

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

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, December 5, 2011
2:05 p.m.

PRESENT:

COUNCILMAN BILL GREEN, CHAIR
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILL 110836 - An ordinance amending Title 22
of The Philadelphia Code, entitled "Public
Employees Retirement Code," to expand the
scope of "Plan '10" and "DC Plan" to cover
additional employees pursuant to an
arbitration decision...

BILL 110841 - An ordinance amending Title 22
of The Philadelphia Code, entitled "Public
Employees Retirement Code"...

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1
2 COUNCILMAN GREEN: This is
3 Committee on Labor and Civil Service
4 hearing called to order. We have a
5 quorum in the presence of Councilman
6 Curtis Jones, Councilman William
7 Greenlee, Councilman Frank DiCicco,
8 Councilman James Kenney.

9 And I'd ask the Clerk to please
10 read the first bill.

11 THE CLERK: Bill No. 110836, an
12 ordinance amending Title 22 of The
13 Philadelphia Code, entitled "Public
14 Employees Retirement Code," to expand the
15 scope of "Plan '10" and "DC Plan" to
16 cover additional employees pursuant to an
17 arbitration decision, and to make
18 technical amendments, all under certain
19 terms and conditions.

20 COUNCILMAN GREEN: Thank you.

21 I'd ask the witnesses for this
22 bill, Rob Dubow, to please approach the
23 witness table.

24 (Witness approached witness
25 table.)

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COUNCILMAN GREEN: Please
proceed.

MR. DUBOW: Thank you. Good
afternoon, Chairman Green and members of
the Committee. My name is Rob Dubow.
I'm the City's Finance Director and I'm
here to testify in support of Bill No.
110836, which was introduced on behalf of
the Administration. The bill amends the
Public Employees Retirement Code to
include certain employees hired or
rehired on or after January 1st, 2012 in
the two new pension plans created under
Bill No. 100286.

Earlier this year, an
arbitration panel was convened under Act
195 to issue an award regarding the
contract between the City and employees
of the Sheriff's Office and the Office of
the Register of Wills who are represented
by the Fraternal Order of Police, Lodge
5. The panel's award provided that new
Sheriff's Office employees represented by
the FOP would have the option to enroll

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in the two new pension plans created
under Bill No. 100286, Plan '10 and the
DC Plan. Any new bargaining unit member
hired by the Register of Wills will be
enrolled in the new plans. Plan '10 and
the DC Plan are critical in ensuring the
future stability of the City's pension
system.

These plans begin to reduce the
City's pension costs at a time when the
fund's health is deteriorating and while
it is consuming ever-increasing portions
of the City's General Fund. In just five
years, our pension costs doubled from
about \$230 million in 2004 to about 460
million in FY09. While the City's
pension costs rose, the health of the
fund deteriorated, dropping from a 77
percent funding ratio in FY01 to the 47
percent funding ratio we face today.
That ratio is among the weakest among
major American cities.

Pension costs make up almost 15
percent of the FY12 General Fund budget,

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and this number is projected to continue
to increase significantly in the upcoming
years. While some of the costs for
specific years are skewed by deferrals
approved in state legislation last year,
three years in the FY11 to FY16 plan are
not impacted by those deferrals and they
show the costs continue to rise rapidly.
Our pension costs are projected to be 554
million in FY12, 588 million in FY15 and
596 million in FY16, about 16.5 percent
of the budget.

I should say that's our pension
contribution plus the debt service in our
pension obligation bonds.

That means that the City's
pension costs will have grown by \$136
million from FY09 to FY16.

In order to ensure the
viability of the pension system and to
manage ever-growing costs, Mayor Nutter
has made pension reform a priority and
one of the primary goals in ongoing
contract negotiations with City unions.

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As previously noted, earlier this year an arbitration panel was convened under Act 195 and issued an award regarding the contract between the City and employees in the Sheriff's Office and the Office of the Register of Wills who are represented by the FOP.

The award provides that all Sheriff's Office employees who are represented by the FOP hired or rehired after January 1st, 2012 must make a one-time irrevocable election between participating in the City's current defined benefit pension plan and increasing their contribution from 30 percent of normal cost to 50 percent of normal cost or participating in a hybrid plan containing both the defined benefit plan, Plan '10, and a voluntary defined contribution component. That's the DC Plan.

All employees of the Register of Wills who are represented by the FOP who are hired or rehired after January

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1st, 2012 would participate in the hybrid
plan.

Increasing employee pension
contributions and the creation of a
hybrid pension plan will help reduce
costs to the City both in the short and
the long run, allowing the City to devote
more resources to services. Moreover,
these changes will help cushion the City
against dramatic decreases in the stock
market like those that decimated the
City's pension fund over the last few
years. At the same time, they will offer
increased portability to members of the
system who elect to participate in the
defined contribution plan and will
continue to provide a reasonable measure
of retirement security for all City
employees through pension benefits.

The legislation before you
today codifies the arbitration panel's
recognition of this critical component of
the City's efforts to get pension costs
under control and will continue the

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2 pension reform begun with the police and
3 fire arbitration awards.

4 Thank you for the opportunity
5 to testify. I'm happy to answer any
6 questions you may have.

7 COUNCILMAN GREEN: Thank you,
8 Mr. Dubow.

9 For the record, I recognize the
10 presence of Vice-Chairman of this
11 Committee, Councilman Goode.

12 I notice that the FOP has a
13 representative here in the form of
14 Mr. Blagmond. Are you going to be
15 testifying today?

16 MR. BLAGMOND: No, sir.

17 COUNCILMAN GREEN: For the
18 record, the Administration is properly
19 describing the arbitration and outcome
20 and you're not here in opposition?

21 (Witness approached witness
22 table.)

23 MR. BLAGMOND: No, we're not
24 here in opposition. The language in our
25 contract and the language in the

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2 ordinance is enough that we are

3 comfortable with it.

4 COUNCILMAN GREEN: Thank you.

5 Can you please state your name for the

6 record.

7 MR. BLAGMOND: Eugene Blagmond,

8 Public Relations for the Fraternal Order

9 of Police, Lodge 5.

10 COUNCILMAN GREEN: Thank you

11 very much.

12 Mr. Dubow, Plan '10 is a plan

13 that just covers these employees or is it

14 broader than these employees?

15 MR. DUBOW: Plan '10 also would

16 cover employees from the FOP and the

17 firefighters who opted into it and these

18 employees.

19 COUNCILMAN GREEN: So this

20 covers -- so there are employees who will

21 be part of Plan '10 who will have this

22 outcome and nobody represented them; is

23 that correct?

24 MR. DUBOW: I'm sorry?

25 COUNCILMAN GREEN: Are there

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2 unrepresented employees in Plan '10?

3 MR. DUBOW: No.

4 COUNCILMAN GREEN: Okay. What
5 is Plan '10's funding?

6 MR. DUBOW: Plan '10 has just
7 been -- there's no one in Plan '10 yet,
8 so it doesn't have --

9 COUNCILMAN GREEN: It's a new
10 plan.

11 MR. DUBOW: It's a new plan,
12 yes.

13 COUNCILMAN GREEN: It doesn't
14 exist?

15 MR. DUBOW: Right. It's been
16 set up administratively, but there's no
17 one in it yet.

18 COUNCILMAN GREEN: And how much
19 will the City save as a result of this
20 change over the next Five Year Plan?

21 MR. DUBOW: For just these
22 employees, it's a relatively small
23 number, because it's how many employees
24 are hired. So, I mean, I can get you the
25 number, but it would be relatively small.

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2 COUNCILMAN GREEN: Under
3 \$10,000?

4 MR. DUBOW: It could be.

5 COUNCILMAN GREEN: Okay. I
6 have no further questions.

7 Any questions of the Committee?

8 (No response.)

9 COUNCILMAN GREEN: Thank you,
10 Mr. Dubow.

11 I have on my list Bill Rubin.

12 (Witness approached witness
13 table.)

14 COUNCILMAN GREEN: Good
15 afternoon. Please state your name for
16 the record and begin your testimony.

17 We'll get it. Thanks.

18 Please proceed.

19 MR. RUBIN: Good afternoon,
20 Chairman Green, members of the Labor and
21 Civil Service Committee. I'm Bill Rubin.
22 I'm here today to testify in regard to
23 Bill 110836 on behalf of the members of
24 District Council 33, both presently
25 employed and retired.

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2 As you're aware, there are many
3 issues surrounding the Philadelphia
4 pension fund. There's been prior
5 testimony concerning the health of the
6 pension fund, and will hopefully be more
7 opportunities discussed in-depth the
8 history and the outlook for the health
9 and vibrant retirement system that will
10 provide security for all dedicated, loyal
11 and hard-working civil servants.

12 Today we're here to discuss the
13 arbitration award of June 21st, 2011 as
14 it pertains to the Sheriff's Office and
15 Register of Wills employees.

16 While neither of those groups
17 is represented by District Council 33,
18 the effect of the arbitration award does
19 directly have an impact on the benefits
20 the members will receive.

21 As you can see by the
22 illustration provided, there are three
23 sources of capital to fund the benefits
24 and expenses of the retirement fund -
25 investment returns, employee

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2 contributions and employer contributions.
3 In the Police arbitration and the
4 Sheriff's portion of this award, there
5 was an allowance for an increased
6 contribution to remain in the defined
7 benefit pension system.

8 Our position is not including
9 the Register of Wills in this option
10 portion of the award and forcing all new
11 hires into the newly created but untested
12 Plan '10, the effect will be all new
13 hires will not be contributing the
14 necessary funds to continue in covering
15 the outflow of expenses.

16 One outcome is, the shortfall
17 will add to the unfunded liability and
18 require a higher payment from the
19 taxpayers of the City of Philadelphia.

20 Again, while this arbitration
21 award has no bearing on any ongoing
22 negotiations between District Council 33
23 and the City of Philadelphia, the result
24 will have an impact on the health of the
25 pension fund and the people that the

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2 unions do represent.

3 The request is being presented
4 today, in writing the amendment, you
5 include the Register of Wills in all
6 applicable sections to allow for the
7 opt-out of Plan '10 provision.

8 Thank you for your attention
9 and this consideration in this important
10 matter, and I would answer any questions
11 that you may have.

12 COUNCILMAN GREEN: Thank you,
13 Mr. Rubin.

14 Councilman Greenlee.

15 COUNCILMAN GREENLEE: Thank
16 you, Mr. Chairman.

17 Good afternoon, Mr. Rubin.

18 MR. RUBIN: Good afternoon.

19 COUNCILMAN GREENLEE: When this
20 arbitration decision was made, was there
21 any appeal taken by anyone?

22 MR. RUBIN: I don't believe
23 that the FOP did appeal the arbitration
24 award. We just feel that right now the
25 way that the system has been set up, the

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2 Police arbitration and the Fire
3 arbitration, although it is being
4 appealed, it's not being appealed in that
5 area. They do create the situation
6 where, as Mr. Dubow testified, no one is
7 going into this plan because they have
8 taken that option. This arbitration does
9 allow for the Sheriff's Department to
10 have that same option, but not the
11 Register of Wills.

12 COUNCILMAN GREENLEE: I guess
13 I'm just thinking if the representative's
14 employees did not appeal it, it kind of
15 limits our argument. I mean, I hear what
16 you're saying. I just --

17 MR. RUBIN: I can't speak for
18 the individuals that did the arbitration,
19 but on behalf of our members from
20 District Council 33 and all other pension
21 members, including yourself who are in
22 the plan, it does have a negative impact
23 on how much money will be available, and
24 if that money is not going in at the same
25 rate and the money is being diverted to

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Plan '10, then someone has to make up that shortfall, and that increase is going to come back on the taxpayers.

COUNCILMAN GREENLEE: Okay.

Thank you.

COUNCILMAN GREEN: Thank you, Mr. Rubin. It's my understanding that actually there are no contributions currently made by Sheriff's Department employees and this will move them up to 6 percent.

MR. RUBIN: We're not talking about the Sheriff employees. We're talking about the people from the Register of Wills office.

COUNCILMAN GREEN: New hires from the Register of Wills?

MR. RUBIN: Correct. It's only those individuals that we're dealing with. Sheriff's Department has been included in this and we have no problem with that, a portion of what they've arbitrated and they haven't appealed it, and that's fine. It's just that one

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2 group of people that are not being given
3 continuity of benefits that all other
4 arbitrations have been given.

5 COUNCILMAN GREEN: I'm very
6 sensitive to your testimony. You
7 represent a great number of employees. I
8 think in this case there may be ten new
9 employees over the next five years in the
10 Register of Wills Office or something
11 like that, and then I don't think that
12 the impact will be significant on the
13 rest of the plan given the small, small
14 number of employees that this pertains
15 to.

16 So I thank you for your
17 testimony.

18 MR. RUBIN: It's the precedent
19 that it sets.

20 COUNCILMAN GREEN: I
21 understand.

22 Any further questions for
23 Mr. Rubin?

24 (No response.)

25 COUNCILMAN GREEN: Thank you

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2 for your testimony, Mr. Rubin.

3 MR. RUBIN: Thank you.

4 COUNCILMAN GREEN: Anybody else
5 here to testify on this bill?

6 (No response.)

7 COUNCILMAN GREEN: Seeing none,
8 will the Clerk please read the title of
9 the next bill.

10 THE CLERK: Bill No. 110841, an
11 ordinance amending Title 22 of The
12 Philadelphia Code, entitled "Public
13 Employees Retirement Code," by further
14 providing conditions under which an
15 employee or any designated beneficiary
16 may be disqualified from receiving any
17 retirement or other benefit or payment.

18 COUNCILMAN GREEN: Thank you.

19 I notice the presence of
20 Councilwoman Blondell Reynolds Brown, who
21 is the sponsor of this bill. Would you
22 like to say anything before we begin
23 testimony?

24 COUNCILWOMAN BROWN: Thank you,
25 Mr. Chairman. Yes, I would like to offer

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2 a couple comments and then, at your
3 instruction, speak to the anticipated
4 amendment.

5 I want to thank Chairman Green
6 and members of the Labor and Civil
7 Service Committee for an opportunity to
8 speak briefly about Bill No. 110841,
9 known as the Pension Forfeiture Bill.

10 On November 17th, 2011, I
11 introduced legislation that would ensure
12 that any City of Philadelphia employee
13 who is convicted, underscored, of
14 committing sexual offenses against minors
15 will be disqualified from receiving their
16 City of Philadelphia retirement and
17 pension benefits.

18 In light of the alleged child
19 abuse sex scandal at my alma mater and
20 former employer, Penn State University,
21 and in response to the fact that the
22 alleged offender, former Assistant Coach
23 Jerry Sandusky, is still eligible to
24 collect the taxpayer-funded state
25 pension, I was compelled to take some

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2 action on this matter in the City of
3 Philadelphia separate from that which we
4 see happening in Harrisburg.

5 When appropriate, we should
6 look for and seize opportunities and take
7 the necessary steps so we can always
8 further strengthen measures designed to
9 protect our city's children and ensure
10 that sexual offenders who violate our
11 children should not in this case be
12 eligible to receive benefits from the
13 tax-paying citizens of our city.

14 A number of advocacy groups
15 were invited to join us, but given the
16 hour were not able to offer testimony
17 today.

18 I would be remiss not to thank
19 the Administration whom we have worked
20 closely with, working closely with my
21 office to construct an amendment that
22 will ultimately make this a better bill,
23 and at the appropriate hour, I will offer
24 the amendment.

25 I would ask that members of the

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2 Committee please review the
3 correspondence from Mr. Masters and
4 Mr. Feder, who provide background on this
5 anticipated amendment, and I thank you
6 for an opportunity to offer comments.

7 Mr. Chairman?

8 COUNCILMAN GREEN: Thank you.

9 COUNCILWOMAN BROWN: If I could
10 do one more thing. In that memo is very
11 descriptive provisions of the Megan's
12 Law, and that will be helpful to you,
13 because we used the Megan's Law as the
14 framework for this bill.

15 Thank you.

16 COUNCILMAN GREEN: Thank you
17 very much, Councilwoman.

18 I believe Mr. Dubow is here to
19 testify on this bill.

20 (Witness approached witness
21 table.)

22 COUNCILMAN GREEN: Please
23 proceed.

24 MR. DUBOW: Good afternoon,
25 Councilman Green and members of the

1 12/5/11 - LABOR - BILLS 110836 & 110841
2 Committee. I'm Rob Dubow, Finance
3 Director. I'm here to provide testimony
4 regarding Bill No. 110841, introduced by
5 Councilwoman Reynolds Brown.

6 If enacted, the bill would
7 disqualify City employees and their
8 designated beneficiaries from receiving
9 any retirement or other benefit if such
10 employee pleads or is found guilty of an
11 offense listed on the Pennsylvania
12 Registration of Sexual Offenders or its
13 statutory equivalent. And I understand
14 the amendment will require that that be
15 related to employees' work.

16 COUNCILWOMAN BROWN: Yes.

17 MR. DUBOW: The offenses listed
18 in the Act can generally be described as
19 sexual offenses involving minors. Under
20 this bill, individuals disqualified would
21 have the monies that they paid into the
22 system returned without interest, but
23 would not be eligible for pension or
24 health benefits that they would otherwise
25 have received.

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2 While we are supportive of the
3 concept of the bill, the Law Department
4 has raised a number of concerns regarding
5 the enforceability of this measure. And
6 I know there's an amendment that attempts
7 to address some of those issues. And a
8 copy of the Law Department's memorandum
9 has been provided to the Committee and I
10 believe Mr. Masters has also been
11 provided.

12 Thank you for the opportunity
13 to testify, and I'd be happy to answer
14 any questions that you have.

15 COUNCILMAN GREEN: One quick
16 question. Is the Administration in favor
17 of or opposed to this bill?

18 MR. DUBOW: We are in favor of
19 it so long as the legal issues are
20 resolved.

21 COUNCILMAN GREEN: And does the
22 amendment that's proposed resolve the
23 legal issues?

24 MR. DUBOW: I don't know. I
25 know you've had conversations with the

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2 Law Department, so the Councilwoman may
3 have a better sense of that than I have.

4 COUNCILWOMAN BROWN: It's my --

5 COUNCILMAN GREEN: Councilwoman
6 Brown.

7 COUNCILWOMAN BROWN: Yes. It's
8 my understanding from the Law Department
9 that once this amendment is adopted, it
10 will be to the satisfaction of the
11 Administration.

12 COUNCILMAN GREEN: Thank you.

13 Councilman Greenlee.

14 COUNCILMAN GREENLEE: Thank
15 you, Mr. Chairman. I was going to ask
16 kind of the same question, what the
17 Administration's position was.

18 I guess I'm still not clear,
19 and maybe Councilwoman Brown can help.
20 It seems like it said if present
21 employees, if their condition does not
22 change, that this could not be -- this
23 law could not be effected on them. Is
24 that what I'm hearing? Maybe Mr. Masters
25 can talk about that. I don't know.

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2 COUNCILMAN GREEN: Mr. Masters,
3 would you mind responding to Councilman
4 Greenlee.

5 (Witness approached witness
6 table.)

7 MR. MASTERS: Good afternoon.
8 Steven Masters, attorney for City
9 Council.

10 The basic constitutional law
11 that's at play here is that the City
12 cannot change the terms of the pension
13 plan for an existing employee if there's
14 no change in that employee's status. But
15 once a current employee changes some
16 aspect of their terms and conditions of
17 employment - they get a raise, they get a
18 promotion, they get some kind of a new
19 arrangement in some way - this
20 legislation would then apply to them.
21 But there's no way that we can pass
22 legislation that amends the pension plan
23 that would affect current employees that
24 are vested in the pension plan.

25 COUNCILMAN GREENLEE: So you'd

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2 have kind of two different sets of
3 employees, right, with two different sets
4 of regulations? I'm not criticizing the
5 bill. I'm trying to be clear on that.

6 So if a person got a
7 promotion -- the way you see it, if a
8 person got a promotion or a raise, they
9 could be affected by this bill? But if
10 they didn't, they wouldn't be? Is that a
11 succinct way of putting it, or as
12 succinct as I can make succinct?

13 MR. MASTERS: Right, and it's
14 based on the constitutional principles of
15 property rights, that when someone vests
16 in their pension, they have a vested
17 property right. We as the employer
18 cannot alter that contract unless there
19 is some new employment arrangement that
20 the employee voluntarily enters into. So
21 if they choose to take a raise or a
22 transfer or a new position in some way,
23 then they have entered into a new
24 employment contract, so to speak, with
25 the City, whether they have a collective

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2 bargaining agreement or not.

3 COUNCILMAN GREENLEE: How
4 about -- so the collective bargaining, it
5 doesn't -- as far as you see, the
6 collective bargaining, it doesn't have to
7 be done through corrective bargaining if
8 you're a represented employee?

9 MR. MASTERS: No. The Law
10 Department's position is that they're
11 unsure, and we don't have any separate
12 analysis from that. It very well may
13 need to be subject to collective
14 bargaining for the members of the
15 bargaining unit, but this is a separate
16 question as to whether an existing
17 employee -- it could apply to them if
18 they have no change in their pay grade or
19 their position from now until their
20 retirement.

21 COUNCILMAN GREENLEE: But you
22 say it could -- the issue of collective
23 bargaining is still in play, right? I
24 mean, there's still a question there,
25 right?

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2 MR. MASTERS: Absolutely. But
3 that affects virtually any legislation
4 that we would do on the pension.

5 COUNCILMAN GREENLEE: No. I
6 understand.

7 MR. MASTERS: There's some
8 indication that there may be an exception
9 to the normal rule that any change in
10 pension benefits would be subject to
11 collective bargaining. Because we're
12 here dealing with the forfeiture criteria
13 and basically tweaking the crimes that
14 people commit while they're connected to
15 their employment that would disqualify
16 them, that is typically not a subject of
17 collective bargaining. But the Law
18 Department wasn't able to provide a
19 definitive analysis.

20 COUNCILMAN GREENLEE: I mean,
21 the amendment certainly addresses some of
22 our concerns -- or some of my concerns, I
23 should say.

24 All right. Thank you.

25 COUNCILMAN GREEN: Thank you.

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2 Mr. Masters, just on a totally
3 separate matter but while you're sitting
4 there, wouldn't that same analysis that
5 the Law Department is applying to this
6 change in the pension that may or may not
7 be the subject of collective bargaining
8 apply with respect to the DROP
9 legislation that was passed and signed by
10 the Mayor in terms of the same analysis
11 would apply to pension changes that
12 aren't bargained?

13 MR. MASTERS: The same thing
14 occurred to me, Councilman, yes. I
15 believe the same analysis would apply to
16 any legislation that Council passes that
17 would alter in any way the pension
18 ordinance.

19 COUNCILMAN GREEN: Thank you.

20 Any further questions?

21 (No response.)

22 COUNCILMAN GREEN: I'm sorry.

23 Mr. Masters, the amendment, did this
24 address the Law Department's concerns?

25 MR. MASTERS: The Law

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2 Department's primary concern was that as
3 originally worded, the legislation was
4 not related to the employee's conduct as
5 an employee. It was global. It was
6 whenever they were doing horrible things
7 to children, not necessarily related to
8 their job.

9 So the amendment does. The Law
10 Department's memo was written after our
11 amendment was presented to them, and so
12 they told us that they removed the entire
13 section from the memo that addressed that
14 area, because we had dealt with it in the
15 amendment.

16 So the three remaining issues
17 that the Law Department presented in
18 their memo were more in the -- I would
19 describe them as more legal concerns that
20 they were flagging. They didn't suggest
21 any amendments, and I don't think that
22 any amendments really could be proposed
23 that would provide any more clarity to
24 the concerns. They simply were noting
25 that there's a possibility that there's a

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preemption issue, although the caselaw
looks fairly good for us. There's a
possibility that this legislation may be
subject to collective bargaining as it
relates to employees inside the
bargaining units. And they also raised
the issue about its impacts on current
employees, and in Section 2 of the
legislation it says that this legislation
is not intended to be retroactive, as of
course no legislation can be retroactive
in our society.

So the Law Department's memo,
from my perspective, was really
highlighting some legal issues of
concern, but not presenting any case that
would come down against this legislation.

COUNCILMAN GREEN: Okay. With
that explanation, Mr. Dubow, is the
Administration in favor of or opposed to
this?

MR. DUBOW: We support the
legislation.

COUNCILMAN GREEN: You support

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2 it? Thank you.

3 Councilwoman Brown, would you
4 like to describe the amendment before we
5 move into the meeting?

6 COUNCILWOMAN BROWN: Sure. A
7 number of legitimate questions and
8 concerns were raised about a City
9 employee and where they engage in this
10 inappropriate activity. So in keeping
11 with the stipulations and the signals
12 that were raised in the memo, the
13 amendment is designed to narrow very
14 strictly where the conduct happens, and
15 as long as the conduct happens on that
16 person's job or in connection with that
17 person's job, only then does this bill
18 apply.

19 COUNCILMAN GREEN: Thank you.

20 COUNCILWOMAN BROWN: And so the
21 reading is "if committed incident to or
22 in connection with the employee's office
23 or employment."

24 COUNCILMAN GREEN: Thank you.

25 Is there anybody else here to

1 12/5/11 - LABOR - BILLS 110836 & 110841

2 testify on this bill?

3 (No response.)

4 COUNCILMAN GREEN: Seeing no
5 one, we will close the hearing on Bill
6 Nos. 110836 and 110841 and take a
7 two-minute recess before we move into the
8 meeting.

9 (Very brief pause.)

10 COUNCILMAN GREEN: Two minutes
11 having elapsed, we move into the meeting
12 on Bill Nos. 110836 and 110841.

13 Are there any amendments on
14 110836?

15 COUNCILMAN GREENLEE: No.

16 COUNCILMAN GREEN: No.
17 Councilman Goode, would you please --

18 COUNCILMAN GOODE: Thank you,
19 Mr. Chairman. I move that Bill No.
20 110836 be reported out of Committee with
21 a favorable recommendation, that the
22 rules of Council be suspended so as to
23 permit first reading at our next Council
24 session.

25 (Duly seconded.)

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COUNCILMAN GREEN: All in
favor?

(Aye.)

COUNCILMAN GREEN: All opposed?

(No response.)

COUNCILMAN GREEN: The ayes
have it. No opposition.

Councilman Goode, would you
please introduce the amendment to 110841.

COUNCILMAN GOODE: Thank you,
Mr. Chairman. I move that the amendment
to Bill No. 110841 as described by
Councilwoman Brown and circulated to all
members of the Committee be approved.

(Duly seconded.)

COUNCILMAN GREEN: All in
favor?

(Aye.)

COUNCILMAN GREEN: Opposed?

(No response.)

COUNCILMAN GREEN: No
opposition. That passes.

Councilman Goode.

COUNCILMAN GOODE: Thank you,

1 12/5/11 - LABOR - BILLS 110836 & 110841

2 Mr. Chairman. I move that Bill 110841,
3 as amended, be reported out of this
4 Committee with a favorable
5 recommendation, that the rules of Council
6 be suspended so as to permit first
7 reading at our next Council session.

8 (Duly seconded.)

9 COUNCILMAN GREEN: All in
10 favor?

11 (Aye.)

12 COUNCILMAN GREEN: Opposed?

13 (No response.)

14 COUNCILMAN GREEN: The bill
15 passes.

16 We will close the meeting on
17 Bill Nos. 110836 and 110841. Thank you.

18 (Committee on Labor and Civil
19 Service concluded at 2:35 p.m.)

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2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on December 5, 2011, and that
8 this is a true and correct transcript of same.

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13 -----
14 MICHELE L. MURPHY
15 RPR-Notary Public
16
17
18

19 (The foregoing certification of this
20 transcript does not apply to any reproduction
21 of the same by any means, unless under the
22 direct control and/or supervision of the
23 certifying reporter.)
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25