

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

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, May 3, 2013
10:25 a.m.

PRESENT:

COUNCILMAN JAMES KENNEY - CHAIR
COUNCILMAN MARK SQUILLA
COUNCILMAN BOBBY HENON
COUNCILMAN BRIAN J. O'NEILL

RESOLUTIONS: 130231

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2 COUNCILMAN KENNEY: Good morning. Thank
3 you for attending the Labor and Civil Service
4 Committee. We do not need a quorum today. We are
5 not going to be moving any legislation out of the
6 Committee. This is an informational investigatory
7 hearing.

8 Councilman Squilla is in attendance as a
9 member of the Committee. We have Councilman
10 Henon, I believe, Councilman O'Neill are on their
11 way. In the interest of time, I thought we would
12 get started.

13 This is a hearing dealing with Resolution
14 No. 130231, which is a resolution authorizing the
15 Committee on Labor and Civil Service to hold
16 public hearings to review promotion procedures
17 within the Philadelphia Fire Department, as it
18 relates to Budgeted Uniform Vacancies, prior to
19 the expiration of the Published Promotion
20 Eligibility Lists for Fire Lieutenant and Fire
21 Captain on May 25, 2013.

22 This hearing is about public safety and
23 what -- what is civil service all about. It's
24 hard to tell from the outside how the cumulative

1 effects of many different factors of Fire
2 Department policies are affecting our citizens and
3 what -- and that's what we plan to find out today.

4 I want to make sure that we are using data
5 and human resource planning to make sure there are
6 no prolonged vacancies. Because if the positions
7 were budgeted, then it tells me that the Fire
8 Department believes that those positions were
9 needed and those slots were needed for a reason,
10 proactively planning for the members who are
11 retiring on the DROP Program, that means that we
12 know well in advance of their departure and how
13 many we will need to hire and promote.

14 Also, we want to try to do what we can to
15 stop the loss of institutional knowledge that is
16 leaving with those retiring officers. If we can't
17 make promotions to get there, then we should be
18 training as many members underneath those ranks as
19 possible. Want to make sure that filling those
20 vacancies from the promotional lists is done in a
21 fair manner.

22 Civil service, from my institutional and
23 historical understanding, was put into place so
24 that there was no hints or issues of favoritism,

1 that people would test, get on the list, openings
2 would happen and those positions would be filled
3 on a meritorious basis without consideration of
4 any other issues. We want to make sure that
5 hiring a new class of firefighters, the lack of
6 which cause egregious overtime charges of about
7 \$7.2 million to the City's general fund in FY2013.
8 Such charges signal to me that we didn't plan
9 properly for what hiring freezes would do to the
10 Fire Department. And I want to make sure that we
11 use all the mountains of information we have today
12 to plan properly.

13 At this point, unless Councilman Squilla
14 has anything he would like to say, I would like to
15 ask the Administration to please take the witness
16 table and provide their testimony.

17 Please let the record reflect that
18 Councilman Henon is also in the room.

19 I understand we have -- I see we have
20 Mr. D'Attilio here from Human Resources. We have
21 anyone here from Civil Service, or will you be
22 covering both? Any questions that arises --

23 MR. RESNICK: Any questions -- exactly.

24 COUNCILMAN KENNEY: I have no -- I have no

1 need for their specific testimony other than to
2 have them there to enlighten us as to what the
3 rules actually are.

4 MR. RESNICK: That's why they're here.

5 COUNCILMAN KENNEY: Thank you. Thank
6 you for -- please identify yourself.

7 MR. RESNICK: Good morning, Councilman
8 Kenney, Members of the Committee on Labor and
9 Civil Service. My name is Michael Resnick. I'm
10 the Director of Public Safety for the City of
11 Philadelphia. With me I have Fire Commissioner
12 Lloyd Ayers, Deputy Commissioner Dave Beatrice.
13 And as you just mentioned, Councilman, Al
14 D'Attilio, the Director of Human Resources is in
15 the Council Chamber as well as Mike McAnally, his
16 Deputy.

17 I appear before you today to offer
18 testimony on Resolution 130231 which was
19 introduced by Councilman Kenney on March 21, 2013.
20 The resolution seeks to obtain information
21 pertaining to promotional procedures within the
22 Philadelphia Fire Department as they relate to
23 budgeted uniform vacancies prior to the expiration
24 of the published promotional eligibility list for

1 Fire Lieutenant and Fire Captain. Those two lists
2 are set to expire on May 25, 2013.

3 The Philadelphia Fire Department
4 promotional procedures are promulgated through the
5 Philadelphia Home Rule Charter, Article VII,
6 Section 7-100 through 401 and the Philadelphia
7 Civil Service Regulations. These are the same for
8 all City departments. And as I just previously
9 stated, the current promotional eligibility list
10 for Fire Captain and Fire Lieutenant are set to
11 expire on May 21, 2013 at 11:59 p.m.

12 To date, the Philadelphia Fire Department
13 has promoted 34 Captains and 78 Lieutenants off of
14 these two lists, respective lists, most recently
15 on April 3 -- not the 23rd. That was a typo in
16 the testimony.

17 On April 3, the Fire Department promoted
18 six captains and 23 lieutenants from those
19 eligible lists. According to the Fire Department
20 records, currently there are only two budgeted
21 uniform vacancies for the rank of Fire Captain.
22 There are 105 approved budgeted positions for that
23 rank. There are also currently 9 budgeted uniform
24 vacancies for the rank of Fire Lieutenant. There

1 are currently 306 budgeted positions for that
2 rank. Whether to fill a vacancy or to allow a
3 list to expire and use a new list is entirely up
4 to the Fire Department as it would be with any
5 other department.

6 Additionally, as stated in the Home Rule
7 Charter, Article VII, Section 701 -- or 7-401F,
8 lists shall continue in force for at least one
9 year from the date of their establishment and
10 thereafter till exhausted or replaced by a more
11 recently prepared list, but no case longer than
12 two years.

13 At this point, we have decided that no
14 further promotional candidates off of the current
15 lists -- to make no further promotional candidates
16 off of the current list. It's our determination
17 that public safety will in no way be compromised
18 by allowing the current lists to expire.

19 As you know, the Fire Department has
20 already announced a new examination for the ranks
21 of Fire Captain and Fire Lieutenant. Those tests
22 are set for Saturday, June 8. Once the new
23 examination process is fully completed, new lists
24 will be available. And we anticipate those by

1 September 2.

2 We will then plan to reevaluate Fire
3 Captain/Fire Lieutenant staffing needs and make
4 promotional decisions based upon public safety and
5 the Department's organizational needs.

6 If you will allow me a little ad lib off of
7 the testimony, at that time, we will be able to
8 make promotions from the top of the list. Those
9 candidates who have shown an aptitude and an
10 understanding of the material to score such that
11 their names rank at the higher part of the list
12 rather than make promotions from the middle or the
13 bottom of the list.

14 Also, it will allow us to choose from a
15 wider pool of candidates those people who have
16 become eligible to take these tests since these
17 two lists were created in 2010. So, we will have
18 a larger pool of people to choose from.

19 This concludes my testimony. We would be
20 happy to answer any questions. As I stated
21 previously, Mr. McAnally and Mr. D'Attilio are
22 here to answer questions with respect to Civil
23 Service.

24 COUNCILMAN KENNEY: You indicate in your

1 testimony that the same rules apply to all City
2 departments.

3 MR. RESNICK: Yes, sir.

4 COUNCILMAN KENNEY: Fire Department is no
5 different.

6 MR. RESNICK: Yes, sir. The Home Rule
7 Charter and the Civil Service Regulations apply to
8 all City departments.

9 COUNCILMAN KENNEY: In the Charter, Article
10 VII indicates vacancies shall be filled by
11 promotion whenever possible.

12 And during the course of the testimony, the
13 Police Department, which I think is more closely
14 aligned department, I asked a similar question of
15 Commissioner Ramsey. He indicated that the
16 list -- people will test, the list will be
17 developed. And they will move down the list until
18 the list expires. When the list expires, they
19 will test and create a new list.

20 There is no indication that they stop
21 anywhere in the midst of a list.

22 MR. RESNICK: I don't believe during the
23 Council session you asked him that. Commissioner
24 and I had a conversation afterwards. And he did

1 indicate that at some points, perhaps, they will
2 stop when there is still a valid list when they do
3 have vacancies when a new list is imminent.

4 When I was at the prison system and I was
5 the Chief of Staff for the prison system for five
6 years, we did exact same thing. We had
7 promotional lists that were set to expire. Rather
8 than make promotions from the middle or the bottom
9 of a list, we would wait until a new list would be
10 generated where the people who performed better
11 were on top of the list so we could promote those
12 people who performed better into the ranks.

13 COUNCILMAN KENNEY: Why don't you simply
14 instead of having an entire list, why don't you
15 cut it off at a certain grade or certain grading
16 or certain point grade on the test so that you
17 don't have the middle and the bottom of the list?

18 MR. RESNICK: That is a civil service
19 question. I don't know the answer to that.
20 Mr. D'Attilio or McAnally can answer.

21 COUNCILMAN KENNEY: I would like them to
22 come forward at the end when we are done our
23 conversations.

24 Could you please comment on the issue,

1 "vacancy shall be filled by promotion whenever
2 possible." At this point in time, it is possible.
3 We have a list. We have vacancies. There seems
4 to be an arbitrary decision to say stop as opposed
5 to allowing people to believe that the process is
6 fair and that there is not -- there is no kind of
7 arbitrary decision when and if to stop moving down
8 the list.

9 MR. RESNICK: Well, I don't think it's -- I
10 don't think it's arbitrary, Councilman.

11 COUNCILMAN KENNEY: Let me interrupt you a
12 second.

13 MR. RESNICK: Sure.

14 COUNCILMAN KENNEY: It seems to be
15 arbitrary because there is a list and there are
16 vacancies. If you take the two issues together,
17 vacancy list, it would seem to be an arbitrary
18 decision to stop filling the position.

19 MR. RESNICK: Sure. I believe management
20 is entitled to some discretion when it comes to
21 making promotions. We have the civil service
22 process. It's supposed to be fair and impartial.

23 People take a test. Everybody takes the
24 same test. They are then ranked on their

1 performance on that test. The rank on that test
2 places them on a list. The people who perform
3 better on the test are at the top of the list. We
4 have made 34 promotions to the rank of captain
5 during the lifetime of this list. That is more
6 captain's promotions off any list since 1997, I
7 believe it is.

8 There has been a management decision that
9 says right now we only have two vacancies. Two
10 out of 105 budgeted positions. We are going to
11 get imminently a brand new list that will not only
12 have more people on it because more people are
13 eligible to take this test since the time this
14 list was created two years ago. That gives more
15 people the opportunity to test for promotion. But
16 it also allows us the opportunity to take the best
17 performers off of the new list to fill the very
18 small handful of vacancies that we have.

19 COUNCILMAN KENNEY: I guess the converse
20 argument could be made as to when you got the two,
21 why not just fill the two. Have the test, have a
22 new list, it's not stale and move forward. Will
23 there ever be any vacancies for lieutenant and
24 captain again in the Fire Department?

1 MR. RESNICK: Of course.

2 COUNCILMAN KENNEY: So, the testing process
3 will proceed as it would in June or in July or
4 September or whenever you decide to give the test.
5 You would go forward. As people tread out, as
6 vacancies occur from that new fresh unstale list
7 would be a group of people that you can promote.

8 To me, this is just my own personal
9 opinion, to stop at two with two vacancies
10 available, to stop on that list to me is an
11 arbitrary kind of decision that flies in the face
12 of what Civil Service is supposed to be, and that
13 is a blind process. Unless there is some -- as
14 Commissioner Ramsey said in his testimony, unless
15 there is some overreaching reason that someone
16 brings to his attention why someone should not be
17 promoted, then they are promoted.

18 To get to the point of two vacancies and
19 decide the fate of those two people or the fate of
20 those people on that list relative to those two
21 positions may be forever sealed. As you know, as
22 you go through this process you get so many bites
23 at the apple and then the apple goes away.

24 But why should there be management

1 discretion when it comes to Civil Service? That,
2 I guess, is part and parcel of this discussion
3 today is that Civil Service is supposed to be just
4 that. You study, you test, you list. The list
5 expires at a certain date. If there are
6 vacancies, in my view, the vacancies should be
7 filled from that list. But management's
8 discretion is we have decided, for whatever
9 reason, we are not going to fill those two
10 vacancies. To me that is a management discretion,
11 I think, flies in the face of what Civil Service
12 is all about.

13 MR. RESNICK: I guess reasonable minds can
14 differ, Councilman. I think that the proffered
15 rationale that there are only two vacancies left,
16 we have promoted a substantial number of captains
17 off of this list. We are going to give other
18 people the opportunity to take this test. And,
19 quite frankly, those people who are left on this
20 list are at the bottom of the list or the middle
21 of the list. They are not precluded from
22 retesting when the new test is given in June to
23 get on the list in September. No one is
24 forestalling anybody's opportunity to do better

1 and be higher on the list to then be considered
2 for promotion.

3 As I said, the rationale is this list is
4 going to end. It's going to end at the end of
5 this month in a couple of weeks. Then we will
6 have a brand new list populated at top of that
7 list with the highest performers. Those people
8 that have demonstrated a knowledge and an aptitude
9 for this material. It's best for this department
10 that those people be placed in those management
11 positions and then promoted throughout their
12 careers.

13 COUNCILMAN KENNEY: So, what you're saying
14 is the people who are remaining on the existing
15 list are not eligible.

16 MR. RESNICK: I didn't say they're not
17 eligible.

18 COUNCILMAN KENNEY: Not qualified?

19 MR. RESNICK: I said that there were people
20 ahead of them who were better qualified. Then
21 when we give a new list, people will perform
22 wherever they perform. They will be ranked on a
23 list. We will have the opportunity to promote
24 from the top of the list those people who perform

1 better than the people who are currently in the
2 middle and bottom of this list.

3 COUNCILMAN KENNEY: Do you believe that the
4 people currently on the existing list are
5 qualified to be promoted?

6 MR. RESNICK: They took the test. They are
7 qualified to be promoted at No. 35 and down to --

8 COUNCILMAN KENNEY: Are they qualified to
9 be promoted?

10 MR. RESNICK: Well, I think if you're
11 saying that -- should we promote No. 35 or wait
12 two months and promote No. 1, I would wait two
13 months and promote No. 1.

14 COUNCILMAN KENNEY: So, there are two
15 vacancies now. Based on what is going to happen
16 in DROP, how many vacancies will there be?

17 MR. RESNICK: The records that I have,
18 Councilman, show that we have -- as of today, we
19 have two vacancies. As of 5/18, just before this
20 list expires, we will have six. And then after
21 the list expires, we will have six more for a
22 total of twelve.

23 COUNCILMAN KENNEY: So, you will have
24 twelve that you can pull from this new fresh

1 qualified list?

2 MR. RESNICK: We will have twelve we can
3 pull from the new fresh list. We will promote the
4 twelve top performers off of the new list.

5 COUNCILMAN KENNEY: Let me ask you a
6 question. How many positions in the Fire
7 Department, command positions are tested for?

8 MR. RESNICK: Up to the rank of Battalion
9 Chief, I believe -- Deputy Chief. I'm sorry,
10 Deputy Chief. They all are. Deputy Commissioners
11 are the only exempt ranks.

12 COUNCILMAN KENNEY: To become a Deputy
13 Commissioner you don't need to take a test?

14 MR. RESNICK: No, Councilman.

15 COUNCILMAN KENNEY: Okay. And you can come
16 from any rank.

17 MR. RESNICK: Theoretically.

18 COUNCILMAN KENNEY: Theoretically.
19 Councilman Squilla.

20 COUNCILMAN SQUILLA: Thank you. Good
21 morning, gentlemen.

22 MR. RESNICK: Good morning.

23 COUNCILMAN SQUILLA: You had stated that
24 you went down the list and you stopped at a

1 certain percentage. And you did it because of the
2 qualifications. And you feel that the new
3 guys will be -- I guess the new test will make you
4 feel that these guys are probably better prepared
5 to do the job?

6 MR. RESNICK: I don't know if I said
7 exactly that. But my -- the rationale that I gave
8 was, yes, this list is going to expire. We have
9 very, very few -- we have two. We have two
10 vacancies.

11 COUNCILMAN SQUILLA: That's not true. Stop
12 saying two because you are going to have at least
13 six or seven.

14 MR. RESNICK: Today we have two.

15 COUNCILMAN SQUILLA: Today you have two.
16 But before the list expires, you're going to
17 have -- you keep saying two and it's not true.

18 MR. RESNICK: Okay. We will have six when
19 the list expires.

20 COUNCILMAN KENNEY: Eight or six?

21 COUNCILMAN SQUILLA: All right. Eight or
22 six.

23 COUNCILMAN KENNEY: It's only two lives.

24 COUNCILMAN SQUILLA: Well, you know.

1 COUNCILMAN KENNEY: It's only two careers,
2 what's the difference?

3 COUNCILMAN SQUILLA: I mean, Fire
4 Lieutenants, there is more Special Operation
5 Chiefs. You have Fire Battalion Chiefs. There
6 are going to be six. They are all positions that
7 can be gained. And when you do that -- when I see
8 the list, you're saying that, all right, we
9 stopped at a point. I see two-tenth's of a point
10 difference in the person that was hired than the
11 person who wasn't.

12 Is that that much of a difference in the
13 qualifications of that person?

14 MR. RESNICK: That is what this is about,
15 Councilman. We have to draw a line somewhere. We
16 take the people as they rank on the list.

17 COUNCILMAN SQUILLA: Well, we agree.

18 MR. RESNICK: That's the score.

19 COUNCILMAN SQUILLA: I think we all agree
20 with that. But to stop and to say that these
21 people, you know what, after that, you know --
22 they are not qualified or not qualified or we
23 think we should wait.

24 MR. RESNICK: No one is saying they are not

1 qualified and no one is casting aspersions on
2 these people's talents or abilities or, you know,
3 their years of service. But what we are saying is
4 in very short order, we will get a brand new list
5 with people who have scored better than the
6 current people who are on this list. The people
7 who are on this current list can sign up, study,
8 take the test. And hopefully, they will score
9 higher and they will be in the ranks that we will
10 be able to choose from.

11 COUNCILMAN SQUILLA: What was the passing
12 test grade in the last test?

13 MR. RESNICK: Passing grade?

14 COUNCILMAN SQUILLA: Yeah. Where you make
15 the list.

16 MR. RESNICK: I don't know.

17 COUNCILMAN KENNEY: I'm sorry. Could
18 someone come forward. Someone relinquish the
19 seat.

20 MR. MCANALLY: Michael McAnally, Office of
21 Human Resources. Council, for the written portion
22 of the test, we score the test on a curve. It
23 depends on how well the candidates perform. I
24 don't remember what the passing grade was for the

1 written portion of the examination.

2 For the oral portion of the examination, by
3 Civil Service regulation, the passing grade has to
4 be 70 percent.

5 COUNCILMAN SQUILLA: For the oral portion.
6 Now, the written portion for the last exam was a
7 curve of -- to try to get so many people to pass?
8 Why is the curve?

9 MR. MCANALLY: The curve is based on the
10 relative performance of the people taking the
11 examination.

12 COUNCILMAN KENNEY: I'm sorry. Could you
13 repeat that? I couldn't hear you.

14 MR. MCANALLY: The curve is based on the
15 relative test grades, how well the candidates did.
16 We will take the average test score and, well, we
17 usually set it at the average test score. But if
18 the test was unusually difficult, then we might
19 have a lower test score. If the test was easier
20 than expected, it might be a higher test score.

21 But it's not based on the number of
22 candidates. We could have an eligible list with
23 hundreds of candidates on it, and we know that we
24 are never going to get through that eligible list.

1 COUNCILMAN SQUILLA: All right. So, there
2 really is no pass -- who decides at the end? Who
3 are the people that make that decision?

4 MR. MCANALLY: I ultimately make the
5 decision. My staff will do an analysis of the
6 relative rankings of the candidates, they will
7 make a recommendation. And then I will either
8 approve or disapprove or change the
9 recommendation.

10 COUNCILMAN SQUILLA: So after the test is
11 taken, if you have maybe only 30 people that got,
12 say, 70 or above, you would say, you know what,
13 this isn't good enough. We have to lower it to
14 maybe add the 60 guys to get an average of what it
15 is and we will have those guys pass the test,
16 also.

17 MR. MCANALLY: That's absolutely correct.

18 COUNCILMAN SQUILLA: And then if you don't
19 have enough at that point, do you just constant --
20 do you have a number that you want to reach to
21 allow so many people to pass?

22 MR. MCANALLY: No, we don't.

23 COUNCILMAN SQUILLA: So, how do you know if
24 it was enough people?

1 MR. MCANALLY: With the Fire -- say, for
2 example, the Fire Lieutenant examinations, we will
3 have 6 or 700 people take that examination. No
4 matter where we set the pass point, we are always
5 going to have several hundred candidates.

6 But we will try to set the pass point so
7 there is sufficient number of candidates to go
8 through the process. Because after the written
9 examination, they have to take the oral
10 examination. Some candidates will be weeded out
11 at that point.

12 COUNCILMAN SQUILLA: If you have several
13 hundred, you know you are not going to fill those
14 spots. Why would you then curve it even more
15 because it adds even more candidates? Then you
16 have a stale list like Mr. Resnick says. You
17 don't want that many people in the middle and the
18 bottom of the list.

19 Why would you do that?

20 MR. MCANALLY: The test is not an absolute
21 process. There is no test that is perfect. So,
22 we have to take into consideration how well the
23 candidates did on each examination. There is
24 always a matter of fairness and unfairness. There

1 are going to be candidates who are going to be
2 happy. And there are candidates who are going to
3 be unhappy. But we make our best judgment call
4 about where we should set the pass point.

5 COUNCILMAN SQUILLA: Well, yeah. It's sort
6 of conflicting what the Administration does after
7 they receive it. Because they got an arbitrary
8 number that they end up reaching where they say,
9 all right, you know what, we let way too many
10 people in. Two years went by, we don't want these
11 people.

12 So why -- I just -- you guys have to talk
13 together. There has to be some type of reasoning
14 to come in.

15 MR. MCANALLY: Councilman, I don't really
16 think there is a conflict. I mean, the issue is
17 that there is a larger supply of candidates than
18 there are demand to fill the positions.

19 COUNCILMAN SQUILLA: So why curve -- that's
20 what I'm saying. Why would you curve it to add
21 more?

22 MR. MCANALLY: As a matter of fairness. If
23 the test seems like it's more difficult than we
24 anticipate it, then we will set the pass point at

1 a certain score. If we set the pass point at,
2 say, 70 percent before we score the test and the
3 test was more difficult than we anticipated, then
4 we would end up failing candidates who really
5 should have passed.

6 COUNCILMAN SQUILLA: But you still have too
7 many people to fill the positions.

8 MR. MCANALLY: Right.

9 COUNCILMAN SQUILLA: Please, help me.

10 COUNCILMAN KENNEY: I think you are adding
11 to people's expectations that they take a test,
12 they get on a list, they are going to be promoted
13 at some point in time potentially. However, if
14 you curve it, wouldn't it be better to throw -- if
15 the test is too difficult or the test is too easy,
16 why not just throw the test out and retest?

17 Why would you let these people -- why would
18 you let someone -- and I've been through this --
19 excuse me.

20 COUNCILMAN SQUILLA: Go ahead.

21 COUNCILMAN KENNEY: I been through this
22 experience in my life where a parent who is in the
23 Fire Department or the Police Department, I mean,
24 they sit with the book, they sit with the flash

1 cards. They go through. They study, they study.
2 They come home from work. They study. They
3 study. They come home from work, mom or dad is
4 doing the thing at the kitchen table. They take a
5 test and get on a list.

6 There is a certain expectation that there
7 is a blindness to this thing that there is no
8 discretion, that there's no management discretion.
9 That this is what the list is. And when there is
10 vacancies on that list and you have made the list,
11 then you are eligible for promotion. That's kind
12 of a contract or compact.

13 When you start disrupting that either
14 through inflating numbers of eligibles because you
15 curve a test or because you decide arbitrarily to
16 stop a list at any particular date before its
17 expiration, that is when Civil Service begins to
18 get twisted and turn and rip sawed. Because now
19 there is some -- wait a minute.

20 Why -- what is this all about? Why isn't
21 this as pristine a process as we think it should
22 be?

23 And that is my concern. Is that people's
24 careers are in jeopardy because there is only so

1 far you can go sometimes as relates to age and
2 length of service and the time you have the
3 ability to obtain a promotion. When you've
4 studied as hard as anybody else who has studied
5 now for the June 8 test. Now, if you want to
6 curve a test and inflate the number of eligibles
7 so that people are disappointed, I think that is
8 doing a disservice both to the department and to
9 the people who are taking the test.

10 I don't understand what that -- I mean,
11 it's -- if you have a comment.

12 MR. D'ATTILIO: May I, Councilman?

13 COUNCILMAN KENNEY: Yes.

14 MR. D'ATTILIO: My name is Albert
15 D'Attilio. I am the Director of Human Resources.
16 I think there is few assumptions here that I
17 disagree with.

18 One is that placement on an eligible list
19 entitles you to a position. The Charter does not
20 contemplate that.

21 COUNCILMAN KENNEY: That's not my position.

22 MR. D'ATTILIO: So, the expectation that
23 merely because you have been successful on an
24 examination that you have -- that you will be

1 promoted, I don't think that's a reasonable
2 explanation or expectation. Nor do I believe that
3 our candidates, especially our promotional
4 candidates, have that expectation.

5 COUNCILMAN KENNEY: The expectation is that
6 after May 25 and you are on that list, you are not
7 getting promoted. That's the expectation. You
8 have an eligibility list with a period of time
9 it's eligible for a reason. It's not an open
10 ended. It's May 25, 2013. It's over. If you
11 didn't get there by then, go take the June test.

12 But if you are still there and there is two
13 openings and there is going to be eight more or
14 twelve more, then to me that is -- that is a
15 management prerogative that is askew in my view.

16 MR. D'ATTILIO: That is a management
17 prerogative that is embedded in the Charter.

18 I also disagree with the premise that
19 Charter Section 7-401E mandates that all
20 positions, all promotional decisions, be filled.

21 COUNCILMAN KENNEY: Whenever possible.

22 MR. D'ATTILIO: What that clause is
23 providing for is when you have a choice between a
24 promotional examination and an examination that is

1 open to the public, what we call an open
2 competitive examination, we must give a
3 promotional examination wherever possible.

4 If there is a recruitment base, the Charter
5 requires us to announce the exam promotional and
6 fill those positions through promotion. It
7 doesn't require us to fill all positions.

8 COUNCILMAN KENNEY: Then explain to me your
9 definition of the following verbiage.

10 "Vacancy shall be filled by promotion
11 whenever possible."

12 MR. D'ATTILIO: If you look at the
13 annotation for that section it says: "Promotion
14 upon merit and other recognized basis is an
15 important incentive for achievement in continued
16 municipal service and employment."

17 Again, it is requiring us to make positions
18 available to Civil Service employees before we go
19 outside to the open market.

20 COUNCILMAN KENNEY: Well, you can't go
21 outside to the open market on Lieutenant and
22 Captain's test, it's not an open market.

23 MR. D'ATTILIO: We can't go outside -- we
24 could if we wanted to recruit from other fire

1 jurisdictions. We can't because there is a
2 promotional base within the City, and the Charter
3 requires us to exhaust that promotional base
4 before we go outside.

5 COUNCILMAN KENNEY: Which is the existing
6 list.

7 MR. D'ATTILIO: Which is the existing list.

8 COUNCILMAN KENNEY: That requires you to
9 exhaust it before you go outside.

10 MR. D'ATTILIO: That's correct.

11 COUNCILMAN KENNEY: Okay. So --

12 MR. D'ATTILIO: But it doesn't require us
13 to exhaust the list or fill all positions. Again,
14 that is a management -- management has the
15 discretion to do so. They've had that discretion
16 for the last 60 years. It's no different for the
17 Fire Department than for any other department in
18 the City.

19 COUNCILMAN KENNEY: Well, we're sitting
20 here -- I think we are sitting here because it's a
21 little different. It seems to be a bit -- if it
22 weren't different, I don't think we would be
23 having this hearing.

24 MR. D'ATTILIO: But, Councilman, I have to

1 tell you that we have lists that expire every day
2 with people on the eligible list. We have
3 departments that every day that make a decision
4 that they will wait and delay a promotion or delay
5 filling a position for whatever reason: Whether
6 it's budgetary, whether it's because they want to
7 allow other people in the department an
8 opportunity to compete, whether it's because of
9 other reasons. Management does have that
10 prerogative.

11 COUNCILMAN KENNEY: Councilman Squilla.
12 I'm sorry.

13 COUNCILMAN SQUILLA: I'm sorry. I know you
14 have the positions and the promotions are there.
15 Right now and previously, was there always a pool
16 that was used to fill spots that may be for people
17 who are off or to have a pool of people that were
18 hired that didn't fill -- that weren't actually at
19 that position for, like, Captains or Lieutenants?

20 Do we have a pool that we pick from,
21 Commissioner Ayers?

22 COMMISSIONER AYERS: In, I'm guessing,
23 maybe ten years ago or so, there was a pool.
24 There was a pool that was filled since the budget

1 crisis. And prior to that, looking to manage the
2 dollars a little more, the pool was eliminated.
3 We eliminated the pool. Instead of having people
4 sitting around and having to send them someplace
5 else when they were needed or not needed, it was a
6 waste of dollars. That's the way we looked at it.

7 We got rid of the pool. There is no pool.

8 COUNCILMAN SQUILLA: When was the pool
9 eliminated; do you recall?

10 COMMISSIONER AYERS: Some time ago. I
11 mean, years. Several -- even tests ago.

12 COUNCILMAN SQUILLA: Like five years?

13 COMMISSIONER AYERS: Five or more.

14 COUNCILMAN SQUILLA: Five or ten years ago?

15 COMMISSIONER AYERS: Five or more. I can
16 get you that information.

17 COUNCILMAN SQUILLA: Okay.

18 At that point -- I remember this, that they
19 actually hired more positions, I believe it was,
20 than were actually open. And they used this pool
21 for when people weren't on duty or people were off
22 or whatever. That pool actually filled those
23 spots, correct?

24 COMMISSIONER AYERS: Yeah. It was an old

1 luxury, yes.

2 COUNCILMAN SQUILLA: Right now we are
3 budgeted for these spots; is that correct?

4 COMMISSIONER AYERS: Yes, sir.

5 COUNCILMAN SQUILLA: And we are just
6 choosing to wait to fill them?

7 COMMISSIONER AYERS: Yes, sir. We will
8 have a new list, yes.

9 COUNCILMAN SQUILLA: All right. Now this
10 new list and this new test that we're having, once
11 that test is taken, how -- you must be looking for
12 some type of number to pass a test in order to
13 know how well to curve it or not; is that correct?

14 MR. MCANALLY: Council, we don't ask the
15 Fire Department that. We try to keep them
16 completely uninvolved in the test so that it's
17 completely objective. And that -- the eligible
18 lists are based on how well the candidates do in
19 the test. We do not ask for the Fire Department's
20 input.

21 COUNCILMAN SQUILLA: So if you have too
22 many that have a passing grade, do you then change
23 the passing grade up to an 80 or higher to lower
24 that number? Or do you -- what do you do in that

1 case?

2 MR. MCANALLY: We would rarely -- we would
3 rarely set it significantly higher to reduce the
4 number. If the candidates did really well, then
5 we would just have a larger eligible list.

6 COUNCILMAN SQUILLA: Okay. And then if you
7 only have -- I am trying to get at how do you know
8 when to curve a test and when not to.

9 If you have a hundred people, whatever the
10 passing grade is -- I guess a 70. What is the
11 normal -- you don't come until you decide after
12 they take the test.

13 MR. MCANALLY: You don't know. If we had
14 set -- for some of the promotional examinations,
15 if we had set the passing grade at 70 percent for
16 the written portion of the examination, we would
17 have ended up with maybe five or ten passers. So
18 typically, we will have to set the pass point a
19 little bit below 70 percent. Depends on how well
20 the candidates did on that test.

21 COUNCILMAN SQUILLA: And then each person
22 would get the same amount of points added to that
23 to make their grade higher?

24 MR. MCANALLY: There is a mathematical

1 scale. So, the passing score becomes a 70 and
2 then the other scores --

3 COUNCILMAN SQUILLA: Say the got guy got a
4 50. If you gave him 20, everybody else would get
5 20?

6 MR. MCANALLY: It's not linear like that.
7 It's a mathematical scoring.

8 COUNCILMAN SQUILLA: Starting to sound like
9 AVI. I mean, it's a mathematical score.

10 So if you give -- if you curve it, right,
11 when you curve a score you raise it by so many
12 percentage points to get to that. You raise
13 everybody's grade. If you got a 90, you would get
14 a 98. You can't --

15 MR. MCANALLY: The scores are distributed
16 between 70 and 100. So if we set the pass point
17 at 60 items in a test --

18 COUNCILMAN SQUILLA: But you don't set a
19 pass point.

20 MR. MCANALLY: We do. After -- we do an
21 analysis. We set a pass point. If the pass
22 point, say, were 60 items correct out of 100, then
23 the 60 through 100 scores would have to be
24 compressed into 70 through 100.

1 COUNCILMAN SQUILLA: Why don't you just
2 make it 60 and keep it that? I don't understand
3 that.

4 MR. MCANALLY: Civil Service regulation,
5 the pass point has to be 70. So, we have to
6 convert whatever our pass score -- whatever the
7 passing score for raw number of items correct has
8 to be converted to 70. So if we were to set the
9 pass point at 60 test items correct, that 60
10 becomes 70. And then for every additional item
11 that you have correct above that minimum passing
12 score, you get a certain number added to your
13 score. It wouldn't be a one for one.

14 COUNCILMAN SQUILLA: So if a person gets a
15 69 and a person gets a 50, they both get a 70?

16 MR. MCANALLY: No. No. If the passing
17 score is 60, then the score is converted to a 70.
18 Then a candidate who gets 61 items correct, their
19 score would be approximately 70.5. Someone who
20 has 62 points, then their score would be
21 approximately 71. So on through until we get --

22 COUNCILMAN SQUILLA: How about if you got a
23 70?

24 MR. MCANALLY: Well, then your passing

1 score would probably be about 77 when we convert
2 it.

3 COUNCILMAN SQUILLA: Okay.

4 MR. MCANALLY: It's a mathematical
5 conversion because we have to compress the number
6 of items into a scale between 70 and 100.

7 COUNCILMAN SQUILLA: And when you make that
8 list and you do that, because that seems like that
9 may be a problem that we are running into now.
10 That we decide these guys are passing and
11 eligible, but yet we are not going to hire them.

12 MR. MCANALLY: Councilman, we don't know
13 how many people we are going to hire. It's not
14 that precise. We can't make an estimate over two
15 years if we are going to hire 35 candidates or 36
16 candidates. So, we are always going to have a
17 larger -- hopefully, we will always have an
18 eligible list that will be large enough to fill
19 the vacancies. And we recognize that there are
20 going to be candidates that remain on the eligible
21 list that are not going to be hired.

22 COUNCILMAN SQUILLA: We are talking about
23 Civil Service.

24 MR. MCANALLY: That's correct.

1 COUNCILMAN SQUILLA: Civil Service, when --
2 the mindset out there in the public is that Civil
3 Service you take a test, you have a certain degree
4 and you work off that test, correct?

5 MR. MCANALLY: That is correct.

6 COUNCILMAN SQUILLA: All right. Thank you.

7 COUNCILMAN KENNEY: Councilman Henon.

8 COUNCILMAN HENON: Thank you, Mr. Chairman.

9 I am just trying to understand. I know you
10 have had a lot of explanations on the test.

11 Is the test a national standard test, or is
12 a test that the Philadelphia Police Department,
13 the Administration, makes up with, what is it,
14 IAFF standards?

15 MR. MCANALLY: No. Council, it's a test
16 that the City of Philadelphia's Office of Human
17 Resources develop. We receive a bibliography from
18 the Fire Department textbooks that they recommend
19 as being the basis of the test. Then Office of
20 Human Resources staff will develop the test
21 questions.

22 We will have the test questions reviewed by
23 subject matter experts from other Fire Departments
24 throughout the country who come in and tell us if

1 the questions are technically correct. And if we
2 have to revise them, we revise them.

3 COUNCILMAN HENON: Is there a national
4 test, standardized test, for promotions?

5 MR. D'ATTILIO: No.

6 COUNCILMAN HENON: That you're aware of?

7 MR. MCANALLY: Not that I'm aware of.

8 COUNCILMAN HENON: The City's Human
9 Resources make the test up in coordination with
10 whomever and then they also have the discretion to
11 make decisions whether to promote people or not
12 promote people or to hold the list or start a new
13 list; is that correct?

14 MR. D'ATTILIO: Just to be clear, the
15 Office of Human Resources develops the exam,
16 administers the exam, scores the exams,
17 establishes an eligible list, then manages that
18 eligible list. It's the operating departments
19 that decide when and how they use that list. But
20 in accordance with the Charter's mandate to
21 exercise the Rule of Two.

22 COUNCILMAN HENON: So when you put a bell
23 curve in and you lower, I guess, the ability for
24 certain candidates or candidates to potentially

1 fill a vacancy, what does that do? Are we
2 lowering our standards for promotions?

3 Right now you have a list that -- you say
4 you have a large list and there is always going to
5 be a large list. But you only have two vacancies
6 currently on a large list. So are you saying that
7 there is not best performers on that list at this
8 time that qualify for these two vacancies?

9 MR. D'ATTILIO: No. We are not saying
10 that. We are not lowering the standards. As
11 Mr. McAnally explained before, it happens in the
12 academic setting, as well. We are basing the pass
13 point on the difficulty level of the examination
14 as determined by how candidates perform.

15 COUNCILMAN KENNEY: Just point of
16 information.

17 Why is the difficulty level of the
18 examination based on how the candidates perform?
19 Isn't the test either difficult or easy? Because
20 people don't perform well on the test, doesn't
21 make it a more difficult test it just makes that
22 they didn't perform as well on the test.

23 MR. D'ATTILIO: Councilman, we have --

24 COUNCILMAN KENNEY: Because I think what

1 Councilman Henon is saying basically is that when
2 you get a raw score, an average score, you don't
3 like it. You curve it to make people rise to the
4 top. That doesn't mean they are more qualified,
5 just means that their numbers are numerically
6 higher because you've artificially inflated those
7 numbers.

8 MR. D'ATTILIO: First of all, understand
9 that all candidates who are on an eligible list
10 are qualified. Their rank on the eligible list is
11 relative to their performance on that test
12 compared to the other qualified applicants.

13 So, the person at the top of the list is
14 deemed to be the most qualified based on our
15 system of scoring. The exam -- the difficulty of
16 the examination cannot be determined until you see
17 how qualified applicants perform on that
18 examination.

19 COUNCILMAN KENNEY: I disagree. I disagree
20 doesn't mean it's going to change. But the point
21 is, you have a certain set of standards you have
22 to meet to be a Fire Captain or Fire Lieutenant or
23 Fire Chief. Now, you develop a test. Everybody
24 bombs it like you did in college. Now college if

1 they curved it to get everybody to a fair average,
2 that's fine because it's only American History.
3 If you curve a test because everybody bombed it to
4 be a Fire Captain, that's a different set of
5 standards because that person is responsible for
6 more than just American History.

7 My point is that if people don't -- if
8 people do not perform well on the test, either the
9 test is -- something is wrong with the test or
10 something is wrong with the applicants. You can't
11 curve it to make it correct.

12 MR. D'ATTILIO: Not all applicants -- an
13 applicant may meet the qualifications but be
14 unsuccessful on the examination.

15 COUNCILMAN KENNEY: Then there is something
16 wrong with the examination or the applicant.

17 MR. D'ATTILIO: No. There is nothing wrong
18 with the examination, Councilman. There is a
19 population of people competing for the
20 examination. The curving doesn't effect the pass
21 point in respect to the fact that if you are
22 unsuccessful, if we determine that a successful
23 candidate is at 60 or 65 or 70, then anyone who
24 scored below that is deemed unsuccessful, they

1 don't go on the eligible list.

2 COUNCILMAN KENNEY: How low do you go?
3 What if everybody bombs it to a 50? Do we curve
4 it to a 50? Isn't there some minimum requirement
5 that if everybody takes the test that time is
6 really terrible, we are going to curve it to make
7 it look better?

8 MR. D'ATTILIO: No. We are not curving it
9 to make it look better.

10 COUNCILMAN KENNEY: Either you pass the
11 eligibility test or you didn't. A 70 is a 70.
12 And a 50 is a 50. How do you make any sense of
13 that?

14 MR. D'ATTILIO: These are standard testing
15 practices that are applied across the country.

16 COUNCILMAN HENON: I have a question. You
17 have two vacancies. I am just going to use what
18 is at hand now.

19 You have two vacancies. Are you saying
20 that there is nobody above a 70 that can't fill
21 these two vacancies, or it's your discretion is
22 not to fill the vacancies, to have a new list and
23 maybe somebody would score higher?

24 Is the list exhausted for best performers

1 for two vacancies?

2 MR. D'ATTILIO: No. The list is not
3 exhausted. The list will expire in several weeks.
4 The Fire Department as the appointing authority
5 has the discretion to decide to fill those
6 vacancies now with the existing list, or to fill
7 those vacancies if they will fill them with the
8 new list that we'll establish come September 2.

9 It's up to the Fire Department to decide
10 how best to manage their office or their
11 department.

12 COUNCILMAN HENON: I am not understanding
13 the policy on the decision whether to fill
14 vacancies or not fill vacancies, meeting certain
15 criteria, bringing up the score or bell curve to a
16 passing grade or an acceptable discretionary
17 choice to fill vacancies or not. Because I think
18 at the end of the day before you even have the new
19 list, you are going to have twelve, thirteen,
20 fourteen new vacancies that need to be filled.

21 And then there is going to be more coming,
22 so we're going to be paying more overtime. We're
23 going to be, you know, putting more stress and
24 rotation on our supervisors. And potentially,

1 with that kind of combination, you can affect the
2 decision making.

3 You know, I just -- I don't get the
4 discretionary part of something. I see on the
5 mass level you just had some mass promotions. But
6 this isn't much right now at this stage of the
7 game. And I think there should be a little more
8 transparency, you know, on the list and how
9 promotions are made moving forward.

10 COUNCILMAN KENNEY: Councilman O'Neill.

11 COUNCILMAN O'NEILL: Thank you, Mr.
12 Chairman.

13 The hearing the other day on the budget
14 where this is the equivalent of a call back for
15 this particular subject, talked about first the
16 \$7.2 million budget overrun. And the answers were
17 given, they were quite clear that the delay in the
18 Fire class was the main reason for it, all the
19 overtime that that created. I think it was a
20 two-month delay on the Fire class; is that
21 accurate?

22 MR. BEATRICE: Dave Beatrice, Deputy
23 Commissioner. The two-month delay was part of it.
24 I don't think it's the main reason. We do have a

1 list we prepared of the reasons that we're
2 preparing to send to the Chair.

3 COUNCILMAN O'NEILL: I will go back over
4 the notes of testimony. I remember the Budget
5 Director jumping up and clarifying that a big part
6 of this that kind of reduced it to a much smaller
7 number was the delay in hiring.

8 The question was, how can you be so far off
9 at the beginning of the year, \$7.2 million is a
10 hefty number especially when you are creating all
11 this overtime as a result that's a big part of the
12 deficit. Well, some things are out of your
13 control is what I am getting at.

14 I am assuming that you would have wanted to
15 have that class ASAP. You planned on it when you
16 presented the budget last year. Everything that
17 was established at budget time was based on that
18 and you missed it. But some things are out of
19 your control. I'm not going to get into all the
20 reasons today. This is not a call back on that.

21 But I am trying to illustrate why last week
22 I was somewhat begging Commissioner Ayers to go
23 back to the Administration and ask them to
24 reconsider this decision, which obviously been

1 reconsidered and the decision is the same. And
2 that is your prerogative. And people can disagree
3 with your reasons and really doesn't much matter.
4 You have total control over that list whether you
5 take any more candidates off it. I understand all
6 that.

7 I also understand from the budget
8 testimony, and we spent a lot of time on it, that
9 you no longer and you haven't for six years had
10 enough money in the budget to do the officers
11 training. So training is, in large part, expected
12 to be on the job mentoring voluntary from more
13 experienced people to less experienced people in
14 the officer ranks. Understand that.

15 What I think is the biggest problem here,
16 is it the decision to stop at a certain point
17 whether I agree with you or not. One thing that
18 is completely in our control is that when that
19 list expires on May 23, there be a list that
20 starts on May 24. That somehow missed the
21 discussion here today and I don't want to allow us
22 to leave here without talking about it.

23 If you gave the test in enough time to have
24 that list ready, it would be ready today. People

1 would know where their rank is. The person that
2 is 35 might be 45 on that list. Grant it, we
3 don't know. They could be No. 1. There is no
4 reason to wait until September 14 vacancies at
5 that point, no training budget, everything is
6 dependent on voluntary. Now you are four months
7 out where you have had positions that could have
8 been filled. And I am going to give you that you
9 would rather have the very best people. The new
10 list is going to tell you that.

11 There is no absolutely no reason from where
12 I sit in something we completely control that that
13 list isn't known even before May 23 so people know
14 where they are, especially the people on the last
15 list that can see whether they made progress from
16 that, from the orals, from the written.

17 Can somebody explain why in this critical
18 area, and I will call it the most critical right
19 now in the City with advancements/promotions, that
20 we have a list that expires on May 23 and another
21 list that will probably be ready in September with
22 a DROP analysis that tells us all it tells us that
23 we didn't use to have. And I heard fourteen.
24 That is just one -- that is not all the

1 promotions, that is just one rank.

2 So to me, that is what I want to know about
3 and I want to understand because it's -- to me
4 it's inexcusable. If there is -- we couldn't
5 control it like with the problem we have with
6 starting the Fire class last year, I am waiting to
7 hear it. That's all. I hope you understand my
8 point.

9 MR. RESNICK: I understand your point,
10 Councilman.

11 COUNCILMAN KENNEY: Just so you know for
12 background. By June 20, 2013, there will be
13 thirty-nine vacancies in command rank.

14 COUNCILMAN O'NEILL: How about by
15 September?

16 COUNCILMAN KENNEY: We only have up to
17 June 30 at this point.

18 COUNCILMAN O'NEILL: Can we get that
19 information? That information is all available.

20 MR. RESNICK: I understand your point,
21 Councilman. I think you raise an excellent point.
22 And I think right now I don't have an answer for
23 you in that the promotional -- giving the
24 promotional list, HR does that at the request of

1 the department. Why the department did not ask
2 for it at an earlier time so that we would have a
3 list that was viable at the point this one expired
4 or soon thereafter, it's an excellent point.

5 COUNCILMAN O'NEILL: But your response is
6 really good but not quite excellent because you
7 are assuming that the Fire Department asked too
8 late not the alternate assumption, which is just
9 as valid, that the Fire Department asked in plenty
10 of time and personnel, HR didn't have it ready.

11 MR. RESNICK: I'm not pointing the finger
12 at HR.

13 COUNCILMAN O'NEILL: I know.

14 MR. RESNICK: I have to look at it.

15 COUNCILMAN O'NEILL: But it's an either or.

16 MR. RESNICK: It's an either/or.

17 COUNCILMAN O'NEILL: You just responded
18 that you didn't know why the Fire Department
19 didn't ask sooner, but you're not -- you're
20 modifying your answer.

21 MR. RESNICK: I am making an assumption and
22 I don't know. I will look into it and find out.

23 COUNCILMAN O'NEILL: Okay. Can you find
24 out and let the Chairman know.

1 MR. RESNICK: I think it's a very good
2 point. And probably we should be planning when a
3 list expires, we will have a valid list.

4 COUNCILMAN O'NEILL: We wouldn't be having
5 this conversation today.

6 MR. RESNICK: We would not be having this
7 conversation.

8 COUNCILMAN O'NEILL: And what you said and
9 others would be very, very clear and cogent and
10 rational. Because by then, you would have the
11 list, the new list. You would know how far you
12 want to go down the old list. If No. 35 is No. 1
13 on the next list or 2 or 3 saying, whoa, I got a
14 pretty good gauge on this one now. Bingo. I got
15 a promotion.

16 Again, whether we agree with your analysis
17 or not, it's clear what it is. And there is a
18 very easy argument to make for it just as there is
19 against it because --

20 MR. RESNICK: I don't know if there is any
21 regulations that control the timing. That is
22 something I have to take a look at.

23 COUNCILMAN O'NEILL: Can you get back to us
24 on that? I think that's the critical --

1 MR. RESNICK: Yes, sir.

2 COUNCILMAN O'NEILL: Thank you.

3 COUNCILMAN KENNEY: Thank you, Councilman.

4 That is a critical issue. I also would like to
5 add to that, is there a written promotional policy
6 in the Philadelphia Fire Department?

7 MR. RESNICK: We follow the Home Rule
8 Charter in the Civil Service Regulations,
9 Councilman. I don't believe there is anything in
10 the department that talks about, you know, when
11 to -- who is going to convene and who is going to
12 make decisions and anything like that.

13 COUNCILMAN KENNEY: Is there a formal
14 written policy in the Philadelphia Police
15 Department?

16 MR. RESNICK: Not that I'm aware of, no.

17 COUNCILMAN KENNEY: According to
18 Commissioner Ramsey, there is.

19 MR. RESNICK: I am not aware that there is
20 one.

21 COUNCILMAN KENNEY: Should there not be
22 one?

23 MR. RESNICK: Well, we have the Civil
24 Service Regulations that tell us how we are

1 supposed to do this. I think that they are --
2 they encompass the promotional process.

3 COUNCILMAN KENNEY: The answer is no and
4 there won't be.

5 MR. RESNICK: I don't believe there is one.

6 COUNCILMAN KENNEY: And there won't be?

7 MR. RESNICK: I don't believe there is a
8 need for one. We have the Home Rule Charter and
9 we have the Civil Service Regulations that tell us
10 how to do this.

11 COUNCILMAN KENNEY: And if we had more
12 information relative to the policy of the
13 department when it comes to promotions, we might
14 not be sitting here either.

15 MR. RESNICK: Well.

16 COUNCILMAN KENNEY: Let me ask you a
17 question.

18 What would be your position or opinion on
19 promotional eligibility list that had no names but
20 only identification numbers?

21 MR. RESNICK: I don't know if there is any
22 regulation about that, rule about that.

23 MR. D'ATTILIO: So, I believe that would be
24 contrary to Civil Service. Promotions, again I am

1 quoting from 7-401E.

2 "Promotions shall give appropriate
3 consideration of the applicant's qualifications,
4 record or performance, seniority and conduct."

5 So if you just did it blind, you are not
6 taking those factors into consideration.

7 COUNCILMAN KENNEY: Once we took all the
8 factors into consideration and the list was
9 developed and the list was then compiled by
10 identification number and not by name, would that
11 be out of compliance with Civil Service
12 regulations?

13 MR. D'ATTILIO: Yes, it would. Because --

14 COUNCILMAN KENNEY: Why?

15 MR. D'ATTILIO: -- again, the department is
16 the entity that needs to determine record of
17 performance, seniority and conduct.

18 COUNCILMAN KENNEY: Right.

19 MR. D'ATTILIO: They can't do that if they
20 don't know who the candidate is.

21 COUNCILMAN KENNEY: If you had a bad
22 conduct record, would you make the list.

23 MR. D'ATTILIO: You would make the list
24 unless you had an unsatisfactory performance

1 evaluation --

2 COUNCILMAN KENNEY: Who gets those?

3 MR. D'ATTILIO: -- you would make the list.

4 COUNCILMAN KENNEY: How many unsatisfactory
5 performance ratings happen in the course of a year
6 in the Fire Department?

7 MR. D'ATTILIO: I don't know.

8 COUNCILMAN KENNEY: How about city wide?

9 MR. D'ATTILIO: City wide, a few hundred.

10 COUNCILMAN KENNEY: A few hundred out of
11 how many thousand?

12 MR. D'ATTILIO: About 24,000.

13 COUNCILMAN KENNEY: Okay. So, you think
14 it's a requirement that an eligibility list for
15 promotions should have the person's name.

16 MR. D'ATTILIO: I do.

17 COUNCILMAN KENNEY: Why is that?

18 MR. D'ATTILIO: As I just mentioned, the
19 Charter specifically states --

20 COUNCILMAN KENNEY: No. No. What I'm
21 saying, what do you think is the management
22 benefit -- what is the fairness benefit to that?

23 MR. D'ATTILIO: There is one other piece
24 before I answer that question. The Charter also

1 sets forth the Rule of Two. So for each vacancy
2 that a department is to fill, whether it be on a
3 promotional basis or an open competitive basis,
4 the Charter gives the department the ability to
5 look at the top two candidates on the list to make
6 a choice.

7 Again, if you make this process totally
8 anonymous, then the department has no way of
9 exercising the Rule of Two.

10 COUNCILMAN KENNEY: But they wouldn't be on
11 the list unless they were -- they wouldn't be No.
12 1 or No. 2 unless they tested No. 1 or No. 2 or
13 then they did the oral No. 1 or No. 2. The person
14 1 or 2 should be the most qualified person on the
15 list regardless of what their name is.

16 MR. D'ATTILIO: But if the department
17 doesn't know who they are, how does it make that
18 determination? If the department doesn't
19 interview the candidates and determine who is
20 best --

21 COUNCILMAN KENNEY: No. They interview the
22 candidates. They test --

23 MR. D'ATTILIO: -- able to handle that
24 position, how would that who it is.

1 COUNCILMAN KENNEY: They test, they
2 interview, they oral, they do the whole thing and
3 then the list is -- the list is compiled. But
4 then when it comes to making the selections as to
5 who goes, it shouldn't be who the person is or
6 what other nonobjective.

7 MR. RESNICK: Well, you take into
8 consideration when you do the Rule of Two,
9 Councilman, from someone who's done it in the
10 past, you look at somebody's sick record. You
11 look at somebody's disciplinary record. You look
12 at all those factors. Well, you can't do that if
13 you don't know who the people are to exercise the
14 Rule of Two. So, you have Employee A and you have
15 Employee B.

16 When you sit around with their personnel
17 file you look at, well, how many sick days, who's
18 been on sick abuse, how many disciplines, how many
19 write ups, how many commendations. They are the
20 types of things that go into the process to
21 determine who is going to be Rule of Two'd. You
22 need to know who they are to compare candidates
23 evenly.

24 COUNCILMAN KENNEY: It's interesting that

1 the Rule of Two, we have two vacancies. But the
2 Rule of Two is a different Rule of Two.

3 Any other questions for -- Councilman
4 Squilla.

5 COUNCILMAN SQUILLA: Just one more question
6 on the pools. Right now, we hired the current, I
7 guess, the current group of people who got
8 promoted -- who just recently got promoted.

9 Are they promoted into specific ladder --
10 specific companies?

11 COMMISSIONER AYERS: Yes. They are
12 promoted and then there is a decision as to where
13 they are going to be going.

14 COUNCILMAN SQUILLA: All right. So, has
15 that all been decided at this point, the ones who
16 have been promoted already?

17 COMMISSIONER AYERS: Yes.

18 COUNCILMAN SQUILLA: So, there is no active
19 pull at this point? There is nobody just sitting
20 there that can be used for another location at
21 this point?

22 COMMISSIONER AYERS: I'm not sure if there
23 is not someone that's waiting for one reason or
24 another for their assignment, but they will be

1 assigned to an open position.

2 COUNCILMAN SQUILLA: All right. So right
3 now we do have a pool. And that person --

4 COMMISSIONER AYERS: We don't have a pool.

5 COUNCILMAN SQUILLA: He's -- they are just
6 sitting there waiting to get assigned.

7 COMMISSIONER AYERS: If there is someone
8 waiting to be assigned, yes, but that's not a
9 pool. It's a decision process that management is
10 in the process of making.

11 COUNCILMAN SQUILLA: So, they are promoted.
12 They are not in a specific location. Where do
13 they work?

14 COMMISSIONER AYERS: We may have one person
15 that is coming back from sick leave and they will
16 be reassigned, but it's not a pool. It's just a
17 management decision as to where they will
18 assigned.

19 COUNCILMAN SQUILLA: And that's the only
20 person throughout the department that is in an
21 area like this?

22 COMMISSIONER AYERS: At this point. I
23 believe at this point. I can get you that
24 information.

1 COUNCILMAN SQUILLA: Okay. I would like to
2 know that. Thank you.

3 COUNCILMAN KENNEY: So, no one -- I guess
4 the term -- prior term had been a floating
5 Lieutenant or floating Captain. They no longer
6 exist? Is a floating Lieutenant, floating Captain
7 or floating Chief no longer exist?

8 COMMISSIONER AYERS: If it exists, it's
9 only because they are going to be assigned.

10 COUNCILMAN SQUILLA: But that's a pool.

11 COMMISSIONER AYERS: Excuse me.

12 COUNCILMAN SQUILLA: That's a pool.

13 COMMISSIONER AYERS: There is no pool.
14 There is a specific reason that a person is not
15 assigned in an assignment. And it's not about
16 that they are floating to fill this person or to
17 fill this person. There is some other reason that
18 they are in that process.

19 COUNCILMAN KENNEY: So if we have no pool
20 and we have two or three -- we have two
21 Lieutenants and a Captain on a particular shift
22 that is either off or out hurt, who fills that
23 spot?

24 COMMISSIONER AYERS: Usually, it's back

1 filled through an overtime. It could be --

2 COUNCILMAN KENNEY: But if we had a
3 floating pool, that wouldn't be overtime, correct?
4 If we had a floating Lieutenant -- two floating
5 Lieutenants and a floating Captain to fill those
6 three temporary positions while someone is on
7 vacation or out hurt, that would be straight time
8 not overtime, correct?

9 COMMISSIONER AYERS: That was the purpose
10 of a pool.

11 COUNCILMAN KENNEY: To eliminate or to
12 reduce overtime.

13 COMMISSIONER AYERS: It was to backfill for
14 people who weren't off. That was the reason for a
15 pool.

16 COUNCILMAN KENNEY: So the people who
17 work -- in my scenario, the two floating
18 Lieutenants and the floating Captain in that
19 particular shift would work on straight time if --
20 for a floating position.

21 COMMISSIONER AYERS: Yes.

22 COUNCILMAN KENNEY: So if we don't have a
23 floating position, we pay overtime?

24 COMMISSIONER AYERS: Yes.

1 COUNCILMAN KENNEY: Why would we pay
2 overtime if we have a floating pool of people that
3 we could plug in as straight time and we wouldn't
4 have this excessive amount of overtime that we
5 have.

6 COMMISSIONER AYERS: Absolutely, yeah.
7 There is an analysis that is done or that should
8 be done to examine what the cost for benefits and
9 other things are. That is something that we look
10 at. As far as carrying a pool, it's more
11 expensive to carry the pool.

12 COUNCILMAN KENNEY: Why wouldn't we take a
13 pool worth \$7.2 million in overtime?

14 COMMISSIONER AYERS: I beg your pardon?

15 COUNCILMAN KENNEY: Why wouldn't we take a
16 pool that's worth \$7.2 million in overtime and
17 then we can eliminate the overtime and promote
18 more people? It's a wash, isn't it?

19 COMMISSIONER AYERS: It's a lot more input
20 than that. You know, every day we carry, LAD,
21 long term sick, sick, things like that that
22 creates that opportunity for overtime, as well.
23 It's other factors that go into that.

24 COUNCILMAN KENNEY: What is more

1 attractive? Overtime or straight time?

2 COMMISSIONER AYERS: I'll get back to you
3 on that.

4 COUNCILMAN KENNEY: I think it's pretty
5 self evident. Straight time is preferable to
6 overtime, is it not?

7 MR. RESNICK: For us to pay, yes. Straight
8 time is better for us to pay than overtime. If
9 you have a pool of people, you have to pay the
10 benefits on those pool of people. If they are not
11 utilized, it's still a benefit that you are
12 paying.

13 COUNCILMAN KENNEY: I need -- councilman
14 O'Neill is also saying the same thing. Basically,
15 that we need an explanation of the \$7.2 million in
16 overtime. Maybe we need Rebecca Rhynhart at some
17 point -- not today, but at some point to explain
18 that. Because I don't understand why we wouldn't
19 have a manageable pool of floating officers to
20 address that overtime situation.

21 COUNCILMAN SQUILLA: I think it said,
22 Councilman, also that obviously they used that in
23 the current promotions. They did put people in
24 there till they figured out where they want to go.

1 They actually used this non-pool, pool, float,
2 whatever it is. They used that in order to manage
3 where they want people to go. It's still being
4 used currently until you decide or till you
5 reassign somebody. So, it does seem like maybe
6 that is just a policy decision.

7 And with this new test, will they -- are
8 they considering filling some people in this pool
9 or no.

10 COMMISSIONER AYERS: With the new tests?

11 COUNCILMAN SQUILLA: Yes.

12 COMMISSIONER AYERS: They'll probably be
13 going straight into their assignments.

14 COUNCILMAN SQUILLA: There will never ever
15 be a pool again?

16 COMMISSIONER AYERS: We have not operated a
17 pool for a very long time.

18 COUNCILMAN SQUILLA: We are operating one
19 now. I mean, you are not calling it a pool. You
20 are calling it a holding area until you assign
21 somebody. But that person is a Captain or a
22 Lieutenant or whatever their promotion is. And
23 they are not assigned anywhere. You can't say
24 that it's not a pool.

1 MR. RESNICK: Councilman, they are not
2 assigned because there is some factor that
3 prevents them from being directly assigned to
4 their station right now. They weren't put into
5 that position to operate as a pool. It's de facto
6 until they are going to be assigned their
7 location.

8 There is an issue, there is a reason. I
9 don't know what it is. Perhaps the Commissioner
10 can find out and let you know. The person has
11 been promoted, he's been made rank of Captain. He
12 has not gotten his permanent assignment yet. He
13 is being used to fill holes until he gets his
14 permanent assignment.

15 COUNCILMAN SQUILLA: That's called a pool.

16 MR. RESNICK: It's a de facto --

17 COUNCILMAN SQUILLA: It's called a pool.

18 MR. RESNICK: It's not intended to be that.
19 They didn't put that out there because that is
20 what they wanted to do, create a pool. You're
21 right. We are arguing over semantics. The person
22 is filling holes until he gets his assignment. He
23 was not -- he was not promoted to the position of
24 Captain with the idea that he will be the pool

1 person filling holes.

2 COUNCILMAN SQUILLA: But in the meantime
3 that's what he's doing.

4 MR. RESNICK: In the meantime --

5 COUNCILMAN SQUILLA: Because it's
6 beneficial and it's helpful.

7 COUNCILMAN KENNEY: It's a pond.

8 COUNCILMAN SQUILLA: A puddle.

9 COUNCILMAN KENNEY: I would like -- on call
10 back, I would like to see an analysis. If we took
11 the existing vacancies that are eligible for
12 promotions before the 24th or 23rd, whatever that
13 magic date is of May, and utilized them as a pool,
14 what would be the impact in the overtime that
15 we're looking at potentially dealing with again
16 next year possibly?

17 Because to me, you may not like the pool.
18 You may have limited -- not you, but the pool may
19 have been eliminated. But again, with the \$7.2
20 million in overtime, I would think that available
21 positions that are eligible now before the 24th
22 would be cheaper than what we are paying in
23 overtime. Maybe Rebecca when she gets back on
24 call back can illuminate us.

1 Any other questions for this panel?

2 Thank you very much for your testimony.

3 MR. RESNICK: Thank you.

4 COUNCILMAN KENNEY: Andrew Thomas, Michael
5 Wahl and Michael Wellock, please. You can come up
6 as a group.

7 Whoever would like to start please identify
8 yourself for the record.

9 MR. THOMAS: Good morning. I'm Andrew
10 Thomas. I'm an elected employee representative to
11 the Philadelphia Board of Pensions. I'm also a
12 Fire Lieutenant assigned to the Hazardous
13 Materials Task Force.

14 I would like to thank Councilman Kenney,
15 City Council the Philadelphia Fire Department and
16 all the commissioners and representatives in
17 attendance for the opportunity to present my
18 testimony today. I will be presenting to Council
19 a Deferred Retirement Option Program analysis, a
20 DROP, for the Philadelphia Fire Department ending
21 Fiscal Year 13.

22 The benefit of DROP is that it allows the
23 City of Philadelphia a valuable management tool.
24 DROP provides human resources the ability to

1 anticipate vacancies and plan for replacements or
2 promotions accordingly. The information I am
3 presenting today is from the following sources:

4 The most recent DROP report, fire personnel
5 provide budgeted positions, central personnel
6 provided promotional list dates and projected
7 testing information, the Philadelphia Fire
8 Department's 2010 future picture study provided
9 staffing information, the Philadelphia Fire
10 Academy provided Fire Cadet training information,
11 and the quarterly City Manager's report provided
12 overtime costs.

13 The DROP Analysis Finance Fiscal concerns.
14 According to the Quarterly City Manager's Report
15 for the period ending December 31, 2012, the
16 Philadelphia Fire Department was \$7,242,906 over
17 the adopted Fiscal Year '13 budget which shows a
18 deficit of the \$7,242,906 against Fiscal Year '13
19 adopted budget. And is 7,200,000 over the target
20 budget -- or shows a deficit of \$7,200,000 against
21 the Fiscal Year '13 target budget.

22 These variances represent all classes
23 including personnel, overtime, material, supplies
24 and equipment. According to the Quarterly City

1 Manager's Report for the period ending
2 December 31, 2012 on page 14, the Fire Department
3 is \$10,065,163 over the adopted Fiscal Year '13
4 budget on overtime costs where it shows a deficit
5 of \$10,065,163 on overtime spending against Fiscal
6 Year '13 adopted budget and an \$8,558,800 against
7 a Fiscal Year '13 target budget on overtime cost
8 or shows a deficit of \$8,558,800 against the
9 Fiscal Year '13 target budget.

10 In the Executive Summary of the Quarterly
11 City Manager's Report for the period ending
12 December 31, 2012 on page 4, Budget Director
13 Rhynhart writes, "the Fire Department is
14 projecting to spend \$7.2 million over their target
15 budget due to increased overtime costs of
16 \$6 million because of slower than anticipated
17 hiring as well as funding needed for new Fire
18 classes bunker gear of \$1.2 million dollars."

19 According to the Quarterly City Manager's
20 Report for the first quarter of Fiscal Year '13
21 projection and obligations, page 19, the Fire
22 Department has a \$2 million increase and reflects
23 a projected \$4.9 million increase in overtime that
24 is personally offset by reductions and other

1 personal service costs.

2 According to the Quarterly City Manager's
3 Report for the first quarter of Fiscal Year '13,
4 key management issues, page 33, the current
5 projected overtime cost exceeds the adopted budget
6 projection significantly in the following
7 agencies, which is Fire, \$4.9 million.

8 According to the Quarterly City Manager's
9 Report for the second quarter of Fiscal Year '13
10 projection obligations, page 9, the Fire
11 Department's \$5.2 million increase, the City had
12 to purchase gear for the new Fire class and
13 overtime expenses were higher than initially
14 expected.

15 According to the Quarterly Manager's Report
16 for the second quarter Fiscal Year '13, Key
17 Management Issues page 24, the current projected
18 overtime cost exceeds the adopted budget
19 projection significantly in the following
20 agencies, Fire, of \$10.1 million. Copies of the
21 Quarterly City Manager's Report can be found on
22 PICA's website at www.PICAPA.org or on the City of
23 Philadelphia's website.

24 A fiduciary analysis of the budget

1 positions of the Philadelphia Fire Department's
2 increasing overtime cost and the vacancies created
3 through DROP identifies that it is cost beneficial
4 for the City of Philadelphia to promote and fill
5 budgeted vacancies rather than utilize overtime.
6 The Fire Lieutenant and Fire Captain promotional
7 eligibility list expires on May 24, 2013.

8 The DROP Analysis staffing concerns. On
9 May 18, 2013, the final drop of Fire Lieutenants
10 and Fire Captains will occur prior to the
11 expiration of the promotional eligibility list on
12 May 24, 2013. I have leveraged the information
13 into an accompanying spreadsheet incorporating the
14 additional Fire Officer retirements prior to the
15 end of Fiscal Year '13. The Fire Department will
16 have 39 budgeted Fire Officer vacancies as of
17 June 30, 2013.

18 The Fire Department's scheduled vacation
19 season begins May and ends late September. Field
20 vacancies will be filled utilizing acting officers
21 and overtime. The Fire Department's retirement of
22 Deputy Chiefs and Battalion Chiefs in June creates
23 an immediate need to promote Fire Captains to Fire
24 Battalion Chief. The Fire Battalion Chief is a

1 key management position regarding field operations
2 during any major incident.

3 Additionally, vacancies in the Fire Officer
4 chain of command create a domino effect in regards
5 to promotions. The Fire Department is scheduled
6 to have two Fire Cadet training classes in June of
7 2013. Staffing for previous Fire Cadet classes
8 186 and 187 required five Captains per Fire Cadet
9 class. A total of ten Fire Captains will be
10 pulled from the field forces as instructors for
11 the Fire Cadet classes. Fire Lieutenants will
12 also be required as instructors.

13 The total number of Fire Lieutenants is not
14 available from the Fire Academy. But Fire Cadet
15 training last for five and a half months.

16 Promotional testing for Fire Lieutenant and
17 Fire Captain will be held after June 3, 2013.
18 Written and oral testing completion dates are not
19 available from central personnel. Projected Fire
20 Lieutenant and Fire Captain promotional
21 eligibility list are expected in late
22 September 2013. Fire Lieutenant and Fire Captain
23 promotions are projected for October.

24 The Fire Department is presented with a

1 small window of opportunity to promote to the
2 budgeted positions and minimize overtime cost
3 moving forward. The Fire Department can promote
4 before the current and valid eligibility list for
5 Fire Lieutenant and Fire Captain expire on May 24,
6 2013.

7 The budgeted vacancies for the Fire
8 Department on June 30, 2013 will be three Fire
9 Deputy Chief positions, twelve Fire Battalion
10 Chief positions, nine Fire Captain positions,
11 fifteen Fire Lieutenant positions, two Fire
12 Service Paramedic Chiefs, two Fire Service
13 Paramedic Captains and two Fire Service Paramedic
14 Lieutenants. The Fire Department will have
15 additional vacancies through DROP, military
16 deployment, unexpected retirements, illness and
17 life changing events before a new Fire Captain or
18 new Fire Lieutenant promotional list can be
19 promulgated.

20 Also, from a public safety point of view,
21 should Pennsylvania Task Force One be deployed for
22 a catastrophic event, the Fire Department will
23 have additional staffing concerns. There are 30
24 officers of various rank that can be deployed from

1 the field forces assigned to PA Task Force One.

2 Thank you. I will be glad to answer any
3 questions.

4 COUNCILMAN KENNEY: Have you done any
5 analysis as to what the cost of filling the
6 current budgeted positions for Lieutenant and
7 Captain to expire on the 24th would be vis a vis
8 the amount of overtime that is projected for the
9 department?

10 I need the -- the argument that they are
11 making is, well, there is a multiple layer
12 argument. Number one, is that the list is old and
13 stale. And that we would rather have a new list.
14 However, the new list is not going to be able
15 probably till the fall at the best. And in the
16 meantime, overtime will be incurred as a result of
17 it.

18 My concern is how do we kind of cut off
19 some of this overtime cost now by arguing that
20 they should promote from the current list so that
21 people are in place working on straight time as
22 opposed to overtime.

23 MR. THOMAS: Well, the easiest way, I
24 believe Budget Director Rhynhart stated at the

1 budget hearing, that it is -- I don't know her
2 exact words. It's cheaper to hire a new person or
3 promote one person rather than use overtime at
4 this point.

5 COUNCILMAN KENNEY: I am not going to be
6 able to depend on them to give me numbers that
7 necessarily make the argument that we should be
8 promoting from this current list in this
9 particular time considering the number of
10 vacancies that will exist during the course of the
11 summer and into the fall and how that relates to
12 ov -- not only how does it relate to field
13 operations and experience and training and all the
14 other things, that's another argument.

15 I am just talking about the monetary
16 argument of overtime versus budgeted positions. I
17 need to have some analysis of that whether -- I
18 have asked staff to do that also. But anything
19 you can provide would be helpful in the next go
20 around call backs for the Fire Department.

21 MR. THOMAS: I can get that information for
22 you.

23 COUNCILMAN KENNEY: Thank you. Any
24 questions for this witness?

1 Councilman Squilla.

2 COUNCILMAN SQUILLA: Yes. Thank you.

3 COUNCILMAN KENNEY: Do you want -- I'm

4 sorry. Do you want --

5 COUNCILMAN SQUILLA: Yeah.

6 COUNCILMAN KENNEY: Why don't we do all the

7 testimony, and then we will ask questions.

8 COUNCILMAN SQUILLA: That's good.

9 MR. WAHL: Good morning. My name is

10 Michael Wahl. I'm the Deputy Chief in the

11 Philadelphia Fire Department. I'd like to thank

12 Council for having me here today.

13 I am here to talk about the importance of
14 the rank of Captain. The word captain by itself
15 donates someone in command. Someone to be looked
16 at towards in a situation when action needs to be
17 taken in time of crisis. When a member of City
18 Council catches a plane at the airport or boards a
19 cruise ship, I'm sure they don't want the
20 Commission or the Deputy Chief like me flying the
21 plane. They want the Captain flying the plane and
22 the Captain piloting the ship.

23 If you were on Flight 1549 on January 15,
24 2009, it ended up landing in the Hudson River, you

1 would think of Captain Chesley Sullenberger.

2 A Captain in the Fire Department is the
3 person who anchors each fire station. The Captain
4 is responsible for all personnel, training,
5 equipment and community relations. A Captain's
6 rank in the Philadelphia Fire Department is the
7 only rank that can fill three different positions.
8 That Captain can work as a Lieutenant although he
9 is being paid as a Captain but he can fill the
10 spot as Lieutenant on an apparatus. He can work
11 as a Captain or he can fill in as Battalion Chief.
12 It is the rank with the most versatility and
13 importance.

14 It is my personal opinion that there should
15 never be an officer's position left vacant while
16 there are current eligibility lists in place.
17 This is especially true with a large number of new
18 firefighters being hired and the vast amount of
19 experienced officers retiring in June 2013.

20 I command Division Two on the A Platoon. I
21 have some insight into the questions that you were
22 asking my esteemed colleague here as far as how a
23 pool would fit into place. Last night I worked in
24 the Division Two. And I did the overtime acting

1 out a rank papers for the division. I had four
2 officers that were being filled by firefighter
3 positions last night. In other words, we didn't
4 have enough officer positions -- officers that
5 either wanted to work overtime or were working.
6 We had it filled in with firefighters. The
7 firefighters moved up and works as a Lieutenant or
8 Captain and gets paid a little bit more when he's
9 working out of rank.

10 Some of the other questions I heard -- you
11 want to go through all the testimony first?

12 COUNCILMAN KENNEY: Whatever you have to
13 offer.

14 MR. WAHL: I heard Mr. Resnick say about
15 they would rather promote people from the top of
16 the list rather than from the bottom of the list.
17 There is probably people in the bottom of this
18 list that did very well in the written and oral
19 portion of the list, but maybe their seniority
20 spot is not as much.

21 In other words, somebody with 25 years on
22 gets percentage of their seniority. You can
23 actually have somebody that scored very well on
24 the list but has moved down the bottom because

1 they don't have enough seniority to have that part
2 of the test figured into their final score.

3 There is also a random number involved in
4 testing. You can have 20 people that have the
5 same score and their random number moves them down
6 20 spots on the list. You are taking people's
7 careers who have scored just as well -- Candidate
8 A scored just as well as Candidate B. But because
9 of the random number and the seniority that person
10 may have in time of grade, they are moved further
11 down the list.

12 COUNCILMAN KENNEY: Councilman Squilla
13 asked if you can explain what random number means.

14 MR. WAHL: Sure. Let's just say Councilman
15 Squilla, Councilman Kenney and Councilman Henon
16 take a test and you all get the same score. You
17 are assigned a random number that bumps you up on
18 the list. Councilman Squilla becomes No. 1 on the
19 list even though he has the exact same score as
20 Councilman Kenney and Henon. That is where random
21 number comes into play.

22 When Mr. Resnick says that some of the
23 people at the bottom of the list were not
24 necessarily the people that you would want off the

1 next list promoted, you would want the highest
2 people.

3 Also, they are talking about a September 2
4 establishment of a list. I've never seen a list
5 get established on the date that personnel and
6 stuff says it's going to be established. It
7 always comes in some time after that.

8 As far as the pool --

9 COUNCILMAN KENNEY: Like the class, like
10 the firefighter classes.

11 MR. WAHL: Pardon me?

12 COUNCILMAN KENNEY: Like the firefighter
13 classes?

14 MR. WAHL: That's correct. Same with the
15 list there. The list is always -- they say there
16 is going to be a test, they are going to establish
17 a list by a certain point and the list is never
18 established by that point. Right now they are
19 shooting for September 2. I will be retired
20 June 18, so.

21 COUNCILMAN KENNEY: Probably why you are
22 sitting here.

23 MR. WAHL: Well, I have less chance of
24 retribution, let's put it that way.

1 COUNCILMAN KENNEY: I hear you.

2 MR. WAHL: Yes, that is a factor.

3 As far as the pool goes, there is a pool.
4 Last night I had a pool Captain. My pool Captain
5 happens to be on vacation this week. I have pool
6 Captain assigned to my pool on the Second Division
7 of the A Platoon. I am positive there are at
8 least one officer in each of the pools on the
9 other three platoons right now.

10 If the promotions took place before the
11 June 25 deadline, you can promote these officers,
12 put them in the pool and that would stop overtime.
13 We start -- our annual vacation period starts
14 May 2, I believe -- May 4. You are going to have
15 officers on each platoon that are going to be off
16 on vacation that these officers who would be in
17 the pool would fill in; therefore you wouldn't
18 have to hire overtime.

19 Couple situations we come across in the
20 last year. I was working Christmas Eve.
21 Christmas morning, if Councilman Kenney was a
22 firefighter and he worked on the A Platoon with me
23 Christmas Eve night, we couldn't get enough people
24 to work Christmas day. Not enough people

1 volunteered to work overtime. We had to force
2 you. In other words, you worked from eight at
3 night till eight in the morning. And when you
4 thought you were going home to your family
5 Christmas morning, we said, no, Councilman Kenney.
6 You're not going home to your family. You have to
7 work overtime. That is something that happened
8 because of the lack of firefighters we have right
9 now in the field and the amount of overtime being
10 paid.

11 As many firefighters as they can bring on
12 right now, would fill spots which would cut down
13 on overtime, that's that \$7 million number you're
14 getting there. They come up with that \$7 million
15 number and they talk about they don't want to have
16 a pool. With a pool, you would be able to cut
17 down on that \$7 million number, although they
18 would have to pay benefits and stuff. That's the
19 thing they run away from all the time.

20 They don't want to hire firefighters and
21 they don't want to hire officers because they
22 don't want to pay benefits. They keep the work
23 pool inflated -- artificially low, and they have
24 firefighters working overtime. Now, right now

1 we've been lucky. Firefighters, for the most
2 part, have volunteered to work overtime all the
3 time. But you come up against July 4 and stuff
4 like that, there is going to be firefighters, men
5 and women, that are not going to want to work
6 overtime. We're going to have to order people who
7 thought they were going to be off on their holiday
8 for July 4 who are going to have to work.

9 Performance ratings and promotions. I
10 heard him saying about performance ratings figure
11 into promotions on the eligibility list. You can
12 have the greatest firefighter in the world who
13 happens to be involved in a minor accident while
14 responding in emergency speed. He gets an
15 automatic -- he gets reported automatically, just
16 about. And he gets what they call probationary
17 performance rating. His performance rating goes
18 back to satisfactory. You have to mark him
19 unsatisfactory. We are told from the SIO's office
20 that we have to mark the person unsatisfactory.

21 COUNCILMAN KENNEY: What's an SIO? I'm
22 sorry. What' SIO?

23 MR. WAHL: Special Investigation Officer.
24 He's basically the person in charge of discipline

1 and investigating cases and administering, you
2 know, making recommendation to the Commissioner to
3 administer discipline.

4 COUNCILMAN KENNEY: Let me ask you a
5 question. I have a situation where a firefighter
6 was disciplined for an accident in an apparatus
7 where a civilian vehicle driven by a woman T-boned
8 the apparatus in the intersection. She ran the
9 light. She T-boned the car. The City sued the
10 woman and recovered for her negligence, but the
11 driver of the apparatus was still transferred and
12 disciplined.

13 That situation goes into your
14 satisfactory/unsatisfactory --

15 MR. WAHL: Performance rating, yes, sir.

16 COUNCILMAN KENNEY: Which could affect your
17 position on the list?

18 MR. WAHL: That's correct.

19 COUNCILMAN KENNEY: That's interesting.
20 Thank you.

21 MR. WAHL: We have had firefighters
22 disciplined for getting burned. I can't
23 imagine -- can you imagine a police officer
24 getting shot and disciplined for being shot in the

1 line of duty?

2 COUNCILMAN KENNEY: The answer is no.

3 MR. WAHL: We have firefighters who get
4 burnt. I can tell you right now, if First Engine
5 Company comes to my house and my kids are trapped
6 on the second floor and that engine company
7 doesn't get a couple of his people burnt, I am
8 going to be ticked off. If they come to your
9 house, you want that, too. You want company
10 officers and stuff and firefighters who are
11 aggressive and willing to go in.

12 I happened to be in fire prevention up
13 until about a year ago. And they would bring in
14 the firefighters in who were being disciplined for
15 being burnt and putting in the fire prevention. I
16 talked to almost every one of those firefighters.
17 I talked to every one of the firefighters. Every
18 one of those firefighters was from a busy company.

19 Doesn't it seem odd that only people from
20 the busy companies are getting burnt? What does
21 that tell you? They are going to more fires.
22 There is more chance of being burnt, but yet they
23 are being brought in, disciplined and being
24 transferred out of companies they have been in

1 some times for six, eight, ten years.

2 They have had this recent transfer policy.
3 It was supposed to take firefighters who were in
4 busy companies and put them in less busy
5 companies. They were in busy companies for a long
6 time. Some firefighters went from busy companies
7 to busier companies with 25 years on the job. I
8 mean, it's just -- it's crazy and insane as far as
9 I'm concerned.

10 COUNCILMAN KENNEY: Well, I will tell you
11 that the cumulative effect of all of the
12 outrageous policy of this department is cumulative
13 and why we are sitting here -- one of the reasons
14 why we are sitting here. I can tell you of all
15 the other litany of offenses, litany of ridiculous
16 decisions had not taken place over the course of
17 my tenure here in this particular administration,
18 I would be more likely to believe their story as
19 it comes to the expiration of this list.

20 But if you take all the cumulative factors
21 involved in the decision relative to the Fire
22 Department that's gone on in the last five to six
23 years, when I get to a situation like this where a
24 list is cut off, I have to question what the

1 motivations are because the motivations for some
2 of the other decisions have been made through the
3 course of this particular Administration makes no
4 sense to me whatsoever.

5 I just -- I don't -- again, I am not a
6 firefighter. I do not report to be one. I do
7 have experience with the department from a
8 lifetime experience. But I never experience an an
9 environment and an attitude of just complete
10 dismay and lack of camaraderie, lack of esprit de
11 corps. I never experienced it.

12 I've been in public office for 22 years.
13 I've been involved with the Fire Department in my
14 life for 54. I've never, ever experienced this
15 environment. I find it disheartening. I find it
16 sad and I find it really unnecessary. And I think
17 we wind up at hearings like this because of the
18 overall cumulative effect of a lot of the stuff
19 that you just talked about today.

20 MR. WAHL: And some of the things that have
21 dismayed me, I've been in the office of the person
22 in charge of strategic initiatives talking about
23 morale and was told morale is not important. I've
24 been in one of the Commissioner's office and said

1 to him, why do we go out of our way to make people
2 unhappy. He said why should we make our employees
3 happy. Nobody ever made me happy. That is one of
4 our Deputy Commissioners saying that.

5 You know, any large organization that has a
6 large number of employees, you think you would
7 want to make your employees happy. The things I
8 seen go on in the last two years to try to make
9 the firefighters unhappy, to ruin morale. It's
10 the first time in my career in 38 years that I
11 actually heard firefighters sit around the coffee
12 table and mention that, you know, hey don't go in
13 too far cause if you get burned or something like
14 that, nobody is going to take care of you. Nobody
15 is going to care about you. They are all the
16 previous commissioners that I've been under in
17 this job.

18 If you did a job good and got burnt going
19 into a fire and stuff like that, they weren't that
20 happy you got injured. Nobody wants an injuries.
21 Nobody wants injuries and stuff. But getting
22 burnt is part of being a firefighter. When you're
23 going up the steps and there is people trapped on
24 the second floor and stuff and it gets hot, you

1 don't stop and say, you know, we're not going any
2 further because its hot. You have to keep going
3 and you have to get to those people. And
4 firefighters now know, that if they -- they're
5 someone where they've liked and they been
6 stationed for ten years and they get to the top of
7 those steps and it gets too hot and their ears
8 starting to burn and they get burnt, they're going
9 to lose a spot that they might have been at ten
10 years and all the guys and women they love and
11 care about.

12 I don't understand it. It's disheartening.
13 It's been a great career. And I thank the City.
14 I'm disheartened at what I see going on in the
15 department right now.

16 COUNCILMAN KENNEY: I hear you.

17 MR. WAHL: Thank you very much.

18 COUNCILMAN KENNEY: Thank you, Chief.

19 Please identify yourself for the record.

20 MR. WELLOCK: Good morning, Councilman
21 Kenney, Committee Members. My name is Michael
22 Wellock. I thank you for allowing me to speak to
23 the issue of promotions in the Fire Department.

24 I'm presently a Lieutenant with the

1 Philadelphia Fire Department, soon to be retired.
2 As a matter of fact, I retire in two weeks along
3 with four Captains. The promotion list on record
4 is still active at that date. At this point, the
5 promotion list, they don't effect me. I been an
6 employee for 36 years. I've taken every
7 promotional test administered during that time. I
8 have some familiarity with the testing procedure.
9 I've also experienced promotional policy during
10 that time and I'd like to comment on the policy.

11 I was intentionally denied promotion of
12 Captain a few years back. The vacancies were
13 there but this Administration made a decision to
14 not promote me. There was no written promotional
15 policy then and there is still no written
16 promotional policy.

17 Let me say this about Captain. There is
18 station managers and supervisors, mid level
19 managers that oversee the operation of each of
20 their respective companies. They are also
21 expected to step into the Battalion Chief's
22 position at any given time as an ABC.

23 As I have stated, the day I retire, four
24 Captains retire with me. The existing promotional

1 list is still active despite the Commissioner
2 calling it stale. Qualified people can be
3 promoted into these needed supervisory positions
4 prior to the expiration of that list. It will be
5 months before the next promotional testing cycle
6 can be completed. And with the upcoming loss of
7 company supervisors at each successive level and
8 rank because of the DROP, there will be a lapse in
9 management and continuity.

10 Vacation schedule is upon us. That will
11 only exacerbate the problem. Vacancies at every
12 level will be left unfilled for months. As a
13 resident of Roxborough where at least two Captain
14 positions will be left vacant, I have concerns for
15 the safety of the residents as well as myself and
16 my family, and also the safety of firefighters and
17 medics who will be working in the field.

18 I believe there should be a fair and
19 consistent promotional policy in the Philadelphia
20 Fire Department, one that is written and well
21 defined. One that is not subject to the personal
22 whims of the top administration, a promotional
23 policy that is not subject to cronyism and
24 favoritism. I've been somewhat outspoken about

1 the entire promotional testing process and
2 promotional policy for a number of years because
3 I've been subject to improprieties and
4 irregularities during at least three promotional
5 testing cycles.

6 I've been denied promotion to the rank of
7 Captain due to this Administration's promotional
8 policy because of that outspokenness. The
9 promotional policy is whatever the Administration
10 want it to be. Most people will not speak out
11 publicly about the policies of this Administration
12 because they are afraid of repercussions.
13 Repercussions from the present Administration.

14 On a number of occasions, promotional lists
15 have been allowed to languish and expire simply
16 because the Administration did not like the makeup
17 of the list. Didn't matter that there were
18 vacancies that needed to be filled. Other times
19 administrations have overpromoted so they could
20 get to some of their fair haired, favorites
21 friends.

22 A promotional list that is cut short denies
23 candidates their just due for all their hard work,
24 studying, their prepping, their sacrificing. A

1 promotional list that over promotes impacts people
2 that score well in the next testing cycle and
3 delays their promotion. That happened to me when
4 I made Lieutenant. Not having a written
5 promotional policy allows this Administration to
6 operate in such a manner.

7 I speak for a lot of people in the PFD that
8 have promotional aspirations. They all hope to
9 make rank, but there is some trepidation about the
10 system. Consistency is lacking. The policy of
11 promotions as vacancies occur should be
12 established. One of the primary objectives of the
13 DROP Program was to provide for a timely
14 transition of qualified candidates into a
15 supervisory positions. This was to help ensure
16 personnel were trained, experienced and promoted,
17 put in place in a timely manner to replace
18 retiring emergency services supervisors. It's a
19 safety issue.

20 I believe the Police Department has done
21 this and I have not seen it done with the Fire
22 Department. Why initiate a plan to replace
23 outgoing supervisors and not use it? I propose to
24 you that this Administration does not like the

1 idea of having a written policy in place that
2 provides for promotions as vacancies occur. It
3 takes away their control.

4 You were talking about, I believe it was, a
5 Civil Service Reg 7. I am looking at Civil
6 Service Reg 9.021. Some of the wording on that
7 says, "they shall be promoted as practicable by
8 the promotion of permanent employees in the Civil
9 Service." It doesn't say "may be promoted". It
10 says "shall be promoted".

11 That alone should be enough to have an
12 established written policy, promotional policy
13 that is defined, consistent and transparent.
14 Promotions should not be dependent on managerial
15 prerogative and personal whim. The reality of the
16 present system is that this Administration
17 promotes to those on the list it wants to get to.
18 And it holds up and allows list to expire that it
19 doesn't like.

20 There are a number of Fire Departments
21 nationwide that promote as vacancies occur. It's
22 not a novel idea. It's an efficient management
23 practice that effectively utilizes resources and
24 helps control budgetary overruns. The overtime we

1 that are hitting at seven plus million is a lot.
2 The concept of promotional testing is to fill
3 vacancies with confident personnel as needed not
4 as wanted.

5 Public safety is our primary concern if it
6 adversely affects the public safety, there is a
7 big problem. The failure to have an established
8 promotional policy also affects the lives and
9 careers of hundreds of people in the Philadelphia
10 Fire Department. People who spend months and
11 years studying and preparing for a promotional
12 tests often disrupting their family life in order
13 to make rank.

14 There should be a set policy. Promote as
15 vacancies occur. A written policy should be put
16 in place. One that states standing act a
17 promotional list will be used as they are meant to
18 be used. I do have a question regarding this.

19 Can City Council effect such a change?
20 Personally, I hope so. Thank you.

21 COUNCILMAN KENNEY: Thank you very much for
22 your testimony. Personally, I want to thank you
23 for all of your service and wish you well in your
24 retirement. Good health and enjoy your time.

1 I can only say for myself as a Member of
2 Council for a long time that I apologize to all of
3 you relative to the way in which this department
4 is -- currently exists and the way it is operated.
5 I have no excuse for it. I wish it were
6 different. This is a government that the Mayor
7 has a lot of control and the Commissioner has a
8 lot of control. And we can continue to bring
9 light to these situations.

10 I feel sorry for all that's gone on. I
11 have no excuse for forced promotions and
12 disciplinary actions that seem just punitive and
13 suspect. We can continue to try to deal with this
14 and address these issues. And I again apologize
15 personally for the way in which you folks who have
16 been treated over the last few years. I think
17 it's been disgraceful. We will continue to try to
18 bring light to it.

19 Any comments on questions for any --
20 councilman O'Neill.

21 COUNCILMAN O'NEILL: One of the few people
22 who have been here longer than Councilman Kenney,
23 I add twelve years onto that story. This is
24 unprecedented. Can we have -- that is why we are

1 here today to try to have an effect on changing
2 it. Charter makes it real clear that we don't
3 have the power. But hopefully, we have the
4 influence. Sometimes it takes longer rather than
5 shorter time frames, but this helps us understand
6 it better.

7 I mean, it seems to me there should be a
8 separate hearing on this whole aspect of being
9 punished for getting hit by somebody going through
10 a red light and getting burned in a fire. Because
11 one thing we can get is information out in the
12 open. This kind of opens a windows to us that we
13 haven't really had open to us before. We haven't
14 had any need for it, actually. So, I want to
15 thank all of you.

16 COUNCILMAN KENNEY: Thank you.

17 Councilman Squilla.

18 COUNCILMAN SQUILLA: Yes. Thank you. And
19 I reiterate what my colleagues have said. We do
20 appreciate your service and what you mean to the
21 City and us. One thing residents in the City of
22 Philadelphia loves is their firefighters. When
23 something happens, they really come out in droves
24 to support them, and hopefully, us in the

1 Administration will show that support also.

2 Just a couple questions. I know, Mr.

3 Thomas, you stated that you're a Fire Lieutenant';
4 is that correct?

5 MR. THOMAS: Yes. I'm a Fire Lieutenant.
6 And I'm assigned to the Hazardous Material Task
7 Force.

8 COUNCILMAN SQUILLA: How long have you been
9 with the Fire Department?

10 MR. THOMAS: I've been with the Fire
11 Department just over 21 years. The last 11 years
12 as a Fire Lieutenant.

13 COUNCILMAN SQUILLA: Now, is there
14 Lieutenant with HazMat training? Does every
15 Captain have to go through this? How does that
16 work?

17 MR. THOMAS: I went through a tier training
18 course with the Philadelphia Fire Department. I'm
19 also Pro Board Certified as a Hazardous Material
20 Technician. The Pro Board Certification is
21 nationally recognized. On my own time, I also
22 certified with the Environmental Protection Agency
23 as a Hazardous Materials Technician.

24 COUNCILMAN SQUILLA: Now, there is no

1 requirements, though, for Lieutenants and Captains
2 to have this?

3 MR. THOMAS: No. It's voluntary.

4 COUNCILMAN SQUILLA: Who pays for this
5 training?

6 MR. THOMAS: Some of the training is paid
7 for by department. But we haven't had a tier
8 training through our department in some time, at
9 least five years.

10 COUNCILMAN SQUILLA: At least five years.
11 You haven't had any training in five years.

12 MR. THOMAS: No. They haven't had -- the
13 Philadelphia Fire Department hasn't had hazardous
14 materials tier training. Other members have been
15 trained, but they had to go out on their own time
16 and expense to Bucks County.

17 COUNCILMAN SQUILLA: And --

18 COUNCILMAN KENNEY: Excuse me. Wasn't
19 there a time when Bucks County and the other
20 counties would come here?

21 MR. THOMAS: Yes.

22 COUNCILMAN KENNEY: Where we would be the
23 center for training and excellence?

24 MR. THOMAS: Yes.

1 COUNCILMAN KENNEY: That seems to have gone
2 the other way now.

3 MR. THOMAS: Yes.

4 COUNCILMAN SQUILLA: Is there a need for
5 Captains with HazMat training? I see you said
6 there is no policy or anything that we would want
7 certain Captains with HazMat training.

8 MR. THOMAS: In the HazMat, which is
9 basically the first Battalion and the Hazardous
10 Materials Task Force, that is a part of the
11 Hazardous Materials Task Force. When there is a
12 major incident and the Chief's car has to be
13 filled, it has to be a Hazardous Material
14 Certified Captain or acting Battalion Chief.

15 COUNCILMAN SQUILLA: Do you know right now
16 how many Captains have that certification?

17 MR. THOMAS: I can get the information, but
18 I don't have it right now.

19 COUNCILMAN SQUILLA: Okay. Are you on the
20 Captain's list?

21 MR. THOMAS: Yes, I am. I am currently No.
22 5 on the promotional list.

23 COUNCILMAN SQUILLA: You wouldn't make it
24 for the two vacancies, but I know there is more to

1 come.

2 MR. THOMAS: The department said there will
3 be six vacancies by the time the list expires.

4 COUNCILMAN SQUILLA: I know we heard this,
5 I am just going to reiterate. I guess the first
6 guy on the list who is promoted had a score. And
7 I am sure your score was a lot less than his.

8 MR. THOMAS: On the Captain's eligibility
9 list, the first person on the list scored an
10 89.68. I scored 80.3 for a difference of 9.65
11 points.

12 COUNCILMAN SQUILLA: You wouldn't agree
13 that your position is -- you on the list as a
14 person would be stale?

15 MR. THOMAS: No. I don't know what that
16 term is. But the last person promoted off the
17 current list on April 3 had a score of 80.9. I
18 scored an 80.3 for a difference of six-tenths of a
19 point.

20 COUNCILMAN SQUILLA: I looked at some of
21 the list, too. I saw two-tenths of a difference.
22 I know they hold the discrepancy of when to stop
23 the list and when not to stop the list. That is
24 something that, I mean, as you heard we have some

1 issues with.

2 Are you currently studying for the new
3 test?

4 MR. THOMAS: Yes. I've been studying for
5 the last ten years. This is my third test for
6 eligibility to be Captain. If I don't get
7 promoted off of this Captain's list, looking
8 forward -- the lack of promotion will affect my
9 future eligibility in the testing process. So --

10 COUNCILMAN SQUILLA: And is each -- I guess
11 you guys know, too, every promotion above also --
12 if somebody promotes from a Captain, I mean, the
13 highest position opens up lower positions.

14 MR. THOMAS: That's correct.

15 MR. WAHL: It's a trickle down effect,
16 Councilman. When you get a firefighter
17 promoted -- or Lieutenant promoted, makes a spot
18 for a firefighter. Captain promoted makes a spot
19 for a Lieutenant and so on up the list.

20 COUNCILMAN SQUILLA: So if a Lieutenant
21 ends up becoming a Captain, that vacancy really
22 stays open and let's say firefighter open up.
23 Really, we can even double -- these guys can jump
24 from positions and we can even double the

1 openings. Because if a fire -- if a Captain then
2 maybe feels a vacancy for a Fire Battalion Chief.

3 MR. WAHL: That's correct.

4 COUNCILMAN SQUILLA: That opens another
5 Captain spot.

6 MR. WAHL: That's correct.

7 COUNCILMAN SQUILLA: I would imagine some
8 of these people in the lower positions are also
9 trying to fill positions above them.

10 MR. WAHL: That's correct. If you look at
11 the DROP list, you can see such as myself a Deputy
12 Chief, when I retire that will create a spot for a
13 Deputy Chief which will make a Battalion Chief
14 move up to Deputy Chief. That will make a spot
15 for where that Battalion Chief was for a Captain
16 to move up to his spot, be promoted to his spot.

17 But the testing process in the City is so
18 askew. I have a daughter on the -- and I'm not
19 sure if I would want her to take the job. She's
20 on the firefighter list. I can't call and find
21 out what number she is on the list. I'm not
22 trying to use my rank to do something. I call
23 personnel, they tell me, we can't tell you which
24 list is she on. I'm like, which list is she on?

1 There is a list for veterans, a list for people
2 who live outside the City. A list for people who
3 live inside the City. You know, the list weighs
4 back and forth. I can't even find out what number
5 my daughter is on the list.

6 COUNCILMAN SQUILLA: I'm unaware of that.
7 I thought there was just one list of potential
8 people to move up. On the promotions test, it's
9 one list, correct?

10 MR. WAHL: Well, my daughter when she first
11 took the test, she got 100 on the test, of course.
12 But she was 540 on the list because of a random
13 number she got. She scored 100 on the test and
14 she's 540 on the list.

15 COUNCILMAN KENNEY: Excuse me. Can we have
16 somebody from personnel kind of put on the record
17 what this random number issue is? It keeps on
18 coming up, and I never heard of it before. And I
19 don't really understand it. Shouldn't be anything
20 random about Civil Service. Thanks, Al.

21 MR. D'ATTILIO: So, as we were talking
22 before --

23 COUNCILMAN KENNEY: State your name for the
24 record.

1 MR. D'ATTILIO: I'm sorry. Albert
2 D'Attilio, Director of Human Resources.

3 As we were talking before about tied
4 scores, the Civil Service regulations set forth a
5 process for breaking those ties. Based on the
6 parts and weights of the exam first, one of the
7 tie breakers is a random number. Another tie
8 breaker for open competitive examinations is
9 preference for City residents over non-City
10 residents. That was part of a Charter change.

11 So when he -- when someone applies, the
12 computer generates a random number. In the event
13 of a tie, the random number may end up breaking
14 the tie. When we have thousands of people
15 applying for an examination and, again, you are
16 looking at 30 points difference between the top
17 scorer and the bottom scorer, than the tie
18 breaking system comes into play more so.

19 COUNCILMAN KENNEY: Is a random number a
20 group of tied score folks that are basically a
21 lottery?

22 MR. D'ATTILIO: Essentially, yes. If the
23 scores are tied, then there has to be a way of
24 determining who is No. 1 and who is No. 2. We

1 first do it based on the parts and weights, who
2 scored highest on the various parts and weights.
3 The third or fourth tie breaker is based on random
4 number.

5 COUNCILMAN KENNEY: And the computer does
6 that?

7 MR. D'ATTILIO: Yes.

8 COUNCILMAN SQUILLA: All right. Can I --

9 COUNCILMAN KENNEY: Yeah. Yeah.

10 COUNCILMAN SQUILLA: After all the parts of
11 the examinations are completed, you have the
12 written, the oral, psychological, whatever other
13 parts, then you got a whole number for
14 combination. Is that how it works?

15 MR. D'ATTILIO: Well, it's a number broken
16 down into four decimal points.

17 COUNCILMAN SQUILLA: Okay. Well, you get a
18 decimal number.

19 MR. D'ATTILIO: Right.

20 COUNCILMAN SQUILLA: From that decimal
21 number, if that decimal number is tied, you throw
22 a random number in to differentiate between them?

23 MR. D'ATTILIO: So if the examination was
24 say 50 percent written, 40 percent oral, 10

1 percent seniority, first you would look to see
2 which candidate had the highest score on the
3 written since that was the most weighted part of
4 the process.

5 COUNCILMAN SQUILLA: Right.

6 MR. D'ATTILIO: If the candidates are still
7 tied, then you would look at the next highest
8 weighted portion. Eventually, you come down to in
9 a promotional setting the last tie breaker, which
10 would be random number.

11 COUNCILMAN SQUILLA: All right. They would
12 have to be equal on every aspect, tied on every
13 aspect before you got to a random number?

14 MR. D'ATTILIO: That's correct.

15 COUNCILMAN SQUILLA: That random number is
16 hardly ever used?

17 MR. D'ATTILIO: It's used more when you
18 have a large number of candidates that are
19 competing. If you typically have an exam with
20 five or six candidates, the random number will
21 hardly ever come into place. If you are giving an
22 examination to several thousand candidates as we
23 did with firefighter examination, then random
24 number comes into play more often.

1 COUNCILMAN SQUILLA: Because you end up
2 with a tie after that fifth level.

3 MR. D'ATTILIO: Right.

4 COUNCILMAN SQUILLA: What you do is you put
5 50/80 people into the computer, the computer spits
6 out a list, basically, of where those people are.

7 MR. D'ATTILIO: It's a little bit more
8 complicated than that. As I said originally, the
9 random number is assigned to the applicant when
10 they apply. It's an online application process.
11 Whether it comes into play or not, we don't know
12 until the -- the exam is scored and the envelopes
13 are opened.

14 COUNCILMAN SQUILLA: So, you get a random
15 number when you apply for the test?

16 MR. D'ATTILIO: Yes.

17 COUNCILMAN SQUILLA: Oh. That's not what
18 you said earlier. You said that you get a random
19 number after all the other ones were depleted.

20 MR. D'ATTILIO: No. The random number is
21 assigned when you applied. Whether it's used
22 depends on whether at the end of the scoring there
23 is still a tie that needs to be broken.

24 COUNCILMAN SQUILLA: So when you apply, you

1 get a random number on your application. When
2 they get an application, you feed that application
3 in. It says No. 20.

4 MR. D'ATTILIO: It's online application.
5 There is no longer paper application. But when
6 you hit submit, the computer assigns you a random
7 number.

8 COUNCILMAN SQUILLA: That might be 20, 5,
9 5, 800?

10 MR. D'ATTILIO: That's correct.

11 COUNCILMAN SQUILLA: Then once that gives
12 you -- what does your random numbers go between?
13 What numbers? 1 to 10,000?

14 MR. D'ATTILIO: It's millions.

15 COUNCILMAN SQUILLA: You might have a
16 number that's 37 million when you apply?

17 MR. D'ATTILIO: Yes.

18 COUNCILMAN SQUILLA: If you get that
19 number, you are going to be at the end of the list
20 right from the start if you equal --

21 MR. D'ATTILIO: Only if a tie needs to be
22 broken.

23 COUNCILMAN SQUILLA: Right. Right. Do you
24 know that random number once you apply?

1 MR. D'ATTILIO: Do you know the random
2 number once you apply? I'm not sure.

3 MR. WAHL: I'd like to say something,
4 Councilpersons. I competed against one of our
5 Deputy Commissioners. He got the No. 1 random
6 number twice on two different tests.

7 COUNCILMAN KENNEY: That's very random.

8 MR. WAHL: Very random.

9 MR. D'ATTILIO: It's computer generated.

10 COUNCILMAN KENNEY: Twice. He ought to go
11 down to the lotto. Play the Powerball. He's
12 going to clean up. Random number twice one. Wow,
13 geez.

14 MR. MCANALLY: Councilman, Michael
15 McAnally, Deputy Director Office of Human
16 Resources. When the candidates submit their
17 application, the random number is automatically
18 generated. I believe that they can see it. But
19 there is -- the numbers are so large, there really
20 is no significance to it. You can receive a random
21 number of 50,000. That could be the lowest random
22 number of anyone taking the test.

23 COUNCILMAN KENNEY: What is the statistical
24 probability of pulling a random No. 1 twice in the

1 same process? That's got to be --

2 COUNCILMAN SQUILLA: Especially in the
3 million numbers --

4 COUNCILMAN KENNEY: -- astounding number.

5 MR. MCANALLY: Commissioner, I believe when
6 Deputy Chief took the examination, we were using a
7 different system. Under that system --

8 COUNCILMAN KENNEY: How long ago was a
9 different system.

10 MR. MCANALLY: Probably five years ago.

11 COUNCILMAN KENNEY: Why did change from
12 that system to a different system?

13 MR. MCANALLY: Because we switched to an
14 online system. Before we did the online system
15 and there were paper applications, we would only
16 sign a random number to the number of candidates
17 that applied. If only 20 candidates applied, the
18 random numbers would be 1 through 20. Whereas
19 now, if there are 20 candidates, all the
20 candidates numbers could still be in the thousands
21 or millions.

22 COUNCILMAN KENNEY: In the Chief's example,
23 how many people were involved in the random
24 numbers assignment?

1 MR. MCANALLY: I don't know.

2 COUNCILMAN KENNEY: Do you know, Chief.

3 Typically, 20 or 30?

4 MR. WAHL: I would think the number is
5 between 20 and 40, yes.

6 COUNCILMAN KENNEY: Okay. Because we run
7 for office, we get assigned a random number out of
8 a coffee can. I can assure you, that if I pulled
9 one twice in two consecutive elections, there
10 would be an investigation.

11 COUNCILMAN HENON: I think you did
12 pull one.

13 COUNCILMAN KENNEY: I pulled one once. If
14 I pulled it four years later, I think somebody
15 would have something to say.

16 COUNCILMAN HENON: If I may, Mr. Chairman.
17 You're saying, Chief, if I may, around 20
18 people tied for a potential score on a test. How
19 many people currently is there that need a tie
20 breaker? How many people scored --

21 MR. WAHL: Depends what list you're talking
22 about. If you're talking about the firefighter
23 list, as I said, I think almost a thousand people
24 scored a hundred on the list on the test. There

1 was random numbers given. Each of those thousand
2 people got a different random number. That
3 established their ranking on the list.

4 COUNCILMAN HENON: That sounds like the
5 lottery system to get into a Charter school. I
6 mean, I don't want to use that as an example, but
7 I just -- it's a lot of people to throw into a
8 lottery.

9 MR. WAHL: I would guess there is something
10 wrong with the testing process. If a thousand
11 people are getting 100, the test is too easy.
12 Given a booklet, it's a 15-page booklet. I could
13 get a sixth grader.

14 COUNCILMAN HENON: You hit it right on the
15 head. It's the testing. It's the process. It's
16 selective. It's discretionary.

17 MR. WAHL: There used to be a Civil Service
18 test. You were given no booklet. You went in and
19 it was mathematics, vocabulary, directions, how
20 you did with mapping and stuff like that. You
21 took that test and that is how you came out on the
22 written part of the list. Now they give you a
23 booklet, everything that is going to be on the
24 test is on the 10 page or 15 page booklet.

1 COUNCILMAN KENNEY: Like a driver's manual?

2 MR. WAHL: Pardon me?

3 COUNCILMAN KENNEY: Like a driver's manual?

4 MR. WAHL: That's correct.

5 MR. D'ATTILIO: Booklet was actually about
6 a hundred pages. The examination was developed by
7 a company in California called FPSI. It was a
8 validated instrument. The scoring methodology was
9 determined by, again, psychometricians in
10 California. It was completely blind to the Fire
11 Department and to us as far as who scored where on
12 the examination.

13 COUNCILMAN KENNEY: Does the Police
14 Department use the same?

15 MR. D'ATTILIO: No. We do our own scoring
16 for the -- we do our own exam development for the
17 Police Department.

18 COUNCILMAN KENNEY: Why would the Police
19 Department and Fire Department be treated
20 differently from a testing perspective?

21 MR. D'ATTILIO: Because there is a Consent
22 Decree for the firefighter examination.

23 COUNCILMAN KENNEY: I thought that Consent
24 Decree was lifted.

1 MR. D'ATTILIO: No, it's not. It's still
2 in play. It was held in abeyance for this
3 examination. The court said that if we could do a
4 validated examination, they would consider
5 permanently lifting the Consent Decree.

6 COUNCILMAN KENNEY: This may be the last
7 test under that Consent Decree?

8 MR. D'ATTILIO: It may be.

9 COUNCILMAN KENNEY: And then you can go to
10 a different system if you wanted to.

11 MR. D'ATTILIO: Well, the court would have
12 to -- most likely, the court would have to bless
13 the system that we use.

14 COUNCILMAN KENNEY: I understand the
15 Consent Decree. But why would the Police
16 Department have a total -- why would we not -- in
17 uniform forces, why would we not be reflective of
18 each other? Does that seem fair?

19 MR. D'ATTILIO: The hiring process is
20 totally different for police officer and a
21 firefighter. The police officer must go through a
22 state required agility test, background
23 information, psychological investigation or
24 psychological evaluation, a medical evaluation.

1 With the firefighter, the selection process is
2 strictly the examination, the interview.

3 COUNCILMAN KENNEY: We don't care about
4 their health or psychology or background?

5 MR. D'ATTILIO: Again, the requirements to
6 be a police officer is set by the Municipal Police
7 Officer Training Council.

8 MR. MCANALLY: It's a state agency. It's a
9 state requirement. There is no such state
10 requirement for firefighters.

11 COUNCILMAN SQUILLA: The test you actually
12 get a grade. It's not like a pass/fail, right?
13 You get an actual grade.

14 MR. MCANALLY: For the firefighter
15 examination.

16 COUNCILMAN SQUILLA: Yes.

17 MR. MCANALLY: The candidates get an actual
18 numerical grade.

19 COUNCILMAN SQUILLA: Then it's weighed in
20 by personality test or anything else that goes
21 into that?

22 MR. MCANALLY: For the firefighters exam,
23 no. It's strictly the multiple choice
24 examination.

1 COUNCILMAN SQUILLA: All right. And
2 then -- that is where the random number comes in
3 if they all get 100. We don't curve those tests.

4 MR. MCANALLY: The scoring was done by the
5 agency -- by the company that we contracted with.
6 I don't know how they scored the tests.

7 COUNCILMAN SQUILLA: You don't know how
8 they scored?

9 MR. MCANALLY: I don't know what the pass
10 point was, no.

11 COUNCILMAN KENNEY: That's --

12 COUNCILMAN SQUILLA: All right. We don't
13 know how they scored. Do they curve it at all?

14 MR. MCANALLY: I don't know how they scored
15 the test.

16 MR. D'ATTILIO: It's a validated process.
17 This company creates firefighter examinations for
18 various jurisdictions. They validate against both
19 our jobs and the jobs across the nation.

20 COUNCILMAN KENNEY: Which cities do they --

21 MR. D'ATTILIO: Do you recall? I don't
22 recall.

23 COUNCILMAN KENNEY: How about New York or
24 Chicago or any the similar situated Fire

1 Departments?

2 MR. D'ATTILIO: If you recall, New York who
3 had problems with their firefighter examination.

4 COUNCILMAN KENNEY: No, I don't recall.

5 MR. D'ATTILIO: The court threw it out. We
6 did not use the vendor that New York used.

7 COUNCILMAN KENNEY: I think that this calls
8 for, not today obviously, but calls for more
9 thorough examination of what exactly we're doing
10 from a testing standpoint. I mean, a lot of
11 this -- we came here talking about Lieutenants and
12 Captains. But this whole -- we've opened up more
13 questions, I think, than we got answers.

14 So I look forward to working through the
15 summer to try to figure out what's going on.
16 And --

17 COUNCILMAN SQUILLA: Especially since -- it
18 is also scary that everybody got 100. I mean, we
19 are talking about promotional tests where we
20 started at where we're curving them to get people
21 to qualify. Then every person who applis -- I
22 don't know if everybody.

23 MR. D'ATTILIO: No. Not everyone got 100.

24 COUNCILMAN SQUILLA: How many people took

1 the test?

2 MR. D'ATTILIO: Several thousand.

3 MR. MCANALLY: Approximately, five
4 thousand.

5 COUNCILMAN SQUILLA: How many got 100?

6 MR. MCANALLY: Several hundred.

7 MR. WAHL: In those numbers that got 100,
8 you got your veterans, so they could have 110. On
9 this test you had -- if you had an EMT
10 certification, I believe you also got points for
11 having an EMT certification. You could go outside
12 the city, go to the county, get an EMT
13 certification. Come inside, take the test, and
14 you would automatically score better. If you got
15 a 100, you would have 103.

16 Now you're competing against Philadelphia
17 residents and stuff with three extra points that
18 they don't get. Even though they you score 100,
19 you get 103.

20 COUNCILMAN SQUILLA: That sounds like we
21 have a lot of work to do. Councilman, I think we
22 do need to look into this further. We did come
23 here for the actual promotional list and
24 discrepancy. I think we need a lot more work to

1 do in this field. Thank you. Thank you for your
2 testimony.

3 COUNCILMAN KENNEY: Councilman Henon.

4 COUNCILMAN HENON: Thank you, Mr. Chair.
5 If I may, can I ask Lieutenant, can you come back
6 up please. I do want to concur.

7 COUNCILMAN SQUILLA: One last thing. I'm
8 sorry, Bob, interject. You said over a thousand
9 people took the firemen's test?

10 MR. WAHL: There were several thousand
11 people. I think it was more than five thousand.

12 COUNCILMAN SQUILLA: Can you give to the
13 Chair how many people received 100.

14 MR. MCANALLY: Yes.

15 COUNCILMAN SQUILLA: All right. I think
16 that would help. Thank you.

17 COUNCILMAN HENON: Thank you, Lieutenant.

18 MR. THOMAS: Thank you.

19 COUNCILMAN HENON: I want to concur with
20 the Chair and sentiments of my colleagues here
21 that, you know, as we start to see the rocks and
22 unturn them, there is a hell of a lot more
23 questions and answers to some of the questions
24 that we are discovering along the way here.

1 You know, one of my concerns is -- if I can
2 direct this to Lieutenant Thomas, we had several
3 thousand firefighter applicants who took the test,
4 not sure if they passed or they didn't. But we
5 have two cadet passes, finally, after several
6 years of having no cadets. We have two cadet
7 classes at 187 and 186.

8 Do you know how those numbers were
9 determined.

10 MR. THOMAS: The cadet classes are
11 approximately 160 cadets divided by the two
12 classes. I think that is the projection for the
13 next two classes in the Fire Academy, also.

14 How they came up, they were ranked in
15 eligibility. How they were picked to be hired, I
16 don't have that information.

17 COUNCILMAN HENON: Would it be concerned --
18 I will ask the Administration that question.

19 Would that kind of -- would those two
20 classes or those classes come anywhere near or
21 close to the attrition, the DROP and the lack of
22 promotions that is necessary for supervision
23 opportunities for firefighters?

24 MR. THOMAS: Well, the firefighters

1 currently, I believe, there are 54 firefighters
2 that are DROP-ing on June 30. So, it's almost a
3 wash with the amount of people coming into the
4 department with this new class as opposed to when
5 they add the next two fire Classes in June or late
6 June. That should minimize some overtime costs.

7 COUNCILMAN HENON: And that is just
8 compared to the DROP.

9 How about, you know, disability or not
10 being able to perform the duties? I mean, that --
11 because of burns. I heard it mentioned here. To
12 have a firefighter who is trained and who is
13 destined to be a firefighter to run in a fire and
14 try to save lines, they are not going to stop when
15 they feel getting burned on their ear.

16 MR. THOMAS: That's correct.

17 COUNCILMAN HENON: Should we be concerned
18 about that?

19 MR. THOMAS: We are always concerned about
20 fire safety. The firefighters coming out of fire
21 school, they are on a six-month probationary
22 testing process and a yearly testing process. The
23 new fire cadet class is five and a half months.
24 Even though we hire the class in June, we won't

1 see those members in the field until maybe
2 November.

3 COUNCILMAN HENON: I don't see the filling
4 of just our --

5 MR. THOMAS: Overtime will continue.

6 COUNCILMAN HENON: Firefighters keeping up
7 with what is happening in real time with our Fire
8 Department.

9 MR. THOMAS: With the attrition --

10 COUNCILMAN HENON: I think we are taking a
11 look at the attrition and DROP as -- I think
12 that's kind of skewed. I mean, it's obvious we
13 have to prepare for DROP.

14 MR. THOMAS: Correct.

15 COUNCILMAN HENON: That is glaringly
16 obvious how we need to prepare for DROP. I think
17 that, I, Councilman Bobby Henon, is concerned that
18 through other inactive firefighters and
19 firefighter positions that, you know, if we don't
20 address our hiring practices and our testing
21 scores and our promotion curves or bell or however
22 we manage that, I think we are headed for some --
23 I think I have every right to be concerned.

24 MR. THOMAS: Yes, sir. If I can address

1 Councilman O'Neill, I did a quick review of the
2 DROP between June 30 and say September or October.
3 There is probably another 10 or 14 members
4 DROP-ing.

5 COUNCILMAN HENON: I just want to state for
6 the record, you are saying -- you're assigned to
7 HazMat.

8 MR. THOMAS: That's correct.

9 COUNCILMAN HENON: And Philadelphia Fire
10 Department has not offered a HazMat training class
11 in five years.

12 MR. THOMAS: That's correct.

13 COUNCILMAN HENON: That's a disgrace. I
14 want to congratulate the two Lieutenant and Deputy
15 Chief. I want to thank you for your years of
16 service, too.

17 MR. WAHL: Thank you.

18 COUNCILMAN HENON: We appreciate that.
19 Some of the conversations when you talk about
20 retributions -- you know, because it seems like
21 with the morale the way it is, you have
22 retributions on transfer policies, the paramedics,
23 you have accidents and, you know, simple things
24 that are stimy and good firefighters the

1 opportunity for promotion. I hope we take a look
2 at that, Mr. Chairman, in the near future.

3 My last question before Mr. Resnick
4 approaches is, are there the same time of
5 standards for Deputy promotions than there are for
6 supervision promotions that you are aware of? The
7 same type of scrutiny and Deputy Fire
8 Commissioners? You have the test for supervision
9 now going to Captain.

10 MR. WAHL: It's a Civil Service test up to
11 my rank, which would be Deputy Chief.

12 COUNCILMAN HENON: Somebody could be
13 promoted to a deputy status? That's not Civil
14 Service. So somebody who had a record of an
15 accident or --

16 MR. RESNICK: Above this officer's rank
17 it's exempt. The only rank above his rank is
18 Deputy Commissioner and Commissioner. He is the
19 highest Civil Service -- he holds the highest
20 Civil Service rank in his department. You test to
21 his level. And then promotions after that level
22 are based on, you know, obviously the Mayor
23 appoints the Commissioner and the Commissioner
24 takes a look at the personnel that is available.

1 He can take a look at the people in the
2 department.

3 We are right now hiring a Deputy
4 Commissioner for emergency medical services.
5 We've opened up a national search. We are looking
6 at people's qualifications from within the
7 department but also folks nationwide.

8 COUNCILMAN HENON: When you promote -- I
9 don't assume that you know the answer because it's
10 an exempt employee, you would hope to hire the
11 same type exemplary -- you know, experience and
12 record.

13 MR. RESNICK: You would hope to hire the
14 best person for the position, Councilman, correct.
15 That goes with experience, the training, the
16 person's background, you know, all the things that
17 make up the person's, you know, the professional
18 abilities.

19 COUNCILMAN KENNEY: Is that written
20 anywhere?

21 MR. RESNICK: Is it written anywhere? No,
22 Councilman, I don't believe it is written
23 anywhere.

24 COUNCILMAN KENNEY: Okay. So, what's the

1 basis for determining the qualifications of a
2 Deputy Commissioner?

3 MR. RESNICK: Common sense. I would
4 imagine you want the best person for the job.

5 COUNCILMAN KENNEY: Common sense. Whose
6 common sense?

7 MR. RESNICK: Like I said, you would want
8 the best person for the job.

9 COUNCILMAN KENNEY: But there is no
10 criteria.

11 MR. RESNICK: No. There is no criteria
12 written down. So, you take a look at the
13 potential candidates and compare each other with
14 their qualifications, their education, training,
15 their experience and you make a decision.

16 COUNCILMAN KENNEY: Is there an application
17 process?

18 MR. RESNICK: We posted it. I don't
19 recall --

20 COUNCILMAN KENNEY: Deputy Commissioner
21 application process?

22 MR. RESNICK: There was. It was posted. I
23 don't remember where. I can get that information
24 for you. We received applications from all over

1 the country and within the department, as well.

2 COUNCILMAN KENNEY: Did we interview?

3 MR. RESNICK: That process is going on now.

4 COUNCILMAN KENNEY: For Deputy
5 Commissioner.

6 MR. RESNICK: Deputy Commissioner, yes.

7 COUNCILMAN KENNEY: No. No. I am talking
8 about the current crop of Deputy Commissioners.
9 Was there an application process for that?

10 MR. RESNICK: I'm sorry. Councilman Henon
11 and I were talking about --

12 COUNCILMAN KENNEY: I am talking about
13 Deputy Commissioner in general.

14 MR. RESNICK: There is no application
15 process for Deputy Commissioner other than the
16 Deputy Commissioner for EMS. That process is
17 ongoing. There will be retirements in the Deputy
18 Commissioner ranks coming up. When those
19 Commissioners retire, those Deputy Commissioners
20 retire, that will be opened up and it will be
21 posted. We will be accepting resumes and
22 applications.

23 COUNCILMAN KENNEY: Why is there a
24 nationwide search for Deputy Commissioner of EMS

1 but not for Deputy Commissioner of operation,
2 Deputy Commission Administration?

3 MR. RESNICK: I didn't say there wouldn't
4 be.

5 COUNCILMAN KENNEY: I said, why wasn't
6 there?

7 MR. RESNICK: For this position?

8 COUNCILMAN KENNEY: No. Back at the
9 beginning of the Administration. Is there a
10 process?

11 MR. RESNICK: I don't know. I don't have
12 that answer. This is a new position. It's never
13 existed before in the Fire Department, and we want
14 to get the best person --

15 COUNCILMAN KENNEY: We would assign that
16 particular set of criteria to every position in
17 the Fire Department, correct?

18 MR. RESNICK: True. We're limited by --
19 you know, never mind. I will hold the comment.

20 COUNCILMAN KENNEY: You are limited by?

21 MR. RESNICK: I will hold the comment.

22 COUNCILMAN KENNEY: Okay.

23 MR. WAHL: We just appointed a new Deputy
24 Commissioner. And was there a nationwide search

1 for that, as well?

2 MR. RESNICK: I don't know.

3 COUNCILMAN KENNEY: Okay. Do you have any
4 question -- I have a question relative to the
5 HazMat training.

6 COUNCILMAN HENON: The training, yes.
7 That's why you were brought up.

8 COUNCILMAN KENNEY: Five years.

9 MR. RESNICK: What's that?

10 COUNCILMAN KENNEY: Five years without
11 HazMat training. What's going on?

12 MR. RESNICK: I don't know, Councilman. I
13 been in this spot about a year and a half. I
14 would have to look into that for you.

15 COUNCILMAN KENNEY: It would seem in this
16 particular day and age with, you know, terrorism
17 and other types of opportunities for people to
18 harm others, that we should have the most
19 qualified HazMat folks available.

20 MR. RESNICK: You're right.

21 COUNCILMAN KENNEY: If you're not trained,
22 how could you be qualified?

23 MR. RESNICK: You're right.

24 COUNCILMAN KENNEY: You will get back to us

1 on call back?

2 MR. RESNICK: Sure.

3 COUNCILMAN KENNEY: Thank you.

4 COUNCILMAN HENON: Thank you. It was the
5 question on HazMat training.

6 COUNCILMAN KENNEY: Thank you. Anything
7 else?

8 I suspect we will be back at some point in
9 time as we go forward. Thank you very much for
10 your attendance. Appreciate your time. And
11 again, good luck in your retirements.
12 Congratulations.

13 Thank you.

14 (Public Hearing adjourned at 12:34 p.m.)

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

I, hereby certify that the
proceedings and evidence noted are
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Court Reporter - Notary Public

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