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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, April 28, 2010, 9:35 a.m.

- - -

BILL 100214 - Amending Title 4 of the
Philadelphia Code, entitled "The Philadelphia
Building Construction and Occupancy Code," by
amending Subcode F, entitled "The Philadelphia
Fire Code," by further delineating the
Philadelphia Fire Department's mission and
obligations to provide fire and other emergency
services via uniformed fire personnel,
including Firefighters and Fire Service
Paramedics, and clarifying that all uniformed
fire personnel, including Fire Service
Paramedics, are authorized and required to act
as fire personnel.

COMMITTEE MEMBERS PRESENT:

Donna Reed-Miller, Chair
William K. Greenlee
Curtis Jones, Jr.
James F. Kenney
Frank Rizzo

- - -

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILWOMAN MILLER: Good
3 morning, everyone. The hearing is about
4 to start. Thank you.

5 Good morning. I'm Councilwoman
6 Donna Reed Miller, Chair of the Public
7 Safety Committee, and the Committee on
8 Public Safety is now in session.

9 We have a quorum. To my far
10 left is Councilman Curtis Jones, next to
11 him is Councilman Bill Greenlee, and to
12 my right is Councilman Jim Kenney. And
13 that does establish our quorum.

14 Will the clerk please read the
15 title of this bill.

16 THE CLERK: Bill No. 100214, an
17 ordinance amending Title 4 of the
18 Philadelphia Code, entitled "The
19 Philadelphia Building Construction and
20 Occupancy Code," by amending Subcode F,
21 entitled "The Philadelphia Fire Code," by
22 further delineating the Philadelphia Fire
23 Department's mission and obligations to
24 provide fire and other emergency services
25 via uniformed fire personnel, including

1 4.28.10 - PUBLIC SAFETY - BILL 100214
2 Firefighters and Fire Service Paramedics,
3 and clarifying that all uniformed fire
4 personnel, including Fire Service
5 Paramedics, are authorized and required
6 to act as fire personnel.

7 COUNCILWOMAN MILLER: Okay,
8 thank you.

9 Will the clerk please call our
10 first witness.

11 THE CLERK: City Solicitor
12 Shelley Smith.

13 COUNCILWOMAN MILLER: Thank
14 you.

15 (Witness comes forward.)

16 COUNCILWOMAN MILLER: Please
17 identify yourself for the record and
18 proceed with your testimony.

19 CITY SOLICITOR SMITH: Yes,
20 ma'am. Thank you.

21 Good morning, Chairwoman Miller
22 and members of the committee. My name is
23 Shelley Smith. I'm the City Solicitor,
24 as you all know, for the City of
25 Philadelphia.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Thank you for the opportunity
3 on behalf of the Nutter Administration to
4 testify on Bill No. 100214.

5 The Nutter Administration
6 opposes adoption of this bill and
7 requests that the committee table the
8 bill, as the bill's effort to set the
9 terms of the collective bargaining
10 relationship for fire service paramedics
11 is unnecessary, unwise, and unlawful.

12 The bill is directly contrary
13 to the factual reality of the paramedic
14 job, contrary to a recent federal court
15 decision regarding the nature of that
16 job, contrary to the paramedics' own
17 recognition of their job
18 responsibilities, and contrary to the
19 authority of City Council, or even the
20 City itself, to define the State
21 statutory rights of fire service
22 paramedics.

23 I thought it would be helpful
24 to begin with some background.

25 As you may be aware, for

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 decades, Philadelphia has provided
3 medical services to its citizens through
4 employees of the Fire Department. In a
5 move designed to provide more advanced
6 levels of emergency medical services to
7 Philadelphia in the 1970s, the
8 Philadelphia Fire Department began a
9 program to train its firefighters and to
10 have the Commonwealth certify them as
11 paramedics.

12 By 1980, the position of fire
13 paramedic was created as a distinct job
14 classification from Firefighter from
15 employees whose primary duty medical
16 would be providing medical treatment, not
17 fire suppression, and who had emergency
18 medical services or paramedic
19 certification from the Commonwealth.

20 The fire paramedic position
21 evolved into the fire service paramedic
22 position that exists in the department
23 today. Because of the high cost of
24 training and certifying firefighters as
25 paramedics, the department began to hire

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 as paramedics only those who had already
3 received State certification as
4 paramedics.

5 Today, the paramedic position
6 remains a distinct position from
7 firefighter, with a different civil
8 service classification number. The two
9 positions have different salaries,
10 different hiring processes, and different
11 certifications.

12 In fact, if paramedics want to
13 become firefighters, they have to take
14 the civil service test for firefighter
15 and return to the Fire Academy training
16 as a new recruit. This is true even for
17 paramedics who were originally hired as
18 firefighters and later became paramedics.

19 When the fire paramedic
20 position was created, it was simply added
21 to the existing Local 22 bargaining unit.
22 The Local 22 bargaining unit is governed
23 by a State law known as Act 11, which
24 gives special collective-bargaining
25 rights only to police officers and

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 firefighters.

3 Other types of local-government
4 employees have collective bargaining
5 rights under the Pennsylvania Employee
6 Relations Act, which is generally
7 referred to as either PERA or Act 195.

8 Later, when the fire service
9 paramedic position was created, in the
10 mid- to late 1980s, these positions were
11 also added to the Local 22 bargaining
12 unit, even though the paramedic's job is
13 providing medical care and not
14 firefighting.

15 The Pennsylvania Labor
16 Relations Board, or PLRB, which is the
17 State agency that has exclusive
18 jurisdiction over determining the
19 bargaining relationships between local
20 governments and their employees never
21 decided whether the fire service
22 paramedics belonged in this unit under
23 Act 111.

24 In 2003, a group of paramedics
25 fired a lawsuit against the City of

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Philadelphia. In that suit, they claimed
3 that they are not firefighter for
4 purposes of a Fair Labor Standards Act,
5 (FLSA) exemption that allows cities to
6 have police officers and firefighters
7 work more than 40 hours per week before
8 they are entitled to overtime. The FLSA
9 is a federal law that governs overtime
10 pay and minimum-wage rules.

11 In that lawsuit, Lawrence
12 versus the City of Philadelphia, hundreds
13 of current and former paramedics employed
14 by the City claimed that they should not
15 be considered firefighters because they
16 do not actually engage in fire
17 suppression, they are not authorized to
18 engage in fire suppression, and they are
19 not trained to do fire suppression.

20 In 2008, the United States
21 Court of Appeals for the Third Circuit --
22 the federal appeals court that has
23 authority over cases in Pennsylvania --
24 found that the paramedics were not
25 firefighters because they did not engage

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 in fire suppression and did not have the
3 authority or training to do so. The
4 court found that:

5 "[Paramedics] are not hired to
6 fight fires, not even in small part";
7 that "they are not expected to fight
8 fires as part of their job duties"; that
9 all of their job duties are "medical in
10 nature"; and that paramedics are never
11 "dispatched to a fire scene for purposes
12 of fighting a fire, not even in
13 situations when a firefighter is
14 unavailable."

15 The court reached its decision,
16 in large part, based on testimony from
17 Fire Department personnel about the
18 duties of paramedics. The testimony made
19 it clear that the day-to-day job of a
20 paramedic is solely to provide medical
21 care. Among other evidence, the court
22 found that less than one percent of
23 dispatches to which paramedics report are
24 fire scenes. Moreover, even when they
25 are dispatched to a fire scene, the

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 paramedic's job is to set up a first aid
3 station in safe area of the fire scene
4 and to be on standby to provide medical
5 care to any victims of the fire, whether
6 those victims are firefighters or members
7 of the public.

8 On long-lasting fire scenes,
9 paramedics may also set up a rest and
10 rehabilitation station further away from
11 the fire scene to monitor the vital signs
12 of and provide recovery time for
13 firefighters on a lengthy fire response.

14 In the Lawrence case, several
15 paramedics testified that their job was
16 solely to provide medical care, that they
17 were not trained to fight fires, and that
18 they had never done so, and would be
19 disciplined if they ever tried to do so.
20 In fact, several paramedics testified
21 that paramedics have been disciplined for
22 something as minor as helping a
23 firefighter drag a hose while the
24 paramedics had no victims to treat and
25 nothing to do.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 As a result of the Third
3 Circuit decision, the court was
4 immediately obligated to start paying
5 paramedics overtime at time-and-a-half
6 whenever they worked more than 40 hours
7 per week and to stop paying them as if
8 they were firefighters subject to the
9 firefighter overtime rate.

10 To avoid this cost going
11 forward, the City changed the work
12 schedule for paramedics in the spring of
13 2009. The City is in the process of
14 calculating damages in Lawrence, and
15 expects the cost, including attorneys'
16 fees to plaintiffs' counsel, to be nearly
17 \$7.5 million.

18 The decision in the Lawrence
19 case and the evidence presented by the
20 plaintiffs in that case led the
21 Administration to examine whether
22 paramedics were properly considered
23 firefighters under Act 111. Indeed, it
24 was somewhat paradoxical for paramedics
25 to be entitled to time-and-a-half for

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 overtime because, according to the Third
3 Circuit, they are not firefighters, while
4 also reaping the benefit of Act 111,
5 which are only available to employees who
6 are firefighters.

7 Based on our review of the
8 holding and evidence in the Lawrence
9 case, which established that paramedics
10 are not authorized to and do not engage
11 in fire suppression, and our review of
12 the law, the City filed a petition for
13 unit clarification with the PLRB in March
14 2009.

15 In that petition, the City
16 sought to have the paramedics removed
17 from the Local 22 bargaining unit. Act
18 111 covers only police officers and
19 firemen; it does not define the term
20 "fireman," but courts have created a
21 two-part definition: whether statutorily
22 authorized to act as fire personnel and
23 whether the employees, in fact, act as
24 fire personnel.

25 On February 22, 2010, a hearing

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 examiner appointed by the PLRB ruled in
3 the City's favor, finding that the
4 paramedics are not recovered by Act 111
5 because they are not statutorily
6 authorized to fight fires, and they do
7 not perform firefighting activities.

8 The hearing examiner found that
9 the State licenses the paramedics to
10 perform medical services, and that is, in
11 fact, the service that they perform, not
12 fighting fires. He found that there was
13 no legal authority for paramedics to
14 fight fires.

15 The hearing examiner also
16 looked at testimony from the paramedics,
17 several of whom are plaintiffs in the
18 Lawrence case, which establishes that
19 they were not trained to fight fires and
20 did not fight fires.

21 In addition, even though the
22 Union now claims that that paramedics
23 should be considered firefighters under
24 Act 111 and are authorized to and do
25 fight fires, representatives of the

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Union, including former vice president
3 and current union official Gerry Kots,
4 have testified for years in interest
5 arbitration proceedings that paramedics
6 are not qualified to perform fire
7 suppression activities and never do so.

8 The PLRB decision was based on
9 prior cases that have made a distinction
10 between employees who actually fight
11 fires and those who work for a fire
12 department in some other role that
13 relates to fire suppression, with only
14 those who actually fight fires being
15 considered fire personnel under Act 111.

16 The PLRB found that working at
17 a fire scene with firefighters does not
18 make the paramedics firefighters, noting
19 that the paramedics are at the fire or
20 emergency scene to provide medical care,
21 not to suppress fires.

22 The hearing examiner also
23 rejected the union's argument that the
24 paramedics must be firefighters because
25 firefighters spend the majority of their

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 time responding to emergency medical
3 calls, not putting out fires. The
4 hearing examiner noted that firefighters
5 are people who actually fight fires,
6 which paramedics simply do not do.

7 IAFF Local 22, the Union that
8 currently represents the firefighters and
9 paramedics, has filed exceptions to this
10 decision, which the PLRB will decide.

11 Once affirmed, the effect of
12 this decision will be that, under
13 Pennsylvania law, the paramedics cannot
14 be in the same bargaining unit as the
15 firefighters and will have different
16 collective bargaining rights. Under
17 Pennsylvania law, firefighters cannot be
18 in the same bargaining unit with other
19 types of employees who are not covered by
20 Act 111.

21 I give you this extensive
22 background as a basis for my testimony
23 that Council should not pass this
24 ordinance. This ordinance seeks to
25 interject Council into the bargaining

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 relationship between the City and a group
3 of approximately 200 employees.

4 Respectfully, City Council should play no
5 role in telling the City with whom to
6 bargain or in what forum. The PLRB is
7 the entity that decides the
8 representation rights of public employees
9 in Pennsylvania and the right to decide
10 which employees will be in which
11 bargaining unit and what those employees'
12 bargaining rights will be rests
13 exclusively with the PLRB.

14 The PLRB has special expertise
15 in deciding questions of representation,
16 which the Pennsylvania courts recognize.
17 City Council simply cannot take that
18 function away from the PLRB, as this
19 ordinance seeks to do. In light of the
20 PLRB decision, the City cannot be forced
21 to treat paramedics as a part of a
22 bargaining unit in which they do not
23 belong as a matter of State law.

24 Moreover, this ordinance would
25 ignore the facts, as found by the United

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 States Court of Appeals and the
3 Pennsylvania Labor Relations Board that
4 paramedics are not firefighters and do
5 not perform fire-suppression duties.

6 Numerous firefighters testified
7 that their job is to provide medical
8 attention, not to extinguish fires.
9 Paramedics and firefighters also have
10 different training, different
11 certifications, and different hiring
12 rules that flow from these disparities.

13 As a result of their very
14 different jobs, paramedics are a separate
15 job classification from firefighters and
16 are paid 10 percent more than
17 firefighters. Calling them
18 "firefighters" in an ordinance cannot,
19 and will not, change the fact that they
20 are not firefighters, either in reality
21 under State labor law, as they do not
22 fight fires.

23 Finally, to the extent the bill
24 is intended to direct the Fire Department
25 regarding how it uses its personnel or

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 how it bargains with its union, those are
3 matters that, under the Home Rule
4 Charter, are within the exclusive domain
5 of the Fire Department and the
6 Administration and, respectfully, not a
7 matter for Council.

8 This Charter problem, however,
9 is of minor significance compared to the
10 overall problem with the bill, which is
11 that the City itself cannot declare that
12 a group of City employees is subject to
13 Act 111; that is exclusive a
14 determination of State law exclusively
15 for the PLRB and the State courts.

16 For all of these reasons, I
17 urge you to table this bill and, I'd be
18 happy to answer any questions you may
19 have.

20 COUNCILWOMAN MILLER: Thank
21 you.

22 The Chair wants the recognize
23 that Councilman Frank Rizzo, a member of
24 this committee, is also in attendance.

25 And with that, Councilman Jim

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Kenney.

3 COUNCILMAN KENNEY: Thank you
4 very much.

5 Thank you for your the
6 testimony.

7 As the author of the bill, when
8 I listened to your testimony, it seems
9 that you think this bill does more than
10 it does.

11 First of all, I think that
12 Council has every responsibility and
13 right to amend the Fire Code, since we
14 were the ones who initiated and passed
15 the Fire Code in the '50s and amended it
16 in the '90s. And, to me, that is a
17 legislative act that we have the right to
18 do.

19 We are adding language to the
20 Fire Code; we are not taking away, or
21 trying to take away, the authority of the
22 PLRB or any court to determine what that
23 language means. The language is a
24 legislative function, and the court will
25 determine what they determine, and the

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 PLRB will determine what they determine.

3 So we are not trying to take
4 away any responsibility or right -- I'm
5 not, anyway, trying to take any
6 responsibility or rights away from any
7 court or any labor relations board.
8 Whatever their decisions are, their
9 decisions are.

10 It is appropriate, I believe,
11 for us to make clear in the Fire Code
12 what we think is the case. We are also
13 not in any way directing the Fire
14 Department as to how to direct their
15 personnel; we are simply saying that the
16 Fire Department official in charge on the
17 scene has the authority to direct
18 uniformed Fire Department personnel,
19 including, but not limited to,
20 firefighters and fire service paramedics.

21 That person on the scene is in
22 charge of the fire scene. When the
23 paramedic is on the fire scene, it should
24 be under someone's supervision. If we
25 don't say whose supervision they're

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 under, it is not clear who is to direct
3 them.

4 So -- and I think just
5 intuitively, no one would argue that the
6 folks who are dispatched to a fire scene
7 are not a part of the Fire Department;
8 therefore, as part of the Fire
9 Department, they should be represented by
10 the bargaining unit that the Fire
11 Department is represented by, including
12 officers, firefighters, and, up until
13 recently, paramedics.

14 It was, I think, a decision of
15 the Administration to pursue the
16 disconnect of the paramedics. And at
17 this point, you've been successful; it
18 doesn't mean it's going to be successful
19 to the end.

20 The other issue for me,
21 frankly, is, if you are successful in
22 removing the paramedics from Local 22,
23 where would they go? Who would represent
24 them?

25 CITY SOLICITOR SMITH: Well,

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 that -- actually, Shannon Farmer, who's
3 our counsel, who represented us in the
4 PLRB matter, is here.

5 COUNCILMAN KENNEY: Great.

6 CITY SOLICITOR SMITH: And she
7 can answer probably answer that question
8 better than I can.

9 (Ms. Farmer approaches witness
10 table.)

11 COUNCILMAN KENNEY: That's fine
12 if she'd like to come up.

13 But the issue for me is that
14 the direct act of trying to remove the
15 paramedics from Act 111, I think, is a
16 dangerous thing to do --

17 CITY SOLICITOR SMITH: Well, I
18 don't think --

19 COUNCILMAN KENNEY: --
20 because -- well, let me finish.

21 CITY SOLICITOR SMITH: Sure.
22 Sorry.

23 COUNCILMAN KENNEY: Because I
24 don't want them to go on strike, and I
25 don't think you do either if you're

1 4.28.10 - PUBLIC SAFETY - BILL 100214
2 having a heart attack. I think you want
3 them to come to the house and be required
4 to come and treat you rather than being
5 on a picket line with Local 33 or with
6 the AFSCME 33 or 47.

7 CITY SOLICITOR SMITH: Well --

8 COUNCILMAN KENNEY: They have
9 to be represented by someone.

10 CITY SOLICITOR SMITH: Well, I
11 think those are two separate questions,
12 but I'll let Shannon answer.

13 COUNCILWOMAN MILLER: Please
14 identify yourself for the record.

15 MS. FARMER: Shannon Farmer,
16 F-A-R-M-E-R.

17 Councilman, to answer your
18 question, as a matter of Pennsylvania
19 law, what would initially happen if they
20 were removed from the unit is, they would
21 be non-represented employees unless and
22 until another union petitioned the appeal
23 and was certified to represent them. And
24 that process would exist under
25 Pennsylvania law.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILMAN KENNEY: And what
3 would happen to them if they decided that
4 they wanted -- would they be allowed to
5 strike or not?

6 MS. FARMER: Under Pennsylvania
7 law, paramedics are allowed to strike, as
8 they are everywhere else in Pennsylvania.

9 COUNCILMAN KENNEY: But do you
10 believe, as a matter of policy, that
11 that's a good policy, to have paramedics
12 the ability to go on strike?

13 MS. FARMER: It is the policy
14 decision that has been made by
15 Commonwealth of Pennsylvania for
16 paramedics throughout the State.

17 COUNCILMAN KENNEY: No. As a
18 person that's representing the City of
19 Philadelphia, and I believe you are?

20 MS. FARMER: Yes. I'm the
21 attorney that represents the City of
22 Philadelphia.

23 COUNCILMAN KENNEY: Okay. Do
24 you believe that it is a good policy to
25 have a situation that allows paramedics

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 potentially to strike?

3 MS. FARMER: Councilman, I
4 can't -- I'm an attorney. I can comment
5 on what the law is; I cannot comment on
6 what the policy is.

7 COUNCILMAN KENNEY: Do you live
8 in Philadelphia? Do you live in the
9 City?

10 MS. FARMER: I do not.

11 COUNCILMAN KENNEY: How do you
12 represent the City? Are you in a private
13 law firm.

14 MS. FARMER: Yes.

15 COUNCILMAN KENNEY: Oh, so you
16 don't live in the City.

17 MS. FARMER: No.

18 COUNCILMAN KENNEY: Okay. You
19 live in the City.

20 CITY SOLICITOR SMITH: I do.

21 COUNCILMAN KENNEY: What do you
22 think of it as a matter of policy? Do
23 you think that it's a good thing for City
24 residents to have paramedics with the
25 capability of striking?

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 CITY SOLICITOR SMITH: Well, I
3 don't -- I don't really want -- I don't
4 think my opinion about the policy really
5 matters.

6 COUNCILMAN KENNEY: You're a
7 citizen of the City; you should have an
8 opinion. I mean, everyone has an opinion
9 about everything, from taxes to how we
10 operate the government.

11 CITY SOLICITOR SMITH: Right.
12 But as the lawyer who represents the City
13 of Philadelphia, I don't think it's
14 appropriate for me to express an opinion
15 about the appropriateness of a policy
16 that has been decided by the
17 Commonwealth.

18 COUNCILMAN KENNEY: Well, as a
19 person who represents the City of
20 Philadelphia and as a citizen of the
21 City, I think having the ability for
22 paramedics to strike is dangerous, and
23 it's just a ridiculous position to be in,
24 especially considering the fact that for
25 30 years -- well, at least 30 years,

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 they've been represented by the same
3 union.

4 Why would we go through this
5 other than because six or seven of those
6 folks decided that they want to sue the
7 City and won, why are we going to punish
8 the rest of them?

9 CITY SOLICITOR SMITH: Okay.
10 Well, let me speak to that.

11 First of all, whether or not
12 however many individuals or plaintiffs
13 there were in the Lawrence case, it
14 became a class action, and all of the
15 fire service paramedics that were
16 employed as such within a particular
17 period of time will recover -- will
18 benefit financially from the lawsuit that
19 six or seven of them chose to bring.

20 So to suggest that the rest of
21 them are being, quote, punished by the
22 actions of a few who chose to sue, I
23 think, ignores the fact that the rest of
24 them are benefiting substantially because
25 of actions of a few who chose to sue.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Secondly, I think the question
3 of whether they are represented by Local
4 22 is not necessarily dispositive
5 ultimately of the question of whether
6 they would be allowed to strike.

7 Correctional officers are not represented
8 by Local 22; they're not even covered by
9 Act 111, and they don't strike either.
10 So --

11 COUNCILMAN KENNEY: What keeps
12 them from striking?

13 CITY SOLICITOR SMITH: There's
14 a separate provision of the Public
15 Employee Relations Act that governs
16 correctional officers.

17 COUNCILMAN KENNEY: That would
18 not govern in this situation?

19 CITY SOLICITOR SMITH: It would
20 not.

21 COUNCILMAN KENNEY: So they
22 could strike.

23 CITY SOLICITOR SMITH: They
24 could under the state of the -- under the
25 current state of the law, yes.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILMAN KENNEY: Okay.

3 Well, just let me recap my position on
4 this thing.

5 I don't think we're legislating
6 anything away from the PLRB or the
7 Pennsylvania courts; we are simply
8 amending the Fire Code, which is our
9 right to do as a legislative body.

10 And we are trying to create a
11 situation where the status quo has
12 remained for the past 30 years and
13 there's no sense in removing it or
14 changing it now, and I don't want my
15 paramedics striking.

16 Thank you, Madam Chair.

17 COUNCILWOMAN MILLER: Thank
18 you.

19 You know, I want to ditto
20 Councilman Kenney's comments. I still
21 don't understand why the change now after
22 30 years. Can you explain that again?

23 CITY SOLICITOR SMITH: Yes. I
24 believe, as I explained in my testimony,
25 the paramedics sued on the basis that

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 they were not firefighters. And because
3 they were not firefighters, they were
4 entitled to overtime.

5 They prevailed in that lawsuit,
6 which found that they were not
7 firefighters. Because they are not
8 firefighters, they cannot be a part of a
9 bargaining unit that is for firefighters.

10 Once that was established as a
11 matter of law in federal court -- as a
12 matter of fact and law in federal court,
13 the City pursued its related rights to
14 correct the status of the bargaining unit
15 so that it only includes members that are
16 appropriately a part of it; those being
17 firefighters and not people who are not
18 firefighters, which, under the law, Act
19 111 is not -- does not intend to include
20 in a firefighter's Act 111 unit.

21 COUNCILMAN RIZZO: Point of
22 information.

23 COUNCILWOMAN MILLER: So --
24 okay, I'll call on you in a minute,
25 Councilman Rizzo.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILMAN RIZZO: I'm sorry.

3 COUNCILWOMAN MILLER: So as a
4 result of the suit where firefighters
5 declared -- I mean paramedics declared
6 that they were not firefighters --

7 CITY SOLICITOR SMITH: Yes.
8 And the court agreed.

9 COUNCILWOMAN MILLER: And they
10 cannot be part of --

11 CITY SOLICITOR SMITH: The
12 firefighters union.

13 COUNCILWOMAN MILLER: -- the
14 firefighters union, according to Act 111.

15 COUNCILMAN KENNEY: Though they
16 could be if they hadn't pursued the
17 disconnect between the two. If they had
18 not pursued the disconnect of the
19 paramedics from Local 22, it would have
20 never happened. It was their affirmative
21 action that created the situation, which
22 was not necessarily had to be done.

23 CITY SOLICITOR SMITH: If they
24 wanted their money, it did.

25 I mean, remember, Councilman

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Kenney, that is what prompted the
3 lawsuit, that they wanted overtime pay.

4 So to say that it didn't have
5 to be done -- I mean, I'm obviously never
6 a fan of anyone suing the City, but if
7 you look at it from the paramedics'
8 perspective, what they wanted was
9 monetary equity: They wanted overtime
10 pay for time that they worked and felt
11 they were entitled to earn because they
12 are not firefighters under the law.

13 COUNCILMAN KENNEY: Okay.

14 CITY SOLICITOR SMITH: Though
15 what you are -- with all due respect,
16 what this bill would accomplish is
17 allowing the paramedics to have their
18 cake and eat it too, which is to have
19 rights that they are entitled to because
20 they are not firefighters and to have
21 rights that they would be entitled to
22 only if they were firefighters.

23 And the law typically doesn't
24 allow those dichotomies to exist.

25 COUNCILMAN KENNEY: But the

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 law -- a court or a board will determine
3 that.

4 This, what we're doing here
5 today, is amending the language of the
6 Fire Code; I'm not making any decision
7 based on the merits of anybody's position
8 in front of a board or a court.

9 We are amending the Fire Code,
10 as is our right to amend the Fire Code.
11 A board or court will make a decision on
12 what that means, and we'll live with it
13 or not.

14 COUNCILWOMAN MILLER: Okay.
15 Councilman Rizzo.

16 COUNCILMAN RIZZO: My question
17 is just a point of information my
18 colleague Councilman Jones is ahead of me
19 here.

20 I was heading down the same
21 path as Councilman Kenney. I just can't
22 imagine -- and I've asked a couple
23 members of the Administration -- why
24 we're pursuing this so vigorously.

25 Are you telling me that you had

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 no option in removing the paramedics

3 having the same benefits of Act 111 as a

4 paramedic? You had no choice, you had to

5 do this? Or did you pursue this, without

6 being required to?

7 CITY SOLICITOR SMITH: I'm

8 saying that the City pursued its rights

9 under Act 111 to have the bargaining unit

10 correctly constituted.

11 COUNCILMAN RIZZO: But you

12 didn't --

13 CITY SOLICITOR SMITH: And once

14 the paramedics prevailed in federal

15 court, the bargaining unit was then

16 misaligned, and we took action to correct

17 that, because the misalignment of the

18 bargaining unit impacts the City's

19 collective-bargaining rights, which is my

20 obligation, as the City Solicitor, to

21 pursue.

22 COUNCILMAN RIZZO: Until it's

23 my turn, were you required to be this

24 aggressive?

25 CITY SOLICITOR SMITH: From my

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 perspective, yes. I am required, I am
3 obligated, as the City Solicitor, to
4 protect the City's collective-bargaining
5 rights. The Union protects the union's
6 collective-bargaining rights, and I
7 protect the City's collective-bargaining
8 rights.

9 COUNCILMAN RIZZO: And our
10 responsibility to protect the --

11 (Indiscernible; parties talking
12 over each other.)

13 COUNCILMAN KENNEY: And it's
14 our responsibility to protect the public
15 safety of the City by not allowing a
16 situation where paramedics could strike.
17 That's our responsibility.

18 So you're doing your job and --

19 COUNCILMAN RIZZO: And we're
20 doing ours.

21 CITY SOLICITOR SMITH: And
22 that's a matter of State law.

23 COUNCILMAN KENNEY: Okay.

24 CITY SOLICITOR SMITH: And
25 determining whether paramedics have the

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 right to strike is a matter for State law
3 and not for local government, with all
4 due respect.

5 COUNCILMAN KENNEY: No, but
6 amending the Fire Code is for local
7 government; we can amend the Fire Code as
8 we see fit, and a court or board can
9 determine what that means.

10 And that's what we're doing, or
11 attempting to do.

12 Sorry.

13 COUNCILWOMAN MILLER: The Chair
14 recognizes Councilman Jones.

15 COUNCILMAN JONES: Thank you,
16 Madam Chair.

17 I think you put on a excellent
18 argument and said at least a hundred
19 times that they don't fight fires; I
20 heard it loud and clear.

21 But I feel compelled to ask, in
22 the case of 9/11, how many EMT paramedics
23 perished in 9/11?

24 CITY SOLICITOR SMITH: I don't
25 know, but that doesn't have anything to

1 4.28.10 - PUBLIC SAFETY - BILL 100214
2 do with collective-bargaining rights.

3 COUNCILMAN JONES: Wait a
4 minute. But it does -- and you may be
5 right in your legal stance. But in
6 practicality, when they ran in those
7 buildings, they were saving lives and
8 fighting fires.

9 In the case of the building
10 that collapsed over here --

11 CITY SOLICITOR SMITH: The
12 Meridian.

13 COUNCILMAN JONES: The
14 Meridian. If those same workers from
15 Philadelphia were asked to rush in a
16 burning building and save a fellow
17 firefighter, I am sure they would have
18 done that and would have suffered the
19 same fate as those that died.

20 So whether or not the legal
21 standing -- those are arguments that this
22 body will take up, that you will have a
23 position on, and will be taken probably
24 to court.

25 But do not misunderstand that

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 our -- part of our intentions are to
3 recognize the fact that they put
4 themselves in harm's way, just like
5 firefighters. And whether the cost
6 differential matters, the fact of loss of
7 life in those cases are the same. And
8 so, it is our intention to try to protect
9 them to the degree that we can.

10 It's amazing to me why we don't
11 cross-train them anyway and why we would
12 not choose to, in cases where they do go
13 into building, they have the basic
14 ability to protect themselves and
15 possibly a fallen firefighter that they
16 may be trying to rescue.

17 It seems to me, as opposed to
18 segregating them further away, that we
19 need to be pushing them closer together,
20 arming them with equipment to protect
21 themselves, citizens, and fellow
22 compatriots that run into buildings, run
23 into harm's way, and don't stop to look
24 at the contract and say, Well, you know,
25 if go into this, I'm actually serving as

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 a firefighter; maybe I need to check back
3 with the regs and the unions and the laws
4 before I go rushing in.

5 And I just think that we need
6 to take that into account as we move
7 forward.

8 So you're not going to respond?
9 I understand that --

10 CITY SOLICITOR SMITH: I wasn't
11 aware there was a question. I can
12 certainly respond if you'd like.

13 COUNCILMAN JONES: And that is
14 true, so I'm going to give you a
15 question.

16 What specifically in your
17 testimony page 2, paragraph 2, why the
18 City doesn't put firefighters in
19 according to those kinds of trainings,
20 why don't we cross-train them?

21 CITY SOLICITOR SMITH:
22 Councilman Jones, I don't personally know
23 why; I think that's just a decision that
24 the Fire Department has made about how to
25 deploy its personnel.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILMAN JONES: Okay. Are
3 there any other municipalities that do?

4 CITY SOLICITOR SMITH: That
5 cross-train firefighters and paramedics?

6 COUNCILMAN JONES: And
7 paramedics.

8 CITY SOLICITOR SMITH: There
9 are municipalities that cross-train
10 firefighters and paramedics. There are
11 also municipalities where paramedics are
12 not part of the Fire Department at all.
13 There are also municipalities that do not
14 provide paramedic service at all.

15 COUNCILMAN JONES: So within
16 the range of possibilities, this is
17 something that this administration could
18 consider.

19 CITY SOLICITOR SMITH: Any one
20 of those possibilities is an option that
21 the Administration could consider.

22 COUNCILMAN JONES: So the
23 question becomes: Why don't we?

24 CITY SOLICITOR SMITH: Well, as
25 I said, I mean, that's a question -- the

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Fire Department has made that choice to
3 deploy its personnel without cross-
4 training them. I don't personally know
5 why that choice was made, but that is the
6 decision that has been made.

7 COUNCILMAN JONES: Is there a
8 specific law that we can reference that
9 says that paramedics cannot be in the
10 same collecting --

11 CITY SOLICITOR SMITH: Act 111.

12 COUNCILMAN JONES: It says that
13 --

14 CITY SOLICITOR SMITH: A
15 firefighter bargaining unit can
16 (indiscernible) personnel, which means
17 people who fight fires.

18 COUNCILMAN JONES: Wait a
19 minute. I'm not -- I want to know what
20 prohibits it. You said "do not fight
21 fires," but does that prohibit them --

22 CITY SOLICITOR SMITH: Yes.

23 COUNCILMAN JONES: -- from
24 being -- it specifically prohibits.

25 CITY SOLICITOR SMITH: It

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 prohibits them from being --

3 COUNCILMAN JONES: Your
4 definition and interpretation of the law
5 says that there --

6 CITY SOLICITOR SMITH: Start
7 your question from the beginning. I want
8 to make sure I'm answering -- I thought I
9 understood your question but maybe I
10 didn't.

11 COUNCILMAN JONES: Okay, all
12 right.

13 CITY SOLICITOR SMITH: So start
14 again, please, if you don't mind. I
15 apologize.

16 COUNCILMAN JONES: Okay.
17 Specifically, in the law, does it
18 prohibit them? It says they do not fight
19 fires.

20 CITY SOLICITOR SMITH: Does it
21 prohibit them fighting fires; is that
22 your question?

23 COUNCILMAN JONES: All right.
24 Let me slow down and start a again.

25 CITY SOLICITOR SMITH: Okay.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILMAN JONES: All right.

3 You reference it by saying that what's
4 clearly in Act 111 is that they shall not
5 be firefighters, they are not necessarily
6 firefighters.

7 CITY SOLICITOR SMITH: Right.

8 COUNCILMAN JONES: Understood.

9 CITY SOLICITOR SMITH: Okay.

10 COUNCILMAN JONES: Does it
11 specifically prohibit them from having
12 the same collective-bargaining unit?

13 CITY SOLICITOR SMITH: Yes.

14 COUNCILMAN JONES: Where? I
15 don't --

16 CITY SOLICITOR SMITH: Because
17 Act 111 defines the membership of a
18 bargaining unit as those employees that
19 are fire personnel, which is defined in
20 the law as people who fight fires.

21 COUNCILMAN JONES: Hmm.

22 CITY SOLICITOR SMITH: So it
23 defines it by exclusion. It says the
24 bargaining unit is limited to this group
25 of people, which is defined in this way.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 And by definition, this group of people
3 does not include paramedics.

4 COUNCILMAN JONES: Okay.

5 COUNCILMAN KENNEY: Madam
6 Chair, if I may just ask and inject
7 relative to the title of a paramedic.

8 What is the title of a
9 Philadelphia Fire Department paramedic?

10 CITY SOLICITOR SMITH: A fire
11 service paramedic.

12 COUNCILMAN KENNEY: Do the
13 operative words "fire service" mean
14 anything?

15 CITY SOLICITOR SMITH: No.

16 COUNCILMAN KENNEY: Oh.

17 CITY SOLICITOR SMITH: You call
18 it whatever you want, but they don't
19 fight fires.

20 COUNCILMAN KENNEY: But by
21 definition, they're a fire service
22 paramedic, which means --

23 CITY SOLICITOR SMITH: They do
24 not fight fires.

25 COUNCILMAN KENNEY: Which means

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 they're in the fire service.

3 CITY SOLICITOR SMITH: But they
4 do not fight fires. And the definition
5 has been explained to be limited to those
6 who actually fight fires, who fight the
7 fires.

8 COUNCILMAN KENNEY: So why are
9 they called "fire service paramedics"?

10 CITY SOLICITOR SMITH: I do not
11 know.

12 COUNCILMAN RIZZO: Councilman
13 Kenney --

14 CITY SOLICITOR SMITH: That's
15 the name that was chosen at the time that
16 the position was created, but I --

17 COUNCILMAN KENNEY: So we could
18 have called them "concierges" or we could
19 have called them whatever. But a fire
20 service paramedic is not definitive of
21 what --

22 CITY SOLICITOR SMITH:
23 Dispositive --

24 COUNCILMAN KENNEY: --
25 government -- of what?

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 CITY SOLICITOR SMITH: That's
3 correct.

4 COUNCILMAN KENNEY: It's a hard
5 sell.

6 COUNCILMAN RIZZO: Solicitor --

7 CITY SOLICITOR SMITH: Well --

8 COUNCILMAN KENNEY: As a matter
9 of fact, Madam Chair, if we could ask
10 Mr. Gillison to come up 'cause I have
11 some policy issues relative to the --

12 (Deputy Mayor Everett Gillison
13 approaches witness table.)

14 COUNCILMAN RIZZO: Solicitor,
15 I'd like to follow up with you. It's
16 going to be my turn soon.

17 I know of occasions where
18 paramedics have been the first responder
19 to a vehicle fire, the only personnel on
20 the scene.

21 Would you expect those
22 paramedics to make an effort to save the
23 life of children or a person in a burning
24 vehicle?

25 CITY SOLICITOR SMITH: I would

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 certainly expect them to attempt to
3 provide whatever medical attention is
4 required --

5 COUNCILMAN RIZZO: And you --

6 CITY SOLICITOR SMITH: -- but I
7 would not expect them to fight the fire
8 of the burning vehicle.

9 (Laughter.)

10 COUNCILMAN RIZZO: This amazes
11 me.

12 What I want to know is why an
13 employer would not want to provide the
14 best protection for an employee that's
15 available, why you would want to exclude
16 them from Act 111.

17 Forget the lawsuit. You said
18 that you're required to do this by law.
19 And so, we're going to fix that; we're
20 going to amend the Fire Code for sure to
21 protect these firefighters and give them
22 all of the benefits that they deserve.
23 So --

24 CITY SOLICITOR SMITH: With --

25 COUNCILMAN RIZZO: A paramedic

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 that's at the scene, he has to
3 potentially extinguish a fire in some way
4 with a fire extinguisher to do the
5 rescue. I just can't imagine -- you
6 probably have never been to the scene of
7 a fire; that's your problem.

8 Thank you.

9 CITY SOLICITOR SMITH: With all
10 due respect, Councilman Rizzo, the City's
11 petition to remove the paramedics from
12 Act -- from the Act 111 bargaining unit
13 doesn't have anything at all to do with a
14 desire on the City's part to not provide
15 the best possible benefits. I'm not sure
16 how you -- I don't remember exactly the
17 terminology that you used.

18 It's simply a matter of
19 properly aligning the bargaining unit,
20 consistent with State law, because State
21 law is what determines who bargains
22 within what unit bargains or what unit
23 bargains on behalf of what employees.

24 And our petition was simply an
25 effort, on behalf of the City's

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 collective-bargaining rights, which we
3 all are obligated to protect, to
4 correctly align the bargaining unit.

5 Aligning the bargaining unit
6 differently does not ultimately -- does
7 not necessarily yield the ultimate
8 conclusion that the paramedics will be
9 deprived of anything. But there is a
10 process under the law that is supposed to
11 be followed, and that process is the
12 process that we have followed.

13 And there are rights under
14 Pennsylvania law that are provided, and
15 Pennsylvania law is the source of those
16 rights.

17 And we have a saying, as
18 lawyers, that hard facts make bad law.
19 You're right that it seems ridiculous to
20 call a fire service paramedic a fire
21 service paramedic, Councilman Kenney,
22 when they don't actually provide fire
23 service, in quotes.

24 I don't disagree with you, but
25 that was apparently a careless choice

1 4.28.10 - PUBLIC SAFETY - BILL 100214
2 made by the people who created the title
3 in the first place.

4 COUNCILMAN KENNEY: But your
5 premise is that we are interfering with
6 this process. We are not; we are
7 amending the Fire Code.

8 The process is the process.
9 Whatever the outcome of that process will
10 be, we have the ability and the right
11 elected to amend any code within the City
12 of Philadelphia. That does not mean we
13 are interfering with any other process
14 you guys are pursuing.

15 And I think that trying to lump
16 the two of them together is inaccurate.

17 CITY SOLICITOR SMITH: Well, I
18 hear what you're saying, Councilman
19 Kenney, but I think that when you say,
20 then, that you're merely trying to amend
21 the Fire Code, when Councilmembers then
22 express subsequently a concern that fire
23 paramedics be given the same rights as
24 firefighters, those two ideas to me sort
25 of conflict.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILMAN KENNEY: That's
3 their individual positions on there.

4 CITY SOLICITOR SMITH: Okay.

5 COUNCILMAN KENNEY: Also, I
6 mean, the other issue I would raise to
7 you is where fire service paramedics are
8 trained.

9 MS. FARMER: At the Fire
10 Academy, right?

11 CITY SOLICITOR SMITH: At the
12 Fire Academy, but they're certified by a
13 --

14 COUNCILMAN KENNEY: So they're
15 not trained at Jefferson Hospital,
16 they're not trained at the University of
17 Pennsylvania.

18 CITY SOLICITOR SMITH: No, but
19 they are --

20 COUNCILMAN KENNEY: They're
21 trained at the Fire Academy, side-by-side
22 with firefighters.

23 CITY SOLICITOR SMITH: Well,
24 not side-by-side. They're trained as
25 paramedics at the Fire Academy, but they

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 are certified by a medical doctor.

3 COUNCILMAN KENNEY: Which is a
4 State --

5 CITY SOLICITOR SMITH: They're
6 not --

7 (Indiscernible; parties talking
8 over each other.)

9 COUNCILMAN KENNEY: Which is a
10 state requirement, correct?

11 CITY SOLICITOR SMITH: That's
12 correct.

13 COUNCILMAN KENNEY: So they are
14 certified under State law.

15 But when they train at the Fire
16 Academy and they're doing extractions of
17 folks, you know, in an automobile, they
18 are side-by-side with firefighters.

19 CITY SOLICITOR SMITH: Side-by-
20 side in the same facility, but they are
21 certified differently, they are certified
22 against a different standard and --

23 COUNCILMAN KENNEY: If they
24 were so separate from the fire service,
25 then they should be trained at a

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 hospital.

3 CITY SOLICITOR SMITH: Well,
4 they have testified themselves -- I can't
5 speak to where they're trained or why --
6 I mean why they're trained where they're
7 trained; that may simply be a matter of
8 resources.

9 But the fact of the matter is
10 that the paramedics themselves have
11 declared that they are not firefighters,
12 that they do not provide fire service.
13 They themselves have declared that;
14 they've declared it in two separate
15 tribunals on their own behalf.

16 COUNCILMAN KENNEY: And what
17 this council may declare is that we're
18 going to change the Fire Code. And what
19 happens happens.

20 Thanks.

21 Councilman Greenlee hasn't had
22 a chance to say anything.

23 Do you want to ask Mr. Gillison
24 something?

25 COUNCILMAN GREENLEE: Yeah, I

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 wanted to kind of ask Mr. Gillison
3 something, if that's all right with you,
4 Madam Chair.

5 Mr. Gillison, the City
6 Solicitor certainly gave her legal
7 opinion. And when Councilman Kenney
8 asked about policy, if you will, she said
9 she didn't think it was appropriate, as a
10 citizen, to give her opinion.

11 But as the Deputy Mayor
12 speaking for the City, I think Councilman
13 Kenney raised, and other members raised,
14 a good questions, but the basic one is:
15 Does it make sense for the City to be put
16 in a position where paramedics would be
17 able to strike? And was that considered
18 at all in this whole process?

19 Because the Solicitor can give
20 her opinion, but it's still a policy
21 decision of the Administration. So could
22 you at least, first of all, comment on
23 that.

24 DEPT. MAYOR GILLISON: I can
25 comment on it. To the extent that -- the

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 basic question you asked is, was it
3 considered? The answer is, yes, it was
4 considered.

5 COUNCILMAN GREENLEE: Mm-hmm.

6 DEPT. MAYOR GILLISON: So the
7 policy questions here, I think they're --
8 we have to kind of take a step back and
9 take a look at what and how we got here.

10 I believe I heard -- and I'm
11 sorry that I was late, but I believe that
12 I heard the City Solicitor indicate that
13 the City primarily is only responding to
14 basically lawsuits that have been filed
15 against the City. And then in clarifying
16 the City's relationships, we are going
17 forward.

18 Did we have a operational
19 understanding going forward? I can speak
20 to the question that Councilman Jones has
21 indicated.

22 COUNCILMAN GREENLEE: Mm-hmm.

23 DEPT. MAYOR GILLISON: Have we
24 ever considered cross-training
25 firefighters and paramedics? The answer

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 is yes. That is something that we still
3 are considering.

4 I, from a policy point of view,
5 have to make the determination based on
6 available resources. I have to make the
7 determination based on the entirety of
8 the public-safety needs. I have to make
9 the determination based on how we are
10 going to look at and review how we
11 deliver services in this area to the
12 City.

13 All of those considerations are
14 made, and it's not a be-all and end-all
15 that we made a decision and we'll never
16 go back and review it.

17 I do these things on a daily,
18 weekly, monthly, yearly basis because
19 it's always a choice. And I can tell you
20 that we've had to make some tough choices
21 over the last two years, as this Council
22 is very well aware.

23 And I think the only thing the
24 City Solicitor is saying is that, given
25 the choices that we were placed in by the

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 paramedics themselves, we had to actually
3 protect the City's interest and be able
4 to clarify who's in what particular
5 bargaining area.

6 That has nothing to do with how
7 we are going to deliver the service.

8 That does has something to do with how
9 the City is protected, and I think it's
10 the realm of the City Solicitor to at
11 least inform me what my choices are as we
12 go forward.

13 COUNCILMAN GREENLEE: No, I
14 understand about informing you, but it's
15 still -- and, again, I don't think, with
16 all due respect, you answered the
17 question, except to say, yes, you
18 considered it.

19 I mean, when you talk about
20 public safety --

21 DEPT. MAYOR GILLISON: Oh,
22 yeah, absolutely.

23 COUNCILMAN GREENLEE: The
24 safety of the public to have paramedics
25 strike, as was stated that they could,

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 isn't that a pretty large factor? And
3 discuss how -- why you thought that that
4 was -- or other issues superseded that, I
5 guess, is the best way to say.

6 DEPT. MAYOR GILLISON: I don't
7 think that we actually indicated that --
8 I mean, on a realm of like everything
9 else, on a range of what is possible and
10 on a range of what is -- what we would
11 actually want to do, or at least put
12 ourselves in the position to have the
13 paramedics, quote/unquote, strike is,
14 from my point of view, as Deputy Mayor
15 for Public Safety, it is not something
16 that I want to happen. I don't want --

17 COUNCILMAN GREENLEE: Well,
18 nobody wants it to happen.

19 (Indiscernible; parties talking
20 over each other.)

21 DEPT. MAYOR GILLISON: Right.

22 COUNCILMAN GREENLEE: But
23 things like that can happen.

24 DEPT. MAYOR GILLISON: It can
25 happen. I think it's kind of like

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 everything else. There are choices that
3 people make.

4 I don't think that we're going
5 to be in this position. I think that as
6 we get to a resolution of this issue and
7 as the State clarifies this, I think that
8 the City will have other options open to
9 it as well as they will. And we will end
10 up having a negotiation to all of this.

11 COUNCILMAN GREENLEE: But when
12 you --

13 COUNCILWOMAN MILLER: And --

14 COUNCILMAN GREENLEE: I'm
15 sorry.

16 COUNCILWOMAN MILLER: Point of
17 information on Councilman Greenlee.

18 If they did strike, what would
19 be Plan B? What would the City do?

20 DEPT. MAYOR GILLISON: I can
21 tell you that there are a number of
22 different ways that we would address
23 that. I mean, I really don't think this
24 is happening in a way that I would have
25 to deal with this tomorrow.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 I think that we would end up
3 dealing with a lot of different
4 contingencies and I don't think it's fair
5 for me to even speculate at this time
6 what my response would be.

7 I will tell you that we will
8 have services, and these services will be
9 provided.

10 COUNCILWOMAN MILLER: Okay. I
11 just asked that question just based on
12 the fact that you did say that you had
13 thought about the fact that they could
14 strike. And that's scary.

15 CITY SOLICITOR SMITH: Yeah,
16 but Councilwoman Miller, with all due
17 respect, I don't think it's appropriate
18 for us to talk about it.

19 I mean if -- in what I think is
20 the fairly unlikely event that the
21 paramedics, in whatever window of time
22 might exist between the time that they
23 are not represented by Local 22 and they
24 should become represented by some other
25 union -- let's hypothesize -- I don't

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 think it would be appropriates for us to
3 discuss what essentially would be a labor
4 strategy in this forum about --

5 (Indiscernible; parties talking
6 over each other.)

7 COUNCILWOMAN MILLER: I think
8 it's appropriate that we talk about the
9 safety of Philadelphia residents and
10 citizens. Whether it's appropriates --
11 we're not trying to discuss labor. I
12 know that if my neighbor needs a EMS to
13 come out, then that's what they need.

14 We're not trying to get
15 involved in your labor negotiations.

16 COUNCILMAN RIZZO: And can I
17 add to that?

18 COUNCILWOMAN MILLER: Yes.

19 COUNCILMAN RIZZO: You know,
20 you talk about your responsibility. We
21 have a responsibility.

22 COUNCILWOMAN MILLER: Right.

23 COUNCILMAN RIZZO: If you're
24 putting us in a position and the citizens
25 of Philadelphia to have paramedics

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 strike, we need to know what Plan B is,
3 because it is irresponsible to move
4 forward in this direction without
5 knowing.

6 We send fire engines and all
7 kinds of fire equipment to scenes that
8 they can't do anything but just possibly
9 assist in stopping the flow of blood and
10 things like that.

11 You need to tell us, 'cause
12 it's irresponsible of this administration
13 to not tell Council how you plan to deal
14 with a strike.

15 CITY SOLICITOR SMITH: Well,
16 first of all, the paramedics would not be
17 permitted to strike during the period
18 that they're not represented, so we can
19 end that part of the conversation now.
20 They would not be permitted to do that
21 under the law.

22 COUNCILMAN RIZZO: And -- and
23 --

24 CITY SOLICITOR SMITH: And
25 secondly, I certainly would be happy to

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 sit down with you offline to talk about
3 potential labor strategies in the even
4 that we might ultimately get to a point
5 where we were in a negotiating position
6 in the paramedics that led them to think
7 a strike was necessary.

8 COUNCILMAN RIZZO: I'm not a
9 State-elected official. You keep talking
10 about the State fixing this. I'm
11 concerned about Philadelphia.

12 CITY SOLICITOR SMITH: What I
13 said was --

14 (Indiscernible; parties talking
15 over each other.)

16 COUNCILMAN RIZZO: I'm not
17 talking about that. I'm talking about
18 what Mr. Gillison said, that the
19 problem's eventually going to be resolved
20 at the State level.

21 I'm not a State rep, I'm not a
22 State senator; I'm a Philadelphia City
23 Councilman, and the residents of this
24 city are my responsibility.

25 And I'm going to support

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Councilman Kenney, and I think this
3 entire group is going to support changing
4 the Fire Code.

5 (Applause.)

6 COUNCILMAN GREENLEE: It
7 just -- on the -- I forget which one of
8 you said it, I'm sorry, about Council
9 getting involved in the labor issue.
10 Didn't you guys sort of do that too?
11 Didn't you guys do that first by
12 precipitating this?

13 CITY SOLICITOR SMITH: Well,
14 it's my job protect -- to take legal
15 action to protect the City's collective
16 bargaining rights.

17 COUNCILMAN GREENLEE: Okay.

18 CITY SOLICITOR SMITH: That's
19 my job. As the City Solicitor, I
20 represent the City in legal matters. One
21 of the --

22 COUNCILMAN GREENLEE: Well,
23 you're saying it's legal but it's also
24 labor.

25 CITY SOLICITOR SMITH: One of

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 the --

3 COUNCILMAN GREENLEE: We're
4 saying we're just amending the code;
5 you're calling it "getting involved in
6 labor."

7 So I guess it depends on what
8 perspective you're coming from, I guess.

9 DEPT. MAYOR GILLISON: That's
10 right.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Gillison. We agree on
13 something. Thank you.

14 One more question. I'm sorry.
15 One more question.

16 Also as far as consideration --
17 considering the factors and all, I know
18 I've heard and I think a lot of us heard
19 from paramedics who basically say if this
20 change happens, they're -- they may not
21 stay employed by the City; it's their
22 choice that they may not stay employed.

23 Has that been considered at
24 all?

25 DEPT. MAYOR GILLISON: I'm

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 sorry?

3 CITY SOLICITOR SMITH: We
4 apologize.

5 COUNCILMAN GREENLEE: No,
6 that's all right.

7 CITY SOLICITOR SMITH: Could
8 you repeat the question?

9 COUNCILMAN GREENLEE: I have
10 heard, and I think other people have
11 heard -- because even though there was
12 this lawsuit, it was brought by a small
13 amount of paramedics.

14 CITY SOLICITOR SMITH: On
15 behalf of the rest of them.

16 COUNCILMAN GREENLEE: Yeah.
17 But we have heard from a lot of
18 paramedics -- and I think some others are
19 testifying so maybe we should wait for
20 tell me to testify -- that they have
21 concerns about whether they would stay
22 employed if this change happened, if they
23 were taken away.

24 Has that -- have you heard
25 that? Have you taken that into

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 consideration at all?

3 CITY SOLICITOR SMITH: I

4 personally -- I don't know whether

5 Mr. Gillison has heard that, but I

6 personally have not heard that.

7 COUNCILMAN GREENLEE: Mm-hmm.

8 CITY SOLICITOR SMITH: But I

9 also don't think that there's been

10 anything about either one of these legal

11 proceedings that should put the

12 paramedics in any reasonable realistic

13 fear that their jobs are in jeopardy.

14 And there were 350 paramedics;

15 the lawsuit was brought on behalf of 350

16 paramedics.

17 COUNCILMAN KENNEY: I'm sorry.

18 I think the discussion has been, would a

19 number of them leave voluntarily to seek

20 other employment.

21 CITY SOLICITOR SMITH: Oh, I

22 didn't understand that to be the

23 question.

24 COUNCILMAN KENNEY: And the

25 issue that we have is, we're having

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 trouble recruiting as it is. So we have
3 a need for fire service paramedics to be
4 hired. If we lose, either through
5 leaving their employment or moving from
6 the fire service paramedic into a
7 firefighting position, they have the
8 ability to move crossways, 'cause some of
9 them originally firefighters who then
10 became fire service paramedics, so they
11 could move back --

12 CITY SOLICITOR SMITH: Through
13 the test, right.

14 COUNCILMAN KENNEY: Right, but
15 the -- no, I think -- just taking a test
16 and going back on the list? I thought
17 they had a right -- well, the Union maybe
18 can express their view that they could
19 move back laterally.

20 CITY SOLICITOR SMITH: My
21 understanding is they have to take a
22 test. That was my testimony, that they
23 have to take a test and go back to be
24 trained.

25 COUNCILMAN KENNEY: Even though

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 they were firefighters.

3 CITY SOLICITOR SMITH: Correct.

4 COUNCILMAN KENNEY: Well, that
5 makes a lot of sense. Talk about
6 resources and waste of resources.

7 CITY SOLICITOR SMITH: Well, I
8 don't --

9 (Indiscernible; parties talking
10 over each other.)

11 COUNCILMAN KENNEY: We're
12 concerned about economic resources but
13 we're going to take a firefighter who
14 became a fire paramedic and make him take
15 a test, get on a list, go back to fire
16 school and retrain them.

17 CITY SOLICITOR SMITH: Well,
18 first of all, they're separate job
19 classifications.

20 Secondly, I don't know, I mean,
21 how long any individual firefighter --
22 any individual paramedic, how long it's
23 been since they've been a firefighter.

24 You know, also, with police
25 officers, that if they are away from the

1 4.28.10 - PUBLIC SAFETY - BILL 100214
2 police service for a certain amount of
3 time, they have to go back through a
4 retraining process. So it's not a
5 completely uncommon situation.

6 COUNCILMAN KENNEY: All right.
7 Well, that's going far afield of the
8 other question.

9 CITY SOLICITOR SMITH: Yes.

10 COUNCILMAN KENNEY: But concern
11 about the lack of paramedics and the
12 potential loss of --

13 CITY SOLICITOR SMITH: Right.

14 COUNCILMAN KENNEY: -- existing
15 paramedics should be a policy concern.

16 CITY SOLICITOR SMITH: Well, it
17 certainly is.

18 And I have not heard -- again,
19 I haven't heard about paramedics, and
20 Mr. Gillison indicated that he has not
21 either -- about paramedics threatening to
22 leave.

23 But, certainly, it has been,
24 and remains, a concern of the Fire
25 Department to keep its paramedics ranks

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 fully staffed.

3 You're right, it has been
4 difficult, and they are actively working
5 on recruiting them and bringing them in.
6 But it is a challenge for all sorts of
7 reasons, yes.

8 COUNCILWOMAN MILLER: Okay.
9 Thank you.

10 There are no other questions
11 for you, I believe. Thank you for your
12 testimony.

13 CITY SOLICITOR SMITH: Thank
14 you.

15 COUNCILWOMAN MILLER: Our
16 second panel will be Bill Gault, Gerard
17 Kots, and Richard Poulson.

18 (Witnesses come forward.)

19 COUNCILWOMAN MILLER: Hi. Good
20 morning. Identify yourself and please
21 proceed with your testimony. And don't
22 forget to pull the mic up close.

23 MR. GAULT: Madam Chairwoman,
24 my name is Bill Gault. I'm a lieutenant,
25 a 26-year member of the Philadelphia Fire

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Department. I'm also proud to serve as
3 president of the International
4 Association of Firefighters Local 22.

5 The Union represents 2400 active
6 firefighters and fire service paramedics
7 who serve the citizens of Philadelphia.

8 I appear before Council today
9 in support of Bill No. 100214, which
10 provides the necessary and critically
11 important clarification of the work
12 performed by uniformed members of the
13 Fire Department.

14 The mission is to respond to
15 emergencies in order to save lives; it is
16 a mission that is shared by every
17 uniformed member of the Fire Department,
18 firefighters and fire service paramedics.

19 In order to satisfy this
20 mission, the Fire Department has
21 developed a number of highly specialized
22 units of service that are staffed by
23 highly trained and capable uniformed
24 personnel. Some work as firefighters and
25 some work as fire service paramedics.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 But at the end of the day,
3 despite these different job
4 classifications, all uniformed Fire
5 Department employees are called upon to
6 do the same thing: to risk their lives in
7 order to save the lives of others.

8 Over the last four decades, we
9 have seen an enhanced degree of
10 specialization within the Philadelphia
11 Fire Department as well as other large
12 metropolitan fire departments.

13 In the 1960s, Philadelphia's
14 firemen responded to fires; they also
15 responded explosions, building collapses,
16 rescues, and other emergencies. They
17 also provided medical treatment and
18 transport, but they did so in a more
19 rudimentary fashion -- with fewer
20 specialized units and job
21 classifications, and with lesser results.

22 Today, our fire department
23 features highly-trained and motivated
24 uniformed personnel who specialize in a
25 particular form of threat or emergency

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 response. So while the Fire Department's
3 mission to save lives has not changed and
4 the general types of threats in services
5 has not changed, the degree of
6 specialization developed to respond to
7 those threats and provide emergency
8 services has evolved and improved
9 tremendously.

10 Perhaps the best example of the
11 department's evolution is the
12 dramatically increasing role in providing
13 medical treatment and transport the
14 citizens.

15 Fifty years ago, the Fire
16 Department deployed firemen to provide
17 bare-bones treatment and pre-hospital
18 transport to citizens. Today, however,
19 the provision of emergency medical
20 services is the Fire Department's single
21 largest area of response.

22 The overwhelming majority of
23 emergencies responded to by the Fire
24 Department, including both fire service
25 paramedics and firefighters, are medical

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 emergencies. For example, in 2008, the
3 Fire Department responded to over 200,000
4 emergency medical situations as opposed
5 to approximately 2,000 fire incidents.

6 The Fire Department's evolution
7 has been gradual and steady. The
8 improvements started in the early '70s,
9 when the Fire Department improved its
10 emergency medical capabilities by
11 training firefighters who volunteered to
12 work as EMTs and assigning those
13 firefighters to work in rescue squads.
14 Later, all new firefighters entering into
15 the service were required become
16 certified as EMTs, emergency medical
17 technician.

18 By the 1980s, the Fire
19 Department created the specialized
20 classification of fire paramedic to
21 respond to the heightened demand for
22 emergency medical care. Fire paramedics
23 and firefighters obtain the necessary
24 training and certifications to work as
25 paramedics. Some of these original

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 paramedics who stepped forward to help
3 the department in the 1980s are now
4 threatened by the City's petition to tear
5 apart the Fire Department bargaining
6 unit. Those senior employees now stand
7 to lose their wages, even their retiring
8 medical coverage, at the stroke of a pen.

9 In 1989, in order to respond to
10 the increasing demand for EMS services,
11 the Fire Department created the position
12 of fire service paramedic. These
13 positions were not filled exclusively by
14 firefighters, as was the case with the
15 fire paramedics. Instead, fire service
16 paramedic positions could be filled by
17 outside hires who were certified as
18 paramedics and able to provide ALS care.
19 ALS stands for advanced life support.

20 Newly-hired fire service
21 paramedics were trained at the Fire
22 Academy in fire abatement and
23 extinguishment because their job required
24 them to be deployed to fire emergencies.

25 The paramedics were also

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 trained in the use of protective
3 equipment and were assigned the same
4 turnout gear as firefighters to be worn
5 at fires and other emergencies, because
6 they would be placed in harm's way just
7 like us.

8 During the same period, the
9 Fire Department also improved its
10 emergency medical services by
11 implementing the First Responder program,
12 in which firefighters assigned were also
13 deployed to emergency medical calls to
14 provide basic life service, or BLS, care,
15 pending the arrival of an ALS medic unit.

16 Basically, BLS care is provided
17 by firefighters who work on engine or
18 ladder companies; and ALS care is
19 provided by medic units staffed by
20 paramedics.

21 The Fire Department's
22 development has not changed its
23 overriding mission to save lives and
24 property. Today, uniformed firefighters
25 and paramedics working in specialized

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 units are directed to perform their work
3 as part of the Fire Department's
4 coordinated response to emergencies.

5 There is significant integration of work
6 and interaction among Fire Department
7 personnel within each of the specialized
8 units.

9 For example, a fire emergency
10 will result in the deployment of engine
11 companies, ladder companies, and medic
12 units, but it may also result in the
13 deployment of a hazmat unit or a
14 technical rescue or a marine unit, based
15 on the unique circumstances of the
16 emergency.

17 A vehicle accident call will
18 usually result in the deployment of a
19 medic unit and a ladder company, but it
20 may also include a hazmat unit based on
21 the circumstances.

22 A medical call may result in
23 the deployment of both an engine ladder
24 company and a medic unit, depending on
25 the circumstances.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Each of the units deployed to
3 any emergency has a role to fulfill
4 subject to the satisfaction of the
5 overall mission. The Fire Department
6 assigns an incident commander to utilize
7 the various resources in the most
8 effective way to get their mission done.

9 All uniformed fire personnel at
10 emergency scenes perform different tasks
11 as part of a unified and integrated
12 whole; we all have the same job
13 basically.

14 Because the Fire Department
15 responds to emergencies, and because
16 emergencies cannot be predicted, the
17 department utilizes its resources in
18 different combinations and configurations
19 to the extent necessary to mitigate the
20 emergency.

21 Firefighters are critical
22 resources, and so are fire service
23 paramedics and so are marine units and
24 technical rescue personnel. But all of
25 these resources are allocated in order to

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 satisfy the same mission of saving lives
3 and property.

4 IAFF Local 22 supports Bill
5 100214 because it codifies what everybody
6 in the Fire Department understands is the
7 department's mission. It would make
8 clear that the Fire Department may direct
9 its workforce to perform whatever duties
10 are necessary at emergency scenes,
11 including, but not limited to, fire
12 rescue, fire abatement, and emergency
13 medical service; and to employ whatever
14 personnel are required to perform these
15 tasks, including firefighters and fire
16 service paramedics.

17 Given that the Fire Department
18 already deploys this workforce in this
19 manner, the bill does not represent a
20 departure from what occurs daily in our
21 city.

22 But we still need passage of
23 Bill 100214 because the City taken the
24 extreme position before the PLRB that
25 fire service paramedics are not fire

1 4.28.10 - PUBLIC SAFETY - BILL 100214
2 personnel under Act 111 because they do
3 not engage in fire suppression
4 activities.

5 The City's position is
6 dead-wrong; it is not supported by what
7 actually happens at fires, where fire
8 service paramedics do engage in fire
9 abatement activities and do perform any
10 and all tasks required to achieve the
11 mission of the department.

12 The only reason why the City
13 argues this bill is because some fire
14 service paramedics filed a lawsuit
15 against the City, arguing that they were
16 entitled to unpaid overtime wages. The
17 lawsuit did not involve Local 22, and it
18 wasn't sanctioned by Local 22.

19 As part of that litigation,
20 some fire service paramedics stated that
21 they did not engage in fire suppression
22 activities. But because the City lost
23 that lawsuit, it now seeks to punish all
24 fire service paramedics by seeking to
25 deny them their right to seek interest

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 arbitration along with their firefighter
3 brethren, under Act 111. The City should
4 be prohibited in undermining these
5 essential employees within the Fire
6 Department.

7 I firmly believe that Bill
8 100214 will recognize the long-held
9 understanding that the Fire Department
10 performs a number of essential functions
11 to achieve its overall goal of saving
12 lives and property. Through passage of
13 this bill, the Fire Department can
14 continue its quest to create an ever-more
15 sophisticated and specialized force
16 capable of handling many types of
17 emergencies.

18 In closing, let me thank you
19 again for your efforts on behalf of the
20 City's firefighters and medics. We look
21 forward to working with you on this
22 critical initiative in order to provide
23 the best, most efficient emergency
24 fighting force in the nation.

25 Thank you.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILWOMAN MILLER: Thank
3 you.

4 We'll hold off questions until
5 all three panel members have testified.

6 Second is Gerard Kots.

7 MR. KOTS: Good morning.

8 COUNCILWOMAN MILLER: Good
9 morning.

10 MR. KOTS: Thank you for taking
11 the time to hear this testimony.

12 My name is Gerard Kots. I'm
13 currently a Philadelphia Fire Department
14 lieutenant; I got on the Fire Department
15 in 1974. I've served on the executive
16 board of Local 22, first as a trustee in
17 1997 to 1999, then as vice president from
18 1999 to 2003; and now again, as trustee,
19 from 2007 to the.

20 In testimony today from the
21 City, City Council heard that during
22 interest arbitration Vice President Gerry
23 Kots stated that the paramedics were not
24 qualified for fire suppression; I'd like
25 to take this opportunity to clarify the

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 background for such testimony.

3 As the vice president of Local
4 22 at that time, I sat on two different
5 arbitration panels. One was dealing with
6 paramedic crossover, and the other ALS
7 engine companies, which are advanced life
8 support engine companies.

9 The first issue, paramedic
10 crossover, were given the opportunity to
11 become firefighters for paramedics who so
12 wished to do so. There were a number of
13 paramedics interested in doing this, and
14 Local 22 wanted to give them the ability
15 to make this move.

16 That arbitration award came out
17 but did not provide the paramedics the
18 necessary training to properly do so, but
19 it did give the opportunity for the Fire
20 Commissioner, at his discretion, to allow
21 a paramedic, after five years of being a
22 paramedic, to take the firefighter
23 training, without taking the entrance
24 test again, without resigning his
25 position as a part of the Philadelphia

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Fire Department. Fire Commissioner
3 Hairston did not allow a single medic to
4 do this under this award, and there's
5 never been one allowed to cross over
6 under these circumstances.

7 Since that time, dozens of
8 medics took the firefighter entry exam
9 and had to resign their positions as
10 paramedics within the Fire Department to
11 enter fire school and start at a Step 1
12 firefighter cadet pay rate. They've done
13 this, even though it meant more than a
14 10 percent decrease in salary.

15 Today, we have dozens of
16 firefighters who are qualified paramedics
17 within the Fire Department that are not
18 offered a chance to practice their skills
19 as fire paramedics or fire paramedics
20 for anything more than basic EMTs.

21 The second panel was ALS
22 engines. ALS engines would have been
23 engines that are manned with a qualified
24 paramedic and equipped with advanced life
25 support equipment that runs as a part of

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 a fire engine. Twelve years ago, this
3 was a very progressive move made by many
4 large fire departments to provide ALS
5 service to citizens on First Responder
6 runs and to provide ALS capabilities
7 immediately on the fire ground for
8 firefighters injured on the fire ground.

9 Local 22 fought hard for this
10 ALS engine after several fatalities to
11 members on the fire ground that may have
12 been saved with immediate ALS
13 intervention. Three that come to mind
14 are three friends of mine: Lieutenant
15 Steve Murphy, Firefighter Rich Devine,
16 and Firefighter James Allen. They all
17 suffered fatal heart attacks on the fire
18 ground, where immediate ALS intervention
19 may have made a difference.

20 In order to have ALS engines
21 placed in service, paramedics needed more
22 extensive fire suppression training than
23 the training provided them while at the
24 Fire Academy. They are supplied with
25 basic fire suppression training but not

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 enough to become full-fledged

3 firefighters.

4 As of today, the Fire

5 Department still has not entertained the

6 idea of ALS engines, even though every

7 engine company in the City responds to

8 thousands of medical runs a year, often

9 waiting over ten minutes for paramedics

10 to arrive on scene to provide medical

11 attention for seriously-ill patients.

12 So the point of my testimony

13 here today, at an interest arbitration,

14 is that fire service paramedics could be,

15 and should be, fully trained so they can

16 engage in fire suppression as well as

17 perform emergency medical services. But

18 the City has failed to let this happen.

19 Consequentially, we have a fire

20 department whose mission of saving lives

21 and property, and we expect all its

22 personnel to engage in that mission, but

23 we do not provide them the necessary

24 training and organizational structure to

25 allow that to happen.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 I find it highly ironic that
3 the City today would testify in my
4 interest arbitration testimony ten years
5 ago, out of context; yet never mentioned
6 their own testimony of why paramedics are
7 considered firefighters, testimony they
8 gave within the last year at the federal
9 FLSA lawsuit.

10 In fact, Fire Commissioner
11 Lloyd Ayers, in a sworn declaration in
12 the lawsuit, made the following
13 ascertations [sic]:

14 "Fire emergencies involve
15 unpredictable situations requiring quick
16 reaction and response to changing
17 circumstances, which could require
18 emergency responders, such as fire
19 service paramedics, to be called upon to
20 perform a variety of tasks, including
21 fire suppression tasks."

22 He also testified, "Due to the
23 nature of emergency response work, I have
24 authorized fire service paramedics to
25 engage in fire suppression on fire

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 grounds, if needed, as directed by the
3 incident commander."

4 Commissioner Ayers also said,
5 "It is my policy that the fire service
6 paramedics are authorized and responsible
7 to engage in fire suppression activities
8 when called upon by an incident commander
9 or in any other emergency circumstances
10 that requires them to take action."

11 Also, "Since I have been
12 appointed to Fire Commissioner, to the
13 best of my knowledge, no fire service
14 paramedic has been disciplined for
15 engaging in fire suppression activities.
16 Rather, fire service paramedics have
17 received unit citations and merit awards
18 for such actions. Likewise, I am not
19 aware of any document directing fire
20 service paramedics not to engage in fire
21 suppression."

22 At this time, I'd like to give
23 a short overview of the evolution of the
24 paramedics in a PFD, as an eyewitness,
25 something I lived through in my 35 years

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 with the Fire Department.

3 I've been a firefighter since
4 October 1974. My class was the first
5 class that was mandated to take emergency
6 medical training. At this time, there
7 were no paramedics, and they were called
8 "rescue squads" manned by firefighters
9 and EMTs.

10 We had three basic forms of
11 medication -- oxygen, a Band-Aid, and the
12 gas pedal. It seemed to work pretty good
13 back then. Many of the hospital cases
14 handled at this time were swoop-and-
15 scoops, where we showed up, we provided
16 minimum first aid, we gave some oxygen,
17 and we ran to the hospital.

18 At that time, if police arrived
19 on the scene first with the paddy wagons
20 and seen they could handle it, they would
21 take 'em and transport them. Later on, I
22 believe, under Sylvester Johnson, police
23 were ordered to stop taking hospital
24 cases, which increased our workload
25 considerably.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 In the late '70s, the City
3 found the need for more qualified people
4 to man the rescue squads. They offered
5 firefighters the chance to take paramedic
6 training and gave a 10 percent incentive
7 to become medics.

8 Because of this 10 percent
9 increase in pay, a new classification had
10 to be made in civil service. The
11 classification of fire paramedic was
12 established and came under the command of
13 the Philadelphia Fire Department and
14 remained in Local 22 as members of our
15 bargaining unit. These members were
16 trained firefighters first and then got
17 the certification through the City to
18 become paramedics.

19 The need for qualified medics
20 increased over the years, but the
21 Philadelphia Fire Department could not
22 get the volunteers needed to fill this
23 vacancy. The City began to recruit
24 medics from outside the Fire Department.

25 These candidates were required

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 to already have their paramedic
3 certification and go through a Fire
4 Department orientation at the Fire
5 Training Academy. That included a fire
6 suppression introduction but not an
7 intensive firefighting course. They were
8 issued firefighter gear, and they were
9 called "fire service paramedics." They
10 were considered uniformed Fire Department
11 personnel, and they remain part of Local
12 22's bargaining unit.

13 At some point in the mid-'80s,
14 a need was recognized for a way to
15 properly administer the EMS function of
16 the Philadelphia Fire Department, and a
17 hierarchy of officers and administrators
18 was established. This eventually turned
19 into the EMS Division of the Philadelphia
20 Fire Department.

21 Similar to other uniformed
22 personnel divisions, such as Fire
23 Prevention, the Fire Code Unit, the Fire
24 Marshal's Office, and the Fire Academy,
25 they do not actively participate in

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 suppression in the field; yet, the EMS
3 administration consists of a director, an
4 operations chief, administrative chiefs,
5 several captains, several lieutenants --
6 all uniformed members of the PFD and also
7 recognized by Local 22 and the City as
8 members of Local 22's bargaining unit.

9 Currently, Local 22, with the
10 support of our paramedics, is in a battle
11 with the City that stems from a federal
12 law case that the City lost over the
13 proper way to handle paramedic overtime
14 pay.

15 In retaliation for standing up
16 for their rights under FLSA and winning,
17 and after 30 years of Local 22 being the
18 recognized sole bargaining agent of all
19 uniformed fire personnel, the City of
20 Philadelphia is trying to remove our
21 medics from their union.

22 I'm here, asking our friends in
23 City Council to support this legislation
24 and recognize that our medics are
25 valuable parts of the Philadelphia fire

1 4.28.10 - PUBLIC SAFETY - BILL 100214
2 service.

3 Thank you.

4 COUNCILWOMAN MILLER: Thank
5 you. Thank you for your testimony.

6 Richard Poulson.

7 MR. POULSON: Good morning,
8 Chairwoman Miller. Thank you very much
9 for providing us the opportunity to
10 testify before this committee. Committee
11 members, thank you very much for your
12 attention and participation.

13 COUNCILWOMAN MILLER: You're
14 welcome.

15 MR. POULSON: My name is
16 Richard Poulson. I'm an attorney and I'm
17 a partner with the firm of Willig,
18 Williams & Davidson, and our firm has had
19 the honor of serving as legal counsel to
20 IAFF Local 22 for many years.

21 As we know, Local 22 represents
22 a bargaining unit of 2400 uniformed Fire
23 Department members, and among those
24 uniformed Fire Department members are
25 firefighters, like my father was, and

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 fire service paramedics.

3 In my role as legal counsel to
4 the Union, I've represented Local 22 in a
5 variety of forums on a number of issues,
6 including one currently before the
7 Pennsylvania Labor Relations Board in
8 which the City is seeking to remove fire
9 service paramedics from the uniformed
10 Fire Department bargaining unit.

11 In the event that the
12 Pennsylvania Labor Relations Board agrees
13 with the City's position -- which they
14 have not yet -- over 200 fire service
15 paramedics would lose their collective
16 bargaining rights under Act 111,
17 including the right to interest
18 arbitration.

19 I'm appearing before this
20 committee today to explain the purpose of
21 and the need for Bill No. 100214.

22 By way of background, under Act
23 111, police officers and fire personnel
24 have certain collective bargaining
25 rights. Because of the critical nature

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 of the work performed by those personnel,
3 Act 111 personnel are not allowed to
4 strike. Instead, police and fire
5 personnel are provided the right to
6 interest arbitration to resolve their
7 collective-bargaining disputes.

8 And as applied to the paramedic
9 dispute that's currently before the Labor
10 Board, if the City is successful in that
11 effort, it will mean the fire service
12 paramedics will have the right to strike,
13 which is an incredible circumstance when
14 one considers exactly how busy these men
15 and women are and how overburdened the
16 City's EMS system already is.

17 And this isn't in my written
18 testimony, but to answer some of the
19 questions that were raised earlier
20 today -- and I don't think you got a
21 straight answer on whether or not it
22 makes sense from a public policy
23 perspective to give paramedics the right
24 to strike. It is terrible public policy,
25 it is terrible public policy that, quite

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 frankly, I don't think was even really
3 considered. And I think that folks had
4 their blinders on, and this entire effort
5 was merely a response to losing a piece
6 of litigation.

7 I think that we all have a
8 right to expect more from our leadership
9 to not look to retaliation as the first
10 response but maybe take a look at whether
11 or not the actions taken by the City
12 makes sense from a public policy
13 perspective.

14 And to answer another question,
15 the City was not required to file this
16 petition, the City was absolutely not
17 required. This was a public policy
18 choice made by this administration.

19 Continuing. In order to
20 determine whether personnel are covered
21 under Act 111 and, therefore, will have
22 the right to have their bargaining
23 disputes resolved by interest arbitration
24 as opposed to strikes, they must be
25 considered police or fire personnel.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Now, Act 111 itself does not
3 define or limit the meaning of police or
4 fire personnel; it has been left to
5 Pennsylvania courts to make those
6 determinations, and the courts have
7 developed the following two-pronged
8 tests:

9 In order to be considered
10 police or fire personnel under Act 111,
11 the employees must first be legislatively
12 authorized to act as police or fire
13 personnel; and they must, second,
14 actually act as police or fire personnel.

15 In considering this test with
16 respect to Philadelphia's fire service
17 paramedics, a hearing examiner of the
18 Pennsylvania Labor Relations Board
19 reached a preliminary conclusion that
20 fire service paramedics are not
21 legislatively authorized to act as fire
22 personnel, and that they do not, in fact,
23 act as fire personnel. This conclusion
24 is incorrect.

25 With respect to the second

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 prong, acting as fire personnel, Local 22
3 presented voluminous testimony and
4 evidence during the PLRB proceedings
5 establishing that fire service paramedics
6 act as fire personnel.

7 First, they perform vital
8 duties that aid in saving lives and
9 protecting property, which is the mission
10 of the Fire Department.

11 Second, they engage in fire
12 suppression, as defined under nationally
13 recognized standards promulgated by
14 professional firefighters. And that's
15 not just limited to putting water on
16 fires. And, to go off script, that's not
17 what fire suppression is.

18 Fire suppression is basically
19 the work performed by uniformed Fire
20 Department members at emergency scenes,
21 including fires, but maybe other scenes.

22 The City's position is if --
23 unless you're putting water on a fire,
24 you're not a firefighter, you're not
25 fighting a fire. And that is completely

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 inconsistent with the reality of what
3 happens at fire scenes.

4 There are a number of
5 firefighters that never put water on a
6 fire, that are outside the structure,
7 that engage in ventilating and any of the
8 other number of tasks that are required
9 to fight the fire. Fire service
10 paramedics are there as a part of that
11 team, to engage in rescue operations.

12 So they do fight fires. In
13 fact, you'll hear that sometimes they
14 actually do put water on fires. But even
15 if they never did, fire service
16 paramedics fight fires 'cause they're
17 deployed by the department at fire
18 scenes, and they do their job there.

19 And paramedics will also, on
20 occasion, engage in what we call fire
21 abatement tasks, even under the
22 definition provided by the City.
23 Sometimes they do move ladder, sometimes
24 they do put water on a fire. And it gets
25 to the team concept. They're not going

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 to say no, as Councilman Jones wisely
3 pointed out. It's a team effort.

4 And once you're there, on the
5 fire ground, you're going to do whatever
6 it takes to get the job done subject to
7 the command of that incident commander.

8 Several witnesses of the City
9 and the Union testified before the PLRB
10 hearing examiner that fire service
11 paramedics have performed a wide variety
12 of fire abatement tasks in fire
13 emergencies. That testimony demonstrated
14 that fire service paramedics have moved
15 and secured ladders, established water
16 connections and moved hoses, and actually
17 directed water on burning materials at
18 fire scenes.

19 Because of this, we believe
20 that the PLRB hearing examiners'
21 conclusion on the acting issue was
22 erroneous and should be overturned on
23 appeal, and we've argued that before the
24 Labor Board, which is currently
25 considering Local 22's appeal.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 The legal issue on the first
3 prong of the test, legislative
4 authority -- and that's why we're here --
5 is what Bill 100214 is intended to
6 address.

7 In considering whether fire
8 service paramedics have the legal
9 authority to act as fire personnel, the
10 hearing examiner looked exactly where he
11 should have: The Home Rule Charter and
12 the City Code.

13 The issue, the primary issue,
14 before the PLRB, aside from the acting,
15 the real issue is whether or not fire
16 service paramedics have legislative
17 authority to act as fire personnel. And
18 that decision is made by City Council and
19 subject to the processes for making law.
20 This is exactly where we should be, and
21 Council would be acting well within its
22 authority in passing this bill.

23 The hearing examiner,
24 unfortunately, misread the law in issuing
25 his proposed decision. We've argued on

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 appeal that the Fire Code already
3 provides in its current state the
4 legislative authority necessary to keep
5 fire service paramedics within the Local
6 22 bargaining unit.

7 But Bill 100214, if passed,
8 will make absolutely plain that fire
9 service paramedics are authorized to act
10 as fire personnel, and that it will
11 simply delineate the longstanding
12 practice that paramedics work under the
13 supervision of Fire Department officers
14 in order to respond to fire and other
15 emergencies.

16 The Philadelphia Home Rule
17 Charter specifically requires the City to
18 create a fire department. Under the Home
19 Rule Charter, the Fire Department has the
20 power and the duty to extinguish fires,
21 administer and enforce legislation
22 relating to fire and explosion hazards,
23 institute programs regarding fire
24 prevention, and train and maintain and
25 supervise fire personnel.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Under the Charter, the Fire
3 Department and Civil Service Commission
4 have created several uniform job
5 classifications within the Fire
6 Department, including firefighters and
7 fire service paramedics.

8 And to get to question that was
9 asked earlier, I disagree with the
10 contention that the job title "fire
11 service paramedic" was a careless choice.
12 It was a very deliberate and thoughtful
13 choice that was made by the Fire
14 Department in the 1980s.

15 And the reason for that -- and
16 this comes from testimony by Fire
17 Department personnel in the FLSA lawsuit
18 and also before the PLRB. The intention
19 was that this was not a third service;
20 these were Fire Department employees,
21 we're going to send them to the Fire
22 Academy, and we're going to provide them
23 with fire suppression training, not as
24 much as firefighters, but some, because
25 they're going to be dispatched to fires.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 They wear the same gear; we need to
3 prepare them that way. This was a very
4 thoughtful and deliberate decision.

5 In the 1980s, when that
6 decision was made, Philadelphia really
7 was at the forefront, was a very
8 progressive department in adding and
9 really anticipating a tremendous
10 increase, unfortunately, in demand for
11 emergency medical services.

12 Unfortunately, today, twenty
13 years later, we are lagging behind other
14 cities who have really gone forward and
15 continued to integrate fire and paramedic
16 job duties and run these ALS engine
17 programs and things like that, which
18 seemed like a no-brainer to me. Why
19 wouldn't -- if the fire truck gets there
20 first, why wouldn't you have a cross-
21 trained firefighter paramedic on it.

22 We don't know why the City
23 hasn't agreed to that, other than the
24 Union requested it. Sometimes we think
25 that that's the way they look at it.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 To get back to the testimony.

3 Under the Home Rule Charter, we have
4 these classifications of firefighter and
5 fire service paramedic. The uniformed
6 employees in these job classifications
7 perform a variety of tasks at emergency
8 scenes in order to satisfy the mission of
9 the Fire Department, which is understood
10 by its employees to save lives.

11 The Charter made possible all
12 of these activities; and, therefore, the
13 City has legislatively authorized the
14 fire service paramedics to act as fire
15 personnel within the meaning of Act 111.

16 The Philadelphia Fire Code
17 today expressly gives the uniformed Fire
18 Department officer in charge at the scene
19 of an emergency the authority to perform
20 all necessary duties involved in the
21 protection of life and property and to
22 direct all Fire Department personnel,
23 including fire service paramedics, to
24 perform all such required duties.

25 And I cite the provision of the

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 code, and I won't bore you with reading
3 the language in your code.

4 But the language that's
5 currently in the code already, we
6 believe, authorizes the Fire Department,
7 through its officers, to direct its
8 employees to take any necessary actions
9 to ensure the safety of life and
10 property, including extinguishment and
11 controlling of fires and performing
12 rescue operations.

13 Given that the Fire Code was
14 adopted and demanded after introduction
15 of the fire service paramedic
16 classification, the City was well aware
17 of the services provided by its fire
18 department and the role played by fire
19 service paramedics in fulfilling that
20 goal at the time the code was amended.

21 Therefore, we don't believe
22 that the code today limits the broad
23 grant of authority merely to
24 firefighters, but that it also includes
25 fire service paramedics.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 The Fire Code already provides
3 legislative authority for all uniformed
4 Fire Department employees, including fire
5 service paramedics, to act as "firemen"
6 (in quotes) as understood and practiced
7 within the department.

8 Nevertheless, because the
9 hearing examiner for the PLRB found
10 otherwise, Local 22 and its members,
11 including its fire service paramedics,
12 are seeking to further clarify the
13 legislative grant of authority provided
14 to the Fire Department to handle
15 emergencies that threaten life and
16 property and to direct all of its
17 personnel, including fire service
18 paramedics, to perform whatever duties
19 are necessary at such emergencies.

20 Bill 100214 serves that
21 purpose. It makes very clear that the
22 purpose of the Fire Department is to
23 handle a wide range of emergencies,
24 including fire rescue, fire abatement,
25 and emergency medical services. It also

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 makes clear that the Fire Department may
3 direct all of its workforce -- whether
4 firefighters or fire service
5 paramedics -- to perform whatever duties
6 are necessary to achieve its mission.

7 Philadelphia's firefighters and
8 paramedics firmly believe that the bill
9 will achieve these goals. It will help
10 to persuade to Labor Board to reach the
11 correct decision, that the proposed
12 decision by the hearing examiner was
13 incorrect and should be overturned.

14 Contrary to arguments raised by
15 the City, passage of the bill will not
16 deprive the PLRB of its jurisdiction to
17 determine which employees belong in the
18 Act 111 bargaining unit. The board will
19 still decide that question, regardless of
20 what Council does.

21 The proposed bill will simply
22 make it more likely that the board will
23 reach the correct decision and will
24 maintain the paramedics within the Fire
25 Department bargaining unit. And that is

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 absolutely within your authority to act
3 in that matter.

4 Therefore, we urge passage of
5 this bill. We ask Council to codify the
6 longstanding practice within the Fire
7 Department that the mission is to save
8 lives and property and that the entire
9 complement of fire personnel, including
10 fire service paramedics, serve that
11 purpose.

12 So on behalf of Local 22, I
13 again appreciate this opportunity to
14 speak on behalf of passage of Bill
15 100214. We believe that this bill will
16 not only ensure that fire service
17 paramedics remain a vital part of the
18 Fire Department, but that the department
19 will also remain a sophisticated
20 emergency-services department serving the
21 needs of residents of and workers in and
22 visitors to our city.

23 Thank you very much.

24 COUNCILWOMAN MILLER: Thank
25 you. Thank you for your testimony.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Councilman Jones has a question
3 of.

4 COUNCILMAN JONES: No, just a
5 statement, just a statement that my staff
6 did the research on other municipalities
7 that are cross-training.

8 And we found that in New York
9 City, Chicago, L.A., Houston, and other
10 comparable large cities, they're doing
11 the cross-training as a matter of two
12 points: One, that it is cost-effective;
13 and, two, that it allows them to be
14 better-trained to save more lives.

15 They're even deciding that
16 mid-size cities are looking at it
17 primarily for the cost-effectiveness and
18 the nature of the savings.

19 So, I mean, it's just good
20 public policy that we kind of move that
21 way.

22 So thank you, Madam Chair.

23 COUNCILWOMAN MILLER: Thank
24 you.

25 Councilman Rizzo.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILMAN RIZZO: I have a lot
3 of questions, but I'm not going to ask
4 them because I just want to get on with
5 the business in moving this bill out of
6 committee, but I just want to make one
7 point.

8 Isn't it, President Gault, Fire
9 Department policy when there's a multi-
10 alarm fire that paramedics are
11 automatically dispatched to the fire
12 scene?

13 MR. GAULT: Even if it's a
14 dwelling fire, if two engines and two
15 ladders are put into service, a medic
16 unit is automatically dispatched.

17 COUNCILMAN RIZZO: And if a
18 firefighter went down in a dwelling fire,
19 would the paramedics enter the
20 property --

21 MR. GAULT: In a heartbeat.

22 COUNCILMAN RIZZO: -- to save
23 the life of that firefighter?

24 MR. GAULT: In a heartbeat.

25 COUNCILMAN RIZZO: That's all I

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 needed to hear.

3 Thank you.

4 COUNCILWOMAN MILLER: Thank
5 you.

6 I had a question earlier about
7 rescue, and I know that EMS workers are
8 involved in rescuing. We talked a lot
9 this morning about firefighting, et
10 cetera. But fire rescue, that is a part
11 of the EMS responsibility, correct?

12 MR. GAULT: Yes, ma'am.

13 COUNCILWOMAN MILLER: Okay. I
14 just wanted to --

15 MR. GAULT: Madam Chairwoman,
16 it's a team game now.

17 COUNCILWOMAN MILLER: Right.

18 MR. GAULT: It's turned into
19 all EMS with fires.

20 All Europe, California,
21 Florida, you're a medic and a fireman
22 together. We had it going in the
23 beginning; the City stopped it.

24 Right now, this is just -- and
25 it's not cost-saving 'cause they're going

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 to have to negotiate two contracts.

3 COUNCILWOMAN MILLER: Right.

4 MR. POULSON: And,

5 Councilwoman, you're correct in noting

6 the significance of rescue operations.

7 They are really four links in

8 the rescue chain -- locate, remove,

9 treat, and transport. At a fire

10 emergency, firefighters and fire service

11 paramedics work hand-in-hand together to

12 do that.

13 Paramedics will at times

14 locate. They will at times assist with

15 removal. They're always going to treat

16 and they're always going to transport.

17 And firefighters are going to do the same

18 thing.

19 And, in fact, at a fire

20 emergency, outside the blaze, we have

21 firefighters who are referred to as "the

22 rapid intervention team," and those

23 firefighters' job is to set up directly

24 out in front of the burning structure,

25 sometimes inside; at a high-rise fire,

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 they set up inside, paramedics will set
3 up their station inside a burning
4 high-rise.

5 They're with the incident
6 commander, and their sole job there is to
7 be there in case a firefighter goes down,
8 to go in and to save that firefighter.
9 You know who's standing next to them?
10 The fire service paramedics. They're
11 wearing the same uniform, they look the
12 same, they've been trained almost exactly
13 the same, and they train together on
14 written exercises. Those medics are
15 going in too.

16 You really can't separate it
17 out. Maybe a lawyer sitting in an office
18 might look at it one way, but as a
19 practical matter, that's not how it works
20 on the fire ground.

21 And I'll note that it doesn't
22 seem that this effort coming from the
23 Fire Department, from the professionals
24 within the department; it seems to be
25 coming from elsewhere.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILWOMAN MILLER: Yeah,
3 yeah. I was thinking that what's on
4 practice is not what we practice many
5 time, particularly in fires, you know.

6 MR. POULSON: Mm-hmm.

7 COUNCILWOMAN MILLER: Any other
8 questions?

9 (No further questions.)

10 COUNCILWOMAN MILLER: Thank
11 you. Thank you for your testimony.

12 PANEL MEMBERS: Thank you.

13 COUNCILWOMAN MILLER: Richard
14 Bossert and Matthew Flanagan.

15 (Witnesses come forward.)

16 COUNCILWOMAN MILLER: Before
17 you start, is there anyone else here to
18 testify on this bill that's not on our
19 witness list?

20 (No response.)

21 COUNCILWOMAN MILLER: Okay,
22 great.

23 Hi. Please identify yourself
24 for the record, and don't forget to pull
25 the mic up close so that we can hear you,

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 and proceed with your testimony.

3 MR. FLANAGAN: Good morning.

4 My name is Matthew Flanagan. I proudly
5 work as a fire service paramedic with the
6 Philadelphia Fire Department and have
7 done so for the past twelve years. I am
8 currently stationed at Ladder 5 and Medic
9 35, at Broad and Fitzwater.

10 I come here today to testify in
11 support of Bill No. 100214. This bill
12 makes clear what all of us who work for
13 the Fire Department already know: That
14 the mission of the department is to save
15 lives and property, and that fire service
16 paramedics perform a crucial role in that
17 mission.

18 Fire service paramedics not
19 only provide emergency medical services,
20 but we also provide assistance at vehicle
21 accidents, hazmat sites, building
22 collapse, and, yes, fire scenes.

23 Our work is dangerous and, at
24 times, involves tasks normally associated
25 with putting out fires. We are a vital

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 part of the emergency response team that
3 the City of Philadelphia provides its
4 residents, workers, and visitors.

5 In order to provide the diverse
6 services that we provide the Fire
7 Department, all fire service paramedics
8 are cross-trained in a variety of types
9 of emergency-response techniques. While
10 that training includes the provision of
11 emergency medical services, it also
12 includes fire abatement and
13 extinguishment of fires -- ladder-
14 climbing, ladder-raising, and hydrant
15 operations. Like firefighters, fire
16 service paramedics are provided
17 protective gear to be worn at fire
18 scenes.

19 Throughout my career, I and
20 other fire service paramedics have been
21 deployed to multiple fire scenes.
22 Paramedics are deployed to virtually
23 every fire. We are a necessary part of
24 the Fire Department's response to fires.

25 Our principal role at fires is

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 to establish a forward first aid station,
3 typically in front of the fire building.

4 In high-rise fires, we are stationed
5 inside the burning building, typically a
6 floor or two below, with the incident
7 commander at the fire scene. This area
8 is a part of the fire ground.

9 On the fire ground, we face
10 many of the same risks as firefighters,
11 including building collapses, explosions,
12 and dangerous fumes.

13 As a fire service paramedic, I
14 myself have faced risks of fire injuries
15 in the performance of my job. I've
16 entered burning structures to rescue
17 victims, I've treated victims on the
18 front door of structures that are on
19 fire.

20 While our principal role at a
21 fire scene is to provide emergency
22 medical services, I have also performed
23 actual fire-abatement tasks. I have
24 removed hose, put water on fire, operated
25 a (indiscernible) gun, which shoots water

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 on the fire, raised ladders, established
3 hose connections, and used fire
4 extinguishers.

5 I also have been deployed as
6 part of the Rapid Intervention Team, or
7 RIT team, which is a team of firefighter
8 personnel that exists to rescue fallen
9 firefighters. I have received multiple
10 citations for my performance at fire
11 scenes.

12 Like my brothers and sisters
13 who are firefighters and fire service
14 paramedics, I have been deployed to
15 countless vehicle accidents and hazmat
16 sites. At accidents, I have assisted in
17 rescue operations and have extinguished
18 fires. At hazmat sites, I have been
19 deployed in what is known as "the warm
20 zone," close enough to provide emergency
21 medical assistance.

22 In summary, my job as a fire
23 service paramedic is wide-ranging.
24 Although my primary responsibility is
25 providing emergency medical services, you

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 can see that it is far more than that.

3 In order to accomplish the mission of the
4 Fire Department, this must continue to be
5 the case.

6 I personally don't feel like
7 paramedics should be treated like
8 second-class citizens in the Fire
9 Department. We all work together, we all
10 face the same risks. There is no reason
11 why paramedics should be given
12 watered-down bargaining rights. With all
13 due respect, I submit that we deserve
14 much better than what the Administration
15 is putting us through.

16 So I encourage you to pass Bill
17 No. 100214. The bill recognizes the
18 overall mission of the Fire Department,
19 which is the protection of lives and
20 property. It also recognizes the
21 important role that fire service
22 paramedics play in the achieving of that
23 goal.

24 I thank you for the opportunity
25 to speak on this important legislation.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 COUNCILMAN KENNEY: Thank you
3 very much.

4 Please identify yourself for
5 the record and proceed.

6 MR. BOSSERT: Good morning. My
7 name is Richard Bossert.

8 For over twenty years, I have
9 served as a proud uniformed member of the
10 Fire Department. I have served twenty
11 years as a fire service paramedic; and
12 for the past fifteen years, I have served
13 as an officer, fire service paramedic
14 lieutenant, and fire service paramedic
15 captain, which I hold that rank
16 currently, which has been for the past
17 ten years.

18 In my capability as a fire
19 service paramedic, I supervise the duties
20 of half of the BLS and ALS units in the
21 City at one time. BLS units are staffed
22 with two firefighters. ALS units are
23 staffed with one fire service paramedic
24 and either another fire service paramedic
25 or a BLS-trained firefighter.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Consequently, it is not uncommon for
3 firefighters to be under my operational
4 command.

5 As all fire service paramedics,
6 I received training at the Philadelphia
7 Fire Academy to become a member of the
8 Fire Department. That training included
9 instruction not only in fire suppression,
10 but also emergency medical services.
11 With respect to fire suppression, our
12 instructions included discussions about
13 hose evolutions, putting water on fire,
14 ventilating structures, placing ladders
15 on buildings, search and rescue, vehicle
16 extrication, and use of fire
17 extinguishers.

18 Today, I provide some of all
19 that training to both firefighters and
20 fire service paramedics at the Fire
21 Academy; I am an adjunct instructor. My
22 specialty is emergency medical services
23 and vehicle extrication.

24 The cross-training of
25 firefighters and fire service paramedics

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 that we do at the Fire Academy is
3 absolutely necessary because firefighters
4 and fire service paramedics work in
5 tandem to achieve the overall goal of
6 saving lives and property for the City of
7 Philadelphia.

8 While the bulk of the work
9 performed by fire service paramedics is
10 emergency medical services, we also
11 perform a variety of tasks outside that
12 specific area. Fire service paramedics
13 and firefighters work together to remove
14 victims from automobile crashes, at times
15 using tools to do that task. Sometimes
16 we provide medical care in the vehicle,
17 where the extrication is in process.
18 Other times we assist with the
19 extrication itself. We cannot separate
20 one function from another.

21 Fire service paramedics are
22 also called upon to work side-by-side
23 with firefighters at building collapses
24 and hazmat incidents. Really, there
25 isn't an emergency that the Fire

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 Department responds to that does not
3 involve paramedics and emergency medical
4 services.

5 We are an integral part of the
6 Fire Department's service-delivery
7 system. At fires, fire service
8 paramedics perform a wide variety of
9 tasks that are vital to the department's
10 mission.

11 First and foremost, paramedics
12 provide emergency medical services at the
13 fire scene. Fire service paramedics
14 establish four first aid stations in
15 close proximity to the fire, often right
16 in front and included in high-rise fires,
17 as previously stated by my counterpart
18 here, inside the fire building, just a
19 floor or two below the actual fire
20 itself.

21 Paramedics face the same
22 dangers faced by firefighters on a
23 day-to-day basis. We treat fire victims
24 inside of burning structures, as
25 firefighters extinguishing the fires --

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 been there, done that, many-a-times.

3 We remove victims from burning
4 structures, and don't forget that we
5 regularly treat injured firefighters
6 also.

7 Fire service paramedics also
8 perform tasks at fire scenes that are not
9 specifically related to providing
10 emergency medical services. We have
11 occasionally moved the fire hoses, we
12 have helped put ladders on buildings, we
13 absolutely help foot ladders for
14 firefighters that go up and down so it's
15 a lot safer for them.

16 Because we are performing these
17 tasks in the fire zone, we are required
18 to wear the same turnout gear as the
19 firefighter does. In other words, if you
20 were to show up at a fire scene, you
21 could barely recognize the difference
22 between us and them because we work so
23 close together.

24 In short, fire service
25 paramedics perform a number of essential

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 functions for the Fire Department. We
3 are a virtual and necessary part of the
4 team in its effort to protect lives and
5 property.

6 That is why I fully support the
7 passage of Bill No. 100214. The bill
8 will ensure that the Fire Code clearly
9 reflects the multi-faceted emergencies
10 handled by the Fire Department, including
11 fire service paramedics as well as the
12 other different types of duties all fire
13 personnel are expected to perform.

14 I believe the passage of the
15 bill will improve the change that fire
16 service paramedics remain within the
17 uniformed Fire Department bargaining unit
18 along with our brother firefighters and
19 sisters. I trial hope so, because you
20 simply cannot have one without the other.

21 There is no reason why
22 paramedics should be treated like
23 second-class citizens in the Fire
24 Department, and this bill will help
25 prevent that from happening.

1 4.28.10 - PUBLIC SAFETY - BILL 100214

2 I appreciate this opportunity
3 to speak on behalf Bill No. 100214. I
4 urge this passage in order that the Fire
5 Department remains one of the best in the
6 country, as a united team.

7 COUNCILWOMAN MILLER: Thank
8 you. Thank you for your testimony.

9 Any questions or comments?

10 (No response.)

11 COUNCILWOMAN MILLER: Okay,
12 thank you. Thank you for your testimony.

13 Again, I'll ask, are there any
14 other witnesses who wish to testify on
15 this bill?

16 (No response.)

17 COUNCILWOMAN MILLER: Seeing
18 none, this concludes the Committee on
19 Public Safety.

20 We will now go into the public
21 meeting.

22 The Chair recognizes Councilman
23 Kenney for a motion on Bill No. 100214.

24 COUNCILMAN KENNEY: Thank you,
25 Madam Chair.

1 4.28.10 - PUBLIC SERVICE COMMITTEE MEETING

2 I move that Bill No. 100214 be
3 reported out of this committee with a
4 favorable recommendation and a request
5 made for a rules suspension to allow for
6 first reading at our next Council
7 session.

8 (Motion duly seconded.)

9 COUNCILWOMAN MILLER: Okay.

10 It's been properly moved and seconded
11 that Bill No. 100214 be reported out of
12 this committee with a favorable
13 recommendation and that the rules of
14 Council be suspended.

15 All those in favor?

16 Opposed?

17 Okay. The ayes have it, and
18 this bill has been properly moved and
19 seconded; and furthermore, the rules have
20 been suspended so as to permit first
21 reading at our next session.

22 This concludes this hearing.

23 Thank you.

24 (Applause.)

25 (Proceedings end at 11:20 a.m.)

1 4.28.10 - PUBLIC SERVICE COMMITTEE MEETING

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C E R T I F I C A T E

I HEREBY CERTIFY that the
proceedings of the City of Philadelphia
Council Committee on Public Safety are
contained fully and accurately in the
stenographic notes taken by me on Wednesday,
April 28, 2010, and that this is a true and
correct statement of same.

JOSEPHINE CARDILLO
Registered Professional Reporter

(The foregoing certification of
this transcript does not apply to any
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