

Committee on Public Health and Human Services  
June 12, 2020

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES

Virtual Hearing, City Hall  
Philadelphia, Pennsylvania  
Friday, June 12, 2020  
9:46 a.m.

PRESENT:

COUNCILWOMAN CINDY BASS - CHAIR  
COUNCILMAN BOBBY HENON - VICE  
COUNCILWOMAN KENDRA BROOKS  
COUNCILMAN DEREK S. GREEN  
COUNCILWOMAN HELEN GYM  
COUNCILMAN DAVID OH  
COUNCILMAN ISAIAH THOMAS

ALSO PRESENT:

RODNIE JAMISON, CLERK

BILLS: 200306

1                               -   -   -

2                   COUNCILWOMAN BASS:  Good morning.

3                   I understand that State Law currently  
4 requires that the following announcement be made  
5 at the beginning of every remote Public Hearing  
6 as follows.

7                   Due to the current Public Health  
8 Emergency, City Council committees are currently  
9 meeting remotely.  We are using Microsoft Teams  
10 to make these remote hearings possible.  
11 Instructions for how the public may view and  
12 offer public testimony at Public Hearings of  
13 Council Committees are included in the Public  
14 Hearing notices that are published in the Daily  
15 News, the Inquirer and the Legal Intelligencer  
16 prior to the hearing and can answer be found on  
17 phl.com.

18                  I now note that the hour has come.  
19 Clerk, will you please call the roll to take  
20 attendance.  Members that are in attendance  
21 will, please, indicate that you are present when  
22 your name is called.  Also, please say a few  
23 brief words when responding so that your image  
24 will be displayed on screen when you speak.

25                  THE CLERK:  Councilmember Henon?

1 Councilmember Henon?

2 (No response.)

3 Councilmember Oh?

4 COUNCILMAN OH: Present and good  
5 morning, everybody, Chairwoman and the  
6 colleagues.

7 THE CLERK: Councilmember Gym?

8 Councilmember Gym?

9 COUNCILWOMAN GYM: I'm present.

10 THE CLERK: Councilmember Green?

11 COUNCILMAN GREEN: Good morning,  
12 present. I'm looking forward to a good hearing  
13 today.

14 THE CLERK: Councilmember Thomas?

15 COUNCILMAN THOMAS: Good morning,  
16 everybody. Good morning, colleagues. Looking  
17 forward to a good hearing today.

18 THE CLERK: Councilmember Brooks.

19 COUNCILWOMAN BROOKS: Good morning,  
20 everyone. I hope everyone is having a great  
21 morning.

22 COUNCILWOMAN BASS: Okay. Thank you. A  
23 quorum of the Committee is present and the  
24 Hearing is now called to order.

25 This is the Public Hearing of the

1 Committee on Public Health and Human Services  
2 regarding Bill No. 200306. And, Clerk, will you  
3 please read the title of the bill.

4 THE CLERK: Bill No. 200306: An  
5 Ordinance amending Chapter 9-4100 of The  
6 Philadelphia Code, entitled "Promoting Healthy  
7 Families and Workplaces," by adding new  
8 definitions and requirements to ensure that  
9 certain health care employees are compensated  
10 for lost wages and medical expenses in the event  
11 they contract a communicable disease at work  
12 during a pandemic or epidemic event, all under  
13 certain terms and conditions.

14 COUNCILWOMAN BASS: Before we begin to  
15 hear testimony from the witnesses we have for  
16 today, everyone who has been invited to the  
17 meeting to testify should be aware that this  
18 Public Hearing is being recorded. Because the  
19 hearing is public, participants and viewers have  
20 no reasonable expectation of privacy. By  
21 continuing to be in the meeting, you are  
22 consenting to being recorded.

23 Additionally, prior to recognizing  
24 members for the questions or comments that they  
25 have for the witnesses, I will note for the

1 record at this time, that we will use the Chat  
2 feature available in Microsoft Teams to allow  
3 members to signify that they wish to be  
4 recognized. In order to comply with the  
5 Sunshine Act, the Chat feature must only be used  
6 for this purpose.

7 Before we begin and call the first panel  
8 or witnesses, I believe that the bill sponsor  
9 Councilman Oh would like to make comments.

10 Chair recognizes Councilman Oh.

11 COUNCILMAN HENON: Madam Chair, before  
12 the Councilman gives his statement on his bill,  
13 I just want to be recorded as present. Thank  
14 you.

15 COUNCILWOMAN BASS: Thank you Vice Chair  
16 Bobby Henon. Bobby Henon is present. Thank  
17 you.

18 Councilman Oh, you are muted.

19 COUNCILMAN OH: Thank you very much.  
20 Can you hear me now?

21 COUNCILWOMAN BASS: We can hear you now.

22 COUNCILMAN OH: All right. Thank you  
23 very much. So, let me say that this bill is  
24 overdue. It's overdue for a lot of reasons,  
25 mostly dealing with COVID-19, just the way we

1 are operating, having to do things remotely. I  
2 served on the board of two hospitals. And so, I  
3 know a little bit about healthcare from that  
4 perspective. Just a little bit.

5 But I was surprised, quite frankly, I  
6 was shocked when we began to deal with this  
7 pandemic here in Philadelphia, COVID-19. And  
8 how I first learned about the problem was  
9 through a friend, like many of us. I was  
10 talking to a friend, and she began to tell me  
11 what was upsetting her. In fact, I think she  
12 called me not looking for help as a legislator,  
13 just talking as a friend.

14 She is a nurse. I knew that. What I  
15 didn't know is that she is a per diem nurse, a  
16 pool nurse. I didn't know that there was so  
17 many of them. I didn't know it was common in  
18 the profession. I didn't know that, for  
19 example, one of our hospitals here in  
20 Philadelphia has about 450 pool nurses.

21 And what she told me was that she was  
22 thinking about not going to work, and it was  
23 really bothering her because she wanted to be on  
24 the front line of COVID-19. But at the same  
25 time, she has young children and she cannot

1 afford to be out of work without wages, having  
2 to pay for her own medical expenses, not being  
3 able to pay for her health insurance premiums.  
4 And I was surprised to hear that. And for those  
5 who have told me things like, oh, they have  
6 workers compensation, here is the problem.

7 If there is an emergency in Philadelphia  
8 like an earthquake, let's say, or a hurricane,  
9 you know, people go to the hospital and the  
10 nurses and healthcare staff, they treat them.  
11 But they are not going to catch a broken bone.  
12 But when we are dealing with a highly  
13 communicable disease, a virus like COVID-19, and  
14 they are in the hospital with the most sick  
15 patients intubating, putting tubes in, IV, maybe  
16 opening up their lungs, being in that room, you  
17 know, reusing masks and all that kind of thing,  
18 they are at great risk.

19 And the issue is, that if she gets sick  
20 and anyone in her situation, will she be covered  
21 because she -- she will not get covered for lost  
22 wages. And the issue is, did she get it,  
23 COVID-19, out on the street or did she get it in  
24 the hospital because you can get it anywhere.  
25 And how long will she be out? Like, you get

1 symptoms, you may be asymptomatic and have  
2 COVID-19, so you need isolation, then you need  
3 recovery. You need treatment. And it could be  
4 six months. It could be a year.

5 So after that conversation, I drafted a  
6 bill to try to deal with this as best I could  
7 because of this. While we were trying to find  
8 more bed space, while we were looking at the  
9 Convention Center, the Liacouras Center,  
10 possibly reopening Hahnemann University, the  
11 problem was even though you create all those  
12 beds, who are the professionals that are going  
13 to, you know, serve?

14 And so beyond the pool nurses, all the  
15 other healthcare people that are not covered --  
16 part-time workers, full-time workers -- we have  
17 had our most -- the most of our death have  
18 occurred in senior nursing homes. And for  
19 people who aren't covered, they don't want to  
20 come to work or they are weighing not coming to  
21 work. There are lots of people who -- who if  
22 they flood our healthcare system, eventually  
23 will not be able to be treated. And so, this is  
24 a small thing, but I think a very important  
25 thing.



1           And I have spoken with different people.

2   And I know from reading the testimony, and I  
3   will put this on our Deputy Mayor Rich Lazer,  
4   that his -- he says, well, let's work on it. To  
5   me I would say this. When someone is calling  
6   out for a life preserver, the answer is not, it  
7   needs some new paint and a new rope. Throw the  
8   life preserver. Because if we pass this out of  
9   committee, we vote it out of committee today and  
10   waive first reading, we can put it on the floor  
11   and possibly pass a law before this term is  
12   over. If not, we will be going into September.

13           And I don't know, because people, our  
14   healthcare workers need protections now. There  
15   are other solutions. And I know in particular  
16   Councilmember Kendra Brooks has a bill that she  
17   put -- I think it's -- it's very well supported,  
18   much broader than mine. And my point, it's not  
19   either or. You can have both. And if another  
20   bill comes out that supercedes my bill, that's  
21   fine. But I would say that the issue is to get  
22   this out now as soon as it can be done.

23           And with that, I will say that what this  
24   bill does is provides for lost wages because of  
25   the communicable disease, COVID-19 for example,

1 during isolation, treatment and recovery and  
2 during the time that the person is not able to  
3 work. In addition, it requires that medical  
4 expenses be paid related to the communicable  
5 disease or that the healthcare provider provide  
6 medical treatment at no cost. That's the sum of  
7 it.

8 And so with that, I will end my  
9 statement. Thank you very much, Councilwoman.

10 COUNCILWOMAN BASS: Thank you,  
11 Councilman Oh. And I would also, at this point,  
12 would like to recognize Councilwoman Kendra  
13 Brooks who has remarks.

14 Councilwoman Brooks.

15 COUNCILWOMAN BROOKS: Thank you so much,  
16 Madam Chair. And I just want to say, I am proud  
17 of the dedication of the Council body that's  
18 showing for essential workers. This issue is  
19 very important to me because I am a former  
20 healthcare worker, which is why I, also, wrote a  
21 bill as Councilmember Oh talked about expending  
22 paid sick leave for essential workers.

23 The Public Health Emergency Leave that I  
24 introduced would not only cover healthcare  
25 workers but also include grocery store

1 employees, domestic workers, sanitation workers  
2 and those who live and work in the gig economy  
3 and others. That bill is slated to have a  
4 hearing on June 22. It is challenging to  
5 finishing revising this bill with not looking to  
6 overcomplicate other bills side by side.

7 I do have some reservations and  
8 questions about Councilmember Oh's bill  
9 primarily because it does not cover -- I mean,  
10 it covers only a small number of workers. And I  
11 realize that all workers in public facing roles  
12 need protection. And when workers -- (audio  
13 cuts out). We need workers safe. And we need  
14 to keep the public at large safe.

15 I thank Councilmember Oh for the work he  
16 has done on this bill. And I thank you, Madam  
17 Chair, for bringing both bills together. But I  
18 do feel that we need to think about how we are  
19 rolling out both of those bills at the same  
20 time, and make sure that we are including more  
21 Philadelphians or as many Philadelphians as  
22 possible in the event of a resurgent of  
23 COVID-19.

24 Thank you so much.

25 COUNCILWOMAN BASS: Thank you for your

1 comments. Thank you so much.

2 Chair now recognizes Councilman Derek  
3 Green for comments.

4 COUNCILMAN GREEN: Thank you, Madam  
5 Chair. I want to thank Councilmember Oh and  
6 Councilwoman Brooks for their statement.

7 I understand the perspective that both  
8 people have provided in reference to legislation  
9 put forth. But at the same point, this is  
10 legislation that is before us now. I, actually,  
11 was not going to speak on this bill and just  
12 going to listen to the testimony from the  
13 various people that were testifying. I, also,  
14 saw Councilmember Oh's amendment this morning.

15 I want to ask initial questions to the  
16 Administration, whether they are supportive of  
17 the bill now in reference to the amendment. But  
18 as I started to think about this legislation, I  
19 had to reflect on the fact that I have a niece  
20 that went through COVID-19 who was a healthcare  
21 worker. And the fact that she was at a position  
22 that she felt that she, one, was in a unsafe  
23 workplace to begin with, contracted COVID-19.  
24 And then as soon as she recovered, and she had  
25 very violent spells of throwing up blood and was

1 in the hospital for a dear time, she felt that  
2 she had to go back to work. And she even felt  
3 that even prior to during the whole beginning of  
4 the COVID-19 and the fact it did not have the  
5 sufficient PPE equipment at the facility where  
6 she was working at, the healthcare facility,  
7 that she may possibly lose her job.

8 So, I understand the concept of looking  
9 all the legislation. But I am looking at this  
10 legislation now. Our last session of Council is  
11 June 25. I don't know what the future may hold,  
12 but I do know that this bill is in front of us  
13 now at this time.

14 And so from that perspective, and I  
15 think about all of the people that are impacted  
16 by COVID-19, not just me at a personal level but  
17 others who are on the front line and in the  
18 health facilities who are trying to care for  
19 people in nursing homes and others who have  
20 contracted COVID-19, I think the urgency of this  
21 legislation is now.

22 Thank you, Madam -- thank you, Madam  
23 Chair.

24 COUNCILWOMAN BASS: Thank you,  
25 Councilman. And Chair now recognizes

1 Councilwoman Gym for remarks.

2 COUNCILWOMAN GYM: Thank you very much,  
3 madam Chair. And good morning, colleagues and  
4 good morning to the public.

5 I, again, want to echo Councilmember  
6 Brooks' statement that all workers -- sorry, I  
7 don't know if you are hearing an echo here. But  
8 all workers are essential right now. And one of  
9 the things, for example, that we are hearing  
10 tonight is a need to actually do an  
11 anti-retaliation bill for workers who are even  
12 raising questions about COVID-related, following  
13 mandated public health orders, COVID-related  
14 practices, that kind of thing, on the workplace.

15 So, it is really important that Council  
16 sends the message that if you are an essential  
17 worker, your life is valued as healthcare  
18 workers are for sure. But there is concern  
19 that -- for me, that I would like to see the  
20 bills considered together. I know that the  
21 Councilmember has a bill before this  
22 committee -- Councilmember Brooks has a bill  
23 before the committee. And it would be helpful  
24 just to have had a little more time to review  
25 and see if we can match those bills up so that

1 we prep the best piece of legislation and not a  
2 hasty piece of legislation.

3 So, I want to thank the Committee for  
4 that. And I will, also, be looking forward to  
5 public testimony on this issue particularly from  
6 our labor advocates who are on the front lines  
7 of this. Thank you, Madam Chair.

8 COUNCILWOMAN BASS: Thank you. Thank  
9 you, Councilwoman. Seeing that I don't see  
10 anyone else's hand raised from the committee to  
11 make a comment, I'm going to ask the Clerk to,  
12 please, call forward the first panel to testify.

13 THE CLERK: Monica Harmon.

14 (Witness joins Committee on video.)

15 MS. HARMON: Yes.

16 COUNCILWOMAN BASS: Okay. Please -- let  
17 me just -- I'm sorry. I lost my place here.  
18 Okay. Ready to proceed.

19 Please, state your name for the record  
20 and begin with your testimony.

21 MS. HARMON: Yes. I am Monica Harmon.  
22 Thank you, Madam Chair, Public Health and Human  
23 Services Committee Members and to Councilman Oh  
24 for such an auspicious invitation to speak on  
25 behalf of per diem healthcare workers in support

1 of Bill No. 200306.

2 I have been a proud professional nurse  
3 for two decades. My specialties are public  
4 health and nursing education. I am the current  
5 Chapter President of the Southeastern  
6 Pennsylvania Area Black Nurses Association and  
7 am the Co-Chair of the Pennsylvania Action  
8 Coalition Nurse Diversity Council and hold  
9 memberships in other professional organizations  
10 aimed at advancing population health, healthcare  
11 delivery and the nursing discipline.

12 The year 2020 was deemed The Year of the  
13 Nurse and Midwife by the World Health  
14 Organization in May of 2019. This designation  
15 was aimed at highlighting the work of the  
16 20.7 million nurses globally from the bedside to  
17 the boardroom and everywhere in between and  
18 beyond. In the U.S., who knew that with the  
19 Coronavirus pandemic and the epidemic of racism,  
20 that the nursing profession would be highlighted  
21 in such a grand way.

22 There are 3.8 million nurses in the U.S.  
23 with 286,000 practicing in Pennsylvania. Nurses  
24 courageously care for the welfare of their  
25 patients and often do so with flexibility and



1 grace. However, there is a systemic flaw that  
2 hinders the care of nurses' lack of benefits to  
3 protect per diem workers. The benefits for  
4 individual nurses are the very practice  
5 opportunities, flexibility to use their skills  
6 in different spaces and to increase their  
7 knowledge base daily while making a difference  
8 in the lives of individuals, families,  
9 populations and communities.

10 When nurses take on per diem work, there  
11 is a chance to develop skills and earn more  
12 money. But the physical, financial and  
13 emotional risks per diem nurses take come in the  
14 form of taking on shift work, tax liability  
15 because of increased wages, greater healthcare  
16 costs as they have to purchase individual health  
17 insurance. And they are not eligible for the  
18 lower price for this pain and the added  
19 liability insurance to cover per diem nurses  
20 while working.

21 Additionally, the Coronavirus pandemic  
22 has exponentially increased the risk for per  
23 diem nurses due to vocational exposure. I  
24 employ you, the Public Health and Human Services  
25 Committee Members to advocate on behalf of per

1 diem healthcare workers and nurses by supporting  
2 Bill No. 200306 today.

3 Thank you.

4 COUNCILWOMAN BASS: Thank you for your  
5 statement and testimony. And I am very familiar  
6 with the Blacks Nurses Association. For many,  
7 many years a good friend of mine Pat Andrews who  
8 was very active for a long time with that  
9 association. You guys do great work. So thank  
10 you so much for being here for your testimony  
11 today.

12 MS. HARMON: Thank you.

13 COUNCILWOMAN BASS: Are there any  
14 questions for this witness?

15 No? And I know that Councilman Oh --  
16 oh, you do have a question.

17 Councilman Oh.

18 COUNCILMAN OH: Thank you very much,  
19 Chairwoman. First of all, it's our first time  
20 meeting through Zoom --

21 MS. HARMON: Yes.

22 COUNCILMAN OH: -- or whatever, Google,  
23 Teams. Thank you very much.

24 I want to say, one of the things I was  
25 really taken aback by was that when -- I've

1 spoken to about 35 nurses and healthcare workers  
2 who talked about the lack of PPE, who talked  
3 about putting a surgical mask in a sandwich bag  
4 and having to reuse it again and again and again  
5 and about what you just talked about, the fear  
6 of getting a disease that will take them out of  
7 work possibly, you know, lead to their -- their  
8 death and not even having the little bit of  
9 comfort that -- to know that their medical  
10 expenses and their wages would be covered. But  
11 not one of them wanted to publicly say that for  
12 fear of losing their job, for fear of  
13 retaliation.

14 And so, I really appreciate you stepping  
15 forward in your position of leadership. And  
16 could you comment about that? I find it, you  
17 know, really disturbing.

18 Thank you.

19 MS. HARMON: Thank you, Councilman Oh.

20 So, the idea of seeing nurses go against  
21 how we've been trained is very jarring to me.  
22 You know, we have always been taught that you  
23 use PPE and that you treat everyone as if they  
24 have some kind of infectious disease. You know,  
25 it's called universal precautions. And so, to

1 see now that, you know, nurses and other  
2 healthcare workers have to reuse supplies that  
3 really are meant to be used for a small amount  
4 of time while you are providing care, whether  
5 it's wound care or other care that would put you  
6 in direct contact of infectious agents is  
7 disheartening to me.

8 I will say that.

9 COUNCILMAN OH: And then, my last  
10 question, because this is on our nation's mind  
11 if not the world.

12 Is there a level of structural bias,  
13 racism, discrimination that is built into the  
14 healthcare system? Could you comment on that?

15 MS. HARMON: Well, Councilman Oh, you've  
16 opened Pandora's box with that question.

17 Certainly, you know, there are issues.  
18 If you look at the numbers of healthcare  
19 workers -- so, nurses are about 50 percent of  
20 the healthcare workers across the board. When  
21 you start to look at the racial breakdown of  
22 that, you will find that Black nurses in  
23 particular are about 9 to 10 percent of those  
24 nurses. And then when you look at education and  
25 you look at the academic and the professional

1 pipeline, you will find that those numbers  
2 decrease even more.

3 So when you talk about structural  
4 racism, you know, the idea that people like  
5 myself have gone into rooms of patients and they  
6 said, you know, honey, I want the nurse. And  
7 I -- I have to say, well, you've got her and  
8 they kind of look. So, it's almost like they  
9 don't understand that, yes, we, too, can be  
10 nurses.

11 And when you look at Blacks and other  
12 social and ethnic minorities, we also tend to be  
13 more educated once we get into nursing, as well.  
14 But yet, we have to fight sometimes for people  
15 to understand that we do come with a knowledge  
16 base and skills.

17 COUNCILMAN OH: Thank you very much for  
18 that. I will just relate that when I was in the  
19 District Attorney's Office, when I would show up  
20 to court, they would say the translator has  
21 arrived. So, I know what you mean.

22 All right. Thank you very much, Madam  
23 Chair.

24 COUNCILWOMAN BASS: Thank you very much.  
25 Thank you, Councilman.

1           Chair recognizes Councilman Derek Green  
2   for a question.

3           COUNCILMAN GREEN: Yes. Thank you for  
4   your testimony. And your last statement was  
5   very poignant. It made me think of my Aunt  
6   Margie who was our last family member on my  
7   mother's side to come here from Barbados. And  
8   she was a nurse. And she had the chance to  
9   travel all around the world. And some of the  
10   things you talk about, some of the  
11   discrimination that she suffered and dealt with,  
12   things that we are familiar with.

13           In fact, on my mother's side, one of her  
14   great nieces is a nurse practitioner in  
15   Maryland. And so, we do family calls every  
16   other week on Saturdays. And often, she can't  
17   participate in some of those family calls  
18   because as a nurse practitioner, she is doing  
19   double duty on evening shift because of COVID-19  
20   to help out different locations, and then she  
21   has a normal job during the day.

22           And so, the issues you are talking  
23   about, the discrimination and the fact that  
24   nurses often are not treated at the level they  
25   should be. And in fact, even nurse

1 practitioners are nearly a physician. And my  
2 sister is a physician. And she will, also, make  
3 that same statement.

4 But I'm curious now in reference to what  
5 you are seeing now in facilities, healthcare  
6 locations. Is PPE still an issue when you talk  
7 about having to put, you know, masks in a bag to  
8 bring with you and rewash and reuse, is that  
9 still an issue going on in the facilities that  
10 you are seeing? And was there any type of  
11 discriminatory access to PPE equipment  
12 especially for nurses?

13 MS. HARMON: So, I think you still are  
14 seeing some of those practices going on. And I  
15 think that because nurses, we always think about  
16 prevention and we think about how we are best  
17 going to care for our patients, nurses do still  
18 carry their own PPE just in case. So, that  
19 doesn't -- you know, that doesn't stop.

20 In terms of the structural racism or  
21 even just the structural disadvantages to nurses  
22 in particular, I think what we are starting to  
23 see is that the healthcare team is realizing  
24 that it is a team, right? So it's not that --  
25 you have these hierarchies that we have where

1 doctors is at the top of the food chain and  
2 everyone else kind of falls in line. But  
3 really, we are all working together for the  
4 health of our patients. And for me, that's  
5 actually a positive, if you will, from this  
6 pandemic.

7 COUNCILMAN GREEN: And are you starting  
8 to see an increase in nursing, especially based  
9 on your position, by African-Americans and other  
10 people of color?

11 I am reflecting on a friend of mine from  
12 college who is actually a professor in nursing  
13 up in New York who is from Philadelphia. Went  
14 to Girls High. Went to UVA with me and  
15 graduation class and then she decided to go to  
16 nursing, got a Masters degree in nursing from  
17 Penn. And now teaches in New York. In fact,  
18 her daughter just recently graduated from  
19 college, just got accepted to nursing school.  
20 So, that is a second generation of  
21 African-American nurses.

22 Are you seeing more or less people,  
23 especially African-Americans, men or women,  
24 coming into the nursing profession?

25 MS. HARMON: So, I am definitely



1 starting to see more people of African descent.

2 And I say that because not only

3 African-Americans but you also have

4 Afro-Caribbean and --

5 COUNCILMAN GREEN: Yes, like my aunt.

6 MS. HARMON: There you go. And first

7 generation African, as well.

8 And so, I definitely see that because of

9 organizations like the National Black Nurses

10 Association and other kind of ethnic

11 organizations, that we are actually more intent

12 on making sure that people understand that we --

13 that nursing is a viable career. And you know,

14 it's viable in the sense that you have an

15 opportunity -- I always tell my students that

16 you can work with people from the wound to the

17 tomb and everywhere in between.

18 And so, what career do you know that you

19 can actually do that? And because you have such

20 a wonderful skill set in being able to manage

21 people and also being able to cater to needs of

22 people, you also have this adaptability to be

23 able to navigate the healthcare system.

24 And so, nurses -- you know, yes we are

25 talking mainly about nurses at the bedside. But

1 you will see nurses in every area imaginable and  
2 unimaginable. And so, that's what, you know, my  
3 organization National Black Nurses as well as  
4 the Action Coalition when we talk about  
5 increasing diversity of nursing. Because the  
6 patient populations need to mirror the  
7 healthcare workers to give us optimal health  
8 outcomes.

9 COUNCILMAN GREEN: Thank you, Madam  
10 Chair. That concludes my testimony. Thank you  
11 for your service and testifying this morning.

12 MS. HARMON: Thank you for the  
13 opportunity.

14 (Brief pause as Chair works on audio.)

15 COUNCILMAN OH: Councilwoman, you are on  
16 mute.

17 COUNCILWOMAN BASS: Thank you.  
18 Councilwoman Brooks just alerted me. Thank you  
19 very much. I was steadily talking.

20 Thank you, Councilman Green, for your  
21 questions. Thank you, Ms. Harmon. I don't see  
22 any additional requests for questions for this  
23 particular witness. So that being said, I just  
24 really want to thank you for your service  
25 through this pandemic and for all that you and

1 your colleagues do.

2 I can tell you, although, I'm not a  
3 nursing professional and, you know, haven't had  
4 a whole lot of experience, you know, with, you  
5 know, needing nurses. The one experience I had  
6 was during childbirth. And I will just say, as  
7 someone who had preeclampsia, you know, it was  
8 very serious knowing that it was the nurses who  
9 really came to my aid and who did the major  
10 lift, who did the hard work to make sure that  
11 both myself and my daughter were okay.

12 So, I have a great debt of gratitude and  
13 will never forget the work that was done over at  
14 Pennsylvania Hospital and from all nurses for  
15 all of the work that they do. So, thank you so  
16 much.

17 MS. HARMON: Thank you.

18 COUNCILWOMAN BASS: And now, we will  
19 have the Clerk call the next witness here to  
20 testify.

21 THE CLERK: Eula Davis.

22 (Witness joins Committee on video.)

23 MS. DAVIS: Good morning, Madam Chair  
24 and Council --

25 COUNCILWOMAN BASS: Good morning.

1 MS. DAVIS: And Council --  
2 Councilmembers and those that are testifying. I  
3 am Eula Davis, a registered nurse educated and  
4 licensed here in the State of Pennsylvania. I  
5 have been a nurse for over 20 years and have  
6 worked in many different nursing roles. Most of  
7 my career, I have held full-time nursing  
8 positions and periodically worked in PRN  
9 positions, as well.

10 Most nurses at some point in time during  
11 their careers work PRN positions whether it's  
12 for healthcare facilities who request the nurses  
13 or because a nurse requires extra money.  
14 Nevertheless, from my experience, being a  
15 regular full-time nurse and working as a PRN  
16 nurse, PRN nurses work is very challenging.

17 The reasons are the PRN nurse usually  
18 receives the sickest patients on the unit. They  
19 do not know the other nurses they are working  
20 with; and thus, do not have the team support  
21 during the shift. Also, these nurses are the  
22 nurses that usually are the last to get a break  
23 during their shift if at all. As we have seen  
24 during this pandemic, nurses are on the front  
25 line. And they are sacrificing themselves for

1 their patients.

2 I believe it is only fair that if nurses  
3 can give of themselves unconditionally, whether  
4 they are regular employees or a PRN nurse, then  
5 it is only fair to help them and their needs.

6 COUNCILWOMAN BASS: Thank you. Thank  
7 you, Ms. Davis. Are there any questions for  
8 this witness, for Ms. Eula Davis?

9 Councilman Oh.

10 COUNCILMAN OH: Yes. To the witness  
11 again, thank you for stepping forward and  
12 sharing your experience with us.

13 Thank you, Madam Chair.

14 COUNCILWOMAN BASS: Thank you. And,  
15 Councilman Oh, before we call on the next  
16 witness to testify, I know you had a statement  
17 that you wanted to read.

18 COUNCILMAN OH: Yes. Thank you very  
19 much. And I wanted to explain that the friend  
20 who called me, and she is in that 90 percent of  
21 the nursing population. She is a young  
22 Caucasian woman with two young children who  
23 through some circumstances ended up for a long  
24 time being the sole provider for her family.  
25 And thereafter, has a huge financial debt and

1 responsibility. She asked me if I would read  
2 her testimony in. I know her personally. I can  
3 certainly vouch she's a real person. She does  
4 not want to be identified. So, thank you. This  
5 is her testimony.

6 (Reads): I wish I could appear before  
7 you in person, but I'm afraid. I'm afraid if  
8 the employer discovered what I was advocating  
9 for, I would be fired. It's an easy thing to  
10 have happen when you are a nurse. There are so  
11 many little things in the course of the day that  
12 one could be written up for, found to be at  
13 fault for; that if they want to get rid of you,  
14 it's pretty darn easy to do so. Which is why I  
15 am writing you today.

16 I am a small person of little  
17 consequence in the grand scheme of it all. I go  
18 to work and collect a paycheck to support my  
19 family. But all of that can disappear in an  
20 instance. You see, I'm an employee but an  
21 employee without benefits or a union to protect  
22 me. I'm what's referred to as a pool nurse or  
23 PRN nurse. I sign up to work for a 12-hour  
24 shift. And if the hospital needs me, I go to  
25 work. If they don't need me, they cancel me and

1 I don't get paid. As long as things run  
2 smoothly, there is enough work for me to support  
3 my family and the hospital benefits by having  
4 someone like me to fill in when their full-time  
5 employees are out sick or on vacation.

6 Some would ask, why would you want this  
7 type of employment with minimal benefits and no  
8 protection. I answer, because. Because I pick  
9 when I want to work. I'm not forced to adhere  
10 to a schedule that can be frankly debilitating  
11 like day shift and night shift tomorrow and back  
12 to day shift one day later. It allows me to  
13 work around taking care of my children, being  
14 able to attend meetings at their school without  
15 having to scramble for daycare and babysitters  
16 to watch them while I'm at work on nights,  
17 holiday and weekends.

18 However, what happens if I become  
19 injured at work and can no longer work due to an  
20 accident or illness? That's easy, right? If I  
21 pull out my back trying to lift a patient, I  
22 report it to my manager, and the medical bills  
23 are handled through workers compensation.

24 But what happens if I contract a highly  
25 communicable disease and I become severely ill,

1 even hospitalized or worse? I am left  
2 physically deconditioned and unable to work  
3 again for months or even a year. I have no  
4 disability insurance through my employer, no way  
5 to pay my bills or the insurance premiums that  
6 cover my care. Then everything begins to fall  
7 apart. If I was a -- if it was a relatively  
8 rare disease like meningitis or tuberculosis, I  
9 could reasonably argue that it was contracted at  
10 work. But what happens when it's -- it is  
11 deadly disease spreading quickly through the  
12 community like wildfire through Australia?

13 I work in critical care as an ICU nurse.  
14 I currently spend my days caring for the sickest  
15 of the sick when it comes to Coronavirus.  
16 Theoretically, my employer tells us to minimize  
17 our time and exposure in these patient's room,  
18 but that's easier said than done. Sometimes I  
19 go into a patients room and don't come out for  
20 over an hour. I wear my N95 mask, my face  
21 shield, my plastic gown and gloves to the point  
22 I can barely breathe. And the plastic gown hold  
23 in all the moisture and I feel damp and short of  
24 breath and the face shield fogs up and I can't  
25 see. I try to administer medications, tend to



1 patients bodily functions and the machines  
2 filing -- filling in for various organs like a  
3 dialysis or respiratory machine, all an effort  
4 to keep these people alive. Many times, these  
5 patients are already intubated using a  
6 ventilator to deliver the much needed oxygen to  
7 their bodies. But sometimes, they have not  
8 reached that point yet and that is scary because  
9 they often reach that point very soon. And that  
10 is one of the most dangerous times of all when  
11 caring for a COVID-positive patient.

12 As a nurse, I'm required to be present  
13 in the room for an intubation of my patient.  
14 It's really -- it's really like something out of  
15 the movies. Anesthesiology shows up all dressed  
16 in gowns and PAPRs, but only one enters the  
17 room. During the process of intubation, we open  
18 up the patient's airway. And this is the point  
19 where all this stuff in the person's lungs is  
20 aerosolized, creating a deadly stew whirling  
21 through the air around me in a small cramped  
22 room. I have to stay in that room even after  
23 the others have left. I have to manage sedation  
24 and patient medication through the pumps and IVs  
25 until I reach the appropriate stage where the

1 patient no longer is aware but is still able to  
2 have a beating heart.

3           So what happens if I contract COVID-19?  
4 Did I get it at the grocery store or did I get  
5 it at work? I will have to fight for workers  
6 compensation from my death bed. It may come to  
7 that. We all like to believe that people will  
8 do the right thing. It's what keeps us going  
9 most of the time. But when big money is  
10 involved and insurance premiums are at stake, it  
11 isn't always clear to those in charge of what  
12 the right thing is to do. Do they fess up and  
13 acknowledge it's work-related injury, or do they  
14 do what's right for the institution and the  
15 bottom line?

16           It is the same story that has played out  
17 for decades in this country. Often it takes a  
18 horrific tragedy like a fire in a sewing factory  
19 where all the doors are locked to keep the  
20 workers working. There may not be a monumental  
21 moment in this current pandemic. But trust me,  
22 it will be played out over and over in single  
23 tragedies faced by individuals all alone against  
24 the powers in charge. A single tragedy where a  
25 healthcare worker braving one of the scariest

1 events in our lifetime is left by the side of  
2 the road. No one with safety -- alone with no  
3 safety net to help to lose their home, their  
4 life savings and possibly their life and nothing  
5 to help with those left behind.

6 So, I write you today to consider what I  
7 have to say and urge Councilmembers to support  
8 Councilman Oh's Bill No. 200306. Use your best  
9 judgment to make sure everyone knows what is the  
10 right thing to do. You are my voice. You give  
11 me a in -- you give me, an inconsequential  
12 minion, legitimacy in a world that would  
13 otherwise look right past me.

14 Thank you for all that you do and stay  
15 safe. Sincerely, Pool Nurse.

16 (End of letter.)

17 Thank you very much, Chairwoman.

18 COUNCILWOMAN BASS: Thank you very much.  
19 Thank you for reading that very powerful  
20 testimony.

21 Does anyone on the Panel have any or  
22 does any of the Members of Council have a  
23 comment? And if not, we will go to the next  
24 witness to testify.

25 If we can have the Clerk call the next

1 witness who is scheduled to testify.

2 THE CLERK: Stephanie Barrale.

3 (Witness joins the Committee on video.)

4 MS. BARRALE: Hello.

5 COUNCILWOMAN BASS: Hello. Please state  
6 your name for the record and begin your  
7 testimony.

8 MS. BARRALE: Thank you.

9 My name is Stephanie Barrale. I am a  
10 nanny in Philadelphia. I'm a member of the  
11 Domestic Workers PA Chapter. And we are member  
12 of a crew with a mission to respect every  
13 worker. Thank you so much for having me.

14 Bill No. 200306 by Councilmember Oh is  
15 insufficient in its expansion of the  
16 Philadelphia Paid Sick Day Ordinance. We need a  
17 bill that supports more than a subset of  
18 healthcare workers. And we need a bill that  
19 includes at least 14 days of paid time off  
20 during a declared pandemic or epidemic event.  
21 This pandemic has revealed shortcomings in  
22 Philadelphia's Paid Sick Day Ordinance as well  
23 as our statewide and federal safety nets.

24 As is, thousands of workers in  
25 Philadelphia are forced to decide between public

1 health and making ends meet. This is cruel and  
2 unjust. Today I represent my nanny and home  
3 care worker colleagues that cannot attend the  
4 committee hearing because they are at work. As  
5 we speak, they are taking care of your children  
6 and the children of these healthcare workers in  
7 question. We do the work that makes all other  
8 work possible. This demonstrates that we, too,  
9 are essential workers and that any legislation  
10 to address the disparity in our existing Paid  
11 Sick Day Ordinance needs to not only include the  
12 healthcare workers in Councilmember Oh's bill  
13 but also those of us including undocumented  
14 workers in the informal economy.

15 More and more Philadelphians are waking  
16 up to the fact that the Mayor and many in City  
17 Council leave behind those of us inflicted by  
18 poverty, many of whom are black and brown. This  
19 is reflected not only in the City budget in  
20 which you fund the police instead of our public  
21 schools, arts and culture, services for the  
22 unhoused, parks and rec and the public health  
23 office, but also here where thousands of workers  
24 continue to be excluded from the Paid Sick Leave  
25 Ordinance.

1           As the Committee on Public Health and  
2 Human Services, you have an obligation to your  
3 constituents to promote public health for  
4 everyone. You can do this by alleviating the  
5 burden which is currently placed on us to decide  
6 between endangering others with a deadly disease  
7 or earning an income. We need an expansion that  
8 includes more workers and at least 14 paid sick  
9 days so that we can all do our part to keep  
10 Philadelphia safe in the event that we contract  
11 a communicable disease during a pandemic or  
12 epidemic.

13           Thank you.

14           COUNCILWOMAN BASS: Thank you for your  
15 testimony. If we can now -- I believe  
16 Councilman Oh now has a question for the  
17 witness.

18           COUNCILMAN OH: Yes. Thank you very  
19 much, Chairwoman.

20           I appreciate your testimony and the  
21 points you raised. That, actually, has been  
22 addressed in Councilmember Brooks' bill which  
23 you will also have an opportunity to testify on.

24           In the scheme of things, what happens  
25 is, this bill will be voted on. And the other

1 bill will be voted on some time in the future.

2 Are you testifying in opposition of this  
3 bill?

4 MS. BARRALE: I will not let you pit me  
5 against other workers, so I will not answer that  
6 question.

7 COUNCILMAN OH: Thank you very much.

8 COUNCILWOMAN BASS: Okay. If we can  
9 have the Clerk call the next wit -- unless there  
10 is any other questions?

11 If we can have the Clerk call the next  
12 witness to testify.

13 THE CLERK: Amanda Shimko.

14 (Witness joins Committee on video.)

15 MS. SHIMKO: Hello and good morning,  
16 Chairperson Bass and Members of the Committee.  
17 My name is Amanda. And I am here on behalf of  
18 the Deputy Mayor for Labor Rich Lazer. I appear  
19 before you today to testify in opposition of  
20 Bill No. 200306.

21 As we understand it, Bill No. 200306  
22 would amend Chapter 9-4100 of The Philadelphia  
23 Code to make certain healthcare employees and  
24 hospital pool employees eligible for  
25 compensation for lost wages and medical expenses

1 in the event they contract a communicable  
2 disease during a pandemic or epidemic event.  
3 This could be a valuable addition to our law  
4 since the Federal Cares Act has failed to  
5 provide this benefit to our healthcare workers  
6 who risk so much to provide care during  
7 COVID-19.

8           However, too many healthcare workers may  
9 be left out of this bill such as part-time  
10 workers, home healthcare workers and possibly  
11 temporary workers. These workers overwhelmingly  
12 lack health benefits compared to their full-time  
13 counterparts who do their same work. It has  
14 been well documented that in terms of health  
15 impacts, mortality and economic security, the  
16 COVID-19 pandemic has had a disproportionate  
17 impact on people of color. About nine in ten  
18 home healthcare workers are women. And people  
19 of color make up about more than half of the  
20 home healthcare workforce. While some employees  
21 would see expanded benefits, many would not.

22           As it is written now, our office cannot  
23 support this bill. However, we are open to  
24 working with Council to bridge some of those  
25 gaps.



1           Thank you for the opportunity to  
2   testify. And I'm happy to answer any questions  
3   the Committee may have.

4           COUNCILWOMAN BASS: Thank you for your  
5   testimony. I see that Councilman Oh has a  
6   question followed by Councilmember Gym.

7           Councilman Oh.

8           COUNCILMAN OH: Thank you very much,  
9   Chairwoman. I am familiar with the testimony  
10   just read. I read it last night. There has,  
11   however, been an amendment to the bill which  
12   includes pool workers, union workers, part-time  
13   workers and home healthcare workers and everyone  
14   else that's a healthcare worker. You know, so I  
15   think that part is not up to date.

16           The other part again, however, is -- I  
17   get the part about it can be better. I  
18   understand the part about it can be broader. I  
19   got that. However, you know, kind of my point  
20   is that when I wrote the bill, it was about  
21   healthcare and the public at risk in a -- in a  
22   pandemic where the healthcare capacity was at  
23   stake. And so, I made the amendments as it was  
24   brought to me by people, you know, to say, hey,  
25   you forgot about these people. What about these

1 people? And so, I made these amendments as they  
2 make a lot of sense to me.

3           What doesn't make sense to me is this.  
4 That we are past due getting this done. And to  
5 say that we are going to forego the entire  
6 summer and not provide healthcare workers  
7 protection so that we can improve those  
8 protections later and introduce protections, we  
9 can do that anyway. And so, what I'm not clear  
10 on is why it is a, like, kind of like and  
11 either/or. Like, we can get this done. And if  
12 there is a broader more inclusive bill,  
13 that's -- that's enough matter. And if that  
14 passes, that will supercede my bill.

15           But to say that we should not deliver  
16 these protections, to imply -- and I hope this  
17 isn't true -- that the Mayor is going to veto  
18 these protections through the months of July,  
19 August, September and whatever for this very  
20 large group of people in the middle of COVID-19,  
21 that is something I don't understand.

22           I know you can't answer that. It's  
23 really unfair. I know you are reading a bit of  
24 your statement. If you have something to add,  
25 you know, please. But if you don't, I think we

1 all understand you are reading the statement of  
2 the Deputy Mayor.

3 MS. SHIMKO: Sure. I think I can add  
4 that we would be happy to revisit and take a  
5 look at the amendments that you are talking  
6 about. It's possible that we haven't had the  
7 most up-to-date version. Because like in Rich's  
8 testimony, we are happy to circle back and work  
9 with Council on this. I don't think it's that  
10 we are either/or, right?

11 We really want to in this moment get  
12 this right because it is -- it is really  
13 important that as many healthcare workers as  
14 possible get the benefits that they need  
15 especially in this moment. And I think that  
16 this is what we are trying to get out in this  
17 testimony. I don't think I'm putting words in  
18 his mouth, but sure.

19 COUNCILMAN OH: Okay. I will conclude  
20 with this. The house is on fire. The fire  
21 engine got there while the house is burning  
22 down. And someone says, we can get a better  
23 fire truck if we go back and work on it.

24 I'm just saying, that may be true, but  
25 for me it's a timing issue. Like, we cannot go

1 back and work on something only because we are  
2 out of time. If this isn't voted out of  
3 committee today and then waived the first  
4 reading, it won't be voted on at our last  
5 session. Which means the entire summer there is  
6 no protection.

7 Then we roll into September, maybe  
8 October. And then you have to do regs, you have  
9 to go through all that for something that is  
10 really, really very expansive once you get  
11 outside of, like, healthcare. You start going  
12 into lots of other areas, which is fine. That's  
13 a whole another bill, a whole another package, a  
14 whole another thing.

15 So in the meantime, on the front line,  
16 you have healthcare workers that are not  
17 covered. That's my disagreement. But I  
18 understand and thank you for your testimony.

19 Thank you very much, Chairwoman.

20 COUNCILWOMAN BASS: Thank you very much,  
21 Councilman. And now we have a question from  
22 Councilwoman Gym followed by Councilwoman  
23 Brooks.

24 COUNCILWOMAN GYM: Yes. Thank you so  
25 much, Madam Chair. And thank you, Ms. Shimko

1 for all your work in upholding labor rights and  
2 labor standards. It's been a real pleasure to  
3 have a Department of Labor that really thinks  
4 very broadly about the health and well being of  
5 workers across the board. And you know, really  
6 has a bold view and vision to that. I just  
7 wanted to open by thanking that.

8 Have you had discussions with the bill  
9 sponsor about enforcement and regulations on  
10 this particular bill?

11 MS. BARRALE: We have not.

12 COUNCILWOMAN GYM: Okay. Do you have a  
13 sense of how you would enforce this as written?  
14 Like, do you feel like that's clear?

15 I mean, part of what we want to do is  
16 all of us are -- we are all working under a  
17 sense of urgency. We are all working under a  
18 sense of, like, real need and care for essential  
19 workers, especially healthcare workers but also  
20 all essential workers including many of whom  
21 have, you know, put their lives on the line to  
22 keep our City running.

23 But could you tell us a little bit --  
24 I'm sorry. I'm hearing an echo. If anyone can  
25 mute, that would be really helpful.

1           But if you feel like -- do you have a  
2   sense of how the enforcement would work as  
3   written? And do you feel like it's clear?

4           MS. SHIMKO: Well -- so, I guess we have  
5   a sense of how it would work. Because it's  
6   amending the Sick Leave Bill, we would be  
7   following our sick leave process for how our  
8   sick leave complaints come in. It would -- in  
9   this instance, because these cases would happen  
10   rather quickly and we would want to make sure  
11   that workers had access to the protections  
12   faster than the sick leave process provides for.  
13   There would be some benefit in potentially  
14   creating new enforcement language for this  
15   specific section of the bill.

16           Right now to close a sick leave  
17   complaint, it can take us anywhere from two  
18   weeks to three months. And when you are talking  
19   about someone's health, we wouldn't want to be  
20   in the three-month range. And obviously, this  
21   is only when hospitals are violating. This  
22   isn't when a hospital simply agrees to follow  
23   the law.

24           But all too often, we have hospitals in  
25   this City that do not follow the law, so.

1 COUNCILWOMAN GYM: We are fully aware of  
2 that. Can you explain what might happen when a  
3 nurse works for multiple employers across  
4 hospitals? Do you feel that's clearly laid out  
5 in the bill?

6 MS. SHIMKO: At this point, I'm not  
7 sure. My -- my background is working for a  
8 nurse's union. I was the staff attorney and  
9 staff rep for PASNAP. And some of the anecdotal  
10 knowledge that I have is that per diem nurses  
11 tend to work for multiple hospitals in order to  
12 get their close to 40 hours a week and be able  
13 to manipulate their schedule.

14 So, there would be some question over  
15 which hospital was responsible for the  
16 medical -- for, like, the cost of the medical  
17 care that we talk about in the bill. And it  
18 might be difficult with hospitals pointing the  
19 finger at each other and saying who is  
20 responsible.

21 COUNCILWOMAN GYM: Right. Okay.

22 And then, how about in terms, like,  
23 similarly I think that is leading into the  
24 question that I have. Like, how would the  
25 medical expenses reimbursement actually work?

1           Do you feel that that is clear in the  
2 bill as it's written?

3           MS. SHIMKO: Not at this point.

4           COUNCILWOMAN GYM: And do you think that  
5 this is a -- you know, like, can you speak  
6 about -- have you been working with the sponsor  
7 of the broader paid sick leave bill  
8 Councilmember Brooks on her bill?

9           MS. SHIMKO: We have.

10          COUNCILWOMAN GYM: And have you been  
11 working through some of these more complicated  
12 issues with that sponsor?

13          MS. SHIMKO: We have. It would be  
14 untrue to say that we have solved all of them.  
15 But we are diligently working on figuring out  
16 how to make this process fast enough and how to  
17 make the enforcement of it as effective as it  
18 would need to be to capture the health  
19 related -- like, the way that sickness moves,  
20 right? We -- it's just faster than we are.

21          So, we are trying to work on that right  
22 now.

23          COUNCILWOMAN GYM: Yeah. So you -- so  
24 you can -- you would agree that this is a pretty  
25 complex process that needs some thought before



1 moving on the legislation and has, like, needs,  
2 like, the work that your office has been doing  
3 on understanding paid sick leave, how it works  
4 across different institution and the complicated  
5 nature that healthcare workers may have when  
6 they work for multiple employers; is that  
7 correct?

8 MS. SHIMKO: It is.

9 COUNCILWOMAN GYM: Complex process.

10 MS. SHIMKO: It is. And I would add,  
11 being on the front line and during this  
12 pandemic, it hasn't just been the people on my  
13 team but, also, myself taking phone calls. It's  
14 really disheartening to tell workers that, no,  
15 in fact, you don't get this because of a  
16 technicality. Or no, actually you're misreading  
17 this. And this isn't how it works.

18 People are -- desperate isn't the right  
19 word, but it's sort of escaping me right now.  
20 But people are really in need of these  
21 protections. And to get on the phone with  
22 someone who might just miss this because we got  
23 a word wrong, it is really disheartening to our  
24 office. And we want to do our best to make sure  
25 that we are including all the people that we are

1 intending to include.

2 COUNCILWOMAN GYM: I mean, I think what  
3 I am hearing from you, that we are not -- you  
4 know, this is not about whether one bill is  
5 bigger or better or anything than another. It's  
6 not even just about, you know, what workers get  
7 covered. But it's actually recognizing that the  
8 technicalities of this work require a pretty  
9 focused approach towards this legislation.

10 I mean, as you know and I complained  
11 loudly to your department, we have had a Paid  
12 Sick Leave Bill on the books for five years.  
13 And when restaurants closed and some of the most  
14 prominent restaurateurs in the City actually  
15 refused to do the paid sick leave, you know,  
16 work for employees, it became very clear that  
17 legislation needs to be properly processed along  
18 with a concept of what enforcement can look like  
19 in order for workers to truly be protected  
20 rather than just to move a bill through; is that  
21 correct?

22 MS. SHIMKO: Yes.

23 COUNCILWOMAN GYM: Thank you very much,  
24 Madam Chair.

25 COUNCILWOMAN BASS: Thank you,

1 Councilwoman, for your questions.

2 I, actually, have a question. And it  
3 goes back to something Councilwoman Gym said in  
4 that -- that the Administration had been in  
5 touch with Councilwoman Brooks regarding her  
6 bill and working through some of the kinks on it  
7 and working together; is that correct?

8 MS. SHIMKO: Yes.

9 COUNCILWOMAN BASS: And earlier on, the  
10 Councilwoman asked you if you had been working  
11 with Councilman Oh on his bill. And that  
12 response was that, no, we had -- that the  
13 Administration did not reach out to Councilman  
14 Oh to try to work through the kinks on his bill?

15 MS. SHIMKO: We have not worked with  
16 Councilman Oh on his bill.

17 COUNCILWOMAN BASS: Can you tell me why?  
18 Was there a preference from the Administration  
19 for one bill over another?

20 MS. SHIMKO: No. No.

21 We -- I don't know exactly know when  
22 everyone in the Administration became aware of  
23 the bill. But it was late in this week, and we  
24 just had not had the opportunity to.

25 COUNCILWOMAN BASS: Councilman, I am

1 just going -- I see you, Councilmember Brooks.  
2 But I want to ask Councilman Oh as to the date  
3 of the introduction of your bill?

4 COUNCILMAN OH: Unfortunately, I don't  
5 remember. I thought I introduced it some time  
6 in April.

7 COUNCILWOMAN BASS: Okay. But there's  
8 been some time.

9 COUNCILMAN OH: It's been some time.  
10 Yeah.

11 COUNCILWOMAN BASS: Okay.

12 COUNCILMAN OH: Yeah. I think I drafted  
13 it -- it was introduced, I thought, in late  
14 March or early April. I had that conversation  
15 somewhere in mid March I think. But it could  
16 have been, like, into the middle of April.

17 Honestly, I don't remember.

18 COUNCILWOMAN BASS: Okay. Thank you.

19 I guess the point that I'm making, that  
20 clearly it gives the sense that there was a  
21 preference and has been a bias for the bill. I  
22 see you Councilwoman Brooks. I will recognize  
23 you if you want to add comment in, but it does  
24 give that appearance. And if you want to  
25 explain otherwise, that's fine.

1           But I'm just saying, the idea that the  
2   Administration is working on one, you know, one  
3   piece of legislation and you have a very similar  
4   piece of legislation and you are not working on  
5   that one. You know, it just -- it doesn't look  
6   so great on the surface to me.

7           Chair recognizes Councilwoman Brooks if  
8   you would like to ask your question and also  
9   provide additional detail on that.

10          COUNCILWOMAN BROOKS: Sure. I just want  
11   to clarify that I think both of our bills were  
12   introduced on the same day. I think it could  
13   have been, like, May 1.

14          COUNCILWOMAN BASS: Okay.

15          COUNCILWOMAN BROOKS: And Councilman  
16   Oh's bill was able to have a hearing way before  
17   mine, so that is why.

18          COUNCILWOMAN BASS: Well, let me -- let  
19   me pause, right --

20          COUNCILWOMAN BROOKS: Let me finish my  
21   whole statement in response.

22          COUNCILWOMAN BASS: Certainly.

23          COUNCILWOMAN BROOKS: In response to our  
24   work with Administration in us drafting this  
25   legislation, we reached out to multiple unions

1 including PASNAP, 1199-C. We had a union  
2 conversation with multiple unions. We, also,  
3 reached out to small business owners to have a  
4 conversation about the gig economy, undocumented  
5 workers. So, we have worked with a lot of  
6 different stakeholders in crafting this  
7 legislation.

8 But for the record, the Administration  
9 did not reach out to us. We reached out to them  
10 as we began to craft this legislation to make  
11 sure that not -- it just doesn't get out of  
12 Committee. That once it hits the floor, when  
13 it's ready to be implemented, it's ready to roll  
14 without any complications. So, we also reached  
15 out to the Law Department. So, we have worked  
16 with every possible legislature we could to be  
17 sure the bill is sound and moving forward.

18 I didn't directly work with Amanda, but  
19 I spoke directly to Richie Lazer about this.  
20 And we have been working through this step by  
21 step with multiple revisions from the business  
22 sector as well as multiple revisions that we got  
23 from unions and even including unions that are  
24 not particularly covered by this. So, we have  
25 done a lot of work to make sure that it is

1 inclusive as possible.

2           So, I'm not really sure why  
3 Councilmember Oh did not have a conversation  
4 with Administration. But that's just the way my  
5 office decided to go about drafting this  
6 legislation.

7           COUNCILWOMAN BASS: So -- well, let me  
8 just say this. The question that I was asking  
9 or the comment that I was making was not --  
10 didn't have anything to do with, you know, as a  
11 negative against your bill or your office.

12           The point that I was making is that it  
13 gives the appearance that the Administration,  
14 which obviously we always want to work with the  
15 Administration as legislators. We always want  
16 to work with them to try to find common ground,  
17 to try to have their approval when possible on a  
18 piece of legislation. It just gives -- it has  
19 the appearance that that is not what has  
20 happened here.

21           Regarding the fact that Councilman Oh's  
22 bill came up first, I do want to note for the  
23 record that, Councilwoman, you and I did have a  
24 conversation about your bill. I expressed  
25 concern. This was probably about a month ago.

1           The reason this bill has not been heard  
2   and there's a lot of chatter on social media  
3   about it and so forth, but just to be clear and  
4   for the record, the reason this bill was not  
5   heard is that we had some concern -- I had some  
6   concern that you would not be able to get your  
7   bill out of Committee with passage. And I spoke  
8   to you about that. And at that time, I asked  
9   you, Councilwoman, why don't you have some  
10   conversation with some of the opposing forces,  
11   if you would, and then circle back. And when  
12   you circle back, we will schedule your hearing.

13           And that is exactly what happened. So,  
14   I just really wanted to be on the record about  
15   that, as well, okay?

16           And if you want to go ahead and ask your  
17   question, that would be great.

18           COUNCILWOMAN BROOKS: Sure. I have a  
19   couple questions based on Councilmember Gym's  
20   question.

21           I, also, noticed that there is no  
22   severability language in this legislation; is  
23   that correct? And is that something you can  
24   speak to, Amanda?

25           MS. SHIMKO: That's correct. We -- we



1 usually defer to the Law Department on their  
2 suggestion about severability language. But it  
3 is -- it's always important to have it. We  
4 don't want some new law to pass and have this  
5 whole thing be deemed unenforceable because it's  
6 missing.

7 COUNCILWOMAN BROOKS: Thank you.

8 COUNCILWOMAN BASS: Okay. I see  
9 Councilman Oh has another question.

10 Councilman Oh.

11 COUNCILMAN OH: Thank you very much,  
12 Councilwoman. I just -- you know, I just want  
13 to point out that -- and I got a text from my  
14 staff that May 1 we introduced the bill. We  
15 reach out to Administration to say that we would  
16 appreciate their input and the amendments and  
17 any concerns, things like that.

18 I will say that there is a couple  
19 things. As I said, I've been on the board of  
20 two hospitals. One is Nazareth Hospital in the  
21 northeast and on the second, on the Board of  
22 Health and Education Corporation for Hahnemann  
23 University way back when during the whole  
24 Allegheny debacle. And so, I am familiar from  
25 that side with certain aspects of the operations

1 of hospital. I did not know anything about  
2 really, like, home healthcare, that whole thing.  
3 I have kind of learned about that a little bit.

4           You know, my sister has severe Down  
5 Syndrome. And so, she has someone coming to --  
6 you know, to her home and all that. So, I am  
7 familiar with that and, of course, with my  
8 mother being older. But -- but I, also, was  
9 involved as an attorney with employment law and  
10 workers compensation.

11           And so, I will just basically say that  
12 we write bills. We write legislation. We don't  
13 write regs. We don't write all the enfor --  
14 that goes to the Administration. Some things  
15 are difficult to enforce because there is no  
16 structure around it. Healthcare, to this  
17 extent, is relatively easily because there is an  
18 employer that's regulated by lots of rules, laws  
19 and things like that, and they are subject to  
20 many things. And I will say that some of the  
21 issues that are concerned, it's just going to be  
22 a concern.

23           If you are a -- a -- a worker out there  
24 in the public, did you get COVID-19 serving food  
25 or did you get it on the bus going home? This

1 is -- if you have multiple employers, if you  
2 have a job here and then you do a little gig  
3 work over there, if you did a little part-time  
4 work over here -- so how that is resolved, if it  
5 comes to it, is resolved not by the parties.  
6 It's resolved by the courts. We have a system  
7 to deal with that.

8 And so, that has always been dealt with  
9 when we have legal issues. From the very --  
10 it's not like you're going to write a bill to  
11 say that, you know, if I worked for a certain  
12 employer, that if I get COVID-19, that it's just  
13 set that I got it on the job. You know, those  
14 are going to be issues.

15 So, part of it is with the presumptions  
16 and other things. What I am saying is, when you  
17 are a, for example, a nurse or in the  
18 healthcare, your time is overwhelmingly with the  
19 employer, for the employer's interest exposed to  
20 disease as opposed to someone who can work from  
21 home or can exercise social distancing.

22 So I'm not -- I'm not saying that --  
23 that this is not an important issue. I'm saying  
24 that it's just going to be an issue however we  
25 deal with it. And so, I don't think there's any

1 more that I am going to be able to do with this  
2 bill that -- in regards to what I have.

3 Thank you, Chairwoman.

4 COUNCILWOMAN BASS: Thank you. Thank  
5 you, Councilman. Okay. Seeing that there are  
6 no other questions for this witness, the Clerk  
7 will now call the next person to testify.

8 THE CLERK: Madam Chair, that concludes  
9 our list of witnesses.

10 COUNCILWOMAN BASS: Okay.

11 Is there anyone else present in this  
12 hearing whose name we have failed to call and  
13 that wishes to offer testimony on the bill being  
14 considered today?

15 And seeing that there is none, I want to  
16 thank all the panels and witnesses for their  
17 participation today. We value your opinions.  
18 And now invite all panels and witnesses to,  
19 please, disconnect from the meeting before we go  
20 into our Public Meeting. We will now pause the  
21 proceedings briefly as multiple participants  
22 will leave the meeting. Thank you very much.

23 - - -

24 (At this time, a brief pause to allow  
25 participants to log off.)

1                               -   -   -

2                   COUNCILWOMAN BASS:  Okay.  This now  
3 concludes the Public Hearing of the Committee.  
4 We will now go into a Public Meeting to consider  
5 the action to be taken on the bill before the  
6 committee today.

7                   And please standby.  One moment.

8                   (Public Hearing adjourns.)

9                               -   -   -

10                  (Public Meeting commences.)

11                 COUNCILWOMAN BASS:  I want to thank  
12 everyone for their patience.  We are ready to  
13 proceed.

14                 And I believe I see that Councilwoman  
15 Gym has a comment before the vote.

16                 COUNCILWOMAN GYM:  Yes.  Thank you very  
17 much, Madam Chair.  And I want to thank you for  
18 your leadership, but these are very, very  
19 difficult times.  And I know that we have got so  
20 many things moving.  And I appreciate your  
21 attention to very important and urgent issues.

22                 I will be voting in favor of this bill.  
23 I do, though, ask that, you know, that we  
24 consider, you know, whether -- how we are going  
25 to go about this procession once -- or

1 particularly given the fact that Councilmember  
2 Brooks has a bill that, I think, has been, you  
3 know, procedurally has had more review and  
4 engagement on it and would cover a lot of the  
5 areas that Councilmember Oh already has.

6 And again, I think it's a difficult  
7 thing to put forward legislation that actually  
8 protects people. And is, you know -- all of us  
9 have the intention of doing the protection. All  
10 of us have also been on committee for a long  
11 time. And --

12 COUNCILWOMAN BASS: Absolutely.

13 COUNCILWOMAN GYM: -- it's complicated.  
14 It's so hard to get actual laws that we have on  
15 the books enforced. And I know we all share  
16 that.

17 COUNCILWOMAN BASS: Yes.

18 COUNCILWOMAN GYM: And some of my  
19 frustration, honestly, is that it's so difficult  
20 especially with large institutions or with  
21 recognizing that so many employers -- I mean, so  
22 many people don't work for a single employer  
23 anymore. They are divided amongst multiple  
24 employers. That they are working part time here  
25 and has jobs here.

1           The legislation crafted does need to be  
2   the best that it can be. And that that requires  
3   rigorous review of our City agencies being  
4   willing to enforce as well as, you know, review  
5   by law in a partnership with Council, of course.  
6   And I want to thank, you know, certainly the  
7   bill sponsor for having the right intentions. I  
8   want to thank the leadership of this body for  
9   putting workers first.

10           But I do think that, you know, I want us  
11   to be working in good faith. And that is why I  
12   will put my vote towards this. But I want to  
13   say on the record that, you know, we have a  
14   hesitation because I want us to make things work  
15   because it will -- it is so hard on so many  
16   people right now. And people need us not only  
17   to do things but to do things well right now.  
18   And I know you are in agreement with that, Madam  
19   Chair.

20           COUNCILWOMAN BASS: Yes. Yes.

21           COUNCILWOMAN GYM: But I want to thank  
22   you for your leadership. And I hope that we  
23   will give Councilmember Brooks the same level of  
24   good faith effort when her bill is heard in this  
25   committee later.

1 Thank you.

2 COUNCILWOMAN BASS: Thank you,  
3 Councilwoman. I certainly give all of the  
4 Members of this committee fair and equal  
5 treatment. As I said before, just to reiterate.  
6 The reason that the Councilwoman's bill was  
7 delayed was that I did ask her to circle back  
8 and talk to some of the folks who were against  
9 her bill to ensure passage out of committee of  
10 her bill. So, I just want to be on the record  
11 for that just to be clear that, you know, we are  
12 all trying to make sure that we do right by  
13 workers in the City of Philadelphia. And  
14 really, it touches as many people as we possibly  
15 can in doing the right thing.

16 I see that Councilman Thomas has a  
17 question and a comment before we vote.

18 COUNCILMAN THOMAS: Thank you, Madam  
19 Chair, for recognizing me. I appreciate it.

20 Am I coming in clear?

21 COUNCILWOMAN BASS: Absolutely. Oh,  
22 wait. Hold on. Councilman Oh can't hear you.

23 COUNCILMAN THOMAS: I will try --

24 COUNCILWOMAN BASS: Okay.

25 COUNCILMAN THOMAS: Am I coming in clear



1 now?

2 COUNCILWOMAN BASS: Very good, yes.

3 COUNCILMAN THOMAS: Okay. Yes. Thank  
4 you, Madam Chair. I appreciate it.

5 I first want to start with a question.  
6 We do have the next hearing scheduled; is that  
7 correct?

8 COUNCILWOMAN BASS: Say again?

9 COUNCILMAN THOMAS: We do have another  
10 committee hearing scheduled; is that correct?

11 COUNCILWOMAN BASS: Yes. For June 22.  
12 That's correct.

13 COUNCILMAN THOMAS: Thank you, ma'am.  
14 While I appreciate you reaching out and doing  
15 the due diligence to check in with me to see  
16 where I was at with the bill, you are the only  
17 person who reached out to me. So, I would like  
18 to also be considered as it relates to  
19 conversation and when folks are reaching out to  
20 people.

21 We are all in the position right now  
22 where we have received probably 20,000 emails  
23 over the last ten days. So, for me to receive  
24 an amendment this morning about the bill that we  
25 are looking at today, put me in a very difficult

1 position right now to kind of take a vote on  
2 something. So, I am just going to kind of ask  
3 folks as they do their due diligence when it  
4 comes to bills, to make sure that everyone on  
5 the Committee is included. And also, with the  
6 difficult situation that we are facing with  
7 COVID that forces us not to necessarily walk  
8 next door like we would normally want to, to  
9 just kind of keep that in mind.

10 So, I appreciate everyone's effort today  
11 here with this bill. I want to be honest and  
12 say, Councilmember Brooks has reached out to me  
13 about her bill. But unfortunately, a lot of the  
14 information, my team and I had to hustle  
15 together this morning to put us in a position to  
16 make an effective vote what we feel like would  
17 be best for everybody.

18 I just wanted to put that on the record.  
19 Because I was listening to a lot of what is  
20 going back and forth. I, too, want to make sure  
21 that we are doing what's best for the citizens  
22 of Philadelphia.

23 Thank you.

24 COUNCILWOMAN BASS: Okay. Thank you  
25 very much Councilman. And Councilmember

1 Brooks -- Henon, excuse me, Henon had a  
2 question. But before the Councilman goes, I  
3 think Councilman Oh wanted to respond to  
4 Councilmember Thomas.

5 COUNCILMAN OH: I just wanted to  
6 apologize. We are all -- because of this, I  
7 can't get into my emails. I can't hear voice  
8 mails. You know, we got some stuff back and  
9 forth, quite frankly, from some of the unions  
10 and things. It was, I think, about 10:00/10:30  
11 at night when I got a -- so, I apologize.

12 You're absolutely right. And I should  
13 have known better than to, you know, just kind  
14 of have that go out. So, I apologize to  
15 everybody on this Committee.

16 COUNCILWOMAN BASS: Thank you. Thank  
17 you, Councilman.

18 And Councilman Henon would like to be  
19 recognized.

20 COUNCILMAN HENON: Thank you, Madam  
21 Chair. And you know, one, I want to thank you  
22 for, you know, the tremendous courtesy and  
23 patience and due diligence you have put forth,  
24 you know, in both of the bills; especially in  
25 scheduling a hearing in -- towards the end of

1 our session that deserved the respect of a more  
2 inclusive -- for the record, more inclusive, you  
3 know, leave of legislation.

4 I, for the record, I am a co-introducer  
5 and support the Brooks' legislation. We have  
6 been working on it for -- for a long time  
7 together with the Administration stakeholders  
8 and, you know, other Members of the Committee.  
9 You know, and just want to recognize your  
10 leadership in this Committee and making sure  
11 that it has the hearing that it deserves and the  
12 conversation --

13 COUNCILWOMAN BASS: Certainly.

14 COUNCILMAN HENON: -- that is warranted,  
15 especially during these times that are  
16 unprecedented. We have never seen before.

17 So, I am going to say thank you for  
18 that. And look forward to even if this bill  
19 gets out of committee today, look forward to  
20 furthering this discussion because it is a  
21 discussion that needs to happen. And it has  
22 been a discussion that has been taken place.  
23 And I am glad to be a part of it. And I just  
24 want to thank you for your leadership and all  
25 Members of this Committee, as well, for taking

1 it as seriously as it has been.

2 So, thank you so much.

3 COUNCILWOMAN BASS: Thank you,  
4 Councilman. And I do want to say that, you  
5 know, we are operating in strange times now.  
6 And we are doing things so differently than what  
7 we are accustomed to.

8 But I did want to say one thing as we  
9 proceed on the vote on this bill. And that is  
10 that, it's okay for us to have a difference of  
11 opinion, but we don't have to be disagreeable  
12 with one another. You know, we can support this  
13 bill and we can support other bills that are  
14 similar to it. It doesn't have to be me against  
15 you against someone else.

16 And I think particularly as we present  
17 ourselves to the public and the perception that  
18 one Councilmember is mean or evil or bad versus  
19 another Councilmember and the work that they are  
20 doing, that it's good never evil on this  
21 Council. I thoroughly reject that because I  
22 know we are all working really hard to try to do  
23 things. Maybe we might not see exactly eye to  
24 eye, but I think there is a lot of commonality  
25 on this Council in terms of our thought process.

1           So, I just really wanted to say that.  
2   It doesn't have to be an either/or sort of  
3   situation. We can work together. We should be  
4   communicating as much as we possibly can. And  
5   you know, where possible, reaching out to our  
6   colleagues and asking, you know, how they feel  
7   about a particular piece of legislation. I get  
8   that. And at the same time, as we all know as  
9   Members of Council, our emails have pretty much  
10   been inoperable. Even though the folks who are  
11   sending out, you know, like tons and tons of  
12   emails prevent us from getting to the people who  
13   need the help the most.

14           So, I would just urge us to try to, you  
15   know, work together, stick together, stay  
16   together and try to get some good things done  
17   for the City of Philadelphia.

18           So that being said, I would like to call  
19   for the vote. And Chair recognizes Councilman  
20   Henon for the motion on the amendment to Bill  
21   No. 200306.

22           COUNCILMAN HENON: Madam Chair, have we  
23   convened the Public Hearing and have gone into  
24   our Public Meeting?

25           COUNCILWOMAN BASS: We have. But for

1 the record, I will go ahead and reread the  
2 statement to indicate that.

3 The --

4 COUNCILMAN THOMAS: Madam -- Madam  
5 Chair?

6 COUNCILWOMAN BASS: Yes.

7 COUNCILMAN THOMAS: Madam Chair, I'm  
8 sorry. This is Councilman Thomas. Before we do  
9 that, I just want to let you know that for some  
10 reason, I had got kicked off, but now I am back  
11 on.

12 COUNCILWOMAN BASS: Welcome back.

13 COUNCILMAN THOMAS: Sorry about that.

14 COUNCILWOMAN BASS: That's no problem at  
15 all. Welcome back.

16 This concludes the Public Hearing of the  
17 Committee and we now go into a Public Meeting to  
18 consider the action to be taken on the bill  
19 before this committee today.

20 This is Public Meeting to amend -- we  
21 are amending Bill No. 200306.

22 The Chair recognizes Councilmember Henon  
23 for a motion on the amendment to Bill No.  
24 200306.

25 COUNCILMAN HENON: Thank you, Madam

1 Chair.

2 I move and recognize that there has been  
3 a motion and amendment submitted to Bill No.  
4 200306, and has been circulated to all Members.  
5 And wish it be moved to all committees.

6 COUNCILMAN OH: Second.

7 COUNCILWOMAN BASS: Okay. It has been  
8 moved and properly seconded the Amendment to  
9 Bill No. 200306 be approved.

10 All of those in favor of this motion  
11 will signify by saying aye.

12 (Ayes.)

13 COUNCILWOMAN BASS: Any opposed?

14 (No opposition.)

15 COUNCILWOMAN BASS: Okay. The ayes have  
16 it. The motion carries. And the Amendment to  
17 Bill No. 200306 has been approved.

18 The Chair recognizes Councilman Henon  
19 for a motion on Bill No. 200306 as amended.

20 COUNCILMAN HENON: Thank you, Madam  
21 Chair. I would like to make a motion that Bill  
22 No. 200306 as amended be moved out of committee  
23 with a favorable recommendation with a rules  
24 suspension as to be heard at our next session of  
25 Council.



1 COUNCILMAN OH: Second.

2 COUNCILWOMAN BASS: It has been moved  
3 and properly seconded that Bill No. 200306 be  
4 reported from this Committee with a favorable  
5 recommendation; and further move, that the Rules  
6 of Council be suspended to permit first reading  
7 of this bill at the next session of Council.

8 All of those in favor of this motion  
9 will signify by saying aye.

10 (Ayes.)

11 COUNCILWOMAN BASS: Any opposed?

12 (No opposition.)

13 COUNCILWOMAN BASS: The ayes have it and  
14 the motion carries.

15 And this concludes the business of this  
16 hearing. I want to thank everyone for your  
17 patience and attendance today and for the spirit  
18 of cooperation and working together.

19 Thank you very much.

20 (Public Meeting adjourned at 11:11 a.m.)

21

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25

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

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

-----  
ANGELA M. KING, RPR,  
Court Reporter, Notary Public

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Committee on Public Health and Human Services  
June 12, 2020

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