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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING AND PUBLIC MEETING

4

BEFORE COUNCIL COMMITTEE ON LABOR & CIVIL SERVICE

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- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, November 17, 1998
1:20 p.m.

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BILL NO. 960598 - Amending the retirement system
ordinance approved December 3, 1956 and the
retirement system ordinance approved April 22,
1987, as amended. . .

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RESOLUTION NO. 980154 - Authorizing City Council
Committee on Civil Service to conduct hearings and
investigations into the diversity policies within
the ongoing reorganization of the City of
Philadelphia's Department of Personnel and into
the effects these policies have on the City's
workforce and its image.

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PRESENT: COUNCILMAN RICHARD T. MARIANO, Chair
COUNCILWOMAN MARIAN B. TASCO
COUNCILWOMAN AUGUSTA A. CLARK
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILWOMAN ANNA CIBOTTA VERNA
COUNCILMAN ANGEL L. ORTIZ

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- - -
VINCENT VARALLO ASSOCIATES, INC.
Registered Professional Reporters
Eleven Penn Center, Suite 600
Philadelphia, PA 19103
(215) 561-2220

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Employees

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2 P R O C E E D I N G S

3 COUNCILMAN MARIANO: What I'm going to
4 do here first is I -- I'm going to -- I had a
5 meeting for a public hearing. We'll have the
6 meeting now for Bill No. 960598, okay? So I would
7 like to have a public meeting for Bill No.
8 960598. I will read that bill.

9 Bill No. 960598, amending the
10 retirement system ordinance approved December 3,
11 1956 and the retirement system ordinance approved
12 April 22, 1987, as amended, by redefining average
13 final compensation for certain employees in
14 positions which cannot be represented by a union
15 by revising the base compensation upon which the
16 retirement benefits shall be computed.

17 Now, we already had that public
18 hearing; we're going to go right into the public
19 meeting.

20 COUNCILMAN ORTIZ: Mr. Chairman, I move
21 that Bill No. 960598 be moved out of committee
22 with a favorable recommendation and a request for
23 a suspension of the rules so that it can be read
24 in the next session of City Council.

25 (Duly seconded.)

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2 COUNCILMAN MARIANO: It has been moved

3 and seconded. We'll take the vote now, okay?

4 I'll vote yes.

5 Any nays?

6 The ayes have it. That will close the
7 public meeting for 960598.

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2 COUNCILMAN MARIANO: Now we're going to
3 go right into the Committee on Labor and Civil
4 Service hearing for Resolution 980154.

5 I'm Councilman Rick Mariano. I have
6 Councilwoman Marian Tasco, I have Councilman Angel
7 Ortiz, Councilwoman Joan Krajewski, and
8 Councilwoman Anna Verna.

9 The first witness will be --

10 COUNCILWOMAN TASCO: Wait a minute.

11 COUNCILMAN MARIANO: Okay, Councilwoman
12 Tasco has a statement to read first.

13 COUNCILWOMAN TASCO: Thank you, Mr.
14 Chairman. Do you want to read the bill first?

15 COUNCILMAN MARIANO: Okay, first let me
16 read the resolution.

17 Resolution No. 980154, authorizing the
18 City Council Committee on Civil Service to conduct
19 hearings and investigations into the diversity
20 policies within the reorganization of the City of
21 Philadelphia's Department of Personnel and into
22 the effects these policies have on the City
23 workforce and its image.

24 COUNCILWOMAN TASCO: Thank you very
25 much.

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2 Mr. Chairman and members of the
3 Committee on Labor and Civil Service and fellow
4 Councilmembers, good afternoon. I introduced
5 resolution 980154 soon after the budget hearings
6 in March.

7 During hearings on the City's personnel
8 department and its reorganization, I discovered
9 that there were several questions which troubled
10 me. The reorganization plans and objectives
11 troubled me because even though a prestigious firm
12 was involved, no material dealt with how to deal
13 with the changing and diverse workforce. I saw no
14 evidence of plans to build gender, racial and
15 ethnic incorporation in the workplace, and I still
16 have not seen enough to allay my original fears.

17 In 1988, I convened a conference on the
18 issues of what was then labeled "Workforce 2000."
19 Unfortunately, the year 2000 problem has now
20 become computers, and not people. But people are
21 still at the core of this problem, and we must
22 have a workforce that reflects the realities of
23 this City. And we must have a personnel
24 department that reflects the type of workforce
25 we're striving to create. It must have a

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2 multi-cultural face that gives us ethical proof
3 before the various departments.

4 Also, the personnel department must
5 have the diversity training and the tools to keep
6 the rest of the City departments on the right
7 track. Furthermore, it must meet with those
8 personnel heads periodically to fine-tune their
9 understanding of civil service requirements and
10 the rewards of creating a workplace that operates
11 as a community. I find that lacking and I see no
12 process in place to deal with prejudice and
13 harassment that many employees from many
14 departments have described me.

15 There are non-threatening ways to
16 address these emotional issues. We can reinvent
17 government all that we like, but if the parts of
18 the government do not reinvent their interactions,
19 we will not be as productive or as successful as
20 we need to be in delivering services.

21 I want to thank Linda Seyda for coming
22 today to help us gather information on this topic
23 so that we may conclude with a positive program to
24 improve our overall interactions and relationships
25 with them and across the departments.

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2 Representatives from several
3 departments have agreed to present some of their
4 experiences for our edification and how we must
5 pay more attention to the crisis of our diverse
6 for recognition and a listening ear.

7 I am interested in recruitment, hiring
8 retention, promotion, and recognition of
9 employees, and how gender, racial, and ethic
10 awareness is displayed. I hope that you can
11 address these issues for us, and I trust that we
12 can reach a consensus of some programs, and I
13 would look to the management and productivity bank
14 to help us institute a program that will reach
15 every employee and set a model for the rest of the
16 City, both private and public to follow.

17 Thank you very much.

18 COUNCILMAN MARIANO: Thank you
19 Councilwoman.

20 Councilman Ortiz would also like to
21 make a statement. Councilman?

22 COUNCILMAN ORTIZ: Yes. I've been
23 trying to, for the last year, year and a half,
24 I've been trying to get some answers as to the
25 makeup of the personnel of the City of

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2 Philadelphia, makeup in terms of how many
3 minorities and individuals, by gender and race and
4 nationality, occupy and are performing at several
5 levels of the City of Philadelphia.

6 We have statistics because we have a
7 report from the Human Relations Commission that
8 was given to us a long time ago, during the Wilson
9 Goode administration, and we wanted to find out
10 whether, during the last six years, the numbers of
11 Latinos in these areas have gone down.

12 I've asked for, specifically by
13 position in terms of offices, not just the
14 secretaries and the clerks, but the directors,
15 executives, the deputies, the individuals that are
16 in the policy-making positions in the different
17 departments of the City of Philadelphia. I
18 requested that during the budget hearings, and I
19 still haven't gotten those figures. And I hope
20 that out of this hearing, I can get a clear
21 picture of where we're at at this time.

22 Thank you, Mr. Chairman.

23 COUNCILMAN MARIANO: Thank you,
24 Councilman.

25 The first person I want to call is

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2 Alison Richardson. Alison?

3 (Alison Richardson comes forward.)

4 MS. RICHARDSON: Good afternoon,
5 members of City Council. Thank you for allowing
6 me to present my case for promotional opportunity
7 in the civil service series of the programmer
8 analyst classification.

9 Please enter for the record Exhibit A,
10 Unfair Labor Practices, which I've given to --

11 COUNCILWOMAN TASCO: Would you speak
12 into the mike, please.

13 COUNCILMAN MARIANO: Move it closer to
14 you, real close. Not you, the mike. Pull it.

15 MS. RICHARDSON: Okay. I wanted to
16 enter for the record Exhibit A, Unfair Labor
17 Practices; and Exhibit B, Justification for
18 Programmer Analyst Project Leader Appointment.

19 When I was promoted to programmer in
20 1989, I began doing project leader work at that
21 time, and this is a standards manual for which I
22 created -- which references all of electronic
23 print for the City of Philadelphia's departments
24 and agencies, including the processing of payroll
25 checks, and I also did the income tax -- school

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2 income tax optically scannable form. These
3 projects took several years.

4 From there, I moved into the
5 information center, which you can see in Exhibit
6 B.

7 COUNCILWOMAN VERNA: I'm sorry, we
8 don't have any of that.

9 COUNCILWOMAN TASC0: We just got it
10 today.

11 MS. RICHARDSON: What I attempted to do
12 was to give you the job descriptions that I
13 performed as a Programmer Analyst I, a Programmer
14 Analyst II, and a Programmer Analyst III.

15 As a Programmer Analyst I, I completed
16 the electronic print conversion from the impact
17 printers, as I said, which included all the
18 processing of the payroll checks, tax forms, and
19 miscellaneous forms for the City of Philadelphia's
20 departments and agencies.

21 COUNCILMAN MARIANO: Excuse me, Miss
22 Richardson?

23 MS. RICHARDSON: Yes.

24 COUNCILMAN MARIANO: Is it my
25 understanding that you have an unfair labor

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2 practice suit with the City of Philadelphia.

3 MS. RICHARDSON: Yes. That's in
4 Exhibit A.

5 COUNCILMAN MARIANO: Do you have an
6 attorney with you today?

7 MS. RICHARDSON: No.

8 COUNCILMAN MARIANO: I'm just concerned
9 that you're saying things on the record here that
10 may hurt your case. I'd be real careful. I used
11 to be a business agent for a laborers union, and
12 if you were in my union, you wouldn't be doing
13 this today. But, I mean, it's up to you.

14 MS. RICHARDSON: If you look at the
15 specifications, I'm using the term "unfair labor
16 practices" because some of the things that they
17 have done are unfair.

18 COUNCILWOMAN TASCO: But have you filed
19 a grievance?

20 MS. RICHARDSON: Not an official
21 lawsuit.

22 COUNCILMAN MARIANO: That's my concern.

23 COUNCILWOMAN TASCO: What is your
24 status in terms of a complaint? Have you filed
25 any complaint at all?

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2 MS. RICHARDSON: No. I only went to
3 Councilman Nutter's office when I was doing the
4 West Philadelphia GIS Pilot Project, and I
5 complained because I told him I couldn't get the
6 promotion to project leader, but then I had to go
7 to City Planning, and I basically --

8 COUNCILWOMAN TASC0: But you have filed
9 no complaint --

10 MS. RICHARDSON: No official complaint.

11 COUNCILWOMAN TASC0: -- to any official
12 body?

13 MS. RICHARDSON: No.

14 COUNCILWOMAN TASC0: All right.

15 COUNCILMAN MARIANO: Thank you. I just
16 wanted you to know your rights and to tell you to
17 be real careful. Thank you, continue.

18 MS. RICHARDSON: Okay. Well, if you
19 look at Exhibit A and you see the job
20 specifications, what they did is, they used this
21 note from one spec to another in which some
22 employees are allowed to use experience as
23 substitution for educational requirements.

24 Then they remove it. If you look
25 further into the specs, they -- well, you don't

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2 have that one. Here it is here. And I've

3 highlighted it.

4 COUNCILMAN MARIANO: Can I just ask
5 you, what is your basic complaint and who is it
6 against?

7 MS. RICHARDSON: My basic complaint is
8 that in 1993, I was given evaluations which was
9 basically defamation of character because I had
10 already completed several projects, there was no
11 question about my analytical ability. And then I
12 was notified by personnel in, three separate
13 mailings, that I did not qualify for the
14 promotion.

15 And since that time, in the civil
16 service unit, they created an exempt position
17 which is at the project leader level and just
18 basically disallowed me to be able to qualify by
19 rewriting the specifications.

20 COUNCILMAN MARIANO: And who rewrote
21 the specifications, the personnel department or
22 the -- you work for MOCS (ph.), right?

23 MS. RICHARDSON: No, the Mayor's Office
24 Information Services. I believe it was the
25 personnel office.

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2 It's just that they keep changing to
3 whatever suits them at the time. To some people
4 they say, any combination of education and
5 experience to be deemed necessary by personnel.
6 But these job classifications already came under
7 the jurisdiction of a classification, which was
8 created by the bargaining unit 2187 and 2186,
9 which is the programmer analyst series.

10 COUNCILMAN MARIANO: Are you
11 represented by AFSCME local?

12 MS. RICHARDSON: Well, there were some
13 situations where the union, basically, I felt, did
14 not look out for my better interests.

15 COUNCILMAN MARIANO: So you're in the
16 union, right?

17 MS. RICHARDSON: Yes, I am in the
18 union.

19 COUNCILMAN MARIANO: And you've told
20 the union?

21 MS. RICHARDSON: I told my union
22 representative --

23 COUNCILMAN MARIANO: Did they file any
24 grievances?

25 MS. RICHARDSON: No, he didn't.

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2 COUNCILMAN MARIANO: What union are you

3 in? Is it 21 --

4 MS. RICHARDSON: 2187.

5 COUNCILMAN MARIANO: And who's the

6 business agent there? That's the District Council

7 47, right?

8 MS. RICHARDSON: Mike (unintelligible).

9 COUNCILMAN MARIANO: And mike's not

10 here today?

11 MS. RICHARDSON: No.

12 COUNCILMAN MARIANO: Okay. So

13 basically, you told the union, and did they do

14 anything?

15 MS. RICHARDSON: No. And then I --

16 COUNCILMAN MARIANO: Or you just

17 weren't happy with what they did?

18 MS. RICHARDSON: Right. Well, you know,

19 I try not to complain, I try not to file

20 grievances because I feel that in the long term,

21 that would be a reflection on me for -- where a

22 future employee (sic.) would possibly look at me

23 say and say, you know, She's constantly filing

24 grievances. And they wouldn't want me. So I feel

25 like that's a double-sided sword.

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2 But basically, in the evaluation, they
3 made me seem like a problematic employee, which is
4 not true. I've done several projects for the City
5 of Philadelphia -- for instance, the
6 reconciliation of the federal wage tax.

7 COUNCILMAN MARIANO: Mm-hm.

8 MS. RICHARDSON: I completed that. The
9 City got the refunds from the federal employees.
10 It was very intensive, and it requires a lot of
11 analysis, where I'm working with the main frame
12 processor and taking the tapes and being able to
13 decipher the information on the tapes.

14 I've also done the personnel analysis
15 for several years from about 1990 to about 1995.
16 And at one point, there were errors in the mayor's
17 operating budget. Then I was assigned that
18 project in which -- at that point, I'm not
19 programming; I'm auditing.

20 COUNCILMAN MARIANO: Did you take a
21 civil service test for this job?

22 MS. RICHARDSON: Yes, I did, at the
23 Programmer Analyst I level, which, at that point,
24 it waives the four-year degree because of the
25 experience. But they're trying to take that away

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2 from other employees so that that bridge isn't
3 there, and then they take the employees that
4 didn't qualify to take the PA I exam, and they
5 rewrite the specs.

6 COUNCILWOMAN TASC0: Could we just back
7 up?

8 MS. RICHARDSON: Yes.

9 COUNCILWOMAN TASC0: Because you're
10 assuming that we've all read this material, and we
11 have not. Okay?

12 What we need to hear from you is what
13 you have applied for, what is your position now,
14 what have you applied for, and why you think you
15 have not been given the position. We need to go
16 in some steps because we don't know --

17 MS. RICHARDSON: Okay.

18 COUNCILWOMAN TASC0: We haven't read
19 this, all right? We just got this so we haven't
20 had an opportunity, all members of Council, so we
21 really don't know what your problem is.

22 MS. RICHARDSON: Well, currently I'm a
23 Programmer Analyst III.

24 COUNCILWOMAN TASC0: In the mayor's
25 Office of Information Service?

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2 MS. RICHARDSON: Yes.

3 COUNCILWOMAN TASC0: All right. You
4 started out as a I?

5 MS. RICHARDSON: Yes.

6 COUNCILWOMAN TASC0: You took a civil
7 service exam?

8 MS. RICHARDSON: An exam for Programmer
9 Analyst I.

10 COUNCILWOMAN TASC0: All right. How
11 did you become a II?

12 MS. RICHARDSON: II and III is career
13 advancement.

14 COUNCILWOMAN TASC0: Okay. So you were
15 promoted to II and then promoted to III?

16 MS. RICHARDSON: Right, because career
17 advancement was to be automatic.

18 COUNCILWOMAN TASC0: All right, so
19 that's automatic.

20 MS. RICHARDSON: Yes.

21 COUNCILWOMAN TASC0: Okay.

22 MS. RICHARDSON: Then when you get to
23 the project leader level, it's supposed to be
24 based on training and experience and 10 percent
25 seniority.

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2 COUNCILWOMAN TASC0: So you're trying
3 to be a project leader?

4 MS. RICHARDSON: A project leader, a
5 programmer analyst project leader program.

6 COUNCILWOMAN VERNA: Is that civil
7 service?

8 MS. RICHARDSON: Yes.

9 COUNCILMAN ORTIZ: And that's within
10 MOCS also.

11 COUNCILWOMAN TASC0: But that's on a
12 track; you don't have to take any more exams.

13 MS. RICHARDSON: Right.

14 COUNCILWOMAN TASC0: It's based on time
15 and experience.

16 MS. RICHARDSON: Yeah, but they changed
17 it.

18 COUNCILWOMAN TASC0: They changed it to
19 what?

20 MS. RICHARDSON: They eliminated my
21 category. There's three categories -- General,
22 COBOL, and FORTRAN. They eliminated the General
23 category and changed it to a programming that
24 they're using at MOIS called "Natural." And
25 instead of adding Natural to the categories, they

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2 eliminated my category and, thereby, eliminated me
3 from the promotional process.

4 COUNCILWOMAN TASC0: Do you know the
5 new category Natural? Are you familiar with the
6 program?

7 MS. RICHARDSON: I am now, yes.

8 COUNCILWOMAN TASC0: Okay, so at the
9 point where you could have qualified for project
10 analyst --

11 MS. RICHARDSON: Project leader.

12 COUNCILWOMAN TASC0: -- they changed
13 the specifications?

14 MS. RICHARDSON: Yes.

15 COUNCILWOMAN TASC0: Did they open up
16 the process for someone else, or did no one else
17 gain --

18 MS. RICHARDSON: Yes. As a matter of
19 fact, the examination -- I found out later that
20 they allowed someone who had never been a program
21 analyst to take the examination, but were so
22 adamantly against me taking the examination. I
23 have three separate mailings from Central
24 Personnel saying that I could not take the
25 examination.

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2 COUNCILMAN ORTIZ: Why could you not
3 take the examination? I don't understand that.

4 MS. RICHARDSON: They said I had not
5 been programming in Natural for four years. But,
6 see, there's some data processing requested that
7 simply don't fall under a specific language. For
8 instance, the electronic print, the personnel
9 analysis, I was doing a lot of spreadsheets. At
10 the time I had to do the budget analysis, I did
11 the overtime analysis. There were several
12 projects that I had completed prior to me becoming
13 eligible for project leader.

14 And what they did was, they made up a
15 category --

16 COUNCILWOMAN TASCO: And who is "they"?
17 Who are "they"?

18 MS. RICHARDSON: My superiors made up a
19 category to put on my evaluation, under "Ability
20 to Work Within a Work Group," they gave me
21 "improvement needed" and just basically
22 continually disqualified me to be promoted.

23 COUNCILWOMAN TASCO: Were your projects
24 rated after the projects were completed?

25 MS. RICHARDSON: I have sign-offs and I

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2 have references from the users, which they were
3 very satisfied. The Revenue Department, Tom
4 Kramer, he even said we could never have completed
5 the optically scannable tax forms without my
6 help.

7 And I worked diligently -- sometimes
8 till 3, 4 o'clock in the morning to have that work
9 prepared so I could come in, and these projects
10 could be processed.

11 COUNCILWOMAN TASC0: So when you
12 received your performance evaluation, you were you
13 evaluated as "improvement needed"? Was that your
14 overall evaluation?

15 MS. RICHARDSON: No, that wasn't my
16 overall. I only got upset about the -- my overall
17 was satisfactory. I was only upset that they made
18 up a category of "Ability to Work Within a Work
19 Group." How can you be --

20 COUNCILWOMAN TASC0: That was not a
21 part of the formal evaluation?

22 MS. RICHARDSON: No, no, it wasn't.

23 COUNCILWOMAN TASC0: Is that a part of
24 the evaluation for every employee in that
25 department or only on your evaluation?

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2 MS. RICHARDSON: It was only on my
3 evaluation.

4 And for instance, I'm now doing time
5 accounting for the Capital Programs Office.
6 That's a whole project. It's very intense.
7 Sometimes Capital or Streets time accounting, they
8 don't get the numbers balanced, and basically, I
9 have to audit what they have done, and that's not
10 really a part of my job function.

11 COUNCILWOMAN TASC0: What does a
12 project leader do?

13 MS. RICHARDSON: All of the advanced
14 work for the programs that encompass an
15 application.

16 COUNCILWOMAN VERNA: I'm sorry, I can't
17 hear you.

18 COUNCILWOMAN TASC0: You have to speak
19 into the mike. Go ahead.

20 MS. RICHARDSON: Could you repeat the
21 question, please.

22 COUNCILWOMAN TASC0: I keep saying --
23 what is it, a project --

24 MS. RICHARDSON: It's a programmer
25 analyst project leader.

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2 COUNCILWOMAN TASCO: Right.

3 MS. RICHARDSON: Basically, it does all
4 the advanced programming, planning, and user
5 contact for a particular application, a computer
6 application.

7 COUNCILWOMAN TASCO: And you're doing
8 that now without the title of project leader?

9 MS. RICHARDSON: Yes, I am.

10 COUNCILWOMAN TASCO: So you're
11 performing the task, but you do not have the
12 title, nor the salary range?

13 MS. RICHARDSON: Yes. Right now, I'm
14 doing time accounting for the Capital Programs
15 Office as well as Streets time accounting. And
16 when they're in error, I audit that data. And,
17 you know, I basically give them --

18 COUNCILMAN ORTIZ: Is it your claim
19 that -- is it your claim, to put it very clearly,
20 that you were treated differently and that a new
21 definition for a job was created to prevent you
22 from assuming a position?

23 MS. RICHARDSON: Yes. And that new job
24 description was "software engineer."

25 COUNCILMAN ORTIZ: And you say that the

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2 -- that your supervisor or the individuals -- or
3 who treated you differently and who in essence
4 targeted your position or you to prevent you from
5 being promoted and getting a chance at this
6 position? Who did that?

7 MS. RICHARDSON: The evaluation is
8 included in my exhibit that is Dr. Karl Bortnick.

9 COUNCILMAN ORTIZ: I said "who"?

10 MS. RICHARDSON: Dr. Karl Bortnick.

11 COUNCILWOMAN VERNA: Dr. Karl -- I'm
12 sorry?

13 MS. RICHARDSON: Mm-hmm, Bortnick,
14 Bortnick, Dr. Karl Bortnick.

15 COUNCILMAN ORTIZ: And this doctor, is
16 he the one that then had either the Personnel
17 Department, or whoever, write a new job
18 description that prevented you from moving
19 forward?

20 MS. RICHARDSON: That, I'm not sure of.
21 It was more than one person. My personnel officer
22 is Jackie Henry. It's not one person; it's a
23 group of people. Unfortunately, we have a status
24 quo, and it can make it very difficult. When
25 you're not a part of status quo, you're

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2 automatically rejected.

3 COUNCILMAN ORTIZ: But your claim is
4 that action -- discriminatory actions were taken
5 against you to prevent you from being promoted,
6 and that this took on the aspect of changing the
7 job description and preventing you from taking or
8 participating in the exam that was given at that
9 point? Is that your claim?

10 MS. RICHARDSON: Basically, yes. My
11 category was eliminated.

12 COUNCILMAN ORTIZ: And that Dr. Karl --

13 MS. RICHARDSON: Dr. Karl Bortnick and
14 my personnel officer, Jacqueline Henry.

15 COUNCILMAN ORTIZ: All right. They are
16 the ones that, probably with others, might have
17 been the individuals who rewrote and prevented you
18 from moving forward?

19 MS. RICHARDSON: Yes.

20 And I would also like to note
21 (unintelligible) I also handle all of the press
22 activity for the elections in the primary and the
23 general.

24 So when press agencies want to dial
25 into the data center, into the central computing

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2 agency, they contact me. And for like two months,
3 during the primary and during the general
4 election, my work is interrupted.

5 And then I do network work, where I'm
6 constantly dealing with the dial-ups, the press
7 agencies that call in. They want to be able to
8 dial in, and I have to support that activity.

9 COUNCILMAN MARIANO: Miss Richardson,
10 these two people, whose name you told Councilman
11 Ortiz, say their names again for me.

12 MS. RICHARDSON: Dr. Karl Bortnick and
13 Jacqueline Henry.

14 COUNCILMAN MARIANO: And do you think
15 those to conspired to --

16 MS. RICHARDSON: You know, I mean, to
17 say "conspiracy" would be --

18 COUNCILMAN MARIANO: I say it very
19 loosely. Do they your evaluations, those two?
20 Were either one of those two involved in your
21 evaluations?

22 MS. RICHARDSON: What happened was, he
23 gave me the evaluation, and he attempted to have
24 me sign it. And when I refused to sign it, they
25 said we had to review it with the personnel

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2 officer.

3 At that point, they took me into a
4 conference room and sort of badgered me -- not
5 once but twice, on two occasions during my --
6 because the other one, they gave me "improvement
7 needed" in analytical ability. This was right
8 after I did the budget analysis. How could I
9 possibly have a deficit in my analytical ability
10 when I just reviewed the mayor's operating budget
11 so they could get the funding for the Police
12 Department?

13 COUNCILMAN MARIANO: When they created
14 this new category and they said you couldn't work
15 within that system, you didn't work with a team,
16 right? Is that what they said?

17 MS. RICHARDSON: Yes.

18 COUNCILMAN MARIANO: Was that before or
19 after they badgered you?

20 MS. RICHARDSON: Before.

21 COUNCILMAN MARIANO: Okay.

22 MS. RICHARDSON: 'Cause they wanted me
23 to sign the evaluation.

24 COUNCILMAN MARIANO: And you wouldn't
25 sign that, and that was a part of your evaluation.

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2 MS. RICHARDSON: And I wouldn't sign
3 that. And after she badgered me for about 45
4 minutes, she pushed the evaluation over to me and
5 said, You still have to sign it.

6 COUNCILMAN MARIANO: But your overall
7 evaluation was pretty good, right?

8 MS. RICHARDSON: Satisfactory.

9 COUNCILMAN MARIANO: Satisfactory. How
10 can it -- explain -- see, some of us may have
11 never --

12 MS. RICHARDSON: See, you can't be a
13 project leader if you don't have the ability to
14 work within the work group. They can use that to
15 justify not giving you a promotion where you have
16 to lead a work group. If you have a deficit in
17 your analytical ability, how are you going to be a
18 project leader?

19 And then there was times when I did
20 documentation for time posting and the
21 documentation for the election system. I did
22 documentation for time accounting. It's extra.
23 They don't even count it.

24 COUNCILWOMAN TASC0: Are you the only
25 one performing these tasks, or are you in a work

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2 group?

3 MS. RICHARDSON: With time accounting,
4 right now, I do everything myself.

5 COUNCILWOMAN TASC0: What about the
6 capital program?

7 MS. RICHARDSON: With capital programs,
8 you know, I tried to talk them into having a user
9 group because I do all of the programming myself.

10 COUNCILWOMAN TASC0: You did all the
11 work?

12 MS. RICHARDSON: I did all the work.

13 COUNCILWOMAN TASC0: Okay.

14 MS. RICHARDSON: And when the numbers
15 aren't balanced, I have to go audit all the data,
16 and I have to fix it.

17 COUNCILWOMAN TASC0: So you've tried to
18 cooperate with your department by not filing a
19 grievance or a complaint?

20 MS. RICHARDSON: Yes.

21 COUNCILWOMAN TASC0: And the reason was
22 -- is because. . . ?

23 MS. RICHARDSON: Well, I have 16 years
24 of service and I'm just thinking, you know, 20
25 years of service, if I want to go somewhere else,

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2 I don't want anyone to see a record of
3 grievances. I just want to be able to go on with
4 my life.

5 You know, if they're so adamant about
6 it, then they shouldn't give me -- I told Dr. Karl
7 Bortnick at that point, the last time, when they
8 tried to give me the evaluation with "improvement
9 needed" in analytical ability, I told him, At this
10 point, I can no longer do the personnel analysis.

11 COUNCILWOMAN TASC0: And what was his
12 response?

13 MS. RICHARDSON: He never responded,
14 and I just simply --

15 COUNCILWOMAN TASC0: Who evaluated
16 you? You didn't answer that question.

17 MS. RICHARDSON: Dr. Karl Bortnick.

18 COUNCILWOMAN TASC0: Those two
19 evaluated you?

20 MS. RICHARDSON: Yes.

21 COUNCILWOMAN TASC0: And who was your
22 project leader?

23 MS. RICHARDSON: At the time the
24 evaluation said "Ability to Work Within the Work
25 Group -- improvement needed," it was Richard Gatt.

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2 COUNCILWOMAN TASC0: Well, what did he
3 evaluate you on? If he -- did he play a role in
4 the evaluation?

5 MS. RICHARDSON: No. I got the feeling
6 that they were told to do that.

7 COUNCILWOMAN TASC0: So this gets to be
8 subjective, I guess. Why do you think that you
9 were not given the opportunity to move forward?

10 MS. RICHARDSON: Well, at the time I
11 became eligible for project leader, I was the only
12 black and the only female to be eligible for the
13 promotion.

14 COUNCILWOMAN TASC0: How many project
15 leaders are there?

16 MS. RICHARDSON: Currently, there are
17 about five.

18 COUNCILWOMAN TASC0: What's the gender
19 and racial breakdown?

20 MS. RICHARDSON: All white males.

21 COUNCILWOMAN TASC0: All white males.

22 COUNCILMAN MARIANO: No women?

23 MS. RICHARDSON: In my unit.

24 COUNCILWOMAN TASC0: In your unit?

25 MS. RICHARDSON: Not in all of MOIS.

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2 You see, it's in my unit, in systems development.

3 COUNCILWOMAN VERNA: I'm sorry. I'm a
4 little confused.

5 In order to become a project leader, I
6 know it was a promotional position, but did you
7 have to take a civil service exam for that? Or
8 was it automatically considered a promotion, step
9 IV?

10 MS. RICHARDSON: Programmer Analyst I
11 through Programmer Analyst III is career
12 advancement. Once you take PA-I exam, you can
13 advance to II and then to III.

14 COUNCILWOMAN VERNA: And then III.

15 MS. RICHARDSON: Project leader was
16 supposed to be T and E.

17 COUNCILWOMAN CLARK: "T and E" is
18 "training and experience"?

19 COUNCILWOMAN TASC0: Training and
20 experience.

21 MS. RICHARDSON: Yes, training and
22 experience.

23 I have a sample at the end of Exhibit
24 A. Programmer analyst project leader. The
25 specification came out February 9, 1998. It is

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2 based on training and experience.

3 The only time that a written
4 examination was administered was when there was a
5 possibly that I would qualify. The upper level's
6 project leader and programmer analyst supervisor
7 was training based on training and experience.

8 COUNCILWOMAN VERNA: So then a test is
9 not required?

10 COUNCILWOMAN TASCO: No.

11 MS. RICHARDSON: The test is based on
12 training and experience.

13 COUNCILWOMAN VERNA: So were you given
14 the opportunity to take the test? That's what I'm
15 asking you.

16 MS. RICHARDSON: No. They developed a
17 written examination in which -- that I feel would
18 have been biased anyway.

19 COUNCILWOMAN VERNA: So the test was
20 given? I assume the test was given?

21 MS. RICHARDSON: Yes.

22 COUNCILWOMAN VERNA: And do you know
23 how many people applied for that position?

24 MS. RICHARDSON: No, I don't.

25 COUNCILWOMAN VERNA: And how many

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2 passed?

3 MS. RICHARDSON: I don't know.

4 COUNCILWOMAN Verna: And I would assume
5 that somebody would have passed. And if so, if
6 there were an opening, why would you still be
7 doing that work?

8 MS. RICHARDSON: As I was trying to
9 point out earlier, I have been doing project
10 leader work from the day I got picked up as a
11 programmer. Unfortunately back then, we were at
12 PCC. They didn't have anyone to do the electronic
13 print programming, and the entire conversion was
14 waiting to be done, which included the processing
15 of the payroll checks and several other items,
16 which, not only did I complete the conversion, I
17 did all of the job source libraries, I completed
18 all the forms, put all the tax forms, payroll
19 checks, and the police administration
20 (unintelligible) communication module as well as
21 their printers, and basically wrapped all up in a
22 nice, neat little package. And that was a project
23 before I even considered being a project leader.

24 You know, if you did want to take a
25 look at this, I could leave this. I created the

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2 run book, which processes all of the forms for the
3 City of Philadelphia departments and agencies.

4 COUNCILWOMAN TASC0: So how many times
5 did you apply for project leader?

6 MS. RICHARDSON: Just -- just the one
7 time.

8 COUNCILWOMAN TASC0: Just the one
9 time. And then they changed the specifications.

10 MS. RICHARDSON: Yes.

11 COUNCILWOMAN TASC0: So that you
12 weren't qualified.

13 MS. RICHARDSON: Yes.

14 COUNCILWOMAN TASC0: They changed the
15 language that you had to use.

16 MS. RICHARDSON: (Nods.)

17 COUNCILWOMAN TASC0: Were they using
18 the language in the department at that time, the
19 Natural of the program?

20 MS. RICHARDSON: They just started
21 using it. They was converting from COBOL to
22 Natural.

23 COUNCILWOMAN TASC0: So how many people
24 in the department knew Natural?

25 MS. RICHARDSON: Most of the people who

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2 were in systems development. But at the time,
3 see, actually, that eligibility occurred when I
4 was in the information center, and I was the only
5 PA-III in the information center.

6 COUNCILWOMAN TASC0: So tie me in to my
7 question on that statement.

8 MS. RICHARDSON: They abolished my
9 unit.

10 COUNCILWOMAN TASC0: They abolished
11 your unit.

12 MS. RICHARDSON: And then I went into
13 systems development. So, see, there would be no
14 eligibility if you no longer had that unit.

15 (Unintelligible) funny stuff with the
16 budget. You know, you start switching things
17 around because you want to, you know, create this
18 other slot and so you re-spec, and then you take
19 the money allocated in the budget for a particular
20 position in a particular unit and then you
21 reallocate those funds too, and then you create
22 another unit, you create another position, and
23 then there's no need for the eligibility.

24 COUNCILMAN MARIANO: Councilwoman
25 Clark?

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2 COUNCILWOMAN CLARK: Miss Richardson, I
3 did not hear all of your statement, but I'm now
4 looking through this book that you passed out.
5 I'm reading your memo dated August 21, 1995. It's
6 the orange tab in the book, near to the back. It
7 says -- it's a memo to Karl Bortnick from you on
8 employee evaluation, and it's a very short memo.

9 It says: "Karl, please reconsider the
10 improvement needed."

11 And then in a handwritten note is a
12 statement: "Alison, check with Kathy and also ask
13 for a three- to six-month reevaluation of that
14 factor. Karl."

15 And that handwritten note is dated
16 8/22, so the day after you gave him your memo, he
17 responded to you.

18 MS. RICHARDSON: Yes.

19 COUNCILWOMAN CLARK: Telling you to ask
20 for a reevaluation.

21 Then I fast-forward to the next tab,
22 "Performance Report for Permanent Employee." And
23 while I'm not going to read all of it, I just look
24 at where the checks are; you have an overall
25 superior rating, with one satisfactory and one

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2 outstanding.

3 MS. RICHARDSON: This is my current
4 evaluation.

5 COUNCILWOMAN CLARK: Okay, I understand
6 that. I'm looking at this 1998 evaluation, which
7 appears to have corrected any deficiencies that
8 might have been the subject of the 1995
9 "improvement needed" performance review.

10 Was that your assessment, that you had
11 what -- whether it was fair or not, that you had
12 now been evaluated by a supervisor who saw your
13 overall performance as superior.

14 MS. RICHARDSON: Yes.

15 COUNCILWOMAN CLARK: Is that correct?

16 MS. RICHARDSON: Yes.

17 COUNCILWOMAN CLARK: Now, in response
18 to a comment that Councilwoman -- it might have
19 been Tasco -- as to why you are in an acting
20 position now that a test has been completed and
21 some people have been appointed, what was your
22 answer to why you're acting when there are people
23 on the register who have passed the test?

24 MS. RICHARDSON: The way things work
25 over there is sometimes -- see, a general category

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2 -- sometimes data processing requests come in and
3 it doesn't require Natural, it doesn't require
4 COBOL, it doesn't require FORTRAN. It's just
5 data-processing requests. It's like having to
6 press dial-in to our data center, and it requires
7 various activities. And most of the programmer
8 analysts are so focussed on a specific language --

9 COUNCILWOMAN CLARK: Miss Richardson,
10 excuse me. What you're telling me is interesting
11 but not relevant to the question.

12 If an exam has been given which
13 generated an eligibility list, were all of those
14 people placed?

15 MS. RICHARDSON: Yes.

16 COUNCILWOMAN CLARK: And you're still
17 acting, doing the work that they are being paid to
18 do? Is that what your suggestion is?

19 MS. RICHARDSON: Yes.

20 COUNCILWOMAN CLARK: You do in, an
21 acting position, what they do under the title for
22 the money and the resume points?

23 MS. RICHARDSON: Yes.

24 COUNCILWOMAN CLARK: How long have you
25 done that?

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2 MS. RICHARDSON: For a long time.

3 COUNCILWOMAN CLARK: No, time -- dates,
4 months.

5 MS. RICHARDSON: Well, if I start with
6 the electronic printing project, I would say since
7 about 19 --

8 COUNCILWOMAN CLARK: Miss Richardson,
9 has it been two years, two weeks, two months?
10 Tell me that.

11 MS. RICHARDSON: About four years.

12 COUNCILWOMAN CLARK: About four years.

13 Now, Miss Richardson, this circumstance
14 made you unhappy, did it not?

15 MS. RICHARDSON: Yes.

16 COUNCILWOMAN CLARK: What did you do
17 about it?

18 MS. RICHARDSON: I went to Councilman
19 Nutter at the time when I was working on the GIS
20 project.

21 COUNCILWOMAN CLARK: Okay, now stop.
22 You went to a politician, but what about in your
23 chain?

24 MS. RICHARDSON: Yes, I went to my
25 union rep.

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2 COUNCILWOMAN CLARK: You went to your
3 union rep.

4 MS. RICHARDSON: Yes.

5 COUNCILWOMAN CLARK: And what happened
6 as a result of that?

7 MS. RICHARDSON: My union rep had this
8 to say to me: You're not doing advanced work; you
9 don't get advanced training until you do advanced
10 work.

11 COUNCILWOMAN CLARK: So your union rep
12 did not represent you in the way that you thought
13 you should have been.

14 MS. RICHARDSON: That's correct.

15 COUNCILWOMAN CLARK: Okay. Did you
16 file a complaint, did you ask to have a review?
17 Who is your boss? Do you then have a right to go
18 to your boss's boss for a review?

19 MS. RICHARDSON: Prior to having an
20 immediate supervisor, I basically took assignments
21 from management.

22 COUNCILWOMAN CLARK: Well, whoever
23 management is, did you tell management that I'm
24 working out of my classification, I'm being
25 prohibited from positions that I qualify for, and

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2 that has the effect of costing me money?

3 'Cause that is the situation, isn't
4 it?

5 MS. RICHARDSON: Yes, but, you know, I
6 felt that as I was progressing through the
7 programmer analyst series, there's always a lot of
8 work, and you never mind helping out do the work,
9 even when it is over the scope of your job
10 specification. But it wasn't until I was
11 permitted not to continue to progress through the
12 series that then, you know, I did write
13 memorandums requesting the consideration.

14 COUNCILWOMAN CLARK: Were you asking in
15 your memos to have this corrected? Do you want
16 somebody to promote you according to the work that
17 you're doing?

18 What were you asking for? What did you
19 want to have done? What remedy did you see?

20 MS. RICHARDSON: I was requesting
21 anticipation of eligibility.

22 COUNCILWOMAN CLARK: You were
23 requesting anticipation of eligibility to do
24 what?

25 MS. RICHARDSON: To become a program

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2 analyst project leader.

3 COUNCILWOMAN CLARK: So you want to be
4 promoted to the work that you're doing?

5 MS. RICHARDSON: That is true.

6 COUNCILWOMAN CLARK: Hmm?

7 MS. RICHARDSON: Yes.

8 COUNCILWOMAN CLARK: Is there a process
9 in place to permit that?

10 MS. RICHARDSON: Yes.

11 COUNCILWOMAN CLARK: What is that
12 process?

13 MS. RICHARDSON: The specification just
14 -- it just wasn't that long ago before the
15 specification came out, but they put human
16 services only.

17 COUNCILWOMAN CLARK: So they walled you
18 out because you worked in the wrong unit to
19 compete for the position.

20 MS. RICHARDSON: Yes. At one time, as
21 the positions would come out -- as the position
22 came out, it wasn't department-specific. Now,
23 what they do is too, you know, department-
24 specific, and since I'm not in that department,
25 then again, I cannot compete for the promotion.

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2 COUNCILWOMAN CLARK: So they walled you
3 out because you don't work in the unit from which
4 they are selecting.

5 MS. RICHARDSON: Yes.

6 COUNCILWOMAN CLARK: Can you transfer
7 in?

8 MS. RICHARDSON: No.

9 COUNCILWOMAN CLARK: So is this a
10 problem with no solution? You can't transfer in,
11 they won't let you work from where you are, they
12 won't promote you and pay you at a level that you
13 think you're qualified for, so you are between the
14 proverbial rock and the hard place.

15 MS. RICHARDSON: Yes. I was just
16 hoping to get 20 years in and then maybe --

17 COUNCILWOMAN CLARK: Okay, you were
18 hoping to have a hearing so that maybe what?
19 Tell me what you want this process to result in.

20 MS. RICHARDSON: To help me become a
21 programmer analyst project leader.

22 COUNCILWOMAN CLARK: Right. You don't
23 want to be eligible; you want to be the job that
24 you're already doing, don't you?

25 MS. RICHARDSON: Yes.

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2 COUNCILWOMAN CLARK: She wants the
3 title and all the perks, including the pay. You
4 need the resume points so that you can be eligible
5 for the next job. As long as you are acting in a
6 position, you can't do a thing with it resume
7 points-wise.

8 COUNCILWOMAN VERNA: Can I just ask one
9 question, if I may. How long have you been
10 working at that category? You said four years?

11 COUNCILWOMAN CLARK: Mm-hmm.

12 MS. RICHARDSON: You do that when
13 assignments come up and if for some reason, I
14 don't know if it's my skills to be able to --

15 COUNCILWOMAN VERNA: How long have you
16 been doing the process --

17 MS. RICHARDSON: It's an on-and-off
18 thing. The electronic print, that started in
19 1989. I did the personnel analysis 1990 until, I
20 believe it was, 1996 and there's documentation in
21 there to prove it. The project down at the Police
22 Department, that lasted for a year. So --

23 COUNCILWOMAN VERNA: So that's what the
24 project leader does? Is that the work that a
25 project leader does?

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2 MS. RICHARDSON: When you can take the
3 application and you do -- you make sure all of the
4 work gets done without intervention of a technical
5 superior.

6 COUNCILWOMAN CLARK: Is there a
7 position description that describes this job?

8 MS. RICHARDSON: Yes. I have -- yes,
9 it's in Exhibit A.

10 COUNCILWOMAN VERNA: How long have you
11 been doing that work as a project leader? You say
12 you're doing work but you're not getting paid for
13 it.

14 MS. RICHARDSON: You can do the work,
15 but in order to get in the programmer analyst
16 series, you must take the programmer analyst
17 trainee written examination on Programmer Analyst
18 I, so regardless of whether you're doing project
19 leader work or not, you have to progress through
20 PA-I, PA-II, PA-III, which is --

21 COUNCILWOMAN VERNA: I understand that.

22 MS. RICHARDSON: Right. And I became
23 eligible for project leader at the end of 1993.

24 COUNCILMAN MARIANO: '93, so five
25 years.

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2 COUNCILWOMAN TASC0: So the project
3 leader is the supervisor, right?

4 MS. RICHARDSON: The immediate
5 supervisor because there is a programmer analyst
6 supervisor after project leader.

7 COUNCILWOMAN TASC0: And you work with
8 other people on your team and you supervise them.
9 But in order to become a project leader, you have
10 to know all the systems that you're dealing with,
11 correct?

12 MS. RICHARDSON: Yes.

13 COUNCILWOMAN TASC0: And you know those
14 systems 'cause you keep doing project after
15 project after project.

16 MS. RICHARDSON: Yes.

17 COUNCILWOMAN TASC0: So now you're
18 saying, Well, let me just be a supervisor as
19 opposed to the hands-on person.

20 MS. RICHARDSON: The project leader is
21 still hands-on; it's the supervisor level about
22 project leader.

23 COUNCILWOMAN TASC0: Okay.

24 MS. RICHARDSON: Now, at one point,
25 they offered it to me on a temporary basis only if

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2 I agreed to go to the prisons to help straighten
3 out the data-processing --

4 COUNCILWOMAN TASC0: Well, we know the
5 prison story, we know the prison story.

6 MS. RICHARDSON: Then I told them,
7 You're only going to give it to me long enough to
8 go up there to fix the problem.

9 COUNCILWOMAN CLARK: To fix the
10 problem, yeah.

11 MS. RICHARDSON: And it's going to cost
12 me the money in transportation and inconvenience.
13 So I told 'em I didn't want a temporary
14 appointment.

15 COUNCILWOMAN CLARK: Did they offer it
16 to you in writing?

17 MS. RICHARDSON: Yes. I do have it
18 writing from Louis Moffer0 (ph.).

19 COUNCILWOMAN CLARK: Because, it seems
20 to me, if they ever thought that you were
21 eligible enough to offer it to you in writing,
22 that obviates the necessity to prove that you're
23 eligible.

24 MS. RICHARDSON: I didn't like that
25 situation because I felt that I was already there

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2 and --

3 COUNCILWOMAN TASC0: Did they offer it
4 to you in writing?

5 MS. RICHARDSON: Yeah. I have a
6 memorandum in which I sent a memo to Lou --

7 COUNCILWOMAN CLARK: Miss Richardson, I
8 know that you're getting nervous because two or
9 three of us are asking you questions at the same
10 time, and we don't mean to make you nervous, but
11 that question is a yes- or no-question.

12 MS. RICHARDSON: Yes.

13 COUNCILWOMAN CLARK: Did they offer it
14 to you in writing?

15 MS. RICHARDSON: Yes.

16 COUNCILWOMAN CLARK: Can you produce
17 that writing.

18 MS. RICHARDSON: Yes, but I --.

19 COUNCILWOMAN CLARK: It doesn't have to
20 be today. Miss Richardson, if there is a writing
21 and if you can produce it, it seems to me that you
22 are in a substantially better position because at
23 some point, somebody in your management chain
24 believed that you had all of the qualifications to
25 be a fully certified employee under that position

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2 description and that title, right?

3 MS. RICHARDSON: Yes.

4 COUNCILWOMAN CLARK: Stop. That's what
5 you need to do, you need to put that material in
6 our hands. It doesn't have to be today, but
7 that's how you gather your evidence.

8 And a lot of that other stuff, whether
9 it was inconvenient, whether it cost you money is
10 not relevant to me, it's not relevant to your
11 qualifications to do the job. Those are working
12 conditions, those are not qualifications, okay?

13 MS. RICHARDSON: Yes.

14 COUNCILWOMAN CLARK: All right, I have
15 further questions.

16 COUNCILMAN MARIANO: Are there any
17 other questions for this witness?

18 (No further questions.)

19 COUNCILMAN MARIANO: Seeing none,
20 you're excused.

21 COUNCILWOMAN TASC0: We'll follow up
22 with you in our office with Miss Frazier.

23 MS. RICHARDSON: Yes. And I'll give
24 you a copy of the memorandum here, okay.

25 COUNCILMAN MARIANO: Thank you.

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2 MS. RICHARDSON: Thank you.

3 COUNCILMAN MARIANO: Okay, could we
4 have Mary Miller Turner.

5 (Mary Miller Turner comes forward.)

6 COUNCILMAN MARIANO: State your name
7 and YOUR job title for the record.

8 MS. TURNER: Yes. Good afternoon, City
9 Council. Thank you for allowing me to come down
10 to share with you my experience in seeking
11 employment with the City of Philadelphia in the
12 capacity of auditor in the controller's
13 department.

14 I originally applied for this position
15 in '92, I took the test. I was told that I failed
16 the test by 2 points. The City had a policy where
17 we can audit the test, which I did do, and I
18 questioned six questions which were erroneously
19 marked incorrect.

20 I put in an appeal within the City of
21 Philadelphia and supported this appeal with
22 documentation, including excerpts from a text, the
23 copy of the text, the publication and the year it
24 was published.

25 After one year of trying to find out

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2 the outcome of that appeal, I was told I was
3 denied the appeal because the City could not find
4 or locate the text. I was told to apply again for
5 the position which, in fact, I did do.

6 And roughly in July of '94, I took the
7 civil service exam again for auditor. I passed
8 the exam, I passed the qualifying oral exam. And
9 my name was put on the registrar. At that time, I
10 was told to keep myself abreast of my position on
11 the registrar, which I did do.

12 And I became a little apprehensive in
13 reference to my possibilities of ever securing a
14 position because I declined on the registrar
15 instead of inclined. And in doing so, I sought
16 the assistance of a Mr. Benton (ph.), an attorney,
17 to find out my correct status on the registrar.
18 And when the information came back to him, I had,
19 at that time, fallen to first place, but the City
20 had cut off their hiring because it was the end of
21 the fiscal year.

22 I believe it was on November 6, 1995
23 that I interviewed for the City of Philadelphia.
24 And upon my entrance, I was told to fill out
25 another application, which I did do. I

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2 interviewed with a Mr. Wise, Mr. Scaperotto, and
3 Mr. Tkaczuk -- I may have the names mispronounced,
4 and I apologize.

5 During those interviews, these
6 individuals were more concerned with my present
7 occupation, which was working in the capacity of a
8 substitute teacher, freelancing, accounting, and
9 were not really considering me for the job. They
10 were asking me what did I have to do to become a
11 teacher instead of considering me for the position
12 that I was there for.

13 And I explained to them that
14 originally, my application fell to substitute
15 teacher because I was also on a list with the
16 School District of Philadelphia for a financial
17 management position. I took the substitution
18 because it was income, and I'm self-supporting.
19 And I told them I did not want to become a
20 teacher, that I was seeking the position in the
21 controller's department.

22 Well, roughly about the 8th or 7th or
23 8th of November, I received a letter telling me
24 that I did not receive the position for the
25 auditor and that -- I called down to personnel to

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2 find out my current status on the list and was
3 told that I wasn't on the list at all anymore.
4 And apparently what Mr. Wise, Mr. Tkaczuk and Mr.
5 Scaperotto used was is what you call a "Rule of 2"
6 to disallow me the position as auditor for the
7 controller's department and then removed my name
8 subsequently from the list from any further
9 consideration.

10 Should I continue?

11 COUNCILWOMAN TASC0: Go ahead, we're
12 listening.

13 MS. TURNER: Okay. At that point, I
14 became upset because I had been applying for this
15 job -- waiting, actually, for this type of job,
16 had passed the qualifications for the job, and it
17 was just these three individuals who took away my
18 opportunity for this job, and I thought I had been
19 unjustly treated.

20 So I filed a complaint with EEOC who,
21 in turn, did not investigate my complaint. They
22 stated that they passed the complaint over to the
23 Pennsylvania -- excuse me, the Philadelphia Human
24 Relations Commission. And in trying to find out
25 their findings as to why I was denied the

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2 position, I was told that they also did not
3 investigate my complaint, and I was subsequently
4 issued a right-to-sue letter from the Equal
5 Employment Opportunities Commission.

6 I did file a case in the Federal
7 District Court, claiming that I was unfairly
8 treated and had a denial of opportunities for
9 employment with the auditor's department. The
10 case -- let me back up.

11 During the discovery for the case, I
12 found out that on November 6th, they did, in fact,
13 hire two individuals, but when they turned the
14 registrar, or sent it back after removing my name,
15 there was still a vacancy to be filled. At that
16 point, I was -- I did not have an attorney, I must
17 say. I could not afford an attorney, I didn't
18 have a -- I was representing myself.

19 So I knew they had a vacancy still to
20 be filled and I had again been denied, I knew that
21 under Title 7 of the Civil Rights Act of 1964,
22 amended in 1991, that that was an illegal practice
23 to deny a qualified candidate for a position and
24 then continue to seek like candidates with the
25 same qualifications.

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2 So I did a thorough discovery, and I
3 found out that -- well, they would not release to
4 me the names of the two people who they placed on
5 the registrar above me in the earlier part of
6 1995; they did not give me that information. But
7 I also found out that Mr. Tkaczuk, who was the
8 individual who was doing, I guess, the main
9 decision-making here never considered me for the
10 job.

11 The issue here was consideration.
12 Although on the face, it appears that he did do so
13 by allowing me to have the interview, I was never
14 considered, as stated he in his deposition,
15 because he was more concerned with a notation I
16 had put on the application when I came in on
17 November 6th as opposed to qualifications for the
18 job. And that notation was whether or not I had
19 been previously terminated for a position, and I
20 had noted yes after, filing a grievance against
21 Mellon Bank, I was wrongfully terminated.

22 During the interview, he did ask me
23 about that termination, and I explained to him
24 that it was not in the capacity of accountant,
25 that I was working in a clerk's position. It was

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2 a wrongful termination, and the documents
3 submitted for this termination, the court had
4 found to be fraudulent, but I did not successfully
5 win the case.

6 In his deposition, he noted that he was
7 not concerned with my background, not even
8 concerned with the fact that I had just finished
9 auditing a company independently here in the
10 Philadelphia area -- just the fact that I had been
11 terminated. And he denied me the position or any
12 further or future opportunities for the position
13 as a auditor with the controller's department.

14 COUNCILMAN MARIANO: Does anyone on the
15 panel have any questions?

16 COUNCILWOMAN CLARK: I do.

17 COUNCILMAN MARIANO: Councilwoman
18 Clark.

19 COUNCILWOMAN CLARK: Please forgive
20 me. I didn't get your name.

21 MS. TURNER: Oh, I'm sorry. I didn't
22 state my name. My name is my name is Mary
23 Valestine Miller Turner.

24 COUNCILWOMAN CLARK: Miss Turner, this
25 has been a traumatic experience for you, I am

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2 sure. Did you say that you were issued a
3 right-to-sue letter by the EEOC?

4 MS. TURNER: Yes, I was.

5 COUNCILWOMAN CLARK: And has your case
6 progressed? What has happened to that case?

7 MS. TURNER: Well, the case was
8 dismissed. After the depositions were taken, the
9 City said their procedure of a Rule of 2 and
10 entered a motion to leave, which means to close
11 the case.

12 I was to have 14 days to respond to
13 this motion. However, the Honorable Herbert J.
14 Hutton of the United States District Court Eastern
15 Division closed the case on the sixth day, without
16 my response.

17 COUNCILWOMAN CLARK: So your complaint
18 is that you are a qualified candidate for a
19 position of auditor, and that there came a point
20 when were the first person on the registry.

21 MS. TURNER: Right.

22 COUNCILWOMAN CLARK: And that under the
23 Rule of 2, they were able to go around you as the
24 number-one person, pick somebody who was lower
25 than you, then take your name off the list.

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2 MS. TURNER: Well, and also too, during
3 discovery, all other candidates that had been on
4 that list that my name was originally on were
5 either hired, offered the job and declined the
6 position, with the exception of myself.

7 COUNCILWOMAN CLARK: So you were
8 singled out not to have a job.

9 MS. TURNER: Exactly, yes.

10 COUNCILWOMAN CLARK: When you filed
11 your lawsuit, what was the basis of your lawsuit,
12 race and sex?

13 MS. TURNER: Yes. And age, I believe.

14 COUNCILWOMAN CLARK: So what is your
15 status now? Your case has been dismissed from
16 federal court.

17 MS. TURNER: My status is I'm not
18 working for the City of Philadelphia in the
19 capacity of auditor. And at present, I'm working
20 as an apprentice teacher, doing what they
21 recommended that I do.

22 I've had to change my career because of
23 denial of employment in certain civil service
24 capacities. So at present, I am working as an
25 apprentice teacher for the Philadelphia School

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2 District.

3 COUNCILWOMAN CLARK: What would you
4 like this committee to do? When you came here,
5 what remedy did you seek?

6 MS. TURNER: Well, my first remedy
7 would be just to look at your rules in reference
8 to hiring individuals.

9 I was very disappointed to find that my
10 name was being able to -- the City was able to
11 remove my name from the list after I had passed
12 the written and oral portion, which were the
13 qualifications for the job, as stated on the
14 application that was publicized.

15 They did not say that once my name came
16 up on the registrar, I would be again interviewed
17 and the possibility that I would be denied the
18 position.

19 COUNCILWOMAN CLARK: Now, let me see if
20 I can restate your situation. You took an
21 examination and you passed both the written and
22 the oral.

23 MS. TURNER: Yes.

24 COUNCILWOMAN CLARK: You went on the
25 registrar.

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2 MS. TURNER: Yes.

3 COUNCILWOMAN CLARK: A registration
4 list.

5 MS. TURNER: Yes.

6 COUNCILWOMAN CLARK: And they hired
7 down to, and including, people whose scores were
8 no higher than yours.

9 MS. TURNER: Well, when it got time to
10 my list, they did hire people whose scores were
11 higher than mine.

12 COUNCILWOMAN CLARK: Okay. So then you
13 don't have a complaint about that. Now you're
14 saying that they hired somebody whose score was
15 the same as yours or lower.

16 MS. TURNER: Well, when it comes to the
17 Rule of 2, they didn't --

18 COUNCILWOMAN CLARK: But first after
19 that question --

20 MS. TURNER: It was the same score.

21 COUNCILWOMAN CLARK: Okay, the same,
22 okay. So as to those whose scores were higher,
23 you make no complaint.

24 MS. TURNER: Well, no. But they were
25 above me on the list.

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2 COUNCILWOMAN CLARK: Right. If they
3 were above you on the list, we take it that their
4 scores were higher so you raise no complaint as to
5 them same.

6 As to those who had the same and lower
7 is where you feel discriminated; is that correct?

8 MS. TURNER: Well, no. I felt as
9 though I was discriminated against because these
10 three Caucasian individuals made this decision to
11 bar me work --

12 COUNCILWOMAN CLARK: But, Miss Turner,
13 let me help you frame your situation. After those
14 whose scores were higher than yours, there's no
15 complaint, right?

16 MS. TURNER: Well, no, because they
17 just no received the position before it was
18 offered to me, so I could not complain about that.

19 COUNCILWOMAN CLARK: Right. I want to
20 take their condition off the table now.

21 MS. TURNER: Sure.

22 COUNCILWOMAN CLARK: As to those people
23 who had the same score as you or lower who were
24 hired and you were not, that's where you see the
25 discrimination being. Yes?

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2 MS. TURNER: Well, no, because when it
3 got down to me, there was no one lower. I was, at
4 that time, the first on the list. And what they
5 did was pair me with -- where they had a new
6 testing, there was no other candidates on the list
7 that I was originally on.

8 So what they did do was generated
9 another registrar and then paired me with those
10 candidates who had the higher score and said they
11 were more qualified than myself when, if you look
12 at qualifications educational-wise, I had more
13 than them in accounting and finance capacity as
14 far as credits earned.

15 It is true that they did have more
16 recent continuous employment in the field of
17 accounting, but it was true that I also had
18 employment, recent employment in the field of
19 accounting.

20 COUNCILWOMAN CLARK: Right. You really
21 have a tough situation, and perhaps the toughest
22 thing is that your case has been dismissed. Are
23 you barred from bringing your case on those same
24 facts?

25 MS. TURNER: Well, I believe that it

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2 would be yes because the Third Circuit Court of
3 Appeals would not allow me to bring it because
4 they would say it's untimely at this point.

5 COUNCILWOMAN CLARK: Right, right. And
6 no new matter.

7 MS. TURNER: Right. Well, the thing
8 that also too I was hoping to be viewed from City
9 Council is the rule itself. I mean, if an
10 individual takes the exam, qualifies, passes the
11 exam, both written and oral, which is what's
12 publicized as the only qualifications needed for
13 the position, it stands to reason that once that
14 person's name -- or once they reach that person's
15 name on the registrar, they should be offered the
16 position.

17 As the lady who was just here stated,
18 that all people who were on the registrar that she
19 was speaking of were hired also. When it comes to
20 me --

21 COUNCILWOMAN CLARK: How much weight do
22 you give to the fact that your interviewers were
23 concerned about your having been dismissed without
24 possibility of rehire?

25 MS. TURNER: I give it a lot of weight,

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2 and I also give it a lot of weight because during
3 the interview, the same people who interviewed me
4 were not the people who I had deposed. Only one
5 individual was the person who I had deposed, and I
6 believe that was Mr. Tkaczuk, and he had a slight
7 handicap, which made me remember him more so than
8 the others.

9 The other two were large, stocky guys,
10 and the people who I deposed, who they state was
11 Mr. Scaperotto and Mr. Wise were not the people
12 who interviewed me. And in my depositions, I let
13 it be known. So it was like a switch of
14 personnel.

15 COUNCILWOMAN CLARK: Okay.

16 MS. TURNER: I would be happy to
17 present Council with any documents if you request.

18 COUNCILWOMAN TASC0: Thank you very
19 much for coming forth. We appreciate your
20 testimony.

21 MS. TURNER: Thank you.

22 COUNCILWOMAN TASC0: Since my Chair is
23 having a discussion, there are a few other people
24 we'll call before call before we call Miss Seyda
25 so we can spend time with her.

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2 Rusty Thompson and Mary Ann Cooper.

3 Mary Ann Cooper, you're here? All right, you may
4 come forward.

5 Is Rusty here? Where is -- he, where
6 is Rusty? Is Mr. Crapper also a part of your
7 group?

8 MR. CRAPPER: Yes.

9 COUNCILWOMAN TASC0: Why don't you come
10 forward.

11 (Above-named individuals Comes
12 forward.)

13 COUNCILWOMAN TASC0: Thank you very
14 much. Would you identify yourself for the record
15 Miss Cooper.

16 MS. COOPER: My name is Mary Ann
17 Cooper. I'm a City of Philadelphia employee.

18 COUNCILWOMAN TASC0: Mm-hmm.

19 MS. COOPER: Shall I go on?

20 COUNCILWOMAN TASC0: Yes, ma'am.

21 MS. COOPER: Okay. I'm a long-term
22 City employee. I have been a City of Philadelphia
23 employee since June of 1967.

24 Since that time, my entire performance
25 rating was nothing less than satisfactory. All of

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2 my supervisors' comments on my ratings have been
3 positive. I have never been a disciplinary
4 problem. I do not recall ever being on any sick
5 abuse list. I report to work on time every day
6 and have never had a problem with lateness.

7 I started my career as a data entry
8 level key punch operator and worked as a key punch
9 operator for 15 years in data entry at the Police
10 Department. During that time, I attended
11 Community College and secured an associate's
12 degree in data processing.

13 I took a promotion exam for an
14 entry-level computer operation position in 1982.
15 I was not offered a job in that field at the
16 Police Department's operations unit.

17 I accepted a position at the Free
18 Library of Philadelphia, which, at that time, was
19 just automating. I worked there as a computer
20 peripheral equipment operator for four years in
21 their computer unit.

22 In 1986, I took a promotional exam for
23 computer console operator. I was offered a
24 position at what is now known as "MOIS," which is
25 the Mayor's Office of Information Services. The

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2 position at MOIS specified a temporary detail at
3 the Police Department's operations unit. I
4 accepted.

5 Around 1987, MOIS pulled it's entire
6 operational staff out of the Police Department. I
7 made an agreement with the supervisors at the
8 Police Department to stay and become a permanent
9 Police Department employee, with the understanding
10 that I would be promoted to programmer. I also
11 agreed to work temporary out of class as a
12 computer operator due to severe staffing problems
13 the Police Department was experiencing with their
14 operations unit.

15 I also agreed to help train the entire
16 new computer operations staff, which included a
17 white male who started working in 1987. I worked
18 out of class in the operations unit for two years
19 as a computer operator.

20 In 1989, I moved over to the
21 applications unit and began working at a full
22 performance level as a programmer. After having
23 worked as a programmer for five years, with no
24 complaints about my work, and at the urging of
25 supervisor, I took and passed a test for

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2 Programmer Analyst II in 1994. I ranked number
3 one both citywide and interdepartmental. I was
4 never promoted. The reason given was that I was
5 not qualified.

6 I filed a complaint in November of 1994
7 with the Human Relations Commission, charging race
8 and sex discrimination. I based my complaint on
9 two separate incidents.

10 One was special treatment given to a
11 white male who had less time working for the City
12 than myself but was allowed to resign from the
13 Police Department's applications unit. This white
14 male then began working for a private company, and
15 after having worked for this company for several
16 months, had his resignation rescinded, had a leave
17 of absence request submitted, had this leave of
18 absence request backdated, which allowed him to
19 take the test for Programmer Analyst I without
20 losing any benefits and without going through any
21 probationary period.

22 The second white male named in my
23 complaint was a male that I helped train as a
24 computer operator in 1987. This white male, who
25 worked in Operations, was promoted from computer

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2 operator to a programmer trainee in September of
3 1989. He was then promoted to a programmer in
4 January of 1990. He then was promoted to a
5 programmer analyst trainee, actually, in August of
6 1990. He then was promoted to a Programmer
7 Analyst II in August of 1991. He then was
8 promoted to a Programmer Analyst III in September
9 of 1992. This white male, during the time of his
10 promotions, was detailed to the operations unit,
11 working out of class as a computer operator on a
12 rotating shift.

13 Around July of 1995, I took a
14 promotional exam for Programmer Analyst I. I
15 ranked number 8 citywide and 1 within my
16 department on a promotional list. I again was
17 denied promotion and told I was not qualified.

18 I made an attempt to secure a promotion
19 out of my department but I was told by a
20 commanding officer that disparaging comments made
21 by my supervisor prevented any chance of getting
22 promoted out of my department.

23 After filing complaint to the Human
24 Relations Commission, I began to experience
25 difficulty on my job. I began to complain of not

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2 being given sufficient documentation to complete
3 my assignments. I began to be given insufficient
4 time to complete my assignments. I began to be
5 left out of staff meetings. I began to be given
6 assignments with conflicting instructions.

7 I also complained to my supervisor that
8 my programs were being sabotaged. Someone was
9 deleting my programs from the operating system.

10 I filed a second complaint with the
11 Human Relations Commission, charging retaliation.
12 I file suit in Federal Court on my first complaint
13 of race and sex discrimination in 1997.

14 My supervisors made false allegations
15 that I failed to turn in assignments, that the
16 assignments that I turned in were shoddy, with
17 glaring mistakes, and that the assignments which I
18 completed were past their due dates and took too
19 long to complete. As a result of these inaccurate
20 statements, a decision not in my favor was
21 rendered.

22 In conclusion, I have been denied a
23 promotion, and I have been forced to work in a
24 hostile working environment. I would like to see
25 changes made in the City of Philadelphia

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2 promotional policy. I would also like an
3 investigation into my complaint of false
4 statements made by my supervisors, which directly
5 resulted in my lawsuit being dismissed.

6 I can only open hope that this Council
7 will address the issue of City officials with
8 their own agenda, disallowing promotional
9 opportunities for long-term departmental
10 employees.

11 COUNCILWOMAN TASCO: Thank you.

12 MS. COOPER: I have included the memo
13 from Personnel on my ranking on Programmer Analyst
14 II, my ranking on Programmer Analyst I, the last
15 four years of my performance ratings, and the
16 interdepartmental numbers where you can see there
17 was a vacancy in my department the month before I
18 was eligible for my first promotion in 1990.

19 Lastly, I have my associate's degree
20 from the Community College in data-processing.

21 Thank you.

22 COUNCILWOMAN VERNA: I'm sorry. You
23 indicated that you took the test, and you came out
24 number 1 on the test?

25 MS. COOPER: Yes.

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2 COUNCILWOMAN VERNA: And you were told
3 that you did not qualify?

4 MS. COOPER: Yes, correct.

5 COUNCILWOMAN VERNA: Don't they usually
6 tell you before you take the test whether you'd
7 qualify or not?

8 MS. COOPER: Absolutely.

9 COUNCILWOMAN VERNA: And they didn't do
10 that with you because you, in fact, had all of the
11 necessary qualifications --

12 MS. COOPER: Yes.

13 COUNCILWOMAN VERNA: -- in order to
14 take the test.

15 MS. COOPER: Correct.

16 COUNCILWOMAN VERNA: You came out
17 number 1?

18 MS. COOPER: Yes.

19 COUNCILWOMAN VERNA: And then you were
20 told that you did not qualify. Did they give you
21 any reason?

22 MS. COOPER: My supervisor said that I
23 wasn't qualified for that particular job.

24 COUNCILWOMAN TASC0: It was your
25 supervisor that told you that you --

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2 MS. COOPER: My supervisor. Not
3 Personnel, my supervisor.

4 COUNCILWOMAN VERNA: Well, did you go
5 to Personnel?

6 MS. COOPER: No, I didn't go to
7 Personnel. From Personnel, they told me I was
8 qualified, and they also -- I did go to one
9 interview with the DA's office when I was on the
10 Programmer Analyst II list, and the DA's office
11 said to me, Why isn't your own department taking
12 you?

13 I kind of felt that because my own
14 department did not select me, that it sort of was
15 -- it sort of hurt me going in to other
16 interviews. And the DA's office asked me, You're
17 just trying to force your department to pick you.
18 And I said to them, If you will select me, I will
19 work for you. And I was not selected.

20 COUNCILMAN MARIANO: Any other
21 questions for this witness?

22 (No further questions for this
23 witness.)

24 COUNCILWOMAN TASC0: Thank you very
25 much. We appreciate your coming forth with your

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2 testimony.

3 COUNCILMAN MARIANO: Next witness, Mr.

4 Crapper.

5 MR. CRAPPER: Good afternoon.

6 COUNCILMAN MARIANO: Good afternoon.

7 State your name and title for this record.

8 MR. CRAPPER: I'm John Crapper,

9 C-R-A-P-P-E-R. I am the Chairperson for the
10 Association of City Managers and Professional
11 Employees.

12 I come to you this afternoon,
13 Councilpeoples, on behalf of a few areas of
14 concern of the "non-reps," as we are known in the
15 City of Philadelphia, those individuals who are
16 not represented by a collective bargaining unit
17 but who are the mainstay and the guts and the
18 power of the City administration who does the
19 work.

20 One is that the personnel system in the
21 City of Philadelphia, as far as pay appeal, must
22 be adjusted so that individuals will be paid
23 accordingly to their skills and their knowledge.

24 Secondly, I think it's absolutely
25 absurd that the Personnel Department of this city

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2 would abolish the training and development unit of
3 the personnel division. If there's anything that
4 we need, our employees supervisors and managers
5 need constant training and development. Why would
6 we abolish the training and development unit of
7 the Personnel Department?

8 Thirdly, out-sourcing. This Personnel
9 Department just recently this year have
10 out-sourced the writing and the oral testing of
11 the police test. We have qualified individuals in
12 the Personnel Department who can write those tests
13 and can give oral testing. We have no reason to
14 out-source that. We need to try to utilize those
15 individuals within the City government who are
16 qualified to do these things and save the city
17 some money.

18 The Anderson consultants that were
19 hired to re-engineer the Personnel Department,
20 they have made some improvements, but these
21 improvements are no more than surface
22 improvements, something that could have been done
23 in-house, in-house. I believe, and so do the
24 non-reps of the City of Philadelphia believe that
25 these improvements that they have made have been

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2 an injuring factor to the Personnel Department.

3 We are not aware of the civil service
4 changes that are being passed down from the
5 Personnel Department and the Civil Service
6 Commission each and every month.

7 And while I'm on the subject, Madame
8 Chairlady and members, let me address the
9 recruitment, the recruitment of personnel by the
10 Personnel Department. We believe and we think
11 it's only fair that the Central Personnel
12 Department recruit those individuals who are
13 qualified, we believe that. And that means giving
14 a test. There are quite a few individuals who
15 have received T&E's; we don't oppose that, but we
16 do believe in a written test, and if necessary, an
17 oral test.

18 And finally, let me speak a little on
19 diversity. The City of Philadelphia personnel,
20 from the testimony that was given by the Personnel
21 Director, Miss Linda Seyda, I believe, indicated
22 that about 46 percent were Afro-American, 49
23 percent were Caucasian, and about 6 percent was
24 Latino or Asian. If that is the case, then that
25 should be reflected; the population of this city

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2 should be reflected in the hiring practices of
3 this city.

4 If we do not test and hire within the
5 City government and within the City confines, then
6 we are missing tax dollars, is that not right? We
7 want individuals to be hired here so that they can
8 spend and give back to this economy.

9 I believe that the discrimination
10 policies of this Central Personnel Department need
11 to be addressed by this committee and by the City
12 Council as a whole. If you need the assistance of
13 myself or anyone in my organizations, we'll be
14 readily at your call to do whatever we possibly
15 can to rectify the situations we have.

16 Thank you so very much.

17 COUNCILWOMAN TASC0: Mr. Crapper, what
18 is your title again, your affiliation?

19 MR. CRAPPER: The Chairperson of the
20 Association of City Managers and Professional
21 Employees.

22 COUNCILWOMAN TASC0: Okay.

23 COUNCILMAN MARIANO: Any other
24 questions for this?

25 COUNCILWOMAN TASC0: I have a question.

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2 COUNCILMAN MARIANO: Councilwoman

3 Tasco. Then Councilman Ortiz.

4 COUNCILWOMAN TASCO: You said that the
5 Anderson consultants were an injury to the
6 Department. Could you elaborate on that a little
7 more.

8 MR. CRAPPER: I believe that the
9 results, by looking at the reorganization or
10 re-engineering of the Central Personnel
11 Department, have not been very fruitful.

12 Recently, I hired an individual for one
13 of my units, the photo lab of the Department of
14 Records. And I told this individual that he would
15 have to take the test, and as we heard before, he
16 would have to qualify to be one of the two to be
17 hired, in the top two. And that individual was
18 not one of those.

19 He went to Central Personnel and asked
20 them -- well, let me backtrack. First, when the
21 individual came on board and we knew that we was
22 going to have a test, I asked my personnel officer
23 of the Records Department to talk to Personnel, to
24 have them give us a test. They said they would,
25 but they didn't.

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2 What they did was give a police
3 photographer's test, and then instructed the
4 Records Department to pull the person off of that
5 list. A police photographer is an entirely
6 situation from a regular City photographer.

7 When this individual went over to find
8 out why he was not even called for the test,
9 Central Personnel claimed they lost his original
10 application and sent his original notification to
11 his previous address.

12 I believe that what we have there,
13 since the reorganization or the "re-engineering,"
14 as they call it of Central Personnel, I believe
15 that this could not have been happening if we had
16 used the individuals who were in-house, the
17 personnel who is in-house. The employees that are
18 presently in that department could have
19 straightened that department out if they had the
20 cooperation of the management and the
21 administration.

22 COUNCILWOMAN TASC0: Are you saying
23 that the existing personnel in the central -- the
24 employees in the Central Personnel Department were
25 not involved in the reorganization of the

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2 Department?

3 MR. CRAPPER: Yes, ma'am, they was not.

4 COUNCILWOMAN TASCO: How do you know
5 that?

6 MR. CRAPPER: From some of the
7 employees who are in the Department.

8 COUNCILWOMAN TASCO: Mm-hmm, okay. Any
9 other questions?

10 COUNCILMAN MARIANO: Councilman Ortiz,
11 do you have questions?

12 COUNCILMAN ORTIZ: How you doing?

13 MR. CRAPPER: Excellent, sir.

14 COUNCILMAN ORTIZ: We go back a long
15 ways.

16 MR. CRAPPER: Yes, sir.

17 COUNCILMAN ORTIZ: Give me some of your
18 experience, because the percentages of Latinos and
19 so on are not 6 percent within the City government
20 but when you say that they should reflect it and
21 the Personnel Department is preventing that from
22 happening, what do you want exactly by that?

23 MR. CRAPPER: I wouldn't exactly say
24 that, Councilman, that they are preventing it from
25 happening; I'm saying that they might not be

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2 encouraging, they might not be encouraging
3 individuals to come forward.

4 I was here recently as a Councilmatic
5 hearing, one of the committees, and the Police
6 Commissioner was here presenting to you, at that
7 time I think, a proposition, an ordinance to
8 recruit outside of the city.

9 COUNCILMAN MARIANO: It was this
10 committee?

11 MR. CRAPPER: This committee. Now,
12 what I'm saying is, if we can recruit outside, why
13 can't we recruit inside? Why can't we put our
14 efforts in here? That's what I'm looking to see.
15 I don't see any banners or any flyers in the City
16 of Philadelphia advertising jobs for City
17 employees.

18 COUNCILMAN ORTIZ: And the efforts are
19 not within the City government, they're not
20 putting forward the programs or the outreach to be
21 able to do that.

22 MR. CRAPPER: That's correct.

23 And if I'm wrong, someone show me. I
24 don't see any advertisement in the City of
25 Philadelphia, in the proper of City of

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2 Philadelphia, advertising. If you do not go to
3 the Personnel Department to receive an
4 application, then you do not know what jobs are
5 available and what the qualifications are.

6 COUNCILMAN MARIANO: Mr. Crapper, I
7 don't want to say you're wrong, but I happen to be
8 a late-night cable television person, and they do
9 have a channel that they do do this. I mean,
10 that's something, and I mean, it should be on
11 channels 3, 6, and 10, you're correct.

12 MR. CRAPPER: That's correct.

13 COUNCILMAN MARIANO: But there is
14 something there.

15 MR. CRAPPER: There is something.

16 COUNCILMAN MARIANO: I mean, the people
17 need to be able to find better things than that,
18 and I agree with you on that.

19 Anyone else have any other questions
20 for this witness?

21 (No further questions for this
22 witness.)

23 COUNCILMAN MARIANO: Thank you.

24 MR. CRAPPER: Thank you so very much
25 for your help and your cooperation.

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2 COUNCILMAN MARIANO: Is there anyone
3 else who wants to testify before we get to the
4 personnel director?

5 (No response.)

6 COUNCILMAN MARIANO: Linda Seyda?

7 (Linda Seyda comes forward.)

8 COUNCILMAN MARIANO: State your name
9 and title for the record, ma'am.

10 MS. SEYDA: My name is Linda Seyda, and
11 I am the Personnel Director for the City of
12 Philadelphia.

13 Good afternoon, members of the Labor
14 and Civil Service Committee. I am pleased to be
15 here with you this afternoon to talk with you
16 about the City's civil service hiring process.

17 As you may know, in July of 1996, the
18 Personnel Department initiated a multi-year effort
19 to enhance the City's processes for hiring and
20 promoting civil service employees. This effort's
21 goal is to improve the City's hiring process so
22 that City managers can hire diverse,
23 well-qualified employees in a more timely manner,
24 thereby improving the City's ability to deliver
25 quality services to the public.

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2 The discussions on improving the hiring
3 process began in the summer of 1996 and included
4 representatives from senior management in the City
5 as well as human resource specialists throughout
6 the government and also most of the staff within
7 the Personnel Department from the senior staff
8 down to the lower-level support staff.

9 Work to date has focussed primarily on
10 thee areas: instituting a citywide workforce
11 planning process, restructuring processes within
12 the Department, and improving the timeliness and
13 quality of hiring, through improvements in how
14 jobs are defined and how candidate are recruited
15 and assessed for City positions.

16 The full effect of the project will be
17 realized throughout the remainder of this
18 administration and beyond the year 2,000. Even at
19 this stage, however, we have already made progress
20 toward realizing our goals of improving the
21 timeliness, quality, and consistency of the
22 Personnel Department's services.

23 Most notably, we are pleased that we
24 have reduced the time required to recruit, hire,
25 and promote civil service employees. The average

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2 number of days between announcement of an exam and
3 completion of an eligible list has dropped 48
4 percent since fiscal year '97, an 83-day or almost
5 3-month reduction. Our goal for the end of this
6 fiscal year is to reach an average of 75 days.
7 This reduction was the result of the initiatives
8 of the hiring improvement project, especially the
9 citywide workforce planning process.

10 Of most importance to this project is
11 the workforce planning process in which
12 departments, on an annual basis, submit their
13 lists or requests for positions for review and
14 pre-approval by both the Personnel Department and
15 the Budget Office. The Personnel Department
16 enters into service agreements with each
17 department in agreeing to provide requested
18 services by specific target dates.

19 By enabling staff to plan and be
20 accountable for specific outcomes, workforce
21 planning has, in fact, improved the timeliness and
22 quality of Personnel services and has aligned the
23 hiring activities more closely with the City's
24 budget process. Altogether, these initiatives
25 assist our client agencies in filling their

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2 vacancies in a more timely manner, and therefore
3 enables the Department to continue to provide
4 their critical services to the citizens of
5 Philadelphia.

6 In addition, I am pleased to report
7 that in October, a local human resource
8 professionals group recognized the Personnel
9 Department's achievements by declaring the city an
10 honor-mention winner in the Greater Philadelphia
11 Human Resource Department of the Year award.

12 In order to support and sustain the
13 improvements in the City's hiring process --

14 COUNCILMAN MARIANO: Excuse me, Miss
15 Seyda, we all have written copies of your
16 testimony. This is about exciting as dental
17 surgery to us -- to me.

18 MS. SEYDA: Sorry.

19 COUNCILMAN MARIANO: Not that you're
20 not an exciting person, but we have to get to some
21 of the meat and potatoes of this.

22 MS. SEYDA: Sure.

23 COUNCILMAN MARIANO: You've submitted
24 your testimony, everyone has it, it's here in the
25 record. Let me ask you a couple questions, then

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2 we'll get the other people.

3 MS. SEYDA: Certainly.

4 COUNCILMAN MARIANO: Okay. I read your
5 testimony when we got it. Your testimony talks
6 about the recruitment initiatives which your
7 department is undertaking. Can you tell this
8 committee on how the initiatives will both address
9 the diversity issues in the workforce and the need
10 to attract qualified applicants for the City of
11 Philadelphia -- people that live in the city,
12 that's what we're looking at here for here.

13 MS. SEYDA: What we have done as part
14 of this process -- and I think it's important to
15 note that over a period of time, the Personnel
16 Department lost a number of employees. And, in
17 fact, we were at one time a department of
18 approximately 125 to 130 people. Now we're down
19 to a department of about 100 people.

20 So as result, we basically lost the
21 resources that had previously been devoted to
22 recruitment. And so what we are doing now is to
23 reestablish a recruitment initiative and a formal
24 recruitment team within the Department.

25 And that group -- and granted, it's

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2 just a couple of people, but we have set up an
3 advisory committee with representatives from the
4 departments. They're currently in the process of
5 doing a needs analysis. We have representation on
6 that committee from the Human Relations
7 Commission, a deputy director from the Human
8 Relations Commission sits on that committee. And
9 it is our goal and objective to do stronger
10 targeted recruitment which will better address the
11 diversity needs of the City workforce, and also to
12 establish relationships with those organizations
13 in the City, in the community, and in our
14 community, and at the local colleges and
15 universities, particularly those universities that
16 truly represent the demographics of our community,
17 to establish targeted recruitment programs that
18 will be effective both in enhancing diversity and
19 also in recruiting qualified candidates.

20 And we think that they're equally
21 important objectives.

22 COUNCILMAN MARIANO: You spoke a little
23 bit about that in your opening statement. Can you
24 give me some background information on the
25 eligibility lists? You talked about how you tried

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2 to shave down the turnaround times. Can you tell
3 me how you do that?

4 Because a lot of the problems by the
5 previous people that testified, the lists seemed
6 to have went run on forever. I mean, the one was
7 here from '89, and she on the list from '93, five
8 years, and she still didn't get the job she
9 wanted.

10 Without getting into a specific case,
11 are you turning them lists faster around?

12 MS. SEYDA: What we're trying to do is
13 to reduce, you know, reduce the time from when an
14 exam is announced and when a list is actually --

15 COUNCILMAN MARIANO: What's that time
16 now?

17 MS. SEYDA: I believe that I just gave
18 you some figures.

19 COUNCILMAN MARIANO: It's in your
20 testimony.

21 MS. SEYDA: There are some figures in
22 my testimony. And we have reduced the turnaround
23 time so it's now down to, I believe I said 91
24 days, which is a reduction from what it had been a
25 couple years ago, of 174 days.

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2 And we're doing that by working more
3 closely with the departments and with the Budget
4 Bureau so that we're not announcing exams for
5 classes that the budget -- where the Budget Bureau
6 is not going to approve openings or where the
7 Department doesn't truly need candidates.

8 And also what we are trying to do is to
9 look at those job classifications which are most
10 critical and where it is important to have
11 eligible lists on the books all the time. A good
12 example of that would be social workers, for
13 example, uniform classes, entry-level classes. So
14 that when departments have a need to fill a
15 position, there will be eligible lists there for
16 them to use and this will not have to wait to get
17 individuals referred to them to fill their
18 vacancies.

19 COUNCILMAN MARIANO: Okay. My last
20 question. On page 3 of your testimony, and this
21 isn't -- I didn't let you read that far, but you
22 talked about a customer service program as the
23 initial point of contact to inquiries from
24 employees and applicants concerning the City's
25 personnel system.

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2 How will this program work in the
3 future? And how will this help myself and the
4 other members of Council in advising our
5 constituents about jobs that may or may not be
6 available?

7 MS. SEYDA: For a couple of reasons --
8 some are internal reasons and some are not -- we
9 felt it was important to establish one central
10 point within the Department to address customer
11 services needs.

12 And so we've set up on the -- not just
13 on the concourse level, where we've also had
14 access, but also on the 16th floor of the
15 Municipal Services Building, a customer service
16 center where employees are being trained in how to
17 handle a multitude of requests so that when
18 candidates or employees have questions, it can
19 become like a one-stop shopping point for them, so
20 that they are not continually referred from one
21 person to another person to somebody else.

22 We still have a good bit of work to do
23 in this area because employees have to be
24 cross-trained so that they know how all the
25 functions work within the Department.

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2 But what we would like to see is once
3 finding the department where an employee can come
4 in and say I'm looking for a transfer from
5 Department A to Department B, how do I go about
6 doing that, how do I get information about me to
7 appointing authorities in other departments?

8 Or I'm interested in becoming a social
9 worker with the City of Philadelphia or any number
10 of other job titles, when can I expect that that
11 examination will be announced?

12 Or I'm on the eligible list for a
13 certain job, what is my ranking at the present
14 time, when can I anticipate that there might be
15 openings?

16 Granted, it's going to take time for
17 all of our people to come up to speed so that they
18 have all the information and they're thoroughly
19 trained. And also, we have a need for some
20 technology enhancements in order to make this
21 work. But we think it's going to be, you know, a
22 really good service for our employees.

23 Also, I would like to point out to
24 Council, 'cause I think it's important -- will be
25 of interest to you, is that access to information

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2 about jobs in the City and about City services are
3 available on the Internet. They're available on
4 the City's intranet, they're available in the
5 Personnel Department, and information about jobs
6 that are open is available in every branch library
7 of the City of Philadelphia.

8 So that as your constituents or members
9 of the public raise questions about how do I know
10 how to find out about what jobs are open, you can
11 refer to them to any branch in the Free Library
12 system, and they are now maintaining that
13 information.

14 COUNCILMAN MARIANO: Thank you.

15 Anyone else have questions for Miss
16 Seyda?

17 Councilwoman Tasco, Councilwoman Verna,
18 then Councilman Ortiz.

19 COUNCILWOMAN TASCO: I wanted to ask
20 you, how would you have helped that young lady,
21 Allison Richardson? You heard her frustration.

22 What is the role of our personnel
23 department to help people like that who feel so
24 frustrated about what's happening to them in their
25 department?

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2 You and I have talked about this, and
3 the kind of things that she outlined are the kinds
4 of concerns that have been raised to me over and
5 over again, about the manipulation in the
6 department to prevent people from moving forward.

7 MS. SEYDA: Well, first of all, I mean,
8 I have to say that I am not familiar with her
9 particular situation.

10 COUNCILWOMAN TASCO: Mm-hmm.

11 MS. SEYDA: However, employees do have
12 the option to have somebody from our department
13 come and take a look at their position. From her
14 testimony, and I don't know -- I certainly do not
15 have all the facts, and we will look at it later,
16 but the employee has an option to have their job
17 looked at and evaluated. And if they think that
18 they're working at a higher level, we are
19 obligated take a look at what they're doing and to
20 say Yes, we think you are; or, No, we think you're
21 not.

22 Granted, resources are limited and we
23 can't do that for 10,000 employees on a weekly
24 basis, but it is our role and it's really our
25 Charter-mandated role to provide services to the

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2 departments and also to the City's workforce. And
3 our obligation extends to the City's workforce
4 just like it does to the City departments.

5 And quite frankly, sometimes there are
6 conflicting objectives. Sometimes what a
7 department's looking for or asks for is not what
8 the employee wants, and there are going to be
9 times when a situation cannot be resolved in a way
10 that everybody's happy with.

11 But that is our Charter-mandated
12 responsibility, to represent the interests of both
13 the departments and the employees and to ensure
14 that the City's hiring practices are merit-based
15 and not discriminatory.

16 COUNCILWOMAN TASCO: But it's sort of
17 like the Law Department represents us and also
18 represents the mayor. What side are they going to
19 come down on? They usually come down on the side
20 of the mayor. Where does the employee get
21 fairness in this process?

22 If her situation is a classic example
23 of employees who feel that -- and you and I have
24 talked about this in my office, about how
25 specifications are changed so that only certain

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2 employees can qualify for a position. Or, in her
3 case, she does all the work but wherever she tries
4 to moved forward, she gets an unsatisfactory
5 rating after all of these years of working very
6 hard and is given all these projects. Suddenly
7 she's unqualified.

8 I mean, where is the fairness for her?
9 And who represents her and who protects her in
10 this?

11 MS. SEYDA: Again, I'm not familiar
12 with the particulars of this particular case of
13 this particular individual, but in terms of how --

14 COUNCILWOMAN TASCO: What system do you
15 have in your department that could help employees
16 address a situation like that?

17 MS. SEYDA: The process of establishing
18 positions throughout the City government and
19 establishing classes in our department and in
20 other departments is a public process.

21 And for any position or class to be
22 established, we have -- we're required to go
23 through and take a look at what the duties and
24 responsibilities are, to take a look at what the
25 requirements are of that position, to go to a

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2 public hearing before the Civil Service Commission
3 for not just the department, but the employee, to
4 have an opportunity to be heard.

5 And as far as the Personnel Department
6 itself is concerned, that is why, because it's our
7 department. With the current reorganization, we
8 have made a decision that we will go to the
9 Federal Office of Personnel Management to have
10 them take a look at those jobs because we think
11 since it's our house, that we need to have
12 somebody from the outside, who everybody perceives
13 as being neutral, to take a look at the -- look at
14 our jobs and the selection instrument that we'll
15 ultimately end up using.

16 COUNCILWOMAN VERNA: I just want to add
17 to one of the questions that you had from a
18 previous witness. She said she took the civil
19 service exam, came out number one on the list, and
20 then was told that she did not qualify. I
21 couldn't understand.

22 Could you explain to me how that
23 happens? I thought you were disqualified before
24 taking the test if you didn't have all the
25 necessary requirements.

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2 MS. SEYDA: Well, again, I'm not
3 familiar with the specifics of this particular
4 situation. There could be, I mean, any number of
5 explanations. The department may not really have
6 had a vacancy, the department may have told her
7 that when it was not the case.

8 COUNCILWOMAN VERNA: But I gather that
9 her department did have a vacancy, she was then
10 interviewed by the District Attorney's office, and
11 that's what I didn't quite understand. If she
12 wasn't qualified, how would these people all be
13 interviewing her? And they wanted to know why her
14 employer did not take her since they have an
15 opening.

16 I want to ask you, if that individual
17 is number one on the list and, say, there are
18 three opening that exist this that category
19 throughout the City --

20 MS. SEYDA: Right.

21 COUNCILWOMAN VERNA: -- the number 1
22 and number 2 candidates would be interviewed? Or
23 is it the top three candidates?

24 MS. SEYDA: It is the top two. Under
25 the Philadelphia Home Rule Charter, we operate

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2 under Rule 2.

3 COUNCILWOMAN VERNA: So if she was not
4 considered for the first opening, then she and
5 number 3 would have to be interviewed?

6 MS. SEYDA: That's correct.

7 COUNCILWOMAN VERNA: Well, I think we
8 ought to look into that. I think that that
9 doesn't sound very good to me.

10 You said that hiring improvements
11 started in 1996?

12 MS. SEYDA: That's when the current
13 project began. Yes, that's correct.

14 COUNCILWOMAN VERNA: Can you tell us
15 how many in your department at that time were
16 white, African-American, Hispanic, and Asian; and
17 compare that to what we have today?

18 MS. SEYDA: I believe that information
19 is in my testimony.

20 COUNCILWOMAN VERNA: I don't see it.

21 MS. SEYDA: Currently, in the Personnel
22 Department, our staff is 50 percent white, 47
23 percent African-American, and 2 percent Latino.
24 If you go back to --

25 COUNCILWOMAN VERNA: '96.

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2 MS. SEYDA: '96. . . I have it here. I
3 will pull it out for you.

4 What I have here is readily available.

5 COUNCILWOMAN VERNA: Now, this is prior
6 to '96, the figures that you're giving us?

7 MS. SEYDA: I'm giving you '92 figure.

8 COUNCILWOMAN VERNA: Okay.

9 MS. SEYDA: In 1992, the Personnel
10 Department workforce was 54 percent white,
11 39 percent African-American, and 4 percent
12 Hispanic.

13 It is now 50 percent white, 46.8
14 percent African-American, and 2 percent Hispanic.

15 COUNCILWOMAN VERNA: There are no
16 Asians?

17 MS. SEYDA: The --

18 COUNCILWOMAN CLARK: Miss Seyda, do we
19 have a document that you're reading from?

20 MS. SEYDA: I don't know that you do
21 but I'm more than happy to provide it to you.

22 COUNCILWOMAN CLARK: That would be
23 useful.

24 COUNCILWOMAN VERNA: Miss Seyda, can
25 you tell us, how many grievances have been filed

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2 since this new process went into effect?

3 MS. SEYDA: How many grievances?

4 COUNCILWOMAN VERNA: Mm-hmm.

5 MS. SEYDA: I believe two.

6 COUNCILWOMAN VERNA: I thought we heard
7 more than two today.

8 COUNCILMAN MARIANO: Councilman Ortiz.

9 COUNCILMAN ORTIZ: Thank you. You said
10 that from '92 to '96, the Hispanic number had gone
11 down 2 percent, from 4 to 2?

12 MS. SEYDA: Yes. And that's because we
13 had --

14 COUNCILMAN ORTIZ: So now it's 50
15 percent of the employees, right? It has gone down
16 to 2 percent?

17 MS. SEYDA: In the Personnel
18 Department, that's correct, because that's
19 basically -- that's two people.

20 COUNCILMAN ORTIZ: Yeah, it's not a
21 lot. I mean, we're not saying that there are many
22 Latinos in the Personnel Department or in any
23 other department across the City, but you're
24 acquainted with the Human Relations investigation
25 and the hearings that we held back in, I think it

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2 was, '89?

3 MS. SEYDA: I -- yes, I am familiar
4 with them. I did not participate in those
5 hearings but, yes, I know of those hearings.

6 COUNCILMAN ORTIZ: Well, the charge, in
7 essence, from those hearings to the mayor and the
8 Personnel Department was to see how we can
9 increase the number of Latinos within the overall
10 departments of the City of Philadelphia. And
11 there were a whole series of recommendations that
12 were made at that point.

13 And could you detail to me whether the
14 Personnel Department has transmitted those
15 recommendations to every department, and are those
16 recommendations being applied and have they been
17 instituted?

18 MS. SEYDA: As I recall, one of the
19 recommendations in that report was to establish
20 and ensure that there was -- that there is an
21 affirmative action officer in each department who
22 has the responsibility for working -- for
23 developing --

24 COUNCILMAN ORTIZ: We have the Human
25 Relations Commissioner here. He can -- he might

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2 be able to help you in terms of what the Human
3 Relations report says.

4 MS. SEYDA: Right. One of the
5 recommendations within that report was that each
6 City department should appoint an affirmative
7 action officer at a management level, and that
8 that individual should coordinate programs,
9 seminars, and periodic EEO reviews. And that is
10 the case; each City department does have an EEO
11 officer who plays that role.

12 And on a semiannual basis, the
13 Personnel Department from each department, which
14 they give us an update as to the status of their
15 plans. And this data then provides for us
16 specific demographic information on Latinos as
17 well as on other groups.

18 COUNCILMAN ORTIZ: And have you -- and
19 I agree that they have been established.

20 MS. SEYDA: Right.

21 COUNCILMAN ORTIZ: But the key issue
22 here is whether it has been effective and whether
23 they have actually fulfilled their functions of
24 increasing Latino representation in all those
25 departments.

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2 And given the situation I read from
3 your report, which I got today, Miss Seyda -- and
4 I thought we were going to get this report much
5 earlier, we've asked for the report during the
6 budget hearings, and I know the Rendell
7 administration really is really tardy in giving in
8 to certain requests that we ask for committees,
9 but I would have liked to have had this before the
10 hearing so I could have looked at it much more
11 in-depth and reviewed it and have my staff with me
12 go over it. And right now I'm just going over it
13 myself.

14 But given the nature of it, we have
15 Hispanics and officials and administrators making
16 up 0 percent of the -- at that level, although I
17 believe that maybe you're not including Andy
18 Perez, right? I think that's at least a slight of
19 1 percent. I don't know how he got there.

20 Professionals are at 1.47 percent.
21 Technicians, 2.4 person. And this is not by
22 department, but overall.

23 MS. SEYDA: Mm-hmm.

24 COUNCILMAN ORTIZ: Protective services
25 is at 2.18. And protective services, 4.15.

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2 And anyway, we make up a total of 2.86.

3 Do you know what the percentage of Latinos was at
4 the end of the Wilson Goode administration?

5 MS. SEYDA: No, I don't recall what
6 that number is.

7 COUNCILMAN ORTIZ: Was it higher or
8 lower than 2.86? I just want to know whether we
9 have made any improvement in the last six years or
10 retrogressed back to the level of the early '90s.
11 Isn't this a part of what the Human Relations
12 report said, that you needed to have that data in
13 order to keep information available to see whether
14 we were progressing or not?

15 MS. SEYDA: Since -- looking at
16 information from 1990, at that time, the
17 percentage of Latinos in the City workforce was
18 2.08 percent, and it has been increasing slightly
19 every year since then.

20 Granted, these have not been large
21 increases, but they're going in the right
22 direction.

23 COUNCILMAN ORTIZ: Yeah, from 2.08 to
24 2.86.

25 (Laughter.)

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2 COUNCILMAN ORTIZ: Very quickly, I
3 would imagine. I mean, if the tortoise and the
4 hare were here, you know, I don't know how fast we
5 would be advancing.

6 What plans do we have, now that we know
7 that we're not being very successful, at
8 implementing the Human Relations Report of 1989?
9 What plans do we have to recruit and retain Latino
10 employees at the professional, at the -- at the
11 above-clerical and janitorial services level?
12 Although those are needed and we do want those
13 types of jobs.

14 But I do believe that policies in
15 departments change when we have people at the
16 policy level that are looking at the
17 discrepancies.

18 MS. SEYDA: Well, part of our objective
19 in reemphasizing a recruitment program for the
20 City and doing it on a centralized basis is to
21 enhance our targeted recruitment programs for not
22 just African-Americans, but for Latinos and other
23 people as well so that the City workforce, over a
24 period of time, does truly represent the
25 demographics of our community.

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2 It's important that our recruitment
3 programs be targeted, that we go to the local
4 universities to --

5 COUNCILMAN ORTIZ: Let me stop you, let
6 me stop you. From now till the end of the year,
7 what is your goal in terms of elevating the
8 numbers of Latinos across the board in the City of
9 Philadelphia?

10 And I was surprised because one of the
11 things that the Rendell administration claims is
12 that they have reduced the workforce of the City
13 of Philadelphia, and we now have, what, 32,984
14 employees?

15 At the end of the Wilson Goode
16 administration, didn't we have around 24,000 or
17 25,000 employees?

18 MS. SEYDA: That's correct.

19 COUNCILMAN ORTIZ: And how come we have
20 grown so much instead of the number of employees
21 going down, at least according to everything that
22 I have read in the papers and the claims of the
23 Rendell administration? That's a very big growth.

24 MS. SEYDA: And I apologize that you
25 and I are looking at different numbers right at

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2 the moment.

3 COUNCILMAN ORTIZ: It's your numbers.

4 But, tell me, what goals do you have to increase?

5 If I tell you that we are at the 0 level in

6 official administrators, by the end of the year,

7 you know, how are we going to be there? Are we

8 going to have 3, 4, are we going to be at 1

9 percent, 2 percent in official administrators?

10 At that level, do we have goals per

11 category? Do we have goals down the line?

12 MS. SEYDA: Goals are developed within

13 each department of the City, and what we are doing

14 is working --

15 COUNCILMAN ORTIZ: See, again, you're

16 not -- you're saying that you don't have 'em.

17 MS. SEYDA: I --

18 COUNCILMAN ORTIZ: Do you know any

19 department that has goals? Do you have any goals

20 established to go down the line in terms of those

21 classifications that we have here and in either

22 increasing, and where the need is at, increasing

23 those numbers?

24 MS. SEYDA: Well, I think -- I think

25 across the board where we can do it, we are going

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2 to do it and do do it. And, specifically, if you
3 look at in the Police Department, the Fire
4 Department, in the prisons, in all of their hiring
5 programs, one of their objectives is to ensure
6 that they have --

7 COUNCILMAN ORTIZ: You have named three
8 departments. I think we have Latino doctors, we
9 have Latino accountants, we have Latino lawyers,
10 we have a whole lot of other stuff other than
11 individuals who can just be policemen or firemen.
12 And if any department has made an improvement
13 along those lines, it's the Police Department
14 under Neal, and we kept a 10 percentile per class,
15 and I don't know if that is being kept at this
16 point.

17 But I want to know, across the board,
18 there has to be a commitment not just to say those
19 areas where we need here because all this high
20 crime in Latino areas. But who will monitor it?
21 Who will -- who will monitor, who will let you
22 know that goals are being met in the Property
23 Department, in the Water Department -- that is
24 abysmal -- in the Finance Department, in the
25 Public Property Department, in the Health

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2 Department, who will tell you?

3 MS. SEYDA: That is -- that is our
4 responsibility in terms of the monitoring of these
5 departmental affirmative action programs. That is
6 part of what we are doing with this project, that
7 we monitor all of the biannual programs of the
8 departments to ensure that they're doing
9 everything that they possibly can to meet their
10 stated goals and objectives. And where they are
11 not successful in doing so, to work with them to
12 assist them to meet those goals.

13 And just as an aside, I think you will
14 be pleased to know that in the police class that
15 just went into the Department, I believe,
16 yesterday, there were 10 Latinos in that class of
17 100.

18 COUNCILMAN ORTIZ: That's 10 percent of
19 the class?

20 MS. SEYDA: Yes.

21 COUNCILMAN ORTIZ: That's been the
22 policy since Willy Williams. It is the one
23 department that has use selective-factor
24 certification. It is the one department that the
25 policy was put forward under Wilson Goode and has

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2 been kept.

3 I want to know, do we have the same
4 sort of goals in every department of the City?
5 And if we don't, why don't we? And if departments
6 are not meeting it, why were you and your office
7 not setting up the programs to be able to achieve
8 it?

9 MS. SEYDA: I think -- I will -- you
10 know, granted, we need to do more than we have
11 been doing in this area. Resources are finite.
12 But part of what we are doing with the hiring
13 improvement process is to put those mechanisms in
14 place so that we can better monitor the --

15 COUNCILMAN ORTIZ: Miss Seyda, 1989, a
16 report, hearings were held, a mayor made a
17 commitment, this mayor made the same commitment.
18 And at the end of this administration, we still
19 don't know -- I know that you're going to monitor
20 it, but who in your office is going to be telling
21 you the things that you need to be told? And how
22 are we going to get the departments to be able to
23 do the other things that need to be done in order
24 to meet goals?

25 It cannot just be left to a rhetorical

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2 inference.

3 MS. SEYDA: Within the Personnel
4 Department, that's the responsibility of our
5 affirmative action unit. They are the ones who
6 are responsible for --

7 COUNCILMAN ORTIZ: Who's the head of
8 that?

9 MS. SEYDA: Bill Peberdy.

10 COUNCILMAN ORTIZ: Who?

11 MS. SEYDA: Bill Peberdy.

12 COUNCILMAN ORTIZ: Never heard of him.

13 COUNCILWOMAN TASCO: Could I ask a
14 question. I want to join in on what they're
15 saying.

16 As we look at the City, and we are a
17 city that provides services to people. And there
18 are people who are of different cultures, ethnic
19 groups, and backgrounds. I have a very diverse
20 district which reflects pretty much Philadelphia.

21 And I want to know, when I have an
22 Indian who needs a service from the City, some
23 help, can they get someone in that department,
24 say, the Department of Human Services, how many
25 social workers are of Latino or Asian or other

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2 groups that are in the City that can speak the
3 language, understand the culture, provide the
4 services to the families in the Department of
5 Health? When the Asians go to a health center, if
6 they go, if the Latinos use the health centers,
7 what is the diversity of that Health Department
8 that provides those services to those people?

9 What we want the Personnel Department
10 to do is not let various departments have
11 laissez-faire and do what they want to do. What
12 we see you doing is providing that training and
13 sensitizing them to the needs of what the goals
14 are that are set by the City. They should be
15 overall goals for every department in the City to
16 be reflective of what is happening in the City.

17 And we just had a report -- you just
18 had Anderson Company do a reorganization for your
19 department? Now, how much did that cost and what
20 did we buy? Was it just to help us do better
21 testing, or did it help us do a better job of
22 coordinating throughout the City departments a
23 better way of recruiting and hiring people that
24 reflect the diversity of this city, to address the
25 problems of Miss Cooper and Miss -- the other

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2 young lady when they are frustrated, how do they
3 get help?

4 What did we buy, how much did it cost,
5 and what did we buy?

6 MS. SEYDA: The cost of the work that
7 Anderson did for the City was about \$2.5 million.
8 The scope of the project is beyond simply hiring
9 people, but it is recruiting and selecting a
10 diverse and qualified workforce.

11 COUNCILWOMAN CLARK: Well, they didn't
12 do much in that.

13 COUNCILMAN ORTIZ: They're failing
14 then.

15 COUNCILWOMAN TASC0: Let her finish.
16 Go ahead.

17 MS. SEYDA: And we were insistent that
18 diversity be built into our plans as a part of
19 this project. And I personally pushed to ensure
20 that diversity is a priority for and included
21 within our programs.

22 COUNCILWOMAN TASC0: But if -- was that
23 program -- did you buy from Anderson Consultants
24 their services solely for your department? Did
25 they lay out a program for your department as well

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2 as a plan for interacting with all the City
3 departments? Or was it just for your department?

4 MS. SEYDA: Well, by the very nature of
5 the project itself, it's more inclusive than just
6 the Personnel Department, because we're talking
7 about policies that relate to how the City
8 recruits, hires and retains its workforce -- not
9 just employees in the City, but its entire
10 workforce. And, accordingly, people who were
11 involved with this project came not just from the
12 Personnel Department but came from a majority of
13 departments in the City government.

14 So that in terms of the people who
15 worked on this internal to the City, it was a very
16 broad group of people. And it included
17 African-Americans, Latinos, and Caucasians. It
18 was not -- it was not just solely one demographic
19 group.

20 COUNCILWOMAN TASCO: Has your
21 department set scheduled meetings with all of the
22 City departments to talk about the new plan, the
23 new program or the mission or whatever the results
24 of this study were?

25 I mean, how will the Health Department,

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2 the Human Services Department, MOIS, for instance,
3 understand those personnel agents and those
4 departments? Will they know what has happened and
5 what their responsibilities are to be?

6 And do you meet with them periodically
7 to talk about how they handle personnel issues in
8 those departments?

9 MS. SEYDA: I mean, we have ongoing
10 meetings with all of the departments. I mean,
11 part of what this program is and what the process
12 is, is for there to be better communication
13 between the departments and the Central Personnel
14 Department and the Finance Department as well so
15 that we're -- we're all going in the same
16 direction and we all understand what our
17 responsibilities are.

18 We also do diversity training on a
19 regular basis for the City workforce, you know,
20 generally. And we have focus programs on a
21 monthly basis on sexual harassment and on
22 diversity.

23 COUNCILMAN MARIANO: Councilwoman
24 Clark.

25 COUNCILWOMAN CLARK: Miss Seyda, I am

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2 listening with care to your testimony, and I
3 wonder what you have done to make sure that we
4 have one unified personnel policy and not a policy
5 that various from division to division, department
6 to department.

7 For instance, \$2.5 million is a lot of
8 money for a consulting contract. How did it
9 improve our ability to attract and retain
10 qualified minorities through our government?
11 Certainly it has not begun to reflect itself in
12 the statistics that we're looking at on page 2 of
13 your report -- on page 1 of your report, which is
14 a dismal picture of a city workforce that is very,
15 very non-diverse -- particularly if you look at
16 Hispanics and their role in the City.

17 So what -- tell me what you are doing
18 to bring whatever lessons were learned from the
19 contract into a citywide program so that everybody
20 has access to the same kind of unified personnel
21 policies and practices?

22 MS. SEYDA: Well, I think -- I think
23 we're going -- we're doing that in a number of
24 ways. I mean, I think, in terms of our
25 recruitment policies, we are -- one of our

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2 objectives for the next months or year is to
3 develop information brochures, material that goes
4 to applicants and to the departments in terms of
5 the City's hiring process, what it is, how it
6 works.

7 We are also work -- as far as
8 recruitment is concerned, as I mentioned, we set
9 up a recruitment advisory committee which works
10 both ways. That's the vehicle for the departments
11 to let us know what their concerns are, but it's
12 also the vehicle for us to communicate with
13 departments in terms of what their obligations
14 are.

15 Another example of what we did recently
16 was, Kevin and I did a training program for all
17 the personnel officers in the City on the
18 implementation of the domestic partnership
19 legislation that Council passed several months
20 ago.

21 So, I mean, on an ongoing basis, we --
22 granted, we need to do more, but we are setting up
23 those communication lines with the departments so
24 that the communication will work both ways, not
25 just they're coming to us to make their needs

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2 known, but also so that we can communicate that
3 their obligations are as well.

4 COUNCILWOMAN CLARK: It seems to me
5 that we need to put one more piece in place, and
6 that is a piece that evaluates how effective our
7 efforts are.

8 I mean, surely you can count the number
9 of brochures you send out and you can count the
10 number of meetings you attend and you can count
11 the number of speeches that you give. But in the
12 final analysis, if the numbers os under-
13 represented minorities are not increasing, then we
14 need to look at how much more of the old approach
15 we have to continue doing and maybe look at what
16 innovative approaches might need to be
17 implemented.

18 And, Kevin, before you tell me what's
19 on your mind, I know it's going to be great wisdom
20 -- well, no, maybe I will hear you because I want
21 to ask a very specific question about some very
22 frustrated people who came here today. Miss
23 Seyda, I know you were here, and you too, Kevin.
24 And I will ask the question you can form an answer
25 to it as you speak.

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2 What City avenue is available to an
3 employee who feels himself or herself trapped,
4 unable to get out of the group that I'm in, unable
5 to get my present position fairly evaluated,
6 unable to get anybody who knows or cares that I'm
7 trapped. Those people gave perhaps the best
8 example of the eternal conundrum -- you can't get
9 there from here.

10 And did that disturb you to the same
11 degree that it disturbed me?

12 MR. VAUGHAN: Councilwoman Clark?

13 COUNCILWOMAN CLARK: Please.

14 MR. VAUGHAN: Councilwoman Clark and
15 Councilmembers, thank you very much for giving me
16 the chance to address you. I'm Kevin Vaughan, the
17 Executive Director of the Philadelphia Commission
18 on Human Relations.

19 I wanted to say a few things from a
20 couple different perspectives, and if you wouldn't
21 mind, let me answer your direct question first.

22 Truly, some of the examples that people
23 gave here today, no one could have heard what they
24 had to say and did not feel moved by their
25 comments. What was more troubling to me, though,

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2 in some ways was the fact that they had seemingly
3 had many -- there were opportunities to pursue
4 them; some people have pursued them, some people
5 didn't pursue them at all.

6 COUNCILWOMAN CLARK: And some appeared
7 not to know what the process and structure is.

8 MR. VAUGHAN: Right. And most of the
9 people who work for the City of Philadelphia are
10 members of unions. I mean, you have somebody from
11 the non-represented classes, but the majority of
12 people work for unions.

13 The unions work very well. I mean, we
14 at the Philadelphia Commission on Human Relations,
15 we work very closely with the membership of the
16 unions in terms of cases that would come up. We
17 always insist to people that if they are
18 represented by their union and they want to file
19 with us, that they let their union representatives
20 know.

21 I think there's some -- I mean,
22 certainly, there seems to be some miscommunication
23 between union representatives and some of the
24 people whom they represent, as testified by people
25 here today. And I think that there's a whole

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2 process that collective bargaining sets forth in
3 terms of how people file grievances and work
4 through that system, and that's the system set up
5 for City government to work through.

6 If you have a problem in the job,
7 hopefully, you can have a conversation with your
8 supervisor directly and work that out. But if
9 that isn't done, there's a whole grievance process
10 in place for people to address those issues.

11 Even if that fails, I know that the
12 staff of the Commission who handle our intake do a
13 lot of counseling for people. And anyone who does
14 call and has a particular problem is invited in.
15 Even if they do not have a particular case of
16 discrimination that they want to file, they're
17 given the opportunity to be counseled on how to
18 collect data and how to keep a diary and what
19 types of information might be helpful to them
20 should they want to file a grievance later.

21 So I guess my concern is for the -- the
22 fact of the matter is that everyone that I can
23 think of in City government certainly has a
24 process to go through. And it seems to me that
25 there was some confusion expressed today about

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2 what those processes are.

3 COUNCILWOMAN CLARK: Do we have a
4 handbook, an employee handbook that spells out or
5 at least addresses grievances and where to go to
6 get your grievances heard?

7 MR. VAUGHAN: I think people get that
8 from the union, actually. There's nothing that
9 I've seen in the City and from the --

10 MS. SEYDA: I think I can address that.

11 Actually, the City's Labor Relations
12 Office is finalizing an employee handbook. We've
13 been working with them on it as well.

14 And included within that handbook is
15 information like you've been alluding to in terms
16 of how does an employee go about, you know,
17 addressing concerns that they have in the
18 workplace.

19 I would also add that what our
20 department does, which is very similar to what
21 Kevin's agency does as well, is we entertain,
22 quote, complaints or concerns that employees have
23 on an informal basis. Many of the employees come
24 to our agency with grievances and they may
25 represent them as issues of being discriminated in

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2 the workplace.

3 I mean, what we tried to do is to
4 resolve the problem, and we try to resolve it at
5 the lowest level possible. And if a grievance and
6 a problem can be resolved informally, that's our
7 preference. Sometimes that happens, but sometimes
8 that's not possible.

9 COUNCILWOMAN CLARK: Miss Seyda, did
10 you hear and take note of the people who came
11 today? Do you have a little to-do list to be in
12 touch with those people to see what, if anything,
13 the City can do to help them, those who are
14 employees who are disgruntled, whose who feel
15 themselves discriminated against and, therefore,
16 were not initially hired?

17 What does today's testimony give you in
18 terms of things to do?

19 MS. SEYDA: Actually, my assistant is
20 here with me today and she has been taking copious
21 notes. And, unfortunately, I had to be out of
22 room for a part of the testimony, but we have
23 notes and a record from everybody who testified
24 today so that we can go back and take a look at
25 the specifics of the specific cases.

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2 COUNCILWOMAN CLARK: And is it your
3 intent to do so? Are you going to be in touch
4 with the people who came here today, complaining
5 about City policies?

6 MS. SEYDA: We are certainly prepared
7 to do so. And we'd be pleased to --

8 COUNCILWOMAN CLARK: Is that a "yes,"
9 Miss Seyda?

10 MS. SEYDA: Yes, it certainly is.

11 COUNCILWOMAN CLARK: All right, thank
12 you.

13 COUNCILMAN MARIANO: Mr. Vaughan.

14 MR. VAUGHAN: Thank you.

15 I just -- the other thing that I had
16 wanted to say, and I wanted to address you both as
17 a City department head who has to work out some of
18 these issues within my own department, as well as
19 somebody who worked with the Personnel Department
20 during the reorganization and kind of looked at
21 some of the planing that was coming out of that
22 and some of the results of that.

23 When I initially arrived at the
24 Commission as a City manager, it was very
25 frustrating sometimes to try to figure out how to

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2 make the Commission as responsive as I wanted it
3 to be on some of these issues. I mean, I
4 inherited an entire workforce that did not have
5 vacancies. There were no -- I went through, I
6 think, three and a half years, thinking I would
7 never get to hire anybody in the time that I was
8 at the Commission.

9 And in the time that I've had the
10 opportunities to hire people, and we've used
11 selective-factor certification, we've used all of
12 different things that the personnel office has --

13 COUNCILWOMAN CLARK: And do selective
14 factors permit you to correct under-
15 representation?

16 MS. VAUGHAN: No. It allows you to
17 hire on the basis of a special skill so that, for
18 example, in the Commission on Human Relations, we
19 believe that one of the special skills that some
20 of our workers must have is bilingual ability to
21 communicate. And so we've been able to hire the
22 first bilingual Vietnamese supervisor in the City,
23 and we've been able to hire people based on their
24 ability to speak Spanish, based on their ability
25 to speak Chinese, Korean.

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2 COUNCILWOMAN CLARK: I understand.

3 MR. VAUGHAN: But those are things that
4 will inherently increase the diversity of the
5 workforce around language minorities, and we have
6 been able to do that.

7 It has not been easy testing and
8 getting the information out about those tests.
9 And the recruitment effort early on was largely on
10 the Commission staff to have to go out and find
11 people.

12 So we're really encouraged by the fact
13 that the Personnel Department has reorganized
14 their recruitment efforts. They've included
15 someone from the Commission on Human Relations as
16 part of the team to look at how they're recruiting
17 citywide, and making sure that those efforts
18 reflect the kind of things that are set as
19 priorities for the Personnel Department in terms
20 of the diversity of the workforce.

21 The other thing that I would say is
22 that there's a unique opportunity at this moment
23 for the Personnel Department in that they have
24 just completed an evaluation, department by
25 department, of coming vacancies and retirements

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2 that will take place over the course of the next
3 five years. They asked all of the departments to
4 sit down and go through the staff that was there
5 and kind of make some predictions about what they
6 would need to fill spaces and what type of
7 vacancies they would have.

8 COUNCILWOMAN CLARK: Unless you have
9 specific goals and timetables, knowing that
10 opportunities are coming up and filling them so as
11 to overcome your under-represented classes is two
12 things. You have to have a goal, you have to be
13 committed to it, you have to evaluate it on each
14 opportunity -- not wait till you have something
15 extra 'cause there's no such thing as an extra
16 opportunity.

17 MR. VAUGHAN: But I guess my point was
18 that there was not -- prior to this, there was
19 not, in my knowledge -- to my knowledge, an
20 overall look at where -- at how things were going
21 to come up and how you might advertise and let
22 people know where vacancies that they could -- I
23 mean, 'cause everybody has to apply. It's all
24 civil service. Again, everybody's got to take
25 that test.

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2 And then there's this whole issue of
3 the Rule of 2, which -- I mean, there's so many --
4 just from a City manager's point of view and as
5 some somebody who has to work a department who
6 prides itself in trying to keep a varied
7 workforce.

8 There is obstacle after obstacle, some
9 of which the Personnel Department has no control
10 over. I mean, some of these rules are rules that
11 are in place, that we have to operate with.

12 COUNCILMAN ORTIZ: Miss Seyda, we've
13 been reading a lot lately, and I read the report
14 by James Jordan, in terms of the police, and
15 that's the Public Safety Chair. It was very
16 interesting in terms of the hiring problems that
17 are occurring. We had Timoney coming in to
18 advocate and to push for legislation so that we
19 could recruit outside of Philadelphia.

20 But one of the big problems is that we
21 have an antiquated, biased test. And what is the
22 process, one, to redoing the test, are you going
23 to redo the test? And, two, how are you going
24 about doing this?

25 MS. SEYDA: First of all, the test that

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2 we are currently using -- I would not say it is a
3 biased test. The problem with the test is that
4 the validity data does not exist to substantiate
5 the fact that the test is valid. But that
6 notwithstanding --

7 COUNCILMAN ORTIZ: We are going to
8 replace the test.

9 MS. SEYDA: Yes, bottom line is, we are
10 going to replace the test, absolutely. And we
11 hope to have a finished product within the next
12 few months.

13 We have been working on this for some
14 period of time. We -- what we are doing at the
15 present time is doing some further work to enhance
16 the validity data on a new test so that when we go
17 into federal court, as we will be required -- as
18 required to do, that we will have a product that
19 will be acceptable to all.

20 COUNCILMAN ORTIZ: Is the NAACP and the
21 Barrio Police Relations Project part of the
22 consultation grouping in terms of developing the
23 test?

24 MS. SEYDA: We have an advisory group
25 that had been working with us on the earlier

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2 developmental work on the test. I know that there
3 is interest on the -- I know on the part of the
4 NAACP, I know that there are other groups out
5 there who have an interest in this test.

6 COUNCILMAN ORTIZ: Who is the advisory
7 group that currently is advising? And is --

8 MS. SEYDA: The advisory group included
9 representation --

10 COUNCILMAN ORTIZ: Included in the
11 past?

12 MS. SEYDA: Excuse me?

13 COUNCILMAN ORTIZ: Included in the
14 past, okay.

15 MS. SEYDA: The advisory group, as it
16 was initially set up, included representation from
17 within the City, within the Police Department, the
18 Guardian Civic League, and I believe that there
19 was also an Hispanic association that was --

20 COUNCILMAN ORTIZ: (Unintelligible.)

21 MS. SEYDA: I would assume that that
22 was the group.

23 COUNCILMAN ORTIZ: Do you have names of
24 the people in that group?

25 MS. SEYDA: I do not have them with me

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2 today, but that information is certainly --

3 COUNCILMAN ORTIZ: Could you please let
4 us have that group?

5 MS. SEYDA: Oh, absolutely.

6 COUNCILMAN ORTIZ: So the NAACP, the
7 Police Barrio Relations Project, the ACLU, were
8 not a part of the advisory group.

9 MS. SEYDA: They were part of an
10 advisory group.

11 COUNCILWOMAN CLARK: The ACLU?

12 MS. SEYDA: I don't -- I don't -- I
13 don't recall, I don't believe so. I would have to
14 check.

15 COUNCILMAN ORTIZ: Is there any input
16 into the development of tests right now, any
17 lawyers or test experts from these communities
18 within the frame work of the development of this
19 test?

20 MS. SEYDA: As I indicated, what we are
21 working on now is enhancing the validity data on
22 the test, and we will be working with interested
23 parties in terms of finalizing that product.

24 COUNCILMAN ORTIZ: Are you consulting
25 with any African-American, any Latino that is an

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2 expert in biased testing or testing along the
3 lines that, that is an expert on terms of cultural
4 bias, detecting cultural bias in testing and
5 racial bias and so on? Is there an
6 African-American, is there a Latino involved in
7 the process, experts along those lines?

8 MS. SEYDA: Yes. They are being
9 included.

10 COUNCILMAN ORTIZ: Could we have the
11 names of those individuals?

12 MS. SEYDA: And, in fact, I'm meeting
13 with the Police Commissioner in the Mayor's Office
14 later this week on this very issue, and we will be
15 reviewing what the plans are for that test, and we
16 will be more than happy to get back in touch with
17 you.

18 COUNCILWOMAN CLARK: Miss Seyda, you
19 are aware that tests have national implications.

20 MS. SEYDA: Absolutely.

21 COUNCILWOMAN CLARK: And of the
22 landmark Supreme Court case.

23 MS. SEYDA: Absolutely.

24 COUNCILWOMAN CLARK: On testing is
25 Briggs.

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2 MS. SEYDA: That's right.

3 COUNCILWOMAN CLARK: Which says that
4 the test must measure skills reasonably necessary
5 to do the job in an acceptable manner.

6 MS. SEYDA: Absolutely.

7 COUNCILWOMAN CLARK: Therefore, you
8 cannot use interested but volunteer people there;
9 you must submit your test to a validation process.

10 MS. SEYDA: Yes.

11 COUNCILWOMAN CLARK: So that you can
12 then say that this test has withstood all the
13 tests that make it as culturally bias-free as is
14 possible.

15 MS. SEYDA: Right. The objective is to
16 have a test that is valid in that it is predictive
17 of performance on the job, and that it's also
18 fair.

19 COUNCILWOMAN CLARK: Right. And that
20 you've got down as much cultural bias as is
21 possible.

22 MS. SEYDA: Right.

23 COUNCILWOMAN CLARK: Recognizing that
24 you can never get all of the cultural bias out of
25 a test or any instrument.

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2 MS. SEYDA: Right. I just want to
3 agree with you. You are absolutely correct, and
4 that the objective is to reduce -- to minimize any
5 bias in the test. You are absolutely correct.

6 COUNCILWOMAN CLARK: Having said that,
7 who is validating the test that you and a
8 committee is constructing? Who is validating? I
9 mean, it can't be that because you are well-
10 intentioned that you think it is valid.

11 MS. SEYDA: That's correct. Because
12 I'm not the psychometric expert.

13 COUNCILWOMAN CLARK: Well, who is?

14 MS. SEYDA: We have worked with group
15 called "University Research" in Washington, D.C.,
16 and we are also in the process of also contracting
17 with another consultant who will be working with
18 us over the course of the next few months to do
19 further validity on the test.

20 There was -- a job analysis was done to
21 collect data. A selection instrument was
22 developed. And there has been validity work that
23 has been done on that selection instrument. And
24 we are, at this point, bringing in another
25 consultant -- a psychometrician -- to do further

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2 validation work so that we can ensure that we have
3 a selection instrument that will be both valid and
4 as bias-free as possibly can be the case.

5 COUNCILWOMAN CLARK: When do you expect
6 to have it done?

7 MS. SEYDA: I'd like to have it done by
8 the spring.

9 COUNCILWOMAN CLARK: Have you selected
10 all of your outside forces, all of your
11 consultants and your validation experts?

12 MS. SEYDA: Yes, we have. And we are
13 in the process of negotiating contracts with them
14 now.

15 COUNCILWOMAN CLARK: I won't burden
16 this record any further.

17 COUNCILWOMAN TASC0: I just have a
18 couple questions. And I know my Chair here wants
19 to go.

20 I guess my frustration is the -- I
21 guess what I want the Personnel Department to be
22 and what it is, and I want it to be the place
23 where people can feel they can go and get
24 fairness, that things are going to be all right.

25 And I will relate a story to you. In

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2 1959, I took a test in the Police Department, I
3 worked in the Police Department. And I came out
4 number 6 in the City and number 1 in the Police
5 Department.

6 So when that lady talked about her
7 story, I went to interview for a position, and do
8 you know what the captain asked me? And I took
9 the test for a Clerk Typist II. He said, Can you
10 take shorthand? Now, I could take shorthand but
11 that's what I didn't test for. They weren't going
12 to pay me to be a secretary; they were going to
13 pay me to be a Clerk Typist II.

14 And I told him no -- yes, I take
15 shorthand, but I'm here for a Clerk Typist II.
16 And if you want to pay me to be a secretary, then
17 I'll be a secretary, you put me in that category.
18 And I was denied the position. Just that simple.
19 You know, and it was not for a Steno I or Steno
20 II; it was for a Clerk Typist II, which I passed
21 the test and came out number 1 in the City, in the
22 Police Department.

23 So it's that kind of subtle -- I don't
24 know if it's discrimination or just subtle
25 manipulation of the system to exclude people. And

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2 it's what's happening to the woman in MOIS, her
3 supervisors are manipulating the system so that
4 she will never be a project leader. But we're
5 going to look into that.

6 And the other young lady who took a
7 test came out number 1 in her department, number 8
8 in the City, and was told she was not qualified.

9 How do department heads or staff people
10 understand that they can't do this? Who is
11 telling them that this is wrong? That's what I
12 want the Personnel, to be to be the watch dog for
13 all of the employees who work for the City, who
14 get shafted. And like the lady in MOIS, she
15 doesn't want to file a complaint 'cause she's
16 going to get tagged that she's a troublemaker, and
17 the poor lady is trying to make her 20 years.

18 So she's going to sit there doing all
19 that work day in and day out, and they're going to
20 keep jerking her around, and there's nobody who
21 can go and say, You all are wrong, you are wrong
22 for doing this to this woman. 'Cause you're going
23 to give her a temporary at the prison, but you
24 can't give her a permanent in this department,
25 which she can qualify for. And if she didn't

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2 qualify for it in that department, why is she
3 being sent to prison?

4 I don't want to have to go through a
5 whole lot of gyrations; I just want somebody in
6 their face, telling them that they can't keep
7 jerking her around. And I'm going to be in their
8 face telling her that they're not going to keep
9 jerking her around.

10 But they shouldn't have to come to the
11 City Council representative to get some justice.
12 The justice ought to come from the Personnel
13 Department. And that's what I want, that's my
14 frustration in all of this. 'Cause I've been with
15 the City a long time, and I've watched it happen.
16 We deal with people over and over again, calling
17 my office about problems they're having in their
18 department because they're not treated fairly.

19 I had a lady in the Health Department,
20 who was on the track, on a career path. They
21 wanted to take her off that career path. And do
22 you know how they were going to do it? They were
23 going to her to the prison. She's off the career
24 path so she can't promote up in her department.

25 It's those subtle manipulations that

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2 hurt employees. And a lot of them just -- you
3 know, they don't know -- well, she's a
4 troublemaker, I don't want her 'cause she filed a
5 grievance over there so we're not going to take
6 her. They get stigmatized if they file a
7 complaint.

8 So those two ladies -- and I understand
9 the lady from MOIS was never on the clock. She
10 was coming here to testify today and they put her
11 on a clock so she couldn't come in and testify.
12 Yes. So I'm just --

13 COUNCILWOMAN CLARK: That's what I
14 meant by, is there one process? Or does Personnel
15 mean different things, depending on who you work
16 for on different days. This is outrageous that we
17 have as many personnel policies as we have
18 personnel officers.

19 And, Miss Seyda, that's what we expect
20 you to take care of. And at a minimum, today's
21 testimony has given you some glaring examples of
22 what happens when there is no unified approach to
23 it.

24 And, quite frankly, it's not very
25 satisfying to be told that there are a number of

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2 plans that are going to be put in place. How does
3 that help a person who is presently being squeezed
4 by a system and nobody to hear them? You know,
5 this is the eternal "if a tree falls in the woods
6 and nobody hears it, it doesn't make a sound."
7 Not a sound that saves the tree.

8 And the problem that we're having here
9 is -- did you see the people who came and sat at
10 the table? What did they all have in common?
11 That they were not white and male.

12 COUNCILWOMAN TASCO: All female.

13 COUNCILWOMAN CLARK: No, there was one
14 man, and you could think that that was a
15 coincidence. But if you believe in that much
16 coincidence, I want to be the first one to sell
17 you a bridge.

18 That's not coincidence. That is the
19 absence of effective policies that are being
20 policed in a fair manner. And absent that, you're
21 up to, Does a person feel good about you on the
22 day that you ask them for the opportunity to
23 exercise your right not to be discriminated
24 against. Which, I might remind you, is a
25 federally protected right.

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2 COUNCILWOMAN TASC0: Well, I just want
3 to say -- I didn't bring this up earlier. One
4 reason also that we're here is because of
5 complaints about the reorganization in the
6 Personnel Department and how that process was not
7 fair to the existing employees who were there. So
8 we've talked about that back and forth, but I just
9 want that to go back on the record, that that is
10 one of the reasons we're here.

11 And, actually, the lady who brought the
12 complaint to my office, and we've been working
13 with her, was not able to be here today because
14 she was sent to the Federal Building on a
15 project. And I'm wondering if that was
16 coincidental.

17 MS. SEYDA: That is. I know it is.

18 COUNCILWOMAN TASC0: I beg your
19 pardon?

20 MS. SEYDA: We've talked about this,
21 Councilwoman, and that is coincidental.

22 COUNCILWOMAN TASC0: Of all the weeks
23 in the year, she was sent to the Federal Building
24 on a special project this week, the week of the
25 hearing?

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2 MS. SEYDA: That is coincidental.

3 COUNCILWOMAN TASCO: Well, it seems
4 mighty suspicious to me. Thank you.

5 MS. SEYDA: I hear you, but it is
6 coincidental.

7 COUNCILMAN MARIANO: If there are no
8 other questions from any committee members, we
9 will convene this committee hearing to the call of
10 the Chair.

11 Thank you. We will recess this to the
12 call of the Chair.

13 (Adjourned at 5:30 p.m.)

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RE: COUNCIL COMMITTEE ON LABOR AND CIVIL SERVICE

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BILL NO. 960598 AND RESOLUTION NO. 980154

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JOSEPHINE CARDILLO,

Registered Professional Reporter