing its
22 position on?

23 MR. D'ATTILIO: As I testified
24 in court, once the Commonwealth Court
25 vacated the lower court's decision, we

1 10/30/13 - LABOR - RES. 130661

2 looked at three possible ways of
3 restoring the status quo. One was to
4 treat these promotions as temporary
5 promotions. We felt that that was the
6 best way of handling it. The second
7 option was to rescind the promotions, but
8 in my view, that would have not been the
9 best way of handling it, because that
10 would have required the 14 candidates to
11 reimburse the City for the differential
12 in pay. And the third mechanism would
13 have been to reject them during
14 probation, which, again, I didn't think
15 was the best way of handling it, because
16 that would have been, in a sense, a black
17 mark on their record.

18 So when we looked at the three
19 options available, treating these as a
20 temporary promotion and restoring them to
21 their permanent rank seemed to be the
22 best option available.

23 COUNCILMAN KENNEY: Under that
24 Civil Service regulation, are temporary
25 employees, once the promotion is

1 10/30/13 - LABOR - RES. 130661

2 rescinded, are they required to go back
3 on the eligibility list?

4 MR. D'ATTILIO: No. That
5 eligibility list expired.

6 COUNCILMAN KENNEY: But it
7 expired while they were temporary
8 appointments?

9 MR. D'ATTILIO: Yes.

10 COUNCILMAN KENNEY: And we felt
11 no obligation to not end their career
12 track and put them back on the
13 eligibility list?

14 MR. D'ATTILIO: They had the
15 option of applying to be on the new
16 eligibility list. My understanding is
17 most of them did not.

18 COUNCILMAN KENNEY: They did
19 not because they were misled.

20 MR. D'ATTILIO: No. They
21 were -- I think they were clearly told by
22 the Commissioner -- it's my understanding
23 that they were clearly told by the
24 Commissioner that it is our
25 recommendation that they apply for and

1 10/30/13 - LABOR - RES. 130661

2 take the upcoming Civil Service
3 examination. Being restored from a
4 temporary appointment doesn't affect the
5 fact that the eligible list expired in
6 May of 2010, and you cannot legally make
7 any appointments off of that list after
8 the list expired.

9 COUNCILMAN KENNEY: Despite the
10 fact that a number of these employees met
11 with the Commissioner after the test date
12 to be told of their temporary status?

13 MR. D'ATTILIO: I don't
14 understand the question.

15 COUNCILMAN KENNEY: The test
16 date was June 8th, correct?

17 MR. D'ATTILIO: The test date
18 was unique?

19 COUNCILMAN KENNEY: For the new
20 list. The test date for new promotions
21 was June 8th.

22 MR. D'ATTILIO: There was a
23 test date in June and I believe a test
24 date in July. There was a written and an
25 oral, and I don't recall the dates.

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN KENNEY: Well, there
3 are seven employees who met with the
4 Commissioner to learn of their temporary
5 status after the test date. How could
6 they have possibly taken the test?

7 MR. D'ATTILIO: They applied
8 for the test before that.

9 COUNCILMAN KENNEY: Well, they
10 were already promoted; were they not?
11 Why would --

12 MR. D'ATTILIO: Again,
13 Councilman, my understanding is that
14 they --

15 COUNCILMAN KENNEY: Why would
16 you apply to take a test for a position
17 you already hold?

18 MR. D'ATTILIO: Because they
19 were told upon the appointment that this
20 matter was in litigation and if the
21 Commonwealth Court agreed with our
22 position, they would be removed from the
23 position.

24 COUNCILMAN KENNEY: Councilman
25 Squilla.

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN SQUILLA: Thank you.

3 They were told -- those
4 particular seven were told that after the
5 test was already taken. So they couldn't
6 go back and take the test. So,
7 therefore, you're not giving them the
8 opportunity or the ability to go back and
9 take that test.

10 MR. D'ATTILIO: No. I'll defer
11 to Commissioner Ayers on this. It's my
12 understanding that they were told prior
13 to the exam date that they were being
14 promoted contingent upon successful
15 completion of this litigation, and if the
16 City's position prevailed, that they
17 would be removed from the list. That is
18 my understanding.

19 COUNCILMAN SQUILLA:
20 Commissioner, did you meet with anybody
21 after the June 8th test to let them know
22 that this may be a temporary position?

23 COMMISSIONER AYERS: I would
24 have to check my calendar to get exactly
25 all of the dates. However, not only was

1 10/30/13 - LABOR - RES. 130661

2 those candidates, the union was well
3 aware of everything that's happening.
4 This didn't happen in some vacuum, like
5 they weren't talking back and forth.
6 They knew what the situation was.

7 COUNCILMAN SQUILLA: I
8 understand that, but when you said you
9 told everybody that this may be rescinded
10 if the court changes, was any of them --
11 did you tell any of them after the June
12 8th test deadline?

13 COMMISSIONER AYERS: Again I
14 say, I'll have to check my calendar to
15 see if any of those were interviewed
16 after that date.

17 COUNCILMAN KENNEY: I have a
18 list here. It's Martin Prendergast June
19 10th, Joseph Pospiech June 10th, Tracey
20 Peterson June 10th, Timothy Glatthorn
21 June 11th, Andrew Thomas June 11th,
22 Francis Kinney June 13th, and Paul
23 McDevitt June 13th. I don't know if your
24 calendar matches that, but this is what I
25 have.

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN SQUILLA: So then
3 that would be different than what your
4 testimony is saying at this point.

5 MR. RESNICK: Councilman, if
6 they did meet with the Commissioner after
7 the test date, as the Commissioner just
8 testified to, this was not a secret. We
9 were here in May to have a hearing about
10 this issue. There was budget testimony.
11 I had many conversations back and forth
12 with Billy Gault, President of Local 22
13 at the time, about what the City's
14 intentions were. So this was not a
15 secret to the union. So those members
16 were signed up to take that test. If
17 they did not take that test under
18 somebody's advice, it wasn't this
19 Commissioner's advice. So the union was
20 well aware of the fact that if these --
21 if this order was overturned, the Common
22 Pleas order was overturned in
23 Commonwealth Court, these members would
24 go back to their old ranks.

25 COUNCILMAN SQUILLA: And they

1 10/30/13 - LABOR - RES. 130661

2 were told that -- these members were told
3 that by the previous union
4 administration?

5 MR. RESNICK: I would assume
6 that they would have been counseled by
7 their union, but I had that conversation
8 with union leadership.

9 COUNCILMAN SQUILLA: You know
10 what they say with assume.

11 MR. RESNICK: Well, you know --

12 COUNCILMAN KENNEY: There's no
13 assumption when the Commissioner
14 testified in front of Judge Tucker that
15 he met with everybody before May 30th.

16 MR. RESNICK: I'm sure that's
17 the case. I'm sure that's what happened.

18 COUNCILMAN KENNEY: That's in
19 the testimony.

20 MR. RESNICK: I'm sure that's
21 the testimony.

22 COUNCILMAN KENNEY: It's not
23 the fact. So either the testimony is
24 incorrect or the transcript is incorrect.

25 MR. RESNICK: No. I'm sure the

1 10/30/13 - LABOR - RES. 130661

2 testimony is correct. And if it just so
3 happens -- and the Commissioner said
4 he'll check his calendar, but if it so
5 happens that he met with them and gave
6 them that letter informing them of that
7 information after the test date, they
8 would have had, I would assume -- and I
9 know what they say about assumptions,
10 Councilman, but I would assume the union
11 would have counseled their members about
12 what was going on.

13 COUNCILMAN KENNEY: How can you
14 say that you went -- Commissioner, how
15 can you say under oath that you met with
16 these people before May 30th when you
17 didn't? It's in the testimony.

18 COMMISSIONER AYERS: When I
19 testified to that, I was testifying -- I
20 didn't have my calendar in front of me
21 when I testified either, but it was not
22 an intention to make something different
23 or make the situation different. The
24 union should have, and I am sure that
25 they did, have conversations with all of

1 10/30/13 - LABOR - RES. 130661

2 those members that were in that category
3 where they may have been if they court
4 didn't uphold the order, that they would
5 be put back, and I told each and every
6 one of them in the office what happened.

7 COUNCILMAN KENNEY: Not before
8 May 30th, because some of these guys
9 weren't told until after.

10 COMMISSIONER AYERS: Do you
11 think -- well, you ask the questions.

12 COUNCILMAN KENNEY: Well,
13 you're their boss. You're their boss.

14 COMMISSIONER AYERS:
15 Absolutely.

16 COUNCILMAN KENNEY: They're not
17 their boss. The Mayor is kind of their
18 boss, but you're really their boss.
19 Wouldn't you want to get that done and
20 make sure that those people, in fairness,
21 had an opportunity, if reversed, to --
22 I'll wait. I know you're short on time,
23 but I'll wait until you're done.

24 You're their boss. Don't you
25 have a responsibility to --

1 10/30/13 - LABOR - RES. 130661

2 COMMISSIONER AYERS: On May

3 30th --

4 COUNCILMAN KENNEY: -- shepherd
5 them a little bit and take care of what's
6 going on and making sure that they're
7 okay?

8 COMMISSIONER AYERS: Exactly.

9 The day that I gave them the letter
10 making that statement was the day that
11 they all got sworn in, which was May
12 30th, which was before the test.

13 MR. RESNICK: And all of those
14 letters, Councilman, are attached to my
15 testimony as an exhibit.

16 COUNCILMAN KENNEY: They got
17 sworn in when?

18 MR. RESNICK: They were sworn
19 in on May 30th, 2013 in my office, and
20 each and every one of them received this
21 letter.

22 COUNCILMAN KENNEY: There's a
23 lot of people behind you that apparently
24 weren't there, because they're shaking
25 their head that they weren't there.

1 10/30/13 - LABOR - RES. 130661

2 That's okay. We'll have their testimony
3 when you guys are done.

4 MR. RESNICK: Well, there's no
5 testimony in the Common Pleas Court to
6 the contrary, Councilman, and I've
7 attached all these letters to all 14
8 dated May 30th to the testimony as an
9 exhibit.

10 COUNCILMAN KENNEY: Councilman
11 Squilla.

12 COUNCILMAN SQUILLA: During the
13 court hearing and the decision that gave
14 the, I guess, leadership the ability
15 to -- the Commissioner has the right to
16 hire off a list or not hire off a list,
17 and that's his right. Anywhere did it
18 say that they must be demoted or
19 rescinded anywhere in the court rulings
20 of those people who were?

21 MR. RESNICK: No.

22 COUNCILMAN SQUILLA: It didn't
23 say that. So that was your choice to do
24 that? Even though you promoted them, you
25 decided we don't want you there in

1 10/30/13 - LABOR - RES. 130661

2 leadership? It wasn't the court's
3 decision like you're saying that the
4 court --

5 MR. RESNICK: We promoted them
6 according to a court order. They would
7 not have been promoted in the normal
8 course. So when the court vacated the
9 lower court's order, they were put back
10 in their previous rank.

11 COUNCILMAN SQUILLA: That was a
12 decision by you?

13 MR. RESNICK: Yes, because they
14 were not going to be promoted in the
15 first place.

16 COUNCILMAN SQUILLA: So you
17 thought at this point -- so it wasn't the
18 Commissioner's decision; it was your
19 decision to demote them?

20 MR. RESNICK: Well, I mean, the
21 Commissioner carried out a decision that
22 was made by the Administration. It was
23 made in conjunction with the Law
24 Department, Human Resources, the Mayor's
25 Chief of Staff, the Fire Department,

1 10/30/13 - LABOR - RES. 130661

2 myself. These members would not have
3 been promoted to that rank but for the
4 court order. So when the higher court
5 vacates the lower court order making us
6 do something, we put back everything to
7 status quo.

8 COUNCILMAN SQUILLA: That's a
9 decision by you.

10 MR. RESNICK: Yes, Councilman.

11 COUNCILMAN SQUILLA: That
12 doesn't necessarily mean that's what had
13 to happen.

14 MR. RESNICK: Well, if you were
15 promoted by a court order that's later
16 invalidated, you go back to your previous
17 rank, because the court then -- the court
18 then --

19 COUNCILMAN KENNEY: You let the
20 list run out. You were waiting for the
21 list to run out.

22 MR. RESNICK: Councilman, the
23 court said --

24 COUNCILMAN KENNEY: That's what
25 happened.

1 10/30/13 - LABOR - RES. 130661

2 MR. RESNICK: -- in no
3 uncertain terms --

4 COUNCILMAN KENNEY: You were
5 letting the list run out because you
6 didn't want to make these guys.

7 MR. RESNICK: The court said in
8 no uncertain --

9 COUNCILMAN KENNEY: I don't
10 even know what he thinks, but --

11 MR. RESNICK: The court said in
12 no uncertain terms that the Commissioner
13 has the discretion to promote. We've
14 been down this road before. We've talked
15 about this before.

16 COUNCILMAN KENNEY: The
17 Commissioner didn't use his discretion.
18 You used your discretion. He didn't use
19 his discretion. You used yours. The
20 guys on the second floor used their
21 discretion. They don't run the Fire
22 Department. He does. You shouldn't run
23 the Fire Department. He should.

24 MR. RESNICK: He runs the Fire
25 Department.

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN KENNEY: I know, but
3 he's being told what to do. Because I
4 think in reality, I don't think he's
5 really happy with any of this.

6 MR. RESNICK: Well, I don't
7 think any of us are real happy with any
8 of this.

9 COUNCILMAN KENNEY: Good.
10 Well, then you could have changed it.
11 You didn't have to do it.

12 MR. RESNICK: Well, we didn't
13 have to go to court and be made to do
14 something that we did not want to do
15 because we had the discretion not to.

16 COUNCILMAN KENNEY: So when you
17 finally won, you could have changed the
18 climate. You could have changed the
19 atmosphere. You could have done the
20 right thing, kept them in place, and
21 promoted everybody else. But you didn't
22 do it because you have to push their face
23 in the dirt. Not him. You guys.

24 Not you, Al.

25 You guys on the second floor

1 10/30/13 - LABOR - RES. 130661

2 have to push people's face in the dirt
3 because it makes you feel good. You
4 don't have to do this. We don't have
5 this problem in the Police Department.
6 Why? Because you choose not to have this
7 problem in the Police Department.

8 MR. RESNICK: It doesn't make
9 me feel good, Councilman. We have the
10 discretion. We were not going to promote
11 them in the first place. We were
12 ordered --

13 COUNCILMAN KENNEY: Because you
14 let the list run out to keep from getting
15 to them.

16 MR. RESNICK: No, we didn't let
17 the list --

18 COUNCILMAN KENNEY: Oh, stop.
19 I've been around for a long time and I've
20 been around the Fire Department for a
21 long time, and I know what you can do
22 with a list or not do with a list, and
23 you guys manipulated that list to keep it
24 old so that it would go away and those
25 guys could go away.

1 10/30/13 - LABOR - RES. 130661

2 MR. RESNICK: We've been down
3 this road before, Councilman. There was
4 no manipulation of the list.

5 COUNCILMAN KENNEY: I know,
6 it's a shame we've been down this road.
7 We shouldn't be on this road. There
8 should be a different dialogue and
9 climate in this department and it's not.
10 You guys caused it. For the first time
11 in my lifetime in this city, this
12 department is in shambles because you
13 guys got to get involved with it every
14 step of the way and micromanage it.

15 MR. RESNICK: I respectfully
16 disagree that the Department's in
17 shambles.

18 COUNCILMAN KENNEY: Really?

19 MR. RESNICK: Yeah, really.

20 (Audience members laughing.)

21 COUNCILMAN KENNEY: You got
22 engine companies and medic units blowing
23 up, blowing up, setting firehouses on
24 fire. You got something wrong?

25 MR. RESNICK: That's not an

1 10/30/13 - LABOR - RES. 130661

2 everyday occurrence, Councilman. You
3 make it sound like this happens all the
4 time.

5 COUNCILMAN KENNEY: Thank God.

6 MR. RESNICK: Thank God.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Chairman.

9 This is for Commissioner Ayers.
10 And, look, I know your career and I know
11 your dedication to the Fire Department,
12 and I guess this has all come together,
13 but I have a more general question.

14 As a longtime firefighter
15 before you were the Commissioner, isn't
16 morale one of the key issues when it
17 comes to, I guess, any department, our
18 offices, but certainly with the Fire
19 Department? You know, guys are living
20 together. Isn't morale -- would you say
21 morale is a huge issue?

22 COMMISSIONER AYERS: It is
23 absolutely in any organization. Of
24 course.

25 COUNCILMAN GREENLEE: Right.

1 10/30/13 - LABOR - RES. 130661

2 And I would think the Fire Department is
3 at the top when you talk about morale,
4 just simply because of the nature of
5 their jobs. And I guess -- and this is,
6 I think, where Councilman Kenney and
7 Councilman Squilla were going. It just
8 seemed to me, with all the other things
9 that were going on in the Fire
10 Department -- and I'm not going to argue
11 every one, brown-outs and other
12 promotions and all that, things with the
13 medic unit and all. It gets back, why
14 did you feel that you had to do this?
15 These people were promoted. All right.
16 You won the court decision. You could do
17 it, but did you have to? Did you have
18 to? And I'm not trying to berate you,
19 sir. We've had a good relationship. But
20 I guess I just look at this thing and I
21 don't get it. I don't get why it was
22 necessary. I put myself in those
23 people's spot and I say it looks like
24 you're stepping on them unnecessarily.
25 You could do it. The court said you

1 10/30/13 - LABOR - RES. 130661

2 could do it, but did you have to do it?

3 That's my question, sir.

4 COMMISSIONER AYERS: Well, in
5 the first place, it's a management right.

6 COUNCILMAN GREENLEE: I grant
7 that.

8 COMMISSIONER AYERS: And we
9 have to go back to the first place. It's
10 a management right. There was the union
11 and there were people who flooded the
12 entire City with all types of information
13 that wasn't done before, and they wound
14 up taking it to court, and they lost.
15 They lost. The injection that I wanted
16 to put into this organization was our
17 members who had scored the highest on the
18 new list that was being prepared. It was
19 not anything about an individual. It was
20 an organizational decision from a
21 strategic and long-term perspective. It
22 wasn't about anyone personally. And when
23 the union pushed all of those families
24 down that road, it's not my
25 responsibility to go behind and say, I'm

1 10/30/13 - LABOR - RES. 130661
2 going to give up management rights
3 because the union wanted to use their
4 whatever it was that they used to put
5 everybody into this predicament. And
6 that is what's happening. And right now,
7 we've promoted those folks who were going
8 to get promoted in the first place. We
9 adhered to the judge's decision, and the
10 judge's decision was on May 30th, I
11 executed his order. His order was to
12 promote all of those folks, and every
13 last one of those members that I promoted
14 on that day came into my office on May
15 30th and received my instruction, which
16 was, Ensure that you take this next test
17 because as the letter reads, there's no
18 guarantee that you're going to be able to
19 keep this position. And they all knew.
20 Not one of them. They're upset now. I'm
21 upset now because we're in this
22 situation, but it's not because of
23 anybody in here, except for the union
24 pushing this family down that road.
25 So if that's the way they

1 10/30/13 - LABOR - RES. 130661

2 wanted to do it and not take care of
3 those families and then push it on me to
4 take care of those families, my job and
5 obligation is to protect the management
6 rights of this organization, and that's
7 what I did in the beginning trying not to
8 have that promotion, and that's what I
9 did after it was executed to ensure that
10 these management rights stay in their
11 place. And that's what happened, and
12 it's unfortunate. I'm sad about it. I'm
13 upset about it. I don't like what
14 happened to those families.

15 I've been around a long time
16 just like you, and I see and I understand
17 these things. It was a management right.
18 They made a choice to challenge that, and
19 they lost.

20 COUNCILMAN KENNEY: And you
21 could have said, No, I'm not doing it.

22 COUNCILMAN GREENLEE: That was
23 what --

24 COUNCILMAN KENNEY: That's your
25 management right. You could have said,

1 10/30/13 - LABOR - RES. 130661

2 No, I'm not doing it. We won, but we're
3 going to do it a different way, no matter
4 what they say.

5 COUNCILMAN GREENLEE: That
6 would seem to me -- and, look, I'm not
7 the Commissioner. That would seem to me
8 to have been the better approach, because
9 you didn't -- you're right, it is a
10 management right and the court gave you
11 that right, but you didn't have to, and
12 it could have solved -- I think it could
13 have lessened the tone. It's not giving
14 in to anybody. It's just realizing the
15 situation. And, again, you know, I'm not
16 trying to be as a Councilman running the
17 Fire Department or run any other
18 department, but they are our
19 constituents, as you are, and it just
20 seemed the fairest way, looking at it
21 from the outside, to just let this be.
22 You won your management right, but you
23 didn't have to do it, and that's what --
24 I know I'm repeating myself, but that's
25 what I keep getting back to. It just

1 10/30/13 - LABOR - RES. 130661

2 didn't seem like you had to do it.

3 MR. RESNICK: Well, if you win
4 your right, Councilman --

5 COUNCILMAN GREENLEE: I asked
6 Commissioner Ayers.

7 MR. RESNICK: I know, but if
8 you win your right but you don't have the
9 ability to then exercise your right,
10 what's the point of having the right?

11 COUNCILMAN GREENLEE: You still
12 have the ability. You have the ability.
13 You're choosing -- you got the legal
14 right and you can use it in the future,
15 but you're choosing. The choice is, I'm
16 not going to do it because I understand
17 the situation and I understand what's
18 been going on in the Department and I
19 understand about the morale issue.

20 So you won. Lots of people win
21 cases and don't necessarily follow
22 everything. They get the right to do it,
23 and I think that's a significant
24 difference.

25 COUNCILMAN KENNEY: Councilman

1 10/30/13 - LABOR - RES. 130661

2 Henon.

3 COUNCILMAN HENON: Thank you,
4 Chair.

5 Yes. I too am going to be a
6 little redundant. I'm hearing things
7 like the status quo. The status quo was
8 unfilled positions and vacancies that you
9 had at the time when the promotions were
10 made. The status quo is comments as
11 Commissioner, with all due respect,
12 saying your job is not to protect
13 administrative prerogative, but your job
14 is to protect the citizens of
15 Philadelphia by ensuring that qualified
16 firefighters who have the ability, who
17 take tests, who are certainly in the
18 supervisory position get promoted to do
19 the right thing for our citizens. That
20 is your job. Your job is to protect us
21 and make sure that we have educated
22 supervisors who are qualified in the
23 positions that are not filled. And if I
24 am correct -- I'm going to ask this
25 question -- were there vacancies that

1 10/30/13 - LABOR - RES. 130661

2 were open at the time of these
3 promotions, as you call temporary
4 promotions?

5 I don't believe in giving a job
6 and taking a job away from anybody.
7 We're in the job business. We try to
8 create jobs for people. We try to create
9 jobs where people are qualified to help
10 protect us, and I didn't see that here.

11 Were there vacancies at the
12 time when you made these so-called
13 temporary promotions?

14 COMMISSIONER AYERS: Yes.

15 COUNCILMAN HENON: And were
16 these individuals qualified to fill these
17 vacancies?

18 COMMISSIONER AYERS: Yes. They
19 were on the list.

20 COUNCILMAN HENON: Thank you.
21 So the status quo is bad decisions that
22 are continuing to destroy the morale of
23 our Fire Department. Is that a fair
24 statement?

25 MR. RESNICK: No, because,

1 10/30/13 - LABOR - RES. 130661

2 Councilman, you stated that you want to
3 promote the best people --

4 COUNCILMAN KENNEY: I think he
5 asked the Commissioner. I think the
6 dialogue was back and forth to the
7 Commissioner.

8 COMMISSIONER AYERS: No,
9 because what happens every year that we
10 have a test is, there are people studying
11 for that position. There are people
12 ready to get on the list and to go and be
13 promoted into those positions.

14 COUNCILMAN HENON: So they're
15 ambitious, they are people who want to
16 better themselves, they want to help
17 better serve the citizens of
18 Philadelphia, better provide for their
19 families?

20 COMMISSIONER AYERS: Our
21 decision was and has been in the past to
22 promote -- in the new list, to promote
23 from the top of the new list.

24 COUNCILMAN HENON: A different
25 list.

1 10/30/13 - LABOR - RES. 130661

2 COMMISSIONER AYERS: There was
3 a testing process that had been started,
4 and my decision was to wait for the new
5 list because we had gone so far down into
6 the old list. And that was my decision.

7 COUNCILMAN HENON: Is that
8 the -- I don't know, Chairman, who made
9 the comment about a stale list?

10 COMMISSIONER AYERS: I made
11 that comment, and I apologized for that.

12 COUNCILMAN HENON: Okay. So
13 we're waiting for a new list and because
14 the Council prerogative -- I'm sorry;
15 because of administrative prerogative,
16 you had the ability to promote or demote
17 as you see fit. So after you demoted, on
18 the new list how many people did you
19 promote?

20 COMMISSIONER AYERS: We filled
21 all the positions.

22 COUNCILMAN KENNEY: Eighty.

23 COUNCILMAN HENON: How many
24 positions were there?

25 COMMISSIONER AYERS: We filled

1 10/30/13 - LABOR - RES. 130661

2 about a total of about 80 positions.

3 COUNCILMAN HENON: How many?

4 COUNCILMAN KENNEY: Eighty.

5 COUNCILMAN HENON: Eight zero,
6 not eight?

7 COMMISSIONER AYERS: Somewhere
8 in that area.

9 COUNCILMAN HENON: So you
10 thought that the new list of qualified
11 and deserving firefighters who wanted to
12 help better serve the City of
13 Philadelphia in their roles, 80
14 positions, they were better than the
15 stale list that you demoted?

16 COMMISSIONER AYERS: They're in
17 those field positions and I'm very
18 satisfied with the list.

19 COUNCILMAN HENON: And I want
20 to go back, and I'll end with this.
21 Flooded information throughout the City
22 of Philadelphia. It sounds like
23 propaganda, and this whole thing seems to
24 be in -- this demotion scenario and
25 policy of promotions seems to be

1 10/30/13 - LABOR - RES. 130661

2 destroying, continuing to destroy the
3 morale of our Fire Department, and it
4 appears to be all in retaliation for one
5 reason or another.

6 So I am not happy on the way
7 the process has gone so far. I think we
8 need to change it, and I think we need to
9 hold -- the citizens of Philadelphia and
10 this body needs to hold somebody
11 accountable for bad decisions.

12 Thank you.

13 COUNCILMAN KENNEY: Just a
14 question on the new list. Were there any
15 people, the people who were demoted, that
16 scored higher than the 80 people who were
17 promoted? Did every one of the 80 people
18 who were promoted score higher than the
19 people who were demoted?

20 COMMISSIONER AYERS: I'll check
21 it, but I believe so, yes.

22 COUNCILMAN KENNEY: So how do
23 we justify that this is a more qualified
24 list if people scored lower than the 14
25 who were demoted? It seems to fly in the

1 10/30/13 - LABOR - RES. 130661

2 face of logic.

3 If you'd like to take the
4 microphone, ma'am, I'm happy to swear you
5 in.

6 COMMISSIONER AYERS: No. She's
7 just advising me.

8 MS. MORRIS: Good morning. I'm
9 Nicole Morris. I'm the attorney from the
10 City.

11 COUNCILMAN KENNEY: You're
12 welcome to take a seat.

13 COMMISSIONER AYERS: Councilman
14 Kenney, the people who were promoted,
15 those men and women who were promoted off
16 of the new list, if you look at the
17 scores, yes, they did score higher
18 than -- if you want to look at the two
19 lists.

20 COUNCILMAN KENNEY: All of the
21 80 people who were just promoted scored
22 higher than the 14 that were demoted?

23 COMMISSIONER AYERS: They did,
24 yes, sir.

25 COUNCILMAN KENNEY: I'd like to

1 10/30/13 - LABOR - RES. 130661

2 see that.

3 COMMISSIONER AYERS: You can.

4 COUNCILMAN KENNEY: Because I
5 find that hard to believe.

6 COMMISSIONER AYERS: I
7 apologize, gentlemen. I appreciate
8 everything that you're saying, but I do
9 have to leave right now. Thank you.

10 COUNCILMAN SQUILLA: Can I ask
11 you one question before you go,
12 Commissioner? Just one quick question.

13 COUNCILMAN KENNEY: You have
14 lights and sirens on your car. You can
15 get where you're going quick.

16 COMMISSIONER AYERS: That would
17 put the citizens in jeopardy if it's not
18 for a real emergency.

19 COUNCILMAN KENNEY: The Mayor
20 does it all the time without an
21 emergency, so I think you can probably do
22 it too.

23 COUNCILMAN SQUILLA: One last
24 question.

25 COMMISSIONER AYERS: Councilman

1 10/30/13 - LABOR - RES. 130661

2 Squilla.

3 COUNCILMAN SQUILLA: You stated
4 that your job was to maintain the
5 management rights of the Administration
6 and the Department. That's not your only
7 job, right?

8 COMMISSIONER AYERS: Exactly.
9 It's not my only job.

10 Thank you. I have to go.

11 COUNCILMAN KENNEY: I'm telling
12 you...

13 COUNCILMAN SQUILLA:
14 Mr. Resnick, would you like to answer
15 that question, what his job is.

16 MR. RESNICK: I beg your
17 pardon, Councilman?

18 COUNCILMAN SQUILLA: What is
19 the Commissioner's job?

20 MR. RESNICK: The
21 Commissioner's job is to run the Fire
22 Department.

23 COUNCILMAN KENNEY: With your
24 help.

25 COUNCILMAN SQUILLA: But he

1 10/30/13 - LABOR - RES. 130661

2 said his job is to maintain the
3 management rights of the Administration
4 and the Fire Department.

5 MR. RESNICK: Well, part of his
6 job is to maintain his management rights.
7 I mean, he is the appointing authority.
8 He's the one who the Mayor has appointed
9 to run the Department. So part of his
10 job is to maintain the management rights
11 and the management prerogative.

12 COUNCILMAN SQUILLA: What else
13 is part of his job?

14 MR. RESNICK: Whatever else is
15 involved in running the Fire Department,
16 which would be making the appropriate
17 personnel appointments, which he chose to
18 do in his way, following his discretion.

19 COUNCILMAN SQUILLA: In his
20 way?

21 MR. RESNICK: Yes, Councilman.
22 I mean, all of you gentlemen enjoy the
23 ability to make your hiring decisions for
24 your staff based upon your own
25 discretion. We're bound by Civil

1 10/30/13 - LABOR - RES. 130661

2 Service, yes, but Civil Service --

3 COUNCILMAN SQUILLA: We're not.

4 MR. RESNICK: -- does give us
5 some discretion. You're not. Civil
6 Service does give us some discretion in
7 making those hiring decisions, and the
8 Commissioner just exercised the
9 discretion that's his under Civil
10 Service.

11 COUNCILMAN SQUILLA: And to go
12 back to the point of the court ruling,
13 what was the actual ruling on the
14 decision that came down?

15 MR. RESNICK: I'm not sure I
16 understand your question, Councilman.

17 COUNCILMAN SQUILLA: What did
18 it allow you to do?

19 MR. RESNICK: It allowed us to
20 do exactly what we did, because
21 Commonwealth Court vacated the Common
22 Pleas Court opinion promoting these
23 gentlemen. So it allowed us to do what
24 we did.

25 COUNCILMAN SQUILLA: And it

1 10/30/13 - LABOR - RES. 130661

2 actually said that you have the ability
3 and managerial rights to promote off a
4 list or to not promote off a list,
5 correct?

6 MR. RESNICK: The court said,
7 These regulations do not give employees
8 on the promotional list an absolute right
9 to be promoted to fill a vacancy as long
10 as the promotional list is still in
11 force. Rather, they indicate the
12 decision to promote an employee or fill a
13 vacancy is within the discretion of the
14 Fire Commissioner. While the Fire
15 Commissioner is required to make all
16 promotions in accordance with Civil
17 Service regs, the regs clearly allow the
18 Fire Commissioner to exercise discretion
19 in making promotional decisions,
20 including the timing of those promotions.

21 The order of that court was
22 that the order of the Common Pleas Court
23 is reversed. The matter is remanded to
24 the Trial Court to dismiss the complaint.

25 That's what the court said.

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN SQUILLA: Okay. So
3 then it's your right, then, at this point
4 to decide whether to keep those folks
5 there or to rescind that?

6 MR. RESNICK: Yes. I've said
7 that already.

8 COUNCILMAN SQUILLA: Okay.
9 Now, in the past, did they ever hire off
10 the list to fill a pool?

11 MR. RESNICK: I assume so. I
12 think so, but the Commissioner would have
13 to tell you whether or not that's the
14 case.

15 COUNCILMAN KENNEY: He's not
16 here.

17 MR. RESNICK: We can get that
18 answer for you.

19 COUNCILMAN SQUILLA: Well, they
20 did. So when they did that, they
21 actually hired people off the list when
22 some spots weren't even vacant.

23 MR. RESNICK: Right.

24 COUNCILMAN SQUILLA: So doesn't
25 it seem by having a whole bunch of vacant

1 10/30/13 - LABOR - RES. 130661

2 spots and not using that list, doesn't
3 that seem to counteract what was done
4 previously by this same Administration?

5 MR. RESNICK: Well, I don't
6 know the history of that. I'd have to
7 take a look at what the overtime usage
8 was at that point in time. I don't know
9 if it was fiscally responsible to do
10 that. And the answer to Councilman
11 Henon's question, there were vacancies.
12 We promoted the people off of the new
13 list and we filled those vacancies, as
14 the Commissioner just testified. Last
15 week there was a promotional ceremony. I
16 think there were about 80 people who were
17 promoted.

18 COUNCILMAN SQUILLA: And we're
19 happy for those guys. We're just
20 saying -- men and women. I'm sorry.
21 What I'm saying is that past practice
22 that you guys had overseen had done this
23 all the time, and now you're deciding for
24 some reason that you have these vacancies
25 and not only are you not filling them

1 10/30/13 - LABOR - RES. 130661
2 into a pool and putting extra added
3 people, and you don't know whether that
4 was economically feasible to do at the
5 time, but it was done. And is overtime
6 now down compared to what it was back
7 then?

8 MR. RESNICK: The time period
9 you're talking about, I don't know, so I
10 would have to go and check.

11 COUNCILMAN SQUILLA: Was
12 overtime recently up compared to previous
13 years?

14 MR. RESNICK: Well, we're
15 running overtime. We're burning
16 overtime. So, yes.

17 COUNCILMAN SQUILLA: So it's
18 bad management on your part?

19 MR. RESNICK: I don't believe
20 so.

21 COUNCILMAN SQUILLA: So this
22 decision that you made not to fill those
23 spots when they were vacant was because
24 you wanted to use more overtime?

25 MR. RESNICK: No. The decision

1 10/30/13 - LABOR - RES. 130661

2 not to fill the spots when they were
3 vacant was because we were waiting for
4 people who performed better on a new list
5 to take those spots.

6 COUNCILMAN SQUILLA: All right.
7 Thank you.

8 MR. RESNICK: You're welcome.

9 COUNCILMAN KENNEY: Councilman
10 Oh.

11 COUNCILMAN OH: Thank you very
12 much, Mr. Chairman.

13 Thank you for being here. The
14 hearing resolution was passed by every
15 member of Council, and the reason is
16 because we have a responsibility to be a
17 check and a balance upon the
18 Administration. And the issue that I
19 believe we're looking at that I'm
20 certainly interested is not the issue of
21 legal right, whether you have done a good
22 or bad job of management, but whether or
23 not the conduct here is an abuse of
24 authority. That's the issue. The
25 question is not whether it's bad

1 10/30/13 - LABOR - RES. 130661

2 management but if it's ill-motivated,
3 vindictive. And the reason it arises is
4 because the history in the context of the
5 issues and contentions between the
6 firefighters, as represented by their
7 union officials, and the Administration,
8 from conflicts about the contract, the
9 inability to pay, numerous appeals that
10 really did not seem to have a basis, and
11 finally after the Administration stating
12 that they could not afford \$210 million,
13 resolved this for 74 million, I believe.

14 I've heard, as I believe all my
15 colleagues have, from different members
16 of the Fire Department, including those
17 who have been terminated for what appears
18 at this time to be no infraction of
19 protocols or very minor infractions.
20 I've looked at a situation where there's
21 a person who was going to be promoted to
22 Captain who was terminated for what
23 appears to be no infraction whatsoever.
24 That's really problematic if the
25 employees of the City, the firefighters

1 10/30/13 - LABOR - RES. 130661

2 cannot have a vehicle to come to to seek
3 a just and fair review of their
4 situation.

5 So it's kind of striking that
6 in the relationship of all this
7 contention and lawsuits and conflicts
8 that those promotions are withdrawn and,
9 following that, there are terminations.
10 Are you aware of the recent terminations
11 as well?

12 MR. RESNICK: I know about the
13 case you're talking about, Councilman.
14 I've talked to President Schulle about
15 that.

16 COUNCILMAN SQUILLA: Who?

17 MR. RESNICK: President
18 Schulle, the President of the Local 22.

19 COUNCILMAN OH: I'm not going
20 to go into the details of --

21 MR. RESNICK: I'd rather we
22 don't.

23 COUNCILMAN OH: Okay. Is that
24 justified, in your opinion, or were there
25 some facts that were not looked at?

1 10/30/13 - LABOR - RES. 130661

2 MR. RESNICK: I think that,
3 yeah -- I mean, we're here for a hearing
4 on a particular resolution. The case
5 that you're talking about is probably
6 going to wind up before an arbitrator at
7 some point. And to your point that
8 there's no real redress, I think there's
9 a system in place for just these
10 purposes. I mean, the Local 22 files
11 grievances. We go to arbitration all the
12 time over these matters. I'd rather not
13 get into the facts of this specific case,
14 knowing that there is an arbitration
15 coming up about it.

16 COUNCILMAN OH: Okay. So I'm
17 going to end because --

18 COUNCILMAN KENNEY: I just want
19 to ask a question on the process, because
20 it's very interesting that I've learned
21 about this arbitration process.

22 On average, how long does it
23 take to get to an arbitration hearing,
24 Al? Al, I'm sorry, is this your
25 bailiwick?

1 10/30/13 - LABOR - RES. 130661

2 MR. D'ATTILIO: Actually, labor
3 relations does not come under me. It
4 comes under the Office of Labor
5 Relations. I would probably say about a
6 year.

7 COUNCILMAN KENNEY: I'm sorry,
8 ma'am. You can sit up front and --
9 because if you're answering questions --

10 MR. RESNICK: Ms. Morris is an
11 attorney of the Labor Unit of the Law
12 Department who handles these cases.

13 COUNCILMAN KENNEY: How long
14 does it take, on average, to get an
15 arbitration hearing?

16 Please identify yourself for
17 the record.

18 MS. MORRIS: Good morning. You
19 have to go through -- good morning.
20 Nicole Morris, Divisional Deputy City
21 Solicitor.

22 For the grievance process,
23 there is a process that starts at the
24 departmental level, and that has to occur
25 within a certain amount of time pursuant

1 10/30/13 - LABOR - RES. 130661
2 to the collective bargaining agreement,
3 and that's typically within ten days. So
4 it takes for the department, at the
5 department level, perhaps ten, possibly
6 30 days at that point.

7 If the union determines that it
8 wants to file a grievance and a demand
9 for arbitration, they do that with the
10 American Arbitration Association. And
11 once the American Arbitration Association
12 receives that grievance and demand for an
13 arbitration, the parties select, mutually
14 select, an arbitrator, and that process
15 takes some time, and sometimes there's a
16 delay once a case has been assigned to an
17 arbitrator for the arbitrator's schedule.
18 The parties mutually agree upon a date
19 for the arbitration. So sometimes it
20 could take -- it takes at least, I would
21 say, two months, but it could take two
22 months to six months for it to get
23 scheduled for an arbitration.

24 COUNCILMAN KENNEY: Does the
25 City ever ask for delays?

1 10/30/13 - LABOR - RES. 130661

2 MS. MORRIS: Of course.

3 COUNCILMAN KENNEY: What's the
4 reason the City would ask for a delay?

5 MS. MORRIS: The City asks for
6 a delay if witnesses are unavailable, if
7 they're waiting for information, if the
8 attorney has a conflict, a federal court
9 matter, a civil service matter. And the
10 union often asks for delays for the same
11 reasons.

12 COUNCILMAN KENNEY: Does it go
13 as long as a year any time?

14 MS. MORRIS: It does.
15 Absolutely.

16 COUNCILMAN KENNEY: So what
17 does that person do that's been fired and
18 doesn't get a paycheck and has to pay
19 their kids' tuitions and mortgage? What
20 do they do for that year while they're
21 waiting for the delays to be resolved?

22 MS. MORRIS: Oftentimes if it's
23 a termination, they can file for
24 unemployment compensation. I understand
25 that the Fire Department and union

1 10/30/13 - LABOR - RES. 130661

2 members hold fundraisers to provide money
3 to those individuals. I'm not sure what
4 the union's agreement is with the
5 employees. Perhaps there is some
6 assistance there.

7 COUNCILMAN KENNEY: Don't you
8 think there's some responsibility on the
9 part of the City to try to expedite these
10 matters as opposed to trying to wait them
11 out and cause even more -- I mean, it's
12 bad enough getting fired, if you felt you
13 were terminated improperly, but it's even
14 worse when your family suffers
15 financially for a year or so while you
16 wait for the City to come to the table.

17 MS. MORRIS: I'm not going
18 to -- and I'm not authorized to answer
19 questions or give my opinion. I'm only
20 answering questions that you asked about
21 the process. I'm happy to provide you
22 with those answers, but I'm not going to
23 give you my personal opinion. If you'd
24 like to speak to the Solicitor, I'm sure
25 Ms. Smith would be happy to testify.

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN KENNEY: Will I have
3 to subpoena her or she'll come on her
4 own?

5 MS. MORRIS: That's not for me
6 to say.

7 COUNCILMAN KENNEY: I
8 apologize. You have to be here, but
9 it's -- for this open and transparent
10 Administration, it seems like a lot of
11 subpoenas are necessary.

12 Yes, Al.

13 MR. D'ATTILIO: Councilman, I
14 just want to point out that there is an
15 alternative process. It's very rarely
16 used in the context of Fire terminations,
17 but any employee who has been suspended
18 for more than ten days, demoted or
19 dismissed has a right to appeal to the
20 Civil Service Commission, and in my
21 experience, that's a quicker process.

22 COUNCILMAN KENNEY: How long
23 does that take?

24 MR. D'ATTILIO: Four to six
25 months.

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN KENNEY: Four to six
3 months without a paycheck.

4 MR. RESNICK: Plus there's a
5 Step 3 grievance process, and I entertain
6 those with President Schulle all the
7 time. So he and I sit down, we discuss
8 particular cases. I resolve them for him
9 if I can quickly. So there are steps
10 along the way that take it out of this
11 formal process and expedite the matter.

12 COUNCILMAN KENNEY: Councilman
13 O'Brien, do you have anything?

14 COUNCILMAN O'BRIEN: I
15 apologize for being late. As I said in
16 previous remarks on the floor, this is
17 plain and simple for me. It's a question
18 of fairness. And fairness strips out
19 bias. It extracts personal feelings and
20 personal interests. It recognizes that
21 justice is important for individuals. If
22 we're not about anything except process,
23 then the whole system falls apart. And
24 the City Charter and the Civil Service
25 process is supposed to make sure that

1 10/30/13 - LABOR - RES. 130661

2 patronage and all that jiggle-jaggle goes
3 by the wayside. It's a very simple
4 process. Someone takes a test. They
5 score. They get a rank. They get
6 promoted off the test.

7 Very recently over in Jersey
8 there was a case very similar to this
9 where they ignored the list. Are you
10 familiar with that case? It was back in
11 June. I read those remarks into the
12 record. And it was a
13 multi-million-dollar settlement that took
14 years to settle. Careers are damaged.

15 There is nothing in this issue
16 before us that says these individuals
17 aren't of the highest caliber, aren't the
18 most qualified people. It just seems to
19 me that this is an arbitrary issue where,
20 I want my guys, I don't want these guys.

21 I don't have a question,
22 frankly. I really don't. I am offended
23 by this process. I feel for those
24 individuals that showed they had the
25 talent. They went through the process.

1 10/30/13 - LABOR - RES. 130661

2 This is flat-out an abrogation of
3 everything that we are supposed to be
4 about, and it's just flat-out wrong. I
5 don't know why we have to have hearings
6 about this, because it's just wrong.

7 COUNCILMAN KENNEY: Councilman,
8 they may have a different opinion,
9 because the highly respected Press
10 Secretary of the Mayor, who has a lot of
11 information I guess about the Fire
12 Department, deems these people to be
13 underperformers. So I guess his word is
14 the end word since he has so much
15 experience at the Fire Department.

16 COUNCILMAN O'BRIEN: Well, the
17 only other thing I'll say is, we haven't
18 had training for seven years. We can go
19 through a litany of the punitive coercive
20 issues that have been involved between
21 this Administration and the Fire
22 Department, and I'm just flat-out aghast
23 at this lack of process.

24 COUNCILMAN KENNEY: Councilman.

25 COUNCILMAN OH: Thank you very

1 10/30/13 - LABOR - RES. 130661

2 much, Chairman. I will conclude that bad
3 facts make for bad law, and I just feel
4 that we're very constrained to not allow
5 this process to continue this way. If it
6 is true that there is no reason for a
7 firefighter to be terminated -- I can't
8 see any reason -- and we've had this long
9 history of, I would say, vindictiveness
10 and abusiveness towards this department.
11 I'm not sure for what reason. But the
12 arbitration can take up to a year, and
13 this is kind of a delaying process that
14 unless there's some more substantial
15 reason in light of the history that would
16 show that there is an objective reason
17 why promotions were taken back, people
18 were terminated and disciplined, it is
19 something that I don't feel we can just
20 leave to the Administration. There would
21 have to be corrective action unless the
22 Administration corrected itself.

23 MR. RESNICK: Councilman, I can
24 talk to you privately about the case that
25 we're --

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN OH: Thank you very
3 much. I would love to talk to you.

4 MR. RESNICK: But I can tell
5 you that it resulted in the death of an
6 individual.

7 COUNCILMAN OH: I understand
8 that deaths occur. I will say that I
9 could be the best doctor in the world,
10 having done everything right, and my
11 patient will die. That's not my fault.
12 The issue was whether I was negligent or
13 violated a rule. If I did not and the
14 patient died, that happens in life, and
15 it's unfortunate, but two wrongs don't
16 make a right.

17 MR. RESNICK: There's a lot
18 more to it than that, Councilman.

19 COUNCILMAN OH: I will talk
20 with you, and I appreciate the offer.
21 Thank you.

22 Thank you, Mr. Chairman.

23 COUNCILMAN KENNEY: Councilman
24 Henon.

25 COUNCILMAN HENON: Thank you,

1 10/30/13 - LABOR - RES. 130661

2 Chairman.

3 Mr. Resnick, I just wanted to,
4 since the Commissioner had to leave so
5 quickly, again, just from a commonsense
6 perspective, why -- and this goes to
7 Councilman Oh's inference of intent --
8 why would there be two very
9 profile-celebrating promotion ceremonies
10 that these individuals were invited to
11 knowing that he had the administrative
12 prerogative and he had every intent on
13 using them on demoting them four months
14 later? Why would he subject those -- why
15 would he subject the individuals who were
16 promoted knowing that they were temporary
17 jobs and promotions --

18 COUNCILMAN KENNEY: Here's the
19 smiling pictures.

20 COUNCILMAN HENON: So I'm just
21 in --

22 MR. RESNICK: Councilman, I
23 understand your question.

24 COUNCILMAN HENON: We're
25 talking about vindictiveness. We're

1 10/30/13 - LABOR - RES. 130661
2 talking about retaliation. We're talking
3 about unsettling, unrest morale in the
4 Fire Department, and then to subject --
5 just from a commonsense perspective, why
6 would anybody who is the Executive
7 Director of a department who has
8 managerial rights choose to make that
9 decision?

10 MR. RESNICK: Well, I think,
11 Councilman, that at that point in time,
12 those individuals were promoted, sworn
13 in, held that rank. No one knew what the
14 outcome of the litigation was going to
15 be. If we didn't invite them to the
16 promotional ceremony, I'm sure we'd have
17 been here and that would have been the
18 subject of another resolution or hearing.
19 So at that point in time, they held that
20 rank. They were invited to the
21 promotional ceremony, along with
22 everybody else who was promoted. Again,
23 we did not know what the outcome was.
24 Nobody ordained that this was going to
25 happen in four months and we knew that

1 10/30/13 - LABOR - RES. 130661

2 that was the outcome, so we did this
3 vindictively. We promoted them. They
4 were at the ceremony like everybody else
5 was.

6 COUNCILMAN HENON: These are --

7 MR. RESNICK: I was there,
8 Councilman. I was there.

9 COUNCILMAN HENON: These are
10 happy -- I mean, I just don't understand.

11 COUNCILMAN KENNEY: If it's not
12 vindictiveness, then why were they
13 required to go in uniform to Fire
14 Headquarters to be demoted ceremoniously,
15 to have their horns taken from them off
16 their lapels? Why weren't they just
17 allowed to go back to their rank? Why
18 were they required to go in uniform to
19 3rd and Spring Garden, stand outside on
20 the pavement and be ushered in to be
21 stripped of their rank? Why was that?
22 Is that a normal process?

23 MR. RESNICK: No. That was a
24 process whereby the Commissioner was
25 going to explain to them what was

1 10/30/13 - LABOR - RES. 130661

2 occurring, why it was occurring.

3 COUNCILMAN KENNEY: They were
4 being demoted.

5 MR. RESNICK: And to have them
6 do whatever paperwork they needed to do
7 to go back to their prior rank and be
8 appointed.

9 COUNCILMAN KENNEY: In uniform
10 so they can take off their horns in
11 person. That's not vindictive?

12 MR. RESNICK: I don't know if
13 that's exactly how it happened,
14 Councilman.

15 COUNCILMAN KENNEY: I was
16 there. I was there. I watched them
17 march in --

18 MR. RESNICK: Okay. I wasn't
19 there.

20 COUNCILMAN KENNEY: -- to be
21 stripped of their rank.

22 COUNCILMAN HENON: Mr. Resnick,
23 you know the conversation that we're
24 having here.

25 MR. RESNICK: Yes.

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN HENON: This is
3 humiliating, and the process needs to
4 change. It needs to be a little more
5 formalized. It needs to not be
6 discretionary with outside influences and
7 in propaganda, as the Commissioner had
8 said being circulated. So all of that
9 weighs in to factor of why we're here
10 today.

11 So I want to thank the Chairman
12 for having these hearings. Before I end,
13 I want to recognize State Representative
14 Ed Neilson, who is joining us here today,
15 who also has a tremendous amount of
16 respect and family members in our
17 Philadelphia Fire Department. So thank
18 you for joining us.

19 COUNCILMAN KENNEY: Thank you.
20 Thank you, Representative.

21 Just on a minor note, why are
22 firefighters not permitted to wear their
23 uniform when testifying at a hearing or
24 at any type of event where they're off
25 duty?

1 10/30/13 - LABOR - RES. 130661

2 MR. RESNICK: Because they're
3 off duty. They're not representing the
4 Department.

5 COUNCILMAN KENNEY: Why is the
6 Commissioner permitted to wear his
7 uniform when he testifies? Is there some
8 purpose to give him some extra added
9 oomph because he's wearing his uniform,
10 but these folks who earned their uniforms
11 the same way --

12 MR. RESNICK: The Commissioner
13 is on duty.

14 COUNCILMAN KENNEY: The same
15 way that they've earned their uniforms,
16 he earned his, and they're not permitted
17 to wear theirs at any other function
18 unless the Commissioner says it's okay.

19 MR. RESNICK: Right.

20 COUNCILMAN KENNEY: You don't
21 find a problem with that?

22 MR. RESNICK: No.

23 COUNCILMAN KENNEY: Okay.

24 Good.

25 Al, are you familiar with

1 10/30/13 - LABOR - RES. 130661
2 prohibitions on political activity
3 amongst civil servants?

4 MR. D'ATTILIO: Yes, I am.

5 COUNCILMAN KENNEY: Is there
6 strict regulations of the Fire
7 Department, Police Department on high
8 command attending political functions?

9 MR. D'ATTILIO: I do not know.

10 COUNCILMAN KENNEY: Could you
11 find that out for me? Because I'd be
12 interested in knowing whether or not
13 Commissioners are permitted to attend
14 political functions, because I understood
15 that there's been a Charter issue
16 regarding that for quite some time, where
17 Police and Fire Commissioners,
18 high-ranking members of the Police
19 Department, are not allowed to be
20 involved in politics.

21 MR. D'ATTILIO: My
22 understanding is that the Charter
23 prohibitions don't apply to attending
24 political functions. Now, whether
25 there's some special rules within the

1 10/30/13 - LABOR - RES. 130661

2 Police Department or Fire Department,
3 that I can't respond to. We can do some
4 research for you.

5 COUNCILMAN KENNEY: I'll wait
6 for your response. Thank you.

7 Councilman Greenlee.

8 COUNCILMAN GREENLEE: Just very
9 quickly. I know other people want to
10 speak. Mr. Resnick, let me ask you a
11 direct question. Was this decision
12 solely Commissioner Ayers' decision?

13 MR. RESNICK: When you say
14 "this decision."

15 COUNCILMAN GREENLEE: The
16 decision to pull back the ranks of these
17 individuals. Was it solely Commissioner
18 Ayers' decision?

19 MR. RESNICK: It was a decision
20 made with the Administration, input from
21 the Law Department, Human Resources, my
22 office, Chief of Staff's office, and the
23 Commissioner.

24 COUNCILMAN GREENLEE: Same with
25 the Police Department? Same way in these

1 10/30/13 - LABOR - RES. 130661

2 kind of cases, there's discussion or is
3 it left up to the Commissioner?

4 MR. RESNICK: As far as I know,
5 this hasn't come up in the Police
6 Department.

7 COUNCILMAN GREENLEE: All
8 right. Okay. So it sounds like what
9 you're saying, it was not totally
10 Commissioner Ayers' decision; is that
11 correct?

12 MR. RESNICK: Not totally.

13 COUNCILMAN GREENLEE: Well, you
14 said you had discussions. So it was
15 totally Commissioner Ayers' decision to
16 do this? You guys did not say we
17 should -- did you offer an opinion on it?

18 MR. RESNICK: When we got the
19 decision from the Commonwealth Court, we
20 reviewed the decision with the Law
21 Department. We reviewed the decision
22 with Human Resources. We reviewed the
23 decision with Labor Relations. We
24 reviewed the decision with the
25 Department, and a decision was made.

1 10/30/13 - LABOR - RES. 130661

2 COUNCILMAN GREENLEE: Well, we
3 know what the court decision was. I'm
4 getting back to where I was with
5 Commissioner Ayers. Let me ask you this,
6 as I asked him: Was the issue of morale
7 in the Department a part of the
8 discussion?

9 MR. RESNICK: Everything was
10 taken into consideration, Councilman.

11 COUNCILMAN GREENLEE: Okay.
12 And so -- all right. You're not saying
13 it, but this was not Commissioner Ayers'
14 total decision. It couldn't have been,
15 from what you just said. If you're
16 influenced by your boss -- because in a
17 lot of ways, the Administration, at least
18 parts of the Administration, are his
19 boss, and if you're giving the opinion of
20 what he should do, then you're obviously
21 influenced -- he's obviously influenced
22 by that decision.

23 MR. RESNICK: No.

24 COUNCILMAN GREENLEE: So that
25 means it's not totally his decision,

1 10/30/13 - LABOR - RES. 130661

2 right?

3 MR. RESNICK: A decision was
4 made with everybody's input. I mean,
5 nobody told Commissioner Ayers this is
6 what you need to do. We discussed the
7 opinion. We read the opinion. We
8 discussed it with Law. We discussed it
9 with Al's shop. We discussed it with
10 Labor Relations. We discussed it with
11 the Commissioner. Taking all of that
12 information in, the decision was made.

13 COUNCILMAN GREENLEE: Was the
14 Mayor involved in this decision?

15 MR. RESNICK: I don't know if
16 Mr. Gillison discussed it with the Mayor.
17 I discussed it with Mr. Gillison.

18 COUNCILMAN GREENLEE: All
19 right. I don't think I'm getting a
20 straight answer.

21 Thank you.

22 COUNCILMAN KENNEY: If there's
23 no other questions, Councilman O'Brien.

24 COUNCILMAN O'BRIEN: I would
25 just like again, Mr. Chairman, to edify

1 10/30/13 - LABOR - RES. 130661

2 your comments after I made my statement
3 alluding to some reference that the
4 Commissioner said these individuals were
5 not qualified. I wasn't here for that,
6 and, again, I apologize. And Councilman
7 Henon talks about a formalized process.

8 There's two fundamental issues
9 here. One is the City Charter and one is
10 the Civil Service Commission. I'll just
11 read briefly from my remarks on October
12 3rd so I won't waste anybody's time.

13 The City's Civil Service system
14 for hiring and promotion is built upon
15 principles of fairness and justice that
16 we can all accept as reasonable and
17 unbiased standards for determining what
18 people deserve.

19 Now, the City Charter requires
20 a Civil Service system for hiring and
21 promotion and spells out mandatory
22 requirements. I draw your attention to
23 some of the requirements of the Charter
24 and regulations related to the Civil
25 Service system.

1 10/30/13 - LABOR - RES. 130661

2 Vacancies are to be filled by
3 promotion. The Administration retains
4 considerable managerial discretion. The
5 Administration sets qualification for
6 supervisory positions. The
7 Administration establishes the
8 examinations and sets the passing scores.

9 In other words, the
10 Administration sets the bar. Nobody can
11 tell the Administration how low or how
12 high to set that bar. The Administration
13 determines whether vacancies exist in the
14 first place. The Administration is not
15 required to replace every supervisor who
16 leaves City employment or is promoted.
17 The Administration decides how many
18 supervisors they need. And, finally, the
19 Administration sets the bar for
20 promotions, develops and administers the
21 test, and sets the passing score.

22 In the firefighter demotion
23 instance before us, the Administration
24 determined that vacancies existed and
25 admitted that they intended to fill the

1 10/30/13 - LABOR - RES. 130661

2 Fire and Lieutenant, Fire Captain
3 vacancies. The problem is that the
4 Administration tried to do an end run
5 around the Civil Service system. They
6 intended to fill promotional vacancies
7 with people who were not on the
8 promotional list. That's the practical
9 effect. It's just letting the existing
10 list expire without filling the
11 vacancies.

12 MR. RESNICK: Just to clarify
13 one thing, Councilman. The people who
14 were promoted were on the list.

15 COUNCILMAN O'BRIEN: Wait. I'm
16 just making a statement. It's not a
17 question, because I'm tired of asking
18 questions that nobody answers. I'm
19 flat-out exhausted with this.

20 The exact same thing has
21 happened with the demotions of the
22 firefighters who were promoted per the
23 court order in May. The Administration
24 has ignored the Civil Service rules on
25 demotion and rejection during probation.

1 10/30/13 - LABOR - RES. 130661

2 That's a statement. You can
3 say whatever you want. I'm just
4 flat-out --

5 MR. RESNICK: I'll just say
6 what I said earlier, that Judge Tucker
7 said the Civil Service regs don't apply
8 in this situation.

9 COUNCILMAN KENNEY: Well, I
10 just want to end with this: I had a
11 conversation with a very respected member
12 of the community a number of months ago
13 who asked the Mayor directly, Why are you
14 doing this? Why are you doing this to
15 these folks, with the arbitration and the
16 transfers and all the other stuff. And
17 the Mayor responded, Because I can. And
18 that's what I think this is all about.
19 Because I can. And it doesn't happen in
20 the Police Department, and no one
21 micromanages Chuck Ramsey. No one brings
22 him in. You told me yourself, you never
23 had any conversations like this with
24 Chuck Ramsey, because he runs his
25 department. And this is because the

1 10/30/13 - LABOR - RES. 130661

2 Mayor can. And you don't have to respond
3 because you won't respond --

4 MR. RESNICK: I can't respond,
5 Councilman. I wasn't part of the
6 conversation.

7 COUNCILMAN KENNEY: I was
8 there, and I respect the person. The
9 person has no reason to lie. And I know
10 that attitude, because I know him.
11 Because he can.

12 Thanks for coming in.

13 MR. RESNICK: Thanks.

14 COUNCILMAN KENNEY: Joe
15 Schulle, please.

16 (Witness approached witness
17 table.)

18 COUNCILMAN KENNEY: Please
19 identify yourself for the record and
20 proceed with your testimony. And you can
21 please -- you've been sitting here
22 listening to some of the answers. If you
23 wanted to correct or argue any of those
24 points, please feel free to add that as
25 part of your record.

1 10/30/13 - LABOR - RES. 130661

2 MR. SCHULLE: Okay. My name is
3 Joseph Schulle. My last name is spelled
4 S-C-H-U-L-L-E. I'm the President of
5 Local 22, the Philadelphia Firefighters
6 and Paramedics Union.

7 First I'd like to say I
8 absolutely would like to address some of
9 the specific comments made. I would
10 respectfully request that this committee
11 consider holding hearings on the
12 discipline process in the Philadelphia
13 Fire Department. Specifically, the
14 questions that Councilman Oh were asking
15 regarding the member that was recently
16 fired. It's an absolute tragedy that
17 this man was fired instead of being
18 promoted. He did nothing wrong. I have
19 21 years on the job, and I'm a Battalion
20 Chief. I would have done nothing any
21 different than he did that day, and he
22 was terminated without any due process,
23 without the opportunity to see
24 justification for the charges against
25 him, without the opportunity to see the

1 10/30/13 - LABOR - RES. 130661

2 report made by Dr. Meacham. Just
3 terminated. A wife, two small children
4 at home, see you later.

5 COUNCILMAN KENNEY: Because
6 they can.

7 MR. SCHULLE: Because they can.

8 I recently went to an
9 arbitration for a member that was fired.
10 He was fired for 15 months. The City
11 delayed his hearing twice. Fifteen
12 months he was out of work. The day of
13 the arbitration the City showed up, and
14 the main piece of evidence they used to
15 fire this member, they said, We don't
16 know what happened to it. We lost it.
17 This guy was out of work for 15 months,
18 and they lost the DVD that they used to
19 fire him.

20 As far as the statement about
21 using the Civil Service Commission, he's
22 absolutely right. There is a process
23 through using the Civil Service
24 Commission. The Civil Service Commission
25 is appointed by the Mayor. So can we

1 10/30/13 - LABOR - RES. 130661
2 risk putting our members to that kind of
3 committee? And I'm not saying they would
4 be unjust or unfair, but that would be
5 the risk we would be taking. If you
6 follow the -- if you go through the Civil
7 Service Commission, you cannot grieve a
8 disciplinary occurrence.

9 And just, finally, the process
10 before it even gets to the arbitration,
11 before it even gets to that point, it
12 takes 53 days to go through the steps to
13 get to ask for an arbitration. So we're
14 two months out before we even get to that
15 date.

16 But now to focus back on what
17 happened here today about these
18 demotions. The Commissioner stated that
19 based on his strategic, long-term goals,
20 he elected not to fill vacancies that
21 were available, even though there wasn't
22 a list available. The list did not come
23 out until September. So he would have
24 went for a full four months without a
25 list, and he knew, the Department knew

1 10/30/13 - LABOR - RES. 130661
2 there was a huge wave of DROP members in
3 the end of June. So he was going to lose
4 a significant amount of positions in
5 June. That's why there was 80 officers
6 promoted, by the way, in October, because
7 of that huge wave in DROP. It would seem
8 to me that strategic, long-term planning
9 would mean that you would over-promote,
10 anticipating them openings. And I can
11 best illustrate this. I was promoted to
12 Captain in 2003 prior to the beginning of
13 the first wave of the DROP. I was the
14 21st Captain put in the pool. So at that
15 time, there was 21 -- there was actually
16 22, but I was the 21st Captain that got
17 in the pool, and I sat there for four
18 months until the DROP wave hit. That was
19 Commissioner Hairston, realizing that
20 these openings were coming up and he had
21 to do something to get ready to fill
22 them. And that's what strategic and
23 long-term planning is, not saying that
24 we're not going to fill positions. That
25 doesn't make sense.

1 10/30/13 - LABOR - RES. 130661

2 The Commissioner talked, again,
3 of the list being stale. In 2008, he
4 promoted over 100 Lieutenants off of one
5 promotional list. Over 100. So to say
6 that these members that were on the
7 bottom of the list, they weren't
8 qualified is absolutely absurd. In his
9 own tenure as Commissioner, he promoted
10 over 100 Lieutenants off of one list.

11 On this list, he was correct.
12 Out of the 80 members that were promoted,
13 the 71 firefighters that were promoted to
14 Lieutenant and Captain, they scored
15 higher than the members that are promoted
16 here. But you have to remember, this
17 list lasts for two years, just like the
18 previous list lasted for two years. This
19 is only the first wave of promotions.
20 He's going to promote at least two more
21 times off of this list. So he's actually
22 going to reach down further on this list
23 than he had on the previous list,
24 including these promotions. So, again,
25 it just defies logic. The statements

1 10/30/13 - LABOR - RES. 130661

2 don't make any sense.

3 When I went through fire school
4 and even to this day in fire school,
5 we're taught honor, integrity, strength
6 of character. There's no way around
7 this. When the Commissioner spoke today,
8 he perjured himself before this Council.
9 He did it before the Common Pleas Court
10 and he did it again today. We can
11 provide cancelled checks, if the City
12 will provide the logbook when I put the
13 Right-to-Know request, that has the date
14 that these members signed into the log to
15 go to Fire Headquarters. It will show
16 that he did not interview one member on
17 May 30th. Not one of these 14 members
18 were interviewed on May 30th. Not one of
19 them were provided documentation on May
20 30th. Yet he stood here, as he did
21 before Common Pleas Court, and testified
22 that that's what he did. There's no way
23 around it. He perjured himself on two
24 separate occasions. And Judge Tucker's
25 decision was at least partly based on his

1 10/30/13 - LABOR - RES. 130661

2 testimony. It's not fair.

3 We're held to this higher
4 standard. We're held to the honor,
5 integrity, strength of character. That's
6 how we live our lives. That's how these
7 men live their life. Yet the
8 Commissioner can stand before you
9 gentlemen and lie outright.

10 To my prepared text, my name is
11 Joseph Schulle. I'm a Battalion Chief
12 and proud 21-year member of the
13 Philadelphia Fire Department. I am also
14 honored to serve as President of the
15 International Association of Firefighters
16 Local 22. The union represents over
17 4,000 active and retired firefighters and
18 paramedics who risk their lives every day
19 in order to serve the citizens of
20 Philadelphia.

21 I appear today before this
22 committee to provide testimony as a
23 result of Resolution 130661, which called
24 for the Committee to investigate recent
25 abuses of Civil Service appointment and

1 10/30/13 - LABOR - RES. 130661
2 removal provisions within the
3 Philadelphia Fire Department. I would
4 like to thank Councilman Kenney and the
5 members of this committee for convening
6 this hearing today to shine a light on
7 these unacceptable abuses within my
8 department.

9 Before I address the recent
10 promotions, however, I would like to
11 provide some background and context for
12 this committee. Simply put, the
13 Philadelphia Fire Department is a mess.
14 And it has been a mess for the last few
15 years. The most recent offense of these
16 unwarranted demotions of 14 qualified,
17 capable fire officers is merely a symptom
18 of the complete and utter dysfunction
19 within the Philadelphia Fire Department.

20 Whether it be these unwarranted
21 demotions, years without a contract,
22 station closings, brown-outs,
23 unjustifiable disciplinary punishment
24 without fair balance and due process, the
25 ridiculous mass transfer policy of both

1 10/30/13 - LABOR - RES. 130661

2 our firefighters and paramedics, the
3 attempt to have the paramedics removed
4 from the union, the exclusion of
5 paramedics from the Heart and Lung
6 program, the shift changes of both the
7 firefighters and paramedics or aging
8 unacceptable apparatus and station
9 conditions that our members are forced to
10 endure, it seems as if the current City
11 and Fire Department administration are
12 making a conscious effort to undermine
13 the morale of the men and women who risk
14 their lives every day for the citizens of
15 Philadelphia. They deserve far better
16 treatment than they have received.

17 Of course, this is not news to
18 this committee, nor should it be news to
19 our Mayor or to the Fire Commissioner.
20 During his first term of office, Mayor
21 Nutter commissioned an independent study
22 of the Fire Department that specifically
23 identified the need for change within the
24 Department. I quote, It appears to be
25 the unanimous conclusion that a new

1 10/30/13 - LABOR - RES. 130661

2 leader needs to understand the
3 significant of past cultural differences,
4 the historical development, and the
5 current attitudes if he or she is to
6 restore a sense of pride in the job and a
7 sense of community.

8 This finding is particularly
9 troublesome because Fire Commissioner
10 Ayers served as Commissioner at the time
11 this study was conducted. Yet he enacted
12 many of these damaging policies after the
13 study was published. The notion that
14 morale issues were highlighted in a study
15 commissioned by the Administration, yet
16 no effort was made to improve morale in
17 the Department, and worse, that the
18 Department engaged in conduct that has
19 made the morale deficit even larger is
20 simply inexcusable.

21 So while the most recent
22 demotions of qualified fire officers are
23 troubling, they become even more
24 troubling when you consider it in the
25 context that reveals that they are merely

1 10/30/13 - LABOR - RES. 130661

2 the tip of the iceberg.

3 To specifically address the
4 demotions, on May 14th, Judge Leon Tucker
5 ordered the City to fill 14 budgeted Fire
6 Department promotional positions using
7 the then-current promotional eligible
8 list. This decision was based in part on
9 Fire Commissioner Ayers' testimony before
10 the Council that the current viable
11 promotional list was stale and that
12 because of the eligible candidates on the
13 list should not be promoted. In a
14 subsequent Council hearing, the City
15 confirmed that promotional vacancies
16 existed, that the City had the money to
17 fill these positions, but that the Fire
18 Department simply did not want to promote
19 the members on the list. This testimony
20 was extraordinary and indicates the
21 arrogance of the current Fire Department
22 administration. Historically, the City
23 routinely filled promotional vacancies
24 before expiration of promotional lists,
25 but inexplicably this time the

1 10/30/13 - LABOR - RES. 130661

2 Administration and the Department chose
3 to ignore past practice, the Home Rule
4 Charter, and the Civil Service
5 regulations. The City acknowledged that
6 the money was there to pay for these
7 promotions and that eligible candidates
8 were on the list, but they simply want to
9 wait for a new list before promoting so
10 they could promote people who weren't
11 even on the active promotional list.

12 It is important to note that
13 each and every one of the bypassed
14 candidates studied hard, prepared for,
15 and passed valid promotional exams. They
16 were qualified, and they deserved to be
17 promoted.

18 Judge Tucker agreed with us,
19 and beginning on June 3rd, the Fire
20 Commissioner promoted the bypassed
21 members per the court order, backdating
22 the promotions to the order date of May
23 24th. On July 17th, the Commissioner
24 held a second promotional ceremony in
25 which he invited the family and friends

1 10/30/13 - LABOR - RES. 130661

2 of these members and honored them for
3 their hard work and perseverance. These
4 were public promotions, with no
5 asterisks.

6 On September 19th, the
7 Commonwealth Court overturned the Common
8 Pleas Court opinion. That decision is
9 currently under our appeal. By the time
10 of that court decision, the promoted
11 members had been working in the field in
12 their new positions for nearly four
13 months. By all accounts, including
14 Commissioner Ayers', each of the promoted
15 members were doing outstanding jobs in
16 the field. There were absolutely no
17 issues with performance.

18 Despite the excellent
19 performance of the promoted members, on
20 October 2nd the Fire Commissioner demoted
21 all 14 of these members. Why would he do
22 this given that the members were all
23 doing well? It's simple. Because he
24 didn't want to promote them in the first
25 place, and he wanted to prove he was

1 10/30/13 - LABOR - RES. 130661

2 right and we were wrong.

3 It should also be noted that
4 just last week on October 24th, the Fire
5 Department promoted approximately 80
6 members, including 46 new Fire
7 Lieutenants and 26 Fire Captains. In
8 other words, there was a need for
9 officers. Again, why would the Fire
10 Commissioner demote nine Lieutenants and
11 five Captains when there was such a huge
12 need for officers? The answer has
13 nothing to do with operations and
14 everything to do with pride.

15 Before the demotions took
16 effect, our union went back to Common
17 Pleas Court to ask the court to stop the
18 demotions or at least require the City to
19 follow Civil Service regulations.
20 However, Judge Tucker ruled in the favor
21 of the City based, at least in part, on
22 inaccurate testimony provided by Fire
23 Commissioner Lloyd Ayers and Fire
24 Department and Human Resources Manager
25 Karen Hyers. This testimony was and

1 10/30/13 - LABOR - RES. 130661

2 remains deeply troubling to me.

3 First, Fire Department Human
4 Resources Officer Karen Hyers testified
5 in court that all of the promoted members
6 were interviewed on May 30th, 2013. But
7 the interviews did not begin until June
8 3rd and were not completed until June
9 13th. Ms. Hyers also testified that she
10 attended all of the interviews. She
11 wasn't even at work on June 6th and June
12 7th when four of the members were
13 interviewed.

14 Ms. Hyers testified in court
15 that she instructed all 14 members to
16 take the upcoming promotional test for
17 their new position, stating that, I did
18 recommend that they take the test again
19 because we didn't know what was going to
20 happen. But how could Ms. Hyers have
21 told all the members to take the
22 promotional test, again, if she wasn't
23 even present for four of the interviews?
24 In fact, half of the candidates were not
25 interviewed until after the written

1 10/30/13 - LABOR - RES. 130661

2 portion of the test was given.

3 As for the members themselves,
4 only one member recalls Ms. Hyers asking
5 anything about the promotional test. The
6 other 13 members insist that she did not
7 even mention the promotional test.

8 As for me, after the July 17th
9 promotional ceremony, I directly asked
10 Ms. Hyers if these members would be
11 demoted if the City won its Commonwealth
12 Court appeal. In response, she stated
13 that they discussed it and decided it
14 would be in poor taste and, therefore,
15 they would not demote those members.
16 Ms. Hyers reaffirmed this statement to me
17 as recently as October 3rd at an
18 unrelated hearing. She again said that
19 she was assured there would be no
20 demotions.

21 So I ask you, if Ms. Hyers was
22 repeatedly assured that there would be no
23 demotions for these members, then why
24 would she tell every one of them to take
25 the test? It doesn't make any sense.

1 10/30/13 - LABOR - RES. 130661

2 Unfortunately, Commissioner
3 Ayers offered very similar and troubling
4 testimony in court defending the
5 demotions. First, Commissioner Ayers
6 testified that all the members were
7 promoted on May 30th, 2013. That's
8 wrong. Not one of the demoted members
9 were interviewed or promoted on May 30th.
10 They were promoted between June 3rd and
11 June 13th. They were all given a letter
12 that was backdated to May 30th.

13 Second, Commissioner Ayers
14 testified in court that he personally
15 informed each and every member that if
16 the City was successful in the
17 Commonwealth Court, they would be
18 demoted.

19 "I implored each and every one
20 that came in my office that day that they
21 should continue to study hard and they
22 should take the next exam because there
23 was no guarantee, each and every one.
24 And "Each and every one of them, I told
25 make sure you study, don't stop the

1 10/30/13 - LABOR - RES. 130661

2 process, take the test, take the exam."

3 This testimony is inaccurate.

4 The written portion of the test was not
5 given until June 8th, and seven of the 14

6 members promoted were not interviewed by
7 the Commissioner until after that date.

8 Worse, 13 of the 14 members that were
9 demoted provided statements to the union
10 indicating that the Commissioner never
11 spoke of possible demotions during their
12 interviews. How could the Fire
13 Commissioner have possibly implored these
14 members to take the test if he did not
15 interview them until after the written
16 test was given? And is it possible that
17 13 of 14 members are not telling the
18 truth? Again, it doesn't make sense.

19 There are two possible
20 explanations as to why the Fire
21 Commissioner and Ms. Hyers might have
22 provided inaccurate testimony in the
23 Court of Common Pleas. Either they were
24 unsure of the multiple interview dates
25 and the promotional test date or they

1 10/30/13 - LABOR - RES. 130661
2 intended to deceive the court. Even that
3 possibility is extraordinarily troubling
4 to me and to the men and women I
5 represent.

6 In Judge Tucker's decision
7 siding with the City regarding the
8 demotions, he identified the fact that
9 all the individuals allegedly had the
10 opportunity to retake the promotional
11 test as part of his decision-making
12 process.

13 "The City of Philadelphia
14 addressed any potential concerns
15 regarding the nature of the promotions
16 pursuant to the court order on May 14th,
17 2013 by giving each of the promoted
18 firefighters a letter setting forth their
19 promotions were pursuant to a court
20 order, and if the court order was
21 overturned and reversed, that each
22 individual would be returned to their
23 previous rank. Additionally, each of the
24 14 individuals was given the opportunity
25 to preserve their status by taking their

1 10/30/13 - LABOR - RES. 130661

2 respective exams for the new position."

3 Clearly, Judge Tucker made his
4 ruling based on the inaccurate
5 information provided by Commissioner
6 Ayers and Karen Hyers. With the
7 information available today, it is my
8 opinion that Judge Tucker may very well
9 have provided a different ruling had he
10 known the testimony by the witnesses for
11 the City was inaccurate. After all, he
12 was under the assumption that the letter
13 was delivered on May 30th, which we all
14 know was not true. I wonder how much
15 value he would have put to a letter that
16 was delivered to many of these members
17 after the test was given.

18 Of course, aside from the
19 intrigue regarding Commissioner Ayers'
20 and Karen Hyers' conduct in the
21 courtroom, we have the 14 qualified and
22 capable men whose careers have been
23 irreparably damaged by the unnecessary
24 Fire Department demotions. Make no
25 mistake, each of the demoted officers has

1 10/30/13 - LABOR - RES. 130661

2 been harmed. For some of our more senior
3 members, this was their last chance to
4 get promoted before retirement. For
5 others, their career is now at least four
6 years behind schedule, because instead of
7 planning for the next rank, they're now
8 preparing to take the test for the rank
9 they previously held. Additionally,
10 because they did not know to take the
11 test, they have to wait two years to even
12 take the next exam, let alone get
13 promoted.

14 Last, but certainly not least,
15 remember that at the time of their
16 demotions, each and every one knew
17 officers had been performing their jobs
18 in the field admirably and without any
19 issues. There was no need to demote
20 them. I know it, the union knows it, and
21 the rank and file know it.

22 Members of this committee, the
23 full-scale attack by the Administration
24 and the Fire Department leadership on our
25 City's firefighters and paramedics must

1 10/30/13 - LABOR - RES. 130661

2 be stopped. On behalf of the
3 Philadelphia Firefighters and Paramedics
4 Union and the 4,000 active and retired
5 members and their families and friends, I
6 respectfully request that City Council
7 consider an ordinance requiring the City
8 Administration to fill budgeted
9 promotional vacancies as they occur from
10 the prevailing promotional list. This
11 simple and straightforward ordinance will
12 avoid this type of injustice in the
13 future. It is in line with the
14 Philadelphia Home Rule Charter and it is
15 most sorely needed within the Fire
16 Department.

17 In closing, I would like to
18 thank you for your time and consideration
19 and for your continued support on the
20 issues to the firefighters and
21 paramedics.

22 COUNCILMAN KENNEY: Thank you
23 very much for your testimony, and I --
24 (Applause.)

25 COUNCILMAN KENNEY: I can only

1 10/30/13 - LABOR - RES. 130661

2 offer my apologies for the shabby way in
3 which these people have been treated.
4 There's no reason for it. And, again, I
5 thought that the performance today,
6 especially Mr. Resnick, was one of
7 arrogant and dismissive: We can do it,
8 we did it, so what? And at some point in
9 time, they'll be gone, thankfully.

10 MR. SCHULLE: The most
11 troubling thing to me, Councilman, is
12 that, again, is there any action that the
13 Council as a whole can take when a
14 Commissioner, who is bound to tell the
15 truth, knowingly perjured himself today?

16 COUNCILMAN KENNEY: Well, I
17 mean, we can certainly look at what's
18 available to us, but I am also concerned
19 and interested in whatever legislative
20 remedies we could bring to change Civil
21 Service to require them to follow it more
22 directly as opposed to looking for
23 loopholes to get around it.

24 I mean, waiting out a list is
25 not something new. It's been done

1 10/30/13 - LABOR - RES. 130661

2 before. It didn't make it right before.
3 It doesn't make it right now. But I
4 remember in the past anecdotally my
5 father telling me about Commissioners
6 waiting out a list because there was one
7 or two people on it that he didn't want
8 to promote and let the list die. I mean,
9 that's not what Civil Service is intended
10 to do. And if that's how you want to use
11 Civil Service, then that's disgraceful.

12 I mean, I would begin to pursue
13 remedies outside of this body with legal
14 opportunities to bring action against the
15 Administration, the Commissioner, and the
16 City for this intentional derailment of
17 people's careers and taking away
18 resources and revenue from them. I
19 honestly believe that there's a case
20 there, and I would love to be part of it
21 and love to participate in bringing them
22 to justice in some way, because they
23 won't -- I can tell from the body
24 language and from the comments that
25 they're not going to do anything

1 10/30/13 - LABOR - RES. 130661

2 different than they've been doing other
3 than continuing to harass and subjugate
4 people to this kind of oppression. It
5 doesn't happen in the Police Department
6 at all. I never get a complaint about
7 the Police Departments in this regard,
8 and I think it's stunning the difference
9 between the Police Department and the
10 Fire Department. And, again, as you
11 heard Mr. Resnick testify, that Chuck
12 Ramsey, they don't have these
13 conversations with him. He's not brought
14 in, and they have a kind of counsel to
15 determine what they're going to do. He
16 runs his department, and he gets along
17 quite well with his labor force and with
18 the FOP. And that's what I would love to
19 see here, but you're not going to see it
20 with this Commissioner or with this
21 Mayor.

22 Councilman Greenlee.

23 COUNCILMAN GREENLEE: Thank
24 you, Mr. Chairman.

25 Thank you for coming in and all

1 10/30/13 - LABOR - RES. 130661

2 you do for your membership. Just going
3 back on what I was talking about with the
4 Administration, you described in your
5 statement that the Department is a mess,
6 which I think a lot of us would agree
7 with because of various actions taken
8 over the last few years. What, if any,
9 discussions have you had -- I'm not
10 talking about private discussions, but
11 whatever you'd be willing to talk about.
12 Is there acknowledgment at all that there
13 is this morale issue, that there is
14 this -- that there are some problems that
15 maybe could be addressed coming from the
16 Administration? Have they made any
17 acknowledgment, either the Commissioner
18 or anybody?

19 MR. SCHULLE: No.

20 COUNCILMAN GREENLEE: Or does
21 it just seem to be everything is okay?

22 COUNCILMAN KENNEY: And the
23 PICA report indicated that also.

24 COUNCILMAN GREENLEE: Right.

25 MR. SCHULLE: The PICA report

1 10/30/13 - LABOR - RES. 130661

2 showed that there was severe problems
3 with morale and divide within the
4 Department. Along with the report that I
5 was addressing early on was a report
6 conducted by Cozen O'Connor in 2008, and
7 they addressed all of this. In several
8 staff meetings that I attended before I
9 became Union President, the issue was
10 brought up by field chiefs and it was
11 summarily dismissed, as everything is
12 fine. And I think that's basically the
13 opinion of the Administration, is there
14 is no morale problem. Fourteen men were
15 demoted. There is no morale problem.

16 There was a statement given
17 shortly after Michael Goodwin passed
18 away, How is morale in the Fire
19 Department after this?

20 Morale has never been higher.
21 You know, guys are in tears.

22 Their statement is morale has
23 never been higher. I mean, there's so
24 much of a disconnect now, I don't even
25 know where you begin to put it back

1 10/30/13 - LABOR - RES. 130661

2 together, but clearly there has to be a
3 change before there could be any sort of
4 real morale building within the Fire
5 Department.

6 COUNCILMAN GREENLEE:

7 Unfortunately I thought that was going to
8 be the answer, because it just seems and
9 it was kind of demonstrated today, and I
10 agree with Councilman Kenney, even more
11 so by Mr. Resnick, that there just
12 doesn't -- this is our way and we're
13 going to do it our way, and almost we
14 don't care what the firefighters, the
15 people out there putting their lives on
16 the line, think about it.

17 MR. SCHULLE: And what you wind
18 up getting, Councilman, is, you get a
19 bunch of employees that want to do the
20 bare minimum. Now, these guys will do
21 everything on the fire ground. They'll
22 run through walls. As a Battalion Chief,
23 these guys will run through walls for me.
24 They would do anything I would ask, but
25 when it comes to the little things that

1 10/30/13 - LABOR - RES. 130661

2 they always took pride in and they wanted
3 to do, that stuff is all going to go by
4 the wayside. You know, within the Fire
5 Department now, the motto is no good deed
6 goes unpunished. Anything you do can and
7 will be used against you. Whether you
8 had good intentions, bad intentions, it
9 doesn't matter, you will be punished.
10 And as you can see, these 14 men did
11 nothing wrong and they were all demoted,
12 and now their careers --

13 COUNCILMAN GREENLEE: They were
14 embarrassed.

15 MR. SCHULLE: Well, you know,
16 the demotion is part of it. And
17 Councilman Kenney is correct. When he
18 was there, they marched them in there.
19 It was a walk of shame, you know. You
20 march these people in one at a time every
21 ten minutes, take their -- make them wear
22 their uniform and then take their stuff
23 off them and then say, Okay, see you
24 later.

25 COUNCILMAN GREENLEE: We were

1 10/30/13 - LABOR - RES. 130661

2 talking -- you might be too young to
3 remember this. Councilman Kenney and I
4 were talking about the old Chuck Connors
5 show Branded where you started out by
6 them taking off your stripes, and that's
7 what, you know...

8 COUNCILMAN KENNEY: Okay.

9 Thank you, Joe.

10 MR. SCHULLE: Thank you,
11 Councilman.

12 COUNCILMAN KENNEY: Ron Shousky
13 and Joseph Pospiech.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN KENNEY: Please
17 identify yourself for the record.

18 LIEUTENANT SHOUSKY: Good
19 morning, Councilman Kenney. My name is
20 Lieutenant Ron Shousky, S-H-O-U-S-K-Y.

21 COUNCILMAN KENNEY: Please
22 proceed.

23 LIEUTENANT SHOUSKY: I prepared
24 a brief statement.

25 COUNCILMAN KENNEY: Thank you.

1 10/30/13 - LABOR - RES. 130661

2 LIEUTENANT SHOUSKY: Good

3 morning, Councilman Kenney and members of
4 the Committee on Labor and Civil Service.

5 I began my fire career in March of 1996.

6 I have been assigned to both engine and
7 ladder companies as a firefighter.

8 February 2006 I was promoted to
9 Fire Lieutenant. After this promotion, I
10 did some time in the field at both engine
11 and ladder companies. I was voluntarily
12 assigned in the Fire Training Academy,
13 where I trained over 500 fire recruits
14 and fire service paramedics. I also
15 assisted in the development and ongoing
16 instruction of training programs for
17 veteran firefighters and new incoming
18 recruits. I have eight unit citations to
19 my credit. I am certified as a
20 Firefighter 1 and 2, Fire Service
21 Instructor 1 and 2, HAZMAT Operations and
22 Awareness, Fire Officer 1, and an EPA
23 HAZMAT Technician.

24 On June 4th, 2013, I had a
25 scheduled appointment at Fire

1 10/30/13 - LABOR - RES. 130661
2 Headquarters with Commissioner Ayers.
3 This was my interview for promotion to
4 Fire Captain. The interview was
5 informal, as the Commissioner knew me and
6 my career from being an instructor at the
7 Fire Academy. We talked about the future
8 of the Department and how our computer
9 infrastructure was a little bit
10 antiquated, some possibilities with that.
11 We discussed in-depth the need for
12 training at all levels within our ranks.
13 He then told me to stay in the books, get
14 ready for the next rank, how important
15 that being a Captain was. He spoke of
16 being prepared to train as an Acting
17 Battalion Chief and I would probably be
18 in the car very shortly.

19 After the interview, the
20 Commissioner informed me that I was to be
21 sworn in, and he apologized for not being
22 able to have my family present. I stood
23 at attention and covered. At this time,
24 he had Ms. Karen Hyers, who is our Deputy
25 Commissioner of Human Resources, come

1 10/30/13 - LABOR - RES. 130661

2 into his office. She was to be the
3 witness.

4 I was administered the oath of
5 office, the same oath I took when I was
6 promoted to the rank of Fire Lieutenant.
7 After which, the Commissioner had
8 escorted me to the rear of his office.
9 He signed the letter on his desk and gave
10 me the letter. And his statement was,
11 This letter is from the powers-that-be.
12 It's a formality.

13 I read the letter and asked the
14 Commissioner if this was something I
15 should be concerned about. And, again,
16 the Commissioner stated, This is a
17 thousand miles from here. Go and enjoy
18 your rank, and your family should be
19 proud, as should you.

20 At this time, I went with Ms.
21 Karen Hyers into her office and was
22 reassured again that the letter was a
23 formality. She had stated that the
24 Commissioner and her had spoken in-depth
25 and thought it would be in bad taste for

1 10/30/13 - LABOR - RES. 130661

2 them to demote any of us if this should
3 come to fruit. Ms. Hyers then asked me
4 if I was signed up to take the next
5 promotional test, which was in a few
6 days. My response for her was, Am I
7 eligible to take this exam? I thought I
8 was just promoted to rank of Fire
9 Captain. She gave me no response. She
10 congratulated me and told me to enjoy the
11 promotion. From there, I was taken in to
12 see Ms. Vicky Lewis. I was given my
13 collar devices, an assignment to Division
14 2 in the D platoon until further notice.

15 Upon leaving Headquarters, I
16 went home and called Central Personnel,
17 because I was still a little bit iffy
18 about whether I should take the exam or
19 not. Probably two or three hours of
20 being bounced around and put on hold, I
21 finally had somebody tell me I was
22 eligible to take the written part of the
23 exam, but because I was promoted to the
24 rank of Captain, I couldn't go any
25 further in the process, and this was due

1 10/30/13 - LABOR - RES. 130661

2 to Civil Service regulations.

3 At no time was I ever informed
4 by anyone that this was a temporary
5 promotion. My Commissioner assured me by
6 his actions and his statements that I, as
7 of that date, was promoted to the rank of
8 Fire Captain.

9 The above statement is the
10 truth, to the best of my knowledge.

11 COUNCILMAN KENNEY: Thank you.

12 Please identify yourself.

13 LIEUTENANT POSPIECH:

14 Councilman Kenney, at this time, I'm the
15 senior member here. I would like
16 Firefighter Paul Kirk to give his
17 statement and I'd rather give the last
18 one.

19 COUNCILMAN KENNEY: Sure.

20 So Mike Lavery, Paul Kirk, and
21 Francis Kinney.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN KENNEY: Please
25 identify yourself for the record.

1 10/30/13 - LABOR - RES. 130661

2 FIREFIGHTER KIRK: My name is
3 Firefighter Paul Kirk, K-I-R-K.

4 COUNCILMAN KENNEY: Please
5 proceed, whoever would like to go first.

6 FIREFIGHTER KIRK: Good
7 morning, Councilmembers. Thank you for
8 giving me this opportunity today. My
9 name is Paul Kirk and I have been with
10 the Philadelphia Fire Department for over
11 18 years. In this time, I have held the
12 position of Fire Service Paramedic,
13 Firefighter, and on June 7th, I was
14 promoted to the rank of Lieutenant, Fire
15 Lieutenant. I was then demoted back to
16 the rank of Firefighter on October 2nd.

17 On June 7th, I had a
18 promotional interview with Commissioner
19 Ayers. I went to the Fire Administration
20 Building office, Commissioner Ayers'
21 office, and it was a casual conversation
22 with some discussions about
23 responsibilities of a Lieutenant. I was
24 under the assumption that this was an
25 interview, Lieutenant's interview, and

1 10/30/13 - LABOR - RES. 130661

2 not a promotion.

3 After these discussions, I told
4 Commissioner Ayers that I would like to
5 have the opportunity to speak with my
6 wife about getting promoted, because she
7 was not happy with me being a Lieutenant.
8 He replied that I was a good firefighter
9 and did not want to hear any talk about
10 me turning down these horns. I told
11 Commissioner Ayers I was scheduled for a
12 Lieutenant's exam the next day and asked
13 if I should take it. Commissioner Ayers
14 advised me to take the test. I was
15 concerned because of a scheduling
16 conflict if I was promoted and switched
17 platoons. He said -- Commissioner said
18 to, Take the test. Tomorrow you will be
19 off because you're getting promoted
20 today. After we leave here, stop by
21 Deputy Commissioner Hargett's office and
22 pick up your assignment.

23 He then went on to say that I
24 was getting promoted right now and I was
25 to stand up and cover and he was going to

1 10/30/13 - LABOR - RES. 130661
2 swear me in. At this time, another
3 individual, who I believed was Pat
4 Meehan, I'm not sure, came into the
5 Commissioner's office as a witness. I
6 never spoke with Karen Hyers that day nor
7 did I see her in the Commissioner's
8 office that day.

9 The Commissioner signed a
10 promotional letter concerning the court
11 order and handed it to me. He said, Just
12 to let you know, the City is going to
13 fight these promotions, and if the City
14 wins, it will -- that I would be returned
15 back to firefighter. Then he said, I do
16 not know if they would win, but enjoy
17 your rank.

18 I left the office and went
19 outside with Pat Meehan. I had to sign a
20 voucher for my clothing check and to pay
21 \$10 for my badge, my firefighter's badge
22 to return to me. Pat Meehan gave me all
23 my Lieutenant's brass in an envelope and
24 said, Congratulations, Lieutenant, and to
25 tell you the truth, I don't think the

1 10/30/13 - LABOR - RES. 130661

2 City will win.

3 On June 8th, I took the
4 Lieutenant's exam. I did not prepare for
5 this test because I was the next person
6 to be promoted to Lieutenant. Since I
7 was promoted the previous day before the
8 test, I was not concerned about doing too
9 well on the examination because I was
10 already the rank of Lieutenant. And I
11 did study for the exam, but it wasn't
12 significant enough in the last 24 to 48
13 hours to continue.

14 I was never even notified of
15 the event for the secondary promotion. I
16 didn't get any information on that, and I
17 did not attend, because I was already
18 assigned as a Lieutenant and working that
19 day.

20 Thank you for your time.

21 COUNCILMAN KENNEY: Thank you
22 very much.

23 Please identify yourself and
24 proceed.

25 FIREFIGHTER LAVERTY: Fireman

1 10/30/13 - LABOR - RES. 130661

2 Michael Lavery.

3 COUNCILMAN KENNEY: Mike, could
4 you pull that microphone a little closer
5 to you.

6 FIREFIGHTER LAVERTY: Fireman
7 Michael Lavery.

8 COUNCILMAN KENNEY: Before you
9 start, I'd like the record to reflect
10 Councilman Brian O'Neill is also in
11 attendance.

12 FIREFIGHTER LAVERTY: Good
13 morning, Councilman Kenney and all
14 members of the Labor and Civil Service
15 Committee. My name is Michael Lavery.
16 I was recently demoted from the rank of
17 Fire Lieutenant. I have been with the
18 Fire Department since January 2005. I
19 have been assigned as a firefighter to
20 Engine 5 in West Philadelphia and
21 Lieutenant at Engine 54 also in West
22 Philadelphia. I'm currently enrolled in
23 the Fire Science Program at the Community
24 College of Philadelphia.

25 On June 3rd, I had a scheduled

1 10/30/13 - LABOR - RES. 130661
2 appointment with Fire Commissioner Ayers.
3 I was the first of the 14 members to be
4 interviewed for promotions. I arrived at
5 1:45 p.m. at the Fire Administration
6 Building. When I arrived at Commissioner
7 Ayers' office, he was not there. I was
8 told he was at a fire prevention
9 activity. I waited for at least an hour
10 for Commissioner Ayers to arrive. When
11 he did arrive, he walked down the
12 hallway, greeted me with a handshake and
13 a smile and said he'd be right with me.
14 After a minute, I was called into his
15 office.

16 While in his office,
17 Commissioner Ayers said that he was happy
18 for me and my family and asked if my
19 father was. My father is a retired Fire
20 Captain who worked with Commissioner
21 Ayers. I stated yes, he was very proud.

22 Commissioner Ayers was very
23 upbeat and generally happy for me. He
24 reviewed my personnel record and said
25 that it was good. The interview went on.

1 10/30/13 - LABOR - RES. 130661

2 He asked about my family, about fire
3 prevention, community risk reduction. He
4 talked about the old firefighting days
5 with my father and how things have
6 changed, how we are more proactive and
7 get out into the community. He talked
8 about going from a firefighter to a
9 Lieutenant and the responsibilities that
10 goes with it. He said I would be fine
11 and do a great job, and how happy he was
12 to be promoting me.

13 After the interview was over,
14 he stated that he was going to promote
15 me. He repeated it. I was shocked,
16 because I was the first one to go.
17 Didn't expect this to be happening. And
18 that it would be retroactive back to May
19 24th, 2013. He also looked at the time
20 and said if I hurry, I can make it to
21 McDonalds to get my uniforms changed to
22 my new rank as Lieutenant. He told me to
23 stand up, put on my cover, put on my cap,
24 and stand up against the wall. He would
25 go get a witness. Karen Hyers walked

1 10/30/13 - LABOR - RES. 130661

2 into Commissioner Ayers' office, told me
3 to put my right hand up and gave me the
4 oath of office as Fire Lieutenant. I
5 shook his hand and thanked him. I was
6 led to Karen Hyers' office. She told me
7 to sit down and that she would be right
8 back.

9 She came back in with a piece
10 of paper. She gave it to me. I read it,
11 and as I was looking up, she said, We
12 have no intention of demoting anyone,
13 that this was a legal matter. She gave
14 me an envelope for the letter. From
15 there, I was told to go to Vicky Lewis'
16 office to receive my Lieutenant's badge
17 and insignia. From there, I went to
18 Deputy Commissioner's Office to receive
19 my new assignment, which was Division 2
20 on the D platoon, which was given to me
21 by his secretary, as well as directions
22 to receive my new department ID card,
23 after which I left the Fire
24 Administration Building.

25 COUNCILMAN KENNEY: Thank you

1 10/30/13 - LABOR - RES. 130661

2 for your testimony.

3 I was quite outraged by the
4 characterization in the paper today from
5 a member of the Administration's staff
6 referring to you as underperformers. I
7 want to apologize for that.

8 FIREFIGHTER LAVERTY: Thank
9 you.

10 FIREFIGHTER KIRK: Thank you,
11 sir.

12 COUNCILMAN KENNEY: Is Frank
13 Kinney here?

14 MR. SCHULLE: No. Frank had to
15 leave.

16 COUNCILMAN KENNEY: Robin
17 Thomas, Maureen Rieser, and Diana Fyke.

18 MR. SCHULLE: Councilman, can
19 Joe Pospiech come back up first?

20 COUNCILMAN KENNEY: Yes.

21 (Witnesses approached witness
22 table.)

23 MS. THOMAS: Robin Thomas.

24 First, I'd just like to say I'm
25 a little disappointed the Commissioner is

1 10/30/13 - LABOR - RES. 130661

2 not here. I feel like I've been put in
3 the back seat when it's my turn to sit in
4 the front seat.

5 COUNCILMAN KENNEY: It was hard
6 enough getting him here to begin with,
7 and he was racing to get out, but I can't
8 physically constrain someone from
9 leaving. I think it shows -- I've seen
10 him sitting here for hours on end at
11 budget hearings. It doesn't seem he's
12 too quick to get out then, but he maybe
13 felt a bit uncomfortable being here, so
14 he wanted to leave. And I apologize for
15 that, but I can't tackle him.

16 MS. THOMAS: Thank you. No
17 problem.

18 So thank you for hearing my
19 testimony today. My husband Andrew
20 Thomas was one of the Fire Department
21 Captains who was recently demoted. I am,
22 quite frankly, appalled that this was
23 allowed to happen, and I am still
24 confused about the "why" behind it. So I
25 appreciate the fact that you're holding

1 10/30/13 - LABOR - RES. 130661

2 the public hearing today, and I'm
3 hopeful -- well, I was hopeful that it
4 would result in some answers that make
5 sense or, better yet, some actions to
6 right what I consider to be an incredible
7 wrong. But apparently through testimony
8 today, we realize that that may not
9 happen, hasn't happened. So thank you
10 for indulging me.

11 Both Andy and I grew up in
12 South Philly in families that loved and
13 served the City. My father was a
14 Philadelphia police officer and Andy's
15 father was a Philadelphia firefighter.
16 Twenty-one years ago, Andy continued that
17 tradition when he graduated from the Fire
18 Academy. It was rewarding to see the
19 pride in my father-in-law's eyes as his
20 son delivered the valedictorian speech to
21 the 164th class on that graduation day in
22 '92, and then again when he was promoted
23 to Lieutenant in 2004. My in-laws have
24 since passed on, so they couldn't be
25 there in July with me and my daughter to

1 10/30/13 - LABOR - RES. 130661

2 watch Andy take the oath of Fire Captain
3 in yet another moving promotion ceremony.

4 Prior to joining the Fire
5 Department, Andy served in the Coast
6 Guard, and as much as he would like to be
7 here today, he is not. He is attending a
8 pension seminar. He's a representative
9 on the Philadelphia Board of Pensions.
10 He was elected in 2012, and he spends a
11 lot of his free time working with and for
12 other City employees. This year alone,
13 Andy has helped over 100 Fire Department
14 members navigate through the retirement
15 process.

16 So not only does my husband
17 have a history of hard work and service
18 to the City, he has an excellent record
19 with the Fire Department. As a matter of
20 fact, he received "superior" ratings on
21 his last two performance evaluations,
22 which were done while he was in role as a
23 Captain. "Superior" is the highest
24 rating attainable, and he received it
25 across each and every measure listed on

1 10/30/13 - LABOR - RES. 130661

2 the evaluation form both times.

3 So it's an understatement when
4 I tell you that the events that followed
5 have been disheartening for my family.
6 After watching Andy give so much of
7 himself so passionately to the City and
8 to an organization that he loves, what
9 happened to him basically feels like a
10 hard slap in the face.

11 Andy is very proud, and he will
12 continue to do his best, no matter what
13 the outcome of this hearing is, but I
14 assure you that my family will not be the
15 same. I have had a knot in my gut since
16 Andy received the notice in the mail that
17 he was being demoted. You name the
18 negative emotion and I've recently been
19 there. I'm angry. I'm sad. Sometimes I
20 feel helpless. I've got a very heavy
21 heart about this situation, a lot of what
22 one feels when they're betrayed.

23 I have heard it said in this
24 room before -- and I believe it was
25 Councilman Henon -- and after 27 years in

1 10/30/13 - LABOR - RES. 130661

2 management myself, I totally agree with
3 him. If you treat workers with respect,
4 they will respect you back. And
5 unfortunately we're not seeing that
6 happening.

7 So going back to what happened
8 with Andy's last performance evaluation,
9 to give you an example. When Andy's
10 Battalion Chief tried to turn in the
11 latest evaluation to his Deputy Chief,
12 the Deputy Chief wouldn't take it and he
13 told the Battalion Chief, You might as
14 well rip that up and throw it in the
15 trash, because they're not Captains
16 anyway, something to that effect.

17 COUNCILMAN KENNEY: Who was
18 this Deputy Chief?

19 MS. THOMAS: I don't know his
20 Deputy Chief's name. I have a copy of
21 his performance report so you can see who
22 the Battalion Chief is.

23 So I don't know if this has yet
24 been reviewed or filed properly, because
25 at his new post after the demotion, they

1 10/30/13 - LABOR - RES. 130661
2 advised it should be submitted through
3 the chain of command at his previous
4 location, and that's the same chain of
5 command who refused to accept it in the
6 first place.

7 So the union, as we all know,
8 had taken the Administration to court to
9 get them to fill budgeted vacancies from
10 a valid Civil Service list. I don't know
11 all the numbers, but I do know that there
12 was enough -- there were enough vacancies
13 to cause a serious concern for City
14 Council during the budget hearings.
15 Apparently with history as a guide, City
16 Council had concerns about the number of
17 vacancies and how timely they could be
18 filled from the new list. Concerns over
19 training due to losing so many
20 experienced personnel through DROP and
21 the significant overspend on the overtime
22 budget was discussed. All sound business
23 concerns to which I never heard a
24 substantial response. I watched these
25 hearings and, from a safety standpoint

1 10/30/13 - LABOR - RES. 130661

2 and a taxpayer standpoint, I agree that
3 Council and the union were rightfully
4 concerned.

5 Council's concerns during the
6 budget hearings were so intense that
7 Councilman O'Brien implored the
8 Commissioner to move forward and promote
9 from the current list. The
10 Administration did not act on the
11 Council's request, so the City court
12 ruled the Administration had to promote
13 to fill the budgeted vacancies -- I know
14 you know all this; thanks for indulging
15 me -- which they did in May. The City
16 appealed and the Commonwealth Court
17 reversed the ruling, stating that the
18 Administration was within their rights to
19 wait and promote for a new list. I got
20 that, and I understand that, but I do
21 believe there should be some caveats to
22 that. Yes, management should have some
23 discretion in personnel decisions, but
24 management should also be required to
25 provide sound business reasons for their

1 10/30/13 - LABOR - RES. 130661

2 decisions. In this case, there were
3 budgeted positions open and a valid list
4 that had not yet expired. Arbitrarily
5 determining that a valid non-expired list
6 is stale should not be considered a sound
7 business reason.

8 Now, the court ruling did not
9 state that the Administration had to
10 demote the officers. I know we've been
11 through that. I don't understand why the
12 City moved forward with the demotions in
13 the first place, but it was done without
14 considering the officers' performance.

15 I attended the court session in
16 Philadelphia on September 25th when the
17 union and the City were back in front of
18 the same judge who originally ruled on
19 the case. The union was trying to get
20 the City to delay the demotions, but
21 personally, I think they should have
22 requested an action not to demote the
23 officers at all. The harm done by
24 demoting these officers is far greater
25 than any impact to the City. I honestly

1 10/30/13 - LABOR - RES. 130661

2 do not understand how the City benefits
3 by demoting these officers.

4 So the Administration cited
5 that they just wanted to put this behind
6 them and move forward and promote from
7 the new list, but in that courtroom, I
8 heard no regard for performance or the
9 impact to people or the overall
10 Department. On the contrary, they
11 repeatedly stated there were no
12 performance issues. And I believe there
13 is no better indicator of performance
14 than actual performance itself. So I
15 still wonder why their performance was
16 not considered in this decision.

17 So either way, if the first
18 ruling was right or wrong is really
19 irrelevant. The officers had been
20 promoted from a valid list. They passed
21 all the requirements to earn the
22 promotion, and they were all performing
23 with no issues. So why demote them? We
24 can't just close our eyes and pretend the
25 promotions didn't happen regardless of

1 10/30/13 - LABOR - RES. 130661

2 the circumstances regarding that
3 promotion.

4 COUNCILMAN KENNEY: Thank you
5 for your testimony. I'm sorry.

6 MS. THOMAS: There's been no
7 sensible reason offered as to why these
8 officers were removed from their posts.
9 Not only do I believe it's a violation of
10 their rights, it has negative
11 consequences on morale of many other
12 officers and firefighters across the
13 Department, not to mention the emotional
14 and financial impact to these officers
15 and their families.

16 They were enrolled for four
17 months, all doing a good job, working
18 together and bonding as a team with the
19 members in their platoon, only for it to
20 be pulled out from under them without
21 cause. The right thing, obviously you
22 agree, would have been to leave them in
23 their role.

24 So in May of this year, the day
25 Andy got promoted to Captain, the Fire

1 10/30/13 - LABOR - RES. 130661

2 Personnel Director told my husband not to
3 worry. She said that even if the court
4 ruling got reversed, it would be in poor
5 taste for the City to demote. She was
6 right about it being in poor taste.

7 I'm here today because it not
8 only impacts my family at the core, it is
9 simply wrong. My request originally was
10 that this committee continue to do what
11 you can do to persuade the
12 decision-makers to reinstate the 14
13 officers back to their rightfully earned
14 rank. That would be the right thing to
15 do. You've done that. You're doing
16 that. I appreciate that. So I guess
17 we'll see where this goes.

18 Thank you.

19 COUNCILMAN KENNEY: And I can
20 assure you that we're not going to stop.

21 MS. THOMAS: I'm sorry?

22 COUNCILMAN KENNEY: I can
23 assure you that we're not going to stop
24 pursuing it, this and every other
25 ill-advised, ill-timed, and nasty action

1 10/30/13 - LABOR - RES. 130661
2 that they take, and it's not going to be
3 over yet, I hate to say it, but they're
4 going to continue on doing things to
5 people the way they do them, and we're
6 just going to have to continue to fight
7 with the union and through the courts.
8 And, again, I continue to recommend that
9 there be private action taken on behalf
10 of these officers and anyone else who has
11 been wrongly disciplined, wrongly fired
12 and go after them personally, go after
13 the City. It's just -- it's obnoxious,
14 and I don't think it's going to change
15 until this Commissioner is gone. And
16 honestly, I think from all of the
17 anecdotes that I have heard about the
18 promotion, get your cover and let me
19 swear you in, and the words that he said
20 to people, I honestly believe that he
21 probably isn't very comfortable with any
22 of this. I wish he had the ability or
23 the desire to stand up to it, but I
24 really don't think, knowing his history,
25 knowing his reputation as a firefighter,

1 10/30/13 - LABOR - RES. 130661

2 that he enjoys any of this. I wish he
3 has the power to say no.

4 MS. THOMAS: Exactly. He's in
5 the position.

6 COUNCILMAN KENNEY: And that's
7 his fault, but I do think that when I
8 hear the interaction between the
9 promoted, now demoted folks, it didn't
10 seem that he was a bit -- he seemed like
11 he was pretty happy he was doing it. So
12 I can't speak for him, and he won't speak
13 for himself, so, I mean, I do apologize
14 for your -- but we're not stopping.

15 MS. THOMAS: Thank you,
16 Councilman.

17 COUNCILMAN KENNEY: We're
18 not -- I mean, you know my history.
19 Actually Commissioner Ayers had to leave
20 to go to 4th and Snyder, which is the
21 firehouse I grew up next to. It was the
22 first firehouse that my dad took me to
23 when he got on the job to climb on the
24 engine company and sit in the tiller and
25 put on a hat, played football out in the

1 10/30/13 - LABOR - RES. 130661

2 backyard. The old firehouse had a large
3 green field. We played football until
4 the Captain and Lieutenant chased us over
5 the fence because we were making too much
6 noise.

7 So I'm part of this family, and
8 if you bully people's family, people are
9 going to come back at you, and it's not
10 going to stop. I mean, Mr. Resnick felt
11 uncomfortable sitting here, he's going to
12 be back here a number of times until we
13 keep it up, keep it up until they're
14 gone. Because this is totally obnoxious
15 and uncalled for. And I don't know how
16 you can go and pay homage to someone who
17 has fallen in the line of duty while at
18 the same time treating people who are in
19 the line of duty right now the way
20 they're doing. So I apologize on behalf
21 of the City.

22 MS. THOMAS: I wish you had the
23 power to reverse the decision.

24 COUNCILMAN KENNEY: One day I
25 might.

1 10/30/13 - LABOR - RES. 130661

2 Please identify yourself for
3 the record.

4 MS. RIESER: Maureen Rieser. I
5 am the partner of Joe Pospiech. Thank
6 you so much, Councilman Kenney, for all
7 you do for --

8 COUNCILMAN KENNEY: I wish we
9 could do more.

10 MS. RIESER: I just would like
11 to read a statement.

12 I am having a very hard time
13 comprehending what has happened. Please
14 take a moment and think about the morale
15 and feelings of these good men who would
16 risk their lives for you or anyone in a
17 moment without any thought of themselves.
18 It is demoralizing to the City of
19 Philadelphia what has happened to the
20 Fire Department. This topic is on the
21 topic of everyone's agenda that it has
22 affected, including, but not limited to,
23 their families, friends, and co-workers.

24 I understand that they got
25 their promotions because they won in

1 10/30/13 - LABOR - RES. 130661

2 court. There were so many vacancies at
3 the time of their promotion that had been
4 open for quite some time. These
5 vacancies were actually costing the City
6 more money in filling them with officers
7 and paying them overtime. Please take a
8 look at the cost the City has already
9 gone through to get these men demoted,
10 not to mention the future cost that this
11 will involve because of the union appeals
12 that have already been filed and other
13 court battles that will take place
14 because of these demotions. In addition,
15 the cost that the City has incurred for
16 training the 14 officers out of these
17 promotions and the additional time and
18 cost it will take to train new officers.

19 For some reason, getting to the
20 number they were on this promotional list
21 this round was considered stale when in
22 the past at times these promotions have
23 gone even further past these numbers.
24 These were men just as every promoted
25 officer in the Department who met every

1 10/30/13 - LABOR - RES. 130661

2 requirement to get these promotions.

3 They had excellent records in their many
4 years in the Department. Since they have
5 passed the test, they were qualified as
6 any other previous officers to be
7 promoted. Some of these men have even
8 received awards. I know for a fact one
9 of them fought in Vietnam for our
10 country. How can any of these men be
11 referred to as stale? Some of these men
12 have fought fires beside men who have
13 died in the line of duty.

14 I sat in the promotion ceremony
15 and watched these officers get promoted,
16 along with several of their fellow
17 officers. I looked around the room with
18 these men and their families, and the men
19 were so proud to become officers and be
20 part of the Department. The families
21 were also very proud of our men and our
22 city. It was a room filled with honor
23 and dignity. Many tears were being shed
24 in such proud moments. Videos were put
25 up on the screen of these same men who no

1 10/30/13 - LABOR - RES. 130661

2 longer matter. The Fire Commissioner and
3 others stood up and gave very heartfelt
4 speeches about how proud they were of
5 these heroes and how the day of the
6 promotions that a woman crossing the
7 Roosevelt Boulevard with her children and
8 a car traveling at a high speed killed
9 them and that these heroes are the first
10 to show up at every tragedy and fire in
11 our city and are willing to do anything
12 and everything to save a human being.

13 I know this firsthand because I
14 lost my uncle, Firefighter Thomas
15 Stewart. He gave his life in the line of
16 duty saving another human being at 37
17 years old. His plaque dedication was
18 recently held at Frankford Avenue.

19 I know there are a lot of
20 things that go on with the City that you
21 must be involved in on a daily basis.
22 Please try to put yourself in these
23 brave, proud, hardworking men's shoes and
24 see that they do not deserve to be in
25 this place that they are. It is

1 10/30/13 - LABOR - RES. 130661
2 unfortunate what is happening all around
3 us, but to punish these men is just an
4 injustice. Then to top it all off, not
5 only are they demoted but not a day later
6 the promotions of 26 Captains and 45
7 Lieutenants is announced. This is truly
8 so heartbreaking and demoralizing to all
9 involved.

10 Someone please help these 14
11 men gain back their promotions.

12 COUNCILMAN KENNEY: Thank you
13 for your testimony. Let me just correct
14 your testimony. They were not promoted
15 because they won in court. They were
16 promoted because they earned it, because
17 they studied, they got on the list, they
18 tested, they got on the list.

19 MS. RIESER: You're right.

20 COUNCILMAN KENNEY: And they
21 wanted to wait the list out, and that's
22 what's unfair. They were promoted
23 because they earned it.

24 MS. RIESER: Yes.

25 COUNCILMAN KENNEY: I thank you

1 10/30/13 - LABOR - RES. 130661

2 for your testimony.

3 MS. RIESER: Thank you.

4 COUNCILMAN KENNEY: Please
5 identify yourself.

6 MS. FYKE: Hi. My name is
7 Diana Fyke. I'm wife of Fireman Joseph
8 Fyke. Sorry I don't have anything
9 prepared.

10 COUNCILMAN KENNEY: That's
11 okay.

12 MS. FYKE: He has been in the
13 Fire Department for 17 years and he's
14 been waiting a long time to be promoted.
15 He has earned it. He has many
16 achievements throughout his career. So
17 when he got promoted, he did what he had
18 to do right away and has been working at
19 the HAZMAT Unit in the Fire School, and
20 he's been exceeded in all his job
21 descriptions. And since they got demoted
22 on October 2nd, it has been a really hard
23 and demoralizing area in our family. It
24 has definitely affected our marriage. It
25 has definitely affected my son, who is

1 10/30/13 - LABOR - RES. 130661

2 12, who sees the change in him. He's a
3 different person. It's so demoralizing,
4 he doesn't like to be around people in
5 order not to be asked, not to be said,
6 Oh, I'm sorry about what happened to you.

7 He -- excuse me. He had
8 compared this demotion to the second
9 worst day of his life, after the death of
10 his brother.

11 These brave men should not have
12 gone through this. They deserve to be
13 where they are, and they earned it. It
14 wasn't given to them. So for the Fire
15 Department to do this to them is just
16 ludicrous.

17 Thank you.

18 COUNCILMAN KENNEY: Thank you.
19 I'm sorry for your trouble.

20 I'd like the record to reflect
21 that Councilwoman Cindy Bass, a member of
22 the Committee, is also in the room.

23 Thank you very much for coming
24 in.

25 Mary Laverty and Jennifer

1 10/30/13 - LABOR - RES. 130661

2 Lavery.

3 (Witnesses approached witness
4 table.)

5 MS. LAVERTY: I'll be first.
6 Kathleen Lavery.

7 COUNCILMAN KENNEY: Oh, I'm
8 sorry. I have Mary and Jennifer. It's
9 on my list.

10 MS. LAVERTY: Jennifer is my
11 son Michael's wife, but she couldn't be
12 here. Their baby is sick today.

13 COUNCILMAN KENNEY: Oh, okay.
14 Fine. Please identify yourself formally
15 for the record.

16 MS. LAVERTY: Kathleen Lavery.

17 COUNCILMAN KENNEY: Please
18 proceed.

19 MS. LAVERTY: Good morning,
20 everyone. I would like to first thank
21 Council for giving me the opportunity to
22 speak here today. My name is Kathleen
23 Lavery, and I am the proud mother of
24 Philadelphia Firefighter Michael Lavery
25 and a proud wife of retired Fire Captain

1 10/30/13 - LABOR - RES. 130661

2 Daniel Laverty.

3 Mr. Nutter, Mr. Ayers,
4 Mr. D'Attilio, Karen Hyers, and whoever
5 else was involved in this travesty, shame
6 on all of you. I don't know how any of
7 you lay your heads on your pillows at
8 night knowing all of you have had a part
9 in what these 14 brave men went through.
10 God does not like ugly, and one day all
11 of you will have to answer to him.

12 Mr. Ayers, you are the poorest
13 excuse to be the leader of the
14 Philadelphia Fire Department. It's a
15 shame you didn't stand up to Mr. Nutter a
16 long time ago over things that you knew
17 were out-and-out wrong for the Fire
18 Department. You are not the man my
19 husband told me he worked with many years
20 ago.

21 When these demotions were
22 talked about, if you couldn't say no to
23 Mr. Nutter, then you should have just
24 retired. Maybe then you could have kept
25 your dignity. That's the one thing you

1 10/30/13 - LABOR - RES. 130661

2 are not able to take from those 14
3 firefighters, but after what you did to
4 them, you will never find your dignity
5 again.

6 Let me tell you, Mr. Ayers, you
7 pulled my son's heart out and kicked it
8 to the curb, and I will never forgive you
9 for that. From the time he graduated
10 from the Fire Academy to the day he was
11 promoted, he always wore his uniform with
12 such pride. I don't think he's ever
13 going to feel that way again because of
14 you and your management prerogative.

15 He took such pride in being a
16 fireman. From the time he was a young
17 boy, he always wanted to be a firefighter
18 just like his dad. Just like all the men
19 who were promoted, he studied hard and
20 worked at his job to the best of his
21 ability and finally made it to the rank
22 of Lieutenant. He was so excited when he
23 called to tell us of his upcoming
24 promotion, and you took that away from
25 him because of your management

1 10/30/13 - LABOR - RES. 130661

2 prerogative.

3 COUNCILMAN KENNEY: Thank you
4 for your testimony. I'm sorry for all of
5 this.

6 MS. LAVERTY: I'm sorry.

7 COUNCILMAN KENNEY: No. Don't
8 be sorry. Don't be sorry. There's some
9 heartless people in this government.

10 MS. LAVERTY: It's a tough
11 thing.

12 COUNCILMAN KENNEY: Please
13 identify yourself.

14 MR. LAVERTY: My name is Dan
15 Laverty. First of all, I'd like to tell
16 you that I have a large family, and all
17 my kids went to the firehouse just like
18 your dad took you. We went to the Thrill
19 Show. We went to the Musters. They
20 loved seeing what I was doing, and of
21 course, Michael followed in my footsteps.

22 Again, I would like to thank
23 City Council for allowing me to speak.
24 I'm the proud father of Mike Laverty,
25 firefighter. I have served the citizens

1 10/30/13 - LABOR - RES. 130661
2 of Philadelphia as a firefighter for 34
3 years, the last 28 years as an officer.
4 I retired in 2008 as a Captain.

5 Through my 34 years, I've seen
6 many changes within the Fire Department,
7 some good, some not so good. But what
8 happened to my son and these other
9 firefighters is a disgrace, a black eye
10 on the Department. These men studied
11 hard and passed all the required testing
12 and were promoted to various ranks, at
13 first in secret and then a ceremony was
14 held at the Fire Training Academy. Then
15 unfortunately they were unceremoniously
16 demoted.

17 I would like to share with you
18 what it's like to study for a promotional
19 exam. I had taken a few. It's long
20 hours of boring material. It's setting
21 up study groups, making endless questions
22 to pass the written exam, lots of time --
23 lots of dinners are missed and lots of
24 child's activities are not attended.
25 Then once you pass the written, then

1 10/30/13 - LABOR - RES. 130661
2 comes sitting for the mock oral boards,
3 which you set up with the members of your
4 study group. You go through every
5 possible fire personnel problem you can
6 think of or get it out of any fire
7 publication you have in your possession.
8 I'm telling you, it's a long and tiresome
9 process.

10 Once my son and these other
11 firefighters were demoted, I tried to
12 come up with some answers, why was this
13 done. The first one was, were they not
14 qualified? Well, they stated before they
15 passed all the exams and the fact they
16 were promoted. So that wasn't the
17 answer. Then were there not enough spots
18 available for these individuals? Well,
19 as you seen, a week after they demoted
20 these people, they promoted 45 or 46
21 Lieutenants and 25 Captains. Whatever
22 the exact numbers were, I don't really
23 know, but a substantial amount.

24 Were these 45 Lieutenants and
25 25 Captains not qualified? Well, I think

1 10/30/13 - LABOR - RES. 130661

2 if you look closely, you will see that
3 the vast majority of the individuals who
4 just were promoted took the test the last
5 time. It's just the nature of the
6 animal. I've been through it. I know
7 what it's like. You just keep on taking
8 the test until you pass. It doesn't make
9 you a better person or a worse person.
10 It just makes you qualified when you get
11 the opportunity that you passed.

12 So I'm in a dilemma. I don't
13 know why my son and these firefighters
14 are not allowed to keep their ranks they
15 worked so hard for. I hope these
16 hearings will shed some light on this
17 issue, which I found it didn't do a darn
18 thing, and correct a black eye that has
19 been given to the Philadelphia Fire
20 Department. And, by the way, my son was
21 promoted on the 6th of June. He called
22 me to let me know that. I said, Well,
23 how is it going to happen?

24 He said, I don't know. I got
25 an interview with the Commissioner.

1 10/30/13 - LABOR - RES. 130661

2 I said, Well, are you the first
3 to go?

4 He said, Yeah, I'm the first
5 person to go.

6 So this stuff about the 30th is
7 bunch of bull.

8 Thank you very much.

9 COUNCILMAN KENNEY: Thank you
10 for your testimony.

11 (Applause.)

12 COUNCILMAN KENNEY: The Chair
13 recognizes Councilmember Bass.

14 COUNCILWOMAN BASS: Thank you.
15 Thank you, Mr. Chairman. And I wanted to
16 thank those who have offered testimony
17 here today. I just wanted to mention
18 that just this last Friday, I happened to
19 be at a fire station in my district,
20 which was Engine 37 on Highland Avenue.
21 And so I was there actually for a
22 completely different reason other than to
23 tour the firehouse. We were there to
24 talk about the actual building and the
25 trucks and fitting the trucks into the

1 10/30/13 - LABOR - RES. 130661

2 building and some issues we were having.

3 But once we went inside and
4 took a look around, I was shocked at what
5 I saw. I was shocked at a building that
6 we're asking folks to go into, City
7 workers that we're asking them to go into
8 every day to run out in case of a fire,
9 to save our lives, save our property,
10 help us, protect us. The building's
11 condition was completely unacceptable.
12 And so we're asking folks to temporarily
13 live there. We're asking folks to work
14 there. And I don't know how many people
15 outside of the group that's here has
16 actually visited a fire station to see
17 some of the conditions that we ask you
18 all to go and to work under. And so
19 besides the stress of raises and
20 promotions and demotions, there's the
21 actual working conditions, which really
22 do need to be addressed as well.

23 And so I would really encourage
24 folks as we support the folks who are out
25 there protecting us day by day, I would

1 10/30/13 - LABOR - RES. 130661

2 really ask that folks actually take a
3 moment and take a look inside of a fire
4 station and the working conditions. I
5 mean, it really does say something about
6 the way we treat those who protect us.

7 I just really wanted to say
8 something about that. This is an
9 honorable position, and we need to treat
10 it as such, no matter whether we are
11 working to fix a wrong that needs to be
12 righted or whether we ask folks to go
13 into a building that is unsafe and the
14 conditions are unacceptable. So I just
15 wanted to make a mention of that.

16 Thank you, Mr. Chairman.

17 COUNCILMAN KENNEY: Thank you
18 very much, Councilmember.

19 The last witness is Joseph
20 Pospiech. Am I mangling your name that
21 bad? I think I said it three different
22 ways. Straighten me out.

23 (Witness approached witness
24 table.)

25 LIEUTENANT POSPIECH: Joseph

1 10/30/13 - LABOR - RES. 130661

2 Pospiech.

3 COUNCILMAN KENNEY: Thank you.

4 Please proceed.

5 LIEUTENANT POSPIECH: Good
6 morning, Councilman Kenney and all the
7 members of the Labor and Civil Service
8 Committee. My name is Joseph Pospiech.
9 I was recently demoted from the rank of
10 Captain.

11 I was listening to the
12 testimony from our Administration, and
13 there were a number of comments made that
14 I feel I need to address.

15 First of all, about our
16 positions being temporary and we can be
17 demoted on a probationary period. The
18 fact that we were promoted does not
19 create any special criteria. The
20 criteria that we could be demoted for is
21 the same as any officer. So to say -- to
22 make a big deal out of the fact that we
23 were on probation and could be demoted is
24 ludicrous. We wouldn't do anything to
25 get ourselves demoted and neither would

1 10/30/13 - LABOR - RES. 130661

2 the other officers. It's the same
3 criteria.

4 Secondly, scoring was
5 mentioned. I personally think you can't
6 compare scores, and the reason being, you
7 have a number of questions that are
8 asked, the type of questions that are
9 asked. Your raters, are raters easy or
10 were they hard? You would need an
11 actuary to be able to compare different
12 tests. So scoring, I feel to compare
13 scoring is not an accurate indication as
14 to whether or not one group is better
15 than the other group.

16 Another thing was mentioned.
17 Yes, this Administration has destroyed
18 the pride, integrity, and morale. I
19 challenge you and your Councilmen go to
20 the stations, ask them. But don't ask
21 them as a group, because they have rats
22 that they have direct lines to the
23 Administration. Well, you'll be
24 disciplined if you try to do the same
25 thing.

1 10/30/13 - LABOR - RES. 130661

2 Managerial prerogative, if they
3 hadn't -- the word "stale," from the word
4 "stale." Had this first group not been
5 promoted, you would be promoting 90
6 officers. Our field officers are
7 approximately 400. That means he would
8 have promoted approximately one-quarter
9 of the field officers. What CEO in his
10 right mind is going to promote
11 one-quarter of your managerial staff? No
12 one would do that in their right mind,
13 their right mind.

14 As far as managerial
15 prerogative, my next question is, why
16 didn't he have active lists ready? He
17 knew there would be massive retirements
18 in the month of June and some prior and
19 after. He should have had these lists
20 ready to go. The managerial prerogative
21 would have been, have the list ready to
22 go when our list expired and these people
23 could have filled them right into the
24 positions.

25 When he last testified in

1 10/30/13 - LABOR - RES. 130661

2 Council Chambers, he said that he would
3 have a list by July. That's a ludicrous
4 answer. I won't go into the details, but
5 it's approximately a nine-step process.
6 The earliest we were told, the rumor was,
7 October 1st. Well, it was pretty close.
8 It was the end of September. The
9 Commissioner knew that and he told you
10 July.

11 Also, as far as managerial
12 prerogative, he did exercise the
13 managerial prerogative. He issued the
14 general memo announcing the test. The
15 first one had a closing date of February
16 15th. There's a 90-day window in which
17 we're given to study, and that's the
18 earlier date the test could be given.
19 For some unknown reason, there was a
20 second general memo put out to push the
21 date to February 22nd. Then there was a
22 third memo put out, pushed the date to
23 March 8th. Ninety days from that is, lo
24 and behold, it's June 8th.

25 Well, why do I mention this

1 10/30/13 - LABOR - RES. 130661

2 date June 8th? That's because in 2011 on
3 June 3rd, 14 Lieutenants were promoted.
4 They could not have taken that test until
5 the current test was pushed back to June
6 8th. Talk about managerial prerogative.
7 That's managerial manipulation.

8 Fiscal management. This city
9 is in -- we're short of money for
10 schools. Yet we've been out in the
11 field. By paying us a regular salary,
12 our promoted positions, you are now
13 paying firefighters overtime. Had we not
14 been promoted, you would have been paying
15 officers overtime. Obviously it's much
16 cheaper to pay a firefighter overtime
17 than it is an officer.

18 Finally, demotions. The
19 demotion ceremony, you were a hundred
20 percent correct. And Mr. Resnick made it
21 seem like there was something going on.
22 The only thing that happened was,
23 Commissioner Ayers gave us a letter
24 saying you're being demoted and we turned
25 in our bars. That could have very easily

1 10/30/13 - LABOR - RES. 130661

2 been done in civilian clothes. So you're
3 a hundred percent right.

4 Unfortunately at this time, I
5 will begin my statement.

6 My/our current and ongoing
7 problem began because I/we achieved a
8 passing score on a promotional test.
9 Once Central Personnel certified that
10 list, then everyone, everyone on that
11 list is qualified and eligible to be
12 promoted, down to the last man. Everyone
13 on that list. However, the Commissioner
14 refused to promote this last group of
15 certified firefighters and lieutenants.
16 In fact, before City Council, the
17 Commissioner said the list was stale.
18 This term is an affront, an affront to
19 this group of firefighters.

20 Let me tell you about myself.
21 I was drafted in the U.S. Army, where I
22 took a battery of tests. Based on those
23 tests, I was offered and accepted an
24 appointment to Engineer Officer Candidate
25 School. After graduation and promoted to

1 10/30/13 - LABOR - RES. 130661

2 Second Lieutenant, I was assigned to the
3 Vietnamese Language School. After
4 completing the language school, I served
5 in Vietnam, South Vietnam. I was
6 assigned and served 13 months as a U.S.
7 Army Advisor to the South Vietnamese Army
8 in Kontum Province in the Central
9 Highlands in the tri-border area. While
10 in South Vietnam, I was promoted to First
11 Lieutenant. Upon returning to the United
12 States, I was offered a promotion to
13 Captain, but I declined and was honorably
14 discharged.

15 I worked a short time for the
16 Veterans Administration, but decided to
17 go to college. In cooperation with the
18 GI Bill and me working jobs, I graduated
19 Magna Cum Laude, 3.55 GPA, with a dual
20 degree in management and economics. I
21 briefly worked for the U.S. Navy on
22 Robbins Avenue before transferring to
23 HUD, Housing and Urban Development.
24 Unfortunately in the early '80s, federal
25 workers were being laid off due to

1 10/30/13 - LABOR - RES. 130661
2 reduction in force, or called a RIF. I
3 was told I was next. I had many friends
4 in the Police and Fire Department, so I
5 took and passed the tests. In June of
6 1984, I went into the Police Academy. I
7 was one of two platoon leaders. I
8 graduated and served in the 39th District
9 at 22nd and Hunting Park. In February
10 1985, the Fire Department called and I
11 entered the Fire Academy. I served in
12 both engine and ladder companies and was
13 requested to serve two years as an aide
14 to a Battalion Chief. In 2010, I was
15 also asked to become and served two years
16 as the Lieutenant's aide to John Devlin,
17 Deputy Commissioner for Technical
18 Services. While serving in that
19 capacity, in the spring of 2011, on my
20 own initiative, my own initiative, I
21 voluntarily took the task of helping to
22 fix and reduce a serious backlog of NFIRS
23 errors and incomplete incidents. I
24 published a weekly list of errors and
25 score card regarding the completed

1 10/30/13 - LABOR - RES. 130661

2 errors. And, by the way, NFIRS is the
3 National Fire Incident Reporting System.
4 It was mandated by FEMA that Philadelphia
5 comply with this.

6 FEMA grades bring a lot of
7 money into this city. In the summer of
8 2011, the Fire Department had such a bad
9 reporting history that FEMA called
10 Commissioner Ayers to attend a meeting in
11 Boston. Commissioner Ayers then
12 contacted my boss, John Devlin, Deputy
13 Commissioner, to, and I quote, "have your
14 Lieutenant e-mail his latest statistics,"
15 which I did, and FEMA was very
16 appreciative. Part of my success was, I
17 started to use two new computer reports
18 that had never been run before. I found
19 them. In 2012, I was the only officer
20 that was paid overtime to work on the
21 NFIRS computer program at Headquarters,
22 the only officer in our entire
23 department.

24 Recently, as a newly promoted
25 Captain, I was asked to set up, and I

1 10/30/13 - LABOR - RES. 130661

2 did, set up a daily schedule for our IT
3 department to run each one of the six
4 computer reports. I was also scheduled
5 to work overtime, the only one scheduled
6 to work overtime, on NFIRS at
7 Headquarters and my possibly doing field
8 training instructions at various
9 Battalion Chief stations. Then after
10 doing all this work, I found out I was to
11 be demoted. Some reward for my effort.

12 A note is that while working
13 for the Deputy Commissioner, I was
14 lovingly referred to as the "NFIRS Nazi."
15 At least that's what I thought. However,
16 in many cases, I received very good
17 cooperation because I gave specific
18 instructions to specific company officers
19 in what otherwise in many cases is a
20 confusing computer program.

21 Regarding the current
22 situation, during Council's last budget
23 hearing, there was apparently -- you
24 brought apparently enough pressure, so
25 Mr. Resnick contacted our last Union

1 10/30/13 - LABOR - RES. 130661

2 President, and they did a backdoor,
3 late-night deal and they agreed to
4 promote six Captains and 11 Lieutenants.
5 The last Union President was proud and
6 bragged about getting six and 11. The
7 rest of us were thrown under the bus. I
8 do not and did not understand what would
9 have been the problem with promoting all
10 of us. There were vacancies.

11 Regarding the promotions, I was
12 informed that I was to be promoted and
13 received the May 28th memo that was sent
14 advising me of a scheduled physical at
15 19th and Fairmount. This memo was prior
16 to the date of the written test. I also
17 received notification that I was being
18 promoted to the rank of Captain and my
19 appointment to be promoted by
20 Commissioner Ayers was June 10th, 2013,
21 two days after the written test was
22 given. Because of these notifications, I
23 did not feel that I needed to take
24 another promotional test. Who would want
25 to? You're being promoted. Prior to the

1 10/30/13 - LABOR - RES. 130661

2 date of that written test on June 8th, I
3 was not made aware of or told of any
4 problems, limitations, restrictions or
5 stipulations regarding my promotion to
6 the rank of Captain.

7 June 8th, Saturday was the
8 written test. On June 10th, I had the
9 first of three meetings, two days later.
10 The first was held in Commissioner Ayers'
11 office. Commissioner Ayers congratulated
12 me, and we had a cordial conversation.
13 He talked about the Fire Department,
14 past, current, and future. He encouraged
15 me to -- and everybody knows this term --
16 "stay the course" and continue to study
17 for the next promotional step to
18 Battalion Chief. He also advised me to
19 get qualified to be an Acting Battalion
20 Chief as soon as possible. Commissioner
21 Ayers said to me -- this was regarding to
22 my NFIRS work -- I appreciate the work
23 that you did on the NFIRS program and I
24 will not forget you, so I will take care
25 of you. Yes, he did. He assigned me to

1 10/30/13 - LABOR - RES. 130661

2 Engine 36, which is a very coveted
3 position in the Philadelphia Fire
4 Department. It's in Mayfair at Frankford
5 and Hartel. Commissioner Ayers then told
6 me Karen Hyers has some paperwork for
7 you, and he called Karen Hyers in, who
8 was the Fire Department Human Resources
9 Manager, to act as a witness.

10 Commissioner Ayers then gave me the oath
11 of office, swore me in promoting me to
12 the rank of Captain. Commissioner Ayers
13 congratulated me for a second time, and
14 Karen Hyers also congratulated me.

15 Then I went to Karen Hyers'
16 office for my second meeting of the day.
17 She congratulated me for a second time
18 and handed me a letter dated May 30th.
19 She stated, I have to give you this
20 letter. She explained -- and this is the
21 first time I heard of this. She
22 explained that the ruling of the Common
23 Pleas Court that ordered the promotions
24 is being appealed to the PA Commonwealth
25 Court and it could take up to a year for

1 10/30/13 - LABOR - RES. 130661

2 the Commonwealth Court to hear the case.

3 She said, And even if the case was heard

4 early and the City won the appeal, you

5 probably will not be demoted because it

6 would be in poor taste. Besides, this

7 case has more to do with other unions and

8 how the situation will be handled in the

9 future, not about you getting demoted.

10 So when I left the office, I felt there

11 would be no demotion in any case.

12 I hope the other unions are

13 also listening.

14 My first note: That day on

15 June 10th, in Karen Hyers' office was the

16 first time, the first time I was given,

17 saw, made aware of of a letter dated May

18 30th. That May 30th is a bogus date. I

19 don't know where it came from, but in the

20 Common Pleas Court, both Ms. Morris, the

21 City attorney, and our own attorney were

22 citing the May 30th promotion letter. I

23 don't know where they got that, but that

24 was bogus.

25 And my other point is, if that

1 10/30/13 - LABOR - RES. 130661

2 letter was so important, then why did it
3 not give us better guidance as to what we
4 should do versus just a verbal
5 instruction that they claimed that they
6 gave to us?

7 Second, both Commissioner Ayers
8 and Karen Hyers, under oath, swore in
9 court that they told 14 officers to take
10 the written test. My only meetings were
11 June 10th, two days after the written
12 test. Since it was already too late to
13 take the written test, I know I was not
14 advised to take the written test by
15 either person.

16 Then finally my third meeting
17 was with personnel staff, where I was
18 congratulated again. I turned in my
19 Lieutenant's bars and insignias and
20 received the bars and insignias for my
21 newly promoted position, the rank of
22 Captain.

23 Finally, in closing, I would
24 like to point out even though I was
25 demoted, there was a promotion party held

1 10/30/13 - LABOR - RES. 130661
2 for me. This flyer, I pointed out,
3 said -- this flyer that was distributed
4 said Captain. I pointed out that I was
5 now a Lieutenant and the flyer should be
6 corrected. But I was told the
7 firefighters voted to keep the word
8 "Captain." So it turned in to a
9 promotion/demotion welcome back party.

10 They still gave me this
11 Captain's plaque. And I told them I
12 would proudly display it in here in City
13 Council Chambers. Many of them are
14 firefighters from outside the station and
15 still call me Captain. While I
16 acknowledge their respect, I take great
17 pride that many firefighters still call
18 me Captain. But it is also a very
19 painful reminder of what has transpired
20 and what we are going through.

21 While this is a serious
22 situation, we started to think of what we
23 call ourselves, show some unity, pride,
24 stuff like that. Dirty Dozen, Rat Pack,
25 but nothing seemed to stick. But I was

1 10/30/13 - LABOR - RES. 130661

2 watching this military movie with Jack
3 Nicholson and Tom Cruise. You know the
4 name of the movie, A Few Good Men.

5 So I submit to you, we are a
6 few good men that this City department
7 has treated poorly. Councilman O'Brien
8 was correct, this fiasco that they
9 created is going to cost the City, is
10 going to cost the City more than the cost
11 of a few promotions, but the City will
12 suffer bad publicity and a tarnished
13 national reputation as a former City of
14 Brotherly Love.

15 Finally, I've had firefighters
16 ask me, and I quote them, What are you
17 still doing in the Fire Department? I
18 would have quit, close their quotes.

19 Let me paraphrase from the
20 movie again. When Jack Nicholson said to
21 Tom Cruise, "You messed with the wrong
22 Marine," well, since I was demoted, you
23 messed with the wrong Vietnam vet, and
24 we, yes we, a few good men, are not going
25 to go away.

1 10/30/13 - LABOR - RES. 130661

2 Thank you for your time.

3 (Standing ovation.)

4 COUNCILMAN KENNEY: Thank you
5 very much for your testimony. I really
6 do appreciate it. It was a good way to
7 end this hearing. We will not go away
8 either. I want to apologize again on
9 behalf of the City for the misguided and
10 mean-spirited statements of the Mayor's
11 people or person who called you an
12 underperformer and said in the newspaper
13 you were an underperformer. And after
14 listening to your Curriculum Vitae and
15 your service to our country and our city,
16 I don't think he knows what he's talking
17 about. I know he doesn't know what he's
18 talking about. And I think he owes all
19 of you an apology for characterizing you
20 as underperformers.

21 This is not going to end. This
22 is not going away. And keep up the
23 fight. Stay the course.

24 MR. POSPIECH: Thank you, sir.

25 COUNCILMAN KENNEY: Thank you.

1 10/30/13 - LABOR - RES. 130661
2 (Committee on Labor and Civil
3 Service concluded at 12:25 p.m.)

4 - - -

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)

A				
ability 15:8 22:14 35:9,12,12 36:16 39:16 45:23 47:2 136:22 148:21	136:9 actions 106:7 115:6 126:5 active 87:17 92:11 102:4 158:16 activities 150:24 activity 71:2 121:9 actual 46:13 133:14 153:24 154:21 actuary 157:11 add 80:24 added 50:2 70:8 addition 140:14 additional 140:17 Additionally 99:23 101:9 address 81:8 88:9 91:3 156:14 addressed 99:14 106:15 107:7 154:22 addressing 107:5 adhered 32:9 administered 113:4 administers 77:20 administration 2:7,17,21 3:11 10:18,21 18:4 23:22 44:5 45:3 49:4 51:18 52:7 52:11 59:10 62:21 63:20,22 72:20 74:17,18 77:3,5,7,10,11 77:12,14,17,19 77:23 78:4,23 89:11 90:15 91:22 92:2 101:23 102:8 104:15 106:4,16 107:13 116:19 121:5 123:24 130:8 131:10,12 131:18 132:9	133:4 156:12 157:17,23 162:16 Administration's 124:5 administrative 36:13 39:15 65:11 admirably 101:18 admitted 77:25 advice 17:18,19 advised 117:14 130:2 167:18 170:14 advising 42:7 166:14 Advisor 162:7 affect 13:4 afford 52:12 affront 161:18,18 agenda 139:21 aghost 62:22 aging 89:7 ago 79:12 126:16 147:16,20 agree 56:18 106:6 108:10 129:2 131:2 134:22 agreed 14:21 92:18 166:3 agreement 56:2 58:4 aide 163:13,16 Al 26:24 54:24,24 59:12 70:25 allegedly 99:9 allow 46:18 47:17 63:4 allowed 46:19,23 67:17 71:19 125:23 152:14 allowing 149:23 alluding 76:3 alternative 59:15 Al's 75:9 ambitious 38:15 American 56:10	56:11 amount 55:25 69:15 84:4 151:23 Andrew 16:21 125:19 Andy 126:11,16 127:2,5,13 128:6,11,16 134:25 Andy's 126:14 129:8,9 and/or 175:22 anecdotally 104:4 anecdotes 136:17 angry 128:19 animal 152:6 announced 143:7 announcing 159:14 anonymous 2:20 answer 44:14 48:18 49:10 58:18 75:20 94:12 108:8 147:11 151:17 159:4 answering 55:9 58:20 answers 58:22 78:18 80:22 126:4 151:12 anticipating 84:10 antiquated 112:10 anybody 15:20 32:23 34:14 37:6 66:6 106:18 anybody's 76:12 anymore 5:16 anyway 129:16 apart 60:23 apologies 103:2 apologize 43:7 59:8 60:15 76:6	124:7 125:14 137:13 138:20 173:8 apologized 39:11 112:21 apology 173:19 appalled 125:22 apparatus 89:8 apparently 21:23 126:7 130:15 165:23,24 appeal 59:19 93:9 96:12 169:4 appealed 131:16 168:24 appeals 52:9 140:11 appear 87:21 appears 41:4 52:17,23 89:24 Applause 102:24 153:11 applied 14:7 apply 7:15,24 8:5 12:25 14:16 71:23 79:7 175:20 applying 12:15 appointed 45:8 68:8 82:25 appointees 3:15 appointing 45:7 appointment 9:4 10:12 13:4 14:19 87:25 111:25 121:2 161:24 166:19 appointments 10:19 12:8 13:7 45:17 appreciate 43:7 64:20 125:25 135:16 167:22 173:6 appreciative 164:16 approach 34:8

approached 2:9 80:16 110:14 115:22 124:21 146:3 155:23 appropriate 45:16 approximately 94:5 158:7,8 159:5 Arbitrarily 132:4 arbitrary 61:19 arbitration 54:11 54:14,21,23 55:15 56:9,10 56:11,13,19,23 63:12 79:15 82:9,13 83:10 83:13 arbitrator 54:6 56:14,17 arbitrator's 56:17 area 40:8 144:23 162:9 argue 30:10 80:23 arises 52:3 Army 161:21 162:7,7 arrive 121:10,11 arrived 121:4,6 arrogance 91:21 arrogant 103:7 aside 100:18 asked 7:3 35:5 38:5 58:20 74:6 79:13 96:9 113:13 114:3 117:12 121:18 122:2 145:5 157:8,9 163:15 164:25 asking 3:24 78:17 81:14 96:4 154:6,7,12,13 asks 57:5,10 assigned 56:16 111:6,12 119:18 120:19 162:2,6	167:25 assignment 114:13 117:22 123:19 assistance 58:6 assisted 111:15 Association 56:10 56:11 87:15 assume 10:13 18:5,10 19:8,10 48:11 assumption 18:13 100:12 116:24 assumptions 19:9 assure 128:14 135:20,23 assured 96:19,22 115:5 asterisks 93:5 atmosphere 26:19 attached 21:14 22:7 attack 101:23 attainable 127:24 attempt 89:3 attend 71:13 119:17 164:10 attendance 120:11 attended 95:10 107:8 132:15 150:24 attending 71:8,23 127:7 attention 76:22 112:23 attitude 80:10 attitudes 90:5 attorney 42:9 55:11 57:8 169:21,21 Audience 28:20 authority 2:14 5:7 6:19,21 45:7 51:24 authorized 58:18 authorizing 1:15	available 11:19 11:22 83:21,22 100:7 103:18 151:18 Avenue 142:18 153:20 162:22 average 54:22 55:14 avoid 102:12 awards 141:8 aware 16:3 17:20 53:10 167:3 169:17 Awareness 111:22 Ayers 2:13 15:11 15:23 16:13 19:18 20:10,14 21:2,8 29:9,22 31:4,8 35:6 37:14,18 38:8 38:20 39:2,10 39:20,25 40:7 40:16 41:20 42:6,13,23 43:3 43:6,16,25 44:8 72:12,18 73:10 73:15 74:5,13 75:5 90:10 91:9 93:14 94:23 97:3,5,13 100:6 100:19 112:2 116:19,20 117:4 117:11,13 121:2 121:7,10,17,21 121:22 123:2 137:19 147:3,12 148:6 160:23 164:10,11 166:20 167:10 167:11,21 168:5 168:10,12 170:7 a.m 1:7 2:5 B baby 146:12 back 5:16 8:25	9:17,23 12:2,12 15:6,8 16:5 17:11,24 20:5 23:9 24:6,16 30:13 31:9 34:25 38:6 40:20 46:12 50:6 61:10 63:17 67:17 68:7 72:16 74:4 83:16 94:16 106:3 107:25 116:15 118:15 122:18 123:8,9 124:19 125:3 129:4,7 132:17 135:13 138:9,12 143:11 160:5 171:9 backdated 97:12 backdating 92:21 backdoor 166:2 background 88:11 backlog 163:22 backyard 138:2 bad 37:21 41:11 50:18 51:22,25 58:12 63:2,3 109:8 113:25 155:21 164:8 172:12 badge 118:21,21 123:16 bailiwick 54:25 balance 51:17 88:24 bar 77:10,12,19 bare 108:20 bargaining 56:2 bars 160:25 170:19,20 based 45:24 83:19 86:25 91:8 94:21 100:4 161:22 basically 107:12	128:9 basing 10:21 basis 52:10 142:21 Bass 1:10 145:21 153:13,14 Battalion 81:19 87:11 108:22 112:17 129:10 129:13,22 163:14 165:9 167:18,19 battery 161:22 battles 140:13 beg 6:7 44:16 began 111:5 161:7 beginning 7:3 33:7 84:12 92:19 behalf 102:2 136:9 138:20 173:9 behold 159:24 believe 7:7 13:23 37:5 41:21 43:5 50:19 51:19 52:13,14 104:19 128:24 131:21 133:12 134:9 136:20 believed 118:3 benefits 133:2 berate 30:18 best 11:6,9,15,22 38:3 64:9 84:11 115:10 128:12 148:20 betrayed 128:22 better 34:8 38:16 38:17,18 40:12 40:14 51:4 89:15 126:5 133:13 152:9 157:14 170:3 bias 60:19 big 156:22
--	---	---	--	---

Bill 162:18	125:11 130:14	78:2 84:12,14	161:9 162:8	87:5
Billy 17:12	130:22 131:6	84:16 85:14	CEO 158:9	characterization
bit 21:5 112:9	165:22	112:4,15 114:9	ceremonial 8:7	124:4
114:17 125:13	budgeted 91:5	114:24 115:8	ceremonies 65:9	characterizing
137:10	102:8 130:9	121:20 127:2,23	ceremoniously	173:19
black 11:16 150:9	131:13 132:3	134:25 138:4	67:14	charges 81:24
152:18	building 3:8	146:25 150:4	ceremony 8:8,8	Charter 7:5 60:24
blowing 28:22,23	108:4 116:20	156:10 162:13	8:18,19 10:2,6,8	71:15,22 76:9
Board 127:9	121:6 123:24	164:25 166:18	49:15 66:16,21	76:19,23 92:4
boards 151:2	153:24 154:2,5	167:6 168:12	67:4 92:24 96:9	102:14
BOBBY 1:11	155:13	170:22 171:4,8	127:3 141:14	chased 138:4
body 3:19 41:10	building's 154:10	171:15,18	150:13 160:19	cheaper 160:16
104:13,23	built 76:14	Captains 1:17	certain 55:25	check 15:24 16:14
bogus 169:18,24	bull 153:7	94:7,11 125:21	certainly 29:18	19:4 41:20
bonding 134:18	bully 138:8	129:15 143:6	36:17 51:20	50:10 51:17
books 112:13	bunch 48:25	151:21,25 166:4	101:14 103:17	118:20
boring 150:20	108:19 153:7	Captain's 171:11	CERTIFICATE	checks 86:11
boss 20:13,13,17	burning 3:7 50:15	car 43:14 112:18	175:2	Chief 23:25 72:22
20:18,18,24	bus 166:7	142:8	certification	81:20 87:11
74:16,19 164:12	business 37:7	card 123:22	175:19	108:22 112:17
Boston 164:11	130:22 131:25	163:25	certified 111:19	129:10,11,12,13
bottom 85:7	132:7	care 21:5 33:2,4	161:9,15	129:18,22
Boulevard 142:7	bypassed 92:13	108:14 167:24	CERTIFY 175:3	163:14 165:9
bounced 114:20	92:20	career 12:11	certifying 175:23	167:18,20
bound 7:13 45:25		29:10 101:5	chain 130:3,4	chiefs 107:10
103:14	C	111:5 112:6	Chair 1:10 36:4	Chief's 129:20
boy 148:17	calendar 15:24	144:16	153:12	children 82:3
bragged 166:6	16:14,24 19:4	careers 61:14	Chairman 29:8	142:7
Branded 110:5	19:20	100:22 104:17	39:8 51:12 63:2	child's 150:24
brass 118:23	caliber 61:17	109:12	64:22 65:2	choice 22:23
brave 3:4 142:23	call 37:3 171:15	carried 23:21	69:11 75:25	33:18 35:15
145:11 147:9	171:17,23	case 18:17 48:14	105:24 153:15	choose 27:6 66:8
Brian 1:13 120:10	called 87:23	53:13 54:4,13	155:16	choosing 35:13,15
brief 110:24	114:16 121:14	56:16 61:8,10	challenge 3:17	chose 45:17 92:2
briefly 76:11	148:23 152:21	63:24 104:19	33:18 157:19	Chuck 79:21,24
162:21	163:2,10 164:9	132:2,19 154:8	Chambers 159:2	105:11 110:4
bring 103:20	168:7 173:11	169:2,3,7,11	171:13	Cindy 1:10
104:14 164:6	cancelled 86:11	cases 35:21 55:12	chance 101:3	145:21
bringing 104:21	Candidate 161:24	60:8 73:2	change 41:8 69:4	circulated 69:8
brings 79:21	candidates 11:10	165:16,19	89:23 103:20	circumstances
brother 145:10	16:2 91:12 92:7	casual 116:21	108:3 136:14	134:2
Brotherly 172:14	92:14 95:24	category 20:2	145:2	citations 111:18
brought 105:13	cap 122:23	cause 58:11	changed 26:10,17	cited 133:4
107:10 165:24	capable 88:17	130:13 134:21	26:18 122:6,21	citing 169:22
brown-outs 30:11	100:22	caused 28:10	changes 16:10	citizens 3:6 36:14
88:22	capacity 163:19	caveats 131:21	89:6 150:6	36:19 38:17
budget 17:10	Captain 52:22	Central 114:16	character 86:6	41:9 43:17

87:19 89:14 149:25 city 1:2,6 3:13 11:11 28:11 31:12 40:12,21 42:10 52:25 55:20 56:25 57:4,5 58:9,16 60:24 76:9,19 77:16 82:10,13 86:11 89:10 91:5,14,16,22 92:5 94:18,21 96:11 97:16 99:7,13 100:11 102:6,7 104:16 118:12,13 119:2 126:13 127:12 127:18 128:7 130:13,15 131:11,15 132:12,17,20,25 133:2 135:5 136:13 138:21 139:18 140:5,8 140:15 141:22 142:11,20 149:23 154:6 160:8 161:16 164:7 169:4,21 171:12 172:6,9 172:10,11,13 173:9,15 City's 15:16 17:13 76:13 101:25 civil 1:3,16 2:4,16 6:16 7:5,13,14 7:23 10:12,19 11:24 13:2 45:25 46:2,5,9 47:16 57:9 59:20 60:24 71:3 76:10,13 76:20,24 78:5 78:24 79:7 82:21,23,24 83:6 87:25 92:4	94:19 103:20 104:9,11 111:4 115:2 120:14 130:10 156:7 174:2 civilian 161:2 claim 7:25 claimed 170:5 clarify 78:12 class 126:21 clearly 9:19 12:21 12:23 47:17 100:3 108:2 climate 26:18 28:9 climb 137:23 close 133:24 159:7 172:18 closely 152:2 closer 120:4 closing 102:17 159:15 170:23 closings 88:22 clothes 161:2 clothing 118:20 Coast 127:5 coercive 62:19 collar 114:13 colleagues 52:15 collective 56:2 college 120:24 162:17 come 2:7 3:18,24 29:12 53:2 55:3 58:16 59:3 73:5 83:22 112:25 114:3 124:19 138:9 151:12 comes 29:17 55:4 108:25 151:2 comfortable 136:21 coming 54:15 80:12 84:20 105:25 106:15 145:23 command 71:8	130:3,5 comment 2:18 3:21 4:9 39:9,11 comments 3:4,13 36:10 76:2 81:9 104:24 156:13 Commission 59:20 76:10 82:21,24,24 83:7 commissioned 89:21 90:15 Commissioner 2:12,16,22,24 8:20 9:5 12:22 12:24 13:11 14:4 15:11,20 15:23 16:13 17:6,7 18:13 19:3,14,18 20:10,14 21:2,8 22:15 23:21 25:12,17 29:9 29:15,22 31:4,8 34:7 35:6 36:11 37:14,18 38:5,7 38:8,20 39:2,10 39:20,25 40:7 40:16 41:20 42:6,13,23 43:3 43:6,12,16,25 44:8 46:8 47:14 47:15,18 48:12 49:14 65:4 67:24 69:7 70:6 70:12,18 72:12 72:17,23 73:3 73:10,15 74:5 74:13 75:5,11 76:4 83:18 84:19 85:2,9 86:7 87:8 89:19 90:9,10 91:9 92:20,23 93:14 93:20 94:10,23 97:2,5,13 98:7 98:10,13,21	100:5,19 103:14 104:15 105:20 106:17 112:2,5 112:20,25 113:7 113:14,16,24 115:5 116:18,20 117:4,11,13,17 117:21 118:9 121:2,6,10,17 121:20,22 123:2 124:25 131:8 136:15 137:19 142:2 152:25 159:9 160:23 161:13,17 163:17 164:10 164:11,13 165:13 166:20 167:10,11,20 168:5,10,12 170:7 Commissioners 71:13,17 104:5 Commissioner's 10:4 17:19 23:18 44:19,21 118:5,7 123:18 committee 1:3,16 2:3 81:10 83:3 87:22,24 88:5 88:12 89:18 101:22 111:4 120:15 135:10 145:22 156:8 174:2 Common 4:22 5:11 6:14,17 7:11 9:22 17:21 22:5 46:21 47:22 86:9,21 93:7 94:16 98:23 168:22 169:20 commonsense 65:5 66:5 Commonwealth 2:13 4:16,21	6:13,18 7:23 10:24 14:21 17:23 46:21 73:19 93:7 96:11 97:17 131:16 168:24 169:2 community 79:12 90:7 120:23 122:3,7 companies 28:22 111:7,11 163:12 company 137:24 165:18 compare 157:6,11 157:12 compared 50:6,12 145:8 compensation 57:24 complaint 47:24 105:6 complete 88:18 completed 95:8 163:25 completely 153:22 154:11 completing 162:4 completion 15:15 comply 164:5 comprehending 139:13 computer 112:8 164:17,21 165:4 165:20 concern 130:13 concerned 103:18 113:15 117:15 119:8 131:4 concerning 118:10 concerns 99:14 130:16,18,23 131:5 conclude 63:2 concluded 174:3 conclusion 89:25
---	--	--	---	--

condition 154:11	contentions 52:5	costing 140:5	46:11,16,17,25	137:6,16,17
conditions 89:9	context 52:4	Council 1:2 39:14	48:2,8,15,19,24	138:24 139:6,8
154:17,21 155:4	59:16 88:11	51:15 86:8	49:10,18 50:11	143:12,20,25
155:14	90:25	91:10,14 102:6	50:17,21 51:6,9	144:4,10 145:18
conduct 51:23	contingent 8:22	103:13 130:14	51:9,11 53:13	146:7,13,17
90:18 100:20	15:14	130:16 131:3	53:16,19,23	149:3,7,12
conducted 90:11	continue 63:5	146:21 149:23	54:16,18 55:7	153:9,12 155:17
107:6	97:21 119:13	159:2 161:16	55:13 56:24	156:3,6 172:7
confirmed 91:15	128:12 135:10	171:13	57:3,12,16 58:7	173:4,25
conflict 57:8	136:4,6,8	Councilman 1:10	59:2,7,13,22	Councilmember
117:16	167:16	1:11,11,12,12	60:2,12,12,14	153:13 155:18
conflicts 52:8	continued 102:19	1:13,13 2:2,11	62:7,7,16,24,24	Councilmembers
53:7	126:16	4:10,24 5:4,18	62:25 63:23	116:7
confused 125:24	continuing 37:22	6:5,9,20 7:2 8:6	64:2,7,18,19,23	Councilmen
confusing 165:20	41:2 105:3	8:12 9:3,15 10:9	64:23,25 65:7	157:19
congratulated	contract 52:8	10:16,17 11:23	65:18,20,22,24	Councilwoman
114:10 167:11	88:21	12:6,10,18 13:9	66:11 67:6,8,9	1:10 145:21
168:13,14,17	contrary 22:6	13:15,19 14:2,9	67:11 68:3,9,14	153:14
170:18	133:10	14:13,15,24,24	68:15,20,22	Council's 131:5
Congratulations	control 175:22	15:2,19 16:7,17	69:2,19 70:5,14	131:11 165:22
118:24	convening 88:5	17:2,5,25 18:9	70:20,23 71:5	counsel 105:14
conjunction	conversation 18:7	18:12,18,22	71:10 72:5,7,8	counseled 18:6
23:23	68:23 79:11	19:10,13 20:7	72:15,24 73:7	19:11
Connors 110:4	80:6 116:21	20:12,16 21:4	73:13 74:2,10	counteract 49:3
conscious 89:12	167:12	21:14,16,22	74:11,24 75:13	country 141:10
consequences	conversations	22:6,10,10,12	75:18,22,23,24	173:15
134:11	17:11 19:25	22:22 23:11,16	76:6 78:13,15	course 23:8 29:24
consider 81:11	79:23 105:13	24:8,10,11,19	79:9 80:5,7,14	57:2 89:17
90:24 102:7	cooperation	24:22,24 25:4,9	80:18 81:14	100:18 149:21
126:6	162:17 165:17	25:16 26:2,9,16	82:5 88:4	167:16 173:23
considerable 77:4	copy 129:20	27:9,13,18 28:3	102:22,25	court 2:14 4:17
consideration	cordial 167:12	28:5,18,21 29:2	103:11,16	4:21,22 5:11,19
74:10 102:18	core 135:8	29:5,7,25 30:6,7	105:22,23	5:21,24,25 6:3
considered 10:18	correct 10:14	31:6 33:20,22	106:20,22,24	6:11,13,14,18
132:6 133:16	13:16 19:2	33:24 34:5,16	108:6,10,18	6:22 7:6,12,13
140:21	36:24 47:5	35:4,5,11,25,25	109:13,17,25	7:23 8:5,9,10,16
considering 10:11	73:11 80:23	36:3 37:15,20	110:3,8,11,12	8:22,24 9:15,21
132:14	85:11 109:17	38:2,4,14,24	110:16,19,21,25	9:21 10:24,24
constituents	143:13 152:18	39:7,12,22,23	111:3 115:11,14	14:21 16:10
34:19	160:20 172:8	40:3,4,5,9,19	115:19,24 116:4	17:23 20:3 22:5
constrain 125:8	175:8	41:13,22 42:11	119:21 120:3,8	22:13,19 23:4,6
constrained 63:4	corrected 63:22	42:13,20,25	120:10,13	23:8 24:4,4,5,15
contacted 164:12	171:6	43:4,10,13,19	123:25 124:12	24:17,17,23
165:25	corrective 63:21	43:23,25 44:3	124:16,18,20	25:7,11 26:13
contained 175:5	cost 140:8,10,15	44:11,13,17,18	125:5 128:25	30:16,25 31:14
contempt 3:10	140:18 172:9,10	44:23,25 45:12	129:17 131:7	34:10 46:12,21
contention 53:7	172:10	45:19,21 46:3	134:4 135:19,22	46:22 47:6,21

47:22,24,25 57:8 73:19 74:3 78:23 86:9,21 92:21 93:7,8,10 94:17,17 95:5 95:14 96:12 97:4,14,17 98:23 99:2,16 99:19,20 118:10 130:8 131:11,16 132:8,15 135:3 140:2,13 143:15 168:23,25 169:2 169:20 170:9 courtesy 2:24 3:16 courtroom 100:21 133:7 courts 136:7 court's 7:21 10:25 23:2,9 cover 117:25 122:23 136:18 covered 112:23 coveted 168:2 Cozen 107:6 co-workers 139:23 create 37:8,8 156:19 created 172:9 credit 111:19 criteria 156:19,20 157:3 crossing 142:6 Cruise 172:3,21 cultural 90:3 Cum 162:19 curb 148:8 current 89:10 90:5 91:10,21 131:9 160:5 161:6 165:21 167:14 currently 8:23 93:9 120:22 Curriculum	173:14 D D 114:14 123:20 dad 137:22 148:18 149:18 daily 2:25 4:11 142:21 165:2 damaged 61:14 100:23 damaging 90:12 Dan 149:14 Daniel 147:2 darn 152:17 date 13:11,16,17 13:20,23,24 14:5 15:13 16:16 17:7 19:7 56:18 83:15 86:13 92:22 98:7,25 115:7 159:15,18,21,22 160:2 166:16 167:2 169:18 dated 5:12 22:8 168:18 169:17 dates 13:25 15:25 98:24 daughter 126:25 DAVID 1:12 day 3:6 5:10 8:17 21:9,10 32:14 81:21 82:12 86:4 87:18 89:14 97:20 117:12 118:6,8 119:7,19 126:21 134:24 138:24 142:5 143:5 145:9 147:10 148:10 154:8,25 154:25 168:16 169:14 days 56:3,6 59:18 83:12 114:6 122:4 159:23 166:21 167:9	170:11 deadline 16:12 deal 156:22 166:3 death 64:5 145:9 deaths 64:8 deceive 99:2 decide 48:4 decided 22:25 96:13 162:16 decides 77:17 deciding 49:23 decision 1:16 4:23 6:10,23,25 10:25 22:13 23:3,12,18,19 23:21 24:9 30:16 31:20 32:9,10 38:21 39:4,6 46:14 47:12 50:22,25 66:9 72:11,12 72:14,16,18,19 73:10,15,19,20 73:21,23,24,25 74:3,14,22,25 75:3,12,14 86:25 91:8 93:8 93:10 99:6 133:16 138:23 decisions 37:21 41:11 45:23 46:7 47:19 131:23 132:2 decision-makers 135:12 decision-making 99:11 declined 162:13 dedication 29:11 142:17 deed 109:5 deems 62:12 deeply 95:2 defending 97:4 defer 15:10 deficit 90:19 defies 85:25	definitely 144:24 144:25 degree 162:20 delay 56:16 57:4 57:6 132:20 delayed 82:11 delaying 63:13 delays 56:25 57:10,21 delivered 100:13 100:16 126:20 demand 4:17,20 4:25 5:19 56:8 56:12 demonstrated 108:9 demoralizing 139:18 143:8 144:23 145:3 demote 1:17 2:14 5:7,23 6:19 23:19 39:16 94:10 96:15 101:19 114:2 132:10,22 133:23 135:5 demoted 4:18,20 4:25 5:6,8,19 22:18 39:17 40:15 41:15,19 41:25 42:22 59:18 67:14 68:4 93:20 96:11 97:8,18 98:9 100:25 107:15 109:11 116:15 120:16 125:21 128:17 137:9 140:9 143:5 144:21 150:16 151:11 151:19 156:9,17 156:20,23,25 160:24 165:11 169:5,9 170:25 172:22 demoting 65:13	123:12 132:24 133:3 demotion 40:24 77:22 78:25 109:16 129:25 145:8 160:19 169:11 demotions 78:21 83:18 88:16,21 90:22 91:4 94:15,18 96:20 96:23 97:5 98:11 99:8 100:24 101:16 132:12,20 140:14 147:21 154:20 160:18 DENNIS 1:12 department 1:17 7:17,20 9:14 23:24,25 25:22 25:23,25 27:5,7 27:20 28:9,12 29:11,17,19 30:2,10 34:17 34:18 35:18 37:23 41:3 44:6 44:22 45:4,9,15 52:16 55:12 56:4,5 57:25 62:12,15,22 63:10 66:4,7 69:17 70:4 71:7 71:7,19 72:2,2 72:21,25 73:6 73:21,25 74:7 79:20,25 81:13 83:25 87:13 88:3,8,13,19 89:11,22,24 90:17,18 91:6 91:18,21 92:2 94:5,24 95:3 100:24 101:24 102:16 105:5,9 105:10,16 106:5 107:4,19 108:5
---	--	---	--	---

109:5 112:8 116:10 120:18 123:22 125:20 127:5,13,19 133:10 134:13 139:20 140:25 141:4,20 144:13 145:15 147:14 147:18 150:6,10 152:20 163:4,10 164:8,23 165:3 167:13 168:4,8 172:6,17 departmental 55:24 Departments 105:7 Department's 28:16 Deputy 55:20 112:24 117:21 123:18 129:11 129:12,18,20 163:17 164:12 165:13 derailment 104:16 described 106:4 descriptions 144:21 deserve 76:18 89:15 142:24 145:12 deserved 92:16 deserving 40:11 desk 113:9 Despite 13:9 93:18 destroy 37:22 41:2 destroyed 157:17 destroying 41:2 details 53:20 159:4 determine 105:15 determined 77:24	determines 56:7 77:13 determining 76:17 132:5 development 90:4 111:15 162:23 develops 77:20 devices 114:13 Devlin 163:16 164:12 dialogue 28:8 38:6 Diana 124:17 144:7 die 64:11 104:8 died 64:14 141:13 difference 35:24 105:8 differences 90:3 different 17:3 19:22,23 28:8 34:3 38:24 52:15 62:8 81:21 100:9 105:2 145:3 153:22 155:21 157:11 differential 11:11 dignity 141:23 147:25 148:4 dilemma 152:12 dinners 150:23 direct 72:11 157:22 175:22 directions 123:21 directly 79:13 96:9 103:22 Director 66:7 135:2 dirt 26:23 27:2 Dirty 171:24 disagree 28:16 disappointed 124:25 discharged 162:14 disciplinary 83:8	88:23 discipline 81:12 disciplined 63:18 136:11 157:24 disconnect 107:24 discretion 25:13 25:17,18,19,21 26:15 27:10 45:18,25 46:5,6 46:9 47:13,18 77:4 131:23 discretionary 69:6 discuss 60:7 discussed 75:6,8,8 75:9,10,16,17 96:13 112:11 130:22 discussion 73:2 74:8 discussions 73:14 106:9,10 116:22 117:3 disgrace 150:9 disgraceful 3:12 3:21 104:11 disheartening 128:5 dismiss 47:24 dismissed 59:19 107:11 dismissive 103:7 disparaging 3:4 display 171:12 distributed 171:3 district 153:19 163:8 divide 107:3 Division 114:13 123:19 Divisional 55:20 doctor 64:9 documentation 86:19 doing 33:21 34:2 79:14,14 93:15 93:23 105:2	119:8 134:17 135:15 136:4 137:11 138:20 149:20 165:7,10 172:17 Dozen 171:24 Dr 82:2 drafted 161:21 draw 76:22 DROP 84:2,7,13 84:18 130:20 dual 162:19 due 36:11 81:22 88:24 114:25 130:19 162:25 duty 69:25 70:3 70:13 138:17,19 141:13 142:16 DVD 82:18 dysfunction 88:18 D'Attilio 10:10,15 10:23 12:4,9,14 12:20 13:13,17 13:22 14:7,12 14:18 15:10 55:2 59:13,24 71:4,9,21 147:4	effect 5:2 78:9 94:16 129:16 effort 89:12 90:16 165:11 eight 40:5,6 111:18 Eighty 39:22 40:4 either 18:23 19:21 98:23 106:17 133:17 170:15 173:8 elected 83:20 127:10 eligibility 12:3,5 12:13,16 eligible 13:5 91:7 91:12 92:7 114:7,22 161:11 embarrassed 109:14 emergency 43:18 43:21 emotion 128:18 emotional 134:13 employee 47:12 59:17 employees 3:11 3:13,20,21 4:4 5:6 7:18 10:11 11:25 13:10 14:3 47:7 52:25 58:5 108:19 127:12 employment 77:16 enacted 90:11 encourage 154:23 encouraged 167:14 endless 150:21 endure 89:10 engaged 90:18 engine 28:22 111:6,10 120:20 120:21 137:24 153:20 163:12 168:2
---	---	---	---	--

Engineer 161:24	117:12 119:4,11	extracts 60:19	82:20 89:15	48:10 50:22
enjoy 45:22	150:19,22	extraordinarily	132:24 158:14	51:2 77:25 78:6
113:17 114:10	examination 13:3	99:3	159:11	83:20 84:21,24
118:16	119:9	extraordinary	father 104:5	91:5,17 102:8
enjoys 137:2	examinations	91:20	121:19,19 122:5	130:9 131:13
enrolled 120:22	77:8	eye 150:9 152:18	126:13,15	filled 36:23 39:20
134:16	example 129:9	eyes 126:19	149:24	39:25 49:13
ensure 32:16 33:9	exams 92:15	133:24	father-in-law's	77:2 91:23
ensuring 36:15	100:2 151:15	e-mail 164:14	126:19	130:18 141:22
entered 163:11	exceeded 144:20		fault 64:11 137:7	158:23
entertain 60:5	excellent 93:18	F	favor 94:20	filling 49:25
entire 31:12	127:18 141:3	face 26:22 27:2	feasible 50:4	78:10 140:6
164:22	excited 148:22	42:2 128:10	February 111:8	finally 26:17
envelope 118:23	exclusion 89:4	fact 3:19 13:5,10	159:15,21 163:9	52:11 77:18
123:14	excuse 145:7	17:20 18:23	federal 57:8	83:9 114:21
EPA 111:22	147:13	95:24 99:8	162:24	148:21 160:18
errors 163:23,24	executed 32:11	125:25 127:20	feel 27:3,9 30:14	170:16,23
164:2	33:9	141:8 151:15	61:23 63:3,19	172:15
escorted 113:8	Executive 66:6	156:18,22	80:24 125:2	financial 134:14
especially 103:6	exercise 35:9	161:16	128:20 148:13	financially 58:15
establishes 77:7	47:18 159:12	factor 69:9	156:14 157:12	find 43:5 70:21
evaluation 128:2	exercised 46:8	facts 53:25 54:13	166:23	71:11 148:4
129:8,11	exhausted 78:19	63:3	feelings 60:19	finding 90:8
evaluations	exhibit 21:15 22:9	fair 37:23 53:3	139:15	finds 7:12
127:21	exist 77:13	87:2 88:24	feels 128:9,22	fine 107:12
event 69:24	existed 77:24	fairest 34:20	fellow 141:16	122:10 146:14
119:15	91:16	Fairmount	felt 11:5 12:10	fire 1:17,17,17
events 128:4	existing 78:9	166:15	58:12 125:13	7:16 23:25
everybody 8:17	expect 122:17	fairness 20:20	138:10 169:10	25:21,23,24
8:19 10:6 16:9	expedite 58:9	60:18,18 76:15	FEMA 164:4,6,9	27:20 28:24
18:15 26:21	60:11	fallen 138:17	164:15	29:11,18 30:2,9
32:5 66:22 67:4	experience 59:21	falls 60:23	fence 138:5	34:17 37:23
167:15	62:15	familiar 4:8 61:10	fiasco 172:8	41:3 44:21 45:4
everybody's 75:4	experienced	70:25	field 40:17 93:11	45:15 47:14,14
everyday 29:2	130:20	families 31:23	93:16 101:18	47:18 52:16
everyone's 139:21	expiration 91:24	33:3,4,14 38:19	107:10 111:10	57:25 59:16
evidence 82:14	expire 78:10	102:5 126:12	138:3 158:6,9	62:11,15,21
175:4	expired 12:5,7	134:15 139:23	160:11 165:7	66:4 67:13
exact 78:20	13:5,8 132:4	141:18,20	Fifteen 82:11	69:17 71:6,17
151:22	158:22	family 32:24	fight 118:13 136:6	72:2 78:2,2
exactly 2:5 6:24	expiring 7:21	58:14 69:16	173:23	81:13 82:15,19
15:24 21:8 44:8	explain 4:3 67:25	92:25 112:22	file 56:8 57:23	86:3,4,15 87:13
46:20 68:13	explained 10:3	113:18 121:18	101:21	88:3,13,17,19
137:4	168:20,22	122:2 128:5,14	filed 129:24	89:11,19,22
exam 15:13 97:22	explanations	135:8 138:7,8	140:12	90:9,22 91:5,9
98:2 101:12	98:20	144:23 149:16	files 4:4 54:10	91:17,21 92:19
114:7,18,23	extra 50:2 70:8	far 39:5 41:7 73:4	fill 37:16 47:9,12	93:20 94:4,6,7,9

94:22,23 95:3 98:12,20 100:24 101:24 102:15 105:10 107:18 108:4,21 109:4 111:5,9,12,13 111:14,20,22,25 112:4,7 113:6 114:8 115:8 116:10,12,14,19 120:17,18,23 121:2,5,8,19 122:2 123:4,23 125:20 126:17 127:2,4,13,19 134:25 139:20 142:2,10 144:13 144:19 145:14 146:25 147:14 147:17 148:10 150:6,14 151:5 151:6 152:19 153:19 154:8,16 155:3 163:4,10 163:11 164:3,8 167:13 168:3,8 172:17 fired 57:17 58:12 81:16,17 82:9 82:10 136:11 firefighter 4:6 29:14 63:7 77:22 111:7,20 115:16 116:2,3 116:6,13,16 117:8 118:15 119:25 120:6,12 120:19 122:8 124:8,10 126:15 136:25 142:14 146:24 148:17 149:25 150:2 160:16 firefighters 36:16 40:11 52:6,25 69:22 78:22 81:5 85:13	87:15,17 89:2,7 99:18 101:25 102:3,20 108:14 111:17 134:12 148:3 150:9 151:11 152:13 160:13 161:15 161:19 171:7,14 171:17 172:15 firefighter's 118:21 firefighting 122:4 firehouse 137:21 137:22 138:2 149:17 153:23 firehouses 28:23 fireman 119:25 120:6 144:7 148:16 fires 141:12 first 8:3 23:15 27:11 28:10 31:5,9 32:8 77:14 81:7 84:13 85:19 89:20 93:24 95:3 97:5 116:5 121:3 122:16 124:19,24 130:6 132:13 133:17 137:22 142:9 146:5,20 149:15 150:13 151:13 153:2,4 156:15 158:4 159:15 162:10 167:9,10 168:21 169:14 169:16,16 firsthand 142:13 Fiscal 160:8 fiscally 49:9 fit 39:17 fitting 153:25 five 1:17 94:11 fix 155:11 163:22 flat-out 62:2,4,22 78:19 79:4	flooded 31:11 40:21 floor 25:20 26:25 60:16 fly 41:25 flyer 171:2,3,5 focus 83:16 folks 32:7,12 48:4 70:10 79:15 137:9 154:6,12 154:13,24,24 155:2,12 follow 35:21 83:6 94:19 103:21 followed 128:4 149:21 following 45:18 53:9 football 137:25 138:3 footsteps 149:21 FOP 105:18 force 47:11 105:17 163:2 forced 7:20 89:9 foregoing 175:7 175:19 forget 167:24 forgive 148:8 form 128:2 formal 60:11 formality 113:12 113:23 formalized 69:5 76:7 formally 146:14 former 172:13 forth 16:5 17:11 38:6 99:18 forward 131:8 132:12 133:6 fought 141:9,12 found 152:17 164:18 165:10 four 59:24 60:2 65:13 66:25 83:24 84:17	93:12 95:12,23 101:5 134:16 Fourteen 107:14 Francis 16:22 115:21 Frank 124:12,14 Frankford 142:18 168:4 frankly 61:22 125:22 free 9:5,7 80:24 127:11 Friday 153:18 friends 92:25 102:5 139:23 163:3 front 18:14 19:20 55:8 125:4 132:17 fruit 114:3 full 83:24 fully 175:5 full-scale 101:23 function 70:17 functions 71:8,14 71:24 fundamental 76:8 fundraisers 58:2 further 85:22 114:14,25 140:23 future 3:18 35:14 102:13 112:7 140:10 167:14 169:9 Fyke 124:17 144:6,7,8,12	87:9 getting 27:14 34:25 58:12 74:4 75:19 108:18 117:6,19 117:24 125:6 140:19 166:6 169:9 GI 162:18 Gillison 75:16,17 give 32:2 46:4,6 47:7 58:19,23 70:8 115:16,17 128:6 129:9 168:19 170:3 given 93:22 96:2 97:11 98:5,16 99:24 100:17 107:16 114:12 123:20 145:14 152:19 159:17 159:18 166:22 169:16 giving 15:7 34:13 37:5 74:19 99:17 116:8 146:21 glad 2:12,17 Glatthorn 16:20 go 8:25 12:2 15:6 15:8 17:24 24:16 26:13 27:24,25 31:9 31:25 38:12 40:20 43:11 44:10 46:11 50:10 53:20 54:11 55:19 57:12 62:18 67:13,17,18 68:7 83:6,12 86:15 109:3 113:17 114:24 116:5 122:16,25 123:15 136:12 136:12 137:20 138:16 142:20
--	---	---	--	---

151:4 153:3,5 154:6,7,18 155:12 157:19 158:20,22 159:4 162:17 172:25 173:7 goals 83:19 God 29:5,6 147:10 goes 61:2 65:6 109:6 122:10 135:17 going 4:2 19:12 21:6 23:14 27:10 30:7,9,10 32:2,7,18 34:3 35:16,18 36:5 36:24 43:15 52:21 53:19 54:6,17 58:17 58:22 66:14,24 67:25 84:3,24 85:20,22 95:19 104:25 105:15 105:19 106:2 108:7,13 109:3 117:25 118:12 122:8,14 129:7 135:20,23 136:2 136:4,6,14 138:9,10,11 148:13 152:23 158:10 160:21 171:20 172:9,10 172:24 173:21 173:22 good 2:2 26:9 27:3,9 30:19 42:8 51:21 55:18,19 70:24 109:5,8 110:18 111:2 116:6 117:8 120:12 121:25 134:17 139:15 146:19 150:7,7 156:5 165:16 172:4,6	172:24 173:6 Goodwin 107:17 government 149:9 GPA 162:19 grades 164:6 graduated 126:17 148:9 162:18 163:8 graduation 126:21 161:25 grant 31:6 great 122:11 171:16 greater 132:24 green 138:3 Greenlee 1:11 29:7,25 31:6 33:22 34:5 35:5 35:11 72:7,8,15 72:24 73:7,13 74:2,11,24 75:13,18 105:22 105:23 106:20 106:24 108:6 109:13,25 greeted 121:12 grew 126:11 137:21 grievance 55:22 56:8,12 60:5 grievances 54:11 grieve 83:7 ground 108:21 group 151:4 154:15 157:14 157:15,21 158:4 161:14,19 groups 150:21 guarantee 32:18 97:23 Guard 127:6 guess 22:14 29:12 29:17 30:5,20 62:11,13 135:16 guidance 170:3 guide 130:15	gut 128:15 guy 82:17 guys 20:8 22:3 25:6,20 26:23 26:25 27:23,25 28:10,13 29:19 49:19,22 61:20 61:20 73:16 107:21 108:20 108:23 H Hairston 84:19 half 95:24 Hall 1:6 hallway 121:12 hand 123:3,5 handed 118:11 168:18 handled 169:8 handles 55:12 handling 7:6 11:6 11:9,15 handshake 121:12 happen 5:15 8:13 16:4 24:13 66:25 79:19 95:20 105:5 125:23 126:9 133:25 152:23 happened 5:14 18:17 20:6 24:25 33:11,14 68:13 78:21 82:16 83:17 126:9 128:9 129:7 139:13,19 145:6 150:8 153:18 160:22 happening 16:3 32:6 122:17 129:6 143:2 happens 19:3,5 29:3 38:9 64:14 happy 26:5,7 41:6 42:4 49:19	58:21,25 67:10 117:7 121:17,23 122:11 137:11 harass 105:3 hard 43:5 92:14 93:3 97:21 125:5 127:17 128:10 139:12 144:22 148:19 150:11 152:15 157:10 hardworking 142:23 Hargett's 117:21 harm 132:23 harmed 101:2 Hartel 168:5 hat 137:25 hate 136:3 HAZMAT 111:21 111:23 144:19 head 21:25 Headquarters 67:14 86:15 112:2 114:15 164:21 165:7 heads 147:7 hear 2:17 117:9 137:8 169:2 heard 52:14 105:11 128:23 130:23 133:8 136:17 168:21 169:3 hearing 2:19 17:9 22:13 36:6 51:14 54:3,23 55:15 66:18 69:23 82:11 88:6 91:14 96:18 125:18 126:2 128:13 165:23 173:7 hearings 1:16 2:25 62:5 69:12 81:11 125:11 130:14,25 131:6	152:16 heart 89:5 128:21 148:7 heartbreaking 143:8 heartfelt 142:3 heartless 149:9 heavy 128:20 held 66:13,19 87:3,4 92:24 101:9 116:11 142:18 150:14 167:10 170:25 help 3:22 37:9 38:16 40:12 44:24 143:10 154:10 helped 127:13 helping 163:21 helpless 128:20 Henon 1:11 36:2 36:3 37:15,20 38:14,24 39:7 39:12,23 40:3,5 40:9,19 64:24 64:25 65:20,24 67:6,9 68:22 69:2 76:7 128:25 Henon's 49:11 heroes 142:5,9 he'll 3:23 19:4 Hi 144:6 high 71:7 77:12 142:8 higher 24:4 41:16 41:18 42:17,22 85:15 87:3 107:20,23 highest 31:17 61:17 127:23 Highland 153:20 Highlands 162:9 highlighted 90:14 highly 62:9 high-ranking 71:18
---	--	--	--	---

hire 22:16,16 48:9 hired 48:21 hiring 45:23 46:7 76:14,20 historical 90:4 Historically 91:22 history 49:6 52:4 63:9,15 127:17 130:15 136:24 137:18 164:9 hit 84:18 hold 1:16 14:17 41:9,10 58:2 114:20 holding 81:11 125:25 homage 138:16 home 82:4 92:3 102:14 114:16 honestly 104:19 132:25 136:16 136:20 honor 86:5 87:4 141:22 honorable 155:9 honorably 162:13 honored 87:14 93:2 hope 152:15 169:12 hopeful 126:3,3 horns 67:15 68:10 117:10 hour 121:9 hours 114:19 119:13 125:10 150:20 Housing 162:23 HUD 162:23 huge 29:21 84:2,7 94:11 human 23:24 72:21 73:22 94:24 95:3 112:25 142:12 142:16 168:8 humiliating 69:3	hundred 160:19 161:3 Hunting 163:9 hurry 122:20 husband 125:19 127:16 135:2 147:19 Hyers 94:25 95:4 95:9,14,20 96:4 96:10,16,21 98:21 100:6,20 112:24 113:21 114:3 118:6 122:25 123:6 147:4 168:6,7 168:14,15 169:15 170:8 I iceberg 91:2 ID 123:22 identified 89:23 99:8 identify 55:16 80:19 110:17 115:12,25 119:23 139:2 144:5 146:14 149:13 iffy 114:17 ignore 92:3 ignored 61:9 78:24 illustrate 84:11 ill-advised 135:25 ill-motivated 52:2 ill-timed 135:25 impact 132:25 133:9 134:14 impacts 135:8 implored 97:19 98:13 131:7 important 60:21 92:12 112:14 170:2 improperly 58:13 improve 90:16	inability 52:9 inaccurate 94:22 98:3,22 100:4 100:11 inasmuch 7:14 incendiary 3:22 Incident 164:3 incidents 163:23 including 47:20 52:16 85:24 93:13 94:6 139:22 incoming 111:17 incomplete 163:23 incorrect 18:24 18:24 incredible 126:6 incurred 140:15 independent 89:21 indicate 47:11 indicated 106:23 indicates 91:20 indicating 98:10 indication 157:13 indicator 133:13 individual 31:19 64:6 99:22 118:3 individuals 37:16 58:3 60:21 61:16,24 65:10 65:15 66:12 72:17 76:4 99:9 99:24 151:18 152:3 indulging 126:10 131:14 inexcusable 90:20 inexplicably 91:25 inference 65:7 influenced 74:16 74:21,21 influences 69:6 informal 112:5	information 19:7 31:12 40:21 57:7 62:11 75:12 100:5,7 119:16 informed 97:15 112:20 115:3 166:12 informing 19:6 infraction 52:18 52:23 infractions 52:19 infrastructure 112:9 initiative 163:20 163:20 injection 31:15 injustice 102:12 143:4 input 72:20 75:4 inside 154:3 155:3 insignia 123:17 insignias 170:19 170:20 insist 96:6 instance 8:3 77:23 instructed 95:15 instruction 32:15 111:16 170:5 instructions 165:8,18 instructor 111:21 112:6 integrity 86:5 87:5 157:18 intended 77:25 78:6 99:2 104:9 intending 7:18 intense 131:6 intent 65:7,12 intention 19:22 123:12 intentional 104:16 intentions 17:14 109:8,8 interaction 137:8	interested 51:20 71:12 103:19 interesting 54:20 interests 60:20 International 87:15 interview 86:16 98:15,24 112:3 112:4,19 116:18 116:25,25 121:25 122:13 152:25 interviewed 16:15 86:18 95:6,13 95:25 97:9 98:6 121:4 interviews 10:5 95:7,10,23 98:12 intrigue 100:19 invalidated 24:16 investigate 87:24 invite 66:15 invited 65:10 66:20 92:25 involve 140:11 involved 7:19 28:13 45:15 62:20 71:20 75:14 142:21 143:9 147:5 in-depth 112:11 113:24 in-laws 126:23 irrelevant 133:19 irreparably 100:23 issue 17:10 29:21 35:19 51:18,20 51:24 61:15,19 64:12 71:15 74:6 106:13 107:9 152:17 issued 159:13 issues 29:16 52:5 62:20 76:8 90:14 93:17
--	---	---	--	---

101:19 102:20 133:12,23 154:2 I/we 161:7	15:21 16:11,18 16:19,20,21,21 16:22,23 61:11 84:3,5 92:19 95:7,8,11,11 97:10,11 98:5 111:24 116:13 116:17 119:3 120:25 152:21 158:18 159:24 160:2,3,5 163:5 166:20 167:2,7 167:8 169:15 170:11	20:16 21:4,16 21:22 22:10 24:19,24 25:4,9 25:16 26:2,9,16 27:13,18 28:5 28:18,21 29:5 30:6 33:20,24 35:25 38:4 39:22 40:4 41:13,22 42:11 42:14,20,25 43:4,13,19 44:11,23 48:15 51:9 54:18 55:7 55:13 56:24 57:3,12,16 58:7 59:2,7,22 60:2 60:12 62:7,24 64:23 65:18 67:11 68:3,9,15 68:20 69:19 70:5,14,20,23 71:5,10 72:5 75:22 79:9 80:7 80:14,18 82:5 88:4 102:22,25 103:16 106:22 108:10 109:17 110:3,8,12,16 110:19,21,25 111:3 115:11,14 115:19,24 116:4 119:21 120:3,8 120:13 123:25 124:12,16,20 125:5 129:17 134:4 135:19,22 137:6,17 138:24 139:6,8 143:12 143:20,25 144:4 144:10 145:18 146:7,13,17 149:3,7,12 153:9,12 155:17 156:3,6 173:4 173:25	key 29:16 kicked 148:7 kids 57:19 149:17 killed 142:8 kind 20:17 53:5 63:13 73:2 83:2 105:4,14 108:9 Kinney 16:22 115:21 124:13 Kirk 115:16,20 116:2,3,6,9 124:10 knew 16:6 32:19 66:13,25 83:25 83:25 101:16 112:5 147:16 158:17 159:9 knot 128:15 know 4:14 9:6,18 15:21 16:23 18:9,11 19:9 20:22 25:10 26:2 27:21 28:5 29:10,10,19 34:15,24 35:7 39:8 49:6,8 50:3 50:9 53:12 62:5 66:23 68:12,23 71:9 72:9 73:4 74:3 75:15 80:9 80:10 82:16 95:19 100:14 101:10,20,21 107:21,25 109:4 109:15,19 110:7 118:12,16 129:19,23 130:7 130:10,11 131:13,14 132:10 137:18 138:15 141:8 142:13,19 147:6 151:23 152:6,13 152:22,24 154:14 169:19 169:23 170:13 172:3 173:17,17	knowing 54:14 65:11,16 71:12 136:24,25 147:8 knowingly 103:15 knowledge 115:10 known 100:10 knows 101:20 167:15 173:16 Kontum 162:8 K-I-R-K 116:3
J				L
J 1:13 Jack 172:2,20 JAMES 1:10 January 120:18 Jennifer 145:25 146:8,10 jeopardy 43:17 Jersey 61:7 jiggle-jaggle 61:2 job 33:4 36:12,13 36:20,20 37:5,6 37:7 44:4,7,9,15 44:19,21 45:2,6 45:10,13 51:22 81:19 90:6 122:11 134:17 137:23 144:20 148:20 jobs 30:5 37:8,9 65:17 93:15 101:17 162:18 Joe 80:14 110:9 124:19 139:5 John 163:16 164:12 joining 69:14,18 127:4 Joseph 16:19 81:3 87:11 110:13 144:7 155:19,25 156:8 judge 7:9,10,11 18:14 79:6 86:24 91:4 92:18 94:20 99:6 100:3,8 132:18 judge's 32:9,10 July 8:8 13:24 92:23 96:8 126:25 159:3,10 June 13:16,21,23	justice 60:21 76:15 104:22 justification 81:24 justified 53:24 justify 41:23	K		L 175:14 labor 1:3,16 2:3 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1,2 55:4,11 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1,23 74:1 75:1,10 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1

97:1 98:1 99:1	149:16	letter 8:20 9:25	limited 139:22	66:14
100:1 101:1	larger 90:19	19:6 21:9,21	line 3:5 102:13	little 21:5 36:6
102:1 103:1	lasted 85:18	32:17 97:11	108:16 138:17	69:4 108:25
104:1 105:1,17	lasts 85:17	99:18 100:12,15	138:19 141:13	112:9 114:17
106:1 107:1	late 60:15 170:12	113:9,10,11,13	142:15	120:4 124:25
108:1 109:1	latest 129:11	113:22 118:10	lines 157:22	live 87:6,7 154:13
110:1 111:1,4	164:14	123:14 160:23	list 7:21 12:3,5,13	lives 3:5 87:6,18
112:1 113:1	late-night 166:3	168:18,20	12:16 13:5,7,8	89:14 108:15
114:1 115:1	Laude 162:19	169:17,22 170:2	13:20 15:17	139:16 154:9
116:1 117:1	laughing 28:20	letters 21:14 22:7	16:18 22:16,16	living 29:19
118:1 119:1	Laverty 115:20	letting 25:5 78:9	24:20,21 25:5	Lloyd 94:23
120:1,14 121:1	119:25 120:2,6	let's 4:7,13	27:14,17,22,22	lo 159:23
122:1 123:1	120:7,12,15	level 55:24 56:5	27:23 28:4	Local 17:12 53:18
124:1 125:1	124:8 145:25	levels 112:12	31:18 37:19	54:10 81:5
126:1 127:1	146:2,5,6,10,16	Lewis 114:12	38:12,22,23,25	87:16
128:1 129:1	146:16,19,23,24	123:15	39:5,6,9,13,18	location 130:4
130:1 131:1	147:2 149:6,10	lie 80:9 87:9	40:10,15,18	log 86:14
132:1 133:1	149:14,15,24	Lieutenant 78:2	41:14,24 42:16	logbook 86:12
134:1 135:1	law 23:23 55:11	85:14 110:18,20	47:4,4,8,10	logic 42:2 85:25
136:1 137:1	63:3 72:21	110:23 111:2,9	48:10,21 49:2	long 27:19,21
138:1 139:1	73:20 75:8	113:6 115:13	49:13 51:4 61:9	33:15 47:9
140:1 141:1	lawsuits 53:7	116:14,15,23	78:8,10,14	54:22 55:13
142:1 143:1	lay 147:7	117:7 118:24	83:22,22,25	57:13 59:22
144:1 145:1	leader 90:2	119:6,10,18	85:3,5,7,10,11	63:8 144:14
146:1 147:1	147:13	120:17,21 122:9	85:17,18,21,22	147:16 150:19
148:1 149:1	leaders 163:7	122:22 123:4	85:23 91:8,11	151:8
150:1 151:1	leadership 18:8	126:23 138:4	91:13,19 92:8,9	longer 142:2
152:1 153:1	22:14 23:2	148:22 155:25	92:11 102:10	longtime 29:14
154:1 155:1	101:24	156:5 162:2,11	103:24 104:6,8	long-term 31:21
156:1,7 157:1	learn 14:4	164:14 171:5	130:10,18 131:9	83:19 84:8,23
158:1 159:1	learned 54:20	lieutenants 1:17	131:19 132:3,5	look 29:10 30:20
160:1 161:1	leave 43:9 63:20	85:4,10 94:7,10	133:7,20 140:20	34:6 42:16,18
162:1 163:1	65:4 117:20	143:7 151:21,24	143:17,18,21	49:7 103:17
164:1 165:1	124:15 125:14	160:3 161:15	146:9 158:21,22	140:8 152:2
166:1 167:1	134:22 137:19	166:4	159:3 161:10,11	154:4 155:3
168:1 169:1	leaves 77:16	Lieutenant's	161:13,17	looked 11:2,18
170:1 171:1	leaving 114:15	116:25 117:12	163:24	52:20 53:25
172:1 173:1	125:9	118:23 119:4	listed 127:25	122:19 141:17
174:1,2	led 123:6	123:16 163:16	listening 80:22	looking 34:20
lack 2:23 62:23	left 73:3 118:18	170:19	156:11 169:13	51:19 103:22
ladder 111:7,11	123:23 169:10	life 64:14 87:7	173:14	123:11
163:12	legal 35:13 51:21	142:15 145:9	lists 42:19 91:24	looks 30:23
laid 162:25	104:13 123:13	lifetime 28:11	158:16,19	loopholes 103:23
language 104:24	legally 13:6	light 63:15 88:6	litany 62:19	lose 84:3
162:3,4	legislative 103:19	152:16	literally 3:7	losing 130:19
lapels 67:16	Leon 91:4	lights 43:14	litigation 8:23	lost 31:14,15
large 138:2	lessened 34:13	limitations 167:4	14:20 15:15	33:19 82:16,18

142:14 lot 21:23 59:10 62:10 64:17 74:17 106:6 127:11 128:21 142:19 164:6 lots 35:20 150:22 150:23,23 love 64:3 104:20 104:21 105:18 172:14 loved 126:12 149:20 loves 128:8 lovingly 165:14 low 77:11 lower 5:25 6:3 10:25 23:9 24:5 41:24 ludicrous 145:16 156:24 159:3 Lung 89:5	162:20 Manager 94:24 168:9 managerial 47:3 66:8 77:4 158:2 158:11,14,20 159:11,13 160:6 160:7 mandated 6:11 164:4 mandatory 76:21 mangling 155:20 manipulated 27:23 manipulation 28:4 160:7 march 68:17 109:20 111:5 159:23 marched 109:18 Marine 172:22 mark 1:13 3:17 11:17 marriage 144:24 Martin 16:18 Mary 145:25 146:8 mass 88:25 massive 158:17 matches 16:24 material 150:20 matter 7:15,19,24 14:20 34:3 47:23 57:9,9 60:11 109:9 123:13 127:19 128:12 142:2 155:10 175:7 matters 54:12 58:10 Maureen 124:17 139:4 Mayfair 168:4 Mayor 3:12 4:12 20:17 43:19 45:8 62:10 75:14,16 79:13	79:17 80:2 82:25 89:19,20 105:21 Mayor's 3:2 23:24 173:10 ma'am 42:4 55:8 McDevitt 16:23 McDonald 3:17 McDonalds 122:21 Meacham 82:2 mean 23:20 24:12 45:7,22 54:3,10 58:11 67:10 75:4 84:9 103:17,24 104:8 104:12 107:23 137:13,18 138:10 155:5 means 74:25 158:7 175:21 meant 3:22 mean-spirited 173:10 measure 127:25 meat 4:13 mechanism 11:12 medic 28:22 30:13 Meehan 118:4,19 118:22 meet 15:20 17:6 meeting 164:10 168:16 170:16 meetings 107:8 167:9 170:10 member 51:15 79:11 81:15 82:9,15 86:16 87:12 96:4 97:15 115:15 124:5 145:21 members 4:17 9:20 17:15,23 18:2 19:11 20:2 24:2 28:20 31:17 32:13	52:15 58:2 69:16 71:18 83:2 84:2 85:6 85:12,15 86:14 86:17 88:5 89:9 91:19 92:21 93:2,11,15,19 93:21,22 94:6 95:5,12,15,21 96:3,6,10,15,23 97:6,8 98:6,8,14 98:17 100:16 101:3,22 102:5 111:3 120:14 121:3 127:14 134:19 151:3 156:7 membership 106:2 memo 159:14,20 159:22 166:13 166:15 men 3:5 42:15 49:20 87:7 89:13 99:4 100:22 107:14 109:10 139:15 140:9,24 141:7 141:10,11,12,18 141:18,21,25 143:3,11 145:11 147:9 148:18 150:10 172:4,6 172:24 mention 96:7 134:13 140:10 153:17 155:15 159:25 mentioned 10:10 157:5,16 men's 142:23 merely 88:17 90:25 mess 88:13,14 106:5 messed 172:21,23 met 13:10 14:3	18:15 19:5,15 140:25 Michael 107:17 120:2,7,15 146:24 149:21 Michael's 146:11 MICHELE 175:14 micromanage 28:14 micromanages 79:21 microphone 42:4 120:4 Mike 115:20 120:3 149:24 miles 113:17 military 172:2 million 52:12,13 mind 158:10,12 158:13 minimum 108:20 minor 52:19 69:21 minute 121:14 minutes 2:6 109:21 misguided 173:9 misled 12:19 missed 150:23 mistake 100:25 mock 151:2 moment 139:14 139:17 155:3 moments 141:24 money 58:2 91:16 92:6 140:6 160:9 164:7 month 158:18 months 56:21,22 56:22 59:25 60:3 65:13 66:25 79:12 82:10,12,17 83:14,24 84:18 93:13 134:17 162:6
---	--	--	---	---

morale 29:16,20 29:21 30:3 35:19 37:22 41:3 66:3 74:6 89:13 90:14,16 90:19 106:13 107:3,14,15,18 107:20,22 108:4 134:11 139:14 157:18 morning 2:3 3:2 42:8 55:18,19 110:19 111:3 116:7 120:13 146:19 156:6 Morris 42:8,9 55:10,18,20 57:2,5,14,22 58:17 59:5 169:20 mortgage 57:19 mother 146:23 motto 109:5 move 131:8 133:6 moved 132:12 movie 172:2,4,20 moving 127:3 multiple 98:24 multi-million-d... 61:13 MURPHY 175:14 Musters 149:19 mutually 56:13 56:18 My/our 161:6 N name 81:2,3 87:10 110:19 116:2,9 120:15 128:17 129:20 144:6 146:22 149:14 155:20 156:8 172:4 nasty 135:25 national 164:3 172:13	nature 30:4 99:15 152:5 navigate 127:14 Navy 162:21 Nazi 165:14 nearly 93:12 necessarily 24:12 35:21 necessary 30:22 59:11 need 3:25 41:8,8 75:6 77:18 89:23 94:8,12 101:19 112:11 154:22 155:9 156:14 157:10 needed 5:6 68:6 102:15 166:23 needs 41:10 69:3 69:4,5 90:2 155:11 negative 128:18 134:10 negligent 64:12 Neilson 69:14 neither 7:17 156:25 never 8:2 79:22 98:10 105:6 107:20,23 118:6 119:14 130:23 148:4,8 164:18 new 12:15 13:19 13:20 31:18 38:22,23 39:4 39:13,18 40:10 41:14 42:16 49:12 51:4 89:25 92:9 93:12 94:6 95:17 100:2 103:25 111:17 122:22 123:19 123:22 129:25 130:18 131:19 133:7 140:18 164:17	newly 164:24 170:21 news 2:18 3:2 4:11 89:17,18 newspaper 173:12 NFIRS 163:22 164:2,21 165:6 165:14 167:22 167:23 Nicholson 172:3 172:20 Nicole 42:9 55:20 night 147:8 nine 1:17 94:10 Ninety 159:23 nine-step 159:5 noise 138:6 non-expired 132:5 normal 23:7 67:22 note 69:21 92:12 165:12 169:14 noted 94:3 notes 175:6 notice 114:14 128:16 notification 166:17 notifications 166:22 notified 119:14 notion 90:13 number 13:10 79:12 130:16 138:12 140:20 156:13 157:7 numbers 130:11 140:23 151:22 numerous 52:9 Nutter 89:21 147:3,15,23 O oath 19:15 113:4 113:5 123:4	127:2 168:10 170:8 objections 175:4 objective 63:16 obligation 12:11 33:5 obnoxious 136:13 138:14 obviously 74:20 74:21 134:21 160:15 occasions 86:24 occur 55:24 64:8 102:9 occurrence 29:2 83:8 occurring 68:2,2 October 1:7 76:11 84:6 93:20 94:4 96:17 116:16 144:22 159:7 offended 61:22 offense 88:15 offer 64:20 73:17 103:2 offered 97:3 134:7 153:16 161:23 162:12 office 10:4 20:6 21:19 32:14 55:4 72:22,22 89:20 97:20 113:2,5,8,21 116:20,21 117:21 118:5,8 118:18 121:7,15 121:16 123:2,4 123:6,16,18 167:11 168:11 168:16 169:10 169:15 officer 95:4 111:22 126:14 140:25 150:3 156:21 160:17 161:24 164:19 164:22	officers 84:5 88:17 90:22 94:9,12 100:25 101:17 132:10 132:14,23,24 133:3,19 134:8 134:12,14 135:13 136:10 140:6,16,18 141:6,15,17,19 157:2 158:6,6,9 160:15 165:18 170:9 offices 29:18 officials 52:7 Ofentimes 57:22 Oh 1:12 27:18 51:10,11 53:19 53:23 54:16 62:25 64:2,7,19 81:14 145:6 146:7,13 Oh's 65:7 okay 4:13 21:7 22:2 39:12 48:2 48:8 53:23 54:16 68:18 70:18,23 73:8 74:11 81:2 106:21 109:23 110:8 144:11 146:13 old 17:24 27:24 39:6 110:4 122:4 138:2 142:17 once 3:3 10:24 11:25 56:11,16 150:25 151:10 154:3 161:9 one-quarter 158:8,11 ongoing 111:15 161:6 oomph 70:9 open 37:2 59:9 132:3 140:4
--	---	---	---	--

openings 84:10,20	135:9	116:12	pay 11:12 52:9	156:17
operations 94:13	outcome 66:14,23	paramedics 81:6	57:18 92:6	perjured 86:8,23
111:21	67:2 128:13	87:18 89:2,3,5,7	118:20 138:16	103:15
opinion 4:23 7:10	outraged 124:3	101:25 102:3,21	160:16	permanent 11:21
46:22 53:24	outright 87:9	111:14	paycheck 57:18	permitted 69:22
58:19,23 62:8	outside 34:21	paraphrase	60:3	70:6,16 71:13
73:17 74:19	67:19 69:6	172:19	paying 140:7	perseverance
75:7,7 93:8	104:13 118:19	pardon 6:8 44:17	160:11,13,14	93:3
100:8 107:13	154:15 171:14	Park 163:9	Pennsylvania 1:6	person 52:21
opportunities	outstanding	part 10:7 45:5,9	pension 127:8	57:17 68:11
104:14	93:15	45:13 50:18	Pensions 127:9	80:8,9 119:5
opportunity 15:8	out-and-out	58:9 74:7 80:5	people 3:6 5:23	145:3 152:9,9
20:21 81:23,25	147:17	80:25 91:8	19:16 20:20	153:5 170:15
99:10,24 116:8	ovation 173:3	94:21 99:11	21:23 22:20	173:11
117:5 146:21	overall 133:9	104:20 109:16	30:15 31:11	personal 58:23
152:11	overseen 49:22	114:22 138:7	35:20 37:8,9	60:19,20
opposed 58:10	overspend 130:21	141:20 147:8	38:3,10,11,15	personally 31:22
103:22	overtime 49:7	164:16	39:18 41:15,15	97:14 132:21
oppression 105:4	50:5,12,15,16	participate	41:16,17,19,24	136:12 157:5
option 11:7,22	50:24 130:21	104:21	42:14,21 48:21	personnel 45:17
12:15	140:7 160:13,15	particular 15:4	49:12,16 50:3	114:16 121:24
options 11:19	160:16 164:20	54:4 60:8	51:4 61:18	130:20 131:23
oral 13:25 151:2	165:5,6	particularly 90:8	62:12 63:17	135:2 151:5
ordained 66:24	overturned 4:22	parties 56:13,18	72:9 76:18 78:7	161:9 170:17
order 4:16,19,21	9:16 17:21,22	partly 86:25	78:13 92:10	perspective 31:21
5:5,10,15 6:3,15	93:7 99:21	partner 139:5	103:3 104:7	65:6 66:5
6:17 7:6,9,22	over-promote	parts 74:18	105:4 108:15	persuade 135:11
8:16,22 9:21,22	84:9	party 170:25	109:20 133:9	Peterson 16:20
17:21,22 20:4	owes 173:18	171:9	136:5,20 138:8	Philadelphia 1:2
23:6,9 24:4,5,15	O'Brien 1:12	pass 150:22,25	138:18 145:4	1:6,17 5:11
32:11,11 47:21	60:13,14 62:16	152:8	149:9 151:20	36:15 38:18
47:22 78:23	75:23,24 78:15	passed 51:14	154:14 158:22	40:13,22 41:9
87:19 92:21,22	131:7 172:7	92:15 107:17	173:11	69:17 81:5,12
99:16,20,20	O'Connor 107:6	126:24 133:20	people's 27:2	87:13,20 88:3
118:11 145:5	O'Neill 1:13	141:5 150:11	30:23 104:17	88:13,19 89:15
ordered 9:15	120:10	151:15 152:11	138:8	99:13 102:3,14
27:12 91:5		163:5	percent 160:20	116:10 120:20
168:23	P	passing 77:8,21	161:3	120:22,24
ordinance 102:7	PA 168:24	161:8	performance	126:14,15 127:9
102:11	Pack 171:24	passionately	93:17,19 103:5	132:16 139:19
organization	paid 164:20	128:7	127:21 129:8,21	146:24 147:14
29:23 31:16	painful 171:19	Pat 118:3,19,22	132:14 133:8,12	150:2 152:19
33:6 128:8	paper 4:11 123:10	patient 64:11,14	133:13,14,15	164:4 168:3
organizational	124:4	patronage 61:2	performed 51:4	Philly 126:12
31:20	paperwork 68:6	Paul 16:22 115:16	performing	physical 166:14
original 9:17	168:6	115:20 116:3,9	101:17 133:22	physically 125:8
originally 132:18	Paramedic	pavement 67:20	period 50:8	PICA 106:23,25

pick 117:22 pictures 65:19 piece 82:14 123:9 pillows 147:7 place 23:15 26:20 27:11 31:5,9 32:8 33:11 54:9 77:14 93:25 130:6 132:13 140:13 142:25 plain 60:17 plaintiffs 7:25 planning 7:17 84:8,23 101:7 plaque 142:17 171:11 platoon 114:14 123:20 134:19 163:7 platoons 117:17 played 137:25 138:3 Pleas 4:22 5:11 6:14,17 7:11 9:22 17:22 22:5 46:22 47:22 86:9,21 93:8 94:17 98:23 168:23 169:20 please 2:7 55:16 80:15,18,21,24 110:16,21 115:12,24 116:4 119:23 139:2,13 140:7 142:22 143:10 144:4 146:14,17 149:12 156:4 Plus 60:4 point 17:4 23:17 35:10 46:12 48:3 49:8 54:7,7 56:6 59:14 66:11,19 83:11 103:8 169:25 170:24 pointed 171:2,4	points 80:24 police 27:5,7 71:7 71:17,18 72:2 72:25 73:5 79:20 105:5,7,9 126:14 163:4,6 policies 90:12 policy 40:25 88:25 political 71:2,8,14 71:24 politics 71:20 pool 48:10 50:2 84:14,17 poor 96:14 135:4 135:6 169:6 poorest 147:12 poorly 172:7 portion 96:2 98:4 position 9:14 10:22 14:16,22 14:23 15:16,22 32:19 36:18 38:11 95:17 100:2 116:12 137:5 155:9 168:3 170:21 positions 4:18 9:18,24 36:8,23 38:13 39:21,24 40:2,14,17 77:6 84:4,24 91:6,17 93:12 132:3 156:16 158:24 160:12 Pospiech 16:19 110:13 115:13 124:19 139:5 155:20,25 156:2 156:5,8 173:24 possession 151:7 possibilities 112:10 possibility 99:3 possible 11:2 98:11,16,19 151:5 167:20	possibly 14:6 56:5 98:13 165:7 post 129:25 posts 134:8 potential 99:14 power 137:3 138:23 powers-that-be 113:11 practical 78:8 practice 49:21 92:3 predicament 32:5 Prendergast 16:18 prepare 119:4 prepared 31:18 87:10 92:14 110:23 112:16 144:9 preparing 101:8 prerogative 5:20 5:22 6:6,10 36:13 39:14,15 45:11 65:12 148:14 149:2 158:2,15,20 159:12,13 160:6 present 1:9 95:23 112:22 preserve 99:25 President 17:12 53:14,17,18 60:6 81:4 87:14 107:9 166:2,5 Press 62:9 pressed 4:15 pressure 165:24 pretend 133:24 pretty 137:11 159:7 prevailed 15:16 prevailing 102:10 prevention 121:8 122:3 previous 8:25 9:24 18:3 23:10	24:16 50:12 60:16 85:18,23 99:23 119:7 130:3 141:6 previously 49:4 101:9 pride 90:6 94:14 109:2 126:19 148:12,15 157:18 171:17 171:23 principles 76:15 prior 15:12 68:7 84:12 127:4 158:18 166:15 166:25 private 106:10 136:9 privately 63:24 proactive 122:6 probably 43:21 54:5 55:5 112:17 114:19 136:21 169:5 probation 11:14 78:25 156:23 probationary 156:17 problem 27:5,7 70:21 78:3 107:14,15 125:17 151:5 161:7 166:9 problematic 52:24 problems 106:14 107:2 167:4 procedure 7:4 proceed 80:20 110:22 116:5 119:24 146:18 156:4 proceedings 175:4 process 39:3 41:7 54:19,21 55:22 55:23 56:14	58:21 59:15,21 60:5,11,22,25 61:4,23,25 62:23 63:5,13 67:22,24 69:3 76:7 81:12,22 82:22 83:9 88:24 98:2 99:12 114:25 127:15 151:9 159:5 profile-celebrat... 65:9 program 89:6 120:23 164:21 165:20 167:23 programs 111:16 prohibitions 71:2 71:23 promote 2:15 7:18 25:13 27:10 32:12 38:3,22,22 39:16,19 47:3,4 47:12 85:20 91:18 92:10 93:24 104:8 122:14 131:8,12 131:19 133:6 158:10 161:14 166:4 promoted 6:2,15 8:15,15,16,18 8:24 9:16 10:7 14:10 15:14 22:24 23:5,7,14 24:3,15 26:21 30:15 32:7,8,13 36:18 38:13 41:17,18 42:14 42:15,21 47:9 49:12,17 52:21 61:6 65:16 66:12,22 67:3 77:16 78:14,22 81:18 84:6,11 85:4,9,12,13,15
---	--	---	--	---

91:13 92:17,20 93:10,14,19 94:5 95:5 97:7,9 97:10 98:6 99:17 101:4,13 111:8 113:6 114:8,23 115:7 116:14 117:6,16 117:19,24 119:6 119:7 126:22 133:20 134:25 137:9 140:24 141:7,15 143:14 143:16,22 144:14,17 148:11,19 150:12 151:16 151:20 152:4,21 156:18 158:5,8 160:3,12,14 161:12,25 162:10 164:24 166:12,18,19,25 170:21 promoting 4:23 5:12 46:22 92:9 122:12 158:5 166:9 168:11 promotion 1:18 8:2,8,21 11:20 11:25 33:8 65:9 76:14,21 77:3 111:9 112:3 114:11 115:5 117:2 119:15 127:3 133:22 134:3 136:18 140:3 141:14 148:24 162:12 167:5 169:22 170:25 promotional 10:2 47:8,10,19 49:15 66:16,21 78:6,8 85:5 91:6 91:7,11,15,23 91:24 92:11,15	92:24 95:16,22 96:5,7,9 98:25 99:10 102:9,10 114:5 116:18 118:10 140:20 150:18 161:8 166:24 167:17 promotions 9:10 11:4,5,7 13:20 30:12 36:9 37:3 37:4,13 40:25 47:16,20 53:8 63:17 65:17 77:20 85:19,24 88:10 92:7,22 93:4 99:15,19 118:13 121:4 133:25 139:25 140:17,22 141:2 142:6 143:6,11 154:20 166:11 168:23 172:11 promotion/dem... 171:9 propaganda 40:23 69:7 properly 129:24 property 154:9 protect 33:5 36:12,14,20 37:10 154:10 155:6 protecting 154:25 protocols 52:19 proud 87:12 113:19 121:21 128:11 141:19 141:21,24 142:4 142:23 146:23 146:25 149:24 166:5 proudly 171:12 prove 3:19 93:25 provide 38:18 58:2,21 86:11 86:12 87:22 88:11 131:25	provided 86:19 94:22 98:9,22 100:5,9 Province 162:8 provisions 88:2 public 1:16 93:4 126:2 175:15 publication 151:7 publicity 172:12 published 90:13 163:24 pull 72:16 120:4 pulled 134:20 148:7 punish 143:3 punished 109:9 punishment 88:23 punitive 62:19 purpose 70:8 purposes 54:10 pursuant 6:2,15 6:16 7:21 8:15 55:25 99:16,19 pursue 104:12 pursuing 135:24 push 26:22 27:2 33:3 159:20 pushed 31:23 159:22 160:5 pushing 32:24 put 3:5 5:16 9:17 9:23 12:12 20:5 23:9 24:6 30:22 31:16 32:4 43:17 84:14 86:12 88:12 100:15 107:25 114:20 122:23 122:23 123:3 125:2 133:5 137:25 141:24 142:22 159:20 159:22 putting 50:2 83:2 108:15 p.m 121:5 174:3	Q qualification 77:5 qualified 36:15,22 37:9,16 40:10 41:23 61:18 76:5 85:8 88:16 90:22 92:16 100:21 141:5 151:14,25 152:10 161:11 167:19 question 7:3 13:14 29:13 31:3 36:25 41:14 43:11,12 43:24 44:15 46:16 49:11 51:25 54:19 60:17 61:21 65:23 72:11 78:17 158:15 questions 20:11 55:9 58:19,20 75:23 78:18 81:14 150:21 157:7,8 quick 43:12,15 125:12 quicker 59:21 quickly 60:9 65:5 72:9 quit 172:18 quite 71:16 105:17 124:3 125:22 140:4 quo 5:17 11:3 24:7 36:7,7,10 37:21 quote 89:24 164:13 172:16 quoted 2:21 quotes 172:18 R racing 125:7 raises 154:19 Ramsey 79:21,24	105:12 rank 11:21 23:10 24:3,17 61:5 66:13,20 67:17 67:21 68:7,21 99:23 101:7,8 101:21 112:14 113:6,18 114:8 114:24 115:7 116:14,16 118:17 119:10 120:16 122:22 135:14 148:21 156:9 166:18 167:6 168:12 170:21 ranks 9:2 17:24 72:16 112:12 150:12 152:14 rarely 59:15 Rat 171:24 raters 157:9,9 rating 127:24 ratings 127:20 rats 157:21 reach 85:22 read 2:25 4:11 61:11 75:7 76:11 113:13 123:10 139:11 reads 32:17 ready 38:12 84:21 112:14 158:16 158:20,21 reaffirmed 96:16 real 26:7 43:18 54:8 108:4 reality 26:4 realize 126:8 realizing 34:14 84:19 really 20:18 26:5 28:18,19 52:10 52:24 61:22 133:18 136:24 144:22 151:22 154:21,23 155:2
--	---	--	---	--

155:5,7 173:5 rear 113:8 reason 41:5 49:24 51:15 52:3 57:4 63:6,8,11,15,16 80:9 103:4 132:7 134:7 140:19 153:22 157:6 159:19 reasonable 76:16 reasons 57:11 131:25 reassured 113:22 recall 13:25 recalls 96:4 receive 123:16,18 123:22 received 21:20 32:15 89:16 127:20,24 128:16 141:8 165:16 166:13 166:17 170:20 receives 56:12 recognize 69:13 recognizes 60:20 153:13 recommend 95:18 136:8 recommendation 12:25 record 11:17 55:17 61:12 80:19,25 110:17 115:25 120:9 121:24 127:18 139:3 145:20 146:15 records 141:3 recruits 111:13 111:18 redress 54:8 reduce 163:22 reduction 122:3 163:2 redundant 36:6 refer 9:9,12	reference 76:3 referencing 10:13 referred 141:11 165:14 referring 124:6 reflect 120:9 145:20 refused 130:5 161:14 regard 105:7 133:8 regarding 2:19 71:16 81:15 99:7,15 100:19 134:2 163:25 165:21 166:11 167:5,21 regardless 133:25 regs 7:24 8:2,4 47:17,17 79:7 regular 160:11 regulation 10:14 10:20 11:24 regulations 6:16 7:5,14,15 10:13 47:7 71:6 76:24 92:5 94:19 115:2 reimburse 11:11 reinstate 135:12 reject 11:13 rejection 78:25 related 76:24 relations 55:3,5 73:23 75:10 relationship 30:19 53:6 remains 95:2 remanded 47:23 remarks 60:16 61:11 76:11 remedies 103:20 104:13 remember 85:16 101:15 104:4 110:3 reminder 171:19	removal 88:2 removed 14:22 15:17 89:3 134:8 repeat 10:15 repeated 122:15 repeatedly 96:22 133:11 repeating 34:24 replace 77:15 replied 117:8 report 2:19 82:2 106:23,25 107:4 107:5 129:21 reporter 175:23 reporting 164:3,9 reports 164:17 165:4 represent 99:5 representative 69:13,20 127:8 represented 52:6 representing 70:3 represents 87:16 reproduction 175:20 reputation 136:25 172:13 request 81:10 86:13 102:6 131:11 135:9 requested 132:22 163:13 require 8:9,11 94:18 103:21 required 6:21 8:7 11:10 12:2 47:15 67:13,18 77:15 131:24 150:11 requirement 141:2 requirements 76:22,23 133:21 requires 76:19 requiring 102:7 RES 3:1 4:1 5:1	6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1	132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1 162:1 163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1 171:1 172:1 173:1 174:1 rescind 11:7 48:5 rescinded 12:2 16:9 22:19 research 72:4 Resnick 4:8,19 5:2,9,24 6:7,12 6:24 7:7 8:10,14 9:10,12 17:5 18:5,11,16,20 18:25 21:13,18 22:4,21 23:5,13 23:20 24:10,14 24:22 25:2,7,11 25:24 26:6,12 27:8,16 28:2,15 28:19,25 29:6 35:3,7 37:25 44:14,16,20 45:5,14,21 46:4 46:15,19 47:6 48:6,11,17,23 49:5 50:8,14,19 50:25 51:8 53:12,17,21 54:2 55:10 60:4
--	--	--	---	--

63:23 64:4,17 65:3,22 66:10 67:7,23 68:5,12 68:18,22,25 70:2,12,19,22 72:10,13,19 73:4,12,18 74:9 74:23 75:3,15 78:12 79:5 80:4 80:13 103:6 105:11 108:11 138:10 160:20 165:25 resolution 1:15,15 3:24 51:14 54:4 66:18 87:23 resolve 60:8 resolved 3:23 52:13 57:21 resources 23:24 72:21 73:22 94:24 95:4 104:18 112:25 168:8 respect 36:11 69:16 80:8 129:3,4 171:16 respected 62:9 79:11 respectfully 28:15 81:10 102:6 respective 100:2 respond 72:3 80:2 80:3,4 responded 79:17 response 72:6 96:12 114:6,9 130:24 responsibilities 116:23 122:9 responsibility 20:25 31:25 51:16 58:8 responsible 49:9 rest 166:7 restore 90:6 restored 13:3	restoring 11:3,20 restrictions 167:4 result 87:23 126:4 resulted 64:5 retains 77:3 retake 99:10 retaliation 41:4 66:2 retired 87:17 102:4 121:19 146:25 147:24 150:4 retirement 101:4 127:14 retirements 158:17 retroactive 122:18 return 118:22 returned 99:22 118:14 returning 162:11 reveals 90:25 revenue 104:18 reversal 7:6 reverse 138:23 reversed 5:13,15 6:14 7:23 8:24 20:21 47:23 99:21 131:17 135:4 reverses 6:18 review 1:16 53:3 reviewed 73:20 73:21,22,24 121:24 129:24 reward 165:11 rewarding 126:18 ridiculous 88:25 Rieser 124:17 139:4,4,10 143:19,24 144:3 RIF 163:2 right 3:17 8:3 22:15,17 26:20 29:25 30:15 31:5,10 32:6	33:17,25 34:9 34:10,11,22 35:4,8,9,10,14 35:22 36:19 43:9 44:7 47:8 48:3,23 51:6,21 59:19 64:10,16 70:19 73:8 74:12 75:2,19 82:22 94:2 104:2,3 106:24 117:24 121:13 123:3,7 126:6 133:18 134:21 135:6,14 138:19 143:19 144:18 158:10,12,13,23 161:3 righted 155:12 rightfully 131:3 135:13 rights 7:25 32:2 33:6,10 44:5 45:3,6,10 47:3 66:8 131:18 134:10 Right-to-Know 86:13 rip 129:14 risk 83:2,5 87:18 89:13 122:3 139:16 road 25:14 28:3,6 28:7 31:24 32:24 Robbins 162:22 Robin 124:16,23 role 127:22 134:23 roles 40:13 Ron 110:12,20 room 1:6 128:24 141:17,22 145:22 Roosevelt 142:7 round 140:21 routinely 91:23	RPR-Notary 175:15 rule 64:13 92:3 102:14 ruled 94:20 131:12 132:18 rules 71:25 78:24 ruling 46:12,13 100:4,9 131:17 132:8 133:18 135:4 168:22 rulings 22:19 rumor 159:6 run 3:7 24:20,21 25:5,21,22 27:14 34:17 44:21 45:9 78:4 108:22,23 154:8 164:18 165:3 running 3:8 34:16 45:15 50:15 runs 25:24 79:24 105:16 S sad 33:12 128:19 safety 130:25 salary 160:11 sat 84:17 141:14 satisfied 40:18 Saturday 167:7 save 142:12 154:9 154:9 saving 142:16 saw 154:5 169:17 saying 2:22 6:12 17:4 23:3 36:12 43:8 49:20,21 73:9 74:12 83:3 84:23 160:24 says 61:16 70:18 scenario 40:24 schedule 56:17 101:6 165:2 scheduled 56:23 111:25 117:11 120:25 165:4,5	166:14 scheduling 117:15 school 86:3,4 144:19 161:25 162:3,4 schools 160:10 Schulle 53:14,18 60:6 80:15 81:2 81:3 82:7 87:11 103:10 106:19 106:25 108:17 109:15 110:10 124:14,18 Science 120:23 score 41:18 42:17 61:5 77:21 161:8 163:25 scored 31:17 41:16,24 42:21 85:14 scores 42:17 77:8 157:6 scoring 157:4,12 157:13 screen 141:25 seat 42:12 125:3,4 second 11:6 25:20 26:25 92:24 97:13 145:8 159:20 162:2 168:13,16,17 170:7 secondary 119:15 Secondly 157:4 secret 17:8,15 150:13 secretary 62:10 123:21 see 2:12 16:15 33:16 37:10 39:17 43:2 63:8 81:23,25 82:4 105:19,19 109:10,23 114:12 118:7 126:18 129:21
--	---	---	---	--

135:17 142:24 152:2 154:16 seeing 129:5 149:20 seek 53:2 seen 125:9 150:5 151:19 sees 145:2 select 56:13,14 seminar 127:8 senior 101:2 115:15 sense 11:16 84:25 86:2 90:6,7 96:25 98:18 126:5 sensible 134:7 sent 2:23 9:25 166:13 separate 86:24 September 5:10 83:23 93:6 132:16 159:8 serious 130:13 163:22 171:21 servants 71:3 serve 38:17 40:12 87:14,19 163:13 served 90:10 126:13 127:5 149:25 162:4,6 163:8,11,15 service 1:3,16 2:4 6:16 7:5,13,14 7:24 10:12,20 11:24 13:2 46:2 46:2,6,10 47:17 57:9 59:20 60:24 76:10,13 76:20,25 78:5 78:24 79:7 82:21,23,24 83:7 87:25 92:4 94:19 103:21 104:9,11 111:4 111:14,20 115:2 116:12 120:14	127:17 130:10 156:7 173:15 174:3 Services 163:18 serving 163:18 session 2:4 132:15 set 77:12 151:3 164:25 165:2 sets 77:5,8,10,19 77:21 setting 28:23 99:18 150:20 settle 61:14 settlement 61:13 seven 14:3 15:4 62:18 98:5 severe 107:2 shabby 103:2 shaking 21:24 shambles 28:12 28:17 shame 28:6 109:19 147:5,15 share 150:17 shed 141:23 152:16 shepherd 21:4 she'll 59:3 shift 89:6 shine 88:6 shocked 122:15 154:4,5 shoes 142:23 shook 123:5 shop 75:9 short 20:22 160:9 162:15 shortly 107:17 112:18 Shousky 110:12 110:18,20,23 111:2 show 63:16 86:15 110:5 142:10 149:19 171:23 showed 61:24 82:13 107:2	shown 2:24 shows 125:9 sick 146:12 siding 99:7 sign 118:19 signed 17:16 86:14 113:9 114:4 118:9 significant 35:23 84:4 90:3 119:12 130:21 similar 61:8 97:3 simple 60:17 61:3 93:23 102:11 simply 30:4 88:12 90:20 91:18 92:8 135:9 sir 30:19 31:3 42:24 124:11 173:24 sirens 43:14 sit 4:2 55:8 60:7 123:7 125:3 137:24 sitting 80:21 125:10 138:11 151:2 situation 3:23 4:14 16:6 19:23 32:22 34:15 35:17 52:20 53:4 79:8 128:21 165:22 169:8 171:22 six 56:22 59:24 60:2 165:3 166:4,6 slap 128:10 small 82:3 smile 121:13 smiling 65:19 Smith 58:25 Snyder 137:20 solely 72:12,17 Solicitor 55:21 58:24 solved 34:12	somebody 41:10 114:21 somebody's 17:18 son 126:20 144:25 146:11 150:8 151:10 152:13 152:20 son's 148:7 soon 167:20 sorely 102:15 sorry 39:14 49:20 54:24 55:7 134:5 135:21 144:8 145:6,19 146:8 149:4,6,8 149:8 sort 108:3 sound 29:3 130:22 131:25 132:6 sounds 40:22 73:8 source 2:21 South 126:12 162:5,7,10 so-called 37:12 speak 9:6,7 58:24 72:10 117:5 137:12,12 146:22 149:23 special 71:25 156:19 specific 54:13 81:9 165:17,18 specifically 5:5 7:8 81:13 89:22 91:3 speech 126:20 speeches 142:4 speed 142:8 spelled 81:3 spells 76:21 spends 127:10 spoke 86:7 98:11 112:15 118:6 spoken 113:24 spokesman 3:3 spot 30:23	spots 48:22 49:2 50:23 51:2,5 151:17 spring 67:19 163:19 Squilla 1:13 14:25 15:2,19 16:7 17:2,25 18:9 22:11,12,22 23:11,16 24:8 24:11 30:7 43:10,23 44:2,3 44:13,18,25 45:12,19 46:3 46:11,17,25 48:2,8,19,24 49:18 50:11,17 50:21 51:6 53:16 staff 23:25 45:24 107:8 124:5 158:11 170:17 Staff's 72:22 stale 39:9 40:15 85:3 91:11 132:6 140:21 141:11 158:3,4 161:17 stand 67:19 87:8 117:25 122:23 122:24 136:23 147:15 standard 87:4 standards 76:17 Standing 173:3 standpoint 130:25 131:2 start 120:9 started 2:12 39:3 110:5 164:17 171:22 starts 55:23 state 5:5 69:13 132:9 stated 7:10,12 9:20 38:2 44:3 83:18 96:12
--	--	---	---	--

113:16,23 121:21 122:14 133:11 151:14 168:19 statement 21:10 37:24 76:2 78:16 79:2 82:20 96:16 106:5 107:16,22 110:24 113:10 115:9,17 139:11 161:5 statements 85:25 98:9 115:6 173:10 States 162:12 stating 52:11 95:17 131:17 station 88:22 89:8 153:19 154:16 155:4 171:14 stations 157:20 165:9 statistics 164:14 status 5:16 11:3 13:12 14:5 24:7 36:7,7,10 37:21 99:25 stay 33:10 112:13 167:16 173:23 stenographic 175:6 step 28:14 60:5 167:17 stepping 30:24 steps 60:9 83:12 Stewart 142:15 stick 171:25 stipulations 167:5 stood 86:20 112:22 142:3 stop 27:18 94:17 97:25 117:20 135:20,23 138:10 stopped 102:2 stopping 137:14	story 2:20 straight 75:20 Straighten 155:22 straightforward 102:11 strategic 31:21 83:19 84:8,22 strength 86:5 87:5 stress 154:19 strict 71:6 striking 53:5 stripes 110:6 stripped 67:21 68:21 strips 60:18 studied 92:14 143:17 148:19 150:10 study 89:21 90:11 90:13,14 97:21 97:25 119:11 150:18,21 151:4 159:17 167:16 studying 38:10 stuff 79:16 109:3 109:22 153:6 171:24 stunning 105:8 subject 65:14,15 66:4,18 subjugate 105:3 submit 172:5 submitted 130:2 subpoena 3:25 59:3 subpoenas 59:11 subsequent 91:14 substantial 63:14 130:24 151:23 success 164:16 successful 15:14 97:16 suffer 172:12 suffers 58:14 summarily 107:11	summer 164:7 superior 127:20 127:23 supervision 175:22 supervisor 77:15 supervisors 36:22 77:18 supervisory 36:18 77:6 support 102:19 154:24 supposed 60:25 62:3 sure 18:16,17,20 18:25 19:24 20:20 21:6 36:21 46:15 58:3,24 60:25 63:11 66:16 97:25 115:19 118:4 suspended 59:17 swear 42:4 118:2 136:19 swearing-in 8:7 switched 117:16 swore 168:11 170:8 sworn 10:3 21:11 21:17,18 66:12 112:21 symptom 88:17 system 54:9 60:23 76:13,20,25 78:5 164:3 S-C-H-U-L-L-E 81:4 S-H-O-U-S-K-Y 110:20 T table 2:8,10 58:16 80:17 110:15 115:23 124:22 146:4 155:24 tackle 125:15	take 5:21 13:2 14:16 15:6,9 17:16,17 21:5 32:16 33:2,4 36:17 42:3,12 49:7 51:5 54:23 55:14 56:20,21 59:23 60:10 63:12 68:10 95:16,18,21 96:24 97:22 98:2,2,14 101:8 101:10,12 103:13 109:21 109:22 114:4,7 114:18,22 117:13,14,18 127:2 129:12 136:2 139:14 140:7,13,18 148:2 155:2,3 166:23 167:24 168:25 170:9,13 170:14 171:16 taken 14:6 15:5 63:17 67:15 74:10 106:7 114:11 130:8 136:9 150:19 160:4 175:6 takes 56:4,15,20 61:4 83:12 talent 61:25 talk 30:3 63:24 64:3,19 106:11 117:9 153:24 160:6 talked 25:14 53:14 85:2 112:7 122:4,7 147:22 167:13 talking 16:5 50:9 53:13 54:5 65:25 66:2,2 106:3,10 110:2 110:4 173:16,18 talks 76:7	tarnished 172:12 task 163:21 taste 96:14 113:25 135:5,6 169:6 taught 86:5 taxpayer 131:2 team 134:18 tears 107:21 141:23 Technical 163:17 Technician 111:23 tell 5:22 16:11 48:13 64:4 77:11 96:24 103:14 104:23 114:21 118:25 128:4 148:6,23 149:15 161:20 telling 8:21 44:11 98:17 104:5 151:8 temporarily 154:12 temporary 9:4,11 9:13,19 10:12 10:19 11:4,20 11:24 12:7 13:4 13:12 14:4 15:22 37:3,13 65:16 115:4 156:16 ten 56:3,5 59:18 109:21 tenure 85:9 term 5:13,20 89:20 161:18 167:15 terminated 52:17 52:22 58:13 63:7,18 81:22 82:3 termination 57:23 terminations 53:9 53:10 59:16 terms 25:3,12
--	---	---	--	---

test 13:11,15,17 13:20,23,23 14:5,6,8,16 15:5 15:6,9,21 16:12 17:7,16,17 19:7 21:12 32:16 38:10 61:4,6 77:21 95:16,18 95:22 96:2,5,7 96:25 98:2,4,14 98:16,25 99:11 100:17 101:8,11 114:5 117:14,18 119:5,8 141:5 152:4,8 159:14 159:18 160:4,5 161:8 166:16,21 166:24 167:2,8 170:10,12,13,14	161:22,23 163:5 text 87:10 thank 15:2 29:5,6 29:7 36:3 37:20 41:12 43:9 44:10 51:7,11 51:13 62:25 64:2,21,22,25 69:11,17,19,20 72:6 75:21 88:4 102:18,22 105:23,25 110:9 110:10,25 115:11 116:7 119:20,21 123:25 124:8,10 125:16,18 126:9 134:4 135:18 137:15 139:5 143:12,25 144:3 145:17,18,23 146:20 149:3,22 153:8,9,14,15 153:16 155:16 155:17 156:3 173:2,4,24,25	20:11 26:4,4,7 30:2,6 34:12 35:23 38:4,5 41:7,8 43:21 48:12 49:16 54:2,8 58:8 66:10 75:19 79:18 105:8 106:6 107:12 108:16 118:25 125:9 132:21 136:14,16,24 137:7 139:14 148:12 151:6,25 155:21 157:5 171:22 173:16 173:18 thinks 3:12 25:10 third 11:12 159:22 170:16 Thomas 16:21 124:17,23,23 125:16,20 129:19 134:6 135:21 137:4,15 138:22 142:14 thought 23:17 40:10 103:5 108:7 113:25 114:7 139:17 165:15 thousand 113:17 three 11:2,18 114:19 155:21 167:9 Thrill 149:18 throw 129:14 thrown 166:7 tiller 137:24 time 3:17,18 4:15 5:21 17:13 20:22 27:19,21 28:10 29:4 33:15 36:9 37:2 37:12 43:20 49:8,23 50:5,8 52:18 54:12	55:25 56:15 57:13 60:7 66:11,19 71:16 76:12 84:15 90:10 91:25 93:9 101:15 102:18 103:9 109:20 111:10 112:23 113:20 115:3,14 116:11 118:2 119:20 122:19 127:11 138:18 139:12 140:3,4,17 144:14 147:16 148:9,16 150:22 152:5 161:4 162:15 168:13 168:17,21 169:16,16 173:2 timely 130:17 times 85:21 128:2 138:12 140:22 timing 47:20 Timothy 16:20 tip 91:2 tired 78:17 tiresome 151:8 today 3:16 69:10 69:14 83:17 86:7,10 87:21 88:6 100:7 103:5,15 108:9 116:8 117:20 124:4 125:19 126:2,8 127:7 135:7 146:12,22 153:17 told 9:6 12:21,23 13:12 14:19 15:3,4,12 16:9 18:2,2 20:5,9 26:3 75:5 79:22 95:21 97:24 112:13 114:10 117:3,10 121:8 122:22 123:2,6	123:15 129:13 135:2 147:19 159:6,9 163:3 167:3 168:5 170:9 171:6,11 Tom 172:3,21 tomorrow 3:24 117:18 tone 34:13 top 30:3 38:23 143:4 topic 139:20,21 total 40:2 74:14 totally 73:9,12,15 74:25 129:2 138:14 tough 149:10 tour 153:23 Tracey 16:19 track 12:12 tradition 126:17 tragedy 81:16 142:10 train 112:16 140:18 trained 111:13 training 62:18 111:12,16 112:12 130:19 140:16 150:14 165:8 transcript 18:24 175:8,20 transfer 88:25 transferring 162:22 transfers 79:16 transparent 59:9 transpired 171:19 trash 129:15 traveling 142:8 travesty 147:5 treat 3:15 11:4 129:3 155:6,9 treated 3:14 103:3 172:7 treating 11:19
---	--	--	---	--

138:18 treatment 89:16 tremendous 69:15 Trial 47:24 tried 78:4 129:10 151:11 tri-border 162:9 trouble 145:19 troublesome 90:9 troubling 90:23 90:24 95:2 97:3 99:3 103:11 trucks 153:25,25 true 63:6 100:14 175:7 truly 143:7 truth 98:18 103:15 115:10 118:25 try 37:7,8 58:9 142:22 157:24 trying 30:18 33:7 34:16 58:10 132:19 Tucker 7:9,10,12 18:14 79:6 91:4 92:18 94:20 100:3,8 Tucker's 86:24 99:6 tuitions 57:19 turn 125:3 129:10 turned 160:24 170:18 171:8 turning 117:10 Twenty-one 126:16 twice 82:11 two 42:18 56:21 56:21 64:15 65:8 76:8 82:3 83:14 85:17,18 85:20 86:23 98:19 101:11 104:7 114:19 127:21 163:7,13	163:15 164:17 166:21 167:9 170:11 type 69:24 102:12 157:8 types 31:12 typically 56:3 U ugly 147:10 unacceptable 88:7 89:8 154:11 155:14 unanimous 89:25 unavailable 57:6 unbiased 76:17 uncalled 138:15 unceremoniously 150:15 uncertain 25:3,8 25:12 uncle 142:14 uncomfortable 125:13 138:11 undermine 89:12 underperformer 173:12,13 underperformers 62:13 124:6 173:20 underperforming 3:20 4:5 understand 2:5 13:14 16:8 33:16 35:16,17 35:19 46:16 57:24 64:7 65:23 67:10 90:2 131:20 132:11 133:2 139:24 166:8 understanding 12:16,22 14:13 15:12,18 71:22 understatement 128:3 understood 71:14	undisputed 7:16 undone 6:2,4 unemployment 57:24 unfair 83:4 143:22 unfilled 36:8 unfortunate 33:12 64:15 143:2 unfortunately 97:2 108:7 129:5 150:15 161:4 162:24 uniform 67:13,18 68:9 69:23 70:7 70:9 109:22 148:11 uniforms 70:10 70:15 122:21 union 16:2 17:15 17:19 18:3,7,8 19:10,24 31:10 31:23 32:3,23 52:7 56:7 57:10 57:25 81:6 87:16 89:4 94:16 98:9 101:20 102:4 107:9 130:7 131:3 132:17,19 136:7 140:11 165:25 166:5 unions 169:7,12 union's 58:4 unique 13:18 unit 30:13 55:11 111:18 144:19 United 162:11 units 28:22 unity 171:23 unjust 83:4 unjustifiable 88:23 unknown 159:19 unnecessarily 30:24	unnecessary 100:23 unpunished 109:6 unrelated 96:18 unrest 66:3 unsafe 155:13 unsettling 66:3 unsure 98:24 unwarranted 88:16,20 upbeat 121:23 upcoming 13:2 95:16 148:23 uphold 20:4 upset 32:20,21 33:13 Urban 162:23 usage 49:7 use 5:20 25:17,18 32:3 35:14 50:24 104:10 164:17 ushered 67:20 utter 88:18 U.S 161:21 162:6 162:21 V vacancies 36:8,25 37:11,17 49:11 49:13,24 77:2 77:13,24 78:3,6 78:11 83:20 91:15,23 102:9 130:9,12,17 131:13 140:2,5 166:10 vacancy 47:9,13 vacant 48:22,25 50:23 51:3 vacated 9:16,23 10:25 23:8 46:21 vacates 24:5 vacuum 16:4 valedictorian 126:20	valid 92:15 130:10 132:3,5 133:20 value 100:15 various 106:7 150:12 165:8 vast 152:3 vehicle 53:2 verbal 170:4 versed 9:22 versus 170:4 vest 2:14 vet 172:23 veteran 111:17 Veterans 162:16 viable 91:10 Vicky 114:12 123:15 Videos 141:24 Vietnam 141:9 162:5,5,10 172:23 Vietnamese 162:3 162:7 view 11:8 vindictive 52:3 68:11 vindictively 67:3 vindictiveness 63:9 65:25 67:12 violated 64:13 violation 134:9 visited 154:16 Vitae 173:14 voluntarily 111:11 163:21 voted 171:7 voucher 118:20 W wait 20:22,23 39:4 58:10,16 72:5 78:15 92:9 101:11 131:19 143:21 waited 121:9
--	--	--	---	---

waiting 24:20 39:13 51:3 57:7 57:21 103:24 104:6 144:14	45:18,20 60:10 63:5 70:11,15 72:25 84:6 86:6 86:22 103:2 104:22 108:12 108:13 133:17 136:5 138:19 148:13 152:20 155:6 164:2 173:6	83:13 84:24 86:5 87:3,4 108:12 129:5 135:20,23 136:5 137:14,17 154:6 154:7,12,13 159:17 160:9	word 9:19 62:13 62:14 158:3,3 171:7	wrongs 64:15
walk 109:19	ways 11:2 74:17 155:22	we've 25:13,14 28:2,6 30:19 32:7 63:8 132:10 160:10	words 77:9 94:8 136:19	Y
walked 121:11 122:25	wayside 61:3 109:4	wife 82:3 117:6 144:7 146:11,25	wore 148:11	yeah 8:12 28:19 54:3 153:4
wall 122:24	wear 69:22 70:6 70:17 109:21	WILLIAM 1:11	work 82:12,17 93:3 95:11 127:17 154:13 154:18 164:20 165:5,6,10 167:22,22	year 38:9 55:6 57:13,20 58:15 63:12 127:12 134:24 168:25
walls 108:22,23	wearing 70:9	willing 106:11 142:11	worked 121:20 147:19 148:20 152:15 162:15 162:21	years 50:13 61:14 62:18 81:19 85:17,18 88:15 88:21 101:6,11 106:8 116:11 126:16 128:25 141:4 142:17 144:13 147:19 150:3,3,5 163:13,15
want 2:18 20:19 22:25 25:6 26:14 38:2,15 38:16 40:19 42:18 54:18 59:14 61:20,20 69:11,13 72:9 79:3,10 91:18 92:8 93:24 104:7,10 108:19 117:9 124:7 166:24 173:8	Wednesday 1:7	win 35:3,8,20 118:16 119:2	working 93:11 119:18 127:11 134:17 144:18 154:21 155:4,11 162:18 165:12	young 110:2 148:16
wanted 31:15 32:3 33:2 40:11 50:24 65:3 80:23 93:25 109:2 125:14 133:5 143:21 148:17 153:15 153:17 155:7,15	week 49:15 94:4 151:19	wind 54:6 108:17	works 4:12	Z
wants 56:8	weekly 163:24	window 159:16	world 64:9	zero 40:5
wasn't 17:18 23:2 23:17 31:13,22 68:18 76:5 80:5 83:21 95:11,22 119:11 145:14 151:16	weighs 69:9	wins 118:14	worry 135:3	\$
waste 76:12	welcome 42:12 51:8 171:9	wish 136:22 137:2 138:22 139:8	worse 58:14 90:17 98:8 152:9	\$10 118:21 \$210 52:12
watch 127:2	went 19:14 61:25 82:8 83:24 86:3 94:16 113:20 114:16 116:19 117:23 118:18 121:25 123:17 147:9 149:17,18 149:19 154:3 163:6 168:15	witness 2:9 80:16 80:16 110:14 113:3 115:22 118:5 122:25 124:21 146:3 155:19,23,23 168:9	worst 145:9	1
watched 68:16 130:24 141:15	weren't 6:21 16:5 20:9 21:24,25 48:22 67:16 85:7 92:10	witnesses 2:9 57:6 100:10 110:14 115:22 124:21 146:3	wouldn't 20:19 129:12 156:24	1 111:20,21,22 1st 159:7 1:45 121:5 10th 16:19,19,20 166:20 167:8 169:15 170:11 10/30/13 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1
watching 128:6 172:2	West 120:20,21	woman 142:6	wound 31:13	
wave 84:2,7,13,18 85:19	we'll 22:2 135:17	women 42:15 49:20 89:13 99:4	written 13:24 95:25 98:4,15 114:22 150:22 150:25 166:16 166:21 167:2,8 170:10,11,13,14	
way 11:6,9,15 28:14 32:25 34:3,20 41:6	we're 32:21 34:2 37:7 39:13 45:25 46:3 49:18,19 50:14 50:15 51:19 54:3 60:22 63:4 63:25 65:24,25 66:2 68:23 69:9	won 26:17 30:16 34:2,22 35:20 96:11 139:25 143:15 169:4	wrong 28:24 62:4 62:6 81:18 94:2 97:8 109:11 126:7 133:18 135:9 147:17 155:11 172:21 172:23	
		wonder 100:14 133:15	wrongly 136:11 136:11	
		wondering 9:25		

39:1 40:1 41:1	153:1 154:1	71:1 72:1 73:1	174:1	166:20
42:1 43:1 44:1	155:1 156:1	74:1 75:1 76:1	14 7:18,22 9:20	21 81:19 84:15
45:1 46:1 47:1	157:1 158:1	77:1 78:1 79:1	11:10 22:7	21st 84:14,16
48:1 49:1 50:1	159:1 160:1	80:1 81:1 82:1	41:24 42:22	21-year 87:12
51:1 52:1 53:1	161:1 162:1	83:1 84:1 85:1	86:17 88:16	22 17:12 53:18
54:1 55:1 56:1	163:1 164:1	86:1 87:1,23	91:5 93:21	54:10 81:5
57:1 58:1 59:1	165:1 166:1	88:1 89:1 90:1	95:15 98:5,8,17	84:16 87:16
60:1 61:1 62:1	167:1 168:1	91:1 92:1 93:1	99:24 100:21	22nd 159:21
63:1 64:1 65:1	169:1 170:1	94:1 95:1 96:1	109:10 121:3	163:9
66:1 67:1 68:1	171:1 172:1	97:1 98:1 99:1	135:12 140:16	24 119:12
69:1 70:1 71:1	173:1 174:1	100:1 101:1	143:10 147:9	24th 92:23 94:4
72:1 73:1 74:1	10:00 1:7 2:5	102:1 103:1	148:2 160:3	122:19
75:1 76:1 77:1	100 85:4,5,10	104:1 105:1	170:9	25 2:6 151:21,25
78:1 79:1 80:1	127:13	106:1 107:1	14th 5:12 91:4	25th 132:16
81:1 82:1 83:1	1039 5:13	108:1 109:1	99:16	26 94:7 143:6
84:1 85:1 86:1	11 166:4,6	110:1 111:1	15 82:10,17	27 128:25
87:1 88:1 89:1	11th 16:21,21	112:1 113:1	15th 159:16	28 150:3
90:1 91:1 92:1	12 145:2	114:1 115:1	164th 126:21	28th 166:13
93:1 94:1 95:1	12.02 10:14,20	116:1 117:1	17 144:13	
96:1 97:1 98:1	12:25 174:3	118:1 119:1	17th 92:23 96:8	3
99:1 100:1	13 96:6 98:8,17	120:1 121:1	18 116:11	3 60:5
101:1 102:1	162:6	122:1 123:1	18th 5:10	3rd 67:19 76:12
103:1 104:1	13th 16:22,23	124:1 125:1	19th 93:6 166:15	92:19 95:8
105:1 106:1	95:9 97:11	126:1 127:1	1984 163:6	96:17 97:10
107:1 108:1	130661 1:15 3:1	128:1 129:1	1985 163:10	120:25 160:3
109:1 110:1	4:1 5:1 6:1 7:1	130:1 131:1	1996 111:5	3.55 162:19
111:1 112:1	8:1 9:1 10:1	132:1 133:1		30 1:7 56:6
113:1 114:1	11:1 12:1 13:1	134:1 135:1	2	30th 18:15 19:16
115:1 116:1	14:1 15:1 16:1	136:1 137:1	2 111:20,21	20:8 21:3,12,19
117:1 118:1	17:1 18:1 19:1	138:1 139:1	114:14 123:19	22:8 32:10,15
119:1 120:1	20:1 21:1 22:1	140:1 141:1	2nd 93:20 116:16	86:17,18,20
121:1 122:1	23:1 24:1 25:1	142:1 143:1	144:22	95:6 97:7,9,12
123:1 124:1	26:1 27:1 28:1	144:1 145:1	2003 84:12	100:13 153:6
125:1 126:1	29:1 30:1 31:1	146:1 147:1	2004 126:23	168:18 169:18
127:1 128:1	32:1 33:1 34:1	148:1 149:1	2005 120:18	169:18,22
129:1 130:1	35:1 36:1 37:1	150:1 151:1	2006 111:8	34 150:2,5
131:1 132:1	38:1 39:1 40:1	152:1 153:1	2008 85:3 107:6	36 168:2
133:1 134:1	41:1 42:1 43:1	154:1 155:1	150:4	37 142:16 153:20
135:1 136:1	44:1 45:1 46:1	156:1 157:1	2010 13:6 163:14	39th 163:8
137:1 138:1	47:1 48:1 49:1	158:1 159:1	2011 160:2 163:19	
139:1 140:1	50:1 51:1 52:1	160:1 161:1	164:8	4
141:1 142:1	53:1 54:1 55:1	162:1 163:1	2012 127:10	4th 111:24 137:20
143:1 144:1	56:1 57:1 58:1	164:1 165:1	164:19	4,000 87:17 102:4
145:1 146:1	59:1 60:1 61:1	166:1 167:1	2013 1:7 5:10,12	400 1:6 158:7
147:1 148:1	62:1 63:1 64:1	168:1 169:1	5:13 7:22 21:19	45 143:6 151:20
149:1 150:1	65:1 66:1 67:1	170:1 171:1	95:6 97:7 99:17	151:24
151:1 152:1	68:1 69:1 70:1	172:1 173:1	111:24 122:19	46 94:6 151:20
				48 119:12

5				
5 120:20 500 111:13 53 83:12 54 120:21				
6				
6th 95:11 152:21				
7				
7th 95:12 116:13 116:17 71 85:13 74 52:13				
8				
8th 13:16,21 15:21 16:12 98:5 119:3 159:23,24 160:2 160:6 167:2,7 80 40:2,13 41:16 41:17 42:21 49:16 84:5 85:12 94:5 80s 162:24				
9				
90 158:5 90-day 159:16 92 126:22				