

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

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, April 29, 2014
10:20 a.m.

PRESENT:

COUNCILMAN JAMES KENNEY, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BOBBY HENON
COUNCILMAN BRIAN J. O'NEILL
COUNCILMAN MARK SQUILLA

BILLS 140093, 140094, 140205, and 140206

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COUNCILMAN KENNEY: Good

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morning, ladies and gentlemen. The

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Committee on Labor and Civil Service has

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a quorum with the presence of

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Councilmember Goode, Councilmember

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Squilla, Councilmember Bobby Henon here

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to hear testimony and take action on four

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bills, the first of which is Bill No.

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140205 and 140206.

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205 is an ordinance amending

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Title 22 of The Philadelphia Code,

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entitled "Public Employees Retirement

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Code," to expand the scope of "Plan '10"

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and "DC Plan" to cover additional

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employees, including employees

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represented by AFSCME, District Council

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47 and certain employees not covered by a

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collective bargaining agreement, to

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change the contribution rates, and to

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make technical amendments, all under

22

certain terms and conditions.

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The second bill is 206, which

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is an ordinance amending Section 22-310

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of The Philadelphia Code, entitled

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 "Deferred Retirement Option Plan," by
3 revising and clarifying requirements
4 relating to separation from employment,
5 under certain terms and conditions.

6 The testimony for these bills
7 will both be heard concurrently.

8 Mr. Dubow, please approach the
9 table and identify yourself for the
10 record.

11 (Witness approached witness
12 table.)

13 MR. DUBOW: Good morning.

14 COUNCILMAN KENNEY: Good
15 morning.

16 MR. DUBOW: My name is Rob
17 Dubow. Good morning, members of the
18 Committee, Chairman Kenney. I'm here to
19 testify on Bills No. 140205 and 206. The
20 bills would implement elements of the
21 collective bargaining agreement reached
22 between AFSCME District Council 47 and
23 the Administration. It would implement
24 them for members of DC47 and for
25 non-represented Civil Service employees.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 Bill No. 140205 would give new
3 employees the choice of entering into a
4 combined defined benefits-defined
5 contribution plan or entering the
6 existing defined benefit plan but
7 contributing an additional 1 percent of
8 salary into the Pension Fund. In
9 addition, current employees would
10 contribute an additional 1 percent of
11 salary into the Pension Fund. The
12 increase in contribution for current
13 employees would be implemented in two
14 steps by January 1st, 2016.

15 Bill No. 140206 would allow
16 employees who are in DROP and are subject
17 to temporary layoffs to return to DROP
18 status as long as the temporary layoff is
19 fewer than 15 days.

20 The Administration supports
21 both of these bills.

22 That concludes my testimony.
23 I'd be happy to answer any questions.

24 COUNCILMAN KENNEY: Thank you
25 very much.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 Please let the record reflect
3 that Councilwoman Bass is also in
4 attendance as a member of the Committee.

5 Are there any questions for
6 Mr. Dubow?

7 (No response.)

8 COUNCILMAN KENNEY: Seeing
9 none, thank you.

10 MR. DUBOW: Thank you.

11 COUNCILMAN KENNEY: That's a
12 record.

13 MR. DUBOW: Yeah. It's great.

14 COUNCILMAN KENNEY: Especially
15 when it comes to labor issues. Wow.

16 Anyone else in the room like to
17 testify on these bills?

18 (No response.)

19 COUNCILMAN KENNEY: Seeing
20 none, thank you very much.

21 The next bill we will deal with
22 is Bill No. 140093, which is an ordinance
23 amending Title 21 "Miscellaneous," by
24 adding a new Chapter 21-2800, entitled
25 "Fire Service Paramedic Safety and

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 Health," by adopting minimum standards to
3 protect the health, safety and dignity of
4 uniformed Philadelphia Fire Department
5 personnel working as fire service
6 paramedics; all under certain terms and
7 conditions.

8 Mr. Resnick, please approach
9 the witness table and identify yourself
10 for the record.

11 (Witness approached witness
12 table.)

13 MR. RESNICK: Good morning.

14 COUNCILMAN KENNEY: Good
15 morning.

16 MR. RESNICK: I just make a
17 request that our hearing be as quick as
18 that one.

19 COUNCILMAN KENNEY: Yes; my
20 plan.

21 MR. RESNICK: Thank you. Good
22 morning, Chairman Kenney and members of
23 the Labor and Civil Service Committee.
24 My name is Michael Resnick, Director of
25 Public Safety. I appear before you today

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 to offer testimony on Bill No. 140093,
3 which seeks to amend Chapter 21 of The
4 Philadelphia Code by declaring that the
5 fire service paramedics in the
6 Philadelphia Fire Department shall be
7 considered as firemen for the purposes of
8 the Act of June 28, 1935 referred to as
9 the Enforcement Officer Disability
10 Benefits Law, or the Heart and Lung Act.

11 While the Administration takes
12 no position with respect to the
13 underlying policy, we must respectfully
14 oppose the bill at this time for several
15 reasons.

16 In enacting the Heart and Lung
17 Act, the Pennsylvania General Assembly
18 was very specific in enumerating the
19 classifications, mainly law enforcement
20 officers, who would be entitled to the
21 benefits provided for the Act. The
22 General Assembly chose to include
23 policemen and firemen of the Commonwealth
24 cities, boroughs, towns, and townships.
25 Paramedics and those who provide

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 emergency medical treatment are absent
3 from the long list of those employees
4 included in the Act's coverage. A local
5 government, whether by ordinance or an
6 administrative action, cannot amend or
7 alter this legislative scheme enacted by
8 the General Assembly. Only action by the
9 state Legislature or a decision by a
10 court of competent jurisdiction could
11 bring about this change that the bill
12 seeks.

13 Additionally, this bill is
14 offered without consideration of the
15 financial implications to the City and
16 taxpayers. Currently, fire service
17 paramedics who are injured on duty are
18 covered by the City's IOD benefit system
19 as well as benefits pursuant to the
20 Worker's Compensation Act. There is no
21 analysis of the costs to the taxpayers
22 for including fire service paramedics
23 within the coverage of Heart and Lung
24 Act.

25 While the Administration is

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 mindful of the important and selfless
3 work performed by these first responders,
4 we are unable to support the bill for the
5 reasons stated.

6 If anybody has any questions,
7 I'd be glad to answer them at this time.

8 COUNCILMAN KENNEY: When we
9 went through the issue relative to
10 firefighter paramedics -- firefighters
11 and paramedics being separated, there was
12 a pretty contentious situation both in
13 the court and in here relative to that, I
14 guess, classification of employee.

15 MR. RESNICK: Is that the
16 Lawrence case you're talking about, the
17 overtime decision?

18 COUNCILMAN KENNEY: Yes, and
19 how that all evolved into where we were.

20 MR. RESNICK: Right.

21 COUNCILMAN KENNEY: But prior
22 to that whole circumstance, were
23 firefighters and paramedics in the same
24 category?

25 MR. RESNICK: When you say

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 "category," what do you mean?

3 COUNCILMAN KENNEY:

4 Classification.

5 MR. RESNICK: In terms of --

6 COUNCILMAN KENNEY: As the City

7 recognized them prior to the, I guess,

8 split, the forced split of the union and

9 then them coming back under --

10 MR. RESNICK: It's been a

11 while. I believe it was there was a

12 litigation that was filed by fire service

13 paramedics because of the overtime issue.

14 COUNCILMAN KENNEY: Right.

15 MR. RESNICK: So they wanted to

16 be exempted out of that, because I think

17 the firefighters weren't making the

18 overtime. So for that sole distinction,

19 I believe they were lumped together.

20 COUNCILMAN KENNEY: Correct.

21 MR. RESNICK: And then after

22 that litigation, obviously they were

23 split up for the issue of overtime.

24 COUNCILMAN KENNEY: But prior

25 to the overtime issue and argument, they

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 were considered, in the view of the City,
3 to be firefighter paramedics, correct?

4 MR. RESNICK: That's the title,
5 fire service paramedic.

6 COUNCILMAN KENNEY: Right. So
7 there was no difference between as the
8 City approached them then until the
9 contentious issue of the overtime and the
10 court case and then the separation and
11 somewhat --

12 MR. RESNICK: Right, for the
13 narrow issue of payment of --

14 COUNCILMAN KENNEY: Overtime.

15 MR. RESNICK: -- who earns
16 overtime and how they earn overtime.

17 COUNCILMAN KENNEY: But other
18 than that, prior to that policy
19 discussion or legal conclusion, they were
20 considered the same as firefighters.

21 MR. RESNICK: I guess I have to
22 disagree with you when you say they were
23 considered the same. I mean, there's
24 firefighter. There's fire service
25 paramedic. We paid them the same without

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 any, I guess, distinction or
3 differentiation based upon the Labor
4 Standard Act. So there was that
5 litigation. That was that whole
6 contentious issue. There was that split.
7 So now they make the overtime and the
8 firefighters don't. So before that, I
9 guess everybody was paid the same.

10 COUNCILMAN KENNEY: But they go
11 through the same training.

12 MR. RESNICK: They go to the
13 Fire Academy. They go to training.
14 There's a difference in the training. I
15 could have Commissioner Costo or
16 Commissioner Sawyer talk about the
17 training that they receive and where that
18 is different.

19 I mean, I had a quick
20 conversation with the union attorney,
21 Maria Terpolilli, before this hearing.
22 One of the things that I suggested to
23 her -- I'll probably get in trouble for
24 this -- is that they should just bring a
25 fire service paramedic claim before the

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 Heart and Lung Panel, appeal it to
3 Commonwealth Court, and let the court
4 decide.

5 COUNCILMAN KENNEY: Because
6 we're not talking about a large number of
7 them.

8 MR. RESNICK: It's 220-some.

9 COUNCILMAN KENNEY: There's
10 225. And I tell you, one of the things I
11 do recall when it comes to comparing them
12 to police officers and other first
13 responders who are in sometimes dire
14 situations, I remember going in 2008 to a
15 fire ops training at the Fire School
16 sponsored by Local 22, but it was an
17 all-day event. I think I wound up at the
18 end, I think they were going to put leads
19 on me in a medic unit to make sure I
20 wasn't having a heart attack after I went
21 through the 12 hours worth of training,
22 which was very eye opening and
23 enlightening as to the type of work they
24 do and how difficult it is. I spent more
25 time on my knees that day than I ever

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 want to do again.

3 But one of the things that the
4 first kind of obstacle -- or not
5 obstacle, but the first unit we came to
6 in that training was paramedic training
7 of a paramedic doing CPR on a mannequin
8 with another fire service person in the
9 corner screaming epithets and curses and
10 other types of things to that person
11 while they were doing it, and I was like
12 what? Why is he yelling curses and
13 threats and we're going to kill you? Why
14 is it going on?

15 He said, Because that's what we
16 go into in a house sometimes when we're
17 trying to save somebody's life from a
18 heart attack or something else, and we
19 have people in our faces screaming, as a
20 police officer might experience.

21 So it kind of occurred to me at
22 the time that I was like, wow, that's --
23 I mean, you think you just go in with a
24 stretcher and the oxygen unit and do your
25 thing. You're in a war zone sometimes

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 when you're doing your job.

3 So to me it didn't seem that
4 much of a difference between
5 firefighters, paramedics or police
6 officers in some circumstances and the
7 things that they have to encounter.

8 So I'm hoping -- what I hope is
9 that the overtime argument and the
10 subsequent case kind of put these guys or
11 put these men and women outside of these
12 very serious, dangerous jobs which would
13 preclude them from the Heart and Lung
14 coverage.

15 MR. RESNICK: And I totally
16 understand and I get it and I understand
17 the environment and the situations in
18 which they find themselves in. It's just
19 that when you read the Heart and Lung Act
20 and you go through what the General -- or
21 who the General Assembly has said is
22 entitled to the benefit, it's hard to
23 sort of make that fit, and I don't -- you
24 know, respectfully, I don't know if this
25 is the right way to do it, and maybe the

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 conversation that Ms. Terpolilli and I
3 had is the appropriate way to go about
4 making that clarification.

5 COUNCILMAN KENNEY: But I guess
6 if we identify paramedics as
7 firefighters, we wouldn't have this
8 issue. That's a hypothetical.

9 MR. RESNICK: Hypothetically.

10 COUNCILMAN KENNEY: But that
11 would be the case.

12 MR. RESNICK: I guess, but
13 there's -- again, Chief Sawyer and Chief
14 Costo can talk about the difference, but
15 there's a difference.

16 COUNCILMAN KENNEY: I
17 understand that and, again, I'm going to
18 recognize Councilwoman Bass in a second,
19 but I just think when you look at a unit,
20 a firefighting unit, I mean, I know
21 there's situations where paramedics are
22 dragging hose sometimes at a fire scene
23 or going in and trying to pull somebody
24 out. So I think a lot of times whether
25 you're a hose person or a ladder person

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 or whatever else you're identified as on
3 the fire scene, it's kind of a working
4 unit all together, and I don't think that
5 they're like a volunteer ambulance
6 company standing by waiting for
7 something. I think they're a different
8 type of person and employee.

9 Councilwoman Bass.

10 COUNCILWOMAN BASS: Thank you.

11 Good morning.

12 MR. RESNICK: Good morning.

13 COUNCILWOMAN BASS: How are
14 you?

15 MR. RESNICK: Good. How are
16 you?

17 COUNCILWOMAN BASS: Good. I
18 just have a couple questions. The first
19 is, I just wanted to ask, did you support
20 the spirit of the bill? I understand
21 obviously -- because I just want to be
22 clear on this, because I get it.
23 Harrisburg has set the standard, set the
24 rule, and our hands are tied in so many
25 ways on things that we do here in the

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 City, but I just would like to be able to
3 emphasize that the Administration does
4 support the spirit of this bill, because
5 it almost feels like it's a technicality
6 in terms of why we are excluding a
7 population that is very, very hardworking
8 here in the City.

9 I've been out to pretty much
10 every fire station in my district. I
11 know them all, and I can tell you -- I
12 went out with Mr. Schulle and we went and
13 we did a tour and looked at some of them,
14 and at two in particular that we visited,
15 the entire time we were there we didn't
16 see one paramedic, and the reason wasn't
17 because they were just out or chilling or
18 hanging out. It was because they were on
19 calls. And not just one call. So for
20 the entire probably hour and a half that
21 we spent at the first station we visited,
22 the paramedics came in and did a total of
23 three calls, I believe, on that day. And
24 it was the same for the next one and so
25 forth and so on.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 So I just want to make sure
3 that if this is something that we want to
4 do, that we don't rest because this is
5 some sort of a technicality, that they're
6 not classified right, so they're not
7 entitled to the proper benefits that they
8 should have.

9 MR. RESNICK: In terms of -- I
10 would say spirit, policy, I would use
11 them synonymously, Councilwoman. I think
12 the Administration would need to do a
13 detailed analysis of what would this look
14 like in terms of we have 225, 6 fire
15 service paramedics, how many of them go
16 out IOD or worker's comp, what does that
17 look like, how would those payments that
18 the City would be required to make under
19 the Heart and Lung Act be different from
20 what we would make under the Work Comp
21 Act or IOD and look at what the bottom
22 line numbers would be to see if that's
23 something we could support.

24 COUNCILWOMAN BASS: Okay. So
25 there's a financial implication.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 MR. RESNICK: There's an
3 analysis.

4 COUNCILWOMAN BASS: Like how
5 would you weight it in terms of we've got
6 the regulation out of Harrisburg, but at
7 the same time you're saying there's a
8 financial aspect of it. So is one, I
9 guess, weighted heavier than the other?

10 MR. RESNICK: No. I think
11 that's it. That's the analysis. I mean,
12 we need to determine --

13 COUNCILWOMAN BASS: So it's
14 really a financial analysis in terms of
15 why the City is opposed to this.

16 MR. RESNICK: That, and --

17 COUNCILWOMAN BASS: Or that has
18 a stronger implication.

19 MR. RESNICK: I think that's a
20 stronger implication. Like I said, there
21 are many ways that we can go about doing
22 this, and this bill, respectfully, I
23 don't know if it gets us there. Lobbying
24 the General Assembly or actually bringing
25 a test case and appealing it to the

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 Commonwealth Court and making these
3 arguments there to allow the court to
4 decide and a court of competent
5 jurisdiction to interpret this Act to say
6 firemen also includes this class of
7 employee who do these similar type
8 things, that's probably the better way to
9 resolve this. But from the
10 Administration's point of view, we would
11 like to see what would this ultimately
12 cost and what's this going to cost the
13 taxpayers.

14 COUNCILWOMAN BASS: Okay. I
15 understand that. Obviously we deal with
16 the City's budget, finances. It's at the
17 top of our agenda. We want to do what's
18 important and what's responsible, but
19 it's also responsible to take care of our
20 workers. And so where you have folks who
21 are working continuously, who often don't
22 get a break, who don't get a minute of
23 downtime to sort of reset themselves
24 after some of the really disturbing,
25 challenging things that they have seen

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 and dealt with out on the street I think
3 is really, really problematic.

4 But thank you, Mr. Chairman.

5 COUNCILMAN KENNEY: Thank you.

6 Councilman Henon.

7 COUNCILMAN HENON: Thank you,
8 Mr. Chairman.

9 Good morning, Mr. Resnick.

10 MR. RESNICK: Good morning,
11 Councilman.

12 COUNCILMAN HENON: I wasn't
13 around when or held an elected office
14 here in this body when, as Jimmy was
15 describing, the history of the
16 separation, but they're managed under the
17 same department; is that correct?

18 MR. RESNICK: Yes, sir.

19 COUNCILMAN HENON: I'm reading
20 some other testimonies and there's a long
21 list of other -- capitol police,
22 corrections officers, psychiatric,
23 security aides, drug enforcement, DRPA,
24 park guards, Sheriff's deputies all are
25 covered under the Heart and Lung. Would

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 you consider the paramedics, from your
3 perspective, from a discretionary
4 standpoint -- I mean, they're managed the
5 same as our firefighters, but would you
6 consider paramedics first responders?

7 MR. RESNICK: Of course.

8 COUNCILMAN HENON: Okay. So we
9 knew that we were having a hearing today,
10 public hearing.

11 MR. RESNICK: Yes.

12 COUNCILMAN HENON: And I'm sure
13 you've had conversations in advance to
14 this meeting or this hearing regarding
15 this issue. Is it the Administration's
16 standpoint it's just that there's a legal
17 technicality here or is there something
18 that the Board of Trustees can handle
19 with having them classified under
20 coverage with the Heart and Lung?

21 MR. RESNICK: When you say --

22 COUNCILMAN HENON: I'm saying
23 can the Administration be a little more
24 proactive? So we tend to by human
25 nature, not just the Administration

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 specifically, but we as humans tend to
3 look for the easy way out and to say,
4 Okay, that's a technicality, so they're
5 not included, instead of looking for a
6 reason to include people and to try to
7 give in this case our first responders
8 the benefit that it deserves as running
9 into sometimes hostile and dangerous
10 situations.

11 MR. RESNICK: Yeah. I don't
12 know if it's -- I wouldn't call it a
13 technicality. I mean, you've read the
14 bill and you're just enumerating all of
15 the types of workers that the General
16 Assembly has considered and included in
17 the Act, and it's a pretty exhaustive
18 list of people and a lot of different
19 enforcement officers. Specifically
20 excluded are paramedics and those who
21 provide emergency medical treatment.

22 Now, I wouldn't say that's a
23 technicality. I mean, if the General
24 Assembly wanted to include them, I think
25 it would have been there, and I think

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 there are ways to get that -- if that's a
3 desired result, to get that into the bill
4 or into the Act, lobbying the General
5 Assembly or taking a case to court and
6 having a court of competent jurisdiction
7 determine and interpret the Act and say
8 under this Act where they mean
9 firefighters, they actually mean this
10 class of employee also. I don't think we
11 can unilaterally do that.

12 COUNCILMAN HENON: So you don't
13 feel that we have the discretion to make
14 that kind of determination?

15 MR. RESNICK: I don't think so,
16 because the Act doesn't specifically say
17 it.

18 COUNCILMAN HENON: Because we
19 do as an Administration have
20 discretionary use as we've heard over
21 management discretionary -- I forget the
22 term.

23 COUNCILMAN KENNEY:
24 Prerogative, management prerogative.

25 COUNCILMAN HENON: That's it,

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 management prerogative. It would
3 behoove, I think, the Administration to
4 use its prerogative to try to include in
5 this specific case. So I'm just throwing
6 it out there.

7 MR. RESNICK: Understood.

8 COUNCILMAN HENON: I think it's
9 worth looking for.

10 Would you say -- we can argue
11 technicality or not, but discretionary
12 prerogative or managerial prerogative to
13 include a group like the paramedics in
14 this coverage. Of course, go through the
15 proper health and welfare, trustee
16 approval. But if you could take that
17 back and consider that.

18 And last, Mr. Chairman, in
19 advance to this meeting, has there been
20 any kind of -- knowing that you could be
21 doing a -- need to have a fiscal analysis
22 of what this may be, is that process --

23 MR. RESNICK: It was requested,
24 Councilman. I don't have anything before
25 I came here today.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 COUNCILMAN HENON: But it has
3 been requested?

4 MR. RESNICK: Yes.

5 COUNCILMAN HENON: Thank you.
6 I have no further questions.

7 COUNCILMAN KENNEY: Before I
8 recognize Councilman Squilla, I would
9 contend that when the Legislature passed
10 this particular Act, they considered
11 firefighter paramedics all in the same
12 category. They didn't become distinct
13 until the overtime argument and the
14 subsequent court case. As a matter of
15 fact, this Council in 2010 passed a bill
16 that recognized paramedics as
17 firefighters for the purpose of
18 Act 111. The court did not agree with
19 that, but I would argue that from the
20 inception of the Heart and Lung Act,
21 firefighter paramedics were always
22 included in the firefighter category.
23 Now it's being parsed that they're not
24 because of what happened in the last
25 couple years relative to the overtime

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 issue. If it weren't for the overtime
3 issue, I doubt that we'd be sitting here
4 talking about this, because they would be
5 considered firefighter paramedics, which
6 is what they are.

7 Councilman Squilla.

8 COUNCILMAN SQUILLA: Thank you,
9 Chairman.

10 My question is, I know -- I
11 appreciate you giving an idea to the
12 union on how to proceed and go forward
13 with a lawsuit, but I don't know, I just
14 have a hard time -- I like to try to work
15 things out before going to court, and
16 there's got to be a way to sit down with
17 both sides here and come up with a
18 compromise or some type of way to make
19 things work out without having to go to
20 court. We see what happens when we go to
21 court. I mean, there's still resources
22 being expended at that point both on the
23 City's side and on the side of the
24 employees.

25 But are you saying at this

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 point that's the final decision by the
3 Administration, that we're just taking
4 this road and then go to court and
5 decide?

6 MR. RESNICK: No. I didn't say
7 that that's the final decision by the
8 Administration. For the purposes of this
9 hearing today, this was sort of the
10 position. We had a conversation about
11 how we might go along and include this
12 class of employee under the
13 interpretation of firemen as provided in
14 the Act by the General Assembly. I'm not
15 saying that there are no further
16 opportunities for conversation or
17 discussion about this, and as I answered
18 the Councilwoman's question, we'd like to
19 see what this would ultimately cost
20 taxpayers, how much would this increase
21 benefit payments if this class were
22 included.

23 Now, the Act does talk about
24 certain other types of officials that we
25 also employ. It talks about correctional

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 officers, albeit not our correctional
3 officers but other correctional officers.
4 So where on the slippery slope do we sort
5 of stop, and do we include our
6 correctional officers here, although the
7 Act doesn't say ours specifically from
8 the City, but it does talk about
9 correctional officers working in the
10 state Department of Corrections under
11 certain circumstances.

12 So we just need to be careful
13 before we go down the slope by including
14 and overly expanding the coverage of the
15 Act. But to answer your question,
16 Councilman, no, I don't think that the
17 matter is closed and we wouldn't be open
18 to conversation.

19 COUNCILMAN SQUILLA: That was
20 my main concern. I mean, it's good to
21 hear that we'll still be able to maybe
22 work this out before going to court. I
23 think that would be an opportunity for
24 both sides to put their heads together
25 and see if we could come up with some

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 type of solution.

3 Thank you.

4 COUNCILMAN KENNEY: Before I
5 recognize Councilman Goode, I just want
6 to state for the record there are 6,600
7 or so police officers, 2,500 or so
8 firefighters, and 225 paramedics.

9 MR. RESNICK: Right.

10 COUNCILMAN KENNEY: The
11 inclusion of the 225 paramedics I think
12 would be de minimis in its cost relative
13 to the expanse of people that are
14 eligible for it now. I can't imagine
15 actuarially that 225 would skew that
16 number so badly against the public
17 taxpayer that there would be even any
18 recognition of it having any impact at
19 all. Yes. Is there a specific financial
20 impact that could be identified? Yes,
21 but based on who it's offered to now, the
22 inclusion of the 225 that probably should
23 have been included -- were included in
24 the first place would be a de minimis
25 amount of money considering the small

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 number of people we're talking about.

3 Councilman Goode.

4 COUNCILMAN GOODE: Thank you,
5 Mr. Chairman.

6 Mr. Resnick, did I understand
7 you correctly to say that the Legislature
8 precluded paramedics and emergency
9 management personnel?

10 MR. RESNICK: I'm sorry,
11 Councilman.

12 COUNCILMAN GOODE: Did I
13 understand you to say that the
14 Legislature purposely excluded --

15 MR. RESNICK: I didn't read the
16 legislative history of the Act,
17 Councilman, but it doesn't say it in
18 there. But my point was they're pretty
19 exhaustive with the list of people who
20 they included.

21 COUNCILMAN GOODE: You said
22 it's a very exhaustive list, so they
23 excluded paramedics and --

24 MR. RESNICK: Yes. Emergency
25 medical providers. It's not in there.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 COUNCILMAN GOODE: But you
3 don't know that to be true?

4 MR. RESNICK: I mean, they
5 include a whole bunch of other folks and
6 they don't include paramedics or
7 emergency medical providers.

8 COUNCILMAN GOODE: But legally
9 you don't know that they excluded
10 paramedics and emergency management
11 personnel.

12 MR. RESNICK: Other than the
13 fact that it doesn't specifically say it
14 in the Act and when the Act says a whole
15 bunch of other people are included --

16 COUNCILMAN GOODE: So you don't
17 know it was their intent to exclude?

18 MR. RESNICK: No, other than
19 the fact that it's absent from the Act.

20 COUNCILMAN GOODE: So what
21 would happen legally if we included them?

22 MR. RESNICK: As I said
23 earlier, respectfully, I don't believe
24 that the action of the local Council
25 could alter the legislative scheme from

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 the General Assembly.

3 COUNCILMAN GOODE: I don't
4 believe it has to. So I'm saying what
5 would happen legally if we included them?
6 Is somebody going to sue us?

7 MR. RESNICK: I don't think
8 anything would happen legally.

9 COUNCILMAN GOODE: I don't
10 think so either.

11 Thank you.

12 COUNCILMAN KENNEY: Maybe some
13 of the uniformed personnel here could
14 correct or enlighten me to my memory of
15 history. When the paramedics part of the
16 firefighting job started to evolve, I
17 guess, back in the -- I guess it would be
18 the '70s, I would think, early, mid, late
19 '70s, firefighters were kind of on almost
20 a volunteer basis or an assignment basis
21 as a firefighter put into kind of this
22 paramedic or medical service part of the
23 job. They were not hired separately as
24 paramedics. They were hired as
25 firefighters, and then because of

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 interest or because of assignment, they
3 began to be trained for first responder
4 medical treatment, and as the job again
5 evolved, it became a specific part of the
6 Fire Academy training so that you kind of
7 had -- you were a firefighter, but then
8 you had a specialty kind of as a
9 paramedic. And I believe that when the
10 Heart and Lung provision of Act 111 was
11 passed, we were in that era where people
12 who were doing the job of paramedic or
13 assigned as a paramedic were actually
14 firefighters first. They weren't
15 paramedics first. They were firefighters
16 first. So I would suspect that the
17 intent of the Act then was to cover those
18 people in that particular service.

19 Now that this overtime issue
20 and court issue has happened and we've
21 had this contention, they're separate
22 entities, but I think at the time -- and,
23 again, we can find out through some
24 research -- that at the time this
25 particular provision in the state

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 Legislature was passed, they were all
3 firefighters. Some did additional duty
4 as medical treatment people, but they
5 weren't -- I don't know the year in which
6 we were hiring separate paramedics.

7 MR. RESNICK: And I don't know,
8 Councilman. The Act is the Act of June
9 28, 1935.

10 COUNCILMAN KENNEY: We weren't
11 hiring separate paramedics then, I can
12 assure you.

13 MR. RESNICK: Right.

14 COUNCILMAN KENNEY: Because
15 that whole paramedic or the whole fire
16 medical service part of it wasn't evolved
17 at that point.

18 MR. RESNICK: Right.

19 COUNCILMAN KENNEY: So it would
20 seem to me that if you're working in a
21 firehouse and you are a member of the
22 Philadelphia Fire Department, that you
23 were included in the 1938 Act. So the
24 only thing that would have changed that
25 was this issue that came up over overtime

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 in 2010, and to me, that seems that
3 they're probably, by the intention of the
4 Legislature, included and not excluded.

5 MR. RESNICK: I think you're
6 right, it probably is worth some more
7 research.

8 COUNCILMAN KENNEY: Okay.

9 Any other questions for
10 Mr. Resnick?

11 (No response.)

12 COUNCILMAN KENNEY: Thank you
13 very much for your testimony.

14 MR. RESNICK: Thank you.

15 COUNCILMAN KENNEY: Joe Schulle
16 and Maria Terpolilli, please.

17 (Witnesses approached witness
18 table.)

19 MR. SCHULLE: Good morning. My
20 name is Joe Schulle. I'm the President
21 of the IAFF Local 22, Philadelphia
22 Firefighters and Paramedics Union.

23 COUNCILMAN KENNEY:

24 Mr. Schulle, please pull that microphone
25 close to you. Thank you.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 MR. SCHULLE: I feel like it's
3 too close.

4 COUNCILMAN KENNEY: No. We
5 need to hear you.

6 Please proceed.

7 MR. SCHULLE: Before I begin
8 with the prepared text, I would just like
9 to clarify a few things. Although the
10 Heart and Lung Act was passed in 1935, it
11 didn't become relevant in Philadelphia
12 until about 10 or 15 years ago. That's
13 to say that the City did not treat the
14 employees, cops or firefighters, under
15 the Heart and Lung Act until it was
16 contractually -- they were contractually
17 obligated to do so, and that was, like I
18 said, about ten years ago.

19 And it's kind of in the
20 prepared text, but the main reason we're
21 here regarding having the paramedics
22 included in the Heart and Lung Act is
23 because the care that's provided by the
24 Comp Services Incorporated and the Comp
25 Services doctors is abysmal, to say the

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 least.

3 If you go to a Comp Services
4 doctor, their client is the City. It's
5 not the patient. So they're not really
6 concerned as to what is the best care to
7 give to the patient. They're concerned
8 with what's the quickest way to get him
9 back to limited-duty status. And that
10 kind of plays a little bit into the
11 financial aspect of this, because what it
12 basically means is when a member is light
13 duty or limited duty, it's not counted as
14 no-duty status. So it doesn't count
15 against the budget that they're replacing
16 them, even though they are replacing that
17 member. So the Comp Services doctors do
18 everything they can to get the member
19 back limited duty as early as possible,
20 and then putting them limited duty,
21 because our guys want to be in the
22 firehouse and they want to work, then the
23 member pushes themselves to get back to
24 duty as soon as possible.

25 I've actually had a paramedic

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 call me the other day in tears, and this
3 was just last Friday. She was in tears.
4 She hurt her back. She goes to the Comp
5 Services doctor. Now, she was out of
6 work for about three weeks with a lower
7 back injury. The Comp Services doctor
8 tells her -- now, they didn't do an MRI
9 or anything on her back, mind you. They
10 say, This can't be job related anymore.
11 This has to be some kind of woman issues,
12 and they put her back to full duty. So
13 she calls me in tears because she knows
14 she has to lift patients and she's not
15 capable of doing it, but she can't
16 disobey the order and not go back to
17 work. This is the situation that these
18 Comp doctors are putting our paramedics
19 in.

20 And even when you go beyond the
21 Comp Services doctors and you look at
22 Comp Services Incorporated, which is
23 actually a subsidiary of Blue Cross, all
24 they're concerned about is saving money
25 for their corporation. And this is

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 actually -- and it's well documented.
3 They're actually refusing recommended
4 care, whether it's recommended care from
5 a Heart and Lung doctor or recommended
6 care from the Comp doctor. Comp Service
7 Incorporated, the nurse managers are
8 getting involved and saying, I don't care
9 that the doctor said you need this
10 medical intervention, we're not providing
11 it. And it happens on a daily basis
12 we're getting calls about this. And
13 Maria will be able to talk about it a
14 little more, because she's constantly
15 fighting in either the Heart and Lung
16 Arbitration Panel or fighting against
17 these types of actions.

18 I had a couple of notes written
19 down.

20 COUNCILMAN KENNEY: Before you
21 continue, I'd just like the record to
22 note that Councilman O'Neill is also
23 present.

24 MR. SCHULLE: So in listening
25 to what Mr. Resnick said, we don't

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 entirely disagree in that we could also
3 petition the General Assembly of the
4 state to have paramedics included in the
5 law itself, but as the court recently
6 decided in including medics for the
7 purposes of Act 111 as firefighters, we
8 thought that we should give locally the
9 opportunity of City Council, the
10 Administration to take care of what is
11 clearly just a loophole, that at the time
12 of this bill, firemen encompassed all of
13 the responsibilities, which are emergency
14 medical services also. And we felt by
15 going this route, that it would close the
16 loophole so that it wouldn't require the
17 necessity of the General Assembly to get
18 involved. So I thank Councilman Kenney
19 for introducing it, but that was kind of
20 the logic behind it.

21 One of the things that's not in
22 my testimony is that over the years --
23 the reason why this list is so exhaustive
24 is because over the years, people have
25 gone to the General Assembly, whether it

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 be the sheriffs or the Liquor Control
3 Board, and said, Oh, our guys should be
4 included, and the General Assembly
5 obliged them. But one of the interesting
6 things you'll see in here is the fire
7 police are now included under the Heart
8 and Lung. The fire police, what they do
9 basically is they block traffic. So in a
10 lot of the rural areas in Pennsylvania,
11 they have fire police, so when the siren
12 goes off, they put on a vest and they
13 block traffic, and they're covered under
14 Heart and Lung. However, paramedics in
15 the City of Philadelphia are not.

16 And just to put one last
17 example in, if a firefighter and a
18 paramedic are working in the medic unit
19 together and the medic unit is involved
20 in an accident or they're assaulted, the
21 firefighter is given a level of care
22 through the Heart and Lung which is
23 superior than Regulation 32 or workmen's
24 comp. And financially -- I'll get into
25 it in a little bit. Financially, when

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 you're talking about their pay, there is
3 no real difference, other than under
4 Regulation 32 and comp, the paramedic
5 actually gets his full pay and a stipend
6 for the overtime that he would work.
7 Under Heart and Lung, he wouldn't get
8 that.

9 So the whole reason we want
10 paramedics included in Heart and Lung is
11 because they'll be given a higher level
12 of care, because the Heart and Lung Panel
13 doctors are actually selected by the
14 union working with the City, and so we
15 get doctors that actually care about the
16 health of the employee rather than just
17 about the bottom line and getting these
18 guys back to work.

19 COUNCILMAN KENNEY: Who pays
20 for -- under what plan are the Heart and
21 Lung-assigned physicians paid out of? If
22 the IOD, the 32 people, are paid for out
23 of the Comp Services, where do the Heart
24 and Lung doctors, how are they paid for
25 the treatment to your members if they're

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 assigned to a particular doctor?

3 MR. SCHULLE: It also comes out
4 of the same money, out of the City's Comp
5 money.

6 COUNCILMAN KENNEY: Out of Comp
7 Services or out of your health and
8 welfare plan in general?

9 MR. SCHULLE: No; out of Comp
10 Services.

11 COUNCILMAN KENNEY: So why is
12 that a different level of care if Comp
13 Services is paying for both the assigned
14 doctor by the Heart and Lung Panel or
15 just the Rule 32 IOD?

16 MR. SCHULLE: Because they're
17 different doctors and they're not working
18 under the same guidelines as the Comp
19 Services doctor. So the Comp Services
20 doctors work under the guideline of get
21 the guy back to work or the girl back to
22 work limited duty, full duty, just get
23 them back to work as full as possible,
24 where the Heart and Lung doctor actually
25 is -- his main concern is the member, is

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 the injured employee.

3 COUNCILMAN KENNEY: Okay.

4 Please proceed. I'm sorry.

5 MR. SCHULLE: That's all right.

6 Did you want to add anything?

7 MS. TERPOLILLI: I think --

8 COUNCILMAN KENNEY: Please
9 identify yourself for the record.

10 MS. TERPOLILLI: Good morning.
11 My name is Maria Terpolilli. I've had
12 the honor of representing firefighters
13 and paramedics for over 20 years. I see
14 them as one. I don't distinguish them
15 when I represent them. And the real
16 issue here is where does the member get
17 the treatment. If the person is being
18 treated under the Heart and Lung Act, the
19 member gets to pick from a panel the
20 doctor that they want to treat. The
21 panel doctors are much more apt to order
22 diagnostic testing, order physical
23 therapy. And I have to tell you, as a
24 group the firefighters are going back to
25 work. I represent the firefighters

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 before the Heart and Lung Panel. They're
3 a different breed of cat. They're going
4 back to work. They want to go back to
5 work, and I think we have to keep that in
6 our minds. They're not trying to scam
7 the system. And I think the same
8 opportunity should be offered to the
9 paramedics. The paramedics have the same
10 work ethics. The problem is, under IOD
11 the member really has little to no
12 control over who treats them. The nurse
13 case manager who says "I represent the
14 firefighter paramedic" works for Comp
15 Services, and we have to keep that in
16 mind.

17 The doctors -- no sooner is the
18 member out the door, the doctors have to
19 send the form and let them know what
20 their duty status is. They want to make
21 sure that this member is going back to
22 work. If the member wants an MRI, if the
23 member wants treatment, the City wants --
24 is very conservative, and oftentimes the
25 members are going back to work before

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 they're capable of doing it. They're
3 still getting paid. If it's IOD, it's a
4 hundred percent. If it's Heart and Lung,
5 it's a hundred percent.

6 The whole issue is who is
7 caring for the member, and that's the
8 problem, and the members feel like under
9 IOD, the doctors aren't listening. The
10 doctors work for the City. That's the
11 bottom line.

12 COUNCILMAN KENNEY: Let me ask
13 you a question relative to medical care.
14 I mean, we are on one hand being told
15 that doctors overtreat, over-test,
16 over-everything to protect themselves
17 from liability. So they're calling
18 for -- not in this particular case, but
19 in the medical profession in general, are
20 calling for MRI testing and x-rays and
21 things that may be needed, may not be
22 needed, but then keeps the doctor from
23 being sued for malpractice.

24 If the IOD docs are so hard,
25 why aren't we suing them under lack of

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 care, lack of treatment or malpractice?
3 I mean, to me if they send this woman
4 paramedic back that you talked to me
5 about and she further injures herself,
6 why aren't we suing them out of business?

7 MR. SCHULLE: The simple answer
8 is we are now. We have three cases that
9 are getting up and running right now that
10 we are going after Comp Services doctors,
11 and the intention is to get them to stop.

12 However, it goes beyond the
13 Comp Services doctors, because there's
14 even instances where these doctors are
15 recommending care and Comp Services
16 Incorporated is denying the care. We had
17 just to give -- what conservative
18 medicine means in the eyes of Comp
19 Services, it means doing the bare minimum
20 that they can actually do. And a great
21 example is typically regardless of your
22 injury, if you have any kind of
23 musculoskeletal issue, they recommend 30
24 days of physical therapy before they even
25 consider an MRI. So what does that do?

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 That delays -- if you have something that
3 requires surgical intervention, well,
4 it's going to delay that surgical
5 intervention for at least a month, which
6 is going to include a month into your
7 time off of work. But what it also does,
8 if I have a torn rotator cuff and I go
9 through Comp for this and they give me 30
10 days of therapy, so now I'm just
11 aggravating the injury, I'm abusing
12 myself, causing pain for no good reason,
13 that they could have just looked at this
14 injury and said, Yeah, you need surgery
15 on this shoulder to have it repaired.
16 And as their standard procedure, they
17 recommend physical therapy in nearly
18 every case prior to an MRI being
19 accomplished.

20 We recently had a woman that
21 was put back to active duty. She can't
22 even sit down for an extended period of
23 time because she's hurt so bad, and it's
24 actually in the testimony. So the real
25 long and short of her situation was, she

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 hurt her back. Comp Services forces her
3 back to work. So now she's back to work
4 and she's trying to lift the patient.
5 And you know how it is when you hurt your
6 back. You have to accommodate for the
7 injury. So she winds up with a double
8 hernia and a torn hip labrum. So now she
9 has to go through two surgeries, and now
10 Comp Services -- and here we are two
11 years later, after all this time and
12 these surgeries, Comp Services puts her
13 back to work again, even though they know
14 she's in excruciating pain, and their
15 answer is, Pain is subjective. Her pain
16 is subjective. There's no reason why
17 she's having it. It's just subjective
18 pain. So when I'm talking to --

19 COUNCILMAN KENNEY: This is a
20 doctor?

21 MR. SCHULLE: This is doctors
22 telling her that, and it's documented.
23 All pain is subjective. It affects me
24 differently than it affects you.

25 COUNCILMAN KENNEY: I'm just

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 laughing at what I may have done to the
3 doctor to show him what pain really was.
4 That's subjective too, but that's another
5 whole story.

6 MR. SCHULLE: But then in this
7 case, they actually recommended -- so her
8 surgeon recommends a functionality test
9 of her hip, and Comp Services declines
10 it, and their argument is, Well, she can
11 cheat on that test. These are medically
12 prescribed and designed testing to see
13 what kind of damage remains, and they're
14 saying, Well, no -- she doesn't want to
15 cheat on the test. She wants to go back
16 to work. She wants to do her job, and
17 they're saying, No, this is all --

18 COUNCILMAN KENNEY: There seems
19 to be two issues here. One is the
20 legislation that we're dealing with right
21 now and the relationship between Comp
22 Services and the IOD and the folks that
23 are in that system that may need to be
24 looked at.

25 MR. SCHULLE: Absolutely. But

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 the purpose of this and the benefit to
3 this legislation is that at least the
4 paramedics would now have a doctor when
5 they're injured or doctors when they're
6 injured that care about their well-being
7 more than care about getting them back to
8 work. And I can't answer this question,
9 because I don't know exactly how it works
10 out in the City, but Comp Services
11 declines care and a member paramedic
12 winds up getting a 32 or extended
13 disability, it doesn't reflect negatively
14 on Comp Services in any way. So all the
15 additional out-of-work time or even if
16 they're permanently disabled, that
17 doesn't reflect negatively on Comp
18 Services Incorporated. And so their
19 bottom line isn't affected by it, and
20 they are a money-making entity, and it's
21 a real problem for us. And, like I said,
22 just having the -- there is no real
23 financial benefit to the medics. It's
24 all about the level of care that they'll
25 be provided.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 COUNCILMAN KENNEY: Any

3 questions?

4 (No response.)

5 COUNCILMAN KENNEY: Anything

6 else to add?

7 MR. SCHULLE: No. I don't even

8 have to read the testimony, right? You

9 have it.

10 COUNCILMAN KENNEY: No. Thank

11 you.

12 MR. SCHULLE: Thank you.

13 MS. TERPOLILLI: Thank you very

14 much.

15 COUNCILMAN SQUILLA: I have one

16 question.

17 COUNCILMAN KENNEY: I'm sorry.

18 Councilman Squilla.

19 COUNCILMAN SQUILLA: I have one

20 question. I know when Mr. Resnick was

21 here, he had stated that they spoke to

22 you and gave you an idea of how to

23 proceed forward, but then he did

24 reiterate that they're still willing to

25 talk and negotiate.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 MS. TERPOLILLI: I wanted to
3 say something. I contacted Risk
4 Management about this exact issue,
5 because I'm kind of baffled why we're
6 still here, why the paramedics aren't
7 being included given the court's decision
8 that talks about the people that hold the
9 hose line aren't the only people that are
10 firefighters. The people that render
11 care in the fire grounds are
12 firefighters. They're wearing the gear.
13 They're giving the help.

14 So I would welcome to not go
15 through another siege of endless
16 proceedings and get these paramedics
17 included and see if we can't come to some
18 kind of agreement as to this issue.

19 COUNCILMAN SQUILLA: Well, that
20 would be great. If we can send that
21 information to the Chair before any legal
22 proceedings would be filed, I think that
23 would be helpful.

24 COUNCILMAN KENNEY: I don't
25 know what the amount of money both Local

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 22 and the City has spent on legal fees
3 in the past six years, but, I mean, if we
4 had all that money back, we probably
5 could pay for the care that these
6 individuals need as opposed to giving it
7 to -- no hard feelings, but giving it
8 to --

9 MS. TERPOLILLI: I'm not
10 getting paid, so...

11 COUNCILMAN KENNEY: -- giving
12 it to lawyers to debate what we all know
13 is the right thing to do. So thank you.

14 MR. SCHULLE: Councilman
15 Squilla, the City can make it,
16 notwithstanding the state legislative
17 authority, the City could agree right now
18 to cover paramedics under Heart and Lung.
19 There is nothing that's stopping the City
20 Administration from saying, Absolutely,
21 you know, firefighters, paramedics, it's
22 the same classification, they do the same
23 work, we're going to treat them the same
24 way. They could agree to that right now
25 if they elected to, and that's -- I don't

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 want that to get lost in this, that it
3 doesn't have to go to the state. It
4 doesn't have to go to court.

5 COUNCILMAN KENNEY: It doesn't
6 have to be here.

7 MR. SCHULLE: Absolutely. The
8 City could just say, No; we're treating
9 all of the members of the Philadelphia
10 Fire Department the same, and recognize
11 that the service that the paramedics and
12 the difficulty in their jobs -- I mean,
13 over 30 paramedics were assaulted last
14 year, over 30 of them, just working in
15 basic -- going into the house and for
16 various reasons.

17 COUNCILMAN KENNEY: Talk a
18 little bit about the training that I
19 alluded to earlier, the training at the
20 Fire Academy, because it was one of the
21 most astounding things I've ever seen,
22 and I never expected to see it. Could
23 you talk a little bit about why they have
24 to have that kind of interaction.

25 MR. SCHULLE: Well, yeah. When

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 you go into -- so our paramedics are
3 basically on an island when they go on
4 runs. There's two paramedics. They're
5 unarmed, unlike the police, and they go
6 into potentially hostile atmospheres on a
7 daily basis. And there's some cases that
8 aren't even deliberately hostile, but
9 people are addicted to drugs, they're on
10 alcohol and they're reacting as they
11 normally wouldn't had they been not
12 having altered mind status, mental
13 status.

14 But you go in the houses when
15 these guys are getting in the runs 20, 30
16 minutes later, the people are upset, and
17 they're being attacked, they're being
18 yelled at. When you see a loved one
19 that's in trouble, it doesn't matter how
20 quick the paramedics are working,
21 somebody is yelling at them, You're not
22 moving quick enough. And, you know,
23 medical intervention, you just can't rush
24 and do them.

25 But they're under a great deal

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 of stress all the time entering houses
3 with, like I said, with family members
4 that may be upset as to how quick they
5 got there and then how quick they're
6 administering care and the type of care
7 they're administering, you know, What are
8 you doing? And I can talk from a
9 firefighter's perspective when we pulled
10 up, We didn't call for a fire truck, we
11 want an ambulance, you know, and then as
12 the time progresses, the people typically
13 get more and more agitated.

14 And the other thing that's
15 lost, although there was 30-plus
16 paramedics assaulted last year, what's
17 lost is it's such an underreported number
18 because paramedics -- people have altered
19 mind status for a lot of reasons, not
20 just drug and alcohol abuse. So a
21 diabetic, someone that may have had a
22 stroke, elderly with dementia, like all
23 these people have altered mental
24 statuses. So if they assault a medic,
25 punch them, kick them, bite them,

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 typically it goes unreported, because the
3 medic understands that, Okay, this
4 person, their blood sugar is messed up.
5 Once I gave them their insulin, I
6 stabilized their sugar, they came back to
7 and it wasn't deliberate. So they don't
8 even report it as an assault. So the
9 numbers are grossly underreported.

10 And that's just one aspect of
11 it. They're working at night. They're
12 working in tough conditions and
13 carrying -- all day you're carrying
14 patients up and down steps, and typically
15 it's just two paramedics doing most of
16 the lifting. If you get an extremely
17 heavy patient, of course you can ask for
18 an engine or ladder company to help, but
19 typically the paramedics are doing it on
20 their own, and that really plays into it
21 when you're talking about back and leg
22 injuries and the inclination of Comp
23 Services of forcing these guys back to
24 work so rapidly. Because you have an
25 injury and, like I said, the back is very

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 touchy. You feel it's getting better,
3 it's getting better and they say, You got
4 to go back to work. And so you're
5 compensating for it and --

6 COUNCILMAN KENNEY: I guess the
7 question I have is, why would anyone want
8 to be a paramedic considering 30 assaults
9 in a year; out of 225 members, 100
10 disciplined by their own department;
11 trucks with axles falling off? I mean,
12 to me it seems like one of the most
13 thankless jobs I've ever considered. And
14 your own employer not even wanting to
15 include you in the best medical care
16 possible. To me it's just kind of
17 continued slaps in the face, not just one
18 but multiple.

19 MR. SCHULLE: Right. You're
20 absolutely correct. And I have to tell
21 you, originally my intention was to bring
22 three or four paramedics up here to talk
23 about --

24 COUNCILMAN KENNEY: Don't do
25 that.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 MR. SCHULLE: I was --

3 COUNCILMAN KENNEY: We'd have
4 to put them like behind the screen like
5 the New Jersey State Police with the mob
6 cases. They'd have to like have altered
7 voices. That would be bad. Thank you.

8 MR. SCHULLE: And --

9 COUNCILMAN KENNEY: Save them.

10 MR. SCHULLE: And it was --
11 because I had to tell them that, and
12 medics wanted to come testify. They
13 wanted to come and tell their story about
14 how they were treated, and I had to tell
15 them, No, I can't do it because I'm
16 afraid that ultimately you'll be put in
17 the crosshairs.

18 COUNCILMAN KENNEY: Not
19 ultimately; I think definitely. That's
20 what we've experienced over the past five
21 years.

22 Councilman Squilla.

23 COUNCILMAN SQUILLA: I just
24 want to reiterate. I think it's good,
25 let's try to work with the Administration

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 on this and see, since they're willing to
3 still sit down and talk before any other
4 legal actions. I think hopefully we'll
5 come up to a good result.

6 COUNCILMAN KENNEY: You are an
7 optimistic man.

8 COUNCILMAN SQUILLA: Yes.

9 COUNCILMAN O'NEILL: First
10 term.

11 COUNCILMAN KENNEY: First term.
12 Thank you very much for your
13 testimony.

14 Anyone else to testify on this
15 bill?

16 MS. TERPOLILLI: Thank you very
17 much.

18 COUNCILMAN KENNEY: Don't go
19 away. I think you're coming back.

20 The next bill we have for
21 consideration is Bill No. 140094, an
22 ordinance amending Title 4 of The
23 Philadelphia Code, entitled "The
24 Philadelphia Building Construction and
25 Occupancy Code," by amending Subcode F

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 (The Philadelphia Fire Code), by
3 delineating the process to be utilized by
4 the Philadelphia Fire Department in its
5 consideration of temporary or permanent
6 reductions or eliminations of fire
7 companies that provide life safety and
8 property protection from the hazards of
9 fire, explosion or dangerous conditions
10 in new and existing buildings, structures
11 and premises, and by requiring input by
12 firefighters and emergency responders in
13 that process; all under certain terms and
14 conditions.

15 I believe that, Mr. Resnick,
16 you're up for this.

17 (Witness approached witness
18 table.)

19 MR. RESNICK: Good morning
20 again.

21 COUNCILMAN KENNEY: Good
22 morning.

23 MR. RESNICK: Good morning,
24 Chairman Kenney and members of the Labor
25 and Civil Service Committee. My name is

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 Michael Resnick, Director of Public
3 Safety. I appear before you today to
4 offer testimony on Bill 140094, which
5 seeks to amend Title 4 of The
6 Philadelphia Code by significantly
7 restricting and qualifying the Fire
8 Department's ability to temporarily or
9 permanently reduce or eliminate engine or
10 ladder companies.

11 Specifically, the bill requires
12 that in order to either temporarily or
13 permanently close an engine or ladder
14 company, the Fire Department must do the
15 following:

16 Provide written notice of the
17 proposed closure to the personnel
18 assigned to the affected company, the
19 union, members of the public serviced by
20 the company proposed for closure;

21 Secure a comprehensive study
22 conducted by a third party that includes
23 detailed projections of the savings to be
24 achieved; an analysis of the impact on
25 response times, delivery of emergency

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 services to the public and safety of
3 firefighters;

4 Convene public hearings to
5 receive feedback on the proposed plan;

6 In the event the Department and
7 the union are unable to resolve all the
8 issues related to the proposed closure,
9 the union may submit the issue to final
10 and binding arbitration pursuant to Act
11 111. The City would appear to have no
12 corresponding right under the bill;

13 Arbitration proceedings to
14 resolve the issues surrounding the
15 proposed closure shall be conducted by a
16 panel of three arbitrators selected
17 utilizing the procedure in the Collective
18 Bargaining Act;

19 We may not implement a proposed
20 reduction or elimination unless a
21 majority of the panel of arbitrators
22 agrees. The arbitration award is final
23 and binding upon the Fire Department.
24 The bill only contemplates that the
25 panel's award would be binding on the

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 Department, but it would also, of course,
3 be binding upon the union.

4 At the outset, let me make
5 clear that this Administration has no
6 plans to reduce or eliminate engine or
7 ladder companies, either temporarily or
8 permanently. In fact, we are exploring
9 the possibility that we may be able to
10 end or severely curtail the use of
11 brown-outs.

12 Turning to the merits, the
13 Administration is unable to lend its
14 support to the bill. Its detailed
15 procedures would purport to relocate
16 decision-making authority on closures and
17 reductions from the Fire Department's
18 highly trained leaders to labor
19 arbitrators with no expertise in worker
20 or public safety, and there would be
21 little that the City government, either
22 branch, could do about it. The Fire
23 Department is staffed and managed by
24 highly trained, experienced, and
25 well-qualified experts. These experts

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 have an intimate knowledge of the
3 workings and operations of the Department
4 as well as the demands of public and
5 worker safety. They review and analyze
6 data and make operational decisions based
7 upon this information.

8 Public safety and the safety of
9 members our of paramount concern in any
10 decision and naturally weigh heavily
11 whenever a decision is made to reallocate
12 resources. The legislative scheme
13 contained in this bill, if it were to be
14 implemented, would severely hamper the
15 ability of the experts appointed to
16 manage and operate the Fire Department.

17 Of particular concern to the
18 Administration is that in the place of
19 having expert personnel manage difficult
20 questions of closure or reduction, the
21 bill would place labor arbitrators in
22 charge. Binding interest arbitration
23 under Act 111 is a means of settling
24 critical labor issues, but it was never
25 meant to make core local government

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 decisions about safety. Arbitrators
3 settle labor disputes, not questions of
4 public safety.

5 Moreover, the aim of
6 independently evaluating station closings
7 and reductions is, I respectfully submit,
8 better served by Council itself. The
9 Administration recognizes that Council
10 has every reason to scrutinize the
11 closure or reduction of fire stations.
12 These are decisions of real concern to
13 members of Council and the citizens they
14 represent as well as to members of the
15 Fire Department. And as an independent
16 branch of government, Council serves as a
17 check on any Administration decision in
18 this area. Article II, Chapter 4 of the
19 Charter provides for councilmanic
20 inquiries and investigations. Council
21 has the authority to convene a hearing,
22 compel the attendance of witnesses,
23 production of documents and other
24 evidence, as well as the authority to
25 retain its own experts. At such a public

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 inquiry, the Administration must be
3 prepared to offer sound legitimate and
4 cogent rationale for any proposed
5 closure, and the Administration gladly
6 accepts that obligation. Council's
7 ability to compel the Administration to
8 justify the decision to close stations
9 safeguards the transparency and public
10 responsiveness of the process, should it
11 ever have to be undertaken.

12 With this in mind, let me make
13 a further and, I believe, a critical
14 point. When I say this bill would take
15 an important type of public safety issue
16 out of the hands of City government, I
17 mean it would take it out of the hands of
18 not just the Fire Department and the
19 Administration but of City Council as
20 well. The familiar process of dialogue
21 and oversight I just described would be
22 legally mooted by the ultimate authority
23 of a labor arbitration panel. Council
24 and the Administration would both be
25 stuck waiting for an arbitration panel to

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 rule on high-stakes questions where it
3 lacks expertise, and we would all be
4 bound by a panel's decision, no matter
5 how unacceptable.

6 For these reasons, I would
7 respectfully urge the Committee to hold
8 the bill, and I'll be glad to answer any
9 questions to the extent I can.

10 COUNCILMAN KENNEY: Thank you
11 for your testimony.

12 MR. RESNICK: Thank you.

13 COUNCILMAN KENNEY: You've been
14 here on a number of occasions over the
15 past five years regarding Fire Department
16 procedures and decisions issued.

17 MR. RESNICK: Yes, sir, I have.

18 COUNCILMAN KENNEY: Can you
19 name any significant change that has
20 happened in the Fire Department because
21 of a hearing before Council? The Fire
22 Department decided to do brown-outs even
23 though Council opposed it. They decided
24 to do mass transfers even though Council
25 opposed it. They decided to demote 14

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 individuals last fall over Council's
3 objection.

4 So why would continuing
5 interaction with Council give any of us
6 any belief that some substantive
7 interaction and change would happen since
8 it hasn't happened to date?

9 MR. RESNICK: Councilman, I
10 believe that the ability under the
11 Charter of Council to hold these hearings
12 would force the Administration to come
13 here before the public, explain their
14 rationale, explain the decisions that
15 they're taking, and it's through that
16 give and take and that dialogue I believe
17 that we could come to some sort of
18 consensus.

19 While perhaps it hasn't
20 happened in the past on certain issues
21 that you've mentioned and we've
22 ultimately gone to court and resolved
23 those issues in the City's favor, it
24 doesn't mean that in the future that
25 process wouldn't serve to be helpful in

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 this case.

3 I just think that the scheme
4 enumerated, all the steps that have to be
5 gone through to come to some sort of
6 conclusion or a resolution are onerous,
7 burdensome, and better served between
8 this type of a dialogue where the experts
9 who run the Department come here with
10 their information, you're certainly able
11 to have your own experts and witnesses.

12 COUNCILMAN KENNEY: There have
13 been times that the experts who run this
14 Fire Department aren't even allowed to
15 testify, let alone give their opinion. I
16 mean, they've been told either not to
17 come or they can't speak at the table.
18 I've seen it. And I agree with you the
19 list of issues relative to this bill are
20 pretty lengthy, but where is the
21 transparency in how decisions are made to
22 do brown-outs, for example? What was the
23 transparent process that was put in place
24 to determine which companies are browned
25 out when and how long? I mean, all of

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 this stuff is a result of years of just
3 refusal to communicate with your
4 employees and with us.

5 I don't want to do this. I
6 don't like being here every month, every
7 two months. It's not helpful. It's
8 not -- it's time consuming. But if I
9 look at incident after incident after
10 incident, it's management prerogative and
11 basically we do what we want and we don't
12 have to explain to you why we do it. And
13 that's really unacceptable, and that's
14 the atmosphere that has been created, and
15 it has resulted in this ongoing back and
16 forth.

17 So when it comes to browning
18 out stations, what was the study that was
19 done? How was it concluded? What were
20 the reasons why, why these particular
21 companies as opposed to others? None of
22 this was shared with anyone. It was just
23 this is the way it's going to be. And
24 that's not very transparent.

25 MR. RESNICK: I believe during

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 the budget hearings, there was extensive
3 back and forth about the brown-outs and
4 why and who was going to be affected.
5 Not this year, previous years.

6 COUNCILMAN KENNEY: Were you
7 there, Councilman Squilla?

8 COUNCILMAN SQUILLA: I was
9 there last year amongst the brown-outs.
10 Matter of fact, I think I remember
11 Council had said that -- I think there
12 was a cost estimate. I think there was
13 \$3 million or something was added to the
14 cost for the savings for brown-outs, and
15 Council said, All right, if we come up
16 with the \$3 million, will we be able to
17 work together to help brown-outs?

18 And this Administration said,
19 Oh, no, that's a policy decision. That's
20 not whether it's a money decision or not.
21 We're making that decision.

22 So we were sort of told that
23 even if you come up with the money, we're
24 deciding on what to do. So I think that
25 adds more to what the Chairman has said

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 as far as that goes. I mean, do you
3 remember that?

4 MR. RESNICK: I recall that,
5 yes.

6 COUNCILMAN SQUILLA: Yeah. So
7 I think that's why Council feels the way
8 they do.

9 COUNCILMAN KENNEY: What would
10 you recommend the process be and what
11 studies or criteria was assigned to
12 making a decision -- I'll give you a
13 perfect example. We had the fire at 4th
14 and Arch. It's eight months, seven,
15 eight months, 4th and Arch fire, because
16 we didn't -- and ironically -- I mean,
17 you can disagree with me or not, but
18 ironically the reason why the 4th and
19 Arch condition is as bad as it is, is if
20 you look at the television photographs of
21 the coverage of the fire, there are
22 actually firefighters with a green garden
23 hose attempting to put out the medic unit
24 which is burning down the firehouse,
25 because there was no engine company there

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 that could have pulled itself onto the
3 apron, hooked up a hose line, and put out
4 the medic unit before it damaged the
5 house to the point where it couldn't be
6 used. So someone made a decision to move
7 the engine company from that house. Was
8 there never an engine company there? Was
9 there ever an engine company at that
10 house at 4th and Arch?

11 MR. RESNICK: There was, I
12 believe.

13 COUNCILMAN KENNEY: So somebody
14 moved it, but nobody explained why they
15 moved it. And then when they moved it
16 and the medic apparatus goes on fire and
17 I have firefighters with a green garden
18 hose trying to put it out -- I've seen it
19 on the film, because there's no engine
20 company there. Now the house is damaged
21 to the point it can't be used, in an
22 extremely highly residential, highly
23 residential, dense area of population,
24 commercial, and we've had two -- one
25 collapse and one major fire within a

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 block of the station.

3 And not only that, from a
4 public perception standpoint, we have Ben
5 Franklin's Firehouse, which is the most
6 historic firehouse in or at least
7 historic fire company in the country's
8 history, a burned shell for the past
9 seven, eight, nine months. To me that
10 whole scenario is terrible, as opposed to
11 saying, well, this is an emergency
12 situation, let's curbside bid this work
13 as opposed to going through the 137 steps
14 of repair, and let's get it back online,
15 because a lot of people live around here,
16 there's a lot of commercial activity, and
17 the tourists think it looks like crap when
18 they walk by and see a burned out
19 firehouse that Ben Franklin started. All
20 of that together puts us right where
21 we're sitting today. And I'm frustrated
22 and sorry that we have to be here, but I
23 don't know what else to say.

24 MR. RESNICK: No. I understand
25 your frustration, Councilman. And with

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 respect to the reconstruction and the
3 bidding of the building, I mean, that's
4 not a Fire Department -- it's a City
5 issue.

6 COUNCILMAN KENNEY: Oh, no; it
7 is a Fire Department issue, because the
8 Fire Commissioner could say, I need that
9 house back up, it's an emergency
10 situation, life and safety are at danger
11 and at risk, let's bypass the process and
12 put it back online. But it ain't back
13 online and neither is the one in
14 Roxborough not back online, because it's
15 not an emergency, because why would you
16 not -- why would it not be an emergency
17 to put a firehouse back online in one of
18 most highly populated areas of the City?

19 MR. RESNICK: It is an
20 emergency.

21 COUNCILMAN KENNEY: Well, then
22 why are we going through this bid
23 process?

24 (Witness approached witness
25 table.)

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 DEPUTY COMMISSIONER COSTO:

3 Councilman --

4 COUNCILMAN KENNEY: Could you
5 please identify yourself.

6 DEPUTY COMMISSIONER COSTO:

7 Deputy Commissioner Henry Costo,
8 Technical Services.

9 With regards to the sense of
10 urgency to open both of those stations,
11 no one, including the Commissioner and
12 myself, are more concerned and more
13 focused on that. We have repeatedly made
14 it clear to the agencies involved that it
15 is paramount that we get the stations
16 open.

17 As I've said several times now
18 before this body regarding Engine 66, our
19 pressing concern to get that station open
20 in terms of public safety right now are
21 surmounted by our concern for not putting
22 firefighters back into an environment
23 when we're not a hundred percent. In
24 fact, last Wednesday and Thursday we had
25 a company out there doing 20 bore holes

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 around the station to identify what the
3 issues are there. The delays in that are
4 it takes seven weeks to get the results
5 back.

6 So it isn't because we don't
7 have an understanding or appreciation for
8 the sense of urgency.

9 Similarly, with Ladder 2
10 station, it's frustrating, trust me, to
11 me as they are to you, because I've been
12 in on the meetings. I've heard the
13 Commissioner repeatedly try to influence,
14 compel, not coerce, but to compel those
15 involved, Public Property and others, but
16 we got involved with when they came in
17 and did inspections, L&I said, Well,
18 there are issues there that were
19 unrelated to the fire that now need to be
20 addressed, because now we're asking for
21 permitting and those things, and we can't
22 circumvent those processes. We have
23 tried as well as we can to expedite.

24 COUNCILMAN KENNEY: Chief, I
25 disagree with you, not personally, I

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 disagree with you that the process can be
3 circumvented if the Mayor were to pick up
4 the phone and tell somebody, You know
5 what, whatever you have to do to get
6 those two companies back online, to get
7 it in a safe manner so our employees are
8 not inhaling mold or living in a
9 fire-damaged building, get it done. You
10 could have had it done in a month.

11 It's a public emergency. We
12 curbside bid demolition projects and
13 stucco. We can't curbside bid or
14 expedite a bid to get two fire companies
15 back online in Roxborough, highly
16 populated, Center City, highly populated?
17 Why would we go through -- why would you
18 put these fellows, these professionals
19 through that process, knowing quite well
20 that it could be circumvented with a
21 phone call?

22 MR. RESNICK: As the Chief
23 said, Councilman, I mean, you want to
24 make sure the process is done and you
25 want to make sure it's done right.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 That's why, to the frustration of
3 everyone involved I believe, that it's
4 taking the time that it's taking, but
5 when it's done and it's open, it will be
6 done right and there should not be any
7 issues with them.

8 COUNCILMAN KENNEY: Well, I
9 think -- and I'm going to beat this horse
10 to death. It's dead already. What we
11 disagree is the urgency is -- they have
12 the urgency. I don't doubt their urgency
13 at all. What I doubt is the second
14 floor's urgency in somebody picking up a
15 phone and saying, Get this done and don't
16 drag it out for eight months and let's
17 figure out what -- tear the walls off if
18 we have to in the mold station and figure
19 out what it is we got to fix. But to sit
20 there and -- I mean, I go by that thing
21 every day in Old City. I see -- and not
22 that this matters, but I see tourists
23 getting off buses and looking at the
24 station like, What the hell is going on
25 here? I mean, to me this could have

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 easily been resolved with a phone call
3 from the Mayor picking up the phone and
4 making it happen. And you don't have to
5 respond because you work for him.

6 And, Chief, I don't doubt your
7 urgency. I really don't. I just think
8 we wind up in a situation like this
9 because of this constant frustration in
10 doing what's clearly common sense and it
11 just be refusing to be done. And, again,
12 Chief, I don't -- I call you Chief out of
13 respect, not Deputy, but I think Chief is
14 a more respectful term than Deputy
15 Commissioner, frankly. But I think
16 that -- I know you have made those
17 requests. I know you have. I don't
18 doubt your testimony, but why someone
19 hasn't said, Come on, let's go.

20 Actually, I had, through help
21 with Councilman Henon, I had the building
22 trades willing to donate their time
23 gratis to put the station back together
24 again, the one at 4th and Arch, and it
25 was, We're not interested.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 DEPUTY COMMISSIONER COSTO:

3 Councilman, if I might with regards to
4 Engine 66, it's actually proving to be
5 quite a complicated issue because we
6 cannot identify -- it's not mold. It's
7 fumes of an unknown source. And despite
8 the fact that the Environmental
9 Protection Agency and Pennsylvania
10 Department of Environmental Protection
11 have repeatedly assured us that the
12 levels that they have found are below any
13 threshold that would be a threat to life
14 safety if you were occupying that, we're
15 still not willing to put our people in
16 there.

17 I can't put people -- the
18 Commissioner can't put people in there if
19 we at the end of the day say, Well, it's
20 all fine and those levels are below
21 anything that would be a threat to your
22 health, but we don't know where they're
23 coming from. And that's why it's taking
24 that particular station -- I mean,
25 everybody, Public Property, everyone, has

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 been as cooperative as they could
3 possibly be, but we can't --

4 COUNCILMAN KENNEY: Public
5 Property is very efficient and a very
6 good department, but there are certain
7 things that they're not capable of doing,
8 which means that I need to go find an
9 environmental expert or a company that's
10 an environmental expert and get it
11 resolved as opposed to trying to -- I
12 mean, again, I recognize the cumbersome
13 nature of government. This government is
14 more cumbersome than any I've had
15 experience with.

16 DEPUTY COMMISSIONER COSTO: I
17 won't disagree with that.

18 COUNCILMAN KENNEY: And don't
19 get in trouble.

20 But there's a lack of urgency
21 on the part of the non-uniformed
22 government, in my opinion, that has put
23 us in this situation, and this
24 legislation wouldn't be necessary if in
25 fact that situation didn't exist.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 Members?

3 (No response.)

4 COUNCILMAN KENNEY: Thank you
5 very much for your testimony.

6 Oh, wait. Councilwoman Bass.

7 COUNCILWOMAN BASS: I have a
8 question. I notice --

9 DEPUTY COMMISSIONER COSTO: I
10 was almost away.

11 COUNCILWOMAN BASS: So close,
12 yet so far.

13 DEPUTY COMMISSIONER COSTO:
14 Every time I think I'm out, you pull me
15 back in again.

16 COUNCILWOMAN BASS: I had a
17 question for you. So I heard you mention
18 that you didn't want to put your folks
19 into a building that even though the
20 levels were okay by the EPA and so forth,
21 you didn't feel comfortable with the
22 condition of the building, the unknown
23 nature and source of the fumes and so
24 forth. And so it brought to mind one of
25 my fire stations, which has numerous

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 issues that I'm sure would be problematic
3 when brought to light. And I'll just go
4 ahead and mention that it's the fire
5 station at 11th and Loudon, which I've
6 been to probably within the last, I want
7 to say, six to eight weeks or so and
8 noticed a number of things that have been
9 called on to be corrected, have not been
10 corrected, have been problematic,
11 including mold issues. I know you
12 mentioned mold a number of times.

13 DEPUTY COMMISSIONER COSTO: I
14 didn't mention it, Councilwoman.

15 COUNCILWOMAN BASS: Well,
16 somebody mentioned it. He mentioned it.
17 But the idea that we do have some of our
18 fire stations which are occupied right
19 now which are in conditions that are
20 completely unacceptable with mold, with
21 raw sewage, with rodents, with all sorts
22 of things going on. And so I'd like to
23 talk to you about this further, maybe off
24 the record, and that way, we can work
25 towards getting it fixed, because what's

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 most important to me is getting it fixed
3 and getting it fixed as quickly as
4 possible. Some of the conditions are
5 completely unacceptable. No one who
6 works for the City of Philadelphia should
7 be asked to work in some of these
8 conditions.

9 And so knowing your commitment,
10 that you don't want to put people in any
11 old kind of building, I want to take you
12 up on that and see how quickly we can
13 address some of the issues that we have.

14 DEPUTY COMMISSIONER COSTO:
15 Councilwoman, more than happy to meet
16 with you on that.

17 COUNCILWOMAN BASS: Great.
18 Thank you.

19 COUNCILMAN GOODE: Any other
20 questions from members of the Committee?

21 (No response.)

22 COUNCILMAN GOODE: Thank you.

23 MR. RESNICK: Thank you.

24 COUNCILMAN GOODE: Joe Schulle.

25 (Witness approached witness

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 table.)

3 MR. SCHULLE: It feels like I
4 was just here.

5 COUNCILMAN KENNEY: Please
6 identify yourself.

7 MR. SCHULLE: My name is Joe
8 Schulle. I'm the President of the IAFF
9 Local 22, Philadelphia Firefighters and
10 Paramedics Union.

11 Before I begin -- and I will
12 read the prepared text this time -- just
13 a couple brief things.

14 Engine 8 was closed at 4th and
15 Arch. The company itself was
16 decommissioned. So they made that
17 decision. And I think it's a little
18 disingenuous to talk about the skilled
19 personnel at the Fire Headquarters if
20 you're telling them they're going to
21 close stations and tell me what station
22 you want closed. That's really unfair to
23 them to categorize it as a decision that
24 the Fire Administration made when the
25 Fire Administration was clearly told,

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 You're closing stations. They were
3 clearly told, You're browning out
4 companies.

5 Commissioner Ayers' testimony
6 last year -- and it is in my statement,
7 but his testimony was if the
8 department -- if the City Council
9 restores the money in the budget and then
10 the Administration gives me permission,
11 I'll stop the brown-outs. So, again, if
12 you're saying to the expertise in Fire
13 Headquarters who is making them
14 decisions, if the money is restored, then
15 he should have been allowed just to open
16 up them firehouses and stop the
17 brown-outs.

18 On one final note since Engine
19 62 was opened up -- and this goes back to
20 Comp Services a little bit -- the day
21 before Engine 66 was closed down, one of
22 our members in that station was taken to
23 the hospital with elevated levels of
24 carbon monoxide and medical indications
25 that would be indicated in many of these

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 hazardous chemicals that were found
3 within the building. His comp plan was
4 denied, outright denied. So he's going
5 through the appeals process now, but he
6 had to use his sick time. The Local 22
7 Health Trust Fund group was required to
8 pay all the bills for his illness and
9 injury, and the station was closed down
10 as a result of the hazardous chemicals in
11 the station. Yet they still said, No,
12 we're not covering it, it's not a
13 work-related injury, inexplicably.

14 Sorry about that.

15 Over the past few years, the
16 Philadelphia City Council has held
17 multiple hearings aimed at addressing the
18 multiple problems facing the Philadelphia
19 Fire Department. The City Administration
20 has nearly completely ignored the
21 resolutions passed by Council. As a
22 result, Councilman Kenney introduced
23 three bills that would make law the many
24 requests made by Council through
25 resolutions. Two of the bills will be

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 discussed here today.

3 Please consider the following
4 actions taken by Council since 2008:

5 On November 13th, 2008, the
6 City Council passed a resolution calling
7 for the City Administration to obtain an
8 independent impact study before
9 eliminating any engine or ladder company.
10 The City refused. And we actually
11 provided a copy of the bill, so it should
12 be up there for you guys. It's No.
13 080887. And it's basically what this
14 ordinance is asking for now in law is
15 what City Council asked for prior to the
16 closings of the stations, which the City
17 just refused to do, and that was -- the
18 resolution was passed by Council, and the
19 co-sponsors are Councilman Jones,
20 Councilwoman Sanchez, Councilwoman
21 Blackwell, Councilman Greenlee,
22 Councilman Goode, Councilman Clarke, and
23 Councilwoman Reynolds Brown. All these
24 Councilmembers co-sponsored this
25 resolution, and the City didn't cooperate

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 in any manner as far as producing an
3 impact study or addressing the issues of
4 firefighter safety in implementing these
5 closings.

6 On May 20th, 2010, the City
7 Council passed an ordinance, after a veto
8 by the Mayor, better defining the role of
9 fire service paramedics for the purposes
10 of Act 111. The City still fought
11 against the inclusion of paramedic in
12 111.

13 On October 7th, 2010, the City
14 Council passed a resolution urging the
15 Mayor to keep the City's paramedics in
16 the same bargaining units with the
17 firefighters. The City refused.

18 On March 8th, 2012, the City
19 Council passed a resolution to hold
20 hearings on the current state of
21 effectiveness of facilities and equipment
22 used by the Philadelphia Police and Fire
23 Departments, along with the design,
24 location, funding, and timetable for new
25 facilities and equipment. The City

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 refused.

3 On October 11th, 2012, the City
4 Council passed a resolution to hold
5 hearings to investigate the adequacy and
6 frequency of training provided to
7 firefighters and other first responding
8 personnel of the Fire Department and what
9 impact rolling brown-outs are having on
10 training and preparedness. Again, the
11 City refused.

12 On November 15th, 2012, the
13 Council passed a resolution to hold
14 public hearings to review the new policy
15 put forth by the Philadelphia Fire
16 Department that would initiate the
17 firefighter rotation process. As a
18 result, Council passed the following
19 resolution on December 13th urging the
20 Fire Department of Philadelphia to
21 suspend its planned rotation of 293
22 senior firefighters en mass for all parts
23 of the City. The City refused and they
24 moved forward with the rotations.

25 On March 14th, 2013, the City

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 Council passed a resolution calling for
3 Mayor Nutter and his Administration to
4 pay the non-disputed amount of the
5 Philadelphia firefighters' contract
6 immediately and set aside 50 percent of
7 the disputed amount. The City refused.

8 June 6th, 2013, Council passed
9 an ordinance after the Mayor's veto of
10 the ordinance authorizing the direct use
11 of the Fiscal Year '13 General Fund
12 positive fund balance to increase an
13 appropriation to the Fire Department for
14 the undisputed \$66 million. The City
15 still didn't honor the award. City
16 Council passed an ordinance putting the
17 money in the budget, and the City still
18 said, We're not honoring the award.

19 On March 21st, 2013, City
20 Council passed a resolution to hold
21 hearings to review the promotional
22 process within the Philadelphia Fire
23 Department. During the course of the
24 proceedings, Council urged the Fire
25 Department to promote the members

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 involved. Again, the City refused and it
3 went to court.

4 In May of 2013, City Council
5 during the budget hearings offered to put
6 additional funds into the Fire Department
7 budget for the purpose of stopping
8 rolling brown-outs. The City refused.

9 On September 26th, 2013,
10 Council passed a resolution to hold
11 hearings and review the decision of the
12 Philadelphia Fire Department to demote
13 nine Fire Lieutenants and five Fire
14 Captains. During the course of these
15 proceedings, Council urged the Department
16 not to demote these members. They were
17 all demoted.

18 City Council has done
19 everything short of legislative changes
20 to encourage the Philadelphia Fire
21 Department and the City Administration to
22 treat the firefighters and paramedics in
23 the City of Philadelphia fairly.

24 Now after all of the good-faith
25 attempts by City Council, the City is now

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 contending that City Council should serve
3 as the oversight regarding issues of
4 public safety in the City of
5 Philadelphia. While I agree City Council
6 should have the authoritative oversight,
7 there is currently nothing in place that
8 would stop the administrative branch of
9 Philadelphia government from taking
10 unilateral action regarding matters of
11 public safety, such as closing fire
12 engine and ladder companies, with or
13 without the approval of City Council.
14 Prior to the company closings in 2009 and
15 the subsequent current brown-out policy
16 of the City of Philadelphia, the City
17 Council passed Resolution 080887.

18 This resolution passed by
19 Council called for the City
20 Administration to obtain an independent
21 impact study before eliminating any
22 engine or ladder company. Additionally,
23 the resolution called for the City to
24 bargain with the union regarding matters
25 of firefighter safety. The City

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 completely ignored the resolution of
3 Council and moved forward with the
4 closings and then the brown-outs.

5 Please be mindful that Council
6 was never provided with the
7 justifications of closings or the
8 brown-outs. Just as recent as last year
9 during the budget hearing, the Honorable
10 David Oh asked Fire Commissioner Ayers if
11 Council restored the money in the budget
12 to stop the brown-outs, would he do so.
13 His answer was honest and to the point:
14 If the Administration gives the okay.

15 Many other members of Council
16 have requested information from both the
17 City and the Fire Department which was
18 never provided. For the City to testify
19 here today that City Council should be
20 the oversight in the matters of public
21 safety is clearly disingenuous, as City
22 Council has attempted oversight and has
23 been rebuffed by the City Administration
24 many times. We are here today to ask
25 Council to insist the City conduct due

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 diligence prior to closing or reducing
3 staffing of the Fire Department units.

4 The union and the City are
5 currently in the midst of arbitration
6 hearings. The City's position regarding
7 many of the issues we consider
8 firefighter safety and conditions of
9 employment are viewed by the City as
10 managerial prerogative. Simply put, the
11 City will, in all likelihood, appeal any
12 benefits we secure regarding improving
13 working conditions.

14 Please consider recommending
15 the passing of these two ordinances and
16 the final bill of rights ordinance.

17 Thank you.

18 COUNCILMAN KENNEY: Thank you
19 very much for your testimony.

20 What in God's name did you guys
21 do to cause all this? I don't understand
22 it.

23 Are there any questions for
24 members of the Committee?

25 Councilman Henon.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 COUNCILMAN HENON: Thank you,
3 Mr. Chairman.

4 Good morning --

5 MR. SCHULLE: Good morning.

6 COUNCILMAN HENON: --

7 Mr. Schulle, and thank you for your
8 repeated efforts to try and do what's
9 right for your members and for the
10 citizens of Philadelphia. And this is
11 more of a statement. Time in and time
12 out, as you had just read, you're trying
13 to do what's right for your members, make
14 sure that they are safe so they, in turn,
15 can be the first responders in a quick
16 and safe manner, and after reading that,
17 it just seems like a beat-down.

18 MR. SCHULLE: It certainly
19 feels like it.

20 COUNCILMAN HENON: And there's
21 no wonder that the Administration left
22 the room here while you were reading your
23 testimony, and I think it's been -- it
24 was made clear today, even though it was
25 made clear numerous occasions prior to

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 this, but from the first bill and now to
3 this, there is a management issue, and
4 they are not using the prerogative,
5 managerial or management prerogative,
6 correctly.

7 It's disheartening to see that
8 you have to go fight to make sure that
9 there's a need for risk management
10 reform. I mean, who is paying for that?
11 The citizens of Philadelphia. Our tax
12 dollars are going towards a risk
13 management insurance company that's being
14 improperly used. There needs to be a
15 report on that. And then we come back to
16 over here and you're citing numerous
17 occasions on why we should be safe. I
18 mean, there was a collapse right now,
19 Strawberry Mansion, as we speak, as we're
20 in these hearings. I'm sure your
21 membership were the first to respond.

22 MR. SCHULLE: Absolutely.

23 COUNCILMAN HENON: I guarantee
24 that. Paramedics, guarantee. Ladder
25 companies, whatever else is necessary for

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 first respond. That's a fact.

3 I think the Administration
4 should prioritize your membership, first
5 responders, firefighters and paramedics
6 first.

7 So that's all I have,
8 Mr. Chairman.

9 MR. SCHULLE: Just a comment
10 real briefly on that. That's one of the
11 issues with the paramedics in the cancer
12 presumption and the Heart and Lung where
13 the City is fighting to have them
14 excluded. When paramedics respond to
15 these types of collapses, all the dust
16 and everything that gets blown into the
17 air, the paramedics are all exposed to
18 this, just as badly as the firefighters
19 are.

20 Twenty-Second and Market
21 Street, you see in the reports after the
22 fact of the asbestos in the building.
23 Well, we had seven or eight medic units
24 that were on scene for a prolonged period
25 of time, and as we were working on that

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 fire ground, dust was being kicked up the
3 entire time we were there, and they were
4 all exposed to this.

5 COUNCILMAN KENNEY: Without
6 breathing apparatus.

7 MR. SCHULLE: Without breathing
8 apparatus, absolutely.

9 COUNCILMAN KENNEY: Thank you
10 very much.

11 Anyone else to testify on this
12 bill? Please come forward.

13 MR. SCHULLE: I do want to take
14 a second and thank Council, because
15 oftentimes it seems like nobody wants to
16 listen or nobody cares about what's going
17 on within the Fire Department, and we
18 really truly appreciate, all of the
19 members, the firefighters and paramedics,
20 appreciate that at a minimum, we have
21 Council listening and that they are aware
22 of what's going on internally.

23 COUNCILMAN KENNEY: From my
24 perspective, just speaking for me
25 personally, I would like to apologize on

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 behalf of the City for the way this has
3 been and the way your department has been
4 treated and the way your members have
5 been treated over the last six years.
6 I've lived in the City my entire life.
7 I'm 55 years old. I've been in City
8 Council in 23 years. I've been in
9 government and politics for 36, 37 years.
10 I have never seen the Fire Department
11 treated like this in my entire life.
12 Bill Green laying you off was not as bad
13 a treatment as this has been over the
14 last five, six years. And from my own
15 perspective personally, with my family
16 history and my position here, I apologize
17 for what's going on. I have no
18 explanation for it. I know the members
19 of this Committee and the members of
20 Council as a whole respect what you do,
21 are just agonized over the way you've
22 been treated. And it's hypocritical to
23 attend fallen firefighters' funerals and
24 act like we care, when on a day-to-day
25 basis when you can care, you don't and

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 you don't do. And I have never seen this
3 department treated -- I've seen no
4 department in government treated as badly
5 as this, and I apologize for it.

6 MR. SCHULLE: I thank you and,
7 again, I thank you, all of you, for your
8 efforts. Thanks.

9 (Witness approached witness
10 table.)

11 MR. KANE: Good morning.

12 COUNCILMAN KENNEY: Good
13 morning. Please identify yourself.

14 MR. KANE: Sure. My name is
15 Mike Kane. I'm Chairman of the Trustees,
16 Local 22. I've been a member of this
17 union for 36 years. I retired as a
18 Battalion Chief out at 43rd and Market,
19 and I've been through all the company
20 closings, the brown-outs, everything like
21 that, and the only thing I wanted to do
22 was put a human touch on it, because I've
23 heard from both sides, from the union
24 side and also the Administration side, as
25 far as numbers and response times and all

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 that, but just to give this Committee the
3 human aspect of it.

4 One of the last jobs I ever
5 made out of Battalion 11, which was at
6 43rd and Market, was at 23rd and
7 Fairmount Avenue, about 12 o'clock at
8 night. Ladder 1, which was closed back
9 in December of -- I mean, January '09
10 under the Nutter Administration, would
11 have been the first-in ladder. What
12 happens in response time, the first
13 ladder goes to the front of the house.
14 The second ladder goes to the rear of the
15 house.

16 The first-in ladder, which had
17 been closed, was not available. The
18 second-in ladder, which would have been
19 Ladder 9 coming out of 23rd and Market,
20 had been browned out that night. So what
21 happened is, the first-in ladder coming
22 to 23rd and Fairmount was coming from
23 10th and Cherry in Chinatown, with all
24 the traffic in there, so there's a
25 delayed response there. The second-in

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 ladder was coming from 43rd and Market,
3 with me.

4 As I got out of my car at 23rd
5 Street as I was walking up, I see a
6 civilian comes jumping out of the window,
7 because there was no ladder companies
8 there to throw a ladder up to get this
9 guy out. So as I walked passed this poor
10 individual laying in a lump on the
11 ground, that's the human side of this
12 tragedy when they talk about response
13 times. Ask that gentleman that had to
14 jump out of a third floor window what he
15 thinks about response times and whether
16 his first-in ladder was closed and the
17 second-in ladder was browned out that
18 night.

19 I just wanted to put that on
20 record. Thank you.

21 COUNCILMAN KENNEY: Thank you.

22 MR. KANE: If you have any
23 questions.

24 COUNCILMAN KENNEY: Thank you.

25 Anyone else to testify on these

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 bills?

3 (No response.)

4 COUNCILMAN KENNEY: Seeing
5 none, that will conclude the hearing of
6 the Committee on Labor and Civil Service.

7 The Chair recognizes
8 Councilmember Goode for a motion on Bill
9 No. 140205.

10 COUNCILMAN GOODE: Thank you,
11 Mr. Chairman. I move that Bill No.
12 140205 be reported out of this committee
13 with a favorable recommendation, that the
14 rules of Council be suspended so as to
15 permit first reading at our next Council
16 session.

17 (Duly seconded.)

18 COUNCILMAN KENNEY: Moved and
19 seconded.

20 All in favor?

21 (Aye.)

22 COUNCILMAN KENNEY: There are
23 none opposed. Bill No. 140205 reported
24 out of this committee favorably with a
25 request for rules suspension to allow

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 first reading at our next Council
3 session.

4 I recognize Councilman Goode on
5 Bill No. 140206.

6 COUNCILMAN GOODE: Thank you,
7 Mr. Chairman. I move that Bill No.
8 140206 be reported out of this committee
9 with a favorable recommendation, that the
10 rules of Council be suspended so as to
11 permit first reading at our next Council
12 session.

13 (Duly seconded.)

14 COUNCILMAN KENNEY: It's been
15 moved and seconded.

16 All in favor?

17 (Aye.)

18 COUNCILMAN KENNEY: There are
19 none opposed. Bill No. 140206 reported
20 out of this committee with a favorable
21 recommendation and a request made for
22 rules suspension to allow first reading
23 at our next Council session.

24 The Chair recognizes
25 Councilmember Goode on 140093.

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.

2 COUNCILMAN GOODE: Thank you,
3 Mr. Chairman. I move that Bill No.
4 140093 be reported out of this committee
5 with a favorable recommendation, that the
6 rules of Council be suspended so as to
7 permit first reading at our next Council
8 session.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and
11 seconded.

12 All in favor?

13 (Aye.)

14 COUNCILMAN KENNEY: There are
15 none opposed. Bill No. 140093 reported
16 out of this committee favorably, with a
17 request made for rules suspension to
18 allow for first reading at our next
19 Council session.

20 The Chair recognizes
21 Councilmember Goode.

22 COUNCILMAN GOODE: Thank you,
23 Mr. Chairman. I move that Bill No.
24 140094 be reported out of this committee
25 with a favorable recommendation, that the

1 4/29/14-LABOR & CIVIL SERVICE-BILL 140093, etc.
2 rules of Council be suspended so as to
3 permit first reading at our next Council
4 session.

5 (Duly seconded.)

6 COUNCILMAN KENNEY: Moved and
7 seconded.

8 All in favor?

9 (Aye.)

10 COUNCILMAN KENNEY: There are
11 none opposed. Bill No. 140094 reported
12 out of this committee favorably and a
13 request made for rules suspension to
14 allow first reading at our next Council
15 session.

16 That concludes the business of
17 the Council Committee on Labor and Civil
18 Service.

19 Thank you for your attendance.

20 (Committee on Labor and Civil
21 Service concluded at 11:50 a.m.)

22 - - -

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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