

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, September 18, 2013
1:10 p.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY

BILL 130532 - An ordinance providing for the submission to the qualified electors of the City of Philadelphia of the proposal set forth in a Resolution approved by Council proposing an amendment to The Philadelphia Home Rule Charter confirming Council's power to enact provisions Council considers necessary or appropriate to accomplish the purposes of a Minimum Wage and Benefits Ordinance...

RESOLUTION 130544 - Resolution proposing an amendment to The Philadelphia Home Rule Charter confirming Council's power to enact provisions Council considers necessary or appropriate to accomplish the purposes of a Minimum Wage and Benefits Ordinance...

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COUNCILMAN GREENLEE: Good

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afternoon, everyone. This is the

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Committee on Law and Government. For the

5

record, we have a quorum with Councilman

6

Kenney, the Vice Chair of the Committee;

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Councilman Goode; Councilman Henon; and

8

myself, Bill Greenlee.

9

Ms. Marconi, will you please

10

read the bill and resolution before us

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today.

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THE CLERK: Bill No. 130532, an

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ordinance providing for the submission to

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the qualified electors of the City of

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Philadelphia of the proposal set forth in

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a Resolution approved by Council

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proposing an amendment of The

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Philadelphia Home Rule Charter confirming

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Council's power to enact provisions

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Council considers necessary or

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appropriate to accomplish the purposes of

22

a Minimum Wage and Benefits Ordinance,

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including, but not limited to, provisions

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mandating that minimum wage and benefits

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requirements be passed along to

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2 subcontractors on City contracts and
3 subrecipients of City financial
4 assistance, with debarment as a potential
5 penalty for violation of such provisions;
6 and authorizing the appropriate officers
7 to publish notice and to make
8 arrangements for the special election.

9 Resolution 130544, resolution
10 proposing an amendment to The
11 Philadelphia Home Rule Charter confirming
12 Council's power to enact provisions
13 Council considers necessary or
14 appropriate to accomplish the purposes of
15 a Minimum Wage and Benefits Ordinance,
16 including, but not limited to, provisions
17 mandating that minimum wage and benefits
18 requirements be passed along to
19 subcontractors on City contracts and
20 subrecipients of City financial
21 assistance, with debarment as a potential
22 penalty for violation of such provisions;
23 and providing the submission of the
24 amendment to the electors of
25 Philadelphia.

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2 COUNCILMAN GREENLEE: Thank
3 you.

4 Our first witness, I believe,
5 is Mr. Gillison, the Administration.

6 (Witness approached witness
7 table.)

8 COUNCILMAN GREENLEE: Good
9 afternoon.

10 MR. GILLISON: Good afternoon.

11 COUNCILMAN GREENLEE: Please
12 identify yourself and proceed.

13 MR. GILLISON: Yes. Good
14 morning, Chairman Greenlee and members of
15 the Committee. My name is Everett
16 Gillison. I am Chief of Staff in the
17 Mayor's Office. I appreciate the
18 opportunity to testify before you this
19 afternoon on the proposed amendment to
20 the Philadelphia Home Rule Charter
21 introduced by Councilman Goode,
22 authorizing City Council to enact
23 legislation mandating that minimum wage
24 and benefits requirements be passed along
25 to subcontractors on City contracts and

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2 subrecipients of City financial
3 assistance.

4 Let me first state that the
5 Administration is in agreement with the
6 premise of this proposed Charter change.
7 One of the overriding priorities of this
8 Administration is to fight against
9 poverty in our city and, in any number of
10 areas, to raise the living standards of
11 all Philadelphians. Earlier this year we
12 established the Mayor's Office of
13 Community Empowerment and Opportunity to
14 catalyze and coordinate our efforts in
15 this area, and earlier this summer we
16 published "Shared Prosperity in
17 Philadelphia," our plan to fight poverty
18 in Philadelphia. Therefore, any proposal
19 geared towards raising the living
20 standards of Philadelphians such as this
21 one is one whose premise we will support
22 and engage in very seriously.

23 For this reason, the
24 Administration will work to implement the
25 minimum wage ordinance with respect to

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2 subcontractors. Nevertheless, I believe
3 it is important to note that the language
4 contained within the resolution does
5 raise a number of potential unintended
6 consequences about which we would have
7 serious concerns. We would, therefore,
8 respectfully request that this Committee
9 consider amendments to address those
10 issues. Just let me give you some
11 examples.

12 The legislation as written has
13 the potential to impact most, if not all,
14 of the contracts awarded by the City of
15 Philadelphia. In Fiscal Year 2013, the
16 City of Philadelphia awarded 2,283
17 different contracts with a total value of
18 approximately \$2.6 billion. These
19 numbers apply just to primary contracts
20 awarded and not including any data on
21 subcontractors. So its reach is vast,
22 and we need to carefully understand the
23 potential consequences.

24 For example, the Office of
25 Housing and Community Development has a

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2 \$2.5 million contract with the
3 Pennsylvania Horticultural Society for
4 the Philadelphia LandCare Program, a
5 nationally recognized community
6 revitalization program which stabilizes
7 abandoned vacant lots and provides
8 support to local community organizations
9 to maintain additional lots in their
10 neighborhoods. This program employs
11 around 80 community residents seasonally,
12 giving them a direct role in keeping
13 their neighborhoods clean and safe.
14 Requiring contractors to ensure that
15 workers make at least 10.88 an hour, 150
16 percent of the current federal minimum
17 wage, would specifically adversely affect
18 this program by increasing the costs
19 beyond the OHCD budget constraints. An
20 estimate that this would increase City
21 costs is to about \$3.5 million. With
22 decreasing federal support in the CDBG
23 program and with increasing demands on
24 the City General Fund, OHCD would not
25 have the additional funds to continue

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2 support of this program.

3 A second concern has to do with
4 the inclusion of the clause "at any tier"
5 following subcontractors and
6 subrecipients, extending the
7 applicability of the minimum wage and
8 benefits measures to a potentially
9 unlimited and unimaginable number of
10 businesses posing specific implementation
11 challenges. Furthermore, this would go
12 beyond existing language which is
13 contained in The Philadelphia Code.

14 Finally, extending the
15 requirement to subrecipients at any tier
16 of City financial assistance could have a
17 chilling effect on private development in
18 the instances where public assistance is
19 involved in the project. Financing for
20 commercial uses in projects that require
21 City financial assistance could be
22 jeopardized by the added costs and the
23 uncertainty involved with the
24 subrecipient requirement.

25 For the reasons such as those

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2 just discussed, we believe it is
3 important to retain the flexibility in
4 the implementation of this requirement.
5 Again, I just want to -- we believe it is
6 important to retain the flexibility in
7 the implementation of this requirement,
8 flexibility we believe currently exists
9 and will continue if this Charter
10 amendment passes.

11 In order to ease the
12 Administration and balance impacts, we
13 would ask that the Committee consider
14 amending Resolution No. 130544 in two
15 specific ways. First, we suggest
16 removing the parenthetical words "at any
17 tier," which could cause an exceptional
18 operational difficulty. We believe that
19 even without the "at any tier"
20 qualification, the Charter amendment, in
21 tandem with the minimum wage ordinance,
22 can reach the subcontractor performing
23 substantial work under the prime City
24 contract.

25 Second, we do not believe that

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2 extending the amendment to include
3 subrecipients of financial assistance
4 from the City, such as social service
5 providers, reentry service providers, and
6 hospitality service providers within real
7 estate developments with financial
8 assistance, would be advisable as a
9 practical matter. Rather, the
10 subrecipient requirement could well prove
11 to be unworkable and onerous for grant
12 recipients and inhibit their ability to
13 operate in the City of Philadelphia.

14 With these proposed changes,
15 the Administration could wholeheartedly
16 support this legislation. And we would,
17 of course, welcome the opportunity to
18 continue to discuss these measures,
19 dialogue in more detail with the members
20 of the Committee, and I am happy to
21 answer, to the extent that I'm able, any
22 questions that you may have at this time.

23 COUNCILMAN GREENLEE: Thank
24 you, Mr. Gillison.

25 Councilman Goode.

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

4 Good afternoon, Mr. Gillison.

5 MR. GILLISON: Good afternoon.

6 COUNCILMAN GOODE: Our
7 conversation is probably going to be more
8 about the law and legislative authority
9 than policy, because this is actually a
10 Charter change that confirms or
11 reconfirms our authority to legislate on
12 the issue. This legislation before us
13 does not raise any new policy issues as
14 you suggested in your testimony, and I
15 will prove that through these series of
16 questions.

17 The first is, are you familiar
18 with the opinion from the City Solicitor
19 issued in May?

20 MR. GILLISON: Yes, I am. You
21 were kind enough to actually remind me
22 and give me a copy. So thank you.

23 COUNCILMAN GOODE: For the
24 record, can you explain what that opinion
25 says.

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2 MR. GILLISON: In general, the
3 opinion states that the City Solicitor in
4 May of this year indicated that the
5 Council did not have the power to extend
6 this language or this Charter amendment
7 to extend to subcontractors.

8 COUNCILMAN GOODE: So the City
9 Solicitor said that the subcontractor
10 provisions were not valid.

11 MR. GILLISON: That's correct.

12 COUNCILMAN GOODE: Because we
13 did not have the authority, because, in
14 their opinion, our use of the word
15 "their," T-H-E-I-R, narrowed the scope of
16 who was covered. So, in essence, this
17 opinion was issued in May and then I
18 introduced this bill in June to address
19 that.

20 MR. GILLISON: That's correct.

21 COUNCILMAN GOODE: That's the
22 purpose for this legislation. It is
23 because of that opinion that we
24 introduced this legislation.

25 MR. GILLISON: I understand.

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2 COUNCILMAN GOODE: And
3 essentially with the approval of this
4 legislation by the Council and by the
5 voters, the subcontractor provisions
6 would, quote/unquote, "come to life."

7 MR. GILLISON: That's correct.
8 That's our understanding, and that's what
9 we've been discussing for the past couple
10 months.

11 COUNCILMAN GOODE: So we're not
12 creating new provisions with regard to
13 subcontractors. We're not creating new
14 provisions with regard to subrecipients.
15 That's already law through several bills,
16 but the law was deemed invalid by the
17 City Solicitor. So unless we do this
18 Charter change, what's already supposed
19 to be law won't come to life.

20 MR. GILLISON: Well, that's
21 correct.

22 COUNCILMAN GOODE: So we need
23 to bring it to life.

24 So without the legislation
25 before us, according to the May opinion,

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2 the reach of the wage and benefits
3 standard is limited; is that correct?

4 MR. GILLISON: That's correct.

5 COUNCILMAN GOODE: Is it
6 limited by the Charter or limited by the
7 Code?

8 MR. GILLISON: It would be
9 limited by the legal understanding of
10 what the Code allows us to do, and,
11 therefore, I would answer that question
12 by saying it would be limited by the
13 interpretation of the Charter.

14 COUNCILMAN GOODE: And so this
15 legislation, Charter change legislation
16 before us, does not change the Code?

17 MR. GILLISON: It does not
18 change the Code at this time. What it
19 would do is I think clarify the power
20 that the Charter would give it and we
21 would clarify the issue of the City
22 Solicitor's opinion that brought to light
23 the problem.

24 COUNCILMAN GOODE: It does not
25 change the Code. The purpose of it is to

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2 bring the Code to life.

3 MR. GILLISON: That's correct.

4 COUNCILMAN GOODE: The wage and
5 benefits standard is already established
6 in the Code.

7 MR. GILLISON: I believe it is,
8 yes.

9 COUNCILMAN GOODE: The Code
10 states that it applies to subcontractors.

11 MR. GILLISON: Yes, it does.

12 COUNCILMAN GOODE: For the
13 record, is the Administration applying
14 the standard to subcontractors?

15 MR. GILLISON: Not at this
16 present time. It actually does, if I
17 remember correctly, it does -- we
18 actually when we put out various RFPs,
19 the language is in there. There are
20 various ways and means to interpret that
21 language, and on a case-by-case basis, we
22 review that whether or not it should
23 apply given what's going forward.

24 COUNCILMAN GOODE: So even
25 though the subcontractor provision is

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2 already in the Code, the Administration
3 is not applying the standard for the
4 reasons stated in the --

5 MR. GILLISON: In the opinion.

6 COUNCILMAN GOODE: But the
7 subcontractor provision has actually been
8 in existence since 2005 through Bill No.
9 050234, which then Councilman Nutter
10 voted for. Does the Code state that the
11 standard applies to subrecipients?

12 MR. GILLISON: The Code says
13 that it does, that's correct.

14 COUNCILMAN GOODE: Is the
15 Administration applying the standard to
16 subrecipients?

17 MR. GILLISON: We are not.

18 COUNCILMAN GOODE: Why not?

19 MR. GILLISON: We believe that
20 it is, A, unenforceable just by trying to
21 get what a definition of a subrecipient
22 is and how far down the tier it goes.

23 COUNCILMAN GOODE:

24 Mr. Gillison, we just had this
25 conversation. Subrecipient is defined in

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2 Bill No. 100756. The definition of
3 subrecipient was actually offered by the
4 Administration, and the Mayor signed that
5 bill into law.

6 MR. GILLISON: That's correct.

7 COUNCILMAN GOODE: So the
8 Administration defined subrecipient in
9 2010.

10 MR. GILLISON: That's correct.
11 That's what -- you've informed me of that
12 when we had our previous discussion.

13 COUNCILMAN GOODE: Does this
14 legislation actually establish due policy
15 or simply confirm Council's authority
16 with regard to what's already in the
17 Code?

18 MR. GILLISON: This legislation
19 will clear up the authority that Council
20 would have that would actually then be
21 able to be enforced by the
22 Administration. So it does a little bit
23 of both.

24 COUNCILMAN GOODE: The
25 legislation only confirms our authority

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2 to legislate on these matters. It does
3 not change the Code.

4 MR. GILLISON: It does not
5 change the Code.

6 COUNCILMAN GOODE: So the
7 approval of this legislation by the
8 Council and by the voters will simply
9 bring what's in the Code to life.

10 MR. GILLISON: That's correct.
11 That's the general statement, and I agree
12 with you, as I stated to you. I agree
13 with what your premise is, and I stated
14 that we agree.

15 COUNCILMAN GOODE: I'll just
16 say this in closing. We were told
17 through this opinion that if we wanted to
18 change anything, we had to change the
19 Charter. So that's what we're doing.

20 MR. GILLISON: I understand.

21 COUNCILMAN GOODE: If the
22 Administration has a problem with what's
23 in the Code, then you have to change the
24 Code.

25 Thank you, Mr. Chairman.

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2 COUNCILMAN GREENLEE: Thank
3 you, Councilman.

4 Councilman Kenney.

5 COUNCILMAN KENNEY: Thank you,
6 Mr. Chairman.

7 Mr. Gillison, in the example
8 that you gave for, I think it was, the
9 Philadelphia Horticultural Society --

10 MR. GILLISON: Yes.

11 COUNCILMAN KENNEY: -- who does
12 the --

13 MR. GILLISON: Lots.

14 COUNCILMAN KENNEY: -- upkeep
15 and landscaping, things of that nature,
16 does the City know who the subcontractors
17 for PHS are?

18 MR. GILLISON: I don't have it
19 with me at this time, not at the top of
20 my head.

21 COUNCILMAN KENNEY: Do you
22 think that's available?

23 MR. GILLISON: I'm sure it
24 probably is.

25 COUNCILMAN KENNEY: And also do

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2 we know how much the subcontractors
3 contracted to PHS pays hourly to their
4 workers?

5 MR. GILLISON: I'm sure we
6 could find out, but I don't have that off
7 the top of my head, Councilman.

8 COUNCILMAN KENNEY: I'd be
9 interested in knowing that.

10 And also, does the City know
11 whether the subcontractors have business
12 activity licenses or whether they have
13 active wage tax accounts? I think that
14 would be something we would want to know.

15 MR. GILLISON: I believe that
16 that's something that we would want to
17 know. It just depends on how far down
18 the subcontracting tier we get.

19 COUNCILMAN KENNEY: From my
20 perspective, no matter how far down the
21 subcontracting goes, I think people
22 should pay their wage taxes.

23 MR. GILLISON: I agree with
24 that completely.

25 COUNCILMAN KENNEY: Or their

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2 business taxes.

3 MR. GILLISON: I agree with
4 that.

5 COUNCILMAN KENNEY: So I would
6 be interested in having you provide or
7 maybe Commissioner Tolson provide to the
8 Chair who the subcontractors are for PHS
9 on that particular contract, what the
10 hourly rate of pay is, whether they have
11 business activity licenses, and whether
12 or not they pay wage taxes for their
13 employees.

14 One of the things that's been
15 difficult to grapple or to understand
16 over the course of our discussions about
17 construction, demolition, things of that
18 nature is the lack of information that
19 the City has to be able to interface with
20 L&I and Procurement and other departments
21 and whether or not we should even be --
22 the taxpayers' money should even be spent
23 on some of these individual companies,
24 who are not from the area, who take
25 advantage of undocumented workers, that

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2 take advantage of our wage tax laws and
3 business tax laws, and I think that we
4 should get some positive results from the
5 money we spent on contractors and
6 subcontractors.

7 So I'd be interested in knowing
8 what the extent in your particular
9 example on the PHS contract, to what
10 extent we know the level of commercial
11 activity and tax activity that these
12 subcontractors have.

13 MR. GILLISON: I think it's
14 more -- because we have been learning
15 quite a lot, Councilman, about the nature
16 of the business out there. I think that
17 we will agree that sometimes
18 subcontracts -- we don't have a
19 requirement that says every time a prime
20 contractor enters into a subcontract,
21 that the City, A, gets notice or
22 whatever, and if they keep doing
23 subcontracting or even to the point of
24 using 990's or even just solo, everybody
25 gets redefined as a solo contractor, the

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2 paperwork to try to catch up with all of
3 those requirements, it would be onerous
4 on anyone, quite frankly.

5 But we do have a
6 responsibility, I agree with you, to have
7 the information on the main person that
8 we are contracting with and to have them
9 provide us the information that they have
10 at the time of entering into the
11 contract. I think that's where our focus
12 has been. That's where we do have
13 paperwork. We have very good paperwork,
14 because we always are trying to hold
15 those parties responsible. I think
16 that's been the extent of what we've
17 tried to do.

18 I think that your questions
19 about how many subcontracts are on a
20 particular job, the question would be how
21 onerous would that be for us to try to
22 monitor any particular one job site for
23 how many different subcontractors and how
24 would we get notice of those things when
25 it happens.

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2 COUNCILMAN KENNEY: Well, I
3 think how we would notice --

4 MR. GILLISON: And those are
5 the kinds of things that we're worried
6 about.

7 COUNCILMAN KENNEY: I think how
8 we would do it is by doing audits from
9 time to time on various contractors that
10 are being paid by the City or on private
11 contracts that are permitted by a license
12 or a zoning approval and requiring either
13 double payment for the money that they've
14 absconded with or debarring them from
15 doing work in the City in the future.

16 MR. GILLISON: And you and I
17 agree that this Administration has
18 actually done all of the above. We've
19 debarred various parties that have acted
20 improperly. We have sought out through
21 not only the Inspector General's Office
22 but through others to try to get other
23 kinds of audits done at job sites, and we
24 have actually put in, in the case of L&I,
25 a new unit that's actually going out on

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2 job sites to try to pull things forward.

3 COUNCILMAN KENNEY: But that's
4 relatively recently.

5 MR. GILLISON: Oh, absolutely.
6 I mean, this is always a moment in time.

7 COUNCILMAN KENNEY: I mean, not
8 until Commissioner Tolson took the reins
9 of Revenue have I seen that kind of
10 activity. And she is to be commended,
11 because she is just dogging that stuff,
12 and it's critical for us in a city that
13 needs revenue, where we're allowing money
14 to leave the area, leave the City, and
15 not getting our tax dollars for it. I
16 mean, she should be commended for the
17 level of activity she's increased, along
18 with Commissioner Carlton Williams, who
19 is basically now talking to each other as
20 to keeping this from happening in the
21 future. But, I mean, I think that our
22 Revenue Department should be as fearsome
23 as the IRS or at least as fearsome as the
24 Parking Authority, which is a very good
25 collector of revenue.

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2 COUNCILMAN GREENLEE: You're
3 asking a lot there.

4 MR. GILLISON: And I agree with
5 you. The issue is, though, as you know,
6 that there are certain other powers we're
7 trying to get so we can end up having
8 those kind of IRS powers. We've been up
9 in Harrisburg, as you know, trying to
10 move that matter around.

11 I think that Commissioner
12 Tolson and Commissioner Williams both are
13 doing outstanding jobs under very trying
14 circumstances, but we have been committed
15 as an Administration to putting people in
16 the position and basically saying do what
17 you need to do, and if you need
18 something, let us know what needs to
19 happen. But we have not come to this
20 position in a light-handed way. We've
21 actually come to it in a determined way,
22 and the Mayor is the one that actually
23 named both of those parties. So I am
24 sure that we will take the praise for
25 them equally with the fact that whenever

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2 we see change is needed, we make change
3 and we're moving on.

4 COUNCILMAN KENNEY: I do
5 commend him on his recent appointments,
6 but the past appointments weren't always
7 that swell. So thank you.

8 COUNCILMAN GREENLEE: Thank
9 you, Councilman. Just so I'm clear, what
10 is it you're requesting, the information?

11 COUNCILMAN KENNEY: On the
12 particular example that Mr. Gillison gave
13 relative to the Philadelphia
14 Horticultural Society, I would like to
15 know who the subcontractors are, what
16 their hourly rate of pay is for the
17 people working for the subs, do they have
18 business activity license, and do they
19 have active wage tax accounts that their
20 employees are paying taxes or they're
21 collecting taxes and paying it to the
22 City.

23 One of the other things on the
24 1099's, I think that every person who is
25 holding themselves out as an independent

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2 contractor should have a business
3 activity license, and that will allow us
4 to track them. If you don't --

5 MR. GILLISON: Is that -- okay.

6 COUNCILMAN KENNEY: My point
7 is, if I'm an individual being paid not
8 on the payroll and my tax requirements or
9 tax responsibilities are on me as a
10 contractor, then I consider them an
11 independent contractor who needs a
12 business activity license. I don't think
13 it can be both. It can either be on
14 someone's payroll and have a wage tax
15 account and a workmen's compensation
16 deduction and an unemployment
17 compensation deduction and all the same,
18 but if I am an individual carpenter or
19 ironworker that gets hired by a developer
20 and gets paid with a 1099 or the form
21 1099, I'm a business and I should have a
22 business activity license, and this way,
23 we can track all these so-called
24 independent contractors.

25 MR. GILLISON: Well, I think

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2 that that's a very good point, and I
3 think that we would be in the better
4 position with some of the changes that we
5 are trying to do electronically to file a
6 lot of this. I mean, a lot of this comes
7 down to the ability to deal with and go
8 through a lot of paper, and individuals
9 to do that would be massive and we would
10 be increasing greatly the capacity to
11 deal with that.

12 COUNCILMAN KENNEY: I would
13 argue that the additional people you
14 bring on to Revenue potentially or to L&I
15 will more than pay for themselves in
16 recovery of money that we're now losing.

17 MR. GILLISON: Well, I agree.
18 I just think that we need to also look at
19 how we are interfacing. And I think your
20 point about interfacing within the
21 departments, doing it in an electronic
22 way, having access so you can actually go
23 places, pull things up electronically
24 will make it a lot easier. And the good
25 thing is is that we're in a time in our

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2 country's history where that kind of
3 stuff can be planned and is being planned
4 with both Project eClipse with L&I
5 actually having a dovetail and interface
6 with the administrative modernization
7 program that we're doing with the City
8 that's going, as I understand, pretty
9 well. So those two things are coming
10 together at the right time, so we may
11 have an opportunity going forward to deal
12 with this.

13 COUNCILMAN KENNEY: But
14 initially once that stuff is open to the
15 public and available, you will have a
16 plethora of self-signed, self-appointed
17 inspectors who will be looking at those
18 websites judiciously and passing on on a
19 complaint-driven way those people who are
20 trying to beat the system. So, I mean, I
21 think that as far as long-term needs of
22 hiring people is one thing, but I can
23 assure people in organized labor will be
24 looking at that website and passing on to
25 you and me and everybody else those folks

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2 that are on those sites who had a permit
3 pulled by some guy who then turned the
4 permit over to them and they are working
5 for two weeks out of New York state and
6 living in a hotel and motel in Cherry
7 Hill. I mean, we can track those people
8 and point you all in the right direction.

9 MR. GILLISON: Okay. I look
10 forward to working with you on that, as
11 you know.

12 COUNCILMAN KENNEY: Thank you.

13 COUNCILMAN GREENLEE: Thank
14 you, Councilman.

15 Just one question just so the
16 record is clear or at least I'm clear.
17 If this goes through Council, goes to the
18 voters, the voters approve it, will there
19 be a need -- maybe Councilman Goode can
20 answer this -- is there a need for
21 another bill through Council or is this
22 just basically clarifying or legalizing
23 everything that's in the Code as we
24 speak?

25 COUNCILMAN GOODE: If this

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2 legislation is approved by Council and by
3 the voters, then what's already in the
4 Code will then come to life as the voters
5 approve it. But as another point, if the
6 Administration or anyone else has
7 concerns about what's in the Code and
8 those concerns -- some concerns were
9 raised at the Living Wage and Benefit
10 Review Committee and based on the annual
11 report, that there needs to be some
12 revamping of the waiver process and maybe
13 other modifications to this. And so
14 actually the Code can actually be amended
15 even before the ballot question is
16 approved, but beyond that, that's the
17 point I'm trying to make, is that
18 essentially this legislation simply
19 confirms our authority to legislate on
20 the issue.

21 COUNCILMAN GREENLEE: Okay.

22 Thank you, Councilman.

23 Do you want to add anything,
24 Mr. Gillison?

25 MR. GILLISON: No. As I said

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2 and I started out my testimony, I think
3 that the premise of where we're going and
4 what we're trying to get done is both
5 commendable. We've said that we're
6 working with Councilman Goode. I think
7 that the blow-back or what he informed me
8 in a little conversation just beforehand
9 is something that I will be looking at,
10 especially the Code definitions and how
11 we could probably deal with some of our
12 concerns. I think that we want -- we
13 don't want to get to the point where we
14 are trying to take on something that will
15 enable us not to really follow through,
16 because it's the followthrough that you
17 make the change in in any situation. If
18 we say that we're going to be doing
19 something, we want to measure something,
20 I want to be in a position to say
21 whatever I'm measuring, whatever I'm
22 bringing back to you in a report is going
23 to be something real, not that I'm just
24 biting off saying yes and then not being
25 able to come through. I mean, I don't

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2 think that's fair to anyone.

3 COUNCILMAN GREENLEE: Again, to
4 be clear, this ballot question will not
5 go on until May, so there are times for
6 discussion, right?

7 MR. GILLISON: Oh, yeah. And I
8 plan to be, as the Councilman knows and
9 I'm sure as the Chair knows, I plan to be
10 rather active in those discussions so
11 that we're all -- we understand what we
12 are saying, and I will follow through.

13 COUNCILMAN GREENLEE: Thank
14 you, sir.

15 Any other questions for
16 Mr. Gillison?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, thank you.

20 MR. GILLISON: Thank you.

21 COUNCILMAN GREENLEE: Our next
22 witnesses I have on record are Onetha
23 McKnight and Anthony Price. Are they
24 here?

25 And for anyone else that -- and

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2 I have a few more names here -- or anyone
3 that wants to testify, if you have
4 written testimony, it will be made part
5 of the record. You don't have to read
6 the whole thing. You can summarize so we
7 can keep the hearing moving forward.

8 (Witness approached witness
9 table.)

10 COUNCILMAN GREENLEE:

11 Ms. McKnight, please identify yourself
12 for the record and proceed.

13 MS. MCKNIGHT: My name is
14 Onetha McKnight. Good afternoon. Thank
15 you for the opportunity to speak today.
16 I am a wheelchair attendant at
17 Philadelphia International Airport
18 employed by PrimeFlight. This is not the
19 first time I have stood before City
20 Council and shared my concerns about
21 poverty at the Philadelphia International
22 Airport.

23 I was vocal in the effort to
24 pass a lease with U.S. Airways that does
25 not continue to leave hardworking

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2 Philadelphians like myself and my
3 co-workers in poverty. I am deeply
4 disappointed that the lease passed
5 without including provisions to provide a
6 living wage for subcontracted airport
7 workers.

8 That's why I am pleased that
9 City Council is again taking up the issue
10 of a living wage at the airport.
11 Councilman Goode's bill has provided hope
12 for me and other workers at the airport.

13 There are thousands of
14 subcontracted workers like me who are
15 working hard and not making ends meet.
16 We need help. We need City Council to
17 fix our broken laws that exempt
18 subcontracted City workers from the 21st
19 Century Minimum Wage and Benefits
20 Ordinance. Poverty wages at the airport
21 are a huge reason why Philadelphia
22 remains the worst big city for poverty in
23 America.

24 I have been a wheelchair
25 attendant for six years at the airport.

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2 I have never received a raise. I started
3 working at \$7 an hour and today, six
4 years later, I still receive \$7 per hour.
5 I receive tips, but tips are not
6 guaranteed. There are days when I only
7 receive \$1 in tips.

8 I find it difficult to make
9 ends meet on the poverty wages. I have a
10 son and I have five grandchildren. I
11 help out with my grandchildren. There's
12 not always enough left at the end of the
13 month to pay my bills. At this time, I
14 don't have any health insurance, and I
15 have asthma and high blood pressure. My
16 company offers healthcare, but there's no
17 way I can afford it. I work hard, but I
18 cannot afford basic medication. It's
19 unfair that airport workers receive
20 poverty wages and no affordable benefits.

21 This isn't just about fairness
22 for airport workers, but for taxpayers as
23 well. I don't currently receive any
24 assistance from the government, but many
25 of my co-workers do. Up until a year ago

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2 I received food stamps, but I no longer
3 qualify due to budget cuts. The problem
4 is that I am working a full-time job and
5 I shouldn't need to apply for food stamps
6 to get by. But that's the problem at the
7 airport. Many airport workers pay
8 poverty wages -- excuse me. Many airport
9 jobs pay poverty wages and require
10 workers to go on public assistance just
11 so they can feed their families.

12 That means taxpayers get hit on
13 both ends. The taxpayers subsidize
14 public benefits for airport workers
15 earning poverty wages through
16 subcontractors like PrimeFlight. Then
17 their tax dollars go to public projects
18 like the airport expansion, which
19 benefits U.S. Airways and the
20 subcontractors they hire. Those same
21 subcontractors are exempt from paying a
22 living wage and the taxpayers make up the
23 difference through Medicaid and food
24 stamps, and the cycle continues.

25 My co-workers and Philadelphia

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2 taxpayers deserve better than this
3 vicious cycle of poverty subsidized by
4 public money. I am barely surviving, and
5 I am sending out an SOS to City Council
6 now. We need City Council to make sure
7 that my employer, PrimeFlight, pays a
8 living wage. We want to be treated with
9 respect, and we need living wages so that
10 we can afford to feed our families. We
11 are citizens of Philadelphia. We pay
12 taxes. We work hard, and we deserve
13 respect.

14 I'd like to thank Councilman
15 Goode for his leadership on this bill.

16 Thank you, Councilman Goode.

17 I urge the Council to vote in
18 favor of Bill No. 130532 to give airport
19 workers and other subcontracted workers a
20 chance to be covered by the City's
21 Minimum Wage and Benefits Ordinance.

22 Thank you all for listening.

23 COUNCILMAN GREENLEE: Thank
24 you, Ms. McKnight.

25 (Applause.)

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2 COUNCILMAN GREENLEE: I have
3 three other names on my list. I have
4 Bishop Dwayne Royster. Is he here?

5 BISHOP ROYSTER: Yes, sir.

6 COUNCILMAN GREENLEE: Carol
7 Duncan. Is she here? And one other, Liz
8 Lassiter. Is she here? Okay.

9 Is there anyone else here that
10 wishes to testify? Okay. We'll call you
11 up in a minute.

12 Why don't the two of you come
13 up and then we can have the other two.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN GREENLEE: Whoever
17 would like to speak first, please
18 identify yourself and proceed.

19 MS. DUNCAN: Good afternoon.
20 Thank you for allowing me to speak. I am
21 Carol Duncan, Deacon of Saint Martin-in-
22 the-Fields Chestnut Hill Episcopal Church
23 and Co-Chair of the Jobs Strategy Policy
24 Committee for POWER, Philadelphians
25 Organized to Witness, Empower, and

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2 Rebuild.

3 I was really glad to hear that
4 the Administration agrees with what we're
5 trying to do. I would like to remind us
6 all of the reasons that we're doing this
7 and remind us that the U.S. Census
8 American Community Survey revealed that
9 Philadelphia has the highest rate of deep
10 poverty, which is people living with
11 incomes below half of the poverty line of
12 any of the nation's ten most populous
13 cities, and that report came on top of
14 the news that the City has the highest
15 poverty rate, 28.4 percent, of any of
16 America's largest cities.

17 The poverty wage for an adult
18 with two children is \$8.80 an hour.
19 Subcontracted workers at the Philadelphia
20 Airport, as we've heard, earn less than
21 that. The people who work for we, the
22 people of the City of Philadelphia in
23 subcontracted jobs, are counted among
24 those in poverty. That is a judgment and
25 a shame to us as a city.

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2 I would remind us of a quote
3 from the author Samuel Johnson, whose
4 birthday is today. He said, A decent
5 provision for the poor is the true test
6 of civilization.

7 POWER supports the proposed
8 amendment to the Philadelphia Home Rule
9 Charter that requires those who contract
10 with the City to pass along the minimum
11 wage and benefits ordinance to
12 subcontractors. We believe the City
13 should pay a fair wage to those who work
14 for it. We think this change will
15 contribute toward the goal of as many
16 Philadelphians as possible earning decent
17 wages. We at POWER want the voters of
18 Philadelphia to have the chance to speak
19 on this issue.

20 Thank you.

21 COUNCILMAN GREENLEE: Thank
22 you.

23 Bishop. And then if there's
24 any questions. Please.

25 BISHOP ROYSTER: Yes, sir.

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2 Mr. Chairman, members of the Committee,
3 thank you for allowing us to come and
4 share testimony before this hearing
5 today. My name is Bishop Dwayne Royster.
6 I'm the Executive Director of POWER,
7 Philadelphians Organized to Witness,
8 Empower, and Rebuild. We are a
9 faith-based organizing movement of 41
10 congregations from across the City of
11 Philadelphia. We are multi-racial,
12 multi-faith, and represent every corner
13 of this city.

14 We are here today, all of POWER
15 that's here with us -- POWER, shout out
16 there.

17 (Applause.)

18 BISHOP ROYSTER: We are here
19 today to support Councilman Goode's bill
20 for a referendum vote by the people of
21 Philadelphia to changes in the City
22 Charter around the 21st Century Living
23 Wage Ordinance.

24 The Bible says in First
25 Thessalonians that if a man or a woman

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2 won't work, he or she should not eat. I
3 believe this text is telling us something
4 very powerful, that when a man or a woman
5 works, they should be able to eat.

6 Many in our city work full-time
7 jobs, sometimes two full-time jobs, and
8 are still unable to feed themselves and
9 their families and be able to maintain a
10 roof over their heads. It is a sin.
11 Allow me to say that again. It is a sin
12 that the Administration does not
13 interpret the law as it stands right now
14 to provide protection for those workers
15 that work for them either at a contracted
16 level or a subcontracted level.

17 For the poorest big city in
18 America, 30 percent poverty, 40 percent
19 of our children go to bed hungry every
20 night, it is imperative that we create
21 policies that prevent ongoing poverty.
22 By initiating this legislation, we are
23 giving the people of Philadelphia, like
24 the airport workers, like other workers
25 across this city that are working at

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2 poverty wages, a chance to have a say in
3 ending poverty in their city. After all,
4 the government of Philadelphia belongs to
5 the people, and when the City does not
6 pay living wages, it is making the
7 citizens of Philadelphia a plantation
8 employer.

9 It is my belief that when the
10 citizens of -- it is my belief that the
11 citizens of Philadelphia want to thrive,
12 not just survive. It is our prayer that
13 a unanimous affirmative vote out of this
14 Committee sends these bills to a full
15 vote by Council and then, more
16 importantly, to a vote of the people.

17 Thank you, Mr. Chairman,
18 members of the Committee, and Councilman
19 Goode for allowing us to share today.

20 COUNCILMAN GREENLEE: Thank
21 you, Bishop.

22 Thank you, Ms. Duncan.
23 (Applause.)

24 COUNCILMAN GREENLEE: Okay.
25 Ms. Lassiter and Mr. MacManiman, if you'd

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2 like to come forward.

3 Is there anyone else here that
4 wants to testify?

5 (No response.)

6 COUNCILMAN GREENLEE: This will
7 be our last two witnesses.

8 (Witnesses approached witness
9 table.)

10 COUNCILMAN GREENLEE: Whoever
11 would like to go first, again, please
12 identify yourself and proceed.

13 MS. LASSITER: Good afternoon,
14 everyone.

15 COUNCILMAN GREENLEE: Good
16 afternoon.

17 MS. LASSITER: My name is Liz
18 Lassiter and I'm a member of Fight for
19 Philly. I am here today to speak up for
20 good jobs.

21 I have been looking for a job
22 for months since getting laid off from my
23 last position. Philadelphia isn't a city
24 with enough opportunity, and it's tough
25 for all of us. That is why the Mayor and

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2 Council need to make sure contractors
3 like the airport create these
4 opportunities that this city and its
5 community need so badly.

6 The airport and other
7 contractors who get so much money from
8 the City should offer jobs that create
9 economic opportunity for others and help
10 raise wages in the area. They should not
11 be more employers with nothing but poor,
12 low-wage jobs that don't help our
13 communities.

14 Just yesterday morning I picked
15 up the Metro and read about an airport
16 worker earning 7.25 an hour. I cannot
17 imagine supporting a family in
18 Philadelphia on the minimum wage.

19 It is terrible how workers are
20 being treated at the airport. U.S.
21 Airways reported its highest profits ever
22 last year, yet one out of five
23 subcontracted airport workers reported
24 going hungry last year. Are you kidding
25 me? U.S. Airways' CEO Doug Parker makes

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2 over \$2,000 per hour while the average
3 subcontracted worker at PHL earns 7.25 an
4 hour, including tips. This is in a city
5 that was recently designated as the worst
6 big city in the country for deep poverty.

7 Even though these folks work,
8 many of them have to rely on public
9 assistance to get by. This costs
10 taxpayers millions of dollars. If the
11 airport and other City contractors
12 provided better jobs and wages for
13 workers, it would save our government
14 money that could be used for better
15 priorities than gifts to profitable
16 companies. And raising standards for
17 airline subcontracted service workers
18 would create economic activity that would
19 result in an additional \$5.7 million for
20 Pennsylvania residents. I guess our
21 state having more money is a bad thing.

22 This is why I am urging Council
23 to expand the City's minimum wage and
24 benefit standard. It is the right thing
25 to do for our city and its people.

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2 COUNCILMAN GREENLEE: Thank
3 you. Thank you, Ms. Lassiter. I will
4 say, we were just talking up here, it is
5 amazing that people that work at a
6 facility associated with the City of
7 Philadelphia would have to go on public
8 assistance to supplement their wages.
9 It's amazing and sad.

10 Wayne, please.

11 MR. MacMANIMAN: Good
12 afternoon, Chairman Greenlee, other
13 members of City Council. My name is
14 Wayne MacManiman. I'm the Mid-Atlantic
15 District Supervisor for SEIU Local 32BJ.

16 Today you all have a choice to
17 make, whether we want to continue to
18 allow airline subcontractors such as
19 PrimeFlight Aviation Services, Prospect
20 Airport Services, McGinn Security, and
21 Aviation Safeguards to undermine living
22 wage laws established by this very
23 Council, keeping workers stuck in
24 poverty, or do we want to take a stand
25 for hardworking Philadelphians by

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2 creating good family-sustaining jobs
3 which our city so desperately needs.

4 32BJ represents 10,000 property
5 service workers in the Philadelphia area,
6 including security officers, office
7 cleaners, residential workers,
8 maintenance workers, window washers, food
9 service workers, and school workers. The
10 majority of 32BJ members are African
11 American and live, work, and send their
12 children to the schools here in the City.
13 32BJ has fought hard over many years
14 creating decent standards and respect on
15 the job for Philadelphia service
16 employees. Thousands of security
17 officers recently came together and
18 organized with 32BJ. Their first
19 contract has transformed a low-wage,
20 largely African American occupation into
21 good family-sustaining jobs for the City
22 of Philadelphia. Our first security
23 contract has set the path for lifting
24 thousands of Philadelphia families out of
25 poverty by raising wages. The positive

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2 economic impact for the City is
3 undeniable. In the next ten years alone,
4 the City will see an increase of \$460
5 million into the economy because of the
6 contract.

7 In a consumer-driven economy,
8 we must place a high premium on putting
9 money into the pockets of working
10 Philadelphians, who will then put that
11 money right back into the economy. There
12 is ample evidence that increasing wages
13 for service employees, including those
14 who work at the Philadelphia
15 International Airport, will grow the
16 economy and stabilize job loss. Raising
17 wages and benefits for thousands of
18 airport workers could result in covered
19 workers paying as much as a million
20 dollars in additional state and city
21 taxes per year. The City of Philadelphia
22 does not need more low-wage jobs that
23 leave workers in poverty, needing public
24 assistance to get by. In a city that is
25 currently making the dire budget choices

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2 and is facing crisis around revamping our
3 tax system, the last thing we need is
4 more full-time poverty jobs to contribute
5 little to our tax base.

6 Thousands of Philadelphia
7 International Airport workers are stuck
8 in exactly those kinds of poverty-wage
9 jobs. A recent survey of the airport
10 workers by the National Employment Law
11 Project show that more than 85 percent of
12 these workers are African American.
13 According to the survey, most airport
14 workers live in Philadelphia
15 neighborhoods that are riddled with
16 unemployment and poverty. An astonishing
17 one in five workers surveyed by the
18 report said that their families went
19 hungry in the last year because they
20 didn't have enough food to eat.

21 Wages and conditions at the
22 airport are bad enough that subcontracted
23 airport workers are risking their jobs to
24 form a union to fight for higher wages.
25 The subcontractors like PrimeFlight

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2 should not stand in their way. Despite
3 what they might be saying, PrimeFlight
4 can afford to do the right thing. They
5 just choose not to do so. It is your job
6 to make sure that they do.

7 Philadelphia's \$6 billion
8 airport expansion is funded mainly by
9 public money, yet thousands of workers at
10 the airport are left out of the City's
11 Minimum Wage and Benefit Ordinance. In
12 the meantime, airlines are reaping huge
13 profits. Contracted companies like
14 PrimeFlight also reap the benefits above
15 money, but thanks to the apparent
16 loophole in the 21st Century Minimum Wage
17 Ordinance, they get out of the obligation
18 to pay their workers a living wage.

19 While PrimeFlight may not be a
20 household name, they are a major company
21 employing over 5,000 employees and
22 servicing nearly every U.S. airline at
23 the 44 airports across the country.
24 PrimeFlight's parent company is SMS
25 Holdings, making over \$300 million in

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2 annual revenue and is projected to top
3 400 million this year when they acquire
4 the Malvern-based company. Workers are
5 not benefiting from PrimeFlight and SMS's
6 growth. Many workers are paid less than
7 \$8 an hour. Some are treated as tipped
8 employees and paid as little as \$2.83 an
9 hour. Even with \$6 billion in taxpayer
10 dollars invested in the airport
11 expansion, the resulting profit for
12 airlines as subcontractors like
13 PrimeFlight will fail to trickle down to
14 our neighborhoods as subcontractors can
15 continue to pay poverty wages. Unless
16 City Council acts now, residents in Point
17 Breeze, Grays Ferry, Mantua, Kingsessing,
18 Overbrook, and Nicetown will continue to
19 live in the insecurity of not being able
20 to feed their families. Low wages do
21 nothing to help the City's growing
22 problem with poverty.

23 Every City Council member here
24 has initiated their own honorable efforts
25 to combat poverty in their districts. No

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2 one doubts that these efforts come from a
3 deep concern over the welfare of our
4 city's most vulnerable citizens. We know
5 that City Council members are often left
6 with the impossible task of protecting
7 your constituents over economic
8 circumstances far beyond your control,
9 like the recent recession or Governor
10 Corbett's drastic budget cuts. Today we
11 have a real opportunity to fight poverty
12 in our neighborhoods. We are asking City
13 Council to honor the City's existing 21st
14 Century Minimum Wage and Benefits
15 Standard, which every Law and Government
16 Committee member holding office in 2012
17 supported. If honoring the City's
18 existing wage standard means standing up
19 for airport workers -- standing up to
20 airline subcontractors such as
21 PrimeFlight, you should know that the
22 labor movement, Fight for Philly, 41
23 congregations of POWER and, most
24 importantly, the 2,000 airport workers
25 are standing with you.

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2 I am sure the Philadelphia
3 citizens and voters would agree with us.
4 Thus, we urge you to vote in favor of
5 Bill No. 130532 to allow qualified
6 electors to vote the question of
7 confirming Council's authority to enact
8 provisions Council considers necessary
9 for the appropriate -- to accomplish the
10 purposes of this Minimum Wage and Benefit
11 Ordinance.

12 Thank you.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 (Applause.)

16 COUNCILMAN GREENLEE: That
17 concludes the hearing of the Committee on
18 Law and Government. We will now go into
19 our public meeting, and the Chair
20 recognizes Councilman Goode regarding an
21 amendment.

22 COUNCILMAN GOODE: Thank you,
23 Mr. Chairman. I move that the amendment
24 to Bill No. 130532 be approved.

25 (Duly seconded.)

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2 COUNCILMAN GREENLEE: It's been
3 moved and seconded.

4 All in favor?

5 (Aye.)

6 COUNCILMAN GREENLEE: Opposed?

7 (No response.)

8 COUNCILMAN GREENLEE: Hearing
9 none, Bill No. 130532 is amended.

10 Councilman Goode.

11 COUNCILMAN GOODE: I move that
12 Bill No. 130532, as amended, be reported
13 out of this committee with a favorable
14 recommendation, the rules of Council be
15 suspended so as to permit first reading
16 at our next Council session.

17 (Duly seconded.)

18 COUNCILMAN GREENLEE: It's been
19 moved and seconded.

20 All in favor?

21 (Aye.)

22 COUNCILMAN GREENLEE: Opposed?

23 (No response.)

24 COUNCILMAN GREENLEE: Hearing
25 none, Bill No. 130532, as amended, is

1 9/18/13 - LAW & GOV'T - BILL 130532/RES. 130544

2 reported out of this committee with a
3 favorable recommendation, with a rules
4 suspension to allow for first reading at
5 our next session of Council.

6 Councilman Goode.

7 COUNCILMAN GOODE: I move that
8 the amendment to Resolution No. 130544 be
9 approved.

10 (Duly seconded.)

11 COUNCILMAN GREENLEE: It's been
12 moved and seconded.

13 All in favor?

14 (Aye.)

15 COUNCILMAN GREENLEE: Opposed?

16 (No response.)

17 COUNCILMAN GREENLEE: Hearing
18 none, Resolution 130544 is amended.

19 Councilman Goode.

20 COUNCILMAN GOODE: I move that
21 Resolution No. 130544, as amended, be
22 reported out of this committee with a
23 favorable recommendation.

24 (Duly seconded.)

25 COUNCILMAN GREENLEE: It's been

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2 moved and seconded.

3 All in favor?

4 (Aye.)

5 COUNCILMAN GREENLEE: Opposed?

6 (No response.)

7 COUNCILMAN GREENLEE: Hearing

8 none, Resolution 130544, as amended, is

9 reported out of this committee with a

10 favorable recommendation.

11 That concludes the business

12 before the Law and Government Committee.

13 Thank you all very much.

14 (Committee on Law and

15 Government concluded at 2:00 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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