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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

BEFORE THE COMMITTEE ON LABOR and CIVIL SERVICE

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Room 400, City Hall

6

Philadelphia, Pennsylvania

Monday, June 12, 2006, 10:35 a.m.

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Bill 060432 - Amending Section 20-101 of the
Philadelphia Code, entitled "Residence
Requirements," by providing that an employee in
the civil service need not be a bona fide
resident of the City when appointed, but must
establish and maintain bona fide residence in the
City within six months after appointment.

12

Bill 060506 - Amending Section 22-310 of
Philadelphia Code, entitled "Deferred Retirement
Option Plan," by providing for extraordinary
extension for purposes of enhancing public safety
for participants in the DROP Program who are
public safety employees.

16

COUNCILMEMBERS: Juan Ramos, Chair
W. Wilson Goode, Jr., Vice Chair
Frank DiCicco
James F. Kenney
Michael A. Nutter
Frank Rizzo

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1 COUNCILMAN RAMOS: Good
2 morning, everyone. This is the Committee
3 on Labor and Civil Service. I'm
4 Councilman Juan Ramos, Chairman of the
5 committee.

6 Please note, also in attendance
7 are Councilman W. Goode, Jr., Vice-chair
8 of the committee, along with Councilman
9 Frank Rizzo and Councilman Jim Kenney.

10 We have a quorum so I would ask
11 the clerk to please read the title of the
12 first bill.

13 THE CLERK: Bill No. 060506, an
14 ordinance amending Section 22-310 of the
15 Philadelphia Code, entitled "Deferred
16 Retirement Option Plan," by providing for
17 an extraordinary extension for purposes
18 of enhancing public safety for
19 participants in the DROP Program who are
20 public safety employees, under certain
21 terms and conditions.

22 COUNCILMAN RAMOS: Madam Clerk,
23 read the title of that bill again,
24 please.

25 THE CLERK: Bill No. 060506?

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2 COUNCILMAN RAMOS: Let's do the
3 first bill first, 060432.

4 THE CLERK: 432. Amending
5 Section 20-101 of the Philadelphia Code,
6 entitled "Residence Requirements," by
7 providing that an employee in the civil
8 service need not be a bona fide resident
9 of the City when appointed, but must
10 establish and maintain bona fide
11 residence in the City within six months
12 after appointment.

13 COUNCILMAN RAMOS: Thank you.

14 At this time, the sponsor of
15 the bill, Councilman Kenney, has a
16 statement to make.

17 COUNCILMAN KENNEY: Thank you,
18 Mr. Chairman. I'd like to thank Chairman
19 Ramos for holding today's hearing and all
20 of the members in attendance.

21 The current pre-employment
22 residency requirement that affects
23 applicants for civil service jobs was
24 created by Council in 1953. This
25 prerequisite hinders the City's ability,

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2 in my opinion, to attract the most
3 applicants and discourages potential
4 employees from moving to Philadelphia.

5 Furthermore, it puts our city
6 at a comparative disadvantage to other
7 cities who, without these cumbersome
8 requirements, recruit from our own city's
9 workforce.

10 As I have contended since 2001,
11 when I first introduced this bill, our
12 current residency requirement prevents
13 the City from achieving the most
14 efficient and cost-effective government
15 possible and is a factor in the inability
16 of the City to attract new residents.

17 If enacted, this bill would
18 create one uniform residency policy for
19 all City employees. This alone prevents
20 the appearance of favoritism and
21 simplifies bureaucratic processes.

22 I strongly believe a new
23 approach is needed to send the message
24 that Philadelphia welcomes and encourages
25 people to move into our city, including

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2 any potential applicants for our
3 municipal jobs.

4 And I appreciate your
5 attendance and the testimony here today.
6 Thank you.

7 COUNCILMAN RAMOS: Thank you
8 for your testimony, Councilman Kenney.

9 The first witness on the list
10 is Denise Earley from the Greater
11 Philadelphia Chamber of Commerce.

12 (Witness comes forward.)

13 MS. EARLEY: Good morning,
14 Chairman and members of the committee.

15 For the record, I am Denise
16 Earley from the Greater Philadelphia
17 Chamber of Commerce, and I am here today
18 to read a letter of support for Bill
19 060432 into the record.

20 Dear Chairman Ramos: On behalf
21 of the Greater Philadelphia Chamber of
22 Commerce, I am submitting this letter of
23 support for the subject bill. Bill
24 060432 would grant potential City
25 employees six months to become bona fide

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2 residents of the City of Philadelphia.

3 The Chamber of Commerce
4 supported this measure back in 2001 and
5 wishes to be on record as supporting it
6 now.

7 As you know, the Chamber has
8 always supported measures that encourage
9 people to move into the City, and Bill
10 060432 would do just that. It is
11 incumbent upon the City to create
12 incentives for people to not only move
13 into the City but to stay in the City.

14 The best incentive to stay in
15 the City is a job. Job growth will spur
16 housing and economic development, and
17 this will benefit all Philadelphians.

18 As the City's rank and file
19 ages, many have already signed up for the
20 Deferred Retirement Option Program, or
21 DROP, and consequently, many departments
22 will be facing a critical shortage,
23 particularly in the Police and Fire
24 Departments. This bill would help create
25 a pool of skilled candidates to fill

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2 those vacancies.

3 From a business perspective,
4 this bill makes good sense. The Chamber
5 supports Bill 060432 and hopes that the
6 committee will vote it out with a
7 favorable recommendation.

8 Thank you for this opportunity.

9 COUNCILMAN RAMOS: Any
10 questions from the committee for this
11 with I?

12 Councilman Goode.

13 COUNCILMAN GOODE: Good
14 morning, Miss Earley, and thank you for
15 your testimony.

16 MS. EARLEY: Good morning
17 Councilman.

18 COUNCILMAN GOODE: Philadelphia
19 does not have an overabundance of jobs,
20 does it?

21 MS. EARLEY: Pardon me?

22 COUNCILMAN GOODE: Philadelphia
23 does not have an overabundance of jobs,
24 does it?

25 MS. EARLEY: I don't know how

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2 many -- you mean vacancies or...

3 COUNCILMAN GOODE: I'm talking
4 about the City of Philadelphia -- not
5 just the public sector, but in general.

6 MS. EARLEY: Not really -- I
7 don't know.

8 COUNCILMAN GOODE: Philadelphia
9 has a problem with job decline and a lack
10 of jobs; is that correct?

11 MS. EARLEY: In small
12 businesses or just in general?

13 COUNCILMAN GOODE: In general.

14 MS. EARLEY: I'm not sure if
15 there is a shortage of jobs or not.
16 We're trying to make more jobs for
17 people.

18 COUNCILMAN GOODE: There is a
19 shortage of jobs. And, in fact, our
20 job -- our main job strategy is reverse
21 commuting, actually sending people to the
22 suburbs for job as opposed to creating
23 jobs here.

24 Is the reason for the Chamber's
25 support for this bill the fact that it

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2 believes that there's a skills deficit in
3 Philadelphia?

4 MS. EARLEY: No. We would just
5 like to see the City get the best
6 qualified candidates for any openings
7 that there may be.

8 COUNCILMAN GOODE: And you
9 believe that those qualified candidates
10 don't exist as residents of the City of
11 Philadelphia?

12 MS. EARLEY: Oh, I'm not saying
13 they don't, but if we can help with the
14 job base, you know, I think it's good
15 that we do that. I would like to see
16 more people move into the City and live
17 here.

18 COUNCILMAN GOODE: But we have
19 people who already live here, we have
20 jobs that are available, and there's a
21 lack of jobs in Philadelphia. We
22 wouldn't want those jobs to go to
23 Philadelphia residents first?

24 MS. EARLEY: Well, these people
25 would be Philadelphia residents

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2 eventually.

3 COUNCILMAN GOODE: Wouldn't we
4 want those jobs to go to existing
5 Philadelphia residents first?

6 MS. EARLEY: I think the best
7 qualified candidate should get the job.

8 COUNCILMAN GOODE: Thank you.

9 MS. EARLEY: You're very
10 welcome.

11 COUNCILMAN RAMOS: Councilman
12 Kenney?

13 COUNCILMAN KENNEY: Thank you.

14 Ms. Earley, are you aware of
15 any members of your chamber, either small
16 business, large, or medium-sized business
17 that has a similar pre-employment
18 residency requirement?

19 MS. EARLEY: No, I'm not.

20 COUNCILMAN KENNEY: Do you
21 think that that would be a benefit or a
22 detriment to these companies in their
23 talent search if they had a
24 pre-employment residency requirement?

25 MS. EARLEY: It could be a

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2 detriment.

3 COUNCILMAN KENNEY: Okay.
4 Again, in addition, to getting the most
5 qualified applicants, I think it's
6 important that we attempt to use our
7 city's human resources as a way to bring
8 people into the City.

9 As you know, we're continuing,
10 despite gains in many, many neighborhoods
11 throughout the City and the increase in
12 residential housing prices and housing
13 starts, we're still continuing to lose
14 residents at an alarming rate.

15 I believe, and I think that
16 it's a credible belief, that the use of
17 City employment opportunities is also a
18 way to generate new residents in our
19 city, because, of course, this bill would
20 not eliminate the City residency once
21 hired; they would still have the six
22 months to move in.

23 But this would allow us to go
24 to college campuses throughout the
25 country, to go to military bases

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2 throughout the country, to go to other
3 parts of the country where we can pool
4 talented people committed to living in
5 the City into our police force, Fire
6 Department, Health Department, wherever.

7 There was also an amendment
8 that was made back in 2001, which will be
9 included in this bill also, and that is
10 that entry-level labor positions, jobs
11 that do not require specific skills,
12 would have to go to City residents, or
13 you have to be a City resident for a year
14 prior to applying for a job as a
15 sanitation worker, you know, in the
16 Sanitation Department, or on a road crew
17 or somewhere.

18 So those entry-level labor
19 positions would be a one-year requirement
20 pre-employment, and that was at the
21 request of Councilman Clarke back in
22 2001.

23 So I do think it strikes a
24 balance on trying to give the opportunity
25 for Philadelphians to work, but I also

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2 think we need to expand our horizons as a
3 city.

4 I think that Richardson
5 Dilworth, in 1953, was quoted as
6 saying -- and he opposed the ordinance of
7 1953, and he said, Imagine if the
8 Philadelphia Phillies could only recruit
9 from Philadelphia what kind of team we
10 would have.

11 So, I mean, we do it. Most of
12 our department heads -- not most, but a
13 lot of our department heads throughout
14 the two administrations that I have
15 worked with have been people that have
16 come other areas of the country and have
17 been given waivers in order to get around
18 the pre-employment residency requirement.

19 So I just want to try -- if
20 that's good policy for administrations to
21 follow, I think it would be good policy
22 also for the rest of the civil service
23 workforce to follow.

24 So thank you for your
25 testimony.

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2 MS. EARLEY: You're very
3 welcome.

4 COUNCILMAN RAMOS: Councilman
5 Goode.

6 COUNCILMAN GOODE: Thank you,
7 Mr. Chairman.

8 Ms. Earley, could you define
9 the term "best qualified"?

10 MS. EARLEY: Well, I'm sure
11 every position has a job description, and
12 the person that would be the best
13 qualified would meet the job description.

14 COUNCILMAN GOODE: That's a
15 person who is qualified or who is
16 qualified enough. Can you define the
17 term "best qualified."

18 MS. EARLEY: I'm not a human
19 resources expert, but I just think that
20 this would help to bring in qualified
21 people.

22 COUNCILMAN GOODE: But you use
23 the term "best qualified" as your main
24 reason for supporting the bill. I'm not
25 sure what the word "best qualified"

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2 means. I understand what "qualified
3 enough" means, I understand what
4 "qualified" means. I'm not sure what
5 "best qualified" means.

6 Isn't there always someone who
7 is potentially better qualified? And do
8 we ever hire the person who is actually
9 best qualified? Does that actually ever
10 happen?

11 MS. EARLEY: I don't know.
12 "Better qualified" might be a better
13 term, then, as opposed to "best."

14 COUNCILMAN GOODE: Better
15 qualified than existing Philadelphians.

16 MS. EARLEY: I'm not saying
17 that. I just think that this will help
18 to bring people into the City.

19 COUNCILMAN GOODE: That's
20 exactly what you're saying, because if
21 Philadelphians who actually live here are
22 qualified, and if they are, in fact,
23 qualified enough, and, in fact, you never
24 actually hire the person who is best
25 qualified.

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2 MS. EARLEY: I've just been in
3 support of expanding the base to get
4 good, qualified candidates to the jobs
5 and to bring people into the City to live
6 and work here and pay taxes here.

7 COUNCILMAN GOODE: But if what
8 we have now as a job strategy is reverse
9 commuting strategy because we're not
10 creating enough jobs, aren't we at risk
11 of losing those people who are
12 reverse-commuting to eventually living in
13 the suburbs?

14 MS. EARLEY: I don't know that.

15 COUNCILMAN GOODE: Okay. Thank
16 you.

17 COUNCILMAN RAMOS: Any other
18 questions for our witness from the
19 committee?

20 (No further questions.)

21 COUNCILMAN RAMOS: Not seeing
22 any, thank you very much for your
23 testimony this morning.

24 MS. EARLEY: You're welcome.
25 Thank you.

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2 COUNCILMAN RAMOS: Our next
3 witness is Linda Orfanelli, Director of
4 Personnel for the City of Philadelphia.

5 (Witnesses come forward.)

6 MS. ORFANELLI: Good morning,
7 Chairman Ramos and members of the
8 Committee on Labor and Civil Service.

9 My name is Linda Orfanelli.
10 I'm the personnel director, and I'm here
11 to present testimony regarding Bill No.
12 060432, which would amend Section 20-101
13 of the Philadelphia Code, entitled
14 "Residence Requirements," by providing
15 that an employee in the civil service
16 need not be a bona fide resident of the
17 City when appointed but must establish
18 residence in the City within six months
19 after appointment.

20 I would initially like to thank
21 Councilman Kenney and DiCicco for
22 introducing this bill in an attempt to
23 assist the Personnel Department in its
24 sometimes daunting task of recruiting
25 sufficient numbers of candidates for the

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2 City's civil service.

3 I agree that the decline in our
4 population and in our current stringent
5 residence requirements sometimes hinders
6 our ability to attract a sufficient
7 number of best candidates and discourages
8 applicants from competing for our jobs.

9 I would like, however, to
10 provide some additional information and
11 share some concerns I have regarding this
12 bill, in hopes that you will take these
13 into consideration before enacting this
14 legislation.

15 The Personnel Department has
16 for sometime requested and have been
17 granted waivers of residency by the Civil
18 Service Commission in accordance with
19 civil service regulations. By far, the
20 majority of these waivers are what is
21 referred to as "class waivers." They
22 pertain to a designated class of
23 positions to allow nonresidents to apply,
24 compete, and to be appointed in City
25 civil service positions.

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2 When the Commission waives the
3 residency requirement, they do so for six
4 months following completion of a
5 probationary and for a total of one year.
6 Currently, we have requested and been
7 granted 98 such waivers. This is about
8 10 percent of our titles.

9 These waivers are an assortment
10 of positions such as accountant; auditor
11 trainee; airport titles; chemists; civil
12 and environmental and industrial
13 electricians; electrical and mechanical
14 engineers; architects; nurses; electronic
15 technicians; various technology titles;
16 H.R. reps; librarians; recreation and
17 social service positions.

18 Often these waiver are a result
19 of our inability to attract enough
20 candidates to fill positions from our
21 traditional pool of Philadelphia
22 residents.

23 In the case of many of our
24 entry-level positions requiring a
25 bachelor's degree, we have sought waivers

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2 in order to assist in recruiting students
3 in local colleges and universities who
4 may not originally be from Philadelphia.
5 Attracting these students to the City's
6 workforce and retaining them in this
7 area, we believe, is of tremendous
8 importance.

9 This process, the current
10 process, is efficient and flexible.
11 Residency waivers, when warranted, are
12 granted in a timely fashion. They may
13 also be rescinded when their utility
14 expires. I believe this process is
15 sufficient to meet the needs of the civil
16 service at this time.

17 For the vast majority of open,
18 competitive employment opportunities with
19 the City of Philadelphia, we have a
20 sufficient volume of candidates.
21 Granting a general waiver of residency
22 for all civil service positions runs the
23 risk of generating a surplus of
24 candidates.

25 In addition to the burden

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2 presented to the Personnel Department
3 that processing of these applications
4 would present, there's a great likelihood
5 that this surplus would work to the
6 disadvantage of current City residents.

7 For example, the most recent
8 administration of the firefighter
9 examination administered in November of
10 '05 generated 38,041 applications. Of
11 that number 2800 candidates took the
12 written exam and 2,077 passed that exam.

13 When comparing this test
14 administration to the previous holding of
15 firefighters, we see that the previous
16 exam, given in October of 2001, generated
17 an eligible list of 2537 candidates. Of
18 the number, 2102 candidates remained on
19 the list when it expired four years
20 later. That is only 435 candidates, or
21 17 percent of the passes were selected
22 from the eligible list.

23 Similarly, the announcement for
24 police officer recruit conducted in
25 August of 2005 produced 12,386

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2 applicants. The eligible list, which was
3 generated as a result of this
4 recruitment, consists of 2,229 passing
5 candidates. Of that number, 2,065 remain
6 on that list. Only 164 candidates have
7 been selected or otherwise removed from
8 this list.

9 Clearly, the majority of
10 successful competitors for these
11 positions had no realistic opportunity to
12 be hired. Since no residency waiver
13 applies to either firefighter or police
14 officer recruit, these candidates are
15 residents of Philadelphia.

16 Since firefighter and police
17 officer recruit are representative of our
18 candidate pool, granting a residency
19 waiver to all competitors would decrease
20 to a significant extent the chance that a
21 City resident would be selected and
22 hired.

23 I believe that City residents
24 should, whenever practicable, have
25 preference for City civil service

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2 positions.

3 Similarly, I believe a general
4 waiver of residency would disadvantage
5 City residents in competition for an
6 appointment to the majority of civil
7 service positions.

8 As I mentioned earlier, our
9 current practice with regard to class
10 residency waivers is to allow employees
11 six months following completion of their
12 probationary period to establish
13 residency in the City. Since the
14 probationary period is six months, this
15 essentially equates to a one-year
16 residency waiver.

17 This bill would reduce this to
18 a total of six months and require that
19 newly-appointed employees relocate while
20 still in a probationary status. I
21 believe that it is inadvisable to require
22 that a probationary employee relocate
23 when they have no assurance they will be
24 granted permanent civil service status.

25 I am also concerned that if

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2 this bill is enacted, the resultant
3 increase in volume of applications would
4 create a burden to our department.

5 As you are aware, the number of
6 Personnel Department employees decreased
7 from approximately 135 in 1993 to only 78
8 today. Processing the 22,830
9 applications received in calendar-year
10 2005 often stretched staff capability to
11 their limits.

12 The increase in applications
13 received resulting from a waiver of
14 residency for all civil service positions
15 would result in additional overtime
16 costs, data entry backlogs, and delays in
17 testing and hiring.

18 This concludes my testimony
19 regarding the bill, and I'm glad to
20 answer any questions.

21 COUNCILMAN RAMOS: Thank you,
22 Miss Orfanelli.

23 Miss Orfanelli, you bring up a
24 number of concerns that you have. I
25 don't want to misinterpret your

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2 statement.

3 Are you for or against this
4 bill?

5 MS. ORFANELLI: Against.

6 COUNCILMAN RAMOS: Thank you.

7 COUNCILMAN KENNEY: Did you
8 testify in 2001?

9 MS. ORFANELLI: No, I did not .

10 COUNCILMAN KENNEY: Do you know
11 who did?

12 MS. ORFANELLI: Probably Linda
13 Saider (sp?).

14 COUNCILMAN KENNEY: Do you know
15 what the position of the Department was
16 then?

17 MS. ORFANELLI: Against.

18 COUNCILMAN KENNEY: Against.
19 Fully against?

20 MS. ORFANELLI: Yes.

21 COUNCILMAN RAMOS: Councilman
22 Rizzo?

23 COUNCILMAN RIZZO: Thank you.

24 Miss Orfanelli, I want to go
25 back to an issue a few months ago in a

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2 conversation I had with my colleagues.

3 We had an issue with
4 paramedics, where there was some
5 confusion on what the Fire Department
6 thought and what Central Personnel -- for
7 lack of a better word, I'll call it
8 "Central Personnel" -- thought was
9 getting on.

10 And in a conversation, I've
11 learned that you can go to the Civil
12 Service Commission at any time there's an
13 need and ask for a waiver.

14 Could you explain that process,
15 and why the Fire Department, knowing that
16 there was an issue with the shortage of
17 paramedics, why they didn't request
18 you -- or was there any rationale why --
19 was there any rationale why there wasn't
20 a request for the waiver that seemed --
21 that could have been secured rather
22 easily based on the importance of the
23 issue.

24 So could you just explain for
25 the record how a commissioner, having a

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2 dire need for employees like advanced
3 medic technicians, how they could have
4 gotten those with the system as it is?

5 MS. ORFANELLI: Okay. It's
6 very simple for us to get a waiver.
7 Usually, we either have the department
8 ask us for a waiver because they remember
9 in their experience that there wasn't a
10 large enough candidate pool.

11 We have a system where we can
12 actually see how many candidates apply
13 for an exam, how many passed, how many
14 appointments we made, and if there was a
15 shortage.

16 In the event there's a shortage
17 or there's a problem hiring in certain
18 categories -- and paramedics is a
19 category -- then what we do is, we
20 prepare a request for the Civil Service
21 Commission. I meet with them every week.
22 I take that request up to the Commission,
23 make my case for why we need a, waiver
24 and they can approve it.

25 And it's effective immediately.

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2 It takes literally one day.

3 And what we sometimes do is ask
4 for a waiver for just the holding of the
5 next exam to see how it works.

6 If it's a kind of -- if it's a
7 situation where it's a continual problem,
8 we ask for a class waiver, and so there's
9 a waiver in that position until we ask
10 for it to be removed.

11 COUNCILMAN RIZZO: Let's go
12 back specifically to the paramedic issue.

13 MS. ORFANELLI: Okay.

14 COUNCILMAN RIZZO: Let's go
15 back specifically to the paramedic issue.

16 MS. ORFANELLI: Paramedics,
17 okay.

18 COUNCILMAN RIZZO: If you would
19 have gone to the Civil Service
20 Commission, if the Commissioner of Fire
21 would have asked to you pursue that,
22 explain to the committee what that would
23 have accomplished and the scenario of --
24 you mention your concern about a person
25 moving in with no assurances.

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2 Explain for the record what
3 exactly that waiver would have provided
4 both the potential employee and the Fire
5 Department.

6 MS. ORFANELLI: Okay. If the
7 Fire Department had asked us to put a
8 waiver on paramedic, then we would have
9 announced it, that it was for -- that it
10 was not required that you be a resident
11 of Philadelphia. At that time, then we
12 would take applications from residents
13 and nonresidents.

14 Now, let's say we appointed
15 someone from the list who was from
16 Delaware County. That person would have
17 a six-month probationary period and then
18 six months to move in.

19 Although we do not reject a
20 majority of our candidates, we do reject
21 several candidates a year in a variety of
22 positions.

23 So it's -- it's logical and
24 prudent for someone to wait until they
25 pass their six-month probationary period

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2 before they make a rather, you know, a
3 choice that has a lot of implications of
4 finding an apartment, buying a house,
5 relocating their family, or whatever.

6 So it makes sense a lot more
7 sense to have passed probation before you
8 make those changes in your life.

9 So that's why we have a
10 one-year waiver.

11 COUNCILMAN RIZZO: Well, it
12 concerns me that the Fire Department
13 suggested that they had a very critical
14 need for paramedics, and why the
15 Commissioner -- and I can understand the
16 committee's frustration.

17 If they're not implementing an
18 administrative procedure to deal with
19 this, then I guess the next best is to
20 waive the residency requirement.

21 What exactly happened with the
22 paramedic issue? And I'm not here to
23 embarrass anyone, but I know that there
24 were two different -- there was a lack of
25 communication, from what I understand,

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2 between two organizations.

3 I just heard on the news this
4 morning that we have now medics on
5 bicycles. Where did we get 'em?

6 MS. ORFANELLI: From among the
7 paramedics. But those medics on bicycles
8 are going to be used for events. They
9 will be used for events like 4th of July
10 or, you know, Live Aid or those kinds of
11 --

12 COUNCILMAN RIZZO: Overtime.
13 An overtime situation?

14 MS. ORFANELLI: Or overtime in
15 some cases, but they'll be regular
16 paramedics the rest of the time, but that
17 gives them the facility to get to the
18 place they need to be quickly rather than
19 waiting for an ambulance to get there.
20 They can be on the scene more quickly.

21 COUNCILMAN RIZZO: Right, I
22 understand that.

23 But now, where are we with the
24 medic issue? In other words, do we need
25 a waiver, do we need to wave residency?

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2 Where are we the -- do we have enough
3 medics?

4 MS. ORFANELLI: Well, let me
5 say, the concern with the paramedics is
6 this: We're not the only ones
7 experiencing problems hiring paramedics;
8 it's not just in Philadelphia.

9 So that even if we opened it
10 up, would we really have had that many
11 more candidates? That's a question.

12 So I believe the Fire
13 Department believed that it wasn't going
14 to make that much of a difference at the
15 time. So they didn't ask us for a
16 waiver.

17 COUNCILMAN RIZZO: Councilman
18 Kenney just said to me, Well, what's the
19 harm? If you have a shortage -- how many
20 medics do we need today? How many have
21 you been requested to hire?

22 MS. ORFANELLI: I'm not sure
23 how many have actually been hired and
24 what the vacancy number is. I'd have to
25 check.

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2 COUNCILMAN RIZZO: There are
3 opportunities for medics, correct?

4 MS. ORFANELLI: Yes.

5 COUNCILMAN RIZZO: And when you
6 did advertise, you only got a couple
7 dozen candidates?

8 MS. ORFANELLI: It was a --
9 don't quote me, but it was around 37, I
10 believe.

11 COUNCILMAN RIZZO: Okay. Well,
12 obviously, if the pool is running dry,
13 you need to do something. Either we're
14 going to fix it for you or you're going
15 to need to get the attention of the
16 commissioners to request of you what you
17 what described a very simple process,
18 especially when it comes to life and
19 safety.

20 MS. ORFANELLI: Well, we
21 announced for Philadelphians. I also
22 told the Commissioner that if we didn't
23 get sufficient candidates, we could
24 announce again and open it up.

25 COUNCILMAN RIZZO: And what

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2 happened?

3 MS. ORFANELLI: And we're now
4 in the process of appointing, and then
5 we're going to see exactly how many
6 vacancies are left and move forward from
7 there.

8 COUNCILMAN RIZZO: I mean, it
9 seems like there's a step before this
10 step, and it doesn't seem that we're
11 doing what we need to do to fix the
12 problem.

13 And, again, it's frustrating
14 when -- sitting on this side of the
15 aisle.

16 MS. ORFANELLI: I understand.

17 COUNCILMAN RIZZO: Thank you,
18 Mr. Chairman.

19 COUNCILMAN RAMOS: Councilman
20 Kenney.

21 COUNCILMAN KENNEY: Thank you.

22 Miss Orfanelli, do you have any
23 idea how many cities in the country have
24 a pre-employment residency requirement?

25 MS. ORFANELLI: I do not.

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2 COUNCILMAN KENNEY: I think
3 there's one, and that's Boston. What
4 does that tell you?

5 MS. ORFANELLI: They have
6 different rules than we do?

7 COUNCILMAN KENNEY: Right. But
8 what does that tell you about the policy
9 that no other city in the country, with
10 the exception of Boston, requires this?

11 And I would argue probably --
12 and correct me if I'm -- wrong that
13 there's no business in the country that
14 does this, that requires this.

15 So why would we not want the
16 opportunity for all positions, with the
17 exception of the entry-level labor stuff
18 that I talked about, to go to military
19 bases to find, you know, for example, an
20 African-American female lieutenant that's
21 retiring after 15 or 20 years, that she
22 be hired as a police officer or
23 firefighter or any other job and bring
24 her family to Philadelphia to live in one
25 of our neighborhoods.

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2 Why would I not want to go to
3 the University of Southern California and
4 recruit?

5 Why -- I'm having a hard time
6 understanding the effect of this policy
7 in keeping Philadelphia this stifled,
8 parochial provincial place that you only
9 have to -- in order to get any benefit
10 from it, you have to be here, you have to
11 live, or we don't want you around.

12 I mean, I went through this
13 situation over the weekend with the
14 cheese steak. I mean, it's like we don't
15 want to open ourselves up to the world or
16 to the country because we want to hold
17 this to ourselves. I don't get it.

18 I mean, I was at a ball game, a
19 Phillies game, a few weeks ago, and there
20 was an NYPD van on the sidewalk or on the
21 street there parked, recruiting.

22 I mean, what does that tell
23 you? It tells you that they're coming
24 down here to take some of the best and
25 brightest that we have because there's no

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2 pre-employment residency requirement.

3 I mean, I don't get it, I
4 really don't get it.

5 This may pass, it may not pass.
6 And I'll try it again, I guess, in
7 another three years.

8 But unless we start breaking
9 this cycle of "Philadelphia for
10 Philadelphians only," we will never be
11 the city that we all want it to be, and
12 that is an open, welcoming place that is
13 vibrant and brings people from all over
14 the country.

15 I just don't get the policy. I
16 don't understand it.

17 When no other city in the
18 country besides one is doing it, we're
19 going to hold own to this 1953 relic in a
20 global economy, where we need these
21 people to compete.

22 I don't -- I just don't get it.
23 From an H.R. perspective, it makes no
24 sense to me.

25 MS. ORFANELLI: First, let me

1 6/12/06 LABOR/CIVIL SERVICE - BILL 060432
2 tell you that we actually did recruit on
3 military bases about three or four years
4 ago, and we got one candidate.

5 COUNCILMAN KENNEY: Well, maybe
6 we didn't recruit as well as we should
7 have recruited.

8 Why would the NYPD be parked at
9 the Citizens Bank Park, trying to take
10 our people to New York to be cops? I
11 mean, it --

12 MS. ORFANELLI: Well, the other
13 thing I'd like to tell you is that I'm a
14 member of the International Personnel
15 Management Association, and I, not very
16 long ago, was a part of an e-mail stream
17 asking questions.

18 And one of the things that came
19 up that a lot of these entities were
20 very -- rued the day that they didn't
21 have the residency requirement because
22 they wanted officers that were in
23 contingent areas.

24 And they were saying to me,
25 "Aren't you lucky?"

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2 So I don't know.

3 COUNCILMAN KENNEY: So why
4 isn't there a rush to --

5 MS. ORFANELLI: There rules
6 changed a long time ago and they can't
7 change them back.

8 COUNCILMAN KENNEY: Then why
9 isn't there a rush in every legislative
10 body in every city in the country to
11 change it back if it's such a benefit?

12 MS. ORFANELLI: Apparently,
13 they can't get it changed back, as much
14 as they would like to.

15 COUNCILMAN KENNEY: Well, maybe
16 their legislature is forward-thinking and
17 won't change it, but I'm really -- I just
18 don't -- I can't think of any business
19 reason, any efficiency reason. Any
20 qualifications reason to make any sense
21 of this. And we're going to hold on to
22 this as tightly as we can.

23 It's just said sometimes, it
24 really is, but we'll see what happens.

25 COUNCILMAN RAMOS: Councilman

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2 Kelly?

3 COUNCILMAN KELLY: Thank you,
4 Mr. Chairman.

5 Miss Orfanelli, can you tell
6 me, what's probationary period now of an
7 employee?

8 MS. ORFANELLI: A probationary
9 period is six months. The time period?

10 COUNCILMAN KELLY: The time
11 period.

12 MS. ORFANELLI: Is six months.

13 COUNCILMAN KELLY: And is that
14 for all employees or just civil service
15 employees.

16 MS. ORFANELLI: Just civil
17 service.

18 COUNCILMAN KELLY: Civil
19 service employees?

20 So, therefore, if we do this
21 bill, then what kind of problems do you
22 foresee?

23 MS. ORFANELLI: Well, if I were
24 an new employee, a new employee of the
25 City and I was on probation and I didn't

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2 know whether I was going to be retained
3 or rejected, I would be hesitant about
4 actually making a serious commitment to
5 --

6 COUNCILMAN KELLY: How many
7 employees do you know of that were
8 rejected before during their probationary
9 period?

10 MS. ORFANELLI: Last year,
11 there were 34.

12 COUNCILMAN KELLY: And that's
13 34 out of how many?

14 MS. ORFANELLI: I don't have
15 the total number.

16 COUNCILMAN KELLY: I mean, what
17 would you say percentage-wise?

18 MS. ORFANELLI: It was probably
19 5 percent.

20 COUNCILMAN KELLY: Five
21 percent? Okay. It's definitely an
22 incentive to become a better employee.

23 Okay. So the probationary
24 period is just six months, and that's for
25 all employees?

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2 MS. ORFANELLI: That's correct.

3 COUNCILMAN KELLY: Who set that
4 regulation; is that because of the
5 Charter?

6 MS. ORFANELLI: That's in the
7 Charter.

8 COUNCILMAN KELLY: All right.
9 Thank you.

10 MS. ORFANELLI: You're welcome.

11 COUNCILMAN RAMOS: Any other
12 questions for this witness from the
13 committee?

14 (No response.)

15 COUNCILMAN RAMOS: Seeing none,
16 thank you, Miss Orfanelli, for your
17 testimony this morning.

18 MS. ORFANELLI: Thank you.

19 COUNCILMAN RAMOS: Our next
20 witness is City Controller Alan
21 Butkovitz.

22 (Witness comes forward.)

23 MR. BUTKOVITZ: Good morning,
24 Councilman Ramos, Councilman Kenney, and
25 members of the Labor and Civil Service

1 6/12/06 LABOR/CIVIL SERVICE - BILL 060432
2 Committee.

3 I'm controller Alan Butkovitz,
4 and I want to thank you for allowing me
5 the opportunity to testify before you
6 today in favor of Council Bill 060432,
7 legislation that will change the
8 residency requirement for Philadelphia
9 civil service employees, making it
10 consistent with the residency requirement
11 for non-civil service employees.

12 As you know, non-civil service
13 employees are currently given six months
14 to move into the City after they are
15 appointed. Civil service employees must
16 be residents of the City one year prior
17 to an appointment. This legislation will
18 eliminate the pre-employment residence
19 requirement for prospective job
20 applicants and eventual civil servants,
21 although it will not abolish the existing
22 residency requirement for all City
23 employees.

24 The disparity between the two
25 residency policies eliminates the

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2 potential pull of qualified job
3 applicants who do not even apply for
4 civil service jobs in City government
5 because they do not meet the one-year
6 residency requirement at the time of the
7 job offering.

8 Today, we live in a very
9 mobile, fast-paced society, where
10 competition for the best and brightest is
11 fierce. A one year-residence requirement
12 for City civil service employees prior to
13 their appointment hinders our ability to
14 attract and hire the best and most
15 qualified.

16 Recently, the Fire Department
17 had only 30-some candidates to choose
18 from when trying to fill approximately 60
19 to 70 EMS paramedic positions. Part of
20 our job as elected officials should be to
21 stop the exodus of our residents as well
22 as attracting new residents to our city.

23 Changing the residency
24 requirement for civil service employees,
25 permitting them to move into the City

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2 after their appointment can only serve as
3 yet another tool to attract new residents
4 to our city.

5 Currently, there are 109 job
6 classifications residency waivers
7 authorized by the Civil Service
8 Commission. Some of these position
9 waivers include architects, civil,
10 electrical, and mechanical engineers,
11 social workers, and program analysts,
12 some having been in effect since the late
13 1950s.

14 In fact, the auditor trainee
15 position of the City Controller's Office
16 has been on the waiver list since 1987.
17 The practice of authorizing specific job
18 classification waivers by the Civil
19 Service Commission, approximately 100 to
20 date, is a piecemeal attempt at
21 addressing a serious problem.

22 I believe it's time to
23 establish a uniformly consistent
24 residency policy for all employees, which
25 will allow the City to attract the best

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2 and most qualified employees and fill
3 some very critical positions in City
4 government.

5 Thank you.

6 COUNCILMAN RAMOS: Any
7 questions for this witness?

8 Councilman Goode.

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

11 Good morning, Mr. Controller.

12 MR. BUTKOVITZ: Good morning.

13 COUNCILMAN GOODE: I sent you
14 an e-mail this morning actually
15 congratulating you on some of your recent
16 work, so I hope that will balance this
17 out a bit.

18 MR. BUTKOVITZ: And vice versa.

19 (Laughter.)

20 COUNCILMAN GOODE: The first
21 question is: Aren't we really trying to
22 create more job growth in the private
23 sector rather than in the public sector?

24 MR. BUTKOVITZ: Look, I get the
25 point that you asked the previous

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2 witnesses about, and certainly I think
3 there is a need for more jobs in
4 Philadelphia, but there's a couple of
5 points here.

6 First of all, the lack of
7 sufficiently -- a sufficient pool of
8 qualified candidates for some positions
9 such as the paramedic situation, that's
10 number one.

11 Secondly, the fact that this is
12 already the law for high-level
13 appointees, who get -- so it either
14 should be one way or the other.

15 COUNCILMAN GOODE: I understood
16 that point in your testimony,
17 Mr. Controller, and I don't disagree with
18 some of the points associated with it.

19 My question was what it was.
20 Isn't the message we're trying to send as
21 a government that job growth should
22 really come from the private sector
23 rather than the public sector?

24 MR. BUTKOVITZ: Who is the
25 "we"?

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2 COUNCILMAN GOODE: I'm asking
3 if you disagree with the statement. And
4 if you disagree with the statement, I'm
5 willing to say, as the economic -- as a
6 former economic practitioner, as chair of
7 Council's Commerce and Economic
8 Development Committee, that I'm seeking
9 more private-sector job growth, not
10 necessarily more public-sector job
11 growth.

12 MR. BUTKOVITZ: Okay.

13 COUNCILMAN GOODE: And that the
14 way I want to market this city is focused
15 on private-sector job growth; not saying
16 come to Philadelphia, that we have more
17 taxpayer-funded jobs for you.

18 MR. BUTKOVITZ: We're just
19 saying that is a side benefit.

20 The critical issue in public
21 employment is, what are the needs of the
22 citizenry? That's what comes first.

23 COUNCILMAN GOODE: And the
24 needs of the citizenry are jobs --
25 private sector and public sector.

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2 MR. BUTKOVITZ: No, no, the
3 principal need of the citizenry is for
4 the service that is being provided. We
5 wouldn't create a job just to create a
6 job so somebody will be employed.

7 You have a job because -- if
8 you're having a heart attack, you need a
9 paramedic to be there right now. I mean,
10 that's the point.

11 And then you can talk about the
12 fairness or the way that that's handled.
13 But we only create public employment to
14 fill a need.

15 COUNCILMAN GOODE: This is not
16 establishing a policy just for the
17 paramedic position; this is establishing
18 a policy across the board.

19 But my question is: What is
20 your specific policy position on whether
21 our major focus should be on creating
22 private-sector jobs or public-sector
23 jobs?

24 MR. BUTKOVITZ: I believe we
25 should only be creating public-sector

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2 jobs where there is a need.

3 There have been many
4 commentaries that the population is much
5 smaller than it was in 1950. And yet the
6 eneral public employment level is about
7 the same.

8 So the goal would be to have
9 the employment more or less match the
10 population -- unless there are higher
11 needs in public safety or other areas
12 which are in crisis that justify a
13 deviation from that.

14 COUNCILMAN GOODE: And we have
15 the flexibility --

16 MR. BUTKOVITZ: And I would
17 agree with you that private employment is
18 the place where we're -- we have very
19 elastic opportunities for growth, and
20 that should be the focus.

21 COUNCILMAN GOODE: And we have
22 the flexibility within our Charter,
23 within our Code, and within our
24 administrative policies to address places
25 where there are concerns and to offer

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2 waivers. Is that not correct?

3 MR. BUTKOVITZ: Well, you come
4 back -- sure, you have waivers, but why
5 should there be a delay? I mean, there's
6 been front-page news stories recently
7 about delays in emergency paramedic
8 service. There shouldn't be --

9 COUNCILMAN GOODE: You don't
10 create a policy for all positions just
11 because of a crisis in one.

12 MR. BUTKOVITZ: Well, that's --
13 that's -- well, first of all, if somebody
14 dies because we can't get to them, I
15 think that is -- I differ with you. I
16 think that's pretty serious.

17 And there was a prominent
18 Philadelphian who did die in the last few
19 months, and that rightfully was a matter
20 of public controversy.

21 That's one of the most
22 important functions that the City
23 performs, but it's not just that. It's a
24 question of what's sauce for the goose
25 should be sauce for the gander.

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2 If the rules should be that you
3 live in the city beforehand, then that
4 should apply to everybody, even
5 commissioners, deputy commissioners, et
6 cetera. It should not be unfairly
7 applied.

8 COUNCILMAN GOODE: The rules --

9 MR. BUTKOVITZ: And, finally,
10 it strikes me that there's a real federal
11 constitutional issue with this kind of
12 approach.

13 Certainly, if you move from
14 Georgia to Pennsylvania, and Pennsylvania
15 says you have to live in Pennsylvania for
16 a year before you get welfare benefits,
17 that's unconstitutional because the
18 commerce clause says that Americans have
19 the right to move around to get the basic
20 benefits of government from being
21 American citizens.

22 I believe if a case was
23 brought, included in that would be the
24 right to public employment. I mean, I
25 don't -- the fact that --

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2 COUNCILMAN GOODE: I'm not --

3 MR. BUTKOVITZ: -- there's only
4 two cities in this position to me
5 indicates that probably many cities have
6 reached that conclusion.

7 I mean, if we are for the
8 enforcement of all the freedoms in the
9 United States Constitution, we have to
10 take everything that that means -- when
11 it works in favor of what we're trying to
12 do at a particular time and when it works
13 against it.

14 But we -- liberals are for free
15 movement of people from state to state,
16 city to city, and we have achieved very
17 important constitutional victories in
18 court on that.

19 This would go in the opposite
20 direction.

21 COUNCILMAN GOODE: I am not yet
22 a United States Congressman or a United
23 States senator; I have elected to
24 represent the citizens of Philadelphia.
25 And I --

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2 MR. BUTKOVITZ: You swore to
3 enforce the United States Constitution as
4 part of your oath.

5 COUNCILMAN GOODE: Absolutely.

6 MR. BUTKOVITZ: Okay.

7 COUNCILMAN GOODE: The united
8 States Constitution, the Constitution of
9 the Commonwealth of Pennsylvania, and the
10 Philadelphia Home Rule Charter.

11 And the Philadelphia Home Rule
12 Charter, as long as it does not conflict
13 with the Pennsylvania Constitution or the
14 United States Constitution, which it does
15 not in this case, states that there
16 should be a preference.

17 And regardless of what any
18 other city does, if I still believe there
19 should be a preference, there should
20 still be a preference.

21 But beyond that, my point is
22 this: It's not that people should be
23 free-flowing in terms of population, but
24 they should want to come to Philadelphia
25 because of private-sector jobs, not

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2 because of public-sector jobs.

3 I want to move forward a little
4 bit and ask you about the statement
5 similar to the question I asked the
6 Chamber of Commerce.

7 In your testimony, you say,
8 "which will allow the City to attract the
9 best and most qualified employees." How
10 do you know who the best and most
11 qualified employees are?

12 MR. BUTKOVITZ: The people who
13 will perform the best on the tests and
14 the interviews are the -- or else those
15 tests and interviews should be changed.
16 They should be relevant to the real
17 criteria that you want in those
18 positions.

19 But, you know, when I go to a
20 doctor, I want to go to the best doctor,
21 not to the guy that, because he didn't
22 have enough competition, he made it into
23 medical school.

24 COUNCILMAN GOODE: Do you look
25 for doctors locally or do you look for

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2 doctors nationally?

3 MR. BUTKOVITZ: I look for
4 doctors regionally, locally.

5 COUNCILMAN GOODE: Last
6 question. With regard to the auditor
7 trainee position, why is it on the waiver
8 list?

9 MR. BUTKOVITZ: Because we
10 cannot get enough Philadelphians to apply
11 for the test. We can't get enough
12 Philadelphians with the background
13 qualifications for that job to apply for
14 the test.

15 And there are significant gaps
16 between the time somebody retires or
17 there's an opening and we're able to fill
18 it, and that means more workload on
19 people who are already working very heavy
20 schedules to get all of the mandated work
21 done.

22 COUNCILMAN GOODE: So you
23 believe that there's a skills deficit
24 within the City of Philadelphia that does
25 not allow enough people to apply for an

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2 that does not allow enough people to
3 apply for an auditor trainee position as
4 opposed to it being a recruitment
5 problem?

6 MR. BUTKOVITZ: That's right.
7 I mean, it's our experience that the
8 tests are announced and we don't get
9 enough applicants.

10 COUNCILMAN GOODE: But there
11 are very possibly enough applicants
12 within the City of Philadelphia.

13 MR. BUTKOVITZ: I would say the
14 evidence is that there is not, because if
15 I wanted a job and I was
16 auditor-qualified, I would certainly look
17 at the City Controller's Office
18 announcements as a place to work.

19 Where else would you go as a
20 starting-out auditor?

21 COUNCILMAN GOODE: I generally
22 don't deal anecdotally in that fashion,
23 so I'll pose the question to you this
24 way: Where would you recruit outside of
25 Philadelphia specifically?

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2 MR. BUTKOVITZ: Well, as part
3 of our regular program, we go to a number
4 of colleges and recruit for entry-level
5 auditors.

6 COUNCILMAN GOODE: I mean,
7 specifically, where are the auditor
8 trainees that you want to hire?

9 MR. BUTKOVITZ: I would love to
10 hire them from inside the City limits if
11 they were applying. I mean, we certainly
12 do outreach to all the colleges in
13 Philadelphia, and we do outreach in the
14 colleges in suburban Philadelphia.

15 COUNCILMAN GOODE: But you
16 don't know that they are specifically
17 auditor trainee in waiting outside of
18 Philadelphia.

19 MR. BUTKOVITZ: We go to Penn
20 State, we go to colleges where people are
21 training to be accountants.

22 COUNCILMAN GOODE: My question
23 is: Is there a pool of auditor trainees
24 out there, somewhere outside of
25 Philadelphia that you need to go tap?

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2 MR. BUTKOVITZ: They're at
3 these colleges. There's not a township
4 that I'm familiar with that is occupied
5 by accountants and auditors exclusively.

6 COUNCILMAN GOODE: So they are
7 quite possibly within the colleges within
8 the City limits as well.

9 MR. BUTKOVITZ: Yeah. And we
10 work very hard to go to all of the local
11 colleges and get our candidates here.

12 COUNCILMAN GOODE: And it's
13 quite possible that they might want to go
14 work for a private-sector accounting firm
15 rather than the City Controller's Office.

16 MR. BUTKOVITZ: Well, my
17 problem, is I have to get them into our
18 office. Whatever their other
19 opportunities or motivations are, I have
20 a problem of getting the work done that
21 we have to get done in our office.

22 COUNCILMAN GOODE: But it's not
23 necessarily a skills deficit within
24 Philadelphia.

25 MR. BUTKOVITZ: You're now in

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2 the realm of philosophy. It's -- I mean
3 anything that's phrased like that, of
4 course, it's not necessarily. But the
5 common-sense experience is, if you need a
6 job and you're qualified for that, and
7 the main place, public place where you
8 would go to get that kind of job, and you
9 can't get enough applicants, there's
10 probably not enough people with those
11 qualifications here.

12 COUNCILMAN GOODE: Well,
13 Mr. Controller, the realm of philosophy
14 began with the statement, "which will
15 allow the City to attract the best and
16 most qualified employee."

17 I'm not sure that that's an
18 accurate statement. I mean, it's fair
19 for you to offer it as testimony, but I'm
20 not sure it's an accurate statement.

21 MR. BUTKOVITZ: Okay. Well...

22 COUNCILMAN GOODE: Thank you.

23 COUNCILMAN RAMOS: Any other
24 questions for this witness?

25 (No response.)

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2 COUNCILMAN RAMOS: Seeing none,
3 thank you.

4 MR. BUTKOVITZ: Okay, thank
5 you.

6 COUNCILMAN RAMOS: The next
7 witness is Mr. Ed Schwartz from The
8 Institute of Civic Values.

9 (Witness comes forward.)

10 COUNCILMAN RAMOS: Please
11 proceed.

12 MR. SCHWARTZ: My name is Ed
13 Schwartz, and I'm here as President of
14 the Institute for the Study of Civic
15 Values.

16 I would add, as is known, that
17 I've had two positions in government --
18 one as a member of this Council 20 years
19 ago, and a five-year stint as Director of
20 the Office of Housing and Community
21 Development.

22 And I've worked with, for, and
23 around government for just about the
24 entire period of time that I've lived in
25 Philadelphia, which has really been only

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2 half of my life. I came here from
3 another place, directly from Boston and
4 earlier from New York.

5 I -- my perspective on this, as
6 reflected in my notes, grows out of
7 analysis of some of the highest positions
8 in government. I know we've gone beyond
9 that here.

10 Let me say that my support for
11 this bill is simple. It's common sense.
12 That is, it's common sense to me to say
13 that you're going to hire somebody and
14 give them time to live there rather than
15 forcing somebody to live here before they
16 hired someone.

17 Now, that common sense has also
18 given rise to a waiver position.
19 Somewhere, somebody along the way knew
20 that this was a problem; why else have a
21 waiver?

22 But I have a real problem with
23 something that requires a waiver of a law
24 in order to achieve common sense rather
25 than to apply common sense to the law.

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2 And if there are administrative
3 problems that grow out of the new system,
4 surely we can work those out, just as we
5 seem to have worked out the systems, in
6 fact, that currently exist to some
7 extent.

8 I do think that the context of
9 all of this, including many of the
10 questions that have been raised, is the
11 understanding of the labor market
12 worldwide that we are now dealing with.

13 And that anyone who wants to
14 address the issues of jobs and economic
15 development has to start with the
16 presumption of the economic situation in
17 the world as it is now -- where, in fact,
18 in India, you call on technical support
19 from Dell Computers, and you're more
20 likely to be talking to Bombay than we
21 are to talking to even Texas, where Dell
22 is located.

23 That's the world in which we
24 live.

25 Now, at the highest level of

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2 public administration in this city, not
3 the Mayor's -- and, by the way, I would
4 point out that the last three mayors did
5 not grow up in Philadelphia; two of them
6 did not even grow up in Pennsylvania. I
7 believe the last mayor from Philadelphia
8 was your father, sir, Councilman Rizzo.

9 And many of our best public
10 administrators, the ones who are serving
11 with us now, came from other cities as
12 part of national searches.

13 Paul Vallas from the School
14 District, and we were thrilled when he
15 decided to be here because of his
16 reputation throughout the country as a
17 top-notch public administrator for
18 schools in Chicago.

19 Diana Neff, from the Mayor's
20 Office of Information Services, who was
21 less well known, but I knew of her from
22 my work in the Internet she. Had put
23 together the best website of a municipal
24 government in a little place called Palo
25 Alto, California in the mid-'90s, before

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2 she came here.

3 Kevin Hanna, currently the
4 Director of the Office of Housing and
5 Neighborhood Preservation, came from
6 Atlanta.

7 And, by alternative, in this
8 new mobile world, three of our local
9 administrators recently, over the last
10 six years, have found great jobs in other
11 cities.

12 Rob Hess, who had been the
13 Director of Homeless Services in
14 Philadelphia up to about a month ago, has
15 now taken that position in New York.

16 Police Commissioner John
17 Timoney is police commissioner in Miami.

18 The Finance Director, Janice
19 Davis, left for Atlanta.

20 So a career in public
21 administration, which is one particular
22 occupation and one -- I'm giving you the
23 top of the ladder, but I think it affects
24 all levels of it -- assumes that you're
25 likely to move from city to city. Or at

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2 least to keep that as an option
3 available.

4 And furthermore, whether or not
5 there's some other field that we also are
6 trying to expand in the City, which we
7 are trying to do, is irrelevant to what
8 makes sense in the particular fields that
9 we're talking about.

10 What we want are the best
11 qualified and best to serve public
12 administrators in our government.

13 Now, whether or not a local
14 resident or somebody from outside the
15 City meets that bill is something that
16 gets worked out when an employer starts
17 interviewing them and evaluating them.
18 That's done on a case-by-case basis.

19 And obviously, to me at least,
20 someone who's in the City with that
21 experience and who's lived here comes
22 with a tremendous advantage overall from
23 somebody who's not in the City. And that
24 would be taken in considering in the
25 employment.

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2 But to simply say that,
3 therefore, we should make it three times
4 as hard for somebody outside the City who
5 may be really good and someone we
6 immediate and someone whose talents as a
7 person in public service, which is what
8 we're talking about, would help the City
9 and help its residents, it seems to me
10 that that doesn't make any since --
11 particularly as you, Councilman Kenney,
12 point out, that we seem to be one of two
13 cities in the United States with this
14 provision.

15 Another way to avoid all of
16 these requirements at the top, of course,
17 is becoming a consultant. And here
18 again, this is another example of where
19 the labor market has taken us.

20 You don't have to be anywhere
21 to work everywhere. And that's the first
22 premise of the world economy that we need
23 to, in fact, understand if we're going to
24 be able to be competitive in the job
25 market of Philadelphia today.

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2 That even within the common
3 system, if we're going to talk about the
4 colleges and universities in this area --
5 and I think that is a huge asset to us.
6 Several are in the City, several aren't.
7 Swarthmore, Bryn Mawr, Haverford, three
8 of the top liberal arts colleges in the
9 United States, are located outside of
10 Philadelphia, and the people who are
11 attending those schools live outside of
12 Philadelphia.

13 Do I want to make it possible
14 for Swarthmore, Haverford, and Bryn Mawr
15 graduates to become employees here in
16 either sector? You bet. They're some of
17 the most talented people.

18 I've taught in one of those
19 institutions, and I can tell you that the
20 people who, from those institutions have
21 come here, have done a terrific job. And
22 I would not want to make it impossible
23 for them to have those judgments if that
24 option were open for them to come into
25 the government.

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2 So I support this because I
3 think it reflects the direction that the
4 labor movement already has taken, and
5 that, in fact, we need to be competitive
6 with that.

7 Does it wipe out the ordinary
8 standards of judgment that an employer
9 will make as to whether or not the people
10 who are working for them makes sense?
11 No.

12 Does it give -- eliminate the
13 advantage that somebody who has lived in
14 the City, who has been around might have
15 very somebody outside of the City? No.

16 But I've given several examples
17 from the top of this government where the
18 fact that we were able to attract
19 talented people from other places made it
20 possible for us to have people in these
21 positions who are, if not the absolute
22 best -- 'cause who knows what that is --
23 certainly did a credible job and
24 benefitted the City, as have many, many
25 people who've come here from outside of

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2 Philadelphia, myself, I would hope,
3 included.

4 Thank you.

5 COUNCILMAN RAMOS: Councilman
6 Goode.

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

9 Mr. Schwartz, you said in your
10 testimony and whether it's in your
11 written testimony, but you said in the
12 course of your oral testimony that it
13 should not require a waiver of the law.

14 In fact, the waivers that exist
15 are not waivers of the law; they are, in
16 fact, waivers under the law. Is that
17 correct?

18 MR. SCHWARTZ: That's a
19 semantic difference, Councilman. Surely
20 you know --

21 COUNCILMAN GOODE: Mr. Schwartz
22 as a legislator, you know that, in fact,
23 it's not waiver.

24 MR. SCHWARTZ: Fine, I will
25 agree with you. If you want to make a

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2 point, I'll agree to you that.

3 COUNCILMAN GOODE: It's not a
4 waiver of the law; it's a waiver under
5 the law.

6 MR. SCHWARTZ: Under the law,
7 but it's a waiver of a position that, in
8 fact, is created in the law that requires
9 it to be -- a law that requires the
10 waiver to make the law reasonable.

11 COUNCILMAN GOODE: Which, in
12 other words, means that there should be a
13 general rule that applies across the
14 board, but provisions put in place like
15 waivers and instances when it should not
16 apply across the board. And -- and --
17 and --

18 MR. SCHWARTZ: Well, actually,
19 I believe that's what I said. I said
20 that if we had a waiver position in this,
21 surely we could -- which doesn't make
22 sense, the law, then we could find some
23 equivalent waiver to deal with exception
24 or whatever, administrative implication
25 to deal with whatever problems might grow

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2 out of this new law.

3 I think that's what I said,
4 Councilman.

5 COUNCILMAN GOODE: I crafted
6 the minimum wage law last year; it had
7 waivers within it, which means that as
8 much as possible, I wanted people to be
9 paid at a certain rate but understood
10 that there were waivers that had to be
11 built into that law in order for it to
12 make sense.

13 MR. SCHWARTZ: And that's, it
14 seems to me, what I just said, that if
15 there were waivers built into the current
16 law and there were administrative
17 problems moving in this new direction,
18 then I'll use your language, waivers
19 could be built into that law. That's the
20 process of developing sensible
21 legislation.

22 COUNCILMAN GOODE: There are
23 waivers built into the current law.

24 Let me move forward. I don't
25 believe your testimony regarding public

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2 administrators has anything at all to do
3 with this bill.

4 Can you please explain to me
5 how your testimony regarding public
6 administrators at all relates to the
7 bill.

8 MR. SCHWARTZ: I think that, in
9 fact, this seems to apply to all levels
10 of public administration, number one.

11 COUNCILMAN GOODE: It does not.

12 MR. SCHWARTZ: And, number two,
13 to the extent that I have given examples
14 here of what's happened in the area that
15 I know best, I think it applies
16 throughout the system.

17 COUNCILMAN GOODE: It does not.

18 MR. SCHWARTZ: No. I think
19 that, in fact, the logic applies
20 throughout the system.

21 The fact that we have, in fact,
22 been able to benefit the City by having a
23 pool of people from all over the country
24 compete for the key jobs here, that
25 principle ought to be applied to the

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2 administrative structure throughout the
3 City.

4 We have benefitted as a result
5 of being able to get a Paul Vallas, who's
6 not even a City employee, but School
7 District, and whose tenure -- or a Diana
8 Neff, or some others I know who came from
9 outside the City.

10 Now, why shouldn't that
11 advantage be an advantage for the rest of
12 the City bureaucracy?

13 COUNCILMAN GOODE: To be
14 perfectly honest, the issue of whether
15 Paul Vallas is key to the City in terms
16 of the reform of public education is now
17 very debatable. Maybe last year and the
18 year before, it was not.

19 I think if you asked the people
20 in Chicago, they don't want him back.

21 MR. SCHWARTZ: Well, I think
22 that's a judgment about an individual
23 person.

24 COUNCILMAN GOODE: We didn't
25 steal him from anyone; they fired him.

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2 MR. SCHWARTZ: Well, that's
3 your judgment about the particular
4 individual. I mean --

5 COUNCILMAN GOODE: No, they
6 fired him.

7 (Indiscernible; parties talking
8 over each other.)

9 MR. SCHWARTZ: Certainly at the
10 time --

11 COUNCILMAN GOODE: The people
12 in Chicago fired Paul Vallas. He ran for
13 governor. After he lost running for
14 governor, then we went and got him.

15 MR. SCHWARTZ: I see. In other
16 words, a person who's been a school
17 administrator gets fired when he loses a
18 job running for office. That's a very
19 interesting formulation of on employment
20 situation.

21 The fact is that Paul Vallas
22 had a pretty good reputation as
23 superintendent of the schools in Chicago.
24 He served there a number of years.

25 COUNCILMAN GOODE: And got

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2 fired.

3 MR. SCHWARTZ: He was hired
4 here and he's highly regarded in terms of
5 his performance here.

6 COUNCILMAN GOODE: He's highly
7 regarded by some people and not by
8 others.

9 MR. SCHWARTZ: Fine. The
10 others are entitled to their opinion.

11 COUNCILMAN GOODE: He's highly
12 regarded enough by the School Reform
13 Commission that he still has his job.

14 MR. SCHWARTZ: That's true.
15 So?

16 COUNCILMAN GOODE: But we
17 should not assume that, one, because he's
18 highly regarded by the School Reform
19 Commission that other people would hire
20 him in that same position throughout the
21 City of Philadelphia.

22 The schools have improved to
23 the extent that people suggested they
24 have improved.

25 But, more importantly, my

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2 question was: Does your testimony
3 related to public administrators directly
4 relate to this bill?

5 MR. SCHWARTZ: If relates to
6 the principle of the bill.

7 COUNCILMAN GOODE: Not directly
8 to the --

9 MR. SCHWARTZ: And the
10 principle of the bill, as I understand
11 it, is that right now, in order to take a
12 position in the City of Philadelphia, you
13 have to have lived here for six months.
14 And if you haven't lived here for six
15 months, then you can get a waiver on that
16 provision.

17 I am saying that if that
18 provision is applied, it eliminates or
19 makes less likely getting the most
20 competent people that you want to be able
21 to get in positions of service, which is
22 what we're talking about, not some other
23 field, than we might get.

24 And there are a number of
25 people in colleges and universities in

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2 this immediate area who don't live in
3 Philadelphia but who would be very, very
4 good in working in our and for our
5 government at whatever level the
6 employment is.

7 And they might not, in fact, be
8 in a position or want to take the risk of
9 moving here for a job that may not, in
10 fact, occur. And they'll leave.

11 And, you see, to me, the
12 biggest problem, or among the biggest
13 problems of employment in this city, is
14 that people with college educations don't
15 stay here; they leave.

16 They leave because they think
17 the City, in fact, is out of tune with
18 what they're able to get from other
19 cities.

20 And if we, in fact, continue to
21 operate on the basis that we did 35 years
22 ago, when we had a manufacturing economy
23 where people grew up, maybe it's a better
24 economy, it's gone. And if we continue
25 to operate on that basis, we're not going

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2 to get very far.

3 The starting point in all
4 professions -- government, private-sector
5 and whatever -- is figuring out how we
6 attract people who have education and
7 talent to be able to come to the City and
8 stay here, as a number of us have.

9 COUNCILMAN GOODE: Aside from
10 that having nothing to do with the bill
11 either, can you name one civil service
12 administrative position that is impacted
13 by this bill. Name one civil service
14 administrative position.

15 MR. SCHWARTZ: Well, I think
16 they're all impacted by the bill.

17 COUNCILMAN GOODE: No.

18 MR. SCHWARTZ: Well, then I
19 don't know the answer. If there's some
20 specific one, we've heard various things.

21 (Indiscernible; parties talking
22 over each other.)

23 MR. SCHWARTZ: I assume that
24 every single civil service position is
25 impacted by the bill because, in fact,

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2 they apply to all of them, correct?

3 COUNCILMAN GOODE: Your
4 testimony was regarding public
5 administrators, which you termed as "key
6 administrators."

7 Aside from the fact that I
8 think you're referring to non-civil
9 service administrators, my question was:
10 Can you name one civil service
11 administrator position that you believe
12 to be impacted by this bill?

13 MR. SCHWARTZ: I think any
14 civil service position.

15 (Indiscernible; parties talking
16 over each other.

17 MR. SCHWARTZ: You're asking
18 me, do I know all of the civil -- do I
19 currently have in my head all of the
20 civil service positions in the City?

21 COUNCILMAN GOODE: I asked for
22 one position you're advocating for that
23 this bill needs to impact.

24 MR. SCHWARTZ: I'm not
25 advocating for any particular position.

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2 Why is that a requirement.

3 I'm advocating for a law that,
4 in fact, represents common sense.

5 COUNCILMAN GOODE: Your
6 testimony does not relate to the bill;
7 that's my point.

8 MR. SCHWARTZ: Okay. That's
9 your point; you're entitled to a point.

10 COUNCILMAN GOODE: Thank you.

11 COUNCILMAN KENNEY: Just one
12 clarification.

13 COUNCILMAN RAMOS: Councilman
14 Kenney.

15 COUNCILMAN KENNEY: Thank you.

16 I know that Mr. Schwartz
17 couldn't answer the question, but I
18 believe that the Personnel Director did
19 indicate in her testimony that there were
20 109 different positions that waivers have
21 been asked for at the Civil Service
22 Commission.

23 Was the number 109, I believe?
24 Classifications?

25 MS. ORFANELLI: 98.

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2 COUNCILMAN KENNEY: 98. I'm
3 sorry, 98 classifications.

4 So there's apparently at least
5 98 classifications and positions that
6 have requested waivers in the past, so I
7 guess that may be the answer to the
8 question.

9 COUNCILMAN GOODE: My question
10 was about administrative positions.

11 MR. SCHWARTZ: There are
12 deputies all over the place that are
13 civil service. You know, I mean --

14 COUNCILMAN KENNEY: The 98
15 classifications requested for waiver, I
16 think, maybe correctly indicate that
17 there's a problem in those areas, or you
18 wouldn't ask for the waivers. And so
19 that's --

20 MR. SCHWARTZ: Those are the
21 ones we know about.

22 COUNCILMAN GOODE: No.

23 COUNCILMAN KENNEY: Thank you.

24 COUNCILMAN RAMOS: Councilman
25 Goode?

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2 COUNCILMAN GOODE: My question
3 was if any of them are administrative
4 positions. And if none of them are
5 administrative positions, your testimony
6 regarding administrative positions is
7 irrelevant to the bill.

8 MR. SCHWARTZ: Well, okay,
9 Councilman. I don't agree with that.

10 I think that, in fact, the
11 standards you create for employment in
12 the City, in the City government, in
13 fact, have an effect on every aspect of
14 it. I don't think it's fungible in that
15 way.

16 And to the extent that I used
17 this example as a citizen who's been here
18 suggests that my impression is that
19 whatever the standard is in one area, it
20 needs to apply in other areas.

21 And Philadelphia has a
22 reputation well deserved. The positive
23 side of Philadelphia is that we care bow
24 the City as a place, and we care about
25 the people who live here.

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2 And if this were a bill to
3 limit the residency requirement, period,
4 I'd be here opposing it because I support
5 residency requirements.

6 But somewhere, there's a proper
7 balance between maintaining a community
8 and then encouraging new people to come
9 into it and make a contribution.

10 And I am among those people. I
11 didn't come here for civil service
12 particularly or even a job in government.

13 But there are plenty of people
14 who came to Philadelphia who stayed here,
15 and there are other people who might come
16 to Philadelphia and stay here for the
17 jobs that are available to them not
18 necessarily in the private-sector, who
19 would add a lot to the City if it was a
20 little bit easier for them to make that
21 decision.

22 That's the only point I'm
23 making. It seems to me, In listening
24 this, that that's the basic point of this
25 legislation.

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2 And if there are administrative
3 problems that that would create, then I
4 think, in fact, that should be worked out
5 with the Personnel Department, just as
6 the problems of the current situation has
7 created have been worked out with the
8 Personnel Department.

9 COUNCILMAN RAMOS: Any other
10 questions for this witness?

11 (No further questions.)

12 COUNCILMAN RAMOS: Seeing none,
13 thank you, Mr. Schwartz, for your
14 testimony this morning.

15 MR. SCHWARTZ: Thank you.

16 COUNCILMAN RAMOS: Our next
17 witness is Mr. Christopher Sheridan, the
18 Committee of Seventy.

19 (Witness comes forward.)

20 MR. SHERIDAN: Good morning.
21 My name is Christopher Sheridan, and I'm
22 here to testify on behalf of the
23 Committee of Seventy. Thank you to
24 Chairman Ramos and the Committee on Labor
25 and Civil Service for allowing us this

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2 opportunity.

3 The Committee of Seventy
4 supports Bill No. 060432 as consistent
5 with current practices in other major
6 cities and as a way to promote employment
7 competition and growth in the City of
8 Philadelphia.

9 Allowing nonresidents to apply
10 to Philadelphia civil service is a
11 progressive idea that will increase
12 employment competition, resulting in a
13 more qualified applicant pool for
14 municipal the jobs.

15 Proposed legislation eliminates
16 the one-year residency pre-application
17 requirement and allows applicants for
18 Philadelphia civil service up to six
19 months to establish residency after
20 appointment.

21 This change will allow the City
22 to market employment opportunities, for
23 example, to students at colleges outside
24 of Philadelphia, who might want to pursue
25 a career in our public service but are

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2 currently foreclosed from applying to
3 civil service jobs here.

4 By requiring an employee to
5 reside in Philadelphia after appointment,
6 the proposed change would still ensure
7 the employee will establish and maintain
8 a connection with the community, which is
9 an important consideration behind civil
10 service residency requirements.

11 The proposed change would also
12 bring uniformity to the City's residency
13 requirement. Currently, municipal
14 employees not in the civil service have
15 six months to establish Philadelphia
16 residency from the time of appointment
17 under the Home Rule Charter, Section
18 3-306.

19 As noted in the proposed bill's
20 preamble, the system creates an
21 appearance of preferential treatment, and
22 one consistent policy truly is in the
23 best interests of the City's municipal
24 workforce.

25 Opponents might say this

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2 proposed measure could reduce
3 opportunities for current residents,
4 especially in disadvantaged
5 neighborhoods.

6 To be fair, increased
7 competition may disadvantage some
8 individual and municipal job-seekers, but
9 the interest of 1.5 million
10 Philadelphians and the best city
11 workforce possible should not be
12 undermined by protectionist arguments.

13 This legislation will make the
14 process more competitive but also more
15 transparent and effective.

16 Support for this bill is also
17 consistent with Seventy's previous
18 testimony on civil service residency
19 requirements.

20 In 2001, Seventy delivered
21 testimony based on its Philadelphia
22 Police Department governance study.
23 While this previous study applied only to
24 police hiring, its findings are
25 applicable to the civil service

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2 generally.

3 Seventy found, among others
4 things, that Philadelphia and Boston were
5 the only major cities in America that
6 required applicants to the police force
7 to be residents for one year prior to
8 taking the exam.

9 Furthermore, Seventy found that
10 this requirement hampered the
11 Philadelphia Police Department's ability
12 to attract the most qualified applicants,
13 including minorities, and more currently,
14 highly qualified veterans of our armed
15 forces seeking a return to civilian life
16 as law enforcement officers.

17 In closing, the passage of this
18 bill is a step forward in Philadelphia's
19 effort to be viewed as a progressive and
20 welcoming city. It is also an invitation
21 to members of our armed forces to bring
22 their substantial skills to our city,
23 contributing not just to a more qualified
24 pool for law enforcement positions, but
25 also to a more qualified applicant pool

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2 for all civil service positions, given
3 that today's veterans have a full range
4 of knowledge and experience, which could
5 be an asset for any City department.

6 Okay, thank you.

7 COUNCILMAN RAMOS: Thank you
8 for your testimony.

9 Any questions for this witness?

10 Councilman Goode.

11 COUNCILMAN GOODE: Thank you,
12 Mr. Chair.

13 Good morning, Mr. Sheridan.

14 MR. SHERIDAN: Good morning.

15 COUNCILMAN GOODE: Your
16 testimony states that allowing
17 nonresidents to apply to Philadelphia
18 civil service is a progressive idea that
19 would increase employment competition,
20 resulting in a more qualified applicant
21 pool for municipal jobs.

22 Will that definitely happen?

23 Or possibly happen?

24 MR. SHERIDAN: I believe it
25 will happen because you're opening the

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2 applicant from 1.5 people to 300 million.
3 Or if you leave out children, from 1
4 million to about 200 million.

5 So I think that as a basic rule
6 of economics, the more competition you
7 have, the higher the qualifications at
8 the top of the applicant pool.

9 COUNCILMAN GOODE: That's
10 theoretically.

11 MR. SHERIDAN: Sure.

12 COUNCILMAN GOODE: But it's
13 also potentially very possible that we
14 have enough Philadelphia residents that
15 are qualified for these positions.

16 MR. SHERIDAN: Well, my feeling
17 is that Philadelphia residents deserve
18 the most qualified civil servants they
19 can have, so I don't know that having
20 enough people who are, quote, qualified
21 is adequate. PI think that our people
22 deserve the best qualified applicants
23 that we can find and hire.

24 COUNCILMAN GOODE: You walked
25 into that one. What does "most

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2 qualified" or "best qualified" mean?

3 MR. SHERIDAN: I mean it's a
4 combination of education, experience,
5 skills, training. I mean, it's --

6 COUNCILMAN GOODE: How do you
7 ever know you have the most qualified or
8 best qualified person?

9 MR. SHERIDAN: Well, I mean,
10 most qualified is a relative pool. I
11 mean, within a pool of applicants, human
12 resources professionals try, whether it's
13 for the City or whether it's for their
14 firm, to get the most qualified people.

15 So they look at a variety of
16 variables and try and get the person
17 who's going to provide the highest-
18 quality service to the constituents.

19 COUNCILMAN GOODE: The point
20 I've made throughout this hearing is that
21 there's no such thing as most qualified,
22 there's no such thing as best qualified.

23 There's qualified, there's
24 qualified enough. In some cases, there
25 is better qualified.

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2 In the end, there's no such
3 thing as most qualified or best
4 qualified.

5 MR. SHERIDAN: I mean, I would
6 disagree.

7 COUNCILMAN GOODE: How do you
8 determine who the best qualified
9 candidate is? Are you the best qualified
10 candidate for your job?

11 MR. SHERIDAN: I don't know
12 that.

13 COUNCILMAN GOODE: Of course.
14 No one could ever know if you're the best
15 qualified candidate for your job.

16 MR. SHERIDAN: Yeah, but
17 there's a range of skills and experience.
18 I mean, you know, we're getting into
19 terms -- it is a matter of semantics.

20 COUNCILMAN GOODE: It's not a
21 matter of semantics. I asked you about
22 your specific job, whether you're the
23 best qualified person, most qualified
24 person for your job.

25 MR. SHERIDAN: I think a lot of

1 6/12/06 LABOR/CIVIL SERVICE - BILL 060432
2 people think I am but I don't know that.

3 COUNCILMAN GOODE: There's no
4 way to ever know that; that's my point
5 exactly.

6 You may be qualified, you may
7 be qualified enough, you may have been
8 better qualified than other applicants,
9 but there's no such thing as being the
10 best qualified or most qualified for a
11 position. That's just something that
12 people have always said, and so that is
13 semantics.

14 My next question is, you say in
15 your testimony that opponents might say
16 this proposed measure could reduce
17 opportunities for current residents,
18 especially in disadvantaged
19 neighborhoods.

20 Can you explain that.

21 MR. SHERIDAN: Well, I think
22 that unemployment tends to be higher in
23 areas where there is less opportunity,
24 so, I mean, that's -- you know, that's
25 possible.

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2 Now, the amendment concerning
3 taking labor positions out of this
4 obviously removes part of that concern,
5 but not entirely.

6 COUNCILMAN GOODE: I'm asking
7 you to explain, what is a disadvantaged
8 neighborhood?

9 MR. SHERIDAN: What is a
10 disadvantaged neighborhood? I mean, we
11 have neighborhoods in Philadelphia which
12 are affluent, middle-class, and
13 disadvantaged. And there's a range.

14 I mean, disadvantaged. I mean,
15 obviously, places where people have
16 lesser economic opportunities, have less
17 financial resources. I mean,
18 disadvantage, it is what it is.

19 COUNCILMAN GOODE: So your
20 position is that these civil service
21 positions should go to middle-class and
22 affluent residents of the City or other
23 cities?

24 MR. SHERIDAN: My position is
25 that these positions should go to the

1 6/12/06 LABOR/CIVIL SERVICE - BILL 060432
2 most qualified person, whether they live
3 in Philadelphia or not.

4 COUNCILMAN GOODE: We've
5 absolutely done away with the term "most
6 qualified."

7 MR. SHERIDAN: Well, you have.

8 COUNCILMAN GOODE: Okay. Can
9 you explain to me again who would be the
10 most qualified person for your position.

11 MR. SHERIDAN: I mean, we could
12 go on for a long time.

13 COUNCILMAN GOODE: Until you
14 can answer the question. Who would be
15 the most qualified person for your
16 position, and how do you determine that?

17 MR. SHERIDAN: Well, probably
18 somebody with 20 or 30 more years of
19 experience in law and government than I
20 have.

21 But you always have the factor
22 as well that what a given organization or
23 entity is willing and able to pay is what
24 determines the -- that sets the ceiling.

25 COUNCILMAN GOODE: I'm

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2 finished, Mr. Sheridan. I'll make one
3 more point, and you can respond to it if
4 you want.

5 You just determined three
6 classes of people -- affluent, middle-
7 class, and disadvantaged. That speaks to
8 your testimony in volumes.

9 Thank you.

10 MR. SHERIDAN: I disagree. I
11 don't know where you get that.

12 Thank you.

13 COUNCILMAN GOODE: You said,
14 "affluent, middle-class, and
15 disadvantaged," and I asked you to define
16 what a disadvantaged neighborhood is.

17 MR. SHERIDAN: And I don't see
18 the relevance of this; I honestly don't.

19 I think that, you know,
20 basically people come from every class in
21 society and succeed. You know, we see
22 that all the time.

23 You know, the point is that
24 people in Philadelphia deserve the best
25 workforce they can get.

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2 COUNCILMAN GOODE: Mr. Sheridan
3 in your testimony, you stated that
4 opponents...

5 Opponents might say this
6 proposed measure could reduce
7 opportunities for current residents,
8 especially in disadvantaged
9 neighborhoods.

10 I simply asked you to explain
11 that statement from your own testimony
12 and to define "disadvantaged
13 neighborhoods" and what you meant by it
14 in your own testimony.

15 And you said, Well,
16 disadvantaged neighborhoods -- well,
17 there are affluent, there are middle-
18 class, and then there's disadvantaged.

19 That was your testimony.

20 MR. SHERIDAN: Right.

21 COUNCILMAN GOODE: I did not
22 interpret it; that's what you said.

23 Thank you.

24 MR. SHERIDAN: Anyone else?

25 COUNCILMAN RAMOS: Any other

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2 questions for this witness?

3 (No further questions.)

4 COUNCILMAN RAMOS: Seeing none,
5 thank you for your testimony.

6 MR. SHERIDAN: Okay, thank you.

7 COUNCILMAN RAMOS: The next
8 witness is Mr. Toby Rich from Scoop
9 Newspaper.

10 (Witness comes forward.)

11 COUNCILMAN RAMOS: Mr. Rich is
12 also known as "the Mayor of Girard
13 Avenue." That makes him my mayor as
14 well.

15 MR. RICH: Thank you very much.

16 COUNCILMAN RAMOS: Let me
17 recognize that Councilman DiCicco's been
18 here for a good while, and I have failed
19 to make note that he is a member of this
20 committee and is in attendance this
21 morning.

22 Please proceed.

23 MR. RICH: I may be a little
24 nervous, so please bear with me. When I
25 first heard --

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2 COUNCILMAN RAMOS: Mr. Rich,
3 can you state your name for the record,
4 please.

5 MR. RICH: My name is Rich Toby
6 Rich; I write for the Scoop Newspaper,
7 and in the paper I'm considered the Mayor
8 of Girard Avenue.

9 I may appear to be a little
10 nervous because most of the time that I
11 have been in here, I was always the side
12 being a nuisance. I find myself this
13 time wanting to testify because I really
14 feel kind of strongly about this issue.

15 Some folk from the Fire
16 Department asked me to be concerned about
17 this issue. And when I first saw things
18 going on, I really looked at it and
19 considered, well, maybe it's not such a
20 bad idea to have somebody able to come
21 and get a job after they have been here
22 six months.

23 But my point is, and the reason
24 why I'm against this is because there are
25 people in the City of Philadelphia that

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2 are qualified.

3 And if you come to me and say
4 that you went through all your resources
5 and could not find a single qualified
6 person for this job, I'll throw my hands
7 up and say, Okay, then we'll go and fine
8 these people from outside of the City.

9 And once they work, give them the
10 opportunity to live in our city, because
11 we have places in Chestnut Hill,
12 Roxborough, West Mt. Airy, very nice
13 places where they can get a home.

14 So folks can live here in the
15 City of Philadelphia and get a job here.

16 My concern too though is
17 getting a job like that and then taking
18 the tax dollars out of the City. We need
19 the money from those respective jobs to
20 be back in the City.

21 And I heard talk about the
22 paramedics and I'd like to say that I am
23 very proud of the paramedics that are
24 here in Philadelphia.

25 I was at a fight in West

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2 Philadelphia, Councilwoman Blackwell's
3 district, and one of the boxers was
4 knocked out. And the response from the
5 paramedics was quite well. They knew how
6 to get the to 57th and Haverford the
7 Shepherd Recreation Center.

8 There wasn't an uprising.
9 There were all kinds of ethnic groups in
10 this facility in West Philly --
11 African-American, White, and Hispanic.

12 And the response from the
13 people in the crowd was not that they
14 were glad this gentleman was knocked out;
15 they were concerned about his well-being.
16 And when he was carried out of the ring,
17 folk clapped.

18 I -- I was overwhelmed to see
19 in this city, with all of the violence
20 that we have and all the rhetoric, yeah,
21 the City of Brotherly and Sisterly Love,
22 as it's called, may sound corny, but it's
23 some good stuff here in Philadelphia.

24 And we have good people here in
25 Philadelphia. We really don't have to go

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2 outside of Philadelphia to find somebody
3 to do work.

4 And this term of "best
5 qualified," I have a problem with that,
6 because I remember as a kid, when you
7 cawed the best qualified, it was folk
8 that was overlooked for some reason -- be
9 it the color of their skin, the way they
10 talked, where they came from.

11 And I know that I'm before some
12 very distinguished people today and we're
13 not in the '60s anymore, so I know this
14 is not a race issue. But least we forget
15 that we have had issues in the past.

16 And I would really hate for
17 somebody that was very qualified to have
18 a job be looked over for somebody's
19 friend or family member that lives
20 somewhere in New York, Connecticut, New
21 Jersey, or Montgomery County, and is
22 given a certain job, and that person that
23 is qualified that lives right here in the
24 City of Philadelphia for some reason is
25 overlooked.

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2 And I don't think they made
3 this rule for no reason. There's a
4 reason why they made this rule. And
5 there's a reason why the City of Boston
6 and Philadelphia upheld this rule. If
7 you look at history, the things that
8 happened in Boston, in Philadelphia were
9 very similar. So the folk that
10 represented government at that time must
11 have had a reason for this.

12 Now, I will keep in mind that
13 today is a new day, and we don't need to
14 always look at what happened in the past
15 to try to make the future uphold to it.
16 There are things that happened in the
17 past that need to stay there, and we do
18 need to move forward.

19 So I don't want you to think
20 that I want to just stay locked in what
21 happened in yesteryear.

22 However, like I said before,
23 until you can come to the City of
24 Philadelphia and say that you've looked
25 and you've searched and you have found

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2 absolutely no one that could be a
3 fireman, a policeman, or a paramedic or
4 whatever other civil service job there
5 is, and then, then you can come to me and
6 ask me. And I will write in the paper
7 with the same vigor that I gave those
8 that wanted the camera thing to be
9 passed.

10 But before that, I'm not for
11 this. I'm very much against it.

12 COUNCILMAN RAMOS: Thank you,
13 Mr. Rich, for your testimony.

14 Any questions for this witness?
15 (No questions.)

16 COUNCILMAN RAMOS: Seeing none,
17 thank you so much for your testimony this
18 more than.

19 MR. RICH: Thank you.

20 COUNCILMAN RAMOS: Are there
21 any other witnesses on Bill No. 060342,
22 please come forward. If not, hold on,
23 please.

24 This will conclude our public
25 hearing on Bill No. 060432 only.

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2 We will continue with another
3 bill, 060506 shortly.

4 We will now move into our
5 public hearing to -- I'm sorry public
6 meeting. We're now in our public
7 meeting, and the Chair recognizes Ken for
8 a motion on Bill No. 060432.

9 COUNCILMAN KENNEY: Thank you
10 Mr. Chairman.

11 I move that Bill No. 060432 be
12 reported out of this committee.

13 Favorably that's it.

14 I'm sorry. And a rules
15 suspension to allow for first reading at
16 our next Council session.

17 (Motion seconded.)

18 COUNCILMAN RAMOS: It's moved
19 and seconded that Bill No. 060432 be
20 reported out of committee with a
21 favorable recommendation and also moved
22 that the rules of Council be suspended to
23 permit first reading of this bill at our
24 next Council meeting.

25 All in favor, signify by saying

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2 aye.

3 Any opposed?

4 COUNCILMAN GOODE: Nay.

5 COUNCILMAN RAMOS: One nay.

6 Councilman Goode votes nay on this bill.

7 The majority of members of this Council
8 voting aye, this bill has been moved out
9 of committee.

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2 COUNCILMAN RAMOS: We will now
3 move back to the public hearing on the
4 Committee on Labor and Civil Service for
5 Bill No. 060506, and. At this time, we
6 will call a recess and continue shortly.

7 (Recess.)

8 (Proceedings resume.)

9 COUNCILMAN RAMOS: Good
10 afternoon. This is the continuation of
11 the Labor and Civil Service Committee on
12 Bill No. 060506.

13 Can the clerk please read the
14 title of the bill.

15 THE CLERK: Bill 060506, an
16 ordinance amending Section 22-310 of the
17 Philadelphia Code, entitled "Deferred
18 Retirement Option Plan," by providing an
19 extraordinary extension for purposes of
20 enhancing public safety for participants
21 in the DROP Program who are public safety
22 employees, under certain terms and
23 conditions.

24 COUNCILMAN RAMOS: Thank you.
25 We're waiting on the Managing Director

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2 but we'll get started now. He'll be back
3 in a couple minutes.

4 How about if we start with
5 Mr. Bob Eddis, President of the Fraternal
6 Order of Police.

7 (Witness comes forward.)

8 MR. EDDIS: Good morning.

9 COUNCILMAN RAMOS: Good
10 morning. Please proceed. Please state
11 your name for the record and proceed with
12 your testimony.

13 MR. EDDIS: Bobby Eddis,
14 President of the Fraternal Order of
15 Police, Lodge No. 5.

16 I also have Ron Stagliano,
17 who's our representative on the Pension
18 Board.

19 We're here today in support of
20 bill as a result of our current
21 situation, which is our shortage of
22 manpower.

23 As we go around and visit the
24 numerous districts in the City, as I'm
25 aware that everybody in this room is

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2 aware of, there's been a complete
3 downsizing in the Police Department,
4 which has impacted us greatly.

5 It's our hope that as a result
6 of this bill, it will give the police
7 enough time by extending it by one year
8 to keep seasoned veteran officers on the
9 street while they're getting ready to get
10 the next classes through.

11 That's basically our intent and
12 we're opening that this bill goes
13 through.

14 COUNCILMAN RAMOS: Thank you
15 for, Mr. Eddis, for your testimony. Does
16 the person that's accompanying you care
17 to testify for the record.

18 MR. STAGLIANO: Nothing at this
19 time. Thanks.

20 COUNCILMAN RAMOS: Any
21 questions for Mr. Eddis from members of
22 this committee, members of the Council.

23 (No questions.)

24 COUNCILMAN RAMOS: Seeing none,
25 thank you, Mr. Eddis, for your testimony

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2 this morning.

3 MR. EDDIS: Thank you.

4 COUNCILMAN RAMOS: I would like
5 to call Mr. Brian McBride, President of
6 Firefighters Union Local 22.

7 (Witness comes forward.).

8 MR. RILEY: Good morning. My
9 name is John Reilly. I sit on the Board
10 of Pensions and Retirement for the City
11 of Philadelphia.

12 COUNCILMAN RAMOS: I thought
13 you didn't look like Brian.

14 MR. RILEY: And Brian had to
15 leave, he had a commitment, but he
16 supports the bill.

17 COUNCILMAN RAMOS: Is that your
18 testimony?

19 MR. RILEY: That's the
20 testimony.

21 COUNCILMAN RAMOS: Okay, that's
22 good testimony.

23 Any questions for this witness?

24 COUNCILMAN NUTTER: A man of
25 few words.

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2 (No questions.)

3 COUNCILMAN RAMOS: Seeing none,
4 we will proceed. At this time, Mr. Vince
5 Jannetti and Managing Director Pedro
6 Ramos.

7 (Witnesses come forward.)

8 MANAGING DIRECTOR RAMOS: Good
9 afternoon. Pedro Ramos, Managing
10 Director. And I'm joined by Vince
11 Jannetti, Director of Finance. We're
12 here to comment on Bill 060506.

13 We've looked at the proposed
14 bill as currently drafted from two
15 different perspectives -- one financial,
16 the other managerial.

17 And I can leave the financial
18 analysis to the Finance Director, but
19 I'll sum it up from the Managing
20 Director's perspective very simply, which
21 is that when we looked at the cost of a
22 fifth year for someone in the DROP
23 Program, we do know that while it costs a
24 little less on pensions because the
25 average salary is higher and the rate of

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2 absence slightly higher for that
3 demographic group, it will be more
4 expensive than both overtime and straight
5 time. I don't think that will be a
6 surprise.

7 That said, then the issue
8 becomes, well, under extraordinary
9 circumstances, when would it make sense
10 to use something that's even more
11 expensive but that gives you the
12 managerial flexibility. So most of my
13 comments and observations will be about
14 that part which is, when does it makes
15 sense.

16 As currently drafted, the bill
17 does not provide the flexibility that I
18 think was intended by the bill, and we
19 have had some discussions this morning
20 with Councilman Nutter, who, I believe,
21 is making some revisions to -- prepared
22 to make some revisions to the proposed
23 bill that I think, at least on first
24 blush, appear to address several of the
25 concerns that we discussed this morning.

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2 However, I would like to
3 suggest, and am offering, and given the
4 timing of the City Council session, I
5 think it works anyway, that the FOP, the
6 IAFF, and I continue to work through the
7 summer on proposed amendments, starting
8 with the language that ends up before you
9 today to see whether we can craft this
10 language that I -- that under
11 extraordinary circumstance would give the
12 Mayor more flexibility rather than take
13 away flexibility with respect to public
14 safety officials.

15 That's pretty much the extent
16 of where we are right now.

17 We have had very constructive
18 discussions with the two unions
19 representing public safety officials.
20 And while we're not here prepared to
21 support this bill today, we do think that
22 there -- that with some time, over the
23 summer, we could probably get close to,
24 if not agree on, some proposed amendments
25 that we could bring to you together.

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2 At the end, there's no
3 fundamental difference here; it's about
4 when we have flexibility and being able
5 to exercise that flexibility.

6 For example, the types of
7 issues we've raised are being able to set
8 a number of slots that would be needed
9 under various circumstances in each
10 department and how we would go about
11 making sure that the specific needs of
12 the City under, those extraordinary
13 circumstances, are addressed by using the
14 fifth year that's offered under the bill.

15 So in terms of uniformed,
16 nonuniformed, within the uniformed
17 departments, or the combination of
18 staffing within the departments to be
19 able to do that in a way that makes
20 sense.

21 So that's pretty much where we
22 are.

23 We're -- you know, what we
24 would like is for the committee to
25 consider taking the -- giving us the

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2 opportunity to work with the unions
3 representing the two public safety
4 departments on potential -- on language
5 that could work all around.

6 COUNCILMAN RAMOS: And does
7 mr. Jannetti offer any further testimony
8 on this bill? G.

9 MR. JANNETTI: Not at this
10 time, Councilman.

11 COUNCILMAN RAMOS: Thank you.

12 Any questions for our
13 witnesses?

14 Councilman Nutter.

15 COUNCILMAN NUTTER: Thank you
16 very much, Mr. Chairman. I appreciate
17 very much the opportunity to speak.

18 First of all, I want to thank
19 the Managing Director, Mr. Ramos, and the
20 Finance Director, Mr. Jannetti for some
21 earlier discussion that we had regarding
22 this bill, some recommendations that were
23 made based on the concerns expressed that
24 by the Managing Director and the Finance
25 Director. And we did reach some level of

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2 agreement about the concerns, very
3 legitimate concerns, about flexibility
4 that were raised.

5 And so I would like to put
6 forward a proposed amendment to this
7 bill. It is -- it's the language that's
8 already in the bill plus some additional
9 language on the front of it, with a more
10 clarifying amendment that it is only for
11 individuals who are in their fourth year
12 in the DROP Program.

13 Second, just the very quickest
14 history here. This comes as a result of
15 what I think is not only this City
16 Council's important response to the
17 extraordinary surge in public safety
18 issues -- specifically, of course,
19 violent crime in Philadelphia -- and this
20 Council taking the position that we want
21 to hire more police officers, which we
22 did as a result of actions taken in our
23 budget process.

24 Nonetheless, we all know that
25 when the City starts recruitment process,

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2 testing process and, of course, extensive
3 training for those new recruits, those
4 officers will not be out protecting
5 Philadelphians until sometime next year,
6 virtually ten months to probably a year
7 from now.

8 In the meantime, we know that
9 from data that we lose about 10 police
10 officers a month through the DROP Program
11 and, so for the rest of this year, we
12 will lose somewhere between 50 to 60
13 police officers, just as a result their
14 participation in the DROP Program.

15 What this legislation seeks to
16 do is to give us the flexibility to then
17 hold on to those officers should they
18 choose, I suggest, respond to a public
19 call-back to service. And many police
20 officers have indicated to me that they
21 would like to stay, and this bill is an
22 attempt to make that transition as easy
23 as possible.

24 On the flexibility issues, of
25 course, none of this is triggered unless

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2 the Mayor determines that there are
3 staffing issues in either of those
4 departments, the public safety
5 departments for the City, and then the
6 additional flexibility to figure out the
7 specific staffing needs.

8 So I would like to put this
9 amendment forward. It may not solve
10 every issue or concern that the Managing
11 Director and the Finance Director have
12 expressed. And there will be many issues
13 to discuss, I'm sure, over the course of
14 the summer.

15 Should the bill come out of
16 committee, of course, it would only get a
17 first reading this Thursday, and we could
18 then take the rest of that time o.

19 But I think it's a timely
20 issue, it's an important issue, and I
21 would appreciate the committee's
22 consideration of the amendment and,
23 should the bill be amended, to report the
24 bill out, as amended.

25 Thank you, Mr. Chairman.

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2 COUNCILMAN RAMOS: Any

3 questions for the witnesses?

4 Councilman Kenney?

5 COUNCILMAN KENNEY: Thank you.

6 Mr. Managing Director, if this
7 bill's accepted, the bill won't be voted
8 on finally until our first session back.

9 So just for the record, all of
10 the individuals whose time comes between
11 now and that particular period of time
12 would leave the service; is that correct?

13 MANAGING DIRECTOR RAMOS: Yes,
14 certainly, in a couple different
15 respects. But in the most technical way,
16 this will not apply to, as I understand
17 it, even as originally drafted and as
18 revised. It only applies to persons who
19 have not yet retired. So they're persons
20 within the retirement.

21 The other is that, again, this
22 bill on its face is a bill that is
23 providing flexibility in pretty
24 extraordinary circumstances which --
25 which entail the overall all, you know,

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2 best interests of the City, including the
3 financial interests.

4 And we're not here like in the
5 overtime debate to say -- to say, you
6 know, overtime versus straight time.
7 This is more expensive than both overtime
8 and straight time, but our starting point
9 is that this is a tool for those
10 circumstances that the Mayor determines
11 extraordinary beyond that, including, you
12 know, whatever analysis goes into that.

13 COUNCILMAN KENNEY: But during
14 the course of the summer --

15 MANAGING DIRECTOR RAMOS: Let
16 me answer directly.

17 Employees -- persons in their
18 fourth year that drop shouldn't plan on
19 the fifth year of DROP at this point.
20 This is very preliminary. The bill
21 wouldn't have passed.

22 We're not saying that we're
23 prepared to use this in the immediate
24 future, so we don't want to create an
25 incorrect perception in the rank and file

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2 or confusion for those people who are
3 making plans.

4 COUNCILMAN KENNEY: So if you
5 hit your deadline -- absolutely, if you
6 hit your date before we come back in
7 September, you're gone, correct?

8 MANAGING DIRECTOR RAMOS: Yes.

9 COUNCILMAN KENNEY: Okay.

10 During the course of the summer --

11 MANAGING DIRECTOR RAMOS: And
12 by the way, I think that's a technical --
13 I think that that's probably where, for
14 tax reasons, that it's probably where we,
15 you know, and given some of the changing
16 of moods in the IRS, it's probably where
17 you would be advised anyway.

18 COUNCILMAN KENNEY: During the
19 course of the summer when often is the
20 time when there are extraordinary
21 personnel circumstances vis-a-vis the
22 Police Department and the Fire Department
23 also, this provision would not be in
24 place to allow them -- for example, if we
25 have -- I don't know what our big events

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2 during the summer, if --

3 MANAGING DIRECTOR RAMOS: Like
4 Welcome America.

5 COUNCILMAN KENNEY: Welcome
6 America, for example, we would not have
7 the flexibility to take advantage of this
8 provision until September potentially.

9 MANAGING DIRECTOR RAMOS: Well,
10 first of all, we've -- you'll be happy to
11 know and I know you know that all of
12 these major events that go on during the
13 summer we've been planning for months.

14 COUNCILMAN KENNEY: I
15 understand.

16 MANAGING DIRECTOR RAMOS: And
17 Deputy Commissioner Fox and the Police
18 Department and the deputies in Fire and
19 two commissioners are -- we've been doing
20 our planning for the summer, and I
21 understand it's absolutely right that
22 just as the total number of people on
23 vacation during the summer is greater.

24 COUNCILMAN KENNEY: Right.

25 MANAGING DIRECTOR RAMOS: But

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2 this is about a longer term than the
3 summer.

4 COUNCILMAN KENNEY: I'm not in
5 any way being critical and I'm not trying
6 to throw any monkey wrenches anywhere.

7 All I'm saying is I want to
8 make sure that it's understood that if we
9 had some, say, non-planned for event in
10 August, we would not be able to take
11 advantage of this proposed provision. Or
12 could the Mayor issue an executive order
13 and do the same thing?

14 MANAGING DIRECTOR RAMOS: With
15 DROP, it's a lot cleaner to do this by
16 ordinance and if it's a catastrophic type
17 of thing --

18 COUNCILMAN KENNEY: God forbid.

19 MANAGING DIRECTOR RAMOS: --
20 there are emergency powers that we could
21 turn to.

22 A concern that I had about the
23 timing of this hearing, in fact, was part
24 of what you're getting at, I think, is I
25 don't want rank and file employees to get

1 6/12/06 LABOR/CIVIL SERVICE - BILL 060506
2 to have any of their planning sort of
3 confused because we're having it in this
4 discussion now.

5 And I was worried that we would
6 end up with some of that concern over the
7 summer that people will start --

8 COUNCILMAN KENNEY: I mean,
9 even if this legislation passes, the
10 Mayor still has to invoke this special
11 circumstances --

12 MANAGING DIRECTOR RAMOS: He
13 has to determine that there are
14 extraordinary public safety circumstances
15 and in the best interests of the City
16 overall, including you know, now three
17 options financially, you know, how he
18 would meet it.

19 COUNCILMAN KENNEY: And is it
20 the intention of both yourself and the
21 Councilman to try to work out a different
22 bill come the fall that may not have this
23 apply at all, maybe a totally different
24 agreement on DROP?

25 MANAGING DIRECTOR RAMOS: What

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2 I committed to was that -- and you can
3 have that confirmed by the FOP, that I've
4 committed this to them, which is I
5 committed to work with them, and I've
6 committed to Brian McBride of the
7 Firefighters Union, who was here earlier,
8 that we would work through the summer
9 because if we're going to have this, it
10 sort of has to work for everybody.

11 And some of the issues that
12 would be problematic from a managerial
13 perspective become issues on the rank and
14 file union perspective too, I imagine.
15 We want clarity, and we want that
16 flexibility to play out.

17 We don't want the right to pick
18 choose, to cherry-pick and to say that
19 we're able to get the type of
20 subordinates we're looking for without
21 cherry-picking.

22 COUNCILMAN KENNEY: If your
23 date is up in 2006, you pretty much can
24 plan on not having an option and going.
25 Again, for those individuals' sake, I had

1 6/12/06 LABOR/CIVIL SERVICE - BILL 060506
2 questions from people over the weekend,
3 and I wanted to be able to give an answer
4 that's definitive. Whether they like the
5 answer or not, it's definite -- this is
6 what's going to happen, and you're not --
7 most likely not going to be eligible for
8 any extension in any calendar year.

9 MANAGING DIRECTOR RAMOS: My
10 response to folks, and I get a lot of
11 same questions, is to not plan on it,
12 that this has still got some ways to go
13 as we develop -- as we refine the
14 language. It has to make its way through
15 the legislative process, and then other
16 things have to happen.

17 COUNCILMAN KENNEY: Okay.

18 MANAGING DIRECTOR RAMOS: I
19 mean, I can't read a crystal ball about
20 what could await us on December 31st, but
21 I would tell people not to plan on it and
22 that this is something that at its most
23 useful is a long-term flexibility and
24 that they should not in the short term be
25 changing their plans.

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2 COUNCILMAN KENNEY: Part of the
3 fairness issue and some of the complaints
4 I get is that it's not necessarily
5 relative to the Police and Fire
6 Department but to some of the other
7 departments, I think.

8 And, again, it's anecdotal, and
9 I don't have it conferred, but the Health
10 Department, for example, and Recreation,
11 people are hitting DROP dates and coming
12 back on contract.

13 I mean, maybe that's a good
14 management policy, but is it something --
15 and it creates an atmosphere of kind of
16 unfairness or favoritism that certain
17 people can come back as a contract
18 employee -- contractual employee even
19 after they're dropped, and some people
20 can't and some people are asked and some
21 people are not.

22 I mean, do you find that to be
23 not widespread but significant?

24 MANAGING DIRECTOR RAMOS: This
25 -- my understanding of the background of

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2 this bill is that it has been focused on
3 the public safety needs because of the
4 discussion that's been had, you know,
5 around our recent debates here in City
6 Council and with the Administration
7 involved in those about overtime versus
8 straight time.

9 So that's really highlighted
10 some of that.

11 COUNCILMAN KENNEY: But in the
12 non-safety departments, do you find that
13 that's a tool being used by The
14 administration to retain employees post
15 their DROP date?

16 MANAGING DIRECTOR RAMOS: I
17 don't -- I haven't looked at this in any
18 -- I haven't really taken a hard
19 numerical or empirical look at this.

20 My own observation, especially
21 more when I was in the Law Department,
22 was that it's -- that what you're talking
23 about probably happens more in the
24 non-administrative, independently elected
25 offices.

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2 I mean, the press has sort of,
3 you know, made a lot of some of those.

4 COUNCILMAN KENNEY: I was
5 hearing more about health And Recreation
6 than -- but okay. We could research it.

7 MANAGING DIRECTOR RAMOS: And
8 it's a lot.

9 You know, and this is about --
10 you know, this bill is about, you know,
11 really extraordinary circumstance in
12 public safety. That's how we've been
13 sort of engaged in the discussion with
14 it.

15 I think that Councilman
16 Nutter's revisions do begin to address
17 the concerns that I've expressed to him,
18 but I would like the opportunity to work
19 with the two unions with whom we've had a
20 very constructive and very positive
21 relationship.

22 When there's a of a common-
23 sense solution, we tend to find it and we
24 would like the opportunity to do that.
25 At least I would like the opportunity to

1 6/12/06 LABOR/CIVIL SERVICE - BILL 060506
2 do that with them.

3 COUNCILMAN KENNEY: Thank you.

4 COUNCILMAN RAMOS: Is there
5 anyone else who wishes to ask any other
6 questions?

7 Councilman Rizzo.

8 COUNCILMAN RIZZO: With this
9 legislation, what can the administration
10 do if there would be a need of let's say
11 -- what can you do to retain people --
12 Police, Fire, et cetera?

13 MANAGING DIRECTOR RAMOS: Some
14 of the questions are about what happens
15 in a catastrophic event or an emergency.
16 There are some emergency powers that
17 exist.

18 And one of the things will be,
19 you know, by the end of this month, the
20 Mayor will get a report on the review of
21 emergency preparedness and will be
22 talking to City Council members about the
23 progress on that.

24 But one of the areas down the
25 road where -- that we're working with the

1 6/12/06 LABOR/CIVIL SERVICE - BILL 060506
2 Law Department on is making sure that
3 there will be the legal -- that either
4 the legal forms will be in place, the
5 legal documents or right local and state
6 statutes so that in a real catastrophic
7 type of emergency, we're not having --
8 you know, it's not this issue that we
9 have the flexibility to address that.

10 So...

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

13 COUNCILMAN RAMOS: Any other
14 questions for this witness from the
15 committee?

16 (No further questions.)

17 COUNCILMAN RAMOS: Thank you
18 for your testimony this afternoon.

19 Is there anyone else who wishes
20 to testify on this bill?

21 (No response.)

22 COUNCILMAN RAMOS: Seeing none,
23 this will conclude our public hearing.

24 * * *

25

1 6/12/06 LABOR/CIVIL SERVICE - PUBLIC MEETING

2 COUNCILMAN RAMOS: We will now
3 move into our public meeting. We are now
4 in our public meeting.

5 The Chair recognizes Councilman
6 Goode to offer an amendment on Bill No.
7 060506.

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

10 I move that the amendment to
11 Bill No. 060506, as submitted to all
12 members of the committee, be approved.

13 (Motion seconded.)

14 COUNCILMAN RAMOS: It has been
15 moved and seconded that Bill No. 060506
16 be amended.

17 All in favor, signify by saying
18 aye.

19 The ayes have it. Any nays?

20 The ayes have it, and the bill
21 is amended.

22 The Chair recognizes Councilman
23 Goode for a motion on Bill No. 060506, as
24 amended.

25 COUNCILMAN GOODE: Thank you,

1 6/12/06 LABOR/CIVIL SERVICE - PUBLIC MEETING

2 Mr. Chairman.

3 I move that Bill No. 060506, as
4 amended, be reported out of committee
5 with a favorable recommendation and a
6 recommendation that the rules of Council
7 be suspended so as to permit first
8 reading at our next Council session.

9 (Motion seconded.)

10 COUNCILMAN RAMOS: It's been
11 moved and seconded.

12 All in favor, signify by saying
13 aye.

14 There are no nays. The ayes
15 have it.

16 Bill No. 060506, as amended,
17 will be reported out of committee with a
18 favorable recommendation, and it's also
19 been moved and seconded that the rules of
20 Council be suspended in order to permit
21 first reading of this bill at our next
22 Council meeting.

23 All in favor, signify by saying
24 aye.

25 Those opposed?

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2 The ayes have it.

3 This concludes the public
4 meeting.

5 I would like to thank everyone
6 for attending.

7 Thank you.

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JOSEPHINE CARDILLO

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RPR-Notary Public

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I HEREBY CERTIFY that the proceedings,
evidence, and objections are contained fully and
accurately in the stenographic notes taken by me
upon the foregoing matter on Monday, June 12,
2006, and that this is a true and correct
statement of same.

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