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

- - - -
Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 14, 2004
9:55 a.m.
- - - -

BILL 040326 - an ordinance amending Title 22
of the Philadelphia Code...
BILL 040755 - an Ordinance amending Title 22
of the Philadelphia Code...
BILL 041005 - an ordinance amending Title 22
of the Philadelphia Code

PRESENT:
COUNCILMAN JUAN RAMOS, Chair
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN FRANK DICICCO
COUNCILMAN JAMES KENNEY

- - - -
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2 COUNCILMAN RAMOS: Good morning,
3 everyone. This is City Council's public
4 hearing for the Committee on Labor and Civil
5 Service. I'm Councilman Juan Ramos, Chair of
6 the Committee. I would like to recognize
7 Councilmembers Wilson Goode, Jr., Councilman
8 Jim Kenney, and Councilman Frank DiCicco.
9 Seeing that we have a quorum I would like to
10 start this hearing.

11 The Clerk will read the title of the
12 first bill.

13 THE CLERK: Bill No. 040755, an
14 ordinance amending Title 22 of the
15 Philadelphia Code entitled, "Public Employees
16 Retirement Code," by amending Section 22-501
17 relating to service connected healthcare
18 benefits to amend the requirements, all under
19 certain terms and conditions.

20 COUNCILMAN RAMOS: Thank you. Our
21 first witness will be Gwendolyn Bell.

22 Is she here?

23 Good morning. Please state your
24 name for the record and begin your testimony.

25 MS. BELL: My name is Gwendolyn

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2 Bell, Executive Director of the Board of
3 Pensions. And this is Bill 040755?

4 COUNCILMAN RAMOS: Yes, it is.

5 MS. BELL: Okay. The bill would
6 amend Section 22-501, which provides
7 healthcare benefits to surviving spouses and
8 dependent children of a person who has had a
9 service connected death. If the Pension Board
10 determines that the death of a police employee
11 or a fire employee is service connected,
12 healthcare benefits shall be payable to the
13 surviving spouse for the remainder of his or
14 her life until the widow remarries.

15 Healthcare benefits are payable on
16 behalf of any surviving child until they reach
17 the age of 18. Or if the child is enrolled as
18 an undergraduate student, then the benefits
19 would cease at age 22.

20 Although the Board is responsible
21 for administering the healthcare benefit, the
22 cost of the benefit is a general obligation of
23 the City and is not payable from the assets of
24 the retirement system. Accordingly, the
25 Board's role in the payment of this bill is

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2 merely that of an administrator of the
3 retirement system and the Board has no
4 liability with respect to cost.

5 COUNCILMAN RAMOS: Are you in favor
6 or against the bill?

7 MS. BELL: I don't have an opinion
8 on this because it's not something that the
9 Retirement Board administered.

10 COUNCILMAN RAMOS: Okay. Thank you.

11 Any questions from Members of the
12 Committee?

13 (No response.)

14 COUNCILMAN RAMOS: Thank you so much
15 for your testimony this morning.

16 Does the gentleman next to you care
17 to testify as well since you're there.

18 MR. MEYER: I'm Evan Meyer, senior
19 attorney from the Law Department, legal
20 advisor to the Pension Board. I just came
21 along to answer any legal questions that you
22 may have about the Pension Code or the bill.

23 COUNCILMAN RAMOS: Any questions
24 from the Committee Members?

25 Councilman Kenney.

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2 COUNCILMAN KENNEY: Thank you, Mr.
3 Chairman.

4 I just want to kind of frame the
5 reasons why we've come to try to get a bill
6 passed to correct this issue. I recognize the
7 Pension Board's position on this, that they're
8 one of an administrator of funds and not
9 necessarily -- as I understand, it's not
10 coming out of the Pension Fund.

11 It would be coming out of the
12 General Fund and you would administer those
13 payments; is that correct?

14 MS. BELL: Yes.

15 COUNCILMAN KENNEY: The reason we're
16 here is that there has arisen in the past
17 certain circumstances where dependent children
18 of officers and fire fighters and City workers
19 who have passed in the line of duty, as you
20 said earlier in your testimony, that when the
21 widow remarries, she loses those benefits.
22 But also the dependent child loses the
23 benefits also.

24 We had a situation where a young
25 woman who was still being carried by her

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2 mother a number of years ago whose father was
3 killed in the line of duty fighting a fire.
4 That child was born severely disabled and
5 needed constant care and needed to be in a
6 hospital setting. Her mom went on with her
7 life. Met someone luckily and decided to get
8 married and move on and have another life.
9 But the marriage -- and she didn't know this
10 at the time -- when she did get married, her
11 dependent child, who was institutionalized,
12 lost -- was in danger of losing her benefits.

13 It doesn't happen often. Local 22
14 told me that there's two instances that they
15 remember, this being one of them, and another
16 one earlier on. It was a young man who was
17 severely disabled and dependent for life. I
18 don't know how many there were with the FOP or
19 any number of the other unions, but this is
20 not something that happens all the time. It
21 is not something that's usual. And I think
22 that because it's so limited in its
23 circumstances that we do owe that family who
24 gave their husband to the service of the City,
25 we do owe them to take care of that dependent

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2 child for the rest of their lives, without
3 having to hamper the mother or the widow from
4 never being married again.

5 It's just a circumstance that's
6 tragic. We don't want to make it more tragic
7 by keeping people from getting remarried or by
8 having them be concerned that their dependent
9 child will lose benefits. So that's really
10 all we want to do, is correct that inequity
11 and that's why we're here today.

12 COUNCILMAN RAMOS: Thank you,
13 Councilman. Thank you for giving us an
14 example of how this bill will impact
15 positively on people that need this type of
16 support under the circumstances outlined by
17 Councilman Kenney.

18 Any other Members of the Committee
19 care to ask any questions? Any statements?

20 (No response.)

21 COUNCILMAN RAMOS: Well, thank you
22 both for coming and testifying this morning.

23 Our next person here on my list is
24 Karen Boyle, Local 22 Firefighters Union.

25 Good morning.

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2 MS. BOYLE: Good morning. My name
3 is Karen Boyle. I work for Local 22
4 Philadelphia Firefighters Union. Thank you,
5 Chairman Ramos, Members of this Committee,
6 especially Councilman Kenney and Councilwoman
7 Krajewski for making it possible for me to be
8 here today.

9 My name is Karen Boyle. I'm the
10 administrative assistant for Tommy O'Drain and
11 Local 22 Philadelphia Firefighters Union. I
12 am here on behalf of the widow and daughter of
13 deceased Firefighter Richard Iannacone.

14 Mrs. Iannacone-Shaw (ph) is the
15 widow of Firefighter Richard Iannacone, who
16 was killed in the line of duty on May 16th,
17 1976 when the Barson's Deli on Bustleton
18 Avenue and Bergen Street collapsed, trapping
19 four fire fighters in the basement of that
20 building.

21 At the time of Richard's death, he
22 was married to Anna. They had one daughter,
23 Tracy, age five years, who was and is
24 profoundly brain damaged. Mrs. Iannacone was
25 pregnant at that time with her second

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2 daughter, whose name is Robin. Tracy's
3 neurological age is between three and five
4 years old. She also has cerebral palsy and
5 has no speaking skills. With the help of
6 family and friends, Tracy was able to stay
7 home until the age of 21. Sadly, Tracy's care
8 became more difficult for Anna and she placed
9 her in Martha Lloyd Institute for Women in
10 Troy, Pennsylvania. Tracy is now 34 years
11 old.

12 In 1995 Mrs. Iannacone remarried.
13 When her remarriage was discovered by the
14 Board of Pensions and Retirement, her medical
15 benefits were canceled in April 2003. This of
16 course had a devastating effect on Tracy's
17 medical benefits. Anna was aware of the fact
18 that her Workers' Compensation would cease if
19 she remarried, but that her pension in the
20 amount of \$268.75 a month and medical benefits
21 would be there for her daughter for life.

22 Tracy was placed on Medicaid when
23 she lost her benefits, and Anna pays for
24 anything Medicaid does not cover, including
25 doctors visits, prescription drugs, dental and

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2 vision. She also pays \$1,200 a month out of
3 pocket for her to be able to stay in the home
4 she is in right now.

5 Tracy has been given excellent care
6 at the Lloyd Institute through these years.
7 Unfortunately, the out-of-pocket costs have
8 escalated to a point where Tracy will probably
9 have to come home in January.

10 I am requesting this distinguished
11 panel to recommend that disabled children
12 whose parent pays the ultimate sacrifice be
13 allowed to maintain medical benefits for life,
14 regardless of the marital status of the
15 surviving parent. Your kind consideration and
16 approval of this request on behalf of Tracy
17 Iannacone and any other disabled child in this
18 circumstance is the right thing to do and is
19 greatly appreciated by the members of Local 22
20 and the families that it affects.

21 Thank you.

22 COUNCILMAN RAMOS: Thank you for
23 your testimony, Karen.

24 Does the gentleman to your left care
25 to testify?

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2 MR. REILLY: Yes, sir. My name is
3 John A. Reilly, retired firefighter and
4 elected trustee of the Board of Pensions and
5 Retirement of the City of Philadelphia.

6 Councilman Ramos, Councilman Goode,
7 Councilman Kenney, Councilman DiCicco, thank
8 you for hearing me.

9 As you know, in 1986 Council passed
10 a Bill, 655-A, which gave members killed in
11 the line of duty, their dependents, certain
12 benefits for medical benefits. In 209.7, the
13 service connected healthcare benefits shall
14 consist of -- and it's in the bill -- regular
15 payments on behalf of the spouse and the
16 employee's dependent children of the
17 appropriate costs in obtaining medical, dental
18 and optical and pharmaceutical prescription
19 benefits for such beneficiaries of the same
20 benefit level as would be enforced if the
21 deceased employee were still alive and
22 employed in the same position as he or she had
23 at the time of death.

24 Payments to the spouse will cease on
25 remarriage. Payments on behalf of the

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2 surviving children were until the age of 18
3 and if they were in school, until 22. It is
4 our position, as it says dependent child, this
5 mentally retarded child is a dependent child
6 for the rest of her life.

7 In addition, at the Board of
8 Pensions, in their code, it's retirement and
9 survivor benefits. It states there that same
10 thing, until death. And if any such child
11 remains dependent because of physical or
12 mental infirmity for the duration of the
13 infirmity. Therefore, there is collaborating
14 evidence in the Board of Pension and
15 Retirement to support your bill.

16 I thank you very much.

17 COUNCILMAN RAMOS: Thank you both
18 for your testimony.

19 Any questions for these witnesses?
20 Councilman Kenney.

21 COUNCILMAN KENNEY: Thank you, Mr.
22 Chairman.

23 I just want to say, Karen, I really
24 appreciate your testimony. I think you really
25 put a face on these people. I also think that

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2 the members of your union are very lucky to
3 have someone like you that cares. You picked
4 up the phone and called. You were outraged
5 that this was happening and you really fought
6 for this member, this deceased member and her
7 daughter and widow. But I know you fight for
8 those members of Local 22 every day. And even
9 though you have a lot of good executives and
10 elected officials and trustees of that union,
11 it's people like you that put a face on
12 everybody. So thanks.

13 MS. BOYLE: Thank you.

14 COUNCILMAN RAMOS: Any other
15 questions for this witness?

16 (No response.)

17 COUNCILMAN RAMOS: Seeing none,
18 thank you for your testimony this morning.

19 Anyone else wishing to testify
20 regarding this bill?

21 (No response.)

22 COUNCILMAN RAMOS: Seeing none, the
23 Clerk will read the next bill.

24 THE CLERK: Bill No. 040326, an
25 ordinance amending Title 22 of the

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2 Philadelphia Code entitled, "Public Employees
3 Retirement Code," by amending Chapter 22-400,
4 entitled, "Disability Benefits," by amending
5 Section 22-401 relating to service connected
6 disability retirement benefits and Section
7 22-402 relating to ordinary disability
8 retirement benefits, delete provisions related
9 to a reduction in benefits for gainful
10 employment, all under certain terms and
11 conditions.

12 COUNCILMAN RAMOS: Thank you.

13 Our first witness will be Mr. Tom
14 Cronin from AFSCME DC 47.

15 MR. CRONIN: Good morning, Mr.
16 Chairman.

17 COUNCILMAN RAMOS: Good morning.

18 MR. CRONIN: Good morning, Members
19 of City Council. I am Thomas Payne Cronin,
20 President of AFSCME District Council 47. I am
21 here today to testify in support of Bill
22 040326, which amends the municipal retirement
23 ordinance to remove the provisions related to
24 reduction in benefits for gainful employment
25 for disabled members who receive service

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2 connected or non-service connected retirement
3 benefits.

4 Our disabled members are among the
5 most vulnerable members of our society.
6 Whether their disability arises from a
7 work-related injury or a non-work related
8 medical problem, they're serious enough to
9 disable them from continuing to perform their
10 City jobs. The benefits that they receive
11 from the municipal retirement system, whether
12 disability or non-disability related, will
13 never increase.

14 In addition to suffering disabling
15 injuries and living on fixed incomes, these
16 disabled members suffer from the ravages of
17 inflation as they must sit and watch the
18 buying power of their pension checks dwindle
19 over time. In most cases the disabled member
20 has little option but to seek other employment
21 to supplement their fixed incomes. Yet
22 because of the City pension ordinance as it is
23 currently written, they risk a reduction in
24 their already meager pensions if they obtain
25 some form of supplemental employment.

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2 I believe that these provisions
3 requiring reductions in benefits for gainful
4 employment for disabled members are completely
5 unfair to our retired and active members of
6 the workforce who may have given many years of
7 dedicated service to the citizens of this
8 City. More often than not, disabled members
9 are driven to seek supplemental employment
10 after their retirement out of economic
11 necessity, not choice. To further penalize
12 these members by further reducing their fixed
13 pension income because they are required to
14 seek outside employment to supplement their
15 income is unconscionable.

16 I urge the Council to enact Bill
17 040326 and remove these onerous reductions in
18 benefit provisions from the retirement
19 ordinance. Do justice to our disabled
20 members. Please pass this legislation.

21 Thank you for allowing me to appear
22 before you today to testify in favor of this
23 bill.

24 COUNCILMAN RAMOS: Thank you, Mr.
25 Cronin.

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2 Any questions for this witness?

3 (No response.)

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

6 Our next witnesses will be Mr. Tom
7 O'Drain and John O'Reilly of Local 22
8 Firefighters Union.

9 Good morning. Please state your
10 name for the record and begin your testimony.

11 MR. GAULT: Good morning. My name
12 is Bill Gault, and I'm Vice President of Local
13 22 Firefighters Union.

14 MR. REILLY: Good morning. My name
15 is John A. Reilly, retired firefighter and
16 elected trustee of the Board of Pensions and
17 Retirement.

18 COUNCILMAN RAMOS: Billy, do you
19 want to go first? Whatever you guys want to
20 do.

21 MR. GAULT: I'd rather Moon go
22 first, sir.

23 COUNCILMAN RAMOS: Mr. O'Reilly.

24 MR. O'REILLY: Thank you. I am not
25 speaking for Billy or trying to put words in

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2 his mouth. We're in support of this bill,
3 number one.

4 What really irked all City employees
5 is the fact that you work for the City of
6 Philadelphia. You're injured in the line of
7 duty. You were making 100 percent of salary.
8 They reduced it to 70. You can't live on the
9 70, so you go out and try to get a menial job
10 so that you can support your family. And they
11 come around in arbitration in 1992 and 1993
12 and change these rules. The's not right.
13 It's inconceivable. It's unethical and it's
14 ungodly and that's all I've got to say.

15 COUNCILMAN RAMOS: Thank you, Mr.
16 O'Reilly, for your testimony.

17 Bill.

18 MR. GAULT: City Council, thank you
19 very much for hearing us. Moon said it
20 perfect. Thank you for holding this hearings.

21 COUNCILMAN RAMOS: Thank you for
22 your testimony.

23 Any questions for these witnesses?

24 (No response.)

25 COUNCILMAN RAMOS: You're not off

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2 the hook yet.

3 Our next witness is Mr. Bob Eddis
4 from the FOP.

5 Please state your name for the
6 record and begin your testimony.

7 MR. EDDIS: Bobby Eddis, E-D-D-I-S,
8 from the FOP. I'd like to first start by
9 saying thank you very much for listening to
10 this issue because we feel as if it's a
11 significant one.

12 We see our officers get hurt.
13 Sometimes it's off duty as Moon stated. We're
14 penalized by it. Our officers then try to go
15 out as a result of the line of work that they
16 have. They're also penalized because of the
17 fact we also have a social security offset,
18 which I know is a horse of a different color.
19 However, when you're going to pay your bills,
20 money is money. So when you see your social
21 security offset as well as having your pension
22 offset, to us, our members are harmed greatly.

23 We just want to thank you so much
24 for entertaining this issue. Because as we
25 say, we see our officers, they're hurt. They

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2 then go out there and they're penalized and we
3 don't see where there's any significance in
4 that. So it's very important to our
5 membership.

6 COUNCILMAN RAMOS: Any questions for
7 this witness?

8 Councilman Kenney.

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

11 That's how I came to want to
12 introduce this bill. Not only is it true what
13 the representatives of the unions have said,
14 but it's such a terrible disincentive to
15 improve your life. Giving your physical body
16 to your job, you can no longer chase bad guys,
17 climb ladders, haul trash to the back of a
18 trash truck, all the things you did when you
19 were a City worker. You're permanently
20 disabled and you decide that you want to use
21 your brain to go back to school to become a
22 computer operator or to become a social worker
23 or a journalist or whatever it is you want to
24 be. Why would we disincentive people to go
25 improve their life?

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2 I don't understand the loss to the
3 Pension Fund to the City. If the worker was
4 disabled and sat home on the couch day after
5 day, they would still get whatever they had
6 coming to them. So the Pension Fund is not
7 losing any money.

8 Now, I have a situation where that
9 individual worker is now a teacher or, again,
10 a social worker or a journalist or a cab
11 driver, whatever it is they can do that isn't
12 affected by their disability. They're paying
13 taxes. They are paying wage taxes. They're
14 buying things they wouldn't be able to afford
15 to buy.

16 I guess I wasn't that aware of what
17 happened in '92 in the arbitration. But I
18 never understood the whole rationale why this
19 is a good thing for the City vis-a-vis the
20 worker. The worker is better off because they
21 have an incentive to go on with their life and
22 to improve their life and to continue to be
23 contributing members not only of their family,
24 but of the City tax rolls.

25 They've given their body to the City

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2 already and they deserve that 70 percent.
3 They actually deserve more. But to limit
4 someone's ability by taking one dollar for
5 every two dollars they earn is petty. It's
6 really not in the best interest of the City or
7 of the worker. I just never understood the
8 whole thing.

9 If someone from either the Pension
10 Board or the City Administration who may have
11 been supportive or are opposed to or have no
12 position on how this is a good thing for
13 anybody back in '92 and how it's a good thing
14 in 2004, almost 2005, I just don't get it. I
15 would rather see that worker who contributed
16 obviously a lot of their physical condition to
17 the City and the City taxpayers be able to go
18 improve themselves and have a life and pay
19 their kids' tuitions and go on vacation and
20 pay taxes.

21 MR. EDDIS: Because they didn't want
22 to get hurt.

23 COUNCILMAN KENNEY: No, they didn't.
24 I totally agree. That's how I got to the
25 position we're at now in that whole thought

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2 process. I want to see people have an
3 incentive to go out and make a different life
4 for themselves after they've given what
5 they've given to the City.

6 MR. EDDIS: We thank you for that.

7 May I comment on the previous issue
8 real quickly?

9 Not to digress, but we every year
10 bring in our widows and we have a little
11 luncheon for them on the day of our memorial.
12 It's very significant, because unfortunately
13 what we see is, in most cases we see
14 27-year-old ladies with three children is what
15 we see.

16 We had an incident a few years ago
17 which was very sad, where one of the widows
18 called up and she said to me, I can't come to
19 your luncheon this year. I said, why is that.
20 Her husband was killed outside the stadium
21 down in South Philly by a drunken driver.
22 It's a very sad situation. And she said,
23 because I'm not going to be part of your
24 family anymore. She said, I'm getting
25 married. She started crying on the phone.

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2 And I thought, what kind of system do we have
3 where we wouldn't want our widows to have the
4 opportunity to go back out and give their
5 children the chance to have the benefit.

6 We had a plaque dedication a few
7 weeks ago at 5th and Snyder for Officer
8 Pluntowski (ph) who was killed in 1927. We
9 would like to thank everybody for your
10 support.

11 Mr. Pluntowski, the son, was nine
12 months old when his dad passed away. The
13 system was a lot different then. He said, one
14 of the things that was so significant was he
15 didn't know his dad because he was only nine
16 months old, but a few years later, his mother,
17 thank God, remarried. And he was able to have
18 some kind of guidance through his life.

19 I get a call once a week -- and this
20 is no exaggeration -- from one of the children
21 of one of our officers that was killed in
22 1993. And the mother never had a chance to
23 remarry because if she did she's cut off.
24 She's a young mother. She's going to lose the
25 health benefits. She's going to lose

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2 everything that she had. So instead, now
3 we're dealing with the fallout of this
4 gentleman who is in his twenties who has
5 mental problems as a result of not having the
6 support.

7 We're not blaming the system as a
8 result of that, but we're saying, things
9 change. And when gentlemen like you take the
10 time to look at it, it's so significant to us
11 because that's what we're here for. We're
12 here for our children and we're here for our
13 family. The mere fact that you took the time
14 to address it means so much to us and we just
15 want to personally thank you because we do get
16 to see this every single day. We see the
17 impact.

18 Like we said, when we turn around,
19 whether they're being penalized as a result of
20 them getting hurt and not being able to go out
21 and get a job so they can't feel full about
22 themselves and make themselves, we want these
23 guys and girls to be able to go back out and
24 become part of society and pay taxes and do
25 everything that they're supposed to do.

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2 That's all we're trying to accomplish, is to
3 correct some mistakes along the way. Without
4 your support we would never have that
5 opportunity, so we thank you.

6 COUNCILMAN RAMOS: Any other
7 questions for this witness?

8 (No response.)

9 COUNCILMAN RAMOS: Officer, thank
10 you for your testimony this morning.

11 Mr. Frank Ferris of DC 33.

12 MR. FERRIS: Good morning, Mr.
13 Chairman. Good morning, Council. Thank you
14 for the opportunity to allow me to testify on
15 Bill 040326, sponsored by Councilman Kenney.
16 My name is Frank Ferris and I'm a civil
17 service specialist working for District
18 Council 33. I'm here today to offer testimony
19 on behalf of Pete Matthews, District Council
20 33 president, and on behalf of the members of
21 the City workers for District Council 33.

22 I'd like to start off by letting you
23 know that District Council 33 is strongly in
24 support of Councilman Kenney's bill. We
25 believe it addresses a longstanding inequity

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2 that has faced District Council 33 and other
3 unions' members who were forced to take
4 service related disability pensions or who
5 received ordinary retirement disability
6 benefits.

7 The sections of the Philadelphia
8 Code at this legislative proposal, which seeks
9 to amend Section 22-400 and Section 22-402,
10 have over the years made it very difficult for
11 City workers who are on service related
12 disability retirement to keep up with the rate
13 of inflation by seeking gainful employment.

14 Many City disability pensioners have
15 seen the value and buying power of their
16 pensions diminish over the years. But when
17 they try to seek additional employment, they
18 were faced with a penalty that reduced their
19 monthly pension by one dollar for every dollar
20 the member makes in a new job. District
21 Council 33 believes that this penalty is both
22 a hindrance and a disincentive to members
23 seeking employment outside of City employment
24 and is inherently unfair to City workers on
25 service related or regular disability pension.

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2 Many District Council 33 members in
3 these circumstances need to find gainful
4 employment in order to bridge the gap between
5 the time when they retired on disability and
6 when they begin collecting their full pension.

7 Councilman Kenney's proposal seeks
8 to address this inequity in a way that
9 District Council 33 believes is fair to the
10 City's retirement system and to the members of
11 the union. We believe that this is a fair
12 compromise and one that will not cost the City
13 any increased financial burden. It will,
14 however, allow City workers on service related
15 or regular disability pensions a measure of
16 fairness that they do not have under existing
17 City regulations.

18 The provisions of this bill also
19 contains safeguards against fraud and
20 misrepresentation and the ability of the City
21 to maintain close control and supervision over
22 disability pensions.

23 For District Council 33, this
24 legislative proposal is a matter of basic
25 fairness for City workers, and we want to go

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2 on record thanking Councilman Kenney for
3 researching, drafting and introducing this
4 bill and for his efforts to seek through its
5 passage.

6 Again, I want to thank you for the
7 opportunity of allowing me to present this
8 position of District Council 33 in favor of
9 Councilman Kenney's bill. We ask that the
10 Council and the Members of the Committee push
11 this thing through and through the entire
12 Council.

13 I also would like to leave it open
14 that if there's anything additional that you
15 would like me to present, I'll certainly be
16 glad to present something in the future.
17 Because at the present time, I'm not sure that
18 the bill allows a window to allow those who
19 are already out on retirement a one or
20 two-year window maybe to allow those already
21 out on retirement an opportunity to come back
22 into the fold. I thank you for that.

23 COUNCILMAN RAMOS: Thank you, Mr.
24 Ferris.

25 Any questions for this witness?

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2 (No response.)

3 COUNCILMAN RAMOS: Seeing none,
4 thank you, Mr. Ferris, for your testimony this
5 morning.

6 The next witness on my list here is
7 Daniel Grevy.

8 Good morning.

9 MR. GREVY: Good morning, sir.

10 COUNCILMAN RAMOS: Please state your
11 name for the record and begin your testimony.

12 MR. GREVY: Daniel Grevy, G-R-E-V-Y.

13 Let me start by saying I'm not much
14 of a public auditor, so just bear with me. I
15 was called the other day to come down and
16 testify on behalf of this bill.

17 I worked in the Philadelphia prison
18 system as a correctional sergeant. In August
19 of 1999, I was on a cell block at PICC up on
20 State Road and I walked in on a fight
21 involving one officer and several inmates.
22 The officer's partner was at lunch at the time
23 so he was alone on the block. I immediately
24 went to his aid in fending off these inmates.

25 While fighting these inmates and

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2 trying to quell the situation, I was stabbed
3 brutally by a third party inmate three times.
4 He hit me from behind. He stabbed me in the
5 upper left shoulder, which caused some
6 internal injuries. I had a collapsed lung.

7 Then he proceeded to stab me a
8 second time. He went for my left chest in my
9 heart area. I fended off that blow with a
10 deflection of my arm. I was stabbed in the
11 left arm and then he finished me off with a
12 stab wound to the left side of my body in the
13 rib cage area.

14 I went out on disability. Well, I
15 went out on IOD, of course, and eventually I
16 was awarded disability. My diagnosis for
17 disability is primarily PTS, posttraumatic
18 stress disorder.

19 Since that time, although I feel I'm
20 capable of having outside employment, I'm
21 hindered. There's a disadvantage written into
22 the pension where if I do go out to work, I
23 have to forfeit a dollar for every three that
24 I make. And I feel this is very unfair given
25 the fact that there's not much of a coal (sic)

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2 to build into my pension plan. So what I was
3 awarded with when I left is what I have to
4 contend with for the rest of my life.

5 I have three children, two of
6 college age that I'm putting through college.
7 I have a younger daughter that is in high
8 school. I'm paying her tuition. And it's a
9 burden. I could use some outside employment
10 to help defray some of these costs. I'm
11 hindered to do so because, as the law is now,
12 I have to pay a dollar for every three that I
13 make. With taxation on top of that, it's not
14 worth it for me to work. I've had numerous
15 people come up to me who wanted to hire me and
16 wanted to employ me and I have to turn them
17 down because I can't do it.

18 I feel I gave close to 21 years good
19 service to the City of Philadelphia. I never
20 wanted to get hurt. Nobody does. It's one of
21 the things that goes with the job, and I
22 realize that. If I had it to do over again, I
23 would do the same thing, naturally, go help
24 another human being even if it meant getting
25 hurt.

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2 Like I said, I feel I gave 21 good
3 service years to the City of Philadelphia. I
4 was never in any trouble. Always a model
5 employee. Came to work on time, didn't abuse
6 any sick time and I feel that the City should
7 give me leeway in return. And that's about
8 all I have.

9 COUNCILMAN RAMOS: Thank you, Mr.
10 Grevy, for your testimony.

11 Any questions for this witness?

12 Councilman Kenney.

13 COUNCILMAN KENNEY: Just a
14 statement. I think this witness kind of sums
15 it up. If the unions were in here asking for
16 an increase in the disability pension benefit
17 -- I think they deserve it -- but I think
18 there would be a more rational argument for
19 why the Pension Fund can't afford it or the
20 City can't afford it.

21 All these people are asking for is
22 for the City to get out of their way so they
23 can go make a living and not asking anything
24 from the City directly. Just the ability,
25 without being penalized, to improve their life

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2 and to pay their kids' tuitions and to have a
3 decent life after giving this heart wrenching
4 story about his experience in a Philadelphia
5 prison. I'm sure we have a number of stories
6 from the Fire Department, Police Department,
7 23 or 47, that would be equally compelling.

8 All they want is the ability to not
9 be penalized for having incentive to go out
10 and go on with their life. I think this
11 witness sums it up perfectly, so I thank you
12 for coming today.

13 MR. GREVY: Thank you. I would just
14 like to say that, you know, that's basically
15 all I want to do. I want to go out. I still
16 consider myself a relatively young man. I
17 just turned 52.

18 COUNCILMAN RAMOS: You look young.

19 MR. GREVY: Thank you. I just
20 turned 52 and I still feel I have a few years
21 that I can contribute. And, you know, I mean,
22 I don't want to be put in mothballs yet.

23 Also, another thing, if I might
24 bring out before I leave is, if I'm out
25 working, I'm again contributing to the City

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2 coffers because I'm paying City tax. That's
3 all I wanted to say.

4 COUNCILMAN RAMOS: Thank you, Mr.
5 Grevy, for your testimony.

6 Any other questions for this
7 witness?

8 (No response.)

9 COUNCILMAN RAMOS: Seeing none,
10 thank you.

11 MR. GREVY: Thank you, sir.

12 COUNCILMAN RAMOS: Anyone else
13 wishing to testify regarding this bill?

14 (No response.)

15 COUNCILMAN RAMOS: Seeing none, the
16 Clerk will please read the title of the next
17 bill.

18 THE CLERK: Bill 041005, an
19 ordinance amending Title 22 of the
20 Philadelphia Code entitled, "Public Employees
21 Retirement Code," including Sections 22-701
22 and 22-702, to allow for benefits to be paid
23 to trusts for disabled and disabled adopted
24 children of members, under certain terms and
25 conditions.

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2 COUNCILMAN RAMOS: Thank you.

3 Before we call on witnesses,
4 Councilman O'Neill has included an amendment
5 to this bill, which has been circulated to all
6 Members of this Committee and given to the
7 stenographer to be put into record.

8 Our first witness will be Audrey D.
9 Coccia. If I'm pronouncing your name wrong,
10 please correct me when you get up to the
11 witness stand.

12 Thelma Suggs can join her as well.

13 MS. SUGGS: Good morning.

14 COUNCILMAN RAMOS: Good morning.

15 Please state your name for the record and then
16 start your testimony.

17 MS. SUGGS: I'm Thelma Suggs. I'm
18 going to go first.

19 First I want to thank Council for
20 allowing me to testify on Bill 041005, and
21 special thanks to Brian O'Neill and cosponsor,
22 Donna Reed Miller, for introducing this bill,
23 and to Mr. Aaron Feinstein (ph) for keeping me
24 apprised of its progress.

25 My name is Thelma Suggs. I am an

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2 employee of the Fire Department, and I'm here
3 on behalf of all City employees caring for
4 dependent, disabled adults and those desiring
5 a change to the City's Pension Code.

6 I thank my supporting cast. I
7 didn't really expect all these wonderful
8 people to come. We have Sharon
9 Hartford-Young, Lisa Padilla, Officer John
10 Grady, Vince Coccia, Michael Wolf, Edward
11 Tilter, Harry McGee, Kitty Zellenbach, Rosette
12 Prudian, Bernadette Lennon, Sheila McCloud,
13 William McNulty.

14 Would you all please stand for a hot
15 minute?

16 As a parent of a mentally challenged
17 son, my biggest concern is what will happen to
18 my child at my death. Allowing a change to
19 the Pension Code where it reads, in trust for,
20 would lessen my concerns. Leaving a pension
21 straight out to a disabled person could render
22 them ineligible for future governmental
23 benefits. \$500 more or less a month could
24 cause them to exceed income limits.

25 However, by designating, in trust

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2 for, and establishing intent to supplement
3 their present income, our survivors'
4 governmental benefits would not be
5 jeopardized. Benefits such as Medicare,
6 Medicaid, therapy, respite and others could
7 continue.

8 Caregivers are not scheming against
9 society. After all, they're a big part of
10 that society. We're just trying to maintain
11 some normalcy to our loved ones' lives.
12 Perhaps the pension could keep them in their
13 home or familiar surroundings. What is the
14 cost to the City? It is the same, whether I
15 designate my pension outright or in trust for,
16 the City's obligation is the same. The trust
17 would end with the death of my beneficiary.

18 I urge you to pass this amendment to
19 the Pension Code. It is for the most
20 challenged, most vulnerable, most deserving
21 people ever created.

22 Thank you.

23 COUNCILMAN RAMOS: Thank you, Ms.

24 Suggs.

25 Next witness, please.

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2 Please state your name for the
3 record and you can start with your testimony.

4 MS. COCCIA: Good morning. My name
5 is Audrey Coccia. I would like to begin by
6 first thanking the Members of the Council and
7 this Committee for the opportunity to speak
8 here today.

9 I'm the wife of a veteran retired
10 Philadelphia firefighter who served our City
11 for over 31 years, and equally important, I am
12 the mother of a 41-year-old woman with
13 significant disabilities.

14 In my work life, I'm the executive
15 director of a Philadelphia non-profit
16 organization called Vision for Equality. We
17 provide advocacy, training and monitoring
18 services for people with developmental
19 disabilities who live in Philadelphia through
20 contracts with the City's Department of
21 Behavioral Health and Mental Retardation
22 services, and the Pennsylvania Department of
23 Welfare, Office of Mental Retardation. We are
24 well aware of the needs of people with
25 disabilities and what puts them in jeopardy.

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2 I am also the co-founder of an
3 organization here in Philadelphia called the
4 Philadelphia Police and Fire Association for
5 Handicapped Children.

6 I come here today in support of the
7 proposed trusteeship bill. And a number of
8 active and retired police, firefighters and
9 City employee families are here with us today
10 because they too want you to know how
11 important this proposed Charter change is to
12 their lives and the futures of their sons and
13 daughters.

14 This bill holds the key for loved
15 ones to potential future security and
16 financial stability, potentially helping to
17 provide for their continued lifetime needs.
18 This bill is a win, win. It will the cost the
19 City itself little, but offers much needed
20 important additional help and protection for
21 City employees' disabled family members, and
22 it ensures supplementary financial help to
23 them for their future.

24 As you know, the present City
25 pension ordinance under ordinary death

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2 benefits does not allow City employees'
3 dependent, disabled family members to have
4 their parents' pension money placed in trust
5 for them. The only options offered to these
6 families up until now has been a catch 22.
7 Deny the dependent child their right as a
8 beneficiary to the pension, thereby excluding
9 them from benefits their parents have earned,
10 or include them in the pension as a pension
11 beneficiary and have them risk losing their
12 much needed additional government benefits,
13 leaving them in either case without adequate
14 financial support.

15 Those of us who have already had our
16 spouses retire were told having the money
17 placed in a trust under the present ordinance
18 would not be permitted. As parents of
19 children with disabilities, we have acted as
20 our children's protector, teacher and advocate
21 throughout their lives. Our problems are
22 unique in that concern for our sons and
23 daughters with disabilities is not just when
24 they're young, but for a lifetime. We worry
25 about them when we are here and we worry about

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2 them even more about what will happen to them
3 when we are gone.

4 We face each day with a what if.
5 For us it is crucial to have in place planning
6 and protections for their well-being without
7 putting them at risk of losing existing or
8 potential services and government benefits
9 that they so desperately need.

10 Most of our sons and daughter once
11 they reach 18 years of age are eligible for
12 limited but much needed government benefits.
13 These benefits are usually SSI or SSDI and
14 Medicaid. As you know, eligibility standards
15 for these benefits and services have certain
16 requirements. Income earned and unearned and
17 assets of any kind are considered in
18 determining eligibility. Gifts and
19 inheritance, including pension benefits, would
20 disqualify a person from receiving services
21 and all government benefits could be entirely
22 lost.

23 It is equally important to note that
24 even with these benefits, if they receive
25 them, people with disabilities are still

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2 condemned to a life of poverty once they are
3 on their own. Luxuries like a new coat, a
4 movie, hair shampoo, deodorant, lunch out or a
5 vacation usually lie beyond their means. The
6 only way to help them is to have some way to
7 protectively supplement their care.

8 A government program like SSI is
9 important for a person with a disability, both
10 for the limited financial support it provides
11 and because eligibility for this program is a
12 touchstone for eligibility for other needed
13 services. These additional services such as
14 health care, housing and habilitation,
15 workshops and day activities are vital to the
16 ongoing development of people with
17 disabilities. Preserving eligibility to these
18 benefits is extremely important. Not just to
19 the person with a disability, but in this case
20 to the City of Philadelphia too.

21 A number of us have been interested
22 in working towards acquiring an ordinance that
23 would allow for benefits to be paid in trusts
24 for our disabled children and adult children
25 for City employees under certain terms and

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2 conditions since 1991. The Philadelphia
3 Police and Fire Association for Handicapped
4 Children have met with staffers of several
5 Councilmembers over the years to seek a way to
6 speak to this issue. We are now so pleased
7 Members of the Committee and Council have
8 elected to tackle this important matter. The
9 trusteeship bill will finally address this
10 grave need. And we applaud you for it.

11 We would like you to make one very
12 important additional recommendation for your
13 consideration. We appeal to you to extend
14 this not just to the past year, as is written
15 in the present bill, but to include all past
16 retirees so they can too protect their
17 children. Many were denied this opportunity,
18 as we were, when they retired. If you could
19 include them and give a limited grace period
20 to them to apply, they will be able to provide
21 for their sons and daughters too. It will
22 have no real financial ramifications to the
23 City. We're not talking about a lot of
24 people, probably less than 1 percent of 1
25 percent.

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2 I'd like to conclude on a personal
3 note. My husband and I have been concerned
4 about this since 1991 when he retired. We
5 kept hoping that somehow, some way this would
6 be worked out before, as long as we were
7 around. Remember I said earlier families with
8 loved ones with disabilities live in a "what
9 if" kind of mode? Well, the "what if"
10 happened to us.

11 My husband was diagnosed with a
12 serious form of cancer a few years ago. His
13 chances of survival were grim and reality set
14 in. In the midst of all we were going through
15 as a family, it struck our hearts that we
16 might in fact leave this world and never be
17 able to achieve the opportunity to provide
18 this little bit of extra care for our
19 daughter, Gina. Maybe we wouldn't get to
20 guarantee her that small supplement to help
21 her when we were no longer here. The harsh
22 reality struck our hearts with fear.

23 I personally appeal to you to
24 consider all City employees, including those
25 who have retired previously, so that they can

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2 get the opportunity to protect their sons and
3 daughters before it is too late.

4 I want to tell you how much we
5 really appreciate the strong Council support
6 for this bill. We also want you to know that
7 should this bill pass, you will be giving our
8 children the best chance at a higher quality
9 of life and allow us to feel more secure about
10 their future when we are gone.

11 Thank you for your time and
12 consideration.

13 COUNCILMAN RAMOS: Thank you for
14 your testimony.

15 Any questions for these witnesses?

16 MS. COCCIA: If I could add just one
17 other thing.

18 I happen to know Mrs. Iannacone.
19 Because I have been an advocate for over 35
20 years, I met Mrs. Iannacone when she was a
21 young mom when her husband was first killed.
22 I know what she's been through. I know the
23 struggles that she had over the years while
24 she has kept her daughter at home. She had to
25 carry her. She had to lift her. She had to

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2 feed her. When she finally did have to place
3 her, it seems that there ought to be some way
4 for us to ensure that those few insignificant,
5 again, numbers of people who have children
6 with developmental disabilities that are very
7 significant can get the kind of support they
8 need throughout their lives. I know their
9 fathers and their mothers that are deceased
10 would really want us to do that for them.

11 COUNCILMAN RAMOS: Thank you both
12 for your testimony this morning.

13 Anyone else wishing to testify
14 regarding this bill?

15 Please state your name for the
16 record.

17 MR. REILLY: My name is John A.
18 Reilly, retired firefighter and elected
19 trustee of the Board of Pensions and
20 Retirement. Good morning, Councilmembers.

21 Firefighters Local 22 is in full
22 support of this bill. I've known Vince D.
23 Coccia for many years, and they are strong
24 advocates for benefits for the handicapped.
25 This bill will allow the handicapped to be

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2 assured that their uptake will be provided.

3 We're asking that the in trust provision be

4 enacted by this Council to provide for the

5 handicapped after their parents have died.

6 COUNCILMAN RAMOS: Thank you for
7 your testimony.

8 Anyone questions for this witness?

9 (No response.)

10 COUNCILMAN RAMOS: Seeing none,
11 thank you again for your testimony.

12 Anyone else who cares to testify
13 regarding this bill?

14 Please state your name for the
15 record.

16 MS. BELL: Gwendolyn Bell from the
17 Board of Pensions, and with me is Evan Meyer
18 from the Solicitor's Office.

19 Mr. Meyer reviewed the bill. We
20 don't see any legal problems with the bill.
21 And the actuary has reviewed it and found it
22 cost neutral.

23 COUNCILMAN RAMOS: That means you
24 are in support of this bill?

25 MS. BELL: I'm not in support of the

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2 bill because I think administratively there's
3 some other issues that we have to deal with.
4 But there is no cost to the Fund.

5 COUNCILMAN RAMOS: Repeat that last
6 part again.

7 MS. BELL: Well, there are a number
8 of options that a person has when they go into
9 retirement. I don't think this bill will take
10 care of all of those options.

11 For example, if a person enters
12 DROP, that election is irrevocable. I don't
13 think this bill takes care of every person
14 that might be proposing the bill. So we have
15 administrative restrictions on people that
16 enter DROP where their election is irrevocable
17 if they choose a certain option.

18 The bill as written isn't
19 necessarily supported administratively because
20 I think it means a lot of research for us in
21 determining who's eligible, who's not
22 eligible. It does not cover for every person
23 that would be applying.

24 COUNCILMAN RAMOS: You started
25 your --

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2 MS. BELL: There is no cost to the
3 Fund.

4 COUNCILMAN RAMOS: There's no cost.
5 And you also said that you didn't see any
6 legal ramifications.

7 MS. BELL: There's no legal problem
8 with it.

9 I had been asked to prepare
10 testimony -- and I'm sorry -- for Bill 040326.
11 I don't know if I can do that at this time.

12 COUNCILMAN RAMOS: Yes. Proceed.
13 Is Mr. Meyer here for this?

14 MS. BELL: Yes.

15 MR. MEYER: I'm just here as before.
16 Evan Meyer from the Law Department to answer
17 any questions you may have about the legal
18 aspects of the bill, but I have no testimony.

19 COUNCILMAN RAMOS: Thank you.
20 Proceed, Ms. Bell.

21 MS. BELL: Currently under Section
22 22-401 there is an offset for service
23 connected disabilities as well as ordinary
24 disabilities. Each year we collect income tax
25 returns and monitor the earnings for outside

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2 earnings.

3 Originally, the provision was
4 enacted in part to reduce disability pensions
5 with respect to a member's disability,
6 preventing him from working for the City, yet
7 was not so severe as to prevent gainful
8 employment. So a person could work and we
9 would monitor their earnings.

10 The underlying rationale for the
11 disability benefit is to supplement the income
12 of those people who became disabled if they
13 were prevented from performing the duties
14 otherwise required by their current position
15 with the City. If such an individual can
16 maintain gainful employment for a non-City
17 entity, the main basis for the early
18 entitlement was to provide a disability
19 benefit for those people that could not work.

20 Accordingly, the offset is meant to
21 prevent double dipping in which members paid a
22 disability benefit due to inability to work
23 for the City, but nevertheless working for a
24 non-City entity.

25 We've asked for the actuary to cost

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2 out the cost of approving this bill, and I had
3 provided information from Mercer Consulting.

4 There's a cost to the fund of \$720,000 per
5 year over the lifetime of the current members.

6 The present value of allowing active members
7 and already retired members to not report
8 their income would be \$5,680,000.

9 COUNCILMAN RAMOS: Any questions for
10 this witness?

11 Mr. Kenney.

12 COUNCILMAN KENNEY: I am a little
13 confused as to allowing members not to report
14 their income.

15 My understanding of the reason that
16 this -- whether you agree with the reason it
17 was implemented in the first or not -- was the
18 Rendell Administration's attempt to crack down
19 on Workers' Comp and disability fraud, which
20 was apparently a problem at the time. Since
21 the advent of Risk Management Department, I
22 understand that that situation is relatively
23 under control and that it's tightly monitored
24 and that disability pensions are not given
25 away as political favors, but people are

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2 actually disabled. I guess it's been
3 effective in reducing the number of disability
4 claims that are awarded.

5 However, we've come to a point now
6 where we have the problem under control.
7 There's really no need to disincentive people,
8 because Risk Management will do its own job in
9 determining whether a person is truly disabled
10 or not.

11 The inability to climb a ladder or
12 to carry a hose or to chase a criminal through
13 an alley or the other things that are done,
14 they're disabled from doing that. I think
15 double dipping is an improper term because you
16 can sit at a computer screen and still be in
17 accordance with the disability that you are
18 being paid for. You can still teach school.
19 You can still do other things.

20 I also don't understand the
21 actuary's rationale in -- I can understand how
22 the number adds up to \$720,000. If we're
23 collecting that money inappropriately anyway,
24 it's actually money that we won't realize.
25 It's not money being paid out of the Fund.

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2 It's money that's not going into the Fund. I
3 don't want to make it seem as if we're taking
4 \$720,000 a year directly out of the Fund. It
5 may be money that you can't determine that
6 you're going to collect as a result of what
7 you think is going to happen with people's
8 outside employment.

9 I don't think it's the exact same
10 thing as a direct cost to the fund. It's
11 money that's not realized. But that money
12 that's not realized is being paid back into
13 the General Fund in other ways. We may be
14 able to in the future determine what the value
15 of that is in wage taxes and other taxes that
16 are paid by the employee.

17 I just think that this money had
18 been collected inappropriately in the first
19 place and we're just correcting that inequity,
20 or trying to correct that inequity. But I
21 understand the actuary's position. I just
22 think that we've gotten the disability and
23 Workers' Comp fraud under control, thankfully.
24 The people who are getting disability now are
25 actually really hurt.

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2 I heard the bad old days of people
3 getting disability pensions when they should
4 have been fired, but that's not the case any
5 longer. What we're trying to do is to get
6 people the ability to continue to have a
7 decent quality of life after being disabled
8 from work with the City.

9 COUNCILMAN RAMOS: Thank you,
10 Councilman Kenney.

11 Any other questions for these
12 witnesses?

13 (No response.)

14 COUNCILMAN RAMOS: Seeing none,
15 thank you so much for taking time out to
16 testify this morning.

17 Anyone else wishing to testify
18 regarding this bill?

19 (No response.)

20 COUNCILMAN RAMOS: Seeing none, that
21 will conclude our public hearing.

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

- - - -

Tuesday, December 14, 2004

- - - -

Public meeting conducted by the
Committee on Labor and Civil Service, held in
Room 400, City Hall, Philadelphia,
Pennsylvania, on the above date, to consider
action on the following:

BILLS 040326, 040755, 041005.

PRESENT:

COUNCILMAN JUAN RAMOS, Chair
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN FRANK DICICCO
COUNCILMAN JAMES KENNEY

1 12/14/04 - LABOR - PUBLIC MEETING

2 COUNCILMAN RAMOS: We will now go
3 into the public meeting. This is the public
4 meeting.

5 The Chair recognizes Councilman
6 Kenney for a motion on Bill 040755.

7 COUNCILMAN KENNEY: Mr. Chairman, I
8 move that Bill No. 040755 be reported out of
9 this Committee with a favorable recommendation
10 and a request be made for Rules suspension to
11 allow first reading at our next Council
12 Session.

13 (Duly seconded.)

14 COUNCILMAN RAMOS: It has been moved
15 and properly seconded that Bill No. 040755 be
16 reported out of Committee with a favorable
17 recommendation, and further moved that the
18 Rules of Council be suspended to permit first
19 reading of Bill No. 040755 at our next
20 scheduled Council meeting.

21 All in favor will signify by saying
22 aye.

23 (Aye.)

24 COUNCILMAN RAMOS: Those opposed?

25 (No response.)

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2 COUNCILMAN RAMOS: The ayes have it,
3 and the motion passes.

4 The Chair recognizes Councilman
5 Kenney for a motion on Bill No. 040326.

6 COUNCILMAN KENNEY: Mr. Chairman, I
7 move that Bill No. 040326 be reported out of
8 this Committee favorably and a request be made
9 for Rules suspension to allow first reading at
10 our next Council Session.

11 (Duly seconded.)

12 COUNCILMAN RAMOS: It has been moved
13 and properly seconded that Bill No. 040326 be
14 reported out of Committee with a favorable
15 recommendation, and further moved that the
16 Rules of Council be suspended to permit first
17 reading of Bill No. 040326 at our next
18 scheduled Council meeting.

19 All in favor will signify by saying
20 aye.

21 (Aye.)

22 COUNCILMAN RAMOS: Those opposed?

23 (No response.)

24 COUNCILMAN RAMOS: The ayes have it,
25 and the motion passes.

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2 The Chair recognizes Councilman
3 Goode.

4 COUNCILMAN GOODE: Thank you, Mr.
5 Chairman.

6 I have an amendment from Councilman
7 O'Neill to Bill 041005, which has been
8 distributed to all Members of the Committee.
9 It's a straightforward amendment that changes
10 the effective date from immediately to be
11 retroactive to January 1, 2002.

12 I move for the adoption of the
13 amendments.

14 (Duly seconded.)

15 COUNCILMAN RAMOS: It has been moved
16 and properly seconded that Bill No. 041005 be
17 amended.

18 All in favor signify by saying aye.

19 (Aye.)

20 COUNCILMAN RAMOS: Those opposed?

21 (No response.)

22 COUNCILMAN RAMOS: The motion
23 carries.

24 The Chair recognizes Councilman
25 Goode for a motion on Bill No. 041005.

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2 COUNCILMAN GOODE: Thank you, Mr.
3 Chairman.

4 I move that Bill No. 041005 as
5 amended be reported out of Committee with a
6 favorable recommendation and that the Rules of
7 Council be suspended so as to allow first
8 reading at our next Council Session.

9 (Duly seconded.)

10 COUNCILMAN RAMOS: It has been moved
11 and properly seconded that Bill No. 041005 as
12 amended be reported out of Committee with a
13 favorable recommendation, and further moved
14 that the Rules of Council be suspended to
15 permit first reading of Bill No. 041005 at our
16 next scheduled Council meeting.

17 All in favor signify by saying aye.

18 (Aye.)

19 COUNCILMAN RAMOS: Those opposed?

20 (No response.)

21 COUNCILMAN RAMOS: The ayes have it
22 and the motion carries.

23 That concludes our public meeting.

24 COUNCILMAN KENNEY: Mr. Chairman, I
25 want to thank you for the opportunity to allow

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2 us the ability to do decent and good things
3 around Christmas.

4 COUNCILMAN RAMOS: It is my duty.

5 That concludes our public meeting.

6 Thank you all for taking time out to testify
7 this morning.

8 (Council adjourned at 10:55 a.m.)

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RE: COMMITTEE ON LABOR AND CIVIL SERVICE

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Lisa C. Bradley, RPR

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