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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON LABOR AND CIVIL SERVICE

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, May 17, 2006
10:30 a.m.

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PRESENT:

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COUNCILMAN JUAN RAMOS, CHAIR
COUNCILMAN W. WILSON GOODE, JR.

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COUNCILMAN JACK KELLY

12

COUNCILMAN JAMES F. KENNEY

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COUNCILMAN BRIAN J. O'NEILL

14

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BILLS 050795, 051066, 060244, 060265 and
060289

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COUNCILMAN RAMOS: Good

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morning, everyone. This is the Committee

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of Labor and Civil Service. I am

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Councilman Juan Ramos, Chairman of this

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Committee. Please note also in

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attendance is the Vice-Chairman of this

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Committee, Councilman W. Wilson Goode,

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Jr., along with Councilmen Jack Kelly and

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Jim Kenney and Councilman O'Neill.

11

I would like to ask the Clerk

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to please read the title of the first

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bill.

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THE CLERK: Bill 060289, an

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ordinance amending Title 9 of The

16

Philadelphia Code, entitled "Regulation

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of Businesses, Trades and Professions,"

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by adding a new chapter entitled "Sheet

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Metal Technician," requiring certain

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licensing of persons performing duct work

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used in HVAC systems, under certain terms

22

and conditions.

23

COUNCILMAN RAMOS: I would like

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to call this morning to the witness table

25

Mr. Otis Haigler from License and

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2 Inspection.

3 MR. HAIGLER: Good day,
4 Councilman Ramos and members of the
5 Committee. I am Otis Haigler, Jr.,
6 Director of Legislative Affairs for the
7 Department of Licenses and Inspections.
8 Today I'm here to provide testimony on
9 Bill 060289, which, if enacted, will add
10 a new chapter to Title 9 of The
11 Philadelphia Code to regulate persons who
12 install and perform work on ducts that
13 are used in conjunction with HVAC,
14 heating, ventilation, air conditioning,
15 systems.

16 The proposed bill that is under
17 consideration mirrors requirements
18 currently in force by the Department
19 under Chapter 9-2500 related to persons
20 who perform work on fire suppression
21 systems. Those requirements were enacted
22 into law on December 19, 2001 through the
23 passage of Bill 010498-A. Since that
24 time, we have issued 1,012 licenses to
25 fire suppression system workers and 246

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2 apprentice permits to persons meeting the
3 qualifying requirements.

4 In much the same way that we
5 have processed applications and approved
6 licenses and apprentice permits in the
7 past for fire suppression system workers,
8 we will do the same should Bill 060289
9 related to sheet metal workers is enacted
10 into law.

11 We believe that Bill 060289
12 will provide uniformity to the process of
13 duct work installation especially in
14 commercial buildings due to the
15 complexity of installing duct work in
16 these types of buildings. The main
17 intent of the bill is to ensure that
18 persons who perform such work are
19 knowledgeable of the laws and regulations
20 governing such installation and that such
21 person possess the necessary credentials
22 identifying him or her as one who has
23 received training and is experienced for
24 this type of work.

25 Should Bill 060289 be enacted

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2 into law, the Department will seek to
3 have a certification examination
4 developed by a nationally recognized
5 organization similar to the one used for
6 fire suppression system workers which we
7 will accept as evidence that persons
8 successfully passing this examination are
9 competent to perform duct installations
10 and other related work and are,
11 therefore, eligible to receive a license.

12 I want to add a caveat to that.
13 It's not just the passage of the
14 examination. As you know, there's also
15 some other requirements, such as having
16 gone through an apprenticeship program.
17 That's all in the bill. I just wanted to
18 add a caveat to that, that passing an
19 examination doesn't mean competence.

20 In closing, we would like to
21 offer one minor amendment to the bill to
22 replace the word "revoke" as found on
23 Page 6, No. 5, second line, with the word
24 "suspend," and we do have an amendment
25 that we're offering in conjunction with

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2 this testimony. It doesn't replace the
3 word "revoke." It just adds the word
4 "suspend or revoke," and that will be
5 more in line with our current processes
6 as we deal with licenses.

7 We thank you for the
8 opportunity to provide the Department's
9 testimony on Bill 060289. I will be
10 happy to answer any questions at this
11 time.

12 COUNCILMAN RAMOS: Thank you,
13 Mr. Haigler.

14 Any questions from this
15 Committee to the gentleman?

16 (No response.)

17 COUNCILMAN RAMOS: Thank you,
18 Mr. Haigler, for testifying and we'll
19 take up that amendment when we go into
20 our second session.

21 MR. HAIGLER: Thank you.

22 COUNCILMAN RAMOS: To the
23 witness stand I will call Mr. Joe Sellers
24 and whoever is accompanying Mr. Sellers.

25 Mr. Sellers, please state your

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2 name for the purpose of the record.

3 MR. SELLERS: Joseph Sellers,
4 Jr.

5 COUNCILMAN RAMOS: Please
6 proceed with your testimony.

7 MR. SELLERS: Good morning,
8 Mr. Chairman, Councilmembers. My name is
9 Joe Sellers, Jr. I'm the President and
10 Business Manager of Sheet Metal Workers
11 Local 19. I'm here in support of the
12 sheet metal certification bill.

13 Local 19 represents
14 approximately 2,400 members in the
15 Philadelphia area, the vicinity of
16 Philadelphia. We also have 4,500 members
17 throughout our jurisdiction.

18 With me today is Gerald Waites,
19 who is counsel. He will not be
20 testifying today, but is here to answer
21 any technical questions with regards to
22 the bill.

23 Also with me is Pastor Robert
24 Paul, who is a member of Local 19. He is
25 also our recruitment officer for Local

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2 19. He's an executive board member and
3 has been a member for many, many years.

4 Duct systems and HVAC systems
5 that are not properly installed can cause
6 public safety and public health issues,
7 when we come from an area where not too
8 long ago the postal facility in Bellmawr,
9 New Jersey where anthrax shut down that
10 facility for well over a year, and
11 there's going to be several regulations
12 that modify HVAC systems. Also going
13 back several years, we come from an area
14 where Legionnaires disease hit the
15 Bellevue Stratford and caused fatalities
16 in that facility. And going back to that
17 particular problem, there was an outbreak
18 of bacteria that somehow got into the
19 systems and was disseminated or was
20 spread through the building, and bacteria
21 caused the outbreak of sickness and death
22 in many cases.

23 Today, we individuals spend an
24 enormous amount of time indoors, and
25 coming from the Philadelphia area, many

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2 of those buildings and places where we
3 spend sometimes 80 or 90 percent of our
4 time at, windows don't open. So indoor
5 air quality is a very important item to
6 us.

7 We see even in recent times
8 that asthma has increased. You go back
9 several years ago, asthma wasn't
10 identified as much as it is today, and
11 other toxins that are in the system. So
12 indoor air quality to us is a very
13 important item, whether we're in our
14 homes, whether we're in our offices or
15 our shops or whether our children are in
16 their schools.

17 There are other jurisdictions
18 that have created similar bills for sheet
19 metal worker/sheet metal licensing. We
20 did a recent search, and there's 11
21 states that have it and 12 cities that
22 have it, and we provided some supporting
23 material to go along with that.

24 Our industry impacts everyday
25 life, whether we're at work or at home or

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2 at play. Good training won't guarantee
3 that there will be a cure for potential
4 problems, but it will be the first line
5 of defense. It will create a quality
6 control on protecting the quality of air
7 that we breathe through a large amount of
8 time that we spend indoors.

9 We support this ordinance. The
10 bill will create a minimum standard, a
11 minimum standard for training, testing,
12 the qualifications that go along with the
13 installation of HVAC systems.

14 Individuals who install and service HVAC
15 duct work need to be properly educated to
16 the codes. They need to know blueprint
17 reading. They need to know the proper
18 installation and the maintenance of such
19 systems so that when we enter that
20 building, we have a sense of security and
21 deserve the quality of air that we have.

22 The standards of the bill are
23 similar to The Philadelphia Code on
24 plumbing and fire suppression. So
25 there's already similar bills within the

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2 City of Philadelphia.

3 To put into perspective, almost
4 all buildings have HVAC systems, as you
5 can imagine. There's not many buildings
6 that we walk in today that don't have a
7 system that controls the heating or the
8 cooling conveyance through a hot air or a
9 cool air system. They also can carry not
10 only toxins, as I indicated earlier,
11 mold. Duct work in a moist environment
12 will harbor mold and other bacteria, and
13 the proper installation of that will
14 certainly help prevent that long-term
15 effect to those related issues.

16 Our sheet metal industry
17 provides a standard. Engineers and
18 specifications across the world use a
19 standard, Smackton standards. I was in a
20 recent trip to, I guess it was, Chicago
21 and they had standards met -- standards
22 created, standards kept. So when there
23 is a standard, that standard should be
24 upheld. So the design and the rigorous
25 training that we put our apprentices and

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2 our journey persons through to help ensure
3 that the proper installation is done.

4 I have with me, as I indicated,
5 Pastor Bob Paul. He will explain the
6 mentoring program that we have and the
7 outreach that we have to ensure our
8 future and the future training that our
9 industry can provide to the City and the
10 surrounding areas.

11 COUNCILMAN RAMOS: Thank you,
12 Mr. Sellers.

13 Mr. Paul, you can proceed with
14 your testimony.

15 REVEREND PAUL: Yes, sir. Good
16 morning.

17 COUNCILMAN RAMOS: Please state
18 your name.

19 REVEREND PAUL: Yes. My name
20 is Pastor Robert H. Paul, Pining Grove
21 Baptist Church, also a sheet metal
22 worker, Union Local 19. Good morning,
23 sir, and to this entire committee.

24 Sir, my responsibility, one of
25 my responsibilities, is to get

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2 opportunity. We recognize the fact that
3 there are many young people that need
4 opportunity to get a career in the sheet
5 metal industry. For the past eight, nine
6 years, we've been going out to every
7 public, parochial, private, charter
8 school, wherever we can get an open door,
9 to tell young people, primarily juniors
10 and seniors, about the opportunity in the
11 sheet metal industry.

12 We have a four-and-a-half-year
13 apprenticeship program. Now, how do you
14 get everyone aware of the opportunity to
15 have a four-and-a-half-year career? We
16 do recognize the fact that college is
17 probably one of the best institutions in
18 America for higher education. However,
19 there are some people that do not have a
20 desire to go to college. Therefore, in
21 the sheet metal industry, we give you a
22 very good, stable, solid career.

23 One rule that we do at our
24 church is that we have a community center
25 adjacent to our church where we have

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2 grassroot people going out, telling them
3 about the opportunity, male and female,
4 to have a career in the sheet metal
5 industry.

6 What we do is, sir, and to this
7 committee, is that we take grassroot
8 people who under normal circumstances
9 would not have access or even aware of
10 the opportunity in the building trades
11 and the sheet metal industry. We go
12 out -- I've gone to every school, every
13 church, every community center that I can
14 to tell them about the opportunity.

15 They come into our community
16 center that's adjacent to the church two
17 nights a week. We give them a tutorial
18 program, help to raise up their math
19 skill, raise up their English skill to
20 get them through that entrance
21 examination. There's a standard that's
22 already set. We don't ask the union to
23 lower the standard. We try to raise up
24 the standards of the individual, that
25 once they get into the trades, the trades

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2 will then give them that systemic power
3 to stay in there by learning and the
4 various tutors that they have in the
5 industry.

6 One other thing that we do,
7 sir, and to this committee, is that not
8 only do we go out to the schools, but we
9 go out to whosoever would like to have an
10 opportunity in this building trade.

11 You got to forgive me if I'm
12 just a little bit nervous, just because
13 I'm before the Committee, but
14 nevertheless, I believe very strongly in
15 what we're doing. There was a time when
16 I came into this industry where it was
17 very difficult to get in. Now the
18 opportunity is wide open.

19 We're not asking no one to
20 lower the standard. We said that we will
21 raise up our standard, and what we're
22 doing is raising up the integrity of our
23 people. Many times we think that we just
24 can't do, but we instill through
25 mentoring, we instill the confidence, we

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2 instill into them that the opportunity is
3 here and it's accessible. You can obtain
4 it. You bring something to the table, we
5 will show you your opportunity to get
6 into the building trades.

7 COUNCILMAN RAMOS: Thank you,
8 Mr. Paul.

9 Any questions for Mr. Paul or
10 Mr. Sellers from this Committee?

11 (No response.)

12 COUNCILMAN RAMOS: Seeing none,
13 thank you so much for taking time out to
14 testify on behalf of this bill.

15 MR. SELLERS: Thank you for the
16 opportunity.

17 REVEREND PAUL: Thank you, sir,
18 and to this committee.

19 COUNCILMAN RAMOS: You're
20 welcome.

21 Is there anyone else who wishes
22 to testify on this bill?

23 (No response.)

24 COUNCILMAN RAMOS: Seeing none,
25 then I will ask the Clerk to read the

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2 title of the next bill.

3 THE CLERK: Bill 050795, an
4 ordinance amending Title 20 of The
5 Philadelphia Code, entitled "Officers and
6 Employees," by creating a new Chapter
7 20-1100, entitled "Employee Benefits," to
8 provide for certain benefits for City
9 employees on military leave of absence,
10 all under certain terms and conditions.

11 COUNCILMAN RAMOS: I will call
12 to the witness table James Lanigan and
13 Gene Jones.

14 Good morning, gentlemen.
15 Please proceed with your testimony.
16 Please state your name.

17 OFFICER LANIGAN: Good morning.
18 My name is James Lanigan. I'm a
19 Philadelphia police officer and also a
20 member of the Air Force Reserve assigned
21 to McGuire Air Force Base.

22 OFFICER JONES: Good morning,
23 members of Council. I'm a Philadelphia
24 police officer and also a first sergeant
25 in the Army National Guard.

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2 COUNCILMAN RAMOS: Welcome.

3 Please proceed.

4 OFFICER LANIGAN: Thank you,
5 sir. First I'd like to -- the first
6 question I want to answer is why do we
7 need more paid military leave. The
8 current Civil Service regulations allow
9 for 15 days of paid military leave, and I
10 believe this is outdated. I believe it
11 was made during the time for City
12 employees or employees that worked a
13 Monday through Friday job, had the
14 weekends off, and the 15 days were
15 initially meant to cover your annual
16 duty, your two weeks annual tour that you
17 had to do every year.

18 Unfortunately, City employees,
19 such as Police, Fire and other City
20 departments that work on a rotating basis
21 in order to provide services to the
22 community, we have rotating schedules.
23 We don't always have our weekends off,
24 and when we do have them, very rarely do
25 they ever fall on our scheduled unit

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2 training assemblies.

3 Now, what I'd like to tell you
4 IS what the minimum requirements of a
5 reservist and a guardsman are, are 12
6 weekends a month, which totals 24 days,
7 plus 15 days of annual tour. This comes
8 up to 39 days. This is the absolute bare
9 minimum that we have to do.

10 If you notice on the
11 commercial, they don't tell that anymore
12 when they have the commercials for the
13 Reserves, just one weekend a month and
14 two weeks in the summer. It's kind of
15 drifted away. And the reason is, I
16 believe is, one of them, is not only are
17 our roles and responsibilities
18 increasing, but also as you stay in the
19 military, as you progress, we need you to
20 stay in because we need that experience,
21 but you have to start going to
22 professional development. Not only as
23 you get promoted do you have to go to
24 technical training, but you have to
25 become a better supervisor, better

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2 sergeant or a better officer. These are
3 all trainings that are required, that you
4 have to do every few years, and they eat
5 away at our time.

6 Also, depending on your
7 assignment, wherever you're at, may
8 require you to do double or more time.
9 Gene and myself are both first sergeants,
10 and as a requirement, we have to put in a
11 lot more time.

12 My specific assignment at
13 McGuire, I'm a first sergeant at a
14 personnel squadron. There are too many
15 reservists on McGuire to all train on one
16 weekend, so we have to split it on what
17 we call an A and B weekend. Because the
18 personnel and medical and flying
19 squadrons have to support both weekends,
20 my people have to be there both weekends;
21 therefore, I do. So me personally, I'm
22 doing 48 days, plus another 15 days
23 minimum, not including any additional
24 training that I have to do.

25 And as we know, as the federal

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2 government reduces the active-duty force,
3 a lot of those roles and responsibilities
4 are being placed on the reservists in
5 order to make up the difference.

6 What's resulting in this is
7 police, firemen, any City employee that's
8 a military reservist or a guardsman after
9 you use their 15 days are required to use
10 your vacation time. Me personally, I
11 used up my 15 days two weekends ago. So
12 starting with this coming weekend, I have
13 to use my vacation and holiday time.

14 I've been a member of the
15 military for 18 years, a member of the
16 Reserves for nine years. So for the last
17 nine years, I can't accrue any vacation
18 time. Currently, as of today, I have 20
19 hours' vacation time accrued. After
20 that, I have to use holiday time.

21 I projected myself that by
22 November, I'm going to have to go no-paid
23 status for November and December in order
24 to perform my requirements in the
25 military.

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2 What happens is, we're left
3 serving our community, serving our
4 country, but not having the opportunity
5 of having vacation time to relax and to
6 spend with our families.

7 There are some unknown facts,
8 misunderstandings about the military. A
9 lot of people think that we're collecting
10 double pay. Although we are collecting
11 pay from both areas, the military pay is
12 far less than what we receive here in the
13 City. A sergeant, just a basic E-5
14 sergeant, for a weekend receives \$332.
15 Although that sounds a lot, that's for
16 four periods. That's basically four
17 days' pay that they're getting for a
18 weekend, and the reason you're getting
19 four days' pay is, you're four 12-hour
20 periods. You're obligated to the
21 military for 48 hours. If you take that
22 four days, just two days for the police
23 salary is \$382. So it's less than 50
24 percent of what we would get here.

25 So we're not in it for the

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2 money. We're not in it for the
3 retirement. If you do 30 years of
4 Reserves, strictly Reserves, you're
5 looking at a 15 percent pension, and
6 that's not much, and you can't even
7 collect it until you're age 60. If you
8 come in the service at the age of 18, at
9 33 years you're pushed out of the
10 service, period. So as early as age 51,
11 you're given a handshake, say, Thank you
12 very much for your service, and wait nine
13 years for your pension.

14 So these are men and women that
15 are not in this for the money, not in it
16 for the benefits. They're in it to serve
17 our country and community.

18 And the last thing I'd like to
19 say is in comparison to other states and
20 cities, and I took up two, New Jersey and
21 New York City. New Jersey currently has
22 a Civil Service regulation that provides
23 90 days paid leave for all military,
24 whether it's municipal or state, whether
25 it's training or active duty, and that's

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2 just a benefit that they've provided to
3 their members. The City of New York
4 provides for 30 days paid military leave.

5 Now, Pennsylvania State Civil
6 Service regulation or the Commission has
7 tried to come close to that. They've
8 given 15 days additional leave.
9 Unfortunately, it's only for
10 mobilization, and that doesn't really
11 help the typical reservists or guardsmen,
12 because it's only an extra two weeks if
13 you're deployed or mobilized.

14 And that's basically it. I
15 appreciate the time for testifying. If
16 you have any questions.

17 COUNCILMAN RAMOS: Thank you,
18 Officer.

19 Please proceed.

20 OFFICER JONES: Our purpose
21 here today is to inform you that citizen
22 soldiers, like myself, who have chosen to
23 serve our country as well as our
24 communities need specific legislation
25 changes in the military leave bill that

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2 would help us meet our military
3 commitment. Reserve soldiers are no
4 longer weekend warriors. In the past few
5 years, we have been called upon to serve
6 our communities, our country and the
7 world in ways that are historically
8 unprecedented.

9 With the current military leave
10 bill, we have been forced to use vacation
11 time accrued from our jobs for
12 military-related purposes. This has
13 caused hardships, such as lack of
14 vacation time left to spend quality time
15 with our families, as well as not having
16 the option of taking vacation time to
17 meet with any other life obligations. In
18 some cases, members of the military have
19 run out of allotted military time as well
20 as vacation time and have been forced to
21 leave the payrolls of their current jobs.

22 The pay received from military
23 obligations does not meet the needs of
24 the average reserve soldier. This has
25 caused severe financial hardship on

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2 families.

3 We are proposing that the Civil
4 Service Committee move forward with a
5 plan based on the plans that have been
6 implemented in New York City and New
7 Jersey.

8 We would like for the City of
9 Philadelphia employees, such as Police
10 and Fire Departments, to be informed of
11 Bill 050795 so that members of the
12 military can serve their communities and
13 their country without the hardships that
14 loss of accrued vacation time may cause
15 and that all information regarding
16 military leave Bill 050795 be distributed
17 to all appropriate departments.

18 Failure to change the policy
19 will result in forcing more City
20 employees to exit the military. The
21 policy has prevented interested City
22 employees from joining military Reserve
23 units. It goes without stating that our
24 homeland security will be suffering as a
25 result of the dwindling number of

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2 military Reserve soldiers.

3 Since 9/11/2001, we are often
4 notified for service with very limited
5 notice. National Guard soldiers have
6 been deployed to state bridges, tunnels,
7 nuclear plants and airports as part of
8 Homeland Security in a direct effort to
9 maintain high levels of security. The
10 National Guard has provided more than
11 just mere manpower to the state agencies
12 that need their services.

13 From a Department of Defense
14 article dated May 13, 2006, Army
15 Lieutenant General H. Steven Blum, Chief
16 of the National Guard Bureau, stated that
17 guardsmen are in about 40 countries
18 around the globe. 75,000 citizen
19 soldiers are deployed around the world,
20 serving in Afghanistan, Iraq and Kuwait.
21 The National Guard has taken over entire
22 missions in Bosnia, Herzegovina, Kosovo,
23 and the counter-terrorism activities in
24 the Horn of Africa and peacekeeping
25 missions in the Sinai between Egypt and

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2 Israel. While the National Guard was
3 providing support during the aftermath of
4 Hurricane Katrina, the National Guard was
5 fighting floods in New Hampshire and
6 Vermont, fighting forest fires in Idaho
7 and Montana, severe blizzard conditions
8 in North Dakota, dealing with issues on
9 the southwest border of the United States
10 and guarding critical infrastructures in
11 New York City. On May 15, 2006, the
12 federal government has called for 6,000
13 soldiers to support our borders.

14 As our deployment has
15 increased, no one has taken into account
16 that average deployment spans 12 to 18
17 months, not to include time needed for
18 specialized training for the deployment.
19 Due to the fact that little or no notice
20 is given for these deployments,
21 additional vacation time must be utilized
22 by military Reserve officers just to
23 spend time with their families prior to
24 deployment and handle personal business.

25 It is my recommendation that

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2 the State of Pennsylvania increase the
3 mandatory number of military leave days
4 from 15 to 45 days. This is a suggestion
5 due to the increased specialized training
6 directly related to the increased
7 deployment of military Reserve soldiers.

8 COUNCILMAN RAMOS: Thank you,
9 soldier, for your very informative
10 testimony.

11 Any questions for these
12 witnesses from the Committee?

13 Councilman Kenney.

14 COUNCILMAN KENNEY: Thank you
15 very much and good morning and thank you
16 for your testimony.

17 Since you gentlemen are
18 involved in this issue and have been
19 researching and I'm sure knowledgeable
20 about the subject, do you have any idea
21 how many employees of the City are
22 involved or would be affected by the
23 increase in paid military leave?

24 OFFICER LANIGAN: Councilman, I
25 don't know for sure. I recall around

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2 9/11 there was a news article indicating
3 approximately 450 City employees.

4 COUNCILMAN KENNEY: So
5 certainly less than a thousand, probably
6 no more than 500.

7 OFFICER LANIGAN: I don't know
8 for sure. I wish I knew how to find that
9 out, but I don't have the --

10 COUNCILMAN KENNEY: In my last
11 research relative to the bill we did on
12 exempting the City wage tax from active
13 military pay, it was difficult -- I
14 forget which branch it was, but it was
15 easier to find out from either the Guard
16 or the Reserve the number of people that
17 they have. Either the Guard or Reserve
18 was somewhat -- not secretive, but wanted
19 to hold on to the numbers for strategic
20 reasons and it was difficult to really
21 find out, but I think it was around 500
22 total.

23 Do you have any idea what the
24 average need is for paid military leave?
25 For example, we're looking at changing

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2 this to 30, but you're up into 32, I
3 guess, or so already.

4 OFFICER LANIGAN: Yes.

5 Actually, it's 39 days, is what our total
6 commitment is annually. That is the bare
7 minimum. That would be the best
8 scenario. The reason we picked 30 is
9 because New York is at 30, and we're not
10 trying to -- we don't want to go too far,
11 in all honesty. We're not trying to ask
12 for a huge package. We'd like to take a
13 step in the right direction, and if it
14 means getting 30 now and hopefully later
15 on maybe increase it.

16 COUNCILMAN KENNEY: What I'd be
17 interested in doing is certainly putting
18 this bill out of Committee today and
19 supporting it on the floor, and I would
20 make a request to the Chair, if we can
21 find out as best we can the number of
22 people involved and the average number.

23 I see a reason to go to 30. I
24 see no reason why we couldn't go to 40 or
25 45 if that's what the average number is.

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2 Rather than having you eat any of this,
3 we might as well just find out what the
4 average is. Certainly pass this as soon
5 as we can, but then maybe amend it down
6 the road, shortly down the road, to
7 figure out what it is that covers it. Is
8 it 45? Is it 50? Is it 60? Whatever
9 the number is.

10 So you're saying bare minimum
11 of just your minimum requirements, not in
12 addition to your training and your
13 development and all the other stuff.

14 OFFICER LANIGAN: Exactly.

15 COUNCILMAN KENNEY: So if the
16 Chair would -- and maybe I could have my
17 staff also be involved in trying to find
18 out just what the number is.

19 OFFICER LANIGAN: I believe
20 that the best -- I would think that the
21 best person would be either the Finance
22 or the Personnel Department of the City.
23 I would hope that they would know how
24 many people are in the military, because
25 I thought it was -- I know in the Police

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2 Department we're required to let our
3 chain of command know that we're in the
4 service.

5 COUNCILMAN KENNEY: The other
6 issue relative to your service in
7 Reserves or the Guard and whether active
8 or non-active duty, does it affect your
9 seniority?

10 OFFICER LANIGAN: It's not
11 supposed to. We've had instances where
12 the Fire Department when they came back
13 off of active duty, some of their members
14 didn't receive promotions and they ended
15 up having to go to federal court in order
16 to get their promotion and back date it.

17 By federal law, it's not
18 supposed to affect our seniority. We
19 still have the same payroll number. We
20 still have the same seniority. However,
21 what does happen is, when you come off
22 the payroll for any reason, whether it's
23 a day or a year, you're that much further
24 behind retirement.

25 COUNCILMAN KENNEY: You're

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2 frozen basically in time. And then it
3 also affects issues relative to test
4 taking. So if you're active in a way
5 during the course of the time that a
6 promotional exam is given, can you come
7 back and take it or do you have to wait
8 for the next go-around?

9 OFFICER LANIGAN: We're
10 supposed to be able to take it. In
11 reality, we basically have to fight for
12 it. We have to go to arbitration, and in
13 all honesty, by the time that happens, it
14 could be the next test.

15 COUNCILMAN KENNEY: One of the
16 issues that Council has dealt with and
17 continues to deal with is the kind of
18 reinvigoration or reestablishment of the
19 Veterans Advisory Commission that the
20 Council created and is under the
21 Council's purview. We have talked with
22 various representatives of military
23 organizations, Vietnam veterans and other
24 people, to kind of get that board
25 reestablished and reinvigorated, because

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2 in order to have this information
3 available to us, you're certainly
4 bringing it to us, but to have a
5 commission that's under the auspices of
6 the City, who researches these things and
7 kind of guides us in what we need to do
8 from a personnel standpoint, from a Civil
9 Service standpoint and everything else to
10 treat you fairly, I think we're going to
11 need to reestablish that board quickly,
12 especially in light of the fact that we
13 have the post Gulf War people that are
14 dealing with issues. We're going to have
15 the Iraq people that are coming back
16 dealing with issues, those people in
17 Afghanistan. So it's almost as if we're
18 back in the Vietnam era of the needs of
19 our employees, and I'm looking forward to
20 getting that board reestablished. As a
21 matter of fact, I'm going to talk to the
22 Council President today and see if we
23 can't work out some appointment process
24 so that we can get that board up and
25 running and have it funded so that they

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2 can do the research and make the
3 recommendations to Council for
4 legislative changes that are necessary to
5 assist you in your service.

6 OFFICER LANIGAN: Thank you.

7 COUNCILMAN KENNEY:

8 Mr. Chairman, we can get that information
9 back.

10 COUNCILMAN RAMOS: Yes. Let
11 the record reflect that this Committee
12 will find out from the Administration the
13 number of employees that are in this
14 category of military service.

15 COUNCILMAN KENNEY: And the
16 average number of leave days.

17 COUNCILMAN RAMOS: And the
18 average number of leave days.

19 COUNCILMAN KENNEY: Thank you.

20 COUNCILMAN RAMOS: Councilman
21 Kelly.

22 COUNCILMAN KELLY: Yes. Thank
23 you, Mr. Chairman.

24 Officer, I just have one
25 question. What is the state policy

1 5/17/06 - LABOR - BILL 050795, ETC.
2 regarding military leave? Could you tell
3 me that?

4 OFFICER LANIGAN: Sir, the
5 state policy is similar to our City Civil
6 Service regulations, 15 days of paid
7 military leave for military duty, whether
8 it's training or mobilization. It was
9 recently just upgraded, last November I
10 believe, to include an additional 15
11 days, but that's only if you're
12 mobilized. It doesn't include your
13 annual training.

14 COUNCILMAN KELLY: Was that a
15 bill?

16 OFFICER LANIGAN: It was a
17 bill, yes. It was passed last November.

18 COUNCILMAN KELLY: And now --

19 OFFICER LANIGAN: But it only
20 pertains to state employees.

21 COUNCILMAN KELLY: State
22 employees?

23 OFFICER LANIGAN: That's
24 correct. Not municipal.

25 COUNCILMAN KELLY: But it was

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2 increased by 15 days?

3 OFFICER LANIGAN: That's

4 correct.

5 COUNCILMAN KELLY: All right.

6 Thank you.

7 Thank you, Mr. Chairman.

8 COUNCILMAN RAMOS: Any further

9 questions for these witnesses?

10 (No response.)

11 COUNCILMAN RAMOS: Seeing none,

12 thank you so much, officers and soldiers,

13 for testifying this morning.

14 OFFICER LANIGAN: Thank you.

15 COUNCILMAN RAMOS: I'll ask the

16 Clerk to present the next bill, please.

17 Anyone else that wishes to

18 testify on the bill that we just heard?

19 (No response.)

20 COUNCILMAN RAMOS: Seeing none,

21 the Clerk will please state the number of

22 the bill coming up next.

23 THE CLERK: Bill 051066, an

24 ordinance amending Title 22 of The

25 Philadelphia Code, entitled "Public

1 5/17/06 - LABOR - BILL 050795, ETC.
2 Employees Retirement Code," by amending
3 Section 22-105 relating to the definition
4 of "compensation," and repealing a
5 previous ordinance that added the
6 language now to be deleted, all under
7 certain terms and conditions.

8 COUNCILMAN RAMOS: I would like
9 to call to testify on Bill No. 051066
10 Gwendolyn Bell and Evan Myers.

11 Good morning. Please proceed.
12 Please state your name for the purpose of
13 the record.

14 MS. BELL: Good morning,
15 Councilman Ramos and members of the
16 Committee on Labor and Civil Service. My
17 name is Gwendolyn Bell. I'm Executive
18 Director of the Board of Pension and
19 Retirements. With me today is Evan
20 Myers, senior attorney from the
21 Solicitor's office and James Kidwell,
22 Deputy Director of the Board of Pensions.

23 COUNCILMAN RAMOS: Please
24 proceed.

25 MS. BELL: Bill 051066 is being

1 5/17/06 - LABOR - BILL 050795, ETC.
2 recommended for amendment of The
3 Philadelphia Code under Title 22 by
4 amending Section 22-105(9) relative to
5 the definition of "compensation," and
6 repealing a previous ordinance that added
7 the language now to be deleted.

8 The proposed ordinance was
9 reviewed and approved by the Law
10 Department in October 2005 after a vote
11 of the Board of Pensions and Retirement
12 in May of 2004. It's been the practice
13 of the Board for more than 20 years to
14 allow pension service credit for mandamus
15 fees up until April of 2004, at which
16 time a legal opinion advised the Board
17 that service credit was not authorized
18 under the Retirement Code.

19 There are 89 eligible court
20 reporters, and we've gotten a petition
21 from 50 of them to be allowed to purchase
22 these fees, and we ask you to vote
23 favorably on this recommendation.

24 COUNCILMAN RAMOS: Thank you,
25 Ms. Bell.

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2 Any other person at the witness
3 table care to testify on this bill? If
4 so, please proceed.

5 If not, any questions from this
6 Committee?

7 (No response.)

8 COUNCILMAN RAMOS: Seeing none,
9 thank you so much for your testimony this
10 morning.

11 Anyone else who is here to
12 testify on behalf or opposed to Bill No.
13 051066, please come forward.

14 Please proceed. Please state
15 your name for the purpose of the record.

16 MS. DONOVAN: My name is Edna
17 Donovan, D-O-N-O-V-A-N, and with me is
18 Kimberly Horsley, H-O-R-S-L-E-Y, and
19 Thomas Campbell, C-A-M-P-B-E-L-L. Good
20 morning.

21 COUNCILMAN RAMOS: Good
22 morning.

23 MS. DONOVAN: My name is Edna
24 Donovan and I am President of the
25 Philadelphia Official Court Reporters

1 5/17/06 - LABOR - BILL 050795, ETC.

2 Association, which is an organization
3 consisting of 70 members, all of whom are
4 official court reporters employed by the
5 City of Philadelphia. I am here today
6 along with other officers of the
7 Executive Board to urge Council to vote
8 in favor of Bill No. 051066.

9 It has been a longstanding
10 practice of the Pension Board to allow
11 court reporters to add their transcript
12 income to their pensions. This practice
13 began in the late 1970s as a result of a
14 class action suit, Newhouse versus Board
15 of Pensions, a suit brought by retired
16 court reporters against the Pension Board
17 for the Pension Board's failure to add
18 their transcript income to their
19 pensions.

20 The Commonwealth Court at that
21 time held that transcript fees were to be
22 included as compensation in calculating
23 the retirement benefits of court
24 reporters.

25 Subsequently, in March of 1981,

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2 Bill No. 612 was passed by City Council
3 excluding transcript fees from
4 pensionable income, but shortly
5 thereafter, in March 1982, the
6 Commonwealth Court, in Bradley versus
7 Board of Pensions and Retirement, held
8 that since the City, pursuant to statute,
9 is required to pay transcript fees to
10 official court reporters, the Pension
11 Board was to compute retirement benefits
12 on the basis of both salary and
13 transcript fees.

14 As a result of these Court
15 decisions, for the past 25 years the
16 Pension Board has continued to allow
17 court reporters to add their transcripts
18 to their pensions and continued to accept
19 contributions therefor.

20 Recently, however, without
21 prior notice to the court reporters, the
22 Pension Board voted to allow only those
23 reporters who were already voluntarily
24 making contributions on their transcript
25 fees to continue the practice and voted

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2 not to permit any new requests from court
3 reporters, and it is this decision of the
4 Pension Board that brings us before
5 Council today.

6 Compensation to court
7 reporters, by statute, comprises both a
8 salary and transcript fees, the fees
9 arising from business connected with the
10 Court or ordered by the presiding Judge.
11 These transcripts are mandated by the
12 Courts, governed by the rules of Court
13 and are billed to the City on mandamus.
14 Both functions of recording stenographic
15 notes and producing a transcript are
16 inherent to the position of official
17 court reporter and are so outlined in the
18 job description published by the First
19 Judicial District of Pennsylvania.

20 The purpose of retirement
21 benefits is to compensate government
22 employees for all basic services
23 faithfully performed on behalf of the
24 government and the public. To not pass
25 Bill 051066 would mean it is City

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2 Council's intent to compensate court
3 reporters for merely one portion of the
4 services performed by these employees,
5 and to exclude transcript earnings would
6 work an unfair hardship on court
7 reporters by depriving them of this
8 retirement benefit.

9 It would, therefore, be
10 irresponsible to provide retirement
11 benefits for only a portion of the
12 services rendered by official court
13 reporters to the government, and we urge
14 you to vote in favor of this bill.

15 Thank you for your time this
16 morning.

17 COUNCILMAN RAMOS: Thank you
18 for your testimony.

19 Anyone on the witness table
20 care to testify?

21 (No response.)

22 COUNCILMAN RAMOS: Thank you so
23 much for your testimony.

24 Any questions for these
25 witnesses?

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2 (No response.)

3 COUNCILMAN RAMOS: Seeing none,
4 thank you for coming forward this
5 morning.

6 MS. DONOVAN: Thank you.

7 COUNCILMAN RAMOS: Is there
8 anyone else that wishes to testify on
9 behalf or opposed to this bill?

10 (No response.)

11 COUNCILMAN RAMOS: Seeing none,
12 I will ask the Clerk to read the title of
13 the next bill.

14 THE CLERK: Bill 060244, an
15 ordinance amending Chapter 22-300 of The
16 Philadelphia Code, entitled "Retirement
17 Benefits," by amending Section 22-306,
18 entitled "Retirement and Survivorship
19 Benefit Options," by providing for
20 benefits to be paid to certain trusts for
21 disabled children, under certain terms
22 and conditions.

23 COUNCILMAN RAMOS: I believe
24 Ms. Bell is back at the witness stand.

25 MS. SUGGS: Good morning,

1 5/17/06 - LABOR - BILL 050795, ETC.

2 Mr. Chair and all Councilmembers. My
3 name is Thelma Suggs, and first I would
4 like to introduce our supporting cast. I
5 would ask them to stand. We have Harry
6 Magee, who is going to also testify this
7 morning; Michelle French; Kitty
8 Zellenbach; Joe Zellenbach; Dee Coccia,
9 who is also testifying. We have Vince
10 Coccia; Kathy Ford; Verna Detlinen;
11 Emilio Checo; Kathy Huggins; my union
12 rep, Mike Walsh; Mr. Dole; Marie
13 Devanney; Rosette Puddon; and Mr. Ed
14 Teetertussin is always on call. I just
15 ask you to stand, please.

16 No, they all will not be
17 testifying. We don't have that much
18 time.

19 COUNCILMAN RAMOS: Are you sure
20 you got everyone?

21 MS. SUGGS: I hope so. And if
22 I forget anyone, please excuse me.

23 COUNCILMAN RAMOS: And Ms. Bell
24 is not testifying at this one, right?

25 Are you? You're next.

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2 You can proceed. Thelma,
3 please proceed.

4 MS. SUGGS: We were here
5 back --

6 COUNCILMAN RAMOS: Please state
7 your name for the record, please.

8 MS. SUGGS: Thelma Suggs is my
9 name. We were here back in December
10 2004, and this wise Council passed the
11 Bill 041005 that stated we could leave a
12 trust for a disabled child. Since that
13 time, there has been a lot of debate
14 about the language of the trust, and the
15 glitch seems to be no one understood that
16 we could leave it under Option 4, which I
17 did not understand, because Option 4 was
18 really the only option that addressed the
19 issue of a disabled child.

20 So here we are again back to
21 talk on Bill 060244, and I pray that this
22 bill has made the right statement, that
23 the language is clear, that the trust is
24 eligible under Option 4.

25 I'm just grateful that Brian

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2 O'Neill took the initiative to
3 reintroduce this bill, because this bill
4 had come up years ago. And I'm thankful
5 for my co-sponsor, Donna Reed Miller, and
6 to Mr. Aaron Finestone for keeping me
7 apprised of its progress.

8 I am recently retired from the
9 Fire Department and I'm here on behalf of
10 all City employees caring for a dependent
11 disabled adult and those desiring to
12 change the City's Pension Code.

13 As the parent of a mentally
14 challenged son, my biggest concern is
15 what will happen to my child at my death.
16 Allowing a change to the Pension Code
17 where it reads "in trust for" would
18 lessen my concerns.

19 Leaving the pension straight
20 out to a disabled child could render them
21 ineligible for governmental benefits.
22 And, trust me, this is the same speech
23 you heard before, but, like I said, this
24 wise Council had the foresight to pass it
25 unanimously, so I don't feel that there's

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2 a need for me to change from the
3 original.

4 By designating a trust and
5 establishing intent to supplement their
6 present income, our survivors'
7 governmental benefits would not be
8 jeopardized. Benefits such as Medicaid,
9 therapy, respite and others could
10 continue.

11 Caregivers are not scheming
12 against society. After all, we're a big
13 part of that society. We're just trying
14 to maintain some normalcy for our loved
15 ones' lives. Perhaps a pension could
16 keep them in their home or familiar
17 surroundings. What is the cost to the
18 City? And I believe it was Councilman
19 Kenney who asked that question before.
20 The cost is neutral, because whether we
21 leave it straight out to a trust or
22 whether we leave it straight out to our
23 individuals, the cost is the same to the
24 City. They would receive one-half of
25 whatever our pension is. So I don't know

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2 why that has been such a problem, because
3 it's spelled out. The difference is,
4 when you leave it in trust, it does not
5 affect the client's benefits.

6 I urge you to pass this new
7 amendment, 060244, to the Pension Code.
8 It is for the most challenged, the most
9 vulnerable and most deserving people ever
10 created.

11 Thank you.

12 COUNCILMAN GOODE: Thank you
13 for your testimony.

14 Please state your name for the
15 record and proceed with your testimony.

16 MR. MAGEE: Good morning,
17 Council. My name is Henry Magee, and I'm
18 President of the Philadelphia Police and
19 Fire Association Serving People with
20 Special Needs. I am an active City
21 firefighter of the organization. We were
22 founded in 1976 by police and fire
23 families to provide support and advocacy
24 to families of Philadelphia police and
25 firemen who have children with

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2 disabilities. We represent several
3 hundred active and retired police and
4 firefighter families.

5 For 30 years, we have been
6 actively working on behalf of our
7 families to provide service, support and
8 guidance to them regarding the needs of
9 their disabled children. Many of the
10 children go on to full productive lives
11 because of the help they receive, but for
12 a small minority, the care of their
13 disabled children goes on for a lifetime
14 due to the level of their disability, and
15 this care will need to continue after
16 their families are gone. These are the
17 folks we want to talk about today.

18 People with significant
19 disabilities warrant these trusts and are
20 believed to be comprised of only one
21 percent of the ten percent of our
22 population. This is based on national
23 studies. We know of no evidence to
24 suggest that the City employee pool has
25 experienced a larger incidence. While we

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2 do not have the resources to secure a
3 formal study, our understanding based on
4 our own membership shows it is an
5 insignificant number of people about whom
6 we speak.

7 We strongly support Bill No.
8 060244, which, if passed, will protect
9 the government benefits of the children
10 of these particular members of our
11 organization while allowing these
12 children to receive the pension benefits
13 their parents wish to leave them. This
14 bill will permit special needs trusts to
15 be designated as a survivor pension
16 beneficiary on their behalf. This allows
17 many of the families in our organization
18 to no longer be forced to choose between
19 rejecting pension benefits for their
20 loved ones and sacrificing their child's
21 much-needed government benefits.

22 Our organization has been
23 actively pursuing this kind of amendment
24 to the City Charter for over 15 years,
25 and we urge that it be passed. This bill

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2 is a Godsend to our membership and we are
3 thankful for its consideration, but we
4 need to respectfully request support be
5 given to making this retroactive to
6 include the small number of families who
7 have been working hard for years to
8 change this ordinance and have been
9 denied this option in the past. This can
10 provide them and their families with the
11 security they too need for their family
12 members with disabilities. It is a
13 handful of people, but for them, it is
14 the difference of extraordinary
15 proportion. For years they have been
16 struggling to get this issue recognized.
17 Let's see if it helps all of them, too.
18 I must tell you that last year
19 we lost one of those members, a retired
20 Philadelphia police officer, who had an
21 adult son with disabilities. Because he
22 was unable to place his pension benefits
23 into a trust for his son before he died,
24 his son is now without any additional
25 financial support he desperately needs.

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2 He is unable to be provided with the
3 small necessities that we all take for
4 granted. Here was a man who dedicated
5 and put his life at risk each day to
6 protect the City and its residents for
7 over 25 years. Sadly, in the end for him
8 there was no protection he could provide
9 for someone he loved that he had to leave
10 behind.

11 Please let's not let this
12 happen. We appeal to you to recommend
13 Bill 060244 for passage to the full
14 Council with the provision that the
15 previous retired City employees have the
16 option of setting up a trust for their
17 pension benefits so our families can rest
18 knowing their children will be adequately
19 cared for when they are no longer here.

20 I thank you for the opportunity
21 to bring this important matter to your
22 attention, and I thank you for the
23 opportunity to testify and thank you for
24 your patience waiting for me to separate
25 this new paper.

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2 COUNCILMAN RAMOS: Thank you
3 for your testimony.

4 MS. COCCIA: Good morning. My
5 name is Audrey Coccia, C-O-C-C-I-A. I
6 would like to begin by thanking the
7 members of Council and this Committee for
8 the opportunity to speak here today. I
9 am the wife of a veteran retired
10 Philadelphia firefighter who served the
11 City of Philadelphia for over 31 years
12 and, equally importantly, I am the mother
13 of a 41-year-old woman with significant
14 disabilities.

15 In my work life, I am the
16 Co-Executive Director of a Philadelphia
17 non-profit organization called Vision for
18 Equality. We provide advocacy, training
19 and monitoring services for people with
20 developmental disabilities who live in
21 the City of Philadelphia through
22 contracts with the City's Department of
23 Behavioral Health and Mental Retardation
24 Services and the Pennsylvania Department
25 of Welfare Office of Mental Retardation.

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2 We are well aware of the needs of people
3 with disabilities and what puts them in
4 jeopardy.

5 I am here today in support of
6 the proposed retirement and survivorship
7 benefit option amendment change, the
8 trustee Bill No. 060244. A number of
9 active and retired police, firefighter
10 and City employee families are here with
11 me because they too want you to know how
12 important this proposed change is to the
13 lives and futures of their sons and
14 daughters. This bill holds the key for
15 our loved ones to potential future
16 security and financial stability,
17 potentially helping them to provide for
18 their continued lifetime needs.

19 This bill is a win-win. It
20 will cost the City itself little or
21 nothing, but offers much-needed important
22 additional help and protection for many
23 City employees' disabled family members,
24 and it ensures supplemental financial
25 help to them for their future care.

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2 For years, the only options
3 offered to these families have been a
4 catch 22, deny the dependent child their
5 right as a beneficiary to the pension,
6 thereby excluding them from benefits
7 their parents had earned, or include them
8 as a pension beneficiary and have them
9 risk losing their much-needed additional
10 government benefits, leaving them in
11 either case without adequate financial
12 support.

13 Those of us who have already
14 had our spouses retire know we were told
15 having the money placed in a trust under
16 the original ordinance would not be
17 permitted. Many of us have waited for
18 years for this moment when Council would
19 provide the protections our children
20 need. Last year, thanks to all of you,
21 Council passed a limited bill that helped
22 some families but left many of us out.

23 As parents of children with
24 disabilities, we have acted as our
25 children's protector, teacher and

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2 advocate throughout their lives. Our
3 problems are unique, in that our concern
4 for our sons and daughters with
5 disabilities is not just when they are
6 young, but for a lifetime. We worry
7 about them when we are here and we worry
8 even more about what will happen to them
9 when we are gone. We face each day with
10 a "what if" attitude, concerned always
11 for their welfare, safety and future.
12 For us, it is crucial to have in place
13 planning and protections for their
14 well-being without putting them at risk
15 of losing existing or potential services
16 and government benefits they so
17 desperately need.

18 Most of our sons and daughters,
19 once they reach 18 years of age, are
20 eligible for limited but much-needed
21 government benefits. These benefits are
22 small, but essential. They are comprised
23 usually of Social Security, SSI, and
24 Medicaid. As you know, eligibility
25 standards for many of these benefits and

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2 services have certain requirements.

3 Income earned and unearned and assets of
4 any kind are considered in determining
5 eligibility for those benefits. Gifts
6 and inheritance, including pension
7 benefits, would disqualify a person from
8 receiving services, and all government
9 benefits could be entirely lost.

10 It is equally important to note
11 that even with these benefits, if they
12 receive them, people with disabilities
13 are still condemned to a life of scarcity
14 once they are on their own. On these
15 benefits, which are usually around \$600 a
16 month, they must pay rent and for their
17 food, transportation and contribute
18 towards their medical care. They are
19 essentially living below the poverty
20 line. Luxuries like a new coat, a movie,
21 hair shampoo, deodorant, lunch out or a
22 vacation usually lies beyond their means.
23 The only way to help them is to have some
24 way to protectively supplement their
25 care.

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2 A government program like SSI
3 is important for a person with a
4 disability, both for the limited
5 financial support it provides and because
6 eligibility for this program is a
7 touchstone for eligibility for many other
8 needed services. These additional
9 services, such as Thelma mentioned,
10 healthcare, housing, habilitation,
11 workshops, day activities, services, are
12 vital to people with disabilities and the
13 ongoing service. A care for a person
14 with disability for this is very
15 important.

16 Preserving eligibility to these
17 benefits is extremely important, not just
18 to the person with a disability but in
19 this case to the City of Philadelphia,
20 too. Their eligibility for federal
21 dollars through Medicaid draws down
22 millions of dollars to Philadelphia to
23 provide the City with funds to pay for
24 providers to assist them with supports
25 when their families can no longer care

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2 for them.

3 A number of us have been
4 interested in working towards acquiring
5 an ordinance that would allow for these
6 benefits to be paid to trusts for
7 disabled children and adopted children
8 for City employees under certain
9 circumstances and conditions since 1991.
10 The Philadelphia Police and Fire
11 Association for People with Special Needs
12 have met with staffers of several
13 Councilmembers over the years to seek a
14 way to address this important issue.
15 Last year, thanks to City Councilman
16 Kenney and the members of this Committee,
17 this issue was partially addressed
18 through the passage of Bill 041005. It
19 amended Section 22-701 and 702 allowing
20 for irrevocable trusts. Unfortunately,
21 it left many retired City employees out
22 by limiting the retroactive capacity to
23 one year.

24 We are so pleased members of
25 the Committee and Council have elected to

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2 tackle this important matter again. We
3 hope the present trusteeship bill will
4 finally address the grave need of many
5 retired City employees who remain
6 ineligible and alleviate their fears for
7 the future of their children's
8 well-being. We thank you for extending
9 this grace period, hopefully, and to
10 include past retirees so they can protect
11 their children from a life of
12 destitution.

13 Many, like my husband, were
14 denied this opportunity when they
15 retired. By extending this grace period,
16 they will be able to provide their sons
17 and daughters, too. It will have no real
18 financial ramifications to the City and
19 we are not talking about a lot of people,
20 perhaps as little as 20 or 30 at the
21 most.

22 I would like to conclude on a
23 personal note. My husband and I have
24 been concerned about this since 1991 when
25 he retired. We had requested at that

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2 time the ability to place into a trust
3 any benefits my daughter might be
4 entitled to once we were gone. We were
5 told no, that it was not possible. We
6 kept hoping somehow, some day this would
7 be worked out before we were not around.
8 Remember I said earlier families with
9 loved ones with disabilities live in a
10 "what if" mode? Well, that "what if"
11 came. My husband was diagnosed with a
12 serious form of cancer a couple of years
13 ago. His chances of survival were grim,
14 and reality set in. In the midst of all
15 we were going through as a family, it
16 struck our hearts that we might in fact
17 leave this world and never be able to
18 achieve the opportunity to provide this
19 little bit of extra care for our
20 daughter, Gina. Maybe we wouldn't get to
21 guarantee her this small supplement to
22 help her when we're no longer here. That
23 harsh reality struck our hearts with
24 fear.

25 I personally appeal to you,

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2 please, please be sure to support the
3 passage of this bill with the provision
4 of all former retirees who chose Option 4
5 so it will include those City employees
6 who have retired with children with
7 disabilities and they get the opportunity
8 to protect their sons and daughters
9 before it is too late for them.

10 I want to tell you how much we
11 all appreciate the strong Council support
12 we have had on this issue, including
13 Mr. Finestone, who has been wonderful to
14 us. Also, we want you to know that
15 should this bill pass with this proviso,
16 you will be giving our children the best
17 chance at a higher quality of life and
18 allow us to feel more secure about their
19 future when we are gone.

20 Thank you for your time and
21 consideration.

22 COUNCILMAN RAMOS: Thank you,
23 ma'am, for your testimony. Thank you for
24 coming here this morning.

25 Any questions from this

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2 Committee to our witnesses?

3 (No response.)

4 MS. SUGGS: Can I just say one
5 other thing?

6 COUNCILMAN RAMOS: Yes, ma'am.
7 Proceed.

8 MS. SUGGS: It's reading here
9 "under certain trusts," and my concern is
10 always at least to say "including Option
11 4," because that has been the drawback.

12 COUNCILMAN RAMOS: Thank you,
13 ma'am. Thank you for testifying this
14 morning.

15 MR. MAGEE: Thank you.

16 COUNCILMAN RAMOS: Our next
17 witness is Gwendolyn Bell and I believe
18 Mr. Myers.

19 MS. BELL: Councilman Ramos,
20 members of the Committee on Labor and
21 Civil Service, I'm Gwendolyn Bell,
22 Executive Director of the Board of
23 Pensions. With me is Evan Myers, senior
24 attorney, Solicitor's office, and James
25 Kidwell, Deputy Director of Board of

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2 Pensions.

3 Bill 060244 adds trusts to the
4 lists of named beneficiaries and
5 survivors that a member of the fund may
6 designate. The Board of Pensions and
7 Retirements recommends amendment to The
8 Philadelphia Code, Chapter 22-330,
9 entitled "Retirement Benefits" by
10 amending Section 22-306, entitled
11 "Retirement and Survivorship Benefit
12 Option" by providing for benefits to be
13 paid to a certain trust for disabled
14 children. The Board's legal counsel has
15 reviewed the proposed bill and found no
16 legal problems and as long as there are
17 certain controls and details of the trust
18 and trust is provided.

19 We've had actuarial estimates
20 done on this and there's no explicit cost
21 associated with the bill. So we would
22 recommend approval.

23 COUNCILMAN RAMOS: You're in
24 total support of this bill?

25 MS. BELL: Yes.

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2 COUNCILMAN RAMOS: I am so glad
3 to hear that.

4 Anyone else on the witness
5 table care to testify concerning this
6 bill?

7 (No response.)

8 COUNCILMAN RAMOS: Any
9 questions from this Committee for the
10 witnesses?

11 (No response.)

12 COUNCILMAN RAMOS: Seeing none,
13 thank you so much. Thank you for your
14 support.

15 (Applause.)

16 COUNCILMAN RAMOS: Is there
17 anyone else that cares to testify on
18 behalf of this bill or against this bill?

19 Please proceed.

20 MR. WALSH: Councilman Ramos,
21 Councilman Kelly, Councilman Goode,
22 Councilman Kenney, thank you for this
23 opportunity to testify on behalf of
24 District Council 47. I am Mike Walsh,
25 President of AFSCME Local 2186. I am

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2 speaking on behalf of the Council and my
3 local.

4 This ordinance amends the
5 pension plans to provide a solution to
6 the disabled dependent survivorship
7 dilemma. This bill provides the solution
8 without any additional cost to the
9 Pension Fund and will meet the
10 cost-neutral criteria necessary for plan
11 modification.

12 You've heard from the Director
13 of the Pension Board supporting that
14 position.

15 As background, disabled
16 dependents have been placed in an
17 untenable situation by the rules of
18 Medicaid, Social Security, the Internal
19 Revenue Service and the Pension Fund. If
20 a disabled dependent receives a
21 survivorship pension benefit, the
22 additional revenue can remove the person
23 from Medicaid and reduce their Social
24 Security benefits. Effectively, the
25 additional income reduces their monthly

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2 revenue and healthcare.

3 Ms. Thelma Suggs, who is a
4 District Council 47 member, has testified
5 before and spoken much more eloquently
6 than I can on this, so I won't go into
7 details. But as she said, her son is
8 directly affected by this legislation.

9 AFSCME Local 2186 has worked
10 through Ms. Carol Stukes, Pension Trustee
11 for District Council 47, to resolve this
12 disability dilemma. With her help, we
13 have communicated the problem to City
14 Council, the Pension Board and various
15 City Administration officials. Everyone
16 was interested in a solution. Bill
17 060244 is the result of everyone's hard
18 work. This amendment allows a
19 survivorship trust for the life of the
20 dependent only. This mechanism allows
21 the disabled dependents to receive their
22 benefits without impacting their Medicaid
23 and Social Security benefits.
24 Much-needed financial assistance will be
25 provided to the disabled survivor.

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2 In conclusion, District Council
3 47 supports Bill 060244. It is a rare
4 occurrence where we can assist the
5 disabled and not incur increased costs.
6 This legislation accomplishes that goal,
7 and we have heard from all the
8 stakeholders today that everybody
9 supports this bill.

10 Thank you for your support of
11 this legislation. Thank you for this
12 opportunity.

13 COUNCILMAN RAMOS: Thank you,
14 Mr. Walsh, for your testimony.

15 Any questions from this
16 Committee to our witness?

17 (No response.)

18 COUNCILMAN RAMOS: Seeing none,
19 thank you so much.

20 Any other person that cares to
21 testify on behalf or against this bill,
22 you can please come forward.

23 (No response.)

24 COUNCILMAN RAMOS: Seeing none,
25 thank you for testifying on behalf of

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2 this bill.

3 I will ask the Clerk to read
4 the title of the next bill.

5 THE CLERK: Bill 060265, an
6 ordinance amending Title 22 of The
7 Philadelphia Code, entitled "Public
8 Employees Retirement Code," by amending
9 various provisions to incorporate benefit
10 enhancements provided under recent labor
11 arbitration awards, under certain terms
12 and conditions.

13 COUNCILMAN RAMOS: On the list
14 I have here, I believe Ms. Gwendolyn Bell
15 is scheduled to testify.

16 Gwendolyn. I think I'm using
17 my Spanish translation there.
18 Gwendolina.

19 MS. BELL: In Spanish, you
20 don't pronounce G's.

21 COUNCILMAN RAMOS: That's true.
22 Or W's. I would have to start in the
23 middle of your name. I apologize for the
24 mispronunciation.

25 MS. BELL: That's no problem.

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2 Thank you.

3 Councilman Ramos and members of
4 the Labor Committee, again we're here
5 to -- Gwendolyn Bell, Director of the
6 Board of Pensions; James Kidwell, Deputy
7 Director; Evan Myers, senior attorney,
8 Solicitor's office. We are here to make
9 a recommendation for approval of Bill
10 060265, amending Title 22 of The
11 Philadelphia Code, entitled "Public
12 Employees Retirement Code," by amending
13 various provisions to incorporate benefit
14 enhancements provided under recent labor
15 arbitration awards, under certain terms
16 and conditions.

17 Effective July 1, 2003 for Plan
18 B and D, compensation shall include four
19 percent for stress pay for police
20 officers, and for Plan X and A, it shall
21 include premium pay for 2.25 hours, not
22 to exceed four percent of base pay.

23 These amendments have been
24 negotiated and agreed upon by the City of
25 Philadelphia and the police and fire

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2 unions, and the Board asks that Council
3 acts favorably on accepting these
4 enhancements.

5 COUNCILMAN RAMOS: Thank you
6 for your testimony.

7 Anyone at the witness table
8 care to testify?

9 (No response.)

10 COUNCILMAN RAMOS: Councilman
11 Kenney.

12 COUNCILMAN KENNEY: Thank you.

13 Your testimony indicated that
14 this affects both the Police and Fire
15 Department?

16 MR. MYERS: Yes, it does,
17 Councilman.

18 COUNCILMAN KENNEY: It does?
19 Thank you.

20 COUNCILMAN RAMOS: Any other
21 questions from this Committee?

22 (No response.)

23 COUNCILMAN RAMOS: Seeing none,
24 thank you so much for testifying on this
25 bill this morning.

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2 Anyone else in Chambers care to
3 testify for or against this bill, you can
4 do so at this time.

5 (No response.)

6 COUNCILMAN RAMOS: Seeing none,
7 thank you all for testifying today on the
8 various bills. This will conclude our
9 public hearing. We will now move into
10 our public meeting, and the Chair
11 recognizes Councilman Wilson Goode for an
12 amendment that has been circulated to all
13 members of this Committee on Bill No.
14 060289.

15 COUNCILMAN GOODE: Thank you,
16 Mr. Chairman. I move that the amendment
17 to Bill 060289 and circulated to all
18 members of the Committee be approved.

19 (Duly seconded.)

20 COUNCILMAN RAMOS: It has been
21 moved and seconded that Bill No. 060289
22 be amended.

23 All in favor indicate by saying
24 aye.

25 (Aye.)

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2 COUNCILMAN RAMOS: Those
3 opposed?

4 (No response.)

5 COUNCILMAN RAMOS: The bill
6 will be moved out of Committee.

7 The Chair recognizes -- I'm
8 sorry. The Chair recognizes Councilman
9 Goode for a motion on Bill No. 060289 as
10 amended.

11 COUNCILMAN GOODE: Thank you,
12 Mr. Chairman. I move that Bill No.
13 060289 as amended be reported out of the
14 Committee with a favorable recommendation
15 and that the rules of Council be
16 suspended so as to permit first reading
17 at our next Council session.

18 (Duly seconded.)

19 COUNCILMAN RAMOS: It has been
20 moved and properly seconded.

21 All those in favor signify by
22 saying aye.

23 (Aye.)

24 COUNCILMAN RAMOS: This bill is
25 reported out of Committee.

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2 The Chair recognizes Councilman
3 Goode for a motion on Bill No. 050795.

4 COUNCILMAN GOODE: Thank you,
5 Mr. Chairman. I move that Bill 050795 be
6 reported out of Committee with a
7 favorable recommendation and that the
8 rules of Council be suspended so as to
9 permit first reading at our next Council
10 session.

11 (Duly seconded.)

12 COUNCILMAN RAMOS: All those in
13 favor signify by saying aye

14 (Aye.)

15 COUNCILMAN RAMOS: Any opposed?

16 (No response.)

17 COUNCILMAN RAMOS: The ayes
18 have it. It has been moved and properly
19 seconded that Bill No. 050795 be reported
20 out of Committee with a favorable
21 recommendation and further moved that the
22 rules of Council be suspended to permit
23 first reading of this bill at our next
24 Council meeting.

25 The Chair recognizes Councilman

1 5/17/06 - LABOR - BILL 050795, ETC.

2 Goode for a motion on Bill No. 050795.

3 COUNCILMAN GOODE: We just did
4 that one.

5 COUNCILMAN RAMOS: The Chair
6 recognizes Councilman Goode for a motion
7 on Bill No. 051066.

8 COUNCILMAN GOODE: Thank you,
9 Mr. Chairman. I move that Bill 051066 be
10 reported out of Committee with a
11 favorable recommendation and that the
12 rules of Council be suspended so as to
13 permit first reading at our next Council
14 session.

15 (Duly seconded.)

16 COUNCILMAN RAMOS: All those in
17 favor of this bill signify by saying aye.

18 (Aye.)

19 COUNCILMAN RAMOS: The ayes
20 have it. It's been moved and properly
21 seconded that Bill No. 051066 be reported
22 out of Committee with a favorable
23 recommendation and further moved that the
24 rules of Council be suspended to permit
25 first reading of this bill at our next

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2 Council meeting.

3 All in favor signify by saying
4 aye.

5 (Aye.)

6 COUNCILMAN RAMOS: Those
7 opposed?

8 (No response.)

9 COUNCILMAN RAMOS: The bill is
10 reported out of Committee.

11 The Chair recognizes Councilman
12 Goode for a motion on Bill No. 060244.

13 COUNCILMAN GOODE: Thank you,
14 Mr. Chairman. I move that Bill 060244 be
15 reported out of Committee with a
16 favorable recommendation and that the
17 rules of Council be suspended so as to
18 permit first reading at our next Council
19 session.

20 (Duly seconded.)

21 COUNCILMAN RAMOS: It has been
22 moved and properly seconded that Bill No.
23 060244 be reported out of Committee with
24 a favorable recommendation and further
25 moved that the rules of Council be

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2 suspended to permit first reading of this
3 bill at our next Council meeting.

4 All in favor signify by saying
5 aye.

6 (Aye.)

7 COUNCILMAN RAMOS: Those
8 opposed?

9 (No response.)

10 COUNCILMAN RAMOS: The ayes
11 have it and the bill is reported out.

12 The Chair recognizes Councilman
13 Goode for a motion on Bill No. 060265.

14 COUNCILMAN GOODE: Thank you,
15 Mr. Chairman. I move that Bill 060265 be
16 reported out of Committee with a
17 favorable recommendation and that the
18 rules of Council be suspended so as to
19 permit first reading at our next Council
20 session.

21 (Duly seconded.)

22 COUNCILMAN RAMOS: It has been
23 moved and properly seconded that Bill No.
24 060265 be reported out of Committee with
25 a favorable recommendation and further

1 5/17/06 - LABOR - BILL 050795, ETC.

2 moved that the rules of Council be
3 suspended to permit first reading of this
4 bill at our next Council meeting.

5 All those in favor signify by
6 saying aye.

7 (Aye.)

8 COUNCILMAN RAMOS: Any nays?

9 (No response.)

10 COUNCILMAN RAMOS: The ayes
11 have it. The bill has been reported out
12 of Committee.

13 This concludes the public
14 meeting. I would like to thank everyone
15 for attending. Thank you.

16 (Committee of Labor and Civil
17 Service adjourned at 11:45 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 on May 17, 2006, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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