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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON LAW AND GOVERNMENT

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 14, 2004
11:20 a.m.

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BILL 040936 - an Ordinance providing for the
submission to the qualified electors of the
City of Philadelphia of an amendment to
Section 7-400 of the Philadelphia Home Rule
Charter...

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RESOLUTION 040942 - a Resolution proposing
an amendment to Section 7-400 of the
Philadelphia Home Rule Charter...

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PRESENT:

16

COUNCILMAN DAVID COHEN, Chair
COUNCILMAN JAMES KENNEY
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN JUAN RAMOS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN MICHAEL NUTTER
COUNCILMAN FRANK RIZZO

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2 COUNCILMAN COHEN: The Committee on
3 Law and Government of the City Council of
4 Philadelphia is now in session.

5 The Chair will ask Ellen Berkowitz,
6 the Clerk of the Committee, to read the title
7 of the bill and resolution involving the \$35
8 charge the Administration seeks from job
9 applicants.

10 THE CLERK: Bill No. 040936, an
11 ordinance providing for the submission to the
12 qualified electors of the City of Philadelphia
13 of an amendment to Section 7-400 of the
14 Philadelphia Home Rule Charter set forth in a
15 Council resolution relating to the preparation
16 of Civil Service Regulations, requiring that
17 any fees to be imposed for the purposes of
18 processing applications for positions within
19 the City be first approved by City Council;
20 fixing the date of a special election for such
21 purpose; prescribing the form of ballot
22 question to be voted on; and authorizing the
23 appropriate officers to publish notice and to
24 make arrangements for the special election.

25 Resolution No. 040942, a resolution

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2 proposing an amendment to Section 7-400 of the
3 Philadelphia Home Rule Charter, relating to
4 the preparation of Civil Service Regulations,
5 by adding a requirement that any fees to be
6 imposed for the purposes of processing
7 applications for positions within the City be
8 approved by City Council.

9 COUNCILMAN COHEN: Thank you.

10 The Chair notes that the quorum of
11 the Committee is present, in that Councilman
12 Nutter, Councilman Goode, myself as Chair, and
13 Councilman Rizzo is present. I know that
14 Councilman Mariano is ill and won't be here
15 today. I've also been informed that
16 Councilman Kelly is not available this
17 morning. That leaves one missing, and I'm not
18 sure who that is or why that person is not
19 here, but the quorum exists.

20 Councilwoman Blackwell, before we go
21 ahead with the one witness that we have noted,
22 Personnel Director Orfanelli, is there a
23 statement you as sponsor of the bill and
24 resolution seek to make on this matter?

25 COUNCILWOMAN BLACKWELL: Thank you,

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2 Mr. Chairman. Thank you very much.

3 As you know, we introduced this
4 resolution dealing with the \$35 fee being
5 charged to people who apply for City jobs.
6 Our concern is that you have some people who
7 apply who are not prepared.

8 I had a person who applied for an
9 architect's job, and I think they took art in
10 high school.

11 Basically my main problem is that
12 people can't afford to pay fees. If they
13 apply for two jobs, they have to pay two \$35
14 fees. I've always been open to any
15 suggestions as to what we could do with regard
16 to having people maybe pay after they're hired
17 at some small rate. But certainly in terms of
18 the resolution to which I associate myself
19 with, this Resolution No. 040942, we hope that
20 the Committee will consider reporting it out.

21 We would like for it to go on the
22 ballot so that the public at large gets a
23 chance to decide and make a statement about
24 how they feel about the victims or the people
25 who need and want jobs and the low morale this

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2 practice is causing our City, about how they
3 feel about this \$35 fee.

4 Again, I thank you, Mr. Chairman,
5 for the opportunity to make some brief
6 remarks. I hope that the Committee will
7 consider reporting it out with a suspension of
8 the Rules.

9 Thank you.

10 COUNCILMAN COHEN: Thank you for a
11 very clear statement.

12 All I can add is that my office
13 received many calls verifying how people were
14 feeling in the City, how strongly they were
15 feeling against the proposal.

16 The first witness will be Lynda
17 Orfanelli, the Director of Personnel for the
18 City of Philadelphia. We appreciate your
19 being here and welcome this interplay between
20 the Administration and the City and the City
21 Council.

22 Ms. Orfanelli, you may come forward.
23 People with you may also come forward.

24 Will you all introduce yourselves to
25 the microphone?

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2 MS. ORFANELLI: Good afternoon,
3 Councilman Cohen. I have a cold and I'm
4 losing my voice so I'm not able to speak that
5 loud. I apologize. With me today, I have
6 Deputy Director Tanya Smith, and head of my
7 tech specialist team, Michael McAnally.

8 Good afternoon to you, Councilman
9 Cohen, and to the Committee on Law and
10 Government. I'm here to speak about the
11 application fee Charter change that would
12 prevent us from -- excuse me. I'm having
13 trouble talking.

14 The Charter has provided the
15 Personnel Director and the Civil Service
16 Commission with the responsibility to protect
17 the civil service and provide merit selection
18 of employees, and the process to achieve this
19 goal is determined by the Personnel Director
20 and the Civil Service Commission implementing
21 application fees provided us with the ability
22 to focus on core job seekers. It also gave us
23 the opportunity to enhance services by
24 focussing our resources on the services we
25 provide.

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2 The Personnel Department has
3 implemented several improvements to our
4 services so the applicants receive more value
5 for the fee. We have included examination
6 dates and the exam announcement allowing
7 applicants to plan for testing dates. We now
8 have evening testing for some large holdings
9 to provide applicants with a more convenient
10 time to test so that they don't have to miss
11 work from their current jobs. We're using
12 more equivalent eligible lists for the
13 three-year period, '01 to '03. Approximately
14 24,000 people remain on eligible list without
15 being appointed or promoted. These
16 24,000-plus people have displayed interest in
17 employment with the City and they demonstrate
18 they possess the education experience required
19 to compete for City employment and have
20 successfully passed the exam.

21 The Personnel Department will begin
22 to aggressively review eligible lists with a
23 surplus of candidates and determine if these
24 candidates can be appointed to vacant
25 positions in related classes.

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2 The implementation of a Charter
3 change will require us to come before City
4 Council before any change can be made in the
5 application fee. It will be difficult for us
6 to plan based on the uncertainty of the
7 outcome and timing, especially when Council is
8 burdened with many other matters.

9 The application fee is part of an
10 administrative process relating to the way we
11 perform our job. Any modification to the
12 application processing fee, no matter how
13 significant, would require your approval and a
14 lengthy process for minor adjustments, thereby
15 delaying our ability to deliver services
16 quickly and efficiently and to adapt to
17 changing situations.

18 The anticipated revenue that will be
19 collected from examination application fees
20 this year would be about \$600,000, and has
21 been included in the City's five-year
22 projection and will be used in the General
23 Fund to help pay for services provided to the
24 public, such as police and fire service, the
25 operation of district health centers,

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2 libraries and rec centers.

3 Even though none of the revenues
4 will be allocated directly to the Personnel
5 Department, the anticipated revenues have
6 allowed the Personnel Department to avoid the
7 reduction in staff experienced by other City
8 departments.

9 In the nine weeks from October 4th
10 through December 3rd, we have collected
11 slightly over \$43,000. The fees will pay the
12 base salary for close to two entry level clerk
13 typists whose combined salaries would be
14 \$47,668. Failure to collect the fee may
15 result in staff reduction in personnel and
16 reduction of services provided to the public.

17 I'm prepared to answer any of your
18 questions that you may have at this time.

19 I'd like to ask is that you delay a
20 vote on this until we have an opportunity, all
21 of us, to get together and talk about what
22 changes you would like to see in this bill to
23 make it more palatable or more appropriate for
24 the public. There are many things that could
25 be done. There are many ways we could handle

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2 this. I think that if we would get together,
3 myself and my team and you all, to talk about
4 this, I think we can have a good outcome.

5 It seems as though a Charter change
6 is shooting a cannon at a flea. It doesn't
7 make sense to me to take a small
8 administrative process and do a Charter
9 change. Charter change in my mind is
10 something momentous, something important,
11 something critical. If we start taking the
12 Charter and every little tiny thing we'd have
13 to have a change, the Charter will become a
14 document that is of no value. So it just
15 seems that this is something we can get
16 together and work out, and I'm more than
17 willing to hear you and work with you to do
18 that.

19 COUNCILMAN COHEN: Ms. Orfanelli, if
20 the Committee were to accept your proposal,
21 does that mean the Charter would be
22 discontinued and we would revert to the
23 status, or would you go on charging until the
24 matter is resolved?

25 MS. ORFANELLI: I would have to

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2 check with the Administration. I can't make
3 that decision on my own.

4 COUNCILMAN COHEN: I would say I
5 could not consider your offer seriously unless
6 it included an agreement that the current
7 charge would be ended until a final agreement
8 were arrived at. I like your idea of arriving
9 at an agreement and the parties getting
10 together, but I am concerned about the fact
11 that the charge would go on indefinitely.

12 MS. ORFANELLI: I can tell you that
13 based on what's happening with our City and
14 hiring right now, we are announcing very few
15 jobs that actually require a fee because we
16 are not doing as much testing right now as we
17 normally would be doing. Our testing is at a
18 much lower level. It's impacting on a lot
19 fewer types of jobs.

20 COUNCILMAN COHEN: Well, then it
21 would seem to make that agreement much easier
22 than it might normally be. But if you can get
23 back to us, I think we might be ready to
24 consider that proposal.

25 MS. ORFANELLI: I would appreciate

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2 that very much.

3 COUNCILWOMAN COHEN: But it would
4 have to be on the basis of no charge in the
5 meantime, so that the status quo is renewed
6 before the imposition is charged by the City.

7 Any questions of Ms. Orfanelli?

8 Councilman Goode.

9 COUNCILMAN GOODE: Thank you, Mr.
10 Chairman.

11 Ms. Orfanelli, in your testimony you
12 talk about City Council approval requiring a
13 lengthy and difficult process. I didn't read
14 anywhere within the bill or the resolution
15 that City Council approval could not be done
16 by resolution rather than by ordinance. Is it
17 your interpretation of the bill and resolution
18 that it has to be done by ordinance?

19 MS. ORFANELLI: I guess my
20 interpretation was that you were looking to
21 have a change to the Charter, and therefore
22 any change we would want to make in the
23 application fee would require us to come to
24 you for some ordinance or resolution change.

25 COUNCILMAN GOODE: But if it's done

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2 by resolution it can be done very quickly. It
3 could be done in a matter of a day. So it
4 would no longer be a lengthy or difficult
5 process.

6 MS. ORFANELLI: So you wouldn't need
7 the Committee of the Whole to approve?

8 COUNCILMAN GOODE: We would need the
9 Committee of the Whole, but that can be done
10 within a stated meeting, not necessarily
11 requiring a hearing. It's just says City
12 Council approval as written right now.

13 MS. ORFANELLI: I just know that
14 usually there's multiple readings, there's
15 Committees. It has to come out of Committee.

16 It seems like you have a formalized
17 process for good reason. I'm not knocking the
18 process. But there's a process that's in
19 place and usually it does have multiple steps.

20 COUNCILMAN GOODE: But the
21 legislation before us does not say anything
22 about an ordinance or a resolution being
23 required. It simply says City Council
24 approval, which means that it's not
25 necessarily a resolution that requires a

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2 hearing, but City Council approval.

3 Next question is, I heard your
4 statement about a Charter change and whether
5 it should or should not be necessary. If in
6 fact you're requiring City Council approval, I
7 would think that it would be necessary simply
8 because it's allowing a City Council decision
9 in municipal administration, which requires a
10 Charter change.

11 MR. ORFANELLI: I'm sorry. I don't
12 understand the question.

13 COUNCILMAN GOODE: If you're
14 actually requiring a City Council approval,
15 which is allowing City Council a say in
16 municipal administration, that requires a
17 Charter change. You have to do a Charter
18 change once you engage City Council in that.

19 Final question. The last time we
20 discussed this issue we discussed a number of
21 things regarding new provisions regarding
22 income, eligibility and/or possibly even doing
23 sliding scales rather than just a flat \$35
24 fee, but having a scale based upon the quality
25 and income of the job. Have you done any

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2 research?

3 MS. ORFANELLI: Yes, we actually
4 have. I would like Michael McAnally to tell
5 you about the research he's done on the
6 sliding scale option.

7 COUNCILMAN GOODE: Thank you.

8 MR. MCANALLY: Yes, Councilperson,
9 we have done research.

10 If we were to implement a scale
11 comparable to the scale used by New York City,
12 most of the examinations that we announce, we
13 would charge a fee higher than \$35 based on
14 the income which we pay for all the job
15 categories.

16 COUNCILMAN GOODE: But it would be
17 for a job that's paying \$40, \$50, \$60?

18 MR. MCANALLY: Yes. Most of the
19 jobs that we announce have starting salaries
20 that are lower than the minimum starting
21 salaries, the \$25,000s. So most of the
22 salaries that we're announcing on an open
23 competitive basis have a higher starting
24 salary. The New York scale is based on the
25 starting salary of the job.

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2 COUNCILMAN GOODE: So why not waive
3 the fee for lower earning jobs and use a
4 sliding scale starting at higher paying jobs?

5 MR. MCANALLY: Well, the research
6 that I have done shows that none of the
7 jurisdictions waive the fees for all their
8 jobs. Even for the entry level jobs in New
9 York City, the sanitation worker job in New
10 York, they charge a full fee.

11 COUNCILMAN GOODE: I already read
12 the legislation and rules in other cities. My
13 question is, are you considering a sliding
14 scale and could that sliding scale be
15 instituted for higher paying jobs, with a
16 waiver on all lower paying jobs? Couldn't you
17 just start a sliding scale at a higher level
18 job?

19 MS. ORFANELLI: Councilman Goode,
20 that's exactly the kind of thing that I'd like
21 to have an opportunity to sit down and say,
22 here are all the options. Which are the
23 modifications that make the most sense to you.
24 We'll go back to you. We'll find out what the
25 value of those modifications are, come back to

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2 you and say, okay, this is what it does. This
3 is what it means. Then we can make a
4 decision.

5 COUNCILMAN GOODE: The legislation
6 before us would not affect that at all because
7 the legislation before us just requires City
8 Council approval. So you could go back and do
9 all of that and bring it to us for approval.

10 MS. ORFANELLI: Yes, but that would
11 be after the Charter change was approved. I'm
12 talking about something to do that will
13 eliminate the need to have a Charter change.

14 COUNCILMAN GOODE: Thank you, Mr.
15 Chairman.

16 Thank you.

17 COUNCILMAN KENNEY: Not to speak for
18 Councilman Goode, but I think what he was
19 saying is, if Council is in the process at all
20 through approval of what's normally an
21 administrative function, you need a Charter
22 change, even though it's a small issue; is
23 that correct?

24 MS. ORFANELLI: That's true as it
25 stands right now. Nonetheless, I've heard you

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2 and I don't have any problem with coming
3 together with you and working with you.

4 COUNCILMAN KENNEY: Do you know when
5 the \$35 fee was announced?

6 MS. ORFANELLI: You mean the first
7 announcement?

8 COUNCILMAN KENNEY: Yes. When was
9 it?

10 MS. ORFANELLI: You mean to you?

11 COUNCILMAN KENNEY: No. It probably
12 was announced to the public simultaneously at
13 the time it was announced to us, but --

14 MS. ORFANELLI: No. We announced it
15 during our budget testimony in the spring.

16 COUNCILMAN KENNEY: In the spring.
17 When was it implemented first?

18 MS. ORFANELLI: It was implemented
19 October 4th.

20 COUNCILMAN KENNEY: One of the
21 things I would suggest in the -- and going on
22 Councilman Goode's line of maybe waiving the
23 fee for entry level, lower income people who
24 are trying to get a job is -- one of the
25 things in your testimony is the need for the

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2 \$35 is people signing up for a test, having
3 all the administrative work done, and then
4 when the test is given don't show up. Is
5 there some way we could work out a
6 reimbursement?

7 What's your average test complement,
8 people that sign up?

9 MS. ORFANELLI: Well, we could have
10 thousands and we could have 300.

11 COUNCILMAN KENNEY: Say it's a
12 thousand people signing up for a test and it's
13 not a lower level entry level position and the
14 person meets lower income requirements.

15 MS. ORFANELLI: Well, most of the
16 open competitive exams that we announce
17 actually are entry level. If it's a higher
18 level job, then it's going to be a very small
19 complement of people because it will be a
20 specialty and then it will be maybe 30 people
21 that show up.

22 COUNCILMAN KENNEY: And is it more
23 likely that on the specialty jobs more people
24 show up to take the test?

25 MS. ORFANELLI: Less. Much less.

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2 COUNCILMAN KENNEY: Again, in your
3 deliberations or your consideration, does it
4 make any sense to charge a fee, whatever that
5 fee is, and then the day of the test you have
6 a stack of checks that are given back to the
7 people who come to take the test? If people
8 don't come to take the test, we keep their
9 money.

10 To me, it seems the argument, as it
11 always is with a fee, the argument is we have
12 a cost associated with doing a certain
13 procedure. We want to cover our costs. The
14 issue is getting people to take the test once
15 they've signed up. Then they should be
16 perhaps reimbursed of their \$35 or \$25,
17 whatever it is, to show up and take the test.
18 They're handed a check. They take the test.
19 They either pass or they don't. They're
20 either hired or they're not. Those who don't
21 show up to take the test, you keep their
22 money.

23 It seems to be actually addressing
24 what the initial complaint was, and that is
25 people sign up to take the test and don't show

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2 up.

3 MS. ORFANELLI: Administratively I
4 think it would be difficult to implement that.

5 For example, at a police recruit
6 exam where we have two different school
7 holdings and we have monitors who are not City
8 employees to --

9 COUNCILMAN KENNEY: Or we mail the
10 check back to them.

11 MS. ORFANELLI: That would probably
12 make more sense. But nonetheless, then we'd
13 need more money in our budget in order to be
14 able to do this because we wouldn't have
15 enough employees --

16 COUNCILMAN KENNEY: You're going to
17 get some more money in your budget because the
18 people aren't going to show up. You're going
19 to have that money.

20 MS. ORFANELLI: The actual money
21 isn't coming to us directly. It's coming into
22 the General Fund

23 COUNCILMAN KENNEY: I think that is
24 why people are skeptical as to the initial
25 reason for the fee. It's like we issue

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2 parking tickets because we want to free up
3 parking spaces in commercial districts. But
4 then that parking ticket process becomes a
5 revenue generator. Then we generate revenue
6 beyond the cost of what it is to implement the
7 program. And now we've gotten used to taking
8 the money so we're going to continue to take
9 it.

10 I'd rather you come to us and say,
11 we want to implement a \$35 application fee
12 because we need money. We're broke and we
13 need to find ways to generate revenue. People
14 come in and say, well, we want to impose the
15 fee because it costs us money to implement the
16 test and people don't show up. Well, if it's
17 a matter of getting people to show up, just
18 reimburse the people who do.

19 MS. ORFANELLI: Well, it's
20 interesting. You're using two reasons why
21 we're implementing the fee. In fact, both
22 those reasons apply here. Although the money
23 isn't coming back directly to the Personnel
24 Department, we lost less people in terms of
25 our budget because the Administration took

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2 into account that we were going to be
3 generating revenue for the General Fund so
4 that there would be less people that had to be
5 laid off in the long run.

6 COUNCILMAN KENNEY: Was that in the
7 initial testimony or was the initial testimony
8 just the fact that we're trying to recover our
9 cost for this wide range of people who don't
10 show up for the test?

11 MS. ORFANELLI: I believe I did say
12 that as well.

13 COUNCILMAN KENNEY: Thank you.

14 Thank you, Mr. Chairman

15 COUNCILMAN RIZZO: Mr. Chairman.

16 COUNCILMAN COHEN: Councilman Rizzo.

17 COUNCILMAN RIZZO: Thank you.

18 You indicated that you're willing to
19 work with us on this, but as Councilman Goode
20 explained, this is the way Council responds
21 when we're not getting the cooperation that we
22 need.

23 I think the Administration knew that
24 the majority of the Councilmembers -- at least
25 I'm speaking for myself -- did not think this

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2 was a good idea to do, and I didn't have
3 anyone from the Administration contact me
4 explaining that they were willing to work. It
5 seems as though now that we're up against a
6 potential Charter change here, the gears have
7 shifted and now we want to cooperate.

8 Just going forward, I think it would
9 be appreciated, at least to me, that that
10 spirit of cooperation would have existed
11 before this legislation was proposed. Because
12 I was basically told, this is what we're going
13 to do. Like it or not, this is the way we
14 respond when we're delivered that kind of a
15 message. So I just wanted to let you know how
16 I feel personally about this new spirit of
17 cooperation.

18 MS. ORFANELLI: I understand.

19 COUNCILMAN COHEN: Councilwoman
20 Blackwell.

21 COUNCILWOMAN BLACKWELL: Thank you
22 very much, Mr. Chairman.

23 We met certainly with the
24 Administration. We testified at our last
25 hearing that we're happy to work on any

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2 compromise. We have seen none.

3 My other concern is that today,
4 Madam Personnel Director, you're talking about
5 charging for job testing. However, when one
6 applies they have to pay \$35 to submit a job
7 application. Are you today making the change
8 in the application saying that you pay if you
9 take a test and you don't if you don't?
10 That's something different than what we
11 discussed at our last hearing.

12 MS. ORFANELLI: I didn't talk about
13 charging for testing.

14 COUNCILWOMAN BLACKWELL: That was
15 the impression I just got from your dialog
16 with Councilman Kenney.

17 MS. ORFANELLI: Councilman Kenney
18 was suggesting that if you showed up at the
19 test we would give the money back.

20 COUNCILMAN KENNEY: I arrived at
21 that point or position based on the fact when
22 initially this was brought to light, the
23 argument for it was that people would sign up
24 for a test. They would process all the
25 paperwork and when the test was given they

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2 wouldn't show up and it would cost us money to
3 have an empty desk there.

4 MS. ORFANELLI: But the whole
5 process leading up to taking the test is what
6 the cost is predicated on.

7 COUNCILMAN KENNEY: Does every job
8 application require a test?

9 MS. ORFANELLI: For open
10 competitive, yes.

11 COUNCILMAN KENNEY: I'm not sure of
12 the number of non-tested applications there
13 are.

14 COUNCILWOMAN BLACKWELL: In other
15 words, we're back where we started. Anybody
16 who applies for a City job. So if you apply
17 for laborer, they take thousands of
18 applications for laborer. So maybe they take
19 10,000 applications for laborer and intend on
20 hiring 10 people. All of those people pay
21 this fee when I know we're not even hiring
22 that many people in a given time period, two
23 or three-year period. They take the \$35 from
24 these people, which gives them an indication
25 they have a chance for a job that the

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2 overwhelming majority do not have. That's
3 unfair.

4 We can't blame the victim or make
5 the citizens of our City and people who rent
6 here and those who live here think that we're
7 not concerned about them, that we're not being
8 honest with them and that we're not extending
9 the opportunity for them to work for their
10 government to them. The people have a right
11 to apply for positions within the City.

12 We can't insult their intelligence
13 by giving the impression that they can apply
14 for jobs for which there is no consideration.
15 It's not fair to charge people who don't have
16 these fees.

17 We talked in our last hearing about
18 a system that does not single them out, where
19 a person does not have to indicate how much he
20 or she makes. We talked about all of these
21 things that we wanted cleared up before this
22 next hearing.

23 As Councilman Rizzo just said, you
24 say you're extending the olive branch, but to
25 date, before we introduced the legislation,

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2 then and now nothing changes except that the
3 fee was charged immediately and the fee is
4 still being charged. That is unfair. We
5 think it's wrong. We only go the extra step
6 when we feel that we have to do it to protect
7 the citizens of our City.

8 (Applause.)

9 COUNCILMAN RIZZO: I'd like to
10 follow-up.

11 COUNCILMAN COHEN: Councilman
12 Nutter, do you yield to Councilman Rizzo?

13 COUNCILMAN NUTTER: Yes.

14 COUNCILMAN RIZZO: I would like to
15 follow-up on what Councilwoman Blackwell just
16 said.

17 I know the private sector doesn't
18 even use employment applications anymore. I
19 know one particular company, that they post
20 all available jobs. They don't even have a
21 personnel office accepting job applications.
22 Have you looked at the way the private sector
23 does this to see if there's a better way to do
24 it?

25 Most companies today, large

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2 corporations, don't even accept job
3 applications. They post what jobs are
4 available. If you're interested, you come in
5 and you talk about that particular job. I
6 don't know too many big companies that even
7 accept applications today. You're the expert.
8 You should know that, and I think you do know
9 that.

10 MS. ORFANELLI: Councilman Rizzo,
11 we're the biggest employer in the City. We
12 get many more applications than most large
13 companies. We are also required by the
14 Charter to use a merit system. As a result,
15 we have to take application and we have to vet
16 those applications.

17 COUNCILMAN COHEN: Councilman
18 Nutter.

19 COUNCILMAN NUTTER: Thank you, Mr.
20 Chairman.

21 First, Ms. Orfanelli, let's get some
22 context here. How many people applied for
23 positions with the government last year?

24 MR. MCANALLY: Councilman Nutter,
25 over the past four years was 45,000 applicants

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2 per year.

3 COUNCILMAN NUTTER: 45,000. That
4 would be twice the number of people who
5 currently work in the government?

6 MR. MCANALLY: That's correct.

7 COUNCILMAN NUTTER: Out of those
8 45,000 last year, how many were hired?

9 MR. MCANALLY: The hiring rate for a
10 three-year period -- I don't have it for the
11 entire four-year period -- but the hiring rate
12 was 22 percent of the applicants who showed
13 up.

14 COUNCILMAN NUTTER: Say that again.

15 MR. MCANALLY: Twenty-two percent
16 hiring rate.

17 COUNCILMAN NUTTER: Twenty-two
18 percent hiring rate.

19 MR. MCANALLY: Yes. Of the people
20 who are on our eligible lists, we hired 22
21 percent. 78 percent of the people who passed
22 our tests were never hired.

23 COUNCILMAN NUTTER: You've gone
24 completely beyond the question that I asked.
25 I understand you're trying to stay within your

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2 testimony. Let's start with, just answer the
3 question that I ask you. Don't try to
4 anticipate.

5 MR. MCANALLY: Okay.

6 COUNCILMAN NUTTER: 45,000 people
7 applied for a job last year, that's your
8 statement, right? On average over the last
9 four years, 45,000 people applied for a job
10 with the City?

11 MR. MCANALLY: That's correct.

12 COUNCILMAN NUTTER: What I want to
13 know is, how many people were hired last year
14 out of the 45,000?

15 MR. MCANALLY: The data that I have
16 is that for Fiscal Year 2003, 2,021 people
17 were hired. The three-year average is that
18 approximately 2,200 people are hired per year.
19 If 45,000 applied, 2,200 were hired.

20 MS. ORFANELLI: Also, Councilman,
21 remember that almost half of those 45,000
22 don't even show up for the exam.

23 COUNCILMAN NUTTER: I got that. So
24 let's say that 22,000 people showed up, and
25 you're now telling me out of the 22,000, 2,200

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2 were hired?

3 MR. MCANALLY: That's correct.

4 COUNCILMAN NUTTER: Okay. So that
5 would be about a 10 percent hiring rate off of
6 the number of people that actually showed up
7 and took a test?

8 MR. MCANALLY: That's correct.

9 COUNCILMAN NUTTER: Now, what is
10 involved in processing an application?

11 MR. MCANALLY: Our clerical staff
12 has to enter data from every application into
13 our computer system --

14 COUNCILMAN NUTTER: Stop right
15 there. A person comes to the personnel office
16 and gets an application?

17 MR. MCANALLY: That's correct.

18 COUNCILMAN NUTTER: So you pick up
19 an application, you take it home or wherever
20 you want to go and you fill it out?

21 MR. MCANALLY: Yes.

22 COUNCILMAN NUTTER: And then you
23 bring it back?

24 MR. MCANALLY: Yes.

25 COUNCILMAN NUTTER: And then someone

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2 has to type that information from that
3 application into the computer?

4 MR. MCANALLY: That's correct.

5 COUNCILMAN NUTTER: Then what?

6 MR. MCANALLY: Then one of our
7 analysts will review the application to
8 determine if the applicant meets the
9 requirements to compete in the examination.

10 We then send a disposition notice to
11 the applicant telling them either that they
12 are scheduled to take the examination or they
13 don't meet the requirements.

14 We have to construct a test,
15 assemble a test, do all the administrative
16 work to have enough copies available, schedule
17 the test --

18 COUNCILMAN NUTTER: Is every test
19 constructed specifically for that examination
20 period?

21 MR. MCANALLY: There are some tests
22 that we can use over and over again. We will
23 do slight modifications, but we can use tests
24 over.

25 COUNCILMAN NUTTER: Let me ask this

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2 question, just from a pure production
3 standpoint. Why wouldn't you just scan the
4 information into the computer?

5 I'm certainly no expert on
6 technology, but I understand that there are
7 machines that you can take a document and scan
8 it into a computer and then it's all there.
9 Why would you have someone sit and retype it?

10 MR. MCANALLY: Councilman, I'm not
11 an expert on the technology either, but the
12 technology that we have is not compatible with
13 scanning. We don't have sophisticated
14 scanning equipment, and the applicant tracking
15 system that we use requires that the data be
16 typed in.

17 COUNCILMAN NUTTER: Well, that's a
18 system problem, right? I mean, doesn't it
19 make more sense to just scan the information
20 in as opposed to having a person fill it out
21 on a sheet of paper, they hand it into us and
22 then we retype it into the system? Isn't that
23 inefficient?

24 MR. MCANALLY: The's the technology
25 that we have available.

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2 MS. ORFANELLI: That's all that we
3 have available to us right now. Certain data
4 has to be in certain ways.

5 COUNCILMAN NUTTER: That may be the
6 technology that you have available to you --

7 MS. ORFANELLI: And in the future
8 that may change.

9 COUNCILMAN NUTTER: -- but it's not
10 the only technology available, right?

11 MS. ORFANELLI: I'm not a tech
12 expert either, but my tech person is not here
13 for technology. However, that may change in
14 the future. Currently that's what we've got
15 available.

16 COUNCILMAN NUTTER: Councilman Rizzo
17 made reference to the private sector. It's my
18 understanding that in Chicago you can apply
19 for jobs on-line, and you can apply for
20 multiple jobs from one location. Is there any
21 ability in the City of Philadelphia to apply
22 for a job on-line?

23 MS. ORFANELLI: Not at the present
24 time.

25 COUNCILMAN NUTTER: Have we ever had

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2 any conversation with anyone in Chicago who is
3 presently doing that?

4 MS. ORFANELLI: But we have had
5 conversation with MOIS about working that out.

6 COUNCILMAN NUTTER: Wouldn't that
7 further negate the need to have this data
8 entry?

9 MS. ORFANELLI: It may. That's very
10 possible. But we're not there yet, however.

11 COUNCILMAN NUTTER: Wouldn't that
12 save us money?

13 MS. ORFANELLI: Yes.

14 COUNCILMAN NUTTER: Has the
15 Department had any conversations about a
16 productivity loan to upgrade your technology?

17 MS. ORFANELLI: As a matter of fact,
18 we have had some conversation about that.

19 COUNCILMAN NUTTER: Are you going to
20 get it?

21 MS. ORFANELLI: We haven't been
22 approved yet.

23 COUNCILMAN NUTTER: In your
24 testimony, on what I guess is Page 2, you talk
25 about raising approximately \$600,000 per year

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2 assuming a full hiring schedule. Now,
3 \$600,000 in processing fees would translate
4 into \$17,143 applications, based on \$35.

5 MS. ORFANELLI: And there will be
6 some waivers, too.

7 COUNCILMAN NUTTER: Your four-year
8 average though has been 45,000 applications?

9 MS. ORFANELLI: Right.

10 COUNCILMAN NUTTER: So are you also
11 saying that 28,000 people essentially won't
12 apply?

13 MS. ORFANELLI: We're also expecting
14 about 20 percent of the applicants to get a
15 waiver. And our experience right now is
16 almost 18 percent of the applications we've
17 waived the fee.

18 COUNCILMAN COHEN: On what grounds?

19 MS. ORFANELLI: Income.

20 COUNCILMAN COHEN: I was thinking
21 how undignified it is for a City to compel
22 people to state their finances as being too
23 poor to afford a \$35 fee. I just can't
24 understand why City government --

25 COUNCILMAN NUTTER: That's why they

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2 need a job, Councilman.

3 COUNCILMAN COHEN: -- would want to
4 put its citizens through that kind of
5 situation.

6 MS. ORFANELLI: Actually, they
7 don't. They have an Access card that shows
8 that they're receiving TANF or other forms of
9 subsidy from the government. They don't
10 actually tell us their income.

11 COUNCILMAN COHEN: No. But you
12 compel them to admit they're getting
13 government help, that they're not able to
14 afford to carry themselves. I don't know why.
15 Most people find that an undignified thing to
16 have to talk about.

17 How do you explain to somebody who
18 comes to your home looking for a job, as many
19 people often do -- to homes of elected
20 officials -- they come to you because they're
21 desperate for food or for money and they ask
22 about the possibility of government
23 employment. You say to them, well, I don't
24 know. You have to go through. You have to
25 pay a \$35 fee and I'm not sure whether you're

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2 going to be waived through or not. I'm going
3 to have to tell people you're on government
4 assistance.

5 I mean, what kind of thinking is
6 that of a governmental body toward its
7 citizens, to compel them to go through that
8 kind of a scene in order to make them eligible
9 for government employment? Some people pay
10 their taxes and don't eat. You have to tell
11 that to people? I can't imagine what the mind
12 of person was who conceived of this idea. Do
13 you have an answer to that? Who thought of
14 this idea? Where did it come from?

15 MS. ORFANELLI: This came from
16 another city. We didn't think of it. This is
17 being done in many other cities and states.
18 We're not starting this as a new initiative
19 that's never been done anywhere.

20 COUNCILMAN COHEN: Well, don't we
21 think for ourselves or are we so poor of
22 talent that we have to look around to see what
23 other cities do and if they scrounge around
24 and find new ways of hurting poor people? We
25 then are ready to emulate that? Is that what

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2 we do? Do we always look to New York City?

3 MS. ORFANELLI: Councilman, we look
4 at what other cities do in terms of a number
5 of things. We go to the Internet. We see
6 what other governments are doing. As a matter
7 of fact, several Councilpeople have asked us
8 if we looked at other governments. We do look
9 at other governments.

10 COUNCILMAN COHEN: But you look at
11 other governments to find ways to tax the
12 people harder, to make life tougher. Why
13 don't you look at other governments on what
14 they allow people and tell us as soon as you
15 find a government that gives more benefits to
16 its people than Philadelphia? Come in here
17 with a bill to provide those benefits, then
18 we'll trust you. It seems as if the only
19 thing you use other cities for is to say,
20 well, they do it too, and if they get away
21 with it, we can get away with it. I think
22 that's a wrong way to run a City.

23 COUNCILMAN RIZZO: Mr. Chairman.

24 COUNCILMAN COHEN: Councilman
25 Nutter, go ahead.

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2 COUNCILMAN NUTTER: Probably one
3 last area. Councilman Goode and I were just
4 chatting. He was reminding me of something
5 that came up at the last hearing.

6 This, quote/unquote, government
7 assistance waiver -- is that what it's
8 referred to as?

9 MS. ORFANELLI: Yes.

10 COUNCILMAN NUTTER: So if you are on
11 government assistance, whatever the type may
12 be, you get a waiver?

13 MS. ORFANELLI: That's correct. We
14 have a very simple form that you fill out.

15 COUNCILMAN NUTTER: Now, what
16 happens if you are not on government
17 assistance, but essentially have the same
18 income as a person who is on government
19 assistance? Do you have the opportunity for a
20 waiver there?

21 MS. ORFANELLI: We have not actually
22 done that. Actually, that would be a
23 situation where Councilman Cohen is mentioning
24 where we would have to see your income. It
25 would be a lot different than just showing us

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2 a card and filling out a minor form.

3 COUNCILMAN NUTTER: Well, because
4 under that circumstance you would then create
5 an environment where the person really would
6 you have to prove they are so poor, as the
7 Councilman laid out, that they needed a
8 waiver. Maybe they're just working at
9 wherever they're working and it possibly
10 happens to be a rather low wage job. Now
11 we're saying, even though you're working and
12 trying to do whatever it is you're doing and
13 you've chosen for whatever reason not to apply
14 for some type of government assistance, unless
15 you can prove to us that you have an income
16 issue, there's no opportunity for a waiver?

17 MS. ORFANELLI: That's correct.

18 It's something that actually we've been
19 thinking about. But as Councilman Cohen
20 mentioned, it's a lot more onerous than
21 showing us a card. It's an area that we
22 really need to explore.

23 COUNCILMAN NUTTER: But I guess my
24 point is the person still has the need to in
25 essence not pay because it has a substantial

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2 impact on their overall financial situation.

3 MS. ORFANELLI: That's an area that
4 we should definitely explore. I agree with
5 you. I understand your point. I agree with
6 it.

7 COUNCILMAN NUTTER: Lastly, in the
8 testimony, you talk about in the nine weeks
9 from October 4, 2004 to December 3, 2004, the
10 Department has collected slightly over
11 \$43,000?

12 MS. ORFANELLI: Correct.

13 COUNCILMAN NUTTER: Which again,
14 just taking the \$43,000 number for the \$35,
15 that would translate into 1,229 applications.
16 Can you tell me from that pool, how many
17 people were hired?

18 MS. ORFANELLI: I don't have the
19 statistics yet because these tests have just
20 been given, most of them. Some of the tests
21 were just given a couple weeks ago. There's
22 no scoring completed on some of them. In some
23 cases no hiring has been done yet. I don't
24 have total numbers. I think we have to come
25 back in another few months and say who's been

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2 hired so far. It's too soon.

3 COUNCILMAN NUTTER: If you could
4 forward that information to the Chair, I'd
5 greatly appreciate it.

6 What do you estimate the costs to be
7 to process an application for a job in
8 Philadelphia?

9 MS. ORFANELLI: Currently?

10 COUNCILMAN NUTTER: Yes.

11 MS. ORFANELLI: Approximately \$35.
12 It's actually \$39.

13 COUNCILMAN NUTTER: How did you
14 calculate that?

15 MS. ORFANELLI: We actually sent
16 that information to Council after my last
17 testimony.

18 COUNCILMAN NUTTER: I have a vague
19 recollection of that. How did you calculate
20 the number?

21 MS. ORFANELLI: We actually did a
22 Time and Motion study of everything that we
23 do. And we added things like postage, things
24 like that, printing costs.

25 COUNCILMAN NUTTER: I mean, I'd be

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2 intrigued by this. You fill out the
3 application. The clerk typist types it into
4 the computer, which actually should be scanned
5 in, but you don't have the technology. You
6 send the letter. They show up. They do what
7 they do, and you get a letter saying that,
8 unfortunately, for whatever reason, you didn't
9 qualify for the job. Now, you paid your \$35.
10 You showed up for the test. I mean, what did
11 you actually get out of that experience, other
12 than your pocket is \$35 lighter?

13 MS. ORFANELLI: Next time you take a
14 test you'll do better. Actually, the list is
15 alive for two years. So it's possible that
16 you may not get hired in the first month or
17 two, but you could get hired next year.

18 COUNCILMAN NUTTER: Or you may never
19 get hired.

20 MS. ORFANELLI: Or you may never get
21 hired.

22 COUNCILMAN COHEN: Councilman
23 Nutter, bring your questioning to an end.

24 COUNCILMAN NUTTER: I'm done,
25 Councilman.

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2 COUNCILMAN COHEN: Councilman Rizzo.

3 COUNCILMAN RIZZO: Ms. Orfanelli,
4 you're here resisting -- and I use that word
5 carefully -- resisting a Charter change.

6 One of the things that really
7 sometimes annoys me about government is the
8 fact that you have a mechanism. You indicated
9 that you can't do things differently because
10 you're caught up with the Charter. I
11 described on-line.

12 I think Councilman Cohen's point is
13 good. You said you went out and looked at the
14 way other cities do it. But one in Chicago
15 that's doing it on-line, we've totally
16 overlooked or ignored. I think the
17 responsibility of the Administration is, if
18 you need things in the Charter changed to do
19 your job more effectively and bring it into
20 this century, like scanning -- I think kids in
21 second grade do that. You should take a real
22 strong look at your department.

23 If you have recommendation, you know
24 how the Administration does legislation.
25 Comes here. If there's 10 things that you

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2 would like to do differently and you're caught
3 up, and it's going to be like that for the
4 next 50 years, somebody better start moving
5 and somebody better start looking and make the
6 changes that are required to do it and do it
7 effectively and not do it by charging someone
8 \$35 bucks to apply for a job.

9 I think that's the responsibility of
10 the Administration. If you need some things
11 changed, let's change them for the better, not
12 change them and make it for the worse. Not
13 that this is the worst thing in the world
14 that's ever happened, but it's not obviously
15 the desirable outcome. The desirable outcome
16 would be to look at the way other cities do it
17 or create a system that works well for you.
18 If it requires a Charter change, then let's do
19 it. Let's not use it to fight you. Let's use
20 it to help you.

21 MS. ORFANELLI: Thank you.

22 COUNCILMAN RIZZO: The other thing
23 that I'd like to know, if you get an exempt
24 job in this government, could you describe the
25 process for a person that is hired without

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2 civil service status, an exempt job, do they
3 fill out an application?

4 MS. ORFANELLI: We're not involved
5 in exempt hiring. We have nothing to do with
6 exempt hiring at all.

7 COUNCILMAN RIZZO: You don't even
8 know they exist?

9 MS. ORFANELLI: No. We know they
10 exist.

11 COUNCILMAN RIZZO: Well, tell me
12 what you do. Tell what your Department does
13 when a person --

14 MS. ORFANELLI: We have nothing to
15 do with the hiring of exempts.

16 COUNCILMAN RIZZO: What is your
17 involvement?

18 MS. ORFANELLI: We have a system
19 that captures information on every City
20 employee, whether they're exempt or civil
21 service, and it's our top responsibility to
22 handle all the appointment papers and
23 termination papers and any other documents.

24 COUNCILMAN RIZZO: Should they be
25 charged?

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2 MS. ORFANELLI: That's an
3 Administration decision. That doesn't come
4 through my Department.

5 COUNCILMAN RIZZO: Since you don't
6 scan, you have to have a person enter all that
7 stuff --

8 MS. ORFANELLI: We don't do anything
9 like that.

10 COUNCILMAN RIZZO: You don't enter
11 any of the information? You just told me you
12 entered the information on them.

13 MS. ORFANELLI: Once they're hired.
14 Nothing prior to hiring.

15 COUNCILMAN RIZZO: But you still do
16 labor to process them into the system,
17 correct?

18 MS. ORFANELLI: Yes. But it's
19 minimal.

20 COUNCILMAN RIZZO: Minimal.

21 Thank you, Mr. Chair.

22 COUNCILMAN COHEN: Councilman
23 Nutter, I interrupted you to give Councilman
24 Rizzo his 30 seconds that he requested. I
25 think it was more than 30 minutes almost.

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2 Councilman Nutter, is there anything else?

3 COUNCILMAN NUTTER: No. I've
4 exhausted myself.

5 COUNCILMAN COHEN: I think the
6 Director of Personnel can see there are
7 problems.

8 I'd like to make this suggestion. I
9 don't see any way the Committee can avoid
10 acting on this bill today, unless you can
11 reach us -- we have one other matter to
12 consider briefly. If you get us an answer
13 before we vote on this as to the City's
14 willingness to forego the increase until we
15 get together and arrive at a plan, we'll
16 consider delay of the bill. Otherwise, I
17 think we have no choice except to go ahead and
18 move.

19 MS. ORFANELLI: I will discuss it
20 with the Administration. If they are willing
21 to suspend it, I'll get back to you,
22 Councilman.

23 COUNCILMAN COHEN: Good.

24 Are any of the other two witnesses
25 going to testify or has their material been

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2 covered?

3 MS. ORFANELLI: I think their
4 material has been covered.

5 COUNCILMAN COHEN: Thank you all for
6 coming.

7 COUNCILWOMAN BLACKWELL: Mr.
8 Chairman, just one more question.

9 COUNCILMAN COHEN: Councilwoman
10 Blackwell.

11 COUNCILWOMAN BLACKWELL: Yes. We
12 talked about this as well, and that is the
13 issue, as I said before, about the youngster
14 who lives at home with his or her parents.
15 And they say, you're getting up to go apply
16 for a job. Those, they don't have any card
17 indicating that they're on welfare or that
18 they're not on SSI, Social Security. You have
19 some people who have zero income because they
20 live in a home where they're being provided
21 for. They can't prove to you they have an
22 income because they don't. Nor do they know
23 what their parents or their care providers
24 earn. They can't provide that information.
25 So what happens in that situation?

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2 MS. ORFANELLI: I guess I don't
3 really have an answer for you, other than my
4 parents paid for my application to take the
5 SATs and my parents, when I was dependent on
6 my parents, they paid for me.

7 COUNCILWOMAN BLACKWELL: My point
8 is, Ms. Orfanelli -- it's not personal and not
9 personally directed at you, but we talked
10 about this. As many of the problems with this
11 legislation that were not worked out before
12 they're still not worked out.

13 As it was said by the Chairman,
14 we're happy to hold up to work out a system
15 and get all these questions answered and
16 decide there is some way something is
17 possible, at least after people are hired, or
18 some fair system. But this penalizes even
19 more the person who has no income, than a
20 person who has income because there's no
21 system that allows people without any income
22 at all to say that.

23 And so again, we agree with the
24 Chair. If the City is willing to suspend
25 charging people and we have an opportunity to

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2 work together on a system, that's fine. But
3 where there are so many problems, so many
4 unanswered questions -- and even at the
5 hearing we expected this time to have these
6 issues addressed and they still haven't been.
7 We just don't know how we hold up on the
8 legislation when the Administration has not
9 been forthcoming with solutions to solve all
10 the questions or to answer all the questions
11 that are raised by this kind of legislation.

12 Again, we hope that the Committee
13 will consider to move forward because, I don't
14 know, there's no commitment as to when we get
15 answers, when things are solved. Life just
16 doesn't change.

17 Councilman Nutter's line of
18 questioning indicated that the City earns more
19 than it needs to process job applications. So
20 based on your figures, maybe the City earns,
21 Madam Personnel Director, about \$1.25 million.
22 If it costs \$600,000 to process job
23 applications, then they're earning more than
24 they need.

25 We know we're broke. We don't even

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2 mind that. But somebody has to be clear and
3 direct on what's happening in charging a fee,
4 what happens to the money, what is required,
5 what happens with people who apply who have no
6 income or low income. Where we want to go
7 from here. What happens with the application
8 numbers per jobs that we're going to hire for.
9 Who's affected. All of those questions need
10 to be answered before we could consider, in my
11 opinion, holding up this legislation.

12 Thank you very much.

13 (Applause.)

14 COUNCILMAN COHEN: We want to
15 express our thanks to the panel and hopefully
16 we will hear. If we don't hear by the time
17 it's time to act on the bill, we will proceed.

18 MS. ORFANELLI: Thank you.

19 COUNCILMAN COHEN: Thank you very
20 much.

21 Will the Clerk call the folks from
22 the Unemployment Project?

23 THE CLERK: Peter Specos from the
24 Philadelphia Unemployment Project, and other
25 witnesses.

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2 COUNCILMAN COHEN: You may come up
3 with any of your co-participants.

4 The Committee welcomes you here. I
5 want you to know we always like to hear from
6 the people affected by the problem or the
7 people who represent those who are affected.
8 So we're delighted you're here and can speak
9 directly.

10 Mr. Coras, do you want to speak for
11 the group, initially at least?

12 Do I have the name right?

13 MR. SPECOS: My name is Pete Specos.

14 COUNCILMAN COHEN: My apologies. Go
15 ahead, Mr. Specos.

16 MR. SPECOS: Thank you, sir.

17 In our recent years of coming to
18 Council, it's always good to see you here,
19 knowing that Council has a great model to
20 follow through with your appearance.

21 We're here today because we're part
22 of the Philadelphia Unemployment Project. We
23 help people find jobs. We provide computer
24 services for those looking for work on-line.
25 We have various organizations who do contact

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2 us with jobs openings. I am here as a
3 substitute today. Our job director, Ms. Anita
4 Cooper, unfortunately, she's in the hospital
5 right now. She took ill. So I'm filling in
6 for her.

7 COUNCILMAN COHEN: Give her our best
8 wishes for a speedy recovery.

9 MR. SPECOS: Thank you.

10 So I'm not too much up on the
11 program. My colleagues here, Larry Swan and
12 Faith Whitehead is here with me, and our other
13 members from our organization. We had a large
14 contingency to come here this morning, but we
15 try to keep it down to a minimum.

16 This bill was announced to us back
17 in October when one of our people, one of our
18 members, did come to the City to put an
19 application in. And in the process she came
20 back us and told us that the City was charging
21 a \$35 fee. It was kind of a shock to us.
22 When we looked into it we found that this was
23 going on.

24 We had met with the people from --
25 I'm sorry, I am not familiar with names -- but

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2 the gentleman in the group that was just here
3 from the City about this and we were told in
4 certain ways of the proposal.

5 One of the factors is, I understand
6 this was supposed to go through Council before
7 this even happened. And every time we
8 question it they would give us a story. We
9 would never get a definite answer.

10 We're here today to say that, as
11 Mrs. Blackwell said, a lot of families are
12 individuals needing work and want to get work
13 with the City, but because of their financial
14 difficulties they can't apply to the City
15 because they don't have \$35. I don't think
16 they should be penalized because they don't
17 have a financial fund. Maybe the next guy is
18 working and he just wants to better himself or
19 get out of the job that's he in. So he can
20 afford to put up \$35. But the people who
21 can't afford it who are unemployed and so
22 forth, they're looking for a chance to get a
23 job.

24 The City is offering jobs. It just
25 seems kind of strange that if you're only

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2 looking for, say, 100 street workers, that you
3 know you're only going to hire 100, why take
4 45,000 applications and only hire 100 and
5 charge everybody this fee? We don't feel that
6 an individual should be charged a fee because
7 he's trying to get a job and better himself
8 and help his family, like you said and the
9 others have said. It isn't right that they
10 should be penalized.

11 Some of the requirements for the
12 waivers are kind of off too. You can be
13 waived if you're on SSI. If you are on SSI
14 you're on some kind of disability. You can't
15 get a job with the City anyway. If you're on
16 certain other programs, health programs, the
17 City is not going to hire you anyway.

18 As far as some of their questions of
19 being on-line, right here in the City of
20 Philadelphia we have SEPTA, who I guess is the
21 next biggest supporter of employment. You do
22 not go to their office anymore for
23 applications. It's done on-line. Our office
24 provides that. You don't have to be a genius
25 on a computer. You sit down. It walks you

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2 through step by step. Our people in our
3 office will help you along. It takes about an
4 hour or two if you're not really -- I'm not
5 that great on the computer either. Their
6 questions are very easy. It's step-by-step
7 through and it walks you through very easily.
8 And it goes directly into SEPTA's files and so
9 forth. They don't want the paperwork. It's
10 easier on computer. They can store it better,
11 and they can go back at any time and review
12 the thing. A lot of other companies also do
13 the same thing. They're on-line.

14 Like Mr. Rizzo said also, that they
15 can't seem to come up with a definite plan. I
16 think it's to the City's benefit and Council
17 and all that this proposal be canceled or the
18 fee be canceled until a better program or
19 process can be done and give the person a
20 chance to get a job in the City. So many
21 people are leaving the City for jobs and so
22 forth. Let's keep them home where they
23 belong.

24 I'm going to turn it to my colleague
25 now. He's a little more up on this program

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2 than I am.

3 COUNCILMAN COHEN: Okay. Please
4 introduce yourself.

5 MR. SWAN: Hello. Good afternoon.
6 My name its Lawrence Swan. Thank you for
7 letting us come and speak to you today.

8 When Pete was talking about our
9 general services, the help with interviews,
10 the help with resumes and things that we
11 provide to people looking for jobs, all that
12 can be boiled down to, we are trying to
13 eliminate barriers to people getting back into
14 the economic mainstream. A \$35 fee is another
15 barrier, another impediment that comes up.

16 We know that some levels of waiver
17 have been granted, but it's the initial news
18 report of the \$35 fee that made the public
19 impression. It's a discouraging effect. You
20 have to then go back out and tell people, even
21 if this fee is rolled back, we have to
22 reeducate our community to let them know that
23 the bad news they heard is no longer true.
24 It's another step back from getting people out
25 looking for jobs that they can qualify for

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2 here in the City.

3 I want to thank you all again for
4 taking the time to pay attention to this
5 issue.

6 MS. WHITEHEAD: Good afternoon. My
7 name is Faith Whitehead.

8 When they were talking about waiving
9 the fees, not everyone has an Access card.
10 There are some people that are currently
11 unemployed. I don't think everybody would
12 want to walk around with their unemployment
13 papers to apply for a City job. I think
14 that's very unfair to anyone that's looking
15 for employment.

16 COUNCILMAN COHEN: I was going to
17 say, but what do you expect from the
18 Republican government, and then I had to
19 remind myself the Mayor is a Democrat. So
20 there's plenty of blame to go around. It
21 seems that maybe Democrats once elected act
22 like Republicans. Or maybe I'm unfair to
23 Republicans, and Republicans act like
24 Democrats.

25 Both political parties seem to have

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2 special promises to make during election
3 campaigns. But once selected, the movement
4 seems to go directly against the working
5 groups and the poor people of the City. Can
6 you imagine a developer being charged a fee
7 for the right to give us a development
8 proposal? I've never heard of that happening
9 and I don't think it does. But when it comes
10 to low income people, they seem to become the
11 target of every problem the City has. I think
12 it's a shame and I think Democrats when
13 elected to office ought to act like Democrats
14 and then I hope we can convert the Republicans
15 to act the right way too.

16 Thank you. We appreciate very much
17 your coming. We think this panel represents
18 the real feeling of Philadelphians. We thank
19 you for being so available to us. Thank you
20 very much.

21 Are there any further witnesses?

22 There's one other person, I think, here.

23 THE CLERK: Bobby Davis, Local 96 of
24 District Council 33.

25 COUNCILMAN COHEN: We hope the labor

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2 stoppage is all over now and that you've got a
3 good contract.

4 MR. DAVIS: It depends on whether
5 you guys vote on this bill or not.

6 COUNCILMAN COHEN: Okay. We'll try
7 to do our share to make sure you have a good
8 contract.

9 MR. DAVIS: First of all, greetings
10 to City Council. It was not my intentions to
11 come speak today, so I just jotted some things
12 down and I thought that as I heard some of the
13 things that were said, I felt it necessary to
14 step in and make some comments on it.

15 The Director of Personnel stated
16 that they look to earn about \$600,000 from the
17 backs of the poor people. These are people in
18 the City of Philadelphia who are applying for
19 entry level positions. Once again, we look to
20 the lower level income people to try to bail
21 out the Department for probably what sometimes
22 amounts to mismanagement.

23 I say that because I heard some of
24 the comments and not having answers for them.
25 We have been talking about this issue for

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2 quite some time now, and I'm urging City
3 Council to move forward with the vote on this
4 issue because the Department has not
5 demonstrated that they're going to act in good
6 faith. If they were, some of the questions
7 that you guys have asked of them today would
8 have been answered. They would have come to
9 the table prepared to answer those questions.
10 Some of them were the same questions that were
11 asked of them at the last hearing. We
12 continue to play this roller coaster game with
13 them and we are not going to be treated
14 fairly.

15 Until something is done to stop this
16 travesty, the lower income people of the City
17 of Philadelphia will continue to suffer.
18 These are people who are trying to get entry
19 positions into the City of Philadelphia. As
20 stated earlier, some of them are not going to
21 have the proper documentation that they're
22 asking for. You know, there's frustration on
23 both sides.

24 I just heard the people just talk
25 about removing some of the these barriers.

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2 Some of these people are coming from high
3 school. This is going to be the first time
4 they're going to apply for City positions.
5 And so to be met with the challenges of asking
6 for \$35, asking to bring certain documentation
7 to justify that they are low income people --
8 and I've never had a job before so I'm not
9 going to have any of that paperwork. If you
10 look at the civil service regulation that they
11 presented, nothing in there protects those
12 people from being able to come and apply for
13 an application.

14 The other thing that concerns me
15 about this is that we keep on hearing about
16 these positions, but we just came off of a
17 very heated contract negotiation where the
18 City insisted that there were going to be
19 layoffs. So if they're telling us -- and we
20 are the ones representing this lower
21 classification of people -- if you're telling
22 us that there are going to be layoffs in the
23 City of Philadelphia, then I don't understand
24 why we have this \$35 application fee because
25 apparently if you're laying people off, you

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2 certainly can't be hiring people, not from
3 this classification anyway.

4 Then we talk about the exempt
5 employees. The exempt employees, whether they
6 come through the Department or whether they
7 come through any other part of government, the
8 same kind of entry to the computer system is
9 what has to be done. But yet they sit here
10 and they tell us that they don't want to
11 charge exempt employees. These are the people
12 that are making the money.

13 When Michael McAnally talks about a
14 sliding scale, notice what they all say. They
15 talk about \$50,000 or above because they try
16 to make like it looks like \$35 doesn't mean
17 anything. Well, why are we not charging the
18 Director of Personnel \$35 when she got
19 promoted a couple years ago? Why are we not
20 charging people who are using the system to
21 promote themselves through the civil service
22 regulation? How come we're letting them be
23 upgraded to these higher level of
24 classifications and there's no fee on them?
25 I'd like to see them use that sliding scale

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2 and use it for them higher positions and then
3 talk about the lower classification of people
4 in the City of Philadelphia who don't have a
5 job.

6 There's something seriously wrong
7 with this system. And I urge you, I urge you,
8 vote on it. Show them that it's time for this
9 kind of stuff to be stopped. \$600,000 is not
10 enough money for us to create the kind of
11 discrimination that you're going to get from
12 the City of Philadelphia. And I urge you,
13 please, if they don't come back within the
14 next hour, vote this thing down and protect
15 the citizens of Philadelphia who are the less
16 have.

17 COUNCILMAN COHEN: Thank you. Thank
18 you very much for a very clear statement.
19 Give our best to the embattled District
20 Council 33.

21 MS. DAVIS: We'll be ready the next
22 time.

23 COUNCILMAN COHEN: Is there any
24 other witness who wishes to be heard on the
25 matter of this Home Rule amendment? Please

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2 come forward.

3 You have to come forward so your
4 statement can be recorded, please. Give your
5 name again.

6 MR. SPECOS: Mr. Chairman, my name
7 is Pete Specos again from Philadelphia
8 Unemployment.

9 We're going to make a suggestion.
10 Whatever money they collected so far, could
11 the Council make a suggestion that they take
12 that money and go out and buy a scanner? I'm
13 sure it would save a lot of time in their
14 office right now that they're wasting just
15 doing things that could be done with a
16 scanner. Then they wouldn't have to charge
17 the \$35 for the people.

18 COUNCILMAN COHEN: We'll see that
19 your suggestion gets to their ears. Whether
20 they do anything with it, we'll have to wait
21 and see.

22 Any other witness who wishes to be
23 heard on this matter?

24 (No response.)

25 COUNCILMAN COHEN: Any Member of the

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2 Committee with any questions or comments.

3 Seeing none --

4 Stand up and come to the front of
5 the desk. Would you state your name?

6 MS. PETERSON: Hello. My name is
7 Ernesta Peterson. I'm a retired District
8 Council 33 correction officer.

9 I would like to say that this could
10 be helped for a reason that I know, that
11 several people have went on-line and got
12 positions that they never dreamed of. It's
13 easy if you implement that into the system. I
14 have seven people that I know that were hired
15 yesterday -- two were hired last week, the
16 other five yesterday. They put their resume
17 on-line. They just put it out there and
18 companies called them, you know, gave them a
19 reply on-line. It's so simple.

20 Most people have computers, and if
21 they don't they can go to the library and put
22 it on. So that's my point of saying that it
23 could be helped. By not paying the \$35, get a
24 system that put things on-line. That's all I
25 have to say.

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2 Thank you.

3 COUNCILMAN COHEN: Thank you. We'll
4 see that that also reaches the City.

5 COUNCILMAN RIZZO: (Inaudible.)

6 COUNCILMAN COHEN: The
7 Administration is well known for that. They
8 usually tell the story and then leave so they
9 can say they never heard what people had to
10 say. The real fact seems to be that they're
11 not interested. This proposal shows how
12 anyone with the sense of feeling for
13 responsibility of the government to its
14 citizens could possibly come up with this
15 crazy proposal, I don't know. I'm relying on
16 City Council to do what's necessary.

17 Any further comments from anybody?

18 (No response.)

19 COUNCILMAN COHEN: If not, the
20 hearing on this proposed Home Rule Charter
21 amendment and resolution is terminated.

22 Council will recess for a few
23 minutes to permit bathroom facility time for
24 everybody and then we'll proceed to the final
25 matter on the agenda. Five minute recess.

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2 (Brief recess.)

3 COUNCILMAN COHEN: The Committee on
4 Law and Government is now in session again for
5 the purpose of considering amendments to
6 introduced bills and resolutions introduced by
7 Councilman Nutter. He wishes to amend the
8 bills before the Committee.

9 The Chair recognizes Councilman
10 Nutter.

11 COUNCILMAN NUTTER: Thank you, Mr.
12 Chairman.

13 COUNCILMAN COHEN: Have the proposed
14 amendments been circulated to Members of the
15 Committee?

16 COUNCILMAN NUTTER: Yes, they have,
17 to the Members of the Committee and any other
18 Councilmembers present.

19 Mr. Chairman, first let me say thank
20 you very much for this opportunity. By our
21 previous discussion, the only action to be
22 taken today is the reading into the record of
23 these amendments. I guess technically we're
24 still in the public hearing, and then at some
25 point we'll move into the public meeting

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2 solely for the purpose of taking action on the
3 amendments.

4 COUNCILMAN COHEN: Well, maybe we
5 ought to move right directly into the public
6 meeting.

7 The hearing on the bill that was
8 listed for today's hearing is adjourned and
9 the Law and Government Committee is now in
10 public session. We're going to delay action
11 on the bill and resolution temporarily while
12 we consider the amendments offered by
13 Councilman Nutter to his own bills before the
14 Committee.

15 Councilman Nutter, the Chair
16 recognizes you.

17 COUNCILMAN NUTTER: Thank you, Mr.
18 Chairman, again for this opportunity to put
19 forward these proposed amendments, some of
20 which are technical in nature; others I
21 believe reflect some of the ongoing concerns
22 that many Members and others have had on the
23 bills.

24 It is clear to me that there will be
25 in the future other amendments at a time when

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2 we have other hearings, but the Chair very
3 graciously agreed that the bills should at
4 least be in their most current form, which is
5 why we're having this particular hearing
6 today, and I deeply appreciate the Chair's
7 assistance with that.

8 Mr. Chairman, there are four
9 amendments which are amending four different
10 either bills or resolutions related to either
11 the Board of Ethics, the Code of Ethics or
12 contracts and procurement. If it's okay with
13 the Chair, what I will do is make reference to
14 the page and where there are proposed changes
15 which are underlined, materials underlined and
16 in italics, and then I'll be prepared to
17 respond to any questions that may be raised at
18 that point.

19 COUNCILMAN COHEN: Go ahead.

20 COUNCILMAN NUTTER: Having said
21 that, on Page 3, Mr. Chairman, under Section
22 3-806, under the Rules for Composition of the
23 Board, a phrase was added that the members
24 shall either be residents of the City or have
25 their primary place of business in the City of

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2 Philadelphia.

3 COUNCILMAN COHEN: Could you state
4 what bill number that is?

5 COUNCILMAN NUTTER: I'm sorry, Mr.
6 Chairman. That will be Resolution No. 040817,
7 and I was just in Section 3-806.

8 If you go to the next page, we
9 cleaned up the provision or made a change to
10 the staggering of the terms of the Board
11 members under this proposal. Of course there
12 would be five Board members. What we've done
13 is each member would have a set term upon
14 appointment and then subsequently all members
15 would serve for five years. But now we have
16 one member at one year, one member at two, one
17 member at three, one member at four and one
18 member at five, which gives you a consistent
19 staggering of the terms for the Board members.

20 In E, prohibited activities of the
21 members of the Board, clarification with
22 regard to a Board member having service on any
23 other board or commission.

24 In the Section F, removal for cause,
25 further clarification that one of the

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2 provisions regarding removal of a Board member
3 could be for violation of ordinances or laws
4 related to the Ethics Code.

5 On the next page under G, executive
6 director, further clarification regarding the
7 authority of the executive director or other
8 staff; and then a striking of some language,
9 and then it's restated with regard to the
10 Board using the services of the Law Department
11 under certain circumstances. But for
12 interpretation of the Code or the activities
13 of the Board, they would utilize their own
14 counsel for enforcement activities, advisory
15 opinions and other advice for matters solely
16 related to the Board or the Board of Ethics
17 and the Code of Ethics.

18 Under meetings, I, we changed that
19 from a requirement for a monthly meeting to at
20 least a quarterly, and then of course at any
21 other times that the Chair may deem necessary.

22 Last page, under powers and duties,
23 Section 4-1000, the section, was expanded, has
24 essentially been restated, but also some
25 additional clarifications. So you'd have the

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2 striking of the original section and a
3 restating of that same section regarding the
4 powers and duties of the Board and what
5 actions they're supposed to take, including
6 enforcement and the ability to go to Common
7 Pleas Court for adjudication of matters, the
8 creation of a Code of Ethics manual to be used
9 by all City officers and employees.

10 And lastly, the Board is empowered
11 to do other things as approved by ordinance.

12 Those are all the proposed
13 amendments to Resolution No. 040817.

14 COUNCILMAN COHEN: May I ask a
15 question? Has there been any changes in the
16 appointing authority of the members selected?

17 COUNCILMAN NUTTER: No. The members
18 are proposed to be nominated by the Mayor and
19 they would require the advice and consent of a
20 majority of Members of City Council. So they
21 would have to be confirmed by City Council.
22 There was no change in that area.

23 COUNCILMAN COHEN: But all the
24 appointments will be made in the first place
25 by the Mayor?

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2 COUNCILMAN NUTTER: Yes. He would
3 nominate the individuals and they would all
4 have to come to Council for a confirmation
5 hearing.

6 COUNCILMAN COHEN: That's the only
7 question I have on the bill.

8 COUNCILMAN NUTTER: Okay.

9 There is a single sheet of proposed
10 amendment to Bill No. 040770. This is the
11 standards of conduct and ethics, Section
12 20-600.

13 We would add to Section 20-6031 a
14 provision for ethics training and education
15 for businesses, people who conduct business
16 with the City, and that the Board, similar to
17 developing a Code of Ethics manual for public
18 employees, would develop a somewhat similar
19 manual for businesses who have business
20 conduct with the City.

21 Secondly, the second amendment
22 provides for the Board to develop procedures
23 for City officers and employees to obtain
24 informal advice and assistance in
25 understanding and maintaining compliance with

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2 the standard of conduct and ethics.

3 The earlier section in that same
4 area has a more formalized process where you
5 would write to the Board for formal advice,
6 but of course we know that from time to time
7 public employees may have questions that they
8 just need answered, which they could obviously
9 get either over the phone or by coming into an
10 office, so it's a somewhat less formal
11 process.

12 On Page 11, Section 4 presently is
13 entitled, "Nepotism." The proposal is to
14 delete that as a title of that particular
15 section and replace it with the language,
16 "personnel action involving a relative."

17 On Page 15 -- this was read into the
18 record at the last hearing, but we did not
19 take any action on this. Section 20-607 (1)
20 is the fines or civil penalty provision for
21 violations of the Code of Ethics. Additional
22 language is added, that if authorized by the
23 General Assembly, a fine or a civil penalty
24 could be levied up to \$25,000 for each
25 violation. That kind of provision is

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2 reflective of the significance that violating
3 the Code of Ethics would engender.

4 Lastly, a new Section 20-608 in the
5 next set of bills, what's often referred to as
6 the pay to play bill involving no bid or
7 professional services contracts, we realized
8 that we needed to have a cross reference
9 between a violation for those provisions in
10 that bill and also make them a violation of
11 the Code of Ethics, which would then also get
12 a higher civil penalty or fine for violations
13 of basically giving misleading information on
14 your disclosure forms or otherwise engaging in
15 any kind of fraudulent activity with regard to
16 a contract.

17 So this is a companion to the other
18 bill and makes the fine provisions consistent.

19 Those are all the proposed
20 amendments to Bill No. 040770.

21 COUNCILMAN COHEN: Does anybody have
22 any questions?

23 (No response.)

24 COUNCILMAN COHEN: Remember, these
25 bills are on a motion to permit Councilman

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2 Nutter to amend his bill. The action taken by
3 the Committee is not a Committee action of
4 approval or disapproval of anything other than
5 Councilman Nutter's right to present his bill
6 in the fashion he chooses.

7 Generally speaking, I've never known
8 of an occasion when the sponsor has not been
9 permitted to change his bill and to have it
10 presented in the fashion he believes best
11 represents his views.

12 Is that clear to everybody? You're
13 not voting today as a Member of the Committee
14 on an approval or a rejection of this. We're
15 merely voting on whether Councilman Nutter
16 should be permitted to amend the bill and
17 present it to Council at a later meeting,
18 first through this Committee and ultimately if
19 the Committee approves it, to the Council
20 itself.

21 COUNCILMAN NUTTER: Mr. Chairman,
22 thank you for that clarification. I think
23 that's helpful in this discussion. You've
24 been consistent in your view that Members
25 should at least be able to have a bill in the

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2 form that they would like. Whether the matter
3 is subsequently successful or not is a whole
4 different other story.

5 COUNCILMAN COHEN: Right.

6 COUNCILMAN NUTTER: Mr. Chairman,
7 now moving on to the bill that allows for
8 Council involvement in creating a process to
9 deal with the no bid contracts and
10 professional services, there are proposed
11 amendments to Resolution No. 040818.

12 And going to Page 2 of the proposed
13 amendments, this amendment was offered at the
14 last hearing, but we did not take any action
15 on it. There is a deletion of Section 2 that
16 would have required Council approval of any no
17 bid contract in excess of \$50,000. That
18 provision, I would now propose to delete.

19 On Page 3 there was a requirement
20 also for all contracts and license agreements
21 regarding wharfs, docks and harbor facilities
22 as well as the airport facilities. Those
23 provisions are being deleted as well in an
24 effort to streamline the process.

25 When you go to Page 4, language has

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2 been added such that Council's role in
3 approving any number of different types of
4 contracts would in essence be the same as our
5 approval is required now by other provisions
6 of the Charter, but would not require any
7 other contracts to be approved by ordinance.

8 The earlier provision, of course,
9 allows for Council to create a process by
10 which purchases not subject to lowest
11 responsible bidder requirements, we would give
12 ourselves that particular power, which then
13 results in the ordinance to follow.

14 Lastly, in concessions, Section
15 8-201, any concession which has a term of more
16 than one year as defined by Charter Section
17 2-3091 would require approval by Council as
18 well as any of the Department of Commerce
19 contracts which are concessions under Section
20 4-500B or C. All of those types of
21 concessions of more than one year would
22 require approval by City Council. Presently
23 we have no involvement in the concessions
24 contracts at all.

25 Those are all of the proposed

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2 amendments, Mr. Chairman, to Resolution No.
3 040818.

4 Lastly, there are proposed
5 amendments to the bill that goes with the
6 previous resolution. That's Bill No. 040772.

7 If you turn to Page 3, at the
8 earlier hearing there was concern expressed
9 about the sheer volume of contracts that might
10 have to come to City Council for approval as
11 well as an extensive advertising process in
12 the normal newspapers.

13 What I've sought to do here, Mr.
14 Chairman, is -- obviously I have no interest
15 in driving up our costs -- lessen the cost of
16 advertising by, rather than requiring
17 advertising in the newspaper, that they would
18 be advertised on the City's web site for a
19 period of 30 days before the time that the
20 application form would have to be filed. I
21 think it's been made pretty clear that there
22 is virtually no cost to advertising on the
23 City's own web site.

24 COUNCILMAN COHEN: Would the
25 advertising under your proposal only be on the

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2 web site? How would people get notice who
3 don't have computers?

4 COUNCILMAN NUTTER: Well, you
5 know --

6 COUNCILMAN COHEN: I'm just raising
7 the question.

8 COUNCILMAN NUTTER: I understand.
9 It would at least be on the web site. The
10 Department advertising or trying to put
11 forward a bid certainly would not be precluded
12 from advertising it somewhere else. But some
13 of the testimony was purely about the cost of
14 the advertising in the newspapers.

15 Presently, I believe, many of these
16 contracts are not necessarily advertised at
17 all. But I'm certainly open to additional
18 ideas. I was primarily trying to respond to
19 the cost issue that was raised earlier. The
20 original version of the bill required
21 advertising in the newspapers. We were told
22 that that cost would be excessive. And I'll
23 be glad to come back to the advertising issue.

24 Additionally, we would through this
25 amendment for the first time require the

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2 Procurement Department to be actively involved
3 in every no bid or professional services
4 contract that gets let. Presently the
5 Procurement Department is not involved in most
6 of that process. The agencies or Departments
7 conduct that work on their own under whatever
8 their guidelines are, but the Procurement
9 Commissioner has virtually no involvement in
10 that part of the process at all.

11 And as I said, if there are other
12 suggestions or ideas about how to better
13 advertise these professional services and no
14 bid contracts, I am absolutely open to
15 exploring those other avenues.

16 COUNCILMAN COHEN: That would come
17 at a later time, though. That would come at a
18 time when the Council Committee was concerned
19 with substance.

20 COUNCILMAN NUTTER: I understand.

21 Page 4, there's a requirement for
22 disclosure of certain campaign contributions
23 during the term of a contract and as well for
24 one year after. The words, "and after," did
25 not make it into the first version, so we're

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2 cleaning that up.

3 On Page 5 is a series of additions
4 involving adding the Procurement Department to
5 the contracting process, as well as
6 notification of forms and contracts to the
7 Board of Ethics, and as well as additional
8 advertising requirements on the City's web
9 site. That's pretty much what all of the
10 provisions on Page 5 do.

11 Page 6 is pretty much more of the
12 same regarding either notices or documents
13 going to the Procurement Department and the
14 Board of Ethics.

15 Page 7, originally there was a
16 requirement that if the amount of a contract
17 was amended by more than 15 percent, the
18 amendment would have to be approved by
19 ordinance of Council. Proposed here to change
20 that, requiring that if the contract is
21 increased by more than 20 percent the
22 Procurement Commissioner, the Finance Director
23 the City Solicitor and the Mayor would have to
24 sign off on it before adding money to a
25 contract, as well as if a contract amount is

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2 amended, that information would have to be
3 advertised and noticed on the City web site as
4 well.

5 Go to Page 9. There's a requirement
6 for at least 30 days before the start of a
7 fiscal year, a report would have to be sent to
8 the President and the Chief Clerk of Council
9 signed by the Procurement Commissioner, the
10 Finance Director and the Mayor, giving us
11 information with regard to upcoming
12 professional services or no bid contracts for
13 the upcoming fiscal year to the extent that
14 all of that information is known at that time.
15 It would tell us the subject matter, the term
16 of the contract and the total dollar amount of
17 the contract.

18 Additionally, on a monthly basis
19 there's a reporting requirement with regard to
20 contracts in effect at that time with the same
21 information required.

22 And then lastly on Page 10, by
23 August 1st of each year we would get an annual
24 report of all of the previous year's contracts
25 that were let, summarizing how many by

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2 Department as well as by type and the total
3 dollar amount.

4 Additionally, we would ask the
5 Procurement Commissioner to give us advice on
6 a yearly basis as to how to improve the
7 contracting process in the City looking for
8 innovative ways to make it more efficient,
9 economical and productive in the best
10 interests of the City.

11 There's another requirement that all
12 the documents under this provision that have
13 to be filed with the Department of Records or
14 the Board of Ethics are available during
15 regular office hours and available for public
16 inspection by any of the agencies involved.

17 On Page 11 it's an adding of the
18 Finance Director and the Board of Ethics be
19 recipients of all disclosure forms.

20 On Page 13 is the issue that I
21 raised earlier about violations of this
22 particular section would also become a
23 violation of the Code of Ethics that was
24 discussed earlier in making the connection
25 between all of those provisions. And that's

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2 it.

3 Those are all of the proposed
4 amendments to Bill No. 040772, Mr. Chairman.

5 COUNCILMAN COHEN: Is that in the
6 form of a motion to amend your bill and
7 resolutions? Does that complete the
8 presentation of the motion?

9 COUNCILMAN NUTTER: Those are all of
10 the amendments to the various measures that
11 were laid out. I don't know if there were any
12 final questions about any of these.

13 COUNCILMAN COHEN: Are there any
14 questions or is there a second to the motion?

15 COUNCILMAN NUTTER: I'll go back
16 through the same order.

17 Mr. Chairman, I would move that the
18 amendments read into the record and circulated
19 to Resolution No. 040817 be adopted by the
20 Committee.

21 (Duly seconded.)

22 COUNCILMAN COHEN: No. I think your
23 motion means that you would be permitted to
24 amend your bill or resolution to read as
25 follows. This will not be an action of

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2 approval by the Committee of the language,
3 except to permit you to change your own item
4 of business. That will apply to all four.

5 Is that clear to everybody? This is
6 not an action by the Committee on the
7 substance. It's an action to permit, as
8 Council always does a sponsor, to permit his
9 bill or resolution to be presented in the
10 fashion he deems most accurate.

11 All that's going to happen today is
12 the question of the approval of amendment by
13 Councilman Nutter to amend his own bills so
14 that when it's presented to City Council or to
15 this Committee in the substantive form it will
16 reflect his current thinking.

17 (Duly seconded.)

18 COUNCILMAN COHEN: The motion has
19 been moved and seconded.

20 I just want to make clear that
21 everybody knows this is not an action of the
22 Committee or approval of the content. This is
23 an action to approve Councilman Nutter
24 changing his bill so he doesn't have to go
25 through the repetitive process of

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2 reintroducing the bill.

3 COUNCILMAN GOODE: Mr. Chairman, I'm
4 sure that we will allow your clarification of
5 Councilman Nutter's motion. I second it.

6 COUNCILMAN COHEN: Well, I did allow
7 it and I second it. And I resent what you
8 said because it's already been allowed,
9 Councilman Goode. I don't know why you're
10 raising this issue at this time.

11 COUNCILMAN GOODE: We will allow you
12 to clarify Councilman Nutter's motion, and it
13 is seconded.

14 COUNCILMAN COHEN: No, I don't think
15 you need to clarify it. That's the role of
16 the Chairman.

17 COUNCILMAN GOODE: I said we will
18 allow you to clarify his motion. If you
19 listen to what I said you would understand
20 what I said.

21 COUNCILMAN COHEN: There's the
22 question of your allowing me to do anything,
23 Councilman Goode. I'm trying to get clear
24 before the Committee my understanding of the
25 proposal.

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2 COUNCILMAN NUTTER: I was so close.

3 COUNCILMAN COHEN: To what?

4 COUNCILMAN NUTTER: To just allowing
5 the amendments to my bill.

6 COUNCILMAN GOODE: Would you like
7 Councilman Nutter to make a motion again?

8 COUNCILMAN COHEN: No. I don't need
9 that.

10 You're clear on that?

11 COUNCILMAN NUTTER: Yes.

12 COUNCILMAN COHEN: All those in
13 favor would say aye.

14 (Aye.)

15 COUNCILMAN COHEN: Nays?

16 (No response.)

17 COUNCILMAN COHEN: The ayes have it
18 and Councilman Nutter will be permitted to
19 amend his bill in accordance with his motion.

20 COUNCILMAN NUTTER: Thank you, Mr.
21 Chairman.

22 COUNCILMAN GOODE: What was his
23 motion again?

24 COUNCILMAN COHEN: Councilman
25 Nutter, would you restate for the interest of

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2 Councilman Goode your motion?

3 COUNCILMAN NUTTER: Mr. Chairman,
4 I'd like to have the same motion that you made
5 earlier with regard to my being allowed to
6 amend the bills in the way I'd like to have
7 them read. I'd like to make that motion to
8 Bill No. 040770.

9 COUNCILMAN COHEN: Is there a
10 second?

11 (Duly seconded.)

12 COUNCILMAN COHEN: The motion has
13 been made and seconded.

14 Any discussion.

15 (No response.)

16 COUNCILMAN COHEN: If not, all in
17 favor, please say aye.

18 (Aye.)

19 COUNCILMAN COHEN: Opposed?

20 (No response.)

21 COUNCILMAN COHEN: The ayes have it
22 and the motion is amended to permit Councilman
23 Nutter to amend his bill to read as he's
24 indicated.

25 COUNCILMAN NUTTER: Mr. Chairman, I

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2 would move for Resolution No. 040818 to be
3 amended in the way the amendments were read
4 into the record and circulated

5 (Duly seconded.)

6 COUNCILMAN COHEN: The motion has
7 been made and seconded for the action
8 Councilman Nutter requested.

9 Any discussion?

10 (No response.)

11 COUNCILMAN COHEN: All those in
12 favor, please say aye.

13 (Aye.)

14 COUNCILMAN COHEN: Opposed?

15 (No response.)

16 COUNCILMAN COHEN: The ayes have and
17 the motion is carried.

18 COUNCILMAN NUTTER: Mr. Chairman, I
19 would ask approval of my request to have Bill
20 No. 040772 amended in the fashion as the
21 amendments were read into the record earlier.

22 (Duly seconded.)

23 COUNCILMAN COHEN: Any discussion?

24 (No response.)

25 COUNCILMAN COHEN: If not, all those

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2 in favor please say aye.

3 (Aye.)

4 COUNCILMAN COHEN: Nays?

5 (No response.)

6 COUNCILMAN COHEN: The ayes have it
7 and the motion is amended. Councilman
8 Nutter's proposals now stand amended and will
9 be printed in the form as amended by this
10 meeting today.

11 Councilman Nutter, your bills now
12 stand in the form you desire them for
13 presentation at the appropriate time.

14 COUNCILMAN NUTTER: Thank you, Mr.
15 Chairman.

16 COUNCILMAN COHEN: Councilwoman
17 Blackwell.

18 COUNCILWOMAN BLACKWELL: Mr.
19 Chairman, the Administration has asked us to
20 give them a month. They will suspend
21 collecting fees and try to come up with some
22 resolution. We would ask if you would suspend
23 only for a month and that you would reconvene
24 after that time to ensure that something is
25 worked out, if you would.

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2 COUNCILMAN COHEN: Is that in
3 agreement with your desires?

4 COUNCILWOMAN BLACKWELL: Yes, Mr.
5 Chairman.

6 COUNCILMAN COHEN: You're suggesting
7 that the Chair table the item and not bring it
8 to a vote?

9 COUNCILWOMAN BLACKWELL: Yes. For
10 one month.

11 COUNCILMAN COHEN: For one month.

12 Is there a motion to that effect by
13 a Member of the Committee.

14 COUNCILMAN KENNEY: So moved.

15 COUNCILMAN COHEN: Second?

16 (Duly seconded.)

17 COUNCILMAN COHEN: Second.

18 Any discussion?

19 (No response.)

20 COUNCILMAN COHEN: If not, those in
21 favor please say aye.

22 (Aye.)

23 COUNCILMAN COHEN: Any nays?

24 (No response.)

25 COUNCILMAN COHEN: The ayes have it

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2 and the motion will be tabled for a period of
3 one month --

4 (Applause.)

5 COUNCILMAN COHEN: -- with the
6 understanding that the City will discontinue
7 its charge during this period to permit
8 negotiations on the matter.

9 COUNCILMAN RIZZO: Mr. Chairman,
10 this doesn't affect the people who have
11 already paid?

12 COUNCILMAN COHEN: It was not part
13 of the motion.

14 COUNCILMAN RIZZO: Okay.

15 COUNCILMAN COHEN: Any other
16 business to come before this meeting?

17 (No response.)

18 COUNCILMAN COHEN: If not, the
19 meeting will stand in recess until the call of
20 the Chair.

21 (Council adjourned at 1:12 p.m.)

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Tuesday, December 14, 2004,
were reported fully and accurately by me, and
that this is a correct transcript of the same.

RE: COMMITTEE ON LAW AND GOVERNMENT

Lisa C. Bradley, RPR