

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

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 29, 2014
10:10 a.m.

PRESENT:

COUNCILMAN JAMES KENNEY, CHAIR
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA

BILL 140741 - An ordinance amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," to expand the scope of "Plan '10" and "DC Plan" to cover additional employees, including employees represented by AFSCME...

BILL 140743 - An ordinance amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," to expand the scope of "Plan '10" and "DC Plan" to cover additional employees, including elected officials...

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COUNCILMAN KENNEY: Good morning. This is the Council Committee on Labor and Civil Service. We have a quorum with Vice Chair Councilmember Goode, Councilmember Squilla, and Councilmember Quinones-Sanchez.

We're here to take testimony on two bills. One is Bill No. 140741, an ordinance amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," to expand the scope of "Plan '10" and "DC Plan" to cover additional employees, including employees represented by AFSCME, District Council 33, and certain employees not covered by a collective bargaining agreement, to change contribution rates, and to make technical amendments, all under certain terms and conditions.

And Bill No. 140743 is an ordinance amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," to expand the scope of "Plan '10" and "DC Plan" to

1 10/29/14 - LABOR - BILLS 140741 & 140743
2 cover additional employees, including
3 elected officials, to change contribution
4 rates, and to make technical amendments,
5 all under certain terms and conditions.

6 Mr. Dubow, please approach the
7 witness table, state your name for the
8 record, and proceed with your testimony.

9 (Witness approached witness
10 table.)

11 MR. DUBOW: Good morning,
12 Chairman Kenney and members of the
13 Committee. I'm Rob Dubow, the City's
14 Finance Director, and I'm here to testify
15 in support of Bill Nos. 140741 and 743.

16 The bills would implement
17 elements of the collective bargaining
18 agreement reached between AFSCME District
19 Council 33 and the Administration for
20 members of DC 33 and for exempt employees
21 and elected officials. Bill No. 140741
22 would also implement changes to the
23 pension benefits of prison guards
24 consistent with the provisions of an
25 arbitration award.

1 10/29/14 - LABOR - BILLS 140741 & 140743
2 140741 would give new DC 33
3 employees, other than prison guards, and
4 exempt employees the choice of entering
5 into Plan '10, a combined defined
6 benefits-defined contribution plan or
7 entering the existing defined benefit
8 plan but contributing an additional one
9 percent of salary into the pension fund.
10 In addition, all employees in the pension
11 plan, both current and new hires who go
12 into the existing defined benefit plan,
13 would contribute an additional one
14 percent of salary into the pension fund.
15 The increase in contributions would be
16 implemented in two steps, in January of
17 2015 and January of 2016. So by January
18 1, 2016, current employees would pay one
19 percent more than they currently pay and
20 new members who go into existing defined
21 benefit plans would pay two percent more
22 than current employees now pay.
23 The agreement for prison guards
24 is the result of a binding interest
25 arbitration. That arbitration provided

1 10/29/14 - LABOR - BILLS 140741 & 140743
2 pay raises and the pension changes. That
3 outcome is reflected in 140741 as well.

4 Bill No. 140743 applies to
5 elected officials, the same pension
6 provisions described above.

7 The Administration supports
8 both of these bills with the technical
9 amendments that have been distributed to
10 members of the Committee.

11 That concludes my testimony.
12 I'm happy to answer any questions.

13 COUNCILMAN KENNEY: Thank you
14 very much. We have had a private
15 discussion which I'd like to make public.
16 Today you've explained to me the
17 differential relative to the handling of
18 the prison guards because they had
19 received raises. My main concern is
20 relative to the members or employees of
21 the Register of Wills who not only have
22 not had raises for six years but are
23 being forced into the Plan '10 without a
24 choice. I mean, some other employees, I
25 think the police, I don't know whether or

1 10/29/14 - LABOR - BILLS 140741 & 140743

2 not 33 and 47 have a choice to go into

3 Plan '10 --

4 MR. DUBOW: They do.

5 COUNCILMAN KENNEY: -- or stay

6 where they are and contribute more. My

7 understanding is that the Register of

8 Wills employees don't have that choice,

9 but they are -- it's mandatory for them

10 to go into Plan '10, and they haven't had

11 a raise for six years.

12 So could you explain to me what

13 might happen with them going forward?

14 MR. DUBOW: That also is a

15 result of an arbitration award, but my

16 understanding is there are discussions

17 ongoing to try to address that.

18 COUNCILMAN KENNEY: I mean,

19 does the Administration have any plans to

20 address it in any way?

21 MR. DUBOW: It has to --

22 COUNCILMAN KENNEY: I guess the

23 question I have is, why do the Register

24 of Wills employees not have a choice when

25 it comes to Plan '10?

1 10/29/14 - LABOR - BILLS 140741 & 140743

2 MR. DUBOW: It was an
3 arbitration award. So the arbitrator
4 decision put them into Plan '10.

5 COUNCILMAN KENNEY: And they're
6 represented by the FOP?

7 MR. DUBOW: They are. They're
8 covered by the same process as the deputy
9 sheriffs.

10 COUNCILMAN KENNEY: Did they
11 have a choice to go into Plan '10 or not?

12 MR. DUBOW: Deputy sheriffs,
13 yes. That award gave them a choice.

14 COUNCILMAN KENNEY: I don't
15 know the arbitration history, but it
16 seems that everyone has gotten a choice
17 to go into Plan '10 or not except for
18 that particular cohort of employees.

19 MR. DUBOW: Except Register of
20 Wills and the correctional officers.

21 COUNCILMAN KENNEY: But they
22 then --

23 MR. DUBOW: As long as they got
24 raises.

25 COUNCILMAN KENNEY: But they

1 10/29/14 - LABOR - BILLS 140741 & 140743
2 were offset by a raise.

3 MR. DUBOW: And the Register of
4 Wills change isn't part of this
5 legislation. That was done earlier.

6 COUNCILMAN KENNEY: I had
7 read --

8 MR. DUBOW: This is the
9 correctional officers. The Register of
10 Wills --

11 COUNCILMAN KENNEY:
12 Correctional officers only?

13 MR. DUBOW: This is members of
14 DC 33, correctional officers, exempts,
15 and elected officials. The deputy
16 sheriffs and Register of Wills were
17 earlier.

18 COUNCILMAN KENNEY: I
19 understand. Okay. I would urge and
20 maybe during the next budget process we
21 can figure out some way to at least treat
22 these employees equitably as it
23 relates -- I understand arbitration. The
24 arbitration award is a way to say we can
25 avoid actually being fair to someone. I

1 10/29/14 - LABOR - BILLS 140741 & 140743
2 don't understand why they're the only set
3 of employees that have not been given
4 choices or raises.

5 MR. DUBOW: And I completely
6 understand the concern.

7 COUNCILMAN KENNEY: The
8 unfairness of it I think just cries out
9 for some kind of resolution.

10 MR. DUBOW: Yes.

11 COUNCILMAN KENNEY:
12 Councilmember Sanchez.

13 COUNCILWOMAN SANCHEZ: Thank
14 you.

15 I want to congratulate the
16 Administration for getting this stuff
17 done. I just wanted to note for the
18 record, because the conversation will
19 come up again, that the last remaining
20 local, 1971 from the housing component,
21 still doesn't have an agreement and
22 they're 11 years without an agreement,
23 and I just want the Administration to be
24 aware that that is still the one pending
25 and --

1 10/29/14 - LABOR - BILLS 140741 & 140743

2 MR. DUBOW: We're very aware,
3 yes.

4 COUNCILWOMAN SANCHEZ: And we'd
5 like to get that done, as it does impact
6 the housing pieces that we're doing.
7 It's going to be a topic of discussion
8 when Council reviews the Land Bank
9 strategic plan, and I just want to know
10 that we --

11 MR. DUBOW: Yes. And we're
12 well aware of that and we're working on
13 it.

14 COUNCILWOMAN SANCHEZ: Thank
15 you.

16 COUNCILMAN KENNEY: Let the
17 record reflect that Councilmember O'Neill
18 is also in attendance in the Committee.

19 Just out of curiosity, Plan
20 '10, what's the participation rate among
21 City employees who have a choice to be in
22 Plan '10 or not?

23 MR. DUBOW: I think employees
24 have all chosen to pay the additional one
25 percent and stay in the existing plan.

1 10/29/14 - LABOR - BILLS 140741 & 140743

2 COUNCILMAN KENNEY: Is that
3 something that the Administration is
4 happy with as it relates to its
5 expectations on pension funding going
6 forward?

7 MR. DUBOW: So I think -- so it
8 helps that employees are paying an
9 additional percent. That helps with the
10 fund's position. If employees go into
11 Plan '10, I think that would help more.
12 So I think if we had -- our preference
13 would be more employees go into Plan '10.

14 COUNCILMAN KENNEY: Is there
15 any way to enhance Plan '10? Because
16 apparently it's not very popular.

17 MR. DUBOW: Well, I think also
18 that may change going forward now that
19 it's an option for 33 and 47, because a
20 defined contribution component I think is
21 more attractive to people who may not
22 stay as long. So far it's been in place
23 for fire employees. Those employees tend
24 to stay longer. So we may see different
25 participation going forward.

1 10/29/14 - LABOR - BILLS 140741 & 140743

2 COUNCILMAN KENNEY: Okay.

3 Any other questions?

4 Councilman Squilla.

5 COUNCILMAN SQUILLA: Thank you,
6 Mr. Chairman.

7 But do you think it may be a
8 good idea to enhance Plan '10 in some way
9 or try to incentivize that in a way that
10 may be more attractive to employees, or
11 not really?

12 MR. DUBOW: I think it's always
13 during the negotiating process, it's
14 always worth looking at issues like that.
15 So, yeah. I mean, I think it's
16 definitely worth a discussion going
17 forward.

18 COUNCILMAN SQUILLA: Because if
19 they have a choice and if nobody is
20 really choosing the other one, then it's
21 really not a choice. They're paying the
22 extra one percent.

23 MR. DUBOW: Right. As I said,
24 I'd kind of like to see how it plays out
25 now that 33 and 47 will have the option,

1 10/29/14 - LABOR - BILLS 140741 & 140743
2 because the participation may be
3 different.

4 COUNCILMAN SQUILLA: Thank you.

5 COUNCILMAN KENNEY: Thank you.

6 Any other questions?

7 (No response.)

8 COUNCILMAN KENNEY: Seeing
9 none, that will conclude our public
10 hearing. The Committee will now go into
11 a public meeting.

12 The Chair recognizes
13 Councilmember Goode for a motion on Bill
14 No. 140741.

15 COUNCILMAN GOODE: Thank you,
16 Mr. Chairman. I move that Bill No.
17 140741 be reported out of this Committee
18 with a favorable recommendation and the
19 rules of Council be suspended so as to
20 permit first reading at our next Council
21 session.

22 (Duly seconded.)

23 COUNCILMAN KENNEY: It's been
24 moved and seconded.

25 All in favor?

1 10/29/14 - LABOR - BILLS 140741 & 140743

2 (Aye.)

3 COUNCILMAN KENNEY: There are
4 no nays. Bill No. 140741 reported out of
5 this Committee favorably with a request
6 made for rules suspension to allow first
7 reading at our next Council session.

8 The Chair recognizes
9 Councilmember Goode for a motion to
10 approve the amendment to Bill No. 140743.

11 COUNCILMAN GOODE: Thank you,
12 Mr. Chairman. I move the amendment to
13 Bill No. 140743 as circulated to the
14 Committee be approved.

15 (Duly seconded.)

16 COUNCILMAN KENNEY: It's been
17 seconded and third and fourth.

18 All in favor?

19 (Aye.)

20 COUNCILMAN KENNEY: There are
21 none opposed. The amendment is adopted.

22 The Chair recognizes
23 Councilmember Goode.

24 COUNCILMAN GOODE: Thank you,
25 Mr. Chairman. I move that Bill No.

1 10/29/14 - LABOR - BILLS 140741 & 140743
2 140743, as amended, be reported out of
3 this Committee with a favorable
4 recommendation and the rules of Council
5 be suspended so as to permit first
6 reading at our next Council session.

7 (Duly seconded.)

8 COUNCILMAN KENNEY: It's been
9 moved and seconded.

10 All in favor?

11 (Aye.)

12 COUNCILMAN KENNEY: There are
13 none opposed. Bill No. 140743, as
14 amended, reported out of this Committee
15 favorably and a request made for rules
16 suspension to allow for first reading at
17 our next Council session.

18 Thank you very much for your
19 attendance.

20 (Committee on Labor and Civil
21 Service concluded at 10:20 a.m.)

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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

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A accurately 16:5 addition 4:10 additional 1:16 1:19 2:14 3:2 4:8,13 10:24 11:9 address 6:17,20 Administration 3:19 5:7 6:19 9:16,23 11:3 adopted 14:21 AFSCME 1:16 2:15 3:18 agreement 2:18 3:18 4:23 9:21 9:22 allow 14:6 15:16 amended 15:2,14 amending 1:14,17 2:10,22 amendment 14:10,12,21 amendments 2:19 3:4 5:9 and/or 16:22 answer 5:12 apparently 11:16 applies 5:4 apply 16:20 approach 3:6 approached 3:9 approve 14:10 approved 14:14 arbitration 3:25 4:25,25 6:15 7:3 7:15 8:23,24 arbitrator 7:3 attendance 10:18 15:19 attractive 11:21 12:10 avoid 8:25 award 3:25 6:15 7:3,13 8:24 aware 9:24 10:2 10:12	Aye 14:2,19 15:11 a.m 1:7 15:21 B Bank 10:8 bargaining 2:17 3:17 benefit 4:7,12,21 benefits 3:23 benefits-defined 4:6 Bill 1:14,17 2:9,21 3:15,21 5:4 13:13,16 14:4 14:10,13,25 15:13 bills 2:9 3:1,16 4:1 5:1,8 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 binding 4:24 BRIAN 1:11 budget 8:20 C certain 2:16,20 3:5 CERTIFICATE 16:2 certification 16:19 CERTIFY 16:3 certifying 16:23 Chair 1:10 2:5 13:12 14:8,22 Chairman 3:12 12:6 13:16 14:12,25 change 2:18 3:3 8:4 11:18 changes 3:22 5:2 choice 4:4 5:24 6:2,8,24 7:11,13 7:16 10:21 12:19,21 choices 9:4 choosing 12:20	chosen 10:24 circulated 14:13 City 1:2,6 10:21 City's 3:13 Civil 1:3 2:4 15:20 Code 1:14,15,18 1:18 2:11,12,23 2:24 cohort 7:18 collective 2:17 3:17 combined 4:5 come 9:19 comes 6:25 Committee 1:3 2:3 3:13 5:10 10:18 13:10,17 14:5,14 15:3,14 15:20 completely 9:5 component 9:20 11:20 concern 5:19 9:6 conclude 13:9 concluded 15:21 concludes 5:11 conditions 2:20 3:5 congratulate 9:15 consistent 3:24 contained 16:5 contribute 4:13 6:6 contributing 4:8 contribution 2:18 3:3 4:6 11:20 contributions 4:15 control 16:22 conversation 9:18 correct 16:8 correctional 7:20 8:9,12,14 Council 1:2 2:3 2:16 3:19 10:8 13:19,20 14:7	15:4,6,17 Councilman 1:10 1:10,11,12 2:2 5:13 6:5,18,22 7:5,10,14,21,25 8:6,11,18 9:7,11 10:16 11:2,14 12:2,4,5,18 13:4 13:5,8,15,23 14:3,11,16,20 14:24 15:8,12 Councilmember 2:5,6,7 9:12 10:17 13:13 14:9,23 COUNCILWO... 1:11 9:13 10:4 10:14 cover 1:15,19 2:14 3:2 covered 2:17 7:8 cries 9:8 curiosity 10:19 current 4:11,18 4:22 currently 4:19 D D 1:11 DC 1:15,19 2:13 2:25 3:20 4:2 8:14 decision 7:4 defined 4:5,7,12 4:20 11:20 definitely 12:16 deputy 7:8,12 8:15 described 5:6 different 11:24 13:3 differential 5:17 direct 16:22 Director 3:14 discussion 5:15 10:7 12:16 discussions 6:16	distributed 5:9 District 2:15 3:18 doing 10:6 Dubow 3:6,11,13 6:4,14,21 7:2,7 7:12,19,23 8:3,8 8:13 9:5,10 10:2 10:11,23 11:7 11:17 12:12,23 Duly 13:22 14:15 15:7 E earlier 8:5,17 elected 1:19 3:3 3:21 5:5 8:15 elements 3:17 employees 1:15 1:16,16,18,19 2:12,14,15,16 2:24 3:2,20 4:3 4:4,10,18,22 5:20,24 6:8,24 7:18 8:22 9:3 10:21,23 11:8 11:10,13,23,23 12:10 enhance 11:15 12:8 entering 4:4,7 entitled 1:14,18 2:11,23 equitably 8:22 evidence 16:4 exempt 3:20 4:4 exempts 8:14 existing 4:7,12,20 10:25 expand 1:15,18 2:12,24 expectations 11:5 explain 6:12 explained 5:16 extra 12:22 F fair 8:25 far 11:22
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favor 13:25 14:18 15:10 favorable 13:18 15:3 favorably 14:5 15:15 figure 8:21 Finance 3:14 fire 11:23 first 13:20 14:6 15:5,16 FOP 7:6 forced 5:23 foregoing 16:7,19 forward 6:13 11:6 11:18,25 12:17 fourth 14:17 fully 16:5 fund 4:9,14 funding 11:5 fund's 11:10 G getting 9:16 give 4:2 given 9:3 go 4:11,20 6:2,10 7:11,17 11:10 11:13 13:10 going 6:13 10:7 11:5,18,25 12:16 good 2:2 3:11 12:8 Goode 1:10 2:6 13:13,15 14:9 14:11,23,24 gotten 7:16 guards 3:23 4:3 4:23 5:18 guess 6:22 H Hall 1:6 handling 5:17 happen 6:13 happy 5:12 11:4 hearing 13:10	help 11:11 helps 11:8,9 hires 4:11 history 7:15 housing 9:20 10:6 I idea 12:8 impact 10:5 implement 3:16 3:22 implemented 4:16 incentivize 12:9 including 1:16,19 2:14 3:2 increase 4:15 interest 4:24 issues 12:14 J J 1:11 JAMES 1:10 January 4:16,17 4:17 JR 1:10 K Kenney 1:10 2:2 3:12 5:13 6:5,18 6:22 7:5,10,14 7:21,25 8:6,11 8:18 9:7,11 10:16 11:2,14 12:2 13:5,8,23 14:3,16,20 15:8 15:12 kind 9:9 12:24 know 5:25 7:15 10:9 L L 16:14 Labor 1:3 2:4 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1,20	Land 10:8 legislation 8:5 local 9:20 long 7:23 11:22 longer 11:24 looking 12:14 M main 5:19 mandatory 6:9 MARIA 1:11 MARK 1:12 matter 16:7 mean 5:24 6:18 12:15 means 16:21 meeting 13:11 members 3:12,20 4:20 5:10,20 8:13 MICHELE 16:14 morning 2:3 3:11 motion 13:13 14:9 move 13:16 14:12 14:25 moved 13:24 15:9 MURPHY 16:14 N name 3:7 nays 14:4 negotiating 12:13 new 4:2,11,20 Nos 3:15 note 9:17 notes 16:6 O objections 16:4 October 1:7 officers 7:20 8:9 8:12,14 officials 1:20 3:3 3:21 5:5 8:15 offset 8:2 Okay 8:19 12:2 ongoing 6:17 opposed 14:21	15:13 option 11:19 12:25 ordinance 1:14,17 2:10,22 outcome 5:3 O'Neill 1:11 10:17 P part 8:4 participation 10:20 11:25 13:2 particular 7:18 pay 4:18,19,21,22 5:2 10:24 paying 11:8 12:21 pending 9:24 Pennsylvania 1:6 pension 3:23 4:9 4:10,14 5:2,5 11:5 people 11:21 percent 4:9,14,19 4:21 10:25 11:9 12:22 permit 13:20 15:5 Philadelphia 1:2 1:6,14,18 2:11 2:23 pieces 10:6 place 11:22 plan 1:15,15,19 1:19 2:13,13,25 2:25 4:5,6,8,11 4:12 5:23 6:3,10 6:25 7:4,11,17 10:9,19,22,25 11:11,13,15 12:8 plans 4:21 6:19 plays 12:24 please 3:6 police 5:25 popular 11:16 position 11:10	preference 11:12 PRESENT 1:9 prison 3:23 4:3,23 5:18 private 5:14 proceed 3:8 proceedings 16:4 process 7:8 8:20 12:13 provided 4:25 provisions 3:24 5:6 public 1:14,18 2:11,23 5:15 13:9,11 16:15 put 7:4 Q question 6:23 questions 5:12 12:3 13:6 Quinones-Sanc... 1:11 2:7 quorum 2:5 R raise 6:11 8:2 raises 5:2,19,22 7:24 9:4 rate 10:20 rates 2:18 3:4 reached 3:18 read 8:7 reading 13:20 14:7 15:6,16 really 12:11,20,21 received 5:19 recognizes 13:12 14:8,22 recommendation 13:18 15:4 record 3:8 9:18 10:17 reflect 10:17 reflected 5:3 Register 5:21 6:7 6:23 7:19 8:3,9 8:16
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relates 8:23 11:4 relative 5:17,20 remaining 9:19 reported 13:17 14:4 15:2,14 reporter 16:23 represented 1:16 2:15 7:6 reproduction 16:20 request 14:5 15:15 resolution 9:9 response 13:7 result 4:24 6:15 Retirement 1:15 1:18 2:12,24 reviews 10:8 Right 12:23 Rob 3:13 Room 1:6 RPR-Notary 16:15 rules 13:19 14:6 15:4,15 S salary 4:9,14 Sanchez 9:12,13 10:4,14 scope 1:15,19 2:13,25 seconded 13:22 13:24 14:15,17 15:7,9 see 11:24 12:24 Seeing 13:8 Service 1:3 2:4 15:21 session 13:21 14:7 15:6,17 set 9:2 sheriffs 7:9,12 8:16 six 5:22 6:11 Squilla 1:12 2:6 12:4,5,18 13:4	state 3:7 stay 6:5 10:25 11:22,24 stenographic 16:6 steps 4:16 strategic 10:9 stuff 9:16 supervision 16:22 support 3:15 supports 5:7 suspended 13:19 15:5 suspension 14:6 15:16 T table 3:7,10 take 2:8 taken 16:6 technical 2:19 3:4 5:8 tend 11:23 terms 2:20 3:5 testify 3:14 testimony 2:8 3:8 5:11 Thank 5:13 9:13 10:14 12:5 13:4 13:5,15 14:11 14:24 15:18 think 5:25 9:8 10:23 11:7,11 11:12,17,20 12:7,12,15 third 14:17 Title 1:14,17 2:10 2:22 Today 5:16 topic 10:7 transcript 16:8,20 treat 8:21 true 16:7 try 6:17 12:9 two 2:9 4:16,21 U understand 8:19 8:23 9:2,6	understanding 6:7,16 unfairness 9:8 urge 8:19 V Vice 2:5 W W 1:10 want 9:15,23 10:9 wanted 9:17 way 6:20 8:21,24 11:15 12:8,9 Wednesday 1:7 we're 2:8 10:2,6 10:11,12 Wills 5:21 6:8,24 7:20 8:4,10,16 WILSON 1:10 witness 3:7,9,9 working 10:12 worth 12:14,16 Y yeah 12:15 years 5:22 6:11 9:22 1 1 4:18 10 1:15,19 2:13,25 4:5 5:23 6:3,10 6:25 7:4,11,17 10:20,22 11:11 11:13,15 12:8 10/29/14 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 10:10 1:7 10:20 15:21 11 9:22 140741 1:14 2:9 3:1,15,21 4:1,2 5:1,3 6:1 7:1 8:1 9:1 10:1 11:1	12:1 13:1,14,17 14:1,4 15:1 140743 1:17 2:21 3:1 4:1 5:1,4 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1,10,13 15:1 15:2,13 1971 9:20 2 2014 1:7 2015 4:17 2016 4:17,18 22 1:14,17 2:10,22 29 1:7 3 33 2:16 3:19,20 4:2 6:2 8:14 11:19 12:25 4 400 1:6 47 6:2 11:19 12:25 7 743 3:15
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