

Committee on Labor and Civil Service
April 8, 2019

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

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, April 8, 2019
10:15 a.m.

PRESENT:

COUNCILWOMAN CHERELLE L. PARKER, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILMAN ALLAN DOMB
COUNCILWOMAN HELEN GYM
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN AL TAUBENBERGER

BILL 190132
RESOLUTIONS 190193 and 190196

- - -

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1 4/8/19 - LABOR - BILL 190132, ETC.

2 COUNCILWOMAN PARKER: This
3 hearing is called to order. This is a
4 public hearing of the City Council
5 Committee on Labor and Civil Service.
6 The purpose of this public hearing is to
7 hear testimony on Bill No. 190132 and
8 Resolutions No. 190196 and 190193.

9 I recognize the presence of a
10 quorum of the Committee. Members of the
11 Committee in attendance are, to my left,
12 Council President Darrell Clarke,
13 Councilwoman Maria Quinones-Sanchez, and
14 appointed to the Committee is Councilman
15 Curtis Jones.

16 I want to just for the record
17 ask any of my colleagues if they have any
18 opening remarks they would like to make?

19 (No response.)

20 COUNCILWOMAN PARKER: We shall
21 first hear testimony on Bill No. 190132
22 and then go to a public meeting to
23 consider the action on the bill. Then we
24 shall go back to the public hearing on
25 both resolutions.

1 4/8/19 - LABOR - BILL 190132, ETC.

2 The Clerk will now read the
3 title of Bill No. 190132.

4 THE CLERK: Bill No. 190132, an
5 ordinance amending Title 22 of The
6 Philadelphia Code, entitled "Public
7 Employees Retirement Code," by amending
8 various provisions to provide for
9 purchase of service by certain classes of
10 employees, under certain terms and
11 conditions.

12 COUNCILWOMAN PARKER: The Clerk
13 will please call the first witnesses to
14 testify on the bill.

15 THE CLERK: Sylvie Gallier
16 Howard from the Philadelphia Commerce
17 Department.

18 (Witnesses approached witness
19 table.)

20 COUNCILWOMAN PARKER: Thank
21 you. Good morning, and please state your
22 name for the record and proceed with your
23 testimony.

24 MS. GALLIER HOWARD: Good
25 morning. My name is Sylvie Gallier

1 4/8/19 - LABOR - BILL 190132, ETC.

2 Howard. I'm First Deputy Commerce
3 Director. I'm joined today by Edward
4 Garcia, our Deputy Commerce Director for
5 Finance and Administration.

6 MR. GARCIA: Good morning.

7 MS. GALLIER HOWARD: Thank you,
8 Chairperson Parker and members of the
9 Labor and Civil Service Committee for
10 giving me opportunity to testify in
11 support of Bill No. 190132 amending Title
12 22 of The Philadelphia Code, entitled
13 "Public Employees Retirement Code," by
14 amending various provisions to provide
15 for purchase of service by certain
16 classes of employees.

17 Towards the end of last year,
18 we made the decision to move a number of
19 Commerce staff who were previously on the
20 PIDC payroll to the City's payroll. We
21 made this decision in order to correct a
22 legacy issue to streamline our HR
23 operations and reduce our administrative
24 costs but, most importantly, to create
25 parity among all Commerce employees

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2 regarding their pay, health benefits, and
3 retirement plan options. This bill,
4 which was drafted in consultation with
5 the Finance Department and the Law
6 Department, will allow these Commerce
7 Department employees to purchase up to
8 four years of service time in the City's
9 pension program for time that they were
10 on the PIDC payroll working on behalf of
11 Commerce. We have always treated these
12 employees as fully equal members of the
13 Commerce Department and believe that they
14 are equally deserving of the pension
15 benefits that we all receive as employees
16 of the City.

17 Thank you all for your time
18 this morning, and I want to especially
19 thank Councilmember Jones for his
20 sponsorship of this bill and for always
21 supporting our hardworking Commerce
22 Department employees, and all of you do
23 that as well. I am happy to answer any
24 questions that you might have for me at
25 this time.

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2 COUNCILWOMAN PARKER: The Chair
3 recognizes Councilman Jones.

4 COUNCILMAN JONES: Thank you,
5 Chairwoman Parker -- Chairperson Parker.
6 I'll get it right.

7 I'm proud to have introduced
8 this bill on behalf of members of PIDC
9 who are now also staffers of the Commerce
10 Department to be equal to their
11 counterparts by joining the City's
12 pension plan. This bill, also supported
13 by the Mayor and the Commerce Department,
14 is an important equalizing bill. These
15 employees, public servants, public
16 servants, have served our city for
17 decades, changing the downtown skyline in
18 areas like 5th Street and Wadsworth
19 Avenue as well. So they've worked in
20 downtown and in Center City.

21 They're reaching their
22 retirement years, many of them, and they
23 should not have to retire to poverty. A
24 guy I worked with for over ten years,
25 Johnny G, Imma call him, worked and

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2 received what was a 401(k) contribution.
3 He retired. There was a big ceremony for
4 him. He had worked all his life. He was
5 the kind of guy who would walk down 9th
6 Street and people would come out bringing
7 loaves of bread to him and thanking him
8 for the awnings that they put up or the
9 rebate that they received. But after he
10 retired, after two years of retirement,
11 he had to come back to work because he
12 had ran through -- one shopping trip with
13 your family almost decimated his lifetime
14 savings. So he had to come back to work,
15 and that's a sad commentary for someone
16 who dedicated their life to the City of
17 Philadelphia.

18 Sacrifice of these workers
19 continued. They could have worked for
20 the private sector, many of them, banking
21 and in insurance. They chose to work in
22 the City of Philadelphia that had lower
23 pay rates, with the hope that some day
24 they would be able to retire to a decent
25 pension plan.

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2 Just like we fight for 32BJ, we
3 should fight for them. They're our
4 neighbors. They're not people who live
5 outside the City. They cannot. They
6 live in our neighborhoods. And so they
7 should be supported in the same way that
8 they would support people who work for
9 the Sanitation Department, Recreation
10 Department, the Commerce Department. And
11 so if it's good for the goose, it's good
12 for the gander, and I support this
13 legislation.

14 COUNCILWOMAN PARKER: Thank
15 you, Councilman Jones.

16 The Chair recognizes
17 Councilwoman Sanchez.

18 COUNCILWOMAN SANCHEZ: Thank
19 you.

20 Just for the record, how many
21 people does this impact?

22 And, by the way, I really do
23 appreciate the Administration's work on
24 realigning these. Going back to
25 Councilman Jones' part, I think it adds

1 4/8/19 - LABOR - BILL 190132, ETC.
2 for more transparency about how we do
3 business.

4 MR. GARCIA: So the total
5 number of Commerce employees is 30
6 positions. It was 27 that were filled at
7 the time. There were also three people
8 that were brought over from the Office of
9 Arts and Culture who were also on PIDC.
10 We moved to, as you said, realign, and
11 two people that were in Planning and
12 Development as well that were moved over
13 just previously. So all in all, I
14 believe the number is 33.

15 COUNCILWOMAN SANCHEZ: 33? And
16 then the average pay?

17 MR. GARCIA: I can get that for
18 you. I know that the average pay for
19 Commerce is in line with what these
20 positions are. It's about 67,000.

21 COUNCILWOMAN SANCHEZ: And do
22 we know what the estimated cost of this
23 would be if everybody --

24 MR. GARCIA: The estimated cost
25 to the employees or the estimated cost to

1 4/8/19 - LABOR - BILL 190132, ETC.

2 the Department?

3 COUNCILWOMAN SANCHEZ: To the
4 pension plan.

5 MR. GARCIA: Well, the
6 employees have to buy back into the plan,
7 so they have to put whatever they would
8 have contributed had they been on the
9 pension system at the time. So I don't
10 have those numbers. It depends sort of
11 how long they stay with the City, all of
12 those different factors.

13 COUNCILWOMAN SANCHEZ: You
14 picked four years. Was there a reason
15 why four years?

16 MR. GARCIA: Yeah. So in the
17 beginning when PIDC was more closely
18 aligned with the City, there was a
19 pension plan at PIDC. That ended because
20 of financial reasons and changes at PIDC.
21 So the disparity between how Commerce
22 employees were treated on PIDC payroll
23 and Commerce employees on City payroll
24 became wider. And so when we got the
25 opportunity to look at it and say the

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2 costs are the same for us to keep these
3 employees on PIDC payroll but they're not
4 getting the same benefits, it really --
5 the gap between the time that they
6 stopped being able to have pension and
7 the time that they came over into the
8 City was four years.

9 COUNCILWOMAN SANCHEZ: Okay.

10 MS. GALLIER HOWARD: Just to be
11 clear, they can collect their pension if
12 they were at PIDC that ended four years
13 ago, and then this would allow them to
14 buy back the time since that defined
15 benefit plan ended.

16 COUNCILWOMAN SANCHEZ: Okay.

17 All right. Thank you.

18 Thank you very much, Madam
19 Chair.

20 COUNCILWOMAN PARKER: The Chair
21 recognizes the presence of Councilman
22 Domb and comments.

23 COUNCILMAN DOMB: Thank you,
24 Madam Chairwoman.

25 Good morning. I may have

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2 missed this, but in a simple answer, what
3 is the cost to the City?

4 MS. GALLIER HOWARD: So we
5 looked at if every employee were to buy
6 back fully what they are able to buy back
7 of those four years, it's about \$90,000,
8 but that's if everybody buys back
9 everything.

10 COUNCILMAN DOMB: 90,000 in
11 total?

12 MS. GALLIER HOWARD: Total.

13 MR. GARCIA: And that's
14 interest payments that they would have
15 paid had that money been in the City's
16 treasury.

17 COUNCILMAN DOMB: So 90,000 is
18 the total cost to accomplish this for the
19 City?

20 MR. GARCIA: Yeah, if all of
21 them buy back the entirety of their time
22 that they're able to. The cost to the
23 individual employees is more than that.

24 COUNCILMAN DOMB: Okay. Thank
25 you very much.

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2 Thank you.

3 COUNCILWOMAN PARKER: Thank
4 you.

5 I just want to say a special
6 thank you to Councilman Jones for
7 introducing this legislation and,
8 Councilman Jones, I really also
9 appreciate your acknowledging that these
10 employees, unlike others who have an
11 option to decide whether or not they want
12 to live within City limits or, as we
13 always state, go across the line, in our
14 instance for you City Avenue, for me
15 Cheltenham Avenue. And so it's important
16 that these Philadelphia residents get
17 access to the retirement security that
18 they deserve and that they've earned. I
19 just want to note that for the record.
20 We're not giving them anything. They've
21 worked for it and they've earned it.

22 Are there any other questions
23 from members of the Committee for this
24 panel?

25 (No response.)

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2 COUNCILWOMAN PARKER: Seeing
3 none, we will now go into a public
4 meeting to consider the action to be
5 taken on the bill being heard today.

6 The Chair recognizes
7 Councilmember Jones for a motion on the
8 amendment to Bill No. 190132.

9 COUNCILMAN JONES: Thank you,
10 Madam Chair. I offer an amendment to
11 Bill No. 190132. A copy of this
12 amendment has been circulated to all
13 members of the Committee and I move that
14 the amendment to Bill No. 190132 be
15 approved.

16 (Duly seconded.)

17 COUNCILWOMAN PARKER: It's been
18 moved and properly seconded that the
19 amendment to Bill No. 190132 be approved.

20 All those in favor of the
21 motion will signify by saying aye.

22 (Aye.)

23 COUNCILWOMAN PARKER: Those
24 opposed?

25 (No response.)

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2 COUNCILWOMAN PARKER: The ayes
3 have it and the motion carries, and the
4 amendment to Bill No. 190132 has been
5 approved.

6 The Chair recognizes
7 Councilmember Jones for a motion on Bill
8 No. 190132, as amended.

9 COUNCILMAN JONES: Thank you
10 again, Madam Chair. I move that Bill No.
11 190132, as amended, be reported from this
12 Committee with a favorable recommendation
13 and further move that the rules of
14 Council be suspended to permit first
15 reading of this bill at our next session
16 of Council.

17 (Duly seconded.)

18 COUNCILWOMAN PARKER: It has
19 been moved and properly seconded that
20 Bill No. 190132, as amended, be reported
21 from this Committee with a favorable
22 recommendation and further moved that the
23 rules of Council be suspended to permit
24 first reading of this bill at the next
25 session of Council.

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2 All those in favor of the
3 motion will signify by saying aye.

4 (Aye.)

5 COUNCILWOMAN PARKER: Those
6 opposed?

7 (No response.)

8 COUNCILWOMAN PARKER: The ayes
9 have it and the motion carries. Bill No.
10 190132, as amended, will be reported from
11 this Committee with a favorable
12 recommendation with a request that the
13 rules of Council be suspended to permit
14 first reading at the next session of
15 Council.

16 We shall now conclude this
17 public meeting and go back to the public
18 hearing on Resolutions No. 190196 and
19 190193.

20 The Clerk will now read the
21 title of Resolution No. 190196.

22 THE CLERK: A resolution
23 authorizing City Council's Committee on
24 Labor and Civil Service to hold hearings
25 regarding parking workers deserving a

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2 living wage.

3 COUNCILWOMAN PARKER: Thank
4 you.

5 Before we begin, I just want to
6 make some brief comments as the sponsor
7 of this resolution.

8 I imagine that this cannot be
9 more true for parking workers, many of
10 whom are toiling with long hours facing
11 the elements - cold, heat, wind - all
12 while guarding over vehicles of wealthier
13 workers, suburban dwellers, and tourists.
14 Many of the parking attendants earn as
15 little as \$8 an hour and must pay for
16 their healthcare out of their meager
17 wages or go without. They have to work
18 two or three jobs just to get by. And
19 when many of these workers speak out
20 about their wages and treatment, the
21 companies respond with retaliation and
22 even firings. This is disgraceful
23 behavior on behalf of these companies.

24 And the parking industry is
25 just one example of an industry that is

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2 booming on the backs of black and brown
3 low-wage workers. Eighty-seven percent
4 of parking workers are African American
5 or African, and while we know that Center
6 City is booming, many of these companies,
7 organizations and, yes, parking lots and
8 garages would cease to function without
9 the qualified and capable men and women
10 who often work silently behind the
11 scenes.

12 I've heard from parking
13 attendants who live in my district, and
14 they have told me stories about how
15 terribly they feel when they are not able
16 to provide for their families or when
17 they feel that they don't just even get a
18 chance to see their families because
19 they're working two or three jobs.

20 The time to lift wages for all
21 Pennsylvanians and Philadelphians is now,
22 and I am proud to sponsor this
23 resolution. And I do want to note for
24 the record, I believe that there is some
25 hope, and when I say that there is some

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2 hope coming from the private sector, I'm
3 thinking about Jefferson that recently
4 voluntarily decided to pay their workers
5 a higher wage. They did this without
6 being required to do so. They did it
7 because they decided that it was not only
8 in the best interests of their employees,
9 but also in their best interest as an
10 employer.

11 The Clerk will please call the
12 first panel to testify on the resolution.

13 THE CLERK: Rich Lazer from the
14 Mayor's Office.

15 (Witness approached witness
16 table.)

17 COUNCILWOMAN PARKER: Excuse
18 me. The Chair recognizes the presence of
19 Councilman O'Neill.

20 COUNCILMAN O'NEILL: Thank you,
21 Madam Chair. I'd like my vote to be
22 recorded as aye on Bill No. 190132.

23 COUNCILWOMAN PARKER: Thank
24 you, Councilman O'Neill. It's noted for
25 the record.

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2 Good morning. Please state
3 your name for the record and proceed with
4 your testimony.

5 DEPUTY MAYOR LAZER: Good
6 morning, Chair Parker and members of the
7 Committee. My name is Richard Lazer and
8 I am the Deputy Mayor for Labor. I
9 appear before you today to testify on
10 Resolution No. 190193. The resolution
11 authorizes Council to hold this hearing
12 today on the wages of parking workers. I
13 would like to thank you for this
14 opportunity to testify.

15 The Administration supports the
16 intent of this hearing. As pointed out
17 in the resolution, the median wage of
18 workers in this industry is just 9.50 an
19 hour, and almost 70 percent of parking
20 workers earn less than the median income
21 for Philadelphia. These wages are just
22 too low. Hardworking Philadelphians
23 should not have to face poverty when they
24 work 40 hours or more each week. They
25 should not have to juggle second or even

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2 third jobs to make ends meet.

3 We are here for parking workers
4 today, but we all know this is part of a
5 larger issue. This is part of a
6 reckoning that is occurring nationally
7 and locally on just how inadequate the
8 federal minimum wage is. You simply
9 can't afford to pay your bills, pay your
10 rent, and raise your kids on 7.25 an
11 hour, and the poverty and struggle we see
12 in our city today is a result of the
13 system which sets people up to fail.

14 This is an issue where Council
15 and the Administration are clearly
16 aligned. We will not see the systemic
17 change we need without raising the
18 minimum wage. Unfortunately, we also
19 know that Philadelphia is unable to
20 unilaterally raise the minimum wage due
21 to state preemption on this issue. So we
22 once again call on our colleagues in
23 Harrisburg to either raise the minimum
24 wage for all Pennsylvanians or grant
25 Philadelphia the right to do so for

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2 workers within our own municipal
3 boundaries.

4 Thank you again for this
5 opportunity to testify, and I can answer
6 any questions at this time.

7 COUNCILWOMAN PARKER: Thank
8 you.

9 The Chair wants to recognize
10 the presence of Councilwoman Helen Gym.

11 I also want to thank you,
12 Mr. Lazer, for your testimony today and
13 to also thank the Administration and
14 Mayor Kenney for unequivocally supporting
15 this effort and for working with us in
16 efforts to raise awareness about the
17 importance of increasing the minimum wage
18 and allowing Philadelphians to have a
19 voice on this issue in Harrisburg.

20 Are there any questions from
21 members of the Committee?

22 (No response.)

23 COUNCILWOMAN PARKER: Seeing
24 none, will the Clerk call the next panel.

25 DEPUTY MAYOR LAZER: Thank you.

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2 THE CLERK: Steve Herzenberg,
3 Rodney Muhammad, and Reverend Nicholas
4 O'Rourke.

5 (Witness approached witness
6 table.)

7 COUNCILWOMAN PARKER: Good
8 morning. Will you please state your name
9 for the record and proceed with your
10 testimony.

11 MR. HERZENBERG: I will do
12 that. Thank you. Just before I get
13 started, I just want to let you know, my
14 colleagues, Minister Muhammad and
15 Reverend O'Rourke, are caught in the line
16 downstairs, but they'll be here.

17 Sorry for this.

18 COUNCILWOMAN PARKER: And it
19 was a long line.

20 MR. HERZENBERG: Thank you. So
21 good morning, Chairperson Parker, Council
22 President Clarke, other members of the
23 City Council. Thank you for the
24 opportunity to testify before you today
25 based on our report "Parking Industry

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2 Fuels Poverty in Philadelphia," which I
3 just shared with the Committee. My name
4 is Steve Herzenberg. I'm an economist
5 and the Executive Director of Keystone
6 Research Center, the mission of which is
7 to promote a more prosperous and
8 equitable Pennsylvania and the website of
9 which is www.keystoneresearch.org where
10 you can find our parking garage report as
11 well as lots of other information,
12 including why we should raise the
13 Pennsylvania minimum wage. I hold a
14 Ph.D. in economics from the Massachusetts
15 Institute of Technology.

16 We undertook our study of the
17 parking garage industry in the context of
18 broad concern about persistent poverty in
19 the City of Philadelphia and persistent
20 deep poverty in the City of Philadelphia,
21 measured by the share of families with
22 incomes below half the poverty line. As
23 the economy continues to expand and the
24 unemployment rate falls and more people
25 have jobs, one critical culprit for

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2 Philadelphia's high poverty rates takes
3 on greater and greater importance - low
4 wages.

5 To shine a spotlight on this
6 problem and point the way towards a
7 solution, we undertook our study of the
8 Philadelphia parking garage industry,
9 informed by a survey of its workers
10 conducted by the Service Employees
11 International Union 32BJ. What we found
12 is truly stunning. Let me paint a
13 picture for you.

14 Parking garage workers in
15 Philadelphia work in a highly profitable
16 \$30 billion U.S. industry that generates
17 over 450 million in revenues in the City
18 of Philadelphia alone. Yet its workers
19 earn, as we have heard, a median wage of
20 only 9.50 per hour. Half of workers earn
21 less than that, some a lot less.

22 At that 9.50 per hour wage, a
23 single Philadelphia adult must work 68
24 hours per week to afford basic housing,
25 food, public transportation, and other

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2 necessities, according to the Economic
3 Policy Institute's family budget
4 calculator. Since half of these workers
5 have more than one child, they would
6 actually need to earn over 100 hours in
7 the parking garage industry to pay for
8 their family budget.

9 In response to low wages,
10 parking garage workers do indeed work
11 very long hours. All of those surveyed
12 worked at least a 40-hour week, with four
13 in ten working 50 hours or more and one
14 in six working 70 or more hours, a work
15 week more reminiscent of early 20th
16 century steel mills than what we would
17 like to see in 21st century Philadelphia.

18 Even while working more than
19 one job or very long hours, parking
20 garage workers live paycheck to paycheck.
21 Over half have difficulty paying one or
22 more of their bills. One-third struggle
23 to pay utility bills, nearly a third to
24 pay for housing, and one-fifth even for
25 food.

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2 These workers receive few
3 benefits. Less than half participate in
4 a company healthcare plan, 40 percent do
5 not even receive paid vacation, a third
6 have no health insurance at all.

7 The parking garage industry's
8 poverty jobs reinforce racial inequities
9 in the City of Philadelphia. Nearly nine
10 out of ten parking garage workers are
11 African, African American or black and
12 are over age 24, with half 45 and older.

13 Given limited opportunities for
14 upward mobility within this industry,
15 there is only one solution that can lift
16 these workers into the middle class.
17 They need better pay and benefits - the
18 \$15 per hour wage standard now
19 established as a respectable minimum in
20 large U.S. cities.

21 Other service industries in
22 Philadelphia point the way forward if we
23 want to transform poverty-wage jobs into
24 middle-class jobs. Building cleaners,
25 security guards, and airport workers have

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2 come together into unions that have
3 lifted wages in their industries to
4 nearly \$15 per hour or above, while
5 improving benefits. That same homegrown
6 Philadelphia solution would work for the
7 parking garage industry.

8 If the 1,000 Philadelphia
9 parking garage workers earned a living
10 wage, they could lift themselves out of
11 poverty and into Philadelphia's new
12 middle class; pour another 15 million in
13 consumer buying power into Philadelphia's
14 neighborhoods, driving the economy
15 forward; save taxpayers an estimated \$2.3
16 million in public assistance for Medicaid
17 and food stamps that currently subsidize
18 the industry's low-wage jobs but would no
19 longer be needed; and improve service and
20 safety for parking garage customers,
21 thanks to lower turnover and an increase
22 in workers' experience.

23 We need a homegrown solution
24 because Washington and Harrisburg will
25 not help. In fact, Harrisburg continues

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2 to deliberately impede the ability to
3 create more living-wage jobs in
4 Philadelphia by preempting the City's
5 right to set its own minimum wage above
6 the state minimum wage, an action that 41
7 cities and other localities across the
8 country have already done in other
9 states.

10 The City's 1,000 parking garage
11 workers cater to many of the City's
12 highest income professionals, managers,
13 and consumers. They often brave the cold
14 and the heat for long hours, but are
15 still unable to support their families
16 because of their low wages. Members of
17 City Council should do everything in
18 their power to ensure that these parking
19 garage workers can exercise their freedom
20 to join together into a union. This
21 unionization would benefit parking garage
22 operators as well as customers by
23 creating a more stable workforce and
24 eliminating the managerial headaches that
25 result from a substantial share of

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2 workers quitting each year.

3 The basic formula that can
4 eliminate poverty in the parking
5 industry, ensuring workers' freedom to
6 unionize recognizing that employers
7 cannot relocate because this service
8 industry's customers are here in
9 Philadelphia is the most powerful tool
10 Philadelphia workers and other residents
11 have economy-wide to make work pay again
12 and to dramatically and permanently
13 reduce poverty and deep poverty in this
14 city. The sooner this is recognized, the
15 sooner that workers, City leaders, and
16 community members recognize area-wide
17 service industry unions as the core of
18 the next social contract, the sooner we
19 can restore economic justice in this city
20 and then build out from there to the
21 region and to the state.

22 Thank you.

23 COUNCILWOMAN PARKER: Thank
24 you.

25 I just want to note for the

1 4/8/19 - LABOR - BILL 190132, ETC.
2 record before we hear from Minister
3 Muhammad that Reverend Nicholas O'Rourke
4 of POWER will be submitting his testimony
5 for the record.

6 Please proceed, Minister
7 Muhammad.

8 MINISTER MUHAMMAD: In the name
9 of Almighty God, the beneficent, the
10 merciful --

11 COUNCILWOMAN PARKER: Please
12 state your name for the record.

13 MINISTER MUHAMMAD: I am
14 Minister Rodney Muhammad, Minister of
15 Mosque No. 12 and also President of the
16 NAACP Philadelphia.

17 I didn't submit a written
18 testimony because what they put together
19 really says it for me in terms of the
20 savings for the City and what we really
21 need to do for the working population in
22 the City.

23 In the book of Exodus, Pharaoh
24 put on the people a raising of the tally
25 of bricks with less straw. For us, that

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2 really means people are being charged to
3 make a living out of nothing, and
4 unfortunately it's the culture, a growing
5 culture in these United States of
6 America. They're cutting off social
7 mobility, strangling the economy.

8 People are not talking so much
9 now about pursuing the American dream.
10 They're just trying to get away from the
11 American nightmare. If that could just
12 happen for them, you see people feeling a
13 sense of relief.

14 I know since 2007 there has
15 been almost a freezing of wages in this
16 country, and what has taken place is an
17 obscene increase in the pay to CEOs and
18 there's been a heavy concentration of
19 wealth at the top.

20 As a child, I was given a
21 little -- I don't know if it's a
22 fairytale or what, Jack and the
23 Beanstalk. You know, the people were
24 poor. They had nothing. All the gold
25 was at the top.

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2 This structural kind of
3 inequality only promises to bring more
4 social unrest, and it's going to put a
5 heavier burden on government to provide
6 services that people could have provided
7 for themselves had they had the chance.
8 We're weaponizing philanthropy with
9 groups now that are helping to serve this
10 idea that the people are poor because
11 they're lazy, the same as Pharaoh said in
12 the book of Exodus. But people are not
13 given a chance to work, and there have
14 been numbers that I could go through
15 historically that show that if there's
16 any promise, any hope that people can get
17 work, they'd come off of welfare rolls at
18 the blink of an eye. They'd come away
19 from trying to be under subsidized living
20 and no limit of time when an opportunity
21 is open.

22 These parking lot attendants
23 are in now a billion-dollar industry. We
24 can find no reason in the NAACP for them
25 to have to live and subsist on \$8 an

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2 hour, 9.50 an hour, et cetera, with
3 little or no benefits for people that can
4 provide those benefits.

5 I don't buy into the argument
6 that because they pay taxes in
7 Philadelphia, if they could get the taxes
8 erased somehow, that would give them the
9 chance to be able to do better by the
10 employees. They can do better by the
11 employees right now. There's enough
12 money for that. And so we're going to
13 stand behind this.

14 Now, we know that there are
15 statutes in Pennsylvania that won't allow
16 for us to get to some of the magic
17 numbers that we need that we call a
18 living wage, but unionizing -- and unions
19 have been the only real check on these
20 high levels of income inequality that
21 have taken place in the last two decades.
22 We're going to have to localize this
23 fight in the way that the only real
24 pathway to get some kind of economic and
25 social justice for parking lot attendants

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2 is for them to be unionized in this city.

3 So as an NAACP President, as a
4 minister, as a citizen of Philadelphia, I
5 support that effort. I believe that when
6 people are furnished with enough to live
7 off of -- and that's all it is, is enough
8 to live off of -- as they spend in the
9 economy, it begins to shrink the
10 government's burden to help citizens that
11 have fallen through the cracks in our
12 fair city.

13 As a man of God, I know this
14 will not always be, for the Bible
15 promises us that a day is coming when the
16 rich man is going to weep and howl.
17 We're the 99 percent. We may be weeping
18 and howling right now, but the rich man's
19 turn is coming. And no matter what
20 standards we have in government, there's
21 a higher calling. There's a greater law.
22 There's a judge beyond the ones that we
23 can pay off that will exact a judgment,
24 and we're promised in the book of James
25 that the rich man will weep and howl.

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2 So I just call on City Council
3 to remember that, because when we're
4 sworn into government, we put our hands
5 on the Bible, we need to open it and --
6 (Applause.)

7 MINISTER MUHAMMAD: -- you'll
8 find in it principles, you'll find in it
9 guidelines, and you'll find in it the
10 strength to do what is right. And I
11 think what's right today is for City
12 Council to put the parking lot attendants
13 as workers in our fair city on the yellow
14 brick road to self-development.

15 Thank you very much.

16 (Applause.)

17 COUNCILWOMAN PARKER: Thank
18 you.

19 I want to thank both of you for
20 your testimony, and I want to recognize
21 the presence of my colleague Councilman
22 Taubenberger.

23 One, Mr. Herzenberg, I want to
24 say to you thank you for acknowledging in
25 your testimony the advances that have

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2 been made for other service industries in
3 Philadelphia in an effort to transform
4 poverty-wage jobs into middle-class jobs,
5 and we can't have a conversation in this
6 building without mentioning the name of
7 Councilman Wilson Goode, Jr., who was the
8 lead in this legislative body and helped
9 to force the change.

10 With that being said, I want
11 both of you -- both of you sort of sent
12 me on a stroll back to my days in
13 Harrisburg when trying to learn how to
14 garner support for issues that would
15 positively impact working people in our
16 City and in our Commonwealth. I learned
17 very early that tugging on the
18 heartstrings of some folks didn't work.
19 It seemed like their hearts were made of
20 stone. And so for me, I learned that a
21 positive economic analysis argument was
22 always what would get their attention.
23 And both of you talked about the increase
24 in wages as a tool to put people on a
25 path to self-sufficiency. So your

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2 argument wasn't just about what was
3 morally right and just. It's that if we
4 do this, it makes good economic sense for
5 the City and for the Commonwealth,
6 because if I am in a position where I can
7 take care of myself, where I have access
8 to healthcare, it is highly likely that I
9 will not be dependent on government in
10 order to take care of myself.

11 (Applause.)

12 MINISTER MUHAMMAD: That's
13 right. That's right.

14 COUNCILWOMAN PARKER: So I want
15 both of you, if you will, to just comment
16 about what that path to self-sufficiency
17 means and why it makes good economic
18 sense, just not moral sense.

19 MINISTER MUHAMMAD: I think God
20 shows us because, you know, in the book
21 of Scripture, the hope for the oppressed
22 and the poor was a land that flowed with
23 milk and honey, and I found through every
24 study that no matter what man does, no
25 matter what powers and intellect he

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2 exerts, he can never duplicate what God
3 has done to make milk and he can never
4 duplicate what God has done to make
5 honey. So it shows me that these two
6 fluids, they serve as a reminder to us
7 that there's some things only God can
8 really do for us.

9 And so this guideline shows
10 me -- as I talked about the bee in the
11 press conference, the honeybee goes to
12 the flower to extract nectar of what it
13 needs, but it makes sure that it leaves
14 something with the flower so that the
15 flower can not only live but thrive, and
16 it's called pollen, and this
17 cross-pollination ensures the bee that it
18 can come back and get more nectar because
19 it has provided the flower with something
20 that will make the flower be able to
21 produce more on its return.

22 We need a honey-sent economic
23 approach where people who can invest in
24 people -- if you give people what it
25 takes for people to be able to live,

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2 you'll always be able to come back,
3 because people are furnished with enough
4 for your return. A bee works a good
5 economic policy in its relationship to
6 the flower, but if it only extracted
7 nectar and never left nothing, that's not
8 a bee. That's a parasite.

9 And so we have to stop this
10 parasitical approach to living in
11 America, and that's how we got to this
12 one percent of the people. It's an
13 insane way to live and, as I said before,
14 it drives people to give up on pursuing
15 the American dream. You're just trying
16 to escape the American nightmare.

17 Thank you.

18 COUNCILWOMAN PARKER: Steve.

19 (Applause.)

20 MR. HERZENBERG: It's always a
21 little easier for the economist to
22 precede the man of God. I mean, the
23 basic economics are laid out in the
24 report, but, again, the 2.3 million --
25 excuse me.

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2 COUNCILWOMAN PARKER: We're
3 going to bring you some water.

4 MR. HERZENBERG: Thank you.

5 2.3 million in savings, and
6 that's just counting a couple of the
7 programs that low-wage workers depend on.
8 There would be benefits for consumers in
9 terms of parking garages will be safer.
10 Tenants will be able to give them more
11 guidance in terms of how to get to the
12 theatre or to the restaurant or whatever
13 other meeting that they're going to.
14 You're going to have fewer cars that end
15 up a little bit scratched because the
16 drivers have got a lot more experience.

17 And then, again, from
18 employers' point of view, we run through
19 the numbers in the report, but increasing
20 these folks wages is a tiny fraction of
21 the total revenues that this industry
22 takes in, and that's before you get to
23 the savings that employers get, because
24 they don't need as many human resource
25 managers. When you get rid of the

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2 headaches of turnover, that saves the
3 company money, as well as make managers'
4 jobs a lot easier. And we don't do this
5 in the report, but people in this room
6 know this, that if you costed out the
7 broader social savings that come from
8 having more middle-wage jobs, in terms of
9 communities and families are healthier;
10 therefore, they do better in school and,
11 therefore, they do better as adults.

12 Supporting these workers and
13 empowering them to have middle-class jobs
14 and to support their families, in the end
15 it will save the City of Philadelphia
16 long term. So it's economic sense as
17 well as economic justice.

18 COUNCILWOMAN PARKER: Thank
19 you.

20 The Chair recognizes
21 Councilwoman Sanchez.

22 COUNCILWOMAN SANCHEZ: Thank
23 you, Madam Chair, and I appreciate the
24 fact that this morning's conversation
25 both from the parking attendants to

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2 domestic workers is really talking about
3 the Philadelphia story, right, and
4 narrowing this gap that exists between
5 Philadelphians who want to work in
6 dignity and industries who have been slow
7 to move in the direction that this city
8 has been trying to get industry to.

9 I'm often reminded, when we
10 talked about this at the airport, when we
11 talked about the security workers, people
12 said these types of campaigns weren't
13 going to be successful. But they've been
14 successful because we have, to
15 Councilwoman Parker's point, we have
16 demonstrated that they do make economic
17 sense and that it's not just a moral
18 obligation, but it's how do we ensure
19 that people don't feel like we're always
20 asking for a handout. Because when I
21 look at the workers, I look at people who
22 sometimes travel two and three bus lines,
23 skip meals with their own families, all
24 of those things that really hurt and
25 traumatize families, housing instability.

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2 When I look at every time we're
3 sitting in this Council trying to figure
4 out how to help folks become tax
5 compliant and pay their bills, the amount
6 of money that we put forward to help even
7 out the playing field for folks. And so
8 BOMA, other folks -- there's a business
9 model. This makes sense. This makes
10 absolute sense.

11 Because you looked at some of
12 the state programming, in your surveying
13 of workers, were you able to drill down
14 on some of the City benefits and if folks
15 were accessing those and at what rate?

16 MR. HERZENBERG: We didn't do
17 that. What that means is that our \$2.3
18 million savings is very conservative,
19 because we didn't put a number on housing
20 benefits from the City or childcare from
21 the City. So, I mean, we'll happily work
22 with the City and Council to sort of cost
23 that out as well, but I think your
24 bottom-line argument is dead on. I mean,
25 where you started in terms of the

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2 Philadelphia story is also worth
3 amplifying. I mean, the series of
4 industries in which workers have already
5 been lifted up, thanks to the support of
6 Council, Councilman Goode, and BJ in the
7 past, there is a story of how we get to a
8 Philadelphia economy that works for all
9 in this report, in the successes of other
10 workers. We have been told for 40 years
11 now that globalization, technological
12 change, say good-bye to the middle class,
13 we can't have one anymore. That is a
14 bunch of rot, and this is the economist
15 telling you that.

16 It's within our reach. If we
17 let workers in the economy we have today
18 come together to take low-wage jobs and
19 make them middle-class jobs, that is a
20 formula to getting to a decent
21 Philadelphia, a thriving Philadelphia, a
22 Philadelphia that can be -- then we can
23 focus on innovation and improving
24 educational attainment and shorter work
25 time and all the good stuff.

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2 So the bottom line is that --

3 but it does start with we need this
4 measure of economic justice, and this is
5 the way to get there.

6 COUNCILWOMAN SANCHEZ: Thank
7 you. Thank you, Steve.

8 (Applause.)

9 COUNCILWOMAN PARKER: The Chair
10 recognizes Councilwoman Helen Gym.

11 COUNCILWOMAN GYM: Thank you
12 very much, Madam Chair.

13 And thank you very much to
14 everybody who is in this room today. Not
15 only because we are forcing the
16 conversation, not just about poverty in
17 our city but about the conditions which
18 actually keep people poor. This is not
19 about a poverty that is inevitable, but
20 about a poverty that is manufactured,
21 much of it by some of our wealthiest
22 individuals, and I think that's the story
23 that we're hearing.

24 This isn't a justice story,
25 though, about the conditions that we're

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2 living in, but about people who refuse to
3 accept the status quo. And I think that
4 that's what's most powerful about this
5 room today, is that together this room
6 has helped win some of the most expansive
7 labor laws and protections in the
8 country. We helped -- together, we
9 helped make sure that the City's living
10 wage law expanded to 2,000 additional
11 service workers. So anyone who receives
12 a tax subsidy in this city should not be
13 paying poverty wages.

14 Together, we're going to be
15 talking about how to expand protections.
16 We worked together to expand protections
17 for 130,000 workers in private business
18 for the nation's largest retailers, food
19 service, and hospitality corporations to
20 make sure they got a fair workweek and
21 that that was expansive and new. And
22 that's why I'm so glad that the workers
23 who are here today representing our next
24 resolution on domestic workers are going
25 to also be talking about the need for

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2 this Council to demand that we take
3 action on protecting domestic workers,
4 who allow so many families a stable,
5 working-class, working families
6 environment here. And the most important
7 thing -- the most important lesson I
8 think that both the people in this room
9 but also, Minister and Steve, you have
10 done really effectively is remind Council
11 that we can't go on auto pilot.
12 Corporations, businesses, they're not
13 going to do this of their own accord.
14 This is not going to happen
15 automatically. It's not going to happen
16 at -- it's not about what's economically
17 sensible. It's not about what's humane.
18 It's really got to be a push, and we as a
19 City Council have to exercise the
20 boundaries of our authority to make sure
21 that they do it. That's why we stand
22 with you when you are going to face off
23 with many of them, that we'll stand with
24 you on picket lines, but we'll also stand
25 with you when you're demanding the right

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2 to unionize. You won't be alone here,
3 and we're going to tell people, 7.25 is
4 not a living wage, \$9.50 is not a living
5 wage, to the School District \$11 an hour
6 is not a living wage when this is what
7 you're getting after 18 years of working
8 for business.

9 So I'm proud to stand with the
10 folks in this room. I want to thank
11 Councilmembers Parker and
12 Quinones-Sanchez for being the primary
13 sponsors of these resolutions and making
14 sure that this hall resonates with the
15 people's voices.

16 But with Steve in particular,
17 I'm curious about whether you've done any
18 studies around Parkway Corp and some of
19 the others who are moving into
20 development now. So I think that one of
21 the interesting aspects is is that as the
22 parking lot companies start to move into
23 more development-oriented endeavors, I'm
24 deeply concerned that they are pulling in
25 this, quote/unquote, savings that they

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2 may have from paying workers poverty
3 wages in order to fund other endeavors
4 that demand public subsidies, bring them
5 in front of us for permits and uses.

6 So I don't know if you've done
7 some research on that. I know there are
8 a couple of developments in and around
9 the Center City area that I've been
10 paying attention to.

11 MR. HERZENBERG: So we did
12 observe that some of the parking lot
13 operators seem to operate parking lots in
14 part or in some cases because they want
15 to develop that land, right? So I think
16 it's a very acute observation that that
17 actually gives you leverage over those
18 folks.

19 And the other thing I would say
20 is, you would hate it if they were
21 squeezing their workers in order to then
22 finance a development which gets a TIF or
23 other kinds of support from the taxpayers
24 of the City. I think partly that's an
25 illusion, because I think that squeezing

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2 these workers is not in fact going to

3 make them buckets of additional money.

4 This is a profitable industry if you pay

5 workers decently. It's a profitable

6 industry if you pay people poverty wages.

7 And, again, if you lift -- if you take

8 wages out of competition, it's not going

9 to disadvantage one parking operator

10 versus another.

11 But, again, we're happy to look

12 more deeply into that, but I do think

13 that gives you -- if some of those

14 operators are going to be coming before

15 you and they want something from you down

16 the road, you might want to make them --

17 remind them of that and encourage them to

18 act in the interest of the City in this

19 context too.

20 COUNCILWOMAN GYM: Yes. Well,

21 I will say, Madam Chair, that I know of

22 at least two developments in and around

23 the Center City area that are run by

24 major parking lot owners who are looking

25 to move very quickly into development.

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2 So I would encourage this Council to be
3 paying close attention to make sure that
4 those parking lot developments do not get
5 approved, especially when they're doing
6 multi-million-dollar, 29-story commercial
7 developments, if they plan to profit off
8 of people making less than a living wage
9 in our city.

10 (Applause.)

11 COUNCILWOMAN GYM: And just a
12 notice to all of them too.

13 Thank you.

14 COUNCILWOMAN PARKER: Thank
15 you.

16 Are there any other questions
17 or comments from members of the Committee
18 for this panel?

19 (No response.)

20 COUNCILWOMAN PARKER: Seeing
21 none, I want to thank both of you so very
22 much for your testimony.

23 MINISTER MUHAMMAD: Thank you
24 very much, Councilwoman.

25 MR. HERZENBERG: Thank you.

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2 COUNCILWOMAN PARKER: The Clerk
3 will please call the next panel to
4 testify on this resolution.

5 THE CLERK: Gabe Morgan,
6 William Harper, Daniel Turner, and Mike
7 Hardaway.

8 (Witnesses approached witness
9 table.)

10 COUNCILWOMAN PARKER: I want to
11 thank you all for being here. You feel
12 free to proceed with your testimony, but
13 just make sure that you state your name
14 for the record as you begin.

15 MR. HARPER: William Harper.

16 I have worked in the parking
17 industry for 21 years. I am 54 years old
18 and a proud father of two grown children.

19 Despite working for Impark for
20 18 years, I still only make 11.40 an
21 hour, with no meaningful benefits.

22 After nearly two decades with
23 the company, I don't even earn a living
24 wage, and my pay does not keep up with
25 the cost of living in the City of

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2 Philadelphia. We barely get raises. I
3 get what they call a cost of living
4 raise. The highest I ever got was 24
5 cent. As rent go up in the City, I can
6 tell you that cost is going up a lot more
7 than a dime and a four pennies.

8 In fact, I just lost my house
9 that I was renting with my sister and my
10 nephew. We are being forced to move
11 because the bank is taking over the
12 property. Now we have to find a place we
13 can afford on short notice. It is
14 getting harder to find a place in
15 Philadelphia that is affordable on low
16 wages.

17 I already have trouble
18 affording utilities, gas, electric. I
19 have very little, if any, left over after
20 I pay my bills. I live paycheck to
21 paycheck. If we won a living wage and
22 benefits, my life would be a lot better.
23 I like to help my daughter and I could
24 afford to do more.

25 We are simply asking for a

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2 living wage and to be treated with
3 dignity on the job. I don't get to take
4 designated breaks, and we don't have
5 access to bathrooms.

6 We are simply asking for -- we
7 work for companies that make a lot of
8 money. I work at Penn's Landing and
9 parking hundreds of cars a day at \$20 a
10 pop. We make sure that visitors that
11 come for concerts and festivals have a
12 good experience from the minute they park
13 their car. We help the customers and
14 treat them well. The least the parking
15 companies could show is that they
16 appreciate the work that we do.

17 Thank you for hearing our
18 concerns, and thank you, Councilwoman
19 Parker, for your leadership.

20 (Applause.)

21 MR. HARDAWAY: Hello. My name
22 is Michael Hardaway and I live in West
23 Philly. Until recently, I worked for the
24 parking company Towne Park. I worked
25 long hours for low pay, but I came in

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2 every day and I did my job.

3 I started speaking up for
4 better pay, better working conditions,
5 and for a union, because I want a better
6 life. I want to be able to pay my bills
7 and lead a dignified life. I wanted my
8 employer to listen to our concerns and
9 improve things for me and my co-workers.
10 But when Towne Park saw that I spoke at a
11 rally to raise the wage for parking
12 workers, they fired me.

13 I feel like I was targeted for
14 speaking up and I lost my job. I filed
15 charges with the National Labor Relations
16 Board.

17 I wish I could say I was
18 surprised, but this is not the first time
19 I experienced poor treatment and bad
20 working conditions. Working in these
21 garages is hard work, and you are out in
22 the heat and the cold. The fans and the
23 circulating systems do not always work.
24 In fact, recently the circulation was
25 down and debris from a neighboring

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2 construction site flew right into my eye.

3 The company responded by saying I wasn't
4 eligible for workers' comp.

5 Before I worked for the parking
6 industry, I worked at Walmart. I got a
7 leg injury and experienced the same poor
8 treatment. I thought that the parking
9 industry with all of the money it brings
10 in would be better than Walmart, but it
11 is not.

12 The parking industry makes a
13 lot of money and it gets away with paying
14 the workers very little and treating us
15 poorly. I was making \$11 an hour because
16 I was a cashier, but many of my
17 co-workers made 7.25, some even less.
18 Many of my co-workers are immigrants and
19 are afraid to speak up. Many of my
20 co-workers have families to support and
21 are desperate to hold onto their jobs or
22 they will literally be out on the
23 streets.

24 This is especially wrong when
25 you consider that the parking industry

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2 made \$453 million in revenue last year.
3 My co-workers and I want to make these
4 good jobs. We do not want a handout. We
5 are fighting to lift ourselves, and the
6 profits should not depend on our poverty.

7 I want to thank Councilwoman
8 Cherelle Parker for her leadership and
9 standing with us.

10 (Applause.)

11 MR. TURNER: Good morning. My
12 name is Daniel Turner. I am from
13 Germantown. I work at a lot at 17th and
14 Chancellor. I am a father of three,
15 working two jobs to try to make ends
16 meet. When I took the job, I only did so
17 because they promised good money. They
18 made it seem like I would be making a
19 nice bit of money. This was far from the
20 case. I make a little over \$10 an hour.
21 It's not possible for me to do everything
22 I need to do as a father with the pay I
23 receive.

24 I have three children to
25 support, and I take that very seriously.

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2 My youngest daughter just turned three
3 years old. I wanted to take her to Chuck
4 E. Cheese for her birthday, but I had to
5 cancel twice because I had to work to pay
6 the bills. I haven't seen my daughter in
7 two weeks because I work all the time. I
8 should be able to make enough money to
9 take a couple hours off to celebrate my
10 daughter's birthday. But with the low
11 wages of the parking industry, I need to
12 work every single available hour. I work
13 14 hours a day every day, and I barely
14 sleep.

15 I don't know what else I can
16 do. I often find myself feeling the
17 effects of depression due to not being
18 able to do everything I need to do for my
19 family. I am actually taking
20 antidepressants now. I often find myself
21 looking for ways to make extra money
22 without risking my freedom. Where I'm
23 from, so many people are doing whatever
24 they can to survive, selling drugs and
25 various other crimes. I am trying not to

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2 go that route, but with the job that pays
3 this low, you can see why some people do
4 it.

5 Because of the horrible pay, I
6 was forced to get a second job just to
7 make ends meet, and it came at a cost. I
8 really don't get to spend any time with
9 my family, and I can no longer play
10 semi-pro football due to having to work
11 seven days a week.

12 What does it mean for our city
13 if someone like me is doing everything
14 they can possibly do and still isn't
15 making it? Why shouldn't I be able to
16 make enough money and take care of my
17 family? I park cars in some of the most
18 expensive buildings in the City for
19 people who pay more to park than I make
20 an hour.

21 And I just had a few remarks of
22 the working conditions at my parking lot.
23 To start, we had flying cockroaches the
24 size of raffle tickets. We went three
25 days without water, which I'm pretty sure

1 4/8/19 - LABOR - BILL 190132, ETC.
2 is an OSHA violation. Two days we had to
3 bring in our own toilet paper. And for
4 the past two weeks -- I work 11:00 p.m.
5 to 7:00 a.m., which is overnight, and I'm
6 by myself, no security. The camera
7 system doesn't work. I've been there for
8 a year. It's probably worked for the
9 first month. No way to tell who is
10 outside the gate or whatever. For the
11 past two weeks, the gate has been broke,
12 so it's been open. So that means anybody
13 can come down there and do whatever they
14 want to me.

15 I e-mailed HR. I cc'd my
16 manager. Never got a response. For two
17 weeks the gate stayed like that, and it
18 just seemed my safety wasn't a priority.

19 I just wanted to say thank you
20 for 32BJ for standing with us, and I
21 wanted to thank Ms. Cherelle Parker for
22 hearing us out, and thank you to City
23 Council for also hearing us out.

24 (Applause.)

25 COUNCILWOMAN PARKER: Before we

1 4/8/19 - LABOR - BILL 190132, ETC.
2 hear from you, Gabe, I just want to note
3 this for the record. The diversity in
4 terms of age that is here today, adult
5 children and younger children. In
6 addition to that, I want the record to
7 reflect that these are three men of color
8 who are fully accepting the
9 responsibility to take care of their
10 families.

11 (Applause.)

12 COUNCILWOMAN PARKER: You see,
13 usually when you see black men or African
14 men and we're talking about children and
15 families, we're usually trying to beat
16 them down over child support, but now
17 here today you're here talking about
18 getting access to the opportunity to be
19 self-sufficient so that you can take care
20 of your responsibilities as men. And I
21 just needed to say that, because that is
22 what you stirred up on the inside.

23 (Applause.)

24 COUNCILWOMAN PARKER: In
25 addition to that, we're talking about

1 4/8/19 - LABOR - BILL 190132, ETC.
2 from Germantown to West Philly. So this
3 is just not one section. This is not one
4 region. It's from every part of the City
5 of Philadelphia we have residents who are
6 trying to hold on, and that's just
7 extremely important.

8 So I want to thank -- and thank
9 you for having the courage to just come
10 up here and tell your stories.

11 Thank you, Gabe. We can hear
12 from Mr. Morgan now.

13 MR. MORGAN: Sure. So my name
14 is Gabe Morgan. I'm the Vice President
15 of SEIU 32.

16 AUDIENCE MEMBERS: BJ.

17 MR. MORGAN: I have some
18 prepared testimony, but I'm not going to
19 give any of that. You guys have heard
20 all of it already. I would say,
21 Councilwoman Parker, one, thank you for
22 holding these hearings, but my experience
23 is, what I see is the City all the time
24 where men such as these are working hard
25 every day for someone else who is making

1 4/8/19 - LABOR - BILL 190132, ETC.

2 all the money and not paying them what
3 they're worth. And this is a city and a
4 country where that seems to be the fate
5 of the majority of working people.

6 You're hearing from us and
7 you'll hear from domestic workers, but we
8 can bring in industry after industry into
9 this room where people are all being
10 exploited, where they're working for
11 billionaires, where they're working like
12 parking attendants in the richest areas
13 of the City and they are not being paid
14 enough to even see their children.

15 This industry in Philadelphia,
16 as folks said earlier, is a half a
17 billion dollar industry. It's a \$40
18 billion industry nationally. It's
19 comprised of international conglomerates,
20 local developers, regional and national
21 contractors. They have a national
22 association. They have money. And it's
23 not just one company that pays this or
24 pays that. They all pay poverty wages,
25 because that's the way the industry is

1 4/8/19 - LABOR - BILL 190132, ETC.
2 set up to work. They've constructed an
3 industry that's based on the premise that
4 they will make a bunch of money, and
5 hard-working gentlemen such as this will
6 be poor no matter how much they work or
7 how many hours they work. That's how
8 parking works. And they do it in
9 buildings that are the fanciest,
10 shiniest, most publicly sometime
11 subsidized buildings in the City. It's
12 whether you're at Temple or Penn or
13 whether you're in Center City or whether
14 you're at the stadium, this is how this
15 industry works everywhere.

16 And I know this Council has
17 seen this before, because this is how
18 contract cleaning used to work until the
19 cleaners threatened to shut all the
20 buildings down and Council came out and
21 supported them, and now they make as much
22 as \$19 an hour with family health
23 insurance.

24 (Applause.)

25 MR. MORGAN: And this is how

1 4/8/19 - LABOR - BILL 190132, ETC.
2 contract security worked. This is how
3 security officers went out and organized
4 themselves and fought to try and shut
5 everything down until Council came out
6 and supported them, and now that industry
7 is moving towards \$15 an hour and health
8 insurance.

9 (Applause.)

10 MR. MORGAN: And then there's
11 the airport, which I know many people
12 here were involved in. We have airport
13 workers who are here today. And I would
14 remind folks that to change that
15 industry, all it took was a new City
16 Council, a new Mayor, a new Governor, and
17 the workers going on strike five times.
18 But now there are 2,000 contracted
19 airport workers who are moving towards
20 \$15 an hour, health insurance, have a
21 union. We will get them to where they
22 need to go over time.

23 That's what the Council has
24 been trying to do here. You guys have
25 been trying to address the greed of

1 4/8/19 - LABOR - BILL 190132, ETC.
2 corporate America or, more specifically,
3 corporate Philly by finding ways to try
4 and offset that, whether it's fair
5 scheduling, prevailing wage, which was
6 the expansion of it to service sector
7 workers, which was one of the first
8 things that did that, the 21st century
9 wage. These are all things this Council
10 has done to try to address this problem.

11 I think what we know and 32BJ
12 where we've come to Philly, have always
13 been in Philly, but have now organized
14 20,000 workers in Philly, have become the
15 biggest private sector union in Philly,
16 all over the past ten years. I think
17 what we've learned is, it takes the
18 following things if you want to change
19 how industry works.

20 First of all, it takes brave
21 workers like these. It takes workers who
22 are ready to fight. At the end of the
23 day, you will only get what you fight
24 for, but when you fight -- and I think
25 that's what we've experienced. You need

1 4/8/19 - LABOR - BILL 190132, ETC.
2 that fight. And then you need a City
3 Council that's going to step in where
4 this state will not, as you know better
5 than most.

6 Look, you can't look at the
7 federal government and think they're
8 going to do anything for workers right
9 now. You need a city government that
10 knows that the people who are the hardest
11 working, most underpaid people are their
12 own constituents, who are going to step
13 in on their behalf and figure out what
14 they can do to help with that fight.

15 I think that's what we're
16 asking for here in this industry. The
17 Council working with workers who are both
18 working and fighting for themselves and a
19 Mayor who has been there with them now,
20 this Mayor, have really transformed three
21 of the biggest service sector industries
22 in the City, and those are all industries
23 now - contract cleaning, security, the
24 airport - that are now on their way to
25 becoming very good working-class jobs

1 4/8/19 - LABOR - BILL 190132, ETC.

2 over time.

3 Parking is next. There's
4 thousands of parking lot attendant
5 workers, and with your support, no one
6 could beat these workers. You can't hold
7 people like this down unless the system
8 is trying to hold you down. But if the
9 system and folks who represent it step in
10 and help, then they will win, and these
11 will be another 2,000 workers that will
12 be on the path to \$15, \$16, \$17 an hour,
13 like most of 32BJ members in this room.

14 So that's what we're asking you
15 to do, is work with us, work with these
16 workers over time to change this industry
17 in the way that you've done it with other
18 industries.

19 Thank you very much.

20 (Applause.)

21 COUNCILWOMAN PARKER: Again, we
22 want to thank each of you for your
23 testimony.

24 Let me just say as the sponsor
25 of this resolution, and I'm sure all of

1 4/8/19 - LABOR - BILL 190132, ETC.
2 my colleagues would agree with this
3 sentiment, after hearing what we've heard
4 on the public record today, it is my hope
5 that the industry, that the industry will
6 pay attention, very, very, very close
7 attention to what you've heard today.
8 The pressure won't stop. The push won't
9 stop. The fight won't stop. But, you
10 know, you can do the right thing on your
11 own.

12 Now, because ultimately for me,
13 because I've served for ten years in a
14 place called Harrisburg and I had to
15 figure out a way to get some things done
16 with some people who I disagreed with
17 99.9 percent of the time, it is my hope
18 that the industry just listen, and if you
19 listen, we strongly encourage you to find
20 a way to reach out and do what's right.
21 If you want to come up with an amicable
22 solution, we're here to listen.

23 So I don't want anybody to be
24 able to say who paid attention to this
25 hearing that we did not extend an olive

1 4/8/19 - LABOR - BILL 190132, ETC.
2 branch to have a conversation. And I
3 want you as the leader, Mr. Morgan, to
4 just be able to note and state for the
5 record we were at the hearing and we
6 heard an olive branch being extended to
7 the industry to have the conversation.
8 Because if it doesn't, we will continue
9 to be with you and stand with you on this
10 fight.

11 Thank you all so very much for
12 your testimony.

13 (Applause.)

14 COUNCILWOMAN PARKER: There are
15 no more questions or comments for this
16 panel. We want to thank you so very much
17 for your testimony.

18 Is there anyone else who is
19 here who wishes to testify on this
20 resolution?

21 (No response.)

22 COUNCILWOMAN PARKER: If
23 there's no one else, we're going to move
24 to the next resolution.

25 (Applause.)

1 4/8/19 - LABOR - BILL 190132, ETC.

2 COUNCILWOMAN PARKER: This is
3 Resolution No. 190193, and we want to
4 call up the first panel to testify for
5 it, but I also want the sponsor, our
6 colleague Councilwoman Maria
7 Quinones-Sanchez, who has taken a lead on
8 this issue, to make some comments. And
9 so as we see folks leaving the Chamber
10 now, once we slow down, I'm then going to
11 ask the Clerk to read the title of the
12 resolution.

13 (Pause.)

14 COUNCILWOMAN PARKER: I'm going
15 to ask the Clerk to please read the title
16 of the resolution.

17 THE CLERK: Resolution No.
18 190193, a resolution authorizing the
19 Committee on Labor and Civil Service to
20 hold hearings to examine labor standards
21 for Domestic Workers throughout the City
22 of Philadelphia.

23 COUNCILWOMAN PARKER: Will the
24 Clerk please call up the first panel to
25 testify on the resolution, and when they

1 4/8/19 - LABOR - BILL 190132, ETC.
2 get here, we want them to state their
3 name for the record and of course proceed
4 with their testimony, but right now we
5 want to hear from the leader in this City
6 Council who has made this issue a
7 priority, Councilwoman Maria
8 Quinones-Sanchez.

9 COUNCILWOMAN SANCHEZ: Thank
10 you. Thank you, Madam Chair. Thank you
11 for hosting and allowing us to tell, as I
12 said earlier, the Philadelphia story, and
13 the women who will come before us will
14 tell a much better story than I can. But
15 I particularly want to thank the
16 Administration and Labor Standards.

17 Lifting industry workers out of
18 poverty is a long journey. We have to
19 get the information on the record, as we
20 did earlier today with the parking
21 industry, with the domestic workers.
22 There is a movement afoot across the
23 country to lift hard-working people out
24 of poverty. That doesn't happen in
25 isolation, as Gabe Morgan spoke to

1 4/8/19 - LABOR - BILL 190132, ETC.
2 earlier. It is really about organizing,
3 people coming forward and not being
4 intimidated or scared to tell their
5 stories, and for fighting sometimes for
6 other workers.

7 In the fight for the airport,
8 security workers, there are many people
9 who ended up losing their jobs and
10 ultimately did not even benefit from
11 their hard work, but the purpose and the
12 intent was bigger than all of them. And
13 I want to personally thank all of the
14 women in particular who have come forward
15 to tell us their story, some of them very
16 painful, emotional, and traumatic, as we
17 try to bring this industry out of the
18 shadows of people's homes and treat this
19 sector with the dignity that it deserves,
20 people who take care of other people's
21 children and loved ones when their own
22 families cannot.

23 And so I want to thank everyone
24 who has collaborated with us until now.
25 I look forward to working with the

1 4/8/19 - LABOR - BILL 190132, ETC.

2 Administration about how we move forward
3 in a very intentional way to support all
4 of these workers.

5 Thank you, Madam Chair.

6 COUNCILWOMAN PARKER: Thank
7 you.

8 The first panel.

9 THE CLERK: Rich Lazer and Rue
10 Landau.

11 (Witnesses approached witness
12 table.)

13 COUNCILWOMAN PARKER: Both of
14 you just please state your name for the
15 record and begin with your testimony.

16 DEPUTY MAYOR LAZER: Good
17 morning. Good morning, Chair Parker and
18 members of the Committee. My name is
19 Rich Lazer and I'm the Deputy Mayor for
20 Labor. I'm here to appear before you to
21 testify on Resolution No. 190193.

22 This resolution authorizes
23 Council to hold this hearing today to
24 examine labor standards for domestic
25 workers in the City of Philadelphia. On

1 4/8/19 - LABOR - BILL 190132, ETC.
2 behalf of the Mayor and the whole
3 Administration, I would like to thank you
4 for this opportunity to testify in
5 support of domestic workers.

6 The resolution rightly calls
7 attention to the fact that domestic
8 workers are excluded from many local,
9 state, and federal labor protections,
10 including minimum wages, overtime
11 protections, freedom from gender and
12 racial discrimination, and right to
13 organize as a union. As a result,
14 domestic workers have long faced job
15 insecurity, wage theft, harassment,
16 discrimination, and other workplace
17 abuses. These challenges would impact
18 any worker, but they are even more
19 pronounced in the case of domestic
20 workers who are overwhelmingly women and
21 immigrants living paycheck to paycheck.

22 The Kenney Administration
23 believes that the struggles of domestic
24 workers are a serious issue that deserves
25 our attention. We've all heard the

1 4/8/19 - LABOR - BILL 190132, ETC.
2 statistic that Philadelphia has the
3 highest poverty rate of any large city in
4 the U.S. Far too many domestic workers
5 are living that statistic and working
6 hard every day, but not getting ahead.
7 We believe that making good on our
8 support of domestic workers is a
9 foundational step towards moving the
10 needle of poverty in the City, since we
11 cannot hope to turn our poverty numbers
12 around while an entire industry of 16,000
13 or more workers goes unregulated,
14 underpaid, and is left open to
15 discrimination and harassment.

16 To that end, we have been
17 meeting for several months with domestic
18 worker advocates and workers themselves,
19 drilling into the details of what
20 legislative and policy changes would look
21 like. We look forward to partnering with
22 Council later in this legislative session
23 to establish a Domestic Workers Bill of
24 Rights that provides for needed workplace
25 protections to every hard-working

1 4/8/19 - LABOR - BILL 190132, ETC.

2 domestic worker in this great city.

3 Once again, I'd like to thank
4 Council for holding this hearing, and I'm
5 available to answer any questions you may
6 have.

7 COUNCILWOMAN PARKER: Thank you
8 so much for your testimony.

9 Ms. Landau, I'm just going to
10 ask that we just have a little detour,
11 because one of the members of our second
12 panel has to leave. Both of you please
13 remain seated. I'm just going to ask Ms.
14 Betania Shephard of the Pennsylvania
15 Domestic Workers Alliance if she could
16 come up to the table now.

17 (Applause.)

18 (Witnesses approached witness
19 table.)

20 COUNCILWOMAN PARKER: Thank
21 you, Rue. Thank you.

22 Just please state your name for
23 the record.

24 MS. SHEPHARD (through
25 interpreter): Good morning. My name is

1 4/8/19 - LABOR - BILL 190132, ETC.

2 Betania Shephard. I'm Dominican and I've
3 been in Philadelphia for nine years and I
4 work as a house cleaner. I've been a
5 cleaner for four years. I'm a leader
6 with the Pennsylvania Domestic Workers
7 Alliance, and I'm here in support of the
8 Domestic Worker Bill of Rights and
9 winning more justice for all of us.

10 I've had a lot of very bad
11 experiences. I've been paid really
12 poorly by my bosses, who have also been
13 extremely rude to me. In one of my jobs,
14 I lived really far away from work and I
15 had to get up really early to take my
16 kids to someone's house so that they
17 could get to school. We had to pay for
18 transportation, and I had to pay for
19 someone to take care of my kids so that
20 they could get a good education and I
21 could get to work.

22 I would wait for that boss on
23 the street in the cold for hours, and she
24 would only give me one job and I was paid
25 very, very little. When I spoke up and

1 4/8/19 - LABOR - BILL 190132, ETC.
2 said that I needed more work and that I
3 should be paid better, she said, well,
4 then just go get a job where someone is
5 going to pay you more. And this was
6 extremely painful for me and my kids, who
7 had like uprooted our lives in order for
8 me to be able to work.

9 In other jobs, I've been
10 discriminated against because I'm Latina.
11 In one of the apartments I clean, someone
12 had entered the basement where the
13 cleaning equipment is kept and stole many
14 things. Even though I had nothing to do
15 with the robbery and there are other
16 cleaners with access to this basement,
17 I'm now the only one who is denied entry
18 to the basement to access cleaning
19 equipment, and I'm also the only Latina
20 that works there.

21 I've worked cleaning apartments
22 in the same building for the past two
23 years. My bosses decide my hours, pay,
24 and work duties. They decide everything,
25 and because of this, legally I should be

1 4/8/19 - LABOR - BILL 190132, ETC.
2 considered an employee, but I'm
3 classified as an independent contractor.
4 They do this to deny me benefits, deny me
5 of my worker protections, and so that
6 they can pay fewer taxes. This is
7 another form of abuse.

8 I don't have any benefits. I
9 don't have a written contract, vacation
10 or paid sick time. In addition, in the
11 City of Philadelphia, I have few legal
12 rights, and this is why I'm fighting for
13 a Domestic Worker Bill of Rights.

14 The most important thing to me
15 is that we have support and someone who
16 has our backs when we experience
17 discrimination and threats. Now if we
18 raise our voices when we're not paid,
19 bosses threaten us because many of us are
20 undocumented. We need real and legal
21 support so that this can't happen. We
22 need fair pay, fair hours, benefits, and
23 protection against threats of
24 retaliation.

25 Our fellow workers in other

1 4/8/19 - LABOR - BILL 190132, ETC.
2 states already have these protections,
3 and it's time we have them as well. This
4 is why we're here today seeking your
5 support.

6 Thank you for listening to me.
7 (Applause.)

8 COUNCILWOMAN PARKER: We know
9 for the record that you do have to go,
10 and I want to say again to the
11 Administration and Ms. Landau, thank you
12 so very much for your patience. We
13 greatly appreciate it.

14 You know, as I'm listening to
15 your testimony, Ms. Shephard, I don't
16 know how many of you have seen the movie
17 The Help. Have you all ever heard of the
18 movie The Help? You know, I'm listening
19 to your testimony. My grandmother and
20 many other black women were the help in
21 the South. It is how they made sure that
22 their children and their grandchildren
23 could get access to opportunities,
24 because they didn't want them to be the
25 help to get treated the way they did down

1 4/8/19 - LABOR - BILL 190132, ETC.
2 South. Now, I'm talking about very, very
3 early on. I'm talking about in the '40s
4 and in the '50s, and to hear you describe
5 that same treatment still taking place
6 today, and we're not talking about the
7 South. We're talking about the North.
8 This is the North, although people still
9 call us Up-South. I don't know if you've
10 ever heard that before, Philadelphia
11 being Up-South.

12 I want to thank you for your
13 courage. I also want to thank you for
14 pointing out an issue that is impacting
15 your industry. Because when I raised it,
16 people only think that we're talking
17 about the construction industry, and you
18 identified something called the
19 misclassification of employees. It's
20 when an employer instead of identifying
21 you as a full-time employee so that they
22 don't have to pay you the benefits, pay
23 into the unemployment compensation and
24 everything that a full-time employee
25 would be eligible for, they classify you

1 4/8/19 - LABOR - BILL 190132, ETC.
2 as an independent contractor. And I've
3 experienced it a lot in my district when
4 non-union contractors come into work into
5 communities, particularly immigrant
6 communities where there is not the
7 ability to speak English fluently.

8 And so I want to thank you for
9 noting that we've got to continue to
10 tackle misclassification of employees,
11 because it doesn't just impact the
12 construction industry. It's also
13 impacting the domestic worker industry.

14 I want to thank you so very
15 much for your courage being here today.

16 And, Councilwoman Sanchez, let
17 me just state for the record that I thank
18 you for bringing up an issue that is dear
19 to my heart, not because I had to read a
20 white paper and/or a stat, but the
21 matriarchs in my family, that's how they
22 sent me to college, right, because they
23 were the help. So I thank you so very
24 much for bringing up the issue.

25 Councilwoman Sanchez, before

1 4/8/19 - LABOR - BILL 190132, ETC.

2 Mrs. Shephard has to go, you want to make
3 any comments or questions?

4 COUNCILWOMAN SANCHEZ: No.

5 Gracias.

6 COUNCILWOMAN PARKER: Thank
7 you.

8 (Applause.)

9 MS. LANDAU: Councilpeople, if
10 you don't mind for one second, before Ms.
11 Shephard has to go, I'd like to just make
12 a statement for all of the members of the
13 Domestic Workers Alliance, including her,
14 to just make sure that everyone knows
15 that domestic workers do have rights in
16 Philadelphia. They do have rights to be
17 free from discrimination --

18 COUNCILWOMAN PARKER: Rue, I'm
19 just going to ask, can the translator
20 just go back over to Mrs. Shephard so
21 that she, as Rue is -- because this
22 message that Rue is giving, she
23 definitely wants her to hear it. So if
24 you could just find a way to take a seat
25 next to her. And if you want to, you can

1 4/8/19 - LABOR - BILL 190132, ETC.

2 come up to the table to translate so
3 everyone can hear you on the record.

4 Thank you, Rue.

5 MS. LANDAU: Oh, no. Thank
6 you. I just want to make sure that Ms.
7 Shephard knows as well as all the other
8 domestic workers here that they do have
9 rights in Philadelphia. There are laws
10 that employers cannot discriminate or
11 harass domestic workers on the job.

12 And also we at the Commission
13 on Human Relations do not unilaterally
14 accept employers' positions that
15 employees are independent contractors.
16 It is a difficult legal analysis and
17 rubric to put somebody into that category
18 of independent contractors. We fight
19 against that. We have won. We have
20 rejected employers' categorization of
21 employees as independent contractors in
22 the past, and they would have to prove
23 that they are indeed under law
24 independent contractors to make them not
25 responsible for the mistreatment of their

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2 workers.

3 THE INTERPRETER: I believe
4 that the official interpreter is
5 interpreting for the Spanish speakers.

6 COUNCILMAN TAUBENBERGER:
7 Councilwoman, just a quick note.

8 While the translator --
9 translator, do not leave for one second.
10 I just wanted to say to Ms. Shephard --
11 if you can translate to her. My Spanish
12 isn't very good -- to say I know it takes
13 great courage to speak.

14 COUNCILWOMAN PARKER: One
15 second, Councilman. I know you want Ms.
16 Shephard to hear your comments. So let's
17 just --

18 COUNCILMAN TAUBENBERGER: Oh,
19 I'm sorry. Thank you.

20 I just wanted to say it takes
21 great courage to come here and speak
22 forward in a language that is otherwise
23 not normally or many times used. It
24 should be used a lot more. And that
25 comes also from personal experience.

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2 When I was a little boy, I did not speak
3 English very well. I think I do okay
4 now. But the fact is, that you're here
5 is very important, because it gives us
6 all a better understanding, and I thank
7 you for that courage.

8 Madam Chair, thank you.

9 And, Ms. Shephard, gracias.

10 COUNCILWOMAN PARKER: Thank
11 you.

12 MS. LANDAU: Thank you. So
13 Chairperson Parker, members of the Labor
14 and Civil Service Committee, thank you
15 for the opportunity to testify in support
16 of Resolution 190193 examining labor
17 standards for domestic workers in
18 Philadelphia. I am Rue Landau, Executive
19 Director of the Philadelphia Commission
20 on Human Relations. The Commission is
21 the City agency that administers and
22 enforces the Fair Practices Ordinance,
23 the law that prohibits discrimination in
24 employment, housing, and public
25 accommodations and the delivery of City

1 4/8/19 - LABOR - BILL 190132, ETC.

2 services in Philadelphia.

3 Just a quick little history
4 lesson for you. The original Fair
5 Practices Ordinance that was enacted in
6 1963 was limited in scope compared to the
7 expansive civil rights laws we have
8 today. It protected employees from
9 discrimination in a small number of
10 categories - race, color, religion,
11 national origin, and ancestry - and it
12 carefully defined who was considered an
13 employer and what constituted employment.
14 Notably, the original Fair Practices
15 Ordinance exempted all domestic workers
16 so that no protections from
17 discrimination were available to them or
18 others employed in a personal or
19 confidential capacity.

20 Over the years, the ordinance
21 was amended to expand protections to
22 include additional vulnerable categories
23 such as sexual orientation, gender
24 identity, breastfeeding mothers, and
25 victims of domestic violence, but still

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2 it did not include domestic workers.
3 This continued until 2011 when my team
4 and I worked with the City's Law
5 Department to overhaul the Fair Practices
6 Ordinance, resulting in an amendment that
7 included domestic workers. This
8 amendment expanded protections to
9 prohibit harassment and on-the-job
10 discrimination of domestic workers, but
11 still exempted them from hiring and
12 firing practices. Specifically, it
13 exempted an employer to express -- it
14 allowed an employer to express a
15 preference in the hiring or firing of an
16 individual as a domestic worker or in a
17 personal or confidential capacity from
18 unlawful discrimination practices.

19 The basis for the exclusion was
20 in response to public input from families
21 who wanted to hire caregivers who matched
22 their cultural and language backgrounds.
23 For example, if a Latinx family wanted to
24 hire a Spanish-speaking nanny for their
25 child or a Chinese American family needed

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2 to hire a Mandarin-speaking caregiver for
3 their non-English-speaking parent, they
4 could do that. This exclusion was
5 intended to allow for cases like this.

6 As our society and economy
7 continues to change, including additional
8 protections for domestic workers in the
9 Fair Practices Ordinance is essential.
10 The FPO provides for many types of
11 monetary relief, including penalties, and
12 authorizes the Commission to issue an
13 order directing a respondent employer who
14 is engaged in an unlawful employment
15 practice to take affirmative action to
16 redress the harms suffered by the
17 complainant. Looking at the exclusion
18 now in 2019, we think it could be
19 improved. The PCHR is supportive of
20 legislation that strengthens protections
21 for domestic workers across our city, and
22 we are currently working with the Law
23 Department to draft language that will
24 enhance these protections while remaining
25 considerate of the hiring and firing

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2 exclusion as it applies to a worker with
3 certain cultural or language backgrounds.

4 Philadelphia should join other
5 cities and states that are responding to
6 the need for stronger rights for domestic
7 workers. Being at the forefront of
8 change often begins with City-level
9 legislation that expands through
10 straight-wide strategy for expansion.
11 Cities like New York and Seattle
12 responded to the campaign of a growing
13 coalition of grassroots organizations
14 consisting of domestic workers and ally
15 organizations. The Pennsylvania Domestic
16 Workers Alliance is gaining the support
17 of area unions and community
18 organizations and estimates that 16,000
19 to 19,000 domestic workers will be
20 impacted by changes in Philadelphia's
21 Fair Practices Ordinance.

22 Philadelphia has always been a
23 leader in civil rights legislation for
24 vulnerable populations, a trend that we
25 should continue by strengthening civil

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2 rights protections for the City's
3 domestic workers.

4 Thank you for the opportunity
5 to testify. I am happy to take any
6 questions.

7 COUNCILWOMAN PARKER: The Chair
8 recognizes Councilwoman Sanchez.

9 COUNCILWOMAN SANCHEZ: Thank
10 you, Rue, for the history lesson around
11 it, and I appreciate the Administration's
12 work on this. I know that we're trying
13 to figure out the how, what it looks like
14 without overcommitting to what we can do
15 here.

16 In your discussions around some
17 of these exclusion pieces, what do you
18 see to be kind of the obstacle to get us
19 to where we want to go?

20 MS. LANDAU: Honestly, the
21 obstacle for -- I see that you should be
22 able to have an exclusion for hiring, so
23 you can choose somebody who meets a
24 cultural and language background. The
25 firing piece is funny, but also makes

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2 sense. If you hired somebody based on
3 their language background so they can
4 speak to your parent and then spoke
5 English the entire time, you should be
6 able to fire them for not using that
7 special gift that you hired them for.
8 And so that's kind of the nuance of the
9 exclusion that we're trying to get
10 around. And it's complicated, but it
11 does feel funny to keep the word firing
12 in there, but it also makes sense in
13 limited circumstances.

14 I will say that I have
15 brilliant commissioners as well as a
16 brilliant staff, and the truth is, we are
17 the enforcers of this law and we know
18 what the intention is, and if you bring
19 the wrong case to us, we'll be able to
20 sniff that out. So we know that we want
21 to do the right thing, even with
22 limitations that exist now, and we'll see
23 if there's a way to enhance it. But
24 you've got our commitment that we know
25 that the spirit of the law is there in

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2 order to provide the most protections and
3 also to provide the extra special
4 cultural and language backgrounds for
5 families.

6 COUNCILWOMAN SANCHEZ: We
7 appreciate that, because it's always in
8 the nuance, right? It's the spirit and
9 the operationalizing of what we're trying
10 to do.

11 And so you know I love me some
12 Rue. Rue always finds the way, not the
13 "no."

14 So I appreciate your work, and
15 I look forward to working with you and
16 Deputy Mayor Lazer as we move forward.

17 Thank you.

18 MS. LANDAU: Thank you. Thank
19 you for this too.

20 COUNCILWOMAN PARKER: Thank
21 you.

22 And, Rue, I want to say too
23 also thank you for the history lesson,
24 because I did not know that it was
25 actually the Human Relations Commission

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2 that had made these adjustments to ensure
3 that domestic workers were actually
4 included.

5 With that being said, tell me,
6 if you will, based on work that we've
7 seen in other regions who have already
8 done this, what does enforcement look
9 like in other areas? Like I don't know.
10 How are they enforcing it?

11 MS. LANDAU: I'm not sure
12 exactly, and I bet the Domestic Workers
13 Alliance will be able to do this, but let
14 me tell you why we added it in.

15 When I first got to the
16 Commission in 2008, we kept seeing cases
17 that we couldn't take based on many
18 limitations of the law. And the one I
19 remember, the reason why we knew we had
20 to include domestic workers was, there's
21 a disabled -- there's a husband and wife.
22 Wife is disabled in a wheelchair, and
23 they got a caregiver to come in and take
24 care of the wife. I believe she was
25 Caribbean. She was black Caribbean, and

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2 when she got there, the husband started
3 to racially harass her. And she couldn't
4 take it anymore and she had to quit that
5 job, and she came to file a complaint
6 with us, and based on that blanket
7 exclusion that we didn't take any
8 domestic workers or people in a personal
9 or confidential capacity, we couldn't
10 take her case. And that was outrageous,
11 and we knew it. And so when we knew we
12 were doing the overhaul, we had to make
13 that change, that when you're on the job,
14 you should be free from discrimination,
15 you should be free from harassment,
16 you're allowed to do your job without
17 experiencing all of these harms and
18 injustices. And now anybody who is
19 experiencing that can come and file a
20 complaint with us.

21 COUNCILWOMAN PARKER: Thank
22 you.

23 The Chair recognizes
24 Councilwoman Gym.

25 COUNCILWOMAN GYM: Yes. Thank

1 4/8/19 - LABOR - BILL 190132, ETC.

2 you very much, Madam Chair.

3 The question is for Mr. Lazer.

4 So the fair workweek law allowed for a
5 budgetary allotment --

6 DEPUTY MAYOR LAZER: Yes.

7 COUNCILWOMAN GYM: -- for two
8 additional employees within your office.

9 DEPUTY MAYOR LAZER: Correct.

10 COUNCILWOMAN GYM: Should we
11 move forward on expanding protections for
12 domestic workers, do you anticipate that
13 some of their work could go towards
14 education and outreach?

15 DEPUTY MAYOR LAZER: Yeah,
16 definitely. I think the biggest piece of
17 the budget increase is definitely for
18 education and outreach. I think that's
19 where we were lacking, and every year
20 this Council always helps me, and we grow
21 that office. So if we take this on, I
22 think education and outreach is going to
23 be one of the number one issues that
24 we're going to have to take care of.

25 COUNCILWOMAN GYM: Great.

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2 And then I think I'm going to
3 just jump ahead with some of NDWA's
4 testimony, but New York established a
5 domestic worker legal clinic doing a
6 collaborative enforcement model between
7 government agencies and CBOs. So I think
8 we need to discuss that a little bit, in
9 part because this is about wage theft,
10 paid sick, fair workweek, pay equity, pay
11 equity -- can we be clear on that, pay
12 equity -- and potentially a Domestic
13 Worker Bill of Rights. So those types of
14 things I think are critically important
15 in order to educate people about their
16 rights, but also to let employers know
17 that we're serious about enforcement and
18 enforcement action.

19 So as you're evolving that, is
20 that something you're willing to have a
21 conversation about?

22 DEPUTY MAYOR LAZER:
23 Definitely. We need all the help we can
24 get.

25 COUNCILWOMAN GYM: Thank you

1 4/8/19 - LABOR - BILL 190132, ETC.

2 very much.

3 COUNCILWOMAN PARKER: Thank you
4 both for your testimony.

5 MS. LANDAU: Thank you very
6 much.

7 DEPUTY MAYOR LAZER: Thank you.

8 COUNCILWOMAN PARKER: Will the
9 Clerk call the next panel.

10 THE CLERK: Allison Julien,
11 Janet Ginzberg, Maria del Carmen Diaz,
12 and Erika Almiron.

13 (Witnesses approached witness
14 table.)

15 COUNCILWOMAN PARKER: Thank
16 you. Just please state your name for the
17 record.

18 We want you, the interpreter,
19 to come and have a seat at the table and
20 take the other microphone.

21 And we want to thank all of you
22 here in the Chambers for your patience
23 and each of you, because this is the
24 first time that we have actually used an
25 interpreter. And so we're setting some

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2 history here today, right, on how we're
3 supposed to get this right.

4 (Applause.)

5 MS. DIAZ (through interpreter):

6 Hello. I'm Maria del Carmen Diaz and I'm
7 from Mexico, and I have been working here
8 in Philadelphia for 24 years. I'm a
9 member of the Pennsylvania Domestic
10 Workers Alliance, and I'm here
11 representing 16,000 domestic workers in
12 our city. Even though we are a new
13 organization as the only domestic worker
14 organization in Pennsylvania, we are
15 fighting to improve our labor conditions
16 as domestic workers. We are throughout
17 the City and working in your homes, in
18 silence, in the shadows. We take care of
19 your children and care for your parents
20 and grandparents. We're almost like
21 parents to you. We want to have the same
22 rights, and we are using our voices to
23 have a Domestic Worker Bill of Rights,
24 because we all deserve dignity, respect,
25 and equality.

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2 I don't want to read what's
3 written here. I want to tell you from my
4 heart. I've worked here for 24 years. I
5 have a lot of experience taking care of
6 children and people that I would say are
7 of the third age and the experiences I've
8 had.

9 I'm sorry. I've gone through a
10 lot of things. I have had people say, I
11 can't pay you. I finished a job and then
12 they say, I'm sorry, I can't pay you, I'm
13 getting divorced.

14 And I say, but I'm not getting
15 divorced.

16 And, you know, like now we're
17 laughing about it, but when it happens to
18 you at that moment, you say what's going
19 on here. And sometimes people will say,
20 I'm just going to pay you this because
21 this is a lot of money in Mexico.

22 And I say, well, where's your
23 house? It's ridiculous.

24 I worked in Chestnut Hill, and
25 they had it on me because of the color of

1 4/8/19 - LABOR - BILL 190132, ETC.

2 my skin.

3 Now I'm going to read.

4 As an Alliance, we're fighting
5 here in Philadelphia because Philadelphia
6 is now a prosperous modern city, and it's
7 time for us domestic workers to come out
8 of the closet. We appreciate all of the
9 support that you're giving us, and we're
10 going to keep working, because I'm hoping
11 to retire soon. I appreciate the Council
12 and everyone who is present here today,
13 and I hope that together we will achieve
14 dignity, respect, and rights.

15 Thank you so much.

16 (Applause.)

17 MS. JULIEN: Good morning,
18 everyone. My name is Allison Julien and
19 I'm the co-founder, one of the
20 co-founders, of the National Domestic
21 Workers Alliance, the leading voice for
22 the 2.5 million domestic workers in the
23 United States. We have 65 affiliate
24 organizations, including the Pennsylvania
25 Domestic Workers Alliance. For over 25

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2 years, I worked as a professional nanny
3 and was a key leader in a seven-year
4 campaign to win the New York Domestic
5 Workers Bill of Rights in 2010, the first
6 in this country.

7 I am here today to speak in
8 support of Philadelphia's 16,000 domestic
9 workers and the critical need for the
10 Domestic Worker Bill of Rights.

11 Domestic workers do the most
12 important work, the work that makes all
13 other work possible, allowing others to
14 go to work with the peace of mind knowing
15 that their children and elderly parents
16 and homes are safe. Despite this, black
17 and brown women under the New Deal Era
18 were systematically excluded from major
19 labor laws. We do not all afford --
20 sorry. We are not all afforded the same
21 economic stability, safety, and dignity
22 at work. These exclusions are rooted in
23 a legacy of slavery and racism.

24 Over the last eight years, the
25 National Domestic Workers Alliance has

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2 successfully passed bill of rights in
3 eight states, including the City of
4 Seattle. And I just want to update this.
5 As of last week, we had nine states. New
6 Mexico became state No. 9.

7 (Applause.)

8 MS. JULIEN: The New York Bill
9 of Rights secured the floor for domestic
10 workers. We have seen a dramatic
11 improvement in working conditions since
12 our victory. Across the City and state,
13 domestic workers are getting paid time
14 off to take care of themselves and their
15 family members when they are sick. More
16 employers are coming into compliance with
17 paying overtime, and domestic work is
18 increasingly seen and treated as real
19 work.

20 In New York, we have
21 established a domestic worker legal
22 clinic based on a co-enforcement model
23 between government agencies and community
24 organizations. As a part of our legal
25 clinic, we run targeted outreach

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2 strategies to educate hundreds of
3 domestic workers about their rights each
4 year, and we screen them for potential
5 workplace violations that can be
6 enforced. Many workers have worked with
7 us to file their wage theft claims and
8 send demand letters to employers. In the
9 last three years, we have recovered more
10 than a half a million dollars in stolen
11 wages for workers. At the same time, the
12 domestic workers are becoming more deeply
13 involved in the National Domestic Workers
14 Alliance and supporting each other to
15 better navigate the industry.

16 None of this would have been
17 possible without the New York Domestic
18 Worker Bill of Rights.

19 Our national movement is
20 following Philadelphia's progress to pass
21 legislation that can become a standard
22 bearer across the country. This can be
23 accomplished by learning from the
24 challenges of two key areas - enforcement
25 of the law and winning paid time off for

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2 all domestic workers.

3 In New York, we are still
4 organizing to make sure there are clear
5 ways to hold employers accountable when
6 the laws are violated. Like Seattle, we
7 believe that enacting a Domestic Worker
8 Standards Enforcement Board within our
9 legislation is a critical way to ensure
10 the law is upheld. Providing paid time
11 off for all domestic workers is another
12 way for Philadelphia to become a nation's
13 leader.

14 Domestic work is hard work and
15 often times cause physical strain on the
16 workers' bodies. Every worker deserves
17 time off without fear of not making rent
18 or getting evicted. It requires
19 innovation to provide benefits for
20 domestic workers who work more than 60
21 hours a week for many employers.
22 Commitments to exploring a citywide
23 portable benefits system and expanding
24 paid sick leave to full-time and
25 part-time workers will provide enormous

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2 material gains for domestic workers and
3 cement Philadelphia's leadership on
4 worker justice issues.

5 Today I am proud to stand
6 strongly with my sisters in the
7 Philadelphia and Pennsylvania Domestic
8 Workers Alliance to bring the movement
9 for domestic workers justice to the City
10 of Brotherly Love and Sisterly Affection.

11 Thank you so much for your
12 time.

13 (Applause.)

14 MS. ALMIRON: Good afternoon,
15 members of Council. My name is Erika
16 Almiron. I just wanted to speak a little
17 bit on my experience and also -- I'm just
18 going to start. This is a very personal
19 issue to me.

20 So my name is Erika and I have
21 been an activist and social justice
22 organizer for 20 years. The last eight
23 years of that has been as the Executive
24 Director of Juntos, but I'm not actually
25 here to talk about my time as an

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2 Executive Director, because this is
3 actually an issue that is way closer to
4 me.

5 Some of my earliest memories
6 actually in my life, I can almost say
7 from the time I was about three years
8 old, were actually in some of the luxury
9 high-rise apartments that my mom would
10 clean. Usually when she was cleaning the
11 kitchen, I would be in the dining room or
12 on the table coloring books. When she
13 would be in the bathroom, I would be the
14 one that would sit with her and she would
15 try to teach me how to read. That was
16 the earliest, earliest memories of my
17 childhood.

18 I then went on in high school,
19 and my mother at that point would help
20 other women to find jobs. It was
21 actually -- she would have kind of a
22 pseudo support network of women who were
23 domestic workers, and when they would
24 first come to the country, they knew to
25 come to my mother to look for work. And

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2 she would find them jobs and she would
3 help them learn a little bit of English
4 just so that they could survive in the
5 workforce, and she would also be the one
6 that would get the calls if the
7 households were abusive. So also in my
8 high school years, I remember riding with
9 my mother in a car several times in the
10 middle of the night to pick up women from
11 homes, many of them up on the Main Line
12 or in Chestnut Hill, and the only way for
13 them to escape some of these abusive
14 behaviors were to be basically secretly
15 ridden off in the middle of the night.

16 I then also during my -- my
17 parents were continuously being -- are
18 still domestic workers. They wanted to
19 come today and couldn't because they were
20 actually cleaning houses this morning.
21 And so in my high school years when they
22 started doing more domestic work, I would
23 frequently help them. So I myself have
24 cleaned houses. I have also served as a
25 nanny a lot of my 20's. It's actually

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2 how we paid for my first year of college,
3 was in domestic work.

4 I just kind of want to give you
5 the full breadth of the experiences. In
6 the last eight years as the Executive
7 Director of Juntos, I actually spent many
8 hours talking to women who would come in
9 about all of the ways that they
10 experienced abuse as domestic workers.
11 Some cases were so excruciatingly painful
12 that I could only describe them as
13 indentured servitude or slavery.

14 And I think there was a lot
15 already that has been said around the
16 purposeful exclusion of domestic workers
17 and agricultural workers in labor laws in
18 the '30s that can only be attributed to
19 racism and the effects of the hate
20 actually on black and brown and immigrant
21 women and men in this country.

22 I'm actually becoming --
23 because I spent a lot of time talking to
24 family members, loved ones, and community
25 members about how important this is here

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2 in Philadelphia, of the 16,000 workers
3 and families who are impacted by this and
4 of what we could actually do, and I
5 actually created a little list. I don't
6 know if it matches, but this is my dream
7 list of ways that we could support
8 domestic workers.

9 I think that we should have a
10 bill of rights that ensures domestic
11 workers receive overtime pay for over 40
12 hours. I have seen many times women will
13 work and then hours get added at the end
14 of the day. Can you do my laundry? Can
15 you pick up my kids from school? Can you
16 do this? And an eight-hour day all the
17 sudden turns into a 12- to 13-hour day.
18 Those hours are not paid for. I've
19 actually seen where women are then
20 in-house nannies and they're staying in
21 the house and now they're waking up in
22 the middle of the night to take care of
23 children, and these are hours that are
24 not compensated for.

25 I think that we should have

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2 advanced noticing of scheduling. A lot
3 of the women will get to a situation
4 where the day before or the day of
5 they'll get cancelled on and then not get
6 paid, and that's money that they're
7 expecting. So it goes both ways. It's
8 either too many hours or the hours are
9 cut really like abruptly.

10 Written agreement with
11 employers I think are valid and important
12 to make sure that there are contracts and
13 people know exactly what the expectations
14 are.

15 That we guarantee them a living
16 wage. I think sometimes for the hours
17 that we see them working, many women who
18 do this kind of work actually make less
19 than minimum wage.

20 Paid days off, including sick
21 leave and personal days. Many times
22 families don't get days off. Women don't
23 get days off.

24 Health insurance. My father
25 had gotten lung cancer as a domestic

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2 worker and we had no health insurance and
3 we had to figure out how to navigate
4 that. And my mother now, she's in her
5 60's and has to have her knees replaced
6 after all those years of bending down and
7 cleaning. So health insurance.

8 Retirement benefits.

9 And any recourse against sexual
10 harassment and any kind of
11 discrimination.

12 I think these are just things
13 that I think are dreamless and I think
14 are important to kind of highlight. I
15 wish my mother could have been here with
16 you guys today for you guys to hear from
17 her directly. She can't, so I'm going to
18 be the voice for her and for all of the
19 women that I have experienced and lived
20 with all of my life who have done this
21 work.

22 Thank you very much for your
23 time, and thank you to the women who have
24 taken the time to introduce this,
25 Councilwomen Gym, Sanchez, and Parker.

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2 Thank you.

3 (Applause.)

4 MS. GINZBERG: Good afternoon
5 already. Good afternoon, members of City
6 Council. Thank you for the opportunity
7 of having me come speak with you today
8 about this important and underserved
9 segment of the Philadelphia community.

10 My name is Janet Ginzberg and I am Senior
11 Staff Attorney at Community Legal
12 Services in the Employment Unit.

13 The Employment Unit at CLS
14 represents low-income Philadelphians in a
15 variety of job-related issues such as
16 discrimination, wage claims, Family
17 Medical Leave, disability benefits, and
18 barriers to employment such as criminal
19 records and child abuse records. Among
20 the many employment problems we see in
21 the low-wage workforce are those
22 confronted by individuals, mainly women,
23 who work in other people's homes working
24 as housekeepers, nannies, cooks. They
25 provide valuable, even essential,

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2 services to others and provide important
3 contributions to the City of
4 Philadelphia's economy and prosperity.

5 However, despite the essential
6 nature of their work, domestic workers
7 are a particularly vulnerable segment of
8 our economy, due in part to the power
9 imbalance in the employment relationship
10 and exacerbated by their isolation and
11 causing their work to be mostly
12 invisible. For this reason, Community
13 Legal Services is very pleased to see
14 City Council addressing this issue and
15 are honored to be able to participate in
16 helping to create whatever great new
17 framework we can create.

18 Domestic workers are often
19 women, immigrants, and people of color.
20 Since their work is often solitary and
21 inside of private homes, they are more
22 isolated from other workers and the
23 general public than most of our clients
24 are. While all workers are at risk of
25 being mistreated, of not being paid for

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2 the work that they've done, of being
3 harassed, of having their schedules
4 rearranged without notice, domestic
5 workers, in part due to their isolation,
6 are less aware of what rights they have
7 to redress wrongs that are done to them.
8 Indeed, unfortunately in many cases they
9 have even fewer rights under state and
10 federal labor laws than most other
11 workers. Due to the informal nature of
12 their work, they have no safety net to
13 fall back on in case of job loss, as the
14 households employing them are not
15 contributing to unemployment comp or
16 workers' comp system, leaving the worker
17 more dependent on the job and less likely
18 to make a complaint of wage theft, sexual
19 harassment, et cetera. Some are further
20 dependent on the job for housing. We
21 have seen domestic workers exploited
22 because of their vulnerability or
23 perceived vulnerability.

24 Through coalitions representing
25 domestic workers and through our

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2 experience representing domestic workers
3 over the years, we have identified some
4 of the areas most in need of attention
5 for domestic workers.

6 First, pay. Domestic work
7 tends to be among the lowest paid work in
8 our region. Domestic workers in
9 Philadelphia earn an average of \$10,100
10 per year. In part, the low wage reflects
11 the fact that domestic workers are exempt
12 under state law from minimum wage
13 requirements. They are also exempt under
14 state law from requirements to pay
15 overtime. While there is some protection
16 under federal law for minimum wage and
17 overtime, it doesn't cover everybody, and
18 the laws are very spotty and difficult to
19 enforce. Therefore, many domestic
20 workers in Philadelphia are being paid
21 less than the \$7.25 an hour for what is
22 often a particularly long and brutal work
23 schedule.

24 We encourage City Council to
25 explore the state minimum wage and

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2 overtime rules to determine whether there
3 is some legal flexibility for working
4 around the state preemptions to ensure
5 that domestic workers are paid more
6 humanely. At the very least, we urge
7 City Council to pass legislation that
8 would help ensure that domestic workers
9 actually get paid properly for the work
10 that they have done.

11 Second, protection from
12 retaliation. Domestic workers often find
13 themselves facing threats of various
14 kinds from employers from whom they seek
15 redress for wage theft or other wrongful
16 employment actions. Immigrant workers
17 are particularly vulnerable in this
18 regard, facing threats from employers to
19 turn them into immigration officials. We
20 urge City Council to pass legislation
21 that would make such threats unlawful and
22 provide remedies and avenues for
23 enforcement so that domestic workers
24 faced with such retaliation have a
25 mechanism for protecting their rights.

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2 Third, written agreements.

3 Many domestic workers that we have spoken
4 with have expressed frustration at the
5 uncertainty caused by the informal and
6 tenuous nature of their employment
7 relationships. They are regularly asked
8 to do, without any extra pay, tasks that
9 they believe fall outside of the scope of
10 what they were hired to do or work beyond
11 their agreed-upon hours. Employers
12 cancel at a moment's notice or
13 unilaterally change the hours of work.
14 Disagreements arise about what the rate
15 of pay is. A written agreement that
16 spells out many of these factors would
17 put domestic workers on a more stable
18 footing in case of a dispute over terms
19 or conditions. We urge City Council to
20 explore ways of facilitating the use of
21 written agreements between domestic
22 workers and their employers.

23 Fourth, freedom from
24 discrimination. The Philadelphia Fair
25 Practices Ordinance currently exempts

1 4/8/19 - LABOR - BILL 190132, ETC.
2 domestic workers from protection against
3 discrimination in hiring and firing
4 practices. We urge City Council to
5 repeal that exemption and provide
6 domestic workers with all of the same
7 protections afforded to other workers.

8 Finally, access to sick time
9 and other job benefits. As I stated
10 earlier, domestic workers often work
11 brutal hours, not uncommonly working 60
12 hours in one week, often for multiple
13 employers, and are both caring for the
14 young or infirm or exposed to their
15 illnesses. Given the way their
16 employment is structured, they usually
17 are not eligible for certain kinds of
18 benefits and rights available to other
19 workers such as paid sick time, family
20 leave, and vacation time, and most are
21 not covered by health insurance.

22 There is growing interest, as
23 it's been discussed, in establishing
24 systems whereby domestic workers can
25 accrue benefits that are portable; for

1 4/8/19 - LABOR - BILL 190132, ETC.
2 example, through benefit banks run by
3 local governments or non-profit
4 organizations. We urge City Council to
5 explore methods of making benefits for
6 domestic workers portable across
7 employers.

8 We at Community Legal Services
9 believe that all workers should be
10 treated lawfully and with respect, to be
11 able to maintain dignity at their work.
12 We applaud City Council for recognizing
13 and taking up this important cause and
14 urge you to do all that is within your
15 power to protect and empower this
16 important workforce, and we look forward
17 to working with you in this venture.

18 (Applause.)

19 COUNCILWOMAN PARKER: Thank
20 you.

21 Thank you all for your
22 testimony. I also just want to note for
23 the record that we also have testimony
24 from the Pennsylvania Domestic Workers
25 Alliance. They have submitted this for

1 4/8/19 - LABOR - BILL 190132, ETC.
2 the record. In addition to that, from
3 Penn's Arts and Sciences, Assistant
4 Professor of Sociology, Pilar
5 Gonalons-Pons. And if I just screwed up
6 your name, charge it to my head and not
7 my heart. And Hand in Hand, the Domestic
8 Employers Network, from Elana Baurer,
9 member of Hand in Hand. We will be
10 submitting all of this to the
11 stenographer so this is a part of the
12 notes of testimony for the hearing.

13 The Chair recognizes
14 Councilwoman Sanchez.

15 COUNCILWOMAN SANCHEZ: Thank
16 you. Thanks again, Madam Chairwoman, for
17 allowing us to have this public
18 discussion.

19 Allison, I want to thank you
20 from New York for your leadership and for
21 coming down here today in solidarity to
22 the women. I think that's hugely
23 important. I really do look forward to
24 working with CLS. As I was mentioning to
25 Councilwoman Gym here, how we

1 4/8/19 - LABOR - BILL 190132, ETC.
2 operationalize this is hugely important,
3 because this sector is very much
4 underground, and we want people to feel
5 protected, that they're going to come
6 forward and that they're going to be
7 protected. We really do look forward to
8 working with that.

9 Erika, thank you for sharing
10 your story. Councilwoman Parker for her
11 personal story.

12 You know, I often tell people,
13 16,000 people is people -- your family
14 members. I have an aunt and a cousin,
15 and this impacts just the regular family
16 discussion every time you sit down at the
17 table. All I hear are the stories,
18 right, of what happened today, what crazy
19 thing, and every time you thought you've
20 heard about the worst crazy story, the
21 next dinner there's something even
22 crazier.

23 But I really do appreciate the
24 Administration's willingness to really
25 figure out how we uplift these

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2 16,000-plus workers, as I said, who are
3 crucial to the stability of homes all
4 across the City of Philadelphia. So
5 thank you all very much.

6 Thank you, Councilwoman Gym,
7 Councilwoman Parker, and the enlightened
8 man here, Councilman Taubenberger, for
9 joining us and really supporting us.
10 Thank you very much.

11 COUNCILWOMAN PARKER:
12 Councilwoman Gym.

13 COUNCILWOMAN GYM: Thank you
14 very much, Madam Chair.

15 I also want to thank this panel
16 and for the previous panel who spoke
17 earlier for your incredible stories and
18 courage. We heard them almost a year
19 ago, I think, or last fall when a number
20 of domestic workers came forward and told
21 us their stories about abuse and
22 harassment, in particular wage theft and
23 other things that happened to folks in
24 the underground economy and why it's so
25 important for us to include them in our

1 4/8/19 - LABOR - BILL 190132, ETC.

2 larger scope of worker protection.

3 I really want to thank this
4 panel, of course, especially CLS. You've
5 been a wonderful partner. And Erika,
6 beautiful, powerful words for today.

7 And then my question is for
8 Allison. Thank you so much for the
9 incredible work that National Domestic
10 Workers Alliance has done to uplift women
11 and working people all across this
12 country, and you've made it a human
13 rights issue. You've made it an
14 incredible issue for our country to pay
15 attention to. But I know that you've
16 seen this -- as you've seen and worked
17 with states across the country to develop
18 out protections for workers and as we
19 look at it here in Philadelphia where we
20 do actually have quite a few laws on the
21 books but have not traditionally done a
22 lot around the enforcement aspect, what
23 do you think for us is the most important
24 thing we need to start off with in
25 enforcing labor protections for domestic

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2 workers and for others as well?

3 MS. JULIEN: Thanks for your
4 question. Enforcement is extremely
5 important and necessary, and we see this
6 in New York even after the Domestic
7 Worker Bill of Rights was won that
8 enforcement is really key to making
9 certain that employers understand what
10 the laws are for them as employers and
11 workers also understand what the laws are
12 for them as workers. So that's key and
13 it's very important.

14 We see that it's very important
15 to understanding the mapping, so
16 understanding where workers are, what the
17 conditions they're working under, how
18 they're being paid or not being paid, and
19 how it is that they're seeing the
20 importance of domestic worker rights as
21 it benefits them.

22 It's also extremely important
23 that we organize domestic workers into
24 the labor movement. We can't move this
25 work forward unless we're building

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2 communities of domestic workers,
3 communities of employers, communities of
4 legislators, faith-based organizations,
5 unions, and the list goes on. We are all
6 in community together, and it's important
7 that we see the value of domestic workers
8 in our community as a whole and the
9 importance for us to be recognized in the
10 labor movement, because for many years,
11 we've been excluded, and the work that
12 domestic workers do across this country
13 is -- it's necessary. So we want to see
14 the voice of domestic workers lifted up.

15 We know that education and know
16 your rights are not enough. They're
17 important, but it's not enough. And we
18 want to make certain that enforcement is
19 constructed in a way that we in New York
20 are using enforcement as an outreach tool
21 where we have workers -- and many of the
22 sisters from New York are in the room
23 today. So many of these sisters are in
24 the park talking to other workers. So
25 using outreach as a strategy and as a

1 4/8/19 - LABOR - BILL 190132, ETC.
2 tool to reach other domestic workers, we
3 see we have a base of our worker leaders
4 we're training up to become case
5 managers. So there are issues spotting
6 the issues, and it's very easy within a
7 two-minute conversation to tell the
8 issues that domestic workers are facing
9 on the job, and from there, we bring
10 these workers into our legal clinic where
11 we support them in going after stolen
12 wages. And as you can imagine, this
13 industry is an industry where there are
14 many immigrant women of color, many of
15 whom are undocumented, and in this
16 current political moment, it's extremely
17 hard for workers to come forward. So
18 building trust and building community is
19 at the forefront of the work that we're
20 doing as we're organizing domestic
21 workers.

22 We've also invested in the
23 co-enforcement models where we've been
24 partnering with city agencies and other
25 community-based organizations to really

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2 think about this industry as a whole.
3 Again, I often times say that domestic
4 work is America's best kept secret 2019.
5 And we want to really pay attention to
6 what these problems are and what are some
7 of the strategies that we're using to
8 fill the gaps so that we can see this
9 labor -- this workforce as a full
10 workforce and to have protections in
11 place to benefit all domestic workers.

12 COUNCILWOMAN GYM: Yeah. I
13 think that your co-enforcement model is
14 the one that I'm most interested in,
15 especially if you front-load it. So
16 we've been doing this work a lot with
17 renters and with CLS working with renters
18 who face eviction proceedings. Again,
19 another thing where we have expanded a
20 legal defense fund for renters, but we
21 need to let them know their rights. And
22 sometimes we as a government entity can
23 put an individual there, but if that
24 individual is there but no one is
25 bringing them to them, then we're not

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2 going to make the match even if we had
3 the intent right, the resources are
4 there.

5 So I'm interested in, in New
6 York was the -- was the co-enforcement
7 plan, like was it front-loaded and do you
8 have like a direct relationship with the
9 city agencies? Like we contract, for
10 example, with CLS to do the education and
11 some of the outreach. And is that the
12 model that we're looking for potentially
13 here?

14 MS. JULIEN: Yes. So in New
15 York, we've been very fortunate to work
16 with a local law firm called the Urban
17 Justice Center. We've partnered very
18 closely with the Department of Labor as
19 well as many of the city agencies, and in
20 our own worker development, we have a
21 team of ground-breakers, and they're
22 worker leaders who are domestic workers,
23 who we've trained up to understand what
24 the law is, to understand issues spotted,
25 and to go out into the field, "field"

1 4/8/19 - LABOR - BILL 190132, ETC.

2 meaning the parks, the libraries, the bus
3 stations, wherever domestic workers are,
4 and really engage these workers in a
5 conversation to find out more about their
6 working conditions. And through that
7 model, what we've been learning -- we
8 went from a pilot stage into our second
9 or third year of running this
10 ground-breaker program -- is that we see
11 these workers can be investigators,
12 possibly hopefully one day working with
13 the Department of Labor, to help inform
14 the investigators in the Department of
15 Labor as to how this work is different.

16 Domestic workers work in
17 isolation, and the way they work is very
18 different to many other workforces. So
19 we want to really see how using these
20 worker leaders and using their wisdom and
21 their insight to really help us navigate
22 this industry as a tool for us to
23 continue building the pot.

24 COUNCILWOMAN GYM: Thank you
25 very much.

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2 MS. JULIEN: You're very
3 welcome.

4 COUNCILWOMAN GYM: I know that
5 we were talking earlier about the
6 importance of the direct outreach, mostly
7 language access. I know we don't have as
8 many APIs represented here, but Latina,
9 Chinese, many Southeast Asian are also
10 deeply impacted by this.

11 MS. JULIEN: If I can just add.
12 Sorry. Across the National Domestic
13 Workers Alliance, we actually do have
14 communities and about nine or more ethnic
15 groups. So we have interpretation,
16 translation. And in New York alone,
17 there are over 13 different groups that
18 we provide interpretation and translation
19 to. So we're not just talking about
20 English speakers. We want to really
21 facilitate the needs of all the folks who
22 are doing this work across language
23 barriers.

24 COUNCILWOMAN GYM: Absolutely.
25 And I know that in particular the

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2 language access issue is so critical,
3 because the more marginalized people are,
4 particularly around language access, but
5 also in terms of the limited number of
6 languages that are spoken. So if we have
7 Bengali or some of our other South Asian
8 workers without the appropriate language
9 services here in City government, while
10 we may cover the majority, it's actually
11 that small minority of people who speak
12 or do or some of our other languages who
13 become incredibly vulnerable to abuse.
14 So I appreciate your pointing that out.
15 I particularly appreciate the
16 co-enforcement model, and we would love
17 to continue to take a look at your work
18 and see how we can do that better, not
19 only in terms of this particular bill but
20 across the board. I think it's essential
21 that we marry organizing with government
22 agencies and with the law to ensure that
23 we have the most robust protections and
24 actually that we end up supporting one
25 another in making sure that people feel

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2 safe, protected, and included as part of
3 our broader society.

4 Thank you so much.

5 MS. JULIEN: Thank you.

6 COUNCILWOMAN GYM: Thank you.

7 COUNCILWOMAN PARKER: Thank
8 you.

9 The Chair recognizes Councilman
10 Taubenberger.

11 COUNCILMAN TAUBENBERGER: Madam
12 Chair, thank you very much.

13 And, Councilwoman Sanchez,
14 thank you so very much for your
15 leadership on this issue and for everyone
16 staying here as well and putting this
17 forward.

18 As a child of immigrants, I
19 know full well about domestic work. My
20 mother was a domestic worker and so were
21 all of my aunts and one uncle, all
22 domestic workers. They came in the
23 1930s, and the issues that you raise
24 today were similar to what was in the
25 1930s. And the language portion that you

1 4/8/19 - LABOR - BILL 190132, ETC.
2 put forward is also very important. Many
3 times people discriminated because of
4 your accent. And coming from Germany in
5 the 1930s was not really -- you know, you
6 weren't always welcomed with big arms
7 around you. You had to work hard, and
8 many times you were discriminated.

9 So the issues you raise today
10 have been around unfortunately too long,
11 and I am all ears on remedies to end
12 this. So I just want to let you know
13 that you have someone that you might not
14 have thought was in your corner but is
15 very much so, because it's very much a
16 part of our family legacy.

17 Thank you.

18 (Applause.)

19 COUNCILWOMAN PARKER: Thank
20 you.

21 Are there any other questions
22 for this panel?

23 (No response.)

24 COUNCILWOMAN PARKER: Listen,
25 we want to thank you all so very much for

1 4/8/19 - LABOR - BILL 190132, ETC.
2 your testimony. I hope we see here that
3 racism, sexism, classism, they're -- what
4 do you call it? They're siamese twins.
5 Homophobia, xenophobia, and all of the
6 other phobias that we can think of.
7 These are ties that bind here today. And
8 who would have thought that a person of
9 German descent, for me to hear my
10 colleague Councilman Taubenberger note
11 that his mother and the matriarchs in his
12 family were domestics, that it's not just
13 the story of African American women down
14 South that we know, but the Hispanic
15 community also, the African community. I
16 mean, Councilwoman Sanchez, this is
17 something that will bind us and
18 demonstrate the connectedness and that we
19 all have so much more in common despite
20 the language we speak, the color of our
21 skin, and all of those things people use
22 to try to divide us and keep us apart.
23 So thank you all so very much
24 for being here. Thank you so much.
25 (Applause.)

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2 COUNCILWOMAN PARKER: Is there
3 anyone else here who wishes to testify?

4 (No response.)

5 COUNCILWOMAN PARKER: We want
6 to thank you all so very much. We're
7 going to conclude this hearing, and
8 Councilwoman Sanchez, we're going to make
9 sure that the notes of testimony, we'll
10 get them to your office, because I'm sure
11 all of the organizations here, especially
12 in your efforts to work across the
13 nation, this information on the record,
14 Councilwoman, can inform the national
15 discussion. So we'll make sure you get
16 that.

17 Thank you all so very much for
18 your participation.

19 There's no one here to testify.
20 This concludes the business of the
21 Committee on Labor and Civil Service for
22 today. This public hearing on
23 Resolutions No. 190196 and 190193 is
24 recessed to the call of the Chair.

25 Thank you all very much.

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2 (Committee on Labor and Civil
3 Services adjourned at 12:40 p.m.)

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CERTIFICATE

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

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