

Committee on Labor and Civil Service
May 6, 2019

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

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, May 6, 2019
10:00 a.m.

PRESENT:

COUNCILWOMAN CHERELLE PARKER, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN HELEN GYM
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN AL TAUBENBERGER

BILL: 190315 and 190316

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1 COUNCILWOMAN PARKER: Good morning. This
2 hearing is called to order. This is a public
3 hearing of the City Council Committee on Labor
4 and Civil Service. The purpose of this public
5 hearing is to hear testimony on Bill Nos.
6 190315 and 190316.

7 I recognize the presence of a Quorum of
8 Committee members. Members of the Committee in
9 attendance are, to my right, Councilman Al
10 Taubenberger, to my left, Councilman Derek
11 Green. And I also want to note the presence of
12 Council President Darrell Clarke.

13 Before we begin, I want to ask any of my
14 colleagues, do any of you want to make any
15 comments on the bills?

16 (No response.)

17 COUNCILWOMAN PARKER: Let me just note for
18 the record, and particularly for the benefit of
19 those who are watching at home, I want to give
20 you a little background relative to process.

21 In about January of this year, I had an
22 opportunity to meet with residents of the 9th
23 Councilmanic District that I represent, who are
24 also workers in the parking industry. After

1 communicating with them, I also met with
2 members of the parking industry. I informed
3 them that I would be working on some
4 legislation relative to the issues that were
5 presented to me.

6 On March the 14th, I introduced a
7 resolution calling on this Committee to hold
8 hearings regarding parking workers deserving a
9 living wage.

10 After the introduction of the resolution,
11 I attended a press conference hosted by 32BJ on
12 March the 19th. At this press conference, we
13 heard from 32BJ, POWER, Steve Herzenberg from
14 The Keystone Research Center, and several
15 parking workers.

16 On April the 8th, this Committee held the
17 hearing for parking workers deserving a living
18 wage. The purpose of this hearing was to shine
19 a light on the issue and let people hear the
20 stories of parking workers.

21 At this hearing, we not only heard about
22 parking workers working long hours at low pay
23 and struggling to get by, we also heard about
24 issues regarding staffing and fears about job

1 security and being fired for speaking out and
2 about harsh working conditions, and just simply
3 trying to organize.

4 On April the 16th, I met with
5 representatives from the industry to let them
6 know that I would be introducing two bills, one
7 to address minimum staffing requirements and
8 one to create just cause provisions for firing
9 of employees.

10 When I met with representatives from the
11 parking industry, and I want my constituents to
12 pay very close attention to this, I shared with
13 them the two bills being considered today. Did
14 you hear what I just said? I did not move
15 forward with the introduction of these bills
16 without letting the parking industry know
17 exactly what my intent was, so that they would
18 have an opportunity to vet it.

19 I also gave the Chamber of Commerce a
20 heads up that I had already been working with
21 the parking industry, that they had copies of
22 the bills before their introduction on April
23 the 25th.

24 And since the bills were introduced, I've

1 had numerous in-person meetings and
2 conversations with individuals on both sides of
3 the debate. And for the record, that's my
4 standard operating procedure. I don't care if
5 you are for or against a measure that I have
6 introduced. I am not going to do so without
7 hearing perspectives on both sides of the
8 aisle, because that's my responsibility.

9 I want to give you this background
10 information, because I expect today you're
11 going to hear from some people testifying that
12 this legislation is moving too fast or that
13 there hasn't been time to discuss amendments.
14 But I want you to know that it's been almost a
15 month since the first hearing and my meeting to
16 discuss these two bills, and I have yet to
17 receive any proposed amendments. All I have
18 heard is don't do this.

19 Well, I think we have a moral imperative
20 to do this. And you'll hear when the bills are
21 explained later on why that it is so.

22 I also want to note for the record that I
23 don't believe these bills are anti-business.
24 The Greater Philadelphia Chamber of Commerce

1 knows that Cherelle Parker has proudly and will
2 continue to proudly support the newly launched
3 Neighborhood Growth Project. I wholeheartedly
4 agree with it when it notes that for
5 Philadelphia to reach its full potential, we
6 must create more high quality, high wage, 21st
7 Century jobs, and build an inclusive economy
8 with opportunities for all.

9 (Round of applause.)

10 COUNCILWOMAN PARKER: I would argue that
11 this is what both of these bills are striving
12 to do.

13 And for the record, I am also of the
14 opinion that one can be both pro-business and
15 pro-worker at the same time. Okay?

16 (Round of applause.)

17 COUNCILWOMAN PARKER: I also want to note
18 for members of the industry who are present
19 here, when we met, you were very clear in
20 communicating to me through your research, the
21 burden that Philadelphia's tax structure has on
22 the industry.

23 I committed to you, and I've said it
24 publicly -- I want to say it publicly again --

1 after we work through these two bills, and it
2 is my hope that both of them will not only get
3 enough votes to pass through this Committee,
4 but to also pass through the whole Council, I
5 have committed to working with the industry on
6 coming up with strategies and ways that we can
7 develop a revenue neutral solution that can
8 reduce the tax burden on the industry.

9 Workers, did you hear me? I'm here
10 today -- and we've introduced this to protect
11 workers in this very specific industry -- but I
12 am also committed to working with the industry
13 to reduce its tax burden.

14 I'm a black legislator --

15 (Round of applause.)

16 COUNCILWOMAN PARKER: Listen. I am an
17 African American legislator, who happens to be
18 a woman, who will not allow anyone to put me in
19 the box to say I can only work here or I can
20 only work there.

21 (Round of applause.)

22 COUNCILWOMAN PARKER: And so it is with
23 this in mind, that I would ask the clerk to
24 please call up the first panel.

1 And, also, I want to note for the record
2 to my right, Councilwoman Maria
3 Quiñones-Sanchez has arrived and also to my
4 left, that Councilwoman Helen Gym has arrived.
5 Thank you both for being here.

6 (Round of applause.)

7 COUNCILWOMAN PARKER: Will the clerk
8 please read the title of the bills?

9 THE CLERK: Bill No. 190315, an ordinance
10 amending Title 9 of the Philadelphia Code
11 entitled Regulation of Businesses, Trades and
12 Professions, by adding a new chapter 9-4700 to
13 provide protections for parking employees
14 against wrongful discharge under certain terms
15 and conditions.

16 And Bill No. 190316, an ordinance amending
17 Section 9-601 of the Philadelphia Code entitled
18 Garages, Parking Lots, and Sales Lots, and
19 Sales Showrooms to add requirements for
20 sufficient staff for parking garages, parking
21 lots, and valet services under certain terms
22 and conditions.

23 COUNCILWOMAN PARKER: The clerk will
24 please call the first panel of witnesses to

1 testify.

2 THE CLERK: Rich Lazer and David Perri.

3 (Witness approached witness table.)

4 COUNCILWOMAN PARKER: Please state your
5 name for the record and proceed with your
6 testimony.

7 MR. LAZER: Good morning, Chair Parker and
8 members of the Committee, my name is Richard
9 Lazer, and I am Deputy Mayor for Labor. I
10 appear before you today to testify on Bill No.
11 190315.

12 This bill is the first of the nation
13 ordinance that explicitly will provide
14 workplace protections for parking employees in
15 Philadelphia. It will require that employees
16 document either just cause or a bona fide
17 economic reason in the event that a parking
18 employee is discharged from their place of
19 work.

20 In prior testimony before this Committee,
21 I noted that the median wage of workers in this
22 industry is just \$9.50 an hour, and almost 70
23 percent of parking employees earn less than the
24 median income for Philadelphia.

1 We have already called upon our colleagues
2 in Harrisburg to increase the minimum wage in
3 the Commonwealth and will continue to do so.
4 But this bill touches on the other side of the
5 issue, hard-working Philadelphians deserve some
6 level of job security.

7 In prior testimony before this Committee,
8 we heard directly from parking workers about
9 how they are constantly worried of being fired,
10 transferred, or rescheduled at a moment's
11 notice. These are folks who want to work hard
12 and provide stability for their families, but
13 are unable to do so because they have no voice
14 or no agency at their place of employment.

15 To be clear, Bill No. 190315 does not
16 protect problem employees, and it does not stop
17 employers from rightsizing a workplace, if
18 that's what the economics dictate. But it does
19 require that employers must document their
20 actions. And it provides workers, who may be
21 aggrieved, with an opportunity to let their
22 voice be heard.

23 All of this aligns with Philadelphia's
24 long-term goals around inclusive growth, and

1 the Administration supports the intent of this
2 bill.

3 Thank you, again, for the opportunity to
4 testify. And I'm here to answer any questions
5 at this time.

6 MR. PERRI: Good morning, Chair Parker,
7 Members of City Council. I am David Perri,
8 Commissioner of Licenses and Inspections.

9 Today I am here to provide testimony on
10 Bill No. 190316, which, if enacted, will amend
11 Section 9601 of the Philadelphia Code entitled,
12 Garages, Parking Lots, Sales Lots and Sales
13 Showrooms.

14 The bill would amend the license
15 requirements for parking facilities to include
16 a provision for adequate staffing levels.
17 Among other requirements, it stipulates that
18 for a public parking lot license to be issued,
19 the Department of Licenses and Inspections
20 shall approve evidence that the facility has
21 adequate staffing to maintain good order and
22 ensure the safety of employees and customers.

23 It also requires the Department to
24 investigate complaints of insufficient

1 staffing.

2 We understand that the primary objectors
3 are to protect the physical safety of employees
4 and customers from criminal activity, and to
5 ensure smooth traffic order into and out of
6 parking facilities, such that safety hazards
7 are not created within the public right of way.

8 We envision requiring parking lot and
9 garage operators to submit for approval a
10 descriptive plan prepared by a qualified
11 individual that includes the minimum number of
12 employees classified by job duty and shift, all
13 necessary security and operational equipment,
14 the design vehicle flow rates, and other such
15 information necessary to ensure the operational
16 adequacy of the facility.

17 Suspected violations of this bill will be
18 enforced primarily through complaint response,
19 although periodic spot inspections will also be
20 performed.

21 While the Department will be responsible
22 for all 149 currently licensed public garages
23 and lots, it is our understanding that
24 enforcement of on street valet service will

1 continue to be the responsibility of the
2 Philadelphia Parking Authority.

3 To implement and maintain a credible and
4 responsible enforcement effort for this bill,
5 the Department has determined that an increase
6 of one code enforcement officer with a vehicle
7 to the Department's budget will be necessary.

8 The Department of Licenses and Inspections
9 supports this bill and is prepared to enforce
10 with the acquisition of necessary resources,
11 should it become law.

12 Thank you for the opportunity to provide
13 the Department's testimony. I will be happy to
14 respond to questions at this time.

15 COUNCILWOMAN PARKER: Thank you, Mr. Lazer
16 and Commissioner Perri for your support of both
17 of these bills that were chiefly cosponsored by
18 Council Member Derek Green, Councilwoman Helen
19 Gym, and Councilwoman Maria Quiñones-Sanchez.

20 With this in mind, Mr. Lazer, I understand
21 that the implementation of this legislation is
22 also being considered, along with the
23 implementation of newer legislation like Fair
24 Workweek, future legislation like the Domestic

1 Workers Bill of Rights being championed by
2 Councilwoman Sanchez, an older legislation,
3 that has also been passed by this Council in
4 previous years.

5 I just want to note for the record that as
6 a member of this Body, I am committed to
7 ensuring that there is enough money for all of
8 these bills to be successfully implemented and
9 to make sure that we have proper labor
10 enforcement going forward.

11 I also want to note for the record that as
12 a result of our communication with you, you
13 will note that there are two amendments being
14 offered today to push back the implementation
15 date by 90 days to allow for thorough planning
16 on your behalf. And we would not have thought
17 about changing that date, had you not said that
18 you needed additional time.

19 MR. LAZER: Correct.

20 COUNCILWOMAN PARKER: In addition to that,
21 Commissioner Perri, I want to thank you for
22 your efforts to ensure the safety of
23 Philadelphians via inspections and enforcement.
24 We understand your request for code enforcement

1 officer for vehicle in order to successfully
2 implement Bill No. 190316 in particular. And
3 we will support this request 100 percent during
4 this budget cycle to ensure that you have the
5 dollars that you need.

6 And after our discussion with you
7 regarding these bills, again, we are amending
8 this bill to push back the implementation date
9 to January the 1st, 2020 to allow for thorough
10 planning on behalf of your department.

11 So again, just for the record, during
12 communications, we learned that both of the
13 implementation dates would be a challenge, and
14 we adjusted the legislation, as such.

15 Do any of my other colleagues have any
16 comments? Any questions? Councilwoman
17 Sanchez.

18 COUNCILWOMAN SANCHEZ: Thank you, Madam
19 Chairwoman. And thank you for your willingness
20 to create an important scenario in the
21 legislative process in Council which is, how do
22 we get to a win win, right? How do we lift all
23 of these workers out of poverty and get them to
24 family sustaining jobs, and how do we recognize

1 some of the challenges that exist in the
2 industry?

3 I don't know if either of the panelists is
4 willing to speak to -- the parking industry for
5 years has been claiming this desperate impact
6 based on our tax system. There was a task
7 force that was set up. They submitted a bunch
8 of stuff around investigations of parking lots.

9 Can anybody speak to where we are? It was
10 mainly around revenue and the issue of small
11 parking lot attendants, that they felt were not
12 duly paying their taxes.

13 Can any of you speak to that, where we are
14 with that process?

15 MR. LAZER: Councilwoman, I apologize. I
16 don't have that information. But I can talk to
17 the Finance Department and get back to you with
18 an answer to that and supply it to the Chair.
19 But I do remember that. It was a few years
20 back, but I do remember that happening and you
21 being a part of it.

22 COUNCILWOMAN SANCHEZ: Yeah. I think
23 that's hugely important, because while
24 there's -- some of the bigger international

1 companies, that we want to make sure that they
2 come into the City and they are not exploitive.

3 We also are aware of smaller operators who
4 have access -- Councilwoman Parker just
5 mentioned -- valet and other things that we can
6 be doing a better job.

7 As we look for enforcement of this so that
8 we ensure that everybody is playing by the same
9 rules, as part of the operationalizing of this
10 process, Commissioner, you mentioned there's
11 149 licenses. When the industry came forward,
12 they said that there were many more operators.

13 How have we closed that gap between who we
14 have that's licensed and wants a place there
15 and who we think is operating without that?

16 MR. PERRI: There may be a
17 misunderstanding as to what's considered to be
18 a public parking lot. So I'm going to have to
19 look at the numbers and locations that they
20 claim are not currently licensed. And we'll be
21 happy to provide enforcement around that issue.

22 But we have currently 149 licenses. They
23 would represent the parking lots in which a
24 customer would have to pay in order to park in

1 that lot. If there's other lots that are out
2 there in which there is no fee for parking, if
3 it's accessory to a shopping center or to a
4 store, that would not be part of the public
5 parking lot license.

6 COUNCILWOMAN SANCHEZ: Okay. Thank you.
7 Thank you, Madam Chair.

8 COUNCILWOMAN PARKER: Thank you. The
9 Chair recognizes Councilman Green.

10 COUNCILMAN GREEN: Thank you, Madam Chair.
11 Mr. Perri, Mr. Lazer, I want to just follow up
12 on some questions from Councilwoman Sanchez.

13 Currently, what's the enforcement process
14 that L&I uses for parking lots?

15 MR. PERRI: The only enforcement that we
16 currently do would be if we got a complaint
17 about how a parking lot was operating.

18 For instance, if there were too many cars
19 parked on the lot in which the cars were being
20 stacked as opposed to parking in individual
21 parking spaces, that would technically be a
22 violation of the Zoning Code.

23 So we have a four person unit that's
24 responsible for business compliance

1 inspections. And parking lots would currently
2 be handled by one of those four individuals.

3 So currently, it's all based on complaints
4 being received by the Department.

5 COUNCILMAN GREEN: And that four person
6 unit is responsible for what other type of
7 enforcement?

8 MR. PERRI: They do other types of Code
9 enforcement for business licensure, for zoning
10 requirements, for parking. Mainly, their
11 enforcement concerns itself around zoning
12 issues.

13 COUNCILMAN GREEN: Okay. So most of them
14 focus on zoning, primarily?

15 MR. PERRI: That's correct.

16 COUNCILMAN GREEN: And so from your
17 understanding and recollection, how many
18 complaints have L&I received historically
19 regarding parking lots being operated
20 efficiently or not being licensed?

21 MR. PERRI: That, I'll have to research
22 and get you that information, Councilman. I do
23 not have that information with me today.

24 COUNCILMAN GREEN: Okay. And would the

1 nature of those complaints that they have
2 received, have they come from constituents,
3 employees, other people? What's the nature of
4 how those complaints have come from your
5 understanding?

6 MR. PERRI: The ones that I'm familiar
7 with, generally, come from customers. And they
8 come in through 311. They are the ones that
9 I'm familiar with.

10 We get, on occasion, complaints about
11 incorrect pricing at paid parking lots. That's
12 also a complaint that we get. Or we'll get a
13 complaint from a community group or an
14 individual that a parking lot is operating in
15 violation of the Zoning Code.

16 COUNCILMAN GREEN: So that would be a lot
17 where someone is charging people to park cars
18 on a lot, but it's not licensed to do that?

19 MR. PERRI: That's correct.

20 COUNCILMAN GREEN: And that's going to
21 what Councilwoman Sanchez was saying, that in
22 reference to the 149 lots or non-lots, we're
23 trying to get an understanding of what is
24 licensed what is not licensed.

1 MR. PERRI: Yeah. And like I said, we
2 have 149 that are licensed. The ones that are
3 non-licensed get shut down right away. So we
4 don't knowingly allow them to continue to
5 operate.

6 But I'd have to see if the industry feels
7 that there's lots out there that aren't
8 properly licensed or zoned. And we would
9 certainly follow up and provide enforcement
10 over those facilities.

11 COUNCILMAN GREEN: Do you think there's a
12 need for additional resources for enforcement?

13 MR. PERRI: Well, we could always use more
14 enforcement. We tried to look at the new
15 requirements of this bill and figure out what
16 would be the minimum number of people that we
17 would need to respond to complaints, and also
18 do some proactive inspections that we feel are
19 really necessary in order to provide a level
20 playing field.

21 COUNCILMAN GREEN: Based on your
22 perspective, do you believe there's a
23 significant amount of revenue that the City is
24 losing from unlicensed parking lot operators

1 that should be paying taxes and providing
2 services to people in the City of Philadelphia?

3 MR. PERRI: That, I wouldn't know because
4 L&I doesn't get involved in the tax collection
5 part, the enforcement efforts. So I think that
6 would be an appropriate question to ask to the
7 Revenue Department.

8 COUNCILMAN GREEN: And I think Mr. Lazer
9 said he would provide additional information on
10 Revenue.

11 MR. LAZER: Correct.

12 COUNCILMAN GREEN: I'm just trying to get
13 an understanding of how many of these lots that
14 are out there that are not licensed or don't
15 have the proper licensing that are one, not
16 only not probably paying the employees a
17 certain way, but also probably treating
18 employees in a substandard way as well as
19 customers, as well.

20 So I think there's some information that
21 would be needed to provide that information,
22 because these unlicensed entities are not only
23 shortchanging the City of Philadelphia in
24 revenue that the City should be receiving, but

1 also, probably, taking advantage of employees
2 who are working there in a substandard way.

3 MR. PERRI: Absolutely.

4 COUNCILMAN GREEN: Thank you, Madam Chair.

5 (Round of applause.)

6 COUNCILWOMAN PARKER: The Chair recognizes
7 Councilwoman Gym.

8 COUNCILWOMAN GYM: Thank you very much,
9 Madam Chair. Good morning.

10 So, you know, we had been working together
11 a little bit about how to strengthen your
12 office, Mr. Lazer. So I think that's one of
13 the most important things I'm interested in.

14 As we work to expand our labor laws, one
15 of the most important things is, is that with
16 can pass laws, but we need to enforce them.
17 And this City really needs a clear
18 communication, both with our employers and
19 especially with educating employees, that they
20 have rights in this City, that we have worked
21 hard to get a wage theft laws through. We have
22 a paid sick leave law. There's certainly
23 existing laws around overtime and other types
24 of things that should be enforced, including

1 the minimum wage, quite honestly.

2 And, you know, I'd like to see -- when we
3 did the Fair Workweek Law together, we talked
4 about increasing the number of staff in your
5 office from one to three; is that right?

6 MR. LAZER: Yes. There's currently three
7 folks in that office now. And the proposed
8 budget that's before you, there will be two
9 additional folks in the budget for that office.

10 COUNCILWOMAN GYM: Excellent. So we're
11 going to move from three to five; is that
12 correct?

13 MR. LAZER: Correct.

14 COUNCILWOMAN GYM: As of July?

15 MR. LAZER: Yes.

16 COUNCILWOMAN GYM: Okay. And then do you
17 anticipate that should this law pass, that we
18 would need to add anybody else to your office?

19 Because for me, I feel like, you know, we
20 need a whole education unit. We need an
21 enforcement unit within this City, because, you
22 know, we've got a lot of laws on the books that
23 I think are great, but I don't know how well
24 they are being followed.

1 MR. LAZER: Correct. So we are
2 currently -- I have the staff currently looking
3 now at the proposed bill on Domestic Workers
4 Bill of Rights and also to see if there will be
5 additional resources needed to help with
6 implementation and communication of these
7 ordinances.

8 COUNCILWOMAN GYM: How soon do you think
9 that you would make a recommendation to Council
10 or to the Administration on that?

11 MR. LAZER: I think in the next week or
12 so. We've been working on it since this bill
13 was introduced, so probably within the next
14 couple weeks.

15 COUNCILWOMAN GYM: All right. Good. I
16 look forward to that. Thank you.

17 MR. LAZER: Thank you.

18 COUNCILWOMAN PARKER: Are there any other
19 questions for this panel? Councilman Green.

20 COUNCILMAN GREEN: Yeah. One quick
21 question. Thank you, Madam Chair.

22 Mr. Perri, will there be any regulations
23 needed for implementation of this legislation?

24 MR. PERRI: Yeah. We are considering

1 regulations, because part of the implementation
2 would require the parking lot operators to
3 provide us with a plan. So we want to be able
4 to figure out, what does that plan encompass,
5 who signs off on that plan as it being
6 adequate, especially with regards to
7 maintaining proper traffic flow in the public
8 right of way.

9 We do get complaints that some of these
10 parking garages have inadequate staffing, which
11 is causing backups and traffic along major
12 corridors, which is interfering with SEPTA
13 operations.

14 So we need the operators to give us a plan
15 that talks about what the flow rate, what's the
16 minimum number of employees. And I think the
17 best way of getting all that information
18 together is through a regulation process. So
19 we anticipate doing, at least, some
20 regulations.

21 COUNCILMAN GREEN: Okay. Thank you, Madam
22 Chair.

23 COUNCILWOMAN PARKER: Thank you. Thank
24 you to the panel.

1 Will the clerk please call the next panel
2 of witnesses to testify on this bill?

3 THE CLERK: Reverend Greg Holston and Leo
4 Gertner.

5 (Witnesses approached witness table.)

6 COUNCILWOMAN PARKER: Good morning to each
7 of you. We want to thank you for being here,
8 just please state your name for the record.

9 MR. GERTNER: Hi. Good morning,
10 Committee. My name is Leo Gertner.

11 REVEREND HOLSTON: Reverend Gregory
12 Holston.

13 Again, my name is Reverend Gregory
14 Holston. I'm the executive Director of POWER
15 and the Senior Pastor at Janes Memorial United
16 Methodist Church in the Germantown section of
17 Philadelphia.

18 POWER is 65 plus congregations across the
19 City of Philadelphia and the surrounding areas
20 dedicated to building a community of
21 opportunity that work for all.

22 We have stood with airport workers. We
23 have stood with fast food workers. We have
24 stood with, and still stand with, hotel

1 workers. We stood with security workers and
2 janitors and workers all over this City for the
3 last nine years. And we're proud to say we're
4 standing with parking attendants today to fight
5 for a just cause --

6 (Round of applause.)

7 REVEREND HOLSTON: -- and fair working
8 conditions.

9 All of us here understand the devastation
10 that is going on in our community. We
11 recognize the 26 percent poverty rate is
12 basically a state of emergency, here, in the
13 City of Philadelphia.

14 We recognize that almost 400,000 people
15 live in poverty in this city. Almost 200,000
16 live in deep poverty. And for an individual,
17 that's about 55, \$5,600 a year, a little more
18 than \$100 a week.

19 We look at those numbers, and we recognize
20 that there are human lives behind those numbers
21 suffering each and every day in our City.

22 And so, what can people of faith do but
23 stand with workers? Because one of the ways
24 that we can move people out of poverty is

1 simply standing with workers for fair wages,
2 for just hiring situations, and just conditions
3 on their job. And we're going to pull this
4 City to be the first class city that we say
5 it's going to be. It has to start with
6 standing with workers like these, who are here
7 today. And so we're proud to stand with them.

8 And so, here, today we come to fix an
9 injustice in our City, to make a dent in the
10 poverty rate, which means a scourge on our
11 City.

12 Men and women who park cars in this City
13 are paid low wages, and treated if they are
14 expendable. In fact, they are routinely
15 mistreated and are alone and sometimes in
16 unsafe working conditions.

17 Meanwhile the Philadelphia parking
18 industry makes \$440 million each year. That's
19 a moral outrage, a disgrace that under these
20 blooming buildings are men and women, mostly
21 black people, many African immigrant, working
22 full time, sometimes two or three jobs, and
23 still living in poverty.

24 The parking companies cater to many of the

1 wealthy visitors and commuters who come to our
2 City. Yet when these parking workers are done
3 with their 12 and 14 hour shifts, they go home
4 to some of the most impoverished neighborhoods
5 in our City.

6 Parking workers leave the garage
7 underneath sky scrapers and luxury hotels and
8 return to neighborhoods like Southwest Philly
9 and Germantown and North Philadelphia, where
10 they worry about how they will afford their
11 rent and bills, and if their children are safe
12 while they work 60 to 70 hours per week.

13 The parking industry imports profit from
14 outside of the City, and exports poverty to our
15 neighborhoods. And I'll say that again. The
16 parking industry imports profit from outside
17 the City, and exports poverty to our neighbors.

18 And I'll even go further -- they take that
19 profit home to their places. And that profit
20 does not stay right here in this City.

21 We talk a lot about poverty in
22 Philadelphia, as I said earlier, and we talk
23 about programs and advocacies and grants and
24 training and STEM programs and early childhood

1 education and affordable housing. The busiest
2 of filopathic education in nearly every sector
3 in the City all agree that poverty is holding
4 us back. They discuss plans and programs and
5 pipelines and agree that something must be
6 done.

7 This Council and the Administration have
8 actually begun to take action on these issues
9 with Fair Workweek, 21st Century Wage Standard
10 prevailing wage for service workers.

11 But here we come today to again try to
12 improve the lives of a thousand low wage black
13 workers who are fighting to make parking jobs
14 good jobs.

15 And that's the key. Because we talk about
16 manufacturing jobs being good jobs, but
17 manufacturing jobs were only good jobs because
18 of workers on those job unionized themselves
19 and fought for the right to have good wages and
20 good working conditions.

21 (Round of applause.)

22 REVEREND HOLSTON: So these parking
23 workers stand in the same tradition as those in
24 those manufacturing plants over 100 years ago.

1 They stand in the same tradition to be able to
2 fight for better working conditions for their
3 families, as well.

4 And so we know that parking industry will
5 try to stop this progress. We know that in
6 spite of all the talk about poverty, doing the
7 one thing that is sure to improve our poverty
8 rate, creating good jobs, is somehow
9 controversial to this lucrative industry and
10 its lobbyists.

11 The parking industry is a Goliath in
12 Philadelphia, raking in nearly a half of
13 billion each year. And it could not do it
14 without the City.

15 The parking industry does more than just
16 lease parking spaces for an hour or a day or a
17 month. The parking industry is a developer in
18 its open right, making deals with hundreds of
19 millions of dollars to develop space above
20 their lots.

21 The industry comes to the City for zoning
22 variances and buildings. And the buildings
23 they build often get massive tax breaks. The
24 parking industry even has direct contracts with

1 the City.

2 There is nothing wrong with an industry
3 thriving while trying to provide a service.
4 However, the break down occurs when that same
5 industry mistreats its workers, automates its
6 workers, and puts them in unsafe conditions
7 while paying poverty wages. The problem is not
8 their profit, it is that they do it while
9 making the City's poverty rate even worse.

10 (Round of applause.)

11 REVEREND HOLSTON: In the parking
12 industry, workers fear for their jobs, never
13 knowing if they will be indiscriminately fired.
14 In the parking industry, workers must work
15 multiple hours to get by while companies race
16 to automate so they eventually don't have to
17 employ anyone.

18 Meanwhile, parking workers and parking
19 customers increasingly -- less safe, as lots go
20 under or unstaffed, unstaffed, unstaffed.

21 The parking industry is not looking to
22 solve problems for our City. It is an industry
23 that seems to be bent on creating more. The
24 parking industry in the City can do better.

1 The prosperity that drives into Center
2 City and the business district must make it to
3 all of our neighborhoods and communities. The
4 only way to truly deal with the City's deep
5 poverty problem is through good jobs.

6 And today, City Council can lead the way
7 for a thousand good jobs for Philadelphians.
8 If we stand together and work together and
9 build together to have good working conditions,
10 so they won't be fired indiscriminately --
11 which, by the way, won't cost this industry one
12 extra dollar to treat workers fairly.

13 (Round of applause.)

14 REVEREND HOLSTON: So today I ask you and
15 POWER asks you to stand with workers, because
16 when you stand with workers, you stand with the
17 entire City of Philadelphia. Thank you.

18 (Round of applause.)

19 MR. GERTNER: Thank you Reverend. Thank
20 you Council Member Parker and Committee Members
21 for the opportunity to testify today.

22 My name is Leo Gertner. I'm the staff
23 attorney for the National Employment Law
24 Project. We're a nonprofit, nonpartisan

1 research and advocacy organization specializing
2 in employment policy. We're based in New York
3 with offices in Washington DC and throughout
4 the country.

5 We partner with federal, state, and local
6 lawmakers on a wide-range of work force issues
7 like unemployment insurance, the gig economy,
8 Workers' Comp, and as is the case for the
9 hearing today, fair employment practices like
10 just cause.

11 We testify in strong support of Bill No.
12 190315, because parking workers perform
13 essential services in the City of Philadelphia.
14 But unfortunately, working conditions in the
15 industry create serious instability for
16 workers, their families, and the industry,
17 itself.

18 The present bill would establish a system
19 to ensure basic fairness and equal treatment in
20 the very profitable parking industry with
21 numerous benefits to workers, employers and the
22 City.

23 I'm just going to focus on a few of these
24 benefits in the interest of time.

1 First, the just cause standard in the
2 parking industry would create a simple and
3 straightforward system to ensure all parking
4 workers are held to clear standards and treated
5 equally.

6 Today employers basically have a blank
7 check to mistreat and discharge workers for any
8 reason at all. Workers can be and are fired
9 for unfair reasons or no reason at all for
10 things as simple as taking necessary bathroom
11 breaks, calling out or missing a shift,
12 customer complaints that are not investigated,
13 minor disputes between workers, and other minor
14 issues that do not merit termination. More
15 often than not, employees don't even know why
16 they are terminated, much less if it's actually
17 related to their jobs.

18 Workers deserve to receive notice of
19 performance issues and a chance to correct them
20 if they are legitimate. And we believe that
21 describes basic fairness.

22 The burden on employers, we also believe,
23 is minimal. The current bill would simply
24 require employers to provide a legitimate

1 business reason when making a major change to
2 an employee's status, whether it's termination
3 or hours reduction. Without this simple
4 requirement, employers end up losing valuable
5 employees. It's just not burdensome to require
6 employers to give workers a reason.

7 Just going to list a few of the benefits,
8 also, that the system will create, aside from
9 fairness and equality, which are not to be
10 underrated.

11 A just cause system would raise standards
12 for this entire low-wage industry. And
13 therefore result in lower turnover, safer
14 parking facilities, job security, fewer worker
15 injuries and better customer service.

16 Because State law prevents increases in
17 the minimum wage at the City level, laws that
18 raise standards, such as the proposed just
19 cause bill, but also the minimum staffing bill,
20 provides an opportunity for major improvements
21 for an industry plagued with low pay and weak
22 workers protections.

23 Throughout the country, cities are raising
24 standards for workers with sick pay, family

1 leave, Fair Workweek legislation and so forth.
2 This is just in line with that, and, you know,
3 nothing surprising.

4 The bill would also create a safer
5 industry. High turnover means that the
6 industry fails to retain qualified and
7 experienced workers, which is a detriment to
8 all parties.

9 Workers are already overburdened with
10 double shifts, long workweeks, assignments
11 where one person alone is expected to service a
12 garage, and other situations that require
13 adequate staffing and adequately trained
14 personnel.

15 Majority of workers report right now that
16 they show up to work sick. Just cause would
17 provide greater incentive to the parking garage
18 employers to train staff and ensure protocols
19 are followed.

20 Currently, the industry suffers from a
21 culture where workers are treated as disposable
22 and easily replaced. And that's wrong.

23 But this is also a better deal for
24 employers. Not only does just cause create

1 fairness, it has the potential to improve
2 productivity and customer satisfaction.

3 Numerous studies show that a most stable and
4 qualified workforce helps reduce cost
5 associated with turnover, training, and low
6 productivity.

7 Fewer accidents and injuries that result
8 from a better qualified workforce also help
9 control costs and ensure the customers and
10 workers both feel safe using parking facilities
11 in the City. Employers stand to benefit from
12 the just cause system.

13 In conclusion, just cause is a system
14 based on common sense and basic fairness.
15 Philadelphia's parking industry loses far too
16 many good workers to arbitrary and capricious
17 men, which has far ranging effects not only for
18 workers who are already struggling to survive,
19 but also on the employers in the City's wider
20 economy, which benefits from a more skilled and
21 stable work force.

22 In short, the current bill is a soundly
23 written bill that improves employment
24 conditions for a vulnerable group of workers in

1 a way that we believe is manageable for
2 businesses. Thank you.

3 (Round of applause.)

4 COUNCILWOMAN PARKER: Are there any
5 questions or comments from members of this
6 panel?

7 (No response.)

8 COUNCILWOMAN PARKER: We want to thank you
9 both for your testimony. Thank you very much.

10 (Round of applause.)

11 COUNCILWOMAN PARKER: Will the clerk
12 please call the next witnesses on the next
13 panel to testify on these bills?

14 THE CLERK: Rob Wonderling, Darwin
15 Beauvais, and Marjorie Obad.

16 (Witnesses approached with witness table.)

17 COUNCILWOMAN PARKER: We want to thank you
18 all for being here.

19 Just to note for the record that Steven
20 Bradley of the African American Chamber of
21 Commerce was scheduled to attend. He has a
22 conflict and cannot, but he did provide a
23 written testimony on this issue.

24 We want to thank you for being here, and

1 just please state your name for the record and
2 then proceed with your testimony.

3 MR. WONDERLING: Good morning. My name a
4 Rob Wonderling, and I serve as the President
5 and CEO of the Chamber of Commerce for Greater
6 Philadelphia. I'm here today to offer
7 testimony in opposition to Bill Nos. 190315 and
8 190316.

9 The Chamber's mission is attract, retain
10 and grow jobs for the City and our region. We
11 follow principles of economic competitiveness
12 to guide our public policy.

13 We believe that government at all levels
14 must operate in an efficient way to maximize
15 the services that it provides. And the Chamber
16 of Commerce of Greater Philadelphia works with
17 other organizations to advance an agenda
18 leading to economic growth and prosperity.

19 Through our Neighborhood Growth Project,
20 which the majority of Council Members have
21 already endorsed, as well as other initiatives,
22 as currently written both bills will provide a
23 negative impact on industries far beyond the
24 parking industry.

1 That also, we oppose the bill and its
2 process from introduction to hearing, and to
3 date the lack of engagement around the
4 introduction with the broader business
5 community.

6 On previous bills, such as Bill 180469,
7 which mandated predictive schedules, City
8 Council, individually and collectively, engaged
9 in efforts to bring diverse parties around the
10 table and have a conversation that informed the
11 legislative outcome that struck a proper
12 balance for employees and employers.

13 Not all businesses and organizations are
14 alike. They range in size, industry,
15 geography, hours of operation, and personnel
16 needs. They should be able to utilize a full
17 set of tools in order to manage their
18 businesses, employees, and can be a better
19 advantage, especially when they are
20 overburdened by an exhaustive regulatory
21 environment.

22 It's no secret that the parking industry
23 has to compete with a 22.5 percent parking tax
24 rate while also paying real estate taxes, the

1 BIRT and U&O tax, in addition to managing
2 facility costs to maintain parking lots and
3 manage customer demand related to the use of
4 those parking lots.

5 Increased taxes and fees have been levied
6 on the parking industry in this City since
7 2008. For the last five years, the parking
8 industry has lost over 5,000 parking spaces,
9 which has directly led to the loss of close to
10 300 jobs.

11 We're at the critical time in the City of
12 Philadelphia. We must do away with the zero
13 sum game that hurts employees and valuable job
14 creation opportunities. We want to inject a
15 critical question into this process around
16 these two proposed pieces of legislation. And
17 that is, Will they create jobs? We don't think
18 these two bills does that.

19 For this set of bills, we do not believe
20 that the debatable ends justify the means given
21 how onerous this legislation is for the
22 employers within the parking industry, and the
23 industries outlined in the bill.

24 From a practical standpoint, the, quote,

1 reduction in hours, close quote, provision,
2 which require employers to have, quote, just
3 cause, close quote, for a reduction in hours is
4 burdensome.

5 Many parking employees, such as valet
6 attendants, only work a handful of hours per
7 week, rendering 15 percent, a very slim margin
8 of errors, for employers dealing with that
9 particular scheduling issue.

10 Similarly, many parking employer's
11 staffing needs are heavily impacted by
12 unpredictable and outside forces, such as the
13 weather, customer activity beyond the
14 employer's control, and other miscellaneous
15 scheduling challenges.

16 The proposed ordinance suffers additional
17 challenge, as the language in the bill seeks to
18 regulate more than just private parking
19 entities. The way the bill is currently
20 written, auto dealerships, restaurant, and
21 hotels that provide valet services may be
22 impacted. The Philadelphia International
23 Airport and the Philadelphia Parking Authority,
24 a state agency that the City has no authority

1 to regulate based on state law, would be
2 subject to the onerous provisions.

3 If such a bill passes, it will continue
4 the trend of this local government where it
5 inserts itself and acts as the HR Department
6 for private businesses in Philadelphia.

7 The proposed ordinance imposing a just
8 cause standard upon parking employers for all
9 employee terminations is almost certainly
10 preempted in whole or in part by the National
11 Labor Relations Act 29 U.S.C Code 151, which
12 guarantees the right of private sector
13 employees to organize and engage in collective
14 bargaining.

15 Further, the NLRA prohibits retaliation
16 against any employer for engaging in concerted
17 protected activities, such as attempting to
18 address current terms and conditions of
19 employment with fellow coworkers.

20 This is already regulated at the highest
21 level of government and is not needed at the
22 local level.

23 And although the overly prescriptive,
24 quote, just cause, close quote, provision is

1 targeted at the parking industry in this bill,
2 we believe it's only a matter of time before
3 other industries are added, and it becomes the
4 general law protecting all private employees in
5 Philadelphia.

6 We oppose both bills, and in particular,
7 the passage that has led us to this point in
8 time at this hearing. It has not allowed
9 enough time for a thoughtful discussion on the
10 issue within the broader business and civic
11 community. And we would ask Members of this
12 Committee to lodge a vote no on the two bills.
13 Thank you.

14 (Audience members booing.)

15 COUNCILWOMAN PARKER: Okay. Okay. Okay.
16 Okay. Okay. Okay. And listen, I'm saying
17 okay for a reason.

18 I was at a hearing that was held in this
19 Body probably about three weeks ago. And some
20 people came in here who weren't pleased with my
21 vote on a matter. And when I tell you that
22 they were disrespectful, they were -- it was
23 just very distasteful.

24 And so what I've committed to is I will

1 not allow my colleagues or anyone else to
2 experience what I experienced that day when
3 those people weren't forced to be respectful of
4 this Chamber.

5 So we have opposition. But let me tell
6 you, you don't want to be where I was that day.
7 It wasn't a comfortable feeling. So I thank
8 you all for your understanding.

9 MR. BEAUVAIS: Good morning. My name is
10 Darwin Beauvais. I'm an attorney from
11 Dilworth Paxson. This is my law partner,
12 Marjorie Obad.

13 We, too, are here to give you the -- voice
14 our opposition of the bill. But however, our
15 intent for this Body is not to discuss the
16 public policy issues of the bill. We actually
17 have research that the bill is preemptive.

18 The Chamber has noted that we looked into
19 that. Ms. Obad is the Chair of our Labor and
20 Employment Department. She can speak more to
21 that. But before we get into that, I just want
22 to highlight two issues.

23 One, that it is preemptive by the National
24 Labor Relations Board. Two, the bill, itself,

1 just technically, it creates confusion, which
2 ultimately should be preempted, as well. This
3 agency creates a de facto shop steward, if you
4 will. And that creates confusion.

5 Some of the parking garages will be -- are
6 union. If there are conflicts between any
7 Collective Bargaining Agreement and what this
8 ordinance says, what prevails?

9 Second, the PPA, that is a state agency.
10 The way this bill reads, it includes PPA. If
11 they, too, are union, where does the bill
12 prevail? How does the bill prevail?

13 And lastly, because this does -- we
14 believe this bill sets a bad precedent. Right
15 now, it's the parking industry. Next time it
16 could be hospitals. Next time it could be
17 restaurants, car dealerships. It could be all
18 the industries that services all of
19 Philadelphia. And I think we will run into
20 additional conflicts as a result.

21 But Marjorie, she can explain about the
22 labor issues.

23 MS. OBAD: Thank you. Majorie Obad. I
24 appreciate the opportunity to be able to speak

1 here today.

2 As outlined, we submitted a letter to
3 Councilwoman Parker last week on this issue.
4 And it's outlined in that letter, the ordinance
5 is preempted under the National Labor Relations
6 Act.

7 States are permitted to regulate minimum
8 requirements for employment, such as setting a
9 minimum wage. I hear a lot today about
10 poverty. And minimum wage is legally
11 permissible. You can set a minimum wage.
12 That's a minimum standard that it is not
13 preempted. I just want to be clear about that.

14 I also heard a lot today about job
15 security. And there was a case in the Virgin
16 Islands at the Third Circuit, which is binding,
17 here, in this area, stated that where you just
18 have provisions such as saying you can't
19 terminate somebody or where the employer's
20 policies are enforced, where you can terminate
21 somebody if they are being dishonest, if they
22 are not doing their work, if they are not
23 showing up, those are standard minimum issues
24 with respect to discharge. And those are

1 permitted.

2 That same Third Circuit Court said when
3 you're starting to get into substantive issues
4 that affect the interplay of the free play of
5 economic forces, which is what we're saying
6 this ordinance does when it have a grievance
7 procedure or asks for an investigation, where
8 it talks about progressive discipline, where it
9 creates a situation where the employees have
10 the right to go to an agency that is not yet
11 formed, who would be acting as the shop
12 steward.

13 I do labor negotiations. And when you have
14 an employee who is grieving, when they are
15 grieving, the Union sends somebody with them to
16 represent them at the grievance hearing.
17 There's none of those provisions here, yet this
18 ordinance, as it is set up right now, provides
19 the same source of benefits that a union
20 provides.

21 What unions provide, is they provide job
22 seniority and they provide job security in
23 these sort of forums. And this is what the
24 Third Circuit in that Virgin Islands case said,

1 is not permissible because it goes too far.

2 The ordinance is not a minimum
3 requirement, because it is being broadly
4 applied to all employee, employer
5 relationships. Parking employers are being
6 singled out. And this kind of piecemeal
7 regulation goes to what Darwin said before --
8 is that something that you can then say would
9 apply to all --any other kind of business.

10 And the issue -- there isn't, you know,
11 should the employees and other businesses make
12 sure that they have a minimum wage or make sure
13 that you're not doing things, like I said, at
14 this minimum standard -- can't be applied.

15 But what happens when you have, as was
16 testified to earlier today, 149 different
17 parking facilities -- so this same procedure of
18 what the grievance policies are is going to
19 apply the same to a lot that has one employee
20 or two employees, outdoor lot, as it is to an
21 organization that has, you know, 10 different
22 facilities. That distinguishes it in a huge
23 workweek, from the Fair Workweek. The Fair
24 Workweek, which has a minimum wage and is

1 talking about changing fair hours, giving
2 notice that you're going to change hours, that
3 is targeted just to employers who have more
4 than 10 locations and more than 250 employees.

5 So this policy, or this ordinance, I'm
6 sorry, which has all of these areas where --
7 pretty vague, you know, what are you going to
8 do, how are you going to decide what an
9 investigation is? How is a person who has a
10 small lot and one or two employees going to
11 decide what an investigation can be?

12 What happens when the customer complains
13 that there is a sign on the window of a small
14 lot that says, taking a break? And what that
15 break is, is the bathroom break that the
16 employers require to give that employee under
17 the Americans With Disabilities Act -- legally
18 required to do it, yet that employer is now
19 going to have to go to a hearing, because the
20 ordinance provides for the employees to go
21 directly to getting hearings on these issues.

22 So instead of having the dialogue just be
23 between the two of them, which is how it works,
24 typically -- unless you do get a union -- they

1 are going to have to deal with all of those
2 issues. That is burdensome in a way that taxes
3 aren't, because it's not even being fairly
4 apportioned among the different parking
5 facilities.

6 The ordinance raises practical
7 considerations as to whether the City is going
8 to fill the role of the shop steward, and
9 whether the City is going to be the Council
10 grievances.

11 I heard about two or three more people
12 being involved. And I heard earlier that --
13 well, we don't know how many people are going
14 to complain. But when someone does complain,
15 and they are given a right and an ordinance
16 that they are entitled to be in a court, you
17 can't take that away from them. We can't
18 finally say, a couple months from now, Oh my
19 gosh. We didn't realize there would be a
20 thousand different complaints. Who is going to
21 represent these people in the grievances and
22 take it away? There, you are taking away a
23 right. So this needs to be addressed before it
24 becomes law.

1 Collective Bargaining Agreements generally
2 provide for internal grievance policy, but
3 there's no infrastructure here. And it pushes
4 the employees to go straight to Court.

5 It does not take into account the
6 different employees and supervisors and the
7 relationships that they have.

8 I've spoken to some of the parking
9 facilities and some of the employees have
10 situations where they are actually doing valet
11 work, too. And so there's a lot of different
12 considerations on what different circumstances
13 these employers have.

14 The Third Circuit, you know, as I said,
15 addresses this issue very clearly in the Virgin
16 Island case where they specifically say what
17 kinds of minimum requirements can be put in
18 place.

19 And our position is that as it is stated
20 right now, the ordinance is illegal, and that
21 you can put in place -- the things that I've
22 heard about today is complaints. I've heard
23 about poverty. There is nothing in what I'm
24 saying today that would in any way inhibit

1 putting a minimum wage in place.

2 The other thing that I heard about is that
3 there was some issues talking about job
4 security. And as I said, the Virgin Islands
5 gave guidance on that.

6 But I can also tell you that right now,
7 there are not complaints -- we checked at the
8 Pennsylvania Human Relations Commission or
9 anywhere else about problems that employers are
10 having with the employees. So although there
11 may be an issue about the poverty issue being a
12 concern to City Council, I think with respect
13 to the complaints, you need to look at whether
14 or not there have been complaints filed.

15 I've heard the contrary, that the
16 employers have good working relationships with
17 their employees. And if that is accurate --
18 and what's needed is more minimum wage versus
19 these other issues -- then it isn't the place
20 of the City to get involved in this when it's
21 preempted and it's illegal. Thank you.

22 COUNCILWOMAN PARKER: I want to thank you
23 all for your testimony, and just want to push
24 back a little bit on some of the comments that

1 I've heard from this panel.

2 And one of the first issues is the
3 proposed ordinance imposing a just cause
4 standard upon parking employers for all
5 employee termination -- is almost certainly
6 preempted in whole or in part by the National
7 Labor Relations Act. And I know we're going to
8 have some other attorneys who are going to
9 speak to this issue later.

10 However, I want the viewing public at home
11 who are not in this room to know that we don't
12 move forward with this legislation without the
13 blessing of the City of Philadelphia's Law
14 Department. We checked with the City's Law
15 Department, and they have communicated to us
16 that the claim of a preemption under the
17 National Labor Relations Act did not impress
18 our city solicitor as a strong one.

19 States and localities may legislate
20 substantive protections for employees -- and
21 they frequently do, as long as the particular
22 law is neutral in its treatment of unionized
23 and non-unionized employees. The law will not
24 be preempted on the grounds of conflict with

1 the NLRA.

2 While many such worker protection laws
3 include an opt out clause for workers covered
4 by Collective Bargaining Agreement, such
5 clauses must be carefully worded in order to
6 require a clear and explicit waiver of rights
7 provided by the statute or ordinance.

8 I don't believe such an opt out clause are
9 necessary in order for the ordinance to
10 maintain the required neutrality. The
11 presumption would be that all workers are
12 covered by the laws protections. If there is a
13 CBA in any of the parking employer's lots, the
14 protections of these ordinances should still
15 apply unless they are bargained away. I know
16 the lawyers from 32BJ are going to talk to this
17 fact later.

18 In addition to that, I want to note for
19 the record that the claim that the City has no
20 authority to regulate the PPA based on state
21 law -- I'm a bit confused, because all my bill
22 does is amend a part of the City Code that
23 already refers extensively to PPA.

24 For valet parking operators, the PPA

1 already requires applicants to submit a plan
2 that provides for sufficient staff to handle
3 the projected number of vehicles to be parked
4 during all hours of valet operations.

5 My bill just amends the language to
6 clarify that requirement that applicants submit
7 a plan that provides for sufficient staff to
8 handle the projected number of vehicles to be
9 parked during all hours of valet operations,
10 and to maintain good order and ensure the
11 safety of employees and customers. That's it.
12 My bill adds 13 clarifying words to already
13 existing language in the City Code. I just
14 wanted to note that for the record.

15 (Round of applause.)

16 COUNCILWOMAN PARKER: The Chair recognizes
17 Councilwoman Gym.

18 COUNCILWOMAN GYM: Thank you very much,
19 Madam Chair, for that clarity.

20 I have a couple of questions for
21 Mr. Wonderling. Where was the Chamber on paid
22 sick leave?

23 MR. WONDERLING: We were opposed -- we're
24 engaged in a process that occurred over two

1 years.

2 COUNCILWOMAN GYM: Where was the Chamber
3 on -- what was the Chamber's position on Fair
4 Workweek?

5 MR. WONDERLING: We were opposed to work
6 with you, specifically, and many of our
7 volunteer leaders along with organized labor on
8 a stakeholder process lasting almost a year.

9 And thank you for your leadership for
10 listening to the business community and
11 including amendments to clarify the matter.

12 COUNCILWOMAN GYM: What is the Chamber's
13 stand on raising the minimum wage statewide?

14 MR. WONDERLING: We currently do not have
15 a formal position on raising the minimum wage
16 state wide. They are open to conversations if
17 it's part of a broader package around
18 regulatory reform.

19 And that is, also, consistent, not to
20 speak for, but other business organizations
21 around the Commonwealth, because we think that
22 that is the appropriate governmental venue to
23 deal with minimum wage.

24 COUNCILWOMAN GYM: And what is your

1 position on municipalities being able to
2 eventually raise minimum wage?

3 MR. WONDERLING: Again, we don't have a
4 current position on that at this point in time.

5 COUNCILWOMAN GYM: And then a couple more
6 questions, because I know you raised the
7 question about HR.

8 Do you believe that companies should be
9 able to discriminate or fire individuals on the
10 basis of race?

11 MR. WONDERLING: Again, you're taking the
12 question out of the context from my testimony.
13 My statement was related to, I think, by the
14 comments of counsel, and that is currently this
15 City government has no administrative capacity
16 to implement the bill as drafted. That's where
17 our concerns lie. We want to be part of a
18 stakeholder process where we could understand
19 that better.

20 COUNCILWOMAN GYM: All right. But I think
21 you made a broad statement about whether or not
22 the City should be involved with HR-type of
23 issues.

24 MR. WONDERLING: With all due respect,

1 Council Person, my specific language was
2 related to the testimony on this bill, which
3 currently as drafted, has no -- the City
4 currently has no administrative capacity to
5 administer.

6 COUNCILWOMAN GYM: Understood. But it was
7 almost identical to the testimony that you gave
8 on Fair Workweek, which is that you were
9 opposed to the City being involved with
10 establishing standards that generated anywhere
11 near HR.

12 MR. WONDERLING: Generally speaking on
13 these legislative matters, we have been
14 raising, for at least the last three years,
15 opposition to the City government's ability to
16 administer in the way that would serve the
17 employee and the employer well, if nothing
18 more, to do so efficiently.

19 We know that our City government is
20 vigorously working to attempt to modernize its
21 practices. But yet, for many of City residents
22 and business, oftentimes just an administrative
23 process where there's a grievance involved,
24 takes an awful long time. That's not fair to

1 the employee or the employer.

2 COUNCILWOMAN GYM: That is a determination
3 that I think we can discuss further, but I
4 think my issue is that repeatedly, you've taken
5 the position that the City of Philadelphia
6 should not be involved with HR issues.

7 And I would like to remind you, though,
8 that the Constitution and other documents make
9 it clear that we cannot discriminate on the
10 basis of race. You cannot discriminate on the
11 basis of gender. You cannot discriminate on
12 other constitutionally protected areas, and
13 that we are consistently going to make that
14 clear and that we're going to lift the floor.

15 We're also going to enforce things that
16 expand the floor for workers. And that this
17 issue about just cause is asking questions
18 that -- making sure that we don't discriminate
19 on a whole set of issues, that decisions are
20 not arbitrary and capricious, that they are not
21 done in violation of labor standards or other
22 protections when people are trying to unionize.
23 All of those are protected areas.

24 And so, you know, while I understand that

1 you want to maybe have a conversation about
2 boundaries about where we go, the question of
3 whether this Council or any governmental body
4 has the right to regulate how HR issue-type
5 happen, when it involves the constitutional
6 rights and protections of our workers and of
7 our employees and of our citizens, it's clearly
8 established.

9 And then furthermore, I think, you know,
10 what has got to be clear from our end is that
11 in the situation where our people are
12 struggling so much with poverty, and as we
13 showed with Fair Workweek, that there's a clear
14 sense that large businesses and companies have
15 to meet us half way, that we are here to raise
16 the floor. I mean, we are here to be very
17 clear that in a situation of poverty, we're
18 raising the standard. We're not keeping it and
19 lowering it to its lowest level that we can get
20 to.

21 (Round of applause.)

22 COUNCILWOMAN GYM: We are the balance to a
23 market that's merciless and unforgiving and is
24 geared towards profit. We are here for people.

1 That's very important, you know, for us to
2 recognize here.

3 And then, you know, thank you very much to
4 Mr. Beauvais and to the attorneys who are here.
5 We did litigate -- especially around Collective
6 Bargaining -- and I appreciate the Council
7 Chair reminding us that the City Solicitor's
8 position is very clear -- that the Supreme
9 Court ruling on Lavotos(ph) makes it clear that
10 those collective bargaining units have a right
11 to new protections.

12 If this law passes, they do apply to
13 collective bargaining units, unless those units
14 decide to waive that provision. They don't --
15 you can't waive away rights that you don't
16 already know that you have or rights that are
17 newly granted.

18 So if we raise the minimum wage, we're
19 going to fight to make sure that it applies
20 immediately to all of our collective bargaining
21 units, unless they decide to waive it. They
22 have the right to waive.

23 (Round of applause.)

24 COUNCILWOMAN GYM: But the law does not

1 call us to deny expanded rights and
2 protections.

3 This will be an ongoing issue of
4 discussion, but I do believe that our City
5 Solicitor has ruled on this in two separate
6 occasions, both in Fair Workweek and on this
7 law. We'll be working to make sure that we
8 bring our strongest efforts to the table to
9 make that clear. It is a negotiated situation,
10 but it's not unilateral denial of new rights
11 that are given.

12 MS. OBAD: May I address that, briefly?

13 COUNCILWOMAN GYM: Mm-hmm.

14 MS. OBAD: The issue there is that --
15 here, the situation is that there is a not a
16 union present at the moment, so the interplay
17 also protects employers.

18 The NLRA protect employers as much as it
19 does employees. And then the employers don't
20 have the ability to opt out.

21 So here, the situation is that there is
22 language with a grievance with respect to the
23 investigations, with respect to the discipline
24 and progressive discipline that is so vague and

1 unworkable for the employer, that the only way
2 to get clarity is to force them to enter into a
3 union. This is not free play. So that's the
4 problem you have here.

5 If you had a situation where you have
6 unions already there, and you're saying they
7 can opt out because they have the language, but
8 here, the language, especially for the small
9 lot, is going to be much narrower. So you're
10 actually creating a situation where the only
11 way an employer can have a workable situation
12 is to enter into a layer of management that
13 didn't exist before for the purposes of
14 changing this to narrow it. That is not the
15 basis for this case.

16 COUNCILWOMAN GYM: Do you see we are in
17 this area with paid sick leave? We're in this
18 area already with a Fair Workweek Law. We're
19 in this area already with pay equity and wage
20 theft. So there are new expanded rights. We
21 can discuss them later. But this will be an
22 expanding area and body of work that I think
23 we're committed to, because we have an
24 administration and a federal government and a

1 state government that has abandoned these areas
2 to the private market.

3 So we're in a new area, but we are going
4 to enforce our rights as clearly as they are
5 established by our City solicitor. And we can
6 continue that conversation.

7 MS. OBAD: Okay. I appreciate it. Thank
8 you very much.

9 COUNCILWOMAN PARKER: And I know we have
10 some time constraints, so I want to say a
11 special thank you to Councilwoman Sanchez,
12 because we know what you have going on in your
13 district right now.

14 The Chair recognizes Councilman Green.

15 COUNCILMAN GREEN: Thank you, Madam Chair.
16 Ms. Obad, could you provide that name of that
17 Third Circuit case that you made reference to?

18 MS. OBAD: It's 218F3D232. It's the Saint
19 Thomas Saint John Tourism Association --

20 COUNCILMAN GREEN: F218 --

21 MS. OBAD: I'm sorry. I'm talking fast.
22 218F3D232. And it's Saint Thomas versus
23 Government of United States, Virgin Islands.

24 COUNCILMAN GREEN: And then you said -- do

1 you have an opinion on this matter in reference
2 to this legislation that you can share, not
3 only with the Chair?

4 MR. BEAUVAIS: We gave a letter to the
5 Chair.

6 COUNCILMAN GREEN: Okay.

7 MS. OBAD: Which, I think, was shared with
8 the -- I think that's where we got the input
9 back from City Council, the City solicitors. I
10 think that Councilwoman Parker was kind enough
11 to say that she would share that --

12 COUNCILWOMAN PARKER: With the Law
13 Department.

14 COUNCILMAN GREEN: So my understanding is
15 that you're making a distinction between the
16 other legislation that's been done and this
17 because of the narrowness?

18 MS. OBAD: Well, this case specifically
19 says that because the basis for terminating --
20 which they give 12 different lists to what
21 needs to be proven in order to terminate an
22 employee. And it's a comprehensive list -- it
23 says, if they perform work assignments in a
24 negligent manner, if they don't abide by the

1 employer's policies.

2 And the Courts here specifically said that
3 because it was drafted so narrow, that it's
4 back to the minimal standards, like the minimum
5 wage. So everything that they are putting in
6 there, as to when you can't get rid of somebody
7 is comprehensive enough -- this appears to be a
8 comprehensive list covering all or almost all
9 legitimate reasons for the discharge.

10 So their position there is, all we're
11 doing is saying every employer is always going
12 to have to do this, as they always should.

13 To Councilwoman Gym's point, you want to
14 make sure you have things in place. They are
15 going to protect the employees, but not getting
16 into negotiating, which is what the issue --
17 what we're saying is a distinction here, is
18 when you talk about grievances and how that's
19 going to be put into place -- that's no longer
20 a minimum requirement, which is what the Virgin
21 Islands approved in that case.

22 COUNCILMAN GREEN: So just to summarize,
23 your perspective is that if it's a level
24 playing field for all employers, that's not a

1 problem, that's what happened in the other
2 legislation, but if it gets into the aspect of
3 possible negotiation between employer and
4 employee, that's what you're saying this
5 legislation does that causes a problem?

6 MS. OBAD: Because it would be different
7 for, you know -- of the 149 parking facilities,
8 they have different economic perspectives as to
9 how they would negotiate these sorts of terms.
10 They would also be bound to that initial issue.
11 They couldn't get rid of somebody who wasn't
12 dishonest or follow their rules or -- I think
13 even in the ordinance, there's also a provision
14 about, you know, if there's a downsize -- the
15 same issue here, someone can only be terminated
16 if there is a proven economic reason for it.

17 All of the reasons that are legitimate
18 reasons for discharge are addressed. They have
19 to be met before someone can be discharged.
20 That's okay. But when you start negotiating
21 broadband to different employers of different
22 sizes, those employers should have the ability
23 to negotiate. That's what the NLRA preemption
24 lies. That's our argument.

1 COUNCILMAN GREEN: Well, I know there's
2 counsel here that may have different
3 interpretation. I'm curious to hear their
4 interpretation of this case, as well. Thank
5 you.

6 MS. OBAD: And I'm more than happy to
7 discuss anything with them at any time to be
8 helpful here.

9 COUNCILMAN GREEN: Thank you, Madam Chair.

10 COUNCILWOMAN PARKER: Are there any other
11 questions for members of this panel?

12 (No response.)

13 COUNCILWOMAN PARKER: Seeing none, we want
14 to thank you all for testifying.

15 And because we have a scheduling conflict
16 with one of our colleagues, we are now going to
17 recess this hearing. We know we have three
18 more panels to go, and we're going to hear from
19 all of panels, but we're going to recess this
20 hearing.

21 And so now, I'm going to announce that
22 we're going to go into a public hearing to
23 consider the action to be taken on these bills
24 today.

1 And with that in mind, the Chair
2 recognizes Councilman Green for a motion on the
3 amendment to Bill No. 190315 -- not public
4 hearing, public meeting. Public meeting in
5 motion for Bill Nos. 190315 and 190316, the
6 Chair recognizes Council Member Green for a
7 motion on the amendment to Bill No. 190315.

8 COUNCILMAN GREEN: Thank you, Madam Chair.
9 The amendment has been circulated to all
10 members of the Committee.

11 I move that Bill No. 190315 be amended.

12 COUNCILWOMAN SANCHEZ: Second.

13 COUNCILWOMAN PARKER: It's been moved and
14 properly seconded that the amendment to Bill
15 No. 190315 be approved. All those in favor of
16 the motion will signify by say aye.

17 (Ayes.)

18 COUNCILWOMAN PARKER: Those opposed?

19 (No response.)

20 COUNCILWOMAN PARKER: The ayes have it.
21 And the motion carries. And the amendment to
22 Bill No. 190315 has been approved.

23 The Chair recognizes Council Member Green
24 for a motion on the amendment to Bill No.

1 190316.

2 COUNCILMAN GREEN: Thank you, Madam Chair.

3 The amendment has been circulated on all the
4 members of this Committee. I move that
5 amendment to Bill No. 190316 be approved.

6 (Duly seconded.)

7 COUNCILWOMAN PARKER: It's been moved and
8 properly seconded that the amendment to Bill
9 No. 190316 be approved.

10 All those in favor of the motion will
11 signify by saying aye.

12 (Ayes.)

13 COUNCILWOMAN PARKER: Those opposed?

14 (No response.)

15 COUNCILWOMAN PARKER: The ayes have it.
16 And the motion carries. And the amendment to
17 Bill No. 190316 has been approved.

18 The Chair recognizes Council Member Green
19 for a motion on Bill Nos. 190315 and 190316 as
20 amended.

21 COUNCILMAN GREEN: Thank you, Madam Chair.
22 I move that Bill Nos. 190316 as amended and
23 Bill No. 190315 as amended be voted by this
24 Committee with a favorable recommendation for

1 the suspension of rules to this City's matter
2 be heard at our next session of Council.

3 (Duly seconded.)

4 COUNCILWOMAN PARKER: It's been moved and
5 properly seconded that Bill No. 190315 and
6 190316, as amended, be reported from this
7 Committee with a favorable recommendation. And
8 further move that the rules of Council be
9 suspended to permit first reading of these
10 bills at the next session of Council.

11 All those in favor of the motion will
12 signify by saying aye.

13 (Ayes.)

14 COUNCILWOMAN PARKER: Those opposed?

15 (No response.)

16 COUNCILWOMAN PARKER: The ayes have it.
17 And the motion carries, and Bill Nos. 190315
18 and 190316, as amended, will be reported from
19 Committee with a favorable recommendation with
20 a request that the rules of Council be
21 suspended to prevent first reading at the next
22 session of Council.

23 This concludes the business of the
24 Committee on Labor --

1 COUNCILWOMAN SANCHEZ: Madam Chair, can I
2 say a comment?

3 COUNCILWOMAN PARKER: Sure. Councilwoman
4 Sanchez?

5 COUNCILWOMAN SANCHEZ: Yes. For the
6 record, I think it's important -- and I'm sorry
7 that I have to leave the Chambers. We're doing
8 an affordable senior housing project in my
9 district that I've been working on for the last
10 five years with the Mayor in North
11 Philadelphia.

12 I just want to add to the discussion. I
13 want to thank the Chairwoman for her
14 willingness to work to find some level playing
15 field when all things are not equal. And I
16 know that when we're trying to legislate, we
17 don't legislate for the perfect, but we don't
18 let the perfect be the enemy of the good as we
19 work through this process.

20 We're in new territory. Economic justice
21 for workers in the City of Philadelphia is
22 huge. And I wish we could sit here and say
23 that all businesses are good. There are a lot
24 of good business. But then there are some

1 folks who take advantage of some of the work
2 force in the City of Philadelphia with a
3 poverty rate that doesn't move. In deep
4 poverty, in districts like the ones that I
5 represent, us challenging preventional
6 thinking, legal minds, and legal statutes is
7 exactly what we're supposed to do.

8 As a Council Person who works extremely
9 hard to represent the folks in the district,
10 you know, I'm going to push back on this notion
11 that we can't do something. We can absolutely
12 do something. And we can challenge laws --

13 (Round of applause.)

14 COUNCILWOMAN SANCHEZ: -- and we can vote.
15 And more importantly, we can send a message.
16 If you're a good employer in the City of
17 Philadelphia, we're going to hold you up high
18 and we're going to thank you for the work that
19 you do.

20 And if you're a bad one, we're going to
21 call you out and say you have to do better.
22 That is what I get elected to do.

23 (Round of applause.)

24 COUNCILWOMAN PARKER: Thank you,

1 Councilwoman Sanchez.

2 The Chair recognizes Councilman Green --
3 the Chair recognizes Councilwoman Gym.

4 COUNCILWOMAN GYM: Thank you very much,
5 Madam Chair. And I just wanted to say a few
6 remarks -- especially to the folks in this room
7 who may not have known that the bill is going
8 to move forward.

9 And it is -- again, as my Council
10 colleague just said -- an important area that
11 we are going to be in. We have to expand and
12 understand the power of local municipalities to
13 establish the protections that our state and
14 federal government are not doing right now.

15 We have not raised the minimum wage in 10
16 years. We cannot allow these poverty wages to
17 continue. We are keeping people at the mercy
18 of a, you know -- as we heard earlier -- a
19 market that is unforgiving and is geared solely
20 towards profit. And that is where local
21 government comes in. That's where
22 municipalities come in.

23 We have the right and responsibility to
24 ask ourselves what more we can do. We cannot

1 allow only -- we have powers within our local
2 authority that give us the ability to move
3 things faster than what can be moved at the
4 congressional level, so that we don't have to
5 wait for DC.

6 Senator Elizabeth Warren has been waiting
7 for years to pass a Fair Workweek Law at the
8 congressional level. In Philadelphia, we moved
9 it in 10 months thanks to the people in this
10 room.

11 (Round of applause.)

12 COUNCILWOMAN GYM: Harrisburg has waited
13 for far too long to raise the minimum wage.
14 It's the people in this room who are putting
15 poverty on the front burner, who are waking up
16 our good businesses and companies who also
17 recognize that growth, like a 7.25 an hour
18 minimum wage, 2.83. Tip is not a path to
19 profit. It's a path that has slowed down
20 Pennsylvania and Philadelphia's economic
21 growth.

22 (Round of applause.)

23 COUNCILWOMAN GYM: Jersey's going to \$15
24 an hour. We can't be leaving our people

1 behind. And we'll be standing with folks.

2 And I'm sure as heck not going to allow a
3 bunch of lawyers and the Chamber of Commerce --
4 (Round of applause.)

5 COUNCILWOMAN GYM: -- which has opposed
6 every single labor law that has moved through
7 this City and pays its executive director over
8 \$600,000 a year, \$320 an, hundreds of times
9 more than the minimum wage, to be telling us
10 that this is our world.

11 This is our world. We will exercise it.
12 We'll do it in collaboration with our employers
13 and with the folks in this room, and we'll set
14 a new floor. Thank you.

15 (Round of applause.)

16 COUNCILWOMAN PARKER: This concludes the
17 public meeting of Committee on Labor and Civil
18 Service.

19 We will now go back into our public
20 hearing to hear testimony on Bill Nos. 190315
21 and 190316.

22 Will the clerk reread the titles of the
23 bills again -- is it necessary? Please call
24 the next panel to testify.

1 THE CLERK: Robert Zuritsky, Harvey Spear,
2 Charles Newkirk and Michael Powell.

3 (Witnesses approached witness table.)

4 COUNCILWOMAN PARKER: Mr. Zuritsky,
5 Mr. Spear, Mr. Newkirk and Mr. Powell, I want
6 to thank you all for being here.

7 Please feel free to just state your name
8 for the record and then proceed with your
9 testimony.

10 MR. SPEAR: Harvey Spear, EZ-Park,
11 Incorporated.

12 MR. NEWKIRK: Charles Newkirk, Parkway
13 Corporation.

14 MR. POWELL: Michael Powell, Parkway
15 Corporation.

16 MR. ZURITSKY: And Robert Zuritsky,
17 Parkway Corporation.

18 MR. SPEAR: Thank you. I want to thank
19 you. My name is Harvey Spear. I want to thank
20 you for giving me an opportunity to speak to
21 you today.

22 EZ-Park has been in business in
23 Philadelphia for more than 50 years. We are
24 now a fourth generation parking company.

1 We find this has become very difficult to
2 remain in the parking business. All parking
3 companies in Philadelphia pay approximately
4 50 percent of their income to taxes. Then we
5 must pay our expenses -- insurance, payroll,
6 and, especially, employee benefits.

7 The newest idea sponsored by Councilwoman
8 Parker is asking us to pay a minimum wage of
9 \$15 per hour and an approval from a newly
10 formed Committee to decide whether we can
11 terminate someone who breaks our company
12 policies.

13 We have a number of long-term employees
14 who have been with us for over 20, 30 years,
15 some of which are behind me right now, and some
16 of which are new employees.

17 We give a full benefit package, which
18 includes 100 percent paid health insurance, as
19 opposed to what you heard from other people.
20 We pay almost \$15 an hour to start. We give a
21 full package that includes bonuses throughout
22 the year, paid vacations, 50 percent pay of
23 dental insurance. And our industry is
24 constantly being undermined by false

1 accusations.

2 The companies you see here pay more than
3 the -- what you said, 9.50 or something. And I
4 have -- some employees here can tell you
5 they've been here a while. And one of my
6 employees became a supervisor and a general
7 manager.

8 I hope you can keep the parking companies
9 in business in Philadelphia and understand our
10 problems. Remember, people do not come to
11 Philadelphia just to park their cars. They
12 come to visit cultural attractions,
13 restaurants. And they come to work.

14 We are told that this amendment in Council
15 is unconstitutional. I think any business -- I
16 don't think any business can exist under these
17 conditions. Thank you, Councilwoman Parker.

18 MR. POWELL: Good morning. Thank you very
19 much for giving me this opportunity to speak.
20 My name is Michael Powell. I'm one of two
21 business directors with Parkway Corporation.

22 I have been employed by Parkway for over
23 35 years. I started as a parking attendant in
24 September of 1983, and I've worked at every

1 level through the company's operation. I have
2 worked as an assistant manager, field manager,
3 facility manager, district manager, and
4 currently as director of business.

5 Parkway Corporation has given me the
6 opportunity to be successful and grow in my
7 career.

8 As a company, Parkway has demonstrated
9 that caring for its employees is primary to the
10 success of the company as well as its leaders.
11 I've seen firsthand how Parkway provides
12 benefits for us as employee, such as health
13 insurance, 401K retirement plans, short-term
14 and long-term disability, holidays, vacation,
15 and sick time. Parkway's insuring that our
16 current living condition, as well as our future
17 and retirement is secure.

18 My tenure here is one that I am proud of,
19 and would recommend Parkway for any employee to
20 work. I've been privileged to supervise
21 employees from all walks of life. And I am
22 proud to see the impact that Parkway has made
23 in their lives and the lives of their families.
24 Thank you.

1 MR. NEWKIRK: Good morning. My name is
2 Charles Newkirk. And I am a lifelong resident
3 of Philadelphia. And I, myself, have been
4 working for Parkway for over 40 years.

5 During my years at Parkway, I've
6 progressed through the ranks just like Mike
7 Powell. There's probably not a job that I did
8 not perform at Parkway. And currently, I'm the
9 director of operations at Parkway.

10 Over the years, I've had many employment
11 opportunities to work in other places, but I
12 made a conscious decision that I wanted to
13 remain with Parkway. And some of the reasons
14 that I decided to do so, was because, first and
15 foremost, it is a very close knit family
16 atmosphere within our company, number one.

17 Number two, it's a good thing to be able
18 to know the owners of the company and the
19 owners of the company know you, and know about
20 your families. I've made a decent wage.

21 And then the last reason is because of the
22 caring and loyalty that I know that Parkway
23 makes to the employees that we have on our
24 staff. I've personally witnessed it. And

1 being on the operations side, I see all the
2 decisions that are made. And there are very
3 conscious efforts to make sure that we look out
4 for the staff that we have working for us.

5 I've been able to raise my family working
6 on Parkway's wages. And I did not start where
7 I am now. I put two kids through college.
8 I've purchased homes. I've been able to take
9 vacations. And now I'm looking forward to the
10 day that I'm going to retire soon from Parkway.

11 So I thank you for allowing me to make
12 those comments. And thank you very much.

13 MR. ZURITSKY: Thank you. Thank you, Mike
14 and Charlie. And thank you for letting me
15 speak my concerns today.

16 I'd also like to thank all the
17 representatives from all the parking companies
18 that are here today. If you could stand up and
19 maybe just wave so you can be acknowledged --
20 that there are a lot of people here
21 representing the parking industry today.

22 My name is Robert Zuritsky, and I am
23 president and CEO of Parkway Corporation. I
24 also serve as the president of the Philadelphia

1 Parking Association. We represent 15 local
2 parking operators and owners of parking
3 facilities throughout Pennsylvania --
4 Philadelphia.

5 Together, we currently employ around 2200
6 people -- used to be 2500 people, but so many
7 facilities have been closing so quickly, we're
8 down to 2200.

9 Now, along with other concerned
10 businesses, we see a crisis impacting every
11 industry in the City, one of which, as a result
12 of the burdensome and excessive regulation in
13 taxation, specifically aimed at our industry.

14 For the last 10 years, taxes have
15 continued to go up on the parking industry to
16 the point that parking is the City's highest
17 taxed industry. The result has been 10,000
18 fewer parking spaces in town. At a rate, we're
19 losing about 1500 spaces per year since 2015.
20 This is causing traffic congestion and,
21 unfortunately, the loss of 300 jobs.

22 50 percent of every -- of the City's tax
23 base, comes from jobs generated in Center City
24 and West Philadelphia. If those areas don't

1 have an adequate number of parking spaces, the
2 City risks ending the successful run we've had
3 in creating jobs, incenting employees to
4 relocate, and expanding.

5 50 cents of every dollar you pay to park
6 goes right to the City in the form of nine
7 different taxes and fees. As a result, we are
8 losing parking spaces and parking facilities,
9 and the jobs that go to support them, at a
10 dangerous pace. And no one is building back
11 parking, because the costs to build in
12 Philadelphia are so high, and the taxes are the
13 highest in the nation.

14 If enacted, these bills would further
15 burden our endangered industry and would put to
16 risk the 2200 jobs which currently are in the
17 City.

18 Parking is still a vitally important part
19 of the transportation infrastructure that
20 enables people to go to work, see their
21 doctors, stay over at hotels and shop. Not
22 everyone lives near public transportation and
23 can afford ride sharing.

24 Thank you for your time -- one other, I

1 just want to mention a question that Council
2 Person Green mentioned, which was about the
3 auditing of our industry. And we, you know,
4 the oversight of our industry, we believe, has
5 been -- there hasn't been any oversight on our
6 industry.

7 Ironically, we, as an association, have
8 been asking the City for oversight of the
9 parking industry, which is counter to probably
10 any other business in the history of the
11 country.

12 We are looking -- we wanted the City to go
13 after bad operators in the City. We know that
14 there -- we identified ourselves over 100
15 parking facilities that were not licensed. And
16 if they are not licensed, they probably weren't
17 paying their taxes. And we went through great
18 lengths. We identified an auditor and
19 suggested it to the City. The auditor was
20 actually hired by the City and found, I think,
21 47 parking facilities that were in violation,
22 and the City didn't act on them.

23 So it's a very odd time for the parking
24 industry. We are under stress. I consider us

1 on the endangered list in Philadelphia. And we
2 need some tax relief and further burdening --
3 making it more difficult to be in the industry
4 means that even less parking will ever be
5 rebuilt in the City, which is needed. Thank
6 you.

7 MR. SPEAR: I just wanted to agree with
8 Robert Zuritsky that we are probably either
9 developing or sold in the last five years -- we
10 used to have over 25 locations. We're down
11 under 20 now. And we have plans now to sell or
12 develop three other ones, because the tax
13 burden is enormous on us.

14 I also wanted you to recognize some of my
15 employees that came. They are a little bit
16 shy, but if I want to ask them anything, they
17 can reiterate what I said about the pay scale,
18 the benefits. And they are very happy
19 employees, one of which came from another
20 company when we bought something. Just wanted
21 to explain that one.

22 COUNCILWOMAN PARKER: The Chair recognizes
23 Councilman Green.

24 COUNCILMAN GREEN: Thank you, Madam Chair.

1 Thank you for your testimony. I wanted to
2 follow up on a couple things.

3 Mr. Zuritsky, you brought up the audit
4 that was done by you and others in the parking
5 industry. And that was provided to -- was that
6 the previous administration? Was that another
7 administration?

8 And has that been followed up at all with
9 this administration at all?

10 MR. ZURITSKY: Yeah. The last
11 administration hired the auditor that we
12 recommended. He came in and audited the City
13 in January, one winter, you know cold month,
14 and found a lot of the things that we have
15 been, you know complaining about.

16 To our knowledge, no one in our industry
17 has been audited in the last 25 years.

18 COUNCILMAN GREEN: Okay. So that's
19 information that can be provided to our Revenue
20 Department, like Mr. Breslin and others, so
21 that we can follow up on that.

22 If you can maybe provide that information
23 to the Chair, so that way we can follow up with
24 this administration to find out why those steps

1 should have been taken.

2 MR. ZURITSKY: Sure.

3 COUNCILMAN GREEN: Also, I wanted to talk
4 a little bit about the industry and get a
5 better understanding.

6 So my understand is Philadelphia Parking
7 Association represents 15 local private parking
8 operators or owners of parking facilities
9 throughout Philadelphia.

10 What is the nature of the other operators
11 in the City? I'm assuming there's a larger
12 corporation who are international corporations?

13 MR. ZURITSKY: Yeah. The 15 is all our
14 members. And the majority of them are actually
15 large, national companies. We're -- Harvey's
16 company and our company and maybe there's one
17 or two others are the only ones left in the
18 industry. Most have sold their companies. And
19 they are long gone. We're like the last
20 survivors in the industry. Yeah. That's the
21 nature of the business, though.

22 COUNCILMAN GREEN: Okay. And you also
23 talked about the fact, the number of fewer
24 parking spaces in town and how that's impacted

1 the loss of jobs and also on the industry.

2 Can you give a sense -- I understand that
3 the tax and regulations, from your perspective,
4 has had an impact. What else has had an impact
5 on the industry?

6 MR. ZURITSKY: The construction costs are
7 very high in Philadelphia. They are the
8 highest, probably, in the country.

9 So developers choose to build things that
10 they can make money from. And they've
11 determined that because of the taxation, and
12 because of constructing costs, parking is not
13 viable anymore.

14 Now technology is changing, too. And, you
15 know, car sharing and Uber and Lyft is also
16 affecting, negatively affecting, our industry,
17 as well. There's less parking that will be
18 needed in the future. Our concern and our
19 contention and the reason that we have been
20 lobbying the City for years is that when it
21 gets down to a less -- when there's not enough
22 parking spaces in Center City to support the
23 economy, you risk the entire economy of the
24 City.

1 The airport has plenty of parking. The
2 stadiums for the Eagles game probably has
3 enough parking. This is Center City and West
4 Philadelphia, where 50 percent of the jobs
5 are -- 50 percent of the taxes come out of West
6 Philly and Center City.

7 And if you can't support the restaurants
8 where the parking rates go up too high, then
9 people are not going to be coming downtown to
10 go to the orchestra. They are not going to be
11 going downtown to the restaurants or to see
12 their doctor. They'll go to a doctor in
13 another place. And people will continue to
14 move their businesses outside the City. And
15 that is what we're concerned about. It's not
16 so much -- the bill makes it more difficult to
17 be in the parking business. The taxes make it
18 impossible to be in the parking business.

19 So that's why we have been pleading with
20 the City for tax relief and to audit -- you
21 have -- we think we're a good company. We
22 think we're a very good company. We think
23 Harvey has a good company, but there are bad
24 companies out there. And we have been the ones

1 trying to police the industry and point them
2 out to the City. There are bad companies.

3 But when you overburden the taxation, you
4 give an advantage to the people that are
5 cheating, right, because they are not paying
6 the taxes. So it's this weird dynamic of
7 overtaxation. And we think overregulation
8 gives an advantage to the bad companies and
9 forces the good companies to leave.

10 COUNCILMAN GREEN: And also those comments
11 are most likely -- not only to not pay your
12 taxes, but also treat their employees in a
13 substandard way and also pay them minimal
14 salary.

15 MR. ZURITSKY: Harvey and I, you know, we
16 spend a lot of time on this association. Our
17 company, Parkway Corporation, starts our
18 salaries -- the average salary for a parking
19 person is -- starts at 13 and a quarter. So
20 this \$9.50 rate average for our industry, I
21 don't agree with. I don't know where that
22 comes from. That wasn't -- they didn't survey
23 our employees, I guess. So I don't know where
24 that comes from.

1 MR. SPEAR: I'd like to add to that, too,
2 that our company starts around 12, \$13 an hour.
3 And most of our employees make substantially
4 more than that.

5 And I think we may be one of the only
6 companies that pays 100 percent company
7 benefits, which, today is very difficult to
8 maintain, because the benefits keep going up.
9 And we give them, as I stated before, health
10 insurance and everything else.

11 COUNCILMAN GREEN: So the issues you
12 raised about the fewer parking spaces and the
13 reduction of parking impacts not only your
14 corporation, but also it impacts those who are
15 here who all support the legislation.

16 So I think the issue of taxation is an
17 issue that, I know, Councilwoman Parker, the
18 Chair of this committee, has stated she was
19 going to aggressively look at in reference to
20 reducing taxation.

21 But I'm also curious about your thoughts
22 on on-street parking versus parking lots and
23 what role that plays in this issue.

24 MR. ZURITSKY: Our rates for on street are

1 \$3.00. And our rates for off street can be 18
2 to \$22. And on street doesn't pay taxes. They
3 don't pay utility bills. They don't have to
4 pay rent. And most cities are way ahead of
5 \$3.00. Some cities are as high as \$8.50 for
6 that same hour.

7 So we think there's -- and when you have
8 people, you know, when the rate is so low on
9 the street, it causes more congestion
10 because -- I would go looking around for a
11 meter space, because it's \$3.00. It's the best
12 deal. It's right where you want to be in front
13 of your store. And it's, you know, a tenth of
14 the price or whatever that difference is.

15 So we think that there should be more
16 parity between on street and off street.
17 Parking gets blamed for causing congestion.
18 It's the opposite. Parking takes cars off of
19 the street. It causes less congestion. Meters
20 on the street, actually, cause more congestion,
21 because everyone is looking for those spaces
22 and pulling into parking on these narrow
23 streets we have in Philadelphia. It causes
24 more congestion.

1 So we think there is low hanging fruit to
2 kind of balance this out and share the tax
3 burden with some on-street fines and fees and
4 balance out the owner's taxation on our
5 industry. It's -- no other city has this.
6 Boston has zero parking tax. Los Angeles,
7 which is a car city, has a 10 percent parking
8 tax. We're 22 and a half percent. Plus we
9 have a use and occupancy tax that no one else
10 in the country has ever heard of. That's 85
11 percent of the real estate taxes. It's brutal.
12 It's a brutal business to be in now.

13 MR. SPEAR: I want to add that we also
14 have a storm water tax to run the water into
15 the sewer, which is substantial now, in
16 addition to the other taxes.

17 And after all that, we pay our insurance,
18 labor, and everything else, which comes to
19 about 50 percent.

20 COUNCILMAN GREEN: Okay. Thank you, Madam
21 Chair.

22 COUNCILWOMAN PARKER: I want to thank you,
23 Councilman Green, for your line of questioning.
24 I want to thank the panel for your response.

1 Let me just note for the record that the
2 issues that you just got on the record today,
3 it's not the first time that I've heard them.
4 Because when we met, you shared those issues
5 with me.

6 And I was very transparent in saying to
7 you, while we may agree to disagree on the
8 bills being proffered here today, that we heard
9 your concerns regarding the taxing structure
10 along with the rogue operators who currently
11 were not being monitored. And you communicated
12 all of that to me.

13 And my commitment to you, just for the
14 record and the benefit of those who are
15 watching at home that are not in this room,
16 that it is not as if this legislative body, and
17 I can specifically speak for myself, did not
18 say that there was some very concrete issues
19 that you raised, and that the difference was --
20 and I don't know what happened during the last
21 administration, because, you know, I was not
22 here. I was in Harrisburg getting a few things
23 taken care of. But when we're committed to
24 doing something, we worked to get it done.

1 And we assured you that from the auditing
2 and working with those who are not paying their
3 fair share, along with the tax structure, that
4 after we finish these bills, to make sure that
5 the employment security that the workers
6 deserve, that they earned, that they should
7 get -- after we work with those bills or work
8 to get these bills passed, we would not abandon
9 the industry. I mean, that is what we said.

10 (Round of applause.)

11 COUNCILWOMAN PARKER: So again, anybody
12 who is watching at home, I want you to know for
13 the record the communications between the
14 industry and, as the chief sponsor of these two
15 bills, that we have not turned a blind eye to
16 what you said were the concerns.

17 And to me, I thought it was pretty
18 significant because I'm always looking for a
19 win win. And if we were going to address the
20 challenges that the industry was facing, I said
21 to myself, Wow. Wouldn't the employees that we
22 see sitting here today who are here to support
23 this legislation, wouldn't it be great and
24 wonderful in a more perfect world, that they

1 became your allies and not your adversaries?

2 (Round of applause.)

3 COUNCILWOMAN PARKER: Thank you. Thank
4 you so very much for your testimony.

5 Will the clerk please call the next panel
6 scheduled to testify?

7 (Round of applause.)

8 THE CLERK: Katchen Locke and Jim Runkle.
9 (Witnesses approached the witness table.)

10 COUNCILWOMAN PARKER: Thank you both for
11 being here, just please state your name for the
12 record and proceed with your testimony.

13 MS. LOCKE: Katchen Locke, associate
14 general counsel, SCIU Local 32BJ. Thank you to
15 the Committee for having us here.

16 I'm going to address, briefly, the legal
17 issues that have been raised by the parking
18 industry lawyers. Although you guys have done
19 a pretty good job of responding, yourselves,
20 I'm going to be brief.

21 The National Labor Relations Act regulates
22 workers rights to organization in the
23 collective bargaining process. The bills
24 presented here today have nothing to do with

1 that.

2 I'm going to go right to the Third Circuit
3 case, the Virgin Islands case. What the
4 industry lawyers failed to.

5 COUNCILWOMAN PARKER: Excuse me. Can you
6 just please -- excuse me. I'm going to ask
7 everyone who is leaving the Chamber, if you
8 could please do so quietly so we can make sure
9 our stenographer is getting the testimony of
10 this current panel on the record accurately.
11 Thank you. I apologize for the interruption.
12 Please proceed.

13 MS. LOCKE: No problem. The Third Circuit
14 case, which was raised by the industry
15 attorneys, involved a just cause statute. I
16 don't think that came out clearly in the
17 testimony, but the Third Circuit squarely held,
18 i.e., in non-lawyer terms, the main point of
19 that holding is that a just cause statute -- in
20 that case, Virgin Islands -- was not preempted
21 by the NLRA. That was the central holding of
22 the case. It was a just cause statute.

23 So what Philadelphia is doing here today
24 is nothing unusual. There are three just cause

1 statues in the country right now. Montana, my
2 home state, 1987 passed a just cause law.
3 Virgin Islands, Puerto Rico, those have been on
4 the book since 1986. This is nothing unusual.
5 These have been around. They have been
6 administered with no problem. And they have
7 been upheld by the courts.

8 The National Labor Relations Act regulates
9 bargaining conduct such as strikes, lock outs,
10 those types of things. The just cause statute
11 has nothing do with the bargaining process. So
12 as the Third Circuit has already held
13 completely outside the realm of the National
14 Labor Relations Act. And so it is not
15 preempted.

16 Philly has the authority to pass this.
17 It's a home rule municipality. You've got the
18 power to do everything as long as it's not in
19 conflict with state or federal law, it isn't.
20 This is akin to what you have already done.
21 The important measures you've already taken
22 with paid sick and fair scheduling. So that's
23 the NLRA preemption argument.

24 I just want to raise one point to address

1 that the industry's lawyers final point was
2 that this bill doesn't address poverty. And
3 it's what we're all talking about here is
4 trying to address poverty, she argued, this
5 isn't the right bill to do it.

6 There is a reason that terminations in the
7 workplace are called the capital punishment of
8 the workplace, because when you lose your job
9 unfairly, you lose everything. You lose your
10 money. You lose your ability raise your
11 family. So it does address poverty. It
12 prevents unfair termination and protects
13 people's livelihoods. Thank you.

14 (Round of applause.)

15 MR. RUNKLE: Hi. Jim Runkle from Spear
16 Wilderman representing 32BJ here locally in
17 Philadelphia.

18 Chairwoman Parker and Councilman Green,
19 thank you for the opportunity to testify today.

20 I've been practicing labor law, I hesitate
21 to admit, for more than 30 years now here in
22 Philadelphia. And I spent the bulk of my time
23 bargaining contracts. And as the Supreme Court
24 said back when I was in law school that both

1 parties to a bargaining process walk in
2 understanding minimum labor standards that have
3 been set by state and local government.
4 Everybody knows that's part of the game when
5 you walk in and you react accordingly.

6 So frankly, as someone who's bargained 300
7 plus contracts, I was surprised to hear the
8 employer raise the preemption argument here.
9 This is clearly not preempted. It doesn't
10 curtail an economic weapon of a party or
11 disrupt the bargaining process at all.

12 In fact, a just cause standard is the most
13 basic, fundamental piece of any collective
14 bargaining agreement. I bargain 300. One
15 thing is for sure. There's a just cause in and
16 a discharge procedure in every single one of
17 those contracts without exception.

18 So it is -- in fact, to give you one
19 salient example, I think, I'm bargaining right
20 now a first contract. Those are the hardest
21 ones to do. With an out of state employer
22 that's a major trucking firm in Philadelphia.

23 Before -- we've been bargaining for six
24 months. Before we even started bargaining, the

1 parties, themselves, entered into an interim
2 just cause discharge procedure to deal with
3 those kind of issues while the parties are
4 bargaining. And so that the parties can move
5 on to substantive economic items. That's how
6 basic and fundamental it is.

7 And another example, too, this employer
8 walked in from out of state. And one of the
9 proposals was sick leave. So they did not
10 express any kind of dismay or moral outrage
11 that there's a sick leave provision in
12 Philadelphia. Instead, they bargain over it
13 and they actually implemented the City's
14 accrual rates into the collective bargaining
15 agreement.

16 My point here is that minimum labor
17 standards that the Supreme Court has always
18 endorsed and said it's not preempted by the
19 NLRA. It's actually helpful for both parties.
20 You understand the parameters. And then you
21 can move onto wages and benefits and other
22 issues.

23 So this is not a hindrance to a bargaining
24 process if there ever becomes a bargaining

1 process here, it's actually helpful to both
2 parties and doesn't disrupt the bargaining
3 power or relationship or economic tools of
4 either party to a collective bargaining
5 agreement.

6 COUNCILWOMAN PARKER: Thank you. The
7 Chair recognizes Councilman Green.

8 COUNCILMAN GREEN: Thank you, Madam Chair.
9 Thank you to both of you for your testimony.
10 And I wanted to kind of further dive into this
11 issue regarding the Third Circuit Case that was
12 made reference to by Ms. Obad. And she made a
13 distinction between fair scheduling and this
14 legislation, in reference to the other
15 legislation being different than this, and made
16 that distinction in reference to it being
17 preempted by the case law.

18 So let me get some perspective from both
19 of you, both from Mr. Runkle, from your
20 organizing and CBA negotiating perspective, and
21 then Ms. Locke from your interpretation, as
22 well, about that distinction issue made.

23 MS. LOCKE: The legal matter, there is no
24 distinction. Just cause is a minimum labor

1 standard for purposes of the preemption
2 analysis -- no less than fair scheduling.

3 And the Third Circuit, again, was dealing
4 with a just cause statute. Another decision,
5 the DC Circuit, ruled a number of years ago
6 that a displaced worker law was not preempted.
7 It's sort of the converse of just cause. When
8 you're a building service worker in a building,
9 your employer loses the contract to clean that
10 building. Another employer comes in, and you
11 are required to hire that employee, called
12 displaced worker. DC Circuit upheld that law
13 in the case of an NLRA preemption challenge.

14 So just cause has been upheld squarely by
15 the Third Circuit as a minimum labor standard.
16 Displaced worker has health benefits, have a
17 number of other compelsments that may end up in
18 a collective bargaining agreement. But they
19 don't necessarily have to.

20 So there is zero difference from a legal
21 perspective, a legal authority perspective
22 between their scheduling and just cause.

23 COUNCILMAN GREEN: And just one other
24 piece. There was a distinction made in

1 reference to fair scheduling being more
2 narrowly tailored for certain types of
3 businesses where this legislation was broader
4 and would impact the entire industry.

5 And there was -- seemed to be a
6 distinction that was made, and that's what
7 caused the fact that this could get into the
8 aspect of collective bargaining. So I want to
9 get your thoughts on that.

10 MS. LOCKE: I think she was just wrong
11 about that. I didn't agree with that analysis.
12 The preemption analysis under the NLRA doesn't
13 turn on, sort of, the narrowness or the
14 breadth, you know, one industry versus, you
15 know -- in Virgin Islands case, you know, it
16 applied to everybody. It's just not relevant
17 to the analysis.

18 What's relevant is, does it impact the
19 bargaining process. And there is no bargaining
20 process at issue here. It just exists outside
21 the realm of the bargaining process. And so
22 perhaps what she was talking about was the
23 collective bargaining agreement opt out in that
24 decision. But it was actually the converse of

1 what we're dealing with here.

2 And so the Courts will analyze a
3 collective bargaining opt out in their
4 preemption analysis. And the reason for that
5 is because the analysis includes an assessment
6 of whether the ordinance treats union,
7 non-union workers alike.

8 If you have a provision in a statute that
9 says, this don't apply if you are covered by a
10 collective bargaining agreement, and that
11 agreement expressly waives the underlying
12 right. And the collective bargaining agreement
13 has a provision that contains something akin to
14 that right. That's where the analysis comes
15 in. They analyzed that provision in the Virgin
16 Islands statute and upheld it. And here, we
17 don't even have that issue.

18 COUNCILMAN GREEN: Right. And I think
19 that's specific in why this legislation, from
20 my understanding, was drafted to not include
21 the opt out, specifically, for that
22 perspective, so it would not bring these issues
23 up.

24 MS. LOCKE: Right. Now, it could. But

1 it's not in the ordinance. It could. But it's
2 not. And so it's not even -- the Third
3 Circuit's analysis isn't even relevant here for
4 that purpose.

5 COUNCILMAN GREEN: Right. Right. And so
6 once again, you stated that the just cause
7 legislation in the Saint Thomas case was not
8 narrowly tailored. It was a just cause
9 legislation and was a breadth of an
10 industry-type of perspective.

11 MS. LOCKE: Right. And that wasn't even
12 part of the Court's analysis. But it was a
13 broader statute.

14 COUNCILMAN GREEN: Right. Okay. Nothing
15 further, Madam Chair.

16 COUNCILWOMAN PARKER: Thank you both for
17 your testimony.

18 Will the clerk please call the final
19 panel?

20 (Round of applause.)

21 THE CLERK: Donald Hayes, Gina Cain,
22 Fatoman Traore, and Gabe Morgan.

23 (Witnesses approached the witness table.)

24 COUNCILWOMAN PARKER: I was about to say

1 good morning, but it's afternoon now. Let me
2 say good afternoon to each of you. Please
3 state your name for the record and proceed with
4 your testimony and speak into the microphone.
5 We want to make sure the stenographer can hear
6 you and record you accurately.

7 MR. HAYES: Good Monday, Donald Hayes.

8 MS. CAIN: Good afternoon, Gina Cain.

9 MR. TRAORE: Good afternoon, Fatoman.

10 MR. MORGAN: How are you doing? Gabe
11 Morgan.

12 MR. HAYES: Thank you to City Council
13 Members for hearing our story regarding minimum
14 staffing. I am a downtown parking attendant.
15 I have been on the job for a year and a half.
16 I work a grueling split shift from 8:00 a.m. in
17 the morning to 12:00 p.m. and 2:00 p.m. to 6:00
18 p.m. I need help.

19 Right now, there are only two of us
20 valeting hundreds of cars every day. We have
21 to park the daily and monthly customers. We
22 have to write down their license plate,
23 exchange keys, and then move their cars
24 downstairs. We snake through a dangerous one

1 lane driveway to park those cars. We don't
2 have time to wait on the elevator. We have to
3 jump to it. That means running up and down
4 flights of stairs. Every minute counts. We
5 have a customer that needs to get on with their
6 day.

7 Sometimes the demand of the job can have
8 us both be downstairs at one time. That means
9 no one is upstairs where all the keys are
10 locked away. Anyone can easily access that
11 lock box. And those keys are gone as well as
12 those fancy cars.

13 We need a third person to keep an eye on
14 that lock box. A third person would help
15 monitor the incoming cars when customers don't
16 read and try to park themselves.

17 We actually had a customer park their car
18 and ended up hitting another car trying to
19 navigate out of the lot once they realized it
20 was a valet garage. That causes damages.

21 When I go on my break from noon to two, my
22 colleague is alone. There is no one to help
23 him at busy lunch hour.

24 Our jobs are stressful and unpredictable.

1 At any time, there could be 10 cars coming in.
2 When I'm away, he has to manage that by
3 himself. If he has to use the restroom, he
4 either has to call a manager from another
5 location or shut the booth down leaving
6 customers to wait.

7 I am a floating attendant, so I work
8 surface and closed lots. When we have to leave
9 the surface lot, customers quickly call the
10 number listed, because they are looking for us
11 to be on site so they can get where they have
12 to go.

13 While our customers pay with credit or
14 debit cards in our lots, a potential thief has
15 no idea we may have tips when tips are given.
16 Most people don't give tips, but our lives are
17 at risk, as people might think we are cash
18 cows. More staff would help make a stressful
19 situation less taxing.

20 Thank you for taking the time to listen
21 and work to bring about change for the hard
22 working parking attendants across this City.

23 (Round of applause.)

24 MR. HAYES: I just want to add. If I may,

1 we had -- my particular location where I was,
2 or where I am, we did very well. We did so
3 good we just had the supervisor, just three
4 days ago, come to our location just to give us
5 praise of what a great job we're doing.

6 And prior to that, one of the supervisors
7 said, Man, you're looking good. This location
8 is making some profits of money. So what that
9 means to me is, we know a bonus check is
10 forthcoming. So on the 5th, one of the
11 managers said if it's not in the 5th, or the
12 19th -- it should be there. If not, talk to
13 me.

14 So when the 19th came, me and my
15 co-worker, I waited a week. And then I
16 presented -- I asked him. I said, What about
17 the bonus check -- on the phone? He said, Well
18 can I speak to you in person? I'll come over
19 and speak to you in person. So when he spoke
20 to me person, he said, About that bonus check,
21 we missed it by this much. I said, Well,
22 there's -- your supervisor said we're doing
23 great. He said, Well, you know, it was this
24 and that, and little situations where we didn't

1 feel -- you know, a lot of talk. Then again, I
2 said, Well, your supervisor that said we did
3 very good and made some profit.

4 So we're missing -- and my coworker was
5 furious. So the other day, he spoke to --
6 approached one of the head supervisors over
7 everybody. And she said, We're happy --
8 because she did an inspection around the
9 facility. She said, Oh, I'm happy. I'm
10 delighted.

11 So he said, You happy, but what about us?
12 What about our bonus? We didn't get our bonus.
13 And her response was -- head down. Nothing.

14 So that's just a story. That's just one.
15 I don't want to go on telling so many other
16 instances of workers being beat up, attendants
17 being beat up, because we have to turn the
18 other cheek. We can't talk back to the
19 customers, what have you.

20 Just the other day a client said, I'm
21 running late. I've been waiting here for five
22 minutes for you. Go get my car. Hurry up and
23 get my car. And I said, Hold up. And I
24 said -- I tried to be professional, but I told

1 her, long story, I said, Listen -- after I got
2 her car back, I said I'm going to take my time.
3 So she called the management and reported me.
4 But anyway, I just let her know that this is
5 not slavery. Slavery is over.

6 (Round of applause.)

7 MR. HAYES: And her face was red. And she
8 just went off. And I just did not say anything
9 to her. And then my manager, we had a long
10 conversation. I told him, You know how I am.
11 I don't take no mess from nobody. I'm
12 respectable and professional. But please, I'm
13 not going to have nobody beat me up or what
14 have you -- disrespect me.

15 I'm not really going to go off, but I have
16 a few customers that when they come to me, I
17 have them go get their own cars, because they
18 complain when I get their car that they don't
19 want me to move the seat, they don't want me to
20 move the windshield. I got to be cramped up to
21 drive the car. I'm not going to do that. So
22 here's your keys. Go get your car. I don't
23 have no problem with me. They respect me.
24 They go get their car.

1 So that's it for me. I just wanted to,
2 you know, give you that little testimony. It
3 would have been nice if that would have heard
4 that -- who left -- so they can understand how,
5 you know, how we feel, really.

6 (Round of applause.)

7 MS. CAIN: Good afternoon. Thank you to
8 the Council Members for taking time to hear our
9 concerns.

10 I'm Gina Cain. I'm a parking attendant at
11 CHOP. I have worked at this position for five
12 years. As a mother and grandmother, I fear for
13 my safety while on the job. There are not
14 enough people working. I work overnights, 10
15 to six a.m.

16 During the weekdays when I work, there is
17 security. On the weekends, there is no
18 security. I am by myself in a booth with the
19 door locked. The garage is open to anyone to
20 gain access. There are homeless people who
21 come up to the booth. There are angry drivers
22 who get mad when I tell them that this is an
23 employee lot only. I've had people get mad and
24 call me black nigger and all that at me.

1 When I need to use the restroom, I have to
2 have a co-worker relieve me, because security
3 does not. Security officers should not have to
4 do our job of a parking attendant.

5 If security is unable, sometimes I need to
6 call a co-worker from another lot. But they
7 don't also have someone to relieve them.

8 My goal every day is to go to work and
9 return safely at work. I shouldn't have to
10 fear for my life and my safety while working to
11 help others get their jobs.

12 I would like to place on the record, I'm
13 50 years old. This is the lowest paying job
14 I've ever had in my life. I've been at CHOP
15 since 2014. I started with 7.35 I get 7.66. I
16 can find 33 cents on the ground every day. I
17 have gotten offers from other jobs, but it's
18 like -- it ain't fair. It's not fair. And I
19 just thank God job for the job. I thank God,
20 you know, that I'm able to work for health
21 insurance. But in part, it's ridiculous. And
22 thank y'all for listening.

23 (Round of applause.)

24 MR. TRAORE: My name is Fatoman. And I

1 thank you guys. And I thank BJ32. And today
2 is a new day. I can't believe I'm sitting here
3 facing you guys.

4 And I'm going to talk about the abuse we
5 are taking. I've been working for them for 14
6 going on 15 years. And I have my paycheck here
7 in my pocket. It's -- every year it's the same
8 thing.

9 My question is this, how somebody who has
10 a family -- wife, kid, grandson living with 250
11 a week and they have to pay rent for \$900.
12 Where is the American freedom? And if I talk
13 and express myself, I get fired for that.

14 And I have a few examples here. They got
15 fired because they tried to speak with their
16 mind. They don't want them. We are taking
17 some kind of slavery like you said. And it's
18 true. It is.

19 This needs to be stopped, because if you
20 stop me from expressing myself, you stop me of
21 expressing my feelings, you control me when I
22 can go to the bathroom. And you control what
23 time I eat and when I finish. This looks like
24 slavery to me. That's what I believe.

1 And it take just five minutes to
2 understand the whole thing. These people that
3 came, what they say in the paper, yeah, it's
4 the truth. That's the law, but what they do in
5 the field is a different story.

6 My 14 years, I saw a lot of people get
7 fired for no reason because they don't want to
8 be on their side. And I'm still valet. And
9 some people might ask themself, for 14 years,
10 you're still valet? Why you don't go up?
11 Because I choose to. Because we get the same
12 money. I don't want to snitch, you know, for
13 them. I don't want to do that. And it's true.

14 So we cross the ocean to come here to have
15 a better life. This parking, I've been to a
16 lot of parking. They speak with one voice,
17 because if you take the parking lot and you
18 look at it, you will see maybe 60 percent is a
19 foreigners. Some have language barrier like
20 me, maybe I speak a little bit, some can't
21 speak at all. So they take advantage of them.
22 You go by the rule or you get fired. It's as
23 simple as that.

24 Anybody who crossed the ocean to come here

1 to have a better life -- they said we're going
2 to fire you. You're going to think about your
3 family. Who is going to pay my rent? I don't
4 want to be in the street, so I have to go by
5 the rule. That's what they do. And that's the
6 truth.

7 A lot of people like me -- the guy sitting
8 over there, he was coming in the parking lot.
9 The park lot was jammed. He just blew the horn
10 just a little tiny bit to alert the manager.
11 We have so many cars lined up.

12 He turned around. He say it's valet. He
13 just went off -- why you do that? I'm going to
14 fire you. I'm going to make sure you're fired.
15 They sent him home. Why? Why do they treat us
16 like this? Because we just came here to get a
17 better life?

18 I believe America is a good land.
19 Everybody has rights here. So we have share
20 the same things. So they need to respect us.
21 They have to. That's all I have to say.

22 (Round of applause.)

23 COUNCILWOMAN PARKER: Mr. Morgan, before
24 you testify, Councilman Green wants to ask some

1 questions.

2 COUNCILMAN GREEN: I just have one quick
3 question. Who do the three of you work for?
4 What companies?

5 MS. CAIN: In Park.

6 COUNCILMAN GREEN: All in Park?

7 MS. CAIN: Yes.

8 MR. HAYES: Parkway.

9 COUNCILWOMAN PARKER: Thank you.

10 Mr. Morgan, please proceed.

11 MR. MORGAN: I'll just point out that
12 Parkway testified here today about what a great
13 employer they were.

14 So I think you've heard a lot of different
15 viewpoints in this. I just want to remind the
16 Committee, and also thank the Committee, for
17 having this hearing, for listening to folks,
18 and for listening to both sides and trying to
19 find solutions to the problems that affect
20 people here in Philadelphia who most need the
21 support.

22 It's the working people of the City who
23 most need the Philadelphia City Council to step
24 in and look after their interest as residents

1 in the City. And we really appreciate the time
2 that you've given us today in having this
3 hearing and sponsoring this legislation and
4 caring about what happens to these workers.
5 Before I say anything else, I want to say thank
6 you for that.

7 I just want to remind folks why -- why
8 we're here and why there's a hearing. I have
9 some written testimony to be submitted, but,
10 you know, the things I heard today is even
11 better.

12 I heard the Chamber of Commerce suggest to
13 you that it's a huge problem if a worker takes
14 a bathroom break. The lawyer said, What do we
15 do in Philadelphia if the attendant has to put
16 up a sign that says, I have to leave my post to
17 go to the bathroom. That tells you what this
18 industry is.

19 It's an industry where going to the
20 bathroom is one where you risk your job in
21 many, many companies. I'm going to read you
22 some of the things that have happened in
23 Philadelphia parking lots.

24 The sexual assault in the garage of Love

1 Park in 2016, that was in the newspaper. The
2 sexual assault in a parking garage on 17th and
3 Callowhill in 2015. A shooting in a parking
4 lot at Rosslyn Mall this past February. And
5 just last week, an attempted abduction with a
6 machete in a parking lot on the 1200 block of
7 Fitzwater.

8 The reason why we've asked for minimum
9 staffing, for example, is because parking lots
10 are dangerous. It's dangerous for customers.
11 And it's dangerous for the people who work
12 there. You don't have to take our words for
13 that, you can just Google search your own --
14 bad things that have happened in Philadelphia
15 parking lots, and you'll see many headlines
16 that come up. And some of those things have
17 been horrific like the ones I have named.

18 But it's also the experience workers have.
19 There's not enough people on a site, not only
20 for a worker to make sure customers are safe,
21 but to go to a bathroom themselves. These are
22 conditions that people in this country should
23 simply not have to work under.

24 And so enacting a law that says a company

1 has to submit a plan to the City that ensures
2 they'll have adequate staffing, to make sure
3 that workers can do things like go to the
4 bathroom, or customers can do things like not
5 get abducted by a machete is not an over the
6 top piece of legislation, and hardly one where
7 we can imagine that it will result in the
8 wholesale closing of the parking industry.

9 Just cause, it's really the most basic
10 standard that you can give a worker. All it
11 says is you can't be fired for just any reason.
12 The employer actually needs to show that you
13 did something wrong. They can't just walk up
14 to you and say, I don't like you. Get out of
15 here. You're fired. They have to actually
16 have a documented reason to say why they are
17 letting someone go.

18 And then the worker has the opportunity
19 to -- if they have done something wrong, to
20 improve their work record over time to prevent
21 termination.

22 It doesn't stop an employer in the case of
23 some egregious event -- if an employee steals a
24 car or lights the garage on fire because they

1 don't have a bathroom, you know, something that
2 lets them be instantly terminated. It doesn't
3 stop them from doing that. It simply gives
4 them the most basic protection that any worker
5 can have. And that's all we're asking Council
6 to do.

7 If, as the industry maintains, having
8 enough people to ensure the safety of its
9 customers and its staff, or having to make sure
10 that everybody that works for them basically is
11 treated fairly, will cause the whole parking
12 lot industry to collapse. I think it's an
13 industry that should take a very hard look at
14 itself before it comes to Council and asks for
15 a tax break. And I think that, to us, is the
16 other argument that we need to address here.

17 Philadelphia parking has a high tax rate.
18 It's true. Philadelphia parking is also
19 booming. There have been closures of lots. A
20 lot of that has been by the very folks that sat
21 here and actually converted their lots into
22 large scale residential and commercial
23 buildings after getting a tax break from the
24 City, a hand out from the State, and then had

1 the nerve to come here and complain about
2 closing a number of parking spaces.

3 A number of the companies that testified
4 to that are the very companies that actually
5 received the most public subsidy in the form of
6 City contracts, our cap money from the
7 government, development variances, et cetera --
8 are those same ones coming here and complaining
9 to you about having to have the burden of
10 treating their employees fairly and make sure
11 their employees and customers are safe.

12 The way this industry works is there are,
13 essentially, four kinds of parking lot
14 operators that we can see. There are
15 multi-national corporations that are booming
16 all around the world, which does raise a
17 question why parking is such a terrible
18 industry in Philadelphia. There'd be so many
19 multi-national corporations fighting for work
20 here. There are local contractors that just do
21 parking. Some are small. Some are big.

22 And then there are the bigger local
23 contractors, who really, their main business is
24 actually to be developers. And all of those

1 folks are then hired -- it can be for business,
2 in this case, ironically, by large scale
3 commercial office and residential buildings,
4 that actually, with their own employees, which
5 32BJ represents -- security officers, cleaners,
6 building engineers -- are actually receiving
7 significant higher wages, have basis things
8 like just cause, have had them for a very long
9 time, have health insurance, have pensions.
10 And it turns out, even though they have those
11 things, it's not resulted in the closing of
12 downtown Philadelphia.

13 So I think we would ask Council and thank
14 Council for moving forward with this today.
15 We're greatly appreciative of that. And I
16 think Council recognizes a lot of arguments
17 that they've heard today don't make sense -- to
18 come up here and suggest that the exact same
19 Supreme Court case that actually made sure that
20 just cause has been ruled across the United
21 States of America to be not preempted to then
22 come up and cite that case as the reason why it
23 is preempted, for example, to say, you know --
24 suggest that the plague of Philadelphia is all

1 the affordable on-street parking. It's tough
2 for you to imagine that people in Philadelphia
3 are running around saying that the real problem
4 is here -- there's too much affordable
5 on-street parking. I don't think that a lot of
6 Philadelphians who are saying, You know what?
7 The real problem is here, parking taxes are too
8 high. Parking taxes may be high, but you're an
9 industry that pays people terribly, treats
10 people even worse, and then comes around and
11 asks for a public handout from that same tax
12 money that they got from the City.

13 So we look forward to working with the
14 Committee and with the Members on Council to
15 pass this legislation to protect parking
16 workers in the City going forward and in other
17 industries.

18 And we appreciate the offer, Councilwoman,
19 that you made, and made since to us, that
20 instead of having an industry be at odds with
21 its workers, if that industry will sit down
22 with its workers and figure out how to be
23 better employers to allow those advocates for
24 improvement to its industry would be its

1 workers. And the same way this Council has
2 seen us come in and advocate for some of the
3 biggest building owners in the City who
4 actually have created 4 or 5,000
5 family-sustaining jobs for working
6 Philadelphians within the same 15 blocks that
7 the parking lot industry is claiming that it
8 can't.

9 So thank you very much for your time.

10 (Round of applause.)

11 COUNCILWOMAN PARKER: The Chair recognizes
12 Councilman Green.

13 COUNCILMAN GREEN: Thank you, Madam Chair.
14 And I would like to thank the panel for their
15 testimony.

16 And also, thank you for restating, which
17 may have been lost, that there's certain basic
18 human dignities that people should be able to
19 have in working -- like just the right to be
20 able to go to the bathroom is just a basic
21 right anyone should be able to have no matter
22 where they work. So thank you for putting that
23 on the record.

24 And also, Mr. Morgan, thank you for

1 putting the information about not only the
2 human dignity of being able to go to the
3 bathroom or take a break that any person should
4 have, but also the public safety issue, because
5 I don't know that came out as much that being
6 in a parking lot as an employee or as a
7 customer late at night, even with lighting, can
8 be a public safety issue. And so I'm curious
9 what type of staffing occurs in other cities
10 and other jurisdictions that may or may not be
11 used to address that issue.

12 MR. MORGAN: So I'd say a couple things.
13 I'd say one, there's a trend to automating a
14 lot of this, which, actually, the leaders of
15 that movement in the City testified here today.
16 That may or may not be a good thing to do.

17 But if you automate and then you don't
18 ensure that there are at least adequate staff
19 or security or what have you to ensure that
20 people are safe, then you are creating a
21 potential problem. And in fact, a problem for
22 the City and for the City police to deal with
23 anyway.

24 We, in this legislation, actually felt

1 like because lots operate differently, what's
2 in a large hospital lot versus what's in an
3 isolated parking lot is differently. We really
4 did feel like the right place to put that
5 decision on what the sufficient number is, is,
6 actually, the folks most in charge of the
7 safety of the residents of Philadelphia, which
8 is the City of Philadelphia.

9 So the ordinance really doesn't try to
10 make everything cookie cutter. It says, submit
11 a plan to L&I so that L&I can review it and
12 ensure the safety of residents, workers, et
13 cetera.

14 And then also, for the first time, believe
15 it or not, give those folks, customers,
16 workers, an actual number or something they can
17 call if they experience an unsafe situation or
18 think an unsafe situation is going to happen,
19 which currently doesn't exist.

20 So we thought rather than give a cookie
21 cutter number, because what it looks like in
22 different cities or in different lots, is even
23 different. Why don't we entrust the City to
24 make sure that they are required in order to

1 operate in the City to provide a basic number
2 of staff to make sure that's safe. I hope that
3 answers the question.

4 COUNCILMAN GREEN: Thank you, Madam Chair.

5 COUNCILWOMAN PARKER: I want to thank you
6 all for your testimony.

7 Let me just ask, is there anyone else here
8 to testify on these bills?

9 (No response.)

10 COUNCILWOMAN PARKER: Seeing none, this
11 concludes the public hearing of the City
12 Council Committee on Labor and Civil Service.
13 I want to thank you all so very much for your
14 patience here today. Thank you.

15 (Round of applause.)

16 - - - - -

17 (Whereupon the hearing concluded at 12:46 p.m.)

18 - - - - -

C E R T I F I C A T I O N

I, hereby certify that the
proceedings and evidence noted are
contained fully and accurately in the
stenographic notes taken by me in the
foregoing matter, and that this is a
correct transcript of the same.

Kathryn Doyle
Court Reporter - Notary Public

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